UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 96th CONGRESS
SECOND SESSION

VOLUME 126—PART 22

OCTOBER 1, 1980 TO NOVEMBER 17, 1980
(PAGES 28569 TO 30000)

DEC 21 1980

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
DEC 21 1980
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1980

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 96*th* CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, October 1, 1980*

The House met at 12 o'clock noon.

The Reverend Edward L. R. Elson, S.T.D., D.D., Chaplain, U.S. Senate, offered the following prayer:

Our Father-God whose word promises that "They that wait upon the Lord shall renew their strength," come upon us in this sacred moment with all Thy healing and renewing power. Be to us a blessed presence that we may love what Thou dost love and do what Thou dost do. Restore our weary bodies, renew our tired minds, and uplift our sagging spirits.

May Thy blessing be upon all who minister in the affairs of state in this place. Confirm what we do that is right. Correct what we do that is wrong. Cover our sins with Thy mercy. Lead us in the ways of truth and righteousness until Thy kingdom comes on Earth as it is in heaven.

In the Redeemer's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE REVEREND EDWARD L. R. ELSON

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, on behalf of my colleagues in the House, I am pleased to have the opportunity to express our warm welcome to the Reverend Edward L. R. Elson, the Chaplain of the other body since 1969. It is, indeed, an honor to have him with us this afternoon because this year is the 50th anniversary of his ordination as a minister of God.

A native of Pennsylvania, Dr. Elson was ordained in 1930 by the Presbyterian Church of the United States and served in the ministry in California until he entered active duty with the U.S. Army in 1941. He received 18 decorations during his military service, including the Legion of Merit and the Bronze Star. He became minister of the National Presbyterian Church in 1946.

During my long personal association with Dr. Elson, I have been fortunate to know him as a pastor, a counselor, and a friend. He has excelled in each of these very meaningful roles.

I first came to know Dr. Elson when I was a college student and, at the end of World War II, returned to Washington's National Presbyterian Church—Old Covenant Presbyterian Church at 18th and N on Connecticut Avenue—where I sang prior to the war in the choir as a boy soprano.

Dr. Elson served as pastor of the National Presbyterian Church until 1973. His most famous member was President Dwight D. Eisenhower who was baptized into membership in the church by Dr. Elson. The two men had served in the Army in Europe together and General Eisenhower had named Dr. Elson to be his emissary to the German Protestant Christian Consistory.

During his quarter of a century at National Presbyterian, a new edifice was built here on Nebraska Avenue for which former President Eisenhower made his last public appearance, on his 77th birthday, laying the cornerstone. At National, Dr. Elson's sermons were always sincere, moving, and enlightening, delivered within a biblical perspective, yet topical and relevant to modern times.

Many have benefitted from his insight into human behavior and his ability to relate to those from all walks of life. Beneath his formal exterior lies a man who grew up in a family of modest means, a man who has experienced the problems of parenthood and grief over the loss of a loved one, and a man who willingly made the sacrifices of public life.

Dr. Elson has been an inspiration to me, to my family, to hundreds of national leaders and to all his congregations, and to countless others who have had the good fortune to know him personally. We welcome him here this afternoon and thank him for his 50 years in the ministry, for his service to the Senate, and for his presence before the House today.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sanders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7592) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes."

The message also announced that the Senate agree to the amendments of the House of Representatives to the amendments of the Senate numbered 3, 5, 8, 11, 13, 21, 22, 29, 32, and 33 to the above-entitled bill.

The message also announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 610) entitled "A joint resolution making continuing appropriations for the fiscal year 1981, and for other purposes."

The message also announced that the Senate agree to the amendment of the House to the amendment of the Senate numbered 4 with an amendment, and that the Senate agree to the House amendment to Senate amendments Nos. 13, 25, 28, 30, 35, 36, and 42.

The message also announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7831) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1981, and for other purposes."

The message also announced that the Senate agree to the amendments of the House of Representatives to the amendments of the Senate numbered 12, 24, 28, 30, 49, 54, 61, 63, and 75 to the above-entitled bill.

The message also announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amend-

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ment of the House to the bill (S. 1946) entitled "An act to reform the economic regulation of railroads, and for other purposes."

The message also announced that the Senate agree to the amendment of the House of Representatives to the amendment of the Senate to a bill (H.R. 6554) of the House of the following title: "An act to authorize appropriations for the fiscal year 1981 for certain maritime programs of the Department of Commerce, and for other purposes."

The message also announced that the Senate agree to the amendments of the House to a bill of the Senate of the following title:

S. 2622. An act to improve coastal zone management in the United States, and for other purposes.

The message also announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 4273. An act to amend section 17 of the Act of July 5, 1946, as amended, entitled "An act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes"; and

H. Con. Res. 393. Concurrent resolution extending to the Forest Service, U.S. Department of Agriculture, the appreciation of the Congress on the 75th anniversary of the founding of the agency.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5295. An act to amend title II of the Social Security Act to make the monthly earnings test available in limited circumstances in the case of certain beneficiaries, to amend the technical requirements for entitlement to medicare, and to provide that income attributable to services performed before an individual first becomes entitled to old-age insurance benefits shall not be taken into account (after 1977) in determining his or her gross income for purposes of the earnings test;

H.R. 6671. An act to unify the rules for preventing collisions on the inland waters of the United States, and for other purposes;

H.R. 7434. An act to provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes; and

H.R. 8228. An act to provide that a certain portion of Lake Erie shall be declared nonnavigable.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1996) entitled "An act to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Talmadge, Mr. Huddleston, Mr. Stone, Mr. Melcher, Mr. Stewart, Mr. Jepsen, Mr. Hayakawa, and Mr. Cochran to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2261. An act for the relief of Albert and Eulalia Rodriguez;

S. 3177. An act to transfer certain employees of the Architect of the Capitol to Sergeant at Arms of the Senate;

S. 3186. An act to provide for the payment by the United States of certain fees and costs incurred by prevailing parties in Federal agency adjudications and in civil actions in courts of the United States;

S. Con. Res. 134. Concurrent resolution authorizing corrections in the enrollment of H.R. 5612.

PERMISSION TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL NOTWITHSTANDING COST

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein extraneous material notwithstanding the fact that it exceeds two pages and is estimated by the Public Printer to cost $10,709.25.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, how much is that again?

Mr. WRIGHT. The Public Printer estimates that the cost of publishing this material in the Record would be $10,709.25.

Mr. ROUSSELOT. And what is it that is so important for that?

Mr. WRIGHT. It is a copy of the 1980 Democratic platform.

Mr. ROUSSELOT. Oh. Oh. Well, certainly we know how much it is worth, but——

The SPEAKER. Did the Chair hear an objection?

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will first recognize the gentleman from Mississippi (Mr. Whitten). After that matter is concluded, the House will take up the floor votes, and between the time of the floor votes and the other suspensions, 1-minute speeches will be in order.

The Chair recognizes the gentleman from Mississippi (Mr. Whitten).

CONTINUING APPROPRIATIONS, FISCAL YEAR 1981

Mr. WHITTEN. Mr. Speaker, on behalf of the conferees of the Committee on Appropriations, I move to take from the Speaker's table House Joint Resolution 610 making continuing appropriations for the fiscal year 1981, and for other purposes, with the remaining amendment in disagreement, and concur in the Senate amendment to the House amendment to the Senate amendment No. 4.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment to the House amendment to the Senate amendment No. 4, as follows:

At the end of the House amendment to Senate amendment numbered 4, insert ". Notwithstanding any other provision of this joint resolution except section 102, and notwithstanding section 110 of this joint resolution, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has been reported within seventy-two hours to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: *Provided, however*, That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate".

□ 1210

The SPEAKER. The Chair recognizes the gentleman from Mississippi (Mr. Whitten).

Mr. WHITTEN. Mr. Speaker, the Senate approved the conference agreement; however, they substituted their language concerning abortion for the language in amendment No. 24 which I opposed in conference.

The language of the Senate amendment changes the requirement that rape be reported in 48 hours to 72 hours and removed a requirement for notice in the case of incest.

While I oppose abortion and the use of public funds for abortion, it appears that the Senate amendment is preferable to the language agreed upon by a majority of the conferees. Therefore, Mr. Speaker, in the discharge of my duty as chairman of the Appropriations Committee, I have offered the pending motion.

Mr. Speaker, I have consistently voted against abortion and against the use of funds for abortion. I voted against amendment No. 24 dealing with the use of funds for abortion in the conference on this resolution. However, a majority of the conferees voted for amendment No. 24, and it was included in the conference report which was approved by the House last night. This House Joint Resolution 610 which I originally prepared and introduced contains funds for most of the departments of Government and it is needed to continue the funding of many programs benefitting the American people.

In House Resolution 610, we provided funds for revenue sharing, for Appalachia, for the Economic Development Administration, vocational training among many, many other valuable programs.

Mr. Speaker, unless we pass this resolution today much of the essential activities of the Government will come to a halt.

We should accept the Senate language in lieu of the House language and let this resolution go on to the President.

The SPEAKER. The Chair will inquire, does the gentleman from Mississippi (Mr. WHITTEN) move the previous question on the motion?

Mr. WHITTEN. Yes, Mr. Speaker. I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3, rule XXVII, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, September 30, 1980, in the order in which that motion was considered.

Votes will be taken in the following order:

Senate Amendments to H.R. 7859, de novo; House Concurrent Resolution 435, by the yeas and nays; H.R. 7103, by the yeas and nays; H.R. 4892, de novo; and H.R. 6228, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

REFUGEE EDUCATION ASSISTANCE ACT OF 1980

The SPEAKER. The unfinished business is the question of suspending the rules and concurring in the Senate amendments to H.R. 7859.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 7859.

The question was taken.

Mr. McCLORY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 303, nays 94, not voting 35, as follows:

[Roll No. 609]

YEAS—303

Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Aspin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonker
Bowen
Brademas
Brooks
Broomfield
Brown, Calif.
Buchanan
Burgener
Burton, John
Burton, Phillip
Carney
Cavanaugh
Chappell
Chisholm
Clausen
Clay
Clinger
Coelho
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Corman
Coughlin
Courter
D'Amours
Danielson
Daschle
Davis, Mich.
Deckard
Dellums
Derrick
Dicks
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Tenn.
Fowler
Frenzel
Fuqua
Garcia
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Grassley
Gray
Green
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Horton
Howard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Kastenmeier
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach, Iowa
Lederer
Lehman
Leland
Lent
Lewis
Livingston
Lloyd
Long, La.
Long, Md.
Lowry
Lujan
Luken
Lundine
Lungren
McCormack
McDade
McEwen
McHugh
McKay
McKinney
Maguire
Markey
Marks
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Musto
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pursell
Quillen
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Sabo
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shumway
Shuster
Simon
Smith, Iowa
Snowe
Solarz
Solomon
Spellman
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Stewart
Stockman
Stokes
Stratton
Studds
Swift
Synar
Tauke
Thomas
Thompson
Traxler
Udall
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Wallgren
Walker
Watkins
Waxman
Weaver
Weiss
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—94

Abdnor
Applegate
Archer
Ashbrook
Atkinson
Bauman
Beard, Tenn.
Bereuter
Bevill
Bouquard
Brinkley
Brown, Ohio
Broyhill
Burlison
Butler
Byron
Campbell
Carr
Carter
Cheney
Cleveland
Collins, Tex.
Cotter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
de la Garza
Derwinski
Devine
Dickinson
Edwards, Ala.
Erlenborn
Evans, Ind.
Fithian
Forsythe
Fountain
Frost
Gaydos
Giaimo
Gramm
Hansen
Hinson
Holt
Hopkins
Hubbard
Ichord
Jacobs
Jones, N.C.
Jones, Tenn.
Kazen
Kelly
Latta
Leath, Tex.
Lee
Levitas
Loeffler
Lott
McClory
McDonald
Madigan
Marlenee
Martin
Mathis
Michel
Miller, Ohio
Montgomery
Mottl
Myers, Ind.
Nichols
Paul
Ritter
Robinson
Rudd
Satterfield
Sawyer
Shelby
Skelton
Smith, Nebr.
Snyder
Spence
Stenholm
Stump
Symms
Taylor
Ullman
Wampler
White
Whitehurst
Whitten
Wilson, C. H.
Wydler
Yatron
Young, Alaska

NOT VOTING—35

Ambro
Anderson, Ill.
Ashley
AuCoin
Bethune
Bonior
Breaux
Brodhead
Dannemeyer
Davis, S.C.
Dingell
Dixon
Dodd
Ford, Mich.
Guarini
Harsha
Heckler
Holtzman
Jenrette
Leach, La.
McCloskey
Myers, Pa.
Pritchard
Quayle
Rahall
Railsback
Reuss
Roberts
Russo
Santini
Shannon
Steed
Tauzin
Trible
Winn

The Clerk announced the following pairs:

Mr. Guarini with Mr. Bethune.

Mr. Brodhead with Mr. Dannemeyer.

Mr. Dingell with Mr. Harsha.

Mr. Santini with Mrs. Heckler.

Mr. Russo with Mr. McCloskey.

Mr. Roberts with Mr. Trible.

Mr. Dodd with Mr. Winn.

Mr. AuCoin with Mr. Railsback.

Mr. Ambro with Mr. Pritchard.

Mr. Jenrette with Mr. Quayle.

Mr. Breaux with Mr. Davis of South Carolina.

Ms. Holtzman with Mr. Tauzin.

Mr. Reuss with Mr. Rahall.

Mr. Bonior of Michigan with Mr. Steed.

Mr. Ashley with Mr. Leach of Louisiana.

Mr. Ford of Michigan with Mr. Shannon.

Mr. Dixon with Mr. Myers of Pennsylvania.

Mr. JONES of Tennessee and Mr. BROWN of Ohio changed their votes from "yea" to "nay."

Mr. RITTER changed his vote from "nay" to "yea."

Mr. RITTER changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments to the bill, H.R. 7859, were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1230

REFUGEE EDUCATION ASSISTANCE ACT OF 1980

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3180) to repeal a provision of the Refugee Education Assistance Act of 1980, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GOODLING. Mr. Speaker, reserving the right to object, and I will not object, I would like the chairman to explain exactly what this does.

I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, S. 3180 repeals section 501(c)(5) of H.R. 7859, the Refugee Education Assistance Act of 1980. The reason that S. 3180 is necessary is that H.R. 7859 inadvertently reappropriated some funds which had been appropriated earlier this year for the operation of the Federal Emergency Management Administration, and the Committee on Appropriations has objected to that action. Therefore, this bill was introduced yesterday and passed by the Senate. I am not aware of any objection to this bill in the House, and I urge its immediate adoption.

Mr. Speaker, I would like to take this opportunity to commend Congressmen STACK, PEPPER, and FASCELL. Mr. STACK, an outstanding member of our committee, was the author of H.R. 7859. He showed great leadership in achieving enactment of this legislation which faced many obstacles on its way to passage. We will surely miss him next year.

Mr. FASCELL also showed great leadership in assisting in securing passage. Mr. FASCELL is known as one of the House's foremost experts in foreign affairs and also in the workings of the House. He clearly showed these qualities with this legislation.

Lastly, I would be remiss if I did not mention CLAUDE PEPPER. He is always concerned about the welfare of the poor and disadvantaged. And, his assistance was of great use on this bill.

Mr. GOODLING. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective on the day after the date of enactment of the Refugee Education Assistance Act of 1980, section 501(c) of the Refugee Education Assistance Act of 1980 is repealed.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b)3 of rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

RELATING TO THE SITUATION IN POLAND

The SPEAKER. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 435), as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 435), as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 29, as follows:

[Roll No. 610]

YEAS—403

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N..Y
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—29

Anderson, Ill.
Ashley
Bethune
Breaux
Brodhead
Dannemeyer
Davis, S.C.
Dingell
Dixon
Dodd
Foley
Ford, Mich.
Guarini
Harsha
Heckler
Holtzman
Jenrette
Leach, La.
Long, La.
McCloskey
Myers, Pa.
Quayle
Reuss
Roberts
Santini
Shannon
Steed
Trible
Winn

☐ 1240

The Clerk announced the following pairs:

Mr. Breaux with Mr. Dannemeyer.

Mr. Guarini with Mr. Harsha.

Mr. Reuss with Mrs. Heckler.

Mr. Ashley with Mr. McCloskey.

Mr. Dingell with Mr. Winn.

Mr. Foley with Mr. Trible.

Mr. Santini with Mr. Quayle.

Mr. Roberts with Mr. Myers of Pennsylvania.

Mr. Shannon with Mr. Steed.

Mr. Jenrette with Mr. Leach of Louisiana.

Mr. Long of Louisiana with Mr. Bethune.

Mr. Brodhead with Mr. Dixon.

Mr. Dodd with Mr. Ford of Michigan.

Ms. Holtzman with Mr. Davis of South Carolina.

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENTS

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 7103 as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. ANDERSON) that the House suspend the rules and pass the bill, H.R. 7103, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 162, nays 247, not voting 23, as follows:

[Roll No. 611]

YEAS—162

Addabbo
Akaka
Albosta
Anderson, Calif.
Annunzio
Applegate
Ashley
Aspin
AuCoin
Baldus
Barnes
Bauman
Beilenson
Biaggi
Bingham
Blanchard
Bolling
Bonior
Bonker
Brademas
Brown, Calif.
Burton, John
Burton, Phillip
Cavanaugh
Chisholm
Clay
Coelho
Collins, Ill.
Conyers
Corman
Danielson
Daschle
Davis, Mich.
Deckard
Dellums
Donnelly
Dornan
Dougherty
Drinan
Eckhardt
Edgar
Edwards, Calif.
Evans, Del.
Fary
Fascell
Fazio
Ferraro
Fish
Fisher
Florio
Ford, Tenn.
Garcia
Gilman
Gonzalez
Goodling
Gray
Green
Hall, Ohio
Hanley
Hawkins
Heftel
Hillis
Hollenbeck
Holt
Howard
Hughes
Hutchinson
Jeffords
Johnson, Calif.
Kastenmeier
Kildee
Kostmayer
LaFalce
Leach, Iowa
Lederer
Lehman
Leland
Long, Md.
Lundine
McHugh
Maguire
Markey
Marks
Matsui
Mavroules
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Natcher
Nedzi
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Porter
Pursell
Rahall
Railsback
Rangel
Ratchford
Richmond
Rodino
Roe
Rosenthal
Roybal
Royer
Russo
Sabo
Scheuer
Schroeder
Seiberling
Solarz
Spellman
Stack
Staggers
Stanton
Stark
Stewart
Stokes
Studds
Swift
Synar
Tauzin
Thompson
Traxler
Udall
Van Deerlin
Vanik
Vento
Walgren
Walker
Waxman
Weaver
Weiss
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Wirth
Wolff
Wolpe
Wylie
Yates
Zablocki
Zeferetti

NAYS—247

Abdnor
Alexander
Ambro
Andrews, N.C.
Andrews, N.Dak.
Anthony
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Barnard
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Boggs
Boland
Boner
Bouquard
Bowen
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
de la Garza
Derrick
Derwinski
Devine
Dickinson
Dicks
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fenwick
Findley
Fithian
Flippo
Foley
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gingrich
Ginn
Glickman
Goldwater
Gore
Gradison
Gramm
Grassley
Grisham
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harris
Hefner
Hightower
Hinson
Holland
Hopkins
Horton
Hubbard
Huckaby
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kelly
Kemp
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McKay
McKinney
Madigan
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Mica
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Murphy, Ill.
Murtha
Musto
Myers, Ind.
Neal
Nelson
Nichols
O'Brien
Pashayan
Patten
Paul
Pickle
Preyer
Price
Pritchard
Quayle
Quillen
Regula
Rhodes
Rinaldo
Ritter
Robinson
Rose
Rostenkowski
Roth
Rousselot
Rudd
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
St Germain
Stangeland
Stenholm
Stockman
Stratton
Stump
Symms
Tauke
Taylor
Thomas
Trible
Ullman
Vander Jagt
Volkmer
Wampler
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson, Bob
Wilson, C. H.
Wright
Wyatt
Wydler
Yatron
Young, Alaska
Young, Fla.
Young, Mo.

NOT VOTING—23

Anderson, Ill.
Breaux
Brodhead
Davis, S.C.
Dingell
Dixon
Dodd
Ford, Mich.
Guarini
Harsha
Heckler
Holtzman
Jenrette
Leach, La.
McCloskey
Myers, Pa.
Reuss
Roberts
Santini
Shannon
Steed
Watkins
Winn

☐ 1250

The Clerk announced the following pairs:

On this vote:

Mr. Guarini and Ms. Holtzman for, with Mr. Breaux against.

Mr. Dixon and Mr. Ford of Michigan for, with Mrs. Heckler against.

Until further notice:

Mr. Dingell with Mr. Harsha.

Mr. Dodd with Mr. Winn.

Mr. Jenrette with Mr. Watkins.

Mr. Reuss with Mr. Steed.

Mr. Roberts with Mr. Leach of Louisiana.

Mr. Santini with Mr. Shannon.

Mr. Brodhead with Mr. Davis of South Carolina.

Mr. Myers of Pennsylvania with Mr. McCloskey.

Mr. MICA and Mr. CARR changed their votes from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

COMMUNICATIONS ACT OF 1980

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4892, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. MOTTL) that the House suspend the rules and pass the bill, H.R. 4892, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMUNICATIONS CROSS-OWNERSHIP ACT OF 1980

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6228, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. SWIFT) that the House suspend the rules and pass the bill, H.R. 6228, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 310, nays 97, answered "present" 3, not voting 22, as follows:

[Roll No. 612]

YEAS—310

Abdnor
Addabbo
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Benjamin
Bereuter
Bethune
Biaggi
Blanchard
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Donnelly
Dornan
Dougherty

Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fazio
Fenwick
Findley
Fish
Flippo
Florio
Foley
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hammerschmidt
Hance
Hanley
Hansen
Hightower
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kelly
Kemp
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lowry
Luken
Lundine
Lungren
McClory
McCormack
McDade
McDonald
McHugh
McKay
McKinney
Madigan
Maguire
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Panetta
Pashayan
Patterson
Pepper
Perkins
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Railsback
Rangel
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solomon
Spellman
Spence
Staggers
Stangeland
Stanton
Stenholm
Stewart
Stockman
Stratton
Studds
Stump
Swift
Symms
Tauke
Tauzin
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vento
Volkmer
Walker
Wampler
Watkins
Waxman
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Wyatt
Wylie
Yatron
Young, Alaska
Young, Mo.
Zablocki
Zeferetti

NAYS—97

Akaka
Ambro
Andrews, N.Dak.
Aspin
Atkinson
Bedell
Beilenson
Bennett
Bevill
Bingham
Bolling
Bonior
Brademas
Buchanan
Carney
Carr
Carter
Cavanaugh
Chisholm
Clay
Collins, Ill.
Conyers
de la Garza
Dellums
Downey
Drinan
Eckhardt
Erlenborn
Ertel
Fascell
Ferraro
Fisher
Fithian
Ford, Tenn.
Frost
Garcia
Gaydos
Gray
Hamilton
Harkin
Harris
Hawkins
Hillis
Hutchinson
Jacobs
Kastenmeier
Kildee
LaFalce
Latta
Leach, Iowa
Lederer
Lehman
Leland
Long, Md.
Lujan
McEwen
Markey
Mattox
Mitchell, Md.
Mitchell, N.Y.
Moffett
Mottl
Murphy, N.Y.
Myers, Ind.
Nolan
Oakar
Oberstar
Obey
Ottinger
Patten
Paul
Pease
Petri
Peyser
Rahall
Ratchford
Richmond
Rodino
Rosenthal
Roybal
Sabo
Seiberling
Sensenbrenner
Snyder
Solarz
St Germain
Stack
Stokes
Synar
Vanik
Walgren
Weaver
Weiss
Wolpe
Wydler
Yates
Young, Fla.

ANSWERED "PRESENT"—3

Gonzalez
Hefner
Hetfel

NOT VOTING—22

Anderson, Ill.
Brodhead
Davis, S.C.
Dingell
Dixon
Dodd
Ford, Mich.
Guarini
Harsha
Heckler
Holtzman
Jenrette
Leach, La.
McCloskey
Myers, Pa.
Reuss
Roberts
Santini
Shannon
Stark
Steed
Winn

☐ 1300

The Clerk announced the following pairs:

Mr. Brodhead with Mr. Anderson of Illinois.

Mr. Jenrette with Mr. Harsha.

Mr. Guarini with Mr. Winn.

Mr. Santini with Mr. McCloskey.

Mr. Roberts with Mr. Leach of Louisiana.

Mr. Dingell with Mrs. Heckler.

Mr. Dodd with Mr. Myers of Pennsylvania.

Mr. Ford of Michigan with Mr. Steed.

Mr. Dixon with Mr. Stark.

Mr. Davis of South Carolina with Mr. Shannon.

Mr. Reuss with Ms. Holtzman.

Mr. NOWAK and Mr. NELSON changed their votes from "nay" to "yea."

Mr. RODINO changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

WASHINGTON, D.C.,
October 1, 1980.

Hon. TIP O'NEILL,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation from the Committee on Veterans' Affairs effective immediately.

Sincerely,

GEORGE HANSEN,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER laid before the House the following resignation as a member of the Committee on Agriculture:

WASHINGTON, D.C.,
September 30, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I hereby resign my seat on the House Committee on Agriculture, effective immediately.

Sincerely,

STEVEN D. SYMMS,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION AS MEMBER OF COMMITTEE ON AGRICULTURE

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 800), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 800

Resolved, That George Hansen, of Idaho, be and he is hereby elected a member of the Committee on Agriculture.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 801) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 801

Resolved, That Gerald B. H. Solomon, of New York, be and he is hereby elected a member of the Committee on Veterans' Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEFERRALS OF FISCAL YEAR 1981 FUNDS TOTALING $619.1 MILLION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-636)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, October 1, 1980.)

☐ 1310

THE NEGATIVE SIDE OF POLITICS IN THE PRESIDENTIAL CAMPAIGN

(Mrs. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SNOWE. Mr. Speaker, in the last few weeks we have seen an ugly turn in the Presidential race. It is a turn that, unfortunately, represents a negative side of politics.

Recent charges by President Carter that the 1980 election will be a referendum on war or peace, and his earlier assertion that Ronald Reagan was guilty of racism, do not befit the highest office in our land, nor do they contribute to the political dialog in this election year.

Hugh Sidey in last week's issue of Time magazine, harked back to something Harry Truman once said that is appropriate today:

> You have to appeal to people's best instincts, not their worst ones. You may win an election . . . by doing the other, but it does a lot of harm to the country.

I urge President Carter to take Harry Truman's advice.

It is time to get off the low road and back to the major issues that concern all Americans: Inflation, high taxes, putting people back to work, balancing the Federal budget, the state of our national defense, the conduct of our foreign policy, and the development of a balanced approach to our energy problems.

If the President does this, he will find the American people far more receptive to his message, and all of us will benefit by having the Presidential campaign conducted on the high level where it ought to be.

THE CHEMICAL WARFARE HOLOCAUST IN LAOS

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, like those of us who were elected during the bicentennial, I am now finishing my 4th year. But never again will I take the well of this distinguished body to speak about anything that I think is as tragic or as serious as the resolution of the free world. Indeed, the subject taxes the very sanity of the world itself. The lead article in this month's Reader's Digest is "Gas Warfare in Laos, Communists Drive To Annihilate a People."

We have discussed this subject briefly at times on the House floor, but it has now taken on a new dimension. This absolutely superb and heart-gripping piece by Jane Hamilton Merrick points out that Soviet scientists are using their surrogates, the Pathet Lao, to send in medical teams to give antidotal treatment to people they have just gassed. They are testing the effects of this gas in preparation for some holocaust in this war, in this new phase of chemical warfare. We thus have another violent assault on a rapidly diminishing people, who had a population of 500,000 just two decades ago and whose numbers are now down to a mere 150,000.

Mr. Speaker, with 35,000 in this country, with 50,000 of those who survive in Mekong River refugee camps, and with a sickly dying 70,000 left in Laos, this House simply has to have hearings on this subject during the rump session.

THE HORRORS OF THE POISON GAS CAMPAIGN IN LAOS

(Mrs. FENWICK asked and was given permission to address the House for 1 minute.)

Mrs. FENWICK. Mr. Speaker, I, too, would like to speak for a moment in this House, as I have before on other occasions, about the horrors of the poison gas campaign in Laos. We understand that it is now being used also in Afghanistan, but in Laos it has been going on too long.

I have spoken to people who have seen their fellow men die from poison gas, die from one of the three different kinds that are being dropped on these helpless people, people who do not have even a shotgun to respond with or anything to drive off the planes.

This is a hideous, hideous kind of warfare, and it is being raged unremittingly on these people, these H'Mong tribesmen in Laos, the people we used to call the Meo. Some of them fought bravely with us. There are now only 70,000 left of the 500,000 that used to be there.

Mr. Speaker, there is little to compare to the plight of these helpless civilians on whom these terrible gases are dropped from Soviet planes in the sky.

PROVIDING FOR SINE DIE ADJOURNMENT OF THE CONGRESS AFTER COMPLETION OF SECOND CONCURRENT RESOLUTION ON THE BUDGET

Mr. KRAMER. Mr. Speaker, I send a privileged concurrent resolution to the desk and ask for its immediate consideration.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

CONCURRENT RESOLUTION

Providing for the sine die adjournment of the Congress after completion of the second concurrent resolution on the budget and any required reconciliation legislation

Resolved by the House of Representatives (the Senate concurring), That when the two Houses of Congress adjourn on October 2, 1980, they shall stand adjourned sine die, unless Congress has not completed action on the second concurrent resolution on the budget respecting the fiscal year beginning on October 1, 1980, and any reconciliation legislation which may be required in accordance with the Congressional Budget Act of 1974, in which event the two Houses shall adjourn sine die in accordance with section 2 of this resolution.

SEC. 2. In the event such second concurrent resolution on the budget has not been adopted by the Congress in accordance with section 310(b) of the Congressional Budget Act of 1974 by October 2, 1980, the Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and Senate, respectively, that they shall remain assembled until Congress has completed action on such second concurrent resolution on the budget and, if required, reconciliation legislation, at which time, the two Houses shall adjourn sine die.

Mr. FOLEY. Mr. Speaker, I reserve a point of order against the concurrent resolution.

The SPEAKER. The Chair will state that the concurrent resolution is not debatable.

POINT OF ORDER

Mr. FOLEY. Mr. Speaker, I make a point of order against the concurrent resolution that the Budget Act requires the adoption of the second budget resolution prior to the the sine die adjournment of the House, and the resolution is contrary to the Budget Act.

Mr. KRAMER. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. KRAMER. Mr. Speaker, the intent of section 310(f) of the Budget Act was obviously to act as a forcing mechanism to insure completion of the congressional budget process before adjournment. The language prohibiting consideration of an adjournment sine die resolution prior to the completion of the budget resolution was designed to provide a specific mechanism in recognition of the procedures of the House to assure budget completion before adjournment.

A careful reading of this resolution will show that it is not inconsistent with section 310(f) of the Budget Act but is in fact designed to fulfill the intent of section 310(f). It is in effect a restatement of the requirements of the Budget Act with respect to completion of the Budget Act before adjournment and, therefore, cannot be said to be in contradiction of those requirements.

Since the intent of the Budget Act, as expressed in section 310(f) is to force completion of the budget prior to adjournment sine die, we might logically conclude that the framers of that resolution did not intend that the language that was included to require all matters to be reported by the Budget Committee before they may be considered by the House and to require final action on the budget prior to consideration of the adjournment sine die resolution would be used to delay completion of the budget beyond the date specified in the act. Yet this is what happened.

The intent of the act is to require action on the budget in timely fashion, and it has been subverted by the failure to report the budget resolution in timely fashion. The literal terms of the Budget Act have already been violated by the failure of Congress to act on the budget by the date specified in the act.

Mr. Speaker, this resolution is literally consistent with the requirements of the Budget Act by requiring completion of the budget prior to adjournment sine die, and in fact the resolution is a complement to the Budget Act providing a sure means of fulfilling the terms of the act.

Mr. FOLEY. Mr. Speaker, may I be heard further on the point of order?

The SPEAKER. The Chair will hear the gentleman.

Mr. FOLEY. Mr. Speaker, section 310 (f) of the Budget Act prohibits the consideration of a resolution of adjournment until the adoption of the second budget resolution. The resolution is clearly inside the scope of the prohibition of the Budget Act, and it is, therefore, out of order.

Mr. Speaker, I renew my point of order.

☐ 1320

The SPEAKER. Section 310(f) of the Congressional Budget Act provides:

> Congress may not adjourn until action is completed.—It shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the adjournment sine die of either House unless action has been completed on the concurrent resolution on the budget required to be reported under subsection (a) for the fiscal year beginning on October 1 of such year, and, if a reconciliation bill or resolution, or both, is required to be reported under subsection (c) for such fiscal year, unless the Congress has completed action on that bill or resolution, or both.

In the opinion of the Chair, the point of order is well taken. Since the provision of the Budget Act—which is a rule of the House—prohibits the consideration of a sine die resolution at this time, the Chair does not recognize the gentleman for that purpose.

Mr. KRAMER. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER. Does the gentleman insist upon his appeal?

Mr. KRAMER. I insist upon my appeal, Mr. Speaker.

Mr. FOLEY. Mr. Speaker, I move to lay the motion to appeal the ruling of the Chair on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KRAMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 11, not voting 39, as follows:

[Roll No. 613]

YEAS—382

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mithcell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—11

Badham
Crane, Daniel
Dannemeyer
Johnson, Colo.
Kramer
Lee
Paul
Rousselot
Shumway
Shuster
Wydler

NOT VOTING—39

Anderson, Ill.
Applegate
Ashley
Brodhead
Brooks
Butler
Chisholm
Davis, S.C.
Deckard
Dingell
Dixon
Dodd
Florio
Ford, Mich.
Guarini
Harsha
Hinson
Holland
Holtzman
Ichord
Ireland
Jenrette
Kindness
Leach, La.
Lewis
McCloskey
Mathis
Moffett
Murphy, N.Y.
Myers, Pa.
Reuss
Roberts
Satterfield
Shannon
Stark
Steed
Wilson, Bob
Winn
Young, Alaska

Mr. DORNAN changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

> S. Con. Res. 126. Concurrent resolution providing for a recess of the Senate and an adjournment of the House of Representatives until Wednesday, November 12, 1980.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 2583. An act to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of employment as a justice or judge of the United States, and for other purposes.

PROVIDING FOR RECESS OF SENATE AND ADJOURNMENT OF HOUSE OF REPRESENTATIVES UNTIL WEDNESDAY, NOVEMBER 12, 1980

The SPEAKER laid before the House a privileged Senate concurrent resolution (S. Con. Res. 126) providing for a recess of the Senate and an adjournment of the House of Representatives until Wednesday, November 12, 1980.

The Clerk read the title of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 126

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses on any day beginning with Tuesday, September 30, 1980, but no later than Thursday, October 2, 1980, as determined by the majority leader, after consultation with the minority leader, and as so moved by the majority leader in accordance with this resolution, it stand in recess until 11 a.m. on Wednesday, November 12, 1980, and that when the House of Representatives adjourns on Thursday, October 2, 1980, it stand adjourned until 12 meridian on Wednesday, November 12, 1980.

The SPEAKER. Without objection, the previous question is ordered on the Senate concurrent resolution.

There was no objection.

MOTION TO COMMIT WITH INSTRUCTIONS OFFERED BY MR. RHODES

Mr. RHODES. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. RHODES moves to commit Senate Concurrent Resolution 126 to the Committee on Rules with instructions that the Committee report the resolution back to the House forthwith with the following amendment:
>
> Strike out "when the House of Representatives adjourns on Thursday, October 2, 1980" and insert in lieu thereof the following, "when the House of Representatives adjourns on the day following the consideration by the House of a second concurrent resolution on the budget for Fiscal Year 1981 pursuant to the provisions of section 305 of Public Law 93-344".

The SPEAKER. The question is on the motion offered by the gentleman from Arizona (Mr. RHODES).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. RHODES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 161, nays 231, not voting 40, as follows:

[Roll No. 614]

YEAS—161

Abdnor
Andrews, N.Dak.
Archer
Ashbrook
Badham
Bafalis
Bauman
Beard, Tenn.
Bereuter
Bethune
Broomfield
Brown, Ohio
Brovhill
Buchanan
Burgener
Butler
Campbell
Carney
Carter
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, R. W.
Dannemeyer
Davis, Mich.
Derwinski
Devine
Dickinson
Dornan
Dougherty
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Evans, Del.
Fenwick
Findley
Forsythe
Frenzel
Gilman
Gingrich
Goldwater
Goodling
Gradison
Gramm
Grassley
Green
Grisham
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hansen
Heckler
Hillis
Hollenbeck
Holt
Hopkins
Horton
Hyde
Jeffords
Jeffries
Johnson, Colo.
Kelly
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Lee
Lent
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McDade
McDonald
McEwen
McKinney
Madigan
Maguire
Marks
Marlenee
Marriott
Martin
Miller, Ohio
Mitchell, N.Y.
Moore
Moorhead, Calif.
Mottl
Myers, Ind.
O'Brien
Pashayan
Paul
Petri
Pickle
Porter
Pritchard
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Rousselot
Royer
Rudd
Santini
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stenholm
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Vander Jagt
Walker
Wampler
Whitehurst
Whittaker
Williams, Ohio
Wirth
Wydler
Wylie
Young, Fla.

NAYS—231

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Byron
Carr
Cavanaugh
Chisholm
Clay
Coelho
Collins, Ill.
Conyers
Corman
Cotter
D'Amours
Daniel, Dan
Danielson
Daschle
de la Garza
Dellums
Derrick
Dicks
Donnelly
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edwards, Calif.
English
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Gudger
Hall, Ohio
Hance
Hanley
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Ireland
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kostmayer
Leath, Tex.
Lederer
Lehman
Leland
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McHugh
McKay
Markey
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Preyer
Price
Rahall
Rangel
Ratchford
Richmond
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Satterfield
Scheuer
Seiberling
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Thompson
Traxler
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whitten
Williams, Mont.
Wilson, C. H.
Wilson, Tex.
Wolff
Wolpe
Wright
Wyatt
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—40

Anderson, Ill.
Ashley
Biaggi
Breaux
Brodhead
Chappell
Davis, S.C.
Deckard
Dingell
Dixon
Dodd
Fish
Ford, Mich.
Giaimo
Guarini
Harsha
Hinson
Holland
Holtzman
Ichord
Jacobs
Jenrette
Kemp
Leach, La.
McCloskey
Mathis
Michel
Montgomery
Murphy, N.Y.
Myers, Pa.
Reuss
Roberts
Roth
Shannon
Steed
Trible
Udall
Wilson, Bob
Winn
Young, Alaska

□ 1350

Mr. KAZEN changed his vote from "yea" to "nay."

Mr. MAGUIRE and Mr. KOGOVSEK changed their votes from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the Senate concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RHODES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 230, nays 173, not voting 29 as follows:

[Roll No. 615]

YEAS—230

Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Applegate
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Brown, Calif.
Burlison
Burton, Phillip
Byron
Carr
Cavanaugh
Chappell
Chisholm
Clay
Coelho
Collins, Ill.
Conyers
Corman
Cotter
D'Amours
Daniel, Dan
Danielson
de la Garza
Dellums
Derrick
Dicks
Donnelly
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edwards, Calif.
English
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fazio
Ferraro
Fisher
Flippo
Florio
Foley
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Gudger
Hall, Ohio
Hance
Hanley
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Holland
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Ireland
Jacobs
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kostmayer
Leath, Tex.
Lederer
Lehman
Leland
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McHugh
McKay
Markey
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pepper
Perkins
Peyser
Preyer
Price
Rahall
Rangel
Ratchford
Richmond
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Santini
Satterfield
Scheuer
Seiberling
Shelby
Simon
Skelton
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whitten
Williams, Mont.
Wilson, C. H.
Wilson, Tex.
Wolff
Wolpe
Wright
Wyatt
Yates
Young, Mo.
Zablocki
Zeferetti

NAYS—173

Abdnor
Andrews, N.Dak.
Archer
Ashbrook
Badham
Bafalis
Bauman
Beard, Tenn.
Bereuter
Bethune
Broomfield

Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Campbell
Carney
Carter
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
Derwinski
Devine
Dickinson
Dornan
Dougherty
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Evans, Del.
Fascell
Fenwick
Findley
Fish
Fithian
Forsythe
Frenzel
Gilman
Gingrich
Goldwater
Goodling
Gradison
Gramm
Grassley
Green
Grisham
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hansen
Heckler
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Hyde
Jeffords
Jeffries
Johnson, Colo.
Kelly
Kemp
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McDade
McDonald
McEwen
McKinney
Madigan
Maguire
Marks
Marlenee
Marriott
Martin
Michel
Miller, Ohio
Mitchell, N.Y.
Moore
Moorhead, Calif.
Mottl
Musto
Myers, Ind.
O'Brien
Pashayan
Paul
Petri
Pickle
Porter
Pritchard
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Rousselot
Royer
Rudd
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Sharp
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stenholm
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Vander Jagt
Walker
Wampler
Whitehurst
Whittaker
Williams, Ohio
Winn
Wirth
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.

NOT VOTING—29

Anderson, Ill.
Ashley
Boland
Brodhead
Burton, John
Davis, S.C.
Deckard
Dingell
Dixon
Dodd
Ford, Mich.
Giaimo
Guarini
Harsha
Holtzman
Ichord
Jenrette
Leach, La.
McCloskey
Mathis
Myers, Pa.
Nowak
Reuss
Roberts
Roth
Shannon
Steed
Trible
Wilson, Bob

□ 1410

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

● Mr. RHODES. Mr. Speaker, the motion to commit I offered to Senate Concurrent Resolution 126 was to make a final attempt to bring up the second concurrent resolution on the fiscal year 1981 budget for consideration before we leave the city of Washington and return to our districts.

This is the third time the Republican leadership attempted to carry out the peoples' business within the time deadlines provided by law. We attempted to amend the rule on the continuing resolution when it was considered in the House. Next we attempted to amend the rule on the National Visitors Center bill and now, today, we are making this attempt.

We have been frustrated by a 2-to-1 Democrat majority which is intent on keeping its budgetary intent a secret from the American people.

I sincerely hope that Americans will take due note of which political party is trying to carry out both the letter and the spirit of the Congressional Budget Act—which party has repeatedly and consistently struggled for a rational fiscal program—and which party holds the most hope and promise for putting this Nation's economic house in order. I am confident that if the American people will think about the matter, they will realize the need for a change here in the House of Representatives.

There is nothing wrong with our economy that the changes which would be wrought by a Republican Congress and President would not cure.●

PERSONAL EXPLANATION

Mr. CHAPPELL. Mr. Speaker, on rollcall 614, I was unavoidably detained. Had I been present I would have voted "aye."

U.S. TECHNOLOGICAL INNOVATION ACT

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 1250) to promote U.S. technological innovation for the achievement of national economic, environmental, and social goals, and for other purposes, with the Senate amendments to the House amendments thereto, to recede from the House amendments Nos. 9, 10, 18, 22, 37, 38, 39, and 41 and to concur in the amendments of the Senate to House amendments Nos. 8, 13, 14, 15, 21, 30, 35, 36, 40, and 42.

The Clerk read the title of the Senate bill.

The Clerk read the House amendments, as follows:

Page 1, line 3, strike out "Stevenson", and insert "Stevenson-Wydler".

Page 2, line 8, strike out "Government', and insert "Federal".

Page 2, line 11, after "labor.", insert "Cooperation among academia, Federal laboratories, labor, and industry, in such forms as technology transfer, personnel exchange, joint research projects, and others, should be renewed, expanded, and strengthened.".

Page 3, line 3, after "No", insert "comprehensive".

Page 3, line 4, after "purposes.", insert:

There is a need for such a policy, including a strong national policy supporting domestic technology transfer and utilization of the science and technology resources of the Federal Government.

(9) It is in the national interest to promote the adaptation of technological innovations to State and local government uses. Technological innovations can improve services, reduce their costs, and increase productivity in State and local governments.

(10) The Federal laboratories and other performers of federally funded research and development frequently provide scientific and technological developments of potential use to State and local governments and private industry. These developments should be made accessible to those governments and industry. There is a need to provide means of access and to give adequate personnel and funding support to these means.

(11) The Nation should give fuller recognition to individuals and companies which have made outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

Page 3, strike out lines 6 through 9, inclusive, and insert:

It is the purpose of this Act to improve the economic, environmental, and social wellbeing of the United States by—

(1) establishing organizations in the executive branch to study and stimulate technology;

(2) promoting technology development through the establishment of centers for industrial technology;

(3) stimulating improved utilization of federally funded technology developments by State and local governments and the private sector;

(4) providing encouragement for the development of technology through the recognition of individuals and companies which have made outstanding contributions in technology; and

(5) encouraging the exchange of scientific and technical personnel among academia, industry, and Federal laboratories.

Page 3, line 21, after "section 6", insert "or section 8".

Page 4, strike out lines 3 and 4, and insert:

(6) "Federal laboratory" means any laboratory, and federally funded research and development center, or any center established under section 6 or section 8 of this Act that is owned and funded by the Federal Government, whether operated by the Government or by a contractor.

(7) "Supporting agency" means either the Secretary of Commerce or the National Science Foundation, as appropriate.

Page 4, line 9, strike out "President", and insert "Secretary".

Page 4, lines 9 and 10, strike out "appoint, by and with the advice and consent of the Senate," and insert "appoint".

Page 4, lines 14 and 15, strike out "In addition to any other duty prescribed by law or assigned by the", and insert "The".

Page 4, line 15, after "Secretary,", insert "through",

Page 5, strike out lines 16 through 19, inclusive.

Page 5, lines 20 and 21, strike out "(7) recommend to the Secretary for transmittal to the President and Congress", and insert "(6) consider".

Page 6, lines 1 and 2, strike out "(8) assist in the preparation of the report required under subsection (d) and", and insert "(7)".

Page 6, line 8, strike out "and 6", and insert "6, 8, 11, 12, and 13".

Page 6, line 11, strike out "Director", and insert "Secretary".

Page 6, line 13, after "be", insert "nonprofit institutions and shall be".

Page 8, line 9, strike out "Director", and insert "Secretary".

Page 9, line 10, strike out "Director", and insert "Secretary".

Page 9, strike out all after line 13, over to and including line 22 on page 11.

Page 11, strike out lines 15 through 22, inclusive, and insert:

(e) ADDITIONAL CONSIDERATION.—The supporting agency may request the Attorney General's opinion whether the proposed joint research activities of a Center would violate any of the antitrust laws. The Attorney General shall advise the supporting agency of his determination and the reasons for it within 120 days after receipt of such request. However, the establishment of a Center, the rendering of an opinion by the Attorney General, or any other activity undertaken or approved under this Act, shall not convey to any person, association, corporation or other business organization immunity from civil or criminal liability, or create defenses to actions under any antitrust law.

Page 11, line 24, strike out "Director", and insert "Secretary".

Page 12, line 6, strike out "Director", and insert "Secretary".

Page 12, lines 9 and 10, strike out "Director" each place it appears, and insert "Secretary".

Page 12, line 15, strike out "paragraphs", and insert "paragraph".

Page 12, line 16, strike out "and (3)".

Page 12, line 17, strike out "Director", and insert "Secretary".

Page 12, line 22, strike out "Director", and insert "Secretary".

Page 13, after line 4, insert:

SEC. 8. NATIONAL SCIENCE FOUNDATION CENTERS FOR INDUSTRIAL TECHNOLOGY.

(a) ESTABLISHMENT AND PROVISIONS.—The National Science Foundation shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with a university, or other nonprofit institution, or a group thereof. The objective of the Centers is to enhance technological innovation as provided in section 6(a) through the conduct of activities as provided in section 6(b). The provisions of section 6(e) shall apply to Centers established under this section.

(b) PLANNING GRANTS.—The National Science Foundation is authorized to make available nonrenewable planning grants to universities or nonprofit institutions for the purpose of developing a plan, as described under section 6(c)(3).

(c) TERMS AND CONDITIONS.—Grants, contracts, and cooperative agreements entered into by the National Science Foundation in execution of the powers and duties of the National Science Foundation under this Act shall be governed by the National Science Foundation Act of 1950 and other pertinent Acts.

Page 13, line 5, strike out "SEC. 8.", and insert "SEC. 9.".

Page 13, line 6, strike out "Director", and insert "Secretary and the National Science Foundation".

Page 13, lines 12 and 13, strike out "Health, Education, and Welfare,", and insert "Education, Health and Human Services,".

Page 13, line 15, strike out "National Science Foundation,".

Page 13, strike out lines 19 through 24, inclusive, and insert:

(b) COOPERATION.—It is the sense of the Congress that departments and agencies, including the Federal laboratories, whose missions are affected by, or could contribute to, the programs established under this Act, should, within the limits of budgetary authorizations and appropriations, support or participate in activities or projects authorized by this Act.

(c) ADMINISTRATIVE AUTHORIZATION.—

(1) Departments and agencies described in subsection (b) are authorized to participate in, contribute to, and serve as resources for the Centers and for any other activities authorized under this Act.

(2) The Secretary and the National Science Foundation are authorized to receive moneys and to receive other forms of assistance from other departments or agencies to support activities of the Centers and any other activities authorized under this Act.

Page 14, strike out line 1, and insert:

SEC. 10. EXTERNAL ADVICE.

Page 14, strike out lines 2 through 4, inclusive.

Page 14, lines 5 and 6, strike out "(b) DUTIES.—The Board shall take such steps as may be necessary", and insert "The Secretary shall require an appropriate advisory committee".

Page 14, line 7, strike out "and advise", and insert "and to advise".

Page 14, line 16, strike out "Board", and insert "Committee".

Page 14, line 17, strike out "Board", and insert "Committee".

Page 14, strike out all after line 19, over to and including line 2 on page 16, and insert:

SEC. 11. UTILIZATION OF FEDERAL TECHNOLOGY.

(a) POLICY.—It is the continuing responsibility of the Federal Government to ensure the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer federally owned or originated technology to State and local governments and to the private sector.

(b) ESTABLISHMENT OF RESEARCH AND TECHNOLOGY APPLICATIONS OFFICES.—Each Federal laboratory shall establish an Office of Research and Technology Applications. Laboratories having existing organizational structures which perform the functions of this section may elect to combine the Office of Research and Technology Applications within the existing organization. The staffing and funding levels for these offices shall be determined between each Federal laboratory and the Federal agency operating or directing the laboratory, except that (1) each laboratory having a total annual budget exceeding $20,000,000 shall provide at least one professional individual full-time as staff for its Office of Research and Technology Applications, and (2) after September 30, 1981, each Federal agency which operates or directs one or more Federal laboratories shall make available not less than 0.5 percent of the agency's research and development budget to support the technology transfer function at the agency and at its laboratories, including support of the Offices of Research and Technology Applications. The agency head may waive the requirements set forth in (1) and/or (2) of this subsection. If the agency head waives either requirement (1) or (2), the agency head shall submit to Congress at the time the President submits the budget to Congress an explanation of the reasons for the waiver and alternate plans for conducing the technology transfer function at the agency.

(c) FUNCTIONS OF RESEARCH AND TECHNOLOGY APPLICATIONS OFFICES.—It shall be the function of each Office of Research and Technology Applications—

(1) to prepare an application assessment of each research and development project in which that laboratory is engaged which has potential for successful application in State or local government or in private industry;

(2) to provide and disseminate information on federally owned or originated products processes, and services having potential application to State and local governments and to private industry;

(3) to cooperate with and assist the Center for the Utilization of Federal Technology and other organizations which link the research and development resources of that laboratory and the Federal Government as a whole to potential users in State and local government and private industry; and

(4) to provide technical assistance in response to requests from State and local government officials.

Agencies which have established organizational structures outside their Federal laboratories which have as their principal purpose the transfer of federally owned or originated technology to State and local government and to the private sector may elect to perform the functions of this subsection in such organizational structures. No Office of Research and Technology Applications or other organizational structures performing the functions of this subsection shall substantially compete with similar services available in the private sector.

(d) CENTER FOR THE UTILIZATION OF FEDERAL TECHNOLOGY.—There is hereby established in the Department of Commerce a Center for the Utilization of Federal Technology. The Center for the Utilization of Federal Technology shall—

(1) serve as a central clearinghouse for the collection, dissemination and transfer of information on Federally-owned or originated technologies having potential application to State and local governments and to private industry;

(2) coordinate the activities of the Offices of Research and Technology Applications of the Federal laboratories;

(3) utilize the expertise and services of the National Science Foundation and the existing Federal Laboratory Consortium for Technology Transfer, particularly in dealing with State and local governments;

(4) receive requests for technical assistance from State and local governments and refer these requests to the appropriate Federal laboratories;

(5) provide funding, at the discretion of the Secretary, for Federal laboratories to provide the assistance specified in subsection (c)(4); and

(6) use appropriate technology transfer mechanisms such as personnel exchanges and computer-based systems.

(e) AGENCY REPORTING.—Each Federal agency which operates or directs one or more Federal laboratories shall prepare biennially a report summarizing the activities performed by that agency and its Federal laboratories pursuant to the provisions of this section. The report shall be transmitted to the Center for the Utilization of Federal Technology by November 1 of each year in which it is due.

SEC. 12. NATIONAL TECHNOLOGY MEDAL.

(a) ESTABLISHMENT.—There is hereby established a National Technology Medal, which shall be of such design and materials and bear such inscriptions as the President, on the basis of recommendations submitted by the Office of Science and Technology Policy, may prescribe.

(b) AWARD.—The President shall periodically award the medal, on the basis of recommendations received from the Secretary or on the basis of such other information and evidence as he deems appropriate, to individuals or companies, which in his judgment are deserving of special recognition by reason of their outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

(c) PRESENTATION.—The presentation of the award shall be made by the President with such ceremonies as he may deem proper.

SEC. 13. PERSONNEL EXCHANGES.

The Secretary and the National Science Foundation, jointly, shall establish a program to foster the exchange of scientific and technical personnel among academia, industry, and Federal laboratories. Such program shall include both (1) federally supported exchanges and (2) efforts to stimulate exchanges without Federal funding.

Page 16, line 3, strike out "SEC. 10", and insert "SEC. 14.".

Page 16, line 12, after "appropriated", insert "to the Secretary".

Page 16, line 14, strike out "$3,000,000", and insert "$5,000,000".

Page 16, line 15, strike out "$5,000,000", and insert: "$9,000,000".

Page 16, line 16, strike out "$10,000,000", and insert: "$14,000,000".

Page 16, after line 19, insert:

(d) To enable the National Science Foundation to carry out its powers and duties under this Act only such sums may be appropriated as the Congress may authorize by law.

SEC. 15. SPENDING AUTHORITY.

No payments shall be made or contracts shall be entered into pursuant to this Act except to such extent or in such amounts as are provided in advance in appropriation Acts.

The Clerk read the Senate amendments to the House amendments, as follows:

Resolved, That the Senate agree to the amendments of the House of Representatives numbered 1, 2, 3, 4, 5, 6, 7, 11, 12, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 43, 44, 45, 46, 47, and 48 to the bill (S. 1250) entitled "An Act to promote United States technological innovation for the achievement of national economic, environmental, and social goals, and for other purposes.".

Resolved, That the Senate disagree to the amendments of the House of Representatives numbered 9, 10, 18, 22, 37, 38, 39, and 41 to the above-entitled bill.

Resolved, That the Senate agree to the amendment of the House numbered 8 to the above-entitled bill with the following amendment: In lieu of the matter proposed to be inserted by House amendment numbered 8, insert:

(6) "Board" means the National Industrial Technology Board established pursuant to section 10.

(7) "Federal laboratory" means any laboratory, any federally funded research and development center, or any center established under section 6 or section 8 of this Act that is owned and funded by the Federal Government, whether operated by the Government or by a contractor.

(8) "Supporting agency" means either the Department of Commerce or the National Science Foundation, as appropriate.

Resolved, That the Senate agree to the House amendment numbered 13 to the above-entitled bill with an amendment as follows: After "inclusive", insert:

, and insert:

(6) provide that cooperative efforts to stimulate industrial innovation be undertaken between the Director and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

Resolved, That the Senate agree to the House amendment numbered 14 to the above-entitled bill with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment numbered 14, insert "(7) consider".

Resolved, That the Senate agree to the House amendment numbered 15 to the above-entitled bill with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment numbered 15, insert "(8)".

Resolved, That the Senate agree to the House amendment numbered 21 to the above-entitled bill with an amendment as follows: After "page 11", insert:

, and insert:

(e) RESEARCH AND DEVELOPMENT UTILIZATION.—(1) To promote technological innovation and commercialization of research and development efforts, each Center has the option of acquiring title to any invention conceived or made under the auspices of the Center that was supported at least in part by Federal funds: *Provided*, That—

(A) the Center reports the invention to the supporting agency together with a list of each country in which the Center elects to file a patent application on the invention;

(B) said option shall be exercised at the time of disclosure of invention or within such time thereafter as may be provided in the grant or cooperative agreement;

(C) the Center intends to promote the commercialization of the invention and file a United States patent application;

(D) royalties be used for compensation of the inventor or for educational or research activities of the Center;

(E) the Center make periodic reports to the supporting agency, and the supporting agency may treat information contained in such reports as privileged and confidential technical, commercial and financial information and not subject to disclosures under the Freedom of Information Act; and

(F) any Federal department or agency shall have the royalty-free right to practice, or have practiced on its behalf, the invention for governmental purposes.

The supporting agency shall have the right to acquire title to any patent on an invention in any country in which the Center elects not to file a patent application or fails to file within a reasonable time.

(2) Where a Center has retained title to an invention under paragraph (1) of this subsection the supporting agency shall have the right to require the Center or its licensee to grant a nonexclusive, partially exclusive, or exclusive license to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, if the supporting agency determines, after public notice and opportunity for hearing, that such action is necessary—

(A) because the Center or licensee has not taken and is not expected to take timely and effective action to achieve practical application of the invention.

(B) to meet health, safety, environmental or national security needs which are not reasonably satisfied by the contractor or licensee; or

(C) because the granting of exclusive rights in the invention has tended substantially to lessen competition or to result in undue market concentration in the United States in any line of commerce to which the technology relates.

(3) Any individual, partnership, corporation, association, institution, or other entity adversely affected by a supporting agency determination made under paragraph (2) of this subsection may, at any time within 60 days after the determination is issued, file a petition to the United States Court of Claims which shall have jurisdiction to determine that matter do novo and to affirm, reverse, or modify as appropriate, the determination of the supporting agency.

(f) ADDITIONAL CONSIDERATION.—The supporting agency may request the Attorney General's opinion whether the proposed joint research activities of a Center would violate any of the antitrust laws. The Attorney General shall advise the supporting agency of his determination and the reasons for it within 120 days after receipt of such request.

Resolved, That the Senate agree to the amendment of the House numbered 30 to the above-entitled bill with the following amendment: In lieu of the matter proposed to be inserted by the House amendment numbered 30, insert:

SEC. 8. NATIONAL SCIENCE FOUNDATION CENTERS FOR INDUSTRIAL TECHNOLOGY.

(a) ESTABLISHMENT AND PROVISIONS.—The National Science Foundation shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with a university, or other nonprofit institution, or a group thereof. The objective of the Centers is to enhance technological innovation as provided in section 6(a) through the conduct of activities as provided in section 6(b). The provisions of sections 6(e) and 6(f) shall apply to Centers established under this section.

(b) PLANNING GRANTS.—The National Science Foundation is authorized to make available nonrenewable planning grants to universities or nonprofit institutions for the purpose of developing the plan, as described under section 6(c) (3).

(c) TERMS AND CONDITIONS.—Grants, contracts, and cooperative agreements entered into by the National Science Foundation in execution of the powers and duties of the National Science Foundation under this Act shall be governed by the National Science Foundation Act of 1950 and other pertinent Acts.

Resolved, That the Senate agree to the House amendment numbered 35 to the above-entitled bill with an amendment as follows: At the end of the matter proposed to be inserted by the House amendment numbered 35, insert:

(d) COOPERATIVE EFFORTS.—The Secretary and the National Science Foundation shall, on a continuing basis, provide each other the opportunity to comment on any proposed program of activity under sections 6, 8, or 13 of this Act before funds are committed to such program in order to mount complementary efforts and avoid duplication.

Resolved, That the Senate agree to the House amendment numbered 36 to the above-entitled bill with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment numbered 36, insert:

SEC. 10. NATIONAL INDUSTRIAL TECHNOLOGY BOARD.

Resolved, That the Senate agree to the House amendment numbered 40 to the above-entitled bill with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment numbered 40, insert: "Board, including the establishment of Centers under section 8 of this Act,".

Resolved, That the Senate agree to the House amendment numbered 42 to the above-entitled bill with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment numbered 42, insert: The National Science Foundation shall make available to the Board such information and assistance as it may reasonably require to carry out its duties.

(c) MEMBERSHIP, TERMS, AND POWERS.—

(1) The Board shall consist of 15 voting members who shall be appointed by the Secretary. The Director shall serve as a nonvoting member of the Board. The members of the Board shall be individuals who, by reason of knowledge, experience, or training are especially qualified in one or more of the disciplines and fields dealing with technology, labor, and industrial innovation or who are affected by technological innovation. The majority of the members of the Board shall be individuals from industry and business.

(2) The term of office of a voting member of the Board shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years.

(3) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be appointed as a voting member after serving more than two full terms as such a member.

(4) The Board shall select a voting member to serve as the Chairperson and another voting member to serve as the Vice Chairperson. The Vice Chairperson shall perform the functions of the Chairperson in the absence or incapacity of the Chairperson.

(5) Voting members of the Board may receive compensation at a daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, when actually engaged in the performance of duties for such Board, and may be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

SEC. 11. UTILIZATION OF FEDERAL TECHNOLOGY.

(a) POLICY.—It is the continuing responsibility of the Federal Government to ensure the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer federally owned or originated technology to State and local governments and to the private sector.

(b) ESTABLISHMENT OF RESEARCH AND TECHNOLOGY APPLICATIONS OFFICES.—Each Federal laboratory shall establish an Office of Research and Technology Applications. Laboratories having existing organizational structures which perform the functions of this section may elect to combine the Office of Research and Technology Applications within the existing organization. The staffing and funding levels for these offices shall be determined between each Federal laboratory and the Federal agency operating or directing the laboratory, except that (1) each laboratory having a total annual budget exceeding $20,000,000 shall provide at least one professional individual full-time as staff for its Office of Research and Technology Applications, and (2) after September 30, 1981, each Federal agency which operates or directs one or more Federal laboratories shall make available not less than 0.5 percent of the agency's research and development budget to support the technology transfer function at the agency and at its laboratories, including support of the Offices of Research and Technology Applications. The agency head may waive the requirements set forth in (1) and or (2) of this subsection. If the agency head waives either requirement (1) or (2), the agency head shall submit to Congress at the time the President submits the budget to Congress an explanation of the reasons for the waiver and alternate plans for conducting the technology transfer function at the agency.

(c) FUNCTIONS OF RESEARCH AND TECHNOLOGY APPLICATIONS OFFICES.—It shall be the function of each Office of Research and Technology Applications—

(1) to prepare an application assessment of each research and development project in which that laboratory is engaged which has potential for successful application in State or local government or in private industry.

(2) to provide and disseminate information on federally owned or originated products, processes, and services having potential application to State and local governments and to private industry;

(3) to cooperate with and assist the Center for the Utilization of Federal Technology and other organizations which link the research and development resources of that laboratory and the Federal Government as a whole to potential users in State and local government and private industry; and

(4) to provide technical assistance in response to requests from State and local government officials.

Agencies which have established organizational structures outside their Federal laboratories which have as their principal purpose the transfer of federally owned or originated technology to State and local government and to the private sector may elect to perform the functions of this subsection in such organizational structures. No Office of Research and Technology Applications or other organizational structures performing the functions of this subsection shall substantially compete with similar services available in the private sector.

(d) CENTER FOR THE UTILIZATION OF FEDERAL TECHNOLOGY.—There is hereby established in the Department of Commerce a Center for the Utilization of Federal Technology. The Center for the Utilization of Federal Technology shall—

(1) serve as a central clearinghouse for the collection, dissemination and transfer of information on Federally-owned or originated technologies having potential application to State and local governments and to private industry;

(2) coordinate the activities of the Offices of Research and Technology Applications of the Federal laboratories;

(3) utilize the expertise and services of the National Science Foundation and the existing Federal Laboratory Consortium for Technology Transfer, particularly in dealing with State and local governments;

(4) receive requests for technical assistance from State and local governments and refer these requests to the appropriate Federal laboratories;

(5) provide funding, at the discretion of the Secretary, for Federal laboratories to provide the assistance specified in subsection (c)(4); and

(6) use appropriate technology transfer mechanisms such as personnel exchanges and computer-based systems.

(e) AGENCY REPORTING.—Each Federal agency which operates or directs one or more Federal laboratories shall prepare biennially a report summarizing the activities performed by that agency and its Federal laboratories pursuant to the provisions of this section. The report shall be transmitted to the Center for the Utilization of Federal Technology by November 1 of each year in which it is due.

SEC. 12. NATIONAL TECHNOLOGY MEDAL

(a) ESTABLISHMENT.—There is hereby established a National Technology Medal, which shall be of such design and materials and bear such inscriptions as the President, on the basis of recommendations submitted by the Office of Science and Technology Policy, may prescribe.

(b) AWARD.—The President shall periodically award the medal, on the basis of recommendations received from the Secretary or on the basis of such other information and evidence as he deems appropriate, to individuals or companies, which in his judgment are deserving of special recognition by reason of their outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

(c) PRESENTATION.—The presentation of the award shall be made by the President with such ceremonies as he may deem proper.

SEC. 13. PERSONNEL EXCHANGES.

The Secretary and the National Science Foundation, jointly, shall establish a program to foster the exchange of scientific and technical personnel among academia, industry, and Federal laboratories. Such program shall include both (1) federally supported exchanges and (2) efforts to stimulate exchanges without Federal funding.

Mr. BROWN of California (during the reading). Mr. Speaker, I ask unanimous consent that the House amendments and the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial requst of the gentleman from California?

Mr. WYDLER. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from California if he could explain to us the changes that are being made in the legislation by the other body.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, S. 1250 is the Stevenson-Wydler Technology Innovation Act of 1980. It passed the Senate several months ago and passed with amendments in the House in early September under suspension of the rules. A compromise was negotiated with the Senate and passed by the Senate on September 26. The motion concurs in the Senate action and clears the bill for the President.

The compromise does not change the amounts authorized by the bill from what the House passed earlier. The main features of the compromise are to restore provisions desired by the Senate regarding rights to inventions and regarding the status of the National Industrial Technology Board. All of the major House initiatives are maintained in the compromise.

Mr. WYDLER. No changes have been in the authorizing funding levels?

Mr. BROWN of California. No changes have been made in the funding levels.

Mr. WYDLER. Mr. Speaker, further reserving the right to object, I rise in support of the compromise amendment to S. 1250. The compromise bill contains virtually all of the provisions which we in the House added on, in addition to the original proposals put forward by the Senate. I believe that we can do no better than to adopt this compromise amendment which has been sent to us by the Senate.

The patent policy provision which has been re-added to the bill before us, simply embodies many of the patent policy principles contained in section 6 of H.R. 6933, which was passed by the House recently. I am glad that the Senate has insisted on its inclusion.

Mr. Speaker, let me say once again that I am deeply honored by the tribute paid to me by my colleagues on the Science Committee when they added my name to the title of this bill. Programs such as these, which will stimulate the private sector, are needed over the coming years if we are to recapture the spirit of industrial innovation to pull our economy out of its doldrums. I urge the House to adopt the amended version of S. 1250 before us today.

● Mr. HOLLENBECK. Mr. Speaker, I rise in support of the compromise version of S. 1250 which we consider here today. The Senate has accepted substantially all of the House's recommended changes, including particularly the section on technology transfer. I heartily approve.

With regard to the substance of the bill, I would like to make three brief points. First, once again I want to say that I strongly support the technology transfer provisions that our subcommittee added. I think it is minimal, to say the least, that Federal laboratories should devote one-half of 1 percent of their research budgets to technology transfer. We simply must develop better mechanisms for disseminating the results of Federal reasearch to improve the productivity of the private sector and State and local government. It is also important that our national labs begin to accept a broader mandate which they have to serve the whole Nation rather than simply the original missions for which they were established.

Second, I note that the compromise amendment restores to the bill patent provisions which would give the centers for industrial technology the option to acquire title to any invention made under the auspices of the research which they sponsor. While we may shortly pass more general Federal patent policy legislation in the form of H.R. 6933, in the interim this provision will give to the Centers a patent policy which, in the view of the Subcommittee on Science, Research and Technology, would be most effective toward stimulating the commercialization of inventions produced by federally sponsored R. & D. Thus, I approve the restoration of this provision and I hope its inclusion here will stimulate the House and the Senate to act quickly on the general patent policy legislation so that principles contained in this bill may be applied across all Government R. & D. programs.

Third, let me say that while I support the Centers for Industrial Technology mandated by this bill, I want to reemphasize the point I made on September 8 when the House passed this bill originally. It is this: The administration has only allocated $5.2 million for these centers. We simply must recognize that reinvigorating a $2-trillion-a-year economy cannot be accomplished by penny pinching grants of $5.2 million or the $20 billion tax cut which the President announced a few weeks ago. The tasks facing our Nation are far greater and it is high time that we had leaders of vision who recognized this elementary fact.

Mr. Speaker, I urge the House to accept the Senate amendment to the Stevenson-Wydler Technology Innovation Act. I think it is a fitting tribute to my colleague, JACK WYDLER, who has served this House so well for so long and who has been a staunch supporter of the programs and activities sponsored by this bill. Thank you.●

Mr. WYDLER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. NATCHER). Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

CLIMATE PROGRAM ACT

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1391) to amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal years 1981, 1982, and 1983, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WYDLER. Mr. Speaker, reserving the right to object, could the gentleman from California explain what is taking place here and what we are trying to accomplish.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from California.

Mr. BROWN of California. I appreciate the gentleman's yielding.

Mr. Speaker, I bring this up at the request of the chairman of the Subcommittee on the Environment and Natural Resources who is currently engaged in other official business.

Mr. Speaker, I rise in support of S. 1391, the National Climate Program Act authorization for fiscal year 1981. I would like to commend Mr. AMBRO and the Subcommittee on Natural Resources and Environment for their work in getting this bill to the floor. Although Mr. AMBRO has explained the essence of the bill as reported by the Committee on Science and Technology, I would like to make a few additional comments on some of the bill's provisions.

First, the level of funding authorized in S. 1391 for purposes of the National Climate Program Act is $25,500,000, an amount substantially lower than previous years' authorizations. As is stated clearly in the report accompanying the bill (H. Rept. 96–1392), this lower figure is not intended in any way to represent a diminution of the committee's support for the climate program. Rather, the level of funding in the bill represents the amount which the committee estimates necessary in fiscal year 1981 to support those elements of the draft national climate program plan identified as areas of "Principal Thrust," or top priority, and to provide for the continued operation of the national climate program office (NCPO).

In addition, the committee has recommended that a portion of the funding for the national climate program office be directed toward establishing an intergovernmental program and an experimental climate forecast center program. Both of these programs were mandated by the act and both are closely related to its intended emphasis on users of climate information. Although the climate office has not been successful in requesting funding for these programs, the committee continues to view them as important components of a successful program and has thus included the necessary funding in the present bill.

With respect to the remainder of the moneys authorized for the national climate program in S. 1391, it should be noted that such funds are not intended to support the ongoing climate-related activities of any Federal agency.

The act specifies that the funds authorized are to be used to augment, in accordance with the recommendations of the National Climate Program Office, appropriations otherwise authorized for the purpose of conducting climate-related programs. While it is clear that the National Oceanic and Atmospheric Administration has considerable expertise in the area of climate, the committee continues to view the national climate program as a multiagency, comprehensive, national program.

Despite the problems that have delayed promulgation of the 5-year climate plan, the committee continues strongly to support this important program. The final draft of the plan appears to address most of the concerns expressed about the preliminary version, and we look forward to increased involvement by the NCPO in program management and coordination activities once the plan becomes final. We will continue during the next Congress to oversee carefully what we hope will be the complete and successful implementation of the act.

In addition to providing fiscal year 1981 authorization for the climate program, S. 1391 also contains an authorization of $100,000 to continue NOAA's program of weather modification recordkeeping. This program stems from the requirement in Public Law 92–205, the Weather Modification Act, that all such activities be reported to NOAA. While comparatively a very small program, the committee believes this historical program to be crucial, especially if a comprehensive weather modification bill is to be enacted in the future.

In conclusion, Mr. Speaker, I believe that the benefits to be derived from these two programs are of great significance in many areas of national concern, including energy, agriculture, and transporation. Both are sound programs deserving of our support. I urge my colleagues to join in passage of the bill.

□ 1420

Mr. WYDLER. Further reserving the right to object, Mr. Speaker, I just say that this procedure in the legislation is fully supported by the minority members of the committee.

● Mr. AMBRO. Mr. Speaker, I rise in support of S. 1391, the National Climate Program Act Authorization for fiscal year 1981 as reported by the Committee on Science and Technology (H. Rept. 96–1392, September 25, 1980). This bill continues authorization for the program of research, development and services established in legislation enacted as Public Law 95–367 on September 17, 1978. Also included in S. 1391 is authority for the National Oceanic and Atmospheric Administration to continue a program of weather modification recordkeeping pursuant to the Weather Modification Act (Public Law 92–205).

As reported, the bill would authorize appropriations totaling $25,600,000—$25.5 million for purposes of the National Climate Program Act and $100,000 for the NOAA weather modification reporting program.

The national climate program was established as a result of extensive hearings during the 94th and 95th Congresses by what was then the Subcommittee on the Environment and the Atmosphere. Due to the intimate relationship between climate and such important areas as food production, energy, land use and water resources, interest at that time focused primarily on the nature, impact, and predictability of climate variation and change, as well as the potential economic benefits to be accrued through the improved use and delivery of climate information to user communities. Extreme fluctuations in world-wide weather patterns in the recent past reinforced the need for further work in this area. Implicit in these concerns was the realization that existing climate services were inadequate to meet the needs of our society and that there was enormous potential for a wider and better use of climate information in support of critical sectors of the national economy.

Despite the obvious importance of recognizing and responding effectively to the potential adverse impacts associated with any significant climate change or fluctuation, the United States had at that time no coherent organization or strategy for responding to such events. In addition, while understanding of climate processes has progressed significantly in recent years, there was found to be insufficient federal organization to assure effective application of existing knowledge about climate and climate processes.

In response to these findings, legislation was enacted as Public Law 95-367 on September 17, 1978, establishing a national climate program, which was to consist of three major elements: First, coordination of ongoing Federal activities related to climate, with specific attention to program planning, management, and budget; second, identification and funding of essential climate research programs; and third, effective dissemination to and application by the user community of existing and forthcoming climate-related information. To accomplish these objectives, the Secretary of Commerce was directed to establish a national climate program office (NCPO) responsible for implementing the provisions of the act. Included among the responsibilities assigned to the NCPO was preparation of a long-term (5-year) plan outlining goals and priorities of the program. The plan was also to include an identification of the roles of various Federal agencies in the program, an assessment of Federal funding required to enable the program to achieve the goals enumerated in the plan, and a summary of the program accomplishments necessary to assure that such goals be met within the timeframe established by the plan. In essence, the office envisioned in the act was to serve as the focal point for Federal climate-related activities in order to effect a coherent, comprehensive national program of research and applications.

During the 96th Congress, the Subcommittee on Natural Resources and Environment has conducted 3 days of oversight hearings (July 10 and November 15, 1979, and February 26, 1980) on implementation of the act and on the budget of the national climate program office. Although in general it appears that significant progress has been made in attaining the goals of the act, there are several areas in which progress has not come as quickly as we would have liked. In addition to continuing the authorization for the program through fiscal year 1981, S. 1391 and the accompanying report also address some of these issues.

In reviewing the budget proposed for the national climate program, for instance, we have been concerned about the adequacy of funding for the national climate program office and about the office's increasingly troublesome budgetary dependence on NOAA.

Throughout the authorization process, we have had considerable difficulty not only in getting information about the Office, but even in having the Director of the Office appear to testify about the program he ostensibly runs. In response to these and other examples of what we believe to be the inappropriate control over activities of the NCPO which has come to rest with NOAA, we have specified in the bill those funds intended specifically for use by the national climate program office. We believe such language necessary to reinforce the expressed intent of the Congress that the NCPO be allowed to operate as a truly national program, independent of any particular Federal agency. To function effectively, the office must have some measure of independence, this language will remove at least those barriers to independence occasioned by the Office's being physically situated in NOAA.

In addition, the bill reported from the Committee on Science and Technology differs from its counterpart in the other Body by limiting the program authorization to 1 additional year, fiscal year 1981. It is our considered view that it would be inappropriate at this time to authorize future year funding for a program of research the plan for which we in the Congress have yet to see in any final form.

It has been more than 2 years since the National Climate Program Act became Public Law 95-367 on September 17, 1978, and still we have not received the final program plan mandated by the act. At the same time, we believe this program to be one with sufficient promise for the Nation as a whole to justify our action in assuring its continued existence, at least until we have had an opportunity to review the final product of those 2 years' work. In continuing the program through fiscal year 1981, it is our hope that we will be able to receive and review the final plan before proceeding with further authorization.

In summary, Mr. Speaker, the bill before us continues authorization for this important program yet allows us sufficient flexibility to assure that the program continues to progress in accordance with congressional intent in establishing it. I urge the support of my colleagues in its passage.●

Mr. WYDLER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the National Climate Program Act (15 U.S.C. 2908) is amended to read as follows:

"SEC. 9. AUTHORIZATION FOR APPROPRIATIONS.

"In addition to any other funds otherwise authorized to be appropriated for the purpose of conducting climate-related programs, there are authorized to be appropriated to the Secretary, for the purpose of carrying out the provisions of this Act, not to exceed $50,000,000 for the fiscal year ending September 30, 1979, not to exceed $65,000,000 for the fiscal year ending September 30, 1980, not to exceed $25,500,000 for the fiscal year ending September 30, 1981, not to exceed $39,100,000 for the fiscal year ending September 30, 1982, and not to exceed $43,700,000 for the fiscal year ending September 30, 1983.".

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike lines 10 through 12 and insert:

"of which amount not less than $2,653,000 shall be made directly available to the National Climate Program Office in the form of a budget item separate from the activities of the National Oceanic and Atmospheric Administration.".

SEC. 2. Section 6(b) of the National Weather Modification Policy Act of 1976 (15 U.S.C. 330e) is amended to read as follows: "There are authorized to be appropriated $150,000 for the fiscal year ending June 30, 1972, $200,000 each for the fiscal years 1973 through 1980, and $100,000 for the fiscal year ending September 3, 1981, to carry out the provisions of this chapter.".

Mr. BROWN of California (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the committee amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal year 1981, and for other purposes.".

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that I and all Members may have 5 legislative days within which to revise and extend their remarks on both bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR APPOINTMENT OF DAVID C. ACHESON AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H.J. Res. 615) providing for appointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 615

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by expiration of the term of Caryl P. Haskins of the District of Columbia on August 30, 1980, is filled by appointment of David C. Acheson of the District of Columbia for the statutory term of six years.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR DESIGNATION OF SMITHSONIAN INSTITUTION'S NATIONAL COLLECTION OF FINE ARTS AND NATIONAL MUSEUM OF HISTORY AND TECHNOLOGY AS NATIONAL MUSEUM OF AMERICAN ART AND NATIONAL MUSEUM OF AMERICAN HISTORY RESPECTIVELY

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of a bill (H.R. 8103) to provide for the designation of the Smithsonian Institution's National Collection of Fine Arts and the National Museum of History and Technology as the National Museum of American Art and the National Museum of American History respectively, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(c) of the Act of March 24, 1937, be amended by substituting "National Museum of American Art" for "National Collection of Fine Arts".

Sec. 2. That Public Law 84-106 be amended by substituting "National Museum of American History" for "Museum of History and Technology" in each place that it appears.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Speaker, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. Nedzi: Strike out all after the enacting clause and insert in lieu thereof the following:

That the bureau of the Smithsonian Institution designated as the National Collection of Fine Arts by section 6(c) of the Joint Resolution entitled "Joint Resolution providing for the construction and maintenance of a National Gallery of Art", approved March 24, 1937 (20 U.S.C. 71 note), shall be known as the "National Museum of American Art".

Sec. 2. The bureau of the Smithsonian Institution known as the Museum of History and Technology and so referred to in the Act entitled "An Act to authorize the construction of a building for a Museum of History and Technology for the Smithsonian Institution, including the preparation of plans and specifications, and all other work incidental thereto", approved June 28, 1955 (20 U.S.C. 59 note), shall be known as the "National Museum of American History".

Sec. 3. Any reference in any law, regulation, document, or paper to the National Collection of Fine Arts or the Museum of History and Technology shall on and after the effective date of this Act be considered to be a reference to the National Museum of American Art and the National Museum of American History, respectively.

Sec. 4. This Act shall take effect on the day after the date of the enactment of this Act.

Mr. NEDZI (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRANSFERRING CERTAIN EMPLOYEES OF ARCHITECT OF THE CAPITOL TO SERGEANT AT ARMS OF THE SENATE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2936) to transfer certain employees of the Architect of the Capitol to the Sergeant at Arms of the Senate.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) those employees engaged by the Architect of the Capitol pursuant to section 1 of the Act of June 30, 1932, as amended (40 U.S.C. 185a), for the primary purpose of servicing official motor vehicles, together with the functions performed by such employees, shall, on October 1, 1980, be deemed transferred to the jurisdiction of the Sergeant at Arms of the Senate. In no case shall any such employee receive a reduction in his basic compensation as the result of such transfer.

(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred by this Act shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a)-(e) and (o) of such section.

(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred by this Act, the Architect of the Capitol is authorized to make a lump sum payment to each such employee in order to compensate such employee for that annual leave. Such payments shall not be considered a payment or compensation within the meaning of any law relating to dual compensation.

(d) As used in this Act, the term "servicing" includes, with respect to an official motor vehicle, the washing and fueling of such vehicle, the checking of its tires and battery, and checking and adding oil.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Nedzi: Strike out all after the enacting clause and insert in lieu thereof the following:

That (a)(1) those employees engaged by the Architect of the Capitol under the provisos in the paragraph beginning "Capitol garages:" under the center heading "CAPITOL BUILDINGS AND GROUNDS" under the general heading "ARCHITECT OF THE CAPITOL" in section 1 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 185a), for the primary purposes of servicing official motor vehicles, together with the functions performed by such employees, shall, on October 1, 1980, be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate.

(2) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under paragraph (1), shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a)-(e) and (o) of such section.

(3) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under paragraph (1), the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.

(b) As used in subsection (a), the term "servicing" includes, with respect to an official motor vehicle, the washing and fueling of such vehicle, the checking of its tires and battery, and checking and adding oil.

Sec. 2. (a) Effective October 1, 1980, the Sergeant at Arms and Doorkeeper of the Senate is authorized to apopint and fix the compensation of four garage attendants at not to exceed $14,100 per annum each.

(b) If, and to the extent that, positions established by subsection (a) are first filled by individuals transferred under subsection (a)(1) of the first section, the Sergeant at Arms and Doorkeeper of the Senate is authorized to fix, in lieu of the compensation prescribed in subsection (a), the compensation—

(1) of not more than two of such positions so filled at not to exceed $16,560 per annum each;

(2) of one of such positions so filled at not to exceed $15,485 per annum; and

(3) of one of such positions so filled at not to exceed $14,390 per annum.

Compensation fixed under this subsection for a position first filled by an individual transferred under subsection (a)(1) of the first section shall cease to be applicable with respect to such position on the date that such individual first ceases to occupy such position.

(c) During any period with respect to which subsection (b) is applicable to a position occupied by an individual described in such subsection, such individual shall be credited, for purposes of longevity compensation, as authorized by section 106(a), (b), and (d) of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j), for service performed by such individual in the position of garage attendant, as an employee of the Architect of the Capitol, as certified to the Secretary of the Senate by the Architect of the Capitol.

Mr. NEDZI (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to transfer certain employees of the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate.".

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF SELF-GUIDED TOUR BROCHURE OF UNITED STATES BOTANIC GARDEN CONSERVATORY

Mr. HAWKINS. Mr. Speaker, by direction of the Committee on House Administration, I call up the Senate concurrent resolution (S. Con. Res. 102) authorizing the printing of a self-guided tour brochure of the U.S. Botanic Garden Conservatory, and ask unanimous consent for its immediate consideration.

The Clerk read the Senate concurrent concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read he Senate concurrent resolution, as follows:

S. CON. RES. 102

Resolved by the Senate (the House of Representatives concurring), That there shall be printed for the use of the Joint Committee of Congress on the Library one hundred thousand copies of the brochure entitled "United States Botanic Garden Conservatory—A Self-Guided Tour".

The SPEAKER pro tempore. The gentleman from California (Mr. HAWKINS) is recognized for 1 hour.

Mr. HAWKINS. Mr. Speaker, the Senate concurrent resolution provides for the printing of a pamphlet which will be used to aid visitors in conducting a self-guided tour of the U.S. Botanical Gardens. The cost of the printing of 100,000 copies is $6,624.40.

Mr. Speaker, I move the previous question on the Senate concurrent resolution.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF BOOKLETS ENTITLED, "THE SENATE CHAMBER, 1810–1859" AND "THE SUPREME COURT CHAMBER, 1810–1860"

Mr. HAWKINS. Mr. Speaker, by direction of the Committee on House Administration, I call up the Senate concurrent resolution (S. Con. Res. 123) authorizing the printing of additional copies of the booklets entitled "The Senate Chamber, 1810–1859" and "The Supreme Court Chamber, 1810–1860" and ask unanimous consent for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 123

Resolved by the Senate (the House of Representatives concurring), That there be printed for use of the Commission on Art and Antiquities of the United States Senate fifty thousand additional copies of the booklet entitled "The Senate Chamber, 1810–1859", and thirty thousand additional copies of the booklet entitled "The Supreme Court Chamber, 1810–1860".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF COLLECTION OF STATEMENTS MADE IN TRIBUTE TO THE LATE MAMIE DOUD EISENHOWER

Mr. HAWKINS. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 759) authorizing the printing of a collection of statements made in tribute to the late Mamie Doud Eisenhower, and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 759

Resolved, That there shall be printed as a House document a collection of the statements made in tribute to the late Mamie Doud Eisenhower and published in the CONGRESSIONAL RECORD. In addition to the usual number, there shall be printed for the use of the House such number of copies of the collection as does not exceed a cost of $1,200.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING AS HOUSE DOCUMENT OF REVISED EDITION OF "THE CAPITOL"

Mr. HAWKINS. Mr. Speaker, by direction of the Committee on House Administration, I call up the concurrent resolution (H. Con. Res. 413) to authorize the printing as a House document of a revised edition of "The Capitol", and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 413

Resolved by the House of Representatives (the Senate concurring), That there will be printed as a House document a revised edition of "The Capitol", to be published under the direction of the Committee on House Administration.

SEC. 2. In addition to the usual number of copies, there shall be printed five hundred and fifty thousand additional copies, of which four hundred and forty-two thousand copies shall be for the use of the House of Representatives, one hundred and three thousand copies shall be for the use of the Senate, and five thousand copies for the use of the Joint Committee on Printing.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

INCREASING AUTHORIZATION FOR COUNCIL ON WAGE AND PRICE STABILITY AND EXTENDING DURATION OF SUCH COUNCIL

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 2352) to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McKINNEY. Mr. Speaker, reserving the right to object, and I will not object, but I would just like the chairman to explain to the Members what we are doing here.

Mr. MOORHEAD of Pennsylvania. Will the gentleman yield?

Mr. McKINNEY. I will be delighted to yield.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, this is the bill to extend the life of the Council on Wage and Price Stability for 1 year. The most significant thing we are doing through this unanimous consent request is accepting a sunset of the 1969 Credit Control Act as of June 30, 1982. That will give the next Congress 18 months to consider whether to continue the present law, modify it, or let it expire in mid-1982. A sunset was contained in the Senate bill, but at the earlier date of July 1, 1981.

Otherwise, we are essentially accepting the Senate bill, which was similar to the House bill in most respects. The dollar authorization for the Council for fiscal year 1981 will be $9,770,000. Future chairmen of the Council will have to be confirmed by the Senate. Both bills contained a provision requiring establishment of a new productivity unit in COWPS, and this amendment blends those provisions. The amendment also accepts a Senate provision requiring that in any future price and wage standards, a more recent figure for economywide productivity be used in calculating the standards. Finally, we are accepting a Senate provision requiring the Council to make a report on the desirability of a tax-based incomes policy by January 15, 1981.

To repeat, the bill is a simple extension of the life of COWPS, and this is the most expeditious means of getting the bill cleared by both Houses and sent to the President.

□ 1430

● Mr. STANTON. Mr. Speaker, I rise in support of S. 2352, a bill to extend the Council on Wage and Price Stability until September 30, 1981. I believe that we have worked out a mutually acceptable compromise with the Senate which I urge all of my colleagues to support.

The bill before us, S. 2352, is a good piece of legislation for a number of reasons:

First, COWPS is reauthorized until September 30, 1981, at a funding level of $9,770,000 for fiscal year 1981. While this amount is higher than the $6,952,000 that the House approved last week when it adopted the motion by my good friend from California, JOHN ROUSSELOT, we can take great satisfaction in the fact that the amount we approve here today is only two-fifths of the administration's original request of roughly $25,000,000.

Because of our actions today, COWPS will operate essentially at its current level of 237 employees instead of at the administration's requested level of 637 employees. This is a significant victory for all of us who are concerned about the growth of the Federal bureaucracy.

Second, for the first time COWPS will be required to review proposals for reducing inflation through tax-based incomes policies. The Council also is required to increase its review of proposed and existing Federal regulations by 50 percent. In addition, the Director of COWPS is required to establish an office of productivity, the prime responsibility of which is to improve private-sector productivity in the United States. All of these changes are in our country's best interests.

Third, and I believe most important of all, is the provision to sunset the Credit Control Act on July 1, 1982. As my colleagues know, this sunset provision was adopted by the Senate on June 2, 1980. I am sure it is no secret that my good friend and the chairman of the Committee on Banking, Finance and Urban Affairs, HENRY REUSS, and I have been on opposite sides regarding the issue of credit controls since the act was passed in 1969. Although I am sure that we will continue to disagree on the necessity for such controls, we nevertheless have worked out a fair and decent compromise to sunset the Credit Control Act on July 1, 1982. This will give us a chance to have a proper hearing on the role of credit controls in our Nation's economy in the 97th Congress.

Mr. Speaker, I am sure that all of my colleagues will agree that each and every one of us has been impacted by the President's imposition of credit controls on March 14, 1980. I am afraid, however, that these burdensome controls have had no social benefits associated with them. Indeed, I believe that these sweeping credit controls have imposed significant social costs on our economy. A recent chamber of commerce study concludes that this in fact, is the case. The statistics that the chamber cites are staggering:

GNP loss, $23 billion.

Employment loss, 300,000 man-years.

Federal tax receipt loss, $7 billion.

New car sales loss (domestic), 500,000 units.

Loss in total consumption, $19 billion.

Loss in housing starts, 500,000 units.

In sum, Mr. Speaker, the chamber's report finds that the President's credit restraint program has had no demonstrable impact on inflation, while it has had a negative impact on our Nation's economic growth. Add to this assessment the recent statements of former Chairman of the Federal Reserve Board Arthur Burns as well as the statements of the present Chairman, Paul Volcker, on the problems of credit controls, and you will agree the sunset provision to the Credit Control Act is both wise and timely.

For these three important reasons, I urge all of my colleagues to support S. 2352, to extend the life of the Council on Wage and Price Stability and to sunset the Credit Control Act on July 1, 1982.●

Mr. McKINNEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following: "The Council shall be headed by a Chairperson who shall be appointed by the President, by and with the advice and consent of the Senate."

(b) The amendment made by subsection (a) shall apply to an individual appointed on or after the date of enactment of this Act to chair the Council on Wage and Price Stability.

SEC. 2. Section 3(c) of the Council on Wage and Price Stability Act is amended to read as follows:

"(c) The Council shall review proposals which have been made for reducing inflation through tax-based incomes policies and shall submit a report containing its findings, along with recommendations and legislative proposals for such policies, to the Congress not later than September 1, 1980. Such review shall include, but not be limited to, tax-based incomes policies designed to provide incentives for compliance with wage, price, or profit-margin guidelines that could be provided through changes in personal income taxes, corporate income taxes, investment tax credits, or depreciation allowances. The Council shall also review the impact on inflation that might result from supply side income tax reductions and include in the report required by this subsection its findings pursuant to such review.".

SEC. 3. Section 5 of the Council on Wage and Price Stability Act is amended by striking out "on a quarterly basis and not later than thirty days after the close of each calendar quarter" and inserting in lieu thereof "on an annual basis".

SEC. 4. Section 6 of the Council on Wage and Price Stability Act is amended by striking out—

"(1) $6,952,000 for the fiscal year ending September 30, 1979; and

"(2) $8,483,000 for the fiscal year ending September 30, 1980"

and inserting in lieu thereof

"(1) $9,473,000 for the fiscal year ending September 30, 1980; and

"(2) $9,770,000 for the fiscal year ending September 30, 1981".

SEC. 5. Section 7 of the Council on Wage and Price Stability Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

SEC. 6. Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(d) The Council shall not prescribe an annual average price increase guideline lower than the percentage obtained by substracting the average annual growth in nonfarm output per man-hour in the private sector since 1973, as measured by the Bureau of Labor Statistics and stated as a percentage, from the average annual wage increase permitted under the voluntary wage standard, stated as a percentage.".

SEC. 7. (a) Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(d) For the fiscal year ending September 30, 1981, the Council shall increase the number of positions which involve the review of proposed and existing Federal regulations by 50 per centum, over the number of positions allocated for such purpose for the fiscal year 1980. In conducting such review, the Council shall identify those regulations which have the greatest inflationary impact on the economy or on specific industry sectors, consistent with subsection (a)(8).".

(b) Section 5 of such Act is amended by adding at the end thereof the following: "The annual report shall also contain an evaluation of the inflationary impact reviews undertaken by the Council in the previous year pursuant to section 3(d), including a listing and description of all regulatory proceedings in which the Council participated, the Council's recommended action, the projected cost of each such regulation, the cumulative inflationary impact of such regulations and the final disposition of each such regulatory proceeding.".

SEC. 8. The Director shall establish an Office of Productivity which shall have as its prime responsibility improving private-sector productivity in the United States. Such office shall evaluate the impact of government regulations on productivity, shall inventory and evaluate Federal programs designed to improve productivity, and shall annually issue a report to Congress containing the results of such evaluations, steps appropriate to improve the effectiveness of such Federal programs, and recommendations of new Federal programs and policies to increase private-sector productivity growth.

SEC. 9. The Credit Control Act is amended by adding at the end thereof the following:

"SEC. 211. TERMINATION

"The authority conferred by this title expires at the close of July 1, 1981.".

SEC. 10. In the fiscal year beginning October 1, 1980, the aggregate amount of funds made available to the Senate shall not exceed 90 per centum of the aggregate amount of the funds made available for such purposes for the fiscal year beginning on October 1, 1979.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MOORHEAD OF PENNSYLVANIA

Mr. MOORHEAD of Pennsylvania.

Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Moorhead of Pennsylvania: Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) section (2)(b) of the Council on Wage and Price Stability Act (12 U.S.C. 1904 note) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Council shall be headed by a Chairperson who shall be appointed by the President, by and with the advice and consent of the Senate.".

(b) The amendments made by subsection (a) shall apply only to individuals who are appointed, on or after the date of the enactment of this Act, as Chairperson of the Council on Wage and Price Stability.

Sec. 2. Section 3(c) of the Council on Wage and Price Stability Act is amended to read as follows:

"(c) The Council shall review proposals which have been made for reducing inflation through tax-based incomes policies and shall submit a report containing its findings, along with recommendations and legislative proposals for such policies, to the Congress not later than January 15, 1981. Such review shall include, but not be limited to, tax-based incomes policies designed to provide incentives for compliance with wage, price, or profit-margin guidelines that could be provided through changes in personal income taxes, corporate income taxes, investment tax credits, or depreciation allowances. The Council shall also review the impact on inflation that might result from supply side income tax reductions and include in the report required by this subsection its findings pursuant to such review.".

Sec. 3. Section 5 of the Council on Wage and Price Stability Act is amended by striking out "on a quarterly basis and not later than thirty days after the close of each calendar quarter" and inserting in lieu thereof "on an annual basis".

Sec. 4. Section 6 of the Council on Wage and Price Stability Act is amended by striking out "not to exceed" and all that follows through the end thereof and inserting in lieu thereof "not to exceed $9,770,000 for the fiscal year ending September 30, 1981.".

Sec. 5. Section 7 of the Council on Wage and Price Stability Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

Sec. 6. Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(d) The Council shall not prescribe an annual average price increase guideline lower than the percentage obtained by subtracting the average annual growth in nonfarm output per man-hour in the private sector since 1973, as measured by the Bureau of Labor Statistics and stated as a percentage, from the average annual wage increase permitted under the voluntary wage standard, stated as a percentage.".

Sec. 7. (a) Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(e) For the fiscal year ending September 30, 1981, the Council shall increase the number of positions which involve the review of proposed and existing Federal regulations by 50 per centum, over the number of positions allocated for such purpose for the fiscal year 1980. In conducting such review, the Council shall identify those regulations which have the greatest inflationary impact on the economy or on specific industry sectors, consistent with subsection (a)(8).".

(b) Section 5 of such Act is amended by adding at the end thereof the following: "The annual report shall also contain an evaluation of the inflationary impact reviews undertaken by the Council in the previous year pursuant to section 3(e), including a listing and description of all regulatory proceedings in which the Council participated, the Council's recommended action, the projected cost of each such regulation, the cumulative inflationary impact of such regulations and the final disposition of each such regulatory proceeding.".

Sec. 8. Section 2 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following new subsection:

"(h) The Director shall establish an Office of Productivity which shall have as its prime responsibility improving private-sector productivity in the United States. Such office shall evaluate the impact of government regulations on productivity, shall inventory and evaluate Federal programs designed to improve productivity, and shall analyze the effects on United States productivity of the factors cited in section 3(a)(9) of this Act. The Office of Productivity shall annually issue a report to Congress containing the results of such evaluations, steps appropriate to improve the effectivenes of such Federal programs, and recommendations of new Federal program and policies to increase private-sector productivtiy growth.",

Sec. 9. The Credit Control Act is amended by adding at the end thereof the following:

"Sec. 211. Termination

"The authority conferred by this title expires at the close of June 30, 1982.".

Sec. 10. In the fiscal year beginning October 1, 1980, the aggregate amount of funds made available to the Senate shall not exceed 90 per centum of the aggregate amount of the funds made available for such purposes for the fiscal year beginning on October 1, 1979.

Mr. MOORHEAD of Pennsylvania (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. Moorhead).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXCHANGE OF LANDS IN KISATCHIE NATIONAL FOREST AND OLD CAMP LIVINGSTON, LA.

Mr. FOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 5326) to authorize the Secretary of Agriculture to convey certain Government-owned property in the Louisiana National Forest to the State of Louisiana in exchange for certain property at Camp Livingston, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. MOORE. Mr. Speaker, reserving the right to object, I do not intend to object, but I simply take this time to point out to the Members of the House that this bill has absolutely no opposition. It is firmly supported by the administrations of both the State and Federal Governments.

This is a bill that would simply allow certain noncontiguous property to be transferred by the State to the Department of Agriculture, property which it desires to have, and the Department would, in turn, transfer other property that it has to the State of Louisiana so that it may be able to use it for the training of the State National Guard.

So, Mr. Speaker, I simply take this time to point that out. The bill costs no money to the Federal Government, and all parties are in agreement with it.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, the gentleman from Louisiana (Mr. Moore) has, of course, stated the situation correctly. The bill, as far as we know, is without any objection. It provides that lands transferred to the State of Louisiana will be used for the training of the National Guard in Louisiana and shall revert to the United States if used for any other purpose. However, they are subject to existing easements and encumbrances of all kinds, and the bill provides that the State of Louisiana and the United States shall bear jointly the cost of the surveys involved here.

● Mr. JOHNSON of Colorado. Mr. Speaker, I rise in support of H.R. 5326, which authorizes the Secretary of Agriculture to convey certain Government-owned land in the Kisatchie National Forest in Louisiana in exchange for certain property at Old Camp Livingston, La.

At the present time, the Louisiana National Guard is using, by special use permit of the U.S. Forest Service, certain property in the Kisatchie National Forest. The State of Louisiana wishes to have the Federal Government convey this land for use by their National Guard in return for an exchange of State-owned land, referred to as Old Camp Livingston. If added to the Kisatchie National Forest, administration would be simplified by eliminating about 7.5 miles of National Forest property lines.

More specifically, the bill provides that the Secretary of Agriculture shall convey to the State of Louisiana all right, title, and interest of the United States in approximately 1,587.30 acres of land in the Louisiana National Forest. The conveyance is to be made subject to the following conditions:

First, the property is to be used for the training and support of the National Guard of Louisiana and, in the event it shall ever cease to be so used, the property shall revert back to the United States;

Second, the United States shall reserve all mineral rights, including a right to enter for purposes of reasonable exploitation thereof;

Third, the United States shall retain the right to use the property without compensation in the event of a Presidentially declared national emergency or upon a determination by the Secretary of Defense that the property is needed in the interest of national defense;

Fourth, the property shall remain subject to existing easements, servitudes, or rights-of-way; and

Fifth, in consideration for the conveyance, the State of Louisiana shall convey to the United States all right, title, and interest in approximately 1,584.41 acres of State-owned land at Old Camp Livingston, La.

The cost of the surveys incident to the conveyance of the properties would be shared equally by the United States and the State of Louisiana.

The exchange of these properties, of approximate equal size and value, would mutually benefit both the United States and the State of Louisiana, and I therefore urge that my colleagues support passage of this measure.●

Mr. MOORE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall convey to the State of Louisiana all right, title, and interest of the United States in and to approximately 1,587.30 acres of land which is in the Louisiana National Forest in the parishes of Grant and Rapides in Louisiana and more particularly described as: southwest quarter of section 1, township 5 north, range 1 east, containing 159.60 acres; southeast quarter of northwest quarter of section 1, township 5 north, range 1 east, containing 39.90 acres; a fractional part of west half of section 12, township 5 north, range 1 east, containing 273.92 acres; west half of southeast quarter of section 12, township 5 north, range 1 east, containing 79.44 acres; a fractional part of north half of section 13, township 5 north, range 1 east, containing 302.39 acres; southwest quarter of section 13, township 5 north, range 1 east, containing 159.07 acres; west half of southeast quarter of section 13, township 5 north, range 1 east, containing 79.49 acres; northeast quarter of southeast quarter of section 13, township 5 north, range 1 east, containing 39.73 acres; a fractional part of section 15, township 5 north, range 1 east, containing 171.76 acres; south half of southwest quarter of section 19, township 6 north, range 2 east, containing 80.64 acres; southwest quarter of southeast quarter of section 19, township 6 north, range 2 east, containing 40.24 acres; and north half of north half of section 30, township 6 north, range 2 east, containing 161.12 acres. All fractional parts referred to in this section shall be surveyed prior to conveyance.

SEC. 2. The conveyance referred to in the first section of this Act shall be made upon the following conditions:

(1) The conveyed property shall be used for the training and support of the National Guard of Louisiana and if it shall ever cease to be used for such purposes, all right, title, and interest in and to such property, and any improvements located thereon, shall revert to and become the property of the United States, which shall have immediate right of entry thereon.

(2) The United States shall reserve in itself all mineral rights with respect to the conveyed property, including oil and gas rights, as well as the right to enter the property for the purpose of the reasonable exploitation of such resources.

(3) The United States shall retain the right to enter and use the conveyed property, without payment of any compensation, in the event that the President declares a state of national emergency, or upon a determination by the Secretary of Defense that the property is needed in the interest of national defense.

(4) The conveyed property shall remain subject to all existing easements, servitudes, and rights-of-way.

(5) In consideration for such conveyance, the State of Louisiana shall convey to the United States all of its right, title, and interest in and to approximately 1,584.41 acres of land which is Camp Livingston in the parishes of Grant and Rapides in Louisiana and more particularly described as: west half of northeast quarter of section 2, township 5 north, range 1 east, containing 80.58 acres; a fractional part of west half of southeast quarter of section 2, township 5 north, range 1 east, containing 50.0 acres; southeast quarter of northwest quarter of section 2, township 5 north, range 1 east, less and except 3.60 acres; said tract to contain 36.63 acres; a fractional part of east half of southwest quarter of section 2, township 5 north, range 1 east, containing 71.17 acres; southwest quarter of section 3, township 5 north, range 1 east, containing 161.80 acres; south half of northeast quarter of section 4, township 5 north, range 1 east, containing 80.35 acres; north half of southeast quarter of section 4, township 5 north, range 1 east, containing 80.35 acres; east half of section 5, township 5 north, range 1 east, containing 321.20 acres; east half of west half of section 5, township 5 north, range 1 east, containing 160.60 acres; northwest quarter of northwest quarter of section 5, township 5 north, range 1 east, containing 40.15 acres; northeast quarter of section 8, township 5 north, range 1 east, containing 160.0 acres; northeast quarter of southeast quarter of section 8, township 5 north, range 1 east, containing 40.0 acres; a fractional part of east half of northwest quarter of section 11, township 5 north, range 1 east, containing 61.76 acres; a fractional part of east half of southwest quarter of section 11, township 5 north, range 1 east, containing 83.48 acres; a fractional part of section 15 lying northwest of Beaver Creek containing 36 acres; south half of southwest quarter of section 35, township 6 north, range 1 east, containing 80.23 acres; and southwest quarter of southeast quarter of section 35, township 6 north, range 1 east, containing 40.11 acres. All fractional parts referred to in this paragraph shall be surveyed prior to conveyance.

SEC. 3. The cost of any necessary surveys incident to the conveyances described in the first section and in paragraph (5) of section 2 of this Act shall be shared equally by the United States and the State of Louisiana.

SEC. 4. The Secretary is authorized to accept the property described in paragraph (5) of section 2 of this Act on behalf of the United States, subject to all existing easements, servitudes, and rights-of-way. Such property shall be designated as national forest land and administered by the Secretary accordingly.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 1, line 7, strike out "Louisiana" and insert in lieu thereof "Kisatchie".

Page 4, line 8, strike out "which is in" and insert in lieu thereof "essentially equal in value to the Federal land described in section 1 of this Act, said land being located in old".

Mr. FOLEY (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of Agriculture to convey certain Government-owned property in the Kisatchie National Forest to the State of Louisiana in exchange for certain property at old Camp Livingston, La.".

A motion to reconsider was laid on the table.

PROVIDING GRANTS TO STATES TO ASSIST COLLEGES ELIGIBLE TO RECEIVE FUNDS UNDER THE ACT OF AUGUST 30, 1890

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7557) to provide grants to States for the purpose of assisting the colleges eligible to receive funds under the act of August 30, 1890, including Tuskegee Institute, in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for food and agricultural research.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WAMPLER. Mr. Speaker, reserving the right to object, I do not intend to object, but under this reservation I would ask the distinguished gentleman from Texas (Mr. DE LA GARZA) if he would kindly explain to the House the purposes of H.R. 7557.

Mr. DE LA GARZA. Mr. Speaker, will my distinguished colleague yield?

Mr. WAMPLER. I yield to my distinguished colleague, the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 7557 to provide grants to States for the purpose of assisting the colleges eligible to receive funds under the act of August 30, 1890, including Tuskegee Institute, in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for food and agricultural research, as amended.

Mr. Speaker, my bill as amended would: First, authorize the appropriation of $10 million per year from fiscal years 1981 through 1985 without a requirement for State matching funds; and second, make the grant funds payable directly to the 1890 colleges. In addition, prior to the award of any such grants made under this act, the Secretary of Agriculture shall forward to the Congress a detailed report containing the research facility needs assessments and the justification for the determination made as to amounts, terms, and conditions of such proposed award of grants.

The administration recommended these changes with the concurrence of the Office of Management and Budget in accord with the program of the President.

Mr. Speaker, my bill is the result of the efforts of many people working together to provide assistance to institutions who have, for too long, been among this great Nation's forgotten few. The moneys called for under this bill have not been pulled out of a hat, but rather, the funding level has been very carefully developed by discussions with the 1890 Research Directors Association and all members at the highest level of the 1890 colleges. I firmly believe that this legislation comprises an honest appraisal of their bottom-line needs.

I have visited some of the institutions. Believe me when I tell you that the need is blatantly apparent when one visits these institutions. Currently, the research capability of these institutions is not comparable to that of the 1862 institutions. The 1890 institutions have received limited State construction funds for research facilities. Furthermore, they were not able to participate in the modest Federal facilities program provided in the late 1960's and early 1970's for the 1862 institutions under the Research Facilities Act of 1963.

The 1890 institutions have had to conduct very limited agricultural research programs which have been developed by making do under unfavorable circumstances. They have been unable either to develop research programs that could provide expertise to complement and enhance their instruction and extension program needs or to participate on an equal basis with 1862 institutions.

By way of background Mr. Speaker, the Civil War—from April 1861 to 1865—was the single most important factor leading to the creation of conditions favorable to the establishment, growth, and development of educational institutions for the black in the Southern States. The end of the war marked the close of a 244-year era—from 1619 to 1863—during which the black was held in slavery—an era in which it was considered a criminal offense to instruct the black in any but the most rudimentary of domestic skills.

In 1862 the U.S. Congress passed the first Morrill Act, which provided for the establishment of a land grant institution in each State to educate citizens in the fields of agriculture, home economics, the mechanical arts, and other useful professions. In the South, under the premise of legal separation of the races, the Negro was not permitted to attend the institutions first established under the Morrill Act of 1862.

Although the law did provide for separate but equal facilities, only Mississippi and Kentucky established institutions for Negroes under the first Morrill Act, and only Alcorn University was designated as land grant.

Even with the enactment of the Morrill Act of 1862 the Federal Government was unable to gain cooperation from the Southern States in the provision of land grant support to Negro institutions. To overcome this problem a second Morrill Act was passed in 1890 specifically to support the Negro land grant institutions.

Thus, the Negro land grant institutions are referred to today as the 1890 land grant institutions. Those Southern States which did not have Negro institutions by 1890 each established one later under this act.

Tuskegee Institute was created by an act of the Alabama Legislature. However, 12 years later the State established and incorporated a board of trustees and named the school private. Therefore, it is not a land grant college in spite of the fact that it was granted 25,000 acres of land by the U.S. Congress in 1899. Mr. Speaker, I urge my colleagues to support this legislation.

Mr. WAMPLER. Mr. Speaker, further reserving the right to object, I concur in the remarks made by our distinguished colleague, the gentleman from Texas (Mr. DE LA GARZA), and I urge my colleagues to support the bill now under consideration. This bill, H.R. 7557, will provide $50 million in Federal grant funds for the construction of facilities and the purchase of equipment to be used by our 1890 land grant colleges and Tuskegee Institute to improve their agricultural research capabilities.

To those Members of the House who desire to be reminded of the meaning of the term "1890 land grant colleges," these institutions, 16 in all, were established by Congress with the passage of the second Morrill Act of 1890. That act was designed to give black students, primarily from the South, equal but separate educational facilities to those which white students were receiving at State land-grant colleges established under the first Morrill Act of 1862. Tuskegee Institute, also a black college, located in Alabama, was not originally a land grant institution, but eventually was given a dual status and is now recognized legally with the 1890 institutions.

Unfortunately, these institutions have never received the kind of programmatic support available to the 1862 institutions and thus have lacked the equipment and facilities that would enable them to have an adequate competitive research capability in the areas of food and agriculture.

Title XIV, Public Law 95–113, the National Agricultural Research, Extension and Teaching Policy Act of 1977, first acted upon by this House in 1976, was originally conceived as a measure to upgrade Federal and State agricultural research, extension, and teaching capabilities to enable our country to meet the future food, fiber, and forest product needs of our people and an exploding world population. High on the list for expansion under this proposal was the need for new and improved research facilities and equipment at all our land grant institutions.

It became evident from the outset of the study required by section 1462 of title XIV, Public Law 95–113, that the research facilities at 1890 institutions were far behind those at the 1862 land grant institutions, both as to quantity and quality. It was, therefore, necessary to develop a separate study of needs to determine how much funding would be required to bring the 1890 institutions up to the level with the facilities existing at the 1862 institutions. The 1890 study was completed late last year and the funding in this bill reflects the need of the 1890's just to catch up to a position which would permit these minority colleges full participation in well-coordinated agricultural research in their States and regions.

The original bill was modified in the subcommittee at my suggestion to require the Secretary to give a detailed report to the House Committee on Agriculture and to the comparable committee of the Senate containing the research facility needs assessments and the justifications for the determination of awards to be made as to amounts, terms and conditions of such proposed award of grants 60 days prior to any such award authorized by this act.

I urge the adoption of this bill as now written.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection of the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the intent of the Congress to assist, on a matching basis, the States having institutions eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including Tuskegee Institute, in providing for the acquisition and improvement of research facilities and equipment for these institutions so that they may participate fully with the State agricultural experiment stations in a balanced attack on the research needs of the people of their States.

SEC. 2. As used in this Act—

(a) the term "eligible institution" means institutions eligible to receive funds under the Act of August 30, 1890 (25 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including Tuskegee Institute, commonly known as 1890 land-grant colleges; and

(b) the term "States" means those States in which eligible institutions are located.

SEC. 3. There are hereby authorized to be appropriated to the Secretary of Agriculture for the purpose of carrying out the provisions of this Act $5,000,000 for each of the fiscal years 1981 through 1985, such sums to remain available until expended.

SEC. 4. Four per centum of the sums appropriated pursuant to this Act shall be available to the Secretary for administration of this grants program. The remaining funds shall be available for grants to the States for the purpose of assisting eligible institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen the capacity of the institutions to conduct food and agricultural research.

SEC. 5. Grants awarded pursuant to this Act shall be made in such amounts and under such terms and conditions as the Secretary shall determine necessary for carrying out the purposes of this Act: *Provided,* That each grant awarded under this Act shall require that the Federal contribution be matched by an equivalent amount of State funds for purposes of carrying out the grant agreement.

Sec. 6. Federal funds provided under this Act may not be utilized for the payment of any overhead costs of the eligible institutions.

Sec. 7. It shall be the duty and responsibility of the Secretary of Agriculture to administer the provisions of this Act under such rules and regulations as he may prescribe as necessary therefor.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike all after the enacting clause and insert in lieu thereof the following:

That it is hereby declared to be the intent of the Congress to assist the institutions eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including Tuskegee Institute, in the acquisition and improvement of research facilities and equipment so that these institution may participate fully with the State agricultural experiment stations in a balanced attack on the research needs of the people of their States.

Sec. 2. As used in this Act the term "eligible institutions" means institutions eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417–419, as amended; 7 U.S.C. 321–326 and 328), including Tuskegee Institute, commonly known as 1890 land-grant colleges.

Sec. 3. There are hereby authorized to be appropriated to the Secretary of Agriculture for the purpose of carrying out the provisions of this Act $10,000,000 for each of the fiscal years 1981 through 1985, such sums to remain available until expended.

Sec. 4. Four per centum of the sums appropriated pursuant to this Act shall be available to the Secretary for administration of this grants program. The remaining funds shall be available for grants to the eligible institutions for the purpose of assisting them in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity to conduct research in the food and agricultural sciences.

Sec. 5. Grants awarded pursuant to this Act shall be made in such amounts and under such terms and conditions as the Secretary shall determine necessary for carrying out the purposes of this Act: *Provided*, That sixty days prior to the award of any such grants made under this Act, the Secretary shall forward to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate a detailed report containing the research facility needs assessments and the justification for the determinations made as to amounts, terms, and conditions of such proposed award of grants.

Sec. 6. Federal funds provided under this Act may not be utilized for the payment of any overhead costs of the eligible institutions.

Sec. 7. The Secretary is authorized to promulgate such rules and regulations as the Secretary may deem necessary to carry out the provisions of this Act.

The committee amendment was agreed to.

● Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of H.R. 7557, legislation authorizing $10 million a year to assist predominantly black land-grant colleges in upgrading their facilities and equipment for agricultural research for each of the 5 fiscal years beginning with 1981.

H.R. 7557 authorizes $50 million in Federal grant funds to these institutions to be used for the construction of agricultural research facilities and to strengthen their capacity for food and agricultural research. It is a viable response to the serious problem being faced by these colleges.

By way of sharing with my colleagues background information, I would like to briefly discuss the colleges affected by this legislation which are referred to as 1890 institutions.

The 1890 institutions were created as a result of the enactment of the Second Morrill Act of 1891 which specifically called for the establishment of Negro land grant institutions; thus, paralleling the intent of the First Morrill Act of 1862 which provided for the establishment of a land grant institution in each State to educate citizens in the fields of agriculture, home economics, the mechanical arts, and other useful professions. In the South, under the premise of legal separation of the races, Negroes were not permitted to attend the institutions first established under the Morrill Act of 1862. Although the law did provide for separate but equal facilities, only Mississippi and Kentucky established institutions for Negroes under the First Morrill Act, and only Alcorn University was designated as land grant. Even with the enactment of the Morrill Act of 1862 the Federal Government was unable to gain cooperation from the Southern States in the provision of land grant support to those Negro institutions. Consequently, the Negro land grant institutions are referred to today, as the 1890 institutions. Tuskegee Institute was created by an act of the Alabama Legislature. However, 12 years later the State established and incorporated a board of trustees and named the school private. So, it is not a land grant college in spite of the fact that it was granted 25,000 acres of land by the U.S. Congress in 1899.

While these institutions have been established, State governments have notoriously not provided funds for them to conduct agricultural research. This lack of sufficient research facilities has forced the institutions to use space provided for resident instruction and other campus programs to accommodate the staff required for research supported by funds available under the 1977 farm bill, Public Law 95–113.

This lack of facilities has forced these institutions into very limited agricultural research programs, which have been developed by "making do."

Coincidently, yesterday marked the first black college day march, where students from all over the United States came together to voice their concern that the Federal Government was going to earmark less moneys for black colleges at a time when too many of the colleges need more money to survive. Many of the students who attend black colleges feel that, "the system" is trying to merge black State colleges into the statewide university system without regard for their unique service to the community. The students feel as I do that this is not the time to dismantle black-administered colleges.

Tony Brown, the TV host of "Tony Brown's Journal" and organizer of black college day was quoted in today's Washington Post as saying:

> Without black colleges and universities, the nation would lose more than 50 percent of its black college graduates. About 30 percent of all black students go to black colleges and universities, yet they graduate more than 50 percent of the country's black college graduates. Seven out of 10 blacks who go to predominant white colleges don't graduate.

Accordingly, I call upon all of my colleagues to vote for the passage of this very crucial and long-overdue legislation and to defeat any attempts to deny the 17 land grant colleges pure survival money.●

● Mr. FOLEY. Mr. Speaker, I rise in support of H.R. 7557.

H.R. 7557, as amended, would provide $10 million for each of fiscal years 1981 through 1985 to assist the 1890 land-grant colleges, including Tuskegee Institute, in the acquisition and improvement of research facilities and equipment so that they may participate fully with State experiment stations in meeting research needs of the State.

The 1890 land-grant colleges are black State colleges which are located primarily in the Southern States and, apart from Tuskegee Institute, include 16 colleges which are eligible to receive funds under the Second Morrill Act of 1890. These institutions have never received the kind of programmatic support available to the land-grant institutions established in 1862 under the First Morrill Act and have thus lacked the equipment and the facilities that would enable them to have an adequate research capability in the areas of food and agriculture.

The lack of facilities has forced these institutions into limited agricultural research programs, which have been developed by "making do" under unfavorable circumstances. For example, in some institutions, scientists are conducting research in classrooms during the hours that those rooms are not used for student instruction.

The funding authorized by the bill is based on survey information made of the needs of the 1890 colleges for "catch-up" funds that would provide them with research capability denied them because of inadequate funding in the past. The funds authorized by H.R. 7557 will finance construction only of their bottom line needs. Enactment of H.R. 7557 will enable the black 1890 land-grant colleges to participate with the other land-grant institutions in a balanced attack on the agricultural research problems of the people in their States.

To assure that there will be an equitable distribution of funds that provide a recognition of the needs of all 1890 land-grant colleges and Tuskegee Institute, H.R. 7557 provides that prior to the awarding of any grants under the bill, the Secretary must forward to the Congress a detailed report containing the research facilities needs assessments and justification for determinations made as to amounts, terms, and conditions of the planned award of grants.

I wish to commend Mr. de la Garza, vice chairman of the committee, and chairman of the subcommittee that considered the bill for his yeoman work on this bill. I wish also to recognize and thank Mr. WAMPLER, ranking minority member of the committee, for his efforts in bringing this measure to the floor. We owe much to both these Members.

This bill was adopted by a roll call vote of 38 to 1. It has the support of the administration and widespread support outside the committee. I urge the Members to join me in voting for the bill.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide grants to the institutions eligible to receive funds under the Act of August 30, 1890, including Tuskegee Institute, for the purpose of assisting these institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for research in the food and agricultural sciences.".

A motion to reconsider was laid on the table.

ANIMAL CANCER RESEARCH ACT

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2043) to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WAMPLER. Mr. Speaker, reserving the right to object, I shall not object, but I take this opportunity to ask the distinguished gentleman from Texas (Mr. DE LA GARZA) if he would kindly explain to our colleagues the purpose of this legislation, and I yield to the gentleman for that purpose.

Mr. DE LA GARZA. Mr. Speaker, I appreciate the gentleman's yielding.

Mr. Speaker, I rise in support of S. 2043 to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife, as amended.

Mr. Speaker, S. 2043 provides for the Secretary of Agriculture to conduct a program of basic research on cancer in animals and birds at appropriate facilities of the Department of Agriculture or by grants to other qualified research facilities. Further, the bill requires consultation and coordination of animal cancer research between the Department of Agriculture and the National Institutes of Health, authorizes the appropriation of $22 million each year beginning with fiscal year 1981 and ending with fiscal year 1985 and limits funds which may be obligated for research at facilities of the Department of Agriculture to 30 percent of the funds appropriated in any fiscal year.

Cancer in animals and birds is a serious problem. Tumerous conditions result in losses of millions of pounds of federally inspected meat and poultry because of condemnation at time of slaughter. Economic losses also result from import prohibition of U.S. purebred cattle into foreign countries due to the presence of bovine leukemia virus infection. This virus disease alone infects 30 percent of the dairy cattle in the United States, and is also widespread in the beef cattle population.

Marek's disease of poultry, a leukemia-like malignancy, has long plagued the poultry industry resulting in losses of $200 million annually. Research discovered the disease to be caused by a virus. This discovery led to development of a vaccine which reduced the animal loss to $30 million.

Mr. Speaker, the primary basis for this legislation is to develop better methods for diagnosis and prevention of cancer in food producing animals to limit economic losses due to malignancies. However, the exploration of common factors in malignancies will not only benefit the animal industry, but by using animals as models, would enable great steps to be taken in finding a cure for human cancer.

Mr. WAMPLER. Mr. Speaker, further reserving the right to object, I rise in support of this legislation, the Animal Cancer Research Act. This bill would authorize the appropriation of $25 million for fiscal year 1982 and $25 million annually thereafter through fiscal year 1986 for the conduct of basic research on cancer in animals and birds.

This legislation as originally passed by the House Agriculture Committee authorized the appropriation of $25 million for fiscal year 1981 and $25 million annually thereafter through fiscal year 1985. However, the House Budget Committee raised objections because this would exceed the budget limitations for fiscal year 1981 as set forth in the House budget resolution. Therefore, the decision was made to amend the legislation and make it effective commencing fiscal year 1982.

The research would be carried on at facilities of USDA or by grants to other qualified veterinary research facilities. One feature of this legislation provides that not more than 30 per centum of any amounts appropriated in any fiscal year may be obligated for research at facilities of the Department of Agriculture.

Another feature provides for consultation and coordination of animal cancer research between USDA and the National Institutes of Health, thus providing even greater benefits to be derived from research on animal cancer diseases in the battle to control human cancer diseases.

All should recognize the tremendous effort by the National Cancer Institute, backed by some $1 billion budgeted in fiscal year 1980, to research the problem of cancer in human beings. One of the witnesses at our hearings testified as to the interface between human cancer research and animal cancer research, and supports this very modest effort to provide additional funding for animal cancer research.

Let me reassure any Member who may have reservations that this legislation might duplicate or overlap the very fine efforts of the National Cancer Institute or the American Cancer Society. Section 4, which requires the coordination—of which I spoke earlier—between the Secretary of Agriculture and the Director of the National Institutes of Health, would allay these concerns. A witness testifying in support of S. 2043 stated that we are filling a void, that we are covering aspects of research that cannot be covered by the National Cancer Institute or by the American Cancer Society.

This legislation has a two-pronged attack. Not only will it result in economic benefit to the livestock and poultry sector of agriculture, but also the research should be beneficial in identifying any common factors in human and animal malignant tumors.

We had an outstanding breakthrough in poultry cancer control in the early 1970's when a vaccine to control Marek's disease was developed, and losses formerly at $200 million have now been reduced to about $30 million per annum. I am convinced that additional breakthroughs are possible and that present efforts should be strengthened.

In considering the impact of this legislation, I was particularly interested in assuring that schools of veterinary medicine would qualify for participation in this program. It is my observation that these schools have a wealth of expertise, information, and facilities that could be utilized in this type of research. I was assured that such schools do qualify, that in fact USDA considers the veterinarians to be outstanding researchers, and that should this legislation become law, USDA intends to capitalize on their capabilities.

Mr. Speaker, I consider this legislation to be very necessary in our continuing fight against cancer, both human and animal, and I urge my colleagues to support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2043

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may be cited as the "Animal Cancer Research Act."

SEC. 2. Congress finds that—

(a) basic research on malignant tumors or cancers is essential to protect the health of domestic animals, poultry, and wildlife, including birds;

(b) carcinogenic agents have not been adequately identified in domestic animals, poultry, and wildlife management;

(c) basic research in diagnosis, prevention, and control of malignant tumors in animals and birds has not been adequately coordinated;

(d) significant theories of a common factor in malignant tumors, such as chorionic gonadotropin, have not been pursued in depth;

(e) research on diagnosis, prevention, and control of cancer in animals and birds will be beneficial in identifying any common factors in human and animal malignant tumors, if such exist; and

(f) it is imperative for the Department

of Agriculture and the National Institutes of Health to coordinate and consult with regard to the research authorized under this Act to achieve the maximum benefits from such research.

SEC. 3. The Secretary of Agriculture shall conduct a program of basic research on cancer in animals and birds at appropriate facilities within the Department of Agriculture or by grants to other qualified research facilities.

SEC. 4. The Secretary of Agriculture and the Director of the National Institutes of Health shall annually review the research program conducted under this Act in order to coordinate the program with the National Cancer Institute research program.

SEC. 5. There are hereby authorized to be appropriated $25,000,000 for fiscal year 1981, and $25,000,000 annually thereafter to carry out the program under this Act.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike lines 8 through 10 and insert:

SEC. 5. (a) There are hereby authorized to be appropriated to administer the program under this Act $25,000,000 for fiscal year 1982, and $25,000,000 annually thereafter through the end of fiscal year 1986.

(b) Not more than 30 per centum of any of the amounts appropriated under this section in any fiscal year may be obligated for research under section 3 at facilities of the Department of Agriculture.

AMENDMENT OFFERED BY MR. DE LA GARZA TO THE COMMITTEE AMENDMENT

Mr. DE LA GARZA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA to the Committee amendment: Page 3, line 13, strike "1981" and insert "1982".

Page 3, line 14, strike "1985" and insert "1986".

Mr. DE LA GARZA. Mr. Speaker, this is an amendment that would satisfy the objections of the Budget Committee. What it does is it passes the legislation and makes it available for operation in fiscal year 1982.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. DE LA GARZA) to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

● Mr. FOLEY. Mr. Speaker, I rise in support of S. 2043, the Animal Cancer Research Act, as amended. This is an important piece of legislation for animal and human cancer research alike, and deserves the support of all Members.

This act, as more fully explained by Mr. DE LA GARZA, vice chairman of the Agriculture Committee, and chairman of the Subcommittee on Department Investigations, Oversight, and Research, provides for funds to be expended on vital cancer research on domestic animals, birds, and wildlife. This research is necessary to improve diagnosis, prevention, and control of malignant tumors in these animals.

Tumorous conditions result in losses of millions of pounds of federally inspected meat and poultry because of condemnation at time of slaughter. There are substantial but unmeasured losses due to reduced productivity and deaths occurring from malignancies in animals on the farm. Economic losses also result from import prohibitions of U.S. purebred cattle into foreign countries due to the presence of bovine leukemia virus infection. This virus disease alone infects 30 percent of the dairy cattle population in the United States, and is widespread in the beef cattle population.

Similarly, Marek's disease, a leukemia-like malignancy, has plagued the poultry industry. There were losses of $200 million annually until a vaccine was developed which reduced those yearly losses to $30 million. This discovery is only a single step in the vast area of animal cancer and further work of this caliber is necessary.

This act will supplement existing research programs now being conducted on animal cancer with the support of other agencies such as the National Cancer Institute. Such existing programs include the unique and promising work underway on immunotherapy and immunoprophylaxis of "cancer eye" in large animals at Utah State University. The results of that program show a 30-percent cure rate and 40 percent long-term arrest rate of cancer of the eye. It is expected that continued support will be provided to these efforts, so that together with the resources that would be provided by S. 2043 there may be major reductions in losses resulting from animal cancer and new milestones developed in the continuing bout with human cancer.

Under this act, research would also be conducted on significant theories of a common factor in malignant tumors, such as chorionic gonadotropin. The exploration of common factors in malignancies will not only benefit the animal industry; but by using animals as models, particularly nonlaboratory animals, great steps can be taken in finding a cure for human cancer.

These steps cannot be realized without research like that called for in the Animal Cancer Act, and should be undertaken without delay.

The bill before the Members today includes an amendment that was added after it was reported by the House Committee on Agriculture. The amendment is at the request of the Budget Committee and moves forward the spending authority 1 year so that the authorization for appropriations would begin with fiscal year 1982 and extend 5 years through fiscal year 1986. This is to avoid a problem under the Budget Act since the bill was reported after May 15 of this year.

I urge all Members to support S. 2043, as amended.●

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1440

SWINE HEALTH PROTECTION ACT

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6593) to regulate the feeding of garbage to swine.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WAMPLER. Mr. Speaker, reserving the right to object, I shall not object, but I yield to my distinguished colleague, the gentleman from Texas (Mr. DE LA GARZA), for the purpose of explaining H.R. 6593 to the House.

Mr. DE LA GARZA. Mr. Speaker, this is a bill introduced by our distinguished colleague, the gentleman from Illinois (Mr. FINDLEY), which in effect tries to have a uniform practice of treatment of food to hogs.

Mr. Speaker, I rise in support of H.R. 6593 to regulate the feeding of garbage to swine, as amended. H.R. 6593 would—

First. Prohibit the feeding of garbage to swine unless the garbage is treated to kill disease organisms at a facility holding a valid permit issued by the Secretary of Agriculture or the appropriate State official in a State which has entered into a cooperative agreement or has primary enforcement responsibility.

Second. Require a facility that treats garbage to be fed to swine to meet such requirements as the Secretary shall prescribe to prevent the spread of communicable diseases of animals or poultry.

Third. Define garbage as all waste material derived in whole or in part from meats or other animal—including fish and poultry—material and other refuse that has been associated with any such material, except garbage resulting from ordinary household operations which is fed directly to swine on the same premises where the household is located.

Fourth. Authorize the Secretary to impose certain administrative sanctions for violations of the act or regulations and authorize criminal penalties for willful violations.

Fifth. Authorize the Secretary to enter into cooperative agreements with State agencies and to provide that such agencies may assist the Secretary in the administration and an enforcement of the act.

Mr. Speaker, H.R. 6593 is designed to protect the Nation's $7 billion hog industry from the potentially devastating effects of an invasion of African swine fever. This disease kills almost all of the hogs that become infected and no effective vaccine has been developed to combat the disease and no treatment is known. Slaughter of exposed swine is the only eradication technique. Fortunately, African swine fever does not affect animals other than swine, nor does it affect human beings.

In June 1978 the U.S. Department of Agriculture announced that the disease had entered the Western Hemisphere and was present in Brazil, the Dominican Republic, Haiti, and Cuba. The proximity of African swine fever to the shores of the United States, within easy boat and airplane range has made this dreaded disease a potential invader of our shores.

Mr. Speaker, I urge my colleagues to support H.R. 6593.

Mr. WAMPLER. I thank the gentleman.

Mr. GRASSLEY. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. Further reserving the right to object, Mr. Speaker, I yield to my distinguished colleague, the gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Speaker, I rise in support of the Swine Health Protection Act, H.R. 6593, because I believe it embodies a sound approach to preventing a potentially devastating epidemic of African swine fever.

As you know, I represent the State of Iowa, a State that has within its borders twice as many hog producers as any other—50,000 of the 250,000 pork producers in the Nation that produce 22 million of our 70 million hogs. I speak not only for the pork producers in this area, but for those all across the country.

African swine fever is one of the deadliest known hog diseases for which there is no cure. Although it is not communicable to other animals or humans, this dread disease poses a very real threat to our $8.4 billion industry. No effective vaccine has been developed to protect swine against the disease. The only known way to eradicate the disease once it is established is the slaughter of infected and exposed animals.

Outbreaks, therefore, would cause a severe economic crisis for swine producers and the pork industry through hogs killed by the disease or eradication procedures. Widespread outbreaks would result in shortages of pork products, causing higher consumer food prices.

African swine fever is spread primarily through infected pork scraps in raw or improperly cooked garbage fed to swine. A closely regulated and monitored garbage feeding industry is the only way to continue to utilize these waste products, and at the same time prevent an outbreak of dangerous and uncontrollable diseases. Strong, effective new regulatory actions are essential.

H.R. 6593 would go to the heart of the problem. Under the Swine Health Protection Act, garbage could be fed to hogs—in States where feeding is legal—only if the garbage is first treated in accordance with USDA regulations to kill disease organisms. In States which currently prohibit garbage feeding the ban would remain in effect. This proposed legislation provides for enforcement through a cooperative system of State and Federal agreements.

Especially considering recent outbreaks of African swine fever now detected in the Dominican Republic and Cuba and the recent movement of Cuban refugees to the United States, quick preventitive action is needed. The seriousness of the situation—with the disease prevalent in areas so close to our shores—must be recognized by my colleagues today.

It is my hope that this important legislation can be enacted as expeditiously as possible so that America's swine producers, the pork industry, and consumers can be protected from any possible invasion of this dread swine fever.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. Further reserving the right to object, Mr. Speaker, I yield to the distinguished gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, the Swine Health Protection Act (H.R. 6593) is designed to protect the Nation's multibillion-dollar pork industry from the potentially devastating effects of an invasion of African swine fever now present in Cuba, Haiti, and the Dominican Republic.

African swine fever is one of the deadliest foreign diseases of hogs. The acute form of the disease kills almost all of the hogs that become infected. No effective vaccine has been developed to combat the disease and no treatment is known. Slaughter of exposed swine is the only eradication technique. Therefore, outbreaks of the disease cause widespread death losses in swine from the disease itself and from the slaughter of exposed animals which is required for eradication of the disease.

Fortunately, African swine fever does not affect animals other than swine, nor does it affect human beings.

The proximity of African swine fever to the shores of the United States, within easy boat and airplane range, has caused American hog producers, farm organizations, and State and Federal animal health and agricultural officials to become alarmed over the threat of invasion of the disease.

If the United States were to experience an outbreak of this disease in our highly susceptible swine population, the economic effects on the Nation's multibillion-dollar swine industry would be devastating. There would also be a drastic reduction in the availability of pork products for human consumption. Similar problems would occur if there is a new outbreak of hog cholera or other exotic animal diseases.

An official of the U.S. Department of Agriculture testified that it is an established fact that infectious and communicable swine diseases can be spread readily and rapidly if the swine are fed garbage that is either raw or not properly treated to kill disease organisms, such as those causing African swine fever, hog cholera, vesicular exanthema, and others. The African swine fever virus, for example, survives in undercooked pork from infected hogs for long periods of time. Unless heated to a temperature high enough to kill the virus, the pork remains infectious. Thus, garbage is a vital link in the transmission of the disease.

There are numerous examples of dangerous communicable diseases of swine being transmitted through the feeding of improperlly treated garbage. Since 1962, the Department of Agriculture, in cooperation with the States, has conducted a nationwide program to eradicate hog cholera. The last outbreak of this disease occurred in 1976.

During this period, up to 30 percent of the outbreaks diagnosed were attributable to the feeding of raw or improperly cooked garbage. Also, until 1953 swine vesicular exanthema was restricted to the State of California. In that year, the disease was spread to swine in Wyoming through garbage dumped from a transcontinental train. Before the disease was detected some of those hogs were sent to Nebraska for slaughter, with the result that the disease spread to over 40 States before it was eradicated in 1959.

As part of its hog cholera program, the Department of Agriculture imposes restrictions on the interstate movement of swine fed raw garbage as well as pork derived from such swine.

Essentially, these restrictions are; first, swine fed any raw garbage may be shipped in interstate commerce only for immediate slaughter and special processing; and second, products from swine fed raw garbage must be specially processed prior to interstate shipment.

However, in the area of regulating the processing or treatment of garbage fed to swine, we presently rely on the laws and regulations of each State to require proper treatment for killing disease organisms. Presently, 15 States prohibit the feeding of garbage to swine. These are Alabama, Delaware, Georgia, Idaho, Illinois, Iowa, Louisiana, Maryland, Mississippi, New York, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin. The remaining States require the treatment of garbage fed to swine, but the enforcement varies from very strict to only minimal. Since the virus of African swine fever could easily be carried into the United States in pork products from countries with active infections and transmitted through the feeding of raw or improperly treated garbage, without strong, effective regulation of swine garbage-feeding activities the swine population of the United States is continually at risk of exposure to African swine fever virus.

It is necessary to provide additional authority to extend and strengthen substantially the current efforts to keep African swine fever from gaining a foothold in this country. Thus, the Swine Health Protection Act authorizes a cooperative effort by the States and the Federal Government to establish and enforce a uniform system for the treatment and feeding of garbage fed to swine, with appropriate civil and criminal sanctions for violations.

The legislation recognizes that a number of States do have rigorous programs regulating the treatment of garbage to be fed to swine and it would allow these programs to continue unimpeded. It provides that States which have laws and regulations relating to garbage feeding which meet the minimum standards of the Federal law will have primary enforcement responsibility for violations of those laws. During the time a State has primary enforcement responsibility, the Secretary would not enforce the Federal law or regulations in that State. If a State were not effectively enforcing its laws and regulations, only then would the Secretary have responsibility for enforcement and then only after giving a State 90 days in which to correct its inadequacies.

To assure input from persons, organizations, and agencies which would be affected by the legislation, the act requires the Secretary of Agriculture to appoint an advisory committee consisting of representatives of State agricultural or State animal health agencies, animal health organizations, swine producer organizations, and the food waste feeder industry to consult with the Secretary on matters within the scope of the act.

H.R. 6593 is supported actively by the National Pork Producers Council and all 35 of its State pork producer associations, the American Farm Bureau Federation, the National Grange, the National Cattlemen's Association, the American Veterinary Medical Association, and the American Association of Swine Practitioners. The bill, cosponsored by 43 Members, 21 Democrats and 22 Republicans, was approved by the full Agriculture Committee by a vote of 40 to 0. We urge your support for this important legislation to protect swine producers and the pork industry.

And I thank the gentleman from Washington (Mr. FOLEY) the gentleman from Texas (Mr. DE LA GARZA) and the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Speaker, I rise in support of H.R. 6593, the Swine Health Protection Act. This legislation is very much needed by the pork industry and is supported by the National Pork Producers Council, the American Farm Bureau, the American Veterinary Medical Association, the U.S. Department of Agriculture, and 17 State directors of agriculture, among others. This legislation is designed to prevent the spread of African swine fever into the United States. Already the disease is found in Haiti, Cuba, and the Dominican Republic, and this is much too close for comfort. This is a deadly disease that kills almost all hogs that contact it. It does not affect humans.

No effective vaccine has been developed and as a consequence the only way to get rid of the disease is to slaughter all exposed swine. Such a procedure would cost the swine producers of this country millions of dollars should this step become necessary. Consumers would, of course, be affected because a shortage of pork products could result in higher food prices for other meat items as well as for pork.

African swine fever is spread through infected pork scraps in raw or uncooked garbage. This legislation would require that all garbage fed to swine must be cooked or otherwise treated to kill disease organisms.

Fifteen States, including my own State of Virginia, ban the feeding of garbage. Other States have laws requiring that garbage be processed before being fed to swine. This legislation would regulate the processing of garbage in those States where such regulations are not already effective, thus allowing garbage feeding to be more uniformly regulated.

I would like to stress that this legislation recognizes that many States have adequate laws and are enforcing these laws properly. The thrust of this legislation is to provide the Department of Agriculture with the role of aiding and assisting the States and at the same time to allow the State agencies to assume primary enforcement responsibility. It is only when the State fails to live up to its responsibility that the Federal Government would step in with enforcement of the Federal law.

H.R. 6593 would substantially increase the protection of the swine industry by making certain that the legislation applies to all States. Several witnesses at the hearing were concerned that States which do have laws prohibiting garbage feeding are not in fact enforcing the prohibition, and this would now be remedied.

Several other provisions were added after the hearing and I feel that we now have a piece of legislation that can be supported by one and all. The only alternative, it would seem, would be to ban garbage feeding altogether, as 15 States have done—but I for one would like to think that we have developed an alternative that makes sense and one that should be enacted into law. Should the disease be introduced into this country then a total ban would have to be considered.

No added funding will be necessary to implement this bill, according to USDA witnesses—assuming continued operation of State programs. If all of the States should decide to let the Federal Government take over—and this is highly unlikely—then it has been estimated that $4 million would be required annually for this program.

It would appear that it is better to meet this threat head-on now and prevent the spread of the disease into our country rather than to have a severe, costly eradication program after the fact.

I urge my colleagues to approve this legislation.

● Mr. SANTINI. Mr. Speaker. I would like to take this opportunity to commend the work of the House Agriculture Committee on H.R. 6593, the Swine Health Protection Act. I would like, however, to bring to the attention of my distinguished colleagues a letter on behalf of one of my constituents, Mr. Robert Combs of Las Vegas, Nev. He has raised some legitimate questions which I would ask the bill managers to consider if and when the bill gets to the conference stage.

First, Mr. Combs, who is a leader of National Food and Conservation through Swine, is very concerned about stopping diseases of hogs which can be picked up through food waste and garbage. He raises specific, and I think logical concerns about the exemption of hogs which are fed untreated garbage on the premises. Mr. Combs argues, and I concur, that exemptions which allow these animals to be sold and placed in commerce can cause serious health problems to the consumer and also harm industry.

Also, I would ask your consideration of tightening provisions of the bill which give the Secretary of Agriculture authority to establish unlimited requirements without guidelines or public comments. Finally, I feel the automatic revocation of a licensed feeder's permit upon two violations is rather stiff, particularly since the two could occur over an unspecified period of time, even 20 or 30 years.

I urge consideration at a later date of at least specifying a reasonable time period.

I thank you for your consideration and ask that a letter on behalf of my constituent be entered into the RECORD. Thank you.

LAW OFFICES OF GALATZ, EARL & BIGGAR,
Las Vegas, Nev., September 23, 1980.
Congressman JIM SANTINI,
Longworth Building, Washington, D.C.

DEAR CONGRESSMAN SANTINI: Our office represents Bob Combs who operates R.C. Farms in Clark County. Bob raises hogs, fed on food waste picked up from the various hotels here in town. The food wastes are cooked and processed before feeding to the hogs.

Bob has been president of a national hog producers association and has been very active in trying to eradicate diseases of hogs which can be picked up in food wastes and garbage.

There is currently pending in the House, HR 6593. We understand that this matter may come to a vote on Monday, September 29. Bob and his association, which is called National Food and Conservation through Swine, is not opposed to HR 6593, but are concerned with some of its provisions.

The first concern is the singling out of hogs. There are other diseases which can be acquired and transmitted to other livestock and poultry and should be subject to the same regulations. Much more important is the provision which is on page 3 of the amended Bill, a copy of which is enclosed herewith. The Bill's purpose, we feel, will be defeated, if hogs, livestock and poultry which are fed exempted garbage on the premises can be sold. The exemption of hogs, livestock and poultry which are fed exempted garbage is not a problem if such animals are consumed on the premises of the feeder. However, if they are sold and placed in commerce, they can be the source of contamination to the whole idustry.

If the Act is to be effective, the exemption must be limited to require consumption of the animal or poultry on the premises where it is fed.

In the Act, there are two places where it is indicated that the Secretary of Agriculture may exempt premises from the provisions of the Act. I seriously question the validity of these exemptions, or if they are valid, the validity of the entire Act, since there are no standards set by which exemptions may be granted. Apparently, there is a total delegation to the Secretary of Agriculture to exempt any farm he chooses.

Obviously, in addition to the legal problems, this opens up the possibility of all sorts of political "shenanigans" and is most objectionable.

Page 5 lists a provision allowing the Secretary to set up any requirements the Secretary wants without guidelines or limitations. Again I have to question this as an unlawful delegation of legislative authority, and it certainly is an arrangement under which abusive practices could occur.

On page 6, there is a provision for automatic revocation of a licensed feeder's permit in the event that he is found to be in violation of any provision of the Act or the Secretary's regulations on two occasions. This would be like lifting my license to practice law because on any two occasions over my entire lifetime, two of my employees violated the traffic laws.

Bob, and I concur very strongly, feel that this provision is most inequitable. There are severe penalties provided in the Act for violations which we feel are sufficient deterrents to violations of the Act. It is unreasonable to put a man out of business because on two occasions over an unlimited period of time, perhaps while the owner is on vacation or away from the farm or business, an employee "goofs."

One final comment on the Act is that I think it makes great sense to provide for criminal penalties where a person operates without a permit. Mr. Combs and his Association are all in favor of requiring permits. However, it is felt that violations of the Act by a licensed feeder should be punishable by rather stiff monetary penalties, which are provided for in the Act, but that these violations should not be considered Federal crimes.

I would concur that stiff civil penalties should be a sufficient deterrant, and it is unnecessary to brand someone a criminal as well.

I realize that this is coming to you on very short notice, but apparently, no one anticipated that this Bill would get out of Committee this session.

I do not know what course of action is best at this late time, but I certainly would appreciate any and all assistance your office can render to clean up the problem areas in this legislation.

Sincerely,

NEIL G. GALATZ.●

● Mr. FOLEY. Mr. Speaker, I rise in support of H.R. 6593, the Swine Health Protection Act. The provisions of the bill have been explained fully by Mr. DE LA GARZA, chairman of the Subcommittee on Department Investigations, Oversight, and Research, and I want to commend him for his efforts in the subcommittee and the full committee which enabled the bill to come to the floor.

H.R. 6593 regulates the feeding of garbage to swine by requiring that such garbage be treated in a manner which will prevent the spread of communicable diseases. The need for this bill is clear. The Department of Agriculture must be provided with additional authority to extend and strengthen the current efforts being conducted at the State level to keep African swine fever and other communicable diseases of hogs from gaining a foothold in this country.

Persons treating garbage to be fed to swine are required to obtain appropriate State or Federal permits. State permits will be required under certain cooperative agreements entered into between States and USDA, or when a State has primary enforcement responsibility. The bill contains a range of necessary administrative and judicial enforcement tools and insures public participation in the program by creating an advisory committee.

The bill recognizes that a number of States have rigorous programs regarding the treatment of garbage and encourages the continuation of these programs. Taking account of these State programs, USDA efforts conducted under the bill will be conducted to the maximum extent practicable through cooperative agreements entered into between USDA and the individual States, or by USDA finding that State laws and enforcement procedures meet the minimum Federal standard thereby enabling the State to retain primary enforcement responsibility. The provision assured adequate enforcement while minimizing Federal involvement which is the appropriate way to deal with this type of issue.

I urge all Members to support enactment of the bill.●

● Mr. MICHEL. Mr. Speaker, as a cosponsor of H.R. 6593, I want to take this opportunity to urge my colleagues to vote for passage of this bill.

Those familiar with African swine fever are aware of the devastation which this disease could cause within our domestic pork industry. And while the disease has not yet been detected in the United States, several outbreaks have been reported within this hemisphere. In light of such close proximity to our shores, I believe it is important for us to take steps now to prevent such a catastrophe.

One of the most common carriers of not only African swine fever, but other infectious and deadly swine diseases is raw or improperly treated garbage. Illinois is one of 15 States which currently prohibit the feeding of garbage to swine. However, other States do allow feeding treated garbage, but the enforcement varies substantially. Consequently, I feel it is in the best interest of the industry to take the steps outlined in this legislation to protect the entire industry, and I am pleased we are acting on this proposal today.●

● Mr. MADIGAN. Mr. Speaker, I rise in support of H.R. 6593, the Swine Health Protection Act of 1980. I want to associate myself with the remarks of the distinguished gentleman from Illinois, (Mr. FINDLEY) and urge my colleagues to support the bill.

Mr. Speaker, there is an urgent need for this legislation. H.R. 6593 is designed to protect the U.S. multibillion-dollar hog industry from the potentially devastating effects of an African swine fever epidemic, one of the most deadly of foreign swine diseases. No vaccine has ever been developed to combat the disease and no effective treatment is known. Since the acute form of African swine fever is highly contagious and kills almost every hog that becomes infected, the slaughter of exposed swine is the only effective method of preventing the spread of the disease. Thus, if an outbreak of African swine fever were to occur in our highly susceptible swine population, the economic effects on the U.S. pork industry would be disastrous.

While African swine fever has been established for many years in Africa and throughout Europe, the disease has occurred only twice in the Western Hemisphere. A 1971 outbreak in Cuba resulted in the death of over 12,000 hogs, and more than 400,000 other hogs that were exposed had to be slaughtered to insure successful elimination of the disease. The outbreak resulted in over one-third of the island's swine dying or being destroyed.

In 1978, African swine fever again entered the Western Hemisphere in Brazil and quickly spread to the Dominican Republic and Haiti. Recently, there was confirmation of the disease in Cuba, only 90 miles from American shores.

The close proximity and heavy travel between the United States and Caribbean countries that have African swine fever infestations represents a serious threat to the U.S. pork industry. U.S. customs records show that 415,922 people returned to American airports from the Dominican Republic in 1978, and more than 100,000 from Brazil. In addition, the extensive ship traffic between the islands and the United States provides another possible source of African swine fever entry into this country. International garbage from ships has been identified as the cause of many serious animal epidemics, including the several foot and mouth disease outbreaks which have occurred in the United States in recent years. Measures must be taken to prevent a similar outbreak of African swine fever.

H.R. 6593 will provide the measures necessary to prevent such an epidemic from occurring. As unanimously passed by the Committee on Agriculture, this legislation establishes basic Federal standards to prohibit the feeding of garbage to swine unless the garbage has been properly treated to kill disease organisms at a facility which meets requirements set by the Secretary of Agriculture.

The bill authorizes the Secretary to enter into cooperative agreements with State agencies and to provide that such agencies which have adequate facilities, personnel, and procedures may assist the Secretary in the administration and enforcement of the act. H.R. 6593 also establishes criminal penalties for violations of the act or its regulations, and requires the Secretary of Agriculture to appoint an advisory committee consisting of representatives of State agencies, animal health organizations, producer organizations, and the food waste feeder industry to consult with him on matters within the scope of this act.

Finally, H.R. 6593 provides that States which have laws and regulations relating to garbage feeding which meet the minimum standards of the Federal law shall have primary enforcement responsibility for violations of those laws. During the time a State has primary enforcement responsibility, the Secretary would not enforce the Federal law or regulations in that State.

Mr. Speaker, the threat of African swine fever to our pork industry is serious. We must extend and strengthen current efforts to prevent African swine fever from gaining a foothold in the United States. By authorizing a cooperative effort between the States and the Federal Government to establish and enforce a uniform system for the treatment and feeding of garbage fed to swine, the Swine Health Protection Act will effectively combat the spread of livestock disease and insure that we maintain a healthy pork industry.

I urge my colleagues to support this bill.●

● Mr. McCLORY. Mr. Speaker, I rise in support of H.R. 6593, the Swine Health Protection Act.

With outbreaks of African swine fever in Cuba, it may only be a matter of time before this dread disease reaches our shores—a strong possibility especially when we consider the recent influx of Cuban refugees into our country.

This disease, spread primarily through infected pork scraps in raw or improperly cooked garbage fed to swine, has no known treatment. The only cure is the eradication of those swine exposed to the disease—at great economic loss to swine producers and the pork industry as a whole. And, of course, in the end these losses would be passed on to the consumer when ultimate pork shortages would result in drastic price increases.

While my home State of Illinois and other States have outlawed garbage feeding to swine, these efforts are futile if the effort is not nationwide. Florida, the State closest to Cuba, does not have such a law and, once the disease took hold in that State, it would rapidly spread. In Illinois, this could virtually wipe out a $1 billion a year industry.

This legislation, regulating the processing of garbage to be fed to swine, is one sure method by which we can protect the swine industry from this devastating disease, and I urge my colleagues to join me in support of this bill.●

Mr. WAMPLER. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas.

Mr. FRENZEL. Mr. Speaker, reserving the right to object, at the beginning of the day we were given a list of the bills that were going to be handled from the suspension list. I have that list before me.

And now we find that at least one committee is moving bills up from the suspension list, taking them on unanimous consent. Under my reservation to object, I am not inclined to object to this bill, but I am inclined to object to the procedure, because the Members have no idea what is being taken up here.

We have a couple of Members standing up and saying they are wonderful bills, and I do not deny that they probably are. But might I inquire of the Speaker as to what the program is going to be for the rest of the day? Do we have any sense of order?

After last night, I can only say that the management of this House has made the White House look competent for a change.

The SPEAKER pro tempore. The Chair will advise the gentleman from Minnesota that there is one request pending at this time from the gentleman from Wisconsin (Mr. KASTENMEIER). Following that request, we will then proceed on to suspensions.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I thank the Chair for that information.

If there are further unanimous-consent requests, I intend to object.

Mr. Speaker, I withdraw my reservation of objection in this instance.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6593

FINDINGS

SEC. 2. The Congress hereby finds and declares that—

(1) raw garbage is one of the primary media through which numerous infectious or communicable diseases of swine are transmitted;

(2) if certain foreign diseases, such as foot-and-mouth disease or African swine fever, gain entrance into the United States, such diseases may be spread through the medium of raw or improperly treated garbage which is fed to swine;

(3) African swine fever, which is potentially the most dangerous and destructive of all communicable swine diseases, has been confirmed in several countries of the Western Hemisphere, including the Dominican Republic and, most recently, in Cuba;

(4) swine in the United States have no resistance to African swine fever and there are no effective vaccines to this deadly disease;

(5) the interstate and foreign commerce in swine and swine products and producers and consumers of pork products could be severely injured economically if African swine fever enters this country;

(6) it is impossible to assure that all garbage fed to swine is properly treated to kill disease organisms unless such treatment is closely regulated and conducted only where no swine are located;

(7) therefore, in order to protect the commerce of the United States and the welfare of the citizens of this country, it is necessary to regulate the treatment of garbage to be fed to swine, and to prohibit the feeding of garbage to swine, except garbage treated in accordance with the requirements of this Act and regulations promulgated hereunder.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "Secretary" means the Secretary of Agriculture;

(2) the term "garbage" means all waste material derived in whole or in part from meats or other animal (including fish and poultry) material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking, or consumption of food, except that such term shall not include waste from ordinary household operations which is fed directly to swine on the same premises where such household is located;

(3) the term "person" means any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity;

(4) the term "State" means the fifty States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

PROHIBITION OF CERTAIN GARBAGE FEEDING

SEC. 4. (a) No person shall feed or permit the feeding of garbage to swine except in accordance with subsection (b) of this section.

(b) Except when prohibited by State law, garbage may be fed to swine only if treated to kill disease organisms, in accordance with regulations issued by the Secretary, at a facility holding a valid permit issued by the Secretary, or the chief agricultural or animal health official of the State where located if such State has entered into an agreement with the Secretary pursuant to section 9 of this Act. No person shall operate a facility for the treatment of garbage knowing it is to be fed to swine unless such person holds a valid permit issued pursuant to this Act.

ISSUANCE, SUSPENSION, AND REVOCATION OF PERMITS

SEC. 5. (a) Any person desiring to obtain a permit to operate a facility to treat garbage that is to be fed to swine shall apply therefor to the Secretary, or to the chief agricultural or animal health official of the State where the facility is located if such State has entered into an agreement with the Secretary pursuant to section 9 of this Act, and provide such information as the Secretary shall by regulation prescribe. No permit shall be issued unless the facility—

(1) meets such requirements as the Secretary shall prescribe to prevent the introduction or dissemination of any infectious or communicable disease of animals or poultry, and

(2) is so constructed that swine are unable to enter the premises on which the facility is located and are unable to have access to untreated garbage of such facility, or material coming in contact with such untreated garbage.

(b) Whenever the Secretary has reason to believe that any person holding a permit to operate a facility to treat garbage in any State has violated this Act or any regulation of the Secretary issued hereunder, the Secretary may, after notice and opportunity for a hearing on the record in accordance with sections 554 and 556 of title 5, United States Code, suspend or revoke such permit. Any person aggrieved by an order of the Secretary issued pursuant to this subsection may, within sixty days after entry of such order, seek review of such order in the appropriate United States court of appeals in accordance with the provisions of sections 2341, 2343 through 2350 of title 28, United States Code, and such court shall have jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the Secretary's order. Judicial review of any such order shall be upon the record upon which the determination and order are based.

(c) The permit of any person to operate a facility to treat garbage in any State shall be automatically revoked, without action of the Secretary, upon the final effective date of the second conviction of such person pursuant to section 7 of this Act of a violation of this Act or the regulations of the Secretary issued hereunder.

CIVIL PENALTIES

SEC. 6(a). Any person who violates any provision of this Act or any regulation of the Secretary issued hereunder, other than a violation for which a criminal penalty has been imposed under this Act, may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. Each offense shall be a separate violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code. The amount of such civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, degree of culpability, and history of prior offenses; and may be reviewed only as provided in subsection (b) of this section.

(b) The determination and order of the Secretary with respect thereto imposing a civil penalty under this section shall be final and conclusive unless the person against whom such an order is issued files application for judicial review within sixty days after entry of such order in the appropriate United States court of appeals in accordance with the provisions of sections 2341, 2343 through 2450 of title 28, United States Code, and such court shall have jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the Secretary's order. Judicial review of any such order shall be upon the record upon which the determination and order are based.

(c) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States. In such collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

(d) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

(e) The Secretary may, in his discretion, compromise, modify, or remit, with or without conditions, any civil penalty assessed under this Act.

CRIMINAL PENALTIES

SEC. 7. Whoever willfully violates any provision of this Act or the regulations of the Secretary issued hereunder shall be guilty of a misdemeanor and shall be fined not more than $5,000, or imprisoned not more than one year, or both.

GENERAL ENFORCEMENT PROVISIONS

SEC. 8. (a) The Attorney General, upon the request of the Secretary, shall bring an action to enjoin the violation of, or to compel compliance with, any provision of this Act or any regulation issued by the Secretary hereunder by any person. Such action shall be brought in the appropriate United States district court for the judicial district in which such person resides or transacts business or in which the violation or omission has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found.

(b) The Secretary is authorized, and shall have access at reasonable times, to inspect the books, records, and premises of any person subject to this Act.

COOPERATION WITH STATES

SEC. 9. In order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of this Act and State laws and regulations relating to the feeding of garbage to swine, the Secretary is authorized to enter into cooperative agreements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate authorities, facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of this Act and regulations hereunder to the extent and in the manner the Secretary deems appropriate in the public interest. The Secretary is further authorized to coordinate the administration of this Act and regulations with such State laws and regulations wherever feasible: *Provided*, That nothing herein shall affect the jurisdiction of the Secretary under any other Federal law, or any authority to cooperate with State agencies or other agencies or persons under existing provisions of law, or affect any restrictions upon such cooperation. To the maximum extent feasible, the Secretary shall allow any State agency with which there is a valid agreement pursuant to this section to assume the primary responsibility for issuing permits pursuant to section 5 of this Act to operate a facility to treat garbage that is to be fed to swine.

REGULATIONS

SEC. 10. The Secretary is authorized to issue such regulations and to require the maintenance of such records as he deems necessary to carry out the provisions of this Act.

AUTHORITY IN ADDITION TO OTHER LAWS; EFFECT ON STATE LAWS

SEC. 11. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Nothing in this Act shall be construed to repeal or supersede any State law prohibiting the feeding of garbage to swine.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert:

That this Act may be cited as the "Swine Health Protection Act".

FINDINGS

SEC. 2. The Congress hereby finds and declares that—

(1) raw garbage is one of the primary media through which numerous infectious or communicable diseases of swine are transmitted;

(2) if certain exotic animal diseases, such as foot-and-mouth disease, African swine fever, hog cholera, and swine vesicular diseases, gain entrance into the United States, such diseases may be spread through the medium of raw or improperly treated garbage which is fed to swine;

(3) African swine fever, which is potentially the most dangerous and destructive of all communicable swine diseases, has been confirmed in several countries of the Western Hemisphere, including the Dominican Republic, Haiti, and Cuba;

(4) swine in the United States have no resistance to any of such exotic diseases and in the case of African swine fever there is a particular danger because there are no effective vaccines to this deadly disease;

(5) all articles and animals which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and regulation by the Secretary and cooperation by the States and other jurisdictions as contemplated by this Act are necessary to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of the people of the United States;

(6) the interstate and foreign commerce in swine and swine products and producers and consumers of pork products could be severely injured economically if any exotic animal diseases, particularly African swine fever, enter this country;

(7) it is impossible to assure that all garbage fed to swine is properly treated to kill disease organisms unless such treatment is closely regulated.

(8) therefore, in order to protect the commerce of the United States and the health and welfare of the people of this country, it is necessary to regulate the treatment of garbage to be fed to swine and the feeding thereof in accordance with the provisions of this Act.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the Term "Secretary" means the Secretary of Agriculture;

(2) the term "garbage" means all waste material derived in whole or in part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking or consumption of food, except that such term shall not include waste from ordinary household operations which is fed directly to swine on the same premises where such household is located; and

(3) the term "person" means any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity.

PROHIBITION OF CERTAIN GARBAGE FEEDING

SEC. 4. (a) No person shall feed or permit the feeding of garbage to swine except in accordance with subsection (b) of this section.

(b) Garbage may be fed to swine only if treated to kill disease organisms, in accordance with regulations issued by the Secretary, at a facility holding a valid permit issued by the Secretary, or the chief agricultural or animal health official of the State where located if such State has entered into an agreement with the Secretary pursuant to section 9 or has primary enforcement responsibility pursuant to section 10 of this Act. No person shall operate a facility for the treatment of garbage knowing it is to be fed to swine unless such person holds a valid permit issued pursuant to this Act. The Secretary may exempt any facility or premises from the requirements of this section whenever the Secretary determines that there would not be a risk to the swine industry in the United States.

ISSUANCE, SUSPENSION, AND REVOCATION OF PERMITS

SEC. 5. (a) Any person desiring to obtain a permit to operate a facility to treat garbage that is to be fed to swine shall apply therefor to (1) the Secretary, or (2) the chief agricultural or animal health official of the State where the facility is located if such State has entered into an agreement with the Secretary pursuant to section 9 or has primary enforcement responsibility pursuant to section 10 of this Act, and provide such information as the Secretary shall by regulation prescribe. No permit shall be issued unless the facility—

(1) meets such requirements as the Secretary shall prescribe to prevent the introduction or dissemination of any infectious or communicable disease of animals or poultry, and

(2) is so constructed that swine are unable to have access to untreated garbage of such facility or material coming in contact with such untreated garbage.

(b) Whenever the Secretary finds, after notice and opportunity for a hearing on the record in accordance with sections 554 and 556 of title 5, United States Code, that any person holding a permit to operate a facility to treat garbage in any State is violating or has violated this Act or any regulations of the Secretary issued hereunder, the Secretary may issue an order requiring such person to cease and desist from continuing such violations or an order suspending or revoking such premit, or both. Any person aggrieved by an order of the Secretary issued pursuant to this subsection may, within sixty days after entry of such order, seek review of such order in the appropriate United States court of appeals in accordance with the provisions of sections 2341, 2343 through 2350 of title 28, United States Code, and such court shall have jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the Secretary's order. Judicial review of any such order shall be upon the record upon which the determination and order are based.

(c) The permit of any person to operate a facility to treat garbage in any State shall be automatically revoked, without action of the Secretary, upon the final effective date of the second conviction of such person pursuant to section 7 of this Act.

CIVIL PENALTIES

SEC. 6. (a) Any person who the Secretary determines, after notice and opportunity for a hearing on the record in accordance with sections 554 and 556 of title 5, United States Code, is violating or has violated any provision of this Act or any regulation of the Secretary issued hereunder, other than a violation for which a criminal penalty has been imposed under this Act, may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. Each offense shall be a separate violation. The amount of such civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, degree of culpability, and history of prior offenses; and may be reviewed only as provided in subsection (b) of this section.

(b) The determination and order of the Secretary with respect thereto imposing a civil penalty under this section shall be final and conclusive unless the person against whom such an order is issued files application for judicial review within sixty days after entry of such order in the appropriate United States court of appeals in accordance with the provisions of sections 2341, 2343 through 2450 of title 28, United States Code, and such court shall have jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the Secretary's order. Judicial review of any such order shall be upon the record upon which the determination and order are based.

(c) If any person fails to pay a civil penalty under a final order of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States. In such collection action, the validity and appropriateness of the Secretary's order imposing the civil penalty shall not be subject to review.

(d) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

(e) The Secretary may, in his discretion, compromise, modify, or remit, with or without conditions, any civil penalty assessed under this Act.

CRIMINAL PENALTIES

SEC. 7. (a) Whoever willfully violates any provision of this Act or the regulations of the Secretary issued hereunder shall be guilty of a misdemeanor and shall be fined not more than $10,000, or imprisoned not more than one year, or both.

(b) Any person who fails to obey any order of the Secretary issued under the provisions of section 5, or such order as modified—

(1) after the expiration of the time allowed for filing a petition in the court of appeals to review such order, if no such petition has been filed within such time; or

(2) after the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has been sustained by the court of appeals and no such writ has been applied for within such time; or

(3) after such order, or such order as modified, has been sustained by the courts as provided in section 5(b);

shall on conviction be fined not more than $10,000, or imprisoned for not more than one year, or both. Each day during which such failure continues shall be deemed a separate offense.

GENERAL ENFORCEMENT PROVISIONS

SEC. 8. (a) The Attorney General, upon the request of the Secretary, shall bring an action to enjoin the violation of, or to compel compliance with, any provision of this Act or any regulation issued by the Secretary hereunder by any person. Such action shall be brought in the appropriate United States district court for the judicial district in which such person resides or transacts business or in which the violation or omission has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found.

(b) Any person subject to the provisions of this Act shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to his premises or facility and opportunity to examine the premises or facility, the garbage thereat, and books and records thereof, to copy all such books and records and to take reasonable samples of such garbage.

(c) For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the provisions (including penalties) of sections 6 and 8 through 10 of the Federal Trade Commission Act, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this Act and to any person subject to the provisions of this Act, whether or not a corporation. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States.

COOPERATION WITH STATES

SEC. 9. In order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of this Act and State laws and regulations relating to the feeding of garbage to swine, the Secretary is authorized to enter into cooperative agreements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of this Act and regulations hereunder. The Secretary is further authorized to coordinate the administration of this Act and regulations with such State laws and regulations whenever feasible: *Provided*, That nothing herein shall affect the jurisdiction of the Secretary under any other Federal law, or any authority to cooperate with State agencies or other agencies or persons under existing provisions of law, or affect any restrictions upon such cooperation.

STATE PRIMARY ENFORCEMENT RESPONSIBILITY

SEC. 10. (a) For purposes of this Act, a State shall have the primary enforcement responsibility for violations of laws and regulations relating to the treatment of garbage to be fed to swine and the feeding thereof during any period for which the Secretary determines that such State—

(1) has adopted adequate laws and regulations regulating the treatment of garbage to be fed to swine and the feeding thereof which laws and regulations meet the minimum standards of this Act and the regulations hereunder: *Provided*, That the Secretary may not require a State to have laws that are more stringent than this Act;

(2) has adopted and is implementing adequate procedures for the effective enforcement of such State laws and regulations; and

(3) will keep such records and make such reports showing compliance with paragraphs (1) and (2) of this subsection as the Secretary may require by regulation.

Except as provided in subsection (c), the Secretary shall not enforce this Act or the regulations hereunder in any State which has primary enforcement responsibility pursuant to this section.

(b) Whenever the Secretary determines that a State having primary enforcement responsibility pursuant to this section does not have adequate laws or regulations or is not effectively enforcing such laws or regulations, the Secretary shall notify the State. Such notice shall specify those aspects of the administration or enforcement of the State program that are determined to be inadequate. The State shall have ninety days after receipt of the notice to correct any deficiencies. If after that time the Secretary determines that the State program remains inadequate, the Secretary may terminate, in whole or in part, the State's primary enforcement responsibility under this Act.

(c) Nothing in this section shall limit the authority of the Secretary to enforce this Act whenever the Secretary determines that emergency conditions exist that require immediate action on the part of the Secretary and the State authority is unwilling or unable adequately to respond to the emergency.

ADVISORY COMMITTEE

SEC. 11. The Secretary shall appoint an advisory committee or committees consisting of representatives of appropriate State agricultural or State animal health agencies, animal health organizations, the food waste feeder industry, and swine producer organizations to consult with the Secretary concerning matters within the scope of this Act, including evaluating State programs for purposes of section 10 of this Act and assuring effective coordination among State programs and Federal and State programs.

REGULATIONS

SEC. 12. The Secretary is authorized to issue such regulations and to require the maintenance of such records as he deems necessary to carry out the provisions of this Act.

AUTHORITY IN ADDITION TO OTHER LAWS; EFFECT ON STATE LAWS

SEC. 13. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Nothing in this Act shall be construed to repeal or supersede any State law prohibiting the feeding of garbage to swine or to prohibit any State from enforcing requirements relating to the treatment of garbage to be fed to swine or the feeding thereof which are more stringent than those under this Act or the regulations hereunder.

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. DE LA GARZA (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the three bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON S. 1156, SOLID WASTE DISPOSAL ACT AMENDMENTS

Mr. STAGGERS submitted the following conference report and statement on the Senate bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act.

CONFERENCE REPORT (H. REPT. No. 96–1444)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. This Act may be cited as the "Solid Waste Disposal Act Amendments of 1980".

SEC. 2. (a) Section 1004(14) of the Solid Waste Disposal Act is amended to read as follows:

"(14) The term 'open dump' means any facility or site where solid waste is disposed of which is not a sanitary landfill which meets the criteria promulgated under section 4004 and which is not a facility for disposal of hazardous waste."

(b) Section 1004(19) of such Act is amended to read as follows:

"(19) The term 'recovered material' means waste material and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process.".

SEC. 3. Section 1006 of the Solid Waste Dispose Act is amended by adding the following new subsection at the end thereof:

"(c) INTEGRATION WITH THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.—(1) No later than 90 days after the date of enactment of the Solid Waste Disposal Act Amendments of 1980, the Administrator shall review any regulations applicable to the treatment, storage, or disposal of any coal mining wastes or overburden promulgated by the Secretary of the Interior under the Surface Mining and Reclamation Act of 1977. If the Administrator determines that any requirement of final regulations promulgated under any section of subtitle C relating to mining wastes or overburden is not adequately addressed in such regulations promulgated by the Secretary, the Administrator shall promptly transmit such determination, together with suggested revisions and supporting documentation, to the Secretary.

"(2) The Secretary of the Interior shall have exclusive responsibility for carrying out any requirement of subtitle C of this Act with respect to coal mining wastes or overburden for which a surface coal mining and reclamation permit is issued or approved under the Surface Mining Control and Reclamation Act of 1977. The Secretary shall, with the concurrence of the Administrator, promulgate such regulations as may be necessary to carry out the purposes of this subsection and shall integrate such regulations with regulations promulgated under the Surface Mining Control and Reclamation Act of 1977.".

SEC. 4. (a) The heading for section 2001 of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "AND INTERAGENCY COORDINATING COMMITTEE".

(b) The item in the table of contents relating to section 2001 of such Act is amended by adding the following at the end thereof: "and interagency coordinating committee".

(c) Section 2001 of such Act is amended by inserting "(a) OFFICE OF SOLID WASTE.—" after "2001." and by inserting a new subsection (b) as follows at the end thereof:

"(b) INTERAGENCY COORDINATING COMMITTEE.—(1) There is hereby established an Interagency Coordinating Committee on Federal Resource Conservation and Recovery Activities which shall have the responsibility for coordinating all activities dealing with resource conservation and recovery from solid waste carried out by the Environmental Protection Agency, the Department of Energy, the Department of Commerce, and all other Federal agencies which conduct such activities pursuant to this or any other Act. For purposes of this subsection, the term 'resource conservation and recovery activities' shall include, but not be limited to, all research, development and demonstration projects on resource conservation or energy, or material, recovery from solid waste, and all technical or financial assistance for State or local planning for, or implementation of, projects related to resource conservation or energy or material, recovery from solid waste. The Committee shall be chaired by the Administrator of the Environmental Protection Agency or such person as the Administrator may designate. Members of the Committee shall include representatives of the Department of Energy, the Department of Commerce, the Department of the Treasury, and each other Federal agency which the Administrator determines to have programs or responsibilities affecting resource conservation or recovery.

"(2) The Interagency Coordinating Committee shall include oversight of the implementation of

"(A) the May 1979 Memorandum of Understanding on Energy Recovery from Municipal Solid Waste between the Environmental Protection Agency and the Department of Energy;

"(B) the May 30, 1978, Interagency Agreement between the Department of Commerce and the Environmental Protection Agency on the Implementation of the Resource Conservation and Recovery Act; and

"(C) any subsequent agreements between these agencies or other Federal agencies which address Federal resource recovery or conservation activities.

"(3) The Interagency Coordinating Committee shall submit to the Congress by March 1, 1981, and on March 1 each year thereafter, a five-year action plan for Federal resource conservation or recovery activities which shall identify means and propose programs to encourage resource conservation or material and energy recovery and increase private and municipal investment in resource conservation or recovery systems, especially those which provide for material conservation or recovery as well as energy conservation or recovery. Such plan shall describe, at a minimum, a coordinated and nonduplicatory plan for resource recovery and conservation activities for the Environmental Protection Agency, the Department of Energy, the Department of Commerce, and all other Federal agencies which conduct such activities.".

SEC. 5. Section 2002(a) of the Solid Waste Disposal Act is amended as follows:

(1) in paragraph (4), by striking out "and" at the end thereof;

(2) in paragraph (5), by striking the period and inserting in lieu thereof "; and"; and

(3) by adding the following new paragraph at the end thereof:

"(6) to delegate to the Secretary of Transportation the performance of any inspection or enforcement function under this Act relating to the transportation of hazardous waste where such delegation would avoid unnecessary duplication of activity and would carry out the objectives of this Act and of the Hazardous Materials Transportation Act.".

SEC. 6. (a) Section 2006(b) of the Solid Waste Disposal Act is amended by inserting after "subsection (a)" a comma and the phrase "or $5,000,000 per fiscal year, whichever is less,".

(b) Section 2006 of such Act is amended by adding the following new subsection at the end thereof:

"(d) STATE AND LOCAL SUPPORT.—Not less than 25 per centum of the total amount appropriated under this title, up to the amount authorized in section 4008(a)(1), shall be used only for purposes of support to State, regional, local, and interstate agencies in accordance with subtitle D of this Act other than section 4008(a)(2) or 4009.".

SEC. 7. Subsection (b) of section 3001 of the Solid Waste Disposal Act is amended by inserting "(1)" after "(b)" and by adding the following new paragraphs at the end of such subsection:

"(2)(A) Notwithstanding the provisions of paragraph (1) of this subsection, drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil or natural gas or geothermal energy shall be subject only to existing State or Federal regulatory programs in lieu of subtitle C until at least 24 months after the date of enactment of the Solid Waste Disposal Act Amendments of 1980 and after promulgation of the regulations in accordance with subparagraphs (B) and (C) of this paragraph. It is the sense of the Congress that such State or Federal programs should include, for waste disposal sites which are to be closed, provisions requiring at least the following:

"(i) The identification through surveying, platting, or other measures, together with recordation of such information on the public record, so as to assure that the location where such wastes are disposed of can be located in the future; except however, that no such surveying, platting, or other measure identifying the location of a disposal site for drilling fluids and associated wastes shall be required if the distance from the disposal site to the surveyed or platted location to the associated well is less than two hundred lineal feet; and

"(ii) A chemical and physical analysis of a produced water and a composition of a drilling fluid suspected to contain a hazardous material, with such information to be acquired prior to closure and to be placed on the public record.

"(B) Not later than six months after completion and submission of the study required by section 8002(m) of this Act, the Administrator shall, after public hearings and opportunity for comment, determine either to promulgate regulations under this subtitle for drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil or natural gas or geothermal energy or that such regulations are unwarranted. The Administrator shall publish his decision in the Federal Register accompanied by an explanation and justification of the reasons for it. In making the decision under this paragraph, the Administrator shall utilize the information developed or accumulated pursuant to the study required under section 8002(m).

"(C) The Administrator shall transmit his decision, along with any regulations, if necessary, to both Houses of Congress. Such regulations shall take effect only when authorized by Act of Congress.

"(3)(A) Notwithstanding the provisions of paragraph (1) of this subsection, each waste listed below shall, except as provided in subparagraph (B) of this paragraph, be subject only to regulation under other applicable provisions of Federal or State law in lieu of this subtitle until at least six months after the date of submission of the applicable study required to be conducted under subsection (f), (n), (o), or (p) of section 8002 of this Act and after promulgation of regulations in accordance with subparagraph (C) of this paragraph:

"(i) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

"(ii) Solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore.

"(iii) Cement kiln dust waste.

"(B)(i) Owners and operators of disposal sites for wastes listed in subparagraph (A) may be required by the Administrator, through regulations prescribed under authority of section 2002 of this Act—

"(I) as to disposal sites for such wastes which are to be closed, to identify the locations of such sites through surveying, platting, or other measures, together with recordation of such information on the public record, to assure that the locations where such wastes are disposed of are known and can be located in the future, and

"(II) to provide chemical and physical analysis and composition of such wastes, based on available information, to be placed on the public record.

"(ii)(I) In conducting any study under subsection (f), (n), (o), or (p), of section 8002 of this Act, any officer, employee, or authorized representative of the Environmental Protection Agency, duly designated by the Administrator, is authorized, at reasonable times and as reasonably necessary for the purposes of such study, to enter any establishment where any waste subject to such study is generated, stored, treated, disposed of, or transported from; to inspect, take samples, and conduct monitoring and testing; and to have access to and copy records relating to such waste. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or authorized representative obtains any samples prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, or monitoring and testing performed, a copy of the results shall be furnished promptly to the owner, operator, or agent in charge.

"(II) Any records, reports, or information obtained from any person under subclause (I) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this subparagraph if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, the Administrator shall consider such information or particular portion thereof confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act. Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subparagraph shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(iii) The Administrator may prescribe regulations, under the authority of this Act, to prevent radiation exposure which presents an unreasonable risk to human health from the use in construction or land reclamation (with or without revegetation) of (I) solid waste from the extraction, beneficiation, and processing of phosphate rock or (II) overburden from the mining of uranium ore.

"(iv) Whenever on the basis of any information the Administrator determines that any person is in violation of any requirement of this subparagraph, the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administrator's notification, the Administrator may issue an order requiring compliance within a specified time period or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(C) Not later than six months after the date of submission of the applicable study required to be conducted under subsection (f), (n), (o), or (p), of section 8002 of this Act, the Administrator shall, after public hearings and opportunity for comment, either determine to promulgate regulations under this subtitle for each waste listed in subparagraph (A) of this paragraph or determine that such regulations are unwarranted. The Administrator shall publish his determination, which shall be based on information developed or accumulated pursuant to such study, public hearings, and comment, in the Federal Register accompanied by an explanation and justification of the reasons for it.".

Sec. 8. Section 3002(5) of the Solid Waste Disposal Act is amended by inserting "and any other reasonable means necessary" after "use of a manifest system", and by inserting ", and arrives at," after "disposal in".

Sec. 9. Section 3004 of the Solid Waste Disposal Act is amended by inserting after the first sentence thereof "In establishing such standards the Administrator shall, where appropriate, distinguish in such standards between requirements appropriate for new facilities and for facilities in existence on the date of promulgation of such regulations.".

Sec. 10. Section 3005(e) of the Solid Waste Disposal Act is amended by striking "facility is in existence on the date of enactment of this Act," and inserting in lieu thereof "facility is in existence on November 19, 1980,"

Sec. 11. Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(f) Coal Mining Wastes and Reclamation Permits.—Notwithstanding subsection (a) through (e) of this section, any surface coal mining and reclamation permit covering any coal mining wastes or overburden which has been issued or approved under the Surface Mining Control and Reclamation Act of 1977 shall be deemed to be a permit issued pursuant to this section with respect to the treatment, storage, or disposal of such wastes or overburden. Regulations promulgated by the Administrator under this subtitle shall not be applicable to treatment, storage, or disposal of coal mining wastes and overburden which are covered by such a permit."

Sec. 12. (a) Section 3007(a) of the Solid Waste Disposal Act is amended as follows:

(1) by striking "subtitle" and inserting in lieu thereof "title";

(2) by striking "maintained by any person" after "establishment or other place";

(3) by inserting "or has handled" after "otherwise handles";

(4) by striking "any officer or employee" and inserting in lieu thereof "any officer, employee or representative";

(5) by striking "duly designated officer employee" and inserting in lieu thereof "duly designated officer, employee or representative";

(6) by striking "furnish or permit" and inserting in lieu thereof "furnish information relating to such wastes and permit";

(7) by striking out "such officers or employees" and inserting in lieu thereof "such officers, employees or representatives";

(8) by inserting "or have been" after "where hazardous wastes are"; and

(9) by striking "officer or employee obtains" and inserting in lieu thereof "officer, employee or representative obtains".

(b) Section 3007(b) of such Act is amended as follows:

(1) by inserting "or any officer, employee or representative thereof" before "has access under this section";

(2) by striking "the Administrator (or the State, as the case may be) shall consider such information or portion thereof" and inserting in lieu thereof "such information or particular portion thereof shall be considered";

(3) by inserting "(1)" before "Any records" and adding at the end thereof the following new paragraphs:

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(3) In submitting data under this Act, a person required to provide such data may—

"(A) designate the data which such person believes is entitled to protection under this subsection, and

"(B) submit such designated data separately from other data submitted under this Act.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained by, the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee."; and

(4) by inserting "(including records, reports, or information obtained by representatives of the Environmental Protection Agency)".

Sec. 13. Section 3008 of the Solid Waste Disposal Act is amended as follows:

(1) in subsection (a)(1), by striking "the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administrator's notification," and by inserting "immediately or" after "compliance";

(2) in subsection (a)(2), by striking "thirty days";

(3) in subsection (b), by striking "or any suspension or revocation of a permit" and "or notice of the suspension or revocation";

(4) in subsection (c), by inserting "may include a suspension or revocation of a permit issued under this subtitle, and" after "Any order issued under this section"; and

(5) by striking out subsection (d) and substituting:

"(d) Criminal Penalties.—Any person who—

"(1) knowingly transports any hazardous waste identified or listed under this subtitle to a facility which does not have a permit under section 3005 (or 3006 in case of a State program), or pursuant to title I of the Marine Protection, Research, and Sanctuaries Act (86 Stat. 1052),

"(2) knowingly treats, stores, or disposes of any hazardous waste identified or listed under this subtitle either—

"(A) without having obtained a permit under section 3005 (or 3006 in the case of a State program) or pursuant to title I of the Marine Protection, Research, and Sanctuaries Act (86 Stat. 1052); or

"(B) in knowing violation of any material condition or requirement of such permit;

"(3) knowingly makes any false material statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained, or used for purposes of compliance with this subtitle; or

"(4) knowingly generates, stores, treats, transports, disposes of, or otherwise handles any hazardous waste (whether such activity took place before or takes place after the date of the enactment of this paragraph) and who knowingly destroys, alters, or conceals any record required to be maintained under regulations promulgated by the Administrator under this subtitle

shall, upon conviction, be subject to a fine of not more than $25.000 ($50,000 in the case of a violation of paragraph (1) or (2)) for each day of violation. or to imprisonment not to exceed one year (two years in the case of a violation of paragraph (1) or (2)), or both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50.000 per day of violation, or by imprisonment for not more than two years, or by both.

"(e) Knowing Endangerment.—Any person who knowingly transports, treats, stores, or disposes of any hazardous waste identified or listed under this subtitle—

"(1)(A) in violation of paragraphs (1) or (2) of subsection (d) of this section, or

"(B) having applied for a permit under section 3005 or 3006, and knowingly either—

"(i) has failed to include in his application material information required under regulations promulgated by the Administrator, or

"(ii) fails to comply with the applicable interim status regulations and standards promulgated pursuant to this subtitle,

who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, and

"(2)(A) if his conduct in the circumstances manifests an unjustified and inexcusable disregard for human life, or

"(B) having applied for a permit under manifests an extreme indifference for human life.

shall, upon conviction, be subject to a fine of not more than $250,000, or imprisonment for not more than 2 years, or both, except that any person who violates subsection (e)(2)(B) shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 5 years, or both. A defendant that is an organization shall, upon conviction of violating this subsection, be subject to a fine of not more than $1,000,000.

"(f) SPECIAL RULES.—For the purposes of subsection (e)—

"(1) A person's state of mind is knowing with respect to—

"(A) his conduct, if he is aware of the nature of his conduct;

"(B) an existing circumstance, if he is aware or believes that the circumstance exists; or

"(C) a result of his conduct, if he is aware or believes that his conduct is substantially certain to cause danger of death or serious bodily injury.

"(2) In determining whether a defendant who is natural person knew that his conduct placed another person in imminent danger of death or serious bodily injury—

"(A) the person is responsible only for actual awareness or actual belief that he possessed; and

"(B) knowledge possessed by a person other than the defendant but not by the defendant himself may not be attributed to the defendant;

Provided that in proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself from relevant information.

"(3) It is an affirmative defense to a prosecution that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of—

"(A) an occupation, a business, or a profession; or

"(B) medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other person had been made aware of the risks involved prior to giving consent.

The defendant may establish an affirmative defense under this subsection by a preponderance of the evidence.

"(4) All general defenses, affirmative defenses, and bars to prosecution that may apply with respect to other Federal criminal offenses may apply under subsection (e) and shall be determined by the courts of the United States according to the principles of common law as they may be interpreted in the light of reason and experience. Concepts of justification and excuse applicable under this section may be developed in the light of reason and experience.

"(5) The term 'organization' means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

"(6) The term 'serious bodily injury' means—

"(A) bodily injury which involves a substantial risk of death;

"(B) unconsciousness;

"(C) extreme physical pain;

"(D) protracted and obvious disfigurement; or

"(E) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(g) CIVIL PENALTY.—Any person who violates any requirement of this subtitle shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. Each day of such violation shall, for purposes of this subsection, constitute a separate violation.".

SEC. 14. Section 3009 of the Solid Waste Disposal Act is amended by adding at the end thereof the following new sentence: "Nothing in this title shall be construed to prohibit any State or political subdivision thereof from imposing any requirements, including those for site selection, which are more stringent than those imposed by such regulations.".

SEC. 15. Section 3010(a) of the Solid Waste Disposal Act is amended by striking out "or revision" and by inserting the following at the end of the first sentence thereof: "In revising any regulation under section 3001 identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste subject to this subtitle, the Administrator may require any person referred to in the preceding sentence to file with the Administrator (or with States having authorized hazardous waste permit programs under section 3006) the notification described in the preceding sentence.".

SEC. 16. Section 3011 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(c) ACTIVITIES INCLUDED.—State hazardous waste programs for which grants may be made under subsection (a) may include (but shall not be limited to) planning for hazardous waste treatment, storage and disposal facilities, and the development and execution of programs to protect health and the environment from inactive facilities which may contain hazardous waste.".

SEC. 17. (a) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new sections at the end thereof:

"HAZARDOUS WASTE SITE INVENTORY

"SEC. 3012. (a) STATE INVENTORY PROGRAMS.—Each State shall, as expeditiously as practicable, undertake a continuing program to compile, publish, and submit to the Administrator an inventory describing the location of each site within such State at which hazardous waste has at any time been stored or disposed of. Such inventory shall contain—

"(1) a description of the location of the sites at which any such storage or disposal has taken place before the date on which permits are required under section 3005 for such storage or disposal;

"(2) such information relating to the amount, nature, and toxicity of the hazardous waste at each such site as may be practicable to obtain and as may be necessary to determine the extent of any health hazard which may be associated with such site;

"(3) the name and address, or corporate headquarters of, the owner of each such site, determined as of the date of preparation of the inventory;

"(4) an identification of the types or techniques of waste treatment or disposal which have been used at each such site; and

"(5) information concerning the current status of the site, including information respecting whether or not hazardous waste is currently being treated or disposed of at such site (and if not, the date on which such activity ceased) and information respecting the nature of any other activity currently carried out at such site.

For purposes of assisting the States in compiling information under this section, the Administrator shall make available to each State undertaking a program under this section such information as is available to him concerning the items specified in paragraphs (1) through (5) with respect to the sites within such State, including such information as the Administrator is able to obtain from other agencies or departments of the United States and from surveys and studies carried out by any committee or subcommittee of the Congress. Any State may exercise the authority of section 3007 for purposes of this section in the same manner and to the same extent as provided in such section in the case of States having an authorized hazardous waste program, and any State may by order require any person to submit such information as may be necessary to compile the data referred to in paragraphs (1) through (5).

"(b) ENVIRONMENTAL PROTECTION AGENCY PROGRAM.—If the Administrator determines that any State program under subsection (a) is not adequately providing information respecting the sites in such State referred to in subsection (a), the Administrator shall notify the State. If within ninety days following such notification, the State program has not been revised or amended in such manner as will adequately provide such information, the Administrator shall carry out the inventory program in such State. In any such cases—

"(1) the Administrator shall have the authorities provided with respect to State programs under subsection (a);

"(2) the funds allocated under subsection (c) for grants to States under this section may be used by the Administrator for carrying out such program in such State; and

"(3) no further expenditure may be made for grants to such State under this section until such time as the Administrator determines that such State is carrying out, or will carry out, an inventory program which meets the requirements of this section.

"(c) GRANTS.—(1) Upon receipt of an application submitted by any State to carry out a program under this section, the Administrator may make grants to the States for purposes of carrying out such a program. Grants under this section shall be allocated among the several States by the Administrator based upon such regulations as he prescribes to carry out the purposes of this section. The Administrator may make grants to any State which has conducted an inventory program which effectively carried out the purposes of this section before the date of the enactment of the Solid Waste Disposal Act Amendments of 1980 to reimburse such State for all, or any portion of, the costs incurred by such State in conducting such program.

"(2) There are authorized to be appropriated to carry out this section $20,000,000.

"(d) NO IMPEDIMENT TO IMMEDIATE REMEDIAL ACTION.—Nothing in this section shall be construed to provide that the Administrator or any State should, pending completion of the inventory required under this section, postpone undertaking any enforcement or remedial action with respect to any site at which hazardous waste has been treated, stored, or disposed of.

"MONITORING, ANALYSIS, AND TESTING

"SEC. 3013. (a) AUTHORITY OF ADMINISTRATOR.—If the Administrator determines, upon receipt of any information, that—

"(1) the presence of any hazardous waste at a facility or site at which hazardous waste is, or has been, stored, treated, or disposed of, or

"(2) the release of any such waste from such facility or site

may present a substantial hazard to human health or the environment, he may issue an order requiring the owner or operator of such facility or site to conduct such monitoring, testing, analysis, and reporting with respect to such facility or site as the Administrator deems reasonable to ascertain the nature and extent of such hazard.

"(b) Previous Owners and Operators.—In the case of any facility or site not in operation at the time a determination is made under subsection (a) with respect to the facility or site, if the Administrator finds that the owner of such facility or site could not reasonably be expected to have actual knowledge of the presence of hazardous waste at such facility or site and of its potential for release, he may issue an order requiring the most recent previous owner or operator of such facility or site who could reasonably be expected to have such actual knowledge to carry out the actions referred to in subsection (a).

"(c) Proposal.—An order under subsection (a) or (b) shall require the person to whom such order is issued to submit to the Administrator within 30 days from the issuance of such order a proposal for carrying out the required monitoring, testing, analysis, and reporting. The Administrator may, after providing such person with an opportunity to confer with the Administrator respecting such proposal, require such person to carry out such monitoring, testing, analysis, and reporting in accordance with such proposal, and such modifications in such proposal as the Administrator deems reasonable to ascertain the nature and extent of the hazard.

"(d) Monitoring, Etc., Carried Out by Administrator.—(1) If the Administrator determines that no owner or operator referred to in subsection (a) or (b) is able to conduct monitoring, testing, analysis, or reporting satisfactory to the Administrator, if the Administrator deems any such action carried out by an owner or operator to be unsatisfactory, or if the Administrator cannot initially determine that there is an owner or operator referred to in subsection (a) or (b) who is able to conduct such monitoring, testing, analysis, or reporting, he may—

"(A) conduct monitoring, testing, or analysis (or any combination thereof) which he deems reasonable to ascertain the nature and extent of the hazard associated with the site concerned, or

"(B) authorize a State or local authority or other person to carry out any such action,

and require, by order, the owner or operator referred to in subsection (a) or (b) to reimburse the Administrator or other authority or person for the costs of such activity.

"(2) No order may be issued under this subsection requiring reimbursement of the costs of any action carried out by the Administrator which confirms the results of an order issued under subsection (a) or (b).

"(3) For purposes of carrying out this subsection, the Administrator or any authority or other person authorized under paragraph (1), may exercise the authorities set forth in section 3007.

"(e) Enforcement.—The Administrator may commence a civil action against any person who fails or refuses to comply with any order issued under this section. Such action shall be brought in the United States district court in which the defendant is located, resides, or is doing business. Such court shall have jurisdiction to require compliance with such order and to assess a civil penalty of not to exceed $5,000 for each day during which such failure or refusal occurs.".

(b) The table of contents for such subtitle C is amended by inserting the following new items at the end thereof:

"Sec. 3012. Hazardous waste site inventory.
"Sec. 3013. Monitoring, analysis, and testing.".

Sec. 18. (a) Section 4003(2) of the Solid Waste Disposal Act is amended by striking out "section 4005(c)" and inserting in lieu thereof "sections 4004(b) and 4005(a)".

(b) Section 4003(5) of such Act is amended by inserting "State or" after "The plan shall provide that no", and by striking the period after "resource recovery facilities", and substituting the following: ", from entering into long-term contracts for the operation of such facilities, or from securing long-term markets for material and energy recovered from such facilities.".

Sec. 19. (a) Section 4005 of the Solid Waste Disposal Act is amended by deleting subsection (a) in its entirety and by redesignating subsection (c) as (a).

(b)(1) Section 4005(a) of the Solid Waste Disposal Act, as redesignated by this section, is amended by striking "Any" and inserting in lieu thereof "Upon promulgation of criteria under section 1008(a)(3), any"; by inserting "and 4003(3)" after "4003(2)"; by striking "the inventory under subsection (b)" after "not to exceed 5 years from the date of publication of" and inserting in lieu thereof "criteria under section 1008(a)(3)".

(2) Section 4005(b) of the Solid Waste Disposal Act is amended by striking "Not" and inserting in lieu thereof "To assist the States in complying with section 4003(3), not".

(b) Section 4006(b)(1)(B) of such Act is amended by striking out "functions" wherever it appears and inserting in lieu thereof "management activities".

Sec. 20. Section 4008(e) of the Solid Waste Disposal Act is amended by—

(1) striking out "identify communities" in paragraph (1) thereof and substituting "identify local governments";

(2) striking out clause (A) thereof and redesignating clauses (B) and (C) as (A) and (B), respectively;

(3) striking out "solid waste disposal facilities in which more than 75 per centum of the solid waste disposed of is from areas outside the jurisdiction of the communities" in paragraph (1) thereof and substituting "a solid waste disposal facility (i) which is owned by the unit of local government, (ii) for which an order has been issued by the State to cease receiving solid waste for treatment, storage, or disposal, and (iii) which is subject to a State-approved end-use recreation plan";

(4) striking out "which have" in clause (B) of paragraph (1), as redesignated by paragraph (2) of this section, and substituting the following "which are located over an aquifer which is the source of drinking water for any person or public water system and which has";

(5) inserting before the period at the end of paragraph (1): ", including possible methane migration";

(6) striking out "each of the fiscal years 1978 and 1978" in paragraph (2) and substituting "the fiscal year 1980 and $1,500,000 for each of the fiscal years 1981 and 1982";

(7) striking out "the conversion, improvement" in the first sentence of paragraph (2) and all that follows down to the period at the end of such sentence and substituting "containment and stabilization of solid waste located at the disposal sites referred to in paragraph (1)";

(8) inserting the following new sentence at the end of paragraph (2): "No unit of local government shall be eligible for grants under this paragraph with respect to any site which exceeds 65 acres in size."; and

(9) striking out paragraph (3) thereof.

Sec. 21. (a) Section 5002 of the Solid Waste Disposal Act is amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 1, 1979".

(b) Section 5003 of such Act is amended by striking out "the enactment of this Act" and inserting in lieu thereof "September 1, 1979,".

(c)(1) Subtitle E of such Act is amended by inserting the following new section after section 5004:

"NONDISCRIMINATION REQUIREMENT

"Sec. 5005. In establishing any policies which may affect the development of new markets for recovered materials and in making any determination concerning whether or not to impose monitoring or other controls on any marketing or transfer of recovered materials, the Secretary of Commerce may consider whether to establish the same or similar policies or impose the same or similar monitoring or other controls on virgin materials.".

(2) The table of contents for such Act is amended by inserting the following new item after the item relating to section 5004:

"Sec. 5005. Nondiscrimination requirement.".

Sec. 22. Section 6002 of the Solid Waste Disposal Act is amended as follows:

(1) in subsection (c)(1), by deleting the first sentence and inserting in lieu thereof the following: "After the date specified in applicable guidelines prepared pursuant to subsection (e) of this section, each procuring agency which procures any items designated in such guidelines shall procure such items composed of the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, considering such guidelines.";

(2) in subsection (c)(1)(C), by striking "clause (ii)" and inserting in lieu thereof "subparagraph (B)";

(3) in subsection (c)(2), by deleting "recovered material and recovered-material-derived fuel" and inserting in lieu thereof the following: "energy or fuels derived from solid waste";

(4) in subsection (c)(3), by deleting everything after "vendors" and inserting in lieu thereof a colon and the following:

"(A) certify that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by applicable specifications or other contractual requirements and

"(B) estimate the percentage of the total material utilized for the performance of the contract which is recovered materials.";

(5) by amending subsection (d), to read as follows:

"(d) Specifications.—All Federal agencies that have the responsibility for drafting or reviewing specifications for procurement items procured by Federal agencies shall—

"(1) as expeditiously as possible but in any event no later than five years after the date of enactment of this Act, eliminate from such specifications—

"(A) any exclusion of recovered materials and

"(B) any requirement that items be manufactured from virgin materials; and

"(2) within one year after the date of publication of applicable guidelines under subsection (e), or as otherwise specified in such guidelines, assure that such specifications require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item.".

(6) in subsection (e), by deleting the second sentence and inserting in lieu thereof the following: "Such guidelines shall—

"(1) designate those items which are or can be produced with recovered materials and whose procurement by procuring agencies will carry out the objectives of this section; and

"(2) set forth recommended practices with respect to the procurement of recovered materials and items containing such materials and with respect to certification by vendors of the percentage of recovered materials used, and shall provide information as to the availability, relative price, and performance of such materials and items and where appropriate shall recommend the level of recovered material to be contained in the procured product. The Administrator shall prepare final guidelines for at least three product categories, including paper, by May 1, 1981, and for two additional product categories, including construction materials, by September 30, 1982. In making the designation under paragraph (1), the Administrator shall consider, but is not limited in his considerations, to—

"(A) the availability of such items;

"(B) the impact of the procurement of such items by procuring agencies on the volume of solid waste which must be treated, stored or disposed of;

"(C) the economic and technological feasibility of producing and using such items; and

"(D) other uses for such recovered materials.".

SEC. 23. Section 6004 of the Solid Waste Disposal Act is amended by—

(1) inserting immediately after "an executive agency (as defined in section 105 of title 5, United States Code)" in subsection (a)(1), "or any unit of the legislative branch of the Federal Government";

(2) inserting after "Each Executive agency" in subsection (a)(2), "or any unit of the legislative branch of the Federal Government"; and

(3) inserting after "The President" in subsection (a)(4) "or the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate with regard to any unit of the legislative branch of the Federal Government".

SEC. 24. Section 7001 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(f) OCCUPATIONAL SAFETY AND HEALTH.—In order to assist the Secretary of Labor and the Director of the National Institute for Occupational Safety and Health in carrying out their duties under the Occupational Safety and Health Act of 1970, the Administrator shall—

"(1) provide the following information, as such information becomes available, to the Secretary and the Director:

"(A) the identity of any hazardous waste generation, treatment, storage, disposal facility or site where cleanup is planned or underway;

"(B) information identifying the hazards to which persons working at a hazardous waste generation, treatment, storage, disposal facility or site or otherwise handling hazardous waste may be exposed, the nature and extent of the exposure, and methods to protect workers from such hazards; and

"(C) incidents of worker injury or harm at a hazardous waste generation, treatment, storage or disposal facility or site; and

"(2) notify the Secretary and the Director of the Administrator's receipt of notifications under section 3010 or reports under sections 3002, 3003, and 3004 of this title and make such notifications and reports available to the Secretary and the Director.".

SEC. 25. Section 7003 of the Solid Waste Disposal Act is amended by—

(1) inserting "(a) AUTHORITY OF ADMINISTRATOR.—" after "7003";

(2) striking out "is presenting" and inserting in lieu thereof "may present";

(3) striking out "the alleged disposal" and inserting in lieu thereof "such handling, storage, treatment, transportation or disposal"; and

(4) adding the following at the end thereof: "The Administrator may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and the environment.

"(b) VIOLATIONS.—Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.".

SEC. 26. Section 7004(b) of the Solid Waste Disposal Act is amended by inserting "(1)" after "Public Participation.—" and by inserting the following new paragraph at the end thereof:

"(2) Before the issuing of a permit to any person with any respect to any facility for the treatment, storage, or disposal of hazardous wastes under section 3005, the Administrator shall—

"(A) cause to be published in major local newspapers of general circulation and broadcast over local radio stations notice of the agency's intention to issue such permit, and

"(B) transmit in writing notice of the agency's intention to issue such permit to each unit of local government having jurisdiction over the area in which such facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of such facility.

If within 45 days the Administrator receives written notice of opposition to the agency's intention to issue such permit and a request for a hearing, or if the Administrator determines on his own initiative, he shall hold an informal public hearing (including an opportunity for presentation of written and oral views) on whether he should issue a permit for the proposed facility. Whenever possible the Administrator shall schedule such hearing at a location convenient to the nearest population center to such proposed facility and give notice in the aforementioned manner of the date, time, and subject matter of such hearing. No state program which provides for the issuance of permits referred to in this paragraph may be authorized by the Administrator under section 3006 unless such program provides for the notice and hearing required by the paragraph.".

SEC. 27. (a) Section 7006 of the Solid Waste Disposal Act is amended as follows:

(1) by inserting "(a) REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.—" before "Any";

(2) by adding after "pursuant to this Act" the following: "and the Administrator's denial of any petition for the promulgation, amendment, or repeal of any regulation under this Act";

(3) by adding after "or requirement under this Act" the following: "or denying any petition for the promulgation, amendment or repeal of any regulation under this Act";

(4) by striking out "Columbia. Any" and substituting "Columbia, and";

(5) by inserting "or denial" after "date of such promulgation";

(6) by inserting "for review" after "date of such petition";

(7) by striking out ". Action" in paragraph (1) thereof and substituting "; action"; and

(8) by striking out "proper. The" in paragraph (2) thereof and substituting "proper; the".

(b) Such section 7006 is further amended by adding the following new subsection (b) at the end thereof:

"(b) REVIEW OF CERTAIN ACTIONS UNDER SECTIONS 3005 AND 3006.—Review of the Administrator's action (1) in issuing, denying, modifying, or revoking any permit under section 3005, or (2) in granting, denying, or withdrawing authorization or interim authorization under section 3006, may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Any such application shall be made within ninety days from the date of such issuance, denial, modification, revocation, grant, or withdrawal, or after such date only if such application is based solely on grounds which arose after such ninetieth day. Such review shall be in accordance with sections 701 through 706 of title 5 of the United States Code.".

SEC. 28. Section 7009 of the Solid Waste Disposal Act is amended by striking out "unless the Secretary" and substituting "unless the Administrator".

SEC. 29. Section 8002 of the Solid Waste Disposal Act is amended by—

(1) by striking out the last sentence of subsection (f) of such section and inserting in lieu thereof the following: "Not later than thirty-six months after the date of the enactment of the Solid Waste Disposal Act Amendments of 1980 the Administrator shall publish a report of such study and shall include appropriate findings and recommendations for Federal and non-Federal actions concerning such effects. Such report shall be submitted to the Committee on Environment and Public Works of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives."; and

(2) by inserting the following new subsections after subsection (l) and by redesignating subsection (m) as (q):

"(m) DRILLING FLUIDS, PRODUCED WATERS, AND OTHER WASTES ASSOCIATED WITH THE EXPLORATION, DEVELOPMENT, OR PRODUCTION OF CRUDE OIL OR NATURAL GAS OR GEOTHERMAL ENERGY.—(1) The Administrator shall conduct a detailed and comprehensive study and submit a report on the adverse effects, if any, of drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil or natural gas or geothermal energy on human health and the environment, including, but not limited to, the effects of such wastes on humans, water, air, health, welfare, and natural resources and on the adequacy of means and measures currently employed by the oil and gas and geothermal drilling and production industry, Government agencies, and others to dispose of and utilize such wastes and to prevent or substantially mitigate such adverse effects. Such study shall include an analysis of—

"(A) the sources and volume of discarded material generated per year from such wastes;

"(B) present disposal practices;

"(C) potential danger to human health and the environment from the surface runoff or leachate;

"(D) documented cases which prove or have caused danger to human health and the environment from surface runoff or leachate;

"(E) alternatives to current disposal methods;

"(F) the cost of such alternatives; and

"(G) the impact of those alternatives on the exploration for, and development and production of, crude oil and natural gas or geothermal energy.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal agencies concerning such wastes with a view toward avoiding duplication of effort and the need to expedite such study. The Administrator shall publish a report of such study and shall include appropriate findings and recommendations for Federal and non-Federal actions concerning such effects.

"(2) The Administrator shall complete the research and study and submit the report required under paragraph (1) not later than twenty-four months from the date of enactment of the Solid Waste Disposal Act Amendments of 1980. Upon completion of the study, the Administrator shall prepare a summary of the findings of the study, a plan for research, development, and demonstration respecting the findings of the study, and shall submit the findings and the study, along with any recommendations resulting from such study, to the Committee on Environment and Public Works of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives.

"(3) There are authorized to be appropriated not to exceed $1,000,000 to carry out the provisions of this subsection.

"(n) MATERIALS GENERATED FROM THE COMBUSTION OF COAL AND OTHER FOSSIL FUELS.—The Administrator shall conduct a detailed and comprehensive study and submit a report on the adverse effects on human health and the environment, if any, of the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other byproduct materials generated primarily from the combustion of coal or other fossil fuels. Such study shall include an analysis of—

"(1) the source and volumes of such material generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment from surface runoff or leachate has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of coal and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such material and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report on such study, which shall include appropriate findings, not later than twenty-four months after the enactment of the Solid Waste Disposal Act Amendments of 1980. Such study and findings shall be submitted to the Committee on Environment and Public Works of the United States Senate and the Commission on Interstate and Foreign Commerce of the United States House of Representatives.

"(o) Cement Kiln Dust Waste.—The Administrator shall conduct a detailed and comprehensive study of the adverse effects on human health and the environment, if any, of the disposal of cement kiln dust waste. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal practices;

"(3) potential danger, if any, to human health and the environment from the disposal of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such wastes or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Solid Waste Disposal Act Amendments of 1980. Such report shall be submitted to the Committee on Environment and Public Works of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives.

"(p) Materials Generated From the Extraction, Beneficiation, and Processing of Ores and Minerals, Including Phosphate Rock and Overburden From Uranium Mining.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects on human health and the environment, if any, of the disposal and utilization of solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and overburden from uranium mining. Such study shall be conducted in conjunction with the study of mining wastes required by subsection (f) of this section and shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of phosphate rock and uranium ore, and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, in conjunction with the publication of the report of the study of mining wastes required to be conducted under subsection (f) of this section. Such report and findings shall be submitted to the Committee on Environment and Public Works of the United States Senate and the Committee on Interstate and Foreign Commerce of the United States House of Representatives.".

Sec. 30. Section 3 of the Resource Conservation and Recovery Act of 1976 is hereby repealed.

Sec. 31. (a) Section 2006(a) of the Solid Waste Disposal Act is amended by striking "and" and inserting before the period "$70,000,000 for the fiscal year ending September 30, 1980, $80,000,000 for the fiscal year ending September 30, 1981, and $80,000,000 for the fiscal year ending September 30, 1982".

(b) Section 3011(a) of the Solid Waste Disposal Act is amended by inserting after "1979" the following: "$20,000,000 for fiscal year 1980, $35,000,000 for fiscal year 1981, and $40,000,000 for fiscal year 1982".

(c) Section 4008(a)(1) of the Solid Waste Disposal Act is amended to read as follows:

"(1) There are authorized to be appropriated $30,000,000 for fiscal year 1978, $40,000,000 for fiscal year 1979, $20,000,000 for fiscal year 1980, $15,000,000 for fiscal year 1981, and $20,000,000 for fiscal year 1982 for purposes of financial assistance to States and local, regional, and interstate authorities for the development and implementation of plans approved by the Administrator under this subtitle (other than the provisions of such plans referred to in section 4003(b), relating to feasibility planning for municipal waste energy and materials conservation and recovery).".

(d) Section 4008(a)(2)(C) of the Solid Waste Disposal Act is amended by adding at the end thereof: "There are authorized to be appropriated $10,000,000 for fiscal year 1980, $10,000,000 for fiscal year 1981, and $10,000,000 for fiscal year 1982 for purposes of this paragraph.".

(e) Section 4009(d) of the Solid Waste Disposal Act is amended by adding at the end thereof: "There are authorized to be appropriated $10,000,000 for the fiscal year 1980 and $15,000,000 for each of the fiscal years 1981 and 1982 to carry out this section.".

(f)(1) Subtitle E of the Solid Waste Disposal Act is amended by adding the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 5006. There are authorized to be appropriated to the Secretary of Commerce $5,000,000 for each of fiscal years 1980, 1981, and 1982 to carry out the purposes of this subtitle.".

(2) The table of contents for such subtitle E is amended by adding the following new item at the end thereof:

"Sec. 5006. Authorization of appropriations.".

ENERGY AND MATERIALS CONSERVATION AND RECOVERY

Sec. 32. (a) The Congress finds that—

(1) significant savings could be realized by conserving materials in order to reduce the volume or quantity of material which ultimately becomes waste;

(2) solid waste contains valuable energy and material resources which can be recovered and used thereby conserving increasingly scarce and expensive fossil fuels and virgin materials;

(3) the recovery of energy and materials from municipal waste, and the conservation of energy and materials contributing to such waste streams, can have the effect of reducing the volume of the municipal waste stream and the burden of disposing of increasing volumes of solid waste;

(4) the technology to conserve resources exists and is commercially feasible to apply;

(5) the technology to recover energy and materials from solid waste is of demonstrated commercial feasibility; and

(6) various communities throughout the nation have different needs and different potentials for conserving resources and for utilizing techniques for the recovery of energy and materials from waste, and Federal assistance in planning and implementing such energy and materials conservation and recovery programs should be available to all such communities on an equitable basis in relation to their needs and potential.

(b) Section 4001 of the Solid Waste Disposal Act (relating to objectives) is amended by inserting "including energy and materials which are recoverable from solid waste" after "valuable resources".

(c) Section 4002(c) of the Solid Waste Disposal Act (relating to guidelines for State plans) is amended in paragraph (11) by inserting after "recovered material" the following: "and energy and energy resources recovered from solid waste as well as methods for conserving such materials and energy".

(d)(1) Section 4003 of the Solid Waste Disposal Act is amended by inserting "negotiating and" after "from" in paragraph (5) thereof and by adding the following before the period at the end thereof: "or for conserving materials or energy by reducing the volume of waste".

(2) Section 4003 of the Solid Waste Disposal Act (relating to minimum requirements for State plans) is amended by inserting "(a) Minimum Requirements.—" after "4003" and by adding the following new subsection at the end thereof:

"(b) Energy and Materials Conservation and Recovery Feasibility Planning and Assistance.—(1) A State which has a plan approved under this subtitle or which has submitted a plan for such approval shall be eligible for assistance under section 4008(a)(3) if the Administrator determines that under such plan the State will—

"(A) analyze and determine the economic and technical feasibility of facilities and programs to conserve resources which contribute to the waste stream or to recover energy and materials from municipal waste,

"(B) analyze the legal, institutional, and economic impediments to the development of systems and facilities for conservation of energy or materials which contribute to the waste stream or for the recovery of energy and materials from municipal waste and make recommendations to appropriate governmental authorities for overcoming such impediments;

"(C) assist municipalities within the

State in developing plans, programs, and projects to conserve resources or recover energy and materials from municipal waste; and

"(D) coordinate the resource conservation and recovery planning under subparagraph (C).

"(2) The analysis referred to in paragraph (1)(A) shall include—

"(A) the evaluation of, and establishment of priorities among, market opportunities for industrial and commercial users of all types (including public utilities and industrial parks) to utilize energy and materials recovered from municipal waste.

"(B) comparisons of the relative costs of energy recovered from municipal waste in relation to the costs of energy derived from fossil fuels and other sources,

"(C) studies of the transportation and storage problems and other problems associated with the development of energy and materials recovery technology, including curbside source separation,

"(D) the evaluation and establishment of priorities among ways of conserving energy or materials which contribute to the waste stream;

"(E) comparison of the relative total costs between conserving resources and disposing of or recovering such waste; and

"(F) studies of impediments to resource conservation or recovery, including business practices, transportation requirements, or storage difficulties.

Such studies and analyses shall also include studies of other sources of solid waste from which energy and materials may be recovered or minimized.".

(e)(1) Section 4008(a)(2)(B) of such Act is amended by adding the following at the end thereof: "Applicants for technical and financial assistance under this section shall not preclude or foreclose consideration of programs for the recovery of recyclable materials through source separation or other resource recovery techniques.".

(2) Section 4008(a) of such Act is amended by adding the following new paragraph at the end thereof:

"(3)(A) There is authorized to be appropriated for the fiscal year beginning October 1, 1981, and for each fiscal year thereafter before October 1, 1986, $4,000,000 for purposes of making grants to States to carry out section 4003(b). No amount may be appropriated for such purposes for the fiscal year beginning on October 1, 1986, or for any fiscal year thereafter.

"(B) Assistance provided by the Administrator under this paragraph shall be used only for the purposes specified in section 4003(b). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.

"(C) Where appropriate, any State receiving assistance under this paragraph may make all or any part of such assistance available to municipalities within the State to carry out the activities specified in section 4003(b) (1) (A) and (B).".

(3) Section 4008 of such Act is amended by adding the following new subsection at the end thereof:

"(f) Assistance to Municipalities for Energy and Materials Conservation and Recovery Planning Activities.—The Administrator is authorized to make grants to municipalities, regional authorities, and intermunicipal agencies to carry out activities described in subparagraphs (A) and (B) of section 4003(b)(1). Such grants may be made only pursuant to an application submitted to the Administrator by the municipality which application has been approved by the State and determined by the State to be consistent with any State plan approved or submitted under this subtitle or any other appropriate planning carried out by the State.

"(2) There is authorized to be appropriated for the fiscal year beginning October 1, 1981, and for each fiscal year thereafter before October 1, 1986, $8,000,000 for purposes of making grants to municipalities under this subsection. No amount may be appropriated for such purposes for the fiscal year beginning on October 1, 1986, or for any fiscal year thereafter.".

"(3) Assistance provided by the Administrator under this subsection shall be used only for the purposes specified in paragraph (1). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.".

(f) Section 4008(d) of the Solid Waste Disposal Act is amended by inserting "(1)" after "Technical Assistance.—"and by adding the following new paragraph at the end thereof:

"(2) In carrying out this subsection, the Administrator is authorized to provide technical assistance to States, municipalities, regional authorities, and intermunicipal agencies upon request, to assist in the removal or modification of legal, institutional, and economic impediments which have the effect of impeding the development of systems and facilities to recover energy and materials from municipal waste or to conserve energy or materials which contribute to the waste stream. Such impediments may include—

"(A) laws, regulations, and policies, including State and local procurement policies, which are not favorable to resource conservation and recovery policies, systems, and facilities;

"(B) impediments to the financing of facilities to conserve or recover energy and materials from municipal waste through the exercise of State and local authority to issue revenue bonds and the use of State and local credit assistance; and

"(C) impediments to institutional arrangements necessary to undertake projects for the conservation or recovery of energy and materials from municipal waste, including the creation of special districts, authorities, or corporations where necessary having the power to secure the supply of waste of a project, to conserve resources, to implement the project, and to undertake related activities.".

(g) Section 6003 of the Solid Waste Disposal Act is amended to read as follows:

"COOPERATION WITH THE ENVIRONMENTAL PROTECTION AGENCY

"Sec. 6003. (a) General Rule.—All Federal agencies shall assist the Administrator in carrying out his functions under this Act and shall promptly make available all requested information concerning past or present Agency waste management practices and past or present Agency owned, leased, or operated solid or hazardous waste facilities. This information shall be provided in such format as may be determined by the Administrator.

"(b) Information Relating to Energy and Materials Conservation and Recovery.—The Administrator shall collect, maintain, and disseminate information concerning the market potential of energy and materials recovered from solid waste, including materials obtained through source separation, and information concerning the savings potential of conserving resources contributing to the waste stream. The Administrator shall identify the regions in which the increased substitution of such energy for energy derived from fossil fuels and other sources is most likely to be feasible, and provide information on the technical and economic aspects of developing integrated resource conservation or recovery systems which provide for the recovery of source-separated materials to be recycled or the conservation of resources. The Administrator shall utilize the authorities of subsection (a) in carrying out this subsection.".

NATIONAL ADVISORY COMMISSION ON RESOURCE CONSERVATION AND RECOVERY

Sec. 33. (a)(1) There is hereby established in the executive branch of the United States the National Advisory Commission on Resource Conservation and Recovery, hereinafter in this section referred to as the "Commission".

(2) The Commission shall be composed of nine members to be appointed by the President. Such members shall be qualified by reason of their education, training, or experience to represent the view of consumer groups, industry associations, and environmental and other groups concerned with resource conservation and recovery and at least two shall be elected or appointed State or local officials. Members shall be appointed for the life of the Commission.

(3) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) Five members of the Commission shall constitute a quorum for transacting business of the Commission except that a lesser number may hold hearings and conduct information-gathering meetings.

(5) The Chairperson of the Commission shall be designated by the President from among the members.

(6) Upon the expiration of the two-year period beginning on (A) the date when all initial members of the Commission have been appointed or when (B) the date when initial funds become available to carry out this section, whichever is later, the Commission shall transmit to the President, and to each House of the Congress, a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

(7) The Commission shall submit an interim report on February 15, 1982 and the Commission may also submit, for legislative and administrative actions relating to the Solid Waste Disposal Act, other interim reports prior to the submission of its final report.

(8) The Commission shall cease to exist 30 days after submission of its final report.

(b) The Commission shall—

(1) after consultation with the appropriate Federal agencies, review budgetary priorities relating to resource conservation and recovery, determine to what extent program goals relating to resource conservation and recovery are being realized, and make recommendations concerning the appropriate program balance and priorities;

(2) review any existing or proposed resource conservation and recovery guidelines or regulations;

(3) determine the economic development or savings potential of resource conservation and recovery, including the availability of markets for recovered energy and materials, for economic materials savings through conservation, and make recommendations concerning the utilization of such potential;

(4) identify, and make recommendations addressing, institutional obstacles impeding the development of resource conservation and resource recovery; and

(5) evaluate the status of resource conservation and recovery technology and systems including both materials and energy recovery technologies, recycling methods, and other innovative methods for both conserving energy and materials extractable from solid waste.

The review referred to in paragraph (1) should include but not be limited to an assessment of the effectiveness of the technical assistance panels, the public participation program and other program activities under the Solid Waste Disposal Act.

(c)(1) Members of the Commission while serving on business of the Commission, shall be compensated at a rate not to exceed the rate specified at the time of such service for grade GS-16 of the General Schedule for each day they are engaged in the actual performance of Commission duties, including travel time; and while so serving away from their homes or regular places of business, all members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(2) Subject to such rules as may be adopted by the Commission, the Chairperson, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

(A) appoint a Director, who shall be paid at a rate not to exceed the rate of basic pay for level I, GS-16 of the General Schedule; and

(B) appoint and fix the compensation of not more than 5 additional staff personnel.

(3) This Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-16 in section 5332 of such title. Experts and consultants may be employed without compensation if they agree to do so in advance.

(4) Upon request of the Commission, the head of any Federal agency is authorized to detail on reimbursable or nonreimbursable basis any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(5) The Commission is exempt from the requirements of sections 4301 through 4308 of title 5, United States Code.

(6) The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties and responsibilities.

(7) In order to expedite matters pertaining to the planning for, and work of, the Commission, the Commission is authorized to make purchases and contracts without regard to section 252 of title 41 of the United States Code, pertaining to advertising and competitive bidding, and may arrange for the printing of any material pertaining to the work of the Commission without regard to the Government Printing and Binding Regulations and any related laws or regulations.

(8) The Commission may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(9) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties and functions. Upon request of the Chairperson, the head of any such Federal agency shall furnish such information to the Commission subject to applicable law.

(10) Financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) shall be provided to the Commission by the General Services Administration for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairperson of the Commission and the Administrator of General Services.

(d) In carrying out its duties under this section the Commission, or any duly authorized committee thereof, is authorized to hold such hearings and take testimony, with respect to matters to which it has a responsibility under this section as the Commission may deem advisable. The Chairperson of the Commission or any member authorized by him may administer oaths or affirmations to witnesses appearing before the Commission or before any committee thereof.

(e) From the amounts authorized to be appropriated under the Solid Waste Disposal Act for the fiscal years 1981 and 1982, not more than $1,000,000 may be used to carry out the provisions of this section.

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

HARLEY O. STAGGERS,
J. J. FLORIO,
JIM SANTINI,
BARBARA A. MIKULSKI,
JOHN M. MURPHY,
ROBERT T. MATSUI,
EDWARD MADIGAN,
GARY A. LEE,
Managers on the Part of the House.

JENNINGS RANDOLPH,
LLOYD BENTSEN,
JOHN CULVER,
ROBERT T. STAFFORD,
JOHN H. CHAFEE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION 1—SHORT TITLE

Senate bill.—The Senate bill provides that this legislation may be cited as the "Solid Waste Disposal Act Amendments of 1979".

House amendment.—The House amendment provides that this legislation may be cited as the "Resource Conservation and Recovery Act Amendments".

Conference substitute.—The Conference substitute is the same as the Senate bill, but changes 1979, to 1980.

SECTION 2—DEFINITIONS

Senate bill.—The Senate bill amends section 1004(14) of the Solid Waste Disposal Act to define "open dump" as any facility or site where solid waste is disposed of which is not a sanitary landfill which meets the criteria promulgated under section 4004 and which is not a facility for disposal of hazardous waste.

Section 2 of the Senate bill also amends section 1004(19) of the Solid Waste Disposal Act to define the term "recovered material" as waste material and byproduct which have been recovered or diverted from solid waste, but does not include those materials generated from and commonly reused within the original manufacturing process itself.

House amendment.—The House amendment amends the definition of "open dump" in section 1004(14) of the Solid Waste Disposal Act by inserting "or which is not a facility for disposal of hazardous waste".

Conference substitute.—The Conference substitute is the same as the Senate bill, with minor technical changes.

SECTION 3

Senate bill.—The Senate bill amends section 1006 of the Solid Waste Disposal Act to require the Administrator of the Environmental Protection Agency to administer and enforce the provisions of that section so as to avoid duplication and enforcement of provisions under the Surface Mining Control and Reclamation Act of 1977 pertaining to coal mining wastes and overburden.

House amendment.—The House amendment also eliminates potentially duplicative administration and enforcement of provisions under the two statutes pertaining to coal mining wastes and overburden. The House amendment requires the Administrator to review regulations promulgated under the Surface Mining Control and Reclamation Act pertaining to such wastes or overburden and to advise the Secretary of the Interior of any requirement of final EPA regulations under subtitle C of the Solid Waste Disposal Act not adequately addressed in the Surface Mining Control and Reclamation Act of 1977 regulations.

Conference substitute.—The conference substitute adopts the House amendment, with minor revisions, and adds a provision transferring to the Secretary of the Interior exclusive responsibility for carrying out any requirement of subtitle C of the Solid Waste Disposal Act with respect to coal mining wastes or overburden for which a surface coal mining and reclamation permit is issued or approved under the Surface Mining Control and Reclamation Act. The Secretary is directed to promulgate, with the concurrence of the Administrator, any regulations that may be necessary to carry out this responsibility and to integrate those regulations with regulations promulgated under the Surface Mining Control and Reclamation Act. The Conferees intend that regulations promulgated by the Administrator under subtitle C of the Solid Waste Disposal Act will not be applicable to coal mining wastes or overburden for which a surface coal mining and reclamation permit is issued or approved under the Surface Mining Control and Reclamation Act.

SECTION 4—INTERAGENCY COORDINATING

Senate bill.—The Senate bill amends section 2001 of the Solid Waste Disposal Act to establish an Interagency Committee to coordinate Federal resource conservation and recovery efforts. The Committee is to be chaired by the Environmental Protection Agency and is to include members from the Departments of Energy, Commerce, Treasury and other appropriate agencies. The Coordinating Committee is to oversee Memoranda of Understanding on energy recovery from municipal solid waste between EPA and DOE. The Committee is also to annually submit to the Congress a five-year action plan, beginning March 1, 1980, identifying means and proposing programs to encourage resource conservation or materials and energy recovery, and including other matters.

House amendment.—The House amendment does not contain a similar provision.

Conference substitute.—The Conference substitute is the same as the Senate bill, except the 1980 date is moved to 1981.

SECTION 5—DELEGATION

Senate bill.—The Senate bill amends section 2002 of the Solid Waste Disposal Act to permit the Administrator of the Environmental Protection Agency to delegate the performance of any inspection or enforcement function of the Act to another department or agency where such delegation would avoid unnecessary duplication and carry out the objectives of the Act.

House amendment.—The House amendment does not contain a similar provision.

Conference substitute.—The conference substitute generally follows the Senate bill but limits this authority of the Administrator to delegate inspection and enforcement functions to the Secretary of Transportation in matters relating to the transportation of hazardous waste where such delegation would avoid unnecessary duplication of activity and would carry out the objectives of this Act and of the Hazardous Materials Transportation Act.

SECTION 6—GENERAL AUTHORIZATION

Senate bill.—The Senate bill limits the amount authorized for resource recovery and conservation panels to 20 percent of the amount appropriate under section 2006(a) or $5,000,000 per year, whichever is less. The Senate bill also provides that no less than 25 percent of the total amount authorized in this title, up to the amount authorized in section 4008(a)(1) shall be used only for purposes of support to local and state agencies in carrying out Subtitle D functions.

House amendment.—The House amendment does not contain similar provisions.

Conference substitute.—The Conference substitute is the same as the Senate bill.

SECTION 7—SUSPENSION OF REGULATION OF CERTAIN WASTES

1. Drilling fluids

Senate bill.—The Senate bill provides that drilling fluids, produced waters and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy shall only be subject to existing State or Federal regulatory programs in lieu of subtitle (c), until at least 24 months after enactment. State or Federal regulatory programs must include identification, and chemical analysis of disposal sites to be closed. The Administrator is directed to do a study on the adverse effects, if any, of these wastes. Six months after completion of the study the Administrator is to make a determination as to whether or not to promulgate regulations related to these wastes such regulations would not take effect unless each House passes a resolution favoring such regulations.

House amendment.—The House amendment provides that drilling fluids, produced waters and other wastes associated with the exploration for or development and production of crude oil or natural gas shall not be considered hazardous waste.

Conference substitute.—The conference substitute generally adopts the Senate provision except that the Congress recommends that State or Federal programs for waste disposal sites include provisions for identification and chemical and physical analysis. Any regulations recommended by the Administrator shall take effect only when authorized by an act of Congress. The term "other wastes associated" is specifically included to designate waste materials intrinsically derived from the primary field operations associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy. It would cover such substances as: hydrocarbon bearing soil in and around the related facilities; drill cuttings; materials (such as hydrocarbon, water, sand, and emulsion) produced from a well in conjunction with crude oil, natural gas, or geothermal energy; and the accumulated material (such as hydrocarbon, water, sand, and emulsion) from production separators, fluid treating vessels, storage vessel, and production impoundment.

The phrase "intrinsically derived from the primary field operations . . ." is intended to differentiate exploration, development, and production operations from transportation (from the point of custody transfer or of production separation and dehydration and manufacturing operations).

2. Other wastes

Senate bill.—The Senate bill suspends regulation under subtitle C of fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, pending a determination of whether such regulation is necessary to protect human health and environment.

The Administrator is required to conduct a detailed study of the adverse effects, if any of such wastes, and hold public hearings prior to determining whether to promulgate regulations under subtitle C with respect to such wastes. The Administrator is authorized to prescribe certain regulations pertaining to gathering of information with respect to such wastes.

House amendment.—The House amendment, suspends regulation under subtitle C of such wastes, as well as all other wastes (with the exception of drilling fluids, produced wastes and other wastes associated with the exploration, development or production of crude oil, natural gas, or geothermal energy) in a category designated as "special wastes" in regulations proposed by the Agency under subtitle C on December 18, 1978. The House amendment also contains requirements for studies and public hearings prior to regulation of such wastes.

The House amendment authorizes the Administrator to prescribe regulations to secure information relating to such wastes and to prescribe regulations to prevent radiation exposure which presents an unreasonable risk to human health or the environment from certain uses of solid waste from the extraction, beneficiation and processing of phosphate rock or the extraction of uranium ore. The Administrator would be authorized to enforce such regulations through issuance of a compliance order or commencement of a civil action.

Conference substitute.—The conference substitute adopts the House amendment with a minor modification, providing that suspension of regulation under subtitle C of uranium mining waste is limited to overburden.

SECTION 8—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

Senate bill.—The Senate bill amends section 3002(5) of the Act to provide that standards for generators of hazardous waste shall establish requirements respecting use of a manifest system and any other means necessary to assure that all such hazardous waste is designated for treatment, storage or disposal in, and arrives at, permitted facilities.

House amendment.—The House amendments do not contain a similar provision.

Conference substitute.—The Conference substitute is the same as the Senate bill.

SECTION 9—STANDARDS APPLICABLE TO OWNERS AND OPERATORS OF FACILITIES

Senate bill.—The Senate bill amends section 3004 of the Act to provide the authority to the Administrator to distinguish in performance standards between requirements appropriate for new facilities and for facilities in existence on the date of promulgation of the regulations.

House amendment.—The House amendment provides that in establishing standards for owners and operators, the Administrator shall, where appropriate, establish separate standards for new and existing facilities.

Additionally the House bill contains a provision which would prohibit the Administrator from requiring existing waste water treatment facilities to comply with section 3004 (3) and (4) of the Act under certain specified conditions.

Conference substitute.—The Conference substitute amends section 3004 to provide that the Administrator should, where appropriate, establish separate requirements for new and existing facilities. Under section 3004, the Administrator is required to promulgate regulations for all aspects of storage, treatment, and disposal of hazardous waste. These range from regulations for reporting, monitoring, and record keeping to regulations for location, design, construction, and operation.

In including this amendment in the conference bill, the Conferees are concerned primarily with two key factors which distinguish existing facilities from new facilities. First, existing facilities are already committed to particular sites, and thus relocation especially where the facility is directly connected to a manufacturing operations (like a wastewater treatment impoundment), is usually not a feasible alternative. Second, existing facilities have made substantial commitments to the design and construction of the facility.

The Conferees recognize that there are many practical and technical limitations in modifying or retrofitting existing facilities to meet standards which may be reasonable to apply to new facilities. If applicable performance standards can be met with the existing design, it seems unduly burdensome to require such modifications or retrofitting. This may be particularly true for industrial wastewater treatment facilities where the owner would not only be faced with the tremendous cost associated with reconstructing his existing ponds, or building replacement ponds; but in many cases would find that his manufacturing plant would have to close while his impoundment was being retrofitted, since the impoundment is needed to treat his wastewater to satisfy his Clean Water Act discharge permit.

The Administrator should exercise discretion with regard to the standards set forth for existing as differentiated from new facilities, including establishment of separate requirements for new and existing facilities where necessary taking into consideration the factors noted above. Regulations issued under section 3004 should provide sufficient flexibility to allow differing designs and locations for existing facilities as long as the health and environmental performance objectives can be met.

The Conferees believe that distinctions between new and existing facilities, can, and should, be made without compromising on the level of protection necessary to protect public health and environment.

SECTION 10—INTERIM STATUS

Senate bill.—The Senate bill amends section 3005(e) to provide that interim status may be accorded to any person who owns or operates a facility which is in existence on the date of promulgation of regulations under sections 3001 and 3004.

House amendment.—The House amendment provides that interim status may be accorded to a facility in existence on the effective date of the regulations under sections 3001 and 3004.

Conference substitute.—The Conference substitute provides that interim status may be accorded to a facility in existence on November 19, 1980. The Conference substitute reflects the clear intent of both Houses that facilities which have come into operation since enactment of the Resource Conservation and Recovery Act in 1976 be allowed to continue to operate under interim status. This extension of time is necessitated both by the delay in promulgation of applicable regulations, and the desire of the Conferees to encourage the operation of new, technologically modern treatment and disposal facilities.

The Conferees intend that a facility need not actually be in operation and receiving wastes to be "in existence". It must, however, have obtained all necessary State, local or Federal permits and clearances, and, being justifed in relying on those permits, the owner or operator must have made a financial commitment which cannot be terminated, relocated, or modified without a substantial loss. The meaning of the phrase "in existence" can best be understood by reviewing the discussion of the definition of "commenced construction" in the report of the Committee on Environment and Public

Works on the Clean Air Act Amendments of 1977 (Senate Report Number 95–127).

This definition of "in existence" also applies to other uses of the phrase in the Solid Waste Disposal Act.

SECTION 11

Senate bill.—The Senate bill amends section 3005 of the Solid Waste Disposal Act by adding a new subsection (f) clarifying, consistent with the amendment made to section 1006 of the Solid Waste Disposal Act, that no individual permit would be required under subtitle C for coal mining wastes or overburden for which a surface coal mining and reclamation permit issued or approved under the Surface Mining Control and Reclamation Act of 1977. The Administrator is authorized to issue to a general permit for such wastes and overburden consistent with the requirement of the Surface Mining Control and Reclamation Act.

House amendment.—The House amendment contains a similar provision. The House amendment provides that any surface coal mining and reclamation permit with respect to such waste or overburden issued or approved under the Surface Mining Control and Reclamation Act would be deemed to be a permit issued pursuant to the Solid Waste Disposal Act. Regulations promulgated by the Administrator under subtitle C are not applicable to such wastes or overburden.

Conference substitute.—The conference substitute adopts the House amendment, with minor technical changes.

SECTION 12—INSPECTION

Senate bill.—The Senate bill includes amendments to section 3007(a) to assure that the inspection authority for purposes of developing regulations or enforcement provisions extends to provisions of the title rather than subtitle, and to employees and representatives of the Environmental Protection Agency. The Senate bill also provides that persons who generate, transport, treat, store, dispose or otherwise handle or have handled hazardous waste, furnish information relating to such wastes to duly designated officers, employees or representatives of EPA.

The Senate bill also amends Section 3007 (b) to provide criminal penalties to any person who knowingly discloses any information entitled to protection under section 1905 of title 18 of the U.S. Code. A person may designate and submit separately the data which such person believes to be entitled to protection.

House amendment.—The House amendments contain similar provisions relating to 3007(a) with respect to employees and representatives of EPA and to furnishing of information. The House amendment does not contain criminal penalties for disclosing information.

Conference substitute.—The Conference substitute substantially adopts the Senate language. The Conferees believe that the expanded authority to use private contractors or representatives for inspection purposes must be used judiciously, avoiding the use of contractors who have conflicts of interest.

SECTION 13—FEDERAL ENFORCEMENT

Senate bill.—The Senate bill amends section 3008(a) to delete the requirement that the Administrator give notice and wait 30 days before issuing a compliance order to any person in violation of a requirement of subtitle C. Additionally, the Senate bill contains a civil penalty applicable to any person who violates any requirement of subtitle C, not to exceed $25,000 for each violation.

House amendment.—The House amendment contains the identical language relating to compliance orders except that the House amendment has additional language which provides that the Administrator may issue a compliance order *"immediately"*, and does not contain the civil penalty.

The House amendment also amends section 3008(d) to provide criminal penalties for any person who knowingly destroys, alters, or conceals any record with respect to the generation, storing, treating, transportation, disposal, or other handling of hazardous waste or for any person who transports, treats, stores, or disposes of hazardous waste in reckless disregard of the fact that he thereby causes or creates a substantial danger or risk to human life or health. The House amendment also raised the fine for violation of 3008(d) (1), (2), or (5) to $50,000 or 2 years imprisonment for a first offense.

Conference substitute.—The Conference substitute adopts the language contained in the Senate bill relating to compliance orders including the civil penalty, and the House amendment relating to the word *immediately.*

The Conferees have agreed to a number of amendments to the criminal penalty section of the Solid Waste Disposal Act, section 3008, 42 U.S.C. section 6928, as described below. These changes would clarify the scope of existing criminal provisions and create a new offense of endangerment that is carefully and specially tailored to the activities regulated by the Act.

Section 3008(d); penalties

Section 3008(d) presently contains three subsections covering different types of prohibited conduct. The amendments would add a fourth. Under current law, the first violation of any subsection carries misdemeanor penalties (up to one year in prison and a $25,000 fine). Penalties of double that amount are provided for subsequent violations. Because of the potential seriousness of violations of the first two subsections, which deal with certain conduct engaged in without a permit or in violation of a permit, the amendments would double the maximum penalties for the first violation of either subsection.

Section 3008(d)(2); unpermitted activities; Violations of permits

The existing subsection provides criminal penalties for knowingly treating or storing, or disposing of hazardous wastes without a permit, but existing law is unclear whether a violation of a permit condition constitutes a criminal violation. The proposed section as amended would eliminate the ambiguity by providing explicit penalties for knowingly failing to comply with a material condition of the permit.

This section is intended to prevent abuses of the permit system by those who obtain permits and then knowingly disregard them. It is not aimed at punishing minor technical variations from permit regulations or conditions if the facility operator is acting responsibly. The Department of Justice has exercised its prosecutionial discretion responsibly under similar provisions in other statutes and the conferees assume that, in light of the upgrading of the penalties from misdemeanor to felony, similar care will be used in deciding when a particular permit violation may warrant criminal prosecution under this Act.

Section 3008(d)(3); false statements

The amendment to this subsection would clarify existing law by providing that only false "material" statements under the Act are covered by the criminal provision. Existing law does not specify that such statements or representations must be material. Federal criminal law generally reaches only those false statements that have a material bearing on the activity or program to which they relate.

Section .3008(d)(4); document alteration or destruction

This is a new subsection that would provide criminal penalties for knowingly destroying, altering, or concealing any record required to be maintained under the subtitle. The section accepts a similar provision contained in the House amendment with two modifications.

The provision in the House bill did not make explicit that the destruction must have been done knowingly and thus would have covered even accidental or inadvertent destruction or alteration of the documents covered. In addition, the House provision seemed to apply to almost every piece of paper relating to hazardous wastes, including identical copies and irrelevant documents, and seemed to apply forever. The conferees have substituted a provision that is keyed only to those documents that the Administrator requires to be maintained under regulations he promulgates pursuant to statutory authority.

Section 3008(e); knowing endangerment

The purpose of this new section is to provide enhanced felony penalties for certain life-threatening conduct. At the same time, the new offense is drafted in a way intended to assure to the extent possible that persons are not prosecuted or convicted unjustly for making difficult business judgments where such judgments are made without the necessary scienter.

The House amendment contained a general "reckless endangerment" provision; the Senate bill contains no similar provision. The conferees have accepted a substitute proposal that would create a "knowing endangerment" offense based on dangerous conduct in violation of certain predicates: other specific provision of law or interim permit standards and regulations. The knowledge necessary for culpability of a natural person is actual knowledge, which may be established by direct or circumstantial evidence, but not constructive or vicarious knowledge.

The proposal involves a two-step inquiry. The first step involves a showing that the defendant knowingly engaged in conduct which violates certain statutory prohibitions or interim permit standards. If he did so, the next inquiry is whether his knowledge at that time about the consequences of his violation satisfies one of the two "tiers" of culpability that may subject him to prosecution for felonious endangerment.

Thus, subsection (e) would provide that a person may be guilty of the offense of endangerment if he knowingly transports, treats, stores, or disposes of any covered hazardous waste in violation of subsections (d) (1) or (d)(2) and if his conduct satisfies one of the two "tiers" of culpability. When a person is operating under any "interim status" pending final processing of his application, the necessary predicate for an endangerment prosecution may be either a knowing failure to submit necessary information or knowing failure to comply with the interim standards.

In either event, the endangerment offense depends upon a showing that a natural person actually knew that his conduct at that time placed another person in imminent danger of death or serious bodily injury.

For the conduct described above to constitute the crime of endangerment, the government must also prove that the defendant's conduct met one of the two "tiers" of culpability defined in subparagraphs (e)(2) (A) and (B). The more egregious conduct—that manifesting an "extreme indifference" to human life—is punishable by up to 5 years imprisonment or a fine of $250,000 (one million dollars for an organizational defendant) or both. An obvious example of such conduct would be the dumping of what is known to be poisonous waste, in potentially lethal amounts, into what the defendant knows is a municipal drinking water supply, even if, due to a mere quirk of fate, severe bodily injury or death does not in fact result.

The other test for culpability, for which a somewhat lesser but still severe penalty is set, is conduct manifesting an unjustified and inexcusable disregard for human life. This violation carries a penalty of $250,000 (again, one million dollars for an organizational defendant) or 2 years imprisonment, or both. Such conduct must include a conscious disregard for human life that is neither excusable nor justified by countervailing considerations.

It is not the purpose of this amendment either to create criminal liability or to impose enhanced penalties for errors in judgment made without the necessary scienter, however dire may be the danger in fact created. The penalties for violating subsections (d)(1) or (d)(2) are believed to be adequate to cover most situations; the additional offense and the enhanced penalties created by subsection (e) are designed for the occasional case where the defendant's knowing conduct shows that his respect for human life is utterly lacking and it is merely fortuitous that his conduct may not have caused a disaster.

The Department of Justice has expressed its belief that this provision is necessary to protect the public from knowing and unjustified conduct which threatens life or serious bodily harm. Because no concrete harm need actually result for a person to be prosecuted under this section, however, the conferees as well as responsible members of the business community believe that it is necessary to make the offense as precise and carefully drawn as possible. There is also general recognition that serious criminal charges are not an appropriate vehicle for second-guessing the wisdom of judgments that are made on the basis of what was known at the time where the person acted without the necessary elements of scienter. In this light, the concept of "reckless endangerment" embodied in the House amendment has been rejected in favor of a knowing endangerment provision that is specifically molded to the activities and risks covered by the Solid Waste Disposal Act.

Subsection 3008(f); definitions; defenses

This section defines the state of mind necessary for violations of subsection (e). It also provides for affirmative defenses, recognizes existing general defenses, permits the courts to develop new defenses geared to the new offense, and defines certain terms used in the section.

The state of mind for all criminal violations under section 3008 is "knowing." The conferees have not sought to define "knowing" for offenses under subsection (d); that process has been left to the courts under general principles. Since subsection (e) creates an entirely new offense, however, the conference substitute defines specifically the nature and quality of the knowledge that must be provided.

Subsection (f)(1) defines "knowing" for purposes of the endangerment offense. The basic definition is derived from the general definition of this mental element proposed in the Criminal Code Reform Act, S. 1722. The basic definition for subsection (e) is that a person's state of mind is "knowing" with respect to (A) his conduct, if he is aware of the nature of his conduct, (B) an existing circumstance, if he is aware or believes that the circumstance exists, or (C) a result of his conduct if he is aware or believes that his conduct is substantially certain to cause danger of death or serious bodily injury.

Two clarifications are included. Subparagraph (f)(2)(A) provides that a natural person is responsible only for the actual awareness or actual belief that he possessed. Thus, knowledge that the defendant should have had, could have had, or would have had under various circumstances does not suffice if he did not actually have the requisite knowledge about the danger at the time he acted.

Subparagraph (f)(2)(B) expressly declares that in proving this actual knowledge, circumstantial evidence may be used. It is rare to find direct evidence of what a person actually knew, and the conferees want to avoid any implication that the requirement of actual knowledge would render inadmissible any otherwise probative evidence of this element. For example, evidence that the defendant took affirmative steps to shield himself from relevant information may be probative on this ultimate issue, and the subsection thus refers to such evidence explicitly.

Nevertheless, the ultimate issue for the jury will be whether the defendant who is a natural person was actually aware or actually believed that his conduct would create the danger described in subsection (e).

These provisions may differ from the requirements for knowledge in the general criminal law. The conferees believe that these clarifying provisions are appropriate to accompany the creation of this new federal crime and are appropriate to protect persons engaged in complex decision-making from unjust indictment or conviction.

Subparagraph (f)(2)(B) also provides expressly that knowledge possessed by a person other than the defendant may not be attributed to a defendant who is a natural person. The conferees believe that the responsibility for the felony of criminal endangerment should properly be confined only to those persons who themselves have actual knowledge of the danger resulting from their conduct. A supervisor, for example, who personally lacks the necessary knowledge, should not be criminally prosecuted for knowledge that only his subordinates possessed. Thus, whether or not vicarious knowledge may be sufficient for other crimes, the new endangerment offense under subsection (e) applies only to those people who have personal knowledge of the danger their conduct created.

This provision does not deal with the separate question of establishing corporate liability. The criminal responsibility of a corporation for knowledge possessed by its officers and managing agents should be governed by traditional principles.

Subsection (f)(3) provides that consent of the person endangered will, under specified circumstances, constitute an affirmative defense to a prosecution for endangerment. This follows the approach taken in the proposed Criminal Code, S. 1722, which would recognize similar defenses. The defense of consent may be established by a preponderance of the evidence.

This defense simply reflects the fact that working in or with the hazardous waste industry involves some hazards that are unavoidable. So long as the person endangered is aware of the existence of a hazard and voluntarily assumes the risk, there should be no criminal liability under the endangerment provision attached to the person responsible for the dangerous condition.

Subsection (f)(4) provides that other affirmative defenses, general defenses, and bars to prosecution may apply to endangerment and are to be determined by the courts in light of reason and experience. This provision is also modeled on a provision in S. 1722 and is desirable in this statute to avoid any implication that the only available defense is the affirmative defense of consent that is expressly recognized in the prior subsection.

This subsection further provides that the concepts of justification and excuse may be developed by the courts in the light of reason and experience. The purpose of this provision is to assure that, in addition to any traditional bars and defenses that the courts may find applicable, the courts will be able to perform their historic functions of refining the meaning of the concepts of culpability expressed in the statute and of developing defenses that are pertinent to a novel crime.

The final subsections, (f)(6) and (7), simply define the terms "organization" and "serious bodily injury" used in subsection (e). These definitions are taken from the proposed Federal Criminal Code, S. 1722.

SECTION 14—RETENTION OF STATE AUTHORITY

Senate bill.—The Senate bill amends section 3009 to provide that nothing in this title shall be construed to prohibit any State or political subdivision from imposing more stringent requirements, including those for site selection than those imposed by the federal regulations.

House amendment.—No provision.

Conference substitute.—The Conference substitute is the same as the Senate bill.

SECTION 15—NOTIFICATION

Senate bill.—No provision.

House amendment.—The House amendment to section 3010 leaves notification relating to revision of regulations to the discretion of the Administrator. This is intended to ease the paperwork burdens on persons who are required to notify.

Conference substitute.—The Conference substitute is the same as the House amendment.

SECTION 16—ASSISTANCE TO STATES

Senate bill.—The Senate bill authorizes assistance under section 3011(a) for State programs to protect health and the environment from hazardous waste disposal sites or facilities which are no longer receiving waste.

House amendment.—The House amendment authorizes assistance under section 3011(a) for State hazardous waste programs, including planning for hazardous waste treatment storage and disposal facilities, and the development and execution of programs to protect health and the environment from inactive facilities.

Conference substitute.—The Conference substitute is similar to the House bill. The Conferees expect that this assistance will aid States in preliminary analysis and planning with regard to inactive and abandoned facilities in anticipation of the passage of pending legislation to provide assistance for actual clean-up and containment.

SECTION 17—INVENTORY AND MONITORING

Senate bill.—No provision.

House amendment.—The House amendment creates a new section 3012 directing each State to undertake a continuing program to compile, publish, and submit to the Administrator an inventory describing the location of each site within such State at which hazardous waste has at any time been stored or disposed of. The inventory is to contain a description of the location of the site, information relating to the amount, nature, and toxicity as may be practicable to obtain, the name, address, and corporate headquarters of the owner of the site, and other information.

The Administrator is directed to make available whatever information he has regarding the items above and is authorized to conduct the inventory in those States which are not adequately carrying out the program.

Twenty million dollars is authorized for State grants to assist in carrying out this program.

The House amendment also creates a new section 3013 authorizing the Administrator to issue an order requiring the owner or operator of a site or facility to conduct reasonable testing, analysis, and monitoring to ascertain the nature and extent of the hazard. Before issuing such an order, the Administrator must make a determination that the presence or release of hazardous waste at a facility or site may present a substantial hazard to human health or the environment.

If such a determination is made with respect to a facility or site not presently in operation, and the present owner could not reasonably be expected to know of the presence of the hazardous waste, the Administrator may issue an order requiring the most recent previous owner or operator who could reasonably be expected to have knowledge relating to the waste at the site. Additionally, under certain circumstances, the Administrator may conduct the monitoring and testing or authorize a State or local authority to do so.

Conference substitute.—The Conference substitute is the same as the House amendment. Additionally, the substitute makes clear that enforcement and remedial actions with respect to hazardous waste sites should not be postponed pending completion of the inventory.

Grants for the inventory program are to be administered under existing regulations pertaining to section 3011.

SECTION 18—MINIMUM REQUIREMENTS FOR APPROVAL OF PLANS

Senate bill.—The Senate bill amends Section 4003 by not prohibiting states and localities from entering into long-term contracts for the operation of resource recovery facilities, or from securing long-term markets for materials and energy recovered from such facilities.

House amendment.—The House amendment is similar but also allows for the "negotiating" of a contract.

Conference substitute.—The Conference substitute combines the Senate and House provisions.

SECTION 19—UPGRADING OF OPEN DUMPS

Senate bill.—The Senate bill amends section 4005 in its entirety and by making the open dumping prohibition of subsection (a) (as redesignated) effective upon the promulgation of the criteria under section 1008(a)(3) and to measure the five-year limit on compliance schedules from the date of such promulgation. The bill amends section 4005 (b) "the Inventory" to make clear that the purpose of the inventory is to assist states in complying with section 4003(3).

House amendment.—The House amendment makes similar changes and also amends section 4006 by deleting the term "functions" and inserting in lieu thereof "management activities".

Conference substitute.—The Conference substitute adopts the Senate bill provisions to section 4005 and House amendments to section 4006.

SECTION 20—SPECIAL COMMUNITIES

Senate bill.—No provision.

House amendment.—The House amendment amends section 4008 by authorizing the Administrator to assist local governments with solid waste disposal facilities located on a drinking water aquifer to take measures to identify these sites and mitigate potential environmental problems associated with such sites. There are $2,500,000 authorized for making grants for purposes of stabilizing such sites.

Conference substitute.—The Conference substitute adopts the House amendment, with authorizations of $1,500,000 for each of fiscal years 1981 and 1982.

SECTION 21—DEVELOPMENT OF SPECIFICATION FOR SECONDARY MATERIALS

Senate bill.—No provision.

House amendment.—The House amendment amends section 5002 and 5003 by establishing a deadline of two years after September, 1979, for the Department of Commerce to publish guidelines for the development of specifications for recovered materials and to take actions to identify potential markets and economic obstacles to materials recovery.

The House amendment also establishes a new section 5005 directing the Secretary of Commerce not to discriminate between recovered materials and virgin materials.

Conference substitute.—The Conference substitute provides that the Secretary, when considering controls for recovered materials, may consider establishing similar policies for virgin materials, and adopts the House amendments to sections 5002 and 5003.

SECTION 22—FEDERAL PROCUREMENT

Senate bill.—The Senate bill amends section 6002 by establishing deadlines for developing guidelines and specifications for Federal procurement of goods with recovered materials. The Senate bill also provides that the listed criteria for determining whether an item can be produced with "recovered" materials is not the exclusive grounds for such determination.

House amendment.—The House amendment establishes a series of specific dates by which Federal procurement guidelines and specifications shall be published and implemented.

Conference substitute.—The Conference substitute is the same as the Senate bill but changes the date for final publication of guidelines for product categories from September 30, 1980, to May 1, 1981.

SECTION 23—APPLICABILITY OF SOLID WASTE DISPOSAL GUIDELINES TO EXECUTIVE AGENCIES

Senate bill.—No provision.

House amendment.—The House amendment amends section 6004 by extending the applicability of solid waste disposal guidelines to include the legislative branch.

Conference substitute.—The Conference substitute is the same as the House amendment.

SECTION 24—OCCUPATIONAL SAFETY AND HEALTH

Senate bill.—No provision.

House amendment.—The House amendment directs the Administrator to provide certain information to the Secretary of Labor and the Director of the National Institute for Occupational Safety and Health in order to assist them in carrying out their duties under the Occupational Safety and Health Act of 1970. The information relates to the indentity of any site where clean-up is planned, information regarding hazards to which workers might be exposed, and incidents of worker injury or harm at a site.

Conference substitute.—The Conference substitute is the same as the House amendment.

SECTION 25—IMMINENT HAZARD

Senate bill.—The Senate bill deletes the requirement from section 7003 that hazardous waste be causing an *imminent* endangerment to health or the environment in a suit on behalf of the United States to restrain a person contributing to the endangering situation.

House amendment.—The House amendment provides that the Administrator may take action to stop the handling, storage, treatment, transportation, or disposal of any solid or hazardous waste if such handling may present an imminent and substantial endangerment to public health or the environment. The Administrator is empowered to commence a civil action for appropriate relief, issue such orders as may be necessary to protect public health and the environment, or take other action that may be necessary.

Conference substitute.—The Conference substitute is substantially the same as the House amendment.

SECTION 26—PUBLIC PARTICIPATION

Senate bill.—No provision.

House amendment.—The House amendment provides that before issuing a permit for a facility under section 3004, the Administrator must give notice in local newspapers and over local radio stations of the Agency's intentions to issue a permit, and transmit written notice of the intention to issue a permit to units of local government having jurisdiction. If the Administrator receives written notice of opposition to issuance of the permit within 45 days he shall hold an informal public hearing at a location convenient to the nearest population center.

Conference substitute.—The Conference substitute is the same as the House amendment.

SECTION 27—JUDICIAL REVIEW

Senate bill.—The Senate bill amends section 7006 to provide that review of the Administrator's action in issuing, denying, modifying, or resolving any permit under section 3005, or granting, denying, or withdrawing authorization or interim authorization under section 3006 may be had by any interested person in the Circuit Court of Appeals of the United States for the federal judicial district in which such person resides or transacts business.

House amendment.—The House amendment contains a similar provision.

Conference substitute.—The Conference substitute follows the Senate bill.

SECTION 28—LABOR STANDARDS

Senate bill.—No provision.

House amendment.—The House amendment makes a technical change to section 7009 by substituting "the Administrator" for "the Secretary" as the appropriate person to make the required funding regarding wages to be paid to laborers.

Conference substitute.—The Conference substitute is the same as the House amendment.

SECTION 29—SPECIAL STUDIES

Senate bill.—The Senate bill amends section 8002 to direct the Administrator to conduct a study and submit a report on the adverse effects, if any, on human health and the environment of drilling fluids, produced waters and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy. The Administrator is to submit such report to the Congress within twenty-four months, including its findings and recommendations.

The Senate bill also amends section 8002 to provide for a similar study of wastes and byproduct materials generated primarily from the combustion of coal and other fossil fuels.

House amendment.—The House amendment contains a similar requirement for a study of such drilling fluids, produced waters and associated wastes, but does not include a requirement for a study of geothermal energy.

The House amendment also includes a requirement for similar studies with respect to waste and materials generated primarily from the combustion of coal and other fossil fuels; cement kiln dust wastes, and wastes and materials generated from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and uranium ore.

Conference substitute.—The Conference substitute adopts the Senate study on drilling fluids, produced waters and wastes associated with geothermal energy, and the House amendment on all other special studies.

SECTION 30—REPEAL

Senate bill.—No provisions.

House amendment.—The House amendment repeals sections 3 and 4 of the Resource Conservation and Recovery Act.

Conference substitute.—The conference substitute repeals section 3 of the Resource Conservation and Recovery Act of 1976.

SECTION 31—AUTHORIZATION

Senate bill.—The Senate bill authorizes appropriations for various provisions of the Solid Waste Disposal Act.

House amendment.—The House amendment authorizes appropriations for various provisions of the Solid Waste Disposal Act.

Conference substitute.—The conference substitute authorizes appropriations for various provisions of the Act for fiscal years 1980, 1981, and 1982.

SECTION 32—ENERGY AND MATERIALS CONSERVATION AND RECOVERY

Senate bill.—No provision.

House amendment.—The House amendment amends section 4003 to establish minimum requirements approval of State waste-to-energy plans. Section 4008 is amended by authorizing $4,000,000 for each year up to 1986 for making grants to States and $8,000,000 for making grants to municipalities for each year up to 1986.

Section 4008 is further amended by authorizing the Administrator to provide technical assistance to States.

Section 6003 is amended by directing the Administrator to collect information concerning market potential and other waste-to-energy information and directs all Federal agencies to make information available to the Administrator concerning past or present agency waste management practices or facilities.

Conference substitute.—The Conference substitute is the same as the House amendment but adds "conservation" after "materials" throughout the section.

SECTION 33—NATIONAL ADVISORY COMMISSION ON RESOURCE RECOVERY

Senate bill.—No provision.

House amendment.—The House amendment directs the Administrator to establish a National Commission comprised of nine members representing environmental, industry, and local government groups for purposes of making recommendations regarding the status of federal resource recovery efforts. These recommendations shall be submitted by March 15, 1981, at which time the Commission ceases to exist.

Conference substitute.—The Conference substitute is the same as the House provision but adds "conservation and" after "resource" each time it appears; directs the President, not the Administrator to establish the Commission; changes the date of submitting the report to February 15, 1982, for the interim report and a final report two years later.

HARLEY O. STAGGERS,
J. J. FLORIO,
JIM SANTINI,
BARBARA A. MIKULSKI,
JOHN M. MURPHY,
ROBERT T. MATSUI,
EDWARD MADIGAN,
GARY E. LEE,
Managers on the Part of the House.

JENNINGS RANDOLPH,
LLOYD BENTSEN,
JOHN CULVER,
ROBERT T. STAFFORD,
JOHN H. CHAFEE,
Managers on the Part of the Senate.

FIFTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1980

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7665) to amend title 28, United States Code, to divide the fifth judicial circuit of the United States into two circuits, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Appellate Court Reorganization Act of 1980".

SEC. 2. Section 41 of title 28, United States Code is amended—

(1) in the text before the table, by striking "eleven" and inserting in lieu thereof "twelve";

(2) in the table, by striking out the item relating to the fifth circuit and inserting in lieu thereof the following new item:

"Fifth--------- Louisiana, Mississippi, Texas.";

and

(3) at the end of the table, by adding the following new item:

"Eleventh---- Alabama, Canal Zone, Florida, Georgia.".

SEC. 3. The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking out the item relating to the fifth circuit and inserting in lieu thereof the following new item:

"Fifth--------------------------------- 14";

and

(2) by adding at the end thereof the following new item:

"Eleventh----------------------------- 12".

SEC. 4. The table in section 48 of title 28, United States Code, is amended—

(1) by striking out the item relating to the fifth circuit and inserting in lieu thereof the following new item:

"Fifth------ New Orleans, Fort Worth, Jackson";

and

(2) by adding at the end thereof the following new item:

"Eleventh--- Atlanta, Jacksonville, Montgomery.".

SEC. 5 Each circuit judge in regular active service of the former fifth circuit whose official station on the day before the effective date of this Act—

(1) is in Louisiana, Mississippi, or Texas is assigned as a circuit judge of the new fifth circuit; and

(2) is in Alabama, Florida, or Georgia is assigned as a circuit judge of the eleventh circuit.

SEC. 6. Each judge who is a senior judge of the former fifth circuit on the day before the effective date of this Act may elect to be assigned to the new fifth circuit or to the eleventh circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 7 The seniority of each judge—

(1) who is assigned under section 5 of this Act; or

(2) who elects to be assigned under section 6 of this Act:

shall run from the date of commission of such judge as a judge of the former fifth circuit.

SEC. 8. The eleventh circuit is authorized to hold terms or sessions of court at New Orleans, Louisiana, until such time as adequate facilities for such court are provided in Atlanta, Georgia.

SEC. 9. The following provisions apply to any case in which, on the day before the effective date of this Act, an appeal or other proceeding has been filed with the former fifth circuit:

(1) If the matter has been submitted for decision, then further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this Act had not been enacted.

(2) If the matter has not been submitted for decision, then the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall by appropriate orders, be transferred to the court to which it would have gone had this Act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in said court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this Act, or submitted before the effective date of this Act and decided on or after the effective date as provided in paragraph (1), shall be treated in the same manner and with the same effect as though this Act had not been enacted. If a petition for rehearing en banc is granted the matter shall be reheard by a court comprised as though this Act had not been enacted.

SEC. 10. As used in sections 5, 6, 7, 8, and 9 of this Act, the term—

(1) "former fifth circuit" means the fifth judicial circuit of the United States as in existence on the day before the effective date of this Act;

(2) the term "new fifth circuit" means the fifth judicial circuit of the United States established by the amendment made by section 2(2) of this Act; and

(3) the term "eleventh circuit" means the eleventh judicial circuit of the United States established by the amendment made by section 2(3) of this Act.

SEC. 11. The court of appeals for the fifth circuit as constituted on the day before the effective date of this Act may take such administrative action as may be required to carry out this Act. Such court shall cease to exist for administrative purposes on July 1, 1984.

SEC. 12. This Act and the amendments made by this Act shall take effect on July 1, 1981.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert:

That this Act may be cited as the "Fifth Circuit Court of Appeals Reorganization Act of 1980".

SEC. 2. Section 41 of title 28, United States Code, is amended—

(1) in the text before the table, by striking out "eleven" and inserting in lieu thereof "twelve";

(2) in the table, by striking out the item relating to the fifth circuit and inserting in lieu thereof the following new item:

"Fifth------ District of the Canal Zone, Louisiana, Mississippi, Texas.";

and

(3) at the end of the table, by adding the following new item:

"Eleventh--- Alabama, Florida, Georgia.".

SEC. 3. The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking out the item relating to the fifth circuit and inserting in lieu thereof the following new item:

"Fifth------------------------------ 14";

and

(2) by adding at the end thereof the following new item:

"Eleventh--------------------------- 12".

SEC. 4. The table in section 48 of title 28, United States Code, is amended—

(1) by striking out the item relating to the fifth circuit and inserting in lieu thereof the following new item:

"Fifth------ New Orleans, Fort Worth, Jackson.";

and

(2) by adding at the end thereof the following new item:

"Eleventh--- Atlanta, Jacksonville, Montgomery.".

SEC. 5. Each circuit judge in regular active service of the former fifth circuit whose official station on the day before the effective date of this Act—

(1) is in Louisiana, Mississippi, or Texas is assigned as a circuit judge of the new fifth circuit; and

(2) is in Alabama, Florida, or Georgia is assigned as a circuit judge of the eleventh circuit.

SEC. 6. Each judge who is a senior judge of the former fifth circuit on the day before the effective date of this Act may elect to be assigned to the new fifth circuit or to the eleventh circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 7. The seniority of each judge—

(1) who is assigned under section 5 of this Act; or

(2) who elects to be assigned under section 6 of this Act;

shall run from the date of commission of such judge as a judge of the former fifth circuit.

SEC. 8. The eleventh circuit is authorized to hold terms or sessions of court at New Orleans, Louisiana, until such time as adequate facilities for such court are provided in Atlanta, Georgia.

SEC. 9. The provisions of the following paragraphs of this section apply to any case in which, on the day before the effective date of this Act, an appeal or other proceeding has been filed with the former fifth circuit:

(1) If the matter has been submitted for decision, further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this Act had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which it would have gone had this Act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this Act, or submitted before the effective date of this Act and decided on or after the effective date as provided in paragraph (1) of this section, shall be treated in the same manner and with the same effect as though this Act had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this Act had not been enacted.

SEC. 10. As used in sections 5, 6, 7, 8, and 9 of this Act, the term—

(1) "former fifth circuit" means the fifth judicial circuit of the United States as in existence on the day before the effective date of this Act;

(2) the term "new fifth circuit" means the fifth judicial circuit of the United States established by the amendment made by section 2(2) of this Act; and

(3) the term "eleventh circuit" means the eleventh judicial circuit of the United States established by the amendment made by section 2(3) of this Act.

SEC. 11. The court of appeals for the fifth circuit as constituted on the day before the effective date of this Act may take such administrative action as may be required to carry out this Act. Such court shall cease to exist for administrative purposes on July 1, 1984.

SEC. 12. This Act and the amendments made bv this Act shall take effect on October 1, 1981.

Mr. KASTENMEIER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The committee amendment was agreed to.

Mr. KASTENMEIER. Mr. Speaker, it is with great pleasure that I bring to the House floor a bill whose time has come. It is H.R. 7665, a bill to divide the fifth judicial circuit of the United States into two circuits. The new fifth circuit will comprise the States of Louisiana, Mississippi and Texas, as well as the District of the Canal Zone. The new 11th circuit will comprise the States of Alabama, Florida, and Georgia.

The goal of the legislation is to meet societal change and constantly growing caseloads in the six States currently comprising the fifth circuit. It accomplishes this by providing residents, attorneys and litigants who reside or litigate within those States with a new judicial structure—two autonomous circuits—which is more capable of meeting the clear mandates of our judicial system: The rendering of consistent, expeditious, fair and inexpensive justice. It is my view that the two new circuits will preserve and promote the integrity and independence of the parent court.

In the past, this proposal was somewhat controversial. But, today controversy has given way to consensus. The legislative proposal which I bring before the House of Representatives has the support of every active circuit judge in the fifth circuit. It has been endorsed by every district judge, every bankruptcy judge, every U.S. magistrate, and every attorney general in the six States affected by the legislation. Similarly, it received the unanimous support of the U.S. Senate. It also has been endorsed by the administration, by the American Bar Association, by the Commission on Revision of the Federal Court Appellate System, by the National Association of Attorneys General, by the Federal Bar Association, and by the Alabama Black Lawyers Association.

Consensus alone, however, should not be responsible for the enactment of a legislative proposal into law. There must be a showing of need, and the proposed legislation must be framed to fit need. That has been done here.

In testimony before my subcommittee—Subcommittee on Courts, Civil Liberties, and the Administration of Justice—it became clear that, in many important and controversial, precedent-setting cases, which require the full participation of all 26 judges, what occurs is an administrative and judicial nightmare. The size of the current fifth circuit—the largest in the country and the largest in this Nation's history—has simply made the handling of such cases too unwieldy. Ultimately, the cause of quality justice may be hampered.

In light of concerns expressed in the past that a split of this southern court might threaten or imperil some of the gains made during the last 30 years in the area of civil rights, the subcommittee very carefully examined the potential effect of such a split. The standard applied was not whether the split was convenient for judges or corporate attorneys, but whether the split would erode cherished civil rights gains that had come about in large part because of judicial courage of the fifth circuit during the 1950's and 1960's. Ultimately, the test became whether the split was in the interests of the common man, the oppressed, and the generally underrepresented.

After expert testimony from such respected civil libertarians as Judge Frank M. Johnson, Jr., and also from former Attorney General Griffin B. Bell, we were convinced that the changed composition of the court would not pose such threats. After hearing in writing or telephonically from such individuals as Mrs. Coretta King, Mayor Maynard Jackson, Mayor Kenneth Gibson, Mayor Richard Arrington, Mayor Johnny Ford, and Carl Stokes, we were assured that our preliminary conclusions were correct.

In conclusion, I urge unanimity in support for this legislation. I predict that the split of this great court will produce two equally distinguished offsprings.

☐ 1450

Mr. RAILSBACK. Mr. Speaker, I rise in support of H.R. 7665, a bill to split the fifth circuit into two autonomous circuits. I would like to commend the chairman of the subcommittee, the gentleman from Wisconsin (Mr. KASTENMEIER), as well as the members of the subcommittee for their work on what I believe is a much needed bill.

The problems facing the fifth circuit were well documented during the subcommittee's hearing on the issue. There is currently a 2-year time lag between the filing of a notice of appeal and the disposition of the appeal, intracircuit conflicts are all too frequent, and the administrative problems of convening an en banc court of 26 judges are overwhelming.

Splitting the fifth circuit in the manner embodied in H.R. 7665 will split the judges' caseloads in half and insure that the fifth circuit will be able to dispense high quality justice for the nearly 40,000,000 people of the fifth circuit.

In the past, there has been strong opposition to the proposals to split the fifth circuit based primarily on the fear that a split of the fifth circuit would have a substantial adverse effect on the disposition of cases in the fifth circuit that involve civil and constitutional rights. I think there is now a consensus that a split of the fifth circuit is long overdue, and that it will not adversely impact on civil rights cases in either of the proposed new circuits. H.R. 7665 enjoys overwhelming support and I urge my colleagues to support its adoption.

● Mr. McCLORY. Mr. Speaker, I rise in support of H.R. 7665, a bill that would split the Fifth Judicial Circuit of the United States into two circuits. I would like to commend the chairman of the Subcommittee on Courts, Civil Liberties and the Administration on Justice, the gentleman from Wisconsin (Mr. KASTENMEIER), as well as the ranking minority member of the subcommittee, the gentleman from Illinois (Mr. RAILSBACK), for their work on H.R. 7665.

The problem of the size of the fifth circuit and the issue of splitting the fifth circuit has been around since 1961. Past proposals to split the fifth circuit have consistently encountered strong opposition from civil rights groups, several judges of the fifth circuit, and others. The basis for this opposition had been that a split of the fifth circuit would adversely affect the disposition of civil rights cases, an area in which the fifth circuit has compiled an outstanding record. I think that there has been a growing realization that there is no basis for this charge, as evidenced by the fact that H.R. 7665 is without opposition, and in fact enjoys overwhelming support.

For the 12-month period which ended June 30, 1980, the court of appeals for the fifth circuit filed 2,243 written opinions. A split of the fifth circuit would serve to split the judges' burdensome caseloads in half. Even after a split of the circuit, each of the new circuit's filings will be as great as any circuit in the country other than the ninth circuit. I believe that the case for splitting the fifth circuit in the manner contemplated in H.R. 7665 is compelling, and I urge my colleagues to support the passage of H.R. 7665.●

● Mr. BOWEN. Mr. Speaker, I rise in support of this legislation and ask unanimous consent to revise and extend my remarks.

I wish to commend the Judiciary Committee and its distinguished subcommittee chairman, the gentleman from Wisconsin, for their prompt action on this important matter.

At issue here is the effective delivery of justice to almost 40 million people in a six-State area. Struggling under the heaviest appellate case load in the Nation, the 26 judges of the fifth circuit confront unyielding problems of administrative complexity. The sheer volume of their work—more than 2,200 written opinions a year—makes exceedingly difficult the effort to assure doctrinal consistency within the various panel opinions. As one of the judges remarked in the hearings on this bill, an ordinary working day for the judges is impossible. The judges' uncompromised desire to maintain the high quality of justice delivered by the circuit only magnifies the burdens associated with the heavy caseload.

But the judges are not the only ones who will suffer if the circuit's problems are not solved. Ultimately, the quality of justice itself must suffer. The additional demands upon judges' time—from the reading of greater numbers of opinions to the greatly increased numbers of en banc considerations—can only mean that the judges cannot devote the time they need to the consideration of each individual case. Alternatively, if the judges try to devote this time for individual consideration, there will be additional delays before appeals are finally disposed of. Litigants must therefore wait even longer before they can receive a final resolution of their disputes. The ultimate result is a diminution of the Court's ability to deliver justice.

Two years ago, we tried to deal with the fifth circuit's caseload by creating 11 additional judgeships. That effort, though well-intentioned, has not solved the underlying difficulties confronting the court. Indeed, by adding more judges, we have only increased the paperwork and administrative complexity.

The bill we consider today, H.R. 7665, at last provides the relief the judges, lawyers, and litigants of the circuit have requested for some time. H.R. 7665 divides the current fifth circuit into two completely autonomous courts: A revised fifth circuit, composed of Mississippi, Louisiana, and Texas, and an entirely new 11th circuit serving Alabama, Georgia, and Florida.

I think it important to note that this measure has the unanimous endorsement of every member of the court. It likewise has the approval of the State attorneys general of each of the six States and has won the support of the American Bar Association. It is rare that we have such uniform support for a major bill.

I must also point out that we are not trading a known court—whose record of excellence in areas such as civil rights is unparalleled—for an unknown one. Upon their creation the two circuits will be filled by judges currently serving on the existing fifth circuit. Their records are already known. Whenever new judgeship openings appear, the nominees will, I am sure, be subjected to the same careful scrutiny that the present judges had to undergo.

In short, Mr. Speaker, this is truly a measure whose time has come. We have been shown the need for this legislation. We have heard the cry of the outstanding jurists who serve on this court. We must act now to insure the continued delivery of prompt, effective justice to our citizens in the old fifth circuit.●

● Mr. WRIGHT. Mr. Speaker, today the fifth circuit court of appeals is the largest appellate court in the history of the United States. Reaching from Texas to Florida, the circuit has 26 active judges, a population of 40 million citizens, and a load of about 2,250 cases per year.

It is, quite simply, too big.

This bill, the Fifth Circuit Court of Appeals Reorganization Act, will correct that problem by keeping Texas, Louisiana, and Mississippi in the fifth circuit with 14 judges and creating a new 11th circuit for Alabama, Georgia, and Florida with 12 judges.

It is an action that is overdue. It will correct the major problem a circuit of that size faces when it must sit en banc to consider cases of national interest. Imagine gathering 26 judges together with staff and litigants. It almost requires a convention center.

This action has been delayed by fears that it would somehow lead to a court unwilling to make the tough decisions that have faced courts in the South over racial issues. That is no longer seen as a problem and I doubt that it ever was.

The fifth circuit court of appeals has been a great and distinguished judicial panel. Its judges have faced threats and danger to family. They have made some decisions which were unpopular at the time but which have proven of great benefit to the Nation.

The U.S. people and the South will be well served, indeed better served when this act becomes law—by the new fifth circuit in my home State of Texas, Louisiana, and Mississippi, and by the new 11th circuit in Florida, Georgia, and Alabama.●

● Mr. RODINO. Mr. Speaker, in June of this year I introduced a bill, at the request of 24 Federal judges of the fifth circuit court of appeals, which would divide the fifth judicial circuit into two autonomous circuits. I did so, with some reservations, recognizing the need for the House Judiciary Committee to make a careful study of the issues involved.

The issue of splitting the fifth circuit is not new. As chairman of the House-Senate conference committee which met in 1978 to work out the differences in the House and Senate versions of the omnibus judgeship bill, I steadfastly opposed all efforts to divide the fifth circuit because I believed that such a division would impede the cause of equal justice for the more than 35 million Americans living in the States of Louisiana, Mississippi, Texas, Alabama, Florida, and Georgia. At that time, the proposal was to place four States (Mississippi, Alabama, Georgia, and Florida) in one circuit and two (Texas and Louisiana) in another. That is different than the proposal before us today (by consensus Mississippi goes with Texas and Louisiana).

The Federal courts in these six States have been in the forefront of our Nation's civil rights efforts in the last two decades. Black Americans and other minorities who have been the victims of discrimination in schools, in housing, in employment and in many other aspects of their lives, have made the fifth circuit a crucial battleground in the fight for human rights for all Americans.

In 1978 I was deeply concerned that the splitting of the fifth circuit would create an imbalance in the makeup of the court which would prevent the continuation of civil rights advancement through our judicial system. It is my judgment that diving the fifth circuit at this time will not create such an imbalance in the court and that its effect will be to advance the cause of equal justice in the six States.

The Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, chaired by Congressman KASTENMEIER, held hearings on this bill, at which practicing lawyers and judges in the fifth circuit all indicated that the tremendous size of that court serves to diminish the quality of justice there. They noted that the burdens placed on the largest appellate court in our Nation—with 26 judges rendering 2,000 opinions annually—have an adverse effect on how well the court disposes of civil rights cases.

Moreover, the present fifth circuit is a different court than the one in the 1960's and 1970's. Fourteen of the 25 sitting judges in the fifth circuit have been appointed in the last 3 years, and in the opinion of Appellate Judge Frank Johnson, and others in the circuit, the present make up of the court will remain a strong vehicle by which to protect individual rights and liberties.

This is also the view of the bar associations, the attorneys general, the District Judges Association, the delegates to the Judicial Conference from the six States, the American Bar Association and many others.

Alabama District Court Judge U. W. Clemon is a good representative of this view. Three years ago, as president of the Alabama Black Lawyers Association, Mr. Clemon testified before the Judiciary Subcommittee on Monopolies and

Commercial Law, which I chair, to vigorously oppose splitting the fifth circuit.

However, in a letter to Judge Johnson in August of this year, Judge Clemon states:

> I am now equally convinced that the division of the circuit . . . will not adversely impact on civil rights cases in either of the proposed new circuits. Indeed the current proposal for the division, if implemented, will likely have the salutory effect of reducing the two-year time lag between the filing of a notice of appeal and the disposition of the appeal; minimizing intra-circuit conflicts; and obviating the nightmarish administrative problems of convening an en banc court of twenty six judges.

I am in agreement with Judge Clemon's analysis, and I am hopeful that this bill will improve the quality of justice in those six States. I urge my colleagues to give swift approval to this important legislation.●

● Mr. LOTT. Mr. Speaker, I am pleased today to join with the 26 circuit judges and 110 district judges of the court of appeals for the fifth circuit in their unanimous support for H.R. 7665, the Fifth Circuit Reorganization Act. If this legislation is enacted, the present fifth circuit will be divided into two completely autonomous judicial circuits: The 11th circuit, consisting of the States of Alabama, Georgia, and Florida; and the new fifth circuit, comprised of Mississippi, Louisiana, and Texas. This action, under consideration for the past 5 years, is indeed a greatly needed step for the benefit of this rapidly growing Sunbelt region.

In recent years, the court of appeals for the fifth circuit has grown so bulky that the efficient administration of justice is now extremely difficult. En banc hearings of the 26 circuit judges have become an almost impossible scheduling headache. Attorneys and judges throughout the circuit are unfairly burdened by the task of keeping current as to the state of the law within this huge circuit. As a result, those who must depend upon the Federal judicial system for resolution of their problems cannot be assured that their cases will be handled expeditiously. By passing this legislation, Congress will simply be dividing a tremendous workload between two smaller and more manageable bodies.

Mr. Speaker, the people of these six States need the assurance of swift and fair justice in their system of Federal courts. It is these citizens who will be the real beneficiaries of this reorganization. In addition, by providing for better administration of courts in this area, we will also enhance the quality of Federal jurisprudence in the Nation as a whole.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 7665, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ESTABLISHING PROCEDURE FOR PROCESSING COMPLAINTS AGAINST FEDERAL JUDGES

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 1873) to establish a procedure for the processing of complaints directed against Federal judges, and for other purposes, with the Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendments, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Judicial Councils Reform and Judicial Conduct and Disability Act of 1980".

JUDICIAL COUNCILS OF THE CIRCUITS

SEC. 2. (a) Section 332(a) of title 28, United States Code, is amended to read as follows:

"(a)(1) The chief judge of each judicial circuit shall call, at least twice in each year and at such places as he may designate, a meeting of the judicial council of the circuit, consisting of—

"(A) the chief judge of the circuit, who shall preside;

"(B) that number of circuit judges fixed by majority vote of all such judges in regular active service; and

"(C) that number of district judges of the circuit fixed by majority vote of all circuit judges in regular active service, except that—

"(i) if the number of circuit judges fixed in accordance with subparagraph (B) of this paragraph is less than six, the number of district judges fixed in accordance with this subparagraph shall be no less than two; and

"(ii) if the number of circuit judges fixed in accordance with subparagraph (B) of this paragraph is six or more, the number of district judges fixed in accordance with this subparagraph shall be no less than three.

"(2) Members of the council shall serve for terms established by a majority vote of all judges of the circuit in regular active service.

"(3) The number of circuit and district judges fixed in accordance with paragraphs (1)(B) and (1)(C) of this subsection shall be set by order of the court of appeals for the circuit no less than six months prior to a scheduled meeting of the council so constituted.

"(4) Only circuit and district judges in regular active service shall serve as members of the council.

"(5) No more than one district judge from any one district shall serve simultaneously on the council, unless at least one district judge from each district within the circuit is already serving as a member of the council.

"(6) In the event of the death, resignation, retirement, or disability of a member of the council, a replacement member shall be designated to serve the remainder of the unexpired term by the chief judge of the circuit.

"(7) Each member of the council shall attend each council meeting unless excused by the chief judge of the circuit.".

(b) Section 332 (c) of title 28, United States Code, is amended by striking out "quarterly" and inserting in lieu thereof "semiannually".

(c) Section 332 (d) of title 28, United States Code, is amended to read as follows:

"(d)(1) Each judicial council shall make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit. Each council is authorized to hold hearings, to take sworn testimony, and to issue subpoenas and subpoenas duces tecum. Subpoenas and subpoenas duces tecum shall be issued by the clerk of the court of appeals, at the direction of the chief judge of the circuit or his designee and under the seal of the court, and shall be served in the manner provided in rule 45(c) of the Federal Rules of Civil Procedure for subpoenas and subpoenas duces tecum issued on behalf of the United States or an officer or agency thereof.

"(2) All judicial officers and employees of the circuit shall promptly carry into effect all orders of the judicial council.

"(3) Unless an impediment to the administration of justice is involved, regular business of the courts need not be referred to the council.".

(d)(1) The section heading for section 332 of title 28, United States Code, is amended to read as follows:

"§ 332. Judicial councils of circuits".

(2) The item relating to section 332 in the section analysis for chapter 15 of title 28, United States Code, is amended to read as follows:

"332. Judicial councils of circuits.".

PROCEDURES WITHIN JUDICIAL COUNCILS

SEC. 3. (a) Section 372 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) Any person alleging that a circuit, district, or bankruptcy judge, or a magistrate, has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such a judge or magistrate is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct.

"(2) Upon receipt of a complaint filed under paragraph (1) of this subsection, the clerk shall promptly transmit such complaint to the chief judge of the circuit, or, if the conduct complained of is that of the chief judge, to that circuit judge in regular active service next senior in date of commission (hereafter, for purposes of this subsection only, included in the term 'chief judge'). The clerk shall simultaneously transmit a copy of the complaint to the judge or magistrate whose conduct is the subject of the complaint.

"(3) After expeditiously reviewing a complaint, the chief judge, by written order stating his reasons, may—

"(A) dismiss the complaint, if he finds it to be (i) not in conformity with paragraph (1) of this subsection, (ii) directly related to the merits of a decision or procedural ruling, or (iii) frivolous; or

"(B) conclude the proceedings if he finds that appropriate corrective action has been taken.

The chief judge shall transmit copies of his written order to the complainant and to the judge or magistrate whose conduct is the subject of the complaint.

"(4) If the chief judge does not enter an order under paragraph (3) of this subsection, such judge shall promptly—

"(A) appoint himself and equal numbers of circuit and district judges of the circuit to a special committee to investigate the facts and allegations contained in the complaint;

"(B) certify the complaint and any other documents pertaining thereto to each member of such committee; and

"(C) provide written notice to the complainant and the judge or magistrate whose conduct is the subject of the complaint of the action taken under this paragraph.

"(5) Each committee appointed under paragraph (4) of this subsection shall conduct an investigation as extensive as it considers necessary, and shall expeditiously file a comprehensive written report thereon with the judicial council of the circuit. Such report shall present both the findings of the investigation and the committee's recommendations for necessary and appropriate action by the judicial council of the circuit.

"(5) Upon receipt of a report filed under paragraph (5) of this subsection, the judicial council—

"(A) may conduct any additional investigation which it considers to be necessary;

"(B) shall take such action as is appropriate to assure the effective and expeditious administration of the business of the courts within the circuit, including, but not limited to, any of the following actions:

"(i) directing the chief judge of the district of the magistrate whose conduct is the subject of the complaint to take such action as the judicial council considers appropriate;

"(ii) certifying disability of a judge appointed to hold office during good behavior whose conduct is the subject of the complaint, pursuant to the procedures and standards provided under subsection (b) of this section;

"(iii) requesting that any such judge appointed to hold office during good behavior voluntarily retire, with the provision that the length of service requirements under section 371 of this title shall not apply;

"(iv) ordering that, on a temporary basis for a time certain, no further cases be assigned to any judge or magistrate whose conduct is the subject of a complaint;

"(v) censuring or reprimanding such judge or magistrate by means of private communication;

"(vi) censuring or reprimanding such judge or magistrate by means of public announcement; or

"(vii) ordering such other action as it considers appropriate under the circumstances, except that (I) in no circumstances may the council order removal from office of any judge appointed to hold office during good behavior, and (II) any removal of a magistrate shall be in accordance with section 631 of this title and any removal of a bankruptcy judge shall be in accordance with section 153 of this title; and

"(C) shall immediately provide written notice to the complainant and to such judge or magistrate of the action taken under this paragraph.

"(7)(A) In addition to the authority granted under paragraph (6) of this subsection, the judicial council may, in its discretion, refer any complaint under this subsection, together with the record of any associated proceedings and its recommendations for appropriate action, to the Judicial Conference of the United States.

"(B) In any case in which the judicial council determines, on the basis of a complaint and an investigation under this subsection, or on the basis of information otherwise available to the council, that a judge appointed to hold office during good behavior has engaged in conduct—

"(i) which might constitute one or more grounds for impeachment under article I of the Constitution; or

"(ii) which, in the interest of justice, is not amenable to resolution by the judicial council,

the judicial council shall promptly certify such determination, together with any complaint and a record of any associated proceedings, to the Judicial Conference of the United States.

"(C) A judicial council acting under authority of this paragraph shall, unless contrary to the interests of justice, immediately submit written notice to the complainant and to the judge or magistrate whose conduct is the subject of the action taken under this paragraph.

"(8) Upon referral or certification of any matter under paragraph (7) of this subsection, the Judicial Conference, after consideration of the prior proceedings and such additional investigation as it considers appropriate, shall by majority vote take such action, as described in paragraph (6)(B) of this subsection, as it considers appropriate. If the Judicial Conference concurs in the determination of the council, or makes its own determination, that consideration of impeachment may be warranted, it shall so certify and transmit the determination and the record of proceedings to the House of Representatives for whatever action the House of Representatives considers to be necessary.

"(9)(A) In conducting any investigation under this subsection, the judicial council, or a special committee appointed under paragraph (4) of this subsection, shall have full subpoena powers as provided in section 332(d) of this title.

"(B) In conducting any investigation under this subsection, the Judicial Conference, or a standing committee appointed by the Chief Justice under section 331 of this title, shall have full subpoena powers as provided in that section.

"(10) A complainant, judge, or magistrate aggrieved by a final order of the chief judge under paragraph (3) of this subsection may petition the judicial council for review thereof. A complainant, judge, or magistrate aggrieved by an action of the judicial council under paragraph (6) of this subsection may petition the Judicial Conference of the United States for review thereof. The Judicial Conference, or the standing committee established under section 331 of this title, may grant a petition filed by a complainant, judge, or magistrate under this paragraph. Except as expressly provided in this paragraph, all orders and determinations, including denials of petitions for review, shall be final and conclusive and shall not be judicially reviewable on appeal or otherwise.

"(11) Each judicial council and the Judicial Conference may prescribe such rules for the conduct of proceedings under this subsection, including the processing of petitions for review, as each considers to be appropriate. Such rules shall contain provisions requiring that—

"(A) adequate prior notice of any investigation be given in writing to the judge or magistrate whose conduct is the subject of the complaint;

"(B) the judge or magistrate whose conduct is the subject of the complaint be afforded an opportunity to appear (in person or by counsel) at proceedings conducted by the investigating panel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing; and

"(C) the complainant be afforded an opportunity to appear at proceedings conducted by the investigating panel, if the panel concludes that the complainant could offer substantial information.

Any rule promulgated under this subsection shall be a matter of public record, and any such rule promulgated by a judicial council may be modified by the Judicial Conference.

"(12) No judge or magistrate whose conduct is the subject of an investigation under this subsection shall serve upon a special committee appointed under paragraph (4) of this subsection, upon a judicial council, upon the Judicial Conference, or upon the standing committee established under section 331 of this title, until all related proceedings under this subsection have been finally terminated.

"(13) No person shall be granted the right to intervene or to appear as amicus curiae in any proceeding before a judicial council or the Judicial Conference under this subsection.

"(14) All papers, documents, and records of proceedings related to investigations conducted under this subsection shall be confidential and shall not be disclosed by any person in any proceeding unless—

"(A) the judicial council of the circuit, the Judicial Conference of the United States, or the Senate or the House of Representatives by resolution, releases any such material which is believed necessary to an impeachment investigation or trial of a judge under article I of the Constitution; or

"(B) authorized in writing by the judge or magistrate who is the subject of the complaint and by the chief judge of the circuit, the Chief Justice, or the chairman of the standing committee established under section 331 of this title.

"(15) Each written order to implement any action under paragraph (6)(B) of this subsection, which is issued by a judicial council, the Judicial Conference, or the standing committee established under section 331 of this title, shall be made available to the public through the appropriate clerk's office of the court of appeals for the circuit. Unless contrary to the interests of justice, each such order issued under this paragraph shall be accompanied by written reasons therefor.

"(16) Except as expressly provided in this subsection, nothing in this subsection shall be construed to affect any other provision of this title, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Appellate Procedure, or the Federal Rules of Evidence.

"(17) The Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court shall each prescribe rules, consistent with the foregoing provisions of this subsection, establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, each such court shall have the powers granted to a judicial council under this subsection.".

(b) The section heading for section 372 of title 28, United States Code, is amended to read as follows:

"§ 372. Retirement for disability; substitute judge on failure to retire; judicial discipline.".

(c) The item relating to section 372 in the section analysis for chapter 17 of title 28, United States Code, is amended to read as follows:

"372. Retirement for disability; substitute judge on failure to retire; judicial discipline.".

AUTHORITY OF THE JUDICIAL CONFERENCE

SEC. 4. The fourth undesignated paragraph of section 331 of title 28, United States Code, is amended to read as follows:

"The Conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges to or from circuits or districts where necessary. It shall also submit suggestions and recommendations to the various courts to promote uniformity of management procedures and the expeditious conduct of court business. The Conference is authorized to exercise the authority provided in section 372(c) of this title as the Conference, or through a standing committee. If the Conference elects to establish a standing committee, it shall be appointed by the Chief Justice and all petitions for review shall be reviewed by that committee. The Conference or the standing committee may hold hearings, take sworn testimony, issue subpoenas and subpoenas duces tecum, and make necessary and appropriate orders in the exercise of its authority. Subpoenas and subpoenas duces tecum shall be issued by the clerk of the Supreme Court or by the clerk of any court of appeals, at the direction of the Chief Justice or his designee and under the seal of the court, and shall be served in the manner provided in rule 45(c) of the Federal Rules of Civil Procedure for subpoenas and subpoenas duces tecum issued on behalf of the United States or an officer or any agency thereof. The Conference may also prescribe and modify rules for the exercise of the authority provided in section 372(c) of this title. All judicial officers and employees of the United States shall promptly carry into effect all orders of the Judicial Conference or the standing committee established pursuant to this section."

ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

SEC. 5. Section 604 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) The Director shall, out of funds appropriated for the operation and maintenance of the courts, provide facilities and pay necessary expenses incurred by the judicial councils of the circuits and the Judicial Conference under section 372 of this title, including mileage allowance and witness fees, at the same rate as provided in section 1821 of this title. Administrative and professional assistance from the Administrative Office of the United States Courts may be requested by each judicial council and the Judicial Conference for purposes of discharging their duties under section 372 of this title.

"(2) The Director of the Administrative Office of the United States Courts shall include in his annual report filed with the Congress under this section a summary of the number of complaints filed with each judicial council under section 372(c) of this title, indicating the general nature of such complaints and the disposition of those complaints in which action has been taken.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 7. This Act shall become effective on October 1, 1981.

Amend the amendment of the House to the title so as to read: "An Act to revise the composition of the judicial councils of the Federal judicial circuits, to establish a procedure for the processing of complaints against Federal judges, and for other purposes.".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. RAILSBACK. Mr. Speaker, reserving the right to object, I likely will not object, but I wonder if the gentleman will explain the Senate amendments and give us an explanation of the bill.

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield, I will be pleased to discuss the amendments involved.

Mr. Speaker, before beginning my explanation of the Senate amendment, I would like to sincerely thank the gentleman from Illinois for his work on this legislation. I also would like to express appreciation to Senator DENNIS DECONCINI, chairman of the Senate Judiciary Subcommittee on Improvements in Judicial Machinery, and his excellent staff for their support and assistance in working out a House-Senate compromise on this important legislation. I additionally would like to thank Senator TED KENNEDY, chairman of the Senate Judiciary Committee for his efforts, as well as Senator SAM NUNN—who has long been interested in improving the Federal judiciary through judicial discipline legislation and was lead sponsor of the legislation that was worked on in the Senate. Last, but not least, I would like to applaud the efforts of all the members of my subcommittee (the Subcommittee on Courts, Civil Liberties and the Administration of Justice). GEORGE DANIELSON, RON MAZZOLI, LAMAR GUDGER, HERB HARRIS, BOB CARR, TOM RAILSBACK, CARLOS MOORHEAD, and HAROLD SAWYER assisted from the very beginning in the drafting and processing of this legislation. Without their unified efforts and encouragement, enactment of a public law would not have been possible.

The purpose of the legislation—which passed the Senate on October 30, 1979, and then was approved by the House on September 15, 1980 (unanimously by voice vote)—is to revise the composition of the circuit councils of the Federal judicial circuits, and to establish a procedure for the processing of complaints against Federal judges.

The Senate substitute amendment to the House amendments under consideration today makes four major substantive changes in the House of Representatives amendments regarding the judicial discipline provisions to S. 1873. All of these modifications, in my opinion, strengthen the House provisions by codifying certain procedural rights regarding complainants and implicated judicial officers and by requiring the procedures and institutions involved to be more open to public scrutiny.

First, by amending paragraph (10) of the House provisions, a procedure is set forth which provides for equality of appeal rights between complainants and judges or magistrates. Briefly stated, a complainant, judge or magistrate who is not satisfied with a final order of a chief judge under paragraph (3) of the same subsection may petition the appropriate judicial council for review of the chief judge's decision. It is unlikely that judges or magistrates will exercise their right to petition for review because the powers of the chief judge under paragraph (3) are limited to dismissing the complaint or concluding the proceeding if corrective action has been taken.

Nonetheless, to preserve equal treatment between the parties in the process, the right to petition for review of the chief judge's actions to the circuit council is provided to all the individuals involved in the proceedings.

In a similar vein, the right to petition the Judicial Conference of the United States for review of a decision of a judicial council is provided to complainants and judges or magistrates. Paragraph (10), as modified by the Senate amendment, further provides the Judicial Conference, or the standing committee established under amended section 331 of title 28, United States Code, with discretionary authority to grant or deny a petition for review. It is envisioned that over the long term these petitions will develop into something like petitions for writs of certiorari to the Supreme Court of the United States.

As guidance to the Judicial Conference on how to implement procedures regarding the petitions, it is the view of the House and Senate Judiciary Committees that petitions should be reviewed by all the members of the decisionmaking body, whether it be the Judicial Conference itself or the standing committee authorized under section 331 of title 28, United States Code. In addition, either a majority or a number equaling one less than that needed for a majority should be required for the granting of a petition, and consequently, for review on the substance of the petition. To preserve flexibility, however, the committees felt it unnecessary to set forth every procedure that might be required to process a complaint. The committees are confident that the Judicial Conference will exercise its authority to draft rules in this regard, and that these rules will be available for public scrutiny.

Second, and similarly, a change is made to paragraph (11) of the House-passed legislation. By adding a new subparagraph (C), the Senate amendment provides complainants with the possibility of appearing at proceedings conducted by an investigating panel, if the panel concludes that the complainant could offer substantial information. The investigating panel referred to here is likely to be one appointed by a circuit council pursuant to paragraph (4) of the proposed legislation. However, it may also be one utilized by the Judicial Conference, or the standing committee authorized to be established under section 4 of the legislation. The investigating panel additionally may, if the circumstances so require, allow the complainant to be accompanied by legal counsel.

Third, the Senate amendment substantially improves the House bill's section relating to the confidentiality of papers, documents, and records of proceedings related to investigations. At the outset, the House language "privileged against disclosure" is stricken and alternative language "shall not be disclosed" is inserted. Although I gave assurances that the House bill did not create an evidentiary privilege, it was thought advisable to strike the ambiguous language.

In addition, the Senate amendment adds a new subparagraph which provides that the confidentiality right can be waived in writing by a judge or magistrate who is the subject of a complaint. This waiver must be accompanied by an authorization of the presiding judge of the investigating panel (be it the chief judge of the circuit, the Chief Justice of the United States or the chairman of the standing committee established under section 331 of the title 28, United States Code).

Finally, the Senate amendment adds an entirely new paragraph to the House-passed bill. New paragraph (15) requires that each written order to implement a sanctioning action under paragraph (6)(B) shall be made available to the public through the appropriate clerk's office of the circuit court of appeals. Unless contrary to the interests of justice, each such order shall be accompanied by written reasons explaining the action. This new paragraph applies to sanctioning orders of the judicial councils, the Judicial Conference of the United States, and the standing committee which can be established under section 331 of title 28, United States Code. The exception allowing a sanction to be imposed without giving reasons therefore is meant to be a narrow one and should not subsume the broader goal of insuring public access to the process created by this legislation.

The fourth substantive change made to the House-passed bill is found in section 4 of the substitute amendment. The House bill's reference to the possible creation of a special committee of the Judicial Conference is stricken. In lieu thereof, the Senate amendment authorizes the conference to exercise the authority provided in newly created 28 U.S.C. 372(c) as a conference or through a standing committee. If the conference chooses to establish a standing committee, the members shall be appointed by the Chief Justice of the United States, and all petitions for review shall be reviewed by that committee. Presumably, the committee would have a chairman and would be composed of an odd number of members.

In addition, it is the intent of both the House and Senate Judiciary Committees that the Chief Justice carefully consider not appointing any chief judges to such a standing committee. This is in light of the fact that the chief judges sit at the lowest tier of this procedure and also serve as the presiding officers of each circuit council, which are the next level of review.

Both the conference and the standing committee are empowered to hold hearings, take sworn testimony, issue subpenas and subpenas duces tecum, and make necessary and appropriate orders in the exercise of its authority. All judicial officers and employees of the United States are required to promptly carry into effect all orders of the Judicial Conference or the standing committee. The conference may additionally prescribe and modify rules for the exercise of authority contained in the proposed legislation.

The Senate amendment to the House amendments places the entire legislative package on a firmer foundation. If the Judicial Conference finds it desirable or necessary to delegate its responsibility under the proposed legislation, it only has one choice. It must create a standing committee which will consider all petitions for review. The membership of this committee will be open to public scrutiny. Undoubtedly, only judges with untarnished ethical reputations will be appointed by the Chief Justice, thus insuring fair, consistent, and high-quality decisionmaking.

In addition to those four substantive changes included in the Senate amendment, both the House and Senate Judiciary Committees believe that there should be a continuing dialog between the legislative and judicial branches, and vigorous oversight by Congress. Section 5 of the proposal requires that the Director of the Administrative Office of the U.S. Courts shall include in his annual report filed with the Congress a summary of the number of complaints filed with each judicial council under section 372(c) of title 28, United States Code, indicating their general nature and the disposition of those upon which action has been taken.

In order to better perform its oversight responsibilities, the House Judiciary Committee will give serious consideration to making requests for other reports on the implementation of the act, as well as possible oversight hearings and subsequent perfecting amendments to the statute.

In closing, I feel that the Senate amendment to the House amendments provide us with a better vehicle to achieve the desired ends of the proposed legislation than the version unanimously approved by the House 2 weeks ago. The House-Senate compromise has been approved by the ranking Members of both parties (and, indeed, was worked out by representatives of both bodies), by the administration and by spokesmen of the Judicial Conference of the United States.

It, in my opinion, passes constitutional muster. It does not contain the provisions of the Senate bill (S. 1873) which created a court to process complaints against Federal judges. Instead, it authorizes—and does not mandate—the creation of a standing committee of the Judicial Conference of the United States to receive petitions alleging misconduct on disability of Federal judicial officers. While I believe that the conference will undoubtedly delegate its responsibility to a standing committee, I feel that the statutory discretion granted to the conference is an important feature of the House-Senate compromise. It creates a far less intrusive mechanism for the judicial branch of the Government than some previous proposals.

The legislation provides for a screening process by the chief judges of the circuits, and then by the circuit counsels themselves. Finally, the petition to the conference is a discretionary one. What this all amounts to, in the final analysis, is a statutory scheme which is far less likely to create disruption in the judicial branch of Government, and far less likely to prevent that branch from accomplishing its constitutionally assigned functions. See *Nixon* v. *Administration of General Services*, 433 U.S. 425, 441–446 (1977). Since my time is limited, for further discussion of why I consider this legislation to be constitutional, I refer my colleagues to the House Report (96–1313) which discusses some of these issues in more depth.

In conclusion, I feel that unanimous consent to concur in the Senate amendment to the House amendments is warranted. It will allow us to send a good bill to the President for his signature. Once again, I thank my subcommittee members (especially the ranking minority member, Mr. RAILSBACK) and Senator DECONCINI for their sustained efforts on this measure.

Mr. RAILSBACK. I might just add that this is the first significant action that I know about where we are actually passing a law—hopefully it will be signed into law—that is going to provide some internal mechanisms for judicial discipline. I agree with what the gentleman said. I want to commend the Members of the other body and also commend the chairman, the gentleman from Wisconsin, for his leadership.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin (Mr. KASTENMEIER)?

There was no objection.

A motion to reconsider was laid on the table.

MOTOR VEHICLE SAFETY AND COST SAVINGS AUTHORIZATION ACT OF 1980

Mr. SCHEUER. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill, S. 1159, to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes.

The Clerk read the title of the conference report.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

(For conference report and statement, see proceeding of the House of September 23, 1980.)

The gentleman from New York (Mr. SCHEUER) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. RINALDO) will be recognized for 20 minutes.

Mr. ECKHARDT. Mr. Speaker, I have an inquiry as to whether the gentleman handling the matter on the minority side is opposed to the conference report.

The SPEAKER pro tempore. Is the gentleman from New Jersey (Mr. RINALDO) opposed to the conference report.

Mr. RINALDO. No, I am not, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Texas (Mr. ECKHARDT) opposed to the conference report?

Mr. ECKHARDT. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas qualifies.

The gentleman from Texas (Mr. ECKHARDT) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on S. 1159, the Motor Vehicle Safety and Cost Savings Authorization Act of 1980.

I thank the gentleman from West Virginia for his kind remarks. But for the gentleman's leadership and tireless efforts, the conferees would not have been able to produce the compromises contained in this conference report.

I am particularly indebted not only to all of my House colleagues on the conference committee, and to the Senate conferees, especially Senator WARNER of Virginia, for their splendid work in producing a workable compromise.

Mr. Speaker, the National Highway Traffic and Safety Administration (NHTSA) has been operating without an authorization of appropriations since fiscal 1978. S. 1159 would authorize appropriations for the NHTSA for fiscal years 1980, 1981, and 1982 as well as provide desperately needed relief to the automobile and related industries from certain safety standards.

This has been a very lengthy conference and it has taken us a great deal of time to agree on the exact language to be used to carry out the wishes of the conference committee. But I believe the time invested was worth the effort because our final product represents an equitable and reasonable compromise.

One of the major issues of the conference concerned passive restraints, and in particular airbags, which this body and the Senate have struggled with for 4 years. The serious state of affairs in the automobile industry, moreover, increased the need for a final and satisfactory resolution to this issue.

Faced with this enormous challenge, the conferees made a conscientious effort to provide relief to the beleaguered domestic automobile industry. The conferees carefully constructed a compromise which is simultaneously supported by the Secretary of Transportation and the Administrator of NHTSA and which GM and Ford have both said they can live with. The UAW has said they favor the legislation.

The conference report has already been adopted by the Senate. In fact, the conference report adopts a number of proposals put forward by major U.S. automakers. First, the conference report provides that implementation of the passive restraint standard is delayed for 1 year for major automobile manufacturers.

This delay will not only save the automobile industry millions of dollars, money which can be spent to meet the challenge of imported cars, but it will also give carmakers another year to fine tune the safety equipment needed to meet the passive restraint standard. In addition, the conference report reverses the application of the passive restraint standard so that it applies to small cars in model year 1983 and medium and large cars in model year 1984. Under the present standard, large cars would have been subject to the standard in model year 1982.

This posed a competitive disadvantage for U.S. carmakers because their large cars would have been covered 2 years earlier than small foreign cars. The conference report eliminates this inequity. Applying the standard to small cars first not only makes competitive sense, but also provides for increased safety where it is needed most—in small cars.

Further, the conference report provides for consumer choice by requiring major foreign and domestic automakers to offer airbags for sale on a carline for three of the next four model years. This will insure that consumers have a choice between automatic safety belts and airbags.

Second, the conference report adopted a Senate provision lowering the current bumper standards from protection in 5 miles per hour impacts to protection in 2.5-miles-per-hour impacts. This standard is lowered through model year 1982. The Secretary of Transportation must then evaluate the cost-effectiveness of 2.5-miles-per-hour bumpers and repromulgate the standard to insure that consumers are getting truly cost beneficial bumpers.

The Secretary is expected to conduct this review without bias toward the 2.5-miles-per-hour or 5-miles-per-hour standard. Further, the Secretary is not locked into a choice between 2.5-miles-per-hour or 5-miles-per-hour protection, the requirement is that the new standard obtain the maximum feasible reduction of costs to the public and the consumer.

Third, the conferees adopted a Senate provision which would change the current mandatory tire registration system into a voluntary program. Tire dealers would still have to fill in the tire identification number on registration forms, but the consumer would be responsible for completing the form.

The Senate provision was modified to include a House-passed bill which provides for public notice of tire recalls if the Secretary of Transportation determines such notice to be in the public interest. This provision substantially reduces the paperwork burden on tire dealers without reducing the safeguards necessary to protect the public against defective tires.

Fourth, the House conferees were able to reach an agreement with the Senate on the legislative veto which is as close to the House position as possible. S. 1159, as passed by the House, contained a legislative veto which provided that a NHTSA rule could be vetoed either when both Houses passed a concurrent resolution of disapproval within a 90-day period or when one House passed such a resolution within a 60-day period provided the other House did not disagrée within the next 30 days. The Senate bill did not contain a legislative veto.

The legislative veto agreed to by the conferees provides that a NHTSA rule may be disapproved if both Houses passed a concurrent resolution within a 90-day period. Inasmuch as the one-House form of veto was unacceptable to the Senate conferees, the House conferees insisted upon expedited procedures in the House which would prevent the resolution of disapproval from being bottled-up in committee. While all resolutions of disapproval would be referred to the Commerce Committee, the Speaker could also refer them to other committees where germane.

Fifth, the conference report authorizes appropriations under the National Vehicle Safety Act of $48.5 million, $53.35 million, and $61.3 million for fiscal year 1980, 1981, and 1982, respectively. The conference report also authorizes appropriations of $3.4 million, $2.5 million and $2.4 million for fiscal years 1980, 1981, and 1982 respectively to implement the Motor Vehicle Information and Cost Savings Act.

The Safety Act grants NHTSA authority to carry out its auto safety activities, while the cost savings act focuses on the disclosure and reduction of the costs associated with owning and operating an automobile. Finally, the conference report includes a number of clarifying and miscellaneous provisions.

In summary, Mr. Speaker, this is legislation which provides desperately needed relief to the automobile and related industries. It also insures that foreign automakers will have to meet the same safety requirements imposed upon U.S. car manufacturers. Finally, it will enable the NHTSA to continue to protect the motoring public.

I urge the adoption of the conference report.

Thank you.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this conference report.

First, I would like to address the occupant restraint system provision of this bill. I am particularly glad that the bill includes a 1-year delay and a reversal of standard 208's order. These changes were urgently needed for several reasons.

Standard 208 now provides that all auto manufacturers must equip their cars with a passive occupant restraint system that complies with the standard over a 3-year period, starting with model year 1982 and running through model year 1984. The standard further requires that large cars are to be so equipped for model year 1982, intermediate-size cars for model year 1983, and small cars for model year 1984.

While the standard as written applies to all auto manufacturers, both domestic and foreign, this timetable does not assure that it will work equitably. As a matter of fact, it will do just the opposite.

The domestic manufacturers will be hit the hardest because they are the ones who will be impacted by the 1982 requirement for large cars. At the same time the foreign manufacturers will be advantaged because their sales in the United States are almost exclusively small cars; and small cars will not have to comply with the standard until 1984. This constitutes a 2-year advantage which will work against the sale of domestically produced cars at a time when we are already experiencing about a 40 percent unemployment rate in our auto industry.

Thus, I believe that the present financial condition of the domestic manufacturers necessitates a change in this timetable.

I am only too familiar with the fact that Ford Motor Co. recently closed its largest plant in Mahwah, N.J., and that over 4,000 employees had to be laid off their jobs. I would like to note, too, that there is a General Motors Plant in Linden, N.J. As everyone knows, General Motors' losses have been making headlines in the last several months, further escalating my concern for the employment of auto workers in New Jersey and the well-being of our domestic auto manufacturing industry.

I would also like to point out that the domestic manufacturers are currently engaged in a massive down-sizing of their cars. This is essential so that they will not only be able to meet the current fuel economy standard but also to compete with an ever-increasing penetration of the auto market by the foreign auto manufacturers. It should be evident that the standard's timetable impacts on the domestic manufacturers in the worst way at the worst possible time, making this change even more critical.

Also included in the bill before us is a provision which requires certain auto manufacturers (that is, those who manufacture a combined total of more than 1,600,000 passenger cars in the United States and in any foreign country in model year 1979 and which sell a total of more than 200,000 passenger cars in the United States) to tool up and offer for sale airbags on at least one car line for 3 model years. While arguments can be made that this requirement is not good policy for any number of reasons, it is my belief that this will assure that airbags will be available to American consumers in a significant quantity.

At the same time, the provisions of this bill do not mandate any specified number or percentage of airbags upon the auto manufacturers. Rather the manufacturers will be able to exercise their choice as to which of their car lines will be made available to consumers with an optional airbag.

I would also like to point out that this conference report contains the provisions of H.R. 3949, a bill which I authored and which passed the House by voice vote last October (October 9, 1979). These provisions make a much needed change in the National Traffic and Motor Vehicle Safety Act of 1966 and, as such, significantly further the cause of motor vehicle safety.

Generally, the legislation addresses the recalls of automobile tires which are either defective or which do not comply with applicable safety standards issued by the Secretary of Transportation.

Under present law, owners of recalled motor vehicle tires are notified of the recall by first class mail. On the other hand, owners of other types of defective items of replacement equipment are to be notified of the recall by not only first class mail but also, in the discretion of the Secretary of Transportation, by public notice. The distinction in the form of notice is justified by the existing mandatory registration system for tires which, in theory, makes notification by first class mail possible.

We have found, however, that this mandatory registration system has not really been an adequate way of identifying owners of defective tires so that recall notifications through the mail can be made. Indeed, we have found that, although factory stores do a fairly good job of registering the tires they sell, many independent outlets seem to virtually ignore the registration system mandated in the Traffic Safety Act. In fact, our subcommittee hearings indicated that now only slightly more than half of all the tires sold were actually registered. Clearly, it is impossible to notify owners of defective tires of a recall through first class mail if there exists no record of who those owners are.

Consequently the legislation before us today would give the Secretary the option of requiring public notice of a tire recall in addition to notice by first class mail, if the Secretary determines that such public notice would be in the interest of motor vehicle safety.

In making this determination, though, he is required to consider the magnitude of the risk created by the tire defect and the cost of public notice compared to the number of additional tire owners the notice can be expected to reach.

This should assure that the Secretary will not act to require public notice of a tire recall unless it is truly necessary.

Most tire recalls involve only a small number of tires, and in those instances, I would expect that first class mail notice would be sufficient. However, as recent events have shown, situations do arise from time to time which involve a great number of tires, and in those instances affect traffic safety. Those are the kinds of situations where the Secretary must have freedom to order that general public notice of the recall be given. Passage of this legislation will do much to further traffic safety in a cost-effective manner.

Suffice it to say that my statements in support of the bill constitute some of the many reasons that we should vote for it. You have and will be hearing other equally compelling arguments for this bill. I urge you to vote for S. 1159.

At this point I would like to engage in a colloquy with the subcommittee chairman. With respect to airbags, it is my understanding that the conference report places two obligations on the relevant auto manufacturers. Those requirements are that the manufacturers tool up for production and offer for sale airbags on one car line.

It is my further understanding that the conference report places totally within the discretion of the manufacturer the decision as to how a car line is determined and which car line will be offered with airbags.

Does the committee chairman agree with my interpretation?

☐ 1500

Mr. SCHEUER. I agree wholeheartedly with the gentleman's interpretation. Under our conference report, the manufacturer does have the discretion to determine what constitutes a car line. If my colleague will permit me to quote from the conference report, it says:

> The conferees intend that the term "car line" shall mean a name which a manufacturer applies to a family of vehicles, within a make, which have a degree of commonality in construction, such as body, chassis, or cab type. Three examples which demonstrate what is meant by "car line" would be General Motors' Cadillac Sedan de Ville and Coupe de Ville, General Motors' Chevrolet Citation, and General Motors' Chevrolet Impala and Caprice. The conferees do not intend that the manufacturer, when making the determination as to which car line will include automatic safety airbags, will unduly narrow the care line based solely on such features as level of decor, roof line, or the number of doors, seats, or windows, so as to defeat the policy objectives of the section. The conferees recognize that the number of seating positions available for front occupants may depend on the type of passive restraint system chosen by the purchaser. Further, it is the intent of the conferees that automatic safety airbags be made generally available and not limited to esoteric cars which are offered to a limited market for the purpose of frustrating the legislative intent.

Mr. RINALDO. I also understand that airbags must be available on that car line as optional, rather than standard equipment. Would the subcommittee chairman agree that the manufacturer would not be required to so equip a car with an airbag until such time as he has received an order?

Mr. SCHEUER. That is correct. The conference substitute requires that affected automakers offer airbags for sale as an option. It requires that the larger volume domestic and foreign import automobile manufacturers tool and offer for sale as an option the automatic safety airbags on at least one car line in any 3 model years between September 1, 1981, and August 31, 1985.

However, let me also say that no manufacturers should consider themselves precluded from offering at their discretion automatic safety airbags as standard equipment on their cars. We hope that once airbags have proved both their cost effectiveness and their desirability to consumers and as a selling device, that they will install them broadly.

We are very eager to have as large a real world test of airbags as is possible without imposing any undue burden on the auto industry.

Mr. RINALDO. In other words, while arguments can be made against this requirement, we are really saying that this will assure that airbags will be available to American consumers in a significant quantity and that the consumer who wants to purchase an airbag will have that option available to him.

Mr. SCHEUER. That is absolutely correct.

Mr. RINALDO. It is also my understanding that although the manufacturer would have to offer airbags on one car line, the terms of that offer and the manner in which the airbags are marketed would be left up to the total discretion of the manufacturer. Does the committee chairman agree with that statement?

Mr. SCHEUER. That is absolutely correct. It is clearly the expectation of the conferees that consumers have a meaningful choice in the market between vehicles equipped with automatic safety belts and air bags.

It is the hope of the conferees that the public will be informed of such choices and that automatic safety belts and air bags will be available at reasonable cost.

The conferees intend that the offer for sale requirements be a bona fide offer of airbag cars to the public. In order for an offer for sale to be a bona fide effort on the part of a manufacturer, its air bag equipped cars must be reasonably available for the normal and customary time for delivery. However, it must be said that the conferees do not intend that the offer for sale requirement grant NHTSA, the National Highway Traffic Safety Administration, any additional authority over the marketing or manufacturing practices of automobile manufacturers or dealers.

As a matter of fact, we note that several automobile manufacturers have publicly assured the conferees of their intent to produce airbag equipped automobiles.

Mr. RINALDO. I have one final question. The conference report expresses the hope that airbags will be available at a reasonable cost. It is my understanding that it was the intent of the conferees that the auto manufacturers subsidize airbags by charging higher prices for passive belts or other equipment?

Mr. SCHEUER. No. That was not the intent of the conferees at all. The conference report does stress that it is the hope of the conferees that automatic safety belts and airbags be made available to the public at a reasonable cost; but having said that, it certainly was not our intent that nonairbag equipped cars should be priced in a way that would subsidize airbag-equipped cars.

Mr. RINALDO. I want to thank the gentleman for responding to the questions.

The airbag provision actually encompasses a proposal that was sent to the Secretary of Transportation by General Motors. This was a plan that was not devised by the conferees, but a proposal that was advanced by the leading car manufacturer in this country. The conferees also included foreign manufacturers in order to eliminate any advantages that could accrue to them.

Many reasons have been given why we should vote for this conference report. I am sure we will be hearing other equally compelling reasons; at this point I strongly urge my colleagues to support S. 1159.

I thank the gentleman for his time.

Mr. SCHEUER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MAGUIRE).

Mr. MAGUIRE. Mr. Speaker, I thank the gentleman for yielding.

More people die in automobile crashes than in all other transportation accidents combined. In 1979, the number of people killed in motor vehicle crashes was 13 times greater than the number of people who died in all air, rail, waterborne transportation, and recreational boating accidents combined.

Out of every three people born today in the United States, two will suffer injuries in a crash. Motor vehicle crashes are a leading cause of paraplegia and epilepsy. Each year, crashes cost the country about $50 billion in medical and rehabilitation costs, lost wages, welfare, and property damage. In 1978 alone, 50,327 people died and over 4 million were injured.

The automatic crash protection standard 208 which has been strongly endorsed by the House-Senate Conference Committee on the National Highway Traffic Safety Administration authorization bill will help reduce this loss of property and life.

If all cars on the road today had some form of automatic crash protection, it is estimated that a minimum of 9,000 lives, tens of thousands of serious injuries, and billions of dollars now lost in automobile crashes would be saved each year. These estimates are supported by years of on-the-road experience with 10,000 air bag equipped GM cars and nearly 250,000 Volkswagen Rabbits equipped with automatic safety belts which respectively have traveled an estimated 800 million miles and 5 billion miles. In addition to these benefits, there will be the incalculable benefits from the reduction in pain and suffering of the people involved in accidents and those close to them.

Assuming 9,000 fatalities and 65,000 injuries per year are avoided, societal benefits have been estimated to be $4.7 billion using the average societal cost of fatalities and various injury levels. In addition to these costs, Federal, State, and local governments paid approximately $1.9 billion in social service benefits to the victims of motor vehicle accidents in 1979. Automatic restraints would save approximately $320 million of these expenditures each year. The total societal cost savings, including government transfer payments would be approximately $5.1 billion per year.

General Motors has estimated that the sticker price increase for complying with all the Federal safety standards that will go into effect before 1985, will be $125 per car (1979 dollars). This estimate includes the average price increase for the air bags and automatic belts in the proportion the company expects to produce. The total cost for automatic restraints would be approximately $1.34 billion per year, assuming the production of 10.7 million vehicles, for a net benefit of $3.76 billion per year. This is equivalent to roughly $350 per car purchaser per year.

In 1977, using actual insurance claims data, Nationwide Insurance Co. estimated the savings in automobile insurance if all cars had been equipped with automatic restraints in 1975. In current dollars, the estimated savings would be more than $40 per year. While the cost of repairing or replacing automatic restraints after a crash is likely to be twice the original price, this cost would be covered by collision insurance, and would add only about $1 per year to the insurance cost.

The automatic crash protection standard 208 is one of the most cost effective regulations for consumers. It deserves our wholehearted support.

Mr. Speaker, I would also like to add that the House-Senate conference committee on the authorization bill for the National Highway Traffic Safety Administration (NHTSA) agreed to the following significant changes in the implementation schedule and the requirements of the automatic crash protection standard 208:

The current implementation schedule for FMVSS 208 continues to apply to smaller car companies starting with large cars in the 1982 model year. Midsize cars must comply in 1983. In 1984 and subsequent years all cars must comply with the standard. Smaller car companies are defined as those that produce no more than 1.6 million passenger cars worldwide and annually sell no more than 200,000 in the United States.

For larger car companies FMVSS 208 is changed to assure that some air bags are offered for sale to the public under a new implementation schedule. These provisions require that:

All small cars must be equipped with automatic restraint systems in 1983. In 1984 and subsequent model years all cars must be so equipped.

The larger car companies will be required to "tool and offer for sale" air bags on at least one of their car lines in any three model years between 1982 and 1985.

Automatic belt systems will be required to have a single point buckle release mechanism so that the belts can be completely disconnected.

WHAT IS THE EFFECT OF THESE PROPOSED CHANGES?

Large foreign manufacturers such as Toyota and Datsun will be required to bring their small cars into compliance with FMVSS 208 1 year earlier—1983 instead of 1984.

The change in the implementation schedule takes into account the major shift in automobile buyers' preference away from large cars to smaller cars. It will make a substantial number of small cars available with automatic crash protection—both air bags and automatic belts—1 year earlier.

While few cars will be required to have automatic crash protection in 1982, air bags are expected to be available in all Mercedes Benz cars and in Ford Lincolns. VW, General Motors, Toyota, and perhaps other companies are expected to offer some cars with automatic belts.

The new implementation schedule is expected to save about the same number of lives as the current implementation schedule, even though no cars are covered in 1982 and a smaller number are covered in 1983 than under the current schedule. Because smaller cars are generally less safe than larger cars, the savings from bringing smaller cars into compliance earlier more than offsets the losses from the delay in bringing the larger, safer cars into compliance.

The provision that the larger car companies must tool up and offer for sale cars with air bags is a major change in policy. This is the first time that Congress has gone on record to assure consumers freedom of choice in the selection of restraint systems by requiring that some airbags be made available to consumers who want to buy them.

Driving Without Restraint

(By George F. Will)

Chevy Chase Village.—Thinking he heard thunder, my neighbor went to close his car windows. Actually, he had heard a commonplace tragedy, the making of a statistic. A woman died and a man nearly died in an occurrence shocking but routine: an automobile accident.

The car veered out of control on Connecticut Avenue, hit trees, fragmented, broke in half. Three of us arrived immediately. Emergency equipment arrived quickly. Cleaning up took hours.

In 1900, this "village," six miles from the White House, was where Washingtonians came for country breezes. Today, it is a small incorporated area near the center of a sprawling metropolis. It is divided by Connecticut Avenue, which passes around a traffic circle as it enters Maryland. Trees on the circle are heavily scarred. Crumpling steel and crying sirens are common sounds here as on many urban thoroughfares.

Increasingly, American driving reflects, I think, the sublimated fury of persons heading for infuriating jobs, the animal spirits of persons whose lives allow little scope for such spirits. As Daniel Moynihan wrote years ago, the automobile is "both a symbol of aggression and a vehicle thereof. . . . It is a prime agent of risk-taking in a society that still values risk-taking, but does not provide many outlets."

The endless epidemic of accidents is one of the nation's gravest public health problems. Automobile deaths and injuries have costs beyond counting, and are a special plague to the young. Of every 100,000 males at age 15, about 1,100 will die in accidents, most involving automobiles, before age 25—a death rate 20 times worse than polio inflicted at its worst.

As Moynihan notes, the social life of most Americans "now primarily takes the form of driving to a place where alcohol is consumed." And because traffic laws are widely ignored, almost everyone is a lawbreaker, and the incidence of arrest in America may be the highest of any nation in history. Repairing and replacing wrecked cars may provide 20 percent of the business for the automobile industry, the nation's most important.

Such statistics are as lifeless as the woman who lay beneath blankets on the Connecticut Avenue median strip. But they describe a river of sorrow flowing from monstrously irrational behavior.

Most drivers frequently exceed speed limits, only 25 per cent use seatbelts, only four per cent use harnesses. Because slaughter behind the wheel is deeply rooted in aggression and other irrationality, it is very difficult to substantially reduce accidents by reforming drivers. So government has tried to reduce the severity of injuries received in accidents.

The public disliked, and the government quickly disconnected, the ignition "interlock" system that prevented cars from starting when safety belts were unfastened. Today, new cars just make a brief buzz of disapproval.

Governments may yet require "passive restraints"—air bags that instantly inflate to cushion passengers in collisions. There is evidence that they would save many thousands of lives annually and may be one answer to what Moynihan has called "the seeming incompatibility of safe driving and mass driving." That is a considerable problem in a nation where more people drive than pay taxes or vote.

Air bags require no forethought by drivers, so they are suited to the American driving public. The air bags would probably cost manufacturers less than $100, a fraction of what car buyers exuberantly spend when loading their cars with snappy wheel covers and other options.

Long before the most recent Connecticut Avenue death, I regretted having once argued that government has no business requiring drivers to buy and use inexpensive devices that might save them from self-destruction. There is a pitiless abstractness, and disrespect for life, in such dogmatic respect for the right of consenting adults to behave in ways disastrous to themselves. Besides, too many children passengers are sacrificed on that altar. And a large part of the bill for the irrationality of individual drivers is paid by society.

Most important, society desensitizes itself by passively accepting so much carnage.

On Connecticut Avenue that evening, the police operated with the weary patience normal to those who are paid to look unblinkingly at what people do to themselves. "Go home," a policeman finally said, with barely noticeable disgust, to people milling around the debris. "Go home and watch television." After a while, we did.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Speaker, I yield myself such time as I may occupy and reserve the balance of my time.

Mr. Speaker, I regret that the conferees of the other body chose to hold these provisions concerning passive restraint systems hostage in order to move the clock considerably backward with respect to the bumper standards legislation.

□ 1510

I was the author of that bill in 1972. It was not until 1978, as I recall, that that bill was implemented with respect to the bumper standards provisions. The bill required that automobiles be equipped with bumpers built in such a way that there would be no damage to the automobile when that automobile struck another vehicle at low speeds. Ultimately the agency established that low speed to be 5 miles per hour, about the speed that an ordinary person walks at a brisk pace. If one, walking at that speed, runs into a wall he will not even bruise his nose.

But it was not until 1978, 6 years after the passage of the bill, that standards under that act were established at all. They have now been in effect for approximately 2 years. During that period of time they have saved customers much money. A great amount of effort has gone into the establishment of those standards. They are still being implemented.

In 1972 when the bill was passed opposition to the bumper standards resulted in the bill being recommitted to the subcommittee. At that time I obtained a bulldozer, placed it between the Longworth Building and the Rayburn Building, employed an expert driver, and with him we drove at 5 miles per hour into the bulldozer with a Saab automobile. There was no injury whatsoever to the bumper.

So in 1972 when the bill was passed it was within the capability of the automobile industry to build a light bumper which would result in no damage to an automobile colliding in a front-end collision at 5 miles an hour. But, as I have said, it took 8 years before the bill's provisions were made applicable.

Today there are automobiles built by U.S. manufacturers that can withstand the 5-mile-an-hour collision. Some of those cars are the GM X model cars.

There are four makes of this character. One is the Chevrolet Citation.

Though it was said at the time of passage of the bumper bill that great weight would have to be added at considerable additional cost for the manufacture of the cars, American manufacturers have been able to do, under the pressure of the bumper bill, what one or several foreign manufacturers had done approximately 8 years ago. There are also several cars presently built outside of the United States that meet the same standards that the American cars meet and, of course, the standards require any car sold in the United States, whether American or foreign, to meet those standards. Saab and Volvo to name a few that really have bumpers that can withstand 5-miles-an-hour collision, I mention and all of the GM X body cars.

It is, of course, true there are a great number of other cars built today whose bumpers still remain more or less decorative and not sufficiently resistant to withstand a 5-mile-per-hour collision. There also happens to be a manufacturer called Houdaille, which manufactures a variety of articles including steel bumpers. It is my understanding that because of the blandishments of that company, the other body's conference strongly insisted on a reduction of the bumper standards to the position that they have now been moved to.

What does this mean? It means that a bill that established the policy of requiring consumers to get automobiles that would not be injured when they were driven at very low speeds in collission, and would have saved billions of dollars to consumers—that the provisions passed in 1972 will not now have reasonable effect until the Secretary completes the promulgation and application of a rule by 1985, 13 years after the passage of the original bill.

Should we hold the consumers of America hostage both with respect to passive retraints and with respect to decent and usable bumpers to a single company that insists on this kind of delay? That is in effect what we are doing.

Now I would like to say that I do not condemn in any way the conferees on the part of the House. I know they have attempted most energetically and persistently to protect the House's bill. But I do condemn the other body and the other body's conferees for insisting on this narrow, special case to defeat the interests of people of the entire United States. Why should the standard for bumper construction be the least possible standard that will protect everybody who wants to make a bumper, no matter how shoddy or ineffectual? That has been the result of the conference respecting the bumper bill.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from West Virginia.

Mr. RAHALL. I appreciate the gentleman from Texas yielding. The gentleman mentions the fact that the consumers are being held hostage by the results of this conference report, and the gentleman has severely attacked the actions of the other body's conferees.

I draw the gentleman's attention and that of my colleagues to the fact that NHTSA over the last many years has conducted at least four separate studies, on analysis of the cost-benefit of this bumper standard. I draw to the gentleman's attention the fact that NHTSA, throughout these studies, has shown that the 2.5-mile-per-hour standard was preferable to the 5-mile-per-hour standard and has indeed, through its own figures, shown that the consumers would be saving money.

Mr. ECKHARDT. If the gentleman will yield back to me at this point, can the gentleman point out where that is found in any document issued by NHTSA?

Mr. RAHALL. On February 26, 1979—let me go back even earlier than that to a study of NHTSA on December 31, 1978. That was actually when NHTSA was directed by the Appropriation Committee on Transportation and the Transportation Department with $300,000 in fiscal 1979 to do such a study, and then on February 26, 1979 NHTSA released its second analysis of the bumper standards. In that analysis it showed that consumers would save $720 million if a 2.5-mile-per-hour standard were substituted for the current 5-mile-per-hour standard. NHTSA went on and did a general study.

Mr. ECKHARDT. Would the gentleman tell me if this was not a preliminary report by NHTSA and that the final report was later in 1979?

Mr. RAHALL. NHTSA has done so many studies on this issue, I might remind my colleagues, and the overall conclusion of the studies has shown a savings to the consumer at the lower standard.

Mr. ECKHARDT. If the gentleman will yield back to me at this point, the report the gentleman is referring to is a preliminary report. The final report was a report of June 1979 in which NHTSA said that the question of cost-benefits with respect to bumpers depends on the material from which they are built and the efficacy of the manufacturer in building them and, to a certain extent, questions involving fuel standards. That is the final report on the matter.

Besides that, NHTSA issued the order, made the 5-mile standard. NHTSA has not withdrawn that order. Our original bill did not mandate a 5-mile-per-hour standard. It delegated to NHTSA the authority to establish the speed that should be applicable and NHTSA established a 5-mile-per-hour speed.

□ 1520

What this bill would do is prevent for a period until 1985 NHTSA's exercising its judgment with respect to that speed and would determine, because Houdaille wants it so, that a 2.5-mile standard is a proper standard. If the gentleman is correct about NHTSA, we do not need this amendment, because NHTSA could now reduce the speed to 2.5 miles per hour.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. Surely, I yield to the gentleman.

Mr. RAHALL. I have two points. The first point: This January 1979 study to which the gentleman refers was severely criticized by the Council on Wage and Price Stability and others for a number of erroneous assumptions. For example, the agency used 73 cents for the price of gas and predicted that the price would not reach $1 per gallon before 1990. At that time, of course, the price was in excess of 90 cents per gallon and climbing fast.

Mr. ECKHARDT. If the gentleman will yield my time back to me—and I assume the gentleman can get time from the other side since he is for the report—I would like to say this, that I am not arguing in favor of a 5-mile-an-hour speed except to say that that is what NHTSA has established as the appropriate speed. I do not believe that this body should yield to a decision of a manufacturer that cannot meet that standard, and thereby take away authority from NHTSA to use the 5-mile speed.

Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 7½ minutes remaining.

Mr. ECKHARDT. I thank the Speaker. I have other requests for time on this side. I think I have been rather generous in yielding time to the gentleman from West Virginia (Mr. RAHALL) and I regret that I cannot yield further.

Mr. RAHALL. I thank my colleague for yielding.

Mr. ECKHARDT. There is another point that I should like to establish here separate from that proposition, more or less as a matter of legislative history. The conference report includes the provisions usually referred to as the Levitas language. There is at the end of the conference report and on the bottom of page 18 and the beginning of page 19 this language:

> If the Congress passes a concurrent resolution of disapproval, the rule would not go into effect. By requiring that the Secretary submit a rule to Congress for review and possible disapproval, the Congress, under this provision, hereby provides a mechanism to determine whether a rule submitted to it by the Secretary becomes effective.

I would like to ask the distinguished chairman of the subcommittee who chaired the subcommittee I believe on the majority side: Is it intended by the language and by the report that a concurrent resolution be the final act necessary to prevent the rules from going into effect, or must a concurrent resolution be submitted under the presentation clause of article I, section 7, of the Constitution to the President for his consideration before it shall have effect as law?

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from New York.

Mr. SCHEUER. I thank the gentleman for yielding. It is my understanding that it was definitely the intent of the conferees that there be no further submission to the President—there would be no need for that—and that the act of the two Houses in vetoing a final order in 90 days under the provisions of a full two-House veto would be sufficient to stop the order and would be final.

Mr. ECKHARDT. I should like to point out as, of course, the gentleman knows, that the gentleman from Georgia, Mr. LEVITAS, has offered several types of the veto provision. One is a one-House veto. Another is what we sometimes call a House-and-a-half veto which submits the matter for 60 days to one of the Houses and then permits the other House an additional 30 days to veto the veto. The third is a concurrent resolution. This is a concurrent resolution and requires the concurrence of both bodies to concur before the rule is prevented from going into effect, if I understand correctly. Is that correct?

Mr. SCHEUER. That is correct. I might say if there is any question of constitutionality, this bill provides an expedited process for the finding of constitutionality one way or the other.

Mr. ECKHARDT. Yes, I understand, similar to the FTC bill.

Mr. SCHEUER. That is exactly correct.

Mr. ECKHARDT. That, I think, contained the same veto language and the same expedited procedure for review.

Mr. SCHEUER. That is precisely correct.

Mr. ECKHARDT. May I say that is the reason I have asked these questions because we would not have a fully developed fact situation by the time a declaratory judgment was asked of the court. I thank the gentleman for responding to those questions.

Mr. Speaker, I have had a request from the gentleman from Minnesota (Mr. FRENZEL) for some time. I yield 3 minutes to the gentleman.

Mr. FRENZEL. Mr. Speaker, I do not think the House has really had very much information on this bill yet. I would like to call to the attention of the Members that this is the first time that the Congress will have ever mandated airbags by law and, because of that, in my judgment, this conference report ought to be rejected out of hand.

This airbag provision has not been closely considered in either the House or the Senate. The conference report brought before us today totally abandons the House position taken year after year on the airbag. The most recent vote on the airbag was 320 to 73 against airbags. In addition, it gives the NHTSA unprecedented new powers, which I think are unwarranted. I think they have got plenty of powers already.

I would invite the Members' memory to the experience with the old seatbelt interlock. If we move forward finally into forcing these airbags to be presented on some models, the airbag problem is going to be 10 times worse than the old seatbelt interlock.

Now is not a very good time to load new extraordinary costs on the U.S. auto industry by mandating that they put airbags on. In the second place we have mandated only that certain companies put airbags into their cars or make them available. That is patently discriminatory and it seems to me is the worst kind of a law that could be presented to this Congress.

Mr. SCHEUER. Will my colleague yield?

Mr. FRENZEL. I only have 3 minutes. I would ask the chairman if he will use his own time.

This is the worst possible time to load up the auto industry. There are a million workers laid off. We are going to ask the auto industry to spend money not for productivity, not for new capital equipment, not to cut costs, but to install airbags which nobody wants.

As my colleague, the gentleman from Pennsylvania, says, nothing has changed about airbags, that is, nobody can prove that they are safe. Nobody can prove that the public wants them. The one thing that has changed about the airbags is that the cost has gone up.

So here we are going to load on all these extra costs. We are also going to load them very heavily onto smaller cars because certain of the foreign manufacturers are going to have to put them on. That is going to make small cars more expensive at a time when we are trying to promote energy conservation.

As I said, Mr. Speaker, nothing has changed about airbags except that they are more expensive. In my judgment, this House should not vote to force auto manufacturers to install airbags in their cars. In my judgment also the consumers are not ready. They are not demanding airbags.

The only people who are demanding airbags are the bureaucrats in the NHTSA. I do not think we ought to accede to their demands. I hope that this conference report will be defeated so that we can let the auto companies spend their money on productivity and give the American people a product that the people want to buy.

This bill, S. 1159, mandates airbags by law for the first time. On that basis alone, it deserves defeat.

But it is also discriminatory because it applies to only certain sellers and manufacturers. Worse it applies differently to different companies, depending on their product lines.

It particularly penalizes companies which have spent time and money developing passive restraint safety systems under safety standard 208. Mandating a specific technology, airbags, ignores good sense, and it ignores the wishes of the marketplace.

S. 1159 is a blatant, discriminatory attempt to sneak into the law what Congress never allowed bureaucrats to put into regulations.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I believe both in effective passive restraints and bumpers which are useful and crash worthy. The reason I oppose this bill is because I do not believe we should be forced to barter away the one to purchase the other.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia, my colleague (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished subcommittee chairman for yielding and I want to commend him and the ranking minority member, the gentleman from New Jersey (Mr. RINALDO) and the full committee chairman, my senior colleague from West Virginia (Mr. STAGGERS), for the long hours that they put in on this bill and commend them for the conference report that they have produced this afternoon.

☐ 1530

I support the conference report. The fact that the 1-year delay in passive restraints is a part of this conference report is good for the automobile industry. What is good for the automobile industry, I believe, is good for many other aspects of our American economy.

The reduction in the bumper standards from the 5.5-mile-per-hour standard to 2.5-mile-per-hour standard, I believe, reflects the directives of Congress and reflects the results of many studies that have shown a savings to the American consumer.

The fact that this may benefit one particular company should be overshadowed by the fact that the automobile industry itself, Mr. Speaker, needs the certainty of knowing of what our standards are going to be.

Senate Report 95-938 on the fiscal year 1979 appropriations bill for the Department of Transportation provided $300,000 for the National Highway Traffic Safety Administration to perform a cost-benefit analysis of the Agency's 5-mile-per-hour bumper standard. The report stated that, "Such study is to be completed by December 31, 1978. NHTSA shall modify its bumper standard to reflect the results of this study." NHTSA did not complete its study by the congressional deadline, but on January 26, 1979, NHTSA issued a seven-page "Analysis of the Bumper Standard" that showed that a 2.5-mile-per-hour standard would cost consumers $188 million less than the 5-mile-per-hour standard.

On February 26, 1979, NHTSA released its second analysis of the bumper standard. According to NHTSA, the February 26, 1979, analysis showed that consumers would save $720 million if a 2.5-mile-per-hour standard were substituted for the current 5-mile-per-hour standard. Despite all of this evidence showing that a 2.5-mile-per-hour standard was preferable and the congressional directive accompanying the 1979 Appropriations Act, NHTSA refused to change the standard. Instead it continued to study the matter further.

On June 1, 1979, NHTSA released its third bumper study. This study concluded that a 5-mile-per-hour standard was more cost beneficial than a 2.5-mile-per-hour standard by $39 per car. This study was severely criticized by the Council on Wage and Price Stability and others for a number of erroneous assumptions.

For example, the Agency used 73 cents for the price of gas and predicted that the price would not reach $1 per gallon before 1990. At the time the price was in excess of 90 cents per gallon and climbing fast. Moreover, although all of the auto industry estimates of the amount of "secondary weight" that could be saved as a result of a 1-pound reduction in bumper weight were at or above 1 pound, NHTSA used an unreasonably low figure of 0.35 pound.

NHTSA in part responded to these criticisms in releasing its fourth bumper study within the space of 1 year on January 8, 1980. This report conceded that the case for the 5-miles-per-hour bumper was weaker than the Agency had argued in June 1979 but it still claimed that a 5-miles-per-hour standard was $11 to $29 per car more cost beneficial than the 5-miles-per-hour standard. While NHTSA admitted that its fuel cost and secondary weight estimates were too low, it refused to adopt reasonable figures, raising its price of gasoline to only 94.5 cents per gallon and its secondary weight estimates to a range between 0.5 and 0.75.

On January 25, 1980 Director R. Robert Russell of the Council on Wage and Price Stability wrote to Joan Claybrook after analyzing all of NHTSA's studies and stated that, using certain alternative assumptions that the Council believed to be "more realistic or at least equally plausible" to those used in the final NHTSA analysis, the 2.5-miles-per-hour standard is more cost beneficial than the 5-miles-per-hour standard by from $7 to $70 per car. The Council on Wage and Price Stability report concluded that, "In sum, we have seen no convincing basis for concluding that the 5-miles-per-hour standard is preferable to the 2.5-miles-per-hour standard." On February 26, 1980 Director Russell wrote to Senator ROBERT C. BYRD that "on the basis of the limited evidence that we have examined, we believe that the net social benefits associated with the 2.5-miles-per-hour standard are greater than for the 5-miles-per-hour standard."

On April 15, 1980 in a letter to General Motors Corp., NHTSA stated that "NHTSA's analysis indicates that, if the part 581 bumper standard were modified to require 2.5 miles-per-hour front and rear barrier and pendulum impacts and 1.5 miles-per-hour corner pendulum impacts, and if manufacturers took full adantage of the primary and secondary weight reductions made possible by such a modification, combined average fuel economy values would be increased by 0.3 miles per gallon." This figure represents a savings of approximately 800 million gallons of gasoline every model year. It should be noted that this figure, large as it is, is extremely conservative because it is based on NHTSA's unreasonable assumption of a secondary weight estimate of only 0.5 pounds. The Department of Energy estimated that the savings would be approximately 1 billion gallons of gasoline every model year if the bumper standard were lowered.

In response to NHTSA's failure to adhere to the mandate of the Motor Vehicle Information and Cost Savings Act of 1972 requiring the adoption of a bumper standard that provides "the maximum feasible reduction in costs to the public and to the consumer," Senator ROBERT C. BYRD introduced an amendment establishing a 2.5-miles-per-hour bumper standard. The adoption of the Byrd amendment reflects the considered congressional determination that on the overwhelming weight of the evidence that exists to date the 2.5-miles-per-hour bumper standard will benefit consumers by saving them significantly more money and gasoline than will a 5-miles-per-hour standard. In addition, Congress has hereby determined in adopting this amendment that NHTSA's retention of the 5-miles-per-hour bumper standard in defiance of the overwhelming weight of the evidence constitutes "arbitrary and capricious rulemaking."

The bumper standard currently consists of 5-miles-per-hour front and rear barrier crash tests, 5-miles-per-hour front and rear longitudinal pendulum tests, and 3-miles-per-hour corner pendulum tests. The Byrd amendment will change the 5-miles-per-hour front and rear barrier and longitudinal pendulum tests to a speed of 2.5-miles-per-hour. In addition, the corner pendulum impact test speed of 3-miles-per-hour will be reduced proportionately, as contemplated by NHTSA's bumper analysis, to a speed of 1.5-miles-per-hour. (See page 1 of Robert F. McLean, "Design Analysis Of Bumper Systems In Support Of The Cost Benefit Study." (April 1979))

The reduction in the impact test speed set forth in part 581 of title 49 of the Code of Federal Regulations shall take place on the date of enactment of this amendment. This means that on that date new automobiles will have to comply with the Part 581 Bumper Standard but with every impact test speed halved.

The Secretary of Transportation shall not have any authority to propose or establish any impact test velocity exceeding 2.5-miles-per-hour for the barrier and longitudinal pendulum tests or for the 1.5-miles-per-hour corner impact test before September 1, 1982. This limitation on the Secretary's power to seek to amend the standard is incorporated in the amendment for two reasons. One, it will encourage automobile manufacturers to redesign their bumper systems in order fully to take advantage of the weight reductions associated with the 2.5-miles-per-hour standard so that consumers will benefit from the cost and weight reductions contemplated by Congress to the greatest extent possible. By freezing the standard in place until September 1, 1982. Congress intends to insure that automakers will be able to justify and recoup the retooling costs associated with this redesign. Second, this limitation on the Secretary's power will insure that the Secretary will be able to develop real world data comparing the relative performance of 2.5- and 5-miles-per-hour bumper systems before any attempt is made to modify the bumper standard.

After the limitation on the Secretary's authority to propose or establish higher test velocity speeds elapses on September 1, 1982, the 2.5-miles-per-hour standard will remain in effect. The Secretary of Transportation will then be in a position to evaluate the real world performance of cars equipped with 2.5-miles-per-hour bumper systems. In particular, attention should be focused on those vehicles that have been redesigned to achieve fully the cost and weight savings attendant to the 2.5-miles-per-hour standard. Moreover, 1983 and 1984 model year cars will be of particular importance since the automakers will have had sufficient time to enable them to achieve the potential secondary weight reductions associated with the decreased weight of the bumper system.

A fundamental rule of economic theory is that it is inappropriate to impose more stringent regulatory burdens for a purely economic regulation having no safety implications—such as the Federal bumper standard—unless the clear and convincing evidence unmistakably shows that the additional burdens are substantially outweighed by greater consumer benefits. NHTSA has never made such a showing for its 5-miles-per-hour bumper standard, and Congress will not tolerate any attempt to reinstate this standard unless this considerable regulatory burden is established beyond dispute.

Consequently, any gaps in the evidence gathered by the Secretary during the period of rulemaking following September 1982 will necessarily be resolved against the imposition of higher and more costly economic regulation in this non-safety-related context. If, however, NHTSA should meet this heavy burden and thereby justify a change in the standard, it will, of course, be necessary to provide the automakers with sufficient leadtime so that they can meet the new standard without incurring any needless expense.

Mr. SCHEUER. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. Mr. Speaker, I would like to point out to my colleague from Minnesota (Mr. FRENZEL) that the conference report states that in crashes between small and large cars, eight people were killed in a small car for every one who died in a large car. With the anticipated increase in smaller more fuel efficient cars on the Nation's highways it is in the interest of public safety that passive occupant restraint protection should be required in these cars as soon as possible.

Mr. Speaker, I voted for the Stockman amendment when it came before this House. I am opposed to any requirement that mandate the purchase of airbags. However, on July 24, 1980, Elliot Estes, the president of General Motors Corp., came out in favor of exactly what we are doing in this legislation. He proposed that the passive restraint requirement become effective in the 1983 model year, rather than 1982. He asked that the option provide that the requirements apply only to small cars in 1983, to small and midsized cars in 1984 and to all cars in 1985.

Let us give General Motors what they are requesting by voting for this conference report.

Mr. SCHEUER. Mr. Speaker, I yield 1½ minutes to the distinguished chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from New York, and I support the conference report to accompany the bill S. 1159. All action has been completed on this measure except consideration of the conference report by the House.

I appreciate the cooperation of the leadership in allowing the conference report to be considered today under suspension of the rules. The automobile manufacturers need to know as soon as possible whether they are to comply with the current 208 passive restraint standard or the new standard contained in this legislation. If S. 1159 is enacted, the manufacturers need to be tooling up now in order to meet the requirements of the new standard. A delay in the consideration of the conference report until after the Congress returns on November 12 would place a hardship on the manufacturers.

The long duration of the conference was caused by the difficulty in reaching agreement on precise language to implement two very important provisions of this legislation. I wish to comment briefly on these provisions at this time.

First, the conference report adopts the Senate provision which would reduce the current bumper standard from 5 miles per hour to 2.5 miles per hour until September 1, 1982. After that time, the Department of Transportation will conduct a rulemaking proceeding to establish a new standard which would be applicable thereafter.

Second, the conferees adopted a provision that would delay for 1 year and reverse the order of compliance of the 208 passive restraint standard. The current standard, which is to become effective on large cars in 1982 and on small cars in 1984, would place domestic manufacturers at a disadvantage against foreign competition. The conferees adopted a provision which would change the standard so that it would apply to small cars in 1983 and to larger cars in 1984 and thereafter. Also, included in the conference report is a requirement that large car manufacturers tool up and offer for sale airbag-equipped cars on one car line in 3 of the 4 model years between 1982 and 1985.

The conference report provides a 3-year authorization for the National Highway Traffic Safety Administration at the following levels of funding: $51,900,000 for fiscal year 1980; $55,875,000 for fiscal year 1981; and $63,700,000 for fiscal year 1982. These amounts are consistent with the second concurrent budget resolution and are sufficient to meet the agency's current budget requests.

I urge my colleagues to adopt the conference report. I congratulate Subcommittee Chairman JIM SCHEUER for his good work on this legislation and I want to express my appreciation to the other House conferees for their good efforts and hard work. I believe the agreements finally reached are fair and reasonable and that the conference report represents the best compromise that could be obtained.

● Mr. DINGELL. Mr. Speaker, my remarks concern the Motor Vehicle Safety and Cost Savings Authorization Act of 1980, S. 1159, the conference report.

I am opposed to the conferees' decision in the Occupant Restraint Systems provision to mandate by regulation that the five manufacturers who sell the largest volume of cars worldwide and in the United States—General Motors, Ford Motor Co., Volkswagen, Nissan (Datsun), and Toyota—must retool, redesign, or even introduce one new car line in their fleet to be ready to accommodate installation of airbags for 3 model years.

That is an airbag design standard. Congress has not and should not establish design standards nor does the Department of Transportation and the safety agency, the National Highway Traffic Safety Administration, establish design standards. The Federal Government and the Congress only set performance standards, such as on clean air auto emission control standards and the automobile fuel economy standards.

I am dismayed that the effect of this conference report will add to the cost burdens of manufacturers, especially when the domestic industry is striving to retool and increase production of the more fuel-efficient automobiles. The auto industry, it is estimated, needs to invest some $80 billion between the 1980 model year and model year 1985 to meet Federal regulations and develop the new cars that are more in demand today.

When Ford Motor Co. says, as it did in June 1979, that the retail price equivalent for airbags in one car will be $825 per car based on a volume airbag-equipped car production of 200,000 units, I think it is fairly clear that this revision to MVSS 208 is going to be a substantial cost to manufacturers, especially to those who have planned to meet MVSS 208 with the passive belt systems instead of airbags.

Passive belts, it is estimated, would cost about $70 to $80 per car, or no higher than $100. Passive belts protect as well as airbags in frontal collisions and passive belts protect in all types of crash accidents while airbags are designed to deploy only in the frontal or headon crashes.

General Motors in 1979 provided cost estimates ranging from $500 to $600 per car for airbags.

The General Accounting Office in its July 27, 1979, investigative study and analysis estimated that to replace airbags in cars after a deployment has occurred would cost the consumer 2½ times the original equipment costs and consumer costs.

I point these statistics out for the record to be clear as to the amount that this airbag car line design standard will cost industry and consumers.

It is well known that the head of the NHTSA and other airbag proponents want to stuff an airbag in the steering wheel and dashboard of each new car and, essentially, throw away the active safety belts. At least the NHTSA has advised that the use of an airbag is not sufficient and that all airbag-equipped cars should also have active lap belts. NHTSA, however, has done little to promote the new less expensive but effective passive or automatic safety belts that currently are meeting the existing Motor Vehicle Safety Standard 208, the standard that this conference report would change and force one car line in each of the five manufacturers' fleets to be airbag ready in less than 2 model years.

Totally ignored in the conferees' action is the fact that for almost 5 model years, Volkswagen has produced passenger cars with the excellent passive belts, some 230,000 have been sold with over 2 billion vehicle miles traveled and a useage rate of 80 percent according to NHTSA. Additionally, General Motors produced 24,102 Chevettes during model years 1978–80 showing another effort by the industry to comply with the existing standard using passive belt systems and improve occupant protection.

With respect to the situation that America's new domestic manufacturer, Volkswagen of America, Inc., will find itself under what would be the new occupant restraint device regulation, I insert for the RECORD, that company's letter to the Members of Congress in which Volkswagen has urged rejection of the conference report and included the status of the company's development work on passive restraints, notably the passive safety belt system.

VOLKSWAGEN OF AMERICA, INC.,
Washington, D.C., September 24, 1980.

MEMORANDUM

To Members, United States Senate, Members, U.S. House of Representatives
Fr Philip A. Hutchinson, Jr., Director, Government and Industry Relations
Re Air Bag Legislation

Congress is currently considering the Conference Report (H. Rept. 96–1371) on the 1981 NHTSA authorization bill (S. 1159) which contains a provision to require certain car companies (several companies including Chrysler and AMC are exempted) to offer air bags on one car line for three years, beginning no later than model year 1983. This provision would seriously interfere with our efforts to comply with the Department of Transportation's (DOT) passive restraint mandate. Further, it would penalize manufacturers, like Volkswagen of America, which have voluntarily offered passive restraints to the public in substantial numbers well ahead of the implementation schedule required by the DOT.

Volkswagen of America has more real world experience with passive restraint systems than any other manufacturer. We are the first auto maker to provide a substantial number of American car buyers with a passive restraint system. By the end of the 1980 model year, approximately 230,000 Rabbits equipped with a passive system will have been sold in the U.S. This fleet of vehicles has already accumulated well over 2 billion miles of highway travel.

This experience base has given VW and all those interested in occupant safety the first real world information on passive restraints. The results have proven that VW's passive belt system is an extremely effective occupant restraint system. In fact, the National Highway Traffic Safety Administration has released figures showing the Rabbit passive belt to be two times more effective in reducing the risk of fatalities than the standard lap/shoulder belt restraint, due primarily to the 80% usage rate by the occupants.

VW's corporate decision to offer passive belts rather than air bags on our models reflects engineering considerations that have been drawn from our own accident studies with VW's passive belt system and from laboratory tests with air bags.

Because the automatic belt does not have to be inflated, it restrains instantly, a major advantage over air bags. Unlike the air bag system, the automatic belt does not require a lap belt to be buckled by the occupant. It is completely automatic. Consequently, the automatic belt offers better overall protection than the air bag in rollover type accidents. While air bag systems require explosives to acuate them, no such "stored" energy requirement exists for the automatic belt. It is always ready to provide restraint. Further, the belt system firmly locks up, protecting car occupants in multi-impact accidents while current air bag systems may offer no protection in a subsequent crash because the bags deflate seconds after the first impact.

Another advantage of the VW system is cost. It is far less expensive than the complex air bag restraint. The cost of the VW automatic belt system is slightly more than that of a three-point inertia reel belt system. In contrast, air bags cost several times more than three-point belts.

VW believes that this proposed legislative change in Federal Motor Vehicle Safety Standard 208, from a performance standard to a design standard, discriminates against auto makers who have focused their engineering efforts on an effective but different design that fully meets the requirements of the existing performance standard. This provision requiring air bags would penalize our company for its industry leadership with passive restraints and penalize the American consumer by promoting occupant restraints that may provide less protection in certain types of accidents.

We hope Congress will reject this directive to build air bag-equipped cars. Manufacturers should be allowed to choose the passive restraint system which they determine will offer the best protection to the consumer, be it air bag, passive belt or some other system that complies with the passive restraint standard. For Congress to dictate the technology will inhibit passive restraint development and work to the disadvantage of the consumer.

Mr. Speaker, I also insert for the RECORD at this point the telegram from Manchester Associates, Ltd., on behalf of the Nissan Motor Co., which also has notified the Members of Congress of its opposition to the mandated design standard. I also insert similar correspondence from Toyota Motor Co., Ltd.

MANCHESTER ASSOCIATES,
Washington, D.C., September 29, 1980.

Hon. JOHN G. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: I write on behalf of Nissan Motor Company, Ltd., manufacturer of Datsun cars, to urge you to vote to recommit the conference report (H. Rept. 96–1371) on the Motor Vehicle Safety and Cost Savings Authorization Act of 1980 (S. 1159). (Nissan is based in Tokyo, Japan and Manchester Associates is the registered foreign agent for Nissan in the United States.)

The report contains a provision that will require five automobile manufacturers (GM, Ford, Nissan, Toyota, and VW) to equip certain of their vehicles with automatic air bag occupant restraint systems beginning in September 1982 (i.e. model year 1983). This requirement (1) violates a fundamental principle of sound regulatory philosophy, (2) is discriminatory, and (3) exceeds the scope of the House and Senate bills.

(1) Federal regulations require that beginning in model year (MY) 1982 (with large cars, mid-sized cars in MY 1983, and small cars in MY 1984) all manufacturers must equip their vehicles with "passive restraints" to automatically protect front seat occupants in a crash. Nissan is working diligently to comply with this requirement and will offer automatic safety belts in all its models on the timetable set by the U.S. Government.

This regulation appropriately establishes a "performance" goal, passive protection, and does not mandate a specific technology (which would create a "design" standard). This approach embodies a sound regulatory principle: it demands that an objective be achieved but requires that manufacturers compete to meet the standard in the most effective manner and in the least costly way to consumers, the conference report, however, mandates air bags, thereby setting a design standard which denies manufacturers flexibility in complying with the regulation.

(2) The new requirement applies to only the five manufacturers named above and exempts other U.S. manufacturers and all foreign-based manufacturers other than Nissan, Toyota, and Volkswagen. Thus the provision is discriminatory and unfair.

(3) The conference report also exceeds the scope of the House and Senate bills. The Senate bill contained no provision concerning passive restraints. The House bill did contain an amendment that prohibited enforcement of the current passive restraint standards unless the standard also permitted the purchaser (defined to include a retail dealer) to select an active belt of the type with which cars are now equipped. However, the intent of this amendment was clearly to give consumers an opportunity to not choose either air bags or passive seat belts—just the opposite of the effect of the substitute in the conference report.

For all these reasons, I urge you to vote to recommit this report to conference with instructions to strike the air bag provision from the report.

Thank you for your consideration.

Sincerely yours,

JOHN V. MOLLER,
Vice President.

CLADOUHOS & BRASHARES,
Washington, D.C., September 30, 1980.

Re: The 1981 NHTSA Authorization Bill (S. 1159)

Today Congress will be voting on the 1981 NHTSA authorization bill (S. 1159) which substantially alters both the character and the schedule formerly established by NHTSA for installing passive restraint systems in new automobiles. The effect of S. 1159 will be to discriminate against Toyota, Nissan and Volkswagen of America requiring them to meet certain safety standards while exempting other small car producers, both foreign and domestic, from compliance. Therefore, Toyota respectfully urges you to vote against suspension of S. 1159.

OVERVIEW

S. 1159 requires manufacturers that produce annually 1,600,000 passenger cars or more worldwide and sell more than 200,000 passenger cars in the U.S. to: (1) install automatic seat belts in all passenger cars manufactured in model year 1983 which have a wheelbase not greater than 100 inches; (2) install automatic seat belts in all passenger cars for the model year 1984; (3) offer for sale airbags on not less than one car line, for no fewer than three model years which occur between September 1, 1981 and August 31, 1985; and (4) beginning in model year 1983, make seat belt assembly detachable by the user in a manner which does not impair subsequent reattachment.

In essence, S. 1159 reverses the timetable for compliance formerly established by existing law from only large cars—basically domestic—to small cars—basically imports, so that domestic producers will be given a two-year reprieve, in passive restraint requirements while automakers such as Toyota, Nissan and Volkswagen of America will be compelled to advance compliance by one year. While S. 1159 purports to deal equally with all automakers that produce a certain number of cars i.e., GM, Ford, Volkswagen, Toyota and Nissan), it clearly discriminates against automakers such as Toyota since almost all Toyota cars imported into the U.S. have a wheelbase of less than 100 inches while relatively few of the domestic automakers' cars have such a wheelbase. Moreover, S. 1159 changes Safety Standard 208 from a performance standard to a design standard by discriminating against automakers such as Toyota that have focused their engineering efforts on an effective but different passive belt design that fully meets the safety standards required by NHTSA to protect the American public.

SPECIFIC OBJECTIONS TO S. 1159

Toyota specifically objects to S. 1159 for the following reasons:

1. S. 1159 alters the equitable timetable established five years ago for passive restraint occupant systems without a reasonable lead time within which to comply. Indeed, the less-than-two-year compliance period imposes an undue hardship on such companies as Toyota, Nissan and Volkswagen of America.

2. S. 1159 penalizes Toyota and Volkswagen of America who have devoted intensive efforts to develop passive restraint systems under current Safety Standard 208 by mandating a specific technology, i.e., airbags, rather than a performance standard. A "safety standard" is defined under current law as a standard for "performance which is practicable [and] which meets the needs of motor vehicle safety." S. 1159, however, mandates a specific technology—i.e., airbags—and thereby precludes development of other equally or more effective passenger restraint systems.

Mandating specific technology rather than reliance on performance standards will severely prejudice companies such as Toyota who have in good faith relied upon existing safety standards. For example, five years ago when the safety standards were promulgated, Toyota chose, for a number of valid reasons, the passive belt system to meet these safety standards. First, Toyota had already developed considerable expertise in seat belt restraint technology. Second, such technology is substantially less costly than airbags. Third, absence of three passenger front seats in Toyota vehicles precludes the need for airbags.

And fourth, the general safety problem for out-of-position passengers resulting from use of airbags is particularly pronounced in smaller cars. Thus, there is no justification, we submit, for Toyota or similarly situated companies to expend substantial resources on airbag development when a more reliable and less costly restraint system can be made available to consumers.

3. Not only does S. 1159 accelerate compliance for passive belt installation to a narrowly defined group of companies, it also imposes the additional unforeseen burden of a single point detachable device for automatic belt systems. Such drastic changes will adversely affect the ability of such companies as Toyota to develop a safe and reliable passive belt system on a timely basis.

4. Finally, if the purpose of S. 1159 is to upgrade safety, it should apply uniformly to all small car manufacturers without resorting to meaningless world production and U.S. sales statistics, which have no relationship whatsoever to safety, in an effort to limit compliance to a "selected" few companies.

CONCLUSION

For the above reasons, Toyota respectfully urges you to vote against suspension of S. 1159 and to assist in the development of a sound, consistent, long-range policy for safety standards upon which all companies can rely.

Additionally, both General Motors and Ford Motor Co. have issued letters to Members of Congress in which they state their opposition to the mandated airbag car line design standard. I insert these documents for the RECORD at this point.

GENERAL MOTORS CORP.,
Detroit, Mich., September 24, 1980.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WARNER: As you know, the current passive restraint standard results in a competitive advantage for most of the foreign cars imported into the United States since it would not require passive restraints on most imports until two years after these restraints are required on full-sized cars, most of which are made by U.S. domestic manufacturers. In order to remove this competitive disadvantage, we have urged DOT to delay the application of the standard by one year and reverse the order of application of the standards so that it would affect small cars in 1983, mid-sized cars in 1984 and full-sized cars in 1985. The point has frequently been made that this reversal makes sense from a safety point of view as well as in view of the competitive situation.

While we have not had adequate time for a careful review of the language made available to us on September 23 which has been proposed to be included in the NHTSA authorization bill it appears that this language would achieve the major goal of a delay and reversal of order. We support the substance of such an action.

As a matter of principle, we believe that it would have been appropriate for these changes to be made administratively and not legislated into law. Also, we are opposed to the concept of including in legislation a design requirement as opposed to a performance requirement. Regulation should state in objective terms what is required and not what technology should be used to meet the requirement. History shows the later stifles innovation.

Because investment decisions must be made promptly, we will not object to the enactment of the aforementioned bill language while maintaining our commitment to the principles outlined above.

Sincerely,

D. S. POTTER.

FORD MOTOR CO.,
Washington, D.C., September 23, 1980.

Hon. JAMES H. SCHEUER,
House of Representatives,
Hon. JOHN W. WARNER,
U.S. Senate,
Washington, D.C.

DEAR GENTLEMEN: Ford has received the Final Staff Draft containing statutory language and managers report covering the passive restraint amendment to the NHTSA Authorizations Bill which was voted on by the House and Senate Conferees on July 31, 1980. You have asked for our reaction to this draft, and it is the intent of this letter to respond to that request.

As you know from our earlier discussions, Ford has had several serious objections to the bill which are still in the final draft. The bill is highly discriminatory in that it applies new regulatory requirements only to the largest manufacturers. We consider this an extremely bad precedent: to the extent regulations are considered good public policy

> in order to achieve societal goals over and above that which can be accomplished in the marketplace, they should be applied to all producers.
>
> In addition, the bill mandates a specific technology rather than setting a performance goal as has been the case with all previous safety regulations. Performance goals allow manufacturers the flexibility to select the best technology or strategy to achieve the objectives, whereas specific technological mandates tend to stifle innovative and creative alternative solutions to society's problems.
>
> We consider both of these objections to the bill to be fundamental and serious, so that even though we are appreciative of the improvements which have been made with other aspects of the bill during the past two months, we cannot lend our support to its passage. Nevertheless, in the interest of attaining certainty on which to base our future product plans, Ford will not oppose its passage.
>
> Sincerely,
>
> WAYNE SMITHEY.

It is uncertain as to the position that the administration has on this issue. Clearly, the NHTSA prefers airbags. However, I insert at this point a letter provided me that indicates that the Secretary of the Department of Transportation, the Honorable Neil Goldschmidt's views have been communicated stating that, "* * * the airbag per se should not be mandated."

The full text of the letter from the Office of the Secretary of Transportation to Mr. Leonard R. Barnes of Dearborn, Mich., follows:

> SECRETARY OF TRANSPORTATION,
> *Washington, D.C., June 24, 1980.*
>
> Mr. LEONARD R. BARNES,
> *Michigan Living Motor News,*
> *Dearborn, Mich.*
>
> DEAR MR. BARNES: Secretary Goldschmidt has asked me to thank you for your letter of May 23 and the accompanying copy of Michigan Living magazine. The Secretary appreciates your personal comments and the compliment implied in your editorial.
>
> As you perhaps know, it is Secretary Goldschmidt's position that the air bag should be among the choices people have in the selection of an automatic restraint system but that the air bag per se should not be mandated. The need for an automatic system of any sort would be greatly reduced, of course, if more people followed your example and fastened their seat belts every time they got in a car. I trust you will continue to promote that practice through your magazine at every opportunity.
>
> Sincerely,
>
> ROBERT A. HOLLAND,
> *Director of Public Affairs.*

While the Secretary's letter notes that airbags should be an option to consumers, I would state that under this conference report, S. 1159, under the occupant restraint systems section, it is clear to me, and I would hope that discussion on the House floor today will make it eminently clear, that no manufacturer is required to install one airbag in any passenger car in any car line until the manufacturer has an order for an airbag-equipped car in his hand. I argued for options to consumers in testimony before the House Consumer Protection and Finance Committee in September 1977.

It is my understanding that the manufacturer retains the discretion to choose the car line, as defined under section 571.115 of title 49, Code of Federal Regulations, in which the manufacturer only would be required to demonstrate that he has the capacity to "tool up" for production to install airbag systems in 3 of the 4 model years specified. It is my understanding that the NHTSA in any new regulation has no authority to specify car line.

It is also my understanding that the conferees did not intend that the NHTSA would have any authority to regulate the marketing or the offering for sale of any airbag-equipped vehicles by manufacturers or dealers.

It also is my desire in today's debate to see the point clarified as to what is meant in the conference report "that automatic safety belts and airbags be made available at reasonable cost." That statement in the report should not mean that the manufacturers are required in any way to reduce their costs for airbag production and installation and charge more for passive belt systems.

I noted earlier the higher costs expected for airbags compared to the lower costs for passive belt systems that both Ford and GM have announced. Consumers of passive-belt-equipped passenger automobiles should not be required to subsidize airbag costs.

I am hopeful that discussions today on S. 1159, will further clarify these understandings.

Additionally, the record of the House is clear regarding the concern we have as to the airbag technology, its effectiveness and safety. For 3 consecutive years on the fiscal year 1979, 1980, and 1981 Department of Transportation appropriation bills, the House has voted to prohibit the expenditure of funds to implement or enforce any regulation (MVSS-208) that required the installation of any occupant restraint system, other than a belt system, in motor vehicles. That amendment was enacted into law twice. It additionally included the provision that the Secretary of DOT was permitted to continue research, testing, and development on occupant restraint systems.

The record of the debate on the fiscal year 1980 DOT appropriations bill is substantial as to the concerns of the House regarding the safety and effectiveness of airbags. I would refer my colleagues to the CONGRESSIONAL RECORD of September 18, 1979.

In the conference report language before us in S. 1159, the MVSS-208 is delayed to the new effective date of model year 1983 passenger cars and the order of the different sized cars that must comply is reversed. Small cars must comply first.

This causes new concerns as none of the small car manufacturers have planned to install airbags in their vehicles under the existing 208 standard and planned to comply with the passive safety belt systems. Now those small car manufacturers must redesign or introduce a new car in which airbags could be installed. In this case those manufacturers would have only 2 years to begin and conclude their leadtime engineering program for possible airbag installation.

Japanese manufacturers and Volkswagen, who must comply, three of the five manufacturers listed, as the large volume sales leaders worldwide and in this Nation, have indicated very strong concerns with meeting the new mandated design and airbag car line schedule under this conference report.

I question the lack of any conclusive evidence that airbags in the smaller cars are safe and effective. I am informed that little engineering for airbags has been accomplished by manufacturers for their small cars as their plans were to use passive belts.

I make these comments to point out my concerns as to the safety of motor vehicle occupants who may choose airbags.

This program will require congressional oversight and review.

While I object to the occupant restraint systems section of the conference report, I am not urging my colleagues in the House to vote to defeat the report.●

● Mr. BROYHILL. Mr. Speaker, I rise in opposition to this conference report.

My objections to this conference report stem from some of the provisions in the occupant restraint system section. Briefly, the provisions of this report require certain auto manufacturers; that is, those who manufacture a combined total of more than 1,600,000 passenger cars in the United States and in any foreign country in model year 1979 and which sell a total of more than 200,000 passenger cars in the United States, to tool up and offer for sale airbags on at least one car line for 3 model years. The section also includes for such manufacturers a delay of the application of standard 208 from model year 1982 to model year 1983 and a reversal of the order of the standard so that small cars must comply in model year 1983, and mid-sized and large cars must comply in model year 1984.

I support those provisions which grant a 1-year delay and a reversal of the order of the standard. But I do not believe that these changes should have had to be made by the Congress. The standard in its present form creates some serious problems for our domestic auto manufacturers. By mandating passive occupant restraint systems—airbags or passive belts—on all large cars first, the standard unnecessarily and for no sound reason creates a competitive disadvantage for our domestic manufacturers, since they produce most of the large cars that are sold in this country.

At the same time, the standard creates a competitive advantage for the foreign auto manufacturers whose sales in this country are almost exclusively small cars. But small cars are not subject to the standard until 1984. It is worth noting that this schedule does not serve the interests of automotive safety either. The occupants of small cars are involved in a higher percentage of fatal accidents than their counterparts in larger cars. Small cars have also been selling in record numbers in this country for some time now, further exacerbating this trend.

While I believe that the delay and the reversal of the standard are necessary changes, I object to the fact that it is the Congress who had to act. The Department of Transportation should have made these changes but they chose not to, despite the urging of the auto manufacturers. The Department of Transportation clearly has the authority to make these changes in the standard administratively. They should have exercised their prerogative to act where the fatality rates dictated that the standard's order of applicability was in direct contradiction with the interests of safety.

Unfortunately, I find this to be consistent with the administration's past performance on this issue. You will recall that in December 1976, then Secretary of Transportation William T. Coleman decided that a nationwide demonstration program was necessary to obtain more experience with airbags. Secretary Coleman also felt that this approach would best familiarize Americans with the airbag and, at the same time, foster continued technological development of the airbag. He proposed to carry out this demonstration program by entering into agreements with automobile manufacturers to produce and sell, over a 2-year period, 500,000 passenger cars equipped with airbags on a nationwide basis. I firmly believe that this constituted a sound approach which would have given us the real-world data that we still lack today.

But the Carter administration rejected the "Coleman decision" and proceeded in June, 1977, to mandate a new occupant restraint standard which required that front seat passive restraints be installed in all new cars between the 1982 and 1984 model years. Since that time, we have had no nationwide demonstration program from which to draw reliable real-world data nor with which to familiarize the American people with airbags and thereby create a market for the airbag.

In the absence of both, and what with the administration's failure to respond to the competitive inequities of the present standard for our domestic auto manufacturers and their troubled financial condition, an opportunity presents itself in the form of this authorization bill. And so we find ourselves under intense pressure from the administration to force that demonstration program on the American people in this bill. As a result, we have before us today a provision which mandates that the larger auto manufacturers tool up and offer for sale airbags on at least one car line for 3 model years. The administration contends that this provision will assure that airbags will be available to consumers in some significant number and thereby further assure a market for them. I would like to point out the obvious here to my colleagues—this is the Coleman approach which was rejected by this administration over 3 years ago. And yet it now reappears in a statutory form which is seriously flawed and constitutes bad precedent for a number of reasons.

First, we have here the mandating of specific design technology—that is, the airbag—instead of a performance requirement. This flies in the face of the language and the intent of the National Traffic and Motor Vehicle Safety Act of 1966 and its legislative history. This constitutes a very disturbing and unhealthy precedent that works directly against technological innovation in the private sector.

Second, there have been charges that limiting applicability of these provisions to only the largest manufacturers is highly discriminatory—I agree and therefore I consider this another bad precedent.

Third, questions have been raised as to whether or not the reversal of the order to reach the smallest cars first, combined with the requirement that the foreign manufacturers affected must tool up and offer for sale airbags, may discriminate against imports and inhibit free international trade in violation of GATT (General Agreement on Tariffs and Trade). There are some very persuasive arguments to be made that support such a finding, particularly since there may be other passive restraint systems; for example, passive belts, which are also effective.

For these reasons I oppose this conference report.●

● Mr. COELHO. Mr. Speaker, as one who has supported implementation of our automobile crash protection standards, I am pleased that the conferees saw fit to require that airbags be offered on at least some of our new cars in 1982 and 1983.

My concern on this issue stems from the fact that head injury is the greatest preventable cause of epilepsy. Every year some 20,000 Americans develop epilepsy because they have suffered head injury in auto accidents. I have epilepsy, and my epilepsy is the result of an auto accident-related head injury, so I know whereof I speak. Epilepsy is a condition which requires lifelong drug therapy and medical care; it is a condition which subjects many who have it to job discrimination, educational discrimination, and social ostracism.

By agreeing to require airbags on some of our future new automobiles, we can help prevent those 20,000 cases of epilespy each year, and I applaud the work on the conferees on this action.●

● Mr. MINETA. Mr. Speaker, I would like to express my support for the report of the House-Senate conference committee on the National Highway Traffic Safety Administration authorization bill. The agreement reached by the conferees is a strong endorsement of the automatic crash protection standard 208.

I think it is important to emphasize the immediate need for this standard. Death and injuries in automobile crashes constitute a major public health problem. The highway death toll in 1979 rose to over 50,000. In addition, millions of injuries were suffered. The energy situation and the demand for more fuel-efficient cars have led to a great increase in the number of smaller automobiles on the Nation's roads and highways. I know from my own experience as an insurance broker that the crashes which occur in these smaller automobiles are resulting in more serious injuries than ever before, making need for automatic crash protection more critical than ever.

The authorization bill agreed to by the conferees addresses the small car safety problem by changing the implementation schedule to cover smaller cars a year earlier—in 1983. The bill also assures that the American public will have a choice of automatic crash protection systems. The five largest car manufacturers, GM, Ford, VW, Toyota, and Datsun, will be required to tool and offer for sale airbags on at least one of their car lines in any three model years between 1982 and 1985.

Without this requirement, it is possible that cars manufactured by foreign companies would be the major source of automobiles with airbags. Currently the only company that is planning to offer airbags as standard equipment on its 1982 model cars is Mercedes-Benz, a German manufacturer. Ford will be offering airbags on a few of its luxury cars such as the Lincoln. Mercedes-Benz has already begun an extensive advertising campaign in Europe to promote the lifesaving benefits of the airbag system.

In the past, American car manufacturers have lost market shares to foreign manufacturers who have produced what the market demanded in terms of high-quality, fuel-efficient cars. With the future car fleet likely to be composed of smaller cars, it is certain that safety will become an important item of market differentiation among consumers. In conclusion, I would urge prompt passage of this conference report.●

● Mr. BARNES. Mr. Speaker, I support this vital legislation relating to highway safety programs. We need to do much more in the future to strengthen our efforts. Recently the Washington Post published an editorial on this subject, and Members will also be interested in a letter by Ellen R. Grass of the Epilepsy Foundation of America emphasizing the work that still needs to be done. I submit both for the RECORD.

SURVIVING IN THE FRONT SEAT

When people decide which cars to buy, sometimes they wonder what would happen in an accident. But in the past, reliable safety data have been very hard to find. That's why Congress, some years ago, told the Transportation Department to develop a uniform system of safety indicators for each model of every car, similar to the gasoline mileage figures the government publishes. The test crash results for small cars, announced this week, are a preliminary step in producing that safety index to help the buyer.

Beginning late next year, any car sold in this country must pass a basic crash test. Hitting a fixed wall at 30 mph, the car must provide standard protection to a dummy with its seat belt fastened. Now the Transportation Department is conducting crashes at higher speeds to see which models offer more than minimum protection.

On the fuel efficiency tests, it was generally the Japanese and German cars that were the winners. On the crash tests, American cars have been superior. Among similarly efficient small cars, there turn out to be important differences in safety.

Coming at this moment, these tests inevitably carry a certain political overtone. The Carter administration is struggling wildly to find ways to help the American automobile industry stand off the imports. But safety testing, and public announcement of the results, are a perfectly legitimate force in the automobile market. Particularly for that industry, it's highly desirable to generate competitive pressure for safety performance. That can only lead to better cars, while import restrictions will produce worse ones.

The tests also show that, as everyone knows, big and heavy cars tend to be safer than small and light ones. Does it means that people are wrong to shift to small cars? One answer lies in the kind of improved engineering toward which these tests are already pushing the manufacturers. Another answer is that the seat belt is a great equalizer. The Transportation Department recently set up a head-on collision between a big car and a little one, each going 30 mph. The dummies in the little car had their seat belts on; those in the big car did not. If they had been real people, the occupants of the little car would probably have walked away from the crash. Those in the big car would, unfortunately, have been carried out.

A final note on safety and small cars: with more of them on the road, and much wider diversity between large and small vehicles, the case for the nationwide 55 mph speed limit is stronger than ever. It's essential protection to a public that can no longer rely on sheer size and weight to protect itself on the highway. The Republican Party, which endorsed repeal of the national speed limit last month, deserves a ticket for reckless driving.

ON AUTO SAFETY

The Epilepsy Foundation of America would like to commend The Post on the fine editorial on automobile safety "Surviving in the Front Seat" [Aug. 21]. Head injuries that result from automobile accidents are the major case of epilepsy that appears in adulthood, and the primary preventable cause of epilepsy. The congressionally-mandated Commission for the Control of Epilepsy and Its Consequences emphasized the importance of prevention of such injury in its report.

Epilepsy caused by head injury is a particularly difficult kind to control. It results not just in medical problems, but in problems of employment rejection, social ostracism and severe strain on family life. The financial burdens on the families of epilepsy victims are enormous, and they are lifelong, because there is no "cure" for epilepsy. The loss to our society of potential creativity and productivity is incalculable.

Two recommendations made by the Epilepsy Commission were the strict enforcement of a nationwide 55 mph speed limit and the requirement that every occupant of a moving vehicle be protected by an approved active or passive system of restraint. Unfortunately, efforts to educate the public to the importance of "buckling up" have met with little success. Studies show that only 14 percent do so. Therefore, the Epilepsy Foundation of America has given its wholehearted support to the automatic crash-protection standard adopted by the Department of Transportation.

Efforts have been made in Congress to weaken or overturn this performance standard, which could be met by the use of passive (automatic) seatbelts, air cushions or some yet-to-be-developed technology; the standard does not dictate the devices to be used. Should the opposition to the standard success, thousands of Americans each year may continue to develop epilepsy because of automobile crash-related head injuries. We have the technology to save the lives of many Americans and prevent many more from being needlessly disabled. Let's use it!

ELLEN R. GRASS.

WASHINGTON.●

● Mr. PREYER. Mr. Speaker, I rise in support of the conference report on S. 1159, the Motor Vehicle Safety and Cost Savings Authorization Act of 1980. This conference report, which has already been adopted by the Senate, provides the auto industry with significant relief from the passive restraint standard. It also eliminates a heavy paperwork burden on tire dealers across this Nation. Further, the measure subjects rules issued by the National Highway Traffic Safety Administration (NHTSA) to congressional review through the legislative veto process. Finally, it authorizes the NHTSA through fiscal year 1982.

The conference report affords this House an opportunity to deal with the passive restraint standard and airbags in a manner which is supported by the administration, favored by the United Auto Workers, and not objected to by General Motors and Ford. The conference report offers a constructive compromise that delays the effectiveness of the passive restraint standard for 1 year. It also eliminates a competitive disadvantage for U.S. carmakers vis-a-vis importers under the standard.

While the relief provided the automakers in this conference report is important, equally important is the certainty that adoption of the measure will provide. The conference report will permit the auto industry to plan its affairs and determine its capital requirements in the next few years with some confidence. The auto industry will not have to worry that Congress or the Department of Transportation might in midstream make extensive and expensive changes in the passive restraint standard. In short, adoption of the conference report could, once and for all, resolve in a constructive and reasonable manner an issue which this body and the Senate have struggled with for 4 years.

Mr. Speaker, I urge adoption of the conference report.

Thank you.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SCHEUER) that the House suspend the rules and agree to the conference report on S. 1159.

The question was taken.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 209, nays 192, answered "present" 1, not voting 30, as follows:

[Roll No. 616]

YEAS—209

Addabbo
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Anthony
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Brademas
Breaux
Brodhead
Brooks
Broomfield
Brown, Calif.
Burton, John
Burton, Phillip
Carr
Cavanaugh
Clausen
Coelho
Conte
Convers
Corman
Cotter
Coughlin
Danielson
Davis, Mich.
Davis, S.C.
Dellums
Derrick
Dicks
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Edgar
Edwards, Calif.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Gudger
Hamilton
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Hillis
Hollenbeck
Howard
Huckaby
Hutchinson
Jeffords
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
Kostmayer
Lederer
Leland
Lent
Levitas
Long, La.
Long, Md.
Lowry
Luken
McCormack
McDade
McHugh
Maguire
Markey
Marks
Matsui
Mattox
Mavroules
Mazzoli
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Musto
Neal
Nedzi
Nelson
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Pepper
Perkins
Peyser
Porter
Preyer
Price
Pritchard
Purcell
Rahall
Rangel
Ratchford
Rhodes
Richmond
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Russo
Sabo
Scheuer
Schroeder
Seiberling
Sharp
Simon
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stewart
Stokes
Stratton
Studds
Swift
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Weaver
Weiss
Whitley
Williams, Mont
Wilson, Bob
Wirth
Wolff
Wolpe
Wright
Wylie
Yates
Yatron
Zablocki
Zeferetti

NAYS—192

Abdnor
Ambro
Andrews, N.Dak.
Applegate
Archer
Ashbrook
Atkinson
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Bennett
Bereuter
Bethune
Bevill
Bouquard
Bowen
Brinkley
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Chappell
Cheney
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
de la Garza
Deckard
Derwinski
Devine
Dickinson
Dornan
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fenwick
Findley
Fish
Flippo
Forsythe
Frenzel
Frost
Fuqua
Gingrich
Ginn
Goldwater
Goodling
Gradison
Gramm
Grassley
Grisham
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Hansen
Heftel
Hightower
Hinson
Holland
Holt
Hopkins
Horton
Hubbard
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Johnson, Colo.
Jones, Okla.
Kazen
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Livingston
Lloyd
Loeffler
Lott
Lujan
Lungren
McClory
McDonald
McEwen
McKinney
Madigan
Marlenee
Marriott
Martin
Mathis
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Natcher
Nichols
Pashayan
Patten
Paul
Petri
Pickle
Quayle
Quillen
Railsback
Regula
Ritter
Robinson
Rousselot
Roybal
Royer
Rudd
Santini
Satterfield
Sawyer
Schulze
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence

Stangeland
Stanton
Stenholm
Stockman
Stump
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Walker
Wampler
Watkins
White
Whitehurst
Whittaker
Whitten
Williams, Ohio
Wilson, Tex.
Winn
Wyatt
Young, Alaska
Young, Fla.
Young, Mo.

ANSWERED "PRESENT"—1

Lehman

NOT VOTING—30

Anderson, Ill.
Chisholm
Clay
Collins, Ill.
Dingell
Dixon
Dodd
Giaimo
Hall, Ohio
Holtzman
Jenrette
LaFalce
Leach, La.
Lewis
Lundine
McCloskey
McKay
Mica
Myers, Pa.
Reuss
Roberts
Roth
Sebelius
Shannon
Skelton
Stark
Steed
Waxman
Wilson, C. H.
Wydler

□ 1550

The Clerk announced the following pairs:

On this vote:

Mr. Dixon and Mr. Clay for, with Mr. Dingell against.

Mrs. Chisholm and Mrs. Collins of Illinois for, with Mr. Wydler against.

Mr. Jenrette and Mr. Myers of Pennsylvania for, with Mr. Sebelius against.

Mr. Charles H. Wilson of California and Mr. Waxman for, with Mr. Lewis against.

Until further notice:

Mr. Roberts with Mr. Roth.
Mr. Dodd with Mr. Anderson of Illinois.
Mr. Giaimo with Mr. Hall of Ohio.
Ms. Holtzman with Mr. Leach of Louisiana.
Mr. LaFalce with Mr. McCloskey.
Mr. Lundine with Mr. Steed.
Mr. Mica with Mr. Stark.
Mr. Reuss with Mr. Skelton.
Mr. Shannon with Mr. McKay.

Messrs. EVANS of Georgia, CONABLE, LLOYD, BROWN of Ohio, WHITE, SPENCE, MARRIOTT, McCLORY, and GUYER changed their votes from "yea" to "nay."

Mr. HILLIS and Mr. GONZALEZ changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just considered and rejected.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SMALL BUSINESS INVESTMENT INCENTIVE ACT OF 1980

Mr. SCHEUER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 7554) to amend the Federal securities laws to provide incentives for small business investment, and for other purposes.

The Clerk read the Senate amendments, as follows:

Page 43, after line 8, insert:

TITLE IV—AUTHORIZATION

SEC. 401. Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended—

(1) in the first sentence thereof, by striking out "and" immediately after "1979,";

(2) by inserting immediately before the period at the end of the first sentence thereof the following: ", $85,500,000 for the fiscal year ending September 30, 1981, $96,640,000 for the fiscal year ending September 30, 1982, and $106,610,000 for the fiscal year ending September 30, 1983"; and

(3) in the last sentence thereof, by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1983".

Page 43, after line 8, insert:

TITLE V—CAPITAL FORMATION

SHORT TITLE AND TABLE OF CONTENTS

SEC. 501. This title may be cited as the "Omnibus Small Business Capital Formation Act of 1980".

TABLE OF CONTENTS

Sec. 501. Short title and table of contents.
Sec. 502. Liaison between Securities and Exchange Commission and Small Business Administration.
Sec. 503. Annual government-business forum on capital formation.
Sec. 504. Additional funds authorized for the Securities and Exchange Commission.
Sec. 505. Federal-State cooperation in securities matters for the benefit of small business.
Sec. 506. Reduction of costs of small securities issues.
Sec. 507. Effective date.

LIAISON BETWEEN SECURITIES AND EXCHANGE COMMISSION AND SMALL BUSINESS ADMINISTRATION

SEC. 502. (9) The Securities and Exchange Commission shall gather, analyze, and make available to the public, information with respect to the capital formation needs, and the problems and costs involved with new, small, medium-sized, and independent businesses.

(b) The Commission shall make the results of such studies available to the Small Business Administration and otherwise have regular communication and liaison with such Administration in these matters.

ANNUAL GOVERNMENT-BUSINESS FORUM ON CAPITAL FORMATION

SEC. 503. (a) Pursuant to the consultation called for in section 502, the Securities and Exchange Commission shall conduct an annual Government-business forum to review the current status of problems and programs relating to small business capital formation.

(b) The Commission shall invite other Federal agencies, such as the Department of the Treasury, the Board of Governors of the Federal Reserve System, the Small Business Administration, organizations representing State securities commissioners, and leading small business and professional organizations concerned with capital formation, to participate in the planning for such forums.

(c) The Commission may request any of the Federal departments, agencies, or organizations such as those specified in subsection (b), or other groups or individuals, to prepare statements and reports to be delivered at such forums. Such departments and agencies shall cooperate in this effort.

(d) A summary of the proceedings of such forums and any findings or recommendations thereof shall be prepared and transmitted to the participants, appropriate committees of the Congress, and others who may be interested in the subject matter.

ADDITIONAL FUNDS AUTHORIZED FOR THE SECURITIES AND EXCHANGE COMMISSION

SEC. 504. For fiscal year 1982, and for each of the three succeeding fiscal years, there are hereby authorized to be appropriated such amounts as may be necessary and appropriate to carry out the provisions and purposes of this title. Any sums so appropriated shall remain available until expended.

FEDERAL-STATE COOPERATION IN SECURITIES MATTERS FOR THE BENEFIT OF SMALL BUSINESS

SEC. 505. Section 19 of the Securities Act of 1933 (15 U.S.C. 77s) is amended by adding at the end thereof the following:

"(c) (1) The Commission is authorized to cooperate with any association composed of duly constituted representatives of State governments whose primary assignment is the regulation of the securities business within those States, and which, in the judgment of the Commission, could assist in effectuating greater uniformity in Federal-State securities matters. The Commission shall, at its discretion, cooperate, coordinate, and share information with such an association for the purposes of carrying out the policies and projects set forth in paragraphs (2) and (3).

"(2) It is the declared policy of this subsection that there should be greater Federal and State cooperation in securities matters, including—

"(A) maximum effectiveness of regulation,

"(B) maximum uniformity in Federal and State regulatory standards,

"(C) minimum interference with the business of capital formation, and

"(D) a substantial reduction in costs and paperwork to diminish the burdens of raising investment capital (particularly by small business) and to diminish the costs of the administration of the Government programs involved.

"(3) The purpose of this subsection is to engender cooperation between the Commission any such association of State securities officials, and other duly constituted securities associations in the following areas:

"(A) the sharing of information regarding the registration or exemption of securities issues applied for in the various States;

"(B) the development and maintenance of uniform securities forms and procedures; and

"(C) the development of a uniform exemption from registration for small issuers which can be agreed upon among several States or between the States and the Federal Government. The Commission shall have the authority to adopt such an exemption as agreed upon for Federal purposes. Nothing in this Act shall be construed as authorizing preemption of State law.

"(4) In order to carry out these policies and purposes, the Commission shall conduct an annual conference as well as such other meetings as are deemed necessary, to which representatives from such securities associations, securities self-regulatory organizations, agencies, and private organizations involved in capital formation shall be invited to participate.

"(5) For fiscal year 1982, and for each of the three succeeding fiscal years, there are authorized to be appropriated such amounts as may be necessary and appropriate to carry out the policies, provisions, and purposes of this subsection. Any sums so appropriated shall remain available until expended.".

REDUCTION OF COSTS OF SMALL SECURITIES ISSUES

SEC. 506. (a) The Securities and Exchange Commission shall use its best efforts to identify and reduce the costs of raising capital in connection with the issuance of securities by firms whose aggregate outstanding securities and other indebtedness have a market value of $25,000,000 or less, through such means as studies, giving appropriate publicity to improved technology developments in fields such as printing, communications, and filing, and giving special attention to the effect of existing and proposed regulatory changes upon the small companies wishing to raise capital and independent broker-dealers which are in a key position with respect to the costs of underwriting and making markets in the securities of smaller companies.

(b) The Commission shall report on these efforts at the annual Government-business forum required by section 503.

EFFECTIVE DATE

SEC. 507. Except as otherwise specified, the amendments made by this title shall become effective January 1 of the year following the date of enactment of this Act.

TITLE VI—SMALL BUSINESS ISSUERS' SIMPLIFICATION

SHORT TITLE

SEC. 601. This title may be cited as the "Small Business Issuers' Simplification Act of 1980".

TRANSACTIONS INVOLVING ACCREDITED INVESTORS

SEC. 602. Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end thereof the following new paragraph:

"(6) transactions involving offers or sales by an issuer solely to one or more accredited investors, if the aggregate offering price of an issue of securities offered in reliance on this paragraph does not exceed the amount allowed under section 3(b) of this title, if there is no advertising or public solicitation in connection with the transaction by the issuer or anyone acting on the issuer's behalf, and if the issuer files such notice with the Commission as the Commission shall prescribe.".

DEFINITIONS

SEC. 603. Section 2 of the Securities Act (15 U.S.C. 77b) is amended by adding at the end thereof the following new paragraphs:

"(15) The term 'accredited investor' shall mean—

"(i) a bank as defined in section 3(a)(2) of the Act whether acting in its individual or fiduciary capacity; an insurance company as defined in section 2(13) of the Act; an investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2(a)(48) of that Act; a Small Business Investment Company licensed by the Small Business Administration; or an employee benefit plan, including an individual retirement account, which is subject to the provisions of the Employee Retirement Income Security Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act, which is either a bank, insurance company, or registered investment adviser; or

"(ii) any person who, on the basis of such factors as financial sophistication, net worth, knowledge, and experience in financial matters, or amount of assets under management qualifies as an accredited investor under rules and regulations which the Commission shall prescribe.".

TITLE VII—EMPLOYEE BENEFIT PLAN EXEMPTIONS

SEC. 701. Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended by striking out "or any interest or participation in a single" and all that follows through "section 401(c)(1) of such Code." and inserting in lieu thereof the following: "or any interest or participation in a single trust fund, or in a collective trust fund maintained by a bank, or any security arising out of a contract issued by an insurance company, which interest, participation, or security is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, (B) an annuity plan which meets the requirements for the deduction of the employer's contributions under section 404(a)(2) of such Code, or (C) a governmental plan as defined in section 414(d) of such Code which has been established by an employer for the exclusive benefit of its employees or their beneficiaries for the purpose of distributing to such employees or their beneficiaries the corpus and income of the funds accumulated under such plan, if under such plan it is impossible, prior to the satisfaction of all liabilities with respect to such employees and their beneficiaries, for any part of the corpus or income to be used for, or diverted to, purposes other than the exclusive benefit of such employees or their beneficiaries, other than any plan described in clause (A), (B), or (C) of this paragraph (i) the contributions under which are held in a single trust fund or in a separate account maintained by an insurance company for a single employer and under which an amount in excess of the employer's contribution is allocated to the purchase of securities (other than interests or participations in the trust or separate account itself) issued by the employer or any company directly or indirectly controlling, controlled by, or under common control with the employer, (ii) which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code, or (iii) which is a plan funded by an annuity contract described in section 403(b) of such Code.".

SEC. 702. Section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) is amended by striking out "any interest or participation in any collective trust fund" and all that follows through "section 401(c)(1) of such Code," and inserting in lieu thereof the following: "any interest or participation in a single trust fund, or a collective trust fund maintained by a bank, or any security arising out of a contract issued by an insurance company, which interest, participation, or security is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, or (C) a governmental plan as defined in section 414(d) of such code which has been established by an employer for the exclusive benefit of its employees or their beneficiaries for the purpose of distributing to such employees or their beneficiaries the corpus and income of the funds accumulated under such plan, if under such plan it is impossible, prior to the satisfaction of all liabilities with respect to such employees and their beneficiaries, for any part of the corpus or income to be used for, or diverted to, purposes other than the exclusive benefit of such employees or their beneficiaries, other than any plan described in clause (A), (B), or (C) of this paragraph (i) which covers employees some or all of whom are employees within the meaning of section 401(c) of such Code, or (ii) which is a plan funded by an annuity contract described in section 403(b) of such Code;".

SEC. 703. Section 3(c)(11) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(11)) is amended to read as follows:

"(11) Any employee's stock bonus, pension, or profit-sharing trust which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954 or which holds only assets of governmental plans described in section 3(a)(2)(C) of the Securities Act of 1933; or any collective trust fund maintained by a bank consisting solely of assets of such trusts; or any separate account the assets of which are derived solely from (A) contributions under pension or profit-sharing plans which meet the requirements of section 401 of the Internal Revenue Code of 1954 or the requirements for deduction of the employer's contribution under section 404(a)(2) of such Code, (B) contributions under governmental plans in connection with which interests, participations, or securities are exempted from the registration provisions of section 5 of the Securities Act of 1933 by secton 3(a)(2)(C) of such Act, and (C) advances made by an insurance company in connection with the operation of such separate account.".

The SPEAKER pro tempore. Is a second demanded?

Mr. BROYHILL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. SCHEUER) will be recognized for 20 minutes, and the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7554 amends the securities laws to alleviate unnecessary burdens on the raising of venture capital and to provide additional sources of funds for small and developing businesses, as well as financially troubled businesses.

The bill was passed by the House on September 23 by a vote of 395 to 1.

I think it is important to emphasize several matters with respect to this legislation.

First, the Securities and Exchange Commission may expand the definition of eligible portfolio company through rulemaking.

For instance, they may wish to consider companies which have recently gone public but which may need help for a few years even though their securities are marginable.

Another point which may need clarification is that business development companies are not necessarily expected to provide or make available managerial assistance to window investments.

It should also be noted that distributions on qualifying investments, would themselves, automatically become qualifying investments without compliance with the tests for original purpose.

If it were otherwise, these distributions might inadvertently disqualify the business development company.

Finally, the use of the term "group" in new section 2(a)(47) of the act refers to purchases of investments in a company by a business development company in conjunction with one or more other persons.

Whether the business development company is or is not part of a "group" as that term is used for the purposes of the Securities Exchange Act of 1934 is a question to be decided in the context of that statute.

The measure before us today contains three Senate amendments, two are minor and the third contains the Securities and Exchange Commission authorization.

I will briefly describe the amendments.

The first amendment is title IV of the bill, which authorizes appropriations for the Securities and Exchange Commission for fiscal years 1981-83 in the amounts of

$85,000,000, $96,640,000, and $106,610,000, respectively.

A 3-year authorization in precisely the same amounts was favorably reported out of the House Commerce Committee, but because of the press of other matters, has not been acted upon by the Rules Committee.

The amounts authorized for the Securities and Exchange Commission are neither controversial nor excessive.

As a matter of fact, some concern was expressed in the House Commerce Committee report that in light of the increased responsibility that the Commission has been granted for policing the markets and for other matters over the last half dozen years, the amounts authorized may be inadequate.

The second amendment is contained in titles V and VI of the bill.

Title V is designed to protect small business needs by assuring liaison between the Securities and Exchange Commission, the Small Business Administration, and the various State and local governments for the purpose of focusing on capital-raising problems of small business.

Among other things, the amendment would require annual Government-business forums conducted by the SEC to review the current status of problems and programs relating to small business capital formation and to make recommendations.

Title VI would codify rule 242 issued by the SEC under the Securities Act of 1933.

This rule represents a liberal exemption from the registration provisions of that act for private offerings of securities.

Titles V and VI are noncontroversial, are endorsed by the SEC and should prove beneficial to small businesses.

The third and last Senate amendment is contained in title VII, which would amend the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Company Act of 1940.

This amendment has two purposes: First, clarify the inapplicability of the registration provisions of the 1933 act to contracts issued by an insurance company in connection with employee benefit plans covered by section 3(a)(2) without regard to whether the contracts are funded by a separate account or the issuer's general account; and second, exempt from registration bank and insurance company funding of certain public employee retirement loans without regard to their qualification under section 401 of the IRS Code.

This is a noncontroversial amendment which would codify present interpretive positions of the Securities and Exchange Commission and is endorsed by both that agency and the insurance industry.

I urge my colleagues to vote in favor of H.R. 7554 with the Senate amendments.

□ 1600

Mr. BROYHILL. Mr. Speaker, I yield myself such time as I may consume.

Mr. RINALDO. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from New Jersey (Mr. RINALDO), the ranking minority member of the subcommittee, who has been so helpful in formulating the details of this bill.

Mr. RINALDO. Mr. Speaker, by weeding out unnecessary regulation, the Small Business Investment Incentive Act takes a fresh approach toward capital formation for small business. It is understandable that it passed the House last week by a vote of 395 to 1. Since that time, the Senate has improved our bill without changing the Small Business Investment Incentive Act. H.R. 7554, Senate amendments, is the most significant small business legislation in the 96th Congress.

The Senate amendments to this bill include a 3-year reauthorization for the Securities and Exchange Commission. In this connection and for the purpose of legislative history, it gives me an opportunity to comment on the understanding reached by our subcommittee and the SEC regarding the implementation of the market oversight and surveillance system (MOSS):

First. The MOSS development comes from funds specifically authorized and appropriated for that purpose.

Second. The SEC is to report at 6-month intervals to the committee as to costs to the taxpayer and to industry. Projected costs shall also be included. For the same time interval these reports shall also include the intended steps to be taken for the implementation of MOSS.

Third. The authorization is for all of level one and the first half of level two. As it is planned, level one is concerned with upgrading the Commission's own internal files and procedures and improving the oversight of the self-regulatory organizations. It is important to note that MOSS does not erode the concept of self-regulation or alter the basic role of the self-regulatory organizations and their relationship to SEC. The first phase of level two is limited to expanding the consultative phase begun in level one with SRO's and industry, and perhaps the collection of some data that the industry is aware of and has agreed upon.

Fourth. The SEC is to consult with the SRO's and industry as to the true impact of the second half of level two, and level three, beforehand.

Simply stated, funding levels have been reduced to accommodate a more realistic phase-in timetable so that all the parties affected can have time to assess the impact of MOSS at each level.

In closing, I might also mention that my bill, the Securities Small Offering Improvement Act, H.R. 7397, has been folded into H.R. 7554. My bill amends the small offering exemption in section 3(b) of the Securities Act, permitting small business to raise more capital yet avoid the delay and expense of registration. A vote for H.R. 7554 is a vote for small business. I urge my colleagues to support this bill.

Mr. BROYHILL. Mr. Speaker, the gentleman from New Jersey has put his finger really at the heart of the problem here that we are trying to correct. Overregulation hurts small business the most. What we are trying to do is to correct that problem.

Mr. Speaker, periodically we must remind ourselves that the General Motors and the IBM's of today started off as small business. However, those companies began in an era when Federal Government occupied a very small role in our lives. Inventive, competition, and hard work were the simple ingredients for success. Honest enterprise knew no barriers.

Today all of that has changed—Federal Government dominates, regulations abound, initiative is crushed. Small business is hurt the most. While programs serving small business multiply, artificial barriers are raised at the same time. H.R. 7554, the Small Business Investment Incentive Act, restores the balance between free enterprise and regulation. Overwhelming support for the bill was registered last week by the House: 395 to 1. The Senate, with amendments, has passed the bill by acclamation.

As the principal sponsor to this legislation I want the record to reflect that its purpose is to remove unnecessary regulatory impediments on the ability of small businesses, growing businesses, and financially troubled business to raise much-needed capital. The bill specifies two categories of eligible portfolio companies. It also directs the Securities and Exchange Commission to add to these categories by rule. I am confident that the Commission will not be unduly restrictive when promulgating rules in this regard. For example, a company may grow to the point where it is marginable but may still need venture capital.

To maximize the flexibility of business development companies, a certain portion of their assets—30 or 40 percent for private companies—may be invested in nonqualifying investments. In addition, distributions on qualifying investments need not comply with the tests for original purchases. For example, if an eligible portfolio company merges with a stock exchange listed company, the securities received in return would fall within the minimum investment requirements of the bill. Otherwise, the distributions would inadvertently disqualify the business development company.

I note that this legislation uses the terms "group" and "persons acting together." Unlike their use in this legislation, these terms are words of art under the Securities Exchange Act of 1934 which trigger certain filing requirements. The use of the terms in this legislation does not have any bearing one way or the other on their use under the 1934 act.

Finally, I must note that the compensation standard dealing with the maximum percentage of net realized capital gains set forth in the statute applies only to business development companies with registered advisers and is not to be used or referred to for any other purpose.

Present securities laws, particularly the Investment Company Act, are so restrictive, so complex, and so time-consuming that venture capital is eaten up in redtape and administrative expense. Many business opportunities are lost through unnecessary bureaucratic delay. H.R. 7554 goes a long way in reversing this trend.

Mr. BROYHILL. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 7554, the Small Business Investment Incentive Act of 1980.

Mr. Speaker, this is the second time the House has considered this bill this year. Last week, the House passed it by a vote of 395 to 1, and now we are going to accept the relatively minor Senate amendments and send the bill to the President for his signature.

H.R. 7554, as passed by the House and amended by the Senate, contained many of the provisions of my own Small Business Incentives Act, H.R. 4225; so I am particularly pleased that we are moving toward final passage on this measure today.

I urge my colleagues to approve this motion to concur in the Senate amendments resoundingly. By doing so, we will put small business back in the capital markets and provide them with the wherewithal to expand, with private capital wherever possible, so that noninflationary growth takes place and more Americans can find good jobs.

At this point, Mr. Speaker, I request that there be inserted in the RECORD a summary of the bill as passed by the House last week and the amendments of the Senate which we are considering today:

H.R. 7554—SMALL BUSINESS INVESTMENT INCENTIVE ACT OF 1980

HIGHLIGHTS

H.R. 7554 creates a new category of company called the "business development company" which provides capital and managerial assistance to small businesses. These business development companies would be exempted from certain regulations applicable to other investment companies. The bill also:

Raises to $5 million the limit on small offerings exempted from the Securities Act of 1933;

Raises to $10 million the limit on debt offerings exempted from the Trust Indenture Act of 1939; and

Allows investment companies to own more than 10 percent of an investment company's securities without being considered an owner.

BACKGROUND

Numerous Federal securities laws regulate financial intermediaries, investment companies, investment advisors, and broker-dealers to insure protection of investors in the American capital marketplace. Small businesses attempting to raise capital also are regulated. According to the committee taxes, inflation, and the high cost of complying with such regulation deter U.S. small business from entering the capital marketplace and stunt productivity and innovation. The purpose of H.R. 7554 is to reduce the regulation of small business capital-raising, while protecting investors.

This bill aims to provide more investment in small business by removing some regulation under the Investment Company Act of 1940 of public companies such as "venture capital" firms which mainly invest in and assist developing firms. The 1940 Act provided for: regulations protecting against management crimes; and for controls to eliminate or mitigate inequitable capital structures and prevent abuses of the fiduciary relationship between investment advisors and their clients.

PROVISIONS

Business development companies

H.R. 7554 creates a new entity, the "business development company (BDC)," to provide investment capital and managerial assistance to small businesses. A small domestic business investment company or venture capital company is eligible to be a BDC provided:

It files as a BDC with the Securities and Exchange Commission (SEC);

At least 70 percent of its assets are invested in small developing companies;

It makes significant managerial assistance available to the small businesses in which it invests; and

It has a majority of "disinterested" directors.

Companies that register as BDC's would be freed from many of the regulations restricting the activities of investment companies; however, they still would be subject to provisions of the 1940 Investment Company Act, designed to prevent misconduct, protect shareholders, and delineate administrative and enforcement procedures. Unlike their investment company counterparts, BDC directors would be allowed to:

Make financial and operating transactions without prior SEC approval (unless a director, officer or controlling person is a participant in a proposed transaction);

Act without shareholder or partner approval except when acting to discontinue service as a BDC;

Offer executive compensation plans linked to company growth; and

Issue warrants, stock options, and rights, subject to shareholder or partner approval, for up to 25 percent of the total outstanding voting securities.

Investments—H.R. 7554 specifies the permissible investments for BDC's: 70 percent of investment generally must be in securities of "eligible portfolio companies" or their affiliates, short-term, high-quality debt securities, and "follow-on" purchases. Eligible portfolio companies are small noninvestment companies whose assets cannot be bought on credit under Federal Reserve board requirements. They may be controlled by BDC's. A BDC may continue to hold investments in eligible portfolio companies that later become ineligible for such classification; and may purchase new stock in such prospering companies (follow-on) if the BDC has retained much of its original holdings in the company.

Investment Advisors—The Investment Advisors Act of 1940 is expanded to include BDC's Advisors to privately held BDC's are not required to register as advisors under the Act unless their clients total 15 or more. Under H.R. 7554 registered advisors to BDC's may receive performance-based compensation.

General securities laws

H.R. 7554 makes several reforms intended to increase capial investment in small businesses. The attribution of ownership rule of the Investment Company Act of 1940 is amended to permit an entity to own more than 10 percent of an investment company's voting securities without being deemed an owner, provided it has not invested more than 10 percent of its assets in the company. The bill also amends:

The 1933 Securities Act to raise the small offering exemption from $2 million to $5 million; and

The 1939 Trust Indenture Act to raise the debt offering exemption from $1 million to $10 million—the SEC may review and revise the debt offering exemption periodically.

COSTS

Congressional Budget Office estimates that H.R. 7554 will cost between $375,000 and $650,000 in FY 81, and predicts that future year outlays from the bill will fall near the lower end of this range.

The Senate considered the legislation on September 25, and passed it by voice vote after adopting 3 amendments. The House now will vote to concur with the Senate amendments which:

Authorize $85.5 million in FY 81, $96.6 million in FY 82, and $106.6 million in FY 83 for the Securites and Exchange Commission (SEC)—the House bill contained no authorizations;

Add new sections to streamline procedures and reduce costs for stock issuance by small businesses, provide for cooperation between the SEC and the Small Business Administration (SBA), and among Federal and State agencies regulating small business securities, require an annual government-business forum on small business capital formation, and authorize such additional sums as needed for the SEC to carry out these provisions; and

Simplify regulatory treatment of employee benefit plans funded by insurance companies

Mr. BROYHILL. Mr. Speaker, I have no further requests for time.

Mr. SCHEUER. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I support the bill. I would like to remind my colleagues that this bill addresses a very, very important subject, namely overregulation and bad regulation. I want to remind my colleagues that we have a bill pending action by the House, H.R. 3263, which does a tremendous job of overhauling the regulatory process. I am still hopeful we may be able to vote on it today or tomorrow, but if not, I hope we will be able to vote on it during the lame duck session. It will put an end to the need for this sort of legislation.

Mr. SCHEUER. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. STAGGERS), the chairman of the full committee.

Mr. STAGGERS. Mr. Speaker, today the House is considering one of the more important pieces of legislation in this 96th Congress. The exceptional bipartisan efforts of both the House and the Senate have brought a balanced legislative package to the House floor: and I rise in support of the bill, H.R. 7554. This package of securities legislation is the most important revision of the Federal securities laws ever undertaken for small business and the free enterprise system.

The composite bill includes the major elements of H.R. 7554 which was passed 395 to 1 by this body under suspension of the rules on September 23, 1980. It also includes the major elements of the Senate Small Business and Senate Banking Committees' and House Commerce Committee's investigation of small business capital formation problems. I would like to commend the gentleman from North Carolina (Mr. BROYHILL) and the gentleman from New York (Mr. SCHEUER) as well as the Senator from Maryland (Mr. SARBANES) for their leadership in developing this complex legislation. My commendation also extends to all the other committee members who made this a truly bipartisan effort; to the very able staff of the Senate Banking and House Commerce Committees and SEC Commissioner Stephen Friedmen and SEC staff members who worked long hours with industry representatives to develop the bill. There have been several years of extensive public hearings exploring the difficult problems of venture capital companies trying to operate under the 1940 act, and of small business capital formation. There was extensive negotiation and consultation with private sector groups and the SEC before this far-reaching piece of legislation was drafted and redrafted and then finally approved. The significance of the final bill therefore cannot be overstated.

The statement of the gentleman from New York (Mr. SCHEUER) summarizes and explains the seven titles of the bill in great detail so I will not belabor the provisions here. I will only indicate that the Senate amendments: First, set up a formal working relationship between the Federal and State governments to solve small business capital formation problems; second, codify existing SEC rule 242 which provides a liberal exemption for private offerings of securities to accredited investors; third, simplify the exemptions for life insurance company funding of certain pension plans; and fourth, authorize appropriations for the SEC to carry out the intent of Congress.

Mr. Speaker, I urge approval of the House bill with Senate amendments.

EXPLANATION OF "BUSINESS DEVELOPMENT COMPANY" TITLES

As floor manager of the bill and chairman of the House Commerce Committee, I would like to clarify certain matters that have arisen as the legislation has finally emerged.

It has been suggested that the Commission establish rules to define as eligible portfolio companies issuers listed on the regional and major stock exchanges. The legislation adding section 2(a)(46)(C)(iii) of the Investment Company Act of 1940 authorizes the Commission to establish such rules defining eligible portfolio companies as are consistent with the public interest, protection of investors and policies and provisions of the legislation and the Investment Company Act generally. Thus, we contemplate that the usual administrative process will be followed in considering whether to propose, proposing, considering whether to adopt, and adopting any such rule or rules. Our committee report at page 31 specifically notes certain characteristics of issuers listed on exchanges which may justify their inclusion in any expanded definition of eligible portfolio company. Any expansion of the already large universe of such eligible portfolio companies should depend solely upon whether they are small, developing companies or financially troubled companies in need of capital and with no access or impaired access to the public markets or conventional lending sources.

It has been suggested that securities which are received in exchange for any securities or assets held by a business development company be deemed to satisfy section 55(a)(5). That reading of the section is inconsistent with the purpose of the legislation since it would not facilitate the flow of capital to small, developing or financially troubled businesses in any way. Such reading would also be contradictory to the precise language used therein. Section 55(a)(5) refers appropriately to those securities received in exchange for or distributed on or with respect to securities described in paragraphs (1) through (4) of section 55(a) for purposes of including the value of such securities in the 70-percent portion of a business development company's total assets. Thus, the securities referred to in the section would have to have been received in exchange for or distributed on, for example, securities described in section 55(a)(1)(A); that is, securities purchased in nonpublic offerings from the issuer, which is an eligible portfolio company or from any person who is, or has been within the past 13 months, an affiliated person of such eligible portfolio company. If a security were acquired in a manner not set forth in those paragraphs (1) through (4), it generally would not be treated as complying with the 70-percent requirement of section 55; and any security received in exchange for it also would not and should not be treated as so complying.

It has been suggested that the compensation level set forth in new clause (C) of section 205 of the Investment Advisers Act of 1940 should not be referred to in any way in considering the appropriateness of compensation levels of advisers generally. It must be noted that such compensation level; that is, 20 percent of the realized capital gains upon the funds of a business development company over a specified period computed net of realized losses and unrealized appreciation, applies fully to all registered investment advisers to all business development companies. The maximum used therein was developed, however, in that context and is not meant to suggest whether or not that amount is reasonable for those investment advisers which are not registered under the Advisers Act.

Some questions have been raised concerning the interrelationships between new sections 2(a)(48)(B) and 55(a) of the Investment Company Act and section 202(a)(22) of the Investment Advisers Act relating to the so-called "window" for nonqualifying investments for publicly held or private business development companies. Sections 55(a) as to public business development companies and 202(a)(22) as to private business development companies permit a business development company to make a certain amount of nonqualifying investments. The intent of the "window," as is discussed more fully in the committee's report on H.R. 7554 at pages 39–40, is to provide business development companies with flexibility in selecting qualifying investments. Nevertheless, section 2(a)(48)(B) clearly requires a business development company to be operated solely for the purpose of making investments in qualifying securities described in sections 55(a)(1) through (3). Thus, by way of example, because the focus of H.R. 7554 is to stimulate the availability of venture capital financing to small, developing, and financially troubled businesses, I believe a public or private business development company which invested its assets in real estate or constantly used the maximum amount of its "window" to invest in stock exchange listed securities would not satisfy the "purpose" test of section 2(a)(48)(B), where those investments are unrelated to the objectives of the business development company. I believe the bill and the committee's report are unambiguous on this point and, because I regard the "purpose" test in section 2(a)(48)(B) as a central, fundamental feature of the legislation, I would expect the Commission to take appropriate enforcement action against any business development company which misused the flexibility of the "window" to derogate from the legislative goal of providing capital to small businesses.

A question has been raised respecting the status of general partners in limited partnerships under the Investment Advisers Act. This legislation treats general partners in publicly held limited partnership business development companies as if they were functionally equivalent to interested directors of a registered investment company; that is, as if they constituted an external investment adviser to a business development company. Moreover, section 202 of the bill amended section 203(b)(3) of the Investment Advisers Act to require an investment adviser to be a publicly held business development company to be registered under the Investment Advisers Act. In this regard, the second circuit court of appeals in the Abrahamson against Fleschner case suggested that general partners in limited partnerships were investment advisers within the meaning of sections 202(a)(11) and 206 of the Investment Advisers Act; the Commission's staff has suggested the same conclusion in no-action letters. This legislation is intended to suggest that such general partners are not required to be registered pursuant to section 203 of the Investment Advisers Act if they satisfy the "safe harbor" provided by new section 203(b)(3) of the Investment Advisers Act; H.R. 7554 is not intended to address in any way the questions of status of general partners in limited partnerships under sections 202(a)(11) and 206.

A question has been raised respecting the meaning of the phrases "as part of a group acting together" and "in conjunction with one or more persons acting together" in new section 2(a)(47) of the Investment Company Act. Section 2(a)(47) defines the term "making available significant managerial assistance" for purposes of section 2(a)(48). These phrases are intended to articulate common business practices in the venture capital industry, where groups of investors frequently act together in pooling their financial and managerial resources in making particular investments. Whether such groups are "groups" within the meaning of section 13(d) of the

Securities Exchange Act of 1934 is a separate question which requires separate analysis under that provision. In this regard, the degree to which investors in a group must act together in order to satisfy section 2(a) (47) of the Investment Company Act also must be analyzed separately to determine whether such investors are a "group" or are "acting together" for purposes of this legislation. I believe that there must be a high degree of cohesion and coordination amongst investors, perhaps even involving formal understandings as to how control will be exercised, for a "group" to exist within the meaning of section 2(a) (47) (B). With respect to the phrase "one or more persons acting together" in the proviso interpreting and modifying section 2(a) (47) (A), I believe there also must be a high degree of cohesion and coordination amongst investors, especially with respect to which of the investors will make available significant managerial assistance, for the "acting together" requirement to be met in the proviso to section 2(a) (47) (A).

Finally, a question has been raised as to what business development companies, both publicly held and private, must do to satisfy the "making available significant managerial assistance" requirement of new section 2(a) (48) (B) of the Investment Company Act. This requirement is discussed in detail in the committee's report on pages 31 through 33. I would emphasize that one of the key characteristics of business development companies distinguishing them from conventional investment companies is this feature, and that the bill clearly requires such managerial assistance to be significant. In this regard, I do not believe that a business development company which frequently provides assistance amounting to no more than mere passive consultation at the request of the portfolio company is providing either managerial or significant assistance. Rather, I believe this requirement will be met only where a business development company seeks to provide significant guidance and counsel in the business management and operations of the companies to which they furnish capital, and to work closely with each portfolio company in establishing the portfolio company's business objectives, policies, and corporate strategy. To me, this requirement is a fundamental aspect of the definition of "business development company," and I expect the Commission will take appropriate enforcement action where business development companies are operated as passive investment pools, except lending SBIC's, and do not provide, or are not capable of providing, more than a minimal degree of meaningful managerial assistance to portfolio companies.

Mr. SCHEUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has had total bipartisan support. It is the brainchild of our colleague, the gentleman from North Carolina (Mr. BROYHILL). It was finely honed over many months by a joint process of the top decisionmakers at the Securities and Exchange Commission under the leadership of Commissioner Stephen Friedmen. It is totally acceptable to the SEC. It is totally acceptable to the investors.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Speaker, I want to thank the gentleman for his cooperation and for the cooperation of all of the members of the committee, the chairman, the gentleman from West Virginia (Mr. STAGGERS), Mr. Opper, the majority staff, and also especially the SEC staff which worked so hard under the leadership of Commissioner Friedmen. They all did a marvelous job.

Mr. SCHEUER. I thank my colleague from North Carolina for his leadership.

I want to thank again the chairman of the committee for his extraordinary efforts in bringing the SEC and our staff and the majority and minority together.

I urge all of my colleagues to vote for H.R. 7554.

● Mr. BIAGGI. Mr. Speaker, I rise in enthusiastic support of H.R. 7554, another major effort on the part of this Congress and the President to bolster the backbone of our economy—small business.

Simply stated, this legislation seeks to remedy the most immediate problem facing small business today, a lack of adequate capital availability. Specifically, H.R. 7554—the Small Business Investment Incentive Act—would address this problem by substantially easing the impact of burdensome securities laws on so-called venture capital companies that provide valuable financial and managerial assistance to small businesses.

Currently, excessive and extremely costly Government regulations administered by the Securities and Exchange Commission serve as unnecessary disincentives to venture capital activities. As a result, small and developing businesses throughout the country have faced a slowdown in both capital investment and productivity. This bill would remove many of these regulatory barriers to capital formation, without sacrificing necessary investor protection.

The importance of assisting our small business community cannot be overstated. According to the Small Business Administration, there are almost 14 million small businesses in the United States, which are responsible for 39 percent of the gross national product, and 55 percent of all private sector jobs. Further, a National Science Foundation study revealed that small business firms are 24 times more innovative per research dollar spent than large businesses.

We simply cannot afford to stand idly by while our economy, tax structure, and Government regulatory bodies stifle small business growth and development. Fortunately, President Carter and the Congress have recognized this fact, and have acted to promote and enhance small business opportunities. These accomplishments over the past couple of years have included:

Legislation signed into law by the President on September 19, requiring Federal agencies to consider the cost and impact of new regulations on small business before promulgating new rules—this Small Business Regulatory Flexibility Act, also encourages small businesses to participate in the rulemaking process;

Approval this year of the Omnibus Small Business Authorization Act, which significantly expanded Small Business Administration (SBA) loan programs, strengthened the disaster assistance program, and created the small business development center program to provide much needed management and technical assistance to small businesses;

Our Nation's first White House Conference on Small Business, held earlier this year to focus on the importance of the small business community and allow the voices of over 30,000 small businessmen and women across the country to be heard;

A 43-percent reduction in the capital gains tax rate was enacted in 1978—an action that has resulted in over one-half billion dollars in new capital for small businesses; and

Enactment of legislation in 1978 to increase the number of Federal contract awards to small businesses—an action that resulted in small businesses receiving 24.4 percent, or $19.6 billion, of all Federal procurement dollars in 1979.

Mr. Speaker, the final passage of H.R. 7554 would be totally consistent with these prior efforts to strengthen and insure the future of our Nation's small business community. As a Representative from an area with a heavy reliance on the economic stability of small businesses, I fully recognize the importance of these efforts and I strongly urge my colleagues to approve H.R. 7554 in its present form.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SCHEUER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 7554.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments to the bill, H.R. 7554, were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. GUARINI. Mr. Speaker, today I was not present on a number of rollcalls. I was absent because I was meeting with the Vice President. Were I present, I would have voted as follows:

On Senate Concurrent Resolution 126, "aye";

On H.R. 7859, "aye";

On House Concurrent Resolution 435, "aye";

On H.R. 7103, "aye";

On H.R. 4892, "aye"; and
On H.R. 6228, "aye."

CONFERENCE REPORT ON H.R. 7301, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1981

Mr. NEDZI. Mr. Speaker, I call up the conference report on the bill (H.R. 7301) to authorize certain construction of military installations for fiscal year 1981, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 25, 1980.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. NEDZI) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. WHITEHURST) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on September 10, the House passed H.R. 7301, the Military Construction Authorization Act for fiscal year 1981. As passed, the bill provided new construction authorization for the military departments and the Department of Defense in the total amount of $5,538,707,000.

On September 16, 1980, the Senate considered the legislation, amended it by striking all language after the enacting clause and wrote a new bill. As passed by the Senate, H.R. 7301 provided new construction authorization in the total amount of $5,460,028,000.

As a result of the conference on Tuesday, September 23, between the House and Senate on the differences in H.R. 7301, the conferees agreed to an adjusted authorization totaling $5,530,004,000.

This compromise is $8,706,000 below the total amount requested by the Department of Defense. It is $7,999,000 below the House figure and $69,976,000 above the Senate figure.

In all, there were 181 differences between the House bill and the Senate amendment. Most differences involved adjustments to particular construction projects, respective House and Senate project and policy additions and deletions, and modifications of certain authorities under which the military construction and family housing programs operate. I will not go into detail because House Report 96-1399, the conference report on H.R. 7301, which appeared in the CONGRESSIONAL RECORD on Thursday, September 25, 1980, part II, pages 27453 to 27465, explains the actions of the conference.

In reaching agreement, the conferees realize that a number of worthwhile projects have not been authorized for one reason or another. As the conference report notes, these projects are viewed as deserving top priority in the fiscal year year 1982 military construction budget request.

Some of the projects have not been authorized because appropriations are not available. The conferees faced the dilemma of reconciling differences in authority for projects which were not funded by the House or Senate when they passed their respective versions of the fiscal 1981 military appropriation bills before the conference. This action means that there could be no adjustment in the appropriation bills to reflect action taken in the authorization conference.

The practice of appropriation acts preceding the corresponding authorizing acts can distort the legislation process. Moreover, the orderly development of congressional policy and budget priorities is hampered. I would hope, recognizing the tremendous scheduling problems facing the Congress, that every effort will be made in the future to have the authorization bills considered before the appropriation bills.

Turning briefly to the action of the conference committee, authorizations have been provided for the following major categories for the Department of Defense and military services:

[In millions]

Operational and training facilities	$382,174
Maintenance and production	336,340
Health care, housing and community facilities	922,274
Energy conservation and pollution abatement	253,550
NATO related construction	630,015
Family housing	158,891
Special contingency facility construction/Middle East and Indian Ocean basing	281,877

Several policy initiatives are included in the conference report, which I want to call to the attention of the Members.

First, community impact assistance. The conferees agreed to improve, strengthen and streamline the existing assistance program for areas that will be affected by the basing of the MX missile system and the east coast Trident submarine squadron.

Second, Titan II missile warning system. The conferees agreed to require the acquisition and installation of appropriate warning systems at Titan II missile sites.

Third, alternate fuels utilization. The conferees directed the Secretary of Defense to prepare a comprehensive plan for converting present DOD oil and gas fired plants to use other fuels and requires new plants with input rates of 50 million Btu's to use other fuels.

Mr. Speaker, this briefly summarizes the major actions of the conference. Time does not permit greater detailing but the conferees believe that the bill agreed to in conference is one that should meet the construction needs of the military establishment during fiscal year 1981. Therefore, Mr. Speaker, I urge adoption of the conference report on H.R. 7301.

□ 1610

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I rise in strong support of the conference report on H.R. 7301, the military construction authorization bill, and urge my colleagues to adopt it. There are a number of provisions in the bill of importance to my home State of Kansas, and I am glad that needed work at military installations there will be able to proceed under this authorization. But I would like to bring to my colleagues' attention particularly the provision which is included in the bill authorizing installation of appropriate warning systems at Titan II missile sites in Kansas, Arkansas, and Arizona.

I am sure each of you are well aware of the accident at the Titan site in Arkansas earlier this month. I want you all to know that that accident was not the first at one of these sites. In just the last few years, Titan sites in my home area have been plagued with a series of leaks and accidents which have kept residents of neighboring areas on edge. They deserve an assurance that those systems are safe.

In last year's Defense authorization bill, the Congress agreed to an amendment which I offered directing a study by the Air Force of the safety and maintenance of the Titan II's. That study found that they were generally safe. Clearly, the recent incident in Arkansas has raised questions anew about their safety. Inclusion of authorization for these warning systems will give some assurance that people in these areas will be alerted in the case of further incidents. You can be sure that I intend to give careful attention to the implementation of this authority to make sure that the systems are installed promptly and that they will be effective in providing protection.

And I want to remind my colleagues that, as far as I am concerned, this is just a first step in assuring the safety of the Titan II facilities. I want to see a reassessment of the Air Force conclusions as to the safety of these facilities, and I want to make sure that—as long as they remain in operation—they are kept in sound condition through top-rate maintenance and operation. I also intend to continue pushing the Department of Defense to send to the Congress legislation—which the Air Force report indicated was necessary—to provide incentive pay for Titan propellant servicing personnel. Both because of the hazard involved in working with this system and because of the need to have the most qualified personnel available in this function, that legislation should be enacted early in the next session.

Mr. NEDZI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I also would like to compliment the gentleman from Michigan for his great help in this area and especially the sensitivity of the committee in dealing with the very difficult nerve gas issue at the end of Stapleton International Airport which is in my district in Denver, Colo. Stapleton International Airport is now one of the busiest airports in the entire country, and at the end of the runway sit nerve gas bombs that we thought were going to be detoxified.

There was language put in this bill which both groups agreed to, both the House and the Senate—I am very pleased about that—that says that this problem must be solved once and for all and must either be detoxified or moved and made safe.

I really want to compliment the gentleman for all his help and sensitivity with this very difficult issue.

Mr. NEDZI. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Van Deerlin).

Mr. VAN DEERLIN. Mr. Speaker, I wish to place a couple of questions concerning language inserted in the conference report as a compromise between the House version and the Senate version in regard to a new naval medical complex in San Diego. The gentleman is aware that there are two sites, into which the Navy has completed a study and is about to make a choice. The language in the conference report refers to a 30-day period—30 calendar days—which each of the four committees involved in House and Senate, and your authorizing committee, shall have to respond to the selection made by the Navy.

Could the gentleman tell me what is contemplated in this language—what "response" means in this case?

Mr. NEDZI. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Michigan.

Mr. NEDZI. Well, my understanding is that a report from the Navy will be forthcoming. In all likelihood, the House will be in recess at that time, and I assume from the gentleman's remarks that that is what he is concerned about.

I can say to the gentleman that staff will be monitoring this during any recesses of the Congress, even sine die.

I have no expectation of being out of the country or anything of that sort between now and when Congress goes back into session in January and will respond to the report in an appropriate fashion, whatever that report might be.

Mr. VAN DEERLIN. Ascertaining to the satisfaction of the gentleman and the committee that all the facts have been weighed, and that the Navy's recommendation is soundly based.

Mr. NEDZI. I can give the gentleman that assurance.

Mr. VAN DEERLIN. The report of the Navy Department, its recommendation, is expected on or about October 15.

Mr. NEDZI. That is my understanding.

Mr. VAN DEERLIN. Thirty calendar days obviously would have Congress back in session within that time. I judge from what the gentleman has assured me that, whether or not the House itself is in session, the attention given that report and the close examination it receives will be precisely the same as if the House and Senate were in session.

Mr. NEDZI. That is not a difficult assurance to give the gentleman. I give him that assurance.

Mr. VAN DEERLIN. I am very grateful to the gentleman.

Thank you.

Mr. NEDZI. Mr. Speaker, I would like to say that this conference report was unanimous. There is no opposition to it to my knowledge.

I reserve the balance of my time.

Mrs. HOLT. Mr. Speaker, I urge the adoption of the conference report. The chairman has explained it very well.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. Whitehurst).

Mr. WHITEHURST. Mr. Speaker, I join my colleagues in support of this conference report.

Mr. Speaker, I support the statement of the gentleman from Michigan regarding the conference report on H.R. 7301, the Military Construction Authorization Act for fiscal year 1981.

This report contains initiatives of both the House and the Senate and assures that construction requirements in support of the active forces, Guard and Reserve components, Defense Agencies, and military family housing will be adequately met for fiscal year 1981.

The conferees were faced with decisions involving many projects that represented valid service requirements of high priority. Although these projects warranted immediate authorization and funding, the conferees were constrained to produce a bill within the limits of the scope of the conference and within prudent budgetary guidelines. Therefore, many good projects had to be deferred.

The Department of Defense requested authorization of appropriations totaling $5,538,710,000. This figure includes a supplemental request for fiscal year 1980, the original request for fiscal year 1981, and an amended request for fiscal year 1981. The compromise authorization approved by action of the conferees was $5,530,004,000 or $8,706,000 below the amount requested by the Department of Defense.

Since my distinguished colleague from Michigan, Mr. Nedzi, has so adequately explained the major items contained in the conference report, I will not go into detail on the individual differences which had to be resolved by the conferees. However, I would like to comment briefly on an area of special interest.

Again this year, the House and Senate bills reflected different approaches to funding much needed projects in Europe, particularly in the Federal Republic of Germany where our service men and women are still using dilapidated World War II facilities.

The Senate denied a number of House approved projects on the basis that the Department of Defense should seek funding either through the North Atlantic Treaty Organization (NATO) Infrastructure Funds or by the host country.

While the House conferees agree for the most part with this approach, they believe that some projects are of such importance that they should be constructed at the earliest possible time. Falling into this category are several projects providing improvements to training areas operated by the U.S. Army in the Federal Republic of Germany.

The Senate had insisted that these improvements be considered for financing through NATO Infrastructure. Because of the huge backlog of projects awaiting infrastructure funding, the start of construction would be delayed by a considerable amount of time if this procedure was followed. For this reason, the House conferees strongly urged that these projects receive immediate authorization. The Senate conferees agreed with the House position.

The conferees served notice to the Defense Department that this should be the last time that these type improvements are funded unilaterally by the United States since the training ranges support the NATO alliance and fit the NATO Infrastructure definition. We believe NATO criteria should be changed so that future projects of this type can be paid for by NATO Infrastructure funds without any loss of U.S. control over these ranges.

Morale, welfare, and recreation facilities for our troops overseas and at home were again of great concern to the conferees. Every effort was made to approve the highest priority projects to meet these needs in the hope of further improving the quality of life of our men and women in uniform.

Mr. Speaker, the bill agreed to in conference is a good one. I urge my colleagues to adopt the conference report on H.R. 7301.

Mr. NEDZI. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

☐ 1620

CONFERENCE REPORT ON H.R. 5612, SMALL BUSINESS ASSISTANCE AND REIMBURSEMENT FOR CERTAIN FEES

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the bill (H.R. 5612) to amend section 8(a) of the Small Business Act, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

Mr. DANIELSON. Mr. Speaker, I make a point of order against this conference report.

The SPEAKER pro tempore. The gentleman will be protected.

Is there objection to the request of the gentleman from Iowa?

Mr. ROSTENKOWSKI. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read the report.

The Clerk proceeded to read the report.

Mr. SMITH of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. DANIELSON. Mr. Speaker, a while ago I raised a point of order against the conference report. I understood the Speaker to say that my point of order will be protected.

The SPEAKER pro tempore. The gentleman is correct.

Mr. DANIELSON. If I am not waiving any rights, I will withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the statement of the managers will be read in lieu of the report.

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 30, 1980.)

POINT OF ORDER

The SPEAKER pro tempore. The gentleman from California is now recognized on his point of order.

Mr. DANIELSON. Mr. Speaker, I rise and make a point of order against the conference report on the bill. H.R. 5612, on the grounds that the conferees have agreed to a provision in the Senate amendment which constitutes an appropriation on a legislative bill, in violation of cluase 2 of rule XX of the rules of the House of Representatives. The conferees have included, as an amendment to the bill, a title II, which provides for the award of attorneys' fees and other expenses to the prevailing party other than the United States, in certain actions or administrative proceedings in which the judgment or adjudication has been adverse to the United States, unless the court or adjudicative officer of the agency finds that the position of the United States was substantially justified or that special circumstances make the award unjust.

I will specify the place in the report if anyone so desires.

The SPEAKER pro tempore. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Speaker, I think nothing I could say would add or subtract anything. The Speaker has all the information.

The SPEAKER pro tempore. The Chair is ready to rule.

The gentleman from California (Mr. Danielson) makes the point of order that the conference report on the bill H.R. 5612 contains provisions of the Senate amendment constituting appropriations on a legislative bill in violation of clause 2, rule XX, which prohibits House conferees from agreeing to such provisions without prior authority of the House.

The provisions in title II question authorize appropriations to pay court costs and fees levied against the United States, but also provide that if payment is not made out of such authorized and appropriated funds, payment will be made in the same manner as the payment of final judgments under sections 2414 and 2517 of title 28, United States Code. Judgments under those sections of existing law are paid directly from the Treasury pursuant to section 724a of title 31 of the United States Code, which states that there are appropriated out of the Treasury such sums as may be necessary for the payment of judgments, awards, and settlements under sections 2414 and 2517 of title 28. Thus the provision in the Senate amendment contained in the conference report extends the purposes to which an existing permanent appropriation may be put and allows the withdrawal directly from the Treasury, without approval in advance by appropriation acts, of funds to carry out the provisions of title II of the Senate amendment.

For the reasons stated, the Chair sustains the point of order against the conference report.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate to the bill (H.R. 5612) to amend section 8(a) of the Small Business Act and concur therein with the following amendment:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

"Part A. Small Business Administration Minority Business Development Program Amendments

Sec. 101. Section 8(a) of the Small Business Act is amended by striking "September 30, 1980" wherever it appears and by substituting in lieu thereof "September 30, 1981".

Sec. 102. Section 202(b) of the Act entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958" approved October 24, 1978 (15 U.S.C. 631) is amended by—

(a) redesignating subsection (b) as subsection (b)(1);

(b) striking "June 30, 1980" and inserting in lieu thereof "January 31, 1981"; and

(c) adding at the end thereof a new paragraph as follows:

"(2) The Small Business Administration and the agency designated pursuant to section 8(a)(1)(B) of the Small Business Act shall submit separate quarterly reports to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives. Such reports shall contain a review and evaluation of all activities conducted pursuant to section 8(a)(1)(B) of the Small Business Act during the previous three month period including—

"(A) the number, dollar value, and description of all contracts awarded or being reserved for award pursuant to such section;

"(B) the status of all contracts awarded, including percent of completion and a description of problems incurred in the performance of such contracts;

"(C) the impact, if any, on small business concerns resulting from selection of any contract for award under such section; and

"(D) efforts made by the Administration to identify, match, and negotiate procurement requirements pursuant to such section.

The first such report shall be submitted commencing on January 2, 1981, for the preceding three-month period, and shall continue quarterly through, and include, the quarter ending September 30, 1981. The reports shall not be reviewed by any other agency or office prior to their submission.".

Sec. 103. Section 4(b) of the Small Business Act is amended by striking all after the phrase "Capital Ownership Development" through the period and inserting in lieu thereof "and shall be responsible to the Administrator for the formulation and execution of the policies and programs under sections 7(j) and 8(a) of this Act which provide assistance to minority small business concerns.".

Sec. 104. The second sentence of section 7(j)(10) of the Small Business Act is amended to read as follows:

"The Program, and all other services and activities authorized under section 7(j) and 8(a) of this Act, shall be managed by the Associate Administrator for Minority Small Business and Capital Ownership Development under the supervision of, and responsible to, the Administrator.".

Sec. 105. Section 8(a)(8) of the Small Business Act is amended to read as follows:

"(8) All determinations made pursuant to paragraph (5) with respect to whether a group has been subjected to prejudice or bias shall be made by the Administrator after consultation with the Associate Administrator for Minority Small Business and Capital Ownership Development. All other determinations made pursuant to paragraphs (4), (5), (6), and (7) shall be made by the Associate Administrator for Minority Small Business and Capital Ownership Development under the supervision of, and responsible to, the Administrator.".

Sec. 106. (a) Section 7(j)(10)(A)(i) of the Small Business Act is amended by striking the semicolon at the end thereof and inserting in line thereof "for correcting the impairment of such concern's ability to compete, as determined for such concern pursuant to section 8(a)(6) of this Act, within a fixed period of time as mutually agreed upon by the applicant and the Administrator prior to acceptance in such Program: *Provided*, That not less than one year prior to the expiration of such period, and upon the request of such concern, the Administration shall review such period and may extend such period as necessary and appropriate: *Provided further*, that no determination made under this paragraph shall be considered a denial of total participation for the purposes of section 8(a)(9) of this Act;";

(b) Notwithstanding the provisions of subsection (a) of this section, for concerns eligible to receive contracts pursuant to section 8(a) of the Small Business Act on the effective date of the amendment made by this section, each such concern shall submit to the Small Business Administration within two months after the promulgation of final regulations issued within 120 days after the enactment of this Act the business plan required under section 7(j)(10)(A)(i) of the Small Business Act, as amended by subsection (a) of this section: Provided however, That the period of time required under section 7(j)(10)(A)(i) of the Small Business Act, as amended by subsection (a) of this section, shall be fixed as mutually agreed upon by the program participant and the Small Business Administration prior to the awarding or extending of contracts to such concern pursuant to section 8(a) of the Small Business Act after June 1, 1981, but the period shall be fixed in no case later than eighteen months after the effective date of this Act: Provided further, That no determination made under this paragraph shall be considered a denial of total participation for the purposes of section 8(a)(9) of the Small Business Act.

Sec. 107. Section 7(j)(10)(C) of the Small Business Act is amended to read as follows:

"(C) No small business concern shall receive a contract pursuant to section 8(a) of this Act unless—

"(i) the business plan required pursuant to section 7(j)(10)(A)(i) is approved by the Administration; and

"(ii) the program is able to provide such concern with, but not limited to, such management, technical and financial services as may be necessary to achieve the targets, objectives and goals of such business."

Sec. 108. The second sentence of section 3(a) of the Small Business Act is amended by striking "business." and inserting in lieu thereof "business: Provided, That the Administration shall not promulgate, amend, or rescind any rule regulation with respect to size standards prior to March 31, 1981.".

PART B—SMALL BUSINESS EXPORT FINANCING

SEC. 110. This part may be cited as the "Small Business Export Expansion Act of 1980".

SEC. 111. (a) The Congress finds and declares that—

(1) a strong export policy is essential to the health and well-being of the United States economy;

(2) exports of goods and services account for one out of every six jobs in the manufacturing sector and 10 per centum of the gross national product;

(3) every billion dollars in new exports is estimated to provide forty thousand jobs;

(4) there is increased and fierce competition in international markets to United States goods and services;

(5) small businesses account for no more than 10 per centum of all United States export sales;

(6) Federal Government programs are not sufficiently responsive to the needs of small business for export education and development of overseas marketing opportunities necessary to insure that small businesses realize their potential; and

(7) it is in the national interest to systematically and consistently promote and encourage small business participation in international markets.

(b) It is therefore the purpose of this Part to encourage and promote small business exporting by—

(1) providing educational and marketing assistance to small businesses;

(2) insuring better access to export information and assistance for small businesses by upgrading and expanding the export development programs and services of the Department of Commerce and the Small Business Administration; and

(3) promoting the competitive viability of such firms in export trade and encouraging increased tourism in the United States by creating a program to provide limited financial, technical, and management assistance as may be necessary.

SEC. 112. Section 7(a) of the Small Business Act is amended by inserting before the phrase "The foregoing powers shall be subject, however," the following new sentences: "The Administration is further empowered, only to such extent and in such amounts as are provided in appropriation Acts, to make or effect either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis extensions and revolving lines of credit for export purposes to enable small business concerns to develop foreign markets and for preexport financing: *Provided, however,* That no such extension or revolving line of credit may be made for a period or periods exceeding eighteen months. A bank or participtaing lending institution may establish the rate of interest on extensions and revolving lines of credit as may be legal and reasonable."

SEC. 113. The Small Business Act is amended by adding after section 21 the following new section:

"SEC. 22. (a) There is established within the Administration an Office of International Trade which shall implement the programs pursuant to this section.

"(b) The office shall promote sales opportunities for small business goods and services abroad. To accomplish this objective the office shall—

"(1) provide small businesses with access to current and complete export information by—

"(A) making available, at the Administration's regional offices through cooperation with the Department of Commerce, export information, including, but not limited to, the worldwide information and trade system and world trade data reports;

"(B) maintaining a current list of financial institutions that finance export operations;

"(C) maintaining a current directory of all Federal, regional, State and private sector programs that provide export information and assistance to small businesses; and

"(D) preparing and publishing such reports as it determines to be necessary concerning market conditions, sources of financing, export promotion programs, and other information pertaining to the needs of small business exporting firms so as to insure that the maximum information is made available to small businesses in a readily usable form;

"(2) encourage through cooperation with the Department of Commerce, greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities of the Department of Commerce; and

"(3) facilitate decentralized delivery of export information and assistance to small businesses by assignment full-time export development specialists to each Administration regional office and assigning primary responsibility for export development to one person in each district office. Such specialists shall—

"(A) assist small businesses in obtaining export information and assistance from other Federal departments and agencies;

"(B) maintain a current directory of all programs which provide export information and assistance to small businesses within the region;

"(C) encourage fininacial institutions to develop and expand programs for export financing;

"(D) provide advice to Administration personnel involved in granting loans, loan guarantees, and extensions and revolving lines of credit, and providing other forms of assistance to small businesses engaged in exports; and

"(E) within one hundred and eighty days of their appointment, participate in training programs designed by the Administrator, in conjunction with the Department of Commerce and other Federal departments and agencies, to study export programs and to examine small businesses' needs for export information and assistance.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1980, or the date of enactment of this Act, whichever occurs later.

TITLE II—EQUAL ACCESS TO JUSTICE ACT

SEC. 201. This title may be cited as the "Equal Access to Justice Act".

FINDINGS AND PURPOSE

SEC. 202. (a) The Congress finds that certain individuals, partnerships, corporations, and labor and other organizations may be deterred from seeking review of, or defending against, unreasonable governmental action because of the expense involved in securing the vindication of their rights in civil actions and in administrative proceedings.

(b) The Congress further finds that because of the greater resources and expertise of the United States the standard for an award of fees against the United States should be different from the standard governing an award against a private litigant, in certain situations.

(c) It is the purpose of this title—

(1) to diminish the deterrent effect of seeking review of, or defending against, governmental action by providing in specified situations an award of attorney fees, expert witness fees, and other costs against the United States; and

(2) to insure the applicability in actions by or against the United States of the common law and statutory exceptions to the "American rule" respecting the award of attorney fees.

AWARD OF FEES AND OTHER EXPENSES IN CERTAIN AGENCY ACTIONS

SEC. 203. (a) (1) Subchapter I of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 504. Costs and fees of parties

"(a) (1) An agency that conducts an adversary adjudication shall award, to a prevailing party other than the United States, fees and other expenses incurred by that party in connection with that proceeding, unless the adjudicative officer of the agency finds that the position of the agency as a party to the proceeding was substantially justified or that special circumstances make an award unjust.

"(2) A party seeking an award of fees and other expenses shall, within thirty days of a final disposition in the adversary adjudication, submit to the agency an application which shows that the party is a prevailing party and is eligible to receive an award under this section, and the amount sought, including an itemized statement from any attorney, agent, or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed. The party shall also allege that the position of the agency was not substantially justified.

"(3) The adjudicative officer of the agency may reduce the amount to be awarded, or deny an award, to the extent that the party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. The decision of the adjudicative officer of the agency under this section shall be made a part of the record containing the final decision of the agency and shall include written findings and conclusions and the reason or basis therefor.

"(b) (1) For the purposes of this section—

"(A) 'fees and other expenses' includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees. (The amount of fees awarded under this section shall be based upon prevailing market rates for the kind and quality of the services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the agency involved, and (ii) attorney or agent fees shall not be awarded in excess of $75 per hour unless the agency determines by regulation that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved, justifies a higher fee.);

"(B) 'party' means a party, as defined in section 551(3) of this title, which is an individual, partnership, corporation, association, or public or private organization other than an agency, but excludes (i) any individual whose net worth exceeded $1,000,000 at the time the adversary adjudication was initiated, and any sole owner of an unincorporated business, or any partnership, corporation, association, or organization whose net worth exceeded $5,000,000 at the time the adversary adjudication was initiated, except that an organization described in section 501 (c) (3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c) (3)) exempt from taxation under section 501(a) of the Code and a cooperative association as defined in section 15 (a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association, and (ii) any sole owner of an unincorporated business, or any partnership, corporation, association, or organization, having more than 500 employees at the time the adversary adjudication was initiated;

"(C) 'adversary adjudication' means an adjudication under section 554 of this title in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license; and

"(D) 'adjudicative officer' means the deciding official, without regard to whether the official is designated as an administrative law judge, a hearing officer or examiner, or otherwise, who presided at the adversary adjudication.

"(2) Except as otherwise provided in paragraph (1), the definitions provided in section 551 of this title apply to this section.

"(c)(1) After consultation with the Chairman of the Administrative Conference of the United States, each agency shall by rule establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses. If a court reviews the underlying decision of the adversary adjudication, an award for fees and other expenses may be made only pursuant to section 2412(d)(3) of title 28, United States Code.

"(2) A party dissatisfied with the fee determination made under subsection (a) may petition for leave to appeal to the court of the United States having jurisdiction to review the merits of the underlying decision of the agency adversary adjudication. If the court denies the petition for leave to appeal, no appeal may be taken from the denial. If the court grants the petition, it may modify the determination only if it finds that the failure to make an award, or the calculation of the amount of the award, was an abuse of discretion.

"(d)(1) Fees and other expenses awarded under this section may be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise, for such purpose. If not paid by any agency, the fees and other expenses shall be paid in the same manner as the payment of final judgments is made pursuant to section 2414 of title 28, United States Code.

"(2) There is authorized to be appropriated to each agency for each of the fiscal years 1982, 1983, and 1984, such sums as may be necessary to pay fees and other expenses awarded under this section in such fiscal years.

"(e) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman with such information as is necessary for the Chairman to comply with the requirements of this subsection.".

(2) The table of sections of subchapter I of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"504. Costs and fees of parties.".

(b) Section 202 of the Act entitled "An Act to amend the Small Business Act and Small Business Investment Act of 1958 to provide additional assistance under such Acts, to create a pollution control financing program for small business, and for other purposes" approved June 4, 1976 (15 U.S.C. 634b), is amended—

(1) by striking out "and" after the semicolon in paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu there a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(11) advise, cooperate with, and consult with, the Chairman of the Administrative Conference of the United States with respect to section 504(e) of title 5 of the United States Code.".

(c) Effective October 1, 1984, section 504, and the item relating to section 504 in the table of sections, of title 5, United States Code, as added by subsection (a) of this section, are repealed, except that the provisions of such section shall continue to apply through final disposition of any adversary adjudication as defined in subsection (b)(1)(C) of such section, initiated before the date of repeal.

AWARD OF FEES AND OTHER EXPENSES IN CERTAIN JUDICIAL PROCEEDINGS

SEC. 204. (a) Section 2412 of title 28, United States Code, is amended to read as follows:

"§ 2412. Costs and fees

"(a) Except as otherwise specifically provided by statute, a judgment for costs, as enumerated in section 1920 of this title, but not including the fees and expenses of attorneys, may be awarded to the prevailing party in any civil action brought by or against the United States or any agency and any official of the United States acting in his or her official capacity in any court having jurisdiction of such action. A judgment for costs when taxed against the United States shall, in an amount established by statute, court rule, or order, be limited to reimbursing in whole or in part the prevailing party for the costs incurred by such party in the litigation.

"(b) Unless expressly prohibited by statute, a court may award reasonable fees and expenses of attorneys, in addition to the costs which may be awarded pursuant to subsection (a), to the prevailing party in any civil action brought by or against the United States or any agency and any official of the United States acting in his or her official capacity in any court having jurisdiction of such action. The United States shall be liable for such fees and expenses to the same extent that any other party would be liable under the common law or under the terms of any statute which specifically provides for such an award.

"(c)(1) Any judgment against the United States or any agency and any official of the United States acting in his or her official capacity for costs pursuant to subsection (a) shall be paid as provided in sections 2414 and 2517 of this title and shall be in addition to any relief provided in the judgment.

"(2) Any judgment against the United States or any agency and any official of the United States acting in his or her official capacity for fees and expenses of attorneys pursuant to subsection (b) shall be paid as provided in sections 2414 and 2517 of this title, except that if the basis for the award is a finding that the United States acted in bad faith, then the award shall be paid by any agency found to have acted in bad faith and shall be in addition to any relief provided in the judgment.

"(d)(1)(A) Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort) brought by or against the United States in any court having jurisdiction of that action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

"(B) A party seeking an award of fees and other expenses shall, within thirty days of final judgment in the action, submit to the court an application for fees and other expenses which shows that the party is a prevailing party and is eligible to receive an award under this subsection, and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed. The party shall also allege that the position of the United States was not substantially justified.

"(C) The court, in its discretion, may reduce the amount to be awarded pursuant to this subsection, or deny an award, to the extent that the prevailing party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy.

"(2) For the purposes of this subsection—

"(A) 'fees and other expenses' includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the court to be necessary for the preparation of the party's case, and reasonable attorney fees (The amount of fees awarded under this subsection shall be based upon prevailing market rates for the kind and quality of the services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the United States; and (ii) attorney fees shall not be awarded in excess of $75 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.);

"(B) 'party' means (i) an individual whose net worth did not exceed $1,000,000 at the time the civil action was filed, (ii) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed $5,000,000 at the time the civil action was filed, except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of the Code and a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association, or (iii) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization, having not more than 500 employees at the time the civil action was filed: and

"(C) 'United States' includes any agency and any official of the United States acting in his or her official capacity.

"(3) In awarding fees and other expenses under this subsection to a prevailing party in any action for judicial review of an adversary adjudication, as defined in subsection (b)(1)(C) of section 504 of title 5, United States Code, or an adversary adjudication subject to the Contract Disputes Act of 1978, the court shall include in that award fees and other expenses to the same extent authorized in subsection (a) of such section, unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust.

"(4)(A) Fees and other expenses awarded

under this subsection may be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise, for such purpose. If not paid by any agency, the fees and other expenses shall be paid in the same manner as the payment of final judgments is made in accordance with sections 2414 and 2517 of this title.

"(B) There is authorized to be appropriated to each agency for each of the fiscal years 1982, 1983, and 1984, such sums as may be necessary to pay fees and other expenses awarded pursuant to this subsection in such fiscal years.

"(5) The Director of the Administrative Office of the United States Courts shall include in the annual report prepared pursuant to section 604 of this title, the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards.".

(b) The item relating to section 2412 in the table of sections for chapter 161 of title 28, United States Code, is amended to read as follows:

"2412. Costs and fees.".

(c) Effective October 1, 1984, subsection (d) of section 2412, as added by subsection (a) of this section, is repealed, except that the provisions of that subsection shall continue to apply through final disposition of any action commenced before the date of repeal.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 205. (a) Subdivision (f) of rule 37 of the Federal Rules of Civil Procedure is repealed.

(b) The table of rules of the Federal Rules of Civil Procedure is amended by deleting the item relating to subdivision (f) of rule 37.

(c) Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by striking out "or in any civil action or proceeding by or on behalf of the United States of America, to enforce, or charging a violation of a provision of the Untied States Internal Revenue Code,".

EFFECT ON OTHER LAWS

SEC. 206. Nothing in section 2412(d) of title 28, United States Code, as added by section 204(a) of this title, alters, modifies, repeals, invalidates, or supersedes any other provision of Federal law which authorizes an award of such fees and other expenses to any party other than the United States that prevails in any civil action brought by or against the United States.

LIMITATION

SEC. 207. The payment of judgments, fees and other expenses in the same manner as the payment of final judgments as provided in this Act is effective only to the extent and in such amounts as are provided in advance in appropriations Acts.

EFFECTIVE DATE AND APPLICATION

SEC. 208. This title and the amendments made by this title shall take effect on October 1, 1981, and shall apply to any adversary adjudication, as defined in section 504 (b)(1)(C) of title 5, United States Code, and any civil action or adversary adjudication described in section 2412 of title 28, United States Code, which is pending on, or commenced on or after, such date.

TITLE III—SMALL BUSINESS EXPORT EXPANSION ASSISTANCE

SEC. 301. (a) The Secretary of Commerce, after consultation with the Administrator of the Small Business Administration, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, and the Director of the Internal Revenue Service, shall establish an export promotion center in each of two district offices of the International Trade Administration of the Department of Commerce which are located in metropolitan areas where district offices of the Small Business Administration and the Internal Revenue Service exist.

(b) The Export-Import Bank of the United States, the Internal Revenue Service, the Overseas Private Investment Corporation, the Department of Commerce, and the Small Business Administration shall each designate at least one full-time employee to serve as such agency's full-time representative in each such center. Each person designated shall be familiar with the needs and problems of small business exporting and shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Each export promotion center shall serve as a one-stop information center on Federal Government export assistance, financing programs available to small business, and other provisions of law governing exporting for small business.

(c) Not later than six months after the enactment of this title, the Secretary of Commerce shall report to the Select Committee on Small Business and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Small Business and the Committee on Foreign Affairs of the House of Representatives on the progress made in implementing the provisions of this section.

(d) Within two years after the date of enactment of this title, the Secretary of Commerce shall evaluate these export promotion centers, including, but not limited to, an analysis of the effectiveness of the centers in developing and expanding small business exports, and a comparison of the effectiveness of the centers in relation to district offices of the Department of Commerce which do not have an export promotion center. Such evaluation shall be submitted to the committees of the Senate and the House of Representatives referred to in subsection (c).

(e) This section shall take effect on October 1, 1980, or on the date of the enactment of this section whichever occurs later and shall expire on October 1, 1983.

SEC. 302. (a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to make grants (including contracts and cooperative agreements) to a qualified applicant to encourage the development and implementation of a small business international marketing program (hereinafter referred to as "the program"). Each qualified applicant under this title may receive a Federal grant not to exceed $150,000 annually for each of three years: *Provided*, That not more than one-third of these Federal funds may be used for the purpose of hiring personnel. Nothing in this section shall be construed as authorizing the Secretary to enter into contracts or incur obligations except to such extent and in such amounts as are provided in appropriation Acts.

(b)(1) To be eligible for a grant under this section, an applicant proposing to carry out a small business international marketing program must submit to the Secretary an application demonstrating, at a minimum:

(A) the geographical area to be served;

(B) the number of firms to be assisted:

(C) the staff required to administer the program;

(D) the means to counsel small businesses interested in pursuing export sales, including providing information concerning available financing, credit insurance, tax treatment, potential markets and marketing assistance, export pricing, shipping, documentation, and foreign financing and business customs;

(E) the ability to provide market analysis of the export potential of small business concerns; and

(F) the capability for developing contacts with potential foreign customers and distributors for small business and their products, including arrangements and sponsorship of foreign trade missions for small business concerns to meet with identified potential customers, distributors, sales representatives, and organizations interested in licensing or joint ventures: *Provided, however*, That no portion of any Federal funds may be used to directly underwrite any small business participation in foreign trade missions abroad.

(2) Program services shall be provided to small business concerns through outreach services at the most local level practicable.

(3) Each small business international marketing program shall have a full-time staff director to manage program activities, and access to export specialists to counsel and to assist small business clients in international marketing.

(c)(1) Each small business international marketing program shall establish an advisory board of nine members to be appointed by the staff director of the program, not less than five members of whom shall be small business persons or representatives of small business associations.

(2) Each advisory board shall elect a chairman and shall advise, counsel, and confer with the staff director of the program on all policy matters pertaining to the operation of the program (including who may be eligible to receive assistance, ways to promote the sale of United States products and services in foreign markets or to encourage tourism in the United States, and how to maximize local and regional private consultant participation in the program).

(d) The Secretary shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under this section, that a sum equal to the amount of such grant be provided from sources other than the Federal Government: *Provided*, That the additional amount shall not include any amount of indirect costs or in-kind contributions paid for under any Federal program, nor shall indirect costs or in-kind contributions exceed 50 per centum of the non-Federal additional amount.

(e) The Secretary shall develop a plan to evaluate programs approved under this section which shall only—

(1) determine the impact of small business international marketing programs on those small businesses assisted;

(2) determine the amount of export sales generated by small businesses assisted through such programs; and

(3) make recommendations concerning continuation and/or expansion of the program and possible improvements in the program structure. Such evaluation shall be submitted to the Congress by October 1, 1982.

(f) For the purpose of the evaluation under subsection (e), the Secretary is authorized to require any small business international marketing program, or party receiving assistance under this section, to furnish such information as is deemed appropriate to complete the required evaluation.

(g) As used in this section, the term "applicant" means any State government or agency or instrumentality thereof, any Small Business Administration—designated small business development center, any for profit small business, any nonprofit corporation, any regional commission, or any combination of such entities, which will carry out a small business international marketing program.

(h) The authority to enter into contracts shall be in effect for each fiscal year only to the extent or in the amounts as are provided in advance in appropriation Acts.

SEC. 303. At least one small business international program shall be established within each region of the Department of Commerce. There are authorized to be appropriated to the Secretary $1,500,000 for each fiscal year 1981, 1982, and 1983, to carry out the program established in section 302.

SEC. 304. The Secretary, through the International Trade Administration, shall, only to such extent and in such amounts as are provided in appropriation Acts on and after October 1, 1980, maintain a central clearinghouse to provide for the collection, dissemination, and exchange of information between programs established pursuant to sections 301 and 302 of this title, the Office of International Trade of the Small Business Administration, and other interested concerns.

Amend the title so as to read: "An Act to amend the Small Business Act, to provide for the payment of the United States of certain fees and costs incurred by prevailing parties in Federal agency adjudications and in civil actions in courts of the United States, and for other purposes.".

Mr. SMITH of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. DANIELSON. Mr. Speaker, I reserve the right to object.

I would like to know the content of the amendment. I want the amendment read, please.

The SPEAKER pro tempore. Objection is heard. The Clerk will continue to read the amendment.

The Clerk continued the reading of the amendment.

Mr. DANIELSON. Mr. Speaker, I reserve the right to object, and may I inquire of the gentleman from Iowa precisely what this says? I do not want to put a burden on reading but precisely what is the gentleman seeking to do?

Mr. SMITH of Iowa. Mr. Speaker, this amendment retains all of the language agreed to by the conferees, but it specifically provides that the provisions for the payment of judgments, attorney's fees and other expenses are effective only to the extent and in the amounts approved in advance in appropriations acts. This modifies those provisions which have been ruled to be an appropriation on an authorization bill. It makes no other changes in the language. It retains verbatim all other provisions which are so essential to small business. If the House adopts the amendment, this bill would be sent back to the Senate with the House amendment and, hopefully, it would pass.

POINT OF ORDER

Mr. DANIELSON. Mr. Speaker, I will again raise a point of order of an appropriation in a legislative bill, for the reason that this amendment, if adopted, would require an affirmative action at any time against, for example, the Comptroller General before he could issue a voucher authorizing the payment of funds from the Treasury as to whether or not the award of attorneys' fees and costs pursuant to this proposed bill was something heretofore authorized and for which funds had theretofore been appropriated.

This would be an added burden and an added activity on the part of the Comptroller General and would constitute, I respectfully submit, an appropriation on a legislative bill.

For that reason, I again raise the point of order.

The SPEAKER pro tempore. The Chair would be glad to hear the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I think it is very clear the way it is worded that it is just an authorization for an appropriation. There has to be a specific appropriation, the same procedure we use in almost all laws around here.

Mr. McDADE. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The Chair will be glad to hear the gentleman.

Mr. McDADE. Mr. Speaker, the language says only to the extent and in such amounts as are provided in advance in appropriations acts.

My friend and I have been on the Appropriations Committee together, I guess, for about 36 years. This is boilerplate language. The point of order ought not to lie.

FURTHER POINT OF ORDER

Mr. ROSTENKOWSKI. Mr. Speaker, I further make a point of order.

The SPEAKER pro tempore. The Chair will be glad to hear the gentleman.

Mr. ROSTENKOWSKI. Mr. Speaker, the amendment, as I unerstand it, further allows for attorneys' fees to be paid in excess of what was prescribed for in the legislation out of the Small Business Committee. The general application of the bill is far in excess. I still think that the germaneness of the amendment of the gentleman is in question.

Mr. SMITH of Iowa. Mr. Speaker, I have nothing further.

The SPEAKER pro tempore. The Chair will dispose of the appropriation point of order first.

Then the Chair will take up the matter of germaneness.

On page 22 of the motion the following limitation under section 207 is included:

The payment of judgments, fees and other expenses in the same manner as the payment of final judgments as provided in this act is effective only to the extent and in such amounts as are provided in advance in appropriation acts.

Therefore, the point of order is overruled under clause 5 rule XXI.

The Chair would like to inquire of the gentleman from Illinois (Mr. ROSTENKOWSKI) if he desires to make a point of order as to the germaneness of a portion of the motion offered by the gentleman from Iowa.

Mr. ROSTENKOWSKI. In my opinion, Mr. Speaker, the attorney's fees is not germane to the narrow small business bill.

□ 1630

Therefore, the gentleman's amendment strikes at the germaneness of the bill that is being considered before us. Therefore, Mr. Speaker, if it is in excess, I would deem that the amendment is not germane.

The SPEAKER pro tempore. The Chair is now ready to rule. While the motion is germane to the Senate amendment which contains the provision concerning attorneys' fees, the Chair would rule that the language is not germane to the original House bill which narrowly amended the Small Business Act in an unrelated way. That is under clause 5 of rule XXVIII, the Chair would sustain a point of order as to title II of the motion.

Does the gentleman from Illinois have a motion to reject that portion?

MOTION OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROSTENKOWSKI moves to strike title II of the motion offered by the gentleman from Iowa, Mr. SMITH.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 20 minutes, and the gentleman from Iowa (Mr. SMITH) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in opposition to the nongermane amendment to H.R. 5612, a bill which as originally approved by the House would have provided only for the extension of certain programs to foster small business. The amendment added by the Senate and agreed to by the conferees, however, goes far beyond the scope of the original bill. The payment of attorneys' fees in the broad range of litigation to which this amendment applies raises significant problems which we have not been given an opportunity to address because of the manner in which this amendment was made. The Ways and Means Committee has been trying to work with the Judiciary Committee to resolve the difficulties we foresee. In addition, I have already scheduled a hearing for next Monday, October 6, to consider the many tax issues involved in this matter.

Moreover, Mr. Speaker, this provision has aroused much controversy and opposition when it was considered in the Judiciary Committee. In fact, many groups who have traditionally supported the award of attorneys' fees oppose this provision. Such groups as the AFL–CIO, ACLU, Consumer Federation of America, and Lawyers Committee for Civil Rights have expressed their opposition. In addition, the administration has indicated it has difficulties with the amendment.

Mr. Speaker, my colleague from Texas (Mr. PICKLE) and I believe this amendment would disrupt the social security system and the tax collection process. The current volume of tax litigation alone exceeds 37,000 cases, while 33,000 appeals from audit determinations were disposed of at the administrative level within IRS during the last fiscal year. The payment of attorney's fees can only encourage taxpayers to litigate cases which they might have been able to resolve more expeditiously and at less cost without court action.

Mr. Speaker, this nongermane amendment clearly will have consequences far beyond the small business programs which are the subject of H.R. 5612. I urge the deletion of the amendment so that it can be considered in a more appropriate vehicle.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Iowa (Mr. SMITH) for 20 minutes.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to point out that this matter of attorneys' fees has been around for quite a long while and either we are going to do something about it right away or it is not going to be done.

A very similar bill passed the other body some time ago. Another related and similar bill was referred to the House Small Business Committee. We held a number of hearings on this matter and we found that it was something that was very justified.

I want to commend the gentleman from Pennsylvania (Mr. MCDADE) who took a leading role in this. Many members of our committee are very interested in this subject and we reported our bill, H.R. 6429, by a unanimous vote. There was not a vote against it.

This provision regarding attorney fee reimbursement is terribly important. We had people come before our committee who went bankrupt trying to defend themselves against an action that was subsequently found and adjudicated to be without substantial justification on the part of the Government attorneys. In that kind of a case, and it is only in that kind of a case, then the adjudicating officer or the judge ought to be able to say, "Hey, look, this person should not go bankrupt because a civil action was brought against him and it should not have been brought." We ought to be able to pay their attorneys' fees. This is what this title of my amendment does.

So we passed our attorney fee bill out of our committee. The bill had been jointly referred to the Judiciary Committee. I want to pay great compliments to the gentleman from Wisconsin (Mr. KASTENMEIER) and the gentleman from Illinois (Mr. RAILSBACK), the ranking member of the Judiciary Subcommittee which was involved. They looked at the bill, they held hearings, and I think they improved it.

So the Senate put the version the Judiciary Committee into the bill under consideration as a floor amendment, and sent it back over here. It is almost exactly like the Judiciary Committee bill. That means that we do have the subject before us and there is nothing new about sequential referrals around here. We have two committees working on it. So it comes back to us in a small business bill. It could have been in a judiciary bill. But it is here and it is a meritorious cause and ought to be supported.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding.

Do I understand the gentleman to be saying that the social security provisions about which there have been expressions of concern, are retained in this bill?

Mr. SMITH of Iowa. We are talking about S. 265.

Mr. RAILSBACK. Yes; but does it contain the amendment offered and adopted by the Judiciary Committee; regarding social security cases does the gentleman know?

Mr. SMITH of Iowa. It contains all of S. 265 as amended and reported by the House Judiciary Committee.

Mr. RAILSBACK. Then I simply want to commend the gentleman for his statement and offer my feeling that this is probably the single most important bill that we can vote on this year as far as helping small business. This bill will help particularly small business, avoid some very arbitrary actions that in the past have been taken by agencies to the great detriment and sometimes the ultimate bankruptcy of some small businesses. It is a very important bill.

Mr. McDADE. Mr. Speaker, will the gentleman yield to me?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. McDADE. Mr. Speaker, let me say that we will not, in this session, vote on a more important bill for the small business community of this Nation than the vote my colleagues are going to cast in just a few minutes.

My dear friend from the Committee on Ways and Means talked about the possibility of involving the jurisdiction of his committee. Both the Small Business Committee and the Judiciary Committee specifically gave the Committee on Ways and Means a statutory exemption of 1 year to do anything they want to do with the IRS. For the rest of the business community all we in this House say is this: For the first time in the history of this Nation, if you have to fight any one of the regulatory arms of the Government; if you prevail, and it can be shown that the Government did not act on a reasonable basis, you will be reimbursed for your attorney's fees and other costs. This is the first time in decades that the scales of justice will be balanced once again.

Now let me read something to my colleagues, if I may. We had an adjudicating officer who heard one of these cases and I would like to quote what this adjudicating officer said to the lawyer for a small business owner faced with the incredible weight of the Federal Government in a regulatory proceeding.

□ 1640

I am quoting him from the RECORD:

> Counsel, I would love to give your client the attorneys' fees and costs that you have requested. But, I can't because there is no statute giving me that.

We are asking you to vote to give that statutory approval in just a few minutes by voting no the motion to strike this bill. He went on and he said, "I am struck"—this the adjudicating officer said—"by the futility and expenditure of time and effort and of legal and judicial talent on a case in which 4 days before the scheduled hearing was commenced the complainant—the agency—advises us that it is unable to sustain its burden of proof." He said, "Counsel said"—the agency hearing the case—"there is no evidence of any violation at all."

As my chairman said, our record is replete with small businesses that are literally driven out of business by heavy-handed regulatory agencies. We are not saying agencies cannot regulate. All we are saying is that this Government must regulate in a reasonable way, and if it does not, then it must be held liable for that small businessman's costs and attorney's fees.

Let me tell you something else. The other body is waiting for this bill. There is an effort to kill it by running that clock. That is what is going on here, and we have got in this bill the 8(a) program and a trade program for the small business package. We need to get it over to the other body in a hurry, or they are going to go home. They will not be there. I say to you, you will not have another opportunity to try to right this imbalance between 67,000 Government-paid lawyers and God knows how many others who are auditors and investigators, who descend on your small business people, rightly or wrongly. Today the small businessman has no other recourse, as I indicated, no matter how the agencies act.

We have a judicial case where the judge dismissed the case out of hand and said, "If I had the power, I would grant you the attorney's fees, but I could not." The company that we are talking about ran four trucks, a small business. They kept him in court for 2 years before he finally won his case. He is bankrupt today because there was no statutory authority to help him.

Let me remind my colleagues that in many instances we have decided that there ought to be cases where we award statutory fees. We do it in voting rights cases. We do it in civil rights cases, and we should. And we should do it here, too, when the small business community is threatened by—remember—unsubstantiated action, insubstantial action. That is the only way you prevail. You have got to win the cases, and then you have got to show the Government acted in an arbitrary fashion, in an unreasonable fashion, in a fashion that had no substantial justification.

I ask you to do what the Senate did. The Senate voted 93 to 4 to stop this nonsense. That is what we can do today by voting down this motion, support the House Small Business Committee, which has unanimously sent this bill to you. Support your House Committee on the Judiciary which has voted this bill out by a vote of 24 to 3. There were three negative votes. Thanks to the work of my friend, the gentleman from Wisconsin (Mr. KASTENMEIER), and my friend, the gentleman from Illinois (Mr. RAILSBACK), that is the reason we have a chance today to break some of the shackles on the small business community in this Nation. I hope you will vote down this motion to strike.

Mr. SMITH of Iowa. I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself 2 minutes for the purpose of seeking clarification. In response to the gentleman from Illinois' inquiry to the gentleman from Iowa, was the question are social security court cases exempt? Was that the gentleman from Illinois' question to the gentleman from Iowa?

Mr. RAILSBACK. Will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Illinois.

Mr. RAILSBACK. The issue that I put to him at one point was all social security cases would have been included, and that was amended in the House Committee on the Judiciary to provide there could be a recovery of attorneys' fees.

Mr. ROSTENKOWSKI. That may be in the House Committee on the Judiciary.

Mr. RAILSBACK. Yes.

Mr. ROSTENKOWSKI. But as I read the language adopted by the Senate and the language that is presently before us, there is no exemption for social security cases in this language.

Mr. RAILSBACK. All right, if the gentleman would yield, I think the gentleman is wrong. I am told that in the conference they adopted the language of the Committee on the Judiciary bill which I will say to my friend from Illinois would rather drastically limit recovery only to actions where they went into the Federal district court. In other words, it would not apply to the administrative proceedings.

Mr. ROSTENKOWSKI. The gentleman is talking about 18,000 cases.

Mr. RAILSBACK. I beg the gentleman's pardon?

Mr. ROSTENKOWSKI. The gentleman is talking about 18,000 cases that are affected. He is talking about 18.000 cases that are presently in the district court.

Mr. RAILSBACK. That is not my understanding, but I would be happy to yield.

Mr. ROSTENKOWSKI. I yield 3 minutes to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. I thank the gentleman.

Mr. Speaker, the bill before us is not one that I oppose. I would support the concept of the attorney fees. Many may not because it is a very far-reaching step. I have no difficulty with the bill. I want to make it plain that I would like to see the concept of the bill advanced, but the question before us now is whether you include social security matters.

Whether it is at the district court level or whether it is down at the adjudicated level, it is still a matter where the Small Business and the Judiciary Committees have invaded the jurisdiction of the Committee on Ways and Means on the social security. In the first place, other committees ought not to do it. You may think that is really not a serious matter and that you ought to authorize attorney fees and run our business, so to speak.

It is one thing for you to think it, but the Social Security Administration does not agree with you. Our subcommittee does not agree with you. Our full committee does not agree with you, and we do not think that one committee in the House ought to reach over and just say, we think it is better to give attorney fees in social security cases.

For 40 years Social Security has handled the matter of attorney fees. It has been a difficult matter, and it is still. We reached an accord some years ago by limiting the amount attorneys could collect in these cases from the claimants benefits. That is still the law. Further, when we passed the disability bill this year, we specifically amended the appeals process in about 10 different places. The Congress there attempted to help the individual get a correct and understandable decision as early as possible in the process because the disabled individual needs a speedy decision so that his benefits may begin.

What is our situation now? Right now we have got a backlog of 19,000 cases in the district court. It is one thing for you to say there are about 4,000 that have been ruled upon, but there are 19,000 there. If you pass this bill, it is Social Security's opinion that the number of cases will increase. You say that would not happen. I say to you that there would be an incentive for lawyers—some of them, at least—to make their best effort at the court level because some of them can reason that they cannot lose. I do not want to get into an argument as to whether an attorney would handle it properly or not.

I say that the Social Security Subcommittee has always handled attorney fees. We think it is a better way. I do not oppose this bill. I ask you only to take out that portion of it that pertains to social security. That is my jurisdiction; that is not your jurisdiction.

May I make one other point, and then I will yield to the gentleman. We already have 19,000 backlogged. If that is increased to whatever amount the gentleman and I might disagree on, that is going to be increased a good bit. What is going to happen? The approval or disapproval of these claims is going to be that much more delayed. What does a person need who is disabled—quick action. He needs to be able to get a claim approved, have final action so he can get his benefits. If this thing is backlogged, what you are doing is slowing down the process, and you are hurting these claimants. You are not helping them; you are hurting them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROSTENKOWSKI. I yield 2 additional minutes to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman. For that reason, Mr. Speaker, I am not opposed to this concept. There are reasons for us to know that in many cases the government has singled out some small businessman who is not able to defend himself and throws him into court because of certain rules and regulations, and he literally can bankrupt himself and lose his business. This provides some kind of recourse against government. So I think the principle is good; I am just asking you, do not invade our jurisdiction. You ought not to. We would be for your bill otherwise.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding. My understanding is there were something like 9,000 cases filed. Something like 6,000 of them did not prevail, and 3,000 were actually remanded. Then in addition to that, I want to point out what I think is a very relevant point.

Right now a lawyer who goes into district court can recover up to 20 or 25 percent.

Mr. PICKLE. Yes, that is correct.

Mr. RAILSBACK. Yes, on a contingent-fee basis, so I really doubt if you are adding any kind of incentive for lawyers to do other than what they are doing now. Right now they can get up to 25 percent of a lump-sum recovery which may be more of an incentive than fees that would be awarded under this bill.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

□ 1650

Mr. McDADE. In order to pinpoint what we are talking about, the provisions only apply to those cases that involve disability claimants that go to court. That is the first screen, they have to prevail in court and they have to be totally disabled to start with and prevail in court and then they have to show that the U.S. Government did not have a substantial basis on which to deny their claim.

I have had judges in my district call me and say, "Why is Social Security up here on these disability cases and losing 80 percent of them? Why are they not negotiating?

The SPEAKER pro tempore. The time of the gentleman from Texas has again expired.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. PICKLE. Let me say to the other side, right now we do have a backlog of some 19,000 cases at the district court. Each year we do have 9,000 new cases filed. Right now, the courts are deciding about 4,600 cases a year and about 40 percent are awarded benefits. Really, the arithmetic is very simple. The larger the backlog, the longer the disabled worker will have to wait for his benefits.

To be more specific, there were some 4,598 Federal court decisions made in calendar year 1979 but we must note that the 2.013 cases listed under Federal court allowances include 431 allowances by the court and 1,582 remands.

Now, Mr. Speaker, whether it will be this big a backlog or not, I go back to my original point: The Committee on Small Business ought not to be determining whether you would allow attorneys' fees in these social security cases. That ought to be our decision and we are going to be addressing that problem again. We promise to do that.

This bill really imposes on the jurisdiction and work of the Ways and Means Committee in this area. Public Law 96-265, signed by the President just this summer, includes several provisions—such as an improved denial letter and limitations on remands from the court—which are carefully calculated to give the claimant a good, correct, and understandable decision early in the process.

We have asked the National Commission on Social Security to look directly at the court backlog and suggest to us—in January—what can be done to help the claimant. And there are things which we could do—We could have a special disability court, which would curtail costs and avoid backlogs encountered in the district courts. We could provide attorneys at the court level, or at some other level, which both would protect the claimant and provide private attorneys every incentive to settle the case at lower levels. And these are just two of many ideas.

But this is not a problem properly—or successfully—addressed in a broad-band Government-wide bill.

Finally, the bill leaves many loopholes and questions unanswered which will further wreak havoc on the always volatile social security appeals process.

For instance, we have serious questions about how this provision actually will work. Let me point out some of them.

First. The legislation changes the trial for claimants who prevail into a two-decision proceeding. First the case must be decided on the merits of the claims; then another decision must be made on whether the Government had substantial justification for its position. Such a change can only delay a final decision and the subsequent payment of benefits to a needy worker. We ask to what extent has this been taken into account?

Second. If a claimant prevails in Federal court and the Secretary authorizes the payment of attorney fees and back benefits and the claimant's attorney subsequently requests the payment of fees under S. 265, we ask how the bill's language could prevent the dual payment of the attorney's fees—once from the claimant and once from the Government?

Third. In the past the Ways and Means Committee has legislated on the allowable attorney fees for social security cases. In 1965 because of some abuses by unscrupulous attorneys we stated that in court cases favorable to the claimant the court could impose a reasonable "fee" but not in excess of 25 percent of the total amount of past due benefits. How does this new authority mesh with the authority under existing law? What would happen, for instance, if the award for attorney fees under the Equal Access to Justice Act exceeds the limitation under the Social Security Act?

Fourth. Social security court cases are dealt with differently by the district court. About 20 percent of allowances are outright court reversals but most cases are remands back to the ALJ's. It is still unclear how the remands back to the ALJ's would be handled as far as fees determinations are concerned?

Finally, I would point out once again that the actual result of this legislation at this time will be to increase appeals to the Federal courts—making disabled workers wait addtional months for badly needed benefits just so attorneys can try to recoup a few hundred dollars in legal fees.

This is a haphazard and harmful way to approach a complicated and serious problem.

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I join my colleagues on the House Small Business Committee in urging adoption of the pending conference report on H.R. 5612. Undoubtedly, this is one of the most important pieces of legislation to emerge from our committee this year. I am pleased that it is the first bill on which I have been privileged to serve as a conferee.

There are several significant features contained in the bill—one of the most important being inclusion of the provisions of the Equal Access to Justice Act. These provisions allow small business owners to recover reasonable attorney fees and costs, if they are successful in fighting civil or administrative charges brought against them by the Federal Government.

Under the current system, when small businessmen are drawn into litigation with the Federal Government, more often than not, they pay a civil penalty or sign a consent decree regardless of their culpability because of the prohibitive costs involved in resolving the case. Small business owners simply cannot compete with the vast resources available to the Federal Government for pursuing legal actions.

Our bill corrects that imbalance. It is an attempt to make our legal system more just in terms of defraying court costs and legal fees for the small business owner who faces unwarranted charges brought by the Government.

Under H.R. 5612, small business owners who prevail in civil actions and administrative proceedings involving the Federal Government could recover their legal fees and expenses. This right of recovery, however, would be limited. Recovery would not be permitted if the court determines that the action brought by the Government is substantially justified.

Another significant feature of H.R. 5612 is its provisions dealing with export expansion. Existing Federal programs are not responsive enough to the needs of small business in the area of export assistance. According to the U.S. Department of Commerce, 20,000 more American firms than now do so could successfully participate in foreign trade ventures. Lack of information, inadequate Government support, and a host of other obstacles deter small businesses from tapping the foreign trade goldmine.

Passage of H.R. 5612 would demonstrate congressional commitment to a resolution of this problem. Small business participation in international trade would be encouraged and promoted by the new Office of International Trade which would be established within the Small Business Administration. This office would provide small businesses with current and complete export information. Improved cooperation with the Department of Commerce would also be required, as would increased small business participation in trade fairs, shows, and other export promotion activities of the Department.

Finally, the bill directs that SBA regional offices must be staffed by full-time export development specialists—an important development for geographic areas of the country such as the one that I represent. The Federal Government typically concentrates its staff resources in the major metropolitan areas of the east and west coasts, making access to information for southern and midwestern areas much more difficult. A fairer geographic distribution of Federal resources should produce noticeable improvement in the international trade performance of our Nation.

Mr. Speaker, this is a good bill. Along with the two features I mentioned, there are provisions to extend and modify the SBA's authority to help minority businesses obtain Federal procurement contracts. It is this section of the bill that leads me to believe it would be most difficult for the President to veto the bill despite vigorous administration opposition to the Equal Access to Justice provisions of the bill.

I urge adoption of the conference report.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I rise in support of the motion to strike. This is very controversial and compact legislation. I dissented in the House Committee on the Judiciary. This reverses a longstanding rule in the Federal courts that people pay their own attorney's fees. This is exceedingly expensive. This runs into hundreds of millions of dollars, it is vigorously opposed by the Administration, it is also vigorously and vehemently opposed by all the public interest groups: The consumer, the civil rights and the environmental organizations, the Congress Watch, the American Civil Liberties Union and the Environmental Defense. All of these groups, Mr. Speaker, object to this because of the too broad standard in the award of attorneys' fees, the misplaced burden of proof and the adverse impact this bill could have on Federal enforcement of national policies.

Mr. Speaker, I urge a yea vote on the motion to delete and that we will meet this problem in another way in another form on another date.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I urge strongly the support of this motion to strike title II. Bear in mind, please, the bill which is here before us in conference, the basic bill, was the bill, H.R. 5612, relating to the activities of small business, properly coming from the Committee on Small Business. It has in title I a Small Business Administration minority business development program amendment section which is totally proper. It has a title III, the small business export expansion assistance. However, between these two valid points in conference, a title II was inserted to provide for the payment of attorneys' fees to a party other than the United States in any lawsuit or in any agency action in which the judgment is not for the United States.

Mr. Speaker, as my friend from Massachusetts has said, this would reverse a custom in American jurisprudence that goes back 200 years; namely, that people pay their own attorneys' fees. We have a few exceptions to that rule, such as where there has been overreaching, where frivolous or vexation litigation has been filed.

Then, of course, attorneys' fees can be awarded. However in bona fide litigation and agency proceedings, it has also been our practice that the parties bear their own attorneys' fees.

Mr. Speaker, I would like to clarify a couple of points. This provision is not limited to small business. This provision would reach any party provided that their net worth was less than $5 million and would even then exempt certain types of organizations from having a threshold of qualification. This would allow both costs and expenses, as well as attorneys' fees.

I respectfully submit, Mr. Speaker, this is the creation of another brand new program in which people will be flocking to the Treasury and expecting the taxpayers to pick up the bill.

The estimated cost for the first year alone on this bill is somewhere in the neighborhood of $75 million. However, bear in mind, Mr. Speaker, this would be a first year, a threshold venture. We have all seen enough Government programs grow to know that once you get past that first year the acceleration and the growth continues and heaven only knows what would be the bottom line, the cost of this program in another 5 years.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. Not at this point, I thank the gentlewoman.

Mr. Speaker, I would also like to point out the matter of burden of proof. Under this provision if a judgment is rendered not in favor of the Government, it is up to the Government to show that they were substantially justified in bringing the action. It is a burden of proof situation. In effect, it shifts the burden to the Government and they are in the position of saying, "You lost the lawsuit; therefore, pay up, or else, or show good cause why you should not."

Lastly, Mr. Speaker, I would like to point out that if there ever was a lawyers' bill, if ever there was a lawyers' bill, this is a lawyers' bill.

Mr. Speaker, I practiced law for a long time. There is nothing that would have made me healthier financially than to be able to run up to the Treasury every time I had a case and have Uncle Sam pay my fee. We have seen what has happened on medicare and medicaid across the Nation. Every doctor does pretty well.

I can assure you if this becomes law, you are going to see more lawsuits filed than you ever saw before in your life because everybody is going to want to get a piece of that action.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. Mr. Speaker, to the gentleman from Illinois it is a joy to yield, but the gentleman must take second place to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I thank my colleague.

I would like to say that we have set precedents in this House. When there is a frivolous suit and the Government insists on harassing individuals, the Government will pay if it loses. Second, in the banking bill—both of these are my amendments—when the bank insists on an improper and unfair balloon payment for a rented car and when the consumer is taken to court, the bank pays if the consumer wins. It is a protection for those who have not much money against either big Government or big bank, each of which has.

□ 1700

Mr. DANIELSON. Will the gentlewoman let me take back my time? I thank her for her comments, and now I yield to the gentleman from Illinois (Mr. Hyde).

The SPEAKER pro tempore. The time of the gentleman from California has expired.

The Chair now recognizes the gentleman from Iowa (Mr. Smith).

Mr. SMITH of Iowa. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding. In response to my good friend from California, he said that this is a lawyer's bill. Let me suggest that the lawyer will be paid if he has to participate in this litigation. He will be paid. It is a question of who pays him; whether the beleaguered, harassed, assaulted small businessman who must defend against all of the resources of the Federal Government which is arbitrarily overreaching or the Government under this bill.

The lawyer will be paid. This is a question of who does the paying.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. DANIELSON. I would say that we are sowing here the seeds of a number of lawsuits.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Speaker, I just want to point out that our colleague argues against this as a lawyer's bill. His own report, which came out of his committee with only three negative votes, his being one, cites the exceptions made in which we say, "You shall pay lawyer's fees; Civil Rights Act, Organized Crime Control Act, Voting Rights Act, Consumer Products Safety Act, Freedom of Information Act; and most recently, the Civil Rights Attorney's Fee Awards Act."

All of those are out of Judiciary, authorizing the payment, legitimately, of fees to represent people in this complex society.

Mr. HYDE. But the gentleman must understand that the term "small business" is not a fashionable nor favored term in all quarters of our committee.

Mr. McDADE. Let me say in response to my friend, there are only three over there on his committee who feel that way. There are none on our committee. There are only four in the Senate, so vote this motion down.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. Smith) has 7½ minutes remaining. The gentleman from Illinois (Mr. Rostenkowski) has 2 minutes remaining.

Mr. SMITH of Iowa. Mr. Speaker, I would like to wind this up. I think everybody knows pretty well what it is. Does the gentleman from Pennsylvania have any requests for time?

If I could get my colleagues to do so, I would like to close the debate after the gentleman from Illinois so that we can get this over with. If somebody insists, I will yield them a minute, but I would rather that we could get it wound up because it is late in the day.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. Rostenkowski).

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Pickle).

PARLIAMENTARY INQUIRY

Mr. PICKLE. Mr. Speaker, I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PICKLE. Mr. Speaker, I understand that the Chair has ruled that title II was not germane to the conference report.

The SPEAKER pro tempore. The gentleman is right as to the original House bill. The gentleman's statement is correct.

Mr. PICKLE. And the gentleman from Illinois has moved that title II, in conformity with the Chair's ruling, that title II be removed from the bill.

The SPEAKER pro tempore. The gentleman is correct.

Mr. PICKLE. I might inquire of the Speaker or to the opposing sides, if title II is struck from the bill, would the committee be willing to allow the bill advanced through the Judiciary Committee, S. 265, to be amended in a manner that would take care of the matter, and on which there is general agreement?

The SPEAKER pro tempore. The Chair will advise the gentleman from Texas that he has now gone beyond the parliamentary inquiry.

His time has expired.

The Chair now recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

PARLIAMENTARY INQUIRY

Mr. ROSTENKOWSKI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROSTENKOWSKI. Has the gentleman consumed a minute making a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman propounded a parliamentary inquiry to the Chair, and he received an answer. Then, the gentleman from Texas exceeded the parliamentary inquiry.

Mr. ROSTENKOWSKI. Does the gentleman from Illinois still have 2 minutes remaining?

The SPEAKER pro tempore. The gentleman from Illinois has 1 minute remaining.

Mr. SMITH of Iowa. Mr. Speaker, I will yield 1 more minute to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, here we are legislating on the floor of the House of Representatives on another bill with a cost to the Treasury of $75 million; legislating on the floor of the House on a matter that should have been considered in all the appropriate committees. I certainly feel that the Ways and Means Committee should have had the privilege of looking in depth at this bill.

It has been estimated right now that the first year, with the amount of litigation that is taking place, that it will cost the taxpayers in this country in the neighborhood of $75 million. That is in the first year. Of particular concern in the tax area is the danger of increasing an already heavy tax load in the courts. There are actually 37,000 tax cases presently pending before the Federal courts. In addition, close to 34,000 appeals from audit determinations were disposed of at the administrative level within IRS during 1979, the latest fiscal year for which figures are available; and over 38,000 appeals were actually received for fiscal year 1979 by the IRS. How many more of them will now end up in court?

Mr. Speaker, I certainly feel that this is a complicated piece of legislation on which we in the Ways and Means Committee, in conjunction with the Judiciary Committee, could work out a program that would be satisfactory. But the idea of accepting such a major nongermane amendment sent over by the Senate and passing on it on the floor of the House of Representatives is, in my opinion, no way to legislate.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I rise in support of the Equal Access to Justice Act (title II, H.R. 5612). This legislation represents the work of the House and Senate Judiciary Committees, as well as the House Committee on Small Business.

S. 265, which was introduced in the Senate, was reported favorably by the Senate Committee on the Judiciary (S. Rept. 96–253), and passed the Senate on July 31, 1979, by a vote of 94 to 3. Several House bills were introduced modeled on S. 265, including H.R. 6429. The latter bill was jointly referred to the Committee on the Judiciary, which has primary jurisdiction over the awarding of attorneys' fees, and to the Committee on Small Business. The latter committee held hearings on the House bill, which included additional sections related to the Small Business Administration, and reported H.R. 6429, as amended, on May 16 (H. Rept. 96–1005, part 1). The Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice held hearings on S. 265, H.R. 6429, and the Justice Department counter proposal (H.R. 7208) on May 20 and June 24. Subsequently the subcommittee recommended S. 265, in amended form, favorably on September 4, 1980. The Committee on the Judiciary ordered the bill reported favorably—by voice vote—on September 24. It was reported on September 26 (H. Rept. 96–1418).

In addition the reported bill was incorporated in H.R. 5612 by the Senate, and is contained in title II of the conference bill on H.R. 5612.

S. 265 has received widespread support from the business community and individuals which are concerned about unreasonable governmental action in administrative proceedings and civil actions.

The bill authorizes for 3 fiscal years (1982–84) the awarding of attorneys' fees and related expenses against the United States when certain parties prevail in "adversary adjudications" at the administrative level and in civil court actions. In general, parties would be required to meet certain financial eligibilty standards—individuals with net worth of $1 million or less and businesses or organizations with net worth of $5 million or less. No business with more than 500 employees would be covered by main provisions of the bill. However, agricultural cooperatives (as defined in section 15(a) of the Agricultural Marketing Act) and nonprofit charitable organizations (described in section 501(c)(3) of title 26, United States Code) are exempted from the net worth standard.

Under S. 265 the United States would be liable for attorneys' fees and related expenses to prevailing parties—as described above—unless the United States can show that its position was substantially justified or that special circumstances make an award unjust. The administration has opposed the bill on the grounds that this standard is too broad. It supports a Department of Justice proposal (H.R. 7208) which places the burden on the prevailing party to show that the position of the United States was unreasonable in order to obtain fees, and would make the award purely discretionary with the court or agency.

A second purpose of S. 265 is to make the United States generally liable for attorneys' fees as any other party in Federal court is liable under the common law exceptions to the American Rule and under Federal statutes. This provision, which creates a new subsection (b) to section 2412, title 28 United States Code, makes the United States liable as any other party.

Mr. Speaker, this bill is one of the key recommendations of the White House Conference on Small Business. It is an important bill which the House Committee on the Judiciary has improved upon in its deliberations.

We have narrowed the bill in several ways from the Senate-passed bill. First, we have delayed its effective date until fiscal year 1982. The Senate bill would have been effective immediately, except for tax cases which were delayed for 6 months. Second, we have limited the administrative proceedings which are covered in this bill to "adversary adjudications." Adversary adjudications are defined in this bill as those adjudications under section 554 of the Administrative Procedures Act in which the position of the United States is represented by counsel or otherwise. Elemental fairness requires that if the United States is to be liable for attorneys' fees, it should be represented in such proceedings.

We have changed the funding for attorneys' fees to prevent the disassembling of an agency based on one lost case. Funds can be taken from the U.S. Treasury as is presently allowed under the judgment fund. We also allow the authorization of funds by an agency from such payments as well.

In conclusion, I would like to emphasize that this bill does not alter the standards and methods of determining attorneys' fees under existing law, wherein attorneys' fees can be awarded. For example, the $75 general ceiling in the bill for the attorney's fees should not be considered a maximum in other existing attorney fee statutes, such as those under civil rights laws. Important public policies are served by the private enforcement of such laws, and reimbursement is not the main issue. Courts have considered other factors in those cases, and should continue to do so.

Mr. SMITH of Iowa. I want to point out in closing, Mr. Speaker, that what we are talking about here, as the gentleman from Wisconsin has indicated, is the substance of a bill that has been through the Small Business Committee and which was reported by unanimous vote. It came out of the Judiciary Committee after extended consideration there by, I think, three votes against it, or something like that. It is a very much needed provision.

We are talking about cases that are brought by the Government—brought by the Government. The Government is the one that started these cases. If they did not have a justifiable reason, they should not have brought them. We might actually have less cases as a result of this because they will not bring unjustified cases if they knew that if they are held to be unjustified, they may in the end have to pay the attorney fees.

□ 1710

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. Yes, I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, the gentleman, I am sure, realizes that this is not exclusively for cases brought by the Government. This is also for cases brought by the taxpayers that would be paid for.

Mr. SMITH of Iowa. Mr. Speaker, reimbursement for attorney fees is not provided in factfinding matters; the Government must have taken a position. We are only providing reimbursement in adversary cases.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. Yes, I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I want to remind the gentleman that in the cases with reference to social security the Government is not bringing the suit; the individual is asking for his benefits. The Government is not the adversary as in the other cases the gentleman intends to cover, and he is reversing the role with respect to that aspect of it.

Mr. SMITH of Iowa. Mr. Speaker, I will take back my time, and let us talk about social security, if the gentleman insists. Social security is just a miniscule part of this whole thing.

Mr. PICKLE. Then, Mr. Speaker, why did the gentleman insist on putting it in the bill?

Mr. SMITH of Iowa. Mr. Speaker, why should the social security recipient be any different?

Mr. PICKLE. Mr. Speaker, with this we are going to cause a greater backlog and hurt poor persons more than they are hurt now.

Mr. SMITH of Iowa. Mr. Speaker, let me conclude on social security and say that not one dime will be taken out of the social security trust fund—not one dime.

All we are talking about is some social security recipient who went to court; if it is found to be a capricious action and it was not justified, then the adjudicating officer, who probably works for the Social Security Administration, says, "This is so bad we ought to pay this poor old person's attorney instead of making him take 20 percent out of his recipient's benefits."

That is what we are talking about, and we now have a year to come up with something better. This provision does not take effect for a whole year, and if the gentleman can come up with something better, let him do that. Let us not say that social security recipients are all this bill is about.

In addition to that, we have these thousands of court cases where small business people are being driven to the wall. There cannot be a recovery unless it can be found that the Government, first of all, was not substantially justified, and, second, the judge or the adjudicating officer then will determine whether or not there should be any attorney fees. And they do not have to allow them at all. They determine how much should be granted in those kinds of cases.

And in those kinds of cases it comes out of the appropriated funds; it does not come out of the social security account or any other account so that it might hurt the benefits of any individuals under that program.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield briefly.

Mr. PICKLE. Mr. Speaker, it is true that the moneys come out of appropriated funds, but if these cases are doubled and a larger backlog is created, then more employees of the SSA will be kept in court on these matters and the costs to the trust funds will be increased.

Mr. SMITH of Iowa. Mr. Speaker, I will reclaim my time.

Mr. PICKLE. Mr. Speaker, may I continue for 1 minute? Will the gentleman yield?

Mr. SMITH of Iowa. I yield briefly.

Mr. PICKLE. Mr. Speaker, the gentleman from Wisconsin has a much more appropriate approach on this, and whatever happens with this amendment, I hope that we can go back to the particular approach he attempted to follow and wanted to follow and negotiate this.

But I want to include several questions to the gentleman, because the Social Security Administration has posed several serious questions. I want to submit those to the gentleman because at some point, whatever happens with this amendment, we have got to address ourselves to this particular problem.

Mr. SMITH of Iowa. There is a year for us to do that.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Speaker, I just want to confirm what my friend, the gentleman from Iowa (Mr. SMITH), said on social security. This bill only allows awards in the court. It is only if the claimant is totally disabled and only if the claimant shows that the Government did not have any substantial basis.

The Committee on Ways and Means can look at this any time. They did not even come to us and request any provisions, but still they have a full year before the law takes effect, and that is all we are talking about.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. McDADE. Mr. Speaker, the gentleman has yielded to me, and I would like to have an opportunity to continue.

As my able friend, the gentleman from Iowa (Mr. SMITH), has said, with my friend, the gentleman from Wisconsin, and my friend, the gentleman from Illinois, the committees have looked at this in depth, and all we are trying to do is redress the imbalance between that small business that sits there vulnerable to the abuse of a bureaucracy that today writes 96,000 pages of regulations.

The SPEAKER pro tempore. The time of the gentleman from Iowa (Mr. SMITH) has expired.

Mr. SMITH of Iowa. Mr. Speaker, I ask for a no vote.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Illinois (Mr. ROSTENKOWSKI) to strike title II from the motion offered by the gentleman from Iowa (Mr. SMITH).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROSTENKOWSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 48, nays 357, answered "present" 1, not voting 26, as follows:

[Roll No. 617]

YEAS—48

Akaka
Annunzio
Ashley
Beilenson
Bennett
Bingham
Bonior
Brodhead
Brown, Calif.
Chisholm
Collins, Ill.
Conyers
Cotter
Danielson
Davis, S.C.
Dellums
Drinan
Eckhardt
Fary
Garcia
Giaimo
Hawkins
Heftel
Hutchinson
Jacobs
Lederer
Long, Md.
Murphy, Ill.
Nedzi
Patten
Rangel
Rosenthal
Rostenkowski
Roybal
Scheuer
Simon
Solarz
Stack
Stark
Stewart
Thompson
Ullman
Van Deerlin
Vanik
Waxman
Weiss
Yates
Young, Mo.

NAYS—357

Addabbo
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bereuter
Bethune
Bevill
Blanchard
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Corman
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Donnelly
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Heckler
Hefner

Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Mathis
Matsui
Mattox

Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rousselot
Royer
Rudd
Russo
Sabo

Santini
Satterfield
Sawyer
Schroeder
Schulze
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Smith, Iowa
Snowe
Snyder
Solomon
Spellman
Spence
St Germain
Staggers
Stangeland
Stanton
Stenholm
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzen
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Zablocki
Zeferetti

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—26

Abdnor
Anderson, Ill.
Biaggi
Clay
Dicks
Dingell
Dixon
Dodd
Holtzman

Jenrette
LaFalce
Leach, La.
Lundine
McCloskey
Martin
Myers, Pa.
Nolan
Reuss

Roberts
Roth
Sebelius
Shannon
Skelton
Smith, Nebr.
Steed
Wilson, C. H.

□ 1730

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Abdnor.
Mr. Roberts with Mr. Martin.
Mr. Reuss with Mr. McCloskey.
Mr. Dingell with Mr. Roth.
Mr. Clay with Mr. Sebelius.
Mr. Jenrette with Mrs. Smith of Nebraska.
Mr. LaFalce with Mr. Steed.
Mr. Dixon with Mr. Charles H. Wilson of California.
Mr. Dicks with Mr. Myers of Pennsylvania.
Mr. Dodd with Mr. Leach of Louisiana.
Mr. Lundine with Mr. Anderson of Illinois.
Mr. Shannon with Mr. Nolan.
Mr. Shelton with Mrs. Holtzman.

Messrs. COELHO, GINGRICH, MURPHY of Pennsylvania, PEPPER, HOLLAND, PICKLE, and VENTO changed their votes from "yea" to "nay."

Mr. SOLARZ and Mr. LONG of Maryland changed their votes from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A message further from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2743. An act to provide for a national policy for materials research and development and to strengthen the materials research and development capability and performance of the United States; and

H.R. 3317. An act for the relief of Ohio Wesleyan University, Delaware, Ohio.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. SMITH) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. McDADE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, this amendment contains matters of critical importance to the small business community and the minority small business community.

The minority enterprise aspects of this amendment were approved by the House in June by an overwhelming vote of 367 to 33. The conference substitute continues for 1 year two pilot programs to assist minority small businesses in becoming viable enterprises. The Senate amendment made certain modifications which were further modified and retained by the conferees regarding the regular section 8(a) contracting programs which will insure that minority small businesses are given appropriate assistance and then graduated into the mainstream of the business world.

Title II of the amendment provides for the payment of attorney fees and related expenses to certain small businesses, individuals and organizations which prevail in adversarial agency actions or court actions unless the Government's position was substantially justified or unless specific circumstances make an award of these fees unjust. This is virtually identical to the provisions of S. 265 as amended and reported by the House Judiciary Committee on September 26 and is very similar to H.R. 6429 which was amended and unanimously reported by the House Committee on Small Business on May 13.

The remaining provisions of the amendment provide additional assistance to and incentives for small business exporters.

I want to point out that additional assistance for minority small businesses and additional assistance for small business exporters were included by the delegates to the recent White House Conference on Small Business in their recommendations of actions needed to assist the Nation's 14 million small businesses. In addition, reimbursement of attorney fees was included by these delegates in their top 15 priority items.

Title II of this amendment and S. 265 as reported by the House Judiciary Committee contain the Equal Access to Justice Act. Under this provision, individuals and small businesses which prevail in agency adjudications or in civil actions brought by or against the United States will be able to recover their attorney fees and most other costs incurred unless the Government can show that its action was substantially justified or that special circumstances would make an award unjust.

This concept has already passed the Senate—by a vote of 94 to 3 in S. 265. As chairman of the House Small Business Committee, I had the dual privilege of cosponsoring and conducting hearings on H.R. 6429, the Small Business Equal Access to Justice Act. This amendment, which is very similar to S. 265, has over 160 cosponsors and was favorably reported by the House Small Business Committee by a unanimous vote. While there are some differences between H.R. 6429 and the amendment we consider here today, I believe the current proposal represents a fair and workable compromise.

Over the last two decades there has been a dramatic increase in the number of administrative and judicial proceedings brought against small businesses by Federal agencies. Not all of these, of course, are brought without justification, but many are; and the effects of these unfair actions on small business can be, and oftentimes are, devastating.

The horror stories of Government actions brought without substantial justification are legion. For example, one careless employee at the Department of Labor through a misreading of the Department's own wage determination sheet brought an action having no basis in law or fact against a small businesswoman. At the same time, the Department requested GSA to withhold $37,000 in payments due her for contracting services performed, until the dispute had been settled. She was then unable to pay her employees, or her taxes. So, the IRS placed a lien on her accounts receivable.

During the trial, when the error was revealed, the Government quickly agreed to settle. Settlement terms: that she would continue to obey the law—a law she had never broken. Had she still had a business, she would have been able to comply; but her small business had been unable to withstand the cash flow problems caused by the GSA withholding. Her company folded. In addition, her home mortgage payment is in arrears, her home phone has been disconnected, she has had to borrow money to send her children to school and she still owes about $15,000 in attorney fees and yet she probably cannot even recover her attorney fees.

This case is only one of thousands of examples of Government error forcing small businesses to the brink of bankruptcy, disrupting lives and families without reason, and causing citizens to lose confidence in the American judicial system as it operates today.

Testimony before the House and Senate Committees made one point very clear. When an individual or a small business owner is confronted with an unfair government action, in far too many cases he is forced to accept an unjust settlement or ruling simply because he lacks the financial ability to hire an attorney and pursue the matter on the merits. Testimony of a number of small businesses before the committees can be summarized as follows: "My lawyer told me that he thought I had a good chance to win, but the costs would be so great it would be cheaper to pay the fine."

Even more disturbing is the fact that some agencies target small businesses for agency action precisely because they do not have the resources to fully litigate an issue. Dr. F. M. Scherer, former Director of the Bureau of Economics of the FTC, testified:

> I had not fully realized until I came to Washington how unfairly the burden of Federal regulation and antitrust enforcement falls upon small business as compared to large companies. The corporate giants can and do maintain stables of high-skilled attorneys to advise them how to stay clear of the law and defend themselves if they nevertheless run afoul. Small firms are less able to afford such counsel, and the law firms they retain typically lack the specialized knowledge needed to cope with a body of statutory, case and regulatory law as complex as Robinson-Patman. As a result, they are more likely to get into trouble and to settle by consent if a complaint is brought. * * * I had also understood little about the value system of government antitrust attorneys. What I learned since joining the Commission staff is that many attorneys measure their own success in terms of the number of complaints brought and settlements won. In the absence of broader policy guidance, therefore, the typical attorney shies away from a complex, long, uncertain legal contest with well-represented giant corporations and tries to build up a portfolio emphasizing small, easy-to-win cases. The net results of these broad propensities is that it is the little guys, not the giants that dominate our manufacturing and trade industries, who typically get sued.

The danger here, however, extends far beyond the individual case. Where citizens are forced to comply with Government rulings and regulations simply because it is too costly to fight, precedent is established on the basis of an uncontested order rather than the thoughtful presentation of the opposing views. The impact of this precedent carries the full power of the Federal establishment behind it, is legitimated by that power and can be applied industrywide. This kind of truncated justice undermines the integrity of our country's decisionmaking process.

On the other hand, the committees also received testimony from small businesses who chose to fight. But the costs of contesting an unfair Government action routinely exceed the amount at stake. One small businessman testified that he spent $40,000 in attorney fees alone defending against one unfair Federal suit of 4 years duration. His rights were vindicated, but he is still paying attorney fees.

Through the device of fee shifting, the bill would overcome the financial obstacles which prevent the average citizen and the small business owner from contesting the unfair exercise of Government authority.

The reimbursement concept would also encourage the agencies to be as careful as possible in the exercise of their powers and it would provide Congress with a mechanism by which to monitor the number and amount of awards made by the agencies. Agencies that find themselves having to reimburse attorney fees would be on notice that their enforcement efforts were misguided, or that certain personnel need to be changed. Those Government employees making the decision to pursue an action would be forced to think twice, to doublecheck before bringing a claim which lacks substantial justification. The deterrent effect here is of real value.

Funds will not be extracted from the agencies every time they lose a case. The measure recognizes that there are a certain number and type of cases which Government lawyers, like all lawyers, are not going to lose. The Government will not be held liable where its action was substantially justified—which, I might add, all actions pursued by the Government against its citizens ought to be—or where special circumstances would make an award unjust.

This "safety valve" would insure that reasonable enforcement efforts not be chilled. It would act as a safeguard to the Government when advancing in good faith a close question of law or fact. And it would give the courts discretion to deny awards where equitable considerations dictate an award should not be made.

It is, however, strong enough to encourage individuals and small businesses to vindicate their rights. And it is strong enough to press the Government to address the problem of unfair regulatory practices and to carefully evaluate their case before proceeding. At the same time, it protects the Government when its case, though not prevailing, was substantially justified.

There are some who would argue that the cost to the taxpayer will be too high. I submit that this could possibly save the taxpayers well over $100 million per year.

Those who argue cost, cite estimates of the number of claims now brought without substantial justification, and then conclude that the cost in awards would exceed $100 million per year. Those who use this argument, in effect, admit that individuals and small businesses are forced to spend $100 million per year to defend themselves against Government actions lacking substantial justification. They are here arguing against themselves, and, I might add, that in a court of law, these estimates would be taken as an admission against interest.

I take further issue with these cost estimates. The estimates do not take into consideration the deterrent to unfair Government action, which I believe will occur as a result of the monitoring mechanism I noted earlier. The figures supplied assume that the Government will continue to pursue unfair actions instead of being more selective in the actions it brings.

Furthermore, the figures do not take into account the amount of taxpayer dollars which the agencies will save, by becoming more selective and ceasing to spend time and money in the pursuit of actions which lack justification.

As the law operates now, the citizens are twice taxed—once in the form of taxes to pay the salaries and expenses of those in Government who make the errors, and once again to fight the mistakes of those who salaries they pay.

Operating properly, this bill will deter overly zealous bureaucrats from pursuing actions lacking in substantial justification, will save millions now spent by the Government pursuing such actions, and will save the taxpayers, time, money, and frustration now spent contesting such actions.

As I noted earlier, the recent White House Conference on Small Business recognized the seriousness of the issue of reimbursement for attorney fees by including it among the 15 issues considered most important for addressing the problems of small business.

It is interesting to note that the small business owners were so incensed by the operation of the present agency appeal system, that they also included a recommendation for an alternative to, or bypass of the present system, calling for legislation authorizing immediate, impartial magistrate review of agency imposed civil penalties of $2,500 or less, a provision in H.R. 5103. That bill also contains a most important revision of class action procedures which will allow small business to obtain redress for injuries incurred due to violations of our antitrust laws. I am hopeful this bill will be enacted in the next Congress.

Finally, I want to point out that this is a 3-year experiment. We are not making irreversible decisions. At the end of 3 years, all information can be reviewed. I personally believe that this legislation will have a direct salutary effect on Government regulation as well as on citizens' perception of their Government.

I want to compliment all of the members who worked so hard on these matters, specifically including all of the members of the Small Business Committee. Also, I want to commend Representative KASTENMEIER and Representative RAILSBACK for their help and perseverance on the attorney fee provisions in the bill reported by the Judiciary Committee. I also want to commend Representatives IRELAND, BROOMFIELD, and MOAKLEY for their contributions on the export provisions and to particularly commend Mr. McDADE for his unrelenting efforts on the attorney fee provisions.

I urge adoption of the amendment.

Mr. Speaker, if I can have the attention of the House for just 1 second, I want to advise the Members that we are going to vote in just 2 or 3 minutes. We are not going to use the hour. All I want to tell the House is that there are three main parts of the bill. One has to do with minority contracting; one has to do with the matter we just voted upon, and the other has to do with export benefits for small businesses.

It is a worthy bill.

I am going to yield for unanimous-consent requests to two or three people. I think the gentleman from Pennsylvania is going to do likewise and then we will vote.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, I rise in strong support of H.R. 5612, which would extend for an additional year two small business minority enterprise programs and establish small business export initiatives at the Small Business Administration and Department of Commerce, among other things.

The bill amends section 8(a) of the Small Business Act by extending through September 30, 1981, the pilot program and the bond waiver pilot program, created as part of Public Law 95-507, which I authored, and which was signed into law by the President in late 1978.

When I authored Public Law 95-507, it was my intention to make both of these programs permanent. In conference with the Senate, however, it was felt that only by operating these programs on a pilot basis could the determination be made as to whether these programs should become a part of the annual authorization. As a result of that decision, the General Accounting Office was due to monitor the progress of the programs and report to the Congress by June 30, 1980, as to their effectiveness. GAO, through no fault of its own, was unable to submit a report on the surety bond waiver program until August 20, 1980, and a report on the Army pilot program is not anticipated until December of this year. I feel very strongly that these programs should continue until we can receive final GAO reports and have time to evaluate them. The 1-year extension would also give us time to evaluate the quarterly reports by the Small Business Administration and the Army (the pilot agency), which would be required under this conference version of H.R. 5612.

The Small Business Administration was very slow in getting these programs started. The Agency did not publish its proposed rules for the bond waiver pilot program until April 4, 1980, some 19 months into a 24-month pilot program. Upon the expiration of the original 24-month period tonight, the SBA will still not have published final regulations on this program. Obviously, this pilot program must be extended in order to carry out the congessional intent to determine the validity of the program.

The Army pilot program suffered from a similar delay. The President was required to designate an agency for the pilot program within 60 days after the effective date of the statute. The President designated the Army on January 10, 1979, 75 days after the bill became law. Late in May, 1979, some 4 months later, SBA and the Army entered into an agreement to implement the program. The first of only four contracts which have been awarded to date was awarded in September 1979, with the others following in December 1979, January 1980, and the last on August 14 of this year. Nothing approaching a systematic implementation of the program has been seen until just recently. However, the contracts already awarded indicate that the pilot program can attract the more sophisticated and high dollar value contracts into the 8(a) program. It must be given a chance to fulfill this Congressional intent, which an extension of the program would help insure.

I do not fully support the conference provision which requires SBA and firms in the regular 8(a) program to agree on a fixed graduation period beyond which time it is expected that a minority firm can enter the mainstream of the business community. The SBA must carefully monitor the progress of all 8(a) participants to insure that the intent and participation under Public Law 95-507 is fully realized.

As to provisions dealing with the authority of the Associate Administrator for Minority Small Business and Capital Development, the conference report makes clear that the Associate Administrator shall remain responsible to the Administrator for the formulation and execution of the policies and programs under sections 7(j) and 8(a) of the act. It is expected that day-to-day management of 8(a) programs shall still be carried out by the Associate Administrator, which gives this program a direct spokesman and one to be held responsible.

I would urge my colleagues to support this legislation so that we can finally make a determination as to the validity of the pilot programs, as well as insure that we continue to strive for greater minority participation in the economic mainstream.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I rise in strong support of the conference report for H.R. 5612, particularly the sections which seek to expand small business opportunities in international trade.

I compliment the distinguished chairman of the committee, the gentleman from Iowa (Mr. SMITH) for his good work in moving this legislation to the floor, and I also wish to thank the gentleman from Florida (Mr. IRELAND) whose subcommittee has been instrumental in seeing the small business export expansion provisions of this legislation included. It was under the leadership of the distinguished subcommittee chairman and the gentleman from Missouri (Mr. SKELTON) that successful hearings were held in my hometown of Boston on my small business export expansion legislation.

Mr. Speaker, there seems to be a popular belief that international trade is an activity which is the sole privilege of large corporations. Indeed, there exists enough statistical evidence to substantiate this belief. It is estimated that 80 percent of U.S. exports of manufactured goods are sold by the 200 largest corporations.

There is no denying that our chronic balance-of-payments deficit has been a drain on our economy. A handful of companies cannot redress our trade imbalance. Developing a strong export policy is essential to restoring vitality to the American economy, and I believe that the smaller businesses of America have a major role to play in this policy.

The export provisions of this legislation will help us to tap our full export potential by providing small businesses with educational and marketing assistance, better access to export information and assistance and a program for limited financial, technical, and management assistance.

Mr. Speaker, we can and must do a better job of competing in the global marketplace and this legislation will enable us to begin a concerted effort to promote small business growth and balance our trade deficit.

Small and medium-sized businesses constitute virtually an untapped pool of export potential. The Department of Commerce estimates that there are 20,000 companies which could export successfully, but do not. A small business with its limited resources and access to information cannot possibly know the market conditions that exist around the world.

However, when provided the necessary assistance, the results can be rewarding. Over the past few years, the Massachusetts Port Authority, in cooperation with the smaller business association of New England, has instituted a very successful small business export program. Operating under an annual expenditure of under $100,000, more than $3 million of revenue have flowed into New England companies as a result of program participation.

The New England Regional Commission has also been active in promoting participation of New England's manufacturers in trade fairs overseas and on trade missions. In April 1979, the commission took six New England electronic components firms to a trade fair in Paris and NERCOM's $6,000 investment in the fair has produced over $750,000 worth of sales to foreign buyers. In 1980, the commission has attended, or plans to attend, trade fairs in France, Taiwan, and West Germany.

Mr. Speaker, the Federal Government must do more if we are to continue to work toward our true export potential. The rewards for investing the time and money into export expansion can be substantial. The sustained growth of the U.S. economy can be assured; more jobs will be created to offset rising unemployment; the vital small business sector will be stimulated; and the sagging dollar will be enhanced.

Mr. Speaker, I urge adoption of the conference report on H.R. 5612.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. IRELAND).

Mr. IRELAND. Mr. Speaker, I rise in support of the conference report on H.R. 5612. As a conferee I support the three key elements of this bill—the 8(a) program of the Small Business Administration, the Equal Access to Justice Act, and the efforts to promote small business exports.

I will direct my remarks to the export section since my subcommittee has been very involved in this area. Representatives IKE SKELTON and JOE MOAKLEY introduced legislation early in this Congress to expand the exports of small business. My subcommittee held several field hearings on the subject which included trips to both Independence, Mo. and Boston, Mass. Quite frankly, we were impressed by what programs already exist in various States to promote exports. What is missing is the encouragement and support of the Federal Government. Today the Congress takes the first step in that direction with the passage of this legislation.

I would stress that I consider today's effort only a first step. My subcommittee will continue in the next Congress to explore the small business export issue and decide on even further Federal efforts in this area. In the meantime we are on the right road.

This bill requires the Small Business Administration to either directly or in cooperation with banks and other lending institutions to participate in revolving lines of credit for export purposes. The SBA will also establish an office of international trade which will shepherd all agency export opportunities. Also the Secretary of Commerce has been authorized to make grants to qualified applicants in the amount of $150,000 annually for a period of 3 years to promote small business exports. A qualified applicant is any State government or agency, any regional commission, nonprofit corporation, small business, or approved small business development center.

The members of both the Senate and House Small Business Committees deserve a lot of credit for this small business package we have again demonstrated to the Nation's small business community that we not only heard the recommendations of the White House Conference, but that we heard them loud and clear. We will not pay mere lip-service to them. We are producing for the small business community so that they in turn may produce more and more and help lead us out of our current economic dilemma.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. I rise to support H.R. 5612, a bill which would extend for an additional year, the 8(a) procurement and bond waiver pilot programs.

In June of 1980 this august body passed H.R. 5612 by an overwhelming vote. Subsequent to this, our distinguished colleagues in the Senate amended this bill by including a graduation provisions for 8(a) forms and by clarifying the line of authority between the administrator of the Small Business Administration and his associate administrator for minority business and capital ownership and development.

On Monday, September 29, 1980, I and other House Senate conferees met to develop the conference report which is before this body today. During this conference I was compelled to state once again several of my paramount concerns relative to the question of the 8(a) program.

Mr. Speaker and my distinguished colleagues, I am sure that you have been reading recent newspaper accounts alleging problems in SBA's 8(a) program. As you know, for nearly 10 years I have been a strong supporter of such Federal assistance to minority firms. Today this commitment is even stronger. Recent developments point clearly, I believe, to a concerted effort to undermine the intent of this Congress in 1978 when we passed a bill which is now Public Law 95-507. This law, represents the first time in this country's contemporary melieu that a comprehensive effort has been made to correct the effects of racial discrimination against minority business owners.

Today, I am convinced that there are individuals within SBA who are determined not to provide minority businesses with equal access to the American marketplaces. These individuals are using every conceivable method to cast aspersions upon the 8(a) program and upon the overall Federal thrust to assist minority businesses. By way of illustration, one recent newspaper article discussed fraud and contract abuse within the 8(a) program. It is indeed unfortunate, however, that the newspaper informer's did not reveal an accurate account of this program. All data used for this article was on firms who entered the 8(a) portfolio between 1971–77. The point to be made is that prior to Public Law 95-507 in 1978, 8(a) participation required showing either a social or economic disadvantaged status.

Under this "acid test," entry into the 8(a) program was relatively easy. The enactment of Public Law 95-507 strengthened the entry requirements to include a social and economic disadvantaged status. In fact, Mr. William Clement, Associate Administrator for Minority Small Business and Capital Ownership Development of SBA, testified before a Senate subcommittee hearing recently and stated that to the best of his knowledge, all 8(a) firms which entered after Public Law 95-507 are legitimate.

As a final matter, Mr. Speaker, while I support the general thrust of the conference report on H.R. 5612, I cannot support this concept of graduation for 8(a) firms. Indeed, I welcome a time in the history of this country in which 8(a) firms can graduate and move into a competitive maturity within the American economic system. I believe, however, that before this time, SBA must be instructed to develop comprehensive criteria for graduation. As proposed, the simple task of fixing a date for graduation is not the answer. SBA's criteria must examine its availability of assistance to 8(a) firms, availability of overall Federal procurement support, 8(a) access to private capital and the extent to which such 8(a) concern can reach maturity within the private marketplace.

If we are to assist minority businesses, this is a better answer than simply fixing a date.

Mr. SMITH of Iowa. Mr. Speaker, I want to say that the gentleman from Maryland (Mr. MITCHELL) and the gentleman from New York (Mr. ADDABBO), who just spoke, and the gentleman from Pennsylvania (Mr. MCDADE), the gentleman from Illinois (Mr. RAILSBACK), and several other Members, the gentleman from Wisconsin (Mr. KASTENMEIER), the gentleman from New York Mr. LAFALCE), and the gentleman from Kentucky (Mr. CARTER), deserve a great deal of credit for this bill.

I am hopeful that it will pass by a voice vote almost unanimously.

Mr. Speaker, I reserve the balance of my time.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to take a second to echo the comments of the chairman, the gentleman from Iowa, and compliment my friend, the gentleman from Maryland; my friend, the gentleman from New York; my friend, the gentleman from Wisconsin; and my friend, the gentleman from Illinois.

Mr. Speaker, I rise in support of the conference report accompanying H.R. 5612. H.R. 5612 is a bill which allows the continuation for 1 year of the minority contracting pilot program now being conducted by the Department of the Army. It also addresses the matter of graduation from the 8(a) program, the effect of which will be greater participation of minority businesses in the program. In addition, H.R. 5612 expands export opportunities for small businesses by, among other things, allowing SBA to extend credit for export purposes to small businesses and establishing within SBA an Office of International Trade.

Besides dealing with the above mentioned matters, H.R. 5612 contains provisions which will have a tremendous impact on the ability of thousands of small businessmen and women to exercise their right of contesting actions taken against them by the Federal Government. Title II of the bill is almost identical to H.R. 6429, the Equal Access to Justice Act, a bill which I introduced in May and which has been cosponsored by 168 Members of this body. This bill provides that individuals and small businesses which prevail in agency adjudications or in civil actions will be able to recover attorney fees and all reasonable costs, unless the Government can show that its action was substantially justified.

This legislation is needed because present law requires that a private party must bear all costs of litigation involving the Government, even if the Government's position cannot be justified.

The approach taken in this bill is a responsible one. It places the expense of unwarranted litigation where it belongs—on the offending Government agency. When Government action is sound and appropriate the small business owner or individual will have to continue to pay the courts costs, as well as the fine that may have been levied against him. But, if the agency is unable to prove that its position is substantially justified, then the small businessman will be able to recover the costs expended through his court efforts.

Let me give you a specific example of why this bill is needed. A businessman in my district had a large fine imposed on him by the Department of Labor. He felt this fine was unjustified. Since he felt so strongly about the Government action, he decided to appeal this fine. After many delays and a tremendous personal sacrifice on his part the appeal was decided in his favor. Yet to prove he was right, it cost him approximately $15,000. Small businessmen cannot afford to spend their limited funds in this way.

In another instance a small business with only four employees was accused by a Federal agency of discharging an employee because he filed a complaint with a Federal agency against the small business. The small business was hauled into court by the agency. However, the court found strongly in favor of the small business. The cost to the small business was over $8,000 and the unwarranted action by the Federal agency nearly put it out of business.

H.R. 5612 will remedy this situation. It preserves the right of the Government to take action to correct illegal and harmful practices, but it also adds a greater degree of balance to the scales of justice. Agencies must justify their actions and when they are proven wrong the small business owner or individual is to be fairly compensated for the money he has spent in refuting the Government's charges.

The enactment of the legislation will also help to improve the public's perception of its relationship with the Government and will help insure that administrative decisions reflect informed deliberations.

Moreover, the Office of Advocacy within the SBA is directed to evaluate the effect of this act and report back to Congress so that we may carefully evaluate it before the sunset date is reached.

In order to continue the minority pilot program, in order to increase the export of our products, and in the interest of justice, I urge my colleagues to approve this conference report.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of this conference report. I do so not only because of its necessary assistance to the minority business community, but also because of the "equal access to justice" provision.

This provision addresses a major inequity in our present judicial system. Currently, the ability of a small business man or woman to contest an arbitrary Federal civil action is directly proportional to the amount of money he has available to spend on the legal proceedings. In many instances, even though it is clear that the small business owner has been unjustly cited by the Government, he or she will pay a fine or sign a consent order just to avoid adjudication costs.

This equal access to justice provision will aid the small business community and put on a more equal footing with high-paid Government attorneys.

Under this provision, if a small business person is unjustifiably dragged into court by a Federal agency and wins, then the Federal Government must pay the reasonable legal fees and costs expended by the small business person.

It should be noted that this concept is widely supported and was voted by the delegates to the White House Conference on Small Business as one of the 15 most important initiatives for small businesses.

I urge your support for this measure.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

Mrs. HECKLER. Mr. Speaker, I rise in support of the conference report on H.R. 56L2, Small Business Administration Minority programs and attorneys' fees.

Title II of this report is of particular significance. Small business is vital to the economy of the 10th Congressional District of Massachusetts. The title II provisions of this legislation would provide the mechanism by which individuals and small business owners may, if successful, recover reasonable attorneys' fees and costs of civil litigation or administrative proceedings, if the action by the Federal Government cannot be substantially justified.

At hearings before the Small Business Committee many witnesses testified that thousands of small business owners and individuals who could not afford a long legal battle learned it was often cheaper to pay an adjust fine rather than seek justice in the courts.

This conference report which deserves our strong support would insure that Americans have their rights—and will not go broke from court costs when they seek those rights. The bill calls for no new funding to carry out these provisions. Agencies will have to pay for their overregulatory mistakes themselves. With this in mind perhaps the agencies will make fewer such mistakes.

The original bill, which was titled the Equal Access to Justice Act, was one of the top recommendations of the White House Conference on Small Business and has the strong support of the small business owners in my district and across the Nation.

● Mr. CLAUSEN. Mr. Speaker, I want to express my strong support of the conference report on the bill to extend for 2 years the Small Business Administration minority procurement and surety bond pilot programs, and specifically to support title II of this bill, the language providing for small business equal access to justice. As a strong and consistent supporter of small business I am happy to lend my voice of support for this measure.

Small businesses are the backbone of our economy—a vital entity in our system of free enterprise. Time and again the message I receive from small business owners in my district is, "Get the government off our backs and out of our pockets."

The measure before us today takes a step in that direction. The equal-access-to-justice provisions of the bill will allow the small business owners to be reimbursed for reasonable attorney fees and costs if they are successful in fighting civil or administrative charges brought against them by the Federal Government. At the present time, if a small businessman believes the action taken against him is unreasonable and unjustified, he can take his case to court with the prospect of high court costs or pay the lower fine imposed by the agency. It becomes more practical to endure an injustice than to contest it.

Enactment of this measure will bring much needed relief to small businesses. We all recognize the need to revitalize our economy. Providing relief for and support of the small business community will be a necessary first step in this direction. I urge my colleagues to support this important measure.●

● Mr. SYMMS. Mr. Speaker, I rise in support of the conference report on H.R. 5612, one of the most important pieces of legislation to come before the House in a long time to assist the small businesses in this country. Along with extending several pilot programs for small businesses, this conference report incorporates the provisions of the Equal Access to Justice Act, of which I am a cosponsor.

The equal access to justice bill is an idea I have been promoting for quite some time, and its adoption was one of the top priorities of the White House Conference on Small Business. This bill will lift a burden on small businesses that are suffering under the weight of excessive Government regulation and various dictates from Federal agencies by reimbursing attorneys' fees and costs to small businesses and individuals who have successfully defended themselves in civil actions brought by Federal agencies.

Many times small businesses have been forced to the edge of bankruptcy in order to vindicate themselves before a Federal agency which has unlimited prosecutorial resources. Because of a lack of adequate legal resources or time, most small businesses decide not to take agencies to court over some alleged violation they have committed; and they therefore may pay an unwarranted fine rather than the more expensive litigation costs to prove their innocence.

One of the most positive aspects of the equal access to justice measure is that it should preclude the overzealous and unwarranted actions of Federal agencies aimed at small businesses and it should lessen the harassment of small businesses by regulatory agencies, such as OSHA and EPA. The agencies, in effect, will have to become more accountable for their actions.

I cannot possibly relay to the House at this time all the instances of businessmen and women in Idaho who have contacted me personally about problems they are experiencing with one Federal agency or another for some alleged violation for which they are being fined, when in reality they have done nothing wrong. However, rather than challenging the accusing agency and possibly receiving a higher fine, they decide to minimize the loss and pay the fine. Small businesses will not be able to continue in existence under this type of system.

Therefore, I am extremely pleased that we are finally bringing this measure before the House for a vote. I urge my colleagues to support this much-needed legislation to strengthen the health and vitality of small businesses in this country. Let us do what we can to channel the resources of our small businesses into producing more goods and services for the consumer rather than toward the paying of unwarranted fines to the Federal Government or for litigation fees to challenge these unwarranted fines.

I thank you for giving me the opportunity to express my support for this conference report.●

● Mr. AMBRO. Mr. Speaker, I rise in support of the proposal to incorporate S. 265, the Equal Access to Justice Act, as title II of H.R. 5612, legislation dealing with the Small Business Administration's minority programs.

S. 265 provides that a party other than the United States who prevails in an adversary agency adjudication is entitled to compensation for attorneys' fees if the adjudicative officer of the agency finds the agency's position as a party to the proceeding to be substantially unjustified. Individuals will be eligible to recover fees if their net worth is less than $1 million; partnerships, corporations, associations, or public or private organizations whose net worth does not exceed $5 million would also be eligible.

This bill was introduced in the House some time ago, and I, along with a number of my colleagues have been anxious for it to come to the House floor so that it can be voted upon. For too long, Federal agencies have been instituting proceedings against private individuals and private firms that are often frivolous and capricious. While the objects of those proceedings may vindicate themselves in the final analysis, it costs them considerable sums of money to do so.

Mr. Speaker, this simple, and eminently fair measure was one of the key recommendations included in the agenda prescribed by the White House Conference on Small Business, and I, for one, welcome the opportunity to vote positively on it here and now as part of this conference report.●

● Mr. BALDUS. Mr. Speaker, it is unfortunate, but true, that small business suffers the most in times of high interest rates and soaring inflation. And, it is a shocking fact that each year, thousands of small businesses are going bankrupt—the failure rate is over 50 percent in the first 2 years of operation.

I have been extremely gratified to note the growing concern in Congress for the plight of small business—as was indicated by the passage by the House and the Senate of the Regulatory Reform Act that was signed into law by the President on September 19. That legislation was a major step forward in not only admitting, but also addressing the problem of the impact of Federal regulations on the small businesses that must comply with them, by requiring agencies to consider the impact on their regulations on those small businesses, cities, and towns, and, if possible, to reduce the paperwork, requirements.

I was particularly pleased about passage of that legislation, not only because I was a cosponsor of the Regulatory Reform Act, but also because I have worked hard over the years to convince my colleagues in the House of Representatives that we must help small business not only to survive, but also, to help small business develop its potential, and that Congress must continuously and vigorously search for new ways to insure the maintenance of a competitive American business community by aiding small business.

Today, we have another opportunity to further assist small business by passing a bill which would, among other important provisions, require reimbursement to small businesses for legal expenses incurred when an agency has taken such a business to court on civil charges and has lost, or where the case has not been proven by the agency. I feel that this is a particularly significant piece of legislation and one that I urge my colleagues in the House to vote favorably for, because I think it is vital that we provide this sort of assistance to small businesses who are the least well equipped to bear the financial burdens of adjudication with an agency.

I have received a tremendous amount of correspondence from my constituents who own small businesses back home in my district—the Third District of Wisconsin—urging congressional action on this type of legislation. In addition, "equal access to justice" was one of the top 15 recommendations of the White House Conference on Small Business held earlier this year. The letters from my constituents stress the point that for many, it has become financially impossible to hire legal counsel to fight what often amounts to the unjustified charges of so-called regulatory violations.

One constituent writes:

> It is a terrifying prospect now of fighting a court case, winning, and yet, going bankrupt.

I strongly support the legislation we have before us for consideration today, because I believe that the equal access to justice provisions will provide great assistance for the many small businesses faced with having to bear the financial burden—both in terms of time and financially, for needless or unfounded agency adjudications.

I urge my colleagues to vote favorably on this legislation. Thank you.●

● Mr. BROOMFIELD. Mr. Speaker, as in any omnibus-type bill, there may be provisions for the bill before us that some Members may more strongly favor than others, and some provisions that some Members may not favor at all, but I believe it is a balanced bill and as such deserves our support.

Simply put, this act says that, if a small business owner is unjustifiably taken into the courts by a Federal agency and wins, then the Federal Government must pay the reasonable legal fees and costs expended by the small business owner. The act clearly preserves the right of the Government to correct illegal and harmful practices, but it adds a degree of balance.

The cautious provisions of the act relating to minority small businesses seem to be wise steps leading to the development of sound programs.

Certainly we should, as this act provides, encourage small businesses to increase exports. The House Committee on Foreign Affairs agrees with this provision of the act.

Overall, I believe this is a good bill and urge the Members to join me in supporting it.●

○ Mr. SCHULZE. Mr. Speaker, today I rise in strong support of S. 265, the Equal Access to Justice Act. This extremely worthwhile measure would award legal costs and attorneys' fees to individuals and small businesses which prevail in court or in administrative proceedings when the Federal Government is unable to substantiate its case as a reasonable one.

As we have seen on all too many occasions, individuals and small businesses are no match for the vast resources of the Federal Government. Too often, individuals and small businesses simply cannot afford to challenge an unreasonable exercise in governmental authority. As a result, these burdened individuals give in not because they are wrong, but because they cannot afford to prove they are right.

Passage of this legislation will provide Americans with the necessary tools to fight back when rules and regulations are wrongly and unreasonably enforced. It is a glaring inequity in our law which prevents private citizens from recovering the most expensive legal fees of all, the fees and expenses of attorneys. Should the Federal Government use its right of appeal all the way to the Supreme Court, a private party could prevail three times yet never recover costly attorneys' fees necessary to uphold his rights.

Mr. Speaker, we must not allow justice to become too costly for the average citizen. I urge my colleagues to join me in support of this measure which seeks to balance the scales of justice by making our ever-growing Federal bureaucracy more accountable and responsible in the exercise of its regulatory powers.●

○ Mr. RAILSBACK. Mr. Speaker, I rise in strong support of the conference report on H.R. 5612, the Small Business Act amendments. I think the Members are well aware that title II of this conference report contains the provisions of S. 265, the Equal Access to Justice Act. I would like to commend the chairman of the Small Business Committee, the gentleman from Iowa (Mr. SMITH), the gentleman from Pennsylvania (Mr. McDADE), and the gentleman from Wisconsin (Mr. KASTENMEIER) for their excellent work on this legislation.

S. 265 represents a bill that was overwhelmingly adopted by the Senate on July 31, 1979, by a vote of 94 to 3. On May 16, 1980, the House Small Business Committee reported favorably a similar bill, H.R. 6429, by a vote of 26 to 0. Just last week the Judiciary Committee adopted a subcommittee amendment in the nature of a substitute by a vote of 24 to 3, and then reported the bill, S. 265, by a voice vote. I would just note that the

Judiciary Committee bill was pulled from the House schedule on Monday of this week.

I think it is extremely significant that S. 265 was endorsed by the White House Conference on Small Business as one of their top 15 priorities. Attended by 1,682 delegates and 3,600 other participants, the White House Conference highlighted the fact that:

> Currently, each agency has its own system for adjudicating claims or penalties, which is often so complicated that small companies frequently accede to an agency's demands solely to avoid the cost and time required to challenge a ruling.

I would like to cite two cases which I believe clearly illustrate the plight of the small businessman who must contend with the formidable maze of excessive Government regulations.

In one case that was related to the House Small Business Committee by Daniel Popco, general counsel of the Washington Legal Foundation, a Mr. William H. Hall, owner of the Country Kettle Restaurant in Tulsa, Okla., was charged by the Department of Labor with a violation of the Federal minimum wage law. The Labor Department claimed that he owed $54,000 in back pay, but offered to settle for $14,000. Mr. Hall refused to settle, and after 3 years of litigation a court upheld his position. However, his legal expenses were $30,000, more than twice the amount he would have had to pay if he had given in to the Labor Department.

In another case, the Federal Election Commission wasted $35,000 of our tax dollars to litigate a $135 campaign act violation by a citizens tax reform group. Not only did the FEC lose, but the court characterized the FEC suit as "perverse."

I think these two cases, as well as countless others, illustrate the problems that have confronted particularly small business in trying to prevail against Government actions that have been perceived by the court as being arbitrary.

The provisions of 265 embodied in this conference report would put small businessmen and individuals with limited assets on equal footing with the Government. Under the provisions of S. 265, a prevailing party would be able to recover reasonable fees and expenses against the Government when its action is not substantially justified. I believe that S. 265 carefully balances the mandates of the executive branch to faithfully execute the laws of the land with the need to protect citizens from unwarranted actions. Moreover, S. 265 would provide an effective legal or administrative remedy where none now exists. I urge my colleagues to adopt this conference report that contains the provisions of S. 265.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. Smith).

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous material, and that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1740

ESTABLISHING BOSTON AFRICAN-AMERICAN NATIONAL HISTORIC SITE IN COMMONWEALTH OF MASSACHUSETTS

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7434) to provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, after line 2, insert:

TITLE I—BOSTON AFRICAN AMERICAN NATIONAL HISTORIC SITE

Page 1, line 3, strike out "That, in" and insert "Sec. 101. In".

Page 2, line 10, strike out "2." and insert "102.".

Page 2, line 12, strike out "3" and insert "103".

Page 2, line 21, strike out "3." and insert "103.".

Page 4, line 8, strike out "4." and insert "104.".

Page 4, line 15, strike out "5." and insert "105.".

Page 4, line 23, strike out "6." and insert "106.".

Page 5, after line 4, insert:

TITLE II—NATIONAL CENTER FOR THE STUDY OF AFRO-AMERICAN HISTORY AND CULTURE

Sec. 201. This title may be cited as the "National Center for the Study of Afro-American History and Culture Act".

Sec. 202. (a) There is established a commission to be known as the National Afro-American History and Culture Commission (hereinafter in this title referred to as the "Commission") which shall be composed of fifteen members, as specified in section 203 of this title.

(b) The Commission shall have the following duties:

(1) The Commission shall be responsible for the development of a definitive plan for the construction and operation of the National Center for the Study of Afro-American History and Culture and shall submit the plan, together with any recommendations for additional legislation, to the President of the United States and the Congress not later than twenty-four months after the date of the enactment of this title. The plan shall include, but not be limited to, identification of—

(A) the main objectives to be achieved by the establishment, development, and operation of the National Center for the Study of Afro-American History and Culture;

(B) the types of uses, both public and private, to be accommodated by such a center;

(C) the criteria and recommendations for the design and appearance of such a center;

(D) the proposed ownership and operation of the center;

(E) the criteria and recommendations for interpretive, cultural, and educational programs and uses of the center;

(F) the areas where cooperative agreements might be developed between the center and Afro-American institutions, organizations, and universities to enhance their programs and projects relating to the knowledge, preservation, and presentation of the history and culture of Afro-Americans;

(G) the estimates of costs, both public and private, for implementing the plan; and

(H) the procedures to be used in implementing the plan.

(2) (A) The Commission shall solicit subscriptions of funds from private and public sources to help meet the costs of carrying out its duties under this section; the costs of the construction, furnishing, and operation of the center; the costs of research programs and research staff positions, and reasonable administrative costs which may include, subject to the availability of funds, payment to members of the Commission of travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code. Any funds so received by the Commission shall be placed in a special deposit account with the Treasurer of the United States, and may be expended by the Commission only to meet the costs specified in this subparagraph.

(B) The General Services Administration, the Smithsonian Institution, and other agencies of the Government may donate or loan to the Commission for the purposes of the center any works of art, artifacts, or other materials under their control.

(C) For the purpose of carrying out this title, the Commission may—

(1) acquire by gift, purchase with appropriated or donated funds (including funds from State or local sources), transfer from any Federal or State agency, exchange, or otherwise, suitable land (together with any buildings or other improvements thereon) and interest in land in the vicinity of Wilberforce, Ohio, for the location of the headquarters of the center;

(2) borrow or acquire by gift, purchase with appropriated or donated funds (including funds from State or local sources), or otherwise, any other real or personal property necessary for the establishment and operation of the center; and

(3) sell, exchange, or otherwise dispose of any property acquired under this subsection and designate any proceeds from such disposal for the benefit of the center.

Sec. 203. (a) The Commission shall be composed of fifteen members as follows:

(1) The Secretary of the Interior (or his designee).

(2) The Secretary of Education (or his designee).

(3) The Librarian of Congress (or his designee).

(4) The President of the Association for the Study of Afro-American Life and History.

(5) The presidents of Wilberforce University and Central State University in Ohio.

(6) Nine members appointed by the President, who are especially qualified to serve on the Commission by reason of their background and experience. No more than two members appointed under this paragraph shall be from any one State.

(b) Subject to subsection (c), the members of the Commission specified in paragraphs (1) through (5) of subsection (a) shall serve for the life of the Commission. The members of the Commission appointed under paragraph (6) of such subsection shall serve for terms of four years, except that of the members first appointed—

(1) three shall be appointed for terms of one year;

(2) three shall be appointed for terms of two years; and

(3) three shall be appointed for terms of four years;

as designated by the President at the time of appointment.

(c) If any member of the Commission who was appointed to the Commission under paragraphs (1) through (5) as an officer designated under such paragraphs leaves such office, such member may continue as a member of the Commission for not longer than the thirty-day period beginning on the date he leaves that office.

(d)(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members may be reappointed.

(e) Six members of the Commission shall constitute a quorum.

(f) The Commission shall act by affirmative majority vote.

(g) The Commission shall elect a chairman and other officers from among its members to serve for terms established by the Commission.

(h) The Commission shall meet at the call of the Chairman or a majority of its members, but not less than two times each year. The headquarters of the Commission shall be at Wilberforce, Ohio, and the Commission shall conduct its meetings in such city unless circumstances otherwise require.

(i) The Commission may adopt an official seal which shall be judicially noticed and may make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this title.

(j) Members of the Commission shall serve without pay.

(k) The Commission may procure, subject to the availability of funds, temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(l) Upon request of the Commission, and subject to the availability of funds, the head of any Federal agency may detail to the Commission on a reimbursable basis any of the personnel of such agency to assist the Commission in carrying out its duties under this title.

(m) The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request to carry out its duties under this title.

SEC. 204. On the first January 1 occurring after the date of the enactment of this title, and on each subsequent January 1, the Commission shall submit to appropriate committees of the Congress a report which contains a detailed statement of the financial transactions of the Commission and the activities undertaken by the Commission during the previous year. The report shall contain such other appropriate information as the committees to whom the report is submitted may from time to time request.

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I reserve the right to object only to ask the gentleman from California to explain the bill.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, in addition to the purpose for which this bill passed the House, the Senate amendment has been added which would establish a 15-member commission tasked with the establishment of a National Center for the Study of Afro-American History and Culture, which has been cosponsored by over 70 Members of the House and which has been an issue in which I have been interested now for 12 years. I rise in support of the bill as it has been amended. The amendment would establish a 15-member Commission tasked with establishment of the National Center for the Study of Afro-American History and Culture at Wilberforce, Ohio.

This commission is to be composed of distinguished and nationally representative Americans. The Center will be a repository of Afro-Amrican artifacts, a research institute for scholars as well as visitors. The commission is tasked with obtaining subscriptions for funds from private sources in order to establish an independent base of funding.

Wilberforce was a major stop on the Underground Railroad and is rich in almost 200 years of ethnic heritage. Wilberforce University, established in 1856, is the oldest private institution of higher learning for black Americans. Although the university was established primarily for the education of Afro-American youth, Afro-Americans were also involved in administration and carrying out the academic programs.

Wilberforce University boasts many prominent scholars who found a welcome in the community. Col. Charles Young, a graduate of West Point and the highest ranking Afro-American officer in World War I and who went on to serve as America's first Afro-American military attaché under President Theodore Roosevelt, taught French and mathematics at Wilberforce in addition to his military career. W. E. B. DuBois also taught at Wilberforce and William Sanders Scarborough, a graduate of Oberlin college served as President of the University.

Many Afro-Americans migrated to the Wilberforce community because of the opportunities it presented. Hallie Q. Brown, known as an elocutionist, writer and traveller of world note, came with her family which was attracted to the educational opportunities. Martin R. Delany also settled his family at Wilberforce for similar reasons.

In 1863 the African Methodist Episcopal (AME) Church acquired the Wilberforce property. It had been eyeing the Xenia property for several reasons; foremost of these was the fact that Ohio was a free State and children of liberated Afro-Americans had been coming to the area since the early part of the nineteenth century. The Payne Theological Seminary was established subsequently: named for the man who had headed the church's "strike for freedom"—Bishop Daniel A. Payne.

The State of Ohio established its presence on the campus in 1887 when it initiated the combined normal and industrial department and furnished the institution with funds for teacher and technical training. In 1947 Central State became independent from Wilberforce University and in 1965 it earned university status.

The Underground Railroad played a major role in the history of the community; its traces are still evident in historical structures such as the Colonel Young home which was a major station in the Underground Railroad.

All three schools (Wilberforce, Central State, and Payne) provide a wealth of information concerning Wilberforce's and the Nation's rich historical and cultural background. A National Park Service study cites several examples:

> Central State University's Hallie Q. Brown Memorial Library has preserved some memorabilia of Miss Brown and also houses the Charles H. Wesley Papers from his presidency at the school. Over the years the library has gathered a rather extensive (Afro-American history and culture) collection. Since 1950 it has produced an annual index to periodical articles by and about Afro-Americans. In the past ten years of Afro-American studies, emphasis on such collections has been a major source in supplying information about the Afro-American experience in America.
>
> Wilberforce University has the papers of William Sanders Scarborough, those of Daniel A. Payne, some of Reverdy C. Ransom, and some documents relating to the AME Church in its early years. Payne's library collection has several one-of-a-kind volumes on church history and the larger portion of Reverdy C. Ransom's papers. All three schools are members of a consortium for sharing various facilities and resources.

As you can see, the Wilberforce community has historically been and continues to be a significant focus of the many educational and cultural achievements of black Americans.

I have been working on the Afro-American History and Culture Center proposal since 1968. The idea developed in response to the racial turmoil of the 1960's in the hope that a Center, such as that which I have proposed, would encourage further understanding and respect among all Americans.

In 1976 the Congress authorized the National Park Service to conduct a feasibility/suitability study of the proposed Center. It was released in 1979. This extensive (173 pages) and favorable study was based upon 11 objective criteria—the most important of which are enumerated and briefly explained below.

> 1. The Center should be located near educational, intellectual and research institutions. This criteria is most adequately met by Wilberforce University, Central State University and the Payne Theological Seminary all located in Wilberforce, Ohio.
>
> 2. The Center should be within a day's drive of major population centers. Over two-thirds of the U.S. population and an even larger proportion of the black U.S. population live within a day's drive of Wilberforce, Ohio.
>
> 3. Local, regional and state citizens should support and desire the proposed center within the community. The state of Ohio has already committed $3.5 million to the Center and there is more to come.
>
> The state has also established a planning council which is nationally, as well as

locally, representative. Among the organizations that are represented on the council are the Association for the Study of Afro-American Life and Histroy; the Congressional Black Caucus; the National Association for the Advancement of Colored People; The National Caucus of Black School Board Members; The National Caucus of Negro Women; the National Newspaper Publishers Association; the National Urban League and The Society of American Archivists. The council will assist the proposed Commission in the planning stages of the Center.

Local support for the proposed Center has come most enthusiastically from the regional and local chapters of the aforementioned organizations, and, in particular, from the Ohio Historical Society; the Greene County Historical Society; the Greene County Commissioners and the universities of Wilberforce and Central State and several organizations affiliated with these institutions of higher learning.

4. The proposed area should be accessible to major travel and recreational corridors, have adequate vehicular access, public transportation and adequate public services. The NPS Study found that the Wilberforce, Ohio area meets all these criteria most adequately.

5. The proposed Center and surrounding areas should have historical and cultural significance. Wilberforce has been, historically and culturally, the focus of an ambitious black community representing the most positive and notable accomplishments of Black Americans throughout the country. The study cited the prominence of the Wilberforce community in Afro-American education, its intimate connection with the Underground Railroad and its historical significance.

This amendment is an improved version of the bill I had introduced in earlier years. The membership in the Afro-American History and Culture Commission has been expanded to 15 members (no more that 2 of which are to be residents of the same State) in order to enhance its national representativeness. Among those to be seated on the Commission are the Secretary of the Interior; the Librarian of Congress; the Secretary of Education; the Secretary of the Smithsonian; and nine members to be appointed by the President "who are especially qualified to serve on the Commission by reason of their background and experience."

The Commission, which shall be the guiding force behind this undertaking, is directed to establish the criteria and recommendations for interpretive, cultural and educational programs and uses of the Center and also to establish "the areas where cooperative agreements might be developed between the Center and existing Afro-American institutions, organizations and universities (nationwide) to enhance their programs and projects relating to the history and culture of Afro-Americans." Not only will the Commission be responsible for the "development of a definite plan for the construction" of the Center, but it will also be responsible for its operation.

Mr. Speaker, I cannot overremphasize the need for this legislation. The Center, which will encompass areas of broad concern and will be attractive and accessible to every American, is a unique answer to the need of black Americans to reconstruct their history and culture—a need which has been neglected far too long. It is my hope that this Center will encourage greater understanding among all Americans.

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California to explain the legislation.

Mr. PHILLIP BURTON. Mr. Speaker, I would like to associate myself with the remarks of my distinguished colleague from Ohio (Mr. BROWN).

Mr. LAGOMARSINO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 6790, FOREIGN SERVICE ACT OF 1980

Mr. FASCELL. Mr. Speaker, I call up the conference report on the bill (H.R. 6790), to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 29, 1980.)

Mr. FASCELL (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. FASCELL) will be recognized for 30 minutes, and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 30 minutes.)

The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I call up the conference report on the bill (H.R. 6790), to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States and for other purposes.

Mr. Speaker, an enormous amount of effort has gone into this legislation and the conferees have reached agreement on the relatively few issues that were in disagreement. Among the major issues resolved were the following:

First. A compromise was reached on pay comparability for the Foreign Service which will enable the Foreign Service to attract the highly qualified applicants it needs.

Second. The mandatory retirement age was raised to 65 from the current 60, in recognition of the advances made since 1946 in areas such as life expectancy, availability of health care facilities, and transportation. The deliberate retention of a mandatory retirement age reflects the demonstrated correlation between advanced age and overseas assignability of members of the Service. This mechanism will assist in the achievement of the goals of predictable flows of recruitment, career development, and advancement to the senior ranks envisioned by the legislation.

Third. A compromise was reached on the issue of annuities for former spouses of members of the Foreign Service which removes completely the automatic retroactive features of the original proposal.

Mr. Speaker, this legislation sets forth an effective structure for the Foreign Service for at least the remainder of this century. I want to commend the Members and staff who have spent so many hours on this legislation. It is highly appropriate that this legislation will be enacted in time for the celebration of the 200th birthday of the Foreign Service.

Mr. Speaker, this legislation is a statement of our belief and faith in the Foreign Service of the United States. I urge its adoption.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I rise in support of the conference report to accompany H.R. 6790, the Foreign Service Act of 1980. By and large, it is an excellent bill which will provide needed reforms for the personnel laws governing the Foreign Service. In many ways, H.R. 6790 will do for the Foreign Service what the Civil Service Reform Act of 1978 did for the domestic civil service.

For 200 years, this Nation has maintained a Foreign Service. The Foreign Service began as an elite organization, in the sense that it was the New World version of the diplomatic corps of European monarchies which was drawn from the nobility. Like the nobles of European kingdoms, our early Foreign Service officers, who were sent on diplomatic missions to other nations, were selected more on paternity than on quality. Unfortunately, the early elitism of birth of the Foreign Service has not been entirely removed. The Foreign Service continues to be run, too much to great an extent, by pale, males from Yale. This bill makes explicit congressional concern for a Foreign Service which is representative of the diversity of the American population. This bill encourages the Foreign Service to continue its recent efforts to achieve equal opportunity. As I pointed out during our hearings, our relations with Mexico could be greatly improved by having Hispanics who understand Mexican culture serve there. The recent appointment of Julian Nava as Ambassador to Mexico shows increasing awareness of the advantages of minority representation in the Foreign Service.

Some people are uncertain about the need for a separate Foreign Service, with its own personnel laws. If a separate Foreign Service means having personnel management requirements that make sense for the type of work performed, I have no problem with a separate Foreign Service. Only when "separateness" brings with it notions of elitism and superiority do I find it offensive. This bill reestablishes an appropriate separate Foreign Service—one engineered to perform the work it is assigned.

So that my colleagues understand the intention of the drafters of this legislation, I want to spend a little time going over the major features of the bill and explaining what we had in mind:

PAY

The House-passed bill established a statutory linkage between Foreign Service pay and general schedule pay. The administration found this linkage unacceptable and veto threats flew. The administration's objections had to do with the overall level of the pay raise provided in the House bill and with the fact that a statutory linkage removed authority from the President to set pay. The House caved rather than risk a veto. Nevertheless, the House position had real merit.

The President has failed to use his authority under the Federal Pay Comparability Act of 1970 to keep Foreign Service pay even with the general schedule. As Foreign Service jobs have become more difficult and more responsible, nothing has been done to revise the old linkages. What the conferees agreed to was an administration-proposed pay schedule, which contained very significant increases in salary. I frankly am not sure that the administration's proposal meets the mandates of the Pay Comparability Act. It is absolutely clear to me that administration after administration over the last decade has ignored the law and has continued to pay the Foreign Service at rates far below the level Congress intended.

Statutory linkage of pay makes sense because it prevents Presidents from failing to set Foreign Service pay at an appropriate level. I am sorry we had to remove the statutory linkage. I think it should be clear to this and future administrations that the Presidential authority to set pay under the Pay Comparability Act is an authority that was granted by Congress and can be withdrawn. Unless, the President does a better job in the future in keeping pay equitable, I think the Pay Comparability Act is likely to be changed.

In establishing a new higher pay scale, the conferees decided that it should be immediately applicable to all members of the Foreign Service. There is a group of as many as 600 individuals in the Department of State and 900 in the U.S. International Communication Agency (USICA) who are being forced to convert to the domestic civil service under this bill. We were, admittedly, somewhat reluctant to force this sort of disruptive conversion on employees who did nothing to cause this problem. This reluctance was heightened by the fact that many of these employees were involuntarily converted from the domestic civil service to the Foreign Service earlier in this decade to suit a management whim. Our reticence was even stronger in the case of the domestic Foreign Service reserve staff at USICA because this group of employees have a valid contract with the agency in which the agency promised not to convert them. The decision was made to convert these employees, but part and parcel of that decision was a determination to raise the pay of these employees to the new Foreign Service schedule before any conversion takes place. There is no evidence that these employees are any less entitled to a pay increase than are other in the Foreign Service.

The language of the conference report makes the policy quite clear: Everyone who now carries a Foreign Service designation, whether they are worldwide available or not, should be converted to the new pay schedule. Subsequently, they can be converted to another personnel category, if the bill permits it.

LABOR-MANAGEMENT RELATIONS

H.R. 6790 establishes a statutory basis for labor-management relations in the Foreign Service. The original bill drafted by the administration contained what amounted to a codification of Executive Order 11636. That was unacceptable to those of us on the Committee on Post Office and Civil Service who had worked so hard to strengthen the labor rights for the rest of the Federal civil service. So, on behalf of the committee, I introduced a substitute for the administration's labor-management provision which essentially applied title VII of the Civil Service Reform Act of 1978 instead. We did make a few significant changes in the provisions of the Federal-management relations statute to conform its provisions with the structure and operations of the Foreign Service. One change was to postulate, by statute, that the appropriate bargaining unit in the foreign affairs agencies was agencywide. This change was needed because of the dispersed nature of the members of the Foreign Service. A second change permitted many employees, who would be management officials or supervisors under title VII, to be part of the bargaining unit. Again, due to the small size of some Foreign Service posts, rather junior members of the Foreign Service would fall within the title VII definitions and consequently the bargaining unit would represent only a small portion of the agency's employees. A third change from title VII was the creation of a new Foreign Service Labor Relations Board, which has authorities parallel to those of the Federal Labor Relations Authority (FLRA). This new Board is chaired by the chairman of the FLRA and has two other members who are appointed by the FLRA chair, with the agreement of the parties, if possible. This Board hears and decides labor cases out of the Foreign Service. In deciding its cases, this Board is bound by the decisions of the FLRA, unless the Board finds that special circumstances require otherwise. Aside from these special features, the labor-management provisions of the Foreign Service Act are intended to be the same as in the Civil Service Reform Act.

One area in which the same rules are intended to be applied is the question of what is negotiable. Although the wording of the management rights sections differ somewhat, due to the differing personnel systems, the same limited number of items are intended to be nonnegotiable. Decisions of the Federal Labor Relations Authority on negotiability, including those already issued under title VII, are equally applicable to the Foreign Service.

Everything which is now negotiable in the Foreign Service continues to be negotiable, while those items which have previously been ruled nonnegotiable in the Foreign Service will have to be reconsidered under the new law. Absent unusual special circumstances, that which is negotiable in one system is negotiable in the other. As Representative FORD and I agreed when the bill was on the House floor, nothing in the bill dictates a different outcome in cases such as the recent FLRA decision on the negotiation of procedures which allegedly delay agency action.

This legislation establishes an institutional grievance mechanism which allows the exclusive representative to grieve all and any disputes over the implementation of a collective-bargaining agreement, whether or not the same issue could have been raised as an individual grievance. Implementation disputes go to the grievance board and are appealable to the Foreign Service Labor Relations Board. This provision, which parallels one in the Civil Service Reform Act, says that the Labor Board should have the final say on disputes concerning the effect, interpretation, or claim of breach of a collective-bargaining agreement. Many individual grievances before the Grievance Board involves the same matters. The doctrine of collateral estoppel stops the same party from twice challenging the same situation. On the other hand, a decision of the Grievance Board interpreting a collective-bargaining agreement does not preclude the exclusive representative from filing an institutional grievance on the contract, as long as the exclusive representative did not already bring the case earlier as an institutional grievance.

SEPARATION FOR CAUSE

There has been some confusion over the provisions of section 610(a)(2) relating to the administrative procedure used in separation for cause cases. What this section does is establish the Grievance Board as the functional equivalent of the agency in adverse action cases under section 7513 of title 5, United States Code. Essentially, this section says that the Grievance Board procedures supplant the chapter 75 procedures under title 5, United States Code. Obviously, nothing in this section or in the rest of the bill cuts off the right of a member of the Foreign Service to appeal to the Merit Systems Protection Board, the Equal Employment Opportunity Commission, the Special Counsel, or Federal court, under the provisions of any other law.

FORMER SPOUSE PENSION

Before I begin my explanation of this section, I want to point out a typographical error in the conference report. In the first sentence of section 814(a)(3), the "on" should be "or" the second time it appears.

The conference committee adopted the Senate language on retirement benefits for divorced Foreign Service spouses, with three modifications.

First, the effective date provision (Section 2403(e) (2)) was revised so that the provisions relating to the rights of former spouses to receive survivor annuities apply only in the cases of individuals who become former spouses after the effective date of the act—February 15, 1981.

Second, a new provision was added to permit an individual who prior to the effective date of the act had a former spouse to elect to provide a survivor benefit for the former spouse.

Third, new provisions were added to permit the parties to enter into spousal agreements regarding their respective rights under chapter 8 of this bill. Such an agreement will be given the same effect as a court order allowing the parties to adjust their respective rights without the necessity of going to court.

This legislation attempts to remedy an inequity in current Federal retirement policy—its failure to assure retirement protection to spouses and divorced spouses of Federal employees. Whereas social security provides automatic benefits for spouses and former spouses, married at least 10 years, Federal retirement law has previously not recognized the contribution of the nonworking spouse or former spouse.

In approving the provisions in the Foreign Service Act, Congress recognizes the vested interest of the nonworking spouse. There has been a traditional division of labor in families by which men assume the breadwinning function and women assume family responsibilities. By taking time out of the work force to raise families, women sacrifice their own work opportunities to promote their husband's careers. As a result of long periods out of the work force as well as their own job mobility, women have been prevented from building their own retirement credit and from vesting for their own pension. The failure of the pension system to recognize the value of the support services provided by the wife has permitted women to fall between the cracks of our pension system and suffer the cruel consequences of poverty in old age.

Congress rejected the proposal that retirement benefits for Foreign Service divorced spouses be left strictly to the discretion of the State courts. Instead Congress adopted Federal guidelines to entitle divorced spouses to a pro rata portion of the retirement annuity and survivor benefits based on the number of years of marriage during creditable years of service, unless the court decided or the parties agreed otherwise.

The rationale for the Federal pro rata guidelines was stated in the reports of both the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations:

> Equally unsatisfactory is the decision to leave this problem to a solution by court order. Access to the courts is expensive, particularly for individuals such as Foreign Service spouses who typically have no jobs, no insurance, and no other income to speak of. There is no real precedent for awarding to former spouses a percentage of pensions or survivor annuities. In addition, widely varying divorce laws from state to state would result in different awards of a Federal benefit for the same deprivations. Furthermore, there is little or no awareness among the legal community of the special problems faced by Foreign Service spouses. Finally, overseas service frequently results in cutting off these individuals from their community roots, thereby exacerbating the problems normally faced by women seeking divorce. In particular, this results in reliance on a husband's lawyer or on his recommendations. Section 814, therefore, seeks to provide some protection for these individuals through the mechanism of the retirement system.

As a result of the introduction of "no fault" divorce in the last decade and its adoption in all but 2 States, the number of divorces has soared to 1 million annually. Since "no fault" was adopted without the accompanying economic protections for nonworking spouses advocated by the Family Law Section of the American Bar Association, women suffered the economic burden of divorce. A 1979 census survey indicates that only 4 percent of divorced women receive any alimony. Moreover, 78 percent of women with custody of their children received not 1 cent in child support from the fathers of these children.

Therefore, I hope the courts will be responsive to this change in the law. Prior to passage of this act, courts were prohibited from awarding the survivor benefits to older women who had spent long and honorable careers in the Foreign Service and had no other source of retirement income. Now that Congress has changed this defect in the retirement law, I expect courts to consider survivor benefits in all future Foreign Service divorce cases.

The committees were deeply aware of the inequities dealt to Foreign Service spouses who were divorced prior to this act. To ameliorate their plight, the conference report permits a participant or former participant of the Foreign Service retirement system to elect to provide a survivor benefit for a former spouse. Obviously, if a participant can elect to provide such benefits, a court, if the situation warrants, can order a participant to elect to provide survivor benefits.

Our intent is not to force the reopening of numerous divorces. There are cases, however, in which equity and fairness require the courts to reconsider preexisting property settlements. In deciding whether to reopen old cases, courts should consider the availability of survivor benefits under section 2109 new property.

Moreover, couples should be permitted to reopen negotiations regarding their property settlements. If they agree that the divorced spouse should receive the survivor benefits, the courts should honor such negotiations and permit the divorced spouse to pay any back payments due if this is part of the spousal agreement.

The new law states that the presumption of pro rata entitlement will become effective unless changed or rejected by a court within 12 months after the date of divorce or annulment becomes final. However, there is no time limit stipulated by the legislation that would restrict the provisions of a spousal agreement or court order concerning already divorced Foreign Service spouses.

In cases where a final decree has been issued, but no valid property agreement has been signed, the guidelines provided in this act are intended to apply.

It should be emphasized that section 807(c), which permits an individual to decline to accept all or any part of the annuity by submitting a signed waiver to the Secretary of State, applies only to the portion of the annuity to which the Foreign Service participant is entitled. In no way may the participant limit the entitlement of the former spouse.

Section 806(b) (1) (D) permits the Secretary of State to prescribe regulations under which a participant or former participant may make an election concerning survivor benefits without the participant's spouse or former spouse if the participant establishes to the satisfaction of the Secretary of State that the participant does no know, and has taken all reasonable steps to determine the whereabouts of the spouse or former spouse. Obviously, where the participant does not take reasonable steps to find the missing spouse or former spouse, that spouse or former spouse, if he or she later appeared, would have a cause of action against the participant or the Secretary of State or both for the damages suffered as a result of the improper election.

In the future, I think that the Congress should take another look at retirement benefits for those Foreign Service spouses who did not benefit from this bill. I think that the Government has failed to provide adequate compensation to those spouses in exchange for their years of frequent moves to follow the Foreign Service officer and unpaid hours of service performing representational duties. Until October 1, 1976, when the Foreign Service Retirement System was changed to be made consistent with the Civil Service Retirement System, there was a mandated survivor annuity for the Foreign Service spouse designating the spouse as beneficiary by name, in an instrument which both spouses signed. Moreover, the spouse was entitled to this annuity, even if as a widow she remarries before age 60. I do not think that Congress can close the books on the Foreign Service spouse issue until it has done something for those spouses who have received no recompense. One possible solution would be to use the grantee widow approach adopted earlier by the Foreign Service Retirement Act. It provided a minimum survivor annuity for those widows whose husbands had not taken a reduction in the primary annuity to provide survivor benefits and thereby retroactively enabled them to receive a survivor annuity.

The bill requires the Secretary of State annually to inform participants and their spouses and former spouses of their rights under section 814 of the bill. Congress expects that the State Department will involve the Family Liaison Office in notifying participants and their spouses and former spouses of the right conferred by this bill. We expect aggressive efforts to notify individuals of their new rights.

Provisions of the act permit parties to enter into spousal agreements with respect to their rights under chapter 8. Such an agreement will be given the same effect as a court order, allowing the parties to adjust their respective rights without the necessity of obtaining a court order. I urge the Secretary of State to review, advise, and generally assist participants and their spouses in the writing of spousal agreements. The Secretary should provide advisory opinions to participants and their spouses or former spouses on whether their spousal agreements can be honored.

This new retirement law should be interpreted consistent with its intent by both the courts and the Department of State. It is the intent of Congress that Foreign Service divorced spouses be protected against poverty in old age. Regulations and decisions that restrict these protections are contrary to the will of Congress.

The reason I feel constrained to emphasize this point is that the Office of Personnel Management has gone out of its way to write restrictive regulations that have resulted in the denial of court orders contrary to the will of Congress.

When Public Law 95-366 went into effect on September 15, 1978, it mandated the Office of Personnel Management "to honor the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation."

The intent of the law seems clear enough, but the Office of Personnel Management has messed it up.

In a July 28, 1980, report on the implementation of Public Law 95-366, the General Accounting Office reports that the Office of Personnel Management has rejected 30 court orders and thereby denied apportionment to the affected former spouses. In addition, the General Accounting Office indicates there are another 50 to 100 court orders which were rejected and retired to the records storage facility.

I am outraged that the Office of Personnel Management failed to inform the interested parties in these rejected cases when the Office of Personnel Management regulations were changed to permit the Office of Personnel Management to honor the court orders. Furthermore, the Office of Personnel Management denied a retiree's request that part of his retirement annuity be assigned to his former spouse although the General Accounting Office indicates that the Office of Personnel Management has the authority to permit such allotments. It is callous treatment both of the State courts and those former spouses.

I urge John P. Bowler, Chief of the Office of Personnel Management's Policy Development Section, to immediately reprocess these rejected court orders and retrieve those which are in the storage facility in Boyers, Pa. Innocent women should not be made to suffer because of some bureaucrat's nitpicking.

Moreover, the Office of Personnel Management's regulations of March 7, 1980, must be expanded. The Office of Personnel Management procedures provide for direct payments to the former spouse only if the retiree does not object to such a procedure, even though the court specifically stated that the retiree was to make the payment. It is totally contrary to congressional intent for the Office of Personnel Management to place this restriction on court orders.

Unless there is an administrative solution to the problems soon, I can assure the Office of Personnel Management that a legislative solution will be forthcoming.

I commend the Congress for adopting this precedent-setting legislation to recognize the vested interest of the spouse of Federal employees to a pro rata share of the retirement and survivor annuities.

This legislation is consistent with recommendations of the President's Commission on Pension Policy in its interim report of May 1980.

Moreover, it is another step toward more equitable treatment of spouses. Passage of Public Law 95-366 last Congress gave the courts the authority to divide Civil Service Retirement System annuities and removed the immunity of Federal civilian pensions from such court orders.

The Congress has thus far failed to make this provision applicable to the military. To quote the recent General Accounting Office report:

> It should be pointed out that, except for garnishment actions, the uniformed services retirement system does not allow for direct payment of retirement benefits to former spouses in compliance with court orders. We know of no reason why this system should not be consistent with the civil service and Foreign Service systems.

GRIEVANCES

We made some improvement in the grievance section of the bill during the conference. Nevertheless, I still hear a lot of dissatisfaction with the operations of the Grievance Board. In the civil service, grievance systems are negotiated between management and the exclusive representative of the employees. Because of failure of those negotiations in the early seventies, the grievance mechanism is statutory in the Foreign Service. My preference would be to have a negotiated system in the Foreign Service as well. Moving in that direction was impossible during consideration of the Foreign Service Act.

Many of the problems with the grievance system are not capable of legislative solution. Although legislative changes might help, I frankly think that many problems could be better solved by a more assertive Grievance Board. If the members of the Board saw themselves as independent and neutral decisionmakers, the Board would be a stronger and better institution. One of the things we tried to do in this legislation and in the legislative history was to convey to the Grievance Board the interest of Congress in its independence. The Board should not see itself as a management body.

With regard to the definition of a grievance, I think the language of section 1101 provides for a broad range of grievable actions. The area which causes the most concern is that of reprisals. Section 1101(a)(1)(F) makes alleged reprisals grievable. This section should be read without regard to the limitations in section 1101(b). Indeed, the integrity of the grievable mechanism depends on the Grievance Board being able to protect members of the Service who use the system. The list of grievable items in section 1101(a) is a descriptive and not a limiting list. The list in 1101(b) is a list of exceptions and, as such, should be read narrowly by the Grievance Board. Hence, an action should be grievable unless there is a specific, narrow exception in 1101(b).

With regard to the Secretary's veto over Grievance Board decisions, I think a clear statement of congressional intent should be helpful. The way I see the veto provision working is that the agency head should, except in rare cases, adopt and implement the decision of the Grievance Board. The decision of an agency head to veto the decision of foreign policy or national security grounds, is essentially unreviewable. What has to be conveyed to agency heads is congressional will that the decision of the Board be implemented. I personally would like to know every time an agency head refuses to implement the decision of a Grievance Board. I would like to know from the Department why the veto was exercised. If vetoes were exercised too often in the future, I would try to remove this veto power from the Secretary.

During floor consideration, both the gentleman from Florida (Mr. FASCELL) and I promised the gentleman from South Carolina (Mr. DERRICK) that we would look into the working of the grievance system. I am sure both of us intend to keep that commitment.

EQUAL EMPLOYMENT OPPORTUNITY

In numerous places throughout this bill, congressional interest in insuring equal employment opportunity in the Foreign Service is stated. Merit principles, including equal employment opportunity must be followed in every personnel action. The Inspector General of the Department of State and the Foreign Service is specifically instructed to inspect to see that merit principles are being observed.

There is new provision which I think deserves special attention. This bill makes statutory the existence of the Board of Examiners of the Foreign Service. The Board is given the specific statutory mandate of seeing whether the examinations given by the Foreign Service meet the requirements of the Uniform Guidelines of Employee Selection Procedures. While these guidelines, issued by the Equal Employment Opportunity Commission and other agencies, apply fully to all Government agencies, enforcement has been lax. This is because no clear enforcement mechanism exists. In the Foreign Service, the Board of Examiners is given the power to enforce the guidelines to assure compliance.

Establishing this enforcement mechanism is particularly justified in the Foreign Service, given its abysmal record in the hiring of minorities and women. Since hiring in the Foreign Service is initially from a written examination, legitimate questions have been raised about the validity of that exam if it screens out disproportionate numbers of women and minorities. To a lay observer, the written Foreign Service exam seems to be a trivia contest, asking obscure questions which have little apparent connection to job performance. I expect the Board of Examiners to make the type of significant changes needed in this exam in order to make sure that it complies with uniform guidelines.

INSPECTOR GENERAL

This bill establishes an Inspector General of the Department of State and the Foreign Service who has the same responsibilities and powers provided to Inspectors General created under the Inspector General Act of 1978. In addition to these powers, the Inspector General in this bill has the authorities of the existing Inspector General of the Foreign Service. The State Department and the Foreign Service need the services of auditors and investigators no less than any other sector of Government.

One provision of the House bill, which we removed in conference, required the appointment of two Assistant Inspectors General, one for auditing and one for investigation. The deletion of this requirement does not undermine the need for strong and separate units responsible for these two functions. I would expect the Department of State to structure its office of Inspector General based on the model provided in the Inspector General Act of 1978. Any departure from this model should be justified by the special circumstances of the Foreign Service.

POSITION DESIGNATION

One of the central features of this bill is its guiding principle that Foreign Service personnel authorities should only be used where there is a requirement for significant experience abroad in the conduct of foreign affairs and where the advantages of continued incumbency or specialized skill do not outweigh the advantages of a Foreign Service designation. Even though this requirement does not appear in the bill itself, it is well understood that positions should be part of the domestic civil service unless they meet the special requirements for Foreign Service designation.

The bill departs from this principle in the case of the headquarters staff of the Peace Corps. In the Peace Corps, employees serve under a Foreign Service designation, with no obligation for worldwide availability, for a limited 5-year term. I am not convinced that this special exception is warranted. Further, I see no reason that the headquarters staff at the Peace Corps should not gain civil service career status from their tenure. As I said during floor debate on this bill, I intend to look into this issue further in the future.

SENIOR FOREIGN SERVICE

H.R. 6790 creates a Senior Foreign Service based on the Senior Executive Service model established in the Civil Service Reform Act of 1978. As in the domestic civil service, this top career service will have rigid entry requirements, reduced job tenure, and the possibility of large monetary rewards. In regard to the Senior Executive Service, Congress has already shown its concern about monetary bonuses being too freely distributed. The message of the existing congressional restriction on SES bonuses to the domestic agencies should be listened to by the Foreign Affairs agencies as well: Bonuses should be provided to those who have distinguished themselves through outstanding performance. They should not be spread around on a rotating basis so that nearly every senior official receives a bonus every few years. They should not be used to enforce discipline or to encourage future performance. The purpose of Senior Executive and Senior Foreign Service bonuses is to reward sustained and demonstrated outstanding performance. Agency misuse of bonuses will surely result in the end of the bonus system.

RETIREMENT CREDIT FOR NON-FEDERAL SERVICE

The conference report contains two provisions which I oppose to provide retirement credit for periods of non-Federal service. The Senate insisted on these provisions and we were forced to recede. Nevertheless, I intend to stand in the way of any further attempts to provide Civil Service or Foreign Service retirement credit for periods of service with organizations which were not part of the Federal Government at the time the service was performed.

Mr. BUCHANAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to commend the chairman of our Subcommittee on International Operations, the gentleman from Florida, for his untiring efforts on what is a much needed reform of the Foreign Service structure. Without his leadership, this legislation would not be before us today.

I would also like to commend the gentlelady from Colorado and the gentleman from Iowa, the chairman and ranking minority member of the Civil Service Subcommittee for their efforts and support.

While I am thanking people, I would be remiss if I did not express my own gratitude and I am sure that of the other Members involved in this legislation as well, to the staff for their work on this bill. Literally hundreds of hours have been spent on hearings, in drafting sessions and on committee and conference reports on this legislation.

Indeed, I have been involved in few pieces of legislation durng my 16 years in Congress in which so much effort has been expended.

In my judgment, this effort was justified because we are dealing with a very important group of people—the members of the Foreign Service of the United States.

The Foreign Service is comprised of many highly competent and dedicated individuals who serve through the world in a variety of posts, both friendly and hostile.

Their lives are on the line daily.

With this legislation, we have sought to provide a system which will produce the most capable and best trained Foreign Service personnel possible. It is essential that we do so. Our very future depends on it.

Mr. Speaker, the bill before us today is a good one which will provide many needed improvements in the Foreign Service.

It does, however, contain one flaw and that is in the area of pay comparability.

The House-passed version of this bill included what I believe to be true pay comparability as required by the Federal Pay Comparability Act of 1970. The conference provision is somewhat less than the House version, but is a substantial improvement over the administration's initial proposals.

Mr. Speaker, it is nothing less than a scandal that the members of our Foreign Service, who are today in Iran, in Afghanistan, in El Salvador and other areas of unrest, over the years have been paid less than their civil service counterparts serving in Washington, California, or elsewhere in this country.

While the legislation before us today is a substantial first step toward the achievement of such comparability, I would strongly urge this administration or whatever administration is to follow to move expeditiously to insure full comparability between the Foreign Service and the civil service.

Notwithstanding this flaw, however, I believe H.R. 6790 is needed legislation and long-overdue legislation. I urge the adoption of the conference report.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. DERRICK).

Mr. DERRICK. Mr. Speaker, I rise today in support of the conference report before us. However, in so doing, I do wish to underscore the concerns I have regarding the grievance procedure established in law by this legislation.

During House consideration of this measure, Mr. Speaker, I had planned to offer an amendment to chapter 11 of this bill, which is the chapter dealing with grievances. My amendment would have been a substitute for that entire chapter.

For the sake of brevity, Mr. Speaker, I will not enumerate the concerns I have with this grievance procedure at this time. Rather, I would note that the fact that I had entertained the option of offering an entire substitute chapter should serve to indicate that the interests I have in this matter are both substantial and significant.

This piece of legislation was the product of no small amount of time and effort, and I congratulate those responsible for it. And it was because the two House committees involved spent such an extended period of time on this, that I was sympathetic to their concerns that the amendment I was going to offer had not had the benefit of their full consideration. Although I would note, Mr. Speaker, that the bill to which I am sponsor and from which my amendment was drawn has a legislative history spanning the last decade.

It is with the interest of fully involving the many parties to this legislation that I did agree not to offer my amendment at the time this legislation was before the House. Rather, I was assured by both committee chairpersons, the Honorable Dante Fascell and the Honorable Patricia Schroeder, that hearings would be held at the earliest possible date to give full attention to the issues I had raised in my amendment.

Mr. Speaker, I am confident that the assurances given me by my distinguished colleagues will insure that the issues raised concerning the grievance procedure will be fully addressed by the House. And I look forward to the opportunity to do so.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. Zablocki), chairman of the committee.

Mr. ZABLOCKI. Mr. Speaker, I rise in strong support of the conference report on H.R. 6790.

Mr. Speaker, I am sure the Members will be pleased to learn that your conferees on this bill have done a marvelous job and I want to take this time to pay tribute to my esteemed colleague Hon. Dante B. Fascell, the chairman of the Subcommittee on International Operations, chairman of Post Office, Mr. Hanley, and the able Pat Schroeder, chairperson of the Subcommittee on the Civil Service, for their work in this conference. I also want to thank the ranking minority members of the subcommittees, the gentleman from Alabama (Mr. Buchanan) and the gentleman from Iowa (Mr. Leach) and the staffs of the two committees for the many hours of work put in on this legislation and on the conference with the Senate.

Mr. Speaker, this bill and conference report are the culmination of a year and a half of legislative work and over 3 years of review within the executive branch. It is vitally important to the Foreign Service and to the U.S. foreign policy effort.

I am particularly pleased that the conferees were able to reach agreement on the important issue of pay comparability for the Foreign Serivce. At long last, we can begin to halt the decline in the numbers of applicants entering the Foreign Service.

The conference report also raises the mandatory retirement age for the Foreign Service to 65 and reaffirms the requirement of worldwide availability for those who serve in the Foreign Service.

Mr. Speaker, this conference report has already passed the Senate. The President is ready to sign it once the House acts. Let us agree to this conference report without delay.

● Mr. FORD of Michigan. Mr. Speaker, I rise in reluctant support of the conference report on the Foreign Service Act of 1980. The bill provides a badly needed first step toward pay comparability between the Foreign Service and the Civil Service, an improvement too important to delay at a time when American diplomats and their staffs are enduring the hardships of one of the most difficult periods in the history of American foreign relations. But I find myself in deep philosophical disagreement with that section of the bill that provides annuities for former spouses of Foreign Service officers.

When H.R. 6790 was considered on the House floor, the Post Office and Civil Service Committee offered an amendment to modify the provisions in section 814 that provided for an automatic allocation of retirement and survivor benefits between a member of the Foreign Service and current spouses and former spouses of the member. Those provisions were identical to the provisions in the Senate bill.

By an overwhelming vote of 229 to 111, the House rejected the provision for an automatic allocation and approved the Post Office and Civil Service Committee amendment, which provided that retirement and survivor's benefits should be treated like all other property for purposes of division by a State court pursuant to a divorce. The amendment approved by the House also required that notice be afforded a spouse before a Foreign Service officer elects not to establish a survivor's benefit.

Despite the mandate of the House, the conferees have substantially adopted the Senate's position on this matter. The conference substitute does contain one major improvement over the Senate bill, in that the substitute will not disrupt the rights of any parties who have already divorced before the act's effective date.

Nevertheless, I have several strong objections to the act's treatment of pensions which I would like to make clear. My first objection is the most serious: I believe it is wrong to readjust the pension rights of Foreign Service members after those rights have been earned and vested. It is wrong to induce an employee to work for 20 or 30 years by promising him a certain pension, only to renege on part of that pension. It was wrong in the private sector 6 years ago when we enacted ERISA and it is wrong today in the Federal sector.

The same principles that engendered ERISA will be jeopardized by the legislation we are considering today: the principle that every employee should be secure in his or her retirement income; the principle that a promise should be kept; and the principle that property that a person has earned should not be taken away without that person's consent. For this legislation takes pension money promised to Foreign Service officers in return for their years of service and gives it to someone else.

The conferees, including the House sponsor of the provision in question, were unanimous in their intention that no precedent be established by the conference substitute. They each stressed, in the clearest terms, that the situation of the spouses of Foreign Service officers, which section 814 seeks to correct, is unique among Federal employees and their spouses. Unique prohibitions on the employment of Foreign Service spouses and unique duties and hardships, combined with the inability of these spouses to qualify for social security, differentiate them from the spouses of military personnel and other Federal employees and make this legislation inapplicable as a precedent for any other group.

But Federal employees in general will be anxious about a different precedent as they struggle to protect the cost-of-living adjustments to their retirement annuities promised to them by previous Congresses. They will worry, with good cause, when they see the sanctity of the Government's promise to Foreign Service officers compromised by this legislation. For each time a principle is ignored it is weakened.

What does a congressional action such as this say to future and present Federal employees to whom the Federal retirement program is a decisive attraction? They know they can neither bargain over nor strike for pay and benefits, but must trust to Congress at least to maintain their retirement program intact. As pay levels are capped and pay compression in the higher grades worsens, recruitment of quality people will be increasingly difficult. By undermining the Federal employees' trust in their retirement security we only make recruitment that much more difficult.

I fear that in its zeal to correct one injustice the Congress has committed a greater injustice and one with more lasting impact. Mr. Speaker, I yield back the balance of my time.●

● Mr. DERWINSKI. Mr. Speaker, I rise in support of the conference report to the Foreign Service Act of 1980. Two of the most important conference decisions, regarding pay and former spouses, reflect major compromises.

The report retains the administration's right to link Foreign Service pay administratively to the general schedule, and this removes the biggest obstacle to the enactment of this bill. The President is too intimately responsible for foreign policy to give up control over the Foreign Service pay system, and I sincerely doubt whether any present or future administration could have lived with statutory, permanent linkage as embodied in the House-passed version of H.R. 6790. The pay costs in the conference report amount to $27.4 million, and the Foreign Service will receive an average compounded raise of 19.6 percent including the comparability adjustment of 9.1 percent effective today. Though the size of this raise seems very high, it must make up for the insufficiency of previous pay adjustments, and the House version of the bill would have granted raises in excess of 20 percent, and cost $34.1 million.

The compromise of annuities for former spouses does not reflect the House position that only the courts should divide annuities because only the courts are fully informed of the facts of each case. The conference compromise divides annuities on a pro rata basis, but only for former spouses who are divorced on or after February 15, 1981, the bill's effective date, and who were married to the participant for at least 10 years of creditable service. This is an improvement over the other body's approach because it means that the Government will not be tampering with long settled divorces. The compromise effectively gives notice to Foreign Service personnel that if they are divorced after the bill's effective date they may face a pro rata partition of their annuities. To avoid this, however, they can sign an agreement with the spouse they are divorcing or persuade a court that the spouse is adequately compensated without a pro rata share of an annuity.

It should be understood that this division of Foreign Service annuities should not be taken as a precedent for domestic civil service employees. The foreign service is unique in its demands on employee spouses and nothing we do with Foreign Service annuities should be misunderstood as a precedent for dividing other Government annuities.

Another conference compromise is in the area of employee representation during a grievance within the State Department's grievance procedure system. The problem here was that management wants some union presence at the resolution of individual grievances, because management does not want to be accused by unions of ignoring or violating collective bargaining agreements in settling individual grievances. Unions also want to preserve bargaining agreements, but do not want to be forced by statute to incur the trouble and expense of representing every grievant. The conference report gives a union the right to appear in grievance proceedings without making it an official representative of the individual grievant. This is a difficult issue, but the parties involved have agreed to live with the compromise and make it work.

The report accepts our raising of the mandatory retirement age to 65 and this preserves the House bill's balance between young, vigorous, worldwide availability, and more experienced, but perhaps less mobile service.

Finally, the most problematic aspect of the conference report is the granting of Federal Foreign Service retirement credit for non-Federal service in the matter of work done by about 50 employees of Radio Free Europe, and Radio Liberty and the USIA's Binational Center. We rejected this amendment on the floor, and such credit would never have been approved by the Post Office and Civil Service Committee. I am pleased that the statement of managers does not regard this provision as a precedent for extending Federal retirement credit for non-Federal service.

Mr. Speaker, I urge enactment of this conference report.●

Mr. FASCELL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 985, CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT AMENDMENTS

Mr. FOLEY. Mr. Speaker, I call up the conference report on the Senate bill (S. 985) to amend the Consolidated Farm and Rural Development Act.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 25, 1980.)

The SPEAKER pro tempore. The gentleman from Washington (Mr. FOLEY) will be recognized for 30 minutes and the gentleman from Virginia (Mr. WAMPLER) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Washington (Mr. FOLEY).

□ 1750

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

I yield to the gentleman from California (Mr. CORMAN) for a unanimous-consent request.

REQUEST TO MAKE IN ORDER TODAY OR ANY DAY THEREAFTER CONSIDERATION OF SENATE AMENDMENTS TO H.R. 8146, UNEMPLOYMENT COMPENSATION ACT OF 1980

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that it may be in order today or any day thereafter to consider the amendments to the bill, H.R. 8146, Unemployment Compensation Act of 1980.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, my understanding is they have not even completed action on this over in the Senate. Is that correct?

Mr. CORMAN. If the gentleman will yield, the gentleman is correct.

Mr. ROUSSELOT. Then, Mr. Speaker, I am constrained to object.

The SPEAKER pro tempore. Objection is heard.

Mr. FOLEY. Mr. Speaker, I rise in support of the conference report on S. 985. The conference report represents a balanced compromise between House and Senate versions and deserves your support.

The conference report amends the Consolidated Farm and Rural Development Act to authorize lending levels for the fiscal years 1980, 1981, and 1982 for the Farmers Home Administration farm and rural development loan programs and to make a number of needed changes in the program authorized by that act.

Until enactment of the Agricultural Credit Act of 1978, FmHA programs were operated without specific lending levels in the authorizing legislation but with specific loan levels prescribed in appropriation legislation. The Agricultural Credit Act of 1978 requires that the aggregate principal amount of these loans shall not exceed during each 3-year period amounts authorized by law. As FmHA programs have grown in scope and size a closer review of them by the legislative committees on a periodic basis is in order so that the committees can increase effective oversight and determine whether any changes are needed. The conference report represents the first effort of this type under the new law.

The conference report on S. 985 would amend the Consolidated Farm and Rural Development Act to prescribe lending ceilings for the various FmHA loan programs for each of the 1980, 1981, and 1982 fiscal years, as follows: for real estate loans, $1,615 billion—including $1.5 billion for farm ownership loans; for farm operating loans, $1.2 billion; for water and sewer facility loans, $1 billion; for community facility loans, $500 million; for business and industrial loans, $1.5 billion; and for emergency natural disaster loans, such sums as may be necessary.

The conference report prescribes a breakdown between insured and guaranteed loans for each of these programs and, in the cases of real estate and operating loans, would authorize the transfer of up to 25 percent of funds between the insured and guaranteed loan categories.

These ceilings will allow credit to the family farmers served by FmHA to expand at about the same rate as in recent years. There will be no substantial growth in Government spending, because the money for these loans is drawn primarily from private money markets. Actual lending levels in each of the next 3 fiscal years will be set in separate actions by Congress in annual appropriation bills.

One important aspect of the legislation assures that proper emphasis is placed by the Farmers Home Administration on assisting low-income limited-resource borrowers to continue in the farming business. To this end the conference report requires that at least 25 percent of the farm ownership and operating loans must be made to such borrowers. If these people are to survive they need adequate credit to finance their farming operations. FmHA is the lender of last resort, and it is to the FmHA that these low-income borrowers must come if they are to obtain their needed financing. The amounts specified in the report are only a minimum, and we fully expect the actual percentage for these loans may well exceed such amounts.

Among the most important aspects of the legislation before the Members today are the individual loan ceilings that would be placed upon loans made under the disaster loan program of FmHA. These provisions are the aftermath to the "60 Minutes" show on television which resulted in an outcry of indignation by so many persons in this country regarding the total amounts received by some farmers for emergency loans.

In some cases large producers received loans of up to $17 million for operating purposes. Under current legislation there are no ceilings placed upon emergency loans which may be made by FmHA to individual producers; whereas strict limitations apply to loans which may be made under the regular farm ownership and operating loan program. The conference report addresses this matter.

Farmers who can obtain credit elsewhere and who are eligible for disaster credit can obtain up to $500,000 in loans to cover their actual loss. In addition, eligible borrowers may receive up to $1.5 million for operating and adjustment needs during the fiscal year just ending. This ceiling would be gradually reduced and the supplemental emergency loans would be phased out in time. The limitation would be reduced to $1 million in fiscal year 1981, $500,000 in fiscal year 1982, and no such loans would be authorized thereafter. The phaseout of these loans is being tried out on an interim basis.

The committee will be reviewing the matter again early in the next session to determine whether it is advisable, instead, to allow the operating and adjustment loans made under the emergency lending authority of Farmers Home Administration to be continued but at a reasonable level.

The conference report contains a grandfather clause to allow operating loans in excess of the new ceilings prescribed in the act for up to 5 years as provided in current legislation for those who had already obtained initial disaster loans before December 15, 1979.

Special provisions are included in the report with respect to providing an emergency loan program for credit worthy borrowers. Such a program was provided for in recent amendments to the Small Business Act that was contained in Public Law 96-302. Under the authority in the conference report, the Secretary would carry out a disaster loan program for credit worthy borrowers, under which the Secretary would have the discretion to make disaster loans of up to $500,000 to such persons. The loans for actual loss would be at the cost of money to the Government plus up to 1 percent rather than at the interest rate of 5 percent which applies to farmers who cannot obtain credit elsewhere.

Credit worthy borrowers would not qualify for emergency and operating and adjustment loans which are provided for those borrowers who cannot obtain credit elsewhere as discussed earlier in my statement. The Secretary would have the discretion to determine whether actual loss loans should be made to particular borrowers as he sees the interest of the program and the needs of the borrower. These loans would not be a matter of entitlement, but would be made subject to such terms and conditions as the Secretary may deem appropriate.

I would like to reiterate for the record the statement that was made regarding this program in the statement of managers accompanying the conference report on S. 2698 the Small Business Development Act of 1980.

The provision of the substitute authorizing a departure from Farmers Home Administration's credit elsewhere test is expected to result in a 25-percent increase in the workload of that agency based on experience during fiscal year 1979. This is expected to increase the program level by $400 million, increase administrative expenses by $4 million as well as require an additional 200 staff years to make and service these loans. The conferees have been informed by the Administration that it will increase the personnel ceiling for the Department of Agriculture and authorize it to hire the additional 200 permanent, full time staff persons. The conferees fully expect the Administration to meet this commitment so that the amendments to the Consolidated Farm and Rural Development Act can be properly implemented.

The report retains a program contained in the bill that passed the House to tighten requirements of law that apply to applicants for emergency loans based on claims that they are unable to obtain credit elsewhere. If the emergency loan does not exceed $300,000, the Secretary must require at least one written declination of credit, specifying the reasons for refusal, from a lending institution within reasonable proximity to the applicant, except that the Secretary may waive this requirement if it would impose an undue burden on the applicant. For loans over $300,000, the Secretary must require at least two such declinations. No waiver provisions are provided for such loans.

The conference report also retains language contained in the bill as it passed the House to clarify authority of FmHA to make loans for renewable resource facilities. These include guaranteed or insured farm ownership loans to qualified persons for the acquisition, installation, and modification of nonfossil energy systems on family farms, loans to promote rural industrialization through the development of nonfossil energy systems, and farm operating loans to qualified persons for the development and construction of nonfossil energy systems.

There conference report contains an important provision that would give the Secretary discretion to make aliens lawfully admitted for permanent residence eligible for loans under the Consolidated Farm and Rural Development Act, subject, however, to regulations as he may prescribe and the same terms and conditions that apply to citizens. Any such regulations are required, however, to be submitted at least 30 days in advance of their publication in the Federal Register to the House Committee on Agriculture and Senate Committee on Agriculture, Nutrition, and Forestry for review.

There are a number of other miscellaneous changes that have been made in the basic charter of FmHA. For example, a provision would authorize for the first time community facility loans to be made to communities having populations of between 10,000 and 20,000 persons. This should provide important help to some hard-pressed communities.

The conference report addresses important needs for changes in the Consolidated Farm and Rural Development Act. The Committee on Agriculture will be reviewing the act again next year to determine whether further changes are necessary. Adequate credit is vital for survival of the farm economy, and the credit programs administered by FmHA are among the most important programs in the Department.

The conference report is the result of bipartisan effort. I wish to commend in particular Congressman ED JONES of Tennessee, chairman of the subcommittee, who is largely responsible for this legislation. In addition, I wish to thank his partner in these efforts, Congressman ED MADIGAN, ranking minority member of the subcommittee. Thanks are also due to the leaders of our sister committee in the Senate, Senator TALMADGE, chairman, and the many others who assisted him.

I urge the Members to join me in voting in support of the conference report.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to associate myself with the remarks of my distinguished colleagues and urge support of the conference report on S. 985. In accordance with the Agricultural Credit Act of 1978, Public Law 95-334, S. 985 authorizes funding levels for the Farmers Home Administration loan programs over the next 3 years.

The Farmers Home Administration loan programs play an important role in the economy of our rural areas. Rapid increases in the cost of land and other elements of production have made it necessary for many farmers to borrow in order to stay in business. Adequate credit must be made available to these farmers to foster and encourage the orderly growth and development of rural America. The purpose of the Farmers Home programs is to provide such credit, and this bill insures that the credit will be available.

I would like to point out that the funding levels established by this bill are ceiling levels which take into consideration expected program growth over the next 3 years. Actual lending levels still would be fixed separately by the Congress in annual appropriations bills.

Mr. Speaker, enactment of S. 985 will enhance the economic stability of rural areas by providing credit where credit otherwise would not be readily available. Real estate and operating loans will provide needed funds to farmers while community facility, water and sewer, and other rural development loans will assist in improving the living conditions and economic structure of less populated areas. I urge support of this conference report.

Mr. Speaker, I yield such time as she

may consume to the distinguished gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. I thank my colleague for yielding.

Mr. Speaker, I want to express my appreciation to the distinguished chairman of the committee and the ranking minority member for their leadership in developing this Consolidated Farm and Rural Development Act.

Mr. Speaker, I rise in strong support of the Consolidated Farm and Rural Development Act. Every Member who represents an agricultural district is acutely aware of the hardships endured by our American farmers and ranchers this year. One agriculturist from my district said, "Mrs. SMITH, we usually have one or two things to worry about, but this year everything has gone wrong."

Late winter and spring found us uncertain about fuel supplies and in the middle of a severe credit crunch. Farm suppliers for the first time had to put credit limits on their best customers. Older established farmers told me they had to dig into their long saved retirement funds to plant this years crop. But, despite all of this, the crops were planted at a record cost for fuel, fertilizer, chemicals, and labor, and hopes were high for a good season.

Much to our dismay, the farm belt was hit with the worst drought since the dust bowl days. Dryland farmers watched their crops burn up under the heat and cattle were thrown off of their critical reproductive cycles due to the intense heat and lack of adequate forage.

Even our farmers who irrigate, have been beseiged by problems. Corn root worms, corn borers, and spider mites have been exceptionally bad this year. Farmers are having to harvest early, at high moisture levels, because corn borers have caused so much damage the cornears are starting to drop off the stalk.

Mr. Speaker, excuse me for painting such a gloomy picture, but times have been hard and are getting harder. The figures speak for themselves; the farm price to parity percentage for feed grains has dropped almost 100 percent since our excellent years of 1973 and 1974. Cost of production has increased drastically since that time and the total number of farmers drops each year.

With this kind of situation you can imagine the odds against a young person trying to get a start in the business. I applaud the conferees for approving the increased spending levels for farm ownership loans and operating loans. The provision that 25 percent of these loans go to low income limited recourse borrowers is very beneficial to our small and young farmers.

The report also addresses our energy dilemma by authorizing various Farmers Home Administration programs for encouraging construction and development of solar energy systems—including production of fuel alcohol. Recent events in the Middle East demonstrate the need for a viable alcohol fuels program and I am convinced that American agriculture will continue to lead the way in synthetic fuel development.

Mr. Speaker, even though I am pleased by our efforts in the area of farm credit, I ask that we take a look at the philosophy behind this legislation.

I fear the attitude of my colleagues, who feel we are solving agricultural problems by extending credit further and further. I submit that what agriculture needs is not more credit, but better prices for their products and a market free from ill-founded embargoes. In 1960 total farm debt was $23 billion, today it is more than $161 billion. This trend concerns me deeply and I fear the long-term consequences of the worlds finest food and fiber production system being run on very little cash and unprecedented credit.

In this light, I urge passage of the conference report on the Consolidated Farm and Rural Development Act amendments.

Mr. WAMPLER. Mr. Speaker, I have no further requests for time, but I reserve the remainder of my time.

● Mr. MADIGAN. Mr. Speaker, I rise in support of the conference report to S. 985, a bill to amend the Consolidated Farm and Rural Development Act.

S. 985 represents an important milestone in the Farmers Home Administration farm and rural development loan programs. Prior to this bill, loan program activity levels were addressed only in appropriation acts. As a result of the need for the legislative committees to make a periodic review of the Farmers Home loan programs, the Agricultural Credit Act of 1978 (Public Law 95-334) required the aggregate principal amount of the loans under the farm and rural development programs to be authorized every 3 years beginning October 1, 1979. S. 985 satisfies this requirement, and the new loan ceilings will give Congress the opportunity, through the appropriation process, to provide adequate credit to our rural areas through these FmHA programs over the 3-year life of the bill.

I am particularly pleased that the bill makes communities of up to 20,000 in population eligible for FmHA community facility loans. This change—which makes only about 1,200 more communities eligible for these loans—will help fill a Federal funding gap that currently exists in this Nation's rural areas. It will substantially help a small group of communities across the country when they have difficulty finding Federal assistance for community facilities, such as hospitals or community-owned nursing homes, or in meeting the requirements of other Federal acts such as the Clean Air Act with respect to municipally owned powerplants. In many cases these communities are unable to meet such pressing needs, and yet until now they have been too large to qualify for FmHA assistance even though they provide hospital and other services to our rural residents.

Mr. Chairman, we must provide the resources to strengthen and improve FmHA ability to deliver its full range of programs for farms and small communities. S. 985 insures that the Farmers Home Administration will have the ability to provide these services, thereby improving the economy and living conditions in rural America. I urge my colleagues to support the conference report.●

● Mr. SMITH of Iowa. Mr. Speaker, I rise in support of the conference report on S. 985, amendments to the Consolidated Farm and Rural Development Act.

On July 2, this year, legislation was approved which insured that farmers would be treated the same as all other nonfarm small businesses in their eligibility for disaster assistance and in the terms of that assistance. That law (Public Law 96-302) was the product of more than 2 years of long and difficult negotiations in which the Small Business Committees, the Agriculture Committees, the Budget Committees, the administration and others participated.

This compromise provides that the maximum amount and the terms of disaster assistance for actual physical losses will be the same at both the Farmers Home Administration and the Small Business Administration so that farmers will not be discriminated against as they were in the past. Farmers eligible for the same benefits under disaster assistance at FmHA must go there, but if a farmer is not eligible or unable to obtain the same assistance at FmHA at substantially similar interest rates as nonfarm businesses can get at SBA, then that farmer can go to SBA.

I am pleased that the conference report on S. 985 includes the same basic elements relating to FmHA actual loss emergency loans which were so carefully negotiated and approved in the Omnibus Small Business Act only 3 months ago. S. 985 reaffirms the principle that farmers affected by unforeseen and devastating disaster should be accorded the same treatment as nonfarm small businesses with disaster losses; it reaffirms this principle which the House has approved on four separate occasions during this Congress (May 22, 1979; December 19, 1979; February 6, 1980; and June 19, 1980).

S. 985 directs the Secretary of Agriculture to effect the changes in FmHA's disaster lending program which will make it equivalent to SBA's business disaster loan program, which was also changed by the recent small business legislation to achieve this goal. These changes were made first, to insure fair treatment for all disaster borrowers, and second, to accommodate the administration's strong desire to shift farm disaster lending responsibilities away from SBA in favor of FmHA.

The administration, in fact, made a commitment to the conferees on the Omnibus Small Business Act, including representatives of the Agriculture Committee, to provide FmHA with 200 additional staff positions to handle the anticipated increase in workload due to this shift. This commitment is part of the legislative history of Public Law 96-302, and we fully expect them to honor it so that disaster lending activities will not be needlessly disrupted or delayed.

I am hopeful that shortly after enactment of S. 985 FmHA and SBA will publish regulations to implement S. 985's provisions and those of Public Law 96-302, and I understand that an interagency agreement has been drafted.

However, I wish to say once again that should such an agreement or regulations not be forthcoming and in accordance with the legislative intent or should farmers not receive the same treatment for actual disaster losses at FmHA as nonfarm businesses receive for their physical damage losses at SBA, then those farmers can come to SBA. These provisions have been agreed to by all parties and are included in Public Law 96–302. If the administration honors its commitment and FmHA's and SBA's actual loss programs are equivalent, it will achieve its goal of shifting the bulk of farm disaster lending to FmHA; in any event, however, farmers with disaster losses will no longer be discriminated against and will receive the same treatment as other small businesses with disaster losses.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I urge adoption of the conference report on S. 985.●

Mr. FOLEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

CONFERENCE REPORT ON H.R. 2977, DOMESTIC VIOLENCE PREVENTION AND SERVICES ACT

Mr. SIMON. Mr. Speaker, I call up the conference report on the bill (H.R. 2977) to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement see proceedings of the House of September 25, 1980.)

The SPEAKER pro tempore. The gentleman from Illinois (Mr. SIMON) will be recognized for 30 minutes, and the gentleman from Colorado (Mr. KRAMER) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Speaker, I yield myself such time as I may consume. I will try and take considerably less than 30 minutes. I shall be very brief. We have a conference report that was agreed to by all conferees on the part of the Committee on Education and Labor. There were two other aspects, one of which touches on the Committee on the Judiciary. It was agreed to by all conferees and also the Committee on Ways and Means. Again it was agreed to by all conferees.

On the detailed portions of the conference report the Senate went with the House on all the major suggestions made by my colleague, the gentleman from Colorado, Mr. KRAMER, and my colleague, the gentleman from Ohio, Mr. ASHBROOK. I think we have a solid piece of legislation here. I hope it will be supported by the House.

I ask my colleagues' support for the conference report on H.R. 2977, the Domestic Violence Prevention and Services Act.

This legislation received overwhelming support as it passed the House in December of 1979. I assure my colleagues that the conference report is in virtually all respects, as to the sections on domestic violence, reflective of the House provisions that were carefully drafted with bipartisan participation.

In particular the conference report maintains the House intention that this program not be open-ended, but expire in 3 years, and maintains the House intention that the program be channeled exclusively through State government rather than through direct grants from the Federal Government. The important concept of local initiative and incentives for continued State and local support of programs funded under this act is maintained in a provision that requires grantees to provide an increasing local share in proportion to the total Federal funds received. Federal funds from any source are not permitted to meet the local share and 50 percent of the local share must be raised from private sources (which may be in cash or in kind) in the community to be served. Thus Federal funds will be used to stimulate State and local solutions to the problem of domestic violence.

This domestic violence legislation has the support of the administration and a long list of diverse organizations including the Congresswomen's Caucus, the General Federation of Women's Clubs, the YWCA, the American Jewish Congress, the National Council of Churches, the American Nurses Association, the American Bar Association, and the International Brotherhood of Police Officers. It merits the continued support of the House, as well, and I urge prompt passage of this conference report.

Mr. Speaker, the Senate added to the bill H.R. 2977 a number of additional amendments during its consideration. The conferees acted upon them as follows:

Title II of the Senate bill established a Presidential Commission on National Service. The House bill did not contain a comparable provision, but a similar Commission would be established by H.R. 6868, ordered reported by my Subcommittee on Select Education on September 3, 1980 and by the Education and Labor Committee on September 23, 1980. As H.R. 6868 was jointly referred to the House Armed Services Committee, however, the Senate receded in view of that committees' jurisdictional objections. I would like to note that the chairman of the Armed Services Subcommittee on Military Personnel has assured me of his intention to move ahead rapidly on marking up H.R. 6868 and I encourage him to do so.

Title III of the Senate bill provided for the Secretary of HHS to conduct a study of the nature and incidence of abuse of elderly individuals. The conferees accepted this amendment in view of the testimony before the House Select Committee on Aging showing the potentially widespread nature of this primarily hidden problem.

Title IV of the Senate bill contained provisions directed toward the serious problem of parental kidnaping. The House appointed as conferees, solely for this title, five members of the Judiciary Committee and three members of the Ways and Means Committee. These conferees agreed upon a compromise that would: First, provide that the appropriate authorities of every State inforce and not modify any child custody determination entered by a court of another State of jurisdiction; second, authorize the Secretary of HHS to enter into agreements with States for utilization of the Federal Parent Locator Service, limited to the most recent address and place of employment of any absent parent of the child, for the purpose of enforcing any State or Federal law with respect to unlawful taking or restraint of a child or enforcing a child custody determination; third, delete the provisions of the Senate amendment establishing a new Federal criminal offense and substitute a provision setting forth the congressional intent that section 1073 of title 18, United States Code, is applicable to cases involving parental kidnaping and interstate or international flight to avoid prosecution under applicable State felony statutes and requiring the Attorney General of the United States to submit to the Congress reports with respect to steps taken to comply with the intent of Congress.

Title V of the Senate bill authorizes the extension of the Commission on Proposals for the National Academy on Peace and Conflict Resolution through January 31, 1981. Although funds were appropriated for the Commission in October 1979, the Commission under the chairmanship of Senator MATSUNAGA did not begin its formal activities until January 1980. The intent of the original authorizing legislation was to give the Commission a full year for its work. Title V will assure this. The Commission will require no additional funds; it will operate with funds previously appropriated.

I again urge my colleagues to support the conference report on H.R. 2977.

Mr. Speaker, I now yield such time as he may consume to my colleague, the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I rise in strong support of the conference report. The legislation we are currently considering represents the product of 3 years of bipartisan efforts to address one of the most severe and yet hidden crises affecting millions of American families: Serious violence among family members. H.R. 2977 will provide limited Federal assistance to victims of domestic violence by supporting community-based programs of shelter and related services.

Perhaps the most telling argument in support of this legislation has been the testimony, before the Subcommittee on Select Education, and continuing through communications from constituents, which illustrated the severity of the problem of family abuse. It is no longer possible for Members of Congress to ignore the problem, when, as experts, victims, and service providers explained, violence among family members exists in every congressional district—indeed, in every neighborhood—in America.

The Domestic Violence Prevention and Services Act is an outgrowth of my work with community groups in my own district in California as well as throughout the Nation. I visited several shelters, listened to victims recount their experiences and their struggle to find refuge and services, and learned of the critical nature of community and volunteer involvement to insure the success of local programs. We have fashioned legislation which reflects this experience, and which relies heavily on the volunteer efforts and contributions of local citizens. We have also worked hard to craft a program which will maintain at the State and local level, the central responsibility for developing services to aid families experiencing violence and abuse.

During the past 3 years, many people throughout the Nation and in the Congress have joined in the effort to develop this program to provide safe harbor and services for families undergoing serious abuse. I want to pay tribute to the contributions of these individuals and commend their perseverance and dedication.

Within the Congress, I particularly want to pay tribute to the Subcommittee on Select Education of the Education and Labor Committee, and to its chairman, Paul Simon of Illinois. Mr. Simon has been a key supporter of this legislation and has ably forged a bill which represents the bipartisan interests of the subcommittee.

Congresswomen Barbara Mikulski of Maryland and Lindy Boggs of Louisiana have also been unflagging supporters and cosponsors of this legislation. Their strong voices of commitment and concern and their efforts on the floor have been critical to the success of the legislation in the House.

I also want to recognize the contribution of Congressman Hyde of Illinois, who has from the outset supported this bill and lent a strong voice of bipartisan support for the need to pass legislation to assist victims of domestic violence. More than 100 other Members of Congress joined in cosponsoring this legislation. Mr. Cranston of California has been the principal supporter of this legislation in the Senate.

There are many people outside Congress and outside Washington who have also contributed greatly to the substance and success of this legislation. Many, many people and organizations gave support and assistance to me and to other congressional sponsors of the bill throughout its development and passage. While I cannot mention them all, I would like to take a moment to name a few whose personal efforts have been essential:

Mary Morrison, Barbara Hart, Morgan Plant, and many volunteers, all of whom have been associated with the National Coalition Against Domestic Violence; P. J. Marshner and Lisa Lerman of the Center for Women Policy Studies; Freda Nazeer of the General Federation of Women's Clubs; Jane O'Grady of the AFL-CIO, and many others whom I do not know who have been associated with shelter programs across the country and who have given their time and effort to educate their communities about the tragic problem of domestic violence.

The conference report on H.R. 2977 is an excellent piece of legislation which offers the promise of help to the nearly 2 million victims of domestic violence who currently have no place to turn.

I think that the final piece of legislation which is now before the House merits the support of the Members of the House. It is in fact a piece of legislation which has accepted many of the amendments offered by the minority and by the Senate to strengthen the program, to strengthen local participation and local control over the program. It carefully seeks to stimulate better use of existing local, State, and Federal resources to aid battered and abused spouses and their dependents. It creates no new Federal bureaucracy and assures that local communities will be able to design programs appropriate to their particular needs. I would hope that the committee would go ahead and vote in support of the legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. Kramer).

Mr. KRAMER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Hyde).

Mr. HYDE. Mr. Speaker, as a cosponsor of this legislation in the last Congress and again in this Congress, I strongly support the conference report and urge that my colleagues join with me to insure its adoption.

The main objective of the Domestic Violence Prevention and Services Act is to channel funds to community based organizations to help create or maintain shelters for victims of domestic abuse. These people desperately need a place to go immediately for food and shelter when they have to escape a violent home environment. While many communities have established volunteer groups to assist, many have not and so much more help is needed.

This program will not set up a huge Federal bureaucracy. Since there is no requirement that a State or community participate in the program, it is not compulsory but it will provide leadership and initiative to communities, as well as set up a Federal clearinghouse for research and information. It encourages State and local government to become more involved and develop long-term plans to combat domestic violence, including changes in the criminal justice system, social service delivery and public education. It will help those community programs that have already evolved—shelters, hotlines, counseling centers—to become self-sustaining entities. There is a sunset provision ending the program in 1984. This is useful, it is needed and I heartily support adoption of the conference report.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. Kramer).

☐ 1800

Mr. KRAMER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to the bill. I must compliment my distinguished subcommittee chairman, the gentleman from Illinois (Mr. Simon) and the other members of the subcommittee for their hard work on this bill.

I do really believe it is a much better work product than it was when first introduced. The members of the subcommittee were most cooperative, not only in working to amend and improve the bill in subcommittee and committee, but also in conference in upholding the position of the House passed bill.

We did prevail on most of the key issues in conference committee over the Senate version of the bill and ultimately H.R. 2997 became a tighter, better piece of legislation with a definite State and local focus, rather than the Federal focus contained in the Senate bill.

Nevertheless, I do feel this bill is unnecessary for several reasons.

First, over $11.5 million of federally appropriated funds is already going to aid domestic violence victims throughout this Nation in some 19 Federal programs providing one type of assistance or other relating to domestic violence. So H.R. 2997 is not really a new initiative at the Federal level so much as it is duplicative of other ongoing Federal efforts.

Second, I think there is a dangerous trend in this legislation to focus Federal initiatives and Federal involvement in areas traditionally reserved as family matters to State and local jurisdictions. Moreover, States are very well aware of the fact that there is a domestic violence problem. All but seven States already have a significant domestic violence initiative already in place within the State and many States have shelters for domestic violence victims funded with some sort of State aid.

Third, even though the sunset provision phases out the bill in 3 fiscal years after its enactment, we must not forget that this is a time when Americans are experiencing great difficulty in paying their bills at the end of the month due to inflation. There is no question this bill will make that burden of making ends meet just a little bit harder because ultimately we are going to wind up funding the domestic violence bill out of increased deficits.

Mr. Speaker, at a time when people are asking for restraint, when they are asking for cutbacks and a halt to new Federal initiatives—at least to those which are not absolutely necessary—it is a mistake to move forward with a new Federal spending program at this time.

For those reasons, Mr. Speaker, I oppose this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, as much as many Members, I think I have been interested in restraint in this House. I have worked to try to hold down what I thought was unnecessary spending. I believe in the case of this bill, and this conference report, we are confronted by a piece of necessary spending.

I intend to vote for the conference report. I wish it had come sooner. I think the program is much overdue and I congratulate those who are in charge of bringing it to us.

Mr. Speaker, I yield back the balance of my time.

Mr. KRAMER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ERDAHL).

Mr. ERDAHL. Mr. Speaker, I rise in support of this conference report. I respect Mr. KRAMER's concern for fiscal austerity and responsibility and yet I think in this Congress we have been asked to pick priorities. Certainly, throughout our society for too long we have been silent about the victims of domestic violence. It happens in the slums, it happens on the farms, it happens in the cities, it happens in the quiet suburbs. It is a widespread problem.

These pathetic people need a place of refuge and what this bill does is to encourage the States and the local levels to create these shelters. I think it is a responsible action that we in this Congress can extend in the way of care and concern to some of the most pathetic people in our society. Mr. Speaker, I urge support of the conference report.

Mr. KRAMER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I rise in opposition to the adoption of the conference report for H.R. 2977, the Domestic Violence Prevention and Services Act. My opposition comes as no surprise to Members of this body, I am certain. I have consistently opposed adoption of domestic violence prevention and treatment legislation for two consecutive Congresses.

My opposition is based on several factors, one of which is that domestic violence prevention and services is an area that should be reserved for State and local governments. The States are aware of the problems of domestic violence and are doing something about it now.

What we have before us today is a well-intended bill that would serve an ill-defined need. No one can argue that domestic violence is a growing problem in this country. What we must take issue with, however, is the ill-defined need for additional Federal involvement in the area of domestic violence prevention and services. I would like to take just a moment to set out my objections to this legislation for the benefit of my colleagues who may not remember the debate we had on a similar measure during the last Congress.

Matters addressing the well-being of the family unit have traditionally been reserved for the jurisdiction of the State and local governments. Increasingly in the past years the Federal Government has expanded its role to include services to many segments of the family which have demonstrated clear need and are not able to receive such assistance at the State level. Assistance to victims of domestic violence is one such area where the Federal role has expanded tremendously in recent years.

Currently, there are 19 federally funded programs which provide some known form of domestic violence assistance to victims. In fiscal year 1979 alone, the amount which flowed either to victims or to service programs assisting victims was over $11.5 million.

In addition there are at least 12 other Federal programs which were funded at a fiscal year 1979 level of $30 billion which provide assistance to victims of domestic violence, but because of the nature of the programs, it is impossible to determine the exact amount going to such persons. These programs include the National Center on Child Abuse; title XX—Social Security Act; aid to families with dependent children; medicaid; title IV—Social Security Act (emergency assistance); low-rent public housing (HUD); section VIII—low-income housing assistance (HUD); legal assistance (LSC); CETA, titles II-D and VI; the women, infants, and children supplemental food program; food stamp program; and the Bureau of Indian Affairs' Social Service Division.

What we are considering today in the conference report on H.R. 2977 is typical of many of the bills that have come before this Congress. Often our response to real needs is to create a new categorical program without looking at what services actually exist. This is exactly what the Domestic Violence Prevention and Services Act is—another categorical program which is not needed. There is no evidence if enacted and funded, domestic violence would be any less severe a problem because of the services that H.R. 2977 would provide.

In addition, there is evidence to suggest that we are putting the proverbial cart before the horse in considering this bill prior to receiving recommendations from several studies and task forces that are currently evaluating the Federal role in domestic violence assistance.

In April 1979 President Carter established an interdepartmental committee on domestic violence which consisted of representatives from 10 Federal agencies. This group was commissioned to conduct a thorough study of existing services available to victims of domestic violence in federally funded programs. Each agency was required to report to the Office on Domestic Violence by November 30, 1979.

The results of the survey conducted by the interdepartmental committee on domestic violence is in the process now of being printed. This survey shows what existing Federal programs are available to victims, whether there is need for coordination/consolidation of any of these programs, and whether there is need for additional new legislation.

In addition to the interdepartmental committee on domestic violence, the Civil Rights Commission began a study of services available to victims of domestic violence in January 1978. The Commission's study is more comprehensive than what is now being conducted by the Office of Domestic Violence, in that the Commission will attempt to get field reaction to the availability and accessibility of Federally assisted programs, in addition to Washington, D.C., input. The Commission will be looking at 20 major Federal programs that offer some support for victims of domestic violence and will attempt to determine to what degree existing programs meet the needs and what improvements need to be made.

The Civil Rights Commission study on services available to victims of domestic violence is also near completion. The Commissioners will be reviewing the draft report in October 1980 meeting.

Finally, the office of Assistant Secretary for Planning and Evaluation in the Department of Health and Human Services is conducting a survey with operating officials in all 50 States and 100 communities in 15 States to determine the effectiveness of 10 Federal programs providing assistance to victims of domestic violence. The final report will attempt to show a systematic way what problems exist in getting support to domestic violence victims—that is, lack of funding, need for technical assitance to States, etc. Scheduled completion for this project is October 1980.

What is clear from these studies is that no one in the Federal Government knows what specific needs there are for victims of domestic violence, what existing programs are or can do for the victims and where there is need for additional assistance. And so I ask, what is the hurry when we know that the most exhaustive evidence on the subject will be forthcoming in a few short months. The hearing record is clear in this aspect that we do not have all the data to show in what ways the Federal Government is involved or should be involved in providing domestic violence services.

Is this responsible legislating? With all the balance-the-budget rhetoric being passed around the Congress these days, I ask my colleagues whether or not it makes sense to enact legislation which will establish a categorical program when it is clear that the Federal Government is providing in excess of $11.5 million already—and that is not authorizing language, that is money appropriated.

In addition to these existing services, legislation was enacted during this Congress to provide two forms of additional support to victims of domestic violence. First, Public Law 96-272 (H.R. 3434) provides for amendment to title XX of the Social Security Act, allowing funds to be used for temporary emergency shelter for adults. Shelter services cannot exceed 30 days in each 6 month period, but it provides the needed expansion of current title XX services. Second, Public Law 96-249 (H.R. 5907/S. 1309) amended the Food Stamp Act by establishing that victims of domestic violence and their children who are residing in emergency shelters are eligible for assistance under the food stamp program.

This amendment also enables women from middle and upper income families who may be residing at a temporary emergency shelter, and have no access to liquid assets, to be covered under the Food Stamp Act. The amendment also allows each individual family (battered spouse and children) to be counted as a separate family for purposes of eligibility under the Food Stamp Act programs, as opposed to counting all persons residing in a temporary shelter as one family.

It is important to note that this amendment to the Food Stamp Act increases the availability of Federal assistance to women from middle and upper income families who are residing in temporary emergency shelters. These two examples show that the Federal Government is continually expanding its provision under existing programs for the needs of victims of domestic violence. We do not need another program.

Another argument supporters of H.R. 2977 have used to demonstrate the need for considering this legislation. In June 1979, the Center for Women Policy Studies published a handbook entitled "Programs Providing Services to Battered Women." In a State-by-State breakdown, there were 274 available and operating shelters for victims of domestic violence and an additional 204 available and operating service agencies which provide various types of aid including legal aid, counseling, referral, telephone hot line, housing and childcare. Every State in the Nation, with the exception of two (New Hampshire and Wyoming), have operating shelters which provide emergency assistance to victims of domestic violence.

The Center for Women Policy Studies also showed in their 1979 report that with the exception of seven, every State legislature was considering legislation dealing with civil remedies, shelter services, data collection, police training, and criminal statutes in relation to domestic violence. States are aware of the problem and are doing something now.

Finally, I would like to discuss the weakness inherent in this legislative proposal. Although somewhat of an improvement over the last legislative proposal, H.R. 2977, as amended, has several obvious weaknesses.

First, H.R. 2977 would create an Interagency Council on Domestic Violence which is nearly identical to that which President Carter established in April 1979 and which will be reporting soon on its findings and recommendations. Seven of the departments and agencies included in the Interagency Council on Domestic Violence in H.R. 2977 were participants in President Carter's Interdepartmental Committee on Domestic Violence. This duplication is unnecessary and exemplifies how H.R. 2977 attempts to address needs which either in part or nearly in whole have already been addressed.

Second, H.R. 2977, as amended, establishes a separate supplemental grant program. The 15 percent of the funds reserved under this part will be used by States to make application for Federal domestic violence funds, to cover State administration costs, to provide technical assistance within the State, and to enhance the State's media campaign which would be directed at providing information to individuals throughout the State. At a time when we are attempting to balance the budget, we are now enacting legislation that would pay money to States so that States could use that money to apply for Federal grants. This is ridiculous.

Additionally, H.R. 2977, as amended, provides the Secretary of Health and Human Services with the authority to provide technical assistance. Now one thing this program is, is a State grant program. What purpose is there in giving the Secretary of Health and Human Services authority to provide technical assistance on what the States might want to do with these grants? Technical assistance has been provided through the Legal Services Corporation and the ACTION agency. There is no need for additional support in this area.

I say we need to reevaluate our patterns of giving all to everyone. We have seen enough examples in this country of limited resources—in energy, raw materials, and other goods.

There is no request by either appropriations committees for funds for this bill, if it is enacted in fiscal year 1981.

In light of the existing Federal role in providing services to domestic violence victims and their dependents, I believe we must put these needs into the broader perspective of the whole. On one hand, we are faced with the desire to respond to the very real and devastating needs of victims of domestic violence. But on the other, we realize that we do not have the comprehensive data needed to draft sensible and responsible legislation.

Victims of domestic violence first turn to local authorities and then to the State for assistance in meeting their needs. The Federal response surely must be a compliment to the foundation of support which emanates from the State and local governments. To create any other program would not be of benefit to the person whose needs we are trying to serve. There is no way that the Federal Government can successfully alleviate the problems of domestic violence singlehandedly. The seed money which the Federal Government has provided in existing programs has given the States enough impetus to begin their own programs in domestic violence prevention and service. The Federal Government is far past the seed money stage in providing support for programs to victims of domestic violence. We need to stop, look, and listen to what we already have before we add another categorical program.

I include at this point the dissenting views which we prepared when the bill was reported out of the Education and Labor Committee.

I urge my colleagues to oppose the adoption of the conference report on the Domestic Violence Prevention and Services Act.

Dissenting Views

Although domestic violence is recognized to be a real and growing problem in the United States, we oppose H.R. 2977, the Domestic Violence Prevention and Services Act for budgetary and jurisdictional reasons.

H.R. 2977 is a 3-year authorization with a total cost of $65 million. Relatively speaking, the price tag on this bill is substantially lower than many other categorical programs which have been established by the Congress in recent years. However, there is no guarantee that if this bill were enacted and funded, the problems of domestic violence would be any less severe than they are now. There are already many existing Federal categorical programs addressing these problems. Too many times the Federal Government has responded to real needs by adding another categorical program. Presently there are at least 19 funded Federal programs addressing different aspects of domestic violence services and prevention. We concur that there is a real need in the area of domestic violence prevention and protective services. We feel, however, that the Federal Government has provided more than adequate support for what is more correctly assessed as a State-local jurisdictional concern.

In what specific ways is the Federal Government currently addressing the problem of domestic violence? In August 1979, the Congressional Research Service of the Library of Congress supplied a comprehensive analysis of the manner in which the Federal Government is addressing the problems of domestic violence. At least nine department or agencies are currently providing some form of services either directly to the battered individual or more generally in the form of prevention. The CRS report shows that a minimum of $11.5 million actually went to support some form of domestic violence research or services in fiscal year 1979. This does not take into account the many Federal dollars that flow to individuals and shelters from programs of locally determined priorities. From the description which follows, it would be difficult not to support the notion that a significant amount of funding beyond that $11.5 million flowed to meet the needs of victims of domestic violence in fiscal year 1979. Following is a summary of the CRS analysis of currently available services for victims of domestic violence.

Within the Department of Health, Education, and Welfare, there are several programs which deal with the problems of domestic violence. The National Center on Child Abuse and Neglect provides services to abused and neglected children. Although the principal focus of the 80 demonstration projects under this program focus primarily on the child, it is more often than not that the problems of child abuse are dealt with in cooperation with the parent or the abuser. The problem of abuse within the family unit, regardless of which member is the recipient of that abuse, needs to be addressed in a comprehensive manner as is the approach in the child abuse program.

In addition, the Administration for Public Services, which administers title XX of the Social Security Act, provided 75 percent matching funds to the States for social services. Under title XX States are given the discretion to identify and define their own problem areas and the services they will offer to address those problems. One limitation on the use of title XX funds is that they cannot provide temporary emergency housing for adults. When the administration testified in July, it was suggested that title XX be amended to lift that limitation and allow funds to be used to provide for temporary emergency housing for adults. Currently there are bills in both the House and Senate which would make this possible.

Although domestic violence has now been established to be a problem for families of all income levels, both rural and urban in setting, several Federal programs target such assistance to low-income persons. Victims of domestic violence and their children may be helped financially through the aid to families with dependent children's programs if they qualify. Recognizing that this would provide partial relief only to those victims which are from lower income families, it is still a viable form of assistance that is currently being used. When a family is eligible for AFDC payments, they are also entitled to subsidized medical care through the medicaid program under title XIX of the Social Security Act. The AFDC program also has an emergency assistance provision under which any family with at least one child can receive financial aid for 30 days in any 1 year.

Several research projects are currently funded within the Department of Health, Education, and Welfare which addressed different aspects of domestic violence. One funded study which is being conducted by the Colorado Association for Aid to Battered Women received a total of $164,000 to compile information on the various services which are being provided throughout the Nation to battered spouses. The Alcohol, Drug Abuse, and Mental Health Administration has funded two projects related to domestic violence. Several offices in the National Institute of Mental Health are addressing this problem. One such office—the Center for Studies of Crime and Delinquency—supported eight projects totaling $972,000 in fiscal years 1978–79 that were related to domestic violence. The National Center for Prevention of Rape, a division of the National Institute of Mental Health, is currently funding a research project on marital rape and physical abuse, totaling $84,000 in fiscal years 1978–79. The National Institute of Mental Health is also funding through its Center for Mental Health Services, Manpowers, Research and Demonstration, a 2-year project for a women's group in Philadelphia to operate a battered women's hotline. The funds from this project are to be used to train mental health personnel to understand issues and identification of treatment for battered spouses and to use community resources in intervention. The National Institute on Alcohol Abuse and Alcoholism is currently funding five research projects on alcohol-related violence in the family during fiscal years 1978–79, totaling over $500,000.

The Department of Housing and Urban Development provides assistance through the community development block grant program, which funds local government development projects under title I of the Housing and Community Development Act of 1974. Local communities determine their priorities under the program through the community development agency. Communities can use their block grants to acquire and/or renovate buildings to be used as emergency shelters for victims of domestic violence. Through fiscal year 1979, block grant funds were used to acquire 27 domestic violence sheltered facilities at a cost of $1.2 million.

The Community Services Administration provides support to low-income persons through the creation of local networks of services developed and delivered by local community organizations. Domestic violence shelters and other service deliverers can apply to the local community action agency for funds, supplementary services, and contributions. In addition, CSA has funded a family crisis center demonstration project in Milwaukee, Wis., at $600,000 in fiscal year 1979 and technical assistance and training centers in Massachusetts and Pennsylvania for $100,000 each.

The ACTION agency has provided services and funding for many programs in domestic violence. At present, approximately 600 ACTION volunteers are working in 30 States on about 100 domestic violence projects. ACTION was also the first Federal agency to provide technical assistance to volunteer groups across the Nation and has responded to over 20,000 requests for information and technical assistance on the issues of domestic violence. The technical assistance project was based in Ann Arbor, Mich., and was funded with a grant of $300,000. Through the 10 regional centers, assistance will be provided to domestic violence programs all over the country through conferences, sharing of information, and nationwide linking of shelters.

The Legal Services Corporation provides funds to approximately 300 legal assistance programs throughout the country, which in turn, provide legal services to indigent clients. Legal Services Corporation staff persons can represent domestic violence victims in the areas of divorce or separation and preparation for court. The LSC also funded a National Backup Center in fiscal year 1979 with approximately $75,000. The purpose of the center is to provide technical assistance on women's issues and to assist in spouse abuse cases at the local LSC program level throughout the country.

The Department of Justice's Law Enforcement Assistant Administration provides direct funding for domestic violence programs through the family violence program in LEAA's Office of Criminal Justice Programs. Projects are funded that will provide for a comprehensive service network for domestic violence victims. The services provided through such projects must incorporate not only a criminal justice component, but other services such as physical and mental health and social services. Many have received grants through this program including district attorneys offices, mental health agencies, shelters, and women's advocacy groups. Total funding for fiscal year 1978 under this program was $2.236 million, with $2 million additional support in fiscal year 1979. In addition, the family violence program funded the Center for Women Policy Studies at $250,000 in fiscal year 1975 to serve as a nationwide resource center on domestic violence programs and to publish a newsletter on domestic violence issues. The Law Enforcement Assistance Administration also has a large block grant program under which States have some discretion in the projects that will be funded. Through fiscal year 1978, $5 million in block grant funds went to support temporary shelters and other domestic violence programs in the States.

Within the Department of Labor, the Comprehensive Employment and Training Act of 1973, as amended, provided support for domestic violence programs under title VI. Shelters often have used title VI funds to obtain shelter personnel, including intake workers, counselors, secretaries, volunteer coordinators, and fund raisers. These positions can serve a dual purpose in shelters when battered spouses are selected to fill a shelter's public service employment job. The shelter is funded for essential personnel, while the domestic violence victim is provided with a job.

In addition, title II funds of CETA are used to provide comprehensive employment and training services which include testing, counseling, and job placement aid.

The Department of Agriculture has two food programs which could be of benefit to low-income domestic violence victims and their children. The women, infant and children supplemental food program provides food for pregnant women, infants and children up to age five. The food stamp program supplements the food purchasing power of low-income families based on the family size and income.

The Bureau of Indian Affairs with the Department of Interior has a social services division which offers financial assistance, emergency food and shelter, and social services to native Americans.

These specific examples provided by the Library of Congress document the fact that there are several existing Federally funded programs which are currently providing millions of dollars to domestic violence victims and their children and are supporting domestic violence temporary housing shelters. On the basis of these facts, we conclude that there is no need for additional Federal involvement in this area which we believe is a matter more of State and local rather than Federal concern.

We are not opposed to the establishment and maintenance of centers to provide short- and long-term services to victims of domestic violence and their dependents. The list of needed services is long. Short- and long-term counseling, temporary emergency shelter and relief, hotline crisis intervention, legal information and assistance, emergency transportation to shelters, and assistance in funding in housing needs are just a few of those pressing needs which victims of domestic violence are faced with at a very tragic time in their lives. We believe existing Federal programs do provide sufficient support to meet the needs of domestic violence victims.

Furthermore, proponents of H.R. 2977 argue that there is a need for seed money to begin shelters in States. If it were determined that the Federal level of activity was insufficient to assist in the creation of shelters—and we believe that the data just reviewed shows that it is not—one might look at what already exists in the States. Is there a need for seed money or are temporary shelters for domestic violence victims readily available with the States? The Center for Women Policy Studies published a book entitled "Programs Providing Services to Battered Women" in which they list over 460 different types of services currently available within the States, many of which are shelters. In addition, the Center for Women Policy Studies has published data in August 1979, that shows what various State legislatures are considering as far as domestic violence-related legislation. This material shows that every State in the Union with the exception of seven are considering some form of legislation dealing with civil remedies, shelter services, data collection, police training, criminal statutes and proceedings or other forms of legislation on the State level. From this data we believe that there is sufficient support within the States for domestic violence services and that we are long passed the "seed money" stage.

Finally, the administration has offered no support for H.R. 2977. In their testimony in July, witnesses indicated that an official administration position would be forthcoming. To date, none has been received. It is known that the administration does support wording to amend title XX of the Social Security Act to allow States to provide emergency shelters for adults as a protective service. In addition, the administration has already established an Office for Domestic Violence which was funded at $360,000 in fiscal year 1979 and has a projected budget of $1.2 million in fiscal year 1980. The function of this office is to provide a central focus for policy planning and to help coordinate on a national level information about specific domestic violence shelters, programs, and services. There already exists a national clearinghouse for domestic violence program information. To establish it in H.R. 2977 would be redundant.

In addition, President Carter has requested interdepartmental cooperation to determine what Federal agencies and departments are providing domestic violence assistance. The Interdepartmental Committee on Domestic Violence is composed of 10 Federal departments and agencies.

Jurisdiction over family matters has traditionally been a State concern. The protection of the family, and its members, is firmly rooted in State law and we must not try and superimpose the will of the Federal Government upon the States through the strings tied to the Federal grant dollar. It is to the State and not the Federal courts to which battered persons first turn for legal relief when assaulted. It is State and local police who are called when a battered person is in need of immediate protection from harm. Finally, when the battered person reaches out in the community for medical and financial assistance, it is to State and local agencies that they reach.

As is the case with all pressing social needs, there is never enough money to meet the needs of competing interests. This is true whether the setting is State, local, or Federal. Adding another layer to an already burgeoning Federal government creates, rather than relieves, problems—especially in this time of budgetary crisis. Therefore, beyond the initial question of proper jurisdiction lies the greater issue of national priorities.

Congress today is faced with very difficult choices. The mood of the country and the administration is to cut spending. On one hand we have a projected combined off-budget, on-budget deficit of $45 billion, mounting inflation, and critical concerns in energy and defense. On the other, we are faced with the desire to respond to the very real and devastating needs of victims of domestic violence. Therefore, we must balance these issues and from among them, choose priorities. Do we try and balance the budget, fight inflation, and work for a strong national defense? Or do we respond to the needs of deserving constituencies and establish new categorical grant programs serving narrow needs so these citizens and their advocates can be relieved of the struggle of competing for a smaller share of the pie against already established constituencies backing other social concerns of equal importance? We believe the answer is clear. No matter how worthy the cause, we must resist all temptation to add to government at this time another categorical grant program.

In final analysis, despite the call for a new categorical grant program to serve the needs of victims of domestic violence and their dependents, these persons are not without Fedaral assistance, nor are their needs going unmet. While it is true that shelters and services for victims of domestic violence are not yet available in every community, increasing Federal, State, and local attention is being directed toward programs providing domestic violence victims assistance. Over half the States already have State laws on the books addressing the issue of domestic violence from a civil and criminal standpoint, and about half the the States already have some sort of shelters or services for domestic violence victims already in place. Therefore, a Federal program for domestic violence victims at this time is untimely, impractical, and beyond the proper jurisdiction of the Federal Government. In weighing national priorities, a separate categorical grant program for domestic violence victims must be considered not only as a separate program, but in light of all available existing Federal aid to domestic violence victims and our overall economic objectives. We urge you to join us in voting against H.R. 2977.

John M. Ashbrook.
John N. Erlenborn.
Ken Kramer.
Daniel B. Crane.
Jon Hinson.

GENERAL LEAVE

Mr. SIMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SIMON. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am personally acquainted with one of these domestic violence centers, since it operates in my congressional district. As a result, I can attest to their great utility. I think this is a national problem to which we must give some recognition. Certainly, we expect support for these agencies to come from local sources as well, but not to recognize this as a matter of national concern would be derelict on our part.

Mr. Speaker, I am hopeful that this conference report on H.R. 2977 will be approved so that we can expand this great and useful remedy which can benefit so many families in America.

Mr. SIMON. I thank my distinguished colleague from Illinois.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. Barnes).

Mr. BARNES. Mr. Speaker, I thank the gentleman for yielding.

Mr. BARNES. Mr. Speaker, I rise in very strong support of the conference report. I join my colleague from Illinois (Mr. McClory), noting in my district we also have such a center. My hope is that this legislation will stimulate at the local level the kind of effort we have had in our community, all over the Nation.

Mr. Speaker, I have seen the need for this type of service in my own community. This is crucial legislation and I urge all of my colleagues to join in support.

Mr. SIMON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Panetta).

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding. I basically take this time to ask the gentleman some questions. One of my concerns was that the Senate side adopted as title II a proposal to establish a Commission on National Service. I have offered and am author of a similar proposal on this side of the House. The gentleman's committee has, in fact, reported that bill out unanimously. I understand that particular title was not accepted in conference mainly because of referrals on this side to the Committee on Armed Services.

Mr. Speaker, I consider this an important piece of legislation and would ask the gentleman what his intentions are with regard to moving this bill or accepting a similar proposal in the future.

□ 1810

Mr. SIMON. We resisted it at the request of the Armed Services Committee of the House. The gentleman from California has provided leadership in this area, and I commend him. My hope is, No. 1, that the Armed Services Subcommittee would report out the bill promptly that they have under consideration; and in the meantime, if they do not, then the Senate will move ahead separately, and we can work expeditiously on it. It is an extremely important area.

Mr. PANETTA. I thank the gentleman.

Mr. SIMON. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. Oakar).

Ms. OAKAR. Mr. Speaker, I thank the chairman for yielding. I certainly want to rise in support of this very important bill. I think it is obvious that we are finally facing the reality—an unfortunate reality—that domestic violence is a national problem.

I want to commend especially my colleagues, Congressmen Miller and Simon certainly, and my two colleagues who have worked so hard on this for so many years, Congresswoman Boggs and Congresswoman Mikulski.

Mr. SIMON. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Ms. Mikulski).

Ms. MIKULSKI. Mr. Speaker, we can all be proud of the actions of the House last December 12 and the Senate September 4, in passing the Domestic Violence Prevention and Services Act. This great victory is a tribute to the efforts of many concerned individuals and the broad-based coalition of support that developed around this crucial legislation.

This coalition was instrumental in making everyone aware that domestic violence is an issue that transcends all political, economic, sexual, and generational boundaries. Everyone suffers when a person's life and health is threatened within their own home; when children, seeing violence between their parents, grow up to be just as abusive; when more policemen are murdered answering family disturbance calls than in any other line of their work; when a senior citizen is brutalized by his own children, who cannot handle their frustrations in life; and when a pregnant woman flees her home in fear of her life, and that of her unborn child—but has nowhere to go because the shelter in her community had to close its doors due to a lack of funds.

Rarely has such a wide-ranging group of organizations come together on such an important issue. They are religious organizations: The Church of the Brethren, the Episcopal Church, the National Council of Jewish Women, the National Conference of Catholic Charities, and the National Council of Churches.

They are law enforcement organizations: The International Association of Police Chiefs, the International Brotherhood of Police Officers, the National District Attorneys' Association, and the American Bar Association.

They are health organizations: The American Nurses Association, the American Public Health Association, and the American Psychiatric Association.

They are labor organizations: the AFL–CIO, the American Federation of Government Employees, and AFSCME.

They are women's organization: The Women's Equity Action League, the American Association of University Women, the General Federation of Women's Clubs, and the Business and Professional Women's Clubs.

And special tribute must go to the selfless, dedicated people who work in the shelters helping to save the lives and health of others, usually as volunteers, who make up the National Coalition Against Domestic Violence.

It was a great achievement for all of us when H.R. 2977 passed the House by a vote of 292 to 106. The conference report we are voting on today contains the principal provisions of the House bill—and is even better.

Fiscal responsibility, State and local control, and voluntarism are all emphasized. Shelters will be helped to financial self-sufficiency, while they get the resources to obtain permanent non-Federal and private sources of income. The hideous tragedy of elderly abuse is dealt with. And the bill is sunset.

In passing this conference report, the Congress will place itself firmly on record against violence in the home—and firmly on record in favor of strengthening the American family. I strongly urge all of my colleagues to vote for H.R. 2977. Doing so is in the highest tradition of American values and society.

Mr. KRAMER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I deeply regret that I cannot support this program. It seems to me that we can well ask ourselves at this point whether or not the worthiness of the subject justifies the intrusion of the Federal Government into this new area. This is the way new programs are created. I regret that it is necessary for me, I feel, to oppose the creation of a new program of this sort which should be closely related to the police power.

I do not wish to see the Federal Government extending its function into an area in which the police power is appropriately localized rather than centralized.

Mr. KRAMER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, in dealing with this issue, obviously the first question that has to be raised is, is there a need for such programs. I do not think one can deny that there is a need for such programs in individual communities around the country.

I have been able to participate in assisting with two of these types of centers in my own district in two separate communities. I found that one of the most difficult things in establishing such operations is the acceptance of the local community. In one particular instance, there was not acceptance in the community because those people involved in establishing it had not done a good enough job of explaining to the community what it was they were about. But, I really think we ought to question whether this is the type of thing that ought to be supported by the Federal Government. I heard one of the speakers say that should be a Federal program because the problem exists everywhere. But crime exists everywhere in this country. Many different things exist everywhere in this country, but that does not mean that, therefore, the Federal Government ought to have a direct influence in them.

Quite seriously, we ought to wonder why we got ourselves into the present situation with respect to the budget. One of the reasons is that we have established program after program at the Federal level in which, yes, there is some legitimate interest in the local communities they serve. But that does not make them truly Federal in character. Yes there is a problem around this country with domestic violence but the question ought to be, what level of government ought to have the major impetus in establishing and maintaining such programs.

Unless we are willing to decide that there are differences on the Federal level, the State level, and the local level with respect to responsibility, we are never going to be able to deal with the budget problem as we want to deal with it.

The question is not whether we need these types of programs. The question is where the authority ought to be; where the funding ought to be, and how are we going to get the acceptance of such programs at the local level. We should be encouraging complete participation at the local level, but not as we have done in so many other programs.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. KRAMER. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. LUNGREN. I just say that we should not get local government, local organizations, in a situation where they depend upon assistance from the Federal Government. Once that happens we find that local participation is not as great, local communities do not perceive the need to try to generate the acceptance in their communities, to generate the funding in their own communities; and after a while they come back to us and say, "We cannot get the funding on the local level. We need it on the Federal level."

I would just suggest to my colleagues that they remember the words of one of the speakers speaking on behalf of this proposal when he said, "I hope that we expand such a program."

So, let us not fool ourselves by saying because we have a sunset provision here, that a few years down the line we are going to have no further participation. That is not the case. If we adopt this, this will be a continuing program on the Federal level and in 1984, when the sunset provisions come on, we are going to find out that we do not have the will to eliminate our Federal participation in this program.

Mr. KRAMER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I am very sympathetic with the aim and the purpose of this legislation. I think that is the trouble we fall into all the time. There is no argument with the fact that domestic violence is a serious problem, that things need to be done about it.

But, the question is, How far do we intrude the Federal Government into these things? Certainly, nothing is more local than violence within a household. It cannot get much more local.

We started out with LEAA, which was a very useful program addressing all kinds of local crime—robbery, murder, burglaries, drugs—you name it. We finally let go of it and let it sink because we just, with budget constraints and things the Federal Government has to do, we just could not make room for it. It strikes me that once we get into this thing and start funding it, we are going to have to do the same thing we ended up doing with LEAA. We are going to find out that we have to back off and leave adrift programs we have gotten going.

I think certainly we should encourage it on the local level, but it is one more of those things.

The end is very laudable. We ignore the means and the propriety, and I think this is one area that the Federal Government can hardly justify on any kind of a normal Federal jurisdiction of getting ourselves in with a brand-new program.

Mr. KRAMER. Mr. Speaker, I have no further requests for time.

Mr. SIMON. Mr. Speaker, I yield 1 minute to the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. Mr. Speaker, at long last we come to this day when we can have a limited Federal response to a dreadful national problem, and a problem that has been brought to our attention in this body and in the other body to ask for a national response from the local level, from the local governments, from the local religious and civic organizations, from all of those areas of our lives that have to deal with this problem; with the police courts, with the courts of jurisdiction in juvenile cases, with the marriage courts—all of them have asked for this legislation.

□ 1820

All of them have asked for this legislation, and at long last we have come down to an area where we can give immediate response in a more coordinated fashion to local groups and agencies and offer legislation that has its own sunset provisions to take effect in 3 years.

Mr. Speaker, I urge the adoption of this much needed legislation.

Mr. SIMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, just in these closing 30 seconds, I would simply want to call to the attention of the last three speakers who in effect were almost making speeches in behalf of the bill, although they said they were speaking in opposition, the fact that we have avoided doing precisely what they said we should avoid doing. What we were trying to avoid doing is create a massive new Federal program.

This is strictly a State and local program, there is no administrative unit, there is no Federal program, and it sunsets in 3 years. This is a solidly proposed program, it is very conservatively approached, and I hope our colleagues will support this conference report.

● Mr. HYDE. Mr. Speaker, as a conferee with respect to some of the parental kidnaping provisions of H.R. 2977, I am pleased to support the compromise which we reached with our counterparts from the other body.

Child abduction by noncustodial parents has become a nationwide epidemic. My concern with this problem led me to strongly support the three-part remedy that is the skeleton of H.R. 1290, the proposed Parental Kidnaping Prevention Act, which I cosponsored, and the amendment added by the other body to H.R. 2977. It includes full faith and credit provisions, use of the Social Security's Parent Locator Service, and limited criminal provisions.

I understand that the conferees from the Ways and Means Committee agreed to include in H.R. 2977 provisions permitting the use of the Parent Locator Service under certain circumstances. We agreed to include the full faith and credit provisions, which would require the courts of other States to enforce, and would prohibit them from modifying, except under certain circumstances, custody determinations of a child's "home State." In lieu of the criminal offenses contained in the Senate amendment, we have adopted an approach which puts the primary burden for criminalizing this offense upon the States.

Under the existing Federal unlawful flight to avoid prosecution statute, upon approval of the Attorney General, or his assistant, a U.S. attorney may issue a warrant for the arrest of one who has crossed State lines in order to avoid prosecution under a State felony statute. While this statute would ordinarily apply in cases where parental kidnaping is a State felony, the Department of Justice has grafted an additional requirement onto this statute which has resulted in Federal intervention in only 15 cases each year. This is an incredibly small number when contrasted with estimates that there are thousands of these cases which would be eligible for Federal intervention.

The Justice Department has required a showing that the "abducting parent, by reason of his or her mental condition," such as alcoholism, "presents a serious threat of physical injury to the child." Even though there is no basis for this requirement in the statute, the Justice Department points to a dubious congressional intent supposedly reflected in the parental kidnaping exception to the kidnaping statute as justification for this limitation. The conference report on H.R. 2977 firmly rejects this approach and expresses a clear congressional intent that no such limitation should be imposed. I believe that the conference report sends a loud and clear message to the Justice Department that parental kidnaping felonies must be treated like all other felonies under the UFAP statute.

In order to insure that the congressional intent expressed in this bill is promptly and correctly implemented by the Justice Department, we have also included a requirement that the Attorney General report to Congress within 120 days after the enactment of this bill, and every 6 months for 3 years, describing the steps that he has taken to comply with these provisions. This will enable us to oversee the Justice Department's enforcement efforts in this area to insure that our goals are being met.

Mr. Speaker, I believe that the conference report on H.R. 2977 contains a workable solution to the parental kidnaping problem, which is long overdue. We will be watching the results of this approach very closely, and in the event that our solution is insufficient, it will be appropriate for us to act favorably upon the full-scale criminal provisions which the Senate included in their version of the bill.●

● Mr. BIAGGI. Mr. Speaker, I rise in strong support of the conference report before us on H.R. 2977, the Domestic Violence Prevention and Services Act. As New York's senior member of the House Education and Labor Committee, where this bill originated and as a member of the conference committee which submitted the report before us, I urge adoption of the conference agreements which is substantially similar to the House-passed version of H.R. 2977.

This legislation is vitally needed in order to assist the millions of families which are traumatized by violence and abuse. The epidemic proportions of this growing national problem are just recently being unveiled. State and local community officials, involved with this problem, are coming forward in order to educate the public at large of the need for additional support services for family members who are displaced by such activity. FBI figures indicate that 12 percent of all murders occur between spouses. In the District of Columbia, the Citizens Complaint Center receives between 7,500 and 10,000 complaints of family violence each year. In addition, research has revealed that women victims of child beatings often become child abusers as adults as well as victims of marital violence. This type of data leads to the inevitable conclusion that domestic violence is a problem which will not go away without direct assistance by Federal, State, and local officials.

The conference agreement authorizes $65 million over the next 3 years for programs to prevent domestic violence and also to treat victims of this problem. It places coordination of this program in the Department of Health and Human Services, which will work closely with our programs to aid child abuse victims and to monitor and record all incoming data on these problems. The findings of the Department will be submitted to Congress, along with the information on related research.

H.R. 2977 channels a small amount of seed money to States and local communities to assist them with their ongoing programs or to allow them to begin operating such a program. States must distribute at least 70 percent of the funds to private, nonprofit organizations and all funds allocated for such programs will be under the responsibility of the State administering unit. We have required grant recipients to match funds they receive with private and public sources, the non-Federal share being 25 percent in fiscal year 1981, 33.3 percent in fiscal year 1982, and 50 percent in fiscal year 1983. States will receive a minimum of $45,000 for programs and projects, and a minimum of $7,500 to allow them to carry out their own activities relating to domestic violence and administration of State grants.

In my own State of New York, the Governor established a task force to look into the problems of domestic violence in May of 1979. In their report, which was submitted to the Governor and State legislature in May 1980, several telling statistics were presented:

Between September 1978 and September 1979, there were 17,701 family offense petitions filed in New York family courts;

In this same time period, there were 278 reported spouse murders;

It is estimated that approximately 144,000 marriages are effected by domestic violence in New York each year where serious assaults result in visible injury;

In New York City, the city police department reported that in this same time period, they received 160,000 calls related to incidents of domestic violence; and

Of these 160,000 calls, 5,000 were related to activity involving guns and 10,914 related to activity with knives.

Of course, the data presented by the task force was based upon conservative estimates, largely due to the problems of low reporting of these incidents. This bill, H.R. 2977, will provide a central center for coordination of research and data collection in order to assist States in determining how they can best provide services to victims of domestic violence.

I am especially pleased that this legislation includes definitive language recognizing that the problem of domestic violence also affects the elderly. In April of this year I conducted a major hearing in the city of New York where testimony was received to the effect that nationally more than 500,000 older persons may be victims of one of four forms of domestic violence—physical, psychological, material, or violation of rights. Our efforts to cope with the problems have in fact been hindered by the lack of absolutely definitive data on incidences. Consequently, H.R. 2977 authorizes a major study of the problem of domestic violence against the elderly to be conducted by the Department of Health and Human Services under the direct supervision of the Secretary. It is my expectation that this study which is to be completed in 1 year will provide us with the information we need to rechannel our existing resources to include elderly victims.

The House Select Committee on Aging under the able leadership of our Chairman CLAUDE PEPPFR has again been a pioneer in an important policy area affecting our senior citizens. We have exposed the fact that domestic violence's victims include older people and we have worked to include them in the first legislation dealing with this national problem. This is but a first step. We must go after other solutions to this problem not the least of which is the passage of legislation which will provide meaningful tax credits for families who care for older relatives. Our hearings repeatedly show that economic strain caused by the expense of caring for an older relative creates the tension which often results in violence. Further, it is time we expanded medicare's coverage of home and respite care services.

Finally Mr. Speaker, I wish to commend my colleague on the Senate side, Mr. HEINZ, for his leadership and advocacy of the elderly when this legislation came to the Senate.●

● Mr. CORMAN. Mr. Speaker, title III of the conference agreement on H.R. 2977 is aimed at discouraging the practice of parental kidnaping by providing for uniform treatment among the States of child custody determinations and by strengthening enforcement of State penalties for child snatching.

Section 304 of the conference agreement authorizes the Federal Parent Locator Service (FPLS), presently used for purposes of child support enforcement, to be used to locate absent parents and children for purposes of making and enforcing child custody determinations and for enforcing parental kidnaping laws.

Following the Senate provision, the conference agreement authorizes the Secretary of HHS to enter into agreements with the States, at State option, for use of the FPLS for child custody purposes. Under the agreement, the FPLS would be authorized to provide information to courts making or enforcing child custody determinations, to State officials enforcing such determinations, and to State or Federal officials investigating or enforcing parental kidnaping laws.

Following the Senate language, the conference agreement provides for the assessment of fees to cover the costs of processing information and prohibits the use of child support enforcement funds for purposes of this provision.

The information provided would be subject to the same protections with respect to disclosure as information provided for purposes of child support enforcement.

Reflecting a concern on the part of the conferees that information made available through the FPLS be strictly limited in its scope and purpose, the conference agreement includes a clarifying amendment on the part of the House that information authorized to be provided through the FPLS would be limited to the most recent address of any absent parent or child and the most recent place of employment of any absent parent.●

Mr. SIMON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 276, nays 117, not voting 39, as follows:

[Roll No. 618]

YEAS—276

Addabbo
Akaka
Ambro
Anderson,
Calif.
Andrews, N.C.
Andrews,
N.Dak.
Annunzio
Anthony
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnes
Beard, R.I.
Bedell
Beilenson
Benjamin
Bereuter
Bethune
Bingham
Blanchard
Boggs
Bolling
Boner
Bonior
Bonker
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Buchanan
Burton, John
Burton, Phillip
Byron
Carney
Carr
Carter
Cavanaugh
Chisholm
Clausen
Clinger
Coelho
Coleman
Collins, Ill.
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Dellums
Derrick
Derwinski
Dicks
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
Erdahl
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Fenwick
Ferraro
Fish
Fisher
Fithian
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Frenzel
Frost
Garcia
Gaydos
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Grisham
Guarini
Hagedorn
Hall, Ohio
Hamilton
Hammer-
schmidt
Hanley
Harkin
Harris
Hawkins
Heckler
Heftel
Hillis
Hinson
Holland
Hollenbeck
Hopkins
Horton
Howard
Hughes
Hutchinson
Hyde
Jeffords
Johnson, Calif.
Johnson, Colo.
Kastenmeier
Kildee
Kindness
Kogovsek
Kostmayer
Leach, Iowa
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Lujan
Luken
McClory
McCormack
McDade
McHugh
McKay
McKinney
Madigan
Markey
Marks
Marlenee
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Musto
Neal
Nedzi
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Rahall
Railsback
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Rodino
Roe
Rose
Rosenthal
Roybal
Royer
Russo
Sabo
Santini
Scheuer
Schroeder
Seiberling
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Solomon
Spellman
St Germain
Stack
Staggers
Stark
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Thomas
Thompson
Traxler
Udall
Ullman
Vanik
Vento
Walgren
Walker
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Mo.
Zablocki
Zeferetti

NAYS—117

Archer
Ashbrook
Ashley
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Bennett
Bevill
Bowen
Broyhill
Burgener
Butler
Campbell
Chappell
Cheney
Cleveland
Collins, Tex.
Conable
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Deckard
Devine
Dickinson
Dornan
Edwards, Okla.
English
Erlenborn
Evans, Del.
Evans, Ind.
Findley
Flippo
Forsythe
Fountain
Fuqua
Gephardt
Giaimo
Gramm
Grassley
Gudger
Guyer
Hall, Tex.
Hance
Hansen
Harsha
Hefner
Hightower
Holt
Hubbard
Huckaby
Hutto
Ichord
Jacobs
Jeffries
Jenkins
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kelly
Kemp
Kramer
Lagomarsino
Latta
Leath, Tex.
Lewis
Livingston
Loeffler
Lott
Lungren
McDonald
McEwen
Mathis
Mica
Michel
Miller, Ohio
Montgomery
Moore
Moorhead,
Calif.
Myers, Ind.
Natcher
Nelson
O'Brien
Paul
Quillen
Robinson
Rostenkowski
Rousselot
Rudd
Satterfield
Sawyer
Schulze
Sensenbrenner
Shumway
Shuster
Snyder
Spence
Stangeland
Stenholm
Stockman
Stump
Symms
Taylor
Trible
Volkmer
Wampler
Watkins
Whitehurst
Whitten
Winn
Wyatt
Wydler
Young, Fla.

NOT VOTING—39

Abdnor
Albosta
Alexander
Anderson, Ill.
Applegate
Biaggi
Boland
Brown, Ohio
Burlison
Clay
Dingell
Dixon
Dodd
Florio
Holtzman
Ireland
Jenrette
LaFalce
Leach, La.
Lundine
McCloskey
Maguire
Martin
Mottl
Myers, Pa.
Nichols
Nolan
Quayle
Reuss
Roberts
Roth
Sebelius
Shannon
Stanton
Steed
Van Deerlin
Vander Jagt
Wilson, Bob
Wilson, C. H.

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. Roth for, with Mr. Martin against.
Mr. Stanton for, with Mr. Sebelius against.

Until further notice:

Mr. Jenrette with Mr. Abdnor.
Mr. Biaggi with Mr. Ireland.
Mr. Roberts with Mr. Quayle.
Mr. Reuss with Mr. Shannon.
Mr. Lundine with Mr. Steed.
Mr. Burlison with Mr. Vander Jagt.
Mr. Dingell with Mr. McCloskey.
Mr. Mottl with Mr. Bob Wilson.
Mr. Nichols with Mr. Brown of Ohio.
Mr. Van Deerlin with Mr. Clay.
Mr. Nolan with Mr. Dixon.
Mr. Florio with Mr. Leach of Louisiana.
Mr. Alexander with Mr. Maguire.
Mr. Albosta with Mr. Charles H. Wilson of California.
Mr. Boland with Mr. LaFalce.
Mr. Applegate with Ms. Holtzman.
Mr. Dodd with Mr. Myers of Pennsylvania.

Mr. MOORHEAD of California and Mr. ASHLEY changed their votes from "yea" to "nay."

Mr. D'AMOURS changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Illinois?

There was no objection.

□ 1840

AUTHORIZING EARNINGS TEST FOR CERTAIN SOCIAL SECURITY BENEFICIARIES

Mr. PICKLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5295) to amend title II of the Social Security Act to make the monthly earnings test available in limited circumstances in the case of certain beneficiaries, to amend the technical requirements for entitlement to medicare, and to provide that income attributable to services performed before an individual first becomes entitled to old-age insurance benefits shall not be taken into account (after 1977) in determining his or her gross income for purposes of the earnings test, with the Senate amendments thereto, and concur in the Senate amendments with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendments, as follows:

In lieu of the matter inserted by the amendment of the Senate to the text of the bill, insert the following:

PROVISION RELATING TO AVAILABILITY OF MONTHLY EARNINGS TEST

SECTION 1. (a)(1) Section 203(f)(1) of the Social Security Act is amended—

(A) by striking out "or" immediately before clause (E), and

(B) by inserting before the period at the end thereof the following: ", or (F) in which such individual did not engage in self-employment and did not render services for wages (determined as provided in paragraph (5) of this subsection) of more than the applicable exempt amount as determined under paragraph (8), in the case of an individual entitled to benefits under section 202(b) (but only by reason of having a child in her care within the meaning of paragraph (1)(B) of that subsection) or under section 202 (d) or (g), if such month is in a year in which such entitlement ends for a reason other than the death of such individual, and such individual is not entitled to any benefits under this title for the month following the month during which such entitlement under section 202 (b), (d), or (g) ended".

(2) Section 203(f)(2) of such Act is amended by striking out "(D), and (E)" and inserting in lieu thereof "(D), (E), and (F)".

(b) The amendments made by subsection (a) shall apply with respect to monthly benefits payable for months after December 1977.

MEDICARE ENTITLEMENT

SEC. 2. (a) Section 226(a)(2) of the Social Security Act is amended by inserting after "section 202" the following: ", or would be entitled to those benefits except that he has not filed an application therefor (or application has not been made for a benefit the entitlement to which for any individual is a condition of entitlement therefor) and, in conformity with regulations of the Secretary, files an application for hospital insurance benefits under part A of title XVIII,".

(b) Section 1811(1) of such Act is amended by striking out "are entitled to" and inserting in lieu thereof "are eligible for".

(c) For purposes of section 226 of such Act as amended by subsection (a) of this section, an individual who filed an application for monthly insurance benefits under section 202 of such Act prior to the effective date of the amendment made by subsection (a) shall be deemed to have filed an application for hospital insurance benefits under part A of title XVIII of such Act, at the time he applied for such benefits under section 202 regardless of the continuing status or effect of the application for benefits under section 202, if he would have been entitled to benefits under that section had such application remained in effect.

(d) The amendments made by subsections (a) and (b) shall be effective after the second month beginning after the date on which this Act is enacted.

INCOME NOT ATTRIBUTABLE TO SERVICES PERFORMED AFTER ENTITLEMENT

SEC. 3. (a) Section 203(f)(5)(D) of the Social Security Act is amended to read as follows:

"(D) In the case of—

"(i) an individual who has attained the age of 65 on or before the last day of the taxable year, and who shows to the satisfaction of the Secretary that he or she is receiving royalties attributable to a copyright or patent obtained before the taxable year in which he or she attained such age and that the property to which the copyright or patent relates was created by his or her own personal efforts, or

"(ii) an individual who has become entitled to insurance benefits under this title, other than benefits under section 223 or benefits payable under section 202(d) by reason of being under a disability, and who shows to the satisfaction of the Secretary that he or she is receiving, in a year after his or her initial year of entitlement to such benefits, any other income not attributable to services performed after the month in which he or she initially became entitled to such benefits,

there shall be excluded from gross income any such royalties or other income.".

(b) The amendment made by subsection (a) shall apply with respect to taxable years ending after December 31, 1977, but only with respect to benefits payable for months after December 1977.

RETROSPECTIVE EFFECT OF ELIMINATION OF MONTHLY EARNINGS TEST

SEC. 4. (a) Section 203(f)(1) of the Social Security Act is amended by striking out "the first month" in clause (E) and inserting in lieu thereof "the first month after December 1977".

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits payable for months after December 1977.

BENEFITS FOR CERTAIN PRISONERS

SEC. 5. (a)(1) Section 223(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(6)(A) Notwithstanding any other provision of this title, any physical or mental impairment which arises in connection with the commission by an individual (after the date of the enactment of this paragraph) of an offense which constitutes a felony under applicable law and for which such individual is subsequently convicted, or which is aggravated in connection with such an offense (but only to the extent so aggravated), shall not be considered in determining whether an individual is under a disability.

"(B) Notwithstanding any other provision of this title, any physical or mental impairment which arises in connection with an individual's confinement in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of an offense (committed after the date of the enactment of this paragraph) constituting a felony under applicable law, or which is aggravated in connection with such a confinement (but only to the extent so aggravated), shall not be considered in determining whether such individual is under a disability for purposes of benefits payable for any month during which such individual is so confined.".

(2) The third sentence of section 216(i)(1) of such Act is amended by striking out "and (5)" and inserting in lieu thereof "(5), and (6)".

(b) Section 202(d)(7)(A) of such Act is amended by adding at the end thereof the following: "An individual shall not be considered a 'full-time student' for the purpose of this section while that individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to his conviction of an offense (committed after the date of the enactment of this paragraph) which constituted a felony under applicable law.".

(c) Section 223 of such Act is amended by adding at the end thereof the following new subsection:

"Suspension of Benefits for Inmates of Penal Insitutions

"(f)(1) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section, or under section 202(d) by reason of being under a disability, to any individual for any month during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to his conviction of an offense which constituted a felony under applicable law, unless such individual is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for such individual by a court of law and, as determined by the Secretary, is expected to result in such individual being able to engage in substantial gainful activity upon release and within a reasonable time.

"(2) Benefits which would be payable to any individual (other than a confined individual to whom benefits are not payable by reason of paragraph (1)) under this title on the basis of the wages and self-employment income of such a confined individual but for the provisions of paragraph (1), shall be payable as though such confined individual were receiving such benefits under this section.".

(d) The amendments made by this section shall be effective with respect to benefits payable for months beginning on or after October 1, 1980.

TECHNICAL CORRECTIONS

SEC. 6. (a) Section 202(e)(2)(B)(i) of such Act is amended by striking out the second comma following "where applicable".

(b)(1) Section 203(a)(3)(A) of such Act is amended by striking out "bases" and inserting in lieu thereof "basis".

(2) Section 203(a)(7) of such Act is amended by striking out "benefits base" and inserting in lieu thereof "benefit base".

(c) Section 213(a)(2)(A) of such Act is amended by striking out "quarters of coverage" and inserting in lieu thereof "quarter of coverage".

(d) Section 215(a)(4)(B) of such Act is amended by striking out "computation or recommendation" and inserting in lieu thereof "computation or recomputation".

(e)(1) Section 303 of such Act is amended by redesignating the second subsection (d) as subsection (e).

(2) Section 304(a)(2) of such Act is amended to read as follows:

"(2) makes a finding with respect to a State under subsection (b), (c), (d), or (e) of section 303,".

(f)(1) Section 402(a)(27) of such Act is amended by striking out "provide, that the State" and inserting in lieu thereof "provide that the State".

2 Section 402(a)(29) of such Act is amended by striking out provided" and inserting in lieu thereof "provide".

(3) Section 402 of such Act is amended by redesignating the second subsection (d) as subsection (e).

(g)(1) Section 1612(a)(1)(B) of such Act is amended by striking out "following subsection a(10)" and inserting in lieu thereof "following subsection (a)(11)".

(2) Section 1612(a)(1) of such Act is further amended—

(A) by striking out "and" at the end of subparagraph (B); and

(B) by redesignating the second subparagraph (C) as subparagraph (D).

(3) Section 1612(b)(2)(B) of such Act is amended—

(A) by striking out "Monthly" and inserting in lieu thereof "monthly"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof a semicolon.

(h) Section 1631(b) of such Act is amended—

(1) by striking out "(b)(1)(1)" and inserting in lieu thereof "(b)(1)"; and

(2) by redesignating the second paragraph (2) as paragraph (3).

(i) Section 1815(c) of such Act is amended by striking out "for on in connection with" and inserting in lieu thereof "for or in connection with".

(j) Section 1833 of such Act is amended by redesignating the second subsection (g) as subsection (h).

(k) Section 1905(c) of such Act is amended by striking out "under clauses (1)" and inserting in lieu thereof "under clause (1)".

(l) Section 2003(e)(1) of such Act is amended by striking out "under subsection (g)" and inserting in lieu thereof "under subsection (d)".

Mr. PICKLE (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendments be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CONABLE. Reserving the right to object, Mr. Speaker, I will not object, but I would like to ask the gentleman if he would explain this proposal and why it is necessary to take it up at this time.

Mr. PICKLE. Mr. Speaker, if the gentleman will yield, I will be happy to.

Mr. Speaker, the legislation which we bring before you today is an effort to correct some unintended effects of a legislative savings enacted as part of the major 1977 social security financing amendments, Public Law 95-216. The bill passed the House December 19, 1979, by 383 to 0. It passed the Senate yesterday.

The social security program, from its inception, has included an earnings test used to determine if someone applying for or receiving benefits is actually retired. The 1977 act contained a provision which changed this earnings test both by liberalizing the amount a person could earn and retain full benefits and by repealing the so-called monthly measure of retirement and the accompanying substantial services test for the self-employed. A monthly earnings test was kept available in the first year of retirement since a person might actually retire at any point in the year and would need a monthly test to prevent his earnings before entitlement from affecting his entitlement to benefits after retirement in that year.

This change in the 1977 amendments was made to address the inequity that occurred between one person who could arrange his or her earnings so that it was received in a few months out of the year and another individual who might have the same amount of earnings but have these earnings spread out over an entire year. The person whose earnings were clumped together in a few months could receive full social security benefits the rest of the year, while the person whose earnings were spread out over the entire year would lose part or all of his or her benefits.

In making this change, however, several categories of beneficiaries were adversely affected which fall outside the rationale for the change.

The bill, H.R. 5295 as passed by the House was composed of four sections, each of which deals with a different category of adversely affected beneficiaries.

These individuals all faced significantly changed rules on very short—or even retroactive—notice, and in each case the committee feels that these individuals were affected contrary to the intent of Congress.

The Senate added an amendment restricting benefits to prisoners. With one change to conform with action taken in the reconciliation conference between Finance and Ways and Means, I ask that the House accept that provision. The Senate added an additional provision restricting retroactive benefits. I ask that the House not agree to this provision as it is still under debate in the reconciliation conference.

Mr. Speaker, I include in the Record examples of the effects of H.R. 5295:

EXAMPLES FOR H.R. 5295

Section 1. A mother is receiving benefits for the care of a child under age 18. The child turns 18 in mid-year (say, in May). If the mother then earns more than the annual limit in the remaining months of the year, she would then have to repay all or part of the social security benefits she had received from January to May.

Same for a student who graduated in mid-year.

Bill provides a grace year for these instances.

Section 2. A worker turns 65 and applies for Medicare, but he does not retire. For one reason or another he earns less than $375 (one-twelfth of the current annual limit of $4,500) in any one month—and automatically receives a social security benefit for that month. That, then, would use up his "grace year" and he would not have a grace year available when he did retire.

Bill would allow for separate application for Medicare.

Section 3. A farmer raised a crop in 1977, retired at the end of the harvest, and began to receive social security benefits. He did not sell the crop, however, until late in 1979. If the crop brings in more money than the annual earnings limit, he will have to repay some or all of the social security benefits he had received in 1979.

A self-employed life insurance agent has been retired, receiving about $600 a month in renewal commissions. Since January 1, 1978, he has not been able to receive any social security, or has received a greatly reduced benefit.

Bill does not count deferred income in testing eligibility for benefits under the social security earnings test, if based on services rendered before he became entitled to benefits.

Section 4. A teacher took 3 months of social security benefits during the summer of 1977. She did not retire from teaching until May of 1979. Because of legislation signed into law December 20, 1977, (*after* she had already taken some summer benefits), she can receive no benefits—or will receive a greatly reduced benefit—for June-December 1979.

Bill guarantees one grace year for everyone after 1977.

Mr. Speaker, I also include at this point in the Record an explanation of the provision limiting benefits to prisoners as modified by the amendment I have offered.

1. No disability benefits would be paid based on impairment arising or aggravated 1) during commission of a crime in the nature of a felony committed after enactment for which subsequently convicted, or 2) while incarcerated upon conviction for a felony after enactment (so long as still incarcerated).

2. A person convicted of a felony would not be considered a "full-time" student and could not receive children's benefits while confined in a penal institution.

3. Disability benefits would be suspended for any worker or child of a worker incarcerated as a result of a felony conviction unless he is actively and satisfactorily participating in a rehabilitation program which has been specifically approved by "a court of law, and as determined by the Secretary, is expected to result in such individual being able to engage in substantial gainful activity upon release and within a reasonable time."

Benefits to a prisoner's dependents would continue to be paid as though the prisoner were receiving benefits, but the amount of the prisoner's benefits would be taken into account in determining the family maximum.

Mr. CONABLE. Mr. Speaker, if the gentleman will permit me to reclaim my time, it is my understanding that the gentleman from Texas seeks to send the package back to the Senate with amendments.

The matter of primary concern to the House here, as I understand it, has to do with social security benefits for those convicted of felonies or crimes in the nature of a felony in jail. There has been considerable concern expressed in this House as a result of the Son of Sam case where it was disclosed that this convicted murderer in Attica State Prison was receiving substantial disability benefits under social security because of his mental disability, determined in the trial whereby he was found guilty.

There were very considerable problems of constitutionality in drafting legislation to see that under such circumstances a person could not receive substantial social security benefits. A number of people have addressed this problem and the legislation has finally been worked out in a way that we think will not result in substantial litigation or successful determination of unconstitutionality, if we are going to treat prisoners differently from other people otherwise entitled to social security benefits.

This is attached to a provision previously passed by the House relating to the monthly retirement test. It seems to be a happy conjunction and one which ought to be passed as quickly and as expeditiously as possible. As I understand it, that is why the gentleman from Texas is asking unanimous consent to bring it up and send it back to the Senate now.

The only amendment that we are asking to be attached here that goes to the Senate is an amendment that changes the word "crime" to the words "crime in the nature of a felony", so that it would apply only to more serious crimes and not possibly to traffic infractions and things of that sort.

Now, am I stating the case correctly, I ask the gentleman from Texas?

Mr. PICKLE. The gentleman is correct. We are simply adding one amendment to the measure that we had already passed by a vote of 383 to 0 and that amendment pertains to the limitation of disability for prisoners. All we are asking is the ability to send it back to the Senate so they can take action on it.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from California.

Mr. ROUSSELOT. My understanding is originally there was another item sent over. The gentleman has taken that out?

Mr. PICKLE. Yes. There was another item which we turned down with respect to retroactive benefits. That is not in this measure. What we are agreeing to now are the provisions relating to the monthly measure and the prisoner's benefits and nothing else.

Mr. ROUSSELOT. Those two items alone?

Mr. PICKLE. That is all.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Mr. CONABLE. Mr. Speaker, further reserving the right to object, I believe this is a timely measure. I would like to see completed action on particularly the prisoner provision before the recess.

Therefore, Mr. Speaker, I withdraw my reservation of objection and urge the House to accept the unanimous-consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas to dispense with the reading of the amendment?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas?

Mr. BAUMAN. Mr. Speaker, reserving the right to object to the question of consideration, yesterday the House was told all day long by the leadership that we were going to conclude our business at 6:30. As we know, we concluded our business at 2 a.m.

All day long today we have been told that we are to conclude our business at 6:30. It is now past 6:30.

The gentleman from Maryland has no objection to this legislation and certainly wants to see it enacted; but the gentleman would like to know and I think the House has the right to know what is the plan for this evening. If we are going to be here until 2 a.m. again, it would be nice to know that now.

The SPEAKER pro tempore. The Chair would advise the gentleman from Maryland that after this request, there will be two additional conference reports which have been scheduled previously. Subsequent to that, we will have unanimous-consent requests only.

Mr. BAUMAN. So the possibility is that we may be here until 8 o'clock or 9 o'clock and that the message all day long has not been accurate, as usual.

The SPEAKER pro tempore. There are additional conference reports, I would say to the gentleman, that will come up.

Mr. BAUMAN. I would just say to the Chair and to the House for their own information, if we are going to stay here after the time we were repeatedly told we would leave, we are going to do some work.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas?

Mr. JACOBS. Mr. Speaker, further reserving the right to object, as the first sponsor of the legislation involving both elements that we are considering here now, I wish to commend the gentleman from New York (Mr. CONABLE) for the yeoman work the gentleman has done on this legislation, and also the gentleman from Texas (Mr. PICKLE).

If it is in order, I apologize to the House for the additional time that has been taken beyond 6:30, but I do not apologize to the people of the United States who will not see felons collecting social security benefits and I do not apologize to the insurance agents who will get their social security benefits.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I want to commend the gentleman from Indiana, because he was the original author of this legislation in this area.

Mr. Speaker, I have no further requests for time.

Mr. JACOBS. Mr. Speaker, I withdraw my reservation of objections.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas (Mr. PICKLE)?

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1790, PRIVACY PROTECTION ACT OF 1980

Mr. KASTENMEIER. Mr. Speaker, I call up the conference report on the Senate bill (S. 1790) to limit governmental search and seizure of documentary materials possessed by persons, to provide a remedy for persons aggrieved by violations of the provisions of this Act, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Under the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 26, 1980.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. RAILSBACK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

☐ 1850

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring this conference report to the House. This report is a fair and successful compromise between the two Houses on a worthy and carefully crafted piece of legislation. I am pleased to inform Members that the Senate unanimously agreed to this report on Monday.

CONFERENCE REPORT SUMMARY

The report provides that State, local, and Federal law enforcement officials may not use a search warrant to obtain documentary materials in the possession of those engaged in first amendment activities unless one of five broad exceptions apply.

The exceptions are:

If there is probable cause to believe that the person in possession of the materials has committed the offense to which the materials relate;

If there is reason to believe that immediate seizure of the materials is necessary to prevent death or serious bodily injury;

If there is reason to believe that obtaining a subpena would result in the destruction or concealment of the materials;

If the subpena has been obtained and has failed to produce the material; or

If the materials consist of contraband or the fruits or instrumentalities of a crime.

The conference report would protect those who have a purpose to disseminate to the public a book, newspaper, broadcast or other form of public communication.

The report also provides that searches of the actual work product of those covered may be conducted only if there is probable cause to believe that:

The person in possession of the materials has committed the offense to which the materials relate; or

Immediate seizure of the materials is necessary to prevent death or serious bodily injury.

The conference report also provides that the Attorney General shall develop guidelines which limit the use of search warrants against nonsuspect third parties other than those engaged in first amendment activities.

ISSUES RESOLVED IN CONFERENCE

Mr. Speaker, there were several issues of disagreement between the two Houses which we were able to work out in this conference report.

These issues include:

First, a definition of the term "work product" was refined to make it clear that it means only materials which were created for the purpose of public communication. This clarification is taken from the Senate bill and is intended to include any material created for the purpose of communication, even though it may never actually be communicated or may be edited out of the final communicated materials.

Second, the definition of the term "documentary materials" differed in the two versions and the conference report contains the House version which reflects the clarifying amendment of Mr. KINDNESS. The House version was simply a clearer and more precise definition.

Third, and most importantly, the conference report provides an explicit civil remedies section which gives a person aggrieved by violations of this act a civil cause of action in Federal court. This provision is taken largely from the Senate bill with the important exception that punitive damage awards are not provided for in the conference report. While this remedies section is taken from the Senate bill it is not unfamiliar to the House. This language was in the original bill as introduced in the House, it was in the Executive communication sent up by the President and it was considered in hearings by the Judiciary Committee.

I know that there are House Members who are opposed to a strong remedies section in this bill and who had hoped that amendments to the Federal Torts Claims Act would be enacted this year, thus obviating the need for this remedies section. Since we have not been able to enact amendments to the Torts Claims Act, I believe that it is essential that we provide a real protection for persons who are aggrieved by violations of this act. I would point out that the conference report has an explicit waiver of the exclusionary rule and does not permit the award of punitive damages.

Finally, with regard to the Attorney General guidelines for Federal searches of other nonsuspect third parties, the House included a fuller statement of the type of confidential relationships which must be recognized and a requirement that a U.S. attorney approve an application for a warrant in most cases. The conference report contains the House provisions verbatim.

I urge my colleagues to join me in passing this conference report today and sending this measure to the President for his signature.

Four standards are established which must be incorporated in the development of the guidelines. Paragraph 1 of section 201(a) mandates a recognition of the personal privacy interests of the person possessing the materials sought. Paragraph 2 requires that the least intrusive means of obtaining the materials be employed which do not substantially jeopardize the availability or usefulness of the materials sought. The committee expects these two standards to be translated into guidelines which will require an informal request or a subpena wherever there is an opportunity for an effective alternative to search and seizure. The committee also anticipates that the exceptions to this general rule in the guidelines will parallel those provided in the legislation. In other words. the principal exception which would allow the use of a search warrant as opposed to a request or a subpena is where there is sufficient reason to believe that the documentary materials sought would be destroyed if a subpena were to be issued.

Destruction of evidenary materials would be most likely to occur in those cases where a close, sympathetic between the possessor of the materials and the suspect exists, or where the suspect holds some form of dominance over the possessor. The type of close relationship is most found in marital or family settings, and therefore, establishes the basis for the exclusion of those "related by blood or marriage to such a suspect" from the protections of the guidelines. However, it is not in the intent of the legislation to exclude from its protection family members who do not have this kind of demonstrable close relationship with the suspect. Further, by using the words, "related by blood or marriage" it is the intent of Congress that only immediate blood relations, that is, father, brother, sister, son and daughter apply and that only ongoing relationships of marriage be considered to meet this exception. That is, separated or divorced spouses could not be reached by this exception.

The third standard to be incorporated in guidelines as provided in paragraph 3 is a recognition of special concern for the privacy interests represented in a known, professional, confidential relationship, such as doctor-patient, attorney-client, or clergyman-parishioner. Testimony on Stanford Daily legislation before the committee convinced the members of the extreme sensitivity of the relationship, for example, between a psychiatrist and his or her patient, and the harm which can be done by an intrusive governmental seizure of confidential information, and police rummaging through confidential files. The reference to these three relationships in the statute is not intended to be an exclusive reference. Other important confidential relationships such as exist between psychologist and client, psychiatric social worker and client, and psychiatric nurse and client shall be recognized. Further, it is the intent of Congress that the phase "doctor-patient' be construed broadly to include all doctor-like therapeutic relationships.

The fourth standard to be incorporated in the guidelines is a specific requirement that any application for a warrant to conduct a search governed by this title be approved by an Attorney for the Government. Only in rare and genuine emergencies could another appropriate supervisory official approve such an application and then only if within 24 hours of such emergency the appropriate U.S. attorney is notified. It is the intent of Congress that an accurate and up-to-date record of any such emergencies be maintained.

The searches of those in privileged relationships which have been brought to the committee's attention have all been executed at the State or local level. The committee has been struck by the lack of definitive, Federal data available in this sensitive area, however, therefore in subsection (b) of section 201 has required the Attorney General to collect and compile information on the use of search warrants by Federal officers or employees for documentary materials in the possession of those in professionally confidential relationships. These data are to be reported annually to the Judiciary Committees of the House and Senate acting in their oversight capacity over the Department.

Section 202 provides that guidelines issued by the Attorney General shall have the full force and effect of Department of Justice regulations and that appropriate disciplinary action shall be fully initiated against any errant officer or employee. It is the view of Congress that the Office of Professional Responsibility of the DOJ shall be called upon to investigate and act upon any alleged violation of the guidelines developed pursuant to this act.

This section also provides that noncompliance with guidelines would not be litigable, and the evidence obtained through a violation of guidelines would not be subject to the exclusionary rule, and that the Federal courts would be without jurisdiction over any claim based solely on a failure to follow such guidelines.

Nonlitigability provisions similar to subsection 201(c) are found in section 205 of S. 1722, the proposed revision of the Federal criminal code, which sets forth factors to be considered in the exercise of concurrent Federal jurisdiction, and in section 537a of S. 1612, the proposed FBI charter legislation.

Absent explicit language, it is arguable that judicial review of the adequacy of guidelines would be available under section 704 of the Administrative Procedures Act, 5 U.S.C. 704. However, the well established "presumption of reviewability" of *Abbott Laboratories* v. *Gardner*, 387 U.S. 136 (1967) is subject to an exception under section 791(a) of the APA, that is, where the "statute precludes judicial review." Of course, the longstanding rule will continue to apply that "an executive agency must be rigorously held to the standards by which it professes to be judged." *Vitarelli* v. *Seaton*, 359 U.S. 535 (1959) (Frankfurter, Jr., concurring). Under this rule, courts are obliged to bind administrative agencies to their internal regulations and guidelines.

Whether the exclusionary rule could be invoked absent the language of this section is debatable. The Supreme Court in *United States* v. *Caceres*, 440 U.S. 741 (1978) did not resolve the issue of whether the violation of regulations gives rise to the application of the exclusionary rule. Dicta in Caceres might be interpreted to allow exclusion of evidence if the violation of guidelines rises to the level of a statutory violation, but whether a defendant would have the requisite standing to invoke the rule for such a violation in the search of a third party without an explicit congressional authorization remains highly doubtful. In any case, the explicit language of subsection (c) forecloses such a possibility.

It was the position of the Department of Justice, in which the committee concurred, that guidelines should not create the opportunity for litigation which would be both burdensome and unnecessary to achieve the purposes of the guidelines. Title II of S. 1790 will assure that the present practices of restraint by Federal officers in the area of third party searches become an articulated departmental policy, binding on all Federal law enforcement officers. The committee expects that under the guidelines any officer who violates the guidelines will be subject to disciplinary action by the Department, and that the Department will enforce the guidelines fully in good faith compliance with the policy toward third party searches that they express subject only to the kind of judicial review contemplated in Vitarelli against Seaton.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to my colleague from Illinois (Mr. RAILSBACK) who has worked diligently to perfect this piece of legislation.

Mr. RAILSBACK. I thank my chairman for yielding.

Am I correct, speaking about the agreement entered into between the House and the other body, where we backed off the third part of our bill that dealt with innocent third parties, that one of the reasons we did that, as the gentleman mentioned, was the Federal Government agreed to establish guidelines and we had some input into those guidelines. But I want to ask the gentleman: Is it not his hope that these States, even though we are not mandating them to do anything, that the States hopefully will exercise, with a great deal of restraint and caution as far as going in without a subpena and perhaps rummaging a lawyer's office looking for files, or rummaging a psychiatrist's office, recognizing that there have been some cases in those areas? I think it is our hope that they will show restraint.

Mr. KASTENMEIER. The gentleman from Illinois is exactly correct. While we do not mandate it in this bill, we stop short of that, but certainly, nonetheless, we do hope that the bill contains a model for States to emulate in terms of protecting innocent third parties and those with special privileged situations with respect to materials in their possession.

Mr. RAILSBACK. I thank my chairman.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I am pleased to yield to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I would like to point out an innocent error in the chairman's comments. The conference report was not unanimously agreed to. I did not agree to it. I did not sign it. I think the record should reflect that fact. I am pleased to hear the Chairman make the record clear, that we have intentionally eliminated the punitive damage provisions from the enforcement provisions of this bill. The bill does not, explicitly nor impliedly, permit punitive damages.

As to the conference report itself—I have not signed and do not approve it. I am very disappointed in the way this so-called conference was held. The truth and the fact is that there was no conference. The conferees never met. Conferees were appointed but no meeting was ever called, no meeting was ever held, and the purported conference report and statement of managers is nothing but the product of staff members. It does not reflect the work of the conferees, and the opinions and representations as to the meaning of the provisions of the bill do not reflect the work of the conferees; they should be of no influence or effect upon the future holdings of a court which may look into the legislative history of this bill.

On Monday, September 22, 1980, I spoke at length concerning this bill. My opinions have not changed and they remain as reflected by the CONGRESSIONAL RECORD of that date.

Mr. KASTENMEIER. Even in the gentleman from California's dissent he nonetheless played a noble role in this matter and we appreciate his efforts and his independence and his integrity.

Mr. Speaker, I have no further requests for time.

Mr. RAILSBACK. Mr. Speaker, I am happy to yield such time as he may consume to the distinguished gentleman from New York (Mr. KEMP) who, I might add, has for a long time been a strong supporter of this kind of legislation. I want to commend him for all the work that he has done in pushing this particular legislation.

Mr. KEMP. Mr. Speaker, I am in strong support of the legislation before us today, which seeks to protect one of the essential freedoms of this country—freedom of the press. I congratulate the efforts of my friend from Illinois for his leadership.

This basic right has been in jeopardy for more than 2 years now, ever since the controversial Zurcher against Stanford Daily case was handed down. Under Zurcher, law enforcement authorities can enter and search the premises of a newspaper armed with a simple warrant issued upon probable cause that the newspaper may have in its possession evidence of a crime.

The police do not have to show that officers and employees of the newspaper are involved in the alleged unlawful activity.

They do not have to tell the newspaper that a warrant is being sought or that a warrant has been issued to search the premises.

They do not have to knock before entering the premises and can proceed to conduct their search without further ado.

In some States, they can search at night when the newspaper offices are empty, which means they can conceal entirely their visit and their seizure of papers and documents which are the lifeblood of the news gathering and publishing process.

No wonder the Boston Globe called the Supreme Court decision, a first step toward a police state.

Throughout our history, the press has played a vital role in maintaining the integrity of our democratic institutions. From Watergate to Billygate, the press has exposed corruption, disclosed improprieties by high-ranking officials, and revealed the undue influence of special interests on the processes of Government. Because confidential sources and deadlines play such a critical role in a news operation, the Zurcher decision jeopardizes the press' ability to carry out this noble role. Clearly, legislation to protect our basic first amendment rights is long overdue.

The bill before us today, S. 1790, is a logical and workable compromise. It would not prevent the police from conducting necessary searches, but simply require them to obtain a subpena (which involves a court hearing where the newspapers can state their case) instead of a search warrant (where the newspapers have no say). And S. 1790 would direct the Judiciary to set separate guidelines for searches involving third parties, another area of great controversy in the post-Watergate era.

Mr. Speaker, I cannot emphasize too strongly the importance of enacting legislation to protect the gathering and dissemination of the news. I cosponsored a similar bill back in 1978, and have waited ever since for Congress to take final action in this important area. Today we have a chance to help insure the freedom of the press with a positive vote. I urge my colleagues on both sides of the aisle to join me in voting "aye."

Mr. RAILSBACK. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I want to commend the chairman of the subcommittee and the other members of the Judiciary Committee who have worked very hard in trying to get this legislation passed by the House and enacted into law.

In addition, I want to commend and thank the gentleman from Indiana, Mr. DAN QUAYLE, who really has been, in my opinion, a motivating force in pushing for enactment on some kind of legislation like this, as well as, I might add, the gentleman from California (Mr. MCCLOSKEY). I commend them for all of their efforts.

Mr. Speaker, I rise in support of the conference report on S. 1790, the Privacy Protection Act of 1980. S. 1790 represents a compromise that is very close to the original House position embodied in H.R. 3486, which was recently passed by this body on May 30, 1980. The conference substitute would provide statutory protection to news organizations and individuals engaged in first amendment activity from surprise searches conducted by State, local, and Federal law enforcement officials. This section is consistent with the House-passed bill, H.R. 3486.

The House-passed bill included Attorney General guidelines governing searches in the "innocent third party" area that differed slightly from the guidelines contained in the Senate bill. The difference in the House bill included a fuller explanation of privacy interests and a requirement that a U.S. attorney approve an application for a warrant in most cases. The conference substitute adopts the House version.

The House version of the bill required any person seeking damages to proceed under the Federal Tort Claims Act. Under the Senate bill, persons engaged in first amendment activities who are subjected to an unlawful search would be able to collect actual and liquidated damages from the United States, or from any State government which has waived its sovereign immunity, or from any officer or agent of a State that has not waived its sovereign immunity. The Senate version of the remedies was adopted, except that the provision for punitive damages was deleted.

The compromise embodied in S. 1790, which was passed by the Senate on Monday, represents a careful balancing of the interest of law enforcement on the one hand, and the privacy rights of individuals on the other; moreover, it is without organizational opposition. I urge my colleagues to support the adoption of the conference report on S. 1790.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I am happy to yield to my colleague from Indiana.

Mr. MYERS of Indiana. I thank my colleague for yielding. I am going to support this compromise and this report. But it does trouble me somewhat. There was a report this past weekend by a local newspaper in an article about a heroin addict, an 8-year-old, and the authorities, in the interests of saving the life of this 8-year-old, asked the newspaper for information. The newspaper refused to cooperate.

I hope something can be worked out so the media realize they are also citizens of this community and they have some responsibility if they know a crime is being perpetrated or being conducted, they have some responsibility.

I am going to support this because I think we need to protect the media but it does trouble me when we have things like this happen.

Mr. RAILSBACK. I do thank the gentleman for his support.

I might just add that the reporter in that particular case is running the risk, as my colleagues know, of going to jail. But I think this example points up the fact that we are dealing with very confidential, very sensitive matters in the first amendment area.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Speaker, I thank the gentleman from Illinois (Mr. RAILSBACK) for yielding.

Mr. Speaker, I am rather disappointed with the results of the conference on the Privacy Protection Act of 1980. It is supportable legislation in general but in particular I think the conferees have chosen a very unwise choice with respect to the remedies allowed aggrieved parties under this legislation.

In essence, the Senate language has been substituted for the House version. When the full Judiciary Committee considered this measure we substituted an alternatives remedy section which provided that the Federal Tort Claims Act would be utilized as the exclusive statutory mechanism for suits based upon first amendment violations recognized in this legislation.

□ 1900

The committee felt that the existing statutory vehicle for tort actions against the U.S. Government should be used in these cases as in all other cases. The Committee on the Judiciary unanimously agreed to this change, and this language was contained in the House version of the bill when it passed the House on September 22. However, the objectionable Senate language has now been reinserted under the compromise that has been referred to, and under its terms the Federal Tort Claims Act will not be utilized; rather, a separate, special cause of action is created against the United States for violations of this specific act.

This remedy section does not require utilization of the administrative claims procedure that is currently necessary for all other tort claims against the United States. The action also purports to waive the good-faith defense for States and local governments as well as for the United States. Clearly the Congress can waive this defense for actions brought against the United States, although I think that may be unwise.

But what authority do we have to waive defense for 50 States and all local units of government? We do not have that authority, and I guess we leave that for the moment in the courts.

There is one final point on which I hope we can get clarification. The original Senate bill would specifically authorize punitive damages for egregious violations of this statute. The Federal Tort Claims Act specifically prohibits a court from awarding punitive damages. While reference to punitive damages has been deleted from the Senate version, S. 1970, our concern is we do not have specific language that disallows punitive damages.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAILSBACK. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I just want to comment that I am strongly in support of this act. I was a little unhappy to see the innocent third-party provision evolve into merely guidelines to be promulgated. One thing, however, that I think is a real bit of progression in this act is the dropping of the exclusionary rule. Those of you who are familiar with that know that illegally seized evidence or evidence obtained in some manner in violation of the law, in this case in violation of this search warrant prohibition or restriction, is not introducible in evidence and, of course, that operates to punish only one party, and that is the innocent public.

By turning loose criminals, it really does not visit any penalty on the real offenders, namely, the law enforcement people or the entity they represent. I think it is a much more satisfactory solution to allow the evidence to come in, allow the person who was guilty to be convicted, and be disposed of in a way dictated by the public interest, leading to a response in damages only by the entity that is represented by the violation. I think that is a much more realistic approach and is one that I hope in many other instances will be substituted for the old exclusionary rule. I think it is good legislation. Indeed, it does not, for example, prevent the inquiry into the identity of this 8-year-old who has been referred to. It is merely required to be done by subpena rather than search warrant.

Mr. RAILSBACK. Mr. Speaker, I have only one further request, and that is from the gentleman from Ohio (Mr. KINDNESS). I did not know he wanted to complete his thought, so I yield 2 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I thank the gentleman for yielding. I will not need 2 minutes to clarify the record on this, but I believe it would be desirable for the record to show, so as to remove any ambiguity, that although the language relating to punitive damages has been deleted and we do not have specific language that disallows punitive damages, I would hope the record could show that there is no implied authority for the courts to award punitive damages in suits based on the provisions of this bill.

I would ask the gentleman from Wisconsin if he would confirm that.

Mr. KASTENMEIER. If my friend, the gentleman from Ohio, will yield, I would in fact confirm that there is no express or implied authority to award any punitive damages under this bill.

Mr. KINDNESS. I thank the gentleman.

● Mr. DANIELSON. Mr. Speaker, this conference report would establish a new set of remedies for violations of this proposed new law. Those remedies are a total departure from the remedies provisions adopted by the House of Representatives on September 22, 1980. The bill adopted by the House provided that violations of the bill be handled pursuant to the Federal Tort Claims Act. The Federal Tort Claims Act sets out a specific procedure that a plaintiff must follow in making a tort claim against the Government. Under the Federal Tort Claims Act the person claiming to have been injured by the Government must file a claim with the offending Government agency within 2 years after the tort occurs. If that claim is denied, the plaintiff must then file a lawsuit against the United States within 6 months from the date of denial.

This procedure was carefully worked out and established by the Congress and we have more than 30 years of experience with it. It has worked out to everyone's satisfaction. The Federal Tort Claims Act has worked well and it has withstood the test of time. Violations of this proposed new law, which are in fact tort claims against the Government, should be handled within the tort claims procedure which is already in place. Thus, I urge that this conference report should be rejected, since the House position has been totally ignored on this critical issue.

Further, the Members should note that the remedies section contained in this conference report not only provides for suits against the Federal Government, but it also creates a cause of action for suits against States and local units of government. Also, it waives the good faith defense, for State and local governments as well as the Federal Government. I submit that the Congress has no business creating new causes of action against State and local governments, nor in depriving them of their traditional defenses. In my opinion, with these provisions, the Congress goes too far. Not only is it an arrogant invasion of the rights of States and local governments, but I question whether it is constitutional to extend the arm of the Federal Government in this manner.

For all of these reasons, I urge a "no" vote on this conference report.●

Mr. KASTENMEIER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 357, nays 2, answered "present" 1, not voting 72, as follows:

[Roll No. 619]

YEAS—357

Addabbo
Akaka
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Fish
Fisher
Fithian
Flippo
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hinson
Holland
Hollenbeck
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Markey
Marks
Marlenee
Marriott
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nelson
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Petri
Peyser
Pickle
Porter
Preyer
Price
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rostenkowski
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Schulze
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stark
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Williams, Mont.
Winn
Wirth
Wolff
Wolpe
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—2

Danielson
Kindness

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—72

Abdnor
Albosta
Alexander
Anderson, Ill.
Biaggi
Boggs
Boland
Broomfield
Brown, Ohio
Chisholm
Clay
Daschle
Davis, S.C.
Dicks
Dingell
Dixon
Dodd
Duncan, Oreg.
Edwards, Ala.
English
Erlenborn
Findley
Florio
Ford, Mich.
Giaimo
Gray
Hall, Ohio
Hillis
Holtzman
Horton
Jeffries
Jenrette
LaFalce
Leach, La.
Luken
Lundine
McCloskey
Maguire
Martin
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mottl
Myers, Pa.
Nedzi
Nichols
Perkins
Pritchard
Quayle
Reuss
Roberts
Rose
Rosenthal
Roth
Satterfield
Sebelius
Shannon
Shuster
Staggers
Stanton
Steed
Stockman
Ullman
Vander Jagt
Waxman
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wright
Young, Alaska

☐ 1920

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Roth.
Mr. Wright with Mr. Edwards of Alabama.
Mr. Lundine with Mr. Findley.
Mr. Roberts with Mr. Bob Wilson.
Mr. Reuss with Mr. Stanton.
Mr. Nichols with Mr. Broomfield.
Mr. Florio with Mr. Hillis.
Mr. Alexander with Mr. Jeffries.
Mrs. Boggs with Mr. Mitchell of New York.
Mr. Boland with Mr. Quayle.
Mr. Dingell with Mr. Vander Jagt.
Mr. Charles H. Wilson of California with Mr. Schuster.
Mr. Mitchell of Maryland with Mr. Sebelius.
Mr. Moakley with Mr. Stockman.
Mr. LaFalce with Mr. Brown of Ohio.
Mr. Jenrette with Mr. Abdnor.
Mr. Gray with Mr. Horton.
Mr. Giaimo with Mr. Martin.
Mr. Ford of Michigan with Mr. McCloskey.
Mr. Nedzi with Mr. Pritchard.
Mr. Perkins with Mr. Williams of Ohio.
Mr. Rosenthal with Mr. Whitehurst.
Mr. Staggers with Mr. Erlenborn.
Mr. Ullman with Mr. Steed.
Mrs. Chisholm with Mr. Daschle.
Mr. Dicks with Mr. Duncan of Oregon.
Mr. Clay with Mr. Dodd.
Mr. Albosta with Mr. Hall of Ohio.
Mr. Davis of South Carolina with Mr. Luken.
Mr. Dixon with Mr. English.
Mr. Shannon with Mr. Leach of Louisiana.
Mr. Satterfield with Mr. Maguire.
Mr. Rose with Mr. Myers of Pennsylvania.
Mr. Waxman with Ms. Holtzman.
Mr. Mottl with Mr. Charles Wilson of Texas.

Mr. KRAMER changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1156) entitled "An act to amend and reauthorize the Solid Waste Disposal Act."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 8146, FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96-1446) on the resolution (H. Res. 802) providing for consideration of Senate amendments to the bill (H.R. 8146) to provide a program of Federal supplemental unemployment compensation, which was referred to the House Calendar and ordered to be printed.

EXTENDING CERTAIN AUTHORIZATIONS IN CLEAN WATER ACT

Mr. BREAUX. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2725) to extend certain authorizations in the Clean Water Act, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. CLAUSEN. Mr. Speaker, reserving the right to object, I do so so that the gentleman from Louisiana can at least give us a quick rundown on what is involved.

At this time I yield to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Speaker, I rise in strong support of H.R. 6667 and urge its adoption by a wide enough margin to get the attention of the Senate now, after the elections, in the next Congress or whenever.

This bill contains a number of urgently needed authorizations for the clean water program, some of which I will touch on, plus some substantive amendments which make a great deal of sense to me.

One of the most important—and certainly the most controversial—provisions of H.R. 6667, as reported, is the repeal of the industrial cost recovery requirement originally enacted as part of the 1972 act. It was wrongheaded in concept then and it is wrongheaded today. I hope that the passage of time has made that clear beyond doubt, at least here in the House.

In one sense, industrial cost recovery reflects the myth that, by fine-tuning, we can craft national legislation that will provide perfect equity, perfect equality and perfect uniformity, and impose them on a stubbornly diverse country.

In another sense, it reflects the antibusiness sentiment here in Washington that has brought the economy of this country to the sad state it is in.

And in a final sense, it reflects the tunnel vision with which we too often act on legislation—in isolation, ignoring one program as we enact another, or even one provision of a complex framework of legislation while we deal with another.

To be specific, during hearings this past summer before the Public Works Oversight Subcommittee, we documented the fact that another program under the Clean Water Act, pretreatment by certain industrial dischargers whose wastes are treated by municipal systems, is turning out to be totally unworkable.

It will be a disincentive for industries to go to joint treatment with municipalities, which was a basic objective of the act, and to pull out of joint treatment where they have that option. And ICR merely provides another incentive to do just that. The Congress would do well to deal with the pretreatment problem in the next Congress, along with a number of other toxic issues. But for the moment, let us finally put a tin lid on ICR.

While I am on the subject, I want to make it abundantly clear that it is the intent of this repealer that any funds which have been collected from industry while ICR has been in effect be returned to the companies that have coughed up the charges.

Of the authorizations extended by this bill, I want to emphasize the importance of the $100 million for the section 106 grants to State and interstate agencies for administration. The clean water program has imposed an incredible workload on the States in the way of requirements to be met, and the job just cannot be done without appropriate assistance.

As some Members may be aware, some additional funding is made available to the States under section 205(g) of the act, the so-called Celveland-Wright provision. But this is absolutely no substitute for 106 funding. Section 205(g) funds are expressly for the purpose of enabling States to create and maintain staffs to carry out the management of the construction grants program under authority delegated by the Environmental Protection Agency.

In that connection, I proposed an amendment to resolve a problem that has arisen involving the funding of State delegation of the construction grant program. At the time the provision originally was enacted, appropriations were at or near authorized levels, so the 2-percent set-aside of construction grant funds made available for this purpose was based on authorized amounts.

The sharp decline in appropriations in recent years has had the result of shrinking the amounts of 205(g) funds available, causing some States to lay off personnel already on board or freeze staff levels. Other States working toward delegation agreements arrangements with EPA have been forced to take a second look.

My amendment, therefore, ties the 2-percent set-aside to authorized rather than appropriated amounts, thereby restoring some much needed stability to this vital program. It has already passed the House as part of another piece of legislation and I thank the committee for accepting the amendment without dispute as part of the committee package.

Another provision in this bill is a revision of my amendment to allow municipalities to construct wastewater treatment facilities at their own expense and then receive reimbursement from allotments made available in future years. Actually, this is the intent of existing law. But the provision as it now stands is unworkable, and my language of the amendment simply removes that obstacle.

Such a provision is absolutely essential to permit the States which are in a position to move projects to construction rapidly, help achieve the clean-up goals of the act and get a jump on inflation into the bargain.

This should be considered a supplement, not an alternative, to the two-tier authorization mechanism which I authored in this Congress and which passed the House last December, only to be stonewalled in the Senate.

I have, with great reluctance, decided not to offer that provision again as part of this bill, only in the interests of avoiding a deadlock that would jeopardize chances for getting H.R. 6667 approved and sent on to the President. I leave to those who return next year the task of taking the Senate upon its commitment to consider two-tier and the problem of fast-moving States in the next Congress.

A final provision, of which I must confess to authorship, is the language extending the municipal deadline for construction of municipal treatment works until 1985. There is no hope that that deadline can be met, so we may as well be realistic about it and extend the deadline.

Personally, I would have preferred to move it to 1988, but 1985 was all the traffic would bear. However, due to Senate opposition and the need to compromise, this provision has been unceremoniously dropped. I also leave it to those who return in January to solve this problem. This is more than a problem of feasibility, credibility or realism, though those are important considerations and alone more than justify the extension. There are far more grave implications for the program if we leave unrealistic deadlines in place. This gives EPA the opportunity to pick and choose, and play the game of who gets sued, getting the courts into the act and skewing priorities within the States. Such would be contrary to the House position, or at least that of the House Public Works Committee, which has steadfastly held to realistic deadlines adequate funding, and project priority lists under State control.

Mr. Speaker, this is my last water pollution bill as I leave this body after 18 years. In one sense I might have preferred it to be a big barn burner of a bill, but in another sense I do not. It is typical of the kind of job we must do in this Congress, and in each succeeding Congress; to grasp the realities of this program and, bit by bit, piece by piece, try to enact the improvements in a program of vital importance that will never be perfect.

Mr. CLAUSEN. Mr. Speaker, further reserving the right to object, I have two unanimous-consent requests.

I ask unanimous consent that I be permitted to include in the RECORD the statement of the gentlewoman from Massachusetts (Mrs. HECKLER) in strong support of the amendment in the nature of a substitute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, I rise in strong support of the legislation the gentleman from Louisiana is endeavoring to present to the House.

Mr. Speaker, this legislation has been unanimously approved by the U.S. Senate on a record vote of 93 to 0. A companion House measure, H.R. 6667, was reported unanimously by the Committee on Public Works and Transportation. The committee amendment reflects a compromise which has been worked out by the other body so that we can avoid a conference on the differences in the two bills. While all amendments are vitally important, I would like to emphasize three of the amendments.

First, the committee amendment extends the reallotment deadline for obligation of construction grant funds for 12 months. This extension is vitally important to my State in that they face a loss which may reach $120 million if the amendment is not approved. Last year Ohio lost $33 million to reallotment—the only State to do so. This year other States face the same problem and in spite of EPA's heroic effort to obligate these funds before September 30, some funds will be lost unless this amendment is approved. With the amendment we can build the projects necessary to achieve clean water and keep Ohioans employed in this effort.

Second, Mr. Speaker, this legislation abolishes the industrial cost recovery requirements of the Federal Water Pollution Control Act. The other Members have discussed this provision and I will not duplicate their statements. Suffice it to say the House position in 1972, which questioned the need for ICR, has been vindicated by 8 years of experience. Unfortunately it took an extraordinary long time to reach this conclusion. Hopefully, this will not be repeated when we analyze the impact of the Stafford amendment which abolishes the eligibility for Federal assistance for the industrial capacity of waste water treatment facilities, subject to certain conditions.

Finally, Mr. Speaker, section 12 authorizes a demonstration program to be undertaken by the Administrator of the EPA to make grants to States to clean up abandoned mines and then use these facilities for disposal of hazardous waste. The amendment also specifically requires that demonstration projects be undertaken in the States of Ohio, Illinois, and West Virginia. As the author of this provision, I must state that it is intended that until a project is undertaken in each of these States, no other State shall receive a grant under this authority.

Additionally, I intend that EPA will make a grant to the State for the cleanup effort and that the State will contract with a private operator, to the maximum extent practicable, for the implementation of this program—including the management of the hazardous waste facility. By this I mean that the State could accept the money from the EPA and in effect act in a ministerial fashion and contract out the cleanup work and the day-to-day operation of the hazardous waste facility. It is intended that the hazardous waste facility will receive all appropriate approval under the Resource Conservation Recovery Act, and its regulations concerning hazardous waste facilities. Programs authorized by this amendment will provide funds to reclaim and restore the site after disposal operations cease. It is contemplated that this effort will include contouring, seeding, and other appropriate practices to return the site to as natural condition as possible so that such uses as recreation or timbering could be carried out. This might require the establishment of a bank account at the beginning of this program so that when the facility's useful life is reached, funds will be available for the final restoration effort.

Further, the amendment requires Federal-State cost sharing on a 90–10 basis. The States share of the project cost could include the acquisition costs associated with securing title; that is, lands easements, or rights-of-way, to the mine site. This is consistent with the cost sharing of the water resources development program.

Mr. Speaker, I believe that the compromise worked out today represents the best deal possible in the remaining hours of this session before we adjourn for the elections. I therefore urge my colleagues to adopt this amendment and approve the legislation.

Mr. CLAUSEN. Mr. Speaker, under my reservation of objection I yield to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I would say to the gentleman under his reservation of objection in the matter of explaining to the House what this bill does, the Senate passed this legislation by a vote of 93 to 0 back in July. The Public Works Committee in the House passed this bill in committee by unanimous vote, and has simply not been able to schedule this legislation, which is the reason why we are attempting to try to bring it to the attention of the House tonight, in order that the Senate might act on the legislation this evening.

We have met with the Senate, and they agree with what we bring before the House tonight, and would act on it.

The bill, as has been indicated already, simply extends authorization for appropriations through fiscal year 1982 for a number of programs that are administered by the Environmental Protection Agency. Very importantly, and one of the reasons for the urgency, is that the legislation also repeals the industrial cost recovery, the so-called ICR, provisions of the act. That is very important, because under the existing act industries who use a public municipal sewage facility under the current act have to reimburse the municipality.

EPA has found out that it is simply not working, that they are spending more money trying to recover from the industries, more than they are actually in fact recovering. So, this legislation does repeal that. There has been a moratorium on it since 1977. That is one of the reasons for the rather urgent nature of the legislation.

Mr. CLAUSEN. I thank the gentleman.

Mr. Speaker, I rise in support of the compromise substitute amendment offered by the gentleman from California (Mr. JOHNSON). I would like to commend the gentleman for his bipartisan efforts to resolve a very difficult issue, recognizing that time will not permit a conference on the differences between the Senate and House bills dealing with the abolishment of industrial cost recovery and the extension of certain expiring authorities of the Federal Water Pollution Control Act.

The Committee on Public Works and Transportation and our Senate counterpart have worked out an agreement which is reflected by the committee amendment offered by the gentleman from California. Upon adoption of this measure, I am informed that the Senate will take action to send this bill to the President.

The committee amendment abolishes the industrial cost recovery requirements of the Federal Water Pollution Control Act. In 1977, I offered an amendment to impose a moratorium on the industrial cost recovery requirements of the act and requested that the Environmental Protection Agency prepare an analysis of the impacts of, and need for, ICR.

While EPA conducted the study they did not favor the committee or the Congress with their recommendations and because of their tardiness in furnishing the report the moratorium on ICR had to be extended by Congress last year.

In short, Mr. Speaker, EPA's performance of this effort was totally unsatisfactory. They neither complied with the letter nor the spirit of the mandate of Congress. This is one reason why the committee amendment to H.R. 6667 directs that the analysis of the Stafford amendment, which I will discuss shortly, be conducted by the General Accounting Office. This reflects our dissatisfaction with EPA's performance in response to the congressional need for information on the implementation of the Federal Water Pollution Control Act.

Mr. Speaker, the abolishment of the ICR reflects a decision by the Committee on Public Works and Transportation based upon extensive hearings and analysis of this issue by the Subcommittee on Water Resources on which I have the honor to serve as ranking minority member. Virtually every witness to come before the committee testified in opposition to the continuance of the ICR. The hearings demonstrated that it was discriminatory, inequitable and counterproductive of the goals of the Clean Water Act. This was also the conclusion of our Senate colleagues.

However, certain Members of that body felt that in addition to abolishment of ICR, Congress should remove the eligibility for Federal assistance for that portion of a wastewater treatment facility which would be used to treat industrial waste.

Currently, this capacity is grant eligible with 75 percent of the funding provided by the Federal Government. EPA by letter supported the amendment. However, we are now told through informal conversations with the Agency that they now feel unable to implement the Stafford amendment, that it is administratively unworkable. I also fear that the amendment may adversely impact rural areas. Since these communities have been unable to secure a place on the State priority list that provided funds in a timely manner to build their facilities.

If we abolish ICR today and impose the Stafford amendment we may have this consequence: Those communities which received high priority, and their industries, are receiving 75-percent Federal assistance for their projects for both treatment of industrial and domestic waste. However, after the enactment of the Stafford amendment these communities which are only now moving upon the State priority lists will not receive Federal assistance for the industrial portion of a plant. An obvious discrimination.

Since the Senate is adamant that the Stafford amendment be incorporated in the final product sent to the President, the House has agreed to accept the amendment but stay the implementation date until November 1, 1981. Additionally, we are requiring that EPA conduct an analysis of the impact of this amendment so that we will be assured that it does not unduly discriminate against our Nation's rural areas or any other community for that matter. While I personally believe we should have more time, such as until May 30, 1982, to analyze this matter we must make a decision tonight and, therefore, I reluctantly support the compromise.

I would also observe, Mr. Speaker, that in abolishing the ICR we expect that EPA will require that those municipalities that collected revenues under the ICR mandate to return those funds to those which contributed them. It would be unfair for those which paid into this program to lose those funds now that Congress has finally decided that ICR is in fact discriminatory and should not be a part of the Federal Water Pollution Control Act.

Mr. Speaker, the compromise also contains a provision authorizing the State management assistance funds to be derived from up to 2 percent of authorized allotments for the construction grant program. This is a change in existing law which allows up to 2 percent to derive from funds actuallly appropriated in any fiscal year. When we enacted the 1977 amendments it was contemplated that Congress would fully fund the construction grant program. That, however, has not been the case and we now have States which are hiring people to manage this program in one year and laying them off in another. This has been the situation in my own State of California. This amendment will resolve the problem once and for all.

Finally, Mr. Speaker, the compromise authorizes a one time expenditure of $20 million, to be taken from the construction grant allotment of the State of New York, to be used to remove PCB's from the Hudson River. This is a recognition that this is a very important environmental problem. As I said, it is a one time assistance which I believe is a dangerous precedent for the construction grant program and which we have reluctantly agreed to in order to have legislation. Our acceptance is only due to the present environmental concerns and the potential adverse public health impacts if no funds are made available that have let us accept this proposition. It is my position that this is more appropriately addressed under "superfund" legislation such as the recently passed Oil and Hazardous Substances Pollution Liability and Compensation Act, but because of the inability of the Senate to enact superfund legislation we have accepted this amendment.

Mr. Speaker, I urge my colleagues to approve this committee proposal as a reasonable compromise on very necessary legislation. It could be better no doubt; yet, in attempting to delay it until after the election we would jeopardize the successful enactment of this bill and, therefore, I urge my colleagues to adopt the committee amendment and send this bill to the President.

Mr. CLAUSEN. I yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Speaker, S. 2725 as passed by the Senate extends the authorizations for appropriations through fiscal year 1982 for a number of programs administered by the Environmental Protection Agency. It also repeals the industrial cost recovery (ICR) provisions of the act. H.R. 6667 as reported by our Committee on Public Works and Transportation also extends expiring authorizations and repeals ICR. There are differences in the bills—notably with regard to the repeal of industrial cost recovery. In the Senate bill this repeal is coupled with a provision which would terminate Federal grant assistance for those costs of publicly-owned treatment plants allocable to the treatment of industrial discharges in excess of 50,000 gallons per day.

In view of the short time remaning prior to the congressional recess, and of the need to address the issues of expiring authorizations and the repeal of industrial cost recovery, we have worked very hard to obtain an agreement with the Senate Committee on Environment and Public Works so that this important legislation could be passed and sent to the President. I am pleased to report that such an agreement has been reached. Our committee considers it to be a reasonable agreement and urges its acceptance by the House.

The amendment to S. 2725 which incorporates this agreement extends for fiscal years 1981 and 1982 the following programs at presently authorized funding levels:

First. Grants for investigations and information gathering—$20.697 million for 1981 and $22.770 for 1982.

Second. Grants for manpower development and training of sewage treatment works operators—$3 million per year.

Third. Grants to develop and maintain a system for forecasting the supply and demand for waste treatment professionals—$1,500,000 per year.

Fourth. Grants to States and interstate agencies to assist them in the administration of programs for the prevention, reduction and elimination of pollution—$75 million per year.

Fifth. Grants to and contracts with universities for undergraduate courses in the design, operation and maintenance of treatment works, together with the award of scholarships by EPA—$7 million per year.

Sixth. Grants for developing and operating section 208 areawide waste treatment management planning processes—$100 million per year.

Seventh. Authority for the "rural clean water program"—authorizing the Secretary of Agriculture to enter into contracts with and provide technical assistance to owners of rural land for control of nonpoint sources of pollution—$100 million per year.

Eighth. Grants to States—up to 70 percent—for classification of the water quality of lakes, and development of methods to control the pollution of lakes and restore their water quality—$30 million per year.

Ninth. General administration of these provisions of the Clean Water Act which are not otherwise specifically funded—$150 million for 1981 and $161 million for 1982.

The amendment also repeals the industrial cost recovery provisions of the act which have been found to be ineffective and unworkable. The termination of Federal grant assistance for the treatment of industrial discharges is made effective as of November 15, 1981. In conjunction with this provision, the Environmental Protection Agency is directed to prepare and submit to the Congress not later than March 15, 1981, a report on the effect of this provision on the construction of publicly owned treatment works, industrial participation in such treatment works, and the appropriate degree of Federal and non-Federal participation in the funding of such treatment works. In addition, all grantees who have received their step 2 grants for engineering and design by May 15, 1980, would be exempted from the provision.

The amendment also contains a provision concerning reimbursement to municipalities which utilize their own resources to construct a municipal wastewater facility. This authorization as contained in existing law has proved unworkable. The provision in the amendment is designed to facilitate its implementation while assuring that the amount of the reimbursement will not exceed a State's allotment and that the project for which reimbursement is sought is on an approved State priority list.

The amendment also increases the construction costs limitations applicable to the combined grant procedure for small projects to $4 million—$5 million in a State with unusually high costs of construction.

The Federal Water Pollution Control Act requires that sums allotted to States be obligated within 2 fiscal years. Many States have had difficulty in obligating their fiscal year 1979 funds, especially those funds which are required to be set aside for innovative and alternative treatment systems and projects in small communities. To address this problem the amendment grants an extension of 1 year during which the fiscal year 1979 funds may be obligated.

The amendment also authorizes a lower Federal percentage of Federal grant assistance throughout a State when approved by the Governor of that State.

The amendment further provides that not to exceed $20 million of construction grant funds may be utilized for the cleanup of PCB's from the bottom sediments of the Hudson River in New York. These funds may be used only to the extent that funds are not available under section 115 of the act—removal of in-place pollutants—section 311 of the act—cleanup of spills—and any hazardous substances cleanup fund which may be enacted. Also, any construction grant funds used shall be deducted from any estimates of the needs of the State of New York prepared under section 516(b) of the act.

Finally, the amendment provides that the 2 percent of the construction grant funds which may be used by the States for administration of the program is to be based on the authorized grant amount rather than the amount actually appropriated in order to insure the efficient management of this program at the State level.

Mr. Speaker, as I stated earlier the agreement incorporated in this amendment represents a sound and reasonable compromise between the Senate and House bills, and I urge its adoption.

● Mrs. HECKLER. Mr. Speaker, the elimination of the industrial cost recovery charge on local industries, section 2 of H.R. 6667, has been a primary legislative priority of mine since I first introduced legislation that would accomplish that in February 1977.

In December 1976 I met with a group of industrialists in Fall River, Mass., the largest city in my congressional district. These were businessmen who cared about unemployment problems and the problems of their workers. They were planning ahead, making economic decisions based on current costs of operation and projected operating costs and taking into account fees which had not been imposed on them yet but were in place in the law and would be charged years later.

Their findings were startling. After careful study they had concluded that the industrial cost recovery charge could be the final blow to the textile industry which was already reeling from the impact of foreign imports, high unemployment, and rising taxes. The specter of an ICR charge which would have to be paid for 30 years had already begun to affect business decisions of whether or not to continue operations in Fall River or shut down and move elsewhere where the economic climate would be more favorable.

After studying their conclusions in light of my own independent research, I introduced legislation to repeal this unfair charge. Now, 3½ years, one $500,000 consulting study by Coopers and Lybrand, and two ICR moratoriums later the charge is being repealed in the provisions of H.R. 6667.

Our distinguished colleagues HAROLD JOHNSON, the chairman of the House Public Works Committee, DON CLAUSEN, tenacious ranking member of the Subcommittee on Water Resources, and RAY ROBERTS, the chairman of the Subcommittee who called a series of hearings over the years which iluustrated the inequities and administrative nightmares of the charge, are all to be congratulated.●

Mr. CLAUSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 104(u)(1) of the Clean Water Act is amended by striking "and" after "June 30, 1975," and inserting after "September 30, 1980," the following: "not to exceed $20,697,000 for the fiscal year ending September 30, 1981, and not to exceed $22,770,000 for the fiscal year ending September 30, 1982,".

(b) Section 104(u)(2) of the Clean Water Act is amended by striking "and $3,000,000 for fiscal year 1980" and inserting in lieu thereof "$3,000,000 for fiscal year 1980, $2,524,000 for fiscal year 1981, and $2,774,000 for fiscal year 1982".

(c) Section 106(a)(2) of the Clean Water Act is amended by inserting after "1980" a comma and the following: "$48,730,000 for fiscal year 1981, and $53,500,000 for fiscal year 1982".

(d) Section 208(f)(3) of the Clean Water Act is amended by striking "and" after "1974," and inserting after "1980" a comma and the following: "not to exceed $39,000,000 for the fiscal year ending September 30, 1981, and not to exceed $42,900,000 for the fiscal year ending September 30, 1982".

(e) Section 208(j)(9) of the Clean Water Act is amended by striking "and $400,000,000 for fiscal year 1980," and inserting in lieu thereof a comma and the following: "$400,000,000 for fiscal year 1980, and $50,000,000 for fiscal year 1981,".

(f) Section 314 of the Clean Water Act is amended by striking "and $60,000,000 for fiscal year 1980" and inserting in lieu thereof "$60,000,000 for fiscal year 1980, $13,500,000 for fiscal year 1981, and $14,850,000 for fiscal year 1982".

(g) Section 517 of the Clean Water Act is amended by striking "and $150,000,000 for the fiscal year ending September 30, 1980" and inserting in lieu thereof "$150,000,000 for the fiscal year ending September 30, 1980, $146,433,000 for the fiscal year ending September 30, 1981, and $161,000,000 for the fiscal year ending September 30, 1982".

SEC. 2. (a) Section 205(d) of the Clean Water Act is amended by adding the following: "The Administrator, in consultation with the State, may exempt from reallotment under this subsection such funds as the Administrator determines will be necessary to satisfy the Federally fundable portion of any project which is required by consent decree or court order entered in a Federal or State court to enforce compliance with section 301(b)(1) (B) or (C) of this Act. If the Administrator later determines that the State is not contributing to timely progress toward meeting the obligations of such consent decree or court order, the Administrator may reallot the exempted funds at any such time."

(b) Section 205(1) of the Clean Water Act is amended by adding at the end thereof the following sentence: "Notwithstanding the language of subsection (d) of this section, sums reserved under this subsection from the amount provided for the fiscal year ending September 30, 1979, shall be available for obligation until September 30, 1981.".

SEC. 3. Title I of the Clean Water Act is amended by adding the following new section:

"HUDSON RIVER PCB RECLAMATION DEMONSTRATION PROJECT

"SEC. 116. (a) The Administrator is authorized to enter into contracts and other agreements with the State of New York to carry out a project to demonstrate methods for the selective removal of polychlorinated biphenyls contaminating bottom sediments of the Hudson River, treating such sediments as required, burying such sediments in secure landfills, and installing monitoring systems for such landfills. Such demonstration project shall be for the purpose of determining the feasibility of indefinite storage in secure landfills of toxic substances and of ascertaining the improvement of the rate of recovery of a toxic contaminated national waterway.

"(b) The Administrator is authorized to make grants to the State of New York to carry out this section from funds allotted to such State under section 205(a) of this Act, except that the amount of any such grant shall be equal to 75 per centum of the cost of the project and such grant shall be made on condition that non-Federal sources provide the remainder of the cost of such project. The authority of this section shall be available until the end of the third full fiscal year after the enactment of this section. Funds allotted to the State of New York under section 205(a) shall be available under this subsection unless funds are made available to the State of New York for the work authorized by this section under section 115 of this Act or a comprehensive hazardous substance response and clean up fund. Any funds used under the authority of this subsection shall be deducted from any estimate of the needs of the State of New York prepared under section 516(b) of this Act.".

SEC. 4. (a) Paragraph (1) of subsection (b) of section 204 of the Clean Water Act is amended by striking out clause (B) in its entirity and striking out "(C)" and inserting in lieu thereof "(B)".

(b) Subsection (b) of section 204 of the Clean Water Act is amended by striking out paragraph (3) in its entirety and paragraph (6) in its entirety and renumbering paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) The Administrator of the Environmental Protection Agency shall take such action as may be necessary to remove from any grant made under section 201(g)(1) of the Clean Water Act after March 1, 1973, and prior to the date of enactment of this Act, any condition or requirement no longer applicable as a result of the repeals made by subsections (a) and (b) of this section or release any grant recipient of the obligations established by such conditions of other requirement.

(d) Section 201(h) of the Clean Water Act is amended by striking out the last sentence.

(e) The second sentence of section 213(d) of the Clean Water Act is amended by striking out "(1) all or any portion of the funds retained by such grantee under section 204 (b)(3) of this Act, and (2)".

(f)(1) Section 75(b) of the Clean Water Act of 1977 (91 Stat. 1610) is hereby repealed.

(2) Section 75(d) of the Clean Water Act of 1977 (91 Stat. 1610) is hereby repealed.

(g) The amendments made by this section shall take effect on December 27, 1977.

(h) Notwithstanding any other provision of this section or the Clean Water Act, a grantee shall retain all revenues derived from the payment of costs by industrial users of waste treatment service to the extent costs are attributable to the Federal share of eligible project costs provided pursuant to title II of the Clean Water Act as determined by the Administrator, which have been collected prior to the enactment of this section, and such retained revenues shall be used for the operation and maintenance, reduction of debt, future expansion, and reconstruction of such project.

SEC. 5. Section 201 of the Clean Water Act is amended by adding the following new subsection:

"(k) No grant made after September 30, 1980, for a publicly owned treatment works, other than for facility planning and the preparation of construction plans and specifications, shall be used to treat, store, or convey the flow of any industrial user into such treatment works in excess of a flow per day equivalent to fifty thousand gallons per day of sanitary waste. This subsection shall not apply to any project proposed by a grantee which is carrying out an approved project to prepare construction plans and specifications for a facility to treat wastewater, which received its grant approval before May 15, 1980.".

SEC. 6. Section 311(k) of the Clean Water Act is amended—

(1) by inserting "(1)" after "(k)"; and

(2) by adding the following paragraph at the end thereof:

"(2) The Secretary of Transportation shall notify the Congress whenever the unobligated balance of the fund is less than $12,000,000, and shall include in such notification a recommendation for a supplemental appropriation relating to the sums that are needed to maintain the fund at the level provided in paragraph (1).".

SEC. 7. (a) The first sentence of section 202(a)(1) of the Clean Water Act is amended by striking the period and inserting in lieu thereof a comma and the following "unless modified to a lower percenatge rate uniform throughout a State by the Governor of that State with the concurrence of the Administrator. Within ninety days after the enactment of this sentence the Administrator shall issue guidelines for concurrence in any such modification, which shall provide for the consideration of the unobligated balance of sums allotted to the State under section 205 of this Act, the need for assistance under this title in such State, and the availability of State grant assistance to replace the Federal share reduced by such modifications. The payment of any such reduced Federal share shall not constitute an obligation on the part of the United States or a claim on the part of any State or grantee to reimbursement for the portion of the Federal-share educated in any such State."

(b) The first sentence of section 202(a)(2) of the Clean Water Act is amended by inserting before the period a comma and the following: "unless modified by the Governor of the State with the concurrence of the Administrator to a percentage rate no less than 15 per centum greater than the modified uniform percentage rate in which the Administrator has concurred pursuant to paragraph (1) of this subsection".

SEC. 6. Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency is prohibited from conducting or participating in any study regarding the interbasin transfer of water outside the Columbia River Basin.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BREAUX: Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) section 104(u) of the Federal Water Pollution Control Act is amended—

(1) in paragraph (1), by inserting after "September 30, 1980," the following: "and not to exceed $20,697,000 for the fiscal year ending September 30, 1981, and not to exceed $22,770,000 for the fiscal year ending September 30, 1982,";

(2) in paragraph (2), by striking out "and $3,000,000 for fiscal year 1980" and by inserting in lieu thereof "$3,000,000 for fiscal year 1980, $3,000,000 for fiscal 1981, and $3,000,000 for fiscal year 1982"; and

(3) in paragraph (3), by striking out "and $1,500,000 for fiscal year 1980" and inserting in lieu thereof "$1,500,000 for fiscal year 1980, $1,500,000 for fiscal year 1981, and $1,500,000 for fiscal year 1982".

(b) Section 106(a)(2) of the Federal Water Pollution Control Act is amended by inserting after 1980 a comma and the following: "$75,000,000 per fiscal year for the fiscal years 1981 and 1982".

(c) Section 112(c) of the Federal Water Pollution Control Act is amended by striking out "and $7,000,000 for the fiscal year ending September 30, 1980" and inserting in lieu thereof "$7,000,000 for the fiscal year ending September 30, 1980, $7,000,000 for the fiscal year ending September 30, 1981, and $7,000,000 for the fiscal year ending September 30, 1982".

(d) Section 208(f)(3) of the Federal Water Pollution Control Act is amended by inserting after 1980 a comma and the following: "and not to exceed $100,000,000 per fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982".

(e) Section 208(j)(9) of the Federal Water Pollution Control Act is amended by striking out "and $400,000,000 for fiscal year 1980" and inserting in lieu thereof ", $400,000,000 for fiscal year 1980, $100,000,000 for fiscal year 1981, and $100,000,000 for fiscal year 1982".

(f) Section 314(c)(2) of the Federal Water Pollution Control Act is amended by striking out "and $60,000,000 for fiscal year 1980" and inserting in lieu thereof "$60,000,000 for fiscal year 1980, $30,000,000 for fiscal year 1981, and $30,000,000 for fiscal year 1982".

(g) Section 517 of the Federal Water Pollution Control Act is amended by striking out "and $150,000,000 for the fiscal year ending September 30, 1980" and inserting in lieu thereof "$150,000,000 for the fiscal year ending September 30, 1980, $150,000,000 for the fiscal year ending September 30, 1981, and $161,000,000 for the fiscal year ending September 30, 1982".

SEC. 2. (a) Paragraph (1) of subsection (b) of section 204 of the Federal Water Pollution Control Act is amended by striking out clause (B) in its entirety and striking out "(C)" and inserting in lieu thereof "(B)".

(b) Subsection (b) of section 204 of the Federal Water Pollution Control Act is amended by striking out paragraph (3) in its entirety and paragraph (6) in its entirety and renumbering paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) The Administrator of the Environmental Protection Agency shall take such action as may be necessary to remove from any grant made under section 201(g)(1) of the Federal Water Pollution Control Act after March 1, 1973, and prior to the date of enactment of this Act, any condition or requirement no longer applicable as a result of the repeals made by subsections (a) and (b) of this section or release any grant recipient of the obligations established by such conditions of other requirement.

(d) Section 201(h) of the Federal Water Pollution Control Act is amended by striking out the last sentence.

(e) The second sentence of section 213(d) of the Federal Water Pollution Control Act is amended by striking out "(1) all or any portion of the funds retained by such grantee under section 204(b)(3) of this Act, and (2)".

(f)(1) Section 75(b) of the Federal Water Pollution Control Act of 1977 (91 Stat. 1610) is hereby repealed.

(2) Section 75(d) of the Federal Water Pollution Control Act of 1977 (91 Stat. 1610) is hereby repealed.

(g) The amendments made by this section shall take effect on December 27, 1977.

SEC. 3. Section 201 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(k) No grant made after November 15, 1981, for a publicly owned treatment works, other than for facility planning and the preparation of construction plans and specifications, shall be used to treat, store, or convey the flow of any industrial user into such treatment works in excess of a flow per day equivalent to fifty thousand gallons per day of sanitary waste. This subsection shall not apply to any project proposed by a grantee which is carrying out an approved project to prepare construction plans and specifications for a facility to treat wastewater, which received its grant approval before May 15, 1980."

SEC. 4. The Administrator of the Environmental Protection Agency shall study and report to the Congress not later than March 15, 1981, on the effect of the amendment made by section 3 on the construction of publicly owned treatment works, industrial participation in publicly owned treatment works, treatment of industrial discharges, and the appropriate degree of Federal and non-Federal participation in the funding of publicly owned treatment works.

SEC. 5. Section 206(f)(1) of the Federal Water Pollution Control Act is amended—

(1) by striking out "In any case where all funds allotted to a State under this title have been obligated under section 203 of this Act" and inserting in lieu thereof "In any case where a substantial portion of the funds allotted to a State for the current fiscal year under this title have been obligated under section 201(g), or will be so obligated in a timely manner (as determined by the Administrator)"; and

(2) by striking out the last sentence thereof and inserting in lieu the following:

"The Administrator may not approve an application under this subsection unless an authorization is in effect for the first fiscal year in the period for which the application requests payment and such requested payment for that fiscal year does not exceed the State's expected allotment from such authorization. The Administrator shall not be required to make such requested payment for any fiscal year—

"(A) to the extent that such payment would exceed such State's allotment of the amount appropriated for such fiscal year; and

"(B) unless such payment is for a project which, on the basis of an approved funding priority list of such State, is eligible to receive such payment based on the allotment and appropriation for such fiscal year.

To the extent that sufficient funds are not appropriated to pay the full Federal share with respect to a project for which obligations under the provisions of this subsection have been made, the Administrator shall reduce the Federal share to such amount less than 75 per centum as such appropriations do provide.".

SEC. 6. Section 203(a) of the Federal Water Pollution Control Act is amended (1) by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000", and (2) by striking out "$3,000,000" and inserting in lieu thereof "$5,000,000".

SEC. 7. Notwithstanding section 205(d) of the Federal Water Pollution Control Act (33 U.S.C. 1285), sums allotted to the States for the fiscal year 1979 shall remain available for obligation for the fiscal year for which authorized and for the period of the next succeeding twenty-four months. The amount of any allotment not obligated by the end of such thirty-six month period shall be immediately reallotted by the Administrator on the basis of the same ratio as applicable to sums allotted for the then current fiscal year, except that none of the funds reallotted by the Administrator for fiscal year 1979 shall be allotted to any State which failed to obligate any of the funds being reallotted. Any sum made available to a State by reallotment under this section sahll be in addition to any funds otherwise allotted to such State for grants under title II of the Federal Water Pollution Control Act during any fiscal year. This section shall take effect on September 30, 1980.

SEC. 8. Section 311(k) of the Federal Water Pollution Control Act is amended—

(1) by inserting "(1)' 'after "(k)"; and

(2) by adding the following new paragraph at the end thereof:

"(2) The Secretary of Transporation shall notify the Congress whenever the unobligated balance of the fund is less than $12,-

000,000, and shall include in such notification a recommendation for a supplemental appropriation relating to the sums that are needed to maintain the fund at the level provided in paragraph (1).".

SEC. 9. (a) The first sentence of section 202 (a)(1) of the Federal Water Pollution Control Act is amended by striking the period and inserting in lieu thereof a comma and the following: "unless modified to a lower percentage rate uniform throughout a State by the Governor of that State with the concurrence of the Administrator. Within ninety days after the enactment of this sentence the Administrator shall issue guidelines for concurrence in any such modification, which shall provide for the consideration of the unobligated balance of sums allocated to the State under section 205 of this Act, the need for assistance under this title in such State, and the availability of State grant assistance to replace the Federal share reduced by such modification. The payment of any such reduced Federal share shall not constitute an obligation on the part of the United States or a claim on the part of any State or grantee to reimbursement for the portion of the Federal share reduced in any such State."

(b) The first sentence of section 202(a)(2) of the Federal Water Pollution Conrtol Act is amended by inserting before the period a comma and the following: "unless modified by the Governor of the State with the concurrence of the Administrator to a percentage rate no less than 15 per centum greater than the modified uniform percentage rate in which the Administrator has concurred pursued to paragraph (1) of this subsection".

SEC. 10. Title I of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

"HUDSON RIVER PCB RECLAMATION DEMONSTRATION PROJECT

"SEC. 116. (a) The Administrator is authorized to enter into contracts and other agreements with the State of New York to carry out a project to demonstrate methods for the selective removal of polychlorinated biphenyls contaminating bottom sediments of the Hudson River, treating such sediments as required, burying such sediments in secure landfills, and installing monitoring system for such landfills. Such demonstration project shall be for the purpose of determining the feasibility of indefinite storage in secure landfills of toxic substances and of ascertaining the improvement of the rate of recovery of a toxic contaminated national waterway. No pollutants removed pursuant to this paragraph shall be placed in any landfill unless the Administrator first determines that disposal of the pollutants in such landfill would provide a higher standard of protection of the public health, safety, and welfare than disposal of such pollutants by any other method including, but not limited to, incineration or a chemical destruction process.

"(b) The Administrator is authorized to make grants to the State of New York to carry out this section from funds allotted to such State under section 205(a) of this Act, except that the amount of any such grant shall be equal to 75 per centum of the cost of the project and such grant shall be made on condition that non-Federal sources provide the remainder of the cost of such project. The authority of this section shall be available until September 30, 1983. Funds allotted to the State of New York under section 205(a) shall be available under this subsection only to the extent that funds are not available, as determined by the Administrator, to the State of New York for the work authorized by this section under section 115 or 311 of this Act or a comprehensive hazardous substance response and clean up fund. Any funds used under the authority of this subsection shall be deducted from any estimate of the needs of the State of New York prepared under section 516(b) of this Act. The Administrator may not obligate or expend more than $20,000,000 to carry out this section.".

SEC. 11. The first sentence of section 205 (g)(1) of the Federal Water Pollution Control Act is amended by inserting "of the amount authorized under section 207 of this title for purposes" after "2 per centum".

SEC. 12. The Administrator of the Environmental Protection Agency is authorized to make grants to States to undertake a demonstration program for the cleanup of State-owned abandoned mines which can be used as hazardous waste disposal sites. The State shall pay ten percent of project costs. At a minimum, the Administrator shall undertake projects under such program in the States of Ohio, Illinois, and West Virgina. There are authorized to be appropriated $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1983, and September 30, 1984, to carry out this section. Such projects shall be undertaken in accordance with all applicable laws and regulations.

Mr. BREAUX (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMUNICATION FROM THE STAFF DIRECTOR OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following communication from the Staff Director of the Committee on Standards of Official Conduct:

COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT,
September 30, 1980, Washington, D.C.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On September 30, 1980, I was served with a subpoena duces tecum from the United States District Court for the District of Columbia for certain official documents within my custody. The subpoena was issued upon application of the United States Attorney, signed by the Deputy Clerk of the Court.

Pursuant to the provisions of House Resolution 722, adopted on September 17, 1980, this is to notify you of the receipt of the subpoena.

Sincerely,

JOHN M. SWANNER,
Staff Director.

THIRTIETH ANNIVERSARY AS PASTOR FOR THE REVEREND LEON SULLIVAN

(Mr. LEDERER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEDERER. Mr. Speaker, today, October 1, marks an especially joyful day for all of us in Philadelphia. On this day, the Zion Baptist Church, which I am proud to say is located in my congressional district, will pay tribute to the Reverend Leon Sullivan on the occasion of his 30th anniversary as a pastor in our City of Brotherly Love.

As many of my colleagues know, Reverend Sullivan is not only a spiritual leader of his congregation, but also a great social leader among our Nation's leaders. For more than 30 years, Presidents and policymakers have come to Philadelphia to witness the "good works" of Reverend Sullivan and to reaffirm the need for his self-help principles. They have also honored his tireless devotion to a war against unemployment and his uncompromising moral position against economic injustice in any and all forms and in any and all nations.

Reverend Sullivan has long been a promoter of social justice in this country. Ordained a Baptist minister in 1941, he then went on to become a prominent and outspoken leader in A. Philip Randolph's successful threat to march on Washington to obtain jobs for blacks.

During this same period, Reverend Sullivan served as an aid to the Reverend Adam Clayton Powell, Jr., while the latter was running for Congress from Harlem.

Inspired by the sit-in activities taking place in the Deep South, Reverend Sullivan and some 400 black preachers of Philadelphia organized the selective patronage program in 1960 to fight the racial discrimination present among the city's businesses. Consisting essentially of a succession of black boycotts of major businesses that gave less opportunity to black workers than to whites, the program met with great success. By 1963, the boycotts had resulted in the opening up of some 2,000 skilled jobs to black workers.

Despite his activism on behalf of blacks and other minorities, Reverend Sullivan is traditional about economic matters. Self-help is the keystone in his approach. In 1964, he started the opportunities industrialization centers to enable young blacks and other minorities to train themselves and acquire valuable employment skills. The OIC has grown to sponsor 150 job training centers in 47 States and several foreign nations.

Not only has Reverend Sullivan helped the unskilled acquire skills, but he has also taken his advocacy to the board rooms of several major banks and corporations. In 1971, Reverend Sullivan became the first black director of the world's largest industrial corporation, General Motors. As a board member of GM and Girard Trust and the Philadelphia Savings Fund Society, he has spearheaded the effort to get U.S. corporations with investments in South Africa to pressure that government to end its policy of apartheid.

At home, and abroad, Mr. Speaker, Reverend Sullivan has shown great courage and great leadership. The congregation of Zion Baptist Church is very fortunate to have Reverend Sullivan as its spiritual leader. And we are all fortunate to have Reverend Sullivan as an activist, working for social justice on behalf of all our peoples.

I invite my colleagues to join with the Zion Baptist Church congregation in joyously celebrating the 30th anniversary of Reverend Sullivan becoming a pastor in the city of Philadelphia.

SOUTH FLORIDA NEEDS FEDERAL HELP

(Mr. LEHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEHMAN. Mr. Speaker, during the debate on the Stack bill, I referred to a letter I wrote to President Carter about the effects of refugees on south Florida. I would like to read from that letter:

> Dear Mr. President: As a long time resident of Miami, I am distressed and angry at what has happened to our community since last April.
>
> The real solution still requires strong and immediate policy changes and initiatives by your administration.
>
> A safe and humane means of return must be provided to those who wish to go back to Cuba. The same boat lift that sailed from Mariel to Key West could be reversed.
>
> In addition, incentives and support must be provided to encourage entrants to resettle outside of our state.
>
> Only a few months ago, we had in South Florida a viable multi-ethnic community that we were proud of * * * Your administration must return our community to us so we can resume our progress toward a better future for all.

Mr. Speaker, south Florida needs Federal help. We need financial assistance such as that in the Stack bill. We also need Federal policy solutions, which I hope this letter will speed.

I ask unanimous consent to insert the full letter after my remarks.

House of Representatives,
Washington, D.C., September 25, 1980.

Hon. Jimmy Carter,
President, United States of America,
The White House, Washington, D.C.

Dear Mr. President: As a long time resident of Miami, I am distressed and angry at what has happened to our community since last April. Though faith in the future still remains, right now Miami is a place of fear, bloodshed and human misery.

To do what I could as a member of the Appropriations Subcommittee on Foreign Operations, I offered and Congress passed the $100,000,000 appropriation for federal reimbursement to local government agencies providing services to refugees.

These funds will help, but the real solution requires strong and immediate policy changes and initiatives by your administration. South Florida simply cannot survive the impact of more than 100,000 homeless, jobless, and helpless new entrants.

There are still ways to save Florida. A safe and humane means of return must be provided to those who wish to go back to Cuba. The same boat lift that sailed from Mariel to Key West could be reversed. As the Miami Herald recently stated, "The sensible resolution of the impasse is to beat Mr. Castro at his own game. It's simple enough to turn the sealift around and help homesick Cubans go back the way they came." For security, the Navy or the Coast Guard could provide an escort for the boats as far as Cuban territorial waters.

In addition, incentives and support must be provided to encourage entrants to resettle outside of our state. In order to care for those who remain because of close family in Miami, it is important that your administration make clear its continued commitment to provide whatever funds may be necessary to keep the financial burden from falling on the local population. For those without close family in Miami and who refuse to leave, the kinds and levels of benefits such as work permits and food stamps should be reconsidered.

Though the necessary legislation to make changes in our refugee policy can be expected in the next Congress, the emergency is here and now.

Only a few short months ago, we had in South Florida a viable multiethnic community that we were proud of. Decisions and policies of the federal government have torn our city apart. Your administration must return our community to us so we can resume our progress toward a better future for all.

With best wishes, I am
Sincerely,

William Lehman,
Member of Congress.

UNITED STATES HAS GREAT NEED OF ADEQUATE RAIL SERVICE

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, all of us are keenly aware of the energy problems our Nation and the world are facing, and I sincerely believe every effort is being made to work out the most advantageous solutions. High on the list of priorities, I feel we must continue to emphasize the great need of adequate rail service and pointing out again the importance of railroad employees in our great Nation.

I would like to call to the attention of my colleagues the following article from Labor reporting on how Polish railroad workers were in the forefront of the strikes and demonstrations to win a free and independent labor movement in Poland. I sincerely feel this merits the attention of all of us.

Rail Workers up Front in Polish Freedom Fight

(By Les Finnegan)

Courageous Polish railroad workers were right up front in the history-making 18 days of strikes and demonstrations that rocked Poland from one end to another, unseated Communist Party chief Edward Gierek, and won an unprecedented promise from the government to allow the formation of free, independent trade unions.

In fact, railroad workers, as part of the nationwide walkouts, staged their own four-day strike which centered in Lublin with 3,000 participating.

These and other fragmented facts about the railroad workers role in the strikes that gripped world-wide attention, came to Labor Newspaper through the International Transport Workers Federation (with which some U.S. rail unions are affiliated) and British newspaper reporters in Poland.

An impressive first-hand account of the rail strike and what led up to it was reported by David Shears, of the Daily Telegraph, from Lublin and forwarded to Labor by the ITWF. Shears started his report saying:

"Militant railwaymen's leaders in Lublin are braving official harassment to create what they call a 'genuine trade union' in the Communist world less than 60 miles from the Soviet Union. Nobody knows, least of all themselves, whether their hazardous enterprise will succeed."

The 3,000 Lublin railwaymen, Shears wrote after exclusive interviews with two of their rail union leaders in their homes, "are trying to change the entrenched Communist system of so-called 'trade unions' which are in reality mere handmaidens of state, Communist Party and management." The strikers, said Shears, seek to elect "activists instead of stooges to their local trade union executive."

But on July 16, 1980, despite the great risks of antagonizing the country's Communist rules, the two leaders told Shears, "the workers downed tools spontaneously and simultaneously in different sections of the railway depot, such as the engine sheds and repair workshops."

"At first we didn't count on much support," they recalled, "but the strike found such wide backing that we decided to establish a coordinating committee."

The railroad workers hammered out their own demands, which may be reported here for the first time in the U.S. They were:

Pay increases for all retired workers amounting to about $48.00 a month;

Bigger family allowances in line with those paid to police and soldiers;

Cost-of-living increases tied closely to price hikes;

Guarantees of no reprisals against strikers;

More meat supplies for local shops;

Cheaper meat for the railway canteens; and

New works council (union) elections with strike leaders permitted to stand as candidates.

These demands, it must be remembered, were in addition to the basic demands advanced by the striking shipyard and steel workers.

Although the two railroad union leaders were interviewed in the privacy of their homes neither was willing to give his name for the record.

"Both were visibly nervous," Shears reported. "One of them gazed fixedly at the floor throughout our talks, his face muscles tense and twitching. When the door bell rang unexpectedly at the other railwayman's flat he immediately turned off the light and dropped his voice to a whisper until the danger was past.

"But despite the risks both men seemed anxious to get their message across to the West. They were no wild-eyed radicals but steady, responsible family men enjoying respect as skilled workers."

But not only these two rail leaders were worried; the entire strike committee was jittery about the union being framed. "The strike committee was worried," Shears was told, "that State security agents might stage a provocation, say, by setting an engine on fire. So we created our own strike guards to keep all outsiders away.

"Our people showed complete restraint and discipline," the strike leaders told the newsman. "There was no clashes with the police throughout the strike. Police and army had stayed mostly out of sight."

Asked about the extent of the rail stoppages, the leaders replied. "Certainly the line to the Soviet border had been affected, along with others from Lublin. Some 40 passenger trains and an untold number of goods trains had been held up every day."

"We met the managers who appealed to us to go back to work because the railways were so important," the strike leaders continued. "They said the Vice-Minister of Transport would come the next day. But he didn't turn up. And we told the management that if the railways were so important why hadn't he come, why hadn't the government invested more money in our neglected and overstrained railways? Why didn't they pay us a decent wage?"

Finally, Shears was told, "the workers had sung the Polish national anthem so loudly that it was heard all over town" and the bosses had "just disappeared." Only on the fourth day did the authorities begin to meet the strikers' demands.

The locomotive engineers got a 600-zloty increase (about $20), the rest only 400 zlotys (about $15), far less than sought.

What's the outlook from here on? They informed Shears, "The official unions, the management and the Communist Party are fighting us every inch of the way. Even if we win we will have to fight every day to hold on to our gains."

Shears' report concluded with these words: "Lublin's militant railwaymen hope that outsiders will sympathize with their cause and that any victory they achieve will set an example for Poland, maybe other countries in Eastern Europe. But they have few illusions. 'Moscow will be furious,' one said."

That may be the year's understatement as to how the Kremlin probably feels about Poland's brave railroad workers.

SIMPLIFY THE TAX SYSTEM: THE BEST KIND OF TAX CUT

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, as we approach the end of the 96th Congress, one of the most controversial issues before us is proposed tax reduction legislation. The two major party candidates for President have proposed multibillion-dollar tax cuts for 1981, and there is substantial support in Congress for these and similar initiatives.

Unfortunately, this headlong rush for tax cuts presents two significant problems. First, these proposals ignore the fact that inflation is still one of the primary economic problems facing the American people. There is a consensus in this Congress that a reduced budget deficit is necessary to fighting inflation. Yet, either of these proposals would increase the deficit by anywhere from $15 to $40 billion. Considering that we are already looking at a major deficit for fiscal year 1980 and a project deficit for 1981 as well, it is irresponsible to add this much to the 1981 deficit and, in effect, substantially more for future years.

In addition, though, whatever positive reforms these proposals may contain, they do not truly address the basic problem of taxation in this country. That problem sits heavily on the bookshelf of every Member of Congress. It is the Internal Revenue Code—all 20 pounds of it. Our Tax Code has become too long and too complicated. Only accountants and tax lawyers can begin to understand it. Frankly, I doubt that many Members of Congress can really comprehend most of it. How, then, is the average taxpayer supposed to understand his rights and obligations?

The issue is not merely one of making it more convenient for people to pay their taxes. It is vital for any system of taxation that it be equitable and that it appear equitable to those who are assessed. More and more, Americans are becoming convinced that, due to unjustified loopholes and the ability to employ expensive accountants, wealthy individuals do not pay their fair share of taxes.

In fact, there is a great deal of justification for this perception. A recent Treasury Department study shows that middle-income Americans, those earning from $15,000 to $50,000 a year, make up only 38.2 percent of the population but are liable for 60.1 percent of the taxes. It is no wonder that many feel overburdened and attempt to avoid paying their fair share.

In 1979, the Treasury Department published a detailed report of the many ways Americans are avoiding payment of taxes. That report estimated that, in 1976 alone, up to $26 billion had been lost to the Treasury in this fashion. This problem is going to get worse in the coming years if we do not take drastic action to improve our tax laws.

The Tax Code has become increasingly complicated for several reasons. First, our economy and our society have become very complex, and there has been a tendency to use the Tax Code to accomplish legislative goals to address our many problems. Second, it has been the nature of Congress, like most lawmaking bodies, to add to, rather than subtract from, existing laws.

Finally, I am afraid that much of the complexity of the Tax Code derives from excessive influence by special interests. Tax bills are notorious for their "Christmas tree" provisions. Because tax legislation is usually very technical in nature, special interests are able to write their own provisions and ask their friends in Congress to introduce them, usually in less-publicized committee sessions, and before anyone knows it, the "gift" has been placed under the tree. Unfortunately, it is the average taxpayer who pays the bill.

As a result of these intertwined causes, the Tax Code is loaded down with obscure provisions that can be understood only by the few, that can be taken advantage of only by the few, and which leave the majority of taxpayers with unfair tax burdens, as they are forced to make up for the tax breaks provided to the wealthy.

The solution to this problem will not come from piecemeal legislation that takes away a few provisions here and adds a few there, plugs one loophole and adds four more. The solution requires a radical change in direction from current practices. We must drastically simplify our system of taxation.

Over the next few months, I will be working on legislation to create a simplified Tax Code. My goal will be to eliminate virtually all existing deductions, credits, loopholes, and other special provisions, and to replace the existing code with a simple, graduated tax table that accurately and fairly assesses each taxpayer according to his or her ability to pay. That is the essence of fair tax law, and I hope my legislation will meet this goal.

I imagine that this will be a difficult undertaking. Like the Federal budget, the Internal Revenue Code has divided up a number of benefits to a large number of special interests while the average taxpayer has paid the bill. Thus, some of the provisions of such a bill might be considered unpopular taken by themselves. However, the point of this effort is that all Americans will benefit from a tax code that is simple, that is comprehensible, that assesses every American fairly and rationally, and that provides no taxpayer, whether wealthy, poor, or in-between, unjustified tax breaks.

Mr. Speaker, I hope my colleagues will give their support to this effort. Certainly, a national debate needs to be initiated on this concept. I believe it can be one of the most important accomplishments of the 97th Congress, if the tax-writing committees of the House and Senate, as well as other Members, will commit themselves to a new direction in tax legislation. If we do not make this commitment, the American people will continue to lose faith in the law, in Government, and in this country's basic commitment to fairness for all.

THE 100TH ANNIVERSARY TRIBUTE TO PRESIDENT-ELECT JAMES A. GARFIELD, FOUNDER OF OUR EDUCATION COMMITTEE

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, as a member of the Education and Labor Committee in this election year, I want to say just a few words about the distinguished man who founded this committee and who was our Republican nominee for President exactly a century ago, James A. Garfield of Ohio.

As the education chairman of the House of Representatives, Garfield was responsible for establishing this Nation's first Department of Education.

From his early career as teacher and college president, Garfield acquired a commitment to education that remained with him for life. Soon after entering Congress, he observed, "It is remarkable that so many good things have been said, and so few things done, by our national statesmen, in favor of education."

Like Jefferson, Garfield believed that an informed citizenry is essential to the survival of a republic. During the climate of uncertainty that followed the Civil War, Representative Garfield asserted that the advancement of knowledge should be a national priority for America.

In 1866, he persuaded the Speaker to form a new House Committee with responsibility for promoting education, and, that year, Garfield became Chairman Perkins' first predecessor.

Within 4 months, in 1867, Representative Garfield's bill to create a Department of Education was debated on the House floor. The proposal was opposed bitterly, mainly by the Democrats of the day, who denounced it as "unwarranted" and "unconstitutional," and who charged that it would mean "the opening wedge for Federal takeover" of the country's schools.

Nothing could have been further from Garfield's intentions. In an eloquent speech, he envisioned the Department as a center for the collection and dissemination of educational information, not as a source of regulation. Its whole mission would be to encourage State and community efforts.

With Garfield's aims in mind, the House passed his bill and, on March 2, 1867, the President signed it into law. But the opposition did not go away. Just 16 months later, the Department was reduced to a Bureau within the Department of the Interior. It would take 110 years for education to assume once more the status Garfield accorded it.

Throughout his career, James A. Garfield worked actively to expand the educational opportunities of American young people, and to promote the judicious use of Federal resources toward that objective. As he said in a House speech of 1872:

> I am considering what is the best system of organizing the educational work of a nation, not from the political standpoint alone, but from the standpoint of the schoolhouse itself. . . . The mind must be as free from extraneous control as possible—must work under the inspiration of its own desires for knowledge. . . . So the best system of education is that which draws its chief support from the voluntary effort of the community, from the individual efforts of citizens, and from those burdens of taxation which they voluntarily impose upon themselves. Government shall be only a help to them, rather than a commander, in the work of education.

In 1866, Garfield explained the need for a Department of Education in this way:

> We must not wait for the wants of the rising generation to be expressed in a demand for means of education. We must ourselves discover or supply their needs, before the time for supplying them has forever passed.

Mr. Speaker, today we approach the 100th anniversary of Garfield's election to the Presidency. I appreciate the time that has been granted me to remember his legacy.

NEW ECONOMIC GRANTS FAVOR CERTAIN STATES

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, several of my midwestern colleagues recently received grant announcements from the Economic Development Administration. A followup press release stated that the grants were part of President Carter's economic renewal program and are a significant element if the special auto community adjustment program the President announced in conjunction with the Republican National Convention in Detroit last July.

These grants were approved under provisions of the Public Works and Economic Development Act and affected 20 communities and counties, as well as 2 States. The total amount awarded was $2,250,000.

Now, when the President spoke in Detroit, he vowed to help our automobile industry. Since the Congress has been committed to this goal for a long time, it was nice to see that the President had come over to "our side." It appeared that his efforts would be nonpartisan and that his entire motivation was to provide a stimulus to the industry on which so much of our Nation's economy depends.

However, in looking at the figures quoted in the grant announcement, it appears that the President may have been electioneering, after all. Let me use my own State of Indiana as an illustration: President Carter must have written off Indiana on November 4, because four Indiana communities were selected for assistance and received a total of $325,000.

The lowest unemployment rate in these four communities is 16.2 percent. On the other hand, the President must feel good about other States who received assistance in this program. Another State was awarded $550,000 for four communities and the highest unemployment rate in the communities cited is 12.2 percent.

Further study of the announcement, and consultation with the Department of Labor in order to know unemployment statistics for all of the awardees, left me feeling uneasy and disturbed.

Communities with heavily Democratic populations clearly received the majority of assistance. The only conclusion I can draw is that the President has used this program to gain support in cities critical to his reelection. An example is the grant to Akron, Ohio, which has an unemployment rate of 10.9 percent. Akron's grant was substantially larger than the grant awarded to Anderson, Ind., whose unemployment rate is 22.6 percent. This supports my belief that the rationale for distribution of funding is that Ohio is considered a toss-up in the coming election, while Indiana has consistently been considered to be in the Reagan column.

Mr. Speaker, in view of the implication that these grants may have been used for some old-fashioned politicking, I have written to Chairman JOHNSON of the Public Works and Transportation Committee to ask that the Subcommittee on Economic Development investigate the selection methods and distribution criteria used in determining recipients of these grants. The trauma afflicting our automobile industry must not be exploited by election year tactics.

MILESTONE IN WAR ON ILLEGAL DRUGS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, a significant milestone in the Nation's continuing war on illegal drugs occurred in New York last week that I wish to call to the attention of my colleagues in the Congress and the American people. Exactly 10 days after President Carter, on September 15, signed into law H.R. 2538, legislation which I authored to strengthen the Coast Guard's high seas drug enforcement efforts, the Coast Guard made its first seizure under the new law, Public Law 96-350. The seizure is typical of the 44 other seizures made by the Coast Guard and over 2,000 arrests, most of them on the high seas, since I became chairman of the Subcommittee on Coast Guard and Navigation over 5 years ago.

The vessel involved was the 200-foot freighter, *Roon Diep*, of Panamanian registry, boarded by the Coast Guard cutter *Tamaroa*, based at Governors Island, N.Y. The seizure was made with the permission of the Panamanian Government and occurred approximately 50 miles off the coast of Cape Cod. The subject vessel was suspected of having previously offloaded part of her cargo off Long Island. Twenty tons of illegal contraband were found onboard.

What makes this seizure unique is that the Panamanian Government was aware of the new U.S. law and, in a highly unusual act, proceeded to fly a prize crew of National Guardsmen to take charge of the vessel and escort it back to Panama. The three British nationals found onboard are expected to be tried there under Panamanian law. The Coast Guard took custody of the four American crewmembers and turned them over to the U.S. attorney in New York, making them the first suspected drug smugglers expected to be indicted under the new law.

The significance of this event is that, for the first time, the U.S. attorney need not indict suspected smugglers for conspiracy to import illegal drugs but may charge them with possession with intent to distribute, a much simpler crime to prove. In the past, many cases against suspected U.S. smugglers along with most cases against foreigners arrested by the Coast Guard were never prosecuted. The foreigners were then repatriated to their country of origin at U.S. taxpayer expense. Now possession of large quantities of illegal drugs would give rise to an inference of illegal drug trafficking.

The expected impact of the implementation of the new law will be felt in an increased number of convictions of both U.S. and foreign smugglers in U.S. courts, and an increased number of extraditions of foreign smugglers apprehended by the Coast Guard on the high seas for later prosecution abroad. The actions taken by the Panamanian Government in this instance are very encouraging.

Mr. Speaker, I congratulate the Coast Guard for its role in the seizure and for the high degree of commitment and professionalism exhibited by the service in the prolonged drug war at sea. As the Cuban sealift operation winds down and the Coast Guard returns to more traditional operating patterns, I am confident that we will witness a dramatic increase both in the numbers of vessels seized and in the number of convictions U.S. and foreign drug smugglers under the new law as a visible indication of this Nation's commitment to stemming the tide of illegal drugs bound for the United States from overseas.

UNCONVENTIONAL GAS: A PROMISING NATIONAL ENERGY RESOURCE

(Mr. WIRTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIRTH. Mr. Speaker, Congress 2 years ago took a major step forward in our Nation's energy policy with the passage of the Natural Gas Policy Act. In mandating an end to the Federal price control program for new natural gas under that act, we laid the groundwork for major increases in production from one of our Nation's most plentiful, and certainly cleanest, domestic energy resources.

The wisdom of that decision is already apparent: In 1979 alone, new additions to the Nation's natural gas reserves reached a near-record level of 35 percent. In the previous decade, annual additions to reserves fell in the range of 7–12 percent.

However, one major new natural gas resource was not accorded the benefits of decontrolled prices: the West's vast "tight sands" reserves. Over the past several years, new research has shown that those reserves are far greater than Congress anticipated during discussion of the NGPA. The most recent published estimate, compiled by Lewin Associates for the Department of Energy in 1978, places potential production from these resources at more than 100.3 trillion cubic feet—the equivalent of approximately 17.8 billion barrels of oil, nearly four times our Nation's annual imports.

Last summer, the President asked the Federal Energy Regulatory Commission to use its authority under the NGPA to set an incentive price for new tight sands production equivalent to world oil prices. After a year, the Commission in August declined to do so, and instead set an incentive price at 200 percent of conventional new natural gas production prices—but one which will become progressively more restrictive throughout the 1980's.

I have today introduced H.R. 8243, legislation which amends the NGPA to eliminate the Commission's pricing authority over tight sands resources, and I invite my colleagues to join me in cosponsoring it. H.R. 8243 is designed to stimulate rapid increases in tight sands production, both by lifting the current price controls, and by designating 38 tight sands formations in 11 Western areas for immediate deregulation. These are known tight sands formations—formations for which the geologic information is already abundant and broadly agreed upon, but which the Commission has, after 18 months, failed to designate for incentive pricing.

Mr. Speaker, it is critical that we move quickly to increase production for our abundant domestic energy resources, and H.R. 8243 will make a substantial contribution to that effort.

Last spring, I submitted extensive comments to the Commission in its tight sands rulemaking, and I include in the Record at this point to provide my colleagues with more substantial background on H.R. 8243.

House of Representatives,
Washington, D.C., May 15, 1980.

Mr. Kenneth F. Plumb,
Federal Energy Regulatory Commission,
Washington, D.C.

Dear Mr. Plumb: In August, 1979, the Federal Energy Regulatory Commission responded to President Carter's request that it exercise its authority under the Natural Gas Policy Act of 1978 to set an incentive price for natural gas produced from tight formations. Natural gas from this resource offers potentially large new energy supplies during the 1980's if incentives are sufficient to stimulate extensive exploration and development. As one who was deeply involved in Congressional deliberations leading to the enactment of the NGPA, I am seriously concerned that the incentive price the Commission has proposed is too low to maximize the Nation's natural gas production, as the Act clearly sought to do. In addition, I believe that the Commission's fears of diverting industry resources and efforts from conventional natural gas production, which appear to have been a major factor in the Commission's decision on its proposed rule, are unwarranted.

A HIGHER INCENTIVE PRICE IS NECESSARY AND CONSISTENT WITH NGPA

The Commission's proposed price for natural gas produced from tight formations, set at 150 percent of the Section 103 natural gas price prescribed in the NGPA with an escalator equivalent to the GNP price deflator, will delay a significant amount of natural gas production from tight formations for five to 10 years. Tight formations production involves large investments and heavy risks, and the proposed price offers the industry incentives which are insufficient to justify making those investments and assuming those risks. The Commission has chosen to offer producers a price which reflects only costs and a relatively low rate of return on equity—a price appropriate to low-risk enterprises, but not to the highly uncertain nature of unconventional natural gas production.

The Lewin Associates report to the Department of Energy (1978) indicates that a price of $2.93/mcf in 1980 dollars can be expected to stimulate 69.7 tcf in ultimate production; at the higher level of the price range studied by Lewin, $5.02/mcf will offer sufficient incentives for 100.3 tcf in ultimate production. At approximately $3.40/mcf, the Commission's proposed price falls very close to the low end of the price spectrum considered in that study, which will sacrifice significant new supplies—nearly 30 tcf. In addition, the incentive offered by the Commission's proposed price will diminish considerably if the current trend in drilling prices, which historically have risen considerably faster than the GNP price deflator, continues.

The proposed rule sacrifices not only significant amounts of long-term natural gas production, but also might delay investments in known tight formations. At such a low price, and with continued deregulation of NGPA, producers may choose to delay investments in tight formations production until this resource qualifies for deregulation.

The Commission has evidenced serious concern over the specific language of the NGPA related to tight formations incentive pricing, and devotes considerable attention to defining the word "reasonable" employed in Section 107(b). Ultimately, the Commission concludes that, despite clear language included in the Statement on the Part of the Managers that the incentive price is not intended to be cost-based or cost-justified, the words "reasonable" and "necessary" in the statute require a price related to the "needs" of producers, rather than a commodity value standard.

The reasoning the Commission applies is circular and certainly runs counter to the basic intent of the Natural Gas Policy Act. The NGPA was enacted with a clear deregulatory purpose, with the goal of maximizing production from the Nation's natural gas resources. Ultimately, as deregulation is phased in under the Act, natural gas prices will rise to a level at or near world oil prices, and that was clearly the Congressional intent. The Commission's proposed rule runs counter to that intent in that it places a ceiling which is likely to become progressively lower in relation to other resources on tight formations natural gas.

FERC'S DRILLING RIG AVAILABILITY CONCERNS ARE UNFOUNDED

The Commission has also evidenced concern that an incentive price tied to world oil prices would divert producer resources from conventional natural gas exploration and production to tight formations investments. In addition, the Commission appears to believe that large near-term increases in tight formations exploration raise the possibility of major drilling rig shortages which could slow production from conventional resources. There appears to be little, if any, evidence that such shortages are imminent or would be produced by a higher incentive price.

The Commission bases its reasoning on the total number of drilling rigs available in August 1979, and assumes that the 11.6 percent increase in that figure over August, 1978, is the maximum production increase possible for the drilling rig industry. This is hardly the case. The National Petroleum Council in December, 1979, projected that even under the most favorable economic assumptions, the drilling rig industry could meet projected demand.

In addition, the Council found that the drilling rig industry could increase its capacity by at least 25 percent within a year and double that capacity within two years.

To set a low incentive price through 1985 solely on the basis of drilling rig availability in 1978 and 1979, ignoring adjustments in the drilling rig industry itself and a probable expansion of capacity, makes little sense.

The clear intent of Congress in enacting the Natural Gas Policy Act was to maximize both short- and long-term production from the Nation's natural gas resources. I strongly urge the Commission to adopt the President's proposal and increase the incentive price to the cost of imported oil. Such a policy would more truly reflect both the value of tight formations, natural gas and significantly increase U.S. natural gas supplies during the 1980's.

Sincerely,

Timothy E. Wirth.

☐ 1730

STATEMENT OF HON. EDWARD J. DERWINSKI, OF ILLINOIS ON THE FALL MEETING OF THE IPU BERLIN CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Derwinski) is recognized for 60 minutes.

GENERAL LEAVE

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject matter of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, it was my distinct pleasure and responsibility to serve as acting chairman of the U.S. congressional group to the fall meeting of the Interparliamentary Union held in East Berlin, from September 16 through the 24th. I have requested this special order for all those Members who attended the 67th Conference of the IPU to report on this just concluded meeting.

Senator ROBERT STAFFORD, of Vermont, and I served as acting chairmen in the absence of Chairman RICHARDSON PREYER, who could not attend due to the heavy committee schedule that faced him here in the Congress. Other Members of the delegation who attended the Berlin meeting included the following Members: DAVID BOWEN, of Mississippi; M. CALDWELL BUTLER, of Virginia; TIM LEE CARTER, of Kentucky; E. DE LA GARZA, of Texas; JOHN ERLENBORN, of Illinois; RICHARD ICHORD, of Missouri; ROBERT MCCLORY, of Illinois; LUCIEN NEDZI, of Michigan; and BOB WILSON, of California. U.S. participation in the IPU and delegations to meetings are in accordance with 22 U.S.C. 276, as amended by Public Law 95-45. In accordance with these provisions, delegations are appointed by the Speaker of the House and the President of the Senate.

Attending the fall conference were members of Parliaments from 81 countries, as well as international observers from U.N. organizations and other international bodies. Subjects on the agenda included considerations of strengthening the process of détente; arms control and disarmament; the problem of refugees; the third U.N. development decade with regard to its economic, social, educational, scientific, cultural, and environmental aspects; and progress toward the achievement of decolonization.

These issues had earlier been debated during the spring meeting of the IPU in Oslo, and draft resolutions on them were then adopted for consideration by all national groups before final adoption at this conference. Supplementary agenda items were also discussed in Berlin concerning the Middle East and the need to preserve the Persian Gulf region and Indian Ocean from international conflict. Altogether the conference adopted 10 final resolutions on various issues before it.

The U.S. group submitted amendments to the four draft resolutions adopted at the spring meeting. In addition, it presented draft resolutions on the Mideast and the Palestinian problems. One of the major resolutions included special emphasis on the issue of U.S. hostages in Iran, which members of our delegation very effectively presented for inclusion as a supplementary agenda item.

This U.S. request was adopted by a vote of 715 to 208 with 66 abstentions. The conference at its last session adopted a resolution condemning the continued detention of American hostages in Iran and inviting the new assembly elected by the Iranian people to put an end to this regrettable incident. This resolution, originally submitted by the U.S. group and modified slightly by an Italian amendment, passed by a vote of 655 to 13 with 194 abstentions. Only Algeria cast votes in opposition.

Despite heavy pressure from U.S.S.R. and other Eastern Europe delegates, specific reference to the Soviet invasion of Afghanistan was maintained in the final resolution adopted on the subject of arms control and disarmament. A motion to delete the paragraph that calls upon the Soviet Union to withdraw its forces from Afghan soil at the earliest possible date was defeated by a vote of 680 to 181 with 54 abstentions.

Other highlights of the Berlin conference are as follows:

CHEMICAL WEAPONS

A U.S. amendment urging the U.N. to call for an impartial international investigation into reports of chemical weapon use was adopted by the conference.

MICRONESIA AND PUERTO RICO

Biased references that might have implied criticism of U.S. policy toward Micronesia and Puerto Rico were eliminated from resolutions adopted by the conference.

MIDEAST

The special Mideast resolution adopted by the conference was completely unacceptable to the U.S. delegation. It was heavily weighted against Israel and in favor of Palestinian self-determination and the PLO.

However, the resolution did not call for expulsion of Israel from international bodies including the IPU, as the original Arab draft proposed. An Egyptian proposal to acknowledge efforts at peace in the Mideast which could be taken to refer indirectly to Camp David was adopted. A Dutch attempt to affirm explicitly Israel's right to exist was defeated. A U.S. attempt to add reference to U.N. Security Council Resolutions 242 and 338 was also defeated.

IRAQ-IRAN

The outbreak of extensive military actions between Iraq and Iran occurred during the Berlin meeting. Through the efforts primarily of the Australian delegation, the conference adopted language appealing to Iran and Iraq as a first step toward a solution of the conflict to desist from all armed activity and all acts which may worsen the present dangerous situation and to settle the dispute by peaceful means.

REFUGEES

The conference unanimously adopted a constructive, if too general, resolution on the subject of refugees.

THIRD DEVELOPMENT DECADE

The United States explained it could not support the final resolution on this issue because it called for implied funding commitments which Congress is unlikely to fulfill.

The IPU is the oldest and most broadly representative interparliamentary association in the world. It dates its existence from 1889; official membership now includes 40 national groups. The U.S. Congress has been active in the IPU since the first meeting in 1889.

Outstanding achievements of the IPU in the past have included the following: It was keyed in the establishment of international arbitration early in this century; it has had an important role in European integration; and it began discussion on security and cooperation in Europe and facilitated the Helsinki agreement. The IPU has also served as a forum for debate and resolution on strategic and conventional arms issues, on the Mideast conflict, on international terrorism and on southern Africa.

The IPU also provides modest technical assistance and facilitates informational exchange to improve parliamentary institutions throughout the world.

The purpose of the IPU, according to its statutes, is to promote personal contacts between members of all Parliaments and to unite them in common action to secure and maintain the full participation of their respective states in the firm establishment and development of representative institutions and in the advancement of the work of international peace and cooperation, particularly by supporting the objectives of the United Nations.

All the members of the delegation participated fully in a broad variety of discourse and interaction afforded in Berlin. This meeting yielded significant results in two of the current crises facing our Nation and the world, Iran and Afghanistan.

The 91-year-old Interparliamentary Union often does not receive a great deal of public or media attention. However, the IPU presents an excellent opportunity for government officials from other countries—81 were represented in Berlin—to get together and exchange ideas about the world situation and to advance the ideal of parliamentary, representative government. The significant role of the United States, because of its size and strength, must continue to be instrumental in such international bodies as the IPU.

I would like to commend the members of the U.S. delegation for the outstanding service in communicating American and congressional views on important international matters, and making them clearly understood.

In addition, I would like to include with my remarks several of the resolutions that were adopted by the IPU Council. Members of the world parliaments voted overwhelmingly to condemn detention of American hostages in Iran and to denounce the Soviet invasion of Afghanistan. Copies of the resolutions follow for the member's attention:

FINAL VOTE ON AMERICAN HOSTAGES IN IRAN RESOLUTION

TAKING OF HOSTAGES AND ATTACKS ON DIPLOMATIC PERSONNEL, WITH PARTICULAR CONSIDERATION OF IRAN

(Draft resolution presented by the United States Inter-Parliamentary Group)

The 67th Inter-Parliamentary Conference,

Alarmed by the growing number of acts of terrorism against the premises and personnel of diplomatic missions, particularly the taking of hostages,

Considering that the maintenance of normal relations among States presupposes absolute respect for the inviolability of the personnel and premises of diplomatic missions,

Affirming its commitment to the principles set out in the Vienna Conventions of 1961 and 1963 on diplomatic and consular relations,

Concerned at the possible consequences for international peace and security of the acts, contrary to those principles, committed in recent months in several countries, particularly Iran,

1. Condemns the continued detention of the American hostages in Iran in violation of the fundamental rules of international law, the resolutions of the Security Council and the ruling of the International Court of Justice, and denounces the complacent attitude of the Iranian authorities with regard to this detention;

2. Urges the authorities of those States on whose territory hostages are held to take all necessary measures to guarantee their safety and ensure their earliest possible release;

3. Calls on all States to strengthen the measures of protection required by international law for the safety of the personnel and premises of diplomatic missions, and to co-operate in preventing the acts of taking of hostages committed against this personnel;

4. Requests the Parliaments represented in the Inter-Parliamentary Union to call on their respective Governments:

(a) To reaffirm their will fully to respect in their countries the international rules and conventions for the protection of the personnel and premises of diplomatic missions, including the Vienna Conventions of 1961 and 1963;

(b) To take joint action at the international level for the ending of the violations of these rules and for the universal re-establishment of the conditions for the normal exercise of diplomatic relations among States;

(c) To do their utmost to expedite signature and ratification of the International Convention against the Taking of Hostages adopted by the UN General Assembly at its 34th session on 17 December 1979 and the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (New York, 1973).

[Item 3 of the agenda]

FINAL VOTE ON DETENTE RESOLUTION

(The strengthening of the process of détente; the urgent need to arrive at international agreements in the field of arms control and disarmament and in particular the comprehensive strengthening of the nuclear weapon non-proliferation regime.)

Draft resolution adopted by the Committee on Political Questions, International Security and Disarmament, by 50 votes to 0 with 1 abstention:

(Reserves were expressed by or on behalf of 10 delegations.)

The 67th Inter-Parliamentary Conference:

Gravely concerned at the deterioration of the international situation which threatens world peace and security;

Convinced of the need to base relations among States on respect for the principles universally embodied in the Charter of the United Nations, and recognizing that the relaxation of tension and the preservation of détente are impossible without the strict observance of the principles of national independence and sovereignty, non-interference in internal affairs and the right of each people to be master of their fate, and that détente requires active and equal participation in international life by all States, irrespective of their size and social systems;

Believing that any direct or indirect armed intervention by one sovereign State against another sovereign State destroys this goal and undermines the international confidence and mutual trust necessary for pursuing this aim, and constitutes a serious attack on and flagrant violation of the principles governing relations among States;

Convinced that the safeguarding and the strengthening of the process of détente are indispensable prerequisites for curbing the arms race, and aware of the fact that détente depends on its universal application and should apply to all continents, and that it requires the participation of all countries and peoples on an equal footing in its realization, without diminishing the responsibility of the Great Powers for security in the world;

Reiterating the conviction that the only viable way of settling controversial issues among States is for each problem, by the political means of negotiations, and stressing the necessity to renounce completely the threat and use of force in the settlement of inter-State differences;

Concerned about the continued arms race, paticularly in the nuclear field, which is manifested through the qualitative refinement and stockpiling of all types of weapons, jeopardizing peace, international security, and the economic, cultural and social progress of all countries without exception;

Calling upon Parliaments and parliamentarians actively to encourage the achievement of verifiable agreements on the cessation of the arms race, the speedy ratification of existing agreements and the resumption of talks in the areas in which they have been suspended or broken off, as soon as possible, and supporting the holding of meetings at the appropriate level which are conducive to that goal;

Urging the early ratification of the SALT II agreements, welcoming the opportunities, which now seem to have materialized, for negotiations concerning the reduction of nuclear forces in Europe and urging the parties involved to begin these negotiations at an early date;

Convinced that disarmament and arms limitation, in general, and particularly in the nuclear field, are essential for the prevention of the danger of nuclear war and the strengthening of international peace and security and for the economic and social advancement of all peoples, thus facilitating the achievement of the New International Economic Order;

Forcefully recalling that respect for human rights and fundamental freedoms is one of the bases for a profound improvement in relations among States;

Aware that the non-proliferation of nuclear weapons, both in its vertical and horizontal aspect, is important for the halting and the reversing of the arms race, and is a significant element in the process of its gradual reduction and eventual complete cessation;

Further aware that non-proliferation measures should not jeopardize the full exercise of the inalienable rights of all States to apply and development, subject to AIAE authority or equivalent safeguards, their progress in the peaceful uses of nuclear energy for economic and social development in conformity with their priorities, interests and needs, and stressing the need for the full implementation by all parties without exception of all the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons;

Concerned over numerous reports which indicate that chemical weapons have been used in various regions of the world, and stressing the need for an independent impartial investigation of these reports;

Recalling the previous resolutions of the Inter-Parliamentary Union, particularly the resolution of the 66th Inter-Parliamentary Conference on the implementation of the Final Document of the 10th Special Session of the UN General Assembly devoted to Disarmament;

1. Recalls that respect for the principles of détente by all States in all places and in all circumstances constitutes the indispensable condition for restoring the confidence required to reduce international tension and curb the arms race;

2. Reaffirms the legitimate right of each State to ensure its security and protect its sovereignty, independence and territorial integrity, and of each people freely to determine its future without any external interference;

3. Condemns as unacceptable any situation resulting from the use of force in international relations and from intervention or interference in the internal affairs of sovereign States, and more especially the use of force by a Great Power against a non-aligned State;

4. Urges the implementation of the United Nations General Assembly resolution of 14 January 1980 calling for the immediate unconditional and total withdrawal of the foreign troops from Afghanistan in order to enable its people to determine their own form of government and choose their economic, political and social systems free from outside intervention, subversion, coercion or constraint of any kind whatsoever and appealing to all States to respect the sovereignty, territorial integrity, political independence and non-aligned character of Afghanistan; calls therefore upon the Soviet Union to withdraw its forces from Afghan soil at the earliest possible date; calls for the opening of negotiations on a political solution among all the States concerned without preconditions, on the basis of mutual respect for sovereignty and the will to promote relations founded on the principles of good neighbourliness and non-interference in internal affairs, as well as on the inadmissibility of armed forces actions or of any other hostile act committed from the territory of one State against another State;

5. Condemns the Israeli aggression against Lebanese territory, the continued occupation of the Arab territories and the persistent policy of establishing settlements and opposes any unilateral change in the status of the City of Jerusalem despite world reprobation and UN Security Council resolutions;

6. Condemns the armed aggression by Turkey against sovereign and non-aligned Cyprus, and calls upon Turkey to comply immediately with the repeated decisions of the UN Security Council and to withdraw its armed forces without delay from the territory of Cyprus which is still occupied;

7. Urges Parliaments and Governments to direct efforts toward the implementation of the Declaration of the Indian Ocean as a Zone of Peace contained in UN General Assembly resolution 2832 (XXVI), which calls for the removal of all Great Power military presence and rivalry from the Indian Ocean;

8. Condemns the increased military activities, in particular nuclear activities, of the racist regime of South Africa in the Indian Ocean, and denounces the close military collaboration between South Africa and Israel;

9. Urges all countries to guarantee the traditional status of Embassies and the rights and immunities of accredited personnel, in accordance with the provisions of the Vienna Conventions on Diplomatic and Consular Relations, and, in particular, urges all Parliaments and Governments to call upon the Iranian authorities to release the American hostages immediately; and expects that no acts of interference in the internal affairs of Iran be committed and that its sovereign rights be respected.

10. Calls on Parliaments and Governments:

(a) To promote the achievement of nuclear disarmament through urgent negotiation of agreements on:

(i) Cessation of the qualitative improvement and development of nuclear weapon systems;

(ii) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;

(iii) A comprehensive phased programme with agreed timeframes for the progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time;

(b) To support measures and initiatives to increase the role of the United Nations in the field of disarmament;

(c) To seek concrete and verifiable agreements leading to the limitation of armaments and disarmament, which could make possible the dissolution of military blocs, the dismantling of foreign military bases and the withdrawal of all foreign troops with their armaments, bearing in mind the inherent right of individual and collective self-defence under the UN Charter;

(d) To undertake firm and verifiable measures for freezing and cutting down military budgets, with a more substantial and balanced reduction by the powerfully-armed States on the basis of a concrete negotiation programme;

(e) To participate, immediately, as requested by the UN Secretary-General in accordance with Resolution 33/67 in the practical test of the standardizing instrument for reporting military budgets prepared by the Secretary-General in order to facilitate reaching agreement on the reduction of military budgets;

(f) To promote the creation of nuclear-weapon-free zones in different regions of the world, while ensuring the security of the States of those regions and guaranteeing their access to the peaceful uses of nuclear energy;

(g) To encourage, as a matter of the highest priority, measures to achieve the prohibition of all nuclear test explosions by all States for all time, and specifically to press for progress in the trilateral negotiations on a comprehensive nuclear test ban, and for the initiation, by the Committee on Disarmament, of negotiations on this subject;

(h) To encourage initiatives for regional disarmament through the development of confidence-building measures designed to promote an effective reduction of armaments;

(i) To restore conditions of confidence which would promote the earliest entry into force of the Soviet-American Treaty on the Limitation of Strategic Offensive Arms (SALT II) and lead to greater limitations in future stages of the SALT process; and to promote the prompt starting of negotiations on medium-range nuclear missiles in Europe;

(j) To urge consideration, at an appropriation stage of the work of the Committee on Disarmament, under the item entitled "nuclear weapons in all aspects", of the question of adequately verified cessation and prohibition of the production of fissionable material for nuclear weapons and other nuclear explosive devices, (bearing in mind all elements of nuclear disarmament covered in paragraph 50 of the final document of the UN Special Session on Disarmament);

(k) To exert efforts to activate negotiations in order to achieve as soon as possible agreements on the prohibition of chemical and radiological weapons, a comprehensive ban on nuclear tests, assurances to all non-nuclear-weapon States against the use or the threat of use of nuclear weapons, as well as on the elaboration of a comprehensive programme for disarmament;

(l) To renew and strengthen the non-proliferation efforts to ensure that nuclear technology is exclusively used for peaceful economic, social and cultural development;

11. Stress the particular significance of the Madrid Meeting and the need to give a new impetus to the implementation as a single whole of all the principles and commitments contained in the Helsinki Final Act, and to the strengthening of security, co-operation, human rights and détente in Europe and in the world;

12. Welcomes efforts to convene a conference on military détente and disarmament in Europe within the CSCE context with a view to taking effective measures aimed at lowering the level of military confrontation and promoting disarmament on the European continent;

13. Recalls the recommendations on security and disarmament contained in the concluding resolutions of the IVth Inter-Parliamentary Conference on European Co-operation and Security;

14. Requests Parliaments and Governments, especially those of the most heavily armed States, to take measures at the regional or international level to regulate the production of and trade in arms, while respecting the independence and essential security needs of States;

15. Urges the Great Powers to make a significant reduction in their arsenals both qualitatively and quantitatively, thus contributing to an appreciable strengthening of international peace and security, and urges all Powers to promote measures to allocate a part of the savings thus made on arms expenditure to additional aid to the developing countries;

16. Calls on all States not already party to it to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as well as on the Governments and Parliaments of nuclear-weapon States to fulfill their obligations set out in the Treaty and to undertake negotiations on effective measures relating to:

(a) The cessation of the nuclear arms race and to balanced and verifiable nuclear disarmament;

(b) Assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons;

(c) The contribution to the further development of the application of nuclear energy under IAEA safeguards for peaceful purposes on a non-discriminatory basis with due consideration for the needs of the developing countries;

17. Calls on Governments and Parliaments to promote the creation of effective means for the monitoring and control of armaments;

18. Urges the United Nations to call for an impartial international investigation into reports of present and past use of chemical weapons, by qualified medical and technical experts, to ascertain the facts pertaining to these reports and report to the United Nations, and to call on those countries responsible to assist the victim countries to redress the harmful short- and long-term effects of chemical weapons on human beings and the environment.

[Item 6 of the agenda]

THE PROBLEM OF REFUGEES: ITS JURIDICAL AND HUMANITARIAN ASPECTS

Draft resolution adopted unanimously by the Committee on Parliamentary, Juridical and Human Rights Questions:

The 67th Inter-Parliamentary Conference:

Greatly concerned at the massive and continuous increase in the number of refugees and displaced persons throughout the world;

Noting the phenomena and deploring the general spread of actions responsible for these massive population movements, such as armed conflicts, foreign interventions and violations of human rights;

Alarmed by the serious decline in the protection of human rights in many regions of the world;

Deeply moved by the numerous losses of human lives and by the physical and spiritual tragedies experienced by these uprooted populations;

Keeping in mind the fact that without a generous policy of granting asylum, even of temporary nature, there is no basis for humanitarian action;

Stressing the imperative duty of individuals and States to ensure respect for the fundamental rights of refugees and displaced persons, and particularly their safety;

Considering that the creation of conditions for voluntary repatriation is the most desirable and effective solution to problems of refugees and displaced persons;

Convinced of the absolute need for concerted action by the whole international community to resolve the difficult problems of the legal, physical, political and cultural protection of these millions of individuals;

Aware of the burden placed on host countries by refugees;

Recognizing the need for immediate relief for those in distress, at sea as well as on land;

1. Affirms the need for all States to respect the fundamental principles of the granting of asylum and non-refoulement set out in the Declaration on Territorial Asylum adopted by the United Nations General Assembly in 1967;

2. Calls on all countries to comply with all resolutions of the United Nations on refugees and displaced persons;

3. Calls on all countries to accede to the international conventions on the status of refugees, particularly the Geneva Convention of 1951, the 1967 Protocol and the regional conventions on the right of asylum and the status of refugees, and to adopt appropriate domestic legislation for the scrupulous observance of the provisions contained therein;

4. Calls on States to support the action of the Office of the United Nations High Commissioner for Refugees, as well as of other humanitarian organizations acting at the national and international levels;

5. Notes with satisfaction the magnitude of the efforts made by some countries for the temporary or permanent acceptance of refugees, as well as the financial contributions received, particularly after the international meetings held at Arusha, Geneva and New York in 1979;

6. Stresses that the present situation requires an equitable sharing of obligations and burdens among all the parties concerned: countries of origin, host countries and third countries;

7. Urges all Parliaments to approach their respective Governments in order to secure:

(a) Respect for the elementary rules on protection of and assistance to persons in distress;

(b) Increased offers to accept refugees and displaced persons;

(c) Accelerated reunification of families;

(d) An appreciable increase in the financial contributions to action undertaken by the international community, particularly the Office of the United Nations High Commissioner for Refugees, in those regions where the situation of refugees and displaced persons is the most tragic;

(e) Special assistance to the most vulnerable groups of refugees;

(f) The establishment and simplification of administrative procedures regarding asylum and the right to refugee status;

(g) Recognition of the right to return and fulfillment of the necessary conditions for the voluntary repatriation of refugees and displaced persons to their countries and places of origin, with the full and effective guarantee of their fundamental rights;

(h) The integration of refugees, on request, into the social and political life of the host country, while preserving their identity and cultural heritage and speeding up repatriation and resettlement programs for refugees in accordance with established principles of international law;

(i) Maximum co-operation with efforts to provide relief to refugees and displaced persons;

8. Solemnly reaffirms the absolute necessity for all States to respect the fundamental principles, treaties and legal obligations governing relations among nations, particularly the peaceful settlement of disputes, the right of peoples to determine their future, without foreign interference, and respect for fundamental human rights, in order to reduce the causes of the scourge currently affecting more than 11 million human beings.

● Mr. McCLORY. Mr. Speaker, I want to commend my colleague from Illinois (Mr. DERWINSKI) for taking this special order to report on the important Interparliamentary Union Conference which took place in East Berlin from September 12 to September 24.

As in all earlier conferences, the importance of this organization and its biennial conferences include the opportunity for representatives of the world's parliaments—or legislative bodies—to meet and confer with each other and to discuss problems of mutual interest in our capacities as representatives of the lawmaking bodies in which we serve.

As the gentleman from Illinois (Mr. DERWINSKI) has indicated in his formal report, the subject debated at the East Berlin Conference include many of the major issues with which we in this House of Representatives are vitally concerned.

It is heartening to report that the demand for the release of our American hostages was supported by all except one of the parliamentary groups which were assembled in East Berlin. It is encouraging also that the resolution emanating from the Political Committee calling upon the Soviet Union to withdraw its troops from Afghanistan received overwhelming support from our counterparts in the other parliamentary bodies of the Union.

Mr. Speaker, another aspect of this conference to which I would like to make reference relates not to the formal actions or formal proceedings in which the delegates to the East Berlin meeting participated, but to the private and informal discussions which took place off the conference floor, during the breaks in our proceedings and at the various receptions and informal gatherings which we attended. During these informal discussions. we are able to develop a broad-based framework of understanding on issues of mutual concern—issues affecting the economy, our national security, and such perplexing problems as first, refugees, second, the Mideast stalemate and third, energy.

Mr. Speaker, I cannot help but feel that the Interparliamentary Union Conference in East Berlin was useful far beyond the knowledge or perception of the American people or even of most Members of this Chamber. I should point out that leading political figures of many other countries participate actively in the work of the IPU; individuals such as former Prime Minister Giulio Andreotti of Italy, who serves as Chairman of the Political Committee of the IPU, and the former President of Venezuela, Rafael Cardera, who serves as President of the Interparliamentary Union. Many Cabinet Ministers and other national leaders from many other nations are active delegates to the IPU meetings, including the Conference just concluded in East Berlin.

Mr. Speaker, our East German hosts were most gracious and hospitable and I must state quite frankly that East Berlin is the most prosperous appearing city that I have witnessed in any of the Eastern Europe or Communist-bloc countries. According to one analyst, this attests to the industrious qualities of the Germans who apply themselves diligently, even in such a Communist regime. At the same time, I was informed by one of the East German political leaders that his country would be much farther ahead economically and culturally were it not for the drawback of its association with other Eastern European Communist-bloc nations.

Mr. Speaker, I can only say that beyond the material success which East Berlin appears to have experienced, the atmosphere of militarism, restraint and repression is apparent everywhere. The governmentally controlled media stifles individual freedom and represents a huge propaganda machine which—supported by the police and the military—maintains discipline and order. It is refreshing to pass "Check Point Charlie" into West Berlin and to observe immediately the individual freedom and the vast economic, cultural and other advantages inherent in the free democratic system of West Germany.

Mr. Speaker, it is good to be home again, but it is heartening also to know that we can participate successfully in such meetings as that of the 67th conference of the Interparliamentary Union. I would hope that there would be greater public understanding and knowl- pleased to join in this special order the importance of continuing and enhancing our participation in this prestigious organization. I am proud to have been one of our delegates, and to take part in this report to the Congress and to the American people which is taking place here on the floor today.●

● Mr. CARTER. Mr. Speaker, I am pleased to join in this special order regarding the recent Interparliamentary Union meeting in East Berlin to which I was honored to have been appointed a delegate.

I am happy to report that our delegation was successful in persuading the other delegations on several points critical to America's interests.

I was especially pleased and honored to address the plenary session of the IPU on Saturday, September 20, on the issue of self-determination. As a nation which was founded on the principles of liberty and independence, self-determination for all peoples is a principle to which our country could not be more firmly devoted. It was encouraging that with the persuasion of our delegation we were able to have the IPU delete biased references from resolutions ultimately adopted by the conference which, had they remained, might have implied criticism of U.S. policy toward Micronesia and Puerto Rico. It was to this matter which my remarks before the plenary session had been directed.

Of course, Mr. Speaker, the people of the Northern Marianas in 1975 freely chose to accept commonwealth status with the United States, as the people of Puerto Rico had done 23 years earlier.

In 1967 the people of Puerto Rico voted again, by a wide margin of 60 percent, to retain that commonwealth status, and a plebiscite has been promised for next year so that the people of that island may again have the opportunity to indicate whether they wish to remain a commonwealth or pursue any other option.

The people in the other parts of Micronesia besides the Northern Marianas may freely decide what course they will follow as well, and I trust they shall do so.

The United States has remained steadfast in its dedication to the right of all people to have a government of their own choosing and to live free in every sense of that word. To that end it was heartening to have the confernce agree also to a resolution containing language calling on the Soviet Union to withdraw its forces from Afghanistan at the earliest possible date. A resolution condemning the continued holding of our Embassy personnel as hostages in Teheran also was adopted after the conference agreed to our delegation's request that this issue be included on the agenda.

The U.S. Congress has participated actively in the Interparliamentary Union since its founding in 1889. I believe that this year's meeting upheld the IPU's tradition of providing a forum for the members of legislative bodies from around the world to meet and discuss the issues which confront all nations on this Earth. With the outbreak of the war between Iran and Iraq, which occurred while we were in Berlin, the importance of such an international forum, where the cause of world peace can be advanced, is made even more apparent.

I must say that our work in Berlin involved many long, hard days of work. But it was my pleasure to have been able to play at least a small role in representing this House and this Nation.●

● Mr. BUTLER. Mr. Speaker, I, too, commend the distinguished Member from Illinois (Mr. DERWINSKI) for making this opportunity available to report on the 67th Annual Conference of the Interparliamentary Union at East Berlin during the last week in September. I have represented this body at other such conferences and appreciate the opportunity to share with you my impressions from this one.

Mr. Speaker, the outrage over the seizure of our Embassy officials in Iran remains almost universal. Once again, we succeeded in having the Conference adopt almost without dissent a strong resolution urging an end to that crisis and the release of the hostages.

Even though the fighting between

Iran and Iraq had not erupted until after our Conference began, we quickly adopted a resolution calling upon the combatants to resolve their differences promptly and peaceably. Although this conflict has the potential for triggering broader involvement, there was no indication of panic among the represented nations and no present expectation that it would spread to other states.

While, Mr. Speaker, we were able to adopt once more a strong resolution against the Soviet invasion of Afghanistan, I was disappointed it was not as forceful as language approved last spring. We should continue to take every opportunity such as this to condemn strongly this invasion to remind the world of this shameless adventure.

One committee at the Conference was concerned with the United Nations Third Development Decade. The developing countries, substantially all of which are represented, giving them, as a group, a voting advantage, took this opportunity to provide their blueprint for the 1980's. They secured adoption of a resolution primarily expressing their "demands."

Mr. Speaker, there were many reasons why I felt that the United States, as a leading contributor, could not vote for the resolution. Among other things, it called for cancellation of much of the indebtedness incurred by the underdeveloped nations, substantial increases in financial and technological assistance, and a commitment to spend over $300 billion during the decade by the developed countries for their benefit.

While such resolutions are not binding, Mr. Speaker, they are forceful reminders of the dim prospects for much of the underdeveloped world. With their increasing energy bills and severe economic problems, the bombast and the rhetoric of their representatives and the presumptuousness of the resolution which they forced upon the Conference, could not mask their desperation or the very practical problems they pose for all of the world in the decade ahead.

Mr. Speaker, my main interest in attending this Conference was its concern with refugees and my desire to improve the earlier draft resolution from our session in Oslo last spring. I was particularly interested in getting an expression from this Conference condemning the countries who use the refugees or their citizens as instruments of national policy. Fidel Castro, for instance, has forced many of his people to leave his country while declining to accept those who wish to return, a violation of a fundamental principle of international law.

I was disappointed, however, that we were able to incorporate only the mildest support language along these lines in the refugee resolution. It is difficult to get the rest of the world interested in the 130,000 refugees who are now in the United States when the last 6 months have seen 1 million refugees leaving Afghanistan with like numbers all over Southeast Asia and Africa. Others view our Cuban refugee problem as ours alone.

Mr. Speaker, the five Members of Congress spread our delegation pretty thin and there was little time to assess conditions in East Berlin. While it is clearly the most prosperous of the Communist satellite nations, it still contrasts greatly with the thriving free enterprise society of West Berlin. Too, the ever-present Berlin wall is a constant reminder of how fortunate are those of us who are privileged to live in a free society.●

ENERGY SOLUTIONS FOR OUR FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SAWYER) is recognized for 10 minutes.

● Mr. SAWYER. Mr. Speaker, energy is the lifeblood of a healthy economy and a high standard of living for all our citizens.

During the decade of the 1970's we continued our growing dependence on overseas oil, thus creating an increasing drain on our national economy and massive capital outflow.

The cost of oil import over the past 4 years has risen by 96 percent. We continue to import approximately half of the petroleum consumed in this country. We must break this stranglehold which the OPEC nations hold on our domestic economy.

The United States need not face severe shortages and be vulnerable to foreign cartel pressures. The United States is the industrial nation with the world's greatest energy resources; 37 percent of the world's fossil energy reserves, the greatest percentage of these in the form of coal.

Through shortsighted policies, our past indecision has left us in a situation of nearly crisis proportions. Increased domestic energy production must be our top priority for the 1980's.

No single source of energy can supply all our needs. We must look to a combination of short-term and long-term solutions to reduce our dependency on energy imports.

A full scale program of conservation, development of alternative energy sources, encouragement of small inventors in the energy field will provide the energy solutions for our future.

CONSERVATION TOP PRIORITY

Energy conservation is the cheapest and most efficient substitute for imported oil. According to a Harvard energy report, simply more efficient use of existing fuel supplies would allow Americans to have the same standard of living and yet use 40-percent less energy.

The United States must provide Federal subsidies and incentives which could save 5 million barrels of oil equivalent daily in the late 1980's. Reduction of 25 to 50 percent in energy use for housing are possible with relatively simple efforts. Other large savings are possible with industrial energy users.

I have actively pushed for conservation tax credits to promote meaningful energy conservation.

INCREASED COAL USE

We must make additional use of our most abundant energy source, coal. The United States has one-third of the world's known coal reserves. We could become the "Middle East" of the world in coal. Almost 4 trillion tons of coal lie under the U.S. soil. The Government should encourage industry to use coal by offering tax incentives to firms that convert from oil. Properly used, coal can reduce our dependence on imported oil and also can serve to improve substantially, our balance of payments through exports to other countries.

SYNTHETIC FUELS

One of the most promising programs to help achieve energy independence is development of synthetic fuels.

The Congress has passed landmark legislation; a bill which I cosponsored, the Energy Security Act. Through this bill we set in motion a new American industry to produce at least 2 million barrels of synthetic oil and gas daily by the end of the decade.

The synthetic fuel will be made from American resources—oil shale, tar sands, but mostly coal. We will attain our production goals not by Government-owned plants but by stimulating private investment. Government will serve as a catalyst and not get into the energy business.

PETROLEUM

The United States must encourage secondary and tertiary recovery methods to increase yields from existing domestic oil fields.

Deregulation has been an important contribution toward the goal of energy independence. Price and allocation controls have proven to be a detriment to our economy, and have seriously retarded development of alternative energy sources like coal and other renewables. President Carter's decision to decontrol oil prices made necessary a windfall profit tax to insure energy producers receive no more than a fair price on the finite but essential commodity they control.

SUPPORT STRONG WINDFALL PROFITS TAX

I am strongly against oil companies reaping big profits from Government deregulation of crude oil prices. I firmly supported and voted for a tough windfall profit tax. Unfortunately, the $227 billion windfall profit tax will not accomplish all that it should. I supported efforts to use 100 percent of the $227 billion for development of energy alternatives, conservation, and low-income energy assistance. Instead, much of this revenue will wind up in the general treasury without helping our energy situation.

SOLAR POWER

Solar power represents a virtually inexhaustible energy resource. The United States is committed to a goal of meeting 20 percent of our energy needs with solar and renewable resources by the end of this century. Achievement of this goal will mean a significant reduction in the U.S. need for imported oil. I have actively supported economic incentives for solar energy through a series of Federal grants, loans, and tax credits.

GASOHOL

Gasohol, an alcohol blended fuel, is one of the easiest, least painful options on the path to energy independence.

Widespread use of gasohol may save the United States 1 million barrels of oil per day by 1985. An expanded Federal effort is essential to promote gasohol development. Gasohol can be particularly important to Michigan where we can provide the necessary corn and grains to make ethanol. We must also stress development of technology to convert wood, coal, garbage and sewage into methanol.

GEOTHERMAL ENERGY

Natural heat of the Earth can be recovered as steam off hot water and used to generate electricity or to provide heating and cooling. Geothermal energy will become a major domestic energy source and in suitable locations could replace imported oil.

CONTINUE LOW-INCOME ENERGY ASSISTANCE

The Congress must continue to provide an effective and efficient program of Federal financial aid to help senior citizens and low-income families pay higher residential energy costs. This is the group most limited in what they can do to reduce their home heating bills and electricity demand.

In 1979, the Federal Government sent thousands of fuel assistance checks to persons who paid no heating bills. Payments also went to Hawaii, Florida, and other tropical areas. The result was millions of dollars misused, including 16,850 checks in Michigan alone amounting to $2,982,450.

I believe the fuel aid program must be strengthened if assistance is to be effective. I am pleased the House adopted my amendment which will change the 1980 fuel assistance program so that we can assure that families in the greatest need will be served best.

Federal assistance to the elderly and poor is essential to insure that everyone can afford to keep warm during winter.

SUMMARY

To solve our energy problem we must move forward on all fronts, renewable and conventional sources. National and personal priorities must be shifted toward production and away from consumption. Above all, we must reduce our dependence on foreign oil which is dangerous for the United States and makes our entire world less secure.●

ARROGANCE, OSHA AND A WINNER OF AN OPINION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. EDWARDS) is recognized for 60 minutes.

● Mr. EDWARDS of Oklahoma. Mr. Speaker, as a lawyer and former adjunct professor of law, I have read good opinions and bad. Recently, I read an opinion written by Chief Judge Winner of the U.S. District Court in Colorado that is indeed a real "winner."

Secretary of Labor Ray Marshall had requested Judge Winner to issue an ex parte warrant for the purpose of an OSHA inspection of a steel mill. Because of the silly and arrogant nature of the request—for a 20-man, 60-day warrant, without a showing of cause on the part of OSHA or the right to be heard on the part of the steel mill—Judge Winner was reluctant to issue the warrant ex parte. He did, however, state that he would consider the request over the weekend.

Mr. Secretary Marshall and his learned counsel must have labored long and hard to come up with their ridiculous argument appealing Judge Winner's nonorder to this effect. But everything is in order, since the Judge himself labored a bit in defense of his nonorder. His defense is a real "winner," and I heartily recommend it to my colleagues. The judge's opinion follows:

IN THE MATTER OF ESTABLISHMENT INSPECTION OF C. F. & I. STEEL CORP.

Text of opinion of the United States District Court for the District of Colorado dated May 5, 1980. Docket No. 79–W–1581.

Inspections—Warrants—Justification for *Ex Parte* Issuance—Notice of hearing as Appealable Order. The Judge declined to issue a stay order or to take any other action pending Court of Appeals action on the Secretary's appeal from a notice of hearing scheduled for oral arguments on issuance of an *ex parte* warrant. Rejecting the Secretary's claim that a warrant authorizing a 20-man, 60-day inspection must be issued *ex parte*, the Judge first asked to hear in *camera* testimony from OSHA regarding the need for *ex parte* proceedings, and when the Secretary refused, asked for briefs on the issue. After briefs were submitted by the parties as well as by the union and industry, the limited question of whether the warrant application had to be *ex parte* was set for oral argument and a notice of hearing was sent to the parties.

[Text of Opinion]

WINNER, Chief Judge:

The books are full of cases discussing what is and what is not a "final decision of a district court" which will permit an appeal under 28 U.S.C. § 1291, but this is the first case I have seen in which a direct appeal is attempted from a non-order,[1] and I think that this singular maneuver is deserving of a short opinion, because if a notice of setting can be directly appealed, countless similar "original proceedings" can be filed in all Courts of Appeals, and calendaring by district courts is going to become a shambles. A bit of local history concerning OSHA warrants is in order.

The judges of this district have long encountered problems in trying to establish procedures complying with the directions of the United States Supreme Court in *Marshall v. Barlows, Inc.* (1978) 436 U.S. 307. All of the judges of this district believe firmly in consistency among the individual judges insofar as such consistency is possible, and we believed at the time *Marshall v. Barlows, Inc.* was decided (and we still think) that when requests for OSHA search warrants are presented we should follow uniform procedures in handling them. We attempted to have all judges participate in the first OSHA warrant case filed after *Barlows* was decided, and we have continued our efforts to try to structure some case for a decision acceptable to all judges of the court. We think that if we can work out uniform guidelines, future OSHA warrants can be presented to United States Magistrates, but we aren't getting very far in accomplishing our goal, although we are still working at it. If this case ever gets off the ground, we shall try again, and all judges will be afforded opportunity for input to the result.

The first application for an OSHA search warrant was a request to search a place called Poor Richards—a leather shop operating in a cubicle perhaps 20 feet square located in Larimer Square, a redeveloped area in Denver. After a given amount of backing and filling, the Department of Labor dismissed the request and we never got a chance to look at the problem. Next, the Secretary said that he wanted to conduct an extensive search of the Colorado Fuel & Iron Co. steel mill (hereinafter C. F. & I.) based upon an alleged general administrative plan keyed to supposed neutral criteria all as *Barlows* demanded. That application was dated April 2, 1979, and authority to inspect the entire plant for a period of six months was requested. The number of inspectors was infinite. A hearing was held the day after the request was made, and decision was delayed pending briefs on reasonableness. Suffice it to say, on September 26, 1979, after all of the judges in this district had planned to hear the argument en banc, the Secretary withdrew his request, admitting that it was ill-founded.

Next, a NIOSH [as distinguished from an OSHA] warrant was requested by the Secretary of Health, Education and Welfare. It was based on specific complaints. It alleged a true emergency; it asked only for a limited search and I issued the warrant ex parte because I thought there was a showing of an emergent circumstance and that the search was reasonable on its face. [Because of our desire for uniformity, Judge Kane suggested reassignment of that case to me and that's how I happened to rule on it.]

This case is the third effort by OSHA to get a warrant issued in Colorado. I glean from the pleadings and brief filed by the Secretary of Labor that some complaints were made by C. F. & I. employees. After more than just a little while, interviews of the complainants were conducted by representatives of the Secretary of Labor to look into the accusations. The dates of the complaints and the dates of the interviews I list below to show the breakneck speed with which the government inspectors or interviewers moved in on the complaints now said to be so needful of immediate action.

Date of Complaint	*Date of Interview*
May 31, 1979	Aug. 8, Nov. 7, 1979.
July 9, 1979	Aug. 1, Nov. 7, 1979.
Aug. 8, 1978	Nov. 9, 1979.
Aug. 16, 1978	Nov. 6, 1979.
Aug. 22, 1978	Nov. 5, 1979.

On November 23, 1979, fifteen months after the dates of three of the five *complaints* mentioned above, the Secretary of Labor filed an "Application for An Administrative Inspection Warrant Pursuant to the Occupational Safety and Health Act of 1970," and in that application I am assured that "the desired inspection and investigation are contemplated as a part of an inspection program designed to assure compliance with the Act, and that there are reasonable legislative and administrative standards for conducting the inspection." What the "program" is or what the "reasonable standards" are, I have not been told, but the application then goes ahead and lists the complaints and the urgency with which the followup interviews were conducted. The prayer of the application is "that the Court issue, ex parte, its inspection warrant." Attached to the application is a form of warrant which, post-

---

[1] The appeal is taken from a form routinely mailed to counsel entitled "Notice of Hearing." Blanks in the form are filled in so that this notice reads, "You are advised that a hearing on application for inspection—OSHA has been set at 9:30 a.m. on Friday, May 16, 1980 in Courtroom 502, United States Courthouse, Denver, Colorado."

Barlows, the Secretary acknowledges requires my signature but which I guess in plaintiff's eyes must be signed by me acting in a capacity ministerial to the demands of counsel for the Labor Department.

On its face, the warrant is somewhat contradictory of the Secretary's position in this case because he recites for me in the warrant that I have "found" that there is sufficient cause for the warrant, but, I soon learned he doesn't want to let me have enough information to "find" anything, and his ultimate position is that I have no right to pass upon the existence of any kind of cause, albeit I readily admit that Barlows says that probable cause in the "criminal sense" is not required. By its language the warrant requires that the inspectors act reasonably, but, as I shall explain, I am not to be permitted to ask anyone what OSHA thinks is reasonable.

The same day the application was filed [which was the Friday after Thanksgiving] I set it for hearing, and counsel for the Secretary appeared. I asked if the matter should be heard ex parte, and I was told that I had no choice and that it had to be. I asked if I could hear any tesimony in camera, and, although a witness for OSHA was in the courtroom, OSHA counsel declined to let me listen to him, even in camera. Seemingly, by the time the briefs I shall mention presently were filed, the Secretary reversed his position on this point, and now I think that the government believes it is not verboten for a United States District Judge to listen to testimony in secret in advance of issuing the demanded warrant. I think that the government now concedes that I can ask at least a few questions as to the reasonableness of and need for the 20-man 60-day warrant. However, I don't think that the government is yet ready to go so far as to say that I have any right to make any determination of whether there is or is not any type of cause to order such an extensive intrusion. [I guess that the language of the warrant prepared by counsel reciting, "and the Court finding there is sufficient cause" is just polite boilerplate.]

On November 23, 1979, and continuously down to today, the Secretary has urged that the warrant *must* issue ex parte because Judge McWilliams said in *Marshall v. W. & W. Steel Co., Inc.* a warrant *could* issue ex parte.[2]

Marshall v. W. & W. Steel Co., Inc. surprised me not at all since that is exactly what I had already done with the NIOSH warrant aimed at C. F. & I. when an adequate showing was made by HEW. I tried to explain to counsel that to meet an emergency and to avoid surreptitious removal of a dangerous situation if advance warning of an inspection were given, I would issue OSHA warrants ex parte, but I was perplexed at the argument that ex parte action was essential to a 20-man 60-day inspection. I commented that I thought that about the time the first inspector arrived on the first day, the inspectee would have opportunity to eliminate almost all quickly remedial violations. I explained that if there were suspicion of specific dangerous situations which could be corrected on short notice, I would issue a reasonably limited warrant ex parte. This didn't satisfy the Secretary, and his position remained and remains adamant that I must act in secret and that the other side cannot be given any opportunity to appear and be heard, although it is now conceded [I think] that I can chat a little bit with a witness carefully selected and woodshedded in advance by the government. This, I guess, would be the limited inquiry I could make even if the plant to be inspected were a munitions plant where an uninformed inspector might bring about a catastrophe by pushing the wrong button. Moreover, I suppose that would be true if OSHA decided that the employees' lockers or automobiles posed a threat of secreting things constituting a violation of some OSHA regulation. I hope that the Union doesn't brush aside this possible eventuality on the basis of cheerful thinking that it is so absurd it won't happen. I do not think it beyond the realm of possibility that this position or some similar stance may be taken sometime in the future by some over-eager OSHA inspector.

It is sad but it is true that the government is not held to the morals of the market place. The protections of the Uniform Commercial Code applicable to oral assurances which may contradict written instruments do not apply to fine print in government documents. See, *Trautwein v. Milbachler* (1980) D. C. Colo. — F. Supp. —. The warrant I am asked to sign covers the "Pueblo, Colorado vicinity," (whatever geographic area that phrase may include) and it authorizes a search of the persons of all employees to obtain "personal" samples. Employees can be searched under the aegis of this Court's order with "sampling devices" and "dosimeters." What happens if controlled substances are discovered? Does the Union seriously support the issuance of an ex parte warrant this intrusive on the rights of its members? Wouldn't the Union like to appear to discuss and maybe clarify *on the record* the language in the warrant? Of course the warrant issues under the Act, but 20 different inspectors will have 60 days to individually decide what the ambiguous wording means, and wouldn't everyone be in better shape if both employer and employee were afforded opportunity to work on phraseology of this Labor Department phrased court order? In fairness to Union counsel, I don't think that they have had a chance to read the warrant before receipt of this opinion, and I think that their opposition to a parte hearing has been based on academic principles rather than on fair knowledge of the facts.

In any event, sometime I would like to have Union counsel comment on the Union's position as to the issuance of an ex parte warrant aimed at employees' personal and property rights. Should the rule applied to employers be the same as or diametric to the rule applied to employees? As I have mentioned, the requested warrant would permit the taking of "personal samples" from Union members, and any limitations on the kind of "personal samples" which can be taken from someone not in custody aren't spelled out very clearly. I worry about both employee and employer Fourth Amendment rights under this sweeping warrant. I suggest that the Union not disdain this concern of mine. Erosion of individual rights when it is the fisc which is endangered has occurred over the years. See, *California Bankers Association v. Shultz* (1974) 416 U.S. 21 and *United States v. LaSalle National Bank* (1978) 437 U.S. 298, together with the cases it discusses which led up to the decision in *LaSalle*. California Bankers hints that where the public interest is sufficient, rights may be narrowed to compare with rights applied when it is the fisc which needs help, and employee safety clearly is an important public interest. The Union should remember that it was because representatives of the individual depositors were not before the court in *California Bankers* that the court refused to rule on the individuals' Fourth and Fifth Amendment rights. I suggest that ex parte OSHA warrants may pose a greater threat to employees than to employers, because it must be remembered that corporations have lesser Fourth Amendment rights than do individuals. *California Bankers Association v. Shultz*, supra. It may well be that employee interests in issuance of a warrant to search the "vicinity of Pueblo, Colorado," may be very great and it may be that unless the warrant's language is narrowed, or clarified, both sides should join in a demand that OSHA warrants should issue ex parte only to handle situations where an evil can be corrected if notice is given.

Because I was troubled about the meaning of *Barlows* and because I read that case to say that a district judge is supposed to be something more than a puppet yanked about by strings pulled by the Department of Labor, I inquired in some depth about the right of C. F. & I. to appear, [and I am just as concerned about the Union's rights]. The government insisted the warrant had to issue ex parte, and in light of the firmness of the government's position on November 23, 1979. I said that I wanted to think about the matter over the weekend and I set the application for further hearings at 9:00 a.m. on the following Monday. [By remarkable coincidence, having recessed a then ongoing trial until 8:00 a.m. November 26, 1980 (1979), over the Thanksgiving holiday, counsel for Wheeling Pittsburg Steel and C. F. & I. (the litigants in the recessed trial) just happened to be in the courtroom at 9:00 a.m. on Monday, November 26, 1979.]

My concerns were tied not only to generalized Fourth Amendment problems and *Barlows*. I was also worried about a case decided one week after *Barlows*, namely, *State of Michigan* v. *Tyler* (1978) 436 U.S. 499. It seemed then and it now seems to me that Justice Powell may have there rejected just about the same position urged by government counsel in this case. It was argued in *Tyler* that where the inspection was by fire inspectors following a fire, "no purpose would be served by requiring warrants to investigate the cause of a fire." The State of Michigan contended that although in the usual situation, "a magistrate performs the the significant function of assuring that an agency's decision to conduct routine inspection of a particular dwelling conforms with reasonable legislative or administrative standards, he can do little more than rubber stamp an application to search fire-damaged premises for the cause of the blaze." In rejecting this argument, the Court said:

"To secure a warrant to investigate the cause of a fire, an official must show more than the bare fact that a fire has occurred. The magistrate's duty is to assure that the proposed search will be reasonable, a determination that requires inquiry into the need for the intrusion on the one hand, and the threat of disruption of the occupant on the other. For routine building inspections, a reasonable balance between these competing concerns is usually achieved by broad legislative or administrative guidelines specifying the purpose, frequency, scope and manner of conducting the inspections. In the context of investigatory fire searches, which are not programmatic but are responsive to individual events, a more particularized inquiry may be necessary. The number of prior entries, the scope of the search, the time of day when it is proposed to be made, the lapse of time since the fire, the continued use of the building, and the owner's efforts to secure it against intruders might all be relevant factors. Even through a fire victim's privacy must normally yield to the vital social objective of ascertaining the cause of the fire, the magistrate can perfrom the important function of preventing harrassment by keeping that invasion to a minimum. *See See v. City of Seattle; United States v. Chadwick; Marshall v. Barlow's Inc.*"

---

[2] It is surely arguable that the Supreme Court said just that in *Barlows*. The Court said, "Whether the Secretary proceeds to secure a warrant or other process, with or without notice, will not depend on his demonstrating probable cause to believe that conditions in violation of OSHA exist on the premises." To me, the phrase "with or without notice" can be argued to mean that if a trial judge thinks justice demands notice, the trial judge can require it. If there is notice, maybe there is a right to be present. All I have asked is to hear argument on this, and after the argument, I will rule one way or the other on the narrow question of whether the application must be ex parte. I may rule either way and I may rule that all applications need not be parte, but that I want to hear testimony in camera in the first instance. Then, after that testimony is received. I may say that this warrant should issue ex parte or I may say reason and justice demand notice. What I will rule depends on what I decide after argument.

If a magistrate can and should perform that function when a fire inspection is requested, I thought that I should make some sort of inquiry about this asked for OSHA search warrant, but I was told, (a) I had to issue the warrant; (b) I had to issue it based on affidavits; (c) the government wouldn't let a witness sitting in the courtroom testify, even in camera; and (d) under no circumstances—no matter how great the intrusion and no matter how lacking in emergent conditions—could representatives of the targets of the search warrant be heard—neither C. F. & I. nor Union witnesses. With the government's feet planted in those positions, I wanted the weekend to think about the problem, and that's why I had counsel come back to court on **Monday, November 26**, 1979.[3]

After worrying about the problems over the weekend. I told counsel that I would not plunge into the matter nor would I order an adversary hearing on the issuance of the search warrant. Instead, I said I wanted briefs on the limited question of whether the inquiry was required to be ex parte or whether, within my discretion, I could permit opposing counsel to appear to educate me on some of the intricacies [sic] of running a steel mill, something I know nothing about. I had at that time made no decision, and I have not now made any decision as to whether the government is right or wrong, although I confess that my predilection is to favor adversary proceedings as opposed to one-sided presentations in almost all situations, because I think this is the way our system of justice works. [I depart this predilection only where a Grand Jury is involved or where there is a showing that a guilty culprit may escape if notice is given. It is to be remembered; though, that a Grand Jury can't occupy a steel mill for 60 days.] I had said that I wanted to hear testimony in camera, and that if the in camera testimony convinced me that there was an emergency or risk of cover up if notice were given, I would issue the warrant ex parte just the way I issued the NIOSH warrant. Although it has been suggested that the government has retreated from its then position, I was told on November 23rd and 26th that in camera testimony wouldn't be presented and wasn't permitted even if I asked for it. The Secretary's position was that the warrant was there for me to sign, willy nilly.

I tried to point out to government counsel that with issuance of a 20-man 60-day ex parte search warrant there would be a motion to quash filed almost instanter, because even the Department of Labor wasn't able to suggest how the warrant could be executed without letting C. F. & I. know that the inspectors were there and know also the duration of their stay. Nor was government counsel able to explain why the motion to quash would not have to be heard. Once more I suggested that if there was concern about a hazardous condition or two which could be corrected in short order if advance notice were given, I would issue a search warrant aimed at those conditions and would do so ex parte. There was complete failure of communication between me and counsel on this suggestion. I added that Judge McWilliams' opinion in *W. & W. Steel* mentions some material given to the magistrate in that case and asked if similar data could be supplied to me, but, although I promised to look at it in camera, it wasn't supplied—nor has it been to this date.

The transcript shows that I asked for "an initial brief from the government as to why this has to be an ex parte hearing on the issuance or non-issuance of the warrant." I additionally requested information from the government counsel as to why testimony—at least in camera testimony—couldn't be required of the Secretary. Government counsel asked for and was given two weeks to file a brief. Then I asked—really only half seriously—if the government thought opposing counsel could file a brief on the limited question of whether the searchee could ever be given notice of the application. [I had in mind the possibility of a request for a 200-man 600-day search.] I emphasized that the only adversary participation I was suggesting was participation limited to the question of whether there could ever be any notice to the company or individuals whose premises or persons were to be searched. This is the reply I received:

"Mr. Mick: I guess my initial position would be—to be consistent with my earlier position—would be that they would not have a right to participate at this stage of the proceeding."

"The Court: Even on a limited question of whether they have a right to appear?"

"Mr. Mick: That's correct, Your Honor."

At that point I said that I thought this raised a very important constitutional question, and I said that I would permit a brief from C. F. & I. limited to the narrow question of whether (recognizing that OSHA warrants *may* be issued ex parte), they *must* be so issued, or can notice be given to the targets of the search and can some inquiry as to legality and reasonableness be made, aided by a little input from the employees and officials of the company to be searched? Two weeks were allowed for the brief on this limited issue, and two weeks were allowed for a reply. In the meantime, amicus briefs have been submitted by Wheeling Pittsburgh, the American Iron and Steel Institute and United Steelworkers of America, the Union whose members could be searched under the warrant as phrased. On February 26, 1980, after the briefs had been filed and read by me [most of them are good briefs], the limited question of whether the warrant application had to be ex parte was set for oral argument on May 6, 1980. It was this setting which is being appealed by a notice of appeal which reads:

"Notice is hereby given that Ray Marshall, Secretary of Labor, hereby appeals to the United States Court of Appeals for the Tenth Circuit from an order entered in the above case on February 16, 1980, setting the matter of a warrant application for hearing on May 16, 1980.

Respectfully submitted,

Carin A. Claus, Solicitor of Labor; Benjamin W. Mintz, Associate Solicitor for Occupational Safety and Health; Tedrick Housh, Regional Solicitor; Henry Mahlman, Associate Regional Solicitor; Allen H. Felman, Counsel for Appellate Litigation; Charles I. Hadden, Assistant Counsel for Appellate Litigation; Daniel J. Mick, Assistant Counsel for Regional Litigation; Thomas L. Holzman, Attorney; U.S. Department of Labor, Washington, D.C. 20210 (202) 523–6818"

If diligent counsel will check their file, there is no "order entered in the above case on February 25, 1980, setting the matter of a warrant application for hearing on May 16, 1980," but there is a mimeographed "Notice of Setting," which no one has objected to, and the question which has been set for argument is much narrower than that phrased by the Secretary. However, if the routine "notice" be treated as an "order," it is mind boggling to think about what is opened up if one can take a direct appeal from the setting of an oral argument on a narrow undecided legal question when the selected date is 90 days after the notice, and when there is no hint that the day selected is inconvenient to appealing counsel. At least I can be reasonably sure that I won't be either reversed or affirmed on any decision I have made in this case because I haven't decided anything yet to be either affirmed or reversed on.

A week ago, the Supreme Court decided *Curtis Waight Corporation v. General Electric Company*, April 22, 1980, 48 L. W. 4422, and the Court reversed the Third Circuit but agreed with the Tenth Circuit on the finality and appealability of a Rule 54(b) determination when there is a counterclaim pending. The decision is not in point, but its language is less than helpful to this attempted appeal of a non-order, and it clearly holds that even if I wanted to, [and I don't want to] I have done nothing in this case as to which a Rule 54(b) certification could be made.

Barely meeting the 60-day time limit imposed on the government for notices of appeal of final orders, the Secretary has appealed my non-order, and I must now decide what happens next. I assume that government counsel must reason that cases such as *Will v. United States* (1967) 389 U.S. 90, block off an original proceeding, because I hope that it lies within my jurisdiction to set a pending matter for oral argument. However, I don't know what government counsel think about *Abney v. United States* (1977) 432 U.S. 65, which says that only final orders are appealable, just as countless other cases emphasize. For example, *Century Laminating, Ltd. v. Montgomery* (1979) 10 Cir. 595 F. 2d 563, which holds:

"United States Courts of Appeal have only such jurisdiction as Congress specifically has given them and the grant of appellate jurisdiction, with exceptions not here pertinent, is limited to appeals from final decisions of those courts. 28 U.S.C. § 1291; *United States v. Nixon*, 418 U.S. 683.

"A final decision is defined as 'one which ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.' *Catlin v. United States*, 326 U.S. 229, *Kappleman v. Delta Airlines, Inc.*, 539 F. 2d 165, *Dunlop v. Lodet Foodliner of Larose, Inc.*, 509 F. 2d 1387 (5th Cir. 1975); *Donovan v. Hayden Stone, Inc.* 434 F. 2d 619 (6th Cir. 1970). The rule requiring finality of a judgment or order as a prerequisite to appeal is dependent upon statute. 28 U.S.C.

---

[3] Last November I did not have before me *Payton v. Riddick*, (April 15, 1980) 48 L. W. 4375; but, although that case has to do with an arrest, it lends little credence to the government's argument that search warrants are to be issued without right of inquiry on the part of the issuing judge or magistrate. The footnotes in that case will provide little solace to the Secretary.

§ 1291. Any exceptions must be made by Congress, not by the courts, although to the courts falls the responsibility of deciding whether a judgment or order is final and therefore appealable."

A companion rule says that when an appeal is taken from an appealable order, the district court is automatically divested of jurisdiction [except for jurisdiction to do a very few limited things not here involved] and jurisdiction of the case moves automatically to the Court of Appeals. *Elgin Mfg. Corp.* v. *VentFabrics, Inc.* (1963) 7 Cir. 314 F. 2d. 440, 578, *Aune v. Reynolds* (1965) 10 Cir. 344 F. 2d 835, *Hogg v. United States* (1969) 6 Cir. 411 F. 2d 578, *Board of Education v. York* (1970), 10 Cir. 429 F. 2d. 66, *Kirkland v. J. Ray McDermott & Co.* (1978) 5 Cir. 568 F. 2d 1166, *International Paper Co. v. Whitson* (1979) 10 Cir. 595 F. 2d. 559.

Sometimes an appeal is attempted from an order which on its face is frivolous and not appealable, and the question arises as to whether a frivolous appeal divests a trial court of jurisdiction. The various Circuit Courts of Appeal are not in complete agreement on this point, but the last four years have settled the question in the Tenth Circuit. Most recently the Tenth Circuit said in *Century Laminating, Ltd. v. Montgomery* (1979) 595 F. 2d. 565.

"The circuits are not in agreement as to whether the filing of a notice of appeal automatically divests a district court of jurisdiction and transfers jurisdiction to the court of appeals. See, e.g., *First National Bank of Salem, Ohio v. Hirsch*, 535 F. 2d 343 (6th Cir. 1976); *United States v. Lafko*, 520 F. 2d. 662 (3rd Cir. 1975); and *Williams v. Bernhardt Bros. Tugboat Service, Inc.* 357 F. 2d. 883 (7th Cir. 1966). We have held that a district court retains jurisdiction if the notice of appeal is untimely filed or refers to a non-appealable order. *Arthur Anderson & Co. v. Finesilver*, 546 F. 2d 338 (10th Cir. 1976) cert. denied, 429 U.S. 1096. And see *Hodgson v. Mahoney*, 460 F. 2d 326 (1st Cir. 1972), cert. denied, 409; *U.S. 1039; Ruby v. Seceretary of United States Navy*, 365 F. 2d. 385 (9th Cir. 1966) cert. denied, 386 U.S. 1011."

In *Arthur Anderson & Co. v. Finesilver*, (1976) 10 Cir. 546 F. 2d. 338, Judge Breitenstein said:

"In *Ruby v. Secretary of United States Navy*, 9 Cir. 365 F. 2d., cert. denied 386 U.S. 1011, the Ninth Circuit considered the problem in an en banc session. It held, Ibid. at 389, that if the notice of appeal is clearly invalid, the district court may ignore it. We are in essential agreement with the Ninth Circuit. If the notice of appeal is deficient by reason of untimeliness, lack of essential recitals, reference to a non-appealable order, or otherwise, the district court may ignore it and proceed with the case. If the district court is in doubt whether the notice of appeal is valid, it may decline to act further until disposition of the appeal. If the district court proceeds with the case under the mistaken belief that the notice of appeal is inoperative, the complaining party may seek relief from the court of appeals under 28 U.S.C. § 1651 and Rule 21, F.R.A.P."

With the two options open to me, I am sure that were I to go forward with the case, the Secretary would seek relief under 28 U.S.C. § 1651 and Rule 21, F. R. A. P., and the Court of Appeals doesn't need any more business—especially emergency business having to do with situations the government waited fifteen months to get around to.

Therefore, although I have no serious doubt as to the lack of finality and the non-appealability of a notice of setting, I "decline to act further until disposition of the appeal." [4] This I do because:

(1) The Department of Labor is, or it should be on the "fast side" of this case, and it is the one responsible for the delay which the Union finds so objectionable and which may be jeopardizing employees' safety and lives.

(2) As I have said, going ahead with the case as I would do under most circumstances would almost surely require action by the emergency writ panel of the Court of Appeals and, under the circumstances, I see no reason to saddle that panel with more work.

(3) Although I think that the notice of appeal of a non-order is frivolous on its face, the number and eminence of counsel who have permitted the use of their names in filing the notice of appeal gives cause to pause. I must presume that their names were affixed to the notice of appeal with full appreciation of the provisions of Rule 11, F. R. C. P. and its potential consequences, but this is something to be thought about later.

Government counsel have asked that I sign a "stay order." There is nothing to stay. In fact, the request for it seems to me to be a tacit admission that the appeal is of questionable legitimacy, because under the settled rule, a legitimate appeal divests this court of almost all of its jurisdiction and it would surely divest the court of jurisdiction to conduct a hearing or anything having to do with the merits of the application. That being so, a stay order is unnecessary when the appeal is from an appealable order, and if the order is not appealable, I have the choice permitted me by the Court of Appeals to stand by awaiting its action. Therefore, I take no action on the motion for a stay, and, without intending to establish precedent for future cases where I may think some other notice of appeal is frivolous, for the reasons stated, I have elected to accept the option given me by the Court of Appeals and "decline to act further until disposition of the appeal."

Two things remain for brief comment. They deal with messages left by Mr. Holzman, an attorney for OSHA, in the course of several telephone calls made by him to the court clerk since the filing of the notice of appeal. One message bewilders me; the other disconcerts me.

The bewildering message is that if I vacate the present setting, he will probably dismiss the appeal. If he dismisses it, I will fix another date for the argument, and I promise that (unless ordered to do so by the Court of Appeals) I shall not sign any search warrant until I listen to some argument from all interested persons on the narrow question set for oral argument. If I decide to sign a warrant, I predict that the extent or lack of authority to search the persons and property of employees will be defined with much more clarity than is the case in the tendered warrant form, and the views of Union counsel as to the phraseology of the warrant will be solicited.

The disconcerting message is a request to send a copy of everything which happens in the case to both Mr. Holzman's office and to his home. He has left word that mail distribution within the Labor Department is so bad he can't be sure of receiving mail addressed to him at the office address listed on the pleadings. It is scary to think that an agency charged with the responsibility for protection of the lives and safety of American labor and possessed of the awesome authority to direct the conduct of American business can't figure out how to pass out the mail it receives in its own mail room. Be that as it may, I deny this request, because the taxpayers can't afford double mailings to all lawyers in all cases, and I am not going to give Labor Department lawyers preferential treatment. Mr. Holzman's mail will be sent to whatever single address he shows beneath his signature on the pleadings.●

---

[4] The Tenth Circuit spoke just ten days ago as to what it thinks about frivolous appeals. See, *Matney* v. *Evans* (April 24, 1980) unpublished, No. 79–2153. And, although it may be that there is 'government' immunity from a cost award, 28 U. S. C. § 1927 doesn't exclude government lawyers. And, the Court's thoughts about appealing non-final orders were expressed less than a week ago. *United States* v. *Martin* (April 28, 1980)—F. 2d—No. 79–1956.

WE MUST UTILIZE COAL, ONE OF AMERICA'S MOST ABUNDANT RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Corcoran) is recognized for 30 minutes.

● Mr. CORCORAN. Mr. Speaker, I am pleased today to join Congressmen Richard C. Shelby, of Alabama and W. Henson Moore, of Louisiana in introducing the Coal Utilization Incentives Act of 1980.

We simply must increase our utilization of coal, one of our most abundant resources. It makes absolutely no sense to continue our self-inflicted dependence on OPEC oil.

The bill we are introducing today would provide incentive to the production and use of coal by amending the Clean Air Act and the Internal Revenue Code of 1954. While we must take care to continue to protect our environment, we most also balance environmental policies with energy, national security, and economic considerations.

Mr. Speaker, for the benefit of our colleagues, I would like to insert in the Record at this point a section-by-section analysis of the Coal Utilization Incentives Act of 1980.

SECTION-BY-SECTION ANALYSIS OF COAL UTILIZATION INCENTIVES ACT OF 1980

TITLE ONE

Section 101

Section 101 defines coal in language similar to that used in the New Source Performance Standards regulations.

Section 102

Current Law. Section 109(d)(1) of the Clean Air Act provides for a review by December 31, 1980, of all the existing criteria upon which the current air quality standards are based. Furthermore, this review shall be repeated at no less than five year intervals so that the Administrator may revise air quality criteria and standards and promulgate new standards when appropriate.

Amendment. Section 102 of the bill extends the current deadline in the Clean Air Act for review of existing air quality standards by six months. The extension would permit the review to include a cost benefit analysis of the regulations with an emphasis on the impact of the regulations on the utilization of domestically produced coal. The standards promulgated as a result of this review would be subject to Congressional review and one house veto.

Section 103

Current Law. No provision.

Amendment. Section 103 of the bill provides that any major stationary source which meets all applicable emission standards shall not be subject to more stringent limitations for a period of ten years.

Section 104

Current Law. Section 111(a) of the Clean Air Act provides that if a facility is mandated by Federal requirement to convert to coal it is not subject to New Source Performance Standards.

Amendment. Section 104 of the bill provides that voluntary conversions are treated the same as mandatory ones.

Section 105

Current Law. Section 110(f) of the Clean Air Act outlines a procedure whereby a temporary emergency suspension of a state's implementation plan may be granted. To obtain such a suspension, the owner or operator of a fuel burning source must apply to the Governor of that State, who in turn may petition the President if he, the Governor, finds that an energy emergency exists in the area and is causing high levels of unemployment or the loss of necessary energy supplies to residential dwellings. The President is then to determine whether the emergency is severe enough to mandate a suspension and whether there are alternative means of responding to the crisis. If there are no other alternatives, the Governor may then order a suspension of the State's plan for as long as four months, except that the Administrator may shorten the suspension period or rescind it altogether if he determines that the necessary conditions are not in fact present. If the State has not yet adopted an implementation plan, the above determination and order shall be made by the President. Finally, the Governor may include under such a suspension, the compliance schedule, to which such source is subject under section 7419 or section 7413(d) of this title.

Amendment. Section 105 of the bill provides additional flexibility under Section 110 (f) of the Clean Air Act to permit the Governor or the President to suspend air quality regulations to allow utility and industrial plants to switch to coal and allows a suspension to remain in effect for five years. The amendment adds a new basis for suspension—if energy imports have reached an excessive level and the emergency suspension can reduce such imports.

Section 106

Current Law. Section 176(a) of the Clean Air Act cuts off federal funds should the revisions of state implementation plans required by the 1977 Amendments to this Act not be submitted by July 1, 1982.

Amendment. Section 106 of the bill delays for one year any cut-off of Federal funds for failure to submit state plans.

Section 107

Current Law. Section 125(h) of the Clean Air Act defines "locally or regionally available coal or coal derivatives" to be that coal which may be produced in the region of the major fuel burning stationary source.

Amendment. Section 107 of the bill clarifies the definition of local coal to include coal mined within the state in which a major fuel burning stationary source is located or a state sharing a common border with that state.

Section 108

Current Law. Section 113(d) (5) (A) of the Clean Air Act extends the compliance deadline to 1980, and to 1985 in certain instances, for major stationary sources which are required by federal law to siwtch from oil or gas to coal.

Amendment. Section 108 of the bill permits the extension of compliance deadlines for sources converting to the use of coal to 1983. This extension would apply regardless of whether the conversion is voluntary or compelled by a prohibition order or the threat of natural gas curtailments.

Section 109

Current law. Section 110(a) (3) (D) of the Clean Air Act sets July 1, 1979 as the date by which implementation plans bearing attainment dates later than December 31, 1982 must be revised.

Amendment. Section 109 of of the bill extends the deadline for state implementation plans to 1981.

Section 110

Current Law. Section 164(a) of the Clean Air Act outlines a State's authority to redesignate an area's classification. Any area may be redesignated class I and certain national park or wildlife areas may only be redesignated class I or II. To redesignate an area to class III status, specific procedures must be followed so as to gain the participation of all the relevant governmental groups and a finding that the redesignation will not result in the violation of the applicable air quality standards must be made.

Amendment. Section 110 of the bill eliminates state authority to redesignate any area to class I or II. States would be permitted to so redesignate national parks or wilderness areas as well as certain other areas of national interest.

Section 111

Current Law. No provision.

Amendment. Section 111 of the bill requires that an agency evaluating a permit request prepare a cost-benefit analysis with a comparison of the costs of using imported energy as opposed to domestic coal.

Section 112

Current Law. Section 120(a) (2) (B) permits the waiver of non-compliance penalties for certain facilities (e.g., facilities required to convert to coal by Federal mandate).

Amendment. Section 112 of the bill waives non-compliance penalties for facilities whose only alternative to using coal is oil, gas or another non-renewable energy source.

Section 113

Current Law. Section 163(b) of the Clean Air Act established areas the maximum allowable increases in sulfur dioxide and particulate matter concentrations for each area according to its classification. Section 165(a) established such maximums for new facility emissions which impact on Class I areas. These allowable increases are measured on an annual mean, and 24 and 3 hour maximum, basis.

Amendment. Section 113 of the bill changes the period of time over which increase in pollutants would be measured to an annual geometric mean only and eliminates short-term maximum allowables.

TITLE TWO

Section 201

Amendment. Section 201 of the bill would add a new Section 194 to the Internal Revenue Code of 1954 to permit the rapid write off of coal utilization property. This is defined as a boiler or burner for which coal will be the primary fuel or pollution control equipment required by Federal, state or local regulations in connection with the use of coal burning equipment.

Section 202

Current Law. Under the Energy Tax Act of 1978 and Title II of the Crude Oil Windfall Profit Tax Act of 1980 an additional investment tax credit is provided for investments in eligible property. Generally, public utility property is not eligible for energy tax credits.

Amendment. Section 202 of the bill would modify the energy tax credits enacted as part of the Energy Tax Acts of 1978 and the Crude Oil Windfall Profit Tax Act of 1980, by allowing public utility property which is also coal utilization property to qualify for any applicable energy tax credit.

Section 203

Current Law. Under the Internal Revenue Code, investments in pollution control equipment with a useful life of over 5 years are eligible for the full investment tax credit without regard to rapid amortization.

Amendment. Section 203 would also make the 10 percent investment tax credit available to the extent of 100 percent of a taxpayer's rapidly amortized basis in facilities under new Section 194.●

CARTER PUTS PERSIAN GULF SECURITY ON ICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

● Mr. FINDLEY. Mr. Speaker, President Carter has apparently put on ice any contingency or long-range plans to assure the flow of oil to the West from the Persian Gulf. U.S. security and well-being will continue to be at risk. Unfriendly nations will continue to be able to threaten to disrupt the flow of oil through the Straits of Hormuz.

Today's Washington Post, in an article by Michael Getler, reports that:

> British officials said yesterday they were concerned and puzzled by reports that Carter told members of Congress that the United States and allies were preparing to protect the Strait of Hormuz if necessary.
>
> The understanding in London, as in other European capitals, was that this option had been put on ice after Washington did not follow up last week's soundings about expert-level talks on a range of problems posed by the Iran-Iraq conflict, including the flow of oil to the West.

I would be very interested to know which Members of Congress were consulted on the security of the straits. My own efforts to encourage President Carter to consider long-range plans to assure the continued flow of oil to the West have been rebuffed by the Carter administration.

On December 20, 1979, for example, I introduced, along with 28 cosponsors, House Concurrent Resolution 234 which was intended to stimulate discussions and consultations on sealane security among the United States and its friends and allies.

H. CON. RES. 234

Calling upon the President to consult with certain friendly nations in order to devise a Sealane Security System whose purpose would be to insure safe, secure, and free passage through international sealanes adjacent to East and Southeast Asia.

Whereas the nations of Australia, Canada, Indonesia, Japan, Malaysia, New Zealand, the Philippines, Singapore, South Korea, Thailand, and the United States have a continuing interest in the free, safe, and secure passage of persons and trade, including raw materials, through the international sealanes adjacent to East and Southeast Asia; and

Whereas these nations have a long history of cooperation and friendship: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress calls upon the President to consult with such friendly nations as he deems appropriate in order to devise a method whereby the naval and other resources of such nations and the United States will be closely coordinated in a Sealane Security System for the purpose of providing lifesaving assistance on the high seas and insuring safe, free, and secure passage for all nations through the sealanes adjacent to East and Southeast Asia.

Although the U.S. Navy, on behalf of the Department of Defense, sees great benefit for U.S. interests in this resolution, the State Department and the President remain tepid and indifferent to it and to other efforts to improve sea lane security. Letters commenting on the resolution are below.

Beyond this indifference, the administration has, of course, done little to improve U.S. naval capabilities or to get the rapid deployment force going. The RDF is neither rapid nor ready to deploy as George Wilson describes so accurately in his recent Washington Post series.

It is time for President Carter to stop sitting on his hands and to take steps to assure U.S. interests in the gulf and elsewhere around the globe. Long-range planning for naval cooperation among Western allies to assure the security of the sea lanes of communication is an important and needed first step.

The letters follow:

Department of the Navy,
Washington, D.C., September 11, 1980.
Hon. Clement J. Zablocki,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Your request for comment on H. Con. Res. 234, 96th Congress, a concurrent resolution "Calling upon the President to consult with certain friendly nations in order to devise a Sealane Security System whose purpose would be to insure safe, secure, and free passage through international sealanes adjacent to East and Southeast Asia," has been assigned to this Department by the Secretary of Defense for the preparation of a report expressing the views of the Department of Defense.

The purpose of H. Con. Res. 234 is to call upon the President to consult with the nations of Australia, Canada, Indonesia, Japan, Malaysia, New Zealand, the Philippines, South Korea, and Thailand with a view to establishing a maritime "Sealane Security System" in the international sealanes adjacent to East and Southeast Asia to provide lifesaving assistance and to ensure safe, free and secure passage for all nations.

The Department of the Navy, on behalf of the Department of Defense, supports the purpose of H. Con. Res. 234. Its goals are consistent with existing obligations to render assistance at sea and with the mission of the U.S. Navy. Moreover, the increased naval involvement of our allies in that area would provide a degree of relief for the U.S. Pacific Fleet. Many of the international sealanes in question, however, pass through the waters of the Philippine and Indonesia claimed "archipelagoes." In the event a treaty is concluded at the Third U.N. Conference on the Law of the Sea and enters into force, which now seems possible, these waters will become the functional equivalent of territorial seas subject to international passage rights through and over designated sealanes as prescribed by the treaty. In addition, at present Indonesia and the Philippines both claim sovereign rights over their archipelagic waters. These claims are not recognized by the United States, but could complicate the consultations contemplated by H. Con. Res. 234. Accordingly, it is recommended that the following clause be inserted in line 4 of the body of the resolution, between the words "method" and "whereby": ", consistent with generally accepted principles of international law or international agreement to which the subject nations and the United States adhere,".

The sort of fixed commitments apparently envisioned by H. Con. Res. 234, however, would reduce further the operational flexibility necessary for contingency operations. Further, we cannot assume any additional peacetime commitments for our naval forces without drawing down on other commitments. Therefore, while the Department of the Navy supports increased allied naval involvement, we must reserve additional comment on the resolution until the scope and shape of the contemplated security system can be discerned and assessed in terms of actual operational impact.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on H. Con. Res. 234 for the consideration of the Committee.

For the Secretary of the Navy.
Sincerely,
L. C. Laitsch,
Director, Legislation.

Department of State,
Washington, D.C., August 29, 1980.
Hon. Lester Wolff,
Chairman, Asian and Pacific Subcommittee, Committee on Foreign Affairs, House of Representatives.

Dear Mr. Chairman: I have been asked to reply to your letter of March 6, 1980 requesting the views of the Department of State on House Concurrent Resolution 234, which calls for consultations with certain friendly nations to devise a Sealane Security System.

The Department of State shares with Congressman Findley and his colleagues "interest in the free, safe and sereen passage of persons and trade . . . through the sealanes adjacent to East and Southeast Asia." To that end, for example, we are cooperating with the merchant and naval vessels in the area in the rescue of refugees fleeing by boat from Indochina.

Throughout the Pacific area our Navy and those of our friends and allies have for years engaged in joint exercises aimed at enhancing the practical "inter-operability" of allied navies in the Pacific. For example, this past spring, Canada, Australia, New Zealand and, for the first time, Japan, sent ships to participate with the U.S. Navy in RIMPAC, a large combined AWS exercise.

The resolution under consideration, as explained further in Mr. Findley's comments, goes several steps beyond what we now consider practical or needed. Although he indicates that it is not his intent that a "full-fledged military defense system" be created, that is the effective thrust of the resolution. The establishment of an international fleet, under the sole command of one of the participants, would require the authority to hold or release vessels under that command. Such a command would also need authority to order ships into situations where armed conflict might result, without further recourse to the governments providing the vessels. Thus, the fleet commander, presumably with recourse only to his government, would be determining the status of all vessels under his command.

With regard to Japan, in particular, the United States has urged that Japan undertake a significant and steady increase in its defense capability. The Department believes it would be inappropriate to seek a Japanese role in the Southwest Pacific or the sealanes of Southeast Asia. Japan has provided, and continues to provide, a significant contribution to regional security in the Northwest Pacific and we believe this is an appropriate role for Japan.

For these reasons, the Department supports the concept of guaranteeing that the sealanes not be disrupted as expressed by the resolution but believes that the call for the creation of a multilateral fleet is inappropriate. We plan to continue working closely with regional states on these matters. We seriously question the need for the resolution.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,
J. Brian Atwood,
Assistant Secretary for Congressional Relations.●

CARTER POLICY: DIVIDE COUNTRY AND CRY "RACISM" AT OPPOSITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Ashbrook) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, no President has used the "racist" slur as repeatedly and as irresponsibly as has President Carter. No President has practiced the politics of divisiveness as consistently as has President Carter.

No policy would be more certain to keep poor Mexican Americans in the barrios than one which allowed them to finish their education without learning English fluently. So-called bilingual education has been perverted to serve precisely that end. It represents the administration's policies of divisive destructionism. He has denounced my opposition to it as having racist tendencies. This is only the most recent example of this demagogic policy. The degree of this irresponsibility is even more appalling when you consider that the provision which he so denounced was passed by a majority of this House, and a similar provision has been passed by the other body.

The same ethnic politics have been practiced shamelessly in the case of illegal aliens. There are 10 million illegal aliens in this country, while we have steadily growing unemployment among this country's own citizens, including Mexican Americans. No other country on Earth would tolerate such a situation. Yet the administration began its response to this problem in 1977, when the Immigration and Naturalization Service (INS) reclassified these millions and changed the term from "illegal aliens" to "undocumented workers." Under the law, which President Carter swore to faithfully execute, these are aliens who are here illegally. They have violated the law by being in this country, not by failing to have documents. Since Mr. Carter's inauguration, millions more illegal aliens have poured into this country, creating the perfect atmosphere in which racial hatred and national division can thrive.

In an act perfectly timed to help the

President in his primary campaign, the INS was ordered to cease raids to ferret out illegal aliens for 6 months. The Chief Executive, whose primary duty is to enforce the law, ordered a ban on its enforcement. Even more shocking was the reason given for this ban: raids made to enforce the law, to get people out of this country who by law are not supposed to be here, were suspended so that these illegal aliens could be counted in the census, along with, and on an equal basis with, our own citizens. I repeat, Mr. Speaker, no other country on Earth would even consider such a policy. I suggest that any other democracy on Earth would insist on the impeachment of a Chief Executive following a policy in any way similar to that which this country's President is using to get himself reelected.

Mr. Carter began by unilaterally canceling our immigration law. Now he is reversing it. He insists that illegal immigrants be counted in the census, so that their interests might receive full representation in Congress and in the distribution of Federal funds. More Congressmen are to be apportioned to areas where large numbers of illegal immigrants have been allowed to remain in violation of the law. No longer is it enough to bypass what the law says about what constitutes the citizenry of this country. Now the interests of noncitizens must be represented in Congress, while the interests of legal residents of this country are to be diminished.

The 6 months allotted to the ban on enforcement of our immigration law has passed, but the Carter administration's Attorney General, Benjamin Civiletti, has refused to lift it. The unilateral cancellation of our immigration law by the Chief Executive continues. As the Washington Post puts it, immigration investigators contend that, "a continuation of the moratorium would amount to a de facto amnesty for undocumented workers and that the ban is politically motivated." They are right on both counts.

But the administration has not been satisfied to play the politics of division on only two fronts. It has not been enough to destroy the chances of children to enter the English-speaking mainstream of American life, nor is it enough to expand the dangerous growth of a sea of frustrated illegal aliens on one side and the consequent growth of unemployment, and the resentment that goes with it, among American workers on the other. The administration has issued, in perfect timing for the November election, a set of guidelines which make an employer's insistence on the use of our national language in the workplace a form of racism.

The Equal Employment Opportunnity Commission has issued these guidelines as its interpretation of title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, religion, sex, or national origin. In other words, the aim of title VII was to ban discrimination on the basis of a person's birth and personal convictions. But now an insistence on the use of the most thoroughly acquired of all human characteristics, that of speech, is to be regarded as evidence of discrimination.

Here again, a policy of blatant divisiveness is being pursued, and opposition to another move to divide our people into ethnic blocs is branded "racism." Under American tradition and by our law, the English language has always been one of the most important elements in making all the widely differing components of this country a single nation. That is why a person seeking to become a U.S. citizen, under the law Mr. Carter swore to enforce, must demonstrate "an understanding of the English language, including an ability to read, write and speak words in ordinary usage in the English language" (8 U.S.C. 143).

Once again, I must ask whether any other country on Earth would tolerate an administration which used such tactics? Would Mexico allow its Chief Executive to order business in that country to hire people without regard to their ability to speak Spanish? The Spanish language is the binding factor in the widely diverse society of Mexico, and that country very properly insists on its use by those who want to become part of that society.

If the Carter policy of divisiveness is successful, children growing up today will be paying for his success for a lifetime. If the price of protecting our national unity is to be subjected to demagogic accusations of racism, it is a small price indeed, and I, for one, am happy to make such a relatively small sacrifice in a cause for which others have given their lives. We must get our attention away from the demagogy, and concentrate on the division and destruction they are being used to mask. There is no greater danger to our national union than ethnic politics, and no President in our history has ever practiced pure ethnic politics more blatantly or more irresponsibly than the one who occupies the White House today.

CUT COMMITTEE STAFFS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS), is recognized for 30 minutes.

● Mr. COLLINS of Texas. Mr. Speaker, As we move into the 97th Congress, we will be faced with questions on our diminished defense posture, rampant inflation and a downhill economy. But the big issue is inflation. This is due to Congress spending too much money, and it starts with the $1 billion spent to run the U.S. Congress. Folks in Texas are opposed to big Government and insist we work diligently to limit its size. How many of you feel lost among congressional committee staffs so large and so expensive that you feel the staff has taken control of the institution? How many of you are willing to stand with your constituents, and pledge yourselves to cutting the size and cost of this internal bureaucracy, these committee staffs?

The explosion in committee staff, from 702 in 1970 to 1,844 in 1979 (not including select committees and other such units) is in reaction to numerous changes within the House; changes which have indeed hindered the legislative process, impeded the formulation of coherent integrated policy and spurred the need for further staff.

The decade of the 1970's has been the era of subcommittee government. In the 92d Congress, there were 130 committees and subcommittees; in 1979 that number had swelled to 170. (That does not include such wasteful select committees as those on narcotics and population.) This diffusion of power has further decentralized the House and enabled more Members to build little fiefdoms. The reforms of the early part of the decade mandated that each subcommittee employ at least one staff member each.

With each new work group that is formed comes the necessity to hire staff and fund them. Accordingly, committee funding for investigations grew from over $18 million in the 92d Congress to over $70 million in the 95th Congress and estimates are for even more outlays next Congress unless we do something to stop it. These numbers themselves are staggering. Increasingly, we have spent more time in session, from 298 hours in 92d Congress to 323 hours in the 95th Congress. The 173 hours in the first session of the current Congress should put us over that for this Congress—well over, with the lameduck session. Yet we seem to accomplish less. We enact fewer laws; we spend an increasing number of hours in committee meetings, yet we pass less bills.

It cost $14,000,000 to run the 92d Congress, less than a decade later the price tag on the 95th Congress had inflated to $40,000,000. The following table shows what a 350 percent increase in the taxpayer's dollar went for:

More hours spent in session,

More resolutions introduced, but less passed, and

Increased number of committee meetings.

EXPANDING WORKLOAD—HOUSE

Year and Congress	Time in session		Bills			Number of bills enacted		Resolutions			Number of committee meetings	Volume of mail	Number of record votes
	Days	Hours	Introduced	Reported	Passed	Public	Private	Introduced	Reported	Passed			
1969-70-91st	350	1,613	21,436	1,137	1,130	190	75	2,139	405	512	5,066	----------	0
1971-72-92d	298	1,429	18,561	1,010	970	224	63	1,897	391	499	5,114	----------	183
1973-74—93d	318	1,487	18,872	906	923	245	50	2,223	457	601	5,888	----------	445
1975-76—94th	311	1,783	16,982	985	968	205	27	2,389	510	656	6,975	77,241,151	483
1977-78—95th	323	1,898	15,852	1,044	1,027	223	27	2,213	448	388	6,771	80,801,910	505

Congress spends more money and more time. The more we meet, the more we spend. By tightening congressional committee budgets, we will curb double-digit inflation. In the last 10 years, Congress has allowed unprecedented growth of the Federal bureaucracy, and the worst is its own committee staffs. Let us examine the proliferation of these staffs.

In the past 6 years, the size of House committee staffs and the funds appropriated for operations of those committees—which means staff salaries—have exploded. In 1973, the total number of statutory and investigative staff for all committees was 918. In 1979, it was 1,939. That is over twice as many people and that does not include the basic 18 employees the 435 representatives have in their own congressional offices, nor the services of numerous informal groups nor any of the four legislative support agencies. In 1970, total appropriations for the legislative branch were $314 million. By 1979, the appropriation had ballooned to $1.1 billion.

A significant proportion of these staffs are named "investigative." They are nothing but political appointees on a temporary basis, hired by the chairman, not by the committee's full membership. The investigative staffs are paid by "inquiries and investigation" resolutions. They are not covered by the protections of House rules, not employed under Civil Service and have no standard or uniform qualifications.

The investigative staff procedure is at the root of the problem. In 1968, the House investigative staff numbered 328; in 1979, they had multiplied to 1,221. In the 90th Congress (1967–68) investigative costs were $9 million; in the 96th Congress (1979–80) they will rise to $85,500,476—an increase of 850 percent.

It is sometimes hard to relate to such huge expenditures, but everyone earning a paycheck can readily understand a comparison of annual salaries. Based on statistics covering the majority of Maryland workers, the average wage in that State for 1979 was $12,388. Just compare these with the salaries of Washington committee staff. A staffer receives as much as $52,500. In order to justify these high-priced jobs, staffs need to continuously invent new ways to spend the American tax dollar. Already the average American taxpayer is taxed 43 cents of each hard-earned dollar.

Consider a few prime examples of this uncontrolled funding. This year the costs for House administration increased from $926,740 to $1,744,000—a jump of 88.2 percent. House administration staff grew from 122 to 284 in 6 short years. Back in the 90th Congress this committee operated on $90,000 for a full session. Remember this is the panel which reviews investigative funding requests for all committees.

Look at the Agriculture Committee: This year it was funded for $1,247,200. It was a much different story under the sound management of Chairman Bob Pogue of Texas who kept the budget of his committee in line with $150,000. He was deposed and the next year their budget was raised to $750,000.

Look at the Government Operations Committee: In 5 short years, an increase from $891,000 to $2,474,000—nearly tripled. This pays for 66 investigative staff—60 for the majority and six for the minority. Remember, total investigative staff in the House is 954—807, or 85 percent, are hired by the Democrats and the remaining 15 percent, or 145, are serving Republican Members.

The committee for the Judiciary still carries the huge staff used in the Watergate investigation. At that time they increased their permanent staff from 15 to 30. In 1975, they spent $895,000; now they get $1,406,000.

In 1973, Rules Committee employed seven staff members; today it lists 40—a 700 percent increase. Not surprisingly, Rules has shown the largest increase in total expenditure—statutory and investigative—of any committee from 1973 to 1979: $150,213 to $1,136,509—an escalation of 655 percent.

The Committee on the Budget is one committee that Congress should abolish. This committee is duplicative of the House Appropriations Committee, the Senate Budget Committee, and the Congressional Budget Office. The major activity of the Budget Committee is to serve as arbiter of the lengthy nonconclusive floor debates.

Let us cut my own committee—Interstate and Foreign Commerce. The present ratio in the staffing composite shows the Democrats controlling 107 of the subcommittee staff while the minority party is alloted 14. Is such an 8-to-1 ratio equitable

We must curb this unending growth. The results are lack of coordination and duplication of work. We could cut staffs by 50 percent and produce a better legislative product.

Numerous workgroups exacerbate other problems which have impact on the size and cost of staffing congressional committees. In the early 1970's, Members served on an average 3.2 committees and subcommittees; in the last Congress, Members served on the average of 6.2 panels, with 223 Members having seven or more assignments. This obviously spreads Members too thin. Rather than cut back subcommittees or reform the scheduling procedures, we allow committee staff to act as surrogate members by authorizing them to hear testimony, draft legislation, and write committee reports.

Oversized committee staff causes duplication of effort between committees over jurisdictional claims. Two annexes exist to house staff in addition to the three House Office Buildings and we are currently considering usurping more land. Beyond the problems of space and facilities are the problems of services.

Computer support and support agency work are illustrative in this regard. A prime example is the nearly $10 million we are spending for the House Information Systems to operate a computer system for the sole use of Members of Congress. The Library of Congress provides a similar computer service. Created in 1971, HIS has already swollen to over 200 employees. These 200 people are being paid to provide information which is available by terminals already in Member offices. Computer services, in addition to those provided by the Library of Congress, are also available from the Congressional Budget Office and the General Accounting Office. Recent efforts to coordinate these services have met with failure. And these agency staffs continue to grow.

Another problem is a ramification of subcommittee proliferation and therefore a source of wasteful staff resources and bloated costs—overlapping jurisdictions. For example, 83 House committees and subcommittees claim some jurisdictional right over energy. And yet we have no integrated policy in this area. If the responsibility were not so fragmented we could indeed forge policy, alleviate staff duplication and reduce their ranks, and most important, save countless dollars for the taxpayers.

We have additional problems with select committees such as the one on narcotics abuse and control. This panel repeats the work of at least eight standing committees and innumerable subcommittees. We paid $3 million for that committee.

And let us not forget the ultimate in redundancy: The committee on committees. This was nothing more than a talk group, but required $800,000 for the privilege of the panel's existence.

Speaking of unnecessary committees, the following table shows that more than half of the subcommittees which could be cataloged and monitored met for only about ten 8-hour workdays in the 95th Congress. These include such critical workgroups as "special investigations," "the city," "forests," "presidential pay recommendations," "select subcommittee on WASPS," "policy group on information and computers," and the "task force on fringe benefits."

APPENDIX G

95TH CONGRESS—SUBCOMMITTEE WORKLOAD

Committee/name of subcommittee	Minutes in session	Rank
IF 3—Energy and Power	29,010	1
IF 4—Health and the Environment	28,661	2
IF 1—Communications	22,974	3
MM 2—Fish, Wildlife Cons. and Env.	20,540	4
IF 2—Oversight and Investigation	19,529	5
II 3—Gen. Overs. and Alaska Lands	16,953	6
IF 5—Consumer Protection and Finance	16,000	7
ED 1—Elementary, Secondary and Voc. Ed	14,548	8
II 1—Indian Affairs and Public Lands	13,890	9
WM 7—Welfare Reform	12,924	10
BA 4—Housing and Community Development	12,305	11
SY 6—Environment and the Atmosphere	11,622	12
II 5—Water and Power Resources	11,082	13
PW 5—Aviation	11,059	14
WM 4—Trade	10,574	15
SY 4—Domestic and Int'l. Scientific Planning Analysis and Cooperation	10,419	16
ED 5—Compensation, Health and Safety	10,385	17
AS 1—Research and Development	10,265	18
II 4—National Parks and Insular Affairs	10,132	19
II 6—Energy and the Environment	10,077	20
WM 6—Oversight	10,006	21
MM 6—Merchant Marine	9,704	22
ED 4—Select Education	9,561	23
BA 7—Fin. Inst. Supervision, Reg. and Insurance	9,276	24
SY 2—Space Science and Applications	8,529	25
IR 4—International Organizations	8,295	26
SY 3—Science Research and Technology	8,153	27

APPENDIX G—Continued

96TH CONGRESS—SUBCOMMITTEE WORKLOAD

Committee/name of subcommittee	Minutes in session	Rank
AS 6—Investigations	8,068	28
IF 6—Transportation and Commerce	8,003	29
SY 1—Fossil and Nucl. Energy R., D., and Demonst	7,783	30
IR 3—Africa	7,722	31
GO 3—Govt. Activities and Transportation	7,492	32
BA 5—Economic Stabilization	7,458	33
SY 5—Adv. Energy Technologies and Energy Consv. Research, Dev. and Demonstration	7,434	34
MM 1—Coast Guard and Navigation	7,370	35
MM 4—Oceanography	7,367	36
GO 1—Env., Energy and Natural Resources	7,123	37
GO 6—Legislation and National Security	7,122	38
II 2—Mines and Mining	6,932	39
AG 6—Family Farms, Rural Dev. and Sp. Stud	6,875	40
AS 2—Military Personnel	6,826	41
PO 2—Compensation and Employee Benefits	6,749	42
ED 6—Employment Opportunities	6,607	43
WM 2—Health	6,592	44
PW 4—Public Buildings and Grounds	6,476	45
SM 3—Antitr. Restr. of Trade Act, Affecting Small Business	6,369	46
GO 7—Manpower and Housing	6,301	47
JU 1—Immigration, Citizenship and Int'l Law	6,254	48
AS 4—Military Installations and Facilities	6,097	49
IR 2—International Operations	5,999	50
GO 4—Intergovt. Relations and Human Resources	5,837	51
SY 7—Transportation, Aviation and the Weather	5,794	52
AS 5—Seapower and Strategic and Critical Materials	5,829	53
JU 6—Crime	5,608	54
PW 2—Water Resources	5,562	55
PW 6—Economic Development	5,514	56
AG 1—Conservation and Credit	5,500	57
GO 5—Commerce Consumer and Monetary Affairs	5,213	58
ED 7—Economic Opportunity	5,072	59
PW 3—Surface Transportation	4,955	60
AG 5—Domestic Mkting., Cons. Rel and Nutrition	4,947	61
SM 4—Impact of Energy Problems, Env. and Safety Regs. and Govt. on Small Business	4,825	62
ED 2—Labor-Management Relations	4,798	63
II 7—Special Investigations	4,775	64
IR 5—Europe and the Middle East	4,709	65
JU 2—Admin. Law and Governmental Relations	4,635	66
PW 1—Investigations and Review	4,625	68
SM 5—Capital Investment and Bus Opps.	4,620	67
JU 3—Cts., Civ. Liberties and the Adm. of Just	4,305	69
AS 7—Intelligence and Mil. Appl. of Energy	4,210	70
WM 1—Social Security	4,184	71
GO 2—Gov't. Info. and Individual Rights	4,139	72
IR 7—Int'l. Economic Policy and Trade	4,090	73
PO 1—Census and Population	3,995	74
BA 2—Consumer Affairs	3,682	75
SM 2—Minority Enterprise and Gen. Oversight	3,548	76
DT 1—Fiscal and Government Affairs	3,522	77
WM 3—Public Assist. and Unempl. Compensation	3,479	78
JU 4—Civil and Constitutional Rights	3,397	79
ED 8—Post Secondary Education	3,344	80
ED 3—Labor Standards	3,335	81
AG 4—Dept. Invest. Overs. and Research	3,305	82
BA 8—Int'l. Trade, Investm. and Monetary Policy	3,304	83
SM 1—SBA and SBIC Auth. and Gen. Bus. Probs	3,281	84
IR 6—Asian and Pacific Affairs	3,274	85
IR 8—Inter American Affairs	3,131	86
HA 1—Accounts	3,088	87
AS 10—NATO Standardization, Interoperability and Readiness	3,029	88
SM 6—Special Small Business Problems	2,993	89
JU 7—Criminal Justice	2,985	90
WM 5—Misc. Revenue Measures	2,863	91
PO 4—Employee Ethics and Utilization	2,672	92
IR 1—Int'l. Security and Scientific Affairs	2,519	93
BA 10—The City	2,490	94
PO 3—Civil Service	2,458	95
AG 7—Forests	2,391	96
AS 3—Military Compensation	2,384	97
PO 6—Postal Operations and Services	2,305	98
MM 5—Panama Canal	2,239	99
VR 2—Education and Training	2,067	100
AG 3—Dairy and Poultry	1,935	101
DT 3—Judiciary	1,862	102
VR 3—Medical Facilities and Benefits	1,843	103
JU 5—Monopolies and Commercial Law	1,831	104
AG 8—Livestock and Grains	1,817	105
BA 9—General Overs. and Renog	1,495	106
BA 3—Domestic Monetary Policy	1,455	107
BA 6—Int'l. Dev. Inst. and Finanace	1,443	108
VR 1—Compensation, Pensions and Insurance	1,326	109
IR 9—International Development	1,247	110
PO 5—Postal Personnel and Modernization	1,201	111
DT 2—Economic Dev. and Regional Affairs	1,165	112
PO 8—Presidential Pay Recommendations	1,110	113
VR 6—Select Subc. on WASPS	1,092	114
BA 1—Historic Preservation and Coinage	1,022	115
HA 2—Contracts	988	116
PO 7—Investigations	905	117
VR 4—Housing	914	118
HA 4—Libraries and Memorials	910	119
VR 5—Cemeteries and Burial Benefits	888	120
AG 10—Tobacco	882	121
HA 7—Office Systems	594	122
HA 8—Policy Group an Info., and Computers	590	123
HA 3—Services	578	124
MM 3—Maritime Ed. and Training (Ad Hoc)	557	125
WM 8—T.F. on Employment Fringe Benefits (temp.)	480	126
GA 9—Oilseeds and Rice	467	127
HA 5—Personnel and Police	299	128
AG 2—Cotton	223	129
HA 6—Printing	137	130

Note: Workload data for the 95th Congress is compilied from the JAWS data base prepared by the Select Committee on Congressional Operations. The data excludes, Subcommittees of Appropriations, Rules, and all joint, select and ad hoc committees.

For an overall view of the true costs of these supplemental funds for investigative staff, examine the following chart which illustrates the money provided to committees. Remember, this is not total of all funds, just investigative.

Calendar year:	Authorization
1971—1st sess. 92d Cong	$12,620,350
1972—2d sess. 92d Cong	8,171,772
1973—1st sess. 93d Cong	17,775,577
1974—2d sess. 93d Cong	13,545,015
1975—1st sess. 94th Cong	26,582,185
1976—2d sess. 94th Cong	30,840,974
1977—1st sess. 95th Cong	39,061,180
1978—2d sess. 95th Cong	46,326,286

Want the estimate on fiscal year 1980 special funding? $55,551,200. And that does not include any supplementals which may be necessary due to that lame duck session in November.

During the 96th Congress, House committees requested $95,395,460 for investigations and studies. Frankly, I feel that budgeting like this should be audited by a top accounting firm—definitely not in house.

And herein lies the key—responsibility. We are the elected Representatives. We were sent to represent our constituents. We were sent to formulate policy. It is the "unelected representatives," the committee staffs, who have assumed the roles the electorate has entrusted to us.

We need to be brave enough to cut into the powerbases and fiefdoms which have built up around here. Remember, clerks were not authorized for Members until 100 years after the first Congress.

Let us pledge to stand firm and have less government with less taxes by having less committee staff.

TABLE I.—HOUSE COMMITTEE STAFF TOTALS, 1971–79

[Combined statutory and investigative staff]

Committee	1971	1972	1973	1974	1975	1976	1977	1978	1979	March 1980
Agriculture	18	17	20	22	48	58	56	58	68	67
Appropriations	61	75	75	85	98	118	125	129	135	135
Armed Services	33	33	29	30	38	39	48	45	50	49
Banking	49	48	51	59	85	112	107	110	105	100
Budget	(1)	(1)	(1)	(1)	67	65	76	77	95	84
District of Columbia	15	20	34	37	43	54	38	36	41	92
Education and Labor	82	94	95	108	114	129	102	103	113	129
Government Operations	57	55	58	64	68	73	80	82	83	85
House Administration[2]	31	70	122	163	217	248	268	269	284	272
Interior	19	26	38	31	57	58	64	68	74	70
International Security	55	51	42	42	27	(1)	(1)	(1)	(1)	----------
International Relations	32	35	36	41	54	64	93	101	85	81
Interstate and Foreign Commerce	46	44	56	58	112	138	130	149	160	153
Judiciary	39	36	44	172	69	84	84	82	82	82
Merchant Marine and Fisheries	23	27	22	22	28	34	62	79	91	123
Post Office and Civil Service	44	48	44	43	61	64	61	65	65	62
Public Works	47	54	64	72	88	101	88	83	82	78
Rules	6	6	7	9	18	26	24	25	40	97
Science and Technology	25	26	27	29	47	53	77	80	89	86
Small Business	(1)	(1)	(1)	(1)	27	31	39	40	50	51
Standards of Official Conduct	5	6	5	6	5	14	31	37	15	17
Veterans Affairs	19	18	18	18	26	31	31	34	34	34
Ways and Means	23	28	31	32	63	86	92	93	98	90
Total, standing committees	729	817	918	1,143	1,460	1,680	1,776	1,844	1,939	1,937

[1] Not a standing committee for year in question.

[2] For 1972 to present, figure includes employees of House Information Systems, the House of Representatives central computer facility.

Source: Committee employment reports for the period ending June 30 of each year, printed in Congressional Record for 1947–70 For 1971–76, the Report of the Clerk of the House for the period ending June 30 of each year. For 1977 and 1978, The report for the period ending Sept 30 was used.

TABLE II.—HOUSE OF REPRESENTATIVES TOTAL EXPENDITURES—STATUTORY AND INVESTIGATIVE

	1973	1979	Percent increase
Agriculture	375, 027	1, 996, 218	432
Armed Services	657, 283	1, 459, 290	122
Banking and Finance	1, 200, 588	2, 991, 829	149
District of Columbia	570, 546	1, 122, 659	96
Education and Labor	1, 467, 222	2, 957, 962	101
Foreign Affairs	791, 409	2, 538, 260	220
Government Operations	1, 231, 077	2, 503, 073	189
Interior	817, 638	2, 386, 666	189
Commerce	1, 529, 719	4, 414, 099	188
Judiciary	954, 810	2, 273, 668	138
Merchant Marine	442, 409	2, 597, 945	487
Post Office	815, 716	1, 810, 949	122
Public Works	1, 389, 830	2, 649, 586	90
Rules	150, 213	1, 136, 509	656
Science and Technology	633, 500	2, 571, 117	305
Small Business	611, 109	1, 231, 665	101
Veterans Affairs	355, 124	929, 034	161
Ways and Means	666, 464	3, 038, 132	355

TABLE III.—BREAKDOWN OF MAJORITY/MINORITY POSITIONS ON HOUSE COMMITTE INVESTIGATIVE STAFF, SURVEY, FEBRUARY 1980

Committee	Positions authorized	Positions filled	Number, majority staff	Number, minority staff
Agriculture	39	39	28	11
Armed Services	20	6	6	0
Banking, Finance and Urban Affairs	78	79	67	12
District of Columbia	15	15	14	1
Education and Labor	85	83	68	15
Foreign Affairs	57	50	47	3
Government Operations	64	66	60	6
House Administration	61	61	60	1
Interior and Insular Affairs	45	41	33	8
Interstate and Foreign Commerce	136	133	118	15
Judiciary	58	52	49	3
Merchant Marine and Fisheries	61	61	54	7
Post Office and Civil Service	35	36	32	4
Public Works and Transportation	55	50	32	18
Rules	13	19	44	5
Science and Technology	59	58	47	11
Small Business	29	29	23	6
Veterans Administration	11	11	8	3
Ways and Means	68	65	47	18
Total	989	954	807	145
Percentages		100	85	15

TABLE IV.—FUNDING FOR COMMITTEE STAFFS: 1979 AND 1980

	1979 yea/nay	1980 yea/nay
Agriculture	Voice vote	288–115
Armed Services	256–103	Voice vote
Banking and Finance	249–121	231–169
District of Columbia	222–187	Voice vote
Education and Labor	201–171	210–184
Foreign Affairs	239–135	220–175
Government Operations	268–127	241–159
House Administration	253–119	232–162
House Information Systems	Voice vote	228–174
Interior	257–138	257–146
Interstate and Foreign Commerce	Voice vote	271–132
Judiciary	285–100	260–139
Merchant Marine	Voice vote	237–166
Post Office	249–147	206–194
Public Works	267–98	307–92
Rules	249–163	220–176
Science and Technology	286–109	257–145
Small Business	266–94	343–57
Standards of Official Conduct	353–53	382–1
Veterans' Affairs	267–100	Voice vote
Ways and Means	242–122	250–151
Select Committee on Aging	Voice vote	235–161
Select Committee on Intelligence	272–101	Voice vote
Select Committee on Committees	212–180	199–198
Select Committee on Narcotics	Voice vote	252–146
Select Committee on Outer Continental Shelf	210–110	183–218
Average	[1] 264–120	[2] 248–151

[1] 19 rollcall votes.
[2] 22 rollcall votes.

Note: "No" vote is to reduce committee staff funding.

☐ 1940

TRIBLE PROPOSES LEAVE CARRY-OVER FOR FRONTLINE MILITARY PERSONNEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. TRIBLE) is recognized for 15 minutes.

Mr. TRIBLE. Mr. Speaker, the trouble spots of the world continue to multiply, and the demands placed upon our Armed Forces—especially our Navy grow. The pressure is most acute in the Indian Ocean. Since, shortly after the hostages were seized almost a year ago, there has been an American carrier group in the Indian Ocean.

The war between Iran and Iraq intensifies the need for an American presence. An effort to close the Straits of Hormuz to tanker traffic would escalate the demands on our fleet exponentially.

The result of these deployments is an extraordinary fleet operating tempo. We are forced to compensate for the lack of fleet resources by imposing onerous demands on the resources at our disposal. Ships and their crews are at sea for periods far exceeding their regular tours of duty, not only in the Indian Ocean, but worldwide.

The demands have meant hardship for our sailors. Sea duty necessitates leaving home and family, adapting to the unpredictability of ship operating schedules, the most limited recreational opportunities and inport duties to maintain a ship's readiness.

The arduous and unique character of sea duty is now compounded by an additional burden resulting from the current operating tempo. Military personnel assigned to most deployable ships, mobile units, and even personnel in shore stations are denied the opportunity to take leave.

Isolated duty, operational commitments and manpower shortages, all combine to curtail opportunities for rest and respite from military duties. It is difficult to take available leave when serving on a carrier stationed in the Indian Ocean, and the geographic isolation of the fleet permits virtually no access to liberty ports.

The leave entitlements of these sailors accumulates, yet there is no way to take advantage of it. The law presently establishes a maximum annual accumulation of 60 days, leave time. Leave days accrued in excess of 60 days, are deducted from a member's account without compensation at the end of the fiscal year.

This limitation denies personnel the opportunity to use hard-won leave time. It accumulated while they are at sea, yet they cannot take advantage of it. At the close of the fiscal year, leave in excess of 60 days is disallowed. What they have earned becomes unavailable to them. Through no fault of their own, they are being denied what is rightfully, if not legally, theirs. They are paying a penalty for serving their country.

Data from the Department of the Navy indicates that sailors currently in the Indian Ocean are scheduled to be assigned to the area will lose from 4 to 21 days' leave in fiscal 1981. There will be comparable losses in the next fiscal year. This is simply unfair. We cannot expect to remedy our military manpower problems if we impose unjust burdens on our personnel.

This inequity is recognized in our statutes. Personnel serving in a hostile fire area may accumulate up to 90 days leave. Personnel assigned to duty when they are unable to take leave are granted additional leave entitlement.

The bill I am introducing today would extend the entitlement to excess leave accumulation. It would permit the Secretaries of the armed services to authorize a 90-day limit on leave accumulation for members assigned to ships, mobile units and shore personnel. The Secretary will be able to take into account the extraordinary demands now placed on the fleet and the inequity inherent in existing law. It will eliminate the "leave penalty" now afflicting our service men and women.

Moreover, this legislation will entail virtually no additional cost to the Federal Government. The bill merely enables individuals to take more of the leave time they have earned. It will not affect program costs.

Enactment of this legislation would be a visible signal of congressional concern and understanding. It graphically demonstrates that Congress appreciates the arduous conditions our personnel endure, and the invaluable contribution they make in this period of continuing crisis.

LEGISLATION TO CLARIFY WINDFALL PROFITS TAX

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, I am today introducing a bill to clarify language in the windfall profits tax which exempts State and local governments from the tax.

When Congress passed the tax, the legislative history in both Houses was abundantly clear that our intent was to exempt revenues to States or other governmental subunits from the tax if the money was to be spent on public programs. It is also clear that we—including the Joint Tax Committee—believed that the language of the statute included all States, counties, cities, and so forth.

Now, however, the Treasury Department has finished writing the regulations for the windfall profits tax, and they tell us that they cannot construe the language of the legislation to include the type of "net profits" agreements which the California State Lands Commission and the city of Long Beach have with private companies for production of oil on public lands. This problem may also include some other areas of the country, but it will mean hundreds of millions of dollars in lost revenue in California.

The bill I am introducing today has been recommended and requested by the Treasury Department to allow them to carry out the intent of Congress on these exemptions. I am not going to go into all of the fine points of this problem. It is obvious that a barrel full of tax lawyers are having trouble understanding the specifics. I believe this legal nitpicking is absurd, and I remain hopeful that an administrative resolution of this problem can be found in the next few weeks. Meanwhile, I also believe we should also go forward with this new clarifying legislation in case it is necessary.

I am aware of the reluctance of the Ways and Means Committee to reopen any aspect of the windfall profits tax this year. However, this bill does have the unique elements that it: First, reaffirms what clearly was the intent of Congress to begin with; and second, has been requested by the administration.

We cannot wait for the lengthy process which may begin next year to consider a number of actual changes in the tax. The U.S. Treasury is already withholding windfall profits tax money from the State of California that is a greater amount than would be owed by the State in the worst possible scenario. Even if we passed this measure today, it would take the State a year to recover these funds. If we do not find a solution this year, the return of these moneys may not be accomplished for many years. During that time, we will probably accomplish no more than fatten the accounts of a host of tax attorneys.

LIVESTOCK PRODUCERS ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 5 minutes.

● Mr. DASCHLE. Mr. Speaker, I am today introducing the Livestock Producers Act of 1980 which is aimed at assisting young families seeking to start as livestock producers. This legislation was prepared in cooperation with the South Dakota Meat Promoters and other State producers.

Soaring production costs stacked against dismal transportation and storage problems and the lowest parity ratio since 1933 add up to a bleak picture for established farmers and ranchers and an impossible situation for those who are attempting to start up operation.

Over 1,300,000 farms have been lost in the United States in just two decades and South Dakota has lost one-third of its farms in that same period. The average age of a farmer today is 55 and so giving our young farmers a helping hand is a matter of survival for the family owned and run agricultural system.

Solid, stable prices are the key to prosperity in livestock production just as they are in all of agriculture. But for people just starting out the immense initial costs can make their job impossible even when prices are good. This legislation, which proposes FmHA loan guarantees and a system of deferred principal, would help young farmers and ranchers who have the background necessary to operate a successful livestock operation but lack sufficient credit to begin an operation.

While this bill does not limit access solely to beginning ranchers and farmers, it does stipulate that one-half of the programs' resources must be reserved for farmers and ranchers under 36 years of age. The Livestock Producers Act of 1980 is not a cure-all, but it is a needed building block in the effort to construct a sound farm program.

For the benefit of my colleagues I include a summary of this legislation along with the text of the bill to be printed in the RECORD. I urge your consideration and solicit your comments on this proposal.

SUMMARY OF THE LIVESTOCK PRODUCERS ACT OF 1980

PURPOSE

Authorizes the Department of Agriculture, through the Farmers Home Administration, to provide loan guarantees to individuals wishing to engage in livestock production on a full-time basis, and who could not do so without this program.

Maximum amount of the loan: $350,000.

ELIGIBILITY REQUIREMENTS

(1) Producer must primarily be involved in agricultural production

(2) The Producer must have a sufficient knowledge of the livestock industry, either through experience, training, or education.

(3) Be unable to receive credit from other lending institutions.

(4) Fifty percent of the total amount of the loans must go to livestock producers under 36 years of age.

APPLICATION PROCEDURE

Applications shall be submitted to the Department of Agriculture and shall provide such financial information as may be necessary to insure wise financial management of this program.

This application shall be either approved or disapproved within 90 days after the application is filed.

If the application is disapproved, the Department must inform the application of the reasons for this denial.

TERMS AND CONDITIONS OF THE LOAN GUARANTEES

Interest Rates: Agreed upon between the borrower and lender, and approved by the Department of Agriculture.

Repayment: Either at a repayment program agreed upon by the borrower and the lender, or according to the following variable schedule:

Years 1–3, full interest payments each year, and no principal payments.

Years 4–6, full interest payments each year, and 7 percent of the original principal amount paid each year.

Years 7–10 full interest payments each year, and 7 percent of the original principal amount paid each year.

Years 11–14, full interest payments each year, and 12 percent of the original principal amount paid each year.

It is the intention of this program that the borrower move to conventional financing after year 10, if possible, with years 11–14 available at a higher principal repayment.

DEFINITIONS

Livestock: means beef cattle, dairy cattle (including dairy cattle raised for the primary purpose of marketing dairy products), swine, sheep, goats, chickens, and turkeys.

H.R. 8251

A bill to authorize the Secretary of Agriculture to guarantee graduated payment loans to assist individuals in establishing and operating livestock production facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Livestock Producers Act of 1980".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to authorize the Secretary of Agriculture to guarantee loans made to individuals who wish to engage in livestock production on a full-time, career basis but who are unable, without a loan guarantee provided under section 3(a), to so engage in such livestock production.

LIVESTOCK PRODUCER LOAN GUARANTEES

SEC. 3. (a)(1) Subject to paragraph (2), the Secretary is authorized to guarantee the payment of the principal of and interest on loans made by private lenders for the establishment and operation of livestock production facilities in the United States to individuals who are eligible under subsection (b) and to take such other actions as may be necessary to carry out this Act.

(2) The aggregate amount of the principal of and interest on loans made to any individual which may be guaranteed under paragraph (1) may not exceed $350,000.

(b) The Secretary shall establish criteria for determining the eligibility of individuals to receive loan guarantees under subsection (a). Such criteria shall be designed to ensure that the conditions of eligibility include requirements that any such individual—

(1)(A) be primarily and directly engaged in livestock production, or

(B) intend to be primarily and directly engaged in livestock production if such individual receives the loan with respect to which such a loan guarantee is requested,

(2) have sufficient knowledge of livestock production by training, experience, or education to ensure a reasonable prospect for the successful establishment and operation of the livestock production facility with the assistance of such loan, and

(3) be unable, without such loan guarantee, to obtain sufficient credit to finance the establishment and operation of the livestock production facility involved on reasonable terms and conditions, taking into consideration prevailing private and cooperative terms and conditions for loans for similar purposes and periods of time.

APPLICATION FOR LOAN GUARANTEE

SEC. 4. No loan may be guaranteed under section 3(a) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be submitted in such form and according to such procedures as the Secretary may require by rule. Such application shall contain—

(1) assurances by the applicant that any loan guaranteed under section 3(a) shall be used only for—

(A) purchasing or leasing real property,

(B) acquiring livestock, or

(C) acquiring livestock production equipment,

which is necessary for the establishment or operation of the livestock production facility with respect to which such loan guarantee is requested,

(2) information concerning—

(A) the total cost of the livestock production facility with respect to which such loan guarantee is requested, and

(B) the operating costs of, and income to be derived from, the operation of such livestock production facility.

(3) assurances that the applicant will keep such records and afford such access thereto, and make such reports in such form, at such times, and containing such information, as the Secretary may require by rule, and

(4) such other information and assurances as the Secretary may require.

The Secretary shall approve or disapprove such application not later than 90 days after receiving such application. If the Secretary disapproves such application, the Secretary shall make available to the applicant the reasons for such disapproval.

TERMS AND CONDITIONS OF LOAN GUARANTEES

SEC. 5. (a) The rate of interest payable with respect to any loan guaranteed under section 3(a) shall be a rate agreed upon by the borrower and the lender and approved by the Secretary.

(b) No loan may be guaranteed under section 3(a) unless—

(1) the Secretary determines that the terms and conditions applicable to such loan are reasonable and meet such standards as the Secretary determines by rule to be sufficient to protect the financial interests of the United States, and

(2)(A) such loan shall be repaid in accordance with a variable repayment program agreed upon by the borrower and the lender and approved by the Secretary, or

(B) such loan shall be repaid in accordance with the following schedule applicable to the part of the loan term to which the loan guarantee applies:

(i) at the end of each year of the 3-year period beginning on the date such loan is made, a payment equal to the interest payable for such year,

(ii) at the end of each year of the 3-year period beginning on the expiration of the period specified in clause (i), a payment equal to the sum of the interest payable for such year and not more than 7 percent of the original principal amount of such loan,

(iii) at the end of each year of the 4-year period beginning on the expiration of the period specified in clause (ii), a payment equal to the sum of the interest payable for such year and not more than 8 percent of such original principal amount, and

(iv) at the end of the 4-year period beginning on the expiration of the period specified in clause (iv), a payment equal to the sum of the interest payable for such year and not more than 12 percent of such original principal amount.

(c) No loan may be guaranteed under section 3(a) for a period exceeding 14 years notwithstanding the term of such loan.

(d) In each fiscal year the cumulative total of the original principal of new loans guaranteed under section 3(a) in such fiscal year shall not exceed $5,000,000,000. Not less than 50 percent of such cumulative total shall be for the establishment and operation of livestock production facilities by individuals who are under 36 years of age at the time such loans are guaranteed.

LIVESTOCK PRODUCER LOAN GUARANTEE FUND

SEC. 6. (a) There is hereby established in the Treasury of the United States a revolving fund to be called the "Livestock Producer Loan Guarantee Fund" which, to the extent provided in advance by appropriation Acts, shall be available to the Secretary without fiscal year limitation to carry out this Act.

(b) There shall be deposited in the Fund—

(1) amounts appropriated for use by the Secretary to carry out this Act, and

(2) any interest earned on investments made with moneys of the Fund.

(c) With respect to loans guaranteed under section 3(a), the Secretary may—

(1) require that borrowers pay such fees and other charges as the Secretary may require,

(2) use the moneys of the Fund to pay—

(A) amounts to which the holder of a note is entitled on such loans, accruing between the date of any payments made by the borrower and the date of transmittal of any such payments to such holder, and

(B) to the holder of such note any deferred or defaulted installment or, upon assignment of such note to the Secretary at the Secretary's request, the balance due on the loan, and

(3) purchase notes in accordance with agreements previously entered into.

(d) If the Secretary determines that the moneys of the Fund are in excess of current needs, he may request that such amounts as the Secretary deems advisable be invested by the Secretary of the Treasury in obligations of or guaranteed by the United States and, with the approval of the Secretary of the Treasury, in such other obligations or securities as the Secretary deems appropriate.

(e) With the approval of the Secretary of the Treasury, the Secretary may deposit moneys of the Fund in any Federal Reserve Bank, any depository for public funds, or such other places as the Secretary deems appropriate.

DEFINITIONS

SEC. 7. For purposes of this Act—

(1) the term "establishment and operation of a livestock production facility" includes expansion of a livestock production facility,

(2) the term "Fund" means the Livestock Producer Loan Guarantee Fund established in section 6(a),

(3) the term "livestock" means beef cattle, dairy cattle (including dairy cattle raised for the primary purpose of marketing dairy products), swine, sheep, goats, chickens, and turkeys,

(4) the term "livestock production" means the production of livestock for the primary purpose of producing food for human consumption,

(5) the term "livestock production facility" does not include real or personal property used in the slaughter of livestock,

(6) the term "Secretary" means the Secretary of Agriculture unless the context specifies otherwise,

(7) the term "United States" shall have the meaning given it in section 343(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(6)), and

(8) the term "variable repayment program" means a program for the repayment of a loan under which the borrower and the lender agree that the terms of such loan shall be altered after entering into the loan agreement, to increase the term of the loan or to decrease or defer interest or principal payments, during any period of financial distress to the borrower.

EFFECT ON OTHER LAWS

SEC. 8. Any loan guaranteed under section 3(a) which contains any graduated payment provisions (including provisions adding deferred interest to principal) in accordance with this Act and applicable regulations promulgated under this Act shall not be subject to any State constitution, statute, court decree, common law, rule, or public policy—

(1) limiting the amount of interest which may be charged, taken, received, or reserved, or the manner of calculating such interest (including prohibitions against charging interest on interest), if such constitution, statute, court decree, common law, rule, or public policy would not apply to such loan but for the operation of such graduated payment provisions, or

(2) requiring a minimum amortization of the principal of such loan.

ADMINISTRATION

SEC. 9. The Secretary shall carry out this Act through the Farmers Home Administration.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There is authorized to be appropriated $500,000,000 for deposit in the Fund.

EFFECTIVE DATE

SEC. 11. This Act shall take effect on October 1, 1981.●

GENERAL PULASKI'S MEMORIAL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, 201 years ago on October 11, the great patriot and brilliant military leader Gen. Casimir Pulaski, who assisted the Americans in their fight for freedom during the Revolutionary War, sacrificed his life in the cause of liberty.

Joseph Wiewiora, the former editor of Chicago's Polish Daily Zgoda and the Weekly Zgoda, has written an article summarizing the life and courageous exploits of Pulaski, and excerpts from Mr. Wiewiora's article follow:

> Casimir, or, in Polish, Kazimierz Pulaski, was born on March 4, 1747, in the small town of Warka near Warsaw, Poland.
>
> After completing his elementary education at Warka and higher education in the school of Theatine Order in Warsaw, he served briefly at the Court of Prince Charles of Courland, then under Poland's suzerainty and now a part of Latvia.
>
> His formative years coincided with the stormy and tragic period of Poland's history when Russia began meddling in the internal affairs of the Polish state and threatening its external sovereignty and security.
>
> Pulaski's first encounter with the Russians took place in June, 1767 in Courland.
>
> On January 22, 1768 with his father Jozef and a group of patriotic gentry, Pulaski organized the Confederacy of Bar (a city in Podolia, one of Poland's south eastern provinces), to save Poland from Russian aggression and interference.
>
> Pulaski soon became an outstanding commander in guerrilla warfare conducted by the confederates.
>
> In 1769 he was elected Marshall of Poland's freedom forces at the age of 22 and became a national hero in 1771 when he defeated overwhelming Russian forces at Czestochowa, the site of the monastery of Our Lady of Bright Mount.

He proved to be a superior strategist. He knew how to make use of terrain in partisan fighting and how to hold the initiative. When faced with superior strength he would harass the enemy ranks and refuse to give open battle.

Due to steadily increasing Russian pressure and king Poniatowski's vacillations the confederacy distintegrated and Pulaski, unjustly charged with the crime of regicide, was forced into exile in 1773. He spent the next three years in the Balkans and Turkey endeavoring to organize concerted military action against Russia, but in vain.

Disheartened, he arrived in Paris in November, 1776, and his dejection and despair turned in to renewed enthusiasm and vigor at the prospect of serving the cause of American colonies then fighting for their freedom and independence.

Pulaski was already known to the French Royal Court as an outstanding military leader. The court warmly recommended him to Benjamin Franklin who at that time was seeking volunteers for American Revolution.

Franklin was also acquainted with Pulaski's military stature and exploits. After a brief meeting with him, Franklin gave Pulaski letters of recommendation to the Continental Congress and to General George Washington.

With necessary funds provided by Silas Deane, Pulaski left France and arrived in America on June 23, 1777 aboard the ship Massachusetts, debarking at Marblehead.

In a letter sent to Continental Congress on July 24, Pulaski, offering his services to the Revolution and requesting to be assigned under direct command of Gen. Washington, of Marquis Lafayette, asked "for an opportunity to prove myself as a good officer."

The opportunity "to prove himself as a good officer" came about on September 11 at the battle of Brandywine, where he exposed himself to great danger by riding close to the British lines and reconnoitering their position. At a critical moment, with Washington's permission, he took command of the Commander-in-Chief's cavalry detachment and charged the British lines, staying their advance. By this attack on the British vanguard under Lord Cornwallis, Pulaski saved military supplies of Washington's Army.

After the Battle of Brandywine, Washington made another stand for the defense of Philadelphia and had a skirmish with Howe's Army twenty miles West of that city. Heavy rain prevented a general battle and Washington retreated to Reading.

Then on October 4, 1777 the armies faced each other at Germantown near Philadelphia.

The Americans were defeated and Washington went into winter quarters at Whitemarsh and was again attacked there by Howe on December 4. The encounter was rather of a skirmish nature. Howe then retired to Philadelphia and Washington moved to Valley Forge in Schuykill River, 20 miles northwest of Philadelphia.

In both encounters Pulaski distinguished himself and was noted by the Commander-in-Chief for his bravery and bold tactics.

During the terrible Valley Forge Winter, Pulaski had been stationed in Trenton, N.J., where he reorganized his Cavalry Corps and issued its first service regulations.

On February 25, 1778, Pulaski met with Washington at Valley Forge. Dissatisfied with the relatively minor role American military thinking assigned to the Cavalry, Pulaski submitted his resignation as Commander of the Calvary Corps and presented a plan for the formation of an independent Corps of Light Cavalry and Infantry.

With Washington's endorsement Pulaski presented this plan on March 18 to the War Department at Yorktown.

Ten days later, on March 28, Congress authorized the formation of the Independent Corps and retained Pulaski's rank of Brigadier General.

From October 8, 1778 through February 8, 1779, Pulaski Legion was engaged in minor skirmishes with the British while guarding the frontiers at Egg Harbor and Minising on the Delaware River.

On February 8, Pulaski Legion was ordered to the Southern Theater of Operations, to join Gen. Benjamin Lincoln's Army.

The Savannah, Ga., story begins on March 3, 1779, when two thousand American troops under Gen. James Ashe were defeated by the British under Gen. Provost, at Brier Creek. After the battle Provost invaded South Carolina and marched toward Charleston.

Pulaski Legion, as a part of Gen. Lincoln's Army hastened to the relief of Charleston and Provost hastily retreated to Savannah, Ga.

"In the unfortunate siege of Savannah, Pulaski was engaged with his Legion, and displayed his accustomed activity and valor, which, however, proved fatal, and terminated his military and earthly career.

"The unexpected appearance of the French fleet on the American coast, alarmed the British forces in Georgia. On the 13th of September, 1779, the Count d'Estaing landed 3,000 men at Beaulieu, who on the 15th were joined by Pulaski with his legion; but the rest of the troops under General Lincoln, from the difficulties of the route, did not arrive until the 16th, when the allied armies united in front of the town of Savannah.

"On the 23rd, the allied armies broke ground for the siege, and proceeded in their work with great activity.

". . . Count d'Estaing being anxious about the safety of his fleet if the siege should be prolonged, proposed to change the plan of operations, and make an attempt on the town by storm. This Lincoln was obliged to agree to, as otherwise the Count threatened to abandon the siege altogether. Unfortunately, information of the intended assault was conveyed to Provost, by an officer who deserted the Charleston volunteers, which enabled him to prepare for it.

"Savannah was protected from an attack by land by the river on one side, and a steep morass on the other, extending parallel with the river in the rear of the town.

"The assault was made on the morning of the 9th (Oct.) before daylight, by two columns, on the enemy's right; one was commanded by the Count d'Estaing and General Lincoln in concert, and the other by Count Dillion.

"The former moved along the margin of the morass, covered by the darkness, to within a short distance of enemy's line, when their concealed batteries being unmasked, a destructive fire was opened on them, which made great havoc.

"Undismayed by this slaughter, the column continued to advance, and Count d'Estaing and Lincoln forced the abbatis, and placed their standard on the parapet:—at this time, had the other column come up, the assault would have succeeded; but Count Dillon unfortunately lost his way in darkness, and failed in affording the expected cooperation.

". . . Pulaski, perceiving the danger in which the allied column was placed, made a bold effort at the head of two hundred horses, to force his way through the enemy's works and gain the read of Mainland . . . but while advancing at the head of his men, exposed to the most tremendous fire the intrepid Pulaski received a mortal wound, and fell from his horse. The fall of their heroic leader stopped the progress of the squadron, and they immediately retreated.

"He lived two days and expired on the 11th of October, 1779 (at the age of thirty-two).

"Thus fell in a most bold and daring achievement the distinguished Polish patriot and hero, in the cause of American liberty:—his memory is entitled to our veneration as his life forms an item in the price of our independence. Soon Congress resolved that a monument be erected to his memory."

Author John F. Lewis, Sr. writes: "The intelligence of Pulaski's death was regarded as a national calamity and testimony to his skill and bravery were publicly rendered by the Governor and Council of South Carolina and the municipal authorities of Charleston."

Pulaski died aboard the American brig Wasp on October 11 and his body was consigned to the sea the next day.

On October 14 a symbolic funeral in the memory of Pulaski was held in Charleston with highest civic and military authorities in that sector of military operations participating.

One month later, on November 11, General Washington issued an order of the day to all Army units commanding them to use the password and response of "Pulaski" and "Poland" in honor of the fallen hero.

Mr. Speaker, President Carter has issued a proclamation designating October 11 as General Pulaski's Memorial Day and I look forward to joining Americans of Polish descent in the 11th District of Illinois, which I am honored to represent, and all over this Nation who are commemorating on that day the sacrifices of this Polish patriot for the ideals of freedom. The President's proclamation follows:

Each year on the eleventh of October, the American people pay tribute to the memory of General Casimir Pulaski. In doing so they not only honor this great Polish champion of American freedom but also gave recognition to the ties between our two nations, to the contributions of millions of other Polish-Americans to the birth and development of this country, and to the indivisibility of freedom everywhere.

By giving the life on the battlefield of our revolution, General Pulaski has provided inspiration to generations of his countrymen—in the United States and in Poland.

Now, therefore, I, Jimmy Carter, President of the United States of America, do hereby designate Saturday, October 11, 1980, as General Pulaski's Memorial Day, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to honor the memory of General Pulaski by holding appropriate exercises and ceremonies in suitable places throughout our land.

In witness whereof, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.●

LEON WEAVER HAS GIVEN LIFETIME OF SERVICE FOR RURAL ELECTRIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 30 minutes.

● Mr. FUQUA. Mr. Speaker, few persons have lived a life of real accomplishment and service to their fellow man as has my friend, Leon Weaver of Quincy, Fla.

Those accomplishments have come about largely through his association with a rural electric cooperative which is noted for its efficient management and its innovative and creative programs. In short, those who know and understand the operation of rural electric cooperatives often use Leon Weaver as an example of how to do the job, and do it right.

This year, Weaver is at yet another level of service. He is president of the National Rural Utilities Cooperative Finance Corp. For those who do not know, this is the independent, self-help credit finance institution created by its member rural electric system to provide supplemental financing for the rural electrification program. Since I was involved in the creation fo this vital agency, which has allowed new freedom for advancement of rural electric cooperatives outside of Government financing, I can attest to his interest and support of its creation.

This year, at the end of its first decade of lending, assets of the corporation total $1.8 billion with 915 member cooperatives. It is a fantastic success story and is another vital link in the chain to provide power for the homes and factories of America.

Weaver was first elected as a director of CFC in 1976, being named national vice president at the beginning of his second 3-year term and having been named President in February of 1980.

It has been a long road with a lot of hard work for a youngster who was born in McSherrystown, Pa., on January 28, 1918. He is married to the former Lillian Belyeu, a native of Gadsden County, Fla., and they are the proud parents of three sons. Receiving his early education in the schools of Pennsylvania, Weaver attended Coyne Electrical School in Chicago on two occasions.

In 1937, he spent about 6 months taking the electrical course which at that time included theory, wiring, motor winding, generators, switchboard and controls. Also included was a short course in refrigeration. In 1940, he returned and spent another 3 months taking the radio and television course. In both courses, he graduated with the highest average in the class.

From 1935–42, Weaver worked with a local contractor (Lester M. Jacobs, Hanover, Pa.) building rural lines for the power company (Metropolitan Edison Co.), and later this was expanded into hot line maintenance work for the company. He was also employed by Keystone Engineering Co. doing construction work at Camp Holabird, Md. During these years, he gained a wide range of experience in the construction and maintenance of electric lines, including digging holes, setting poles, stringing wire, installing transformers, plus hot line maintenance work. Also, he was responsible for requisitioning and accounting for the material. as well as some supervisory responsibilities.

Today he considers that to be one of the most valuable periods of his life for it gave him an insight into all aspects of a profession he was to enter.

Like so many young men of that time, World War II interrupted his career. He entered service as a private with the 80th Division Signal Company at Camp Forrest, Tenn., advancing to the rank of sergeant and construction team chief before going to the Signal Corps Officer Candidate School at Fort Monmouth, N.J. After receiving his commission as a Signal Corps officer, he was later transferred to the Corps of Engineers and received further training. He was assigned to Camp Claiborne, La., where he activated and trained an Engineer Utility Detachment which he later commanded in the European Theater of Operations. He was discharged in 1946 with the rank of captain and presently holds the rank of major in the Retired Reserves.

The turning point in his life came following his discharge in 1946. He moved to Florida and took a job as lineman with Talquin Electric Cooperative, Inc. in Quincy and within a year was promoted to manager, the position he continues to hold.

Talquin Electric Cooperative, Inc. was organized in 1940 and at the time Weaver was made manager, the miles of line in operation were 450, the number of accounts served was 1,500, and the annual revenue from the sale of electricity was $100,000. Today, the cooperative serves 25,000 consumers, has 2,900 miles of energized lines and the annual revenue amounts to over $16,000,000. The cooperative is recognized as one of the outstanding rural electric cooperatives in the Nation.

In the early 1960's, Weaver saw the need for someone to assist in the job of supplying safe drinking water to the rural areas. In cooperation with developers, he assumed the responsibility for providing this service. Not satisfied with merely serving new communities, Weaver pondered the possibility of also serving existing rural communities. No other cooperative had attempted this program, so TEC, along with Weaver, blazed the trail. Weaver served as a director of the national demonstration water project for 5 years. Later, he organized and formed the Community Water and Sewer Association, serving as its president from 1974–79. During 1976, he served as chairman of the Commission on Rural Water. At the present time, the cooperative serves over 4,000 water accounts.

In 1969, Weaver recognized the need for computerized billing and was instrumental in the organization and formation of the Cooperatives Computer Center with two other Florida cooperatives. Twice the center was about to be dissolved from outside competition, but with the leadership and direction of Weaver, the CCC was reorganized and is now a progressive cooperative serving seven rural electric cooperatives in Florida and Georgia and billing over 110,000 accounts. The center also provides the necessary computerized services to meet the needs of the cooperatives.

Statewide, Weaver has served as president of the Florida Rural Electric Cooperative Association for three separate terms, 1963, 1964, and 1970. He is currently serving as a director of the Florida Rural Self-Insurer's Fund and the Florida Rural Electric Credit Union. Since 1974, he has served as a director and treasurer of Seminole Electric Cooperative, Inc., a generating and transmission cooperative. He also was a participant in the Governor's Conference on Energy Supply and Use in 1973.

Nationwide, he has served on numerous committees such as the National Rural Electric Cooperative Association Management Advisory Committee and the Capital Credits Study Committee.

Internationally, Weaver participated in a NRECA-AID program where he visited Paraguay for the purpose of surveying the feasibility of establishing a rural electric cooperative in that country.

As a leader in rural America, Weaver was invited to the White House in 1978 for a meeting on rural affairs.

Active in civic organizations, he has given unselfishly in serving the Boy Scouts and Red Cross and takes pride in his work with the Quincy Chamber of Commerce which has been so instrumental in recent industrial development in Gadsden County. He has served as president of the Quincy Rotary Club and is a member of the Methodist Church.

If these activities were not enough for any two people, he has found time to serve his beloved Quincy as a member of the city commission since 1961, four terms as mayor, and I can attest to the fact that he has been outstanding in that service.

Another good friend, Angus Hastings of Fort McCoy, Fla., and vice president of the National Rural Electric Cooperative Association, recently told me:

> Leon Weaver has been an inspiration to all of us who have been involved in rural electrification. His vision has gone beyond the bounds of his local Cooperative, even beyond the work given rural electrics in bringing electrification to all Americans. As much as anyone I know, he personifies the recognition that energy is the most difficult problem which our nation faces, and we can only survive as the most productive and blessed land on the face of the earth by meeting that challenge. When we find those solutions, as I am convinced we will, it will be because of men and women such as Leon Weaver.

I am proud that I have this privilege as a Member of Congress of the United States to pay a well-deserved tribute to a great gentleman and a warm, personal friend.●

A TRIBUTE TO EARLE C. CLEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

● Mr. THOMPSON. Mr. Speaker, on October 22, 1980, former Congressman. Governor, and U.S. Senator Earle C. Clements will be celebrating his 84th birthday in his hometown in Morganfield, Ky.

As the House will shortly be recessing until after election day, I wanted to take a few moments to pay tribute to this remarkable man.

After serving with honor in World War I as a captain of infantry, he was elected sheriff of Union County, Ky. This began one of the most remarkable careers of public service I know of.

He subsequently won election as county clerk, and county judge, where he ran one of the best WPA programs in the Nation and laid the foundation for the system of public roads which span Union County today.

From there he went to the State senate, became majority leader, was elected to the Congress, then to the governorship of Kentucky and finally to the U.S. Senate.

Presidents Harry Truman and Lyndon Johnson were his close friends and relied heavily on his advice. I have had the privilege of seeking his counsel on many occasions, and it has been willingly given, tempered by a lifetime of experience in some of the highest offices of our land.

While he can look back with satisfaction on his career as a public servant, one of his proudest accomplishments has been the nurturing and protecting of the job corps program.

He has guided, encouraged and fought for the job corps over the years with a tenacity that has overcome its most stubborn opponents. Today the job corps is celebrated as one of the Government's most successful programs, and Earle Clements, working behind the scenes, seeking no credit, is largely responsible for it.

I know my colleagues will join me in wishing Earle Clements a happy birthday, and many more years of service to his country.●

INTRODUCTION OF COAL UTILIZATION INCENTIVES ACT OF 1980

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Shelby) is recognized for 5 minutes.

● Mr. SHELBY. Mr. Speaker, Congressmen Tom Corcoran and Henson Moore are joining me today in introducing the Coal Utilization Incentives Act of 1980, a bill which would encourage the production and use of domestic coal.

The United States needs to reduce its dependence on imported oil by maximizing the utilization of our domestic resources. Our most abundant domestic source of energy is coal, which constitutes over 80 percent of our energy fossil fuel reserve, yet supplies only 18 percent of our energy needs. During 1980, we will produce 100 million tons of coal less than we are actually capable of producing. In many States, coal miners are unemployed.

In our attempt to deal with the energy problem, we have established numerous schemes to restrain demand, encourage alternative sources of energy, and compel people to switch to abundant fuels. What we have failed to address is the restraint on our ability to utilize coal. One of the major problems in converting to coal is the 1977 amendments to the Clean Air Act. The Clean Air Act should be an important tool in assuring a health environment while allowing sustained economic growth and increased use of domestic energy resources. However, in many areas of the country, the 1977 amendments to that act have made it impossible to utilize coal, and in other areas, the 1977 amendments have pushed the cost of using coal to a point where there is virtually no difference between the cost of imported oil and the cost of domestic coal. Thus, industry lacks the economic incentive necessary to convert.

The public health goals of the Clean Air Act are laudable. However, in evaluating the benefits of environmental regulation, we must be aware of their impacts on other areas of national concern. Our reliance on imported energy is a major national security problem which can no longer be ignored. We cannot continue to enact and implement overly restrictive environmental legislation in a vacuum and ignore the energy, economic, and national security implications of what we do.

The bill we are introducing today is designed to balance our energy and environmental objectives. Title I of the bill modifies some of the most restrictive features of the amendments to the Clean Air Act enacted in 1977, features which effectively eliminate coal as a source of energy independence. The bill is intended to strike a balance between the desire for a healthy environment and the need for energy independence without either of these goals precluding our attaining the other.

Among other things, the bill requires cost/benefit analyses, including the energy impact, of air quality standards and decisions to issue permits. If a major stationary source satisfies all applicable standards, it would not be subject to more stringent limitations for a 10-year period. The bill would also moderate the standards for local coal exemptions under section 110(f). Sources which voluntarily convert to coal would be given additional time to meet air quality standards.

Title II of the bill provides tax incentives for pollution control equipment, which are necessary to encourage the utilization of coal. The energy tax credits enacted as part of the Energy Tax Act of 1978 and the Crude Oil Windfall Profits Tax of 1980 are generally not applicable to public utility property. The bill would apply these credits to public utility property such as equipment necessary to permit the use of coal in electric generating facilities.

Mr. Speaker, Congressmen Tom Corcoran, Henson Moore, and I believe that the Coal Utilization Incentives Act of 1980 represents a significant step in the direction of encouraging the production and utilization of domestic coal in an environmentally acceptable way. We simply must put this valuable resource to work for the benefit of all Americans.●

THE BIRTH OF A NEW MONOPOLY: WINDFALL PROFIT TO DOMESTIC GASOHOL INDUSTRY HIDDEN IN BUDGET RECONCILIATION BILL

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. Vanik) is recognized for 5 minutes.

● Mr. VANIK. Mr. Speaker, buried in the budget reconciliation bill—now in a House/Senate conference—is a provision which creates a new energy monopoly and insures windfall profit for the four or five firms producing the ethyl alcohol which is used for making gasohol. The provision will block imports of this alternative energy source from a large and friendly supplier, Brazil.

It is scandalous that such a provision is being considered at a time when much of the world's energy capacity is being bombed out of existence. The world's energy future is so uncertain because of the Persian Gulf War, that Americans may be forced to line up for gasoline by next spring—yet this Senate amendment would effectively prohibit any imports from the world's major ethyl alcohol producer.

The provision involved was added to the budget reconciliation bill by the Senate Finance Committee and puts a 40-cent tariff on every gallon of imported ethyl alcohol which is to be used for blending gasohol. There is a serious possibility that the Conference Committee will either accept the Senate amendment or some modification of it which would limit consumer access to this "gasoline-extender".

The amendment is raw protectionism which will allow a handful of domestic producers new and ever higher profits, will increase their monopoly control over this small rapidly growing industry, and by driving up prices, will discourage consumers from using gasohol, thus adding to inflation. Before we act on any tariff, we have the right to know whether or not domestic producers have been among those importing low-cost foreign supplies for profitable resale.

Anti-inflation Czar Alfred Kahn has written to me that "I of course share your worry that the proposed tariff increase would seriously hurt American consumers." Sanford Litvack, the Assistant Attorney General for Antitrust has just written, stating that "the Justice Department's preliminary assessment of competition in the fuel grade alcohol industry indicates that the proposed legislation could significantly reduce competition and adversely affect the price and supply of fuel grade alcohol." This is the understatement of the year. It is reported that of the 110 million gallons of ethyl alcohol which will be produced domestically this year for use in gasohol, as much as 80 million gallons is produced by one giant Midwest Agribusiness corporation. It has been estimated that this company and other makers of alcohol for use in gasoline have been making as much as 50 cents profit per gallon. Yet despite these monopolistic profits, a major effort is underway to lock out competition from abroad so as to prevent price competition and insure billions of dollars of windfall profits as the gasohol industry becomes a major portion of our domestic energy picture during the 1980's.

Consumers and everyone concerned about the energy future of our country should help oppose this incredible giveaway of the public good.●

THE SMALL ROYALTY OWNER: UNINTENDED TAX VICTIM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Wright) is recognized for 10 minutes.

● Mr. WRIGHT. Mr. Speaker, when this Congress passed the windfall profit tax, we wisely reduced the tax rate on newly discovered oil and on small independent producers. Those decisions have proven to be extremely beneficial to the nation and we now have more drilling crews actively searching for oil in our own country than at any time in the past 50 years.

But one group intimately involved in the production of oil was overlooked and the tax has fallen upon them with unintended severity. They are the small royalty owners, many of them people who can ill afford the financial burden.

Here is one example—an elderly couple dependent on a monthly social security check of $216 and a royalty payment of $114. But after an $8 production tax and the $37 windfall profit tax, that couple's royalty check comes to less than $70.

Congress aimed that tax at the big oil companies who stood to enjoy major profit increases from the decontrol of oil prices. But the law is also hitting little people who should not have to shoulder this burden.

Many of the 600,000 to 650,000 royalty owners in my State of Texas are retired people or farmers and ranchers who depend on the money to get from one growing season to the next. And they need relief from this tax.

That is why on May 22 of this year, I became a sponsor of H.R. 7211 to exempt royalty owners of up to 10 barrels per day of royalty interest from the windfall profit tax. This exemption would provide the immediate relief that many small and medium-sized royalty owners so badly need.

Millions of acres of privately owned land remain unexplored for potential oil production. Some of the individuals who own modest parcels of this land may decide not to lease it for exploration and production due to the effect of this tax.

If that should prove to be the case, we will have limited our domestic production potential at the time when we desperately need to cut our dangerous dependence on foreign oil.

One small and partial step we may be able to take more quickly than the 10-barrel-a-day exemption is an amendment which will allow royalty owners, in filing Federal income tax returns, to apply for a windfall profit tax refund of up to $1,000.

This would provide some immediate relief for the smallest royalty owners who can least afford the income reduction caused by this tax. That proposal has passed the Senate and is under consideration in the tax writing committee of the House. It is hard to see how anyone could oppose a modest amount of relief for small royalty owners.

But that still is not enough. That is why the Congress must pass H.R. 7211 to provide a 10-barrel-per-day exemption and remove this unfair burden on small royalty owners.●

THE DEATH OF A MYTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. de la Garza) is recognized for 5 minutes.

● Mr. de la GARZA. Mr. Speaker, it is barely possible to pick up a major newspaper, or even a stack of constituent mail without reading numerous charges against Congress and the Federal Government. There is little doubt that many people do not hold very high regard for the Government, which is easy to understand if one only reads the coverage given by the major papers, news magazines, and television networks. From the press one might easily be led to believe that Members of Congress and their staffs lead very comfortable lives while being led by the nose by special interest groups, and that people who work in the Federal agencies are lazy, insensitive, and care about nothing more than their pay, prerequisites, job security, and retirement.

In an election year, when we are all pounded by negative political rhetoric about the twin evils of big government and bureaucracy, and when some people running for office even base their platforms on it, it is refreshing to hear a different chord being struck by a young man who is neither politician nor bureaucrat. Barry Breen, a third year law student at Harvard Law School, has written a very interesting article for the Washington Star based on his summer jobs here in Washington over the past 3 years. I hope that you will find his insights as refreshing as I have.

The Death of a Myth

(By Barry Breen)

I was shocked. Dismayed, actually.

It had been three months since I had started work for a U.S. senator in his Capitol Hill office. I had not been invited to even one orgy or all-night drinkfest. What was I dong wrong?

Before coming to work in Washington, I had carefully read the newspapers and magazines so I would know what to expect. I read about Wilbur Mills and the Reflecting Pool. Elizabeth Ray and Wayne Hays. Hamilton Jordan, the Egyption ambassador's wife and the Great Pyramids. My classmates winked and nudged. "Be sure to send me a congressional secretary," a friend smirked. I anticipated lavish parties with free-spending lobbyists. There would be naughty erotic rituals after working hours. Maybe even during working hours.

I was ready for the worst. Or the best, depending on how you look at it.

But it didn't happen. Instead I found the Senate Office Buildings inhabited by ordinary human beings. Just plain folks. For the most part, they were decent and honest and hard-working. They got up in the morning, made it to their desks on time, and put in a full day's work. They went home to the same kind of evening as the rest of the country.

For me, it was the death of a myth.

The next summer I had a job with the Army Corps of Engineers. I had learned about them in school, too. They are callous about the environment. Build dams and highways and parking lots no matter what. Nuke the whales. Rape the snail darters.

I was wrong again. Where I might have found the environmental equivalent of Attila the Hun, I found instead moderate and reasonable men and women. The Army Engineers I met try to achieve a balance between growth and conservation.

Another myth bit the dust.

I went back to school. This summer I came to Washington to work in the Pentagon, in the office of the secretary of defense. "Aha," an acquaintance said, "the warmongers." "Bomb Iran," a friend chided, only half kidding. The Pentagon, in their eyes, is a monolithic war machine, blitherly dreaming up new ways to destroy whole continents. Wrong again. I am impressed by the sense of responsibility and commitment to reasoned action.

Why is it that we are so quick to stereotype, abstracting out a small part of a job and assuming it represents the whole of the man or woman who fills the job?

Too often, it's because we are lazy in our thinking. When we do not understand, we label. And then we accept the labels as truth.

REAL PEOPLE

I have never worked in one of the agencies I used to think of as "soft"—Interior, HUD, Education or Labor, for example. But until I am persuaded otherwise, I am willing to presume that the civil servants there are just as dedicated and thoughtful as their counterparts in the Senate and the Corps of Engineers and the Pentagon.

There are real people out there in all those other agencies I have never worked for. People who have their own special God-given talents and abilities. People who are worth getting to know.

Agencies do disagree, because the men and women who run them approach public problems with different perspectives. Social choices are sometimes neither clearly right nor clearly wrong. Life is frequently a terrain where black and white do not meet, and there remains a large gray area in which to maneuver. As a popular songwriter of a few years ago mused, "there's ain't no good guys, there ain't no bad guys. There's only you and me, and we just disagree."

Reasonable people can differ, yet still respect one another for their reasonableness.

And that was worth coming to Washington to find out.●

UNFAIR COMPETITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Bedell) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, from time to time I have commented on various issues in gasoline retail marketing. As you know, this is a subject I have pursued with keen interest as the chairman of the Subcommittee on Antitrust and Restraint of Trade Activities Affecting Small Business.

Today I wish to call to my colleagues' attention an interview that aired recently on "For the People," a television program produced for use on the Showtime Cable Television System. As Showtime is not readily available to viewers in this area, I would like to put in the Record a portion of the transcript.

Mr. Speaker, the Antitrust Subcommittee has heard a great deal of testimony concerning how major oil companies increasingly are moving into the retail market, in direct competition with their own dealers. As the Small Business Committee has noted in its report on the Small Business Motor Fuel Marketer Preservation Act, H.R. 6722, this creates a situation that makes it virtually impossible for the independent dealer to compete on a fair and equal basis with others in the same market.

In our subcommittee hearings, the vice president for marketing of the Sohio Oil Co. was very candid and stated rather clearly that it is his company's policy to enter into head-to-head competition with its own dealers. In the Showtime program, "For the People," a similar admission is made by a spokesman for Gulf Oil.

The following is the transcript of a dialog between Mr. Bob Goralski of Gulf and Mr. Ron Brownstein, an investigative reporter. I believe this material provides further evidence of the need for Congress to enact H.R. 6722 or similar legislation.

BROWNSTEIN. In front of Congressional committees, the oil companies generally deny their company-owned stations compete with their own leased dealers. We asked Gulf Oil about the effect on competition of a Maryland law barring the companies from direct operation of gas stations.

GORALSKI. Once you, you knock down competition, that's what it is, you're eliminating a part of the competition, prices go up for the consumer. And that's what divestitute is all about.

BROWNSTEIN. But are you competing then with your own stations? I mean that's what it sounds like, the company owned are competing with your own lessee stations. Well who's competing then? What competition are you losing?

GORALSKI. Well, we're, yes, we're competing—self-serve against full serve; we're competing—Shell against Gulf; we're competing . . . in a variety of ways.

BROWNSTEIN. What about Gulf against Gulf?

GORALSKI. . . . No. What you're getting again; it's the full serve Gulf dealer against the, the self-serve Gulf O&O.

BROWNSTEIN. So why are you losing that competition? I mean you can still do full serve and self-serve; you still have Gulf, Shell, Mobil there . . . ?

GORALSKI (Over) Oh, no, no. One, you're got more hours of competition: we're gonna stay open longer; the, the consumer is served far better.

BROWNSTEIN. But is there any reason why under this kind of divorcement statute, you can't run self-serve . . .?

GORALSKI. Yeah, that's right, because . . .

BROWNSTEIN. (Over) . . . lessee dealers?

GORALSKI. We'd eliminate one part of the competition where you would have company owned gas stations who in effect would be, yes, competing in terms of hours and service, and a variety of services, not in price alone. Right now the, the dealer has the advantage of price.

BROWNSTEIN. Competing with who?

GORALSKI. With a . . . Gulf owned, owned and operated station.

BROWNSTEIN. So you're saying that the Maryland consumers are losing out because Gulf owned stations can no longer compete with Gulf leased stations?

GORALSKI. (Over) Sure; that's right, yeah.●

THE TITAN MISSILE EXPLOSION IN ARKANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

● Mr. ALEXANDER. Mr. Speaker, under the 1 minute rule today I commented on a meeting with the Secretary of Defense, Harold Brown. The following supplements the text of my remarks and includes the memorandum which I submitted to Dr. Brown, to wit:

CONGRESS OF THE UNITED STATES,
September 30, 1980.

To: The Honorable Dr. Harold Brown, Secretary of Defense.
From: Bill Alexander, Member of Congress.
Re Confirmation of presence of nuclear weapons.

MEMORANDUM

Most Arkansans take pride and satisfaction in the presence of the Air Force at Blytheville and Little Rock Air Force Bases. Unlike many places where large defense installations are located, Arkansas has always welcomed its military citizens. However, the accident that occurred on September 18–19 at Site 374–07 near Damascus has created widespread dissatisfaction with the manner in which the events surrounding the response were handled. As a result, the long history of public support of Defense activities in Arkansas has been damaged.

Most Arkansans assume that the ICBMs in the State are armed with nuclear warheads. Indeed, most would believe it wasteful if the missiles were not armed. Moreover, we also know that our potential adversaries—notably the Soviet Union—have the technological means to determine the existence and location of nuclear delivery vehicles. That knowledge carries with it the implicit willing public acceptance of the risk involved. With acceptance of the risk, the people of our State also believe—properly so—that they have a need and a right to know what hazards the mere presence of the weapons pose for their families and communities. Frankly, it is my judgment that most Arkansans believe they have been needlessly kept in the dark over the incident near Damascus which caused general public alarm and legitimate concern for personal safety. That perception has been magnified and exacerbated by the sensationalism in the press, rumor, half-truths, fear and by the consistent refusal of Defense officials to exercise candor in their own best interests.

The current policy subjects the Air Force to unnecessary public ridicule. For example a recent Arkansas Democrat editorial said,

"The Air Force has its tail in a wringer, and Leavitt's wishes to the contrary notwithstanding, it's likely to stay there for some time."

"And that's just where it should be."

"Can you believe that on Wednesday, Day 6 of the crisis, Leavitt was still refusing to confirm or deny that there was a warhead on the missile in the silo?"

"Believe it."

Mr. Secretary, I submit that under the conditions extant during the recent accident, the granting of an exception to the normal procedure of neither confirming nor denying the existence of nuclear warheads was warranted.

I would propose the following actions for ameliorating the poor community relations that presently exist in Arkansas:

(1) Direct an immediate review of the policy of non-confirmation nor denial of the presence of nuclear weapons.

(2) The review should include, but not be limited to, considerations of security and foreign sensitivity and procedures for facilitating the granting of exceptions when conditions exist that approximate those which characterize the accident at Site 374–07 on September 18–19, to wit:

The evacuation of military and civilian personnel;

The conduct of official activity observable by the public which could create public alarm; and,

The existence of conditions which pose a public safety hazard, real or implied.

(3) It is strongly recommended that you personally announce such modifications to policy in Arkansas, within the next ten days.

(4) Initiate a comprehensive public education program on potential hazard of the presence of nuclear weapons in affected areas. Such programs should begin immediately.

I cannot overemphasize the importance of correcting the situation in Arkansas. The future of projected defense programs such as the MX is dependent, in the final analysis, upon public acceptance of the need for a land-based ICBM force. The present level of acceptance in Arkansas has been badly eroded by the accident near Damascus and it seems clear to me that the credibility of the Department of Defense will have a pronounced effect on the outcome of the ensuing debate over whether the land-based leg of the Triad ought to be maintained.●

POLITICAL ACCOUNTABILITY WITH OR WITHOUT A PARLIAMENTARY SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

● Mr. REUSS. Mr. Speaker, I would like to place in today's RECORD the following article, by Stanley Karnow, on former Senator Fulbright's proposal for a parliamentary democracy, which appeared in the September 29, 1980, Baltimore Sun. I also include an article from the same paper, by TRB, on a proposal which I have made to establish parliamentary accountability under our present system. The articles follow:

REUSS' PLAN TO ESTABLISH POLITICAL ACCOUNTABILITY

(By TRB)

WASHINGTON.—Lack of political accountability is the distinguishing feature of the American political system. We elect a president and he makes pledges during the campaign. Why doesn't he carry them out? Often, I think, because he can't. He is caught on the flypaper of governments and subgovernments, committees and subcommittees, of agencies and sub-agencies which have effective veto power over action.

Accountability has deteriorated since 1976. Party discipline has declined in Congress and the gap between candidates and parties has widened.

If Jimmy Carter wins, a Democratic Congress will continue to thwart or delay; if Ronald Reagan wins, he will probably have to deal with a hostile Congress from the start; if self-nominated John Anderson wins, he will have no party at all.

The creation of an effective government is the biggest political problem in America.

Things have gotten so bad that remedies finally are being proposed by both parties.

Henry S. Reuss, Democrat of Wisconsin, chairman of the House Finance Committee, wants to establish a Democratic Council, consisting of President Carter (if elected) and 300 top Democratic leaders. The council would meet immediately after the election, and it would set up a procedure to bring Congress and the president together in formulating and carrying out policies. Obviously Mr. Reuss hopes President Carter will win. But in any case, he wants the Democrats to have an authoritative voice to restore the major missing ingredient in Washington: accountability.

There's equivalent action on the Republican side. On September 15, Ronald Reagan and George Bush and congressional GOP leaders met on the steps of the Capitol with a sizable number of Republican House and Senate candidates from around the country. There they did an unusual thing—they formally pledged accountability. If elected, they said, they would do what a political party in a parliamentary system automatically pledges to do: support the party's legislative program, budget, taxes, foreign affairs, defense. They would attempt, in short, (as Newt Gingrich, Republican of Georgia, explained later) to repair the fragmentation of power among subgovernments in Washington which has proliferated wildly, and often creates dangerous deadlocks, stalemates and paralysis.

Back on the Democratic side, Mr. Reuss is deeply concerned, as most thoughtful people are, by the chronic chaos in American government, the "mess in Washington" which so many voters artlessly think can be cleared up just by changing parties, or president, and not getting down to deeper causes.

Mr. Reuss's Democratic Council of 300 would be divided into three groups; the first 100 would be taken from Congress (one-third Senate; two-thirds House). This group would name 100 more from Democratic state, county and local elected officials. A third 100 would be named by the congressional group from among widely representative Democrats who do not hold office.

Why is it, Representative Reuss ponders, that when a presidential candidate promises, in all good faith, to balance the budget, say, and the party agrees, when he is elected his pledge isn't fulfilled? His spending and taxing proposals are disregarded, and there is no mechanism—no truth-in-packing system—to guarantee the election pledge. German voters, writes John Vinocur in the New York *Times*, "consider a platform plank a kind of signed dealer's warranty." Theoretically, U.S. parties can be punished at the next election. But how can you pin down responsibility? Many reformers think nothing short of a constitutional amendment will do any good.

Mr. Reuss thinks a lot can be done by adjusting America's unwritten constitition. Mr. Reuss's proposed council (if Mr. Carter won and Democrats continued their 26-year hold of Congress) would act as a consultative body between Congress and White House. It would give advice on selecting Cabinet, sub-Cabinet and White House staff. It would help formulate party policies and programs. One ingenious idea is that it would, in election years, make early recommendations on Democratic presidential nominees. These tentative nominees (maybe four of them, as Mr. Reuss proposes in his bold plan) would be ready on an equal basis for the ensuing state primaries.

These are audacious proposals. They indicate the intense dissatisfaction with the present eroding governmental system. Other ideas are likely to surface. Like the Republican's symbolic pledge on the Capitol steps, the Reuss proposal shows the ferment here.

Speaking personally, in 50 years covering Washington, I have never heard, until now, such dissatisfaction with the present presidential nominating process, the choice offered, the outrageous length of campaigns, the lack of governmental responsibility and the over-all decline of democratic accountability. America deserves a better government than it gets.

This is a dangerous situation. As Richard Rose writes in "Presidents and Prime Ministers," responsibilities placed on the president have grown greatly since World War II; capabilities haven't expanded in proportion. The American president must run a permanent national popularity campaign as a condition of influencing the government. It is dangerous to go on without accountability. The subgovernments make it difficult for the president to commit the nation's resources quickly and confidently to the achievement of policy abroad. It is hard to remember a time when allies worried more about America's economy or foreign policy.

Fulbright's Proposal for a Parliamentary Democracy

(By Stanley Karnow)

Washington.—During his three decades in Congress, J. William Fulbright was more distinguished as an educator than as a legislator.

His famous fellowship program sent scholars abroad at a time when most Americans were foggy about the world. His Vietnam hearings provided an early warning to the U.S. public that the war was futile.

Now a lively septuagenerian practicing law here. Mr. Fulbright is still promoting instructive and controversial innovations—his latest, which has fascinated him for a generation, being that the United States ought to contemplate the adoption of some form of parliamentary system.

Mr. Fulbright feels that the American system should be reformed so that the president is selected by Congress from among its own members, much the same way the British Parliament picks the prime minister and West German *Bundestag* chooses the chancellor.

This would mean, in short, an end to the concept of separation of powers as prescribed in the Constitution and a blending of the executive and legislative branches.

Among other things. Mr. Fulbright asserts, such a system would make both the president and the legislature more responsible, particularly in the conduct of foreign affairs.

For example, it would be virtually impossible under a parliamentary system for an administration to conclude an agreement like the strategic arms limitation treaty with the Soviet Union, only to shelve it because of congressional opposition to its ratification.

For the president under the parliamentary system would not have started negotiations without the support of the legislative majority that selected him to be chief executive in the first place. If the majority rejects his policies, he is compelled to resign, dissolve the legislature and call for a national election.

Mr Fulbright further contends that a parliamentary system makes the chief executive more accountable, and, at the same time, it would spare the country some of the prolonged struggles that have pitted the White House and Capitol Hill against each other.

The agony of Watergate could have been avoided, to cite a drastic episode, since Congress could have merely given Richard Nixon a vote of no-confidence, and thereby forced him to quit without exposing the nation to the traumatic impeachment process. On the other hand, Mr. Nixon could have gone to the people for judgment by sending Congress home and having a general election.

Mr. Fulbright argues, too, that the quality of U.S. leadership would improve significantly in a parliamentary system, since the executive would automatically be a political figure seasoned enough by years of politics to have risen to the head of his or her party.

This is, of course, the case in Britain and West Germany, where a Jimmy Carter or a Ronald Reagan would be unthinkable, since the prime minister is an experienced politician who led the opposition before attaining office. In those countries, which Mr. Fulbright regards as the most successful democracies on earth, Cabinet members are also well-grounded, having usually served in the legislature.

In Mr. Fulbright's view, the parliamentary system strengthens the political party structure as well, and that in turn makes the government more stable. For the chief executive and his legislative majority are unlikely to clash frivolously, as they often do here in Washington, if they both know that a defeat by their adversaries spells their downfall and new elections that may not return them to office.

As attractive as Mr. Fulbright's idea sounds in theory, however, a British, West German or even Japanese system would hardly suit the United States, for one principal reason.

The British and West German political parties are disciplined organizations founded on ideology. Thus they retain their unity not only because they seek to gain or keep power, but because their members subscribe to the same general doctrine.

American parties, in contrast, are coalitions that stick together, on the rare occasions they do, out of expediency. As a consequence, I suspect, a parliamentary system in the United States might resemble the Fourth Republic in France, where the legislature featured a dozen parties, and prime ministers changed like the weather.

Indeed, the French finally replaced it with a presidential structure that has become more imperial than Mr. Nixon's royal White House.

But despite these reservations, Mr. Fulbright merits broad support in his quest for a fresh evaluation of the U.S. presidency. For unless they are prepared to reappraise and modify the present system, which plainly disappoints them, Americans have no right to complain as loudly as they do these days.

FIFTEENTH ANNIVERSARY OF THE NATIONAL ARTS AND HUMANITIES ENDOWMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Brademas) is recognized for 5 minutes.

● Mr. BRADEMAS. Mr. Speaker, Monday marked the 15th anniversary of the enactment of the legislation that created the National Endowment for the Arts and the National Endowment for the Humanities, probably the single most important measure ever enacted in this country in support of the life of the mind and of the imagination.

Since its inception, the National Endowment for the Arts has helped make our cultural resources available to increasing numbers of people in all parts of the Nation, from inner cities to remote rural areas.

As a consequence, cultural opportunities that many of us take for granted are now enjoyed and supported in areas of our country that have never been exposed to them.

Mr. Speaker, as one who has for many years been privileged to serve as an advocate for legislation in support of the arts in our country, I congratulate Livingston L. Biddle, Jr., the distinguished and able Chairman of the National Endowment for the Arts, and those working with him to enrich the cultural life of our Nation.

At this point, Mr. Speaker, I am inserting in the Record the remarks made by Chairman Biddle on the occasion of the Arts Endowment's anniversary.

Reflections on the 15th Anniversary

(By Livingston L. Biddle, Jr., Chairman)

"The Arts have a central, fundamental importance to our daily lives."

When those phrases were presented to the Congress in 1963—the year I came to Washington to work for Senator Claiborne Pell and began preparing legislation to establish a federal arts program—they were far more rhetorical than expressive of a national feeling of reality.

They were expressive of a vision of an unprecedented but uniquely American experiment in developing cultural growth and progress. As in visions, dreams, ideas which are possible of fulfillment, there was a core of truth. But it was distantly perceived. Words like farfetched, impractical, eccentric were applied—and even, at critical moments, ridicule.

THE GROWING NATIONAL SIGNIFICANCE OF THE ARTS

But the vision persisted. The dreams, the ideas became part of a fledgling program enacted into law 15 years ago. And today the vision is perceived; closer at hand. The arts in the United States are gaining a national significance, a new sense of priority. They are recognized for the gift of enrichment which, in such a special manner, they provide.

So on this 15th anniversary, I express my own particular admiration for those early Congressional leaders, of both parties, who "chose the road less traveled by," who pioneered and blazed a trail which is becoming more and more a broad avenue toward the future.

As a nation we are mobilizing funding resources—at federal, state and local governmental levels, among corporations, foundations, and private philanthropists—on behalf of the arts, and the abiding talents they represent. We are moving toward goals which once seemed impossibly beyond reach.

The enriching qualities of the arts can profoundly affect the uplifting of the human spirit. That has been true in leading civilizations throughout history. It is becoming true in our own country—at all economic levels of society. I see growing numbers of examples. It is not a Renaissance of the arts. It is birth; it is new beginnings. We have never witnessed its like before.

A PARTNERSHIP WITH STATES AND COMMUNITIES

In the 15 years since 1965, the arts have begun to flourish all across our country. In all of this the National Endowment serves as a vital catalyst, with States and communities with great numbers of philanthropic sources.

The role, increasing in meaning year by year, is wholly in keeping with the original legislation's design, and the ideals of my two predecessors as Endowment chairmen, Roger Stevens and Nancy Hanks.

THE SIGNIFICANCE OF PEER REVIEW

Special safeguards to ensure that government would not dominate or threaten the free development of the arts were carefully written into our basic law. Unlike most federal agencies our staff members do not make the crucial decisions about which projects and which artists receive support. My job really is to bring together the experts in each field to discuss the merits of our 25,000 applicants and determine those best qualified. Competition is enormous. Only one in four on average with funding now available, is successful.

The panel system of peer review is at the core of the Arts Endowment. Extending the concept are the 26 private citizens, appointed by the President with the advice and consent of the Senate, who serve as members of the National Council on the Arts, guide the agency's overall policies and review panel recommendations for final action.

The law also includes a firm injunction against interfering in the policies of our grantees, a provision basic to freedom of expression.

MAKING THE ARTS AVAILABLE TO THE WIDEST AUDIENCE

The Endowment had some controversial moments; and yet controversy is the yeast that makes the creative loaf rise. If we tried to be forever safe in our grant-making, we would not be fostering the free expression of ideas on which the arts thrive. In fact, if you compare the Endowment's grants over the years to arts support in the private sector, you will find that the Endowment is more likely to fund the new, the sometimes experimental, the less immediately visible work—the lone composer or poet, the small press which gives opportunity to talent in literature, the off-off Broadway theater at the cutting edge of the theater arts.

In the agency's budget for the current year, we emphasize access—that is, making the best in the professional arts available to the widest number—with emphasis on television and touring. Our support for such series as "Dance In America" and "Live From Lincoln Center," demonstrates how television reaches beyond the large cities and presents major arts events to all parts of our country. It also has the special potential for educating Americans in the immense diversity of the arts.

During the last two years, for example, 34 million people have seen Metropolitan Opera performances on "Live From The Met." In terms of our assistance, that works out to a cost of less than two cents a viewer. We are planning now to emphasize other art forms which have not yet appeared frequently on television—jazz, the visual arts, and the design arts such as architecture—and to support important new efforts in theater and opera.

We have discovered that television, far from undermining live performances, whets the viewers appetite for more. After appearing on "Dance in America," the Joffrey Ballet learned that 59 percent of those attending for the first time during the company's next New York season were there because they had seen the Joffrey on television. Arts audiences are not satisfied to be mere passive observers. Inevitably, new dance companies spring up in communities which have seen a great performance, whether it be on television or through touring by an excellent company.

THE ARTS AND REVITALIZING OUR CITIES

A second important model for the long-term future of the arts is a city like Savannah, Georgia or San Antonio, Texas or Winston-Salem, North Carolina, where the arts are serving as the focal points, the driving force in revitalizing the city. Wiston-Salem, for example, had been losing population to its suburbs. Several years ago the arts Endowment gave a small planning grant to the local arts council, the first in the nation by the way, to move into a deteriorating section of the center city.

From that beginning has come a coalition of cultural, political, and business leaders who are now rebuilding the downtown a special arts enclave, including a theater, a center for the arts, a park, and artists' studios. The combined efforts, including historic restoration and pride in the past, have stimulated $3 million in grants from other federal agences and over $100 million in private investment.

More important in my view is that in another ten years time, Winston-Salem could emulate an Athens of old, a city where the arts are indeed exemplified as of central, fundamental importance to daily life. And the same emphasis could develop across the country.

ECONOMIC IMPACT AND INTANGIBLE VALUES

As in the story of Winston-Salem, I believe it is legitimate to discuss the economic impact of the arts, their often proven value in attracting tourism and in rebuilding cities. We can discuss their social benefits, their values to the handicapped, the aging, or to those in prisons. Art, in a special way, does furnish such benefits; and businesses, large and small, have a relevance to the arts—all the way from a photographic flashbulb to the bricks and mortar of a cultural center.

But let us stress the intangible values of the arts above all—their gifts to the eye and ear and mind, to the imagination, to the questing spirit, to the revelations of new horizons. An Appalachian folk singer of indigenous American music, a Metropolitan Opera star, a painter, poet, choreographer . . . all the myriad art forms, those from ethnic backgrounds, those from the deepest traditions of our Native Americans . . . each adds to the multifaceted riches of the arts.

The large arts organization—the small one—survival remains the single most descriptive word . . . But survey the road travelled in 15 years . . . Then look toward mountains yet to scale . . . Remember the individual artist as the surest guide.

And remember, too, that when a society emphasizes the arts, it emphasizes the value of the individual, of individuality. Where the arts flourish, so does that consumate political system centered on the individual—democracy.●

INTRODUCTION OF A BILL TO RAISE THE PERSONAL EXPENSE ALLOWANCE OF SOCIAL SECURITY BENEFICIARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

● Mr. MURPHY of New York. Mr. Speaker, I am introducing today legislation which will increase the personal living allowance for SSI beneficiaries living in nursing homes from $25 per month to $50 per month, with accommodations made for annual cost-of-living increases.

This law must be amended to reflect the rising cost of goods and services which is especially felt by those living on a fixed income, especially those who are being cared for in a nursing home situation. The present allowance of $25 each month works out to less than $1 per day leaving little room for the individual to meet his or her needs whether they be "luxuries" like cigarettes or snacks, or necessities such as clothing or shoes.

When visiting the nursing homes in my district, I have witnessed the desire of these residents to continue to live their lives independently. When they are forced to merely subsist, or even worse, on the meager allowance meted out to them by our Social Security System their self-respect is severely damaged. Our older population is this Nation's greatest natural resource. The citizens in this age group have worked all their lives to provide for themselves and their families and thereby contributed to the growth and development of this Nation. We must recognize and acknowledge their sacrifices and insure that they are able to live out their later years in the grace and dignity they richly deserve.

The most blatant inequity in American society is the lack of concern for the welfare of our senior citizens. It is unconscionable to me that men and women who have given so much to build this great country can be viewed as a burden by some Americans who are reaping the benefits of their labor and sacrifices. Throughout my congressional career I have fought to guarantee a dignified, productive, and comfortable life for our senior citizens. This bill is one milestone of this fight and I urge all my colleagues to give it their most compassionate support.●

POLITICS AND THE MONEY SUPPLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Gibbons) is recognized for 5 minutes.

● Mr. GIBBONS. Mr. Speaker, Robert T. Samuelson, the noted economist who writes for the National Journal, had an extremely interesting article in the August 30, 1980, issue of the Journal. Today I want to bring several very cogent points Mr. Samuelson makes in his article to the attention of my colleagues who may not have seen it.

Mr. Samuelson was discussing the Federal Reserve Board's money supply policy and its implications for fiscal year 1981 tax cuts. He observed that the FRB has indicated it will limit the growth in the basic money supply next year to a rate below what was permitted this year and, very significantly, considerably below the anticipated rate of inflation. Obviously, this will act as a limiting factor on public and private borrowing next year and one that will be very tight. The conclusion Mr. Samuelson draws is as follows:

> If you've followed this arithmetic, you realize that that the Federal Reserve's money supply commitments limit the effects of any tax cut enacted to spur the economy. If the tax cut tries to pump up demand too much, higher government borrowing to cover the deficit will drive up interest rates and choke off demand elsewhere. Indeed, the first slight signs of recovery and an increase in loan demand have already resulted in some interest rate increases.

As we all know, the fiscal year 1981 budget is going to have, with or without a tax cut, a more than insignificant deficit. Any tax cut we enact to take effect next year will increase that deficit and cause Treasury to go into the market and borrow to cover the shortfall. This, of course, reduces pro tanto the amount of credit available to private business. This is not to argue that we should forego a tax cut; clearly for the long term certain basic tax changes are indispensable to the health of our economy. The point it does make, however, is that we must select the types of tax cuts we make with tremendous care.

What Mr. Samuelson warns against, and warns against very correctly, is an overstimulative tax cut—a tax cut that will have demand taking off like a rocket and enormously exacerbate the problems we are going to have next year with the Fed's money supply growth limits. If a demand stimulative tax cut is enacted, there just will not be enough credit to go around. And who will that hurt? Our colleague from Connecticut, Mr. Cotter, in a recent Record submission pointed out that it will disproportionately hurt those recession-impacted basic industries whose profits have disappeared and who must borrow to begin rebuilding. In my view, it will also disproportionately hurt small business, new business, and labor-intensive business—the very firms our economic future greatly depends upon, the innovators, the new job creators. These are critically important businesses, but businesses that too often must rely on outside loans for investment seed money because they have difficulty generating adequate supplies of capital internally. Mr. Samuelson would add that it will particularly hurt the auto and housing industries—two industries whose recovery is utterly dependent on the availability of consumer credit.

There we have the danger, and it is a very grave danger indeed. However, it is a danger that can be avoided. It can be avoided by enacting a tax cut that will boost our national rate of savings, rather than the level of consumption and demand. This can be done, and done best I am convinced, by substantially expanding individual retirement accounts and the level of tax incentives we provide for contributions to such accounts. Individual retirement accounts tend to provide long-term savings, and thus they provide a solid and stable base of economic capital for long-term economic growth.

Recognizing this, the Senate Finance Committee included in its tax bill a provision increasing the IRA contribution limits and expanding the IRA participation rules. However, the Senate bill falls far short of what I am convinced is necessary. First, and most important, the committee has allotted IRA liberalization only a pittance of the overall tax cut. The Senate Finance Committee has allotted IRA liberalization only $600 million out of a tax cut that totals over $40 billion in calendar year 1981. This is way out of proportion and will result in far less new savings than our economy will need next year and in years to come. Second, the Senate approach does nothing to give lower income individuals an incentive to use IRA's, the very group that most needs to, but seldom does today. Too many lower income individuals will receive nothing or next to nothing under employer sponsored pension plans. Further, the Senate bill contains but minimal improvement for the spousal IRA, despite the growing evidence that this group is the most unprotected when it comes to retirement income security.

During July and August, I have included in the Record the details of my Work and Savings Incentive Act of 1981. As part of this plan, I have proposed an approach to IRA expansion (H.R. 8088) that would provide all individuals with an incentive to participate in IRA's. This is accomplished by means of tax credit—a 50-percent tax credit—that would replace the current deduction for IRA savings. H.R. 8088 would also expand the IRA contribution limits to $3,000 and make other IRA liberalizations. All in all it would provide an increase in savings that would be much greater than the Senate finance bill would provide and, therefore, it is in my view the way to go given our present economic climate. I invite your support for H.R. 8088.

Mr. Samuelson's article for the National Journal entitled "Politics and the Money Supply" follows:

Politics and the Money Supply

(By Robert J. Samuelson)

The economic "debate" of this election gives you the sinking feeling that the candidates haven't been reading the newspapers and have never heard of Federal Reserve Board chairman Paul A. Volcker or the money supply. There is an air of political theater to it all, because Volcker and the Fed, operating through the money supply, will exert more influence on the economy than the next President. And what the candidates ought to be debating is how they can help the Fed arrest inflation without a prolonged bout of high unemployment.

Put simply, the Fed is now grudgingly committed to monetarism. That's the notion that inflation ultimately reflects too much money chasing too few goods, reducing inflation, therefore, requires reducing money growth. The danger is that the process will work so slowly that it won't be given a chance to succeed. Judged realistically, the economy may not be producing more at the end of 1981 than at the end of 1979. With more people entering the labor force, the unemployment rate may pass 8 per cent and remain there until at least 1982.

If there were any other way of stifling inflation, it would have been tried long ago. The candidates seem to accept this, but they do not want to talk about its unpleasant consequences. Specifically, they don't discuss what other government actions might reduce the economy's inflationary bias. The political problem is that the actions government might take—minimizing trade protectionism, subsidies and minimum wage increases—take things away from voters. In an election year, candidates want to emphasize what they're giving.

But the practical result is also political. There is little effort to inform the public of the economy's realistic prospects or to emphasize that inflationary schemes inherently undermine the economy's capacity to create new jobs. Everyone is against inflation, but there is no genuine anti-inflationary constituency to oppose the pet proposals of specific interests. The ultimate absurdity was the Carter Administration's meek bailout of the Chrysler Corp., when that company's workers were receiving a 30 to 35 per cent three-year wage increase.

All this shifts more and more of the burden of economic policy to the Federal Reserve, whose only recourse is to slow money growth and hope that an underutilized and underemployed economy will gradually reduce inflation. This is an inevitable and sad process, as a brief excursion into the arcane arithmetic of money supply economics makes clear.

Start with the simple proposition that only an increase in the money supply can finance both rising prices and expansion of the economy's "real" output. The Fed has indicated that it will reduce growth of the basic money supply (so-called M 1–B, consisting of cash and checking accounts) to 4 to 5.5 per cent next year, down from a range of 4.5 to 6 per cent this year. Assuming price increases of 9 per cent, the 5.5 per cent growth in money could finance a constant level of output only if velocity—the turnover in money—increases 3.5 per cent (5.5 plus 3.5 equals 9).

Any further increase in output would require a greater rise in velocity. That's probable. Coming out of a recession, people and firms begin to make deferred purchases and use their cash balances more heavily; velocity tends to rise somewhat faster than normal. But velocity isn't likely to increase more than 6 to 7 per cent, which means that the real growth of the economy will only be 2.5 to 3.5 per cent—not enough to offset the probable drop this year. Not surprisingly, two major economic forecasting firms put the average 1981 unemployment rate at 8.7 and 8.8 per cent.

If you've followed this arithmetic, you realize that the Federal Reserve's money supply commitments limit the effects of any tax cut enacted to spur the economy. If the tax cut tries to pump up demand too much, higher government borrowing to cover the deficit will drive up interest rates and choke off demand elsewhere. Indeed, the first slight signs of recovery and an increase in loan demand have already resulted in some interest rate increases.

There are limits to how much the government can influence this outlook. Some prices—foreign oil—respond primarily to political events and upheavals. The recent drought in the Midwest will further increase food prices as pork and poultry producers cut back supplies in response to higher grain prices.

Likewise, wage gains have accelerated this year. Most workers aren't laid off in a recession. To maintain the goodwill and productivity of workers who will be around a long time, firms relate current wage gains to past inflation. And most workers are semi-permanent. A recent paper by Stanford University economist Robert Hall indicates that 54 per cent of workers in their early thirties have been at their current jobs for three years or longer.

But government isn't powerless. Aside from shunning favors for specific constituencies, it can fashion its tax cut with monetary policy in mind. Specifically, the next tax cut ought to be modest, ought to repeal the 1981 social security tax increase (which tends to get built into labor costs and passed along in prices) and ought to concentrate relief on business taxes (which would limit pressure to restore profit margins by raising prices).

This orientation would diminish upward pressures on interest rates, which is good for three reasons: it would concentrate the recovery on the depressed housing and auto industries, which are dependent on credit and sensitive to rates; it would tend to hold down inflation, both because mortgage interest rates are built into the consumer price index and because shortages of housing and fuel-efficient cars (read: demand for foreign oil) exert independent inflationary pressure; and it would tend to push money out of short-term investments into the stock market, and the economy needs more "risk" capital.

But the candidates are not talking as if monetary policy existed. The Fed can't lower interest rates by pumping up the money supply without risking greater inflation later. The record of the past 20 years is that economic policy is the creature of public moods, aiming to fight either unemployment or inflation—but not both. If we can't put them together, we will lose both struggles.●

THE 1980 DEMOCRATIC PLATFORM

(Mr. WRIGHT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, in 1844 our Nation's political parties first adopted platforms, establishing a precedent which has been followed throughout the democratic nations of the world.

These platforms have been increasingly refined and developed until they now provide a significant guide to the American people as to the future they may expect under one party or the other.

That is why today I present to the House the 1980 Democratic National Platform for printing in the RECORD. One hundred and thirty-six years ago, in the first year of party platforms, Democrats James K. Polk and George M. Dallas were elected President and Vice President. Today we who call ourselves Democrats present the most modern version of our party platform and hope that the American people will again choose a Democratic President and Vice President.

The report follows:

THE 1980 DEMOCRATIC NATIONAL PLATFORM

PREAMBLE

In its third century, America faces great challenges and an uncertain future. The decade that America now enters presents us with decisions as monumental and fundamental as those we faced during the Civil War, during two World Wars, and during the Great Depression. Our current task is different from each of these historic challenges. But in many ways the challenge is the same: to marshall the talents and spirit of the American people, to harness our enormous resources, and to face the future with confidence and hope.

The task now before us is as global as the worldwide energy shortage, and as local as the plight of children in Appalachia. It reaches from the condition of older Eastern cities and the industries of the snowbelt, to the complex new demands of our sunbelt region and the special needs of our Western states. It is as basic as the entitlement of minorities and women to real equality in every aspect of the nation's life. It is as immediate as the refugee crisis in Miami and the natural disaster at Mount St. Helens. It is as futuristic as the exploration of space and the oceans. It is as idealistic as the spirit of liberty which imbues our Constitution. It requires nothing less than a continued dedication to Democratic principles by each element in our society—government, business, labor, and every citizen—to the promise and potential of our nation.

We live in a time when effective policy requires an understanding of the web of competing values and interests which exist in our country. We must combine compassion with self-discipline. We must forego simplistic answers for long-term solutions to our problems.

With the Republican leadership closing its eyes to the realities of our time and running for the Presidency on a program of the easy answer . . . of the pleasant-sounding political promise, it is time to take a page from Adlai Stevenson's 1952 presidential campaign—it is time "to talk sense to the American people." It is time to talk bluntly and candidly about our problems and our proposed solutions; to face up to our problems and respond to them.

If we fail in this important task . . . if we fail to lay the issues squarely before the American people, we could well allow the federal government to revert to four years of Republicanism—neglect of the poor and disadvantaged, disdain for working men and women, compassion only for the rich and the privileged, failure to meet the challenges of energy, inflation and unemployment, and a breakdown of the partnership among local, state and federal governments. We as Democrats must not let this happen.

After nearly four years in office, we Democrats have not solved all of America's problems.

Most of these problems we inherited. Eight years of Republican politics left this nation weak, rudderless, unrespected and deeply divided.

As a result of this legacy, despite our progress, inflation still erodes the standard of living of every American.

As a result of this legacy, despite our progress, too many Americans are out of work.

As a result of this legacy, despite our progress, complete equality for all citizens has yet to be achieved.

As a result of this legacy, despite our progress, we still live in a very dangerous world, where competing ideologies and age-old animosities daily threaten the peace.

As a result of this legacy, our nation is still subject to the oil pricing and production decisions of foreign countries.

We will not run from these problems, nor will we fail. The record of the past four years is a testament to what the Democrats can do working together.

Time and time again in these past four years, a Democratic Congress and a Democratic President proved that they were willing to make the tough decisions.

Today, because of that Democratic partnership, we are a stronger nation.

Today, because of that Democratic partnership, we are at peace.

Today, because of that Democratic partnership, we are a more just nation.

Today, because of that Democratic partnership, honor and truth and integrity have been restored to our government and to our political process.

And so this party looks to the future with determination and confidence.

We have been and we shall remain the party of all Americans. We seek solutions that not only meet the needs of the many, but reaffirm our commitment to improve the conditions of the least fortunate in our society.

In this platform we offer programs and solutions that represent our dedication to Democratic principles. They define a spirit as well as a program . . . a set of beliefs as well as a set of ideals. Time and events may alter their priority or prospects. But nothing will alter the defining spirit and values of the Democratic Party.

The platform of the Democratic Party is a contract with the people. We believe that accountability for Democratic principles goes hand in hand with dedication to those principles. The Democratic Party is proud of its historic heritage of commitment to the people of America. Fulfilling this platform will permit us to keep faith with that tradition.

CHAPTER I: THE ECONOMY

The Democratic Party will take no action whose effect will be a significant increase in unemployment—no fiscal action, no monetary action, no budgetary action—if it is the assessment of either the Council of Economic Advisers or the Congressional Budget Office that such action will cause significantly greater unemployment.

In all of our economic programs, the one overriding principle must be fairness. All Americans must bear a fair share of our economic burdens and reap a fair share of our economic benefits. High-interest rates impose an unfair burden—on farmers, small businesses, and younger families buying homes. Recession imposes an unfair burden on those least able to bear it. Democratic economic policy must assure fairness for workers, the elderly, women, the poor, minorities and the majority who are middle income Americans. In 1980, we pledge a truly Democrtaic economic policy to secure a prosperous economic future.

Economic strength

While the past three and a half years of Democratic leadership have been years of growth for our economy, we now find ourselves in a recession.

The Democratic Party is committed to taking the necessary steps to combat the current recession. However, we cannot abandon our fight against inflation. We must fight both of these problems at the same time; we are committed to do so. We will continue to pursue the fight against inflation in ways not designed or intended to increase unemployment.

In all of our economic programs, the one overriding principle must be fairness. All Americans must bear a fair share of our economic burdens and reap a fair share of our economic benefits. High interest rates impose an unfair burden—on farmers, small businesses, and younger families buying homes. Recession imposes an unfair burden on those least able to bear it. Democratic economic policy must continue to assure fairness for workers, the elderly, the poor, minorities and the majority who are middle income Americans. In 1980, we pledge to continue a truly Democratic economic policy to secure a prosperous economic future.

Our current economic situation is unique. In 1977, we inherited a severe recession from the Republicans. The Democratic Administration and the Democratic Congress acted quickly to reduce the unacceptably high levels of unemployment and to stimulate the economy. And we succeeded. We recovered from that deep recession and our economy was strengthened and revitalized. As that fight was won, the enormous increases in foreign oil prices—120 percent last year—and declining productivity fueled an inflationary spiral that also had to be fought. The Democrats did that, and inflation has begun to recede. In working to combat these dual problems, significant economic actions have been taken.

Two tax cuts have been enacted, in 1977 and 1978, reducing taxes on individuals and businesses by an amount equal, this year, to about $40 billion.

While meeting our national security and pressing domestic needs, the Democratic Partnership has restrained the increase in government spending in ways which have steadily reduced the deficit we inherited.

Airline and banking regulatory reforms have been enacted; further regulatory reforms are now under consideration.

In the effort to restrain inflation, a voluntary pay advisory committee has been established with labor, business, and public representatives pursuant to a National Accord.

The first national export policy was developed; export and trade responsibilities were reorganized and strengthened; the Multilateral Trade Negotiations were completed; and the MTN Agreement was approved by the Congress.

To ensure a greater impact for scarce federal dollars, grant and loan programs have been redirected to the areas of greatest need, and the formula programs have been redesigned to *target* the areas with the most serious problems.

As a result of these economic actions:

Employment—More than 8.5 million new jobs have been added to the workforce; about 1 million of those jobs are held by Blacks, and nearly an additional 1 million are held by Hispanics. Gains have been made by all groups—more men, more women, more minorities, and more young people are working than ever before in our history. Despite these gains, current unemployment is too high and must be lowered.

Inflation—A strong anti-inflation program has been initiated and pursued aggressively, to deal both with the short-term inflation problem and with the long-term causes of inflation. The effects of the short-term effort are now evident: inflation is beginning to come down. Although some interest rates remain high, they are falling at record rates. This progress will continue as short-term actions continue to work and long-term initiatives begin to take hold.

Economic Growth—Despite the economic declines of the past few months, for the first three years of the Carter Administration our economy was strong. For the 1977–1979 period:

Gross National Product increased by 11.8 percent in real terms.

Real after-tax income per person increased by 10.3 percent.

Industrial production increased by 14.8 percent.

Dividends increased by 36 percent.

Real business fixed investment increased by 22.9 percent.

Energy—Our dependence on foreign oil has decreased—in 1977 we imported 8.8 million barrels of oil per day, and our nation is now importing approximately 6.5 million per day, a decline of 26 percent.

Solving Our Economic Problems

The Democratic Party commits itself to a strong economic program—one that builds on the progress we have made to date, one that corrects the very real problems we face now, one that is responsible, one that offers realistic hope, and one that can unify our Party. Such a Democratic program would contrast dramatically with the simplistic rhetoric and the traditional economic policies of the Republican Party.

Full Employment—We specifically reaffirm our commitment to achieve all the goals of the Humphrey-Hawkins Full Employment Act within the currently prescribed dates in the Act, especially those relating to a joint reduction in unemployment and inflation. Full employment is important to the achievement of a rising standard of living, to the pursuit of sound justice, and to the strength and vitality of America.

Anti-Recession Assistance—Immediately, we must undertake a short-term anti-recession program to reverse the tide of deepening recession and rising unemployment. Each percentage point increase in the unemployment rate adds $25 billion to the Federal deficit.

A Democratic anti-recession program must recognize that Blacks, Hispanics, other minorities, women, and older workers bear the brunt of recession. We pledge a $12 billion anti-recession jobs program, providing at least 800,000 additional jobs, including full funding of the counter-cyclical assistance program for the cities, a major expansion of the youth employment and training program to give young people in our inner cities new hope, expanded training programs for women and displaced homemakers to give these workers a fair chance in the workplace, and new opportunities for the elderly to contribute their talents and skills.

Coupling our need to rehabilitate our railroads with the need to create new job opportunities, we must commit ourselves to a $1 billion railroad renewal program which can employ 20,000 workers.

We must take steps to restore the housing industry, including effective implementation of the Brooke-Cranston program, and the addition of 200,000 new units a year for low and moderate income families.

National Accord—The National Accord with Labor must be strengthened and continued. This enhances the unique opportunity afforded by a Democratic Administration for government, labor and business to work together to solve our inflationary and other economic problems.

Tax Reductions—We commit ourselves to targeted tax reductions designed to stimulate production and combat recession as soon as it appears so that tax reductions will not have a disproportionately inflationary effect. We must avoid untargeted tax cuts which would increase inflation. Any tax reduction must, if it is to help solve pressing economic problems, follow certain guiding principles:

The inflationary impact must be minimized;

Reductions provided to individuals must be weighted to help low and middle income individuals and families, to improve consumer purchasing power, and to enhance a growing economy while maintaining and strengthening the overall progressive nature of the tax code.

Productivity, investment, capital formation, as well as incentives, must be encouraged, particularly in distressed areas and industries;

The effect on our economy must be one which encourages job formation and business growth.

Federal Spending—Spending restraint must be sensitive to those who look to the Federal Government for aid and assistance, especially to our Nation's workers in times of high unemployment. At the same time, as long as inflationary pressures remain strong, fiscal prudence is essential to avoid destroying the progress made to date in reducing the inflation rate.

Fiscal policy must remain a flexible economic tool. We oppose a Constitutional amendment requiring a balanced budget.

Interest Rates—The Democratic Party has historically been committed to policies that result in low interest rates in order to help our nation's workers, small businesses, farmers and homeowners. Therefore, we must continue to pursue a tough anti-inflationary policy which will lead to an across-the-board reduction in interest rates on loans.

In using monetary policy to fight inflation, the government should be sensitive to the special needs of areas of our economy most affected by high interest rates. The Federal Reserve shall use the tool of reserve requirements creatively in its effort to fight inflation. The Federal Reserve should also take particular care to make certain that it is aware of the concerns of labor, agriculture, housing, consumers and small business in its decision-making process. Finally, its Open Market Committee should continue to provide regular information to the public about its activities.

Regulatory Reform—Consistent with our basic health, safety, and environmental goals, we must continue to deregulate over-regulated industries and to remove other unnecessary regulatory burdens on state and local governments and on the private sector, particularly those which inhibit competition.

Targeting and Regional Balance—From the time of Franklin Roosevelt, the Democratic Party has dedicated itself to the principle that the federal government has a duty to ensure that all regions, states and localities share in the benefits of national economic prosperity and that none bears more than its share of economic adversity.

Our 1976 platform stated: Even during periods of normal economic growth there are communities and regions of the country—particularly central cities and urban areas—that do not fully participate in national economic prosperity. The Democratic Party has supported national economic policies which have conscientiously sought to aid regions in the nation which have been afflicted with poverty, or newer regions which have needed resources for development. These policies were soundly conceived and have been successful. Today, we have different areas and regions in economic decline and once again face a problem of balanced economic growth. To restore balance, national economic policy should be designed to target federal resources in areas of greatest need.

A Democratic Administration has welcomed and encouraged the sustained growth of the West and Southwest in recent years. Policies now in place ensure that this growth will continue and bring the greatest benefits to the nation as a whole.

At the same time, a Democratic Administration will be committed to the economic growth and prosperity of the other regions of the nation. The era of federal policies directed exclusively to the development of one region or another should be succeeded by government-wide policies designed to bring about balanced and shared growth in all regions.

To restore balance, we must continue to improve the targeting of federal programs in order to maximize their benefit to those most in need. To involve the private sector in solving our economic problems, and to reduce the burden on government, we must leverage federal dollars with funds from the private sector.

Rebuilding American Industry by Increasing Economic Productivity and Competitiveness.—The Democratic Party has a long tradition of inovation, foresight, and flexibility in creating policies to solve the nation's most urgent economic needs. We now stand at another watershed in our economic history which demands our party's full attention, creative powers, resources, and skills. To revive productivity and revitalize our economy, we need a national effort to strengthen the American economy. It must include new tax depreciation rules to stimulate selective capital investment; a simplified tax code to assist business planning: removal of governmental regulations which are unnecessary and stifle business initiative; effective incentives for saving that do not discriminate against low and middle income taxpayers; reform in patent rules and new incentives for research and development, especially by small business; cooperative efforts with labor and management to retool the steel, auto and shipbuilding industries; and strengthened worker training programs to improve job opportunities and working skills.

Encouraging investment, innovation, efficiency and downward pressure on prices also requires new measures to increase competition in our economy. In regulated sectors of our economy, government serves too often to entrench high price levels and stifle competition. Regulations must balance protective benefits against potentially adverse effects on competitiveness. Necessary regulations should be achieved at minimum cost and at reduced burden to industry. In unregulated sectors of the economy, we must increase antitrust enforcement; greatly improve the speed and efficiency of antitrust litigation; and renew efforts to prevent the concentration of economic power—both in specific industries and across the economy as a whole—which operate to stifle growth and to fuel inflation.

United States non-farm exports have risen 50 percent in real terms in the last three years. A Democratic President and a Democratic Congress have recognized and strengthened the export trade functions of the federal government. To create new markets for American products and strengthen the dollar, we must seek out new opportunities for American exports; help establish stable, long-term commercial relationships between nations; offer technical assistance to firms competing in world markets; promote reciprocal trading terms for nations doing business here; and help insure that America's domestic retooling is consistent with new opportunities in foreign trade.

One of our main goals in this effort will be to enable American industry to compete more effectively with foreign products. We must intensify our efforts to promote American exports and to ensure that our domestic industries and workers are not affected adversely by unfair trade practices, such as dumping. We must make international trade a major focus of our domestic and international policy. We will continue to support the development of trading companies which will compete more effectively in world markets. We must ensure that our efforts to lower tariff barriers are reciprocated by our trading partners. We recognize the superior productivity of American agriculture and the importance of agricultural exports to the balance of trade. We support continuing efforts to promote agricultural exports.

Ensuring economic equity

Budget

The budget policy that has been put forth by the Democratic Party traditionally has been based on providing adequate federal resources to meet our nation's urgent needs. The current Democratic Partnership has continued that tradition while restraining the growth of the federal budget.

We have increased support for vital domestic programs. We have increased funding for education by 75 percent over the Ford budget. We have increased Head Start by 73 percent, basic skills programs by 233 percent, bilingual education by 113 percent, Native American education by 124 percent, summer jobs by 66 percent, Job Corps by 157 percent, employment and training programs by 115 percent, Medicare by 54 percent, National Health Service Corps by 179 percent, Child Nutrition by 43 percent, and Women, Infants and Children (WIC) Program by 300 percent.

We have been able to do this, while restraining the growth in federal spending, because the country has had a growing economy; tax cuts have been moderate; waste and fraud have been reduced; and aid has been targeted to those most in need.

International events have required increased defense spending. The Soviet challenge cannot be ignored. We have had to reverse the steady decline in defense spending that occurred under the Republican Administration. A Democratic Administration and a Democratic Congress have done this; real defense spending has increased, in part through the elimination of waste and the emphasis on increased efficiency.

In the eight years preceding the first Carter budget, real federal spending had been growing at an average rate of 3 percent each year. By contrast, between FY 1978 and 1981, real federal spending will have *declined* at an average annual rate of 0.6 percent.

The federal budget has not been and must not be permitted to be an inflationary nor a recessionary force in our economy, but it also must not be permitted to ignore pressing human needs.

We support the discipline of attempting to live within the limits of our anticipated revenues. Government must set the example of fiscal responsibility for all our citizens who are helping in the fight against inflation. Spending discipline allows us to concentrate our resources to meet our most pressing human needs.

We as Democrats will continue our policy of opposing drastic cuts in social programs which impose unfair burdens on the poor and the aged, on women, on children and on minorities. We have always opposed and will continue to oppose imposition of ever greater burdens on the poor, who can least afford them.

We also recommit ourselves to operating our government more efficiently, and concentrating our efforts on eliminating waste, fraud, and abuse in government programs to make our tax dollars go further.

Worker Protection

The Democratic Administration has worked with Congress to take actions which protect our nation's workers from declining incomes, unsafe working conditions, and threats to their basic rights. The Democratic Party will not pursue a policy of high interest rates and unemployment as the means to fight inflation. We will take no action whose effect will be a significant increase in unemployment, no fiscal action, no monetary action, no budgetary action. The Democratic Party remains committed to policies that will not produce high interest rates or high unemployment.

But much more needs to be done to protect our nation's workers. The Democratic Party has a long and proud tradition in this area and we must pledge to continue our efforts over the next four years.

Over a generation ago this nation established a labor policy whose purpose is to encourage the practice and procedure of collective bargaining and the right of workers to organize to obtain this goal. The Democratic Party is committed to extending the benefit of this policy to all workers and to removing the barriers to its administration.

In the future the Democratic Party will concentrate on the following areas.

Our labor laws should be reformed to permit better administration and enforcement, and particularly to prevent the inordinate delays and *outright defiance* by some employers of our labor laws. We can no longer tolerate the fact that certain employers are willing to bear the cost of sanctions which are in our current laws in order to violate the rights of those attempting to organize.

OSHA protections should be properly administered, with the concern of the worker being the highest priority; legislative or administrative efforts to weaken OSHA's basic worker protection responsibilities are unacceptable. OSHA has significantly reduced workplace accidents and fatalities. We will not limit its scope for any reason, including the size of business, since all workers face significant workplace dangers. The Democratic Party strongly opposes and urges all actions to defeat legislation which weakens OSHA's critical protections.

Hatch Act reforms should be enacted to give federal workers their basic First Amendment rights. We must protect federal workers from interruptions in their pay due to delays in the federal appropriations process and must seek ways to assure the comparability of pay scales between the federal and private sectors.

We support the right of public employees and agricultural workers to organize and bargain collectively. We urge the adoption of appropriate federal legislation to ensure this goal.

Legislation must be enacted to allow building trades workers the same peaceful picketing rights currently afforded industrial workers.

All fair labor standards acts, such as the minimum wage and Davis-Bacon protections, must continue to be effectively enforced against employers seeking to circumvent their worker protections.

Section 14-b of the Taft-Hartley Act should be repealed.

Special assistance should be made available for unemployed workers in distressed industries, such as the automobile, steel, and shipbuilding industries.

We must improve and strengthen our trade adjustment assistance programs.

We support federal legislation designed to give protection and human rights to those workers affected by plant closings.

Just as we must protect workers in their workplace, so must we protect them when they are disabled by accidents or sicknesses resulting from their work. The Democratic Party supports federal legislation to assure adequate minimum benefit levels to those who are unemployed, including expansion of coverage to all wage and salary workers and extended benefits for the long-term unemployed. It must not artificially disregard those who have already been unemployed for a long time.

We will continue to oppose a sub-minimum wage for youth and other workers and to support increases in the minimum wage so as to ensure an adequate income for all workers.

Small Business

The prosperity of small business is an important national priority. Over half of the major innovations in the past twenty years have come from firms with less than 1,000 employees, and technological innovation has accounted for nearly half of America's economic growth. Small firms have a cost-per-scientist or engineer half that of larger firms.

Ninety-six percent of the six million jobs created in the private sector between 1968 and 1976 came from small businesses—primarily firms in business less than four years, employing less than 20 workers. In contrast the biggest 500 manufacturing companies–accounting for 80 percent of national output—employed precisely the same number of workers in 1968 as they did in 1976.

Of course, larger firms may offer other economic benefits to society, but the contribution of small business is vital and unique, and no overall program for economic recovery will succeed unless it relies heavily on small businesses. For this reason, the Democratic Party commits itself to the first comprehensive program for small business in American history. That program will include the following measures.

A prompt review and response for the recommendations of the White House Conference on Small Business.

Legislation to transfer from the SBA to the Farmers Home Administration responsibility for providing loans to farmers in financial need.

Allocation of a fair percentage of federal research funds to small business.

Protection of small and independent businesses against takeover by giant conglomerates.

Continued efforts to end federal regulations which reinforce barriers to entry by new and small firms, and which thereby entrench the dominance of market leaders.

A review of regulations and requirements which impose unnecessary burdens upon smaller firms. Results should provide relief for smaller firms which now pay $12.7 billion a year to fill 850 million pages of government paperwork. We will adopt regulatory requirements to meet the needs of smaller firms, where such action will not interfere with the objectives of the regulation.

Minority Business

A Democratic Congress and a Democratic Administration have worked together to increase opportunities for minority businesses, which have suffered from inadequate capitalization. Enormous progress has been made in the last four years.

Federal procurement from minority-owned firms has increased by nearly two and a half times.

Federal deposits in minority-owned banks have already doubled.

Minority ownership of radio and television stations has increased by 65 percent.

Almost 15 percent of the funds spent under the Local Public Works Act went to minority-owned firms.

The Section 8(a) program operated by the Small Business Administration has been reformed and strengthened.

The Demorcatic Party pledges itself to advance minority businesses, including Black, Hispanic, Asian/Pacific Americans, Native Americans and other minorities to:

Increase the overall level of support and the overall level of federal procurement so that minority groups will receive additional benefits and opportunities.

Triple the 1980 level of federal procurement from minority-owned firms as we have tripled the 1977 levels in the past three years.

Increase substantially the targeting of Small Business Administration loans to minority-owned businesses.

Increase ownership of small businesses by minorities, especially in those areas which have traditionally been closed to minorities, such as communications and newspapers.

Expand management, technical, and training assistance for minority firms, and strengthen minority capital development under the SBA's Minority Enterprise Small Business Investment Company (MESBIC) program.

Establish a Minority Business Development Agency in the Department of Commerce under statutory mandate.

Implement vigorously all set-aside provisions for minority businesses.

Women in Business

The Democrats have exercised effective leadership in the field of support to women-owned businesses. A national policy was developed to support women's business enterprises, and SBA created the first program to help women entrepreneurs. President Carter has issued an Executive Order creating a national women's business enterprise policy and prescribing arrangements for developing, coordinating, and implementing a national program for women's business enterprise.

Support of this program must be expanded through effective implementation of the Executive Order to ensure an equitable distribution of government prime and subcontracts to women business owners. Cabinet Secretaries and agency heads, working with the Office of Federal Procurement Policy, must monitor realistic goals established for the award of government business and financial support to women-owned businesses.

As the key office within the federal government for these programs, the Office of Women's Business Enterprise in SBA must be strengthened through adequate staffing and funding, and should receive continued emphasis by key White House and Office of Management and Budget personnel.

Economic Inequities Facing Minorities

We pledge to secure the rights of working women, homemakers, minority women and elderly women to a fair share of our economy. A sound economy in the next four years is of vital importance to women, who are often at the bottom of the economic ladder. But if our economy is to be truly fair, additional steps are required to address the inequities that women now face.

Special attention must be paid to the employment needs of women. Today, women who can find work earn, on average, only 59 cents for every dollar earned by men.

The Democratic Party, therefore, commits itself to strong steps to close the wage gap between men and women, to expand child care opportunities for families with working parents, to end the tax discrimination that penalizes married working couples, and to ensure that women can retire in dignity.

We will strictly enforce existing anti-discrimination laws with respect to hiring, pay and promotions. We will adopt a full employment policy, with increased possibilities for part-time work. Vocational programs for young women in our high schools and colleges will be equalized and expanded. Fields traditionally reserved to men . . . from construction to engineering . . . must be opened to women, a goal which must be promoted through government incentives and federally-sponsored training programs.

Perhaps most important, the Democratic Party is committed to the principle of equal pay for work of comparable value. Through new job classification studies by the Department of Labor, job reclassification by the Office of Personnel Management and new legislation from Congress if necessary, we will ensure that women in both the public and private sectors are not only paid equally for work which is identical to that performed by men, but are also paid equally for work which is of comparable value to that performed by men.

The Democratic Party must lead the way in ensuring that women and minorities are afforded real equality in the workforce, neither displacing the other. As the nation's single largest employer, the hiring and promotion practices of the federal government must set an example. Every branch of government will be mandated not only to hire qualified women and minorities, but also affirmatively to seek out able minorities and women within the government for training and promotion. Opportunities for part-time work will be expanded and pay equalized to reflect the value of the work which is done.

Women and the Economy

We must expand jobs and job training including apprenticeship training programs for those who have special problems—groups such as the young, veterans, older workers, minorities, those with limited fluency in English, and the handicapped. The Democratic Party pledges that anyone who wants to learn the skills necessary to secure a job will be able to do so.

We also must improve the quality of the programs designed to help the structurally unemployed. We must give trainees a better sense of what work will be like, assure a higher level of training, and undertake greater efforts to place people in jobs and help them adjust to the world of work. We should explore several methods for making such improvements, including performance funding. More money should go to those training programs which prove most successful. Particular emphasis should be given to training programs run by community-based organizations which have a superior record of success.

Where public agencies have trouble reaching those who seem unemployable, and where the training they provide is not effective, we should assist business to provide that training. We should ensure that business is not paid merely for hiring those that would be hired anyway, and that federal subsidies are truly training subsidies and not disguised wage subsidies.

A major effort must be undertaken to address youth employment. Half the unemployed are under 25. Teenage inner city unemployment is at disastrous levels of 50 percent or higher. The problem is one of both employment and employability—a lack of jobs and a lack of skills.

We need new combinations of work experience and training for young people, new links between schools and the workplace, new ways to reach out to those who are out of school and out of work, but who have special need for skill development and job experience.

Consumer Protection

Since the first administration of Franklin Roosevelt, the Democratic Party has stood as the Party which championed consumer rights. It is our tradition to support and enact policies which guarantee that the consumer is sovereign in the market place. It is our history to institute necessary government programs to protect the health, safety and economic well-being of the American consumer. And it is our way of governing to ensure that consumers have full opportunity to participate in the decision-making processes of government.

Working together, the Democratic Administration and Congress have maintained that tradition. Prominent consumer advocates have been appointed to key government positions. A new National Consumer Cooperative Bank has been created, and a Fair Debt Collection Practices Act has been enacted. Each federal agency has been directed to establish procedures so that consumer needs and interests are adequately considered and addressed on a continual basis. The basic consumer protection authorities of the Federal Trade Commission have been preserved.

Over the next four years, we must continue to guarantee and enhance the basic consumer rights to safety, to information, to choice and to a fair hearing.

Government must continue its efforts to create a strong independent voice to ensure that the consumer's interest is considered in government proceedings. We pledge continued support for an independent consumer protection agency to protect the rights and interests of consumers. Until one is created, we must ensure that each department and agency of the government has established and adequately funded a consumer program which complies with the requirements of Executive Order 12160. Each agency must provide ample opportunity for public involvement in its proceedings and should strive to adopt a program to provide funds for consumers and small businesses to participate in those proceedings.

We must continue our support of basic health, safety, environmental and consumer protection regulatory programs and must undertake the following new initiatives to provide additional basic protections to consumers:

Comprehensive review of food safety and drug statutes, with particular emphasis on food labeling which discloses product ingredients.

Requirements for full warranties for new automobiles.

Class action reform to remove unnecessarily burdensome and expensive procedures.

Reform of requirements for legal standing to seek judicial redress.

Protection for consumers against dangerous products, including standards for automobile safety, clothing flammability, new drugs and chemicals, and food and children's products.

Vigorous enforcement of truth-in-lending, antiredlining, and fair credit reporting laws.

Curtailment of abuses in sale of credit life insurance.

While consumer regulatory programs are necessary to achieve social goals, we recognize that an effective competition policy frees the market place from regulation. Therefore, we support vigorous enforcement and strengthening of the antitrust laws. Legislation should be enacted to overturn the *Illinois Brick* case and allow consumers who are injured as a result of a violation of the antitrust laws to seek redress, whether or not they have dealt directly with the violator.

We are committed to ensuring that America's poor do not suffer from lack of food. To this end, we support continued funding of the Food Stamp Program and expansion of the Women, Infant and Children (WIC) program.

We support the efforts of the National Consumer Cooperative Bank to assist grassroots consumer organizations to undertake self-help programs.

We support a nationwide program of consumer education to enable citizens to fully understand their rights in the market place, to be informed of the opportunities for participation in government decision-making, and to be equipped to make intelligent, national consumer decisions.

Antitrust Enforcement

America must commit itself to a free, open and competitive economy. We pledge vigorous antitrust enforcement in those areas of the economy which are not regulated by government and in those which are, we pledge an agency-by-agency review to prevent regulation from frustrating competition.

To accomplish these goals, we must:

Enact the *Illinois Brick* legislation.

Permit consumers and other interested parties to seek enforcement of consent decrees issued in antitrust cases brought by government.

Prevent anti-competitive pricing by firms in concentrated industries, and combat price signalling and other forms of anti-competitive conduct which do not fall into the current legal categories of either monopoly or collusion.

Control conglomerate mergers, when such mergers undermine important economic, social and political values without offsetting economic benefits.

Reform antitrust procedures to speed up cases and deter dilatory conduct by any party.

CHAPTER II: GOVERNMENT AND HUMAN NEEDS

The Democratic Party has properly been known as the Party of the people. We Democrats believe in making government responsive to the needs of the people . . . making it *work* for the people. We do not claim that government has all the answers to our problems, but we do believe that government has a legitimate role to play in searching for those answers and in applying those answers.

The Democratic Party has a proud record of responding to the human needs of our citizens. After eight years of Republican government and systematic Republican efforts to dismantle all of the hard-won New Frontier and Great Society social programs, the Carter Administration and the Democratic Congress have resurrected, preserved and strengthened those programs which have proven effective.

In the areas of health care, housing, education, welfare and social services, civil rights, and care for the disabled, elderly and veterans, a Democratic President and a Democratic Congress have put the federal government back in the business of serving our people.

Our progress has been significant, and in many areas unprecedented. In 1980, the people must decide whether our country will continue that progress, or whether we will allow the federal government to revert to four years of Republicanism—which means neglect of the poor and disadvantaged, disdain for working men and women, and compassion only for the rich and the privileged.

We will not allow this to happen. We pledge to build on the Democratic record of the past four years—to continue the process we have begun. While we recognize the need for fiscal restraint—and have proposed specific steps toward that goal—we pledge as Democrats that for the sole or primary purpose of fiscal restraint alone, we will not support reductions in the funding of any programs whose purpose is to serve the basic human needs of the most needy in our society—programs such as employment, income maintenance, food stamps, and efforts to enhance the educational, nutritional or health needs of children.

Health

The Carter Administration and the Congress have worked closely together to improve the health care provided to all Americans. In many vital areas, there has been clear progress.

The United States spent over $200 billion for health care in 1979. Despite these high expenditures and although we possess some of the finest hospitals and health professionals in the world, millions of Americans have little or no access to health care services. Incredibly, costs are predicted to soar to $400 billion by 1984, without improvement in either access to care or coverage of costs. Health care costs already consume ten cents of every dollar spent for goods and services.

The answer to runaway medical costs is not, as Republicans propose, to pour money into a wasteful and inefficient system. The answer is not to cut back on benefits for the elderly and eligibility for the poor. The answer is to enact a comprehensive, universal national health insurance plan.

To meet the goals of a program that will control costs and provide health coverage to every American, the Democratic Party pledges to seek a national health insurance program with the following features:

Universal coverage, without regard to place of employment, sex, age, marital status, or any other factor;

Comprehensive medical benefits, including preventive, diagnostic, therapeutic, health maintenance and rehabilitation services, and complete coverage of the costs of catastrophic illness or injury;

Aggressive cost containment provisions along with provisions to strengthen completitive forces in the marketplace;

Enhancement of the quality of care;

An end to the widespread use of exclusions that disadvantage women and that charge proportionately higher premiums to women;

Reform of the health care system, including encouragement of health maintenance organizations and other alternative delivery systems;

Building on the private health care delivery sector and preservation of the physician-patient relationship;

Provision for maximum individual choice of physician, other provider, and insurer;

Maintenance of the private insurance industry with appropriate public regulation;

Significant administrative and organizational roles for state and local government in setting policy and in resource planning;

Redistribution of services to ensure access to health care in underserved areas;

Improvement of non-institutional health services so that elderly, disabled, and other patients may remain in their homes and out of institutions; and

Child Health Assurance Program. We must continue to emphasize preventive health care for all citizens. As part of this commitment, we call for the enactment of legislation during the 96th Congress to expand the current Medicaid program and make an additional 5 million low-income children eligible for Medicaid benefits and an additional 200,000 low-income pregnant women eligible for pre-natal and post-natal care.

Mental Health Systems Act. We must enact legislation to help the mentally ill, based on the recommendations of the President's Commission on Mental Health. The legislation should focus on de-institutionalization of the chronically mentally ill, increased program flexibility at the local level, prevention, and the development of community-based mental health services. It is imperative that there be ongoing federal funding for the community-based mental health centers established under the 1963 Mental Health Act and that sufficient federal funding be provided for adequate staffing. We also endorse increased federal funding for ongoing training of mental health personnel in public facilities.

In the 1980's we must move beyond these existing health care initiatives and tackle other problems as well.

Long Term Care. We must develop a new policy on long-term care for our elderly and disabled populations that controls the cost explosion and at the same time provides more humane care. We must establish alternatives to the present provisions for long-term care, including adequate support systems and physical and occupational therapy in the home and the community, to make it unnecessary to institutionalize people who could lead productive lives at home.

We must support legislation to expand home health care services under Medicare and other health programs. Visits from doctors, nurses and other health personnel are a cost-effective and necessary program for the elderly who often cannot travel to medical facilities. Without home health services, many elderly citizens would be forced to give up their homes and shift their lives to institutions.

Multilingual Needs. We must support the utilization of bilingual interpreters in English-Spanish and other appropriate languages at federal and state-supported health care facilities. In addition, we support broader, more comprehensive health care for migrants.

Health Care Personnel. This nation must maintain an adequate supply of health professionals and personnel. Particular emphasis should be given to programs which educate nurses and other health professionals and related personnel, especially for the traditionally underserved rural and inner city areas.

The rising cost of education in health fields bars many who wish to enter these fields from doing so. In order to expand representation in the health professions of traditionally underrepresented groups, we support programs of financial assistance such as capitation grants. These programs must increase the presence of women and minorities in nursing, and must be targeted toward women and minorities in other health professions.

Minority and Women Care Professionals. We recognize the need for a significant increase in the number of minority and women health care professionals. We are committed to placing greater emphasis on enrollment and retention of minorities and women in medical schools and related health education professional programs.

We are also committed to placing a greater emphasis on medical research and services to meet the needs of minorities, women and children.

Reproductive Rights. We fully recognize the religious and ethical concerns which many Americans have about abortion. We also recognize the belief of many Americans that a woman has a right to choose whether and when to have a child.

The Democratic Party supports the 1973 Supreme Court decision on abortion rights as the law of the land and opposes any constitutional amendment to restrict or overturn that decision.

Furthermore, we pledge to support the right to be free of environmental and worksite hazards to reproductive health of women and men.

We further pledge to work for programs to improve the health and safety of pregnancy and childbirth, including adequate prenatal care, family planning, counseling, and services, with special care to the needs of the poor, the isolated, the rural, and the young.

Financially Distressed Public Hospitals. Frequently, the only source of medical care for much of the inner city population is the public general hospital. The ever-increasing costs of providing high quality hospital services and the lack of insurance coverage for many of the patients served have jeopardized the financial stability of these institutions. Immediate support is required for financially distressed public hospitals that provide a major community service in urban and rural areas.

In underserved areas where public hospitals have already been closed because of financial difficulty, we must explore methods for returning the needed hospitals to active service.

We must develop financial stability for these hospitals. Our approach should stress system reforms to assure that more primary medical care is provided in free-standing community centers, while the hospital is used for referral services and hospitalization.

Medicaid Reimbursement. The Democratic Party supports programs to make the Medicaid reimbursement formula more equitable.

Unnecessary Prescriptions. We must reduce unnecessary prescribing of drugs and guarantee the quality and safety of products that reach the market through improved approval procedures.

Substance Abuse

Alcoholism and drug abuse are unique illnesses which not only impair the health of those who abuse those products, but impose costs on society as a whole—in production losses, in crimes to supply habits, and in fatalities on the highway.

The Democratic Partnership has worked to reduce the serious national problem of substance abuse, and progress has been made.

As a result, in part, of a major adolescent drug abuse prevention campaign, levels of drug abuse among adolescents have begun to decline. However, as long as abuse still exists, we consider it a major problem requiring our attention.

Because of a coordinated, concerted attack on drug trafficking, heroin availability in the U.S. over the past four years has decreased by 44 percent; heroin-related injuries have declined by 50 percent.

Progress made since 1977 must be continued.

We must continue to focus on preventing substance abuse in the early years of adolescence by working with grassroots organizations and parent groups throughout the country.

Special efforts must be made to strengthen prevention and rehabilitation resources in the major urban areas that are so acutely affected by drug and alcohol abuse problems because of the cumulative effect of joblessness, poor housing conditions and other factors.

We must provide adequate funding for alcohol and drug abuse research and treatment centers designed to meet the special needs of women, and end the currently widespread discrimination, based on sex, age, race, and ethnicity, in alcohol and drug abuse programs.

We must treat addiction as a health problem and seek flexibility in administering Medicare and Medicaid for substance abuse treatment, especially alcohol and drug services.

We must reduce the availability of heroin and other illicit narcotics in this country and in the source countries.

We must conduct investigations leading to the prosecution and conviction of drug traffickers and to the forfeiture of financial and other assets acquired by their organizations.

Older Americans

In other sections of this platform (for example, health and the extensive section on Social Security), we have listed programs and commitments for improving the status of older Americans. As a Party, we are aware of the demographic and biomedical developments that call for a high priority approach to the issues of retirement, work, and income maintenance for the growing number of older citizens.

The Democratic Party stands for the achievement and maintenance of the quality of life for Americans in their later years. We speak for our future selves, as well as for the elderly of today.

There has been substantial progress, but much remains to be done. Too many senior citizens (especially among minority groups) live close to or below the poverty line, in isolated conditions, and without access to needed services.

The Democratic Party pledges to continue to improve the policies and programs which ensure a high quality of life for older Americans. This includes the following measures.

All Americans, regardless of age, must be afforded an opportunity to participate in the mainstream of society, and in activities at local and national levels, as useful citizens. The 1967 Age Discrimination in Employment Act, and the milestone amendments to that Act in 1978, are concrete examples of this principle. So are programs such as senior centers, nutrition services, and home attendants, as well as those programs under ACTION, the Administration on Aging, and the Community Services Administration.

Such programs have helped to diminish the conditions of dependency, isolation, and unnecessary institutionalization. We propose to continue and expand these programs to reach underserved areas and all segments of the elderly.

The Democratic Party is proud of the passage of legislation to protect and improve private pensions through the Employees Retirement Income Security Act (ERISA), as well as current proposals to extend such protection to larger numbers of workers. No worker, after long years of employment, should lose his or her pension rights because of mobility, poor management, or economic reasons.

Other priorities include working with the private sector to assure maintenance and expansion of employer-employee pension systems and continuing support of the Federal-State partnership in SSI (Supplemental Security Income) for the least fortunate.

A comprehensive program of long-term care services is a goal of the Democratic Party. The fastest growing segment of our population is the "very old" and the "frail elderly." The Democratic Party will continue to be concerned with the provision of services for these groups, increasingly composed of women without access to family care. This will include home attendant care, day centers, and quality institutional care for those elderly with functional disabilities who cannot rely on non-institutional alternatives.

For many older citizens, continuing participation in the mainstream means continuing employment, or a return to the labor force as a result of widowhood or the "empty nest." In addition to increasing employment opportunities by raising the allowable mandatory retirement age, we must continue existing, and create new programs for the retention and re-entry of adult and older Americans in our labor force, including the private and community service sectors.

The Democratic Party will encourage the development of services by the public and private sectors to provide meals-on-wheels for those who need them; senior day centers; friendly visiting services; and similar supportive, educational-recreational, and outreach services.

We pledge to make the elderly secure in the necessities of life. The Democratic Party pledges that it will seek to increase the number of meals served under Title III of the Older Americans Act until it covers at least a quarter of all older people at or near the poverty level while at least maintaining current services for those who are not in poverty. The Democratic Party will seek expanded funding provided for the Section 202 housing program for the elderly.

Social Security

No group in our society deserves the commitment and respect of the Democratic Party more than the elderly. They have built the factories and mills of the nation. They have fought to defend our country. They have paid taxes to finance the growth of our cities and towns. They have worked and sacrificed for a lifetime to give their children a better chance to achieve their dreams. They have a continuing reservoir of talent, skill and experience to contribute to our future.

The basic program and guarantee for older citizens is Social Security. It is the single most successful social program ever undertaken by the federal government. 95 percent of those reaching 65 are eligible for this program: without it, 60 percent of the elderly would have incomes below the poverty level.

The Democratic Party will oppose any effort to tamper with the Social Security system by cutting or taxing benefits as a violation of the contract the American government has made with its people. We hereby make a covenant with the elderly of America that as we have kept the Social Security trust fund sound and solvent in the past, we shall keep it sound and solvent in the years ahead.

In 1977, the Social Security system faced bankruptcy. The Carter Administration and the Congress enacted legislation ensuring the Social Security system's financial stability and making certain that each of the 35 million recipients received his or her monthly check without interruption. They also worked together to strengthen the benefits provided to Social Security recipients. As a result of our actions:

Workers have been protected against inflation;

Minimum benefit payments have been reformed to protect low-paid, long-time participants;

A 3 percent increase in primary benefit amounts has been added;

The retirement test has been liberalized.

Despite our efforts, much remains to be done if the elderly are to receive the respect and dignity they have earned. Elderly households have only half the income of younger households. For women, the annual median income of those over 65 is only $2,800. One out of seven persons over 65 lives in poverty. Three quarters of all elderly unmarried, widowed, or divorced women live in poverty. Millions of elderly persons live in special fear of crime. Health care costs for the elderly are now three nd a half times the level for younger people. Actual out-of-pocket health expenditures for the elderly today are greater in real dollars than when Medicare was enacted.

In the 1980's we must continue to work for a financially strong Social Security system. The levels and types of benefits, as well as rates and systems of financing, must be continually reviewed in light of current circumstances. Decisions affecting Social Security benefits should be measured by the standards of Social Security's goals, not by the program's impact on the federal budget.

The Democratic Party is responsible for the adjustments of Social Security benefits to keep pace with increases in the cost of living. We remain committed to ensuring that these adjustments continue. We oppose any caps on Social Security benefits. No change in the index which determines cost of living adjustments should be made for the purpose of achieving smaller adjustments than those granted under the current index.

We oppose efforts to raise the age at which Social Security benefits will be provided. Our Party seeks to protect and assist those most in need. We continue to be sensitive to the economic and physical plight of the older worker and the elderly. We therefore stand unalterably opposed to the taxation of any portion of Social Security benefits. Taxing Social Security benefits would mean real hardship for millions of retired Americans. If government needs to expand the tax base, additional taxation should be borne by those most able to pay.

While these steps are critically important, they will not, standing alone, secure adequate income for the elderly women of this nation. To reach this goal, we must also move immediately to eliminate all the gender-based classifications in the Social Security system. We must consider the speical needs of elderly women in future benefit increases. We must end the unfairness in the current system that penalizes two-worker families. We must devise a practical way for the Social Security system to recognize the contributions of homemakers, and thus ensure the resources they need to live in dignity in old age.

Finally, the Democratic Party vehemently opposes all forms of age discrimination and commits itself to eliminating mandatory retirement. With the surety of a guillotine, mandatory retirement severs productive persons from their livelihood, shears their sense of self-worth, and squanders their talents.

Pensions

Our nation's complex and uneven pension system is a continuing source of concern. To help address this important problem, President Carter created a Presidential Commission on Pension Policy, charged with developing recommendations to improve public and private, federal, state and local pension systems. We applaud this initiative. We must achieve an equitable pension system with improved benefit safeguards and adequate benefit levels.

We urge the Commission to give special attention to recommendations which address the discrimination and hardships imposed on women in pension plans. Problem areas include pension rights in divorce proceedings, lack of pension benefits for survivors when a worker dies before retirement age, the rules for establishing Individual Retirement Accounts, the vesting rules, and participation in pension plans.

We support strong programs of portability in teacher and other public employee retirement programs and private pension plans in order to offer employees involved in geographic employment moves the opportunity to continue retirement security.

Welfare Reform

The nation's welfare system continues to be inequitable and archaic. The existing organization of our delivery system is choatic. The roles of the federal, state, and local governments, and of the courts are scrambled with each vying for power and control over delivery. This confusion lends credence to public outrage.

States and cities which make an honest effort to meet the welfare crisis find themselves in deepening fiscal difficulty. In the past few years, the federal share of welfare costs in many of these states has actually declined.

The fiscal crisis of welfare recipients has also deepened, since states and localities are unable or unwilling to adjust benefits to prevent inflation from robbing them of their worth.

The fiscal crisis for taxpayers continues, as states have little ability or incentive to reduce welfare error rates.

Incentives continue that cause families to break apart and fathers to leave home so that children may survive. Disincentive continues for welfare families to seek work on their own; no regular method links welfare recipients to the workforce.

We are at a crossroad in the delivery of welfare. Serious reform is necessary if the inequities are to be remedied and administration improved.

The various components must be reorganized and simplified, with each level of government performing those services most suited to its organizational structure, taking advantage of economies allowed by large-scale delivery where appropriate, and of customized services where they are required, always treating each person with fairness and equity.

The components of an effective human service delivery system are these.

Employment—We must require work or necessary training leading to work of every capable person, except for the elderly and those responsible for the care of small children. However, we cannot make this requirement effective unless we can assure employment first through the private sector and, if that is insufficient, through public employment. We must provide an income floor both for the working poor and the poor not in the labor market. We must adopt a simple schedule of work incentives that guarantees equitable levels of assistance to the working poor.

The training and job program must emphasize supported work programs, in which welfare recipients receive intensive training, personnel counseling and help in the job search. Such services can lead to large increases in job placement, lower government expenditures and more productive workers.

Income Transfer—For those persons who cannot work and who have no independent means of support, we must provide assistance in an integrated, humane, dignified, and simple manner. These problems are national in scope and require a unified, national response.

Social Services—As society becomse more complex and faster paced, people such as senior citizens, handicapped, children, families, and those who need protection are under greater pressure and find it more difficult to find the help they need. As these issues vary among communities, communities should take the lead in design and provision of these services.

Social services must continue to be developed and operated at the local level, close to the users, with knowledge of and sensitivity to both the particular problems of each case and the community's unique infrastructure, resources, and support networks.

We must develop a community-level system for coordinating existing public and voluntary programs that support the family and individual initiative, and develop programs to fill existing gaps in order to provide the variety and extent of social services appropriate for each locality.

Food Stamps—Hunger is one of the most debilitating and urgently felt human needs. A government pledged to a fairer distribution of wealth, income, and power, and to holding as a guiding concern the needs and aspirations of all, must also be a government which seeks to alleviate the hunger that results from economic conditions or personal circumstances. Over the years, the Food Stamp Program, expanded and made more responsive by a Democratic Congress and Administration, has become the bulwark of this nation's efforts to relieve hunger among its citizens.

The only form of assistance which is available to all those in financial need—food stamps—provides an important cushion for poor people, including those whose incomes are temporarily disrupted by layoffs or regional unemployment, or whose age or physical handicap leaves them unable to work.

As state and local governments modify other benefit programs on which low-income people depend, the Food Stamp Program becomes increasingly important. We will continue to work toward full employment in recognition of the importance of self-support. Until that goal can be attained, and for those who cannot be self-supporting, we remain committed to our current policy of full funding for the Food Stamp Program.

Medical Care—Provision of medical care for the poor remains essential. This is a critical part of the national health debate, and should be handled as such.

These reforms may require an additional investment, but they offer the prospect of stabilization of welfare costs over the long run, and the assurance that the objective of this expenditure will be accomplished.

Toward these goals, President Carter proposed welfare reform to the Congress in the form of the Work and Training Opportunities Act and the Social Welfare Reform Amendments Act. These two Acts would lift over two million people out of poverty by providing assistance to individuals and families to enable them to meet minimum income standards and by providing employment to those able to work. We must continue to work to ensure the passage of these two very important Acts.

As a means of providing immediate federal fiscal relief to state and local governments, the federal government will assume the local government's burden of welfare costs. Further, there should be in the immediate future, a phased reduction in the states share of welfare cost.

The Democratic Party pledges to introduce legislation to accomplish this purpose in the next year.

Welfare policies significantly affect families. Most persons receiving Aid to Families with Dependent Children, for example, are children or the mothers of young children. Many of these young mothers want to work. So, too, many others receiving welfare are well-suited to work and want to work. A companion to any effective welfare reform must be provision for adequate and available child care, so that parents can participate in training programs and in the work force.

Government should not encourage the break-up of intact families. For the first time states were permitted to provide assistance to families with both parents, and still be eligible for federal reimbursement. We reaffirm our support for the 1962 action and urge that states not providing assistance to unified families begin to do so. We must treat stable and broken families equally.

The thirty-day waiting period for placement on the welfare rolls poses serious problems for individuals and families in dire need of assistance. We support efforts to streamline processing of new welfare recipients which also attempt to address the problem of administrative errors. Simplified rules and better administrative machinery would significantly improve the operation of the welfare system.

Low Income Energy Assistance

Our citizens see their family budgets stretched to the breaking point by an explosion of energy costs, while the profits of oil companies multiply to record levels. Last year's 120 percent increase in energy prices by OPEC led to a drastic decrease in the ability of needy families to pay for other necessities of life. The recently enacted low income energy assistance legislation is helping, but it is providing only $1 of help for every $4 in increased costs that have been imposed upon the poor. Significant expansion in this program is urgently needed, and we support such action as a major priority of our Party.

Veterans

This Administration has worked to strengthen the federal government's commitment to our nation's veterans. The Veterans Administration has been given Cabinet level participation. There have been three consecutive annual increases in VA compensation. The Veterans' and Survivors' Pension Improvement Act has assured veterans of an adequate minimum income. A treatment and rehabilitation program has been established for veterans with alcohol and drug-dependency disabilities. G.I. educational benefits have been considerably expanded. Unemployment among Vietnam veterans has been reduced. Veterans' health care has been improved. A process has been initiated for veterans to upgrade less than honorable discharges from the Vietnam War era.

During the 1980's, we must commit ourselves to:

Equal opportunity and full voluntary participation in the military regardless of sex. We oppose quotas and/or percentages, rules, policies and practices which restrict or bar women from equal access to educational training and employment benefits which accrue during and after military service.

Continue improving education and training benefits and opportunities for veterans, especially those who are economically or educationally disadvantaged and those who are disabled.

Initiate and complete comprehensive epidemiological studies on veterans exposed to certain defoliants used during the Vietnam War as well as on veterans or civilians exposed to above-ground nuclear explosion. We then must establish appropriate and sensitive VA health care programs for those determined to have suffered from such exposure or service.

Complete promptly the current-level study on Agent Orange.

Strive to maintain and improve quality health care in an independent VA health care system.

Continue priority care to veterans with service-connected disabilities and seek ways of improving and developing special treatment for the ever-increasing aging veterans population, including burial benefit programs sensitive to the needs of veterans and their families in rural areas.

Provide authority for the construction of a memorial in the nation's capital to those who died in service to their country in Southeast Asia.

EDUCATION

Perhaps the single most important factor in spurring productivity in our society is a skilled workforce. We must begin to think of federal expenditures as capital investments, favoring those which are productive and which reduce future costs. In this context, education must be one of our highest priorities. Education is also the indispensable prerequisite for effective democracy. As Daniel Webster said, "On the diffusion of education among people rests the preservation and perpetuation of free institutions."

The Democratic Party is strongly committed to education as the best hope for America's future. We applaud the leadership taken by a Democratic President and a Democratic Congress in strengthening federal programs for education.

In the past four years:

Federal aid to education has increased by 73 percent—the greatest income increases in such a short period in our history;

Strong financial and administrative support has been provided for programs that enhance educational opportunities for women, minorities, American Indians and other native Americans, the handicapped, and students with limited English-speaking ability and other special needs;

The Middle Income Student Assistance Act was adopted, expanding eligibility for need-based student financial aid to approximately one-third of the students enrolled in post-secondary education;

A number of legislative, regulatory, and other administrative actions were taken to enhance benefits received by private school children from federal education programs; and

A new Department of Education was created to give education a stronger, more direct voice at the federal level, while at the same time reserving control over educational policymaking and operations to states, localities, and public and private institutions.

Over the next four years, we pledge to continue our strong commitment to education. We will continue to support the Department of Education and assist in its all-important educational enterprise that involves three out of ten Americans.

In this regard, we endorse the language of the legislation which emphasized the intent of Congress "to protect the rights of state and local governments and public and private instituions in the areas of educational policies and administration of programs . . ."

It is now a decade and a half since the passage—by a Democratic Congress at the behest of a Democratic Administration—of the landmark Elementary and Secondary Education Act of 1965. At the time, there were sound and compelling reasons to undergird all federal aid to education with specific purposes. The specific purposes remain compelling and the specific programs addressed to them must be maintained.

Federal aid to education plays a significant role in guaranteeing that jurisdiction of differing financial capacity can spend equal amounts on schooling. We favor a steady increase in federal support with an emphasis on reducing inter- and intra-state disparities in ability to support quality education. The federal government and the states should be encouraged to equalize or take over educational expenses, relieving the overburdened property taxpayer.

The Democratic Party renews its commitment to eliminating discrimination in education because of sex and demands full and expeditious enforcement of Title IX of the 1972 Education amendments.

The Democratic Party strongly urges that the federal government be sensitive to mandating state and local programs without adequate provision for funding. Such mandates force the state and/or local governments to increase taxes to fund such required programs.

Equal educational opportunity is at the heart of the Democratic program for education. Equality of opportunity must sometimes translate to compensatory efforts. For the disadvantaged, the handicapped, those with limited English language skills, American Indians/Alaska Natives, Native Hawaiians, and other minorities, compensatory programs require concentrated federal spending.

The Democratic Administration and Congress have supported a comprehensive program of compensatory education and have expanded it to include secondary education. We will continue to target categorical assistance to low income and low achieving students.

We reaffirm our strong support for Title I concentration grants for remedial instruction for low income students. The Democratic Party pledges to achieve full funding of concentration grants under Title I and to expand the Headstart and follow through programs.

The Democratic Party will continue to advocate quality education in the Bureau of Indian Affairs and in tribally contracted schools to meet American Indian educational needs. The Democratic Party opposes the closing of schools serving American Indians and Alaska Natives without consultation with the tribes involved.

The Democratic Party recognizes the need to maintain quality education for children in school districts affected by federal activities and installations. We therefore will continue to be sensitive to the financial problems of these school districts.

School desegregation is an important tool in the effort to give all children equal educational opportunity. The Democratic Party continues to support programs aimed at achieving communities integrated both in terms of race and economic class through constitutional means. We encourage redrawing of attendance lines, pairing of schools, utilizing the "magnet school concept" as much as possible, and enforcing fair housing standards. Mandatory transportation of students beyond their neighborhoods for the purpose of desegregation remains a judicial tool of last resort.

We call for strict compliance with civil rights requirements in hiring and promotion in school systems.

We support an effective bilingual program to reach all limited English-proficiency people who need such assistance.

The Democratic Party supports efforts to broaden students' knowledge and appreciation of other cultures, languages and countries.

We also support vocational and technical education through increased support for teacher training, personnel development, and upgrading and modernizing equipment and facilities to provide the skill and technical training to meet the workforce needs for business, industry, and government services. Increased emphasis on basic skills is essential to the success of vocational and technical training. Vocational and technical education is a viable tool for establishing people in their own business through entrepreneurship programs. Vocational and technical education contributes to the economic development and productivity of our nation by offering every person an opportunity to develop a marketable skill.

The Party reaffirms its support of public school education and would not support any program or legislation that would create or promote economic, sociological or racial segregation. Our primary purpose in assisting elementary and secondary education must be to assure a quality public school system for all students.

Private schools, particularly parochial schools, are also an important part of our diverse educational system. The Party accepts its commitment to the support of a constitutionally acceptable method of providing tax aid for the education of all pupils in schools which do not racially discriminate, and excluding so-called segregation academies. Specifically, the Party will continue to advocate constitutionally permissible federal education legislation which provides for the equitable participation in federal programs of all low and moderate income pupils.

The Democratic Party reaffirms its commitment to the concept and promise that every handicapped child should have a full and appropriate public education in the least restrictive environment. To assure the best placement and program for handicapped students, we support maximum involvement of the regular classroom teacher in placement planning for handicapped students with assurance of barrier-free access. We further support increasing the federal share of the costs of education for the handicapped.

We applaud the actions taken by the government in strengthening federal programs for higher education. The nation must continue to ensure that our colleges and universities can provide quality higher education in the coming period of declining enrollment and rising operating costs.

We are especially interested in extending post-secondary opportunities to students from low and middle income families, older students, and minorities. We believe that no able student should be denied a college education for reason of cost.

The Democratic Party is committed to a federal scholarship program adequate to meet the needs of all the underprivileged who could benefit from a college education. When those who are qualified for post-secondary education cannot afford to enter college, the nation ignores talent we cannot afford to lose. Basic Education Opportunity Grants, which offer both access to a college education and the choice of a college, must continue to be strengthened and should be funded at full payment schedule.

Likewise, campus-based programs of aid must be supported. With a coordinated and reliable system of grants, loans and work study, we can relieve the crisis in costs that could close all but the affluent colleges and universities.

Since entry to institutions of higher learning is dependent upon a student's score on a standardized test, we support testing legislation which will assure that students will receive sufficient information relative to their performance on the test to determine their strengths and weaknesses on the tests.

Our institutions of higher education deserve both public and private backing. The Party supports the continuation of tax deductions for chartible gifts, recognizing that such gifts represent the margin of excellence in higher education and foster scholarly independence within our institutions of higher learning.

The Democratic Party commits itself to the strengthening of graduate education and the support of basic and applied research. Graduate education, scholarship and research are of immense importance to the nation's economic and cultural development. Universities conduct most of the nation's basic research. Their graduate and research program are the training grounds for the research personnel and professionals who discover knowledge and translate that knowledge into action.

The federal role is critical to the quality of these endeavors. We reaffirm the federal responsibility for stable support of knowledge production and development of highly trained personnel in all areas of fundamental scientific and intellectual knowledge to meet social needs.

High priority should be assigned to strengthening the national structure for graduate education, scholarship and research and ensuring that the most talented students, especially women and minorities, can gain access to these programs.

Historically Black colleges and universities have played a pivotal role in educating minority students. The Democratic Party affirms its commitment to ensuring the financial viability and independence of those worthy institutions and supports expanded funding for Black institutions. The Democratic Party pledges to work vigorously for significant increases in programs which have traditionally provided funding for historically Black colleges and universities. Particular attention should be given to substantially increasing the share of funding Black colleges receive. We will substantially increase the level of participation of Black colleges in all federal programs for which they are eligible. In addition, we urge the establishment of an office within the Office of the Secretary of Education to ensure full executive implementation of the President's Black college directive. Similarly, colleges serving Hispanic, American Indian/Alaska Native, and Asian/Pacific Islander students should receive equal consideration in federal policies affecting their survival.

Finally, educational quality should be strengthened through adequate support for libraries, federal leadership in educational research and development, and improved teacher training.

The Democratic Party further urges the federal government to take into account the geographical barriers to access to educational and library materials which particularly affect the non-contiguous territories of the United States. A study should be conducted to review the possibility of sending airmail, at surface mail rates, said materials to and from the mainland U.S. and the noncontiguous territories of the U.S.

The Party believes that improved teacher in-service training, building upon the successful "Teacher Center Model" implemented under this Administration, could contribute substantially to educational quality. We support the establishment of federally funded teacher centers in every state and will work toward a steady increase in the number of teachers served. Teacher centers should address such issues as bilingual, multi-cultural, non-racist, and non-sexist curricula.

The Party continues to support adult education and training to upgrade basic skills.

We propose federally financed family-centered developmental and educational child care programs available to all who need and desire them.

We support efforts to provide for the basic nutritional needs of students. We support the availability of nutritious school breakfast, milk and lunch programs. Students who are hungry or malnourished can experience serious learning difficulties. The Democratic Party affirms its commitment to restore fair eligibility requirements for this program and to set fees at a level which does not unfairly deny students the ability to participate.

The Democratic Party recognizes the importance of family and community involvement in public schools, and the impact their involvement can have on the quality of a child's educational environment. We support initiatives that will encourage parents and all members of the community to take an active interest in the educational future of our children.

Child Care

While the American family structure has changed radically in recent years, the family remains the key unit of our society. When the needs of families and children are ignored, the nation as a whole ultimately suffers. It is not only morally right, but also far less expensive, for government to assist children in growing up whole, strong and able, than to pay the bill later for children and adults with health, social and educational problems. Government cannot and should not attempt to displace the responsibilities of the family; to the contrary, the challenge is to formulate policies which will strengthen the family.

The Democratic Party shall seek vigorously to enact an adequately funded, comprehensive quality child-care program based upon a national commitment to meet the health, safety, and educational needs of all children. Such a program shall provide for alternative low-cost child care arrangements so that parents may decide what is in the best interests of their children. To ensure the availability of choices, the Child Care Tax Credit shall be revised to benefit low and moderate income families. National policies shall ensure the availability of child care services for all parents. Our programs shall also address themselves vigorously to the issues of flex-time work programs, job sharing, and incentives for child care in private industry, in recognition of the social responsibilities of all citizens to children and their parents as the guardians of our future.

Juvenile Justice

Juvenile delinquency and other problems of young people, like truancy and running away, are often manifestations of serious problems in other areas—family, school, employment, or emotional disturbance. We are committed to maintaining and strengthening the Juvenile Justice and Delinquency Prevention Act of 1974 and the Runaway Youth Act to help deal with these problems. In particular, we reaffirm our commitment to ending unnecessary institutionalization of young people who have not committed serious crimes and strengthening preventive efforts and other services at the community level to help young people and their families in the sometimes difficult transition of adulthood. Equally important, we are committed to continuing reform in the juvenile courts to assure right of due process and adequate counsel to young people who become enmeshed in the juvenile justice system.

We must continue and strengthen efforts at prison reform to upgrade the safety of our penal institutions. Our penal institutions enhance rehabilitation to offenders, and lower the recidivism level.

Families

The Democratic Party supports efforts to make federal programs more sensitive to the needs of the family, in all its diverse forms.

Housing

Since 1976, the Administration's efforts in the area of housing have concentrated on achieving an adequate housing supply. From 1977–1979, housing starts increased substantially over the level of the prior Republican Administration. Additionally, increased emphasis has been placed on saving our existing housing stock through rehabilitation.

But the momentum to increase the housing supply for the 1980's has been threatened by the high rate of inflation. The downturn in economic activity during the first half of 1980 has created a period of severe difficulty for the housing industry and for those Americans in need of housing. These circumstances make it imperative that the Democratic Party redouble its efforts to meet the goal of a decent home in a suitable environment for every citizen. It is essential that we expand the construction and availability of affordable housing in order to match the growing needs of Americans during the 1980's and to help stabilize housing costs.

Housing shortages and deterioration, and the need for economic development, are among the most critical problems facing local government today.

Through a patchwork of programs and tax incentives developed over the past fifty years, this nation is now spending between $25 and $30 billion each year on housing and economic development. These funds must be redirected in a cogent manner, to provide a comprehensive response to the housing problem. This effort should be pressed forward with the same national will that put a man on the moon, and will be a major step toward the revitalization of our local economies.

During the 1980's, we must work to meet the nation's need for available, affordable housing by:

Achieving steady, high levels of production;

Continuing progress toward a non-inflationary environment with lower interest rates;

Pursuing monetary and credit policies which are especially sensitive to the needs of the housing and construction industries in order to help provide jobs;

Continuing progress toward eliminating sub-standard housing and meeting the housing needs of this nation's low and moderate income families, the elderly, and the handicapped, including a substantial increase in the authorization for public housing and Section 8 rental housing assistance;

Expanding the coverage of the Fair Housing laws to prohibit discrimination against single parents or single persons;

Ensuring that federal housing projects meet the needs of single-parent families;

Strengthening our efforts to provide higher levels of multi-family housing production to meet the rental housing needs of the post-war generation in the 1980's;

Continuing the development and expansion of new financial instruments designed to attract increased capital to the housing sector throughout the interest rate cycle;

Continuing to improve the efficiency and management of our housing programs;

Continuing support for efforts to improve our housing codes;

Expanding urban homestead and rehabilitation programs which will preserve neighborhoods in our cities for the people who live there;

Financing moderate income housing at below-market interest rates;

Adopting condominium conversion policies which protect tenants, particularly the elderly, against unfair and unreasonable conversion practices; and

Assisting cities, counties, and states which have effective programs to combat the growing and dangerous problem of housing abandonment.

Transportation

Since 1977, the Carter Administration has worked closely with the Congress to improve all the transportation modes so essential to our nation. These efforts have resulted in the elimination of unnecessary regulations, the expansion of the federal commitment to mass transit, and the savings of billions of dollars for consumers. In the 1980's we must continue our efforts in the same direction.

The Democratic Party commits itself to a balanced, competitive transportation system for the efficient movement of people and goods.

The trucking industry must be deregulated, and legislation to do that is now in place. This legislation would open entry to new truckers, lift restrictions on the goods truckers may haul and the routes they may use, promote vigorous price competition, reduce regulatory delays and improve road safety.

To improve their long-term viability, we must give railroads more flexibility in setting rates, without burdening excessively shippers dependent on rail service. Congress is now progressing on comprehensive legislation in this area. We expect regulatory reform of the railroad industry to speed the elimination of wasteful regulations and improve the facilities and equipment of railroads.

Coal is a centerpiece of our nation's energy policy. We are concerned about the cost of transporting coal to its markets, particularly the cost of rail transportation. Within the context of regulatory reform, we must therefore be especially sensitive to the effects of railroad rates on coal. A healthy rail industry is of critical importance to our economy and our society.

We must ensure, through such efforts as completion of high speed rail passsenger service in the Northeast Corridor, that railroads are an efficient means for personal travel. The decline in the nation's railroad system must be reversed. Tracks must be rehabilitated, equipment modernized and maintenance improved if the nation is to have a rail system that adequately meets the needs of passengers and shippers. We must ensure that flexibility in setting rates does not become a license either for anti-competitive pricing at the expense of consumers, or for anti-competitive mergers that create or maintain inordinate market power at the expense of consumers.

The vital artery of urban America is mass transit. It saves energy by providing fuel-efficient alternatives to the automobile. For the poor, the elderly, the disabled, and many other city dwellers, there is no other transportation. If they are to travel at all, to go to work or to shop, they must rely on mass transit. Mass transit serves them, as well as the employers for whom they work and the businesses where they shop. It aids all of us, by unclogging our cities, cleansing our air, and increasing the economic health of our urban areas.

The Democratic Party pledges to strengthen the nation's mass transit systems. Federal funds must be provided for maintenance and repair of deteriorating systems, and for new equipment purchases for growing systems. Federal aid formulae should be amended to give greater weight to ridership in the allocation of dollars. Reasonable operating subsidies must be provided to help subsidize rider fares.

Mass transit is a high priority in our national transportation policy. We pledge support for significant increases in capital and operating subsidies for mass transit to enhance the reliability, safety, and affordability of existing and expanding systems.

The auto industry and its workers must be assisted during this difficult time. We are committed to an intensive review of the automobile industry's fundamental problems, and to prompt, effective action to help ameliorate those problems. We are also committed to a strong trade adjustment program to help currently unemployed auto workers.

To meet the needs of international commerce and national security, this nation must have a strong, competitive and efficient American-flag ocean transportation system. In recent years, there has been a significant reduction in the ability of our merchant marine to compete for the carriage of world commerce because of economic policies pursued by other nations. Action must be taken to revitalize our merchant marine.

To achieve this objective, we must develop a coherent, consistent, and responsive maritime policy which will encourage the development and maintenance of an American-flag ocean transportation system, staffed with trained and efficient American personnel, and capable of carrying a substantial portion of our international trade in a competitive and efficient manner. Our maritime policy must also lead to the development and maintenance of a domestic shipbuilding and ship repair mobilization base adequate to satisfy the commercial and national security requirements of the United States. Furthermore, we pledge continued commitment to the Merchant Marine Act of 1970 and greater utilization of the private merchant marine by the Navy for its support functions.

Urban Policy

During the campaign of 1975–1976, our nation's great cities and urban counties were mired in a depression. Unemployment was well above ten percent in many cities and counties; private sector investment and jobs were leaving the great urban centers; poverty and other serious social problems were left unattended; a severe budget squeeze was causing layoffs and cutbacks in essential city services; and the public works of our cities had been allowed to decay. The nation's mayors spent a portion of the year urging Congress to override the Republican Administration's veto of vitally important anti-recession programs. Most seriously, the leadership and citizens of our great urban centers had lost the hope that the future would be better.

Upon taking office, the Democratic Administration responded to these conditions immediately with an $11 billion anti-recession package and, one year later, with the nation's first comprehensive urban policy. The urban policy was the product of a unique effort which actively involved the elected officials of state and local government, representatives of labor, neighborhood organizations, civil rights groups and the members of Congress.

These deliberations produce a blueprint to guide federal actions toward cities. The Democratic Administration, in partnership with the Democratic Congress, has moved aggressively to implement parts of the urban policy. Some of these programs have already begun to contribute to the revitalization of the nation's older cities and to assure the continued health of the nation's growing cities. For example, the urban policy has:

Created the Urban Development Action Grant (UDAG) Program to encourage private investment and jobs to locate or remain in our nation's major cities. UDAG, which is funded at $675 million annually, has already leveraged more than $7 billion of private investment and created more than 200,000 permanent jobs;

Targeted federal government procurement, facilities and jobs to the high unemployment central cities;

Increased funding for the Community Development Block Grant program by more than thirty percent and proposed a formula change that provides substantial new aid to the older, more distressed cities and urban counties; and

Proposed a massive increase in the urban development programs of the Economic Development Administration.

Although many gains have been made, we recognize that a great deal more remains to be done. This is especially true in those cities which have borne the brunt of the current recession. We recognize that no urban policy can completely succeed in a period of high inflation and deepening recession.

In this platform, the Democratic Party dedicates itself to the strength and survival of urban America. We are committed to developing imaginative, compassionate steps to deal with the causes and effects of rising unemployment, to make our cities fiscally strong, to provide jobs and economic growth, to preserve neighborhoods and communities and to meet the basic human needs of urban residents.

Our policies must include the following features:

A strong jobs policy which supports productive employment of people in the public sector and encourages employment in the private sector by attracting and strengthening business in the cities. This jobs policy—and the need to guarantee a job for every American who is able to work—is our single highest domestic priority, and will take precedence over all other domestic priorities.

Public works programs which help rebuild our cities' infrastructure and which provide the unemployed with the opportunity to rebuild their own neighborhoods;

Incentives for energy conservation by residents, business and industry in urban areas including incentives to convert oil facilities to coal and the construction of new coal fired replacement plants;

Increased education and training programs with special attention to employment of youth, women, and minorities and to training people for private sector jobs;

National economic policies intended to maintain growth in our economy and reduce the inflation rate, thereby easing the fiscal burden on cities and their residents;

Prompt enactment of the Carter Administration's proposal to expand the economic development initiative programs of the Department of Commerce. When fully implemented, this initiative will provide more than $1 billion in new loan guarantees to our urban centers and will double the amount of economic development grants available;

Prompt enactment of the Administration's five-year extension of the local government revenue sharing program, including a $500 million transitional aid program for the areas most in need;

A serious examination of the urban impact of the federal tax code, to ensure that businesses have substantial incentives to invest in our nation's neediest locales; and

Renewed efforts to consolidate existing grants-in-aid programs in order to provide state and local governments with the flexibility to use these programs efficiently.

In the last analysis, we must recognize that America's cities are centers of people with needs . . . needs for jobs, decent housing and health care, affordable mass transit, quality education and streets where they can walk in safety. Each is a crucial part of any effective urban program. The Democratic Party is committed to placing the highest priority in our budgets and our programs on meeting these needs of city-dwellers.

Neighborhoods

From the beginning of the Carter Administration, the government has worked to revitalize neighborhoods and to make them a central component of urban life. As a result of these efforts, the federal government now has a strong neighborhoods policy.

During the 1980's we must continue to strengthen neighborhoods by:

Making neighborhood organizations partners with government and private sectors in neighborhood revitalization projects:

Continuing to make neighborhood concerns a major element of our urban society;

Developing urban revitaliztion programs that can be achieved without displacing neighborhood residents; and

Continuing to reduce discriminatory redlining practices in the mortgage and insurance industries.

Small Community And Rural Development

This Democratic Administration instituted the nation's first comprehensive small community and rural development policy. This policy establishes specific goals, directs numerous organizational and management changes, and initiates an extensive program of action to improve the quality of life for all rural Americans including American Indians/Alaska Natives, rural Hispanics, rural Blacks, and other minorities. Its principles emphasize the need for a strong partnership between the public and private sectors and among all levels of government. Recognizing rural America's great diversity and the limits of the federal role, the Administration's policy invites the nation's governors to establish rural affairs councils to refine state rural development strategies and to advance federal-state coordination in addressing priority needs.

Since assuming office in 1977, the Democratic Administration has acted to increase rural access to credit and capital, expand job opportunities, alleviate persistent rural poverty, rehabilitate substandard housing, address the shortage of health professionals in rural areas, improve the mobility of the rural transportation disadvantaged, and enhance educational and training opportunities for disadvantaged rural youth. For example, we have:

Addressed the problem of substandard housing through substantial increases in rural housing and community development assistance, and through revisions in minimum property standards to permit housing construction which is less expensive and better suited to rural conditions.

Improved rural access to credit and capital by tripling the economic development resources of the Farmers Home Administration.

Alleviated rural unemployment by doubling Department of Labor employment and training assistance to rural areas.

Addressed the shortages of doctors and other health professionals in rural areas through the Rural Health Clinic Services Act and a special initiative to construct 300 rural primary care health clinics by the end of 1981 in medically underserved areas.

For the future, we must move aggressively to address longstanding rural problems and to implement fully the Administration's small community and rural development policy, with emphasis on:

Synthesizing efforts to improve the quality of life for American Indians/Alaska Natives. We must provide incentives for the development of an economic base that will improve the quality of life on reservations;

Ensuring that federal programs are administered in ways which encourage local solutions to local problems; target assistance to communities and individuals most in need; make federal investments in ways that leverage private sector investments and complement local and tribal investments; and make federal programs more accessible to rural jurisdictions, better adapted to rural circumstances and needs, and better coordinated in their administration and delivery;

Promoting rural energy self-sufficiency through improved rural transit and the application of alternative energy technologies on farms and in our rural homes and communities;

Passing satisfactory welfare reform legislation, with special attention to the needs of the rural disadvantaged;

Protecting prime agricultural land as rural populations and the rural economy continue to grow.

Continuing to upgrade substandard rural housing to make it safe, decent, and sanitary.

Giving full attention to the health, education, and other basic needs of rural citizens, especially the young, the old, and the poor, and

Providing low cost electric and telephone services to rural areas through the Rural Electrification Administration and the hundreds of rural cooperatives that provide these services.

Science and Technology

The Nixon-Ford Administration permitted serious decline in the state of science and technology in our country.

There had been a decade of erosion of federal support of research and development. The funding of basic research in particular was far below its peak level of the mid-1960's.

Science and technology advice has been seriously downgraded and removed from the White House, until pressures from the science and engineering community had it restored through an act of Congress.

The previous decline in support had affected opportunities in science and engineering. It had resulted in the inadequate replacement of facilities and instrumentation and their growing obsolescence in the face of new scientific advances and needs.

Not only the work of our academic research centers, but also our technological innovation and economic competitiveness were impaired by this erosion of federal support.

To counter these conditions and help revitalize the country's science and technology, the Carter Administration, working with Congress, has taken a number of steps. The Office of Science and Technology Policy has been strengthened and upgraded. Growth has been restored in the budgets for federal research and development activities. Basic biomedical research has been strengthened to increase our fundamental knowledge of health and disease.

These are just a few of the innovations that have been made. Our scientific and technological agenda remains unfinished. The 1980's offer great promise. During the next years, we will work to:

Continue to strengthen our science and technology and provide for continuity and stability of support to research and development;

Continue to monitor the flow of talent into science and engineering and provide the appropriate training and opportunities to ensure an adequate number of well-trained scientists and engineers in the coming years, with particular emphasis on women and minorities;

Pay continued attention to the support of research facilities to make certain they remain among the best in the world;

Successfully launch the Space Shuttle, take advantage of the many opportunities it offers to make space activities more economic and productive, and release new resources for the future scientific exploration of space; and

Expand our programs of cooperation in science and technology with all nations who seek development and a stable, peaceful world.

In sum, we must continue to expand our scientific and technological capabilities and apply them to the needs of people everywhere.

The Arts and The Humanities

The arts and humanities are a precious national resource.

Federal commitment to the arts and humanities has been strengthened since 1977 by expanding government funding and services to arts institutions, individual artists, scholars, and teachers. The budgets for the National Endowment for the Arts and the National Endowment for the Humanities have increased substantially. The Federal Council on the Arts and Humanities has been reactivated. Policies of the Carter Administration have fostered high standards of creativity across our nation. The Administration has encouraged the arts and humanities through appropriate federal programs for the citizens of our smallest communities, as well as those of our largest cities. During the 1980's, the Party is committed to:

Continuing federal encouragement and support for institutions relating to the arts and to learning in the humanities;

Encouraging business participation in a comprehensive effort to achieve a truly mixed economy of support for the arts and humanities by individuals, foundations, corporations and governments at every level;

Exploring a variety of mechanisms to nurture the creative talent of our citizens and build audiences for their work;

Supporting strong, active National Endowments both for the Arts and the Humanities, and strengthening the Public Broadcasting System; and

Seeking greater recognition for the rich cultural tradition of the nation's minorities. We will work to meet the cultural needs of minorities, encourage their greater participation in the performing arts on a national level, and provide grants for the arts in low-income neighborhoods.

Ensuring basic rights and liberties

Equal Rights Amendment

The Democratic Party recognizes that every issue of importance to this nation and its future concerns women as well as men. As workers and consumers, as parents and heads of households, women are vitally concerned with the economy, energy, foreign policy, and every other issue addressed in this platform. The concerns of women cannot be limited to a portion of the platform; they must be reflected in every section of our Party's policy.

There is, however, a particular concern of women which deserves special emphasis—their entitlement to full equality in our society.

Women are a majority of the population. Yet their equality is not recognized in the Constitution or enforced as the law of the land. The choices faced by women—such as whether to seek employment or work at home, what career or profession to enter, and how to combine employment and family responsibilities—continue to be circumscribed by stereotypes and prejudicies. Minority women face the dual discrimination of racism and sexism.

In the 1980's, the Democratic Party commits itself to a Constitution, economy, and society open to women on an equal basis with men.

The primary route to that new horizon is ratification of the Equal Rights Amendment. A Democratic Congress, working with women's leaders, labor, civil and religious organizations, first enacted ERA in Congress and later extended the deadline for ratification. Now, the Democratic Party must ensure that ERA at last becomes the 27th Amendment to the Constitution. We oppose efforts to rescind ERA in states which have already ratified the amendment, and we shall insist that past recissions are invalid.

In view of the high priority which the Democratic Party places on ratification of the ERA, the Democratic National Committee renews its commitment not to hold national or multi-state meetings, conferences, or conventions in states which have not yet ratified the ERA. The Democratic Party shall withhold financial support and technical campaign assistance from candidates who do not support the ERA. The Democratic Party further urges all national organizations to support the boycott of the unratified states by not holding national meetings, conferences, or conventions in those states.

Furthermore, the Democratic Party shall seek to eliminate sex-based discrimination and inequities from all aspects of our society.

Civil Rights

The Democratic Party firmly commits itself to protect the civil rights of every citizen and to pursue justice and equal treatment under the law for all citizens.

In the 1960's, enormous progress was made in authorizing civil rights for all our citizens. In many areas, the promises of the civil rights efforts of the 1960's have been met, but much more remains to be done.

An effective affirmative action program is an essential component of our commitment to expanding civil rights protections. The federal government must be a model for private employers, making special efforts in recruitment, training, and promotion to aid minority Americans in overcoming both the historic patterns and the historic burdens of discrimination.

We call on the public and private sectors to live up to and enforce all civil rights laws and regulations, i.e., Equal Employment Opportunity Programs, Title VI and Title VII of the Civil Rights Act, the Fair Housing Laws, and affirmative action requirements.

We advocate strengthening the Office of Civil Rights in the Department of Education and in the Department of Health and Human Services.

We oppose efforts to undermine the Supreme Court's historic mandate of school desegregation, and we support affirmative action goals to overturn patterns of discrimination in education and employment.

Ethnic, racial and other minorities continue to be victims of police abuse, persistent harassment and excessive use of force. In 1979, the Community Relations Service of the Department of Justice noted that "alleged use of deadly force by police and the reaction of minorities was a major force of racial unrest in the nation in 1978." In response to this finding:

We call for the Department of Justice's Civil Rights Division to develop uniform federal guidelines and penalties for the use of undue force by local law enforcement agencies;

We call for the Department of Justice's Civil Rights Division to establish civil rights units at appropriate U.S. Attorneys' offices; and

We call on the Department of Justice to move concurrently with federal prosecutors so that if a failure to obtain conviction takes place at the state or local level, federal prosecution can occur swiftly.

The Democratic Party strongly condemns the Ku Klux Klan and American Nazi Party. We pledge vigorous federal prosecution of actions by the Klan and American Nazi Party that violate federal law, including the creation of such laws in jurisdictions where they do not exist. We further condemn those acts, symbols, and rituals, including cross-burnings, associated with anti-civil rights activities. We urge every state and local government to pursue vigorous prosecution of actions by the Klan and Nazi Party that violate state or local law.

The Democratic Party asserts that the Immigration and Naturalization Service, in enforcing the immigration laws, must recognize its obligation to respect fully the human and constitutional rights of all within our borders. Such respect must include an end to practices affecting Hispanic, Caribbean, and Asian/Pacific American communities such as "neighborhood sweeps" and stop and search procedures which are discriminatory or without probable cause.

Our commitment to civil rights embraces not only a commitment to legal equality, but a commitment to economic justice as well. It embraces a recognition of the right of every citizen—Black and Hispanic, American Indian and Alaska Native, Asian/Pacific Americans, and the majority who are women—to a fair share in our economy. When that opportunity is denied, and the promise of social justice is unfulfilled, the risks of tension and disorder in our cities are increased. The Democratic Party condemns violence and civil disorder wherever they occur. But, we also pledge to attack the underlying injustices that contribute to such violence so that no person need feel condemned to a life of poverty and despair.

The Democratic record provides a solid basis for future progress. There should be little doubt that virtually no progress would occur under a Republican Administration. Over the next four years, our Party must strengthen and improve what has already been accomplished.

Both the ERA and District of Columbia Voting Rights Amendments to the Constitution must be ratified and our full commitment must be given to those efforts.

The Fair Housing Act must be amended to give the Department of Housing and Urban Development greater enforcement ability, including cease and desist authority.

The Equal Pay and the Age Discrimination Acts must be strongly and effectively enforced by the Equal Employment Opportunity Commission.

To end discrimination against language minorities, we must enforce vigorously the amendments to the Voting Rights Act of 1975 to assist Hispanic citizens. We must recognize the value of cultural diversity in education, expand bilingual facilities, and guarantee full protection of the civil and human rights of all workers.

We must affirm the dignity of all people and the right of each individual to have equal access to and participation in the institutions and services of our society. All groups must be protected from dscrimination based on race, color, religion, national origin, language, age, sex or sexual orientation. This includes specifically the right of foreign citizens to enter this country. Appropriate legislative and administrative actions to achieve these goals should be undertaken.

We are concerned about the opportunity for minorities to be adequately represented on trial juries if the trend toward smaller juries continues. Efforts must be initiated to correct this possible underrepresentation.

Civil liberties

The Democratic Party has been actively committed to protecting fundamental civil liberties. Toward that end, over the past four years, the Carter Administration and the Democratic Congress have enacted legislation to control the use of wiretaps by the government in the pursuit of foreign intelligence; developed the government's first comprehensive program to protect privacy; and worked to enact a criminal code which scrupulously protects civil liberties.

As we enter the 1980's, we must enact grand jury reform; revise the Uniform Code of Military Justice; enact charters for the FBI and the intelligence agencies which recognize vital civil liberty concerns while enabling those agencies to perform their important national security tasks; shape legislation to overturn the Supreme Court *Stanford Daily* decision; and enact a criminal code which meets the very real concerns about protecting civil liberties, and which does not interfere with existing workers' rights.

We call for passage of legislation to charter the purposes, prerogatives, and restraints on the Federal Bureau of Investigation, the Central Intelligence Agency, and other intelligence agencies of government with full protection for the civil rights and liberties of American citizens living at home or abroad. Under no circumstances should American citizens be investigated because of their beliefs.

We support the concept that no employee should be discharged without just cause.

Privacy

Social and technological changes are threatening our citizens' privacy. To meet this challenge, the Carter Administration has developed the first comprehensive privacy policy. Under this policy, administrative action has been taken to cut the number of federal files on individuals and legislation has been passed to protect the privacy of telephone conversations and bank accounts.

In the 1980's we must complete this privacy agenda. Broad legislation must be enacted to protect financial, insurance, medical, and research records. We must have these safeguards to preserve a healthy balance between efficiency and privacy.

The Democratic Party recognizes reproductive freedom as a fundamental human right. We therefore oppose government interference in the reproductive decisions of Americans, especially those government programs or legislative restrictions that deny poor Americans their right to privacy by funding or advocating one or a limited number of productive choices only.

Specifically, the Democratic Party opposes involuntary or uninformed sterilization for women and men, and opposes restrictions on funding for health services for the poor that deny poor women especially the right to exercise a constitutionally-guaranteed right to privacy. Federal legislation is also necessary to protect workers from the abuse of their rights and invasion of their privacy resulting from increased employer use of polygraphs and other so-called "truth test" devices. Workers should have the right to review all records retained by their employment information.

Appointments

One of President Carter's highest priorities has been to increase significantly the number of women, Blacks, Hispanics and other minorities in the federal government. That has been done.

More women, Blacks and Hispanics have been appointed to senior government positions than during any other Administration in history.

Of the six women who have served in Cabinet positions, three have been Carter appointees.

More women, Blacks and Hispanics have been appointed to federal judgeships during the Carter Administration than during all previous Administrations in history.

Of the 39 women federal judges, 35 have been Carter appointees; of the 38 Black Federal judges, 19 have been Carter appointees; of the 14 Hispanic judges, 5 have been Carter appointees.

This record must be continued. The Democratic Party is committed to continue and strengthen the policy of appointing more women and minorities to federal positions at all levels including the Supreme Court.

Handicapped

Great strides have been made toward ending discrimination against the handicapped, through increased employment and education opportunities and greater access to public facilities and services.

In the 1980's, we must continue to work towards the goals of eliminating discrimination and opening opportunities.

All federal agencies must complete their Section 504 regulations and implement them effectively.

We must continue to expand opportunities for independent living.

The Fair Housing Act and Title VI of the Civil Rights Act must be amended to include the handicapped.

We must face the task of making federal facilities and modes of transportation fully accessible.

Job opportunities and job training for the handicapped, including apprenticeship training programs, must be expanded.

We must make the most basic American civil right—the right to vote—fully available to the handicapped.

Dr. Martin Luther King, Jr.

Dr. Martin Luther King, Jr. led this nation's effort to provide all of its citizens with civil rights and equal opportunities. His commitment to human rights, peace and non-violence stands as a monument to humanity and courage. To honor this outstanding national leader, we must enact legislation that will commemorate his birthday as a national holiday.

Domestic Violence

Each year, 3 to 6 million Americans are injured in acts of domestic violence. To combat this violence the Carter Administration has initiated a government-wide effort to assist and educate victims and rehabilitate victimizers, including:

The formation of a new Office of Domestic Violence in the Department of Health and Human Services; and

Amendments to the Child Abuse Prevention and Treatment Act which provides funds to state and community groups.

The President has signed the Protection of Children Against Sexual Exploitation Act; HUD has developed demonstration projects for shelters for battered women; the Community Services Administration has established a pilot Family Crisis Center Program to assist low-income battered women and children; and the U.S. Commission on Civil Rights held a Consultation on Battered Women in 1978.

Existing federal programs have been coordinated through the Interdepartmental Committee on Domestic Violence, chaired by the Secretary of Health and Human Services. The Democratic Administration must continue to support the passage of the legislation before the Congress, H.R. 2977, which would provide direct, immediate assistance to victims effectively and sensitively.

Insular Areas

We must be firmly committed to self-determination for the Virgin Islands, Guam, American Samoa and the Northern Mariana Islands, and vigorously support the realization of whatever political status aspirations are democratically chosen by their peoples. The unique cultures, fragile economies, and locations of our Caribbean and Pacific Islands are distinct assets to the United States which require the sensitive application of policy. We are committed to pursuing initiatives we have begun to stimulate insular economic development, enhance treatment under federal programs, provide vitally needed special assistance and coordinate and rationalize policies. These measures will result in greater self-sufficiency and balanced growth.

Puerto Rico

We are committed to Puerto Rico's right to enjoy full self-determination and a relationship that can evolve in ways that will most benefit U.S. citizens in Puerto Rico. The Democratic Party respects and supports the desire of the people of Puerto Rico to associate, by their own will freely expressed in a peaceful and democratic process, in permanent union with the United States either as a commonwealth or as a state, or to become an independent nation. We are also committed to respect the cultural heritage of the people of Puerto Rico and to the elimination of discriminatory or unfair treatment of Puerto Ricans as American citizens under federal programs.

American Indians

The Carter Administration has upheld and defended the historic special relationship between the federal government and Indian tribes. In addition, it has strongly supported the policy of self-determination and the right to practice the ancestral religions that are important to many tribal members. More than $24 million over the next ten years has been committed to assist Indian tribes with energy resources in making decisions about the development and protection of these resources. The Administration has firmly reiterated its fundamental opposition to the policy of termination which was so detrimental to Indians and their relationship with the federal government.

These policies must continue as the federal government finds better means of dealing effectively and compassionately with Indian tribes and individuals. The federal government must honor its treaty commitments. The federal government must redouble its efforts to improve the housing, health care, education and general welfare of Indians. Finally, the federal government must work as an equal partner with tribes as they decide for themselves the best means of managing their substantial energy resources.

Ethnic America

President Carter has stated that the composition of American society is analogous to a beautiful mosaic. Each separate part retains its own integrity and identity while adding to and being part of the whole.

America is a pluralistic society. Each of us must learn to live, communicate, and cooperate with persons of other cultures. Our public policies and programs must reflect this pluralism. Immigrants from every nation and their decendants have made numerous contributions to this country, economically, politically and socially. They have traditionally been the backbone of the labor movement and an integral part of the Democratic Party.

Ethnic Americans share the concerns of all Americans. They too are concerned about decent housing, health, care, equal employment opportunities, care of the elderly, and education. In addition, ethnic Americans have some concerns of their own. They want to preserve the culture and language of their former homeland. They want to be integrated into the political, social and economic mainstream of American society, but at the same time they are concerned about the foreign policy issues that affect their native countries. We as a nation must be sensitive to their concerns.

President Carter established the Office of Ethnic Affairs and charged it with a broad and diverse mission. The predominant functions of the office are to link the Administration and its ethnic constituents, to foster the concept of pluralism, and to enable all Americans to partake equally in the American way of life.

Americans Living Abroad

Almost three million American citizens live overseas, both as government employees and private citizens. We know only too well the dangers and sacrifices some of these government officials face in serving their country. With the threat of terrorism and political unrest always present, we are committed to improving the security of our embassies and missions abroad. Our government must work with other governments to ensure that Americans are protected while performing their vital duties in the interest of the United States.

We also recognize the contributions of private citizens living overseas in bringing American ideals and culture to other lands and in helping the U.S. economy by promoting exports and increased trade with other countries.

The President's Export Council has recommended that in order to encourage American exports and redress trade imbalances, the United States should conform with the practices of other major trading nations. Existing disincentive should be removed, so that Americans working abroad can compete more equitably and effectively with citizens from other nations.

The Administration must continue to support changes in the law which make it simpler for American parents to ensure that their children born overseas are not denied U.S. citizenship.

We also believe that Medicare should be made available to Americans abroad who are eligible for Social Security.

CHAPTER III: GOVERNMENT OPERATION AND REFORM

Making government effective and efficient

The Democratic Party has long stood for an active, responsive, vigorous government. Democrats of our generation have a special obligation to ensure that government is also efficient and well managed.

We understand full well the importance of this obligation. We realize that even the most brilliantly conceived federal programs are doomed to failure if they are not intelligently and efficiently managed.

The kind of government we Democrats stand for is a government that *cares* and knows how to translate that caring into effective action; a government whose heart and head are working in concert.

Over the last four years the Democratic Administration and the Democratic Congress have built a dramatic government reform record. In the years ahead we must carefully implement the changes we have made, and we must pursue additional measures to provide the efficient government the people have a right to expect.

Regulatory Reform

Federal regulations are needed to protect consumers and providers in the areas of health, safety, and the environment. Four years ago, however, the overall regulatory machine desperately needed an overhaul. Some rules served only to protect favored industries against competition, at the public's expense. Others imposed conflicting or needlessly costly requirements.

For decades, the economy has been hamstrung by anticompetitive regulations. A Democratic Administration and a Democratic Congress are completing the most sweeping deregulation in history. Actions already taken and bills currently pending are revamping the rules governing airlines, banking, trucking, railroads, and telecommunications. Airline deregulation in its first year of operation alone has saved passengers over 2.5 billion dollars.

For the regulatory programs our country does need, the Administration has established a new management system. Under Executive Order 12044, agencies are reviewing and eliminating outdated rules and analyzing the full impact of new rules before they are issued. They are developing alternative regulatory approaches which can reduce compliance costs without sacrificing goals. They are increasing public participation in the regulatory process. The Regulatory Council is publishing the first government-wide list of upcoming rules, the Regulatory Calendar, and is using it to eliminate conflict and duplication.

The challenges of the Eighties will place great demands on our regulatory system. The reforms we have put in place are building machinery that can meet those challenges. However, much work lies ahead to implement the steps we have taken and go further.

We must continue to conduct an agency-by-agency review to make regulation less intrusive and more effective.

We must find and remove barriers that prevent steady progress toward competition in each industry.

On the management side, we must increase the use of cost-effective regulatory techniques, without adversely affecting worker health or safety.

We must strengthen our research programs to ensure that we set sensible priorities for regulatory action.

We must eliminate those delays, layers of review, and litigation that unduly tie up the process.

We must make the regulatory process accessible to all members of the public who are affected.

We must oppose special interest efforts to undermine the ability of federal agencies to protect consumers, the environment, or public health and safety.

We must oppose special interest efforts to undermine the ability of federal agencies to protect consumers, the environment or public health and safety; and efforts to enable federal agencies to override or exempt state or federal protection of the environment or public health and safety.

Tax reform

In 1976, this Party pledged to seek fundamental tax reform, for we believed that our tax system had lost much of its needed fairness and equity. President Carter honored that pledge by proposing to Congress the most comprehensive and far-reaching set of tax reform proposals ever made by any Administration. That proposal would have closed over $9 billion worth of tax loopholes, simplified our tax laws, and provided funds for substantial tax reductions for low and middle income taxpayers.

Once again, we call on Congress to legislate meaningful tax reform. We cannot any longer allow the special interests to preserve their particular benefits and loopholes at the expense of the average taxpayer. The fight for tax reform must go forward, and the Party pledges to be a part of that important effort. Therefore, we pledge to seek tax reforms which:

Encourage savings by low and middle income taxpayers;

Close tax loopholes which benefit only special interests at the expense of the average taxpayer and use the proceeds to bring relief to low and middle income Americans;

Simplify the tax code and ease the burden on taxpayers in the preparation of their tax returns;

Encourage capital formation, innovation and new production in the United States;

Curb tax deductions, like those for three-martini lunches, conventions, first class travel, and other expense account deductions, which encourage consumption, discourage saving, and thus impede productivity;

End tax discrimination that penalizes married working couples; and

End abuses in the tax treatment of foreign sources, such as special tax treatment and incentives for multinational corporations that drain jobs and capital from the American economy.

Capital formation is essential both to control inflation and to encourage growth. New tax reform efforts are needed to increase savings and investment, promote the principle of progressive taxation, close loopholes, and maintain adequate levels of federal revenue.

Management

The need to restrain federal spending means that every dollar of the budget must be spent in the most efficient way possible. To achieve this, the Democratic Partnership has been working to streamline the management of the federal government and eliminate waste and fraud from federal programs. Real progress has been made in these important areas.

While these reforms have produced substantial savings for the taxpayers, they must be sustained in the coming years to realize their full potential.

The Civil Service Reform Act can be used to encourage improved productivity of the federal government.

More business-like control of our assets, placing the government's operations on a sound financial basis, must be used to produce real savings.

Special investigations and improved accounting systems must be used to attack fraud, abuse and wasteful practices.

Efforts must be continued to improve the delivery of services to citizens through greater accountability, consolidation and coordination in program administration, and elimination of unnecessary red tape and duplication.

Government openness and integrity

Under the Nixon-Ford Administration the Federal Government was closed to all but a privileged few and the public had lost faith in the integrity of its public servants.

The Democratic Party takes pride in its long and outstanding record of leadership in opening up the processes of government to genuine participation by the people, and in making government truly responsive to the basic needs of all the American people.

For the last four years, the Carter Administration and the Democratic Congress have devoted a great deal of time and resources to opening government processes and ensuring the integrity of government officials.

The Ethics in Government Act now requires all senior government officials to make a full financial disclosure and severely limits the "revolving door" practice that has developed among former federal employees of representing private parties before the federal agencies in which they recently held significant positions.

A statutory provision has now been made for the appointment of a special prosecutor in cases of alleged wrong-doing by senior government officials.

"Whistle-blowers" in the federal government (those who report waste and illegalities) have now been given special statutory protection to prevent possible retribution.

An Executive Order has been issued significantly reducing the amount of classified information, and increasing the amount of classified material to be released over the next decade by about 250 million pages.

As a result of actions such as these, trust and confidence in government officials have been restored. In the coming years, we must ensure full implementation of these initiatives. We must also work toward lobby law reform which is needed to ensure full disclosure of Congressional and executive lobbying activities.

Law Enforcement

Numerous changes were necessary when the Democrats took office in 1976. The essential trust between police officers and the public they protect had deteriorated. Funds committed by Congress had been terribly misspent during the eight Republican years.

The Carter Administration has taken solid steps toward correcting this serious problem. It has formalized the relationship between federal and state law enforcement officials to ensure maximum cooperation between federal and state agencies. It has taken long strides toward creating and implementing uniform national guidelines for federal prisons and encouraging state penal institutions to use the same guidelines.

The Democratic Party supports the enactment of a revised federal criminal code which simplifies the currently complex federal criminal law in order to make our federal criminal justice efforts more effective, and repeals antiquated laws while fully protecting all civil liberties. As that effort proceeds, we must ensure that the rights of workers to engage in peaceful picketing during labor disputes are fully protected.

The Democratic Party affirms the right of sportsmen to possess guns for purely hunting and target-shooting purposes. However, handguns simplify and intensify violent crime. Ways must be found to curtail the availability of these weapons. The Democratic Party supports enactment of federal legislation to strengthen the presently inadequate regulations over the manufacture, assembly, distribution, and possession of handguns and to ban "Saturday night specials."

Most important, the government has used its own resources to resolve satisfactorily concerns over the use of deadly force. The Administration has made progress toward the preparation of uniform guidelines for all police departments. They have also utilized the conciliation services available through the Community Relations Service to establish closer working ties among the police and community organizations.

The Democratic Party is pledged to continuing its strong record of providing needed assistance to local law enforcement. The new Law Enforcement Assistance Act, enacted by a Democratic Administration and a Democratic Congress, provides an important framework for this purpose. We are committed to using this framework effectively, in close cooperation with state and local law enforcement authorities.

We reaffirm our support for the Juvenile Justice and Delinquency Act and the Runaway Youth Act as responses to the serious challenge of youth crime.

We must continue and strengthen efforts at prison reform, to upgrade the safety of our penal institutions, to enhance rehabilitation of offenders, and to lower the recidivism level.

We support federal assistance to the victims of crime, including special programs to assist the elderly and to aid the victims of rape and domestic violence. Further efforts should be made to demonstrate the feasibility of restitution by the perpetrators of crime.

As we work toward improved law enforcement, we must not permit or sanction excessive or illegal police force.

Minorities in some areas have been discriminated against by such police actions, and we must take every action at the federal, state, and local level to prevent that from happening in the future, including a renewed commitment to affirmative action in the hiring of law enforcement personnel, establishment of civil rights units at appropriate U.S. Attorneys' offices, and swift investigation and prosecution of suspected civil rights violations.

Paperwork Reduction

Over the years the federal government has imposed more and more paperwork on the private sector. The Carter Administration has stopped that trend and worked to cut the paperwork burden. We have eliminated unnecessary forms, simplified and consolidated needed forms, and discouraged creation of new paperwork requirements. As a result, the federal paperwork burden has been cut 15 percent, or 127 million man-hours.

The Administration is currently putting into place the tools we will need to continue and expand this program. In November, 1979, President Carter signed an Executive Order that created the first "paperwork budget." This program will limit the reporting time each agency can impose on the public. In addition, the President has ordered agencies to tailor their forms to reduce the burden on individuals and small business.

We need further legislation. We urge a continuation of the effort to reduce government documents to simple English, easily understandable by all. The Administration is working with Congress to pass a Paperwork Reduction Act, which will close wide loopholes in the current oversight process.

Election Reform

Recent reforms in the election process have aided immeasurably in opening the process to more people and have begun to reduce the influence of special interests. The limitations on campaign contributions and the public financing of Presidential elections are two reforms which have worked very well. Business political action committees continue to spend excessively, however. Further reform in this area is essential. In the 1980's we need to enact reforms which will:

Provide for public financing of Congressional campaigns;

Lower contributions limits for political action committees;

Close the loophole that allows private spending in Presidential elections contrary to the intent of the election law reforms;

Encourage voter participation in elections through use of simplified procedures for registration in states that lack mail or election day registration procedures, and by resisting efforts to reduce access to bilingual ballots; and

Increase opportunities for full participation in all areas of party and government affairs by the low and moderate income majority of Americans.

Postal Service

The private expression statutes guarantee the protection and security of the mail for all Americans. They are essential to the maintenance of a national postal system, which will require an adequate public service subsidy to assure the delivery of mail to all Americans.

CHAPTER IV: ENERGY, NATURAL RESOURCES, ENVIRONMENT AND AGRICULTURE

Energy

For the past four years, the Democratic Party's highest legislative priority has been the development of our nation's first comprehensive energy policy. Our actions were necessitiated by the Republican Administration's policy that fostered dependence on foreign oil. This Republican legacy led to America's petroleum paralysis, which weakened our security, undermined our strength abroad, threatened our environment and endangered our economic health.

In perhaps no other domestic area did we inherit such a dangerous situation:

Domestic production of oil and natural gas was steadily declining, with price controls discouraging exploration and production;

Natural gas shortages were regularly plaguing parts of our country;

Our dependence on foreign oil was increasing every year;

Wasteful energy practices existed in our industries, homes and transportation;

Solar and other renewable energy resources were being almost completely ignored;

Synthetic fuel production had been stalled;

The federal government was not promoting energy conservation;

Our allies were unwilling to make adequate efforts to reduce their energy consumption; and

Our energy policy was being made by nearly a dozen different agencies and bureaus throughout the federal government.

The struggle to develop an energy policy was difficult and time-consuming. Tough decisions, especially in the area of oil price decontrol, were necessary to reduce our dependence on foreign oil.

Not all of our energy problems have been solved. Yet the achievements of the past four years leave little doubt that we are finally serious about the problems caused by our excessive reliance on foreign oil. As a result of our national energy policy, oil imports will be cut in half by the end of this decade, saving our nation hundreds of billions of dollars. A framework is now in place that will permit further progress in the 1980's. Our economic security demands that we drastically reduce the massive flow of dollars into the OPEC treasuries and oil company bank accounts at the expense of American consumers and business.

Our progress on energy has been realized because we have achieved four principal goals;

Incentives have been provided for the production of new energy sources;

Incentives for new oil production have been added, together with a windfall profits tax which will fund low income energy assistance and energy research and development;

Incentives have been provided to encourage conservation of our existing energy resources; and

Improved international energy cooperation has reduced our dependence on OPEC.

These actions have produced enormous energy benefits to our nation;

We are importing one million barrels of oil a day less than last year;

Domestic natural gas exploration and production are at record-high levels;

Domestic oil explorations is at a 20-year high, and the decline in domestic production has been averted;

Per capita energy consumption is decreasing;

Use of solar energy has increased considerably, and gasohol production has increased by 600%;

Coal production has increased, and foreign markets for our coal have been developed;

Gasoline consumption is 8% less than last year.

In the 1980's, this program can be improved, as the framework laid in the last four years is used to ensure our energy security for all time.

America's energy future requires a continued strong national policy based on two fundamental principles: efficient use of energy that will conserve our resources, preserve our economy and create jobs for Americans; and development of secure, environmentally safe and reasonably priced energy sources.

It is—and must be—the goal of the Democratic Party to mobilize this nation to use energy efficiently without asking Americans to suffer the loss of our strong economy and hard-earned standard of living. Energy efficiency, especially in buildings, transportation, and industrial production, must be made this nation's top priority.

The following specific actions must be taken.

We must make energy conservation our highest priority, not only to reduce our dependence on foreign oil, but also to guarantee that our children and grandchildren have an adequate supply of energy. If we can convince one of every four drivers exceeding the 55 mile per hour speed limit to reduce their speed, we can save 100,000 barrels a day. Conservation is the cheapest form of energy production.

We must establish a massive residential energy conservation grant program. We must provide subsidized loans, direct financial assistance, and other substantial incentives to make all residences in the United States energy efficient, through upgraded insulation, heating, cooling and waterheating. Special incentives should be afforded for the use of renewable energy resources such as passive and active solar energy systems. Our goal should be to ensure that all economically justified energy efficiency investments are made by 1990.

We should use our energy programs to aid in rebuilding the industrial heartland. Industry must be given financial incentives to improve the energy efficiency of industrial processes and to build substantial amounts of generating capacity through cogeneration.

We must implement mandatory Building Energy Performance Standards (BEPS) to encourage the design and construction of energy efficient buildings. Energy efficiency standards should apply to all new construction. Implementation of energy efficiency standards should begin with federal government buildings. In addition, the federal government should lead the way in implementing solar and energy efficiency improvements programs through its loan and insurance agencies by requiring energy conservation standards for federally assisted properties.

In recognition of the potential for substantial energy savings if our most efficient methods of transportation are utilized, we must provide direct economic assistance where private capital is unavailable to improve those means of transport.

Major new efforts must be launched to develop synthetic and alternative renewable energy sources. In pursuing a strong program of synthetic fuel plants we must also be sensitive to environmental and water concerns. The federal government must help eliminate red-tape involved in the construction of vital energy facilities. The Energy Mobilization Board, an essential mechanism to speed the construction of vital energy facilities, should be able to override state and local substantive law only with the consent of Congress and the President.

The Democratic Party regards coal as our nation's greatest energy resource. It must play a decisive role in America's energy future. We must increase our use of coal. To accomplish this, we must see that shippers are not overburdened with excessive rates for transportation. Severance taxes levied for depletion of natural resources should be equitable. We must make clean coal conversion a reality. To this end, we will assist utilities that are large enough to permit coal conversion while maintaining or improving air quality. We must also provide incentives for industrial boiler coal conversion. Coal conversion can and must be accomplished in a manner that protects public health, nationally, regionally and locally. It can and must increase the use of coal, reduce the demand for oil, and provide employment where jobs are needed the most.

The federal government should accept its responsibility as trustee for the American Indian and Alaska Native tribes to ensure that tribal resources develop at a pace that preserves the existing life-style and that the tribes participate in the contracting process for resource development with full knowledge of the environmental tradeoffs. The federal government must continue to cooperate with tribal governments in such matters as changes in the use of sacred and religious areas. The Democratic Party believes that American Indian and Alaska Native reservations should remain the permanent homeland for these peoples.

We recognize that Hawaii, U.S. territories and Trust territories in the Pacific Basin are particularly vulnerable because of their total dependence on imported oil for meeting their energy needs. These insular areas do not have access to the alternative sources of energy that are available elsewhere. Consequently, the Democratic Party recommends that these areas, where feasible, be chosen as sites for demonstration and/or pilot alternative energy projects, especially ocean thermal energy conversion, solar and wind.

We must lead the Western World in developing a program for increased use of coal in Europe, Japan, and the developing nations.

Oil exploration on federal lands must be accelerated, consistent with environmental protections.

Offshore energy leasing and development should be conditioned on full protection of the environment and marine resources. Lease sales should proceed only after appropriate safeguards necessary to preserve and protect vital natural resources are put in place. The determination of what safeguards are needed must be based on a complete assessment of the effects of offshore activity on the marine and coastal environment, and must be made in conjunction with the Environmental Protection Agency and the National Oceanic and Atmospheric Agency, the federal agencies charged with protecting our nation's fishery and other environmental resources.

Solar energy use must be increased, and strong efforts, including continued financial support, must be undertaken to make certain that we achieve the goal of having solar energy account for 20 percent of our total energy by the year 2000.

To insure that we reach the 20 percent goal, the Democratic Party commits itself to a federal program for solar or other renewable resources that exceed the federal commitment to synthetic fuels. A greater share of federal funds should be committed to basic research and must be devoted to the development of renewable energy resources and fusion research and development. Moreover, we support the commercialization of solar, wind, low-head hydro, bio-mass and other rerenewable resources as quickly as possible through direct assistance, investment, and loan guarantees in addition to monies available from the solar bank. The Democratic Party vigorously supports substantial funding for the construction of an engineering test facility for fusion technology. Fusion energy is a safe, clean alternative source of energy which can be used to generate electricity efficiently.

We must encourage research and development of hydrogen or electric powered vehicles. We must fully commit ourselves to an alcohol fuel program. The federal government should expand its use of alcohol fuels in government and military vehicles. This will help reduce surplus feed grain and help to stabilize prices. The Democratic Party pledges that production of fuel-grade alcohol will be increased until at least a target of 500 million barrels of ethanol by 1981 is achieved.

A stand-by gasoline rationing plan must be adopted for use in the event of a serious energy supply interruption. In times of supply interruption, rationing is essential for equitable and prompt distribution of gas to the public. The Strategic Petroleum Reserve should be filled as market conditions permit, consistent with the requirements of existing law. We must impose a moratorium on the acquisition of competing coal companies and solar energy companies by major oil companies.

Legislation must be enacted to prohibit purchases by oil companies of energy or non-energy companies unless the purchase would enhance competition.

The major oil companies must be responsible and accountable in their production, importation and distribution of fossil fuels. Oil is as basic to our economy, defense, and general welfare as electric power and money. Consequently, the oil companies must be invested with public purpose. To accomplish this objective, we support strengthened leasing regulations, reporting requirements and monitoring by the Department of Energy and Justice.

Thorough investigations of the compliance of the oil companies with energy price laws and regulations must be continued, and tough penalties imposed in the event of non-compliance. The Department of Energy, consistent with the law, should share its energy data with the Department of Justice and the Federal Trade Commission.

We must make conservation and renewable energy our nation's energy priorities for the future. Through the federal government's commitment to renewable energy sources and energy efficiency, and as alternative fuels become available in the future, we will retire nuclear power plants in an orderly manner.

We must give the highest priority to dealing with the nuclear waste disposal problem. Current efforts to develop a safe, environmentally sound nuclear waste disposal plan must be continued and intensified.

The NRC shall issue no licenses or permits for new nuclear plants until the Kemeny Commission recommendations are fully implemented.

Existing plants must be required to meet the safety recommendations of the Kemeny Commission. The Democratic Party supports prompt implementation of their recommendations. No plant unable to meet these standards can be allowed to operate.

Safe permanent disposal of all high level radioactive waste and transuranic waste should be the primary responsibility of the federal government, in consultation and concurrence with state, local tribal, and territorial governments throughout the entire decision-making process, including the actual siting and operation of repositories. Neither the federal government nor the state or tribal or territorial governments should be permitted to act in a manner that forces an unsafe resolution of this problem or prevent a safe resolution from being accomplished. It is, therefore, essential that state and tribal governments, acting according to their constitutional processes, have the power to reject unsafe sites within their borders. Clear standards should be developed so that the courts may determine whether the federal government or a state or tribe is acting in an arbitrary manner. Every state should be responsible for the management and disposal of all low-level waste generated by non-defense sources within its boundaries. Where appropriate, this responsibility should be exercised through state regional compacts. There should be more federal funding for research and development of safe, more efficient methods of radioactive waste disposal.

Funds generated by the Windfall Profits Tax must be used to expand mass transit. Federal assistance should be provided for construction and operation costs.

Environment

We are charged with the stewardship of an irreplaceable environment. The Democratic Party must continue to be as environmentally progressive in the future as it has been in the past. Progress is environmental quality—a major achievement of the 1970's—must continue in the 1980's. The environmental problems we face today are, if anything, more challenging and urgent than those of ten years ago.

The great strides we have taken during the past few years are the best evidence of our commitment to resource conservation and environmental restoration. We have compiled a proud record.

During the next four years, we must carry forward vigorously with these important policies. and move to address a series of new challenges.

We must move decisively to protect our countryside and our coastline from overdevelopment and mismanagement. Major efforts are now underway to solve such problems as disappearing farmland and development on our barrier islands. These efforts should help forge a strong national consensus behind the realization that protection must be balanced with the need to properly manage and utilize our land resources during the 1980's.

We must develop new and improved working relationships among federal, state, local, tribal, and territorial governments and private interests, to manage effectively our programs for increased domestic energy production and their impact on people, water, air, and the environment in general. All of our energy development efforts should be carried out without sacrificing environmental quality.

We must continue on the path to a sustainable energy future—a future based increasingly on renewable resources and energy conservation. Our national goal of having 20 percent of our energy from renewable resources in the year 2000 must become a working target, not a forgotten slogan. Conservation must remain the cornerstone of our national energy supply.

New efforts at home and abroad will be required in the early 1980's to face squarely such global problems as the destruction of forests, the loss of countless irreplaceable species, growing world population, acid rain, and carbon dioxide buildup.

Passage by Congress of the hazardous waste cleanup proposal will provide the basis for a major effort beginning in 1981 to clean up the thousands of hazardous, waste dump sites across the country. Toxic chemicals are a serious threat to the health of our people.

We must continue our programs to improve agency performance in many areas, such as protection of groundwaters, in order to better protect the public.

We must strive to ensure that environmental regulations cost no more than necessary and are streamlined to eliminate waste, duplication and delay. We must not lose sight of the fact that the benefits of these regulations far outweigh their costs. We must work to reform regulation without deforming it.

We support the allocation of resources to the Environmental Protection Agency and other environmental agencies sufficient to carry out their mandates.

We support strict adherence to automobile pollution standards.

We will support policies to eliminate acid rain pollution from power plant emissions.

We will commit ourselves to efficient transportation alternatives, including mass transit, car pooling, van pooling, employer based commuter plans, and hydrogen and electric commuter vehicles.

We will continue to fight noise pollution in our urban centers and job sites.

We will encourage the recycling of municipal and solid waste.

We will seek a strong "super-fund" law financed by government and industry.

We must continue to pursue offshore energy leasing to stimulate our domestic oil and gas production and reduce our dependence on foreign oil consistent with environmental and marine concerns.

We will fund adequately the Land and Water Conservation Fund to protect our national park system.

We will implement vigorously the Toxic Substances Control Act.

Often, actions by one nation affect the economic growth and the quality of life in other nations. Such actions can be influenced by international agreement and incentives.

To defend against environmental risks that cross national frontiers, international cooperation must be extended to new areas, such as acid rain, deforestation and desertification, buildup of carbon dioxide in the atmosphere, thinning of the ozone shield, air and water pollution, oil spills, chemicals in the environment, and disposal of radioactive waste.

Water

Water is a necessity to all, and represents life itself to much of the American Union. We recognize especially the singular dependence of the Western states on scarce water supplies. The development of navigation, irrigation, flood control, and hydroelectric projects is vital to the economic health of the West, and correspondingly to the entire nation.

Working with Congress, the Democratic Administration will implement a national water policy which recognizes the special needs of the West. Toward this end, we support the modern standards and valid cost-benefit analysis suggested by the Federal Water Resources Council. We support a federal study, in partnership with the affected states, to explore possibilities and recommend alternatives relatives to importation of water into arid and semi-arid states. We also support state, local, and tribal participation in all phases of water programs within their respective jurisdictions.

Recently, water programs across the nation have become enmeshed in controversy and conflicting values. It is not unusual for a federal water project to take a generation from the time it is authorized to the time construction actually begins.

Yet the national need for expanded and accelerated investment in water development grows ever more pressing and is increasingly acknowledged. If, as but one example, we are to develop our unequaled coal resources as a substitute for imported oil, we will require expansion of water transportation and improvement of seaports beyond the imagination of even those early Americans who sensed the path to empire in our inland waterways. The development of synthetic fuels, which must of necessity be concentrated in states with sparse water supplies, is an enormous challenge to engineering and science.

Similarly, the task of reindustrialization requires that we recognize the water development needs of all sections of the nation.

Water to supply steel mills and automobile factories, to provide for the needs of commercial cities and associated suburbs, makes a legitimate and pressing claim on national priorities.

We recognize the need to develop a truly national water program which responds to the needs of each region of our country in an active and effective manner and which recognizes the social effects of water projects.

The Democratic Party strongly supports the desalinization of sea water and the development of water resources in those areas of the country where water is scarce.

Agriculture

America's farmers are among the most vital economic forces of the nation. Because of their extraordinary productivity, America's farm workers provide more food and fiber per person at a lower cost than their counterports in any other country. American consumers have a more certain food supply than consumers in any other nation, even though a third of our farm production is sold abroad each year.

In 1977, the Democratic Administration inherited a farm economy marked by serious over production and badly outdated price support programs. Farm prices and incomes were plummeting, partly in response to misguided attempts at price controls. The livestock sector was in its third straight year of loss, and a herd liquidation of unprecedented scale was underway.

Because of actions taken by the Democratic Administration and Democratic Congress, this situation was turned around in 1978 and 1979. U.S. agriculture was put back on a track of steady, sustained growth and improvement. The sharp decline of farm prices and farm incomes was reversed. An aggressive program of export promotion resulted in record high agricultural exports in each of the past three years.

Recently, however, the nation's farm economy has been hurt by reduced prices; high costs of production, including energy, inflation, equipment and high interest rates. As a result, our nation's farmers are facing a time of hardship.

Agricultural policy in the 1980's must strengthen the forces which made American farmers the most productive in the world and American agriculture the hope of hungry people everywhere. In this way, we can ensure a decade of prosperity for farmers and of agricultural abundance for America's consumers.

The Democratic Party pledges itself to the following goals.

Continued attention to expanding farm exports. American agriculture's long-run interests remain firmly tied to the sale of U.S. farm products abroad. Despite the significant progress made to date, it is important that we continue to work at breaking down barriers to trade and capitalizing on our nation's enormous advantage in the production of food and fiber.

If food is to be used as an instrument of foreign policy, it is imperative that farm income be protected. Farmers must have access to free markets.

Recognizing the patriotic sacrifices made by the American farmer during the agricultural embargo protesting the invasion of Afghanistan, we commend the agricultural community's contribution in the field of foreign affairs. Except in time of war or grave threats to national security, the federal government should impose no future embargoes on agricultural products.

Protecting farm prices and farm income. Rapidly rising costs of production, especially energy costs, make it imperative that we increase the level of support for farm prices and income by increasing target prices to cover the cost of production. For those farm product not covered by target prices, such as soybeans, cattle, hogs, poultry, sugar cane, and sugar beets, we pledge support programs that will maintain viable domestic production. Low cost farm credit should be extended with the least possible delay in times of stress from decreased farm income or disasters.

It is in the nation's long-run interest that returns to farmers keep pace with rising costs to ensure a fair return on investment.

Measures to protect and further enhance agricultural productivity. Although agricultural productivity remains high in comparison with productivity in the nonfarm sector, its rate of increase has slowed over the past two or three decades. This trend must be reversed through greater attention to the effects of regulatory actions, increased support for agricultural research, and intensified efforts to conserve our vital land and water resources.

Rebuilding our agricultural transportation system. The transportation system which moves our agricultural products to their final markets, including ports for export shipment, has been strained to the limit. While needed improvements have begun, through such measures as trucking and rail deregulations and the expansion of Lock and Dam 26 (on the Mississippi River at Alton, Illinois), more intensive efforts will be required in the future. In the case of railroads, a rebuilding effort will be required.

Protecting our soil resource. American agriculture is critically dependent on the productivity of its soil. Without careful and consistent stewardship of this important resource, it can become depleted. An assessment of our nation's conservation needs is now underway. We must be prepared to act on the findings of this assessment. Emergency procedures should be enacted to increase soil conservation incentives for construction of watersheds, tile intake terraces, and other soil saving practices.

Protecting family farms. The real genius of American agriculture is the role and prominence of the farm family. It is this form of organization that provides agriculture with its vitality, independent spirit, and progressiveness. We must protect farmers from land speculators, giant farm combinations, and foreign buyers. We support laws requiring disclosure of all foreign ownership of farmland and we will continue to monitor such ownership to determine its impact on our farms.

While we recognize the need to modernize the 1902 Reclamation Act, we reaffirm our support for its intent—to assure that the federal subsidy program assists only family farmers.

We support reforms in the estate tax to strengthen the stability of family farms.

Farmer involvement. There is a continuing need to devise better ways of involving people in the decisions of their government, particularly in those decisions that have direct and important effects on their lives. We realize the need for a strong cattle industry and for ranchers' involvement in the development of farm programs. Considerable progress has been made in this regard, but more is required.

Capper-Volstead Act. We reaffirm our strong support for agricultural cooperatives and bargaining associations to engage in vigorous programs to pack, process and market their members' crops as provided for in the Capper-Volstead Act.

Farm labor. We must vigorously enforce existing laws relating to farm labor organization and recognize the right of farm workers to bargain collectively, while ensuring the legal rights of farmers.

Farm mechanization. We support retraining programs for farm workers displaced by mechanized farming.

Forestry

America's national forests contain a national treasure that provides recreation, wilderness, fish and wildlife, and timber products.

We reaffirm the Democratic Party's traditional support for multiple-use management to ensure the survival of these precious resources for this generation and generations to come.

We call for the speedy resolution by Congress of the Roadless Area Review and Evaluation, stimulated by this Administration, to determine which areas are best suited for wilderness and which should be released for timber harvest and multiple-use management.

We support continued assistance to private, nonindustrial forest owners to increase their management potential.

On federal lands identified as part of our timber resource, we support:

Management policies which, consistent with sound, complete land management plans, will result in the highest timber yields, when trees are mature, and which can be sustained over the long term;

Concentration of timber sales on areas of greatest potential;

Management of these irreplaceable and environmentally unique areas to maintain perpetually their value; and

Provision of adequate access facilities for all of these uses.

We shall insist that administration of public lands by the Department of Interior be fair and equitable. The interest of the state within which such public lands lie must be of paramount importance in the decision-making process. We encourage all federal agencies to consult with the states on such matters.

Fisheries

Under the Democratic Administration the U.S. fishing industry has made substantial progress, as evidenced by the following:

Commercial landings of fish in 1979 were up 45 percent in value and 21 percent in quantity compared with 1977;

The U.S. share of the catch in our 200-mile fisheries conservation zone increased from 27 percent in 1978 to 33 percent in 1979;

Over the same period, the foreign catch of fish in the U.S. 200-mile zone dropped 6 percent, and 29 percent from the average for the five preceding years;

The U.S. has moved from fifth in the world in 1977 to fourth in 1978 in total commercial fish landings; and

Exports of U.S. edible fishery products in 1979 were up 116 percent in value and 67 percent in quantity compared with 1977.

While such trends are encouraging, there remains a tremendous potential for growth. By volume, 67 percent, and by value, 34 percent, of the harvest in the fishery conservation zone is still taken by foreign vessels. The value of the catch to foreign fishermen was $470 million in 1979.

The need for more rapid growth of the U.S. fishing industry is illustrated by the fact that imports of fisheries' products outweighed exports by $1.7 billion last year. With full development of our industry, this deficit could be erased. Moreover, 43,000 new jobs could be created.

One-fifth of the world's fish are found in waters off the United States. We pledge to continue the development of our fishing industry so that the U.S. achieves self-sufficiency in this sector and fully utilizes the valuable and abundant fisheries resources off our shores. To this end, continuing effort in the following areas is needed:

Develop a balanced U.S. harvesting, processing and marketing capability on a geographical and fishery-by-fishery basis;

Continue to phase out foreign fishing within our 200-mile zone;

Target efforts to stimulate and expand those fisheries that are presently unutilized and underutilized;

Increase research and development through cooperative federal-private efforts with emphasis on industry initiatives;

Encourage the availability of capital in sectors where it is particularly needed;

Promote market development, and to that end, continue to allocate surplus fishery resources of the U.S. 200-mile zone to foreign nations in order to stimulate improved access to their markets for our fish products.

Enhance conservation and management of U.S. fishery resources and in that effort, increase observer coverage of foreign fishing operations in the 200-mile zone;

Work toward ensuring that a fair share of conservation, management research and enforcement in the 200-mile zone is borne by foreign fishermen who enjoy access to our surplus fishery resources;

Assist the U.S. distant-water fleets through international agreements;

Support an international ocean regime for fisheries management through successful completion of Law-of-the-Sea negotiations;

Encourage development of a diversified U.S. aquaculture industry;

Protect, restore and enhance fish habitats;

Continue support for research, propagation and management of our anadromous fish resource; and

In recognition of its economic and recreational importance, accord a high priority to maintaining and improving marine and inland sport fishing.

CHAPTER V: FOREIGN POLICY

Introduction

When the Democratic Party came into office almost four years ago, the most dangerous threat to America's position in the world was the profound disillusionment and mistrust which the American people felt for their own government. This had reached the point where the very term "national security" became synonymous with the abuse of power, deceit and violation of public trust. It undermined our capacity to defend our interests and to play our role in the world at a time when Soviet power was continuing to grow.

The hallmark of the previous eight years of Republican Administration had been to emphasize the primacy of power politics irrespective of compatibility with American values and with the increasing power of the Soviet Union. The result was disrespect abroad and discontent at home.

The Democratic Party was determined to make our values a central factor in shaping American foreign policy. The one-sided emphasis of the previous Republican Administration had led many Americans to a suspicion of power, and in some respects, even to rejection of military strength. The American people longed to see their country once again identified with widespread human aspirations. The Democratic Party understood, if the Republicans did not, that this is essential to preserve our long-term interests in the world.

The Democratic Administration sought to reconcile these two requirements of American foreign policy—principle and strength. Both are required to maintain a constructive and secure relationship between America and the rest of the world. We have tried to make clear the continuing importance of American strength in a world of change. Without such strength, there is a genuine risk that global change will deteriorate into anarchy to be exploited by our adversaries' military power. Thus, the revival of American strength has been a central preoccupation of the Democractic Administration.

The use of American power is necessary as a means of shaping not only a more secure, but also a more decent world. To shape a decent world, we must pursue objectives that are moral, that make clear our support for the aspirations of mankind and that are rooted in the ideals of the American people.

That is why the Democrats have stressed human rights. That is why America once again has supported the aspirations of the vast majority of the world's population for greater human justice and freedom. As we continue to strive to solve our own internal problems, we are proud of the values for which the United States has always stood. We should continue to be a beacon of liberty around the world and to effectively and positively state America's case for freedom to the world through various governmental and nongovernmental channels.

A foreign policy which seeks to blend our ideals and our strength does not easily reduce itself to simple statements.

First, we must consistently strengthen our relations with likeminded industrial democracies.—In meeting the dangers of the coming decade the United States will consult closely with our Allies to advance common security and political goals. As a result of annual summit meetings, coordinated economic policies and effective programs of international energy conservation have been fashioned. With the cooperation of rich and poor nations alike, a new international trade agreement has been reached which safeguards our free enterprise system from protectionism and gives us greater economic opportunity in the world, while it gives the developing world a stake in the stability of the world's economy.

Second, we must continue to improve our relations with the Third World by being sensitive to their legitimate aspirations. The United States should be a positive force for peaceful change in responding to ferment in the Third World. Today, thanks to a number of steps that have been taken—strengthening the international aid institutions, the Panama Canal treaties, the Zimbabwe settlement, the normalization of relations with China—the United States has a healthier and more productive relationship with these countries.

Our third objective must be peace in the Middle East. The Carter Administration has pursued this objective with determination and together with the leaders of Israel and Egypt, has overcome great obstacles in the last three years. America made this commitment for two fundamental reasons—morality and national security.

Our nation feels a profound moral obligation to sustain and assure the security of Israel. That is why our relationship with Israel is, in most respects, a unique one. Israel is the single democracy, the most stable government, the most strategic asset and our closest ally in the region.

To fulfill this imperative, we must move towards peace in the Middle East. Without peace, there is a growing prospect, indeed inevitability, that this region will become radicalized, susceptible to foreign intrusion, and possibly involved in another war. Thus, peace in the Middle East also is vital for our national security interests.

The strength of these two impulses—our moral commitment and national security—has sustained the Democratic Administration in many difficult trials. The result has been the first peace ever between Israel and an Arab country, as well as the eventual prospect of a wider comprehensive agreement which will assure peace and security to all parties concerned. Our goal is to make the Middle East an area of stability and progress in which the United States can play a full and constructive role.

Our fourth major objective is to strengthen the military security of the United States and our Allies at a time when trends in the military balance have become increasingly adverse. America is now, and will continue to be, the strongest power on earth. It was the Democratic Party's greatest hope that we realities of the world situation. including the realties of the world situation, including the unremitting buildup of Soviet military forces, required that we begin early to reverse the decade-long decline in American defense efforts.

In 1977, the United States joined with NATO to develop, for the first time in the history of the Alliance, a long-term defense program calling for three percent annual real growth in our collective defense efforts. This is being fulfilled. In the first year, the Democratic Administration decided that the U.S. needed an enhanced strategic posture and policy to deal with the increased first strike capability of the Soviet Union. To this end basic commitments were made regarding U.S. strategic capabilities for the late 1980's, in particular, the MX land-based mobile ICBM deterrent. Finally, development is now underway of a rapid deployment force capable of defending our interests and protecting our friends in those parts of the world where American military forces are not regularly present.

At the same time, the Democratic Administration has determined to cut waste in defense spending. The B-1 bomber was cancelled because it was technologically obsolete. A defense bill containing unnecessary expenditures for a new nuclear carrier, while neglecting the readiness of our day-to-day forces, was vetoed and the veto was sustained. These decisions involved difficult choices, but the result is a leaner, stronger American military posture.

As a fifth objective the Democrats have been and remained committed to arms control, especially to strategic limitations, and to maintain a firm and balanced relationship with the Soviet Union. Our resolve to pursue this goal remains as strong as ever.

To avoid the danger to all mankind from an intensification of the strategic arms competition, and to curb a possible acceleration of the nuclear arms race while awaiting the ratification of the SALT II Treaty, we endorse the policy of continuing to take no action which would be inconsistent with its object and purpose, so long as the Soviet Union does likewise.

Arms control and strategic arms limitation are of crucial importance to us and to all other people. The SALT II Agreement is a major accomplishment of the Democratic Administration. It contributes directly to our national security, and we will seek its ratification at the earliest feasible time.

Defense

America's military strength is and must be unsurpassed. The Democratic Administration has moved to reverse the threatened decline in America's world position. While claiming concern for our nation's defense preparedness, the Nixon-Ford Administration presided over a steady decline of 33 percent in real U.S. military spending between 1968 and 1976.

As a result of the joint efforts of the Democratic Administration and Congress, there has been a real increase in our defense spending in every year since 1976. This increase is necessary in order to compensate for the decline in U.S. military strength over the previous eight years and to assure a high quality of military personnel, an effective nuclear deterrent capability, a capable conventional fighting force and an improved intelligence capability. We will act to further improve intelligence gathering and analysis.

We must be careful that our defense dollars are spent wisely. We must make sure that we develop and deploy practical weapons and that we have the resources to ensure that the men and women who must operate these weapons have the skill to do so.

The serious question of manpower shortages must be addressed promptly. In order to prevent the necessity of a peacetime draft, the all-volunteer force must have wage standards which will retain experienced personnel or recruit new personnel upon whom an increasingly sophisticated military heavily depends.

We will upgrade the combat readiness of our armed forces. We will give the highest priority to combat training, to an effective Reserve and Guard force, and to sufficient supplies, spare parts, fuel and ammunition. Registration of 19 year olds is intended to enable the United States to mobilize more rapidly in the event of an emergency, which is the only time it should be used. We do not favor a peacetime draft or the exclusion of women from registration. We will seek ways to expand voluntary service in both the armed forces and non-military programs such as VISTA, the Young Adult Conservation Corps, and the Peace Corps.

We need to go forward to protect our retaliatory capabilities in the face of continuing Soviet advances in their strategic forces.

The nation has moved to modernize its strategic deterrent through the MX, Trident, and cruise missile systems. The MX missile deployment will enhance the survivability of our land-based intercontinental ballistic missile force. Cruise missiles will modernize our strategic air deterrent, and the new Trident submarine, with a missile range of over 4,000 miles, will both improve and help guarantee the invulnerability of our nuclear deterrent.

The United States has acted to correct the dangerous military imbalance which had developed in Europe, by initiating and obtaining Allied support for a long overdue NATO long-term defense program and proceeding toward the deployment in Europe of long-range theater nuclear deterrents to counter the Soviet buildup of such weaponry in Europe. Our commitment to increase defense spending by at least three percent per year is crucial to the maintenance of Allied consensus and confidence in this regard. We need to modernize our conventional military capabilities so that we can better protect American lives and American interests abroad.

The Democratic Administration has acted to improve our ability to make rapid responses to contingencies by organizing and supporting rapid deployment forces capable of responding to military problems in any part of the world where our vital interests are threatened. To that end, we favor the development and production of a new fleet of cargo aircraft with intercontinental range, the design and procurement of a force of Maritime Prepositioning ships that will carry heavy equipment and supplies for three Marine Corps brigades, and an increase in regional military exercise, in cooperation with friendly states. We have given particular attention to developing the facilities and capabilities to further support the policy of the United States with regard to the Persian Gulf enunciated by President Carter in the State of the Union address on January 23, 1980: Let our position be absolutely clear: an attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America and such an assault will be repelled by any means necessary, including military force."

We are confident that the negotiation of American overseas military facilities in support of this effort as well as other areas of the world will be conducted with respect for the independence, integrity and cultural values of the host countries.

The Democratic Party recognizes the strategic value of Israel and that peace in the Middle East requires a militarily secure Israel. Because Middle East nations that have not joined the peace process have been able to purchase the latest sophisticated Soviet and other weaponry, the technological advantage which Israel holds over its adversaries has been jeopardized. The progress of the peace talks means that Israel has gained considerable security advantages from peace with Egypt. At the same time, Israel will lose some of the tactical advantages previously provided by territory occupied in 1967. Any further war Israel fights could take place close to its population centers. Therefore, we pledge a continued high level of U.S. military support for Israel.

Our military supply relationship with other nations of the Middle East is also important to our national security. It should continue to be carried out in a manner which does not jeopardize the security of Israel.

United States-Soviet Relations

A strong, consistent, and principled policy toward the Soviet Union is a vital element of our foreign policy everywhere. The Democratic Administration will use all its resources—including both firm diplomacy and military power—to deter adventurism and to make restraint the only acceptable course available to our adversaries.

We stand ready to pursue good faith negotiations with the Soviet Union at every opportunity on a wide range of issues including strategic arms, forces in the European theater, and other matters which would contribute to peace and a more genuine and reciprocal detente.

At the heart of our policy toward the Soviet Union must be a clear recognition of the reality of Soviet power. We must reject the easy mythology that the Soviets see the world as we do. A long-term strategy for the 1980's requires a clear view of the Soviet Union, a view without illusion that our adversary is either benign or omnipotent.

The Soviet attack on Afghanistan, the murder of its leaders, and the ruthless effort to exterminate those resisting the Soviet invasion have violated all norms of international law and practice and have been thoroughly condemned by the international community.

This attempt to subjugate an independent, nonaligned Islamic people is a callous violation of international law, the United Nations Charter, and the principle of restraint which underlies detente.

This invasion places the Soviets armed forces within fighter aircraft range of the Straits of Hormuz, the lifeline of the bulk of the world's exportable oil.

It creates fear and instability among our friends in the region who are already buffeted by the disintegration of Iran as a stabilizing force.

More broadly, the success or failure of Soviet military aggression will affect present and future Soviet leaders' readiness to use force to gain their ends.

Hence, it is a threat not only to our strategic interests in the region but to world peace.

A strong American response to the illegal and brutal invasion of Afghanistan serves our nation's security interests. It must and will be sustained, as long as Soviet troops remain there.

In response to the Soviet invasion, the United States has cut grain exports, curbed high technology trade and interrupted scientific and cultural relatives.

The United States has also committed itself to a boycott Moscow as the site of the Olympic Games. To attend while the Soviet armed might brutally seeks to crush the national liberation movement in Afghanistan would be a travesty of the Olympic spirit.

We must continue to support U.S. actions such as the Olympic boycott and trade restrictions in order to shown determined opposition to Soviet aggression. We insist on immediate Soviet withdrawal from Afghanistan and the reestablishment of a non-aligned, independent government which is supported by the people of Afghanistan. The Soviet invasion of Afghanistan makes it extremely important that the United States be ready to aid those in the Third World resisting Soviet, Cuban, and East German domination.

While the invasion of Afghanistan has side-tracked our pursuit of a productive relationship with the Soviet Union, the Democratic Party supports efforts to strengthen ties to the nations of Eastern Europe. Treating each of those nations with sensitivity to its individual situation, the U.S. has steadily improved relations with the people of Hungary, Poland, and Romania. While Soviet conduct has profoundly damaged East-West relations, the U.S. should continue to draw distinctions, to the extent possible, between the sanctions it imposes on economic dealings with Moscow and similar relations with some other members of the Warsaw Pact, as long as they are not diverting that trade, in grain or items under export control, to the use of the Soviet Union and as long as they are willing to maintain a constructive dialogue on issues of concern and significance to the United States.

Through the measures now being taken, including both denial of economic benefits and the Olympic boycott, as well as our efforts to enhance the security of the region more directly affected, the objective should be to make the Soviets pay a price for their act of international aggression. We should continue to do so along with efforts to strengthen our national defense. We cannot permit this attack across an international border, with the threat it poses to the region and thus to the strategic balance, to go unanswered. Only firmness now can prevent new adventures later.

The Democratic Administration will also seek to reverse the recent sharp downturn in Soviet Jewish emigration and to obtain the release of dissidents now detained in the Soviet Union, including 41 members of the Helsinki Watch Groups who are in Soviet prisons, labor camps and banishment for their human rights activity. We will pursue our human rights concerns as a necessary part of overall progress on the range of political, military and economic issues between the United States and the Soviet Union—including the possibility of improved, mutually beneficial economic relations between our two countries.

Consideration of human rights should be a permanent feature of U.S.-Soviet relations. We salute those Soviet citizens active in the Moscow, Ukrainian, Lithuanian, Armenian, and Georgian Helsinki Monitoring Groups, assert our support of the courageous human rights advocate, Nobel Peace Prize Winner, Dr. Andrei Sakharov, and call for Dr. Sakharov's release from forced exile as well as the release of all political prisoners in the U.S.S.R.

We pledge that a Democratic Administration will raise the question of the Soviet violation of human rights at all appropriate international forums.

Arms Control

The SALT II Treaty also serves our security interests. It is a vital step in an arms control process that can begin to lift from humanity the shadow of nuclear war. That process, also, must be sustained.

Soviet aggression against Afghanistan has delayed the course of ratification of the SALT II Treaty, but we must continue to pursue both security priorities: deterrence of Soviet aggression and balanced arms control agreements. Both the response to Afghanistan and the SALT II Treaty serve this purpose.

The SALT Treaty is in the U.S. interest because it is an important way of restraining Soviet behavior.

Without SALT II, the Soviets could have hundreds more missiles and thousands more nuclear warheads than the Treaty permits. Under the Treaty, they would have to eliminate many nuclear weapons they already have.

The Treaty helps sustain a strong American position in the world. Our Allies and other nations around the world know the SALT II Treaty serves their security interests as well as ours. American support for arms control is important to our standing in the international community, the same community that has rebuked the Soviets for their attempted suppression of Afghanistan. It is also important to our efforts to organize an enduring response to the growing threat to Europe of the Soviet SS-20 nuclear missiles and to Soviet aggression in Afghanistan.

Along with support for SALT, we seek to maintain a stable conventional and theater nuclear balance in Europe. We will support modernization programs in which European countries bear their fair share of the cost and other burdens. At the same time, we will ensure that no possibility for effective limits on theater nuclear weapons is left unexplored. The Democratic Administration will join with our NATO allies in making far-reaching, equitable, and verifiable proposals for nuclear and conventional arms control in Europe.

The Democratic Party wants an arms control process to continue, just as it wants to sustain strong policies against Soviet aggression in Afghanistan. We understand that both build peace and make our nation more secure. Accordingly, we must persist in a strong policy regarding the Soviet aggression, and we must seek ratification of SALT as soon as it is feasible.

A Democratic Administration will not accept an indefinite deferral of strategic arms control. On the basis of review and planning of U.S. security requirements in the coming decade, we are determined to pursue negotiations with the Soviet Union, aimed at the achievement of strategic stability and, for the first time, of major reductions and qualitative limits on strategic systems. The American SALT proposals in March 1977 were the first effort to seek such reductions, which remain the goal and justification of arms control. A Democratic Administration will treat the Soviet government's readiness to negotiate verifiable, substantial and significant reductions and qualitative limits as a test of its seriousness about arms control and the compatibility of its approach to arms control with that of the United States.

We will pursue other arms control opportunities that can enhance both our national security and the prospects of peace. In particular, the Democratic Administration will pursue a Comprehensive Nuclear Test Ban Treaty. Such a treaty is vital to our hopes to control the proliferation of nuclear weapons. Following the 1980 Review Conference on the Nuclear Non-Proliferation Treaty, we will step up our efforts to expand adherence to the treaty, to strengthen international safeguards and controls over nuclear materials, equipment and technology, and to forestall the spread of nuclear explosive capabilities. In any peaceful nuclear supply, we will continue to seek the full application of international safeguards and undertakings not to explode nuclear devices.

We have placed significant limits on our conventional arms transfers and will vigorously press other arms suppliers and recipients to accept mutual restraints.

The Democratic Administration has increased our capacity to counter international terrorism, both on a national basis and in coordination with other governments, and to deal with acts of terrorism including hostage-taking committed either by individuals or by governments. We will strengthen multilateral arrangements for contingency planning, information sharing, military coordination, and the isolation of countries that harbor terrorists.

Human Rights

In the area of international affairs, the Democratic Administration has placed America's power in the service of a more decent world by once again living up to our own values and working in a formal, deliberate way to foster the principles set out in the Universal Declaration of Human Rights.

This has been accomplished through a strong commitment to human rights, which must be seen not only as a moral imperative but as the only secure and enduring basis upon which a truly stable world order can be fashioned. There have been successes in Asia, Latin America, and elsewhere in the world. We must be undaunted by the increasing repression in the Soviet Union. We support measures designed to restrict trade with the Soviet Union until such time as Soviet emigration policy is made fair and nonrestrictive.

We must be vigilant about human rights violations in any country in which they occur including South Africa. We note in particular that many of the Communist-dominated countries are persistent violators of the most basic human freedoms—the right to free speech, the right to religious freedom, the right to travel and emigrate, and the right to be free from arbitrary harassment.

We support Senate ratification of the Genocide Convention and the International Covenants on Human Rights as soon as possible.

We support continuation of the leadership role taken by the United States in the area of human rights and urge that the Democratic Administration continue to speak out openly and forcefully on human rights violations whenever and wherever they occur.

We will fulfill the letter and the spirit of current law by denying assistance to governments that violate fundamental human rights, except for that aid which is clearly humanitarian. We also recognize the exception for assistance that is required for overriding security purposes, but that exception should not be used as an excuse for ignoring abuses of human rights.

We will provide additional assistance and support, as needed, to governments that strive successfully for greater political liberty and protection of human rights.

Refugees and Migration

America's roots are found in the immigrants and refugees who have come to our shores to build new lives in a new world. The Democratic Party pledges to honor our historic commitment to this heritage.

The first comprehensive reform of this nation's refugee policies in over 25 years was completed with the signing in March 1980 of the Refugee Act of 1980, based on legislation submitted to Congress by the Carter Administration in March 1979.

This Act offers a comprehensive alternative to the chaotic movement and the inefficient and inequitable administration of past refugee programs in the United States. We favor the full use of refugee legislation now to cope with the flow of Cuban and Haitian refugees, and to help the states, local communities and voluntary agencies resettle them across our land. We urge that monies be distributed to voluntary agencies fairly so that aid is distributed to all refugees without discrimination.

The Administration also established the first refugee coordination office in the Department of State under the leadership of a special ambassador and coordinator for refugee affairs and programs.

The new legislation and the coordinator's office will bring common sense and consolidation to our nation's previously fragmented.

inconsistent, and, in many ways, outdated refugee and immigration policies.

A Select Commission on Immigration and Refugee Policy is now at work to further reform the system. We pledge our support to the goals and purposes of the Commission, and we urge the Administration to move aggressively in this area once the Commission submits its report.

Once that report has been completed, we must work to resolve the issue of undocumented residents in a fair and humane way. We will oppose any legislation designed to allow workers into the country to undercut U.S. wages and working conditions, and which would re-establish the bracero program of the past.

World population projections, as well as international economic indicators—especially in the Third World—forewarn us that migration pressures will mount rapidly in many areas of the world in the decade ahead. Our own situation of undocumented workers underscores how difficult it is to deal with economic and employment forces that are beyond any nation's immediate control. Most of Europe, and many parts of Latin America and Asia, face similar dilemmas. For example, Mexico faces the pressure of migration from Central America.

We will work with other nations to develop international policies to regularize population movement and to protect the human rights of migrants even as we protect the jobs of American workers and the economic interest of the United States. In this Hemisphere, such a policy will require close cooperation with our neighbors, especially Mexico and Canada.

We must also work to resolve the difficult problems presented by the immigration from Haiti and from the more recent immigration from Cuba. In doing so, we must ensure that there is no discrimination in the treatment afforded to the Cubans or Haitians. We must also work to ensure that future Cuban immigration is handled in an orderly way, consistent with our laws. To ameliorate the impact on state and local communities and school districts of the influx of new immigrants from Cuba and Haiti, we must provide the affected areas with special fiscal assistance.

We support continued financial backing of international relief programs such as those financed by the United States, the International Red Cross, UNICEF and the private, non-profit organizations to aid the starving people of Kampuchea. We also endorse such support for the Cambodian refugees and encourage participation in the campaign of the National Cambodian Crisis Committee.

We support, through U.S. contributions to the UN High Commissioner for Refugees and other means, aid for the mounting Afghan refugee situations.

THE MIDDLE EAST

When the Democratic Administration began in 1977, the prospects for peace in the Middle East were bleak. Despite efforts over thirty years, Israel still faced an Arab world that was totally hostile to it; it was still denied any movement towards its dream of living at peace with its neighbors, behind secure and recognized frontiers.

Almost immediately after his inauguration, President Carter undertook to move the peace process forward. Following the historic visit of President Sadat to Jerusalem, the Administration's efforts led to Camp David, where the two Presidents and Prime Minister Begin in thirteen days created the Camp David Accords—the most promising effort in three decades for creating a genuine and lasting peace in the Middle East.

Following President Carter's trip to the Middle East in March 1979, Prime Minister Begin and President Sadat signed the Israel-Egypt peace treaty at the White House. A year later, that treaty has led to the transfer of two-thirds of the Sinai to Egypt—along with the Sinai oil fields; ambassadors have been exchanged; borders have been opened; and normalization of relations is well underway. Israel has finally gained peace with its largest Arab neighbor. In sum, this Democratic Administration has done more to achieve Israel's dream of peace than any other Administration in thirty years.

Negotiations are continuing under the Camp David framework on full autonomy for the inhabitants of the West Bank and Gaza, in order to preserve fully Israel's security while permitting the Palestinians living in the territories to participate in determining their own future. The United States is a full partner in negotiations between Israel and Egypt to provide for a five-year transitional regime in the West Bank and Gaza.

It is recognized that the Democratic Administration has to proceed with special care and sensitivity resulting from its deep engagement in the delicate process of promoting a wider peace for Israel.

At the same time, the United States' commitment to the independence, security, and future of Israel has been strengthened. Nearly half of all U.S. aid to Israel since its creation as a sovereign state—more than $10 billion—has been requested during the last 3½ years. We provide Israel with modern military equipment and we fully support Israel's efforts to create a just and lasting peace with all of its Arab neighbors.

U.S. policy is—and should continue to be—guided also by the following principles.

UN Security Council Resolution 242, unchanged, and the Camp David Accords are the basis for peace in the Middle East.

We support Israel's security, and will continue to provide generous military and economic aid to that end.

We pledge not to provide Israel's potential enemies with sophisticated offensive equipment that could endanger the security of Israel.

Jerusalem should remain forever undivided, with free acces to the holy places for people of all faiths.

We oppose creation of an independent Palestinian state.

We will not negotiate with or recognize the Palestinian Liberation Organization, unless and until it accepts Israel's right to exist and UN Security Council Resolution 242 and 338. It is also long past time for an end to all terrorism and other acts of violence against Israel.

We have not and will not use our aid to Israel as a bargaining tool; and we will never permit oil policies to influence our policy toward peace or our support for Israel.

As stated in the 1976 platform, the Democratic Party recognizes and supports "the established status of Jerusalem as the capital of Israel, with free access to all its holy places provided to all faiths. As a symbol of this stand, the U.S. Embassy should be moved from Tel Aviv to Jerusalem."

Elsewhere in the Middle East, we support the improvement of relations with moderate Arab states. We support the independence, sovereignty, and integrity of Lebanon. We call upon all states in the region to support the historic efforts of Israel and Egypt to build a comprehensive peace.

We believe a cooperative effort among the nations of the Middle East and the United States can help provide needed assistance to Israel and her Middle East neighbors engaging in the peace process with Israel in the vital areas of refugee resettlement, agricultural development, water development, health and medical facilities, and productivity and trade. A planning group should be created to pursue an effort to provide this type of assistance.

The Democratic Administration will also take needed measures to protect American interests in the Persian Gulf, including energy security, regional stability, and national independence. This will require sophisticated diplomacy as well as military capability. We will seek both to counter external threats and to encourage necessary political and economic development. In the end, our allies have an equal or greater interest than we in the security of oil supply and regional stability, and the Democratic Administration will continue to cooperate with them in a common strategy and to share common burdens.

We condemn the government of Iran for its outrageous conduct in the taking of our diplomatic personnel as hostages. We insist upon respect for the principle—as repeatedly enunciated by the UN Security Council and the International Court of Justice—of the inviolability for diplomatic personnel. We call upon all governments to abide by and uphold this basic tenet of civilized international conduct.

In the region as a whole, we must end our dangerous dependence on foreign oil. Only in this way can our foreign policy counter effectively the pressures of OPEC and of Soviet power poised above the Persian Gulf in Afghanistan. The Democratic Administration will fulfill its commitments to the Strategic Petroleum Reserve to protect America against an oil embargo. As we reduce oil consumption and dependence on OPEC, we will be able to bargain on equal terms with the OPEC states for an assurance of more certain supplies of oil at more stable prices.

Europe and Japan

America and her allies must continue the mutual confidence and commitment, the sense of common purpose, that marked our relations for decades. The problems we face are global in scope. We cannot begin to solve them if each of us goes a separate way. We must learn to work in partnership, on an increasing range of problems, in areas such as Africa and the Persian Gulf, and on worldwide economic and security issues.

The Democratic Administration will be committed to a strong NATO and a stable military balance in Europe. We will pursue both modernization of NATO conventional and nuclear forces and equitable limitations between NATO and the Warsaw Pact.

The Democratic Administration will seek collective solutions to the common economic problems of inflation, unemployment, energy, trade and monetary relations which confront us and our allies. This will require increased cooperation and coordination among all OECD countries.

The Democratic Administration will continue to support the growth and cohesion of the European community, and will increase our support for Greece, Spain and Portugal, which have rejoined the ranks of democracy.

We have been particularly concerned about the need to maintain strategic stability in the Eastern Mediterranean. To this end, we have worked with Congress toward the resolution of differences between Greece and Turkey over Cyprus and other divisive issues. We have worked toward a balanced treatment of both countries in our assistance programs.

We will give priority to the reintegration of Greece into NATO's military structure and to the strengthening of NATO's southern flank, including the economic progress of each of our allies in southern Europe.

We have worked towards a fair settlement of the Cyprus issue by giving our support to the United Nations efforts to encourage intercommunal talks. We agree with Secretary General Waldheim's opinion that such talks, if properly used, represent the best possible solution to a just and lasting political settlement of the Cyprus problem based on the legitimate rights of the two communities.

We must do all that is possible, consistent with our interest in a strong NATO in southern Europe and stability in the eastern Mediterranean, to encourage a fair settlement of the Cyprus issue, which has caused so much suffering in that area.

We will press strongly for the full implementation of U.N. Resolution 3212 in order to bring about an agreed resolution to the tragic conflict in Cyprus; including the withdrawal of all Turkish military forces from Cyprus, the safe return of all refugees to their homes, full cooperation of all parties with a negotiated solution and a full peace and respect for human rights in Cyprus.

Consistent with our traditional concern for peace and human rights, the next Democratic Administration will play a positive role in seeking peace in Northern Ireland. We condemn the violence on all sides. We will encourage progress toward a long-term solution based upon consent of all parties to the conflict, based on the principle of Irish unity. We take note of the Saint Patrick's Day statement ". . . that the solution offering the greatest promise of permanent peace is to end the division of the Irish people" and its urging of ". . . the British Government to express its interest in the unity of Ireland and to join with the government of Ireland in working to achieve peace and reconciliation." New political structures which are created should protect human rights, and should be acceptable to both Great Britain and Ireland and to both parts of the community of Northern Ireland.

Our relations with Japan have moved to a new level of maturity and cooperation. The United States is able to deal with patience and understanding on a range of difficult and contentious economic issues. In the foreign policy and security area, Japan's record in support of U.S. foreign policy objectives is second to none. We will continue to nurture this relationship.

The International Economy

A vigorous American foreign policy and a sustained defense effort depend on the U.S. economy and its ability to compete in the international marketplace.

Through annual economic summits in London, Bonn, Tokyo, and Venice, we have established a sound basis for economic progress in the 1980's by improving the coordination of our economic policies. We have sought to strengthen international institutions to deal with our common problems; to reduce worldwide inflation, which undermines Western security and prosperity; to encourage investment and innovation to increase productivity; and simultaneously to find ways to reduce unemployment, especially among our youth. We have made substantial progress, but the battle continues.

The Democratic Administration, which has wrestled with these issues over the past three and a half years, pledges a renewed effort to revitalize the world economy and to maintain our position as the leader of the free world's economic forces.

Trade

In 1976, we called for trade policies that would benefit economic growth. Trade promotes new jobs for American workers, new markets for farmers and businessmen, and lower prices for consumers. But trade can also cause dislocations within the economy, and we have sought—and we will continue to seek—ways to ease the burden of adjustment to foreign competition without impeding the process of structural change so vital to our economic health. We favor a free international trading system, but that system must also be fair. We will not allow our workers and industries to be displaced by unfair import competition. We have entered orderly marketing agreements and other arrangements in areas such as color television, footwear and textiles, to help promote the competitive position of American industry. Others may be necessary.

Last year, we successfully concluded the Multilateral Trade Negotiations, an ambitious set of negotiations designed to reduce barriers to international trade. Before the Democratic Administration took office, these negotiations had proceeded at a snail's pace, and there had been a growing risk of failure which could have sparked a trade war damaging to our interests. It was the imaginative leadership of this Administration which breathed new life into an otherwise somnolent negotiation.

To strengthen the U.S. economy and improve our competitive position in the world economy, U.S. export-import policy must be based on the principle of fair trade that will enhance our exports while safeguarding domestic industry from unfair trade practices. In assuring orderly foreign trade, the U.S. must require observance of our trade laws, as well as cooperation with our trade policies if economic disruption is to be avoided. This will require:

Encouragement of export expansion through vigorous negotiations to open foreign markets and enforce U.S. rights;

The government to take swift, effective anti-dumping actions and enforce all U.S. trade laws to assure an end to unfair trade practices that lead to the export of American jobs;

Regulations of imports of textiles and apparel in accordance with current laws and agreements;

Enforcement of customs laws through the assessment of appropriate penalties. Imports, exports, technology transfers, money flows and investments must be reported in accordance with current laws, monitored and regulated to protect U.S. interests; and

Implementation of the government procurement code only as negotiated and on a truly reciprocal basis.

We bargained long and hard to obtain concessions which would benefit Americans and open new markets to U.S. producers of both agricultural and industrial goods. The agreements, which won the overwhelming support of the U.S. Congress, achieved that objective. They represent a sensible balance of benefits. At the same time, they will ensure a liberal, but fair, international trading environment for the 1980's.

Monetary Affairs

We will continue to take whatever actions are necessary to maintain a sound and stable dollar. We will cooperate with other nations to minimize exchange rate disturbances. We fully support efforts underway to strengthen the ability of international financial institutions to adapt to changing needs and to facilitate the recycling of funds from the surplus oil-producing nations to those countries facing large, oil-induced deficits. We will urge OPEC countries to participate constructively in this process.

International Energy Cooperation

We have cooperated with other industrial countries, at summit meetings and in the International Energy Agency, in developing joint programs to conserve oil and increase production of alternative energy sources. Only through a truly global effort can the present imbalance between energy supply and demand be redressed. We will continue to support such efforts, showing our leadership by continuing the actions that have reduced oil consumption and imports by a greater proportion in the U.S. than in any other industrial country in the last year. We will work with our partners abroad to elicit increased effort by them, even as we seek increased U.S. effort at home, to the same ends.

The Developing World

Under the previous Republican Administration, the nations of the Third World viewed the United States as uninterested in or hostile to the need to treat the North-South economic issues which are of greatest importance to developing countries. Since then, the United States has adopted a range of economic policies on trade (MTN, Generalized System of Preferences expansion), commodities (Common Fund, sugar, coffee, tin), aid (International Financial Institutions replenishments) which have demonstrated that the Carter Administration is responsive to the aspirations of peoples in developing countries.

But this task is only begun. We share the globe with more than 4 billion people, more than three-quarters of whom live in developing nations, most of them poor. By the end of this century, the population of developing countries will grow by about 1.7 billion people. Their prospects for jobs, food, and peace will increasingly affect our own prospects. These nations can be the fastest growing market for our exports, as they are today, or they can become sources for new immigration and hostility toward the industrial democracies.

Thus, America's defense, energy, and economic security depend on stability and growth not only among our allies, but among our friends in the Third World. It is unacceptable that the United States ranks 13th among 17 major industrial powers in percentage of GNP devoted to development assistance.

The Democratic Administration will work with the Congress to develop and sustain policies and programs of economic cooperation with the developing nations, guided by the test of mutual interest. We will approach the global negotiations next year on economic relations between the industrial North and developing South in this positive spirit. We will contribute the United States' fair share to the capital of the multilateral development banks and agencies, and we will continue substantial and innovative U.S. programs of direct development assistance to low-income countries.

These policies will be reflected in further concentration of U.S. development assistance in countries that make good use of aid and on programs that address the basic needs of poor people, especially food, health, and voluntary family planning services. We will increase U.S. and multilateral technical and financial assistance to oil-importing nations for the development of their energy resources. The participation of U.S. private enterprises in the economic growth of developing nations will be selectively encouraged, with due regard for our own employment objectives.

We are deeply concerned about the growing problem of world hunger as reported by the President's Commission on World Hunger. We are determined to increase our resources, and to seek a similar increase on the part of other nations, with a view toward solving this problem by the end of the century.

Together with our allies, the Democratic Administration will challenge OPEC and the Communist nations to reach a new collective worldwide commitment to economic development. All sides must increase their contributions for this development, so that the world may escape the spectre of international bankruptcy from rising energy costs and rising burdens of debt. Development in the Third World is vital to international political and economic stability and therefore to our own national security.

In all of our relations with developing nations, we will actively promote the cause of human rights and express America's abhorrence of the denial of freedom.

Our security depends critically on events in the Middle East, Asia, Latin America, and Africa, events marked by either the pursuit of goals common to or conflicting with our interests. We will continue to cooperate with key friendly developing nations in security relations and in economic measures ensuring our mutual security. Great care will be exercised in our security assistance activities to avoid stimulating regional arms races or needlessly diverting resources from development to armament.

The Third World

Under the previous Republican Administration relations with the Third World were at their nadir. The United States appeared hostile and indifferent to the developing world's aspirations for greater justice, respect, and dignity. All this has changed.

Latin America and The Caribbean

In stark contrast to the policies of previous Republican Administrations, this Democratic Administration has begun to forge a new, collaborative relationship with nations of Latin America and the Caribbean; one resting on a firm commitment to human rights, democratization, increased economic and industrial development, and non-intervention.

We must now move innovatively to strengthen our ties with our neighbors in the Western Hemisphere, first to obviate any vacuum for outside intervention and second to promote bilateral approaches for social progress and economic development including energy resources.

Through systematic and structural high level attention to the problems of the Western Hemisphere we will mobilize the resources of our government to achieve this end. One such possibility to be considered is to appoint an Under Secretary of State for the Western Hemisphere. This would encourage both economic and political freedom throughout the Hemisphere.

We have given particular attention to developing a more balanced relationship with Mexico, a country with which we share so many important interests and also problems.

The successful negotiation of the Panama Canal Treaties—after fourteen fruitless years of effort—was seen as an indication of our willingness to treat Latin America on the basis of mutual respect. With those treaties ratified, the United States in 1980 is not only identified with the cause of human rights and democracy, but also we have opened a new chapter in our relations with the nations of this Hemisphere. Moreover, through regular multilateral consultations at all levels, more balanced relationships with the nations in the region have been forged.

The United States has worked hard to encourage the expansion of democracy in Latin America, respect for human rights, and the preservation of national independence and integrity from the threat of Soviet and Cuban intervention.

For the first time, an approach has been developed and tailored to the unique needs and aspirations of the Caribbean area. The Administration has supported change within a democratic framework; more than doubled aid programs; and worked with twenty-nine other nations and fifteen international institutions to establish the Caribbean Group for Cooperation in Economic Development, which has quadrupled external aid to the region.

Through strengthened relations with the Caribbean Community and the Andean Pact, the Administration has worked to enhance subregional cooperation as well.

President Carter has worked for peace in the region. By signing Protocol I of the Treaty of Tlatelolco, President Carter has demonstrated his support for nonproliferation objectives in the Hemisphere. We support its ratification. By supporting regional efforts at arms restraints, the United States has taken the lead in trying to reduce the possibilities for conflict in the region.

We reaffirm our commitment to the protection of universally recognized and fundamental human rights throughout the Americas by urging that the Senate ratify the American Convention on Human Rights, which was signed by President Carter in June 1977. We will join with other like-minded states in pursuing human rights, democracy, and economic development throughout the region. We will uphold our own law and terminate all aid except for clearly humanitarian purposes to human rights violators. In our relationships with Argentina, Chile, El Salvador, Guatemala, Haiti and others throughout the Hemisphere we will press further for respect for human rights and political liberalization. In Central America especially, we will align ourselves with those who are trying to build a better future out of the aftermath of tyranny, corruption and civil war.

We will oppose a spiral of confrontation with Cuba, for its own sake, but we will not evade the real issues between that country and the United States. Under no conditions will we accept a Soviet military offensive capability based in Cuba or anywhere else in the Hemisphere.

In order to permit the pursuit of normal relations between our countries, Cuba should stop its disorderly movement of those seeking to leave; it should cooperate with the international community to develop a fair and orderly emigration program; it must withdraw its armed forces from Africa; it must cease subversive activities throughout the Hemisphere; and it should follow the principles of the American Convention on Human Rights.

Asia

The establishment of normal diplomatic and economic relations with China is an historic foreign policy achievement.

Progress in U.S.-China relations was stalled in 1977, but with patience, political courage and historic vision, the deadlock was broken by this Democratic Administration.

In the fifteen months since normalization, the benefits of normalization have already become clear: trade, travel, cultural exchange, and, most important of all, the security and stability of the Pacific region is greater now than in any time in this century.

The Democratic Party commits itself to a broadening and deepening of our relationship with China in a way that will benefit both our peoples and the peace and security of the world. We will continue to seek new areas where the United States and China can cooperate in support of common interests. We have not and will not play "China cards" or other dangerous games; nor will we allow our relationship with any other country to impede our efforts to continue the process of normalization of relations with China.

In 1976, the so-called Koreagate affair had badly hurt our ties to Korea. A friendly and increasingly frank dialogue with the Korean government has been promoted. We will continue not only to fulfill our commitment to security, but equally to the promotion of a more democratic government. North and South Korea have renewed their dialogue and made a difficult but hopeful start down a long, uncertain road. In our relationships with the Philippines, Taiwan and others in the region, we will also press for political liberalization and human rights.

With ASEAN, the Democratic Administration has developed a coherent and supportive approach, encouraging the cohesion of those five nations just at the time when their unity was being tested by the Vietnamese aggression in Kampuchea. ASEAN now stands as one of the most viable regional organizations in the world. The Democratic Party recognizes the important role the U.S. territories and other emerging island states in the Pacific Basin play in the solidification of defense and economic ties with the ASEAN nations. The Democratic Party commits itself to much greater humanitarian aid to the people of East Timor.

Africa

Africa will be of central importance to American foreign policy in the 1980's. By the end of the previous Republican Administration in 1977, the United States had little credibility in Black Africa for they had made little or no attempt to see African problems from an African perspective. Our policy had no clearly defined goals. As a consequence, our attempts to bring an end to the war in Southern Africa were ineffective. We were becoming, in African eyes, irrelevant—even antagonistic—to African aspirations.

The Democratic Administration developed a long-term African policy—a policy that is viable on its own merits and does not treat Africa as an appendage to great power competition. It recognized the need for a new approach to the Continent, an approach based on mutual respect, fundamental concern for human rights and the necessity for economic justice.

Considerable success has been achieved, perhaps most notably in Southern Africa. Our diplomatic efforts there have been instrumental in helping to bring about a peaceful settlement in Rhodesia—now Zimbabwe—while lessening Soviet/Cuban influence in the area. We will continue to assist in the reconstruction and development of an independent Zimbabwe, as a means of promoting stability in the region.

Much remains to be done. Many of the fifty African nations are politically unstable and economically weak—partially as a result of their colonial heritage, but increasingly due to endemic drought and the economic dislocation resulting from ever rising energy costs.

The Democratic Party pledges itself to continue efforts to improve U.S. relations with all African nations, on the basis of mutual respect and a mutual commitment to enhance economic justice and human dignity everywhere, with particular emphasis on the recurrent problem of drought and starvation. U.S. aid in the form of grain and foodstuffs must be continued but, in addition, we must seek with African governments ways of removing famine permanently from the African Continent.

The Democratic Party pledges itself in the process of economic reconstruction in Zimbabwe within the context of a coherent multi-donor development plan for all the cooperating nations of the Southern African region.

The Democratic Party pledges active support for self-determination in Namibia, and for full social and economic justice for all the peoples of Southern Africa.

The Democratic Administration will press for the withdrawal of Soviet and Cuban troops.

In Southern Africa, we will exert our influence to promote progress toward majority rule and to end the racist system of apartheid. We condemn the brutal suppression of Black Native African people in Soweto and Capetown by the South African regime and support increased political and economic pressure of this oppressive regime, through legal sanctions.

We support increased pressure through legal diplomatic sanctions on the oppressive South African regime. Initially we will divest, under legal procedures, South African holdings of all public institutions and deploy full legal economic sanctions until that government abandons its undemocratic apartheid system.

Following the removal of Cuban troops from Angola, we will seek to normalize relations with Angola. We will strengthen relations with nations committed to the objectives of economic development, respect for human rights and political liberalization. In the western Sahara we will support a negotiated settlement to the conflict.

The United Nations And International Agencies

In each of the regions of the globe, international organizations and agencies will be tested in the coming decade and will play an increasingly crucial role. The United Nations remains the only forum where rich and poor, East and West, and neutral nations can come together to air their grievances, participate in respected forums of world opinion, and find mechanisms to resolve disputes without resort to force. In particular, in recent months the UN has been a forum for expressing the world's condemnation and rejection of both the hostage-taking in Iran and the Soviet invasion of Afghanistan.

The United Nations is also vital in other ways—through its international refugee efforts, coordination of development assistance, support for agriculture research, and worldwide eradication of disease.

In the next decade, international monetary and development institutions will also be under increasing pressure. Their efforts must be expanded to meet more fully the urgent needs of the two-thirds of the world's population which suffers the damaging and depressing effects of underdevelopment.

The United Nations and these agencies perform a vital role in the search for peace. They deserve America's continuing support—and they will receive it from the Democratic Administration. We support the U.S. position on freedom of the press to be voted again in Belgrade during the 1980 UNESCO meeting.

We support the call in Section 503 of the Foreign Relations Authorization Act of 1978, for the United States to make "a major effort toward reforming and restructuring the United Nations system."

We also endorse that portion of the President's report to Congress in March, 1978 on U.N. reform and restructuring which calls for the Senate "to re-examine the Connally reservation," "the creation of a U.N. Peacekeeping Reserve composed of national contingents trained in peacekeeping functions," the establishment of "a new U.N. senior post as High Commissioner of Human Rights," and the development of autonomous sources of income for the international community.

We will work toward new structures which will enhance the U.N. in the fields of economic development, including international trade organizations, higher education, volunteer service, mediation and conciliation, international disarmament, implementation of the Law of the Sea Agreement, and controlling international terrorism.

Into the 1980's

As we look to the 1980's we have a full and challenging agenda.

With our Allies, we face the challenge of building greater unity of action while preserving the diversity of our democracies. Europe is increasingly united and is finding its own identity and voice. We must forge new links of consultation and revive the political process within the North Atlantic Alliance so that Europe remains America's partner in meeting the challenges to our common security and economic interests. We must find ways to include Japan in this process, broadening the mechanisms for cooperation which exist in current international forums, such as the Seven-Nation Summit.

With the Third World countries, we must continue to do our part in the realization of their aspirations for justice, respect, and freedom. We must continue to work for full political participation by all in Southern Africa, including independence and majority rule in Namibia. We must work to strengthen democracy in the Caribbean and Central America in the face of efforts by the Cubans to export their failed revolution. Throughout Latin America, we must continue to cooperate for the realization of greater human rights and the fulfillment of basic human needs. In Asia, we must continue to strengthen our relationships with our friends and Allies as they confront the twin dangers flowing from the Soviet invasion of Afghanistan and the Soviet-backed invasion of Cambodia.

We must persevere with the Middle East peace process. There is no viable alternative. We can welcome initiatives from other countries so long as they contribute to the Camp David process that is leading toward a comprehensive peace in that region. But we will oppose efforts that undermine Camp David while offering no viable alternative. Our goal is to see the achievement of a comprehensive peace for all parties.

With our defenses, we will continue to meet the requirements of the Administration's five-year defense program, including the deployment of the MX missile, cruise missiles, the Trident submarine, and long-range theater nuclear forces in Europe. At the same time, we intend to increase readiness and strengthen the All-Volunteer Force with a standby system of draft registration. We will continue with our Allies to meet the commitments of the long-term NATO defense program and, as we strengthen our military capabilities and presence in Southwest Asia and the region of the Persian Gulf, we will look to our Allies to assume more of the burden for the defense and security of Europe. Finally, we must recognize that development assistance represents a crucial part of our national security. As such, we may have to make a greater contribution of resources to these programs.

In the field of arms control, in addition to ratification of SALT II, we must proceed to more comprehensive and drastic reductions and qualitative limitations on strategic nuclear forces. SALT III must also include effective limitations and reductions in long-range theater nuclear forces based on the principle of equality. We must pursue to a conclusion a comprehensive test ban, effective curbs in the international traffic of conventional arms and a more rigorously effective international regime to prevent the spread of nuclear weapons and weapons technology. We must bring to at least an initial conclusion the negotiations for mutual and balanced force reduction in Europe. The decade of the 1980's is not to become the decade of violence. We must make renewed efforts to stabilize the arms competition and widen the scope of arms control arrangements.

As we look to the future, we hope the progress in arms control and the strength and determination we shall demonstrate in the face of Soviet aggression in Afghanistan will soon result in the fashioning of a stronger, more productive relationship with the Soviet Union. We favor a genuine détente—one with equivalent benefits to ourselves and the Soviets, one that is based on genuine restraint, one that benefits all mankind by harnessing the enormous potential of our two societies for cooperation rather than competition and confrontation. This will take patience, but we shall persevere for the prize is peace.

By reaffirming America's values as the centerpiece of our foreign policy and by pursuing realistically the requirements of military strength, the Democratic Party is forging a new and broader consensus among the American people in support of our foreign policy. We are turning the tide against the paralysis of despair that came from a tragic war in Asia and political scandal at home. We are restoring America to its rightful place, not only as the strongest nation in the world, but as the nation which is the champion of human justice and freedom.

SENIORITY RIGHTS IN RAILROAD INDUSTRY

(Mr. STAGGERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, on September 22, 1980, the House passed the Federal Railroad Safety Authorization Act of 1980. This measure was considered on the Suspension Calendar, and the bill which actually passed was different in several respects from the bill H.R. 7104 as it was reported by the full Committee on Interstate and Foreign Commerce. One section which was not contained in the final passage allowed employees of the Interstate Commerce Commission, National Transportation Safety Board or the Department of Transportation to retain their seniority with the railroad industry while employed with the Federal Government. There was no legislative history discussing why the section was deleted in the final passed version of the safety bill.

As chairman of the committee, I feel that it is important to inform Congress that it was deleted with the understanding that the Federal agencies involved would continue to maintain the status quo and not take administrative action requiring the safety inspectors to relinquish their seniority rights. If seniority rights have been relinquished, the agency should assist in having such rights restored, unless there is a clear conflict of interest shown between the employee and the former employer. Simply inspecting properties and filing citations involving a former employer, standing alone, does not come within the parameters of a conflict of interest.

I hope the above clarifies the reason why the seniority provision was deleted from the final legislation and the understanding of Congress of the expected action of the agencies involved.

THE ETERNAL FLAG

(Mr. LEDERER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEDERER. Mr. Speaker, during the last year, we have seen a tremendous resurgence in the outward expression of pride in our country and her people. In the face of adversity and great challenge, we, as Americans, rally around symbols of our collective heritage, the reminders of the fine traditions and experiences evolved over the course of our Nation's growth. The flag is one such symbol. It has inspired many men and women to feats that were thought impossible, to heights that were considered unattainable.

A fellow Pennsylvanian, Mr. Speaker, has written what the flag means to him. At this time, I would like to share Bud Hannings' inspirational words with my colleagues.

The Eternal Flag

(By Bud Hannings)

Flags have come and flags have gone, but the American Flag is here to stay. As each crisis evolves, our flag always waves a little prouder in the wind. Just as a new wave in the ocean appears to take the place of the one that disappeared on the beach, a new American Flag will blow in the breeze more proudly than the one that some tyrant will burn or tear.

Our flag has always flown as a beacon of freedom in the wind for all the world to see, and even as they saw it burning in Tehran, they must have seen the majestic beauty of its disappearance in the wind, only to be reappearing a few feet to the left or right to be burned again. At first I felt resentment, but after seeing it again and again, I can look back and almost thank those inconsiderate, supposed, Iranian students for helping bring together Americans of all ages.

Their barbaric burning of the greatest flag of them all, has sent sparks flying that have welded the American people into one. Almost as if the smoke from their fires traveled across the ocean and reassembled the flags to fly higher and prouder than ever before.

It is time to stop trying to please everyone in the world. Americans have helped at one time or another almost every country in the world, and did so because they wanted to help, not because they needed any glory. Many Americans have literally given their lives to liberate thousands upon thousands of imprisoned people throughout our history. We have not only helped people, but entire nations, and how quickly they froget.

Even while we were held at bay by a small and almost uncivilized band of revolutionaries, using Americans as hostages, the Americans as usual were holding their heads high, and acting in a way that all nations should act, but it was difficult to watch helplessly as the hostages had their dignity trampled, and their lives endangered.

America, you should be commended for your brave restraint. It would have been easy to unleash your unimaginable strength on our adversaries, but that would have harmed many innocent people, and that is not the American way. Your respect for the lives of many people has once again shown the American way as the best way. We can be assured of a much greater love of country, freedom, and the foresight to realize that the Iranians and anyone else who have not learned from history what great things America has done unselfishly for the rest of the world, are no longer important, but that it is important that we as Americans be aware of it.

Maybe now, the people in the rest of the world will realize that the American flag can be wounded, but never fatally. Neither burning or tearing will ever eradicate the Eternal Flag of the United States of America or the unequalled acts of valor and bravery of its countless deeds in defense of freedom throughout the world. The American Flag is an indelible mark, for us and our posterity, that possesses the unique ability to shine brighter under stress and the durability to withstand intimidation by adversaries anywhere in the world.

America I salute you and I thank God that the American Flag in the proud American tradition will always be here to help those in need.

By God, it really does feel good to be an American.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Thompson, for October 2, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Porter) to revise and extend their remarks and include extraneous material:)

Mr. Sawyer, for 10 minutes, today.

Mr. Edwards of Oklahoma, for 60 minutes, today.

Mr. Corcoran, for 30 minutes, today.

Mr. Findley, for 10 minutes, today.

Mr. Ashbrook, for 20 minutes, today.

Mr. Collins of Texas, for 30 minutes, today.

Mr. Trible, for 15 minutes, today.

(The following Members (at the request of Mr. Mavroules) to revise and extend their remarks and include extraneous material:)

Mr. Daschle, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Fuqua, for 30 minutes, today.

Mr. Thompson, for 5 minutes, today.

Mr. Shelby, for 5 minutes, today.

Mr. Vanik, for 5 minutes, today.

Mr. Wright, for 10 minutes, today.

Mr. de la Garza, for 5 minutes, today.

Mr. Bedell, for 5 minutes, today.

Mr. Alexander, for 10 minutes, today.

Mr. Reuss, for 5 minutes, today.

Mr. Brademas, for 5 minutes, today.

Mr. Murphy of New York, for 5 minutes, today.

Mr. Gibbons, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Whitten, to revise and extend his remarks in connection with House Joint Resolution 610, passed earlier today.

Mr. RHODES. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record immediately following the action of the House in adopting the recess resolution.

Mrs. Heckler, to insert statement in support of conference report on H.R. 5612 prior to motion to strike.

The following Members (at the request of Mr. Porter, and to include extraneous matter:)

Mr. Sawyer in two instances.

Mr. Bob Wilson in two instances.

Mr. Kramer.

Mr. Lujan.

Mr. Derwinski in two instances.

Mr. Dougherty.

Mr. Schulze.

Mr. Tauke.

Mr. Roth.

Mr. Broomfield.

Mr. Corcoran in two instances.

Mr. Sebelius.

Mr. Rousselot.

Mr. Williams of Ohio.

Mr. Kemp in five instances.

Mr. Ashbrook in four instances.

Mr. Lent.

Mr. Wylie.

Mr. Mitchell of New York.

Mr. Grassley.

Mr. Moorhead of California.

Mr. Findley.

Mr. Evans of Delaware.

Mr. Lee.

Mr. Lagomarsino.

Mr. O'Brien.

Mr. Shumway.

Mr. Robert W. Daniel, Jr.

Mr. Gilman.

Mr. Solomon.

Mr. Emery.

(The following Members (at the request of Mr. Mavroules) and to include extraneous matter:)

Mr. Panetta.

Mr. Daschle.

Mr. Vento.

Mr. Fary in two instances.

Mr. Solarz in two instances.

Mr. Mazzoli in three instances.

Mr. Murtha in three instances.

Mr. Donnelly.

Mr. Bolling.

Mr. Rosenthal in 10 instances.

Mr. Ireland.

Mr. Markey.

Mr. Hamilton in 10 instances.

Mr. Ratchford.

Mr. Natcher.

Mr. Scheuer in two instances.

Mr. Ford of Michigan.

Mrs. Bouquard in five instances.

Mr. Cavanaugh in five instances.

Mr. Vanik in two instances.

Mr. Stark.

Mr. Stokes.

Mr. Gephardt.

Mr. Baldus.

Ms. Oakar in two instances.

Mr. Santini in three instances.

Mr. Obey.

Mr. John L. Burton in two instances.

Mr. McCormack.

Mr. Dodd.

Mr. Harkin.

Mr. Hall of Ohio.

Mr. McDonald in five instances.

Mr. Nowak.

Mr. Ottinger.

Mr. Luken.

Mr. Gore.

Mr. Oberstar.

Mr. Fisher in two instances.

Mr. Heftel.

Ms. Ferraro.

Mr. Neal.

Mr. Kostmayer.

Mr. Wolff.

Mr. Smith of Iowa in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2261. An act for the relief of Albert and Eulalia Rodriguez; to the Committee on Interior and Insular Affairs and the Committee on Agriculture.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 91. An act to amend title 10, United States Code, to remove certain inequities in the Survivor Benefit Plan provided for under chapter 73 of such title, and for other purposes;

S. 341. An act to authorize the Three Affiliated Tribes of the Fort Berthold Reservation to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the U.S. Constitution, and for other purposes;

S. 1177. An act to improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes;

S. 1795. An act to authorize the Blackfeet and Gros Ventre Tribes to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the U.S. Constitution, and for other purposes;

S. 1796. An act to authorize the Assiniboine Tribe to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the U.S. Constitution, and for other purposes;

S. 1895. An act to change the name of the Los Esteros Dam (New Mexico) to the Santa Rosa Dam and Lake, and to designate Clark Hill Dam and Lake on the Savannah River, Georgia and South Carolina, as "Clarks Hill Dam and Lake";

S. 2126. An act relating to certain leases involving the Secretary of the Interior and the Northern Cheyenne Indian Reservation;

S. 2185. An act to authorize the acceptance and use of bequests and gifts for disaster relief;

S. 2398. An act to extend the provisions of the General Exchange Act, as amended, to certain lands in order that they may become parts of the Umatilla and Wallowa National Forests, and for other purposes;

S. 2475. An Act to amend title V of the Motor Vehicle Information and Cost Savings Act to reduce administrative burdens on low volume automobile manufacturers, to encourage an increase of the domestic value added content in labor and materials of foreign automobiles sold in the United States, to extend the time available to all manufacturers for carryforward or carryback of credits earned under the act, and for other purposes;

S. 2511. An act to amend section 106 of the Civil Rights Act of 1957 to authorize appropriations for the Commission on Civil Rights for the fiscal year 1981;

S. 2597. An act to authorize appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, and for the Central Intelligence Agency retirement and disability system, and for other purposes;

S. 2801. An act to designate the Indian Health Facility in Ada, Okla., the "Carl Albert Indian Health Facility";

S. 3044. An act to designate the U.S. Federal Building in Hartford, Conn., as the "Abraham A. Ribicoff Federal Building";

S. 3148. An act to name the Federal Building located at 444 Southeast Quincy, Topeka, Kans., the "Frank Carlson Federal Building";

S.J. Res. 82. Joint resolution to designate the week commencing with the third Monday in February of 1981 as "National Patriotism Week"; and

S.J. Res. 209. Joint resolution providing for temporary extension of certain Federal Housing Administration authorities and for rural housing authorities.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3956. An act granting the consent of the Congress to Hewson A. Ryan to accept the office and title of Honorary Consul of Honduras;

H.R. 5546. An act to amend the United States Grain Standards Act to permit grain delivered to export elevators by any means of conveyance other than barge to be transferred into such export elevators without official weighing, and for other purposes;

H.R. 7130. An act to designate the building known as U.S. Court House and Federal Building in Syracuse, N.Y., as the "James M. Hanley Federal Building";

H.R. 7309. An act to designate the Federal building in Portland, Oreg., the "Edith Green Federal Building";

H.R. 7411. An act authorizing the Secretary of the Interior to accept the conveyance of the United First Parish Church in Quincy, Mass., and authorizing the Secretary to administer the United First Parish Church as a national historic site, and for other purposes;

H.R. 7544. An act to designate the U.S. Federal Building in New Haven, Conn., as the "Robert N. Giaimo Federal Building";

H.R. 7588. An Act to redesignate the U.S. Post Office and Courthouse Building in Concord, N.H., as the "James C. Cleveland Federal Building";

H.R. 7666. An act to amend chapter 87 of title 5, United States Code, to increase the amounts of regular and optional group life insurance available to Federal employees and provide optional life insurance on family members, and for other purposes;

H.R. 7831. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1981, and for other purposes;

H.R. 8161. An act to designate the U.S. Federal Building in Pittsburgh, Pa., as the "William S. Moorhead Federal Building"; and

H.J. Res. 610. Joint resolution making continuing appropriations for the fiscal year 1981, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. NEDZI, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On September 30, 1980:

H.R. 4792. An act to name a certain Federal building in Houston, Tex., the Bob Casey Federal Building—U.S. Courthouse;

H.R. 5192. An act to amend and extend the Higher Education Act of 1965, and for other purposes;

H.R. 5278. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, and for other purposes;

H.R. 5410. An act to amend title 5, United States Code, to require any Federal employee who elects at the time of retirement not to provide survivorship benefits for the employee's spouse to notify (or take all reasonable steps to notify) the spouse of that election;

H.R. 5732. An act to designate the Federal Building located at 33 West Twohig, San Angelo, Tex., as the "O. C. Fisher Federal Building";

H.R. 6308. An act to provide for an accelerated program of research and development of magnetic fusion energy technologies leading to the construction and successful operation of a magnetic fusion demonstration plant in the United States before the end of the 20th century to be carried out by the Department of Energy;

H.R. 6531. An act to name a certain Federal building in Indianapolis, Ind., the Minton-Capehart Federal Building;

H.R. 6538. An act to authorize and direct the Secretary of the Interior to reinstate oil and gas lease New Mexico 33955;

H.R. 7414. An act to designate the building known as the Federal Building and U.S. Courthouse in Amarillo, Tex., as the "J. Marvin Jones Federal Building";

H.R. 7450. An act to designate the U.S. Court House and the U.S. Post Office Federal Building in Waterbury, Conn., as the "John S. Monagan Federal Building";

H.R. 7478. An act to facilitate the management of the public debt by permitting an increase in the investment yield on U.S. savings bonds above the existing 7 per centum ceiling, and by increasing the amount of the bonds paying interest in excess of 4¼ per centum which may be outstanding;

H.R. 7670. An act to amend title II of the Social Security Act to make necessary adjustments in the allocation of social security tax receipts between the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund;

H.R. 7770. An act to name the Environmental Research Center in Cincinnati, Ohio, the "Andrew W. Breidenbach Environmental Research Center";

H.R. 7782. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to provide for the same adjustments in the basic compensation of officers and members of the U.S. Secret Service Uniformed Division as are given to Federal employees under the general schedule;

H.R. 7919. An act to provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, and for other purposes;

H.R. 8018. An act to rename a reservoir and dam in the Little Miami River Basin, Ohio, as the "William H. Harsha Lake" and the "William H. Harsha Dam";

H.R. 8024. An act to change the name of Aubrey Lake, Texas, to Ray Roberts Lake; and

H.R. 8081. An act to establish the U.S. Holocaust Memorial Council.

On October 1, 1980:

H.J. Res. 610. Joint resolution making continuing appropriations for the fiscal year 1981, and for other purposes.

ADJOURNMENT

Mr. MAVROULES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 47 minutes p.m.) the House adjourned until tomorrow, Thursday, October 2, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5418. A letter from the Acting Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been made on certain additional lands to be served by the Tehama-Colusa Canal, Sacramento River Division, Central Valley project, California, and that the additional lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

5419. A letter from the Under Secretary of Agriculture for International Affairs and Commodity Programs, transmitting the initial commodity and country allocation table showing the planned programing of food assistance under title I of the Agricultural Trade Development and Assistance Act of 1954 for fiscal year 1981, pursuant to section 408(b) of the act; to the Committee on Foreign Affairs.

5420. A letter from the President, Overseas Private Investment Corporation, transmitting a report on the development of private and multilateral programs for investment insurance and OPIC's reinsurance arrangements, pursuant to section 240A(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

5421. A letter from the Assistant Secretary of Housing and Urban Development for Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5422. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting reports on the Commission's studies of comparative federalism, in response to the requirement of section 145(a)(1) of the State and Local Fiscal Assistance Act of 1972, as amended, pursuant to section 145(c) of the act; to the Committee on Government Operations.

5423. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting a report on the Commission's study of the American federal fiscal system, required by section 145(a)(1) of the State and Local Fiscal Assistance Act of 1972, as amended, pursuant to section 145(c) of the act; to the Committee on Government Operations.

5424. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting background papers for the Commission's Conference on the Future of Federalism, in response to the requirement of section 145(a)(5) of the State and Local Fiscal Assistance Act of 1972, as amended, pursuant to section 145(c) of the act; to the Committee on Government Operations.

5425. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

5426. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a final supplement to the environmental impact statement on the Chena River Lakes project, Alaska, pursuant to section 404(r) of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works and Transportation.

5427. A letter from the Acting Director, National Science Foundation, transmitting a report covering fiscal year 1978 on Federal support to universities, colleges, and selected nonprofit institutions, pursuant to section 3(a)(7) of the National Science Foundation Act of 1950, as amended; to the Committee on Science and Technology.

5428. A letter from the Chairman, U.S. International Trade Commission, transmitting the 23d quarterly report on trade between the United States and the non-market-economy countries, pursuant to section 410 of Public Law 93-618; to the Committee on Ways and Means.

5429. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a status report on the Commission's efforts to develop and implement a comprehensive plan for the systematic safety evaluation of all currently operating nuclear powerplants, pursuant to section 110(c) of Public Law 96-295; jointly, to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee of conference. Conference report on S. 1156 (Rept. No. 96-1444). Ordered to be printed.

Mr. PRICE: Committee on Armed Services. H.R. 7552. a bill to amend title 10, United States Code, to clarify the authority of the Armed Forces to conduct safety investigations of accidents involving aircraft of the Armed Forces and to protect from public disclosure certain parts of reports of such investigations (Rept. No. 96-1445). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 802. Resolution providing for the consideration of Senate amendments to H.R. 8146, a bill to provide a program of Federal supplemental unemployment compensation. (Rept. No. 96-1446). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WIRTH:

H.R. 8243. A bill to amend the Natural Gas Policy Act of 1978 to decontrol the wellhead price of natural gas produced from certain tight formations; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California (for himself, Mr. Corman, Mr. Lungren, and Mr. Rousselot).

H.R. 8244. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of net profits interests for purposes of the windfall profit tax; to the Committee on Ways and Means.

By Mr. BRINKLEY (for himself, Mr. Phillip Burton, Mr. Giaimo, Mr. Gingrich, Mr. Ginn, Mr. Mathis, Mr. Reuss, Mr. Scheuer, and Mr. Skelton):

H.R. 8245. A bill to establish the Franklin Delano Roosevelt-Warm Springs National Historic Site in the State of Georgia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHN L. BURTON:

H.R. 8246. A bill to protect retired and disabled persons by preserving the integrity of the Consumer Price Index; to the Committee on Education and Labor.

H.R. 8247. A bill to amend the Internal Revenue Code of 1954 to allow an estate tax credit for certain contributions of open space easements, and for other purposes; to the Committee on Ways and Means.

By Mr. CHENEY:

H.R. 8248. A bill to amend chapter 45 of the Internal Revenue Code of 1954 with respect to the exemption of the State share of Federal royalties from the crude oil windfall profit tax and to insure the deductibility of certain severance taxes; to the Committee on Ways and Means.

By Mr. CLAUSEN:

H.R. 8249. A bill to consolidate and simplify the administration of Federal aid for elementary and secondary education authorized by the Elementary and Secondary Education Act of 1965, as amended, in order to eliminate unnecessary paperwork and undue Federal interference in our schools, and for other purposes; to the Committee on Education and Labor.

H.R. 8250. A bill to amend title I of the Elementary and Secondary Education Act of 1965 to permit the Secretary of Education to waive the requirements of subsection (c), (d) or (e) of section 126 of such act in the case of local educational agencies participating in experimental State programs that increase local flexibility in the use of educational funds by consolidating certain categorical educational programs; to the Committee on Education and Labor.

By Mr. DASCHLE:

H.R. 8251. A bill to authorize the Secretary of Agriculture to guarantee graduated payment loans to assist individuals in establishing and operating livestock production facilities; to the Committee on Agriculture.

H.R. 8252. A bill to amend title 38, United States Code, to increase from 60 to 90 percent the percentage of the tuition and fees for an approved program of flight training which is paid by the Veterans' Administration under the GI bill educational assistance program; to the Committee on Veterans' Affairs.

By Mr. DE LA GARZA:

H.R. 8253. A bill to provide general assistance and special impact aid to local educational agencies for the provision of educational services to undocumented alien children to whom State or local educational agencies are required, by order of any Federal court, to provide educational services or who are permitted under any such order to receive the benefits of State funds available for educational purposes; to the Committee on Education and Labor.

By Mr. GILMAN:

H.R. 8254. A bill to establish the Domestic and International Hunger Foundation; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. GRASSLEY:

H.R. 8255. A bill to amend the Internal Revenue Code of 1954 to provide individuals a credit against income tax for up to $800 of the cost of purchasing a new domestically produced automobile; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 8256. A bill entitled "The State Legislative and Administrative Procedure Protection Act of 1980"; to the Committee on Interstate and Foreign Commerce.

By Mr. HEFTEL (for himself and Mr. Fisher):

H.R. 8257. A bill to amend the Internal Revenue Code of 1954 to increase the tax incentives for cogeneration equipment; to the Committee on Ways and Means.

By Mr. HOLLENBECK:

H.R. 8258. A bill to amend title 18 of the United States Code to provide extended coverage for the minimum mandatory penalties for certain illegal uses of firearms, and for other purposes; to the Committee on the Judiciary.

H.R. 8259. A bill to amend the Internal Revenue Code of 1954 to provide that the requirement that unemployment compensation be reduced by certain retirement benefits will not apply to social security and railroad retirement benefits; to the Committee on Ways and Means.

By Mr. JENRETTE:

H.R. 8260. A bill to amend the Clayton Act to promote energy independence for the United States by encouraging the investment of oil company profits into an expansion of energy resources, to inhibit the diversion of such profits in non-energy-increasing acquisitions, to prohibit interlocking directorates and officers affecting energy-related materials, and for other purposes; jointly, to the Committees on the Judiciary and Interstate and Foreign Commerce.

By Mr. KRAMER:

H.R. 8261. A bill to establish a uniform procedure for congressional review of agency regulations, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. MARRIOTT:

H.R. 8262. A bill entitled "The Fort Douglas Historical Preservation Act of 1980"; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

By Mr. MINISH:

H.R. 8263. A bill entitled: "The Handgun Crime Control Act of 1980"; to the Committee on the Judiciary.

By Mr. NOWAK:

H.R. 8264. A bill to amend the Internal Revenue Code of 1954 to allow certain small businesses to use the cash receipts and disbursements method of accounting without regard to any requirement to use inventories; to the Committee on Ways and Means.

H.R. 8265. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for businesses located in distressed areas; to the Committee on Ways and Means.

By Mr. PASHAYAN:

H.R. 8266. A bill to amend the Internal Revenue Code of 1954 to allow individuals to receive refundable credit against income tax for renting to or maintaining a household for certain individuals who have obtained the age of 65; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 8267. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income a certain portion of amounts received under public retirement systems by persons who have attained the age 62; to the Committee on Ways and Means.

By Mr. SANTINI:

H.R. 8268. A bill directing the Secretary of the Interior to convey certain lands to the city of Henderson, Nev.; to the Committee on Interior and Insular Affairs.

By Mr. SHELBY (for himself, Mr. Corcoran, and Mr. Moore):

H.R. 8269. A bill to amend the Clean Air Act and the Internal Revenue Code of 1954 and to provide for the balancing of energy and environmental policies by providing incentives for the use of coal in lieu of imported energy; jointly, to the Committees on Interstate and Foreign Commerce and Ways and Means.

By Mr. TRIBLE:

H.R. 8270. A bill to amend title 10, United States Code, to authorize leave carryover in excess of 60 days for members of the armed services assigned to certain deployable ships, mobile units, and locations; to the Committee on Armed Services.

By Mr. UDALL:

H.R. 8271. A bill to provide for the conveyance of any right, title, or interest which the United States may have in certain real property in the State of Arizona to the current owners of record; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON:

H.R. 8272. A bill to amend section 101 (a)(15)(D) of the Immigration and Nationality Act to include under the definition of nonimmigrant aliens certain aliens serving on board any fishing vessel having its home port or an operating base in the United States; to the Committee on the Judiciary.

By Mr. BOWEN:

H.J. Res. 620. Joint resolution designating November 23, 1980, as a National Day of Prayer and Fasting; to the Committee on Post Office and Civil Service.

By Mr. HINSON:

H.J. Res. 621. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.J. Res. 622. Joint resolution designating February 14 of each year as "National Salute to Hospitalized Veterans' Day"; to the Committee on Post Office and Civil Service.

By Mr. VOLKMER:

H.J. Res. 623. Joint resolution proposing an amendment to the Constitution of the United States to prohibit court orders requiring busing; to the Committee on the Judiciary.

By Mr. HALL of Ohio (for himself, Mr. Bedell, Mr. Beilenson, Mr. Brodhead, Mr. Carr, Mr. Conyers, Mr. Edgar, Mr. Edwards of California, Mr. Harkin, Mr. Leach of Iowa, Mr. Maguire, Mr. Markey, Mr. Mineta, Mr. Nolan, Mr. Bingham, Mr. Oberstar, Mr. Seiberling, Mr. Studds, and Mr. Wolpe):

H. Con. Res. 443. Concurrent resolution disapproving the proposed sale to the Republic of Korea of defense articles pursuant to a cooperative logistics supply support arrangement (Transmittal No. 80-96); to the Committee on Foreign Affairs.

By Mr. SHUMWAY (for himself, Mr. Panetta, Mr. Dannemeyer, Mr. Rousselot, Mr. Grisham, Mr. Lungren, and Mr. Fazio):

H. Res. 803. Resolution expressing the sense of the House of Representatives that the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall delay any enforcement of due-on-sale clauses until a date at least 30 days after the receipt by Congress of the report of the Secretary of Housing and Urban Development; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII,

540. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the disposal of nuclear waste off the California coast, which was referred jointly to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McCORMACK:

H.R. 8273. A bill for the relief of Amineh Alayan, Amir Alayan, Gertrud Kunz Alayan, Vida Alayan, Ladan Alayan, Houman Alayan, Houston Alayan, and Yassamin Alayan; to the Committee on the Judiciary.

H.R. 8274. A bill for the relief of Clive Anthony Lewis, Karen Lewis, and Sean Martin Lewis; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 8275. A bill for the relief of Farrey's Wholesale Hardware Co., Inc.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22[illegible]4: Mr. Bingham.

H.R. 3439: Mr. McCormack, Mr. Pepper, Mr. Wolpe, Mr. Van Deerlin, Mr. Butler, Mr. Gramm, Mr. Hughes, Mr. Stratton, Mr. Fauntroy, Mr. LaFalce, Mr. Anderson of California, Mr. Heftel, and Mrs. Heckler.

H.R. 4646: Mr. Evans of Indiana.

H.R. 5099: Mr. Solomon and Mr. Rosenthal.

H.R. 5225: Mr. Ginn.

H.R. 5382: Mr. Luken.

H.R. 5610: Mrs. Heckler.

H.R. 5935: Mr. Gramm and Mr. Stenholm.

H.R. 6195. Mr. Lee, Mr. Lagomarsino, Mr. Lungren, Mr. Brown of Ohio, Mr. Neal, Mr. Green, Mr. Tauke, Mr. Weaver, Mr. Gray, Mr. Hutto, Mr. Pashayan, Mr. Panetta, and Mr. Royer.

H.R. 6286: Mr. Ottinger and Mr. Simon.

H.R. 6857: Mr. Markey, Mr. Bonior of Michigan, Mr. Collins of Texas, Mr. Frenzel, Mr. D'Amours, Mr. Leach of Louisiana, Mr. Dougherty, Mr. Jeffords, Mr. Vento, Mr. Corcoran, Mr. Evans of Georgia, Mr. Pepper, Mr. Charles Wilson of Texas, and Mr. Bereuter.

H.R. 6981: Mr. Fazio, Mr. Grisham, Mr. Roe, Mr. Frost, Mr. Panetta, Mr. Johnson of California, Mr. Miller of California Mr. Hollenbeck, Mr. Brown of California, Mr. Lungren, Mr. Burgener, Mr. Lagomarsino, and Mr. Kindness.

H.R. 7046: Mr. Ottinger and Mr. Luken.

H.R. 7107: Mr. Edwards of Oklahoma.

H.R. 7611: Mr. Roth.

H.R. 7623: Mr. Corcoran, Mr. Hinson, Mrs. Holt, Mr. Ichord, Mr. Montgomery, and Mr. Whittaker.

H.R. 7688: Mr. Miller of California, Mrs. Snowe, Mr. Lederer, Mr. Carter, Mr. Patterson, and Mr. Kogovsek.

H.R. 7860: Mr. Lungren and Mr. Williams of Ohio.

H.R. 7905: Mr. Forsythe, Mr. Derwinski, Mr. Railsback, Mr. Stangeland, Mr. Simon, Mr. Gingrich, Mr. Wolpe, Mr. Carter, and Mr. Gilman.

H.R. 7929: Mr. Duncan of Tennessee, Mrs. Fenwick, Mr. Gingrich, Mr. Kemp, Mr. Kindness, Mr. Petri, Mr. Sawyer, Mr. Symms, and Mr. Whitehurst.

H.R. 8027: Mr. Nowak.

H.R. 8046: Mr. Bedell, Mr. Brown of Ohio, Mr. Conyers, Mr. Grisham, and Mr. Udall.

H.R. 8067: Mr. Courter, Mr. Forsythe, and Mr. Whitehurst.

H.R. 8100: Mr. Vander Jagt.

H.R. 8110: Mr. Holland.

H.R. 8148: Mr. Jacobs.

H.R. 8205: Mr. Murphy of Pennsylvania and Mr. Hollenbeck.

H.R. 8210: Mr. Murphy of Pennsylania, Mr. Dickinson, Mr. Whitehurst, Mr. Campbell, Mr. Hubbard, and Mr. Wampler.

H.J. Res. 139: Mr. McKay.

H.J. Res. 471: Mrs. Spellman and Mr. Montgomery.

H.J. Res. 579: Mr. Bingham and Mr. Williams of Montana.

H. Con. Res. 331: Mr. Gingrich.

H. Con. Res. 399: Mr. Ferraro.

H. Con. Res. 401: Mr. Howard.

H. Con. Res. 412: Mr. Gibbons and Mrs. Spellman.

H. Con. Res. 414: Mr. McDonald, Mr. Burgener, and Mrs. Spellman.

H. Con. Res. 418: Mr. Beard of Tennessee, Mr. Simon, Mr. Forsythe, Mr. Kindness, Mr. Michel, Mr. Hubbard, Mr. Marriott, Mr. Frost, Mr. Wolff, Mr. Bailey, Mr. Quayle, Mr. Jones of Oklahoma, Mr. Lungren, Mrs. Holt, Mr. Bonker, Mr. Gingrich, Mr. LaFalce, Mr. Synar, Mr. Hughes, Mr. Thomas, and Mr. Mineta.

H. Con. Res. 422: Mr. Montgomery.

H. Con. Res. 428: Mr. Courter, Mr. Forsythe, and Mr. Whitehurst.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6386

By Mr. ASHBROOK:

—Page 2, strike out the period at the end of line 12 and insert in lieu thereof the following: ", and that section 1007(b) of such Act (42 U.S.C. 2696f(b)) is amended by inserting a semicolon after 'school system' in paragraph (9) and striking out the remainder of that paragraph.".

—Page 2, strike out the period at the end of line 12 and insert in lieu thereof the following: ", and that section 1007(b) of such Act (42 U.S.C. 2696f(b)) is amended by renumbering paragraph (10) as paragraph (11) and inserting a new paragraph as follows:

"'(10) to provide legal assistance with respect to any proceeding or litigation relating to the policies or administration of any elementary or secondary school or school system or of any institution of higher education;".

—Page 2, strike out the period at the end of line 12 and insert in lieu thereof the following: ", and that section 1010(a) of such Act (42 U.S.C. 2996i(a)) is further amended by inserting at the end thereof the following new sentence: 'The corporation created under this Act shall be deemed to have fulfilled the purposes and objectives set forth in this Act, and shall be liquidated on September 30, 1983.'"

H.R. 6704

By Mr. ANDREWS of North Carolina:

—Page 16, strike out line 7 through line 15, and insert in lieu thereof the following:

SEC. 10. The last sentence of section 222(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(a)) is amended by striking out "and", and by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Pacific Islands".

Page 24, strike out line 20 through line 24, and insert in lieu thereof the following new paragraphs:

(1) by inserting "endeavor to" after "the Administrator shall";

(2) by striking out "public and private" and all that follows through "section 224" and inserting in lieu thereof "local public and private nonprofit agencies within such State for use in carrying out the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)";

(3) by striking out "endeavor to make such reallocated funds" and inserting in lieu thereof "make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds,";

Page 27, after line 5, insert the following new section (and redesignate the subsequent sections accordingly):

DESIGNATION OF STATE AGENCIES

SEC. 14. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, if the Administrator determines, in his discretion, that sufficient funds have not been appropriated for any fiscal year for the activities authorized in part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Administrator is authorized to—

"(1) approve any appropriate State agency designated by the Governor of the State involved as the sole agency responsible for supervising the preparation and administration of the State plan submitted under section 223; and

"(2) establish appropriate administrative and supervisory board membership requirements for any agency designated in accordance with paragraph (1), and permit the State advisory group appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor.".

SENATE—*Wednesday, October 1, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. HEFLIN).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

The Lord is my Shepherd; I shall not want.

He restoreth my soul; He leadeth me in the paths of righteousness for His name's sake.—Psalms 23: 1, 3.

O Lord our God, Shepherd of the souls who seek Thee, we wait upon Thee this sacred moment for the renewal of our strength. Come to us and be with us as a blessed presence. Lift us above ourselves into the higher order of Thy kingdom that we may love what Thou dost love and do what Thou dost do.

O Lord, relieve our weariness. Reinforce our flagging spirits. Supply us with wisdom and grace abundant. Master our tongues, our tempers, and our wills.

Lift the thoughts and actions of the world's statesmen into the realm of Thy spirit. And into this war-torn world of terror and tyranny send Thy peace of justice and truth.

For Thy name's sake. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AFGHANISTAN

Mr. ROBERT C. BYRD. Mr. President, in his September 23 speech to the United Nations General Assembly, Soviet Foreign Minister Andrei Gromyko attempted to legitimize the December Soviet invasion of Afghanistan and to offset the worldwide outcry of indignation. Gromyko cynically ignored international demands for withdrawal of the Soviet military from a nation previously nonalined, a Third World neighbor of its present invader.

Foreign Minister Gromyko dismissed charges that his nation's military invasion had aggravated international tension as arguments "built on sand" and believed "only by the gullible." The Soviets have hoped that the fighting among countries to the west of Afghanistan or the recent strikes in Poland—or the sheer passage of time—would divert world attention from the Soviet invasion. The Soviets have accelerated complaints about NATO missiles in Europe and brought forth all manner of subjects to divert the world spotlight from its tanks and helicopters and soldiers killing the rugged mountain people of Afghanistan. The fact remains firm. Soviet soldiers have occupied a formerly free country.

Foreign Minister Gromyko will have a long road to travel before he finds a world as gullible as he alleges. My colleagues, the people of the United States, and people everywhere permitted to receive the news and the truth know that Soviet callousness and military action have taken the lives of free people and have increased international tensions by so doing.

The Mujahideen—Afghan freedom fighters—continue their valiant resistance against the Soviets and the few remaining troops of the puppet Karmal regime. Because desertions have at least halved the number of Afghan Government troops, the Soviets have had to bring more of their own soldiers to fight in Afghanistan. The Soviets now have more than 85,000 troops, with tens of thousands more just inside the Soviet border, crossing into Afghanistan to fight and then return to their garrisons. The Soviets have adapted their tactics to fight an antiguerrilla war and are using Afghanistan as a testing ground for new weapons.

The rebels are also becoming more effective. Through training by defectors from the Soviet-controlled army, and by using more sophisticated weapons brought by deserters—or captured by the Mujahideen—the guerrillas have improved their fighting capabilities. These rugged fighters remind us of the price people are willing to pay to resist foreign domination.

The winter is about to descend on the mountains of Afghanistan. The winter will be kinder to the well-equipped Soviets than to the rebels. The Afghanistan fighters have been resisting the Soviets instead of planting the crops they need to sustain themselves.

It would be a serious mistake for the Soviets to believe that the world is not watching Afghanistan. The news of other conflicts is today on the front pages of the newspapers. But we are reminded daily of the suffering and the resistance of the people of Afghanistan. Soviet words of cooperation and peace have a suspicious and hollow ring while their soldiers are at work in Afghanistan. The world is indeed watching Afghanistan. And the world is appalled at what it sees.

As the Senate recesses and as Americans consider our elections, Afghanistan gives us food for thought. We remember those people who love their freedom so dearly that they fight and died for it. And while the Soviet Union offers speeches at the United Nations and plays its role as a major power, it does so against the glaring evidence of its own actions: The invasion of a formerly free, independent, and nonalined nation. If the Soviets wonder why the rest of the world is not "gullible," the answer is that we live in political systems which permit the news and the truth to be expressed. And the truth of Afghanistan condemns the Soviet Union.

SENATOR PROXMIRE CASTS 7,000TH CONSECUTIVE ROLLCALL VOTE

Mr. ROBERT C. BYRD. Mr. President, during the early hours of this morning, an historic event occurred in the Senate. My friend from Wisconsin (Mr. PROXMIRE) cast his 7,000th consecutive rollcall vote.

This is an impressive measure of how seriously and conscientiously Senator PROXMIRE performs his duties as a U.S. Senator. BILL PROXMIRE is always here. He contributes substantively to the Senate in countless ways, as chairman of the Committee on Banking, Housing, and Urban Affairs and as a most effective Representative of the State of Wisconsin. It is hard to measure the significant accomplishments of Senators, but here is a record that is not likely to be broken in the near future, if at all.

This unbroken line of consecutive rollcall votes began in April 1966. Senator PROXMIRE cast his 1,000th consecutive vote in December 1970. In October 1975, he reached 4,000 votes. In May 1977, his tally was 5,000, and in October 1978, 6,000. In the early hours of October 1, 1980—14½ years after this string began—the 7,000th vote was cast.

I am talking about consecutive votes. I am not talking about the total number of votes the Senator has cast. I am talking about the unbroken string of votes he has cast—7,000 consecutive votes.

The previous holder of the consecutive vote record was Senator Margaret Chase Smith of Maine. She cast 2,941 uninterrupted rollcall votes. The record in time was Senator Morris Sheppard of Texas, who voted without lapse for 7 years. Our colleague from Wisconsin has more than doubled both records.

I am sure there must be some interesting stories hidden behind this remarkable performance. Every Senator has competing obligations—in committees, in his home State, to his constituents—and is forced to miss some votes. One story I do know about is the signing

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ceremony at the White House in 1967 for the truth-in-lending bill. That bill was Senator PROXMIRE's legislation. He did not go to the White House for the signing ceremony, but stayed in the Senate to meet rollcall votes, and in fact cast a deciding vote by doing so.

My friend from Wisconsin is a remarkable legislator and a conscientious man. We owe him a vote of thanks and appreciation for his diligence. Every vote BILL PROXMIRE casts continues his own record. It is a pleasure to work with him while he works so hard for the people of Wisconsin.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly on that?

Mr. ROBERT C. BYRD. I yield.

Mr. PROXMIRE. Mr. President, I thank my good friend, the majority leader, very much.

I point out, however, that some of my good Republican friends in Wisconsin say we would have a better country if I missed all 7,000 votes.

THE NOVEMBER VOTE

Mr. ROBERT C. BYRD. Mr. President, Thomas Jefferson once said, "That government is the strongest of which every man feels himself a part." As the Senate begins its election year recess and we return to our homes to vote, those words are especially meaningful.

This year will mark the 39th time a majority of Americans have gone to vote to elect a President.

According to recent national public opinion polls, the percentage of those Americans eligible to vote who will actually cast a ballot in November will be as low this year as it was 4 years ago. During our last Presidential election just over half of all those eligible voted; it was the lowest percentage turnout in 28 years of Presidential elections.

In recent weeks, national polls have cited several disturbing voting trends. One that has particularly concerned me is the apparently strong correlation between the age of the potential voter and the likelihood that he or she will be registered to vote.

A recent Gallup poll estimates that only 51 percent of those between 18 and 29 years old are registered to vote. A recently published study by the Washington Post indicates that only about 56 percent of young adults under the age 35 have registered. According to the Post, one-fourth of young adults under 35 say that they have no intention of registering.

There are some equally disturbing facts to consider during this election season:

In the last congressional elections, nearly 60 million Americans cast ballots. Nearly 100 million voting aged citizens stayed home.

The United States ranks low among the world's leading democracies in terms of actual voter participation.

The impact of the burgeoning nonvoting population inflicts real costs on our country.

In recent years, there has been considerable concern expressed about the influence of "special interest" groups controlling Washington by the power of the purse. These groups have been examined from a variety of perspectives, because they include not only traditional interest groups representing an industry or profession, but relatively new, highly organized single-issue campaigns.

The special interest and single-issue groups are eager to make the decisions that voters are abdicating. And they do have power: Some of these groups have had a disproportionate impact on certain elections in recent years.

It seems clear that the people who vote participate because they believe that they have a stake in Government. Less clear are the beliefs of the nonvoters. Nonvoters evidently are uncertain whether they have a stake in Government. Yet, between every election, the people should know that government is doing something that affects their interests and welfare. But far more important, nonvoters should realize that their alienation threatens the survival of democracy itself.

Special interest groups are relatively small compared to the whole electorate. And the only means that average citizens have to compete with these powerful "special interests" is to register and to vote. I do not need to remind my colleagues that what one citizen might call a special interest, another might see as his or her interest. But all single-issue and special interest groups should be seen in a clear light—in proportion to their true strength and support.

This is a government of the people, by the people, and for the people. Without voter participation, a government can become the private possession of a few, by a few, and for a few. I urge every registered voter to participate in the upcoming November elections.

THE UNITED STATES SENATE

CONGRESSIONAL SUPPORT AGENCIES

THE LIBRARY OF CONGRESS AND THE CONGRESSIONAL RESEARCH SERVICE

Mr. ROBERT C. BYRD. Mr. President, in June of this year the James Madison Memorial Building of the Library of Congress officially opened its doors. This third building of the Library complex on Capitol Hill symbolizes the growing significance of the Library and its Congressional Research Service to the work of the Senate and the House. The Library of Congress is one of several support agencies of the Congress that I should like to discuss, as part of my continuing series of addresses on the historical development of the United States Senate.

Most of us have visited the old building of the Library of Congress, now the Thomas Jefferson Building, and I think would agree that it is one of the most elaborate and impressive of all federal buildings. Many may not be aware that this mammoth Library—an international research center—was once housed here in the Capitol Building. The first Library was located in the rooms that are now occupied by my colleague, the distinguished Minority Leader, Mr. BAKER, and a plaque on the wall outside his office commemorates the Library's origins there.

When the Library outgrew those quarters, it moved to the west central front of the Capitol, taking up the whole three floors there that are now occupied by the private offices of senior senators and by several House committees. The Library was thus equidistant between the Senate and the House, and many Members of Congress frequented it while preparing their speeches and reports. Old photographs of the Library in the late nineteenth century show books piled high in every available space, showing how overflowing its collection had become and the reason for its move, in 1897, to a separate building across the street.

Although it had left the Capitol, the Library wanted to make its facilities as accessible to Members of Congress as they had been in the past. Two magnificent rooms in the new building were set aside as reading rooms for the Senate and House. Unfortunately, the development of the telephone and the construction of the first congressional office buildings reduced the frequency of personal visits by members of Congress—although their staffs continued to use the congressional reading rooms. The Library has just opened a new congressional reading room in the Madison Building overlooking the building's central atrium, one which I am sure members of the Senate will be using for generations into the future.

Today, the press of business does not allow for the leisurely research and reading time that was available to our predecessors, but, to meet the challenge, the Library of Congress and the Congressional Research Service have employed the most modern technology. I doubt that there is a member of Congress who has not utilized their services, called out their books, read their issue briefs, and send them some research request. We share this impressive Library with scholars from every state in the nation and from around the world, with genealogists tracing their families' roots, with other agencies of government, and with the general public.

"Imagine a democracy," wrote Alexis de Tocqueville in 1840, "prepared by old tradition and present culture to enjoy the pleasures of the mind. Classes there are intermingled and confused; knowledge as well as power is infinitely divided up . . ." Thus the author of *Democracy in America* called forth the vision of a free society energized by the interplay of tradition and innovation, of hallowed ideal and inventive resource. Such has been the history of the United States since its founding some two centuries ago. A vital element in that history, from the beginning, has been the Library of Congress, today the largest and perhaps the most influential library in the world.

Three of our Founding Fathers were

directly associated with the establishment of the Library—Madison, John Adams, and Jefferson. But it is the Congress, today as in the past, that has been the nurturing source and mainstay of the Library and its collections throughout our history. As early as 1774, the Continental Congress gratefully accepted an offer from the Library Company of Philadelphia to provide "the gentlemen, who are to meet in Congress," with books. Eight years later it was proposed that Congress import books from Europe. Though favorably reported in committee, the motion could not prevail in the atmosphere of war and its attendant fiscal crisis.

It was in the First Congress of the United States, meeting in New York City in 1789, that a formal motion was proposed by Elbridge Gerry of Massachusetts, a signer of the Declaration of Independence and later a vice president of the United States, calling for a committee to prepare a catalogue of books "necessary for use of Congress." The next year, the committee recommended that Congress act to establish a library for the legislative and executive departments. Though nothing further was done, probably because of the generous services provided by the New York Society Library, as well as the Philadelphia Library Company, the need for immediate access to reference works grew.

Accordingly, in 1800, the first year of the new century, which would witness the birth and extraordinary expansion of the Library of Congress, President John Adams signed legislation providing for "the purchase of such books as may be necessary for the use of Congress" and their housing in a "suitable apartment in the Capitol" in Washington. A joint committee was authorized to secure books from London: 152 works in 740 volumes, shipped in eleven hair trunks, with a special case of maps. They included histories, ancient and modern, biographies, geographies, parliamentary debates, economic studies, collections of treaties, and classic texts on international law.

By 1802, the character and structure of the Congressional Library had been established. In that year President Jefferson approved an "Act concerning the Library for the use of both houses of Congress" to be directed by a joint committee. The first Librarian, John James Beckley, who also served as Clerk of the House, was appointed. He held both offices until his death in 1807. President Jefferson himself was keenly interested in the development of the Library's collections and wrote to suggest catalogue acquisitions.

Since its official founding in 1802, the Library of Congress has had only twelve Librarians. However, throughout its history, it has benefitted richly from its special relationship to the Congress, under whose fostering concern it has become the world's greatest library, a resource of immeasurable value both to the Congress itself and, therefore, to the nation. The early vision of Senator Samuel Latham Mitchell, Chairman of the Joint Library Committee in 1806, a vision of a library furnished "with such materials as will enable statesmen to be correct in their investigations and, by a becoming display of erudition and research, give a higher dignity and a brighter luster to truth," has been more than realized as the Library of Congress has expanded its collections and its services over the past 178 years. Senator Mitchell's words may be said to have foreshadowed the Congressional Research Service of the Library, responding with "erudition and research" to the growing needs of the Congress for fuller knowledge, drawing upon the resources of the past to meet the challenge of today. This was the vision of American democracy itself in de Tocqueville's words—a uniting of "old tradition and present culture."

We might recount the history of the Library in terms of its fires—just as with civilization itself. The greatest library of antiquity, that of Alexandria, destroyed finally in A.D. 642 with irreparable loss to humanity, rose again in new form in succeeding centuries, inspired by new cultural vitalities. So with the fledgling Library of Congress: in August of 1814, during the conflict known to history as the War of 1812, British forces, retaliating for the burning of York (Toronto) the year before, set fire to and destroyed the United States Capitol and with it the Library of Congress.

In less than a month, the prospect of rebirth had appeared. From his home at Monticello, President Jefferson, then living in retirement, wrote to offer his own private library—probably the nation's finest at the time—for sale to the Congress to "recommence" the Congressional Library. In prophetic words, he observed, "I do not know that (my library) contains any branch of science which Congress would wish to exclude from their collection; there is, in fact, no subject to which a member of Congress may not have occasion to refer." Jefferson's collection—fifty years in the making—truly foreshadowed the future development of the Library in the breadth and scope of its collections. The Latin poet Terence, in speaking of mankind, might well have described the spirit of Jefferson's collection and of the Library's future course: *Humani nihil a me alienum puto* (Nothing human is alien to me).

In 1815, President Madison approved the act of Congress by which Jefferson's library was acquired for the nation. It was peculiarly fitting that James Madison should oversee this recreation of the Library since he had served as chairman of the congressional committee which, in 1782–1783, had recommended that the Congress acquire books necessary for its work. His continuing concern for over three decades at last found its fulfillment. The newly-restored Library was established in temporary quarters, whence in 1818 it was moved into the Capitol Building. In 1824, it was installed in a handsome room designed by the distinguished American architect, Charles Bulfinch, who, as I have previously noted, had succeeded Benjamin Latrobe as Architect of the Capitol in 1817. It was a gracious setting, worthy of housing a collection gathered by a man, himself an architect of distinction. However, the history of the century was a history of expansion in every area of our national life, and the Library was to be no exception.

Before long, the Library's facilities were overburdened. Printing from plates had begun in 1802, the year in which the Library of Congress published its first catalogue. By 1815, the year of the *North American Review's* founding, literary and cultural life in the United States had begun to flourish—some five million copies of Sir Walter Scott's *Waverley Novels* were sold within a decade. William Cobbett, in 1817, noted the widespread literacy of American farmers, who, he observed, read more than the peasants of Europe. By 1820, the first state-supported public libraries had been established. This was the climate in which the Library of Congress entered upon its second birth.

Fire continued to plague the Library. A few days before Christmas in 1825 a fire, started by a candle left burning, threatened to destroy the collection. Detected by the future statesman and orator, Edward Everett, then a Member of the House and later of the Senate, the fire was brought under control quickly. This was thanks to "the very active exertions" both of firemen and of a "number of Members of Congress," including Sam Houston and Daniel Webster.

On Christmas Eve of 1851 some 35,000 of the Library's 55,000 volumes, including nearly two-thirds of Jefferson's library, were destroyed by an early morning blaze in the Capitol. A contemporary literary journal noted wryly that "they celebrated the Christmas holidays at Washington by burning up the Congress Library." The restored Library Room, said to be "the largest room made of iron in the world," was opened in the west front of the Capitol, adjacent to the rotunda, in 1853. This fireproof "Iron Room" would house the Library for the rest of the century, until the opening of the present Jefferson Building. The area which once held the library collections now serves for added office space, haunted perhaps by the ghosts of those early librarians who, considering the cramped quarters in which they functioned, gave new meaning to the old saying *multum in parvo* (much in little).

Under George Watterston, the first Librarian who did not also serve as an officer of the Congress, that is, Clerk of the House, the Library adopted Thomas Jefferson's own classification scheme for the organization of its burgeoning collections. Yet the gaps in the Library's holdings were all-too-evident. In 1826, the noted historian Jared Sparks, later President of Harvard, commented on the inadequacies of the Library in the area of American history—"exceedingly meagre . . . but on American politics it is full . . ." Increasingly, the Library sought to build up its collections wherever it was weak.

In 1829, a minor, but recurring, crisis followed the election of President Jackson. The new president summarily replaced Watterston, a Whig, with John Silva Meehan, a Democrat, a move likened by Henry Clay to the destruction of the Alexandrian library and "in keeping with the despotism which now rules at Washington." Watterston himself protested his removal as "a gross outrage on the rights of Congress" by "a weak and tyrannical" administration. Thus, the bitter partisanship of the "Spoils System" even touched the affairs of the Library.

In 1837, the first exchange of official publications with foreign nations was authorized. Three years later, President Van Buren approved a joint resolution of the Congress which formally established a continuing exchange of documents and books with foreign countries. The year before, the Senate had directed the Librarian to catalogue "all the laws . . . and legislative and executive journals and documents" of the states and territories. Outstanding members of Congress such as Senator Rufus Choate of Massachusetts and Senator James Alfred Pearce of Maryland, both having served as chairman of the Joint Library Committee, gave notable leadership in the upgrading of the Library. Their involvement was direct and often highly personal. It is said that in 1857, Senator Pearce refused to approve of the Boston-based *Atlantic Monthly* for the Library lest it further exacerbate the sectional bitterness between the North and the South.

At any rate, by mid-century, the Library, with its 50,000 volumes, ranked second in the United States, after that of Harvard. Despite the disastrous losses in the fire of 1851, the Library, again, as so often in its history, drew upon the generous resources of the Congress and of the nation at large. By 1861, there were some 70,000 volumes in the collection. Unfortunately, over 1,300 of these were "unreturned" or otherwise missing, including 856 charged to persons no longer members of Congress or of the government, and 276 charged to persons belonging to "the so-called seceded States," the Civil War having begun during that year.

The Library's expansion was occurring in a new society, marked by the emergence of a distinctively American culture. A remarkable feature of that culture was the "new woman," symbolized by the many women writers who found a growing readership for their celebration of virtue and moral purpose. In 1835 alone, some sixty-four new novels and tales appeared, including Catherine Maria Sedgwick's *Home*, which went through fifteen editions by the end of the decade, foreshadowing the even greater popularity of women writers later in the so-called "Feminine Fifties." Among other significant works published in 1835, *A Tour on the Prairies* by Washington Irving, probably the single most popular writer in the country at the time, contributed to the strong sense of national destiny which characterized the era. Something of this cultural nationalism and literary vitality is reflected in an oblique way by an article in a Washington literary magazine, early in 1835. The article ridiculed a "group of laughing, chatting ladies" gathered among "the fashionable idlers" in the Library to look at the drawings of John James Audubon, presented to the Library by the artist himself.

Already, in these extraordinary works, at once contributions to science and to art, works destined to be saved from the fire of 1851, the Library had begun to exercise its unique vocation as a repository, not only for books, but also for the many and varied materials which constitute the cultural and social legacy of the past two centuries, the heritage of Americana in

> The arts and sciences
> And a thousand appliances.

This process was strengthened in 1866 when Congress transferred the library of the Smithsonian Institution, rich in scientific works, to the Library of Congress, mindful of Smithsonian Secretary Joseph Henry's words, fourteen years before, emphasizing the character of the Congressional Library as "worthy of a Government whose perpetuity principally depends upon the intelligence of the people." As true today as in the past, Joseph Henry's insight into the survival of American democracy has guided the Congress from the beginning in its special concern for the Library founded to serve its needs.

The election of President Lincoln in 1860 marked a renewal of the controversy surrounding appointment of the Librarian. Early in 1861, Senators James Pearce, William Fessenden, and Jacob Collamer of the Library Committee urged the president to retain Meehan and the Library staff, noting that for fifteen years the president "has always deferred to the wishes of Congress" that "men of books" be "unaffected by political changes and safe from the influence of political partisanship." Several months later the president responded by appointing a political supporter, John G. Stephenson, a physician by profession, and removing Meehan. Stephenson served through most of the war years, resigning in December of 1864 (the day General Sherman captured Savannah). He himself served in 1863 as a volunteer aide-de-camp at Chancellorsville and Gettysburg. Perhaps his most memorable service to the Library, however, was his hiring of Ainsworth Rand Spofford to be Assistant Librarian in 1861.

Spofford, whose tenure as Librarian extended over three decades, may be regarded as the moving spirit behind the Library as we know it. As early as 1871, in a special report to Congress, he cited the severe overcrowding resulting from the copyright law of 1870. That law required authors to send two copies of their publications to the Library under penalty of a twenty-five dollar fine. Spofford raised the possibility of a separate building, a proposal which had been urged as far back as 1817 by Senator Eligius Fromentin of Louisiana. Various plans were considered, including one to raise the dome of the Capitol by some fifty feet so that the Library would acquire added space—a proposal rejected as "dangerous and perhaps fatal" by the engineer of the Capitol extension.

It was in 1873, three years before the nation's centennial, that President Grant approved an act of Congress authorizing a competition for design of a new building for the Library. Some twenty-three architects responded, but the results were inconclusive. The delays were a source of great distress to Spofford, who warned that he would soon be "in the unhappy predicament of presiding over the greatest chaos in America," and to members of Congress, such as Senator Timothy Howe of Wisconsin, chairman of the Joint Library Committee, who denounced the failure to provide new facilities for the Library as "absurd . . . almost insane, if not wicked." Eloquent voices championed the Library's cause, notably that of Senator Daniel Voorhees of Indiana, who, in a speech in 1880, urged that the Congress give the Library "our love and our care. Nothing can surpass it in importance. Knowledge is power, the power to maintain free government and preserve constitutional liberty. Without it the world grows dark and the human race takes up its backward step to the regions of barbarism"—sentiments no less true today, exactly a century later.

At last, in 1886, President Cleveland approved the action of Congress in authorizing construction of a new building, to be in the Italian Renaissance style. Eleven years later—in February of 1897—the new building, now known as the Jefferson Building, richly decorated with marble, mosaics, sculpture, and paintings by some fifty artists, all of them American citizens, was completed and occupied. A new era had dawned for the Library, which in the words of American architectural critic Montgomery Schuyler, was now housed in "a great public building monumentally conceived, faithfully built, and worthily adorned."

We take pride, today, in this glorious building. Recently, the Library's magnificent "Great Hall" reopened to the public after extensive cleaning and the removal of unsightly partitions that scarred that hall's upper arcades. It is now possible to walk through the seventy-five-foot-high Great Hall, resplendent in white Italian marble and ablaze in a profusion of colorful mosaics. Among the highlights of the arcade level, are the cases in which the Declaration of Independence and the Constitution were displayed, almost continuously, from 1924 until the 1950's when they were transferred to the National Archives. Many would argue that the Library's Great Hall, and its adjoining main reading room, are among the single most beautiful rooms in the nation, if not the entire world.

There is a sense in which the new Library building, the most elaborately decorated Federal building in the Nation, reflected the assurance and self-confidence of the period, marked as it was by the victorious war with Spain in 1898 and by American expansion, territorial and economic. The founding of the National Institute of Arts and Letters in 1898 was a sign of American cultural vitality as well.

One of the Library's most remarkable purchases occurred in 1867, when it acquired the Peter Force Collection. David Mearns, in his history of the Library of Congress, describes Force as a "simple-mannered, courteous, quiet, and scholarly old gentleman who maintained two houses, a large garden and an indeterminate number of cats, . . . and the largest private collection of books and other materials relating to America yet brought together." Facing severe financial difficulties, Force decided to offer his priceless collection to Congress for $100,000. Not only did it include 23,000 books, but also a thousand volumes of bound newspapers, a quarter of which dated from the eighteenth century, an unrivalled collection of 40,000 pamphlets, scores of atlases and maps, and 429 volumes of manuscripts, many of which were from the Revolutionary War era. Force also included 161 books printed before 1500, and 250 printed during the sixteenth century. Congress, recognizing a bargain, quickly appropriated the necessary funds and generations of scholars have since been the beneficiaries.

The need for the new building had grown steadily under Spofford, the great collector. The 1865 copyright law alone increased the Library's holdings dramatically—from 82,000 volumes in 1865 to 237,000 in 1870. Deposits, exchanges, and gifts, as well as purchases by the Library, helped swell the tide.

Having relocated the Library in new quarters, Congress chose this occasion to reexamine its relationship to the administration of the Library. Early in 1897, shortly after the move, President Cleveland approved what would become the modern charter of governance for the Library, based in part upon hearings before the Joint Library Committee. The new law provided that the Librarian would be appointed by the president with the advice and consent of the Senate. The Joint Committee on the Library, a standing committee of Congress since 1843, would exercise congressional oversight in areas of policy, with the Librarian given sole responsibility for "rules and regulations" including the selection of staff. Separate departments were established for the diversity of the Library's collections.

Thus the Library entered upon the twentieth century virtually transformed. The new Librarian, John Russell Young, succeeding Spofford in July of 1897, furthered the development of the Library as an apolitical and non-partisan institution, dedicated to research. Dying early in 1899, Young was to be succeeded by Herbert Putnam, Superintendent of the Boston Public Library since 1895. At first, however, an attempt was made to appoint Representative Samuel Barrows, an appointment opposed by Senator Henry Hansbrough of North Dakota of the Joint Committee on the Library. Nevertheless, Representative Barrows was nominated by President McKinley in February of 1899. Within a month's time, Senator George Frisbie Hoar of Massachusetts warned the president that "Mr. Barrows will be almost unanimously rejected" in the Senate. Early in March, the president, yielding to the counsel of both the Senate and the American Library Association, appointed Putnam, an appointment confirmed by the Senate without debate in December. The new century began auspiciously with Putnam's assurance to a New York journalist, "I believe in Congress. I believe in the men who in Congress are controlling these matters. I believe in their fairness. I believe in their common sense." His faith in Congress and its concern for the Library would be more than vindicated during his tenure.

Use of the Library's services had expanded steadily in the latter part of the nineteenth century. In 1874, the Librarian was authorized to subscribe to *two* newspapers from each State to reflect differing political views. Political leaders and men of letters alike made use of the Library. In 1873, James Garfield, then a member of Congress, noted, while writing speeches in Cleveland: "Every day I miss Spofford and our great Library of Congress"—testimony to congressional reliance on the Library's resources. Similarly in 1887, James G. Blaine wrote from Maine to ask "the origin and application of the phrase 'wood and water,' " adding "I bother you (Spofford) because I know no other place to apply." In 1880, Mark Twain—perhaps in connection with *A Tramp Abroad*, published in that year—sent his nephew to "burrow a little" in the Library's "great literary storehouse." Prophetic of things to come, in 1894, the Library acquired Thomas Edison's kinetoscopic print, "Record of a Sneeze," the earliest motion picture in its collections. Edison had developed the first motion picture film in America five years before. These and other aspects of the Library flourished and expanded under Putnam.

A shelf list, a classification scheme, and a public catalogue were among the goals realized by Putnam with the support of the Congress. New stack areas were opened. In 1939, forty years after his installation, Putnam officially opened the Library's second building, now the John Adams Building. Under his leadership, the Library took an active part in the nation's cultural and artistic life, thanks to the Elizabeth Sprague Coolidge and Gertrude Clark Whittall Foundations and other endowments stimulated by the Library of Congress Trust Fund Act, approved by President Coolidge in 1925.

Perhaps Putnam's most significant achievement for the Congress and for the nation was the creation of what would become the Legislative Reference Service, a separate organization within the Library to provide direct services to the Congress. As early as 1911 he reported to Congress on "legislataive reference bureaus" existing in several States, particularly New York and Wisconsin. Noting that such a bureau "indexes, extracts, compiles (and) often adds written memoranda as to fact and even opinion as to merit," he emphasized that "for the work to be scientific (i.e., having only truth as its object), it must be strictly nonpartisan." He urged the creation of a new division with special facilities to gather "all the data pertinent to a question in such form as to be readily responsive."

The proposal was favorably received, and hearings were held in 1912, at which the concept was endorsed by such eminent figures as Lord Bryce, whose *American Commonwealth* appeared in 1888, and Governor Woodrow Wilson of New Jersey, whose *Congressional Government* appeared in 1885. The following year, the Senate Library Committee held hearings on bills sponsored by Senators Robert La Follette of Wisconsin and Robert Owen of Oklahoma to establish a legislative reference service in the Library. The La Follette bill for a Legislative Reference Division was reported favorably for the Committee by Senator Elihu Root of New York, distinguished statesman and recipient of the Nobel prize for peace the year before. The election of President Wilson and his support for his "New Freedom" program moved the Senate Library Committee to act quickly, and the Legislative Reference Service was established in 1914, a few weeks after the assassination of Archduke Franz Ferdinand and on the eve of the Great War, into which the United States would eventually be drawn.

For the next three decades, the Legislative Reference Service operated as a separate unit in the Library but without its functions specifically elaborated in law. The number of inquiries responded to increased from 756 in 1916 to 14,451 in 1945, a period of just under thirty years, marked by American participation in two world conflicts. As the volume of requests increased, so did the dimension of the work involved—from inquiries requiring "an hour and a single typewritten page" to those requiring "several weeks of research and extensive written reports."

By the time of Herbert Putnam's resignation in 1939, the Library could boast some six million volumes. President Franklin Roosevelt's nomination of the eminent American poet and writer, Archibald MacLeish, to be the ninth Librarian of Congress resulted in a protest by the American Library Association, which argued that the office should be filled by a professional librarian, "the ablest library administrator available." A differing view, expressed by Mr. Justice Frankfurter in a letter to the president, emphasized the need for a "scholarly man of letters" since the Library 'is not merely a library . . . and will be concerned with problems quite outside the traditional tasks associated with collecting, housing, and circulating books." Confirmed in the Senate by a vote of 63 to 8, MacLeish, whose *America Was Promises* appeared in the same year, was concerned with strengthening the Legislative Reference Service. In 1940, he stated that "the Congress has a right to scholarly research and counsel in law and history and economics at least as equal to that of people who come before committees . . . (and) it is our obligation to present that kind of research and that kind of counsel." Later that year, he appointed Ernest S. Griffith, a political scientist, as chief of the Legislative Reference Service.

While the Library's collections and services expanded in general, especially in the arts, in music and folksong, in rare books, in photographs and motion pictures, the Legislative Reference Service was reqrganized in 1944 before MacLeish resigned to become Assistant Secretary of State.

The appointment of Luther Evans as

Librarian by President Truman in 1945 coincided with a thoroughgoing examination of congressional organization and facilities, strained as they were by the burden of war-time demands and increased government activities and programs. The result was the Legislative Reorganization Act of 1946. The Joint Committee on the Organization of Congress had recommended that the Legislative Reference Service "be immediately increased in size and scope . . . (and) provide a pool of experts available for use by the committees of Congress." Evans had himself served as director of the Service in 1939–1940, and worked closely with Ernest Griffith in overseeing its expansion and, indeed, in preparing the legislation that made it possible.

In essence, the Legislative Reorganization Act gave permanent statutory basis to the Legislative Reference Service within the Library, defined and expanded its duties to the Congress, and authorized the appointment of nationally eminent specialists in many fields. The reorganized Service was able to meet the needs of Congress, its members and committees alike, more effectively and in greater depth. By 1947, there were over one hundred inquiries almost every day from January to May, barring weekends. The volume of inquiries had risen to 60,443 in 1957 and to 67,843 in 1958, the year of Ernest Griffith's retirement—an increase of over 7,000 in a year's time. Two decades later, the Service was again expanded by the Legislative Reorganization Act of 1970, which changed its name to the Congressional Research Service, with increased emphasis on policy research and analysis. In the first year after the Act went into effect, there were 181,000 responses to inquiries from members and committees. By 1979, that figure had risen to 313,000. While assistance to committees expanded in accord with the directives of the statute, the services of information, reference, and analysis for members and their staff were fully maintained.

So it is that the Congressional Research Service as we know it today derives from the vision and foresight of its founders nearly seventy years ago, pursuing its continuing mandate of service to the Congress, the original purpose and reason-for-being of the Library since its creation in 1802.

As early as 1958, the then Librarian L. Quincy Mumford had formed an interdepartmental space planning committee "to consider the immediate and long-range space needs" of the Library, needs greatly magnified by constantly enlarging collections. Seven years later, President Lyndon Johnson authorized appropriations for construction of the James Madison Memorial Building. The cornerstone was laid nine years later by the Librarian of Congress; my colleague Senator Cannon of Nevada, chairman of the Joint Committee; and the Architect of the Capitol. In 1980, the Madison Building was formally opened, marking the culmination of over two decades of activity, at once the fulfillment of vision and the response to perceived needs, attained through unwavering dedication by the Library and by many members of Congress.

"Of making many books, there is no end," wrote the author of Ecclesiastes (12:12). Although, contrary to popular belief, the Library does not add a copy of *every* book and periodical published in the United States to its permanent collections, it certainly acquires an overwhelming volume of works published each year in America and abroad. As of September 1979, the Library estimated that it owned nearly nineteen million books and pamphlets, thirty-three million manuscripts and approximately nine million photographic negatives, prints, and slides. During 1979, the Library added 306,000 books and a million other items ranging from drawings to recorded music (possible personal reference). The so-called "knowledge explosion" in the twentieth century has contributed mightily to this phenomenon, though, in truth, much of what is called knowledge is more accurately described as information. Genuine knowledge is more than data, as intelligence is more than protein. The present Librarian, Dr. Daniel J. Boorstin, speaking at the 1979 White House Conference on Library and Information Services, has emphasized the difference between a merely "informed citizenry," passively supplied (as by entertainment), and a truly "knowledgeable citizenry" actively assimilating what Emerson called "the amassed thought and experience of innumerable minds." This evocation of the knowledgeable citizen is traced by Dr. Boorstin to the ideals of the eighteenth century Enlightenment, of reading "for amusement and instruction" in humanity's quest for "order and meaning in the whole human experience."

In a time marked by the triumph of quantity, ephemeral expertise, and that mechanization of life which reduces man to an object or a result, the Library of Congress reminds us that "excellence resides in quality, not in quantity." (Gracian, d. 1658) The quest for excellence, which is the gift of knowledge, is at the heart of our American democracy, with its Jeffersonian faith in an enlightened people as "the only sure reliance for the preservation of our liberty." (Jefferson in a letter to Madison, 1787)

The enlightenment of the people has been the abiding concern of Congress and of the Library throughout our history. Ninety-six years ago Senator Justin Morrill, author of the Morrill Act, the source of our "land grant" colleges across the country, spoke of the Library of Congress as "the property of the nation, open to all the people without any ticket of admission." True to this ideal, the Library has become, in the words of the American Council of Learned Societies' tribute to Herbert Putnam (1939), "an indispensable instrument on the American continent for the promotion of learning and the increase of knowledge" taking its place among the greatest libraries of civilization, past and present.

The dual nature of the Library as both legislative and national has been evident to some degree from the beginning. Jefferson himself believed that the two functions were complementary, but since his time that view has been vigorously debated. Certainly throughout its history the Library has served both the Congress and the Nation as, in President Theodore Roosevelt's words in 1901, "the one great national library of the United States." This conviction is reflected in the 1975 report, "Toward a National Program for Library and Information Services," by the National Commission on Libraries and Information Science.

Yet, through all the remarkable events of the Library's history there runs the golden thread of service to the Congress—in the words of John Russell Young in 1898, "to anticipate the wants of Congress upon subjects of legislation and to hold the resources of the Library ever at the command of those for whom it was founded." This was the concern which brought the Library into being, and it has sustained it through almost two centuries of war and peace, of tribulation and triumph, for our Nation. What has become the unique vocation of the Congressional Research Service is also, in a larger sense, the continuing mandate of the Library as a whole: to serve the needs of Congress and thereby to strengthen and support the foremost institution of representative government in the land and perhaps in the world.

Among the many departments of the Library itself serving the Congress, some are involved in providing direct assistance—including the Law Library, a national repository of virtually all published law; the Loan Division, which maintains bookroom service in congressional office buildings and in the Capitol; Central Services, which is available to help set up office files; and Area Studies—European, Hispanic, Asian, African, and Middle Eastern.

So it is that Senator Samuel Mitchill's dream of 1806 of a Library dedicated to "erudition and research" has found fulfillment greater than he could have imagined, bringing together (in de Tocqueville's words) the wisdom of "old tradition" and the urgencies of "present culture" in service to the Congress and to the common good. One of the most distinguished men ever to hold the office of Chaplain of the Senate, Dr. Edward Everett Hale, beloved author of *The Man Without a Country,* once wrote:

> When the French Republic was well established, Guizot said to (James Russell) Lowell, "How long do you think the American Republic will endure?" That was naturally the question for a man who had seen his own handiwork go to pieces. And Lowell answered, "So long as the ideas of its founders continue to be dominant."

Surely this is no less true for the Congress as for the Library, which today honors three of the great founders of the Republic in the names of its buildings: Jefferson, John Adams, and Madison. From its earliest days, it has proudly borne the name of Congress in its title, indicating thereby the motive of its founding by those members of Congress so long ago and honoring the great procession of men and women who have served in this body from that time to the present day.

It is no accident that the Great Hall of the Library's Jefferson Building is presided over by the American artist Elihu

Vedder's splendid mosaic of Minerva, the Roman goddess of wisdom, and bears the Latin inscription *Exegi monumentum aere perennius* (I have built a monument more lasting than bronze). (Horace, d. 8 B.C.) Solomon of old prayed for wisdom and knowledge that he might rule in justice over his people. So in our own troubled day, we seek wisdom and understanding. Turning to the rich heritage of knowledge which is ours, we remember the words of Scripture, "the excellency of knowledge is that wisdom giveth life to them that have it" (Ecclesiastes 7:19) for "through wisdom is an house builded; and by understanding it is established" (Proverbs 24:3). John Russell Young spoke over eighty years ago of the Library's duty "to seek out and gather in the learning and piety of every age." That happy association of learning and piety, of knowledge and reverance, has always been fundamental to our American tradition of ordered liberty under law. It is indeed a monument, under God, more lasting than bronze.

Mr. President, I yield whatever remaining time I have to Mr. Proxmire.

Mr. PROXMIRE. Mr. President, I thank my friend, the majority leader.

FACE THE FACTS: GENOCIDE CAN HAPPEN AGAIN

Mr. PROXMIRE. Mr. President, it is appalling that genocide has been repeated with regularity throughout history. Equally disconcerting is the fact that this century was the forum for the most monstrous act of genocide in recorded history. Despite all of our advances, modern man is still capable of wicked and destructive behavior. In recognition of this fact, I feel it is of utmost importance that we as a nation, join with the other 86 nations who have signed the Genocide Convention, to prevent genocide from recurring.

The planned annihilation of the Jews by the Hitler regime was undertaken in a most matter-of-fact way. Terminating the life of an entire population was not the result of emotional spontaneity, but was painstakingly calculated. One phase of the master plan which I note today was the disposal of the corpses. This proved to be a challenge to the Nazi bureaucrat, assigned to oversee the extermination of the Jews. Burial, cremation and pit burning were the most common methods used, but each was not without its disadvantages.

The burial method entailed the following: Jews and other victims were stripped and lined up, standing or kneeling on the edge of long ditches. They were shot, or occasionally beaten to death, and pushed into the common graves. Quicklime was spread over the heap of bodies to insure their rapid decomposition. Finally, a third layer of earth was applied. The Germans discovered however, that this method required too much land and labor. Also, it was not uncommon for the earthen cover to collapse before the quicklime had completely worked, thus releasing the stench of death and decay into the air. A further concern was that the mass graves so altered the character of the landscape as to clearly evidence the unnatural work at hand.

Cremation was the answer for the camps designed to bring death through the continuous operation of gas chambers. One drawback was that it was a slow process—only 2,000 bodies could be transformed into ash in five ovens over a 24-hour period. Another was that the crematorium was suspectible to frequent breakdowns and periodic delays so that a foot or more of human fat could be scraped from the chimney walls.

A third method, the open pit, was the most inexpensive. Alternate layers of bodies and railroad ties were laid and doused with petroleum. Sometimes, buckets of human flesh were added to increase the intensity of the fire. While not as burdensome financially, the Nazis encountered some difficulty because it was so unpleasant for the people living in the surrounding area. Dense clouds of smoke hung in the air and the stench of burning flesh pervaded the atmosphere. Another concern was that the large fires made beacons for enemy bombers.

Horrible words? Horrible descriptions? Of course. This was genocide. An atrocity comparable to that which the Nazis wrought must never again be seen on this Earth. We as a nation must demonstrate to the world that we condemn mass murder and that we will diligently seek to prevent its recurrence. For 31 years, ever since 1949, this Senate has let the treaty sit. Only this body has to act. Every President, Republican and Democratic, has called for it. Every top Cabinet officer has asked for it. Every religious denomination calls for it. Yet we refuse to act on it. During that time, 86 nations have endorsed it. Let us be the 87th nation to publicly denounce genocide.

Mr. President, I thank the majority leader and yield the floor.

The ACTING PRESIDENT pro tempore. The time of the majority leader has expired.

MESSAGE FROM THE HOUSE

At 1:13 p.m., a message from the House delivered by Mr. Gregory, one of its reading clerks announced that the House has agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 4 to the following joint resolution:

H.J. Res. 610. Joint resolution making continuing appropriations for the fiscal year 1981, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 6816) to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State, with amendments, in which it requests the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following joint resolution:

H.J. Res. 610. Joint resolution making continuing appropriations for the fiscal year 1981, and for other purposes.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. Heflin).

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

CONTINUING APPROPRIATIONS, 1981

Mr. BAKER. Mr. President, may I say that I believe the message that just entered the Chamber from the House of Representatives may in fact be the good news that the continuing resolution has been passed by the House of Representatives in the form and shape that it was transmitted by the Senate on last evening.

I am pleased to know that that action has now been completed by Congress and the measure has been transmitted to the President where I am sure it will receive his signature.

Mr. President, may I take this opportunity to commend all of those who have presented their point of view with such diligence, such energy, and enthusiasm on all sides of the issue on this side of the aisle.

But I especially single out the distinguished assistant minority leader, Senator Stevens, for his efforts on last evening to fashion and produce a Senate amendment which now has found its way into the final language adopted by Congress.

That could not have occurred, I believe, without the assistance as well of the distinguished Senator from North Carolina (Mr. Helms), and it was with the good work of the Senator from Connecticut (Mr. Weicker), the Senator from Alaska (Mr. Stevens), the Senator from North Carolina (Mr. Helms), the Senator from New Mexico (Mr. Schmitt), the Senator from Pennsylvania (Mr. Schweiker), and others in this Chamber that we were able to produce a result that was found agreeable to the other body and was adopted by voice vote, I am told, this morning.

So, may I take this opportunity to extend to those Members on this side of the aisle my special congratulations, and I am sure the gratitude of the entire Senate, for their good work.

I wish, as well, of course, to extend my congratulations to Members on the other side for their work which was equally diligent in support of their respective points of view.

But I am particularly proud of the action of these Members under the leadership of the senior Republican on the Appropriations Committee, Senator Young.

Senator Young is leaving us this year, voluntarily retiring from a long and distinguished career in the Senate. To see the interworkings of the Members of the Appropriations Committee on this side of the aisle, under the inspired leadership of the Senator from North Dakota

(Mr. YOUNG), is a matter that brings gladness to the heart of every Republican.

I wish to extend my congratulations to all of them.

Mr. YOUNG. I thank the Senator very much.

Mr. President, I did not have to use much leadership in this case. The Senator from Alaska (Mr. STEVENS), the Senator from Connecticut (Mr. WEICKER), the Senator from North Carolina (Mr. HELMS), and others carried the ball. They did a superb job of not only defending the position of the Senate but the integrity of the Senate as well as usual. I believe the Senate was right in the position it took.

For all these years I have been an antiabortionist, but I think they were going a little too far in this case.

Mr. BAKER. Mr. President, I thank the Senator from North Dakota. He underestimates the extent of his own contributions to that effort. Without his example and precept, I am sure this would not have borne fruit.

Mr. President, I yield now to the distinguished assistant Republican leader.

Mr. STEVENS. Mr. President, I do thank my good friend and our leader, the Senator from Tennessee, for those kind comments.

Mr. HELMS subsequently said: Mr. President, if the distinguished minority leader will yield, I want him to know that I deeply appreciate his kind and generous remarks.

Also, I would pay my respects to the distinguished Senator from Connecticut (Mr. WEICKER), the distinguished Senator from Washington (Mr. MAGNUSON), the distinguished Senator from North Dakota (Mr. YOUNG) and the able assistant minority leader (Mr. STEVENS). Arriving at an agreement has been tedious, but never unpleasant. It is always a pleasure to deal with gentlemen, which each of them certainly is, who always agree to disagree agreeably.

That was certainly the case, Mr. President, when this morning at approximately 2:45 a.m. the Senate adopted modifications I offered to the amendment by the Senator from Alaska (Mr. STEVENS) regarding Federal funding of abortion in the case of rape and incest.

At that hour I did not want to prolong the already lengthy debate on this issue, but I do at this time make the intent of the amendment, as modified at my suggestion, clear. It is simply to encourage women to seek treatment and to report crimes committed against them.

I believe the 60-day requirement for reporting adopted by the Department of Health and Human Resources fails to promote this important policy consideration.

My amendment will encourage women to report promptly the commission of this crime in a timely fashion so that evidence of the crime may be obtained. It will lead to further opportunities for the apprehension, conviction and imprisonment of those who commit this vicious crime. And because so many of these assailants are repeat offenders it should act to reduce the number of potential victims. The 60-day reporting period of current law will not promote this objective.

So, Mr. President, I feel that the proposal I made this morning, and which was unanimously approved by the Senate will encourage women to undergo medical examinations soon enough after the commission of the crime in order to determine whether internal injuries may have occurred and to treat such injuries before they develop into permanent or long-lasting disabilities which may not be normally discovered months after the event. The 60-day reporting period of current law will not promote this interest.

Moreover, Mr. President, I believe my modification of the legislation will encourage women to seek medical attention for the early treatment of venereal disease which may have been transmitted during the attack and which otherwise may not be discovered for a considerable time. The current 60-day requirement will not further this policy.

Finally, this amendment as approved by the Senate will encourage women to seek early medical attention and prevent the further trauma of discovering at a later date the fact of pregnancy and having to face the decision of seeking an abortion or carrying the child to birth. The current 60-day rule does not alleviate this further difficulty.

Again, Mr. President, I thank the distinguished minority leader, for his kind statement.

• Mr. JAVITS. Mr. President, when we anticipated that the Treasury appropriations bill, H.R. 7583, would come up prior to the October recess, the senior Senator from Oregon (Mr. HATFIELD), and I were prepared to engage in a colloquy regarding the Ashbrook amendment to that legislation, relating to the efforts of the Internal Revenue Service to make certain that private schools which practice racial discrimination do not receive the benefits of Federal income tax exemption. I believe that this amendment prevents the IRS from enforcing the clear mandate of the Federal courts with respect to these so-called segregation academies.

As the funding for the Department of the Treasury will be made available through December 15 under the continuing resolution, the clarification of this issue made in a colloquy among Senators CHILES, BRADLEY, and myself during consideration of the supplemental appropriations bill for fiscal year 1980, on June 27 of this year, would still hold.

However, I am aware of the deep sentiments of the Senator from Oregon, on the matter of these IRS revenue rulings. There are few in this body so firmly committed to the first amendment rights of persons of all religions and to the constitutional principle of separation of church and State. Recently, Senator HATFIELD submitted a guest editorial in the Oregon Statesman-Journal on the question of religion and politics, and I ask that his editorial be printed in the RECORD.

The editorial follows:

NOT ALL EVANGELICALS AGREE ON CHRISTIANIZING AMERICA

(By Senator MARK HATFIELD)

As we approach the 1980 election, new political forces are mixing religion and politics in an unsophisticated and, many are saying, dangerous way.

There is not so much a malaise as a confused spirit coming from disconnected people without emotional and spiritual strength to withstand the demands of a fragmenting and frightening culture. A recent Gallup Poll found that Americans are concerned more about diminished "family life, health and peace of mind," rather than material concerns. But certain religious groups are proclaiming "The country is going to hell . . . and the Christian responsibility is to save it by electing Christians and legislating morality."

Canadian college professor Robert Alan Cook points out there are certain essential characteristics that a democratic society must have to keep it from degenerating as did the ill-fated Weimar Republic in post-World War I Germany.

First, there must be resistance to atomization, which reduces to a mass movement frightened and isolated people who no longer identify with traditional values. Fearful and isolated souls flocked to the Nazi banner, and even industrialists and bankers contributed great sums to Hitler because they saw him as a cohesive force in an otherwise impotent world. A breakdown of pluralism and individual values has led to mass movements with quick and simplistic solutions.

Secondly, if a society is to remain strong, it must resist the apathy that was the undoing of the German Weimar Republic in which the far right and far left were making counter charges about its legitimacy, while the vast middle class stood apathetic and apologetic. A growing near majority in America today ignores elections.

Thirdly, a strong democratic society must satisfy people's hunger for wholeness. Tormented souls are not finding peace in astrology, the occult. Eastern religion or the simplistic notions of certain new right religionists, who are creating an anti-biblical theology of power politics. For our democracy to remain strong we must participate together in reformulating an effectual national framework to prevent us from becoming hopelessly polarized.

As we critique the religious right's attempt to "Christianize America," it is essential to recall that the movement includes many sincere and concerned people, who have as much right to organize as any other group, and is not the first group to embrace single-issue politics. Further, many critics of the Moral Majority and Christian Voice single-issue politics were, in fact, pioneers of it and are crying alarm about violations of principles of separation of church and state when they themselves have been roundly criticized in the past. And, finally, not all evangelical Protestants and Catholics are in the same camp. The movement is not monolithic. Evangelicalism today is diverse politically.

In fact, many evangelicals share my concern that the grievous sins of our society are militarism and materialism, rather than the Taiwan Treaty or Equal Rights Amendment or the Panama Canal. Also, because the personalities of the leaders are central, ego battles are certain, and new litmus tests based on morality will pass as they fragment the faithful.

We must however, be very pointed that any movement that substitutes a false gospel has to be called to account. There has been some maturing already among leaders of the far right in not persisting in calling people's religious commitments into question because of differences on political issues. But the negative effect on millions of people across the country is measured by mail we receive.

Many pastors and parishioners demand that politicians affirm a certain conservative political ideology. " What think ye of Christ?' Is the classic question that provides the only test for Christians. The Apostle Paul states in Colossians 1:26 that "the secret is simply this: Christ in you bringing with Him the hope of all the glorious things to come."

Christian people differ on political issues, and it is legitimate to take opposing positions, just as Sen. Sam Nunn and I do on military questions. But a movement that assesses one's salavation on any basis other than the biblical one is apostasy.

It is questionable, and possibly reprehensible, to baptize issues with religious right ideology. To defeat Caesar by becoming Caesar is what Jesus rejected when He wept over Jerusalem in Luke 19 and said, "Would that today you knew the things that make for peace. But now they are hid from your eyes." Jesus refused to become a Caesar. Instead, He laid His life down for His friends as spiritual savior.

The need today is for more sacrificing followers like Mother Teresa of India, who are willing to lay down their lives rather than be power brokers in ecclesiastical trappings. We must guard against zealots who would diminish our freedoms for the sake of their definition of morality. The world has seen that in Iran.

Another danger is idealization of American history by the religious right. Many Christian conservatives have, I think, unwittingly exaggerated the role of religion in American history, making America God's nation of the New Covenant. An organization called Citizens for God and Country, and preachers influenced by it, claim exclusively for Christian religion and purport that all others are "against the law." It is good to remind ourselves that many of our founding fathers were Deists, children of the Enlightment, not the Reformation.

Some plead for us to return to our Christian roots with prayer in schools and other specific legislation. This becomes dangerous when idealized history becomes spiritual justification for blind patriotism. An arrogant intolerance is possibly the most frightful side of this "Christianizing America" movement. Practitioners quote the proverb, "When the righteous rule, the people rejoice; when the unrighteous rule, the people mourn." I sense that we should add for a caution that when the self-righteous rule, people are oppressed.

But no matter what the valid criticism, we cannot and must not totally dismiss or scorn the Christian wing of the New Right. The movement is significant on at least three levels. Politically, its potential is to be one of the most powerful forces in America and could well decide who will become or remain president. It will be a significant factor with financial backing and voter registration (it is estimated that there are 12 million potential uninvolved conservative voters).

Spiritually what is at stake is the credibility of the Christian church and the identity of Christianity in a modern, complex world.

And socially profound questions are raised for American and Western society. The movement is a symptom of a deep sense of disenchantment. It gives reason to pause over the similarities of other troublesome times, as in Germany. It raises questions about moral and spiritual basis of the social order that cannot survive without some legitimation.

We have today little cohesive moral philosophy in our social order. As Meg Greenfield wrote recently, "Government-grown values are by definition and necessity spiritually deformed. They tend to be lowest common denominator generalities or pressure-group-cooked outrages. But we have become so tolerant we have refused to view practically, any indecency, outrage or pathological assault on our sense of rightness as any way but a civil liberties problem."

And if there is no relative consensus about what constitutes meaning then it must be asked if anything other than a dictatorship can result, de Toqueville observed that: "deposition may govern without faith, but liberty cannot." We cannot remove religion from society without grave consequences, but neither can we embrace an idolatry that reduces religion merely to the glue of society.

We of the orthodox Christian faith who are highly committed to having it impact both our corporate life and personal life are impaled, it appears, on the horns of a dilemma . . . the idiocy of saying faith has no impact or the idolatry of embracing state religion. There is no doubt in my mind that the present rise of the Christian right is pushing us toward a resolution of this dilemma or at least toward a desire to live lovingly and at peace in the ambiguity of our "answers" and "solutions."

From my vantage point it seems that there are three broad scenarios possible.

Increased crisis and decline with the present process continuing until democratic society cannot exist; or

A halt to the crisis through an imposition of traditional values by authoritarian means; or,

National and, in fact worldwide revitalization by a spiritual renewal, similar to that in the 1630s in England or after the Civil War in America.

If the alternatives are as I described, then our situation serves to underline that it is no longer an exaggeration to say that spiritual revival is the key to physical survival, and nothing is more dangerous than false religion, but nothing is as necessary as true religion.●

NEW YORK CITY LOAN GUARANTEE ACT

● Mr. JAVITS. Mr. President, I am very gratified that the New York City Loan Guarantee Act of 1978, of which I was a main sponsor, will not be drained away and that it now appears that the $900 million in loan guarantee assistance it authorizes will be available for use by New York City to help finance its critically important capital rehabilitation program.

As one of the architects of the 1978 act, I believe, and so stated when the matter was addressed on the Senate floor, that Congress expressly delegated to the Treasury Secretary the authority to determine whether New York City was "effectively" unable to finance its capital improvement program without the act's loan guarantee assistance. I believe the recently concluded conference reaffirms that this authority will continue to reside with the Treasury Secretary, consistent, in my judgment, with the act's true aim and purpose. It also means that New York City's incredibly tenacious march toward fiscal and economic recovery will not be undermined at this critical stage in its effort to reestablish self-sufficiency.

The genuineness of feeling held by those who sought to block the issuance of the loan guarantees commands my deepest and sincerest respect; however, I believe that the ultimate resolution of the matter is far more likely to assure that New York City will not have to come back to the Federal Government for help in the future, a goal to which we are all committed. It was with all those things in mind that I urged my colleagues to keep the administration of the act as Congress intended it to be when it was originally passed. In particular, I believe we have preserved the flexibility built into the act to deal with precisely the changed circumstances—not any default in any way, shape, or form by the city itself—which have moved the city and its financial advisers to ask for the remaining assistance authorized by the law. I thank my colleagues for their support in this endeavor.●

EXPENDITURES BY THE WHITE HOUSE

Mr. STEVENS. Mr. President, yesterday I announced that I had joined the other Republican members of the Appropriations Committee in asking the Comptroller General of the United States to investigate expenditures by White House and administration staff members to insure that public funds are not being spent to promote the reelection of Jimmy Carter.

As we noted in our letter to Elmer Staats, recent press reports concerning travel and other expenditures by the White House Office and various executive branch agencies indicate that appropriated funds are being spent to advance the political candidacy of the incumbent President.

In this morning's Wall Street Journal is an example of the press accounts of the apparent misuse of the office by President Carter in order to assist his campaign.

The story on the front page is entitled "Presidential Perks—Carter the Incumbent Excels at Using Office As a Campaign Asset."

Mr. President, I ask unanimous consent to have printed in the Record the article to which I have made reference.

There being no objection, the article was ordered to be printed in the Record, as follows:

Carter the Incumbent Excels at Using Office as a Campaign Asset

(By Timothy D. Schellhardt)

Washington.—A President seeking reelection, wrote Ph.D. candidate Lee Atwater in 1976, can exploit built-in advantages of office, ranging from his ability to attract instant press attention to his chance to distribute federal plums.

Today the 29-year-old political scientist is getting a first-hand glimpse of just how incumbent Jimmy Carter uses his potent political arsenal—against Mr. Atwater's own candidate, Ronald Reagan. From his vantage point as the Reagan political director in three Southern states, Mr. Atwater says President Carter "is doing a real good job" of proving his observation correct. "Jimmy Carter is blatantly political, and he's using every perquisite at his disposal," Mr. Atwater contends.

That's not idle Republican rhetoric. Mr. Carter may be wielding the powers of incumbency in his own political interest more than most Presidents before him. Yesterday he won headlines and television time with a declaration that he is working to help end the Iran-Iraq war quickly and with the dispatch of four radar-equipped warning planes to help defend oil-rich Saudi Arabia against possible air attacks. He also announced a plan to aid the depressed steel industry. (See story on page 3.) And consider the government goodies to be announced or distributed before Nov. 4.

NEW GRANTS TO CITIES

This month, the Carter administration will announce, a month earlier than usual, its quarterly awards of urban-development grants to economically distressed cities. This new batch of $150 million is aimed at helping Mr. Carter's effort to pile up impressive vote totals in many big cities.

About $200 million in federal-aid money for new local-transit buses, nearly one-third of the current year's total, is expected to be released to local governments soon. The Transportation Department, asserts one bus manufacturer, has been holding up the announcement so that it will come nearer the election (though department officials dispute that).

For the benefit of the farm belt, the administration will pay out or commit about $300 million in cash over the next month or so to compensate farmers hurt by this year's drought. In addition, much of the $2.6 billion in promised draught-relief loans will be committed before Nov. 4, Agriculture Department officials say.

And the Energy Department, touting Mr. Carter's energy achievements, will soon award an additional $300 million in development money for synthetic-fuels projects. Of the first $200 million awarded recently, at least some funds went to 46 of the 50 states.

SPREADING THE CARTER GOSPEL

The preelection bestowal of "pork," is, of course, already well begun. Squadrons of surrogates, from Cabinet officers to Vice President Walter Mondale's 22-year-old son Ted, have been dispatched to pivotal states; all spread the Carter gospel, and many dispense government largess. Cabinet secretaries have announced nearly $50 million in various grants for one city, Detroit, during the past several days.

Veteran civil servants here as well as some students of the presidency agree that Mr. Carter isn't losing many opportunities to exploit his incumbency. But they are divided on whether he is using these advantages any more extensively than, say, Presidents Nixon and Ford, who employed the federal grant system and patronage powers for political gain.

For example, President Nixon ordered "operation responsiveness," a program of federal grants and loans to minority businesses in the election year 1972. And President Ford included in his 1976 campaign literature a photograph of the highest-ranking black civil servants in his administration in an effort to create the false impression that they supported his campaign.

Still, most close observers readily say that by election day Mr. Carter may have far outdone his predecessors in using the powers of incumbency to influence voters "Let's wait to see what he does in October before making a final judgment," declares one longtime government bureaucrat.

DISCOVERING RAILROADS IN PENNSYLVANIA

Right now, some Carter appointees who generally do little politicking are joining the crowd on the campaign circuit. Federal Railroad Administrator John Sullivan, who headed Mr. Carter's 1976 campaign in Pennsylvania, says he has revived his political travels—"inspecting a lot of railroads," as he puts it. "I've suddenly become quite aware that there are a lot of railroads in Pennsylvania," he says.

In some cities the administration's saturation strategy may be backfiring. At any rate, the Cleveland Plain Dealer began a recent story about a visit by Treasury Secretary G. William Miller: "Cleveland was visited by its third Carter administration Cabinet Secretary in five days yesterday, but he said his appearance was nonpolitical."

The motives behind some Washington appearances of administration officials are being questioned too. When Energy Secretary Charles Duncan's first formal news conference here in more than six months was hurriedly called on the Jewish holiday of Rosh Hashanah, Sept. 11, reporters asked numerous questions about its scheduling and motivation. The news conference was held a day after a Reagan attack on administration energy policies, and Mr. Duncan began with a statement that hit back.

Still, visits of presidential surrogates to cities around the country usually receive lots of local news coverage. When Transportation Secretary Neil Goldschmidt, sporting a Carter-Mondale campaign button, recently announced in St. Louis a $4 million federal grant for continued airport runway expansion, his remarks got prominent coverage on television and in local newspapers. Agriculture Secretary Bob Bergland, in Los Angeles recently, gave "exclusive" 10-minute interviews to four radio stations in a row, then taped a 30-minute CBS farm-news program that reaches eight million viewers nationally.

Chris Geiselman, assignment editor at Cleveland's ABC television affiliate, says he can't recall when so many presidential surrogates have been arriving in his city. And he finds it's difficult to pass up covering Cabinet officers or presidential aides, because they just might make news. And if a camera crew is dispatched chances are that a film clip will be used on that night's newscast.

Reagan campaign officials, on the other hand, say it is often hard to attract media attention for their surrogates. Regional political director Don Totten complains that recent visits to the Chicago area by Mr. Reagan's daughter Maureen, and Barbara Bush, wife of the GOP vice presidential nominee, didn't get any local news coverage. "You would have never known they were here," he says, disgustedly.

President Carter, of course, can attract instant media attention, and he has used it to full advantage this year. At 7:18 a.m. on the day of the Wisconsin primary last spring, Mr. Carter called TV crews and reporters to the Oval Office to announce what he said was a breakthrough on the hostage crisis in Iran. That announcement captured lots of newsprint and broadcast time, and some political analysts believe it helped Mr. Carter win an impressive victory over Sen. Edward Kennedy there.

On Sept. 18 the President began his half-hour news conference with a plainly political five-minute pitch listing his accomplishments. All three major TV networks provided live coverage. When his opponents requested equal time, however, the networks all turned them down.

The certainty of attracting news coverage is a big reason that Mr. Carter has scheduled so many "town meetings" during his campaign trips. He will soon hold three such hour-long meetings in a 10-day period. These sessions almost always are carried in their entirety by local television, and they also attract regional and national coverage.

Political analysts say it's impossible to measure how many votes are swayed by a President's use of his power and prestige. But political scientist Atwater, for one, figures incumbency automatically translates into a 2 percent advantage in every state for Mr. Carter.

Mr. Reagan's strategists fear that President Carter will wield the powers of incumbency to such a degree in the closing weeks of the campaign that it will sway the election his way. "I'm quite convinced we will get an October surprise," says Richard Wirthin, Mr. Reagan's pollster. He isn't sure if the "surprise" will involve foreign policy or a domestic matter but he is sure it's coming because, he says, "the Carter administration is very willing to use the powers of government" for its political purposes.

The Republicans have begun tracking administration activities to determine if the President is misusing incumbency, but that probably won't change thngs much. Earlier this year Sen. Kennedy's backers cried foul at certain grant-giving and other administration activities that they contended were being used to influence primary contests. But the federal courts dismissed the allegations. Mr. Kennedy's campaign lieutenants say this built-in advantage for the President contributed in no small way to the Massachusetts Senator's defeat.

"Incumbency is a formidable advantage," says Carl Wagner, the Senator's political director.

The President's workers insist that he isn't abusing his incumbency for political gain. "I think we clearly have done more than any prior administration to guard against that," asserts Timothy Smith, the Carter campaign's legal director. He denies that federal grants have been disbursed for political reasons. All that has happened, he maintains, is that the White House has grown better at taking credit for grants made in the ordinary course of governing. Indeed, allegations that a particular grant wasn't proper have been rare.

But the timing of certain administration actions has appeared political. Recently, the Agriculture Department said it would publish two sets of numbers on net farm income—a closely watched farm statistic that has looked grim lately—instead of one. The old method would show a 1979-to-1980 decline in net farm income of more than 18 percent; the new method would show a slump of about 10 percent. Department economists insist that the change isn't politically motivated and isn't designed to make the situation appear rosier to farm voters.

In addition, some cynics suspect that the administration may have acted to make government statistics on housing look better before the November election. The housing industry is recovering partly because the government in the third quarter quadrupled the level of construction of apartments with federally subsidized rents for low-income tenants. After the election, says a housing-industry economist, such construction should be only one-third the present rate. "After Nov. 4, nobody is going to care about housing," says Michael Sumichrast, chief economist of the National Association of Home Builders.

Efforts to exploit incumbency for political purposes can go wrong if the motivation appears too obvious. And Defense Secretary Harold Brown, in particular, has encountered strong criticism for adopting a much higher-than-usual political profile. He has stepped up his speaking schedule, rebutting Mr. Reagan's charges that the President has been weak on national defense; critics say these efforts surpass election-year politicking by previous defense secretaries.

Mr. Brown triggered the harshest criticism with his August announcement that the U.S. had developed a plane that couldn't be detected by radar. This Stealth plane, he predicted, will "alter the military balance significantly" between the U.S. and the Soviet Union. The Republicans have had a field day contending that the announcement was made merely to aid the President's campaign and that disclosure of the plane's existence would help the Soviets. The White House has maintained that development of the radar-defying aircraft has been known for years.

Mr. STEVENS. Mr. President, I believe all Members of the Senate should look at the detailed items concerning the use of civil servants as well as using the power to grant Federal moneys to cities to try to influence the outcome of this election.

I thank the minority leader.

SOVIET GRAIN EMBARGO

Mr. BAKER. Mr. President, last week the Senate witnessed one of the most important agricultural and foreign trade votes of this session of the 96th Congress.

For the past 9 months, President Carter's embargo on exports of agricultural commodities has had a severe impact on this Nation's farmers and small businessmen without placing a corresponding burden on the Soviet Union. It has become readily apparent, Mr. President, that the embargo simply is not working. The embargo is, in effect, punishing the United States for wrongdoings on the part of Russia.

The amendment of Senator Larry Pressler—accepted by the Senate to the State, Justice, and Commerce appropriations bill last week, following a 43 to 39 vote—squarely addressed this issue by restricting the use of funds to continue this embargo. I am pleased that Senator Pressler offered this amendment for it gave the Senate its first chance to go on record regarding this issue.

Senator Pressler is to be commended for his efforts in drafting this measure and obtaining the support of a majority of the Senate.

Senator Pressler's hard work paid off with a broad bipartisan backing from all areas of the country. This vote is even more significant because of the strong efforts which were exerted by the administration to defeat this measure and the inclination by the majority party to support their President in an election year.

Against these forces, Senator Pressler displayed a fine working knowledge of the legislative process and proved to be an excellent tactician. His parliamentary skills served him well when several of his supporters were tied up in traffic, necessitating additional rollcall votes after his amendment was initially defeated by one vote. His handling of this matter establishes him as a leader for his State and Nation in this body. Senator Pressler took on the toughest forces in Washington and won. We commend him for that.

But, more importantly, it is my hope that President Carter will properly analyze this strong vote in the Senate against the embargo and move swiftly to end it. I believe that the House-Senate conference will adopt the Pressler amendment. It would thus be preferable for the President to act now rather than to continue this costly loss of revenue to the American agricultural economy.

Mr. President, I yield to the Senator from Minnesota.

SHARE-A-HOME PROGRAM

Mr. BOSCHWITZ. Mr. President, I am privileged once again to share with my colleagues a concept being developed in Minnesota for "helping people help themselves." The program I would like to discuss today involves the concept of "home sharing" between the elderly and young people. Minnesotans take special pride in implementing programs which rely solely on the support of their citizens, local communities, and private foundations, and this program is particularly noteworthy because it not only offers an innovative solution to the problems of helping the elderly remain independent, but it operates exclusively within the private sector.

Specifically, I refer to an article from the St. Paul Pioneer Press about the "share-a-home program" operating in the Minneapolis/St. Paul area, which is run through Lutheran Social Service of Minnesota. There are other similar programs throughout my State, but I think this article sums up the basic idea behind all of the programs.

The share-a-home program is designed to help older adults remain in their homes at a time when independent living is increasingly difficult for them. Through the program, these older adults are matched up with young people—college students, young singles, young families—who are in need of housing and/or enjoy a sense of family. For example, you have an older adult wanting to stay in their own home, but unable to meet some of the demands of doing so—rising fuel costs, the physical labor involved in maintaining their home, and so forth. This person could be matched up with a young person wanting to attend college, but unable to meet the financial requirements for housing. The two could help meet each other's needs—the student easing the financial and physical burdens of the older adult and that person easing the financial burden of the student.

In this time of a severe economic period, we must seek out alternatives and remedies to help us maintain the quality of life we, as Americans, have come to enjoy. This quality of life is particularly threatened for those on fixed incomes.

I fully support programs such as share-a-home and am proud that this program and others like it are working so well in Minnesota. I am optimistic that they will continue to be successful and become even more widespread throughout the State. I would encourage my colleagues to endorse and support, even seek out, such programs in their own States.

Mr. President, I ask unanimous consent that the article from St. Paul Pioneer Press be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Share-a-Home" Program Can Help Elderly Keep Theirs

(By Don Spavin)

A program designed to help the elderly continue to own and maintain their homes is being instituted by Lutheran Social Service of Minnesota.

Funded by a three-year grant from the McKnight Foundation, the program will seek to match elderly home owners needing help with household chores with younger persons willing to meet these needs in exchange for housing.

"The Share-A-Home program is designed especially to help older adults remain in their homes when independent living becomes difficult," said James J. Raun, executive director of Lutheran Social Service. "In return the program can offer young people a sense of home and family and provide the older person assistance in such tasks as yardwork, household chores and shopping."

A college student or a vocational student from out of the Twin Cities area, it was explained, could under this program find a home away from home and at the same time make it possible for elderly persons to live their lives in their own homes. The program will not be confined to students, but will attempt to match any young person with housing needs with older adults needing live-in help.

"Every attempt will be made to insure a mutually rewarding living arrangement designed to provide and protect the privacy of both parties," Raun said.

The Share-A-Home program will be conducted in both St. Paul and Minneapolis. It has been funded for three years, and a spokesman for Lutheran Social Service said it is hoped that eventually the program will become self-sustaining.

It is not the first time such a program has been tried in the Twin Cities nor is it the only one of its kind in the state. Duluth has an active program, very similiar in nature, that has been operating since 1977. It is funded locally by the Duluth Board of Education and the Community Adult Education organization.

"The program has become very popular in the Duluth area," said Joan Rasmussen, one of the contact workers for the organization. "An example: In August of our first year we had about 90 applications for housing or lodgers. This year the number should be close to 400 applications."

Many older persons in Duluth want to stay in their own homes but are concerned about the rising cost of fuel, Rasmussen said. By taking in a lodger some of the increased cost can be erased and at the same time the elderly person gets companionship. In most cases the roomer pays for room or board and room but often if the roomer agrees to do such chores as mowing or shoveling the walks, the room rent can be reduced.

Matching owner and lodger is the key to a successful program, Rasmussen said, and considerable time is spent in interviewing both persons.

"For instance," she said, "we wouldn't want to put a lodger who smokes into a home where the owner objected to smoking. When a match up is made we have a month probationary period to see that there are no conflicts of personality. In the three years we've been operating we've had only one case where the match ups didn't get along."

Such a program was tried in St. Paul in 1975, funded under a Title III project called "Older Americans." It was administered by the Greater St. Paul Home Services Inc. Sandra Prantschke, now employed on the Lutheran Social Service program, worked for the first such project. When funding ran out, she and a few others attempted to keep it alive on a volunteer basis but by 1977 the program was closed out.

Lutheran Social Service of Minnesota is an agency of the American Lutheran Church, the Lutheran Church in America and the Lutheran Church-Missouri Synod. A spokesman for the group said it is possible that a fee may be charged for the service only as a means of funding it should the grant not be renewed and as a means of extending the service to more people.

"We would not exclude anyone needing the service and being unable to pay a fee," the spokesman said.

Inquiries concerning the program can be made to Share-A-Home, Lutheran Social Service, 2414 Park Ave., Minneapolis, or Lutheran Social Service, 1201 Payne Ave., St. Paul.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no further need for my time, if any, remaining under the standing order, and I am prepared to yield it back or I would be happy to yield it to the majority leader if he has need for additional time.

Mr. ROBERT C. BYRD. Mr. President, the distinguished minority leader is very considerate.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the time of the two leaders, the Senate proceed to the consideration of routine morning business; that there be not to exceed 15 minutes for routine morning business, and the Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, if the distinguished minority leader is ready to proceed, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders 1022, 980, and 1130.

Mr. BAKER. Mr. President, reserving the right to object—and I am sure I will not object—but a matter as routine and ordinary as not having my calendar before me at this moment prevents me from agreeing in this instance. So could I have just a brief moment?

The request for 1022 and——

Mr. ROBERT C. BYRD. Calendar Orders 980 and 1130.

Mr. BAKER. Mr President, I am happy to say there is no objection to the consideration of those three measures on this side of the aisle or their passage.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL MATERIALS AND MINERALS POLICY ACT OF 1980

The Senate proceeded to consider the bill (H.R. 2743) to provide for a national policy for materials research and development and to strengthen the materials research and development capability and performance of the United States, which had been reported from the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation, each with an amendment.

The amendment of the Committee on Energy and Natural Resources is to strike all after the enacting clause and insert the following:

That this Act be cited as the "National Materials and Minerals Policy Act of 1980".

FINDINGS

SEC. 2. (a) The Congress finds that—

(1) the availability of materials is essential for national security, economic well-being, and industrial production;

(2) the availability of materials is affected by the stability of foreign sources of essential raw and processed industrial materials, instability of materials markets, international competition and demand for materials, the need for energy and materials conservation, and the enhancement of environmental quality;

(3) extraction, production, processing, use, recycling, and disposal of materials are closely linked with national concerns for energy and the environment;

(4) the United States is strongly interdependent with other nations through international trade in materials and other products;

(5) technological innovation and research and development are important factors which contribute to the availability and use of materials;

(6) the United States lacks a coherent national materials policy and a coordinated program to assure the availability of materials critical for national economic well-being, national defense, and industrial security, including interstate commerce and foreign trade; and

(7) notwithstanding the enactment of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the United States does not have a coherent national minerals policy.

(b) As used in this Act, the term "materials" means substances, including minerals, of current or potential use that will be needed to supply the military, industrial, and essential civilian needs of the United States in the production of goods or services, particularly those which are primarily imported or for which there is a prospect of shortages or uncertain supply, with the exclusion of food and of energy fuels used as such.

DECLARATION OF POLICY

SEC. 3. The Congress declares that it is the continuing policy of the United States to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production with appropriate attention to a long-term domestic balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs. The Congress further declares that implementation of this policy requires that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies to, among other measures—

(1) ensure the identification of materials needs and assist in the pursuit of measures that would assure the availability of materials critical to commerce, the economy, and national security;

(2) establish a mechanism for the coordination of Federal materials programs, including those involving research and development;

(3) establish a long-range assessment capability concerning materials demands, supply and needs, and provide for the policies and programs necessary to meet those needs;

(4) promote a vigorous and comprehensive program of materials research and development consistent with the policies and priorities set forth in the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.);

(5) promote cooperative research and development programs with other nations for the equitable and frugal use of materials and energy;

(6) promote and encourage private enterprise in the development of economically sound and stable domestic materials industries; and

(7) encourage Federal agencies to facilitate availability and development of domestic resources to meet critical materials needs.

IMPLEMENTATION OF POLICY

SEC. 4. For the purpose of implementing the policies set forth in section 3 of this Act, the Congress declares that the President shall—

(1) assure that the Executive Office of the President acts to coordinate the responsible departments and agencies to identify, assist, and make recommendations for carrying out appropriate policies and programs to ensure adequate, stable, and economical materials supplies essential to national security, economic well-being, and industrial production;

(2) support basic and applied research and development to provide for, among other objectives—

(A) advanced science and technology for the exploration, discovery, and recovery of nonfuel materials;

(B) enhanced methods or processes for the more efficient production and use of renewable and nonrenewable resources;

(C) improved methods for the extraction, processing, use, recovery, and recycling of materials which encourage the conservation of materials, energy, and the environment; and

(D) improved understanding of current and new materials performance, processing, substitution, and adaptability in engineering designs;

(3) provide for improved collection, analysis, and dissemination of scientific, technical and economic materials information and data from Federal, State, and local governments and other sources as appropriate;

(4) provide for the continuous monitoring of and recommendations concerning the availability and adequacy of supply of technically trained personnel necessary for materials research, development, extraction, harvest and industrial practice, particularly with regard to the problem of attracting and maintaining minerals professionals in the Federal service;

(5) recommend to the Congress appropriate measures to promote industrial innovation in materials and materials technologies;

(6) encourage cooperative materials research and problem-solving by—

(A) private corporations performing the same or related activities in materials industries; and

(B) Federal and State institutions having shared interests or objectives;

(7) assess Federal policies which adversely or positively impact all stages of the materials cycle, from exploration to final product use, including but not limited to, financial assistance and tax policies for recycled and virgin sources of materials and make recommendations for equalizing any existing imbalances, or removing any impediments, which may be created by the application of Federal law and regulations to the market for materials; and

(8) assess the opportunities for the United States to promote cooperative multilateral and bilateral agreements for materials development in foreign nations for the purpose of increasing the reliability of materials supplies to the Nation.

PROGRAM PLAN AND REPORT TO CONGRESS

SEC. 5. (a) Within 1 year after the date of enactment of this Act, the President shall submit to the Congress—

(1) a program plan to implement such existing or prospective proposals and organizational structures within the executive branch as he finds necessary to carry out the provisions set forth in sections 3 and 4 of this Act. The plan shall include program and budget proposals and organizational structures providing for the following minimum elements:

(A) policy analysis and decision determination within the Executive Office of the President;

(B) continuing long-range analysis of materials use to meet national security, economic, industrial and social needs; the adequacy and stability of supplies; and the industrial and economic implications of supply shortages or disruptions;

(C) continuing private sector consultation in Federal materials programs; and

(D) interagency coordination at the level of the President's Cabinet;

(2) recommendations for the collection, analysis, and dissemination of information concerning long-range materials demand, supply and needs, including consideration of the establishment of a separate minerals information agency patterned after the Bureau of Labor Statistics; and

(3) recommendations for legislation and administrative initiatives necessary to reconcile policy conflicts and to establish programs and institutional structures necessary to achieve the goals of a national materials policy.

(b) The Executive Office of the President, with primary input from the Secretary of Commerce, and in consultation with the Federal Emergency Management Administration, the Secretary of the Interior, the Secretary of Defense, the Director of the Central Intelligence Agency, and such other members of the Cabinet as may be necessary shall—

(1) within 3 months after the date of enactment of this Act, identify and submit to the Congress a specific materials needs case related to national security, economic well-being and industrial production which will be the subject of the report required by paragraph (2) of this subsection;

(2) within 1 year after the date of enactment of this Act, submit to the Congress a report which assesses critical materials needs in the case identified in paragraph (1) of this subsection, and which recommends programs that would assist in meeting such needs, including an assessment of economic stockpiles; and

(3) continually thereafter identify and assess additional cases, as necessary, to ensure an adequate and stable supply of materials to meet national security, economic well-being and industrial production needs.

(c) The Executive Office of the President, with primary input from the Secretary of Defense, together with the Secretary of the Interior and such other members of the Cabinet as are deemed necessary by the President, shall prepare a report assessing critical materials needs related to national security and identifying the steps necessary to meet those needs. The report shall include an assessment of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), and the Strategic and Critical Materials Stock Piling Act (50 U.S.C. App. 98 et seq.) Such report shall be made available to the Congress within 1 year after enactment of this Act.

(d) The Executive Office of the President, with primary input from the Secretary of the Interior, shall promptly initiate actions to—

(1) improve the capacity of the Bureau of Mines to assess international minerals supplies;

(2) increase the level of mining and metallurgy research by the Bureau of Mines in critical and strategic minerals;

(3) improve the availability and analysis of mineral data in land use decisionmaking; and

(4) establish an early warning system for mineral supply problems.

A report summarizing actions required by this subsection shall be made available to the Congress within 1 year after the enactment of this Act.

(e) In furtherance of the policies of this Act, the Secretary of the Interior shall collect, evaluate, and analyze information concerning mineral occurrence, production, and use from industry, academia, and Federal and State agencies. Notwithstanding the provisions of section 552 of title 5, United States Code, data and information provided to the Department by persons or firms engaged in any phase of mineral or mineral-material production or large-scale consumption shall not be disclosed outside of the Department of the Interior in a non-aggregated form so as to disclose data and information supplied by a single person or firm, unless there is no objection to the disclosure of such data and information by the donor: *Provided, however,* That the Secretary may disclose nonaggregated data and information to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

THE MINING AND MINERALS POLICY ACT OF 1970

SEC. 6. Nothing in this Act shall be interpreted as changing in any manner or degree the provisions of and requirements of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a). For the purposes of achieving the objectives set forth in section 3 of this Act, the Congress declares that the President shall direct (1) the Secretary of the Interior to act immediately within the Department's statutory authority to attain the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) and (2) the Executive Office of the President to act immediately to promote the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) among the various departments and agencies.

The amendment of the Committee on Commerce, Science, and Transportation is to strike all after the enacting clause and insert the following:

That this Act may be cited as the "National Materials and Minerals Policy Act of 1980".

FINDINGS

SEC. 2. (a) The Congress finds that—

(1) the availability of materials is essential for national security, economic well-being, and industrial security;

(2) the availability of materials is affected by the stability of foreign sources of essential raw and processed industrial materials, instability of materials markets, international competition and demand for materials, the need for energy and materials conservation and the enhancement of environmental quality;

(3) extraction production, processing, use, recycling, and disposal of materials are closely linked with national concerns for energy and the environment;

(4) The United States is strongly interdependent with other nations through international trade in materials and other products;

(5) technological innovation and research and development are important factors which contribute to the availability and use of materials;

(6) the United States lacks a coherent national materials policy and a coordinated program to assure the availability of materials critical for national economic well-being, national defense, and industrial security, including interstate commerce and foreign trade; and

(7) notwithstanding the enactment of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) and the directives and provisions contained therein to the Secretary of the Interior to carry out its provisions, that Act has not been implemented, resulting in the absence of a coherent national minerals policy.

(b) As used in this Act, the term "materials" means substances, including minerals, of current or potential use in the production of goods or services, with the exclusion of food and of energy fuels used as such.

DECLARATION OF POLICY

SEC. 3. The Congress declares that it is the continuing policy of the United States to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production with appropriate attention to a long-term domestic balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs. The Congress further declares that implementation of this policy requires that the President, among other measures, shall—

(1) ensure that the Secretary of Commerce, with the cooperation of other departments and agencies, identify materials needs and assist in the pursuit of measures that would assure the availability of materials critical to commerce and the economy;

(2) establish a mechanism for the coordination of Federal materials programs, including those involving research and development;

(3) establish a long-range assessment capability concerning materials demands, supply and needs, and provide for the policies and programs necessary to meet those needs;

(4) promote a vigorous and comprehensive program of materials research and development consistent with the policies and priorities set forth in the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.);

(5) promote cooperative research and development programs with other nations for the equitable and frugal use of materials and energy;

(6) promote and encourage private enterprise in the development of economically sound and stable domestic materials industries; and

(7) encourage Federal agencies to facilitate availability and development of domestic resources to meet critical materials needs.

IMPLEMENTATION OF POLICY

SEC. 4. For the purpose of implementing the policies set forth in section 3 of this Act, the Congress declares that the President shall—

(1) assure that the Department of Commerce identify, assist, and make recommendations for carrying out appropriate policies and programs to ensure adequate, stable, and economical materials supplies essential to national security, economic well-being, and industrial production;

(2) support basic and applied research and development to provide for, among other objectives—

(A) advanced science and technology for the exploration, discovery, and recovery of nonfuel materials;

(B) enhanced methods or processes for the more efficient production and use of renewable and nonrenewable resources;

(C) improved methods for the extraction, processing, use, recovery, and recycling of materials which encourage the conservation of materials, energy, and the environment; and

(D) improved understanding of current and new materials performance, processing, substitution, and adaptability in engineering designs;

(3) provide for improved collection, analysis, and dissemination of scientific, technical and economic materials information and data from Federal, State, and local governments and other sources as appropriate;

(4) assess the need for technically trained personnel necessary for materials research, development, and industrial practice;

(5) recommend to the Congress appropriate measures to promote industrial innovation in materials and materials technologies;

(6) encourage cooperative materials research and problem-solving by—

(A) private corporations performing the same or related activities in materials industries; and

(B) Federal and State institutions having shared interests or objectives;

(7) assess Federal policies including, but

not limited to, financial assistance and tax policies for recycled and virgin sources of materials and make recommendations for equalizing any existing imbalances, or removing any impediments, which may be created by the application of Federal laws and regulations to the market for materials; and

(8) assess the opportunities for the United States to promote cooperative multilateral and bilateral agreements for materials development in foreign nations for the purpose of increasing the reliability of materials supplies to the Nation.

PROGRAM PLAN AND REPORT TO CONGRESS

SEC. 5. (a) Within 1 year after the date of enactment of this Act, the President shall submit to the Congress—

(1) a program plan to implement such existing or prospective proposals and organizational structures within the executive branch as he finds necessary to carry out the provisions set forth in sections 3 and 4 of this Act. The plan shall include program and budget proposals and organizational structures providing for the following minimum elements:

(A) policy analysis and decision determination within the Executive Office of the President;

(B) continuing long-range analysis of materials use to meet national security, economic, industrial and social needs; the adequacy and stability of supplies; and the industrial and economic implications of supply shortages or disruptions;

(C) continuing private sector consultation in Federal materials programs; and

(D) interagency coordination at the level of the President's Cabinet;

(2) recommendations for the collection, analysis, and dissemination of information concerning long-range materials demand, supply and needs;

(3) recommendations for legislation to establish programs and institutional structures necessary for the implementation of a national materials policy; and

(4) recommendations for any steps necessary to help meet materials needs related to national security based upon, but not limited to, an assessment of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), and the Strategic and Critical Materials Stock Piling Act (50 U.S.C. App. 98 et seq.).

(b) The Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Interior, and such other members of the Cabinet as may be necessary, shall—

(1) within 3 months after the date of enactment of this Act, identify and submit to the Congress a specific materials needs case related to national economic well-being and industrial security which will be the subject of the report required by paragraph (2) of this subsection.

(2) within 1 year after the date of enactment of this Act, submit to the Congress a report which assesses critical materials needs in the case identified in paragraph (1) of this subsection, and which recommends programs that would assist in meeting such needs, including an assessment of economic stockpiles; and

(3) continually thereafter identify and assess additional cases, as necessary, to ensure an adequate and stable supply of materials to meet national economic well-being and industrial security needs.

THE MINING AND MINERALS POLICY ACT OF 1970

SEC. 6. Nothing in this Act shall be interpreted as changing in any manner or degree the provisions and requirements of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a). For the purposes of achieving the objectives set forth in section 3 of this Act, the Congress declares that the President shall direct the Secretary of the Interior to act immediately to attain the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a).

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that an amendment in the nature of a substitute reported by the Committee of Commerce, and perfecting amendments thereto reported from the Energy Committee, be agreed to as original text for the purposes of further amendment.

Mr. BAKER. Mr. President, reserving the right to object—and I shall not object—the purpose of the reservation is to advise the distinguished majority leader that the procedure he has just suggested in the form of a unanimous-consent request is agreeable to this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UP AMENDMENT NO. 1712

(Purpose: To clarify certain provisions)

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a technical amendment on behalf of Mr. CANNON and I ask unanimous consent that a statement in connection therewith be printed in the RECORD, and that the technical amendment be considered and adopted, and that an amendment by Mr. CHURCH be stated by the clerk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) on behalf of Mr. CANNON proposes an unprinted amendment numbered 1712.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 5, insert ", Research and Development" immediately after "Policy".

On page 17, line 13, strike "raw and processed".

On page 18, line 9, strike "security" and substitute "production".

On page 18, line 14, strike "minerals" and substitute "materials and minerals".

On page 18, lines 17 and 18, strike "military, industrial" and substitute "industrial, military".

On page 18, line 20, strike "particularly" and substitute "including".

On page 18, line 22, insert "or which present opportunities in terms of new physical properties, use, recycling, disposal or substitution," immediately after "supply,".

On page 19, line 7, strike "domestic".

On page 19, line 15, strike "ensure the identification of" and substitute "identify".

On page 19, line 81, insert "and evaluation" immediately before "of Federal".

On page 19, line 22, insert "so as to complement related efforts by the private sector as well as other domestic and international agencies and organizations" immediately before the semicolon.

On page 20, line 3, strike "and comprehensive" and substitute ", comprehensive, and coordinated".

On page 20, line 21, insert "and the provisions of section 5" immediately after "section 3".

On page 20, line 22, insert ", through the Executive Office of the President, coordinate the responsible departments and agencies, and shall" immediately after "shall".

On page 20, strike lines 23 through 25 and substitute "(1) direct that the responsible departments and agencies identify, assist, and".

On page 22, strike lines 4 and 5 and substitute "(4) assess the need for and make recommendations concerning the avail-".

On page 22, line 9, strike "particularly with" and substitute "paying particular".

On page 22, lines 10 and 11, strike "minerals" and substitute "high quality materials".

On page 22, between lines 11 and 12, insert the following new paragraph:

"(5) establish early warning systems for materials supply problems;".

On page 22, line 12, strike "(5)" and substitute "(6)".

On page 22, line 15, strike "(6)" and substitute "(7)".

On page 22, line 22, strike "(7)" and substitute "(8)".

On page 22, line 23, strike "impact" and substitute "affect".

On page 22, line 24, strike "use" and substitute "recycling and disposal".

On page 24, line 16, insert "domestic and international" immediately after "concerning".

On page 24, line 18, strike "minerals" and substitute "materials".

On page 25, between lines 2 and 3, insert the following new subsection:

(b) In accordance with the provisions of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), the Director of the Office of Science and Technology Policy shall:

(1) through the Federal Coordinating Council for Science, Engineering, and Technology coordinate Federal materials research and development and related activities in accordance with the policies and objectives established in this Act;

(2) place special emphasis on the long-range assessment of national materials needs related to scientific and technological concerns and the research and development, Federal and private, necessary to meet those needs; and

(3) prepare an assessment of national materials needs related to scientific and technological changes over the next five years. Such assessment shall be revised on an annual basis. Where possible, the Director shall extend the assessment in ten and twenty-five year increments over the whole expected lifetime of such needs and technologies.

On page 25, strike lines 3 and 4 and substitute "(c) The Secretary of Commerce,".

On page 25, line 9, strike "necessary" and substitute "appropriate".

On page 26, strike lines 6 through 8 and substitute "(d) The Secretary of Defense, together with such".

On page 26, line 18, insert "and shall be revised periodically as deemed necessary" immediately before the period.

On page 26, strike lines 19 and 20 and substitute "(e) The Secretary of the Interior".

On page 27, lines 1 and 2, strike "metalurgy" and substitute "metallurgical".

On page 27, line 3, insert "and" immediately after the semicolon.

On page 27, line 5, insert "Federal" immediately before "land".

On page 27, line 6, strike "and".

On page 27, strike lines 7 and 8.

On page 27, line 12, strike "(e)" and substitute "(f)".

● **Mr. CANNON.** Mr. President, the Senate has before it today H.R. 2743, the National Materials and Minerals Policy, Research and Development Act of 1980. The purpose of this bill is to insure an adequate and stable supply of strategic materials and minerals necessary for the U.S. national security, economic well-being and industrial production, The economic security of the United States requires adequate and stable materials supplies. The United States is substantially dependent on imports of several materials which exist only in a small number of developing nations or the Soviet Union. Should there be any supply shortages and disruptions of these essential materials, the Nation would be vulnerable just as we are to crude oil imports.

H.R. 2743 was passed by the House of Representatives in December 1979 and the bill was referred to the Committee on Commerce, Science, and Transportation. The Energy and Natural Resources Committee requested a joint referral of the bill and agreement was reached for that committee to have a sequential referral. The amèndments that I offer today amend the Energy Committee's amendments of the Commerce Committee reported bill. These amendments have been worked out jointly with the Energy Committee.

The Commerce Committee held 4 days of hearings on H.R. 2743. We heard from 39 witnesses, representing input from the House of Representatives, the administration, industry, academic and research institutions, professional, trade and business associations, State and county governments, and the General Accounting Office. The committee also reviewed the 25 studies and reports that have been written on materials policy, beginning with the Paley Commission Report of 1952. All of these reports and our hearing record strongly suggest the need for a national materials policy.

There are numerous approaches the Nation could pursue to reduce the U.S. vulnerability to supply shortages and disruptions of strategic materials and minerals. However, the Nation lacks a coherent and integrated policy and a proper institutional focus for assessing national materials needs and identifying actions which should be taken to enhance national security, economic wellbeing, and industrial security. This legislation is a modest, first step in the development of a national materials policy.

H.R. 2743 requires that the President prepare a program plan that will establish the decisionmaking framework within the Executive to deal with questions relating to materials availability. With numerous Federal departments and agencies having responsibility related to materials. it is extremely critical that someone be in charge in reviewing materials issues from a national perspective.

I am particularly concerned that materials issues involving economic and industrial security matters be adequately addressed. In this regard the Commerce Committee included in H.R. 2743 responsibilities for the Department of Commerce to review critical material needs in industry and commerce. The bill requires that a specific materials needs case study be developed that would assess materials needs and specify procedures to deal with those needs. The case study approach permits definition of a manageable piece of work to be accomplished and reported upon within 1 year. This approach should serve as an important vehicle for establishing the decisionmaking framework necessary to carry out the requirements of the bill. Likewise, there are additional provisions in the bill which draw upon the unique expertise of other departments and agencies including the Department of Defense, the Department of the Interior and the Office of Science and Technology Policy.

Under section 5 of this bill, the President shall submit to the Congress a program plan with budget proposals and organizational structures to implement the bill. The plan must address mechanisms for policy analysis and decision determination within the Executive Office of the President, continuing long-range analysis of materials use, continuing private sector consultation, and interagency coordination with the Executive. The program plan also will include recommendations on the collection, analysis and dissemination of materials-related information and any recommendations or legislation.

I anticipate that the Committee on Commerce, Science, and Transportation will pursue additional materials policy initiatives over the next several years. These issues are extremely complicated. However, it is time to begin with this legislation. I look forward to continued collaboration with the Senate Energy Committee in areas of mutual interest and appreciate their thoughtful and prompt consideration of H.R. 2743. Likewise. I look forward to continued collaboration with the House Science and Technology Committee which originally developed H.R. 2743 and which has led the effort in the House of Representatives relating to materials policy. Passage of H.R. 2743 will not constitute new budget authority for fiscal year 1981.●

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (UP No. 1712) was agreed to.

UP AMENDMENT NO. 1713

The ACTING PRESIDENT pro tempore. The clerk will report the next amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Robert C. Byrd) on behalf of Mr. Church proposes an unprinted amendment numbered 1713.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page , line , insert the following:

Sec. 1. That section 1001(a) of Title X of the Act of November 3, 1978 (Public Law 95–586), is revised to read as follows:

"The Congress hereby authorizes and directs that the rights to the geothermal resources, including minerals present in the geothermal fluid, presently vested in the United States of America in real property designated as Tract 37, located in sections 2 and 11, T. 3 N., R. 2 E., Boise Meridian, Idaho, containing 4.13 acres more or less;

"Tract 38, located in sections 1, 2, 11, and 12, T. 3 N., R. 2 E., Boise, Meridian, Idaho, containing 449.16 acres more or less;

"Unofficial Tract 39 located in section 2, T. 3 N., R. 2 E., Boise Meridian, Idaho, described as follows; from the cor. of secs. 2, 3, 10 and 11, N. 76° 26′ 17″, E, 1705.44 ft., thence N. 60° 08′ E., 593.41 ft., thence N. 25° 28′ W., 911.46 ft. to N. 25° 28′ W., 660.0 ft., thence N. 69° 47′ W., 933.24 ft., thence S. 26° 24′ E., 544.50 ft., thence S. 57° 26′ E., 240.24 ft., thence N. 64° 32′ E., 795.30 ft, and point of beginning, containing 14.644 acres more or less;

"Unofficial tract 40, located in section 11, T. 3 N., R. 2 E., Boise Meridian, Idaho, described as follows; from the cor. of secs. 2, 3, 10, and 11, S. 84° 44′ E., 905.7 ft. to the northwest cor. of tract 40 and point of beginning, thence S. 22° 40′ E., 593.75 ft., thence N. 84° 45′ E., 940.20 ft., thence N. 16° 15′ W., 315.2 ft., thence N. 87° 45′ W., 516.6 ft., thence S. 68° 14′ W., 141.3 ft. and point of beginning, containing 4.95 acres more or less;

"Unofficial tract 44, located in section 2, T. 3 N., R. 2 E., Boise, Meridian, Idaho, described as follows; from the cor. of secs. 2, 3, 10 and 11, N. 76° 26′ 17″ E., 1705.44 ft. to the southwest cor. of tract 44 and point of beginning, thence N. 60° 08′ E., 593.41 ft., thence N. 25° 28′ W., 911.46 ft., thence S. 64° 32′ W., 795.30 ft., thence S. 67° 21′ E., 373.03 ft., thence N. 58° 18′ E., 264.53 ft., thence S. 74° 02′ E., 154.31 ft., thence S. 14° 50′ W., 585.02 ft., thence S. 9° 31′ E., 165.79 ft. and point of beginning, containing 9.94 acres more or less; be transferred by the Secretary of the Interior in fee to the City of Boise upon payment by the City of Boise of the fair market value, as determined by the Secretary, of the rights conveyed."

Sec. 8. Title X of the Act of November 3, 1978, is further amended by adding a new section 1003 to read as follows:

"The Secretary of the Interior, through the Bureau of Land Management, is authorized to utilize geothermal resources found under the parcel known as the Boise District Office Site, described as commencing at the southwest corner of the Old Fort Boise Military Reservation, thence N. 70° 0′ E., 1448.2 ft.; thence N. 4° 32′ E., 627 ft. to the true point of beginning; thence the following courses and distances: S. 87° 8′ W., 696.5 ft.; thence N. 21° 2′ W., 532 ft., thence S. 69° 4′ W., 21.9 ft.; thence N. 22° 40′ W., 86.3 ft.; thence N. 84° 50′ E., 993.6 ft.; thence S. 4° 32′ W., 624.95 ft. to the point of beginning; consisting of 11.53 acres, more or less, contained in section 11, T. 3 N., R. 2 E., Boise Meridian, Idaho."

Mr. BAKER. Mr. President, there is an amendment by the Senator from Idaho (Mr. McClure) and the remarks he has planned to deliver in conjunction with this amendment. He is temporarily and necessarily absent from the floor, but I expect him momentarily, and for the time being I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold?

Mr. BAKER. I would be happy to.

Mr. ROBERT C. BYRD. I wonder, while Mr. McClure is on his way, whether we can temporarily set this matter aside and possibly proceed to the other business before us?

Mr. BAKER. Mr. President, I see that the Senator from Idaho is on the floor at this moment, and if he can have just a moment I will withdraw my request for a quorum call and I believe we are ready to proceed.

Mr. ROBERT C. BYRD. Fine.

Mr. McCLURE. Mr. President, first may I inquire does the Record show that

I am a cosponsor of the Church amendment?

The ACTING PRESIDENT pro tempore. It does not.

Mr. McCLURE. I ask unanimous consent that I may be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Hearing no objection, it is so ordered.

Mr. McCLURE. Mr. President, over 10 years ago I cautioned of an energy crisis, because all the facts were there. At that time, few people were thinking about energy or the economic and political impacts energy resources would have in the future. Today, we all know too well about the energy crisis. Will we, a country as a whole, look together at similar facts regarding minerals? The facts are there. We are heading into a mineral crisis and Government policy is taking us there. It is imperative that more Members of this Congress face these facts and take a leadership role in preventing such a crisis for the good of their constituents, and for the good of the United States.

Today, an opportunity for the Congress to begin its efforts to prevent a mineral crisis, is present. The National Materials and Minerals Policy, Research and Development Act of 1980 is now before the Senate. I have been involved with this bill since it was sent from the House side, and I support the bill as amended by the Senate Commerce, Science, and Transportation Committee and the Senate Energy and Natural Resources Committee. This is a noncontroversial bill and deserves a favorable vote by the Senate. I urge my colleagues to join me in support because there is no doubt that an effective, coordinated policy, intended to encourage mining and mineral development and research, must be implemented.

This will be Congress second attempt at setting a policy priority for minerals. The first attempt was the Mining and Minerals Policy Act of 1970. Since its passage, the directives and provisions contained in it have not been carried out which has greatly contributed to the absence of a coherent national minerals policy. Without a mandate for action, as was the case in the 1970 act, adherence to a policy is dependent on the current administration's interests. The Carter administration was not interested.

In Congress second attempt, the National Materials and Minerals Policy, Research and Development Act of 1980 provides a strong stepping stone for mineral development. In particular, this bill makes the President responsible for identifying and making recommendations for appropriate policies and programs to insure adequate, stable and economical materials supplies essential to national security, economic well-being and industrial production. More important, it requires the President to recommend to Congress specific legislative and administrative initiatives necessary to reconcile policy conflicts. This includes an assessment of Federal policies which affect every stage of the materials cycle, from exploration to final use.

This is a stepping stone. It earmarks legal responsibilities to the President. It generates awareness and it reinforces the need to prevent a mineral crisis. This is an opportunity which is the responsibility of Congress to seize.

THE NATIONAL MATERIALS POLICY ACT AND THE ABSENCE OF A NONFUEL MINERALS POLICY

Mr. HATFIELD. Mr. President, I join my colleagues in enthusiastic support of the National Materials and Minerals Policy, Research and Development Act of 1980. Senator McCLURE, long an advocate of a strong energy and minerals posture for this country, has discussed the timeliness and need for this policy platform to coordinate materials policies.

Senator DOMENICI, whose concern for an aggressive materials policy echoes the importance of this bill's detailed policy guidance, has addressed the policy and coordinating functions of this bill and a critique of the Carter administration's timid energy and minerals leadership.

Mr. President, my comments today revolve around a recurring theme that, despite protestations to the contrary, this administration has no nonfuel minerals policy.

The Mining and Mineral Policy Act of 1970 (MMPA) assigned to the Secretary of the Interior the responsibility to provide and encourage the domestic mining and minerals industry. Adopted at a time of growing mineral import dependence and just 1 year following the passage of the National Environmental Policy Act of 1969, the act clearly envisioned an examination by the Secretary not only of decisions made within the Department of the Interior regarding minerals but within the executive branch. Conceived as the minerals answer to the environmental "major Federal action" language of NEPA, the Department of the Interior was to act as a clearinghouse and an adviser for the disparate actions taken by the executive branch impacting the mining and minerals industry.

The Assistant Secretary for Energy and Minerals carries the responsibility for the enforcement of the MMPA. Expertise within that position gives it the unique ability to perform that task. Yet both the Secretary of the Interior and the Assistant Secretary in the present Carter administration have contended that the act carried no authority to effectuate its goal to promote and encourage the industry. Thus, while driving NEPA to the limits of interpretation, while urging the Solicitor to untenable assertions of secretarial power and prerogative, while participating in the development—out of the preamble phrase "protect and enhance"—of an entire court ordered and administratively argued concept of prevention of significant deterioration, the Secretary and Assistant Secretary have declared the Mining and Mineral Policy Act to have little force or effect.

With regard to energy decisions, the AS/EM has encouraged minerals experts to inform Congress that withdrawals pose no cause for concern. During debate on Alaska, for example, the Department found itself in the awkward position of attempting to repudiate a minerals study it had commissioned. The Assistant Secretary has, as well, advocated an early abandonment of drilling in the National Petroleum Reserve in Alaska.

The Assistant Secretary's poor record regarding energy minerals is second only to the dismal record concerning critical minerals. The current administration, urged in mid-1977 by 25 Members of Congress to initiate a nonfuel minerals policy review, has, after nearly 3 years and expenditures of $3.3 million and thousands of man-hours, abandoned the project. Envisioned as a comprehensive study of strategic and critical mineral issues resulting in a Presidential decision document, the effort has been nearly forgotten by the Department's heirarchy. It was the Assistant Secretary who led preparation of that review. The absence of such a policy was clear during debate of the Central Idaho Wilderness Act. The Assistant Secretary, when asked of the importance of the rich cobalt deposit within the then proposed wilderness area and its use for defense purposes indicated that that was a matter within the purview of the Department of Defense.

The administration, despite much talk, has no nonfuel minerals policy.

Mr. President, the National Materials Policy Act is a beginning to end the neglect spawned by 4 years of antipathy toward responsible minerals and materials policies.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (UP No. 1713) was agreed to.

Mr. SCHMITT. Mr. President, the current and ongoing strategic minerals and materials crisis is of a stark reality that is, unfortunately, little recognized.

Today the Senate considers H.R. 2743, the National Materials and Minerals Policy Research and Development Act of 1980.

This bill has been the subject of hearings in which I participated in the Commerce Committee.

Mr. ROBERT C. BYRD. Mr. President, will the Senator allow us to complete action on this matter?

Mr. SCHMITT. If the Senator will allow me to complete my very brief remarks, I will complete action.

Mr. ROBERT C. BYRD. I beg the Senator's pardon, I thought they were not germane.

Mr. SCHMITT. They are germane, and I ask unanimous consent that my remarks not be interrupted by this exchange.

Mr. ROBERT C. BYRD. Mr. President, let me apologize to the Senator for interrupting him. I wholly misunderstood the tenor of his statement.

Mr. SCHMITT. Mr. President, the Commerce Committee did hold hearings on this measure. They were excellent and very fruitful in our deliberations. This bill is the result of extended hearings in both the Senate and the House and represents a significant congressional initiative directed at the establishment of a coordinated U.S. materials and minerals policy. The need for this initiative is well documented.

In 1960 we imported 52 percent of our

nonferrous metal needs. According to the Department of the Interior, imports rose to 64 percent by 1978. We are now more dependent on foreign countries for our nonferrous minerals than we are for oil and natural gas. Yet current policies continue to lead us down the path of impending disaster. We obviously have not yet learned the lessons from the past and from the very recent past.

The Soviet Union is a large continental nation with vast national natural and human resources and great ambition.

Although the United States has vast untapped natural resources, by history, economics and policy we could not now, nor could we quickly, become self-sufficient in many essential mineral resources should our import supplies be denied us.

The source of the United States and the free world supplies of most strategic mineral imports lie in politically unstable regions of the world.

Recent U.S. foreign policy has created a chain of events which if they proceed unchecked will result in direct or indirect Soviet control of most of these sources of foreign supply.

Finally, recent U.S. defense policy has made it unlikely that the shipping lanes of the free world can be protected from extensive and prolonged interdictions by Soviet or their allied forces.

Recent U.S. mineral exploration, research and development and strategic stockpile policies do not recognize either of the last two facts or are cognizant of the first three facts.

Since World War II, the Soviet Union has emphasized mineral self-sufficiency. The United States has taken no steps toward improving its position in self-sufficiency and seems to disregard this as a matter of national priority relative to other circumstances. In fact, the U.S. tax and regulatory policies have been directly counter to domestic mineral exploration and production.

In addition, the Soviet Union restricts consumption of minerals if necessary to avoid import deficiencies. The United States as a consumer economy places no limitations on consumption outside the marketplace. Limited research and development of alternative materials, encouragement of increased recycling, and other conservation policies of the United States have been only marginally effective to date.

Further, the Soviet Union is a major exporter of minerals and uses mineral exports to obtain foreign currency and influence, not the least of which are exports to the United States. The U.S. imports of minerals are steadily increasing. The net effect of this has been to add to the pressures weakening the U.S. dollar and vulnerability to U.S. foreign policy as is now obvious in the Middle East and southern Africa.

Soviet policy in Africa strongly serves Soviet commercial interests since turmoil in Africa will strengthen the prices of Soviet exports and their leverage on U.S. foreign and domestic policies. U.S. policy in Africa is dictated entirely by short-term political considerations and not on an integrated view of all U.S. and free-world interests.

While the Soviet Union expresses sentiments of interest in the Third World, it has, in fact, not materially assisted developing countries in expansion of their mineral industries. The United States has made capital available on favorable terms and has extended trade concessions which have served to undercut U.S. exploration and production in the absence of an integrated strategic materials policy.

Exploration of Soviet mineral deposits is in no way inhibited by environmental considerations. In the United States, the proliferation of environmental and safety regulations without balancing tax incentives puts a heavy burden on capital and operating costs on our mineral industries. In some instances, these regulations are forcing marginal producers to suspend operation.

Although we now feel very strongly that a balance is possible between environmental considerations and production considerations using modern technology, this balance does not seem to be sought in current administrative and legislative initiatives.

Our major strategic materials differences are frightening. The administration is unable to associate the implications of these deficiencies with its so-called foreign, defense and domestic policies. It is not unlike other administrations in this regard. Those policies have destroyed containment of Soviet ambitions, have eliminated our ability to protect the sealanes, and have destroyed the incentive to produce domestic alternatives. These things have placed this great Nation on the verge of disaster.

There is not much time left to begin to do things right for a change. The development and implementation of a national materials and mineral policy is critical to national security and economic stability and growth.

H.R. 2743 represents a positive step in the process of developing and implementing this policy. I strongly urge my colleagues to support passage of this urgently needed legislation.

● Mr. DOMENICI. Mr. President, today the Senate passes a bill which will serve as the foundation for decades to come for a strategically sound and economically viable national materials and minerals policy.

The National Materials and Minerals Policy, Research and Development Act of 1980 declares that the continuing policy of the United States is to promote an adequate and stable supply of minerals and materials necessary to maintain national security, economic well-being and industrial production.

In the bill the Congress finds that:

The availability of materials is affected by the stability of foreign sources of essential industrial materials, instability of materials markets, international competition and demand for materials, the need for energy and materials conservation, and the enhancement of environmental quality;

Extraction, production, processing, use, recycling, and disposal of materials are closely linked with national concerns for energy and the environment;

The United States is strongly interdependent with other nations through international trade in materials and other products;

Technological innovation and research and development are important factors which contribute to the availability and use of materials;

The United States lacks a coherent national materials policy and a coordinated program to assure the availability of materials critical for national economic well-being, national defense and industrial production, including interstate commerce and foreign trade; and

Even though the Mining and Minerals Policy Act of 1970 has been on the books for a decade, the United States does not have a coherent national materials and minerals policy.

As used in the bill, the word "materials" means substances needed to supply the military, industrial, and essential civilian requirements in the United States. "Materials" would then include all minerals such as potash, copper, nickel, sand and gravel, and other substances such as cement, rubber, ceramics, timber, and plastics. Energy fuels and food are excluded from the bill's application since they are addressed by other policy statutes.

The mechanics of the National Materials Policy Act involves a visible and coordinating function by the Executive Office of the President in promoting an aggressive set of materials policies. The Executive Office of the President, perhaps through the Office of Science and Technology Policy, will perform the role of referee and ultimate decisionmaker for the numerous departments and Federal agencies involved in overseeing and regulating the materials sector of the economy.

Specific policies of the bill deal with coordinating Federal research and development programs with industry and academia, promoting cooperative R. & D. programs with other nations, encouraging our Nation's materials industries by facilitating the availability and development of domestic resources supporting basic and applied research for the exploration and recovery of nonfuel materials, improving methods for extracting and recycling materials, improving the collection and analysis of scientific and economic materials information, assessing the availability and adequacy of supply of technical personnel necessary for materials R. & D. extraction, harvest and industrial practice—with particular attention to the problem of attracting and maintaining high quality minerals professionals in the Federal service—recommending to the Congress measures to promote industrial innovation in materials technologies, and assessing Federal policies which adversely affect all stages of the materials cycle, from exploration to disposal—including transportation and tax policies.

The need for such a policy statute is obvious. The minerals philosophy of the Department these last 4 years has been nothing short of disastrous. The absence of an administration advocate to promote and facilitate the orderly development of domestic mineral resources has generated a precipitous decline in the morale and professionalism of the Nation's premiere repositories of minerals scientific and technical expertise, the U.S. Bureau of Mines and the U.S. Geological Survey.

The previous honed advocacy in the Department asserting the need for developing domestic minerals resources and maintaining this country's superiority in mining and processing technologies has clearly deteriorated. In its place is an apparent timidity in discussing the energy and mineral wealth of the United States, a new departmental constituency positioned against prudent development of domestic resources, and a cadre of minerals professionals in the Federal sector disillusioned with their scuttled policy role.

Most disturbingly, the atrophy visible within the minerals function has developed precisely at the time the United States finds itself confronting an impending minerals crisis—a crisis potentially more destructive to this country's national security than our excessive dependence upon foreign oil imports. America is now 50 percent or more dependent upon foreign sources for 24 of the 32 strategic and critical minerals essential to our national survival.

The vulnerability the Nation faces because of this growing dependence upon imported minerals deserves far more serious attention than has been paid these past 4 years—time marked by diminished, rather than renewed, appreciation of the vital role of strong minerals leadership.

Mr. President, the National Materials and Minerals Policy, Research and Development Act establishes a new policy platform upon which a responsible executive branch can implement specific programs to move minerals and materials policy and R. & D. out of the bronze age and into the 21st century.●

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

An Act to provide for a national policy for materials and to strengthen the materials research, development, production capability, and performance of the United States, and for other purposes.

TAX REFUNDS IN CASE OF CERTAIN USES OF TREAD RUBBER

The Senate proceeded to consider the bill (H.R. 3317) for the relief of Ohio Wesleyan University, Delaware, Ohio, which had been reported from the Committee on Finance with an amendment to strike all after the enacting clause and insert the following:

Section. 1. Excise Tax Refunds in Case of Certain Uses of Tread Rubber.

(a) Refunds for Certain Uses.—Subparagraph (G) of section 6416(b) (2) of the Internal Revenue Code of 1954 (relating to special cases in which tax payments considered overpayments) is amended to read as follows:

"(G) in the case of tread rubber in respect of which tax was paid under section 4071 (a) (4)—

"(i) used or sold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072(c)),

"(ii) destroyed, scrapped, wasted, or rendered useless in the recapping or retreading process,

"(iii) used in the recapping or retreading of a tire the sale of which is later adjusted pursuant to a warranty or guarantee, in which case the overpayment shall be in proportion to the adjustment in the sales price of such tire, or

"(iv) used in the recapping or retreading of a tire, if such tire is by any person exported, used or sold for use as supplies for vessels or aircraft, sold to a State or local government for the exclusive use of a State or local government, or sold to a nonprofit educational organization for its exclusive use,

unless credit or refund of such tax is allowable under paragraph (3);".

(b) Use in Further Manufacture, Etc.—

(1) In general.—Paragraph (3) of section 6416(b) of such Code (relating to tax-paid articles used for further manufacture, etc.) is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) in the case of tread rubber in respect of which tax was paid under section 4071(a) (4) used in the recapping or retreading of a tire, such tire is sold by the subsequent manufacturer or producer on or in connection with, or with the sale of, any other article manufactured or produced by him and such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft, unless credit or refund of such tax is allowable under subparagraph (C);".

(2) Technical amendments.—

(A) Subparagraph (E) of section 6416(b) (2) of such Code is amended by inserting after "paragraph (3)" the following: "(or in the case of the tread rubber on a recapped or retreaded tire, resold for use as provided in subparagraph (D) of paragraph (3)),".

(B) Subparagraph (C) of section 6416 (a) (1) of such Code is amended by striking out "(b) (3) (C)" and inserting in lieu thereof "(b) (3) (C) or (D)".

(C) Subparagraph (A) of section 6416 (b) (3) of such Code is amended by inserting "(D)," after "(C),".

(D) Subparagraph (A) of section 6416(b) (4) of such Code is amended by striking out "section 4071" and inserting in lieu thereof "section 4071, or a recapped or retreaded tire in respect of which tax under section 4071(a) (4) was paid on the tread rubber used in the recapping or retreading,".

(c) Statute of Limitations.—Section 6511 of such Code (relating to limitations on credit or refund) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Special Rule for Certain Tread Rubber Tax Credits or Refunds.—The period for allowing a credit or making a refund of any overpayment of tax arising by reason of subparagraph (G) (iii) of section 6416(b) (2) with respect to any adjustment of sales price of a tire pursuant to a warranty or guarantee shall not expire if claim therefor is filed before the date which is 1 year after the day on which such adjustment is made.".

(d) Imported Recapped or Retreaded United States Tires.—Section 4071 of such Code (relating to excise tax on tires and tubes) is amended by adding at the end thereof the following new subsection:

"(f) Imported Recapped or Retreaded United States Tires.—

"(1) In General.—For purposes of subsection (a) (4), in the case of a tire which has been exported from the United States, recapped or retreaded (other than from bead to bead) outside the United States, and imported into the United States—

"(A) the person importing such tire shall be treated as importing the tread rubber used in such recapping or retreading (determined as of the completion of the recapping or retreading), and

"(B) the sale of such tire by the importer thereof shall be treated as the sale of such tread rubber.

"(2) Exception for certain taxable sales.—Paragraph (1) shall not apply with respect to the sale of any tire if such tire is sold on or in connection with the sale of an article on which tax is imposed under section 4061.".

(e) Effective Date.—The amendments made by this section shall take effect on the first day of the first calendar month which begins more than 10 days after the date of the enactment of this Act.

Sec. 2. Nonrecognition of Gain of Sale of Principal Residence.

(a) In general.—In the case of an individual—

(1) who sold his principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1954) in 1977,

(2) who purchased property on which to construct a new principal residence (within the meaning of such section)—

(A) the construction of which commenced during such year, and

(B) the construction of which was terminated before completion.

(3) who brought an action, and obtained a judgment, against the builder who commenced construction of the new residence but failed to complete it,

(4) who suspended construction of such residence so that the partially constructed residence could be used as evidence in connection with the prosecution of the builder (without regard to whether it was so used), and

(5) who failed to meet the requirements of such section with respect to occupancy of the new principal residence because of such suspension of construction,

the Secretary of the Treasury, in the administration of section 1034(c) of the Internal Revenue Code of 1954 (relating to rules for application of section 1034), shall apply paragraph (5) of such section as if "5 years" were substituted for "2 years" where it appears in the last sentence of such paragraph.

(b) Effective Date.—The provisions of the first section of this Act shall apply with respect to taxable years beginning after December 31, 1976, and before January 1, 1983.

Sec. 3. Disclosure of Tax Returns to State Audit Agencies.

(a) General Rule.—Subsection (d) of section 6103 of the Internal Revenue Code of 1954 (relating to disclosure of return information to State tax officials) is amended to read as follows:

"(d) Disclosure to State Tax Officials.—

"(1) In general.—Returns and return information with respect to taxes imposed by chapters 1, 2, 6, 11, 12, 21, 23, 24, 31, 32, 44, 51, and 52 and subchapter D of chapter 36 shall be open to inspection by, or disclosure to, any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with responsibility for the administration of State tax laws for the purpose of, and only to the extent necessary in, the administration of such laws, including any procedures with respect to locating any person who may be entitled to a refund. Such inspection shall be permitted, or such disclosure made, only upon written request by the head of such agency, body, or commission, and only to the representatives of such agency, body, or commission designated in such written request as the individuals who are to inspect or to receive the returns or return information on behalf of such agency, body, or commission. Such representatives shall not include any individual who is the chief executive officer of such State or who is neither an employee or legal representative of such agency, body, or commission nor a person described in subsection (n). However, such return information shall not be disclosed to the extent that the Secretary determines that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation.

"(2) Disclosure to State Audit Agencies.—

"(A) In general.—Any returns or return information obtained under paragraph (1) by any State agency, body, or commission may be open to inspection by, or disclosure to, officers and employees of the State audit agency for the purpose of, and only to the extent necessary in, making an audit of the State agency, body, or commission referred to in paragraph (1).

"(B) State audit agency.—For purposes of subparagraph (A), the term 'State audit agency' means any State agency, body, or commission which is charged under the laws of the State with the responsibility of auditing State revenues and programs.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

● Mr. DOLE. Mr. President, H.R. 3317 contains several minor tax amendments that were added by the Senate Finance Committee. One of these amendments of particular interest to the Senator from Kansas is the one which deals with refunds of the Federal tread rubber excise tax.

Under present law, tread rubber used for recapping or retreading tires is subject to a 5-cent-per-pound Federal excise tax. There is, however, no credit or refund of this tax if the rubber is wasted in the recapping process, if the rubber is used in a recapped tire adjusted under warranty, or if the tire is sold as part of a tax-exempt sale. This situation has generally been perceived as unfair, but, unfortunately, repeated legislative efforts to address this issue have faltered.

Another unfair aspect of current law is the more favorable tax treatment accorded imported retreaded tires. Under present law, a used tire will not be subject to the tread rubber tax if it was shipped outside the United States, retreaded and shipped back. This has merely encouraged the exporting of retreading work outside the United States.

The amendment contained in H.R. 3317 addresses both of these problems. First, the amendment provides for a refund of the tax on rubber when it is wasted, is ultimately utilized on a warranty adjustment tire or in a tire sold as a tax-exempt sale. This generally makes the tread rubber excise tax more nearly equivalent to the new tire excise tax. The amendment also would impose the Federal tread excise tax on tires that are shipped abroad for retreading and later imported into the United States. I believe that these noncontroversial, but beneficial, changes should be enacted.●

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

UP AMENDMENT NO. 1714

Mr. CRANSTON. Mr. President, I send an amendment to the desk that has been cleared on both sides and ask for its immediate consideration. It is cosponsored by Senators TALMADGE, MOYNIHAN, and HAYAKAWA.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for himself, Mr. TALMADGE, Mr. MOYNIHAN, and Mr. HAYAKAWA, proposes an unprinted amendment numbered 1714.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following new section:

SEC. . PRESERVING EXISTING TAX STATUS OF WINE AND FLAVORS USED IN THE PRODUCTION OF DISTILLED SPIRITS.

(a) Allowance of Credit.—Subpart A of part I of subchapter A of chapter 51 of the Internal Revenue Code of 1954 (relating to distilled spirits) is amended by adding at the end thereof the following new section:

"SEC. 5010. CREDIT FOR WINE CONTENT AND FOR FLAVORS CONTENT.

"(a) Allowance of Credit.—

"(1) Wine content.—On each proof gallon of the wine content of distilled spirits, there shall be allowed a credit against the tax imposed by section 5001 (or 7652) equal to the excess of—

"(A) $10.50, over

"(B) the rate of tax which would be imposed on the wine under section 5041(b) but for its removal to bonded premises.

"(2) Flavors content.—On each proof gallon of the flavors content of distilled spirits, there shall be allowed a credit against the tax imposed by section 5001 (or 7652) equal to $10.50.

"(3) Fractional part of proof gallon.—In the case of any fractional part of a proof gallon of the wine content, or of the flavors content, of distilled spirits, a proportionate credit shall be allowed.

"(b) Time for Determining and Allowing Credit.

"(1) In general. The credit allowable by subsection (a)—

"(A) shall be determined at the same time the tax is determined under section 5006 (or 7652) on the distilled spirits containing the wine or flavors, and

"(B) shall be allowable at the time the tax imposed by section 5001 (or 7652) on such distilled spirits is payable as if the credit allowable by this section constituted a reduction in the rate of tax.

"(2) Determination of content in the case of imports.—For purposes of this section, the wine content, and the flavors content, of imported distilled spirits shall be established by such chemical analysis, certification, or other methods as may be set forth in regulations prescribed by the Secretary.

"(c) Definitions.—For purposes of this section—

"(1) Wine content.—

"(A) In general.—The term 'wine content' means alcohol derived from wine.

"(B) Wine.—The term 'wine'—

"(i) means wine on which tax would be imposed by paragraph (1), (2), or (3) of section 5041(b) but for its removal to bonded premises, and

"(ii) does not include any substance which has been subject to distillation at a distilled spirits plant after receipt in bond.

"(2) Flavors content.—

"(A) In general.—Except as provided in subparagraph (B), the term 'flavors content' means alcohol derived from flavors of a type for which drawback is allowable under section 5134.

"(B) Exceptions.—The term 'flavors content' does not include—

"(i) alcohol derived from flavors made at a distilled spirits plant, and

"(ii) in the case of any distilled spirits product, alcohol derived from flavors to the extent such alcohol exceeds (on a proof gallon basis) 2½ percent of the finished product."

(b) Clerical Amendment.—The table of sections for such subpart A of part I of subchapter A of chapter 51 of such Code is amended by adding at the end thereof the following new item:

"Sec. 5010. Credit for wine content and for flavors content."

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1980.

(d) Transfers of Alcohol.—Section 5212 of the Internal Revenue Code of 1954 (relating to the transfer of spirits in bond) is amended by adding at the end thereof the following new sentence:

"The provisions of this section restricting transfers to bulk distilled spirits shall not apply to alcohol bottled under the provisions of section 5235 which is to be withdrawn for industrial purposes."

Mr. CRANSTON. Mr. President, very briefly by way of explanation, this amendment would restore to wine its previous excise tax treatment when it is used as an ingredient in blending distilled spirits and making cordials and brandies.

The primary purpose is to preserve a significant market for wines used as blending components. The problem which the provision addresses results from enactment of the Trade Agreement Act of 1979.

The amendment does not alter the nondiscriminatory tariff situation enacted by the trade agreement bill. Foreign and domestic wine are treated equally under the amendment, and foreign and domestic distilled spirits also share tax equality.

The Treasury considers the amendment to be noncontroversial because the provision has passed both the House and the Senate this year but on different bills.

Time is vital because November is a major wine-selling month. Orders for cordial producers have dropped sharply due to the loss of favorable tax formerly enjoyed by blending wines as compared to the tax on distilled alcohol, which is 65 cents per wine gallon versus $10.50 per proof gallon of distilled alcohol.

Those are the reasons for this noncontroversial amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from California (Mr. CRANSTON).

The amendment (UP No. 1714) was agreed to.

UP AMENDMENT NO. 1715

(Purpose: To permit SSI payments to residents of certain publicly owned institutions which are not operated at public expense)

Mr. CHURCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho (Mr. CHURCH) proposes an unprinted amendment numbered 1715.

Mr. CHURCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

SEC. 4. (a) Section 1611(e)(1)(C) of the Social Security Act is amended—

(1) by inserting "(i)" after "'public institution'" and by inserting before the period at the end thereof "and (ii) does not include an institution in existence on the effective date of this clause if both on and after such effective date such institution does not derive its operational funds in whole, or substantial part, from public sources"; and

(2) by adding at the end thereof the following sentence: "Payments made to an institution by residents thereof shall be considered to be from public sources to the extent that such payments represent income of such residents from public sources other than income in the form of a compensation for employment (including a pension based on prior employment), or in the form of payments from Federal funds, or in the form of State supplementary payments made pursuant to this title which are made at a level not in excess of the levels of State supplementary payments which would be available to such residents if they were living in their own home.".

(b) The amendments made by this section shall be effective with respect to supplemental security income benefits payable under title XVI of the Social Security Act for months beginning after the date of enactment of this Act.

(c) Subject to subsection (b), clause (ii) of section 1611(e)(1)(C) of the Social Security Act shall be effective on the earlier of the date of enactment of this Act or November 1, 1980.

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senator from Idaho may be added as a cosponsor of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, my unprinted amendment to H.R. 3317 which clarifies the definition of "public institution" under the supplemental security income (SSI) program by qualifying that a facility must be receiving a substantial portion of its operating funds from public sources to be classified as a "public institution."

For over 4 years, the lives of residents of a group care facility in Boundary County, Idaho, have been significantly disturbed by a declaration from the Social Security Administration that they were "inmates of a public institution" and therefore no longer eligible for SSI. In 1976 these people moved into the Restorium, a nonmedical group care home which had just been constructed by the county. The county intended the home to be a decent and high standard alternative residence for those elderly who could no longer afford or maintain the upkeep of their own homes.

The residents challenged the Social Security Administration's decision in the courts on the grounds they were not inmates of a public institution. The matter has yet to be resolved. In the meantime, similar cases in other U.S. district courts have challenged the ambiguity of the law on this point.

Mr. President, the original intent behind the SSI program was to provide a Federal guaranteed minimum income to the most needy blind, disabled, and elderly persons. The intent behind prohibiting SSI to persons in public institutions was that such residents were receiving some subsidy from a local or State government and therefore not as needy as persons without such support. In addition, the Finance Committee staff report on SSI states that the "original intent of the bar against payment to persons in public institutions is generally believed to have represented a judgment that a federally funded cash income support program should serve the purpose of enabling aged and disabled persons to live as independently as possible."

I still believe that these intents are sound and equitable. However, there are some residences which have fallen between the crack which divides a public home from a private one. The Restorium is such a residence. This facility receives no operational funds from the county which paid for its construction. The funds for operating the facility come chiefly from the residents and their families.

The Finance Committee staff report points out that the distinction of what constitutes a public institution "is not nearly as clearcut as it once was. Moreover, in some cases it appears that the absence of any specific Federal statutory criteria on what constitutes a public institution had led to situations in which similar operations may be found to be public institutions in one State and nonpublic in another."

Mr. President, my amendment is intended to clarify what is a public institution by defining it as "an institution which derives its operational funds in whole, or substantial part, from public sources." This distinction will diminish the ambiguity which has troubled the Restorium residents and the courts. In reviewing the legislative history of SSI, I found that the meaning of public institution is never discussed in any of the committee reports. The history is as vague as the law.

Today's public institutions are not all the poorhouses and old folk homes of the 1930's. More and more innovative types of homes for the elderly are being developed in an effort to prevent them from being prematurely institutionalized. The Restorium is a fine example of this high quality of home.

Mr. President, equity is on the side of the residents of such homes. If facilities receive little operational support from a city, county or State, the residents should be eligible for SSI. I urge my colleagues to support this measure.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Idaho (Mr. CHURCH).

The amendment (UP No. 1715) was agreed to.

Mr. McCLURE. Mr. President, this amendment, if agreed to by the other body, will put an end to a long struggle that has gone on for far too many years. It is only too bad that we have been unable to get this amendment accepted at an earlier date, because there has been a substantial injustice done to a community and to a number of people in that community who are residents of a fine residential center for retired people.

This amendment will make it possible for them to receive their SSI payments as other people in other circumstances do. I think there is substantial merit in the case. This is a matter that has been hard fought and bitterly fought for years. These people just happened to have been the innocent victims of a construction of the statute that was designed to correct a different abuse and they became the innocent victims of that correction.

This amendment will, at long last, lay that matter to rest, but it cannot retrieve the time nor the heartache that has already gone before—the time, several years; the heartache for many people and their families as a result of what I believe is the blindness, the inability, at times, for the bureaucracy to adjust to a situation that is obviously fair and equitable.

UP AMENDMENT NO. 1716

(Purpose: To clarify the treatment of certain expenses included in the income of the recipient)

Mr. BAKER. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from Missouri, Mr. DANFORTH, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) for Mr. DANFORTH proposes an unprinted amendment numbered 1716.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . TREATMENT OF CERTAIN EXPENSES INCLUDIBLE IN THE INCOME OF THE RECIPIENT.

(a) IN GENERAL.—Subsection (e) of section 274 (relating to specific exceptions to application of disallowance of certain entertainment, etc., expenses) is amended by inserting after paragraph (9) the following new paragraph:

"(10) EXPENSES INCLUDIBLE IN INCOME OF PERSONS WHO ARE NOT EMPLOYEES.—Expenses paid or incurred by the taxpayer for goods, services, and facilities to the extent that the expenses are includible in the gross income of a recipient of the entertainment, amusement, or recreation who is not an employee of the taxpayer as compensation for services rendered or as a prize or award under section 74. The preceding sentence shall not apply to any amount paid or incurred by the taxpayer if such amount is required to be included (or would be so required except that the amount is less than $600) in any information return filed by such taxpayer under part III of subchapter A of chapter 61 and is not so included."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any expenses paid or incurred after December 31, 1980, in taxable years ending after such date.

● Mr. DANFORTH. Mr. President, this amendment clarifies the treatment of certain entertainment expenses which are includible in the income of persons who are not employees. This provision passed the House on September 9, 1980, as section 109 of H.R. 7956 by a vote of 375 to 6. It has been ordered reported by the Senate Finance Committee, and it is not opposed by the Treasury Department.

In general, this amendment provides that the rules relating to the disallowance of certain expenses for entertainment, amusement, or recreation which were enacted as part of the Revenue Act of 1978 will not apply in those situations where the recipient must include these expenses in gross income as compensation for services rendered or as a prize or award under section 74. The amendment is narrowly drawn and simply extends the treatment now accorded employees to recipients who are not employees.●

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri (Mr. DANFORTH) offered by the Senator from Tennessee (Mr. BAKER).

The amendment (UP No. 1716) was agreed to.

● Mr. HAYAKAWA. Mr. President, I am pleased that the Senate has acted on this amendment, which is of great concern to me, and a great number of wineries.

The wine industry has traditionally sold a great deal of wine to distillers and rectifiers to be used in the production of cordials, liqueurs, and brandies. The rectifier was then taxed on the basis of the component parts of the finished product, rather than on the whole finished product. That means that the wine used in this product was taxed at 17 to 67 cents per gallon, depending on the alcoholic content of the wine, while the distilled spirits was taxed at $10.50 per profit gallon.

An inadvertent error in the trade bill requires that distilled spirits be taxed solely on the proof of the finished product, without regard to the historical tax status of the wine content. Because of this provision, distillers and rectifiers will find the cost of using wine in the production of spirits is prohibitive. As a result, many wineries have reported a markedly reduced demand for their wine, and other, poorer quality ingredients are being used to produce distilled spirits.

This amendment will have the effect of restoring the historical tax status of wine used in distilled spirits; it will return lost business to the wineries; and it will insure a quality product, which may be produced economically.

Mr. President, this mistake, which has so drastically effected the wine industry, has taken a long time, and a lot of hard work, to rectify. I am extremely pleased, therefore, that my colleagues have acted favorably on this important legislation.●

The ACTING PRESIDENT pro tempore. If there be no further amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3317) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read: "An act to amend the Internal Revenue Code of 1954 with respect to excise tax refunds in the case of certain uses of tread rubber, and for other purposes."

MILITARY LEAVE FOR FEDERAL EMPLOYEES

A bill (H.R. 6065) to amend title 5, United States Code, to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis, to allow certain unused leave to accumulate for subsequent use, and for other purposes.

The Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, H.R. 6065 which amends title 5, United States Code, to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis, was passed by the House of Representatives on June 30, 1980.

The purpose of H.R. 6065 is simply to provide that military leave be made available to Federal employees on a fiscal year rather than a calendar year basis. The bill will also permit a Federal employee to carry over any unused portion of his military leave from one year to the next. H.R. 6065 will also permit part-time employees a prorated share of the regular military leave benefit for which full-time employees are eligible. Enactment of this measure will correct the current inequity which exists due to the difference between Department of Defense practices and civil service law regarding military leave. At the current time DOD schedules its training cycles for National Guard and Reserves on a "fiscal year" (October 1 to September 30) basis. However, military leave, authorized by 5 U.S.C. 6213 for Federal employees to meet such training requirements, is granted on a calendar year basis (January 1 to December 31).

This inconsistency between the law and the Department of Defense policy results in an apparent inequity to many Federal employees who also serve in the Reserves or National Guard. As a result, Federal employees are penalized if two of their 2-week training sessions fall within the same calendar year, while at the same time occurring in two different fiscal years. When this happens, such employees have no choice but to supplement their 15 days annual military leave with either regular annual leave or leave without pay.

According to the Congressional Budget Office, enactment of H.R. 6065 is expected to have no significant budgetary effect.

Mr. President, I ask my colleagues to give favorable consideration to this bill.

Mr. STEVENS. Mr. President, I wish to join the distinguished chairman of the Subcommittee on Civil Service and General Services, DAVID PRYOR in support of H.R. 6065. This legislation provides that military leave be made available to Federal employees on a fiscal year rather than a calendar year basis. If an employee has to attend two training sessions in one year he or she is forced to supplement their military leave with their regular leave or even unpaid leave. H.R. 6065 provides more flexibility and the same amount of leave time with no additional cost. This bill also grants permanent part-time employees a necessary and proportional share of military leave.

H.R. 6065 is but a small effort to encourage the "citizen soldiers" of the National Guard and Reserve who deserve not only our respect but our support.

The ACTING PRESIDENT pro tempore. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6065) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CIVIL SERVICE ANNUITY PAYMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 986.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAKER. Mr. President, there is no objection on this side to the request of the majority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 2583) to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of employment as a justice or judge of the United States, and for other purposes, which had been reported from the Committee on Governmental Affairs with an amendment on page 3, line 18, strike "1979" and insert "1980".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

UP AMENDMENT NO. 1717

(Purpose: To amend title 28, United States Code, to provide that survivors' annuities for all surviving spouses of Supreme Court Justices shall be paid from the Judicial Survivors' Annuities Fund)

Mr. PRYOR. Mr. President, I send an amendment to the desk on behalf of the Senator from Alabama, Senator HEFLIN.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR), on behalf of Mr. HEFLIN, proposes an unprinted amendment numbered 1717.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The amendment is as follows:

On page 3, between lines 14 and 15, insert the following:

SEC. 3. (a) As of the first pay period beginning after the effective date of this Act, a surviving spouse, other than a surviving spouse who has remarried, of any Justice of the United States (as defined by section 451 of title 28, United States Code), who died before October 19, 1976, shall be paid an annuity in accordance with the provisions of section 376 of title 28, United States Code, at a rate of $20,000 per year as if such Justice had elected to come within the provisions of, and having made the full deposit required by, section 376(d) of title 28, United States Code.

(b) Notwithstanding the provisions of section 376(h) of title 28, United States Code, such annuity shall be payable as provided in section 376(m) of title 28, United States Code, until the date of the death of any such spouse.

SEC. 4. (a) The Secretary of the Treasury shall determine, as of the effective date of this Act, in consultation with the Director of the Administrative Office of the United States Courts, the amount necessary to offset any actuarial deficiency in the Judicial Survivors' Annuities Fund, and, at the earliest time thereafter at which appropriated sums in that amount become available, the Secretary shall deposit such sums in a single payment into such Judicial Survivors' Annuities Fund.

(b) There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. Section 375 of title 28, United States Code, is repealed.

On page 3, line 15, strike out "Sec. 3." and insert in lieu thereof "Sec. 6.".

Mr. PRYOR. Mr. President, H.R. 2583, as amended, was reported by the Governmental Affairs Committee on August 18, 1980. The legislation was passed by the House of Representatives earlier this Congress under suspension of the House rules.

The bill, which was the subject of hearings by the Subcommittee on Civil Service and General Services on April 16, 1980, amends existing law to discontinue civil service annuity payments for periods of employment as a justice or judge of the United States. This legislation will apply the same dual payment restrictions that exist for Members of Congress and reemployed Federal annuitants to those retirees who become reemployed as a judge or justice. The discontinuance of the annuity during such employment will have no effect on any survivor rights that otherwise may be available. The Office of Personnel Management supports enactment of this bill. The committee amendment is technical in nature and simply makes a change in the effective date of the bill.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–905), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The primary purpose of the bill as amended is to authorize the discontinuance of civil service annuity payments to former civil service employees who, on or after the effective date of this legislation, are appointed as justices or judges of the United States. Annuity payments would be resumed upon resignation or retirement from regular active service as such a justice or judge. The bill, as amended, would also permit a justice or judge who withdrew his retirement contributions on the assumption that he or she had no further rights under the Retirement Act, to redeposit the amount refunded provided the application is filed within one year following the effective date of H.R. 2583.

BACKGROUND

Although annuitants under the civil service retirement system are permitted to become reemployed in the Federal Government, such individuals are generally not entitled to receive both the annuity and full salary during the period of reemployment. Two separate provisions of law support this policy.

The first provision (5 U.S. Code 8344(a)) applies to most annuitants, other than retired Members of Congress, who are reemployed in Federal positions, and requires that an amount equal to the annuity allocable to the period of actual employment shall be deducted from the pay.

The second provision (5 U.S. Code 8344 (d)) applies only to a retired Member of Congress receiving an annuity who is reemployed in an appointive or elective Federal position and requires that the annuity payments be discontinued during the reemployment and resumed in the same amount upon termination of the employment.

However, an annuitant, other than a retired Member of Congress, who is appointed as a justice or judge of the United States is not subject, under existing law, to any reduction either in his civil service annuity or in his judicial pay. There is no specfic provision of law authorizing the discontinuance of the annuity of such a justice or judge, such as there is under 5 U.S. Code 8344(d) in the case of a retired Member of Congress. The provisions of section 8344(a) authorizing an amount equal to the annuity to be deducted from the pay cannot be applied to the pay of a justice or judge, since article III of the Constitution prohibits the salary of a justice or judge from being diminished during his continuance in office.

The provisions of section 1, the bill, as amended, will place a restriction on the payment of civil service annuities to retirees from civil service positions who are appointed as justices or judges on or after the effective date of the Act. This restriction is identical to the one which now applies to retired Members of Congress. Upon reemployment as a justice or judge, the annuity payments will be discontinued during such employment and resumed in the same amount upon resignation or retirement from regular active service as such a justice or judge. The discontinuance of the annuity during such employment will have no effect whatever on any survivor rights that otherwise may be available.

There appears to be confusion and some controversy due to the differing interpretations and the administrative decisions based on the interpretations which have been handed down.

Since the pay of a justice or judge can not be reduced due to the constitutional prohibition, the Office of Personnel Management (formerly the Civil Service Commission), until recently, took the alternative action of suspending payment of their annuities in order to avoid the dual payment of retirement annuity and salary. This action was based, in part, on a 1966 General Accounting Office decision (45 Comp. Gen. 388) concerning retirement benefits in the case of a judge who, on the basis of service in the executive branch, had established entitlement to a civil service annuity prior to his appointment as a judge. The Administrative Office of the U.S. Courts requested a decision as to whether he was entitled to receive the salary of his judicial office without reduction on account of the civil service annuity he was receiving. The Comptroller General held that, while the judge was entitled to full salary because of the constitutional prohibition against diminishing the compensation of a judge, the payment of his annuity was not authorized while he was in regular active service as a district judge.

In 1973, a judge of the Court of Claims appealed to the Civil Service Commission's Board of Appeals and Review the decision of the Commission's Bureau of Retirement, Insurance, and Occupational Health that he could not receive a civil service annuity during his tenure as a judge of the Court of Claims. In his appeal the judge stated his disagreement with the prior decision, as not being grounded in law. After the Board of Appeals and Review sustained the Bureau's decision on the basis of the GAO decision, the GAO decided to review its position on the issue. As a result, the General Accounting Office wrote to the General Counsel of the Civil Service Commission on August 29, 1974, expressing the view that GAO should not have considered the question of eligibility for a civil service annuity and that the 1966 decision was incorrect.

In 1975, the General Counsel of the Civil Service Commission and the Acting Assistant Attorney General reviewed this question and concluded that the suspension of the annuities of other than former Members of Congress was without authority of law.

In the absence of legal authority to suspend the judges' annuities, the Civil Service Commission concluded, in January 1976, that it could no longer continue the administrative practice of suspending their annuities, except in the case of retired Members of Congress. Also, any other judges who become entitled to annuity while serving as judges, and who apply for such annuity, will be entitled to receive payment thereof.

This decision is applicable only in those cases where the annuity is based on prior service in the civil service of the Government. Payment of annuity is still barred, however, to retired Members of Congress who are serving as justices or judges. Under the provisions of section 8344(d) of title 5, United States Code, the payment of annuity to Member annuitants is discontinued during reemployment and resumed in the same amount on termination of the reemployment.

According to currency estimates there are

481 active justices and judges and 174 retired justices and judges who are receiving continuation of pay under 28 U.S.C. 371. At least 90 of these individuals have more than 5 years of prior civil service and a possible claim to at least a deferred annuity at age 62. The amount of annuity payable, though, will vary with each individual case. Back annuity totaling more than $200,000 is being paid to four judges whose annuities had actually been suspended under the prior practice. Eleven more judges have a vested title to deferred annuity which will be paid upon application for it. At least 70 judges have a vested title to deferred annuity based on more than 5 years of creditable service before they became judges, but they technically voided their annuity title by taking a refund upon being appointed a judge. To the extent that they relied on advice that payment of annuity to which they might become entitled at age 62 would be suspended during their active service as a judge, the refunds might be held as erroneous, but it is at best very questionable as to whether the OPM has any legal authority to permit them to make a redeposit and reestablish title to deferred annuity. Section 2 of the bill will give the right to redeposit.

● Mr. HEFLIN. Mr. President, the purpose of my amendment is to correct certain inequities that exist in title 28 of the United States Code regarding pensions received by the widows of former Supreme Court Justices.

Under our current laws, there are two separate and far different programs in title 28 from which the surviving spouses of former Justices may receive pension payments. These are sections 375 and 376 of title 28. My amendment will repeal section 375 which I believe to be outdated and financially unrealistic. It will provide section 376 as the single program from which the surviving spouses receive pensions.

Under section 376, each Supreme Court Justice may elect membership in the judicial survivors' annuity program. Under this program, pensions are provided to the widows of former justices in the form of annuities. Most importantly, these annuities are automatically adjusted to reflect increases in the cost of living in an amount which is tied to such increases in judicial salaries. The judicial survivors' annuity program is actuarially sound and is designed to insure that fair cost-of-living increases are uniformly provided to all annuitants. This program was available to Supreme Court Justices beginning in 1972 and every Justice since that time has elected to participate in it. There are presently two widows who are paid annuities under section 376.

Section 375 was originally enacted in 1954 and has been reviewed only once by Congress. Under this program the surviving spouses of former Justices are locked into an annuity of $10,000 a year with no provisions for cost-of-living increases. There are presently five widows of former Supreme Court Justices: Mrs. Hugo Black of Alabama; Mrs. Irene Jackson of Pennsylvania; Mrs. Gertrude Minton of Indiana; Mrs. Annabel Rutledge of Kentucky; and Mrs. Roberta Vinson of Kentucky, who receive pensions under section 375 and it is for them that I offer this legislation. The pensions they receive under section 375 have remained unchanged for many years and I feel they no longer accurately reflect today's high cost of living.

My amendment would provide immediate relief to these five widows by including them in the judicial survivors' annuity program of section 376. The immediate effect of this would be to automatically increase the base amounts of the annuities they receive to an amount equal to the annuities received by other widows under the 376 plan and to provide them with periodic cost-of-living increases.

Section 375 would be repealed since it would no longer be needed or desired. Let me stress that the only individuals who will be effected by this amendment and the repealing of section 375 are these five widows and no one would be affected on eligibility.

Mr. President, we in the Congress have a history of expressing a humanitarian concern in providing for the widows of former Justices, I urge my colleagues to continue this expression of humanitarianism by alleviating the harsh predicament under which these five widows now suffer.

Because I believe this to be a situation in which time is of the essence in getting these inequities corrected, I offer this amendment to this important legislation. I wish to offer my deepest appreciation for the assistance and cooperation given to me by Senators PRYOR and STEVENS and their most competent staff, especially Knox Walkup and James Cowen.

Thank you, Mr. President.●

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (UP No. 1717) was agreed to.

Mr. STEVENS. Mr. President, I wish to join in support of H.R. 2583, a bill to discontinue civil service annuities to sitting U.S. judges. We passed a similar measure last Congress, but it was never enacted into law.

The civil service retirement system prohibits the dual payment of a retirement annuity and pay for active service for a reemployed Federal worker. Yet, an exception exists under present law in that U.S. Justices and judges who are also retired Federal employees are permitted to receive both full salary and annuity during periods of reemployment. In reflecting upon the great dignity of this office, the only equitable thing to do would be to place Federal Justices and judges under the same provisions of existing law that apply to the reemployment of all other Federal employees. We cannot, constitutionally, deduct the amount of the annuity from the pay of a U.S. Justice or judge. But we can place the same restriction of law that applies to members of the legislative and executive branches of the Federal Government. The restrictions of H.R. 2583 have no effect whatsoever on any survivor rights that otherwise may be available.

In addition to correcting an anomaly in present law, it is estimated that enactment of H.R. 2583 will result in a reduction of Federal expenditures.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2583) was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PRYOR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLAIMS AGAINST THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 6440, and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6440) to establish priorities in the payment of claims against the People's Republic of China.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the immediate consideration of the bill.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6440) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRESERVATION OF CERTAIN PROPERTIES WITHIN MANASSAS NATIONAL BATTLEFIELD PARK

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5048.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 5048) entitled "An Act to amend the Act entitled 'An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes', approved April 17, 1954 (68 Stat. 56; 16 U.S.C. 429b)", with the following amendments:

Page 1, lines 4 and 5 of the Senate engrossed amendments, strike out "three thousand eight hundred and eighty-two", and insert: "four thousand five hundred and twenty-five"

Page 1, lines 7 and 8, strike out "September, 1980 and numbered 379/80,008", and insert: "October, 1980 and numbered 379/80,009"

Page 2, line 7, strike out "$8,210,000", and insert: $8,700,000".

Mr. BRADLEY. Mr. President, I want to join other Members in strong support of the Manassas Park. There is one amendment in the bill just passed which calls for a study of an area in New Jersey. We have high hopes that the Meadowlands of New Jersey will some day bloom again and that they will bloom under the jurisdiction of a Federal park, that this study will provide the way for the Congress to achieve that objective.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. JACKSON, I move that the Senate concur in the amendments of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BRADLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, the Senate is in morning business.

Since I have made this interjection, may I ask, how much time is remaining in morning business?

The ACTING PRESIDENT pro tempore. Two minutes remain in morning business.

Mr. MATHIAS. That is plenty, Mr. President.

SALARY SAFETY LEGISLATION

Mr. MATHIAS. Mr. President, today is the first day of fiscal year 1981, but Congress is just this afternoon completing action on the money bills necessary to continue funding Government services and activities in this new year.

With a weary sense of disbelief, I must once again note that Federal employees were held in limbo. I am gratified that the House of Representatives has now finally accepted the Senate provisions in the continuing resolution.

Too often, extraneous and controversial floor amendments have impeded passage of resolutions continuing appropriations for Federal executive departments and agencies, for the judiciary, and for the legislative branch.

Not only has congressional inaction, indecision, and disagreement hindered Government programs, the delays have also disrupted the lives of hundreds of thousands of innocent men and women whose paychecks are tied to the passage of appropriations legislation. It is unfair and unnecessary to hold the livelihood of people as hostage in a political struggle over unrelated issues tacked onto money bills.

This is not the first time Congress has pushed civil servants to the edge of a cliff. In 1976, the continuing resolution for fiscal year 1977 was not approved until 10 days after the start of the fiscal year. In 1977, the resolution for 1978 was not approved until 12 days into the new year. In 1978, the resolution for 1979 was not approved until 13 days into the new year. Last year, the continuing resolution for fiscal year 1980 was not approved until 12 days into the new fiscal year.

Mr. President, I ask that, at the conclusion of my remarks, there be printed today's article by United Press International's Eliot Brenner illustrating the anxiety and inefficiency caused by these delays.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, the financial problems and anguish caused Federal workers by delayed appropriations must be stopped. That is why, at the beginning of this Congress, I introduced a bill, S. 337, to require that legislation appropriating funds for payment of Federal employees be enacted separately from other legislation.

In view of this recurring situation, I cannot understand Congress' delay in remedying the situation once and for all. Reasonable and sound proposals like my salary safety bill to correct this injustice ought to get an early and full hearing.

EXHIBIT 1

(By Eliot Brenner)

WASHINGTON.—Most of the Federal Government—at least temporarily out of money—slowed its pace today pending word from Congress on an emergency funding measure.

The House was to take up at noon the bill to prime the government with money—needed because funding authority for most agencies ended at midnight.

Employees, many of whom went to bed thinking the funding crisis would be solved, arrived at work only to find there was no money to pay them or to keep their programs running. Some stayed home, and the normally heavy rush-hour traffic was noticeably lighter in some suburbs.

Secretaries at the Justice Department's public affairs office were given a statement to read to callers saying: "This office is in the process of being closed down. We are not answering questions that deal with routine Justice Department questions.

"If you have a question relating to the protection of life or property or if you have a question relating to the closing down of the Justice Department, I would be happy to take your name and telephone number. The one public affairs officer answering those kinds of questions will call you back as soon as possible.

A Justice Department ruling earlier in the year held that employees of an agency without any funds could come to work for one day to begin the process of halting an agency's work, but that Federal operations involving the protection of life and property must continue.

The Office of Management and Budget, under the guise of the "winding down" loophole, urged employees to come to work today regardless of Congress' action on the funding problem.

"Nobody's doing anything—business as usual," joked Tom Sand, press secretary to Agriculture Secretary Bob Bergland.

Tuesday night as Agriculture Department employees left the building they got a letter from Bergland cautioning against undue alarm and telling them scheduled paychecks for this week would be issued and employees should report to work today and would be paid for it. The notes were also put on cars in the agency parking lots.

"I'm working without salary today. I can work without salary all day," said Treasury Secretary G. William Miller. He said the Treasury was in "good shape" but declined to say how long it would stay that way without congressional action. He said Congress "won't leave it hanging."

It was not the first time the Federal Trade Commission has been out of money. Twice before the agency has been temporarily put out of business because of a funds cutoff, and a secretary answering press office telephones said, "We're here, but we can't work."

FTC spokesman Ira Furman said absenteeism probably would be low at the agency because "We've been through it before and people know they're expected to come in at least the first day and get instructions and begin the orderly phasing down of operations."

Furman said an administrative hearing in Michigan scheduled for this week might have to be canceled if the impasse continued, but the agency would continue its law enforcement functions. "We are being very conservative until we get further word."

The 20,000-employee Energy Department also was caught in the stalemate.

"Everybody's at work. Everything's normal so far," said spokesman Phil Kief.

"We're trying to figure out what to do. We still have some unobligated funds. I don't know how much," he said. "We're still hopeful that a resolution will be passed today."

Kief said everyone at the agency is "talking about this, but I think everybody showed up."

Mr. HART. Mr. President, will the Senator from Maryland yield to me briefly?

Mr. MATHIAS. I am happy to yield to the distinguished Senator from Colorado.

Mr. HART. Mr. President, I want to identify myself with the remarks of the distinguished Senator from Maryland. As he knows, he and I have fought on this issue for reform of this very unacceptable procedure for a couple of years now. We have not been successful, but it is a reform that has to happen. We must separate the pay of civilian employees and military personnel from these appropriations bills. I commend the Senator from Maryland. I am sure he will be here next year and I hope that I shall be. If I am, I shall continue to work with him on this problem.

Mr. MATHIAS. Mr. President, I thank the Senator from Colorado. His assistance has been very valuable and I look forward to a continued partnership in this battle.

MOTION TO GO INTO EXECUTIVE SESSION TO CONSIDER NOMINATION OF JOHN C. SAWHILL

Mr. ROBERT C. BYRD. Mr. President, I say to the distinguished minority leader and to Senator HATFIELD, I shall now move to take up the nomination of Mr. Sawhill. I therefore move that the Senate go into executive session to take up the nomination of John C. Sawhill to be Chairman of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 7 years.

Mr. BAKER. Mr. President, I propound a parliamentary inquiry to the Chair.

The ACTING PRESIDENT pro tempore. The Senator will state the parliamentary inquiry.

Mr. BAKER. First, is the Senate now in morning business?

The ACTING PRESIDENT pro tempore. The time for morning business has just expired.

Mr. BAKER. Was the motion of the majority leader made, then, outside the scope of morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct. It was made outside of the time period and the scope of morning business.

Mr. BAKER. I thank the Chair.

Mr. President, a further parliamentary inquiry: As I understand the motion just made by the distinguished majority leader, it is to proceed to the consideration of an Executive Calendar item under Nominations which is not the first item to appear in that category on the Executive Calendar. According to the copy I have in my hand, the first name in the category of nominations is that of Thomas W. Fredericks of Colorado to be Assistant Secretary of the Interior. My parliamentary inquiry is whether or not such a motion to proceed to a nomination other than the first name under Nominations on the Executive Calendar is in order.

The ACTING PRESIDENT pro tempore. The opinion of the Chair is that it is in order and that it is not debatable under recent precedents.

Mr. BAKER. Mr. President, a further parliamentary inquiry: does the Chair base that opinion in whole or in part on another parliamentary inquiry or an appeal from the ruling of the Chair on March 5, 1980, in respect of the consideration of a nomination on the Executive Calendar?

The ACTING PRESIDENT pro tempore. That is the precedent on which the Chair bases his opinion.

Mr. BAKER. I inquire further: Is there any other precedent on which the Chair might base that advice?

The ACTING PRESIDENT pro tempore. That precedent has been followed one time since the date of that precedent which the Senator cited.

Mr. BAKER. Mr. President, a further parliamentary inquiry: on what basis was that precedent followed, Mr. President? As my memory serves me, the citation of that precedent was in response to another parliamentary inquiry and not on a matter that was submitted to the Senate on a point of order or an appeal from the ruling of the Chair. Is the Senator from Tennessee correct in that respect?

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that his recollection seems to be correct, and that the precedents have been sent for to verify, ascertain, and to determine whether or not they are correct.

Mr. BAKER. Mr. President, I thank the Chair for that. I especially thank the Chair for summoning up the precedents so I may be sure of my recollection as well.

My recollection serves me further by suggesting that, at that time, in response to a parliamentary inquiry, the matter of the precedent of March 5, 1980, was not pursued as far as a point of order nor an appeal from the ruling of the Chair. At that time, the Senator from Tennessee pointed out that, while he understood the advice of the Chair in respect of the precedent of March 5, he wished to spread on the RECORD his disagreement with the effect of the precedent, as stated by the Chair.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. I also recall that my friend, the majority leader, claimed the lawful right to lay into the RECORD his disagreement with that observation, but I need not burden this conversation with any further remarks in that respect.

Mr. President, a further parliamentary inquiry: May I ask the Chair whether or not the colloquy on March 5, 1980, forms the basis for the rule that a motion to go into executive session to consider the first nomination would be justified and would allow the Senate to go directly to the first nomination on the Executive Calendar without debate? Moreover, that it established that the Senate should not be forced to go to a treaty in order to reach a nomination and to run the risk of a double filibuster, one on the motion to proceed to the nomination, then a filibuster on the nomination itself?

Mr. President, I put the parliamentary inquiry of whether or not, on the basis of that contention, permitting a nondebatable motion to go into executive session to consider a nomination merely placed nominations and treaties on the same footing, permiting either category to be reached on a nondebatable motion? Is it the opinion of the Chair—a further parliamentary inquiry—that the precedent of March 5, 1980, extended beyond that proposition?

The ACTING PRESIDENT pro tempore. The March 5 precedent did not go that far. The Senate decided on appeal that a motion to go into executive session to consider the first nomination on the calendar was in order and not debatable.

Mr. BAKER. Mr. President, I inquire further, was the nomination not designated in that motion the first nomination on the calendar?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. A further parliamentary inquiry, Mr. President. Does then the March 5 precedent stand for the proposition that a motion would be in order to proceed to some nomination other than the first nomination?

The ACTING PRESIDENT pro tempore. That is the Chair's interpretation of the precedent.

Mr. BAKER. Was that the ruling of the Chair at that time, might I inquire?

The ACTING PRESIDENT pro tempore. On March 5, 1980, the Chair held that motion out of order. The Senate on appeal decided that the motion was in order.

Mr. BAKER. My point, and my further parliamentary inquiry, Mr. President, is that the Senate overturned the ruling of the Chair in respect to a motion to proceed to the first name on the Executive Calendar under nominations.

My question to the Chair then is: Does the March 5, 1980, precedent, as we are now discussing, support a contention that a motion to proceed to some name other the first nomination on the Executive Calendar would also be in order?

The ACTING PRESIDENT pro tempore. Based on the colloquy leading up to the March 5 precedent, the Chair thinks it is.

Mr. BAKER. Mr. President, a further parliamentary inquiry, is that then based on the idea that that was implicit in the request made, the point of order made in the appeal, or does it flow from the inference that by coincidence in that case that the name happened to be the first nomination?

The ACTING PRESIDENT pro tempore. The Chair on June 19, with reference to that precedent, took the position that back in March the fact that nomination happened to be the first, was a matter of happenstance, but that the motion could be made with respect to any nomination.

Mr. BAKER. Mr. President, a further parliamentary inquiry, and I must say I find that a strained construction of the precedent adopted by the Senate on March 5 and the advice of the Chair in June.

But notwithstanding that, I inquire further of the Chair, would that ruling and that logic extend to the authority of a Member to proceed to the consideration of an item on the Executive Calendar under treaties, other than the first item?

The ACTING PRESIDENT pro tempore. If that motion would be made, the Chair would not extend it to treaties. The Senate could, if it chose, however, establish that precedent.

Mr. BAKER. Mr. President, a further parliamentary inquiry. I think it is clear, of course, that the power of the majority would be to establish whatever precedent the majority might wish in that respect.

But speaking of the logic of the previous ruling, would it be the advice of the Chair then that the March precedent and the June precedent would not suffice as a basis for ruling that a motion to proceed to a treaty other than the first treaty would be in order?

The ACTING PRESIDENT pro tempore. The Chair would begin by saying that the motion to proceed to a first treaty, to proceed to go into executive session and consider the first treaty, would not be necessary because, if the Senate went into executive session, the first treaty would automatically be before the Senate.

Mr. BAKER. Mr. President, I respectfully suggest the Chair did not understand my question then.

My question, or further inquiry, is whether or not the precedent of March and June would serve as precedent and authority for the advice of the Chair, or the ruling of the Chair, that a motion to proceed to the consideration of a treaty other than the first treaty would be in order.

The ACTING PRESIDENT pro tempore. The Chair previously stated that it did not think that the March 5 precedent extended to treaties.

Mr. BAKER. I thank the Chair.

Mr. President, one more parliamentary inquiry, or I believe only one more.

Mr. President if I follow the logic of the situation as I now observe it, and I believe I understand it on the advice of the Parliamentarian and the statements of the Chair, we have what may be a precedent of the Senate to support the proposition that a motion is in order to move to the consideration of an item on the Executive Calendar under nominations other than the first nomination, but that precedent does not apply to a motion to proceed to the Executive Calendar under treaties, to some treaty other than the first treaty.

If I understand that correctly, might I ask the Chair whether or not the logic would extend then to a nondebatable motion to go into legislative session to consider a particular item on the Legislative Calendar?

The PRESIDING OFFICER (Mr. BAUCUS). Ordinarily speaking the Senate is in legislative session, and a motion to proceed to a particular item on the calendar is already in order because a motion can be made to proceed to any item on the calendar under the rules.

Mr. BAKER. Mr. President, I think then that I am guilty of not stating the question clearly. It is whether or not while in executive session a motion would be in order to proceed into legislative session to consider a particular item on the Legislative Calendar.

The PRESIDING OFFICER. No. It would not be in order because that would constitute a coupling of motions, and would not be in order under the precedents.

Mr. BAKER. A further question within the framework of the parliamentary inquiry. I must torture the description of the parliamentary inquiries for this brief remark, but I trust I may do so.

I am sure the Chair has observed I have not made a point of order against the motion of the majority leader. I will state now that I do not intend to do so. Rather, my inquiries have been in the nature of a parliamentary inquiry.

I must say, Mr. President, that I think we are in the midst of a procedural thicket that entertains the strong possibilities of consequence that we do not fully understand, and perhaps the Senate does not want. But we are now in the next to the last day, or the last day, in any event close to the last day, of this session before the election. There are many Members who are necessarily absent from the floor at this time.

I think it would not be responsible of me at this time to force the issue of trying to clarify these matters.

For the establishment of future precedent, I would suggest then, Mr. President, that at some future time we should deal with this matter, to try to clarify the issues I have suggested.

At the moment, however, Mr. President, I will go no further than the parliamentary inquiries I have just propounded.

Mr. President, I now ask for the yeas and nays on the majority leader's motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Mr. President, I will do just as the minority leader did on the last parliamentary inquiry. He indicated that he was stretching the phrase a bit in order to make his position clear. I respect his viewpoint.

I must say that I believe the Chair is correct in its position that it has expressed. I believe it is in order to move to any nomination on the Executive Calendar, for the reason, if none other, that in order to get to the nomination of Mr. John C. Sawhill to be Chairman of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 7 years, if the position enunciated by the Chair were not the correct one, it would be necessary to go through a myriad of nominations on the Executive Calendar, on any of which or on all of which there could be extended discussions before the Senate could arrive at the nomination to which I have referred—that of Mr. Sawhill, in this instance.

It might be very necessary, for emergency reasons, if none other, to reach a particular nomination on the Executive Calendar. An emergency could exist for any one of a number of reasons—time being the essence, and so forth.

So I believe it is logical to maintain that the Senate can proceed to any nomination on the Executive Calendar if a majority of Senators support that motion.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed into executive session to consider the nomination of John C. Sawhill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. CULVER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New York (Mr. MOYNIHAN), the Senator from Alabama (Mr. STEWART), the Senator from Florida (Mr. STONE), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 52, nays 33, as follows:

[Rollcall Vote No. 463 Leg.]

YEAS—52

Baucus
Bentsen
Boren
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cranston
Danforth
DeConcini
Durkin
Eagleton
Exon
Ford
Glenn
Gravel
Hart
Heflin
Huddleston
Inouye
Jackson
Javits
Johnston
Leahy
Levin
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Morgan
Nelson
Nunn
Pell
Percy
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Stennis
Stevenson
Tsongas
Weicker
Williams
Zorinsky

NAYS—33

Armstrong
Baker
Bellmon
Boschwitz
Chafee
Cochran
Cohen
Dole
Domenici
Durenberger
Garn
Hatch
Hatfield
Hayakawa
Heinz
Helms
Humphrey
Jepsen
Kassebaum
Laxalt
Lugar
McClure
Packwood
Pressler
Roth
Schmitt
Simpson
Stafford
Stevens
Thurmond
Wallop
Warner
Young

NOT VOTING—15

Bayh
Biden
Culver
Goldwater
Hollings
Kennedy
Long
Magnuson
McGovern
Moynihan
Schweiker
Stewart
Stone
Talmadge
Tower

So the motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF JOHN C. SAWHILL TO BE CHAIRMAN OF THE BOARD OF DIRECTORS OF THE U.S. SYNTHETIC FUELS CORPORATION

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Will the Senator please suspend until the Senate is in order.

Mr. HATFIELD. Mr. President, a parliamentary inquiry. What is my time frame?

The PRESIDING OFFICER. At the moment we are not under controlled time.

Mr. HATFIELD. What is the resolution for adjournment? What is the time called for in the resolution for adjournment?

The PRESIDING OFFICER. The resolution states, the relevant part:

> When the Senate recesses on any day beginning with Tuesday, September 30, 1980, but no later than Thursday, October 2, 1980, as determined by the Majority Leader, after consultation with the Minority Leader, and as so moved by the Majority Leader in accordance with this resolution, it stand in recess until 11:00 a.m. on Wednesday, November 12, 1980, and that when the House of Representatives adjourns on

Thursday, October 2, 1980, it stand adjourned until 12:00 meridian on Wednesday, November 12, 1980.

Mr. HATFIELD. In other words, Mr. President, I have until tomorrow at what time?

The PRESIDING OFFICER. In the opinion of the Chair until tomorrow but with no specific time.

Mr. HATFIELD. I thank the Chair. I did not know how long I had.

Mr. President, many of the minority membership of this body gave strong support to the creation of the U.S. Synthetic——

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator is entitled to be heard whether he speaks for a brief time or a lengthy period, and I hope the Chair will help to secure order.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. We have a most excellent Presiding Officer, and I want to hear what the Senator from Oregon has to say in the time he utilizes.

Mr. HATFIELD. I am very grateful to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I do not think I will agree with him, but I want to hear what he has to say.

Mr. HATFIELD. I want to say to the distinguished majority leader that I appreciated a great deal his lectures on the history of the Senate. They have added overall to the enlightenment of the Senate. Perhaps what I will have to say here will also add to the enlightenment of the Senate.

Mr. ROBERT C. BYRD. Mr. President, will the Chair please get order in the Senate?

The PRESIDING OFFICER. The Senate is not in order. Will all Members and staff either cease talking or leave the Chamber. The Senate is not in order.

The Senator from Oregon.

Mr. HATFIELD. Many of the minority membership of this body gave strong support to the creation of the U.S. Synthetic Fuels Corporation in the Energy Security Act. In order to get the Corporation up and running ahead of the election, we made a proposal to our majority colleagues to give the U.S. Synthetic Fuels Corporation a working quorum of the board, while preserving the opportunity of a possible Republican President to name the remaining board positions. The distinguished Senator from New Mexico (Mr. DOMENICI) was the principal architect of this proposal.

The White House initially rejected it, and my subsequent attempt to move it at the September 25 business meeting of the Energy Committee failed on a party-line vote of 7 to 11. At this time, I would like to restate it for the benefit of the full Senate.

I stated to Chairman JACKSON at that meeting:

> Mr. Chairman, the minority membership of this committee shares with you an interest in expediting the commencement of operations at the U.S. Synthetic Fuels Corporation. I am prepared to offer you, on their behalf, and on behalf of the Republican leadership in the Senate, a proposal which will provide for such early operations and yet preserve prerogatives of a President-elect who may be a member of our party.
>
> I would propose that in addition to Mr. Sawhill, whom we would agree to confirm as chairman of the board, that President Carter select for board membership for the initial one-, two-, and three-year terms any three of the remaining nominees, whom we would also agree to confirm immediately so long as at least one is a Republican. This will give the board a working quorum ahead of the November election. I would propose further that the committee delay action on the other three board positions pending the outcome of the election. In the event of the re-election of the President, we would agree to committee consideration on the nominees for these last three positions as soon as the Congress re-convenes, which it appears, may be mid-November. In the event of the election of Governor Reagan, the committee would agree not to act further, except upon nominations as may be made by the new President.
>
> Mr. Chairman, I believe this is a very fair proposal which protects the interests of both parties and those of the proponents of early synthetic fuels commercialization. It does not prejudice the selection for or against any of the five nominees for board membership now pending before the committee, who are each of high quality. As the current events in Iraq and Iran demonstrate once again, we should not tarry in this matter of alternative fuels production. Governor Reagan agrees with this assessment and agrees with the proposal I am making this morning.
>
> Mr. Chairman, I would move, therefore, that the committee invite the president to designate the three nominees whom he would have us confirm prior to the election, and re-submit them as necessary to indicate who would occupy the one-year, the two-year, and the three-year positions; that the committee delay action on the other nominees as I have just described; and that the committee stand in recess until tomorrow morning at 10:00, when we would meet on the matter of the confirmation of Mr. Sawhill and three designated nominees for the board.

I have just quoted this from the record of the Energy Committee, Mr. President.

Mr. President, as I have said, the motion was defeated along primarily a party line, but I want to emphasize that we are not trying to play party politics. I abhor that kind of a political ploy and would not be a party to it. The proposal was a good-faith effort to find a mutual accommodation which would protect both parties' interests. The minority members of the Energy Committee, the minority leadership in the Senate, and Governor Reagan share an interest with the distinguished chairman, Senator JACKSON, and the majority members of the Energy Committee in getting the alternative fuels production effort off the ground. It is unfortunate that the Senate cannot today act in accordance with this very reasonable proposal.

We cannot act today, despite the fact that I understand the White House has now prepared or was prepared later to accept the proposal, because I understand there is some problem on the majority side of this body. I am truly unhappy about this. We on the minority side hoped we could give the Corporation a bipartisan early start with the support of this body.

The reported White House agreement was heartening to me, not only from the standpoint of early operations at the Corporation, but because it meant, I thought, that I would not have to fight a confirmation of nominees I personally support. The prospect of having to do that is, indeed, disquieting.

I want to make it clear that my actions are not to be construed as any criticism of, or doubt about, the qualifications of any of the nominees, whom I consider first rate.

Mr. President, I mentioned at the outset the bipartisan support the Corporation enjoys. To underscore that point, I would briefly review for my colleagues a chronology of this support.

First. The final product was a synthesis of two major bills—S. 1377 and H.R. 3930—with influence from S. 1308.

Second. S. 1377 was introduced by Senator PETE DOMENICI on June 19, 1979, with bipartisan support, including Senators STEVENS, RIBICOFF, RANDOLPH, GARN, STONE, MOYNIHAN, SASSER, NELSON, JOHNSTON, and HATFIELD. Eventually, more than 20 Senators were cosponsors of the measure, including YOUNG, PRESSLER, and STAFFORD.

Third. H.R. 3930 passed the House Banking Committee in 1979 with unanimous support of the committee, in an obviously bipartisan effort.

Fourth. S. 1308, "The Omnibus Energy Supply Act of 1979," was authored by Senator JACKSON on June 11, 1979, with bipartisan cosponsorship, including Senators BRADLEY, BUMPERS, ROBERT C. BYRD, CHURCH, CRANSTON, DOMENICI, DURKIN, FORD, HUDDLESTON, JOHNSTON, MAGNUSON, MATSUNAGA, METZENBAUM, MOYNIHAN, RANDOLPH, STEVENS, TSONGAS, WEICKER, and HATFIELD, and gained additional bipartisan aid.

Fifth. The conference report passed the Senate on June 19, 1980, with bipartisan support, including 26 aye votes from Republicans, 11 nay votes, and four "non voting."

Sixth. On the critical vote on the final structure of the bill, November 7, 1979, the Energy Committee version of S. 932—the final vehicle for the organization—prevailed over the Banking Committee version of S. 932, 57-37, with 15 Republicans supporting the Energy Committee in another bipartisan effort.

Mr. President, I would have hoped that my colleagues on the majority side could have worked out their differences with the White House by this time, but I understand they have not. Again, this is unfortunate, for we seemed so close to the end which so many of us sought.

Mr. President, I would like to just review briefly the role, what I call the responsible role, played by the minority party during these last few months or during this last year of the first term of Mr. Carter.

I need not go back and review extensively the partisan political history that has been played by this body by both parties over the years as to the last year of an incumbent Presidency and how they handle those nominations that he sent up to the Hill for confirmation.

I do not think the record of either party has been really all that good. In fact, I think it has been, in many instances, less than fully responsible.

I think back to 1960, the last year of President Dwight Eisenhower, a Republican President, and how his nominations were blocked almost en bloc by the majority party of the Senate, the Democratic Party. I think back to 1976, to the last year of the Ford administration, and how, again, the partisan political politics were played to the hilt by the Democratic Party.

As I say, that is only the last two instances where a Republican President was the incumbent President, and his nominations were handled in that fashion by the opposite party.

Going back to the long stint of Republican Presidents and a few instances during that time when there were Democratic-controlled Senates, or vice versa, we could have found other instances to show how the Republicans played the same kind of partisan political game. I do not think, as I say, either party is without fault on this.

Well, this year, Mr. President, we hoped to break that kind of tradition. The leadership on our side, Mr. BAKER and Mr. STEVENS, appointed a three-member screening committee to handle all of the reviews of the nominations sent up by President Carter to the Senate for confirmation and to make reports to the full Republican conference or caucus to make recommendations, working with the Republican minority members of each of the standing committees which would be charged with the responsibility of reviewing the record and the hearings for such nominees. Selected also in this process was the role for the Republican Senator who came from the State of a nomination sent up by President Carter and to have an input from him as to his view, expecting that he would have a better understanding of the background and qualifications of those nominees since he came from the same State.

In addition to those steps, we also added to this process a liaison through Senator PAUL LAXALT, the National Chairman of the Reagan for President Committee, a liaison role for him to, more or less, keep close touch and check and clear these nominations or have an input from Governor Reagan.

Out of all of this, we have very carefully handled these nominations, therefore, I think, in a responsible way. I believe it is very important to recognize that we have confirmed, we have approved for confirmation, I should say, overwhelmingly a number of those names that appeared on the Executive Calendar. Now, we could not approve or we could not give readings on those which never got out of the committee to the Executive Calendar. But once they got to the Executive Calendar, we activated this process that I have just described.

Mr. President, one might ask the legitimate question, why should the candidate for President who has not been elected or who may not be elected have a role in this type of process during the last year of the incumbent President?

We could go back to Marbury versus Madison. We could do all kinds of historic reviews, which I will not bother to do now, about so-called 11th-hour appointments, how they should be handled, and what are the constitutional precedents on that.

I only want to draw, as we many times do in this body, from a little bit of personal experience which I think gives legitimacy to this whole process.

Back some 22 years ago I was a candidate for my party's nomination for Governor of my State. In 1958 I was running against an incumbent Democratic Governor, a sitting Governor, who was seeking reelection. There were certain differences as well as certain similarities in our political philosophy. I might say he was a very able man, a man I have always had a great friendship for. We served in the legislature together before he was elected Governor. We were friends long after I defeated him in the election of 1958. I always felt that there was one of the greatest examples of true professionalism that I had ever seen embodied in any human being. Here was a man who had been in the State legislature, who had been the first Democratic Governor for many years of my State's history. He was a man of the media. In fact, after being defeated for Governor, he became a news commentator on one of the major network stations in Portland.

Every Sunday he had a political commentary to make on the political scene generally. Not once during the 8 years I served as Governor did he ever second-guess me on any of my political decisions or policies. Of course, that was greatly appreciated, because he told me many times he had great temptations to do so. But he told me as a former Governor himself he did not appreciate those who were second-guessing him from positions where they held no responsibility for their second-guessing.

So he was indeed a true professional and an outstanding person.

During the campaign there were certain sharp distinctions drawn between his administrative philosophy and my administrative philosophy. When I was elected and inaugurated I became aware that I was locked out from implementing many of these policies I had in my own campaign platform simply because the appointments had been made on a term or other basis which could not be replaced and those people had been appointed by my predecessor who had the different philosophy. It was perfectly proper for him to have made the appointments. I do not challenge the legality or otherwise, for that matter. But having had that experience and having had to live out or wait out these appointees so I could replace them in due time, the people of my State were denied, as well as my own administration, the opportunity to implement certain policies that had been key policies in the campaign upon which the people had made a determination in the elective process.

I only use that as an illustration where I think it is a very appropriate way to consider these nominations, or an appropriate thing to consider these nominations in the light of the possibility of a new administration coming into office. Certainly, as the campaign has unfolded thus far, it would be an administration that would have distinctive differences with the present administration and, therefore, in some of these key, important areas, ought to have some flexibility.

We are not asking in any respect that this administration abandon its current responsibility as the incumbency to launching this synthetic fuels corporation. What we are simply asking is that there be retained flexibility once we launch the whole corporation.

Bear in mind, there is one chairman who is to be the chief executive officer. In all probability he will have a six-figure salary because it is very, very obvious that if he is going to attract the key qualified people from private industry and from outside of Government to the key positions in this corporation, he is going to have to pay significant salaries to attract them away from the private sector. Therefore, his salary, which has not been officially set, as I understand, has been pretty well understood to be at least $100,000 per year or more.

As a consequence, it is very important, I think, to recognize the role of the chairman. He alone, as it came out in the hearings, cannot launch this board without a working quorum.

The quorum constitutes a six-member board, a 1-year term, a 2-year term, a 3-year term, a 4-year term, a 5-year term, a 6-year term.

We suggest that the President send up to this body a selection from the five because Mr. Cary, the sixth member, withdrew when he could not comply, or did not desire to comply, with the rules of the committee on full disclosure of his finanical statement. So that reduced Mr. Carter's six-member nominated board to five. We held a hearing on all five of these people and suggested then in our proposal to the administration and to our majority party membership of the committee that the President select a 1-year term board member, a 2-year term board member and a 3-year term board member, of which one of the three would be a Republican to keep the bipartisan character of the board. He had nominated, in effect, three Republicans, Mr. Cary, Mr. DeButts, and Ms. Cleary.

Let me correct that. Mr. Cary, I am informed, is an independent. So he had two Republicans in that list of six, Ms. Cleary and Mr. DeButts.

In that way we would preserve, in case of a Republican victory in November, the right and the flexibility of Mr. Reagan to appoint a 4-year term, a 5-year term and a 6-year term.

Mr. President, I think again it was very clearly outlined that if Mr. Carter is reelected we would be coming back here on November 12 or November 13 in a lame duck session. We would hold at the desk the other two names that have been cleared by the committee for the board, and we would move to consideration of those names that have been submitted by President Carter, awaiting a submission by President Carter of a sixth name to replace the vacancy created by the withdrawal of Mr. Cary.

Mr. HART. Will the Senator from Oregon yield briefly with the understanding that he will not relinquish the floor?

Mr. HATFIELD. As long as I do not lose my right to the floor I am very happy to.

Mr. HART. I thank the Senator. It is only the issue of the seventh member of the Board, the vacant spot, in which the Senator from Colorado takes great interest. He wishes to point out, with the indulgence of the Senator from Oregon, that there are other considerations besides the partisan issue he has so eloquently outlined. In the case of the Senator from Colorado those issues are primarily regional. There is no region of the country which would be more affected by the actions of this Board than the Rocky Mountain West, and no State in the Union would have to bear more of the responsibility for the development of the synthetic fuels industry than the State of Colorado.

The Senator from Colorado, since the passage of this Act, has worked very hard to get representation on this board that is in some degree reflective of the role that his region would play in the synthetic fuels industry. When the original board was nominated, there was only one individual whose background was from the western part of this country.

The Senator from Colorado felt at that time, that there was not balanced regional representation, given the investment that the State of Colorado and the Rocky Mountain West were going to be called upon to make in the development of this industry. When the vacant seat occurred it seemed appropriate to bring to the attention of the White House the need for at least one other individual from our region who had an understanding of the critical problems that synthetic fuel development would cause to that region.

What are those problems in the semiarid West? They are the fragile nature of the environment, limited water supplies, difficult problems at high altitude with air quality, and certainly, massive impact from rapid development on energy-related communities, among other problems. It takes some familiarity with that region to understand the nature of those problems and how decisions by this Board may affect those problems in that region. One can read it in books, one can hear it from others, but it takes, most of all, some experience in living in that region.

It is for that reason that the Senator from Colorado has pressed and will continue to press for some acknowledgement of that set of facts by the White House, and try to get some commitment from the President that a Westerner will be appointed for that seat. Then two seats out of seven will go to the region of the country that will bear most of the responsibility. I do not say that the individual must be a Coloradan, although that would seem to me to be logical and proper. But I do believe very strongly that, at the very least, it should be an individual from our region that will contribute so much to this national effort.

Because of that, Mr. President, the Senator from Colorado has indicated that he is prepared to oppose and perhaps even, on future nominations, participate with the Senator from Oregon and others to seek to delay confirmation of the other Board members. This is a matter that can be taken up at a later time.

Because of the need—the circumstances in the Middle East and the Persian Gulf—to go forward with the establishment of the infrastructure of this corporation, this Senator is prepared to let the nomination of the Chairman go forward, very reluctantly.

I want at this point to state that my views are different from those of the Senator from Oregon. Again, I appreciate his indulgence in letting me make these remarks. I want to tell my colleagues that after action is taken, on the nomination of the chairman, I intend to oppose very vigorously the future confirmation of other Board members. Almost all of them, in my judgment, are very qualified people, one or two particularly. It is not a question of their qualifications, it is a question of the regional balance of that board.

Feeling so strongly, as I do, that it is only reasonable to request and, in the context of rational logic and judgment, that I have to take the position that I do, I find it very difficult to understand the reluctance of the President to come forward with a name or to commit to naming someone at some future date to this spot. It puzzles me, it distresses me. I do not understand it. I shall just have to await the decision of the President in that regard.

Having said all that, Mr. President, it will be the intention of the Senator from Colorado, reluctantly, to support the nomination of the chairman. The reluctance is not about his qualifications, because I think he is an excellent nominee. The reluctance has to do with the failure of the White House to make that commitment.

I indicate to my colleagues that I intend to participate in whatever other discussion may occur, after the disposal of this nomination, in waiting on the confirmation of the other nominees until we get clarification of the President's intentions. I thank the Senator from Oregon for letting me make those observations. I just wanted to add to his comments about the partisan problem that there are other deep considerations, in my judgment, having to do with the regional nature of this board.

(Mr. EXON assumed the chair.)

Mr. HATFIELD. Mr. President, I was happy to yield to the Senator from Colorado. I should like to make a couple of observations as to his remarks.

The Senator has referred to many considerations, one identified as a partisan consideration. I should like to suggest the word, "bipartisan," because I think a partisan consideration gives at least the implication that there is an elevation over all other considerations or at least there is an undue consideration given to the partisan politics of the matter. I only recall that many of these boards and commissions require by law that the representation on that board be from both political parties, recognizing it not in the sense of a partisan political matter, but just to keep it bipartisan.

I think that is the emphasis the Senator would agree has been the record of the evolution of this situation from the time that Senator DOMENICI of New Mexico gave birth to the proposal of a synthetic fuel corporation, at least from our side and I think for the whole Senate, and the kind of bipartisan support we have given to Senator JACKSON and the Energy Committee and to President Carter on bringing this about. What we are really trying to do here is maintain the true bipartisan character and spirit in the launching, because this is something that transcends partisan politics. Democrats as well as Republicans need gas. They need energy. They need fuel of all kinds. It is not a specter of a political label or what have you. What we are trying to do is not really raise a partisan point as much as trying to make sure that, in keeping with the spirit and the law and other things, we maintain a true bipartisan character.

Mr. HART. If the Senator will yield, my comments had to do with the observations of the Senator from Oregon about the election and who might be elected as President.

Mr. HATFIELD. I thank the Senator.

Mr. JACKSON. Will the Senator from Oregon yield, with the stipulation that he not lose his right to the floor?

Mr. HATFIELD. I am happy to yield to my chairman.

Mr. JACKSON. Mr. President, I suppose that, in many ways, it is unfortunate that these nominations on which it is highly important that we move quick to meet the Nation's urgent requirement in the area of synthetic fuels development should come up in the middle of a Presidential campaign. I do want to say that the Senator from Oregon, the ranking minority member of the Energy Committee, has always been most cooperative with me in representing his side of the aisle. He certainly has never been involved in any petty partisan approach.

Mr. President, I fully understand the concerns of the minority here. I only observe that it seems to the Senator from Washington that it would be wise to at least assure that the chairman of the corporation be positioned now so that he can take the initial steps needed to get the corporation into business. If confirmed now the chairman of the corporation would be able to get his people lined up so that, by the time we come back in November, after November 12, the corporation could at least be in a position to get into business in a substantial way.

The Corporation's Board members could be given recess appointments. Mr. President, I think it is important that at least the Chairman of the Board nominated by the President, Dr. John Sawhill, be approved for his term of office. It is clear that the issue of who else is going to be on the Board really is not going to be resolved until after the election. But I would like to see the Chairman of the Board given an appointment—that is for 7 years—enable him to get started.

John Sawhill has a bipartisan record. I do not know why he is listed as an independent. He was head of the Federal Energy Administration in the Nixon-Ford administration. In that period I gave him my full support as chairman of the committee. I never asked what his politics happened to be.

In any event, Mr. President, I express the hope that we get the chairman confirmed here today. It is clear that to go forward on the other directors is not realistic.

So, Mr. President, I hope that out of this discussion we could at least achieve that particular objective at this time.

I add, Mr. President, that in fairness, it must be said that the nominees for the Board of the Corporation, do represent a very distinguished group of people from both political parties. They all have outstanding records.

From labor, Joseph Lane Kirkland is an outstanding labor leader. Certainly, from the business community, John D. DeButts, former chairman of the board and chief executive officer of the largest corporation in the world, American Telephone & Telegraph, a Republican, has outstanding qualifications. Catherine Blanchard Cleary of Wisconsin has served on a variety of boards of large business enterprises. She is a Republican and has served with great distinction. I understand that she is an outstanding banker.

Mr. Frank Savage of New York. He is an executive with the Equitable Life Assurance Company of New York. He has had broad experience in the investment community—an excellent record. Of course, Cecil D. Andrus, the Secretary of the Interior, who has had a distinguished record of public service, both at the State level and for almost 4 years now as Secretary of the Interior. He represents an important point of view and has a broad understanding of the natural resources that will be involved in this program. He also has outstanding environmental credentials, which are recognized throughout the United States.

I think these nominees present a wealth of excellent experience. They will form a well-balanced unique Board of Directors.

But, setting that all aside, I make the plea that we at least get the Corporation into business so that the chief executive officer in the 6-week period ahead will have an opportunity to get the work of organizing the Corporation at least underway so that the Corporation will be able to move ahead without delay.

Mr. President, I yield back to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator from Washington.

Mr. President, I planned to comment at length on the matter of appointing the Chairman without a Board membership to assist him, at least, to form the Board, and why I will have to oppose that, because it is a meaningless gesture in that the law very clearly states that the Board of Directors shall establish the offices and appoint the officers of the Corporation, including a general counsel and treasurer, and define their duties. The Chairman of the Board is empowered to employ certain employees.

But the point I was making a moment ago, why we are engaged in a launching of a Corporation with a Chairman as the chief executive officer, with what will probably be a very high salary, is the ability to attract the key people around him in that Corporation, will be appointed by the Board, not the Chairman.

So appointing the Chairman at this time does not really do much except to put on a piece of paper the fact that we have a Chairman and that there are employees that he can bring on board.

I want to go into that in some depth because there is a lot of argument that I think would lay against the idea of separating a Chairman from, at least, a working quorum of the Board.

Mr. JACKSON. Will the Senator yield at that point again?

Mr. HATFIELD. Yes.

Mr. JACKSON. With the understanding he not lose his right to the floor.

It seems to me that the critical thing is to get the chairman of the board appointed for his full term so that he will be able at the outset to attract the best people he can find into the Corporation. It would be helpful to the people to be brought in if they could know their chairman will be there for his full term and in a position to carry through with his commitments to them.

A recess appointment for the Chairman of the Board could certainly create problems. It would make it much more difficult to recruit the best talent under those circumstances.

I am not saying it could not be done, but I am saying it would be much more helpful to put the chairman, at least, in the position of being able to select people, knowing the chairman would be there after November 12. I think that is a critical factor in all of this.

The members of the Board could be given recess appointments, Mr. President, so that they would be able to play an interim role here, at least, pending what happens on the first Tuesday after the first Monday in November.

As recess appointees they could go ahead and select officers and perform all the other internal chores involved in setting up this Corporation under the law. That, Mr. President, could be best achieved if the permanent Chairman is confirmed. The Board members could, while serving on a recess basis, take the necessary steps in accordance with the provisions of the law to see that the Corporation is properly structured to undertake the synthetic fuels program.

Mr. HATFIELD. I thank the Senator from Washington.

Mr. President, I will not choose at this time to go into detail to respond, except to say that one of the excuses we get from the White House now on why they have failed to appoint two important key administrative positions in various agencies is that they cannot get people to come in on such a basis as an election factor that will occur in November.

Therefore, to say that somehow appointing a Chairman at this time is going to create a sense of permanency that will attract people into a position they may not be able to occupy after the November election is, again, I think, without a great deal of merit.

I will later go further into that subject of extrapolating from this package only the Chairman and confirming him. I think that would be a very unwise procedure.

I yield at this time for a question or a comment, without losing my right to the floor, to the Senator from New Mexico (Mr. DOMENICI).

Mr. DOMENICI. Mr. President, I thank my friend from Oregon.

First, I compliment Senator HATFIELD for the way he has handled this matter as our leader on the Energy Committee.

I believe it should be obvious to the American people that the Republicans are as concerned as the other party, as concerned as the President, about doing whatever is necessary, even 34 days before an election, to get this board started so that it can begin to do some of the administrative work of setting up a corporation, even with an election right around the corner, an election that is admittedly close, the outcome of which would indicate clearly the authority to appoint the Board in a shorter period of time than it is now.

Given all that, under the leadership of the Senator from Oregon, the proposal I suggested originally, and which the committee further refined, clearly offers an opportunity to do what has to be done and to do what will work, and that is to confirm the nomination of a chairman in a 1-, 2-, 3-year term, leaving the three other vacancies for later. That would eliminate the need for interim appointments. It would create exactly the kind of stability about which our chairman just asked the Senator from Oregon. There would not only be a chairman that he wants to do these things, but also, there would be the authority that the Corporation needs.

There is no question that they cannot let contracts and start synthetic fuel. That is going to take a long time. But everything that would have to be done to get this very important entity off and running could be done.

That is our response to why we do not want to piecemeal this matter. Our proposal not only is fair; it is the best opportunity for the Synthetic Fuel Corporation to be able to do its job in its entirety, even though there are only 34 days until the election.

We have not said, "We just want to give you a little bit, a chairman." We have said, "We will give you a board in all legal respects, competent, which has all the authority that the Board has under the law we worked so hard on for months and months, to get ready for synthetic fuel production."

So it is not a question of whether we are holding up the Chairman. On the contrary, we are for giving the President of the United States and the American people a fully operative Board, because all you need under this law is three plus the Chairman.

So, under the leadership of the Senator from Oregon, we are saying, "Why aren't you, Mr. President, and why isn't our opposition on the other side, ready to do that?" The Senator from Oregon is saying that he is ready, that we are ready, and that we are not dictating anything. We are not saying who should be in the 1-, 2-, 3-year terms. As I understand it, we even have left that up to the President, other than one Republican, and that is because the statute does not permit more than four members ultimately from one party on the seven-member board. Is that not correct?

Mr. HATFIELD. That is correct.

Mr. DOMENICI. So I hope everyone understands that, from this Senator's standpoint, there could not have been a more enthusiastic supporter of synthetic fuel. The corporate entity that ultimately was shaped was found in a bill I introduced—in fact, it was the only one in this Congress—setting up a corporation.

I do not take credit for being the first one out in front of this issue. Many in the Senate, going clear back to our good friend JENNINGS RANDOLPH, many decades ago, were promoting synthetic fuel. But the Corporation, as a financing catalyst mechanism, has received substantial Republican support.

I ask the Senator from Oregon whether he recalls when the President had his Camp David energy summit, in the middle of the so-called malaise, and a number of us went up there to talk with him. We were there. I literally handed him the Synthetic Fuel Corporation note, put it on a piece of paper, and said, "You should do this and do it big, not little. It should be a major American effort."

How could we then be against letting it get a start? We cannot be. In the contrary, we are for doing precisely what is necessary to make sure it starts and has all the legal capacities. However, in fairness, we went to reserve three of these until after the election; and we give them their chairman in a 1-, 2-, 3-year term.

I believe that, under the leadership of the Senator from Oregon, we are doing precisely what is fair and precisely what is right. Instead of the majority party asking us to confirm the nomination of one person piecemeal, I state to them that it is our hope that they would see their way clear to going with the Chairman and three and doing it forthwith.

I thank my friend for yielding.

Mr. HATFIELD. I thank the Senator from New Mexico.

I comment further that I believe that one of the greatest things we have to deal with in the affairs of state today is the lack of confidence or trust that exists on the part of many people in the general public, and part of that is due to the fact that they say they cannot really depend upon a government position or policy or program, that there is a constant start and stop or changing of the rules and regulations, and so forth.

It seems to me that if we are going to launch the Synthetic Fuel Corporation effectively, expecting it to do the job that is assigned to it in law, we should give it every opportunity from the very start, from the very first day, from square one, rather than saying that we are going to start off here in a temporary situation because we only are going to have a chairman appointed permanently and then there may have to be recess appointments of the Board, and in a year, those recess appointments are going to have to be replaced, with or without a new President, or reconfirmed.

So there is the uncertainty, the lack of dependability, in a corporation that is going out to invest probably $2 billion to $3 billion initially. We have a total investment program involving possibly $20 billion. How in the world do we expect to get any kind of believable, creditable record of this Corporation on that basis? I believe it begs for a little more consideration and review than would be provided by this sort of last-minute effort to bail out some kind of symbolic gesture from the political problems of the moment.

However, in our proposal, as the Senator from New Mexico has indicated, we would have not just a permanent chairman; we would have a 1-year, 2-year, 3-year, in-place, legally established—at least for 3 years—working quorum of the Board.

To me, there is a world of difference between launching something in a half-baked way and trying to get something launched in a full-dressed way that can expect to have some degree of success.

In response to the Senator from Colorado (Mr. HART), I say that I too, as a westerner, would like to see additional western representation on the Board. I believe that Secretary Andrus, as such a nominee, would represent the West well. He was a Governor of Idaho, and he has been the Secretary of the Interior. I believe he is a true westerner in every way. He was educated in Oregon, attended one of our schools, Oregon State University. So his ties and his roots are long in the West.

I should like to see additional representation, of course, and I would join the Senator from Colorado and the rest of my western colleagues in a request to the President, in a plea to the President, to make such an appointment. However, I do not believe that this is the time for us to block the real opportunity for this Board to be launched.

If we adopted the minority party's proposal, there would be flexibility for any President, whoever he might be, to consider the request of Senator HART and the rest of us from the West in adding another western representative. We do not have to block this whole proposal to get that point across. I do not believe the Carter White House has responded yet in the affirmative to the plea made by the Senator from Colorado, so I do not see where we are going to make much headway between now and the election, anyway, on that basis.

So why not, then, step back and let this be put into operation after the election? Then we could all join; and if Mr. Carter is reelected, we can go to the White House and discuss it with him immediately.

If Mr. Carter is not reelected, Mr. Reagan is. Certainly Mr. Reagan is a western Governor. A former western Governor would have a great sympathy and great sympatico to a plea for stronger western representation and he would have the flexibility to do it perhaps more flexibly than Mr. Carter because we have two other appointments that he has made. He would only have one vacancy there to fill and that could easily be a westerner.

So let us not block this effort now. Let us not stand in the way of progress of launching this Synthetic Fuels Board because obviously the effort so far has not borne the results the Senator from Colorado wants and I doubt very much if the White House is going to change its mind between now and whatever hour we adjourn tomorrow; whereas, we could adopt this whole plan under the unanimous-consent agreement and move ahead and truly launch this Corporation.

It has been argued that if we Republicans are willing to give the White House Mr. Sawhill for a 7-year term and the three others for the initial 1-, 2-, 3-year terms we would be willing to split off Mr. Sawhill and agree to his confirmation separately from the rest of the package. It has also been pointed out that the President would use his recess appointment power and fill the rest of the positions with his nominees for the first year for the life of the Corporation.

Let me stop there for a moment.

Let us ask ourselves if we do not confirm anyone on this confirmation of either the Chairman or any members of the Board, what will happen, or what would happen if we just confirmed Mr. Sawhill without any members of the Board?

Obviously, as I read the law, confirming Mr. Sawhill alone does not really do anything. It does not do anything in terms of the real need of organizing this Board because Mr. Sawhill does not have the authority to appoint the top key policymakers of that Corporation. That is the Board's responsibility.

I would imagine that, if one of those two scenarios occurred, Mr. Carter would then appoint Board members or appoint a Chairman and old Board members as recess appointments.

Mr. President, as recess appointments, these people would be in place for a year following the recess period. In other words, the law says that for the first year of the following Congress such appointments will be valid and in so doing it would mean that we would either have to then confirm them in case of a reelection of Mr. Carter on a resubmission, and a whole new process would have to go forward to confirm them and to make them permanent appointees, or at least permanent to their term and, if Mr. Reagan were elected, then it would of course, mean that he would have to review the situation and perhaps send up some different names, and if the majority party is still the majority party, then they could block those very easily and at least for a year Mr. Carter's nominees could continue to serve on a temporary basis.

Again I ask a simple question: Is that realistic? Does anyone really believe that you could get a $75,000- to $100,000-a-year man or woman out of the private sector to come and take a job in that Corporation that is only established on such a temporary basis? No one that I could think of, unless he wanted to cap off his career with 1 year of work and then on to some other retirement program, would want to take on that type of responsibility. I think anyone who really has his heart and his commitment to this Corporation would like to think that he was going to be able to be operative and fully empowered in every way to make it successful and if not with that kind of possibility I think he would refuse that kind of invitation to come and join the Corporation.

Second, I think this would, in effect, cause in a way a politicization that would be very distasteful to a lot of people in the private sector.

Today we find increasingly people who will say, "Look, I do not want to get close to Government. I do not want to get involved in those political battles in Washington. No; I withhold my talent, my skills, my experience, my know-how because I just do not want to get involved with that kind of a mess in Washington."

You add to that factor that already is very evident in our social, political, and economic society today the temporary character of this way of launching a Synthetic Fuels Corporation, and I think we have a greater dimunition of the possibility of qualified people being willing to serve under certain circumstances.

Mr. President, I wish to underscore again that there is a vast difference between recess appointments and the kind of appointments that we are proposing here in our plan that would, in effect, create the permanency that is so important to launch this corporation effectively.

I do not think that really in retrospect any of us would be very proud of launching a temporary multibillion-dollar-decision organization, working against an artificial 1-year timeclock, which could expect to be replaced as soon as our Democratic colleagues in this body, if they are still in the majority, allow us to confirm new Presidential appointees or going through the process of resubmitting from a reelected Democratic President to a continued Democratic-controlled Senate the process of hearings and reconfirmations.

That is why I think that what we try to do is to act in a very responsible way as a minority to deal with the problem, to face up to the issue, to bite the bullet, to do whatever it is that makes it difficult at times in this business to make decisions. But I think we have to be willing to make such decisions.

I think that we are not about to signal to any Senator on either side of the aisle that any one of the nominees is any more acceptable than the other.

We are not trying to suggest to the President whom he should appoint by name. We are willing to accept any of his proposed nominees.

These are very outstanding nominees, all of them, Mr. Kirkland, Mr. Andrus, Mr. Savage, Mrs. Cleary, Mr. DeButts. I do not know all of them personally. I know Mr. Andrus. I worked with him for a long while and have deep admiration for him. I do not agree with all of his views but he does not agree with some of mine. So in no way does that diminish the ability and capability of the gentleman.

Mr. Kirkland has been a longtime, well-respected labor leader in this country. He has recently taken over the full rein of the AFL–CIO from Mr. George Meany. Mr. Kirkland is a man of great quality, great depth, and again fully qualified to be on this Board.

I do not know Mr. Savage personally. He has an excellent record of marvelous accomplishments in the insurance industry, holding a high position in that industry and is a proven leader, a man of proven ability.

Mrs. Cleary, of course, is one of the outstanding bankers in this country, a woman banker from Wisconsin who is now in education as well and has again remarkable credentials.

As to Mr. DeButts, all I have to say is he is a past chairman of the A.T. & T. I guess that tells it all. He came up through the ranks. I guess he started at one of the lowest rungs in that big corporation some 25 years ago and became its chief executive officer, and that tells the whole story about his ability.

So, the President, I think, has really selected some very outstanding American citizens to serve on this Board, and we wish to accommodate and join with the President and say, "Job well done, Mr. President; we are anxious to support you and cooperate with you on this matter."

That was our spirit. That was our motivation, and that is what prevails at this time.

I do not think that this is the time to make demands on the White House that there is little evidence that the White House will respond to. I think this is the time to launch the Corporation, and I again challenge our brethren on the other side of the aisle and the White House alike to take this challenge and let us move the Corporation into being so that it is absolutely clear that the minority membership is willing and that the White House after some initial sputtering is also willing to go with our proposal. I think this has to be the record. It cannot be any other way.

Now, Mr. President, I mentioned a while ago the responsible role of the minority in the handling of these various and sundry nominations. It was certainly our intent from the very beginning to be responsible, and I think we have done it in a very effective way. We have been responsible as it relates to the confirmation hearings. In no way have we tried to block the hearings on Sawhill or any other member of the Board, and I would just like to take a few moments to talk about Mr. Sawhill because I consider him a very good friend. We worked together for some time.

Mr. WALLOP. I wonder if my colleague from Oregon will yield without losing his right to the floor, as he has brought up the question of Dr. Sawhill? I am mindful of a letter to me from Dr. Sawhill and his response, and I would like to read them into the RECORD because I think they are important as they address some concerns that some of us in the West have had about the possible behavior of the person who might be the Director or the President of the Energy Security Corporation and how that office would be conducted.

I wrote Dr. Sawhill on September 30, 1980 as follows:

DEAR DR. SAWHILL: In connection with your nomination by the President to be the Chairman of the United States Synthetic Fuels Corporation, I submitted a series of questions to you after your nomination hearing on September 18, 1980. Question No. 4 stated as follows:

"You apparently have mentioned to others your intent to be an 'activist' chairman, including setting up an unofficial Energy Mobilization Board-type structure in the Corporation to expedite licensing in synthetic fuel plants and to engage in 'jawboning' of state and local officials to support project effort.

"(a) Would you clarify any intent you actually may have in this regard.

"(b) Do you find any implied or express authority, direction, or encouragement in the Energy Security Act for such activities?"

On September 19, 1980, you provided the following answer to my question.

"There is no specific direction in the Act that the Chairman take on an 'activist' role in expediting projects, but it is clear that in establishing the Corporation and in setting forth specific synthetic fuels production goals that Congress did not intend that I approach this job with a 'busines as usual' attitude. . . ."

I do not believe that your answer adequately addresses the concerns which were implicit in my question regarding the proper role of the Chairman under the Energy Security Act. I also would invite your attention to Section 171(b), which mandates that the powers of the Corporation only be exercised in connection with administrative activities, financial assistance and Corporation construction projects, as authorized by the Act. That subsection also prohibits any other activities of a business, commercial, financial, or investment nature or performance of any other governmental function, and prescribes civil and criminal penalties for any such unauthorized activity.

During the Senate's further consideration of your nomination, I consequently would request your assurances and commitment that, if confirmed, you would not engage in any activities of an Energy Mobilization Board nature and would not assume an unauthorized "activist" role in "jawboning" or promoting synthetic fuel projects assisted by the Corporation with state and local officials. I would appreciate your earliest consideration of my request in order to facilitate and expedite early Senate consideration of your nomination.

Sincerely,

MALCOLM WALLOP,
U.S. Senator.

I received from Dr. Sawhill the following response, also dated September 30, 1980:

Dear Senator Wallop: Thank you for your letter of September 30, 1980, regarding my potential activities and role as Chairman of the United States Synthetic Fuels Corporation, if confirmed by the Senate. I appreciate this opportunity, pursuant to your request, to clarify my intentions if confirmed as Chairman of the Corporation.

I can assure you now, and I am prepared to offer my commitment to the same effect, that I will conduct myself as Chairman of the Corporation in strict accord with the letter and spirit of the Energy Security Act generally and in particular Subsection 171 (b). I have no intention of exceeding the authorities in the Energy Security Act, such as by establishing an unofficial Energy Mobilization Board-type structure in the Corporation, and would not assume an unauthorized "activist" role in "jawboning" or promoting synthetic fuel projects assisted by the Corporation with State and local officials. I fully appreciate and acknowledge the extreme sensitivity of your concern in this regard in Wyoming and the other Western States, and I fully intend to proceed, if confirmed, in a manner which respects that sensitivity. I hope that this letter will allay any fears or concerns of you or your colleagues on this matter.

Thank you again for this opportunity to clarify my position on this important issue, and I look forward to the opportunity of working closely with you and your colleagues in implementing the challenging and exciting program mandated by the Energy Security Act.

Sincerely,

JOHN C. SAWHILL,
Deputy Secretary.

I might say to my colleague from Oregon that that is a much more useful response than Dr. Sawhill's first one, and certainly goes a long way towards making some of us who have had rather severe concerns about an "activist" chairman of this Corporation. So I appreciate the Senator's yielding, and I appreciate his courtesy in allowing me to read those letters into the record because I think as the deliberations go on it will be of use regardless of what consideration is given to that nomination to date.

Mr. HATFIELD. I thank the Senator from Wyoming for his contribution today for the record on this particular issue.

Mr. President, I was about ready to refer to some of the qualifications and the outstanding background in the career of Dr. Sawhill. I would like to take a few minutes to treat those qualifications of the nominee with the respect they deserve.

It is not often the Senate gets a chance to hear the qualifications of a particular candidate during an attempt to hold up a nomination on the floor. But the circumstances here today are unique in many ways, and since I am supporting the nomination of the chairman of the Board and the other candidates as well, while trying to preserve the role for a new President and to launch this Board and this whole program with some hope of success, it is essentially and entirely appropriate to compliment the nominee and lay his qualifications on the record.

I believe, Mr. President, that the nominee for the chairman of the U.S. Synthetic Fuels Corporation is a man well-qualified for this position, as I have said from the very beginning. He has had broad experience in the private sector as president of a major American university, as a director of several major American corporations, as an executive officer of a large financial institution, and as an experienced officer for the Federal Government in several positions.

John Crittenden Sawhill was sworn in as Deputy Secretary of Energy on October 4, 1979, following his confirmation by the U.S. Senate on October 1.

Prior to joining the Department of Energy, Dr. Sawhill served as president of New York University (NYU) since 1975; Administrator of the Federal Energy Administration (FEA), from June 1974 to January 1975; Deputy Administrator of the Federal Energy Office (the predecessor of the FEA), from December 1973 to June 1974; and, Associate Director for Natural Resources, Energy and Science of the Office of Management and Budget during 1973.

He served as senior vice president and member of the executive committee of Commercial Credit Corp. in Baltimore from 1968 to 1973 and senior associate in the management consulting firm of McKinsey & Co., from 1966 to 1968. From 1964 to 1966, he was the director of credit and research planning for the Commercial Credit Corp.

He has also served on the boards of directors of a number of major American corporations including RCA, Phillip Morris, Consolidated Edison, Crane Corp., General American Investors, American International Group, Automatic Data Processing and North American Coal. He has, in addition, served as a director of the American Association of Certified Public Accountants and a trustee of the Committee for Economic Development.

While working on his Ph. D. at NYU from 1960 to 1963, he was assistant dean and assistant professor, department of economics. Prior to that, from 1958–1960, he was associated with the brokerage firm of Merrill Lynch, Pierce, Fenner & Smith.

Dr. Sawhill graduated cum laude from Princeton University's Woodrow Wilson School of Public and International Affairs in 1958 and received his Ph. D. in economics from New York University in 1963.

While serving as president of the Nation's largest private urban university, Dr. Sawhill was also a professor of economics and the first incumbent of the David B. Kriser Professorship in the Humanities.

Dr. Sawhill is a leading proponent of the maintenance of a diversified independent and public system of higher education, and is nationally known for his commitment to the principles of sound fiscal management as the key to survival for independent colleges and universities. During his term as president (he is currently on leave from NYU), NYU made one of the most dramatic fiscal and academic advances in higher education.

In the academic sector, he has been widely published and interviewed as a leading advocate for the reinvigoration and broadening of the humanistic perspective in higher education.

Even prior to his appointment as Deputy Secretary, Dr. Sawhill was an outspoken advocate of energy conservation, working closely with Government leaders on energy issues and writing and lecturing extensively on the need for long-range energy planning and conservation. He is a coauthor of a report, "Nuclear Power Issues and Choices," written after participating in a year-long Ford Foundation-sponsored study on the development and use of civilian nuclear energy and published in 1977. He is also the principal author of "Energy—Managing the Transition," a study prepared for the Trilateral Commission and published in June 1978 and of "Improving the Energy Efficiency of the American Economy," a collection of papers on energy conservation published in 1979.

While at NYU, Dr. Sawhill's civic activities included serving as a public member of the New York State Emergency Financial Control Board, and on the board of directors of the Association for a Better New York, among others. He was also cochairman of the Aspen Institute for Humanistic Studies Energy panel.

He currently serves as director of the American Association for the Advancement of Science. He has also acted as a trustee for the World Peace Foundation, the Committee for Economic Development, and the Urban Institute. Dr. Sawhill is a noted writer, having published numerous books, articles, and reports on our educational system and a variety of energy subjects.

Born in Cleveland, Ohio, on June 12, 1936, Dr. Sawhill was raised in Baltimore, Md., the eldest of four children. He is married to the former Isabel Van Devanter. They have one child, James Winslow Sawhill, 20.

That is a brief biography on the nominee for the Chairman of the Synthetic Fuels Corporation, who received the full support of the committee, who still has my full support and, as far as I know, the full support of all of the members of the committee and probably an overwhelming number of the Republicans on this side of the aisle.

Mr. President, we also, as I indicated, have an extraordinary list of other people.

But before I go into some detail on their backgrounds and qualifications, let me rise to read a telegram from the Western Governors. As a former Western Governor, I am always happy to hear from my colleagues, because I think they, probably more than any other part of the country, still live in an area in which there is a very close relationship between the elected official and the constituent and perhaps know a better way they can reflect their constituencies.

Mr. President, on September 16, 1980, the Energy Committee received a telegram addressed to the chairman of the committee, Senator HENRY M. JACKSON, spelling out the views of the Western Governors regarding the nomination of John C. Sawhill to be the chairman of the U.S. Synthetic Fuels Corporation. I think it important, as we consider this nomination, to bring this telegram to the attention of the Senate.

As you can appreciate, Mr. President, the West bears a special responsibility in the future development of synthetic fuels. The vast bulk of the fossil fuel resources which can be financed under this Corporation are located in Western States. There is no question that there will be tremendous demands for water and there will be tremendous stress on the relevant States to develop the appropriate community infrastructures in such a way that development of these resources is consistent both with good environmental planning as well as good urban planning.

The political leaders of the Western States have a special role in this process. At the front end, they must develop the right connections with existing Federal political institutions. It is only through such interactions that they can adequately represent and protect the vital interests of their States. That is why this letter in support of John Sawhill is such an important part of the record. I think that you will notice that their reasons for supporting Mr. Sawhill bear a special relationship with the situation in the West.

Here is the text of the telegram:

> On September 5, 1980 the Governors of the Western Governors Policy Office (WESTPO) unanimously passed a resolution urging President Carter to nominate John C. Sawhill as Chairman of the Synthetic Fuels Corporation. Several days later we were delighted to see that the President did indeed send Dr. Sawhill's name to the U.S. Senate.
>
> Our resolution was significant in that most of the Western Governors had their own individual candidates for membership on the Corporation, yet we chose to unite behind a non-Westerner for the key position of Chairman.
>
> Dr. Sawhill has been a source of stability and competence within the Department of Energy. He has proven to be open and sensitive to the needs of State government while remaining a strong advocate in the goal of bringing this Nation closer to energy self-sufficiency.
>
> The success of the Synthetic Fuels Corporation is of the utmost importance to all of us in this country. The Chairman needs to be a person who can get things done and see to it that Corporation does not become another cumbersome bureaucracy, additionally, the Chairman must be a coalition builder—a person who can bring the private sector, governmental officials, and interests groups together to see that synthetic fuels technologies are commercialized in a manner that will strengthen our public and private institution, we feel that John Sawhill fits this bill very well and we urge his swift confirmation so that the Corporation can be activated.
>
> GOV. ED HERSCHLER,
> *Chairman of WESTPO.*

Mr. President, I think that certainly is a great tribute to a capable man coming, as it does, from a Western group of Governors, when Mr. Sawhill has little or no background in the West, as far as his life and education is concerned. His interest and his knowledge, of course, are very deeply rooted in the West, as well as other parts of the country.

Let me just briefly outline Mr. John Dulany DeButts of New York, who would be a possible candidate for the board as recommended by the President, as approved by the Senate Energy Committee.

John Delany DeButts, of New York, from 1972 to 1979 was chairman of the board and chief executive officer of American Telephone & Telegraph.

From 1967 to 1972, he was vice chairman of the board and director, American Telephone & Telegraph. From 1966 to 1967, he was executive vice president of American Telephone & Telegraph. From 1962 to 1966, he was president and director of Illinois Bell Telephone Co. From 1959 to 1962, he was the vice president/operations and engineering director, Chesapeake & Potomac Telephone Co. From 1958 to 1959, he was general manager, New York Telephone Co.

From 1957 to 1958, he was assistant vice president, government relations, Washington, D.C., American Telephone & Telegraph. From 1936 to 1957, he was with the American Telephone & Telegraph and Chesapeake & Potomac Telephone Co. in various management posts.

Other activities. He is a director of Citicorp, Citibank, United States Steel Corp., General Motors Corp., and Kraft, Inc. He is a member of the Business Council, Business Roundtable, Conference Board, National Advisory Council on Minorities in Engineering, and the Academic Advisory Board of the U.S. Naval Academy.

His education was at the Virginia Military Institute, with a bachelor of science in electrical engineering. He is age 65 and he is a registered Republican.

Mr. Sawhill is a registered Independent.

Catherine Blanchard Cleary, of Wisconsin. From 1978 to the present time, she is adjunct professor, School of Business Administration, University of Wisconsin.

From 1947 to 1978, she was with the First Wisconsin Trust Co. as a chief executive officer, chairman of the board, president, executive vice president, trust officer, and assistant trust officer.

From 1953 to 1954, she was Assistant to the Secretary, U.S. Department of the Treasury.

In 1953, she was assistant U.S. Treasurer.

From 1943 to 1944, she was in the legal department of the Kohler Co. From 1939 to 1940, she was a teacher at New Canaan Country School, New Canaan, Conn. From 1937 to 1938, she was an apprentice, Shady Hill School, Cambridge, Mass.

Other activities. She is a director of the First Wisconsin Trust Co., American Telephone and Telegraph, Kraft, Inc., General Motors, and Kohler Co.

She is a trustee of the Northwestern Mutual Life Insurance Co.

She is a member of the Wisconsin Bar Association; the House of Governors from 1951 to 1952; and she chaired the Committee on Federal Legislation from 1952 to 1953. She was on the President's Committee on Education Beyond High School from 1956 to 1957, and on the National Commission on Productivity and Work Quality from 1974 to 1975.

She received her bachelor's degree from the University of Chicago, and her law degree from the University of Wisconsin. She is 63 and a registered Republican.

(Mr. CHILES assumed the chair.)

Mr. HATFIELD. Next is Mr. Frank Savage, of New York State, again one of the nominees of the President to the board of this great Corporation.

From 1970 to 1973 and from 1975 to the present time, the Equitable Life Assurance Society of the United States; from 1976 to the present time, vice president and manager, investment management department; 1975 to 1976, vice president and investment liaison officer; 1970 to 1973 president/chief operating officer, the Equitable Life Community Enterprises Corp., a wholly owned subsidiary of Equitable Life Assurance.

From 1973 to 1975, executive vice president, chief operating officer and director, TAW International Leasing, Inc.

From 1964 to 1970, loan and operations officer, international division officer, First National City Bank.

Other activities: He is a director of the Freedom National Bank, chairman; Operation Crossroads Africa, Inc.; the Dance Theater of Harlem; the Equitable Life Community Enterprises Corp.; YWCA, National Board. He is on the advisory board, African-American Institute and the Harlem Commonwealth Council.

He received his bachelor's degree from Howard University in 1962 and his master's degree from Johns Hopkins University School of Advanced International Studies in 1964.

He is black, 42, and a registered Democrat.

Next a brief biographical sketch of Cecil D. Andrus, 42d Secretary of the Interior.

Cecil D. Andrus, Secretary of the Interior since January 1977 and former Governor of Idaho, undertook his Cabinet duties with a demonstrated concern for the environment and a pledge that the quality of life will not be sacrificed. He has been equally adamant that the Interior Department encourage development of needed resources in a balanced manner.

At Interior, Andrus has devoted as much attention to energy and water matters as to traditional environmental matters. He has worked to implement a new approach to water resources planning, and for modernization of the Reclamation Act of 1902; commenced implementation of the landmark Surface Mining Act of 1977; succeeded in breaking a 9-year legal deadlock in coal leasing on Federal lands; accelerated leasing for oil and gas on the Outer Continental Shelf, breaking records in 1979 for the largest number of lease sales in a year; begun work toward expansion of oil shale and tar sand leasing and development; and achieved needed administrative reforms in Interior's onshore oil and gas lease program.

He has led the Carter administration's drive for comprehensive Alaska lands legislation, characterizing his plan as a balanced one which would protect the State's matchless scenic and wildlife values while making the vast majority of its mineral resources available for development. He was instrumental in obtaining Congress' approval for expansion of Redwood National Park in California when the existing park was being damaged by uncontrolled logging just outside its boundaries.

He has worked toward more equitable consideration for native Americans in their search for a fair return on their mineral resources and assertion of their water and fishing rights, while seeking to ease the inevitable conflicts with traditional interests impacted by those efforts. In these, as in his other activities, Secretary Andrus has declared his objective to seek carefully balanced solutions to economic, environmental, and human concerns.

Born in Hood River, Oreg., August 25, 1931, to Hal and Dorothy Andrus, he grew up on a farm in logging country. He worked in the woods and sawmills, fished and hunted Idaho's streams and forests during all his growing years.

Following a year at Oregon State University, he served in the Navy during the Korean war, then returned with his wife, Carol, to Orofino, Idaho, to make his home. They have three daughters, Tana, Tracey, and Kelly.

Elected as a State senator at the age of 29 from Clearwater County, Andrus was reelected to three successive terms to the Idaho Senate.

In 1970, he was elected Governor of Idaho and his first term saw the delivery of improved people services close to their home. An executive reorganization measure he spearheaded in 1972 streamlined the State bureaucracy from 270 agencies, boards, and commissions to 19 State departments.

As Governor of Idaho, Andrus worked within the limitations of the natural environment in achieving economic objectives. He has been a strong advocate of locally controlled, State-assisted land use planning.

He strongly supported regional approaches to the delivery of health services, better funding of education by the State, and fiscal solvency. During his years as Governor, he kept the State in a financially sound position with no debts and no encumbrances carried over into new fiscal years. Under his leadership, a $3 million reduction in property taxes was effected in 1973 and a State surplus in 1974 turned into an additional $4 million reduction.

Reelected to a second term as Governor November 5, 1974, Andrus received 71 percent of the gubernatorial vote. In his second inaugural address, Andrus declared:

> Conservation is no longer a pious ideal, it is an element of our survival.

As a freshman Governor he was named to the Executive Committee of the National Governors' Conference (1971–72). He served as chairman of the Rocky Mountain Federation of States from 1970 to 1972, and through that organization brought an education satellite into use to aid remote Idaho communities. He was elected chairman of the National Governors' Conference in 1976, and resigned upon being nominated Secretary of the Interior.

Shortly before he was sworn in as Secretary of the Interior, Andrus described his approach to natural resources issues in these terms, which he continues to endorse:

> You have heard me say many times that we want to maintain our unique recreational resources so that we may enjoy them, but also we must maintain an economy that gives us the financial ability to make that enjoyment real. We have to make a living, but after we make a living, we have to have a living that's worthwhile.

Again, a very remarkable person.

The last of the five nominees that President Carter sent up for our consideration approved by the Committee on Energy and Natural Resources is Mr. Lane Kirkland, president, AFL–CIO.

Lane Kirkland was elected president of the AFL–CIO on November 19, 1979. He had served for 10 years as secretary-treasurer, the labor federation's second highest office.

Kirkland was born on March 12, 1922, in Camden, S.C. He graduated in 1942 from the U.S. Merchant Marine Academy in King's Point, Long Island, and served throughout World War II as a deck officer aboard merchant vessels carrying ammunition and other war materials to both Atlantic and Pacific combat zones.

Licensed as a master mariner near the end of the war, Kirkland entered the U.S. Navy's Hydrographic Office in Washington, D.C., as a nautical scientist while studying at night at Georgetown University's School of Foreign Service, from which he received a bachelor of science degree in 1948.

Shortly afterward, Kirkland joined the research staff of the AFL. Over a 10-year period in the AFL and AFL–CIO he handled a wide range of assignments.

He joined the International Union of Operating Engineers as director of research and information in 1958 and 2 years later returned to the AFL–CIO as executive assistant to President Meany, a post he held until his election as secretary-treasurer in 1969. He was elected president without opposition at the 1979 convention.

Kirkland is a member of the International Organization of Masters, Mates and Pilots and a fellow of the American Association for the Advancement of Science. He has served on the following presidential commissions and advisory bodies:

> U.S. Delegation, International Labor Organization Conference, Geneva, 1958, 1969, 1970, 1975, 1976, 1980; Blue Ribbon Defense Panel, 1969–1970; Commission on CIA Activities Within the United States, 1975; Commission on Foundations and Private Philanthropy, 1969–1970; General Advisory Committee on Arms Control and Disarmament, 1974; National Commission on Productivity, 1971–1974; Presidential Commission on Financial Structure and Regulation, 1970–1972; President's Maritime Advisory Committee, 1964–1966; President's Missile Sites Labor Commission (Alternate), 1961–1937; Commission on Executive, Legislative & Judicial Salaries, and Committee on Selection of Federal Judicial Officers.

He is a director of the following nongovernmental organizations:

> American Council on Germany; American Arbitration Association, African-American Labor Center; Carnegie Endowment for International Peace; Asian-American Free Labor Institute; The Rockefeller Foundation; American Institute for Free Labor Development; Council on Foreign Relations, Inc.; The Brookings Institution; and National Planning Association.

Kirkland and his wife, Irena, live in Washington, D.C.

Mr. President, again I think I could say without fear of contradiction or challenge that probably American labor, in a long, distinguished movement in this country has brought out such leaders—John L. Lewis and many others I could name—Mr. William Green, George Meany—and that Lane Kirkland has already established himself in that vast background, diversity of interest and spirit, and like the others who have been nominated by President Carter, I think deserves serious consideration in this body.

I emphasize that we on the minority side have not objected, nor have we raised any problems with any one of the members that have been appointed. We support all of them in the sense that any one of them would be eligible to be appointed by the President under our proposal to set forth the chairman and a three-member working quorum to launch the Synthetic Fuels Corporation. Mr. President, I cannot emphasize too strongly the importance of launching this corporation with a leadership and a body of people—that is, the board and chairman—who can be in place to give that board some credibility. I do not mean credibility in the sense that it needs credibility by law or that it needs credibility by the bipartisan support of its origins and its birth, or credibility, necessarily, in the individual members we are considering.

They all, all those appointees, have a high degree of credibility. I mean credibility purely in the sense that this is a serious launching of an important corporation, not surrounded, immersed, in tentative or in questionable longevity or in unknown factors of its permanency as far as leadership is concerned, which would be the case if we failed to move with the chairman plus a working quorum. If this body should decide, by some vote, to separate the chairman from a working quorum with the board, we would be, in effect, asking this chairman to launch a corporation with both hands—not one, but both hands—tied behind his back.

Mr. President, the law very carefully circumscribes the powers of the board and the powers of the chairman. Bear in mind that the board of directors shall establish the offices and appoint the officers of the corporation, including the general counsel and treasurer, and define their duties. Not the chairman—the board.

Bear in mind that the board is certainly going to have to have some ability to make commitments to those people they invite to assume those positions. How could a board that has only a recess appointment, in good faith, how could that board, with any degree of credibility, approach any logical or any kind of qualified appointee and say, "Come and work with us in launching this. We cannot tell you how long you will be there; maybe only a month, maybe only a few months, maybe a year. It cannot be more than a year."

Pray tell, in any kind of good, sound reasoning, thinking with our intellect and not reacting or responding with purely a glandular response, how could we, with any kind of sound reasoning, expect that kind of constituted board, on a recess appointment basis, to make any legislation, meaningful proposal, or invitation to any qualified person to come and help launch this Synthetic Fuel Corporation?

I think we have to recognize that this board is supposed to be bipartisan. The President has very carefully selected such a list of people. I do not think this board should be looked upon as a political institution. It is a business institution. That is why we created a corporation. If we had wanted a purely political institution, we would have created another commission or another agency that we would put somewhere in the slot or in the line of all our bureaucratic agencies and commissions that we have. But we wanted to escape that kind of happening. The people are tired of the kind of inaction, the lack of response of many of these agencies, especially the Department of Energy.

Mr. President, I do not know of any agency today of the Federal Government that I get more complaints about from my constituents as to their bogged-down, redtape inability to make a decision than the Department of Energy.

I frankly feel that if that resolution were introduced to repeal the Department of Energy today, it might be a fairly close vote. I have not made any survey, but I feel that from hearing my colleagues express the same kind of frustration that I feel and that my constituents feel in trying to deal with the Department of Energy.

Mr. President, we do not want another Federal agency to try to launch us into a synthetic fuel program. That is precisely why the U.S. Congress created a corporation. A corporation of this kind, a Federal corporation, has its independence, it has its funding, it has its leadership role to play by the language of the law, and it is exactly what I say: It is a business organization, not a political institution. It is designed to serve those who use it, not those who created it. Therefore, Mr. President, I think all Senators should restrain themselves, we all should restrain ourselves and avoid the temptation to load the board down with our people, our appointees. The board is not that kind of institution.

We have a legitimate right to go down to the White House and try to get our people in the agencies of Government, such as the Cabinet positions and all the others, including the Bonneville Power Administration and regional agencies that we like to have our people in. The point I am making is that this is not that kind of agency. This is a business enterprise; this is a business corporation. Mr. President, that is, I think, one of the things we have to maintain, a perspective.

Mr. President, the past weekend, the Washington Post ran a very fine article by Mr. John M. Berry on the development of a synthetic fuels industry and the shale oil deposits of western Colorado. The move that is beginning now in America to reduce its energy dependency is clearly going to require the development of energy resources somewhere in America. The oil shale deposits of western Colorado are a vital American energy resource. So are a number of coal and tar sand deposits in the West and in the East. We as a nation can no longer turn our backs on these resources. In the past, the development of these resources was controversial, both from the economic as well as the environmental point of view.

Economic circumstances and environmental technology control and improvements make their development somewhat less controversial. But there is no way, Mr. President, to think that the development of a large and sufficient synfuels industry in the West will not require an active and responsible interaction between State and local officials who are primarily responsible for managing the social and environmental impact and the Federal Government which will be providing the financial backing.

Such efforts must not fail. This article by John Berry provides excellent background on these factors. I should like to read from some of those that relate to this synthetic fuel program that we have pending before us now.

This is, as I say, by John M. Berry of the Washington Post. He writes from Rifle, Colo.

> Late last year Exxon Corporation began to circulate a draft of its annual analysis of the Nation's energy future and, for the first time, the oil giant stretched its horizon into the next century.
>
> The new numbers included a bombshell: To meet the likely need for liquid fuels three decades hence, the United States will have to develop a synthetic fuels industry capable of producing 15 million barrels a day.
>
> In a manner of speaking, the bombshell exploded over the northwestern corner of Colorado, which would be the center of an 8-million-barrel-a-day oil shale industry if the Exxon vision comes to pass.
>
> About the time the analysis was published last spring, Exxon Chairman C. C. Garvin went so far as to remark at a lunch with Washington Post reporters that perhaps that corner of Colorado would have to be declared a "national energy zone" in which the "normal rules" would not apply. The nation's security and continued economic growth could require it, he said.
>
> Until the Exxon paper—it does not describe a "plan" Exxon intends to put into effect, the company stresses—hit the scene, the debate about oil shale development on the area of Colorado known as the Western Slope had been proceeding at a leisurely pace, with most participants still talking about an industry that probably never would produce more than several hundred thousand barrels of liquid fuel a day.
>
> "That paper they sent scared the bejesus out of everybody," one Colorado energy expert says. "Exxon changed the game overnight.'
>
> The paper galvanized many of the groups that will be affected by development of the thousands of square miles of Colorado oil shale deposits, some of which are as much as 1,500 feet thick. (Smaller but still enormous quantities of oil shale also are located in nearby Utah, with lesser quantities in Wyoming.)
>
> As a result of meetings, hearings, discussions and just sheer publicity over the last few months, the groups—among them ranchers, businessmen, state, county and municipal officials, environmental organizations, ski resort operators, water district representatives and civic clubs—generally now realize that large-scale production is coming, with the first major impacts to be felt soon.
>
> According to Sen. Gary Hart (D-Colo.), a consensus has formed that 400,000 to 500,000 barrels of liquid fuel will be produced daily in the area by 1990 and double that a few years later.
>
> Even a level of 400,000 barrels a day would require construction of at least eight plants, each with a capacity of 50,000 barrels daily and a cost of between $2 billion and $4 billion. Construction and operating crews and concomitant development of everything from new housing, roads, sewers, water supplies, power plants, schools and retail stores likely would add at least 75,000 persons to the sparsely populated Western Slope.
>
> But no one in the area is reconciled to the mammoth development depicted by Exxon, or to changing environmental rules to accommodate it.

For a moment, I might digress, Mr. President, to say that out of this kind of description, one can appreciate Senator HART's concern about his State, and also as it might relate to this corporation.

As I indicated before, I would be happy to join with him in his plea to any President, whichever person may be in that position after the election, to look again at that slot that is yet to be filled by the withdrawal of the name as possibly a person to be appointed from the West.

I quote Senator HART:

> If I'm still in the Senate, they could do that only over my dead body," Sen. Hart exclaimed when told of Garvin's remark.
>
> The first factor limiting shale development is apt to be water. Even Exxon says the upper limit is a 1.5-million-barrel-a-day industry in Colorado without the importation of water from other states in the Missouri and Mississippi river basins.

I think it is very interesting, Mr. President, that they did not list the possibility of the Columbia River Basin. The reason for that is that Senator JACKSON, and others, and myself, have placed a moratorium on the possibility of even a feasibility study of water transfer.

I think it is, again, one of those possibilities that may, in fact, run from the Colorado, or the other States, when they talk about the necessity of importing waters from the Missouri and Mississippi River basins.

I continue the article:

> Exxon says that, costly as such water plans would be, they are feasible in an engineering sense. Political feasibility is another question.

I think that point is well taken:

> For now, however, there is enough water available for the first several plants to be built, and most of the operators have options to buy the necessary water. Later, as more plants are built, air quality standards could become a limiting factor.

Mr. President, to digress again, because at this point I think we have the very strong evidence that we have to be in a position to deal with these very complex issues.

Some people think this board is just in the business of divvying out money, that they will have a big sack of money, some $20 billion, and will be in the business of reviewing applications, making grants, and whatever else they will do with this money, as it relates to investment.

But it is far more complex than that. This board will have to deal, as the article says, with matters relating to air quality, to the environment generally, to availability of water supply, to matters relating to permits, zoning, and all the other political agencies with which these plants and proposed plants will have to deal.

So this board, this corporation board, is not just some window show, window dressing, some board to appoint important political friends or influence makers to.

This board has very significant responsibilities.

I continue now from the article:

> Oil shale has been on the verge of "going commercial" so many times that some people still aren't convinced it's going to happen this time. The last close call was in 1974 when Atlantic Richfield Co., and Tosco

Corp.—its name is an acronym for The Oil Shale Co.—reluctantly postponed plans to build a 10,000-barrel-a-day plant at their joint Colony Project site on a mesa high above the Middle Fork of Parachute Creek about 15 miles west of here. However, no government backing was available, oil prices were under controls, and the risks—particularly the difficulty of complying with new environmental regulations except after long delays—looked just too great.

But now those barriers have been breached and commercial development seems assured. Several major projects are underway, and others are in various stages of planning or experimentation. Again, Exxon is a factor because on Aug. 1 it bought out Atlantic Richfield's 60 percent share of the Colony Project for $400 million.

In recent weeks construction has begun on a road from the creek up past the planned mine opening and with several switchbacks, on to the top of the mesa more than 1,000 feet above where the plant will be located. If the project stays on schedule, the first oil from shale should flow late in 1985. Construction will cost about $2 billion, figured in "as-spent" dollars, according to Bob Larkins, manager of Exxon U.S.A.'s synthetic fuels division.

Meanwhile, to the north, in the middle of the Piceance Creek Basin, on a 5,100-acre federal lease, Rio Blanco Oil Shale Co., a partnership of Gulf Oil Co. and Standard Oil Co. (Indiana), in a few days will conduct its first experimental effort to extract oil from shale by heating the rock underground. If this and subsequent experiments go well, Rio Blanco hopes to have a 50,000-barrel-a-day operation by 1987.

At the moment, there are three possible ways to get the oil out of the greyish shale. Two of them differ only in the way the rock is mined. Colony, which has a relatively thin layer of rich shale on its property, plans to mine it underground using what is called the room-and-pillar approach, in which huge columns of shale are left in place to support the roof over the "rooms" that are hollowed out. The other choice, to which Rio Blanco with its much thicker deposit eventually might turn, is open pit mining.

In both these cases, the excavated shale is crushed and heated in a retort, with the oil being driven off in the form of a vapor The vapor condenses into a thick, heavy oil that generally will require some on-site refining to make it less toxic and thin enough to transport easily.

Rio Blanco's current experiment, termed modified in situ, or MIS, involves retorting the shale underground. Occidental Petroleum Corp. for years has been running similar experiments a few miles away on another federal lease, and also is planning to move to commercial MIS operations.

Actually, MIS requires normal retorting on the surface of more than one-third of the shale. That much has to be removed to create a space into which shale above it can drop when blasted into chunks. The column of rubble formed is set afire from the top. As the shale begins to burn, the oil vapor and water vapor, flow downward between the chunks of rock. They condense and flow out the bottom of the rubble pile into tunnels which channel them to a separator room and then through pumps to the surface.

According to Blaine Miller, the Gulf man who heads Rio Blanco, there are 9 billion barrels under his company's lease, nearly as much as was found in the original Prudhoe Bay oil field in Alaska, the largest ever found in the United States. With room-and-pillar mining, about one billion of it could be recovered. With the MIS approach, perhaps 5 billion could be. With a surface mine, all 9 billion could be.

Miller, and state officials, stress the need to recover as much of the oil as possible, which in the center of the Piceance Basin means open-pit mining. Environmentalists are unhappy at the prospect of a mine perhaps two miles by three miles in size.

On the other hand, Miller points out, there is enough oil on the Rio Blanco lease alone to support a 300,000-barrel-a-day operation for at least half a century.

Thus far, Gulf and Standard of Indiana have no intention of seeking any government backing for their project. Nor does Exxon for its share of the Colony project. After all, it is the world's largest oil company, and in the first six months of this year had revenues of $53.7 billion and after-tax profits of $2.95 billion.

On the other hand, Exxon's partner Tosco, which in the last dozen years has built itself from a small research company into one of the country's larger independent oil refiners, had six-month revenues totaling only $1.13 billion, far less than half of Exxon's profits.

"Alongside Exxon we fit comfortably with the shadow," Tosco president, Morton M. Winston, said wryly in an interview in his Los Angeles office. "We can afford the plant but not the risks."

Winston has two primary concerns. First, he noted, "We have cleared all the conventional titantic environmental roadblocks . . . (but) almost anyone can challenge any industrial project in court." A suit with no merit might cause delay costing $150 million, he estimated. Second, the Tosco chief executive said, "The federal and state governments have had a habit of revising laws and environmental regulations with a retroactive impact."

Colony has in hand every environmental and other type of permit it needs, save one to operate a commercial mine, which it expects to receive after a hearing early next month. (And to help handle part of the impact on already strained local public facilities and the housing market, it has bought 3,010 acres of land just south of the Colorado River at the foot of Battlement Mesa for a new town in which homes, schools and other facilities should be rising within two years.)

But to protect itself, Tosco will ask for some type of government guarantee to cover the risks. Such guarantees are available now under two new laws, including the recently passed Energy Security Act.

Another company looking at the possibilities of government loan, price or purchase guarantees is Chevron Shale Oil Co., a subsidiary of Standard Oil Co. of California which owns land along Parachute Creek a short distance south of the Colony project site.

Chevron, like Atlantic Richfield, has decided it will get into the shale oil production business with a second-generation plant. Roger Loper, president of the Chevron subsidiary, says his company is going slowly because "economically it is not the rosiest prospect" the parent company has in sight. It would take at least eight years before Chevron could get its first commercial production and likely the mid-1990s before output could hit 100,000 barrels a day.

Such a plant probably would cost between $5 billion and $6 billion in "money of the day," that is, including inflation over the eight years, Loper calculates. That would make it one of Chevron's most costly investments and still yield only about 10 percent of its daily crude needs.

While the investment would keep paying off year after year because production would not decline rapidly the way most oil wells do, there would be a very long lag between the big cash payouts and the time profits began to roll in. "If liquid fuels stay at their present value, we don't have a project," Loper says flatly.

That conclusion is completely at odds with those of Exxon and Tosco, and probably those of Gulf and Standard of Indiana as well.

The Chevron numbers are another reason Exxon's jump into the oil shale scene has so changed the outlook for northwestern Colorado. Exxon has the engineering skills and the money to complete Colony.

Atlantic Richfield, on the other hand, sold its interest, says William F. Kieschnick, vice chairman of the board. That was because, big as it is, his company cannot afford to be committed to more than one multibillion-dollar project at the same time. The other one will be the Alaska Natural Gas Pipeline because the company already has 8.5 trillion cubic feet of gas waiting in the ground at Prudhoe Bay for transportation. Other sources say Arco's share of the cost will be between $2 billion and $3 billion.

Arco told Exxon that Colony "is ready to go," and backed that claim with a proviso that if the announced schedule for the project is not met, Arco will get only the $300 million Exxon paid on Aug. 1, not the full $400 million purchase price.

Exxon's Bob Larkins expects Colony to meet its target date, or at least come very close. "We think that's possible, and we are working to make that come about," he says. The access roads and mine bench come first, then development of the mine itself.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. HATFIELD. For what reason does the Senator ask me to yield?

Mr. JOHNSTON. To ask a question.

Mr. HATFIELD. Mr. President, I yield, without losing my right to the floor, to be interrogated by the Senator.

Mr. JOHNSTON. Mr. President, I just have been entrusted with the job of managing the majority position on this side, and I wanted to get the lay of the land as to where we are going.

I believe we should face some realities. First of all, we are in the final day—in fact, probably the final hours, maybe even the final minutes—of this session. Everyone recognizes that anybody can block all or any part of the nominations.

Having said that, it seems to me, as I speak to my leaders and my colleagues on this side of the aisle, that nobody has opposition on our side to Mr. Sawhill as the chairman of the corporation. Is it possible to get Mr. Sawhill's nomination voted on this afternoon without having some overall agreements on the rest? Is that possible or is it not possible?

Mr. HATFIELD. It is not possible.

Mr. JOHNSTON. In order to get Mr. Sawhill, we must have what?

Mr. HATFIELD. We must launch this corporation as I have been discussing for the last 3 hours or 2½ hours—a meaningful corporation—because Mr. Sawhill is not empowered by the law to make the key official officer appointments of the corporation. That must be done by the board.

Therefore, to provide Mr. Sawhill, as a permanent chairman, a 7-year appointment, which I am very enthusiastic to do, he has to have something more than recess-appointed board members; because, as I explained earlier, I do not believe there conceivably could be any way to attract qualified officers to that corporation by a tentative, temporary board, charged under the law with the hiring of such officers, but not being able to commit themselves to other than, at the most, 1 year under recess appointments.

So the proposal that was made in the committee was that any three of the five nominees who were cleared by our committee for board appointments, following the hearings, would be acceptable on a 1-year, 2-year, 3-year term basis, provided one of those three is a Republican. That was the proposal that was made to make this a bipartisan effort to get this launched in the committee.

At that time—just to review briefly—as the Senator from Louisiana knows, the committee had obtained the word from the White House that this was "no sale." Then the committee went ahead and voted down this proposal and, in turn, voted out, for confirmation action on the floor, Mr. Sawhill as chairman and five nominees for the board, with one vacancy.

Following that action, according to the reports I have received through other parties, the White House reviewed that proposal made by the minority and at least came to a conclusion that they would accept the major part of it. I am not sure that they went for the 1-year, 2-year, 3-year term, because they did not want to redesignate Mr. Kirkland, who I understood to be one of their top three choices. This was something I am sure could be worked out. The point was that we understood that the White House had made some change in their original position on this plan, and therefore, was open to the possibility of working it out.

Then I understand from information—and today I believe it was publicly pretty well stated—that the Senator from Colorado (Mr. HART) had very strong feelings that there was not sufficient representation from the Western States which had the oil shale about which I have commented. Therefore, as I understand from his explanation, he had made his case to the White House that he wanted some assurance that they would appoint a Westerner on that one slot vacancy, or he could not support other than Mr. Sawhill's nomination at this time. As I understand it, that was not forthcoming from the White House.

So we are at the situation that, on the majority side, only Mr. Sawhill, at this moment, can gain support for any confirmation action.

On our side of the aisle, at least from the membership on the Energy Committee, our view is, for many and various reasons, that we will support Mr. Sawhill and any three of the five, leave the other two at the desk; that after the election, when we come back in a lameduck session and if Mr. Carter has been reelected, we will consider those two nominees, plus one more for the sixth slot, and we will move ahead with it. If Mr. Carter is not reelected, then we preserve the flexibility for a new administration to handle three of the positions, yet to be named, if we follow this plan.

Mr. JOHNSTON. I say to my good friend from Oregon that I am acting in somewhat the position of a surrogate. I have not been deeply involved in these discussions, so I do not come in simply to repeat what has been said, but I come in as the new leader on this side, seeking to find out if there is any possible grounds for resolving the question.

I just talked with the Senator from Colorado, and he does indeed feel strongly that there should be some kind of appointment of a board member from Colorado.

I am not deeply involved in discussions with him, but he has told me that that is so.

Mr. HART. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. HART. That is not quite correct. From the Western United States.

Mr. JOHNSTON. From the Western United States.

Mr. HART. It does not have to be Colorado, just a person from the Western United States.

Mr. JOHNSTON. Let me ask the Senator from Colorado. The Senator from Colorado talked about——

Mr. HATFIELD. Mr. President, I think we should have a parliamentary action here just to keep this clear. Does the Senator wish to have me yield for the purpose of interrogating the Senator from Colorado?

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senator from Oregon may hold the floor during these discussions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, one further unanimous consent request, and that is that this interlude of colloquy not be considered as precluding me from continuing my remarks as if they were a second speech under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, the Senator from Colorado was stating his position on the matter of the other board members.

Mr. HART. Mr. President, as I said earlier in discussions with the Senator from Oregon, much of the burden of the synthetic fuels development will fall on the Rocky Mountain West. Of the seven original nominees, one had his origins from that region. Since that original board was designated, a vacancy has occurred. It is the position of the Senator from Colorado that the White House would be well-advised to fill that with a person from the West. Several qualified names from my own State have been sent forward, but it need not be from my home State. I just feel that two members out of seven should represent the region that will bear the brunt of synthetic fuels development.

Mr. JOHNSTON. Mr. President, let me ask the Senator from Colorado if he feels sufficiently strongly enough about this that he would want to discuss it at some length unless the White House was willing at this point to make that commitment to appoint someone from the West?

Mr. HART. The Senator is correct. But the Senator from Colorado is willing to vote in the affirmative on the Sawhill nomination and no others.

Mr. JOHNSTON. On no others?

Mr. HART. On no others.

Mr. JOHNSTON. Not even the three with the 1-, 2-, and 3-year terms?

Mr. HART. No.

Mr. JOHNSTON. So as a practical matter we could not proceed to a vote today on anyone other than Mr. Sawhill?

Mr. HART. The Senator is correct.

Mr. JOHNSTON. All right.

I now ask my friend from Oregon if there is any room for me to give on this question of Mr. Sawhill. I know the Senator from Oregon has endorsed his nomination or at least has been agreeable to it on the Senator's side of the side.

Mr. HATFIELD. I have endorsed it and supported it enthusiastically.

Mr. JOHNSTON. Consider the fact that while a chairman alone could not act and could not begin business, as that term is defined in the Synthetic Fuels Corporation Act, without a majority of the board being appointed, nevertheless, a chairman of the board alone could do a great deal between now and the time that Mr. Reagan, if he were elected, would be able to make his appointments and get things settled. Considering that, would it not be possible to maybe get Mr. Sawhill confirmed and then maybe lay the matter aside and go into our recess?

Mr. HATFIELD. No.

Mr. JOHNSTON. Is there any need in discussing that more? Can we not lay out the very strong reasons why that should be done?

Mr. HATFIELD. No.

Mr. JOHNSTON. Keeping the Senator's right to the floor, let me ask my friend from New Mexico, is there no room for give on that?

Mr. DOMENICI. No.

Mr. JOHNSTON. Do reason and logic serve no purpose in this debate?

Mr. DOMENICI. It serves great reason, yes.

Mr. HATFIELD. Yes.

Mr. DOMENICI. We have been very logical and reasonable. We want to give this President and our country a full corporate board that can do the work. The chairman cannot do anything. We will just have one in name. He has no authority under this law. So we think reason and fair play is on our side, and we are very sorry the Senator cannot join us in it.

Mr. JOHNSTON. I know what reason and what logic the Senator has cited, and I do not mean to denigrate that reason and logic. What I am asking is, is there any need to discuss it at all? Frankly, I wish to get the corporation started. I think we are wasting time, and I think the Senator from New Mexico does as well. I wish we could break this impasse. I am trying to explore a way to break this impasse and at least get the chairman started, because as the Senator from New Mexico, who has been such a key player in this whole matter, knows the chairman with his appointment can do a great deal. He can begin to set up the staff. He can begin to do many of those things which will probably gain us a matter of months, whether or not we get the rest of the corporation or a majority thereof appointed now.

Is it not possible to consider doing that?

Mr. DOMENICI. Mr. President, let me respond. Without in any way changing the rights that have been agreed upon here on the floor, I think the arithmetic is that we are 34 days away from a Presidential election, if we counted them right, I say to my good friend—34 days. The power of this singular appointment, as we read it, is very, very insignificant compared with what this corporation really has to do for this country.

We repeat, we are sorry that this proposal is not accepted which we really believe in an election year is so close to the Presidential day of 34 days, when it comes here. We think our proposal gave this corporation the finest chance in the light of an election year and the fairest chance to get started. We see no good really in the sense of this corporation, that we all worked so hard to create and get started, to come from 34 days with the chairman appointed for 7 years when we had a way to assure that this board ultimately was going to be very responsive to whomever was President.

So the answer is our leader has given every reason. Senator Baker has stated our point. We made this proposal weeks ago—how long ago? At least 2½ weeks ago. We floated the idea. We sent it through the White House. We told Mr. Sawhill about it.

I have not said yes to my good friend. I support Mr. Sawhill. I told him this.

Mr. JOHNSTON. Mr. President, let me interrupt, if I may. If we were able to deliver an agreement on this side, which I have no thought that we can at this point, of a chairman and three members as outlined in the Senator from Oregon's offer, can the Senator deliver that on his side, or are there those on his side who have some doubt and might wish to discuss it at some further length?

Mr. HATFIELD. Mr. President, will the Senator restate his question?

Mr. JOHNSTON. If on our side of the aisle we could agree to a chairman and three members with terms of 1, 2, and 3 years, and we were able to say let us go on that deal, would that deal fly on the Senator's side.

Mr. HATFIELD. As I understand the question, the Senator has outlined basically our proposal that we made initially.

Mr. JOHNSTON. That is right.

Mr. HATFIELD. That is that we have a chairman, plus 1-year term, 2-year term, and 3-year term out of the five submitted by the President with one of those being a Republican.

Mr. JOHNSTON. Yes.

Mr. HATFIELD. That was originally, but I say to the Senator the White House would have to resubmit those nominations because they have been submitted in different order. In other words, at this time, there is before us two Republicans and one Democrat in that 1-, 2-, 3-year term. The President has designated those years in the submission of those names. It would have to be resubmitted, as I understand from the parliamentary procedure, by the White House under a new designation, new confirmation of those nominations, and in reference to the 1-, 2-, and 3-year terms as one being Republican.

Mr. JOHNSTON. My question is if that were done, if the White House cooperated and our side cooperated.

Mr. HATFIELD. We have laid that out, I say to the Senator, very clearly in committee and again since that time and again today. Of course, that was our proposal. That was our proposal from the beginning and that is our proposal now. That does not necessarily mean I can commit all the votes on this side of the aisle. Of course not.

Mr. BAKER. Mr. President, will the Senator yield to me a moment without losing his right to the floor or it being counted as a second speech?

Mr. HATFIELD. I yield.

Mr. BAKER. Mr. President, I thank the Senator for yielding.

Let me say, in fact, the administration wishes to submit that proposal. If they will make us aware of that fact and make a formal proposition I will be glad to consider it. We are not in position to make any agreement at this time until we have some representation from the administration in that respect.

Mr. JOHNSTON. Really, that is my question. In other words, what the Senator is doing is soliciting, in effect, an offer from this side but at this time he is not willing to make one himself which is binding. And I am not trying to be cute about this.

Mr. HATFIELD. No.

Mr. JOHNSTON. I am trying to discover where we can strike a deal if we can strike one.

Mr. BAKER. Again dealing on the same circumstances that is simply not so. We made an offer in good faith with no strings attached. The offer was rejected. What I am saying now, having been once spurned, I simply say that if the administration wants to do that, I am willing to hear and try to understand that proposal. But having been spurned in the first instance, I want to let them take the initiative. I do not wish to take it.

Mr. HATFIELD. Mr. President, let me make the record clear on this in order to totally demolish any kind of misunderstanding that the Senator from Louisiana may have. I am going to use names in this case in order to make the record very clear.

I had up until about 11 o'clock at night calls from Mr. John Sawhill saying that the White House—this was the night before last, Monday night, that the White House—had agreed basically to our proposal. I said, "That is fine, John, but I cannot consider that as an official communication to me. It should be communicated to the majority leader, Mr. Byrd, and should be communicated to the chairman of the committee, Mr. Jackson; that it should be comunicated to the minority leader, Mr. Baker, and then if they were looking for another call to make they could call me, but it was not important to call me about it. We have to get something official here up on the Hill because you, Mr. Sawhill, are not the White House." So, consequently, that was relayed to me at that time.

Later on, the next day, which would have been Tuesday, again Mr. Sawhill and I communicated, in which he said that the White House seems to be in agreement on this. "We are working out the configuration of these appointments and working it out with the majority party up on the Hill."

Then the question was raised as to who should make those selections of these five—three out of five; should it be the White House or the majority party up here or who. All that went on and went on, and we had communications with the majority side of the aisle through staff and through Members and with Mr. Sawhill.

At no time has the White House called me and made any proposal or any rejection. The only thing I have gotten is through third parties.

Then the last word we had was it was blown out of the water. No longer was it being considered, and a new factor had been injected, the new factor being the Senator from Colorado (Mr. Hart), who relayed today what his role and his concerns were, legitimate. That in itself created a problem for the White House in trying to respond to his request for a Westerner, a true Westerner, to be appointed in that sixth slot. So, consequently, that is where we are.

Until I hear or until I have relayed to me from the chairman of the committee or the majority leader or the minority leader some kind of a proposal, I can only assume we are just talking back and forth here between two Senators, and neither one of us can deliver from the standpoint at this time the kind of support or the kind of principles that we are only agents representing.

Mr. JOHNSTON. I understand that. Let me say I am not here trying at this particular point to gain any partisan advantage, trying to make the Republicans look bad and the Democrats look good. I come in here sort of as a tabula rasa, seeking to determine where we stand.

What I have determined is that as we presently lie there is no possibility of getting anybody confirmed.

Therefore, there is only remaining one question in my mind: If the White House wanted to resubmit and if the Senator from Colorado and others on this side were willing to sign on to it, is it possible still to strike that deal or does the minority party say, "We will consider that offer when, as, and if it is given to us?"

That is the only question. Let me say that as Democrats we have held up judges right before a Republican administration. I understand the politics of that.

All I want to know is do you have authority to strike the deal or not?

Mr. HATFIELD. Mr. President, let me say this: We confirmed nine judges yesterday who were cleared on the calendar by the minority. We at no time have been other than cooperate.

I would like to list for the Record at this time, I would like to place in the Record, all of the confirmations that have been cleared by the minority, just to make that point clear.

I would say to the Senator whatever

the legal maneuver here or the courtroom procedure, as a nonlawyer I am not familiar with this, we made an offer in good faith. That offer has not been accepted. Therefore, until the Senator can offer something in evidence, that we have something to consider, some reason to consider our offer further, we are always willing to do that, and that is all I have to say about it.

Mr. President, I ask unanimous consent that a memorandum from our staff person, Martin B. Gold on the question of the recess appointments and what they actually mean, be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To Senator Hatfield.

From Martin B. Gold.

Subject Recess Appointments to the Board of Directors of the United States Synthetic Fuels Corporation.

As you requested, I have reviewed the applicable law relevant to recess appointments to the Board of Directors of the United States Synthetic Fuels Corporation. The review was coordinated with Messrs. Killian and Poling of the Congressional Research Service's American Law Division, who are the Division's experts on the applicable law. We jointly have agreed that such law, including particularly the Energy Security Act which established the Synthetic Fuel Corporation, leads to the following conclusions.

1. The commission of a recess appointee would continue to be effective for its term unless the President removed the appointee for neglect of duty or malfeasance in office pursuant to section 116(b)(3) of the Energy Security Act.

2. The term of the recess appointment would be (a) the end of the next session of the Congress after the appointment or (b) confirmation of a Presidential nominee for the specific vacancy, whichever is earlier. Consequently, a recess appointment to the Synthetic Fuel Corporation Board made at the end of this Congress would continue until the end of the first session of the 97th Congress unless a Presidential nominee is confirmed for the position. Democratic Senators, of course, could act to prevent the confirmation of any Presidential nominee during the first session of the 97th Congress, and thus allow the recess appointee to remain in office for the duration of the first session.

3. Apart from nomination of another individual for the same position and Senate confirmation of that individual, the President in 1981 would have no legal authority to remove recess appointees during the first session of the 97th Congress, except for cause (as discussed in paragraph 1).

The preceding conclusions represent our best joint analysis of all relevant law. There is no case law, Attorney General opinion, or Comptroller General opinion directly on point to this analysis. We remain confident, however, of the preceding conclusions and thus legal validity.

Mr. HATFIELD. Mr. President, I ask unanimous consent that a list of all nominations that have been confirmed in the last 3 months during the political period be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FEDERAL JUDGESHIPS CONFIRMED

Nominee and party affiliation:

Richard L. Williams of Virginia, Independent (?).

Hipolito F. Garcia of Texas, Democrat.

James H. Michael, Jr. of Virginia, Democrat.

George Howard, Jr. of Arkansas, ?.

Charles P. Kocoras of Illinois, Republican.

Susan Getzendanner of Illinois, Democrat.

Richard C. Erwin of North Carolina, Democrat.

David V. Kenyon of California, Republican.

Consuelo B. Marshall of California, Democrat.

Norman P. Ramsey of Maryland, Democrat.

Stephen Reinhart of California, ?.

Myron Thompson of Alabama, ?.

OTHER NOMINEES CONFIRMED

Nominee, agency, State, and party affiliation:

John David Hughes, Federal Energy Regulatory Commission, Texas, Democrat.

James Robert Smith, Civil Aeronautics Board, Florida, Independent.

Barbara S. Thomas, Securities and Exchange Commission, New York, Independent.

Lindsay D. Norman, Jr., Director, Bureau of Mines, Maryland, Independent.

Francis R. Dugan, U.S. Metric Board, Ohio, Independent.

Dennis R. Smith, U.S. Metric Board, Maine, Independent.

Howard A. White, Corporation for Public Broadcasting, New York, Democrat.

Nelbe R. Chavez, National Council on the Handicapped, Arizona, Democrat.

Nanette Fabray MacDougall, National Council on the Handicapped, California, Democrat.

John P. Hourihan, National Council on the Handicapped, New Jersey, Democrat.

Edwin O. Opheim, National Council on the Handicapped, Montana, Democrat.

Elizabeth Monroe Boggs, National Council on the Handicapped, New Jersey, Democrat.

Mary P. Chambers, National Council on the Handicapped, New Hampshire, Democrat.

Jack Genair Duncan, National Council on the Handicapped, South Carolina, Democrat.

Thomas Joe, National Council on the Handicapped, District of Columbia, Democrat.

Donald E. Galvin, National Council on the Handicapped, Minnesota, Democrat.

Judith E. Heumann, National Council on the Handicapped, California, Democrat.

Howard A. Rusk, National Council on the Handicapped, New York, Democrat.

J. David Webb, National Council on the Handicapped, Georgia, Democrat.

Henry Williams, National Council on the Handicapped, New York, Democrat.

Maria Concepcion Bechily, National Advisory Council on Women's Educational Programs, Illinois, Democrat.

Barbara M. Carey, National Advisory Council on Women's Educational Programs, Florida, Democrat.

Virginia Foxx, National Advisory Council on Women's Educational Programs, North Carolina, Democrat.

K. Jessie Kobayashi, National Advisory Council on Women's Educational Programs, California, Democrat.

Jewel Limar Prestage, National Advisory Council on Women's Educational Programs, Louisiana, Democrat.

Rhine Lana McLin, National Advisory Council on Women's Educational Programs, Ohio, Democrat.

Maria B. Cerda, National Council on Educational Research, Illinois, Democrat.

Jos. J. Davies, Jr., National Council on Educational Research, Louisiana, Democrat.

Timothy S. Healy, National Council on Educational Research, District of Columbia, Democrat.

John S. Shipp, Jr., National Council on Educational Research, Florida, Democrat.

Jacob, Clayman, Federal Council on the Aging, Maryland, Democrat.

Ralph Raikes, Farm Credit Administration, Nebraska, Democrat.

Wm. D. Wampler, Farm Credit Administration, Virginia, Democrat.

Reuben B. Robertson, Administration Conference of United States, District of Columbia, Democrat.

Brian P. Joffrion, Justice Department, to be Marshal, Louisiana, Democrat.

Harry Alan Scarr, Director, Bureau of Justice Statistics, Virginia, Democrat.

Blandina Cardenas Ramirez, Commission on Civil Rights, Texas, Democrat.

Mary Lowe Good, National Science Foundation, Louisiana, Democrat.

Peter T. Flawn, National Science Foundation, Texas, Democrat.

Peter David Lax, National Science Foundation, New York, Democrat.

Homer A. Neal, National Science Foundation, Indiana, Democrat.

Mary Jane Osborn, National Science Foundation, Connecticut, Democrat.

Donald B. Rice, National Science Foundation, California, Democrat.

Stuart A. Rice, National Science Foundation, Illinois, Democrat.

John Brooks Slaughter, to be Director, Washington, Democrat.

Marcus Cohn, National Council on Humanities, Maryland, Democrat.

Samuel DuBois Cook, National Council on Humanities, Louisiana, Democrat.

Roland Paul Dille, National Council on Humanities, Minnesota, Democrat.

A. Bartlett Giamatti, National Council on Humanities, Connecticut, Democrat.

Geo. Alexander Kennedy, National Council on Humanities, North Carolina, Democrat.

Louise Ano Nuevo Kerr, National Council on Humanities, Illinois, Democrat.

Frances Dodson Rhome, National Council on Humanities, Indiana, Democrat.

Philip Aaron Schaefer, National Council on Humanities, California, Democrat.

Anita Silvers, National Council on Humanities, California, Democrat.

Kurt Herbert Adler, Nation Council on the Arts, California, Democrat.

Margo Albert, National Council on the Arts, California, Democrat.

Robert Joffrey, National Council on the Arts, New York, Democrat.

Toni Morrison, National Council on the Arts, New York, Democrat.

Ieoh Ming Pei, National Council on the Arts, New York, Democrat.

Lida Rogers, National Council on the Arts, Mississippi, Democrat.

Erich Leinsdorf, National Council on the Arts, Massachusetts, Democrat.

Charles Wm. Benton, National Commission on Libraries and Information Science, Illinois, Democrat.

Gordon M. Ambach, National Commission on Libraries and Information Science, New York, Democrat.

Paulette H. Holahan, National Commission on Libraries and Information Science, Louisiana, Democrat.

Wayman D. Palmer, National Consumer Cooperative Bank, Ohio, Democrat.

Marian B. Javits, National Council on Humanities, New York, Democrat.

Odessa Komer, National Council on Handicapped, Michigan, Democrat.

Robert Higgins Ebert, Uniformed Services University of Health Sciences, New York, Democrat.

Eugene M. Farber, Uniformed Services University of Health Sciences, California, Democrat.

Lauro F. Cavazos, Uniformed Services University of Health Sciences, Texas, Democrat.

Caro Elise Luhrs, Uniformed Services University of Health Sciences, District of Columbia, Democrat.

William R. Roy, Uniformed Services University of Health Sciences, Kansas, Democrat.

SYNTHETIC FUELS: THE LONG LEGISLATIVE FIGHT

● Mr. DOMENICI. Mr. President, the present Synthetic Fuels Corporation did not spring full-blown from the head of some god; it was the result of literally years of study, legislative initiatives, hearings, drafting of bills, and lengthy negotiations between the House and Senate. As one who was present at the planting of the synthetic fuels seed in this Congress—the seed that became the Synthetic Fuels Corporation organizational plan that we debate today—let me review some of the chronology.

Way back in 1943, Senator JENNINGS RANDOLPH began the fight for a Federal incentive for synthetic fuels. After several years of operation, that plan died. Senator HENRY JACKSON and others tried to revive Federal plans to encourage synthetic fuels production in the 1970's, but despite Senate approval of his work, the House failed to act.

Then-Vice President Nelson Rockefeller introduced his historic proposal for an Energy Independent Authority in 1975, only to see that initiative die without Senate consideration.

With the example of these efforts, and others, in mind, I introduced my legislation, S. 1377, the Synthetic Fuels Production Act of 1979 on June 19, 1979, just 8 days after Senator JACKSON approached the same problem in a different manner through his S. 1308, the Omnibus Energy Supply Act of 1979. My bill adopted an expedited approach first advocated by Senator JACKSON in S. 1308 to cut through redtape in order to help energy projects become a reality more quickly. That proposal was the genesis of the Energy Mobilization Board legislation.

On June 19, 1979, I was pleased and honored to have with me as original cosponsors of S. 1377 an outstanding group of Senators: Senator RIBICOFF, Senator HATFIELD, Senator JOHNSTON, Senator STEVENS, Senator SASSER, Senator MOYNIHAN, Senator STONE, Senator NELSON, and, the pioneer of synthetic fuels in the Senate, Senator RANDOLPH. As I noted then, the bill I introduced was a skeleton bill, although a lengthy skeleton, and I had no illusions that many months of hard work would be needed to flesh out the bill. And, with the help of such a distinguished list of original cosponsors, I had no doubt that we could achieve a workable piece of legislation.

Within the same timeframe, isolated House members were also acting. Representative MOORHEAD of Pennsylvania had devised a more limited synthetic fuels notion, using the Defense Production Act, and introduced it as H.R. 3930. Representative PERKINS had introduced H.R. 4514, using the innovative approach of wedding synthetic fuels production to the necessary labor for such production. Eventually, H.R. 3930 was absorbed into S. 932, as was S. 1377, in a curious and lengthy legislative process.

However, the only bill that contained the notion of a Federal-private industry partnership, using a duly-appointed board of directors and a wide range of financial incentives—with goals for production and specific mention of synthetic fuels technologies—was still S. 1377. And, it was this overall approach that eventually gained congressional approval and was signed into law this past July.

But, before this concept could become law, it had a long road yet to travel. At every juncture, however, one point was stressed over and over again: we needed a business-like approach, with the help and active involvement of the Nation's most experienced businessmen and women in the corporation, if the plan was ever to work. Indeed, as I told the press when I introduced the bill, I envisioned someone of immense stature in the business production arena as the chairman of the board.

Hearings were held during the summer before the Senate Energy, Banking, and Governmental Affairs Committees, and in September before the Senate Budget Committee, of which I am also a member. The Senate, as well as the House, was giving the concept a full and detailed review.

In my testimony before the Governmental Affairs Committee of the Senate, July 17, 1979, about a month after introducing S. 1377, I made a special point of describing the kind of management such as Synthetic Fuels Corporation must have, if it were to work:

I testified:

> We need an independent authority, because we want the government to break even, or perhaps even show a profit, for its investment. We need an authority that has a Chief Executive Officer who is oriented toward business production . . . Let me elaborate on this point, Mr. Chairman, since I think it is central to S. 1377 and distinguishes our approach from other proposals in this area. The Congressional Research Service's new report on "Synthetic Fuels Coal" says that a commercial synfuels program depends upon meeting the varying needs of industry, giving an organization the flexibility to try innovative forms of financial assistance, and upon analyzing the marketplace characteristics of the industry and technology and the corporate assets of the individual business applications. I submit that only experienced businessmen can make these judgments, not government agency employees, no matter how well-intentioned. We must, I believe, have an independent authority, with businessmen on the board and an experienced businessman as Chairman of the Board, if we are to cope with the serious energy crisis we have now, and which we will continue to have until we maximize domestic production of synfuels.

That is how I envisioned the board back then, and that is how I still envision how the board that governs our synfuels program must be.

In an historical aside, Mr. President, I should note that one real reason for the success of the synthetic rubber effort by this Nation during World War II—an effort that strongly formed my notion of a synthetic fuels program—was that an excellent businessman, William Jeffers of Union Pacific Railroad, was the director. I would recall for my colleagues that under Mr. Jeffers, this Nation went from a level of 8,000 tons of synthetic rubber production in 1941 to 1 million tons by 1945. And, the total peacetime consumption of natural rubber prior to the war was 663,000 tons. That is, under Mr. Jeffers' leadership, this Nation produced more synthetic rubber during the dark days of World War II than it consumed of natural rubber during peacetime.

That is a tremendous record and one that I hope our synfuels corporation can emulate in these dark times of real economic warfare for our country. Yet, we cannot hope for such a record without the leadership of a production-oriented, experienced, hardnosed businessman who has had to make the hard day-to-day decisions on risks and benefits that only come from a long and wide variety of experience in private enterprise.

As we proceeded to perfect our synfuels approach during 1979, we heard from many businessmen in our various committees: the Committee for Economic Development, comprised of many of the leading businessmen in our country, gave us its views; some of the top financial experts, representing the most experienced and prestigious financial firms in our Nation, testified; we had the views of experienced consultants in economics and energy; we listened to engineers with wide practical experience in synfuels; and we heard from energy specialists from a host of firms. The business-orientation of our bill was clear at every point, as was our commitments to hear all sides of the energy, environmental, and financial ramifications of the plan.

Indeed, a partial list of participants at Senate hearings on this subject reads like a who's who in the field: Dartmouth College's Gordon T. MacDonald on the environment; Paul Ignatius, Eugene Zuckert, and Lloyd Cutler on the need and organization of such an effort; Frank Zarb on energy policy and financing; Roderick Hills on financing and organization; Cameron Engineers, one of the most respected firms in the actual workings of synfuels projects; Frank Lindsay of Itek on overall needs and financing; and many more experts.

After hearings and markup in the various committees, a full-scale Senate floor battle emerged. This was settled in the winter of 1979, when the concept of a corporation, with a separate board of directors and a wide range of financial instruments for private enterprise, won Senate confirmation. From there, we went to negotiations with the House, a 3-month-long process that saw an innovative compromise emerge that passed both the House and Senate earlier this year.

I have gone through this lengthy recitation of the partial chronology of the synfuels corporation, Mr. President, because it throws important light on why I am on the floor today. I believe that the complex financial, technological, and resource assessment decisons that the Board will have to make as it goes about the business of reaching the goal of 2 million barrels of oil equivalent a day can only be made by men and women experienced in finances, engineering, and private enterprise. The composition of the Board is critical to the Corporation's chances for success. It is for this reason that I am so adamant on the point of business involvement and, as a result of business involvement, the confidence of the private sector in the workings of the Corporation.

Mr. President, more than a year of the Congress time was spent in devising and fashioning the final form of the Synthetic Fuels Corporation. Several committees devoted days and months to this work. Many of us spent long and frustrating nights working to negotiate a final measure for the Nation. It ranks right up with the negotiations on the Clean Air Act amendments of a few years ago and the Natural Gas Policy Act in complexity and difficulty. Fortunately, or unfortunately, I was involved in all three of these negotiations, all of which occupied months and months of detailed work. And, as one of those who tried to plant the earliest seeds for a synthetic fuels corporation for the Nation, I simply cannot accept anything less than a board that accurately reflects the concept, the spirit, that all of us believed critical to this part of the Nation's efforts to become energy self-sufficient.●

Mr. HATFIELD. Mr. President, I yield to the majority leader, as he requests I yield at this time.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator for yielding.

It is obvious that the Senate is not going to vote on the nomination of Mr. Sawhill in the remaining time left today or if the Senate is in tomorrow. Mr. HATFIELD has indicated very frankly, very forthrightly, that it is his intention to hold the floor until the Senate adjourns for the recess, and that was evident from his questions of the Chair earlier today. As usual, he leaves nothing unseen and nothing hidden and nothing unclear. He has been very clear that he intends to speak until the Senate adjourns sine die, and he is within his rights in doing that.

That being the case, I think it would be futile to proceed further at this time.

I asked him then if he would yield for the purpose of my moving to go back into legislative session, which I shall do.

ORDER RETAINING THE STATUS QUO OF ALL NOMINATIONS NOT ACTED ON PRIOR TO ELECTION DAY RECESS

Mr. President, before going into legislative session, as I have indicated to the distinguished minority leader, I ask unanimous consent that notwithstanding paragraph 6 of rule XXXI of the Standing Rules of the Senate, those nominations on the Executive Calendar not acted upon prior to the recess either today or tomorrow, for the election day break, in view of the fact that the recess will be for a period longer than 30 days, be retained in their status quo until the Senate reconvenes on November 12.

Mr. BAKER. Mr. President, reserving the right to object—and I do not plan to object—the majority leader and I talked previously about the status quo or the language used by the majority leader in making the request, and I assume he means that under the rule the nominations would not have to be resubmitted since the Senate would be out for more than 30 days?

Mr. ROBERT C. BYRD. That is correct.

Mr. BAKER. It would have no other effect on the nominations except to retain them on the calendar in status quo.

Mr. ROBERT C. BYRD. That is correct.

Mr. BAKER. Mr. President, I have no objection to that request.

The PRESIDING OFFICER. There being no objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the transaction of routine morning business, and that Senators may speak during that period and that the period extend not beyond 30 minutes.

The PRESIDING OFFICER (Mr. TSONGAS). Without objection, it is so ordered.

PIONEERS IN NAVAL AND CIVIL AVIATION: VICE ADM. T. G. W. SETTLE AND CAPT. C. H. SCHILDHAUER

Mr. HELMS. Mr. President, our gallant Navy has produced many outstanding leaders who distinguished themselves in various fields of endeavors, among them Vice Adm. T. G. W. Settle and Capt. C. H. Schildhauer, both of the class of 1919 (1918) of the U.S. Naval Academy, who died within 1 day of each other, Admiral Settle on April 28 and Captain Schildhauer on April 29, 1980.

Admiral Settle served his entire extensive active career in the Navy and won great distinction in lighter than air aviation, obtaining world renown by his ascent in 1933 in a stratosphere balloon flight to a height of 61,237 feet. Records of his air performances are enshrined in the National Air and Space Museum of the Smithsonian Institution.

Captain Schildhauer, early in his career, served in naval aviation with distinction until 1932 when he joined Pan American Airways as an operating official and pioneered in the development of over water air routes.

Each of these officers was a student of geopolitics and world strategy, especially during the post-World War II period. Both of them were conversant with the problems of the Panama Canal, strong opponents of surrendering its sovereign control, and advocates of its major modernization as offering the well tested and economic solution of that much confused subject. It is pertinent to add that an uncle of Captain Schildhauer was Edward Schildhauer, one of the greatly distinguished builders of the Panama Canal, who designed its electrical and mechanical machinery, including towing locomotives, for the canal locks, much of which is still in use.

Mr. President, as further details about the careers of both Admiral Settle and Captain Schildhauer, published in obituary notices in the July-August 1980 issue of Shipmate, the magazine of the U.S. Naval Academy Alumni Association, should be of wide interest as well as an inspiration to the youth of our country, I ask unanimous consent for them to be printed at this point in the RECORD.

There being no objection, the obituary notices were ordered to be printed in the RECORD, as follows:

THOMAS GREENHOW WILLIAMS SETTLE '19

V Adm. Thomas Greenhow Williams Settle USN (Ret.) died on 28 April 1980 in Bethesda, Maryland. Memorial services were held at the Ft. Myer Post Chapel on 5 May with interment in Arlington National Cemetery.

The son of an Army officer, he was appointed to the Naval Academy by Pres. Woodrow Wilson and graduated with the Class of 1919 on 6 June 1918, standing number two in the Class. First assigned to Martha Washington, he later joined the destroyer force at Queenstown, Ireland, serving in the destroyer Sampson, then being ordered to Chew in the Pacific. In 1920 he helped fit out and commission Whipple in Philadelphia, serving successively as engineer, navigator and executive officer and operating both in the Eastern Mediterranean and Black Sea and with the Asiatic Fleet.

In 1922 he was detached to attend postgraduate school at Annapolis, then continued his studies at Harvard University where he was awarded the Master of Science degree in 1924, whereupon he reported to the Naval Air Station, Lakehurst, New Jersey, to become communications officer on board the rigid airship Shenandoah. He also commanded the airship J–3, then joined the airship Los Angeles to serve variously as communications officer, engineering officer, navigator and executive officer. Among his feats in this duty was dropping in a glider to land at Anacostia Air Station and his saving of the ship when contrary winds stood the dirigible on her nose and she was moored to the Lakehurst high mast. Through his skillful adjustment of water ballast and orders to "the galloping kilos"—crewmen who could be sent running fore and aft along the keel to help trim the ship—control of the descent of the tail was maintained and serious damage avoided.

Further interest in lighter-than-air flight was shown in his entrance in the annual national balloon races. In 1929 he and the late Ens. Wilfred Bushnell USN '26 (lost in Akron in 1933) piloted the Navy entry from Pittsburgh to Prince Edward Island in the Gulf of St. Lawrence, a distance of 952 miles in a flying time of 43 hours, a world record for a 35,000-cubic-foot balloon. The same team won the first prize the following year by flying from Akron to Marilla, New York, and in 1933 won the James Gordon Bennett International Race from Basel, Switzerland, to Daugieliszki, Poland, 960 miles in 41 hours. He returned from his win in Europe in Graf Zeppelin. Also in 1933, he participated in a stratosphere balloon flight in connection with the Century of Progress Exposition in Chicago, flying with Maj. Chester L. Fordney USMCR as technical observer to a height of 61,237 feet with a scientific payload of spectograph, cosmic ray counters, cameras, light polarization meters, etc., to a new supreme world altitude record.

He later had command of the gunboat Palos on the Yangtze River in China, acting as well as U.S. Consul in Chungking with responsibility for the safety of 500 American citizens. He thereupon commanded Whipple, was executive officer at Lakehurst, attended the Naval War College, and was Asiatic Fleet Communications Officer. He also had staff duty with Commander Cruiser Division TWO, Atlantic Fleet, Commander

Cruiser Division Eight and Commander Cruisers, Atlantic, before being ordered to the Bureau of Aeronautics early in World War II, then taking command of Fleet Airships, Pacific, and Fleet Airship Wing Three. In 1944 he assumed command of the cruiser Portland at Eniwetok and was awarded the Navy Cross, the Legion of Merit with Combat V, and the Bronze Star Medal with Combat V for this duty during which the ship downed eighteen aircraft, assisted in sinking two battleships and two destroyers and damaged a heavy cruiser, and participated in operations at the Battle of Suriago Strait, Palau, Yap, Ulithi, Truk, Leyte, Mindora, Corregidor and Okinawa among others. After the war he helped evacuate prisoners-of-war and internees from the Japanese camps at Mukden, then took the surrender of the Japanese naval forces at Tsingtao, China. Later he was assigned as Commander Cruiser Division Six and Commander North China Naval Forces. He also had duty at Lakehurst once again, then was ordered to Turkey as head of the Naval Group, American Mission for Aid. Service followed with the Chief of Naval Operations, then as Commandant of the Eighth Naval District in New Orleans before becoming Commander Amphibious Forces, Pacific Fleet. In 1956 he became Chief of the Military Assistance Advisory Group in Norway, then was transferred to the retired list in 1957. However, he was later recalled to active duty in 1962 and in 1963 to serve on groups studying Department of Defense and Naval personnel questions and military compensation affairs.

Much sought after by aeronautical researchers and historians, he was a member of the Army-Navy Club, the Cosmos Club, and the Naval Academy Alumni Association.

He is survived by his widow Fay, 6660 32nd Place, Washington DC 20015; and a son, Prof. Thomas B. Settle of Brooklyn Heights, New York.

CLARENCE HENRY SCHILDHAUER '19

Capt. Clarence Henry Schildhauer USNR (Ret.) died on 29 April 1980 in Owings Mill, Maryland. Memorial services were held on 7 May at the St. Thomas Episcopal Church, Garrison Forest, with interment in the churchyard.

A native of Wisconsin, Capt. Schildhauer enlisted in the Navy in 1913 and served in Arkansas at Vera Cruz, Mexico, as a hospital corpsman in 1914. At the Naval Academy he participated in varsity football, wrestling and crew prior to being graduated with the Class of 1919 on 6 June 1918. During his First Class Year he was battalion commander. Upon graduation he was ordered to duty in Leviathan, then served with the destroyer force based on Queenstown, Ireland, sailing in Jenkins. He later had duty in Chester on missions to North Russia and the Baltic, then helped fit out and commission the destroyer Sinclair, operating in the Pacific. Other sea duty was in Stoddert and Mullany before being ordered to flight training at Pensacola. He thereupon joined Scouting Squadron One attached to Wright, then served at the Naval Aircraft Factory, Philadelphia. During this latter assignment, he and the late Lt. James R. Kyle Jr. USN '15 (killed in a parachute jump at Lakehurst, New Jersey, in 1925) piloted the first Navy PN–9 to establish a world's record non-stop flight for seaplanes, 28 hours and 35 minutes.

In 1926 he joined Scouting Squadron Two in the carrier Langley, then had command of VX Squadron ID5, an experimental unit stationed at Norfolk, Virginia, where he demonstrated the first emergency radio power plants for flying boats and assisted in the development of the radio compass as well as other equipment.

Other duty included the aerial survey of the coast of Cuba and other areas along the Gulf of Mexico for the Hydrographic Office, then duty with Torpedo Squadron Eight until 1930 when he resigned his commission to join the General Motors Corporation in the development of Fokker landplanes and Dornier sea planes. He made all of the test flights of the Dornier DO–X, the largest successful airplane of any type ever built, and flew in this aircraft from the Bodensee in Germany to the Canary Islands. He then returned to the U.S.A. to make a study of flight potentials from New York to Rio de Janeiro for the airplane and later piloted the DO–X from South America to New York.

In 1932 he joined Pan American Airways as assistant operations manager, Caribbean Division, and also made a survey of trans-Pacific and trans-Atlantic operations. For these activities he was awarded the Water-Based Aviation Award of the Institute of Aeronautical Sciences for his outstanding contributions as a pioneer in the field of over-water air routes.

Recalled to active duty in 1941, he was placed in charge of the Naval Air Transport Service when its formation was approved by the Secretary of the Navy, then served in the European Theater in the establishment of operating areas, followed by similar duty in Morocco, French West Africa, and Sierra Leone. He later surveyed the Pacific Naval Air Transport Service facilities before serving with the Chief of Naval Operations in Washington, then was ordered to the Patuxent Naval Air Station in connection with the acceptance of the Martin Mars seaplane transports.

He was transferred to the retired list in 1947, whereupon he joined the Glenn L. Martin Co. and the Baltimore Association of Commerce as head of the aviation bureau. He also worked with General Chennault's Flying Tiger Airline and Bendix Field Engineering. He was a member of the Army-Navy Club and the Naval Academy Alumni Association.

He is survived by his widow Carmita, Happy Landing, Caves Road, Owings Mill MD 21117; a daughter and a son; and three grandchildren.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

TWENTY-TWO DEFERRALS OF BUDGET AUTHORITY FOR FISCAL YEAR 1981—MESSAGE FROM THE PRESIDENT—PM 250

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying documents; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Labor and Human Resources, the Committee on Energy and Natural Resources, the Committee on the Judiciary, the Committee on Finance, and the Committee on Environment and Public Works.

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 22 deferrals of fiscal year 1981 funds totaling $619.1 million. The deferrals are primarily routine in nature and do not, in most cases, affect program levels.

The details of each deferral are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *October 1, 1980.*

MESSAGES FROM THE HOUSE

The message received from the House of Representatives at 1:13 p.m. is contained earlier in the RECORD of today.

At 2 p.m., a message from the House delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 7859) to provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children, and to provide special impact aid to such agencies for the education of Cuban and Haitian refugee children and Indochinese refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults.

The message also announced that the House has passed the bill (S. 3180) to repeal a provision of the Refugee Education Assistance Act of 1980, without amendment.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4892. An act to repeal section 506 of the Communications Act of 1934.

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 435. A concurrent resolution relating to the situation in Poland.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following bills and joint resolution:

S. 91. An act to amend title 10. United States Code, to remove certain inequities in the Survivor Benefit Plan provided for under chapter 73 of such title, and for other purposes.

S. 341. An act to authorize the Three Affiliated Tribes of the Fort Berthold Reservation to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes.

S. 1895. An act to change the name of the Los Esteros Dam (New Mexico) to the Santa Rosa Dam and Lake, and to designate Clark Hill Dam and Lake on the Savannah River, Georgia and South Carolina, as "Clarks Hill Dam and Lake."

S. 2126. An act relating to certain leases involving the Secretary of the Interior and the Northern Cheyenne Indian Reservation.

S. 2398. An act to extend the provisions of the General Exchange Act, as amended, to certain lands in order that they may become parts of the Umatilla and Wallowa National Forests, and for other purposes.

S. 2475. An act to amend title V of the Motor Vehicle Information and Cost Savings Act to reduce administrative burdens on low volume automobile manufacturers, to encourage an increase of the domestic value added content in labor and materials of foreign automobiles sold in the United States, to extend the time available to all manufacturers for carryforward or carryback of credits earned under the Act, and for other purposes.

S. J. Res. 209. Joint resolution providing for temporary extension of certain Federal Housing Administration authorities and for rural housing authorities.

H.R. 7130. An act to designate the building known as United States Court House and Federal Building in Syracuse, New York, as the "James M. Hanley Federal Building".

H.R. 7309. An act to designate the Federal building in Portland, Oregon the "Edith Green Federal Building".

HR.. 7411. An act Authorizing the Secretary of the Interior to accept the conveyance of the United First Parish Church in Quincy, Massachusetts, and authorizing the Secretary to administer the United First Parish Church as a national historic site, and for other purposes.

H.R. 7544. An act To designate the United States Federal Building in New Haven, Connecticut as the "Robert M. Giaimo Federal Building".

H.R. 7588. An act To redesignate the United States Post Office and Courthouse Building in Concord, New Hampshire, as the "James C. Cleveland Federal Building".

H.R. 7666. An act To amend chapter 87 of title 5, United States Code, to increase the amounts of regular and optional group life insurance available to Federal employees and provide optional life insurance on family members, and for other purposes.

H.R. 7831. An act Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

H.R. 8161. An act To designate the United States Federal Building in Pittsburgh, Pennsylvania, as the "William S. Moorhead Federal Building".

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore (Mr. **Heflin**).

At 4:42 p.m., a message from the House delivered by Mr. Gregory, announced that the House agrees to the amendments of the Senate to the amendments of the House to the following bill:

S. 1873. An act to establish a procedure for the processing of complaints directed against Federal judges, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2043. An act to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife.

The message further announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1391. An act to amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal years 1981, 1982, and 1983; and

S. 2936. An act to transfer certain employees of the Architect of the Capitol to the Sergeant at Arms of the Senate.

The message also announced that the House agrees to the following concurrent resolutions, each without amendment:

S. Con. Res. 102. Concurrent resolution authorizing the printing of a self-guided tour brochure of the United States Botanic Garden Conservatory;

S. Con. Res. 123. Concurrent resolution authorizing the printing of additional copies of the booklets entitled "The Senate Chamber, 1810–1859" and "The Supreme Court Chamber, 1810–1860"; and

S. Con. Res. 126. Concurrent resolution providing for a recess of the Senate and an adjournment of the House of Representatives until Wednesday, November 12, 1980.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5326. An act to authorize the Secretary of Agriculture to convey certain Government-owned property in the Kisatchie National Forest to the State of Louisiana in exchange for certain property at old Camp Livingston, Louisiana;

H.R. 6593. An act to regulate the feeding of garbage to swine;

H.R. 7557. An act to provide grants to the institutions eligible to receive funds under the act of August 30, 1890, including the Tuskegee Institute, for the purpose of assisting these institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for research in the food and agricultural sciences;

H.R. 7665. An act to amend title 28, United States Code, to divide the fifth judicial circuit of the United States into two circuits, and for other purposes;

H.R. 8103. An act to rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively; and

H.J. Res. 615. Joint resolution providing for the appointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 413. Concurrent resolution to authorize the printing as a House document of a revised edition of "The Capitol."

At 6:25 p.m., a message from the House delivered by Mr. Gregory announced that the House recedes from its disagreement to the amendments of the Senate to the bill (H.R. 5612) to amend section 8(a) of the Small Business Act, and concurs therein, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House recedes from its amendments numbered 9, 10, 18, 22, 37, 38, 39, and 41 to the bill (S. 1250) to promote U.S. technological innovation for the achievement of national economic, environmental, and social goals, and for other purposes; and agrees to the amendments of the Senate to the amendments of the House numbered 8, 13, 14, 15, 21, 30, 35, 36, 40, and 42 to the bill.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. 985) to amend the Consolidated Farm and Rural Development Act.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the following bills:

H.R. 6790. An act to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes; and

H.R. 7301. An act to authorize certain construction at military installations for fiscal year 1981, and for other purposes.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H.R. 7434. An act to provide for the establishment of the Boston African National Historic Site in the Commonwealth of Massachusetts, and for other purposes; and

H.R. 7554. An act to amend the Federal securities laws to provide incentives for small business investment, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6228. An act to amend the Communications Act of 1934 to provide that the Federal Communications Commission, in considering applications for the renewal of broadcast station licenses, shall not take into account any ownership interests of the applicant in other broadcasting stations or in other communications media, and for other purposes.

At 7:20 p.m., a message from the House delivered by Mr. Berry, announced that the House agrees to the amendments of the Senate to the bill (H.R. 5295) to amend title II of the Social Security Act to make the monthly earnings test available in limited circumstances in the case of certain beneficiaries, to amend the technical requirements for entitlement to medicare, and to provide that income attributable to services performed before an individual first becomes entitled to old-age insurance benefits shall not be taken into account (after 1977) in determining his or her gross income for purposes of the earnings test, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2977) to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes.

At 7:46 p.m., a message from the House delivered by Mr. Berry announced that the Speaker has signed the following enrolled bills and joint resolution.

S. 1177. An act to improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes;

S. 1795. An act to authorize the Blackfeet and Gros Ventre Tribes to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes;

S. 1796. An act to authorize the Assiniboine Tribe to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes;

S. 2185. An act to authorize the acceptance and use of bequests and gifts for disaster relief;

S. 2511. An act to amend section 106 of the

Civil Rights Act of 1957 to authorize appropriations for the Commission on Civil Rights for the fiscal year 1981;

S. 2597. An act to authorize appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability system, and for other purposes;

S. 2801. An act to designate the Indian Health Facility in Ada, Oklahoma, the "Carl Albert Indian Health Facility";

S. 3044. An act to designate the United States Federal Building in Hartford, Connecticut, as the "Abraham A. Ribicoff Federal Building";

S. 3148. An act to name the Federal Building located at 444 Southeast Quincy, Topeka, Kansas, the "Frank Carlson Federal Building";

H.R. 3956. An act granting the consent of the Congress to Hewson A. Ryan to accept the office and title of Honorary Consul of Honduras;

H.R. 5546. An act to amend the United States Grain Standards Act to permit grain delivered to export elevators by any means of conveyance other than barge to be transferred into such export elevators without official weighing, and for other purposes; and

S.J. Res. 82. Joint resolution to designate the week commencing with the third Monday in February of 1931 as "National Patriotism Week".

The enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

At 8:14 p.m., a message from the House delivered by Mr. Berry, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1790) entitled the "Privacy Protection Act."

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2725. An act to extend certain authorizations in the Clean Water Act, and for other purposes.

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 435. Concurrent resolution relating to the situation in Poland; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 1, 1980, he had presented to the President of the United States the following enrolled bills:

S. 91. An act to amend title 10, United States Code, to remove certain inequities in the Survivor Benefit Plan provided for under chapter 73 of such title, and for other purposes.

S. 341. An act to authorize the Three Affiliated Tribes of the Fort Berthold Reservation to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the U.S. Constitution, and for other purposes.

S. 1895. An act to change the name of the Los Esteros Dam (New Mexico) to the Santa Rosa Dam and Lake, and to designate Clark Hill Dam and Lake on the Savannah River, Georgia and South Carolina, as "Clarks Hill Dam and Lake".

S. 2126. An act relating to certain leases involving the Secretary of the Interior and the Northern Cheyenne Indian Reservation.

S. 2398. An act to extend the provisions of the General Exchange Act, as amended, to certain lands in order that they may become parts of the Umatilla and Wallowa National Forests, and for other purposes.

S. 2475. An act to amend title V of the Motor Vehicle Information and Cost Savings Act to reduce administrative burdens on low volume automobile manufacturers, to encourage an increase of the domestic value added content in labor and materials of foreign automobiles sold in the United States, to extend the time available to all manufacturers for carryforward or carryback of credits earned under the Act, and for other purposes.

S.J. Res. 109. Joint resolution providing for temporary extension of certain Federal Housing Administration authorities and for rural housing authorities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4709. A communication from the Under Secretary of Agriculture for International Affairs and Commodity Programs, transmitting, pursuant to law, the initial commodity and country allocation showing the planned programing of food assistance under Title I, Public Law 480, for fiscal year 1981; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4710. A communication from the Principal Deputy Assistant Secretary of the Air Force for Research, Development, and Logistics, transmitting, pursuant to law, notice that a study has been conducted with respect to converting the transient alert aircraft maintenance function at Scott Air Force Base, Illinois, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4711. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on a violation involving an expenditure in excess of appropriated amounts by the United States Customs Service; to the Committee on Appropriations.

EC-4712. A communication from the President of the United States, transmitting, pursuant to law, proposed amendments for the fiscal year 1981 totaling $2,110,700,000; to the Committee on Appropriations and ordered to be printed as a Senate document.

EC-4713. A communication from the Administrator of the United States Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Passenger Car Economy: EPA and Road"; to the Committee on Energy and Natural Resources.

EC-4714. A communication from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, certification that an adequate soil survey and land classification has been made of the lands to be served by the Tehama-Colusa Canal, Sacramento, River Division, Central Valley Project, California; to the Committee on Energy and Natural Resources.

EC-4715. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, a status report on the Commission's efforts to develop and implement the comprehensive plan for the systematic safety evaluation of all currently operating nuclear power plants; to the Committee on Environment and Public Works.

EC-4716. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a final supplement to final Environmental Impact Statement on Chena River Lakes Project, Alaska; to the Committee on Environment and Public Works.

EC-4717. A communication from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, three volumes in their report entitled "Studies in Comparative Federalism"; to the Committee on Finance.

EC-4718. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the twenty-third quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-4719. A communication from the President of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the Corporation on the development of private and multilateral programs for investment insurance and OPIC's reinsurance arrangements; to the Committee on Foreign Relations.

EC-4720. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Transfers of Excess and Surplus Federal Personal Property—Impact of Public Law 94-519"; to the Committee on Governmental Affairs.

EC-4721. A communication from the Secretary of The Trust Committee, transmitting, pursuant to law, the completed statement of general information for the plan year ended February 29, 1980; to the Committee on Governmental Affairs.

EC-4722. A communication from the Assistant Secretary of Housing and Urban Development for Administration, transmitting, pursuant to law, a proposed new system of records for the Department for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4723. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered in the cases of 2,266 aliens found eligible for temporary admission to the United States under section 212(d)(3) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4724. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the sixth report on the Implementation of the Speedy Trial Act of 1974; to the Committee on the Judiciary.

EC-4725. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of 980 reports concerning visa petitions accorded third and sixth preference classification under section 204(d) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4726. A communication from the Chairman of the Select Commission on Immigration and Refugee Policy, transmitting, pursuant to law, the second semiannual report of the Commission; to the Committee on the Judiciary.

EC-4727. A communication from the Director of the National Institute of Education, transmitting, pursuant to law, the interim report on the study of vocational education and related programs; to the Committee on Labor and Human Resources.

PETITIONS

The Presiding Officer laid before the Senate the following petition; which was referred as indicated:

POM-880. A resolution adopted by the National Student Nurses' Association, supporting the concept of including the topic of adolescent pregnancy in curriculums of nursing education programs; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the committee of conference, submitted a report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act (Rept. No. 96-1010).

By Mr. NUNN, from the Committee on Governmental Affairs:

A special report by the permanent Subcommittee on Investigations regarding the Bureau of Engraving and Printing (Rept. No. 96-1011).

By Mr. McGOVERN, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment (in the nature of a substitute):

S. 1942. A bill to provide for a resource conservation and development program in the Department of Agriculture, and for other purposes (Rept. No. 96-1012).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with amendments:

S. 2569. A bill to amend the United States Grain Standards Act to permit the Administrator of the Federal Grain Inspection Service to delegate authority, under certain circumstances, to a State agency to perform official inspection at export port locations within the State if such State agency performed official inspections under such Act at an export port location at any time before July 1, 1976, and such State agency is presently designated to perform official inspections at locations other than export port locations (Rept. No. 96-1013).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

Bv Mr. MATHIAS:

S. 3187. A bill to prevent the estate tax law from operating to encourage or to require the destruction of open lands by amending the Internal Revenue Code of 1954 to provide that real property which is farmland, woodland, or open land and forms part of an estate may be valued, for estate tax purposes, at its value as farmland, woodland, or open land (rather than at its fair market value), and to provide for the revocation of such lower valuation and recapture of unpaid tax with interest in appropriate circumstances; to the Committee on Finance.

By Mr. WILLIAMS (for himself and Mr. PROXMIRE) (by request):

S. 3188. A bill to amend the Securities Exchange Act of 1934 to establish an effective system for the disclosure of beneficial ownership, to regulate acquisitions of corporate control, and to establish investor rights and remedies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HAYAKAWA:

S. 3189. A bill for the relief of Peter Pipim and Hannah Emilie Frimpon Pipim, husband and wife; to the Committee on the Judiciary.

S. 3190. A bill to amend the Internal Revenue Code of 1954 to provide that, with respect to the Windfall Profit Tax, the holder of a net profits interest shall be treated as the producer of the same proportion of the production from the property as is represented by his net profits interest; to the Committee on Finance.

By Mr. RIBICOFF:

S.J. Res. 210. Joint resolution to grant posthumously full rights of citizenship to Douglas Clyde Macintosh; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS:

S. 3187. A bill to prevent the estate tax law from operating to encourage or to require the destruction of open lands by amending the Internal Revenue Code of 1954 to provide that real property which is farmland, woodland, or open land and forms part of an estate may be valued, for estate tax purposes, at its value as farmland, woodland, or open land (rather than at its fair market value), and to provide for the revocation of such lower valuation and recapture of unpaid tax with interest in appropriate circumstances; to the Committee on Finance.

FAMILY FARM PRESERVATION ACT

● Mr. MATHIAS. Mr. President, agriculture is our Nation's biggest industry. Farming employs almost 4 million people, more than the combined work force of the transportation, steel, and automobile industry. And a total of 15 million people work in the whole gamut of the agricultural process—from growing to marketing.

The United States also exports more agricultural products than any other country in the world. One out of every three acres harvested is used for exports. These products have become crucial to our balance of trade. In 1979, for example, agricultural exports totaled $32 billion. The Department of Agriculture has also indicated that there will be a significant increase in the demand for our agricultural exports as the Middle East develops and markets are opened in China.

Unfortunately, our country's farmlands are being converted to nonagricultural uses at a rate of over 3 million acres per year. In the last decade alone, this urbanization process swallowed up land about the size of the State of West Virginia. This trend is increasing with no end in sight.

Earlier this summer, I introduced a bill, S. 3048, the farmland development right tax bill, which is aimed at encouraging farmers to participate in State programs, like Maryland's agricultural farmland preservation foundation program, designed to help farmers resist the pressure to sell their land. These programs pay farmers for the development rights to their land, thereby insuring that the land will continue to be used as farmland, and giving the farmer some badly needed cash to pay off expenses and taxes.

Briefly, my bill would allow the money received from the sale of the development rights to be exempt from capital gains taxation as long as it is reinvested in new farmland within 18 months. If the farmer is over 55, it would allow a one-time $100,000 tax exemption on the proceeds from the sales. These tax incentives will encourage the sale of the development rights to States and will foster the creation of similar programs in all States.

But more needs to be done. For one thing, we must change our Federal estate tax laws, which now encourage people to sell off thousands of acres of farmland every year to developers who pay top dollar.

Existing estate tax laws require valuation of farmland, woodland, and open space to be assessed at its fair market value, not the value of its actual use. This means that when a farmer dies, his land—which may be worth $500 an acre as farmland—may be assessed at the commercial market value of $2,000 to $3,000 an acre or more. Especially if the land is close to a metropolitan area affected by speculative values, this system often forces the heirs of a farm to sell off most of the land just to pay the taxes, even though they may really want to keep farming the land themselves.

Clearly, our tax system is exacerbating the problem of conversion of farmland, especially in the critical areas bordering large cities. It accelerates surburban sprawl with no thought for proper land-use planning. It forces families off their land. And it removes valuable land from production.

Today, I am introducing a bill that is a refinement of a plan I have introduced in the past. It deals specifically with this problem of land assessment for estate tax purposes. My proposal would provide that inherited farmland, woodland, and open space be assessed for estate tax purposes at the value of its current use rather than its fair market value. Of course, I have incorporated in my bill several safeguards to prevent the abuse of this special tax provision.

The land must be devoted to one of the qualified uses for at least 5 years. If the land is ever sold or converted to a nonqualifying use, the tax savings provided for by this bill would be recaptured by the Government. If only a portion of the land is involved, only a portion of the tax savings would be due. Similarly, if the land is sold, the tax savings may be partially or totally recaptured depending upon the sale price of the land. In all cases where recapture takes place, interest on the tax savings will be due.

Mr. President, farming is the mainstay of this country. A unique mass of arable land blessed by adequate rainfall forms the foundation for our national prosperity. But we can no longer continue to neglect the heavy tax burden on farmers. In the 5 minutes it has taken for me to give this address, we have lost 30 acres of prime farmland. It may never produce anything except suburban crabgrass.

It is probably too late in this session to expect final enactment of this bill this year. But the problem is a pressing one, one that needs immediate attention. I urge all of my colleagues to use these intervening months to study the problem and my bill, and to join my efforts to end this unfair taxation early in the 97th Congress.●

By Mr. WILLIAMS (for himself and Mr. PROXMIRE) (by request):

S. 3188. A bill to amend the Securities Exchange Act of 1934 to establish an effective system for the disclosure of beneficial ownership, to regulate acquisitions of corporate control, and to establish investor rights and remedies, and for other purposes; to the committee on Banking, Housing, and Urban Affairs.

TENDER OFFER IMPROVEMENTS AND INVESTOR PROTECTION ACT OF 1980

○ Mr. WILLIAMS. Mr. President, on behalf of myself and Senator PROXMIRE and at the request of the Securities and Exchange Commission, I am introducing legislation today to amend the provisions of the Securities Exchange Act of 1934 governing the conduct of tender offers and other techniques of corporate acquisitions. It is being introduced at this time to afford interested persons a chance to analyze the bill and prepare for the committee's future hearings and deliberations.

Mr. President, just 12 years ago, Congress approved legislation to protect shareholders caught in the middle of contests for corporate control. At that time, the traditional means of proxy contests were yielding to a more innovative device—the cash tender offer. Tender offers may have been advantageous to conglomerate—and acquisition—minded companies and individuals, but this was not the case for ordinary shareholders since such transactions were not subjected to the disclosure requirements of the securities laws. To close the disclosure gap, Congress amended the Securities Exchange Act to provide for full disclosure in connection with tender offers and other techniques for accumulating large blocks of equity securities of publicly held companies. I am proud to have been the principal sponsor of this important law.

Mr. President, the Williams Act has proved to be a remarkably farsighted and well-drawn bill. The framework it created for the conduct of tender offers has achieved its intended purposes of protecting shareholders without interfering with the economic phenomenon of tender offers.

Mr. President, despite the success of the original law, numerous developments have occurred to suggest that changes in the original law are warranted. The first such development pressuring for legislative change is the genius of the marketplace and the ingenuity of lawyers. New techniques of tender offers and defensive tactics have been developed to exploit the ambiguities, or circumvent the limits, of the present Williams Act. Moreover, the nature and conduct of tender offers have changed markedly in recent years. Foreign suitors shop for U.S. companies. Billion-dollar tender offers have become commonplace. And the professionals involved in tender offers, such as banks and investment banking houses, are behaving and performing differently than they were 12 years ago.

The second major development is the proliferation of State tender offer regulation. Legislatures in over 35 States have enacted regulatory schemes which do not share—in fact they conflict with—the laissez-faire policy of the Federal law toward tender offers. These State laws have been described as antitakeover and protectionist toward local companies. While certain provisions of State and Federal law are compatible and complementary, more often they are in conflict. This has caused enormous confusion, excessive litigation, and frustrated the national policy embodied in the Williams Act.

Third, the case law under the Williams Act has been growing. Since 1975, the Supreme Court has rendered numerous decisions involving or affecting the Williams Act. Some of their holdings confirmed weaknesses in the original act; others weakened the act and its enforcement in ways that seem to contradict the original intent of Congress. Falling into this latter category is the Supreme Court's decision in Rondeau against Mosineau Paper Corp., holding that a showing of irreparable harm was required for a participant to obtain permanent injunctive relief for a violation of the Williams Act. In the Piper against Chris Craft Industries case, the Court denied tender offerors standing to obtain damages for violations of the Williams Act, thus closing the courthouse door to private enforcement of the Williams Act.

At this moment, the lower courts are developing a definition of "tender offer," notwithstanding the judgment by the Congress and the Commission since 1968 to avoid an inflexible definition in order to provide maximum coverage of the act and maximum protection to the shareholder-beneficiaries of its provisions. This extensive and still developing case law has substantially changed the meaning of the original law, demonstrated its shortcomings, and illustrated the need for reconsideration by the Congress.

Mr. President, because of these and other developments, Senators PROXMIRE, SARBANES, and I wrote to Chairman Williams of the Securities and Exchange Commission last year in an effort to spark a discussion on the adequacy of existing law and policy toward tender offer activity. We indicated then our intent to explore a number of specific issues: the conduct of banks and other financial intermediaries and advisers possessing privileged and confidential information; issuer repurchases of securities; the coverage of the Williams Act in light of creative and increasingly unconventional takeover strategies; the meaning and effect of various substantive requirements; the relationship between State and Federal tender offer laws; and the effect of recent Supreme Court deceision on the purposes and policies of the Williams Act.

The Commission replied in February 1980 and recommended the enactment of the legislation being introduced today. I should note that all of this correspondence is available in a committee print from the Committee on Banking, Housing, and Urban Affairs.

Mr. President, I believe there are important social, economic, and legal questions at issue that warrant the attention of the Congress. The Banking Committee with jurisdiction over our Nation's basic banking and securities laws, plans to probe these issues to the full extent of its jurisdiction in the next session of Congress. In the future, at hearings on this bill to be held next year, the committee will solicit the advice of other Federal and State officials, the business sector, the legal community, academics, and banking and investment organizations.

Mr. President, I ask unanimous consent that the bill and the accompanying section-by-section analysis prepared by the Securities and Exchange Commission be reprinted in full in the RECORD.

There being no objection, the bill and the analysis were ordered to be printed in the RECORD, as follows:

S. 3188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tender Offer Improvements and Investor Protection Act of 1980."

SEC. 2. Section 13(d) of the Securities Exchange Act of 1934 is amended by striking the text and inserting in lieu thereof the following:

"(1) Except as otherwise provided, the provisions of this subsection and of subsection 13(e) of this section and sections 14(d) and 14(e) of this title apply with respect to any equity security of a class of equity securities: (A) registered pursuant to section 12 of this title, (B) of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, (C) issued by a closed-end investment company registered under the Investment Company Act of 1940, or (D) of an issuer required to file reports pursuant to section 15(d) of this title, other than an open-end investment company registered under the Investment Company Act of 1940, if any security of such class has been the subject of a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, and if such class is held of record by more than 300 persons.

"(2) For the purpose of this subsection and subsection 13(e) of this section and sections 14(d), 14(e), 14(f), 14(g), 14(h) and 14(i) of this title—

"(A) The term "beneficial ownership" includes the power to vote or to direct the voting of a security or the power to dispose or to direct the disposition of a security, whether held directly or indirectly, or whether held by one person or jointly or severally by more than one person, and shall include the right to acquire any such power.

"(B) A "group" is two or more persons acting in concert for the purpose of acquiring, holding, voting or disposing of securities of an issuer. A group shall be deemed to be a "person," and a group shall be deemed to acquire the beneficial ownership of all securities of the class beneficially owned or acquired by a member of the group. For the purposes of Section 14(d)(1)(B) of this title, a group shall not be deemed to offer to acquire those securities which, prior to the formation of the group, were beneficially owned by a member of the group. And, for the purposes of Section 14(d)(1)(B)(v) of this title, a person who acquires the beneficial ownership of securities, directly or indirectly, from a group or another person acting on behalf of a group, shall be deemed to acquire such beneficial ownership from each person belonging to the group.

"(C) In determining any percentage of beneficial ownership of a class of securities, such class shall be deemed to consist of the amount of the outstanding securities of the class. A person may rely upon the disclosure contained in the most recent of the annual or quarterly reports, whichever is most recently filed by the issuer with the Commission, with respect to the total number of outstanding securities of the class, unless the person knows or has reason to know that such disclosure was or has become inaccurate.

"(3) Every person, other than the issuer thereof (or any subsidiary of that issuer which under applicable state law cannot vote the securities of that issuer held by it), who, as a result of the direct or indirect acquisition of the beneficial ownership of any security of a class described in paragraph (1) of this subsection, becomes the beneficial owner, in the aggregate, of more than 5 percent of the class, shall:

"(A) as soon as practicable, but in no event later than one business day after such acquisition, make a public announcement, which shall be limited to disclosure of his identity, the amount of securities of the class beneficially owned by him, the identity of the issuer of that class and a brief description of the purpose of such acquisition;

"(B) within five business days after the date of such acquisition, file with the Commission and send a statement as prescribed pursuant to paragraph (6) of this subsection; and

"(C) not acquire, offer or make any arrangement to acquire the beneficial ownership of any additional securities of the class, otherwise than pursuant to a "statutory offer" as defined in section 14(d)(1)(B) of this title, from the time of such acquisition until to the expiration of two business days from the date of filing of the statement, or such shorter period as the Commission may prescribe by rule or regulation, except that this subparagraph (C) shall not apply with respect to an involuntary acquisition, including any acquisition of securities by gift, inheritance or bequest or such similar transaction as the Commission may prescribe by rule, regulation or order.

"(4) Any person who, directly or indirectly, is the beneficial owner of more than 5 percent of a class of securities described in paragraph (1) of this subsection, other than either the issuer thereof (or any subsidiary of that issuer which under applicable state law cannot vote the securities of that issuer held by it), or any person who has filed a statement pursuant to paragraph (3) of this subsection with respect to such beneficial ownership, shall file with the Commission and send a statement as prescribed by the Commission pursuant to paragraph (6) of this subsection, within 90 days of the effective date of this subsection or within 10 business days of achieving such status, whichever is later, or within whatever other period the Commission may prescribe by rule or regulation; *Provided, however*, that any statement filed pursuant to section 13(d)(1) or section 13(g) as in force prior to the effective date of this subsection shall be deemed to have been filed pursuant to the provisions of this paragraph (4), except to the extent the Commission may provide otherwise by rule or regulation as necessary and appropriate in the public interest or for the protection of investors.

"(5) If a material change occurs in the information set forth in a statement filed pursuant to paragraphs (3) or (4) of this subsection, the person filing such statement shall:

"(A) within five business days or such shorter or longer period as the Commission may prescribe by rule or regulation, file with the Commission and send an amendment to such statement, as prescribed pursuant to paragraph (6) of this subsection, disclosing such material change; and

"(B) not acquire, offer or make any arrangement to acquire the beneficial ownership of any additional securities of the class (except in an involuntary acquisition described in subparagraph (3)(C) of this subsection) from the time such material change occurs until the expiration of two business days from the date of filing of the amendment, or such shorter period as the Commission may prescribe by rule or regulation.

"(6) The statements required to be filed pursuant to paragraph (3), (4), or (5) of this subsection with respect to the beneficial ownership of securities, or pursuant to subsection 14(d)(3) of this title with respect to a statutory offer, shall:

"(A) be filed with the Commission and sent to the issuer of the class of securities and, as may be required by the Commission by rule or regulation, to any appropriate self-regulatory organization, and, in the case of a statement filed pursuant to section 14(d)(3) of this title, to any other person who is making a statutory offer for the same class of securities, within such reasonable time and in such reasonable manner as the Commission shall prescribe by rule or regulation; and

"(B) contain the information and documents the Commission specifies by rule which may include, but are not limited to, information and documents with respect to: (i) the person filing the statement, (ii) every affiliate or associate of the person filing the statement or of any group identified in the statement, (iii) the number of securities which are beneficially owned by the person filing the statement or by any affiliate or associate of such person or by any group identified in the statement, (iv) the purposes of the acquisition, (v) the plans or proposals of the person filing the statement with respect to the issuer or any securities of the issuer, (vi) any understandings or arrangements between the person filing the statement and any other person concerning the issuer or securities of the issuer, (vii) the source and amount of funds or other consideration used or to be used in making the acquisitions, and (viii) if any part of the acquisition price or proposed acquisition price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading such security, a description of the transaction and the names of the parties thereto, except that where a source of funds is a loan made in the ordinary course of business by a bank, as defined in section 3(a)(6) of this title, and, after reasonable inquiry, the person filing the statement does not know or have reason to know that any prior or present commercial relationship exists between such bank and the issurer of the class of securities to be acquired, the name of the bank shall not be made available to the public, if the person filing such statement so requests.

"(7) The Commission, by rule or regulation or by order, may permit any person, in lieu of complying with the provisions of paragraphs (3) and (4) of this subsection or the rules and regulations thereunder, to file a notice stating the name of such person, the number of securities beneficially owned by him, the date of their acquisition and such other information as the Commission may specify, if it appears to the Commission that such securities were acquired by such person in the ordinary course of his business and were not acquired for the purpose of and do not have the effect of changing or influencing the control of the issuer nor in connection with or as a participant in any transaction having such purpose or effect.

"(8) The Commission may adopt such rules, regulations, and orders as may be necessary or appropriate in the public interest or for the protection of investors: (A) to implement the provisions or carry out the purposes of this subsection; (B) to define any term used in this subsection; (C) to exempt any person or transaction, or class of persons or transactions, as not comprehended within the purposes of this subsection, from any one or more of the provisions of this subsection, in whole or in part, either unconditionally or upon specific terms and conditions; or (D) to prevent any person from evading or circumventing the provisions of this subsection."

"(9) In exercising its authority under this subsection, the Commission shall take such steps as it deems necessary or appropriate in the public interest or for the protection of investors: (A) to achieve centralized reporting of information regarding beneficial ownership, (B) to avoid unnecessarily duplicative reporting by and minimize the compliance burden on persons required to report, and (C) to tabulate and promptly make available the information contained in any report filed pursuant to this subsection in a manner which will, in the view of the Commission, maximize the usefulness of the information to other Federal and State agencies and the public."

SEC. 3. Section 13(e)(1) of the Securities Exchange Act of 1934 is amended by striking out "which has a class of equity securities" and all that follows in the first sentence up to and including "under the Investment Company Act of 1940" and inserting in lieu thereof the following: "of a class of securities described in subsection 13(d)(1) of this title".

SEC. 4. Section 14(d) of the Securities Exchange Act of 1934 is amended by striking the entire text and inserting in lieu thereof the following:

"(1) For the purposes of this subsection—

"(A) "Purchase" and "buy" include acceptance for payment, whether or not payment has been made.

"(B) "Statutory offer" means an offer or offers to acquire securities of a class described in section 13(d)(1) of this title, made, directly or indirectly, by a person, other than the issuer thereof, if that person is or upon consummation of such offer or offers could become the beneficial owner of more than 10 percent of the class, except that the term shall not include:

"(i) any offer to acquire the beneficial ownership of securities pursuant to a statutory merger or consolidation;

"(ii) any offer to acquire the beneficial ownership of securities made by means of a solicitation solely of a proxy to vote securities beneficially owned by another person;

"(iii) any offer to acquire the beneficial ownership of a security if the acquisition of the beneficial ownership of such security, together with all other acquisitions by the same person, directly or indirectly, of the beneficial ownership of securities of the same class during the preceding twelve months, does not exceed 2 percent of that class;

"(iv) any offer to acquire the beneficial ownership of securities from the issuer thereof;

"(v) any offer to acquire the beneficial ownership of securities in a privately negotiated transaction; *provided, however*, that no person shall acquire the beneficial ownership of securities in reliance upon this provision from more than 10 persons, directly or indirectly, in any period of 12 consecutive months: *Provided, further*, That for the purposes of this provision, the Commission may, as it deems necessary and appropriate in the public interest or for the protection of investors, by rule or regulation, prescribe means of determining the identity and number of the person or persons from whom the beneficial ownership of securities is acquired.

"(2) For the purposes of subsection 13(d) of this title, any person who acquires the beneficial ownership of securities pursuant to a statutory offer shall be deemed to have acquired all securities so acquired in a single transaction.

"(3) It shall be unlawful for a person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, to make a statutory offer in violation of any of the provisions of subparagraphs (A)–(F) of this paragraph or the rules and regulations thereunder.

"(A) A person making a statutory offer shall:

"(i) file with the Commission and send a statement as prescribed pursuant to section 13(d)(6) of this title, together with a copy of the offering materials containing the information which the Commission prescribes by rule or regulation;

"(ii) file with the Commission and send an amendment to that statement as prescribed by the Commission pursuant to section 13(d)(6) of this title whenever a material change occurs in the information contained therein or in the offering materials filed therewith;

"(iii) file with the Commission and send copies of any additional offering material, as prescribed by the Commission pursuant to section 13(d)(6) of this title, containing the information which the Commission prescribes by rule or regulation; and

"(iv) publish and disseminate to security holders the offer and all additional offering material in accordance with the rules and regulations of the Commission, which, among other things, may require the issuer to furnish shareholder lists and security position listings to a person making or proposing to make a statutory offer.

"(B)(i) A person making a statutory offer in which the consideration consists solely of cash shall make the offer to all holders of securities of the class residing in any state of the United States.

(ii) A person making a statutory offer shall pay all sellers pursuant to the statutory offer the highest consideration offered any of them pursuant to the offer.

"(C) A person making a statutory offer shall provide that such offer remain open and in effect:

"(i) for at least twenty business days after it is made;

"(ii) for at least ten business days after any change in the consideration offered, the method of payment or the amount of securities covered;

"(iii) for at least ten business days after filing of a statement pursuant to paragraph (3)(A)(i) of this subsection by a competing offeror;

"(iv) during whatever longer or shorter period or periods the Commission prescribes by rule or regulation.

"(D) A person making a statutory offer shall permit a security deposited pursuant to that offer, other than one which has been purchased pursuant to the provisions of paragraph (F) of this subsection, to be withdrawn at any time prior to the second business day preceding the scheduled expiration date of the offer, including any extension thereof.

"(E) A person making a statutory offer for less than all the outstanding securities of a class pursuant to which a greater number of securities is deposited while the statutory offer is effective than the person making the statutory offer is bound or willing to buy shall buy all deposited securities as nearly as may be pro rata, disregarding fractions, according to the number of securities deposited by each depositor.

"(F) A person making a statutory offer may purchase a deposited security only:

"(i) on or after the expiration date of the offer (which shall be the latest expiration date in the event of one or more extensions); or

"(ii) on any date on which the statutory offer is extended but only if the offer has remained open and in effect for the minimum periods prescribed in paragraph (C) of this subsection and only if all securities deposited as of such date are purchased on that date.

"(4)(A) No later than ten business days after the filing of a statement pursuant to paragraph (3)(A)(i) of this subsection by a person making a statutory offer, the issuer of the class of securities that is the subject of such offer shall file with the Commission and disseminate to the security holders of the class a statement, including the reasons therefor, disclosing:

"(i) that the issuer recommends acceptance or rejection of the statutory offer; or

"(ii) that the issuer expresses no opinion and is remaining neutral toward the statutory offer; or

"(iii) that the issuer is unable to take a position with respect to the statutory offer;

together with such additional information as the Commission, by rule or regulation, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(B) If a material change occurs in the information filed with the Commission and furnished to security holders pursuant to subparagraph (A) of this paragraph, the issuer shall promptly file an amendment with the Commission and disseminate additional materials to security holders disclosing such material change.

"(5) It shall be unlawful for any person, which lends or agrees to lend all or any part of the consideration for the making of a statutory offer for securities of a class described in subsection 13(d)(1) of this title or of any other offer to acquire securities by a person that is or, as a result of such statutory offer or other offer any material, non-public information was acquired directly or indirectly from such issuer, unless authorized to do so by such issuer."

SEC. 5. Section 14(e) of the Securities Exchange Act of 1934 is amended by striking the text and inserting in lieu thereof the following:

"It shall be unlawful for any person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or any facility of a national securities exchange or otherwise, to make any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, or to engage in any fraudulent, deceptive, or manipulative acts or practices in connection with: (1) any statutory offer with respect to securities of a class described in subsection 13(d)(1) of this title, (2) any other offer to acquire the securities of any class by a person that is, or as a result of that acquisition would become, the beneficial owner of more than 5 percent of that class, or (3) any solicitation of security holders in opposition to or in favor of any statutory offer or any other offer described in (2) above."

SEC. 6. Section 14(f) of the Securities Exchange Act of 1934 is redesignated as Section 14(h) and is amended by striking out "transaction subject to subsection (d) of this section or" in the first sentence and inserting in lieu thereof the following: "statuatory offer subject to subsection (d) of this section or in a transaction subject to".

SEC. 7. Section 14 of the Securities Exchange Act of 1934 is amended by adding thereto a new subsection (f) as follows:

"(1) The Commission may adopt such rules, regulations or orders as may be necessary or appropriate in the public interest or for the protection of investors to implement the provisions and carry out the purposes of subsections 14(d) and 14(e) of this section. Among other things, such rules, regulations and orders may: (A) exempt from one or more of the provisions of those subsections, in whole or in part, any statutory offer as not comprehended within the purposes of such provision; (B) define any term used in those subsections, in a manner not inconsistent with the definitions set forth in this title, (C) define, and prescribe means reasonably designed to prevent, such acts and practices as are fraudulent, deceptive, or manipulative, (D) prescribe means reasonably designed to insure that any person who recommends that shareholders accept or reject a statutory offer, or who solicits acceptances or rejections of a statutory offer (including the person making the offer and all persons acting in concert with or at the direction of that person), file, disclose and disseminate information material to a shareholder in determining whether or not to accept the offer, and (E) prescribe means reasonably designed to prevent any person from evading or circumventing the provisions of subsections 14(d) and 14(e) of this title.

"(2) The Commission may, by rule, require persons engaged in arbitrage activity in connection with any offer or acquisition subject to Sections 13(d) or 14(d) of this title to provide it with such information about their activities, and to act in accordance with such standards, as the Commission deems necessary in the public interest or for the protection of investors."

SEC. 8. Section 14 of the Securities Exchange Act of 1934 is amended by adding thereto a new subsection (g) as follows:

"It shall be unlawful for any person in connection with planning, financing or otherwise participating in, or rendering advice in connection with, a statutory offer for securities of a class described in section 13(d)(1) of this title or any other offer to acquire securities by a person that is or, as a result of such acquisition, would become the beneficial owner of more than 5 percent of the class, to engage in any act or practice in contravention of such rules and regulations as the Commission, in the public interest or for the protection of investors, may adopt (A) to define acts and practices which are fraudulent, deceptive, or manipulative, and (B) to prescribe means reasonably designed to prevent such acts and practices."

SEC. 9. Section 14 of the Securities Exchange Act of 1934 is amended by adding thereto a new subsection (i) as follows:

"(1) Any person who violates sections 13 (d) or 13(e) of this title or subsections 14(d), 14(e), 14(f), 14(g) or 14(h) of this section, or any rule or regulation promulgated thereunder, shall be liable to:

"(A) an issuer of the securities that are the subject of an offer or acquisition subject to those subsections;

"(B) a holder of such security (or of another security of the same issuer whose interests are adversely affected) at the time of the violation or while the violation was continuing;

"(C) a person who has tendered such a security; or

"(D) a person who has made or is making such an offer or acquisition, or a competing offer or acquisition;

who is aggrieved by such violation, and the person so aggrieved may bring suit in any court of competent jurisdiction to recover damages and seek such equitable relief, including divestiture of securities acquired in violation of the provisions of those sections, as the court deems proper to carry out the purposes of these sections; *provided, however*, that no person shall be liable for damages under this subsection if he proves that he exercised reasonable care in the circumstances.

"(2) In any action under this subsection alleging harm based on a misrepresentation or an omission of a material fact, it shall not be necessary in order to establish a cause of action for the person bringing suit, or on whose behalf suit is brought, to show reliance on the misrepresentation or omission. Such person may establish a cause of action on a showing that he did not have knowledge of the relevant facts as they should have been disclosed and that there is a substantial likelihood that a reasonable investor would have considered the fact important in deciding how to act or that proper disclosure would have significantly altered the total mix of information available.

"(3) A court may limit damages in an appropriate manner in any suit brought by a person specified in paragraphs (1)(A) or (1)(D) if, in light of the nature and conduct of the person found liable, the degree of his culpability, the conduct of the person bringing suit, and the deterrent effect of the remedy, the award of damages would otherwise be unjust or inequitable.

"(4) No action shall be maintained to enforce any liability created under this section unless brought within one year after the discovery of the facts constituting the violation, and three years after the occurrence of the last substantial element of the violation."

SEC. 10. Section 28(a) of the Securities Exchange Act of 1934 is amended by striking the period at the end and adding thereto the following:

"*Provided, however,* That Sections 13(d) and 14(d) shall be plenary and exclusive with respect to any State law that purports to regulate as such tender offers or acquisitions of beneficial ownership subject to these Sections, except for any such state law that is not in conflict with Sections 13(d) and 14(d) to the extent that such state law applies to a tender offer for, or an acquisition of, equity securities of a company (1) that has its principal place of business in that state, and (2) more than fifty percent of the beneficial holders, as defined by the Commission, of whose outstanding voting securities, who in the aggregate hold fifty percent or more of those securities, are residents of that state."

SECTION-BY-SECTION ANALYSIS

Section 13(d) in general:

Proposed section 13(d) integrates the beneficial ownership filing requirements of present sections 13(d) and 13(g). Both persons acquiring the beneficial ownership of more than 5 percent of a class of securities and persons who beneficially own more than 5 percent will be required to file a statement disclosing material information. Persons who have already filed pursuant to present sections 13(d) or 13(g) will be deemed to have made such filings pursuant to new section 13(d). As is presently the case, it is anticipated that the extent of disclosure required will depend upon the person's intentions with respect to the issuer and the rapidity of the person's acquisitions. To fashion this flexible system of disclosure, the Commission is given broad authority to prescribe the appropriate schedules and to adopt such rules and regulations as may be necessary or appropriate in the public interest or for the protection of investors.

COVERAGE

Section 13(d)(1). Proposed section 13(d)(1) would provide the general rule of coverage with respect to the provisions of the bill. This rule expands the coverage of present sections 13(d), 13(e) and 14(d) to include equity securities of issuers required to file periodic reports pursuant to section 15(d) (other than open-end investment companies registered pursuant to the Investment Company Act of 1940) if such securities have been the subject of a registered offering under the Securities Act of 1933 and if those securities are held of record by more than 300 persons. Moreover, the coverage of the issuer repurchase provisions of present section 13(e) are made parallel to sections 13(d) and 14(d) through the inclusion of the equity securities of insurance companies exempt from registration pursuant to section 12(g)(2)(G).

DEFINITIONS

Section 13(d)(2). Proposed section 13(d)(2) defines the term "beneficial ownership" and further provides certain rules to be applied for the purpose of determining any percentage of beneficial ownership of a class. The definition of "beneficial ownership" is modelled on Rule 13d-3 and focuses on the control incidents of ownership of an equity security (*i.e.*, the power to vote or to dispose of that security). This definition will provide the most relevant information with respect to potential changes in the control of an issuer.

Proposed section 13(d)(2) also defines the term "group". While patterned after the existing statutory provisions, it clarifies present law by defining a group in terms of two or more persons acting in concert for the purpose of acquiring, holding, voting or disposing of securities. A group is deemed to be a "person" (except for the purposes of proposed section 14(d)(1)(B)(v), as is explained below) and is deemed to acquire the beneficial ownership of any security beneficially owned by or acquired by any member of the group.

DISCLOSURE REQUIREMENTS

Section 13(d)(3). The basic pattern of beneficial ownership reporting is found in proposed sections 13(d)(3) and (d)(4). Proposed section 13(d)(3) would require that any person, other than the issuer thereof (or a subsidiary of the issuer which is unable to vote securities of the issuer held by it), who, as a result of an acquisition of the beneficial ownership of any security of a class described in proposed section 13(d)(1), becomes the beneficial owner of more than 5 percent of the class: (1) makes within one business day a public announcement of his identity and the amount of securities of the class beneficially owned by him, the purpose of the acquisition, and the identity of the issuer, (2) files with the Commission and sends to the issuer the appropriate schedule within five business days, and (3) refrains from making additional acquisitions from the time of the acquisition until a short time after making the filing. The public disclosure obligation of the acquiring person by reason of the acquisition is limited to the information specified under proposed section 13(d)(3)(A) during the first business day after the date of the acquisition. Obviously, other persons who know additional non-public material information not otherwise required to be disclosed are prohibited by the general antifraud sections of the federal securities laws from trading on the basis of such information.

The present statute, by contrast, allows ten days for the filing and permits purchasing in the interim. Because of the abuses resulting from delayed filings and large scale purchasing prior to the filing, the changes are necessary in order to secure adequate and timely disclosure at the point a person's beneficial ownership exceeds 5 percent.

DISCLOSURE REQUIREMENT

Section 13(d)(4). Unlike the present structure of section 13(d)(1), which applies to any acquisition by a person who is or thereby becomes the owner of more than 5 percent of a class, proposed section 13(d)(3) triggers its filing obligation on the single acquisition which results in the beneficial ownership of more than 5 percent of a class. Thus, three classes of persons would not be subject to proposed section 13(d)(3): (1) persons presently owning more than 5 percent of a class who have filed a statement pursuant to present sections 13(d)(1) or 13(g), (2) persons presently owning more than 5 percent of a class who have not filed pursuant to either present sections 13(d)(1) or 13(g), and (3) persons who subsequently become the owner of more than 5 percent of a class otherwise than pursuant to an acquisition. To bring all of these persons into the reporting system of proposed section 13(d), proposed section 13(d)(4) provides that any person, other than a person filing pursuant to proposed section 13(d)(3), who is the beneficial owner of more than 5 percent of the class shall file a statement as prescribed by the Commission. Persons who have already filed pursuant to present sections 13(d) or 13(g) are deemed to have filed pursuant to this provision. But, like persons filing after the effective date of this legislation, they will be subject to the amendment provision of proposed section 13(d)(5).

Proposed sections 13(d)(3) and (d)(4) together would require the filing of a statement by every person who is or becomes the beneficial owner of more than 5 percent of a class of securities described in proposed section 13(d)(1). But, it is not intended that all such persons should be required to file the same amount of information. Rather, pursuant to proposed sections 13(d)(6)-(d)(9), the Commission will establish an appropriate system of disclosure designed to require full disclosure in cases where a person's plans or conduct may affect the existing control relationships of an issuer.

AMENDMENT REQUIREMENT

Section 13(d)(5). In a fashion similar to current section 13(d)(2), proposed section 13(d)(5) would impose an obligation to amend a statement filed pursuant to proposed sections 13(d)(3) or (d)(4), whenever a material change occurs in the information set forth in that statement. Moreover, the section would prohibit a person who has filed a statement, pursuant to any one of those sections, from engaging in any further acquisitions of securities of the class from the time an obligation to amend arises until the expiration of two trading days after the date of filing of the amendment. As with proposed section 13(d)(3)(B), the Commission may shorten this period to the extent consistent with the purpose of disseminating the required information, to the trading markets.

METHOD OF DISCLOSURE

Section 13(d)(6)(A). Proposed section 13(d)(6) grants the Commission the authority to prescribe the manner and timing of filings required by proposed sections 13(d)(3), (d)(4) or (d)(5), or pursuant to proposed sections 14(d)(3). This proposed section would also give the Commission the authority, similar to the authority it has under current law, to prescribe the manner in which such statements, or the information set forth therein, are communicated to the issuer, the national securities exchanges and the NASD. The filing requirements set forth in proposed section 13(d) will relate to securities having a broad array of trading characteristics—ranking from exchange listed securities, to securities qualified for inclusion in the NASDAQ quotation system, to observe over-the-counter securities. Given this array, it does not appear to be appropriate or practicable to specify a single method of dissemination in the statute. Rather, the proposal contemplates that the Commission will exercise its reasoned judgment in constructing an efficient system of disclosure and dissemination.

This general rulemaking authority is designed to be complementary to the specific rulemaking authority given to the Commission in proposed sections 13(d)(3) and (d)(5) to provide for a shorter period of time during which a person who acquires 5 percent of a class of securities may not make further acquisitions of such securities. At least with respect to exchange-listed and

NASDAQ securities and, eventually, securities qualified for trading in the national market system, it is anticipated that information can be disseminated rapidly and that a significantly shorter period than two trading days might become appropriate.

INFORMATION TO BE DISCLOSED

Section 13(d)(6)(B). Proposed section 13(d)(6)(B) is the omnibus disclosure provision for both proposed sections 13(d) and 14(d). Like present sections 13(d)(1) and 14(d)(1), it lists a number of specific topics regarding which a person filing a statement may be required to provide information. The topics enumerated are derived from those found in the present statute and are intended to guide the Commission in formulating the precise disclosure requirements. The enumeration is not intended to be definitive or exclusive.

One change from the present law should be noted. Recent events have raised concerns as to the propriety of banks making loans to finance the takeover of their own commercial customers. In view of these concerns, the proposal would amend current section 13(d)(1)(B) which allows a person filing a statement to keep confidential the name of a bank providing financing for an acquisition. The amendment would require that the person filing the statement disclose the name of the bank unless, after reasonable inquiry, such person does not know or have reason to know that any prior or present commercial relationship exists between a bank financing the acquisition and the issuer of the class of securities to be acquired.

INSTITUTIONAL OWNERSHIP

Section 13(d)(7). Proposed section 13(d)(7) would substantially reenact present section 13(d)(5), and would permit the Commission to establish a reporting system, separate from proposed sections 13(d)(3) or 13(d)(4) for institutions with respect to securities acquired in the ordinary course of their business and without the purpose or effect of changing or influencing control of the issuer. Under its existing authority the Commission has enacted a system of year-end reporting. Under the revised system, it may be more appropriate to require more frequent reports. This question is left to Commission rulemaking. In adopting such rules, or any other rules, the Commission will be guided by the principles contained in proposed section 13(d)(9).

RULEMAKING

Section 13(d)(8). The proposal recognizes throughout that the development of a thorough and efficient system of disclosure will raise many complex problems which will require the Commission to respond in a flexible manner. Therefore, proposed section 13(d)(8) grants the Commission authority to adopt such rules and regulations as may be necessary or appropriate in the public interest or for the protection of investors to implement the provisions and carry out the purposes of the proposal. The grant of general rulemaking authority in section 13(d)(8) is meant to be complementary to the specific grants of rulemaking authority contained in other parts of the proposed statute such as proposed section 13(d)(4). Thus, the existence of these specific grants of rulemaking authority should not be interpreted as having any negative implication for the scope of the Commission's general rulemaking authority in proposed section 13(d)(8). The proposed section also grants the Commission the authority to act by order in an appropriate case.

IMPLEMENTATION OF PROVISIONS

Section 13(d)(9). Proposed section 13(d)(9) is a reenactment of present section 13(g)(5), adopted in 1977. This section would establish standards for the Commission to meet in implementing the revised ownership reporting system. The section would establish goals of (A) centralizing the reporting of ownership information, (B) avoiding unnecessarily burdensome and duplicative reporting obligations, and (C) making the reported information publicly available in a useful form. It is anticipated that the Commission will exercise its rulemaking authority under proposed section 13(d) in general, and proposed sections 13(d)(6), (d)(7) and (d)(8) in particular, in a manner consistent with the accomplishment of these goals. For instance, unlike the current structure of section 13(g), the proposed section does not specifically limit the amount of information which may be required of a person subject to a filing obligation under proposed section 13(d)(4). Rather, the proposal would leave to the Commission the authority to prescribe the appropriate disclosure in any given situation. Nevertheless, it is anticipated that disclosure requirements adopted by the Commission will reflect differences in circumstances and will require more detailed disclosure of those persons whose acquisitions and other conduct are likely to change or influence the control of the issuer.

Section 13(e):

ISSUER REPURCHASERS

Section 13(e), which grants the Commission authority to adopt rules and regulations governing issuer repurchases of their securities, would be reenacted with conforming amendments. Pursuant to its existing authority, the Commission has adopted Rule 13e–1 regarding issuer responses to third-party tender offers, and Rule 13e–4 governing issuer tender offers. Moreover, the Commission has proposed another rule—Rule 13e–2—concerned with issuer purchases in the open market. These rules and rule proposals, which are within the Commission's current rulemaking authority, appear to be appropriate responses to problems in these areas. The Commission has also recently adopted Rule 13e–3 in connection with so-called going private transactions. The Committee expects that the Commission will monitor the development of practice under this Rule and will advise the Committee if further legislative action appears appropriate to deal with the serious potential for overreaching in this area.

Section 14(d) in general:

Proposed section 14(d) would replace present section 14(d) and would provide a more defined federal role in regulating acquisiitons of substantial stock interests in public corporations. With appropriate exceptions, the proposal would require that a person seeking rapidly to gain such an interest (defined as more than 10 percent of a class of equity securities) in a public corporation do so by means of a "statutory offer." This section also sets forth a framework for the regulation of "statutory offers" which is based in large part upon existing section 14(d), the rules and regulations thereunder and proposals relating thereto. On the other hand, the proposal would provide for a somewhat reduced level of regulation of purchases which do not result in the beneficial ownership of 10 percent or more of a class. Whereas some such acquisitions are tender offers and are now subject to present section 14(d) if made for more than 5 percent of the class, the proposed legislation would subject such acquisitions only to the antifraud provisions of proposed section 14(e) and the rules and regulations adopted thereunder. Nevertheless, such acquisitions would be subject to proposed section 13(d) and its requirement that any person who becomes obligated to file a statement pursuant to proposed section 13(d)(3), or to file an amendment pursuant to proposed section 13(d)(5), refrain from acquiring, offering or arranging to acquire any additional securities of the class until sometime after the statement or amendment is filed.

DEFINITIONS

Section 14(d)(1). Proposed section 14(d)(1) defines the term "statutory offer" and the terms "purchase" or "buy". The definitions of "purchase" and "buy" are merely technical ones intended to further the operation of proposed section 14(d)(3)(F) and several other regulatory provisions.

The definition of the term "statutory offer," by contrast, is critical to the operation of the section. A "statutory offer" is defined as an offer or offers to acquire the beneficial ownership of securities of a class described in proposed section 13(d)(1) by a person, other than the issuer thereof, who is or could thereby become the beneficial owner of more than 10 percent of the class except for any offer to acquire the beneficial ownership of securities: (1) pursuant to a statutory merger or consolidation; (2) made by means of the solicitation solely of a proxy to vote securities; (3) if such acquisition together with all other acquisitions of the beneficial ownership of securities of the same class in the previous twelve month period would not exceed 2 percent of the outstanding securities of that class; (4) from the issuer thereof; (5) in privately negotiated transactions from no more than 10 persons in any 12 month period. Also, proposed section 13(d)(1)(B) states that securities owned by members of a "group" prior to its formation are not the subject of an offer to acquire within the meaning of the statutory offer provision as a result of the formation of the group. Furthermore, proposed section 14(f)(1)(A) gives the Commission specific exemptive authority by rule or order with respect to transactions which literally fall within the definition of statutory offer, but which are not comprehended within the purposes of that definition. For example, there are certain circumstances in which an underwriter may, by the terms of its agreement, offer to acquire the beneficial ownership of securities in situations not wholly covered by the exemption in proposed section 14(d)(1)(B)(iv) for offers to acquire the beneficial ownership of securities from the issuer thereof. In a firm commitment underwriting of securities held by persons other than the issuer, the underwriters would not be able to rely upon that exemption. Moreover, if the selling group was comprised of more than 10 persons, and more than 10 percent of the class was to be distributed, proposed section 14(d)(1)(B)(v) would not be available. It is anticipated that the Commission will adopt such rules and regulations as are appropriate to respond to these various situations. But, of course, any person making an acquisition excepted from the definitions of statutory offer by statute, rule or order would still be subject to the requirements of proposed section 13(d) to announce such an acquisition, file with the Commission, and refrain from further acquisitions in the relevant class of securities.

Proposed section 14(d)(1)(B) will alter current practice in several respects. Most significantly, it will prevent a person who is the beneficial owner of more than 10 percent of a class of equity securities, with the exceptions noted above, from acquiring more securities of that class without following the regulatory requirements in proposed section 14(d). This new section will significantly reduce the problems raised by large-scale market acquisition programs, which are now frequently accompanied by widespread publicity and heavy trading. Thus, shareholders are forced to make decisions with inadequate information in circumstances possessing the elements of unfairness and inequality which led to the passage of the Williams Act. Nevertheless, simply because some of these acquisition programs are accomplished by use of the facilities of a national securities exchange or the over-the-counter markets, a few courts have hesitated to subject these tender offers to present section 14(d). It appears that the interests of investors are better served if large scale open market acquisition programs by persons beneficially owning more than 10 percent of a class of equity securities are channelled into "statutory offers" made on equal terms to all holders of the class.

On the other hand, proposed section 14(d) (1) (B) (v) would permit a person to acquire, in private negotiated transactions, securities of a class from, directly or indirectly, no more than 10 percent in any 12 month period. In determining the number of persons from whom securities are purchased, the separate existence of a group will be disregarded and the members of the group will be counted. (See proposed section 13(d) (2) (B).) More generally, the Commission is given the authority, as it deems necessary or appropriate in the public interest or for the protection of investors, to adopt rules governing the determination of the identity and number of the person or persons from whom the beneficial ownership of securities is acquired. For example, the Commission might determine that when securities are purchased from the trust department of a bank, each individual trust actually selling securities is to be regarded as a selling person for the purposes of proposed section 14(d) (1) (B) (v).

Proposed section 14(d) (1) (B) (v) is designed to permit the continuation of current practice to the extent that small groups of persons can dispose of their securities in privately negotiated transactions. While the proposed statute in general is designed to provide all shareholders with an opportunity to participate in transfers of substantial blocks of shares, it is recognized that there are competing policy considerations in the case of transfers effected by means of private sales involving a small number of persons. Such transactions usually do not result in pressures on shareholders and usually do not have a substantial effect on the dynamics of the trading market.

Finally, proposed section 14(d) (1) (B) (iii) will permit a person already owning more than 10 percent of a class to acquire the beneficial ownership of additional securities, without making a statutory offer, so long as that acquisition, together with all other acquisitions, during the preceding 12 months, of the beneficial ownership of securities of the class does not exceed 2 percent of the class.

FILINGS REQUIRED IN ACQUISITION NOT DEFINED AS STATUTORY OFFERS

Section 14(d) (2). A person acquiring securities in a statutory offer will, of course, be subject to proposed section 13(d). Despite the provisions of proposed sections 13(d) (3) and (d) (5), however, a person who acquires securities pursuant to a "statutory offer" should not be required to file or amend a filing under those sections before the expiration of that offer, even though that person may be deemed to become the beneficial owner of securities as they are deposited, by virtue of the fact that such person may thereby obtain a right to acquire the power to vote or to dispose of such securities. Such person is already subject to the disclosure requirements of proposed section 14(d) until the completion of the statutory offer. To require simultaneous compliance with the filing and amendment requirements of proposed section 13(d) would merely interrupt the making of the offer without serving any additional disclosure function. Therefore, proposed section 14(d) (2) provides that the beneficial ownership of all securities acquired pursuant to a "statutory offer" shall, for the purposes of proposed section 13(d), be deemed to have been acquired in a single transaction. No similar reason exists to relax the requirements of section 13(d) with respect to acquisitions pursuant to offers excluded from the definition of "statutory offer". Persons making such offers and acquisitions must, therefore, comply with proposed section 13 (d) in full.

REGULATORY PROVISIONS

Section 14(d) (3). Proposed section 14(d) (3) sets out the basic rules regulating the conduct of a "statutory offer" and makes it unlawful to make a "statutory offer" in violation thereof or in violation of the rules and regulations adopted thereunder.

(A) Proposed section 14(d) (3) (A) would provide that the offeror must file with the Commission and send to the issuer and, as appropriate, to the national securities exchanges and the NASD, as prescribed by the Commission pursuant to proposed section 13 (d) (6), a disclosure statement containing such information as is required by the Commission, and must file with the Commission its offering and solicitation material and must keep these filings up to date. In addition, the Commission is given rulemaking authority to require and regulate the publication and dissemination of the offer. This provision confirms the Commission's existing rulemaking authority, which includes regulation of access to shareholder lists, in order to assure that the offeror has a fair opportunity to make his offer known to all shareholders of record. It is anticipated that the Commission will exercise this authority in a manner similar to Rule 14d-5, which gives issuers the option of either furnishing such lists or conducting the mailings themselves.

(B) Proposed section 14(d) (3) (B) (i) would provide that an all cash "statutory offer" must be made to all holders of the class residing in the United States, and proposed section 14(d) (3) (B) (ii) would provide that everyone must be paid the best price offered to anyone else pursuant to the offer. Such requirements, similar to proposed Rule 14e-4, expressly implement the policy of equal treatment of shareholders behind the existing statutory system. Proposed section 14(d) (3) (B) (i) is limited to residents of the United States because it is recognized that an offer made in conformity to the laws of the United States might be invalid in some foreign jurisdiction. Moreover, that proposal is limited to cash offers in light of the existence of state blue sky laws governing the offer for sale of securities. If the person making the offer gives all shareholders the same choice between two forms of consideration, for example, a choice between cash and securities, the "best price rule" of proposed section 14(d) (3) (B) (ii) would be satisfied even though the choices might not actually be equal in value.

(C) Proposed section 14(d) (3) (C) would create an explicit twenty business day minimum period for a "statutory offer." This is the same as the minimum period for a tender offer recently adopted by the Commission in the exercise of its rulemaking authority in the current statute. The proposal of a minimum period is intended to reduce the elements of speed and surprise that create undue pressure on investors to make an ill-considered decision as to whether to tender, sell or hold. This also gives time for any competing offeror to enter the bidding. If the terms of the consideration offered are changed, the offer must remain open for ten business days thereafter. It must also remain open for an additional ten business days if a competing bidder files a statutory offering statement, in order to give shareholders time to evaluate that offer. Finally, the Commission is given rulemaking authority either to shorten or lengthen these periods.

(D) Proposed section 14(d) (3) (D) would lengthen the current statutory withdrawal period to any time up to two days prior to the scheduled expiration of the offer. At that scheduled expiration date, the bidder may elect, pursuant to proposed section 14(d) (3) (F), to purchase all securities then on deposit, even if the bidder determines to extend the offer period thereafter. If the bidder extends the offer period and does not elect to purchase all shares on deposit as of the scheduled expiration date those securities (and, of course, securities deposited during the extension period) may again be withdrawn up until two days prior to the next scheduled expiration date. These provisions contrast with the 7-day minimum withdrawal period provided in present section 14 (d) (5) and are also somewhat longer than the periods recently prescribed by the Commission in Rule 14d-7, 17 CFR 240.14d-7. Experience has proven that a longer period is needed to provide any meaningful right of withdrawal. For example, if a competing offer is made nearer to the end of the period, a depositing shareholder should be able to take advantage of the better terms offered. A depositing shareholder should also be able to withdraw securities in response to a material change in the available information. To provide adequate protection for investors, this provision would allow withdrawal throughout most of the period of the "statutory offer." At the same time, the proposal would avoid disruptive activity at the end of the scheduled offer period by permitting the offeror to prevent withdrawal during the final three business days of that period.

(E) In the case of "statutory offer" for less than all the outstanding securities of a class, proposed section 14(d) (3) (E) would require the offeror to purchase all securities tendered on a pro rata basis. Presently, section 14(d) (6) requires proration during the initial ten day period of the offer and for ten days following the announcement of an increase in consideration. The proposal would substitute a pro rata requirement throughout the offer. This is in keeping with the extended period of withdrawal provided in paragraph (D).

(F) Proposed section 14(d) (3) (F) would provide that the offeror may purchase deposited securities either: (1) on or after the expiration date of the offer, or (2) on any date on which the offer is extended if the bidder has complied with proposed section 14(d) (3) (C) but only if the bidder purchases all securities deposited as of such date.

MANAGEMENT STATEMENT

Section 14(d) (4). Like Rule 14e-2, recently adopted by the Commission, proposed section 14(d) (4) would require that the issuer of a class of securities subject to a "statutory offer" make a statement regarding such offer and to furnish its reasons thereof. The statement would have to be made at least ten business days after the date of filing of the statement pursuant to proposed section 14(d) (3) (A) (i). In the statement the issuer would be obliged to make one of three types of statements: (1) it recommends rejection or acceptance of the offer, (2) it expresses no opinion and remains neutral, or (3) it is unable to take any position. In view of the significance that security holders are likely to attribute to such statements by issuers, this provision is being included in the statute itself.

IMPROPER USE OF CONFIDENTIAL INFORMATION

Section 14(d) (5). Proposed section 14(d) (5) would prohibit any person which is lending money to finance a "statutory offer" (or other offer to acquire securities by a person who is or would become the beneficial owner of more than 5 percent of the class), from disclosing to the person making the offer material, non-public information concerning the issuer obtained from the issuer, without the consent of the issuer. This proposed Section restates a duty generally understood to exist under Section 10(b) and Rule 10b-5 adopted thereunder and goes beyond to reach situations in which the person in receipt of the information determines not to proceed with the statutory offer or other offer.

Section 14(e):

ANTIFRAUD PROVISIONS

Section 14(e) would replace current Section 14(e) as the general anti-fraud provision. Like present section 14(e), which is not confined to tender offers subject to section 14(d), proposed section 14(e) would not be confined in its application to "statutory offers" subject to proposed section 14(d). Rather, in addition to "statutory offers," its scope would include any other offer to acquire the beneficial ownership of securities of a class by a person who already is or, as a result of that acquisition, would become the beneficial owner of 5 percent or more of the class. Moreover, like present section 14(e), the proposed Section is not confined to acquisitions of securities of a class described in proposed section 13(d)(1). Rather, the proposed Section covers both "statutory offers" for securities of a class described in proposed subsection 13(d)(1) and other offers to acquire securities of any class. Finally, like current section 14(e), the proposal would extend its antifraud coverage to activities in opposition to either a statutory offer or such other offer.

Section (f):

COMMISSION RULEMAKING

Present section 14(f) would be redesignated section 14(h). Proposed section 14(f)(1) would authorize the Commission to adopt such rules and regulations as may be necessary or appropriate in the public interest or for the protection of investors to implement the provisions of and carry out the purposes of proposed sections 14(d) and 14(e). Proposed section 14(f)(1) also enumerates five specific areas in which this rulemaking authority may be applied. The first two of these are general, dealing with the granting of exemptive relief, and the definition of terms. The third area relates to the power to define and prescribe means reasonably designed to prevent abusive practices, similar to the rulemaking authority now found in section 14(e). The fourth specified area is similar to current section 14(d)(4) and relates to persons who solicit acceptances or rejections of statutory offers. The fifth concerns the adoption of rules to prevent persons from evading or circumventing the provisions of proposed sections 14(d) and 14(e). This enumeration is not intended to be either definitive or exclusive. In addition, subsection (f)(2) would give the Commission rulemaking authority with respect to arbitrage activity, including authority to require persons engaged in such activity to provide the Commission with post-acquisition information about their actions.

Section 14(g):

COMMISSION RULEMAKING WITH RESPECT TO LENDERS AND OTHER FINANCIAL INTERMEDIARIES

Proposed section 14(g) would authorize the Commission to adopt rules prescribing means reasonably designed to prevent fraudulent, deceptive, or manipulative practices by lenders and other financial intermediaries which might result from their relationship with either a bidder or a subject company in connection with a tender offer. The proposed section would complement section 14(d)(5) which prohibits lenders from disclosing, directly or indirectly, to the person making the statutory offer any material, nonpublic information obtained from and concerning the issuer of the class of securities to be acquired. It would give the Commission flexibility to address within a regulatory framework, where appropriate, abusive practices, engaged in by financial intermediaries in connection with their planning, financing or otherwise participating or assisting in any statutory or other offer.

Section 14(h):

CHANGES IN MAJORITY OF BOARD OF DIRECTORS

Present section 14(h). Reenactment of present section 14(f) with conforming amendments.

Section 14(i):

CIVIL LIABILITY

Private rights serve both as an important adjunct enforcement mechanism under the securities laws, reducing the need for government involvement, and as a means of compensating persons who have suffered real pecuniary loss as the result of unlawful conduct. Thus, proposed section 14(i) would establish a basic scheme for rights of action under the Williams Act. This effort, of course, should not be construed to call into question the availability of any private rights of action previously implied under other provisions of the securities laws. To the contrary, the specific express provisions here might well serve as a guide for the definition of implied rights of action in other areas.

RIGHT OF ACTION

Section 14(i)(1). Proposed section (14)(i)(1) would create an express private right of action in favor of the issuer, tendering or nontendering shareholder (or a holder of shares adversely affected by the violation, e.g. convertible securities), or the bidder or competing bidder, any of whom might be aggrieved by a violation of propposed sections 13(d), (e) or Sections 14(d), (e), (f), (g) or (h) or the Rules adopted thereunder. These sections are primarily designed for the "special benefit" of shareholders of the corporation (and of the investing public in general) whose equity securities are sought by the purchaser or offeror. Hence, it is proper to create a right of action for shareholders misled, for example, by false or misleading offering materials, or a failure to comply with the regulatory provisions of those sections. But realistically, individual shareholders (or even class representatives) cannot always be expected to pursue such claims. The secondary beneficiaries of the Williams Act—both purchasers or offerors and issuers, who may also be injured by such violations—are often in a better position to enforce the Act's provisions in the face of transgressions than are shareholders. Giving them a right of action will help deter violations of these provisions in the course of battles for corporate control, and consequently will assist in carrying out the Congressional policies underlying the Williams Act. In providing defeated tender offerors with standing to sue for violations of proposed section 14(e), this section overrules the Supreme Court's decision in *Piper* v. *Chris Craft Industries*, 433 U.S. 1 (1976). There, the Court, in construing narrowly the scope of private actions under the Williams Act, emphasized Congress' failure to provide an express remedy under current section 14(e).

The right of action created by proposed section 14(i)(1) is a complete one, permitting a plaintiff both to recover damages and seek appropriate equitable relief. And, the proposal makes explicit what has been implicit in both Commission enforcement action and private suits—in appropriate cases the courts should order divestiture of securities acquired in violation of the statute where such relief is needed to do equity among the parties or to vindicate the national public interest underlying the statute. Of course, such relief will continue to be available in Commission enforcement proceedings upon a proper showing.

Finally, proposed section 14(i)(1) contains an affirmative defense in damage actions brought under this subsection. It is not entirely clear what standard of culpability would be applied in Williams Act cases under current law. See *Cris-Craft Industries* v. ***Bangor Punta Corp.***, 480 F.2d 341 (2d Cir. 1973) (later vacated on other grounds) (scienter); ***Applied Digital Data Systems, Inc.*** v. ***Milgo Electronic Corp., Inc.***, 425 F. Supp. 1145, 1157 (S.D.N.Y. 1977) (scienter). Plainly however, a reasonable care standard will best further the compensatory purpose of the Williams Act: assuming that the plaintiff can show that the violation caused his injury, it is appropriate to force the violator—not the innocent victim—to bear the loss stemming from the violation. Such a standard is also needed to accomplish the deterrent purpose of the Act: this standard will force persons engaged in executing such contests for corporate control—with the attendant potential for significant harm to investors that justifies this legislation—to exercise due diligence to prevent such harm. The reasonable care standard is a contextual one. It allows a court (or jury) to take into account such factors as the status of the defendant, his fiduciary or other obligations to the plaintiff or plaintiffs (including any duty of inquiry), his access to relevant information and other circumstances that may vary from case to case, and from defendant to defendant. And, recognizing that the defendant has better access to evidence as to these factors, the reasons for his conduct and the circumstances of the violation, this section places the burden of proof as to reasonable care on the defendant.

There are many other questions relating to private rights of action for violations of the Williams Act provisions that are not expressly dealt within the statute. These are properly left to the courts for resolution on a case-by-case basis. Therefore, nothing in this legislation should be construed to limit a court's ability to deal with such issues as causation, equitable relief including orders for divestiture, measures of damages and the like in the way that best promotes the remedial purposes of these provisions.

RELIANCE

Section 14(i)(2). Proposed section 14(i)(2) would permit a plaintiff to establish a cause of action (as opposed to an entitlement to damages) in an action based on a misrepresentation or omission of a fact if he shows that he did not know the fact misstated or omitted, and that the fact was material, *i.e.*, that there is a substantial likelihood that a reasonable investor would have considered the fact important in deciding how to act or that proper disclosure would have significantly altered the total mix of information available to him. See *TSC Corp.* v. *Northway*, 426 U.S. 438 (1976). Actual reliance need not be shown. See *Affiliated Ute Citizens* v. *United States*, 406 U.S. 128 (1972). As to recovery of damages, courts should remain free to require a showing of reliance in appropriate instances, but to relax the requirement in others. See ***Shapiro*** v. ***Merrill Lynch, Pierce, Fenner & Smith***, 495 F.2d 228 (2d Cir. 1974).

DAMAGES

Section 14(i)(3). Proposed section 14(i)(3) permits a court to reduce the amount of damages awarded to a subject company, or a bidder or competing bidder if, in light of such factors as the nature and conduct of the person found liable, the degree of his culpability, the conduct of the person bringing suit, and the deterrent effect of the remedy, such an award would otherwise be unjust or inequitable. As noted above, the primary purpose of these provisions in a takeover bid context is to protect the interests of the shareholders of the subject company, while preserving a fair balance among the interests of the bidder, any competing bidders, and the subject company's management. The bidders and the subject company are given the ability to bring an action for damages largely because they are generally in a better position to bring suit to enforce the law than those shareholders. Therefore, for example, while a defeated offeror should be able to recover damages if it can show that it was unable to achieve control of the subject company because of misrepresentations made by the subject company's management, the amount it recovers may be limited if the ultimate effect of the award would be to force the subject company's shareholders (the primary beneficiaries of the statute) to bear the damages awarded. Nor should a defeated bidder receive a disproportionately large recovery in light of the risks it inevitably assumes in entering a bid. Consequently, the courts are given substantial discretion to modify an award in these or similar circumstances.

STATUTE OF LIMITATIONS

Section 14(i) (4). Proposed section 14(i) (4) would establish a relatively definite statute of limitations for actions under this subsection. All actions must be brought within one year after discovery of the facts constituting the violation. In any event, the action must be brought within three years of the occurrence of the last substantial element of the violation.

Section 28(a):

PREEMPTION OF STATE TENDER OFFER LEGISLATION

Recognizing that tender offers that are of sufficient scale to be subject to federal regulation truly affect nationwide interests—those of the bidder, the target and the target's shareholders—revised section 28(a) would preempt state tender offer legislation regulating bids for all but a limited class of companies. Such state legislation can too easily become a tool whereby incumbent management invokes sympathetic local jurisdiction to thwart or impede the progress of a bid by an out-of-state offeror directed to shareholders located all across the country—whether or not the bid would be advantageous to those shareholders. The strictness with which these state statutes govern tender offers may effectively displace the scheme of federal regulation that tries to seek a balance among competing interests. And, the large number of these statutes substitutes a complex system of often inconsistent local regulation for uniform, national control.

The preemption provisions in this Bill are designed only to supplant state laws that regulate tender offers and acquisitions of beneficial ownership as such; other legislation relating to transfers of ownership or control, which do no more than require prior approval of state authorities for the actual acquisition of control of certain regulated industries that are part of state licensing supervision would be tested by the more general "conflict" provision of section 28(a) as well as under the Supremacy Clause of the Constitution, to determine whether they stand as an obstacle to the accomplishment of the purposes of the federal law. Similarly, revised section 28(a) is not automatically meant to preempt state laws governing the conduct of the internal affairs of state-chartered corporations—for example, those dealing with the fiduciary obligations of corporate officers, directors or controlling shareholders vis-a-vis the company's shareholders. Thus, a state law regarding "going private" transactions (e.g. one requiring that a fair price be paid to participating shareholders) would not be affected so long as there was no actual conflict with the federal law.

This revision would not expressly preempt state legislation that is truly local in character—where the target company is locally incorporated and has its principal place of business in-state and where more than fifty percent of its equity shareholders, who in the aggregate hold more than fifty percent of outstanding equity securities, are state residents. This exception is similar to that contained in Section 1904(c) of the American Law Institute's proposed Federal Securities Code, which also recognizes the concept of a local company.●

By Mr. CRANSTON:

S. 3190. A bill to amend the Internal Revenue Code of 1954 to provide that, with respect to the windfall profit tax, the holder of a net profits interest shall be treated as the producer of the same proportion of the production from the property as is represented by his net profits interest; to the Committee on Finance.

NET PROFITS INTEREST

Mr. CRANSTON. Mr. President, in enacting the crude oil windfall profit tax earlier this year, Congress clearly and specifically intended to exempt a State—and any political subdivision or any agency or instrumentality of the State or political subdivision—if, under applicable State or local law, all the net income received from its interest in crude oil is dedicated to a public purpose. The focus on net income reflected congressional awareness that various States, political subdivisions, agencies and instrumentalities historically have developed their oil reserves through net profits or net income operating agreements with commercial oil companies.

Under agreements of this sort, the oil company bears the theoretical risk that expenses will exceed production, a risk from which it is in fact absolved because production is first dedicated to offsetting those costs. Production in excess of costs yields net income which, under the operating agreements in effect in California, is allocated 95 percent—or more—to the State and 5 percent—or less—to the oil companies.

In enacting the windfall tax, Congress clearly intended that the State's 95 percent share of the crude oil net profits be exempt from the tax, just as Congress intended that the oil companies 5 percent share of the crude oil net profits be taxed.

The Treasury Department interprets the language of the act as ambiguous regarding what I believe is the clear intent of Congress. This perceived ambiguity results from the unfortunate use of the term "economic interest" in crude oil to describe the governmental interest qualifying for exemption.

The phrase "economic interest," used for depletion purposes by taxpaying oil companies under standard Federal income tax law, has acquired a generally accepted meaning far broader than the company's net profits interest under an agreement with a nontaxable governmental entity. Thus, an oil company with a mere 5 percent, or less, net profits interest may be deemed to have a depletable "economic interest" of 30 percent or more.

Reciprocally, the economic interest of the governmental agency, despite its 95-percent net profits share, may be 70 percent or less.

Some oil companies, faced with the unmodified reference in section 4994(a) (1) of the windfall tax to economic interest of the governmental bodies qualifying for exemption, have given the phrase economic interest the same meaning as under the income tax, in calculating their own reciprocal economic interest subject to the windfall tax. This increases the windfall tax on the oil company, which they pay to the Treasury and in some instances deduct from gross profits, before distributing the net profits share to the windfall tax exempt public entities.

The effect is to impose 95 percent or more of this additional windfall tax on the public bodies which Congress clearly intended to exempt. The Treasury Department, asked to focus on this practice and to promulgate a regulation to carry out the clear intent of Congress, acknowledges that apparent intent, but is reluctant to adopt regulations which would treat the economic interest of the exempt bodies as, for the purposes of the windfall tax, equal to the net profits interest, because of concern over the intent of Congress in using the term economic interest.

Ironically, it appears that the term was suggested to Congress by the Treasury Department in the first instance.

I continue to believe that this problem deserves a prompt administrative solution which would result in the allocation of the windfall tax in accordance with the net profits shares of the parties.

However, in the face of Treasury's reluctance to act without further clarification from the Congress, I am today introducing a bill drafted by the Treasury Department, which has as its primary purpose an explicit reconfirmation of the original intent of Congress that the net oil income of a State or political subdivision or agency or instrumentality and dedicated to a public purpose shall be exempt from and not burdened or diminished by the windfall profits tax.

This amendment also has the effect of reflecting properly the respective economic interests of all producers who have a net income interest whether or not exempt. It would thus prevent potential abuses that might arise if producers were able to shift their respective net profits interests.

The Treasury Department informs me it welcomes and supports prompt enactment of this confirmatory legislation.

I urge that it promptly be enacted.

By Mr. RIBICOFF:

S.J. Res. 210. Joint resolution to grant posthumously full rights of citizenship to Douglas Clyde Macintosh; to the Committee on the Judiciary.

DOUGLAS CLYDE MACINTOSH

● Mr. RIBICOFF. Mr. President, I am introducing a joint resolution to grant posthumous full rights of citizenship to Prof. Douglas Clyde Macintosh, a Canadian theologian who distinguished himself for over 40 years on the faculty of Yale University.

Professor Macintosh was a deeply-respected teacher at The Divinity School at Yale University and his work continues to be respected as one of the outstanding modes of theological reflection upon religion which liberal Protestantism produced.

He desired to become a naturalized citizen of the United States but had to fight a protracted battle through the American courts for the opportunity because his religious scruples permitted him to perform military service only as a noncombatant. He finally won his right to become an American in a decision written by Supreme Court Justice Douglas in 1946.

It was most unfortunate that when the U.S. Supreme Court finally enabled Professor Macintosh to become an American citizen, he had suffered a debilitating stroke and was unable to take advantage of his opportunity. He died in 1948.

This joint resolution seeks to recognize the contributions Professor Macintosh made to the generations of Divinity students at Yale and to theological discourse in America. It is intended to help right the missed opportunity for citizenship caused by delays in the American judicial system.

It is also intended as a token of appreciation to the people of Canada for the courageous actions taken by their diplomats in Iran earlier this year. The Canadian Embassy was responsible for the escape to freedom of four American diplomats from certain capture and incarceration by Iranian terrorists.

It is therefore with a sense of justice and appreciation that I offer this measure to grant Professor Macintosh the rights of citizenship that were his unfulfilled dream.●

ADDITIONAL COSPONSORS

S. 2387

At the request of Mr. Heflin, the Senator from Maryland (Mr. Mathias), and the Senator from Montana (Mr. Baucus) were added as cosponsors of S. 2387, a bill to aid State and local governments in strengthening and improving their judicial systems through the creation of a State Justice Institute.

S. 2732

At the request of Mr. Packwood, the Senator from Montana (Mr. Baucus) was added as a cosponsor of S. 2732, a bill to direct that a clinical investigation of the safety and efficacy of dimethyl sulfoxide as a drug to be used by persons with arthritis be conducted through the National Institute of Arthritis, Metabolism and Digestive Diseases.

S. 2890

At the request of Mr. Levin, the Senator from Missouri (Mr. Danforth) was added as a cosponsor of S. 2890, a bill for the relief of Maria and Timofei Chmykhalov, and for Lilia, Peter, Liubov, Lidia and Augustina Vashchenko.

S. 2959

At the request of Mr. Jepsen, the Senator from Idaho (Mr. Church) the Senator from Mississippi (Mr. Cochran) the Senator from North Dakota (Mr. Young), the Senator from New Mexico (Mr. Domenici), the Senator from Indiana (Mr. Bayh), the Senator from West Virginia (Mr. Randolph), the Senator from Michigan (Mr. Levin), and the Senator from Utah (Mr. Hatch) were added as cosponsors of S. 2959, a bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for certain expenses paid or incurred in connection with the adoption of a child.

S. 2979

At the request of Mr. Metzenbaum, the Senator from Tennessee (Mr. Sasser) was added as a cosponsor of S. 2979, a bill to amend the Railroad Retirement Act of 1974 and the Internal Revenue Code of 1954 to assure sufficient resources to pay current and future benefits and to extend certain cost-of-living increases.

S. 3087

At the request of Mr. Sasser, the Senator from Pennsylvania (Mr. Heinz) was added as a cosponsor of S. 3087, a bill to amend the Congressional Budget Act to require the Congressional Budget Office, for every significant bill or resolution reported in the House or Senate, to prepare and submit an estimate of the cost which would be incurred by State and local governments in carrying out or complying with such bill or resolution.

S. 3160

At the request of Mr. Percy, the Senator from Arizona (Mr. DeConcini) was added as a cosponsor of S. 3160, a bill to amend title 5 of the United States to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the Office of Management and Budget to establish regulations for reporting on debts owed the United States, and to provide additional procedures for the collection of debts of the United States.

SENATE JOINT RESOLUTION 186

At the request of Mr. Warner, the Senator from Arizona (Mr. Goldwater), the Senator from South Carolina (Mr. Thurmond), the Senator from Massachusetts (Mr. Tsongas), the Senator from New Jersey (Mr. Williams), the Senator from North Dakota (Mr. Young), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from Virginia (Mr. Harry F. Byrd, Jr.) were added as cosponsors of Senate Joint Resolution 186, a joint resolution designating October 19, 1981 as a Day of National Celebration of the Two Hundredth Anniversary of the American Victory at Yorktown, Va.

SENATE JOINT RESOLUTION 199

At the request of Mr. Dole, the Senator from Delaware (Mr. Biden) was added as a cosponsor of Senate Joint Resolution 199, a joint resolution designating the week of September 28 to October 4, 1980, as "National High School Activities Week."

SENATE CONCURRENT RESOLUTION 117

At the request of Mr. Boschwitz, the Senator from Massachusetts (Mr. Tsongas), the Senator from North Carolina (Mr. Helms), the Senator from California (Mr. Hayakawa), and the Senator from New York (Mr. Javits) were added as cosponsors of Senate Concurrent Resolution 117, a concurrent resolution expressing the sense of the Congress that the President should convey to the Soviet Government the deep concern of the Congress and the American people for the fate of Raoul Wallenberg and that the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe should urge consideration of the case of Raoul Wallenberg at that meeting by the signatories to the Helsinki Final Act.

SENATE RESOLUTION 448

At the request of Mr. Melcher, the Senator from Michigan (Mr. Levin) was added as a cosponsor of Senate Resolution 448, a resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate.

AMENDMENT NO. 2368

At the request of Mr. Cranston, the Senator from Tennessee (Mr. Sasser) was added as a cosponsor of amendment No. 2368 proposed to H.R. 4155, a bill to amend the Internal Revenue Code of 1954 to allow the Internal Revenue Service to disclose the mailing addresses of individuals who have defaulted on student loans made under the Migration and Refugee Assistance Act of 1962.

SENATE RESOLUTION 535—RESOLUTION RELATING TO A COMMEMORATIVE POSTAGE STAMP HONORING LAURA INGALLS WILDER

Mr. RIBICOFF (for Mr. McGovern) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. Res. 535

Whereas Laura Ingalls Wilder wrote eight books depicting pioneer life that have delighted millions of readers of all ages;

Whereas the Laura Ingalls Wilder books helped to educate children about pioneer life and the settlement of the Great Plains region of the United States;

Whereas the Wilder books demonstrate the joys and successes that can come to individuals when strong family life is at the core of a society;

Whereas Laura Ingalls Wilder through her writing has led children who have never reached for a book to take an interest in reading; and

Whereas a petition initiated fourteen years ago for a Laura Ingalls Wilder commemorative postage stamp has yet to be acted upon; now, therefore, be it

Resolved that it is the sense of the Senate that Laura Ingalls Wilder should be honored on a commemorative postage stamp.

● Mr. RIBICOFF. Mr. President, on behalf of Senator McGovern, who is necessarily absent. I hereby submit a resolution authored by him, as well as his introductory remarks.

Statement of Senator George McGovern

I am pleased to introduce a Resolution which seeks to honor a most notable South Dakota author. Laura Ingalls Wilder has made the pioneer days of the 1800s come alive for many children and adults throughout our country and the world. Mrs. Wilder spent most of her childhood in DeSmet, South Dakota, and it is these years that she writes about in her series of eight books. The Wilder stories, which form the basis for the popular television series "Little House on the Prairie", tell of the adventures and trials that life on the prairie brought to the Ingalls family. The books are the link many children have with great grandmothers and grandfathers who broke new ground on the prairie. The books also teach children the value of hard work and the sacredness and comfort of strong family life.

In 1957 a number of DeSmet residents formed the Laura Ingalls Wilder Memorial Society. This group strove to keep the spirit of Laura Ingalls Wilder alive. Thousands of Americans who read Mr. Wilder's books and have had a chance to visit DeSmet gained greater understanding and appreciation for the frontier men and women who settled a portion of our country that today feeds millions of people in this country and the world. Laura Ingalls Wilder has made an outstanding contribution to American literature and it would be most fitting to honor her by issuing a Laura Ingalls Wilder commemorative postage stamp. I hope this Resolution will encourage the Citizens Advisory Stamp Committee and the U.S. Postmaster General to issue such a stamp for a woman who truly deserves such recognition.●

SENATE RESOLUTION 536—RESOLUTION SUBMITTED TO EXPRESS THE SENSE OF THE SENATE THAT THE UNITED STATES IS ON THE VERGE OF BANKRUPTCY

Mr. DOMENICI submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 536

Whereas, the national debt is presently approaching $890 billion, and

Whereas, the nation has had a deficit balance for ten consecutive years with expenditures exceeding income of $60 billion for this fiscal year alone, and,

Whereas, inflation is continuing at an unabated pace and productivity is declining to a standstill, and

Whereas, the Congress of the United States is unable to complete the Budget process nor the Appropriation process and because of the inability to balance the budget: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States is on the verge of bankruptcy.

AMENDMENTS SUBMITTED FOR PRINTING

ELIMINATION OF DUTIES ON WOOD VENEERS

AMENDMENT NO. 2615

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS submitted an amendment intended to be proposed by him to the bill (H.R. 6975) to eliminate the duties on wood veneer.

ADDITIONAL STATEMENTS

INDIANA UNIVERSITY STUDY DEBUNKS GASOHOL "BTU BALANCE" MYTH

● Mr. BAYH. Mr. President, in my capacity as chairman of the U.S. National Alcohol Fuels Commission, I have been very sensitive to the charge made by certain oil companies that the production of ethanol from corn results in a net energy loss. This "BTU balance" issue—like the so-called "Food against Fuel" issue—is an area of inquiry which the Commission has examined in detail. The Commission will be releasing a contractor study in the very near future which addresses the "BTU Balance" issue, but in the interim I would like to bring to the attention of my colleagues a study shared with me by Prof. Kingsley E. Haynes, director of the School of Public and Environmental Affairs at Indiana University.

The study is entitled "Agricultural Energy: Debunking the Net Energy Loss Myth," and it was written by Barry D. Solomon, a doctoral candidate at Indiana University. Mr. Solomon contends that the production of ethanol in modern, efficient, fuel-grade plants, when combined with the correct energy conversion accounting, will result in a net energy yield. I ask, Mr. President, that this important study be inserted in the RECORD for the benefit of those who remain unconvinced that the production of ethanol—in addition to decreasing our foreign oil imports by converting our domestic resources into a valuable liquid fuel—yields more energy than it consumes.

The study follows:

AGRICULTURAL ENERGY: DEBUNKING THE NET ENERGY LOSS MYTH

(By Barry D. Solomon)

ABSTRACT

The production of ethyl alcohol for use as a motor vehicle fuel will not necessarily result in a net energy loss, as had been the assumption and recent operating experience with alcohol fermentation-distillation plants in the United States. Instead, the production of ethanol in modern, efficient fuel-grade plants, when combined with correct energy conversion accounting, can result in a net energy yield of 27 percent or greater, depending upon the fuel source and the assumptions. Modifications in the ethanol production process, such as using cellulosic material, solar heat, or heat produced from co-generation of electricity and heat systems as a source or process heat, could increase the net energy yield even further. However, such modifications are not always spatially feasible, and should be considered on a plant by plant basis.

I. INTRODUCTION

The use of ethanol in gasohol as a motor vehicle fuel in the United States has received increasing attention in the past two years,[1] both as an insurance against an increasingly precarious and expensive supply of foreign oil, and as a new market for surplus domestic agricultural crops (as well as agricultural and municipal solid waste). Surplus grain made available from the Federal Government's grain embargo of the Soviet Union may be used to produce ethanol for gasohol, although this is apparently unlikely in the short run.[2]

The gasohol which is already being sold in 36 states around the country is usually composed of a mixture of 10 percent 190–200 proof ethyl alcohol, and 90 percent conventional gasoline. Higher percentages of (as well as pure) ethanol could also be used for motive power, and methyl alcohol may be used in lieu of the ethanol (although methanol does not blend as well with gasoline). However, the richer alcohol fuel blends may require modifications to the fuel composition, to the fuel distribution system and to the motor vehicles in order to combust efficiently and to prevent operating problems. All alcohol fuel mixtures have unique chemical properties which result in exhaust and evaporative emission tradeoffs when different alcohol fuel proportions are burned in conventional internal combustion engines. Other issues and problems to consider in the development of alcohol fuels include water tolerance, engine performance, vapor locks, antiknock quality, fuel storage problems (such as corrosion), toxicity, fuel economy and the energy conversion efficiency of the chemical feedstock.[3]

Fuel alcohol can be produced from a variety of sources, including corn, wheat, sugarcane, cassava, barley, sweet sorghum, potatoes, molasses, sugar beets, cheese whey, algae, cornstalks, sugarcane bagasse, wood pulp, municipal solid waste, coal and many others. Thus, cellulosic, as well as saccharine and starchy, material can be fermented and distilled into alcohol, and the source material can either be renewable or non-renewable. A by-product of the alcohol production process is a rich protein mash, known as distillers dried grains and solubles (DDGS), which makes a good livestock feed.

II. THE NET ENERGY LOSS ASSUMPTION

One of the most important issues that must be considered in evaluating an alcohol fuels policy or program is the net energy yield in the production of ethanol. This is a critical question, for it probably would be unwise to encourage the development of an energy source whose manufacture consumed more useful energy than it produced.

Since the Second Law of Thermodynamics prevents a net gain in energy (plus material) conversion in the universe, it is important to carefully define the system boundary of any energy conversion analysis. Until recently, it had generally been assumed that the production of ethanol results in less energy in the alcohol and/or in the alcohol and the DDGS, than the sum of the energy required to produce the biomass (or other alcohol source) and the energy used to convert the biomass into alcohol.[4] For example, Litterman, et al., in a comprehensive review of previous gasohol studies and production experience, uses secondary data to conclude that ethanol produced from corn results in an energy output/input of either 0.636 or 0.43, depending on the assumptions: [5]

TABLE 1.—ENERGY ANALYSIS OF ALCOHOL PRODUCTION—2 METHODS[1]

[In British thermal units (Btu's)]

	Bushel basis	Gallon basis[2]
METHOD 1		
Input:		
Energy required to produce corn	107,405	39,780
Energy used to convert corn into the alcohol	471,582	174,660
Total, energy	578,787	214,440
Output:		
Energy content of alcohol	227,880	84,400
Energy content of DDGS	140,400	52,000
Total, energy	368,280	136,400
Output/input = 0.636.		
METHOD 2 (excluded by-product feed)		
Input:		
Energy required to produce corn only used in alcohol	60,147	22,277
Energy used to convert corn into the alcohol	471,582	174,660
Total	531,729	196,937
Output: Same as above.		
Output/input = 0.43.		

[1] Alcohol is assumed to be produced from corn.

[2] Assumes 2.7 gal of alcohol per bushel of corn converted.

Source: Mary Litterman, et al., "Economics of Gasohol," 1978 [5].

Similar conclusions have been reached by the operators of the only large scale grain alcohol for gasohol plants in the United States. The Midwest Solvents Company, which operates a 15 million gallon/year ethanol plant in Atchison, Kansas, claims an energy output/input of 0.56 at its plant using method 1 above.[6] The Archer-Daniels-Midland Company (ADM), which operates a 54+ million gallon/year 200 proof ethanol plant in Decatur, Illinois (the largest ethanol for gasohol plant in the United States), disclosed to a national television audience in 1978 that its plant uses 3 gallons of furnace oil or natural gas equivalent to produce 2 gallons equivalent of alcohol (which does not include the energy required to grow the grain input),[7] although recent renovations to the ADM distillation process have vastly improved its energy conversion efficiency.

Footnotes at end of article.

Finally, an ethanol output/input equivalent to 0.78 has appeared in the Business Section of the New York Times.[8] Based on such an assumption of net energy loss, the argument has been made that the domestic production of ethanol for gasohol actually increases the United States' dependence on foreign oil (assuming that oil is used to produce the process heat required for the biomass-to-alcohol conversion), and that much more useable energy could be obtained by selling the corn abroad that would have been used to produce the ethanol, and using the proceeds to purchase more foreign oil.[9]

Although the latter argument is technically (but perhaps not geopolitically) correct, the answer to the foreign oil dependence question depends upon the assumption of the net energy inefficiency of ethanol production, which will be shown below to be fallacious. The foreign oil dependence question also assumes that oil is combusted to produce process heat in alcohol fermentation-distillation plants, which has been the predominant practice at such facilities in the past. However, natural gas, coal, wood pulp, solar heat and other energy sources can be and occasionally has been used as substitutes for the oil.

III. MODERN PRODUCTION METHODS AND ENERGY ACCOUNTING

One reason why the production of ethanol for gasohol generally has been assumed to result in a net energy loss is that most of the early net energy balance calculations used outmoded data based on energy inefficient distillation systems of older plants. Most of the alcohol plants operating in the United States are at least 20 years old, and were built at a time when few were concerned about energy efficiency. Indeed, these plants contain very little technology for conserving energy. The technology developed to produce the ethanol was for ethanol for human consumption, not alcohol for motor vehicle fuel. There are impurities in the drinkable alcohol that require much energy to distill off, but which will not hurt an automobile engine and will combust quite nicely.[10] Thus, future alcohol plants designed solely for gasohol production will require much less conservation energy than alcohol plants have required in the past.

Another problem with many net energy balance calculations is that it is internally inconsistent to treat the DDGS as a stock resource by counting its combustible energy value, while treating the corn feedstock as a flow resource by only counting its fossil fuel input energy. The reason for making the energy conversion is to produce renewable, flow resource substitutes (such as ethanol) for scarce, non-renewable stock resource fossil fuels; the DDGS should not be treated as an energy output. But since only 65.3 percent of the feed energy (total digestible nutrients) in the gross corn input to the ethanol process is converted into ethanol (and carbon dioxide), only the farming fossil energy needed to grow this net corn input should be counted.[11]

Probably the most neglected mistake common to most net energy balance calculations is to ignore another implication of the Second Law of Thermodynamics: ethanol should be valued for its energy content by considering its octane enhancement or specific torque advantage over gasoline (potentially 20 percent-30 percent greater energy efficiency for ethanol), and the energy value of the gasoline that it replaces, including the fossil fuel used to refine petroleum into gasoline.[12]

Making these adjustments, the Center for the Biology of Natural Systems at Washington University, St. Loius, has calculated a net energy gain in producing ethanol for gasohol:

TABLE 2—*Energy analysis of alcohol production from corn: A revaluation (in BTUs)*

	Gallon basis
Input:	
Energy required to produce corn	23,990
Energy required to convert corn into alcohol	54,870
Total energy	78,860
Output:	
Energy content of alcohol	[a] 130,000
Output/Input = 1.65	

[a] Gasoline refinery energy loss was calculated in Colorado Energy Research Institute, "Net Energy Analysis: An Energy Balance Study of Fossil Fuel Resources," (Golden, Co.: April, 1976), pp. VI–27 to VI–29. Assumes ethanol can have 20 percent greater thermal efficiency with automobile engine modifications.

SOURCE.—Center for the Biology of Natural Systems, Washington University, St. Louis, 1979.

Another analyst has concluded that an energy expenditure of no more than 40,000 BTU/gallon of alcohol produced should be needed for fermentation, distillation and DDGS recovery, assuming the use of new, efficient, fuel-grade alcohol distillation systems.[13]

Ethanol production should still result in a significant net energy gain if motor vehicle engines are not modified. Performance tests of gasohol that were conducted in Nebraska (the "two-million-mile test") found an average 6.7 percent increase in miles per gallon for automobiles operated on gasohol, compared with gasoline,[14] and similar results were found in Purdue University tests.[15] While these results are inconclusive and perhaps optimistic, it is reasonable to assume that gasohol usage results in at least equivalent fuel economy as conventional gasoline.[16] By not assuming engine modifications and by assuming that the mileage resulting in motor vehicles using gasohol is approximately equal to average gasoline mileage, the output energy content of alcohol should be at least 100,000 BTUs in Table 2 above. This results in an energy output/input of 1.27 or greater, for a net energy gain of 27+ percent.

Although corn is the predominant feedstock used in ethanol for gasohol production in the United States, other materials can be used which also result in a net energy gain. For example, the U.S. Department of Energy (DOE) has calculated net energy gains of 143 percent, 16 percent and 89–101 percent using sugarcane, cassava and sweet sorghum, respectively.[17] The sugarcane and cassava calculations are based on Brazilian agricultural conditions (where these crops are commonly grown to produce ethanol), while the sweet sorghum calculation assumes that the feedstock is sweet sorghum for half a year and corn for half a year, and that either stems or both grain and stems can be converted. However, all of these calculations include the energy content of the DDGS as an output, and the octane enhancement advantage of ethanol was not considered by the DOE in the net energy yield calculations.

In addition to having higher net energy conversion gains, ethanol produced from sugarcane and sweet sorghum would be more expensive to market, since sugarcane and sweet sorghum are more expensive to grow than corn in the United States. This tends to partially offset the feedstocks' net energy gain advantage over corn, and will serve to limit their production in this country for ethanol to be used in gasohol.

IV. OTHER POSSIBLE EFFICIENCY GAINS

In order to avoid creating bias in favor of ethanol development, two other potential energy efficiency advantages in ethanol production have not been considered, since the spatial feasibility of the modifications is highly variable These modifications are using cellulosic material (such as cornstalks, sugarcane bagasse or wood pulp) or heat produced from the cogeneration of electricity and heat as a source of process heat in the alcohol fermentation-distillation process, which could substantially reduce the process heat requirements. Indeed, one analyst assumes that 75 percent of the stalks, cobs and husks of corn can be transported to the fermentation plant and burned as fuel, which would result in a further net energy yield.[18] But the removal of such agricultural waste material may deprive farmland of valuable organic soil nutrients, which are needed to control the rate of soil erosion.

V. ETHANOL FUEL POLICY

It has been argued that the fermentation and distillation of ethyl alcohol from corn or other chemical feedstocks for use as a motor vehicle fuel will result in a net energy conversion gain, which is contrary to conventional wisdom. By emphasizing this one point, it is hoped that policy makers will be encouraged to consider other more important issues related to alcohol fuels, such as the exhaust and evaporative emission tradeoffs, economic implications, effects on our transportation and agricultural systems and the ramifications for domestic energy self-sufficiency. These latter issues should play the determining role in the future of alcohol fuels, rather than the energy conversion efficiency of ethanol production.

FOOTNOTES

[1] Richard D. Lyons, "U.S. Details Gasohol Program," *New York Times,* (January 12, 1980), pp. 27–30.

[2] *Ibid.*

[3] James L. Keller, "Alcohol as Motor Fuel?," *Hydrocarbon Processing,* (May 1979), pp. 127–138.

[4] Exceptions to this rule are reported in, "Gasohol: Does it Save Energy?," *Environmental Science & Technology,* Vol. 14, No. 2 (February 1980), p. 141, and R.S. Chambers, *et al,* "Gasohol: Does it or Doesn't it Provide Positive Net Energy?," *Science,* Vol. 206, No. 4420 (November 16, 1979), pp. 789–795.

[5] Mary Litterman, *et al, Economics of Gasohol,* ER 78–10 (St. Paul: Department of Agricultural and Applied Economics, University of Minnesota, December 1978), pp. 28–30.

[6] Earl V. Anderson, "Gasohol: Energy Mountain or Molehill?," *Chemical and Engineering News,* Vol. 56, No. 31 (July 31, 1978), p. 10.

[7] Leonard W. Schruben, "I'm a Gasohol Skeptic," *Farm Journal,* Vol. 103, No. 8 (June/July 1979), p. 28.

[8] John T. McQuiston, "Gasohol: The Issue is Practicality," *New York Times,* (May 19, 1979), p. 29.

[9] Mary Litterman, *et al, op cit,* p. 31.

[10] Barry Commoner, in *USDA Gasohol Research Activities of Pilot Projects,* hearing before the Subcommittee on Agricultural Research and General Legislation of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry, 96th Congress, 1st Session, July 23, 1979, (Washington, D.C.: U.S. Government Printing Office, 1979), p. 44.

[11] *Ibid.* p. 106.

[12] *Ibid.*

[13] Paul Middaugh, South Dakota State University, in Barry Commoner and Richard Carlson, "Letter to the Editor," Sunday Business Section, *New York Times,* (June 6, 1979).

[14] William A. Scheller and B. J. Mohr, "Gasoline Does, Too, Mix With Alcohol," *CHEMTECH,* Vol. 7, (October 1977), p. 616.

[15] "Harnessing Alternative Fuels," *Fleet Owner,* Vol. 74, No. 8 (August 1979), p. 74.

[16] E. E. Ecklund, "Alcohol Fuels for Highway Vehicles," paper presented to the U.S. Senate Agricultural Research and General Leg-

islation Subcommittee of the Committee on Agriculture, Nutrition, and Forestry, 95th Congress, 1st Session, December 12, 1977, Indianapolis, Indiana.

[17] *The Report of the Alcohol Fuels Policy Review* (Washington, D.C.: U.S. Department of Energy, June 1979), pp. 76–77.

[18] William A. Scheller, in Earl V. Anderson, *op cit,* p. 11.●

POETRY DAY

● Mr. CHILES. Mr. President, I am pleased to bring to the attention of my colleagues the State of Florida's proclamation observing October 15, 1980 as "Poetry Day."

It is fitting that we salute in this way the contributions of poetry and poets not only to our cultural life, but to the human experience. Ralph Waldo Emerson aptly summed up the importance of the poet and his art:

> The poet stands among partial men for the complete man, and apprises us not of his wealth, but of the commonwealth . . . He is isolated among his contemporaries, by truth and by his art, but with this consolidation in his pursuits, that they will draw all men sooner or later. For all men live by truth, and stand in need of expression. In love, in art, in avarice, in politics, in labor, in games, we study to utter our painful secret. The man is only half himself, the other half is his expression . . . The poet is . . . the man without impediment, who sees and handles what others dream of, traverses the whole scale of experience, and is representative of man, in virtue of being the largest power to receive and to impart.

I am delighted that the United States has been chosen as the site of the "Fifth World Congress of Poets in 1981." I also take pride in pointing out that the coordinator of the Congress of Poets, Dr. Frances Clark Handler, is a Floridian and that many Floridians will take part in the Congress.

Mr. President, I ask that the proclamation of the State of Florida be printed in the Record.

The proclamation follows:

Proclamation

Whereas, the art of poetry is a vital part of our culture; and

Whereas, many of our citizens enjoy this form of literature, and many also are talented and write poetry; and

Whereas, this form of expression is taught in our schools and used in many special activities in our lives; and

Whereas, poetry has been honored as an art and as an important part of our society's culture; and

Whereas, the United States has been honored by being selected as the site of the 5th World Congress of Poets in 1981 and many Floridians will be involved in that Congress;

Now, therefore, I, Bob Graham, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim October 15, 1980 as Poetry Day in Florida and urge all citizens to join with me in saluting the contributions of poetry and poets to our every day lives and our culture.●

QUALIFIED PROGRESS EXPENDITURES

● Mr. BENTSEN. Mr. President, when the tax cut bill is considered by the Senate, I intend to offer an amendment to the provisions which modify the present law rules allowing the investment tax credit with respect to qualified progress expenditures. This amendment would delete the provision in the bill which amends the so-called component part rules of present law. In general, these component part rules may affect, in certain circumstances, the time when an expenditure is treated as a qualified progress expenditure. Under present law, it is unclear as to whether these component part rules apply to non-self-constructed property. This issue is currently under discussion between the Treasury Department and certain taxpayers who are seeking to have the proposed regulations under the present Code provision revised.

In its current form, the bill would clearly provide that the component part rules do not apply to nonself-constructed portions of progress expenditure property. The application of the component part rules to nonself-constructed property (or, under the bill, to nonself-constructed portions of property) appears to be of significant importance to certain taxpayers currently engaged in long-term construction projects.

The amnedment wolud return this portion of the qualified progress expenditure provision to the status quo. Also, it seems clear to me that no inference should be drawn from language in the committee report which might tend to indicate that, under present law, the component part rule applies only to self-constructed property.

Mr. LONG. I would support this amendment in view of the existing circumstances. I agree that no inferences should be drawn from the committee report language in interpreting present law.

Mr. HEINZ. I have one additional point with respect to rules relating to qualified progress expenditures. This point deals with the distinction between self-constructed property and nonself-constructed property under present law and the distinction between the self-constructed portion of property and the nonself-constructed portion of property under the bill. In general, if property (or a portion of property) is treated as self-constructed, it is subjected to somewhat more liberal rules (and exempt from certain restrictions) applicable to nonself-constructed property.

The statutory test for determining self-construction requires that construction expenditures be made directly by the taxpayer. The committee report provides in part that:

> Construction expenditures will be considered made "directly" by the taxpayer only if the taxpayer uses his own employees to construct the property. . . . Construction expenditures made by the taxpayer to a contractor or manufacturer, in general, will not be considered made directly by the taxpayer. (S. Rept. No. 96–940, 72.)

This approach is generally consistent with the proposed regulations relating to construction expenditures made directly by the taxpayer.

I certainly agree that if a taxpayer uses his own employees to construct the property, the "made directly" test should be satisfied. However, the test may be susceptible of a broader interpretation, and, under some other circumstances, a taxpayer may also be considered to have made construction expenditures directly. This is a major unresolved issue in the development of Treasury regulations under present law.

I strongly believe that the Treasury Department should be free to interpret this "made directly" test more broadly than is indicated in the committee report for purposes of this provision and present law. I hope that the manager of the bill would agree with me that the Treasury Department should not be precluded from interpreting these provisions more broadly by any interferences from this committee report that the term "made directly" should be interpreted in a restrictive manner.

Mr. LONG. I agree completely with the Senator's statement. The committee report should not require the Treasury Department to interpret the phrase "made directly" in this restrictive manner. Rather, the Treasury Department should be able to intepret this phrase as if this language were not in the committee report.

Mr. BENTSEN. My recent involvement in these provisions indicate that the area of qualified progress expenditures is quite complex and that present law is ambiguous in many respects. In addition, it appears that present law contains a number of limitations and special rules which may not be needed. It appears to me that it would be appropriate for the Finance Committee to examine the qualified progress expenditure rules more thoroughly in the next Congress with a view toward simplicity.

Mr. LONG. I thank the Senator for his observations. As the Senator knows, the qualified progress expenditure rules were enacted in the Tax Reduction Act of 1975, which was passed very quickly by the Congress. Since these rules do appear to be difficult to administer in certain cases and the policy behind some of the restrictions is unclear, it may well be appropriate to examine these rules in detail in the next Congress.●

GENERAL MOTORS' GASOHOL POLICY

● Mr. BAYH. Mr. President, a recent article in the Des Moines Register said that General Motors would not extend full warranty coverage to cars running on gasohol. I have written to General Motors president Elliott Estes criticizing that policy and asking him to bring its warranty coverage into line with those of other automakers, which provide coverage for gasohol-fueled cars.

Following my letter, GM placed an advertisement in newspapers throughout the country stating that its warranty coverage "is exactly the same" for gasohol and gasoline. Mr. Estes replied to my letter in a similar vein, saying that his company would make "whatever engine repairs or adjustments * * * are necessary" within the confines of the Clean Air Act to correct "driveability" problems related to the fuel "whether gasoline or gasohol."

Those statements reaffirmed what

most experts, including those auto manufacturers already knew: That gasohol is a completely acceptable substitute for gasoline.

GM's previous policy, as explained in a 1979 dealer service bulletin, was to prohibit warranty coverage of driveability problems thought to be caused by gasohol. Driveability refers to rough idling, engine misfiring or poor performance in general. The service bulletin said specifically that:

> Any driveability condition which is related solely to gasohol usage is not—the emphasis is GM's—covered under the vehicle warranty.

I said in my letter to Mr. Estes that warranty problems of that kind with such limited coverage will cast doubt in the minds of the motoring public on the acceptability of gasohol as a motor fuel. I pointed out that extensive testing by vehicle manufacturers, including GM, had failed to uncover any significant driveability problems in cars using gasohol.

My letter added that new catalytic converter systems to be installed on all GM 1981 passenger cars will go even further to eliminate any possibility of driveability problems with gasohol. The new computer controlled catalytic converter (C-4) and the closed loop catalytic (CLCC), which is now installed in California cars, automatically compensate for any lean-burning characteristics of gasohol.

In contrast with GM's previous policy, other automakers already had extended warranty coverage to gasohol without any restrictions on driveability problems. Ford's warranty, in fact, expressly states that no repair claims will be denied solely on the basis that a car has used gasohol. Chrysler also has explicitly extended its warranty coverage to cars using gasohol, saying that it did so to help the country develop alternative fuels.

Mr. President, I ask that the following documents relating to this matter be printed in the RECORD at this point: the August 27, 1980 Des Moines (Iowa) Register article "GM Won't Guarantee New Cars Will Run on Gasohol;" my August 27, 1980 letter to GM President Estes; Mr. Estes' September 19, 1980 letter of response and a copy of the GM advertisement.

The materials are as follows:

GM WON'T GUARANTEE NEW CARS WILL RUN ON GASOHOL

(By Richard Paxson)

The General Motors Corp., in an apparent policy shift that could seriously dampen the sale of gasohol, says it no longer can guarantee that its new cars will run properly on the grain alcohol fuel.

Although GM spokesmen deny it, Iowa officials say the world's largest automaker is going back on its promise to honor warranties on new cars whose owners fill up with gasohol instead of unleaded gasoline. And gasohol promoters say GM's policy could stunt the alternate fuel's growth.

"It's a very strong deterrent to use of this product," said Doug Getter of the Iowa Development Commission. "If you're paying $7,000 or $8,000 for a new car, you want to be sure that it will operate properly."

GM continues to say gasohol use will not void new car warranties. But the company's official position, new or not, means that GM dealers will not make no-cost repairs to cure problems that could be attributed to gasohol use—rough idling, engine stuttering or generally poor performance.

"That's a serious limitation on warranties and one we weren't aware of before," said Doug Gross of the Iowa Energy Policy Council. "It's one the other automakers don't enforce.

"It's more than splitting a fine hair, and its' a serious discrepancy from what we've been told before."

State officials had suspected that GM had changed its position on gasohol after corresponding with them on the question of gasohol use and car warranties. GM officials said Tuesday they are preparing a response that will contain their position on gasohol use—a position state officials say is a shift from what they understood to be the automaker's policy.

Gasohol, a blend of 90 percent gasoline and 10 percent grain alcohol, has become increasingly popular in Iowa, and now commands about 10 percent of the State's market. Several companies have announced plans to build or expand distillation plants to help meet the increased demand.

GM's long-standing statement on gasohol, expressed in a bulletin to dealers in mid-1979, was that gasohol use did not affect warranties, with two exceptions. First, that damage like dulling or softening of body paint caused by spilled gasohol would not be covered, and second, that problems damaging the "driveability" of the car would not be GM's responsibility if the customer used gasohol.

Defining "driveability" is the problem. GM spokesman Bill Adams in Warren, Mich., admits that it's a highly subjective judgment of an engine's performance that could cover a broad range of factors.

It means that if a new car buyer is not satisfied with a car's "driveability" but the dealer servicing the car believes the problems are caused by gasohol, the dealer is not obligated to fix it.

GM engineer Ken Hansen said dealers will tell such customers to stop using gasohol as a test of whether the problems cease. If unleaded gasoline cures the symptoms the dealer will not make repairs so the car will run satisfactorily on gasohol.

Owners of GM cars are welcome to use gasohol "if they don't mind whatever characteristics that driving on gasohol produces," said Hansen. "If [they] find it objectionable, there's really nothing we can do."

Asked whether that meant GM was offering less warranty protection to gasohol users, Hansen replied, "Yes, I guess that's true." He maintained, however, that the company is "not trying to take the choice [of gasohol] away."

U.S. NATIONAL ALCOHOL
FUELS COMMISSION,
Washington, D.C., August 17, 1980.

Mr. ELLIOTT M. ESTES,
President and Chief Operating Officer, General Motors Co., New York, N.Y.

DEAR MR. ESTES: I would like to express my concern about a recent article carried in the Des Moines Register, August 27, 1980, entitled "GM Won't Guranatee New Cars Will Run On Gasohol." The article claims that General Motors has changed its policy with regard to warranty coverage for vehicles operating on gasohol and is no longer honoring warranty claims for gasohol.

Conversations between members of your staff and staff of the National Alcohol Fuels Commission indicate that General Motors has not changed its warranty position on gasohol. Nonetheless, the larger issue concerns GM's policy on warranty coverage for gasohol, and that such warranty coverage for gasohol does not extend to driveability problems encountered in gasohol use.

Under the GM warranty, gasohol containing up to 10 percent ethanol will not void the vehicle warranty. However, the warranty does carry a disclaimer that any driveability condition related solely to gasohol usage is not covered under the warranty. Driveability claims for gasoline, however, are honored under the warranty.

I find this policy difficult to comprehend in light of the fact that other auto manufacturers, such as Ford Motor Company, have extended their warranty coverage for gasohol to all of its cars and trucks without such restrictions on driveability conditions. In fact, Ford's warranty policy has been modified to provide that no claim for repairs under any warranty extended by Ford will be denied solely because of the use of gasohol.

As you know, the decision by U.S. automakers to extend warranty coverage to the use of gasohol has been instrumental in reinforcing the perception of gasohol as a viable motor fuel, and has contributed to increased consumer demand and use of gasohol.

I am deeply concerned that a warranty policy of this kind, with such limited coverage, will cast doubt in the minds of the motoring public on the acceptability of gasohol as a motor fuel, as well as General Motor's overall position on gasohol.

The warranty restriction on driveability as stated in your Service Bulletin suggests that the consumer may expect to experience widespread and significant driving problems with gasohol. In fact, just the opposite appears to be true.

Extensive vehicle testing by auto manufacturers, as well as General Motors' experience, indicates that extensive and widespread operation of vehicles using gasohol has not resulted in any significant driveability problems, or materials incompatibility or fuel system problems. General Motors own experience, on gasohol, confirms that consumers using gasohol have reported no incidents of major driveability problems.

In addition, any potential for driveability problems on gasohol will be further minimized by the use of three-way catalytic control systems on all GM's 1981 passenger car gasoline vehicles. The computer-controlled catalytic converter (C-4) and the closed loop catalytic converter (CLCC systems) which are currently employed on all current passenger cars manufactured for use in California, will compensate for the leaner operation of gasohol. Consequently, with the use of these systems, driveability problems are even less likely to occur than with present vehicles operating on gasohol.

In view of these factors, I would urge that General Motors re-evaluate its current position on gasohol warranty coverage, and take steps to remove any restrictions on driveability claims by gasohol users from your 1981 model year-vehicle warranties.

Such action will help to reinforce the validity of gasohol as a motor fuel, and help to clarify any public misconception caused by misleading press reports as to General Motors' position on gasohol use.

I appreciate your consideration of these matters, and look forward to continuing to work with you in our collective efforts to ensure the development of renewable and domestic energy supplies which can supplement our liquid fuel supplies.

Sincerely,

BIRCH BAYH,
Chairman.

GENERAL MOTORS CORP.,
General Motors Building,
Detroit, September 19, 1980.

Hon. BIRCH BAYH,
Chairman, U.S. National Alcohol Fuels Commission, Washington, D.C.

DEAR SENATOR BAYH: I appreciate the concern you expressed in your letter of August 27 on warranty coverage not extending to driveability conditions related solely to gasohol usage. There seems to be some confusion, possibly created by the newspaper article you mentioned, over whether GM's warranty applies differently for gasohol than it does for gasoline.

GM's warranty coverage is exactly the same whether using gasohol (a blend of 90 percent unleaded gasoline and 10 percent ethanol) or unleaded gasoline. To clear up any possible misunderstanding, we recently ran the attached advertisement in Des Moines and Sioux City.

The Dealer Service Information Bulletin, published in 1979, did not suggest that we expected widespread driveability problems with gasohol. Driveability problems may be related to defects in parts or workmanship for which we assume responsibility and which are covered under the warranty. If a driveability problem occurs which is not related to defective parts or workmanship, but rather to the fuel—whether gasoline or gasohol—we will make whatever engine repairs or adjustments, including fuel system parts replacement, that are necessary to correct the problem, provided such repairs or adjustments can be made legally within the specifications certified by the Environmental Protection Agency. In no case can engine repairs or adjustments deviate from the specifications established during certification. To do so would be in violation of the Clean Air Act.

This has been GM's long-standing position with respect to the use of unleaded gasoline, and also applies to the use of gasohol. We believe you will find that GM's position is in line with that of other major domestic manufacturers.

Thank you for taking the time to express your concerns with respect to our warranty coverage regarding the use of gasohol and gasoline in GM vehicles.

Sincerely,

E. M. Estes,
President.

Gasohol and Your GM Car or Truck

GM recognizes the need for alternative fuels. Here are some facts you may want to know about your GM car or truck and its warranty when using gasohol.

GM'S WARRANTIES ARE NOT AFFECTED

Your GM warranty coverage is exactly the same whether using gasohol (a blend of 90 percent unleaded gasoline and 10 percent ethanol) or unleaded gasoline.

YOU PROBABLY WON'T NOTICE ANY DIFFERENCE IN DRIVEABILITY

Some cars using gasohol could run leaner. Most drivers will not notice a difference. But some may. In such cases your GM dealer can make certain adjustments, provided they are not in violation of the Federal Clean Air Act. If you are still not satisfied with gasohol performance you may prefer to use unleaded gasoline.

FOR 1981, GM PASSENGER CARS WILL BE EVEN BETTER CALIBRATED FOR GASOHOL

Starting with the 1981 model year, GM's Computer Command Control will be on all standard and most optional gasoline passenger-car engines. This computer system has the ability to compensate for the leaner gasohol mixture.

NOW A FINAL WORD ABOUT GM TRUCKS

You can enjoy the use of gasohol in your Chevy or GMC truck designed to operate on unleaded gasoline.●

WILLIAM A. VAUGHAN: MAN OF THE YEAR

● Mr. HARRY F. BYRD, JR. Mr. President, a splendid Virginian has just been named Man of the Year by Modern Industrial Energy magazine.

The recipient of the award is William A. Vaughan, director of the energy management group of the manufacturing staff at General Motors Corp.

Just before joining General Motors, Mr. Vaughan was assistant professor of civil engineering at Virginia Military Institute and deputy commandant of cadets. A native of Richmond, he is a graduate of VMI and also holds a master's degree in civil engineering from Purdue University and a law degree from Washington and Lee University.

The magazine award was given to Mr. Vaughan for his outstanding contributions in the area of energy efficiency. In addition to this professional work in this field for General Motors, he donates time to numerous State and local energy programs. He is also a member of the energy sections of the National Association of Manufacturers and the chamber of commerce.

Mr. Vaughan joined General Motors as an attorney on the corporation's legal staff in 1970. The following year he was named attorney in charge of the environmental section of the legal staff. He was serving in that post when promoted to his present job.

Mr. Vaughan is the son of William C. Vaughan of Lynchburg, Va., a close friend and a past grand master of Virginia Masons, owner of a Chevrolet-Cadillac dealership in that city. Before joining the faculty at his alma mater, VMI, young Mr. Vaughan served as a counterintelligence officer in the U.S. Army.

I salute Mr. Vaughan on the occasion of his being named Man of the Year.●

HEALTH CARE COSTS

● Mr. DURENBERGER. Mr. President, on numerous occasions, the Members of this body have decried the high cost of health care. At one time or another, all of us have expressed a deep concern that a large number of persons is being priced out of the market.

Certainly, this is not a new topic. In fact, during the past two decades Congress has taken several steps to remedy the problem, and to assure each person of adequate, affordable health care.

Today, the solutions of the past are coming back to haunt our country. The well-intended efforts of the past are becoming major contributors to the skyrocketing rate of health care costs. The attempts to expand health care services may, in fact, result in the denial of health care to millions of people who can no longer afford necessary services.

Government has subsidized health care services and the education and practice of health care professionals. Today, the cost of services has risen from 5 percent of gross national product to more than 9 percent, and could go as high as 20 percent in the next decade. Much of the blame, in my mind, must be laid on Government subsidization and Congress' refusal to change a system of health care delivery that rewards waste, unnecessary services, and inefficiency.

Now, we are told that Government's overreaction to the doctor shortage of the 1960's and early 1970's will result in an oversupply of doctors in the next decade. According to a national study, the oversupply will add at least $200 billion to our country's health care bill. And, while it may extend services to a few people, especially in rural areas, the oversupply will be most critical in certain specialties. In other words, the surplus will not put a family doctor in every town.

Mr. President, for two decades we have dealt with our country's health care problems by adding one solution after another to what we perceived the problem to be. Unfortunately, no one ever stopped to examine the root cause of the problem—the way in which we deliver and pay for our health care services.

The only way our country will control health care costs, while assuring all persons of adequate services, is through competition and consumer choice, not subsidization. That is exactly the message that the National Retired Teachers Association and the American Association of Retired Persons sent to their insurance carriers. Rather than accept whatever one carrier wanted to offer to their members, these groups submitted their insurance needs to competitive bidding with the stipulation that each bidder must agree to return to claimants at least 70 cents of each premium dollar.

The result is a package that will pay about 15 cents per premium dollar more than the previous coverage. In order to absorb that higher cost, it now becomes incumbent on the insurance carrier to put pressure on health care providers—doctors and hospitals—to become more efficient.

Everyone, except the inefficient, will benefit. The AARP and NRTA wil receive more for their premium dollar. The new carrier has the potential of almost $300 million in premiums. And, the pressure exerted by the carrier on health care providers will have a ripple effect, resulting in more efficient health care services.

Other than encouraging more individuals and organizations to follow the outstanding leadership of the AARP and NRTA and insisting on competition, time has run out this year on a legislative improvement to our health care system. But, I want to take this opportunity to put the Senate on notice that I intend to continue my efforts in the 97th Congress to pass my Health Incentives Reform Act, a bill that will make competition and consumer choice cornerstones of our health care policy.

Mr. President, I submit for the Record two articles from the October 1 Washington Post.

The articles follow:

Cuts in Schooling Urged To Prevent Doctor Surplus

(By Victor Cohn)

Faced with a surplus of 70,000 doctors by 1990, the nation should start slashing medical school enrollments by nearly one-fifth, a major government commission said yesterday.

Otherwise, said Dr. Alvin Tarlov, the group's chairman, billions of dollars will be added to the country's $200 billion-plus annual medical bill, because more doctors will be doing more things to more people, without necessarily improving their health.

Having more doctors will also help some people, he said, mainly by providing more services in underserved inner cities and rural areas.

But in the main, the commission concluded, training should be curtailed not only of medical students but also of most specialists, since cardiologists, obstetricians, allergists, eye doctors and most kinds of surgeons will all be "in surplus." In fact, the group said, there will be nearly twice as many cardiologists and neurosurgeons and 45 percent more obstetricians than the country needs.

The study group, the Graduate Medical Education National Advisory Committee, was named by Health, Education and Welfare Secretary Forrest Matthews in 1976 after Congress, asked HEW whether the government was overcorrecting what had been a severe doctor shortage in the 1960s and early 1970s.

The group made its report to Patricia Roberts Harris, secretary of what is now the Department of Health and Human Services. But no quick new HHS action was promised, though four years have elapsed since Congress raised the question.

Dr. Henry Foley, head of HHS' Health Resources Administration, said "we will look at" the recomemndations "for the next several months." However, the Carter administration already has urged Congress to halt all so-called "capitation" grants to help medical schools increase or maintain enrollments.

Congress has not halted them but has whittled them down from a $2,000 per-student high in 1972 to $639, or less than half that in 1972 dollars, this year. Federal appropriations for the purpose have dropped from $116 million in 1979 to $77.7 million this fiscal year, and the House has voted to slash the sum gradually to $29.3 million by 1983.

A Senate bill would maintain spending at about present levels but give the money to schools that stress primary care fields such as family practice and pediatrics, or teach students to practice in poorly served areas, or increase enrollment of badly underrepresented minorities, mainly blacks, Hispanics and Indians.

The commision recognized that underdoctored areas still need more medical manpower, and minorities still need help in becoming doctors.

But it took a revolutionary view on how Americans' medical care should be given. It said training should be maintained at present levels for "physician extenders," mainly nurse-practitioners, nurse-midwives and physicians' assistants.

And it said these nondoctors should be the only professionals to see the patient in 10 to 20 percent of medical visits in many situations, compared with as few as 1 percent of visits today.

There are now 20.000 such physician extenders, but there will be 50,000 by 1990. The commission, Tarlov said, thinks 20 percent of all checkups for pregnant women could be handled by a nurse-practitioner. It thinks similar practitioners could handle 16 percent of office-based child care and 12 percent of such adult care.

Among its recommendations, the commission said:

In addition to 17 percent cuts in medical school enrollment, there should be sharp new restrictions on entry by graduates of foreign medical schools. These students—many of them Americans who could not get into American schools and many graduates of new or expanded Caribbean and Mexican schools—are becoming doctors here at a rate of 3,000 to 4,000 a year.

There should be adjustments in hospitals' and medical centers' residencies and fellowships to decrease the number of most specialists, while increasing the number of those still in short supply—among them, phychiatrists, emergency doctors and specialists in physical medicine and rehabilitation.

"Health service reimbursement plans"—the way doctors are paid—should be adjusted to "help achieve health policy objectives," such as increasing or decreasing the supply of various kinds of physicians.

To sum up, said Tarlov, chairman of the department of medicine at the University of Chicago, "there is still a slight shortage" of doctors today, but by 1990 there will be 536,000, where just 466,000 will be needed.

GROUPS OF ELDERLY SWITCHING INSURANCE COMPANIES

(By Morton Mintz)

The two largest organizations of elderly Americans voted yesterday to inject competition into the sale of insurance to their 12.5 million members by ending a controversial arrangement under which the Colonial Penn Group (CPG) of Philadelphia has monopolized access to their names for 30 years.

In reportedly the largest single transaction in insurance industry history, the boards of directors of the affiliated, nonprofit National Retired Teachers Association (NRTA) and the American Association of Retired Persons (AARP) chose the Prudential Insurance Co. of America to underwrite their health insurance program starting June 30. About 2.5 million members are enrolled in the program, which will continue its coverage without interruption.

The action involves huge sums. Last year alone, CPG, whose exclusive ties to NRTA-AARP enabled it to become one of the most profitable large corporations in the nation, collected health-insurance premiums of $244 million from AARP members and $26.6 million from the much smaller NRTA. CPG's 1979 consolidated revenues—about 80 percent of them deriving from sales of various types of insurance and other products to the associations' members—were $751,825,000. After-tax net income was $71,744,000.

CPG and two other insurers, Allstate and Metropolitan Life, lost out to Prudential, the nation's largest provider of group health insurance, in a competitive bidding process that began nine months ago with invitations to 62 companies to participate.

Cyril F. Brickfield, executive director of the associations, said that the "exhaustive" process resulted in the selection of a carrier, Prudential, which will "maintain and improve the quality and service of our group health programs."

Prudential committed itself to pay to claimants at least 75 cents of each premium dollar—nearly 15 cents more than the historic average paid by CPG. Allstate agreed to pay at least 70 cents, the minimum in the bidding specifications, and Metropolitan at least 72 cents. CPG, under complex formulas, initially proposed to pay 67 to 73 cents and then 73 to 76 cents.

Prudential also will pay 5 percent of gross premiums to the associations as "administrative allowances." The losers had agreed to do the same.

All of the final bidders but CPG met requirements for a flat five-year contract and for total control by NRTA-AARP of the computerized lists of members enrolled between June 30, 1981, and July 1, 1986.

Under the existing setup, the names of all NRTA-AARP members—about one in four of all Americans 55 and older—have gone into the computers of a CPG subsidiary so that they could be used for promotional mass mailings.

As part of a series of steps to sever their ties with the company, the associations have been building duplicate files under the control of their national headquarters in downtown Washington. Now, however, Prudential alone will have access to the names of persons who join the associations during the life of the contract.

CPG will be barred from citing its former relationship with the associations in the promotion of any of its offerings. But it retains the right to keep and use its lists of the 12.5 million present members.

As a practical matter this forecasts a probable head-to-head rivalry in which CPG will seek to persuade its health policyholders to stay with it while Prudential tries to lure them away. In addition, CPG remains free to go on selling auto, home and life coverage to NRTA-AARP members.

In Philadelphia, CPG Chairman John J. MacWilliams expressed confidence that many current health policyholders will stay with this firm and that it "will be able to compete successfully" in that field.

In Newark, N.J., Prudential chief executive Robert A. Beck, "gratified" by winning the contract, said, "We believe it enhances our role as a total insurance provider."

Health insurance for the elderly was a largely untapped market until an insurance broker, Leonard Davis, now CPG's largest stockholder and the honorary president of the associations, began, initially through NRTA, to develop it. The close ties he fostered between the associations and the company eventually precipitated public criticism, attacks on the nonprofit status accorded NRTA-AARP by the Postal Service and the Internal Revenue Service, and lawsuits.

One of the suits, pending in Superior Court here, was filed by AARP former executive director Harriet E. Miller, who claims she was improperly dismissed and who seeks damages from Davis, AARP, CPG and others.

In a statement on her behalf yesterday, her lawyer, Philip J. Hirshkop, termed the Prudential contract "a major step forward . . . in securing reasonable insurance benefits" for the elderly. He also said he believed the lawsuits "have directly contributed to this result" as well as to earlier steps to end "improper" relationships, such as abolishing CPG's exclusive access to association publications.●

OFFICE OF SPECIAL COUNSEL

● Mr. RIBICOFF. Mr. President, I would like to direct an inquiry to the distinguished Senator from Florida (Mr. CHILES) with regard to the Office of Special Counsel. I had hoped that prior to considering the continuing appropriation that the full Senate would have passed H.R. 7583—the Treasury, Postal Service, and General Government Appropriations bill. Although this legislation has been delayed, I believe it is important at this time to clarify one point which was made in the committee report accompanying that bill with respect to the Office of Special Counsel.

I have noted with interest that the report on H.R. 7583 has mentioned the current controversy between the Merit Systems Protection Board and the independent Office of Special Counsel. Specifically, the Appropriations Committee recommends that "the appropriate committees hold hearings early in the next Congress on the proposals to make the Office of Special Counsel an independent agency, thus resolving this issue." Can the Senator tell me if the Appropriations Committee means to recommend that the only means of resolving this issue is by enactment of legislation to make the Office an independent agency?

Mr. CHILES. The Senator from Florida realizes that the distinguished Senator from Connecticut, who is chairman of the Committee on Governmental Affairs, has had a continuing interest in the success of the Office of Special Counsel. I am also aware that the Senator has been disappointed that there have been difficulties in the establishment of the Office—a disappointment which I share. Recent financial difficulties of the Office have led to a controversy with respect to the question of accountability for the operations of the Office. It is for this reason that the Appropriations Committee suggested that the Committee on Governmental Affairs might wish to hold hearings in the next Congress to determine if a legislative remedy to this controversy is necessary.

Mr. RIBICOFF. Do I understand then that the Appropriations Committee is not suggesting that a legislative remedy is necessary?

Mr. CHILES. The Senator is correct. The Appropriations Committee notes that legislation has been introduced to make the Office an independent agency. It does not mean to suggest that this is the appropriate course of action for the Committee on Governmental Affairs to follow. A determination as to whether the Office should be made an independent agency or whether any legislation is necessary is, of course, a matter in the discretion of the authorizing committee.

Mr. RIBICOFF. As the Senator knows, I introduced legislation to make the Office an independent agency. This bill was submitted by the Chair of the MSPB and, as a matter of customary courtesy, I introduced it noting it was done "by request" and without regard to my personal view of the necessity for such action. I thank the Senator for his response and for the personal interest which he, too, has taken in the success of the Office of Special Counsel. I felt it was necessary to clarify this matter as far as the recommendation of the Appropriations Committee is concerned, because it may be several months before the Senate finally acts on the Treasury appropriation bill.

Frankly, it is my view that legislation to make the Office an independent agency is not necessary, because it is already independent of the Board. Under Reorganization Plan No. 2 of 1978 and the Civil Service Reform Act, the Board has no authority to supervise the activities of the Office, and it cannot be held responsible for the mission of the Office. The Special Counsel is an officer of the United States, appointed by the President, with the advice and consent of the Senate, and is charged with responsibilities which the Board cannot fulfill.

I am disappointed that difficulties continue to beset the Office. However, I remain confident that within the next few months these difficulties will be resolved with the cooperation of all parties. To do so both the Board and the Office will have to have the confidence of Congress and the public—including the Federal workers whose rights they are bound to protect.●

THE FOSTER GRANDPARENT PROGRAM

● Mr. CHILES. Mr. President, 1980 is the 15th anniversary of a most remarkable adventure—the foster grandparent program. This was an experiment which built on the love that older Americans have to give, and the needs of special children who thrive on that love.

The program began in 1965 under the sponsorship of the Office of Economic Opportunity. Initially it had 21 projects and 1,200 volunteers. Today, ACTION, the federal volunteer service agency which administers the program, proudly proclaims that 17,000 foster grandparents at more than 200 projects are providing a "touch of love" to 42,500 children. Even more impressive is the fact that 98 of the original volunteers are still serving in the program.

The foster grandparent program celebrated its 15th-year anniversary on September 4, 1980. To honor the original volunteers who are still serving, ACTION brought as many of them as could make the trip to Washington for a series of special events: A congressional luncheon in honor of the 75 grandparents who made the trip; the premiere showing of "A Touch of Love," a film featuring foster grandparents across the Nation; and a reception honoring the foster grandparents who have served in the program throughout the 15 years. These special senior citizens, all of whom are 75 years of age or older, traveled from foster grandparent projects all over the country for these events.

The foster grandparent program offers older men and women the opportunity to participate in, and actively contribute to, community efforts to provide companionship and guidance to emotionally, physically and mentally handicapped children. Volunteers must be at least 60 years old and in good health. The program is designed for low-income persons, but annual income guidelines vary from State to State.

Foster grandparents receive 40 hours of orientation training. They are supervised by the child care teams of their assigned agencies and are required to attend regular inservice training sessions.

As a member of the child-care team of the institution where assigned, the foster grandparent is responsible for supplying individual attention to two children. The "grandparent" devotes 2 hours each day to each child. During a 5-day week, tasks may vary from feeding and dressing the child, playing games and reading stories, to helping with speech and physical therapy. The foster grandparent is active in residential facilities and hospitals for retarded, disturbed, and handicapped children and in correctional institutions and homes for neglected, dependent children. Under some circumstances, noninstitutionalized children may receive daily visits from foster grandparents in their own homes.

The foster grandparent volunteers receive a modest tax-free stipend to cover the costs of volunteering, a transportation allowance, hot meals while in service, accident insurance, and annual physical examinations. Uniforms are provided when necessary and educational programs are made available to volunteers.

Everyone benefits from a foster grandparent program and the program's success is based upon the achievement of a number of goals:

The program provides the opportunity for low-income older adults to contribute to their communities in the retirement years and to enjoy self-respect, respect from others, and the satisfaction that comes from being needed and making others happy.

The program is a source of individual attention and personalized care for children with special needs in a variety of residential and community settings, helping these children to grow physically, socially, emotionally, and mentally.

The program helps enhance the attitudes of society, including the attitudes of older persons themselves, toward the contributions that can be made by senior citizens.

The program demonstrates the willingness and capacity of older persons to participate reliably and creatively in community service on a regular, part-time basis.

The program stimulates positive change in the field of group care for children and illustrates how role models in individualized settings, such as in homes with abused or neglected children, can improve the approach of other adults to children.

Throughout the country, agencies that rely on foster grandparents praise their invaluable contributions. Sociologists, psychiatrists, and other professionals have observed that there is often a special bond between youngsters and seniors.

I would like to commend the original foster grandparents and their accomplishments. They are examples of the generosity and love that mark the lives of so many older Americans.●

CHINA TOUR BY UNIVERSITY OF MINNESOTA CONCERT BAND

Mr. DURENBERGER. Mr. President, with the amount of unsettling world news that bombards us every day, it is refreshing to remind ourselves that hands are still being extended in friendship between Americans and those in other countries.

One such occasion was the recent tour of China by the University of Minnesota concert band. This was the first American concert band to perform in the People's Republic of China.

Friendship was the theme of the tour. Band director Frank Bencriscutto best summed up the tour when he told the audiences in each of the six Chinese cities visited by the University musicians that music was the medium through which people can communicate regardless of language barriers or ideological differences.

The tour was made possible by the cooperation of the All-China Youth Federation, the University of Minnesota and the outstanding support of the Minnesota business community which helped finance the trip.

Mr. President, I ask that the article from the Minneapolis Tribune describing the trip be included in today's RECORD.

The article follows:

CHINESE AUDIENCES WON'T LET "U" CONCERT BAND STOP THE MUSIC

PEKING, CHINA.—It was vibrant, brassy, resonant and joyful, perhaps the hottest musical show to hit Peking in decades, and the Chinese audience was on its feet time and again to applaud the University of Minnesota concert band.

"The people from the Ministry of Culture said it was the most enthusiastically received concert that they can remember," said band director Frank Bencriscutto.

The 60 musicians of the first U.S. university band to play in China gave their 1,600 listeners classics and had them singing and whistling along to march music. At the end of Sunday's concert, the capacity audience stood and shouted for more.

"As the United States and China become closer friends, it will serve as an example for the rest of the world," Bencriscutto told them, and received more shouted applause.

He dedicated the final encore, the school song, "to cultural exchange, to bringing our countries closer together and to peace in the world."

Although Chinese authorities have expressed concern over some "decadent" popular songs coming in from the West on tapes, Zhou Erfu, vice minister of culture, went on stage at the end to applaud the young band members.

The band already had played in Shanghai, Hangzhou (Hangchow) and Nanking before coming to Peking. University delegation members said the reception was enthusiastic everywhere, but there was more standing by the Peking audience, which applauded and rose to its feet when the concert opened with the Chinese national anthem, something the other audiences hadn't done.

"We played a more formal program here than we had been playing," said Bencriscutto. "We thought it appropriate to play a program more typical of a program performed by a university concert band in America."

The audience already was enthusiastic over the brasses and woodwinds they heard in the first half of the concert, but excitement rose in the second with three virtuoso solos by tuba player Stanford Freese, a University of Minnesota graduate who now directs the Disneyland concert band.

Then came Bencriscutto's own work, "Let the Light Shine," a melodic piece that also blends elements of American jazz and rock and features a long solo by the band's percussion section, written by band percussionist Dave Moy.

When the Chinese march "Ode to My Motherland" was announced, the audience shouted in approval again and sang along.

Some members of the audience lingered afterward to chat about their own music studies and ask for autographs. One Chinese boy took a clarinet from a band member and played "Yankee Doodle." Another took a cornet and did the same, to applause from the band members.

Contributions of more than $175,000 from Minneapolis-St. Paul area business firms plus concerts and other fund-raising activities by the band and $500 from each band member paid for the trip to China.

The band has three more concerts in Peking, concluding Wednesday with a performance at the 12,000-seat Peking Workers' Stadium.

THE INTELLIGENCE PROTECTION ACT

● Mr. WALLOP. Mr. President, the magazine Covert Action Information Bulletin and its predecessor, Counterspy are an alliance of a few ex-CIA people—Philip Agee and occasional others—with people like Louis Wolf, who profess to be journalists. In fact all are political activists who have set themselves up as a private intelligence service for the purpose of countering American intelligence. To this end they have identified some 1,600 names, many correctly and many incorrectly as agents of U.S. intelligence. They have also cooperated with the Cuban and Soviet intelligence services.

Covert Action Information Bulletin claims that its activities are protected by the first amendment, that it is exposing illegal activities, and that it is contributing to public understanding of Government programs.

Unfortunately, the ACLU and Floyd Abrams, chief counsel of the New York Times, have testified that they believe it is impossible to prohibit anyone from revealing names of agents, who engage in an activity, like journalism, protected by the first amendment, who claim to be exposing illegal activities, and who claim to be contributing to public debate, without at the same time destroying the freedom of all journalists, whistleblowers, and publicists.

The Senate Intelligence Committee, after strenuous objection by Senators BAYH and BIDEN, voted 13 to 1 to make a clear distinction: anyone who engages in a pattern of activities to expose American agents with reason to believe that such revelations would impair or impede U.S. intelligence activities is neither a legitimate journalist or publicist but a criminal.

The Judiciary Committee, by a bare majority which included Senator BAYH, turned this around. They amended the bill to say that anyone could lawfully reveal the names of agents as long as he did so in the course of an activity protected by the Constitution, in the course of revealing an activity he knew to be unlawful, or in the interest of public debate. The bill, as amended by Senator BAYH and the bare majority of the Judiciary Committee, is a license for private anti-U.S. counterintelligence organizations.

Senator BAYH, Senator BIDEN, Senator CULVER, Senator METZENBAUM, and their staffs have acted in constant close consultation with the ACLU which has a very peculiar, dysfunctional, and unhistoric view of the first amendment.

But the first amendment is neither a suicide pact nor the Magna Carta for private counterintelligence organizations.

The ACLU testified before our committee that they believe a clandestine service in peacetime is wrong and should be disestablished. The joint position of the ACLU and the bare majority of the Judiciary Committee is not in the interests of American freedom, liberty, or justice.

Regardless of the fact that some Senators deny the effects of what they have done, if their position prevails, the CIA is finished as a clandestine organization.

Unless the whole Senate reverses what Senator BAYH, Senator CULVER, and Senator LEAHY have done, America's ability to defend itself will slip another notch.

The four amendments which the narrow majority of the Judiciary Committee proposed for the Intelligence Identities Protection Act (S. 2216) directly contravene the bill's purpose. If the bill were to be modified as the Judiciary Committee's narrow majority suggests, the resulting law would not only fail to protect U.S. covert agents, but would actually provide effective protection for those who are acting to impair and impede American intelligence by publishing agents' names.

The first of the four is least objectionable:

> On page 12, line 2, strike out "intended to identify and expose covert agents and" and insert in lieu thereof "undertaken for the purpose of uncovering the identities of covert agents and exposing such identities."

The words "intended to identify" and "undertaken for the purpose of uncovering" are terms of art. The former is relatively easy to prove: If someone does something he is presumed to have intended that thing and its consequences. But it is difficult to prove that an activity was undertaken for the specific purpose of achieving the ends it achieved. The Justice Department was willing to go along with this amendment "as long as it is understood that this does not provide an unqualified exemption to prosecution on the basis of mere republication." But note: There could be no other reason for this change of terms except to make it more difficult to prove that anyone who had revealed agents' names had done so with criminal purpose.

The Intelligence Committee's formulation had been clear and precise: If anyone reveals the names of U.S. agents with the reasonable knowledge that this would impair or impede U.S. intelligence activities, that someone has committed a crime. This amendment is intended to muddy the waters.

The second amendment strikes out the heart of the bill and replaces it with an explicit license for Covert Action Information Bulletin to do what it has been doing:

> On page 13, between lines 15 and 16, insert the following:
>
> "(e) It shall not be an offense under subsection (c) of section 501 if the disclosure of the information described in such subsection is an integral part of another activity such as news reporting of intelligence failures or abuses, academic study of Government policies and programs, enforcement by a private organization of its internal rules and regulations, or other activities protected by the first amendment to the Constitution."

Counterspy, Covert Action Information Bulletin, and their imitators have done nothing but claim that their activities are journalism conducted in the public interest. They claim they are exercising the first amendment's guarantee of freedom of speech and press, that they are exposing activities which violate American and international law, that they are contributing to the public's ability to assess governmental policies or programs, and that, in any case, their activities are pursuant to internal rules and regulations of an organization functioning under the first amendment. This amendment, if it became law, would be the Magna Carta of private intelligence organizations directed against the United States.

The Judiciary Committee seems unwilling to draw a line dividing legitimate journalism from private, anti-U.S. intelligence work. Yet such a line must be drawn. We believe that anyone, regardless of the label he pins on himself, if he publishes the name of a covert employee or agent of U.S. intelligence, whose identity or relationship the United States is reasonably trying to keep secret, is not a journalist nor someone contributing to public discussion, nor a friend of the U.S. Constitution, but rather is a criminal who belongs in jail.

The third amendment gives virtually anyone the standing to sue in Federal court for a declamatory judgment on the constitutionality of the whole bill. This is intended as a signal to the courts that the Congress does not really believe the bill is constitutional and before it is enforced is eager for the courts to give their view. The courts, of course, are entitled to their own view of the Constitution. But so is Congress. We believe that the overwhelming majority of both the House and the Senate believe that the first amendment was not written as a charter for anyone to engage in covert intelligence activities against the United States. This broad majority, we believe, judges the bill constitutional. The courts ought not to be under the false impression this amendment is intended to purvey.

The final amendment introduces the principle that some agencies of the U.S. Government are so sacrosanct that they should not be used to provide cover for U.S. intelligence personnel:

> On page 14, line 2, insert immediately after "agency" the following: ", other than the Peace Corps, the Agency for International Development, or their respective successor agencies."

It matters little that the two agencies are Peace Corps and AID. The original amendment included ICA. Now ICA has written a letter asking to be included. Our objections would be equally strong, regardless of the agencies involved.

No other nation publicly excludes any entity, public or private, from the ranks of those among whom covert personnel can hide. Both experience and commonsense argue that once one begins to list ostensible "virginal" agencies, public or private, the pressure to lengthen the list becomes difficult to resist, and that undue attention is focused on those who are not on the list. This amendment is bad policy.●

TREATMENT OF CERTAIN INCOME UNDER THE SOCIAL SECURITY RETIREMENT TEST

● Mr. NELSON. Mr. President, the bill before the Senate today, H.R. 5295, would correct certain problems with the social security retirement test that have arisen since the enactment of the Social Security Amendments of 1977.

Legislation similar to H.R. 5295 was previously approved by the Senate on August 28, 1978, in the form of an amendment attached to an unemployment compensation bill (H.R. 12380). Unfortunately, this legislation never made it out of a House-Senate conference committee. The following year, on December 19, 1979, the House of Representatives approved by a unanimous vote of 383 to 0 the bill which is before the Senate today, H.R. 5295.

The social security retirement insurance program is a social insurance program designed to pay benefits when a loss of earnings has occurred due to retirement. From its inception, the social security program has used an annual earnings test to determine whether someone applying for or receiving benefits is, in fact, "retired."

Before 1978 there were really two earnings tests. There was an annual test, and a monthly test. When an individual earned more than the annual limit, then his or her benefits were reduced $1 for every $2 of excess earnings until all benefits were phased out. At the same time, however, for any month in which a person's earnings were less than one-twelfth of the annual amount, he or she could get a full benefit for that month, regardless of the total amount of annual earnings.

The 1977 amendments eliminated the monthly earnings test and left in place the annual earnings limitation, except for one "grace year." The purpose of this change was to simplify the earnings test and make more equitable the treatment of those who had similar amounts of annual earnings but differences in monthly work patterns.

Several categories of beneficiaries—self-employed insurance agents, farmers, accountants, lawyers, real estate agents, teachers, and students—have since experienced unforeseen problems with the new annual earnings test and have been disadvantaged by it. In addition, certain beneficiaries, such as mothers, children and workers entitled to medicare, have experienced unintended difficulties with the new earnings test. H.R. 5295 is designed to correct those inequities.

While remedying the unintended effects of the 1977 amendments, nothing in H.R. 5295 alters the basic decision made in 1977 to employ a strictly annual test of retirement from that point in time forward. H.R. 5295 seeks only to make this decision more equitable in its application.

RETIREMENT TEST UNDER CURRENT LAW

Under current law, the retirement test limits the amount of annual earnings social security beneficiaries under the age of 72 are allowed before their social security benefits are reduced. The retirement test permits beneficiaries age 65 and over to have higher annual earnings without loss of benefits than an individual under age 65.

In any year, each beneficiary under age 72 may earn an amount described in the statute for that year without any reduction in benefits. If a beneficiary exceeds this exempt amount, then his or her benefits are reduced by $1 for every $2 of annual earnings above that exempt amount.

For 1980, the exempt amount for an individual under 65 is $3270 and this amount will be increased each year in proportion to the rise in average earnings taxed for social security. For people age 65 and over, the exempt amount is $5,000 for 1980, $5,500 for 1981, and $6,000 for 1982. Starting in 1983, the amount will rise by the same percentage as the amount for people under 65.

The age at which individuals may receive full benefits without regard to their earnings will be reduced as a result of the 1977 amendments from 72 to 70, beginning in 1982.

Prior to 1978, a social security beneficiary was paid benefits for any month in which earnings did not exceed an exempt amount. In 1977, this exempt amount was $250 a month. The 1977 social security amendments, however, eliminated the monthly retirement test provision starting in 1978, and replaced it with an annual retirement test.

For the self-employed prior to 1978, a substantial services test was also applied in addition to the monthly retirement test. The primary measure used to determine whether an individual had engaged in substantial services was whether an individual had engaged in over 45 hours a month in self-employment. The monthly substantial services test was also eliminated by the 1977 amendments and was replaced by the annual retirement test.

The former monthly retirement test does apply, however, during the year in which a person first begins receiving social security benefits. This means, for example, that an individual earning $30,000 in the first half of 1980, who reaches age 65 in July when he or she retires, is eligible for social security benefits for the second half of 1980 so long as the individual does not earn more than the exempt amount, or $416.66 a month, in any month after June. If the annual earnings test were to be applied without this exception, then many wage earners would not be eligible to receive social security benefits in the first few months of actual retirement.

HISTORY OF THE RETIREMENT TEST AND THE 1977 AMENDMENTS

The social security retirement insurance program is a social insurance program designed to pay benefits when a loss of earnings has occurred due to retirement. From its inception, the social security program has included an annual earnings test to determine if someone applying for or receiving benefits is actually retired.

The 1977 social security amendments contained a provision which changed the earnings test by liberalizing the amount a person could earn and retain full benefits and by repealing the so-called monthly measure of retirement and the accompanying substantial services test for the self-employed.

The monthly earnings test was retained, however, for use in the first year of retirement because a person might actually retire at any point in the year and would need a monthly test to prevent his or her earnings before entitlement from affecting his or her entitlement to benefits after retirement in that year. Under this exception, a beneficiary could continue to use the monthly test in the first year that includes at least 1 month in which they were entitled to benefits and in which they neither exceeded the earnings limit nor, if self-employed, engaged in substantial services.

The retirement test changes in the 1977 amendments were made to address the inequity that occurred between one person who could arrange his or her earnings so that it was received in a few months out of the year and another individual who might have the same amount of annual earnings but have these earnings spread out over an entire year. The person whose earnings were clumped together in a few months could receive full social security benefits the rest of the year, while the person whose earnings were spread out over the entire year would lose part or all of his or her benefits.

In making the changes in the retirement test, however, several categories of beneficiaries were adversely affected in ways that were unintended.

GROUPS ADVERSELY AFFECTED BY THE CHANGES IN THE RETIREMENT TEST

Repeal of the monthly earnings test had an adverse impact on diverse groups of social security beneficiaries.

THE SELF-EMPLOYED: INSURANCE AGENTS, LAWYERS, ACCOUNTANTS, FARMERS

One category of persons who were adversely affected are the self-employed. Prior to 1978 when the combined annual-monthly earnings test was in effect, a self-employed beneficiary could receive a benefit for any month in which the beneficiary did not render substantial services in self-employment, even if annual earnings were substantial. The primary test used to determine whether an individual had engaged in substantial services was whether the individual worked over 45 hours a month in self-employment.

As a result, while the monthly earnings test was in effect, certain self-employed beneficiaries receiving income based on services rendered before retirement could receive 12 months of social security benefits so long as they did not breach the substantial services test. When the 1977 amendments eliminated the monthly substantial services test, however, the characterization of this income as earned or unearned became crucial and had immediate implications.

Several types of self-employed workers and retirees were adversely affected by the repeal of the monthly earnings test in 1978. Particularly affected are self-employed special and general insurance agents. Many of these agents sell insurance policies on which they receive renewal commissions—commissions that in many instances were long-planned for use as a retirement income. Under applicable tax law, income from the commissions is counted as income for social security and Federal income tax purposes in the year in which the income is received.

But, as long as the monthly test was in effect, the agents could receive 12 months of social security benefits since the test for self-employed beneficiaries under the substantial services test was 45 hours of work or less per month. With the monthly earnings test repealed, many of these agents lose some or all of their social security benefits when their commission income is substantial.

Similarly affected by the repeal of the monthly test are certain retired partners such as lawyers and accountants. The substantial services test applied to those beneficiaries who had retired from the partnership and were receiving a return of the capital—equity or debt—or work-in-progress payments they had invested in the partnership. Under the monthly earnings test prior to 1978, partners receiving such payments also could receive full social security benefits for any month in which they did not perform substantial services in self-employment. With the elimination of the substantial services test, the payments to the retired partner result in many cases in reductions or complete withholding of benefits.

Another group of self-employed beneficiaries affected by the 1977 amendments is farmers. Prior law permitted farmers to sell a crop in a year after the year of retirement without having that income cause a loss of social security benefits for any month so long as the farmer did not perform substantial services in self-employment in any month of the year in which the crop was sold.

Now that the substantial services test is limited to the year of retirement, income from a later year sale of a crop raised in the year of retirement or a year prior to retirement can affect a retired farmer's benefits under the annual earnings limitation, whether or not the farmer performs substantial services in the year of the sale.

SPOUSES, CHILDREN AND STUDENTS

The elimination of the monthly earnings test also proved to be unduly harsh on beneficiaries entitled to spouses's benefits or child's benefits, including student's benefits, in the year their benefits terminate and they go to work. Generally, these beneficiaries are likely to enter the work force and have substantial earnings in the year their benefits end. If these earnings are over the annual exempt amount, the benefits they already received in the year can become overpayments and have to be repaid. This occurs because the monthly test is not available to them, so that their earnings after benefits end can result in the reduction of benefits due them earlier in the year.

Frequently, these beneficiaries do not know at the beginning of the year whether they will have earnings later in the year. Requiring them to repay social security benefits received earlier in the year discourages them from working.

MEDICARE BENEFICIARIES

Under social security law, in order for a person to be entitled to social security hospital insurance benefits at age 65, that person must file for social security cash benefits even though benefits would be withheld because the individual's earnings are too high. As a result, a person's "grace year" can be inadvertently triggered by simply filing for health benefits with no real intention of seeking cash benefits. As a result, upon actual retirement from work in a later year, the monthly test is not available and the person might not receive any social security benefits until the following year.

TEACHERS AND OTHER SHORT-TERM BENEFICIARIES

The retrospective application of the elimination of the monthly retirement test adversely affected many beneficiaries, primarily because the "rules were changed in the middle of the game" and they were unaware of the rule changes.

Applying the annual earnings limitation retrospectively means that any person who filed a valid application for cash benefits and had one or more months of earnings below the monthy exempt amount, thereby making them eligible to receive cash benefits before January 1978, is deemed to have already used the monthly test year. This reduces benefits paid to many individuals who have drawn benefits in the past but had not yet retired. They would lose benefits in the year they actually do retire as a consequence of having filed for benefits prior to 1978. Retrospective application of the provision caught many beneficiaries unaware and without adequate opportunity to make personal retirement decisions necessary to meet the effects of the change to an annual earnings test.

The problems that have resulted from the retrospective implementation of the provision were heightened because the 1977 amendments were signed into law on December 20, 1977, only a few days before the new earnings test provision became effective on January 1. The Social Security Administration was unable to provide its field offices with revised operating instructions until after the legislation had been reviewed and all questions regarding implementation had been resolved. This delay caused some people to be paid benefits in early 1978 based on prior law; they then were considered to have been "overpaid" when the new law was implemented.

The retrospective implementation of the "grace year" provision has adversely affected about 265,000 beneficiaries who received benefits because the monthly test enabled them to receive benefits for one or more months before 1978 and can result in financial hardship. For example, a beneficiary who has used his or her grace year may retire in the middle of a year, but receive no benefits for the rest of the year because of his or her earnings for the first 6 months.

Some people may have taken a few months of benefits in 1977 or earlier even though they were not ready to retire. They could do this if they qualified under the monthly earnings test. For example, a teacher over age 62 who is paid only 9 or 10 months a year might take some benefits in the summer. So might someone over age 62 who had a period of illness or unemployment.

In the 1977 amendments the right of these people to use the monthly measure more than once was removed. The change was applied to past actions as well. This means that when the teacher actually retires in May 1978, or 1979, or sometime in the future, he or she has no monthly test available and may be denied any benefits at all for the rest of that year.

The Social Security Administration is allowing individuals caught in this retroactive trap to pay back those earlier benefits in order to receive full benefits when they actually retire. But they anticipate awarding only 12,000 such waivers to the 265,000 beneficiaries affected by the retroactivity of the new annual retirement test. Many people, whose incomes are substantially reduced at retirement anyway would have difficulty coming up with the money to repay these past benefits.

These negative effects of the 1977 amendments were not intended by Congress and are just not right.

H.R. 5295 CORRECTS THE UNINTENDED EFFECTS OF THE 1977 AMENDMENTS

CORRECTION OF THE PROBLEMS EXPERIENCED BY THE SELF-EMPLOYED

In response to the problems experienced by self-employed beneficiaries, section 3 of H.R. 5295 provides for the deferred income of both employees and the self-employed to be treated substantially the same for the purposes of the earnings test, that is, income attributable to services rendered prior to entitlement would not be included in gross income for earnings test purposes. The provision would be made retroactive to the effective date of the 1977 amendments and benefits would be recomputed for persons who lost benefits as a result of deferred self-employment income being included under the annual earnings test.

CORRECTION OF THE PROBLEMS EXPERIENCED BY BENEFICIARIES WHO ARE SPOUSES, CHILDREN OR STUDENTS

In response to the problems experienced by beneficiaries who are spouses, children or students, section 1 of H.R. 5295 provides for these beneficiaries to be permitted to use the monthly earnings test in the year their benefits end. This provision would not prevent a person from receiving a "grace year" when he or she later becomes entitled to a social security benefit as a disabled or retired worker. The change would be retroactive to January 1978 so that beneficiaries in these categories who lost benefits as a result of the 1977 amendments would have the benefits restored.

CORRECTION OF THE PROBLEMS EXPERIENCED BY MEDICARE BENEFICIARIES

In response to the problems experienced by medicare beneficiaries, section 2 of H.R. 5295 permits separate applications to be made for cash benefits for the nondisabled and for hospital insurance benefits—medicare—in order to reserve the "grace year" for the year the person actually retires. The bill also provides that people who have already withdrawn their applications for cash and medicare benefits and repaid the cash and medicare benefits received in order to reserve their "grace year" for another year would be deemed to have filed an application for medicare benefits on the date the original application for cash and medicare benefits was filed. The provision of the bill would not impair the authority of the Secretary of the Department of Health and Human Services with respect to the retroactive payment of medicare benefits in the case of people whose previously withdrawn applications for medicare benefits are reinstated.

CORRECTION OF THE PROBLEMS EXPERIENCED BY TEACHERS AND OTHER SHORT-TERM BENEFICIARIES

In response to the problems experienced by teachers and other short-term beneficiaries, section 4 of H.R. 5295 provides for the prospective application of the elimination of the monthly earnings test. All beneficiaries would have the use of the monthly earnings test in at least 1 year after 1977. As a result, people who lost social security benefits under the retrospective implementation would have their benefits restored.

COSTS OF CORRECTING THE UNINTENDED EFFECTS OF THE 1977 AMENDMENTS

Mr. President, the Social Security Administration has estimated that the costs of correcting the unintended effects of the change to an annual retirement test, as provided for in H.R. 5295, is $90 million in fiscal year 1981. Thereafter, the cost declines. I ask unanimous consent that a chart which illustrates the cost of each provision in H.R. 5295 for the fiscal years 1981 through 1985 be included at this point in the RECORD.

OASDI COST ESTIMATES FOR A BILL MODIFYING THE RETIREMENT TEST MONTHLY MEASURE—H.R. 5295 AS PASSED BY THE HOUSE OF REPRESENTATIVES, FISCAL YEARS 1981–85

[In millions]

Provision	Additional OASDI benefit payments in fiscal years 1981–85				
	1981 [1]	1982	1983	1984	1985
1. For persons receiving mother's or child's benefits, provide for application of monthly measure in year in which entitlement to such benefits is terminated	(2)	[3] $70	$31	$33	$36
2. Provide that an individual applying for medicare at age 65 does not also have to apply for retirement benefits at the same time	[4] —$4	3	7	10	13
3. Exclude all self-employment deferred income earned prior to entitlement	36	14	15	16	17
4. For all beneficiaries, provide for application of monthly measure in the first year after 1977 in which a "nonwork" month occurs	58	2	(2)	(2)	(2)
Total for H.R. 5295	90	89	53	59	66

[1] Payments in 1981 include all additional benefits for months prior to 1981.

[2] Less than $500,000.

[3] This estimate is based on the assumption that under present law, in the face of pending legislation, overpayments for 1978 and later will not be recovered until after fiscal year 1981.

[4] The estimated initial reduction in benefits is due to later filing of applications for OASI benefits.

Notes: (1) The estimates for each provision reflect the effects of the provisions that precede it in the table. (2) The bill is assumed to be enacted in September 1980. (3) The above estimates are based on the assumptions in the March update of the President's 1981 budget.

Because the Congress never planned that these "savings" would occur, the costs associated with correcting the unintended effects of the 1977 amendments should not be viewed as new costs. Rather, they should be viewed as expenditures that were supposed to have occurred, but failed to because oversights were made when the 1977 legislation was enacted.

H.R. 5295 SHOULD BE APPROVED BY THE SENATE

Mr. President, the unintended negative effects of the 1977 social security amendments must be corrected. Thousands of insurance agents, farmers, teachers, lawyers, accountants, real estate agents, children, and other beneficiaries have been unfairly penalized since the enactment of the 1977 amendments.

As I have pointed out, the House of Representatives unanimously approved legislation several months ago which would correct these inequities. It is imperative that the Senate also approve similar legislation.

H.R. 5295, the bill now before the Senate, would correct the unintended effects of the 1977 social security amendments. Its enactment is long overdue and its relief is desperately needed. I urge my colleagues to join me in supporting this important legislation.●

CLASSIFIED INFORMATION PROCEDURES ACT

● Mr. BIDEN. Mr. President, I am pleased to support the Classified Information Procedures Act. This bill is the product of over 3 years of effort in the Intelligence and Judiciary Committees to resolve the quote "graymail" problem. Graymail is the tactic used by defendants in national security cases to force the Department of Justice to drop criminal cases by threatening to disclose classified information.

In a report issued by the Subcommittee on Secrecy and Disclosure in 1978, the Intelligence Committee listed a number of cases where this tactic was a factor:

First, the perjury prosecution of former CIA Director, Richard Helms;

Second, a number of recent serious espionage cases;

Third, leak cases;

Fourth, bribery cases, including the TCIA investigation;

Fifth, narcotics trafficking cases;

Sixth, the Nha Trang murder investigation during the Vietnam War; and

Seventh, part of the Watergate case.

The graymail bill is a small but important step toward insuring that the intelligence agencies are subject to the rule of law and strengthening the enforcement of laws designed to protect both our national security and our civil liberties. I originally foresaw graymail legislation as being part of a larger package including comprehensive intelligence charters. Obviously, that will not be the case.

Unfortunately, graymail is not only the first, but may be the only legislation in the national security field enacted in this Congress. However, the enactment of this bill does illustrate that when a consensus is forged between the national security and civil liberties communities, complex legislation dealing with vital intelligence issues can be resolved.

Under the procedures established in the new law, a defendant will no longer be able to threaten the Government with disclosures of classified information that will later prove inadmissible. With both the prosecution and the defense present, the judge is to review in a closed proceeding the question of whether certain material could be used in a trial before the evidence is introduced. If the classified information is determined to be admissible, as an alternative to permitting disclosure, the judge may take sanctions short of dismissal against the Government, such as dropping counts of an indictment and finding issues in the defendant's favor. The Government could then decide whether to proceed with the prosecution knowing beforehand whether and what information would be released.●

RIGHT TO PRIVACY

● Mr. TOWER. Mr. President, the right to privacy lies at the very core of our democracy. Private citizens and especially members of the news media have every right to expect that our private communications and financial records will be protected from the prying eye of the Federal Government except under very special circumstances.

Clearly those circumstances are so special and unusual that the appropriate forum for defining them, necessarily on an ad hoc basis, should be the courts. Requests for access to private information should follow the due process provisions of the Constitution and such access should be jealously guarded by our judicial system.

Indeed, the Congress, in enacting "The Right to Financial Privacy Act of 1978" affirmed this philosophy with respect to records maintained by financial institutions. In my view, Mr. President, we must act to extend these protections still further.

I refer, specifically, to the protection of long-distance telephone records. The Supreme Court has ruled, wrongly I think, that telephone companies may release the records of journalists' long-distance calls without prior notice to the journalists. This effectively denies the journalists an opportunity to block the release of those records through legal action.

This situation is analogous to the situation existing with respect to financial records prior to passage of the Financial Privacy Act of 1978. Mr. President, abuses are occurring because of the ill-advised Supreme Court ruling and the legislative vacuum the Congress is permitting to exist. For the benefit of my colleagues, I submit for the Record an article from the September 12, 1980, Washington Post entitled "How Not to Subpoena" by Bill Green.

The article follows:

How Not to Subpoena

(By Bill Green)

The Department of Justice needed a question it didn't get and the result is a series of questions it didn't want.

Departmental policy makes authorizing subpoenas for reporters and their materials difficult.

Any federal prosecutor who requests such subpoenas must seek approval from the department's Criminal Division. The application must set out the facts, describe the need and demonstrate that the desired information is not available from other sources.

If approved by the Criminal Division, the application moves up the line until the attorney general signs off on it personally. Only then are the subpoenas authorized. There are no exceptions to the process, and it is buttressed by regulations that provide for possible punitive action for deviation.

The procedure is elaborate because the department wants to avoid what it describes as "chilling" a reporter's pursuit of information. While the press is at best uncomfortable with this potential invasion of its relationship with news sources, the department's precautions, if used as intended, can prevent capricious subpoenas.

The procedures do no apply to records of long-distance telephone calls to and from news offices and reporters. Over the strong protests of the press, courts have held that these records are the property of telephone companies, not the media.

Last June, the Justice Department's Criminal Division subpoenaed seven months of telephone toll records from the New York Times' Atlanta bureau and the same records from the home of the bureau chief. That's when the privotal question was not asked inside the department. The question should have been something like this even though we are entitled to subpoena these records, should we put the authorization through the procedures for issuing direct subpoenas for reporters or their notes?

The effect of subpoenas for reporters' telephone records unmistakably creates the "chilling" the department says it wants to avoid.

There was a note about the Atlanta subpoenas. It was written to the deputy attorney general from the Criminal Division. It did not ask approval. Since no action was requested, the note languished, as notes will.

The attorney general was unaware of what had happened until Southern Bell, as it is required to do, notified The Times last week that th Atlanta records had been turned over.

If it is inaccurate to say that the department's policy was violated, it is clear that the policy was avoided.

The department's spokesman called the Atlanta subpoenas a mistake. The attorney general has asked for a review of procedures. So the prospective remedy is a new departmental regulation that shouldn't be necessary but is urgently needed.

"We did it without a great deal of consideration as to how it related to the regulations," Philip Heymann said. Heymann is assistant attorney general in charge of the Criminal Division. He authorized the Atlanta subpoenas.

He added that neither The Times nor its bureau chief were targets of the investigation. Maybe not, but the Atlanta subpoenas sent a powerful and chilling signal to The Times and the nation's newsrooms, where the collection of information is not the business of government.●

THE U.S. ARMED FORCES MUST BE BETTER PREPARED

Mr. KENNEDY. Mr. President, the Nifty Nugget exercises in 1978 provided dramatic evidence of the serious readiness deficiencies in the U.S. Armed Forces. Yet today, 2 years later, it appears that very few of the problems turned up by Nifty Nugget have been rectified.

The continued lack of preparedness of the U.S. military was highlighted in a recent article by the New York Times, which revealed that 6 of the 10 Army combat divisions based in the continental United States, including two assigned to the Rapid Deployment Force, have been rated by the Army itself as "not combat-ready." These divisions, presumably of crucial importance in future conflicts, are experiencing manpower shortfalls of more than 30 percent. Shortages of skilled personnel are particularly severe, and weapons and equipment are in scarce supply.

Furthermore, of the four Conus-based divisions that are ready for combat, three are suffering "major deficiencies" and the fourth—the highly regarded 82d Airborne—is suffering "minor deficiencies." In other words, none of the 10 divisions has been designated as "fully combat-ready."

These shortages of experienced manpower are not confined to the Army alone. The Air Force is short more than 2,000 pilots and 400 navigators, while the reenlistment rate for fully-trained pilots has fallen below 25 percent. The Navy is short nearly 21,000 petty officers and 4,000 officers. Last year, the Navy suffered reenlistment shortfalls in 59 of its 85 major skill areas; our present fleet manning is consequently at only 85 percent of combat readiness.

The Army National Guard and Army Reserve units, which back up our active forces, have also experienced sharp declines in reenlistments. As a result, the Army National Guard is 16 percent below its authorized peacetime strength and the Army Reserve is even further—22 percent—below its peacetime level.

Without adequate numbers of skilled personnel, our overall force readiness has deteriorated markedly. In the case of the Navy, a lack of experienced crew members caused three warships that were scheduled to sail for the Mediterranean this past summer to be rated as "not combat-ready." In the case of the Army, nearly 7,000 mid-grade officers were reassigned early this month from the frontline in Europe and Korea to units back home that needed to be filled out.

The impact on the U.S. defense posture of the manpower deficiencies should not be underestimated. Norman Kempster and Robert C. Toth of the Los Angeles Times recently wrote that the personnel shortages in all of the branches of the Armed Forces have become "so severe that they undercut the Nation's ability to meet its potential military needs in trouble spots around the world."

Given the dangerous consequences of failing to meet our manpower requirements, it is imperative that we move quickly to rectify our most serious manpower problem: the problem of retention. The impact of our failing to retain skilled, experienced personnel was clearly stated by a skipper of a nuclear submarine. Toth and Kempster quote him as saying, "When you lose someone with 12 years experience, you cannot replace him right away. It takes 12 years to produce 12 years of experience and there are no shortcuts."

I believe the only effective way to encourage greater numbers of reenlistments is by providing our military with a living wage and decent compensation. That is why I support the 11.7 percent military pay increase for the coming fiscal year and that is why I will continue to support increased military pay and benefits in the future.

Furthermore, I welcome the Army's recent initiatives to extend the length of command tours for officers to 2 to 3 years and to require longer and more intensive training for the enlisted force.

Of particular concern to me are reports of shortcomings in our basic training program, and I believe we must substantially increase our efforts to provide realistic training operations that are suited for today's modern military.

Mr. President, in addition to our manpower shortages, there are other factors which have contributed to the low state of readiness in our Armed Forces: Inadequate maintenance and shortage of spare parts; the decline of our defense industrial base; and serious problems with our mobility forces. In the decade of the 1980's we must make it a top priority to address all these issues as we seek to enhance our military capabilities. Although the task will not be easy, the need is great.

I request that the articles in the New York Times and the Los Angeles Times be printed at this point in the Record.

The articles follow:

Army Rates 6 of 10 Divisions Unready To Fight

(By Richard Halloran)

Washington, September 8.—A confidential Army report says that six of the Army's 10 combat divisions in the continental United States were rated "not combat-ready" last December.

The rating means that it would take a unit about six weeks to be fully trained and equipped. Pentagon officials said today that the most recent ratings, based on evaluations of manning, training and logistics, were about the same.

The report also say that three divisions were prepared enough in the three categories to be rated ready for combat but with major deficiencies. Another division, the elite 82nd Airborne, was judged to be ready for combat but with minor deficiencies. None of the divisions was rated fully ready for combat.

GENERAL'S VIEW UNDERSCORED

A division, which has 16,500 to 18,000 soldiers, is the Army's largest integrated maneuver, support and logistics unit.

Officials explained that divisions deployed in Europe and South Korea, as well as priority needs for recruiters, training cadres and headquarters staff, had drained manpower and resources from the divisions at home.

The report underscored the description that the Chief of Staff, Gen. Edward C. Meyer, gave before Congress and elsewhere of a "hollow army" with shortages in personnel, training, weapons and equipment, and maintenance problems.

A "hollow army" at home was among the main reasons General Meyer announced last week that he has ordered 6,000 sergeants in Europe and 900 in South Korea to be reassigned to units in the United States. Army officers called that sharing the shortages.

The low ratings in readiness applied to two of the three divisions that have been designated as potential components of the new Rapid Deployment Force, whose mission is to move swiftly and credibly to protect United States interests in remote regions, primarily the Middle East.

The two units were the 101st Airborne Division, whose specialty is air assault by helicopter, and th 24th Infantry Division (Mechanized), which is the armored part of the deployment force. They were rated unready for combat. The third potential component of the deployment force is the 82d Airborne.

Other services have a similar lack of readiness, the Navy having postponed the sailing of a ship because she lacked enough skilled sailors to go to sea safely, and the Air Force having failed a tactical fighter squadron on a mobilization test.

DECLINES TO CONFIRM FIGURES

A spokesman for the Army said he could not confirm or deny the figures in the report, since they were from a confidential document. He also said he could not comment on the current state of unit readiness for the same reason.

Other officials, however, said that the figures reflected an accurate assessment of the various divisions' state of readiness. But they cautioned that the rating system only counted people and things and did not take into account materiel in storage or positioned overseas waiting for the unit, the quality of weaponry and intangible elements such as leadership. These officials said that many units, even those given low ratings, would be capable of fighting in an emergency.

Pentagon officials also said that the downward trend of the Army, which started in the 1970's had leveled off. But they said that improvement would have to await decisions on the 1982 military budget, which is now being prepared for submission to Congress in January.

General Meyer and Secretary of the Army Clifford L. Alexander Jr. have protested to Secretary of Defense Harold R. Brown about cuts in recruiting and training that Mr. Brown has said he intends to make in the Army's 1982 budget. They said in a letter to Mr. Brown that recommendations made by his staff would produce "the wrong Army prepared for the wrong war in the wrong decade."

CUTS "DON'T MAKE SENSE"

The head of the Army's readiness command, Gen. John R. Guthrie, has informed General Meyer that budget cuts in the past have prevented the Army from fulfilling peacetime supply and maintenance objectives. He contended that many budget cuts, particularly in maintenance, "do not make sense."

Combat readiness ratings are made for each battalion, a unit of about 800 soldiers, and other units of like size every month. The system of "C ratings" comprises four categories, with C–1 meaning fully ready to go and C–4 signifying not ready for combat.

The divisions with C–4 ratings were those whose personel strength was less than 70 percent of that authorized and where less than 65 percent of the people were qualified to perform the duties to which they were assigned. In weapons and equipment, a C–4 rating means that the unit has less than 65 percent of its authorized materiel and has less than 65 percent of the items critical to its mission.

While the Army has shortages in weapons and equipment, the primary reasons for the low ratings are shortages of people, particularly of sergeants who are leaving the service because they can find better paying jobs in civilian life.

Other deficiencies have arisen from a lack of funds for sufficient training or for adequate maintenance. As industry has delivered more and more goods of poor quality to the Army, maintenance problems have accelerated.

Lure of Civilian Pay Puts Heavy Drain on Military

(By Norman Kempster and Robert C. Toth)

McGuire Air Force Base, N.J.—The workhorse of the nation's beleaguered military airlift, the C–141, is getting old and crotchety, but the mechanics who maintain the four-jet cargo and troop aircraft have never been so young.

Many of the sergeants with 8 or 10 years of experience who once kept the planes flying have left the service for higher-paying civilian jobs. Taking the veterans' places in hangar maintenance areas are young recruits, many of them right out of basic training. And what the new mechanics do not know about their jobs would fill a book, air force officials say—a long, sad book.

Unfortunately, the problem with inadequate C–141 maintenance crews is far from unique. The Army, Navy, Air Force and Marine Corps are all struggling with shortages of experienced manpower—shortages so severe that they undercut the nation's ability to meet its potential military needs in trouble spots around the world.

NO SHORTCUTS TO EXPERIENCE

"When you lose someone with 12 years of experience, you cannot replace him right away," the skipper of a nuclear submarine said. "It takes 12 years to produce 12 years of experience and there are no shortcuts."

A growing national debate over the draft and the quality of the all-volunteer force has partially obscured the extent of the services personnel problems. There is a shortage of highly motivated, physically strong and mentally sharp recruits, to be sure, but the Pentagon's manpower difficulties go far deeper.

Most commanders interviewed by The Times during a three-month investigation agree that the loss of mid-career officers and noncommissioned officers, chiefly because military pay and allowances have failed to keep pace with inflation, is the most severe problem. The loss of these men hits hardest because, in every area of the armed forces, they are the specialists and supervisors who make the whole thing work.

But there are other soft spots in the nation's force of just over 2 million men and women at arms:

Although air force, navy and marine corps reserve components are at or over their peacetime personnel objectives, the army national guard and army reserve—which account for 71% of the total strength of active reserve units—are far short of their manpower goals. In addition, the army's individual ready reserve, a pool of potential "fillers" that would bring other units up to strength before they go into combat, is at least 200,000 men short of minimum requirements.

The weakness of the reserves is serious because, in the event of war, the army is counting on reservists to rush in and fill the gap between the huge standing army of the Soviet Union and the far smaller U.S. regular army. There would be no time to deal with shortages once trouble starts; the Pentagon plans to get reserves to the front 10 times as fast as it has in the past.

Women make up 7.4 percent of all active military personnel, a figure that is expected to increase to 12 percent by 1985. Pentagon figures show that, on the average, women in the enlisted ranks are brighter and better educated than enlisted men. But as growing numbers are placed in jobs that, although technically "non-combat," require service at or near the front lines, some senior officers are becoming concerned that some changes would be required in the event of war.

"I don't want women around when the killing starts," one colonel said. Other senior commanders worry that pressure would develop to reduce female casualties by moving women to the rear, even though qualified men might not be available to replace them.

Middle-level officers and NCOs in all services accuse recruiters of signing up too many recruits who do not meet minimum mental and physical requirements. A few recruiters have been charged with changing test results, but drill sergeants complain that the problem is far more widespread than it would seem.

Top commanders insist the overall quality of personnel is still good, but both the Army and Navy have found they must provide remedial reading classes to bring some recruits up to a sixth-grade level of literacy. One Navy instructor said the services are getting too many people who cannot get civilian jobs.

"I know if I was out there in civilian life I wouldn't hire 'em," he said of some of his students. "I wouldn't hire 'em if I was running a roof-cleaning business. They probably would fall off the roof and increase my insurance premiums."

Serious as the problems with new recruits may be, no other personnel problem is as damaging to the services' ability to back U.S. commitments as the NCO drain. For instance, Navy sources recently confirmed that the carrier John F. Kennedy, the cruiser Josephus Daniels and the destroyer Coontz, all scheduled to sail for the Mediterranean this summer from their home port of Norfolk, Va., have been classed as "not combat ready" because of shortages of key crewmen.

The Navy is short 21,000 petty officers and 4,000 officers. Adm. Thomas M. Hayward, chief of naval operations, said, "That's a big hole and we should never have let it get that big."

Another admiral noted that because of the loss of middle-grade petty officers, the master chiefs that the Navy would like to use as administrators have found themselves handling maintenance jobs that normally would be done by the middle grades.

An Army colonel who commands a Hawk anti-aircraft missile battalion said some maintenance men assigned to his command cannot even tell the difference between the Mark I and Mark II models of the rocket, let alone repair and maintain them.

Gen. Lew Allen, the Air Force chief of staff, says his service is "on the ragged edge" of losing so many NCOs that the entire administrative structure could be thrown out of kilter. The Navy, he says, may already be over the edge.

ACUTE PROBLEMS FOR AIR FORCE

The NCO drain creates particularly acute problems for the Air Force, but its difficulties show how the loss of experienced supervisors creates a fabric honey-combed with weaknesses.

Several years ago, the Air Force drastically reduced the length of the courses that recruits must take to learn such skills as aircraft maintenance. Advanced instruction now is supposed to be given through on-the-job training from middle-level NCOs who can do the jobs over, if necessary. But now these NCOs are in short supply.

Inside a giant C–141 hangar at McGuire, a senior master sergeant who works as a maintenance foreman said the new policy does not work because there are no experienced mechanics to do the training. "It is a one-on-one thing," the sergeant said, "and I don't have enough experienced people to be looking over their shoulders all the time.

To make matters worse, he said, he has had to replace experienced maintenance men with trainees who have received neither the previous level of classroom instruction nor adequate on-the-job training.

Last year, 40 percent of the Air Force NCOs who completed their eighth year left the service, up from 25 percent in 1975. In the Navy, 65 percent of the petty officers left the service after eight years, compared with 40 percent in 1975.

The big problem is money. When the draft was abolished in 1972, military pay was raised to a level that supposedly was equal to pay in comparable civilian jobs. Since then, budget constraints have prevented salaries from keeping pace with inflation.

For example, individuals in the military pay grade E–6—Army staff sergeants and Navy petty officers first class—earn between $11.400 and $14.000 a year, including their basic housing allowance. Growing numbers of lower-ranking enlisted personnel are so badly paid that they qualify for food stamps. A raw recruit makes $448.80 a month with a maximum housing allowance of $160.80 if he is married; the federal minimum wage is $520.80 a month.

"Some of those people who were killed at Desert 1—on the failed Iran hostage rescue mission—were making less money than the Iranian bus driver," Maj. Gen. Thomas M. Sadler, commanding general of the 21st Air Force, said with bitter hyperbole. "That's not the way to treat American folks."

Even if viewed only from the standpoint of government economics, Sadler argued, such policies are self-defeating. Counting the cost of training and other operational expenses, by the time a C–141 cargo plane pilot has completed two years in the cockpit, "we've got about $2 million sunk in him," he noted.

MUCH OF INVESTMENT LOST

Yet much of that investment is being lost because Air Force salaries are so uncompetitive that C–141 pilots are leaving the service in record numbers, many of them to take jobs with airlines. Mechanics, engineers and technicians are following the pilots out of the Air Force to higher-paying civilian jobs.

"The Air Force is a technical service," Sadler said. "Everybody in the Air Force has a job that the civilian economy wants."

The Navy faces similar problems with keeping people in its technical jobs.

Since the Three Mile Island nuclear accident, private power companies have been offering salaries of $50,000 a year and higher for trained nuclear shift supervisors, and salaries of as much as $30,000 a year for nuclear reactor operators. The largest pool of such nuclear personnel is in the Navy's submarine service, where the pay is far lower.

PAY PROBLEM IN RESERVES

Pay is also a problem in staffing the reserves. "In 1972 and 1973 the guard was running advertisements that a reservist could make a car payment every month from his drill pay. Now you are lucky to be able to pay for the gasoline to get to the drills," said Col. James Fleming, an Army adviser on the National Guard.

A PFC with four years of experience gets $79.04 a month for attending reserve drills one weekend a month; for a sergeant with four years experience, the rate is $85.89 a month. Officers fare a bit better. A second lieutenant with no previous military experience gets $110.32 a month in drill pay; a lieutenant colonel with 16 years of active and reserve service gets $290.88.

During the era of the draft, reserve pay was not an important issue because many men joined reserve components to avoid induction. In addition, draftees were required to serve a total of six years on active and reserve status. Those who chose the minimum of two years on active duty were required to spend four years in the reserves.

But when the draft was abolished in 1972, Army National Guard and Army reserve enlistments dropped dramatically. Right now, the Army National Guard has 353,100 personnel, about 81% of what it is supposed to have in peacetime. The Army reserve is in even worse shape with 197,000 people, 78% of the peacetime objective.

And if reserves seem like unimportant "weekend warriors" in peacetime, they occupy a vital place in wartime; almost half of the Army's total combat capacity is in the National Guard.

Gen. Robert M. Shoemaker, commanding general of the Army Forces Command, the parent unit of all reserve components, said the Army plans to rush guard and reserve units to the front "as fast as the air and sealift can get them there," at least within 30 days.

"This is faster by a factor of 10 than we have ever had to deal with before," Shoemaker said. "Never again will we have a year to mobilize while we are sheltered by allies and oceans."

Without the reserve components, the Army is grossly short-handed. Three of the Army's 16 active divisions have just two of the three brigades they would need for combat. Each of the three divisions would pick up a National Guard brigade before being sent overseas.

In addition, several other active Army divisions have three brigades in existence on paper but all three are short-staffed. Reservists would be used to fill in the gaps in these divisions in the event of war.

Even more important, perhaps, is that several vital combat support functions have been assigned to the reserves. Almost all smoke-generating companies, which would be needed to produce smokescreens to hide combat units in desert warfare, are in the reserves. The support command for the 18th Airborne Corps, which would operate airports and seaports as well as handle all sorts of logistics—including providing drinking water and supplying field medical units—in the event of fighting in the Persian Gulf, is organized with a National Guard unit to provide rear operations and to coordinate the defense of the rear area.

UNIT ESSENTIAL IN WARTIME

Officials of the corps say it would be extremely difficult to function in wartime without this National Guard unit.

In the past, guard units have seldom been counted on for instant response. Almost no guard and reserve units were mobilized during the Vietnam War. Eight of 27 National Guard divisions were called up for the Korean War but most troops were trained for months before being sent overseas. In World War II, four guard divisions were activated in early 1940, more than 18 months before the United States entered the war.

All of the services are using women in record numbers and most commanders are enthusiastic about their work, especially in some highly technical fields. There are potential problems ahead, however. By law women are barred from "combat," but the term has been defined very narrowly to exclude them only from infantry armor, artillery and other units that fight directly. Women have been integrated into such front-line jobs as medics, communications workers, and radar specialists.

WOMEN IN AIRBORNE DIVISION

The 82nd Airborne Division, the Army's showpiece fighting unit, has 130 women. All are parachute-trained and, in wartime, would be expected to jump into combat zones. Last May, 152 women from the 18th Airborne Corps, which includes the 82nd Division, participated in an all-female parachute jump at Ft. Bragg, N.C.

Training women to operate so close to the battle line has raised some disturbing questions for the Army. Some commanders are concerned that if war comes, the same Congress that refused to require women to register for the draft will demand that women be moved into areas of greater safety.

"We have women in jobs that they obviously can't do in combat," says Col. Joseph R. Franklin, deputy commander of Ft. Benning, Ga. "We have them in medic jobs that would require them to carry litters that are too heavy for most of them. We have them in signal jobs that require them to work ahead of the front lines.

"We took these women in because we couldn't get men," he said. "But now we are pretending it is all wonderful. In the event of war we are going to start being overly concerned about women. The commanders will start worrying about getting the women out. Who will replace them?

"There was that all-female parachute jump—that's wonderful. It makes good publicity. But what does that have to do with killing?"●

RECOMMENDATIONS OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

● Mr. PELL. Mr. President, in 1979 the U.S. Advisory Commission on Public Diplomacy became operational and began its work of assessing the policies and programs of the U.S. International Communication Agency (USICA), the successor body to the former U.S. Information Agency. The Commission has been charged with evaluating the effectiveness of USICA and with informing the public, both in this country and abroad, about USICA and its activities.

Appointed by the President, with the advice and consent of the Senate, the members of this bipartisan commission have spent their first full year reviewing America's public diplomacy efforts. Each of the members of the Commission brought to the task a unique set of perspectives and experiences, and collectively they scrutinized USICA's work from two perspectives—the appropriate role of USICA in the conduct of America's foreign affairs and the wise commitment of the taxpayer's dollar.

The Commission recently issued its first report on USICA and made several perceptive and helpful recommendations. As chairman of the Foreign Relations Committee's subcommittee that oversees the activities of USICA, I would like to share these recommendations with my colleagues and ask that those recommendations be printed in full at this point in the RECORD.

The recommendations follow:

RECOMMENDATIONS

1. As an investment in national security, the Congress and the President should substantially increase the resources this nation commits to the conduct of public diplomacy.

The Commission recommends that USICA's budget be increased by $200 million.

The Commission recommends that the President raise USICA's personnel ceiling by 30 percent.

The Commission recommends that Congress exempt public diplomacy activities from government-wide travel reductions.

BUDGET

In 1981, the United States will spend $162 billion on national defense. The proposed FY-1981 budget for USICA is $448 million—approximately 0.3 percent of what we devote to military spending.

The Commission strongly believes that it is in the national interest to view public diplomacy as an indispensable element in America's national security.

The strength of our country derives as much from the ideas we represent as it does from the military and economic power we exercise in support of those ideas. Soviet dissidents, the mass exodus of Cubans, Cambodians, and Vietnamese to freedom in the U.S., the spread of the human rights movement worldwide are recent manifestations of the power of these ideas.

Current across-the-board military increases are justified in terms of the nation's defense. They are not, however, an exclusive guarantor of national security.

All of us are concerned—and rightly so—that we not slip into military weakness. We are steadily modernizing our military posture. Yet cutting back our other international programs contributes to another kind of weakness, every bit as dangerous. It cuts back our arsenal of influence. Our support for liberty in the world—our defense of American and Western interests—cannot be mounted with military weapons alone. The battle for American influence in the world requires more than rockets, certainly more than rhetoric. It requires the resources that make our diplomacy effective. Secretary of State Edmund Muskie, addressing the New York Council on Foreign Relations, July 7, 1980.

If you give us scholarships, that is far better than giving us 100 tanks . . . While the Soviet Union offers hundreds of scholarships to Yemeni students and military officers, getting scholarships to the United States has been like pulling teeth without anesthesia." A senior advisor to President Saleh of Yemen, quoted in the New York Times, May 7, 1980.

USICA today is operating in real dollar terms with less than one-half the money the same programs had in the mid-1960's. If it were operating at those levels today, the Agency's budget would approach one billion dollars. Instead, its proposed budget for FY–1981 is $448 million.

Moreover, United States investment in public diplomacy is low in comparison with that of both our allies and our adversaries. A report issued by the General Accounting Office last year, The Public Diplomacy of Other Countries: Implications for the United States, found that in absolute terms the U.S. is outspent by both the Soviet Union and France and is nearly matched by West Germany. France, West Germany, the Soviet Union, Japan, and Britain all spend a higher percentage of their national budget on public diplomacy than does the United States.

*Cultural and information programs as a percentage of annual budget**

Country:	
France	0.7
West Germany	.6
USSR	.3
Japan	.21
Britain	.18
United States**	.1

*Source: General Accounting Office, 1979

**Includes Radio Free Europe/Radio Liberty.

USICA is rarely granted new funds to respond to international crises and opportunities, and all too often it is forced to reprogram from existing resources. Because of fiscal constraints, the Agency has been forced to cut vital programs and forgo significant opportunities.

Here are a few recent examples:

The Voice of America does not have the funds to convert from the vacuum tube equipment of an earlier generation to the more reliable and cost-effective solid-state systems of today.

The highly successful exchange of persons program has been reduced by almost 50 percent over the past fifteen years.

USICA was forced to divert funds from other important programs to finance long overdue increases in the Voice of America's Persian broadcasts to Iran.

USICA has 32 principal posts in Africa; 18 are staffed by only one American officer.

The $100,000 cost of evacuating Agency personnel from Iran, Afghanistan, and Pakistan was taken from USICA's current budget, forcing cuts elsewhere. Unlike the State Department, USICA has no emergency fund.

America Illustrated, the United States Government magazine that is sent to the USSR in exchange for Soviet Life, has lost its impressive size; its editorial content and staff are being reduced.

The Voice of America is just now beginning to broadcast to Afghanistan in Dari; it does not broadcast to Spain in Spanish, to Japan in Japanese. . . .

On March 3, 1980, then Secretary of State Cyrus Vance told the Chicago Council on Foreign Relations: "Precisely because the world has become a more dangerous place in recent months, we will continue to work to defuse its dangers." Decreasing our military vulnerability is one way to "defuse," but it is not the only way. As Ambassador Fernand Spaak noted on April 21, 1980, speaking for the Commission of the European Communities in the U.S.:

It is the friendships and understanding that are built between ordinary men and women that will ultimately decide the nature of relations between nations and continents . . . we have to go further and deepen (our) understanding beyond the official and diplomatic level. Our peoples themselves have to know one another better. . . .

Public diplomacy is in the front line of this effort, and if USICA is to perform effectively it must be given additional resources. The current level of support is simply inadequate.

An 18-year-old student of politics from Dublin recently wrote to VOA complaining, that it is 100 times easier to tune to Moscow than to the VOA. . . . This should be a matter of national security. The propaganda war waged by Radio Moscow is sowing the seeds of Marxist revolution and anti-Americanism among the poor and oppressed. . . . It is all the more effective because the voice of truth is weak.

The $200 million increased funding we recommend would merely permit the Agency to retain its current share of 0.1 percent of the total annual United States budget of FY–81, now estimated at $696 billion. A prudent assessment of our national security needs requires that we do no less.

Can the nation afford:

Weak VOA signals beamed to Central Asia, Central China, Eastern Europe, and the Near East? $70 million.

Not to initiate a modest USICA program in Zimbabwe, supporting the emergence of a new democracy? $500,000.

Not to support a major effort to address joint economic concerns through cooperative research with our European allies? $500,000.

Not to produce a major exhibit for a tour in China, responding to the special needs of two nations trying to close a thirty-year gap? $4 million.

Not to increase the number of USICA officers overseas by 10 percent in order to strengthen the impact of public diplomacy? $10 million.

Not to send Fulbright research scholars to developing countries with which we now have only limited contact and little exchange? $5 million.

Not to convert 19 VOA broadcasting studios to solid-state equipment? $2 million.

Not to convert from radioteletype to modern word-processing equipment for worldwide transmission of press items? $3.5 million.

Not to send our officers overseas with an adequate command of the local language? $2.8 million.

These are but a few examples. The Commission is not now recommending new programs. It is simply stating that what USICA is required to do demands resources which it currently lacks.

At the Commission's request, some Agency elements have outlined their requirements beyond the limits imposed by OMB and the Director of the Agency. Their persuasive and detailed justifications for increased budgets have clearly identified the severity of USICA's fiscal constraints.

PERSONNEL

USICA's budget is not its only diminishing resource. Also reduced is public diplomacy's most valuable asset—the American officer overseas and the staff required to render professional support.

Agency officers serving throughout the world provide the most direct, substantive, and effective link between the United States and the groups, organizations, institutions, and leaders in the countries to which they are assigned. Yet due to Federal hiring limitations and employment ceiling reductions, USICA is losing several hundred more positions this year.

The Commission finds this deplorable not only because of the impact on ongoing programs, but because it continues a fifteen-year trend. In Western Europe alone the number of American and foreign national employees has declined 81% since 1954. USICA's overall employment level has decreased by 30% since 1964. The cumulative impact of these reductions makes prospective cuts impossible to absorb.

Unresolved personnel problems exist in any large organization, in or out of government. This is no less true of USICA. However, the Commission believes that these are, by and large, difficulties apart from the question of sufficient staff. USICA does not have enough people around the world to do well those tasks which it is enjoined by legislation to do.

The Commission recommends that the President raise USICA's personnel ceiling by 30%.

The Commission is also convinced that the quality of USICA's language training must be improved to the point where more officers not only speak but think in the language of the country to which they are assigned. Courses should be designed specifically for USICA's personnel. Comprehension of the nuances and implications of words is requisite to full participation in the world of ideas, opinions, and perceptions of foreign peoples.

TRAVELING AND SHIPPING

Pursuant to Public Law 96-86 (1979), the Office of Management and Budget has imposed across-the-board restrictions on government travel and shipping. This applies despite the special needs of the foreign affairs agencies, and despite the existing overall inadequate budget available to USICA.

As a result of these restrictions:

There are now several countries where USICA's officers are confined to the capital city.

USICA's book distribution program has been severely curtailed.

Agency engineers are unable to maintain adequately USICA's overseas equipment.

Agency journalists—press and radio—are prohibited from traveling to some of the events on which they must file worldwide reports.

These are but examples of a depressingly long list. The Commission recommends that the Congress and the Office of Management and Budget exempt public diplomacy activities from these restrictions, and take the necessary measures to correct this setting of program policy by budgetary default.

2. USICA's Office of Research, with its focus on foreign public opinion, is critically important to all of the Agency's activities. It should be given independent organizational status, additional funds, and assigned the responsibility for evaluating program effectiveness.

The Commission recommends that the Office of Research report directly to the Agency's Director.

The Commission recommends that the Office of Research be granted an immediate increase of at least 100 percent of its current budget.

The Commission recommends that the Office of Research assume responsibility for evaluating the effectiveness of Agency programs.

The function of research in USICA is to advise the Director concerning foreign public opinion, to assess foreign attitudes toward specific policies and issues, and to evaluate the reasons for them. The Office of Research must identify what people think, and why, determining the basis on which foreign publics have formed their opinions. It should estimate the reaction of foreign policy to policy options under consideration by the Agency and the Administration. Research reports and analyses should become an integral part of Congressional and Executive foreign policy deliberations.

In addition, the Commission believes that the Office of Research should be responsible for assessing program effectiveness. Before the Agency sets policies governing the use of its many communication and exchange programs, the effectiveness of existing programs should be measured. The Office of Research should assume this function, providing substantive data to help management guide the allocation of resources on an Agency-wide basis.

The Commission notes that USICA does support some assessment programs: overseas inspections of Agency posts are conducted periodically; major resource allocation decisions are made annually through the Zero Based Budget (ZBB) process; and a new office has been formed to provide Agency managers with access to computer-based records of an estimated 20,000 separate items or services produced by USICA each year. However, the Agency must establish an independent evaluation staff within the Office of Research to identify what works, where it works, and why.

At present the Office of Research is required to filter its proposals and results through too many bureaucratic layers. The validity of research and its utility require maximum independence. In order to eliminate undue controls from external sources, the Office of Research should report directly to the Agency's Director.

The research budget for USICA represents 0.6 percent of the Agency's total allocation. The paucity of funds for contract research studies (less than $700,000) has forced the Office to limit its major efforts to only 14 countries worldwide. Foreign public opinion trends are not routinely available, and important surveys are not undertaken because of budget restrictions. In addition, social scientists in USICA are unable to travel within the U.S. with sufficient frequency to remain in touch with other scholars engaged in relevant research, and too often they are excluded from participating in international seminars because of travel cuts.

The Office of Research should be granted an immediate increase of at least 100 percent of its current budget. There should be far more studies initiated by USICA, such as the one recently headlined in The Washington Post:

STUDY SEES DANGER IN SOVIETS' INABILITY TO UNDERSTAND UNITED STATES

Soviet inability to comprehend the workings of the American system is currently producing a "dangerous" perception gap between the two nations, according to an unusual U.S. government research study.

At a time of exceptional tension between Moscow and Washington, the study found, "The situation is dangerous precisely because Soviet experts themselves tend to believe that they in fact understand American society" . . .

These findings emerge from a unique research project sponsored by the U.S. International Communication Agency.—Murrey Marder, Washington Post, July 11, 1980

The methodology was unique, the findings were surprising, and deliberations on the implications for U.S. foreign policy are now going on at the highest levels of government. This kind of effort should be routine for USICA, providing crucial insights and perspectives all too often absent in the government's decision-making process.

Many Agency officers are not sufficiently aware of research as an indispensable policy and program guide. There are too many instances in which research is not utilized because of ignorance of social science research capabilities. Junior officers should be rotated through the Research Office on a regular basis, thereby assuring a worldwide cadre of research-sensitive officers in the years to come.

3. The Commission recommends that the Director of USICA be assigned a permanent seat on the National Security Council.

USICA is required to "insure that our government adequately understands foreign opinion and culture for policy-making purposes." To do so, the Agency must become a full participant rather than just an occasionally-consulted observer in the foreign policy decision-making process.

USICA's professionals communicate beyond the sphere of traditional diplomacy. In the countries to which they are assigned Agency officers meet daily with students and educators, journalists and artisans, government officials and political leaders in and out of power. The Agency assesses foreign public opinions, public attitudes, trends, and developments. Overseas USICA's expertise is acknowledged and used. Most U.S. ambassadors are aware of the unique contributions the Agency makes to the development of strong bilateral ties between the U.S. and other nations.

In Washington, this is all too frequently not the case. Increasingly, U.S. foreign policy decisions must reflect a greater sensitivity to foreign cultures, to foreign public opinions, perceptions, and priorities. USICA has this sensitivity which should be considered in deliberations at the highest level. Congress and the President have jointly determined that USICA's Director shall serve as "the principal advisor to the President, the National Security Council and the Secretary of State."

Only as a member of the National Security Council can the Director fulfill this obligation regularly and effectively.●

CONGRESSIONAL AWARDS

● Mr. WALLOP. Mr. President, September 9, 1980, was an historic day for those involved with Public Law 96-114—the congressional award program. The inaugural meeting of the Congressional Award Board of Directors was held at the Capitol following a joint congressional leadership reception for Members of Congress and the national board members.

As the Senate sponsor of this program, which is designed to promote and recognize initiative, achievement and excellence in our youth in the areas of public service, personal development, expeditions and physical fitness; I wish to salute the voluntary leadership commitment that the members of the national board have given to this program. Those board members are: William A. Anders, Anne L. Armstrong, Frank J. Arlinghaus, Jr., M.D., William R. Bricker, William T. Coleman, Jr., John G. Fox, David A. Koch, Joshua L. Miner, Stanley C. Morris, Jr., Patrick L. O'Malley, Christopher R. O'Neill, oJhn D. Rockefeller IV, Dinah Shore, W. Clement Stone, John E. Swearingen, and Dr. Roberta van der Voort. Their spirit of volunteerism is totally in keeping with the objectives of the program and deserves praise.

I would also like to acknowledge the

significant contributions made to the successful passage of this program by the Honorable Edward Brooke, Congressman James Howard of New Jersey, sponsor of the companion bill in the House of Representatives and the Minnesota congressional delegation.

At the September 9 Congressional Award Board meeting W. Clement Stone, chairman and founder of the Combined Insurance Co., of America, was elected chairman, and Gov. John D. Rockefeller IV, of West Virginia, elected vice chairman of the national board of directors. I congratulate both of these distinguished Americans on their appointments, and offer whatever support I can provide.

W. Clement Stone richly deserves the honor which he has been accorded. It is largely through Mr. Stone's unceasing personal leadership and philanthropic efforts that the congressional award became a reality in 1979. He has again committed his personal time, talents, and resources in voluntary service to a worthy national cause. Under his able leadership the congressional award is destined to be a great success.

All those who have been involved with the congressional award can be justifiably proud that they helped create a unique educational program that will be open to the 37 million young Americans between the ages of 14 and 23.

The Congressional Award Board of Directors has authorized that the congressional award be launched with a 2-year Minnesota congressional award pilot program scheduled to begin in January of next year. Following the successful completion of the pilot project, the program will be developed on a regional basis.

Although the congressional award is a wholly independent national organization, it is not a new idea. The underlying philosophy and basic principles of the congressional award are shared with similar national programs operating throughout the world. All of these have developed from the concept of an award program developed in 1956 by the Duke of Edinburgh for young people in the United Kingdom.

In the 45 countries where these programs operate, award winners are recognized by the public as future leaders. As young Americans earn their bronze, silver, and gold congressional awards and communicate their achievements to their elected officials, their endeavors will enrich not only their own lives, but will positively affect the well-being of their communities and, ultimately, the Nation.

As a member of the national advisory council of the congressional award, I look forward to working with the board of directors and the congressional leadership in insuring the success of the program. I urge all my colleagues to continue their active support of the congressional award.●

ELLIOT RICHARDSON AND LAW OF THE SEA

● Mr. PELL. Mr. President, last Friday, Elliot Richardson resigned his position as head of the U.S. delegation to the U.N. Law of the Sea Conference. It was with great regret that I learned of Ambassador Ricardson's departure from this very important position after 3½ years of outstanding and arduous service.

Ambassador Richardson leaves his post at a time when the Law of the Sea Conference is on the brink of achieving its objective of a comprehensive treaty governing all of the uses of the world's oceans and the seabeds beneath them—in effect, a constitution governing three quarters of the Earth's surface. In my view, not only the United States but all participants in the Conference owe a huge debt of gratitude to Ambassador Richardson for the great dedication, imagination, and strength of intellect that he brought to bear in working to resolve one knotty issue after the other. In fact, I cannot imagine that the Conference would have been this close to success without Elliot Richardson.

Negotiating a Law of the Sea Treaty has been the most complicated and contentious endeavor in the history of world diplomacy. Many important American interests are at stake, and in order to secure those interests, it was vital for our delegation to be led by someone with stature, vision, and patience. Elliot Richardson met all of those tests and more.

I recall that when Ambassador Richardson came before the Foreign Relations Committee in 1977 for his nomination hearing, I was concerned that he might very soon be tempted by other opportunities and that consequently his tenure at the helm of our delegation would be brief. I am delighted to note, in this connection, that in his lengthy public career he has held his Law of the Sea post longer than any other one. Moreover, he once confided to me that he not only became fascinated by the issues involved in the conference but also felt that he had an opportunity to make a more enduring contribution to the furtherance of American interests than in any of the previous posts that he held. That is quite a statement for someone who has held three Cabinet positions.

I have followed the achievements of Ambassador Richardson with particular interest because of my own efforts beginning more than a decade ago to promote a third UN Law of the Sea Conference to take up the unfinished work of two earlier conferences convened by the United Nations in 1958 and 1960. In 1967, I introduced Senate Resolution 172, urging the President to "make all necessary efforts to place before the General Assembly of the United Nations a resolution endorsing basic principles for governing the activities of nations in ocean space." At about the same time, Malta's UN Ambassador, Arvid Pardo, introduced a General Assembly resolution declaring seabed resources to the common heritage of mankind and calling for an international agreement to implement this principle.

In 1968, the General Assembly, acting on Ambassador Pardo's recommendation, established a Seabeds Committee. In light of that, I introduced another Senate resolution the following year (S. Res. 92) proposing a specific multilateral treaty covering all the uses of ocean space, not simply those relating to the seabeds. I believe that this resolution played an important part in the eventual decision of the United States to participate in a third Law of the Sea Conference. My resolution is also generally credited with providing the necessary encouragement to the Nixon administration to enter into an international agreement banning nuclear weapons and other weapons of mass destruction from the seabed floor.

The United States has important national interests at stake in the Law of the Sea Conference, which began in 1973. For the treaty emerging from the Conference will affect our military, fisheries, trade, communications, resource, environmental and scientific research activities. In addition, the Conference has been an important test of whether the developed and developing nations, which have been at loggerheads on many issues over the past several years, can cooperate for their mutual benefit.

In this latter connection, the United States and other developed countries agreed to participate in the Conference principally to put an end to a trend of ever-expanding claims over ocean areas that threatened naval and air mobility. Their worst fears were that a rash of extended claims would develop resulting in the oceans' being carved up the way Africa was by the European colonial powers in the 19th century. The developing nations, on the other hand, looked upon the Conference as an opportunity to gain control over seabed resources, to obtain access to Western technology to develop those resources, and to achieve broad recognition for some extension of coastal state maritime jurisdiction.

The specific U.S. objectives in the conference have been to assure:

First, unimpeded rights of transit through, over and under straits and archipelagos;

Second, maintenance of all other high seas freedoms;

Third, assured access to seabed minerals;

Fourth, protection of the marine environment from pollution, and

Fifth, maximum freedom for marine scientific research.

In exchange, the United States has been prepared to recognize an expansion of the territorial sea from 3 miles to 12 miles, to agree to the establishment of a 200-mile exclusive economic zone, and to accept an international system governing the mining of the mineral-rich nodules that are scattered over much of the ocean seabed. Gaining assured access to seabed minerals has been the toughest issue to resolve. A key question in this regard has been the system of voting in the executive arm of the seabed authority that would be established to regulate ocean mining. As a result of a breakthrough on that issue at the session concluded last month in Geneva, it now appears likely that a treaty will be ready for signature during the summer of 1981.

The Christian Science Monitor published an excellent editorial on September 10 on the results of this most recent and important session of the conference, which I submit for printing in the Record.

The editorial is as follows:

FRESH WIND FOR LAW OF SEA

One major disputed issue and certain procedural matters have to be cleared up before final agreement on an international Law of the Sea treaty next spring. For years it had seemed as if this distant shore would never look this close. Yet progress was being made in the midst of regular reports of squalls and doldrums since the United Nations launched its third Conference on the Law of the Sea (UNCLOS) in 1973. In a striking push toward consensus at this year's sessions—first in New York and just recently in Geneva—the delegates from more than 150 countries have reached a point that makes a document ready for signing in 1981 more likely than once expected.

This means that practically all the problems that caused such difficulty have been worked out, and the diplomats involved deserve a global vote of thanks. They have had the extraordinary task of balancing national rights and interests against the concept of humanity's common heritage in the seas.

An example of their judiciousness lies in the preservation of freedom for scientific research in the coastal waters of states which may not have the technological resources to conduct such research themselves. They will have a say on such research but in a carefully prescribed manner.

As for the more publicized controversy over the mining of the valuable minerals in the seabed, the developed and developing nations reached a compromise believed to benefit all. Indeed, the developing nations cooperated to the point of an agreement close to the United States seabed mining legislation whose passage they deplored, with some justice, as a unilateral act threatening the advance of UNCLOS. This legislation recognizes third-world concerns by postponing commercial exploitation until 1988, and it will probably be overtaken before then by a Law of the Sea treaty. Under the present draft, private developers will be able to profit, and so will an international authority set up to participate in the development of the seabed and share the results. At the same time, the amount of minerals to be harvested would be controlled so as to keep from upsetting the market in these minerals produced on land.

With agreement also on such matters as free passage, fishing, and environmental safeguards, what remains to be done? First the Geneva document, including drafts by various committees and translations in various languages, must be put into "harmonized" form. Then in March and April the UNCLOS delegates will have to decide if the harmonized version still expresses their wishes. They will also have to decide such procedural matters as whether the treaty signers should include not only countries but such entities as the European Community, certain trust territories, and—a particularly vexed question—the Palestine Liberation Organization.

Which leaves UNCLOS with the one major substantive issue mentioned at the outset. This has to do with bilateral disputes, such as the one over fishing rights between Canada and the United States, which some delegates felt should never have been part of UNCLOS. But, having been brought up, they had to be dealt with.

The question is how adjoining countries—US and Canada, Venezuela and Colombia, for example—should handle the proposed treaty's provision for 200-mile zones of national economic jurisdiction, which would overlap each other's waters. One view favors a mathematical solution, simply dividing the waters on the basis of equidistance. Another favors the principle of "equitability," dividing jurisdiction to take account of the particular characteristics of each situation. The UNCLOS session in the spring will have to reach a meeting of the minds—or it could choose to omit the matter, leaving it to existing international law.

We trust that the delegates will continue the same painstaking dedication to achieving consensus that has brought them this far despite political strains. As it is, the developed and developing nations seem to be showing that a "North-South dialogue" can be productive on a vast subject like the sea, lending hope that it can be productive in other forums on the whole question of equitable development of the planet.●

UNIONIZING THE UNDOCUMENTED

● Mr. SCHMITT. Mr. President, in his series "Southwind," Mr Richard Louv of the San Diego Union has focused on the working conditions of the undocumented and their movement toward unionization in order to promote better working conditions. Mr. Louv's articles, of which this is the seventh that I have inserted in the RECORD, point out that Mexican migrant workers come to this country for a combination of reasons, that most only stay here temporarily and then return home with only a relatively few remaining permanently. Statistical evidence gathered by recent research indicates that these workers stimulate our economy. Other studies also show that in increasing numbers these undocumented workers are turning to unionization on both sides of the border as a way of protecting themselves from exploitation.

Mr. President, this and the other articles I have mentioned demonstrate why S. 1427, the United States-Mexico Good Neighbor Act, which creates a temporary worker program with Mexico, is a much-needed piece of legislation and one which I hope there will be action on in the near future when the Select Commission on Immigration makes its recommendations next spring.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

UNIONIZING THE UNDOCUMENTED

LOS ANGELES.—The smoke-filled union hall is packed with the men who make America roll, the men who stamp out red hot wheel rims and axles for cars and trucks, who burr and polish with precision thousands of car parts daily. About 100 of Superior Industries' 650 workers are here tonight, banding together to support unionization under the umbrella of the United Auto Workers.

What is remarkable, perhaps historic, about this meeting is that most of the men are undocumented workers—illegal aliens—from Mexico.

Until recently, most labor unions were antagonistic toward the undocumented. Illegal aliens have often been recruited as strike breakers. Since they were willing to work under the worst of conditions and for the least of wages, they were considered a direct threat to the American blue-collar worker.

That attitude is fading quickly. Since a landmark case two years ago, which indirectly opened the door to unhindered unionization of the undocumented, labor unions have been moving quickly and quietly.

Today, perhaps 30 percent of all undocumented workers in Los Angeles are unionized, according to a series of California State University studies.

A member of the plant's UAW organizing committee stands up and the group of men fall silent. He, too, is undocumented—encouraged by the UAW, as part of an effort to find natural leaders among the Mexican aliens.

He raises his hand (from which a finger is missing) and begins speaking passionately in Spanish:

"I am one of the people who believes we cannot stand alone anymore. We are not well educated. All of you know that the first to get laid off are the uneducated."

The men nod in agreement.

As Corona, and others, point out, unionization of the undocumented could:

Limit exploitation of undocumented workers, and protect their legal right;

Improve conditions for low-wage, native-born workers, and indirectly attract more U.S. citizens to the unskilled jobs they have tended to avoid;

Eventually decrease the pull of undocumented workers into the United States. Since employers would have to pay the undocumented and U.S. citizens the same wages, there would be less advantage in hiring the undocumented.

That this unification of domestic and foreign workers is taking place is all the more remarkable, considering how bitter the debate has been over the effect illegal aliens have on native U.S. workers.

Last December, Secretary of Labor Ray Marshall asserted that, without the presence of illegal aliens, unemployment in the United States would be below 4 percent.

Marion Houstoun, Marshall's Immigration Staff Specialist, insists the Labor Department is not advocating mass deportations:

"Our position is simply that at a time when we're experiencing considerable unemployment among teenage youth, particularly among minorities, this is no time to be talking about bringing in foreign workers."

Others link poverty in the Southwest directly to the flow of illegal aliens into the border regions.

"Geographically, Chicanos and illegal aliens are concentrated in the same areas of the country," says Dr. Vernon Briggs, Jr., a labor economist at Cornell University. "Illegal immigration is not the total cause of the widespread economic disadvantage among the Chicano population . . . but it certainly is a factor." Briggs adds that illegal aliens take jobs away from blacks, American Indians and low-income anglos as well.

The weight of the evidence so far, however, shows a much more complex picture than the one Briggs and Marshall paint.

Most experts agree that undocumented workers do take some jobs that Americans want, but not many.

"There is no scientifically reliable, hard evidence that undocumented workers cause unemployment," says Dr. Wayne Cornelius, director of the Program in U.S.-Mexican Studies at the University of California, San Diego. "In fact, they may actually be creating jobs for Americans."

In the principal labor-market areas where Mexican immigrants have been concentrated during the past decade, unemployment rates have been below the national average.

Unemployment among U.S. blacks appears unrelated to immigration, according to Cornelius. Since 1940, the rate of black unemployment has remained relatively constant, in relation to white unemployment (about twice as high), regardless of fluctuations in the rate of immigration.

Further, most unemployed Americans don't live in the sections of the country where illegal aliens are concentrated, he maintains.

Employers often point out that the majority of jobs being filled—dishwashing, bussing tables, stoop labor—are simply not attractive to Americans, whose expectations have been steadily rising. Several informal studies have shown that to be the case; low-income U.S. workers prefer job training, unemployment compensation, family support, and in some cases welfare.

"It's just unrealistic to expect blacks in Detroit or Navajos in New Mexico to sever their roots and travel thousands of miles to pick tomatoes or wash dishes, to take a job that can't support them if they have dependents," says Dr. Calvin Blair, a University of Texas economist.

Adds Cornelius:

Those blacks, Chicanos and Puerto Ricans who have achieved some degree of socioeconomic mobility during the past twenty years have done so precisely because they have managed to escape the kinds of jobs typically held by Mexican workers."

Cornelius and others contend that, were illegal aliens sent packing thousands of businesses would go under—or leave the country to set up shop in countries like Korea or Mexico, where cheap labor is available.

Millions of Americans may actually profit from the presence of illegal aliens, who spend 70 percent of what they earn here in the United States, in the form of retail purchases, rent and tax payments. One estimate is that each undocumented worker—who does not displace an American worker—creates jobs for four Americans.

Mexican migrants who work in seasonal jobs in the United States, and periodically return to their homes in Mexico, send about 30 percent of what they earn back to their families in Mexico—and these families, in turn, buy many U.S. exports. (Mexico is the fourth largest export market for U.S. firms.) That export market creates jobs for Americans.

"Many immigrants themselves start small U.S. businesses which generate jobs and tax revenues," says Cornelius. "The 700,000 refugees from Cuba, for instance, have been a major force in revitalizing the economy of southern Florida. Immigrants from Mexico, Korea, and Hong Kong have revitalized substantial sections of Los Angeles and New York."

Indeed, Mexican immigrants—legal or illegal—are apparently following patterns similar to earlier groups of hardy, industrious immigrants from Europe.

"Every other immigrant group in our history was charged with creating unemployment," says Dr. Sheldon Maram, a professor at California State University, Fullerton, who is conducting the most extensive study to date of undocumented labor in the Los Angeles Area. "Immigrants, however, have always stimulated the economy, created jobs. I suspect, when our study is completed, we'll find that Mexican immigrants are no different."

Rather than blaming unemployment on Hispanic immigrants, Cornelius believes, politicians should focus on helping poor Americans move up and out of the unskilled jobs, through job training programs, upgrading inner-city schools, enforcing anti-discrimination and minimum-wage laws, and improving mass transit.

These Americans would then be available to fill future demand for skilled, higher paying jobs.

If recent predictions about the shifting labor force are correct, such changes will be essential to a healthy economy. And so will Mexican laborers.

"The United States has an almost certain need for foreign migrant labor in the decades ahead, if it is to maintain its position in the international economy," says Dr. Clark Reynolds, a noted economist at Stanford University's Food Research Institute. Raynolds is immersed in the first study to link Mexican labor to U.S. Department of Labor projections of a shortage of unskilled workers during the remainder of this century.

What Reynolds projects is this:

The United States is headed inexorably toward zero population growth, and perhaps even a decline in population—even with slightly higher immigration quotas. America is an aging population, with fewer and fewer young people available for unskilled labor. Just in order to maintain its present rate of economic growth, the nation will have to import from 5 to 15 million foreign laborers.

"Without a larger supply of Mexican labor, inflation will go through the roof," insists Reynolds. "Without low-cost service workers in the health industry, for instance, Americans would simply be priced out of health care. By 1990, the United States would be unliveable for the elderly.

"Without immigrant labor, many companies would be forced out of the country; we would have to start importing much more of our consumer goods and food. The value of the dollar would plummet."

Could mechanization and high technology decrease U.S. need for foreign laborers? Yes, according to Reynolds:

"But the likelihood of that happening is almost nonexistent. We would have to start investing much more in research and development in order to reverse recent trends." Even then, he says, the investment would not pay off for decades.

Whether we like it or not, insists Reynolds, the United States and Mexico, in coming decades, are going to be interdependent not only in energy—but also in their labor markets.

"The labor movement in the United States is simply facing facts," says Bert Corona, standing with a group of picketers outside the Champ Corporation, which manufactures fork lifts and employs undocumented workers. Several of the pickets, in fact, are apparently undocumented—even though a Champ spokesman insists that illegals are not knowingly hired. "We're recognizing that the Mexicans are coming north, and that the country is probably going to need them. That's the nature of industrial nations; they always need a fresh supply of labor. But we also recognize that if we don't start caring about the working conditions and wages of Mexican workers, we're all going to suffer."

Corona is impatient with his fellow academicians, especially the economists who tend to cancel each other out.

"They'll study this thing to death, and the government will come up with some self-defeating proposals, and meanwhile years will go by and conditions will get worse. Organizing undocumented workers is probably the fastest, most natural method of regulating the flow from Mexico and guaranteeing our rights. Waiting for the government to figure out which direction it's going is ridiculous."

The Champ Corporation, in South El Monte, a Mexican town in Los Angeles' San Gabriel Valley, is one of several manufacturing and assembly plants targeted by labor unions for organization of the undocumented.

South El Monte has had a long history of labor struggle. At the turn of the century, it was one of the lonely, dusty camps of imported Mexican railroad workers that later grew into barrios. In the 1920's, it was the site of the famous Hicks Camp strike, which included a bloody confrontation between Mexican farm workers and strikebreakers. That strike represented one of a series of failed attempts to organize the undocumented.

Cesar Chavez' United Farm Workers made the first real breakthrough; today, a large proportion of UFW members are undocumented.

But urban workers were almost impossible to organize. They were more expendable to factory bosses than farmworkers were to growers; and the factories and sweatshops in which they worked were particularly vulnerable to Immigration and Naturalization Service (INS) raids. In order to stop attempts to organize, an employer had simply to pick up a telephone and call the INS. The troublesome illegal aliens would be deported, and replaced quickly by other illegals.

Bert Corona walks down the sidewalk, past the Starlight Drive-In Theater, a block away from the the Champ Corporation, and points to a long, low building; the SBICCA Corporation, a shoe manufacturing plant.

"That's where everything changed," he says.

In 1978, SBICCA workers had organized themselves and were negotiating for better working conditions and higher wages. Many employees were undocumented. During the negotiations, INS agents raided the factory, deporting 138 Mexicans, including the entire organizing committee. This time, though, raiding didn't work. The Retail Clerks Union and several lawyers specializing in immigrant rights took the issue to court challenging that the raids violate the National Labor Relations Act. The lawyers also questioned the constitutionality of the voluntary—and allegedly misleading—deportation forms the workers are asked to sign (as an alternative to a stint in jail).

A federal court order subsequently forced the INS to return the SBICCA workers. Some had already been deported, but 90 were still being held in San Ysidro. The INS bussed the 90 workers back to SBICCA. Today most of their cases are still being argued in court.

"As a result of that single case," says Corona, "there has been a dramatic drop-off in INS raids. In the last 22 months, not one factory has been raided during labor negotiations. The INS is aware that were they to continue, they would be challenged again and again, and thousands of undocumented workers would clog the courts."

Since then, union activity among the undocumented has spread quickly—including efforts by the UAW, United Steel Workers, Brotherhood of Carpenters, International Laborers Union, Amalgamated Meat Cutters, United Electrical Workers, the Longshoremen, the Teamsters and several garment workers' unions.

"We're interested in improving working conditions more than raising wages," says Corona.

Joe Razo, director of the Concentrated Enforcement Program, a state program designed to insure labor standards, has been charting just how bad those conditions are:

"Even though the Fourteenth Amendment forbids slavery, there are still forms of slavery in this country. We see it every day."

The division, focusing on undocumented workers, has collected nearly $3 million dollars in wages due employees in the last year and a half, and has assessed $800,000 in penalties for failure to provide workman's compensation insurance, and $200,000 in penalties for child labor violations.

In the garment industries of Los Angeles and on some farms in San Diego County, undocumented workers are making as little as a dollar an hour. And in many restaurants, undocumented workers are paid $300 a month for working 50 to 60 hour weeks. Although most undocumented workers earn the minimum wage, too many of them work in subhuman conditions.

"They may not mind those conditions," says Corona, "but we do. The only effective way of improving conditions for the undocumented—and for low-wage American workers—is to unionize. Because of the SBICCA case, within this decade, the vast majority of undocumented workers in industry, services and agriculture will be unionized."

Corona turns and walks back toward the Champ Corporation.

"There's an added benefit to this, by the way," he muses. "An undocumented worker who belongs to a union with a good health plan and other benefits isn't going to be a drain on U.S. hospitals or social services. In many ways, unionization is going to destroy the claims that undocumented workers are a drain on our society."

The Champ picketers circle around Corona. He talks to them quietly about the strike. One of them points to a company guardhouse built recently at the corner of the Champ property. Inside the guardhouse is a disheveled young man, who grins and waves.

"What are you guarding?" Corona calls up to the man, who shrugs and descends the ladder. He mugs with the picketers and, in Spanish, says to Corona:

"Nothing. I am guarding nothing."

"I know this man. He can't speak English," says Corona, winking. "The undocumented are guarding the undocumented."

Corona tells the strikers, who have been picketing for four months, to have patience. He walks toward the car. The rain begins again, and the strikers huddle deeper into their coats. The guard climbs back into the guardhouse.

"We have lots of patience," says a Mexican striker, laughing. "We'll be here for the rest of our lives."●

THE HESS FAMILY OF MINSK

● Mr. PERCY. Mr. President, this month begins the ninth year that the Grigori Hess family of Minsk has tried to emigrate from the Soviet Union and begin a new life in Israel.

Grigori, his wife Elena, and their two young daughters wish to be reunited with Elena's parents who live in Israel. Since they first applied to emigrate, the Hesses have suffered arrest and imprisonment, they have lost their jobs, and they have frequently been harassed by the police. In spite of all they have suffered, this courageous family has not wavered in their determination.

The Hesses are not, of course, the only Soviet family yearning to go to Israel. But it is my hope that by taking note of their particular situation we will also rededicate ourselves to the cause of all the other families seeking a new homeland.

Families in 11 American States and 6 foreign countries have "adopted" the Hess family. To commemorate this sad anniversary, they are making a special effort to draw attention to their plight in the hope that it might somehow convince the Soviets to allow them to leave.

Let us pray that by next year at this time the Hesses' dream will have been fulfilled.●

WE WILL ACT TO DEAL WITH HAZARDOUS WASTES

● Mr. DOLE. Mr. President, in recent weeks there has been considerable concern over the prospects for completing action on the "superfund" legislation in this Congress. The House and Senate superfund bills provide the means for dealing quickly and effectively with abandoned waste sites, cleaning up future spills, and discouraging careless or irresponsible actions that may release hazardous wastes to the environment. These are urgent problems, and we must do everything we can to assure prompt passage of a responsible superfund bill.

I am pleased that an agreement appears to have been reached that should enable us to complete action on a superfund bill by the end of the year. As I understand the procedure, the Finance Committee will take referral of title 5 of Senate bill, S. 1480, and act on it by November 21. This is a sensible procedure: It will give the Finance Committee sufficient time to recommend changes that it deems necessary, but it will also ensure that Congress has time to complete action in its post-election session. As ranking Republican on the Finance Committee, I believe this is a sensible way to proceed.

Mr. President, the problem of hazardous waste disposal—particularly with regard to abandoned dump sites—must be one of the highest priorities of this Congress. Fortunately, considerable progress has already been made. Two bills recently have passed the House, dealing with spills in navigable waters and with releases of hazardous substances on land. Here in the Senate, the Committee on Environment and Public Works has reported S. 1480, which takes a somewhat broader approach to the problem of chemical wastes. There are significant differences between the House and Senate approaches, and they will have to be resolved as soon as practicable. But the groundwork has been established for passing a responsible superfund bill in this Congress, and it is our obligation to do so.

The need for action is clear: The sooner we clean up known sites, the sooner we can reassure our citizens who fear the unpredictable consequences of hazardous wastes contaminating ground and water, or circulating in the air. Because we are so uncertain of the harm many hazardous wastes can cause, we must be willing to err on the side of caution by making sure that all known waste sites are cleaned up and by acting to prevent future contamination. Intelligent action now can insure that our citizens need not live in fear of injury from irresponsible disposal practices used in the past.

Mr. President, at the same time it is good that we will have sufficient time to examine the scope of the various superfund proposals and see what they will and will not do. There are, for example, hazardous waste problems in Kansas—not as severe as in some other States, but overwhelmingly important to the Kansans who are affected. I want to be certain that the superfund legislation we approve will meet the concerns of those Kansans. The Environmental Protection Agency has located 34 potentially hazardous waste sites in Kansas, and I want to be sure that any threat from those sites is covered.

In addition, EPA has indicated there are eight additional sites in Kansas City which may be contaminating the air: Those must be dealt with. I understand there is also some leakage of liquid petroleum gas stored in salt caverns near Conway, Kans. That, too, must be dealt with, and I intend to see that the bill we approve is adequate to the task.

Mr. President, I am glad to have the opportunity to record my strong support for superfund legislation in this Congress. It is possible to structure legislation to deal with the immediate problem of known sites, and to provide a mechanism for future cleanups and compensation to victims. It is possible to do so without imposing an unreasonable burden on industry, or on the responsible users of chemical products, such as the farmers who use pesticides and fertilizers. If we take a reasoned approach, we can reach a just and equitable apportionment of the costs of dealing with the hazardous waste problem. We can provide for compensation to victims of careless hazardous waste disposal without imposing an unlimited liability scheme on industry or on citizens whose use of chemical products is vital to their farm or business. There is room for compromise, and there are broad areas of agreement.

Now we can get on with this task, and I look forward to working with my colleagues on the Finance Committee in structuring an effective superfund bill. I know that the committee will expedite this legislation when we reconvene in November, because we have a job to do here.●

COGENERATION TAX PROVISIONS

● Mr. PACKWOOD. Mr. President, on July 2 of this year, I submitted for the Record an outline and discussion of some legislative proposals to further the use of cogeneration as a means of producing and conserving energy in this country. After review by congressional staff and other interested parties, the cogeneration tax provisions have been refined. To encourage further discussion of these issues, I ask that the following summary of the provisions be printed in the Record.

The summary follows:

Cogeneration Tax Credit

1. Amend the current business energy tax credit for cogeneration equipment provided in the Windfall Profit Tax Act of 1980 as follows:

Modify the definition of cogeneration equipment to insure that *mechanical cogeneration* qualifies for this tax credit, as well as cogeneration equipment that uses energy sources such as solar, biomass, and geothermal energy. Thus cogeneration equipment should be defined as equipment for the sequential production of electrical or mechanical energy, and another form of useful energy (such as steam or heat) from the same energy source.

Increase the amount of the business energy tax credit for cogeneration equipment from 10 percent to 20 percent.

Extend the termination date for the business energy tax credit for cogeneration equipment from December 31, 1982 to December 31, 1985, with an affirmative commitments provision for facilities under construction until 1990.

Ensure that the business energy tax credit for cogeneration equipment is available for oil and gas-fired equipment installed in a cogeneration facility that qualifies for an exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

Remove the current exclusion against public utilities qualifying for the business energy tax credit for cogeneration equipment, which is characterized as public utility property.

Require the Department of Treasury to promulgate proposed regulations to implement these modifications within 90 days after the date of enactment, and to promulgate final regulations within 270 days after the date of enactment.

OTHER MISCELLANEOUS ISSUES

2. Other miscellaneous issues relating to the cogeneration tax credit have been dis-

cussed over the past several months which require further analysis and consultation with interested groups. These issues include: permitting the cogeneration tax credit to be available for new facilities as well as modification or retrofit of existing facilities, permitting the cogeneration tax credit for the total costs of the cogeneration system installed (such as necessary pollution control equipment, etc.), accelerated depreciation for energy conservation equipment installed in cogeneration facilities (which is under consideration in separate legislation before the Congress), and industrial development bond financing for cogeneration facilities.

These issues are under further review, but at this stage are unlikely for consideration in any proposed legislation.●

JOHN D. AND CATHERINE T. MACARTHUR FOUNDATION

● Mr. PERCY. Mr. President, I call the attention of my colleagues to the innovative and potentially groundbreaking work being done by the John D. and Catherine T. MacArthur Foundation of Chicago, Ill.

The MacArthur Foundation's goal, as established by its board of trustees in 1979, is to seek out the best minds in all fields of discipline and give these individuals the funds they need to pursue their work unburdened by monetary concerns and unfettered by reports and other redtape. The concept behind this goal is in furtherance of John D. MacArthur's faith in the ability and creativity of the individual.

The Foundation's program is also innovative in that the Foundation itself seeks out and identifies potential grantees, based on their current achievements and the Foundation's assessment of their future potential. Once the grantees have been chosen, they are free to pursue their work without supervision of any kind. The MacArthur Foundation's vision is that it will be able to provide the fertile ground in which the potential Einsteins of today can grow and flourish.

The Federal Government, in its own support of the creative disciplines, does not and cannot give talent the freedom to develop in this manner. Proposals must be written and reports filed. The Government is responsible to the people for how their tax money is spent and in this process must necessarily place some fetters on those to whom it provides funds. This serves to point up vividly that no one should be under the illusion that government can replace the continuing need for generosity and creativity by private individuals and organization such as John D. and Catherine T. MacArthur and the MacArthur Foundation.

Mr. President, the Washington Star recently published an article by John Love from Quest–80 magazine describing the creation and activities of the MacArthur Foundation. So that my colleagues can learn more about this bright, new, creative Foundation, I ask that extracts from the article, as well as the names of the board trustees of the Foundation, be printed at this point in the RECORD.

The material follows:

SEEKING AMERICAN GENIUSES

(By John Love)

The MacArthur Foundation, a legacy of billionaire John D. MacArthur, has launched an altruistic mission to distribute at least $25 million a year to "creative mavericks," including artists and scientists. "Nominators" have already embarked on search-and-bestow sorties to discover geniuses who will be given grants of up to $50,000 a year to "do their own thing" without bureaucratic interference or red tape. In the September issue of Quest-80 magazine, John Love, author of "The Touch Code," describes America's newest philanthropic trust, but warns: Don't call the foundation; its nominators will find you.

Lorenzo de' Medici, the Renaissance prince, had the romantic notion that the world can be improved by surprising the right people at the right time with a hefty gift of windfall cash. He sent his personal agents roving across Italy "like dogs of the chase, seeking out rare souls and vagabond geniuses for me to encourage." When he found them—poets, philosophers, scientists—he was wise enough to set them up in Florence with free room and board and ample living allowance, and then to leave them alone. The Medicis were patrons who were never patronizing. "Men of genius," Lorenzo declared, "need only be humored, never controlled."

The same idea is beginning to unfold in contemporary America, courtesy of the John D. and Catherine T. MacArthur Foundation, which aims to launch a breathtaking experiment in human potential with consequences reaching into the next century. A high-powered squad of MacArthur Foundation talent scouts—"nominators" with prestigious credentials—will soon fan out across the nation. They will be engaged in a quiet but dramatic search for a kind of holy grail: the spunky, brilliant people who are our real national resources. The MacArthur nominators will seek "geniuses" in every field of endeavor, and they'll be prepared to offer them no-strings grants of up to $50,000 a year for five-year periods up to 20 years. Some special "laureates" may be awarded generous annual prizes for the rest of their lives.

The MacArthur Foundation is one of America's newest philanthropic trusts. With assets exceeding $500 million, roughly on a par with the Rockefeller Foundation, it is also one of the largest. Only the Ford Foundation, the Robert Wood Johnson Foundation and the Andrew Mellon Foundation are estimated to have greater assets. Since federal law requires a foundation to dole out 5 percent of its assets annually, the MacArthur Foundation faces the task of giving away a minimum of $25 million every year. Part of that staggering sum will go to a select group of MacArthur Prize Fellows: people who will actually get a call or a knock on the door telling them that they won't have to worry about paying bills for a while.

Part of the romance and intrigue of the MacArthur Prize Fellows program is that no one can apply for a grant; you have to be hunted down by one of the roving scouts. There's no need to compose a lyrical project outline or statement of intent either; the MacArthur Foundation insists it wants to fund "people, not projects."

MacArthur Prize Fellows won't have to fill out quarterly progress reports to a supervising committee, because there will be no supervising committee. If they want, they can take the money and run. The MacArthur Foundation, like the Medicis, believes that genius does what it does best when supported and left alone.

J. Roderick MacArthur, the 58-year-old son of the man whose vast empire provided the foundation with its fortune, puts it this way: "We're betting on individuals rather than institutions. And we want to bet on mavericks particularly—the kind of people who know the rules and want to question them. The idea behind the MacArthur Prize Fellows program is that Einstein could not have written a grant application saying he was going to discover the theory of relativity. You can't write a proposal saying you're going to discover something you don't know exists. Einstein needed to be free and so do future Einsteins."

John D. MacArthur, the youngest son of an Evangelical preacher from Pennsylvania, never got past the eighth grade. He did get a literary education of sorts from his brother Charles, a Pulitzer Prize-winning journalist and playwright who married Helen Hayes and coauthored the popular play "The Front Page."

But John MacArthur decided to follow another brother, Alfred, into the insurance business. In 1928 the future billionaire was headquartered in a rundown building on the seedy side of Chicago, with assets totaling exactly $15.34. But he had lots of energy and a unique selling proposition: "Sell a man a policy for whatever he has in his pocket. A dollar a month would provide $1,000 at death, enough to bury him." The idea worked, and in 1935 he bought the Depression-sick Bankers Life and Casualty Company for $2,500. MacArthur was soon selling so much health insurance and so many death benefit plans that he could "buy other companies hand over fist."

His empire eventually included 100,000 acres of land in Florida, where he founded the cities of Palm Beach Gardens and North Palm Beach; Bankers Life and 11 subsidiary insurance companies; 61 New York City office buildings including the Gulf & Western building; the Executive Center office complex in Dallas; several development companies and shopping centers around the country; huge parcels of land in Colorado, California and Arizona; six pulp-and-paper companies; radio and TV stations; numerous banks and utilities; a tug and barge fleet and an oil-drilling company.

When he died in 1978 at the age of 80, John D. MacArthur had already organized the MacArthur Foundation to protect his fortune from the 70 percent inheritance tax bite, and he had named a six-member board to run it.

But the MacArthur Foundation was born without any sense of mission about anything in particular. The trustees, in the beginning, had conflicting pet ideas. Soon, however, Rod MacArthur was fighting for an idea first proposed by Dr. George E. Burch, a New Orleans cardiologist. Burch contended that most philanthropic dollars are "poured into self-perpetuating programs designed to reflect the opinions of the committees that established them" and are chiefly "dedicated to the accumulation of data." He had a better idea: Seek out the best minds, give them money to live on, and then leave them alone. "Only an occasional person," he said, "or maybe only one or two, would produce a great advancement or originate a great thought—but just one would justify the cost."

To Rod MacArthur, Dr. Burch's idea was "the mission we had been looking for" and a concept that was in keeping with his father's faith in the individual. But as enthusiastically as he lobbied for the grants-to-geniuses concept, so did other directors raise objections.

But in May 1979 the foundation's crisis seemed resolved by the election of several additional directors. The new directors announced initial grants to the Better Government Association of Chicago and to Amnesty International, indicated a long-term commitment to the mental health field, and endorsed the grants-to-geniuses idea. To launch it, they earmarked $6.5 million for a two-year pilot program to support up to 50 MacArthur Prize Fellows.

Who's eligible to become a fellow?

"Anyone," says Rod MacArthur. "Everyone, MacArthur Prize Fellows will be innovators from the arts, the humanities, the sciences, every professional discipline you can imagine. We certainly will not be limiting ourselves to scientific researchers."

"Nominators will submit names and together with the foundation staff we will begin to develop information about the nominees to present to the selection committee." says program director Dr. Gerald Freund. "Later in the selection process there will be interviews—but I regard the term interview to be inadequate to describe the ways we will get to know the nominees."

MacArthur Prize Fellows grants will be accompanied by so many generous extras that their actual cash value may approach $75,000 per year. If a prize fellow happens to be already associated with a university, for example, the foundation will pay for work space and an office. A prize fellow will also have access to an annual $10,000 "drawing account" for work-related expenses, as well as a package of benefits including health care, insurance and pension plans.

The grants raise a perennially unanswered question about the nature of creativity: Does the blood of a genius race faster when he is pursued by a posse of creditors? Will the MacArthur Foundation money make life so comfortable that even a great inventor or composer might grow lax and drowsy?

"The program," Rod MacArthur says, "is an open-ended experiment. It just might teach us something about creativity and creative minds—how they work, what makes them work better. At what point in a person's life does support do the most good? It's true that when a prize term ends, 're-entry' will be tough, possibly a trauma for some. That's one of the things we'd like to study. "But we don't want our curiosity to become interference. We do intend to document the program, to keep track of the observable exterior progress of these people without poking into their private affairs. There are lessons to be learned here, and we hope they'll want to volunteer information or tell us how things went. But even before the program gears up, we're confident that it's a once-in-a-million-lifetime opportunity for talented Americans to do things that really matter."

BOARD OF TRUSTEES

John D. and Catherine T. MacArthur Foundation.

John Corbally, Paul Doolen, Robert Ewing, Gaylord Freeman, Murray Gell-Mann, Paul Harvey, William Kirby, Edward Levi, Catherine MacArthur, J. Roderick MacArthur, Jonas Salk, William Simon, Jerome Wiesner.●

THE 96TH CONGRESS

● Mr. ARMSTRONG. Mr. President, at critical moments in their history, the English people had a habit of giving special names to sessions of their Parliament that captured the essence of that session of Parliament. There was a "Long Parliament," a "Short Parliament," a "Rump Parliament," and so on.

If Americans had the same tradition, I am convinced the 96th Congress would go down in history as the "Procrastinating Congress." Congress has postponed so much of the Nation's business that such a moniker is well earned. And for that matter there is considerable dispute over which has caused the more harm: What we have done, or what we have left undone.

We are going into recess today, after the start of the new fiscal year, with the most basic and the most important business of this or any Congress left undone. The 1981 fiscal year has begun, but we have not yet approved a budget for the 1981 fiscal year.

We are facing the greatest threat to our liberty and security since the Nazi armies raged across Europe 40 years ago, yet we have not even approved the appropriations for the Department of Defense for the 1981 fiscal year.

Our economy is mired in a stagflationary recession. Millions of Americans who need jobs are out of work. Yet Congress is going home today without even giving consideration to a well-crafted tax cut bill that could get our economy moving again.

We are not leaving Washington today with our work undone because we lacked for time in which to do it. Two hundred and seventy-three days have elapsed since the year began. But Congress has been in session for only 131 of them.

And we need not leave Washington today with our business unfinished. Nowhere is it chiseled in stone that we must adjourn on October 1. Indeed, until a few days ago, we had not planned to adjourn prior to October 4.

Of course, this is an election year; Members are eager to get home to campaign. But this understandable eagerness is by no means a justification for setting aside pressing national business.

Indeed, the fact that this is an election year makes it all the more important that our legislative business be finished before the election. The voters have a right to judge their Senators and Representatives on the basis of their records as well as their rhetoric. To put off the most important public business until after the election is irresponsible.

So much important business has been left undone that a "lame duck" session of Congress following the election is now inevitable. There have been only two such lame duck sessions since 1954. The first, in 1970, dealt mostly with routine legislative items that nonetheless had to be enacted by a date certain. The second, in 1974, was convened principally because of the need to confirm Nelson Rockefeller as Vice President following his appointment by President Ford.

But the lame duck session being contemplated by the Democratic leadership now would be convened neither for the purpose of clearing up routine but necessary legislation that could not find its way onto a crowded calendar prior to adjournment, nor to deal with a sudden emergency. The sole reason for the lame duck session of the 96th Congress is to permit Members to evade taking positions on critical issues until the elections are safely past.

Chief among these critical issues is the size and the shape of the Federal budget for the fiscal year that begins today. The Budget Committee completed its markup on the proposed second concurrent resolution on the budget August 27, more than a month ago. There was plenty of time between then and now to bring it to the Senate floor for action. There was plenty of time between then and October 4, the original date scheduled for Congress adjournment.

Despite the fact that the Budget Act stipulates that the second concurrent resolution should be agreed to by September 15, and despite the fact that there was no other pressing legislation clogging its path, the leadership refused to bring the budget resolution before the full Senate.

The reason for this unconscionable delay is obvious. The Democratic majority in the Senate is unwilling to provide the spending restraint and the balanced budget that the American people and the Nation's economic health are demanding. But the Democratic leadership is even more unwilling to approve an unbalanced budget containing massive spending increases while the voters still have time to retaliate at the polls in November.

The budget for which Senate Democrats are unwilling to vote proposes boosting Federal spending to the unprecedented height of $633 billion, $53 billion more than spending in the current fiscal year, and $230 billion more than 4 years ago.

The ersatz balance of the first concurrent resolution has been exposed for the fraud it always was. The budget for the 1981 fiscal year will have a deficit of at least $18 billion, a deficit that could rise to as high as $40 billion. This on top of deficits totalling $140 billion in the last 3 years alone.

Much the same thing is happening with regard to tax cuts. For most of this year, we have been mired in a stagflationary recession, the worst we have experienced since the Great Depression. We need to get the economy moving again. But when Senators DOLE and ROTH, with virtually the entire Republican membership of the Senate as cosponsors, proposed an immediate across-the-board tax cut June 25, the Democratic leadership said no. Let us wait. Let us wait until we come up with a bill of our own.

Well, the Senate Finance Committee did come up with a tax cut bill, a good tax cut bill. It was approved by the Senate Finance Committee by a nearly unanimous vote August 22.

But the Democratic leadership refuses to permit the Senate to vote on this tax cut. Why, we may ask? Is it because there are Senators who do not wish to be on record against a tax cut until the elections are safely past? Is it because there are Senators who would like voters to believe they are in favor of cutting taxes when in fact they are not?

Finally, there is the question of the Nation's defense. All Senators and Representatives are agreed that more must be done to strengthen our defenses. Yet we have not approved the appropriations bill for the Department of Defense for the 1981 fiscal year. Why is that?

A budget, a tax cut, a stronger national defense. These and other critical issues will be left unresolved until the lame duck session, so we can go home and campaign.

The lame duck session we must now have will do two pernicious things: First, it will permit Members of Congress to avoid declaring themselves on the issues of greatest importance to voters. Worse, a lame duck session could result in having lawmakers who have been turned out of office making critical policy decisions that could limit, and perhaps cripple, the policy options of a newly elected President and Congress. This is nothing less than a subversion of democratic principle, and a callous, partisan disregard of popular will.

A lame duck session is the ultimate failure of leadership, a fitting, if unfortunate, conclusion to the record of the shameful 96th Congress.

We need new leadership in Congress if we are going to get our economy moving again.

We need new leadership in Congress if we are going to rebuild our national defenses.

I am convinced that the American people will turn to the Republican Party for that leadership in November. America is entering a new decade at a time of economic and foreign policy crisis. We need to enter that decade with an agenda set by a reinvigorated American eagle, not a lame duck.●

NUCLEAR WEAPONS

● Mr. JEPSEN. Mr. President, there has been a rash of press reports concerning recent Soviet violations of the SALT and nuclear test ban treaties. These reports indicate that the Soviets have tested a nuclear weapon considerably above the 150 kiloton limit of the Threshold Test Ban Treaty, that they have tested SA–5 and SA–10 surface to air missiles in an ABM mode, that they are conducting long-range cruise missile testing from Backfire and that a SS–16 missile canister has been observed at a SS–20 base in violation of SALT II.

I believe that the Foreign Relations Committee and the Intelligence Committee should look into these reports.

Senator JAKE GARN has called upon the Intelligence Committee to publicly release its report on the Soviet nuclear test in question. I support that request. Prior to the Threshold Test Ban Treaty coming into effect, the yields of Soviet nuclear tests were routinely released. The only motive for the administration's refusal to release this information appears to be the avoidance of political embarrassment.

I submit for the RECORD the following article on Soviet arms control violations by Richard Burt of the New York Times and an article from Defense Daily.

The articles follow:

U.S. COMPLAINS TO SOVIET ABOUT NUCLEAR VIOLATION

(By Richard Burt)

WASHINGTON, Sept. 15.—The United States has complained to Moscow about an underground nuclear test conducted in the Soviet Union last weekend that American experts believe exceeded the limits laid down by a 1974 agreement, Administration officials said today.

If Washington's charge is correct, it seems certain to intensify the debate over whether the Soviet Union can be trusted to abide by the terms of arms control accords. Since the completion of the first agreement limiting Soviet and American strategic missiles in 1972, there have been periodic reports of Soviet violations, none of which have been officially verified.

Meanwhile, Representative Robin L. Beard Jr., a member of the House Armed Services Committee, charged today that a Soviet military exercise in July involving intercontinental missiles violated a provision of the 1979 nuclear arms treaty. A White House spokesman called Mr. Beard's charges "a reckless act with possible grave consequences for national security."

State Department officials confirmed that on Sept. 14 the Soviet Union conducted its largest underground nuclear test in recent years. Intelligence officials are still examining test information, but the official said that it now appeared that the blast was much larger than those permitted by the so-called threshold test ban treaty concluded by the Ford Administration six years ago.

Last Monday, the officials said, David D. Newsom, Under Secretary of State for Political Affairs, expressed the Administration's concern over the test in a meeting with Anatoly F. Dobrynin, the Soviet Ambassador.

Under the threshold treaty, neither side is permitted to test a nuclear weapon exceeding 150 kilotons in destructive power. One kiloton is equivalent to a thousand tons of TNT.

According to intelligence aides, initial information on the Sept. 14 test indicates that it was at least 160 kilotons in strength. Several aides reported that the test was probably much more destructive, perhaps as great as 650 kilotons.

The 1974 treaty has not been approved by the Senate, but in 1976, both Washington and Moscow announced that they would abide by its terms while negotiators worked on an accord banning all underground testing.

Earlier this year, there were reports of an accident at the Soviet city of Sverdlovsk in which toxic agents at a biological warfare facility are said to have infected several hundred civilians. The Administration asked for an explanation of the incident. But Moscow denied the existence of any biological weapons plant or that it had violated an international convention banning biological arms.

OTHER VIOLATIONS SUSPECTED

Officials said that over the last two years or so, Moscow had conducted at least six other nuclear tests that in the view of American experts might have exceeded the limits laid down in the 1974 agreement. However, they said that in these earlier cases, uncertainties in estimating the destructive power of underground blasts kept open the possibility that the tests fell within the permitted bounds.

However, officials said that preliminary data indicated that even allowing for a margin of error, last weekend's test was the largest since 1976 and probably exceeded the 150 kiloton limit.

In his press statement charging Soviet violation of the strategic arms treaty, Representative Beard, Republican of Tennessee, said:

"This latest Soviet nuclear test is the most flagrant violation to date of the threshold test ban. There can no longer be any dispute that the Soviets are violating the agreement with total disregard."

SOVIETS CONDUCT SS–18 RELOAD EXERCISE

TEST SA–10 RADAR IN ABM MODE

The Soviet Union recently conducted an exercise simulating a reload capability for its large SS–18 ICBM, a capability which, if made operational, could pose an ominous increase in the threat to the United States ICBM force, the emerging MX system as well as the Minuteman force.

During a 5-day command post exercise in May, which did not involve the actual movement of missiles, the Soviets simulated the transport of several SS–18s from a central storage area to an unidentified launch site. The simulation included the rapid reloading of the SS–18 cold-launch silos with new missiles.

This was one of three Soviet weapons development activities in the past several months which indicate that the Soviet Union is actually violating the spirit or the letter of the SALT agreements with the United States or is preparing for the period beyond or without SALT.

In other activities, the Soviets twice last year, on July 18 and Nov. 2, reportedly tested their most advanced air defense missile radar, developed for the SA–10 missile, in an anti-ballistic missile mode.

And, on Sept. 14, the Soviets are believed to have conducted an underground nuclear test in the 320–620 kiloton range, far in excess of the 150 kiloton limitation agreed to by the United States and the Soviet Union in 1974.

Rep. Robin L. Beard (R-Tenn.) late last week cited these possible weapons violations by the Soviets as indisputable evidence that the Soviet Union is disregarding its arms agreements with the United States.

A provision of SALT II prohibits each side from providing storage facilities for missiles in excess of the normal deployment requirements of the ICBM launchers and from developing, testing or deploying systems for the rapid reload of the ICBM launchers.

While the Soviets did not employ actual missiles during their exercise in May, the cold launch capability of the SS–18 launcher gives the ICBM system a rapid reload potential.

Further, a command post exercise simulation, which calls missiles from a central storage area to the launch site for reloading of SS–18 launchers, is a major disclosure of Soviet intent to develop an SS–18 reload contingency plan.

A test of the SA–10 missile radar in an ABM mode would be a direct violation of the 1972 ABM Treaty, just as the Soviet testing of the SA–5 air defense missile radar in an ABM mode drew a United States protest that forced the Soviets to stop such testing.

The possible testing by the Soviet Union of a nuclear device in excess of 150 kilotons last weekend, considered the largest in recent years, has prompted the Administration to express its concern for the apparent violation.

Beard says this latest Soviet test "is the most flagrant violation to date . . . There can no longer be any dispute that the Soviets are violating the agreement with total disregard."

Addressing the charges that the Soviet Union has at least 1000 extra missiles for rapid refire, giving them an advantage of about 2400 to the U.S. 1054, the Administration said earlier: "We have over 200 extra missiles ourselves, and believe the Soviets may have several hundred more than that. There are legitimate reasons for keeping retired missiles, such as for obtaining spare parts and for test purposes. It is unlikely that any excess older missiles the Soviets may have would be used for refire. A complex operation with thousands of people and vehicles—all observable—would be necessary to launch these missiles without their silo launchers. There is no evidence of any such infrastructure."

The Soviet reload exercise reveals that while the physical infrastructure of such a capability may not be satellite-observable, the Soviet command structure is planning and exercising such a capability for possible future implementation.

Sen. Jake Garn (R-Utah), a strong opponent of the SALT II Treaty, responding to the Administration's position on Soviet reload capabilities explains: "The United States didn't spot a Soviet combat brigade in Cuba for possibly seventeen years despite the fact it had thousands of people and vehicles. We have no idea how many missiles the Soviets have. We can't even account for third generation missiles we know they produced for initial deployment in these silos."●

CONTINUING RESOLUTION

LOW-INCOME ENERGY ASSISTANCE

● Mr. CRANSTON. Mr. President, I greatly regret that the low-income energy assistance formula in the conference report is so fundamentally unfair to my State and other States outside of the snow belt. Were this not a continuing resolution for the entire Federal Government, I would feel compelled to oppose the resolution and to seek a reconsideration by the conferees.

Mr. President, I am far from satisfied with the fact that the conferees have chosen to ignore the very equitable Windfall Profits Act formula we enacted last year after extensive debate. This is a perfect example of legislating, and doing so unwisely and unfairly, on an appropriations bill.

I cannot oppose the continuing resolution today in view of the deadline—midnight tonight—before us for the whole Federal Government.

I do serve notice, though, that I will argue against any extension of this resolution with this same totally inequitable formula in it, and will oppose any appropriation act for the Department of Health and Human Services unless the formula and amount appropriated are changed to provide a fair shake to the low-income, elderly, and disabled citizens of California.

Moreover, I pledge myself to do all possible to secure a more just result as part of the Senate's consideration of that regular HHS Appropriation Act when we return after the election.

ISSUES RELATING TO CHILDREN

Mr. President, as chairman of the Child and Human Development Subcommittee I am also very disappointed that the conferees did not accept the House level of funding for child welfare services under title IV–B of the Social Security Act. These funds, which are necessary to implement many of the reforms contained in Public Law 96–272 enacted earlier this year, were requested by the administration and approved by the House.

I will do all I can to see to it that these funds will be included in the regular HHS appropriation for fiscal year 1981 when the Senate takes action on that measure.

Mr. President, I shall submit for the Record, a letter which I and the Senator from New York (Mr. Moynihan) sent to the Senate conferees explaining the importance of these funds, be printed in the Record at the conclusion of my remarks.

Finally, I must express my continuing keen disappointment over the efforts to suspend the minimum standards for HHS-funded day care programs, as included in this continuing resolution as a result of an amendment on the Senate floor. As I stated in opposing—unsuccessfully, I regret to say—a similar effort in the reconciliation bill, S. 2885, in June, I do not believe that this action—intended to eliminate all minimum Federal standards for HHS-funded day care, including the 1968 standards—should be taken in this fashion without hearings or opportunity for the proponents and opponents of these standards to be heard in the normal congressional process. This is indeed a sad day for the well-being of young children in federally funded child care programs.

The letter follows:

U.S. Senate,
Washington, D.C., September 29, 1980.

Hon. Warren G. Magnuson,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: When the Conference Committee meets to consider H.J. Res. 610, the continuing resolution for FY 1981, we urge that you give careful consideration to accepting the House provisions with respect to funding for child welfare services under title IV–B of the Social Security Act.

Earlier this year, we enacted Public Law 96–272, which contained major revisions of the federal child welfare services program—the enactment of which represented the culmination of almost four years of work by numerous individuals. These revisions were aimed at reversing the present federal fiscal policy which actually encourages long-term foster care placements for children. This new legislation contains carefully balanced fiscal incentives to encourage States to reduce unnecessary foster care and to give as many children as possible permanent homes.

However, many of the important reforms in this legislation would not, under the new law, be triggered unless appropriations for title IV–B reach specific levels. The Administration has requested, and the House has approved, funding for title IV–B at the level of $163.5 million—the level necessary to assure that all of the reforms in the legislation will proceed as planned. Unfortunately, because the Senate has not acted upon the H.H.S. appropriation for FY 1981, the Senate-passed H.J. Res. 610 would set the level of funding for title IV–B at the FY 1980 level of $66 million.

We hope that the conferees will resolve this matter by accepting the House-passed level so that the important reforms embodied in P.L. 96–272 will be achieved without delay.

Cordially,

Daniel Patrick Moynihan,
Chairman, Subcommittee on Public Assistance, Committee on Finance.
Alan Cranston,
Chairman, Subcommittee on Child and Human Development, Committee on Labor and Human Resources.●

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I shall now continue with my statement which I began earlier. But if any Senator wishes recognition, I will yield the floor at any time. There are some discussions going on with respect to certain pieces of legislation that, hopefully, can be acted upon yet today. While those discussions are proceeding, I shall take these few moments to continue the reading of my statement which was begun at the beginning of the session today.

(The complete statement is printed earlier in today's Record.)

THE UNITED STATES STRATEGIC IMBALANCE

Mr. THURMOND. Mr. President, in a few short months the SAC Commander, Gen. Richard H. Ellis, will be presenting his strategic posture statement to the U.S. Senate. This will be General Ellis' last appearance before the Armed Services Committee as he will be reaching mandatory retirement age next year.

Mr. President, this past year General Ellis testified that the United States is now strategically inferior to the Soviet Union. The latest SAC analyses, using the best data and intelligence from all sources shows that our current arms control policy over the past 3 years, has placed us so far behind the Soviets that it will take us a full 7 years just to catch up and regain parity with the Soviet Union. Not to get ahead or regain our lead—but 7 years just to catch up and get even.

Mr. President, every Member of Congress knows that we are in a limited resources situation. We must have some balance between national defense and other Government programs. We must also have some balance between our conventional forces and our strategic forces. In the conventional forces area we are so short of everything it is appalling. We are short of tanks, ammunition, ships, ASW helicopters, planes, and spare parts. In the past 3½ years President Carter has emptied the closet—the cupboard is bare. Meanwhile the Soviet Union has drastically outspent us in building their military capability.

However, Mr. President, in the strategic area there are some critical problems which must be addressed now and solved now. Seven years is too long to wait. If MX slips further and I believe it may slip further, it will take even longer than 7 years to regain a reasonable posture. We must rebuild our forces so that we again have a sound deterrence posture. Mr. President we must:

First. Find some funding profile, or some combination of defense programs and strategies, which will shorten the projected 7 year catch up cycle. We have fallen progressively behind the past 3 years—let us catch up over the next 3 years. I must call upon the Senate Appropriations Committee to appropriate all of the items and projects which were approved in conference by the Armed Services Committees, they are desperately needed. Yet the Carter administration has indicated that over $2 billion of defense items which have been authorized will not be appropriated. Not only must we appropriate what has been authorized, but we must show further resolve to rebuild our forces by generating an adequate fiscal year 1982 defense budget request.

Second. We must focus on the fact that the United States has no adequate defense against the Soviet Backfire bomber threat. This is a significant weakness and one which needs to be addressed immediately.

Third. We must examine the impact of PD–59, the Presidential directive on nuclear retargeting, to determine its affect on our strategic equivalence. PD–59 adds new counter-value targets to the scenario and with a fixed number of missiles available, spreads our defense forces even thinner. I believe PD–59 needs a thorough review.

Fourth. We must also solve the aging B–52 spare parts problem. The planes are so old some parts are no longer manufactured. We must cannabalize parts out of old junk planes. We desperately need a new manned bomber. We should never have canceled the B–1 program. As soon as the OSD study on new bomber options is complete we should press ahead as fast as possible to fill this void.

"STEALTH" TECHNOLOGY TRANSFER TO THE SOVIET UNION

Mr. THURMOND. Mr. President, last week hearings were held by the Senate Governmental Affairs Committee on S. 2606—legislation recently introduced by Senator GARN to create an independent Office of Strategic Trade. This is legislation whose time has come and the hearing record proves that. I wish to reiterate that I am a firm supporter of S. 2606 and plan to be an active participant on its behalf next session when it is reintroduced to Congress.

However, let me turn to a related matter that is of vital concern to every Member of this body—that is leaks by the Carter administration regarding the "Stealth" bomber and related technology, because it is this action that will greatly help Soviet defense planners in their attempts to negate any advantage we had hoped to derive from our latest technological advances.

Mr. President, the Soviet Union will go to any length to obtain vital U.S. strategic technology as the hearings have proven—from legal purchases and exchange programs to outright theft and espionage. It is well documented how the Soviet military has diverted American technology for its purposes. Of course, the use of Kama River trucks in the brutal subjugation of Afghanistan is the most recent example of such diversion, but by no means the only one.

And now we have the "Stealth" leaks, which are a significant technology transfer stimulant for the Soviet defense effort. This fact was given further credence last week by perhaps the top Soviet scientific defector to the West, Dr. Anatoly Fedoseyev—someone who had firsthand knowledge of the methods by which the Soviets first obtain and then utilize American strategic technology for military benefit.

A recent article appearing in the Washington Post quotes Dr. Fedoseyev as stating that:

> The Soviets have been working for 15 years on ways to make their war planes invisible to radar, and recent disclosure of the U.S. Stealth program would speed their efforts . . . Soviet scientists have very good ideas how to make planes invisible and how to take countermeasures and confirmation of our Stealth program . . . will shorten the time needed to develop countermeasures.

This, Mr. President, is a scathing indictment of the official administration policy of leaking sensitive information to further its political goals—often to the detriment of our national security. Therefore I ask unanimous consent that the Washington Post article entitled "Stealth Called Spur to Soviets" be printed in the RECORD and urge my colleagues to read its disturbing message.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 27, 1980]

"STEALTH" CALLED SPUR TO SOVIETS

A Russian electronic engineer who defected to the West said yesterday the Soviets have been working for 15 years on ways to make their war planes "invisible" to radar, and recent disclosure of the U.S. "Stealth" program would speed their efforts.

"Soviet scientists have very good ideas how to make planes invisible and how to take countermeasures," Anatoly Fedoseyev told reporters on Capitol Hill.

Fedoseyev said Soviet scientists would undoubtedly be spurred to renewed efforts by official U.S. confirmation of press leaks that the Pentagon has made a giant breakthrough in its "Stealth" program—testing piloted and unmanned aircraft that have been made practically invisible to radar and other detection methods.

"It will shorten the time," he said, of Soviet countermeasures. He said he could not judge whether the United States or the Soviet Union is ahead in "Stealth" technology.

The trim, erect 70-year-old holder of the Lenin Prize and other high Soviet decorations for his inventions and work, defected in May 1971 while attending an international aviation exhibition in Paris. Sentenced to death in absentia for treason, he now lives in England.

Fedoseyev addressed a news conference in connection with a bill introduced earlier this year by Sen. Jake Garn (R-Utah) to establish an office of strategic trade that would strictly monitor what technology is allowed for export to the Soviet Union.

The Russian said the Soviet defense effort includes every conceivable approach to obtain the latest American technology, from buying to stealing and espionage.

PRESIDENT CARTER'S DEFENSE RECORD

Mr. THURMOND. Mr. President, an excellent editorial on the disastrous defense record of President Carter appeared in the Omaha World Herald of September 14, 1980.

Mr. President, I ask unanimous consent that this editorial entitled "Carter Campaign Misleads on Past Defense Record" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CARTER CAMPAIGN MISLEADS ON PAST DEFENSE RECORD

Our dictionary says that to "lie" is "to create a false or misleading impression."

Is that too harsh a description of what President Carter and his campaign associates are trying to do on the issue of national security?

Perhaps the campaign is not intentionally deceitful. Perhaps President Carter, having failed so utterly in his responsibility to provide adequate safeguards for national security, could not bring himself to acknowledge that awful reality.

In any case, now appearing on television screens is a campaign commercial picturing the president as a stern, realistic builder of our nation's military capability—"an Annapolis graduate . . . a military man and a man of peace"—who as our commander-in-chief gives defense capability his first priority.

Can this be the same Jimmy Carter who four years ago campaigned for the presidency by calling for a reduction of $5 billion to $7 billion in defense spending?

Can this be the same man who over most of his four years in office—until most recently—had a dovish defense stance?

Nationally-syndicated columnist George Will recently cited the Carter administration's record on defense. The Administration:

Cancelled the B–1 bomber.

Delayed the MX three years.

Delayed all cruise missiles two years.

Delayed Trident submarines two years.

Delayed Trident I missile development two years, indefinitely postponed Trident II.

Delayed Pershing II missiles two years.

Terminated Lance missile production.

Cancelled modernization of Minuteman II; closed Minuteman III production line in such a way that it can't be reopened.

Withdrew some troops from Korea.

Slashed the nuclear warhead program; slashed funding for war-fighting stocks.

Cut in half the Ford administration shipbuilding plans for the Navy.

Reduced the size of the Army, Navy and Air Force.

The Carter administration also cancelled the neutron bomb. It negotiated a strategic arms treaty so unsalable it never reached ratification in a Senate which is dominated by the president's own party.

It was also the Carter's administration that met a pledge of a 3 percent increase for defense for next year not by increasing next year's spending, but by reducing this year's.

Yet when President Carter kicked off his campaign in Alabama on Labor Day, he said he had come into office determined to build the military. And he said:

"After years of decline under the Republicans before I took office, this last four years we have steadily rebuilt our military capabilities."

Or recall what he told the Building and Trades Department, AFL–CIO, last April 1: "Our military power is second to none on earth."

Is this what a farmer in Nebraska believes? Or a welder in Ohio? Or a Texas businessman? Or the overstretched manpower in the military? Or the leaders of other nations?

Only last week, Australia's Prime Minister Malcolm Fraser, at more than arms length from the American political campaign, told a 16-nation Commonwealth conference that the Soviet Union had surpassed the United States in military strength and would remain the world's predominant military power "for at least six or seven years."

"There is a new empire," he said, "and it is the Soviet empire."

It is not appalling that a president should change his mind on our military needs. It is appalling that when he does, an all-out effort is made to try to convince the public that he has been consistent and firm.

THE HOLLIDAY FAMILY OF GALIVANTS FERRY, S.C.

Mr. THURMOND. Mr. President, 1 year ago this November, a 20-mile highway running from Galivants Ferry to Conway, S.C., was dedicated to Joseph William Holliday and members of his family.

Joseph W. Holliday; his son, George; and his grandsons, John Monroe and Joseph, have been a legend of leadership in Horry County for over 100 years.

Their civic and business leadership, along with their devoted public service, has benefited many persons throughout the Grand Strand Area and the State.

Besides being active in the community, the family is responsible for developing a major resort area in South Carolina known as Surfside Beach, and the building of several golf courses and motion picture theaters in the area. The Holliday family also own a tobacco company, a general mercantile store, and plans are now being made for a shopping center in Myrtle Beach.

Mr. President, in order that I might share the many accomplishments of this outstanding family with my colleagues, I ask unanimous consent that a recent article in On the Green, the Golfing magazine of South Carolina's Grand Strand, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TRADITION OF SERVICE

(By Tim Schoen)

There is a twenty-mile or so stretch of highway running from Galivants Ferry to Conway, South Carolina, that was dedicated last November to Joseph William Holliday, George Judson Holliday and other members of the Holliday family of Horry County. Joseph W. Holliday was the grandfather of John Monroe Holliday and Joseph Holliday, and George Holliday was their father. The Holliday brothers are continuing the tradition of civic and business leadership that was established by their grandfather over 100 years ago.

J. W. Holliday originally settled in what was known as the Pot Bluff area of Horry County along the Waccamaw River. There he established a turpentine plantation of some nine thousand acres. In 1865 the business was destroyed by war and he moved to Galivants Ferry where he re-established the business and expanded his operation to include a general mercantile store. The business prospered and Holliday became not only one of the leading businessmen of the area, but also found time to serve as county commissioner. While serving in that capacity he requested that his salary be used to help develop roads and bridges throughout the county.

Joseph's son, George J. Holliday, received his law degree from Harvard University in 1899. Family records indicate that at Harvard he pioneered the Hollidays' competitive athletic tradition by tying the then current record for the 100-yard dash at 9.8 seconds. After graduation from Harvard, he returned to Galivants Ferry and succeeded his father in the family business in 1904. He devoted part of his time to public service, serving as a state senator from 1903 to 1908. During the early 1900's he developed the tobacco business that was to become the foundation of the present day Holliday family businesses know as Pee Dee Farms Company.

This highly diversified business is operated by John Monroe and Joseph Holliday from their offices located behind the rows of groceries, clothing, and farm supplies, and next to the post office, in the Galivants Ferry store. From this somewhat unlikely location they operate businesses that include, among others, golf courses, motion picture theatres, and an extensive tobacco operation. Recent business developments include a four-theatre complex known as South Myrtle IV, with plans for a shopping center, on an eleven-acre site along Highway 17 South. By next summer the Hollidays will have a dozen or more motion picture theatres in operation in the Grand Strand area. Plans for expanding Myrtle Beach National Golf Club to a 72-hole course are well underway. Their tobacco business, which includes a warehouse operation, is one of the largest in the Southeast.

The list of long established and proposed Holliday businesses goes on, but both John Monroe and Joseph's enthusiasm increases markedly when the conversation turns to the growth and development of the educational and recreational resources of the area. The awards, mementos, letters of appreciation, and photographs that clutter their offices give evidence that Joseph and John Monroe are continuing their family's history of leadership in developing all aspects of life in the area.

GOLFERS

John Monroe Holliday is undoubtedly one of the most ardent supporters of golf in the state. He, along with his brother Joseph and a group of Myrtle Beach businessmen-golfers, including Cecil Brandon and Clay Brittain, Jr., developed Myrtle Beach National Golf Club. This 54-hole complex, designed by Francis Duane and Arnold Palmer, opened in the spring of 1973. Holliday gives credit to the course pro, Ed Bullock, for making the club "one of the finest golf complexes in America—always in excellent condition."

Myrtle Beach National is the current site of the George Holliday III National Golf Tournament that was founded in 1968 in memory of John Monroe's son, George, an outstanding golfer and student at Wofford College who lost his life in a tragic accident in 1967. The event draws 150 junior golfers from all over the country along with a gallery of 300 to 500 people to the Grand Strand each year. The J. M. Holliday family awards a scholarship each year to an outstanding student at Wofford who can continue the standard of excellence established by their son. In 1965 George Holliday had a 69-stroke average for forty golf matches and maintained an "A" average in the classroom.

A paperweight on John Monroe's desk, mostly hidden by correspondence from people ranging from United States senators to farm supply dealers, attests to his membership in the hole-in-one club of the National Association of Left Handed Golfers. He has qualified three times for this honor, and will serve in 1981 as president of NALHG. His golfing records include two national open lefty-righty tournament championships won in the 1970's, a pair of wins in the Conway Golf Tournament, where he was a finalist five times, and, among other tournament victories, a memorable week when he, his wife Marjorie, his daughter Christian, and son George were each finalists in four separate tournaments. John Monroe has also been an active tennis player over the years, winning the first Ocean Forest Invitational Tennis Tournament in the early 1950's, and was an outstanding tennis player while attending The Citadel.

TENNIS

Joseph Holliday, who was also a top ranked tennis player at The Citadel, is still very much of an active tennis buff. He recently had the rather dubious honor of winning more games, along with his partner Bob Macmillan, at the Fortieth Annual South Carolina State Closed Senior Tennis Championship held at Litchfield Racquet Club, than his opponents; but he failed to win the tournament. He has won his fair share of matches though, including the Dunes Club Doubles Tournament in 1975 and in 1977, and the Litchfield Doubles Tournament in 1974.

The golf and tennis playing enthusiasts of the Holliday family also include Joseph's sons Judson, a near scratch golfer, and Billy, an excellent club tennis player, and John Monroe's daughter Christian, whose golf wins include the junior championship at the Dunes Club, and when she was fourteen, the Pine Lakes Tournament where she was the only girl entered in a field of eleven contestants.

The tennis courts at Coastal Carolina College in Conway and those at Baptist College at Charleston are named in honor of Joseph Holliday for his contributions to the tennis programs at those schools. His support includes an annual scholarship to a student tennis player at Coastal Carolina where he was one of the original members of the Board of Trustees. He has also served as a member of the Board of Trustees at Furman University and at Baptist College where he recently received an honorary degree.

John Monroe has been a member of the Board of Visitors at The Citadel since 1948, serving in that capacity longer than anyone in the history of the institution. He was chairman of that board from 1968 to 1974. At the age of fifteen he entered The Citadel and graduated four years later as the youngest cadet to ever enter and graduate from that college.

EDUCATION

The Hollidays' commitment to higher education is also exemplified by the annual scholarship they award to the son or daughter of one of their employees, or the child of one of the numerous families who farm with them, to Coastal Carolina College. Joseph Holliday, commenting on the impact of education on the lives of people in the county, recalled an incident that occurred recently while he was in Hong Kong. He was there with a group of people from The Citadel when he received a message from one of the students his family had sponsored at Coastal Carolina College. The young lady had married a graduate of The Citadel who had become chief counsel for Standard Oil of the Pacific. "She was so appreciative of the opportunity her education had opened up for her—she's a teacher—that she sought me out. That's the sort of thing that makes the scholarship program so worthwhile."

Long before Coastal Carolina College and the golf courses that dot the Grand Strand were developed, Joseph and John Monroe's father, George, developed one of the major resort areas at the beach. The area is now known as Surfside Beach, but in the 1920's it was known as Floral Beach in honor of Flora J. Holliday, George Holliday's wife. During that time the Holliday family—George, Flora, and the seven children including Joseph and John Monroe and their five sisters—lived most of the summer at the beach. George Holliday and the county road supervisor, John T. Shelley, were instrumental in constructing the road from Socastee to Floral Beach. The road was known as the Holliday-Shelley Road and is now called Duck Pond Road. The family's continued interest in the Surfside area includes part ownership of Surfside Pier, a pier that has withstood the onslaught of hurricanes from Hazel to David.

STUMP MEETING

Even before George Holliday developed Floral Beach, his father, Joseph W., instigated an event that has become an almost unique institution in South Carolina political life. Each election year since the 1880's, Galivants Ferry had been the site of one of the largest Democratic "stump meetings" in the South. The population of this town of a dozen or so families swells to 5,000 or more as people from all over the area gather to hear candidates for South Carolina political office kick off their campaigns. Cars line the highway for a mile or more as drivers scramble for the parking places in the fields adjoining the meeting place.

It is strictly a Democratic affair and has become almost mandatory to success for those seeking political office in the state to attend. The meeting takes on the atmosphere of a combination carnival and old time revival meeting with rousing speeches, fried chicken, campaign posters, and plenty of opportunities to meet the candidates on a face to face basis. The opening speaker is always a leading Democrat in the state, usually the governor or chairman of the South Carolina Democratic Party. His speech is followed by relatively short speeches by each of the candidates. The crowd is quick to voice its approval, and at times its disapproval, of the points made by the speakers. The event has become the unofficial opening of the campaign season in South Carolina politics.

The precedent of leadership established by Joseph W. Holliday over a century ago has been ably upheld by his grandsons, John Monroe and Joseph. Their confidence in the growth of the Grand Strand is matched only by their continuing support of the development of the civic and cultural growth of the area. At the dedication of the Holliday Highway, U.S. Senator Ernest F. Hollings said of the Hollidays, "They are a great family of community leaders who have been willing to participate and give back to the land more than they received.'"

RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD. Mr. President, the discussions with respect to legislation are continuing and I am going to be involved in one that has to do with the unemployment compensation legislation. So, if no Senator seeks the floor, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 5:30 p.m., recessed for 30 minutes; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PRYOR).

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEVENTY-FIFTH ANNIVERSARY OF THE FOUNDING OF THE FOREST SERVICE

Mr. MELCHER. Mr. President, I am pleased that the Senate has agreed to House Concurrent Resolution 393.

Mr. President, House Concurrent Resolution 393 extends to the U.S. Forest Service the appreciation of Congress for the service that Agency has rendered to the public over the past 75 years. This year marks the 75th anniversary of the founding of the Forest Service.

The forest resources of the United States are one of the Nation's most important assets, and it is most appropriate for Congress to recognize the exemplary job the Forest Service performs in managing the national forest system lands and conducting forestry research.

When our forefathers set foot upon these shores they discovered a land rich in natural resources. Our forests were dominant. Forests extended almost unbroken from the Atlantic coast to the Great Plains, and began again to the West.

Today, approximately two-thirds of our country is covered with forested lands, despite the fact that in 1865 a timber famine was predicted within 30 years.

During our Nation's formative years, people regarded the forests as an inexhaustible resource. Land had to be cleared to make it suitable for agricultural purposes, roads, and settlements. To the pioneers, the forest seemed an obstacle to progress and safety. Wood was essential to the pioneer's life. It was also overabundant and free for the taking.

There were, however, settlers in America who came from countries whose forests had been depleted and brought with them the conviction that the forest was a valuable resource and should not be wasted. Restrictions on the cutting and burning of forest land appeared early in the original colonies. These laws were principally aimed at protecting the property of others and reserving large white pines as masts for the British Royal Navy.

The initial effort by the Federal Government in forestry activities came in 1876 when Congress authorized the appointment of a special Forestry Agency in the Department of Agriculture. That original Forestry Agency was a fact-finding agency with no forests or lands under its control. The forestry movement of that time was one mainly of public education.

The national forest system had its beginning in an 1891 act of Congress under which three Presidents, Harrison, Cleveland, and Theodore Roosevelt, set aside large acreages of the public domain as Forest Reserves. Until 1897 when Congress passed an act outlining a system of organization and management for these public forests, the Reserves, then under the Department of the Interior, were simply closed areas.

The Division of Forestry in the Department of Agriculture was reorganized into the Bureau of Forestry in 1901, with authority to engage in a variety of activities including the preparation of forest management plans for private timberland owners, tree planting, and forest investigations. The Reserves were still under the Department of Interior at that time.

During the period of 1901 through 1905 there was much discussion and agitation over the transfer of the Forest Reserves to the Department of Agriculture. President Theodore Roosevelt sent messages to Congress urging the transfer. In his December 1904 message to Congress, President Roosevelt echoed the sentiment of many concerned Americans when he said:

> All the forest work of the Government should be concentrated in the Department of Agriculture where all problems relating to the growth from the soil are always gathered, and where all the sciences auxiliary to forestry are at hand from prompt and effective cooperation.

The American Forest Congress, meeting in Washington, D.C. in 1905, passed a resolution calling upon Congress to unify all forest work of the Federal Government, including the national forests, in the Department of Agriculture. At that meeting, President Roosevelt declared that the object of forestry is not to lock up forests but to consider how best to combine use with preservation.

In 1905 Congress provided for the transfer of the Forest Reserves from the Department of the Interior to the Department of Agriculture. The Bureau of Forestry in the Department of Agriculture was reorganized and named the "Forest Service." The then Secretary of Agriculture James Wilson sent a letter to Chief Gifford Pinchot that set the direction that the Agency has followed over the past 75 years.

From its inception, the Forest Service has provided the services and expertise that its creators envisioned. The Forest Service has a long and illustrious history of service to America.

During the First and Second World Wars the Forest Service provided resources needed to meet the requirements of our Armed Forces during those international conflicts.

In the Great Depression of the 1930's, the Forest Service employed the Civilian Conservation Corps (CCC), which built roads, trails, fences, range improvements, and recreation facilities. These efforts greatly opened up the national forests to the general public and foreshadowed the increased use and conflicting views on the management of forest system lands.

The years immediately following World War II through the 1950's were years of unprecedented population growth, economic expansion, and urban and suburban sprawl. Social and environmental problems exacerbated by this period of rapid development went largely unheeded.

The Multiple Use—Sustained Yield Act of 1960 was a response to these issues. That act declared that the national forests are to be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. Congress, by passage of this act, confirmed the long established policy of the Secretary of Agriculture to develop and administer renewable surface resources of the national forests for multiple use and sustained yield of their several products and services.

From the beginning, the Forest Service has consistently provided leadership and professional expertise in forest resource management not only on the public lands but also to private landowners, industry, and the international community, thereby contributing to the development of our society and protection of our national heritage.

The Forest Service has been a great success in the Department of Agriculture. Notwithstanding the fact that many have tried, on several occasions, to transfer the Forest Service to other departments or impinge on its missions, many strong chiefs of the Forest Service and their allies have labored to keep it intact, where it belongs, in the Department of Agriculture.

It has been my privilege to have had the opportunity to work with many of the fine public servants who comprise the Forest Service. Their efforts carry on the fine tradition established by their predecessors. I am confident that this outstanding Federal Agency will continue to merit our praise in the future.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER REREFERRING S. 1480 TO COMMITTEE ON FINANCE, AND TO REPORT BACK NO LATER THAN NOVEMBER 21, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 1480, the Environmental Emergency Response Act, be rereferred to the Committee on Finance for the purpose of consideration of section 5, and to be reported back to the Senate no later than November 21 of this year.

Mr. BAKER. Mr. President, reserving the right to object, I might say I observe the Senator from Kansas is on the floor and he may wish to reserve in his own right since he has been very instrumental in arriving at this solution before we proceed to its consideration.

Mr. DOLE. Mr. President, reserving the right to object—and I will not object—I think it does indicate for all of those present at the meeting we just finished the desire to get this bill before the Senate. That will give us, as I count it, 8 legislative days when we return on the 12th, which would give the Committee on Finance ample time to do whatever work we need to do with reference to the so-called superfund legislation.

I think it is a good agreement and I hope the Committee on Finance can report it prior to the 21st of November, but at least have it before the Senate before that date.

I thank the majority leader and the minority leader for their cooperation.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Kentucky (Mr. FORD).

TODD GIBBS: CYSTIC FIBROSIS POSTER REPRESENTATIVE

Mr. FORD. Mr. President, I was derelict in my duty last week in not entering a statement for the RECORD as it relates to the cystic fibrosis poster representative, the young man from my State named Todd Gibbs.

Mr. President, I would like to take this occasion. during "National Cystic Fibrosis Week," September 21–27, to extend a sincere message of appreciation to a very special member of my constituency, in the hope that he might serve as an inspiration to us all. He is a 15-year-old named Todd Gibbs. 1980 National Poster Representative for the Cystic Fibrosis Foundation. Todd was born with cystic fibrosis, a fatal, inherited disease that kills more young people each year in the United States than any other genetic disorder.

A number of my colleagues had the opportunity to meet Todd when he visited Washington earlier this year, and I know that they were as impressed with him as I was. I have recently learned that Todd has been named one of the 10 outstanding young men in Kentucky by the Kentucky Jaycees, quite an honor for someone still in high school.

Despite the rigors of living with CF, Todd has not let his handicap slow him down. Due to his slight build and breathing limitations, he is not able to play his favorite sport, basketball. But he is involved in the Allen County High School girls' varsity basketball team in the next best way—he is their trainer. And his career ambition is to be a coach.

Todd's activities do not stop at basketball. He was a little league shortstop, a page for the Kentucky House of Representatives, president of his student body, and is currently a member of his church choir, sophomore student council, and a number of clubs and organizations.

In so many ways, Todd is just an ordinary teenager. But in so many other ways, he is an extraordinary human being, because the more he does to protect his health, the more he values it—and his life ahead.

The Cystic Fibrosis Foundation, the leading voluntary health organization in the fight against cystic fibrosis, has prepared an article describing what living with CF is like for Todd and the 20,000 to 30,000 other children and young adults with the disease. I bring this important information to the attention of my colleagues and ask unanimous consent that this article by the Cystic Fibrosis Foundation be placed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR TODD GIBBS, AN APPLE A DAY DOES NOT KEEP THE DOCTOR AWAY

That's because Todd is no ordinary brown-eyed 15-year-old. He was born with cystic fibrosis (CF), a chronic degenerative disease that primarily attacks the lungs and digestive system. There currently is no cure or long-term control for CF, the number one genetic killer of young people in the United States.

As a result of thick, glue-like mucus which interferes with breathing and digestion, most CF patients have a chronic cough and appear undernourished despite having a normal appetite. In severe cases, additional problems may appear including clubbed (enlarged) fingertips, nasal polyps, repeated lung infections, shortness of breath, and all the other complications of chronic, obstructive lung disease.

Fortunately, Todd's CF has responded well to treatment the past few years, but he still must undergo a demanding daily regimen of treatment for the disease, and meets frequently with his doctor to evaluate his progress. Careful attention to Todd's health is vital, because even a bout with the common cold can result in a long recovery, interfering with school and other activities.

In addition to two or three daily sessions of respiratory therapy and inhalation of medicated vapors, Todd may cough frequently to defend his lungs against the harmful mucus accumulations which CF produces. But that cough does not spread "CF germs" which would cause others to dedevelop the disease—CF is inherited, not caught.

Although scientists don't know what causes cystic fibrosis, they believe the defective genes for CF are passed on to the CF child by both parents (one gene from each parent). Although two carriers of this trait can pass it on to some of their children, the parents themselves show no symptoms of CF. An estimated 10 million Americans (one in twenty people) are symptomless carriers of the CF gene.

Todd's family has no known ancestral history of CF, but they do have a history of other respiratory problems, and Todd has an older first cousin with CF. Often called the "great masquerader" because it mimics other lung and digestive problems, cystic fibrosis is often misdiagnosed—a tragic fact because early diagnosis and treatment are keys to prolonged life.

As a child, Todd was sick off and on before his CF was diagnosed at age 5. His aunt had been saying that Todd "tasted salty" when she kissed him; at that time, she didn't know that a salty taste to the skin is one early sign of CF, which affects the body's sweat glands, too.

The Cystic Fibrosis Foundation, the nation's caretaker of CF programs, stresses public education programs in hopes of increasing early diagnoses and care. Many patients with CF—a disease once fatal in early childhood—now live into their twenties. But rarely do they live into their thirties, and half die before they leave their teens.

This knowledge of early death and the intensive care demanded by a person with CF—costing an average of $10,000 a year for a patient in otherwise good health—can pose severe emotional and financial burdens on the patient and family members.

For Todd Gibbs and the tens of thousands of young Americans who have CF, the only hope for a future lies in research to solve the riddle of CF and achieve the mission of the Cystic Fibrosis Foundation—to find the means for the prevention, control, and effective treatment of cystic fibrosis.

Mr. FORD. I thank the distinguished majority leader for yielding me the time.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Kentucky.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that the Senate proceed to the consideration of the following Calendar Orders Nos. 967, 1076, 1010, 1101, 1106, and 1112.

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—the six calendar items identified by the majority leader are cleared on our side and we have no objection to their consideration and passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PERSONNEL AND CIVILIAN EMPLOYEE CLAIMS

The PRESIDING OFFICER. The clerk will state the first bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6086), to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country, reported without amendment.

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1719

(Purpose: To provide certain benefits to the American hostages in Iran and to similarly situated individuals)

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk, an amendment by Mr. CHURCH and Mr. CULVER, and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), on behalf of Mr. CHURCH and Mr. CULVER, proposes an unprinted amendment numbered 1719.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, between lines 2 and 3, insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Military Personnel and Civilian Employees' Claims and Hostage Relief Act of 1980".

TITLE I—MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS AMENDMENT TO THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

On page 1, line 3, strike out "That" and insert in lieu thereof "Sec. 101. The".

On page 4, line 3, strike out "Sec. 2." and insert in lieu thereof "Sec. 102.".

On page 4, after line 9, insert the following:

TITLE II—SPECIAL PERSONNEL BENEFITS

DEFINITIONS

SEC. 201. For purposes of this title—

(1) The term "American hostage" means any individual who, while—

(A) in the civil service or the uniformed services of the United States, or

(B) a citizen or resident alien of the United States rendering personal service to the United States abroad similar to the service of a civil officer or employee of the United States (as determined by the Secretary of State),

is placed in a captive status during the hostage period.

(2) The term "hostage period" means the period beginning on November 4, 1979, and ending on the later of—

(A) the date the President specifies, by Executive order, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, or

(B) January 1, 1983.

(3) The term "family member", when used with respect to any American hostage, means—

(A) any dependent (as defined in section 5561 of title 5, United States Code) of such hostage; and

(B) any member of the hostage's family or household (as determined under regulations which the Secretary of State shall prescribe)—

(4) The term "captive status" means a missing status arising because of a hostile action abroad—

(A) which is directed against the United States during the hostage period; and

(B) which is identified by the Secretary of State in the Federal Register.

(5) The term "missing status"—

(A) in the case of employees, has the meaning given it in section 5561(5) of title 5, United States Code;

(B) in the case of members of the uniformed services, has the meaning given it in section 551(2) of title 37, United States Code; and

(C) in the case of other individuals, has a similar meaning as that provided under such sections, as determined by the Secretary of State.

(6) The terms "pay and allowances", "employee", and "agency" have the meanings given to such terms in section 5561 of title 5, United States Code, and the terms "civil service", "uniformed services", and "armed forces" have the meanings given to such terms in section 2101 of such title 5.

PAY AND ALLOWANCES MAY BE ALLOTTED TO SPECIAL SAVINGS FUND

SEC. 202. (a) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any American hostage which are for pay periods during which the American hostage is in a captive status and which are not subject to an allotment under section 5563 of title 5, United States Code, under section 553 of title 37, United States Code, or under any other provision of law.

(b) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

(c) Amounts may be allotted to the savings fund from pay and allowances for any pay period ending after November 4, 1979, and before the establishment of the savings fund. Interest on amounts allotted from the pay and allowances for any such pay period shall be calculated as if the allotment had occurred at the end of the pay period.

(d) Amounts in the savings fund credited to any American hostage shall be considered as pay and allowances for purposes of section 5563 of title 5, United States Code, (or in the case of a member of the uniformed services, for purposes of section 553 of title 37, United States Code) and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

MEDICAL AND HEALTH CARE AND RELATED EXPENSES

SEC. 203. Under regulations prescribed by the President, the head of an agency may pay (by advancement or reimbursement) any individual who is an American hostage, or any family member of such an individual, for medical and health care, and other expenses related to such care, to the extent such care—

(1) is incident to that individual being an American hostage; and

(2) is not covered by insurance.

EDUCATION AND TRAINING

SEC. 204. (a)(1) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Except as provided in paragraph (3), payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs—

(A) after the ninetieth day after the date the individual is placed in a captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 12-week period following that date.

In order to respond to special circumstances, the President may specify a date for purposes of cessation of assistance under subparagraph (B) which is later than the date which would otherwise apply under subparagraph (B).

(3) In the event an American hostage dies and the death is incident to that individual being an American hostage, payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs after the date of death.

(4) The preceding provisions of this subsection shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38, United States Code.

(b)(1) In order to respond to special circumstances, the head of an agency may, under regulations prescribed by the President, pay (by advancement or reimbursement) an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Payments shall be available under this subsection for an American hostage for education or training which occurs—

(A) after the termination of such hostage's captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 12-week period following that date.

(c) Assistance under this section shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38, United States Code.

(d) In no event may assistance be provided under this section for any individual for a period in excess of 45 months (or the equivalent thereof in part-time education or training).

(e) Regulations prescribed by the President under this section shall provide that the program under this section be consistent with the assistance program under chapters 35 and 36 of title 38, United States Code.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

SEC. 205. (a) Under regulations prescribed by the President, an American hostage is entitled to the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.), including the benefits provided by section 701 (50 U.S.C. App. 591) but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 (50 U.S.C. App. 514, 515, 516, 540 through 548, 561 through 572, and 574).

(b) In applying such Act for purposes of this section—

(1) the term "person in the military service" is deemed to include any such American hostage;

(2) the term "period of military service" is deemed to include the period during which such American hostage is in a captive status; and

(3) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed to be references to the Secretary of State.

(c) The preceding provisions of this section shall not apply with respect to any American hostage covered by such provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 by reason of being in the armed forces.

APPLICABILITY TO COLOMBIAN HOSTAGE

SEC. 206. Notwithstanding the requirements of section 201(1), for purposes of this title, Richard Starr of Edmonds, Washington, who, as a Peace Corps volunteer, was held captive in Colombia and released on or about February 10, 1980, shall be held and considered to be an American hostage placed in a captive status on November 4, 1979.

EFFECTIVE DATE

SEC. 207. The preceding provisions of this title shall take effect as of November 4, 1979.

TITLE III—TREATMENT OF THE HOSTAGES IN IRAN

VISITS BY THE INTERNATIONAL RED CROSS

SEC. 301. (a) The Congress finds that—

(1) the continued illegal and unjustified detention of the American hostages by the Government of Iran has resulted in the deterioration of relations between the United States and Iran; and

(2) the protracted length and the conditions of their confinement have reportedly endangered the physical and mental well-being of the hostages.

(b) Therefore, it is the sense of the Congress that the President should make a formal request of the International Committee of the Red Cross to—

(1) make regular and periodic visits to the American hostages being held in Iran for the purpose of determining whether the hostages are being treated in a humane and decent manner and whether they are receiving proper medical attention;

(2) urge other countries to solicit the cooperation of the Government of Iran in the visits to the hostages by the International Committee of the Red Cross; and

(3) report to the United States its findings after each such visit.

Amend the title so as to read: "An Act to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evaluation of personnel from a foreign country and to provide certain benefits to the American hostages in Iran and to similarly situated individuals.

Mr. ROBERT C. BYRD. Mr President, I ask unanimous consent that statements by Messrs. CHURCH and CULVER be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

• Mr. CHURCH. Mr. President, prior to the current outbreak of hostilities between Iran and Iraq, reports have indicated that some progress may have been forthcoming in the release of the Americans held hostage in Iran. It is certain, however, that these past months have been a great personal and financial strain for the hostages and their families. With these burdens in mind, on April 17, I introduced S. 2581 and S. 2582 as a package of legislation designed to provide tax, medical, educational, and legal relief for the hostages and the members of their families.

The first bill, S. 2582, and its House companion, H.R. 6086, have both been favorably reported by the Senate Judiciary Committee. Senators PELL, SARBANES, BAYH, COHEN, DURENBERGER, JAVITS, BAUCUS, LEVIN, MCGOVERN, and BIDEN have become cosponsors.

The purpose of this bill is straightforward. It would raise from $15,000 to $40,000 the amount of compensation for both military and civilian personnel who suffer losses resulting from violence against U.S. personnel abroad or who are evacuated from hostile territory overseas.

Americans overseas are generally unable to obtain insurance to cover the risks of evacuation. Insurance for damages arising from riots or acts of war is not readily available. Coverage for personal property abandoned by evacuees is virtually unobtainable.

For example, in the evacuation of Iran, while some Americans were able to get some or most of their belongings shipped out of the country, many were forced to leave with only one suitcase per evacuee.

Senators PELL, SARBANES, BAYH, COHEN, THURMOND, DURENBERGER, JAVITS, BAUCUS, LEVIN, MCGOVERN, BIDEN, DURKIN, and BUMPERS have since joined as cosponsors of the second bill, S. 2581, which is the companion bill of H.R. 7085.

As passed by the House, this legislation would provide American hostages in Iran benefits essentially the same as those which were available to U.S. prisoners of war in Vietnam. The bill would apply to civilian employees of the U.S. Government, and, as appropriate, to other U.S. citizens. Benefits for military personnel in hostage situations are provided for by existing statutes.

Relief available under authority of H.R. 7085:

First. Establishes a savings program into which salaries of Government personnel being held hostage can be paid.

Second. Provides certain medical care not covered by insurance and limited education benefits for the hostages and their families.

Third. Extends the provisions of the Civil Relief Act now applicable to the members of the Armed Forces which would defer civil actions until the hostages are released.

Fourth. Exempts from income taxes compensation received for any month during which a Government employee is a hostage and provides total income tax exemption for an employee who dies as a result of his captivity.

Fifth. Clarifies the authority to allow the spouse of a hostage to file a joint income tax return and permits payment of taxes to be deferred until 180 days after the return of a hostage.

Sixth. Adds a sense of the Congress resolution urging regular visits be permitted to the hostages by the International Red Cross.

Because of the parliamentary situation on the Senate floor, the amendment which I am offering includes all the provisions of the bill as passed by the House except for the tax benefits. This title will have to be taken up another day.

Title I of the amendment makes certain technical corrections.

Title II of the amendment concerns special personnel benefits.

Section 201 contains definitions, an effective date of November 4, 1979, and a sunset provision on which the President determines that all Government employees and resident aliens who were held hostage in Iran have been returned or accounted for, or January 1, 1983.

Section 202 sets up a special interest-bearing savings fund into which the unallotted portion of a hostage's pay could be deposited. This fund would earn interest at a rate which is equal to the average rate paid on U.S. Treasury bills with 3-month maturities issued during the preceding calendar quarter. The interest be compounded quarterly.

Section 203 provides for the payment of medical and health care expenses—by advancement or reimbursement—and related expenses of the hostages and their families to the extent that they are not covered by medical insurance and that such treatment is related to an individual being an American hostage.

Section 204 provides educational and training benefits for the spouse or child of a hostage. The benefits would start after the 90th day an individual is placed in a captive status and would stop at the end of any semester or quarter which began before the date on which the hostage ceased to be in a captive status. However, the President may, under special circumstances, extend the benefits for a longer period of time.

Section 204 also contains a provision that in the event an American hostage should die and the death is related to that individual being a hostage, payments will be made for the spouse or child for education or training after the date of death.

Another benefit in this section would provide education or training to a former hostage, under special circumstances. Such a benefit would be available under regulations prescribed by the President, They would not begin until after the end of the hostage's captive status and would be in effect for 10 years after that date, but the benefits themselves would not be in excess of 45 months or the part-time equivalent thereof.

Section 205 gives the hostages relief from any civil actions which may be taken against them during their captivity. It brings into effect certain provisions of the Soldiers' and Sailors' Civil Relief Act of 1940. The benefits provided by that act would prevent a hostage from being sued in a civil court until that individual is in a position to respond to the action.

Section 206 gives the benefits contained in H.R. 7085, as amended, to Richard Starr, who, as a Peace Corps volunteer, was held captive in Colombia and was released in February 1980. The benefits would begin as if he were in a captive status on November 4, 1979.

Section 207 provides an effective date of November 4, 1979, to title I of the legislation.

Title III of the amendment calls for the President to make a formal request of the International Red Cross to make regular and periodic visits to the hostages to determine whether they are being treated in a humane and decent manner and are receiving proper medical attention. It also states that the International Red Cross should urge other countries to ask for the cooperation of the

Government of Iran to allow such visits and that the International Red Cross should report to the United States its findings after each visit.

Mr. President, although the pending bill with my amendment will not make the hostages and their families whole, it will bring a measure of relief. Much credit for the successful passage of the Hostage Relief Act should be given to the members of FLAG, the Family Liaison Action Group, who have worked diligently and intelligently on this legislation. All of us in the Senate, I am certain, fervently hope and pray that the hostages may soon be returned to their families.

Mr. President, I urge the passage of H.R. 6086, as amended.●

● Mr. CULVER. Mr. President, I rise to support the passage today of H.R. 6086, legislation which specifically attempts to provide assistance to those who have been directly affected by the hostage situation in Iran.

H.R. 6086, which recently passed the Senate Judiciary Committee unanimously, serves to reimburse civilians and military personnel who have lost property in foreign countries as a result of evacuation or hostile acts directed against the U.S. Government.

Compensating these victims is necessary at least as a partial response to the tremendous property losses incurred by Americans in Iran, Pakistan, and Libya during the past 2 years. In some cases, personnel were evacuated from those countries with only a suitcase of belongings, leaving homes, cars, furniture, clothing, and all other family possessions behind. For the most part, these kinds of losses cannot be provided against adequately by commercial insurance policies.

In addition, I offer my strong support for an amendment by Senator CHURCH to H.R. 6086 which incorporates the Hostage Relief Act of 1980, H.R. 7085, as passed by the House of Representatives earlier this week.

The provisions incorporated from the House bill represent temporary measures addressing the most immediate needs of the hostages and their families. It mirrors legislation which the Congress adopted in the 1970's to assist POW's and their families in paying their medical bills, education costs, and protecting them from civil actions which may be taken against them during their captivity.

Finally, the amendment calls upon the President to make a formal request of the International Red Cross to make regular and periodic visits to the hostages to determine whether they are being treated in a humane and decent manner and are receiving proper medical attention.

Mr. President, in the 327 day of captivity for our innocent Americans being held captive in a country now rocked by war, H.R. 6086 represents an important signal from the Congress that we are willing to take decisive and responsible actions to support these valiant people and their families.●

CONCERN FOR HOSTAGES IN IRAN

Mr. ROBERT C. BYRD. Mr. President, I am gratified that both the Senate and the House have been able to complete action on two important legislative measures relating to U.S. personnel being held hostage in Iran and their families here at home.

Yesterday, the Senate passed H.R. 7085 and earlier today, it approved H.R. 6086. Both measures have now been cleared for the President's signature.

H.R. 7085, the Hostage Relief Act of 1980, covers a number of important financial benefits for the hostages and their dependents. Among other things, it provides for medical costs, education and training costs, and tax relief. In addition, H.R. 6086 authorizes an increase from $15,000 to $40,000 in personal property claims by members of the armed services or civilian employees of the United States in connection with the evacuation of such personnel from an overseas port.

This legislative action makes it clear I believe, that Congress has not forgotten our hostages and has done its utmost to relieve the material and financial hardships faced by their families and immediate relatives back home.

I know all of my colleagues join with me in expressing the hope that we could do more, particularly with respect to securing the safe release of those being held in Iran. If it were in our power, we would. In the meantime, and in recognition of the reality of the situation, I earnestly hope that the measures recently approved by the Senate will be seen as an expression of our ongoing concern for the hostages and for their loved ones.

I know the entire country shares this concern and prays for the day when the hostages will return home safe and sound.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (UP No. 1719) was agreed to.

UP AMENDMENT NO. 1720

(Purpose: To provide for settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country)

Mr. BAKER. Mr. President, I send to the desk an amendment by the distinguished senior Senator from South Carolina and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) on behalf of Mr. THURMOND proposes an unprinted amendment numbered 1720.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 15, insert the following:

"SEC. 2. Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767, as amended; 31 U.S.C. 241), is amended as follows:

"(1) by striking out "$15,000" in subsection (a)(1) and inserting in place thereof "$25,000".

"(2) by striking out "$15,000" in subsection (b)(1) and inserting in place thereof "$25,000".

"SEC. 3. The amendments provided in section 2 of this Act shall apply to claims based upon damage to, or loss of, personal property which occurs after the date of the enactment."

Mr. BAKER. Mr. President, I ask unanimous consent that a statement by Senator THURMOND be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. THURMOND. Mr. President, I send to the desk an amendment to the pending bill, H.R. 6086, which would amend the Military Personnel and Civilian Employees Claims Act of 1964. This law grants authority for all Federal agencies of the Government to settle up to $15,000 for personal property losses suffered by Government personnel incident to their service.

When this law was first passed in 1964, it provided for a settlement figure of up to $6,500. In later years, and most recently in 1974, that figure was periodically raised to its current level of $15,000. The regulations implementing the present statute do not provide for the repayment for all property loss and it is clear that the statute and relevant regulations do not provide the equivalent of full insurance on all property subject to loss or damage.

Mr. President, under this law the property for which a claim of damage or loss is made must have a "reasonable relevance to the service and activity" of the employee or military member in the performance of his or her duties. Depreciation is deducted consistent with insurance industry standards to arrive at the true value of items claimed. Substantiation of personnel claims is an absolute requirement, and all the military services have well-defined, uniform procedures and trained legal staffs with years of experience settling these claims. In short, claims made under these provisions are subject to close scrutiny, as they should be.

Mr. President, as I have indicated, this claims statute is not intended to be a substitute for full insurance of personal property by civilian and military personnel. More comprehensive insurance can be purchased, of course, by Government personnel from any commercial insurance carrier. Unfortunately, because of the current low levels of pay for military personnel, for example, additional insurance for personal property damage or loss is an added expense that most servicemen often decide they can do without. As a result, many military personnel, especially enlisted personnel, are not adequately insured and must rely on the claims statute if accidental loss or damage to personal property occurs.

My amendment simply raises the ceiling on the amount that can be settled by the Government from $15,000 to $25,000. This increase reflects an adjustment for inflation since 1974. Again, any claim must be solidly proved, regardless of amount and the $25,000 ceiling is only a limit on what can be settled by the Government.

Because the Government cannot generally be sued for any damages beyond that amount, a number of private claim bills have been introduced in the Congress for losses suffered by Government personnel in excess of the present $15,000 limit. Partly due to these private claim bills, several of which have been before the Senate Judiciary Committee, I have considered this change in the Military Personnel and Civilian Employees Claims Act to be an appropriate one.

Mr. President, I have been advised that this amendment will not result in any substantial increase in the amounts paid out annually for the settlement of these claims. It is estimated that Governmentwide it would be less than $1 million a year. Although that is a lot of money, it is an expense that I believe Congress can justify, particularly in behalf of our military and civilian personnel.

Mr. President, I urge the adoption of the amendment.●

Mr. DOLE. Mr. President, I have a statement in support of the amendment of the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. President, the Senator from Kansas supports the bill presently before the Senate. The present law sets a limit of $15,000 on the compensation which can be paid to civilian employees and military personnel who have lost property in foreign countries as a result of evacuation or hostile acts. Yet such losses are often considerable. Indeed, as a result of the recent turbulent events in Iran, Pakistan, and Libya, many families have lost all their belongings. Quite obviously, $15,000 does not reflect anywhere near the replacement costs which these families must bear.

Therefore, it seems imperative to this Senator that the limit in the current law be raised. This bill raises that limit to $40,000, which is not an exorbitant sum. The Congressional Budget Office estimates that this bill will add an expense in 1981 of $832,000. This is a small figure when compared to the total annual net Department of Defense claims administration and reimbursement budget, which averages $57.5 million.

THE UNADDRESSED PROBLEM

Mr. President, having stated the merits of this bill, we cannot be blind to what it is we are doing. This bill is a remedy; it is an effort to compensate certain of our citizens for losses which took place beyond our shores. But this bill is in no way a corrective measure. The events which produced the need for this legislation were not beyond our control, but were the direct and obvious consequences of the policies we have followed in the last several years. It is appropriate therefore that our Government compensate these losses for which it was in large measure responsible.

The American people, and certainly this Senator, are outraged by the officially sanctioned terrorism, the violations of international law, and the simple indecencies that have been visited upon our fellow citizens and their property in many corners of the world.

Such actions must be stopped and the escalation of such activities must be prevented. The only way that can be done is if the nations of the world are completely confident of the fact that the United States will exact a heavy price for terrorism and lawlessness directed against its citizens and their property. This must be a basic and overriding goal for our foreign policy.

This is a matter of such grave and immediate concern that our consideration of it must not, and does not, fall along partisan lines. The Senator from Kansas appreciates that many of his colleagues in the Senate on both sides of the aisle share his apprehension about our foreign affairs.

Only by our resolve, only by standing firmly behind our own interests and values can we hope to survive in the world with those interests and values intact. This is the obvious lesson of history and of responsible statecraft. We must not act rashly, yet we must not embrace policies that announce to the whole world that there is little, if anything that we consider to be of such value that it is worth fighting for. Yet, while unarmed Polish workers defy the Soviet empire, we, one of the most powerful nations in the world, order the Marine guards at our Embassy in Tehran not to fire at attacking terrorists. Such policies do not promote peace, but merely invite hostile acts against us.

When a government fails to protect its citizens, or to even make a serious effort to protect its citizens, it abandons one of the basic duties it owes to its citizens and thereby undermines the respect and allegiance its citizens owe to it. Other activities of the Government are superfluous when the Government does not preserve the physical security of its citizens and their property.

Our response to the situation in Iran has grave implications for the future safety of our diplomatic personnel.

As a partial remedy, this Senator, joined by Senators HEFLIN, LUGAR, COHEN, SCHMITT, BOREN, and ARMSTRONG, was going to propose one of two amendments to H.R. 6086. We have decided not to propose one of these amendments due to the recent delicate political developments in Iran and to the fact that we have put ourselves in a corner where the release of the hostages now seems dependent on the whim of the Iranians.

Furthermore, we were advised that H.R. 6086 would simply not be brought up if the second amendment would be proposed. Not wanting to jeopardize the interests of the families who would benefit from this bill in a game of political chicken, we decided not to offer the second amendment.

But make no mistake about it. The sponsors of both of these amendments continue to believe them to be meritorious. The issues that these amendments addressed will remain with us, and sooner or later we must confront them. Simply put, the consequences of allowing other nations to violate with impunity their treaties with us and to disregard their responsibilities under international law, are most serious, promise to become more dangerous, and cannot be controlled solely by concern for immediate goals, such as the release of our hostages.

THE AMENDMENTS

Mr. President, the first amendment that we were to propose provided for the transfer of the Iranian assets, blocked by Presidential order last November, to the Federal Government to set up a fund from which payments would have been made to the hostages or their families according to a set formula. The remainder of the assets was to be used to pay damages which may be awarded to the hostages or to others by the courts. In addition, the Federal courts would have been given exclusive jurisdiction over tort and contract claims against the Iranians.

One main purpose of this amendment was obviously to compensate the hostages and their families in some way for their ordeal.

But in addition, by preserving the bulk of the assets to satisfy court judgments, the amendment attempted to insure compensation for the millions of dollars of claims by Americans generated by other Iranian actions taken in clear violation of treaty provisions and international law, such as the nationalization of broad segments of the Iranian economy. Such a move would not only have been within the power of Congress, but under international law would have been legitimate self-help by the United States following a failure to get redress through conventional means.

Of course, the unblocking of these assets is being demanded by Iran as a condition for the release of the hostages. Without debating now the merits of using these assets as "bargaining chips," it is obvious that the amendment we were to have proposed would have foreclosed that option, which many consider to be an acceptable step. Consequently, we decided not to offer that amendment at this time.

The second proposal did not affect the blocked assets, or even take punitive action against Iran. Rather, it attempted to give American citizens in the future some access to the Federal courts to seek compensation for injuries inflicted by foreign governments. To do this, the amendment corrected deficiencies in the Foreign Sovereign Immunities Act.

For example, the hostages in Iran probably have no right under existing law to sue Iran in our courts for its actions against them because the Foreign Sovereign Immunities Act only allows such lawsuits where torts are committed in the United States. This amendment would have expanded Federal jurisdiction to torts committed in whole or in part in U.S. diplomatic missions and consulates, and to torts committed elsewhere when international law is violated and the aggrieved party is a U.S. national.

Furthermore, though the International Court of Justice has held that the United States is entitled to recover money from Iran for the injuries done to the hostages, such a judgment can be enforced only by the U.N. Security Council, where the U.S.S.R. has a veto. To cure this difficulty, the amendment would have allowed the Federal courts to enforce decisions of the International Court of Justice and international arbitration awards.

Finally, U.S. investment abroad is frequently, and increasingly, subject to expropriation without effective compensation or redress. Such expropriation has recently occurred in Iran on a massive scale. Therefore, the amendment we were to propose would have given the Federal courts jurisdiction over lawsuits based on uncompensated expropriations in violation of international law.

Mr. President, for the RECORD, I ask unanimous consent that this amendment be printed at this point in my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 4, after line 9, insert the following:

SEC. 3. Chapter 97 of title 28, United States Code, is amended—

(1) by adding at the end of section 1603 the following:

"(f) A 'national of the United States' means—

"(A) a natural person who is a citizen of the United States, or

"(B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity.";

(2) by inserting in section 1605(a)(1) after "implication" a comma and the following: "including as provided in subsection (c)";

(3) by striking out in section 1605(a)(5) "occurring in the United States" and inserting in lieu thereof the following: "occurring in whole or in part in the United States, within the premises of a diplomatic or consular mission of the United States, or elsewhere if in violation of international law and if the aggrieved party is a national of the United States,";

(4) by adding at the end of section 1605(a) the following:

"(6) not otherwise provided for in paragraph (3), in which the action is based upon a taking of property of a national of the United States without the payment of prompt, adequate, and effective compensation required by international law or otherwise in violation of international law.

"(7) in which the United States seeks recognition and enforcement of a judgment for money rendered by the International Court of Justice.";

(5) by adding at the end of section 1605 the following:

"(c) For purposes of subsection (a) (1), an agreement by a foreign state to submit to arbitration shall be deemed a waiver of immunity with respect to any proceeding to confirm an arbitral award resulting from such agreement.";

(6) by striking out in section 1606 "except for an agency or instrumentality thereof shall not be liable for punitive damages" and inserting in lieu thereof "other than an agency of instrumentality thereof shall not be liable for punitive damages except to the extent provided under international law";

(7) by amending section 1610—

(A) by inserting in subsection (a) (1) after "implication" a comma and the following: "including as provided in subsection (e)";

(B) by striking out the period at the end of subsection (a) and inserting in lieu thereof a comma and "or";

(C) by adding at the end of subsection (a) the following:

"(6) the execution relates to a judgment obtained pursuant to paragraph (5), (6), or (7) of section 1605 (a).";

(D) by striking out in subsection (b) (2) "or (5)" and inserting in lieu thereof "(5), or (6)"; and

(E) by adding at the end thereof the following:

"(e) For purposes of subsection (a) (1), an agreement by a foreign state to submit to arbitration shall be deemed a waiver of immunity with respect to attachment in aid of execution or with respect to execution, relating to a judgment entered on an arbitral award.";

(8) by adding at the end thereof the following:

"§ 1612. Judgments for money rendered by the International Court of Justice

"On complaint of the United States, the district courts of the United States shall recognize and enforce any judgment for money rendered by the International Court of Justice."; and

(9) by inserting at the end of the table of sections for chapter 97 the following item:

"1612. Judgments for money rendered by the International Court of Justice.".

Mr. DOLE. Though this amendment did not take direct actions against Iran, the sponsors of it concluded that it was a responsible step in light of not only our experience in Iran, but also considering the prospects for future lawlessness in the international arena. By expanding jurisdiction to essentially permit the Federal courts to remedy violations of international law in certain circumstances, these sorts of controversies would in the first instance be considered in a primarily legal, rather than political, forum. Damages awarded by the courts could not be seen as punitive political or diplomatic maneuvers consciously taken as a matter of national policy.

Thus even when we are injured, law and calm deliberation, rather than uncertain vacillation or impetuous aggressiveness, would be the order of the day. Individual citizens could vindicate their rights even when their Government cannot, or will not, do so.

In sum, Mr. President, these questions will not fade with the passage of this legislation. Foreign terrorists, nations unconcerned by the dictates of law, and other adversaries will not let us ignore such problems. We must, sooner or later, take responsible action to protect our interests in the future.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 1720) was agreed to.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and, as amended, was passed.

Mr. ROBERT C. BYRD. Mr. President, let the record show that I called up the bill on behalf of Mr. KENNEDY.

Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO INDEFINITELY POSTPONE CALENDER ORDER NO. 966

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 966 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET WAIVER RESOLUTION

The resolution (S. Res. 515) to waive section 402(a) of the Budget Act with respect to the consideration of H.R. 4084, authorizing funds for fiscal year 1981 for the Suisun Marsh, Calif., was considered and agreed to, as follows:

Resolved, That section 402(a) of the Congressional Budget Act of 1974 is waived with respect to the consideration of H.R. 4084. The legislation, which was unanimously approved by the Environment and Public Works Committee on March 24, 1980, addresses the problem of salt water intrusion in the Suisun Marsh area in the State of California.

The bill recognizes that the Federal Government's Central Valley project contributes to the deterioration of the marsh and authorizes the Secretary of the Interior to share 50 per centum of the costs ($2,500,000) of the initial mitigation facilities under construction by the State.

The Senate Energy Committee, to which H.R. 4084 was jointly referred, approved it on June 3. Therefore, a budget waiver is requested for consideration of fiscal year 1981 funding.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SUISUN MARSH PRESERVATION AND RESTORATION ACT OF 1979

The Senate proceeded to consider the bill (H.R. 4084) to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California, which had been reported from the Committee on Energy and Natural Resources with amendments as follows:

On page 2, line 19, strike "of the Bureau".

On page 3, line 9, strike "Bureau of Reclamation" and insert "Water and Power Resources Service";

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENERGY EFFICIENT COOLING

The Senate proceeded to consider the resolution (S. Res. 460) to express the sense of the Senate that the Secretary of Energy should take all necessary actions to promote energy efficient cooling, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

Strike out all after the resolving clause, and insert the following:

Resolved, That it is the sense of the Senate that the President should take appropriate actions to coordinate Federal departments and agencies, including the General Services Administration, the Department of Defense, the Department of Transportation, the Department of the Treasury, the Department of Energy, the Environmental Protection Agency, and all other relevant agencies and departments in establishing a program to encourage the use of energy efficient alternatives for cooling. Such programs may include such tax incentives as are permitted under and are consistent with existing law, Federal procurement policies, research, development, and demonstration programs, and programs to make such information and the structure of these Federal programs available to the various States.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The preamble was amended and agreed to.

The resolution, as amended, with its preamble, as amended, is as follows:

Whereas the Nation faces a serious energy shortage due to increasing dependence on foreign imports of crude oil; and

Whereas cooling is utilized in many aspects of society, such as the residential, commercial, and industrial sectors and in transportation of necessary foodstuffs and perishable goods, in which an estimated 1.8 billion gallons of diesel fuel per year could be saved; and

Whereas cooling energy consumption is estimated at 16 per centum in the commercial sector, 6 per centum in the residential sector, 3.5 per centum in the building sector, and 16.5 per centum in the food system chain; and

Whereas load management of electricity is vital in the conservation of liquid fuels, and cooling is a significant element in electrical load management; and

Whereas cooling is necessary for comfort and health, not only as a luxury, thereby exhibiting the need for lower cooling costs; and

Whereas the promotion of energy efficient cooling systems can make a substantial contribution to the national goal of reducing imports of crude oil; and

Whereas the Federal Government has the power to significantly contribute to cooling conservation by implementing existing authorities which encourage energy efficient cooling: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should take appropriate actions to coordinate Federal departments and agencies, including the General Services Administration, the Department of Defense, the Department of Transportation, the Department of the Treasury, the Department of Energy, the Environmental Protection Agency, and all other relevent agencies and departments in establishing a program to encourage the use of energy efficient alternatives for cooling. Such programs may include such tax incentives as are permitted under and are consistent with existing law, Federal procurement policies, research, development, and demonstration programs, and programs to make such information and the structure of these Federal programs available to the various States.

The title was amended so as to read: "A resolution to express the sense of the Senate that the President should take appropriate actions to coordinate Federal agencies and departments to promote energy efficient cooling."

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LABOR STATISTICS CONFIDENTIALITY ACT

The Senate proceeded to consider the bill (S. 2887) to protect the confidentiality of data made available to the Bureau of Labor Statistics, and for other purposes, which had been reported from the Committee on Labor and Human Resources with an amendment, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Labor Statistics Confidentiality Act".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands;

(2) "Secretary" means the Secretary of Labor;

(3) "Bureau" means the Bureau of Labor Statistics of the Department of Labor;

(4) "Commissioner" means the Commissioner of the Bureau of Labor Statistics of the Department of Labor;

(5) "agent of the Bureau" includes any contractor, subcontractor, grantee, or subgrantee of the Bureau of Labor Statistics, all employees of any such contractor, subcontractor, grantee, or subgrantee, and other employees of the Department of Labor providing support for the statistical programs of the Bureau, but shall not include any State or local government entity with respect to its participation in a cooperative statistical program as designated by the Commissioner;

(6) "respondent" means a person, Federal agency, or a State or local government entity that provides data to the Bureau or to any officer, employee, or agent of the Bureau for the conduct of statistical programs;

(7) "protected data" means any data (including a portion of the data or any data derived from the data) which—

(A) are collected by an officer, employee, or agent of the Bureau for use in a statistical program of the Bureau;

(B) could reasonably be uniquely associated with the identity of any person to which such data pertain, including the identity of any respondent; and

(C) were designated as protected data by the Commissioner before such data are obtained by the Bureau (including any agent of the Bureau); and

(8) "cooperative statistical data" means any data (including a portion of the data or any data derived from the data) which—

(A) are collected by a State or local agency in accordance with a cooperative statistical program conducted jointly by the State or local agency and the Bureau;

(B) could reasonably be uniquely associated with the identity of any person to which such data pertain, including the identity of any respondent; and

(C) were designated as cooperative statistical data by the Commissioner before the data are obtained by the Bureau (including any agent of the Bureau).

CONFIDENTIALITY OF DATA

SEC. 3. (a) Protected data and cooperative statistical data shall be used only by officers, employees, or agents of the Bureau for the conduct or administration of the statistical programs of the Bureau or in accordance with section 5, 6, or 7.

(b) Protected data and cooperative statistical data shall not be disclosed by any officer, employee, or agent of the Bureau except—

(1) to another such officer, employee, or agent for use in accordance with subsection (a);

(2) in accordance with section 5, 6, or 7; or

(3) to the State or local agency that collected the data, in the case of cooperative statistical data.

TRANSFERS OF DATA TO THE BUREAU

SEC. 4. (a) If data obtained by a Federal agency are transferred to the Bureau, all provisions of law (including penalties which relate to the unlawful use or disclosure of data) apply to the officers, employees, and agents of the Bureau to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which transferred the data. The officers, employees, and agents of the Bureau shall, in addition, be subject to the same provisions of law, including penalties relating to the unlawful use or disclosure of data, as if the data had been collected directly by the Bureau.

(b) The provisions of sections 5 and 6 shall not apply to any data transferred to the Bureau from any other Federal agency except where expressly authorized by the transferring agency in accordance with applicable law.

(c) Nothing in this Act shall restrict the authority of a Government agency that has transferred data to the Bureau to use or disclose the data in any otherwise lawful manner.

EXCEPTIONS

SEC. 5. Protected data and cooperative statistical data may be used or disclosed for any purpose specified by the Commissioner in a manner that permits particular data to be associated with particular persons if—

(1) the proposed use or disclosure has been described in a notice published in the Federal Register at least thirty days before the data are obtained by the Bureau (including any agent of the Bureau); and

(2) each respondent asked to provide data is given a copy of the Federal Register notice (or an equivalent notice) describing the use or disclosure at or prior to the time the data are obtained by the Bureau (including any agent of the Bureau).

WAIVERS

SEC. 6. (a) Any restrictions imposed by this Act on the use or disclosure of protected data or cooperative statistical data may be waived with express written consent of the respondent.

(b) The Commissioner may in his or her discretion make waivers of restrictions on use or disclosure for any protected data or cooperative statistical data collected seventy-two or more years prior to the date of the waiver.

IMMUNITY FROM LEGAL PROCESS

SEC. 7. (a) Except as provided in subsection (b)—

(1) submissions from respondents (and any copies thereof) containing protected data or submissions of cooperative statisical data in the possession of the Bureau, any officer, employee, or agent of the Bureau or of any Federal, State, or local agency, or any other person pursuant to the provisions of this Act;

(2) copies of such submissions retained by respondents; and

(3) all data in the possession of the Bureau, any officer, employee, or agent of the Bureau or of any Federal, State, or local agency, or any other person pursuant to the provisions of this Act, to the extent that such data are derived from such submissions and could reasonably be uniquely associated with the identity of any person to which such data or any portions thereof pertain, including the identity of any respondent.

shall be immune from legal process and shall not be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision of a State; nor shall such data be used in any manner that identifies particular data with particular persons to determine any right, benefit, privilege, or penalty or to facilitate any investigation or prosecution of any person to which such data pertain.

(b) Any data protected by subsection (a) may be subject to legal process, may be received in evidence, and other wise used if—

(1) the data are available in accordance with section 5 or 6; or

(2) after notice to the respondent, the data are to be used in a proceeding under section 8 or in a civil or criminal proceeding brought against an officer, employee, or agent of the Bureau or other Federal agency with respect to a violation of this Act.

(c) Any person who seeks protected data or cooperative statistical data by legal process based on subsection (b)(1) shall have the burden of proving that there is an applicable exception or waiver.

(d) Nothing in this Act may be construed to provide immunity from legal process or shall prohibit the use of cooperative statistical data in the possession of any cooperating State or local agency unless such immunity is otherwise provided by law.

CIVIL PENALTY AND DEBARMENT

SEC. 8. (a) Any officer, employee, or agent of the Bureau, or any officer or employee of any agency to which data are transferred pursuant to this Act, who knowingly makes any use or disclosure of submissions or data in violation of this Act shall be subject to a civil monetary penalty of not to exceed $5,000, debarment from participation in any grant or contract with the Department of Labor involving any statistical program for a period not to exceed five years, or both.

(b) Determinations of violations and the amount of any penalty or terms of debarment pursuant to subsection (a) shall be made by the Secretary in an administrative proceeding after opportunity for a hearing in accordance with section 554 of title 5, United States Code, and regulations to be issued by the Secretary. Any determination made in accordance with this subsection shall constitute a final order and it shall not be subject to judicial review except in accordance with subsection (c).

(c) Any person against whom an order imposing a civil monetary penalty or debarment has been entered pursuant to subsection (b) may obtain review by the United States district court for any district in which such person is located or the United States District Court for the District of Columbia by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by registered mail to the Secretary. The Secretary shall promptly certify and file in such court the record upon which the penalty or debarment was imposed. Any such review shall be in accordance with section 706 of title 5, United States Code. District court decisions may be appealed in the manner provided in sections 1291 and 1254 of title 28, United States Code.

(d) The amount of any penalty, as determined pursuant to this section, may be recovered in a civil action brought by the Attorney General on behalf of the Secretary in the appropriate United States district court. In such action, the validity and appropriateness of the final order imposing the penalty or debarment shall not be subject to review.

RULES AND REGULATIONS

SEC. 9. The Secretary and the Commissioner may issue such rules and regulations as they deem necessary or appropriate to carry out their respective responsibilities under this Act.

ARRANGEMENTS WITH COOPERATING STATE AGENCIES

SEC. 10. The Commissioner may make arrangements with any cooperating State or local agency for the purpose of further protecting the confidentiality of cooperative statistical data in the possession of such State agency.

EFFECTIVE DATE

SEC. 11. (a) This Act shall take effect on the first day of the first calendar quarter beginning more than one hundred and eighty days after the date of enactment.

(b) Any information collected by the Bureau before the effective date of this Act which is exempt from disclosure under section 522(b)(4) of title 5, United States Code, shall not be publicly disclosed except in accordance with section 6.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

USED OIL RECYCLING ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. RANDOLPH, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2412.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2412) entitled "An Act to amend the Solid Waste Disposal Act to further encourage the use of recycled oil", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Used Oil Recycling Act of 1980".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) used oil is a valuable source of increasingly scarce energy and materials;

(2) technology exists to re-refine, reprocess, reclaim, and otherwise recycle used oil;

(3) used oil constitutes a threat to public health and the environment when reused or disposed of improperly; and

that, therefore, it is in the national interest to recycle used oil in a manner which does not constitute a threat to public health and the environment and which conserves energy and materials.

DEFINITIONS

SEC. 3. Section 1004 of the Solid Waste Disposal Act is amended by adding the following new paragraphs at the end thereof:

"(36) The term 'used oil' means any oil which has been—

"(A) refined from crude oil,

"(B) used, and

"(C) as a result of such use, contaminated by physical or chemical impurities.

"(37) The term 'recycled oil' means any used oil which is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). Such term includes oil which is rerefined, reclaimed, burned, or reprocessed.

"(38) The term 'lubricating oil' means the fraction of crude oil which is sold for purposes of reducing friction in any industrial or mechanical device. Such term includes rerefined oil.

"(39) The term 'rerefined oil' means used oil from which the physical and chemical contaminants acquired through previous use have been removed through a refining process.".

LABELING REQUIREMENTS

SEC. 4. (a) Subtitle B of title II of the Solid Waste Disposal Act is amended by inserting the following new section immediately after section 2004 and by redesignating sections 2005 and 2006 as 2006 and 2007, respectively:

"LABELING OF CERTAIN OIL

"SEC. 2005. For purposes of any provision of law which requires the labeling of commodities, lubricating oil shall be treated as lawfully labeled only if it bears the following statement, prominently displayed:

"'DON'T POLLUTE—CONSERVE RESOURCES; RETURN USED OIL TO COLLECTION CENTERS'.".

(b) The table of contents for such subtitle B of title II of the Solid Waste Disposal Act is amended by inserting the following new item immediately after the item relating to section 2004 and by redesignating the items relating to sections 2005 and 2006 as 2006 and 2007, respectively:

"Sec. 2005. Labeling of certain oil.".

(c) Before the effective date of the labeling standards required to be prescribed under section 383(d)(1)(A) of the Energy Policy and Conservation Act, no requirement of any rule or order of the Federal Trade Commission may apply, or remain applicable, to any container of recycled oil (as defined in section 383(b) of such Act) if such requirement provides that the container must bear any label referring to the fact that it has been derived from previously used oil. Nothing in this subsection shall be construed to affect any labeling requirement applicable to recycled oil under any authority of law to the extent such requirement relates to fitness for intended use or any other performance characteristic of such oil or to any characteristic of such oil other than that referred to in the preceding sentence.

ASSISTANCE TO STATES

SEC. 5. (a) Section 4003 of the Solid Waste Disposal Act is amended by striking out "Minimum" in the heading thereof.

(b) Such section 4003 is further amended by inserting "(a) MINIMUM REQUIREMENTS.—"after "4003" and by adding the following new subsection at the end thereof:

"(b) DISCRETIONARY PLAN PROVISIONS RELATING TO RECYCLED OIL.—Any State plan submitted under this subtitle may include, at the option of the State, provisions to carry out each of the following:

"(1) Encouragement, to the maximum extent feasible and consistent with the protection of the public health and the environment, of the use of recycled oil in all appropriate areas of State and local government.

"(2) Encouragement of persons contracting with the State to use recycled oil to the maximum extent feasible, consistent with protection of the public health and the environment.

"(3) Informing the public of the uses of recycled oil.

"(4) Establishment and implementation of a program (including any necessary licensing of persons and including the use, where appropriate, of manifests) to assure that used oil is collected, transported, treated, stored, reused, and disposed of, in a manner which does not present a hazard to the public health or the environment.

Any plan submitted under this title before the date of the enactment of the Used Oil Recycling Act of 1980 may be amended, at the option of the State, at any time after such date to include any provision referred to in this subsection.".

(b) Section 4008 of such Act is amended

by adding at the end the following new subsection:

"(f) ASSISTANCE TO STATES FOR DISCRETIONARY PROGRAM FOR RECYCLED OIL.—(1) The Administrator may make grants to States which have a State plan approved under section 4007, or which have submitted a State plan approval under such section, if such plan includes the discretionary provisions described in section 4003(b). Grants under this subsection shall be for purposes of assisting the State in carrying out such discretionary provisions. No grant under this subsection may be used for construction or for the acquisition of land or equipment.

"(2) Grants under this subsection shall be allotted among the States in the same manner as provided in the first sentence of subsection (b).

"(3) No grant may be made under this subsection unless an application therefor is submitted to, and approved by, the Administrator. The application shall be in such form, be submitted in such manner, and contain such information as the Administrator may require.

"(4) For purposes of making grants under this subsection, there are authorized to be appropriated $5,000,000 for fiscal year 1982 and $5,000,000 for fiscal year 1983.".

TECHNICAL ASSISTANCE

SEC. 6. Section 4008(d) of the Solid Waste Disposal Act is amended by inserting "(1)" after ASSISTANCE.—" and by adding the following new paragraph at the end thereof:

"(2) In carrying out this subsection, the Administrator may, upon request, provide technical assistance to States to assist in the removal or modification of legal, institutional, economic, and other impediments to the recycling of used oil. Such impediments may include laws, regulations, and policies, including State procurement policies, which are not favorable to the recycling of used oil.".

RESTRICTIONS ON RECYCLED OIL

SEC. 7. (a) Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

"RESTRICTIONS ON RECYCLED OIL

"SEC. 3012. Not later than one year after the date of the enactment of this section, the Administrator shall promulgate regulations establishing such performance standards and other requirements as may be necessary to protect the public health and the environment from hazards associated with recycled oil. In developing such regulations, the Administrator shall conduct an analysis of the economic impact of the regulations on the oil recycling industry. The Administrator shall ensure that such regulations do not discourage the recovery or recycling of used oil.".

(b) The table of contents for such subtitle is amended by inserting the following new item immediately after the item relating to section 3011:

"Sec. 3012. Restrictions on recycled oil.".

USED OIL AS A HAZARDOUS WASTE

"SEC. 8. Not later than ninety days after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) make a determination as to the applicability to used oil of the criteria and regulations promulgated under subsections (a) and (b) of section 3001 of the Solid Waste Disposal Act relating to characteristics of hazardous wastes, and

(2) report to the Congress the determination together with a detailed statement of the data and other information upon which the determination is based. In making a determination under paragraph (1), the Administrator shall ensure that the recovery reuse of used oil are not discouraged.

STUDY

SEC. 9. The Adminstrator of the Environmental Protection Agency, in cooperation with the Secretary of Energy, the Federal Trade Commission, and the Secretary of Commerce, shall conduct a study—

(1) assessing the environmental problems associated with the improper disposal or reuse of used oil;

(2) addressing the collection cycle of used oil prior to recycling;

(3) analyzing supply and demand in the used oil industry, including (A) estimates of the future supply and equality of used oil feedstocks for purpose of rerefining and (B) estimates of the future supply of virgin crude oil available for refining for purposes of producing lubricating oil;

(4) comparing the energy savings assoiated with re-refining used oil and the energy savings associated with other uses of used oil; and

(5) recommending Federal, State, and local policies to encourage methods for environmentally sound and economically feasible recycling of used oil.

Where appropriate, for purposes of the study under this section, the Administrator may utilize and update information and data previously collected by the Administrator and by other agencies, departments, and instrumentalities of the United States. The Administrator shall submit to Congress a report containing the results of the study under this section not later than one year after the date of the enactment of this Act.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. RANDOLPH, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SOLID WASTE DISPOSAL ACT AMENDMENTS—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I submit a report of the committee of conference on S. 1156 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RATTLESNAKE NATIONAL RECREATION AREA AND WILDERNESS

The Senate proceeded to consider the bill (S. 3072) to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 3, line 9, after the comma, insert the following: "which compromise approximately 30,000 acres";

On page 4, line 15, beginning with "section," strike through and including "1980." on line 20, insert in lieu thereof "section."

On page 4, line 23, after "within" insert the following: "or contiguous to";

On page 5, line 1, strike "The" and insert in lieu thereof the following:

In accordance with the agreement entitled "Statement of Intent" entered into by the Montana Power Company, the Regional Forester of the United States Forest Service, Region 1, and the State Director of the Bureau of Land Management signed
, 1980, the

On page 5, line 8, strike "the" and insert "that";

On page 5, line 9, after "within" insert the following: "or contiguous to";

On page 5, line 24, after "in" insert "the";

On page 5, line 25, after the period, insert the following:

"Nothing in this Act shall be construed to require any owner of the lands within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness to accept coal lease bidding rights in exchange for title to those private lands.

On page 6, line 16, strike "no" and insert "not";

On page 6, line 18, strike "region," and insert the following:

"Coal Production Region as defined in the Federal Register of November 9, 1979 (44 FR 65196)";

On page 7, after line 13, insert the following:

(c) The exchange of lands involving Burlington Northern, Inc. shall be in accordance with the agreement entitled "Statement of Intent" entered into by Burlington Northern, Inc. and the Regional Forester of the United States Forest Service, Region 1, signed 1980, and it is the intent of Congress that this exchange shall occur within three years of the date of enactment of this Act.

On page 7, line 21, strike "(c)" and insert "(d)";

On page 9, line 2, strike "There" and insert the following: "Effective October 1, 1981";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rattlesnake National Recreation Area and Wilderness Act of 1980".

STATEMENT OF FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) certain lands on the Lolo National Forest in Montana have high value for watershed, water storage, wildlife habitat, primitive recreation, historical, scientific, ecological, and educational purposes. This national forest area has long been used as a wilderness by Montanans and by people throughout the Nation who value it as a source of solitude, wildlife, clean, free-flowing waters stored and used for municipal purposes for over a century, and primitive recreation, to include such activities as hiking, camping, backpacking, hunting, fishing, horse riding, and bicycling; and

(2) certain other lands on the Lolo National Forest, while not predominantly of wilderness quality, have high value for municipal watershed, recreation, wildlife habitat, and ecological and educational purposes.

(b) Therefore, it is hereby declared to be the policy of Congress that, to further the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131) and the National Forest Management Act of 1976 (16 U.S.C. 1600), the people of the Nation and Montana would best be served by national recreation area designation of the Rattlesnake area to include the permanent preservation of certain of these lands under established statutory designation as wilderness, and to promote the watershed, recreational, wildlife, and educational values of the remainder of these lands.

DESIGNATION AND MANAGEMENT OF RATTLESNAKE WILDERNESS AREA

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Rattlesnake National Recreation Area as designated by this Act, which comprise approximately 30,000 acres as generally depicted as the "Rattlesnake Wilderness" on a map entitled "Rattlesnake National Recreation Area and Wilderness—Proposed", and dated August 1980, are hereby designated as wilderness and shall be known as the Rattlesnake Wilderness.

(b) Subject to valid existing rights, the Rattlesnake Wilderness as designated by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as the Secretary, in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

DESIGNATION AND MANAGEMENT OF RATTLESNAKE NATIONAL RECREATION AREA

SEC. 3. An area of land as generally depicted as the "Rattlesnake National Recreation Area" on a map entitled "Rattlesnake National Recreation Area and Wilderness—Proposed", and dated August 1980, is hereby established as the Rattlesnake National Recreation Area.

LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) Within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, the Secretary is authorized and directed to acquire with donated or appropriated funds including amounts appropriated from the Land and Water Conservation Fund, by exchange, gift, or purchase, such non-Federal lands, interests, or any other property, in conformance with the provisions of this section. Nothing in this Act shall be construed to limit or diminish the existing authority of the Secretary to acquire lands and interests therein within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness.

(b)(1) In accordance with the agreement entitled "Statement of Intent" entered into by the Montana Power Company, the Regional Forester of the United States Forest Service, Region 1, and the State Director of the Bureau of Land Management, signed, ——1980, the Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to consider and consummate an exchange with that owner of the private lands or interests therein within or contiguous to the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, as described in sections 2 and 3 of this Act, by which the Secretary of the Interior may accept conveyance of title to these private lands for the United States and in exchange issue bidding rights that may be exercised in competitive coal lease sales, or in coal lease modifications, or both, under sections 2 and 3 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 201(a), 203. Any lands so acquired shall become national forest lands under the jurisdiction of the Secretary of Agriculture to be managed in accordance with the provisions of this Act and other laws applicable to the management of national forest lands. Nothing in this Act shall be construed to limit or diminish any existing authority of the Secretaries of the Interior and Agriculture to acquire private lands and interests therein in the Rattlesnake National Recreation area and Rattlesnake Wilderness. Nothing in this Act shall be construed to require any owner of the lands within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness to accept coal lease bidding rights in exchange for title to those private lands.

(2) The coal lease bidding rights to be issued may be exercised as payment of bonus or other payment required of the successful bidder for a competitive coal lease, or required of an applicant for a coal lease modification. The bidding rights shall equal the fair market value of the private lands or interests therein conveyed in exchange for their issuance. The use and exercise of the bidding rights shall be subject to the provisions of the Secretary of the Interior's regulations governing coal lease bidding rights, to the extent that they are not inconsistent with this Act, that are in effect at the time the bidding rights are issued.

(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Program as defined in the Federal Register of November 9, 1979 (44 FR 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this Act have not been exercised within three years from the date of enactment of this Act, the holder of the bidding rights may, at its election, use the outstanding bidding rights as a credit against any royalty, rental, or advance royalty payments owed to the United States on any Federal coal lease(s) it may then hold.

(4) It is the intent of Congress that the exchange of bidding rights for the private lands or interests therein authorized by this Act shall occur within three years of the date of enactment of this Act.

(5) In order to facilitate the exchange authorized by this Act, the Executive order captioned "Order of Withdrawal", of June 6, 1929, creating "Coal Reserve No. 1, Montana, No. 1", is hereby revoked to the extent that it constitutes a withdrawal of the lands therein from disposal under the Mineral Lands Leasing Act of 1920, as amended.

(c) The exchange of lands involving Burlington Northern, Inc. shall be in accordance with the agreement entitled "Statement of Intent" entered into by Burlington Northern, Inc. and the Regional Forester of the United States Forest Service, Region 1, signed 1980, and it is the intent of Congress that this exchange shall occur within three years of the date of enactment of this Act.

(d)(1) As non-Federal lands and interests in the Rattlesnake National Recreation Area are acquired, the lands shall become part of the Rattlesnake National Recreation Area. As non-Federal lands and interests in the Rattlesnake Wilderness are acquired, the lands shall become part of the Rattlesnake Wilderness. The Secretary shall publish from time to time a notice of such classifications in the Federal Register. It is the intention of Congress that acquisition of the non-Federal lands shall be completed no later than three years after the date of the enactment of this Act.

(2) Nothing in this Act shall be construed to permit the Secretary to affect or diminish any water right which is vested under either State or Federal law at the time of enactment of this Act, nor the rights of the owner of such water right to the customary and usual access, including necessary motorized use over and along existing roads and trails to any facilities used in connection therewith, and the right to operate and maintain such facilities.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map and legal description of the Rattlesnake National Recreation Area and a map and legal description of the Rattlesnake Wilderness shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. Effective October 1, 1981, there is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

UP AMENDMENT NO. 1721

(Purpose: To modify the reference map, and for other purposes)

Mr. MELCHER. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an unprinted amendment numbered 1721.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 9, strike "30,000" and insert in its place "33,000".

On page 3, line 12, strike "August" and insert in its place "October 1,".

On page 4, line 6, strike "August" and insert in its place "October 1,".

On page 5, line 1, after "(b)(1)" strike the rest of the material on that line and the material on lines 2, 3, 4, through the word "the" on line 5, and insert in lieu thereof "The"

On page 5, line 8, strike "that" and insert in its place "the".

On page 7, line 18, following the word "signed" insert "September 18,".

Mr. President, I move the adoption of the amendment. I do not believe there is any objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana (Mr. MELCHER).

The amendment (UP No. 1721) was agreed to.

Mr. MELCHER. Mr. President, some Missoula residents have expressed concern about the possibility that the designation of a wilderness area so close to the boundaries of the city of Missoula could have adverse effects on the economy of the city because of requirements of the Clean Air Act to insure clear air in a wilderness. The Clean Air Act, as amended, clearly insures that wilderness areas designated after August 7, 1977 shall be designated as class II air quality areas.

I have contacted the Forest Service, the Environmental Protection Agency, and the Montana State officials charged with enforcing air quality standards, and have been assured that the designation of an area as wilderness does not trigger any mechanism whereby the Rattlesnake lands currently designated as class II air would be upgraded to class I. Likewise, I have been assured that the designation of these lands as wilderness does not trigger any mechanism to require the attainment of class II air, either.

Any plans, schedules, or requirements now in existence to attain class II air in the Rattlesnake will be unaffected by the act of declaring the Rattlesnake a wilderness. It is not my intent nor the intent of any Senators I have talked to that the designation of the lands as wilderness should require, imply or give impetus to any change in air quality designation for those lands.

I am confident that the EPA, the Montana health officials, and the Missoula citizens, industry and government will continue to work toward a solution of the air quality problems caused locally by the topography, preexisting industry and preference for wood-burning stoves. Congressional designation of certain lands in the Rattlesnake area as wilderness is not intended to complicate or otherwise affect those efforts.

Mr. President, I believe we have completed all steps necessary to pass the bill in a satisfactory form with the incorporation of the amendment I have just proposed.

Mr. BAUCUS. Will the Senator yield?

Mr. MELCHER. I am glad to yield.

Mr. BAUCUS. Mr. President, I rise with pleasure to lend support to a bill which is of most immediate concern to the people of my home town, Missoula, Mont. The bill is S. 3072, establishing the Rattlesnake National Recreation Area and Wilderness.

The "Rattlesnake," as western Montanans refer to this area, is composed of some 60,000 acres of glaciated valleys, tumbling creeks, and alpine lakes. In fact, the name Rattlesnake comes from the twisting creek which drains this scenic watershed.

Rattlesnake Creek has insured the relative tranquility of this area until this point in time. For the past century, the city of Missoula, the largest in western Montana, has drawn its water supply from the creek. As a result, the Rattlesnake drainage has remained largely undisturbed even though it lies within walking distance of a bustling community of 60,000 people.

The increasing pressures of population growth have meant that in recent years the Rattlesnake has taken on new importance for its recreation and wildlife values. Mountains, which rise 3,000 to 4,000 feet over the valley floor, are home for a variety of wildlife, including elk, bald eagles, cut throat trout, and the endangered grizzly bear.

Having hiked the trails of the Rattlesnake, Mr. President, I can also assure the Senate that this is an area of prime outdoor recreation. Hunting, fishing, camping, and cross country skiing are naturals with more than 40 mountain lakes providing delightful destinations.

The support for special management of this area is widespread in Montana. The Governor of the State, the Missoula City Council, the Missoula County Commissioners and a host of local citizen groups have all made formal expressions of support for this legislation.

Nonetheless, we have not arrived at consideration of this bill without some difficulty. At present, the Rattlesnake drainage is held in typical "checkerboard" ownership by the Forest Service and two major private landholders: Burlington Northern, Inc. and the Montana Power Co. Obviously, such an ownership situation is inconsistent with designation of this area for wilderness and national recreation area status.

Credit for resolution of this problem goes primarily to my colleague, Senator MELCHER, who has devised an innovative "land for coal" proposal as described in section 4 of the bill. Under this provision, bidding credits for federally owned coal in eastern Montana will be exchanged for much of the 26,000 acres of private land within the Rattlesnake. The remainder of these lands will be exchanged for property of equal value in the Lolo National Forest.

Mr. President, in testimony presented to the Subcommittee on Parks, Recreation, and Renewable Resources I stated my belief that the boundary between the wilderness and the recreation areas of the Rattlesnake should be at a point known as Franklin Bridge. This is in contrast to the boundary specified by S. 3072 as now amended.

Nonetheless, Mr. President, I recognize that, in the final hours before Congress recesses, compromise is critical to final passage of legislation. The boundary specified by S. 3072 is the result of an agreement between Congressman WILLIAMS and Senator MELCHER, the principal sponsors of the Rattlesnake legislation.

I wish to support the efforts of my colleagues in arriving at this compromise. Thus, I urge the Senate to approve this bill. The concept is sound, support in Montana for creation of a Rattlesnake National Recreation Area and Wilderness is virtually unanimous, and the area is deserving on the merits of this type of special management.

Mr. President, I notice that Congressman WILLIAMS from western Montana is on the floor. As I remarked, has diligently tried to work out a compromise agreement that all of us in the delegation would agree with.

I thank my colleague from Montana for his work and perseverance.

I also want to give my heartfelt thanks to our majority leader who had the patience of Job in working out an agreement in this regard.

Mr. MELCHER. Mr. President, I thank my colleague for his very kind remarks. I, too, want to take note of the presence of Congressman WILLIAMS on the floor with us. We are very proud of this bill which he has most diligently worked on for well over a year.

Mr. President, third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 3072), as amended, was passed, as follows:

S. 3072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rattlesnake National Recreation Area and Wilderness Act of 1980".

STATEMENT OF FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) certain lands on the Lolo National Forest in Montana have high value for watershed, water storage, wildlife habitat, primitive recreation, historical, scientific, ecological, and educational purposes. This national forest area has long been used as a wilderness by Montanans and by people throughout the Nation who value it as a source of solitude, wildlife, clean, free-flowing waters stored and used for municipal purposes for over a century, and primitive recreation, to include such activities as hiking, camping, backpacking, hunting, fishing, horse riding, and bicycling; and

(2) certain other lands on the Lolo National Forest, while not predominantly of wilderness quality, have high value for municipal watershed, recreation, wildlife habitat, and ecological and educational purposes.

(b) Therefore, it is hereby declared to be the policy of Congress that, to further the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131) and the National Forest Management Act of 1976 (16 U.S.C. 1600), the people of the Nation and Montana would best be served by national recreation area designation of the Rattlesnake area to include the permanent preservation of certain of these lands under established statutory designation as wilderness, and to promote the watershed, recreational, wildlife, and educational values of the remainder of these lands.

DESIGNATION AND MANAGEMENT OF RATTLESNAKE WILDERNESS AREA

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Rattlesnake National Recreation Area as designated by this Act, which compromise approximately 33,000 acres as generally depicted as the "Rattlesnake National Recreation Area and Wilderness—Proposed", and dated October 1, 1930, are hereby designated as wilderness and shall be known as the Rattlesnake Wilderness.

(b) Subject to valid existing rights, the Rattlesnake Wilderness as desiganted by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as the Secretary, in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

DESIGNATION AND MANAGEMENT OF RATTLESNAKE NATIONAL RECREATION AREA

SEC. 3. An area of land as generally depicted as the "Rattlesnake National Recreation Area" on a map entitled "Rattlesnake National Recreation Area and Wilderness—

Proposed", and dated October 1, 1980, is hereby established as the Rattlesnake National Recreation Area.

LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) Within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, the Secretary is authorized and directed to acquire with donated or appropriated funds including amounts appropriated from the Land and Water Conservation Fund, by exchange, gift, or purchase, such non-Federal lands, interests, or any other property, in conformance with the provisions of this section. Nothing in this Act shall be construed to limit or diminish the existing authority of the Secretary to acquire lands and interests therein within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness.

(b) (1) The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to consider and consummate an exchange with the owner of the private lands or interests therein within or contiguous to the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, as described in sections 2 and 3 of this Act, by which the Secretary of the Interior may accept conveyance of title to these private lands for the United States and in exchange issue bidding rights that may be exercised in competitive coal lease sales, or in coal lease modifications, or both, under sections 2 and 3 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 201(a), 203). Any lands so acquired shall become national forest lands under the jurisdiction of the Secretary of Agriculture to be managed in accordance with the provisions of this Act and other laws applicable to the management of national forest lands. Nothing in this Act shall be construed to limit or diminish any existing authority of the Secretaries of the Interior and Agriculture to acquire private lands and interests therein in the Rattlesnake National Recreation Area and Rattlesnake Wilderness. Nothing in this Act shall be construed to require any owner of the lands within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness to accept coal lease bidding rights in exchange for title to those private lands.

(2) The coal lease bidding rights to be issued may be exercised as payment of bonus or other payment required of the successful bidder for a competitive coal lease, or required of an applicant for a coal lease modification. The bidding rights shall equal the fair market value of the private lands or interests therein conveyed in exchange for their issuance. The use and exercise of the bidding rights shall be subject to the provisions of the Secretary of the Interior's regulations governing coal lease bidding rights, to the extent that they are not inconsistent with this Act, that are in effect at the time the bidding rights are issued.

(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Region as defined in the Federal Register of November 9, 1979 (44 FR 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this Act have not been exercised within three years from the date of enactment of this Act, the holder of the bidding rights may, at its election, use the outstanding bidding rights as a credit against any royalty, rental, or advance royalty payments owed to the United States on any Federal coal lease(s) it may then hold.

(4) It is the intent of Congress that the exchange of bidding rights for the private lands or interests therein authorized by this Act shall occur within three years of the date of enactment of this Act.

(5) In order to facilitate the exchange authorized by this Act, the Executive order captioned "Order of Withdrawal", of June 6, 1929, creating "Coal Reserve No. 1, Montana, No. 1", is hereby revoked to the extent that it constitutes a withdrawal of the lands therein from disposal under the Mineral Lands Leasing Act of 1920, as amended.

(c) The exchange of lands involving Burlington Northern, Inc. shall be in accordance with the agreement entitled "Statement of Intent" entered into by Burlington Northern, Inc. and the Regional Forester of the United States Forest Service, Region 1, signed September 18, 1980, and it is the intent of Congress that this exchange shall occur within three years of the date of enactment of this Act.

(d) (1) As non-Federal lands and interests in the Rattlesnake National Recreation Area are acquired, the lands shall become part of the Rattlesnake National Recreation Area. As non-Federal lands and interests in the Rattlesnake Wilderness are acquired, the lands shall become part of the Rattlesnake Wilderness. The Secretary shall publish from time to time a notice of such classifications in the Federal Register. It is the intention of Congress that acquisition of the non-Federal lands shall be completed no later than three years after the date of the enactment of this Act.

(2) Nothing in this Act shall be construed to permit the Secretary to affect or diminish any water right which is vested under either State or Federal law at the time of enactment of this Act, nor the rights of the owner of such water right to the customary and usual access, including necessary motorized use over and along existing roads and trails to any facilities used in connection therewith, and the right to operate and maintain such facilities.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map and legal description of the Rattlesnake National Recreation Area and a map and legal description of the Rattlesnake Wilderness shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. Effective October 1, 1981, there is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAUCUS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I might observe parenthetically, after the bill has passed and Rattlesnake is safely behind us, I have never heard the majority leader referred to as Job-like.

NATIONAL COLLECTION OF FINE ARTS AND THE MUSEUM OF HISTORY AND TECHNOLOGY

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. PELL, I ask unanimous consent that H.R. 8103, which is at the desk, be laid before the Senate, that first and second readings be considered as having been done, and that the Senate proceed to its immediate consideration.

Mr. BAKER. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (H.R. 8103) to rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 8103) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO AUTHORIZE PRINTING OF "THE CAPITOL"

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. PELL, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 413, which is at the desk.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 413) to authorize the printing as a House document as a revised edition of "The Capitol".

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 413) was agreed to.

TRANSFER OF CERTAIN EMPLOYEES TO THE SERGEANT AT ARMS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. PELL, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2936.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

> *Resolved*, That the bill from the Senate (S. 2936) entitled "An Act to transfer certain employees of the Architect of the Capitol to the Sergeant at Arms of the Senate," do pass with the following amendments:
>
> Strike out all after the enacting clause, and insert:
>
> That (a)(1) those employees engaged by the Architect of the Capitol under the provisos in the paragraph beginning "Capitol

garages:" under the center heading "Capitol Buildings and Grounds" under the general heading "Architect of the Capitol" in section 1 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 185a), for the primary purpose of servicing official motor vehicles, together with the functions performed by such employees, shall, on October 1, 1980, be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate.

(2) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under paragraph (1), shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a)–(e) and (o) of such section.

(3) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under paragraph (1), the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.

(b) As used in subsection (a), the term "servicing" includes, with respect to an official motor vehicle, the washing and fueling of such vehicle, the checking of its tires and battery, and checking and adding oil.

SEC. 2. (a) Effective October 1, 1980, the Sergeant at Arms and Doorkeeper of the Senate is authorized to appoint and fix the compensation of four garage attendants at not to exceed $14,100 per annum each.

(b) If, and to the extent that, positions established by subsection (a) are first filled by individuals transferred under subsection (a)(1) of the first section, the Sergeant at Arms and Doorkeeper of the Senate is authorized to fix, in lieu of the compensation prescribed in subsection (a), the compensation—

(1) of not more than two of such positions so, filled at not to exceed $16,560 per annum each;

(2) of one of such positions so filled at not to exceed $15,485 per annum; and

(3) of one of such positions so filled at not to exceed $14,390 per annum.

Compensation fixed under this subsection for a position first filled by an individual transferred under subsection (a)(1) of the first section shall cease to be applicable with respect to such position on the date that such individual first ceases to occupy such position.

(c) During any period with respect to which subsection (b) is applicable to a position occupied by an individual described in such subsection, such individual shall be credited, for purposes of longevity compensation, as authorized by section 106(a), (b), and (d) of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j), for service performed by such individual in the position of garage attendant, as an employee of the Architect of the Capitol, as certified to the Secretary of the Senate by the Architect of the Capitol.

Amend the title so as to read: "An Act to transfer certain employees of the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate.".

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. PELL, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO MAKE CERTAIN CHANGES IN JUDICIAL DISTRICTS AND IN DIVISIONS WITHIN JUDICIAL DISTRICTS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY, I ask unanimous consent that H.R. 8178, which is at the desk, be stated by the clerk, that the first and second readings be dispensed with, and that the Senate proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8178) to amend title 28 to make certain changes in judicial districts and in divisions within judicial districts, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the bill.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 8178) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT TO DIVIDE THE FIFTH JUDICIAL CIRCUIT OF THE UNITED STATES INTO TWO CIRCUITS

Mr. ROBERT C. BYRD. Mr. President, at the request of Mr. HEFLIN, I ask that the Chair lay before the Senate a message from the House on H.R. 7665, that the first and second readings be dispensed with, and that the Senate proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7665) to amend title 28, United States Code, to divide the fifth judicial circuit of the United States into two circuits, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the bill.

The Senate proceeded to consider the bill.

Mr. HEFLIN. Mr. President, House bill 7665 is a bill to amend title 28 of the United States Code to divide the existing U.S. Court of Appeals for the Fifth Circuit into two autonomous circuits. I thank the distinguished majority leader and the distinguished minority leader for their assistance in proceeding to the immediate consideration of this bill. I also thank the chairman of the Judiciary Committee, (Mr. KENNEDY); the ranking minority member of the Judiciary Committee, (Mr. THURMOND); the chairman of the Judiciary Subcommittee on Improvements in Judicial Machinery, (Mr. DECONCINI); Senator THAD COCHRAN of Mississippi; and the other members of the Judiciary Committee for their invaluable assistance and support for this legislation, without which immediate consideration would not be possible. I also want to thank Senator JOHN STENNIS and LAWTON CHILES for their strong support.

I appreciate the fine work of the House of Representatives, especially Chairman PETER RODINO and the ranking minority member, ROBERT MCCLORY, of the Judiciary Committee, and BOB KASTENMEIER, chairman, and TOM RAILSBACK, the ranking minority member of the Subcommittee of Courts, Civil Liberties, and the Administration of Justice, who expeditiously processed this important legislation.

We passed this as S. 2830, then it went to the House. The House of Representatives adopted two amendments, which I endorse and support. The first change of the effective date from October 1, 1980, to September 1, 1981, and the second transfers the Canal Zone into a new fifth circuit instead of the new 11th circuit, as set forth in the original legislation. Both these amendments are improvements and supported by the proponents of this legislation.

Mr. President, this U.S. court of appeals presently faces caseload unparalleled by that of any Federal appellate court in history. Last year alone the fifth circuit handled over 3,830 cases, over 800 more than the second busiest appellate court, the ninth circuit. Based on past work habits, it is expected that the 35 additional district court judgeships recently authorized by Congress will increase this figure by over 30 percent. Also, with the increase from 15 to 26 judges, the fifth circuit now has the largest en banc caseload ever pending before a Federal court.

The notion of judicial efficiency and fiscal economy demands a reexamination of the fifth circuit. A division of the fifth circuit would assure that appeals from the section of the country will be determined within a framework which promotes justice equal to that of the remaining circuits.

H. 7665 divides the present fifth circuit into two separate circuits. One, the new fifth circuit will be composed of the States of Louisiana, Mississippi, Texas, and the Canal Zone, and would continue to be headquartered in New Orleans, La. The second, which will be designated the 11th circuit, will be composed of the States of Florida, Georgia, and Alabama, and will be headquartered in Atlanta, Ga.

Mr. President, as I have mentioned, the support for the division of the fifth circuit is overwhelming. All 24 judges presently sitting on the court petitioned the Congress for this division, this petition was inserted in the Congressional Record of June 12, 1980. Bar associations from all over the South have endorsed the split, as have the Fifth Circuit District Court Judges Association; former Attorney General Griffin Bell; former Chief Judge of the fifth circuit, John Brown; ABA President Jonofsky, and president-elect Reece Smith; and the members of the ABA Board of Governors within the fifth circuit.

I think it is also important to note that several groups who have opposed any division of the fifth circuit in the past do not object with the arrangement contemplated by H.R. 7665. Judge Joseph Hatchett of Florida, the first black member of the fifth circuit, wholeheartedly supports this legislation. Judge Hatchett had opposed previous legislation for division of this circuit. Finally, in this august body, H.R. 7665 is being fully supported and cosponsored by each of the Senators representing the States that presently compose the fifth circuit.

Mr. President, a division of the Court of Appeals for the Fifth Circuit is crucial to prevent the inevitable erosion of the quality justice that the Federal courts provide to the American people. I urge my colleagues to join me in supporting H.R. 7665 as amended.

Mr. President, as I said, I particularly thank the majority leader and the minority leader for their assistance in bringing the Senate to the immediate consideration of this bill. This bill has been pending in Congress for a number of years, and, through the cooperation of various leaders of the Committee of the Judiciary of the Senate, both the minority and the majority leader and the others I mentioned for their invaluable assistance and support on this legislation, it has been finally brought to this stage.

Mr. STENNIS. Mr. President, I want to be recognized for just a couple of sentences.

One, I thank all of those who contributed to bringing about this highly important piece of legislation concerning the circuit court of appeals for our area. It is a magnificent piece of legislation now and is going to do great good. I thank the leaders for their cooperation.

I especially thank the Senator from Alabama (Mr. Heflin) for his long and arduous labor, patience, and understanding.

Mr. President, I yield the floor.

Mr. HEFLIN. Mr. President, I move the passage of the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 7665) was read the third time and passed.

Mr. HEFLIN. I move to reconsider the vote by which the bill passed.

Mr. DeCONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS ACT AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Nelson, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5612.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House recede from its disagreement to the amendments of the Senate to the bill (H.R. 5612) entitled "An Act to amend section 8(a) of the Small Business Act", and concur therein with the following amendments:

In lieu of the matter inserted by the amendment of the Senate to the text of the bill, insert:

Part A—Small Business Administration Authority

BUSINESS DEVELOPMENT PROGRAM AMENDMENTS

Sec. 101. Section 8(a) of the Small Business Act is amended by striking "September 30, 1980" wherever it appears and by substituting in lieu thereof "September 30, 1981".

Sec. 102. Section 202(b) of the Act entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958" approved October 24, 1978 (15 U.S.C. 631) is amended by—

(a) redesignating subsection (b) as subsection (b)(1);

(b) striking "June 30, 1980" and inserting in lieu thereof "January 31, 1981"; and

(c) adding at the end thereof a new paragraph as follows:

"(2) The Small Business Administration and the agency designated pursuant to section 8(a)(1)(B) of the Small Business Act shall submit separate quarterly reports to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives. Such reports shall contain a review and evaluation of all activities conducted pursuant to section 8(a)(1)(B) of the Small Business Act during the previous three month period including—

"(A) the number, dollar value, and description of all contracts awarded or being reserved for award pursuant to such section;

"(B) the status of all contracts awarded, including a percent of completion and a description of problems incurred in the performance of such contracts;

"(C) the impact, if any, on small business concerns resulting from selection of any contract for award under such section; and

"(D) efforts made by the Administration to identify, match, and negotiate procurement requirements pursuant to such section. The first such report shall be submitted commencing on January 2, 1981, for the preceding three-month period, and shall continue quarterly through, and include, the quarter ending September 30, 1981. The reports shall not be reviewed by any other agency or office prior to their submission.".

Sec. 103. Section 4(b) of the Small Business Act is amended by striking all after the phrase "Capital Ownership Development" through the period and inserting in lieu thereof "and shall be responsible to the Administrator for the formulation and execution of the policies and programs under sections 7(j) and 8(a) of this Act which provide assistance to minority small business concerns.".

Sec. 104. The second sentence of section 7(j)(10) of the Small Business Act is amended to read as follows:

"The Program, and all other services and activities authorized under section 7(j) and 8(a) of this Act, shall be managed by the Associate Administrator for Minority Small Business and Capital Ownership Development under the supervision of, and responsible to, the Administrator.".

Sec. 105. Section 8(a)(8) of the Small Business Act is amended to read as follows:

"(8) All determinations made pursuant to paragraph (5) with respect to whether a group has been subjected to prejudice or bias shall be made by the Administrator after consultation with the Associate Administrator for Minority Small Business and Capital Ownership Development. All other determinations made pursuant to paragraphs (4), (5), (6), and (7) shall be made by the Associate Administrator for Minority Small Business and Capital Ownership Development under the supervision of, and responsible to, the Administrator.".

Sec. 106. (a) Section 7(j)(10)(A)(i) of the Small Business Act is amended by striking the semicolon at the end thereof and inserting in lieu thereof "for correcting the impairment of such concern's ability to compete, as determined for such concern pursuant to section 8(a)(6) of this Act, within a fixed period of time as mutually agreed upon by the applicant and the Administrator prior to acceptance in such Program: *Provided*, That not less than one year prior to the expiration of such period, and upon the request of such concern, the Administration shall review such period and may extend such period as necessary and appropriate: *Provided further*, That no determination made under this paragraph shall be considered a denial of total participation for the purposes of section 8(a)(9) of this Act;";

(b) Notwithstanding the provisions of subsection (a) of this section, for concerns eligible to receive contracts pursuant to section 8(a) of the Small Business Act on the effective date of the amendment made by this section, each such concern shall submit to the Small Business Administration within two months after the promulgation of final regulations issued within 120 days after the enactment of this Act the business plan required under section 7(j)(10)(A)(i) of the Small Business Act, as amended by subsection (a) of this section: *Provided however*, That the period of time required under section 7(j)(10)(A)(i) of the Small Business Act, as amended by subsection (a) of this section, shall be fixed as mutually agreed upon by the program participant and the Small Business Administration prior to the awarding or extending of contracts to such concern pursuant to section 8(a) of the Small Business Act after June 1, 1981, but the period shall be fixed in no case later than eighteen months after the effective date of this Act: *Provided further*, That no determination made under this paragraph shall be considered a denial of total participation for the purposes of section 8(a)(9) of the Small Business Act.

Sec. 107. Section 7(j)(10)(C) of the Small Business Act is amended to read as follows:

"(C) No small business concern shall receive a contract pursuant to section 8(a) of this Act unless—

"(i) the business plan required pursuant to section 7(j)(10)(A)(i) is approved by the Administration; and "(ii) the program is able to provide such concern with, but not limited to, such management, technical and financial services as may be necessary to achieve the targets, objectives and goals of such business.".

SEC. 108. The second sentence of section 3(a) of the Small Business Act is amended by striking "business." and inserting in lieu thereof "business: *Provided*, That the Administration shall not promulgate, amend, or rescind any rule or regulation with respect to size standards prior to March 31, 1981.".

PART B.—SMALL BUSINESS EXPORT FINANCING

SEC. 110. This part may be cited as the "Small Business Export Expansion Act of 1980".

SEC. 111. (a) The Congress finds and declares that—

(1) a strong export policy is essential to the health and well-being of the United States economy;

(2) exports of goods and services account for one out of every six jobs in the manufacturing sector and 10 per centum of the gross national product;

(3) every billion dollars in new exports is estimated to provide forty thousand jobs;

(4) there is increased and fierce competition in international markets to United States goods and services;

(5) small businesses account for no more than 10 per centum of all United States export sales;

(6) Federal Government programs are not sufficiently responsive to the needs of small business for export education and development of overseas marketing opportunities necessary to insure that small businesses realize their potential; and

(7) it is in the national interest to systematically and consistently promote and encourage small business participation in international markets.

(b) It is therefore the purpose of this part to encourage and promote small business exporting by—

(1) providing educational and marketing assistance to small businesses;

(2) insuring better access to export information and assistance for small businesses by upgrading and expanding the export development programs and services of the Department of Commerce and the Small Business Administration; and

(3) promoting the competitive viability of such firms in export trade and encouraging increased tourism in the United States by creating a program to provide limited financial, technical, and management assistance as may be necessary.

SEC. 112. Section 7(a) of the Small Business Act is amended by inserting before the phrase "The foregoing powers shall be subject, however," the following new sentences: "The Administration is further empowered, only to such extent and in such amounts as are provided in appropriation Acts, to make or effect either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis extensions and revolving lines of credit for export purposes to enable small business concerns to develop foreign markets and for preexport financing: *Provided, however*, That no such extension or revolving line of credit may be made for a period or periods exceeding eighteen months. A bank or participating lending institution may establish the rate of interest on extensions and revolving lines of credit as may be legal and reasonable.".

SEC. 113. The Small Business Act is amended by adding after section 21 the following new section:

"SEC. 22. (a) There is established within the Administration an Office of International Trade which shall implement the programs pursuant to this section.

"(b) The office shall promote sales opportunities for small business goods and services abroad. To accomplish this objective the office shall—

"(1) provide small businesses with access to current and complete export information by—

"(A) making available, at the Administration's regional offices through cooperation with the Department of Commerce, export information, including, but not limited to, the worldwide information and trade system and world trade data reports;

"(B) maintaining a current list of financial institutions that finance export operations;

"(C) maintaining a current directory of all Federal, regional, State and private sector programs that provide export information and assistance to small businesses; and

"(D) preparing and publishing such reports as it determines to be necessary concerning market conditions, sources of financing, export promotion programs, and other information pertaining to the needs of small business exporting firms so as to insure that the maximum information is made available to small businesses in a readily usable form;

"(2) encourage through cooperation with the Department of Commerce, greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities of the Department of Commerce; and

"(3) facilitate decentralized delivery of export information and assistance to small businesses by assigning full-time export development specialists to each Administration regional office and assigning primary responsibility for export development to one person in each district office. Such specialists shall—

"(A) assist small businesses in obtaining export information and assistance from other Federal departments and agencies;

"(B) maintain a current directory of all programs which provide export information and assistance to small businesses within the region;

"(C) encourage financial institution to develop and expand programs for export financing;

"(D) provide advice to Administration personnel involved in granting loans, loan guarantees, and extensions and revolving lines of credit, and providing other forms of assistance to small businesses engaged in exports; and

"(E) within one hundred and eighty days of their appointment, participate in training programs designed by the Administrator, in conjunction with the Department of Commerce and other Federal departments and agencies, to study export programs and to examine small businesses' needs for export information and assistance.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1980, or the date of enactment of this Act, whichever occurs later.

TITLE II—EQUAL ACCESS TO JUSTICE ACT

SEC. 201. This title may be cited as the "Equal Access to Justice Act".

FINDINGS AND PURPOSE

SEC. 202. (a) The Congress finds that certain individuals, partnerships, corporations, and labor and other organizations may be deterred from seeking review of, or defending against, unreasonable governmental action because of the expense involved in securing the vindication of their rights in civil actions and in administrative proceedings.

(b) The Congress further finds that because of the greater resources and expertise of the United States the standard for an award of fees against the United States should be different from the standard governing an award against a private litigant, in certain situations.

(c) It is the purpose of this title—

(1) to diminish the deterrent effect of seeking review of, or defending against, governmental action by providing in specified situations an award of attorney fees, expert witness fees, and other costs against the United States; and

(2) to insure the applicability in actions by or against the United States of the common law and statutory exceptions to the "American rule" respecting the award of attorney fees.

AWARD OF FEES AND OTHER EXPENSES IN CERTAIN AGENCY ACTIONS

SEC. 203. (a) (1) Subchapter I of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 504. Costs and fees of parties

"(a) (1) An agency that conducts an adversary adjudication shall award, to a prevailing party other than the United States, fees and other expenses incurred by that party in connection with that proceeding, unless the adjudicative officer of the agency finds that the position of the agency as a party to the proceeding was substantially justified or that special circumstances make an award unjust.

"(2) A party seeking an award of fees and other expenses shall, within thirty days of a final disposition in the adversary adjudication, submit to the agency an application which shows that the party is a prevailing party and is eligible to receive an award under this section, and the amount sought, including an itemized statement from any attorney, agent, or expert witness representing or appearing in behalf of the party stating the actual time expended in representing the party and the rate at which fees and other expenses were computed. The party shall also allege that the position of the agency was not substantially justified.

"(3) The adjudicative officer of the agency may reduce the amount to be awarded, or deny an award, to the extent that the party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. The decision of the adjudicative officer of the agency under this section shall be made a part of the record containing the final decision of the agency and shall include written findings and conclusions and the reason or basis therefor.

"(b) (1) For the purposes of this section—

"(A) 'fees and other expenses' includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees. (The amount of fees awarded under this section shall be based upon prevailing market rates for the kind and quality of the services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the agency involved, and (ii) attorney or agent fees shall not be awarded in excess of $75 per hour unless the agency determines by regulation that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved, justifies a higher fee.);

"(B) 'party' means a party, as defined in section 551(3) of this title, which is an individual, partnership, corporation, association, or public or private organization other than an agency, but excludes (i) any individual whose net worth exceeded $1.000.000 at the time the adversary adjudication was initiated, and any sole owner of an unincorporated business, or any partnership, corporation, association, or organization whose net worth exceeded $5,000,000 at the time the adversary adjudication was initiated, except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of the Code and a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association, and (ii) any sole owner of an unincorporated business, or any partnership, corporation, association, or organization, having more than 500 employees at the time the adversary adjudication was initiated;

"(C) 'adversary adjudication' means an adjudication under section 554 of this title in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license; and

"(D) 'adjudicative office' means the deciding official, without regard to whether the the official is designated as an administrative law judge, a hearing officer or examiner, or otherwise, who presided at the adversary adjudication.

"(2) Except as otherwise provided in paragraph (1), the definitions provided in section 551 of this title apply to this section.

"(c)(1) After consultation with the Chairman of the Administrative Conference of the United States, each agency shall by rule establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses. If a court reviews the underlying decision of the adversary adjudication, and award for fees and other expenses may be made only pursuant to section 2412(d)(3) of title 28, United States Code.

"(2) A party dissatisfied with the fee determination made under subsection (a) may petition for leave to appeal to the court of the United States having jurisdiction to review the merits of the underlying decision of the agency adversary adjudication. If the court denies the petition for leave to appeal, no appeal may be taken from the denial. If the court grants the petition, it may modify the determination only if it finds that the failure to make an award, or the calculation of the amount of the award, was an abuse of discretion.

"(d)(1) Fees and other expenses awarded under this section may be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise, for such purpose. If not paid by any agency, the fees and other expenses shall be paid in the same manner as the payment of final judgments is made pursuant to section 2414 of title 28, United States Code.

"(2) There is authorized to be appropriated to each agency for each of the fiscal years 1982, 1983, and 1984, such sums as may be necessary to pay fees and other expenses awarded under this section in such fiscal years.

"(e) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman with such information as is necessary for the Chairman to comply with the requirements of this subsection.".

(2) The table of sections of subchapter I of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"504. Costs and fees of parties.".

(b) Section 202 of the Act entitled "An Act to amend the Small Business Act and Small Business Investment Act of 1958 to provide additional assistance under such Acts, to create a pollution control financing program for small business, and for other purposes" approved June 4, 1976 (15 U.S.C. 634b), is amended—

(1) by striking out "and" after the semicolon in paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(11) advise, cooperate with, and consult with, the Chairman of the Administrative Conference of the United States with respect to section 504(e) of title 5 of the United States Code.".

(c) Effective October 1, 1984, section 504, and the item relating to section 504 in the table of sections, of title 5, United States Code, as added by subsection (a) of this section, are repealed, except that the provisions of such section shall continue to apply through final disposition of any adversary adjudication as defined in subsection (b)(1)(C) of such section initiated before the date of repeal.

AWARD OF FEES AND OTHER EXPENSES IN CERTAIN JUDICIAL PROCEEDINGS

SEC. 204. (a) Section 2412 of title 28, United States Code, is amended to read as follows:

"§ 2412. Costs and fees

"(a) Except as otherwise specifically provided by statute, a judgment for costs, as enumerated in section 1920 of this title, but not including the fees and expenses of attorneys, may be awarded to the prevailing party in any civil action brought by or against the United States or any agency and any official of the United States acting in his or her official capacity in any court having jurisdiction of such action. A judgment for costs when taxed against the United States shall, in an amount established by statute, court rule, or order, be limited to reimbursing in whole or in part the prevailing party for the costs incurred by such party in the litigation.

"(b) Unless expressly prohibited by statute, a court may award reasonable fees and expenses of attorneys, in addition to the costs which may be awarded pursuant to subsection (a), to the prevailing party in any civil action brought by or against the United States or any agency and any official of the United States acting in his or her official capacity in any court having jurisdiction of such action. The United States shall be liable for such fees and expenses to the same extent that any other party would be liable under the common law or under the terms of any statute which specifically provides for such an award.

"(c)(1) Any judgment against the United States or any agency and any official of the United States acting in his or her official capacity for costs pursuant to subsection (a) shall be paid as provided in sections 2414 and 2517 of this title and shall be in addition to any relief provided in the judgment.

"(2) Any judgment against the United States or any agency and any official of the United States acting in his or her official capacity for fees and expenses of attorneys pursuant to subsection (b) shall be paid as provided in sections 2414 and 2517 of this title, except that if the basis for the award is a finding that the United States acted in bad faith, then the award shall be paid by any agency found to have acted in bad faith and shall be in addition to any relief provided in the judgment.

"(d)(1)(A) Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort) brought by or against the United States in any court having jurisdiction of that action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

"(B) A party seeking an award of fees and other expenses shall, within thirty days of final judgment in the action, submit to the court an application for fees and other expenses which shows that the party is a prevailing party and is eligible to receive an award under this subsection, and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed. The party shall also allege that the position of the United States was not substanially justified.

"(C) The court, in its discretion, may reduce the amount to be awarded pursuant to his subsection, or deny an award, to the extent that the prevailing party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy.

"(2) For the purposes of this subsection—

"(A) 'fees and other expenses' includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the court to be necessary for the preparation of the party's case, and reasonable attorney fees (The amount of fees awarded under this subsection shall be based upon prevailing market rates for the kind and quality of the services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the United States; and (ii) attorney fees shall not be awarded in excess of $75 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.);

"(B) 'party' means (i) an individual whose net worth did not exceed $1.000,000 at the time the civil action was filed, (ii) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed $5,000,000 at the time the civil action was filed, except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) exempt from taxation under section 501(a) of the Code and a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association, or (iii) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization, having not more than 500 employees at the time the civil action was filed; and

"(C) 'United States' includes any agency and any official of the United States acting in his or her official capacity.

"(3) In awarding fees and other expenses under this subsection to a prevailing party in any action for judicial review of an adversary adjudication, as defined in subsection (b)(1)(C) of section 504 of title 5, United States Code, or an adversary adjudication subject to the Contract Disputes Act of 1978, the court shall include in that award fees and other expenses to the same extent authorized in subsection (a) of such section, unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust.

"(4)(A) Fees and other expenses awarded under this subsection may be paid by any agency over which the party prevails from any funds made available to the agency, by appropriation or otherwise, for such purpose. If not paid by any agency, the fees and other expenses shall be paid in the same manner as the payment of final judgments is made in accordance with sections 2414 and 2517 of this title.

"(B) There is authorized to be appropriated to each agency for each of the fiscal years 1982, 1983, and 1984, such sums as may be necessary to pay fees and other expenses awarded pursuant to this subsection in such fiscal years.

"(5) The Director of the Administrative Office of the United States Courts shall include in the annual report prepared pursuant to section 604 of this title, the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards.".

(b) The item relating to section 2412 in the table of sections for chapter 161 of title 28, United States Code, is amended to read follows:

"2412. Costs and fees.".

(c) Effective October 1, 1984, subsection (d) of section 2412, as added by subsection (a) of this section, is repealed, except that the provisions of that subsection shall continue to apply through final disposition of any action commenced before the date of repeal.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 205. (a) Subdivision (f) of rule 37 of the Federal Rules of Civil Procedure is repealed.

(b) The table of rules of the Federal Rules of Civil Procedure is amended by deleting the item relating to subdivision (f) of rule 37.

(c) Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by striking out "or in any civil action or proceeding by or on behalf of the United States of America, to enforce, or charging a violation of a provision of the United States Internal Revenue Code,".

EFFECT ON OTHER LAWS

SEC. 206. Nothing in section 2412(d) of title 28, United States Code, as added by section 204(a) of this title, alters, modifies, repeals, invalidates, or supersedes any other provision of Federal law which authorizes an award of such fees and other expenses to any party other than the United States that prevails in any civil action brought by or against the United States.

LIMITATION

SEC. 207. The payment of judgments, fees and other expenses in the same manner as the payment of final judgments as provided in this Act is effective only to the extent and in such amounts as are provided in advance in appropriations Acts.

EFFECTIVE DATE AND APPLICATION

SEC. 208. This title and the amendments made by this title shall take effect on October 1, 1981, and shall apply to any adversary adjudication, as defined in section 604 (b)(1)(C) of title 5, United States Code, and any civil action or adversary adjudication described in section 2412 of title 28, United States Code, which is pending on, or commenced on or after, such date.

TITLE III—SMALL BUSINESS EXPORT EXPANSION ASSISTANCE

SEC. 301. (a) The Secretary of Commerce, after consultation with the Administrator of the Small Business Administration, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, and the Director of the Internal Revenue Service, shall establish an export promotion center in each of two district offices of the International Trade Administration of the Department of Commerce which are located in metropolitan areas where district offices of the Small Business Administration and the Interal Revenue Service exist.

(b) The Export-Import Bank of the United States, the Internal Revenue Service, the Overseas Private Investment Corporation, the Department of Commerce, and the Small Business Administration shall each designate at least one full-time employee to serve as such agency's full-time representative in each such center. Each person designated shall be familiar with the needs and problems of small business exporting and shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Each export promotion center shall serve as a one-stop information center on Federal Government export assistance, financing programs available to small business, and other provisions of law governing exporting for small business.

(c) Not later than six months after the enactment of this title, the Secretary of Commerce shall report to the Select Committee on Small Business and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Small Business and the Committee on Foreign Affairs of the House of Representatives on the progress made in implementing the provisions of this section.

(d) Within two years after the date of enactment of this title, the Secretary of Commerce shall evaluate these export promotion centers, including, but not limited to, an analysis of the effectiveness of the centers in developing and expanding small business exports, and a comparison of the effectiveness of the centers in relation to district offices of the Department of Commerce which do not have an export promotion center. Such evaluation shall be submitted to the committees of the Senate and the House of Representatives referred to in subsection (c).

(e) This section shall take effect on October 1, 1980, or on the date of the enactment of this section whichever occurs later and shall expire on October 1, 1983.

SEC. 302. (a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to make grants (including contracts and cooperative agreements) to a qualified applicant to encourage the development and implementation of a small business international marketing program (hereinafter referred to as "the program"). Each qualified applicant under this title may receive a Federal grant not to exceed $150,000 annually for each of three years: *Provided*, That not more than one-third of these Federal funds may be used for the purpose of hiring personnel. Nothing in this section shall be construed as authorizing the Secretary to enter into contracts or incur obligations except to such extent and in such amounts as are provided in appropriation Acts.

(b)(1) To be eligible for a grant under this section, an applicant proposing to carry out a small business international marketing program must submit to the Secretary an application demonstrating, at a minimum:

(A) the geographical area to be served;

(B) the number of firms to be assisted;

(C) the staff required to administer the program;

(D) the means to counsel small businesses interested in pursuing export sales, including providing information concerning available financing, credit insurance, tax treatment, potential markets and marketing assistance, export pricing, shipping, documentation, and foreign financing and business customs;

(E) the ability to provide market analysis of the export potential of small business concerns; and

(F) the capability for developing contacts with potential foreign customers and distributors for small business and their products, including arrangements and sponsorship of foreign trade missions for small business concerns to meet with identified potential customers, distributors, sales representatives, and organizations interested in licensing or joint ventures: *Provided, however*, That no portion of any Federal funds may be used to directly underwrite any small business participation in foreign trade missions abroad.

(2) Program services shall be provided to small business concerns through outreach services at the most local level practicable.

(3) Each small business international marketing program shall have a full-time staff director to manage program activities, and access to export specialists to counsel and to assist small business clients in international marketing.

(c)(1) Each small business international marketing program shall establish an advisory board of nine members to be appointed by the staff director of the program, not less than five members of whom shall be small business persons or representatives of small business associations.

(2) Each advisory board shall elect a chairman and shall advise, counsel, and confer with the staff director of the program on all policy matters pertaining to the operation of the program (including who may be eligible to receive assistance, ways to promote the sale of United States products and services in foreign markets or to encourage tourism in the United States, and how to maximize local and regional private consultant participation in the program).

(d) The Secretary shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under this section, that a sum equal to the amount of such grant be provided from sources other than the Federal Government: *Provided*, That the additional amount shall not include any amount of indirect costs or in-kind contributions paid for under any Federal program, nor shall indirect costs or in-kind contributions exceed 50 per centum of the non-Federal additional amount.

(e) The Secretary shall develop a plan to evaluate programs approved under this section which shall only—

(1) determine the impact of small business international marketing programs on those small businesses assisted;

(2) determine the amount of export sales generated by small businesses assisted through such programs; and

(3) make recommendations concerning continuation and/or expansion of the program and possible improvements in the program structure. Such evaluation shall be submitted to the Congress by October 1, 1982.

(f) For the purpose of the evaluation under subsection (e), the Secretary is authorized to require any small business international marketing program, or party receiving assistance under this section, to furnish such information as is deemed appropriate to complete the required evaluation.

(g) As used in this section, the term "applicant" means any State government or agency or instrumentality thereof, any Small Business Administration—designated small business development center, any for profit small business, any nonprofit corporation, any regional commission, or any combination of such entities, which will carry out a small business international marketing program.

(h) The authority to enter into contracts shall be in effect for each fiscal year only to the extent or in the amounts as are provided in advance in appropriation Acts.

Sec. 303. At least one small business international program shall be established within each region of the Department of Commerce. There are authorized to be appropriated to the Secretary $1,500,000 for each fiscal year 1981, 1982, and 1983, to carry out the program established in section 302.

Sec. 304. The Secretary, through the International Trade Administration, shall, only to such extent and in such amounts as are provided in appropriation Acts on and after October 1, 1980, maintain a central clearinghouse to provide for the collection, dissemination, and exchange of information between programs established pursuant to sections 301 and 302 of this title, the Office of International Trade of the Small Business Administration, and other interested concerns.

In lieu of the matter inserted by the amendment of the Senate to the title, insert: "An Act to amend the Small Business Act, to provide for the payment of the United States of certain fees and costs incurred by prevailing parties in Federal agency adjudications and in civil actions in courts of the United States, and for other purposes.".

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Nelson, I move that the Senate concur in the House amendments to the Senate amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I first introduced this measure in its first form on October 12, 1977. I have a statement that I made at that point. I ask unanimous consent that it be printed in the Record at an appropriate place.

There being no objection, the statement was ordered to be printed in the Record, as follows:

LEGAL SERVICES CORPORATION ACT AMENDMENTS OF 1977

Mr. President, this is an amendment which we provided an hour and a half for in the unanimous consent order. I do not think I shall use over 10 or 15 minutes.

In addition, for the floor manager and the ranking Republican, this is the amendment that I have circulated. It is a rather lengthy amendment. Indeed, I acknowledge that it looks more like a bill than an amendment. But I want to say, in all honesty, that I do believe if there is any bill or any proceeding on the floor of the Senate that this bill is relevant to, it is the legal services bill. I shall say why.

We are, indeed, properly preoccupied, in the main bill on the floor, with providing some reasonable attorneys' services and fees to the very poor in our society, who cannot afford to and who are entitled to the notion that we hold so dear of equal justice under the law. They do not seem to be able to get that without some assistance.

My amendment recognizes that two things have happened in our country in the last 10 or 15 years that have provided another group of Americans with what I perceive to be basically an administrative and bureaucratic denial of equal justice. The reason that I say that is that, with the growth of agencies and regulations and agencies that can impose fines—and I do not want to use OSHA as the whipping boy all the time, but I would be less than candid if I did not say that the activities of OSHA versus small businessmen and individual sole proprietorships that are not rich, brought this bill, in terms of its concept, into focus for this Senator.

What I find in our country is that we have administrators who set up rules and regulations almost in a vacuum. Then we have field people who go out and enforce them and they act almost like dictators. They walk into a small business and say, "Here is a rulebook; you have violated this section, albeit technically, because you really do what it says, but technically have not filled out the right papers."

And they lay a little fine in front of that man, "$100, pay it."

The businessman or citizen says, "I thought this was America; I want to fight you. I think you are wrong."

He will find, if he calls up his lawyer, that his lawyer will tell him, "Well you had better pay the $100 because to hire me will cost you $500 to go to court."

Right at the beginning, let me say unequivocally that this bill will pay that small businessman that has to do that reasonable attorneys' fees when he fights his Federal Government and its agencies and wins in civil and quasi-civil actions. It will also pay the average citizen who is confronted with a regulation or who has set regulations that end up affecting something they are entitled to and they have to go to court to win it. Or they get sued and they end up beating the Government. This will provide them reasonable attorneys' fees and compensation for witnesses, court costs, and the like.

My second reason for this is kind of founded on and comes into focus out of frustration. First of all, it appears to me that we are not going to change, in this country, the imbalance of overregulation and arbitrary regulatory processes. They are moving full speed ahead, whether it is IRS, OSHA, or EPA. That process of agencies of the Federal Government setting their sights on regulating and administering is going full steam ahead. I consider that concept in this bill to say that, since we really cannot seem to put any stop to that, and since it is running so fast, I want to put something in its way. What I want to put in its way is a more ready average American to stand in its way and fight. The way to fight is to hire professionals to represent you to fight that arbitrary regulatory steamroller.

So I am quick to admit that, while it is a bill intended to recompense the average American and the small businessman for legal fees, it is also a bill which will begin to put some skids under arbitrary regulation and rulemaking, because, if they get confronted enough, if they get in litigation enough with the average citizen—not the big corporations; they are already fighting them, but the average citizen—fight them enough, win a few lawsuits, get a few administrative decisions rendered on their side, and find that they have to be concerned about the impact on the average American, maybe it will slow the process.

I am not terribly concerned if it ends up costing a few million dollars. In fact in circulating this amendment, there was a great deal of enthusiasm and some said I should put another clause in it to say that any agency that is the loser to this citizen will take these attorneys' fees out of their budget. I almost put that in there, but I want the Senate to know that it is not. It will have to be paid for out of general appropriations.

But the Senators who suggested the latter said that would be even more of a deterrent, because if OSHA found themselves paying $2 million in attorneys' fees because they got beaten for some of their fines that are unreasonable, or thier rules that are out of line, or if EPA got the same, or any of the other myriad Federal agencies, maybe they would begin to look at their fieldmen and say, "Hey, you are costing us money by doing things that the courts end up saying you are wrong on." I admit that might be more of a deterrent, but in this case, I shall settle for the general kind of funding such as that provided for our poor in this legal services bill. But in this case, I say, provide it to the taxpayer, the average American that is burdened, so he will really be made whole when he has to fight with his Government and wins. Then, admittedly, I want to build a little enthusiasm in the average American to fight some bureaucracy without figuring that, if they win, they lose. Because, at least in this instance, if they win, they will get their attorney's fees and costs and professional witnesses and witness' fees paid for by that very Government that they thought started out benevolent in these laws, with high-sounding goals that end up, rather frequently, on the opposite side of that, harassing and bothering the average American for no good.

Mr. President, the bill is rather detailed. When I talked to Senators about it in its present form there was a genuine concern that we certainly do not need to assist major corporations with attorney's fees. They have them on their staff. They fight now for their causes. So I wanted Senators to know that this amendment is identical with my bill, S. 1001.

Any American is entitled to it, but in the field of business they would have to be a small business as defined by the small business laws of this country in order to be entitled to the reimbursement provided herein.

I want to make it clear that that kind of American, or American small business, first must win in court, or win before an administrative tribunal, and must have incurred outside expenses. Then we would insist that the judge not give the attorneys what they want, but, rather, what is reasonable in that particular area of the country for the services rendered.

So the theory of this is that the justice which is implicit in our judicial system is that litigation is an adversary process and that is the way we resolve disputes, as an adversary, one available to all.

I am firmly convinced that it is not available to all because they cannot afford to fight, so they give in. When they give in, the vigor and strength of arbitrariness grows larger and stronger. This bill would begin to stop that.

Mr. President, when I introduced this bill, Senator Thurmond, Senator McClure, Senator Lugar, Senator Dole, Senator Goldwater, Senator Stevens, Senator Young, Senator Garn, and Senator Bellmon were on it. I have not had a chance to contact them with reference to the amendment, but I would say, so they will know, it is the identical bill drawn in amendment form to that Senate bill 1001.

Mr. DOMENICI. Mr. President, the Domenici bill was subsequently introduced by the Senator from New Mexico on January 31, 1979. I ask unanimous consent that the statement I made at that point be made a part of the Record at an appropriate place.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR DOMENICI

Mr. President, in the last Congress I introduced legislation which would provide that when a small business or individual citizen prevails in litigation with the Federal Government, then that individual would be reimbursed his attorney fees and costs, if the Government could not justify its position.

Mr. President, that measure was adopted as an amendment here. It did not clear the House; it was deleted in conference as being nongermane. We have made some changes to accommodate the views of others.

Mr. President, much time, energy, and cooperative effort has been expended on my original concept since it was accepted by this body. Our colleague from Wisconsin (Mr. Nelson), who was manager of the Legal Services Corporation legislation, has seen the bill's potential for small business, and has kindly offered his expertise in that area. My friend from Arizona (Mr. DeConcini), after his subcommittee held extensive hearings on the bill, offered his advice in refining the language of the original bill.

Therefore, I am happy today to reintroduce the Equal Access to Justice Act for myself and Senators Nelson and DeConcini, whose contributions have enhanced and added precision to this legislation.

Mr. President, in 1916, Elihu Root in an address as president of the American Bar Association, made a statement that can hardly be improved upon even with the hindsight of more than half a century:

> There is one special field of law development which has manifestly become inevitable. We are entering upon the creation of a body of administrative law quite different in its machinery, its remedies and its necessary safeguards from the old methods of regulation by specific statutes enforced by the courts . . .
>
> . . . The necessities of our situation have already led to an extensive employment of the method.
>
> . . . Before these agencies the old doctrine prohibiting the delegation of legislative power has virtually retired from the field and given up the fight. There will be no withdrawal from these experiments. We shall go on; we shall expand them, whether we approve theoretically or not, because such agencies furnish protection to rights and obstacles to wrong doing which under our new social and industrial conditions cannot be practically accomplished by the old and simple procedure of legislatures and courts as in the last generation. 41 A.B. A.R. 355, 368, 369 (1916)

At the same time he uttered important words of caution:

> If we are to continue a government of limited power, these agencies of regulation must themselves be regulated. . . . The rights of the citizen against them must be made plain.

Today the volume of regulation of Federal agencies far exceeds the volume of the legislative output of Congress. For example, the accumulation of agency legislation by regulation in the Federal Register since 1934 fills far more shelf space than the accumulation of congressional legislation since 1789.

The Comptroller General of the United States in a report issued on March 16, 1978, identified 120 Federal agencies with regulatory impact on the private sector.

Consequently, the average American is much more directly and more frequently affected by the administrative process than by the legislative or judicial process. The original tenet for administrative proceeding was the need of modern governments for the reasonable exercise of discretionary power and the public's demand for speedy, inexpensive, and procedurally simple adjudication.

As President Roosevelt stated in 1940:

> The administrative tribunal or agency has been evolved in order to handle controversies arising under particular statutes. It is characteristic of these tribunals that simple and non-technical hearings take the place of court trials and informal proceeding supersede rigid and formal pleading and processes. A commonsense resort to usual and practical sources of information takes the place of archaic and technical application of rules of evidence and an informed and expert tribunal renders its decision with an eye that looks forward to results rather than backward to precedent and to the leading case.

However, this has not been the case. In 1955, the President's conference on administrative procedure was called to consider the problem of "unnecessary delay, expense and volume of records in some adjudicatory and rulemaking proceedings in the executive department and administrative agencies."

In 1971, a report on the President's advisory council on executive organization entitled, "Report in Selected Independent Regulatory Agencies," concluded:

> The judicial cast of agency review proceedings places too great an emphasis on legal perspectives to the detriment of economic, financial, technical and social perspectives. One result is a high level of legal skill among agency professionals and commissioners but generally insufficient capability in other disciplines. Over-judicialization encumbers the time and energies of commissioners and staff, causes undue case backlogs, imposes high costs upon litigants, prevents anticipatory action through rulemaking, deters informal settlements.

American administrative law has gone through three stages of development. First, the first focus was on constitutional underpinnings of the administrative process, with a good deal of emphasis on separation and delegation of powers; second, the next focus was on judicial review and the relationship between the agencies and the the judicial branch of Government; third, the last major stage was formalization of procedures for adjudication and for rulemaking.

And now we have entered the age of pervasive Federal regulation and there are few elements of life, commercial or otherwise, where the Federal Government does not have some role to play.

In fact, pollsters have indicated that the American people consider one of the major domestic problems to be the size and unresponsiveness of the Federal bureaucracy.

This bill would combat this growing tendency of escalating legal and related costs deterring Americans from enforcing and defending their legal rights against the Federal Government in its regulatory capacity.

The basic problem this bill seeks to overcome is the inability of many Americans to combat the vast resources of the Government in administrative adjudication. In the usual case, a party has to weigh the high cost of litigation or agency proceedings against the value of the rights to be asserted. Individuals and small businesses are in far too many cases forced to knuckle under to regulations even though they have a direct and substantial impact because they cannot afford the adjudication process. In many cases the Government can proceed in expectation of outlasting its adversary. The purpose of the bill is to redress the balance between the Government acting in its discretionary capacity and the individual.

Today, the average American must be made to feel that he can question the exercise of the Government's discretionary power as to its reasonableness—without incurring large costs if he prevails.

Providing for award of legal fees to prevailing private litigants, except where the governmental action was substantially justified, will not deter the Government action. The purpose is to readjust the tension between the Government acting in its regulatory capacity and individual rights. It is to insure against capricious and arbitrary Federal regulation.

There have been numerous documented cases of conflicting regulations in areas of overlapping jurisdiction of various agencies. Regulations have proliferated as agencies have expanded their jurisdiction, unchallenged, through regulatory fiat.

This bill will, as Elihu Root said, allow the agencies of regulation to be regulated by those affected by their regulation. Those who are affected by regulations will be given the incentive to challenge such regulations. Today, the prevailing attitude is, "if I win in court, I still lose because of the cost." And when Americans give in, the arbitrary exercise of power by administrative agencies will continue to grow larger and stronger.

This bill, by requiring litigants who prevail to be entitled to fees, will prevent spurious suits and insures the contesting of meritorious disputes with a fairer presentation of the issues.

Mr. DOMENICI. Mr. President, I compliment the distinguished Senator from Arizona (Mr. DeConcini) for his tremendous effort in behalf of small business, as exemplified by this bill, which will finally go to the President for signature.

The bill was ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. DeCONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AGRICULTURAL MARKETING ORDERS RESPECTING OLIVES AND WALNUTS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Talmadge, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3765.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 3765) to provide that marketing orders issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act respecting walnuts may provide for any form of marketing promotion, including paid advertising, and that marketing orders respecting walnuts and olives may provide for crediting certain direct expenditures of handlers for promotion of such commodities.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second times, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1722

(Purpose: To increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes)

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator Talmadge, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from West Virginia (Mr. Robert C. Byrd) on behalf of Mr. Talmadge, Mr. Helms, Mr. McGovern, Mr. Dole, Mr. Huddleston, Mr. Young, Mr. Stone, Mr. Zorinsky, Mr. Melcher, Mr. Stewart, Mr. Pryor, Mr. Boren, Mr. Hayakawa, Mr. Lugar, Mr. Cochran, Mr. Boschwitz, and Mr. Jepsen, proposes an unprinted amendment in the nature of a substitute numbered 1722:
>
> Strike all after the enacting clause and insert in lieu thereof the following:
>
> "That this Act may be cited as the 'Agricultural Act of 1980'.

"TITLE I—WALNUT AND OLIVE MARKETING ORDERS

"SEC. 101. Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by inserting 'walnuts,' before 'or tomatoes'; and

(2) by inserting 'walnuts, olives,' before 'and Florida Indian River grapefruit'.

TITLE II—AGRICULTURAL TRADE SUSPENSION ADJUSTMENT ACT OF 1980

SHORT TITLE

SEC. 201. This title may be cited as the "Agricultural Trade Suspension Adjustment Act of 1980".

1981 CROPS OF FEED GRAINS, WHEAT, AND SOYBEANS

SEC. 202. (a)(1) Section 105A(a) of the Agricultural Act of 1949 is amended by (A) striking out the comma after "$2.00 per bushel", and (B) striking out "through 1981 crops of corn," and inserting in lieu thereof "through 1980 crops of corn, and not less than $2.25 per bushel for the 1981 crop of corn,".

(2) Section 105A(f)(1) of the Agricultural Act of 1949 is amended by striking out "November 15" and inserting in lieu thereof "November 1".

(b) Section 107A(a) of the Agricultural Act of 1949 is amended by striking out "through 1981 crops of wheat," and inserting in lieu thereof "through 1980 crops of wheat, and not less than $3.00 per bushel for the 1981 crop of wheat,".

(c) Section 201(e) of the Agricultural Act of 1949 is amended by inserting the following before the period at the end thereof: ": *Provided further*, That the 1981 crop of soybeans shall be supported through loans and purchases at not less than $5.02 per bushel".

ADJUSTED PRICE SUPPORT LOAN LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM FOR THE 1980 AND 1981 CROPS OF WHEAT AND FEED GRAINS

SEC. 203. (a) Section 110(b) of the Agricultural Act of 1949 is amended by—

(1) inserting the following before the period at the end of the first sentence: ": *Provided*, That the Secretary shall make available to producers for the 1980 and 1981 crops of wheat and feed grains price support loans under the producer storage program at such levels as the Secretary determines necessary to mitigate the adverse effects of the restrictions on the export of agricultural products to the Union of Soviet Socialist Republics imposed on January 4, 1980, on the market prices producers receive for their crops, but at not less than $3.30 per bushel for wheat, $2.40 per bushel for corn, and such levels for the other feed grains as the Secretary determines are fair and reasonable in relation to the minimum level for corn, taking into consideration, for barley, oats, and rye, the feeding value of the commodity in relation to corn and other factors specified in section 401(b) of this Act and, for grain sorghums, the feeding value and average transportation costs to market of grain sorghums in relation to corn: *Provided further*, That the levels at which loans for the 1980 and 1981 crops of wheat and feed grains are made available to producers under the preceding proviso shall not be used in determining the levels at which producers may repay loans and redeem commodities prior to the maturity dates of the loans under clause (5) of the second sentence of this subsection, or the levels at which the Secretary may call for the repayment of loans prior to their maturity dates under clause (6) of the second sentence of this subsection"; and

(2) in clause (3) of the second sentence after "except that the Secretary may waive or adjust such interest", inserting a comma and the following: "and the Secretary shall waive such interest on loans made on the 1980 and 1981 crops of wheat and feed grains".

(b) Subsection (a) of this section shall become effective October 1, 1980, and any producers who, prior to such date, receive loans on the 1980 crop of the commodity as computed under the Agricultural Act of 1949, as amended prior to the enactment of this Act, may elect after September 30, 1980, to receive loans as authorized under subsection (a) of this section.

ADJUSTMENT OF THE RELEASE AND CALL LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM

SEC. 204. Section 110(b) of the Agricultural Act of 1949 is amended by amending clauses (5) and (6) of the second sentence to read as follows: "(5) conditions designed to induce producers to redeem and market the wheat or feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for the commodity has attained a specified level, as determined by the Secretary; and (6) conditions prescribed by the Secretary under which the Secretary may require producers to repay such loans, plus accrued interest thereon, refund amounts paid for storage, and pay such additional interest and other charges as may be required by regulation, whenever the Secretary determines that the market price for the commodity is not less than such appropriate level, as determined by the Secretary.".

MINIMUM LEVELS AT WHICH THE COMMODITY CREDIT CORPORATION MAY SELL STOCKS OF WHEAT AND FEED GRAINS

SEC. 205. Section 110(e) of the Agricultural Act of 1949 is amended by—

(1) after "Notwithstanding any other provision of law,", inserting "except as otherwise provided under section 302 of the Food Security Wheat Reserve Act of 1980 and section 208 of the Agricultural Trade Suspension Adjustment Act of 1980,";

(2) striking out "150 per centum of the then current level of price support for such commodity" and inserting in lieu thereof "105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of subsection (b) of this section"; and

(3) amending clause (3) to read as follows:

"(3) sales of corn for use in the production of alcohol for motor fuel at facilities that—

"(A) begin operation after January 4, 1980, and

"(B) whenever supplies of corn are not readily available, can produce alcohol from agricultural or forestry biomass feedstocks other than corn,

when sold at not less than the price at which producers may repay producer storage loans and redeem corn prior to the maturity dates of loans, as determined under clause (5) of the second sentence of subsection (b) of this section, or, whenever the fuel conversion price (as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980) for corn exceeds such price, at not less than the fuel conversion price.".

AUTHORITY TO USE THE FUNDS, FACILITIES, AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION TO PURCHASE AGRICULTURAL PRODUCTS INTENDED TO BE EXPORTED TO THE SOVIET UNION

SEC. 206. Notwithstanding any other provision of law, the Secretary of Agriculture may use, subject to such terms and conditions as the Secretary may deem appropriate, the funds, facilities, and authorities of the Commodity Credit Corporation in purchasing and handling agricultural products, other than grains, that—

(1) were intended to be exported to the Union of Soviet Socialist Republics under contracts entered into prior to January 5, 1980, but

(2) cannot be exported under such contracts due to the imposition, on January 4, 1980, of restrictions on the export of agricultural products to the Union of Soviet Socialist Republics,

in the same manner and under the same conditions as the Secretary purchases and handles grains under similar contracts and subject to the imposition of the same restrictions.

SUPPLEMENTAL SET-ASIDE AUTHORITY

SEC. 207. Effective for the 1981 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 is amended by adding at the end of title I a new section 113 as follows:

"SUPPLEMENTAL SET-ASIDE AUTHORITY

"SEC. 113. Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, effective for one or more of the 1981 crops of wheat, feed grains, upland cotton, and rice, the Secretary may announce and provide for a set-aside of cropland under section 101(h), 103(f)(11), 105A(f), or 107A(f) of this title if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or other member of the executive branch of Government. In order to carry out effectively a set-aside program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such program.".

TRADE SUSPENSION RESERVES

SEC. 208. Notwithstanding any other provision of law—

(a) Whenever the President or other member of the executive branch of Government causes the export of any agricultural commodity to any country or area of the world to be suspended or restricted for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law and the Secretary of Agriculture determines that such suspension or restriction will result in a surplus supply of such commodity that will adversely affect prices producers receive for the commodity, the Secretary may establish a gasohol feedstock reserve or a food security reserve, or both, of the commodity, as provided in subsections (c) and (d) of this section, if the commodity is suitable for stockpiling in a reserve.

(b) Within thirty days after the export of any agricultural commodity to a country or area is suspended or restricted as described in subsection (a) of this section, the Secretary of Agriculture shall announce whether a gasohol feedstock reserve or a food security reserve of the commodity, or both, will be established under this section and shall include in such announcement the amount of the commodity that will be placed in such reserves, which shall be that portion of the estimated exports of the commodity affected by the suspension or restriction, as determined by the Secretary, that should be removed from the market to prevent the accumulation of a surplus supply of the commodity that will adversely affect prices producers receive for the commodity.

(c)(1) To establish a gasohol feedstock reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in the production of alcohol for motor fuel through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The Secretary of Agriculture may dispose of stocks of agricultural commodities acquired under paragraph (1) of this subsection only through sale—

(A) for use in the production of alcohol for motor fuel, at not less than the fuel conversion price (as defined in section 212 of this title) for the commodity involved: *Provided*, That, for wheat and feed grains, if the fuel conversion price for the commodity involved is less than the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the second sentence of section 110(b) of the Agricultural Act of 1949, the Secretary may dispose of stocks of the commodity for such use only through sale at not less than the release price: *Provided further*, That such sales shall only be made to persons for use in the production of alcohol for motor fuel at facilities that, whenever supplies of the commodity are not readily available, can produce alcohol from other agricultural or forestry biomass feedstocks; or

(B) for any other use, when sales for use under clause (A) of this paragraph are impracticable, (i) if there is a producer storage program in effect for the commodity, at not less than 105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of section 110(b) of the Agricultural Act of 1949, or, (ii) if there is no producer storage program in effect for the commodity, at not less than the average market price producers received for the commodity at the time the trade suspension was imposed.

(d) (1) To establish a food security reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in providing emergency food assistance and urgent humanitarian relief through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The provisions of subsections (c), (d), (e), (f), and (g) (2) of section 302 of the Food Security Wheat Reserve Act of 1980 shall apply to commodities in any reserve established under paragraph (1) of this subsection, and (except for the last sentence of subsection (c) of section 302) the references to "wheat" in such subsections of section 302 shall be deemed to be references to "agricultural commodities".

(3) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(e) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposition of agricultural commodities under this section.

(f) The Secretary of Agriculture shall establish safeguards to ensure that stocks of agricultural commodities held in the reserves established under this section shall not be used in any manner or under any circumstance to unduly depress, manipulate, or curtail the free market.

(g) Whenever stocks of agricultural commodities are disposed of or released from reserves established under this section, as provided in subsections (c) (2) and (d) (2) of this section, the reserves may not be replenished with replacement stocks.

(h) The provisions of this section shall become effective with respect to any suspension of, or restriction on, the export of agricultural commodities, as described in subsection (a) of this section, implemented after the date of enactment of this Act.

ALCOHOL PROCESSOR GRAIN RESERVE

SEC. 209. (a) As used in this section—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "processor" means any person engaged within the United States in the business of manufacturing grain into alcohol for use as a fuel either by itself or in combination with some other product.

(3) The terms "agricultural grain" and "grain" mean any agricultural commodity (A) that is suitable for processing into alcohol for use as a fuel, and (B) with respect to which a price support operation is in effect.

(4) The term "producer storage program" means the producer storage program provided for under section 110 of the Agricultural Act of 1949.

(5) The term "small scale biomass energy project" shall have the same meaning as defined in section 203(19) of the Energy Security Act.

(b) To assist processors in obtaining a dependable supply of grain at reasonable prices, the Secretary may formulate and administer a program under which processors purchasing and storing grain needed by them for manufacturing into alcohol for use as a fuel may obtain a loan from the Secretary on such grain. Loans under this section may be made available only to processors that (1) operate small scale biomass energy projects financed in whole or in part by the United States Government or any agency thereof, and (2) as determined by the Secretary, are otherwise unable to obtain a dependable supply of grain at reasonable prices for use in such projects.

(c) Except as otherwise provided in this section, loans made under this section to carry out the processor grain reserve program may be made on the same terms and conditions as loans made to carry out the producer storage program.

(d) The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor shall be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

(e) Whenever any quantity of grain stored in the processor grain reserve under this section is removed from storage by a processor, the processor may be required to replace such grain with an equal quantity, within such period of time as the Secretary shall prescribe by regulation, or repay that portion of the loan represented by the quantity of grain removed from storage.

(f) Grain on which an eligible processor has received a loan under this section may not be used for any purpose other than the manufacture of alcohol for use as a fuel, and the Secretary shall establish such safeguards as the Secretary deems necessary to assure that such grain is not used for any other purpose and is not used in any manner that would unduly depress, manipulate, or curtail the free market in such grain.

(g) Loans made under this section shall be made subject to such terms and conditions and subject to such security as the Secretary deems appropriate, except that such loans may not be made as nonrecourse loans.

(h) In carrying out the processor grain reserve program under this section, the Secretary may—

(1) provide for the payment to processors of such amounts as the Secretary determines appropriate to cover the cost of storing grain held in the processor grain reserve, except that in no event may the rate of the payment paid under this clause for any period exceed the rate paid by the Secretary under the producer storage program for the same period; and

(2) prescribe conditions under which the Secretary may require processors to repay loans made under this section, plus accrued interest thereon, refund amounts paid to the processors for storage, and require the processors to pay such additional interest and other charges as may be required by regulation in the event any processor fails to abide by the terms and conditions of the loan or any regulation prescribed under this section.

(i) The Secretary shall announce the terms and conditions of the processor grain reserve program as far in advance of making loans as practicable.

(j) The Secretary may use the facilities of the Commodity Credit Corporation to carry out this section.

(k) There are authorized to be appropriated such sums as may be necessary to carry out this section. Any loans made under this section shall be made to such extent and such amounts as provided in appropriation Acts. The authority to make loans under this section shall expire five years after the effective date of this title.

STUDY OF THE POTENTIAL FOR EXPANSION OF UNITED STATES AGRICULTURAL EXPORT MARKETS AND THE USE OF AGRICULTURAL EXPORTS IN OBTAINING NEEDED MATERIALS

SEC. 210. (a) The Secretary of Agriculture, in consultation with the United States Trade Representative and any other appropriate agency of the United States Government as determined by the Secretary, shall perform a study of the potential for expansion of United States agricultural export markets and the use of agricultural exports in obtaining natural resources or other commodities and products needed by the United States. The Secretary shall complete the study and submit to the President and Congress a report on the study before June 30, 1981.

(b) In performing the study, the Secretary shall determine for the next five years—

(1) world food, feed, and fiber needs;

(2) estimated United States and world food, feed, and fiber production capabilities;

(3) potential new or expanded foreign markets for United States agricultural products;

(4) the potential for the development of international agreements for the exchange of United States agricultural products for natural resources, including energy sources, or other commodities and products needed by the United States; and

(5) the steps that the United States must take to (A) increase agricultural export trade, and (B) obtain needed natural resources or other commodities and products in exchange for agricultural products, to the maximum extent feasible.

FOOD BANK DEMONSTRATION PROJECTS

SEC. 211. (a) The Secretary of Agriculture shall carry out demonstration projects to provide agricultural commodities and other foods that might not otherwise be used, or might be more effectively used by organizations assisted under this section, to community food banks for emergency food box distribution to needy individuals and families. Notwithstanding any other provisions of law, the Secretary shall make available for purposes of such demonstration projects, agricultural commodities and other foods available to the Secretary under section 416 of the Agricultural Act of 1949, section 709 of the Food and Agriculture Act of 1965, and section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). For purposes of distributing agricultural commodities and other foods to community food banks under this section, the Secretary may, in consultation with State agencies, use food distribution systems currently used to distribute agricultural commodities and other foods under the National School Lunch Act and Child Nutrition Act of 1966. The Secretary shall select food banks, in consultation with the Director of the Community Services Administration, for participation in the demonstration projects under this section. Food banks shall be selected for participation so as to ensure adequate geographic distribution of emergency food box programs in at least two but not more than seven Department of Agriculture regions.

(b)(1) No food bank may participate in the demonstration projects conducted under this section unless an application therefor is submitted to and approved by the Secretary. Such application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

(2) Each food bank participating in the demonstration projects under this section shall establish a recordkeeping system and internal procedures to monitor the use of agricultural commodities and other foods provided under this section. The Secretary shall develop standards by which the feasibility and effectiveness of the projects shall be measured, and shall conduct an ongoing review of the effectiveness of the projects.

(c) The Secretary shall determine the quantities and types of agricultural commodities and other foods to be made available under this section. The Secretary may prescribe regulations regarding the designation of eligible participants in the projects and any other regulations necessary to carry out this section.

(d) The Secretary shall submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under this section. Such report shall include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. The Secretary shall also include in such report any recommendations regarding improvements in Federal assistance to community food banks, including assistance for administrative expenses and transportation.

(e) The sale of food provided under this section shall be prohibited and any person who receives any remuneration in exchange for food provided under this section shall be subject to a fine of not more than $1,000 or imprisonment for not more than six months, or both.

(f) There is authorized to be appropriated to carry out this section $356,000.

DEFINITION OF FUEL CONVERSION PRICE

SEC. 212. As used in this title, the phrase "fuel conversion price" means the price for an agricultural commodity determined by the Secretary of Agriculture that will permit gasoline-alcohol mixtures using alcohol produced from the commodity to be competitive in price with unleaded gasoline priced at the point it leaves the refinery, adjusted for differences in octane rating, taking into consideration the energy value of the commodity and other appropriate values designed to represent, on a national average basis, the value of byproducts also recoverable from the commodity; the direct costs and capital recovery costs for a grain alcohol distillery capable of producing forty million gallons of alcohol and recovering byproducts annually; and Federal tax and other Federal incentives applicable to alcohol used for fuel.

EFFECTIVE DATE

SEC. 213. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

TITLE III—FOOD SECURITY WHEAT RESERVE ACT OF 1980

SHORT TITLE

SEC. 301. This title may be cited as the "Food Security Wheat Reserve Act of 1980".

FOOD SECURITY WHEAT RESERVE

SEC. 302. (a) To provide for a wheat reserve solely for emergency humanitarian food needs in developing countries, the President shall establish a reserve stock of wheat of up to four million metric tons for use for the purposes specified in subsection (c) of this section.

(b)(1) The reserve stock of wheat under this section shall be established initially by designation for that purpose by the Secretary of Agriculture of wheat owned by the Commodity Credit Corporation.

(2) Subject to the provisions of subsection (i) of this section, stocks of wheat to replenish the reserve may be acquired (A) through purchases from producers or in the market if the Secretary of Agriculture determines that such purchases will not unduly disrupt the market, and (B) by designation by the Secretary of stocks of wheat otherwise acquired by the Commodity Credit Corporation. Any use of funds to acquire wheat through purchases from producers or in the market to replenish the reserve must be authorized in appropriation Acts.

(c) Notwithstanding any other provision of law, stocks of wheat designated or acquired for the reserve under this section may be released by the President to provide, on a donation or sale basis, emergency food assistance to developing countries at any time that the domestic supply of wheat is so limited that quantities of wheat cannot be made available for disposition under the Agricultural Trade Development and Assistance Act of 1954, except for urgent humanitarian purposes, under the criteria of section 401(a) of that Act. Notwithstanding the provisions of the preceding sentence, up to three hundred thousand metric tons of wheat may be released from the reserve under this section in any fiscal year, without regard to the domestic supply situation, for use under title II of the Agricultural Trade Development and Assistance Act of 1954 in providing urgent humanitarian relief in any developing country suffering a major disaster, as determined by the President, whenever the wheat needed for relief cannot be programed for such purpose in a timely manner under the normal means of obtaining commodities for food assistance due to circumstances of unanticipated and exceptional need. Wheat released from the reserve may be processed in the United States and shipped to a developing country in the form of flour when conditions in the recipient country require such processing in the United States.

(d) Wheat released from the reserve for the purposes of subsection (c) of this section shall be made available under the Agricultural Trade Development and Assistance Act of 1954 to meet famine or other urgent or extraordinary relief requirements, except that section 401(a) of that Act, with respect to determinations of availability, shall not be applicable thereto.

(c) The Secretary of Agriculture shall provide for the management of stocks of wheat in the reserve as to location and class of wheat needed to meet emergency situations and for the periodic rotation of stocks of wheat in the reserve to avoid spoilage and deterioration of such stocks, using programs authorized by the Agricultural Trade Development and Assistance Act of 1954 and any other provision of law, but any quantity of wheat removed from the reserve for the purposes of this subsection shall be promptly replaced with an equivalent quantity of wheat.

(f) Stocks of wheat in the reserve shall not be considered a part of the total domestic supply (including carryover) for the purposes of subsection (c) of this section or for the purposes of administering the Agricultural Trade Development and Assistance Act of 1954 and shall not be subject to any quantitative limitations on exports that may be imposed under section 7 of the Export Administration Act of 1979.

(g)(1) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposal of wheat for or in the reserve.

(2) Effective beginning October 1, 1981, the Commodity Credit Corporation shall be reimbursed from funds made available for carrying out the Agricultural Trade Development and Assistance Act of 1954 for wheat released from the reserve that is made available under such Act, such reimbursement to be made on the basis of actual costs incurred by the Commodity Credit Corporation with respect to such wheat or the export market price of wheat (as determined by the Secretary) as of the time the wheat is released from the reserve for such purpose, whichever is lower. Such reimbursement may be made from funds appropriated for that purpose in subsequent years.

(h) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(i) The authority to replace stocks of wheat to maintain the reserve under this section shall expire September 30, 1985, after which stocks released from the reserve may not be replenished. Stocks of wheat remaining in the reserve after September 30, 1985, shall be disposed of by release for use in providing for emergency food needs in developing countries as provided in this section.

EFFECTIVE DATE

SEC. 303. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

● Mr. TALMADGE. Mr. President, H.R. 3765 as passed by the House would amend the Agricultural Marketing Agreement Act of 1937. It would, first, authorize the Federal marketing order for walnuts to include marketing promotion, including paid advertising, and provide for crediting the assessment obligation of each handler with any of such handler's direct marketing promotion expenditures as are authorized by the order; and, second, authorize the Federal marketing order for olives to provide for crediting the assessment obligation of each handler with any of such handler's direct marketing promotion expenditures as are authorized by the order.

My amendment retains the provisions of H.R. 3765 as passed by the House as title I and adds two new titles—the Agricultural Trade Suspension Adjustment Act of 1980, and the Food Security Wheat Reserve Act of 1980. The new titles, which were passed by the Senate last July in substantially similar form as title IV of H.R. 7664, contain important provisions designed to mitigate the adverse effects of the suspension of trade with the Soviet Union on U.S. farmers and help cushion the economic pain to farmers of any future action of a similar nature.

Title II of the amendment, the Agricultural Trade Suspension Adjustment Act of 1980, would:

First, require that the wheat, corn, and soybean price support loan levels for the 1981 crop be not less than $3.00, $2.25, and $5.02 per bushel, respectively, which are the current levels;

Second, move up the set-aside announcement date on feed grains from November 15 to November 1;

Third, increase wheat and feed grain support loan levels for the 1980 through 1981 crops to producers who participate in the farmer-held reserve program and require that the Secretary of Agriculture waive first-year interest charges;

Fourth, provide the Secretary with the flexibility to set the release and call levels for wheat and feed grains at levels he deems appropriate;

Fifth, generally prohibit the sale of Government-owned wheat and feed grains at less than 105 percent of the call level when a farmer-held reserve program is in effect, but allow the sale of Government-owned corn at the release price or the fuel conversion price, whichever is higher, if the corn is used to produce alcohol for motor fuel;

Sixth, clarify the authority of the Secretary of Agriculture to handle agricultural commodities, other than grain, affected by the suspension of trade with the Soviet Union;

Seventh, authorize the Secretary of Agriculture, whenever the export of agricultural commodities is suspended or restricted, to carry out a cropland set-aside program and to establish a nonreplenishing food security reserve or a nonreplenishing gasohol feedstock reserve, or both;

Eighth, authorize the establishment of an alcohol processor reserve; and

Ninth, require the Secretary of Agriculture to perform a study of the potential for expanding U.S. agricultural exports and using them to obtain needed resources from other countries.

Title II also includes a provision that requires the Secretary of Agriculture to carry out food bank demonstration projects providing agricultural commodities that might not otherwise be used to aid needy individuals and families.

Title III of the amendment, the Food Security Wheat Reserve Act of 1980, would establish a reserve stock of wheat of up to 4 million metric tons to meet emergency food needs in developing countries. The reserve would be established initially with wheat owned by the Commodity Credit Corporation. As a result of the imposition on January 4, 1980, of restrictions on the export of agricultural products to the Soviet Union, the CCC acquired over 4 million cubic tons of wheat.

I wish to describe titles II and III of the amendment in some detail.

MINIMUM PRICE SUPPORT LOAN LEVELS FOR THE 1981 CROPS OF WHEAT, CORN, AND SOYBEANS

The amendment would require that the wheat, corn, and soybean price support loan levels for the 1981 crops be not less than $3.00, $2.25, and $5.02 per bushel, respectively, which are the current levels.

To provide protection against low prices, the Federal Government administers a price support loan program for several commodities. When a farmer harvests his grain and stores it, he can place his production under loan. The Government loans the farmer so much per bushel for up to 9 months, and the grain is used as collateral. Interest is paid on this loan by the farmer to the Government. The farmer has the option of repaying the loan and redeeming the grain during the period of the loan. If at the end of the loan period the farmer chooses not to repay his loan, the Government takes ownership of the grain. While many farmers may place their grain under loan for credit purposes, they do not forfeit their crops to the Government unless the loan rate is higher than the market price.

The amendment assures farmers that the price support loan levels for wheat, feed grains, and soybeans will not be lower than the 1981 crops than they are this year. This gives each farmer some assurance that if he produces a crop in the future—he at least will be assured of a price that will cover most of his out-of-pocket expenses.

CHANGING THE DATE FOR ANNOUNCEMENT OF A FEED GRAIN SET-ASIDE

The amendment would require the Secretary of Agriculture to announce any set-aside of cropland under the feed grain program not later than November 1 of each calendar year for the crop harvested in the next calendar year. Under current law, the final date for the announcement of such a set-aside is November 15.

Some farmers have found that an announcement of a set-aside under the feed grain program as late as November 15 has caused problems. As a result, some of them choose not to participate in the program.

Corn growers in the Midwest, for example, may need to apply fertilizer for the next year's corn crop before November 15. Thus, an announcement of any set-aside for feed grains as late as November 15 may, as a practical matter, be ineffective as it applies to their operations. Moving the date up to November 1 will reduce the number of farmers caught in this situation without affecting significantly the quality of data used by the Secretary in deciding whether there should be a feed grain set-aside.

INCREASE IN PRICE SUPPORT LOANS UNDER THE FARMER-HELD RESERVE PROGRAM

The amendment would require the Secretary of Agriculture to make price support loans available to producers who participate in the farmer-held reserve program for the 1980 through 1981 crops of wheat and feed grains at increased levels of support. The Secretary would be required to make loans available at such levels as the Secretary deems necessary to mitigate the effects of the restrictions on trade to the Soviet Union on the prices farmers receive for their crops, but at not less than $2.40 per bushel for corn, and not less than $3.30 per bushel for wheat. This provision will provide farmers who participate in the farmer-held reserve program with price support loan levels that are much closer to presuspension market prices. By increasing the minimum loan level, the amendment will assure that the price support loans give members more realistic amounts of operating capital.

At the same time, this provision will encourage increased participation in the farmer-held reserve program. Grain placed in the farmer-held reserve is kept out of the market for a minimum of 3 years, unless market prices rise significantly. This provision, by reducing the market supply of grain, will strengthen prices.

The loans authorized by this provision must eventually be repaid by the farmers, so that initial outlays of Government funds for the loans will later be offset by loan repayments.

Under the farmer-held reserve program, grain must be redeemed from the reserve before the due date of the extended loan when market prices hit certain levels—under the program now, 175 percent of the price support level for wheat and 145 percent of the price support level for feed grains. In addition, farmers are permitted to pay off loans early and redeem the grain when market prices reach 140 percent of the price support level for wheat and 125 percent of the price support level for feed grains. Some grain placed in the reserve prior to July 28, 1980, however, may have slightly different release and call levels.

The amendment provides that, even though the price support loan levels under the reserve program are increased substantially, the "call" and "release" levels would remain at the dollar figures presently established under the program—$5.25 and $4.20 for wheat, and $3.26 and $2.81 for corn, respectively. This provision will assure that grain will move out of the farmer-held reserve and not become part of a "permanent" reserve.

The amendment would also require the Secretary of Agriculture to waive interest charges on the loans. This would make the reserve program more attractive to farmers and help strengthen grain prices. By drawing more grain into the reserve, grain prices will advance in response—at least until the release and call prices are reached.

FLEXIBILITY IN ADJUSTING THE RELEASE AND CALL LEVELS FOR WHEAT AND FEED GRAINS

Under existing law, to encourage producers to redeem and market their wheat and feed grains held under the reserve loan program, the Secretary has authority to discontinue storage payments and require interest payments when prices reach a certain level, commonly referred to as the "release" price level. However, while the Secretary has the authority to set the feed grain release price at whatever level he deems appropriate, he is limited to setting the release price for wheat at not less than 140 percent nor more than 160 percent of the price support level of wheat. Using these existing authorities, the Secretary has set the release price for feed grains at 125 percent of the support level and wheat at 140 percent of the support level.

Additional authority allows the Secretary to set a wheat or feed grain "call" price level. When prices reach the call price, the Secretary may require producers to repay the loans on their farmer-held reserve or forfeit their grain to the Commodity Credit Corporation.

Again, as is the case with the release price, the Secretary has authority to set the call price for feed grains at whatever level he deems appropriate, but in the case of wheat, existing law mandates the call price cannot be less than 175 percent of the price support level. Under these authorities the Secretary has established the call price for feed grains at 145 percent and for wheat, 175 percent of the price support level.

The amendment would give the Secretary the same discretionary authority for establishing the release and call prices for wheat that he presently has for feed grains. This would have the effect of disconnecting wheat release and call prices from being a mandated percentage of the price support, thus permitting the Secretary to adjust price support levels for wheat without having to make a similar adjustment in the release and call price levels.

RELEASE LEVEL FOR COMMODITY CREDIT CORPORATION-HELD WHEAT AND FEED GRAINS

Except as otherwise provided in title II for the disposal of stocks of wheat and feed grains subject to trade suspensions, the amendment would generally prohibit the Commodity Credit Corporation from selling any of its stocks of wheat and feed grains—except sales of corn for use in the production of alcohol—when the farmer-held reserve program is in effect, at less than 5-percent above the call level.

The Government must make every effort to prevent the embargoed grain from reentering the markets and causing an oversupply of grain. However, whenever the Commodity Credit Corporation acquires stocks of grain through price support operations, it becomes a supplier of grain to the markets. Thus, the Government must also act to prevent oversupply by isolating these Commodity Credit Corporation-held stocks from the market. The amendment accomplishes this by raising the minimum price at which the Commodity Credit Corporation generally may sell its stocks from 150 percent of the price support level to 5 percent above the call level. The Secretary of Agriculture has already adopted a policy, similar to this provision, of not releasing Commodity Credit Corporation stocks at less than 5 percent above the call level.

The amendment also changes the minimum Commodity Credit Corporation sales price for corn to be used in the production of alcohol when the farmer-held reserve program is in effect. The minimum sales price for corn for such use is now set at the release price for corn under the farmer-held reserve program. The amendment provides that, if the fuel conversion price for corn exceeds the release level, the Commodity Credit Corporation must sell corn at the fuel conversion price. The fuel conversion price is defined in the amendment as that price for a commodity that would make gasohol using alcohol produced from the commodity competitive in price with unleaded gasoline.

AUTHORITY FOR THE SECRETARY OF AGRICULTURE TO USE THE COMMODITY CREDIT CORPORATION TO PURCHASE AND HANDLE AGRICULTURAL COMMODITIES, OTHER THAN GRAIN, INTENDED FOR EXPORT TO THE SOVIET UNION

The President's decision to restrict agricultural trade with the Soviet Union caused the cancellation of sales of a number of agricultural commodities other than grain. For example, the export sales of a significant amount of poultry were lost due to the suspension.

The Secretary of Agriculture has authority under existing law to purchase or otherwise handle—in the same manner he is handling grain—poultry and other nongrain agricultural commodities that were under contract for export to the Soviet Union. The Secretary should treat producers of all agricultural commodities affected by the Soviet trade suspension equally.

In the case of the suspended grain export sales contracts, the Secretary developed an arrangement under which he assumed delivery rights under the contracts, with the Commodity Credit Corporation standing in for the Soviet Union as purchaser. It is only equitable that the Secretary take the same approach with other commodities to the extent that production of those commodities was geared up to meet the Russian demand.

The amendment would make it clear that the Secretary has the authority to use the Commodity Credit Corporation to handle all agricultural commodities affected by the suspension as he is handling grain.

AUTHORITY FOR SET-ASIDES FOLLOWING TRADE SUSPENSIONS

To reduce supplies following a suspension of agricultural trade, it may be necessary to reduce acreage put into production after the suspension is imposed.

The Secretary of Agriculture has authority, under existing law, to require a set-aside of cropland if supplies are excessive. However, this authority is conditioned on the Secretary announcing the set-aside by August 15 in the case of wheat or November 15 in the case of corn of the year preceding the year in which the wheat or corn is harvested. The amendment, as I noted earlier, would change the feed grain announcement date to November 1.

The Secretary chose not to proclaim a 1980 wheat or corn set-aside last year. As a result, the Secretary had no authority, after the Soviet trade suspension was announced on January 4, 1980, to reverse his previous decision and proclaim a set-aside of wheat or corn for the 1980 crop year.

The amendment would remedy this gap in the law by authorizing the Secretary, for any commodity for which there is authority for a set-aside, notwithstanding any prior announcement to the contrary, to announce and carry out a set-aside whenever he deems such actions to be in the public interest as a result of the imposition of restrictions on the exportation of the commodity.

AUTHORITY FOR TRADE SUSPENSION COMMODITY RESERVES

The amendment also provides the Secretary of Agriculture authority in the future to divert from the commercial markets agricultural commodities, intended for export, that cannot be exported because the executive branch restricts exports for reasons of national security or foreign policy, if necessary to prevent the accumulation of a surplus that will adversely affect producer prices for the commodity and the commodity is suitable for stockpiling in a reserve. The Secretary would be authorized to establish nonreplenishing food security reserves of embargoed commodities suitable for use in providing emergency food assistance and urgent humanitarian relief, and nonreplenishing gasohol feedstock reserves of embargoed commodities suitable for the production of alcohol for motor fuel.

ALCOHOL PROCESSOR GRAIN RESERVE

To help assure that producers of fuel alcohol from small-scale projects are able to obtain a dependable supply of grain at reasonable prices, this amendment would authorize the Secretary of Agriculture to formulate and administer a recourse loan program for fuel alcohol processors to buy grain and store it for use in making fuel alcohol in a small-scale project. A small-scale project includes all facilities that produce less than 1 million gallons of alcohol per year. The authority to make such loans is subject to the appropriations process.

The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor must be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for 1 year of operation.

Whenever any quantity of grain stored in the processor grain reserve is removed from storage by a processor, the processor may be required to replace such grain with an equal quantity, or repay that portion of the loan represented by the quantity of grain removed from storage. Grain on which an eligible processor has received a loan may not be used for any purpose other than the manufacture of alcohol for use as a fuel.

The Secretary may pay for the cost of storing grain held in the processor grain reserve.

The authority to make loans under this program ends 5 years after the date of enactment.

STUDY OF THE POTENTIAL FOR EXPANDING U.S. AGRICULTURAL EXPORT MARKETS

We must double our efforts to develop new and permanent trading partners to whom we can sell U.S. agricultural commodities.

The world's population is increasing steadily, and worldwide demand for U.S. food and fiber will also increase. Clearly, the potential exists for expansion of U.S. agricultural export markets.

In addition, the United States is and will probably remain the largest supplier of food and fiber for the world. As worldwide demand for food and fiber increases, the United States should become increasingly able to trade its excess supplies of food and fiber for scarce resources, such as petroleum and natural gas.

The amendment requires the Secretary of Agriculture to perform a study analyzing our agricultural export potential over the next 5 years, and submit to the President and Congress a report before June 30, 1981. Many of our agricultural and export programs will expire at the end of 1981. The information provided by the study will be of great value to Congress when it begins reviewing agricultural policies and programs for inclusion in the 1981 farm bill.

FOOD BANK DEMONSTRATION PROJECTS

While somewhat unrelated to the other provisions in title II, this amendment is an important one. It requires that the Secretary of Agriculture carry out demonstration projects to provide agricultural commodities, and other foods that might not otherwise be used effectively, to community food banks for emergency food box distribution to needy individuals and families.

The Secretary must submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under the program. The report must include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. Up to $356,000 may be appropriated to carry out this program.

It is estimated by the Department of Agriculture that each year about 20 percent of all food produced in the United States is lost or wasted—enough to feed 49 million hungry people. Fortunately for our country's poor, as well as our economy, food banks are springing up across the country to put to good use food that farmers and food producers do not sell. They are successfully marshaling some of that edible but discarded food—valued at $31 billion a year—and providing nutritious meals to needy people while helping to eliminate waste.

Each year, food banks collect millions of pounds of edible food cast aside because of overproduction, dented cans, broken boxes or expired marketing dates and distribute them to charitable groups for use in their on-premises meal programs. Some banks also provide food boxes to help disaster victims through the first few harrowing days following a crisis. Food for food banks is "gleaned" by people who move into the fields, canneries, orchards, and packing houses to collect produce that is slightly bruised or has been plowed under and unused meats or day-old bakery goods that have been shoved aside. Food donors not only reduce waste but also can deduct as a charitable contribution the cost of the food from their taxable income.

FOOD SECURITY RESERVE

Title III of the amendment would require the President to establish a reserve of up to 4 million metric tons of wheat for use in providing for emergency food needs in developing countries. Wheat owned by the Commodity Credit Corporation—most of which was purchased recently to prevent an accumulation of excess supplies following the Soviet trade suspension—would be used to stock the reserve initially. The authority to replenish the stocks of the reserve would expire September 30, 1985.

The reserve may be replenished by either the transfer of wheat from CCC stocks or by purchases from producers or in the market. Whenever wheat is acquired through purchases from producers or in the market to replenish the reserve, funds to do so must be authorized in appropriation acts.

The food security wheat reserve would be used to meet famine or other urgent or extraordinary relief requirements during periods of tight supplies and high prices when commodities would not otherwise be available under the provisions of Public Law 480.

This provision will serve two purposes. First, it will assure that wheat, most of which was intended for export to Russia, does not reenter commercial markets, weakening the price of wheat. Second, this provision will respond to a request made by the administration in May 1979, that Congress provide the President statutory authority to establish such a reserve.

The administration has favored establishing the food security reserve for several reasons. It would help guarantee that the United States would be able to meet priority food assistance needs of developing countries in years of short supply. This would help prevent a recurrence of actions similar to those between 1973 and 1975 when Public Law 480 wheat shipments to poorer countries were sharply reduced. Yet at that time, poorer countries were in particular need, being unable to compete for limited grain supplies in high priced world markets.

The United States would use the wheat in the food security reserve only for Public Law 480 functions and then only when adequate amounts of wheat are not available in commercial markets, as determined by criteria spelled out in Public Law 480. This would isolate the food security reserve from the marketplace and prevent the stored wheat from depressing commercial grain prices.

Also, replenishment of the food security reserve will create additional demand for domestically produced wheat.

A portion of the reserve—up to 300,000 metric tons—could be released from the reserve in any fiscal year for use under title II of Public Law 480, even if there is no short supply finding, to meet urgent humanitarian relief requirements resulting from major disasters. However, this authority could be used only when wheat could not otherwise be timely provided under normal means of obtaining commodities for food assistance due to unanticipated and exceptional need. It is intended that, whenever wheat is released from the reserve to be used for such purpose, the reserve be promptly replenished.

Mr. President, I have reviewed in some detail the major provisions of titles II and III of the amendment. I want to emphasize that they are similar to S. 2639, a bill unanimously reported earlier this year by the Committee on Agriculture, Nutrition, and Forestry. The new titles are also very similar to the major provisions of an amendment that the Senate adopted July 25, 1980, as title IV of H.R. 7664, the Child Nutrition Amendments of 1980.

H.R. 7664 would reauthorize certain child nutrition programs and make important changes to improve the programs. It is legislation that must be enacted before the second session of the 96th Congress ends. As passed by the Senate, H.R. 7664 also contains amendments to the Farm Labor Contractor Act that must be resolved by the committee of conference.

The committee of conference on H.R. 7664 has not completed its work on all aspects of that legislation, and I do not expect that we will be able to finish the task until after the recess. However, the conferees have reached agreement on title IV of H.R. 7664. Titles II and III of the pending amendment basically embody the agreements reached by the committee of conference on that title. The provisions are vital to the welfare of the Nation's farmers, and they should be enacted promptly.

In closing, I wish to note that the amendment is sponsored by 17 members of the Committee on Agriculture, Nutrition, and Forestry; 10 of the members of the committee are conferees on H.R. 7664.

Senators McGovern, Helms, Huddleston, and Dole worked most diligently in developing the amendment before the Senate, which, as I have noted, represents basically the work of the conference committee. The conferees on title IV of H.R. 7664 on the part of the House were from the Committee on Agriculture and the Committee on Foreign Affairs. The work of the House conferees—especially Chairman Foley and Chairman Zablocki—was essential in being able to meet on title IV and reach a compromise quickly.

Mr. President, I ask that a summary of H.R. 3765 as amended by my amendment be printed in the Record.

Mr. President, I urge the adoption of the amendment.

The summary is as follows:

SUMMARY OF THE MAJOR PROVISIONS OF H.R. 3765, AS AMENDED BY THE SENATE

The major provisions of H.R. 3765, as amended by the Senate, would—

(1) Increase the minimum price support loan rates for the 1981 crops of corn and wheat, and establish a minimum price support loan rate for the 1981 crop of soybeans, as follows:

(a) The minimum loan rate for corn would be increased from $2 to $2.25 per bushel;

(b) The minimum loan rate for wheat would be increased from $2.35 to $3.00 per bushel; and

(c) The minimum loan rate for soybeans would be established at $5.02 per bushel;

(2) Require the Secretary of Agriculture to announce any set-aside under the feed grain program not later than November 1, rather than November 15, of each calendar year for the crop harvested in the next calendar year;

(3) Require the Secretary to make available to producers who participate in the farmer-held reserve program for the 1980 and 1981 crops of wheat and feed grains price support loans at such increased levels of support as the Secretary deems necessary to mitigate the adverse effects of the restrictions on trade with the Soviet Union on the prices farmers receive for their crops, but at not less than $2.40 per bushel for corn (and comparable levels for the other feed grains) and not less than $3.30 per bushel for wheat. The Secretary would be required to waive interest charges on the loans. The increased loan levels would not be used in determining release and call prices under the farmer-held reserve program;

(4) Require the President to establish a reserve of up to 4 million tons of wheat for use in providing for emergency humanitarian food needs in developing countries. The authority to maintain the reserve would expire September 30, 1985, after which wheat taken out of the reserve would not be replenished. Wheat that is owned by the Commodity Credit Corporation would be used to stock the reserve initially. Wheat in the reserve could be used for emergency food assistance under title I (concessional sales) or title II (donations) of Public Law 480 whenever the U.S. domestic supply of wheat is so limited that quantities of wheat cannot otherwise be made available, except for urgent humanitarian purposes, for disposition under Public Law 480. However, when needed to provide urgent humanitarian relief in any developing country suffering a major disaster, up to 300,000 tons of wheat could be released from the reserve in any fiscal year without a short supply finding and distributed under title II of Public Law 480. Wheat released from the reserve for use in food aid could be distributed in the form of flour when conditions in the recipient country require that the wheat be processed into flour in the United States;

(5) Under the farmer-held reserve program—

(a) Delete the specific limits on the authority of the Secretary to set the release and call levels for wheat; and

(b) Except as otherwise provided in items (4) and (8) for wheat and feed grains in reserves, amend the provisions of the Agricultural Act of 1949 establishing minimum sales prices for Commodity Credit Corporation-held stocks of wheat and feed grains when the farmer-held reserve program is in effect, as follows:

(i) Under existing law, the Corporation generally may not sell any of its stocks of wheat and feed grains when the program is in effect at less than 150 percent of the then current level of price support for the commodity; under the bill, this general minimum sales price would be changed to 105 percent of the then current call level for the commodity under the program; and

(ii) Under existing law, sales of stocks of corn for use in the production of alcohol for motor fuel are exempted from the general minimum sales price and may be made at not less than the then current release price for corn under the program; under the bill, corn could not be sold for such use at less than the higher of the then current release price or the fuel conversion price for corn (the fuel conversion price is defined in the bill as that price for a commodity that would make gasohol using alcohol produced from the commodity competitive in price with unleaded gasoline);

(6) Authorize the Secretary to use the funds, facilities, and authorities of the Commodity Credit Corporation in purchasing and handling agricultural commodities (other than grains) intended for export to the Soviet Union under contracts entered into prior to January 5, 1980, that cannot be exported under such contracts due to the President's restrictions on exports in the same manner and under the same conditions as he handles grains (this is a clarifying amendment; under existing law, the Secretary has authority to purchase and handle commodities that were under contract for delivery to the Soviet Union);

(7) For any price-supported commodity for which there now is authority for a set-aside, authorize the Secretary, notwithstanding any other provision of law or prior announcement to the contrary, to announce and carry out a cropland set-aside program if he deems such actions to be in the public interest as a result of the imposition of restrictions on exports of the commodity;

(8) Authorize the Secretary, whenever in the future—

(a) the executive branch suspends or restricts exports of agricultural commodities for reasons of national security or foreign policy, and

(b) such suspension or restriction will result in surplus supplies of the commodities that will adversely affect prices producers receive for the commodities,

to establish a nonreplenishing food security reserve or a nonreplenishing gasohol feedstock reserve, or both, and place quantities of the commodities in the reserves by market purchases or designation of Commodity Credit Corporation stocks for the reserve. Stocks would be removed from the food security reserve in a similar manner as described for the 5-year food security wheat reserve in item (4), and from the gasohol feedstock reserve in a similar manner as described for CCC stocks of corn in item (5)(b):

(9) Authorize the Secretary to establish a program under which loans are made available to alcohol processors to finance the purchase and storage of grain needed by them for manufacturing into alcohol for use as a fuel. The program would be available only to small-scale biomass energy projects financed (in whole or in part) by the Federal Government that are unable to obtain dependable supplies of grain at reasonable prices for use in the projects without the loans. Loans would be made at the price support loan rate, and a processor could not obtain a loan for more grain than that needed for one year of operations. Loans under the program would not be made as nonrecourse loans. Loans could be made under the program only to the extent and in amounts provided in appropriations acts. The authority to make new loans would expire five years after the date of the enactment of the bill;

(10) Require the Secretary to perform a study of the potential for expanding United States agricultural export markets and using United States agricultural exports in obtaining needed resources from other countries. The Secretary would be required to complete the study and submit to the President and Congress a report on the study before June 30, 1981;

(11) Require the Secretary to conduct food bank demonstration projects under which agricultural commodities and other foods that might otherwise not be used, or that might be used more effectively are provided to community food banks for emergency food box distribution to needy individuals and families. The demonstration projects would be conducted in at least two, but not more than seven, Department of Agriculture regions. Appropriations of $356,000 to carry out the program would be authorized. A report on the demonstration projects would be submitted to Congress on October 1, 1982; and

(12) Amend the Agricultural Marketing Agreement Act of 1937 to—

(a) Authorize the Federal marketing order for walnuts to include marketing promotion, including paid advertising, and provide for crediting the assessment obligation of each handler with any of such handler's direct marketing promotion expenditures as are authorized by the order; and

(b) Authorize the Federal marketing order for olives (which is authorized to include marketing promotion, including paid advertising) to provide for crediting the assessment obligation of each handler with any of such handler's direct marketing promotion expenditures as are authorized by the order.●

Mr. DOLE. Mr. President, I support the amendment offered to H.R. 3765 by Senator TALMADGE and Senator HELMS.

I have worked with Senators on the Agriculture Committee to pass embargo relief legislation for several months. Senator McGOVERN and I offered a bill to the Senate Agriculture Committee in March.

We then offered the same bill as an amendment to the child nutrition bill that is now stalled in conference.

It is important that legislation be passed. Our farmers need the additional support that is contained in this legislation. This legislation is vital to the farmer. It is vital to making present legislation work better.

The major provisions of the amendment to H.R. 3765 would—

First. Increase the minimum price support loan rates for the 1981 crops as follows:

The minimum loan rate for corn would be increased from $2 to $2.25 per bushel;

The minimum loan rate for wheat would be increased from $2.35 to $3 per bushel; and

The minimum loan rate for soybeans would be established at $5.02 per bushel.

Second. Require the Secretary of Agriculture to announce any set-aside under the feed grain program not later than November 1, rather than November 15, of each calendar year for the crop harvested in the next calendar year;

Third. Require the Secreatry to make available to producers who participate in the farmer-held reserve program for the 1980 and 1981 crops of wheat and feed grains price-support loans at such increased levels of support as the Secretary deems necessary to mitigate the adverse effects of the restriction on trade with the Soviet Union on the prices farmers receive for their crops, but at no less than $2.40 per bushel for corn (and comparable levels for the other feed grains) and not less than $3.30 per bushel of wheat.

The Secretary would be required to waive interest charges on the loans. The increased loan levels would not be used in determining release and call prices under the farmer held reserve program.

Fourth. Require the President to establish a reserve of up to 4 million tons of wheat for use in providing for emergency humanitarian food needs in developing countries.

The authority to maintain the reserve would expire September 30, 1985, after which wheat taken out of the reserve would not be replenished. Wheat that is owned by the Commodity Credit Corporation would be used to stock the reserve initially. Wheat in the reserve could be used for emergency food assistance under title I (concessional sales) or title II (donations) of Public Law 480.

When needed to provide urgent humanitarian relief in any developing country suffering a major disaster, up to 300,000 tons of wheat could be released from the reserve in any fiscal year without a short supply finding and distributed under title II of Public Law 480. Wheat released from the reserve for use in food aid could be distributed in the form of flour when conditions in the recipient country require that the wheat be processed into flour in the United States.

I have had a chance to meet with Senator TALMADGE several times; I have met with Senator BELLMON and talked with Chairman FOLEY. I have discussed this matter with Carl Rose and other members of the committee staff, and I am now convinced we have had it worked out so it will not only be acceptable to everybody in the Senate but I understand the leadership on the House side is willing to take this amendment. It is a very important piece of legislation to the farmers of America.

I just take this time to commend the chairman of the committee (Mr. TALMADGE) for his efforts, and also the distinguished ranking Republican (Mr. HELMS), along with the distinguished Senator from Oklahoma (Mr. BELLMON) for his willingness to work out some accommodation, and for others I have had an opportunity to meet with yesterday and today.

Mr. President, I believe this is an important piece of legislation for farmers. I believe it is important that this legislation be passed and signed into law at the earliest possible time.

We should not delay until after the election to pass this legislation. Farmers need the additional funds offered through the loan rates for the farmer-held reserve. We need to take additional wheat off the market and put it into the farmer-held reserve.

I hope we will pass this legislation and that it will be signed into law.

Mr. President, I commend the Senators who have been working on this the past few days to work out the difficulties. I thank the distinguished Senator from Oklahoma (Mr. BELLMON) and others who have been able to compromise on what I consider to be a very important bill to America's farmers. I am a cosponsor of the amendment. I urge its acceptance.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. HAYAKAWA. Mr. President, I am pleased to support H.R. 3765, legislation to provide that walnut marketing order issued by the Secretary of Agriculture may include any form of marketing promotion, including paid advertising. In addition, this legislation will permit walnut and olive marketing orders to provide for crediting the assessment obligation of each handler with all or any portion of such handler's direct expenditures for marketing promotion. The legislation is endorsed by the U.S. Department of Agricuture. It extends to walnuts and olives the same treatment for marketing promotion that has already been extended to other commodities.

The United States is the world's leading walnut producer, and California is our Nation's largest producer of walnuts; 97 percent of our Nation's production of walnuts is in California. Over the last 35 years, the United States has increased its contributions to the world walnut supply from 50 to 72 percent. In the 1980's this share is projected to increase to 80 percent of the world supply. In my State we have around 6,000 walnut producers, and 32 handlers. The total value of this crop is approximately $170 million annually.

Our growers are able to increase the supply of walnuts to the domestic market through orderly marketing. In addition, we are able to produce around $60 million annually for exports. Our walnut exports are over 83 million pounds of in-shell walnuts, and 7 or 8 million pounds of shelled walnuts. Our domestic consumption is over 80 million pounds of shelled walnuts per year.

Our walnut industry in California could be facing a critical supply and demand problem in the coming year, due to increases in production. Estimates based on acreage figures, barring bad weather, indicate that the 1979 crop could be over 200,000 tons. This could increase to 260,000 tons in the years ahead, because 20 percent of the walnut acreage in California is currently nonproductive.

This legislation, H.R. 3765, would help alleviate the problem of oversupply by encouraging increased promotional activities on the part of the industry. The bill authorizes the marketing order to provide for the expenditure of assessment funds obtained from handlers for promotional activity such as generic advertising, public relations and the preparation and distribution of educational and recipe materials. The bill authorizes the marketing order to permit handlers to offset any direct marketing promotion expenses against their assessments. This will encourage handlers to maintain and/or develop their own marketing promotion activities.

This legislation also pertains to olive marketing orders. California produces virtually all of the olives grown in the United States. Crop production varies widely, but in the last couple of years there has generally been an overall upward trend. The 1978 production was 126,000 tons, up 58 percent from the 1976 production which was only 80,000 tons. Unfortunately, olive trees take between 8 and 10 years to mature to the point of producing ability, and they do not produce up to full capacity until about 20 years after they are planted. These olive trees will then have a productive life of 100 years or more assuming that proper care is taken for them. The entire olive crop must be picked, or the trees will be adversely affected in the coming year. Therefore, short-term planning for the olive supply is virtually impossible. Unfortunately, however, the olive industry in California is facing a situation of oversupply.

The reason this legislation is important to the olive industry is because it will permit promotional activities that will assist the industry in dealing with this situation. The bill will provide incentives for handlers to advertise their product. It will also encourage coordination between generic and private label advertising. There will be a more stable marketing situation geared toward expansion of olive markets. And finally, there will be benefits to consumers because they will be assured of stable supplies and orderly marketing.

Mr. President, this legislation has the support of the producer groups involved. I am pleased to support passage of H.R. 3765, legislation to expand marketing orders for walnuts and olives.●

Mr. BELLMON. Mr. President, it is my understanding that this bill does establish a food security reserve and that there is some question about how subject this reserve may be to the appropriation process.

I would like to make a few comments about the bill and then, if I could, ask a question or two of the floor managers.

The historical record of the Federal Government owning grain has been a disaster for grain farmers.

The problem is that when the USDA owns large quantities of grain, they have a record of using those supplies to manipulate the markets. If the Secretary of Agriculture, who owns and has control of hundreds of millions of bushels of grain, makes a statement to the effect that he is about to sell some of that grain, the price will fall, regardless of whether the sales are ever consummated, or not.

In the 1960's the USDA owned large quantities of grain accumulated through the Government loan program. It seemed that anytime any strength appeared in the grain market, there would be a rumor that USDA was going to sell grain, and the market would break, that anytime the Secretary could find a few bushels of grain that perhaps he could make the announcement this is going to be sold and, at that point, the market would fall and producers were seriously injured.

The fact is that during the 20-year period, through the fifties and sixties, the price of grain did not increase, though the cost of production went up dramatically. The result was that the grain farmers were practically bankrupt, and the country would have been in desperate circumstances because we rely heavily on our grain to feed all our people, and for exports.

Fortunately, this ill-conceived agricultural policy was stopped. Through the creation of the target price concept, the loan rate was kept below the market price which prevents USDA from owning grain. The strong world demand for grain in the early 1970's allowed USDA to liquidate the Government-owned stocks, which they used to manipulate the market.

The Senate Agriculture Committee established a reserve program to provide supply and market stability for the farmers and consumers. However, the act specifically required that the grain be owned by farmers and not the Federal Government.

The farmer owned reserve has worked exceedingly well. The United States has maintained reasonable stocks for years when low production occurs in the United States and other major population areas of the world. During times of excess domestic production, this excess has moved into the farmer held reserve and been isolated from the marketplace.

In years when the supply is down, the grain can move out of the reserve into the market in an orderly way.

The pending amendment increases the loan rate for the farmer held reserve from $3 per bushel to $3.30 for wheat to encourage more participation. Additionally, the storage cost and interest on the loans are paid by the USDA as an incentive to encourage farmers to isolate their grain from the market and help minimize the damage of the partial Russian grain embargo.

In my opinion, these are good things. This is an increase that is badly needed because the farmer owned reserve does need to be made more attractive. This increase is badly needed. However, I would caution the Senate that providing farmers with interest-free loans is a dangerous precedent and is only justified in extreme situations because it is going to cost the Treasury quite a lot of money, and we do not know how much good it will do in the long run.

Mr. President, there is no need for the proposed food security reserve, and that is another feature of this bill. Adequate supplies of wheat are now contained in the farmer held reserve to cover major shortfalls in production.

I feel that setting up this food security reserve will simply put the Secretary of Agriculture in position to again start implementing the market, unless the Congress keeps a watchful eye on how the food security reserve is managed.

The administration has promised that this reserve will never be moved onto the domestic market. It will be the responsibility of the Congress to maintain close oversight to insure that this reserve is not used to manipulate markets as has happened in the past when Government-owned large quantities of grain.

I would like to commend the distinguished chairman of the Agriculture Committee (Mr. TALMADGE) and the senior Senator from Kansas (Mr. DOLE) for their cooperation in working out an agreement to make the food security reserve subject to the appropriation process. By making the replenishment of the reserve through purchases of wheat from the market or from farmers subject to the appropriation process, the administration will have to come before Congress and defend the operation of the food security reserve. If its operation has been used to manipulate the market, Congress will have the opportunity to change the law. The reserve must be isolated from the market and not become a destructive force which could destroy the ability and incentive of food producers who have created the abundance so essential to our Nation.

Mr. President, I yield the floor.

Mr. HUDDLESTON. Mr. President, I appreciate the remarks by the distinguished Senator from Oklahoma, who, as a former member of the Agriculture Committee, has had a great interest in this subject for many years.

As a member of the Agriculture Committee and as a member of the conference committee which developed this legislation, I reemphasize what the Senator from Oklahoma has indicated—that any food security reserve must be designed so that it will not have an adverse effect upon the market prices that our growers receive.

As the Senator from Oklahoma knows, great pains were taken to try to devise this food security reserve for wheat so that it would avoid that possibility. The wheat reserve can be used only to meet famine or other urgent or extraordinary relief requirements. We do not have the price release mechanism which has been included in other reserves. The legislation simply prevents releases at any price unless these major circumstances exist.

The Senator, of course, understands, as I am sure all our colleagues do, that this reserve was developed as a plan to accommodate the suspended grain that had been intended for the Soviet Union; and it was established in such a way as to isolate that grain from the marketplace and to prevent it, to the fullest extent possible, from overhanging the market and being a depressant on the prices that our farmers received. From the standpoint of wheat farmers, wheat in the food security reserve is much more secure than other stocks of wheat held by the Commodity Credit Corporation.

Mr. BELLMON. Mr. President, will the Senator yield for a question?

Mr. HUDDLESTON. I yield.

Mr. BELLMON. Is there any provision in this act that says that even if this grain is thought to be going out of condition, it cannot be dumped on the domestic market? That is the device that was used repeatedly in the 1950's and the 1960's. I am curious whether that can happen again.

Mr. HUDDLESTON. It is my understanding that that interpretation could not be given as a reason for the release of this grain; because unless the conditions of a famine or other urgent, extraordinary relief requirements exist, I do not believe they could release it. If it is reaching the spoilage stage and some has to be taken out simply because it is not practical to keep it any longer, then a like amount has to be purchased from the market to replace it. Thus, it would have no effect on the market price of wheat.

Mr. BELLMON. Mr. President, this seems to me to be an absolutely wide open loophole. They can say that the grain is out of condition, and they can dump it on the market and purchase back a year later. Is that the situation?

Mr. HUDDLESTON. I do not believe that interpretation is correct.

Mr. BELLMON. How quickly must they purchase the grain?

Mr. HUDDLESTON. The wording of the statute is that it shall be promptly replaced with an equivalent quantity.

Mr. BELLMON. Is not "promptly" subject to some interpretation?

Mr. HUDDLESTON. I believe that it would be the responsibility of Congress to monitor the operation of the reserve very carefully. Clearly, it is not the intent of this legislation and not the intent, in my judgment, of either the House or the Senate, that the language be used for the purpose of dumping wheat on the market to depress prices. The language of the legislation prohibits such releases.

Mr. BELLMON. In order to help make the legislative record, what does the Senator from Kentucky feel that the term "promptly" means? Does it mean 10 days?

Mr. HUDDLESTON. As a general matter, I would think not more than 10 days. It means "immediately" to me.

Mr. BELLMON. Is it possible, under the parliamentary circumstances we now face, to change the word "promptly" to "immediately" or put in a definite period of time?

Mr. HUDDLESTON. I believe that there should be some leeway, particularly in view of the fact that any use of funds to purchase wheat from producers or in the market must be authorized in appropriation acts. I believe the Senator from Oklahoma was interested in insuring that this limitation was in the bill.

So if no CCC stocks are available and they have to go to the market, then funding for those purchases would have to be authorized in an appropriation act. That might present something of a problem, if we tie it down too specifically.

Mr. BELLMON. There would be no possibility that, when a bushel of grain which is said to be out of condition is sold, the funds received from that sale could not be used to acquire an offsetting quantity of grain?

Mr. HUDDLESTON. I am not sure what authorization they would have to do that, if they had to go to the marketplace. If the CCC stocks were available, I would think there would be no difficulty. But agencies generally, unless they are given some authority, cannot take receipts and respend them, it is my understanding. I believe that, generally, if wheat is stored correctly, it will stay in condition for a substantial period of time.

Mr. BELLMON. The Senator is right about that; but, unfortunately, the Secretary of Agriculture, in past years, has determined that some of the grain is going out of condition and has to be sold. When he announces that the sales are going to take place, the market immediately falls out of bed, and no one checks to see if the wheat was out of condition or was sold. The mere threat of the sale is enough to cause the market to go down. That is the syndrome.

Mr. HUDDLESTON. I understand that that is the major fear of wheat growers. It is because of that that a great amount of care has been taken in trying to devise a system. It would be a deliberate circumvention of what is called for in the statute and what the intent of Congress is to do that in a precipitate way. I believe that the Secretary would be subject to criticism from Congress if that attempt were made.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from South Dakota (Mr. MCGOVERN).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MCGOVERN

I support the amendment offered by Senator Talmadge to H.R. 3765.

Mr. President, at the time the child nutrition legislation was being considered on the Senate floor, I offered an amendment to that bill that is substantially the same as this amendment.

My amendment, as this amendment, would make minimum loan levels of $3.30 per bushel for wheat and $2.40 per bushel for corn available to farmers who place their grain directly in the farmer-held reserve. The farmer would not be required to pay interest on these loans. Both amendments also contain a provision increasing the minimum loan level for price support loans for the 1981 crop to $3.00 per bushel for wheat and $2.25 per bushel for corn.

Two days after my amendment was added to the child nutrition legislation, the administration stated that it would take administrative action to increase price support loan rates for the 1980 crops and that Congress should implement the thrust of my amendment with respect to grain placed directly into the farmer-held reserve.

In addition, the House Agriculture Committee has considered and reported legislation that contains provisions that make essentially the same changes in the price support loan program and the farmer-held reserve program.

Mr. President, farmers need these provisions in order to improve their cash flow. Because of improved grain prices, these provisions are also necessary to provide incentives for farmers to place grain in the reserve. Further, they help to ameliorate the effects of the grain embargo on farmers.

My amendment, as this amendment, would establish a four-million ton emergency food reserve of wheat to be insulated from the market. Wheat from the reserve would be used for humanitarian purposes in the event of natural disasters, such as famine, throughout the world. The reserve would be administered through the Public Law 480 program.

The provisions for the wheat reserve meet the aims and respond to the concerns of the voluntary agencies that work closely with the Food for Peace program. Also, these provisions are endorsed by major farm groups that, initially had concerns about the reserve hanging over the market. Since agreement on these provisions exist among both Houses of Congress and interest groups outside of Congress, it is important that these provisions be enacted as promptly as possible.

My amendment, as this amendment, would give the Secretary of Agriculture discretionary authority to establish a gasohol or food security reserve in the event of future grain embargoes. Gasohol has become an important alternative energy source in many parts of the Nation. Gasohol is the wave of the future and it can make an important contribution toward lessening our dependence on foreign oil. Recent events in the Middle East could lead to a reduction in world crude oil supplies. Given these events, it is necessary for the United States to use every available tool to make itself as energy-independent as it can possibly be. Every alternative energy source must be used.

In addition to providing authority to establish an alcohol fuel reserve and a food security reserve, the amendment being considered now would authorize the Secretary of Agriculture to establish a loan program for processors of small and medium sized alcohol plants. This provision was added to my amendment by Senator BAYH. It is important that Congress adopt this provision of the amendment also.

Mr. President, these are the waning days of the 96th Congress. We will reach final adjournment soon. Before this Congress ends, we must provide to our farmers the support and assurances provided under this amendment.

The Senate has already approved the provisions of this amendment for the most part when it approved my amendment to the child nutrition legislation earlier this summer. The small differences between my amendment and this amendment reflect changes approved by House and Senate conferees on the child nutrition legislation. Therefore, I urge my colleagues to reaffirm their earlier vote and adopt the amendment before us now.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 3765), as amended, was passed.

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the title to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

Amend the title so as to read: "An act to increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes.".

The title amendment was agreed to.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I shall ask unanimous consent that the Senate stand in recess but before I make this request, I apprise Senators that I think there is some progress possibly being made hopefully with respect to the unemployment compensation legislation. The Republicans and Democrats are meeting attempting to develop an approach whereby the unemployment compensation legislation can be acted upon.

RECESS UNTIL 7:34 P.M.

Mr. ROBERT C. BYRD. Mr. President, in order to give Senators some additional time, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 7:04 p.m., recessed until 7:34 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FORD).

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, the meeting is still going forward with respect to the Senate bill regarding unemployment, so I shall continue with the reading of my statement which I began earlier today. I assure the distinguished minority leader that when I have completed the statement, if no Senator seeks recognition, I will put the Senate in recess for a little while, and, if Senators seek to transact any business, I will get in touch with him.

Mr. BAKER. Mr. President, I thank the distinguished majority leader.

(The remarks of Mr. ROBERT C. BYRD on the U.S. Senate are printed earlier in today's RECORD.)

THIRTY-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 8 p.m., recessed until 8:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GLENN).

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF CERTAIN AUTHORIZATIONS IN THE CLEAN WATER ACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. RANDOLPH, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2725.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2725) entitled "An Act to extend certain authorizations in the Clean Water Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

that (a) section 104(u) of the Federal Water pollution Control Act is amended—

(1) in paragraph (1), by inserting after "September 30, 1980," the following: "and not to exceed $20,697,000 for the fiscal year ending September 30, 1981, and not to exceed $22,770,000 for the fiscal year ending September 30, 1982,";

(2) in paragraph (2), by striking out "and $3,000,000 for fiscal year 1980" and by inserting in lieu thereof "$3,000,000 for fiscal year 1980, $3,000,000 for fiscal year 1981, and $3,000,000 for fiscal year 1982"; and

(3) in paragraph (3), by striking out "and $1,500,000 for fiscal year 1980" and inserting in lieu thereof "$1,500,000 for fiscal year 1980, $1,500,000 for fiscal year 1981, and $1,500,000 for fiscal year 1982".

(b) Section 106(a)(2) of the Federal Water Pollution Control Act is amended by inserting after "1980" a comma and the following: "$75,000,000 per fiscal year for the fiscal years 1981 and 1982".

(c) Section 112(c) of the Federal Water Pollution Control Act is amended by striking out "and $7,000,000 for the fiscal year ending September 30, 1980" and inserting in lieu thereof "$7,000,000 for the fiscal year ending September 30, 1980, $7,000,000 for the fiscal year ending September 30, 1981, and $7,000,000 for the fiscal year ending September 30, 1982".

(d) Section 208(f)(3) of the Federal Water Pollution Control Act is amended by inserting after "1980" a comma and the following: "and not to exceed $100,000,000 per fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982".

(c) Section 208(j)(9) of the Federal Water Pollution Control Act is amended by striking out "and $400,000,000 for fiscal year 1980" and inserting in lieu thereof ", $400,000,000 for fiscal year 1980, $100,000,000 for fiscal year 1981, and $100,000,000 for fiscal year 1982".

(f) Section 314(c)(2) of the Federal Water Pollution Control Act is amended by striking out "and $60,000,000 for fiscal year 1980" and inserting in lieu thereof "$60,000,000 for fiscal year 1980, $30,000,000 for fiscal year 1981, and $30,000,000 for fiscal year 1982".

(g) Section 517 of the Federal Water Pollution Control Act is amended by striking out "and $150,000,000 for the fiscal year ending September 30, 1980" and inserting in lieu thereof "$150,000,000 for the fiscal year ending September 30, 1980, $150,000,000 for the fiscal year ending September 30, 1981, and $161,000,000 for the fiscal year ending September 30, 1982".

Sec. 2. (a) Paragraph (1) of subsection (b) of section 204 of the Federal Water Pollution Control Act is amended by striking out clause (B) in its entirety and striking out "(C)" and inserting in lieu thereof "(B)".

(b) Subsection (b) of section 204 of the Federal Water Pollution Control Act is amended by striking out paragraph (3) in its entirety and paragraph (6) in its entirety and renumbering paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) The Administrator of the Environmental Protection Agency shall take such action as may be necessary to remove from any grant made under section 201(g)(1) of the Federal Water Pollution Control Act after March 1, 1978, and prior to the date of enactment of this Act, any condition or requirement no longer applicable as a result of the repeals made by subsections (a) and (b) of this section or release any grant recipient of the obligations established by such conditions or other requirement.

(d) Section 201(h) of the Federal Water Pollution Control Act is amended by striking out the last sentence.

(e) The second sentence of section 213(d) of the Federal Water Pollution Control Act is amended by striking out "(1) all or any portion of the funds retained by such grantee under section 204(b)(3) of this Act, and (2)".

(f)(1) Section 75(b) of the Clean Water Act of 1977 (91 Stat. 1610) is hereby repealed.

(2) Section 75(d) of the Clean Water Act of 1977 (91 Stat. 1610) is hereby repealed.

(g) The amendments made by this section shall take effect on December 27, 1977.

Sec. 3. Section 201 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(k) No grant made after November 15, 1981, for a publicly owned treatment works, other than for facility planning and the preparation of construction plans and specifications, shall be used to treat, store, or convey the flow of any industrial user into such treatment works in excess of a flow per day equivalent to fifty thousand gallons per day of sanitary waste. This subsection shall not apply to any project proposed by a grantee which is carrying out an approved project to prepare construction plans and specifications for a facility to treat wastewater, which received its grant approval before May 15, 1980."

Sec. 4. The Administrator of the Environmental Protection Agency shall study and report to the Congress not later than March 15, 1981, on the effect of the amendment made by section 4 on the construction of publicly owned treatment works, industrial participation in publicly owned treatment works, treatment of industrial discharges, and the appropriate degree of Federal and non-Federal participation in the funding of publicly owned treatment works.

Sec. 5. Section 206(f)(1) of the Federal Water Pollution Control Act is amended—

(1) by striking out "In any case where all funds allotted to a State under this title have been obligated under section 203 of this Act" and inserting in lieu thereof "In any case where a substantial portion of the funds allotted to a State for the current fiscal year under this title have been obligated under section 201(g), or will be so obligated in a timely manner (as determined by the Administrator)"; and

(2) by striking out the last sentence thereof and inserting in lieuthere of the following:

"The Administrator may not approve an application under this subsection unless an authorization is in effect for the first fiscal year in the period for which the application requests payment and such requested payment for that fiscal year does not exceed the State's expected allotment from such authorization. The Administrator shall not be required to make such requested payment for any fiscal year—

"(A) to the extent that such payment would exceed such State's allotment of the amount appropriated for such fiscal year; and

"(B) unless such payment is for a project which, on the basis of an approved funding priority list of such State, is eligible to receive such payment based on the allotment and appropriation for such fiscal year.

To the extent that sufficient funds are not appropriated to pay the full Federal share with respect to a project for which obligations under the provisions of this subsection have been made, the Administrator shall reduce the Federal share to such amount less than 75 per centum as such appropriations do provide.".

Sec. 6. Section 203(a) of the Federal Water Pollution Control Act is amended (1) by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000", and (2) by striking out "$3,000,000" and inserting in lieu thereof "$5,000,000".

Sec. 7. Notwithstanding section 205(d) of the Federal Water Pollution Control Act (33 U.S.C. 1285), sums allotted to the States for the fiscal year 1979 shall remain available for obligation for the fiscal year for which authorized and for the period of the next succeeding twenty-four months. The amount of any allotment not obligated by the end of such thirty-six month period shall be immediately reallotted by the Administrator on the basis of the same ratio as applicable to sums allotted for the then current fiscal year, except that none of the funds reallotted by the Administrator for fiscal year 1979 shall be allotted to any State which failed to obligate any of the funds being reallotted. Any sum made available to a State by reallotment under this section shall be in addition to any funds otherwise allotted to such State for grants under title II of the Federal Water Pollution Control Act during any fiscal year. This section shall take effect on September 30, 1980.

Sec. 8. Section 311(k) of the Federal Water Pollution Control Act is amended—

(1) by inserting "(1)" after "(k)"; and

(2) by adding the following new paragraph at the end thereof:

"(2) The Secretary of Transportation shall notify the Congress whenever the unobligated balance of the fund is less than $12,000,000, and shall include in such notification a recommendation for a supplemental appropriation relating to the sums that are needed to maintain the fund at the level provided in paragraph (1).".

Sec. 9. (a) The first sentence of section 202(a)(1) of the Federal Water Pollution Control Act is amended by striking the period and inserting in lieu thereof a comma and the following: "unless modified to a lower percentage rate uniform throughout a State by the Governor of that State with the concurrence of the Administrator. Within ninety days after the enactment of this sentence the Administrator shall issue guidelines for concurrence in any such modification, which shall provide for the consideration of the unobligated balance of sums allocated to the State under section 205 of this Act, the need for assistance under this title in such State, and the availability of State grant assistance to replace the Federal share reduced by such modification. The payment of any such reduced Federal share shall not constitute an obligation on the part of the United States or a claim on the part of any State or grantee to reimbursement for the portion of the Federal share reduced in any such State."

(b) The first sentence of section 202(a)(2) of the Federal Water Pollution Control Act is amended by inserting before the period a comma and the following: "unless modified by the Governor of the State with the concurrence of the Administrator to a percentage rate no less than 15 per centum greater than the modified uniform percentage rate in which the Administrator has concurred pursued to paragraph (1) of this subsection".

Sec. 10. Title I of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

"HUDSON RIVER PCB RECLAMATION DEMONSTRATION PROJECT

"Sec. 116. (a) The Administrator is authorized to enter into contracts and other agreements with the State of New York to carry out a project to demonstrate methods for the selective removal of polychlorinated biphenyls contaminating bottom sediments of the Hudson River, treating such sediments as required, burying such sediments in secure landfills, and installing monitoring systems for such landfills. Such demonstration project shall be for the purpose of determining the feasibility of indefinite storage in secure landfills of toxic substances and of ascertaining the improvement of the rate of recovery of a toxic contaminated nation waterway. No pollutants removed pursuant to this paragraph shall be placed in any landfill unless the Administrator first determines that disposal of the pollutants in such landfill would provide a higher standard of protection of the public health, safety, and welfare than disposal of such pollutants by any other method including, but not limited to, incineration or a chemical destruction process.

"(b) The Administrator is authorized to make grants to the State of New York to carry out this section from funds allotted to such State under section 205(a) of this Act, except that the amount of any such grant shall be equal to 75 per centum of the cost of the project and such grant shall be made on condition that non-Federal sources provide the remainder of the cost of such project. The authority of this section shall be available until September 30, 1983.

Funds allotted to the State of New York under section 205(a) shall be available under this subsection only to the extent that funds are not available, as determined by the Administrator, to the State of New York for the work authorized by this section under section 115 or 311 of this Act or a comprehensive hazardous substance response and cleanup fund. Any funds used under the authority of this subsection shall be deducted from any estimate of the needs of the State of New York prepared under section 516(b) of this Act. The Administrator may not obligate or expend more than $20,000,000 to carry out this section.".

SEC. 11. The first sentence of section 205 (g)(1) of the Federal Water Pollution Control Act is amended by inserting "of the amount authorized under section 207 of this title for purposes" after "2 per centum".

SEC. 12. The Administrator of the Environmental Protection Agency is authorized to make grants to States to undertake a demonstration program for the cleanup of State-owned abandoned mines which can be used as hazardous waste disposal sites. The State shall pay ten percent of project costs. At a minimum, the Administrator shall undertake projects under such program in the States of Ohio, Illinois, and West Virginia. There are authorized to be appropriated $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1982, September 30, 1983, and September 30, 1984, to carry out this section. Such projects shall be undertaken in accordance with all applicable laws and regulations.

Mr. ROBERT C. BYRD. Mr. President, Mr. STAFFORD may wish to speak to the message.

Mr. STAFFORD. Mr. President, I thank the majority leader for yielding this time to me.

I am delighted that the differences between the House and Senate on this legislation have been worked out and that we are now in a position to pass the legislation. There is a deadline in the legislation for EPA to complete the investigation. I want to put EPA on notice that it will be the intention of the Senator from Vermont and others, I am sure, to insist that that deadline date be met for the completion of the necessary investigation and report to the committees of the House and Senate who are involved in this matter.

I thank the majority leader for yielding.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, on behalf of Mr. RANDOLPH, I move that the Senate concur in the amendments of the House.

Mr. CHAFEE. Mr. President, I join in the request that the Senate concur in the House amendments.

Mr. President, if there is one issue having ramifications for Rhode Island, particularly the city of Woonsocket, that I am pleased to see finally settled, it is the issue of industrial cost recovery in the Clean Water Act. If there is one Water Act issue having a significant burning effect on our small businesses, especially textiles, our cities and towns, our food processors and general manufacturers, it is ICR.

Of course the legislation we are considering here deals with many sections of the Water Act, but ICR is the one which has occupied the greatest amount of my attention.

S. 2725 repeals ICR. I might add that the repeal is probably the one issue that the House and Senate agreed upon in this clean water reauthorization bill. The Senate had voted repeal of the provision earlier on in its reauthorization bill. S. 2725 which we are considering tonight. The story of how we got here is an interesting one, to say the least.

ICR was originally enacted in the 1972 clean water legislation. The provision requires that industrial users of a municipal sewage plant pay for that portion of the Federal share of the plant's construction costs which is attributable to the treatment of the industrial wastes. The administrative burden falls on the towns and cities who must collect these charges. Because of these administrative burdens and harsh economic effects on our industries the Congress mandated a moratorium on ICR in the 1977 clean water amendments and required the Environmental Protection Agency to study the effects of ICR on industry and communities, both in rural areas and in economically distressed or high unemployment regions.

The conclusion of that study was submitted to the Congress in January 1979. The EPA Administrator determined that ICR is not doing its job. The provision fails to accomplish the purposes that were outlined in that original study; namely, parity, water conservation, appropriate capacity, and self-sufficiency.

The EPA study did not contain horror stories of closed plants or lost jobs. But ICR is indeed a factor when an industry decides whether to expand or locate a new plant in a particular area. So we are talking about a loss of potential jobs in a community, if that community must assess an ICR charge because of construction grant expenditures after 1973. I also firmly believe that ICR is one of a combination of factors that causes a marginal business to shut down and employees to lose their jobs. I've heard it with my own ears, from the Rhode Island textile industry. We do not want to lose what industry and jobs we do have in communities such as Woonsocket. I cannot stand here and watch that happen.

Last session I introduced an ICR repeal bill, S. 901. In December 1979 the Congress voted to extend the ICR moratorium until June 1980. Even EPA had recommended such an extension.

This past April, along with Senator BENTSEN, Senator PRESSLER, and Senator COCHRAN, I again introduced ICR legislation. This was after the Senate Environment and Public Works Committee, particularly the Environmental Pollution Subcommittee held hearings in March of this year on the ICR provision.

At that time, the EPA, local officials, industries, and other groups presented their thoughts on ICR. The cities of Nashville and Dallas, both members of the association of metropolitan sewerage agencies, testified strongly in favor of repeal. Representatives of the textile, food processors, brewers, and the pulp and paper industries likewise wanted repeal.

The Senate Environment Committee voted to repeal ICR and the full Senate agreed. The repeal was added to a pending clean water reauthorization bill, the subject which we are addressing today. The House committee had also included repeal in their bill, and our Environment and Public Works Committee has reached agreement with the House on the items which were in disagreement in the two bills * * * so that if we act today, there will be no need for a conference.

We can send to the President a bill which reauthorizes important sections of clean water legislation, including the rural clean water program, repeals ICR, and mandates the EPA to do a study for the Congress on construction grant funding problems and suggestions.

There is no doubt that we have a lot of issues still to confront in the sewage treatment program. Each year the appropriations are considerably less than the authorized level for the construction grant program. Some suggestions for construction grant reform came out during our ICR hearings * * * from environmental groups, cities, and industry. I am talking about such items as holding capacity down, requiring local governments to pay for future plant needs if the grant program goes out of existence, and tightening up cost effectiveness guidelines.

We will need the help of all the groups I mentioned in creatively coming up with ways to get the grant money out to the greatest treatment needs. This effort will be undertaken in line with the Congress review of the Clean Water Act over the next 2 years.

Thus, the study of the grant program mandated in the legislation we are considering today will be of great use to the Senate Environment Committee in this review.

There is another section of this legislation which will be a tremendous boost to getting our municipal treatment needs accomplished. It is a provision to require the Federal Government to reimburse local communities, based on available authorization and appropriations, when such communities go ahead and use their own resources to meet immediate treatment needs through priority projects.

The language in the House bill which

we are considering today is relatively the same language as a bill, S. 2872, which I introduced in the Senate on June 24, 1980. Senator Pell joined me as a cosponsor of that legislation.

In my own State of Rhode Island we are facing a crisis. The treatment plant for the city of Providence and surrounding areas was built in the early 1900's. Although the State and the city have made great progress in upgrading this facility, they have a tremendously expensive, federally-mandated project yet to complete.

The price for not renovating and upgrading the Providence plant and dealing with the combined sewer overflow problem would be disaster for our State's greatest natural resource, Narragansett Bay. The bay, which provides our citizens with priceless commercial and recreational opportunities, has become so polluted from wastes that parts of it have been closed to fishing and swimming for most of the year.

Rhode Island and other States, I am sure, need more flexibility in Federal assistance. This idea was strongly impressed on me when I brought Administrator Costle of the EPA to our State last November to view firsthand the serious Providence treatment problem. That is why I introduced S. 2872, which has now been included in this pending legislation and which will encourage States and local communities to move ahead with treatment projects which are clearly priorities.

This provision would help us achieve our clean water goals in a more timely manner and would save taxpayer dollars by avoiding construction cost increases which come with delay. The provision allows States to move ahead and then seek reimbursement from the Federal Government in line with future appropriations and State allotments.

My own State of Rhode Island is seeking in November voter approval of a $87 million bond issue for sewage treatment. This legislation gives Rhode Island the right to recoup some of these expenditures. I would expect that the EPA would certainly give timely and effective consideration to that request.

Mr. President, I applaud the work of both the Senate Environment and Public Works Committee and the House Committee on Public Works and Transportation in reaching agreement on the many pending clean water issues in this bill. Chairman Randolph, Senator Bentsen, Senator Gravel, Senator Baker, and Senator Stafford especially worked for solutions on our side.

With the passage of this bill, the Congress is telling the EPA that their time would be better spent in coming up with constructive ideas on the wastewater treatment grant program, rather than sending out threatening letters of upcoming sanctions if ICR systems are not in place.

We look forward to the prompt submission of this EPA study on the construction grant program and I will join with other members of the Environment Committee and full Senate in investigating whatever further changes to the program may be necessary. Among these will hopefully be changes in the allotment formula, as proposed in legislation, S. 1962, introduced by myself and Senator Pell.

Mr. President, I wish to express my thanks to the ranking member of the Environment and Public Works Committee, Mr. Stafford, for his help on this issue. It has been a very difficult one and we are very grateful to him.

I also want to pay tribute to those in the House who worked so hard on it, as well. I think particularly of Representative Clausen, of California, who has been outstanding in his work on it.

Mr. STAFFORD. Mr. President, if the Senator will yield, I would like to thank the Senator from Rhode Island. He was a very tenacious fighter for the question of IRC in the committee and he is a very distinguished member of the Environment and Public Works Committee.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the motion of the Senator from West Virginia (Mr. Robert C. Byrd).

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCHANGE OF CERTAIN COAL LEASES IN THE STATE OF NEW MEXICO

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Jackson, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6816.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 6816) entitled "An Act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State", with the following amendments:

(1) Page 3, line 3 of the Senate engrossed amendment, strike out all after "receive.", down to and including "exchanged" in line 6 and insert: from the lessee, or effective October 1, 1981, to pay to the lessee out of funds appropriated in advance for that purpose, cash in an amount up to 25 per centum of the value of the lease or leases to be issued by the Secretary in order to equalize the value of the leases to be exchanged.

(2) Page 3, strike out lines 11 through 14, inclusive.

(3) Page 3, line 15, strike out "(f)", and insert: "(e)"

Mr. JACKSON. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMPLEMENTATION OF PROTOCOL RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Cannon, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6665.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 1–14, inclusive, to the bill (H.R. 6665) entitled "An Act to implement the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes."

Resolved, That the House agree to the amendment of the Senate numbered 15 to the aforesaid bill with the following amendment:

Page 3, after line 5, insert:

Sec. 16. (a) Subsection (c) of section 4 of such Act of 1956 (16 U.S.C. 742c(c)) is amended—

(1) by striking out "September 30, 1980," each place it appears therein and inserting in lieu thereof "September 30, 1982,"; and

(2) by striking out the third, fourth, and fifth sentences thereof.

(b) The amendments made by subsection (a) shall take effect on September 1, 1980.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Cannon, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes while the Senators and staffs are working on the unemployment compensation measure and continue to, hopefully, make progress.

There being no objection, the Senate, at 8:41 p.m., recessed until 9:11; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Proxmire).

DESIGNATION OF SENATOR ROBERT C. BYRD AS ACTING PRESIDENT PRO TEMPORE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I be designated Acting President pro tempore for the purpose of signing duly enrolled joint resolutions and bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the Senators are still meeting with respect to the unemployment compensation bill, and I believe progress is being made. I anticipate the possibility of rollcall votes yet this evening. Therefore, I urge Senators to stay close by.

RECESS FOR 20 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 20 minutes.

There being no objection, the Senate, at 9:12 p.m., recessed until 9:32 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Burdick).

CONTINUATION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that routine morning business be continued for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRITZ HOLLINGS

Mr. ROBERT C. BYRD. Mr. President, when Fritz Hollings announced for reelection to the Senate, he stated:

> The need today in Government is for reliability. . . . We need constancy. We need Government with vision. We need to set a course and stick to it.

The distinguished Senator from South Carolina has compiled a record of government service which speaks loudly and clearly for the words I have just quoted. It is an extensive record which reveals accomplishments in every area of Government activity—from defense and energy to jobs and communications.

South Carolina has the good fortune of having had Fritz Hollings in the U.S. Senate for 14 years. His work on behalf of his State goes back 32 years, when he was first elected to the South Carolina House. He was later elected Lieutenant Governor, and then Governor.

I have had the pleasure of working closely with Senator Hollings on issues of both national and international significance. He is a knowledgeable and experienced Senator. The positions he has taken, the votes he has cast, and the work he has done illustrate his full commitment to his State and to the Nation. We in this Chamber know well the eloquent and effective debating skills he learned long ago—on the stump in South Carolina.

The committees on which Fritz serves are the Committee on the Budget, where he was recently elected chairman; the Committee on Appropriations, where he is chairman of the Subcommittee on State, Justice, Commerce, the Judiciary and related agencies appropriations; and the Committee on Commerce, Science and Transportation, where he is chairman of the Subcommittee on Communications.

Senator Hollings has served on the Budget Committee since it was created in 1975. As one of its original members, he has brought a unique understanding of the problems and requirements of a sound fiscal policy. He recently took over the leadership of the Budget Committee under difficult circumstances—at a time when we are trying to balance the budget by controlling Federal spending, meet our defense needs, and address the social demands of this Nation. It is undeniably a tough job. Sometimes it is a thankless task. Limited resources require that we make tough decisions. Senator Hollings makes those decisions. He guided the committee with a skilled hand toward a budget resolution which reflects the spending limits and requirements of this Nation.

Under Senator Hollings' leadership, the Budget Committee wrote the first reconciliation bill in the 5-year history of the Budget Act. That measure instructed 10 Senate committees to make Federal spending reductions totaling $4.95 billion in budget authority and $6.4 billion in outlays for fiscal year 1981.

Senator Hollings also puts his policies of fiscal restraint and responsibility into practice on the Appropriations Committee. As chairman of the Subcommittee on State, Justice, Commerce, the Judiciary and related agencies appropriations, he has consistently exercised restraint while insuring that the several Federal programs over which his subcommittee has jurisdiction be adequately funded. From his perspective as both Budget Committee chairman and member of the Appropriations Committee, he brings to the Senate a keen awareness of the complexities of the budget and appropriations processes, and he turns complicated issues into commonsense language.

Fritz has devoted considerable time to defense issues. Senator Hollings, a graduate of The Citadel in South Carolina and former artillery officer in World War II, understands the importance of a strong defense, a defense which is second to none. He has fought effectively on behalf of America's legitimate defense needs. His efforts to insure that our military forces are sufficient, ready for deployment, and capable of presenting a credible deterrent have been widely recognized and respected.

As chairman of the Subcommittee on Communications of the Committee on Commerce, Science and Transportation, Senator Hollings has had the responsibility to review Federal communications policy as it affects every medium of electronic communications. A balanced and healthy Federal policy in the communications field is essential to a free and open society. For this society to be able to remain open and informed, television must offer choices. The policies and safeguards formulated by Senator Hollings' subcommittee under his wise and experienced direction insure that all forms of electronic communications will continue to serve the public interest.

Senator Hollings' accomplishments are not limited to the committees on which he serves. He has been an active participant in the formulation of energy policy. He sponsored the Automobile Fuel Economy Act, which requires that Detroit build more efficient cars. He was a cosponsor of legislation providing tax incentives to homeowners and businessmen for insulation and weatherproofing. He was in the forefront of congressional efforts to establish the Nation's first synthetic fuels program. He continues the fight for a well-balanced energy program—one that will rely on solar, coal, domestic oil sources, as well as hydroelectric and nuclear power.

The accomplishments of the distinguished Senator from South Carolina are wide-ranging and far too numerous to list here. Those major achievements I have outlined here clearly indicate Senator Hollings' record of "reliability, constancy, vision," and his conviction to chart a clear course and "stick to it." These are the qualities that make an outstanding Senator. The integrity of our budget process needs his experience and tenacity. I can speak for many of us here when I say that I look forward to working with Senator Hollings when the 97th Congress convenes.

SOVIET STRATEGIC NUCLEAR WEAPONS ACTIVITIES

Mr. COHEN. Mr. President, the recent disclosure that the Soviet Union may have violated, or at least circumvented, provisions of three major arms control treaties—the Threshold Test Ban Treaty, the SALT I Treaty, and the SALT II Treaty—is a matter of substantial concern. According to Aviation Week and Space Technology magazine in an article dated September 22, 1980, the suspect Soviet strategic nuclear weapons activities include:

The testing of the SA–10 air defense radar in an antiballistic missile mode;

The resumption of tests of the SA–5 surface-to-air missile radar in an antiballistic missile mode;

War games involving testing of a reload capability for the giant SS–18 ICBM;

Extensive encryption of telemetry on the large, new submarine launched ballistic missile, which is apparently being developed for the new Typhoon-class submarine;

Tests of a long-range cruise missile from the Backfire bomber; and

Detonation of a nuclear explosive with a yield which may have been as high as 640 kilotons and which was almost certainly not below the 150 kiloton ceiling associated with the Threshold Treaty.

If they have taken place, each of these activities would be, in and of itself, of military significance, but they are also of great importance because of the arms control environment we find ourselves in today.

The SALT I Antiballistic Missile Treaty is of indefinite duration, subject only to the withdrawal of the parties. Because the ABM Treaty is expected to constrain important strategic defensive technologies on both sides, it is subject to periodic review concerning continuation or modification of its provisions.

Important ballistic missile defense programs of the United States which have implications for the survivability of our land-based missiles and for the overall military balance cannot be deployed under the treaty and development has been restrained for that reason. Thus, increasing evidence that the Soviet Union continues a massive effort aimed at development for quick deployment of an ABM system must be a matter of deep concern.

The common understanding of the SALT I ABM Treaty is that tactical air defense radars and missiles will not be tested in an ABM mode. The SA-5 and SA-10 air defense systems have been declared tactical in nature and, therefore, according to the common understanding, cannot be tested legally under the SALT I Treaty in an antiballistic missile environment.

If the Soviet Union has, in fact, begun testing the radars for these systems in an ABM mode, then either the Soviet Union is in violation of the treaty or they are exploiting loopholes in the treaty in a manner which is inconsistent with the spirit of that agreement. Previously, when the Soviet Union was testing the SA-5 in an ABM mode, the United States protested those tests at the Standing Consultative Commission and those tests were halted. If such tests have been resumed, then this is a matter deserving immediate attention because it is a challenge to our understanding of the terms of the SALT I treaty and calls into question our ability to enforce compliance.

The SALT II treaty has not yet been ratified. Nevertheless, the Soviet Union and the United States have stated that they will not take any actions which would be inconsistent with the ultimate implementation of the treaty. That treaty bans a rapid reload capability for land-based ICBM's. An understanding exists as to what constitutes a rapid reload capability. If the Soviet Union has undertaken activities related to development of a rapid reload capability, whether or not it constitutes a technical violation of the SALT II treaty, it raises serious questions about the commitment of the Soviet Union to the spirit of the SALT II treaty and for the prospects of arms control in general.

If the Soviet Union is incorporating extensive encryption in the testing of its SLBM's and ICBM's we must, of course, ask whether they are in technical violation of any SALT II provisions. As I think all of my colleagues are aware, the endorsement of the use of encryption, which is contained in the SALT II treaty, is a flaw in that agreement which has attracted much attention in the Senate. Because it is symbolic of the closed, secret society of the Soviet Union, such encryption must inevitably undermine confidence in the Soviet Union's commitment to the confidence-building aspects of arms control.

Aviation Week also suggests that the Soviet Union is testing long-range cruise missiles from the Backfire bomber. Such testing is not prohibited but if long-range cruise missiles are deployed operationally on Backfire bombers, then the Backfire bomber should count as a MIRVed system under the appropriate SALT II subceiling. Because it may be very difficult to verify whether missiles carried on Backfire bombers are long-range cruise missiles or not, if the Soviet Union has tested long-range cruise missiles from the Backfire bomber, it is of great importance that the Backfire bomber count as a MIRVed system under the provision of the SALT II treaty and not escape through loopholes which may be provided by the SALT II treaty.

The allegations that the Soviet Union has conducted an underground test of a nuclear device with a yield of between 300 and 400 kilotons and perhaps as high as 640 kilotons is most disturbing. For years large Soviet nuclear tests have been permitted on the grounds that we could not prove beyond a shadow of a doubt that they were actual violations of the 150 kiloton ceiling contained in the Threshold Test Ban Treaty. If the evidence of a violation of the Threshold Test Ban Treaty is as clear as is suggested by Aviation Week, then ratification of that treaty, which has not yet been approved by the Senate, must be considered questionable simply on the grounds of verification. Compliance with any treaty will be no greater than our willingness to insist upon compliance.

The questions raised by the allegations presented in the Aviation Week article are important for several reasons. First, with or without arms control, they are of military significance. Second, in the context of arms control agreements in force or under consideration they suggest that the Soviet Union believes that the United States will accept a cavalier attitude toward the spirit of these arms control agreements if only the Soviet Union can establish the slightest doubt that they have technically violated the requirements of any provision.

I have chosen to comment on this Aviation Week article because a complete investigation of this kind of Soviet strategic nuclear weapons activity, related as it is to the question of Soviet/American relations and arms control agreements, is important. Congressman ROBIN BEARD, who was my colleague when I was a Member of the House of Representatives, is to be commended for his efforts to obtain House Armed Services Committee hearings on these events. Congressman BEARD became aware of these alleged events when information about them became public knowledge. Allegations that Congressman BEARD had violated the trust of the Armed Services Committee with respect to classified information he had received are unwarranted. The House Armed Services Committee today stated for the public record that Congressman BEARD did not receive this information as a result of any classified briefing or other similar activity of the House Armed Services Committee.

In the midst of the controversy over administration participation in leaks concerning the development of 'Stealth" technology, I find it troublesome that Congressman BEARD, who has been extensively involved in those investigations, should so suddenly come under such an unwarranted attack. I am pleased to see that the House Armed Services Committee has acted to settle this matter and I hope that both the legislative and executive branches will turn to the real matter at hand which is the disturbing nature of Soviet behavior in the area of strategic nuclear weapons.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that in the meantime the Senate stand in recess awaiting the call of the Chair.

There being no objection, at 9:33 p.m. the Senate recessed subject to the call of the Chair; whereupon, at 1:10 a.m. the Senate reassembled when called to order by the Presiding Officer (Mr. ZORINSKY).

UNANIMOUS-CONSENT AGREEMENT—H.R. 8146

Mr. ROBERT C. BYRD. Mr. President, I am about to propound a unanimous-consent request. If this request is agreed to, the Senate will recess tonight over to 11 a.m. on Wednesday, November 12.

May I say before I propound the request that hours have been spent by a number of Senators on both sides of the aisle. There have been several meetings and so much thought, so much labor, and a good many concessions that have gone into the formulation of the package which makes up the request.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 8146, the program of Federal supplemental unemployment compensation, with the following provisions: That one amendment only be in order thereto, that amendment to be jointly introduced by Mr. BOREN and Mr. CHAFEE; that no amendments to the amendment be in order; that no motion be in order; that time for debate on the amendment be limited to 20 minutes, to be equally divided between Mr. BOREN and Mr. CHAFEE; that upon the disposition of the vote on the amendment, the Senate proceed immediately to third reading and passage of the bill; that there be no time for debate on a motion to reconsider; and that in taking up the bill it be considered as having been read the first and second time and that the Senate proceed to its immediate consideration.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I express my gratitude to virtually every Senator on this floor, because so many have participated in the efforts to arrive at this point.

The request just propounded by the majority leader has been the subject of intensive negotiations and extensive give and take on both sides. It is calculated, I believe, to accommodate the interests, protect the rights of Senators, and to advance the causes sought by all parties.

It is late in the evening now. It is 1:10 a.m. I believe this is the best method for dispatching this piece of business and that we proceed to recess in accordance with the resolution previously adopted as the majority leader has indicated.

Reserving further, Mr. President, I would say that in the 14 years I have been in the Senate, I do not believe I have witnessed many times when such intensive negotiations have been undertaken and when they have been concluded so successfully on both sides.

I will not begin to try to identify all of the Senators who have participated, but I would single out for particular expressions of gratitude the distinguished Senator from Kansas (Mr. DOLE) who is the ranking member of the Finance Committee; the Senator from Rhode Island (Mr. CHAFEE) who will manage the amendment on this side; the Senator from Oklahoma (Mr. BELLMON) who is the ranking member of the Budget Committee; the Senator from New Mexico (Mr. DOMENICI) who is next ranking; the Senator from Idaho (Mr. MCCLURE); most especially the Senator from Delaware (Mr. ROTH) who was so keenly involved in this matter; the Senator from Pennsylvania, who brought a special insight and knowledge to these negotiations; and the Senator from Colorado (Mr. ARMSTRONG).

I have now violated my own promise not to try to cover everyone in this Chamber, but almost everyone in this Chamber has contributed significantly to this effort.

I believe that the bill is a significantly better bill because of the negotiations. I believe many pitfalls and difficulties have been avoided as a result of these day-long negotiations.

Finally, Mr. President, I express my appreciation to the majority leader for his patience, for his perseverance, for his willingness to consider the essential interests that we have urged upon him from our point of view, and to make it possible to arrive at the place where he has now propounded this unanimous-consent request in which I join.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute and that the time not be charged against anyone.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the amendment is being prepared and is about ready to be called up by the two principal sponsors.

I wish to express appreciation to all of the Senators who have participated and to the members of the staffs of Senators. Particularly, I wish to express appreciation to the distinguished minority leader, Mr. BAKER, for the cooperation that he has provided in helping to bring about this arrangement.

I thank Mr. LONG, Mr. BOREN, Mr. BRADLEY, Mr. LEVIN, Mr. RIEGLE, Mr. CRANSTON, Mr. NELSON, and Mr. EAGLETON, on this side of the aisle. I extend my deep thanks also to Mr. DOLE, Mr. BELLMON, Mr. CHAFEE, Mr. MCCLURE, Mr. DOMENICI, Mr. ARMSTRONG, Mr. ROTH, and Mr. HEINZ.

If I have overlooked anyone, it is by inadvertence and certainly not by intent. Every person named is entitled to the highest praise. I think it is a mark of the dedication of these men when we look at the clock, which shows the time to be 1:17 in the morning, a Thursday, and realize that they have spent many hours in working out the agreement.

I also wish to thank our other colleagues who did not participate in the arrangement but who have faithfully stood by, ready to answer the call of duty when summoned. The arrangement is a good one.

May I say for the record, while I extend the 60 seconds at the indulgence of the Chair and my colleagues, that without this arrangement, one objection can prevent the Senate's action on this bill. It is not subject to motion and so it was this fact that we were confronted with. We seek to serve the country by enacting this legislation. It is needed. And I think that every State in the United States will benefit by the action of the Senate.

I hesitate to say, as I have already said, that the Senate will go out after passing this measure to the other body, but it is the only way that the Senate can act on this measure before the recess. And so it seems to me that the Senate is serving the people and also in doing that is giving the other body an opportunity to act on the measure before the other body recesses.

Their adjournment resolution has already passed both bodies. The other House will adjourn at the close of business tomorrow (October 2). It would have no opportunity whatsoever to act on this measure if the Senate did not take the approach that is being taken. We will be sending the mesaure to the House with an amendment, but the House can have a choice: It can act on the bill and approve the amendment before it goes home, or it can leave the bill with the amendment, if the House feels it cannot accept the amendment, until the Congress returns. But at least the House will have an opportunity and a choice which it otherwise would not have.

Again, I thank all Senators for their patience and I yield the floor.

FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION PROGRAM

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 8146) to provide a program of Federal supplemental unemployment compensation.

The Senate proceeded to consider the bill.

Mr. BOREN addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, can the bill be considered as having been read the first and second time?

The PRESIDING OFFICER. It has been so ordered.

The Senator from Oklahoma.

Mr. BOREN. Mr. President, I will yield myself 5 minutes and proceed at this time pending the final preparation of the amendment we will offer in just a moment, Mr. CHAFEE and myself, on behalf of all the others who have already been named by the majority and minority leaders as having worked so diligently in the preparation of this amendment and who in a very real sense are collectively the real authors of it.

I might say it was a privilege both for myself and the Senator from Rhode Island to be able to offer this amendment on behalf of all those who worked on it.

Under the proposal as will be amended, we will be able, I think, to strike a fair balance for taking care of the needs of those who find themselves in severe economic circumstances through no fault of their own because of displacements in our economy, and who are in need, in dire need, of additional unemployment benefits.

Under this program, during the next 6 months, financed by the general revenue fund, up to 10 additional weeks of unemployment benefits will be available after the 39th week of unemployment.

Under the terms of the amendment, the additional 10 weeks of benefits would be available only in those States with an insured unemployment rate of at least 3.75 percent or higher.

In addition, there would be certain basic reforms which would become a part of this 10-week program of benefits.

First, the benefits would not be available to those persons who voluntarily quit their jobs or who left their jobs by reason of misconduct or being fired for cause.

Mr. President, this is certainly a fair provision because it cannot be said that persons who simply voluntarily quit their jobs or people who are fired for cause are in any way unemployed. They have chosen not to be employed. It has been a voluntary decision on their own.

Second, the 10 additional weeks of benefits would not be payable to persons who refuse to accept a suitable job offer when such an offer is made.

There is a full definition in the amendment of what is meant by a suitable job offer. It includes, of course, payment of at least the minimum wage, meeting the appropriate occupational safety and health standards, and also there is a provision that a person would not be required to take a job which, in net amount, would pay him less than the value of the benefits he was previously drawing under unemployment or any other additional benefits that he might be entitled to under his employment contract.

This, essentially, would be a summary of the program for 10 additional weeks of unemployment compensation.

In addition, some basic reforms of great importance would be made in the unemployment compensation system as it now exists, some reforms which are, in fact, long overdue.

First, the same provisions which I have already mentioned as applying to the 10-week program would apply to the present program for 13 weeks of extended benefits. That is, no person would be eligible who voluntarily quit his employment or who was fired for cause.

That reform, as I have already mentioned, is one which is a very important one, and which will result in the saving of public funds.

In addition, another reform would be included which would encourage Federal agencies to prevent the payment of unemployment compensation to former employees who were not entitled to it. Under that proposal, Federal agencies would be required to pay unemployment claims out of the appropriations to give the agencies an incentive to contest these improper claims for benefits.

To assure that only persons who had significant contact with the labor market would be eligible for unemployment funds, there would be an additional requirement that a person should work at least 20 weeks in the base period to be eligible for any unemployment benefits beyond 26 weeks of benefits.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOREN. Mr President, I yield myself an additional 2 minutes.

In addition, Mr. President, perhaps the most important of the changes which are being made in the existing program is a modification of what has been termed the national trigger for extended unemployment payments.

Under this proposal, it would be a national trigger as it exists today of 4.5 percent insured unemployment rate. When the national average unemployment reaches an insured rate of 4.5 percent or higher the national trigger would be activated. It would be activated, however, providing extended benefits only in those States with an insured rate of unemployment of 4.5 percent or higher.

In another group of States, those with an insured unemployment rate of 3.5 percent or above, it would be optional for those States to trigger the additional 13 weeks of benefits once the national average rate of 4.5 percent had been reached.

The effective date for these changes would be April 1, 1981, except that the change which I mentioned earlier requiring a 20-week participation in employment during the base period would become effective December 31, 1981, giving the States involved time to change their State laws to come into compliance.

This is one additional provision of extreme importance to those States which have outstanding loans from the Federal Government to their State unemployment compensation funds.

Mr. President, I yield to my distinguished colleague from Rhode Island, who has worked so hard on this proposal, to go into the details of the cap proposal in regard to those with outstanding indebtedness.

Mr. CHAFEE. Mr. President, I yield myself 5 minutes.

First, I thank the distinguished Senator from Oklahoma who really has been the leader in having these reforms enacted and has taken the primary role in trying to see that the extended benefits go to those who, in truth, deserve them, at the same time protecting to the fullest extent possible the Federal Treasury.

I also thank those who worked on it that were mentioned by the majority leader and the distinguished minority leader. This particular issue I am going to discuss is called the cap, and working on this with me has been Senator HEINZ of Pennsylvania, who has paid very close attention to it, as well as the junior Senator from New Jersey (Mr. BRADLEY).

Mr. President, let me mention what the cap deals with. There are about 14 States that are deeply indebted to the Federal Government for loans to their unemployment compensation systems by the Federal Government as a result of high benefits that had to be paid, principally starting in 1975. Some of those debts are, indeed, significant to the Federal Government. Pennsylvania, for example, owes nearly $1,400,000,000; Connecticut $370 million; Illinois $946 million.

When these loans were made to the States, the Federal Government imposed a requirement that, starting in 1980, a 0.3 percent additional levy was imposed on all employers in that State for the covered employment. The covered employment is generally the first $5,200 of wages. That amount must be paid to the Federal Government in addition to the 0.7 percent that is levied on all employers on covered employment all over the Nation. It started in 1979. Three-tenths of a percent was added to the 0.7 percent. Then it goes up by 0.3 of a percent every year until the debt is paid off, with no limitation. In other words, first, you start at 0.7 percent, you go to 1 percent, 1.3, 1.6, 1.9, and upward.

This has had a very severe impact on the employers in these States, because, obviously, they cannot compete with employers in other States when they are forced to pay this severe penalty, which, as I say, increases every year. It seemed to us that this was counterproductive. We are trying to get States back into a competitive position to permit them to increase their employment, to attract new industries, if possible.

Yet, to have them always with this added burden until the total debt was repaid did not make much sense. At the same time, the Federal Government should be repaid.

So the cap that we have imposed provides that when six-tenths of a percent penalty is reached—that is, six-tenths in addition to the seven-tenths, reaching 1.3—when that has been achieved, a cap is placed on. No more increases are imposed as long as that State observes certain rules of prudence in the management of this unemployment compensation fund. Those rules of prudence basically are that they cannot improve their benefits willfully and they are restricted from further borrowing except in very limited circumstances.

Mr. President, we believe that this is the best way to proceed, that the Federal Government, indeed, will not lose out. It is, in effect, a postponement of the payment of the debt rather than a cancellation of the debt. At the same time it imposes a penalty on those States, it encourages them to get their debt paid off as quickly as possible because of the added burden that is levied on their employers to the extent of 0.6 of a percent.

Those are the basic features of the so-called cap. I believe it will be of great assistance to those States that owe the money. It will help them maintain a competitive position. They will not be the same as the States that owe no money, but, at the same time, they will not be unduly penalized. So I am very appreciative that this was included as part of the package. I thank all those who participated.

Mr. President, I reserve the remainder of my time.

Mr. HEINZ. Will the Senator yield?

Mr. CHAFEE. I am certainly delighted to yield to the Senator from Pennsylvania, who worked very hard on this matter.

Mr. HEINZ. Mr. President, I shall not take much time, but I do want to pay my respects to Senator BOREN, Senator CHAFEE, and Senator BRADLEY, particularly, for the very careful work and long hours that they, as members of the subcommittee that dealt with this matter, have put in.

Mr. President, as Senator CHAFEE points out, this is extremely important to at least a dozen and perhaps as many as 15 States, probably most among them my home State of Pennsylvania, which is, I am sorry to say, the biggest debtor State of all, with close to a $1.4 billion debt. At the same time, I think the provisions of this legislation insure that there will not be a punitive penalty tax imposed on my State and the other States and that we will, therefore, be avoiding the double taxation of jobs, the double taxation of work.

Double taxation of jobs would only end up being extremely destructive to the States that are trying to get their houses in order, as ours is trying to do.

Mr. President, I am deeply appreciative of the work of Senator CHAFEE, Senator BOREN, Senator BRADLEY, and, indeed, all of the people we have met with on so many hours and occasions today. This is a very timely event because, had we not acted at this very moment, it is probably unlikely that we would have been able to pass this provision this year and that would have seen a further escalation. I thank those Senators I have mentioned.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. CHAFEE. Yes, I yield.

Mr. BELLMON. Mr. President, in order to keep this matter in perspective, I want to take just a moment of the Senate's time to point out the budgetary implications of the action we are about to take. I do not mean by what I am about to say to indicate that I am going to oppose the agreement. I have watched with great interest as some very skillful negotiators worked out an agreement from what originally seemed like impossible differences of opinion. I want to join in paying tribute to the chief architects of what has been done here today, particularly my colleague from Oklahoma (Mr. BOREN).

At the same time, I think it would be a mistake to let this action go by without informing the Senate of what the budgetary impacts are. So let me bring up just a few points.

First, the bill as amended provides 10 weeks of Federal supplemental benefits, mostly for people who have been unemployed for over 40 weeks. This will cost the U.S. Treasury about $1 billion for the first 6 months starting today. If we are political realists, I think we have to expect that when those 6 months are over, we will be pressured to extend these benefits for an additional time and, depending on what the rate of unemployment is, we can see ourselves spending another $1 billion or more over the last half of fiscal year 1981. So the total annual cost of this provision could be somewhere between $2 and $2.5 billion.

Neither the first nor the proposed second budget resolution includes provisions for these funds, so, in effect, we are sort of de facto amending our congressional budget when we approve this compromise tonight.

Second, the bill modifies the so-called national trigger for extended benefits, as has been explained already. This is a change that the Senate included in the reconciliation bill. It is a very important reform which will save as much as $3 billion over the next 3 years. So while there is an immediate cost to the bill, there are some significant out-year savings. But I might note that these savings have already been factored into the congressional budget, so that does not produce an improvement on our balance sheet.

The third point is that the bill modifies requirements for repayment of Federal advances to State unemployment insurance funds, as Senator Heinz has just been explaining.

This provision will cause a revenue loss of about $2 billion over the next 5 years. This does not mean the money will not ultimately be received by the Treasury, but that it will be received at a later date.

So there is a significant loss, particularly since the advances are non-interest-bearing.

So there is a real cost to the Treasury of some significant amount.

Fourth, the amendment also includes a requirement that recipients of Federal supplemental benefits accept a job that pays at least the Federal minimum wage, or the equivalent of unemployment insurance and other benefits, whichever is higher.

This so-called suitable work provision, again, is an improvement over existing law and will have savings of about $100 million during the initial 6 months of the supplemental benefits program.

I would have preferred to have made the "suitable work" provision apply to the extended benefits as well as the Federal supplemental benefits.

The pending reconciliation bill includes a provision applying the suitable work requirement to extended benefits. The Senate voted 60 to 27 in favor of this provision when we considered reconciliation last June.

I understand that the House has now receded to the Senate on this provision in the conference on the reconciliation bill.

This will save $200 million per year. I look forward to final action on the reconciliation conference agreement when Congress comes back in November. That conference, when successfully concluded, could reduce the fiscal year 1981 deficit by $10 billion.

Fifth, the amendment also includes the requirement that a person be employed for 20 weeks before being eligible for more than 26 weeks of unemployment benefits. This will have about $100 million a year, starting in fiscal year 1982. Again this is an important reform.

Sixth, the amendment also includes restrictions on benefits to persons who voluntarily quit their jobs or are fired for cause, as Senator Boren explained.

There is about a $50 million a year saving assumed in the congressional budget resolution for this area already. So we cannot think this is a new saving. This is something we have been anticipating all along.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BELLMON. I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Lastly, there is an $11 million savings provision relating to the treatment of unemployment insurance premiums for Federal employees.

To sum up the cost effects of our action, in fiscal year 1981 the bill will save about $100 million more than it will cost, provided that the supplemental benefits program is terminated after 6 months.

However, the bill adds about $900 million to the congressional budget because we had already assumed the savings in the budget, while the costs of the new supplemental benefits are not included, and the net result is not a saving, but, in fact, a substantial increase in the anticipated outlays in our fiscal year 1981 budget.

Over the first 5 years, the bill will produce savings of about $500 million. Again, this assumes that the supplemental benefits are not extended beyond the initial 6-month period.

So, Mr. President, to sum up my position, it is very difficult to get meaningful reforms in these programs. I think everyone realizes that what, in effect, we are doing is getting some bitter and some sweet.

On balance, it is probably sort of a toss-up. But I am hopeful we will, if we go ahead with this action tonight, have set a pattern to produce additional unemployment insurance reforms in the future.

It is for that reason I will support the agreement which has been worked out with such great diligence by those who participated today.

Mr. RIEGLE. Mr. President, will the Senator yield for a brief comment?

Mr. BOREN. I am happy to.

Mr. RIEGLE. I thank the Senator.

Mr. President, I commend my colleagues who worked to help fashion this compromise, particularly the very steady and important leadership of the majority leader (Mr. Robert C. Byrd) and the minority leader (Mr. Baker); my colleague from Michigan (Mr. Levin), who once again demonstrated great negotiating skill in helping guide events here; Senator Boren, who with great patience and openness and skill has been able to help bring all these different motions together in one package; Senator Bradley, and others on our side; and on the Republican side, particularly Senator Dole and Senator McClure, who I think helped us find a middle ground we could all support; and others on that side of the aisle.

I think this was one occasion where the staff people were really invaluable and performed above and beyond the call of duty.

I acknowledge Mike Stern and Joe Humphreys of the Finance Committee, and David Holliday of Senator Boren's staff, Susan Manes of my staff, Senator Levin's staff, and others, who really were central and vital to the work we were able to accomplish.

I, personally, fought against many aspects of this complex matter. I think it is the best we could do.

I am convinced this extension is vital. The package we have, with the set of amendments, despite my reservations about aspects of them, I think it was essential we act affirmatively now. I think we are sending the House the best bill we could get. For that, I think we can all take some measure of satisfaction.

Mr. LEVIN addressed the Chair.

Mr. BOREN. I yield to the junior Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Oklahoma.

I want to commend the Senator from Oklahoma on the leadership he displayed in this matter. Without it, we would not be here passing this bill tonight.

So many others have been mentioned, and their staffs, that I will not repeat it.

But I would like to thank, personally, two of my staff members, Bob Fogel and Bob Seltzer, for their work in this matter.

Senator Riegle, many months ago, introduced a bill similar to this, with the similar purpose of helping people whose unemployment benefits ran out.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOREN. Mr. President, I ask unanimous consent that there be 5 additional minutes on each side, for Senator Chafee and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. I yield 1 additional minute to my good friend from Michigan.

Mr. LEVIN. I thank my friend.

Mr. President, by the end of this year approximately 253,000 people—human beings with families and obligations and aspirations—will have exhausted their eligibility for unemployment compensation in my own State of Michigan; 253,000 people, Mr. President.

That is not just an economic statistic—this is an economic suicide. It represents frightful evidence of a malfunction in our economic system, a misdirection of our economic policy, and a mutation of our humanity if we allow it to continue.

Mr. President, the problem Michigan confronts is uniquely severe—but it is far from unique.

In August 1980, we had in the United States over 8 million workers unemployed, almost 2 million more than last year at that time. Nearly 1.6 million workers have lost their jobs since the beginning of this year.

Mr. President, I rise to speak in support of H.R. 8146. This measure would provide 10 additional weeks of unemployment payments to those workers who have exhausted their benefits.

Recent unemployment statistics show 31 States with unemployment rates of 7 percent or higher. If we use the 6-percent rate, we find 41 States above that mark. Both private and Government forecasters predict a 1981 national unemployment level in the vicinity of 8 percent. It is now 7.6 percent.

We are in the midst of an economic crisis that is affecting the entire country. As the figures indicate, this is not a short-term problem nor is it a regional problem. We are going to have high levels of unemployment in this country for the foreseeable future. That is not a pleasant fact to face but it is nonetheless true.

Furthermore, while some of us are from States with particularly serious problems, all Members of this body have constituents in their home States who are employed, or should I say were employed, in industries which have suffered because of present economic conditions. We all have a construction industry which has slowed down considerably due to high interest rates. How bad has the situation become? Congress has not adequately responded to what I can only characterize as a national emergency—our unemployed work force increasing by one-third in a year.

To meet this crisis, we have a system of unemployment compensation which is designed for normal times—times in which it is possible for a person to lose a job and find another within a reasonable period of time. But that system does not work in times when we aggressively pursue policies which make job creation more difficult. The plain fact is that more and more people are unable to find jobs within the timeframe envisioned by current law. They look for 39 weeks and then, discouraged by an inability to find work, they get the double whammy of being cut off from the unemployment compensation which has sustained them so far.

Mr. President, for hundreds of thousands of people, the exhaustion of unemployment benefits is more than a statistic which can be used to measure economic distress and dislocation. For them it is much more simple and much more painful. It is a denial of their ability to discharge their basic measure of human worth—the ability to be a productive and contributing member of this society. We have created an environment in which people cannot find work, and then we have created a system which punished them for not working. It makes no sense.

The bill does make sense. I believe it could have made more sense. To be honest. I would have preferred it if we had adopted the bill the House sent to us.

This bill then offers us one significant advantage: It will provide supplemental unemployment benefits to literally hundreds of thousands of men and women who, through no fault of their own, have exhausted the benefits normally provided to the unemployed.

This bill also contains several significant weaknesses, but ultimately we who support extended supplemental benefits were faced with the choice of accepting several offensive provisions or accepting inaction in the face of very real human needs.

I have made that choice—and I support the bill in the hope that the help it offers will offset the problems it contains.

Mr. BRADLEY addressed the Chair.

Mr. BOREN. I yield to my colleague from New Jersey.

Mr. BRADLEY. Mr. President, I would echo the sentiments of all the Members who have just spoken about the work on behalf of everyone in the room who discussed this issue over the last several days.

This is not a perfect bill. It is not perfect for a lot of people. There will be a lot of our friends in the labor community who will not be fully satisfied with the product we bring. I think there are a lot of our friends on the other side of the aisle who, likewise, are not satisfied with the product that we have before us.

Mr. President, we are not working in a normal environment. There are serious pressures, two to be specific, that this bill addresses directly. The first is the human misery of people who have been unemployed for great lengths of time.

This bill will allow them another 10 weeks of unemployment compensation, not an insignificant fact for those families who are having difficulty with the fuel bills and their food bills.

The second question this bill addresses is that felt by many States across this country. My State of New Jersey finds itself, for example, $651 million in debt, Pennsylvania over $1 billion. These are serious matters.

The result without this bill would have been increased taxes on businesses. Taxes on businesses would have increased preparation to move to other parts of the country.

In particular, I am pleased at the cap portion of this. It makes allowance for the prospect of moving into a recession and allowing States to return for new borrowings. If they can justify on an objective criterion of the insured unemployment rate of 7 percent, or a 20-percent decline of a similar base period a year earlier, they may return to borrow again to avert the kind of human misery and structural unemployment and industrial dislocation that would result if they could not get that new borrowing.

On balance, I think this provides relief to States in very severe distress, relief to human beings who themselves are against the wall financially.

Mr. President, under the circumstances, I support this bill. I believe it is an important step.

Mr. CHAFEE. Mr. President, I yield to the Senator from Kansas such time as he needs.

Mr. DOLE. Mr. President, I am not trying to delay this matter, but we are in the process of looking over the amendment, which we thought might be justified before we finally take action. We want to be sure that we are adopting the same amendment we have been talking about. I will take just a minute or two.

I join everyone else in support of this program, because I believe it is right. It is well to point out, as the distinguished majority leader has done, that it would have taken only one objection from either side to stop this in its tracks.

It is not too late to be totally oblivious to the politics of this proposal. I hope that when it finally is accepted, if it is accepted by the House, the President, when he picks up his pen to sign this measure, will at least think about it, that Republicans made this possible.

As to those labor leaders in my State who are trying to defeat me this year, I hope they may reflect on what they were doing at 10 minutes to 2 this morning.

Nonetheless, this is the right thing to do, and that is why I believe that men of good will, along with a lot of good help from staff—including men and women—were able to forge a package that is meritorious.

I suggest, as the Senator from Oklahoma has suggested, that there are tradeoffs; that there are reforms which —as the distinguished Senator from Michigan (Mr. RIEGLE) pointed out— made it possible for some of us to find some middle ground.

In my view, it is a good proposal. There may have been tougher negotiators who could have obtained a better proposal on this side or that, but it is the result of several hours of work—I suppose a couple of days' work for many of the Democrats, but several hours' work for many of the Republicans, initiated by the distinguished minority leader, Senator BAKER.

In my view, it is a responsible package. There were certain things that some of us thought should be done that could not be accommodated. There were other things that others were willing to concede on, and that is how the negotiation came about.

As pointed up in our discussion, this may be the first time in some 40 years that there have been any real savings that could be implemented under this program. That, in itself, I believe, is a landmark of some kind.

Much of that credit goes to the distinguished Senator from Oklahoma (Mr. BOREN) who is an expert in this field. Having just left the Governor's chair in Oklahoma, he understands how it works at the State level, as does another former Governor of Oklahoma, Senator BELLMON.

There is no question that Senator BOREN, Senator CHAFEE, and everyone else had a role to play. In the final analysis, however, I think that perhaps some who were not mentioned may have provided the difference. There were not only 4 or 5 of us in the meeting; there were 10 or 12 others who had to be checked on.

Some are quietly asleep now, and we do not want to talk too long. [Laughter.]

Mr. BRADLEY. Mr. President, I would be amiss if I did not at this time make note of Senator BOREN's leadership, as many other Senators have, on this issue, as well as the work of the Finance Committee staff, who provided the kind of high level assistance they normally do.

I also thank my staff person, Martha Darling, who performed her high level work as well.

Mr. DOLE. Mr. President, if the Senator will yield, I wish to pay the same tribute to Linda McMahon, who has been very helpful throughout the day, as have others on the Republican side.

Mr. CHAFEE. Mr. President, I should like to make one point for the RECORD, in case the House Members read the RECORD. I would not want them to think that this is the kind of compromise that is subject to change. Of course, we are leaving, which will make it even more difficult for them to change.

This is a very delicate compromise. I believe it is a good one, but it is fragile. Each side went to the limits. I do not know how long we met—I suppose a total of about 5 hours, with recesses when we would meet separately.

I know that those who were opposed to so-called reforms felt that they had been pushed as far as they could go, and those who wanted more reforms were disappointed that a few more could not be added.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAFEE. I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. So this is something that took great forbearance and patience and yielding by both sides.

In conclusion, Mr. President, I join in thanks to all those on the staff who helped—Mike Stern and all the others. I particularly thank Miss Nancy Barrow, of my staff, who is very knowledgeable in this matter and gave us all tremendous assistance.

I reserve the remainder of my time.

Mr. BOREN. Mr. President, I wish to echo what the Senator from Rhode Island has said.

This is a very delicately balanced package that has been put together. I believe that any attempt to make any changes in it at all at this point would result in the unraveling of the entire package.

So I hope that the Members of the House of Representatives, as they weigh this package, which will be presented to them, will bear in mind how carefully it has been put together; that they will consider the long hours that have gone into the preparation of this package. I hope they will realize, also, that we have tried to take into account some of the suggestions which have been forwarded to us by them and by members of their staffs.

We particularly are grateful to the distinguished Representative from California, Mr. CORMAN, a leader in this field in the House, who presented to us the suggestion of allowing the optional State participation in the extended benefits program when the insured unemployment compensation rate reached 3.5 percent and the national trigger had been activated with a national average of 4.5 percent. This was a suggestion of Mr. CORMAN which was relayed to us and was considered very seriously by us and was included as a part of the package.

I also echo the remarks made earlier by my distinguished senior colleague from Oklahoma, Senator BELLMON, when he pointed out that we have tried to consider seriously the budgetary impact of our actions. As a net result, as he pointed out, the original cost of these additional 10 weeks this year has been trimmed from approximately $1.4 billion to something like half of that figure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOREN. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Nebraska, objects.

UP AMENDMENT NO. 1723

(Purpose: To modify the national trigger for unemployment benefits and make certain other changes in the program)

Mr. BOREN. Mr. President, on behalf of the Senator from Rhode Island and myself, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BOREN), for himself and Mr. CHAFEE, presents an unprinted amendment numbered 1723.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new sections:

SEC. 7. (a)(1) Paragraphs (1) and (2) of section 203(a) of the Federal-State Extended Unemployment Compensation Act of 1970 are amended to read as follows:

"(1) shall begin with the third week after the week for which there is a State 'on' indicator; and

"(2) shall end with the third week after the first week for which there is a State 'off' indicator.".

(2) Section 203(b)(2) of such Act is amended by striking out "(or all the States)".

(3)(A) Paragraph (1) of 203(e) of such Act is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A)(i) equaled or exceeded 120 percentum of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years, and

(ii) equaled or exceeded 4 percentum, or

"(B) if there is a national 'on' indicator for such week, equaled or exceeded 4.5 percentum."

(B) Paragraph (2) of section 203(e) of such Act is amended by striking out "either subparagraph (A) or (B) of paragraph (1) is not satisfied" and inserting in lieu thereof "both subparagraphs (A) and (B) of paragraph (1) are not satisfied".

(C) Subsection (e) of section 203 of such Act is amended—

(i) by striking out "did not contain subparagraph (A)" and inserting in lieu thereof, "did not contain subparagraph (A)(i)", and.

(ii) by striking out "contained in subparagraph (B)" and inserting in lieu thereof "contained in subparagraph (A)(ii)".

(4) Section 203(e) of such Act is amended by adding at the end thereof the following sentence: "The State may by law provide that any determination under this subsection shall be made as if the figure '4.5' contained in subparagraph (B) of paragraph (1) were '3.5' or such other percentage (which is less than 4.5 per centum but not less than 3.5 per centum) as may be specified by State law.".

(b)(1) Section 204(a) of such Act is amended—

(A) by striking out paragraph (3), and

(B) by redesignating paragraph (4) as paragraph (3).

(c) Section 202(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) Notwithstanding the provisions of paragraph (2), payment of extended compensation under this Act shall not be made to any individual for any week of unemployment in his eligibility period if such individual is unemployed because he voluntarily left employment, was discharged for misconduct, or refused suitable employment as determined under State law."

(d) The amendments made by the preceding subsections of this section shall take effect upon April 1, 1981.

(e) Notwithstanding any other provision of this Act, any agreement entered into under this Act by any State shall provide that no Federal supplemental compensation shall be payable for any week of unemployment to an individual who did not receive such compensation for the immediately preceding week unless the rate of insured unemployment in such State for the period consisting of the third week preceding such week and the twelve weeks immediately preceding such third week equaled or exceeded 3.75 percent as determined under section 203(e) of the Federal-State Extended Unemployment Compensation Act of 1970.

(f) Notwithstanding any other provision of this Act, any agreement entered into under this Act by any State shall provide that no Federal supplemental compensation shall be payable for any week of unemployment to an individual who is unemployed because he voluntarily left employment, was discharged for misconduct, or refused suitable employment as determined under State law.

(g)(1) Notwithstanding any other provisions of this Act, payment of compensation under this Act shall not be made to any individual for any week of unemployment after November 30, 1980—

(A) during which he fails to accept any offer of suitable work (as defined in paragraph (2)) or fails to apply for any suitable work to which he was referred by the State agency; or

(B) during which he fails to actively engage in seeking work.

(2) If any individual is ineligible for compensation for any week by reason of a failure described in clause paragraph (1), the individual shall be ineligible to receive compensation for any week which begins during a period which—

(A) begins with the week following the week in which such failure occurs, and

(B) does not end until such individual has been employed during at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of 4 multiplied by the individual's average weekly benefit amount for his benefit year.

(3) For purposes of this subsection, the term "suitable work" means, with respect to any individual, any work which is within such individual's capabilities, except that, if the individual furnishes evidence satisfactory to the State agency that such in-

dividual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the applicable State law.

(4) Compensation shall not be denied under subparagraph (A) of paragraph (1) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work—

(A) if the average weekly remuneration (after taxes) payable to such individual for the position does not exceed the sum of—

(i) the individual's average weekly benefit amount for his benefit year, plus

(ii) the amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954) payable to such individual for such week;

(B) if the position was not offered to such individual in writing and was not listed with the State employment service;

(C) if such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of paragraphs (3) and (5); or

(D) if the position pays wages less than the higher of—

(i) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

(ii) any applicable State or local minimum wage.

(5) For purposes of this subsection, an individual shall be treated as actively engaged in seeking work during any week if—

(A) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

(B) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week.

(6) For purposes of section 3304(a)(11) of the Internal Revenue Code of 1954, a State law shall provide for referring applicants for benefits under this Act to any suitable work to which paragraphs (A), (B), (C), and (D) of paragraph (4) would not apply.

BENEFITS ON ACCOUNT OF FEDERAL SERVICE TO BE PAID BY EMPLOYING FEDERAL AGENCY

SEC. 8. (a) Title IX of the Social Security Act is amended by adding at the end thereof the following new section:

"FEDERAL EMPLOYEES COMPENSATION ACCOUNT

"SEC. 909. There is hereby established in the Unemployment Trust Fund a Federal Employees Compensation Account which shall be used for the purposes specified in section 8509 of title 5, United States Code.".

(b) Subchapter I of chapter 85, title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 8509. Federal Employees Compensation Account

"(a) The Federal Employees Compensation Account (as established by section 909 of the Social Security Act, and hereafter in this section referred to as the 'Account') in the Unempoyment Trust Fund (as established by section 904 of such Act) shall consist of—

"(1) funds appropriated to or transferred thereto, and

"(2) amounts deposited therein pursuant to subsection (c).

"(b) Moneys in the Account shall be available only for the purpose of making payments to States pursuant to agreements entered into under this chapter and making payments of compensation under this chapter in States which do not have in effect such an agreement.

"(c)(1) Each employing agency shall deposit into the Account amounts equal to the expenditures incurred under this chapter on account of Federal service performed by employees and former employees of that agency.

"(2) Deposits required by paragraph (1) shall be made during each calendar quarter and the amount of the deposit to be made by any employing agency during any quarter shall be based on a determination by the Secretary of Labor as to the amounts of payments, made prior to such quarter from the Account based on Federal service performed by employees of such agency after September 30, 1980, with respect to which deposit has not previously been made. The amount to be deposited by any employing agency during any calendar quarter shall be adjusted to take account of any overpayment or underpayment of deposit during any previous quarter for which adjustment has not already been made.

"(d) The Secretary of Labor shall certify to the Secretary of the Treasury the amount of the deposit which each employing agency is required to make to the Account during any calendar quarter, and the Secretary of the Treasury shall notify the Secretary of Labor as to the date and amount of any deposit made to such Account by any such agency.

"(e) Prior to the beginning of each fiscal year (commencing with the fiscal year which begins October 1, 1980) the Secretary of Labor shall estimate—

"(1) the amount of expenditures which will be made from the Account during such year, and

"(2) the amount of funds which will be available during such year for the making of such expenditures,

and if, on the basis of such estimate, he determines that the amount described in clause (2) is in excess of the amount necessary—

"(A) to meet the expenditures described in paragraph (1), and

"(B) to provide a reasonable contingency fund so as to assure that there will, during all times in such year, be sufficient sums available in the Account to meet the expenditures described in paragraph (1),

he shall certify the amount of such excess to the Secretary of the Treasury and the Secretary of the Treasury shall transfer, from the Account to the general fund of the Treasury, an amount equal to such excess.

"(f) The Secretary of Labor is authorized to establish such rules and regulations as may be necessary or appropriate to carry out the provisions of this section.

"(g) Any funds appropriated after the establishment of the Account, for the making of payments for which expenditures are authorized to be made from moneys in the Account, shall be made to the Account; and there are hereby authorized to be appropriated to the Account, from time to time, such sums as may be necessary to assure that there will, at all times, be sufficient sums available in the Account to meet the expenditures authorized to be made from moneys therein.".

(c) All funds, appropriated for the fiscal year beginning October 1, 1979 or for the fiscal year beginning October 1, 1980, and which are available for the making of payments to States after September 30, 1980, pursuant to agreements entered into under chapter 85 of title 5, United States Code, or for the making of payments after such date of compensation under such chapter in States which do not have in effect such an agreement, shall be transferred on November 1, 1980, to the Federal Employees Compensation Account established by section 909 of the Social Security Act. On and after such date, all payments described in the preceding sentence shall be made from such Account as provided by section 8509 of title 5, United States Code.

PROVISIONS RELATING TO FUTA CREDIT REDUCTION

SEC. 9. (a) Section 3302 of the Internal Revenue Code of 1954 (relating to credits against unemployment tax) is amended by adding at the end thereof the following new subsections:

"(f) CREDIT REDUCTION NOT TO APPLY WHEN STATE MAKES CERTAIN REPAYMENTS.—

"(1) IN GENERAL.—In the case of any State which meets the requirements of paragraph (2) with respect to any taxable year, subsection (c)(2) shall not apply to such taxable year; except that such taxable year (and January 1 of each such taxable year) shall be taken into account for purposes of applying subsection (c)(2) to succeeding taxable years.

"(2) REQUIREMENTS.—The requirements of this paragraph are met by any State with respect to any taxable year if the Secretary of Labor determines that the repayments during the 1-year period ending on November 9 of such taxable year made by such State of advances under title XII of the Social Security Act are not less than the sum of—

"(A) the potential additional taxes for such taxable year, and

"(B) any advances made to such State during such 1-year period under such title XII.

"(3) DEFINITIONS.—For purposes of paragraph (2)—

"(A) POTENTIAL ADDITIONAL TAXES.—The term 'potential additional taxes' means, with respect to any State for any taxable year, the aggregate amount of the additional tax which would be payable under this chapter (subject to the cap provisions of subsection (g)) for such taxable year by all taxpayers subject to the unemployment compensation law of such State for such taxable year if paragraph (2) of subsection (c) had applied to such taxable year and any preceding taxable year without regard to this subsection.

"(B) TREATMENT OF CERTAIN REDUCTIONS.—Any reduction in the State's balance under section 901(d)(1) of the Social Security Act shall not be treated as a repayment made by such State.

"(4) REPORTS.—The Secretary of Labor may, by regulations, require a State to furnish such information at such time and in such manner as may be necessary for purposes of paragraph (2).

"(g) CAP ON CREDIT REDUCTION.—

"(1) IN GENERAL.—In the case of any State which meets the requirements of paragraph (2) with respect to any taxable year, the reduction in credits otherwise applicable to taxpayers subject to the unemployment compensation law of such State under subsection (c)(2) shall not exceed the greater of—

"(A) 20 percent of the tax imposed under section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State; or

"(B) the percentage reduction of such credits which was in effect with respect to such State under subsection (c)(2) for the preceding taxable year.

"(2) SOLVENCY REQUIREMENTS.—The requirements of this paragraph are met by any State with respect to any taxable year if the Secretary of Labor determines on November 10 of such taxable year that—

"(A) the outstanding balance for such State of advances under title XII of the Social Security Act on the preceding September 30 was not greater than the outstanding balance for such State of such advances on the second preceding September 30;

"(B) no State action was taken during the 12-month period ending on the preceding September 30 (excluding any action required under State law as in effect prior to the date of the enactment of this subsection) which has resulted or will result in a reduction in such State's unemployment tax effort (as defined by the Secretary of Labor in regulations); and

"(C) no State action was taken during the 12-month period ending on the preceding September 30 (excluding any action required under State law as in effect prior to the date of the enactment of this subsection) which has resulted or will result in a net decrease in the solvency of the State unemployment compensation system (as defined by the Secretary of Labor in regulations).

"(3) SECRETARIAL AUTHORITY TO ALTER DETERMINATION.—Any determination by the Secretary of Labor under subparagraph (B), (C), or (D) of paragraph (2) may be altered or reversed by the Secretary of Labor if he determines that such action is warranted on the basis of the failure by such State to make available timely information with respect to State actions.

"(4) CREDIT REDUCTION FOR SUBSEQUENT YEARS.—In making determinations under subsection (c)(2) with respect to taxable years for which a State is not subject to the cap under this subsection, any taxable year, and January 1 of such taxable year, for which a State was subject to such cap shall not be taken into account in determining consecutive taxable years (or January 1 thereof).

"(5) DEFINITIONS AND SPECIAL RULES.—The definitions and special rules set forth in subsection (d) shall apply to this subsection in the same manner as they apply to subsection (c).

"(h) WAIVER OF NEW BORROWING PROVISIONS IN PERIODS OF RECESSION.—

"(1) REPAYMENTS IN LIEU OF CREDIT REDUCTION.—Notwithstanding subsection (f)(2)(B), advances made to a State during a 1-year period under title XII of the Social Security Act shall not be counted in determining eligibility for the State payment in lieu of credit reduction under subsection (f)(2) if such State, during the Federal fiscal year ending on the September 30 falling within such 1-year period meets the requirements of paragraph (3) of this subsection.

"(2) CAP ON CREDIT REDUCTION.—The requirement of subsection (g)(2)(A) shall not be applicable to a State for a taxable year if such State, during the Federal fiscal year ending on the preceding September 30 referred to in such subsection, meets the requirements of paragraph (3) of this subsection.

"(3) REQUIREMENTS.—The requirements of this paragraph are met by a State during any Federal fiscal year if, during any period of 26 consecutive weeks within such fiscal year, the rate of insured unemployment for such State (as defined in section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970) is—

"(A) equal to or greater than 120 percent of such State's average of such rates for the corresponding 26-week period ending in each of the 2 preceding fiscal years (but not less than 4.8 percent); or

"(B) equal to or greater than 7 percent (seasonally adjusted).

"(4) REPAYMENT REQUIREMENTS.—

"(A) Any State which avails itself of a waiver allowed by paragraph (1) must, within 24 months after the beginning of any subsequent Federal fiscal year during which such State did not meet the requirements of paragraph (3), repay so much of its outstanding balance of advances under title XII of the Social Security Act as exceeds its balance of such advances as of November 9 of the taxable year preceding the first taxable year in the most recent period of consecutive taxable years with respect to which such State availed itself of such waiver.

"(B) Any State which avails itself of a waiver allowed by paragraph (2) must, within 24 months after the beginning of any subsequent Federal fiscal year during which such State did not meet the requirements of paragraph (3), repay so much of its outstanding balance of advances under title XII of the Social Security Act as exceeds its balance of such advances as of the September 30 second preceding the November 10 of the first taxable year in the most recent period of consecutive taxable years with respect to which such State availed itself of such waiver.

"(C) Any State which fails to meet the requirements of subparagraph (A) or (B) shall cease to be eligible under subsections (f) and (g) for taxable years beginning with the taxable year in which such 24-month period ends, and shall remain ineligible under such subsections until the taxable year which begins in the Federal fiscal year in which the repayments required under this paragraph have been made.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1980.

LIMITATION ON EXTENDED UNEMPLOYMENT COMPENSATION PROGRAM

SEC. 10. (a) Section 202(a) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding the provisions of paragraph (2), payment of extended compensation under this Act shall not be made to any individual for any week of unemployment in his eligibility period unless such individual meets one of the following requirements (as selected by the State)—

"(A) such individual had at least 20 weeks of covered employment during his base period, or

"(B) such individual had earnings in covered employment during his base period equal to or greater than the average weekly wage for covered employment in such State (based upon the most recent data available to the State).

A State may select which of such requirements shall apply to individuals in such State, or the State may provide that individuals may meet the provisions of this paragraph by meeting either of such requirements. The provisions of this paragraph shall be applicable to the extended or sharable regular compensation otherwise payable to any individual only to the extent that such compensation, when added to the extended and regular compensation previously payable to such individual for the benefit year, would exceed an amount equal to 26 times such individual's weekly benefit amount as determined for purposes of subsection (b)."

(b) The amendment made by this section shall be effective with respect to weeks of unemployment beginning on or after December 31, 1981.

Mr. BOREN. Mr. President, H.R. 8146, as passed by the House of Representatives, provides for an additional 10 weeks of unemployment benefits to persons who exhaust their regular and extended benefits between now and next April. These additional benefits would be financed entirely from general revenues. In general, this would extend the maximum possible benefit duration from 39 weeks under present law to 49 weeks.

Under existing law, the extended benefit program—which provides an additional 13 weeks of benefits to persons exhausting their regular 26 week entitlement under State law—must be operated in all States if the national insured unemployment rate is 4.5 percent or higher. This is the case even if the unemployment rate in a particular State is relatively low. The House bill follows the same rule and provides the additional 10 weeks of benefit eligibility in all States even where there is not a substantial amount of unemployment.

The proposed amendment to the House bill would target its benefits to those States which are experiencing a significant problem with unemployment. Under the amendment, the additional 10 weeks of benefits will be payable only in States where there is some significant level of unemployment—at least a 3.75-percent rate of insured unemployment. The additional benefits will not be payable to individuals who have been disqualified under the regular State program because they voluntarily quit their last employment, were discharged for cause, or refused to accept employment under the ordinary State rules governing suitability of work.

Finally, the additional benefits will not be payable to any person who refuses a suitable job offer, with suitability defined in terms of health and safety standards, minimum wage standards, and other criteria spelled out in the bill.

The amendment also makes certain changes in the existing program of extended benefits. These changes, however, would not become effective until April 1, 1981—the date on which the special new program established by the House bill expires.

Under the amendment, extended benefits would no longer be payable to individuals who have been disqualified under the regular State program because they voluntarily quite their last employment, were discharged for cause, or refused to accept employment under the ordinary State rules governing suitability of work. In many States such individuals would be ineligible in any case under existing law, but some States allow such persons to regain their eligibility solely by reason of the passage of time. The amendment would provide that extended benefits not be paid to such persons.

The proposed amendment to the House bill would also modify the conditions for triggering into the extended benefits program after next March 31. Under existing law, extended benefits must be paid in all States when a national insured unemployment rate of 4.5 percent is reached. Under the amendment, this requirement would only apply in those States in which the State insured unemployment rate is 4.5 percent or higher. However, when the national 4.5-percent rate is in force, States would be permitted at their option to pay extended benefits even if the State insured unemployment rate is less than 4.5 percent, provided that it is at least 3.5 percent. The amendment makes no change in the existing law provisions for triggering the program into effect in certain circumstances when the national rate is less than 4.5 percent.

Under the amendment, an individual who has worked for less than 20 weeks in his base period would not be eligible for regular and extended unemployment benefits which together exceed 26 weeks. In States which measure earnings rather than weeks of employment in the base period, the measure would be earnings equivalent to 20 times the average weekly wage.

The amendment includes two other

provisions relating to unemployment compensation.

First, the amendment would require Federal agencies to pay unemployment claims out of their appropriations to give the agencies an incentive to contest improper claims for benefits.

Finally, the amendment could provide a cap on the escalating Federal penalty tax assessed employers in States which have outstanding loans from the Federal unemployment trust fund, as long as the States meet certain solvency requirements.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (UP No. 1723) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SUPPLEMENTAL UNEMPLOYMENT BENEFITS

Mr. ROBERT C. BYRD. The legislation before us is very important to hundreds of thousands of men and women in this country who have exhausted, or who are about to exhaust, their unemployment benefits. This amendment would provide an additionally 10 weeks of coverage so that people who are out of work—through no fault of their own—can maintain a semblance of financial security until they can find gainful employment.

The amendment offered by Senators Boren and Chafee also contains significant revisions of the extended benefits program which will result in that program being more targeted to States with the most pressing unemployment problems.

The amendment does what we must do to meet the social needs of this country in a fiscally responsible fashion need. gets aid to those with the greatest need.

I commend the President for having recommended this program to the Congress in his August economic policy address. I also commend the Senator from Oklahoma, Senator Boren, Senators Riegle and Levin and Members of the minority who have played critical roles in developing this very important legislation.

The PRESIDING OFFICER. If there be no further amendment to be proposed the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 8146), as amended, was passed.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BOREN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the bill and the amendment thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators. There certainly will be no rollcall votes tonight.

I hope Senators will get some rest and I look forward to seeing them on the reconvening of the Senate on November 12.

There will be some business transacted by unanimous consent. The minority leader and I will take care of that.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 509, 1107, 1118, and 1135.

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, the four calendar items identified by the majority leader are cleared on our side and we have no objection to their consideration and passage.

TARIFF TREATMENT OF CERTAIN ARTICLES

The Senate proceeded to consider the bill (H.R. 3122) relating to the tariff treatment of certain articles, which had been reported from the Committee on Finance with an amendment on page 6, beginning with line 13, insert the following:

Sec. 7. Permanent Duty-Free Treatment for Certain Carillon Bells.

(a) (1) Item 725.38 of the Tariff Schedules of the United States (19 U.S.C. 1202, relating to chimes, peals, or carillons containing over 34 bells) is amended by striking out "3% ad val." and inserting in lieu thereof "Free".

(2) The amendment made by paragraph (1) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) (1) The Secretary of the Treasury shall admit free of duty 47 carillon bells (including all accompanying parts and accessories) for the use of Wake Forest University, Winston-Salem, North Carolina, such bells being provided by the Paccard Fonderie de Cloches, Annecy, France.

(2) The Secretary of the Treasury shall admit free of duty 49 carillon bells (including all accompanying parts and accessories) for the use of the University of Florida, Gainesville, Florida, such bells being provided by Koninkligke Eijsbouts B.V., Asten, The Netherlands.

(3) If the liquidation of the entry for consumption of any article subject to the provisions of paragraph (1) or (2) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

Sec. 8. Extension of Duty-Free Entry Period for Telescope and Other Articles for Use of the International Telescope Project in Hawaii.

Section 2(a) of Public Law 93-630 (88 Stat. 2152) is amended by striking out "June 30, 1980" and inserting in lieu thereof "June 30, 1982".

Sec. 9. Suspension of Duty on Synthetic Rutile Until June 30, 1982.

(a) Item 911.25 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/79" and inserting in lieu thereof "6/30/82".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

"603.67	Materials, other than the foregoing, which are synthetic tantalum-columbium concentrates................	Free...	30% ad val."

(b) Item 911.27 of the Appendix to such Schedules is repealed.

(c) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article to which item 911.25 of the Tariff Schedules of the United States (as in effect on June 30, 1979) applied and—

(1) that was made after June 30, 1979, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 10. Permanent Duty-Free Treatment for Synthetic Tantalum-Columbium Concentrate

(a) Part 1 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 603.65 the following new item:

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 11. Temporary Suspension of Duty on Certain Alloys of Cobalt.

(a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"911.90	Unwrought alloys of cobalt containing, by weight, 76% or more but less than 99% cobalt (provided for in item 632.84, part 2K, schedule 6).......	Free...	No change	On or before 6/30/82".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 12. Temporary Suspension of Duty on Bicycle Parts and Accessories.

(a) Item 912.05 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/80" and inserting in lieu thereof "6/30/83".

(b) Item 912.10 of the Appendix to such Schedules is amended—

(1) by inserting "two-speed hubs with internal gear-changing mechanisms," immediately after "coaster brakes,";

(2) by striking out "rims," and inserting in lieu thereof "frame lugs,"; and

(3) by striking out "6/30/80" and inserting in lieu thereof "6/30/83".

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

Sec. 13. Temporary Suspension of Duty on Manganese Ore and Related Products.

(a) Item 911.07 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/79" and inserting in lieu thereof "6/30/82".

(b) (1) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(2) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article—

(A) that was made after June 30, 1979, and before the date of the enactment of this Act; and

(B) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal;

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 14. Permanent Duty-Free Treatment for Certain Models of Household Furnishings and Accessories.

(a) Subpart E of part 5 of schedule 7 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "(except parts)" in headnote 1 and inserting in lieu thereof "(except parts other than parts of models classified in item 737.08)";

(2) by amending the superior heading immediately preceding item 737.05—

(A) by striking out "and" immediately before "construction kits", and

(B) by inserting immediately before the colon the following: "; and parts of models classified in item 737.08"; and

(3) by inserting immediately after item 737.07 the following new item:

"737.08	Models of household furnishings, lamps, lighting fixtures, other household accessories, and building parts of houses, and parts thereof, and kits for constructing same; all the foregoing made approximately to ½ scale (whether or not made to scale of an actual article)	8% ad val.	45% ad val.".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 15. Definition of Rubber for Purposes of the Tariff Schedules.

(a) Headnote 2 to subpart B of part 4 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows:

"2. (a) For the purposes of the tariff schedules, the term 'rubber' means any substance, whether natural or synthetic, in bale, crumb, powder, latex, or other crude form, that—

"(i) can be vulcanized or otherwise cross-linked, and

"(ii) after cross-linking, can be stretched at 68° F. to at least three times its original length and that, after having been stretched to twice its original length and the stress removed, returns within 5 minutes to less than 150 percent of its original length.

"(b) For purposes of the tariff schedules other than schedule 4, the term 'rubber' also means any substance described in subdivision (a) that also contains fillers, extenders, pigments, or rubber-processing chemicals, whether or not such substance, after the addition of such fillers, extenders, pigments, or chemicals, can meet the tests specified in clauses (i) and (ii) of subdivision (a).".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, on or after the date of the enactment of this Act.

Sec. 16. Miscellaneous Amendments to the Trade Agreements Act of 1979.

The Trade Agreements Act of 1979 (Public Law 96-39, 93 Stat. 144-317) is amended as follows:

(1) Paragraph (8) of section 510 is amended by striking out "item 719.—" and inserting in lieu thereof "items 717.—, 718.—, and 719.—".

(2) The rate of duty column in section 514(a) is amended—

(A) by striking out "1% ad val." opposite each of items 607.01, 607.02, 607.03, and 607.04 and inserting in lieu thereof "Additional duty of 1% ad val."; and

(B) by striking out "0.5% ad val. + additional duties" opposite item 607.21 and inserting in lieu thereof "1% ad val. + additional duties".

(3) Subsection (a) of section 601 is amended—

(A) by inserting immediately after "such articles" in paragraph (2) the following: "(other than flight simulating machines classified in item 678.50 and civil aircraft classified in item 694.15, 694.20, or 694.40)"; and

(B) by amending paragraph (3) to read as follows:

"(3) Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end thereof the following new subsection:

"'(f) Civil Aircraft Exception.—The duty imposed under subsection (a) shall not apply to the cost of equipments, or any part thereof, purchased, of repair parts or materials used, or of repairs made in a foreign country with respect to a United States civil aircraft, within the meaning of headnote 3 to schedule 6, part 6, subpart C of the Tariff Schedules of the United States.'".

Sec. 17. Duty-Free Entry of Tiles for Chinese Cultural Center, Philadelphia, Pennsylvania.

(a) The Secretary of the Treasury shall admit free of duty the number of tiles (provided for in article 532.31 of the Tariff Schedules of the United States) purchased by the Chinese Cultural and Community Center, Philadelphia, Pennsylvania, for the renovation of the roof of the center, such tiles being purchased from the China National Arts and Crafts Import and Export Corporation.

(b) If the liquidation of the entry for consumption of any article subject to the provisions of subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

Sec. 18. Suspension of Duty on Certain Field Glasses, Opera Glasses, and Binoculars Until December 31, 1981.

(a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"912.09	Field glasses, opera glasses, and prism binoculars, all of which are not designed for use with infra-red light (provided for in item 708.51 or 708.52, part 2A, schedule 7)	Free	No change.	On or before 12/31/81".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Permanent Duty-Free Treatment to Certain Dyeing and Tanning Materials.

(a) (1) Subpart A of part 9 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(A) by striking out item 470.15 and inserting in lieu thereof the following:

	Other:		
"470.16	Logwood	Free	Free.
470.18	Other	4% ad val.	15% ad val.".

(B) by striking out "15% ad val." in each of items 470.23 and 470.65 and inserting in lieu thereof "Free";

(C) by striking out "6% ad val." and "15% ad val." in item 470.25 and inserting in lieu thereof "Free";

(D) by striking out "2.5% ad val." and "15% ad val." in item 470.55 and inserting in lieu thereof "Free"; and

(E) by striking out "3.5% ad val." and "15% ad val." in item 470.57 and inserting in lieu thereof "Free".

(2) Item 907.80 of the Appendix to such Schedules is repealed.

(b) (1) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(2) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article to which item 907.80 of the Tariff Schedules of the United States (as in effect on June 30, 1978) applied and—

(A) that was made after June 30, 1978, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if any of the amendments made by subsection (a)(1) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 2. Suspension of Duty on Wood Excelsior Until July 1, 1981.

(a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States

(19 U.S.C. 1202) is amended by adding in numerical sequence the following new item:

"904.00	Wood excelsior, including excelsior pads and wrappings (provided for in item 200.25, part 1A, schedule 2)	Free	No change	On or before 6/30/81".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 3. Suspension of Duty on Nitrocellulose Until July 1, 1980.

(a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"907.77	Nitrocellulose (provided for in item 445.25 part 4A schedule 4)	Free	No change	On or before 6/30/80".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 4. Suspension of Duty on 2-Methyl-4-Chlorophenol Until July 1, 1981.

(a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"907.11	2-Methyl-4-chlorophenol (provided for in item 403.60, part 1B, schedule 4)	Free	No change	On or before 6/30/81".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 5. Reduction of Duty on Certain Ceramic Insulators Until July 1, 1981.

(a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"909.20	Ceramic insulators having an alumina oxide content of not less than 96%, if used in spark plugs (provided for in item 535.14, part 2D, schedule 5)	4% ad val.	No change.	On or before 6/30/81".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 6. Suspension of Duties on Certain Forms of Zinc Until July 1, 1981.

(a) Items 911.00, 911.01, 911.02, and 911.03 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/78" and inserting in lieu thereof "6/30/81".

(b)(1) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(2) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article to which item 911.00, 911.01, 911.02, or 911.03 of the Tariff Schedules of the United States (as in effect on June 30, 1978) applied and—

(A) that was made after June 30, 1978, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if any of the amendments made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 7. Permanent Duty-Free Treatment for Certain Carillon Bells.

(a)(1) Item 725.38 of the Tariff Schedules of the United States (19 U.S.C. 1202, relating to chimes, peals, or carillons containing over 34 bells) is amended by striking out "3% ad val." and inserting in lieu thereof "Free".

(2) The amendment made by paragraph (1) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b)(1) The Secretary of the Treasury shall admit free of duty 47 carillon bells (including all accompanying parts and accessories) for the use of Wake Forest University, Winston-Salem, North Carolina, such bells being provided by the Paccard Fonderie de Cloches, Annecy, France.

(2) The Secretary of the Treasury shall admit free of duty 49 carillon bells (including all accompanying parts and accessories) for the use of the University of Florida, Gainesville, Florida, such bells being provided by Koninkligke Eijsbouts B.V., Asten, The Netherlands.

(3) If the liquidation of the entry for consumption of any article subject to the provisions of paragraph (1) or (2) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

Sec. 8. Extension of Duty-Free Entry Period for Telescope and Other Articles for Use of the International Telescope Project in Hawaii.

Section 2(a) of Public Law 93-630 (88 Stat. 2152) is amended by striking out "June 30, 1980" and inserting in lieu thereof "June 30, 1982".

Sec. 9. Suspension of Duty on Synthetic Rutile Until June 30, 1982.

(a) Item 911.25 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/79" and inserting in lieu thereof "6/30/82".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(c) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article to which item 911.25 of the Tariff Schedules of the United States (as in effect on June 30, 1979) applied and—

(1) that was made after June 30, 1979, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or relinguished as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 10. Permanent Duty-Free Treatment for Synthetic Tantalum-Columbium Concentrates

(a) Part 1 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 603.65 the following new item:

"603.67	Materials other than the foregoing, which are synthetic tantalum-columbium concentrates	Free	30% ad val.".

(b) Item 911.27 of the Appendix to such Schedules is repealed.

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 11. Temporary Suspension of Duty on Certain Alloys of Cobalt.

(a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

911.90	Unwrought alloys of cobalt containing, by weight, 76% or more but less than 99% cobalt (provided for in item 632.84, part 2K, schedule 6)	Free	No change	On or before 6/30/82".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 12. Temporary Suspension of Duty on Bicycle Parts and Accessories.

(a) Item 912.05 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/80" and inserting in lieu thereof "6/30/83".

(b) Item 912.10 of the Appendix to such Schedules is amended—

(1) by inserting "two-speed hubs with internal gear-changing mechanisms," immediately after "coaster brakes,";

(2) by striking out "rims," and inserting in lieu thereof "frame lugs,"; and

(3) by striking out "6/30/80" and inserting in lieu thereof "6/30/83".

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

Sec. 13. Temporary Suspension of Duty on Manganese Ore and Related Products.

(a) Item 911.07 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/79" and inserting in lieu thereof "6/30/82."

(b)(1) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(2) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article—

(A) that was made after June 30, 1979, and before the date of the enactment of this Act; and

(B) with respect to which there would

have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal;

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 14. Permanent Duty-Free Treatment for Certain Models of Household Furnishings and Accessories.

(a) Subpart E of part 5 of schedule 7 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out "(except parts)" in headnote 1 and inserting in lieu thereof "(except parts other than parts of models classified in item 737.08)";

(2) by amending the superior heading immediately preceding item 737.05—

(A) by striking out "and" immediately before "construction kits", and

(B) by inserting immediately before the colon the following: ", and parts of models classified in item 737.08"; and

(3) by inserting immediately after item 737.07 the following new item:

'737.08	Models of household furnishings, lamps, lighting fixtures, other household accessories, and building parts of houses, and parts thereof, and kits for constructing same; all the foregoing made approximately to 1/12 scale (whether or not made to scale of an actual article)	8% ad val.	45% ad val.".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 15. Definition of Rubber for Purposes of the Tariff Schedules.

(a) Headnote 2 to subpart B of part 4 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows:

"2. (a) For the purposes of the tariff schedules, the term 'rubber' means any substance, whether natural or synthetic, in bale, crumb, powder, latex, or other crude form, that—

"(i) can be vulcanized or otherwise cross-linked, and

"(ii) after cross-linking, can be stretched at 68° F. to at least three times its original length and that, after having been stretched to twice its original length and the stress removed, returns within 5 minutes to less than 150 percent of its original length.

"(b) For purposes of the tariff schedules other than schedule 4, the term 'rubber' also means any substance described in subdivision (a) that also contains fillers, extenders, pigments, or rubber-processing chemicals, whether or not such substance, after the addition of such fillers, extenders, pigments, or chemicals, can meet the tests specified in clauses (i) and (ii) of subdivision (a).".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, on or after the date of the enactment of this Act.

Sec. 16. Miscellaneous Amendments to the Trade Agreements Act of 1979.

The Trade Agreements Act of 1979 (Public Law 96–39, 93 Stat. 144–317) is amended as follows:

(1) Paragraph (8) of section 510 is amended by striking out "item 719.—" and inserting in lieu thereof "items 717.—, 718.—, and 719.—".

(2) The rate of duty column in section 514(a) is amended—

(A) by striking out "1 percent ad val." opposite each of items 607.01, 607.02, 607.03, and 607.04 and inserting in lieu thereof "Additional duty of 1 percent ad val."; and

(B) by striking out "0.5 percent ad val. plus additional duties" opposite item 607.21 and inserting in lieu thereof "1 percent ad val. plus additional duties". (3) Subsection (a) of section 601 is amended—

(A) by inserting immediately after "such articles" in paragraph (2) the following: "(other than flight simulating machines classified in item 678.50 and civil aircraft classified in items 694.15, 694.20, or 694.40)"; and

(B) by amending paragraph (3) to read as follows:

"(3) Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end thereof the following new subsection:

" '(f) Civil Aircraft Exception.—The duty imposed under subsection (a) shall not apply to the cost of equipments, or any part thereof, purchased, of repair parts or materials used, or of repairs made in a foreign country with respect to a United States civil aircraft, within the meaning of headnote 3 to schedule 6, part 6, subpart C of the Tariff Schedules of the United States.' ".

Sec. 17. Duty-Free Entry of Tiles for Chinese Cultural Center, Philadelphia, Pennsylvania.

(a) The Secretary of the Treasury shall admit free of duty the number of tiles (provided for in article 532.31 of the Tariff Schedules of the United States) purchased by the Chinese Cultural and Community Center, Philadelphia, Pennsylvania, for the renovation of the roof of the center, such tiles being purchased from the China National Arts and Crafts Import and Export Corporation.

(b) If the liquidation of the entry for consumption of any article subject to the provisions of subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

Sec. 18. Suspension of Duty on Certain Field Glasses, Opera Glasses, and Binoculars Until December 31, 1981.

(a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"912.09	Field glasses, opera glasses, and prism binoculars, all of which are not designed for use with infra-red light (provided for in item 708.51 or 708.52, part 2A, schedule 7)	Free	No change	On or before 12/31/81".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

UP AMENDMENT NO. 1724

(Purpose: To modify the committee amendment to the bill to take account of changes in the Tariff Schedules of the United States since the bill was reported, and for other purposes)

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Long I submit an amendment which is a modification of the reported committe amendment, and I ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. Robert C. Byrd) for Mr. Long proposes an unprinted amendment numbered 1724.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike out the matter appearing before line 1 and insert in lieu thereof the following:

	Other:		
"470.16	Logwood	Free	Free.
470.18	Other	4% ad val.	15% ad val.".

On page 2, line 22, strike out "to which" and insert in lieu thereof "described in".

On page 2, line 23, strike out "applied".

On page 4, strike out lines 1 through 9.

On page 4, line 10, strike out "Sec. 4." and insert in lieu thereof "Sec. 3.".

On page 5, line 1, strike "Sec. 5." and insert in lieu thereof "Sec. 4.".

On page 5, line 10, strike out "Sec. 6." and insert in lieu thereof "Sec. 5.".

On page 5, line 15, strike out " '6/30/81' " and insert in lieu thereof " '6/30/84' ".

On page 6, line 1, strike out "to which" and insert in lieu thereof "described in".

On page 6, line 3, strike out "applied".

On page 6, line 13, strike out "Sec. 7." and insert in lieu thereof "Sec. 6.".

On page 6, line 18, strike out " '3% ad val.' " and insert in lieu thereof " '2.6% ad val.' ".

On page 7, line 13, strike out "Sec. 8." and insert in lieu thereof "Sec. 7.".

On page 7, line 16, before "Section" insert "(a)".

On page 7, between lines 18 and 19, insert the following:

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(c) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in section 2 of Public Law 93–630 (88 Stat. 2152) (as in effect on June 30, 1980), and

(1) that was made after June 30, 1980, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal.

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

On page 7, line 19, strike out "Sec. 9." and insert in lieu thereof "Sec. 8.".

On page 8, lines 5 and 6, strike out "to which" and insert in lieu thereof "described in".

On page 8, line 7, strike out "applied".

On page 8, line 17, strike out "Sec. 10." and insert in lieu thereof "Sec. 9.".

On page 8, strike out the matter between lines 21 and 22, and insert in lieu thereof the following:

"603.67	Materials, other than the foregoing, which are synthetic tantalum-columbium concentrates	Free	30% ad val.".

On page 9, between lines 4 and 5, insert the following:

(d) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in item 911.27 of the Tariff Schedules of the United States (as in effect on June 30, 1980) and—

(1) that was made after June 30, 1980, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

On page 9, line 5, strike out "Sec. 11." and insert in lieu thereof "Sec. 10."

On page 9, in the matter appearing between lines 10 and 11, strike out "632.84" and insert in lieu thereof "632.88".

On page 9, line 15, strike out "Sec. 12." and insert in lieu thereof "Sec. 11.".

On page 10, line 5, strike out "and".

On page 10, between lines 5 and 6, insert the following:

(3) by striking out "and 732.41" and inserting in lieu thereof "732.41 and 732.42"; and

On page 10, line 6, strike out "(3)" and insert in lieu thereof "(4)".

On page 10, between lines 11 and 12, insert the following:

(d) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article to which section 912.05 or 912.10 of the Tariff Schedules of the United States (as amended by subsection (b)) would have applied if this Act had been enacted before July 1, 1980, and—

(1) that was made after June 30, 1980, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendments made by subsections (a) and (b) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 12. Retroactive Duty-Free Treatment for Manganese Ore and Related Products.

Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of manganese ore, including ferruginous manganese ore, and manganiferous iron ore, all the foregoing containing over 10 percent by weight of manganese (provided for in item 601.27 of the Tariff Schedules of the United States)—

(1) that was made after June 30, 1979, and before January 1, 1980, and

(2) with respect to which there would have been no duty if the entry or withdrawal had been made on or after January 1, 1980,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

On page 10, beginning with line 12, strike out through line 4 on page 12.

On page 12, line 5, strike out "Sec. 15." and insert in lieu thereof "Sec. 13".

On page 13, line 7, strike out "Sec. 16." and insert in lieu thereof "Sec. 14.".

On page 13, line 9, before "The" insert "(a)".

On page 14, between lines 15 and 16, insert the following:

(b) The amendment made by paragraphs (1) and (2) of subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1980. The amendment made by paragraph (3) of subsection (a) shall apply with respect to entries made under section 466 of the Tariff Act of 1930 on or after January 1, 1980.

On page 14, line 16, strike out "Sec. 17." and insert in lieu thereof "Sec. 15.".

On page 15, strike out lines 6 through 16, and insert in lieu thereof the following:

Sec. 16. Field Glasses and Binoculars.

(a) (1) Item 708.51 is amended by striking out "7.9 percent ad val." in rate colum numbered 1 and inserting in lieu thereof "Free", and by striking out "3.4 percent ad val." in the LDDC rate column.

(2) Item 708.52 is amended by striking out "18.5% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "8% ad val." in the LDDC rate column.

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 17. Suspension of Duty on Crude Feathers and Downs Until July 1, 1984.

(a) Items 903.70 and 903.80 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "On or before 6/30/79" and inserting in lieu thereof "On or before 6/30/84".

(b) (1) The amendments made by subsection (a) shall apply to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

(2) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in item 903.70 or 903.80 of the Tariff Schedules of the United States (as in effect on June 30, 1979) and—

(A) that was made after June 30, 1979, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if any of the amendments made by subsection (a) applied to such entry or withdrawal, shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 18. Duty-Free Entry of Organ for Ohio Wesleyan University.

(a) The Secretary of the Treasury shall admit free of duty one organ (including all accompanying parts and accessories) for the use of Ohio Wesleyan University, Delaware, Ohio, such organ being provided by Johannes Klais Orgelbau K.G., Bonn, Federal Republic of Germany.

(b) If the liquidation of the entry for compensation of any article subject to the provisions of subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

Sec. 19. Duty-Free Entry of Organ Components for St. Paul's Episcopal Church, Riverside, Connecticut.

(a) The Secretary of the Treasury shall admit free of duty the components of the tracker pipe organ which were built (pursuant to contract with Gerhard Hradetzky of Austria) for St. Paul's Episcopal Church, Riverside, Connecticut, and which entered at New York, New York, on January 19, 1979 (entry number 266710).

(b) If the liquidation of the entry for consumption of any article subject to the provisions of subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made, notwithstanding section 514 of the Tariff Act of 1930.

Sec. 20. Cold Finished Steel Bars.

(a) Headnote 3(i) to subpart B of part 2 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "or cut to length" each place it appears therein.

(b) Item 606.88 in subpart B of part 2 of schedule 6 of such Tariff Schedules is amended by striking out "8.5% ad val." in rate column numbered 1 and inserting "7.5% ad val." in lieu thereof.

(c) Subpart B of part 1 of the Appendix to such Tariff Schedules is amended by inserting, in numerical sequence, the following new item:

"911.45	Finished, drawn products of any cross-sectional configuration, not over 0.703 inch in maximum cross-sectional dimension and containing not over 0.25 percent by weight of carbon (provided for in item 606.88, part 2B, schedule 6)	5% ad val.	No change.	On or before 12/31/81.".

(d) The amendments made by subsections (a), (b), and (c) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on and after the date of enactment of this Act.

Sec. 21. Clarification of Application of Customs Laws to Deepwater Ports.

Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended—

(1) by inserting "; Application of Custom Laws to Deepwater Port Act of 1974" in the caption thereof immediately after "1926",

(2) by inserting "(a)" before the first word of the text thereof, and

(3) by adding at the end thereof the following new subsection:

"(b) For purposes of section 19(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the term 'customs laws administered by the Secretary of the Treasury' shall mean this Act and any other provisions of law classified to title 19, United States Code.".

● Mr. LONG. Mr. President, the following is a brief description of each section of H.R. 3122 as it would be amended by the modified committee amendment. Unless otherwise indicated, references to sections of the bill are references to the sections in the bill as it would appear with adoption of the modified committee amendment.

The first section of H.R. 3122 would provide for permanent duty-free treatment of certain dyeing and tanning materials of vegetable origin from the date of enactment. The duty-free treatment would apply retroactively upon timely request to such articles entered, or withdrawn from warehouse, for consumption after June 30, 1978, the date of termination of a previous duty suspension. The United States depends upon imports for virtually all of its requirements of these vegetable tanning extracts. This provision would help U.S. tanners to hold down the cost of producing leather.

Section 2 of the bill would suspend the duty applicable to most-favored-nation (MFN) imports of wood excelsior from the date of enactment through June 30, 1981. Wood excelsior consists of thin, narrow, flexible strands of wood which tend to curl and form a loosely joined mass. It is used in various ways, including to filter substances and as an acoustical component in wall panels. Imports of wood excelsior supply a minimal amount of U.S. consumption and are not injurious to the U.S. industry producing wood excelsior. Section 2 of the bill would remove an unnecessary cost to producers of products employing wood excelsior.

Section 3 of the bill as reported in December 1979 would have suspended the duty applicable to MFN imports of soluble nitrocellulose from the date of enactment through June 30, 1980. Since the period of the originally proposed duty suspension has passed and sufficient domestic production of nitrocellulose will be available, the modified committee amendment deletes this provision.

Section 3 of the bill (section 4 of the bill as reported in December) would suspend the duty applicable to MFN imports of 2-methyl-4-chlorophenol from the date of enactment through June 30, 1981. This would eliminate an unnecessary cost of an important component of certain herbicides which is not produced domestically. It would make U.S. producers of herbicides made from this product more competitive with foreign herbicide producers.

Section 4 of the bill (section 5 of the bill as reported in December) would reduce the duty on MFN imports of certain ceramic insulators used in spark plugs to 4 percent from the date of enactment through June 30, 1981. This would provide competition in the markets for certain spark plugs by reducing the cost of ceramic insulators for a firm which imports these insulators and makes spark plugs which compete with imports of spark plugs and with spark plugs made by other U.S. firms which make their own ceramic insulators.

Section 5 of the bill (section 6 of the bill as reported in December) would reinstate the suspension of duty on MFN imports of certain forms of zinc through June 30, 1984. As originally reported, this provision would have suspended the duty through June 30, 1981. However, the modified committee amendment would extend this date, as the domestic industry and the administration agree that the conditions justify the original duty suspension period also justify the extended period. The suspension would apply retroactively, upon timely request, to such articles entered, or withdrawn from warehouse, for consumption after June 30, 1978, the date of termination of the previous suspension. Domestic zinc mines cannot supply enough ore to satisfy the demand for zinc metal. Section 5 of the bill is intended to reduce the cost of an important source of zinc for domestic manufacturers.

Section 6 of the bill (section 7 of the bill as reported in December) would provide for permanent duty-free treatment of MFN imports of carillon and similar tuned bells (in sets containing more than 34 bells) after the date of enactment, and for retroactive duty-free treatment with respect to specific carillon bells already entered for the use of Wake Forest University and the University of Florida. This provision would reduce the cost of imports of carillons and similar tuned bells in sets of more than 34 bells, which have not been produced in the United States in recent years.

Section 7 of the bill (section 8 of the bill as reported in December) would reinstate duty-free treatment through June 30, 1982, with respect to the importation of a telescope and other articles for the use of the Canada-France-Hawaii telescope project in Hawaii, thereby reducing the cost of this project. The duty-free treatment would apply retroactively, upon timely request, to such articles entered, or withdrawn from warehouse, for consumption after June 30, 1980, the date of termination of the previous suspension.

Section 8 of the bill (section 9 of the bill as reported in December) would reinstate the suspension of duty on MFN imports of synthetic rutile, a pigment used in paints and for other purposes. The suspension would terminate at the close of June 30, 1982, and would apply retroactively, upon timely request, to imports entered, or withdrawn from warehouse, for consumption after June 30, 1979, the date of termination of the previous suspension. This would reduce the costs of users of synthetic rutile, a necessary raw material some of which must be imported and the demand for which is growing.

Section 9 of the bill (section 10 of the bill as reported in December) would provide for permanent duty-free treatment of MFN imports of synthetic tantalum/columbium concentrates from the date of enactment. The duty-free treatment would apply retroactively upon timely request, to importations after June 30, 1980, the date on which a previous suspension of duties on these products expired. There is no known domestic production of either natural or synthetic tantalum/columbian concentrates, which is used in steel production, electronic circuitry, and chemical processing equipment. Section 9 of the bill would help producers of these products to lower their costs without injury to any domestic industry.

Section 10 of the bill (section 11 of the bill as reported in December) would provide for suspension of duty on MFN imports of unwrought alloys of cobalt from the date of enactment through June 30, 1982. The cost of cobalt alloys, a strategic raw material, has quadrupled recently, increasing the duties payable on imports of this substance and the costs to U.S. consumers. Section 10 of the bill would improve the competitive position of domestic consumers.

Section 11 of the bill (section 12 of the bill as reported in December) would suspend duties on MFN imports of certain bicycle parts through June 30, 1983. Duties had been suspended from 1971 through June 30, 1979 on these certain bicycle parts in order to improve the ability of domestic producers of complete bicycles to compete with imported complete bicycles. The suspension provided in this section would apply retroactively, upon timely request, to imports entered, or withdrawn from warehouse, for consumption after June 30, 1979, the expiration date of the previous suspension.

Section 12 of the bill (section 13 of the bill as reported in December), as amended by the modified committee amendment, would provide for duty-free treatment of manganese ore imported after June 30, 1979 and on or before December 31, 1979. Prior to June 30, 1979, the duty had been temporarily suspended. After December 31, 1979, permanent duty-free treatment is applicable to these ores as a result of a tariff concession made in the Multilateral Trade Negotiations. At the time H.R. 3122 was reported, it did not take account of the MTN concession, which makes the suspension of duty provided for in the bill as reported unnecessary. There is no domestic commercial production of manganese ore. Duties of MFN imports of manganese ore have been suspended for 3-year periods continuously since July 1, 1964. Section 12 of the bill would reduce the cost to the domestic industry that requires manganese ore, principally for the manufacture of cast iron and steel.

Section 13 of the bill (section 15 of the bill as reported in December) would amend the definition of "rubber" in the headnotes of the Tariff Schedules of the United States (TSUS) to preserve existing Customs Service practice relating to the classification of products as rubber or as containing rubber. Recent court decisions concerning the meaning of "rubber" as used in the TSUS have resulted in some articles being assessed at a rate of duty different from that which Congress intended. Section 13 of the bill restores the previous practice of the Customs Service, which was in accordance with congressional intent, as it relates to classification of rubber articles.

Section 14 of the bill as reported in December 1979 would have created a new item in the TSUS for model household furnishings and accessories which would have provided an 8 percent ad valorem duty for MFN imports and 45 percent ad valorem duty for non-MFN imports. The modified committee amendment deletes this provision.

When the committee reported favorably this provision of H.R. 3122 last December, it acted on misinformation. The information before the committee, which was the best available, indicated that there was only a small domestic industry with one commercial producer. Since that time, at least four commercial producers have been identified, and the industry, originally thought to involve sales of around $500,000 per year, now is thought to have sales of in excess of $6 million per year. Also, no objections had been received to the provision before it was reported, but after it was reported, numerous objections were received from the domestic industry. The provision as reported would have reduced the duties on most of the scale models covered by the provision. The Administration has opposed this duty-reduction aspect of the bill, feeling it removes needed protection from the domestic industry and is a unilateral concession being bestowed by the United States greater than that negotiated in the MTN. The effect of this reduction of duties would be increased imports selling at even lower prices, reducing sales by U.S. producers, injuring a U.S. industry.

Section 14 of the bill (section 16 of the bill as reported in December) would correct four technical errors in the Trade Agreements Act of 1979 (93 Stat. 144; Public Law 96-39).

Section 15 of the bill (section 17 of the bill as reported in December) would permit a one-time duty-free entry of roof tiles from the People's Republic of China for the use of the Chinese Cultural and Community Center in Philadelphia, Pa. The nonprofit Chinese Cultural and Community Center has a one-time need for authentic and durable roofing tiles consistent with the architecture of the center's building.

Section 16 of the bill as amended by the modified committee amendment (section 18 of the bill as reported in December) would provide permanently for duty-free treatment of MFN imports of field glasses, opera glasses, and prism binoculars. As reported, this provision had provided for a suspension of duties on MFN imports of field glasses, opera glasses, and prism binoculars from the date of enactment through December 31, 1981. There is no U.S. production of field glasses, opera glasses, and prism binoculars. Since reporting the bill, the committee has assured itself that there is no U.S. production contemplated or other interest that could be injured by duty-free treatment, and thus the modified committee amendment would provide for permanent duty-free treatment. Section 16 of the bill would permit a reduction in the price of these items to consumers.

Section 17 of the bill is a new provision added to H.R. 3122 by the modified committee amendment to provide duty-free treatment with respect to imports of crude feathers and downs. This section, which contains the substance of H.R. 2492 as it passed the House, would suspend the duties on MFN imports and the greater portion of non-MFN imports of crude feathers and downs entered, or withdrawn from warehouse, for consumption on or after the date of enactment and on or before June 30, 1984. A previous suspension of these duties expired on June 30, 1979. Upon timely request, new section 17 would permit the duty-free treatment resulting from the suspension to be provided with respect to entries or withdrawals made after June 30, 1979, and before the date of enactment. MFN duties are no 7.5 percent ad valorem, while non-MFN duties are 20 percent ad valorem.

U.S. demand for crude feathers and downs is expected to remain high in the next several years, as demand for cold-weather, down-filled sportswear and other products using feathers and downs remain strong. Prices for feathers and downs have risen rapidly. U.S. producers of articles using crude feathers and downs expect to remain dependent on foreign sources for the crude products during the foreseeable future. Suspension of the duty on the feathers and downs would reduce the costs of U.S. producers of articles employing the feathers and downs, and keep the cost of these feathers and downs competitive with the cost to foreign manfacturers and permit U.S. producers of products using feathers and downs to remain competitive with foreign producers of similar products. The suspension would permit potential savings to consumers of articles using feathers and downs without adversely affecting the domestic industry producing crude feathers and downs.

The administration has no objections to enactment of this section, nor have any objections to the bill as passed by the House been received from any source. The customs revenue loss resulting from the suspension of duties is estimated at about $5 million per year.

Section 18 of the bill is a new provision of H.R. 3122 added by the modified committee amendment. It contains the substance of H.R. 3317 as it passed the House and would permit duty-free entry of a pipe organ and accompanying parts and accessories imported for Ohio Wesleyan University. Section 19 of the bill is also a new provision of H.R. 3122 added by the modified committee amendment. It contains the substance of H.R. 3755 as it passed the House and would permit duty-free entry of components for a pipe organ for St. Paul's Episcopal Chuch in Riverside, Conn. On January 1, 1980, the 5 percent ad valorem duty on MFN imports of pipe organs was reduced to 2 percent ad valorem. The duty on all MFN imports of pipe organs will be eliminated on January 1, 1981.

The committee received favorable testimony with respect to the tariff relief that would be provided by these provisions. The administration is opposed to enactment, asserting that the existing duty does provide some protection for the domestic industry. However, these organs have already been imported. Denying duty-free treatment with respect to the imports would therefore not help the domestic industry make a sale which they would not otherwise have. However, the committee believes that future suspension of duties on pipe organs should not be encouraged, as there is available U.S. production of pipe organs. Therefore, the committee does not intend to report out duty-suspension bills relating to pipe organs in the future.

Duty suspension with respect to the pipe organ for the use of Ohio Wesleyan University would result in a one-time loss of customs revenues of approximately $17,500. As a result of the suspension of duties with respect to the entry of this pipe organ intended for St. Paul's Episcopal Church, the one-time loss of customs revenues of approximately $7,000 would be experienced.

Section 20 of the bill is a new position added to H.R. 3122 by the modified committee amendment. The substance of section 20 is H.R. 4309 as passed by the House. This provision would provide for a change in definition of steel wire so as to exclude the "cut to length" products, mainly of cold finished steel, from that definition. These products would be classified as bar subject to a higher rate of duty. In order to take account of any inconsistency of such a change with U.S. obligations under international trade agreements, the provision provides that from the date of enactment until January 1, 1982, there would be two classifications for bar. The first classification would cover small diameter bar, presently classified as wire, which would receive an MFN rate of duty of 5 percent ad valorem (as opposed to the present rate of about 1.7 percent ad valorem).

This increase in duty would be compensated for by a reduction for the same period in duty on the second classification, applicable to other bar, from 8.5 percent to 7.5 percent ad valorem. On and after January 1, 1982, all cold finished steel bar would be classified in a single item dutiable at an MFN rate of 7.5 percent ad valorem. The committee expects that the executive branch would negotiate prior to January 1, 1982, an appropriate agreement with trading partners permitting this increase in duty in a manner consistent with U.S. trade agreements.

Domestically, cold finished steel bar is produced by major U.S. steel producers to be used in the production of bridges, buildings, ships, agricultural implements, and so on. Imports are principally from Japan, the United Kingdom, Belgium, and Canada.

The administration does not object to the reclassification, provided by the provision, but does object to the upward adjustment of duties as inconsistent with U.S. obligations under the General Agreemen on Tariffs and Trade.

Enactments of this provision would result in a customs revenue loss of approximately $70,000 for 1980 and 1981, and an estimated increase in revenues beginning in 1982 of about $600,000 per year. This amount would increase to about $1.2 million per year in 1987 and remain at that level thereafter.

Section 21 of the bill is a new provision added to H.R. 3122 by the modified committee amendment. This provision is needed to clarify the duties of the U.S. Customs Service at deepwater ports. A provision of this nature has already passed the House as an amendment to H.A. 6884, the authorization bill for the administration of the Deepwater Port Act of 1974, but the bill will not be acted on this year because of a difference of opinion between the Houses as to whether the authorization bill itself is needed. Section 21 does no more than carry out the original intent of the Congress in the Deepwater Port Act.

The Deepwater Port Act was passed to provide for the licensing of private persons to build and operate port structures beyond the territorial sea off the coast of the United States that would receive imported oil from supertankers for transportation to the mainland. One such license has been issued by the Office of Deepwater Ports in the Department of Transportation to LOOP, Inc., a private corporation chartered under the laws of Louisiana, to operate a deepwater port that will go into use in 1981. The act provides elaborate environmental controls, including authority in the U.S. Customs Service to deny a vessel permission to leave a deepwater port if the vessel is believed to be responsible for an oilspill.

Aside from this environmental responsibility of the U.S. Customs Service; it was the intention of the Congress that the Service have no responsibilities at the deepwater port itself. The act provides that the customs laws should not apply to the deepwater ports, and that the oil unloaded at the port would not be subject to normal U.S. Customs Service processing until it was actually pumped into the territory of the United States.

However, the U.S. Customs Service issued a ruling in December 1979, that, in effect, held that while the Service would not exercise any authority over oil received at a deepwater port until it physically entered the United States, the Service would have to go out to deepwater ports to enter the supertankers themselves. This interpretation of the Deepwater Port Act would result in increased expenses related to the importation of oil at deepwater ports because vessels would have to lay over there more than was necessary merely to make their oil delivery, and is an interpretation at variance with a basic purpose of the act, to reduce the cost of imported oil. Even though the Customs Service itself did not want to send people out to these deepwater ports, the term "customs laws" used in the act was not inclusive enough to relieve the Service of responsibility. Legal requirements for entry of vessels—as distinguished from the entry of the cargo of these vessels—are technically termed "navigation laws," not "customs laws." Some of these navigation laws appear in title 19 or the United States Code (where the so-called customs laws are located) and some are in title 46 (where the shipping laws are located).

The intent of the Deepwater Port Act was that the navigation laws in title 19, such as vessel entry laws, not apply to deepwater ports, but that the navigation laws in title 46 apply to the ports to the extent otherwise stated in the act, such as the environmental provision mentioned earlier. Section 21 of H.R. 3122 clarifies this intent by amending title 19 to provide that customs laws as used in the Deepwater Port Act include all the provisions in title 19.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (UP No. 1724) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as modified.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3122), as amended, was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADDITIONAL JUDGES FOR THE TAX COURT

The bill (H.R. 7779) to amend the Internal Revenue Code of 1954 to authorize three additional judges for the Tax Court and to remove the age limitation on appointments to the Tax Court, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INSTALLMENT SALES REVISION ACT OF 1980

The Senate proceeded to consider the bill (H.R. 6883) to amend the Internal Revenue Code of 1954 to revise the rules relating to certain installment sales, which had been reported from the Committee on Finance with amendments, as follows:

On page 2, strike line 22 through and including page 3, line 8, and insert in lieu thereof the following:

"(2) EXCEPTION FOR DEALER DISPOSITION OF PERSONAL PROPERTY.—The term 'installment sale' does not include a disposition of personal property on the installment plan by a person who regularly sells or otherwise disposes of personal property on the installment plan."

On page 9, line 3, strike "The", and insert in lieu thereof "Except for purposes of subsections (g) and (h), the";

On page 9, line 15, strike "property" and insert in lieu thereof "property (whether or not payment of such indebtedness is guaranteed by another person)."

On page 11, after line 3, insert the following:

"(7) DEPRECIABLE PROPERTY.—The term 'depreciable property' means property of a character which (in the hands of the transferee) is subject to the allowance for depreciation provided in section 167."

On page 11, strike line 8 through and including page 13, line 8, and insert in lieu thereof, the following:

"(g) SALE OF DEPRECIABLE PROPERTY TO SPOUSE OR 80-PERCENT OWNED ENTITY.—

"(1) IN GENERAL.—In the case of an installment sale of depreciable property between related persons within the meaning of section 1239(b), subsection (a) shall not apply, and, for purposes of this title, all payments to be received shall be deemed rereceived in the year of the disposition."

"(2) EXCEPTION WHERE TAX AVOIDANCE NOT A PRINCIPAL PURPOSE.—Paragraph (1) shall not apply if it is established to the satisfaction of the Secretary that the disposition did not have as one of its principal purposes the avoidance of Federal income tax."

On page 14, strike line 21, through and including page 15, line 2, and insert in lieu thereof the following:

"(C) SPECIAL RULE WHERE OBLIGOR AND SHAREHOLDER ARE RELATED PERSONS.—If the obligor of any installment obligation and the shareholder are related persons (within the meaning of section 1239(b)), to the extent such installment obligation is attributable to the disposition by the corporation of depreciable property—

"(i) subparagraph (A) shall not apply to such obligation, and

"(ii) for purposes of this title, all payments to be received by the shareholder shall be deemed received in the year the shareholder receives the obligation."

On page 17, strike line 23 through and including page 21, line 13;

On page 21, line 14, strike "(c)" and insert in lieu thereof "(b)";

On page 24, strike line 3 through and including line 22, and insert in lieu thereof the following:

"(e) LIFE INSURANCE COMPANIES.—

"(1) IN GENERAL.—In the case of a disposition of an installment obligation by any person other than a life insurance company (as defined in section 801(a) to such an insurance company or to a partnership of which such an insurance company is a partner, no provision of this subtitle providing for the nonrecognition of gain shall apply with respect to any gain resulting under subsection (a). If a corporation which is a life insurance company for the taxable year was (for the preceding taxable year) a corporation which was not a life insurance company, such corporation shall, for purposes of this subsection and subsection (a), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year, all installment obligations which is held on such last day. A partnership of which a life insurance company becomes a partner shall, for purposes of this subsection and subsection (a), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year of such partnership, all installment obligations which it holds at the time such insurance company becomes a partner.

"(2) SPECIAL RULE WHERE LIFE INSURANCE COMPANY ELECTS TO TREAT INCOME AS INVESTMENT INCOME.—Paragraph (1) shall not apply to any transfer or deemed transfer of an installment obligation if the life insurance company elects (at such time and in such manner as the Secretary may by regulations prescribe) to determine its life insurance company taxable income—

"(A) by returning the income on such installment obligation under the installment method prescribed in section 453, and

"(B) if such income would not otherwise be returnable as an item referred to in section 804(b) or as long-term capital gain, as if the income on such obligations were income specified in section 804(b).

On page 27, strike line 3 through and including line 5, and insert in lieu thereof the following:

(2) Paragraph (8) of section 381(c) is amended—

(A) by striking out "has elected, under section 453, to report on the installment basis" and inserting in lieu thereof "reports on the installment basis under section 453 or 453A", and

(B) by striking out "for purposes of section 453" and inserting in lieu thereof "for purposes of section 453 or 453A".

(3) Subsection (d) of section 481 is hereby repealed.

On page 27, line 16, strike "(3)" and insert in lieu thereof "(4)";

On page 27, line 20, strike "(4)" and insert in lieu thereof "(5)";

On page 28, line 7, strike "(5)" and insert in lieu thereof "(6)";

On page 31, after line 13, insert the following:

SEC. 5. COORDINATION WITH SECTION 1239.

Subsections (b) and (c) of section 1239 (defining related persons) are amended to read as follows:

"(b) Related Persons.—For purposes of subsection (a) the term 'related persons' means—

"(1) the taxpayer and the taxpayer's spouse,

"(2) the taxpayer and an 80-percent owned entity, or

"(3) two 80-percent owned entities.

"(c) 80-Percent Owner Entity Defined.—

"(1) General rule.—For purposes of this section, the term '80-percent owned entity' means—

"(A) a corporation 80 percent or more in value of the outstanding stock of which is owned (directly or indirectly) by or for the taxpayer, and

"(B) a partnership 80 percent or more of the capital interest or profits interest in which is owned (directly or indirectly) by or for the taxpayer.

"(2) Constructive ownership.—For purposes of subparagraphs (A) and (B) of paragraph (1), the principles of section 318 shall apply, except that—

"(A) the member of an individual's family shall consist only of such individual and such individual's spouse, and

"(B) paragraphs (2)(C) and (3)(C) of section 318(a) shall be applied without regard to the 50-percent limitation contained therein.".

On page 32, line 17, strike "5." and insert in lieu thereof "6.";

On page 32, line 18, strike "Section 2" and insert in lieu thereof "Sections 2 and 5";

On page 32, line 20, strike "section 2" and insert in lieu thereof "sections 2 and 5";

On page 33, line 1, after "to" insert "first";

On page 33, after line 6, insert the following:

(4) For section 453A.—Section 453A of the Internal Revenue Code of 1954 (as amended by section 2) shall apply to taxable years ending after the date of enactment of this Act.

On page 33, line 11, strike "(4)" and insert in lieu thereof "(5)";

On page 33, line 16 strike "(5)" and insert in lieu thereof "(6)";

On page 33, after line 19, insert the following:

(7) Special rule for application of former section 453 to certain dispositions.—In the case of any disposition made on or before the date of the enactment of this Act in any taxable year ending after such date, the provisions of section 453(b) of the Internal Revenue Code of 1954, as in effect before such date, shall be applied with respect to such disposition without regard to—

(A) paragraph (2)(B) of such section 453 (b), and

(B) any requirement that more than 1 payment be received.

UP AMENDMENT NO. 1725

(Purpose: Making technical corrections)

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Long, I ask unanimous consent that the reported committee amendments be considered and agreed to en bloc with a technical amendment which on behalf of Mr. Long I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. Robert C. Byrd) for Mr. Long proposes an unprinted amendment numbered 1725.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike out lines 9 through 14, and insert in lieu thereof the following:

"(2) Exceptions.—The term 'installment sale' does not include—

"(A) Dealer disposition of personal property.—A disposition of personal property on the installment plan by a person who regularly sells or otherwise disposes of personal property on the installment plan.

"(B) Inventories of personal property.—A disposition of personal property of a kind which is required to be included in the inventory of the taxpayer if on hand at the close of the taxable year.

On page 25, line 13, strike out "is" and insert in lieu thereof "it".

On page 32, line 11, strike out "member" and insert in lieu thereof "members".

On page 34, line 3, strike out "paragraph (2)(B)" and insert in lieu thereof "paragraph (2)".

● Mr. LONG. Mr. President, H.R. 6883 amends the Internal Revenue Code provisions relating to installment sales.

This bill is the principal product so far of a program which we started at the beginning of this Congress to undertake a step-by-step clarification and simplification of the Internal Revenue Code. The theory of the program is that it is just not feasible to rewrite the entire Code all at once but that we should be able to produce a series of bills, each dealing with a particular area, which over a period of time may begin to make a worthwhile reduction in the level of complexity which presently threatens both voluntary compliance and audit enforcement.

In this bill, we have undertaken to reconsider and revise the entire subject of sales for deferred payments. The work on the project was a joint collegial effort by our congressional staffs, the Treasury Department, and a large number of outside groups, including the Federal Tax Division of the American Institute of Certified Public Accountants, the tax sections of the American Bar Association, the New York State Bar Association and the New York City Bar Association, the American Bankers Association, the American Farm Bureau Federation, the National Association of Realtors, the National Cattlemen's Association, and others.

The bill itself was introduced by Mr. Ullman, Mr. Conable, Mr. Rostenkowski, and Mr. Duncan in the House as companion to an identical bill introduced in the Senate by the Senator from Kansas (Mr. Dole) and myself. Based on hearings in both Chambers, the bill was amended by the Ways and Means Committee and further amended by the Finance Committee.

The amendments by both committees are noncontroversial and are generally agreed to have made this a better bill.

We believe that prompt passage of the bill by the Senate and the House will make a very valuable contribution to our tax laws on installment sales.

In addition, it will encourage the many individuals and groups who have worked on the simplification process in this Congress to proceed to even greater accomplishments in the next Congress.

The contents of the bill can be divided into two parts. One group of provisions deals with arm's-length commercial transactions. As to such transactions the rules have been tremendously simplified, by eliminating from the Code a whole series of requirements and prohibitions. The requirement that only 30 percent of the price be received in the first year is repealed. The requirement that there be two payments is repealed. The requirement that the sale be for at least $1,000 is repealed. The requirement that the taxpayer affirmatively elect installment treatment is repealed. The requirement that the price be a fixed amount with no contingencies is repealed. What in effect is a prohibition against using the installment method on the receipt of installment paper in a corporate liquidation is, at least in appropriate cases, repealed.

We hope that the effect of this wholesale elimination of unnecessary statutory rules will be to make the tax reporting of gain in proportion to the actual cash receipt of gain the normal, general rule, as opposed to being some difficult prize awarded at the center of a complex maze.

The other side of the coin is that over the years various possibilities have developed for using the installment sales method between related parties to achieve inappropriate tax deferral or, in some cases, complete tax avoidance. Several different provisions to deal with these devices are included in the bill, and much of the work on the bill since it was first introduced has been directed at making sure that these provisions do in fact deal with artificial devices and not with legitimate transactions.

In this connection I should mention one note of caution. In distinguishing between good and bad related party transactions, the bill protects the taxpayer if he can establish a lack of tax avoidance intent "to the satisfaction of the Secretary." The committee report discusses the potential problems involved in that phrase, and calls for careful monitoring of its operation in actual practice.

The amendments made to the bill by the Senate Finance Committee relate primarily to technical problems.

First, the committee deleted an existing provision which creates the potential for partial double taxation when a dealer changes from the accrual method to the installment method.

Second, the committee clarified, improved, and coordinated provisions dealing with the sale of depreciable property between related parties, one such provision being in the bill and one in existing law.

Third, a provision resolving a dispute as to secured notes was added to the bill making it clear that a third party guarantee of the buyer's obligation does not make it a current payment.

Fourth, the committee modified a provision dealing with insurance companies which was no longer appropriate in its existing form.

Fifth, the effective date as to the repeal of the payment requirements was amended so that it would apply uniformly to all dispositions in years ending after the date of enactment.

In addition to these amendments, the committee also clarified the language of the bill to make sure that a farmer qualifies for installment method reporting for a deferred payment sale of a crop which is not required to be inventoried under the farmer's method of accounting. The House had dealt with this problem in its committee report rather than under the statutory language.

In dealing with this problem under the bill, the committee intends that other manufacturers, wholesalers, and retailers who sell personal property on a regular basis for a deferred payment or payments are to continue to be eligible for installment method reporting under the dealer provisions to the extent permitted under present law rather than being made eligible under revised section 453, which is not intended to apply to sales of property which is required to be inventoried.

In summary, the bill represents many hours of hard work by a large group of people dealing with highly technical but genuinely important subject matter. An overwhelming consensus in support of the bill's provisions has been achieved, and I urge its prompt adoption.●

Mr. DOLE. Mr. President, too often the importance of revising our tax laws to make them easier to understand and apply is given less attention than it deserves.

Nearly everyone can understand the benefits to our citizens when we propose a tax cut, for example. On the other hand, revising the Internal Revenue Code provisions relating to installment sales is a technical matter which does not immediately attract the interest of the vast majority of taxpayers.

Nevertheless, as the tax laws increase in length and complexity in each Congress, an ever-increasing number of taxpayers find that they are unable to use the provisions we have enacted for their benefit. The complexity of the tax laws creates many traps for the unwary. If a taxpayer is unaware of a technical requirement contained in the tax laws, a minor mistake in form may have disastrous tax consequences.

Realizing that technical improvements of this nature are most susceptible to a bipartisan effort sustained over time, Chairman LONG and I resolved at the beginning of this Congress to initiate such a continuing review and to recommend to the Senate technical improvements as they were developed.

This Senator is very pleased that the Installment Sales Revision Act will be considered by the Senate this year as part of this program.

The installment sales provisions are intended to provide a method to spread the tax on gain recognized on the sale of property over the time payments are made to the seller. These are "taxpayer" provisions; they are designed to help taxpayers, not to impose additional tax burdens.

Unfortunately, the present law contains unnecessary technical requirements which have denied the installment method of accounting to many unsuspecting taxpayers. For instance, under present law the installment method is not available if a seller receives more than 30 percent of the purchase price in the year of sale. This is an arbitrary and unnecessary rule.

Another example of a trap for the unwary now in the law is that a taxpayer must affirmatively elect to use the installment method, although most taxpayers would benefit from installment reporting. Often taxpayers have found that the time for electing the installment method had expired before they realized the installment sales provision is in the tax law.

The Installment Sales Revision Act would remove the 30-percent initial payment rule and would make the installment method of accounting apply unless the taxpayer elected to have the provision not apply.

At the same time, the Installment Sales Revision Act would eliminate certain abuses in sales between related parties without unduly restricting transfers of property among family members.

The installment method is of great benefit to a farmer who wants to sell his farm to his children. This bill, as now drafted, assures that the installment method can be used, even though certain unjustified instances of tax deferral or avoidance have been eliminated.

Also of importance to farmers is that the bill assures that a farmer will be able to take advantage of the installment sale method, either under the general provision or under the special rule for dealers. This should be obvious to everyone, but recent Internal Revenue Service pronouncements have left the issue in doubt.

Another example of a beneficial revision of the law contained in this bill is that a third party guarantee or letter of credit to secure deferred payments will not destroy the use of the installment method. This should be of great comfort to farmers and other small businessmen.

The Installment Sales Revision Act includes a number of additional technical improvements which should help taxpayers take advantage of the installment method and make life for tax practitioners at least a little easier.

This Senator, for one, is hopeful that this bill will be followed by other measures in the next Congress which will continue the process of making the tax law as clear and workable as is possible within the constraints of a very complicated tax code.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (UP No. 1725) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed the question is on agreeing to the committee amendments, as modified.

The committee amendments were agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 6883), as amended, was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELIMINATION OF DUTIES ON WOOD VENEERS

The Senate proceeded to consider the bill (H.R. 6975) to eliminate the duties on wood veneers, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert the following:

SECTION 1. 18 MONTH EXTENSION OF PROVISIONS RELATING TO EMPLOYMENT STATUS FOR EMPLOYMENT TAXES.

(a) IN GENERAL.—Subsection (a) of section 530 of the Revenue Act of 1978 (relating to termination of certain employment tax liability for periods before 1981) is amended—

(1) by striking out "January 1, 1981" in paragraphs (1)(A) and (3) and inserting in lieu thereof "July 1, 1982",

(2) by striking out "1981" in the subsection heading and inserting in lieu thereof "July 1, 1982", and

(3) by striking out "1979 and 1980" in the heading for paragraph (3) and inserting in lieu thereof "prior".

(b) PROHIBITION AGAINST REGULATIONS AND RULINGS ON EMPLOYMENT STATUS.—Subsection (b) of section 530 of the Revenue Act of 1978 is amended by striking out "January 1, 1981" and inserting in lieu thereof "July 1, 1982".

SEC. 2. THREE-YEAR EXTENSION OF PROVISIONS RELATING TO HISTORIC PRESERVATION.

(a) AMORTIZATION OF CERTAIN REHABILITATION EXPENDITURES.—Section 191 of the Internal Revenue Code of 1954 (relating to amortization of certain rehabilitation expenditures for certified historic structures) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) APPLICATION OF SECTION.—This section shall apply with respect to additions to capital account made after June 14, 1976, and before January 1, 1984.".

(b) DENIAL OF DEDUCTIONS FOR CERTAIN DEMOLITIONS.—Section 280B of such Code (relating to denial of deduction for demolition of certain historic structures) is amended by adding at the end thereof the following new subsection:

"(c) APPLICATION OF SECTION.—This section shall apply with respect to demolitions commencing after June 30, 1976, and before January 1, 1984.".

(c) DEPRECIATION OF IMPROVEMENTS.—Subsection (n) of section 167 of such Code (relating to depreciation of improvements) is amended by adding at the end thereof the following new paragraph:

"(4) APPLICATION OF SUBSECTION.—This subsection shall apply to that portion of the basis which is attributable to construction, reconstruction, or erection after December 31, 1975, and before January 1, 1984.".

(d) DEPRECIATION OF CERTAIN SUBSTANTIALLY REHABILITATED HISTORIC PROPERTY.—Subsection (o) of section 167 of such Code (relating to depreciation of substantially rehabilitated historic property) is amended by adding at the end thereof the following new paragraph:

"(3) APPLICATION OF SUBSECTION.—This subsection shall apply with respect to additions to capital account occurring after June 30, 1976, and before January 1, 1984.".

(e) Conforming Amendment.—The following provisions of section 2124 of the Tax Reform Act of 1976 are hereby repealed:

(1) paragraph (4) of subsection (a),
(2) paragraph (3) of subsection (b),
(3) paragraph (2) of subsection (c), and
(4) paragraph (2) of subsection (d).

Sec. 3. Two-Year Extension of Provision for 60-Month Depreciation of Expenditures to Rehabilitate Low-Income Rental Housing.

Subsection (k) of section 167 of the Internal Revenue Code of 1954 (relating to depreciation of expenditures to rehabilitate low-income rental housing) is amended by striking out "January 1, 1982" each place it appears and inserting in lieu thereof "January 1, 1984".

Sec. 4. Two-Year Extension of Credit or Refund of Tax on Fuels Used In Certain Taxicabs.

Paragraph (3) of section 6427(e) of the Internal Revenue Code of 1954 (relating to termination of credit or refund of tax on fuels used in certain taxicabs) is amended by striking out "1980" and inserting in lieu thereof "1982".

Sec. 5. Extension of Certain Provisions Relating to Exclusion of Scholarship Income.

(a) Federal Grants Not Includible In Gross Income Merely Because the Recipient Is Required to Render Future Service As A Federal Employee.—

(1) In general.—Section 117 of the Internal Revenue Code of 1954 (relating to scholarships and fellowship grants) is amended by adding at the end thereof the following new subsection:

"(c) Federal Grants for Tuition and Related Expenses Not Includible Merely Because There Is Requirement of Future Service As Federal Employee.—

"(1) In general.—If—

"(A) an amount received by an individual under a Federal program would be excludable under subsections (a) and (b) as a scholarship or fellowship grant but for the fact that the individual is required to perform future services as a Federal employee, and

"(B) the individual establishes that, in accordance with the terms of the grant, such amount was used for qualified tuition and related expenses, gross income shall not include such amount.

"(2) Qualified tuition and related expenses defined.—For purposes of this subsection—

"(A) In general.—The term 'qualified tuition and related expenses' means—

"(i) tuition and fees required for the enrollment or attendance of a student at an institution of higher education, and

"(ii) fees, books, supplies, and equipment required for courses of instruction at an institution of higher education.

"(B) Institution of higher education.—The term 'institution of higher education' means an educational institution in any State which—

"(i) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate,

"(ii) is legally authorized within such State to provide a program of education beyond high school,

"(iii) provides an educational program for which it awards a bachelor's or higher degree, provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized health profession, and

"(iv) is a public or other nonprofit institution.

"(3) Service as federal employee.—For purposes of this subsection, service in a health manpower shortage area shall be treated as service as a Federal employee.".

(2) Effective date.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1980.

(b) National Research Service Awards.—Paragraph (2) of section 161(b) of the Revenue Act of 1978 (relating to national research service awards) is amended by striking out "1980" and inserting in lieu thereof "1981".

Sec. 6. Revising and Making Permanent Rules Allowing Deduction for Contributions for Conservation Purposes.

(a) In General.—Paragraph (3) of section 170(f) of the Internal Revenue Code of 1954 (relating to denial of deduction in case of certain contributions of partial interests in property) is amended by striking out subparagraphs (B) and (C) thereof and inserting in lieu thereof the following new subparagraphs:

"(B) Exceptions.—Subparagraph (A) shall not apply to—

"(i) a contribution of a remainder interest in a personal residence or farm,

"(ii) a contribution of an undivided portion of the taxpayer's entire interest in property, and

"(iii) a qualified conservation contribution."

(b) Qualified Conservation Contribution Defined.—Section 170 of such Code is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) Qualified Conservation Contribution.—

"(1) In general.—For purposes of subsection (f)(3)(B)(iii), the term 'qualified conservation contribution' means a contribution—

"(A) of a qualified real property interest,

"(B) to a qualified organization,

"(C) exclusively for conservation purposes.

"(2) Qualified real property interest.—For purposes of this subsection, the term 'qualified real property interest' means any of the following interests in real property:

"(A) the entire interest of the donor other than a qualified mineral interest,

"(B) a remainder interest, and

"(C) a restriction (granted in perpetuity) on the use which may be made of the real property.

"(3) Qualified organization.—For purposes of paragraph (1), the term 'qualified organization' means an organization which—

"(A) is described in clause (v) or (vi) of subsection (b)(1)(A), or

"(B) is described in section 501(c)(3) and—

"(i) meets the requirements of section 509 (a)(2), or

"(ii) meets the requirements of section 509 (a)(3) and is controlled by an organization described in subparagraph (A) or in clause (i) of this subparagraph.

"(4) Conservation purpose defined.—

"(A) In general.—For purposes of this subsection, the term 'conservation purpose' means—

"(i) the preservation of land areas for outdoor recreation by, or the education of, the general public,

"(ii) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,

"(iii) the preservation of open space (including farmland and forest land) where such preservation is—

"(I) for the scenic enjoyment of the general public, or

"(II) pursuant to a clearly delineated Federal, State, or local governmental conservation policy,

and will yield a significant public benefit, or

"(iv) the preservation of an historically important land area or a certified historic structure.

"(B) Certified historic structure.—For purposes of subparagraph (A)(iv), the term 'certified historic structure' means any building, structure, or land area which—

"(i) is listed in the National Register, or

"(ii) is located in a registered historic district (as defined in section 191(d)(2)) and is certified by the Secretary of the Interior to the Secretary as being of historic significance to the district.

A building, structure, or land area satisfies the preceding sentence if it satisfies such sentence either at the time of the transfer or on the due date (including extensions) for filing the transferor's return under this chapter for the taxable year in which the transfer is made.

"(5) Exclusively for conservation purposes.—For purposes of this subsection—

"(A) Conservation purpose must be protected.—A contribution shall not be treated as exclusively for conservation purposes unless the conservation purpose is protected in perpetuity.

"(B) No surface mining permitted.—In the case of a contribution of any interest where there is a retention of a qualified mineral interest, subparagraph (A) shall not be treated as met if at any time there may be extraction or removal of minerals by any surface mining method.

"(6) Qualified mineral interest.—For purposes of this subsection, the term 'qualified mineral interest' means—

"(A) subsurface oil, gas, or other minerals, and

"(B) the right to access to such minerals.".

(c) Deduction for Contributions for Conservation Purposes Made Permanent.—Section 309(b)(1) of the Tax Reduction and Simplification Act of 1977 and section 2124 (e)(4) of the Tax Reform Act of 1976 are each amended by striking out ", and before June 14, 1981".

(d) Effective Date.—The amendments made by subsections (a) and (b) shall apply to transfers made after the date of the enactment of this Act in taxable years ending after such date.

The amendment was agreed to.

Mr. DOLE. Mr. President, the Senator from Kansas urges the prompt passage of H.R. 6975. This bill includes two particular provisions which, I believe, are of major significance and which deserve particular attention.

First, this bill will extend the present law concerning the employment tax status of independent contractors through June 30, 1982. This provision extends interim relief to taxpayers by allowing persons who had a reasonable basis for not treating workers as employees in the past to continue this treatment.

This relief is necessary to avoid having the Internal Revenue Service attempt to reclassify traditional independent contractor groups as employees. These groups include direct sellers, insurance agents, oil jobbers, and real estate agents. If this legislation is not enacted, the IRS will be free to impose withholding requirements for income tax, social security and unemployment taxes on businesses which contract with persons who have traditionally been considered independent contractors.

It should be emphasized that this interim measure merely preserves the status quo to give Congress the opportunity to fashion a permanent solution.

This Senator, for one, is disappointed that a permanent solution is not being considered at this time. My proposal embodied in S. 736 is, I believe, a reasonable approach to the independent contractor classification problem. I expect to introduce and work for enactment of a similar measure next year.

In the meantime, however, it is important to assure independent contractors and their customers that their current procedures comply with the tax laws.

A second provision which deserves special attention is the permanent solution to the problem of the tax treatment of Federal health professions scholarships received on the condition that the recipients will perform future services for the Government.

Tax-exempt status for these scholarships is crucial to assure that the Federal Government has sufficient health professionals in the Armed Forces, Public Health Service, and the National Health Service Corps. Health manpower is increasingly difficult to recruit into underserved areas and the military, primarily due to the high cost of medical school tuition which now ranges up to $40,000 per year.

The original legislation exempting amounts received under the health professions scholarship programs expired in 1975. Since that time we have had temporary legislation. It is about time we enact a permanent solution.

The bill also includes a 1-year extension of the exemption from taxation of amounts received under the National Research Service Awards. This extension is necessary to give Congress a short period to focus directly on these awards. These awards are distinct from the other scholarships affected by this proposal and deserve special consideration.

The bill would also extend the tax incentives for the preservation of historic structures and rehabilitation of low-income housing and extend the present fuels tax exemption for qualified taxicab services.

These provisions are not controversial and should be treated expeditiously.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

"An Act to extend certain temporary tax provisions, and for other purposes."

AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. LONG, I ask that the Chair lay before the Senate a a message from the House of Representatives on H.R. 5295.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 5295) entitled "An Act to amend title II of the Social Security Act to make the monthly earnings test available in limited circumstances in the case of certain beneficiaries, to amend the technical requirements for entitlement to medicare, and to provide that income attributable to services performed before an individual first becomes entitled to old-age insurance benefits shall not be taken into account (after 1977) in determining his or her gross income for purposes of the earnings test", with the following amendment:

In lieu of the matter inserted by the amendment of the Senate to the text of the bill, insert:

PROVISION RELATING TO AVAILABILITY OF MONTHLY EARNINGS TEST

SECTION 1. (a) (1) Section 203(f) (1) of the Social Security Act is amended—

(A) by striking out "or" immediately before clause (E), and

(B) by inserting before the period at the end thereof the following: ", or (F) in which such individual did not engage in self-employment and did not render services for wages (determined as provided in paragraph (5) of this subsection) of more than the applicable exempt amount as determined under paragraph (8), in the case of an individual entitled to benefits under section 202(b) (but only by reason of having a child in her care within the meaning of paragraph (1) (B) of that subsection) or under section 202 (d) or (g), if such month is in a year in which such entitlement ends for a reason other than the death of such individual, and such individual is not entitled to any benefits under this title for the month following the month during which such entitlement under section 202 (b), (d), or (g) ended".

(2) Section 203(f) (2) of such Act is amended by striking out "(D), and (E)" and inserting in lieu thereof "(D), (E), and (F)".

(b) The amendments made by subsection (a) shall apply with respect to monthly benefits payable for months after December 1977.

MEDICARE ENTITLEMENT

SEC. 2. (a) Section 226(a) (2) of the Social Security Act is amended by inserting after "section 202" the following: ", or would be entitled to those benefits except that he has not filed an application therefor (or application has not been made for a benefit the entitlement to which for any individual is a condition of entitlement therefor) and, in conformity with regulations of the Secretary, files an application for hospital insurance benefits under part A of title XVIII,".

(b) Section 1811(1) of such Act is amended by striking out "are entitled to" and inserting in lieu thereof "are eligible for".

(c) For purposes of section 226 of such Act as amended by subsection (a) of this section, an individual who filed an application for monthly insurance benefits under section 202 of such Act prior to the effective date of the amendment made by subsection (a) shall be deemed to have filed an application for hospital insurance benefits under part A of title XVIII of such Act, at the time he applied for such benefits under section 202 regardless of the continuing status or effect of the application for benefits under section 202, if he would have been entitled to benefits under that section had such application remained in effect.

(d) The amendments made by subsections (a) and (b) shall be effective after the second month beginning after the date on which this Act is enacted.

INCOME NOT ATTRIBUTABLE TO SERVICES PERFORMED AFTER ENTITLEMENT

SEC. 3 (a) Section 203(f) (5) (D) of the Social Security Act is amended to read as follows:

"(D) In the case of—

"(i) an individual who has attained the age of 65 on or before the last day of the taxable year, and who shows to the satisfaction of the Secretary that he or she is receiving royalties attributable to a copyright or patent obtained before the taxable year in which he or she attained such age and that the property to which the copyright or patent relates was created by his or her own personal efforts, or

"(ii) an individual who has become entitled to insurance benefits under this title, other than benefits under section 223 or benefits payable under section 202(d) by reason of being under a disability, and who shows to the satisfaction of the Secretary that he or she is receiving, in a year after his or her initial year of entitlement to such benefits, any other income not attributable to services performed after the month in which he or she initially became entitled to such benefits,

there shall be excluded from gross income any such royalties or other income.".

(b) The amendment made by subsection (a) shall apply with respect to taxable years ending after December 31, 1977, but only with respect to benefits payable for months after December 1977.

RETROSPECTIVE EFFECT OF ELIMINATION OF MONTHLY EARNINGS TEST

SEC. 4. (a) Section 203(f) (1) of the Social Security Act is amended by striking out "the first month" in clause (E) and inserting in lieu thereof "the first month after December 1977".

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits payable for months after December 1977.

BENEFIT FOR CERTAIN PRISONERS

SEC. 5. (a) (1) Section 223(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(6) (A) Notwithstanding any other provision of this title, any physical or mental impairment which arises in connection with the commission by an individual (after the date of the enactment of this paragraph) of an offense which constitutes a felony under applicable law and for which such individual is subsequently convicted, or which is aggravated in connection with such an offense (but only to the extent so aggravated), shall not be considered in determining whether an individual is under a disability.

"(B) Notwithstanding any other provision of this title, any physical or mental impairment which arises in connection with an individual's confinement in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of an offense (committed after the date of the enactment of this paragraph) constituting a felony under applicable law, or which is aggravated in connection with such a confinement (but only to the extent so aggravated), shall not be considered in determining whether such individual is under a disability for purposes of benefits payable for any month during which such individual is so confined.".

(2) The third sentence of section 216(i) (1) of such Act is amended by striking out "and (5)" and inserting in lieu thereof "(5) and (6)".

(b) Section 202(d) (7) (A) of such Act is amended by adding at the end thereof the following: "An individual shall not be considered a 'full-time student' for the purpose of this section while that individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to his conviction of an offense (committed after the date of the enactment of this paragraph) which constituted a felony under applicable law.".

(c) Section 223 of such Act is amended by adding at the end thereof the following new subsection:

"Suspension of Benefits for Inmates of Penal Institutions

"(f)(1) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section, or under section 202(d) by reason of being under a disability, to any individual for any month during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to his conviction of an offense which constituted a felony under applicable law, unless such individual is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for such individual by a court of law and, as determined by the Secretary, is expected to result in such individual being able to engage in substantial gainful activity upon release and within a reasonable time.

"(2) Benefits which would be payable to any individual (other than a confined individual to whom benefits are not payable by reason of paragraph (1)) under this title on the basis of the wages and self-employment income of such a confined individual but for the provisions of paragraph (1), shall be payable as though such confined individual were receiving such benefits under this section.".

(d) The amendments made by this section shall be effective with respect to benefits payable for months beginning on or after October 1, 1980.

TECHNICAL CORRECTIONS

Sec. 6. (a) Section 202(e)(2)(B)(i) of such Act is amended by striking out the second comma following "where applicable".

(b)(1) Section 203(a)(3)(A) of such Act is amended by striking out "bases" and inserting in lieu thereof "basis".

(2) Section 203(a)(7) of such Act is amended by striking out "benefits base" and inserting in lieu thereof "benefit base".

(c) Section 213(a)(2)(A) of such Act is amended by striking out "quarters of coverage" and inserting in lieu thereof "quarter of coverage".

(d) Section 215(a)(4)(B) of such Act is amended by striking out "computation or recommendation" and inserting in lieu thereof "computation or recomputation".

(e)(1) Section 303 of such Act is amended by redesignating the second subsection (d) as subsection (e).

(2) Section 304(a)(2) of such Act is amended to read as follows:

"(2) makes a finding with respect to a State under subsection (b), (c), (d), or (e) of section 303,".

(f)(1) Section 402(a)(27) of such Act is amended by striking out "provide, that the State" and inserting in lieu thereof "provide that the State".

(2) Section 402(a)(29) of such Act is amended by striking out "provided" and inserting in lieu thereof "provide".

(3) Section 402 of such Act is amended by redesignating the second subsection (d) as subsection (e).

(g)(1) Section 1612(a)(1)(B) of such Act is amended by striking out "following subsection (a)(10)" and inserting in lieu thereof "following subsection (a)(11)".

(2) Section 1612(a)(1) of such Act is further amended—

(A) by striking out "and" at the end of subparagraph (B); and

(B) by redesignating the second subparagraph (C) as subparagraph (D).

(3) Section 1612(b)(2)(B) of such Act is amended—

(A) by striking out "Monthly" and inserting in lieu thereof "monthly"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof a semicolon.

(h) Section 1631(b) of such Act is amended—

(1) by striking out "(b)(1)(1)" and inserting in lieu thereof "(b)(1)"; and

(2) by redesignating the second paragraph (2) as paragraph (3).

(i) Section 1815(c) of such Act is amended by striking out "for on in connection with" and inserting in lieu thereof "for or in connection with".

(j) Section 1833 of such Act is amended by redesignating the second subsection (g) as subsection (h).

(k) Section 1905(c) of such Act is amended by striking out "under clauses (1)" and inserting in lieu thereof "under clause (1)".

(l) Section 2003(e)(1) of such Act is amended by striking out "under subsection (g)" and inserting in lieu thereof "under subsection(d)".

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Long I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVEYANCE OF GOVERNMENT-OWNED PROPERTY IN THE KISATCHIE NATIONAL FOREST TO THE STATE OF LOUISIANA

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Talmadge I ask unanimous consent that the Senate proceed to the consideration of H.R. 5326, and that it be considered as having been read the first and second times, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5326), to authorize the Secretary of Agriculture to convey certain Government-owned property in the Kisatchie National Forest to the State of Louisiana in exchange for certain property at old Camp Livingston, Louisiana.

The Senate proceeded to consider the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TUMORS IN DOMESTIC ANIMALS, POULTRY, AND WILDLIFE

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Talmadge, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2043.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2043) entitled "An Act to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife", do pass with the following amendment:

Page 3, strike out lines 3–5, inclusive, and insert:

Sec. 5. (a) There are hereby authorized to be appropriated to administer the program under this Act $25,000,000 for fiscal year 1982, and $25,000,000 annually thereafter through the end of fiscal year 1986.

(b) Not more than 30 per centum of any of the amounts appropriated under this section in any fiscal year may be obligated for research under section 3 at facilities of the Department of Agriculture.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Talmadge, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REGULATING THE FEEDING OF GARBAGE TO SWINE

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Talmadge, I ask the Chair to lay before the Senate H.R. 6593, that it be considered as having been read the first and second times, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6953) to regulate the feeding of garbage to swine.

The Senate proceeded to consider the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. What was the title of that last bill?

The assistant legislative clerk read as follows:

A bill to regulate the feeding of garbage to swine.

Mr. ROBERT C. BYRD. Mr. President, that bill passed 46 years too late. That used to be my job. [Laughter] A great job. I know something about the prodigal son who ate the husks with the swine.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar beginning with U.S. Army on page 4, and extending through U.S. Army on page 5, and then on page 6 under Department of State (New Reports) beginning with Francis J. Meehan and going through Harry W. Shlaudeman, Thomas D. Boyatt, Edwin Gharst Corr, and Harry E. T. Thayer; and then under International Communication Agency, John William Shirley, and also the nominations placed on the Secretary's desk in the Air Force, Navy, and Coast Guard.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I will advise my friend the majority leader that all of the items identified by him are cleared on our executive calendar and we have no objection to their consideration and confirmation.

Mr. ROBERT C. BYRD. Mr. President, for the last time, until we meet again, I thank the distinguished minority leader for stating that there is no objection to the nominees on his side of the aisle.

Mr. President, I ask unanimous consent that they be considered and confirmed en bloc, that the President be notified of the confirmation of the nominees, that the motion to reconsider be laid on the table, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE ARMY

Brig. Gen. Edward James Huycke to be major general, Medical Corps.

Col. William Presley Winkler, Jr., to be brigadier general, Medical Corps.

Col. Frank Finley Ledford, Jr., to be brigadier general, Medical Corps.

Col. Frank Allen Ramsey to be brigadier general, Medical Corps.

DEPARTMENT OF STATE

Francis J. Meehan, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

Harry W. Shlaudeman, of California, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

Thomas D. Boyatt, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

Edwin Gharst Corr, of Oklahoma, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

Harry E. T. Thayer, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

INTERNATIONAL COMMUNICATION AGENCY

John William Shirley, of Illinois, to be an Associate Director of the International Communication Agency, vice Harold F. Schneidman, resigned.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, NAVY AND COAST GUARD

Air Force nominations beginning John C. Aarni, Jr., to be lieutenant colonel, and ending James G. Schwarz, to be major, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 1980.

Navy nominations beginning Glenn M. Brunner, to be ensign, and ending Gregory J. Firman, to be commander, which nominations were received by the Senate on September 12, 1980, and appeared in the Congressional Record on September 15, 1980.

Navy nominations beginning Philip J. Holwager, to be captain, and ending Rita A. Hoch, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 1980.

Coast Guard nominations beginning Charles E. McMahon, to be lieutenant (jg.), and ending Garry C. Garner, to be lieutenant (jg.), which nominations were received by the Senate and appeared in the Congressional Record on July 23, 1980.

Coast Guard nominations beginning Richard B. Harden, to be lieutenant commander, and ending Ruben H. Arredondo, to be lieutenant (jg.), which nominations were received by the Senate on August 29, 1980, and appeared in the Congressional Record on September 3, 1980.

NOMINATION OF EDWIN GHARST CORR TO BE AMBASSADOR TO PERU

Mr. BELLMON. Mr. President, I wish to detain the Senate for only a moment to comment about the nomination of Edwin Corr of Oklahoma to be Ambassador Extraordinary and Plenipotentiary of United States to Peru.

This young man is someone who grew up in the community from which I come in Oklahoma. I have watched him from the time he was an outstanding high school student at Perry, Okla., and a prominent athlete there, through his career at Oklahoma University where he also made a highly commendable record.

He has come from very modest background and has made an outstanding career as a Foreign Service officer, and I believe President Carter chose extremely well when he picked him out from the career Foreign Service to be appointed as our Ambassador to one of our important neighbors in South America.

I believe sincerely that this speaks well for our Foreign Service and for the Ambassador Corps generally when we find people with the background, the training, and the natural ability of people like Ed Corr. I believe we are choosing representatives who will look after our interests around the world and particularly in important countries in South America where sometimes in the past I believe our interests have not been carefully attended to.

I believe we are making major progress when we pick people like Ed Corr for those assignments.

I simply wish to take a moment of the Senate's time here tonight to comment on the wisdom of this appointment, to say that I am more than happy to see that we are here in what amounts to almost the last day of this session taking care of this important matter.

I believe that Ed Corr will serve with great honor and distinction and that we will all be proud to have him as our representative in Peru.

Mr. BOREN. Mr. President, I do not want to take any more time of the Senate except to simply say that I endorse wholeheartedly the comments made by my colleague about Mr. Ed Corr, and I have every confidence that he will represent our Nation ably and wisely as our Ambassador to Peru, and I am also very pleased about this appointment.

LEGISLATION SESSION

AUTHORITY TO MAKE CERTAIN APPOINTMENTS DURING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the recess of the Senate over until November 12, 1980, the President of the Senate and the President pro tempore be authorized to make appointments to commissions or committees authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER ROUTINE MORNING BUSINESS

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were read twice by their titles, and referred as indicated:

H.R. 4892. An act to repeal section 506 of the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

H.R. 6228. An act to amend the Communications Act of 1934 to provide that the Federal Communications Commission, in considering applications for the renewal of broadcasting station licenses, shall not take into account any ownership interests of the applicant in other broadcasting stations or in other communications media, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 7557. An act to provide grants to the institutions eligible to receive funds under the act of August 30, 1890, including Tuskegee Institute, for the purpose of assisting these institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for research in the food and agricultural sciences; to the Committee on Agriculture, Nutrition, and Forestry.

H.J. Res. 615. Joint resolution providing for appointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1981

AMENDMENT NO. 2616

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for fiscal year 1981, and for other purposes.

PROGRAM OF FEDERAL UNEMPLOYMENT COMPENSATION

AMENDMENT NO. 2617

(Ordered to be printed and to lie on the table.)

Mr. HEINZ submitted an amendment intended to be proposed by him to the bill (H.R. 8146) to provide a program of

Federal supplemental unemployment compensation.

ORDER FOR STAR PRINT

Mr. HEINZ. Mr. President, I ask unanimous consent that the report numbered 96–923 to H.R. 2255 be star printed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

REAGAN: A GULF OF MISUNDERSTANDING

Mr. ROBERT C. BYRD. Mr. President, today's press accounts indicate that the intrepid and fearless Republican Presidential candidate, Ronald Reagan, has once again chosen to display his lack of knowledge of the Persian Gulf conflict and of U.S. military capabilities in that area.

I refer to Governor Reagan's interview of today in which he is quoted by the Associated Press as saying, with respect to U.S. military forces in the Persian Gulf area:

> We really don't have the facility to do very much.

Such a statement is as unfortunate as it is untrue. Moreover, it clearly sends the wrong signal at the wrong time.

The plain and simple truth of the matter, which Governor Reagan obviously chooses to ignore, is that the United States is fully capable militarily of meeting and beating any threat—any threat—to the oil lifeline through the Persian Gulf. There are no "if's," "and's" or "but's" about it. We have the military capability, period.

For Governor Reagan's information, we have in and around the Persian Gulf area:

Two attack carrier battle groups, consisting of the *Midway* and the nuclear carrier *Eisenhower*, plus the assigned aircraft, and including 12 other ships of the line.

We have the flagship *LaSalle* and three destroyers.

We have a Marine amphibious unit with four ships and 1,500 Marines.

We have four airborne warning and control (AWACS) aircraft.

We have seven pre-positioned supply ships.

We have assorted antisubmarine warfare resources, including P–3 patrol aircraft, and

We have various service and supply ships.

President Carter has skillfully distinguished the Iran-Iraq conflict from the vital flow of oil via the Persian Gulf. On the first matter, the United States has properly declared its neutrality. On the second, we have firmly and quietly stated our intention to defend our vital interest. The fact is that we have the means to defend against potential threats. Our performance in this situation has been proper and competent.

Mr. Reagan's performance indicates that he is ill-informed of the facts and off the mark in his statements on foreign affairs matters. All too frequently, his pronouncements are reminiscent of the old Al Smith observation that "No matter how thin you slice it, it's still baloney." Unfortunately, foreign policy and national security issues leave no room for baloney of any thickness.

STATEMENTS BY SENATORS FOR PRINTING IN INTERIM RECORD

Mr. ROBERT C. BYRD. Mr. President, until October 15 statements by Senators to be printed in the RECORD will be accepted between the hours of 9 a.m. and 3 p.m. in room S–220.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE, VICE PRESIDENT, THE PRESIDENT PRO TEMPORE OR THE ACTING PRESIDENT PRO TEMPORE TO TAKE CERTAIN ACTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until November 12, the Secretary of the Senate be authorized to receive messages from the other body and from the President of the United States, and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until 11 a.m. on Wednesday, November 12, the Vice President of the United States, the President of the Senate pro tempore, the Acting President pro tempore, and the majority leader as Acting President pro tempore (Mr. ROBERT C. BYRD). be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS ON VARIOUS DATES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may have permission to file committee reports, reports on bills and resolutions, on October 2, October 16, and October 30, between the hours of 10 a.m. and 3 p.m. daily.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR NOVEMBER 12, 1980

Mr. ROBERT C. BYRD. Mr. President, for those who read the RECORD and those who do not read the RECORD, the Senate will convene at 11 a.m. on Wednesday, November 12. After the two leaders or their designees have been recognized under the standing order, the Senate will resume consideration of the State-Justice-Commerce appropriation bill. Upon the disposition of that measure, the Senate will proceed to the consideration of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I inquire, has that sequence already been established and is there a need for a request?

Mr. ROBERT C. BYRD. That is right.

The PRESIDING OFFICER. The record will so show.

Mr. ROBERT C. BYRD. Mr. President, State and Justice went back to the calendar, so it would be the Interior appropriations bill, would it not, automatically? Under the order entered some days ago, the distinguished minority leader will recall that the Interior appropriations bill was to follow the State-Justice appropriations bill.

The PRESIDING OFFICER. The order was that the Interior bill was to follow the disposition of the State-Justice bill.

ORDER FOR THE SENATE TO RESUME CONSIDERATION OF THE STATE-JUSTICE APPROPRIATIONS BILL ON WEDNESDAY, NOVEMBER 12

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate reconvenes on November 12, the Senate resume its consideration of the State-Justice appropriations bill and that the order be reinstituted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Then, upon the disposition of the State-Justice, the Senate will proceed to the consideration of the Interior appropriations bill?

The PRESIDING OFFICER. The Senator is correct.

ORDER OF PROCEDURE ON WEDNESDAY, NOVEMBER 12, 1980

Mr. ROBERT C. BYRD. Mr. President, at any time, in view of the fact that the second concurrent budget resolution is a highly privileged matter, the Senate, by motion, can proceed, or by unanimous consent, of course, to the consideration of that resolution. Am I not correct?

The PRESIDING OFFICER. The Senator is correct in both instances.

Mr. ROBERT C. BYRD. So it may very well be that the chairman of the Committee on the Budget (Mr. HOLLINGS) and the ranking member (Mr. BELLMON) may wish to go to that resolution during the week that the Senate reconvenes and, of course, the majority and minority leaders will be conferring with those Senators and other Senators. All Senators are on notice that that measure could very well be motioned up during that week at any time. So there will be plenty of business to be transacted on Wednesday, November 12, and daily throughout that week. I anticipate rollcall votes daily.

EXPRESSIONS OF THANKS

Mr. ROBERT C. BYRD. Mr. President, I express my heartfelt thanks to Mr. BAKER and Mr. STEVENS, the distinguished minority leader and the distinguished minority whip, for the cooperation, friendship, and the many courtesies extended, the understanding that I have enjoyed, unstintingly rendered on the part of both of them.

I thank the distinguished majority whip, Mr. CRANSTON, the distinguished Secretary of the Democratic Conference, Mr. INOUYE, for the support, cooperation, and assistance they have rendered unstintingly always during the session to me and to the Democratic policy staff and to our colleagues.

I wish to express appreciation to Mary Jane Checchi, the chief counsel and staff director of the Democratic Policy Committee, for the outstanding service she has performed, and the supreme dedication and high sense of duty she has constantly demonstrated in that office.

I wish to express thanks to Abbey Reed for the excellence of her performance of her duties, which certainly made it possible for the leadership to proceed in an orderly fashion to do the work of the Senate in an expedited way.

I wish also to thank Patrick Griffin and Charles Kinney for their floor work that they have done and for the attention that they have given to their floor duties, which have always been the highest.

I thank also Joe Stewart, the secretary to the Democratic majority for his constant attendance on the floor, for his attention to duty, and for his unswerving dedication to the service of all of my colleagues.

I thank also Mr. Bill Hildenbrand and Howard Greene for the courtesy that they have extended to the majority and the fine spirit of cooperation that they never fail to extend to those of us on this side of the aisle.

And to Elizabeth Baldwin, I wish to thank for the unfailing courtesy, the very bright attitude, and the high ability which she brings to bear daily to her work. She makes it enjoyable for those of us on this side of the aisle as well as for those on her side of the aisle.

Now to those at the desk, the officers of the Senate, the attendants in the galleries, the doorkeepers, the pages—the fine little people around here who work always with smiles and are so helpful and so eager to assist all of us in our duties—and to the people in the cloakrooms, I express my heartfelt thanks, because without all of these people the Senate could not do its work.

I thank all for their indulgence and patience while I have attempted to make these desultory remarks which I think are highly deserved by the recipients.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, there is always a temptation to try to match the eloquence and the detailed disposition of any subject by the majority leader. But I will resist that temptation at 2:20 in the morning and instead say that I commend him for his talents as majority leader, for his fellowship as a fellow Senator, and express my admiration for him for the absolute mastery of the rules and precedents of the Senate. I state with no trace of resentment, only envy, that I have never seen anyone who conducts the business of the Senate with greater respect and efficiency.

Beyond that, Mr. President, I would like to express my appreciation to all of those identified by the majority leader and to say as well that I wish to join him in congratulating the entire group of officers, employees, and agencies of the Senate for a job well done. I look forward to working with them in the future as I look forward to working with the distinguished Republican whip, Senator STEVENS, who served so faithfully, and Senator CRANSTON and the others for the leadership on both sides.

To those who read this RECORD, my failure to exclude specific names beyond that point is in deference to the fact that it is very late and I expect I do a greater service to those who might be otherwise congratulated by that omission than by mentioning them.

Mr. ROBERT C. BYRD. Mr. President, I overlooked the good service of the security personnel that makes this occasion safer for all of us, and also with regard to the reporters who make the RECORD, insofar as they are concerned, readable, quotable, and useable.

Mr. President, there is just one thing I want to say about the majority leader who has been overly charitable in his words toward me. I want to say in respect to HOWARD BAKER that he is bright, he is tough, he is tenacious, and I admire him.

Mr. President, at this hour of the morning I guess I could be forgiven for making an error.

Mr. BAKER. But not about me, Mr. President.

[Laughter.]

Mr. ROBERT C. BYRD. Mr. President, I am subject to errors throughout the day, but I beg the minority leader's pardon and certainly meant no offense to the minority leader when I referred to the distinguished Senator from Tennessee as the majority leader.

Mr. BAKER. Mr. President, I can assure the distinguished Senator from West Virginia that no offense was taken.

[Laughter.]

Mr. ROBERT C. BYRD. Mr. President, I will sleep easier with that.

RECESS UNTIL WEDNESDAY, NOVEMBER 12, 1980, AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the provisions of Senate Concurrent Resolution 126, that the Senate stand in recess until 11 a.m.. Wednesday, November 12, 1980.

There being no objection, the Senate, at 2:29 a.m., recessed until Wednesday, November 12, 1980, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1980:

DEPARTMENT OF STATE

Francis J. Meehan, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

Harry W. Shlaudeman, of California, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

Thomas D. Boyatt, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

Edwin Gharst Corr, of Oklahoma, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

Harry E. T. Thayer, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

INTERNATIONAL COMMUNICATION AGENCY

John William Shirley, of Illinois, to be an Associate Director of the International Communication Agency.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE ARMY

The following-named Army Medical Department officers for temporary appointment in the Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447.

To be major general, Medical Corps

Brig. Gen. Edward James Huycke, [redacted] Medical Corps, Army of the United States (colonel, U.S. Army).

To be brigadier general, Medical Corps

Col. William Presley Winkler, Jr., [redacted] Medical Corps, U.S. Army.

Col. Frank Finley Ledford, Jr., [redacted] Medical Corps, U.S. Army.

Col. Frank Allen Ramsey, [redacted], Medical Corps, U.S. Army.

IN THE AIR FORCE

Air Force nominations beginning John C. Aarni, Jr., to be lieutenant colonel, and ending James G. Schwarz, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 15, 1980.

IN THE NAVY

Navy nominations beginning Glenn M. Brunner, to be ensign, and ending Gregory J. Firman, to be commander, which nominations were received by the Senate on September 12, 1980, and appeared in the CONGRESSIONAL RECORD on September 15, 1980.

Navy nominations beginning Philip J. Holwager, to be captain, and ending Rita A. Hoch, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 15, 1980.

IN THE COAST GUARD

Coast Guard nominations beginning Charles E. McMahon, to be lieutenant(j.g.), and ending Garry C. Garner, to be lieutenant(j.g.), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 23, 1980.

Coast Guard nominations beginning Richard B. Harden, to be lieutenant commander, and ending Ruben H. Arredondo, to be lieutenant(j.g.), which nominations were received by the Senate on August 29, 1980, and appeared in the CONGRESSIONAL RECORD on September 3, 1980.

EXTENSIONS OF REMARKS

A CRISIS IN STRATEGIC MATERIALS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. BROOMFIELD. Mr. Speaker, the security of America's sources of energy and raw materials is critical to our defense and our economy. Since the United States and its allies are becoming increasingly dependent upon imports of vital resources, we are facing what is rapidly becoming a crisis in strategic raw materials. At the same time, the Soviet Union is as independent of foreign sources of strategic materials as the United States is dependent on them. Moreover, the Soviets continue to influence countries with critical resources, the loss of which could have the severest consequences to Western security interests. In this regard, I commend to my colleagues the following testimony recently provided to the Interior and Insular Affairs' Mines and Mining Subcommittee by Alexander M. Haig, Jr., former commander of NATO forces in Europe and now president and chief operating officer, United Technologies Corp.

TESTIMONY BY ALEXANDER M. HAIG, JR.

Mr. Chairman and Members of the Committee. I am grateful for this opportunity to appear before you and to offer my views on our national plight on strategic materials. These views will reflect not only my limited recent experience as President and Chief Operating Officer of United Technologies Corporation, the nation's third largest defense contractor, but perhaps more importantly, some thirty-five years of public service in the national security area. The latter experience included 4 years duty with the National Security Council and almost five years as the Commander of NATO forces in Europe.

At the outset, Mr. Chairman, I should like to compliment you for the way you have drawn attention to the gravity of a problem of fundamental significance not only to the United States but also to those industrialized states worldwide sharing our values.

Personally, I have long been troubled by what is rapidly becoming a crisis in strategic and critical materials—a crisis rooted in our own and our allies' dependence on imports for key materials.

The United States is inordinately and increasingly dependent on foreign sources of supply for many of the raw materials critical to our defense and our economy. In 1950, only 4 of the 13 basic industrial raw materials were imported in quantities of 50 percent or more. Today, we have reached that level of import for 9 of the same 13 materials. But as serious as the problem is to us, it is far more so to our industrialized allies and friends around the world. For example, the nations of the European Economic Community have total import dependence on ten strategic minerals and metals—including manganese, cadmium, cobalt and chromium. Japan imports 100 percent of 11 so-called strategic materials.

In the same context, it is significant to note that the Soviet Union has a comparable dependency—(approximately 50 percent)—for only three such materials and metals—bauxite/alumina, barium and fluoride. Conversely, the Soviets are net exporters of 20 materials, among which is chromium, platinum group metals, and manganese. The fundamental observation to be drawn from these strategic realities is that Russia is nearly self-sufficient in materials for which we and our allies must turn to external sources, many of which today are either unfriendly or unstable. Should future trends, especially in Southern Africa, result in alignment with Moscow of this critical resource area, then the USSR would control as much as 90 percent of several key minerals for which no substitutes have been developed and the loss of which could bring the severest consequences to the existing economic and security framework of the free world.

As one assesses the recent step up of Soviet Proxy activity in the third world—in Angola, Ethiopia, Southern Yemen, Northern Yemen, Southeast Asia, Central America and the Caribbean, and the December 1979 unprecedented invasion of Afghanistan by regular Soviet forces—then one can only conclude that the era of the "resource war" has arrived.

The question of how best to deal with the ominous increase in direct and indirect illegal Soviet interventionism in the third world is clearly one for consideration in other venues. Nevertheless, our foreign policy in the Near and Middle East, and Africa, and elsewhere, has not adequately followed the new reality of free world raw material dependency.

Notwithstanding, in the realm of strategic materials there is an urgent need for the United States to provide "a natural resources leadership" both within the NATO alliance as well as among other friendly non-NATO nations. With respect to NATO, our leadership would emphasize that whether or not the alliance chooses to formally expand its boundaries to the areas of third world resource conflict, it will be increasingly and profoundly influenced by events within these areas.

If we are successful in this effort, the result will be expanding coordination within the Alliance leading to concerted assessments and policies beyond NATO's boundaries. The threat to NATO, our principal security framework, demands that if the Alliance is to continue as an effective organization, it must broaden its horizons. While it need not extend its mandate formally, improved coordination between its most seriously affected powers is an essential minimum. In this process, Washington must inspire, persuade, urge and cajole its partners to make the "hard decisions" free of bullying insensitivity.

But a favorable response from our allies depends on order in the American House. If we continue to appear impotent in dealing with our own resource problems, pretensions of international leadership will be derided.

Thus, we must also look within our own borders for part of the answer. We must seek domestic sources for non-fuel materials. There is simply too much at stake for America and the rest of the free world to rely heavily on overseas sources, many of them volatile, others with political systems inimical to ours.

From the standpoint of our national and international strategic interests, it strikes me as inconceivable that we would shut off opportunities to seek our domestic deposits of the strategic materials we need. Yet precisely that has been the effect, whether intended or not, of our federal land management policies. By the actions of our own government, fully two-thirds of our mineral lands have been withdrawn from possible exploration.

The government owns one-third of the nation's land. It is estimated that federal lands contain about 85 percent of our oil reserves and a large share of gas, timber, and scarce minerals. We do not know for sure how much of these resources actually exist on lands being considered for wilderness designation within the 50 states. One thing is certain: If this land is cordoned off from exploration, we'll never find out what minerals it can yield.

Many of us in industry were elated by passage of the Idaho Wilderness Legislation, providing for development of any cobalt resources discovered in the West Panther Creek area. We at United Technologies are appreciative, Mr. Chairman, of your leadership in this important legislative issue. This is truly landmark legislation. It recognizes for the first time that we can strike a balance between the need for domestic supplies of critical materials and for preserving and protecting our wilderness. This legislation could lead to production of cobalt in the United States for the first time in three decades.

We are also encouraged by the progress of the California Wilderness Bill, H.R. 7702, which has just cleared the House. The lands involved in California could provide potentially rich deposits of cobalt, nickel, and chromium. We strongly support this legislation. I hope most earnestly that it will be passed by the Senate during this session.

Sources of the strategic materials America needs have been developed so fully overseas because of the low labor costs and rich ore deposits found in those countries. But that doesn't mean such materials aren't available right here in the United States. The fact is, they do exist. And we should go after them.

To be sure, it will take huge capital investments to explore for and develop our own domestic deposits. The costs will be high—for the same reason that it costs much more to extract oil from our shale deposits in the West than it does to withdraw crude oil from the ground in the Mid East. But the price we will pay if we do not go ahead will be great indeed, striking at the very heart of our national security interests and our economy.

Another aspect of our domestic resource efforts should focus on conservation and substitution. Industrial users are bending substantial efforts to design strategic or critical materials out of their products. Take, for example, our company's Pratt & Whitney Aircraft Group, the world's leading builder of jet engines. Design in one of our military engines has been modified to replace a cobalt superalloy used for turbine blades with a cobalt-free nickel alloy. This change resulted in the saving of 65,000 pounds of cobalt last year in just one spare parts order. For our most widely used commercial engine, we are projecting that work

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

in progress will reduce the need for cobalt by 30 to 35 percent starting next year.

Through stepped up conservation and reclamation, we are reducing our raw materials requirements considerably. With conventional forging practices, as much as 75 percent of the material is machined away into chips. Today, however, chips of alloy containing cobalt, titanium, nickel and chromium are carefully segregated and recycled.

But, while domestic substitutes and conservation are important, they cannot in the foreseeable future reach to the heart of the problem faced by the United States and its allies who must continue to rely excessively for essential materials from the third world "resource battlegrounds."

Mr. Chairman and Members of the Committee: There is no easy solution. There is no single route to the answers we seek. A non-fuel mineral policy for ourselves and our allies is long overdue. It must be built on a comprehensive, all embracing resource program whose essential elements include formulation of a non-fuel minerals policy of domestic and international scope and involving:

Revitalized United States leadership within NATO and other industrialized states seeking concerted free world resouce management.

Stepped up exploration and development of domestic deposits in a way that achieves a balance between our vital resource needs and the necessity to preserve and protect our environment and wilderness areas.

Accelerated efforts in conservation and substitution through the application of technology.

Thank you, Mr. Chairman.●

HATS OFF TO HUMMEL JUNIOR ALL STARS

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. RATCHFORD. Mr. Speaker, I would like to take this opportunity to congratulate the George J. Hummel Little League Junior Girls All Stars on their outstanding performance during the Little League softball world series held last month in Kalamazoo, Mich. This fine team from Seymour, Conn., finished second in the Nation out of 1,400 junior girls teams, an unprecedented and praiseworthy achievement.

These young athletes combined hard work, enthusiasm, and determination to produce an impressive list of accomplishments. Beginning with their district and State championships, the All Stars continued to dominate the winner's circle with victories in both the New England and eastern regional finals. Their loss to Glendale, Calif., in the world series finals was unfortunate, but these remarkable young women mastered their disappointment and displayed the highest values of athletic competition.

I applaud the members of this championship team: Jennifer Burns, Kelly Connors, Chris Cweklinsky, Laura Konnik, Michele Leggio, Margaret Nolan, Jody Podgorski, Jodi Radcliffe, Stacey Schofield, Judy Sizensky, Michele St. Louis, Ellen Sypniewski, Wendy Tkacz, and Allison Yaeger. Tremendous credit also belongs to the team's coach, Mel St. Louis, and manager, Bob LePardo. Their patient guidance and unselfish devotion to the team were, and continue to be, invaluable contributions.

Congratulations and the best of luck in the future.●

HICKSVILLE JEWISH CENTER REACHES A SIGNIFICANT MILESTONE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. LENT. Mr. Speaker, our great Nation is noted for the strength of its religious, cultural, and educational institutions; strength achieved through the dedicated efforts and sacrifices of our free citizens, working together to realize their dreams for the future.

One such dream is coming true next month in Hicksville, N.Y., in the Fourth Congressional District I have the honor to represent. I call this event to the attention of my colleagues as a fine example of the faith, dedication, and community effort and sacrifice which have contributed so much to the enrichment of America's religious, cultural, and educational heritage.

On November 15, the congregation of the Hicksville Jewish Center will celebrate the 25th anniversary of the founding of the center. This silver anniversary—itself a significant milestone in the history of the center—will feature an added ceremony of great significance to the congregation, and their rabbi, Joseph Grossman. The congregation will burn the mortgage for the center, signifying the end of indebtedness for the construction of the center.

That ceremony will mark the culmination of 25 years of hard work, sacrifice, and dedicated community effort. A member of the congregation, Mrs. Marilyn Cohen, vice president of the ways and means committee of the center, has written an account of those years, which I request be included in my remarks at this point:

THE HISTORY OF THE HICKSVILLE JEWISH CENTER

In the beginning was a dream. A small group of Jewish families newly settled in the Hicksville-Levittown, area, felt the age-old need to set down roots, and to raise a monument to their faith. They first met in September of 1953, to discuss plans for a place of worship, which would be a community center, and in which their children could receive a proper Jewish education. Most of the families who became charter members that day are still with us. A rare phenomena in temple development.

The first step in the realization of the dream was the acquisition of the land on which to build. At a time when fifty dollars represented a small fortune to most of them, fifty families each donated that amount to pay for the land. During this time Sabbath services, Congregation meetings and Sunday school classes were conducted in the basements of several members homes. Later, there was a room over a store opposite the firehouse, and then a store on Bloomingdale Road. Elections were held at the American Veterans Hand then at the American Legion Hall over the firehouse. In 1954, the land purchase was made, and High Holiday Services were held in a tent on the site. Sawdust was sprinkled over the rain-muddied ground, and the exuberant members celebrated the breaking of the fast at the conclusion of Yom Kippur with a square dance.

The architect's plan called for a L-shaped building, which would have to be constructed in two parts, as funds became available. The smaller section now known affectionately as the "old building" was constructed first, and achievement of miraculous proportions considering that the membership consisted of only eighty-five families. They celebrated their first High Holiday Service in the building in 1958, and the same year Rabbi Joseph Grossman became our spiritual leader.

As the general membership grew, the dream of the complete larger Temple came closer, and was finally realized in 1965, when the "new building" was dedicated. No one who was part of the event will ever forget it: the parade up Jerusalem Avenue with banners flying and three Torahs and the chupa proudly carried; the laying of the cornerstone and the cutting of the ribbon to the new entrance; all the joy and excitement of the day the dream of the few became the reality of the many.

During the past 15 years since the completion of the "new building" we of the Hicksville Jewish Center family have shared many joys and sorrows. The children of the founding families have now grown, a number of them who met either in our Hebrew School or Youth Group are now married with children of their own. We have celebrated our Bar Mitzvah year, our 18th year, our 20th anniversary and we now look forward to our 25th anniversary, the year we burn our mortgage. Rabbi Grossman is still our spiritual leader and we look forward to many more years together.

We are proud to say that with the vitality of our youth and the experience of our older members we look forward to the future. As we burn our mortgage we kindle a joyous flame which shall light our way into the future.

Mr. Speaker, I know my colleagues join me in congratulating the congregation of the Hicksville Jewish Center, and their Rabbi, Joseph Grossman, on the 25th anniversary of the center. I know too, that you will join me in wishing the congregation continued success and growth in the future.●

IN SUPPORT OF GENERAL REVENUE SHARING

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SOLARZ. Mr. Speaker, I take this opportunity to speak in favor of the prompt action by the Congress to restore the State share of general revenue sharing for fiscal year 1982 and 1983.

The State share should be restored to help our State governments cope with the rising costs brought about by inflation and recession. The State share was eliminated from fiscal year 1981 in an attempt, now clearly seen to have failed, to balance the budget. To continue the elimination of this assistance for 2 more years is simply being punitive.

Many States seem to have budget surpluses or, at least, no deficit. But, the balance is often a legal figment of the imagination. Indeed, current data projections indicate that 45 of the 50 States will show deficits in fiscal year 1981 that will result inevitably in the reduction of needed services.

We can cut the State share and force layoffs. Then we will see increases in unemployment insurance costs, food stamps, and welfare payments. Is not it better to spend this money productively by restoring the State share rather than for income transfer payments?

The inclusion of the State share will not affect our efforts to balance the fiscal year 1981 budget. This amendment does not authorize 1 cent for fiscal year 1981. It simply authorizes State government participation in fiscal year 1982 and fiscal year 1983. Further, the amendment eliminates the entitlement which currently exists for State government and directs all future funding for States' share through normal congressional budget and appropriations procedures.

The elimination of the State share will result in $256 million loss in revenue to New York State in fiscal year 1982 alone. Sixty-two million dollars of this money would have been directly passed through to localities. Of that amount $37 million would have gone to New York City. The balance would have been used in indirect State aid payments to localities through welfare, education, and court costs. This cut will have a drastic impact on the fiscal stability of localities and will result in the cutback of services to constituents. It could very well result in further pressures to increase local taxes.

I urge your support of this amendment which is, after all is said and done, a modest step which recognizes both fiscal prudence and human needs.●

TRIBUTE TO ERWIN REMBOLDT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. MOORHEAD of California. Mr. Speaker, I would like to take this moment to recognize a man who has made many, many beneficial contributions to the health care industry in my district, in the State, the Nation, and the world.

I am speaking of Erwin Renboldt, a man of extensive experience in the health delivery field; a man who is retiring after more than 30 years of devotion and dedication to his chosen profession and to his fellow man.

Mr. Remboldt began his distinguished career in 1948 in the accounting department of the White Memorial Hospital Center in Los Angeles. In 1953, he completed a degree in hospital administration at the University of Chicago.

Shortly thereafter, he became administrator of the White Memorial Medical Center and in 1962 he assumed the additional responsibility of chief administrator at the Glendale Sanitarium and Hospital.

In 1973, he became the first president of the Adventist Health Systems—West Corp., a multipurpose, multihospital parent organization designed to streamline those duties and functions that can be done better and more cost effectively through one large group than 15 small ones.

Largely through the talents and efforts of Erwin Remboldt, the new entity was very successful particularly in the areas of purchasing services, goods, and insurances. For example, the parent organization would purchase I.V. solution for 200 percent less than individual hospital could acting on its own.

These economies were repeated over and over, item after item with the result being the saving of thousands and thousands of dollars. During these times of higher and higher health costs, effective action such as this should be promoted, emulated and applauded by all of us.

Mr. Speaker, it is an honor for me to pay tribute to this man who has for many years been uncommonly faithful in his pursuit of better yet less costly health care. I congratulate Erwin Remboldt at the close of an exemplary career, whose hallmarks have been excellence, steadfastness, and achievement.●

INNOVATIVE INVESTMENT PLAN AIDS SMALL BANKS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. VENTO. Mr. Speaker, as a member of the House Banking Committee, I have taken a great interest in recent efforts to increase the flow of funds into our Nation's smaller banks and savings and loan associations.

I would like to bring to the attention of my colleagues an innovative new program which was launched this past month in my home State of Minnesota through which over $4 million in money market mutual assets were invested in the State's small and medium sized institutions. This provided them the sorely needed funds for housing, agricultural, and small business loans. Under the program, coordinated by the Independent State Bank of Minnesota, Money Market Management, Inc., a part of the federated group, purchased 43 $100,000 certificates of deposit from 41 Minnesota banks and two out-of-State banks.

The prompt inception of the purchase programs was made possible, in part, by SEC Chairman Paul A. Williams' letter to Senator WILLIAM PROXMIRE. The Chairman, in a very reasonable interpretation of the SEC regulations, stated that money market funds could invest in certificates of deposit of smaller depository institutions because the definition of high quality investments is a financial decision for the funds' boards of directors and because bank certificates of deposit, under most circumstances are not illiquid.

It is my hope that this program will be expanded by the federated group and that their successes will persuade the other money market funds to follow them.

The program was discussed recently in the St. Paul Pioneer Press, the Minneapolis Tribune, and the American Banker. I submit those articles for inclusion in the RECORD.

The articles follow:

[St. Paul Pioneer Press]

PILOT PROGRAM WOULD HELP SMALL BANKS GET MONEY MARKET FUNDS

(By Mike Bulger)

A pilot program to win deposits from national money market funds for small and medium sized banks was announced Tuesday by the Independant State Bank of Minnesota (ISB).

It will be the first time such a statewide program has been tried, according to Noel Busch, executive vice president of ISB.

Money market funds are mutual funds which invest in high-yield certificates and corporate securities.

Under the plan, the Minneapolis-based ISB will serve as a sort of clearing house, helping local banks connect with money market fund managers. If all goes as planned, both will benefit—the money-market funds will not have to deal individually with hundreds of banks, and the banks will be able to retain funds in their communities which they frequently have seen flow to larger banks.

The increase of federal deposit insurance coverage earlier this year from $40,000 to $100,000 makes the plan workable, Busch said.

"No single money-market fund will be purchasing more than one CD from any one bank. Each will be considered a single depositor and will be fully insured," he said

Insured certificates are perceived by fund managers as having greater liquidity and less risk, he said.

In the past, smaller banks were ignored by money market funds. Staying within the $40,000 insurance limit meant dealing with fixed interest rates, while rates on so-called "jumbo" CDs are negotiable, Busch said.

In addition, fund managers "are accustomed to looking at risk and the CDs of the small banks are not rated. Money market funds operate on a small margin. They need to deal in large volume and move quickly. To take the time to ascertain whether it is a prudent investment probably would make it right from outset not cost effective."

ISB will serve as the coordinating agent for the Federated Group of money market funds, based in Pittsburgh, Pa. ISB will collect $100,000 certificates of deposit from participating banks for delivery to the fund. The inital offering, set for Sept. 11, is for $5 million in six-month certificates.

ISB is "getting a lot of inquiries" about the program, Busch said. "We want to take a close look at what the response is. It's an entirely new means of moving money for these purposes."

[From the Minneapolis Tribune, Sept. 4, 1980]

SMALL BANKS OFFERED INVESTMENT PROGRAM

Small and medium sized banks would be able to participate in national money market ventures under a new program announced by the Independent State Bank of Minnesota (ISB).

Noel Busch, executive vice president of ISB, said it would be the first time such a statewide program has been tried.

Money market investments are pooled mutual funds that are invested in corporate securities and high-yield certificates.

The first offering is scheduled for Sept. 11, for $5 million in six-month certificates.

The ISB, based in Minneapolis, will help smaller banks contact money market fund managers, and the funds will not have to deal with hundreds of banks individually. Banks will be able to keep funds in their own communities; the funds have often flowed to larger banks.

Busch said no single money market fund will buy more than one certificate of deposit from any one bank. Each is to be considered a single depositor and fully insured.

Busch said the Federal Deposit Insurance Corporation's hike in insurance on deposits from $40,000 to $100,000 earlier this year made the program of money market investments for smaller banks feasible.

ISB is to function as coordinating agent for the Federated Group of money market funds, with headquarters in Pittsburgh, Pa.

[American Banker]

CD'S ISSUED IN FUND RECYCLING

(By David O. Tyson)

NEW YORK.—Forty-three banks, including two from outside the state, participated this week in the first package of $100,000 certificates of deposit issued through the Independent State Bank of Minnesota to one of the money market mutual funds in the Federated group.

The $4.3 million deal was closed on Monday with a rate of 11.15 percent set on the CD's, all of them for 182 days. With the Minneapolis-based Independent State Bank of Minnesota acting as coordinating agent, the certificates went into the portfolio of the $300 million Money Market Management Inc., the oldest of the eight money funds managed by Federated Securities, Pittsburgh.

"They did a super job," said Glen R. Johnson, president of the Federated funds, in commenting on the Independent State Bank.

He said that Federated is also talking to banks in Indiana, North Carolina, Texas, and Oklahoma about becoming coordinating agents for such programs in their states. The aim is to recycle back into community banks around the nation the money that has been drained away by money market mutual funds.

D. D. Lee, vice president of the Minneapolis institution, said that a number of banks had committed themselves to participate in this week's package, but did not get their CDs to his bank on time. No date has been set for the next deal, but he hopes for a settlement in early October.

"We got what I feel was a tremendous response," Mr. Lee said in a telephone interview. "The banks in the country, not just Minnesota, are very interested in the program. It's very viable.

"The banks were primarily in Minnesota, but we also had a bank from Kansas and one from California. And several from Wisconsin were interested but did not act on a timely basis. We got calls from 125 to 150 banks in Minnesota who are interested for the future."

Money Market Management is the Federated fund used for the first CDs taken in under the program because it is the only one authorized to do so. Mr. Johnson said that proxy letters are going out to the seven other funds to obtain approval of shareholders, most of them trust departments who use the funds for investment of cash in their accounts.

Once approval is granted by all of them, Mr. Johnson said, Federated can buy $800,000 in CDs from each single bank—one $100,000 CD for each of its eight funds.●

CENTENNIAL OF POLISH NATIONAL ALLIANCE

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. FARY. Mr. Speaker, distinguished colleagues, during this past weekend, the largest organization of Polish Americans and the largest fraternal organization in the United States, the Polish National Alliance, celebrated its 100th anniversary. Although the alliance is now based in Chicago, the centennial birthday celebrations took place in Philadelphia where the Polish National Alliance was founded on February 15, 1880.

At the time of its founding, the principal aims of the alliance and its member organizations were threefold: First, to help more recent immigrants from Poland to establish themselves in this country; second, to maintain the unique culture and traditions brought over from Poland; and, third, to work for the reemergence of a free, independent Polish state. It must be remembered that, at the time, Poland did not appear on maps of Europe because Prussia, Russia, and Austria, the three superpowers on her borders, had divided Poland among themselves. However, they could not deprive the Poles of their spirit, and suppression only strengthened Polish nationalism.

In this context, the founding of the Polish National Alliance was an important event affirming unity among Poles all over America, providing a helping hand to countrymen and women, many of whom fled to the United States to escape oppression, and showing the world that Poles consider themselves a distinct nation with a right to autonomy that was being denied. We all know that this is still true today and the alliance continues to perform the very important function of reminding the world that Poland is a captive nation although no one can imprison the spirit of her people.

The anniversary celebrations in Philadelphia began last Friday, the 15th of February which is the precise date, 100 years ago, of the founding of the Polish National Alliance. The festivities included the dedication of Thaddeus Kosciuszko and Kazimierz Pulaski's portraits which the PNA presented to the American Nation in 1894, Polish folk dancing by young members of the alliance, a banquet, a mass of thanksgiving celebrated by John Cardinal Krol, and a mass of all members who have passed away. This weekend marked the beginning of a year long commemoration of the PNA's first year of existence when the various stages of actual organization took place. In September, we observe the 100th anniversary of the First Polish National Alliance Convention in Chicago.

Now, at the conclusion of this year of celebrations, I want to commend the Polish National Alliance, its leaders, the organizers of various activities, and every member of every lodge because they all contribute to the valuable achievements of the PNA. With Aloysius Mazewzki at its head, the Polish National Alliance is indeed reaching the goals set for it by the founders 100 years ago. This organization has helped numerous refugees from Communist oppression over the years, it has made a significant contribution to the quality of American life by keeping the ideals of liberty and justice for all men alive, it has added to the richness of our American way of life by preserving Polish culture here in the United States. I am proud to be able to say that I have been a member of the Polish National Alliance for many years and I hope that the next 100 years are as successful and productive as the last have been. Sto Lat.●

HANS HEILMANN—CITIZEN AND LEADER

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. PANETTA. Mr. Speaker, I am proud to bring to the attention of my colleagues the accomplishments of one of the finest public servants I know—Hans Heilmann, the senior member of the San Luis Obispo County Board of Supervisors.

Hans is retiring after 16 years of serving the towns of Paso Robles, San Miguel, Templeton, and Atascadero on the board, and he leaves behind numerous achievements by which he will be remembered. To his credit, they are not of the flashy sort; rather they are the kinds of projects that improve people's lives in very real ways. They include the regional park in Atascadero, the Atascadero sewer project, the incorporation of Atascadero, the county jail, the Atascadero Golf Course, the Templeton Bridge across the Salinas River, the Templeton Hospital, and a variety of road projects.

As you can see from this long list, Hans has been responsible for, or has contributed to, the kinds of changes that signify progress in an area. Long after he has retired, the people of San Luis Obispo County will benefit from his work.

For myself, it has always been a great pleasure to work with Hans. He is a high-minded public servant who always thinks first of the needs of those he represents. His cooperation on projects requiring the joint work of county and Federal Governments has been indispensable.

Mr. Speaker, on November 22 the friends and colleagues of Hans Heilmann will join his family in honoring him for his long career in public service. I ask my colleagues to join me in wishing him the best of luck in the years to come. I know he will continue to be an active citizen whose dedication and service will be an example to all of us that we can do better.●

RECOGNITION LONG OVERDUE FOR NURSES WHO PRACTICE INTRAVENOUS THERAPY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. MARKEY. Mr. Speaker, a vital branch of our Nation's nursing profession is emerging as an important specialty. Recognition is long overdue for the nurses who practice intravenous therapy, which includes such diverse and valuable medical technologies as hyperelementation and chemotherapy. Just 7 years ago in the State of Massachusetts, a charitable corporation, the National Intravenous Therapy Association, was established to promote the education of nurses in this field. In recognition of the contributions of intravenous nurses in Massachusetts and across the Nation, I would like to have the following statement included in the CONGRESSIONAL RECORD.

NATIONAL INTRAVENOUS NURSE DAY

Whereas the two founders, Ada Plummer, R.N. from Massachusetts General Hospital and Marguerite Knight, R.N. from Johns Hopkins Hospital met with a small group of intravenous nurses on January 25, 1973 in Baltimore, Maryland, for the purpose of organizing a professional association for the registered nurse practicing intravenous therapy, and

Whereas the National Intravenous Therapy Association, a non-profit speciality association dedicated to providing quality intravenous care to the patient through educating those associated with protecting the nursing specialty of I.V. Therapy, and

Whereas in recognition of the implications of intravenous therapy to the patient and the need to exchange professional information and provide for continuing education, the "National Intravenous Therapy Association" evolved and was incorporated in Maryland, and

Whereas the objectives of the National Intravenous Therapy Association are to: (1) provide the benefits and protection of a qualified I.V. Nurse to the patient, to the institution which he/she serves and to the profession of nursing, (2) encourage a high quality of professional practice through the establishment of standards in I.V. Therapy, and (4) disseminate knowledge by providing for interchange of information among its members and members of allied specialties and professions, and

Whereas the aim of the National Intravenous Therapy Association is to provide the highest quality of intravenous care to all patients requiring I.V. Therapy and to continually educate those professionals involved in intravenous therapy, and

Whereas the philosophy of the National Intravenous Therapy Association, a specialty nursing association, promotes the clinical practice of I.V. Therapy by a registered nurse who has an expertise in aptitude, skill and knowledge in the delivery, execution and accountability of intravenous therapy as an autonomous phase of nursing. NITA further promotes the basic understanding and responsibility to the nursing needs of the patient as a whole and an interdependence with the intravenous nurse and all health professionals, and

Whereas at the present time, NITA has a membership just over 1850 and has grown 45 percent in the last twelve months. At this time there are 26 local active chapters of NITA in almost every geographical area of the United States, and

Whereas the goals of NITA are to standardize intravenous nursing practice to certify those practicing, to continually educate, and to implement cost justified I.V. nursing teams in all health care facilities involved with I.V. Therapy, thus protecting and providing quality I.V. care owed to all patients in need of that care: Now, therefore, be it

Resolved, That Intravenous Nurse Day be nationally celebrated in honor of the National Intravenous Therapy Association, Inc., on January 25 of each year.●

THE 1980 4-H PROGRAM

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. NATCHER. Mr. Speaker, the week of October 5-11 marks National 4-H Week for over 5 million 4-H participants. This year's theme is "4-H Expanding Horizons."

This theme seems highly appropriate when one considers the expanding nature and flexibility of the 4-H program. 4-H offers many and varied kinds of learning, different in scope and latitude, allowing young people to have the freedom to learn, the freedom to explore—the opportunity to reach toward expanding horizons.

In the early 1900's, the 4-H program served primarily as a means of teaching farming and homemaking skills. In those years, 4-H members came largely from rural areas. Today, Mr. Speaker, members come from everywhere, and in light of their disparate backgrounds, the 4-H organization offers a variety of projects, a variety which responds to its members ever-broadening interests and needs. The programs are designed to be a careful blend of personal development, leadership, and the special needs of youth; of social concerns, those concerns which affect them and their futures as able and productive citizens; and of national goals, those goals which chart our country's course, goals which determine our Nation's future—a future in which every 4-H'er will play a significant part.

This year more young people will be drawn to 4-H and participate in its community service programs such as the Bloodmobile Drive, the urban gardening program for minority youth, horseback riding program for the handicapped and the winter physical activity program.

These projects, however, do not constitute the entire 4-H program, for studies directed toward animal science and production, foods and nutrition, clothing, and personal development continue to be popular projects.

It goes without saying that in our 2d Congressional District of Kentucky, we are extremely proud of our 4-H clubs. We realize the importance and impact of the program and readily acknowledge that we are the better—as a community and as a people—for our 4-H clubs, those whose members are our neighbors, stand as a splendid example of teamwork which includes the 4-H'ers, the parents, and leaders, local sponsors, the extension agents and their staffs.

Mr. Speaker, for years now 4-H'ers have honorably served their country and helped to improve the lives of many people. I wish them every continued success and hope that they will continue to grow so that they can expand their horizons in an effort to reach the lives of those who have not yet been exposed to their high ideals and many worthwhile programs.●

NEED TO INCREASE INDUSTRY-UNIVERSITY COOPERATION IN R. & D.

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. VANIK. Mr. Speaker, one of the most important steps America can take to increase the effectiveness of its research and development efforts—and thus develop new and competitive products—is to insure the cooperation of industry and academia in R. & D. efforts.

Recently, Prof. D. Tesar, professor of mechanical engineering and director of the Center for Intelligent Machines and Robotics at the University of Florida, Gainesville, testified before a House Science and Technology Subcommittee on this point. Dr. Tesar makes a number of good points, and I would like to include portions of his testimony in the record. As author of H.R. 6632, I believe enactment of this legislation can lead to a renaissance of creativity and innovation in this country.

A portion of Dr. Tesar's testimony of September 17, 1980 follows:

ROLE OF THE UNIVERSITIES

Universities represent an unusually large resource for manpower generation and research potential. The magnitude of our university system dwarfs that of countries like Japan and Germany. Unfortunately, this very large resource is effectively decoupled from industrial objectives as born out by the following quote:

"Industrial funding still constitutes a small part of university R. & D. performance. During the years 1963 through 1978, the percentage of university performed basic research funded by industry hovered at about 2 to 3 percent."

Certainly, this quote implies that 97 to 98 percent of all university research comes from governmental resources (or from nonprofit organizations). No more clear indication could exist to show that industry has no major impact on the universities and vice versa. Universities must serve the needs of industry. An orchestrated effort to re-establish the bonds between universities (of which there are 250 engineering schools) and our industrial base (of which we can say it is the largest in the world) will require active participation by policy makers at every opportunity. This suggestion was recently given added strength by the testimony on unversity-industry interactions by Congressman D. Fuqua, Chairman of the House Science and Technology Committee dealing with House Bill H.R. 6632.

Dr. N. Tallan, chief scientist of the Air Force Materials Laboratory, chaired a study group dealing with manufacturing technology which made the following comment on university-industry cooperation in other countries:

"It is nevertheless clear from many studies that have been conducted that other countries, particularly Germany and Japan, are investing much more aggressively than is the United States in the development and installation of new machine tools and processing equipment. They have established industry-government-university coalitions and central research institutes specifically devoted to the development of new machine tools and processes. Their progress is evident in their increasing productivity relative to our own and the increasing competition we face in many international trade areas."

We know that other countries have major funded activity in manufacturing. For example:

i. The Moscow Machine Institute has 1,000 researchers involved;

ii. The Manufacturing Institute of Aachen contains 750 people;

iii. The French government has put $50,000,000/year into robot development for the next ten years.

It is critical that we look for ways to couple universities with industry and this coupling must be effective. The primary objective must be manpower generation. This objective cannot be met by a university that is poorly funded, does not seek industrial projects, has no competitive research equipment, or has a faculty with virtually no industrial experience. These limitations are common to many U.S. universities, today.●

H.R. 5612

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. ROTH. Mr. Speaker, I rise in support of H.R. 5612, as amended by the Senate Select Committee on Small Business. The bill addresses several key problems facing small businesses today. The bill includes the Equal Access to Justice Act which will allow individuals and small businesses to be reimbursed for their court costs and associated expenses if they are successful in beating the Government in court, unless it is found that the Government had considerable justification in its claim.

Clearly, not all Federal actions fall into the unjustified or unreasonable category. However, the myriad of faceless Federal bureaucrats have been so successful in their war to encumber small businesses with burdensome regulations that the enforcement system operates without the usual checks and balances common to our traditional legal system. Moreover, the cost of doing battle with the Federal Government usually exceeds the amount at stake and therefore a small businessman has no rational choice but to pay the fine or submit to an unfair order.

H.R. 5612, if adopted, will also prohibit the SBA from implementing any size standards changes before March 31, 1981. This provision takes this very emotional issue out of the political season and gives Congress time to study the proposed new size standards further.

I urge my colleagues to adopt this measure and allow our small businesses to recover reasonable attorney fees and costs if they are successful in fighting civil or administrative charges brought against them by the Federal Government.●

UNITED STATES AND JAPANESE TRADE RELATIONS: EXPRESSING THE SENSE OF CONGRESS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. MAZZOLI. Mr. Speaker, I rise in support of House Resolution 376.

The United States suffers a serious trade imbalance with Japan. The outlook for improvement is not bright.

Passage of House Resolution 376 is necessary both to express the dimensions of concern in America over our trade imbalance with Japan and also to trigger full-scale and serious negotiations between the two Governments to explore ways to narrow the current trade gap without resorting to quotas and other such import barriers.

I urge the adoption of House Resolution 376.●

SPENDING FOR BASIC RESEARCH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for Wednesday, October 1, 1980, into the CONGRESSIONAL RECORD:

SPENDING FOR BASIC RESEARCH

If a Hoosier audience is asked where the federal budget should be cut, the chances are good that among the first responses will be a proposal to eliminate "silly research." Nearly everyone has a favorite example of frivolous spending for research. Studies on the aerodynamics of frisbees, why overweight people prefer to dine at all-you-can-eat restaurants, or the impact of rural roads on Poland do seem rather ridiculous. All of us want a tighter rein on the spending of federal dollars, and it appears that elimination of studies like these would be the proper place to start. Like many things, however, such a proposal in not as simple or desirable as it looks.

The plain fact is that scientific or technological advances which have enriched our lives—computers, disease-resistant grains, polio vaccines, electric generators, satellites, and the like—were made possible by basic research. Whether in biology, chemistry, mathematics, medicine, physics, or social science, basic research is the process through which we enlarge our stock of knowledge of the world around us. Although what we learn from such research may not have an immediate use, it may form the foundation on which future breakthroughs will be based.

As our knowledge of the world has increased, basic research has become more complex and more expensive. Today, much of it is conducted by teams working with elaborate equipment and extensive data, not by a scientist or two alone in the laboratory. Complexity and expense have led in turn to a change in the way basic research is funded. Grants for special projects, first private but now mostly public, are paying many of the bills. The federal government supports 70 percent of all basic research in this country at the present time. Outlays for federal grants were more than $3.6 billion in 1978, and they are expected to rise to $5.1 billion by 1981.

Some grants for basic research have come in for fair criticism in recent years. Other grants have been criticized unfairly. Members of Congress and citizens concerned about waste in government want to know why taxpayers' dollars are being paid out to study such things as the mating habits of the screw worm or the reasons why children fall off tricycles. Many of us were unaware that the first study helped lead to the control of a dangerous parasite in cattle, nor may we have known that the second was part of a program to develop safety standards for all types of vehicles for children. Criticism is sometimes warranted, but we must be careful when we make it.

The fundamental problem of so-called "silly research" may be framed this way: Since the benefits of some basic research may not be known for years, how do we make researchers accountable for the public funds they receive without imposing excessive controls on them? How do we spend money for basic research wisely, with public accountability but no bar to creative effort? Public funds, whether for basic research or anything else, should be closely watched, but too much bureaucratic intervention could inhibit important investigations and cause us to miss major discoveries in the years ahead.

Congress has not really come up with a permanent solution to this problem, but some progress is being made. Some research is being, and should be, dropped. Since a proposal must be diligently reviewed before an award is made, with a close follow-up after the money is handed out, congressional committees are beginning to look harder at the budgets of executive agencies that administer grants for basic research. Oversight by the agencies themselves and the universities must be more vigorous, too, and the system of peer review (through which scientists judge the projects of their colleagues) must be strengthened. The government should work to develop a long-range plan for investment in basic research. It should also work toward more reliable mechanisms of funding. We should strive for better understanding between researchers and the federal officials who award grants. Each group should have a stronger appreciation of the constraints and pressures under which the other operates.

For many reasons, I am persuaded that the government must maintain its commitment to basic research. It is a prime candidate for public funding because it may have no direct "payoff" to attract private funding, because its benefits eventually reach all Americans, and because it has an enormously important economic impact. As much as one-half of our economic growth between the late 1920's and the late 1960's can be attributed to scientific and technological advances, so basic research is a driving force behind rising productivity and a powerful weapon in the fight against inflation. Moreover, our national security depends in part on the new armaments which basic research enables us to build. Stability and economic growth in the developing world depend in part on the large output of our technological agriculture and the new machines and industrial processes we export. Our prestige as a leader among nations depends in part on the discoveries and innovations that others know to be American.

The need to explore new frontiers and apply new knowledge to mankind's problems has been a characteristic of Americans for more than two centuries. Basic research, well-managed and productive, is part of what this nation is all about.●

H.R. 6722

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. TAUKE. Mr. Speaker, I commend the House leadership in recognizing the importance of H.R. 6722, a measure designed to divorce the major oil companies from operating service stations, on its list of top priority legislation.

The bill is the culmination of more than 1 year's investigation into the marketing practices of the major oil companies. In March 1979, I urged the House Small Business Subcommittee on Antitrust and Restraint of Trade Activities Affecting Small Business to look into the problems facing retail service station dealers.

Hearings held in Washington and throughout the Nation produced evidence of anticompetitive practices designed to squeeze the independent operator out of business.

Evidence also suggests that with the onset of oil decontrol next year the situation will only worsen. This measure is needed to work hand in hand with oil decontrol in an attempt to protect consumers and independent operators.

Our subcommittee unanimously endorses the measure and the House Small Business Committee reported the legislation to the House on a 25 to 1 vote.

Recently, an identical bill was introduced in the Senate where a Senate judiciary subcommittee reported the legislation to the full committee.

Almost from the time we began our probe into the marketing practices of the major oil companies, the Cedar Rapids Gazette began running a series of editorials highlighting our findings and calling for congressional action.

The lastest in this fine series of editorials appeared Tuesday, September 23, and once again called upon Congress to immediately consider the measure before adjournment.

I would like to echo the editorial's call for action and sincerely hope that the leadership will see fit to bring this bill before the House prior to the session's end.

I commend my colleagues on the latest Gazette editorial. The editorial clearly describes the problems facing many independent service station dealers throughout the Nation and brings into focus the immediate attention Congress should give this measure.

DIVORCEMENT IN ORDER

Those poor major oil companies are having a tough time these days moving their refined products, especially gasoline. But they apparently aren't using soft-sell techniques to get branded independent dealers to take on more volume. They are resorting to economic harassment and scare tactics—which may be the best reason yet for requiring that the majors get out of the retail gasoline business.

According to the Wall Street Journal, the problem is nationwide. Oil company sales representatives are telling independents that, if they don't take on their full monthly allocations and improve sales, the dealers face reduced deliveries in the future and possibly even cancellation of their station leases.

In Iowa, the pressures are subtler, but still there. Larry Blixt, executive vice president of the Iowa Gas Dealers Association, claims that the majors are telling dealers to stay open longer (which oil companies can do, because hours of operation are a non-negotiable contract item). This may be good for the supplier, because more gas will be sold, but not for the dealer, who may sell only 50 to 100 gallons between midnight and 6 a.m. He makes under a nickel a gallon, which would not even take care of the added overhead.

Other tactics are worse yet. Blixt says the majors are squeezing dealers by jacking up their rents. A staffer on the House Small Business Committee's antitrust subcommittee notes that the majors are raising insurance costs by breaking them out of the contract package for the first time.

In Iowa, as in other states, oil companies are also spreading an unfounded rumor that the U.S. Department of Energy is planning to refigure the base year for gasoline allocation purposes so that dealers will automatically get less product in 1981. This makes the salesman's argument for taking on greater volumes now more compelling—while dealers are less and less able to compete with nonfranchised company stations and even some convenience stores that get preferential price treatment in purchasing their supplies.

For the sake of return on investment, the major oil companies are slowly driving independent dealers out of business—legally, in most cases. The only way to stop this is to make it illegal for them to operate their own gas stations. That is what divorcement is all about, and on Capitol Hill the idea at last is getting somewhere.

Committees of both Senate and House have so far reacted favorably to a bill that would disallow large integrated oil firms from operating retail outlets and selling gas at the terminal at discriminatory prices. The bill would also guarantee small-business loans to branded dealers who want to purchase their stations outright.

It is legislation whose time has come. Congress should make haste to pass it this session.●

LEGAL SERVICES CORPORATION

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SAWYER. Mr. Speaker, as a member of the Committee on the Judiciary, I have been privileged to help oversee the development of the Legal Services Corporation. In addition, I am personally acquainted with the Legal Services program in my own congressional district. I know the board of that program to be comprised of dedicated members of the Michigan bar who volunteer their time and energies to set broad policies for that program. Members of my former law firm have been on the board of that program for many years.

My service on the Committee on the Judiciary has led me to the belief that the Legal Services Corporation has successfully achieved the provision of quality legal representation for its clients consistent with Congress mandate.

In light of my experience, I am surprised by the accusations currently being leveled by the Liberty Lobby. I am also concerned lest those accusations be accepted as true. The white paper contains a number of allegations which, to my knowledge, are false. Among those are the following:

Although it is true that there has been a significant increase in the overall appropriation to the Legal Services Corporation, the vast majority of the increased funds have been directed toward expanding access to legal services in areas of the country not previously served. In 1975, for example, only 32 counties in my home State were served by Legal Services offices.

Today, all 83 counties have legal services available to them. The white paper alleges a 1977 authorization of $600 million. In fact, the 1977 authorization (fiscal year 1978) was $205 million. The fiscal year 1981 reauthorization level is $321.3 million. In both S. 2337 and H.R. 6386.

The white paper cites as a violation of the antilobbying regulation, a lawsuit filed by the Philadelphia program against the Pennsylvania Welfare Department. A lawsuit, of course, is not lobbying and can hardly be considered a violation of the regulation. The paper also cites as proof of the inadequacy of Legal Services, a criminal case out of New York. The authors of the white paper should be aware that the representation in the case was not provided by Legal Services Corporation funded attorneys but rather by a separate branch of the New York Legal Aid Society funded from other revenue sources.

Elsewhere in the white paper are allegations that the local boards of directors are composed of representatives of groups such as the A.C.L.U., National Women's Rights Organization, U.A.W. and Gay Lib. In fact, the regulations mandate that 60 percent of the local boards must be attorneys. In my congressional district, the attorneys are appointed by the local bar associations, and are, I assure you, not selected for their philosophical leanings, but rather for the expertise and experience they can provide.

Finally, the white paper is simply wrong in stating that LSC has been accused of mismanagement by the GAO. To the contrary, GAO has found no major shortcomings in the LSC performance. The staff of the Senate Subcommittee on Employment, Poverty, and Migratory Labor of the Committee on Labor and Human Resources evaluated the GAO report and the LSC response to it and noted that "[i]n the context of the limited resources with which the Corporation must operate, the overall performance it demonstrates with respect to the GAO recommendations is excellent." In my opinion, LSC constitutes one of the most efficient and professional of Federal programs. The Committee on the Judiciary maintains close oversight over the program. The spate of misinformation from groups such as the Liberty Lobby therefore does a grave disservice to Congress in its efforts to oversee one of the more successful programs addressing the needs of the Nation's poor.

I sincerely hope that we as we move toward consideration of H.R. 6386, my colleagues will join me in voting based on the facts rather than the misinformation provided us by groups such as the Liberty Lobby.●

MR. RICHARD BENOIT

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. MITCHELL of New York. Mr. Speaker, each Member of this body is well aware of the contributions that so many dedicated public servants make to the effective administration of our Government. Well, I would like to bring their attention to an individual who has recently celebrated his 40th anniversary in Government. On September 15, 1980, Mr. Richard Benoit of Utica, N.Y., marked his fourth decade of conscientious, dedicated, and outstanding Government service. Presently, he is a civilian employee at the Rome Air Development Center at Griffiss Air Force Base, but he began his career of service to our Nation as a member of the U.S. Army Signal Corp Laboratories at Fort Monmouth, N.J. From 1942 to 1945, he served in the U.S. Armed Forces and returned to civilian status in 1945 to work at the Watson Laboratories in Red Bank, N.J. In 1950, he became a member of the original staff establishing the Rome Air Development Center.

Throughout the years that I have been privileged to know and work with Dick Benoit, I have been thoroughly impressed by the important contributions he has made to the advancement of military technology, his enthusiastic dedication to his work, and his unswerving patriotism. His has always been the finest sort of patriotism—the willingness to work everyday to insure that our Nation remains free, strong and proud.●

THE REUNITING OF ROBERT HARGREAVES WITH HIS FAMILY

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. DOUGHERTY. Mr. Speaker, Robert Hargreaves of my district has been reunited with his family after a separation of 43 years. The dedication of his family members to the search for their lost son and brother is an inspiring example of family devotion and love. Their story appeared in the Philadelphia Bulletin on September 2, 1980, and I would like to share it with my colleagues.

RHAWNHURST MAN "SPEECHLESS," FOUND BY FIVE BROTHERS, SISTERS

(By Michael E. Ruane)

Robert Hargreaves doesn't remember the day back in 1937 when his mother suffered the fatal black-widow spider bite in the kitchen of their Memphis, Tenn., home.

He doesn't remember the dying woman whispering, "Take care of my babies," as she was carried away, leaving behind a husband and six young children.

Hargreaves, 44, of Philadelphia's Rhawnhurst section, was 3 months old then, and until a month ago he knew nothing of the lost family that for 43 years never forgot him.

Last July 30, he got a telephone call from an Episcopalian priest, who suggested he had better sit down and then told him he had five brothers and sisters.

His family's search for him, conducted by his father, Henry Padell Jr., until his death in 1967, and then by his brothers and sisters, ended this holiday weekend in a joyous family reunion in Hargreaves' home.

Hargreaves met for the first time over the weekend his brothers, Thomas Padell, 55, and Aubrey Padell, 53, his sister, Patsy Almany, 48, and Aubrey's wife, Marie.

In emotional telephone interviews yesterday and Sunday, they told the story of their family "miracle."

"I can't express it right," Hargreaves said. "This is the greatest thing that ever happened to me. How they've taken to me and my wife. It's hard to express how I feel, but they know how I feel.

"I never thought anything like this would happen to me in a million years. I'm speechless."

Hargreaves, a warehouseman for the Van Sciver Co. in Camden, has a wife, Rosemary, and two children, Robert, 6, and Michael, 4. They live on Glendale St.

His original name was Lewis Padell, and he was the youngest son of Henry and Emma Padell. When she died she left five other children, Frances, 12, Thomas, 10, Aubrey, 8, Kenneth, 6, and Dorothy, 4.

Following his mother's death, Hargreaves' father, an auto mechanic, lost his job and juvenile authorities in Memphis intervened, saying he could not properly care for his children.

Frances, Thomas and Aubrey were placed in foster homes and eventually returned to their father. But the three youngest children were put up for adoption.

Kenneth and Dorothy were adopted in 1938 by a family in Pine Bluff, Ark., where Dorothy's name was changed to Patsy. The youngest child, Lewis, was adopted by the late Mr. and Mrs. Earle Hargreaves, of Philadelphia, who changed his name to Robert.

For years, the Padell family tried to locate its three lost children. But authorities in Memphis told them the adoption documents were sealed and confidential.

Marie Padell, Aubrey's wife, recalled how the elder Padell, called "Grandaddy," often cried when he thought of his missing children.

"After I die, find them and let them know that I did not give them up," Mrs. Padell said her father-in-law once told her. "He knows now that they're all together again," she said.

She said the break came in July when an agency that specializes in tracking down adopted persons told her that many adoption documents in Tennessee were no longer confidential.

Mrs. Padell said she gained access to the courthouse records and located information on her relatives "in 15 minutes." Patsy and Kenneth were quickly contacted.

But Hargreaves has an unlisted number in Philadelphia, and was reached July 30 only after an Episcopalian priest, a friend of the family, persuaded a telephone operator to pass a message to Hargreaves.

Hargreaves agreed to talk to the priest. "He knew all about me," he said. "Then he said, 'Are you sitting down? Do you know you have three brothers and two sisters?'"

Hargreaves said the reunion has left him "on cloud nine."

Mrs. Padell said tearfully, "He is the last one. Now our family is complete."

Mr. Speaker, to Robert Hargreaves and his family we extend our congratulations on the reuniting of their family and our gratitude for the inspiration they have provided us by their example of family love and devotion.●

IN HONOR OF MATTHEW SAVICH

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SCHULZE. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues the extraordinary talents of Mr. Matthew Savich, of Mendenhall, Pa., who won two medals in the recent National Senior Olympics held in Los Angeles, Calif. Competing in the 70-74 age group, Mr. Savich won a gold medal in skill boxing and a bronze in singles tennis.

Mr. Savich's athletic versatility was recognized many years ago, when he was offered professional opportunities in both baseball and boxing. Due to family responsibilities, he was unable to accept them, but his recent successes well demonstrate that he has maintained a competitive edge over his peers.

In recognition of his gold medal, the Washington, D.C, Boxing Hall of Fame has made Mr. Savich an honorary member.

Mr. Speaker, Matthew Savich is clearly the quintessential "natural athelete," and I am proud to honor him here, today.●

THE IMPORTANCE OF NUCLEAR POWER IN REDUCING OUR SELF-INFLICTED DEPENDENCE ON OPEC

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. CORCORAN. Mr. Speaker, nuclear energy has the potential of greatly reducing our self-inflicted dependence on the insecure OPEC oil fields. I was pleased to note the conclusions of an August staff study by the Joint Economic Committee, "Energy and Materials: A Shortage of Resources or Commitment?" In the section entitled "Nuclear Policy," the staff study concludes, "* * * in an era of increasing U.S. dependence on increasingly volatile foreign oil sources, the nuclear option provides national energy relief if the problems of nuclear power are solved and its large-scale use accepted."

Mr. Speaker, for the benefit of our colleagues, I would like to insert into the RECORD at this point excerpts from the "Nuclear Policy" section of the August staff study by the Joint Economic Committee.

NUCLEAR POLICY

Between 1973 and 1979, electricity consumption increased at a compound annual rate of 3.1 percent, roughly four times as fast as total energy consumption. Because it is so flexible in use, and because it can be produced using so wide a variety of fuels, electricity could be viewed as an increasingly important option for domestically produced energy. But if electricity is to continue to play its increasingly important role, more generating capacity must be brought on line. It is for this reason that solutions to the problems of nuclear power should be pursued.

In 1979 nuclear electric power provided 11 percent of the electricity consumed in the United States, or 4 percent of total domestic energy production. Nuclear stations had a capacity of approximately 51 gigawatts in 1979. This is enough electrical generating capacity to supply 51 cities with populations of 600,000 each.

Although nuclear electric power has been the fastest growing domestic energy source, regulatory lags (especially during the certification process) and other factors have affected both nuclear stations under construction and those that have entered the licensing process. Factors include deteriorating financial conditions of many utilities and increasingly uncertain electricity demand forecasts. In addition, events such as Three Mile Island—and increasing concern with nuclear waste storage—have reduced the level of acceptance of the nuclear option. This has had, and is expected to continue to have, the effect of reducing the inclination of electric utilities to seek certification of new nuclear stations.

Nevertheless, in an era of increasing U.S. dependence on increasingly volatile foreign oil sources, the nuclear option provides national energy relief if the problems of nuclear power are solved and its large-scale use accepted. There are 33 gigawatts—fully 65 percent of existing nuclear generating capacity—"waiting in the wings." This is capacity that has been approved but whose construction has been delayed or halted. And, there are 29 gigawatts—or 57 percent of existing nuclear generating capacity—under construction permit review by Federal and State agencies.

If the acceptability problems of nuclear energy persist, they reduce the probability of this capacity being on-line before 1990. However, if construction of the 33 gigawatts "waiting in the wings" were to be completed, nuclear energy production would rise by 65 percent—from three quads in 1979 to five quads in 1990. If, in addition, the 29 gigawatts under construction permit review were to be approved and built, capacity would increase to almost seven quads. Adding 33 gigawatts of nuclear capacity has the potential to save two quads of petroleum energy, and adding the additional 29 gigawatts could save another 1.8 quads of petroleum energy. Based on the 1979 energy import level of 16 quads, the decision to bring all 62 gigawatts on-line could result in more than a 23 percent reduction in imported oil reliance. This is the equivalent of 684 million barrels of oil per year which could be used by the liquid fuel dependent transportation sector. Even with today's relatively energy inefficient vehicle fleet, this would be about an 80 day supply for America's transportation sector.

This is not to say that an equivalent number of barrels will be backed out from the use of nuclear power and necessarily used in other energy sectors. It is to say, however, that growth in any sector—whether it be population, industrial, residential or business—will require some amounts of additional energy. It seems only prudent that growth be first dependent upon the most secure forms of domestic energy, and secondly upon the most secure forms of imported energy. This long range staff study has adopted the belief that for the better part of the next 20 years increased energy consumption—regardless the amount—is most likely to be satisfied by pursuit of goals which bring increased domestic supplies.

The potential role of nuclear energy is great if problems can be overcome, especially when the technical and economic constraints on synthetic fuels production are considered.●

A TRIBUTE TO BOB DUNCAN

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1980

● Mr. CHAPPELL. Mr. Speaker, one of the Nation's most able and experienced public servants is retiring from this distinguished body. ROBERT BLACKFORD DUNCAN, Oregon's Third District Congressman, has earned the great respect and admiration of his colleagues for his competence and ability. His generally easy-going and friendly ways have won him many friends on both sides of the aisle.

I have had the pleasure of serving with BOB on the Appropriation Committee where he has served as chairman of the Subcommittee on Transportation, a position of great national importance. His efforts to develop an integrated transportation system in the United States deserve praise as well as his integrity, his wit, and his boundless energy.

Besides having a wonderful personality and greatly assisting the Democratic ball team during our annual congressional games, BOB has effectively represented his constituents. He has attended closely to the needs of his district, sponsoring bills on the Mount Hood National Forest and seeking a veterans' hospital in Portland as well as fighting for a healthy environment for his State of Oregon.

Words are inadequate to state the value of his service to our Nation, but let it be said here and now that BOB DUNCAN performed a service worthy to be remembered. He is a dear friend and I wish him all success and happiness as he embarks on new endeavors.●

THE 125TH ANNIVERSARY OF THE SENECA FALLS-WATERLOO REVIEILLE

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. LEE. Mr. Speaker, I would like to call to the attention of my colleagues, the 125th anniversary of the

Seneca Falls-Waterloo Reveille, a valued and respected institution in Seneca Falls, N.Y., a community I have the privilege to represent in this body. Now operated by Howard R. VanKirk, Jr., the Reveille is a community newspaper, and a valuable resource for all of Seneca County.

When the Seneca Falls-Waterloo Reveille takes note of its 125th birthday with a special anniversary issue October 22, the handy, tabloid sized New York State weekly will be a far cry from its 1855 ancestor.

The American Reveille, first published by Wilcoxen, Sherman, and Baker in February 1855, was a huge four-page, singlefold sheet some 40 inches wide by 27 inches deep when it was opened, and reading it was hardly a one-handed operation.

Unlike today's successor, it contained no news on page 1, but devoted the whole front page to advertising and literary flights of fancy, including poetry and short stories, unrelieved by an illustration.

More advertising and national news shared page 2, and it was not until page 3, left hand column under the masthead, that anyone found anything about local doings. The back page included legal notices, poetry, perhaps an essay, and the editorial.

"The Editor," that is Henry Stowell, whose name is still associated with the Reveille, acquired the newspaper in 1859 and 1 year later changed the paper from an American Party—know nothing—organ to a Douglas Democratic sheet.

Stowell was the man behind the editorials for 59 years, from 1855 to 1918, when he died one Wednesday night after having put the paper to bed. There are still a few in Seneca Falls who remember the goateed, frail, but determined old man who walked to the newspaper daily from his State Street home, in his final years, on the arm of his daughter, Maude. He died at age 84, ending an era of personal journalism, florid but forthright editorializing and coverage of the north end of Seneca County.

The Reveille has gone through many changes during the 125 years of its history. Stowell at one point in his tenure renamed it the Seneca Falls-Waterloo Reveille, accommodating the neighboring village to the west.

In later years, under Stowell's successor Earl D. Clark, it again became simply the Reveille, and later acquired both the Seneca County Standard and the Seneca County Commercial.

Other weeklies, and other Reveille editors and publishers, came and went, until at the end of 1968, the Reveille remained the last of its breed serving the northern end of Seneca County.

Howard R. VanKirk, Jr. had become the editor in May of that year, and later became part owner with Roger Chapin who was succeeded in 1975 by L. S. Vincent. It was during VanKirk's earlier years with the newspaper that it was redesigned from broadsheet to tabloid.

Through the years, it has occupied many sites, including the first business building downtown on the south side of West Falls Street, now the office of Attorney Emil J. Bove; the spot now occupied by the Partridge Block across from the Fall-State Streets intersection, from which it was burned out in the great Seneca Falls fire of 1980; the old Seneca Theater building, now the D'Amica building on Lower Fall Street; and now can be found in the Branciforte building at 27 State Street, one of the oldest buildings in Seneca Falls, a former Presbyterian Church moved in the late 1800's from Cayuga Street to State.

Mechanically, the newspaper was printed in its own shop for most of its history, on a variety of presses from the old Houghs, Globes and Liberties to a Babcock cylinder, to a Goss semi-rotary.

The newspaper went offset in the late 1960's and following the modern trend, was printed on a Goss Community rotary offset press at Manlius Publishing Co. in Fayetteville, N.Y., the press on which it is still turned out every Wednesday morning at 6 a.m.

Even though the presswork had followed the offset route, the newspaper continued to use hot metal type, text from Mergenthaler linotypes and display from a Ludlow typograph line-casting machine, all of which, or predecessors of which, has been acquired by Clark back in the late 1920's and hailed as the most modern of printing equipment.

In 1969, when VanKirk and Chapin were in the process of acquiring the newspaper from Joseph Burt and Thomas Williams, the cumbersome metal type system was abandoned and strike-on composition took over. This has since been replaced by computerized photo-typesetting, which offers a great deal more flexibility in type sizes, styles, and conformity than any of the former methods.

VanKirk and Vincent continue to operate the business, which includes a small commercial print shop known as Willson Press. The editor's wife, Barbara Filiatreau VanKirk, like everyone else on the work crew, carries out a variety of responsibilities, from news editing to typesetting to mailing the paper each week.

Tish Gilbert is the office manager-bookkeeper-factotum who handles the walk-in trade and takes care of bill paying, payroll, and numerous other tasks, including making sure the rest of the staff keeps its appointments.

Photographer, darkroom technician, and layout artist is Pam Quiggle, an Ohioan who seems to have found a home in Seneca Falls, and whose efforts are integral to the newspaper's production, as she takes it to Fayetteville every week, shepherds it through the printing process, brings it home and then handles the newsstand deliveries.

Carmello Dalessio is long-time ad saleswoman handling special pages and promotions and Chuck Perrine is the retail adman.

For the special 125th anniversary edition, a recent graduate of Colgate University, Kathie Gow, has been the prime mover, managing the advertising sales and news-gathering function, planning, layout, and design. She is being assisted in the editorial department by Gerry Collins and Doug Campbell.

Running the print shop are the VanKirk's son, Stephen, and Geoff Murray.

Writes Ms. Collins in her history of the Reveille, penned for the anniversary edition:

> With modern technology, some fancy footwork and occasionally a little prayer, the paper * * * makes its appearance each week. It has had many mottos and slogans through the years, but today, as an independent with an open-minded editorial policy, it is content and proud simply to state below the name on the Flag, "Seneca County's Official Newspaper."

Again to quote Collins:

> With the traditions of grace and age, The Reveille still experiences the vigorous enthusiasm of youth, and as Jolson used to say, "Stick around, folks. You ain't seen nothin' yet!"●

EDUCATION SECRETARY HUFSTEDLER WANTS SCHOOLS BUILT NEAR WORKPLACES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. ASHBROOK. Mr. Speaker, few Members of this House are still under the impression that the Department of Education has any intention of following congressional intent in its aims or its issuance of regulations. This realization lends new urgency to the need for passage of my proposal for a congressional veto of education regulations allegedly authorized by the Civil Rights Act of 1964.

The expansion of power by the Department of Education has barely begun. Mrs. Hufstedler was quoted in the May 11 New York Times as saying:

> I'd like to see us build schools where people work. You could have one person commute with the youngster, and you'd have expanded after-school programs. This would reflect the way society works today, and it would bring about desegregation because work places are far more integrated than housing patterns.

The implications of this comment are both staggering and real. Already, our children are being bused to fit bureaucratic quotas, and our workers are being hired according to other racial quotas. The next logical step would indeed be for the Federal bureaucracy to dictate where schools are to be built, and how school activities are to be coordinated with afterschool activities.

The statement quoted above underscores the need for congressional veto of regulations. If we are to prevent further erosion of congressional and local authority, it is past time that we cease to let bureaucratic seizures of power take us by surprise.●

TRIBUTE TO BOB DUNCAN

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1980

● Mr. BEVILL. Mr. Speaker, I would like to take this opportunity to join with my colleagues in extending my sincere best wishes and thanks to my good friend and colleague, Bob Duncan upon his retirement from Congress.

Bob is a fine man and a fine legislator, who, through the years we have served together, I have come to respect for his abilities, friendliness, and compassion.

Bob will certainly be missed on the Appropriations Committee where he so ably chaired the Transportation Subcommittee. He has proven on numerous occasions to be one of the most knowledgeable Representatives in this field, and will truly be missed by all of us for his wise counsel and advice on various legislative issues.

The people of the 3d District of Oregon have every right to be very proud of the tremendous job Bob Duncan has done for them and for his many great and lasting contributions to the Nation. I truly believe he is one of the most dedicated men to have ever served in the U.S. House of Representatives.

I wish Bob all the best in the years ahead, in whatever endeavors he might undertake, and add my sincere best wishes again to him and his wife Marijane for a long and happy retirement.●

RAYMOND T. PERCICH—A HUMBLE AND HONORABLE MAN

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. GEPHARDT. Mr. Speaker, the people of St. Louis recently lost one of their most effective and beloved public servants when Comptroller Raymond T. Percich died of a heart attack.

In an age of disenchantment with politicians, the people of St. Louis saw in Ray Percich a man of unwavering integrity who said what he believed, whether it was popular or not in the back rooms of city hall.

Prior to my election to Congress, I had the privilege of working with Ray Percich on the St. Louis Board of Aldermen. From that vantage point, I knew the public man. The following editorials from the St. Louis Post-Dispatch and the St. Louis Globe-Democrat also tell of the private man who never forgot his humble beginnings. He remained a humble, loving, and generous man until the day he died.

For the benefit of my colleagues, I insert the following comments on Raymond T. Percich in the Record:

The City's Watchdog

City Comptroller Raymond T. Percich was a man of integrity. As his political allies and adversaries and the citizens of St. Louis react to the shock of his sudden death, all will remember that he never backed away from a fight and that he fought fairly and in the open.

Mr. Percich had a clear vision of how city government ought to be conducted—according to the letter of the law with fiscal accountability. He gloried in being a watchdog. In that role, he refused to permit shortcuts and never turned a blind eye toward laws that might slow progress whether the issue at hand was a leaky City Hall roof, ways of getting around the Charter-required salary ceiling, federal grants or the smaller day-to-day expenditures of city government.

His strict adherence to the salary ceiling, even though it meant that medical personnel for city hospital, for example, were difficult to hire and retain, probably led to the successful campaign to remove that limitation from the Charter. He supported change when he believed it was needed; he also required that the laws be revised before the practices were.

In working for change, Mr. Percich could be one of the more colorful figures in city government. Rather than just giving speeches to dramatize the lack of space at the city jail when he was sheriff, Mr. Percich ferried prisoners around the State and even lodged some in the Chase Park Plaza Hotel. He got attention and results. The city will be blander for Mr. Percich's passing, but it benefited from his hard work. As alderman, sheriff and comptroller, he set a standard for personal honesty and left a demand that city government function in the open. That is a sound legacy.

Comptroller Raymond T. Percich

Comptroller Raymond T. Percich was a favorite of St. Louis voters because they perceived him to be an incorruptible elected official who protected their interests and pocketbooks at City Hall. Any conscientious politician would cherish having the degree of public respect that Mr. Percich enjoyed.

Those Mr. Percich feuded with at City Hall considered him an obstructionist because he did not go along with them. There were times when he may have appeared obstinate for obstinacy's sake, but no one questioned his integrity.

A man who once lost out on a profitable deal with the city because Mr. Percich considered his proposal illegal described the comptroller as "brilliant" in his knowledge of law and public contracts.

Mr. Percich's character was formed by the training he received at German St. Vincent Orphan Home, where he was placed as a youngster because his mother was unable to care for him. He grew up to become chairman of the board of the orphanage and it remained his special enthusiasm among many charitable and church-related interests.

A successful probate lawyer, Mr. Percich developed an appetite for politics early in life. Before being elected alderman from the 27th Ward, he was involved in many losing struggles for recognition. It was said, and not altogether in jest, that the Board of Aldermen elected him sheriff to fill a vacancy "to get rid of him." Mr. Percich knew and laughed about this appraisal.

As sheriff he attracted a citywide following, enabling him to win the Democratic nomination for comptroller from the party's incumbent who had defeated Mr. Percich four years earlier.

Mr. Percich found his niche as the city's fiscal watchdog. People tended to hold him in the same esteem they once reserved for former Mayor John H. Poelker when he was comptroller and the late Louis Nolte. Though there was some talk that Mr. Percich might challenge Mayor James F. Conway next spring, the comptroller confided to friends recently that he would seek reelection.

Mayor Conway has the privilege of appointing someone to Mr. Percich's office until a successor is elected. Considering the differences he has had with Mr. Percich on the Board of Estimate and Apportionment, the mayor most likely will seek someone amenable who will not harm him politically.

The father of seven children, Mr. Percich was devoted to his wife and family and was a fervently religious man, proud of his Catholic and Croatian heritage. Though his public image was that of a bulldog, he was an exceptionally kind and considerate man with a delightful sense of humor.

St. Louisans mourn Mr. Percich's sudden death and join in extending condolences to his wife, Madelyn, and their children. Ray Percich, through the force of his honesty and personality, has left an indelible impression of what a public servant should be like.●

FUND OF $259 MILLION FOR THE UNIVERSITY OF PENNSYLVANIA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. ROSENTHAL. Mr. Speaker, the University of Pennsylvania has scored a significant achievement in the history of higher education in the United States. In less than 5 years it had concluded a fundraising campaign which raised $259,389,789 for its program and endowment in a spectacular effort known as the Program for the Eighties.

The University of Pennsylvania, founded by Benjamin Franklin in 1740, is one of our great national resources. In every phase of American life the faculty, students, and alumni of this university have made significant contributions.

My daughter is a graduate of the university, my son is an undergraduate there, and my son-in-law is an intern at the hospital of the university, so I take particular satisfaction in sharing with my colleagues the achievements of this notable fundraising effort:

One of this nation's oldest and most distinguished private universities, the University of Pennsylvania, marked a milestone in its evolution in 1980: Alumni and friends celebrated the successful conclusion of the largest fund raising campaign of the institution's history. Pennsylvania, founded by Benjamin Franklin as The Academy in Colonial Philadelphia, raised $259,389,789 in an intensive five-year "Program for the

Eighties." Only three other American universities have achieved or exceeded such a goal in a single campaign.

Pennsylvania has always been distinguished for both pure scholarship and its leadership in putting knowledge to use:

It gave the nation its first medical school (1765), first law courses (1790), first university-owned teaching hospital (1874), and first collegiate school of business—the Wharton School (1881).

It established the world's first psychological clinic (1896) and built ENIAC, the world's first general-purpose, all-electronic digital computer (1946).

Underlying the University's fame in professional fields are its strengths in the liberal arts and sciences:

It is ranked among the national leaders in ten areas of the humanities and the natural and social sciences.

Its faculty includes a Nobel laureate in medicine, a Pulitzer Prizewinner in music, a holder of the President's National Medal of Science, more than 35 of the 500 U.S. members of the American Philosophical Society, the president of the American Council of Learned Societies—and the heads of many other scholarly organizations.

Its graduates, meanwhile, have personified Pennsylvania's front-rank role in applying basic knowledge to professional needs:

Pennsylvania has educated 24 presidents of the American Medical Association, five presidents of the American Bar Association and the deans of a dozen dental schools. It is among the nation's top producers of business leaders. And, one of every twelve living Fellows of the American Institute of Architects is among its alumni and faculty.

In the 1960's the University had concentrated on bringing up-to-date its physical facilities. To complement that achievement, the Program for the Eighties focused on "people and programs," giving highest priority to faculty support, student aid and the strengthening of academic ventures.

The campaign kicked off in October 1975, but the planning for it started three years earlier. In 1972, President Martin Meyerson appointed a Development Commission to study Pennsylvania's academic and financial positions. The Commission recommended a qualitative buildup of Pennsylvania's many academic strengths. As a central theme, it envisioned joining together the University's many talents and programs at all levels in new combinations that would correlate one specialty with another, theory with practice and the perceptions of the liberal arts with the sense of social purpose and application of the professions. Facilitating interaction between disciplines at Pennsylvania is the fact that this University—unlike most others of its stature—has all of its schools on a single, 250-acre campus. To carry out that theme, the campaign operated under the symbol and slogan, "One University."

Pennsylvania identified as its broad objectives:

To build upon the University's strong points in the arts and sciences, the bases of all learning.

To enrich undergraduate education in style and content.

To speed the application of new health knowledge to patient care, through "basic-clinical" centers, better delivery systems, and a new focus on the public need for primary care.

To nurture new Wharton School programs in world business, management for not-for-profit institutions, entrepreneurship, organizational innovation and lifetime education.

To endow the new School of Public and Urban Policy, which trains professionals and scholars in governmental and urban problem-solving.

To broaden the role of engineering to give students in any field an understanding of technology as a force in modern society.

To buttress the excellence of the Law School.

To safeguard the quality of one of the nation's great research and teaching libraries.

To provide cultural, artistic and recreational opportunities, modes of student residence and a physical environment conducive to total enjoyment of the life of the mind.

To strengthen Pennsylvania's operating position and inject more flexibility into its budget by greatly increasing its unrestricted income, especially through Annual Giving.

The University put together a broad-based, well-organized network of volunteers, including trustees, faculty, staff, alumni, and friends. The campaign organization consisted of a Development Council, Campaign Operating Committee, a Business and Industry Committee, a Foundations Committee, a Health Affairs Committee, a Campus Committee and a Major Gifts Committee.

Throughout the campaign, the chairman of the University Trustees headed the endeavor and served as chairman of the Development Policy Committee which set overall campaign directions. Trustees' chairman Donald T. Regan, chairman and chief executive officer of Merrill Lynch & Co., Inc., presided until July of 1978, when he was succeeded by Paul F. Miller, Jr., president of Miller, Anderson and Sherrerd. For the first three years of the campaign, its day-to-day business was directed by a Campaign Operating Committee, whose chairman was John Eckman, chairman and president of the Rorer Group, Inc. Director of the highly successful campaign among corporations was Reginald H. Jones, chairman and chief executive officer of the General Electric Company, who also served as chairman of the Trustees' Resources Committee which is responsible for the University's total fund-raising effort.

By the time of the October 3, 1975 kickoff, a nucleus fund of $32 million had been provided from 45 current or former trustees. This same group later added another $15 million in gifts. Some 185,000 gifts were received from all sources over the course of the campaign. Individuals gave $128 million, corporations over $40 million, foundations $69 million, and associations $20 million.

Seven donors gave $4 million or more and 38 donors gave between $1 million and $4 million. More than half of the total—$131 million—came from just 90 gifts. The following elements played a major role in reaching the $255-million goal on schedule:

Some $174 million came from thirteen regional areas, including $92 million from Philadelphia, $48 million from New York, $6 million each from Washington, D.C., and the Los Angeles-San Diego area, and roughly $4 million each from San Francisco, Florida and Texas. Wilmington (Delaware) and Pittsburgh were in the $3-million range and Detroit and Chicago both topped $1 million.

Almost $47 million was provided through Planned Giving, a program that incorporates bequests, life income trusts and memorial gifts. Some 500 persons used these ways to support the campaign.

The Telefund Project, a special one-time event launched in 1979, used trustee letters and follow-up student phone calls to reach 72,000 alumni yet unapproached. Pledges totaling $6.5 million have been received thus far.

A Campus Campaign aimed at Pennsylvania's 12,000-strong faculty and administrative staff is also believed to have set an official record for funds generated by the members of the University's "immediate family." Even though all solicitations were made through the mail and participation was anonymous, the campus group topped a goal of $7 million. The largest contributor, the School of Medicine, helped to establish four named professorships with its $3 million in gifts.

Annual Giving, which began the campaign at the $3-million level, advanced in carefully targeted increments to $5.9 million. Spurring Annual Giving to new heights was a $1-million matching fund set up by a trustee group in 1978. Annual Giving during the campaign exceeded $22 million.

The Program for the Eighties effectively doubled the rate of private support of the University from approximately $25 million to $50 million annually.

Among other notable accomplishments were the provision of 48 named professorships; $106 million in program support for such programs as the Center for the Study of Organizational Innovation, the Early American Studies Center and the South Asian Studies Center; $24 million for scholarships and fellowships; a new Medical Education Building; a new Small Animal Hospital; complete relandscaping of College Hall Green; a new baseball field; the refurbishing of 14 dormitories and the establishment of a College House for Health and Society.

Upon completion of the Program for the Eighties, the University Trustees adopted this resolution:

Whereas the University of Pennsylvania has successfully accomplished the campaign goals set forth in 1975;

Whereas Pennsylvania's finances and national academic reputation have been strengthened and enhanced;

Whereas many urgent and promising academic administrative and physical priorities have been satisfied;

Whereas special new opportunities have been created through the unification of the campus and the establishment of closer ties between the faculties and schools thereon;

The Trustees of the University of Pennsylvania do acknowledge the attainment of One University in spirit and in substance and hereby pledge themselves to permanently consolidate these gains and build upon its new foundation.●

VOLNEY ADAIR SCOTT: WOMAN OF ACHIEVEMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

●Mr. ANDERSON of California. Mr. Speaker, on October 23, the Business and Professional Women's Club of San Pedro will present Volney Adair Scott with its Woman of the Achievement Award. It is especially fitting at this time, since the week of October 19–25 is National Business Women's Week. As Volney Scott is truly deserving of this recognition, I would like to take a few minutes to outline her accomplishments.

Volney Adair Scott is a product of the South Bay area; she was born in Long Beach and educated in the San Pedro School system. Volney left the area for several years to study at the University of Arizona, but returned to California State University at Long Beach for her degree, which emphasized journalism and English.

Ms. Scott's activities in the community are well known, as her involvements have been very diverse. She has been extremely active in the San Pedro Chamber of Commerce, having served as a past president of the Women's Division. Volney also served on several of the chamber's committees, including the education and schools committee as well as the golf committee. Presently, Volney is a member of the chamber's "Ambassadors Committee," and is the chamber parliamentarian.

Mr. Speaker, Volney's contributions to the South Bay area have indeed been far-reaching. Her involvement ranges from the Harbor area YWCA to the Harbor area Police-Community Council, and as finance chairman of the Harbor area's Bicentennial Committee. Volney was a key member of the Cabrillo Pageant committee, and she has served as vice president of the San Pedro Episcopal Day School. When the Toberman Settlement House asked for help, Volney was one of the first to volunteer. She became the sparkplug of their membership drive, and the project immediately took on a new, dynamic dimension, with highly successful results for which the beneficiaries of the Toberman House can be truly grateful.

Mr. Speaker, Volney Adair Scott has been recognized time and again for her innumerable contributions toward making our South Bay area a better place to live and work. In 1976, she was accepted as a member of the Organization of Outstanding Young Women in America. The following year, Volney won the individual development speakoff in her local Business and Professional Women's Club. She went on to win the district competition, and represented the district in the statewide contest. Furthermore, Ms. Scott is president-elect of the San Pedro Club for the coming year.

It might occur to my colleagues that all I have mentioned thus far are activities outside of any career. Here too, Volney Scott is successful. She owns and operates Volney Unlimited, an advertising, finance, and bookkeeping concern in San Pedro. That Volney admirably balances all these time-consuming activities so well is further justification for her being honored with the San Pedro Business and Professional Women's Club Woman of Achievement award.

My wife, Lee, joins me in congratulating Volney upon receiving this prestigious award. Her dedication, leadership and service to San Pedro and the entire South Bay community is greatly appreciated by us all. We wish Volney, and her daughter, Dhyana Ouray, all the best, and hope that the years ahead will continue to be not only successful ones, but happy years as well.●

CARTER'S NUCLEAR NONPROLIFERATION POLICY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. FINDLEY. Mr. Speaker, the adverse impact on U.S. nonproliferation efforts of President Carter's decision to ship nuclear fuel to India and the Senate vote permitting him to do so is already becoming evident around the globe.

A September 25 article in the Zurich Neue Zuercher Zeitung expresses the Swiss reaction. The Swiss join the other European nations who, because of the Carter action on India, are showing their open disdain for the administration's nonproliferation policy. If the United States will not take minimal steps vis-a-vis India, how can this country expect European cooperation in precluding a Pakistani or Iraqi bomb?

It is now up to the State Department, to the White House, and to those others who argued so strenuously that shipping the fuel in question to India would not hurt U.S. credibility in nuclear nonproliferation efforts to prove it.

The article follows:

BERN AS WASHINGTON'S SCAPEGOAT?

The Carter administration is presently trying to wrestle an agreement from the U.S. Senate to supply enriched uranium to India. At the same time, the same Carter administration is launching a barrage against Switzerland, a publicized barrage which also makes use of indiscretions, because Swiss firms are supplying Pakistan, not with fissionable material or with "sensitive" technology for producing nuclear bombs, but with industrial products for general use, albeit very valuable products.

The Carter administration admits that by issuing export licenses for these goods, Switzerland in no way violates the "letter" of the nonproliferation treaty. But the administration imputes that Switzerland is violating the "spirit" of the treaty, because the products supplied to Pakistan could possibly be indirectly used for building a nuclear bomb.

Thus the nuclear power United States plans, for foreign policy reasons, to supply an Asian country, which according to official statements intends to build nuclear bombs, with the important fissionable material despite the nonproliferation treaty and despite its own legislation on nuclear exports of 1978. On the other hand, Washington talks about "punitive measures" against the nuclear have-not Switzerland, because it exports industrial equipment to other states, Argentina or Pakistan for instance, which can be used for building nuclear energy installations, among other things, but which is not listed in the nonproliferation treaty.

The arguments advanced by the United States are hardly credible. When the treaty on the "nonproliferation" of nuclear arms became effective in 1970, many governments, including somewhat belatedly Switzerland, signed the document, expecting that it would help avoid having many countries get hold of nuclear arms. This expectation combined with the hope that the big powers would, on the one hand, reduce their stocks of lethal nuclear arms and, on the other, facilitate the peaceful use of nuclear energy. The treaty expressly established the "inalienable right of all parties to use nuclear energy for peaceful purposes without discrimination."

It is this equal right of the parties to the treaty which is threatened in practice, if the suppliers of nuclear fuel refuse to issue transport licenses with the obvious intention of cornering or even eliminating unwelcome competitors in the sector of technological, non-nuclear equipment. At the second revisioning conference on the nonproliferation treaty in Geneva recently the Swiss delegation stated rightly (and with the broad approval of other states) that the plan to achieve the nonproliferation of nuclear arms by restricting the civil use of nuclear energy was unrealistic. Chicanery against a small country which has no nuclear fuel resources of its own and strictly adheres to the agreements would bring about nothing in this respect. Instead efforts need to be undertaken elsewhere to abolish the political reasons for building nuclear arms.

All things considered, there is the unpleasant impression that Bern has become the current scapegoat of the Carter administration for domestic or election reasons. This role fits poorly into the picture of close confidence which characterizes Swiss-U.S. relations in the light of the fact that Switzerland represents the U.S. interests in Iran. A settlement of the present differences with the renunciation of unilateral pressure would seem to be invaluable to both sides.●

CHICAGO'S POLISH AMERICAN EXHIBIT

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. FARY. Mr. Speaker, the Polish American exhibit was a resounding success this past weekend of September 19, 20, and 21. Held at Chicago's Navy Pier and attended by over 75,000 people, it was a fitting tribute to Polish-Americans everywhere.

Among the exhibitors were the airlines, importers, political groups, artists, food manufacturers, travel agencies, bookstores, bakeries, professional associations, newspaper publishers, schools and retailers of all kinds. A special display of products and services could be found in the international bazaar, where the rest of the world had the opportunity to meet Polonia and vice versa. Another favorite spot of special interest was the heritage area, where the greatness of Polish and Polish American culture could be explored.

Founded in 1976 by Lee Jasinski Herbert, the exhibition has grown from 1,200 participants that year to 75,000 in 1980. This year's program enjoyed an unprecedented success due to the very fine work of T. Ronald Jasinski Herbert, the exhibition's public relations director.

Organizations that will benefit from the proceeds of the exhibition are the Polish Welfare Association and the Heritage Club of Polish Americans.

The POL-AM-EX provided a worthwhile program for the people of Chicago. The general public was made aware of the achievements of Americans of Polish descent in business, culture, the professions, and the performing arts.●

THE STATE OF AMERICA'S DEFENSE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. MURTHA. Mr. Speaker, America's defense is at a crucial point. We face the beginning of the 1980's with vital decisions to be made on America's military. It cannot be overlooked that those decisions will determine our future as a nation, and set the course for the free world for the remainder of this century.

To anyone who has reviewed the information on America's military, I think these conclusions must be obvious. During the first half of the 1970's, although many Americans did not notice it, the Soviets were steadily increasing their military capabilities while U.S. defense efforts were declining in real terms. As I have said: I am no longer convinced America is the strongest military power in the world. That decline in defense strength must be reversed.

Some of the steps we must take are clear:

First, we must be willing to make the financial commitment to military strength. The defense budget approved by the House of Representatives totals $156 billion, the largest defense budget in history. I serve on the Defense Appropriations Subcommittee, and during our 6 months of hearings, the testimony proved there could be no doubt of the need for such spending—not just this year, but for many years to come.

Second, we must direct our attention to both nuclear and conventional strength. The United States and the U.S.S.R. still hold enough nuclear strength to destroy one another many times over, but we must not weaken our nuclear capability to a point where the Soviets find the losses they would sustain in such a war acceptable, given the limit of damage we could do to the Soviet Union. In short, we can never allow them to think they can win a nuclear war. On conventional strength, I am convinced we have fallen behind. Even in the nuclear age, the potential for slow, persistent country-by-country aggression remains, and the United States must be willing to draw the line to help protect other free countries, and have the tanks, weapons, guns, and so forth to back up our commitment.

Third, we must continue to review American military manpower. I strongly supported return of draft registration to help our Nation be prepared. The fact is we may have to return to a draft. All the services lack enough troop strength, and enough trained strength. As equipment becomes more and more sophisticated, so must the personnel to operate it, and at the present time this technological ability is in doubt.

Fourth, military planning cannot be static. We must be better prepared to meet all contingencies around the world, to react quickly and surely, and to make certain our adversaries know we will act.

Against that backdrop, let me enumerate for you, briefly, some of the steps we have approved in that defense budget to help meet these needs.

First, we approved funds for the production of the new F-16 and F-18 aircraft, and the XM-1 tank. These are basic steps to help our ground and air capabilties, designed to include the most modern technology.

Second, in order to improve our ability to respond rapidly in case of a non-NATO military contingency, we have created a rapid deployment joint task force, and assigned Army, Navy, and Marine units as well as tactical fighter and aircraft wings to develop a better quick-response capability. This must be upgraded, however, from its present capabilities.

Third, plans outlined in this budget call for updating and building new ships; our current plans call for extending our fleet to a full 550 ships. We will purchase new attack submarines and frigates as well as improving our air and sea defense systems.

Fourth, we have placed a great emphasis on recruiting programs and retaining the trained, skilled personnel we have. We are rapidly approaching the point where we must make a final decision on the success of the All-Volunteer Force and how it will fit into our manpower needs for the coming decade.

Ladies and gentlemen of the House, I cannot overemphasize to you how complex and difficult our military situation is. I need not tell you how critical it is to our Nation and our freedom. Possibly, the most positive defense step to come out of the year 1980 is the growing realization by so many Americans of the true defense problems we face.

Just as our military problems did not develop overnight, neither will they be eliminated by one budget, or one decision. We must continue to press for military improvements, and we must remember how high the stakes are to our future. With that guidance and that goal, I believe we can continue to offset the might of the Soviet Union, but we must be diligent in our task, sure in our goal, and determined to insure peace and stability through military strength.●

TAX CREDIT FOR DOMESTIC AUTOS

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. GRASSLEY. Mr. Speaker, I am introducing legislation today which will provide purchasers of domestic automobiles with a 10-percent tax credit. This tax credit will be applied to domestically manufactured vehicles that have a fuel efficiency better than 1 mile per gallon over the corporate average fuel economy—CAFE—standards. The amount of the credit will be limited to $800 per vehicle.

The American automobile industry is facing serious financial difficulties due to the staggering costs of retooling their plants to produce smaller, more fuel-efficient vehicles. Twenty-seven percent of the new car sales in the first 4 months of 1979 were sales of imported automobiles. These two factors—significantly higher costs and smaller market shares—have seriously injured the domestic automobile industry. Thirteen or fourteen domestic automobile assembly plants have closed nationwide. Some 284,000 auto workers are unemployed. In the first 7 months of 1980, 900 car dealerships have failed throughout the United States, leaving 100,000 dealership employees out of work. In my home State of Iowa, 65 automobile dealerships have closed; 95 percent of those dealerships sold domestic automobiles.

The effects of a depression in the automobile industry are not confined to that industry alone. One job in seven is tied to the automobile industry and over 1 million workers are out of work in automobile-related industries. I submit that the time has come to take affirmative action to help the automobile industry through these troubled times.

For that reason, I am introducing this measure to help out our domestic automobile industry, our workers who depend on its health for their livelihood, our small businesses who depend upon automobile sales to remain in business, and to encourage the purchase of energy-efficient vehicles which will, in turn, lessen this Nation's dependence on foreign sources of oil.

It is infrequent that a tax measure can be structured to address so many problems—fuel efficiency, improving our balance of trade situation, assisting domestic industry and small business and, most importantly, arresting unemployment. My bill encourages individuals to part with their gas guzzlers and purchase more fuel-efficient domestic models. The benefits are readily apparent. The national average of miles traveled per gallon of fuel consumed in 1978 was 14.06 miles per gallon. In model year 1981, the models which are being introduced in the next few weeks, the CAFE average must be 22 miles per gallon. This is a fuel economy improvement of nearly 8 miles per gallon. This statistic is the basis for Lee Iaccocca's claim that if everybody in the United States were driving a K-body Chrysler, we wouldn't need to import any more foreign oil.

My bill will cost $1.9 billion per year in lost tax revenues. For my colleagues who might be tempted to find my bill too costly, I encourage you to recall the additional supplemental appropriation we passed just yesterday for the Unemployment Compensation Act of 1980, a measure which will cost American taxpayers $1.4 billion over the next 6 months. This does not take into account the devastating psychological impact on the over 1 million workers in the automobile industry and related industries who have lost their jobs. Investing in production rather than loan guarantees and unemployment compensation benefits is a more constructive way to address this serious problem, both fiscally and psychologically.

I invite my colleagues, who are interested in taking positive action to aid the domestic automobile industry, to give their support to this measure.●

MARK STEVEN LIEBLEIN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. BOB WILSON. Mr. Speaker, I wish to call my colleagues' attention to an outstanding young constituent of mine, Mark Steven Lieblein, who has been named the most outstanding high school senator in the United States by the National Forensic League. According to his coach, this is the first time that anyone from San Diego has taken first place in a National Forensic Tournament.

In the 7 day, nonstop speech tournament, 1,200 students from 49 States took part, and Mark emerged from the competition in first place. The dedication and the excellence he displayed are most deserving of our admiration and attention. I congratulate him for his outstanding record of success in the art of public speaking and extend sincere best wishes for his every success in his future endeavors.

As a portion of my remarks, I ask unanimous consent to include a California Legislature resolution approved by the joint rules committee in commemoration of this young man's remarkable feats:

CALIFORNIA LEGISLATURE RESOLUTION—RELATIVE TO MARK STEVEN LIEBLEIN

Whereas Mark Steven Lieblein is deserving of special recognition and the highest commendations for his exemplary display of prowess in public debate; and

Whereas 17-year-old Mark competed as a junior on the Patrick Henry High School Speech Team and was delegate to the National Forensic League Tournament in Huntsville, Alabama; and

Whereas 1200 students from 49 States took part in a seven-day, non-stop speech tournament, and Mark took first place in the Nation, and was voted the most Outstanding Senator, becoming the first San Diegan to win national honors; and

Whereas the dedication and determination, as well as the excellence, which are required to attain prominence in any field of endeavor, most especially in academics, are deserving of public acknowledgement wherever they appear; now, therefore, be it

Resolved by the Joint Rules Committee of the Senate and the Assembly, That the Members commend Mark Steven Lieblein for his outstanding record of success in the art of public speaking, congratulate him on placing first in the Nation, and being voted the most outstanding senator, and extend sincere best wishes for his every success in his future endeavors; and be it further

Resolved, That a suitably prepared copy of this resolution be transmitted to Mark Steven Lieblein.●

THE PRESIDENT'S TAX PACKAGE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. KEMP. Mr. Speaker, the President's most recent economic program is distinctly odd. After denouncing long-standing Republican efforts to reduce marginal tax rates as inflationary, he has produced an economic package almost devoid of incentives, and dubbed it anti-inflationary. He has taken a number of off-the-shelf subsidies, and called them tax incentives. He has increased Federal spending and loan guarantees, and called it public investment. In sum, President Carter's most recent shift in direction is dismally consistent in one respect: It proposes to extend still further the Federal management of our economy.

Dr. Paul Craig Roberts of Georgetown University's Center for Strategic and International Studies analyzed the President's tax package, and concludes that:

> The President's plan is a good way to lose revenues and run up the deficit in order to prevent the kind of incentive tax cuts the economy needs if it is ever to grow out from under Washington's thumb. * * * Rather than increase production incentives, many aspects of the President's proposal increase the discretionary power of government.

Dr. Roberts underlines the growing consensus that traditional demand-management policies have failed, and that it is time for the Federal Government to begin removing the disincentives which are strangling our economy.

I urge my colleagues to read this important paper.

The article follows:

THE PRESIDENT'S TAX PACKAGE

(By Paul Craig Roberts)

The popular pressure for tax cuts, first recognized by the Kemp-Roth bill, has forced Jimmy Carter into a tax cut proposal of his own in his struggle to hold on to the Presidency. This is an abrupt turnaround for a man who only a few weeks ago was denouncing tax cuts as "fiercely inflationary."

Unlike the Republican plan or the Senate Finance Committee's bill, the President's package purchases small amounts of tax reduction at the expense of large increases in government power. It contrasts strikingly with the inclination of the Finance Committee and Reagan-Kemp-Roth to lower the tax rates, and leave the market to allocate resources.

THE ATTACK ON REAGAN-KEMP-ROTH-DISARMED

Only a few weeks ago President Carter told a national TV audience that the $36 billion Republican tax cut proposal would cause "fierce inflation." Now Candidate Carter has proposed a $27.6 billion tax cut in his own name which, he says, is "anti-inflationary." By proposing a tax cut himself, the President has undercut his attack on the Republican plan, since no one will believe that $8.4 billion—the difference between his plan and Reagan's, and only one-third of one percent of GNP—is enough to bridge the wide gap between "fierce inflation" and "anti-inflation."

Following as it does the Senate Finance Committee's proposal for a $39 billion tax cut package, the Administration's proposal puts to rest the pundits' claim that Reagan-Kemp-Roth is bad politics. With the debate settled, attention will now focus on the relative merits of the three competing proposals. The Republican plan is "supply-side" to the core, and would provide the most incentives to increase production.

THE FINANCE COMMITTEE'S BILL

The Finance Committee's bill "wastes" about $7 billion in enlarging the zero bracket amount (formerly the standard deduction) and the personal exemption—"tax cuts" that are more effective at dropping lower income earners from the tax rolls than at increasing production incentives. However, except for these and the faster depreciation write-offs allowed for subsidized public housing, the bulk of the Finance Committee's bill is an application of incentive oriented "supply-side" economics. The bill: (1) replaces the large number of useful life categories for depreciating plant and equipment with a 2-4-7-10 depreciation system, thus allowing faster captial cost recovery, (2) lowers the capital gains tax from 28 percent to a maximum of 20 percent, and (3) lowers slightly both personal and corporate income tax rates.

The Republican plan is more heavily weighted with "individual" than "business" tax reductions. The Finance Committee's package allows $22 billion for individuals and $17 billion for business (as measured by static revenue loss), a 56-44 percent distribution which reflects productivity concerns that more than the traditional one-third should go to business. To the astonishment of commentators, the President's proposal reserves 55 percent of the tax cut for business.

THE PRESIDENT'S TAX PACKAGE AND THE GROWTH OF GOVERNMENT

The front page of the Wall Street Journal proclaimed that Carter's proposal "differs sharply from traditional Democratic cures. Instead of big spending programs to create jobs, the program focuses on tax cuts." But a closer look shows that the President's proposals establish precedents for using the tax system for aims quite different from lowering marginal tax rates or increasing production incentives. The Administration's supply-side vocabulary cloaks other ends.

At first appearance, Carter's proposal looks like nothing more than a clever political move. By offering more than half of his tax cut to business, he can hope to pull support away from the Republican plan. Also, having only recently alleged that tax cuts are inflationary, this way of differentiating his product helps him avoid the appearance of another policy flip-flop. He can assert that his tax package is anti-inflationary because it stresses business investment and productivity rather than individual rate reduction.

His proposal to make the investment tax credit (ITC) refundable helps him on both counts. Many business leaders have wanted a refundable credit. It would especially benefit troubled sectors of major industry like car and metal manufacturers, railroads and utilities. And, economically speaking, since the rationale for the ITC is to boost the incentive for investment in new equipment, there is no sense excluding firms without any tax liability. Often it is rapidly growing and newly organized firms—firms making heavy investments in new equipment—that are unable to fully benefit from a non-refundable credit.

The President's proposal for a refundable ITC is, then, an economically rational and politically astute manuever—but in more ways than one. It paves the way for making other tax credits refundable. For example, the Kennedy "liberals" want to make the child care credit refundable. Paralleling the argument for a refundable ITC, they claim that the child care credit is unfair to people with no tax liability against which to apply the credit.

Once auto and steel makers have refundable credits, the poor cannot be denied theirs. This calculation perhaps explains why Senator Kennedy supports the refundable ITC instead of assuming his usual posture of attacking handouts to big business. It might also explain why a business-baiting President would propose it. The child care credit is sizeable—up to $800 per eligible return—and making it refundable would be a big step forward for the Federal welfare system. A refundable child care credit could become a very expensive income redistribution scheme.

The proposal expands the federal welfare concept in other ways as well. Since firms that lose money would benefit from the credit, the principle of extending the dole to business would be established. A result could be that bailouts would be institutionalized in place of the present case-by-case consideration by Congress. Subsidizing money-losing businesses as a general principle is not the way to "make careful investments in American productivity." A refundable ITC, while defensible in itself, might open a can of worms and ultimately do more harm than good.

The President proposes to expand the ITC in another way that is likely to contribute to the growth of government. His package contains a provision for an additional 10 percent refundable ITC targeted to revitalize declining areas. To qualify firms must obtain "certificates of necessity" from the Commerce Department. Neither eligible areas nor criteria for deciding eligible projects has been defined.

The operation of the bonus ITC would likely be highly politicized. Since the allocation of the tax benefit is dependent upon the action of the certifying authority, government acquires the ability to extend substantial tax privileges to its friends and to withhold favors from the politically uncooperative. Even if the system could be operated free of political corruption, the allocation of resources by government authority, rather than by impersonal market tests, means reduced efficiency in the economy's operation.

OTHER CONCERNS ABOUT THE DEPRECIATION PROPOSALS

Two other aspects of the President's depreciation proposals should be noted:

1. Under the Administration's proposal the rate of depreciation for equipment would be accelerated up to 40 percent greater than under present law. In conjunction with the faster write-offs, however, the Treasury Secretary would be given the authority to adjust the rates periodically. The price of faster write-offs is an increase in the discretionary power of government.

2. Also in conjunction with accelerated depreciation and a reduction in the number of asset classes, the President proposes to replace vintage accounting with open-end accounting. Vintage accounting segregates assets by year of acquisition, while open-end accounting provides for one account of each property type irrespective of the year that assets are acquired. The number of asset accounts would be significantly reduced. The result is simplified accounting and less record keeping compared to present law, and this is all to the good.

However, applying a fixed depreciation rate to an open-end account means that there is always a tail, or residual balance, in the account that is never recovered. Consequently the present value of the depreciation allowances under open-end accounting is less than under vintage accounting. The difference is not great in all cases for any particular asset, but the accumulated effect is likely to be substantial over a period of years.

When the disadvantages that are mixed in with the advantages are noted, the President's proposal is less pro-business than it looks on its face.[1]

THE PRESIDENT'S PROPOSAL FOR INDIVIDUAL TAX REDUCTION

When the individual side of the President's tax proposal is examined, it again reveals the use of tax reduction for other purposes. For individuals the proposal centers on an income tax credit to partially offset, out of general revenues, the scheduled rise in the Social Security tax for 2 years (1981 and 1982). The effect of the proposal is redistributive. The more a taxpayer's income exceeds the amount subject to the social security tax, the smaller is the percentage reduction in his total tax liability, and the more he is discriminated against by the tax credit. More fundamentally the proposal amounts to an assault on the contributory principle of the Social Security system.

Some policymakers favor funding the system, which is regarded as a contributory pension system by most people who pay into it, out of general revenue funds. That would alter people's perception of Social Security and help them to see it as a welfare system. A means test denying the benefits to people with above average incomes would likely follow. The result would be to turn a retirement system into an income redistribution system.

If President Carter wants to provide tax relief to individuals, he has many alternatives that do not compromise the contributory principle of the Social Security system. Similarly, if the President's advisors judge the Social Security tax increase to be a problem for the economy, the cleanest and simplest action would be to propose delaying or repealing the scheduled increases. The only reason for letting the increases in the Social Security tax go into effect and then offsetting them with an income tax credit is to mix together Social Security and general revenues.

FEEDBACK EFFECTS OF THE PRESIDENT'S PACKAGE

Although the President's proposal is the smallest of the three tax packages when measured in terms of the Treasury's misleading static revenue losses, it is likely to be the most expensive net of feedback. In fact the President's proposal is a good way to lose revenues and run-up the deficit in order to prevent the kind of incentive tax cuts the economy needs if it is ever to grow out from under Washington's thumb.

On the business side, the beneficial aspect of the President's package consists of the accelerated depreciation proposal, which would increase business savings. If not offset by a decline in personal savings or a rise in government borrowing, larger business savings could raise investment as a percent of GNP and increase productivity. On the individual side, the special deduction for a working spouse does reduce the marginal tax rate faced by a two-earner family. The rest of the package, however, is an inefficient use of tax revenues. Few supply-side incentives are purchased with the expensive temporary tax credit to offset the rise in the Social Security tax.

Rather than increase production incentives, many aspects of the President's proposal increase the discretionary power of government. As Barber Conable (R, NY), the ranking minority member on the Committee on Ways and Means, observed, after the President's "reform" of depreciation there would still be 30 depreciation classes. In addition a new boondoggle of regional and industry tax benefits would be created, for which the private economy would compete politically. More resources, therefore, would be diverted from economic to political activity.

It remains to be seen whether business, hooked by the President's proposals for accelerated depreciation and a refundable ITC, will lobby for the package and harm the chances of a much better bill. The Senate Finance Committee is far ahead of the Administration in moving toward better tax law from the standpoint of the economy's performance. The President's proposal should be seen as a desperate attempt to get on the tax cut bandwagon that he missed, and to buy his ticket with as few as possible supply-side incentives.●

GRAIN COMPANIES CRITICIZE USDA FOR MEXICO GRAIN DEAL

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. WAMPLER. Mr. Speaker, on January 16, 1980, Secretary Bergland signed an agreement with the Government of Mexico providing for the purchase of 4.7 million metric tons of U.S. agricultural commodities. On September 18, an amendment to that agreement was signed increasing the total Mexican purchases of U.S. agricultural commodities under this agreement to 7.2 million metric tons. These purchases represent a significant increase in demand for U.S. commodities due in large part to drought and other weather-related conditions.

I and several of my colleagues on the Agriculture Committee, however, are concerned about the text of that agreement. It states at the outset that "The Government of the United

---

[1] The Finance Committee bill also contains open-end accounts, but depreciation is accelerated more and there are fewer depreciation categories.

States of America, through the Commodity Credit Corporation, hereby agrees to sell or arrange for the sale to the Government of the United Mexican States" certain quantities of agricultural commodities. The implications this agreement carries for future sales involving CCC inventories which are being built up to near record levels through CCC purchases is of particular concern to us.

On his recent visit to Mexico, Secretary Bergland indicated that preliminary discussions were underway for a 1981 United States-Mexican supply agreement. I hope that the Department will be more prudent in its drafting of a new agreement so as to assure that the private sector and not the Government will be the supplier of all agricultural commodities in this and any other agreements contemplated in the future.

I would like to share with my colleagues an article written by Patricia Klintberg that appeared in the September issue of Progressive Farmer entitled "Grain Companies Criticize USDA for Mexico Grain Deal." This article highlights matters of concern to those of us in the Congress who have consistently opposed Government involvement in the sale of agricultural commodities.

The article follows:

Grain Companies Criticize USDA for Mexico Grain Deal

The Department of Agriculture is in hot water over the farm trade deal signed with Mexico.

Negotiated two weeks after grain sales to the Soviet Union were halted, the agreement calls for the U.S. to supply the Mexicans 4.8 million metric tons (MMT) of commodities during calendar year 1980.

But there's a key difference between the U.S.-Mexico and U.S.-USSR grain supply agreements: The nature of the supplier.

The U.S.-Russian agreement says "the foreign trade organizations of the USSR shall purchase from private commercial sources . . ." And, ". . . the government of the USA shall employ its good offices to facilitate and encourage such sales by private commercial sources."

In contrast, the U.S.-Mexico agreement states the USA, "through the Commodity Credit Corporation, hereby agrees to sell or arrange for the sale . . ."

The U.S. also assures Mexico "that it will utilize the full scope of the legal authority of the Commodity Credit Corporation to provide directly or indirectly these commodities . . ."

That's what the criticism is all about.

The wording of the agreement and USDA's subsequent sale to Mexico of 500 tons of rice has triggered protests from grain associations, farm groups and members of Congress.

In a letter to Secretary of Agriculture Bob Bergland, the North American Export Grain Association (NAEG) called on the secretary to explain "the unprecedented move" and "whether this indicates a shift in U.S. agricultural policy from one of free enterprise to one of greater government control."

And 13 members of the House Agriculture Committee told Bergland in a letter: "Such agreements have the effect of establishing the CCC as a de facto grain board."

USDA maintains the agreement was made to shore up farm prices in the wake of the embargo.

But the executive vice-president of the Rice Millers Association, Stephen Gabbert, says, "That begs the central issue. There's a change in policy that is verbalized in the agreement."

USDA "go-between." Since the agreement took effect in January, Mexico has purchased some 5.5 MMT of corn, sorghum, beans, wheat and other agricultural commodities. Virtually all the sales were made by the private trade with a little help from USDA.

Kelly Harrison, General Sales Manager of the Commodity Credit Corporation, explains that Mexico tells USDA what it wants to buy. He says, USDA provides Mexico a "complete list of suppliers that might be interested in bidding against the tenders. Then we actually issue the tenders for them. We provide a room for the Mexicans to award the bids in USDA and we have an observer there at the time of the announcement."

The procedure "is unprecedented, but the agreement says CCC will sell or assist in the sale . . ." says Harrison.

"They've really set up a trading section in USDA. They are in business," charges NAEG Executive Director Joseph Halow.

USDA's Harrison, who some suspect is chief architect of the agreement, calls such protests "naive."

"I think one has to be fairly realistic about how the world is organized," he states. "We are concerned about the long term. And the long-term concern is the urgency of improved broad-based relations between the U.S. and Mexico."

Critics point to U.S. embargoes as the sole reason Mexico wants a supply agreement with the U.S. "They want to know their supplies can't be cut off," says NAEG's Halow.

"I don't care how USDA tries to explain the agreement away, whether Mexico has energy sources or whatever," adds Stephen Gabbert. "You can use the same argument for having other bilaterals with Saudi Arabia or Nigeria."

CCC also maintains the sale of rice to the Mexicans was not precedent setting. "The CCC charter act has an 'exception' clause under which direct sales to foreign governments have been made in the past," says Harrison.

"But such exceptions are supposed to be for restricted use." argues Halow.

In fact, CCC has sold Mexico nonfat dry milk in the past and as recently as in May 1980. But the commodity was for restricted use—for donation or government feeding programs.

USDA's rice sale to Mexico was not "restricted"—making it identical to transactions carried out by the private trade.

The Rice Millers Association warns that if CCC can make the "exception" and sell rice, CCC could sell feed grains and wheat directly, too. The point is they've got the authority and it can be done," says Gabbert.

Harrison admits a similar situation could occur with corn or some other commodity "when supplies are released and we want to reduce them, expand exports and could justify it."

But he adds: "I just don't think it's likely the Secretary would sell large quantities of commodities until Congress debates the issue."

More of same in '81? However, before Congress has a chance for that debate, the Mexicans may opt for a similar agreement for calendar year 1981.

"Certainly, I think the Mexican government expects that CCC will continue to play the same role. We'd start from there since that's what the 1980 agreement says. But no decision has been made on the conditions of the 1981 agreement," Harrison says.●

TRIBUTE TO MRS. LILLIAN BRUNSON HAMILTON

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. WYLIE. Mr. Speaker, I take this occasion to announce the retirement at Gallaudet College of Mrs. Lillian Brunson Hamilton, who formerly was for many years a member of the staff of the House District of Columbia Committee under the chairmanship of Hon. John L. McMillan of South Carolina. Mrs. Hamilton has maintained close contacts with Capitol Hill through the years and has many friends here. Her record at Gallaudet has been distinguished. She is the author or coauthor of dozens of teaching manuals for the deaf and of three sign language dictionaries which are in use in many foreign countries. While not deaf herself, she is a master of the sign language, speaking it more fluidly than many of those who actually are dependent upon it as a means of communication. Lillian Hamilton is an extraordinary lady who is to be congratulated for her significiant achievements.●

GAYS IN BUSINESS: THE PREJUDICE AND THE POWER

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. JOHN L. BURTON. Mr. Speaker, I would like to share with my colleagues a recent article from the San Francisco magazine, entitled "Gays in Business: The Prejudice and the Power."

Recognition of their achievements in our society is long overdue inasmuch as many people do not realize that gays are an integral part of the business world. They own construction companies, financial institutions, publishing companies, and legal practices.

Yet, they continue to suffer from discrimination. One recent example is the House deletion of Legal Services Corporation funds for poor people who happen to be gay. As I said at the time this amendment was offered on the floor, "I believe it is outrageous . . . the citizens in my district who happen to be gay are business people. They pay as much taxes as many of us here." Hopefully, the Senate will be able to delete this discriminatory amendment during their deliberations on the bill.

The article follows:

GAYS IN BUSINESS: THE PREJUDICE AND THE POWER

(By Joe Flower)

Yale is written all over him—the bow tie, the white shirt with blue pinstripes. Balding, intense, compact, his owlish eyes blinking over Cy Vance half-glasses that make him look much older than 32, he leans over the desk making his points with an extended forefinger. Over his shoulder, out the 27th-floor window, I can see the afternoon sun cutting across the jumbled flanks of Russian Hill. He is detailing his story—the childhood winters in Maine, the high class standing, the stint on the Yale Law Journal, the service with Naval Intelligence in Vietnam, acceptance into one of the oldest and most prestigious law firms in the City, steady growth in anti-trust, copyright, and trademark work, rapid rise to partner. It is a story of a controlled, brilliant, and ambitious man.

Two days later, over coffee in the Noe area, I am talking with the owner of an accounting firm. Charming and ebullient, she is also a partner in three night clubs and a director of a savings and loan association. The breeze ruffles the curtains while she talks of the rough and tumble of business, her upcoming trip to the East Coast, and the vagaries of a tumultuous career.

The next day, cold beer in hand, I sit propped against the mast of a catamaran bobbing at its moorings in Sausalito. The boat's owner, fit and tanned, sits across from me, talking about his work. He is a broker, president of a successful and growing commodities firm with branch offices throughout the West.

The three have more in common than they seem to. They are three of the thousands of gays who have established thriving careers in business in the Bay area.

America seethes with gay backlash in 1980. Preachers pledge their souls against drug addiction, promiscuity, and homosexuality; local citizens vote their fears against anti-discrimination laws; television networks produce documentaries that slyly link gay political power to sado-masochism and public excess.

The turmoil is a reaction to the many gays that have decided to be honest about their sexuality and "come out of the closet." This recent openness has begun to reveal the extent of the gay presence in the straight business world. To the surprise of many, gays do more than run hair salons and nitsy boutiques. They own construction companies, financial institutions, publishing companies, and legal practices. Whether they openly acknowledge or are clandestine about their sexual preference, there is no field of endeavor in which gays are not involved.

Last year a Houston councilman referred to gays as "oddwads," and promptly lost his seat. I mentioned this to the vice president of a shipping firm I have met at a Financial District gay bar. He pulls out a napkin and begins to make a list: queers, dykes, faggots, perverts, queens, nellies, swishes, pansies, lulus, fairies, inverts . . . "They have names for us, all right," he says.

"It's as natural to me as breathing," says the man from the real estate syndicate. "It never bothered me a bit."

"Gay men have high moral standards," says the businessman itching to turn politician, "and I'm proud of our contributions to society."

Spray painted on a construction trailer at Market and Duboce: "If God had meant faggots to exist, he would have created Adam and Bruce." Spray painted just below: "He did! He did!"

Jerry Berg leans across the desk and asks how he can help me. The office is crisp, fresh, just out of the wrapper. His expanding legal practice has been here a week. Six feet to my right, the picture window view spills 10 stories down to Union Square, the St. Francis, cable cars, and one banjo player about to be arrested for cruelty to folk music.

Berg doesn't fit the gay stereotype. In fact, few of the scores of gays I am to meet will "look gay." They will be business people, lawyers, stockbrokers, professionals, and they will look like professionals (though one lawyer will dismiss this three-piece, 14-pocket Post Street suit as "my court drag").

Berg used to guard his privacy. Interviews like this are difficult for him. In fact, he kept his homosexuality a secret until the spring of 1977, when Anita Bryant began assuring the world that homosexuals were dangerous, child-molesting perverts who should be banned from public employment if not burned at the stake. "She did the movement a great service," says Berg. "She motivated the mainstream, the professionals who hadn't been willing to deal with it."

When John Briggs imported Bryant's ideals for the Proposition 6 campaign (which would have allowed the firing of teachers who were thought to be gay), those mainstream professionals organized a statewide coalition of straights and gays to oppose it. The coalition raised nearly a million dollars, garnered endorsements from many churches and politicians (even Jerry Ford and Ronald Reagan), and won.

Berg was Northern California co-chair of the Concerned Voters of California then, so when CBS came to town to do a CBS Reports on "Gay Power, Gay Politics," George Crile spent most of a day interviewing Berg and two friends in his office. Last May, it hit the tube. There was Berg's face on network hookup, his carefully considered words interspliced with beefcake, Beaux Arts Ball drag queens, rent-a-rack torture stores, and grainy, badly focused shots of people in Buena Vista Park engaged in something that the announcer identified as public sex.

"A few days before it aired I got hold of a script," Berg recalls. "I was agonized. I really went crazy. I thought, there go all of my straight clients." He stops for a moment, his light eyes steady and brilliant. "The response amazed me. I got more letters. I have one client, a manufacturer in Ohio, straight as can be. He was at the top of my list, the first to go, I thought. The show was on a Saturday, and on Tuesday I got a letter. The guy had seen the show, with his family, yet, wife and kids. And he had sat down at the home typewriter and tapped out two pages, single-spaced, telling me how impressed he was. How grateful he was for my courage. How he supported me. He said he'd be in California next week; he didn't have any legal business to talk over, but he'd like to take me to lunch. There was great support, some of it from places I would never have expected."

"We are everywhere." It's the most recent slogan of gay liberation. It sounds like a prickle-your-skin, stage whisper out of a 50s zombie movie, the reverb cranked all the way up, the killer triffids coming up your street in gen-u-wine 3-D. Unlike many slogans, though, this one is literally true. They are everywhere. Sex researcher Dr. Alfred Kinsey's oft-repeated statistics are now 30 years old: Years of careful research using methods later examined and praised by the American Statistical Association established that 10 percent of American male are, in his words, "more or less exclusively homosexual." He found lesbianism harder to track; his estimates for females fell in the 3 to 5 percent range.

Using the figures straight across yields an estimate of 350,000 homosexuals in the Bay Area. But we cannot use the figures straight across. For one thing, the creation of a feminist value system and female role models by the women's movement has allowed many more women to realize their homosexuality. And of course San Francisco is not Sparks, Nevada, but something of a gay Mecca. So the figure for the Bay Area is probably closer to a half-million gays.

They are everywhere. The man across from me spent 18 years in the trust department of a bank. At 46, Burleigh Sutton is ruggedly handsome and muscular. His silvery gray hair and mustache give him just the look you would expect of a bank vice president relaxing between jobs. He resigned earlier this year, three months after his Chartered Bank of London merged with the Union Bank. We sit and sip coffee in deep, elegant chairs of a Twin Peaks interior so well designed that I am tempted to take notes for future reference. Sutton tells me that in his 10 years at his last job he multiplied the assets of the trust department 28 times. Did they know he was gay? It didn't matter.

"When you're over 40, reasonably attractive, unmarried, and they never see your girlfriends, in this City they know. After 1975 I didn't make any effort to conceal it. The day after Harvey Milk was killed I came out to my boss; I told him I was going to take a more active role in the movement."

Sutton's homosexuality was "never that traumatic" for him, and it never hindered his career. There is a fantasy still alive somewhere in which we all sit down together as brothers and sisters and treat each other with R-E-S-P-E-C-T, but it's not here yet. I ran across another man in Sutton's position, a vice president in charge of a trust department in Florida, who was 86'd without a day's notice at the height of the Bryant craziness, charged with being seen "in the company of known bisexuals." He was a profitmaker, too. If they'd had their druthers they would have probably kept him around, but with animal zanies like Bryant and her crowd loose in the woods, well they just thought it would be safer for all concerned if he disappeared.

Stories like that abound, and they make gay professionals a cautious lot. As one computer systems designer put it: "There's just no agreement out there that being gay is all right." Everyone has a set distance that he or she will travel beyond the safety of the closet: "No picture, but you can use my name"; "No name, but let me tell you a story"; "Why the hell do I have to talk to the press anyway? I wouldn't ask you those kind of questions."

Media sorts love gays. They're good copy. Time's special issue on gays grabbed the magazine's all-time number two spot for sales. The networks and big Eastern slicks do a few serious stand-ups with Responsible Gay Leaders, then mix them up with what Sutton calls "the obligatory transvestite sequence"—the guys with snakes wrapped around their heads and fairy wings. Never mind the accuracy of the thing. Never mind that the leather torture fantasy store in the film has a mostly straight clientele. Never mind that the "glory holes" have as much to do with the average gay as topless bars do with the average straight.

That's what happened to one rather retiring, almost diffident guy who lives alone in a small house in Sausalito's "banana belt." He is vice president of a publishing company. He also works with the Human Rights Foundation, a group whose major project is bringing selected gays into the schools simply to answer questions, to "demystify" homosexuality, to cut down on the fear-and-agony quotient. And there he was on the CBS special, his project characterized as one that "would frighten many heterosexuals" and finally identified as "teaching homosexuality in the schools." A fine line was crossed, and suddenly the HRF, the most moderate of groups, came across as a clique of gay brown-shirts goose-stepping the youth of America into the nearest gay bar.

His mother, in Iowa, had seen the show, with all its beefcake and drag queens. The next time he visited her she spirited him inside as if he were a fugitive. She asked: "Is that what you do in California?" She was afraid of what the neighbors might think. He told her: "They probably didn't think anything." He recalls being very open and clear and close with her, and that she stopped worrying. When someone asked her what she had done with her weekend, she said. "I visited with my son. It was the best weekend I have ever had."

Gays in business always have to decide for themselves how to handle that narrow choice between hiding ("The energy for that could be put to better use," according to a major executive) and being A Responsible Representative of Homosexuals Everywhere. Some will not put up with it. They have work to do; businesses to build.

"I am a representative of myself," Bob Hunter tells me. He has just traced for me his own business odyssey—nine years of globehopping for a medical division of Johnson and Johnson as director of corporate development, resigning for philosophical reasons ("The medical business is invested in sickness, not health"); nine months of working with Bill Graham's organization; finally founding Travel Space, Inc., a broad-based travel organization with grand designs and plans for rapid growth. "I represent myself, and the next guy represents himself." A visitor in his office chimes in: "So I happen to like men's bodies instead of women's. That doesn't run my life. I go about my business." Hunter nods his agreement.

John Schmidt takes the opposite tack: Make it your business. We are seven floors up in the world's skinniest office building, the 21-foot-wide curiosity at 130 Bush. The owner of Schmidt & Schmidt, a thriving insurance firm, is handing me a thick prospectus for a new savings and loan association, Atlas Savings and Loan. It is aimed at the gay market. John Schmidt is listed as chariman of the board. "I wanted to do all I could to change the stereotypes," he says. "Besides, two women together or two men together should feel comfortable asking for a loan. At too many banks they sort of look over their glasses at you and say, 'You're both going to live there?' "

Besides the ideals involved, does he feel that such a venture will turn a profit? "Oh, yes. It is, first and foremost, a good investment."

Yes, a good investment. Last year Business Week reported that projections from a Los Angeles-based study suggested that gays control 19 percent of all spendable income in the United States. In 1977 the Advocate, the national gay bimonthly, commissioned L.A.'s Walker and Struman Research Inc. to survey its 73,000 readers. Among their findings: The average household (1.4 persons) had an annual income of $23,600, about 50 percent higher than the national average. The 79 percent that use commercial airlines rack up an average of four trips per year. College grads: 70 percent. Employed: 97 percent. Regular voters: 84 percent (double the national average). It begins to add up.

It is four o'clock on a Sunday afternoon. Trinity Street, a little side canyon among the financial canyons downtown, is blocked off. Halfway along, marked only by a lantern over the door, is Trinity Place, the cavernous, two-story gay hideaway watering hole. The tribes have already begun to gather. Pure Trash and the Bottom Line Dancers are setting up. It's party time for the GGBA 500. The Golden Gate Business Association, the City's gay Chamber of Commerce, is welcoming its 500th member. (Earlier, when I mention this to a skeptical neighbor, he asks, "Can there be 500 hair salons and antique stores in San Francisco?" We checked the most recent GGBA buying guide and found only six hair salons and three antique shops. On the other hand, we found 19 lawyers, 13 contractors, 11 printing firms, two dozen real estate firms, four savings and loan associations—Atlas, Continental, Fidelity, and United Federal—and such corporate members as Holiday Inn and United California Bank.)

Schmidt, one of the founders of the GGBA, has told me "Despite the current rise in fundamentalism, I am optimistic. I put my hopes in economic power." But the current master of this celebration, Arthur Lazere, a CPA in private practice who displaced Schmidt as president of the GGBA and has now been elected vice president of the gay National Association of Business Councils, seems to represent a new, more aggressive era in gay leadership. Founded in 1974, the GGBA in its first years played it a little quiet. A lot of gay businessmen, the older ones especially, had gotten along by a kind of creative camouflage, and here they were, actually putting their names down on a list of gays.

That era is over. Lazere sees the GGBA as "building bridges to the straight community," and the GGBA brochure urges gays to put their mouth where their money is.

Five hundred is an impressive number but, as one publishing executive commented: "For every one person in the organization, there are many who would not want to see their names on a list." Looking around Trinity Place, it is clear who at least some of the missing people are: women. Of the five hundred gay businesses in the GGBA, less than three dozen are owned by women.

It has been hard to find women to interview. Donna Hitchens, a lawyer working with the Lesbian Rights Project, estimates that there may be 5,000 working lesbian professionals in the Bay Area. By the third week of phone calls I have not found even one lesbian in a management position in a large firm to talk to me, even anonymously.

With help from the women that I did talk to, I can guess why. First, as one woman said, "Who needs the risk? It is hard enough for a woman to be successful in the business world without the added burden of the prejudices that people have against homosexuals." And the list of contacts that I could use is skimpy. Most of the lesbians that I do talk with tend to think of themselves as feminists first, as homosexuals second. they are wary of predominantly male organizations like the GGBA.

There are, if fact, at least two social organizations of lesbian professionals in San Francisco, and several others scattered throughout the Bay Area. They are clandestine. Their membership lists and telephone trees are kept secret, the names tags worn at their events carry first names only.

Karen Anderson Ryer says, "The law is theatre." She is a lawyer, a partner in Oakland's Ryer & Ginsberg. We are at my office on a Sunday afternoon, having coffee and fresh blackberry muffins. Ryer mentions that 90 percent of the clients for her general civil practice are straight. But her lesbian clients and her friends sometimes criticize her appearance. "Normally I wear a suit, or pants and blazer. But in the more conservative courts, and before judges who don't know me, if I think it will help I will wear a dress, heels, earrings, make-up. I'm a lawyer, and I do what is necessary to win the case."

She does what is necessary. But it is her practice, just her and her partner, and they run it their way, which happens to be a kind of humanist law—low cost, low overhead, spend time with the client, get the client into the process, demystify the whole thing, serve the people.

Independence: I hear the same tune from other lesbians. Lanky Pat Fincher folds herself onto her couch in Daly City. I sip coffee that her friend Jean Shaw has poured for me. The room is decorated with figurines from West Africa, a chest from Shanghai, tokens of her and Shaw's obsession: They are "travel junkies." Fincher is an agent for Allstate Insurance. She works for someone else, true, but in a business where performance is measured objectively by sales. As Fincher puts it, "In this society, the only thing that we all agree on is money."

Independence: Shaw herself is moving out of Academe, where results are hard to show and success depends upon the subjective judgment of others. She is moving into insurance and real estate. She says, "One of the things that I like most about being a lesbian is that there are very few rules and regulations about my behavior."

That's a tune that Charlotte Coleman would understand. She was booted out of the Internal Revenue Service when Ike was still in the White House. "It was the best thing that ever happened to me," she says now. Now she owns an accounting firm and an interest in two bars and a disco, and she serves on the board of Atlas Savings. Up in her place above Noe where it peaks between Noe Valley and the Castro, she sits back and relives it like someone's more-alive-than-you'll-ever-be grandma.

"I liked being an auditor. I liked paper work and numbers. I was up for a grade raise, and they had some investigators with time on their hands, I guess. When they finally confronted me with the evidence the file was three inches thick. They had followed me for over a year. They had talked to all of my neighbors. They had the names and addresses of all my friends. Every time I had gone out of town, to Santa Cruz or Sacramento, they had gone along for the weekend. They had spied on every party. Friends later told me that they had found piles of cigarette butts under their windows."

The IRS allowed her to resign.

At the same time, Congress was passing a resolution of special commendation for a select few civil servants recognized as superior workers. Charlotte Coleman was one of them. The congressional citation arrived at her department two weeks after she had left.

So she resumed her life in business, doing what she had wanted to, helping to build up organizations like Society for Individual Rights, Pride, Operation Concern, and the Tavern Guild.

Involvement of that kind plays a necessary counterpoint to independence. As a prominent gay executive put it, "We have to help make the City work." So he works with the Human Rights Foundation, as do Sutton, Berg, and Ryer. Lazere devotes time to the GGBA and its national counterpart, as do Fincher, Hunter, and Schmidt. At the same time, gays work in dozens of community organizations that have nothing particular to do with gay liberation.

The Upper Market Street Association, which lobbies for traffic improvements on Market beyond Castro was founded by Fred Brothers, president of Brothers Construction Company. Six years ago Brothers was fired as a construction executive by a major

Los Angeles firm because of his homosexuality. Now he is president of his own growing firm. He has just founded the Castro Times. He allows modestly that "my friends call me the Mayor of Castro." He is itching to take on Harry Britt.

Bernard Pechter, on the other hand, worked on Britt's campaign. He's a stockbroker. Here at his "SHAD" (Summer Home of Architectural Distinction), hung off the shoulder of Mount Tam, we are sunning poolside over wine and Italian sausage.

("Come on up for lunch," he said. "We'll have to rough it a bit, though. I'm one of the five faggots in San Francisco who can't cook. Blame it on latent heterosexual tendencies.") He says that he has left two firms in the past three years over the issue of advertising in the gay press. "Nobody is tapping that market. My ads in the Advocate have brought me a lot of commissions."

Pechter has served on the boards of ACT and the Performing Arts Service. He has had a play produced at ACT and has labored in the political trenches, but the most important thing, he says, in his adult life was his founding four years ago of Sha'ar Zahav, the gay synagogue (with a gay rabbi, Allen Bennett). "Some Saturday nights we have more people there at the Jewish Community Center than at any other congregation in town.

"When I was younger, I was agonized about my homosexuality. I finally decided to confide in my rabbi. I said, 'I have a problem.' He said, 'You can tell me.' I said, 'I am a homosexual.' He said, 'Drop by Thursday night. We have a singles group. You'll meet a nice Jewish girl and settle down.' I said, 'I don't think you understand. I am a homosexual.' He said, 'Come Thursday night. . . .'" So first he was a Jew. Then he was a homosexual. Not until Sha'ar Zahav did he feel that he could be both.

"We got a lot of flack from other synagogues at first. They said, 'Gays are welcome here.' I'll know gays are welcome when the rabbi will make an announcement like, 'Congratulations on their 10th anniversary to Larry and Frank! Mazel tov!'"

The fog coming through the Golden Gate has beaten a momentary retreat. Beyond Richardson Bay and Alcatraz I can see the City—so like someone's fairy tale city in the clouds, filled with unbelievably powerful and benign beings. But this city, for all its magic reputation, harbors a great many secret people.

There is no reason to think that homosexuality is any rarer among the people who occupy the higher rungs of business. Images of gays as introverted, ineffectual, or unambitious are so much poppycock. Pechter has said that he knows dozens of gay stockbrokers, even gay board chairmen, and in this he echoes everyone else that I have talked to. But people at the peak of their careers are usually older, schooled in an earlier era in which sexuality of any stripe was not a fit subject for discussion, and a revelation of homosexuality could mean public disgrace and imprisonment. The more successful have more to lose, at least financially, if their fears of "coming out" prove true. And the more successful are usually more willing to submerge "personal considerations" for the good of their companies and their careers.

I recall an earlier conversation, this one with another stockbroker, another evening at Trinity Place. He said, "'Coming out' is power. If every gay person in America came out, in business, among the politicians and the judiciary, in the churches and the schools, on the police forces, in the military, if every last one, tomorrow, simply told his or her friends, family and co-workers, 'I'm gay'—just that—there would be no 'homosexuality problem' in America."●

COMMISSION ON MORE EFFECTIVE GOVERNMENT

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. BOLLING. Mr. Speaker, earlier this year I introduced H.R. 6380, to establish a Commission on More Effective Government. Many of my colleagues have indicated their support for this proposal, and 127 Members in the House of Representatives, Democrats and Republicans, have cosponsored the bill. In addition, the senior Senator from Missouri, my friend Tom Eagleton, has introduced S. 2993, a companion measure in the Senate with five bipartisan cosponsors. Also, many other leaders of our society both in and out of politics have indicated their support of this approach.

John W. Gardner, former Secretary of the Department of Health, Education, and Welfare and founding chairman of Common Cause, at the Common Cause 10th anniversary panel on September 5, 1980, outlined with great precision and clarity the underlying and, at the same time, the overall concept that motivates my introduction of this piece of legislation. His statement follows:

Responsibility Networks

In my own brief contribution to this discussion, I'm going to suggest a new way of thinking about leadership in this country.

Many Americans seem to believe the subject begins and ends with the question of whether we have a great leader in the White House; but historically the nation has moved in response to many leaders functioning at many levels and in all segments of the society. No complex modern society can any longer depend solely on great leadership at the top. As systems increase in size and complexity, thought must be given to dispersing leadership and management functions throughout the system.

When we refer to our "system" we obscure the fact that the nation is made up of innumerable subsystems that sometimes mesh but often clash. The difficult task of making fluid, interacting systems function effectively cannot be ordained in Washington. A great many leaders in various segments of the society must take responsible action designed to improve social functioning at their level, reweaving connections between warring subsystems, and proposing re-design of malfunctioning processes.

I am not suggesting the sudden emergence of tens of thousands of leaders out of nowhere. They already exist—in the States and cities, in the occupations and professions, in profit and nonprofit enterprise, in the arts and sciences, in the minority communities. I am suggesting that they broaden their conception of their responsibilities.

This takes us a long way from our preoccupation with the Great Leader—the Churchill, Roosevelt, DeGaulle. But I would suggest that Jean Monnet, the father of the European Common Market, is a far truer model of future leadership than is Charles DeGaulle. Where there were conflicting purposes he saw the possibility of shared goals. And he knew how to move his contemporaries away from the first and toward the second.

It is not enough for leaders to work for the triumph of their own particular segment of society. Each segment must find a way of flourishing that is compatible with, even contributes to, the flourishing of other segments of the society. We need leaders who will knit together an unraveling social fabric, moving diverse groups toward a workable consensus.

This places an added burden of responsibility on individual leaders throughout the society. But responsibility liberates and energizes. When our forbears coming to these shores freed themselves of the tyrannies of social class and political hierarchy they had to shoulder the responsibilities of free citizens, but the net effect was to release human energy on a scale the world has seldom seen.

Similarly, it will release great energies if we move away from the situation of a whole nation yearning for leadership from the White House and toward a situation in which many, many able and responsible leaders are functioning in all segments of American life.

Representative Richard Bolling of Missouri, chairman of the House Rules Committee, says the most important legislation passed during his long career in Congress was enacted as a result of collaboration between Congressional leaders and nongovernmental leadership elements. At a time when many Americans doubt that either the President or Congress can really lead or govern, Bolling is saying, in effect, that they can govern if they can join forces with strong and statesmanlike elements outside of government. He's saying that if we play our role responsibly, government can play its role effectively.

But that leaves us with the question as to whether we are up to the role Representative Bolling asks us to play.

Whether private groups have the vigor and steadiness of purpose to influence government is not at issue. They do have such vigor and they influence government all the time. The question at issue is whether private groups can work together to accomplish any significant national purpose. They show little sign of any such capacity today.

The root of the problem is that the organized interest group today feels literally no responsibility beyond maximizing advantage to its own constituency. This doesn't mean the leaders are bad people; they are generally good people. But our fragmented society does not require that they exhibit responsibility to the larger good. No one really expects it of them.

But we must begin to expect it of them. We must move forward to new patterns of shared responsibility.

We must develop networks of leaders who accept some measure of responsibility for the society's shared concerns. Call them networks of responsibility. We can define a "responsibility network" as a group composed of disparate (or conflicting) interests who undertake to act together in behalf of the shared concerns of the community or nation. Such networks will not flourish in the contemporary climate if they resemble the old Establishments in being exclusionary. Access and openness to participation must be their hallmark.

Some examples:

For a dozen years now, the National Urban Coalition and local coalition around the country have been bringing together business, labor, political and minority leaders to collaborate on problems of urban decay.

In the current effort to modernize the steel industry, labor, business and government leaders have been conferring—with considerable success—under the sponsorship of the Departments of Commerce and Labor.

When New York City was facing its severest tests—in the mid-70s, union leaders, bankers, real estate people, city officials and many others joined hands to rescue the city.

I like to think of Common Cause as a responsibility network that brings together a great variety of Americans in a shared effort to hold government accountable.

The examples could be multiplied. More is going on than we realize.

Of course, a considerable portion of responsibility for accomplishing our shared purposes will always fall to government, so we must ensure that our representative institutions are functioning effectively. It is unfortunate that just while today's innumerable organized interests have been reaching unprecedented heights of relentlessness in pressing their conflicting purposes, there has occurred a marked drop in effectiveness of all the natural brokering and mediating mechanisms of government—chiefly Congress, the political parties and the Presidency. There are ways to repair our representative institutions and we must address ourselves to that task.

But the other great task at the moment is to develop the capacity of the private sector to function responsibly for the common good.

We do not need to forsake the tradition that all kinds of individuals and groups pursue purposes of their own choosing. But we must ask that every individual and every group, however vigorously they may pursue their special purposes, seek to reconcile those special purposes with the larger needs of the society.

It's not unthinkable. In time of war, the special interests find it quite possible to accommodate their own concerns to the national interest. There has been a steadily growing recognition that we are inflicting damage on ourselves with our adversary habits, our litigiousness and our endlessly combative individualism. We're uncomfortably aware, for example, of the extraordinary benefits that have accrued to the Japanese through internal cooperation.

There is an interest in methods of dispute resolution and coalition building that one could not have imagined a decade ago. For example, mediation among environmental and business groups has enjoyed successes that few would have foreseen as little as four years ago.

But the existing responsibility networks are frail and fragmentary. I hope that we shall see a major surge in the building of such networks. Some will be local, some national. Some will focus on economic issues, some on urban development, some on education. Some will turn out to have great influence, others little.

Am I suggesting that out of all these diverse responsibility networks will come a Magical Solution to our problems? Not at all. A great many small and partial solutions will come. Some of them will add up to fairly big solutions. But there will be a very substantial net gain in the habit of responsibility, and almost surely a marked improvement in the coherence of a society that is dangerously fragmented today.

And—to return to Congressman Bolling—there will emerge statesmanlike coalitions with which elected officials can work. It's an important point because one could easily imagine that I'm suggesting we turn our backs on top leadership—and that is far from my intention. All I am suggesting is that our dispersed leadership must play a key role, particularly in re-weaving the strands of an unraveling social fabric. If they play that role effectively, then top political leaders can play their role more effectively. The Mayor will find that in addition to all the multiple special interests pressing in on him, there is a "constituency for the whole." So will Governors, Senators, Representatives and the President. I suspect that no other imaginable event would so quickly restore the attractiveness of public life.

Admittedly, it won't be easy to bring to effective reality the idea of responsibility networks. But at this juncture, we have to try—and that's what America is about. As a nation we've had our share of the good fortune that comes without effort. But anyone who knows our history—the austere colonial days, the trek West, the hardships of the 19th century immigrants and the never-ending struggle to make ourselves worthy of the great words in our founding documents—anyone who understands all that knows that unearned good luck isn't what America is about. America is about trying.●

CONGRESSMAN TONY P. HALL INTRODUCES RESOLUTION TO DISAPPROVE ARMS SALE TO SOUTH KOREA

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. HALL of Ohio. Mr. Speaker, this afternoon I am introducing a resolution to disapprove the proposed sale of $88 million worth of aircraft spare parts and supplies to South Korea. This is Transmittal No. 80-96, which was received by the House Foreign Affairs Committee on September 8, 1980.

This resolution is intended to be a signal both to the administration and to the South Korean Government that Congress is concerned about the deteriorating situation in South Korea. In view of the military coup in South Korea, the death sentence given to opposition leader Kim Dae Jung, and the suspension of civil and political liberties in South Korea, the decision to proceed with this parts sale on a business as usual basis is ill-advised and poorly timed.

It should be emphasized that the resolution of disapproval of this sale is not intended to signal any lessening of U.S. commitment to the defense of South Korea from external aggression. Rather, it is an expression that the sale simply is inappropriate at this time.

We fought a war in which thousands of Americans were killed in order to prevent South Korea from falling under totalitarian rule. Now the South Korean people have come under a military dictatorship—a dictatorship that appears to be insensitive to the expressions of concern of the outside world.

The Chicago Tribune made an important observation in its editorial of September 20:

> In any event, to continue the policy of quietly urging restraint on President Chun can do no good so long as he refuses to listen. But it could do a great deal of harm if, through timidity and inaction, the United States were to become identified in the minds of South Koreans as a partner in oppression with the military dictatorship.

Evidently, the Chun government has not been impressed with the mild reaction of the administration both to its suspension of the democratic processes in South Korea and the sentencing of Kim Dae Jung. Must we wait until Kim is about to be executed to express our strongest disapproval of these circumstances?

The resolution I am introducing is a means of indicating our grave concern about what is happening in South Korea. There is nothing objectionable about the spare parts sale itself. What is objectionable is that the administration thinks nothing of proceeding with such a major sale despite the actions of the Chun government. This $88 million sale has assumed symbolic importance well beyond the meaning of meeting ongoing commercial arms dealings with the South Korean Government. It symbolizes an almost irrational tolerance for repression.

State Department, as is its custom, has chosen to focus on the security implications of failing to go ahead with this sale. Nevertheless, a convincing case has yet to be made that U.S. strategic interests will be irreparably harmed if this arms sales request were postponed until the current developments in South Korea have been clarified.

An additional point must be made about the security issue. There is a link between the internal stability of South Korea and South Korea's ability to defend itself against outside aggression. This fact was eloquently expressed by Andrew Young in his article which appeared in the Washington Post on September 29.

> Without moderate democratic leadership, the continuing economic recovery and growth of South Korea are in danger, strengthening extreme solutions of revolutionary groups bent on violence or underground guerrilla activity. Needless to say, this would invite the participation and infiltration of the North Koreans.
>
> Strategic security interests and human rights converge in the case of Kim Dae Jung. To avoid further polarizing and traumatizing South Korean society, the military government should drop the false charges against Kim and his codefendants, release all political prisoners and set a timetable for full and free democratic elections.

It had been the hope of several concerned Members of Congress that the sale would be quietly withdrawn as a diplomatic and face-saving means of conveying our concern about the repressive developments in South Korea. Since this course has not been followed by the administration, the time has come for a more forceful reaction.

Sometimes, in dealing with issues like this arms sale, we tend to lose sight of our overall policy objectives—and, indeed, our principles about human rights and freedom. In closing, I would like to quote the last paragraph of a recent Christian Science Monitor editorial on the sentencing of Kim Dae Jung. I think it helps to put our relations with South Korea in perspective:

> There are forces of freedom in South Korea that need nourishing and the encouragement of the West. Not because we think political democracy is possible tomorrow or that all Koreans today want it. But because this is the inevitable yearning of the human spirit and ultimate road of mankind's forward progress. It is incumbent on the United States to keep that flame of freedom alive.

I am pleased that the following Members of Congress are joining with me today in introducing this resolution: BERKLEY BEDELL; ANTHONY C. BEILENSON; WILLIAM M. BRODHEAD; BOB CARR; JOHN CONYERS, JR.; BOB EDGAR; DON EDWARDS; TOM HARKIN; JIM LEACH; ANDREW MAGUIRE; EDWARD J. MARKLEY; NORMAN Y. MINETA; RICHARD NOLAN; JAMES L. OBERSTAR; JOHN F. SEIBERLING; GERRY E. STUDDS; HOWARD WOLPE; AND JONATHAN B. BINGHAM.●

CHILE EXTRADITION DECISION

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. HARKIN. Mr. Speaker, 1 year ago today, the Chilean Supreme Court issued its final refusal to extradite Gen. Manuel Contreras and his DINA colleagues to stand trial in an American court for the September 21, 1976, car-bombing-assassination deaths of Orlando Letelier and Ronni Moffitt. The court terminated the criminal prosecution against Contreras and the DINA officers and ordered them freed.

One year ago, I and my colleagues, Mr. MOFFETT, of Connecticut, and Mr. MILLER of California, initiated the circulation of a Dear Colleague letter to this House which stated the seriousness of the Chilean Supreme Court decision:

> By refusing to extradite or punish these international terrorists and by harboring them within Chile, the Pinochet government is repudiating international law and mocking American justice and the American people. The bombing murders authorized by the Chilean government and committed on American soil were a terrorist act virtually unprecedented in American history. Thus, our response to the Chilean government will sent an historic precedent. It is essential that our government demonstrate swiftly and firmly that we will not allow international terrorists to perpetrate their murder and violence in this country.

One year ago, also on this date, our State Department spokesman, Mr. Hodding Carter III, officially expressed the Department's reaction to the refusal of the Chilean Government to extradite Contreras and the other indicted coconspirators in these words, as reported by the New York Times:

> The deplorable results of the Court's decision is that the three terrorists have been released from custody and are free on the streets of Chile. We are deeply disappointed and gravely concerned by yesterday's decision * * * (The evidence) * * * clearly warranted the extradition of these men. The United States government continues to believe that the government of Chile has a duty to ensure that this brutal act of terrorism does not go unpunished.

Agreeing that the Government of Chile "has a duty to insure that this brutal act of terrorism does not go unpunished," Mr. MOFFETT, Mr. MILLER and I circulated our resolution for additional sponsorships. Today, House Resolution 449 has 75 House sponsors. It is entitled: "A Resolution expressing the sense of the House of Representatives with respect to the failure of the Government of Chile to extradite Manuel Contreras, Armando Fernandez, and Pedro Espinoza—and to urge the President to take certain actions with respect to Chile."

The sanctions which we asked President Carter to impose on the Pinochet government were as follows:

> (1) To recall the U.S. Ambassador to Chile;
>
> (2) To apply statutes limiting assistance to countries harboring international terrorists;
>
> (3) To prohibit the deliveries of defense articles or services;
>
> (4) To recall all military personnel;
>
> (5) To prohibit the issuance of U.S. visas to Chilean military or intelligence personnel;
>
> (6) To prohibit credits or loan guarantees to be granted by the Export-Import Bank;
>
> (7) To prohibit the granting of export licenses;
>
> (8) To order the immediate suspension of private bank loans;
>
> (9) To demand that Chilean rights be fully restored.

After a delay of 2 months, on November 30, 1979, the State Department announced a package of retaliatory gestures approved by the President and Secretary Vance. Charles Krause, in a January 2, 1980, Washington Post dispatch, described the impact of the administration's response to the Chilean Government's failure to extradite its terrorists:

> Observers here agree that those measures amounted to little more than a wrist-slap. Moreover, in most instances they . . . have served only to formalize existing policy. Not one embassy official has left and those under consideration for recall include mapmakers from the U.S. Geodesic survey and AID officials who no longer have a program in Chile anyway.
>
> Chile now purchases military equipment from France and Israel, among others and is looking with some success for ways to replace the items which need U.S.-supplied parts. U.S. Export-Import Bank and Overseas Private Investment Corporation loan guarantees and financing here . . . have been completely dormant for at least three years. Many import contracts will not go to Japanese and European firms.
>
> The net effect within Chile, according to interviews with informed observers, has been to strengthen Pinochet who now looks as if he stood up to the United States, dared the administration to punish him and then watched it beat a hasty retreat when the court's decision was completely unfavorable."

Recently, the administration has sent a signal of U.S. displeasure to Chile by excluding Chile from this year's North and South American naval exercises in the Atlantic and Pacific, Unitas XXI. According to the New York Times of July 10, 1980, our Ambassador to Chile, George Landau, publicly confirmed that the cancellation was in protest over what he said was an ineffectual investigation of the Letelier case by Chilean authorities. The Times quotes General Pinochet's response to a press query regarding our Ambassador's remarks as: "Investigations can take years."

Mr. Speaker, the American people and Government have waited too many years already for justice in this case. We have waited 4 years since the assassination of Orlando Letelier and Ronni Moffitt. We have waited 2 years since the U.S. grand jury indicted Contreras and his secret police coconspirators. We waited a year for the Supreme Court of Chile to issue its rubberstamp refusal to extradite Pinochet. We have waited an additional year since the United States began its review of our relations with Chile in the wake of the Supreme Court decision 1 year ago today.

Therefore, on this anniversary of the denial of justice in the Letelier-Moffitt assassinations, we reiterate our call to President Carter for stronger sanctions against the Government of Chile. We reiterate our call for him to exercise his powers—as he has done in the case of the Iranian hostages—under the International Emergency Economic Powers Act to terminate U.S. private bank loans to Chile. We reiterate our call to permanently recall our Ambassador to Chile until justice is done in this case.

I would like to have inserted into the RECORD at this point the editorial of the New York Times of September 30, 1980, entitled "Justice and the Letelier Bombings," as well as House Resolution 449:

JUSTICE AND THE LETELIER BOMBERS

Full justice still seems distant in the Orlando Letelier case, even though four years have passed since the exiled Chilean diplomat was murdered on Washington's Embassy Row by agents of Chile's secret police. Resourceful prosecutors did manage to solve the crime, prosecute and convict some of its perpetrators, and bring charges against its alleged masterminds in Chile. The families of Mr. Letelier and Ronni Moffit, an American colleague who was also killed, won the right to sue the Chilean Government for civil damages. But Chile has refused either to investigate or extradite the three high police officials implicated in the terrorism.

And now the convictions of exiled Cubans for plotting and concealing the crime have been overturned by the United States Court of Appeals in Washington. The setback may be only temporary, however, and the benefits more lasting. The Justice Department, which is considering appealing the case, is committed in any event to retrying it. The Court of Appeals' language will bring no comfort to Chile's leaders; it found ample evidence of guilt. Indeed, the only significant flaw in the case—one that would not give pause to the courts of totalitarian countries—was some misuse of evidence. The court held that testimony of jailhouse informants was used against the defendants, in violation of their constitutional rights. Abundant admissible evidence remains for retrial.

Two of the defendants, Alvin Ross Diaz and Guillermo Novo Sampol, are beneficiaries of Federal principles they may not appreciate. The Court of Appeals held that while jailed in Manhattan before trial, their rights were infringed by other inmates acting as Government informants. One informant was under pressure from a sentencing judge to produce incriminating evidence against fellow inmates.

The Supreme Court has been throwing out this kind of sleazily obtained evidence since 1964, most recently last June in an opinion by Chief Justice Burger. The new decision is in line with those precedents and in the best tradition of the Federal judiciary: defendants may be repugnant, but that does not justify convicting them by unworthy means.

No tenderness for terrorists inspires the principle here. The national attitude toward terrorists, especially those brazen enough to detonate a murderous bomb on the streets of Washington, is best expressed by the determination of the Justice Department to pursue the criminal prosecution further.

H. Res. 449

A resolution expressing the sense of the House of Representatives with respect to the failure of the Government of Chile to extradite Manuel Contreras, Armando Fernandez, and Pedro Espinoza to the United States, and to urge the President to take certain actions with respect to Chile.

Whereas the Congress has repeatedly expressed its condemnation of international terrorism; and

Whereas the President on several occasions has committed the United States to the strongest possible measures against governments which have condoned acts of international terrorism or which harbor individuals who have committed acts of international terrorism; and

Whereas on August 1, 1978, a Federal grand jury indicted General Manuel Contreras, Captain Armando Fernandez, and Colonel Pedro Espinoza, all of whom were members of the Chilean intelligence service, for conspiracy in the 1976 murders of Orlando Letelier and Ronni Karpen Moffitt, and on September 18, 1978, the United States Government filed requests with the Government of Chile for the extradition of those so indicted; and

Whereas this act of terrorism on the streets of Washington, District of Columbia, against an American citizen and a United States resident with diplomatic status was a result of action by the Government of Chile; and

Whereas Amnesty International, the International Commission of Jurists, the United Nations Human Rights Commission Ad Hoc Working Group on Chile, and the United Nations General Assembly have stated that the regime of Augusto Pinochet has violated basic human rights and political freedoms in Chile since the military coup of 1973 in that country; and

Whereas the Pinochet regime, in refusing to extradite Manuel Contreras, Armando Fernandez, and Pedro Espinoza, is harboring and protecting individuals wanted in the United States to stand trial for acts of international terrorism: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) expresses its great concern at the refusal of the Government of Chile to extradite Manuel Contreras, Armando Fernandez, and Pedro Espinoza to the United States; and

(2) calls upon the President to take the following actions immediately:

(A) ro recall the United States Ambassador to Chile;

(B) to order the application to Chile of all relevant statutes limiting bilateral and multilateral assistance to countries with terrorist governments or countries harboring terrorist;

(C) to prohibit deliveries of defense articles or defense services to Chile pursuant to sales made before the date of enactment of the International Security Assistance and Arms Export Control Act of 1976;

(D) to recall all advisory and other military personnel from Chile;

(E) to prohibit the issuance of United States visas to Chilean military or intelligence personnel or anyone acting under the auspices of Chilean military or intelligence services;

(F) to prohibit any credits or loan guarantees to be granted by the Export-Import Bank with respect to Chile and to prohibit any export licenses required under the Export Administration Act of 1979 to be granted with respect to Chile;

(G) under the authority contained in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), to order the immediate suspension of private bank loans to Chile; and

(H) to demand that the Pinochet regime in Chile restore fully to the people of Chile the rights they had traditionally enjoyed before the military coup of 1973, including the right of the more than fifty thousand Chilean exiles to return to their country and the right of the families of more than six hundred and fifty political prisoners who have disappeared to be informed of the whereabouts of those political prisoners.●

JACOB AND SARAH BECKER

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. O'BRIEN. Mr. Speaker, I would like to take this opportunity to honor Jacob and Sarah Becker on the occasion of their 60th wedding anniversary on October 11. This fine couple is a symbol of the family institution in America. I know my colleagues will join me in wishing them many more years of married bliss.●

THE FUTURE OF HUMAN RIGHTS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. DONNELLY. Mr. Speaker, the plight of the renowned physicist and Nobel Peace Prize winner Andrei Sakharov has worldwide attention. The continuing subjection of this brilliant man to internal exile in Gorky stands in sharp rebuke to the Soviets' participation in the upcoming Madrid Conference on Implementation of the Helsinki Final Act.

On September 16, the Boston Globe published an editorial written by Sakharov, and smuggled out of the Soviet Union in which this brave man details his reflections on the conference. Sakharov also writes movingly about the imposed distance between his stepson Aleksei, and his fiancee, Elizaveta Alexeyeva. Aleksei attends Brandeis University in Massachusetts. Elizaveta has been unable to emigrate to the United States and rejoin Aleksei due to the increasingly difficult prospects for emigration from the Soviet Union.

I insert this important article for my colleagues' information:

[From the Boston Globe, Sept. 16, 1980]

The Future of Human Rights

(By Andrei Sakharov)

The historic significance of the Helsinki Accords, the subject of a conference opening today in Madrid, lies in its affirmation of a crucial principle: International security and confidence are linked to respect for human rights.

The most complete statement of this idea is contained in the Final Act of the Accords, which commits the participating states to fulfill all the provisions of the International Covenants on Human Rights and of the Universal Declaration of Human Rights.

These provisions include guarantees for freedom of opinion and information, freedom to choose one's country of residence (and not just within the context of family reunification), freedom to choose one's domicile within each country, freedom of religion and freedom of association.

The Helsinki Accords also acknowledged the right of the participating states to monitor each other's compliance; such monitoring is regarded not as intervention in internal affairs but rather as a contribution to international security and confidence.

The Final Act marked a new stage in the formulation of an international ideology of human rights. Unfortunately, its principles have not been put into practice in a satisfactory fashion. I suppose that human-rights violations have occurred in many countries, including Western countries, but I shall speak about what I know best—the situation in the Soviet Union and in Eastern Europe.

The observance of fundamental civil and political rights in these countries has not simply failed to improve over the past five years; the situation has grown worse. Repression against groups organized to promote observance of the Final Act constitute the most brazen and challenging example of violations that demand from the participating states an unequivocal, uncompromising response—effective actions not limited to verbal protests.

More than 40 members of the Helsinki watch groups are imprisoned. Many others also have been arrested: individuals who, although not formally members of the Watch groups, worked to promote the exchange of information and the defense of human rights as contributors to "samizdat" news magazines or journals of opinion, as participants in the movement for freedom of religion and freedom of emigration, or in other ways. The governments, nongovernmental organizations and concerned citizens of the participating states are under an obligation to defend all such victims of repression.

Peace in the world is indivisible. The consequences of any deviation from this principle only confirm its truth. Therefore, I cannot agree with those who consider the Soviet invasion of Afghanistan an event unrelated to security in Europe. I also cannot agree with those who suggest a boycott of the Madrid conference as a response to Soviet actions in Afghanistan or to the increased repression of dissenters.

I believe that the participating states should use the opportunity offered by the Madrid conference to further a political settlement in Afghanistan, which must provide for the withdrawal of Soviet troops and international guarantees of peace, neutrality and free elections. The participating states should also promote the release of prisoners of conscience in the Soviet Union and Eastern Europe, and in western countries as well if people are imprisoned who have not used or advocated violence.

The critical international situation requires that the participating western states coordinate their tactics and pursue their goal with more determination and consistency than at Belgrade. The Helsinki Accords, like detente as a whole, have meaning only if they are observed fully and by all parties. No country should evade a discussion of its own domestic problems, whether they be the problems of Northern Ireland, the Crimean Tatars or Sakharov's exile (here I am speaking objectively). Nor should a country ignore violations in other participating states. The whole point of the Helsinki Accords is mutual monitoring, not mutual evasion of difficult problems.

I wish also to mention a personal matter. My illegal exile to Gorky last January attracted worldwide attention. I appeal to all who expressed concern at that time: Help our son's fiancee, Elizaveta Alexeyeva, receive permission to leave the Soviet Union. I appeal in particular to both government and private people who may meet with Soviet leaders. Liza's fate, the lengthy separation of two people who love one another, has become a means of pressure on me. This is a strictly personal matter, with no connection whatsoever to interests of state. I do not know what the authorities have in mind for the future, but the affair is already tragic. I am hoping for assistance in this very concrete problem that is so important to me.●

ILLINOIS GOVERNOR VETOES RESTRICTIVE LEGISLATION ON NUCLEAR WASTE

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. DERRICK. Mr. Speaker, Gov. James R. Thompson of Illinois is to be commended for vetoing State legislation that would have barred the interstate storage or transportation of spent nuclear fuel into Illinois. On September 18, he vetoed house bill 3614, specifically amendment No. 1, "* * * on the ground that it represents extremely bad public policy and that it violates numerous provisions of the U.S. Constitution." Later in his veto message, he states, "In Washington, Nevada, and South Carolina, low-level nuclear waste is currently being buried. Illinois low-level waste goes to these sites with regularity."

As a Representative in Congress representing one of the States into which Illinois is shipping nuclear waste, I can appreciate the Governor's concern about disposing of nuclear waste from out of State. But Governor Thompson realizes that Illinois "* * * contributes to a national problem * * *" and that Illinois "* * * should be willing to shoulder a fair share of the burden attendant to a national solution."

I commend Governor Thompson for his action, and I urge other State and local governments to take the same reasonable approach on the issue of nuclear waste and spent fuel disposal. Mr. Speaker, for the benefit of our colleagues, I would like to insert the text of Governor Thompson's veto message into the RECORD.

To: The Honorable Members of the House of Representatives, 81st General Assembly.

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 3614 entitled "An Act creating a Department of Nuclear Safety and amending certain Acts herein named," with my specific recommendation for change.

I.

House Bill 3614 is the conforming legislation to my Executive Order Number 3 which created the Illinois Department of Nuclear Safety, the first cabinet level state nuclear regulatory agency in the United States. The combined efforts of my office and the General Assembly were responsive to a need for a consolidated approach to the state's public safety responsibilities in the nuclear area. The Executive Order and conforming legislation centralizes regulatory functions, insuring greater accountability to the State and the safer operation and handling of radiological facilities and materials. This legislation represents an enormous step forward for Illinois nuclear safety.

The principal goals of the Department of Nuclear Safety were to study safety questions and to ensure that the citizens of this State would be safe from nuclear power. This Department will have the expertise and the power to regulate transportation, to monitor the environment, to prepare and exercise emergency response plans and to manage our waste. In addition the General Assembly has chosen through this legislation to require that the Department of Nuclear Safety study the question of need and compare the cost and benefits of nuclear power to other available energy sources in conjunction with the Institute of Natural Resources. It is my sincere hope that the Department of Nuclear Safety will serve as a forum for the debate of the critical issues of safety and need. It will be open to all sides of the controversy and will supply a much needed expertise to explain to the general public the nature of the technical considerations of the debate. In addition, the Department will participate with the federal government both on the regulatory and legislative levels to ensure state input into the questions which so significantly affect us.

This legislation represents part of an intensive effort by my administration to ensure this goal of nuclear safety for the citizens of Illinois. Since the ominous occurrence at Three Mile Island, Pennsylvania on March 28, 1979, substantial progress has been made. Since that time, the Illinois Plan for Radiological Accidents, a comprehensive four volume nuclear emergency plan, has been prepared. In addition, the state has laid the groundwork for a nationally acclaimed remote environmental monitoring program of nuclear power plants. I have significantly enhanced, both in manpower and equipment, the state's ability to monitor the radiological materials which travel on the state's highways. I have participated on the national level with the National Governor's Association, the National Council of State Legislatures and the State Planning Council on Radioactive Waste Management to ensure that this country has a fair and safe method for managing its waste. I have contributed to the federal rulemaking process to ensure that Illinois citizens are not subject to unfair or inadequate federal regulation in this area.

The Department of Nuclear Safety, with its unique expertise and with the guidance of my administration, will continue these efforts. This state, which is more dependent on nuclear power than any other state in the nation, must be first in nuclear safety as well.

II.

The legislature chose to amend this legislation to bar the interstate storage or transportation of spent nuclear fuel in this state. I veto this portion of the legislation on the ground that it represents extremely bad public policy and that it violates numerous provisions of the United States Constitution.

III.

The issue regarding the storage of spent nuclear fuel is intimately connected with the nuclear power debate. That often discordant national discourse stands to affect the vary nature of American life. The State of Illinois is the number one nuclear state in the nation. Presently, seven nuclear reactors are functioning in Illinois, with eight more under construction and two planned. The City of Chicago depends for as much as 50 percent of its total electricity on nuclear reactors. In addition to the spent nuclear fuel facility at Morris, the state houses a uranium hexafluoride conversion facility at Metropolis and a low level radioactive waste facility at Sheffield.

IV.

The nuclear controversy involves two issues: the question of safety and the question of need. The storage and transportation of spent nuclear fuel rods is a facet of the overall debate. Concluding with all major institutions that have studied the question that in the near term nuclear power is a necessity, I have refused to adopt an antinuclear stance. Nuclear power inevitably produces nuclear waste. How that waste is managed is a matter which vitally affects all the citizens of this country. Since the waste problem is a national one, not limited by State borders, I believe that a national solution to the problem must be formulated. The States, individually and as a group, have a significant role to play in this process.

The nuclear debate also touches sensitive questions of federal/State cooperation and cooperative federalism. The federal government is charged principally with responsibility for the management of spent nuclear fuel. Under the Atomic Energy Act of 1954, the federal government, however, must not solve any of the nuclear questions in the absence of significant input from the States. A number of bodies have attempted to supply this input. I applaud their efforts. I sincerely hope that they will continue to go forward in participating in these critical matters.

V.

I believe that the federal government will not be able to meet its responsibilities in the absence of sincere participation from the States. Regarding the question of away-from-reactor (AFR) facilities, I believe a number of fundamental points must be communicated to the federal government. The State of Illinois will not be the sole situs for an interim spent nuclear fuel repository for this nation. I would propose that any AFR could only be required to take spent fuel from a given region. At a minimum there should be four AFR regions in the United States. Prior to the acquisition of such facilities by the federal government, State concurrence should be obtained. In addition to being limited to geographic scope, the number of metric tons uranium capacity should be set forth for each AFR and additional spent fuel storage would be impossible in the absence of congressional approval.

I believe that there is a substantial question regarding the need for the interim storage of spent fuel. Accordingly I believe it should be the burden of the utilities to demonstrate that they have exhausted all alternatives to away-from-reactor storage. Such alternatives would include transshipment, reracking and on-site pool expansion. In the absence of such demonstration, storage at any away-from-reactor facility should not be permitted. In addition to this I believe that the Nuclear Regulatory Commission (NRC) must be required to license all away-from-reactor facilities. Since the NRC has no explicit licensing authority, the Atomic Energy Act of 1954 should be amended to contain these provisions. Transfer of any license by the NRC should be absolutely barred.

Under no circumstances should the National Environmental Policy Act be suspended for the purposes of commissioning any AFR. An Environmental Impact Statement under that act should be required for the purpose or use of a Department of Energy owned facility. Prior to the licensing of such a facility a complete plan for decommissioning and long term care must be set forth. Prior to any licensing or commissioning of an AFR, an emergency plan must be prepared. Under no circumstances should any reprocessing at an AFR be done in the absence of specific congressional authorization.

VI.

In its six years of existence, the Morris facility, which would be directly affected by this amendment, has had an adequate safety record. It produces no thermal pollution and emits a miniscule amount of radiation yearly. One of the principal charges of the new Department will be to reassess the environmental impact of the facility. Preliminary assessment, however, indicates that a possible loss of coolant accident is extremely remote and the facility is highly secure from natural and manmade disasters.

VII.

A much argued point regarding the Morris facility relates to the issue of the national dumping ground. I would stridently object to the State of Illinois becoming a national dumping ground for the nation. However, I believe that it is highly inaccurate to suggest that Morris, Illinois is a national dumping ground. The vast majority of national spent fuel is stored on site. Only an extremely small percentage of spent fuel is sent to Morris.

Moreover, the states in my opinion are under an obligation to share the burden of nuclear power if they are to enjoy its benefits. I would suggest that many other states now share part of the national burden. Preparing fuel for this nation's power plants produces wastes from the mining and milling of ore, uranium enrichment and fuel element manufacture. In the west, uranium mill tailings present a substantial problem. In Washington, Nevada and South Carolina, low level nuclear waste is currently being buried. Illinois low level waste goes to these sites with regularity. This state contributes to a national problem. I have repeatedly stated that it should be willing to shoulder a fair share of the burden attendant to a national solution.

VIII.

The language of the amendment bars the current storage of spent nuclear fuel. I would object most vehemently to the removal of spent fuel currently housed at the Morris facility. I believe that this issue was not considered by either house when the bill was discussed. Inasmuch as there is currently no place to store these fuel rods, this is a substantial defect in the bill. Removal of such materials may present other health hazards.

IX.

The bill is unconstitutional. Under the Atomic Energy Act of 1954, 42 U.S.C. § 2011-2296, the Nuclear Regulatory Commission has complete jurisdiction over the handling of special nuclear and by-product materials, 42 U.S.C. § 2021. This exclusive jurisdiction eliminates the state as a possible regulator of the possession of these materials. Recent court cases have addressed the question of the implied preemption of the states in this area. *Northern Power Co.* v. *State of Minnesota,* 477 F. 2d 1143, (8th Cir. 1971), aff'd, 405 U.S. 1035 (1972); *United States* v. *City of New York,* 463 F. Supp. (S.D. N.Y. 1978); *Pacific Legal Foundation* v. *State Energy Resources & Development Commission,* 472 F. Supp. 191 (S.D. Cal. 1979).

In the most recent case, *Pacific Legal Foundation,* the court held that the Nuclear Regulatory Commission had exclusive power to act in an area that "relates to, touches upon and involves the regulation of radiation hazard pertaining to the construction and operation of nuclear power plants and nuclear waste disposal." 472 F. Supp. at 144. In addition, the court ruled that the legislation involved in that case was void as a consequence of standing "as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." Id. at 200. These cases stand for the proposition that under the Supremacy Clause of the United States Constitution state action is preempted if it tends to frustrate the development and use of atomic energy in the United States because such development and use is in the exclusive jurisdiction of the federal government. Since the production of nuclear waste is inextricably related to the production of nuclear energy, the state is devoid of authority to prohibit the disposal of nuclear waste since that would be construed as interferring with the use of nuclear energy.

This legislation is also void by virtue of its posing an impermissible burden on interstate commerce which is barred by the Commerce Clause of the United States Constitution. In *City of Philadelphia* vs. *New Jersey,* 437 U.S. 617 (1978) the Supreme Court struck down a New Jersey statute which barred the importation of hazardous toxic materials. Here, like in *City of Philadelphia,* the goal was to isolate the state from the national economy and to discriminate against goods solely because of their origin. The court stated:

"Today cities in Pennsylvania and New York find it expedient or necessary to send their waste into New Jersey for disposal and New Jersey claims the right to close its borders to such traffic. Tomorrow cities in New Jersey may find it expedient or necessary to send their waste into Pennsylvania or New York for disposal, and those states might then claim the right to close their borders. The Commerce Clause will protect New Jersey in the future just as it protects our neighbors now from efforts by one state to isolate itself from the stream of interstate commerce from a problem shared by all. *Id.* at 628-629."

Thus, the Supreme Court will apply a per se rule to any such protectionist legislation that discriminates against out-of-state interests. In my judgment, therefore, the bill represents an impermissible infringement on interstate commerce which I cannot in good faith sign.

X.

I do not amendatorily veto Senate amendment Number 1 on the sole ground that it is unconsitutional. I believe it represents bad public policy. The State of Illinois has been extremely active in recent years in the area of nuclear safety. The State of Illinois has set up the first legislative Department in the nation which is dedicated to the regulation of the use and control of ionizing and nonionizing radiation. It has significantly increased its ability to monitor state highways for radiation hazards. It has instituted a nationally acclaimed remote radiological monitoring system for all the state nuclear reactors. It has participated on the federal level both with federal officials and other state governments in all areas of waste management. Specifically, there has been active participation with the National Governor's Association and the National Council of State Legislatures regarding low level waste management. The state has participated with the other Governor's on the State Planning Council on Radioactive Waste Management which was constituted on February 12, 1980 by President Carter to resolve some of these issues. It has prepared in the last year the Illinois Plan for Radiological Accidents, a comprehensive four volume work for state and local response to accidents at reactors. Through the Department of Nuclear Safety, all of these initiatives will go forward.

XI.

I believe that in weighing the legal and policy questions which it is my constitutional duty to do, that I can not approve the Senate Amendment Number 1.

Accordingly, I make the following specific recommendations for change:

On page 24, delete lines 27 through 32; and

On page 24, delete lines 1 through 31 and insert in lieu thereof as follows:

"ARTICLE II

"Section 1. This Act takes effect upon its becoming a law.".

With these changes House Bill 3614 will have my approval.

Sincerely,

JAMES R. THOMPSON,
Governor.●

IN SUPPORT OF H.R. 8146

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. WILLIAMS of Ohio. Mr. Speaker, this country is in the middle of its seventh recession since World War II, with the most recent downturn occuring in January. This past spring it became apparent that not only was the national economy in recession, but the fall in economic activity was proceeding at a startling rate. Economic indicators clearly pointed out that payroll employment had dropped; industrial production had fallen and consumer spending had drastically declined.

In 1979, America's steel industry employed 451,000 persons, approximately

0.5 percent of the labor force. Today, it employs 371,627 persons. The industry is a major supplier to the ailing automobile and construction industries and is caught in a recurring downturn which is at least as damaging as that experienced during the 1975 recession. This industry has long-term problems such as aging and obsolete plants, domestic and foreign market erosions, and substitution of steel by aluminum. Thus it suffers from weak demand as well as recession-related declines in demand for automobiles and construction. To make matters worse, the weak demands have been coupled with weak prices.

Although the downturn has affected the steelworkers throughout the Nation, the impact is felt more severely in industrial States like Ohio and Michigan, where unemployment rates have almost doubled the national rate. I represent the 19th Congressional District of Ohio, whose unemployment rate is more than twice the national rate. To cite an example, in July of this year the national percentage was 7.8. During the same period, Mahoning and Trumbull Counties were 14.1 and 16 percent respectively.

A total of approximately 20,000 workers have become involuntarily unemployed in Trumbull and Mahoning Counties as a result of plant closings and personnel layoffs within the past 3 years. The closing of Youngstown Sheet & Tube Co. affected 5,000 workers; United States Steel Corp.—3,500; the J & L, Briar Hill Works—3,500; Packard Electric Co.—3,000; and an anticipated 5,000 employees will be temporarily laid off by General Motors next month. This is a prime example of what is happening throughout the Nation and in the State of Ohio.

In 1975 we, the U.S. Congress, enacted the Emergency Unemployment Compensation Act—we found an answer. Today, I am proud to say that the Federal Supplemental Unemployment Compensation Act will allow us to meet those very same needs in 1980.●

FRANK IVALDI—A SPECIAL MEMBER OF THE COMMUNITY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. STARK. Mr. Speaker, the city of San Leandro and the friends of Frank Ivaldi will get together to honor his dedication to the community in a special "Salute to Frank Ivaldi" dinner on Friday, October 31, 1980.

The owner and chairman of the board of East Bay Excavating Co., Inc., Frank Ivaldi is also a part owner of the Sunol Valley Golf & Recreation Co. and the Oakland Raiders. For the past 14 years he has been the director of the Alameda County Fair, always an overwhelming success.

In addition, Frank has somehow found the time to maintain membership in over a dozen civic, fraternal, charitable, and social organizations which include Rotary, Shriners, Masons, Boys Clubs, and Widows and Orphans Police Aid Association, among others.

His motivation, enthusiasm, and dedication are unending. It is only fitting we should join his friends and family in honoring this very special member of our community.●

FEDERAL GRAIN INSPECTION COSTS HAVE SOARED

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SEBELIUS. Mr. Speaker, I have requested the General Accounting Office (GAO) to give me an update on the costs of operating the Federal Grain Inspection Service (FGIS). Based on the GAO report, it appears the difference in costs of fiscal year 1976—the last year under the old system—and fiscal year 1980 will be between 400 percent and 500 percent higher.

GAO also indicates in its report that there are other opportunities for cost-cutting and efficiency in the operation of FGIS.

I insert the GAO report—less enclosures III and IV—in the RECORD for the enlightenment of all Members of Congress:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., August 13, 1980.

Subject: Cost Effectiveness of the Federal Grain Inspection System Since the Grain Standards Act of 1976 Was Passed.

Hon. KEITH G. SEBELIUS,
House of Representatives.

DEAR MR. SEBELIUS: This letter responds to the questions raised in your June 23, 1980, letter to the Comptroller General. Some current statistics were obtained from the Department of Agriculture's Federal Grain Inspection Service (FGIS) but most of the information was obtained from our review and November 1979 report on the Federal export grain inspection and weighing programs ("Federal Export Grain Inspection and Weighing Programs: Improvements Can Make Them More Effective and Less Costly," CED/80-15, Nov. 30, 1979).

Question. What is the total cost of, and the number of Federal employees involved in, Federal grain inspection services as of this date compared with 5 years ago?

Answer. As of July 26, 1980, FGIS had 1,803 full-time and 208 intermittent and part-time employees. This compares with the 826 full-time and 21 intermittent and part-time personnel employed when FGIS was established on November 20, 1976. FGIS expects expenditures for fiscal year 1980 to total $56,609,000 ($24,294,000 from appropriated funds and $32,315,000 from fee-supported revolving trust funds). For fiscal year 1976, program expenditures totaled $12,726,407 ($6,193,438 from appropriated funds and $6,532,969 from revolving trust funds).

Our November 1979 report contained data on FGIS funding and staffing. (See encs. I and II.) The report also concluded that personnel costs (number of staff and/or overtime) could be reduced if FGIS would establish adequate criteria for determining the staffing requirements of individual grain elevators and make increased use of closed-circuit television equipment and automated sample delivery systems. (See enc. III.)

Q. How does the number of complaints made by foreign countries and foreign purchasers of U.S. grain today compare with the number of complaints made in 1970 and 1975?

A. During the period July 1, 1979, through June 30, 1980, FGIS received 55 formal complaints from foreign countries and purchasers of U.S. grain. These included 38 complaints about grain quality, 10 about short weight, and 7 about rice and other commodities covered by the Agricultural Marketing Act.

In our February 12, 1976, report entitled "Assessment of the National Grain Inspection System" (RED-76-71), we reported that the Department of Agriculture had received 41 formal complaints in fiscal year 1970 and 61 in fiscal year 1975 but that these numbers were not indicative of the extent of the problems which existed at that time. The majority of the foreign buyers that we interviewed had said they generally did not report their complaints to the Department because they believed that Agriculture could do nothing to help them resolve disputes with U.S. exporters. In our November 1979 report, we concluded that many foreign buyers receiving problem shipments still were not submitting formal complaints. However, we also reported that most buyers perceived some improvements in the quality and weights of U.S. grain shipments since our 1975-76 review.

Q. What is GAO's appraisal of the cost effectiveness of the new Federal grain inspection system measured in whatever standards or terms you might use to gauge such effectiveness—whether it is more satisfied customers, greater sales, etc.?

A. In our November 1979 report, we concluded that since the Grain Standards Act of 1976 was passed, foreign buyers perceived some improvements in the quality and weights of U.S. grain shipments and that some improvements had been made in U.S. export grain inspection and weighing operations. We also concluded, however, that:

Improved efficiencies in staffing and program operations could reduce inspection and weighing costs.

Some grain standards and inspection procedures are too lenient or not adequate and inspection certificates still do not always fully disclose insect infestation, low-quality grain, and foreign material.

The effectiveness of the new weight supervision program had been limited by a lack of adequate instructions and supervision and a lack of proper training and high turnover of weighing personnel.

Q. What are your recommendations on how Federal grain inspection costs may be reduced? Also, what are your recommendations on how costs may be reduced when embargoes such as those imposed against Russia are implemented?

A. Chapter 4 of our November 1979 report was devoted exclusively to discussing areas in which we believed FGIS could reduce costs without significantly affecting the quality of the services it provides. (See enc. III.) Also, in chapter 3 we discussed the system used to officially weigh grain received at export elevators and recommended changes which would reduce costs but retain an effective weight supervision program. (See enc. IV.) Our specific recommendations on those portions of the report were as follows.

We recommended that the Secretary of Agriculture direct the Administrator, FGIS, to:

Use scientific work measurement techniques to determine staffing and skill levels required to perform essential inspection and weighing tasks and duties at export elevators and staff each elevator at the most efficient and effective level required to get the job done.

Develop equipment performance standards for closed-circuit television systems (that is, items or areas in elevators to be monitored by such equipment and required clarity of picture on the system's monitor) and such other criteria as would be needed to make a commitment on the number of official personnel that would be replaced if an elevator operator installs a closed-circuit television system meeting the specified equipment performance standards.

Exercise greater care in determining equipment requirements before large purchases are made, particularly when new technology is involved.

Revise the inventory monitoring program by discontinuing the maintenance of an independent set of elevator inventory records by FGIS personnel, requiring export elevators to maintain those records and data which FGIS needs, and developing and maintaining a capability within the headquarters staff to check the elevators' records and inventories when a problem is suspected.

We recommended that the Congress amend the Grain Standards Act to provide the FGIS Administrator with the authority to reduce the amount of weight monitoring required on truck and rail shipments arriving at export elevators. We said that this could be accomplished by amending section 5(a)(2) of the United States Grain Standards Act (7 U.S.C. 77(a)(2)) to read as follows: "except as the Administrator may provide in emergency or other circumstances which would not impair the objectives of this act, all other grain transferred out of and all grain transferred other than from a truck or railcar into an export elevator at an export port location shall be officially weighed in accordance with such standards or procedures; where grain is delivered to an export elevator at an export port location by truck or railcar, the Administrator shall provide for supervision of weighing as defined in section 3(y) of this act; and"

We also recommended that, in the event the Congress amends the act as recommended above, the Secretary of Agriculture direct the Administrator, FGIS, to revise the inbound weight monitoring program at export locations to make it more cost effective by (1) reducing the level of weight monitoring to a minimum of 25 percent on truck and rail shipments, particularly where closed-circuit television or other monitoring equipment can be used to observe conveyance unloading and scale operations and (2) possibly substituting observations by truck drivers for those of weight monitoring personnel where such actions are possible.

With regard to the Russian embargo, we have no recommendations for reducing costs associated with Federal inspection and weighing of grain at export locations because there has been no reduction in the volume of grain exported. In fact, between January 1 and June 30, 1980, the volume of U.S. grain officially weighed and inspected at export locations increased by about 18 percent over that in the same period in 1979. During the January-June period, the amount of grain officially weighed increased from 103,545,122 metric tons in 1979 to 122,542,362 metric tons in 1980, and the amount of grain officially inspected increased from 1,966,293,000 bushels in 1979 to 2,329,881,000 bushels in 1980.

We are currently reviewing the special programs implemented by Agriculture as a result of the Russian embargo; that is, the assumption and disposition of the exporters' Russian sales contracts, the domestic procurement and storage of grain to bolster prices received by U.S. producers, and the monitoring program established to detect any direct shipments or transshipments of U.S. grain to Russia. If the results of this review so indicate, we will recommend changes in these areas.

Regarding Agriculture's statement of actions taken on the recommendations in our December 28, 1979, report entitled "Improvements Needed in Department of Agriculture's Certification that Export Shipments of Grain Conform with Phytosanitary Regulations of Foreign Countries" (CED-80-42), we believe that the actions outlined, if properly implemented and followed, should correct the problems discussed in that report.

If we can be of further assistance to you on these matters, please let us know.

Sincerely yours,

HENRY ESCHWEGE,
Director.

Enclosures.

APPENDIX III.—FEDERAL GRAIN INSPECTION SERVICE FUNDING FOR FISCAL YEARS 1978–80

[In thousands of dollars]

	1978 actual	1979 estimate	1980 estimate
APPROPRIATIONS			
Grain Standards Act:			
Inspection supervision	5,476	7,249	7,477
Weighing supervision	1,310	2,745	2,824
Program management *	9,995	12,538	12,919
Agricultural Marketing Act: Standardization	149	148	152
Subtotal	16,930	22,680	23,372
FEE-SUPPORTED ACTIVITIES			
Grain Standards Act:			
Original inspection	10,010	13,704	13,704
U.S. appeals	1,396	1,217	1,217
Canadian operations	358	347	347
Original weighing	7,807	11,614	11,614
Registration	8	22	22
Agricultural Marketing Act:			
Grading	4,849	5,955	5,955
Standardization	36		
Compliance	2		
Subtotal	24,466	32,859	32,859
Total	41,396	55,539	56,231

* Program management includes headquarters administration.

APPENDIX IV.—FEDERAL GRAIN INSPECTION SERVICE STAFF YEARS FOR FISCAL YEARS 1978–80

	1978 actual	1979 estimate	1980 estimate
APPROPRIATIONS			
Grain Standards Act:			
Inspection	217	280	319
Weighing supervision	55	90	101
Program management *	189	256	256
Agricultural Marketing Act: Standardization	3	3	3
Subtotal	464	629	679
FEE-SUPPORTED ACTIVITIES			
Grain Standards Act:			
Original inspection	515	576	576
U.S. appeals	63	62	62
Canadian operations	10	10	10
Original weighing	509	514	514
Agricultural Marketing Act: Grading	180	184	184
Subtotal	1,277	1,346	1,346
Total	1,741	1,975	2,025

* Program management includes headquarters administration. ●

THE BILINGUAL INSTRUCTION: JUDGE HUFSTEDLER VERSUS SECRETARY HUFSTEDLER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. ASHBROOK. Mr. Speaker, the bilingual education regulations proposed by the Carter administration 2 months ago mark a milestone in the history of the Federal education bureaucracy's attempts to impose its will on local school districts.

Given the present structure of Federal aid which is divided into dozens of narrow categorical programs and allocated, for the most part, by discretionary grants, a large degree of Federal control is inevitable. That is why I have proposed H.R. 7882, which would replace a huge segment of this structure with a system of block grants to let State and local educators set their own priorities.

But the August 5 proposed bilingual regulations would extend Federal controls even beyond the status quo. Unlike other controls, they are not a natural outcome of the present structure but a unilateral power grab for which there exists not the faintest statutory or judicial warrant.

Under these regulations, the Education Department would force local school districts to conduct classes for limited-English children in the native languages. As a matter of national policy, this type of separatist bilingual instruction, rather than intensive training in English, would be the preferred method for teaching linguistic minorities. Education Secretary Shirley Hufstedler claims that this approach is mandated by a 1974 Supreme Court decision, *Lau* v. *Nichols.*

With all due respect to Secretary Hufstedler, her claim is patently absurd. I quote from the Supreme Court's 1974 opinion:

> No specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instruction to this group in Chinese is another. There may be others. Petitioner asks only that the Board of Education be directed to apply its expertise to the problem and rectify the situation.

The majority opinion in Lau thus makes a clear distinction between requiring some form of remedial action to overcome linguistic barriers, and mandating a specific remedy such as instruction in the children's native language. It clearly orders the former but not the latter.

One of the clearest statements of this distinction had already been made in 1973 by a member of the appeals court.

This judge observed:

> The majority's characterization of the relief sought as "bilingual education" is misleading. The children do not seek to have their classes taught in both English and Chinese. All they ask is that they receive instruction in the English language.

The author of that statement: then-Judge Shirley Hufstedler.

Since then, Secretary Hufstedler seems to have forgotten the true meaning of the Lau decision. Those of us in Congress who remember and respect the original intent of that decision must, therefore, act to block her Department's misuse of it. That is what my August 27 amendment to the Labor-HHS-ED appropriations bill, my proposed H.R. 8167, and several proposals being discussed in the other body are designed to do.

The complete text of Judge Hufstedler's 1973 opinion follows. I challenge anyone to deduce from this statement—or from the later Supreme Court decision—any requirement that schools conduct classes for linguistic minorities in any language other than English.

Lau versus Nichols

CITE AS 483 F.2D 791 (1973)

Hufstedler, Circuit Judge, with whom Judge Ely concurs, dissenting from the denial of hearing en banc:

I dissent from the rejection of en banc consideration. The case presents unusually sensitive and important constitutional issues. The majority opinion states principles of statutory and constitutional law that cannot be reconciled with controlling authority. Unless these principles are corrected now, the protections of the Civil Rights Act will be seriously impaired in this Circuit.

The majority opinion correctly identifies the two groups of children who brought this action: (1) 1,790 Chinese school children who speak no English and are taught none, and (2) 1,066 Chinese children who speak no English and who receive some kind of remedial instruction in English. The majority's characterization of the relief sought as "bilingual education" is misleading. The children do not seek to have their classes taught in both English and Chinese. All they ask is that they receive instruction in the English language.

Access to education offered by the public schools is completely foreclosed to these children who cannot comprehend any of it. They are functionally deaf and mute. Their plight is not a matter of constitutional concern, according to the majority opinion, because no state action or invidious discrimination is present. The majority opinion says that state action is absent because the state did not directly or indirectly cause the children's "language deficiency", and that discrimination is not invidious because the state offers the same instruction to all children. Both premises are wrong.

The state does not cause children to start school speaking only Chinese. Neither does a state cause children to have black skin rather than white nor cause a person charged with a crime to be indigent rather than rich. State action depends upon state responses to differences otherwise created.

These Chinese children are not separated from their English-speaking classmates by state-erected walls of brick and mortar (CF. Brown v. Board of Education (1954) 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873), but the language barrier, which the state helps to maintain, insulates the children from their classmates as effectively as any physical bulwarks. Indeed, these children are more isolated from equal educational opportunity than were those physically segregated blacks in Brown; these children cannot communicate at all with their classmates or their teachers.

The state's response to the non-English speaking Chinese children is not passive. The state compels the children to attend school (Cal.Educ.Code § 12101), mandates English as the basic language of instruction (Cal.Educ.Code § 71),[1] and imposes mastery of English as a prerequisite to graduation from public high school (Cal.Educ.Code § 8573).[2] The pervasive involvement of the state with the very language problem challenged forbids the majority's finding of no state action. (E.g., Bullock v. Carter (1972) 405 U.S. 134, 92 S.Ct. 849, 31 L.Ed.2d 92; Burton v. Wilmington Parking Authority (1961) 365 U.S. 715, 81 S.Ct. 856, 6 L.Ed.2d 45; Shelley v. Kraemer (1948) 334 U.S. 1, 68 S.Ct. 836, 92 L.Ed. 1161; Nixon v. Condon (1932) 286 U.S. 73, 52 S.Ct. 484, 76 L. Ed. 984).

The majority opinion concedes that the children who speak no English receive no education and those who are given some help in English cannot receive the same education as their English speaking classmates. In short, discrimination is admitted. Discriminatory treatment is not constitutionally impermissible, they say, because all children are offered the same educational fare, *i.e.*, equal treatment of unequals satisfies the demands of equal protection. The Equal Protection Clause is not so feeble. Invidious discrimination is not washed away because the able bodied and the paraplegic are given the same state command to walk.

The majority holdings are contrary to a cascade of Supreme Court authority. Although the majority opinion acknowledges the existence of many of these cases, it attempts to circumvent them by reducing state action concepts to levels unacceptable for a hundred years and by drawing distinctions to confine the prior cases to an uncharted jurisprudential territory remote from the San Francisco schools. The great equal protection cases cannot be shrivelled to the size the majority opinion has prescribed.

Even if the strict scrutiny test were inapplicable, the Chinese children made out a prima facie case. A claim of invidious discrimination against those who could speak and write only Chinese came to the Supreme Court almost 50 years ago in Yu Cong Eng v. Trinidad (1926) 271 U.S. 500, 49 S.Ct. 619, 70 L.Ed. 1059. The Philippines had enacted a statute requiring business account books to be kept solely in English, Spanish, or any local dialect. The petitioner, a Chinese merchant who could neither speak nor write any language except Chinese challenged the statute on due process and equal protection grounds. The Philippine statute, like the California statutes here involved, was facially neutral. Mr. Chief Justice Taft, speaking for a unanimous court, struck down the statute as a denial of equal protection.[3]

The classifications that are relevant to our equal protection problem in this case can be defined in a number of ways. It is unnecessary to describe more than three of them to structure the constitutional inquiry. The narrowest classification created by state action is this: (1) all Chinese school children in the district who can speak English versus (2) all Chinese school children in the district who cannot speak English and are taught no English, represented by a group of 1,790 plaintiffs. Children in the first class have full access to education; those in the second have none. The sole difference between them is linguistic. Is the denial of instruction to learn English—and hence to learn anything—rationally related to any legitimate state end? The state offers no rationale, and I am unable to discern any.

A second classification is: (1) all Chinese school children who do not speak English and are taught none versus (2)(a) children identically situated who receive six hours per day of special instruction, represented by a group of 433 plaintiffs, and (2)(b) children also identically situated who receive one hour per day of special instruction, represented by a group of 633 plaintiffs. Although some special education is provided, it is not made available to all on an equal basis. (*See* Brown v. Board of Education (1954) 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873; Griffin v. Illinois (1956) 351 U.S. 12, 76 S.Ct. 585, 100 L.Ed. 891.) Nothing appears on the face of the record to explain why children are placed in one class rather than another. It is thus impossible to determine whether the basis of distinction has any rational connection to any legitimate state aim.[4]

A third classification is: (1) all Chinese non-English speaking children who receive some remedial tutelage in English versus (2) all of their classmates who speak English. It is conceded that children in the first class have much narrower access to education than children in the second. Is there a rational basis for declining to bridge the educational gap between the two classes? Again the state has not been required to supply one, and there is no showing in the record that those children, or any portion of them, in the first class are afforded a meaningful opportunity to a minimum public education. Here, as in Bullock v. Carter (1972) 405 U.S. 134, 92 S.Ct. 849, 31 L.Ed.2d 92; Reed v. Reed (1971) 404 U.S. 71, 92 S.Ct. 251, 30 L.Ed.2d 225; Tate v. Short (1971) 401 U.S. 395, 91 S.Ct. 668, 28 L.Ed.2d 130; Williams v. Illinois (1970) 399 U.S. 235, 90 S.Ct. 2018, 26 L.Ed.2d 586; Douglas v. California (1963) 372 U.S. 353, 83 S.Ct. 814, 9 L.Ed.2d 811; Griffin v. Illinois (1956) 351 U.S. 12, 76 S.Ct. 585, 100 L.Ed. 891; Brown v. Board of Education (1954) 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873; Yick Wo v. Hopkins (1886) 118 U.S. 356, 6 S.Ct. 1064, 30 L.Ed. 220, the state has participated in discriminating against a clearly identifiable class and its failure to remedy the discriminatory practice has not been justified at all.

---

[1] Cal.Educ.Code § 71:

"English shall be the basic language of instruction in all schools.

"The governing board of any school district and any private school may determine when and under what circumstances instruction may be given bilingually.

"It is the policy of the state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered in those situations when such instruction is educationally advantageous to the pupils. Bilingual instruction is authorized to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language.

"Pupils who are proficient in English and who, by successful completion of advanced courses in a foreign language or by other means, have become fluent in that language may be instructed in classes conducted in that foreign language."

[2] Cal.Educ.Code § 8573:

"No pupil shall receive a diploma of graduation from grade 12 who has not completed the course of study and met the standards of proficiency prescribed by the governing board. Standards of proficiency in basic skills shall be such as will enable individual achievement and ability to be ascertained and evaluated. Requirements for graduation shall include:

(a) English.
(b) American history.
(c) American government.
(d) Mathematics.
(e) Science.
(f) Physical education, unless the pupil has been exempted pursuant to the provisions of this code.
(g) Such other courses as may be prescribed."

[3] In our case, unlike *Yu Cong Eng*, there is no indication that California intended the language statutes to injure Chinese. But it is now abundantly clear that good faith is irrelevant if in fact the impact of state action is discriminatory. *E.g.*, Burton v. Wilimington Parking Authority, *supra*, 365 U.S. 715, 725, 81 S.Ct. 856; *cf.* Baker v. Carr (1962) 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663. California's record of deliberate discrimination against Chinese and Japanese is nevertheless lengthy. One of the sadder chapters in that melancholy history was an order of the San Francisco school board in October, 1906, compelling all Oriental children to attend a segregated school in Chinatown. The order was ultimately withdrawn under pressure of litigation, of Congress, and of the President of the United States. McWilliams, Prejudice p. 26 (1944).

[4] This is not a case like Dandridge v. Williams (1970) 397 U.S. 471, 90 S.Ct. 1153, 25 L.Ed.2d 491, where there was a clear basis for distinguishing between welfare recipients stated in the regulation at issue. The requirements of *Dandridge*—"It is enough that the State's action be rationally based and free from invidious discrimination." (*Id.* at 487, 90 S.Ct. at 1162)—have not been met in this case.

The state did not meet even its minimal burden. But its obligation was to meet the far more stringent test of strict scrutiny. The Chinese children have met prima facie even the rigorous standards of San Antonio Independent School District v. Rodriquez (1973) 411 U.S. 1, 93 S.Ct. 1278, 36 L.Ed.2d 16: (1) They are members of a class precisely identifiable, (2) the state has participated in discriminating against them, (3) the children who speak no English and are taught none are absolutely deprived of education and it has not been shown that those who are taught some English have a meaningful access to an adequate education. San Antonio Independent School District v. Rodriguez is the most recent pronouncement in a lengthy chain of equal protection cases. But even if it stood alone, *San Antonio Independent School District* would compel reversal.●

ALCAN PIPELINE DISCRIMINATES AGAINST U.S. STEEL INDUSTRY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. MURTHA. Mr. Speaker, at a recent steel caucus meeting there was a discussion of the violations of Canada's commitments in the agreement of principles on the Alcan Pipeline which assured consideration of American materials for the project on a competitive basis. In fact, American companies have not had a fair opportunity to supply pipeline materials in Canada, and the American taxpayer will be paying additional hundreds of millions of dollars for this discrimination.

I have been deeply concerned about the effect of this pipeline on our domestic steel industry. As the Alcan oversight committees review the project, and suggestions for governmental financing or loan guarantees for the pipeline, the actions taken by Canada at the expense of the American economy should be carefully considered.

I cannot justify governmental financing of a project which has denied a fair and competitive opportunity for domestic steel companies to participate in the supply of goods and services to the project. Appropriate action must be taken to insure that the agreement in principles and the Transit Pipeline Treaty are responsibly and faithfully discharged.

As I noted in 1977, I want to stress three points that convinced me to work for a route controlled by all American interests, all American workers, all American products, and all American territory to guarantee availability of this American gas.

I still believe these three points provide major problems in the Alcan project.

First, Deputy Energy Secretary John O'Leary made a statement before the Interior Subcommittee of the Appropriations Committee that I believe is extremely important. Mr. O'Leary told our subcommittee this Nation could face economic disaster in 3 to 5 years if new sources of energy are not developed and conservation increased. That statement, coupled with our experience last winter, makes it essential that the Alaskan gas be developed as quickly as possible. This gas can provide 5 percent of our present gas consumption, enough to insure 1 million jobs or heat 24 million homes.

The major concern I have about the Alcan project is its potential for delay. The factors that can push its construction timetable backward include: Settlement of Native claims; environmental considerations; possible delays during winter construction over new work areas; financing problems for the pipeline companies; decisions by the Canadian Government; and uncertainties within the pipeline treaty.

Second, it is essential to remember the counterproductive impact of not getting this gas. We cannot afford to be without this gas for any longer period than necessary. Those of us in the Northeast last winter had individuals unemployed because companies could not obtain natural gas; we had homeowners fearful of being short of gas for heating and cooking. We cannot take any chance with having this gas delayed in reaching the Lower 48 States. Too much of the Alcan proposal is outside U.S. control and subject to delays we cannot influence.

Third, I would like to mention the potential positive economic impact had the Government approved the Alaskan route. The El Paso/Alaskan project would have produced $4 billion more in economic impact into the U.S. economy than Alcan; it would have produced more taxes for U.S. governments; and it would have produced 765,000 man-years of additional jobs—three times the Alcan project—for Americans.

Another economic point which must be mentioned is that El Paso/Alaska had pledged to buy all its steel for its project from American companies. I represent an area where steelworkers have lost jobs, in part because of the import of foreign steel. Now, the President has recommended approval of an American project that is going to buy much of its steel—possibly all of its steel—from foreign manufacturers.

For those reasons, I believe the El Paso/Alaskan route held the greatest potential for getting this essential gas to the Lower 48 States as quickly as possible. I believe the need for this gas demanded an accelerated, full-speed-ahead project. I do not believe the Alcan route holds the potential for meeting these goals.

The actions taken by Canada bear out what I have been stressing throughout this project. The effect of this pipeline on the domestic steel industry as well as our economy as a whole must be carefully considered in this matter.●

FLIGHT TRAINING

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. DASCHLE. Mr. Speaker, any day now President Carter is expected to sign into law legislation which will reduce the level of reimbursement paid to veterans in the GI bill flight training program from 90 percent to 60 percent of the costs of their training. The program is a victim of the budget reconciliation process. Unfortunately, this action will also have an unintended effect on our military capabilities by exacerbating problems the military has been experiencing in retaining highly skilled combat pilots. Thus, I am today introducing legislation to raise the reimbursement level for veterans participating in the GI bill flight training program back to the 90 percent level.

During the 1980's, the United States will face a shortage of civilian pilots unprecedented in domestic aviation history. The chances are good that this problem will spread to the Armed Forces as well. The scenario that I envision is that military pilots will be lured from the service in increasing numbers by the high salaries resulting from the pilot shortage that will follow the current recession and airline slowdown. That is unless the GI bill flight training program is maintained at a level which will insure continued participation.

Increases in general aviation flying, compounded by the explosive growth of commuter airlines, has created a demand that will exceed 5,800 pilots annually. In the past, 50 percent to 75 percent of these positions have been filled by ex-military pilots. If flight training participation rates go down, as they are expected to do because of the increased costs to the veteran, there will be an even greater demand for skilled pilots from the military. This not only weakens our national defense posture, but wastes millions of tax dollars also. The charts listed below more fully document the numbers involved.

Assuming a low retention rate of 50 percent and optimistically that 80 percent of those separating will seek a civilian pilot career, the military pilot availability will be as follows:

Pilots Available From the Military

1980: 2,500×50 percent×80 percent=1,000 pilots.

1983: 1,950×50 percent×80 percent=780 pilots.

1986: 2,700×50 percent×80 percent=1,080 pilots.

1988: 1,988×50 percent×80 percent=1,200 pilots.

The demand for civilian pilots far exceeds those coming out of the military. The deficit is as follows:

Year	Civilian demand	Military supply	Deficit
1981	5,800	1,000	4,800
1983	5,800	780	5,020
1986	5,800	1,080	4,720
1988	5,800	1,200	4,600

Also important is the cost of training a military jet pilot, which is 46 to 53 times higher than comparable civilian training—approximately $750,000 versus $18,000. Flight training under the GI bill will provide a remedy for this problem by training more civilian pilots at a far lower cost than if a military pilot defects to the private sector.

Previous efforts to eliminate flight training benefits have been based to a great extent on the results of a General Accounting Office (GAO) report (HRD-79-115), which supported the Veterans' Administration assertion that benefits should be terminated. Unfortunately, the GAO report was based on statistical data provided by the VA which did not give an accurate indication of actual employed veterans. Rather the VA's sample only took into account veterans who had spent 80 percent or more of the maximum authorized charge for that course. There was never any consideration given as to whether the veteran has taken a flight test or obtained a pilot certificate before 80 percent of the maximum charge had been spent. Thus, the sample and resultant report is incapable of determining the actual number of percentage of veterans who became employed as a result of their participation in flight training.

Although the VA has continually cited abuse as a justification for terminating this program, it must be realized that provisions do exist in the program to insure the sincerity of enrolled veterans. Although a 10-percent cost to the veteran may seem like he would pay 10 cents on the dollar, this, in fact, is not the case. The 90-percent reimbursement level rate is only applicable to advanced flight training costs. The veteran must also pay for all of his books, equipment, and pilot examiner fees. In addition, he must pay for all the hours needed beyond the minimum skill level under the new FAA regulation, part 141, training rules. The charts below fully detail the costs to the veteran.

REIMBURSEMENT AT 90 PERCENT

Type of cost	Cost	VA reimbursement	Student cost [1] (nonreimbursable)
Private pilot	$1,800	0	$1,800
Commercial-instrument (FAA minimum hours)	6,100	5,490	610
Commercial-instrument (beyond FAA minimum)	1,000	0	1,000
Flight instructor	1,500	1,350	150
Instrument instructor	1,000	900	100
Books and equipment	100	0	100
Flight test fees	175	0	175
Total	11,675	7,740	3,935

[1] Paid by student: 33.7 percent.

REIMBURSEMENT AT 60 PERCENT

Type of cost	Cost	VA Reimbursement	Student cost [1] (nonreimbursable)
Private pilot	$1,800	0	$1,800
Commercial-instrument (FAA minimum hours)	6,100	3,660	2,440
Commercial-instrument (beyond FAA minimum)	1,000	0	1,000
Flight instructor	1,500	900	600
Instrument instructor	1,000	600	400
Books and equipment	100	0	100
Flight test fees	175	0	175
Total	11,675	5,160	6,515

[1] Paid by student: 55.8 percent.

Thus, one can see that the actual cost to the veteran is much higher than it might first appear.

In conclusion, I believe that retention of the flight training program at its former reimbursement level of 90 percent is most important. Not only is it a cost-effective program, but it would also alleviate a potential crisis in the retention of skilled military jet pilots who will become increasingly sought after in the 1980's by commuter airlines and business firms in need of pilots. Pilots graduated from flight training courses will be an alternative source of supply and can be trained at far less cost than their military counterparts. For these reasons, Mr. Speaker, I hope that Members of the House of Representatives will see fit to support and cosponsor the legislation I have introduced today.●

STRONG DEFENSE IMPORTANT U.S. WEAPON

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SAWYER. Mr. Speaker, where the national security is concerned, there is simply no substitute for an adequate defense. Recent aggression by the Soviet Union and her allies, coupled with the disturbing decline in American military strength, has convinced me that America must maintain a tough, efficient, and effective conventional force which is capable of flexible response to any potential threat.

REDUCTIONS UNWISE

President Carter has seriously weakened U.S. defense posture during the past 3½ years through massive cuts in U.S. defense spending, cancellation, and delay of important strategic initiatives, and postponed deployment of enhanced weapon systems. He cut President Ford's shipbuilding plan in half. He vetoed a nuclear aircraft carrier. And he has opposed efforts to correct the problem of retaining a highly skilled military force.

DEFENSE SPENDING DOWN

I have consistently voted for increasing our conventional military forces and improving their effectiveness. Since the Vietnam war our country's military preparedness has dropped sharply. Defense spending as a percent of the gross national product has dropped from 9.3 percent in fiscal year 1968 to 5.2 percent in fiscal year 1981.

FORCE READINESS

Regrettably, this administration's various defense budget proposals do not improve our military strength quickly enough or in a sufficiently systematic and coherent way.

We cannot continue to pour funds into fancy hardware items without improving the readiness related items, like spare parts, equipment maintenance, training, and manpower retention.

RETENTION TOP PRIORITY

The retention of technically skilled manpower is one of the most serious problems facing the military services today. Military compensation is so low that some service people actually qualify for food stamps.

When Congress directed the services to go to an all-volunteer service, they had a responsibility and an obligation to attract quality people to the service and keep them in the services. I have supported a package of new military benefits to solve the retention problem. In addition, I believe the Congress should renew the GI bill for educational assistance to further improve the recruiting and retention of high quality personnel.

MORE EFFICIENT PURCHASING

Our procurement of new ships, aircraft, tanks, and other necessary weaponry should take advantage of the most efficient production capacity. This will insure that we pay the lowest possible unit price. This is oftentimes not the present practice. At all levels we must encourage strong defense and military management and increased research and development.

SOVIET RELATIONS, SALT II, NATO

The Soviet Union has pressed forward with a huge military buildup and it is necessary for the United States, in cooperation with our NATO allies, to maintain our military defense capabilities.

The Senate has put the SALT II treaty agreement on hold, a postponement which I believe is necessary. The

United States was outnegotiated by the Soviets because of the weakness of the Carter administration. We can produce a better treaty. Further, with the Soviets continuing their aggression in Afghanistan, playing a major role in Middle East tensions, and continuing to equip the radical Arab States, we have to be practical in our assessment of United States-Soviet relations and specifically, the military balance or lack of it. The modernization of NATO must continue with the realization that until we can achieve very specific and enforceable arms control, self-interest requires a necessary investment in our national defense and that of our allies.

SUMMARY

In a world beset by major power threats, adventurism, and terrorism, we must clearly develop a global strategy which clearly defines our interests, recognizes the importance of long-held alliances, support for friendly economic systems, and strengthens Western goals and ideals.

A successful foreign policy is based not only on the ability to respond firmly in a crisis, but also to avert dangerous situations before they occur by maintaining adequate and efficient strength, a firm resolve, and a clearly defined national strategy.●

DO NOT RUSH TO BURY NUCLEAR WASTE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. MARKEY. Mr. Speaker, we cannot legislate the safe resolution of the nuclear waste crisis. Scientific uncertainties and technical failures lie beyond the reach of any legislature. But Congress can and must enact legislation mandating Federal agencies to conduct comprehensive, step-by-step, safety-first work necessary for a sound nuclear waste management program. The lack of such a program today—35 years after the dawn of the nuclear age—rightly undermines public confidence in nuclear power.

This year, unfortunately, the best bill may be no bill. Most experts agree that the goal of nuclear waste management must be to dispose permanently of the wastes by isolating them through deep burial underground. To pursue any other method is to throw us off this necessary track.

Major legislation has been debated in Congress this year on this subject. In June, the Senate approved S. 2189, which in most respects represents the nuclear industry's wish list. The bill does almost nothing to establish safe, final nuclear waste management facilities. Instead, principal emphasis is placed upon interim storage of spent nuclear fuel and other wastes. It stresses surface, long-term storage—for 100 years or more—which is nothing more than a quick and dirty temporary fix designed largely to soothe public fears. These nuclear crypts could become permanent facilities simply by default or inertia. Going to such an interim storage plan will only divert Government resources from permanent plans. Long-term storage of nuclear wastes is simply a copout on finding a permanent solution. This generation has the moral obligation to solve this problem rather than leave it to future generations. While we cannot yet be entirely confident that a permanent solution will be found, the National Academy of Sciences reported in January of this year that no insurmountable obstacles are foreseen to preclude the safe disposal of nuclear wastes in geologic formations. Regrettably, however, the Carter administration did not lobby in the Senate this summer against the long-term storage approach in S. 2189.

In the words of a New York Times editorial this year:

> Interim storage has a fatal flaw. It lets political leaders procrastinate, as they have for three decades, on permanent disposal. For the country to keep producing mountains of waste without knowing that it can be safely and permanently disposed of would be reckless * * * selecting a site in haste * * * could cause much grief tomorrow. Better to do the job right than do it right now.

Legislation introduced this year in the House of Representatives is also flawed. H.R. 7418, as reported from the Science Committee, puts all is nuclear eggs in the basket of demonstration facilities exempted from licensing by the Nuclear Regulatory Commission. This reckless fast-track approach would greatly impair, rather than assist, the development of the safest possible full-scale repositories which must be licensed by the NRC. H.R. 6390, as reported from the Interior and Commerce Committees, establish a constructive, safety-first framework for the development of full-scale geologic repositories. But the two bills severely limit the right of States to object to a proposed repository site planned for inside their borders by the Department of Energy.

This year, the nuclear industry tried to steamroller Congress to enact nuclear waste policy legislation at almost any cost. The appearance—without the reality—of a solution to the nuclear waste disposal problem was the prime objective of some industry groups. I agree that we face critical choices on a menacing issue. But we should not allow Congress to be rushed to judgment on a question posing health and safety risks to society and our environment for tens of thousands of years to come. If repository sites are poorly sited or incorrectly designed, and radiation subsequently enters water or air, the results could be disastrous.

Our Government does need to begin at once to solve the radioactive waste problem. But controversial issues remain to be resolved. What should the scope and pace of this program be? Who should bear its costs, the taxpayers or the utilities and their ratepayers? What role should the NRC have to license facilities? How should we apply the National Environmental Policy Act to guarantee environmental analyses of Federal proposals and reasonable alternatives to these proposals? What rights to object to a proposed site should be reserved to State governments? Over the years, the executive branch has tried to solve these problems and ignore certain of these hard questions. But each attempt failed—such as that in Lyons, Kans., in the early 1970's—because of shortsighted planning and inadequate technical readiness.

I repeat, the best bill this year may be no bill at all. We dare not risk enactment of a deeply flawed nuclear waste policy in the final days of this Congress. We cannot be secure that the measure which comes finally from the conference committee will meet the test of a safety-first stress on permanent disposal of these deadly wastes. Instead, we should aim in the next Congress to begin again to draft legislation which protects these fundamental principles. In the interval, the Government can still move forward with development of a step-by-step waste management program. In June, the House passed H.R. 7590, the 1981 energy and water appropriations bill, including funds for planning and development of waste management programs.

In conclusion, I urge my colleagues to read editorial statements by the Washington Post and the New York Times which examine these questions in some detail:

[From the Washington Post, July 24, 1980]

WHAT TO DO ABOUT NUCLEAR GARBAGE?

For most of the 35 years of the nuclear era, nuclear advocates have argued that technical solutions to the problem of nuclear waste disposal are available and relatively simple—if only nuclear opponents would knock off the racket. Less biased experts believe there are technical solutions that might prove acceptable after extensive testing. Opponents of nuclear energy have used the lack of a proven waste plan as an argument to try to stop nuclear power altogether.

The few efforts actually to deal with nuclear waste have ended badly. The now-defunct Atomic Energy Commission planned a waste disposal site in a salt mine in Kansas. Despite the seven years of research that preceded the decision, technical problems that forced an end to the project soon became obvious. A different approach to waste management—a commercial reprocessing plant—was closed by New York state nearly a decade ago because of radioactive leakage after the plant was abandoned by its corporate owners. No one yet knows how the site can be cleaned up or who will pay the gigantic costs. Warned by these experiences, state governments have developed a disinclination to have anything to do with nuclear waste: 16 of them have passed laws forbidding waste repositories within their borders.

Six months ago, the Carter administration proposed a nuclear waste policy that seemed to provide the basis for a successful program. It argued that since the social, economic and political barriers to an acceptable waste policy are at least as formidable as the technical ones, the only solution is a policy of making haste slowly. Under the plan, technical decisions would be made only after full investigation of several alternatives, state governments and the public would be informed and consulted at each stage, environmental laws would be enforced and waste disposal sites would be licensed by the Nuclear Regulatory Commission.

Almost immediately, however, contradictory plans appeared in Congress. Over-zealous nuclear advocates pushed through committee bills that deal with the many impediments to a final program by either ignoring or overriding them: no environmental reviews, no time-consuming investigation of alternative sites, no role for state governments, no more R&D to look for the best technical solution.

Meanwhile, the Armed Services committees, worried that nuclear wastes cannot continue to accumulate for much longer without a permanent solution, and appalled by the thought that state governments, citizens, environmentalists and others might have any say over what happens within their jurisdiction, decreed that nuclear wastes generated in the production of weapons will henceforth be called "defense by-products" and handled independently from commercial nuclear wastes. If this decision is not overturned, the confusion, duplication and waste of money that will follow will be vast.

Neither approach will work. Any plan that is rushed into is likely to fail, and is certain to be politically vulnerable. Efforts to bar admittedly lengthy environmental reviews will only end in even slower litigation. Resistance from state governments will increase. The effort to forge ahead with a separate, unlicensed defense program to handle the same kinds of waste is equally ill-judged. The public doesn't care whether the radiation that could contaminate its underground water supply comes from reactors or warheads—the effects are the same.

If Congress really wants to ensure a future for nuclear energy in this country, it should reject these efforts to rush into a program or to steamroller the opposition. A slow but steady approach, one that gives a real voice to state and local government and one that is accessible to critical review, is the only solution that stands a chance of success.

[From the New York Times, Aug. 10, 1980]

DON'T RUSH TO BURY NUCLEAR WASTE

Proposals to cope with radioactive waste are piling up as fast as the waste itself. State governors and key Congressmen have, at least, reached a consensus on how to manage low-level wastes, like lightly contaminated clothing from hospitals and nuclear plants. They would make the states responsible, acting through regional compacts. But Congress is still wrestling with a much harder problem: how to dispose of high-level nuclear wastes which remain toxic for centuries.

These include thousands of tons of used fuel rods, now stored at nuclear power plants, and millions of gallons of dangerous liquids from weapons production, now stored in tanks on military reservations. Several disposal bills are pending in one house or the other, and one has already passed the Senate. Amid all these competing proposals, what principles should guide the search for answers?

Permanence. One critical issue is whether to emphasize finding a permanent disposal site, probably deep underground, or interim facilities, where wastes could be stored for a century or more. The Senate has just passed a bill favoring the second approach. A series of mausoleums would be built on the ground or not far under. The idea sounds attractive. It would let the wastes be monitored while scientists figure out the best permanent solution.

But interim storage has a fatal flaw. It lets political leaders procrastinate, as they have for three decades, on permanent disposal. For the country to keep producing mountains of waste without knowing that it can be safely and permanently disposed of would be reckless.

Deliberation. How fast should permanent storage be developed? Nuclear advocates in Congress feel that safe disposal techniques already exist. They want the Government to start digging the shafts right away to show it can be done and end the controversy. But the Administration favors more deliberate site selection and further studies that would lead to a working repository in about 20 years. This measured pace seems wise. In the past, some burial efforts had to be stopped because of unforeseen problems.

Retrievability. The nuclear advocates are probably right that spent fuel rods, unlike other wastes, should be retrievable from any storage site. They contain valuable plutonium and uranium that could be extracted and used again as fuel. Current national policy opposes such "reprocessing" because it yields plutonium that can be turned into bombs. But that policy might change in an energy-short world. Nor does retrievability necessitate surface storage; an underground site could be designed so that buried nuclear wastes could be dug up again. Congress needs to explore this idea.

Veto Rights. Who should have the final say on locating permanent repositories? State officials want the right to veto sites chosen within their borders. That is a formula for inaction. There will always be some public opposition to accepting nuclear wastes and the easy way out politically will always be to say, "Not here." True, the states are taking the lead in finding sites for low-level wastes. But that task is relatively simple, and it benefits popular institutions like hospitals. Disposing of highly radioactive materials from power plants and military programs is trickier, yet the job has to be done. No state with an ideal site should have the power to thwart the requirements of the whole country.

Some nuclear critics want to end the expansion of nuclear power until the safety of permanent disposal has been demonstrated. Their boldness may be appealing—why generate more waste if there's no way to get rid of it? But it jumps the gun. Most experts think safe permanent sites can be found within 10 or 20 years. A couple of decades' waste won't make the disposal problem significantly more difficult. In fact, forcing the issue might lead to selecting a site in haste that could cause much grief tomorrow. Better to do the job right than to do it right now.●

DR. DONNA E. SHALALA

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Ms. OAKAR. Mr. Speaker, on Wednesday, October 8, 1980, Ms. Donna E. Shalala—who has been Assistant Secretary for Policy Development and Research at the Department of Housing and Urban Development since April 1977—will be inaugurated as the 10th president of Hunter College in New York. While I am delighted that Ms. Shalala has been accorded this high honor, I deeply regret that I will be unable to attend her inauguration ceremonies. I wish to share with my colleagues some of Ms. Shalala's achievements in a career that has been distinguished by professional creativity, conscientious public service, and farsighted leadership.

Donna Shalala attended Western College for Women in Oxford, Ohio, where she received a bachelor of arts degree in 1962. From there, she went on to study at the Maxwell School of Citizenship and Public Affairs, Syracuse University, where she received her M.A. and Ph. D. in 1968 and 1970 respectively.

Ms. Shalala became a research scholar and specialist in urban government and finance and taught at Columbia, Yale Law School, the City University of New York, and Syracuse University before coming to HUD. In 1975, the Governor of New York appointed her as a director and treasurer of the municipal assistance corporation, the special agency established to deal with New York City's financial crisis.

In 1976, Dr. Shalala was elected to the National Academy of Public Administration. She is also a member of Phi Beta Kappa and has received the American Association of University Women's Young Scholar Award and a Guggenheim fellowship. Her civic activities have included vice chairwoman of the Citizen's Union of the City of New York and membership on the boards of the Regional Plan Association, World Education Inc., the Council on Municipal Performance, and the National Municipal League.

While at HUD, Ms. Shalala has proven to be an innovative, imaginative, and resourceful administrator. Under her leadership, most of HUD's major research efforts are reviewed by panels of public officials. Because of Ms. Shalala's interest and initiative, HUD has become involved in the review of urban productivity as well as financial management problems.

On a personal note, I wish to say, on behalf of all the people of Cleveland, how proud we are of Donna. My family and her family have been friends for years. I want to join Donna's mother, Mrs. Edna A. Shalala, and Donna's twin sister, Mrs. Diane A. Fritel, and all her relatives and friends throughout the country, in congratulating Donna on her appointment as Hunter College's newest president and to commend her for her extraordinary work at HUD. I know that she will serve Hunter College well and continue to display innovative and imaginative leadership.●

FAIR HOUSING BILL NOT FAIR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. DERWINSKI. Mr. Speaker, the Suburbanite Economist Newspapers, serving suburban Cook County, is well-respected for its diverse and spirited editorials. In the September 24 edition of the Economist, I was pleased to see that their position on the so-called fair housing legislation coincided with mine. I believe that this objective editorial speaks for itself, and would like to direct it to the attention of the Members:

FAIR-HOUSING BILL NOT FAIR

What is called a civil rights bill is tied up in the Senate and it should stay tied up. Under the bill, someone complaining of discrimination in the sale or rental of housing could take his complaint to the Department of Housing and Urban Development, and, if conciliation failed, have it decided by a hearing officer. Now if conciliation fails the complainant must file suit in a court of law.

This would be an open invitation to declare war on landlords, property owners and anyone else renting or selling housing. Property owners would have about as much chance of getting a fair shake in these hearings as employers now do in hearings involving fair employment practices, unemployment compensation or health regulations. The deck would be stacked against them.

Granted that filing a suit is an expense and time-consuming, it is still the only fair procedure available to both parties. Government bureaus have so abused their power in favor of complainants that they have made their hearings meaningless.●

THE NEED FOR INCENTIVES FOR BETTER HOSPITAL MANAGEMENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SCHEUER. Mr. Speaker, hospitals, under current Federal reimbursement mechanisms, all too often have little or no incentive to manage well or to contain costs. We have been faced with this problem in ever-increasing magnitude as more and more people in our Nation obtain medical care under Federal programs.

In the "Manager's Journal" section of the Wall Street Journal for Monday, September 8, 1980, an article on improved reimbursement proposals appeared, authored by Samuel Davis, executive vice president of the Mount Sinai Medical Center, of New York City.

I urge my colleagues to study this article, which I hope will stimulate more interest in this particular proposal, and similar forward-looking proposals which would lead to better management, and cost containment, in hospitals.

[From the Wall Street Journal, Sept. 8, 1980]

MANAGER'S JOURNAL

HOSPITAL INCENTIVES

Under current reimbursement plans, hospital administrators have few incentives to manage efficiently. In fact, most reimbursement schemes encourage hospitals to provide more services to the patient or to extend the length of the patient's stay.

Hospitals are paid in three basic ways. Most commercial insurance carriers, and Blue Cross plans in some regions and States, use a charge-based system, which pays prices set by hospitals for their services.

Medicare, Medicaid and Blue Cross plans in most areas traditionally use a second method, the cost-based system, which reimburses hospitals for what they spend to provide services.

And in some States, Blue Cross and Medicaid use the per diem system, which reimburses hospitals according to a flat daily rate for all patients, regardless of the care they receive.

The logic of each of these payment schemes clearly discourages cost control. The first two reimburse the hospital for each unit of service—each blood test, x-ray, surgical procedure and so on. Reimbursement rates will go up, under the charge system, as hospitals raise their prices per unit of service, and likewise, under the cost system, as costs mount. And it's clearly in the interest of the hospital to provide more services to the patient.

Under the per diem formula, the hospital receives the same amount of money per day for a patient who has complex brain surgery as for one who has a simple surgical procedure, like a tonsillectomy. It's in the hospital's interest to extend the length of a patient's stay, so that the high costs associated with the early days of hospitalization can be spread over the less expensive later days. And management has little incentive to improve the scheduling of diagnostic and treatment procedures, since the more time it takes to perform the tests, the more money the hospital receives.

Given these reimbursement schemes, most recent attempts to cut the country's hospital bill fail to get at the root of the problem. Special price controls were put in place in 1971 (and lifted a few years later). Rate review commissions were set up. Caps have been imposed on hospital operating expenses. Restrictions have been placed on the acquisition of capital equipment. And in 1977, the industry itself launched a national "voluntary effort" to bring hospital spending down. None of these approaches, however, has attacked the incentive structure for managers.

In fact, some of the controls have actually driven up the cost of care. To prevent charge and cost systems from taking their natural inflationary course, for example, third party payers have established "ceilings" on cost and listing of "reasonable" charges. Both define how much the hospital will be paid for a given unit of service.

This method, however, has actually encouraged hospitals to increase their total care, in order to bring the unit price of service down. The ineffectiveness of ceilings can best be seen in the "intensity" index released by the federal Health Care Financing Administration. Almost 30 percent of the jump in hospital expenditures over the last 10 years, according to the HCFA, is due to an increase in the number of diagnostic tests, laboratory tests and treatments performed.

In the last few years, health system researchers have been studying ways to give managers more sensible incentives. Experiments to reform the reimbursement system are under way.

Several hospitals in Maryland are participating in a demonstration project that guarantees them a set amount of revenue for the year based on a reimbursement rate per admitted patient. The amount can be adjusted for changes in the complexity or number of cases or for inflationary problems beyond the hospital's control.

Under this system, hospital managers know in advance how much they have to spend. They have the latitude to spend the revenue the way they see fit and to bring the cost of treating patients below the guaranteed amount, which will produce savings for both patient and hospital.

The results to date look good. During the first year of the project, the length of stay in participating hospitals decreased 3.2 percent, as compared to 0.5 percent in the control group. Last year, the hospitals kept their rate of increase in expenditures to 9.9 percent versus 12.8 percent in non-participating hospitals.

In another demonstration project, started earlier this year in New Jersey, 18 hospitals are being paid on the basis of patient diagnosis. Over 300 diagnostic categories have been identified for every conceivable disease or illness requiring a hospital admission and fees have been set for each.

With a fixed revenue for an admission or a diagnosis, the traditional reimbursement incentives are now reversed. Under both the Maryland and the New Jersey plans, hospitals can earn a surplus or generate money for new programs by keeping the cost of treatment below the established rate.

Skeptics warn that the new efficiency incentives could affect the quality of care. They are afraid that hospitals could be encouraged to discharge patients too early, and they claim that, under the New Jersey plan, hospitals have the incentive to inflate the severity of their diagnoses. Well established government-mandated quality controls, however, already provide sufficient deterrents.

These reimbursement projects, like others being studied, have great potential for cutting the country's hospital bill. The solution up to now—placing controls on spending—has brought only temporary relief. For the long run, hospital managers need to be given the incentives and the latitude to develop efficiency.

Let the hospital manager go at risk. That's the challenge any good manager needs to perform.●

BILL TO TRANSFER CERTAIN PUBLIC LANDS TO THE CITY OF HENDERSON, NEV.

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SANTINI. Mr. Speaker, I am introducing a bill today which provides for the transfer of some 5,885 acres of public lands to the city of Henderson, Nev. All of this land is currently under control of the Bureau of Land Management and lies totally within city boundaries. Additional land is needed by this southern Nevada community for streets and highways, water resource development, parks, and residential expansion. The acreage which would be transferred by my bill represents only 14 percent of the total city area, but it is undevelopable due to the terrain. I would like to add here that this small town is not asking Uncle Sam for a free ride. The land would be conveyed at fair market value.

Mr. Speaker, the fact of the matter is that there should be no necessity for this bill at all. What eastern town would have to beg the Federal Government for land for townsite expansion, land for a baseball diamond, or land for a senior trailer court? What eastern town needs Federal permission to acquire the basic local services of sewers and utility lines?

Frankly, I thought we had solved at least part of this problem with the enactment of section 203 of the Federal Land Policy and Management Act—FLPMA. I was particularly active in crafting this section because I knew firsthand about townsite expansion problems such as the one facing Henderson, Nev., today. If the law were working as intended, my bill would not be necessary. The city of Henderson would simply request sale of this property and if justifiable, which I believe it is, the land would be offered for sale at fair market value. But as usual, the bureaucracy is moving very, very slowly in those areas where it is not particularly interested or enthusiastic. It took almost 4 years just to get regulations pursuant to the FLPMA section which authorizes land sales. And in the most urban area of southern Nevada, it took 3 years to sell fewer than 700 acres of public land. The most recent information I have is that BLM is in fact cutting back its real estate activities. The prospect of the law working as it was intended to looks dim. In the meantime, Henderson continues to grow and its needs are not being met.

I urge my colleagues to give every consideration to this bill for the city of Henderson, and I remind you that every bit of this land lies within the city's existing boundaries. It seems to me the most fundamental element of good government that local governments should have jurisdiction over the lands within their borders. Thank you.●

SALUTE TO THE ARTS IN WESTERN NEW YORK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. KEMP. Mr. Speaker, it gives me great pleasure to inform my colleagues of the upcoming 1980-81 cultural season in western New York. The Arts Development Services, Inc. (ADS), the arts council for Buffalo and Erie County, is again coordinating the events to insure another successful and enjoyable calendar of entertainment.

Today in Buffalo, under the direction of Gracia Ginther, executive director of ADS, a celebration designating October as "Salute to the Arts" month begins this month's activities.

In attendance will be Erie County Executive Edward J. Rutkowski and Buffalo Mayor James Griffin. Presenting brief programs are various member organizations of ADS. These include: Young Audiences of WNY with Marlene Badger and Jerry Raven, the Center for Positive Thought with Ujima, the Nouvelle Dance Ensemble and Sounds and Echoes of Yemenja.

Mr. Speaker, I am very proud of this renaissance of culture in western New York. It is a positive step forward for the 1980's. My sincerest congratulations to the Arts Developments Services, Inc. for their fine efforts in the revival of the arts in the Buffalo area.●

ON THE OCCASION OF NATIONAL CYSTIC FIBROSIS WEEK

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. STOKES. Mr. Speaker, due to the leadership of my colleague from Massachusetts, Mr. CONTE, the week of September 21-27 was observed as National Cystic Fibrosis Week. I was pleased to join as a cosponsor of House Joint Resolution 445 earlier this year, because I believe that the public needs to know more about this disease.

The only hope for a cure or control for cystic fibrosis, the most common genetic killer of young people in America, is through more research. Considerable progress has been made in adding years of life, but the disease remains incurable, and few of its victims survive past their teens or twenties.

The largest center for cystic fibrosis research is located in my congressional district. The Cleveland Cystic Fibrosis Center is a cooperative venture between Case Western Reserve University and the Rainbow Babies and Children's Hospital. I believe that their program deserves attention as a model, not only for cystic fibrosis, but for many other diseases as well.

The research program at the Cleveland Cystic Fibrosis Center was begun in 1957 by Dr. LeRoy Matthews in an effort to improve care through increasing awareness of clinical problems and the development of new knowledge. This center was designated as a "Cystic Fibrosis Center and Institute" by the Cystic Fibrosis Foundation in 1970, one of only three in the country with this designation.

The National Institutes of Health have provided institutional support for the Cleveland Cystic Fibrosis Center continuously since 1964. During these years, the pediatric nucleus of the center has grown, and currently consists of six full-time cystic fibrosis and pulmonary specialists, seven basic researchers, and more than a dozen trainees and other staff. In addition, clinical specialists in gastroenterology, cardiology, biomedical engineering, anatomy, immunology, microbiology, the behavioral sciences, and the surgical subspecialities participate substantially in the program.

This overall research effort, currently led by Dr. Carl Doershuk, now exceeds $2 million per year in total funding. The Cleveland cystic fibrosis group is currently conducting over 25 separate research projects covering a wide range of topics. In order to assure the rapid dissemination of findings, the program conducts a weekly cystic fibrosis-oriented research seminar, and many of the current projects began as ideas developed in those seminars.

Cleveland's cystic fibrosis reputation is not based entirely on research, however. At present, more than 450 cystic fibrosis patients are seen at Rainbow Babies and Children's Hospital, as are an additional 400 patients with other chronic lung diseases. Most of the leading researchers also treat patients, assuring the closest relationship between the work performed in the laboratory and the care delivered at bedside.

I think that this is the type of setting that is most productive in biomedical research. The eagerness of the people in Cleveland to expand their areas of interest, to provide both clinical and research training, to integrate patient care with research, and to share and nurture new ideas has created a world famous center for progress in the fight against this terrible disease.

On the occasion of National Cystic Fibrosis Week, I would like to salute the entire cystic fibrosis group at Case Western Reserve University and Rainbow Babies and Children's Hospital for the work they are doing, and I wish them continued success in the years ahead.●

FORTY-SECOND ANNUAL EDITORS CONFERENCE

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. JOHN L. BURTON. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives a speech which was made by Mr. Len Gross at the 42d Annual Editors Conference on May 17 of this year. The speech questions the accuracy of facts used by the news media. In particular, this speech is concerned with the faulty coverage of the midair collision between a PSA jet, and a small Cessna private plane which occurred on September 27, 1978, in San Diego.

It is of great importance to me that the facts of such tragedies be fully and truthfully reported by the news media in order to augment the public's knowledge of such crucial issues as air safety, so that the chances of such accidents may be lessened in the future.

IF I WERE EDITOR . . .

Good morning . . . and thank you for inviting me to speak. I approach this group with some anxiety, since in my youth I majored in journalism, spent some time in radio broadcasting, was an Army combat correspondent in World War II, and over the years have had many contacts with the press on public relations matters for clients. I have always been slightly in awe of editors. I once had a boss, a former newspaperman, who pounded into my head—never, never send a story to the city desk unless I had checked and double checked to be sure the facts were right.

If I were editor, I think I would be terribly concerned about the objectivity and the accuracy of the stories I ran—and the ability of my reporters to understand enough about the subject they were covering to write accurately.

At a recent meeting in Washington—I believe he was addressing the Public Relations Society of America—Alejandro Orfila, the secretary-general of the Organization of American States said:

"We must recognize that the people in news media are writing on subjects as though they were experts—and yet know very little about those subjects."

I am afraid I agree with that statement, and I'd like to give you some examples to explain why I feel this way.

On September 27, 1978, a terrible mid-air collision occurred between a PSA jet and a small Cessna private plane in San Diego.

That story was the most upsetting experience that I have had in a long time—because for 26 years I handled PSA's advertising, had flown into Lindbergh Field many, many times—knew some of the people on that jet—and I am a private pilot. Obviously, I could and did identify with everyone involved—the jet flight crew, the jet passengers and the two pilots in the small plane.

I'd like to ask you a few questions:

How many of you think the Cessna hit the PSA jet?

How many of you think the pilots in the Cessna were student pilots?

How many of you think that if San Diego had had an FAA terminal control area, that the accident could have been avoided?

O.K., let's examine the facts—not necessarily what was reported.

The PSA jet hit the Cessna—the FAA ground controller tapes showed that the Cessna was advised that they had jet traffic at six o'clock and that the jet had them in sight—six o'clock was directly behind the Cessna. Even after the National Transportation Safety Board issued its report that the cause of the accident was the failure of the PSA crew to maintain visual separation, the news media continued to ignore the fact that that was the cause of the accident—that and the PSA pilot's failure to report that he had lost sight of the Cessna. Had he done so, the controllers would have turned him away from the small plane. The point is: most people today feel the accident was caused when the Cessna hit the jet, based on what they read and heard.

About the "student" pilots . . . the news media continued to call the crew of the Cessna "student" pilots—but both of them were commercial-rated pilots. One of them was studying for his instrument rating—but was certainly not a "student" in the sense that the impression created was that he was untrained and didn't have much flying experience or knowledge.

In the understandable reaction to the terrible tragedy—much was made of the fact that San Diego did not have Terminal Control Area—a required airspace plan where all traffic is under FAA ground control and certain equipment is needed or you cannot fly into the area. I saw mentioned briefly in one story the admission from the FAA that the accident occurred under exactly the conditions that would be in effect with a Terminal Control Area. Both aircraft were under ground control, following controller directions, but that fact was generally ignored by the news media.

Here's another question for you.

How many of you feel that small private planes are the main cause of mid-air collisions?

According to FAA public records, in the past 41 years, seven accidents in which there were fatalities to persons aboard the airline aircraft have been collisions with private planes. Thirty-three other collisions have been either airliner to airliner or airliner to military.

Number One Priority—almost two years after the accident. Don't you think that if the news media and the politicians, with their editorials and speeches about air safety in San Diego—had leaned on the FAA and the Office of Management and Budget—that an ILS at Montgomery would have not taken two years? Are you really interested in solutions; or cosmetics?

What troubles me about this subject is that the facts I have related are no big secret. I don't have any inside sources of information. All of this information was available to the news media, either from the FAA, the NTSB, the Aircraft Owners and Pilots Association or from well-informed private pilots. Yet it was not used, or if mentioned was buried, and not explained. Why? Was it the preconceived notion of the news media that since it was an accident between an airliner and a small plane—that the small plane was automatically at fault? . . . when the real fault was in the system that lets billions of dollars sit in a trust fund—until a terrible tragedy breaks it loose.

I'd like to leave this grim subject and close with a couple of other examples:

I know a very competent professor of neurosurgery in Pittsburgh. He is engaged in some very valuable research—but he refuses to give interviews to the news media—because when he has, the story has been inaccurate, making him look foolish to his colleagues and giving incorrect information to the reader.

I know another doctor in the Bay Area who had some very sophisticated surgery, using new techniques which saved his life. While he was recovering, one of the papers interviewed him about his experience.

The story reported that one of his symptoms was that he went blind.

Not true. He told the reporter he had a visual field defect. That is not blindness.

The story also implied that he was involved with the development of the neurosurgical technique which eventually cured him.

That wasn't true either.

Where does all this leave me? I don't believe, nor have much faith in what government tells me. I don't believe the politicians. In my opinion, the one thing this country has which keeps us free and stable is our free press. I want to believe what I read and see and hear, but when I see stories that I know are wrong, I worry about what else I am reading that may be wrong—and I don't know it.

I want to believe you—but you aren't making it easy.

Thank you.●

CONTROVERSIAL DUE-ON-SALE CLAUSES

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SHUMWAY. Mr. Speaker, one of the lesser known and more technical aspects of the mortgage market is the so-called due-on-sale or acceleration clause which lenders frequently include in the notes for the conventional mortgage loans they make.

With a due-on-sale clause, the lender can call the balance of the loan due upon the sale of the home, thus effectively preventing assumptions, whereby the new homeowner takes over the mortgage payments of the seller. During periods of tight money, frequently the cheapest—and sometimes only—way for homebuyers to obtain reasonable financing is through assumptions.

Because of concern that lender's exercise of due-on-sale clauses was both an unreasonable restraint upon transfers, by preventing assumptions of mortgage loans at reasonable rates, and was anticonsumer, several States have passed laws which in varying degrees prohibit or restrict the enforcement of such clauses. My own State of California is one of these.

On August 7, the Federal National Mortgage Association (FNMA) advised the mortgage lending community that it would enforce due-on-sale clauses on all conventional loans closed on or before October 1, 1980, and subsequently sold to FNMA. Subsequently, on September 22, FNMA advised lenders that its evaluation of the options available to allow continued purchase of conventional mortgages in States where enforcement of the due-on-sale provision is prohibited or restricted by applicable law or court decision was not yet complete. Accordingly, FNMA has temporarily delayed its October 1 effective date to some uncertain future time.

Mr. Speaker, the issue of acceleration clauses is complex. While I recognize the financial considerations which prompted FNMA to decide to enforce these clauses, I must also point out that seller-held "creative financing" has as its goal precisely that of the underlying rationale for FNMA's existence—providing liquidity in the home mortgage market and facilitating homeownership. It would be unfortunate indeed if the Nation's largest supplier of liquidity in the mortgage market would act to deny supplemental liquidity by additional sources—sources that are completely private and require no government involvement of any kind.

Mr. Speaker, the conferees on H.R. 7262, the Housing and Community Development Act of 1980, have formally expressed their concern with the increasing use of due-on-sale clauses, and have articulated their recognition of the fact that mortgage assumptions have proven an important resource for many homebuyers. Accordingly, the conferees directed the Secretary of Housing and Urban Development to conduct a study of due-on-sale clauses as they affect the assumability of residential mortgages. The Secretary's report is expected no later than April 1, 1981.

FNMA has already indicated that it will delay enforcement of due-on-sale clauses until a further evaluation of the situation has been completed. My resolution simply states that, in view of the complexity of this matter, and in view of the fact that a formal analysis will be provided to Congress next spring, neither the Federal National Mortgage Association nor the Federal Home Loan Mortgage Corporation (FHLMC) shall insist upon due-on-sale clauses until Congress has had an opportunity to review the matter. While FNMA and FHLMC are private corporations, they are nevertheless congressionally chartered and enjoy Federal financial support. It would seem only appropriate that they not embark upon a controversial policy which could affect millions of homeowners until Congress has had the opportunity to act if it so chooses.●

WE NEED GREECE IN NATO NOW

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. NEAL. Mr. Speaker, both the United States and the North Atlantic Treaty Organization (NATO) appear to be on the verge of losing a long-term and trusted ally.

The nation of Greece, through its foreign minister, Constantine Mitsotakis, has served notice that Greece will be forced to withdraw "finally and irrevocably" from NATO and to take over American military bases in Greece if a new formula for Greek membership in the alliance is not found in the very near future.

Very explicitly, Mr. Speaker, we urgently need to find some way to facilitate Greece's reentry into NATO before next year's Greek elections. The reason, as explained by Mr. Mitsotakis, is that his Government's somewhat fragile coalition cannot afford to go into the elections with its NATO status unresolved, and our military bases still entrenched on Greek soil.

I realize that it is not within the power of the Congress to resolve this unwanted situation. It does seem to me, however, that we ought to consider our historic relationship with this great nation, which has given to the United States not only many of our democratic ideals, but, through emigration, some of our finest and most outstanding citizens. Apart from its contributions to NATO, we, the United States, stand to lose four major and strategically important military bases in Greece, including two on the island of Crete that track Soviet movements in the eastern Mediterranean.

We know, Mr. Speaker, that Greece's reentry into NATO is being blocked by Turkey, which refuses to acknowledge Greece's insistence that its reentry include operational control of Aegean Sea and airlines as part of NATO's defense planning. It would seem to me, however, that the time is ripe for finding an accommodation between Greece and Turkey. Turkey at this time has a military government which not only understands the need for defense, but also seems not to be overpowered by internal politics. Greece, on the other hand, has in place a government which is very pro-West. It would seem, then, that conditions, while less than ideal, are favorable for working out this thorny problem.

The reentry of Greece into NATO would be good for Greece, good for Turkey, good for the United States, and good for the North Atlantic Treaty Organization. If it is not done now, however, we will be playing into the hands of forces in Greece which are hostile to NATO. If Greece reenters NATO, we and the alliance will retain the military advantages which Greece has afforded us, and it may be easier, also, to work out the Cypress problem.

Mr. Speaker, in today's Washington Post there is an excellent article on this subject, and I include it in the RECORD at this point:

GREECE THREATENS TO CUT TIES TO NATO

(By Jim Hoagland)

UNITED NATIONS, Sept. 30.—Greece will be forced to withdraw from NATO "finally and irrevocably" and to take over American military bases there if a new formula for Greek membership in the alliance is not found "within the next few weeks," Foreign Minister Constantine Mitsotakis warned today.

"We do not want to do it. We do not want to be De Gaulle," the Greek foreign minister asserted in an interview. "But Greece must return to the alliance, or it must withdraw its application for a return before the Greek elections next year."

Mitsotakis' remarks were the first explicit statement that his center-right coalition, headed by President Constantine Karamanlis, cannot afford politically to go into elections with the NATO question unresolved and American bases still on Greek soil. The election must be held by the autumn of 1981.

His comments also provided an extended public airing of private warnings that the Greeks have been sending to the Carter administration since June. These warnings appear to have intensified following last month's military coup in Turkey.

Mitsotakis said that he had conveyed the warning again this week in a discussion here with Secretary of State Edmund Muskie. Both men are attending the U.N. General Assembly's fall session.

The United States risks losing four major military installations in Greece, including a strategically important naval base and a regional electronic surveillance center that tracks Soviet movements in the eastern Mediterranean. Both facilities are located on the island of Crete.

Greece and Turkey are deadlocked over Greek insistence that its reentry into the alliance include operational control of Aegean sea and air lanes as part of NATO's defense planning. Turkey's refusal to agree has blocked the unanimous decision needed from NATO members to readmit Greece.

Karamanlis' government withdrew from the alliance's military structure in 1974 to protest the failure by NATO and the Nixon administration to halt Turkey's invasion of Cyprus. Somewhat like France after Charles de Gaulle withdrew his nation from NATO in 1966, Greece has participated in the alliance's political activities and in limited maneuvers with NATO forces. Athens formally applied for readmission in 1976.

Diplomatic sources in Washington reported that Gen. Bernard W. Rogers, NATO's commander-in-chief, presented Greece and Turkey with a three-point formula earlier this month that would reintegrate Greece into NATO now and decide the Aegean dispute later.

Both sides reportedly agreed to this concept, but continued to dispute whether the eventual settlement would be based on the conditions that prevailed in 1974. Turkey feels that such an arrangement overly favors Greece.

U.S. officials concede that Greece has a legal right to terminate the bases agreement if it is not in NATO. But U.S. officials here with Muskie said they were "cautiously hopeful" that the deadlock could be broken and a crisis in Greek-American relations avoided.

But Mitsotakis appeared disappointed by what he heard from Muskie. The Greek diplomat carefully avoided characterizing the effect he thought the overthrow of Turkey's civilian government would have, but he underlined the urgency that he felt the military takeover has added to the dispute.

"It is crucial that the United States try to persuade Turkey to reach a solution in the next few weeks. The new military government will be taking a position during that time," Mitsotakis said, adding:

"We are not trying to set deadlines or employ blackmail, but this has to be settled well before the election campaign begins."

Turkey's ambassador to the United States, Sukru Elekdag, said in a telephone interview that there would be no change in Turkey's policy on the NATO issue and he asserted that Turkey had done everything it could to reach "an equitable solution. Greece should act reasonably now and not ask the United States to twist arms. We agree that Greece should be reintegrated into NATO, but we cannot accept the violation of NATO's own military principles."

Officials from the two Mediterranean nations said they were not sure when Rogers will make a new effort to reach an agreement.

Karamanlis' New Democracy Party and its allies expect a strong challenge from the left in next year's election, in which the presence of American military facilities probably will be a major issue.

Finally, Mr. Speaker, I would reiterate the traditional ties that we have had with Greece; its importance to the NATO alliance; and the strategic importance of United States bases on Greek soil. All these things augur for the reentry of Greece into NATO. I therefore urge my colleagues to impress upon the President and the Secretary of State the urgency of the situation, and to support them in the use of their good offices in trying to facilitate Greece's reentry into NATO.●

MAYOR LEM GEATHERS, OF WINTER HAVEN, FLA.

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. IRELAND. Mr. Speaker, on October 15, Mayor Lem Geathers, of Winter Haven, Fla., will be retiring from elective office. While I am sure he will continue to play an active role in our community life, I would like to take this occasion to recognize the good works of this fine citizen of our State.

Lem Geathers has served our area in many different ways and in many different capacities, including his role as a member of the Winter Haven Hospital Board, city commissioner, and most recently mayor of Winter Haven.

As an educator, public official, concerned citizen, and as a human being, he has enriched the lives of his fellow citizens in countless ways, and our community is a better place because of his involvement.

I am sure all those who know him join me in congratulating him on a job well done.

Thank you, Mr. Speaker.●

CONVENTION FOR ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Ms. OAKAR. Mr. Speaker, on my return from the Mid Decade World Conference on the UN Decade for Women, where I served as one of two congressional advisers, I briefly commented on the progress of the Conference which reached closure on July 31, 1980. In those remarks, I noted that one of the most significant accomplishments of the Conference, indeed, one of the most fundamental decisions of the decade, was our signing the Convention for Elimination of all Forms of Discrimination Against Women.

The convention clearly and comprehensively documents those standards of policy essential to the advancement of the status of women. Moreover, the convention has the potential to insure equality of participation for all peoples throughout the world. As of September 15, 1980, 77 countries, among them the United States, signed the convention. What remains to be accomplished is the President's examination of the interagency review process, followed by his submitting letters of transmittal to the Senate. The Senate Foreign Relations Committee is responsible for scheduling hearings to consider ratification. Upon ratification and notification to the President, the procedure is complete.

The 700 or more women who have signed a petition distributed by the Continuing Committee of the National Women's Conference, urging the Senate of the United States to speedily ratify this treaty, punctuates the widespread support for the Commission. Mr. Speaker, in the interest of time and space, in lieu of including the entire text of the convention and the names of the women who have called for prompt consideration of the convention, I respectfully request that the preface of the convention be included in the RECORD. While we all realize that the signing of the convention in Copenhagen was an important first step, we cannot ignore the imminent requisite of ratification so as to insure the convention's maximum potential. On behalf of all women of America, I strongly urge the Senate's immediate consideration of the Convention for Elimination of all Forms of Discrimination Against Women. Text of the convention is as follows.

INTRODUCTION

A major step towards the attainment of the goal of equal rights for women was taken on 18 December 1979, when the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women. The 30-article Convention sets out in legally binding form internationally accepted principles and measures to achieve equal rights for women everywhere. Its adoption climaxed consultations over a five-year period by various working groups, the Commission on the Status of Women and the General Assembly.

The comprehensive Convention reflects the depth of the exclusion and restriction practised against women solely on the basis of their sex, by calling for equal rights for women, regardless of their marital status, in all fields—political, economic, social, cultural and civil. It calls for national legislation to ban discrimination; recommends temporary special measures to speed equality in fact between men and women, and action to modify social and cultural patterns that perpetuate discrimination.

Other measures provide for equal rights for women in political and public life; equal access to education and the same choice of curricula; non-discrimination in employment and pay; and guarantees of job security in the event of marriage and maternity. The Convention underlines the equal responsibilities of men with women in the context of family life. It also stresses the social services needed—especially child-care facilities—for combining family obligations with work responsibilities and participation in public life.

Additional articles of the Convention call for non-discriminatory health services to women, including services related to family planning; and a legal capacity identical to that of men, with States parties agreeing that all contracts and other private instruments that restrict the legal capacity of women "shall be deemed null and void". Special attention is given to the problems of rural women.

The Convention sets up machinery for the international supervision of the obligations accepted by States. A committee of experts, to be elected by States parties and serving in a personal capacity, will consider the progress made.

Opened for signature on 1 March 1980, the Convention will enter into force after 20 States have consented to be bound by its provisions, either through ratification or accession.

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women, Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measure required for the elimination of such discrimination in all its forms and manifestation.●

A TRIBUTE TO THE ANSELMO CLUB

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. OTTINGER. Mr. Speaker, on Friday, October 10, 1980, the Brothers Anselmo of Port Chester, N.Y., will hold their 35th annual reunion dance.

For over 35 years the Brothers Anselmo Club has served Port Chester and its surrounding communities in an effort to better the circumstances of their fellow man.

In 1946 the members of the Holy Rosary Parish formed the Brothers Anselmo Organization to honor the late and beloved teacher of this parish, Brother Anselmo, and 23 other parishioners who lost their lives in World War II.

The Brothers Anselmo have successfully contributed to the welfare of their parish and surrounding communities. This benevolent group of gentlemen has sponsored many athletic teams which have performed throughout the New York, New Jersey, and Connecticut area. However, the brothers' efforts do not stop here. An annual scholarship fund, set up by the Brothers Anselmo Club, has helped needy young parishioners further their education in Catholic schools throughout the country.

In helping to serve their community, the Brothers Anselmo have joined in many fine fundraising drives, among them: the Red Cross and Community Chest drives.

It has been said of the Brothers Anselmo that "they take it to be a privilege to do a favor and to be able to make some boys happy."

Mr. Speaker, after so many years of outstanding public service, this fine organization has shown itself to be exemplary and worthy of distinction. Its members set an example for all Americans.●

U.S. STANDS ALONE ON NUCLEAR POWER

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mrs. BOUQUARD. Mr. Speaker, as the U.S. nuclear power program dwindles and is threatened with extinction because of the distorted information the American public has received on the risks of nuclear power, the rest of the world is moving ahead aggressively and openly with the development of this energy source. While many in the United States see nuclear power as an energy source of last resort, other nations see it as the key to meeting their energy demands over the near and long term, and believe that without it their security will be seriously threatened.

One day the American people will be rudely awakened to the deception that has been played on them. I only hope it happens sooner rather than later. We cannot build any kind of powerplant over night; it takes a long time and a great deal of money. If we wait until our oil is cut off or the projected growth of solar energy is not met before we reverse our policy of suppression of nuclear power, then it will be too late and I fear for the consequences to our Nation and the world.

That we are being left behind by the rest of the world in the development of this important technology and the serious consequences of this unfortunate circumstance are succinctly described in a recent article in Time. The article summarizes the events at the 11th World Energy Conference in Munich, at which some 5,000 delegates representing 80 nations took a clear and resounding stand in favor of the rapid development of nuclear energy. I commend this article to your attention:

ATOM ADVOCATES—U.S. POLICY DRAWS HEAVY FIRE

Representing 80 nations, some 5,000 delegates to the eleventh World Energy Conference jammed Munich's giant Olympia Hall last week to listen to calls for action on developing new energy sources. For background reading, the delegates could peruse no fewer than 164 technical papers on subjects ranging from high-voltage energy transmission to windmill turbine technology. On one subject, however, the participants spoke with a single voice: the U.S. is out of step with the rest of the world in the development of nuclear energy.

Delegates from France, Britain and other countries soundly criticized the Carter Administration for holding back progress on the use of nuclear power. Franz Josef Strauss, who is challenging West German Chancellor Helmut Schmidt in next month's national elections, was the bluntest. "Whoever fails to take advantage of nuclear energy condemns himself to social backwardness," he said. "The future belongs to those countries that push ahead with nuclear energy."

Since the Three Mile Island accident 18 months ago, U.S. nuclear power development has been virtually shut down. Orders for new facilities, which hit a high of 41 in 1973, have dropped to zero. By comparison, France, which has Europe's most ambitious nuclear program, has 16 reactors in operation, and extra 32 under construction and 13 more in planning. The Soviet Union currently generates 10% of its electricity from nuclear sources, and the present Five-Year Plan calls for construction of ten reactors a year. Pyotr Neporozhny, the Soviet Minister of Electric Power Development and Electrification, announced at the meeting that his country had recently made a major technical breakthrough toward nuclear fusion. If the Soviets could construct a successful nuclear fusion reactor, it would deliver about five to ten times the power of a now commonly used fission reactor.

Some of the loudest criticism of the U.S. came from representatives of developing countries. By the year 2020, they will be using as much energy as the developed world now consumes; but they have neither the money nor the resources to pay for expensive oil. Said Carlos Castro Madero, an official of the Argentine Atomic Energy Commission: "Every watt of energy the U.S. fails to produce by nuclear power must be produced by oil. Every barrel of oil burned by the U.S. is a barrel for which we must compete on the market, and this means higher prices."

Conference participants glumly noted that such clean and renewable energy sources as wind, sun and tides will not play a significant role in energy for decades. Meanwhile, nuclear energy and coal remain the only practical answers to an increasingly energy-hungry world. Coal, though, presents enormous investment, transportation and environmental problems. Its real potential is still being questioned. As antinuclear partisans demonstrated outside the hall, Edward Hennelly, former president of the American Nuclear Society, concluded: "I am not unaware of the dangers of nuclear energy, but these concerns are far outweighed by the inevitable international showdowns over energy when the shortage really hits."●

A TRIBUTE TO IRENA KUCHARZAK, A HEROIC WOMAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. WOLFF. Mr. Speaker, a constituent of mine, Mrs. Stefanie Seifert, has called to my attention the unselfish dedication of Irena Kucharzak, who saved the lives of Mrs. Seifert, her mother, and 11 other Jews during the Nazi tyranny in Poland.

Irena Kucharzak undauntedly put her life, and the life of her family in danger by providing shelter for these people, who were but strangers to her. From the years 1943 to 1945 she provided protection and well-being for these people, and helped them in obtaining passports so that they could leave the country.

Irena Kucharzak was recognized as one of the "Righteous Among the Nations" from Poland by the Commission for the Designation of the Righteous on November 11, 1969, and in Israel a tree was planted in the Memorial Garden at Yad Vashem, signifying her exceptional bravery.

It is vital that we not forget the accomplishments of Irena Kucharzak and others like her. It is significant that last week Congress overwhelmingly passed a resolution that will establish a U.S. Memorial Holocaust Council and provide them with the authority to erect a museum to the 6 million Jews who died as well as the other victims of the Nazi brutality. I am sure that Irena Kucharzak, along with myself and many others, can rest easier, knowing that the holocaust will be remembered, and that we will never let another holocaust happen again.●

DR. ROY SMITH—50 YEARS OF SERVICE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. ANDERSON of California. Mr. Speaker, it is very rare that any individual is so devoted to his craft that he will spend 50 years practicing it. But one of my constituents, Dr. Roy Smith, has been practicing the art of medicine since he first opened an office in San Pedro in 1930. In recognition of this laudable achievement and in appreciation of his many years of dedicated service, the San Pedro and Peninsula Hospital is hosting a dinner dance in Dr. Smith's honor on October 17.

Although born in Baker, Oreg., Roy Smith moved with his family to San Pedro in 1903. It was here that he was raised, and graduated from San Pedro High School in 1918. While continuing his medical studies, Dr. Smith joined the staff of San Pedro and Peninsula Hospital when it opened for service to the community in 1924. Dr. Smith left the south bay area for several years, time enough to receive his M.D. from the University of Louisville, in Kentucky, and intern at Rhode Island Hospital. It was at the hospital that Dr. Smith met and married his beloved wife, Blanche MacVicar.

Soon after they were married, this young couple returned to San Pedro, and Dr. Smith began his practice there in 1930. For 10 years he continued on this path, but in 1940 he felt it his duty to join the Naval Reserves, and was commissioned a lieutenant. During World War II, Dr. Smith served honorably in the South Pacific, and remained in the Navy until 1946, when he left with the rank of commander. He returned once again to San Pedro, and resumed his practice of medicine. He has continued to so so ever since.

Mr. Speaker, Dr. Smith has been in practice for such a long time that it is safe to say that he probably has cared for most of San Pedro's residents at one time or another in their lives. His easygoing relationship with the many different ethnic groups in San Pedro has been greatly facilitated by his fluent knowledge of Greek, Chinese, Spanish, and French. Since he also served 1 year as San Pedro Hospital's chief of staff, as well as honorary vice president of the Long Beach branch of the Los Angeles County Medical Association, Dr. Smith is eminently well versed in the health needs of the harbor area community. Also concerned with the economic well-being of his patients, Dr. Smith is a past president of the San Pedro Chamber of Commerce. And even the dinner given in his honor will benefit the community. Proceeds from this event will go to the hospital's family practice center fund, so that even those who are not in attendance at the dinner will feel the steady and caring hand of Dr. Roy Smith.

Dr. Smith's many other activities and memberships are well known. They include service to, among others, the American Legion, Veterans of Foreign Wars, the Al Malaikah Shrine Temple, and the Elks and Masons. Last, but certainly not least, is his membership in the American Medical Association, without which any doctor is like a fish out of water.

Mr. Speaker, Dr. Roy Smith is one of those unique men who gives of his time, knowledge, and many skills without a moment's hesitation. He has given of himself to his country, his neighborhood, his city, and family. I do not know when he plans on retiring, but should that occasion arise, the entire south bay will feel the loss of a highly dedicated and wonderful man. My wife, Lee, joins me in thanking Dr. Smith for all he has done for our community these many years. We wish Dr. Smith and his two sons, Robert and Richard, who are also doctors at San Pedro and Peninsula Hospital, many more years of success and happiness.●

LEGISLATION TO INCREASE THE TAX CREDITS FOR COGENERATION EQUIPMENT

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. FISHER. Mr. Speaker, today Congressman HEFTEL and I introduced legislation which is designed to promote greater energy conservation through the process known as cogeneration. Although it can involve a variety of techniques, cogeneration is essentially the production of two forms of energy from one source of fuel. It achieves its conservation potential to the extent that it eliminates the need for a second fuel source to produce the second form of energy.

Our bill will increase the energy tax credit available for cogeneration equipment from the present 10 percent to 20 percent. This is in addition to the investment tax credit of 10 percent which is available for all new equipment. Furthermore, this legislation refines the definition of cogeneration equipment which is eligible for the tax credit.

I believe that this legislation is important because it will focus attention on the need to foster energy conservation in general and on the potential for cogeneration in achieving this goal in particular. And the energy savings could be quite substantial. According to a recent studies cited in a Harvard Business School examination of this issue, over 20 percent of total industrial energy use in the United States could be saved through cogeneration investments that are economically sound. The tax credit available under this legislation could make the difference between what is an economically sound investment and what is prohibitively expensive for a business.

However, while recognizing the potential for cogeneration we must not put blinders on, either. Just as the production of alternate forms of energy will take several different routes—solar, synthetic oil and gas, biomass, geothermal, among others—so, too, there is not one all-encompassing path to conservation. Cogeneration has its primary value in the industrial and electric utility context. Residential users already have a number of tax credits available to them for improving home insulation and other home heating systems. It may soon be time to reexamine all of these tax credits to see if they are sufficient and in proper relation one to another. By introducing this legislation today, I am signaling my intent to have expanded cogeneration tax credits prominently featured in such a reexamination.

Finally, it is necessary to note that even with increased tax credits for cogeneration equipment, there must be regulatory changes as well if cogeneration is to achieve its full potential. It is my understanding that legislative proposals are now in the formative stage which will address this concern. I look forward with interest to the development and refinement of these proposals so that, along with the tax credits for cogeneration, a comprehensive approach to promoting the expanded use of cogeneration can become a reality. It is now time to tap what has been referred to as "Industry's North Slope."●

THE DOMESTIC AND INTERNATIONAL HUNGER FOUNDATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. GILMAN. Mr. Speaker, today I am introducing legislation to establish the Domestic and International Hunger Foundation. This proposed organization is to be charged with the task of better informing the American people about the causes of and possible solutions to a problem which has a critical bearing on both our determination to fulfill our commitment to the humanitarian principles upon which our Nation was founded and our desire to insure our national security in the decades ahead. That problem is the scourge of hunger and undernutrition which plagues hundreds of millions of people throughout the world.

THE PROBLEM OF HUNGER AND THE WORK OF THE PRESIDENTIAL COMMISSION ON WORLD HUNGER

In my work as a member of The Presidential Commission on World Hunger, established by the President's Executive order of September 5, 1978, in response to a congressional resolution, my worst fears about the enormity of the problem and the immense suffering it brings to innocent children and adults were quickly confirmed. The consensus of those serving on the Commission, men and women who have devoted much of their professional and personal lives to seeking solutions to the hunger problem, was summed up as follows in the Commission's final report issued in March 1980:

> Of all the challenges facing the world today, agreement by the nations of the world on the actions required of all countries to eliminate hunger may be most important, and may also provide the most promising basis for other international actions to assure world peace. By placing the elimination of hunger high on its national agenda, the United States will demonstrate a major commitment to undertaking one of the most important tasks facing mankind.

In its comprehensive report establishing poverty as the principal cause of hunger and undernutrition, the Commission established that hunger has many inter-related causes tied into numerous political, economic, and social problems. While explaining that a major crisis of global food supply—of even more serious dimensions than the present energy crisis—appears likely within the next 20 years, unless steps are taken now to facilitate a significant increase in food production in the developing nations, the Commission underscored its finding that increased food production will not occur, however, without a market and will not benefit hungry people unless they acquire the purchasing power to enter the market. Solutions to ending hunger and undernutrition, thus lay in great measure with efforts to assure more equitable access to food and the resources to produce food through the generation of employment and income.

As the Roman philosopher Seneca proclaimed some 2,000 years earlier: "A hungry people listens not to reason, nor cares for justice, nor is bent by prayers." I doubt that any of us could expect a people whose mothers and fathers are plagued by hunger, seeing their children famished and stunted by malnutrition, to act otherwise.

The Commission found that the United States should be concerned about hunger because of moral obligation and responsibility and out of concern for national security. Traditional appeals to end hunger based on humanitarian concern are probably more familiar than the Commission's finding that promoting economic development in general, and overcoming hunger in particular, are tasks far more critical to the U.S. national security than most policymakers acknowledge or even believe. However, at a time when 750 million to 1 billion people suffer the physically and mentally debilitating effects of chronic undernutrition, hunger unquestionably becomes fused to the security concerns of our Nation and the entire international community because the deprivation experienced by the poor and hungry and those among them who can harness the indignation borne of being without the means to purchase or grow one's needed food, portends an explosive instability which will intensify during the next several decades. I might add that while our Commission was completing its report, the Independent Commission on International Development Issues, chaired by Willy Brandt, former Chancellor of the Federal Republic of Germany, concluded its own study which attached a similarly high priority to ending the world hunger problem

The Commission noted also, in its findings about hunger and malnutrition in the United States that:

> While progress has been made in reducing the incidence of hunger and malnutrition in the Unites States, certain segments of the population of the United States, notably among native Americans, migrant workers, and the elderly remain vulnerable to malnutrition and related diseases.

THE NEED FOR PUBLIC EDUCATION

In addition to compiling a report identifying the causes of hunger and malnutrition, assessing past and present national programs and policies that affect hunger and malnutrition, and recommending to the President and Congress specific actions to create a national food and hunger policy, the Commission was charged by its mandate with undertaking a second phase of operations: helping to implement its recommendations and to focus attention on food and hunger issues through various public education activities.

The Commission's public education activities reached out to a broad cross-section of the American public including individuals, private voluntary organizations, the academic community, religious groups, consumer and labor organizations, and the private corporate sector. Numerous Commission publications were distributed, public hearings held, teaching materials developed, and efforts undertaken to involve constituency groups in learning about the causes and nature of and the possible solution to hunger.

Two public opinion polls conducted for the Hunger Commission demonstrated that the American people show strong public support for maintaining and even increasing U.S. assistance to the world's hungry. These public opinion surveys indicate, however, that there is a need to educate the American public about the complexities of hunger, the scale of the problem, and the realities of U.S. involvement because hunger seldom captures widespread public attention except in times of crisis or dire emergency.

At the Commission's final meeting, June 16, 1980, widespread agreement emerged that the Commission's public education campaign, while significant, had fallen short of the Commission's expectations. Strong support was demonstrated for followup public education activities, including the Commission's recommendation that Congress authorize funds to establish an organization to educate and inform the American public about world hunger.

The Commissioners noted that although the Commission would soon terminate, the problem of hunger was still very real, very critical. And while the Commission's public education activities revealed a concerned citizenry, the Commission could not, with the time and resources it was allotted, disseminate on a wide enough basis its findings and the reasons for its urgent appeal for action against hunger.

THE DOMESTIC AND INTERNATIONAL HUNGER FOUNDATION

Mr. Speaker, consultations with those serving on the Presidential Commission and with others who have worked long and hard on the problem of hunger and malnutrition has convinced me that we must continue our efforts to inform the American people about hunger and the serious implications it has for our Nation.

To achieve this objective, I propose the establishment of the Domestic and International Hunger Foundation. The Foundation's major functions would include: One, conducting, sponsoring, and otherwise supporting conferences, seminars, and workshops on matters pertaining to world hunger; two, developing reference materials dealing with world hunger which would be appropriate for elementary, secondary, and college level study; three, providing assistance for research and studies on the world hunger problem and the public perception of this problem; four, maintaining a speaker's bureau of individuals to discuss issues relating to world hunger; five, monitoring the implementation of the recommendations of the Presidential Commission on World Hunger; six, publishing and otherwise disseminating the results of hunger related research, studies, or investigations; seven, participating in the international exchange of learned publications and materials on hunger and retaining copies of such publications and materials for public access and review; eight, conducting symposia for interested individuals and representatives or organizations in order to explore means by which joint initiatives to alleviate world hunger could be undertaken; and nine, maintaining for public access an inventory of country and community requests for assistance in developing and implementing development assistance projects.

The Foundation's Board of Directors would be appointed by the President, by and with the advice and consent of the Senate. An Advisory Board of individuals representing a broad spectrum of public concerns relating to hunger would be selected to assist the Foundation in its activities. A modest budget would be authorized for the Foundation; a budget representing our Nation's first real commitment to informing the American people about the many dimensions of a problem which has and will continue to have a significant impact upon the lives of all our citizens * * * in this decade and in future decades.

Accordingly, Mr. Speaker, I urge my colleagues to support this legislation which I submit on behalf of all Americans committed to ending the hunger and undernutrition that claims the lives and productive potential of hundreds of millions of our fellow citizens throughout our Nation and throughout the world.

Mr. Speaker, I request that the complete text of this legislation be inserted at this point in the RECORD:

H.R. 8254

A bill to establish the Domestic and International Hunger Foundation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Domestic and International Hunger Foundation Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) hunger and chronic undernutrition remain daily facts of life for hundreds of millions of people throughout the world;

(2) while progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain segments of the population of the United States, notably among native Americans, migrant workers, and the elderly, remain vulnerable to malnutrition and related diseases;

(3) it is imperative that our Nation's policies be consistent with the right of every person in this country and elsewhere to a nutritionally adequate diet as outlined in the Right-to-Food Resolution of 1976;

(4) as the world's largest producer, consumer, and trader of food, the United States has a key role and responsibility in any effort to combat world hunger, and no significant progress is likely to be made without the active and wholehearted participation of the United States in efforts to assist nations and people to improve their capability to feed themselves;

(5) the world hunger problem is far more critical to the national security of the United States than most policymakers acknowledge or believe;

(6) a major global food supply crisis of even greater dimensions than the present energy crisis appears likely to occur within the next 20 years unless steps are taken to facilitate a significant increase in food production and to restructure the means by which food and the resources and technology needed to produce food are distributed;

(7) efforts to meet the rising global demand for food must take into consideration the limited nature of such resources as land, water, and energy, and the possible adverse effects which certain methods utilized to increase food production may have upon these resources;

(8) while world hunger has many interrelated causes, the central and most intransigent cause is poverty;

(9) gains in productivity must not be mistaken for nor subordinated to the goal of assuring more equitable access to food and the resources to produce food through the generation of employment and income;

(10) surveys indicate that the American people strongly support maintaining and even increasing efforts of the United States to eliminate world hunger; however, because hunger seldom captures widespread public attention except in times of catastrophe or dire emergency, it is necessary to further educate the American public about the complexity and scale of the world hunger problem, and the reasons why even greater United States involvement is required; and

(11) present efforts to increase public awareness of the world hunger problem and hunger-related issues fall far short of what is required.

ESTABLISHMENT

SEC. 3. (a) There is established a corporation to be known as the Domestic and International Hunger Foundation (hereinafter in this Act referred to as the "Foundation").

(b) The Foundation shall establish its principal office in the District of Columbia.

FUNCTIONS

SEC. 4. In order to alleviate the problems of world hunger and malnutrition, the Foundation shall—

(1) inform the American public about the causes of and possible solutions to such problems by—

(A) conducting, sponsoring, and otherwise supporting conferences, seminars, and workshops on matters pertaining to world hunger;

(B) developing and, upon request, providing reference materials dealing with world hunger which would be appropriate for use at the elementary school, secondary school, and college levels;

(C) providing assistance for research and studies on the world hunger problem and the public perception of this problem; and

(D) maintaining a speakers bureau of individuals to discuss issues relating to world hunger;

(2) monitor the implementation of the recommendations of the Presidential Commission on World Hunger, made in accordance with Executive Order 12078 (dated September 5, 1978);

(3) publish and otherwise disseminate the results of hunger-related research, studies, or investigations deemed appropriate by the Foundation;

(4) participate in the international exchange of learned publications and materials on hunger, and retain, if appropriate, copies of such publications and materials for public access and review;

(5) conduct symposia for interested individuals and representatives of organizations in order to explore means by which joint initiatives to alleviate world hunger could be undertaken; and

(6) maintain for public access a list of humanitarian organizations, governments of developing countries, and States or local units of government in the United States, requesting financial or other assistance in hunger or development assistance projects.

POWERS

SEC. 5. The Foundation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction;

(4) may make and perform such contracts and other arrangements as may be necessary for carrying out the functions of the Foundation;

(5) shall prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid;

(6) may employ and fix the compensation of not to exceed 70 persons at any one time;

(7) may lease, purchase, or otherwise acquire, own, hold, improve, use, dispose of, and otherwise deal in and with such real or personal property or interest therein as may be necessary for carrying out its functions;

(8) may accept money, property, and services of any kind by gift, devise, bequest, grant, or otherwise;

(9) may use the United States mails in the same manner and on the same conditions as the Executive departments of the Federal Government;

(10) may, with the consent of any agency of the United States, use the information, services, facilities, and personnel of that agency in carrying out its functions;

(11) may procure the services of experts or organizations thereof in accordance with section 3109 of title 5, United States Code; and

(12) shall have such other powers as may be necessary or incident to carrying out its functions.

BOARD OF DIRECTORS

SEC. 6. (a) The management of the Foundation shall be vested in a board of directors (hereinafter in this Act referred to as the "Board"), which shall direct the exercise of all powers of the Foundation.

(b)(1) The Board shall be composed of 7 members who shall be appointed by the President, by and with the advise and consent of the Senate.

(2) One member of the Board shall be designated by the President to serve as Chairperson of the Board and another member of the Board shall be designated by the President to serve as Vice Chairperson of the Board. Each person designated as Chairperson or Vice Chairperson shall be so designated for the term of such person's appointment to the Board.

(3) Except as provided in paragraphs (4) and (5), members of the Board shall be appointed for 7-year terms.

(4) Of the members first appointed to the Board—

(A) the member designated as Chairperson shall be appointed for a 7-year term,

(B) the member designated as Vice Chairperson shall be appointed for a 6-year term,

(C) one member shall be appointed for a 5-year term,

(D) one member shall be appointed for a 4-year term,

(E) one member shall be appointed for a 3-year term,

(F) one member shall be appointed for a 2-year term, and

(G) one member shall be appointed for a 1-year term.

(5) A vacancy on the Board shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expira-

tion of such member's term until a successor to such member has taken office.

(c) The Board shall meet at any time pursuant to the call of the Chairperson or as may otherwise be provided by the bylaws of the Foundation. A majority of the Board shall constitute a quorum, and no action may be taken by the Board except by majority vote of all members of the Board. The Board shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the Foundation.

(d) Members of the Board shall receive no compensation for their services as members of the Board, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Foundation.

(e)(1) The Chairperson—

(A) shall be the chief executive officer of the Foundation, and

(B) shall not engage in any other business, vocation, or employment during that person's period of service with the Foundation.

(2) The chief executive officer of the Foundation shall receive compensation at a rate not to exceed that payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

ADVISORY COMMITTEE

Sec. 7. (a) There is established an advisory committee to the Board for the purpose of advising the Foundation with regard to the objectives and activities of the Foundation.

(b)(1) The advisory committee shall be composed of 20 members as follows:

(A) the Secretary of State, the Secretary of Agriculture, and the Director of the International Development Cooperation Administration;

(B) two members appointed from the House of Representatives by the Speaker of the House of Representatives;

(C) two members appointed from the Senate by the President pro tempore of the Senate; and

(D) thirteen individuals appointed by the President from academic institutions, labor groups, consumer interest groups, and the private corporate sector, with at least one individual to be appointed from each of those groups.

(2)(A) Individuals appointed under paragraph (1)(D) shall be appointed for 4-year terms.

(B) Members of the House of Representatives and Senators appointed under paragraph (1) shall be appointed to serve until the Congress succeeding the Congress from which such Member or Senator was appointed first assembles.

(C) The provisions of section 6(b)(5) shall apply with respect to members of the advisory committee.

(c) The advisory committee shall meet with the Board upon the request of the Board, but not less than semiannually.

(d) The Board shall, after consultation with the advisory committee, provide the advisory committee with such professional, secretarial, and other services as the Board deems necessary for the advisory committee to carry out its functions under this Act.

(e) Members of the advisory committee shall receive no compensation for their services as members of the advisory committee, but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this Act.

NONPROFIT CORPORATION; CONFLICT OF INTERESTS

Sec. 8. The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, or employees, and such revenue, earnings, or other income or property shall be used for the carrying out of the functions of the Foundation. No director, officer, or employee of the Foundation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting such individual's personal interests or the interests of any corporation, partnership, or organization in which such individual is directly or indirectly interested.

AUTHORIZATION OF APPROPRIATIONS

Sec. 9. There are authorized to be appropriated to carry out this Act not to exceed—

(1) $1,500,000 for the fiscal year ending September 30, 1982;

(2) $3,500,000 for the fiscal year ending September 30, 1983; and

(3) $5,000,000 for each fiscal year thereafter.

REPORTS

Sec. 10. The Foundation shall transmit to the Congress each year a report on its activities in carrying out this Act during the preceding year.

GOVERNMENT CORPORATION CONTROL ACT

Sec. 11. The Foundation shall be subject to the provisions of the Government Corporation Control Act (31 U.S.C. 841 and following) relating to wholly owned Government corporations.●

TAX INCENTIVES FOR COGENERATION

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. HEFTEL. Mr. Speaker, today I am pleased to join with my distinguished colleague from Virginia, Congressman FISHER, in introducing legislation which we feel will have a significant impact on our Nation's energy conservation effort. This bill would amend the Internal Revenue Code of 1954 to increase the tax incentives for investment in cogeneration equipment. Specifically, the legislation would:

Increase the present business energy tax credit for cogeneration equipment to 20 percent and extend the termination date for this credit to 1990;

Extend energy tax credit eligibility to mechanical shaft power;

Extend the tax credit to cover certain cogeneration equipment installed in new facilities; and,

Make eligible for the energy tax credit those cogeneration facilities exempted from the provisions of the Powerplant and Industrial Fuel Use Act of 1978.

Mr. Speaker, the United States is faced with an energy problem of unprecedented dimensions. As the present war between Iraq and Iran clearly demonstrates, our Nation is perilously dependent on highly unstable and uncertain foreign supplies of oil. Energy now has a direct and significant impact on our foreign policy and our domestic economy. It is essential then that strategies be devised and implemented to deal with the energy problem in the short term. We feel that a cornerstone of any energy strategy must be increased industrial conservation. Since American industry consumes almost 40 percent of all energy utilized in the country, we believe that an aggressive energy conservation effort in the industrial sector is essential to our Nation's energy future.

Mr. Speaker, cogeneration is perhaps the most important and readily accessible source of industrial conservation in the near term. The highly acclaimed work, "Energy Future," by Harvard Professors Daniel Yergin and Robert Stobaugh, describes cogeneration as "industry's North Slope." Very simply, cogeneration is the production of two forms of useful energy from one fuel source, leading to a more efficient use of the primary energy. A number of studies estimate that perhaps over 20 percent of total industrial energy presently used in the United States could be saved through cogeneration. Our European allies are already effectively using this conservation technology. For example, cogeneration accounts for approximately 27 percent of all electric power used in West Germany, as compared with less than 5 percent in the United States Interestingly, the United States once relied on cogeneration for a significant measure of its electricity needs. In 1922, for example, 22 percent of all our electricity came from industrial cogeneration. However, declining electricity prices and inexpensive oil led to a marked decline in the role cogeneration played.

Mr. Speaker, it is important that we provide both tax and regulatory incentives to once again establish cogeneration as a major energy-saving technology. Our bill represents a first step toward a greater Federal effort to this end. We look forward to working with you and our colleagues in fashioning a comprehensive energy policy in which cogeneration occupies a major role. Our current energy dilemma requires no less than our full commitment to this challenge.●

ANNIE BUNKER'S 100TH BIRTHDAY

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SANTINI. Mr. Speaker, most people know my hometown of Las Vegas only as the neon-lit, glittering gambling capital they see on television. Few, including me, can remember when it was just a few ranches along a dusty trail in a southern Nevada valley.

One who does remember is Annie Elizabeth Mathews Bunker, who celebrates her 100th birthday on October 7, in Las Vegas. She was born in 1880 in Panaca, Nev., when the largest city in the southern end of the State was not Las Vegas but Moapa, not far from such boomtowns as Delamar, Pioche, St. Thomas, and Gold Bluff.

One of the first jobs she remembers was in Spencer's store in Bunkerville, where one part consisted of filling quart bottles with whisky from a large barrel:

> Mr. Spencer would charge two prices, Annie says. One at $5 per quart for good and one at $6.50 for better. The only trouble was that I'd fill both from the same barrel.

Soon after her arrival in Bunkerville Annie traveled to St. George, Utah, for a ball game. Needing a ride home she and another girl went to the home of Hector McQuarrie, whose nephew drove the mail between St. George and Bunkerville. The nephew agreed to take the two ladies with him in the morning on his buckboard. When they left, Robert Bunker told his mother that he had just met the girl he would marry.

Annie only remembers the ride between St. George and Beaver Dams, Ariz.

> We hardly spoke a word to each other along the trail, but after awhile we came to a steep wash. Robert said he was taking a short cut, but what he did was dump both us girls out and roll the wagon.

After the accident the two began to talk more freely and the rest of the ride was most pleasant. They were married on December 20, 1904, in the St. George LDS Temple.

The couple and their growing family moved several times in the ensuing years, eventually settling down in St. Thomas, where the next 10 years went by peacefully, but if Annie and Robert did not want to move their family again, fate had a different idea.

With the construction of Boulder Dam, it became apparent that the town of St. Thomas would soon be submerged under Lake Mead. The Federal Government bought the land from the locals and the family, for the last time, resettled, this time in Las Vegas.

Since Robert died in 1975 at the age of 92, Annie has lived with her younger sister, Margaret, who is just a "kid" at 94. Perhaps most of all Annie is proud of her family. Besides her 5 children, she has 21 grandchildren, 54 great-grandchildren and 1 great-great-grandchild, and she always has a cracker or treat for the little ones when they come to visit her.

When asked about the tendency in her family for long lives Annie just grins and says, "The secret to long life is that good old Panaca water."

I guess, Mr. Speaker, a century in southern Nevada is proof enough.●

PRICE HILL CIVIC CLUB CELEBRATES 65TH ANNIVERSARY

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. LUKEN. Mr. Speaker, I am delighted to announce that the Price Hill Civic Club, representing the residents of the Price Hill section of Cincinnati's west side, is celebrating its 65th anniversary this year.

The Price Hill Civic Club was formed as the Price Hill Businessman's Club on September 22, 1915, following the dissolution of two earlier businessmen's associations. The organization changed its name to the civic club in 1939 as a reflection of its dedication to community service.

And indeed, through the years the projects sponsored by the civic club and its other contributions to the Price Hill community have been too numerous to list in full. However, among the more notable achievements are the following:

Furthering the cause of a public high school in Price Hill, resulting in the establishment of Western Hills High School;

Proposing the Eighth Street viaduct, which became the major approach route to Price Hill;

Spurring the establishment of the Rapid Run Park;

The promotion and construction of the Western Hills viaduct and the Sixth Street viaduct;

The organization of the Price Hill Community Center;

The establishment of the Price Hill Coordinating Council—later known as the Western Hills Civic Planning Council;

The reconstruction and dedication of Grand Avenue;

The establishment of a swimming pool at Dempsey Park;

Participation in the Dunham Steering Committee, resulting in the construction of the Dunham Recreation Complex;

Spurring the formation of the Price Hill Community Study Group, which developed the Price Hill Community Plan; and

Sponsorship of Price Hill Day for 65 years.

The civic club continues to work for the improvement of the Price Hill community. The club is now advancing the implementation of the Price Hill plan and pushing for the establishment of a new community recreation center, in addition to its other activities.

Mr. Speaker, the Price Hill club deserves the congratulations of all of us for its 65 years of dedication to community service and for its long record of successful community development projects. This fine organization has presented a wonderful example of the benefits to the community arising from cooperation between the Government and the private sector.●

OUR LADY OF MERCY CHURCH CELEBRATES 50TH ANNIVERSARY

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Ms. FERRARO. Mr. Speaker, on Sunday, October 5, Our Lady of Mercy Church in Forest Hills, N.Y., will celebrate a special liturgy on the occasion of the church's 50th anniversary. Sunday's service is the final celebration of a week of events including a local theater group's presentation of "Godspell" and an old-fashioned church picnic. Bishop Mugavero will officiate at the service of rededication.

I would like to briefly summarize Our Lady of Mercy's contributions to the community. The original church, a white clapboard structure, was finished in 1930, and its doors opened to the people of Forest Hills. Eight years later, services were moved to a new building, where they are still offered today. The church's membership has now grown to 1,300 people, and the adjoining elementary school is attended by 350 children.

Our Lady of Mercy has an active Senior Citizens Center, as well as a Holy Name Society and Rosary Society. As the provider of these community services, Our Lady of Mercy is more than just a place of worship for the community. It is a center of social, educational, and spiritual growth for the people of Forest Hills. I know that my neighbors are proud to celebrate this 50th anniversary of the church, and I am certainly delighted to be a part of the celebration. As Rev. John Johnston, the pastor of Our Lady of Mercy recently put it: "This anniversary is an affirmation of the splendid people of Forest Hills—our parishioners and our neighbors of all faiths—coming together in a community we all love." I take pride in representing this fine parish.●

GENERAL REVENUE SHARING

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. EMERY. Mr. Speaker, general revenue sharing is undoubtedly the most effective, efficient Federal grant program in the entire bureaucracy. At midnight yesterday, the congressional leadership let revenue sharing die. Not only will the failure of the leadership to bring the reauthorization legislation to the House floor cause undue hardships for many of our communities, the untimely death of the program will long be remembered as a serious breach of faith between the Federal and local units of governments. For those of us who have long supported general revenue sharing, the inability to debate the pros and cons of the 1981 reauthorization bill prior to the expiration date was an especially frustrating experience.

I realize that anticipated fourth quarter checks will be mailed next week, and that the scheduled lame duck session in November allows ample time for reauthorization before the first round of fiscal year 1981 revenue sharing. Unfortunately, the action—or inaction—of the House during the past few weeks will do nothing to ease the minds of State and local officials throughout the country. City councils all over America are struggling to prioritize budgets in an atmosphere already complicated by devastating unemployment and inflation. Additionally, the laudable balanced budget mandates imposed on most locals prevent them from planning expenditures with revenue-sharing funds they have no assurance will be available next January.

The State and Local Fiscal Assistance Amendments Act—H.R. 7112—was reported from the Government Operations Committee on September 4. Given the repeated early adjournments for baseball games, fundraisers, and other functions, I will find it a little difficult to explain the death of revenue sharing to my constitutents. I have gone on record in support for the general revenue-sharing program and against the House leadership's decision to delay action on the reauthorization. Let me now take this opportunity to respectfully request that you bring the State and Local Fiscal Assistance Act to the floor as the first order of business when the House reconvenes on November 12, 1980.●

GRAND PORTAGE LODGE AND CONFERENCE CENTER

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. OBERSTAR. Mr. Speaker, today is a special day for all Indian people in the State of Minnesota. On this day, the Grand Portage Reservation will take on the ownership and control of the Grand Portage Lodge and Conference Center at Grand Portage, Minn. Many months of hard work and perseverence have gone into making this business venture possible. I would like to share with my colleagues the text of my remarks which will be delivered at the ceremony marking this event:

I am greatly honored to be invited to join the Grand Portage community on this historic occasion and equally disappointed that I cannot be with you in person, though I am most certainly among you in spirit. The House of Representatives is in session today, which will keep me from joining you.

Today we mark the beginning of what promises to be an exciting business venture in Minnesota's oldest community.

Today, the Grand Portage Reservation will assume the full management and responsibility of the newly named Grand Portage Lodge and Conference Center.

This achievement is a bold step on the road to self-determination of the Indian people who will own and operate this hotel facility. It also demonstrates what can be accomplished when Indians and non-Indians work together, hand-in-hand, to support their local community.

This Lodge was built 5 years ago as the first major project of the Grand Portage Development Corp. of the Reservation Business Committee.

Since its establishment, it has been instrumental in stimulating economic growth in this part of the State. Last year, over 130 members of the community—half of whom were Indian—were able to secure employment because of the Lodge. Total earnings from employees and purchases of supplies and services brought an estimated one-half million dollars into Cook County and its surrounding area.

Because of its proximity to Canada, the Lodge has also encouraged travel into the United States and has enhanced our ties with our friendly northern neighbor.

Over the next year, the Lodge will be increasing its function as a Conference Center for public and private meetings and workshops.

The new management which steps in today can be proud to be taking a leadership role in these efforts which will benefit the social and economic well-being of this entire region.

To quote from the Bimadisiwin, Grand Portage is "Blessed as a natural meeting place with natural beauty from rain forest loveliness to breathtaking mountain heights." Resting at the tip of Minnesota's Arrowhead Country, Grand Portage is surrounded by 45,000 of the most magnificent acreage to be found anywhere.

In the days of early exploration, this was the site of the "rendezvous" where hunters and fur trappers would gather once a year to exchange tales of adventure in an atmosphere of high spirit and comradery.

On these same shores of Lake Superior, this new Lodge and Conference Center will continue that tradition by providing a modern rendezvous point where Americans, Canadians and peoples of all nationalities can congregate for business and recreation.

The high quality of this first class hotel is truly representative of the many people who have strived for its continued success. A principal factor in that success has been U.S. Economic Development Administration, which has funded this project and nurtured its growth from the very outset. EDA, and particularly Deputy Administrator George Karras, had the vision to appreciate the potential of this venture, the courage to make the financial investment and both the wisdom and the patience to allow the Indian people a full measure of opportunity to carry out this experiment in self-determination.

I would like to commend the people of this community, the people of Cook County in general, the local businesses and our Canadian friends for their cooperation which has enabled us to share in this happy event. To the new management of the Grand Portage Lodge and Conference Center and to the Grand Portage Reservation, I wish you good luck and lasting success in your new endeavor.●

MERCHANT MARINE CAPT. EDWARD WATSON: A BLACK IMMIGRANT'S DREAM COMES TRUE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SOLARZ. Mr. Speaker, I would like to bring to the attention of my colleagues the success story of a fellow Brooklynite, Capt. Edward Watson, who now commands the SS *Export Courier,* a 10,000-ton merchant ship owned by Farrell Lines.

Coming to the United States from Grand Cayman Island in the Caribbean in 1946, Ed Watson began his career as an ordinary seaman. After serving in the Army and becoming a U.S. citizen, he returned to the merchant marine where by dint of hard work and study he moved up through the ranks to reach his goal, becoming a captain in the U.S. merchant marine. Captain Watson, like so many other Americans, refused to give up or believe that his goal was impossible because of his race. With the support of his family and coworkers in the National Maritime Union and in the Masters, Mates, & Pilots Union, may his story serve as an inspiration to other young men of all races and creeds.

Mr. Speaker, I insert the following article in the RECORD:

[From the Frederick (Md.) Post, Sept. 9, 1980]

CAPT. EDWARD WATSON: HIS BOYHOOD DREAM THAT GREW INTO REALITY

(By John Metelsky)

When young Edward Leroy Watson strolled the sandy beaches on Grand Cayman Island, he dreamed of being a seaman, or a mate or even a captain on an American ship.

It was a big dream in the 1940's for a small black boy on a tiny Caribbean Island. His father, a cook on a schooner, sympathized with the boy's dream and urged his son to study mathematics, a basic requirement for navigation.

But there were no educational opportunities in the Caymans, three obscure islands smaller than Brooklyn, N.Y. These flat islands, 500 miles south of Miami and 180 miles northwest of Jamaica, are not in the mainstream of world events.

The islanders, descendants of Scottish farmers, buccaneers and shipwrecked sailors speak English with noticeable Scottish overtones. These rugged people are noted for their honesty and integrity, are some of the most reliable and determined seamen of the world.

Displaying traditional determination, Watson, after completing East End Grammar School on Grand Cayman, got his first job as a sailor on a 50-foot schooner, the *Jimson.* The tall, slender youth taught the captain's young children reading, writing and arithmetic.

An eager and energetic sailor, Watson learned basic seamanship and became an expert in splicing, rigging sails, steering the ship and tying knots. He soon "knew the ropes."

"At that time, I yearned to see America," Watson recalls, "so in 1946 I caught a banana boat to Tampa. Then I went to New

York to visit my uncle, a former patrolman with the National Maritime Union (NMU), a union for seamen."

With a little help from his uncle Watson shipped out as an ordinary seaman on the S.S. *Exanthia*, an American Export Lines freighter bound for the Mediterranean.

"After we docked at my first port, Genoa, I celebrated my 18th birthday like a true sailor—with my shipmates in a friendly Italian bar," he reminisces.

When the ship returned to New York, Watson faced a major shipping strike. "Shipping was tough," he says. "I couldn't get a job on an American ship, so I sailed Panamanian ships as an Able Seaman from 1947 to 1951."

To make ends meet, between ships, Watson grabbed any job he could get. Sometimes he worked as a "kitchen man" in a hotel restaurant in Greenwich, Conn., or a dishwasher in a restaurant near the NMU hall on West 17th Street in New York City.

"In 1951," he says, "I was drafted into the U.S. Army, where I learned a lot about America and Americans from the people I met from all over the United States."

While in the army, Pvt. Watson learned to type and, heeding the advice his father had given him, studied math, still clinging to his boyhood dream.

After being honorably discharged from the army in 1953, Watson "went straight to the U.S. Immigration Office to apply for U.S. citizenship." He was sworn in as an U.S. citizen on May 12, 1953. "Citizenship is the key to everything in America," he says.

Now an American citizen he returned to the NMU hall and sailed as an Able Seaman on many ships, visiting dozens of countries. Aboard ship, he studied navigation on his own.

In 1961, he saved $250 and enrolled in the Bowen Navigation School in New York City. After intensive study, he passed the U.S. Coast Guard examination and, in December 1962, was awarded Third Mate's license, and became an officer in the U.S. Merchant Marine.

Third Mate Watson immediately rushed over to the officer's union—the Masters, Mates and Pilots—and got his first job as a Night Mate in port on the S.S. *Export Builder* in Baltimore.

A few months later, he shipped out on the S.S. *Export Ambassador* as a Junior Third Mate, the lowest-ranking deck officer on the ship, but still an officer.

"I sailed with Export Lines for 18 months," he recalls, "then ended up back in the MMP union hall. The problem was that, although many black seamen had Third Mate licenses, they could not get assignments in that rank."

Then in July 1964, when President Lyndon Johnson signed the historic Civil Rights Act, Watson joined Farrell Lines as a Third Mate and has stayed with the company ever since.

Farrell Lines, the second-largest privately-owned shipping company in America, operates 27 ships and provides jobs for more than 1,000 seamen and officers. Their ships transport cargo to and from the United States, Australia, New Zealand, Northern Europe, Africa, the Mediterranean and South Asia.

After three months, Farrell Lines assigned Watson to the *S.S. African Glen* as Second Mate. He remained in that position until February 1966.

The following month, he signed on the *S.S. African Rainbow* as Chief Mate. Later, he sailed on other ships, including the S.S. *African Comet* where he served as Chief Mate until 1971.

On Feb. 9, 1972, Watson recalls "my boyhood dream finally came true. I was named Master (Captain) of the S.S. *African Star.* I was 43 years old."

Capt. Watson sailed his ship, crew and cargo safely to West African ports in Senegal, Sierra Leone, Liberia, the Ivory Coast, Nigeria and the Cameroons.

He served as Captain of the *African Star* until June 1973. Then, as often happens in the merchant marine, he was transferred to the S.S. *African Sun* as Chief Mate.

He later was assigned to the S.S. *Austral Pilgrim,* where he served for four years, first as Chief Mate, then as Captain. He also served on other Farrell Lines ships as Chief Mate and Captain.

Although the Captain has sailed on many ships, his favorite is the *African Sun.* "The *African Sun* is a beautiful ship," he says. "It travels at 24 knots, handles easily and looks like a ship. It's the last of a breed."

What is the Captain's favorite port?

"I know it sounds controversial, but my favorite port is South Africa. The officials there treat a captain with the respect he deserves."

Last January, Watson was named Captain of the S.S. *Export Courier,* a C-3 cargo ship about 500 feet long and 73 feet wide. The *Courier,* which travels at a speed of about 18 knots, is 18 years old.

Sitting in his spacious quarters aboard the *Courier,* Capt. Watson talks about opportunities for blacks in the merchant marine.

"When I started sailing as an Ordinary Seaman with the National Maritime Union back in the 1940s," he recalls, "most sailors were white. There were a few blacks in the Engine and Steward Departments." Sipping a cup of tea he just brewed, he says, "Things have changed. Today there are some job opportunities for blacks as seamen and officers. Go and get them."

But opportunities are shrinking in the merchant marine, says Bayard Rustin, executive director of the A. Philip Randolph Institute.

Rustin says, "Not long ago, many black youngsters turned to the merchant marine for rewarding and challenging careers. Now, however, new job opportunities in the maritime industry have virtually disappeared."

He points out that in 1950, American shipping companies employed over 56,000 seamen. By 1960, employment in the merchant marine fell to 49,000. By the end of 1978, only 21,000 seamen worked on American vessels. And, according to the latest reports from the U.S. Maritime Administration, today there are less than 20,000 seamen working on American ships.

"Since well over 55 percent of all American Merchant Marine crews consist of minority seamen," Rustin observes, "black people have a special responsibility to demand an end to industry and governmental policies that place exorbitant profits before the needs of black and Hispanic workers."

The National Maritime Union agrees with Rustin.

According to the NMU Pilot, in December 1969, there were 408 ships with 13,500 jobs under NMU contract. Ten years later, the numbers dropped to only 250 ships with 6,240 jobs.

When Watson began sailing in 1946, the U.S. had the largest merchant marine fleet in the world. Today, it ranks 10th.

One reason for this decline is that U.S. flag ships carry only 4 percent of America's import-export trade. Foreign flag ships carry 96 percent of U.S. cargos.

Although job prospects are grim in the U.S. Merchant Marine, Capt. Watson is optimistic about his own future. "Last year, I made $64,000," he says. "My goal is to make $100,000 a year."

He can do this by getting assigned to faster ships with more power tons and by working more overtime. His present overtime rate is about $37 an hour.

Capt. Watson is confident he can achieve his goal, but it won't be easy. Many Chief Mates, Second Mates and even Third Mates have licenses as Captains. They compete fiercely for Captains' jobs. They are competent and eager, so competition remains keen.

But Cayman Islanders thrive on competition. They have grit and determination which is what it takes to command an American merchant ship.

As master of the 10,000-ton *Export Courier,* Capt. Watson is responsible for everything that happens aboard ship. He is in charge of the crew, ship and cargo, which is valued in the millions of dollars.

On Voyage 93, which began last May-June, Capt. Watson sailed his ship and cargo to Sicily, Turkey and Cyprus, discharging and loading thousands of giant containers filled with a wide assortment of cargo. The containers, 20 to 40 feet long and about eight feet wide, resemble gigantic shoe boxes.

The *Export Courier* has a crew of 43 seamen and officers, including one woman who works in the Steward Department as a Pantrywoman.

What does the Captain think about women aboard ship? "I'm for it," he says, "as long as they can do the job. They sometimes can do the job better than a man, especially in the Steward Department."

With the exception of the Captain and the Chief Steward, all the Courier officers are white. Most of the seamen are Puerto Ricans, blacks, orientals and a sprinkling of whites.

"The mixed crew poses no particular problem," says Capt. Watson. "They work together like the professionals they are."

"I wouldn't mind sailing with this Captain again," says Bosun Robert D. Pardo of Brooklyn.

Pardo, a tough-looking black man with massive arms and shoulders, is in charge of six Able Bodied Seamen, three Ordinary Seamen and two Day Men.

Pardo, who has been going to sea for years and has sailed with many Captains, admires the way Watson climbed from Ordinary Seaman to Captain. "He pulled himself up by his own bootstraps," he says. And, like most seamen, Pardo respects a man who came up the hard way, especially a black man.

"I believe in delegating authority," Capt. Watson says. "To keep the *Courier* running smoothly and efficiently, I delegate responsibility to each of the three department heads. The Chief Mate runs the Deck Department, the Chief Engineer handles the Engine Department and the Chief Steward takes care of the Steward Department."

The Captain, who knows every inch of the ship from stem to stern, is quick to spot any possible problems.

"I believe in listening to problems, complaints or suggestions from the officers and crew," he says. "For example, I regularly meet with the NMU Ship's Delegate to discuss any matters of concern regarding the crew.

"If I can solve the problem aboard ship, I'll do it on the spot. If it can't be solved here, the problem is turned over to the NMU Patrolman as soon as the ship docks in an American port."

A ship's Captain needs the tact and understanding of a diplomat.

The tall and distinguished Watson looks the part. He is six feet, three inches tall, weights 180 pounds and carries himself with the easy grace of an athlete.

At the same time, there is a touch of the buccaneer about him. With his roguish brown eyes and flashy smile, he bears a striking resemblance to former movie star Errol Flynn, who played many swashbuckling roles.

Capt. Watson and the crew stay healthy by working hard and eating the hearty food aboard the *Courier*. It tastes good and there is plenty of it.

Farrell Lines believes a well-fed crew is a happy crew, and the National Maritime Union takes great pride in providing first-rate cooks and bakers on their ships. No one goes hungry on the *Export Courier*. The seamen eat as much as they want.

Capt. Watson, who spends about six months at sea and six months with his family, is married to a Cayman Islander. He and his wife, Julie, have two children, Edward, Jr., three, and Tavis, one. She and the children are spending the summer on the island. The Watsons live in Brooklyn, N.Y.

Although the Captain has sailed as a U.S. Merchant Marine officer for about 20 years, he still visits the NMU shipping hall when he's in New York.

"I like talking to the men I sailed with when I was an Ordinary Seaman," he says with a touch of nostalgia. "I know where my maritime roots are." ●

THE U.S. NUCLEAR BREEDER PROGRAM: A NEED FOR DIRECTION

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. McCORMACK. Mr. Speaker, for many years, the Committee on Science and Technology has been active in providing information to the Congress on the progress and development of the U.S. nuclear breeder program. The impasse between the administration and the Congress over the development of this important energy technology has heightened the need for understanding the issues and implications of the current direction of the breeder program.

The Congress has consistently supported the need for development of breeder powerplant technology, as have a number of recent important studies, such as the National Academy of Sciences study called Energy in Transition: 1985–2010, and the Department of Energy's study, "Nonproliferation Alternative Systems Assessment Program (NASAP)." However, as you know, the administration's resistance to the breeder program has resulted in a stalemate which is costly to the United States, both in dollars and in time lost in the development of this technology.

The committee has consistently taken the position that the administration's policies with respect to nuclear fuel reprocessing and to the breeder programs are unrealistic, and cause potentially serious consequences for our Nation. This view is shared by many individuals and groups in this country and among our friends overseas.

Resistance to the development of breeder powerplants is based on extremely optimistic projections of the availability of all other energy sources, and on an unrealistically low projected growth rate for energy demand. Current events in the Middle East make it painfully clear that such optimistic projections should not be relied upon for the security of our Nation; and that we must proceed with the development of realistic domestic energy sources which will be needed to meet our future energy demands.

In this respect, the General Accounting Office has recently completed a study of the U.S. breeder program, a study which supports the need for change in the administration's policy. In its study, the GAO has concluded that "* * * breeder technology should move forward to the construction and operation of an LMFBR demonstration plant." I commend to you the following excerpts from the GAO report, "U.S. Fast Breeder Reactor Program Needs Direction."

U.S. BREEDER REACTOR PROGRAM NEEDS DIRECTION

DIGEST

For more than 3 years the administration and the Congress have been unable to agree on the future role of fast nuclear breeder reactors in the United States. The issue boils down to whether the United States wishes to rely on nuclear power as a long- or short-term energy supply source.

If a long-term future for nuclear power is desired or even if the future role of nuclear power is viewed as uncertain but a nuclear option is to be maintained, constructing and operating a fast breeder demonstration plant is needed. On the other hand, if nuclear power is seen as having only a short-term role, the need to continue the breeder program is eliminated.

ADMINISTRATION'S STRATEGY IS RISKY

The liquid metal fast breeder reactor (LMFBR) program was accorded top priority until 1977 when the current administration significantly stretched out the program's proposed commercialization date from 1986 to about the year 2020. The new policy was founded on

Concern that plutonium-based nuclear fuels may lead to international nuclear weapons proliferation;

Projections supporting a diminished need for commercial breeder reactors because of reduced electrical energy growth forecasts and more plentiful uranium resources to fuel conventional light water reactors;

Projections that LMFBRs would not become economically competitive for several decades;

Questions about the safety of LMFBRs; and

The belief that the Clinch River Breeder Reactor was too small, too costly, and technically obsolete.

GAO believes this policy is based on uncertain data and not supported by the evidence.

The current strategy will not necessarily enable this country to achieve its nonproliferation goals. (See p. 10.)

The projections of the availability of uranium are uncertain. (See p. 13.)

Unanticipated events, such as the loss of Persian Gulf oil or future constraints on domestic coal supply could increase the future demand for nuclear energy and the need for an early commercialization of breeder reactors. (See p. 18.)

The ultimate economics of the LMFBR are difficult to accurately project. (See p. 21.)

The LMFBR is no more or less safe than the current generation of light water reactors. (See p. 22.)

PROGRAM HAS NO DIRECTION

Regardless of the validity of the administration's contention that commercial LMFBRs will not be needed before the year 2020, the United States may not even be able to meet this date. The LMFBR program:

Lacks a clear mission and focus resulting in a considerable waste of time and money. (See p. 23.)

Does not include assurance that the requisite institutional conditions for commercializing the option—industrial capability and utility confidence—will be in place to allow for a smooth transition to this energy supply option if and when it is needed. (See p. 29.)

The disagreement that has characterized the fast breeder program, specifically the LMFBR, for the past 3 years has made planning and directing the program difficult for DOE.

Currently, the administration is not supporting any overall program plan that details an LMFBR development strategy although many have been proposed by DOE. After three decades and several billion dollars of research and development on this energy system, DOE officials were unable to provide GAO with an approved and generally accepted plan on how to secure the LMFBR option by the year 2020 even though they recognize the need to have such a plan.

The more immediate problem facing DOE, however, is the lack of a specific plant commitment that would serve to focus the LMFBR base technology research and development work being done at its laboratory and contractor facilities toward some definable and measurable end use. With the uncertainty surrounding the Clinch River plant and the lack of an administration commitment to any demonstration plant, the LMFBR program has become unstructured and program progress is becoming increasingly difficult to define and measure.

The Congress has continued funding the Clinch River plant every year since 1977, despite the administration's repeated attempts to kill the project. Even with continued funding, however, no work has begun on constructing the facility. Recent actions by the administration underscore its desire to kill the Clinch River project and to defer any commitment for a substitute plant. Specifically,

The fiscal year 1981 budget submitted to the Congress again calls for termination of the Clinch River Plant;

The Nuclear Regulatory Commission licensing staff that is necessary for the Clinch River project to move toward construction has been dispersed;

The fiscal year 1981 budget is requesting that the Nuclear Regulatory Commission's LMFBR safety research program be terminated; a move that, according to the Commission, could cost the LMFBR program about 10 years of development time if work is ever resumed; and

A decision on whether to construct a substitute plant for the Clinch River facility, scheduled for March 1981, has not been supported in the administration's fiscal year 1981 budget request.

Thus, it is probable, that another year of indecision is facing the LMFBR program.

TERMINATION OF GAS-COOLED FAST BREEDER REACTOR PROGRAM IS PREMATURE

The gas-cooled fast breeder reactor and the light water breeder reactor programs are being carried out as backups to the LMFBR program. However, in fiscal year 1981 DOE is planning to terminate its participation in the gas-cooled fast breeder reactor program while continuing to fund the light water breeder reactor program. But, according to DOE officials, the light water breeder reactor program cannot be viewed as an alternative or backup to LMFBRs because its objective and purpose are different. Accordingly, the United States will be left with no real nuclear alternative to the LMFBR technology if unforeseen or unanticipated technical or institutional obstacles prevent it from becoming the Nation's primary nuclear energy supply system. DOE's withdrawal from participation in the technology development program will probably cause the collapse of the industrial infrastructure that has grown in support of the program and, consequently, the only nuclear alternative to the LMFBR program will be lost. (See p. 36.)

CONCLUSIONS

Over the past several years both the Congress and the administration have endorsed the need for maintaining a strong LMFBR program in this country. However, a strong LMFBR program includes constructing and operating a plant—something which has not been done. Consequently, if this country wants to rely on nuclear power as a long-term energy source or even if it chooses only to preserve a future energy supply option for possible use if other energy technologies cannot carry the load, the information gathered by GAO supports the position that fast breeder technology should move forward to the construction and operation of a LMFBR demonstration plant. In fact, the Congress, by continuing its support over the last 3 years for constructing and operating a demonstration plant, appears to have chosen this path. In this regard, however, it should be noted that constructing and operating a LMFBR plant that would serve to demonstrate the viability of the technology should not be viewed as an irrevocable commitment to commercially deploy the technology. These can be and should be two distinct phases of the overall development process.

In contrast, however, the administration, by its rigid opposition to constructing any breeder plants, has chosen a different path. So, if the program is to move forward, GAO believes it is necessary that the circle of debate between Congress and the administration be broken and that a clear and firm commitment on the long-term role of nuclear power be made. Recognizing the administration's position on this matter, the only real alternative is for the Congress to shoulder this burden.

In addition, to the extent the Congress wants to rely on nuclear power as a long-term energy supply source or wants to maintain a long-term nuclear option, prudent management dictates that a backup technology be available for timely development in case the LMFBR program does not meet its objectives. The gas-cooled breeder program can provide this needed backup capability. Consequently, the program should continue at least until it reaches a decision point on whether to construct and operate a demonstration facility—now scheduled for about 1984.

RECOMMENDATIONS TO THE CONGRESS

If Congress wishes to maintain a nuclear option or if it wishes to commit to nuclear power as a long-term energy source, GAO recommends that it require DOE to demonstrate the viability of the LMFBR technology by mandating the construction of a breeder reactor facility. However, in making this recommendation, GAO wants to emphasize that it is not necessarily advocating the completion of the Clinch River project as the only means of moving the program forward. The only resolution to the impasse may be to move ahead with a larger, more recently designed facility instead of the Clincher Project.

In GAO's opinion, the imposition of a plant commitment on DOE would help foster a more appropriate U.S. breeder reactor research, development and demonstration posture. As part of this mandate, however, the Congress may wish to make it clear that it is not adopting a policy that would encourage premature commercial breeder deployment in this country.

Further, a commitment to a long-term nuclear option should include continued support for the gas-cooled fast breeder reactor program since it is currently the only real nuclear alternative to the LMFBR technology. Accordingly, GAO recommends that Congress continue to fund the program at least until the program reaches a decision point on whether to construct and operate a demonstration facility. Such an approach is essential as a prudent management step in helping assure the timely success of this Nation's nuclear energy future.

On the other hand, if Congress cannot reach a resolution on whether to preserve the breeder option or if it does not wish to do so, GAO recommends that it consider terminating the breeder program.

To continue to fund the program at several hundred million dollars a year to keep the scientific and engineering teams together is hard to justify. GAO points out, however, that if the program is terminated it could cost many years of developmental time if the Congress later chooses to restart it. If this should occur, the only available alternative may be to purchase breeder reactors from some more advanced, foreign nation.

AGENCY COMMENTS

The Department of Energy provided written comments on this report. Essentially, they agree that for effective management and resource utilization, a central organizing principle and a schedule are desirable for the program. Moreover, the Department recognizes that there is now no national policy guidance on whether or when breeder reactors will need to be deployed. On the other hand, the Department states that it has developed a rational approach for the development of the technology, should a national policy dictate the need to do so. A summary of the Department's comments and GAO's evaluation of them is included in chapter 5 of the report. The complete text of the Department's comments is included as appendix I.●

HOUSE JOINT RESOLUTION 610, MAKING CONTINUING APPROPRIATIONS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1980

● Mrs. SCHROEDER. Mr. Speaker, once again, the Congress is playing chicken with the operations of the Federal Government. Once again, Members of Congress are given the draconian choice of voting for a continuing resolution which contains unacceptable features or of voting to shut down needed services to people. I don't like this procedure and I hope that the leadership will do something to prevent its recurrence.

There are many parts of this bill which I find unacceptable. I will focus on the issue of the Office of the Special Counsel. Last June, the Senate Appropriations Committee decided to rescind $2 million of the $4.5 million appropriation of the Office of Special Counsel. This $2 million rescission was twice what the administration recommended. Without paying a great deal of attention to the issue, the House accepted the larger rescission in conference. As a result, the Office of Special Counsel faced imminent deficiency. There was insufficient money to pay employees, rent offices, and send mail. Two-thirds of the employees in the agency had to be detailed for the last month or more of the fiscal year. No investigations could be made. No travel was allowed.

I do not believe that anyone involved in drafting the supplemental appropriations bill intended to cripple the Office of Special Counsel. Rather, I think an honest misjudgment was made.

Unfortunately, instead of ending the devastating effects of this misjudgment, this continuing resolution perpetuates them. The continuing resolution ties the budget of the Special Counsel to the lower of the House-passed figure or the 1980 figure. This means that the same thoroughly inadequate amount of money which was made available for the Special Counsel during the last 2 months of fiscal year 1980 will continue to be provided until December 15, 1980. I find this unacceptable.

I strongly agree with the policy of limiting Federal spending. I think continuing resolutions should provide only the minimum amount necessary to allow agencies to continue functioning. This continuing resolution departs from this policy. It provides enormous amounts of new start money for the Department of Defense while providing inadequate funding for the Special Counsel.

Even consistent with a policy of fiscal austerity, the Office of the Special Counsel should be adequately funded. This Office protects Federal workers who blow the whistle on waste, fraud, and abuse. If this Office were strong and effective, huge amounts of money could be saved. There is no group of citizens who are more aware of the big pockets of waste that exist in the Federal Government than Federal employees. If they believe they will be protected, these citizens will come forward and tell us where the ripoffs are. With a Special Counsel's Office that lacks the resources to protect them, however, no employee in his or her right mind is going to come forward with disclosures.

I urge the Appropriations Committee to fund adequately the Office of Special Counsel in the future.●

EXCESSIVE GOVERNMENT REGULATION

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. KRAMER. Mr. Speaker, one of the most common criticisms we hear from our constituents today is that the Government has become too pervasive in our lives—that we are subject to Government regulation in one form or another in virtually every aspect of our lives and livelihoods. And there is the growing perception that that Government presence is out of control.

This problem of excessive Government regulation, and how to solve it, has been a principal concern of mine since coming to the Congress, and I have been pleased by the steps which have been taken in this Congress, through the efforts of the gentleman from Georgia, Mr. Levitas, and others, to assert a measure of congressional control over the regulatory agencies. I believe it is absolutely essential that the Congress assume greater oversight and control over the regulatory agencies, because only in that way can we make their actions more accountable to the public.

Because I think this congressional responsibility is so important, I am today introducing legislation to provide for a systematic and comprehensive approach to congressional review of regulations. Not only is the end result of the legislative disapproval mechanism important, but the process by which that disapproval mechanism can be effectively employed is equally important, and I think that process has not received adequate attention. We entered the 96th Congress amid expectations that this would be the oversight Congress. But, unfortunately, oversight is not always glamorous; it is often tedious; and, with respect to regulatory actions, it has usually been haphazard, following the maxim that the squeaky wheel gets the grease.

The bill I am introducing today follows the basic format for congressional disapproval and reconsideration of agency regulations that is contained in H.R. 1776, introduced by Mr. Levitas, and of which I am an enthusiastic cosponsor. But my bill goes a step further by setting out a uniform procedure for the Congress to follow in reviewing agency regulations and in considering disapproval or reconsideration resolutions.

Specifically, the bill would require each standing committee to designate one subcommittee as having responsibility for reviewing all agency regulations which come within the legislative and oversight jurisdiction of that committee. New regulations would have to be transmitted to that standing committee and then referred to the designated subcommittee. The regulations would not become effective if within 90 days, both Houses had passed a concurrent resolution of disapproval, or if within 60 days, one House had passed such a resolution and it was not disapproved by the other House within the next 30 days.

Resolutions of disapproval and resolutions for reconsideration would also be referred to the designated subcommittee. If that subcommittee reports such a resolution to the standing committee, the bill provides a timetable by which the full committee must act on the subcommittee's report. If the standing committee does not disapprove the subcommittee's report or take action within the allotted time frame, the bill provides that the full committee will be automatically discharged from further consideration of the resolution, and the resolution will be placed on a special calendar for floor consideration. The bill establishes a Resolutions on Regulations Calendar, to which all resolutions of disapproval and resolutions for reconsideration would be referred out of committee, and items on that calendar for 3 calendar days would be eligible to be called up by any Member on the second and fourth Tuesday of each month after routine business. This would assure both expeditious and careful consideration by the Congress of these important resolutions and would guard against their being buried in committee or lost in the floor shuffle. If the Congress assumes the responsibility which I believe it should in this critical area, it will be necessary to provide for a system by which these resolutions can be considered separately from legislative matters. This will afford the attention which this important oversight responsibility deserves. I urge my colleagues' review of this bill and hope for wide cosponsorship.●

THE PLIGHT OF SOVIET JEWS

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. CORCORAN. Mr. Speaker, few things remain established and unchanged in the world but occasionally an idea can be so strong and pervasive it becomes inherent in the consciousness of a nation which has adopted that idea as its standard. For generations, the United States has been symbolized as the land of the fair deal, the haven for the politically oppressed.

For few groups is this belief more impassioned than by the Jews of the Soviet Union seeking to emigrate. Their final destination is not always the United States, but their wishes to leave the U.S.S.R. often hinge on the involvement of interested groups in the United States. Nearly 1 year ago, I was in contact with U.S.S.R. Secretary Brezhnev citing my concern about the delay in permission being granted to the Boris Nikonov family to emigrate. The Nikonov family has connections with my district. Some months later, I was overjoyed to learn that the family had received that permission and had come to the United States. They now reside in Chicago, where Mr. Nikonov is employed by an equipment manufacturer.

Now, a synagogue in my district, Aurora's B'nai Israel, has brought a different sort of case to my attention. Four and one-half years ago, Karl Grinberg applied for permission for himself and his family to emigrate to Israel. As a result, he and his wife both lost their jobs and the Grinbergs suffered a divorce in order that Mrs. Grinberg and their two sons could apply independently. Two years later, the three of them did receive their visas and emigrated to Israel.

Karl Grinberg has been separated from his family for 2 years. The KGB has threatened prison on charges of parasitism—the crime of being unemployed. The Grinberg case is tragic but it is one among many which comes under violation of the Helsinki agreements. Northern Illinois relatives of those people still living in the Soviet Union have been told of the increasing difficulties facing those wishing to emigrate.

Today I have addressed the case of Karl Grinberg in letters to Secretary Brezhnev and Ambassador Anatoly Dobrynin. I ask that the text of my letter to the Secretary be included in the Record at this point:

October 1, 1980.

Dear Secretary Brezhnev: I am writing to ask that permission be granted to Mr. Karl Grinberg to emigrate to Israel, where he will be reunited with his wife and two sons. I have learned that he has been awaiting permission to emigrate for nearly four years. I came to be made aware of this case through friends of Mr. Grinberg who live in my congressional district.

Mr. Grinberg's address is: Mr. Karl Grinberg, U. Briantseva 26, Apt. 11, Lenigrad, U.S.S.R.

I greatly appreciated your assistance in the allowance granted to the Boris Nikonov family to emigrate. I request a report on the status of Mr. Grinberg's case. Thank you for your attention to this matter.

Sincerely,

Tom Corcoran,
Representative in Congress.

Mr. Speaker, it is my unyielding belief that we must stand strongly in support of those precepts in which we believe. Monitoring the Soviet Union's adherance to the Helsinki accord makes our concern about the human rights violations take on a more purposeful dimension. It becomes not a concern of interest or ethnic groups but a national concern which strikes

at the heart of what we as a Nation have come to believe.●

NIH RESEARCH

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. OBEY. Mr. Speaker, the Federal Government spends more than $50 billion a year on health, but less than $5 billion is spent at the National Institutes of Health on research designed to prevent or cure the diseases that cost us all so much money. Without this research our health bill in the future will simply continue to grow. The following article concerns the National Institute of Neurological and Communicative Disorders and Stroke, one of the institutes that is involved in programs that may both save us money in the future and more importantly, relieve the pain and suffering of victims of diseases and their families.

DONALD TOWER: GUIDING U.S. NEUROSCIENCE EFFORT

(By Lois R. Ember)

It sits on a grassy knoll on the sprawling Bethesda, MD., grounds, one of the 11 institutes that make up the National Institutes of Health (NIH). It isn't the oldest and largest of the 11. That honor falls to the National Cancer Institute. Nor is it the youngest or the least funded of the institutes. Those distinctions fall to the institutes of aging and dental research, respectively.

No, the National Institute of Neurological & Communicative Disorders & Stroke (NINCDS), which last month celebrated its 30th anniversary, is smack in the middle. And like a middle child, it is often ignored—overshadowed by a more glamorous or smarter older child, or passed over for the scrappy cuteness of a younger sibling.

But like a determined middle child, NINCDS quietly achieves. With a sure and steady pace, the institute has supported some of the major advances in neuroscience over the past 30 years. This year, with a budget of $242 million, NINCDS will fund fully 60 percent of all U.S. research in the neurosciences, and a hefty portion ($53 million) of that will support neuro-chemistry projects.

At the helm, holding the institute to this steady course, is its director since 1974, Donald B. Tower. Tower, and assistant Surgeon General in the U.S. Public Health Service who holds a Ph.D and M.D., directs a staff of more than 500 researchers trained in the basic and clinical sciences.

He himself is firmly grounded in chemistry and neurochemistry. Hence his bias: "Neurochemistry undergirds practically everything that is being done at the institute because the nervous system is put together and functions in ways that depend primarily on chemical and biochemical phenomena." Understanding this chemistry clarifies the working of the nervous system and, therefore, its disorders. And after all, "the ultimate mission of this institute," Tower explains, "is to deal with the disorders—to understand them, diagnose them, treat them, and prevent them."

Though electrophysiologists of the past would have you believe otherwise, Tower says, "communication between two nerve cells is chemical." Conduction of the nerve impulse along the neuronal membrane, a change in polarization of that membrance, is actually a chemical battery phenomenon, he explains. And the energy driving that impulse is supplied by the high-energy phosphate bond in adenosine triphosphate (ATP), the normal mammalian energy bank. Finally, he says transmission (and modulation) of the nervous impulse from one nerve cell to another—the basis of human behavior—is biochemical.

Ten to 20 years ago, Tower says, "we were limping along on a few 'classical' neurotransmitters." Today neuroscientists have teased out several dozen recognized neurotransmitters, neuropeptides, and/or neurohormones from the complex chemistry of the nervous system. And the number of these chemical messengers is expected to climb to more than 50 as scientists search actively for these components of the versatile biochemical circuitry that is the human nervous system.

Tower especially likes to talk about recently discovered endorphins and enkephalins, whose names are rapidly entering the general lexicon. These chemical messengers—the brain's own opiates—have been heralded as possible solutions to both intractable pain and drug addiction, two important modulators of human behavior.

Research to unravel the chemical mechanisms of the brain's opiate receptor systems coupled with neuropharmacology may provide the solutions sought. For example, devising agonist compounds that mimic the natural endorphins normally attracted to these receptors may "be useful in providing treatment for pain," Tower says. On the other hand, he asserts, "devising antagonist molecules may be a way of getting us out of the drug addiction dilemma."

These natural opiates are but some of the fruits harvested from the flourishing crop of neuroscience discoveries of the past decade. Tower, however, remembers the more barren beginnings. In the late forties-early fifties when he was studying for his doctorate at McGill University in Montreal with some of the pioneers in neurochemistry, there were no neuroscience societies or journals, he recalls. The first journal of neurochemistry came out in 1957, four years after Tower came to NIH. The first society of neurochemistry, which Tower cofounded, was organized in 1968.

The Society for Neuroscience, which Tower describes as the "formal aggregation of all the specialties that deal with basic research on the nervous system," was organized only in the mid-1970's, around the time that Tower became director of NINCDS. Although Tower asserts that the two events are only "an accident of chronology," he cannot deny the fact that NINCDS has supported many of the major advances in the field during his tenure. Among these are an understanding of the role of "slow viruses" in the etiology of certain rare neurological diseases and possibly even multiple sclerosis, and the development of positron emission tomography, a noninvasive technique that can track neurochemical events in conscious patients.

These advances occur because neuroscience is a vital, though bastardized, field in which disciplines blend and blur. Talent is drawn from a community of more than 6,000 senior researchers from such diverse specialties as neurochemistry, molecular biology, biophysics, pharmacology, immunology, epidemiology, and virology.

As Tower explains, "a critical mass" now has been achieved that is "exploding in a tremendous advance in knowledge about the nervous system and its disorders." He finds the broad, moving frontier of neuroscience "most pleasing." Also gratifying and exciting, he says, is that people from these different disciplines talk to each other and "share experiences, techniques, and approaches to a degree that has not happened in other areas in quite the same way." He attributes this unique cooperation to a fascination "about understanding how the nervous system works, why it works, and what to do about its disorders."

Perhaps nothing exemplifies this more than the discovery of the opiatelike peptide compounds and their neural receptors, which opened up a whole new area of research. The discovery brought together a number of fields, Tower says, "probably most logically under the rubric of neuroendocrinology."

Another area of research in ferment at the moment—an area in which Tower was active first as a hands-on researcher, now as a guiding hand for that research at his institute—is epilepsy. As Tower explains, epilepsy is a disorder characterized by hyperactivity of the central nervous system. About 2 million to 4 million Americans, and possibly more, have this affliction, which few ever outgrow. Fortunately, in most cases the seizure disorders can be controlled by drugs. NINCDS, in cooperation with academic scientists and pharmaceutical companies, is spending between $2 million and $4 million to develop, then screen new anticonvulsant agents.

Fundamental to the development of these drugs is a basic understanding of the biochemistry of epileptic seizures. Within the institute, these basic studies are being carried out in the Laboratory of neurochemistry, one of 16 laboratories or branches conducting intramural research.

Another active area of intramural research, this within the neuroimmunology branch, are studies on multiple sclerosis. MS is a scientifically beguiling disorder afflicting about a quarter of a million people in the U.S. It is usually characterized as an "autoimmune" disease that is probably triggered by a virus, possibly the measles virus. In susceptible individuals, the body begins to produce antibodies to its own tissue; in this case, to protein components of the fatty myelin sheath that insulates nerves.

NINCDS SUPPORTS RESEARCH THAT AFFECTS ABOUT 50 MILLION IN THE UNITED STATES

[In millions]

Disorder	Number affected
Hard of hearing, deafness	14–15
Speech Impairments	10
Epilepsy	2–4
Stroke	1.7
Senile dementia	1.0 or more.
Muscular dystrophy, myasthenia gravis	1.0
Parkinson's disease	0.5
Multiple sclerosis	0.2
Paraplegia	0.1
Cerebral palsy	0.75
Amyotrophic lateral sclerosis, Huntington's disease, microbial infections of nervous system others.	About 15.

To establish a genetic link in MS, NINCDS is studying about 30 sets of identical and fraternal twins. In some cases, one twin exhibits all the outward signs of MS, whereas the other twin appears unaffected. Yet, even in these "unaffected" individuals sophisticated tests have uncovered subtle signs of the disease.

Thus as scientific probes become more sophisticated, more subtle markers can be detected. In the twin studies, for example, the new hybridoma or cell fusion technique is being use to produce large quantities of very pure antibodies. These "reagents" then can be used to lure viral proteins, which then can be analyzed and identified.

Because there appears to be a distinct geographical distribution to MS with more cases reported in temperate and cold climates than in tropical climes, and because some recent studies have pointed to "epidemics" of MS in isolated populations, many scientists would like to think that the trigger is the measles virus. But Tower cautions that the evidence, though impressive, is still only circumstantial.

The intriguing yet confounding thing about MS is typing all the strings together. "How one gets from geographical foci, and the measles virus, and some genetic susceptibility to an autoimmune disease is one of the $64,000 questions," Towers admits.

As well as MS, NINCDS studies many other "black boxes." Among these are communication disorders—impairments in the ability to hear and speak.

The most prevalent disability in the U.S. is hearing impairment, which afflicts to varying degrees of severity some 15 million people. Speech impairment afflicts another 10 million people. Both activities, automatic functions for most of us, are accepted cavalierly. Yet speech is a complex neuromuscular activity supported by an array of biochemical events.

Though they are so basic to the "human" condition, the understanding of speech and the vehicle of communication—language—is riddled with unanswered questions. How, for example, is the mechanical bending of the hair cells of the inner ear transduced to an encoded nerve signal? Tower says the answer eventually will be traced to some chemical or physicochemical phenomenon, unknown at the present time. Furthermore, how is that nerve signal processed centrally in the brain? Processing is required for the hearer to be able to formulate an appropriate response, which may be the orchestration of a precise sequence of adjustments to the speaking apparatus, the lips, tongue, larynx, and jaws.

The study of communicative disorders will loom ever more prevalent in the institute's future, Tower says. Support for this research has risen substantially and steadily over the past five years. And this trend is expected to continue. In the past, such support has produced a prosthetic device implanted in the inner ear that provides direct electrical stimulation to the auditory nerve. This device has enabled nerve-deaf patients to identify some ambient noises, though not the sounds of speech.

An emerging area of concern, but one which has received only superficial interest, is neurotoxicity. As a people we are bombarded by a fusillade of natural, pharmaceutical, and industrial toxins that home in on the nervous system. Yet, Tower admits; "research in neurotoxicology is not a popular area . . . and has not been so enticing as many other areas of neuroscience." A "little spade work" is needed, he says, to overcome the reluctance of scientists to enter the field. The institute, resources willing, will set aside some money for neurotoxicological research for those scientists already possessing the requisite skills. For those lacking the skills, the institute will provide training grants.

At the very least, Tower would like to see developed a compendium of known classes of neurotoxins. The list would include molecular structures, symptoms produced, and treatments recommended. Tower also would like to see screening methods developed, which he feels would be particularly useful to industry. Industry then could screen employees for key neurological functions before the introduction of a new process, screen them periodically thereafter, and remove employees or introduce additional protective measures if neurological tests indicate the need for such actions.

There is, however, a positive aspect to natural and drug neurotoxins, as Tower notes. Neuropharmacology especially is utilizing the toxic properties of agonist and antagonist compounds to produce more efficacious drugs. One of the best examples of this is development of L-dopa to treat Parkinson's disease.

Admittedly partisan, Tower feels that "knowledge of the nervous system and its disorders is the most important endeavor in biomedical research today because it is the basis for human existence and human behavior." Those with malfunctioning nervous systems bear distressing disabilities, he points out. These are not only distressing, but costly to the patient, his/her family, and the U.S.

Cautioning that his remarks should not be interpreted as "budget busting," he stresses that a better understanding of the central nervous system warrants greater investment by both the private and public sectors. Mounting expanded studies would "pay very handsome dividends" in the long run, he says.

When he isn't appearing to make a pitch for more funding, when he isn't directing the mammoth institute, when he isn't serving on the advisory boards of several neurological journals, when he isn't serving as an adviser to the World Health Organization, and when he isn't sitting on the jury for the prestigious Lasker Awards, what does Tower do? He studies whale brains.

That's not so foreign to the mission of a neurological institute as it first appears. The great whales can dive to great depths and stay there for very long periods of time without getting the bends or suffering anoxia. "Now if we understood how they did that," Tower says, "we might be able to deal with some very practical problems confronting mankind."

Though Tower has successfully made the transition from scientist to science manager, he still remains caught up in the excitement and curiosity of basic research. He finds the melding of disciplines in neuroscience particularly gratifying. "When I grew up in this," he recalls, "there were very rigid separations of electrophysiologists from neurochemists even though electrophysiologists couldn't get any electricity out of the nervous system if they didn't have some chemistry there. But they didn't understand that at the time. Now that is understood. It's all put together. And it is exciting."●

ONE FOR THE ROAD

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. LUJAN. Mr. Speaker, last Friday, September 26, a Washington landmark ended a distinguished career on Capitol Hill. * * * Mr. George Thompson, mixologist extraordinaire, removed his red jacket for the final time at the National Republican Club of Capitol Hill. George has moved among the leading figures of our time for the past 27 years—President Eisenhower, President Nixon, President Ford, our former Speaker, Hon. Joseph W. Martin of Massachusetts, and so many Members of Congress that I dare not attempt to list them all. In fact, George has been around Capitol Hill longer than most of us serving in the Congress at the present time.

As for myself, I can attest to George's selflessness and devotion to the club, its entire membership, and to the Republican Party. George is one of those who has labored long hours in the vineyard without any expectation that his service would be singled out. However, that is not to be the case. On Thursday, October 2, the Capitol Hill Club is honoring George with a reception from 6 to 8 p.m. appropriately in the Club's Eisenhower Lounge. Since all Republican Members of the House are members of the Capitol Hill Club, I urge they attend this well-deserved tribute to a wonderful gentleman who has been our friend for so many years. Additionally, Mr. Speaker, I have seen a few forward-thinking Democrats availing themselves of the club's facilities and I invite them to also attend these festivities. I know we are all anxious to return to our homes to begin campaigning in earnest but I hope each of you will take just a few moments to stop by the club to say, "Thank you" to George.

Mr. Speaker, the September 25, 1980 edition of Roll Call had an excellent interview with George by Maggie Lawson. I commend this article, which follows my remarks, to my colleagues:

ONE FOR THE ROAD—GEORGE THOMPSON MIXING HIS LAST COCKTAIL

(By Maggie Lawson)

From his 27-year vantage point behind the bar at the Capitol Hill Club, George Thompson has been a first-hand witness to history. He's probably forgotten more political secrets that most people will ever know. Thompson's shy grin gives that much away.

Now after 27 years George Thompson—bartender *par excellence,* master psychologist, and consummate politician in his own right—is retiring.

When he leaves tomorrow and heads home for Baltimore, the political secrets will go with him, to remain untold. "Hear nothing, see nothing, say nothing," is his way of putting it.

Thompson holds the secrets close to his chest and talks of other things—of the good times, the people he loves, the retirement party coming up on October 2 at the Club.

In preparation for the party, the Capitol Hill Club even has formed an impressive-sounding "Committee to Honor George Thompson," with Rep. Manuel Lujan (R-NM) as chairman.

Approximately, the party will take place in the Eisenhower Lounge of the Club.

Former President Dwight Eisenhower's stint in the White House began just shortly before Thompson moved from the National Women's Club to the Capitol Hill Club (then on 1st and Carroll Sts.).

Those were good old days for Republicans, and Thompson remembers them fondly. There were year-round patio parties under a tent (heated in winter with oil stoves), and everybody came, including Eisenhower. Thompson remembers the former President as having a "military reserve."

When he was a Congressman, and again after he left the White House, another former President, Gerald Ford, "visited the Club quite a bit," says Thompson. "He is very easy to talk to."

Someone who didn't spend time at the Club was former President Richard Nixon. "Even when he was in Congress, I didn't come in contact with him," says Thompson.

By staying away, Nixon undoubtedly missed out on some wise advice from Thompson, to be had for the asking (only for the asking) along with the scotch on the rocks or the gin and tonic.

Over years of dealing with Congressmen and other VIP's, Thompson has developed his ability to read other people's moods into a fine art.

"I try to figure out when a Member just wants to sit and think and when he wants to talk," says Thompson. Usually the talk is not about what is going on on the floor, even when the House or Senate is running late, he says. "They come here to talk to me and forget," he explains.

During the civil rights era, though, the conversation often took a serious turn. As a black man, Thompson naturally had strong opinions on the subject.

"They'd ask me what the civil rights thing was all about, and I'd ask them if they wanted to hear it the way they wanted to hear it or hear what I think," Thompson says.

His face takes on a thoughtful look as he remembers. "They'd always say they wanted to hear what I thought, and I'd tell them," he says. "I don't know whether they took my advice, but they heard," he adds.

Thompson admits that more of his bartending hours have been spent listening than talking, but nevertheless the camaraderie is always there. "The whole Club is one big family," says Thompson, who has no immediate family of his own.

As the years have passed, the big family has grown bigger. When Thompson started work at the Club, it had around 1,000 members. Now it has between 12–14,000.

In the early days, Thompson recalls, strangers rarely slipped into the Capitol Hill Club unobserved.

Rep. James Auchincloss (R-NJ), the Club's president, had a Cannon Building office which was strategically placed. From his window he had an eagle's-eye view of the Club's front door.

"If Auchincloss saw someone he didn't know go in, the telephone would ring, and he'd ask who was there," says Thompson.

Even before the Club moved to its present 1st St. S.E. location Thompson had started collecting elephants, and like the Club itself, the collection has grown over the years.

"I had an elephant or two on the bar when the Club was at 1st and Carroll Sts.," Thompson recalls. "Soon people started asking me what I wanted when they went out of town, and I'd say an elephant," he says.

The fabulous collection, on show in the Club's first-floor reception room, now includes all manner of elephants—jaunty elephants, sturdy and serious looking ones, and elephants that seem to have a joke or two up their trunks.

Thompson is particularly proud of the jade elephant brought back by a Nixon staff member accompanying the former President on his first visit to Peking. "The next group that went brought me an ivory one," he adds.

Another favorite came from closer to home—just over the Hill on the Senate side. It once graced the desk of the late Sen. Robert Taft (R.-Ohio).

The highly valuable pachyderms will remain Thompson's as long as he lives; then they'll go to the Capitol Hill Club.

The Club isn't likely to get the elephants any time soon. Thompson makes it clear that he plans to be around—and as active as ever—after he retires.

Thompson looks hardly older than 50, and won't tell his age. That's another secret kept close to the chest.

It was his decision to retire. "I've always been an admirer of a person who walks out while he is still able and people still like him," says Thompson, as if having friends would ever be a problem.

He plans to travel—maybe to England to see Ted Miller's family (Miller is the Club's general manager). Thompson has visited there before and wants to go back.

"I'll tell you what I'm not going to do," he says. "I'm not going to sit in the park and feed the birds."

"And I promise I'm not going to write a book," he adds as an afterthought.

What about running for office?

"If anybody has any suggestions, I'm left wide open," says Thompson.

And so George Thompson departs, keeping the GOP's secrets. Only when the Democrats somehow creep into the talk does he loosen up a bit.

He is trigger-quick with an answer to whether the pols from the opposition are heavier drinkers than the Republicans.

"I know they are," he says, fast as white lightning. Then political circumspection slows him to caution: "They'll come and get me for that. Oh boy, I'm glad I'll still not be in the Club—they'd get me fired."

But Thompson can't resist a parting shot at the Democrats' drinking habits. "If I'd been working for them, I could have retired earlier—I'd have made more money."●

UNITED STATES CONFERENCE OF MAYORS SHOULD RELEASE DATA ON DISTRICT OF COLUMBIA GUN LAW STUDY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. ASHBROOK. Mr. Speaker, in July, the United States Conference of Mayors—USCM—released a statistical study purporting to prove that the District of Columbia's "Firearms Control Act of 1975" was responsible for a substantial reduction in firearms-related crime in the District of Columbia. The study was immediately disputed by the District of Columbia police, but it nevertheless has received prominent coverage in local and national media. It is now being used as proof of the need for harsh antigun laws.

If the National Rifle Association were to come forward with statistical proof on their side of this issue, stated in such uncompromising terms, they would be asked to present all their evidence and methods to public scrutiny. They would, of course, do so.

At my request, the Congressional Research Service has undertaken the task of reviewing the findings and methodology of this scientific study. A preliminary report by analysts Harry Hogan and Tom Gabe, available from CRS states that:

> We have been thus far unable to obtain from the Mayors' Conference the basic data of the study and a full description of the steps by which the conclusions were reached.

Mr. Gilbert Gude, Director of CRS, has himself written to the USCM, asking for this material.

Mr. Speaker, I hope the United States Conference of Mayors will not hesitate to comply with this request. We are not dealing with anything which ought to be even marginally secret here. We are dealing with an announced conclusion based in part on known data and in part on data and methods which are known to those who have reached that conclusion but not yet known to independent experts who want to make their own judgments about that conclusion's validity. There are no trade secrets or classified defense information involved. The question is whether the experts commissioned by USCM will submit their work to the scrutiny of the open marketplace of ideas. If not, they and their work will rightly lose all credibility.

The preliminary report from CRS has already raised serious questions about the USCM study.

As CRS puts it:

> * * * based on a review of the report itself, published articles cited in the report as sources of the methodology used, direct conversations with the authors, and partial documentation provided by the authors, we find substantial evidence that the study is flawed by an inappropriate model.

Also:

> We believe that the questions raised by the methods used in the study present a serious challenge to the integrity of the conclusions drawn. Although the Firearms Control Act may have affected the crime rate in the District of Columbia, it is our judgment, based on the information at hand, that the study fails to establish such a relationship.

CRS concludes that:

> In addition to the errors that we have already discussed, the model presents a number of other problems. Many of these problems are of a more technical nature (e.g., taking the logs of variables, the problem of autocorrelation) than those we have discussed in this memo. In order to determine what might be the effects of such methods, we would need to have the data at hand.

I think that the burden of proof is now clearly on the United States Conference of Mayors, and I hope they will acknowledge that fact and move promptly to disclose the information requested.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, D.C., September 19, 1980.

To: House Education and Labor Committee: attention Bob Whitaker and Mary Jane Fiske.

From: Harry Hogan, specialist in social legislation; Tom Gabe, analyst in social legislation, Education, and Public Welfare Division.

Subject: Conference of Mayors' study of the District of Columbia firearms law.

In June of this year, the United States Conference of Mayors released a report entitled "An Analysis of the Firearms Control Act of 1975," the results of a study of District of Columbia crime statistics to determine the impact of a city gun control statute that became effective in February 1977. According to the report, the gun law has been responsible for a "significant reduction" in both handgun and total firearm crime. At the Committee's request, the Congressional Research Service has undertaken a review of the study and the conclusions drawn.

We have thus far been unable to obtain from the Mayors' Conference the basic data of the study and a full description of the steps by which the conclusions were reached, information we hope will be forthcoming in response to a written request from CRS Director Gilbert Gude (copy enclosed). Nevertheless, based on a review of the report itself, published articles cited in the report as sources of the methodology used, direct conversations with the authors, and partial documentation provided by the authors, we find substantial evidence that the study is flawed by an inappropriate model.

The authors use a statistical model (regression model) to test the hypothesis that the Firearms Control Act had a significant impact upon the reduction of both handgun and total firearms crime in the District of Columbia. Their conclusion—that the gun control law reduced crime—was based upon this model. Before addressing the particular model used, a brief discussion on regression analysis is in order.

Regression analysis is a statistical method in which an equation (model) is specified which relates the different values of a variable of interest (dependent variable) to a set of meaningful predictor variables (independent variables). In other words, the equation may be viewed as a means of estimating (or "predicting") the value of a variable of interest on the basis of a set of predictor variables. In addition to providing the ability to estimate, regression analysis may also be viewed as a means of better understanding how a set of variables relate to each other in a complex fashion. Through the use of such methods, it is possible to estimate the combined and separate effects of the independent variables upon the dependent variable. This feature of regression models makes it possible for the researcher to look at the effect of a specific independent variable on a dependent variable while controlling for other variables that might be masking a possible relationship between the two. When properly specified, statistical models of this sort may provide a convincing test of an hypothesis.

In most cases, a regression model does not account for all of the variation which is present in the dependent variable. As such, the estimated values of the dependent variable will only approximate the actual values. The difference between the estimated and actual values (of the dependent variable) is known as the error of estimate. Error in estimation may arise from a number of influences. For example, the variables which are used may simply be measured poorly. Additionally, the equation may contain errors in specification.

Specification errors may arise from two major sources. First, they may result from the choice of variables to be included in the equation. A coefficient estimating the effect of a single independent variable upon the dependent variable may vary greatly, depending upon the other variables that are included in, or excluded from, the equation. For example, an independent variable in the equation may show a spuriously high regression coefficient simply because other variables, that might offer a plausible alternative hypothesis, have been excluded from the equation. Similarly, a regression coefficient for a specific varible of interest may be spuriously low because of the inclusion of other variables that are highly correlated with the dependent variable, but which have no substantive meaning. In order to avoid this problem, the researcher should choose variables that are theoretically or substantively related to the question of interest. Second, errors may arise from the misspecification of the shape of the relationship between the predictor variables and the dependent variable. Specifying a relationship between a predictor variable and the dependent variable as linear will introduce additional error into the estimation of a nonlinear relationship.

Several problems are posed by the regression equation used in the Mayors' Conference Study. The most serious and encompassing flaw of the study is the manner in which the independent variables in the equation are specified. Simply put, the equation is inappropriate for testing the authors' hypothesis. In the equation, total firearm crime is estimated from, among other things, the individual components of handgun and total firearm crime (e.g., firearm assaults, firearm homicides, handgun robberies, etc.). An equation of this sort merely constitutes a tautology: by knowing the values of each of the individual components that make up the measure of total crime, it is possible to account for all of the variation in the dependent variable (i.e., exactly predict total crime). If these variables were entered into the model as single terms, the coefficients of each of the components of crime would vary according to the relative contribution of each component to the measure of total crime. The inclusion of these variables in the equation may, in fact, create serious distortions by trivially accounting for most of the variation in the dependent variable.

The authors introduce further serious specification errors into their model by inappropriately multiplying various terms by each other. For example, they attempt to control for the time trend in the data by multiplying the variable time by the individual components of crime. Similarly, they multiply the law variable (indicating the presence or absence of the D.C. Firearms Act), the variable of greatest interest, by the separate types of crime. We believe that each of these variables (time and law) should at least have been introduced as separate terms in their equation. Multiplying these variables by the individual crime components leads to uncertain results. The regression coefficients associated with these variables cannot be interpreted as having any substantive meaning. The statistically significant coefficients of the law variable could be explained by the fact that it was multiplied by the individual crime components which, in themselves, account for most of the variation in the dependent variable (total crime). A misinterpretation of these coefficients could lead to the conclusion that the law had an effect.

Finally, the authors attempt to control for seasonal variations in the data. However, they incorrectly specify these terms in their prediction equation. In our conversations with the authors we were told that the seasonal component was represented by the values 1, 2, 3, and 4, for the months corresponding to Spring, Summer, Fall, and Winter. As the seasonal component is specified, crime would be expected to increase steadily over the four seasons, dramatically drop, and then increase once again as the seasonal cycle is repeated. There is no empirical evidence that crime shows such a "sawtoothed" seasonal pattern, nor is there a reasonable theoretical rationale to suggest that crime varies in such a manner. The misspecification of this component diminishes or obviates the effectiveness of this variable to control for seasonal variations in the data.

In addition to the errors that we have already discussed, the model presents a number of other problems. Many of these problems are of a more technical nature (e.g., taking the logs of variables, the problem of autocorrelation) than those we have discussed in this memo. In order to determine what might be the effects of such methods, we would need to have the data at hand.

We believe that the questions raised by the methods used in the study present a serious challenge to the integrity of the conclusions drawn. Although the Firearms Control Act may have affected the crime rate in the District of Columbia, it is our judgment, based on the information at hand, that the study fails to establish such a relationship.

Congressional Research Service,
Library of Congress,
Washington, D.C., September 11, 1980.

Mr. John Gunther,
Director, United States Conference of Mayors, 1620 Eye Street NW., Washington, D.C.

Dear Mr. Gunther: In June of this year the Conference released a report on the effects of the District of Columbia Firearms Control Act of 1975. Responding to congressional interest, we are trying to develop a fuller understanding of this study. To that end, Congressional Research analysts have held discussions with Mr. Robert Nicholson and Ms. Anne Garner, who answered questions about the methodology used and supplied us with a number of useful documents. We appreciate their cooperation. Unfortunately, still lacking to our attempt to reconstruct the analysis are the basic data and full documentation of the computer model employed. It is our understanding that this essential material is now in the hands of the Brookings Institution and that there might be delays or difficulties in retrieving it.

I hope that interest on your part may serve to overcome whatever problems are involved in this matter. Our congressional clients consider the Conference study one of significance and, in view of the impact it may have on public policy, stress the importance of a thorough review by the Congressional Research Service. Your further assistance will be appreciated. Please direct any inquiries or responses to CRS analysts Harry Hogan (287-5867) or Thomas Gabe (287-7345).

Sincerely,

Gilbert Gude, *Director.*●

NUCLEAR ENERGY

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mrs. BOUQUARD. Mr. Speaker, as a Member of this body who has long supported the development of nuclear energy, I am proud to insert in the

RECORD the statement of Ruth Faulkner, chairwoman of Nuclear Energy Women, given in May before the Democratic National Platform Committee.

This group of women strongly supports an increased role for nuclear energy in our Nation's search for energy independence. In sharing this goal with the members of NEW, I am proud to have been able to work with this group of dedicated women on an issue as important as solving our current energy crisis.

The statement follows:

STATEMENT BY RUTH FAULKNER

The fact that I am here representing Nuclear Energy Women, a national network of pro-energy women, is a statement on the undebatable role of energy in our society and a statement of an emerging reality.

It is a simple fact that today's labor force includes more than 43 million women who collectively earn $85 billion. The emerging role of women in the work force is due in great part to the abundant and reliable supply of energy.

Too often these days the role of energy in our sociey, and particularly its relationship to the women of this nation, has been treated with simplistic statements about the frivolity of such things as electric blenders and other assorted household "gimmicks".

The reality is that our modern, energy-intensive society has doubled lifespans, provided historically unprecedented health care and reduced infant mortality rates to a fraction of those experienced by any nation in history and the envy of hundreds of millions in third world nations.

All this comes with a price—the price is energy. Indeed, the difference in per capita energy consumption between Western nations, where life-styles are largely similar, is significant when held against the third world nation's impoverished level of energy consumption.

This undeniable link between the health of our people, our children and the place of women in the United States leads NEW members to be anxious to voice their concerns over an unstable energy future.

The serious effects of the first Middle East oil embargo has been cited so often that they are now a tired litany. Nonetheless, the severe blow dealt to our economy by the 1973-74 embargo occurred when we obtained only 5 percent of our oil from the Middle East. We are now three times as dependent upon oil from this violently unstable region.

Events of the last year in Iran and Afghanistan, lurid as they have been, are but a small example of the monumental problems we will continue to face depending on this region for almost one quarter of all this nation's energy needs. The next loss of Middle East oil, and it is more a question of "when" rather than "if", promises calamitous results.

Were the United States to lose its current share of Persian Gulf Oil, professor Henry Rowen, testifying before the Senate Energy and Natural Resources Committee last week pointed to the real possibility of a $200 barrel of oil; a drop in the gross national product by 18 percent; and an accompanying economic loss of $520 billion.

There is no doubt that the time-honored system for lay-offs, "last-in, first-out", would result in massive unemployment for women and minorities of America.

Nuclear Energy Women does not look to the commercial nuclear industry to solve this serious and almost overwhelming problem. But we do look to nuclear energy as an essential part of the energy supply of the United States.

Electricity plays a crucial role in the U.S. energy mix. Above and beyond the often cited liberating values of the modern, electric kitchen, it is important to remember the integral role that electricity plays in modern medicine and health care. In addition, electricity will continue to play a role in directly substituting for oil through such things as efficient home heating, through heat-pumps and ultimately with electric cars.

Nuclear power's role in this country's energy future must be examined in the light of the fact that even with a "moderate", by historical standards, average electric growth rate of 3.1% a year since 1973, will still require that we build the equivalent of 500 new large generating stations over the next 20 years, and have the energy to fuel them—a truly formidable task.

It appears quite certain, as the recent National Academy of Sciences energy study pointed out, that only coal and nuclear energy will have the capability of supplying the bulk of this electricity until the turn of the century. Much as we all hope for alternative sources of energy, they simply will not be capable of meeting this challenge over the next 20 years or so.

What concerns us greatly in Nuclear Energy Women is that coal-fired electricity faces serious competition with the need for exporting coal to help our allies, and especially with its value for synthetic fuels, which are still in the research and development stages in this country.

Staggering demands will be placed on the coal industry which must increase its production and delivery capabilities by 2½ times by 1995. The ability of nuclear power to share the burden is currently being seriously eroded.

Furthermore, a recent study by the National Economic Research Associates shows that with this demand on coal, and if nuclear continues to face the excessive delays it now does, we could well need to import an additional 4 million barrels of oil a day by 2000. This would be more than counterproductive—it would be economic suicide.

Nuclear Energy Women recognizes the limitations of nuclear energy as well as its values. We also recognize the many problems that were dramaticaly highlighted by the accident at Three Mile Island.

We are confident that the industry has learned important lessons from that accident, and has gone a long way towards improving the safety of what is already a remarkably safe energy system.

We are also aware that most of the public concerns about nuclear energy are related to radiation and its effects—fears most often voiced by women. We have confidence in the scientists of this country, and with their ability to deal with and honestly discuss the problems where they exist. And we look to the government to provide the political and economic environment to allow America to get on with the task of building an adequate and safe energy supply.

Since its inception, nuclear power has been heavily regulated by the Federal Government—thus its future role depends to a very large extent on government actions. The lack of a clear national policy on energy and on nuclear power has nearly paralyzed the Nuclear Regulatory Commission. The resultant lack of stability in the regulatory process, and the lack of predictability in licensing schedules, is forcing utilities to choose other options for providing needed additional capacity, even though new nuclear capacity would later provide lower cost electricity, have far less impact on our environment, and would depend upon assured domestic supply of fuel.

Every poll has shown that a majority of Americans support the use of nuclear power. We find it incredible that our great nation has been allowed to drift into a position of extreme energy vulnerability while we have tied our own hands by our seeming inability to move forward with the vast potential of our nuclear resources.

Nuclear Energy Women believes it is crucial that the Democratic Party take a strong and positive stand on nuclear power—acknowledging the need for stringent safety standards and the need to be honest with our people about its problems as well as its benefits—also recognizing it as a key element in reducing our country's vulnerability, protecting our environment, providing affordable electricity, and maintaining a strong economy which can support the hard-won jobs held by women and minorities. We must cure the inflation rate, but not at the expense of high unemployment due to high energy cost, or lack of energy supply. Nuclear energy's role is obvious.

A clear policy statement by the Democratic Party, if coupled with a clear direction from the Administration, will allow us to regain a regulatory climate, and maintain a prudent public attitude, which will allow our nation to move forward safely and deliberately with nuclear power.●

JAPAN-UNITED STATES TRADE DEFICIT

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. FISHER. Mr. Speaker, I wish to express my support for House Concurrent Resolution 376, the Japan-United States trade resolution, of which I am a cosponsor. This resolution urges Japan to accept more responsibility for the huge trade deficit with the United States, and to take measures, with U.S. cooperation, to reduce the size of this deficit and improve trade relations between our two countries.

As a member of the Trade Subcommittee, I have had the opportunity for concentrated study of international trade developments over the last few years. By profession I am an economist, and so I bring to this area a certain amount of expertise. Coming from this background, let me say that I am very concerned about the trade situation we have with Japan, and I have been for some time.

In the past 10 years, our trade deficit with Japan has amounted to some $47 billion, and matters are likely to continue this way for the next several years. The Japanese Government has contributed to this deficit by its restrictive trade practices, particularly in the areas of agricultural goods, high technology items, processed raw materials, and services. While the United States is fairly open and receptive to Japanese goods, Japanese practice has been to prevent or restrict American imports by imposing uniquely rigorous standards and testing requirements, establishing difficult customs appeals processes, and levying high tariffs.

These practices have resulted in artificially high prices for American goods in Japan, or their complete unavailability in that country.

For example, the price of domestic beef in Japan is often as high as $10 to $20 per pound; yet, lower priced American beef imports are held to approximately one-half pound per person annually. In another example, the Japanese National Railroad, which controls and operates 80 percent of Japan's domestic railway network, buys none of its steel railroad wheels and axles from the United States. This is true even though the U.S. product sells for approximately 50 percent of the cost of comparable Japanese products, and even though U.S. manufacturing firms have tried to solicit Japanese business in this area.

We have already made some progress toward reducing the trade deficit. Japan has recently agreed to relax many of its standards and licensing requirements, and has made commitments to encourage Japanese investment in the United States. But much more needs to be done if we are to successfully reduce what could be a $16 billion deficit in 1981 alone.

I believe that the best way to achieve a strong, healthy economy is to encourage trade, unencumbered by artificial trade barriers. If the trade deficit with Japan is allowed to continue, I believe it could erode support among American industry for open trading practices and could contribute to protectionist sentiment. Protectionism is not the answer; carried to its logical extreme, it would restrict American business and that of every other country to a domestic market rather than a multinational one. The best answer to a healthier economy is to strongly encourage other countries to allow American products to compete in their markets without unjustified limitation. The Japan-United States trade resolution is a move in the right direction.●

TROY DEDICATES UNCLE SAM MONUMENT

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. SOLOMON. Mr. Speaker, on October 18, citizens of Troy, N.Y., and surrounding communities will gather at the corners of River and Front Streets in Troy to celebrate the fruition of many years of hard work—the dedication of the Uncle Sam Monument.

The Uncle Sam Monument serves as formal and permanent recognition that Troy, N.Y., is the home of Samuel Wilson, who was officially recognized by the U.S. Senate as the progenitor of America's national symbol "Uncle Sam" in Senate Concurrent Resolution 14, agreed to on September 15, 1961.

The path which led to this official recognition was long and arduous and is accurately recalled in an article by John Scanlon in the Troy Times-Record on August 10, 1980. I think the reprinting of this story in the CONGRESSIONAL RECORD is important to all Americans in that it describes the history of the movement to find a permanent home for one of America's best-loved national symbols, Uncle Sam himself:

[The article is attached.]

THEY TOLD THE NATION: TROY IS UNCLE SAM'S HOME

The thousands of people who will attend the dedication of the Uncle Sam Monument at River and Front Streets Sept. 13 will have no doubt that Troy is The Home of Uncle Sam. Nor will many other people throughout the country.

But it took a lot of perseverance, research, lobbying and dedication on the part the Veterans for Uncle Sam back in the late 50s and early 60s to win that designation for Troy. The sad part of it is, though, only a few of them will be around to see the monument dedicated. The picture with this article shows some of them with Gov. Nelson Rockefeller as he proclaimed Troy as The Home of Uncle Sam in 1959 and, of that group, only Frank Mealy and Marty Mahar are still alive.

Mahar said the idea of getting the Uncle Sam designation for Troy was nothing new. Various Troy groups, political leaders and businessmen had long sought that goal. "Dean Taylor (former congressman from Troy) was one of the prime movers and he realized that the best way to get it done was through the use of the veterans' clout," Mahar explained. "It was in the post-war years when the veterans had a lot of influence."

So Mahar, Mealy and Abe Goldstein, Troy lawyer and later Police Court judge, formed a temporary committee which met at Goldstein's offices on State Street and named Mealy temporary chairman. Later, in 1957, Mahar was named permanent chairman, with Julian Mason co-chairman and Mealy legislative liaison and secretary.

Thus began the movement that made Troy The Home of Uncle Sam. Other groups and businessmen continued their efforts but the main thrust was made by the Veterans for Uncle Sam. The group, in addition to Mealy, Mahar, Mason and Goldstein, included Ben and Sol Chuckrow, Ben Steiner, Tom Murphy, John Manning, Herb Goetz, Tom Sharpe, Tom Gerson, Ed Wachter, Sam DiNova, Henry Del Cogliano, Paul Gregware, Adelbert Kendrick and Mayor Jack Purcell.

Mealy had also been affiliated with the National Cemetery Committee, dedicated to the establishment of a national cemetery honoring Sam Wilson in Troy. Even though that goal was never achieved, Mealy said he was happy that the two groups finally gave Uncle Sam an official home.

After gaining recognition on the city and state levels for Troy as the Uncle Sam city, the vets went to work on the national scene. They knocked on doors in Washington with the help of Taylor, Congressman Leo O'Brien and, later Congressman Sam Stratton of Amsterdam. Taylor and O'Brien drew up the legislation and the vets attended national veterans' conventions throughout the country, winning near-unanimous support for the measure.

But they didn't stop there. Mahar recalls that Gerson, a Times Record reporter, became obsessed with the idea of making Troy The Home of Uncle Sam. "He contacted educators and historians throughout the country to document that Wilson belonged to Troy more than any other city." Reporters who worked with Gerson at the time say he jeopardized his job as a bureau reporter in his endless drive for Uncle Sam.

As the legislation was debated in Washington, representatives from other areas, including Arlington, Mass. where Wilson was born, presented arguments for their communities—and the debate dragged on.

"We moved into Washington with a busload of Troy supporters including Carl Grimm, Ed Wachter, Purcell, Fred Curtis and Bert Hoffman, director of Oakwood Cemetery where Wilson is buried," Mahar recalled. Wachter was a nationally-known former college star in virtually every sport. His height, graceful movement and handsome features resembled those of Sam Wilson. Thus, he portrayed Wilson in area parades and other functions, wearing a white goatee and star-spangled red, white, and blue suit and stove-pipe hat.

"Wachter was dressed as Uncle Sam the day we went to Washington," Mahar said. "It was a holy day of obligation and we went to Mass. When Ed walked into the church, everybody began to turn around and the buzzing was such that the priest stopped the Mass for a look at Uncle Sam."

Mahar added that, during the day, the huge frame of Wachter, as Uncle Sam, graced the steps of the Capitol and tourists began taking pictures of "Uncle Sam" with the Capitol in the background. A group of Korean visitors thought it was an every-day occurrence to see Uncle Sam walking out of the Capitol.

It proved that the figure was internationally known. But the Troy group wanted it equally well known that Uncle Sam had a home in Troy. So the Troy vets had moved on Washington with transcripts of hearings, pictures, clippings from newspapers in Massachusetts, New Hampshire and New York (mostly from the Troy Record), with Gerson's research and that of the late Rensselaer County historian Rutherford Hayner and with statements by area representatives in Congress.

Taylor and O'Brien had introduced the Troy legislation in the House Judiciary Committee and the Troy vets testified before that panel in 1959. Mason, then chairman of the Veterans for Uncle Sam, presented Troy's case at a lengthy hearing before the Senate Committee of the Judiciary July 11, 1961. Shortly thereafter, the House and Senate passed a joint resolution designating Troy, N.Y. as The Home of Uncle Sam.

"The thing that clinched it," Mahar said, "was our proof that, even though he had ties in other places, he was never nationally-known until he came to Troy."

Wilson's Troy connection is summed up by the Encyclopedia Americana which says, "During the War of 1812, merchants of Troy supplied large quantities of provisions to the American Army. Samuel Wilson, who slaughtered cattle and packed beef in Troy, supplied his beef to the Army, packed in 'full bound barrels of white oak.' It soon became known as Uncle Sam's, as Sam Wilson was familiarly called, and from this grew the well-known appellation, Uncle Sam, as applied to the U.S."

Even before the resolution had been adopted, Troy was already celebrating its status as The Home of Uncle Sam. Mahar said Troy staged an Uncle Sam parade in 1959, led by Grandma Moses as grand marshal. It was the second biggest parade in Troy's history.

Time has taken its toll on the membership in the Veterans for Uncle Sam. But the few remaining members are still working with the new Uncle Sam Monument committee arranging the dedication ceremonies. The rites, on Sept. 13, will mark a successful climax to a drive started by some dedicated veterans a generation ago. "We're still incorporated," Mealy explains, "but after the dedication, we'll quietly fade away." ●

MARITIME CHAPLAINS ECUMENICAL CONFERENCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. ANDERSON of California. Mr. Speaker, later this month, the second annual joint ecumenical conference between the International Council of Seaman's Agencies and the National Catholic Conference of Seafarers will be held in San Pedro, Calif., in my congressional district. While both of these groups will also hold their annual meetings in San Pedro separately, they will join together for 2 days of discussions and workshops, to be capped off with a banquet which I will be pleased and privileged to attend. I would like to take a few moments now to address for the benefit of my colleagues those issues which the participants in this conference plan to discuss.

The theme of this conference, to be held on October 21-22, is, "Serving the Seafarer in the Nineteen Eighties: Challenges and Opportunities for a United Witness." Hosted by the Seaman's Church Institute, whose chaplain, Rev. Arthur Bartlett, is also the conference's program chairman; this joint effort is being coordinated with the assistance of Msgr. Thomas Kiefer, pastor of Mary Star of the Sea Roman Catholic Church in San Pedro, Pastor Abraham Brekne of the Norwegian Seaman's Center in San Pedro, and Rev. John Montagna, director of operations for the Catholic Maritime Club in Wilmington. The annual meeting of the International Council of Seaman's Agencies will be held at the Norwegian Service Center, while Mary Star of the Sea Church will host the National Catholic Conference of Seafarer's annual meeting.

With over 100 chaplains in attendance, Mr. Speaker, the problems to be addressed in this joint meeting are many. Over 8 million seamen worldwide are served by these and similar organizations, who provide them with much needed support services both on shore and at sea. Resource centers aid these mariners with, among other things, on-the-spot information about short-term housing, a problem acutely felt in my own harbor area and elsewhere. The problem of alcoholism, and how best to deal with it, is a further dilemma for a chaplain who is required to provide maximum aid and comfort while utilizing the barest minimum of resources. That chaplain is also faced with a very short period of time in which to accomplish all he wants to do, since most seamen are in port for only a very few days. Port safety is another area that will be discussed at length during these meetings, as well as the health and safety of mariners at sea.

This is only a sampling of the common concerns that all these chaplains share. More and more women, having entered the work force, have opted for a career at sea, and their numbers in the merchant fleets of the world have grown. Suitable adjustments to a previously all-male environment need to be taken into account, as well as the men's reactions to the presence at sea of their new colleagues.

Both the International Council of Seaman's Agencies and the National Catholic Conference of Seafarers want to end the duplication of services in the port areas, while at the same time increasing their efforts to aid seafaring men and women with respect to secular welfare needs.

In my own Los Angeles Harbor, Mr. Speaker, a counseling center and a facility for alcoholic seafarers have been created. While mariners are extremely transient, spending only a few days in any given port, we need to expand our efforts to provide the services that these men and women desperately need, both on land and aboard ship. I applaud the initiative of these organizations meeting together later on this month for trying to concretely alleviate these problems, and am certain that their conference, as well as the annual meetings, will be very successful. Furthermore, I would like to inform my colleague, Representative Bo GINN, that the third ecumenical conference will be held in Savannah, Ga., in his congressional district, next year. I am certain that he will be as pleased as I am to have such well meaning and responsible organizations helping not only the mariners of our respective congressional districts, but those seafaring men and women of this Nation, and the entire world.●

SMALL BUSINESS INVENTORY SIMPLIFICATION ACT OF 1980

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. NOWAK. Mr. Speaker, I am introducing legislation designed to help labor intensive small business cope with the high rate of inflation and overcome the complexity of the tax law on accounting for inventory. H.R. 8264 would amend the Internal Revenue Code of 1954 to allow certain small businesses to use the cash receipts and disbursements method—cash method—of accounting.

H.R. 8264 permits a qualified small business to use the cash method if its average annual gross receipts for the current taxable year and the preceding 2 taxable years do not exceed $1.5 million. A qualified small business is generally defined as a trade or business with active participants who own at least 50 percent of the business. For purposes of the bill, an active participant means an individual who is actively involved in the management of the business and whose principal business activity is such business.

BACKGROUND

In February and June 1980, the Small Business Subcommittee on Access to Equity Capital and Business Opportunities, which I chair, held hearings on inventory accounting as a burden on the capital formation process. These were the first congressional hearings ever held on the issue of simplifying the tax regulations dealing with accounting for inventories. Tax simplification is important to small business as it would increase cash flow and thus, aid capital formation.

As a result of these hearings, the subcommittee will release a report this week making four recommendations to Congress on inventory tax reform. H.R. 8264 implements the recommendation that specified small business be allowed to use the cash receipts and disbursements method. The other recommendations entail consideration of a simplified last-in, first-out (LIFO) method for small business, easing the current procedures as to when a small business can write down inventory and allowing small business manufacturers to use a method other than the full absorption method.

H.R. 8264 provides a qualified small business with a reduction in taxable income in periods of inflation, by permitting the expensing of inventories when purchased. This bill is designed to help those businesses which would not have the sophistication to elect LIFO, no matter how simplified LIFO is made.

In particular, H.R. 8264 eliminates much of the confusion small business has with the current tax law on accounting for inventories. Hearing testimony suggest that small business use an accounting method which more readily conforms to its recordkeeping and not necessary to tax rules. In particular, a National Federation of Independent Business (NFIB) survey shows that only 12 percent of the firms responding chose an accounting method because it conformed to the Tax Code. Further, the survey indicated tht 25 percent of the firms currently use the cash method; 8 percent of the firms responding did not know what method they were using.

OPPOSITION TO THE CASH METHOD

The Department of the Treasury is generally opposed to allowing small business to use the cash method of accounting. It considers such a change in the tax law as being a departure from generally accepted accounting principles (GAAP). In addition, it is believed that the cash method would lead to a distortion of income as there is not a proper matching of income and expenses. Treasury sees this as a potential area of tax shelter abuse, analogous to the cattle breeding area. Despite the opposition to the cash method, there is a precedent for its use. Farms with less than $1 million in gross receipts, and certain family operated farms, are currently permitted to use the cash method of accounting.

Treasury believes that abuse will occur as more and more individuals see the cash method as a way to shelter their income. It sees the inevitability of tax shelter promoters offering investors an opportunity to become partners in a new business which will purchase inventory for later years. Additionally, Treasury fears that unsound business practices could result in small business persons buying more inventory than is needed for ordinary business purposes.

These arguments give little credence to the fact that it makes little sense to buy more inventory solely to save money on taxes. In particular, its arguments do not acknowledge the carrying costs involved in keeping an inventory on hand, such as insurance, interest on receivables, storage, and so forth.

A CASH METHOD APPROACH GEARED TO THE BUSINESS PERSON ACTIVELY INVOLVED IN THE MANAGEMENT OF THE BUSINESS

H.R. 8264 addresses the Treasury's argument that the use of the cash method by small business will lead to tax shelter abuse. The bill limits the potential for tax shelter abuse by permitting only a qualified small business having active participants to use the cash method. In addition, there are existing IRS rulings and procedures which could be used to limit the potential for abuse. One particularly effective IRS pronouncement is Revenue Ruling 79-229.

Although the factual situation and holding of Revenue Ruling 79-229 is confined to the determination of the treatment of an advance payment for livestock feed, it could easily be extended to cover the small business person using the cash method.

In a letter to the subcommittee, dated September 5, 1980, the IRS described Revenue Ruling 79-229 as "particularly effective when applied to closely held investor oriented groups that are usually formed to take advantage of syndicated tax shelter schemes."

H.R. 8264 IS A STEP TOWARD COMPREHENSIVE INVENTORY REFORM

H.R. 8264 is part of a comprehensive package of bills which have been, or will be, introduced on inventory tax reform. I have already introduced H.R. 7851, the Retailer Inventory Reform Act of 1980. H.R. 7851 allows retail stores to use price indexes published by the Bureau of Labor Statistics when using the retail method of pricing LIFO inventories. Other bills will be introduced to extend the use of published indexes—as prepared by Government agencies—to all types of businesses, and to reduce the number of LIFO pools for small business. In addition, bills will be introduced to ease the current procedure as to when a small business can write down inventory and to allow small business manufacturers to use a method other than the full absorption method of inventory costing. All of these measures are designed to initiate congressional discussion of this most important small business issue.●

BALANCING THE BUDGET AND OTHER STEPS TOWARD STABILIZING AMERICA'S ECONOMY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. MURTHA. Mr. Speaker, I doubt there has ever been a year in Congress when more time and debate was devoted to the Federal budget, taxes, and Federal spending. As this session of Congress nears its conclusion, I would like to make some observations about some of those key decisions.

BUDGET

On May 7, 1980, the House of Representatives endorsed the first balanced budget in 12 years by voting 225 to 193 in favor of the first budget resolution for 1981. I was pleased to cast my vote for that resolution. The balanced Federal budget can be a key step in helping to control inflation, and restoring public faith in the ability of the Government to run its own house with fiscal integrity.

It now appears, however, that when Congress considers the second budget resolution that we will have to abandon the plan for a balance. The causes for that are clear: the recession and high unemployment. The recession has caused an economic slowdown that means business produces less and produces less Government revenue, as well. Moreover, for each percentage point of unemployment above 4 percent, it is estimated by the Congressional Budget Office that the Federal Treasury loses $20 billion in lost tax revenue from people not working, and payments in assistance programs for the unemployed. Those two factors on the budget will prevent us from reaching a balance.

Still, we have laid the groundwork for reaching it in the next couple years as the economy and employment improve. Moreover, we have shown a desire to discipline ourselves. In fact, during the debate on the budget resolution I voted for an alternate plan that would have cut an additional $14 billion in spending. The amendment failed, but only by a vote of 175 to 242 showing that sentiment is strong for not only balancing the budget, but also cutting back on total Government spending.

This carried over during the consideration of individual appropriation bills. The President's actual budget request will likely be reduced by some $10 billion, and mark 35 out of the last 36 years that Congress has reduced the President's budget request.

In sum, I think the mood is stronger than ever for a balanced budget, and I think it can be reached in the next couple years if the economy strengthens.

BUDGET AMENDMENTS

Many people this year advocated a constitutional amendment to limit Federal spending. I opposed that idea because: First, I do not think we need to amend the Constitution to reach this goal, I think we should be able to do it with our own discipline; and second, because none of the amendments I studied left enough latitude for extra spending in the time of a military disaster, domestic disaster like a flood, volcano, or hurricane, or unforeseen circumstances.

In March, however, I joined with majority leader JIM WRIGHT of Texas in sponsoring a different proposal. The proposal would work like this: First, the President would submit his budget as is the present case; second, Congress would enact the individual spending bills as presently done; third, in March the new law would require an independent auditing agency to check the work of Congress and the President; fourth, if that independent check found the budget to be in balance, then no further action would be necessary, but if that audit found it out of balance, then an automatic correction would be made; fifth, that correction would work like this—if the audit projected a $10 billion deficit and this represented 5 percent of controllable expenditures, then every controllable expenditure would be reduced by 5 percent to insure we were in balance; and sixth, only a specific request by the President and a majority vote in each House of Congress could throw the budget back out of balance after that point, thus leaving room for an emergency, but insuring that it is a legitimate one.

I think such a plan can help. I still think we can best reach and stay at the balanced budget goal through self-discipline, but if we need a plan, I endorse this approach.

TAXES

The third key debate this year has been on taxes. This is an area where I think we need reason.

There have been talks about personal income tax cuts ranging from 10 to 33 percent as a way to stimulate the economy. Well, the best economic minds in the country raise concerns about such a tax cut, concern that it would add to inflation, and concern that it would add tremendously to the budget deficit at a time when we are moving in the opposite direction.

Rather, earlier this year I endorsed a three part tax reduction plan:

One, an offset of the increase in social security taxes scheduled for January, 1981. This will provide some tax relief while still keeping the social security system sound for our retired citizens;

Two, an increase in the business depreciation schedules which will allow for more plant investment and expansion, thus creating more jobs; and

Three, a special tax rebate of $1,500 on new American made cars when purchased while trading in a pre-1976 model. This will help our sagging auto industry, and also get cars with better fuel mileage on the roads.

That is the type of targeted tax policy I think we need. I do not think general, percentage tax cuts will help the economy, the budget, or, in the long run, individuals. I think, rather, we have to target our tax savings at specific problems that can be resolved with tax cuts.

I appreciate this opportunity to outline my views on these issues. The economic debate will continue to be a key to the eighties, and I believe we will be successful in overcoming these problem areas.●

FROM REAGAN, NO FREE BIKE, BUT A RIDE TO WORK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. KEMP. Mr. Speaker, if I could describe Governor Reagan's philosophy of government in a sentence, I would say that he plans to restore the principle of matching effort and reward. He wants to restore the incentive for earnings, and restore a stable currency to preserve the value of savings.

Lewis E. Lehrman, chairman of Rite-Aid Corp. and president of the Lehrman Institute, is a man who shares this vision of society, both as a successful entrepreneur and a respected academic. Mr. Lehrman, who is also chairman of the economic policy committee of the New York Republican Party, recently explained in a Daily News article what this vision means for our home State of New York.

Contrasting Governor Reagan's program with the approach to government of the current administration and congressional majority, Mr. Lehrman concludes:

> If Ronald Reagan is elected, New Yorkers may not get free bicycles from Washington. But they will once again be able to ride to work in a growing economy.

I commend this excellent article to my colleagues.

The article follows:

From Reagan, No Free Bike . . . But a Ride to Work

In recent years, a President's impact on New York has been evaluated in light of the grab bag of special programs, subsidies and grants that an incumbent or White House candidate promises to "deliver" to the state and city. New Yorkers are then expected to gauge whether the Republican or Democratic nominee promises a fairer return on the taxes New Yorkers send to Washington.

The voters vaguely keep track of the campaign "bidding" by candidates on federal grants but not on the details of the contracts. They have, in truth, read too often of billion-dollar programs to make the trains run on time, put the muggers in jail, grow new houses in the South Bronx and get the garbage out of Times Square. They are skeptical—and rightly so.

So is Ronald Reagan. That is why his election would be good for New York. Reagan's message to us in New York is unique. He is not promising to pilot Rudolph and the rest of the federal reindeer into LaGuardia with a load of categorical grants and accompanying restrictive and costly mandates. He is not promising to give more to New York—but to take less of what we earn. He believes that New Yorkers, not Washington politicians and bureaucrats, should control their own paychecks.

Reagan is like the parent whose 13-year-old comes home and asks for a bicycle. The parent tells the boy that he must earn the money to buy the bicycle. The kid then complains bitterly that Johnny's mother has promised to buy him one.

If parents buy everything children want, they come to "expect" everything. It doesn't build character but it avoids "trouble" at dinner. If parents try to foster initiative and self-reliance, however, their children may not be so happy. They may even think their parents are "mean." But they may only be good parents. The analogy, of course, can be carried too far.

Gov. Reagan does not think that the federal government should be our Big Daddy. He does believe that it should encourage in its citizens the values that made our state and our nation great: initiative, thrift, enterprise and hard work. The economic policies that Gov. Reagan proposes can do just that; they can make New York State great again.

Those policies will be based on the fundamental principle that the wages and savings of working people must have a stable value. To stabilize the value of the dollar, Reagan is dedicated to reducing both the growth of government spending and the growth of the money supply. The end of inflation will be the cornerstone on which the Reagan administration's economic program will be built.

First, Gov. Reagan believes that this nation's working people need a cut in personal income-tax rates patterned after the Kennedy tax rate reductions of 1963-64. And he believes we need a cut in business taxes through an accelerated capital depreciation schedule. Responsible advocates of a carefully planned tax cut understand that reduced tax rates will spur economic activity.

Gov. Reagan understands that creation of jobs requires capital investment. Government can provide a phony stimulus to the economy with phony jobs subsidized with phony money printed by the Treasury and Federal Reserve. But if government is serious about economic growth, it will reduce the growth of government spending and stop hogging the potful of savings which will generate growth. The Treasury Department has announced that it will borrow about $50 billion in the last six months of 1980 to satisfy the federal government's voracious appetite. Imagine the impact of the $50 billion if it were available to big and small firms in the private capital market. Government must leave this capital in the capital markets for private enterprise to create jobs.

In New York State where manufacturing plants are often aging and obsolete, new capital is especially critical to the state's future. Only capital investment—not government press releases—can create jobs.

Reagan also understands that small businesses and farms are hit hardest by Jimmy Carter's economic policies. He understands that in spite of Carter's policies, two thirds of the new jobs created in this country in recent years were in small businesses; that while small businesses provide economic growth for this country, their vitality is being sapped by double-digit inflation, double-digit interest rates, Treasury Department demands on credit markets and bureaucratic spider webs of paperwork.

Small business is also the backbone of New York. In the New York metropolitan area alone, there are almost 400,000 small businesses. If small business can be revitalized, New York will be revitalized.

One way of helping small business is the Urban Jobs and Enterprise Zone Act, a bill introduced by Rep. Jack Kemp. It is based on the premise that what our depressed urban areas require is real economic growth, engineered by urban enterpreneurs. The zone seeks to create a more attractive commercial climate by dramatic reductions in burdensome government regulations and taxes. The bill is co-sponsored by Rep. Robert Garcia, a Democrat from the South Bronx.

Such a program will give residents of these areas an incentive to help themselves, without the intrusion of Uncle Sam distributing government grants with one hand and collecting taxes with the other.

Reagan agrees with black economist Walter Williams that this country's laws and regulations have effectively discriminated against minority youth. Despite $90 billion spent on national manpower training programs over the past 15 years, the problem of minority joblessness has worsened rather than improved. In New York City, estimates of black teenage unemployment run as high as 60 percent.

Gov. Reagan understands that the solution to many of our problems in New York is new savings with which we then can recreate a vibrant economy. But he believes that New Yorkers in Queens Village and Mineola will do a better job of determining their own budgets than planners in the Department of Housing and Urban Development. If Ronald Reagan is elected, New Yorkers may not get free bicycles from Washington. But they will once again be able to ride to work in a growing economy.●

JUSTICE DEPARTMENT PUTS OFF CHICAGO BUSING PRESSURE UNTIL AFTER ELECTION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. ASHBROOK. Mr. Speaker, we are all aware that, as the November election approaches, Federal money is being poured into areas where the administration needs votes. Further debate on the President's budget, with its massive deficits and small, grudging defense increases in the face of growing international threats, has also been put off until after the election.

This pattern is being followed in another sensitive area. Last week, the Chicago school board was given until

March to provide a desegregation plan which would minimize forced busing. Until safely after the election, Chicago's voters are to be given the impression that a new day of reasonableness has arrived in the Carter administration's attitude toward busing.

The citizens of Chicago have every right to feel relieved that, for 6 months, at least part of the effort they have diverted to bureaucrats' obsession with racial quotas in schools can go into meeting that city's real educational needs. But the relief results from the fact that this administration is in deep and deserved political trouble in Illinois. When the pressure is off, the relief will end.

Whether it be in the case of budgets or busing, another 4 years under a Carter administration will be the same as the last 4 years under a Carter administration.●

THE U.S.S. "NAUTILUS" TO COME HOME TO CONNECTICUT

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. DODD. Mr. Speaker, I am very pleased that the Congress has completed final action on the military construction program for fiscal year 1981 today.

For the past 3 years, the people of Connecticut have been working to insure that the U.S.S. *Nautilus*, the world's first nuclear-powered submarine, is returned to Groton, Conn., where she was built and where she was home ported for her entire 25-year career.

It has been a long and a hard fight to see the *Nautilus* returned to Groton, but today final congressional approval was given to send the *Nautilus* home. Both the military construction authorization and appropriation include $1.93 million to establish a U.S.S. *Nautilus* memorial in Groton. Significantly, Connecticut will be contributing an even larger share of the siting costs to insure that this historic vessel becomes part of a fitting memorial to the men of the U.S. Navy who sailed her and the men and women of Connecticut who built her.

It was the fact that Connecticut was willing to help shoulder the financial burden of establishing a *Nautilus* memorial that convinced both the House Armed Services Committee and the House Appropriations Committee that Groton, Conn., was indeed a fitting site for the *Nautilus*.

I look forward to President Carter signing the military construction bills in the near future, and I especially look forward to the time when the *Nautilus* sails up the Thames River in Connecticut to reach her permanent home.●

TRIBUTE TO JERRY HARWIN ON HIS RETIREMENT FROM CITY OF SANTA BARBARA PARKS AND RECREATION COMMISSIONS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to the attention of my colleagues the community service provided by one of my constituents. It is my privilege to commend Jerry Harwin for his distinguished and unselfish dedication to the good people of Santa Barbara. Jerry Harwin is retiring as a recreation commissioner for the city of Santa Barbara.

He was appointed to the recreation commission in 1961 and until his retirement he has generously given of his time and efforts as a member of both the parks commission and the recreation commission serving as chairman of both commissions for several terms.

Mr. Harwin is a valued member of the Santa Barbara community. As a small businessman, he has operated Harwin's Jewelers since 1944 and has the respect and admiration of the business community for his hard work, his integrity, and his goodwill.

He and his lovely wife, Bess, have two sons and four grandchildren. Jerry Harwin has devoted his life to serving our great community. To highlight just a few of his many accomplishments: He has served on the Santa Barbara Airport Commission, he is a past president of the Santa Barbara Host Lions Club, a past district governor of Lions International, past exalted ruler of Santa Barbara Elks Lodge 614. He is also a founder and past president of the Athletic Round Table, an organization dedicated to the support of athletes of all ages and abilities; a past president of the Santa Barbara Boxing Club, recipient of the MacFarland Sportsman of the Year Award, board member of the Youth Basketball League, founder and past president of the UCSB Gaucho Hoop Club, and a recipient of the Mayor's Honorary Award for community Service.

Jerry Harwin has been a driving force in the development and improvement of several of our city parks, and their world-reknowned beauty speaks well for Jerry's efforts.

Jerry is a man who intensely loves our beautiful city of Santa Barbara and this great country in which we live. He is known as "Mr. Recreation" in our community as he has played a leading role in promoting numerous activities to serve the recreational needs of every age group, from toddlers to senior citizens.

The grateful people of the 19th Congressional District salute Jerry Harwin on his retirement from service to his community as a recreation commissioner.

Jerry, however, is not a man to retire altogether from community service. As founder and president of the Las Positas Park Foundation, he has undertaken a community drive to raise $3 million in order to convert a former dump site into a 94-acre park. Although such a task may appear awesome, we have no doubt that Jerry's leadership ability and dedication to the task at hand will result in a community park we can all take pride in.

We extend to Jerry our thanks and we wish him Godspeed in his continuing tireless efforts to improve the quality of life for his fellow man.●

H.R. 8210, THE AGRICULTURAL DISASTER RELIEF ACT OF 1980

HON. ROBERT W. DANIEL, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. ROBERT W. DANIEL, JR. Mr. Speaker, I introduced H.R. 8210, the Agricultural Disaster Relief Act of 1980, because I am convinced that something must be done to help the American farmer through one of the worst years he has ever experienced. For the past several years, he has suffered under an unfavorable cost-price ration. This year's bad weather might be the last nail in the coffin of many American farmers unless we act soon.

H.R. 8210 would allow the Secretary of Agricultural more flexibility in alleviating the current severe credit problems of the American farmer, and, for many, dispel the specter of foreclosure until he has a choice to recover when normal market and weather conditions return. The bill would allow the Secretary to implement a national 3-year moratorium on the repayment of principal and interest and on lower foreclosures, when economic or climatic emergencies severely impair repayment ability. For areas that have suffered natural disaster for 2 out of the last 3 years as well as in 1980, the bill mandates a 3-year moratorium.

This bill does not take away the farmer's right to fail under our free enterprise system. But it might save many from going under who, despite ceaseless toil and the application of the best scientific techniques, cannot cope with an extraordinary combination of adverse weather and market conditions.

Let me discuss briefly the situation in my State. A senior economist with the Virginia Department of Agriculture and Consumer Services estimates that the 1980 drought could bring about the lowest farm income in 40 years. In Virginia, it could well decrease as much as 69 percent from last year, from $248 million to $78 million.

This year's drought, the worst in memory, may have caused crop damage in excess of $300 million. On top of this, Virginia farmers will enter 1981 with the highest ever total farm debt, an estimated $1.52 billion. One estimate of national farm indebtedness stands at $160 billion. Perhaps you should consult the Agricultural Department in your State to see how your farmers fit into this grim picture.

If, after being pounded by the last few years, your farmers are strong enough to get through this year, they have my congratulations. If they are not strong enough, or if you have many young farmers who cannot borrow against a lifetime of accumulated assets, you should consider cosponsoring this bill, which is a lifeline to many American farmers. Each American farmer feeds 70 of us. Let's do something for them.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, October 2, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 7

9:30 a.m.
Judiciary
Limitations of Contracted and Delegated Authority Subcommittee
To resume oversight hearings on the contracting-out procedures of consultants by the Federal Government.
2228 Dirksen Building

OCTOBER 8

10:00 a.m.
Select on Small Business
To hold hearings to review a proposal by the American Agricultural Investment Management Company on the investment of certain pension funds in farmland.
424 Russell Building

OCTOBER 17

9:30 a.m.
Judiciary
Antitrust, Monopoly and Business Rights Subcommittee
To hold hearings to review competitive issues relating to solar energy.
2228 Dirksen Building

OCTOBER 20

10:00 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings to review volunteer organization participation in Federal programs.
3302 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, October 2, 1980*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious Lord, giver of all grace and author of everlasting life, bless those who gather here to testify to the liberties with which we all have been blessed and to legislate for the welfare of our Nation. Temper our judgments and strengthen our resolve that we may faithfully serve in word and deed. Cause us to keep in remembrance our hostages who are separated from Nation and family. May we recall them in our prayers until that time when they return and know the freedom they deserve. During the coming days may Your presence be with us and with all Your people that we may seek justice, love, mercy, and ever walk humbly with You. In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2043. An act to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife;

S. 2725. An act to extend certain authorizations in the Clean Water Act, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 5048) entitled "An act to amend the act entitled 'An act to preserve within Manassas National Battlefield Park, Va., the most important historic properties relating to the battle of Manassas, and for other purposes,' approved April 17, 1954 (68 Stat. 56; 16 U.S.C. 429b)."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 5295) entitled "An act to amend title II of the Social Security Act to make the monthly earnings test available in limited circumstances in the case of certain beneficiaries, to amend the technical requirements for entitlement to medicare, and to provide that income attributable to services performed before an individual first becomes entitled to old-age insurance benefits shall not be taken into account (after 1977) in determining his or her gross income for purposes of the earnings test."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 5612) entitled "An act to amend section 8(a) of the Small Business Act."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate numbered 15 to the bill (H.R. 6665) entitled "An act to implement the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution From Ships, 1973, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 6816) entitled "An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State."

The message also announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 5326. An act to authorize the Secretary of Agriculture to convey certain Government-owned property in the Kisatchie National Forest to the State of Louisiana in exchange for certain property at old Camp Livingston, La.;

H.R. 6065. An act to amend title 5, United States Code, to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis, to allow certain unused leave to accumulate for subsequent use, and for other purposes;

H.R. 6440. An act to establish priorities in the payment of claims against the People's Republic of China;

H.R. 6593. An act to regulate the feeding of garbage to swine;

H.R. 7665. An act to amend title 28, United States Code, to divide the fifth judicial circuit of the United States into two circuits, and for other purposes;

H.R. 7779. An act to amend the Internal Revenue Code of 1954 to authorize 3 additional judges for the Tax Court and to remove the age limitation on appointments to the Tax Court;

H.R. 8103. An act to rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively;

H.R. 8178. An act to amend title 28 to make certain changes in judicial districts and in divisions within judicial districts, and for other purposes; and

H. Con. Res. 413. Concurrent resolution to authorize the printing as a House document of a revised edition of "The Capitol."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3122. An act relating to the tariff treatment of certain articles;

H.R. 3765. An act to provide that marketing orders issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act respecting walnuts may provide for any form of marketing promotion, including paid advertising, and that marketing orders respecting walnuts and olives may provide for crediting certain direct expenditures of handlers for promotion of such commodities;

H.R. 4084. An act to provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California;

H.R. 6086. An act to provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country;

H.R. 6883. An act to amend the Internal Revenue Code of 1954 to revise the rule relating to certain installment sales;

H.R. 6975. An act to eliminate the duties on wood veneers;

H.R. 8146. An act to provide a program of Federal supplemental unemployment compensation.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2887. An act to protect the confidentiality of data made available to the Bureau of Labor Statistics and for other purposes; and

S. 3072. An act to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana.

The message also announced that Mr. BENTSEN be a conferee, on the part of the Senate, on the bill (S. 1156) entitled "An act to amend and reauthorize the Solid Waste Disposal Act," vice Mr. Muskie.

PRIVATE CALENDAR

The SPEAKER. Pursuant to the order of the House of September 29, 1980, this is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

MRS. ALICE W. OLSON

The Clerk called the bill (H.R. 5160) to amend the act entitled "An act for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson."

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DR. HALLA BROWN

The Clerk called the Senate bill (S. 1578) for the relief of Dr. Halla Brown.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the request of the gentleman from Wisconsin?

There was no objection.

CERTAIN ALIENS

The Clerk called the Senate bill (S. 707) for the relief of certain aliens.

There being no objection, the Clerk read the Senate bill, as follows:

S. 707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, the following named aliens shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the countries of the aliens' birth upon paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act:

BANMAN-Redecop, Diedrich
Banman-Redecop, Aganetha
Banman-Redecop, Agatha
Banman-Redecop, Hallena
Banman-Redecop, Mary
BERGEN-Neudorf, Bernard
Bergen-Guenther, Susana
Bergen-Guenther, Justina
Bergen-Guenther, Helena
Bergen-Guenther, Bernhard
BERGEN-Reddekopp, Bernhard
Bergen-Neudorf, Helena
Bergen-Neudorf, Elizabeth
BERGEN-Neudorf, John
Bergen-Wall, Elisa
DUECK-Loewen, Cornelius
Plett-deDueck, Anna
Dueck-Plett, Cornelius
Dueck-Plett, Frederick
Dueck-Plett, John
Dueck-Plett, Anita
Dueck-Plett, Dennis
Dueck-Plett, Klaas
Dueck-Platt, Elizabeth
DUECK-Loewen, Edwin
Plett-de Dueck, Margaretha
Dueck-Plett, Bernard
Dueck-Plett, Norman
Dueck-Plett, Harold
Dueck-Plett, Peter
Dueck-Plett, Irene
Dueck-Plett, Raymond
Dueck-Plett, Robert
DUECK-Loewen, Henry
Kornelson-de Dueck, Mary
Dueck-Kornelson, Milton
Dueck-Kornelson, Dale
Dueck-Kornelson, Elizabeth
Dueck-Kornelson, Paul
Dueck-Kornelson, Kenneth
Dueck-Kornelson, Myrtle
DUECK-Plett, Lorenzo
Dueck-de Dueck, Erna
DUECK-Loewen, Norman
Kornelson-de Dueck, Elvira
Dueck-Kornelson, Glenn
Dueck-Kornelson, Carol
DUECK-Loewen, Peter
Wolfe-de Dueck, Maria
Dueck-Wolfe, Lorna
Dueck-Wolfe, Richard
Dueck-Wolfe, Terry
Dueck-Wolfe, Garland
DYCK-Quiring, Francisco
Dyck-Wolfe, Agatha
Dyck-Wolfe, Aganetha
Dyck-Wolfe, Daniel
Dyck-Wolfe, Franz
Dyck-Wolfe, Susana
DYCK-Teichroeb, Heinrich
Dyck-Martens, Aganetha
Dyck-Martens, Aganetha
DYCK-Neudorf, Jacob
Wiebe-Froessen, Helen
DYCK-Dyck, Peter
Dyck-Loewen, Katharina
Dyck-Quiring, Aganetha
Dyck-Quiring, Aganetha
Dyck-Quiring, Benjamin
Dyck-Quiring, Elizabeth
Dyck-Quiring, Heinrich
Dyck-Quiring, Jacob
Dyck-Quiring, Margarita
Dyck-Quiring, Maria
DYCK-Loewen, Peter
Dyck-Freesse, Agatha
Dyck-Freesse, Franz
Dyck-Froesse, David
Dyck-Froesse, Helena
Dyck-Froesses, Abram
Dyck-Froesses, Aganetha
Dyck-Froesses, Bernhard
Dyck-Froesses, Guillermo
Dyck-Froesse, Helena
Dyck-Froesses, Peter
Dyck-Martins, Johan
Dyck-Martins, Margarita
FEHR-Friesen, Peter
Peters-Friesen, Aganetha
FRIESSEN-Peters, Abraham
Dyck-Martins, Margarita
Friessen-Dyck, Elizabeth
FRIESEN-Friesen, Edward
Kornelson-de Friesen, Elizabeth
Friesen-Kornelson, Jim
Friesen-Kornelson, Dennis
Friesen-Kornelson, Ronald
Friesen-Kornelson, Floyd
FRIESEN-Friesen, Jacob
Friesen-Teichroeb, Elisabeth
Friesen-Teichroeb, Jacob
FRIESEN-Friesen, Johan
FRIESSEN-Peters, Corny
De Friessen-Dyck, Aganetha
Friessen-Dyck, Abraham
FROESE-Hamm, Cornelio
Froese-Bergen, Helena
Froese-Bergen, Jacob
Froese-Bergen, Katharina
Froese-Bergen, Katharina
Froese-Bergen, Margarita
FROESE-Peters, Pedro
Froese-Froesse, Elizabeth
Froese-Froesse, Pedro
Froese-Froesse, Jacob
Froese-Froesse, Elizabeth
GIESBRECHT-Bikert, Abraham
Giesbrecht-Klassen, Judith
Giesbrecht-Klassen, Abraham
GIESBRECHT-Friesen, Jacob
GIESBRECHT-Friesen, Peter
Froese, Katharina
GOERTZEN-Giesbrecht, Isaak
Goertzen-Knelsen, David
Goertzen-Knelsen, Francisco
Goertzen-Knelsen, Isaak
Goertzen-Knelsen, Katharina
Goertzen-Knelsen, Maria
Goertzen-Knelsen, Susana
GUENTHER-Fehr, Jacob
Guenther-Hiebert, Katharina
GUENTHER-Zacharias, Jacob
HARMS-Dyck, Abraham
Harms-Reimer, Abraham
Harms-Reimer, Maria
Harms-Reimer, Martha
HARMS-Andres, Abram
Harms—Neufeld, Abram N.
Harms-Neufeld, George
Harms-Neufeld, Helena
Harms-Neufeld, Jake
Harms-Neufeld, Johan
Harms-Neufeld, Margaretha
Harms-Neufeld, Maryann
Harms-Neufeld, Sara
Harms-Neufeld, Sara
Harms-Neufeld, Tina
HARMS-Dyck, Issac
Harms-Rempel, Ana
Harms-Rempel, Abraham
Harms-Rempel, Bernardo
Harms-Rempel, Isack
Harms-Rempel, Katharina
Harms-Rempel, Susana
Harms-Rempel, Susana
HARMS-Dyck, Johan
Harms-Guenther, Elizabeth
Harms-Guenther, Margaret
Harms-Guenther, Elizabeth
HARMS-Andres, Peter
Harms-Thiessen, Helena
Harms-Thiessen, Abram
Harms-Thiessen, Jacob
Harms-Thiessen, Helen
Harms-Thiessen, Johann
Harms-Thiessen, Berman
Harms-Thiessen, David
Harms-Thiessen, Gerherd
Harms-Thiessen, Peter
HARMS-Dyck, Peter
Harms-Wall, Abraham
Harms-Wall, Anna
Harms-Wall, Helena
Harms-Wall, Helena
Harms-Wall, Johan
Harms-Wall, Maria
Harms-Wall, Pedro
KLASSEN-Rempel, David
Rempel-de Klassen, Margarita
Klassen-Rempel, Heinrich
Klassen-Rempel, Franz
Klassen-Rempel, David
KLASSEN-Dyck, John
Klassen-Kroeker, Elisabeth
Klassen-Kroeker, Katherina
Klassen-Kroeker, Peter
KLASSEN-Wolf, Martin
KNELSEN-Hamm, David
Knelsen-Wieler, Aganetha
Knelsen-Wieler, David
Knelsen-Wieler, Franz
Knelsen-Wieler, John
KORNELSON-Dueck, Francisco
Plett-de Kornelson, Roseline
Kornelson-Plett, Rhonda
KRAHN-Rempel, Johan
Neufeld-Biekert de Krahn, Maria
Katharina
Helena
Maria
John
Margaretha
KRHAN-Martens, Wilhelm
Krhan-Neufeld, Elisabeth
Krhan-Neufeld, Jacob
Krhan-Neufeld, Katherina
Krhan-Neufeld, Maria
Krhan-Neufeld, Maria
Krhan-Neufeld, Susana
LOEPPKY, Wiebe, Cornelius
Loeppky-Penner, Susan
LOEWEN-Wiebe, Cornelius
Peters-Friessen, Maria
Loewen-Peters, Heinrich
Loewen-Peters, Kathrina
Loewen-Peters, Cornelius
LOWEN-Dueck, Edwin David
Plett-de Loewen, Irma
MARTENS-Schmitt, Heinrich
Martens-Schmitt, Anna
Martens-Schmitt, Abraham
Martens-Schmitt, Anna
Martens-Schmitt, Frans
Martens-Schmitt, Johan
Martens-Schmitt, Peter
MARTENS-Schmitt, Katherina
Martens-Dyck, Katherina
MARTINS-Smitt, David
Martins-Zacharias, Margaret
Martins, Annie
NEUDORF-Bergen, Cornelius
Neudorf-Friessen, Anna
Neudorf-Friessen, Anna
Neudorf-Friessen, Cornelio
Neudorf-Friessen, Jacobo
Neudorf-Friessen, Katharina
NEUFELD-Schmitt, Cornelius
Neufeld-Bergen, Hellen
NEUFELD-Loewen, Heinrich

Klassen-Niefeld de Neufeld, Justina
Neufeld-Klassen, Jacob
NEUFELD-Giesbrecht, Herman
Neufeld-Wiebe, Elma
Neufeld-Wiebe, Richard Herman
Neufeld-Wiebe, Susana
NEUFELD-Wieler, Johan
Neufeld-Wieler, Anna
Neufeld-Wieler, David
Neufeld-Wieler, Enrique
Neufeld-Wieler, Getruda
Neufeld-Wieler, Juan
Neufeld-Wieler, Mary
Neufeld-Wieler, Patricia Lynn
NEUSTATER-Henrichs, Johan
Neustater-Loewen, Elena
Neustate-Loewen, Katharina
Neustater-Loewen, Tina
NEUSTATER-Klassen, Peter
Neustater-Friessen, Gerardo
Neustater-Friessen, Pedro
Friessen-de Neustater, Elizabeth
PETERS-Bergen, Abram
Peters-Redakopp, Aganetha
Pedekopp-de Peters, Katharina
PETERS-Heide, Aron
Fehr-de Peters, Elisa
Peters-Fehr, Mary
PETERS-Beisbrecht, David
PETERS-Thiessen, Isaak
Peters-Kreeker, Anna
Peters-Kreeker, Abraham
Peters-Kreeker, Elizabeth
Peters-Kreeker, Katharina
Peters-Kroeker, Franz
Peters-Kroeker, Isaak
Peters-Geisbrecht, John
Peters-Peters, Anna
Peters-Neufeld, Peter
Peters-Peters, Anna
Peters-Peters, Margaret
Peters-Peters, Tina
Plett-Plett, Gerhard
Petkau-de Plett, Helena
Plett-Petkau, Wayne
Plett-Petkau, Burne
Redecop-Wiens, Peter
Redecop-Zacharias, Anna
Redecop-Zacharias, Abram
Redecop-Zacharias, David
Redecop-Zacharias, Franz
Redecop-Zacharias, Isaac
Redecop-Zacharias, John
Redecop-Zacharias, Margareta
Redecop-Zacharias, Susanna
Reddekopp-Unrau, Jakob
Reddekopp—Bergen, Susana
Reddekopp-Bergen, Jakob
Reddekopp-Bergen, Lena
Redekopp-de Berg, Margaretha
Reimer-Friesen, Diedrich
Reimer-Fehr, Anna
Reimer-Fehr, Cornelius
Reimer-Fehr, Eva
Reimer-Fehr, Isidro
Reimer-Fehr, Jacob
Reimer-Fehr, Johan
Reimer-Fehr, Maria
Reimer-Fehr, Maria
Reimer-Fehr, Martha
Reimer-Fehr, Sara
Reimer-Rempel, Diedrich
Reimer-Froese, Anna
Jake
Reimer-Wiebe, Heinrich
Fehr-de Reimer, Sara
Reimer-Fehr, Helena
Reimer-Fehr, Jacobo
Reimer-Fehr, Johan
Reimer-Fehr, Katharina
Reimer-Fehr, Peter
Reimer-Fehr, Henry
Reimer-Friesen, Helena
REIMER-Friesen, Jacob
Reimer-Peters, Anna
Reimer-Peters, Cornelius
Reimer-Peters, Margaretha
Reimer-Peters, Maria
Reimer-Peters, Margaretha
Reimer-Peters, Abraham

REIMER, Johan
REIMER-Schellemberg, Johann
Reimer-Froese, Helena
Reimer-Froese, Jacob
Reimer-Froese, Bernard
REIMER-Froese, Peter
Reimer-Fehr, Aganetha
Reimer-Fehr, Cornelius
Reimer-Fehr, Elizabeth
Reimer-Fehr, Heinrich
Reimer-Fehr, Juan
Reimer-Fehr, Pedro
Reimer-Fehr, Sara
Reimer-Fehr, Sarah Weibe
REMPEL-Enns, Cornelius
Plett-de Rempel, Elda
Rempel-Plett, Steven
REMPEL-Giesbrecht, David
Rempel-Friesen, Aganetha
Rempel-Friesen, Anna
Rempel-Friesen, David
Rempel-Frisen, Elizabeth
Rempel-Friesen, Katharina
REMPEL-Giesbrecht, Jacob
Wieler-Rempel, Elizabeth
Rempel-Wieler, Jacob
Rempel-Wieler, Anna
Rempel-Wieler, Johan
SCHMITT-Penner, Jacob
Schmitt-Thiessen, Helena
Schmitt-Thiessen, Maria
Schmitt-Thiessen, Gierhord
Schmitt-Thiessen, Bernard
Schmitt-Thiessen, Katharina
Schmitt-Thiessen, Helena
Schmitt-Thiessen, Peter
Schmitt-Thiessen, Franz
SCHMITT-Thiessen, Johann
Schmitt-Friessen, Margaretha
Schmitt-Friessen, Heinrich
Schmitt-Friessen, David
SCMITT-Sall, Johan
Scmitt-Klassen, Katharina
Scmitt-Klassen, Franz
Scmitt-Klassen, David
Scmitt-Klassen, Anna
Scmitt-Klassen, Aganetha
Scmitt-Klassen, Abraham
SIEMENS-Hine, William
Siemens-Peters, Margaretha
Siemens-Peters, George
Siemens-Peters, Nettie Colleen
TEICHROEB-Weibe, Bernardo
Teichroeb-Neuféld, Helena
Teichroeb-Neufeld, Monica Lyn
TEICHROEB-Weibe, Johan
Teichroeb, Peter Siemens
Teichroeb-Knelsen, Johan
Teichroeb-Siemens, Elizabeth
Teichroeb-Siemens, Johan
Teichroeb-Siemens, Katharina
Teichroeb-Siemens, Mary
Teichroeb-Goertzen, Anna
Teichroeb-Goertzen, Bernardo
Teichroeb-Goertzen, Franz
Teichroeb-Goertzen, Maria
Teichroeb-Goertzen, Peter
Teichroeb-Goertzen, Susana
TEICHROEB-Siemens, William
Teichroeb, Anna Guenter
WALL-Bergen, Isaak
Fehr-de Wall, Justina
Wall-Fehr, Isaak
Wall-Fehr, Jacob
Wall-Fehr, Johan
WALL-Smith, Jacob
WIEBE-Dyck, Bernhard
Wiebe, Tina Neufeld
WIEBE-Klassen, Franz
Wiebe-Redekop, Maria
Wiebe-Redekop, Jake
Wiebe-Redekop, Peter
Wiebe-Redekop, Susana
Wiebe-Redekop, Teena
WIEBE-Dyck, Gerardo
Klassen-Wiebe, Susana
WIEBE-Klassen, Henrich
WIEBE-Gunter, Issac
WIEBE-Peters, Isaak
WIEBE-Gunther, Jacob
Wiebe-Neufeld, Helena

Wiebe-Neufeld, Jacob
Wiebe-Neufeld, Tina
WIELER-Wiens, Benhamin
Wieler-Enns, Anna
Wieler-Enns, Cornelio
Wieler-Enns, Helena
WIELER-Klassen, Enrique
Wieler-Hiebert, Anna
Wieler-Hieberth, Francisco
WIELER-Wiebe, Peter
Wieler-Klassen, Anna
Wieler-Klassen, David
Wieler-Klassen, Elena
Wieler-Klassen, Katharina
Wieler-Klassen, Maria
FEHR-Klassen, Johan
Fehr-Peters, Agatha
Fehr-Peters, Agatha
Fehr-Peters, Ana
Fehr-Peters, Henrich
Fehr-Peters, Katharina
Fehr-Peters, Maria
Fehr-Peters, Peter
Fehr-Peters, Susana
NEUDORF-Buercker, Henry
Neudorf-Dyck, Aganetha
Neudorf-Dyck, Christina
Neudorf-Dyck, Henry
Neudorf-Dyck, Jake
Neudorf-Dyck, John
Neudorf-Dyck, Mary
Neudorf-Dyck, Peter
Neudorf-Dyck, Sysan
KLASSEN-Klassen, David
Wiebe-Klassen, Elizabeth
Klassen-Wiebe, David
Klassen-Wiebe, Hentry
Klassen-Wiebe, Peter
Klassen-Wiebe, Benjamin
Klassen-Wiebe, Helena
BANMANN, Diedrich
Banmann-Reddekopp, Susanna
Banmann, Maria
Banmann, John
Banmann, Jacob
BASCHMAN, Jacob Friesen
Baschman, Elizabeth Wieler
Baschman, Benjamin Wieler
Baschman, Jacob Wieler
BERGEN, Herman Neudorf
Bergen, Elisabeth Loewen
Bergen, Elizabeth
Bergen, Herman
Bergen, John
Bergen, Helena
Bergen, Jacob
Bergen, Susan
Bergen, Judy
DUECK-Barkman, Peter
Dueck-de Dueck, Marlene
DYCK-Abram Froese
FEHR-Neufeld, Jacob
Fehr-Penner, Aganetha
Fehr-Penner, Maria
Fehr-Penner, Johnny
FRIESEN, Bernhard Giesbrecht
Friesen-Katharina Funk
Friesen-Franz Funk
Friesen-Maria Funk
Friesen-Peter Funk
Friesen-Susana Funk
FRIESEN-Dyck, Clarence
Friesen-Dyck, Marolyn
FRIESEN-Teichroeb, David
Dyck-de Friesen, Anna
Friesen-Duck, Marlene
Friesen-Dyck, Ricky
FRIESEN, Gerhard Heidi
FRIESEN, Isaac Reimer
FRIESEN, Jacob Hiebert
Friesen, Anna Wieler
Friesen, Aganetha Wieler
Friesen-Jacob Wieler
FROESE, Johan Bergen
Froese, Aganetha Rempel
Frose, Bernhard Rempel
Froese, Gerhard Rempel
Froese, Jacob Rempel
Froese, Johan Rempel
Froese, Judith Rempel

Peters, Susana Knelsen
FROESE, Johan Hamm
Froese, Helena Ketler
Froese, Elisabeth Ketler
Froese, Helena Ketler
Froese, Johan Ketler
GIESBRECHT, David Dyck
Giesbrecht, Sara Redekop
Giesbrecht, Susie Redekop
Giesbrecht, Willie Redekop
GIESBRECHT, Peter Friesen
Giesbrecht, Elizabeth Neustaeter
Giesbrecht, Henrich Neustaeter
Giesbrecht, Jacob Neustaeter
Giesbrecht, Maria Neustaeter
GUENTHER—Friesen, Jacob
Doerksen—Wall, Katherina
Guenther, Helena O.
Guenther, Heinrich
Guenther, Eva
Guenther, Katharina
Guenther, Elizabeth
Guenther, Jacob
Guenther, Ana
Guenther, David
Guenther, Johann
HARDER, Peter
Harder, Anna Wiens
Harder, Agatha Wiens
Harder, Jake Wiens
Harder, Katherina Wiens
HIEBERT, Jacob Rempel
KLASSEN, Jacob Thiessen
Klassen, Helena Peters
Klassen, Anna Peters
Klassen, Elizabeth Peters
Klassen, Eva Peters
Klassen, Isaac Peters
Klassen, Jacob Peters
Klassen, Maria Peters
Klassen, Martha Peters
Klassen, Neta Peters
Klassen, Sara Peters
Klassen, Susana Peters
KLASSEN—Wiebe, Herman
Peters—Martens de Klassen, Helena
Johan
Herman
Sara
Jacob
Maria
Peter
Helena
Anna
Aganetha
LETKEMAN, Peter Harms
Letkeman, Maria Martens
Letkeman, Elizabeth Martens
LOEWEN, Frank Wiens
Loewen—Heide, Agatha
MARTENS, Frank Broese
Martens, Katerina
Martens, Frank Neufeld
Martens, David
Martens, Jacob
NEUFELD, David Teichroeb
Neufeld-Bergen, Judy
PETERS, Abram Guenther
Peters, Maria Bergen
Peters, David Bergen
Peters, Margareta Bergen
REDECOP, Benjamin Peters
REDDEKOPP-Zacharias, Jacob
Reddekopp-Wall, Helen
Cornelius
Margaret
Jacob
REDEKOP-Peters, Benjamin
Redekop-Klassen, Sara
Redekop-Klassen, Peter
Benjamin
Martin
Sara
Margartha
Susana
Helena
Maria
Franz
Abram
David
Heinrich
Cornelius
Wilhelm
REDEKOPP-Zacharias, Peter
Redekopp-Neufeld, Nancy
Redekopp-Neufeld, Maria
REIMER-Kornelson, Gustav
Petkau-de Reimer, Mary
Reimer-Petkau, Susie
Reimer-Petkau, Edward
Reimer-Petkau, Lena
Reimer-Petkau, John
Reimer-Petkau, Gustav
Reimer-Petkau, Alvina
Reimer-Petkau, Shirley
REIMER, Jacke
REIMER, Johan Fehr
REIMER-Fehr, Johan
Friesen-de Reimer, Elizabeth F.
Reimer-Friesen, Cornelius
Reimer-Friesen, Abram
REMPEL, Jacob Siemons
Teichroeb, Nattie Dyck
REMPEL-Siemons, Gerhardt
Rempel-Reimer, Justina
Rempel-Reimer, Susanna
Rempel-Reimer, Sara
Rempel-Reimer, Wilhelm
Rempel-Reimer, Abraham
Rempel-Reimer, Annie
REMPEL-Seinons, John
Rempel-Bueckert, Nettie
SIEMENS, Wilhelm Peters
THIESSEN, Wilhelm Reimer
Thiessen, Helena Siemons
WALL, Jacob Fast
Wall, Agatha Peters
Wall, Anna Peters
Wall, Nicolas Peters
Wall, Susana Peters
WIEBE, Abram Unrau
Wiebe, Margaret Hamm
Wiebe, Aganetha
Wiebe, John
Wiebe, Peter
Wiebe, Susie
WIEBE, Isaak Klassen
WIEBE-Klassen, Ben
Wiebe-Neufeld, Anna
WIEBE-Klassen, Katherin
Wiebe-Klassen, Agatha
Wiebe-Klassen, Eva

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EAZOR EXPRESS, INC.

The Clerk called the bill (H.R. 3459) to waive the statute of limitations with regard to the claim of Eazor Express, Inc., of Pittsburgh, Pa., against the United States.

There being no objection, the Clerk read the bill, as follows:

H.R. 3459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time limitations contained in section 2401(b) of title 28, United States Code, or section 536.45 (h) of title 32, Code of Federal Regulations, are not applicable in the case of any claim for damages presented in writing to the appropriate Federal agency in accordance with section 3675(a) of title 28, United States Code, or section 4802 of title 10, United States Code, within six months after the date of enactment of this Act by Eazor Express, Incorporated, for property damage at the Maspeth Terminal Yard, Brooklyn, New York, sustained as a result of the dredging of Newtown Creek, Queens County, New York, by the United States Army Corps of Engineers in April 1974. Notwithstanding the provisions of section 2401 of title 28, United States Code, or section 745 of title 46, United States Code, an action may be commenced against the United States with respect to the claim described in the preceding sentence if such action is commenced within six months of final denial of any claim filed under such sentence. The failure of the agency to make final disposition of the claim described in the first sentence of this Act within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final disposition of the claim for purposes of this Act.

SEC. 2. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

With the following committee amendments:

Page 1, lines 3 and 4, strike "section 2401(b) of title 28, United States Code" and insert "section 5 of the Act of March 9, 1920 (commonly referred to as the 'Suits in Admiralty Act' 46 U.S.C. 745)".

Page 2, lines 5 and 6, strike "section 2675 (a) of title 28, United States Code" and insert "the Act entitled 'An Act for the extension of admiralty jurisdiction', approved June 19, 1948 (46 U.S.C. 740)".

Page 2, lines 15 and 16, strike "section 2401 of title 28, United States Code, or section 745 of title 46, United States Code" and insert "section 5 of the Act of March 9, 1920 (commonly referred to as the 'Suits in Admiralty Act'; 46 U.S.C. 745)".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAHMUD ALI KHAN ALIAS FAZAL DAD

The Clerk called the bill (H.R. 4032) for the relief of Mahmud Ali Kahn alias Fazal Dad.

There being no objection, the Clerk read the bill, as follows:

H.R. 4032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mahmud Ali Khan alias Fazal Dad may be classified as a child within the meaning of section 101(b)(1)(E) of the Act, upon approval of a petition filed in his behalf by Madame Bilquis Sheikh, lawful permanent resident of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. TOOMAS EISLER AND CARMEN ELIZABETH EISLER

The Clerk called the bill (H.R. 5067) for the relief of Dr. Toomas Eisler and Carmen Elizabeth Eisler.

There being no objection, the Clerk read the bill, as follows:

H.R. 5067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Toomas Eisler and Carmen Elizabeth Eisler shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct two numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. KA CHUN WONG, AND HIS WIFE MARILYN WONG

The Clerk called the bill (H.R. 927) for the relief of Dr. Ka Chun Wong, and his wife, Marilyn Wong.

There being no objection, the Clerk read the bill, as follows:

H.R. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Ka Chun Wong, and his wife, Marilyn Wong, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct two numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ERIC GEORGE SIX, ANN ELIZABETH SIX, AND KAREN ELIZABETH MARY SIX

The Clerk called the bill (H.R. 7764) for the relief of Dr. Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six.

There being no objection, the Clerk read the bill, as follows:

H.R. 7764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct three numbers from the total number immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

With the following committee amendments:

On page 2, line 4, delete the word "fee" and insert in lieu thereof the word "fees".

On page 2, line 5, delete the word "alien" and insert in lieu thereof the word "aliens".

On page 2, line 9, delete the word "alien's" and insert in lieu thereof the word "aliens' ".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR SETTING ASIDE LANDS AND INTERESTS WITHIN WINEMA NATIONAL FOREST TO EDISON CHILOQUIN AND FOR TRANSFER OF MONEYS TO MR. CHILOQUIN FROM KLAMATH INDIAN SETTLEMENT TO SECRETARY OF AGRICULTURE

The Clerk called the bill (H.R. 7960) to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests.

There being no objection, the Clerk read the bill, as follows:

H.R. 7960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby directed to set aside in special trust for Edison Chiloquin of Chiloquin, Oregon, the beneficial use and occupancy of and to a tract of land including the area known as Chiloquin Village, located within sections 2 and 11, township 35 south, range 7 east, Willamette Meridian, Klamath County, Oregon.

SEC. 2. The Secretary of Agriculture shall reserve to the United States the legal fee to these lands. The uses of these lands shall not be inconsistent with its cultural, historical, and archeological character. Should the land and interests conveyed herein be used by Edison Chiloquin, his heirs, or assigns, or by others with their consent for other than traditional Indian purposes, they may revert to the United States to be held in perpetuity to protect the significant archeological, cultural, and traditional values associated with these lands.

SEC. 3. The Secretary of Agriculture in consultation with the Secretary of the Interior, shall determine and assure that the value of the beneficial use and occupancy of the area set aside in special trust for Edison Chiloquin is substantially equal to the amount of the share of the proceeds from Civil Numbered 74-894, U.S.D.C. Oregon, which share would otherwise be available to Mr. Chiloquin.

SEC. 4. The moneys to which Edison Chiloquin would otherwise be entitled as payment for his share of the Act of August 16, 1973 (87 Stat. 349) and Civil Numbered 74-894, U.S.D.C., Oregon, shall be paid to the Secretary of Agriculture, who shall deposit such moneys into a special fund in the Treasury. Such moneys shall remain available until expended by the Secretary of Agriculture for the acquisition of lands or interests therein within the former boundaries of the Klamath Indian Reservation which are determined by the Secretary of Agriculture to be suitable for national forest purposes. Lands or interests therein acquired under this section shall become part of the Winema National Forest and subject to the laws, rules, and regulations applicable to the national forests.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUN AE HEE

The Clerk called the bill (H.R. 5788) for the relief of Jun Ae Hee.

There being no objection, the Clerk read the bill, as follows:

H.R. 5788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Jun Ae Hee shall be held and considered to be the natural-born alien daughter of James and Amy Kline, citizens of the United States: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

That, in the administration of the Immigration and Nationality Act, Jun Ae Hee may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. James Kline, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship be accorded any right, privilege, or status under the Immigration and Nationality Act.

The commitee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

FOR THE RELIEF OF VIKTOR IVANOVICH BELENKO

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 2961) for the relief of Viktor Ivanovich Belenko, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Viktor Ivanovich Belenko, who was lawfully admitted to the United States for permanent residence on September 9, 1976, shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States; shall not be held or considered to be within any of the classes of persons described in section 313 of that Act; and, notwithstanding the provisions of section 310(d) of that Act, may be naturalized at any time after the date of enactment of this Act if otherwise eligible for naturalization under the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RIP VAN REAGAN

(Mr. RICHMOND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RICHMOND. Mr. Speaker, among the tales in the rich folklore of New York is the story of Rip Van Winkle, who wandered into the countryside and fell asleep for 20 years. When he awoke, Van Winkle found a changed world. Try as he might to adapt to the changes, Old Rip just could not fit into the new scheme of things.

A modern version of this tale has Ronald Reagan playing the lead role. In the new story, Rip Van Reagan went to sleep with a prayer on his lips: "I hope," he said, "that the Federal Government will not bail out New York City."

When Mr. Reagan awoke, he found himself to be the Republican nominee for President. He also tried to fit into the new scheme of things: Now he prays for New York's votes. As Mr. Reagan wipes the cobwebs from his tired eyes, he offers a promise to help New York if elected.

It has been said that "history repeats itself: The first time as tragedy, the second time as farce." So it is with our two sleepers. The tragedy of the Rip Van Winkle story has become the farce of this year's Republican Presidential candidate.

THE ARREST OF ZUBEIDA JAFFER IN SOUTH AFRICA

(Mr. MAGUIRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAGUIRE. Mr. Speaker, Zubeida Jaffer, a 22-year-old journalist for the Cape Times in South Africa is presently being held by the South African Government under the infamous section 6 of the Terrorism Act, the same law that Steve Riko was held under at the time of his tragic death. She is now being detained at the same Port Elizabeth prison where Biko died.

Ms. Jaffer, at the time of her arrest, had written a series of reports on the riots that occurred this year in South Africa. Her reports on developments in the black communities were far more detailed and far more authentic than any white journalist could have produced and is almost certainly the reason why she is being held.

Under section 6 she may be held indefinitely without trial, without being charged. She is denied the right to see her family. Under section 6 South Africans have been tortured.

Mr. Speaker, I see her arrest as another example of South Africa's blatant disregard for human rights and I urge my colleagues to join me today in writing to the Ambassador of South Africa to the United States requesting her release.

THE MISSING LINK IN REGULATORY REFORM

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, no chain is stronger than its weakest link and I want to identify today the missing link in the chain of regulatory reform. President Carter announced in 1976 a bold program for reforming the regulatory process and streamlining Government.

The many accomplishments which the administration has achieved in regulatory reform, however, have become ashen because the missing link is the regulation reform bill which was the centerpiece and linchpin of regulatory reform and which has widespread support on both sides of the aisle in the Congress and with the public. But the administration and certain powerful people in this body refuse to let the House of Representatives vote on this vital legislation before the election. These people have sabotaged this bill in the face of an overwhelming support for it. That is a grave disservice to the American people. Some of the advisers to the President and some of his friends in the Congress have rendered him a disservice by not letting the vital link be forged in a meaningful regulatory reform record. The voters in November are going to pass judgment on this. The American people are going to demand a true reform of the bureaucracy including a congressional veto over the rules and regulations issued by the unelected bureaucrats that control the lives of all the people in this country.

The American people are going to elect a Congress in November that will be even more supportive of an even stronger regulatory reform bill to curb the bureaucracy. I hope to be part of that effort and to bring Government back under control of the people.

ISRAEL'S INFLATION-INDUCED NEW CURRENCY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, early in the year I remember reading that Israel had made a decision to convert its currency from the Israeli pound to the Biblical shekel. I noticed an article in Tuesday's New York Times announcing that yesterday was the day that the conversion to the new currency took place.

Israel has suffered through triple-digit inflation—an anual rate of 134 percent—and part of the reason for the conversion to the new currency was "too many zeros" in the old currency, these zeros having been made necessary by the inflation. In Israel, inflation was causing problems with normal transactions, as computers simply were not designed or programed for the extra zeros.

Much of the inflation in Israel is the result of indexing every aspect of the economy. As in this country, indexation including government spending has two main effects. First, it lessens the incentives to hold prices down or, perhaps more correctly, it increases the incentives to raise prices. And, second, indexation itself contributes to inflation as higher prices interact with higher incomes, because of inflation, which leads to still higher prices, which continues the upward price spiral.

I recall hearings held by the Budget Committee in which this topic of indexation was discussed. It was pointed out that Israel has plans to deindex much of what had been indexed in a drastic anti-inflationary move. I wish them godspeed, and I hope we in this country pay close attention not only to Israel's efforts to correct inflation, but also to their past experiences and causes of inflation.

The No. 1 priority of this Congress must be meeting the challenge of arresting inflation, or down the road we too may have to convert our currency.

CONGRESS MUST STOP LEAKS OF DEFENSE SECRETS

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, we are seeing a persistent and reprehensible series of leaks of highly classified U.S. defense secrets by officials of the Carter administration.

I was dismayed this week to turn on a network television news program and see Defense Department film footage of top secret laser weaponry shooting down a target drone.

When I was shown similar films at official briefings, they were highly classified.

Congress must determine who is responsible for such leaks—and whether they are prompted by disloyal motives, including ties or commitments to a foreign power or organization, monetary gain, or some other opportunistic reason.

Any Government official, no matter what his position, must be prevented from aiding the enemy by leaking U.S. secrets under any pretext, and must be prosecuted to the full extent of the law for any violation.

LAST WORD ON LAMEDUCK

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, normally, at the close of a session, we would be saying our goodbyes to many of our colleagues but such is not the case today. We will all be dragged back here right after election for only the 6th lameduck session in the last 45 years.

I think we Republicans have made our case against the lameduck session. It is an absurdity and an embarrassment to us all.

I got to thinking, however, that there will be something sentimental about the lameduck session. It will be the last time that a good many of our friends on the other side of the aisle will be getting together before making way for a new and larger class of freshman Republicans.

I am sure it will be a very nostaligic, and emotional time, a going away party where hearts are heavy and longtime friendships are relived one last time. There will be a lot of memories rekindled before each goes his separate way.

I can see it all now, the Speaker with his burly arm wrapped around the shoulders of his colleagues singing that old refrain "Republicans are breaking up that old gang of mine," as the teary-eyed toasts are made to the great glory days of our friends on the other side.

CONGRESS SHOULD EXTEND REVENUE SHARING WHEN THEY RETURN IN NOVEMBER

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I rise to call my colleagues' attention to the fact that because of maneuverings with the legislative schedule, one of the most vital programs of the whole federal system may go by the boards.

I am speaking, of course, about the local revenue sharing program. Because of this House's failure to act on the General Revenue Sharing Extension Act before the 1st of October, local governments will face real estate tax increases amounting roughly to $4.7 billion. We in the full House, of course, do not have to worry about the State revenue sharing program—it was given the kiss of death by the Committee on Government Operations earlier this year.

Mr. Speaker, this important program, a program which has seen so much success and has so much support nationwide, may not even be considered after the election. This is because the heat will be off—the State Governors and all the local officials, the people who can attest to the attributes of revenue sharing will have lost their ace card in lobbying—our preelection accountability.

I urge my colleagues to take a closer look at how these funds have been put to use when they are back in their districts this month, and further urge them to come back ready to support extension of revenue sharing when they return to Washington in November.

□ 1020

CARTER'S $4.6 BILLION PROPERTY TAX INCREASE

(Mr. WYDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDLER. Mr. Speaker, on September 30, 1980, the general revenue sharing program expired. For the first time in 8 years our States and communities are without a revenue sharing program. I am sad to say that this administration has done nothing about it. What is the result—a $4.6 billion local property tax increase.

For all his proclamations and statements that he is interested in the plight of our States and localities, President Carter and his administration have done nothing to get the revenue sharing program reenacted.

Ask any mayor or county executive what Federal program in their opinion is the best for their governments and they will tell you revenue sharing. The program operates efficiently and economically, there are no rules or regulations to speak of. In sum, it is a model Federal program, but what does Mr. Carter and his administration do—nothing.

Now frankly, I am confused by all this. The administration continually tells us how much they want to do for American cities. And yesterday they let the program expire.

What is President Carter telling New York when that city stands to lose $300 million next year because of his fumbling?

What is he telling Nassau County which stands to lose $28 million?

What is he telling Chicago when that city stands to lose $71 million?

What is he telling Newark when that city stands to lose $10 million?

What is he telling Los Angeles County governments which stand to lose $200 million?

He is telling America's cities and counties "drop dead."

And it is not only our big cities and counties that are being victimized by Mr. Carter's policy, it is all 38,000 units of local government in this Nation: Urban, suburban and rural. Each one of these communities stands to have increased property taxes next year to make up for the loss of revenue sharing. American property taxpayers should know that their property taxes went up as of yesterday as a result of the administration's inaction. No amount of Carter rafshoonery will make them forget either.

THE ADMINISTRATION APPARENTLY DOES NOT SUPPORT REVENUE SHARING

(Mrs. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SNOWE. Mr. Speaker, the Washington Post editorializes today that "a lameduck session is a marvelous device for escaping political responsibility." It further states "a lameduck session is dangerous." This is certainly true in the case of the general revenue sharing program. Its future is at best uncertain. Due to the administration's and Congress inaction, we have no assurance that this bill will ever be taken up. Local government budgets, all 38,000 of them will now be thrown into panic and uncertainty.

For the last year those of us concerned with revenue sharing have been warning the administration that their indecision was endangering this vital program. After months of stalling and delay, last April the administration finally sent us their renewal proposal. I would point out that in a similar situation 4 years ago, President Ford sent his revenue sharing extension legislation to the Hill in April of 1975. a full year and 8 months before that program expired.

Many of the cities and towns in Maine start their fiscal year on January 1. They are already in their budget planning stage. How can they plan when this administration puts them on hold. The message from the administration is clear—do not count on any revenue sharing money. Many of the smaller towns in Maine use revenue sharing funds for essential services like police and fire. If they do not receive funds they will probably have to raise their property taxes. This could mean close to $30 million in increased property taxes across the State. Nationwide this could mean increased property taxes of $4.6 billion.

Mr. Speaker, when the administration wanted it, they railroaded targeted fiscal assistance, or targeted political assistance, out of committee and onto the floor in 2 weeks. But the administration apparently does not support revenue sharing, and their actions may well have killed it.

THE CARTER DOCTRINE ON THE MIDDLE EAST

(Mr. JOHNSON of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Colorado. Mr. Speaker, the latest action in the implementation of the Carter doctrine on the Middle East is to send four airplanes and approximately 300 troops to the defense—I am quoting the administration—of Saudi Arabia. The President of the United States, in my opinion, does not have the legal authority to send troops anywhere in the world at his whim, at the request of a foreign country. We have no treaty obligations to Saudi Arabia.

Mr. Speaker, a war for oil would be shameful; a show of military force in the Middle East to enhance his election prospects in November is disgraceful.

WAR COULD THREATEN AMERICA'S MINERALS LIFELINE

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker,

in the face of the Iran-Iraq war, we would do well to consider America's vulnerability regarding strategic and critical minerals. America imports 42 percent of our manganese, 48 percent of our chromium, 76 percent of our cobalt, and 93 percent of our platinum from one small and highly volatile region of the world.

Therefore, today I will deliver to Gov. Ronald Reagan a letter signed by the minority leaders of both the Senate and House as well as 16 ranking Republicans on the committees and subcommittees of jurisdiction regarding the strategic and critical mineral issue. In that letter we detail the nature and severity of the impending crisis in nonfuel minerals, we condemn the purposeful scuttling by the Carter administration of a bipartisan review of the issue as well as the President's apparent willingness to ignore this issue; and we congratulate Governor Reagan for addressing strategic and critical minerals and pledge to him our support for the development of an effective legislative program to deal with this growing crisis of mineral dependence and vulnerability.

CARTER CAMP CHOOSES LOW ROAD

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, with less than 5 weeks to go until the election, it has become evident that Jimmy Carter intends to pursue the low road in his bid for a second term. Patricia Harris threw the first mudball when she tried to link Ronald Reagan to the Ku Klux Klan. Then, in recent weeks, we have seen the President himself accuse Governor Reagan of being a racist and a war monger. This week, the Carter campaign turned its invective on JOHN ANDERSON, saying he is nothing more than a spoiler and should drop out of the Presidential race.

We can only speculate on why the Carter camp has chosen the low road. Perhaps it is because they cannot defend their record of the last 4 years. Perhaps it is because they are getting desperate and want to divert public attention away from the real issues of this campaign, including the need to curb inflation, create jobs, lower taxes, and reestablish a strong national defense. Perhaps it is because the President is not as self-righteous as his image makers have led us to believe. In any case, I am confident that if Jimmy Carter persists in taking the low road during the remaining weeks before the election, he will find that it leads to Plains, Ga., not Washington, D.C.

DEMOCRATS' DOUBLE STANDARD

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, while I expect to support the Committee on Ethics' recommendation which will be before this body today, I am troubled by the Democratic double standard that seems to prevail. Former Representative Diggs was convicted of 29 felony counts; yet last year the Democratic leadership refused to even let us consider expulsion. They moved to table the motion, the Members will recall, thereby refusing to even let us debate the issue.

What is different between the Myers case and the Diggs case? The big difference that is obvious is that we are one month away from an election. It seems perhaps that the Democratic leadership's ethical sensitivities exist in inverse proportion to the number of days remaining before an election.

ECONOMIC PERFORMANCE MEASURED BY MISERY INDEX IS WORSE TODAY THAN IN 1976

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, one of the early speakers mentioned the story of Rip Van Winkle and suggested that one of the candidates has difficulty telling the difference between fact and fiction. But just who is that one candidate? What do we have President Carter saying these days? According to an article that appeared in the Washington Post yesterday, he suggested indirectly that a Reagan victory would mean the "alienation of black from white, Christian from Jew, rich from poor, and North from South." That is an incredible statement that does not really mean anything, but it is in keeping with President Carter's statements of the past weeks.

Perhaps the reason why he is saying that is because he wants us to confuse fact with fiction.

In 1976 Carter charged that President Ford's economic performance as measured by a misery index was the worst in 50 years. When you add up the inflation rate with the unemployment rate at that time, it equaled a rating on the so-called misery index of 12.2 percent. What does that misery rate come to today? Nineteen point one percent. If 12.2 percent was good enough for Jimmy Carter to say we should get rid of Jerry Ford, 19.2 percent is certainly good enough to remove Jimmy Carter from the White House.

TAKE CARE OF OUR ECONOMIC NEEDS IN AMERICA

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, I just heard the gentleman rise to talk about the need for funds for the farmers. Certainly the farmers need money. I want to tell you business needs money; the young people need money to buy homes; all America needs money. This morning as I went through my research data, I was reminded again of what this liberal Congress has been doing with the money of the people of America. It says here in this report that the totals for Federal foreign aid spending in 1976, the year before President Carter came in office, were $6,413,000,000. This past year it was $13,643,000,000. What the record shows is that this Congress borrows money, borrows money and gives it away in foreign aid, instead of investing it with the American people.

It is time that we take care of our economic needs in America before we waste more money on foreign aid.

□ 1030

NICARAGUA AND TERRORISM

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, earlier this year, at the President's request, the Congress passed the special Nicaraguan aid bill, H.R. 6081. The legislation including several safeguard amendments was then signed into law, Public Law 96–257. A key amendment to the legislation offered by our collegaue, BILL YOUNG of Florida, required the President to certify to Congress before the release of any funds that the Sandinista government "has not cooperated with or harbors any international terrorist organization or is aiding, abetting or supporting acts of violence or terrorism in other countries."

On Tuesday of this week, the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs of which I am a member, held an oversight hearing on this Presidential certification which the President issued on September 12, 1980. The subcommittee heard testimony, both classified and unclassified, from Members of Congress, the Department of State, the Defense Intelligence Agency and the Central Intelligence Agency. It is the judgment of a majority of the subcommittee members that there is a high likelihood that Nicaragua is in fact engaging in those very activities described in the Young amendment and that this action represents official Sandinista policy.

I must express my great concern that for the President to certify to Congress that Nicaragua is not engaging in terrorism or exporting violence and revolution, indicates that either he was not told the facts by his advisers or he chose for political reasons to ignore them. Therefore, I call upon the President to review his decision and the entire determination process, keeping in mind that the law requires him to make all such loans immediately due and payable if such evidence is brought to light.

I am inserting the full text of Congressman YOUNG's statement in the Extension of Remarks of today's RECORD for your review.

OUR APATHETIC ATTITUDE TOWARD THE USE OF POISON GAS

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, when I was a young boy, 12 years of age, at the end of World War II, I could not understand how 6 million Jews could be exterminated without the democratic nations of the world ever raising a voice in protest. However, I now completely understand how the world can be blind to such unbelievable and indescribable evil.

I mentioned the other day, Mr. Speaker, that virtually the entire H'Mong people of Laos were being murdered, tortured, starved, and gassed out of existence. I also discussed the fact that medical experiments to assess the effects of the gas had been organized by the Soviet Union, and that this genocidal campaign had reduced the H'Mong population from an original of half-a-million to 70,000.

I had a briefing this morning that confirms that this gassing program is even worse than is generally known. I hope the ladies and gentlemen of the fourth estate up in the press gallery and all of us while on airplanes returning home to our districts will read this horrendous story which is the lead article in this month's Reader's Digest.

The final line of this story refers to a young H'Mong boy, who says with one tear going down his face, "I am so sorry my country is dying," he said in a voice of pain. "Please do something."

Mr. Speaker, it is a disgrace that the Department of State of our great country has known about the gassing of the H'Mong for 18 months and done nothing. It also knows that gas is being used by the Soviets in Afghanistan.

For God's sake, let us do something about this gassing and extermination of an entire people in Laos.

I also want to thank the Speaker for the courtesy he has extended me while I speak on this horrendous issue.

Do something.

CREDIT CONTROL

Mr. STANTON. Mr. Speaker, here in the Chamber yesterday afternoon the House by unanimous consent adopted the Senate-passed version of the Council on Wage and Price Stability, with an amendment. By unanimous consent of this House, Mr. Speaker, we sent the amendment to the other body. The amendment, Mr. Speaker, was to agree with the other body that the Credit Control Act of 1969 should expire in a year and a half from now.

Mr. Speaker, it is with regret that I learned today the other body did not take up the papers because the papers, due to a telephone call from Secretary Miller and Stu Eizenstat to the Speaker, asked for the papers to be returned to the House. Mr. Speaker, it is my understanding, and the staff has reported to me that this action was taken without consultation with the chairman of our committee, the gentleman from Wisconsin (Mr. REUSS) or the chairman of the subcommittee, Mr. MOORHEAD. Mr. Speaker, I wish to express my deepest disappointment in this action taken contrary to the unanimous consent of this House.

ADMINISTRATION SETS UP BOUNTY HUNT TO FILL HISPANIC QUOTAS

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute.)

Mr. ASHBROOK. Mr. Speaker, while millions of Americans are unemployed, the administration has set up an almost $500,000 bounty hunt to find Hispanics to fill civil service jobs paying from $18,500 to $50,000 per year. Under this program, in which the Office of Personnel Management (OPM), and the Departments of Commerce, Housing and Urban Development, and Health and Human Services are participating, the Vacancy Outreach Service will be paid $167 to bring in a qualified Hispanic applicant.

This program has just begun. Phillip Shandler, writing in the Washington Star, quotes an OPM spokesman as saying that this first $455,000 represents just a pilot program, and added that, "If it does well, we may be able to get more money for this approach."

It should be emphasized that this program is not aimed at employing needy people, but at filling ethnic quotas in middle- and upper-grade jobs. By this means, the Federal bureaucracy is seeking to fill quotas in competition with colleges and businesses which are also trying to fill similar ethnic quotas already imposed on them by that same Federal bureaucracy.

This administration insists on cutting back the child nutrition programs—programs which provide food to school children. That is an area in which I have found myself in the unusual position of opposing a funding cut proposed by a liberal administration. There is not enough money for school lunches, but there seems to be no problem finding a half million dollars ready, and expecting plenty more, when liberal ideologies want to play their racial numbers game. As always, real needs take second place to liberal ideology.

FAILURE TO PASS REVENUE SHARING LEGISLATION

(Mrs. HECKLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HECKLER. Mr. Speaker, it is unthinkable that the House will recess today without completing consideration of revenue sharing legislation. Congress failed to act and as a result this important program expired on September 30. I urge my colleagues to remedy this error.

Clearly, the program is one of the most vital Federal programs available to local governments. It provides for stable budgetary and fiscal planning and insures the adequate provision of essential public services that range from health care to transportation needs.

Revenue sharing gives local governments maximum flexibility to quickly respond to pressing community needs. This program represents a wise use of taxpayers' money and lets each community decide how and where to spend its money.

If we fail to act on the reauthorization of the program, it will mean a loss of over $143 million to local communities in Massachusetts. My own congressional district alone received close to $90 million in the last several years. These were dollars that spelled growth and revitalization of hundreds of communities in Massachusetts.

Now these communities are severely hampered in goals they have set for community development. They must set their tax rates without the benefit of these badly needed funds. For instance, in the town of Hanson, in the 10th Congressional District, this will mean an additional $4.35 tax burden for every resident.

Multiply this figure for the hundreds of cities and towns in all the congressional districts in this Nation, and you will see a deterioration in facilities, services and ultimately the spirit of our citizens.

Revenue sharing is no gift. It is simply the process that allows Americans to receive a fair share of the Federal pie that they, in fact, pay for.

A vote for revenue sharing says we will not balance the Federal budget on the backs of our Nation's towns and cities.

The passage of this legislation represents a victory for local governments to beat back a bureaucratic bid at control of Federal funds.

A NOTE OF OPTIMISM; THE PERMANENT THINGS

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. BAUMAN. Mr. Speaker, I have listened this morning with great interest to all the gloom, doom, politics and other disasters on both sides of the aisle and it prompted me, since this is probably the last day of our session before the recess, to make some observations about other and different things. I learned long ago in politics to always close on a note of hope.

Mr. Speaker, the harvesters are in the field on the Eastern Shore of Maryland and the corn is coming in. It has been a bad summer and the drought has reduced the bushel yield, but there is corn and the beans look good. Along with the coming election ads I have already seen ads for Thanksgiving turkeys. The pumpkins have appeared at the roadside stands and the cider is on sale.

Mr. Speaker, the other morning I heard for the first time this fall the voice of the Canadian geese which to us in Maryland is a promise of hope and a good future. They have come home again.

No matter what we do here in the closing days or have done for the last 2 years, perhaps this Congress ought to think about these things too. They are, perhaps, more enduring and permanent.

APPOINTMENT OF CONFEREES ON H.R. 8146, FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION ACT OF 1980

Mr. CORMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8146) to provide a program of Federal supplemental unemployment compensation, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, could I inquire of my colleague, the gentleman from California (Mr. CORMAN) if the House agrees today to go to conference, when does the gentleman think that would occur?

Mr. CORMAN. I would assume it would be sometime close to the 12th of November. As I understand it, the Senate has recessed until that time and, therefore, I assume they will not be appointing conferees until that time.

Mr. ROUSSELOT. Let me repeat, November 12 or thereafter. Mr. Speaker, I thank the gentleman for his comment.

Further reserving the right to object, I yield to my colleague from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

I was tempted to object to this unanimous consent request because I have little idea about what we would go into conference on. The Senate only passed its version last night and little is known about it now. But, it seems obvious we have to go into conference at some time. It is also obvious we cannot go into conference before November 12.

Because of difficult, controversial features, the matter could not be resolved. Regrettably it must be laid over until after the election. I suppose we may as well be prepared as soon as possible thereafter to go into the conference.

Mr. Speaker, I shall not object and I thank the gentleman for yielding.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

☐ 1040

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. ULLMAN, CORMAN, RANGEL, BRODHEAD, ROUSSELOT, and FRENZEL.

CALL OF THE HOUSE

Mr. CHARLES H. WILSON of California. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 620]

Addabbo
Akaka
Alexander
Anderson, Calif.
Andrews, N.Dak.
Annunzio
Anthony
Ashbrook
Ashley
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Donnelly
Dornan
Dougherty
Downey
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Hawkins
Heckler
Hefner
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McEwen
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rosenthal
Rostenkowski
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schulze
Sensenbrenner
Sharp
Shelby
Shumway
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Stangeland
Stanton
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Winn
Wirth
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

☐ 1050

The SPEAKER. On this rollcall 365 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

IN THE MATTER OF REPRESENTATIVE MICHAEL J. MYERS

Mr. BENNETT. Mr. Speaker, I call up the privileged resolution, House Resolution 794, in the Matter of Representative MICHAEL J. MYERS, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 794

Resolved, That, pursuant to article I, section 5, clause 2 of the United States Constitution, Representative Michael J. Myers be, and he hereby is, expelled from the House of Representatives.

☐ 1100

MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STOKES moves to postpone further consideration of House Resolution 794 until November 13, 1980.

The SPEAKER. The gentleman from Ohio (Mr. STOKES) will be recognized for 1 hour.

The Chair would request that the Members be seated. The Chair thinks, in fairness to both the Member charged and the committee, that as many Members as possible should be present on the floor.

The Chair would ask the manager of both cloakrooms to notify the Members.

The Chair recognizes the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Speaker, I yield to my distinguished chairman of the Ethics Committee, the gentleman from Florida (Mr. BENNETT).

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, in order to preserve the integrity and the accuracy of these proceedings, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the Extension of Remarks section of the RECORD, but this consent request does not apply to revisions of remarks to be delivered in the House today.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Speaker, my motion to postpone would postpone the proceedings until the 13th day of November, the second day after we return from the recess.

Mr. Speaker, this is a historic moment

in the House of Representatives. Not since 1861, nearly 120 years ago, has the House expelled one of its Members. As we consider the resolution of expulsion today against Representative MYERS, it seems to me that we should do so with all the care and due regard for both this institution and the individual involved. This institution makes the Nation's laws. Therefore, we have the obligation to be more concerned with the rule of law and the observance of law than any other institution in America.

The resolution of expulsion now before the House comes to the floor by virtue of a resolution adopted by the Ethics Committee on which I sit. Our committee passed a resolution which made a finding, pursuant to rule 14 of the committee's rules, that the committee should proceed promptly to hold disciplinary hearings for the sole purpose of determining what sanction to recommend to the House for the offenses he had committed. The decision of the committee to proceed under rule 14 was made after extensive discussion as to whether to proceed under rule 14 or rule 16 of the committee's rules. Had the committee proceeded under rule 16, we would have conducted a disciplinary hearing to receive evidence upon which to report findings of fact and recommendations to the House.

Instead, the committee chose a summary procedure under rule 14 which avoids the requirements of a normal disciplinary hearing such as rule 16 under which a Member would have the right to call witnesses, offer evidence, cross-examine witnesses against him and have the burden of proof rest on the committee staff with respect to establishing the case against him by clear and convincing evidence.

The truncated procedure under which rule 14 operates provides that if a Member, officer or employee of the House is convicted of a criminal offense for which a sentence of a term of at least 1 year may be imposed, the committee shall conduct a preliminary inquiry to review the evidence in order to ascertain whether it constitutes a violation over which we have jurisdiction.

If we make such a determination, a preliminary hearing is then held for the sole purpose of what action to recommend to the House respecting such an offense. The committee determined that Representative MYERS had been convicted as a result of the verdict of guilty by a jury at his trial. At the committee we learned that there is still pending at the trial court level a due process hearing which has been retained by the trial judge for an evidentiary hearing on whether the Member's due process rights were violated. This evidentiary hearing raises serious constitutional questions, alleging that the executive branch of Government improperly and unconstitutionally devised a Sting operation to test the probity of Members of Congress and that such a scan violated the constitutional doctrine of separation of powers.

It also raises serious questions under the speech and debate clause.

Now, I contend, Mr. Speaker, that I cannot vote to expel a Member, whose trial has not yet been completed, with this part of the trial still pending at the trial court level.

Additionally, the Member, while convicted by a jury, has not even yet been sentenced by the court.

Because rule 14 references conviction in the context of Federal, State, or local court proceedings, it is necessary, then, that we look at rule 32(b)(1) of the Federal Rules of Criminal Procedure, which provides that, and I quote:

> A judgment of conviction shall set forth the plea, the verdict or findings and the adjudication and sentence. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly. The judgment shall be signed by the judge and entered by the clerk.

Now, I cannot, Mr. Speaker, in good conscience vote to expel a Member where his sentence has not even yet been imposed, may never be imposed, and where no judgment or conviction has even been entered upon the court's records.

Therefore, it is indisputable that the trial process has not yet been completed, and there has been no final judgment in the trial court, which is necessary in order to proceed under rule 14 of the committee's rules.

In summary, Mr. Speaker, where the legislative branch seeks to use a conviction obtained in Federal court for purposes of adjudicating guilt in pursuance of its constitutional authority to expel its Members without a full trial and the accompanying panoply of protective seals that are attendant thereto, the predicate conviction should be imbued with a sense of complete and unequivocal finality so as to leave no doubt as to its validity.

I have chosen to confine my remarks just to these legal aspects, with the knowledge that other Members have other concerns, such as the political situation in which we find ourselves today. But it just seems to me that as 435 of us go home today, in order to try and cement our own reelection and our own place in history, it seems to me that it is totally unfair for us to deny one Member of this House the same thing that each of us is concerned about doing in terms of our own reelection. And it seems to me that, in a sense of fairness that this House owes this Member of the House, the obligation to have his rights determined, which can be determined, it would seem to me, by the 13th day of November when we come back to this House, I would urge the House to postpone this proceeding until we can do so in an atmosphere of fairness, the same kind of fairness that I think each and every Member of this House would ask of the other 435 Members with whom they serve.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has consumed 9 minutes.

To whom does the gentleman yield?

□ 1110

Mr. STOKES. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. HAMILTON), who is a member of the Committee on Standards of Official Conduct.

Mr. HAMILTON. Mr. Speaker, I rise in support of the motion to postpone House consideration of this resolution until the second day that we return from the recess on November 12.

Like many of you, viewing the tapes for me was a profoundly disturbing experience.

It is really very hard to believe that a Member of this House could so conduct himself. The tapes are powerful evidence of gross misconduct.

That conduct may very well be sufficient eventually to support a motion to expel, but this House has an obligation not only to discipline its Members for misconduct, but to do so in a manner that is scrupulously fair and above reproach.

How we act in these disciplinary cases is just as important as the conclusions we reach. The overall goal of a House disciplinary proceedings is to repair the damage that has been done to the integrity of the House by the Member's misconduct. That goal cannot be achieved unless our proceedings are fair to the accused.

I trust it is not necessary for me to say that I do not support or condone Mr. MYERS' actions. Personally I find those actions reprehensible. Nonetheless, I believe that to expel Mr. MYERS today is premature for several reasons. First, this motion to expell is premature because we simply should not decide it in a pre-election atmosphere. It is not fair to Mr. MYERS to decide his fate in that kind of an atmosphere. The decision should be made on the basis of a careful study of the evidence and scrupulously fair procedures, not on the basis of political pressures. Members simply cannot free themselves from those pressures at the present time.

Despite the conduct of Mr. MYERS, indefensible as it may be, can anyone seriously contend that it is fair to Mr. MYERS to bring this matter to a vote today, with all of the urgent and immediate political pressures on the Members who face an election in a few days and with very little time to explain to constituents a tough vote.

Members sit here this afternoon or this morning with airplane tickets in their pockets, with bags packed and poised for the rush to the airport which will begin in a matter of minutes when this matter is disposed of.

It seems to me that the political pressures on Members to vote to expel are in many cases simply overwhelming.

Would any one of us, were we to find ourselves in Mr. MYERS' place, think that that was a fair deal? I think not.

It is not a cool, deliberate, dispassionate atmosphere in which an issue of this magnitude to Mr. MYERS and to the House should be decided.

Our zeal to prove to our constituents

just before election our own purity should not override our duty to treat the accused with fundamental fairness. I cannot see any great harm in delaying this expulsion vote until the second day after we return. The main aim of an expulsion is to remove the Member of the House from his legislative duties.

During the recess, Mr. MYERS, of course, will not be engaged in any legislative duties.

Second, this motion is premature because the due process arguments have not even been heard by the courts, let alone decided.

Mr. MYERS' final conviction in the court is still contingent, as the gentleman from Ohio mentioned, upon the court hearing his arguments that he has been denied due process by governmentally created conspiracy.

The questions raised in those arguments are important. Why was Mr. MYERS targeted for investigation? Was he lured into committing an act that he otherwise had no intention of committing? Did the Government commit a crime itself? Did the Government manufacture a crime?

Now I do not mean to suggest the answer to those questions, but attempting to prove them will result in the production of evidence that relates to an offense under rule 14.

What matters, in my judgment, is not that Mr. MYERS has not been technically convicted but why he has not been convicted. He has not been convicted because his due process arguments have not been heard, and it is premature to proceed to expel a Member until they have been heard and evaluated.

Now, third, the motion to expel is premature because it breaks so sharply with historical precedents of this House. If we choose to break those precedents, we should do so only after the most careful and deliberate consideration.

In the entire history of this Congress only 15 Senators and only three Representatives have been expelled. They have been expelled for treason or in one case, for conspiracy against a foreign government. No Member of the House has been expelled for less than treason.

Mr. MYERS is charged, not convicted, with corruption. No Member has been expelled for corruption.

Moreover, House expulsion proceedings against a Member convicted in the courts have always been suspended at least until the appeals process has been exhausted.

Mr. MYERS has not been convicted yet, much less exhausted his appeals.

If the court should fail to convict or if a conviction is reversed on appeal, this House could find itself in the position of having expelled a Member who has never been—and may never be—convicted of a crime, when the precedents of the House dictate expulsion only for treason.

Now precedents can, of course, and should be overturned for good reasons. Those reasons may eventually exist here; but in these rare and most serious expulsion cases, such strong and consistent precedents of the House should not be overturned prematurely or without scrupulous regard for the rights of the accused.

In sum, there are no good reasons to rush to judgment, except to meet our own political needs.

On the other hand, there are two good reasons, at least, to delay. First, Members will have the evidence and the time to permit a proper analysis of this due process question.

And second, Members will decide this important, unprecedented action in a nonpolitical and more dispassionate atmosphere.

I urge my colleagues to support the motion.

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from California.

Mr. PHILLIP BURTON. I would like to proudly associate myself with the gentleman's remarks, as well as the remarks of the gentleman from Ohio. There are few more thoughtful individuals serving this body than the gentleman in the well, Mr. HAMILTON. I fully support the effort to postpone this action until after the election. The action today regrettably, and we all know this privately, would be little more than a parliamentary lynching bee.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Missouri.

Mr. ICHORD. I thank the gentleman for yielding.

I agree with the gentleman from California. Certainly it is easy for me to do so as one who is not seeking relection. I might state that I went over and viewed the films yesterday, and I was very bothered by what I saw.

I do have one question of the gentleman in the well, the gentleman from Indiana and I would first say that I do associate myself with his remarks.

□ 1120

I thought that there was a conviction, and that the gentleman from Pennsylvania (Mr. MYERS) had appealed that conviction. I am greatly concerned about the issues of entrapment but I thought that there was a conviction which, of course, will not be final until the gentleman from Pennsylvania has exhausted his appeals.

Mr. HAMILTON. It is my understanding that the jury has returned a verdict of conviction, but that the court itself has not pronounced a sentence of conviction. The court set aside the due process question during the course of the trial and will hear those arguments on the due process question.

Strictly speaking, as I understand the technical meaning of the word conviction in its usual sense, there has been no conviction here by the court. Conviction occurs only upon the pronouncement of the sentence.

The important point is that the due process question has been set aside.

Mr. ICHORD. Then I must vote for the motion of the gentleman from Ohio.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I wish to compliment the gentleman from Indiana for an excellent statement. It is not easy for any of us today to be here under the circumstances of this resolution. I do not think that I could add anything to what the gentleman says.

As an attorney, as a former law clerk for a Federal judge, I cannot in good conscience vote in any way other than to delay this proceeding until such time as there is a final action taken by the court.

I wish to associate myself with the remarks of the gentleman from Indiana and I compliment the very fine statement which the gentleman has made.

The SPEAKER. The gentleman's time has expired.

Does the gentleman from Ohio (Mr. STOKES) desire to yield any further time?

Mr. STOKES. Mr. Speaker, I yield the gentleman 2 additional minutes.

The SPEAKER. The gentleman is recognized for 2 additional minutes.

Mr. CHARLES WILSON of Texas. Will the gentleman yield?

Mr. HAMILTON. Yes, I yield to the gentleman from Texas.

Mr. CHARLES WILSON of Texas. I would like to associate myself also with the gentleman from Indiana's remarks. There is nothing that I can add in regard to the merits. Certainly it has been said better than I could say it; but I would like to point out to the House and particularly to the older Members of the House and to the Members of the House who were here before I got here, as the gentleman in the well was, that my predecessor was finally convicted of a felony and was—and no one ever suggested that he be expelled from the House, because he was a 20-year veteran, a very powerful Member, not a rather young Member. To me this whole thing smacks of a lynch mob and bullying the weakest possible Member.

I would like to associate myself with the gentleman's remarks and also to point out that in the case of my predecessor and in the case of many others, that this action has not even been suggested, much less brought up on the day of adjournment before an election.

Mr. HAMILTON. I thank the gentleman.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. RANGEL. I would like to associate myself with the statement of the gentleman in the well, as well as the gentleman from Ohio.

Of course, my predecessor was convicted of no crime, and yet I think the records of this august body would indicate that there was a rush to judgment in the case of Adam Clayton Powell and the U.S. Supreme Court said not only was it unconstitutional, but I think most of his supporters felt it was immoral for the House to react in such an emotional way.

I, too, am a former assistant U.S. attorney. I think I share the feelings of all the Members that have had a chance to review those videotapes, that the conduct of the Member in question certainly was repugnant to all of the standards that I believe that the Nation expects from this Congress; but I have to agree with the gentleman, that we do not have the responsibility to judge each other's character, unfortunately, and I think until this matter is finally resolved in the courts that we should really come back and address ourselves to the issue in a climate that is not as political as the one we find ourselves in today.

Mr. HAMILTON. I thank the gentleman.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. SCHEUER. I wish to congratulate my colleague for a truly fine and noble statement and express my view that this is evidence of the greatness of this body, the fairness and the essential goodness of this body and I wish to state that I have never been more proud to be a Member of Congress.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. The gentleman from Kentucky is reluctant to sound a discordant note, but I would ask the gentleman, my dear friend from across the Ohio River and my colleague for 10 years, he apparently makes two points. One is that this is not sufficiently clear in the record and that there are further due process arguments.

I ask the gentleman, if on November 13 if the House is disposed to continue this case, what happens if the gentleman from Pennsylvania's case has not been decided in a way the gentleman from Indiana would suggest?

Mr. HAMILTON. I do not know the schedule of the courts. I think it may very well be likely that the court will not have acted finally by November 13.

I think I really make two fundamental points, and that is that failing to include Mr. MYERS due process motions in the record and to deliberate on them and to discuss them was not fair to Mr. MYERS and I do not think most Members of this House have had the opportunity to do that.

Second, the point is, the one that the chairman (Mr. STOKES) made, that is that simply this is not the time.

We remove both of those defects by postponing until November 13.

Mr. MAZZOLI. Well, in other words, the gentleman, I believe, is stating to the gentleman from Kentucky and to the House that really there is no way to assure ourselves on November 13 or any date thereafter we will actually take this matter up, if the gentleman's view prevails in the House, which is until every appeal and every question is answered at the trial court level, that we would not reach a final judgment. Is that the gentleman's position?

Mr. HAMILTON. I think the gentleman misunderstands. The motion is to postpone until a date certain and it is my intention, and I think the intention of the sponsor of the motion that we will, in fact, take up the matter on November 13.

Now, why is that advantageous? It is advantageous for the first reason because you get rid of this preelection atmosphere that clouds the judgment, puts very great pressure on many, many Members in this Chamber.

Second, it is advantageous because it permits us to examine in more detail than I think the committee did the entire due process argument.

Mr. MAZZOLI. I thank the gentleman. I would just make one last comment. I continue to share the sentiments expressed by the gentleman from California that the gentleman from Indiana (Mr. HAMILTON) is one of our most thoughtful and decent Members of the House. He continues to be.

I am somewhat disappointed in the fact that the gentleman seems to characterize those of us who may have a different opinion as being somehow bludgeoned by the political realities and stampeded by this kind of preelection lynch fever. I certainly do not have that lynch fever to the gentleman from Pennsylvania. I do not have any feeling except one of profound sadness for the House of Representatives.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. STOKES. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Ethics Committee, the gentleman from Florida (Mr. BENNETT).

The SPEAKER. The gentleman is recognized for 5 minutes.

Mr. BENNETT. Well, I understand there is going to be a liberal treating of available minutes here and if there was not, there would be an inherent impropriety occurring at this point in the RECORD, because Members who wish to speak in opposition to this motion have not been assured they are going to have an opportunity to speak; so my 5 minutes is likely to extend beyond 5 minutes, because I see no other way to control that people have an opportunity to speak on the other side of this motion, so the 5 minutes may get extensive.

On that basis, I now would like to address the motion

The committee has discussed in detail the meaning of rule 14, including the word "convicted." On a number of occasions, but particularly during a lengthy meeting held in an executive session on September 3, after a thorough discussion the committee voted without dissent, voted 9 to zero to interpret a conviction so far as relevant here to mean a finding of guilt by a jury. This interpretation is not at all without judicial precedent, as has been contended here today. For example, courts have treated a guilty verdict prior to sentencing or prior to a formal judgment of conviction as having been sufficient finality so that the witness may be impeached by the conviction and the court decisions are set in an extension of remarks which I made on September 30 where I gave a preliminary notice of what I was going to say here today, so it could be read in advance.

Even if there were no judicial precedents at all or if the judicial precedents were to the contrary, that would not affect the situation here, however. A committee of the House has both the power and the responsibility to interpret its own rules so as to best carry out the legislative process. It is not up to a court to contradict a committee in the interpretation of its own rules.

In this case, the committee viewed the basic intent of rule 14 and determined that it must mean that the committee should promptly initiate a preliminary inquiry once a jury has found a Member guilty of a serious offense.

☐ 1130

Otherwise a Member could continue to serve in the House for months or even many years after his conviction, no matter how serious was his offense, while courts decided various motions or appeals tangential to the basic issue at trial. This would frustrate the whole purpose of rule 14.

I must say rule 14, is to allow for prompt action following a jury finding of guilt. After all, the conviction merely triggers the preliminary inquiry which, in turn, allows the committee to turn to the relevant facts.

This gentleman is not being tried on the question of having been convicted. He is being tried on the basis of the evidence which was submitted and that evidence submitted came from the trial court proceedings plus the proceedings before the committee. He is not being convicted here of having been convicted there. The conviction only has a relevance insofar as it triggers the action of the committee.

Incidentally, that rule is mandatory. It does not say the committee may do it, it says the committee shall do it, and the committee did it, as the rules say.

It should also be pointed out that the due process motion now pending before the district court in Brooklyn is not based upon some alleged error at trial such as improper admission of evidence. It does not relate to entrapment, which Representative MYERS never pleaded as a defense at his trial, nor a claim of a lack of criminal predisposition on his part, for his motion specifically states that the presence of or the absence of criminal predisposition is totally irrelevant to his motion. Specifically it states as read to us here by Mr. STOKES. Rather, Representative MYERS' motion attacks the indictment alleging governmental misconduct in the carrying out of the Abscam operation.

The district court due process decision, whenever it does come, will not change what the committee has seen and heard on numerous tapes or suggests that the evidence given by Mr. MYERS himself is somewhat untrustworthy or inadmissible.

There is even a more important point. The committee did not base its recommendation solely on the trial evidence. Of equal, if not overriding importance, was the evidence given to the committee on two occasions by Representative MYERS himself. He admitted in that testimony he received $50,000 in cash thinking it was $100,000, that he believed this money was coming from a real sheik, that he thought the sheik was being ripped off by those with whom the Representative was dealing, and in return for the money he received, Representative MYERS promised to introduce legislation to benefit the sheik and that he, therefore, thereafter brought another Congressman to the sheik's representative, recommending that this Congressman be given a $10,000 campaign contribution.

Those are the things that Representatives MYERS said before our committee. His principal defenses were that he was play-acting and he never really actually intended to introduce the promised legislation.

As to his play-acting, it is simply belied by the tapes.

In any event, he has never explained how he could properly have taken substantial sums of money from someone who did not know it was anything but an act.

As for his never having introduced legislation, that is not a necessary element of the crimes of which he is convicted: bribery, conspiracy, and violation of the Travel Act. Thus the committee was fully capable of deciding and did decide Representative MYERS seriously violated the law and did so in complete conformity with its rules.

In the things that have been addressed, there have been addressed a number of things, one was the precedent in the House and in the Senate because the same provision applies under the Constitution, and it is not true that the only penalties which have ever gone to expulsion have gone for treason. If it had been, that is not a precedent, it was no decision that it should not be done under the rules. Particular people, particular evidence might have been found guiltless in a particular case but that does not set a precedent that we cannot do it and, as a matter of fact, the Constitution certainly does not imply that. If treason was the only thing, it would have just added that to the treason section of the Constitution or it could have just said treason. As a matter of fact, the first person expelled from Congress was a Senator and it was not for treason, it was for involvement in anti-Spanish activities of some years back.

Now, insofar as the matter of precedent is concerned, there is no precedent against bringing a case of this type. The argument has been made that he should be sentenced to go to jail and, of course, in the Diggs case we had this question come up. We had the question come up because the committee felt that in the case of Mr. Diggs' involvement with his staff, an internal matter, it was not a thing that in the opinion of the committee justified expulsion and the committee recommended, instead, censure.

Some Members of the Congress thought he ought to be expelled but it was decided by those Members and others that the proper thing to do was wait to see if he went to jail and then, if he went to jail, we could possibly expel him. But the committee made a decision in that case that it was not a case that warranted expulsion except if he had actually been put in jail and did not make a decision to do that. That was something the House itself left open and, of course, it became a moot case because Mr. Diggs resigned from the Congress and made that decision a moot case. He actually requested on several occasions, by extended motions, that is Mr. Diggs, that the matter be postponed until all things had been handled in his case and the committee, as it did in this case, denied that application.

So it is very consistent with what we did in the Diggs case.

Now, some very strong language has been used here and I am glad not too much of it has been used. I have been on this committee some time now and I remember in the past there were very negative things said about the committee. They have not really been said here today and I am glad that is so because we are not trying the committee.

The word "lynch" trial has been used several times here, though, and when you ask Members of Congress to serve on this committee I really think it is not very tasteful to say that the committee has indugled in any sort of activity of that type. This is a very painful procedure, requires a lot of time, anxiety, strain on the part of the Members and on the part of the committee and that is no reason to vote one way or the other in this matter on that basis, but I hope the language used on the floor of the House will reflect the thoughtful judgment of the people who use it, because there is nothing at all that would indicate that anything that Mr. MYERS wanted to do in this case was not done for him. He was offered complete opportunity for any evidence he wanted to offer. We heard all of the evidence. We never denied any of the evidence. We gave him ample time to present the matter to us.

So I must say, and I am about to conclude my remarks and anybody that wants me to yield to them please ask.

Mr. HALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. Not until I finish my sentence. Does the gentleman have a lengthy statement?

Mr. HALL of Texas. I want to ask the gentleman one question.

Mr. BENNETT. I yield to the gentleman from Texas.

Mr. HALL of Texas. I thank the gentleman for yielding. If it has been determined that the due process hearing has not been held yet, my question is this: If at the hearing on the due process matter it is determined by the court that Mr. MYERS' due process rights have not been afforded to him, would that not, in effect, vitiate and set-aside the judgment of the conviction?

Mr. BENNETT. It would not affect the triggering of the rule. The rule says conviction and the man has been convicted according to the decisions of the court and according, what is more important, according to the decision of the committee who gave the rule, and it is our responsibility under lots of decisions to make an interpretation of that rule.

So the conviction occurred, it triggered the procedure, and if the conviction is set-aside it will not in any way affect this proceeding. The only thing that conviction has to do with this is to trigger the rule. The conviction has occurred. It is a past tense proposition. The committee determined the evidence. The committee looked at the evidence. The evidence is not in controversy in this case.

It is only a question of whether the Government, the executive branch of the Government unduly did something, not entrapment, because that was not pleaded, but in some way did something it should not do. It has nothing to do with triggering the action of the committee and if it is set-aside for anything that is pending or could be pending it will in no way affect the action of this House.

Mr. HALL of Texas. Will the gentleman yield for one additional question?

Mr. BENNETT. I yield.

Mr. HALL of Texas. But if the due process proceeding is found in favor of Mr. MYERS, at that point in time he would not be convicted of any offense, would he?

Mr. BENNETT. He would no longer be. He is at the present time.

Mr. HALL of Texas. If we act now to expel, would we not have, would we not expel a person who has been convicted of no offense?

Mr. BENNETT. Most of the people in the history of this Congress who have been expelled from Congress have not been expelled on the basis of conviction. Most of them have been expelled on the basis of evidence of things that they have done that are wrong and that is what the Constitution says. It is only this rule, this rule is the only one here for the purpose for seeing to that when a man is convicted that his trial shall go forward in the House.

☐ 1140

The SPEAKER. The time of the gentleman has expired.

Mr. STOKES. I yield 1 additional minute to the distinguished chairman the gentleman from Florida (Mr. BENNETT).

Will the chairman yield to me on the point of the Member who just posed that question to him?

Mr. BENNETT. Since the gentleman has got all the time and he is not yielding half of the time, I guess I will try to get more time.

Mr. STOKES. I will be delighted to yield such time as my distinguished chairman wants. I discussed with him at the beginning how much time he wanted, and the chairman said to me at that time, "I probably will not take very long. I will take about 5 minutes."

Mr. BENNETT. I meant that myself personally because the gentleman did not tell me I could have half of the time.

Mr. STOKES. If the gentleman will yield, I would just like on that point to address the point with him. I think this is important to the Members to have this point addressed. I would just like to cite the case of *Corey* v. *United States*, reported at 375 U.S. 169, a 1963 case where:

> The defendant was committed to the Attorney General after conviction pending a study to be used as a basis for determining sentence. After three months of commitment the court suspended sentence and placed defendant on probation. The defendant's appeal within 10 days from the probation order was dismissed as untimely by the court of appeals on the ground that the time for appeal expired 10 days after entry of the commitment order. The Supreme Court re-

versed in an 8-1 decision stating unequivocally that "Final judgment in a criminal case," the Court has said, "means sentence. The sentence is the judgment."

Also quoting Berman against United States, another Supreme Court case.

Mr. BENNETT. I would like to respond quickly to that. Judge Ross, when interpreting the term "conviction" in rule 609 of the Federal Rules of Evidence, stated:

> We find no significant difference between the jury's finding of guilt and the entry of judgment thereon as far as probative value for impeachment purposes. *United States* v. *Rose*, 526 F.2d 745, 757.

Judge Mulligan, when interpreting the term "conviction" in the same thing said in the case of *United States* v. *Vanderbosch*, 610 F.2d 95:

> We hold that a jury verdict of guilty prior to entry of judgment is admissible for impeachment purposes * * *.

And it has been so decided in other circuits.

> In so deciding we follow several other circuits which have held that there is no distinction between a jury's finding of guilty and the entry of judgment for impeachment purposes.

However, I want to say to you the committee is not controlled by that. Mr. Myers has been found guilty by this committee. It is not a question of whether this has been a judgment by the court. Whether or not he remains convicted by the court is irrelevant to this. The relevance is that the conviction triggered the action of the committee, and the committee found him guilty and recommended to the House.

I must say to you, the committee must have tremendous staff if it is going into all of these tangential things having to do with court decisions, which have no pertinency to our rules and regulations we would be going to an operation here of 100 lawyers. It is no way to operate this way. That is not what the Constitution provides. It is not what the rules of the House provide. The rules of the House provide that this committee shall recommened to the House of Representatives when it has found wrongdoing and good evidence of it. We are not tied up with all those cases in Federal court.

Mr. BAILEY. Will the gentleman yield to me?

The SPEAKER. The time of the gentleman has expired.

Mr. STOKES. Mr. Speaker, I yield 1 additional minute to the distinguished chairman.

Mr. BAILEY. Mr. Speaker, was there not a stage in the committee proceedings where the decision was made to proceed under 14? I think this was the conscious decision made to accept the work product of the Federal district court to proceed under 14 as opposed to 16, and I believe, because I support the chairman in his interpretation of the powers of the committee under the Rules of the House and rules of this procedure where we are proceeding under 13——

Mr. BENNETT. I must correct one thing. We did not decide we were going to take what the court did. That is not what rule 14 says. Rule 14 says you have to look at all the evidence, but you can look at other evidence. The only evidence we took was to allow Mr. Myers to come in and say what he wanted to say.

Mr. BAILEY. All right, but for the edification of the Members under rule 14 which provides a basic way for proceeding, under 14 it is indeed a "conviction" as opposed to actions which can be taken properly and timely but with a different procedural setup under different rules.

Mr. BENNETT. That is correct.

Mr. BAILEY. I will ask the chairman is that not correct?

Mr. BENNETT. Yes.

Mr. BAILEY. I, therefore, would just remind the House that the point that was made by the gentleman from Texas does go to the issue of a conviction under 14 since if an alternate rule had been chosen, we would not be dependent thereon.

Mr. BENNETT. The gentleman might be in a good position to say that except for the fact that all the law and all the procedural determinations that have ever been made in any comparable cases have said that the committee of Congress makes these decisions itself, and we have made that decision. After all, all we are trying to do is to bring these facts to the floor of the House. We should not entrap ourselves in any kind of procedural matter. This is not "a Philadelphia lawyer" case, this is a case of bringing the real facts before the House. We should not make such arbitrary rules——

The SPEAKER. The time of the gentleman has expired.

Mr. STOKES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. Bingham).

Mr. BINGHAM. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the gentleman's motion with great reluctance, because I have enormous respect for him and the others who have indicated their support for this motion.

As I listen to the debate, I think we are in danger of getting tangled up in a legal cobweb. And I say that as a lawyer.

To me it is immaterial whether or not there has been a final conviction in this case. We have before us the statements made by Mr. Myers on the videotapes and the statements he made before the committee.

From Mr. Myers himself, then we have the incontrovertible fact that he was selling his services as a Congressman for substantial sums of money. To me it makes no difference whether the services were real or, as he claims, pretend. If they were only pretend, the corruption is no less.

Mr. Myers has thus brought shame on himself and on this House. And we will bring added shame on ourselves if we fail to make clear to the American people in a decisive and vigorous way that such conduct will not be tolerated by this House.

To take any lesser action than expulsion would, I am afraid, demonstrate to our already disillusioned young people that the Congress protects its own and condones the kind of influence peddling Mr. Myers engaged in.

Even to defer a decision would be seen as a copout, deservedly. The people of this country—and especially the people of Pennsylvania's First District are entitled to know how we feel about Mr. Myers' conduct. Those of us who believe in good conscience that Mr. Myers should not be expelled from this House should, I submit, be willing to go on record to that effect now.

If we bite the bullet now, and the decision is to expel Mr. Myers, he may nonetheless be reelected. If so, the situation next January would be different. Once his constituents had spoken in the face of all the facts, I for one would not favor barring Myers from taking his seat.

On the other hand, if we lay the matter over until November, what we then do will be academic—little more than a gesture.

Like I am sure everyone in this Chamber I feel desperately sorry for Michael Myers and his family, and I find it painful to hurt them. But the question before us far transcends such personal sentiments. The question before us, as I see it, is simply this: What must we do to preserve as best we can the confidence of the American people in the integrity of this institution?

☐ 1150

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. Obey).

Mr. OBEY. Mr. Speaker, I have seen the tapes referred to by the gentleman from New York, I have read the committee report. I think the conduct engaged in by Mr. Myers is reprehensible and, if we do proceed to a final vote on this issue today, I shall vote to expel him.

I deeply believe that this is precisely the wrong time for this House to act. I say that for a very simple reason. I am not a lawyer. I do not know what the proper interpretation of past legal precedence would be in this instance. However, Mr. Speaker, I do know what is going on in this House this week. This is the last week of the session and almost every Member is doing what I am doing. We are closeted in meetings with our staffs, we are trying to clear the deck to get out of here. We are paying attention not to the Myers case, but we are paying attention to what we have to put into our briefcases to go home and conduct an election.

I would submit, that is not the correct atmosphere in which to take the historic action which we will be taking today.

The gentleman from New York mentioned the tapes. Well, I checked this morning, and less than a majority of this House have bothered to go see the tapes. Now, those are supposedly exhibit No. 1 in the case that the committee is bringing. I do not say this to criticize the committee. I know from past experience that there is nothing this committee can do, there is no way that this committee can proceed without meeting an objection from one-quarter of the House or the other. However, I would simply say, to me it is fundamental. We have an obligation, even to the worst among us. We have an obligation to give this case our undivided attention and I would submit that the numbers of people who have gone down to view the tapes indicates that people have been distracted, they have their mind on a lot of other things.

There is no doubt in my mind, frankly, that Mr. MYERS will be expelled, whether it is today or whether it is after we come back.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I would first like to complete my statement.

All I would suggest is that we owe it to history to expel Mr. MYERS for the right reasons, if he is to be expelled, and we owe it to ourselves to provide sufficient time to this case so that we walk out of here knowing that we have given the House and Mr. MYERS the fairest possible opportunity to present his own case, and I submit we have not been able to do that, for reasons which are no ones fault but we have not been able to do that in the last week of this session.

Mr. SPENCE. Mr. Speaker, will the gentleman now yield?

Mr. HUGHES. Mr. Speaker, will the gentleman yield to me?

Mr. OBEY. I yield to the gentleman from New Jersey.

Mr. HUGHES. I just do not want the record to reflect that the great majority of Members did not see the tapes. I for one did see the tapes. There was no sign in. I am not sure they were taking names. Just about every Member I have talked to have seen the tapes. Most of those I have talked to have read the transcript and the telephone conversations. I would not want the record to reflect we have not tried to prepare ourselves for this important day.

Mr. OBEY. All I can say to the gentleman is that I, too, have talked to a good many Members around here and I have talked to a good many Members who have not read Mr. HAMILTON's dissent. for instance. I have talked to a good many Members who have not seen the tapes and I am not criticizing them because I know the conditions under which we are operating.

Mr. Speaker, I simply suggest we owe it to the House, if we are going to take an act of expulsion, and this is the first time that will have occurred in this century, we should be better prepared to do that than I think many of the Members of the House are today.

The SPEAKER. The time of the gentleman has expired.

Mr. STOKES. I yield the gentleman 1 additional minute.

Mr. OBEY. I now yield to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, the gentleman makes a very good point. The gentleman is in favor of voting to expel but not now. The gentleman feels this is the wrong time.

Mr. Speaker, I would ask the question what would the position of the gentleman be should Mr. MYERS not be reelected and this body does not have the opportunity at the right time to vote for expulsion.

Mr. OBEY. Mr. Speaker, as I understand it the motion is not to postpone the consideration of this matter until January, the motion is to postpone it until the second day of the session in November and I do not think that that question applies in that case.

Mr. SPENCE. There are those who take the position the courts will rule wrong because the courts have said they will not rule until after January.

Mr. OBEY. I have not taken that position. As I say, I am not a lawyer. I simply know from moving around this House that this matter has not received the attention it ought to receive from the membership, if we are going to act on something as fundamental as the expulsion of a Member.

Mr. SPENCE. Mr. Speaker, I think everyone has his own reason for wanting to avoid the responsibility that only we have. We can use any one we want to accomplish that.

Mr. STOKES. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. EDGAR) for a unanimous-consent request.

Mr. EDGAR. Mr. Speaker, I ask unanimous consent that the time limit of 1 hour be extended by 15 minutes and that that 15 minutes be yielded to the chairman of the Committee on Standards of Official Conduct so that those who care to speak against the motion would have at least some time to make their point.

Mr. Speaker, I ask unanimous consent to do that because of the importance of this particular action today.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BENNETT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Speaker, I want to address a question that seems to be bothering many Members of the House and that is the feeling that what we do here seems to depend on what happens in the courts. I would like to make the point that the gentleman from New York (Mr. BINGHAM) made that we are not bound in any way by what happens in the courts.

The point has been made that, one, there is no conviction within the meaning of the law in this case, since no final judgment has been entered. Let me make two points on that. First, the case law is very clear that a jury verdict of guilty is a conviction for purposes of impeachment. There are three or four Supreme Court cases principally in 1977 and 1979, that make that clear.

Second. Mr. Speaker, no matter what is the case law on it, as the chairman has pointed out, we make our own rules in this House on what constitutes a conviction. I do not think that point should concern us at all.

Another point seems to be the due process hearing has not been completed and there is concern that perhaps the judge will say the FBI behaved so outrageously in this case that the whole trial will be vitiated.

□ 1200

Well, let me say to you, if that happens, that is a matter for the Judiciary Committee to go into. It is not a matter for the Standards Committee to go into. The tape is there. It is there for all time. Whatever happens on the due process hearing; whatever happens on the appeal process; whether the case is reversed because the judge did not instruct the jury properly, or whether the FBI overreached, does not change one iota what is there on the tape, and that is what we have to deal with.

Now, appeals can drag on for months. They can even drag on for years, and one reason we adopted rule 14 is that it is not proper for someone who is convicted by a jury of an offense, a serious offense, to be allowed to continue to serve for month after month, and even years, after his conviction while the court ruled on some tangential matters.

I regret that this matter comes up at this time, but I would say to you, on November 13 or whatever the date it might be put over to, nothing will have been changed. There will be no different evidence. The job we face then will be unpleasant; it is unpleasant right now, and as the gentleman from New York said, I think we do owe it to the voters of the Pennsylvania district to make some judgment on this.

We have given Mr. MYERS every right to testify. We offered him the right three times, and he testified twice before the committee. We have offered to call any witnesses which he wanted to call. I think the committee has acted in all good faith and with all due process on this, and I would urge that the motion be denied.

Mr. BENNETT. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Speaker, I had not desired to speak or wanted to speak, and I think I speak for the majority of my colleagues on the Ethics Committee that this is a sad day for all of us. I want to try to straighten out as best I can, to the best of my abilities, some of what has been said that morning, because those of us who are lawyers and those of us who are not lawyers, both on the committee and in the House, I think could not help but be confused by some of the terminology. Because the time is short, I will speak as briefly as possible, but try to make several points and reinforce what Judge PREYER has just said to you.

First of all, from the mouth of the court itself, the judge in the case, the due process hearing will not be heard at least until January or February, if that made any difference to the deliberations of this House. It does not. Our requirement is constitutional. Article I, section 5: We shall discipline our Members, our membership; and it gives in the Constitution the right to expel, which I suppose means—I assume means the duty to expel if the merits meet the case.

As the gentleman from North Carolina just said, we will know—you will know—no one will know—any more on November 13 than we do now. Mr. MYERS has had a full hearing before the Ethics Committee. His counsel, with his consent, stipulated the record from the trial, stipulated the record that was essential for the Congress to act.

The tapes—three statements by Mr. MYERS himself—entrapment was never pleaded. The question that is somehow a part of this due process language, really, the legal defense of entrapment has not been pleaded either before the courts or before the Congress.

So that, the due process hearing, whatever happens at any time, will not change the evidence that is now before the Congress by way of the Ethics Committee.

In fact, this discussion that you have heard, this legal discussion, one thing was omitted. The conviction that triggered the preliminary hearing before the Ethics Committee, that conviction being defined as a finding of guilt by the jury, was agreed to unanimously by the Ethics Committee, unanimously by those that now dissent, that we were defining under our rules as required by our rules that the finding of guilt by the jury in the case in itself triggered the preliminary inquiry that led to this action. Our rules have been followed.

I do not speak to the merits. The committee's action, I think, speaks for itself. The precedent again, I think, is the only one left. It is not really a precedent. In 1861 three Members were expelled for treason, the treason being, arising under the circumstances of the Civil War. This is a question of ethical conduct. It is a question that has been an issue, that has been confessed to by Mr. Myers before your committee and before the Congress. It has not been a legal precedent before simply because a legal precedent has not occurred. There have not been these facts, and we have the sad duty to dispose of it.

But, we will know no more on November 13 or January 15, there will be no more evidence. Whatever happens in the court or to the courts or to the process will be irrelevant to our constitutional duty in article I, section 5.

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. FOWLER. I will be glad to yield to the gentleman.

Mr. STOKES. Under the point raised by the gentleman in the well with respect to the unanimity of a vote to proceed with the preliminary inquiry, would the gentleman from Georgia agree that at that point all the committee had before it and all the committee knew was what we found out from the newspapers and other reports, and that was that there had been a conviction in a court of law, and at that time the question had not been raised to our committee with reference to the fact that a due process hearing was pending and that this man had not had his full rights at the trial level. Would the gentleman agree to that?

Mr. FOWLER. The question, I think the gentleman from Ohio will agree with me, for whom I have the greatest respect, as he knows, always has been the technicality of whether or not, absent the sentencing by the court and any future motions—due process, procedural, or otherwise—whether or not technically a conviction has occurred, because that is really the only thing raised by Mr. Myers through his counsel, and the committee in dealing with that question, in reading our own rules, decided that the finding of guilt by that jury, quite absent from sentencing, quite absent from any subsequent due process motions or any other motions to be filed, that that in itself was a conviction under our rule that mandated—not permissive—that mandated a preliminary inquiry under our rules to go forward, and that was——

Mr. STOKES. The gentleman will agree, there was no vote on that issue.

Mr. FOWLER. It was voted on and it was unanimous.

Mr. STOKES. The vote was on whether we would proceed under rule 14 and 16, and we had a divided vote on that.

□ 1210

Mr. FOWLER. That was a prior vote, I agree with that. This is the question:

Mr. Myers, with all due respect, I am not arguing the merits. I said nothing about the merits. I am sticking to the motion.

Mr. Myers is asking to have it through his counsel; as a good lawyer, he is asking to have it both ways. He is saying to us that he has not been convicted but at the same time he is asking in the public forum the people of his district to judge. He is saying that he will be judged on election day by this conviction, and, therefore, he is asking us to delay until they have an opportunity to speak on a conviction that has occurred in the courts that he says is not a conviction before the U.S. Congress.

Mr. STOKES. Mr. Speaker, the gentleman did not address my question.

Mr. BENNETT. Well, I will answer the question.

Mr. FOWLER. Mr. Speaker, I did my best.

Mr. BENNETT. Mr. Speaker, if the gentleman will yield, I did address it on September 3.

I, as the chairman, said,

The motion before us by Mr. Spence to interpret the word, "conviction," to be action by the jury in this matter, all those in favor let it be known by raising your right hand. All those opposed, no.

I accepted it as unanimous. So it is a matter of record. We did have a 9-to-0 vote on this precise issue.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Georgia (Mr. Fowler) has expired.

Mr. FOWLER. I would be glad to yield if I still had time.

The SPEAKER. Does the gentleman from Florida (Mr. Bennett) desire to yield time?

Mr. BENNETT. Yes, Mr. Speaker, other Members have requested time.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Edgar).

Mr. EDGAR. Mr. Speaker, I just want to take a moment to explain why I asked for the additional time.

I think the decision that we make today is a difficult one. Under the procedure of offering a motion to table to a date certain, on November 13, the gentleman who offered that motion, Lou Stokes, a well-respected Member of the House, does have control of the full hour.

It was my feeling, in the course of the debate and as the discussion was proceeding, that most of the organized statements prepared on that motion were being made, and if that motion to postpone this to a date certain were to succeed, some of the discussion and the debate focusing on the issue of expulsion would not take place.

Let me speak just briefly to the motion. I plan to vote against the motion to postpone. I have a great deal of respect for the author of the motion, Lou Stokes, who was chairman of the House Assassinations Committee. I also have a great deal of respect for Mr. Richardson Preyer, who spoke in the well on the other side of this issue.

My feeling is that our action should take place today because there is never a good time for expelling a Member of the House. The precedent in this case, in my view, is an ethical precedent stated by the rules of the Ethics Committee, which reported out a motion by a 10-to-2 vote, as I understand it, to expel Congressman Myers.

I think, after a careful consideration of all the facts, after a viewing of the tapes, and after a reading of the material that has been provided, that we are faced with a very difficult question, and all of these questions are difficult in times of political election.

Mr. Speaker, I would simply state that these are difficult days and difficult votes, but I believe the time for a decision on this matter rests today.

Mr. BENNETT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. Hughes).

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding.

I would just like to associate myself with the remarks of my colleague, the gentleman from Georgia. I think he did point out the facts—and my efforts to get time earlier were to point out exactly what he pointed out—and that is that our findings can be totally divorced from a conviction in a criminal court. That basically is irrelevant.

When I came to the floor today, I had some concern as to whether or not our colleague from Pennsylvania had an opportunity to present whatever evidence he wanted bearing on any issue, including the due process issue. Even though that is not totally relevant, I think it is important from the standpoint of fairness. I understand that, in addition to the record that is stipulated, our colleague, Mr. Myers, had an opportunity to present whatever evidence he wanted to present on any of the circumstances leading up to the conduct that he is being charged with today.

Mr. Speaker, under those circumstances, I intend to support the committee and its findings.

Mr. BENNETT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. Martin).

Mr. MARTIN. Mr. Speaker, based upon the evidence, including the video tapes taken by the FBI and Mr. Myers' own statements, the committee has concluded, as has a trial jury, that Mr. Myers is guilty of having violated the law by accepting $15,000 in return for his promise to use his influence to assist a supposed foreigner with immigration and other matters, by conspiring with others to do so, and by traveling interstate to do so.

In my opinion, Mr. MYERS should be expelled from the House of Representatives now, not on the basis of the trial but on the basis of the evidence of what he did.

As has been said, he awaits a hearing of his case regarding the entrapment defense. If we must suspend, as has been suggested here, and defer on that ground, must we again suspend and defer on the same grounds in November?

Surely appeals will drag on for a year or more into the next Congress or the Congress at bat, but if this Congress fails to expel him, surely later sessions will argue whether they have any jurisdiction over acts committed in this session. Therefore, again, we must act now. Otherwise we craft a precedent for avoidance of expulsion regardless of crimes for all time.

The argument that no Member has been expelled except for treason cites a precedent that needs to be changed now. Let us act now so that it never again can be argued that betrayal of trust and commission of the crime of bribery or any crime short of treason is acceptable for membership in this office, even on a technicality which does not bind the House.

There are two ways to look at the historical record which shows that no Congress has expelled any Member for corruption or for any reason at all since December 3, 1861.

I look at that record, Mr. Speaker, and say to you, "It's about time that we did."

Mr. BENNETT. Mr. Speaker, I yield the remainder of my time, which I calculate to be 2 minutes, to the gentleman from Louisiana (Mr. LIVINGSTON).

The SPEAKER. The gentleman from Louisiana (Mr. LIVINGSTON) is recognized for 2 minutes.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding.

I would like to associate myself with the remarks of the gentleman from North Carolina, as well as the gentleman from Georgia, the gentleman from New Jersey, and others who have spoken here before.

Basically, this motion hinges on the allegation that there are other proceedings which may determine the fate of Mr. MYERS in the court system. But that is another system entirely, and we are here to judge one thing, and one thing only: whether or not Mr. MYERS brought discredit upon this House of Representatives.

I submit to you that if you have taken the time to go downstairs and see those tapes, if you have taken the time to read the transcript wherein Mr. MYERS by his own mouth, not once but twice, admitted each and every act of which he is charged in the courts and in this body, then you can do no other than to find him guilty as charged. Once that is done, you must make up your mind. Do you want to defer this interminably? Do you want to wait on the outcome of the other body, the judicial branch of Government? Or do you want to reach a resolution of this matter, and do you want to send a message to the country, to the people of this Nation, that we will not tolerate the placing of this body up for sale on the auction block?

I submit to you that if we are going to make a decision, we have the facts at hand by Mr. MYERS' own mouth.

I like Mr. MYERS. I am sorry for him. But these facts and this situation are out of his control and out of ours.

Mr. Speaker, it is time to make a decision. It is time today to expel Mr. MYERS from this body.

Mr. STOKES. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

☐ 1220

Mr. ECKHARDT. Mr. Speaker, there is absolutely no doubt that this body may expel a Member whether or not a court finds him guilty or innocent. There is no question about that. The gentleman from New York is absolutely correct. But when we make that decision, we should be absolutely assured that we have followed the process that we ourselves have established. And, of course, there is no question of greater gravity than the question of expulsion. It is comparable to the question of impeachment and conviction of a President and removing him from office. And I feel that it rests on exactly the same standards, that is, one must find not a mere crime, but one must find a high crime or misdemeanor or "and" misdemeanor, as the Constitution says.

Now, if the facts which have been disclosed in the newspapers are correct, I would vote to expel Representative MYERS. I think that such would constitute a high offense so deeply related to the operation of this body, the proper operation of this body, that it should result in expulsion. But I think that process is of the utmost importance here. The Constitution is process, Magna Carta was process, the greatest documents in the history of the Anglo-American people are process, and I submit that proper process will not have been completed if this case has been heard simply under rule 14.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield for a reading of the Constitution?

Mr. ECKHARDT. I yield to the gentleman from Florida.

Mr. GIBBONS. I am reading from section 5 of the first article of the Constitution, published by the House of Representatives.

It says:

> Each House may determine the rules of its proceedings, punish its Members for disorderly Behaviour, and, with a concurrence of two thirds, expel a Member.

Mr. ECKHARDT. I thank the gentleman for reading that. I think that precisely establishes the standard.

The problem is, however, that the committee has established rule 14 which essentially deals with a case in which a conviction has been completed and in which the committee desires to utilize that court conviction after additional hearings as a basis for determination of fact.

In that section it is provided that a preliminary hearing will be held to determine whether or not the offenses occurred. If on the basis of the report of the committee staff on the preliminary inquiry the committee determines that an offense was committed over which the committee has jurisdiction under such case, the committee shall notify the Member, officer, or employee of its determination and shall hold a disciplinary hearing for the sole purpose of determining what action is recommended to the House respecting such offense.

In other words, that section essentially accepts the determination of conviction, and then only addresses the question of the appropriateness of the penalty.

Rule 16, on the other hand, deals with a determination by Congress that an offense of a nature not necessarily of a criminal matter, not necessarily resulting in a conviction, should result in the expulsion of a Member. It provides extensive process. Initially the process is for the determination of whether the offense occurred and, second, what penalty should be applied to that offense.

If this body is to proceed to the extreme penalty of expulsion, this body should not proceed under rule 14 in a case of this nature. The question of entrapment is an important question to be determined. There should at least be a final determination by the court and a final judgment before rule 14 is put into play.

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. In just one moment. Let me complete this total thought.

The point is simply this: That we may choose either to expel a person for a crime for which he is convicted, or we may choose to expel him without the conviction of a crime. Indeed, reprehensible conduct which may not be criminal may result in expulsion. But if the latter course is taken, the fair and just process for making that determination is under the committee's rule 16.

I yield to the chairman.

Mr. BENNETT. Well, just as you may have misled some Members of the House, I am sure innocently, as to what the Constitution said our duty was under this section——

Mr. ECKHARDT. I do not yield at this point. I did not mislead the House.

Mr. BENNETT. Let me correct the last error you made.

Mr. ECKHARDT. I did not mislead the House, even if you say I did it unintentionally.

I said to the House that the rule is specified in this section. I said that it is comparable to the question of impeachment. I did not state that that was the language of the section.

Now I yield to the gentleman.

Mr. BENNETT. I understand, I am glad the gentleman clarified that.

Rule 14 is very specific. It does not say anything about just taking the transcript and deciding on the punishment, as you have implied. The rule is good grammar, it is good English, and it says:

> The committee shall review the evidence of such offense.

It does not say "review the procedures before the court," but "review the evidence of such offense and to take in such other evidence it wants to take."

So it is not true that we are finding Mr. MYERS guilty of having been convicted in the court. That only triggered the rule. The rule says that you have to look at the evidence as to the offense.

Mr. ECKHARDT. But the rule then proceeds to say that if on the basis of the report of the committee staff on the preliminary inquiry—and it refers to a preliminary inquiry—the committee has jurisdiction under such case, the committee shall hold a hearing for the sole purpose of determining what action is recommended respecting the penalty.

I think the whole implication there is that under this particular rule the emphasis is on the conviction of the court and not on an independent determination of an offense.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I believe that political corruption is probably the most serious crime that can occur in a democratic society. At the same time, I think that we have an obligation to make sure that when we go after that corruption, that we provide those who are accused with all of the procedural safeguards of our democratic process.

We have received in the last day or so a letter from Common Cause. It is an organization concerned very much about process in this body. And that organization, going on record for expulsion, nonetheless suggests that we follow some very serious safeguards. One of the things that they suggest, and I read: The House should fully debate the expulsion resolution one day and not vote on it until the following day. They make that suggestion, obviously, to make sure that we do not act in the heat of the moment.

Mr. Speaker, we have had in the statements made by the distinguished chairman of the Committee on Standards of Official Conduct, I think some very clear guidelines as to what is really involved here, and I extend my appreciation to him for making it very clear that we are not talking just about Mr. MYERS' conviction, but about the evidence that is involved in his case.

We have had submitted to us by the committee the entire transcript of the trial, which was the evidence that was spoken about. We have 45 minutes of tapes which were summaries of some 6 hours of tapes. I do not know how many of us saw it. We have the report of the committee itself. We have a report on prior cases of exclusion, sanction and expulsion.

I suggest, Mr. Speaker, that few of us have had the full opportunity to go through all of that material to determine what the facts really are. By adopting this motion, it seems to me that we give ourselves the opportunity to explore all of the facts.

I read, for example, in the majority report that some of the defenses by the gentleman from Pennsylvania (Mr. MYERS) were "unbelievable," particularly as to his supposed "play-acting." And yet I read at page 2152 of the transcript of the trial, a cross-examination of the prime informant, Mr. Weinberg, referring to a prior setting up of a U.S. Senator from New Jersey and as to how that transpired.

□ 1230

I read:

Q. You were downstairs, you gave the instructions before the person went in the room, right?

A. I was with the people down in the room.

Q. What the jury heard . . . is what you told the people and Mr. Errichetti before the person went into the room where the Sheik was?

A. That is correct.

Q. He was told what to say and how to do it, you will go on stage twenty minutes, it is all bullshit?

A. Yes.

Q. That was presentation before a person who really was not a Sheik?

A. That is correct.

Q. An F.B.I. agent?

A. Yes.

Q. It was play acting to be put on before whoever was in the room, Tony Amoroso and the person who was the Sheik?

A. Yes.

Q. According to the script as the jury heard it?

A. I don't know about the script here.

Mr. Speaker, it seems to me that we must now assume the burden that has been passed from the Committee on Standards of Official Conduct to us; they have done their job, found the trigger. They made a recommendation to us. Now it is our job to read all of this material, to absorb it and make a judgment.

I suggest that 2-hour discussion on this floor does not give us that opportunity; we are not in a position to make the kind of intelligent judgment that not only our contemporaries, but history will judge us for.

I urge the adoption of the gentleman's motion.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. HOLLAND).

Mr. HOLLAND. Mr. Speaker, I am not ready to vote today on the merits of this case, but I think that probably we should consider the timeliness of this action and where we are being led by our Ethics Committee.

Suppose we act today and on November 4, a higher authority—and, colleagues, there is a higher authority than this House in this matter, the constituents of Mr. MYERS' congressional district—reverse our ruling of expulsion, and Mr. MYERS presents himself as he should next January for admission to this body, and the U.S. Supreme Court already ruled under the Powell case that we cannot at that time deny him that seat.

I think the question we should ask is whether we expel and if so for how long does our Ethics Committee expect us to expel—for the months of October, November, and December, a 3-month expulsion? That is certainly the point to which we are being led by our Ethics Committee. But I anticpate that they are here today asking us to extricate Mr. MYERS from among ourselves for all time. I think that is on the minds of most of the people in this House. I caution you by rushing to judgment today you are passing the mark, you are going beyond the point and the law of this land will not let you return once that point is reached.

The other thing, we are being told today here that these court proceedings have nothing to do with the bringing of this resolution. If that be so, I am given to understand that there are other Members of this body who are accused of like crimes, and if court proceedings have nothing to do with our deliberation today, where are the resolutions for the other Members? Do they not have a right to be paraded out here before an election and summarily executed? Do they not have that equal right, and should we not, in clearing our conscience for election purposes, execute five or six rather than just one? Do we not have the right as Members of this House, and Mr. Speaker, I ask, where are the others?

Mr. BENNETT. The Congress passed a resolution which implied, if not specifically said, that when the court proceedings had come to this juncture we should take action. We have taken action on every one.

Mr. HOLLAND. Should not the gentleman and Judge PREYER and Mr. FOWLER retract their statements today then that the court proceedings really have nothing to do with this?

Mr. BENNETT. I do not think any of them said it had nothing to do with it. It triggered the action in the first place. No other case has come to this point. No other case has a conviction.

Mr. HOLLAND. Mr. Speaker, I urge passage of the motion.

Mr. STOKES. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAILEY. Mr. Speaker, I will be brief.

Contrary to what may be a common perception on the floor of the House, I am not an especially good friend of Mr. MYERS. I am not opposed to a proper punishment after a proper procedure.

I suppose I bear the responsibility for having been the mainspring in trying to organize the efforts behind this motion. I am deeply proud and take a great deal of pride in being a Member of this body and having been sent here to represent the people back home, just like all of the Members have.

I do respect very much the chairman of the Ethics Committee. I know him personally. I serve on another committee with him. He is a fine gentleman, a good man.

There are fundamental issues here that transcend the guilt or innocence of MICHAEL MYERS. They are simply more important.

My personal opinion of the process involved is that it is absolutely atrocious. It is a horrendous affront to any basic fundamental system of justice of fair play.

You have seen selectively chosen and edited tapes. Quite honestly, I did not see them. Those tapes were chosen by the Department of Justice. No other tapes have been seen.

In fact, I will tell you something, a little decision that was made 2 days ago or a day ago by the second circuit, and I will be very happy to stand corrected;

but I understand they have ruled all the tapes, not the tapes that were given to the committee to be viewed by you, where the defendant or the actor, however we wish to define it, does not have an opportunity to cross examine them, does not have an opportunity to take you, the jurors who go one by one to see specifically chosen pieces of evidence upon which you are supposed to judge him; and if he has done——

Mr. BENNETT. There is one little error the gentleman might want to correct. The second circuit ruled all the tapes that went to the trial would be made public. That is exactly the tapes the committee released, so there is not a difference. They are the same tapes.

Mr. BAILEY. Are they all the tapes that were ever taken?

Mr. BENNETT. Yes; Court decision was to release all the tapes that were used at the trial.

Mr. BAILEY. That is not my question, Mr. Chairman.

Mr. BENNETT. They will be the same tapes that you have seen. There is not a difference between the tapes.

Mr. BAILEY. That is precisely my complaint.

Mr. BENNETT. I do not understand.

Mr. BAILEY. We have not had an opportunity——

Mr. BENNETT. That is every tape introduced by the Government and the defense, every one.

Mr. BAILEY. Yes, sir, I know that. If the gentleman will let me finish my argument, I think the gentleman will understand.

The reason the so-called technical due process hearing that was deferred by judgment of Federal District Court is so important is that it does go to fundamental issues like evidence that will be seen in court and evidence that has been seen or experienced by the gentleman. I do not take issue with the very correct statement that the chairman has made that we could have proceeded under the committee rules via other means. I take no issue with that. I think that is correct, but we chose a process. We chose it because of a respect for the Constitution, and there is no doubt in any mind today——

The SPEAKER. The time of the gentleman from Pennsylvania (Mr. BAILEY) has expired.

Mr. BAILEY. I ask for an additional 3 minutes.

Mr. STOKES. I yield the gentleman 3 additional minutes.

□ 1240

Mr. BAILEY. There is no doubt in my mind today that we will invite the U.S. Supreme Court in here to the floor of this House to make decisions for us that we should properly be making ourselves.

I am not defending this conduct. None of us who are speaking for this motion are defending the conduct. We are speaking for what we believe to be a correct and proper treatment of a person who has been accused of a wrongdoing.

I will finish by reading a quote from a Supreme Court decision in the matter of *United States* v. *Brewster*, 408 U.S. 501:

> The process of disciplining a Member in the Congress is not without countervailing risks of abuse since it is not surrounded with the panoply of protective shields that are present in a criminal case. An accused Member is judged by no specifically articulated standards and is at the mercy of an almost unbridled discretion of the charging body that functions at once as accuser, prosecutor, judge, and jury from whose decision there is no established right of review.

Important words, "no established right of review."

> In short, a Member would be compelled to defend in what would be comparable to a criminal prosecution without the safeguards provided by the Constitution. Moreover, it would be somewhat naive to assume that the triers would be wholly objective and free from considerations of party and politics and the passions of the moment.

Well, I will say this to all of you. Before I cast my vote to punish a Member of this body, and I do not want the office badly enough to act in violation of this precept, I would at least be able to say to myself that I have given every opportunity to review and judge in a fair process.

I sincerely ask all of you to consider the possibility that we are not doing so.

Mr. PREYER. Mr. Speaker, will the gentleman yield briefly?

Mr. BAILEY. Yes, I yield.

Mr. PREYER. On the matter of the tapes, I would point out to the gentleman that all 6 hours of the tapes are available, have been available at the recording studio, as well as the 45 minutes. The 45 minutes was excerpted, since most Members are not intimately involved and few Members would listen to 6 hours of tape. They are the same 45 minutes played at the open hearing on the sanctions before the Standards Committee. No question was raised by respondents counsel that there was anything unfair about the excerpts or that they distorted the tapes in any way.

Mr. BAILEY. May I respond. My position is relatively simple. It is plainly that if we are going to judge someone in a matter that is comparable, as the court says, and I agree with them, to a criminal proceeding, we at least owe the respect due to that proceeding to look at all the evidence, judge it in its balance in accordance with some standard of procedure which seems to be fair.

I do not see any reason to restate the gentleman from Texas' argument (Mr. ECKHARDT). I do not see any reason to restate that argument. I think you know very well the point he was making. You adopted, the committee adopted a specific course of action. One of the questions that underlies adopting that course of action is whether or not the committee and this Congress will abide by its own rules.

I explored the possibility of a point of order on that. I did not win the argument; but it lies, nonetheless, that if we are going to take an action, it should be in accordance with a specific procedure, specific rules that provide some form of predicability.

We did have a possibility of proceeding under another rule; but under that rule the procedural items are different. They are specifically different in the rules. They provide for different procedures. They provide for a different approach to a preliminary hearing. They provide for different treatment of the matters before the committee. Those are important things. They are fundamental things. They are vital things. They are larger than the guilt or innocence of Mr. MYERS. They go to the way we treat people and how we function.

There is little doubt in my mind from what I have seen and what I have read, it appears to me, my gut reaction is that there is wrongdoing. That is fine, but we are not simply standing here and endorsing a decision. We are endorsing a procedure, a way of doing things. You are inviting the court to come in here and decide things for us by this action, and we are doing more than that. We are asking them to define our procedures and you are looking at a situation which will go on for years.

We must establish decent and better ways of proceeding on this matter. I only suggest—I only suggest that we defer, evaluate and rationally look at some of these choices that we are making in a little better and more studied atmosphere. That is all that I suggest. I hope that we will adopt the motion.

Mr. PREYER. If the gentleman will yield, I would say that under our procedures we did hear from Mr. MYERS twice and all that is necessary is to read his statement, rather than listen to the 6 hours of tapes.

The SPEAKER. The gentleman's time has expired.

Mr. STOKES. Mr. Speaker, how much time do I have left?

The SPEAKER. Fourteen minutes.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. I appreciate that, Mr. Speaker. I shall be very brief.

There are several things that trouble me about what we are doing and I am going to support the gentleman's motion, the gentleman from Ohio.

One of the things that troubles me is it is virtually impossible to separate out the court action from what transpires under the rules of the House. It simply cannot be done. The court action triggers this whole business. We look at tapes that were produced through court action. So that is the first point I want to make. You cannot, you cannot separate out the court from what we do in this House, and to suggest that what the court has done is irrelevant is absolutely foolish. There can be no separation.

There is something else that we have not discussed or even looked at in this proceeding. I have some serious questions about the legality of an agency of Government to have entered into the kind of operation that was entered into which resulted in Mr. MYERS and others being indicted. Surely, surely, if you might have some questions about that also, then how can we proceed under our rules without first going to the basic question of whether or not an agency of Government has acted illegally, and that is exactly what the courts are attempting to determine in the Myers case.

Finally, the final point I want to make, it has been said that we ought to go to the people to show that we will not abide any corruption or wrongdoing in the Congress. We will not countenance it. I think it is important that we do that; but my colleagues, I think it is also important that we go to the people to reaffirm the most precious thing that we have got in this country and that is due process. That is the only thing that separates us from a totalitarian government. That is the only thing that separates us from a government which would be repressive and oppressive, due process. If you believe in it, you will vote for the Stokes motion.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Edwards).

Mr. EDWARDS of California. Mr. Speaker, the key issue here is that the conviction is not final. Motions and petitions are still pending that may result in the jury's verdict being set aside on the ground that the Government's behavior was improper. These motions are by no means frivolous—the allegations go to the heart of the question of whether a crime was committed.

There is an even stronger reason for not taking action at this time. As we are well aware, the propriety of the technique used, mentioned in the Abscam investigation, was the subject of much controversy here in Congress and the media and now in the courts.

Congressional efforts to evaluate these techniques were frustrated by the ongoing nature of the criminal proceedings and our inability to obtain full data. We were, therefore, unable to come to any definite decision.

Now, this issue will be fully explored in the course of motions before the trial court. The motion alleges that "the criminal conduct alleged in the indictment was the product of Government overreaching in that the acts were inextricably intertwined with a scheme initiated, planned, and executed by the Government."

□ 1250

Mr. Myers' claim in the motion is that "the conduct of the Government was so outrageous that the Government should have been precluded from bringing the charges."

The motion relies on several court decisions in one of which Associate Supreme Court Justice Powell stated:

> Police overinvolvement in crime would have to reach a demonstrable level of outrageousness before it could bar conviction. (*Hampson* v. *U.S.*, 425 U.S. 484.)

Given the substantial questions concerning that conduct and the uncertainty about whether this conviction will stand or will be set aside, it is really fundamentally unfair for us today to pass judgment now, at least until definitive judgment has been made by the courts.

While it is not obligatory for us to wait for the appellate process to be exhausted before disciplining a Member for the commission of a crime, this is no ordinary criminal conviction. It involves issues and techniques unprecedented in the history of the United States.

I disagree strongly with those who say there is nothing more we can learn before passing judgment. Would not a reversal of the conviction be an issue relevant to our deliberations today?

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Speaker, I know that we are under considerable pressure. I know that the committee acted under its mandate. But I think the atmosphere is very reminiscent of what a famous historian, William E. Lukenberg, states in his history about the coming of the Spanish-American War and why it happened at the time and the advisability of the Congress and everybody else to resist the onslaughts. He said the current was too strong, the demagogs were too numerous, and the fall elections were too near.

I think we can say—not that I am alleging there is any such thing as demagoguery as far as this body is concerned. We know that there are no demagogs in the House. Perhaps there are up in the gallery, but not in the House.

I would like to point the attention of the House to page 81 of report No. 1. I understand this committee has proceeded under the mandate of House Resolution 608.

I was the only one who voted against that resolution and the reason you will find on page 81 of this committee report in which you will see that there is a clause in section 6 that says the committee may restrict access to information received from the Justice Department to such Members of the committee or the House as the committee may designate. But it does not say who in the committee is going to make that determination. Not a one of us can in conscience vote today to expel without ascertaining whether that section was used in the case of the proceedings of the committee on the case of Mr. Myers.

Second, I think that we are charting new courses, despite the attempt of the chairman to explain away in the remarks he had in the Record on September 30, in anticipation of this hearing, which I think that act in itself ought to give us grounds for postponement because it precipitates issues that would tend to color and prejudice the case that we are entertaining this afternoon.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Collins).

Mr. COLLINS of Texas. I thank the gentleman. I know of no committee that serves in the House that I have higher respect for or more respect than I do for the gentleman from Florida (Mr. Bennett) or the gentleman from South Carolina (Mr. Spence). I think that the members of your committee show more courage in bringing this to the floor and have shown more courage, but now that it is on the floor I hope that the Members of the House show courage.

I have heard from many lawyers here today, and I was not a lawyer. I was a businessman before I came to Congress. But today we do not meet as lawyers or we do not meet as businessmen. We meet as Congressmen, and there is one thing that is uppermost in all of our minds. That is the fact that an election is coming up 1 month from now and we all know this.

This must be the most unpopular vote that I have ever seen in a long, long time. In my seven terms I have never seen a vote that I consider more unpopular. But the issue is are we going to vote for our hearts, are we going to vote for our conscience, or are we going to vote to see whether we come back to Congress.

I would say that it does not matter whether any one of us 435 come back, but it does matter how we stand in principle. Today we have an issue here that the gentleman from Ohio has put to us. He has said that we should postpone, we should postpone this issue because they have not had a court decision rendered. They have not had the judgment rendered, the final decision.

Being a businessman, being a layman, that makes sense to me. This is not the time and today, from the bottom of your hearts, I hope that you will show the courage that they have shown in bringing this matter to us. I hope that you will join me and vote with the gentleman from Ohio (Mr. Stokes). Let us vote to postpone this issue.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. Davis).

Mr. DAVIS of South Carolina. Mr. Speaker, I, too, would pose a question just like my colleagues from Texas (Mr. Collins). I am worried about the integrity of the House and I am worried about us rushing to decision. I worry about the fact that we sit here as jurors today if the motion of the gentleman from Ohio (Mr. Stokes) fails. We do not even have a presentation of the evidence in this House. Yes, we have had the opportunity to see it, but all of us have not.

So I wonder if everyone, with a good, clear conscience, can cast that final vote so when you vote on the motion to postpone, I think about whether or not you are ready, ready to vote on expulsion.

Now I would like to propound a question to the chairman of the Committee on Standards of Official Conduct. That is this, Mr. Chairman, could you answer this question: There are several other of our colleagues who are involved in this so-called same operation. The argument has been made that the court decision is not effective here, it does not render the question here really responsible because of the court decisions or court action. What will be the other action when the same tapes are made available or will they be requested to be made available if one of the other Members of this body is acquitted? I would ask that question and I would like to know what will be the process that the committee will follow if one of the other Members are acquitted?

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of South Carolina. I yield to the gentleman.

Mr. BENNETT. It is not my understanding that I will be on the committee next year under the House rules.

Mr. DAVIS of South Carolina. But we will be back here in November. One of the trials could be concluded prior to our coming back in November.

Mr. BENNETT. I cannot speak for the committee.

Mr. DAVIS of South Carolina. But you

are the chairman of the committee. Say the trial is going on right now and concludes prior to November.

Mr. BENNETT. You are saying one that is completely identical with Mr. Myers case?

Mr. DAVIS of South Carolina. What would happen if this Member is acquitted?

Mr. BENNETT. If he is acquitted, and the committee has any reason to believe from any information in the committee files, or presented to it, that even though he was acquitted he was guilty of things that should come before the House of Representatives, the committee would operate under rule 16 and have a case on that.

Mr. DAVIS of South Carolina. Then would you not think it would be best that all of the House be presented with all of the evidence before they make that judgment?

Mr. BENNETT. They have all of the evidence. They have all of it. They have every iota of evidence.

Mr. DAVIS of South Carolina. I would ask you this fundamental fairness question: Would you not think it best that the entire jury see all of the evidence?

Mr. BENNETT. If you have not seen it it is your own fault. It has been available a long time.

Mr. DAVIS of South Carolina. I have not said that I have not seen it. What I am saying is one thing is that all of the Members of this House have not seen it.

Mr. BENNETT. I do not know. That has been asserted, but I have never seen any evidence of that.

Mr. DAVIS of South Carolina. I would just request that the committee maybe in the next presentation make arrangements where the evidence is presented here on the floor.

Mr. BENNETT. In my chairmanship of the committee it has been my experience that those people who want postponements on all decisions in Congress and then get them are seldom people who do any better on the second go-round. They had the opportunity. The opportunity has been available.

☐ 1300

The SPEAKER. The time of the gentleman has expired.

● Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of the motion made by Mr. Stokes of Ohio to delay the consideration until November 13, 1980, of House Resolution 794, a resolution to expel Representative Michael O. Myers from the House of Representatives.

I am thoroughly incensed by the actions of Representative Myers as exposed by the video tape and evidence presented to the House Committee on Standards of Official Conduct. As evidenced by the tape, he disgraced the public trust.

However, I question if this body should judge Mr. Myers before the judicial process has run its course, and at a date so close to congressional elections.

Mr. Myers has not been sentenced by a court, a scheduled evidentiary hearing has not begun, and the appeals process has not yet been initiated. Mr. Myers has not been accorded the full due process of law as set forth in the U.S. Constitution.

I am aware that the committee and this body may proceed under committee rule without regard to Representative Myers' due process rights. However, I prefer to respect and enforce this constitutional mandate.

Finally, Mr. Speaker, the Constitution may give us the right to expel Members; however, the right to choose who shall represent the First District of Pennsylvania belongs only to the people of that district. Now that we are so close to the date of that constitutionally mandated decision, I believe we should allow the governed to be the first to cast judgment.●

Mr. STOKES. Mr. Speaker, I have no further requests for time.

I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion to postpone offered by the gentleman from Ohio (Mr. Stokes).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. STOKES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 75, nays 332, not voting 25, as follows:

[Roll No. 621]

YEAS—75

Addabbo
Alexander
Annunzio
Applegate
Bailey
Beilenson
Benjamin
Boggs
Boland
Bolling
Burton, Phillip
Cavanaugh
Chisholm
Clay
Collins, Ill.
Collins, Tex.
Conyers
Davis, S.C.
Dellums
Derwinski
Dixon
Donnelly
Drinan
Early
Eckhardt
Edwards, Calif.
Evans, Ga.
Fary
Fish
Ford, Mich.
Ford, Tenn.
Garcia
Gaydos
Gonzalez
Hamilton
Holland
Ichord
Kelly
Lederer
Leland
Long, La.
Mathis
Mikulski
Mitchell, Md.
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Nolan
Obey
Patten
Perkins
Price
Rangel
Richmond
Rodino
Rosenthal
Rostenkowski
Roybal
Sabo
Scheuer
Simon
Smith, Iowa
Stark
Stewart
Stokes
Van Deerlin
Weiss
Wilson, C. H.
Wilson, Tex.
Wyatt
Young, Alaska
Zablocki
Zeferetti

NAYS—332

Akaka
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Anthony
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Devine
Dickinson
Dicks
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Foley
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Miller, Calif.
Miller, Ohio
Mineta
Minish
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Panetta
Pashayan
Patterson
Paul
Pease
Pepper
Petri
Peyser
Pickle
Porter
Preyer
Pritchard
Pursell
Quillen
Rahall
Railsback
Ratchford
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Rose
Rousselot
Royer
Rudd
Russo
Santini
Satterfield
Sawyer
Schroeder
Schulze
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stanton
Stenholm
Stockman
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Winn
Wirth
Wolff
Wolpe
Wright
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.

NOT VOTING—25

Abdnor
Albosta
Anderson, Ill.
Biaggi
Burton, John
Corman
Dingell
Dodd
Goldwater
Hall, Ohio
Holtzman
Jenrette
Leach, La.
Mitchell, N.Y.
Mottl
Myers, Pa.
Quayle
Reuss
Roberts
Roth
Sebelius
Shannon
Staggers
Steed
Thompson

☐ 1310

So the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the unanimous-consent request made by the gentleman from Florida (Mr. Bennett) which was agreed to, the Chair will remind Members that any revisions of remarks actually made on the floor during the consideration of House Resolution 794 should be confined to grammatical corrections, and extensions of remarks will be placed in the extensions portion of the RECORD.

The gentleman from Florida (Mr. BENNETT) is recognized for 1 hour.

Mr. BENNETT. Mr. Speaker, although technically speaking I could control all of the time, in all fairness I think I should yield half of the time to the gentleman from Pennsylvania (Mr. MYERS). I plan to do that at the conclusion of my remarks and the remarks of those people on the Democratic side who wish to be heard. That will leave about 15 minutes on our side. I then plan to yield 10 minutes to the gentleman from South Carolina (Mr. SPENCE) which will assure me of having 5 minutes at the end.

Mr. Speaker, I rise in support of House Resolution 794 which calls for the expulsion from this House of Representative MICHAEL J. MYERS.

I find this an extremely difficult statement to make. Indeed, calling on this body to expel one of our colleagues is one of the most unpleasant tasks I have faced in many years in Congress. Nevertheless, I submit, Mr. Speaker, based uyon the evidence presented at Mr. MYERS' criminal trial—at the conclusion of which a jury found him guilty of bribery, conspiracy and violation of the Travel Act—as well as the evidence presented before our committee, this House can appropriately consider no other sanction except expulsion.

The committee, as well as the Federal court jury which convicted Mr. MYERS, had available to it and reviewed at length, video tapes and audiotapes of Mr. MYERS' own statements and acts with which he was charged. Moreover, Mr. MYERS appeared and testified before our committee and essentially admitted his involvement in what we were forced to conclude were blatant breaches of the rules and indeed of the fundamental integrity of the House of Representatives.

As is by now all too familiar about what happened, in 1978, the FBI began an undercover operation known as Abscam in which FBI agents and an informer posed as representatives of Middle Eastern businessmen or sheiks who were interested in investing in the United States.

On July 26, 1979, Anthony Amoroso, an undercover FBI agent using the name of Tony DeVito, held a meeting in Florida to talk about these sheiks with Angelo Errichetti, the mayor of Camden, N.J., and Howard Criden of Pennsylvania, lawyer, and Louis Johanson, his law partner.

Errichetti later told Criden that on a prior occasion he had been paid a substantial fee to introduce the sheiks to a Congressman and he inquired if Criden and Johanson knew any Congressman who would be willing to meet with the sheiks in exchange for a portion of a fee.

☐ 1320

Johanson contacted Congressman MYERS, and MYERS agreed to the arrangement. Errichetti then informed DeVito that MYERS was prepared to "do anything" for the sheiks and a meeting with MYERS was arranged.

On August 22, 1979, MYERS and Errichetti met with DeVito at the Trave-Lodge Hotel at Kennedy Airport, N.Y. DeVito described to MYERS in general terms the sheiks' desire to insure that if they fled their country, they would be able to enter and remain in the United States, and he asked how MYERS could be of assistance in this.

MYERS replied, "Where I could be of assistance in this type of a matter, first of all, is private bills that can be introduced." MYERS explained that as soon as the sheiks had entered the United States, "I'd have to put a bill in at that point." Elaborating on the process, he indicated that once the bill had been introduced, he would be able to use the hearing process to delay any action for a year or 18 months, after which time it would be much easier to arrange for the sheiks to stay in this country. In addition to the introduction of a private bill, MYERS indicated that he knew people in the State Department and volunteered to meet with them when he returned to Washington.

MYERS then suggested that the sheiks invest in MYERS' district. He said, "That gives me the out that I need to go full guns."

Throughout the meeting, the Congressman repeatedly promised to assist the unidentified sheiks. "I'll be in the man's corner a hundred percent," he said, "and I'll deliver a lot of other people in his corner," he assured DeVito. "Feel free to call me, and, you know, matter of fact, you can come down, we'll meet down in Washington if you want." He also commended DeVito for going about things the right way. "Money talks in this business and bull s--- walks. And it works the same way down in Washington," he explained.

As the meeting drew to a close, MYERS again gave his guarantee that he would assist the sheiks. DeVito then handed MYERS an envelope containing $50,000 in cash. "Spend it well," DeVito said as MYERS accepted the envelope and replied: "Pleasure."

Five months later, on January 24, 1980, two other undercover agents, Michael Wald, using the name of "Michael Cohen" and Ernest Haridopolos, using the name of "Ernie Poulos," met with MYERS and Criden at the Barclay Hotel in Philadelphia. Early in the meeting, Cohen raised the subject of the sheiks' immigration problem, indicating that the situation had become worse in the sheiks' country and suggesting that, because of the sheiks' confidence in MYERS, they were planning to come to the United States.

Cohen said the sheiks were considering building a $34 million hotel complex in MYERS' district, but were concerned about the Mafia and about securing the necessary zoning variances and approval of the city council. MYERS agreed to deal with the Mafia on behalf of the sheiks. He also promised to "use his office" to help with zoning variances and the city council, expressing confidence that he could convince the council members from his district to vote in favor of any necessary provisions. He said he would use "my influence, my office, and my personal friendship" with council members, and he assured Cohen that the city council would be no problem. "City council we can handle. Forget city council. Those that we can't handle, we can buy."

Another issue discussed at this meeting was the amount of money MYERS had received in the August meeting. MYERS expressed some dissatisfaction with the amount that he had received.

Representative MYERS testified in his own defense at the criminal trial, and at our committee proceedings. He did not deny having received an envelope containing $50,000—which he thought was $100,000—for his personal use. He attempted, however, to explain the circumstances surrounding the receipt of these moneys. In essence, Mr. MYERS claimed that in advance of the crucial meetings he was told he was about to engage in play-acting and he would never have to do anything affirmative in return for the money except to make promises.

The Committee on Standards of Official Conduct found, as the jury did, that Mr. MYERS' story is inherently unbelieveable and is contradicted by events revealed in the tapes. Moreover, even if we were to accept Mr. MYERS' testimony at face value, we still would conclude that his conduct was in violation of the most fundamental standards for congressional conduct. Mr. MYERS has not explained why wealthy foreigners would pay substantial sums of money in return for a wholly fictitious charade if they knew it was a charade, or, if they did not know it was a charade, why Mr. MYERS was entitled to take these sums upon promising to use his influence in the performance of his official duties.

The committee can only conclude—as the tapes conclusively show—that Mr. MYERS was sincere in his belief that he was dealing with persons willing to pay for his influence as a Representative, that he took money in return for promising to use that influence on their behalf, and that he thereby acted corruptly, in violation of law, and in total disregard of his duties and obligations as spelled out in clauses 1 through 3 of House Rule XLIII.

Mr. Speaker, I would like to respond at this point to two concerns currently circulating among some Members of the House and which surfaced somewhat here in the debate earlier today.

The first concern expressed is that Representative MYERS has not been "convicted" under rule 14 of the committee's rules because he still has a "due process" motion pending before the district court in Brooklyn, and if that court were ultimately to grant his motion, it is argued, the committee would have expelled a Member on the basis of a nonexistent conviction.

However, the motion before the district court is not based upon some alleged error at trial, such as improper admission of evidence. Rather, it attacks the indictment, alleging governmental misconduct. The district court due process decision will not change what the committee has seen and heard on numerous tapes, or suggest that such evidence is somehow untrustworthy or inadmissible. The action of the committee is based on evidence, not on the fact that there has been a conviction. All the conviction did was to trigger the requirement that the committee take action under rule 14.

The committee based its recommendation only in part on the trial evidence. Of equal, if not overriding, importance was the testimony given to the committee on two occasions by Representative Myers himself. He admitted in that testimony that he received $50,000 in cash, thinking it was $100,000; that he believed this money was coming from a real shiek; that he thought the shiek was being "ripped off" by those with whom the Representative was dealing; that in return for the money he received, Representative Myers promised to introduce legislation to benefit the shieks; and that he thereafter brought another Congressman to the shieks' representatives, recommending that this Congressman be given a $10,000 campaign contribution.

Any contention that Representative Myers has not been "convicted" within the meaning of rule 14 is simply in error, as has already been stated here, and the record vote shows it. The committee has voted without dissent to interpret a "conviction" in rule 14 to mean "a plea of guilty or a finding of guilt by a jury," and the committee's action is supported by court decisions which have been set out previously in the Congressional Record.

The other concern circulated by some Members is that the committee is treating Representative Myers differently, and somehow more severely, than it did former Representative Diggs. This is not true. Even though the Diggs case is very much distinguishable from the Myers case in several important aspects, such as the seriousness of the acts committed, the fact remains that Representative Diggs' counsel twice attempted to have the committee defer action pending the completion of his judicial proceedings, and on both these occasions the committee denied these applications.

In the Diggs case, the offenses were internal to his staff and did not involve the sale of his vote; and in the opinion of the committee, Diggs' action did not warrant expulsion, although the question of whether he should be expelled if jailed was urged by some Members. Diggs resigned from Congress, rendering moot the question of whether being jailed for his offenses of lesser magnitude than Myers would warrant expulsion.

Representative Myers and his counsel have been accorded every opportunity by the committee to appear and present evidence. Representative Myers testified twice. Not once was any of his proffered evidence rejected. The relevant portions of the trial record were stipulated. Even special counsel's report, received by the committee in executive session, was sent to Representative Myers out of a sense of fairness. The Representative's counsel made no objection to special counsel's summary of the evidence at trial. Representative Myers' case, by every reasonable standard, has been fairly and comprehensively adjudicated by the committee.

Mr. Speaker, the Constitution places upon this House the duty to judge the qualification of its Members and to discipline its Members for serious offenses of the type committed by Representative Myers. No matter how unwelcome, how unpleasant, how distasteful we may find it, we must perfrom that duty honorably and forthrightly. It is our responsibility.

In determining what is the proper sanction in this case, and in considering whether there are any mitigating factors which should lessen the severity of our action, it is simply impossible to find excuses for a man who broke so many laws and rules; who broke them not only as an individual who happened to be a public servant, but as a public servant trading upon that very elected office; who used his influence in the U.S. Congress as bait and as barter to wring huge sums of money from those who he thought needed that influence; who for purely personal gain promised everything, anything, his vote, his contacts, his connections; who made a mockery of the seat in which his constituents had placed him with honor.

There can be no other choice of sanctions for such actions. Representative Myers must be expelled.

☐ 1330

The SPEAKER. The gentleman from Florida (Mr. Bennett) has consumed 12 minutes.

Mr. MYERS of Pennsylvania. Mr. Speaker, I would like to take the well for a minute.

The SPEAKER. Does the gentleman from Florida (Mr. Bennett) yield time to the gentleman from Pennsylvania?

Mr. BENNETT. Mr. Speaker, I will yield at this point. How much time does the gentleman want?

Mr. MYERS of Pennsylvania. Mr. Speaker, so I understand the rules, am I going to be given 30 minutes?

Mr. BENNETT. If the gentleman wants it. Suppose at this moment, Mr. Speaker, I give the gentleman 20 minutes.

Mr. MYERS of Pennsylvania. I will probably not use all the 20 minutes, but I would like to be extended some time.

Mr. BENNETT. Mr. Speaker, I will give the gentleman half my time now, which is 30 minutes. I will give all of that time to the gentleman now.

Mr. MYERS of Pennsylvania. Mr. Speaker, I certainly thank the committee chairman.

The SPEAKER. The gentleman from Pennsylvania (Mr. Myers) is recognized for 30 minutes.

Mr. MYERS of Pennsylvania. Mr. Speaker, the last vote was this: I only received 75 votes, and I certainly want to thank the Members who had courage enough to stand up and vote. I know it was very difficult to do, and I certainly thank them for their courage.

When I stand here today, I am going to cut my remarks down, because obviously I am not going to change anybody's mind on how they are going to vote, but I would like to start off, first of all, and say I am sorry I put the House in this position. I do not feel good about it. I told that to the committee, and certainly I owe this House an apology for my actions.

But my actions that were viewed on that video tape certainly were not "Ozzie" Myers. That was play-acting from the word "go," and I was following a script which was given to me. I was led into a trap that was cleverly disguised with bait, the bait being: First, money; second, employment for my district; and third, to help a friend land a hotel casino in Atlantic City.

I was set up from the word "go." I cannot change that. I cannot change anybody's feelings, but that is what happened.

But it was suggested to me as the easy way out: "Why don't you resign?" Maybe it would have been an easy way out, but I cannot resign. I just cannot resign because I did not violate my office, and I feel that this is the best way, by coming to this well, to have this issue before the Committee on the Judiciary, to thoroughly review all the evidence until the Abscam cases are completed, and to take the proper measures to see that this injustice does not happen again.

I think far more important than my expulsion from this body is certainly my constitutional rights. I am going to, if I may, refer to the Diggs matter, of course, not to bring up any evidence in the case, but just to use a comparison in the timetable that the Committee on Standards of Official Conduct took and how much I was allowed to present my arguments.

In my particular case—well, let us first go to the Diggs case. All right, here is the Diggs case. On October 7, 1978, a jury verdict was reached in the Diggs case. On March 21, 1979, 5½ months after the jury verdict, a formal resolution to inquire into the official conduct of Representative Diggs was adopted by the Committee on Standards of Official Conduct. On June 7, 1979, 8 full months after the jury verdict, the committee adopted a final motion to hold a hearing on discipline of Mr. Diggs. On July 19, 1979, 9½ months after the jury verdict, the committee filed its resolution and reported recommendations of censure of Mr. or, of course, Congressman Diggs.

On July 31, 1979, just a few days shy of 10 full months from the jury verdict, the House voted to censure Mr. Diggs after a complete consideration of all of the evidence involved in that case.

In my particular matter, my timetable goes like this: On August 30, 1980, the jury reached its verdict in my case. On September 3, 1980, just 4 days after the jury verdict, the Committee on Standards of Official Conduct scheduled a preliminary inquiry into my matter—exhibit C of the committee report.

On September 10, 1980, just 11 days after the jury verdict, a preliminary inquiry was held—11 days. I appeared, as you heard. I appeared before that committee and gave testimony of my own free will, which is also contained in the committee report.

At this hearing, my attorney, Plato Cacheris of Washington, D.C., made a motion that the committee keep phase 1, the preliminary inquiry stages of those hearings, open for the purpose of allowing me an opportunity to supplement the record with testimony, transcripts, and exhibits concerning the violations of my due process rights in the investigation of the entire Abscam case.

The following day, this motion was made formal and was submitted to the committee in writing—exhibit H in the committee report.

On September 16, 1980, just 17 days after the jury verdict, the committee denied my motion to keep the records open in the matter. That is exhibit P of the committee report. And that very day they scheduled a hearing for September 24, 1980, to determine what sanctions to recommend to this body.

On September 24, 1980, only 25 days or 3½ weeks, however you want to count it, after the jury verdict, the committee filed its resolution and report recommending my expulsion.

Today I stand before you, just 1 month and 2 days after the jury verdict and before sentencing that is required to complete my conviction. And I am standing here opposing this resolution, knowing full well that I do not have a Chinaman's chance of this going down, but I am doing it as a matter of principle. I feel that it is important that we carefully examine the vast differences of timetables in my case and, of course, in Congressman Diggs' case.

I would like to just summarize and review those for you now just to give you a breakdown of how I was treated versus another Member who obviously committed a very serious action.

Let us review the amount of time that the committee took to investigate each case and to bring a resolution to the floor of the House.

The committee, after its investigation following the jury verdict in the Diggs case, allowed 5½ months in this case before holding its first hearing in the matter. In my case the committee allowed me 4 days before they held their hearing.

In the Diggs case the committee allowed themselves 8 full months to investigate the matter before moving to hold a hearing to discipline Mr. Diggs.

What did they allow me? They allowed me just 17 days.

And again, in the matter of Mr. Diggs, a period of 9½ months elapsed from the jury verdict to filing a resolution to censure. In my matter, merely 25 days elapsed before filing the resolution to expel.

Where there is any justification for that, I will never know, in using that timeframe.

□ 1340

In looking at these comparisons I have just given you, I want to know—that is one of the reasons I am taking this well—how can any Member justify this severe action that we are considering in this well today versus the timeframe that I was put under to try to defend myself without any consideration for my due process arguments?

Can this body justify spending only 3½ weeks considering a sanction as severe as expulsion, when you allowed 3½ weeks considering a sanction as calling for censure?

Do the Members of the House want to stampede out of these doors upon completion of this vote, run from the Chamber on the final day before an election recess, having expelled me without any consideration of due process of law or any regard of my constitutional rights as an American citizen?

Forget about being a Member of Congress. My constitutional rights are more important here than me being expelled, not only to me but to this body as an institution, to this Congress.

I hope that the Members will not let the political pressures of the vote force them into joining a lynching mob—because that is exactly what I think it is—in order that they can wash their hands clean of Abscam. I hope that some day everybody can wash their hands clean of Abscam. But we will not be able to do that until we are given our due process arguments and have an opportunity to present these to a court of law.

I would have no objections at any time in the future that this body would want to call up this very resolution and bringing evidence to this floor, including films, and showing them on a screen in this Chamber, as long as I have had an opportunity to exhaust due process.

Things that I will uncover at my due process hearings I do not have here today, and I did not have to present to that committee. In my case I was the only defendant to testify in my own behalf, and the reason I was the only defendant was because the codefendants who were indicted in my case were also indicted in other matters, so they feared to take the stand that they would have been quizzed on the other matters. I did not have an opportunity to let a jury hear what they would have told the jury, how I got involved in Abscam. And that is the most important thing that I wanted that jury to hear, but certainly those were arguments of law that the judge ruled, and they would be taken up at the due process hearing.

In no way did I or my lawyer delay the proceedings, as far as due process. We asked for an immediate due process hearing prior to the trial. The judge decided to hold the trial first. Why, I do not know. That is his decision. But he did promise to give us a due process hearing after the trial, which is now pending before that very court.

What you see on film, like I said when I first started out, is strictly play-acting, and I am telling you, when I get a chance to prove how I got led into this trap, you will understand how this could happen and how it may happen to some other people and how it could happen. And that is why the Judiciary Committee must act to put an end to this.

You know, I do not have really too much more to say. All of the arguments I had intended to make about rule 14, I think some of the previous speakers prior to the last vote certainly made them clear. But in closing my remarks—does the gentleman from California (Mr. CHARLES H. WILSON) wish me to yield to him?

Mr. CHARLES H. WILSON of California. Yes, if my friend will yield, and you are my friend.

Mr. MYERS of Pennsylvania. I will be happy to yield to the gentleman.

Mr. CHARLES H. WILSON of California. I watched the tapes, OZZIE, and I think that, like yourself, I was terribly disappointed and felt that they were extremely damaging; and I am sure that you, yourself, when you saw them replayed, were embarrassed by what you saw and what you heard.

Now, one of the gentlemen—I think it was Mr. PREYER—had indicated that there were 6 hours of tapes, and we were shown 45 minutes of tapes. Maybe it was because of repetition, or something of this sort. But I did notice an extremely different OZZIE MYERS on the first tape in August than in the next one in January, I think January 24 of this year. It appeared to me that your voice had slurred and that you were perhaps inebriated in that meeting. It was at this meeting where the profanity and the language which made the tape so damaging took place.

Now, can you tell the Members here—and I do not mind saying I am going to vote against expulsion if there is a record vote—but can you tell the group if you were deliberately plied with liquor? I think there sometimes can be extenuating circumstances as to what a person does and says. Can you give us some background as to what did happen in this particular case?

Mr. MYERS of Pennsylvania. I would be happy to.

Mr. CHARLES H. WILSON of California. And if there was anything helpful to you on the 5 hours and 15 minutes of tapes that were left out that we did not get the opportunity to see.

Mr. MYERS of Pennsylvania. Well, first talking about the amount of time in the tapes that were introduced as evidence in my particular trial, there was approximately 6 hours of tapes introduced in the trial. It was mentioned to me by a member of the press that on some of the tapes in which I participated where I was filmed in them, that I could have cut different sections of that out and used it in a reelection campaign ad, when I was in talking about jobs for my district.

So, depending upon how you look at them, if you pick pieces out—and, of course, I do not blame the committee, they picked the most damaging pieces out. Obviously, that was the job of the prosecutor, Mr. Prettyman. I am not saying that he did not do his job and I am not saying that the committee did not do their job. I am saying to you that what is on those tapes is play-acting, which I was instructed to do prior to going to those meetings. When you talk about my behavior on the second set of tapes, was intoxicated; I was drinking FBI bourbon, if you know what that is, big glasses full of it. I could hardly talk. You saw my condition.

Mr. CHARLES H. WILSON of California. I understand you were a beer drinker. You came right off the wharves of Philadelphia. You were a longshoreman.

Mr. MYERS of Pennsylvania. I cannot ever remember, Mr. WILSON, drinking a bourbon on the rocks. I do not ever remember drinking that. I hardly remember drinking that. And I hardly remember drinking those several that night after I finished drinking them. But that is what happened. Of course, when I have my opportunity to explore all of these avenues under the due process arguments which will be held before a court, certainly I intend to do that.

Let me just say one other thing about the tapes. At the initial outset of the trial, the prosecutor, Mr. Puccio, told His Honor Judge Pratt that there were some 50 hours of tapes, 50 hours of tapes in my particular matter. Several were lost. Four were lost. Several were altered. Evidence came out in the trial. We brought tape experts in, the very tape experts who were involved in the Watergate tapes, considered to be world renowned experts in that area. But the damage of what was shown on video tape was so devastating to a jury, they did not see what happened off-tape, and I was not allowed to present those arguments because they are questions of law, as I was told by the court, and certainly I believe that to be accurate. But before I can completely put my case in front of this body, I must be given an opportunity to uncover additional evidence and to call witnesses so that I can present all of the facts as they really took place.

Mr. CHARLES H. WILSON of California. I agree with the gentleman when he says that the committee headed by Mr. EDWARDS must come up with some reforms on the way that matters of this type are handled.

Mr. MYERS of Pennsylvania. There is no question about that.

Mr. CHARLES H. WILSON of California. Because we have to follow some of the judicial procedures that are so important in these matters.

Mr. BENNETT. Mr. Speaker, will the gentleman yield for a clarification of something?

Mr. MYERS of Pennsylvania. I will yield to the chairman.

Mr. BENNETT. I want to say, with regard to why rule 14 was not used in the Diggs case, the Diggs case was why rule 14 came about, in my opinion. It was not in existence during the Diggs case, and it was passed in March 1979. So the reason why the same procedures were not used is because we found those procedures were too lengthy. In fact, Mr. Diggs offered many, many motions. He had bills of particulars and discovery and endless, endless motions, for which we gave him all the time he wanted to be heard at great length and great delays in between. We would have done the same thing with you if you had asked, because we have never cut anybody short or tried to cut them short. We try to be fair with regard to everybody. But rule 14 did not exist when the Diggs case was on.

Then I want to say, since the drinking question has been raised here, I am not a real good observer about whether people are drunk or not. Maybe you were. But the point that I want to make is that the next day, according to evidence, you did touch base again with the people who were giving you the money and asked why you were not getting more money. And then in two subsequent telephone calls, in which you certainly did not sound very drunk in those telephone calls, you also asked about why not more money.

Finally, I would like to say that you were given every opportunity to submit any evidence you wanted to submit. In this matter we would have liked very much to have more evidence if you had it. And you know that this committee certainly——

Mr. MYERS of Pennsylvania. Let me just reclaim my time, Mr. Speaker, to answer what you just said.

On the very first day that I appeared before the committee I asked to keep the preliminary stages open, and that was denied. And I was told to put it in a formal stage the next day, which was the following day after the first meeting. That was denied to me. So do not tell this body that you gave me every opportunity. I want to bring the additional evidence in that is not yet uncovered. And I would like to be given that opportunity. So do not try to tell this body that you gave me every opportunity. You certainly did not.

Mr. BENNETT. The evidence you had already submitted was sufficient for you to go ahead with the case. That is the reason——

☐ 1350

Mr. MYERS of Pennsylvania. I did not submit the evidence. You obtained the evidence from the trial. You got the transcript from the trial.

Mr. BENNETT. The gentleman had the opportunity. The gentleman did not give the evidence.

Mr. MYERS of Pennsylvania. How can I give evidence that I have not had a hearing on yet?

Mr. BENNETT. Neither the gentleman nor his attorney told us there was some evidence that the gentleman would like to give, that the gentleman was not having an opportunity to get. We were not told that.

Mr. MYERS of Pennsylvania. We did not tell the gentleman that?

Mr. BENNETT. I do not remember.

Mr. MYERS of Pennsylvania. I can show the gentleman in a letter.

Mr. BENNETT. The gentleman may have said he wanted to postpone it until after the due process case was over, which is an entirely different issue, having nothing to do with the merits of this case. That has nothing to do with the merits of the case.

The merits of the case are whether or not the gentleman took money for something, in return for a promise to use his office.

Mr. MYERS of Pennsylvania. Mr. Speaker, let me say this, if I may, in response to the gentleman. The gentleman gave me all of 32 days from the time the jury came down from their verdict to this very day that I stand in this well, so if the gentleman calls that anything but fast track or anything but stampede, or anything but unfair, well, then the gentleman may call it what he wants. I am telling the gentleman what I call it.

When I get an opportunity to clear my name in a court of law, I will do just that. But I understand I am not going to change the gentleman's vote or anyone else's. I am only saying to the gentleman, do not try to let people in this body think, or around this Nation, that I was given due process. I certainly was not. That is my whole complaint.

If every Member in this body upon the conduct just displayed on what the gentleman let them see over in the video room, voted to expel me, that would be their choice. I am only asking the gentleman and this body to do that once I have had an opportunity to due process of law. That is the only thing I am saying. I am saying that this body that has the power, the most powerful legislative body in the land, is going to violate my constitutional rights as a Member, is grossly unfair. That is the point I am making. I am not arguing the merits of what the gentleman showed or what these Members saw.

I am only asking for due process. I think every American citizen is entitled to that; at least under the Constitution, the way I read it, they are. That is the importance of this.

Certainly it is embarrassing to me to take the well to be expelled. Do you think I am proud of that?

Let me just go on now. In closing, I guess there is not much more I can say, and I do not think anything I have said today is going to change anyone's mind, but in closing, I just want to say this. When I walked over here today, when I was sitting on the floor, I know what it feels like now to sit on death row. In a way I am awaiting execution, and you, the Members of this body, are the ones who will decide my fate.

As you go to that voting machine to put your cards in, keep in mind, use a comparison when you hit the button, when you vote to expel, that it will have the same effect as hitting the button if I were strapped in an electric chair in this well.

That is all I have to say.

Mr. Speaker, I would like to reserve the balance of my time, if I may.

The SPEAKER. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, in my 10 minutes, I yield 30 seconds to the gentleman from New Jersey (Mr. HOLLENBECK).

Mr. HOLLENBECK. Mr. Speaker, I rise in support of this recommendation. There have been many allusions made to the Diggs matter. I have some rather lengthy remarks prepared which distinguished this matter from the Diggs matter. I intend to insert those in the section entitled "Extension of Remarks" to make them a part of the history of this case.

In very short summation, due to the time restraint, I will say very simply that I feel that if the ultimate disciplinary action is not taken in this case we will lose expulsion as a viable weapon for this House to defend its integrity in any matter; and this House will deserve then the low esteem in which so many people hold it.

Mr. SPENCE. Mr. Speaker, I yield 1¼ minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, this afternoon this House is being asked to expel a fellow Member. As has been mentioned previously, this is the first time in over 100 years and for the first time in this House for something other than treason; 1861 was a tumbultuous year. The country was divided. States were divided. Families were divided. Three Members who had sworn to uphold their oath of office to defend the Constitution and this Government chose, out of an overt political conscience to, in fact, take up arms against that country they had sworn to defend. It was clearly an act of treason. Expulsion was the proper punishment.

Today we are faced with a Member who took that same oath, who has been convicted of bribery and conspiracy and been judged guilty of selling his office, of committing a covert act of contempt against this political system, just as surely as taking up arms in an overt act against this country is a threat from without.

The destruction of that fragile bond of trust between the elected and the electorate, the destruction of that key link for representative government is a threat from within.

We are not talking about just errant behavior. We are talking about a wanton disregard of the office he was sworn to uphold, a wanton disregard for his colleagues.

As was indicated bv the counsel for the committee, not once but twice Mr. MYERS lied under oath before his peers on that committee, a wanton disregard for any sense of duty to his colleagues, to his constituency and to the fabric of representative government.

To this date, to this hour, Mr. MYERS claims no wrongdoing. Even an actor can reject a script.

The SPEAKER. The time of the gentleman from California (Mr. THOMAS) has expired.

Mr. THOMAS. Mr. Speaker, I ask for an additional 2 minutes.

Mr. SPENCE. I do not have an additional 2 minutes. The chairman did not allow that to me.

Mr. BENNETT. I think I should try to get some time.

Mr. THOMAS. Could I have 1 minute?

Mr. BENNETT. I will give the gentleman 1 minute.

Mr. THOMAS. Perhaps the saddest factor is that this case will be remembered, in terms of quotes, to go along with Thomas Jefferson when he said, with a firm reliance on divine providence:

> We mutually pledge to each other our lives, our fortunes, and our sacred honour.

And Abraham Lincoln, when he said:

> A Government of the people, by the people and for the people shall not perish from the earth.

We are going to have to reluctantly add—and you are familiar with it now—"Money talks and you know what walks." Perhaps that is a comment on today. It ought not to be a comment on tomorrow, for my constituents, for your constituents, but for the constituents pointedly in the First District of Pennsylvania.

Mr. MYERS, by his own words and deeds, must be a Member of this House no longer.

Mr. SPENCE. Mr. Speaker, I yield 1¼ minutes to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. Mr. Speaker, none of us takes pleasure in participating in these proceedings this morning, but under the circumstances we have no alternative.

I have previously argued on this floor that the House must exercise its power to expel a Member for misconduct very sparingly, that we must have evidence of extraordinary wrongdoing before we take it upon ourselves to override the wishes of the voters of a Member's district.

Unfortunately in the case of Mr. MYERS, we have such evidence.

It has been suggested that we should not take action until a Member has exhausted his right of appeal, but what happens in the courts has little bearing on this case.

☐ 1400

Even if his conviction is overturned, the facts will not be altered. The evidence, never challenged by Mr. MYERS, proves conclusively that he did, in fact, accept $15,000, that he asked for $85,000 more, that he promised to use his influence as a Member of this body in return for the money.

The question before the House today is whether or not these actions constitute a violation of the rules of the House and, second, what sanctions should be imposed.

Given the nature of the evidence presented to the committee and Mr. MYERS' own testimony, there can be no question of his guilt, and given the nature of his offense, there can be no question about the penalty we should impose. The only appropriate sanction for Mr. MYERS is expulsion.

Mr. SPENCE. Mr. Speaker, I yield 1¼ minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of the resolution of expulsion. In the previous debate there has been some confusion about the role of Mr. MYERS' conviction in the Standards Committee proceedings. Under committee rule 14, following the conviction of a Member, the trial record is received as evidence before the Standards Committee. Under article I, section 5 of the Constitution, the Standards Committee proceedings are independent of judicial proceedings. The committee rule under which this proceeding has been brought to the floor is merely designed to prevent the duplication of effort so that the same evidence presented and introduced at the trial does not have to be represented or reintroduced before the Standards Committee.

Committee rule 14 works to the benefit of both the committee and Representative MYERS by saving both the time and the expense of a duplicative effort.

In the case before us today, special counsel for the committee and counsel for Representative MYERS have stipulated to the accuracy of the relevant portions of the trial record.

In addition, Mr. MYERS has appeared twice before the Standards Committee and his entire statement was received both times without exception.

Thus, the House must make an independent determination of Mr. MYERS' guilt, based on the record.

The SPEAKER. The gentleman's time has expired.

Mr. SENSENBRENNER. Mr. Speaker, may I have 30 seconds additional?

Mr. BENNETT. I yield to the gentleman 30 seconds.

Mr. SENSENBRENNER. That record is clear. The gentleman from Pennsylvania has admitted taking $15,000 of bribe money. He has disgraced this House. He must be expelled.

Mr. SPENCE. Mr. Speaker, I yield 1¼ minutes to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, once again, I do not want to belabor this issue. I do not enjoy this, but I want to say categorically that my statement should not be viewed as political. My race is behind me. I do not have an election in 30 days.

I believe in what we are about very strongly. Again, the issues are very simple. Mr. MYERS got $15,000 cash. He asked for an additional $85,000 cash. In return for those sums of money, he promised to introduce legislation in the U.S. Congress and to use his influence as a U.S. Congressman with the State Department, the immigration authorities, the Philadelphia City Council, Philadelphia labor unions and, indeed, the Mafia. In short, he let it be known that his performance in the U.S. Congress was for sale.

Mr. Speaker, I believe this conduct, more than any other, more than any other that we have discussed in the time that I have been in this Congress, cannot be tolerated in a democracy.

I believe we must send a message to the people that it will not be tolerated and that Mr. MYERS should be expelled.

Mr. SPENCE. Mr. Speaker, how much time do I have remaining?

The SPEAKER. The gentleman has 4½ minutes.

Mr. SPENCE. I reserve the balance of my time.

Mr. BENNETT. Mr. Speaker, I think in due course I shall reserve the balance of my time, because I would like to conclude. I have 3¼ minutes, I think, left; so Mr. MYERS can proceed.

The SPEAKER. The gentleman from Pennsylvania has 6 minutes. The gentleman from Florida has 6½ minutes. The gentleman from South Carolina has 4½ minutes.

Mr. MYERS of Pennsylvania. Mr. Speaker, I had a request from Congressman GONZALEZ, of Texas. If he is here and wishes to speak, I would be happy to yield some time to him. If he is not, I do not have any other requests for time; so I would yield back the balance of my time, unless Mr. GONZALEZ is here. He had asked for time.

So I would reserve the balance of my time at this point.

The SPEAKER. The gentleman from Pennsylvania reserves the balance of his time.

The Chair recognizes the gentleman from Florida.

Mr. BENNETT. Well, I do want to conclude at the end, so eventually Mr. Myers will either have to use or give it back.

Would the gentleman from South Carolina want to go ahead? Since I have a minute and something more than I thought I had, I yield another minute and a half to the gentleman from South Carolina.

The SPEAKER. The gentleman from South Carolina is entitled to 6 minutes.

Mr. SPENCE. I thank the chairman.

Mr. Speaker, it would be repetition to say that it is a difficult thing to do what we all have to do here today. You know, no one has a corner on knowledge. We can look at the same facts and arrive at different conclusions. I do not disparage anyone else's conclusion, how they arrived at it. I just try to do the best I can. I do not doubt anyone's sincerity as to the conclusion he or she has come to so far on the other motion or, for that matter, on our final ultimate decision.

You know, I have been on this committee now, it was established in 1968. I have been on it since 1971, I suppose probably longer than anybody except maybe the chairman. I have considered getting off on many occasions, and one reason I did not was because I thought it was equally important with this body judging people of wrongdoing to prevent people from unjustly being convicted of wrongdoing. I have stayed on this committee, I think, mainly because of that.

We have considered many matters before in the last 9 years. They have all been difficult. Most of you have never heard of most of them. They were baseless and we dealt with them and I think and I hope that we have prevented unnecessary, unjustified publicity, which would be harmful to our fellow Members.

We have dealt with other problems in a more informal way; but on a few occasions we are forced, really, to bring to you a recommendation such as the one today. I do not care who it is, it is not an easy matter to do. In the 10 years I have been in this body, I have disagreed with people politically and otherwise, but I have never missed the opportunity to tell audiences when I had it that I have never met or served with a finer group of people than I have been privileged to serve with since I have been in Congress. I do not take back that statement today. They are sincere, hard-working, dedicated people, and this body has been criticized in spite of that, saying that we cannot take care of our own problems and police our body. I think, to the contrary, we have dealt more harshly sometimes with our Members than the ordinary person in life, because we judged them guilty of ethical misconduct, in addition to criminal violation.

It is a very difficult matter to sit in judgment on anyone else in our society.

☐ 1310

We on the committee have had this unpleasant task and now the burden is on each of you. Some of you may want to take the easy way out. We have heard a good many suggested ways today for various reasons and we can rationalize it. We are all sinners. We all fall short of perfection. We are all guilty of some wrongdoing at some time in our lives. We are all human. Let him who is without sin cast the first stone. Why take it out on him? You are making an example of him.

I have heard all of these things and I have worried about them and I have had to deal with them myself. But no matter which one of these excuses some might want to take in an effort to avoid our responsibility, there is no way to shift the burden that you and I alone share.

Mr. Speaker, the basic point is that there is nothing unique about people who are not without fault sitting in judgment of others who have been judged or charged with wrongdoing. We can find no one who is entirely without fault to do the job that we must do. We must ourselves sit in judgment of our colleague. Otherwise we would be living in a jungle where no law or rule of civilized behavior could be enforced because no one could qualify to sit as a judge or a jury.

This is your House and my House. We hold these seats as custodians for the people we represent. No one else is responsible. No one else can vote for us. No one else, no person, nobody, no branch of government, no agency, no organization, can determine this question for us. No one else can police this House but those sitting here today at this time in this place.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I will yield to the gentleman when I get through.

The SPEAKER. The time of the gentleman has expired.

Mr. SPENCE. I cannot even yield to myself, it looks like, Mr. Wilson.

Mr. MYERS of Pennsylvania. Mr. Speaker, I would yield 1 minute to the gentleman from California (Mr. Charles H. Wilson).

Mr. CHARLES H. WILSON of California. I wonder if I might ask the gentleman from South Carolina, I think, did you say without this committee this place would be a jungle? Was that the statement?

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. CHARLES H. WILSON of California. I yield.

Mr. SPENCE. No, sir, I think the gentleman knows what I said.

Mr. CHARLES H. WILSON of California. No; I misunderstood you. I think you were justifying the existence of the committee.

Mr. SPENCE. I said, Mr. Wilson——

Mr. CHARLES H. WILSON of California. Perhaps I misunderstood you.

Mr. SPENCE. Mr. Wilson, I am sorry if you did. You can read the Record later on, but I think you will find that I said that if we took the position that since we were all wrongdoers and fall short, and therefore we were not qualified to judge other people, that we would have no law or rule which we could enforce in a civilized society. It does not take a whole lot of elaboration, I do not think.

Mr. CHARLES H. WILSON of California. Thank you.

Mr. MYERS of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Pennsylvania for permitting me to participate in this flow of debate. But I would like to respond somewhat to the previous speaker, my friend from Carolina. He says that pity them that sit on this committee; it is a great sacrifice to sit in judgment on people. But nobody put them there at the point of a gun. They accepted a chore. We honor them for that and we appreciate the difficulty.

Then in the same vein he says now, those who are here, and by implication meaning those such as I who are rising in opposition to this resolution, and prior to this rose in support of the resolution to postpone as being those that are alluding to the excuse that because we are all sinners we, then, ipso facto, forgive all sins. Now, I do not know who has raised that issue here. I must have missed it. Certainly I am not. I would not think of it.

At the same time the gentleman punishes those who take an opposite view and I want to take strong exception to that because it is not fair. In fact, I would say that the easy thing was the other way around, to sit in judgment. The overwhelming vote a while ago should proclaim that. The statements made here should proclaim that.

What I am rising to is a question of elementary justice and, actually, believe it or not, the honor and the decorum and the proper respect for true parliamentary procedure that I think the House is abdicating and has continued to abdicate

Earlier, I alluded to page 81 in the report because it printed, in toto, the full version of the resolution this House passed with only one dissenting vote and that was mine, the so-called Abscam resolution, because there you set up the procedure that now piously some are saying is it not terrible. Yes; we will vote for expulsion but, gee whiz, because there is no question of guilt or anything, and I saw the peepshow. By the way, I have not seen the peepshow and I never had to see any peepshow to get erotically aroused and, therefore, I do not see why I would have to see the peepshow in order to get indignant about the misdeeds or alleged misdeeds by a colleague.

I think every one of us shows moral indignation of the highest sort, particularly right before elections.

But those are collateral issues. They have nothing to do with the central point that we ought to refer to and I think one of those is exactly what is reflected at page 81 of that report in that section 6. Now, this was voted out like that, willy-nilly. This is what is involved here, because in adopting this recommendation of the committee, and I do not fault the committee, I mean, they did what they did and they were charged with that responsibility, but it is not theirs any longer. It is ours. We have to answer to ourselves and our consciences now.

What I am saying is that the committee has departed from its own rule. It has first established and then departed. And that is the second point.

But going back to the first, what you said and overwhelmingly approved, and will be the constant source of mischief to every Member, is a revelation of the erosion of the institutional integrity of not only the committee process but of the House itself, which is self-evident now. This is what we are testifying to in approving this resolution under these conditions because, first, you have said that it is all right for this particular committee to deny access to any documentation or evidentiary facts provided by the Justice Department to this committee, to any member of this committee or a Member of the House. It does not say who; it does not say who is first-class, second-class, or a third-class Member of this House. But this is what you have done.

Now, we do not know whether or not Mr. Myers or his attorney ever had a chance to demand access to all of the documentation the Justice Department could have made or would have made or should have made available over and above that presented in the criminal prosecution and which would be vital to the determination, in our judgment, as to whether or not at this point we should expel. And it has nothing to do with the merits or the demerits of the degree or intensity of his sin or whether he sinned at all or not.

What we are talking about now has already been said more eloquently and in constitutional and legal language, better said than I can by prior speakers, from Mr. Eckhardt to Mr. Bailey, who I think did the finest job of all of focusing on the issue.

Now, I think that this will be a gross miscarriage of justice. It will be denying the fundamental reason why we have a right to be Representatives, why a government exists. After all, a government that cannot be just is fundamentally wrong and has lost its reason for being. We are not being just here.

□ 1420

This is the point I am trying to make now. Forget about compassion. I also happen to believe that a government must be compassionate and that we all must be compassionate, because without compassion I think we also have forfeited the right to represent people.

The **SPEAKER**. The time of the gentleman has expired.

Mr. **MYERS** of Pennsylvania. I would like to yield the balance of my time to the gentleman from Pennsylvania (Mr. Murphy).

Mr. **MURPHY** of Pennsylvania. Mr. Speaker, like all of my colleagues none of us want to be here today. This is a very regretful proceedings for any of us to participate in. And like the 204 of my other colleagues who have viewed the tapes, I was disappointed, and I think that the conduct of Congressman Myers was reprehensible and certainly that he should be disciplined and chastized most severely by this body.

It has oft been said that how many opinions you get will depend on how many lawyers are in on the conversation. I am afraid that what we have heard today—conviction, not conviction—and the action, the speedy action by this body's having concluded this in 32 days from the date of Mr. Myers' conviction, will only invite any citizen of the First District of Philadelphia into a court proceedings, and that was argued quite ably before by many lawyers on the previous motion.

But I am concerned because I would never want to see a court, even the Supreme Court of the United States, intercede in the functions of this body and the functions of this body are to properly discipline its Members. If we fail in that function today—and I think we are—we are inviting any citizen of that district to petition the court to straighten our conduct out.

The gentleman, the chairman of the committee, who has worked most diligently on these proceedings, and I think fairly in his opinion, has stated that the conviction and the conviction alone in a court of law triggered the very action that we are taking today. I think that is a very significant point.

Conviction, according to the Rules of Federal Criminal Procedure and according to the Supreme Court of the United States, has not yet occurred in the Myers matter and will not occur until the due process hearing is completed. When that is completed, there will be a conviction. Until that time we are premature in our actions, and we invite our actions to be interceded by the courts, and we should not.

I invited or suggested to the committee last week—I am not a member of the committee, but I suggested to them—have you gone into the entire history of this, not only the 45-minute tape——

The **SPEAKER**. The time of the gentleman has expired.

(By unanimous consent, Mr. Myers of Pennsylvania was allowed to proceed for 2 additional minutes.)

Mr. **MYERS** of Pennsylvania. I yield to the gentleman from Pennsylvania (Mr. Murphy).

Mr. **MURPHY** of Pennsylvania. I invited the committee last week to consider, and I painted the scenario for them, that what if someday a Chief Executive should walk upon the scene in Washington and decide that he does not like to deal with an elected Congress. And remember, we are the only ones in this country who stand for election in this Federal Government every other year, and we do 33 days from now. But suppose some Chief Executive decides that he does not like people who have to answer to the electorate every 2 years, and that he will set out on a course of action to involve us, to embarrass us, to accuse us. Where will we draw the line? That is why I suggested to the Committee on Standards of Official Conduct that they look behind us, not to exculpate or find Mr. Myers any different than perhaps they would, had they proceeded under rule 16, but to inquire fully into how did Abscam originate? How much was spent? How many Members of Congress—we know of 20—were targets? How many were to be targeted? What was the purpose of the targeting? How many days and nights of tapes did we watch to go behind and to determine whether expelling Members of Congress should be done? Only you can proceed under rule 16 to do that. That is where I feel that we have invited the courts to intercede because, had the committee gone under rule 16, they could have had that full hearing and then we would follow their recommendations I think quite lawfully. But proceeding under rule 14 as they did, where the conviction which has not yet been completed "triggered the committee action," pulled us into our action here today, it unfortunately will invite the Federal Courts into it before the matter is finally determined. It would have been far wiser had we adopted the motion to postpone and let the people of the First District of Philadelphia answer those questions for us on November 4.

I thank the gentleman for yielding.

Mr. **MYERS** of Pennsylvania. Mr. Speaker, I would like to ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The **SPEAKER**. That permission has already been granted.

The Chair recognizes the gentleman from Florida (Mr. Bennett).

Mr. **BENNETT**. I have some more requests for time.

I yield 1 minute to the gentleman from Texas (Mr. Eckhardt).

Mr. **ECKHARDT**. Mr. Speaker, although I think there has been a rush to judgment under its truncated process in some loose treatment of process generally, nevertheless, I must recognize that the Constitution permits consideration of other than a conviction. I think the committee had the right to make such a determination. I think it had evidence upon which that decision was based, and I cannot say that the nature of the offense is less than one of such gravity which is similar to the grounds for impeachment of a President and removal from office. Therefore, I shall be compelled to vote in favor of the committee's recommendation.

Mr. **BENNETT**. I yield 1 minute to the gentleman from Kentucky (Mr. Mazzoli).

Mr. **MAZZOLI**. I thank the chairman very much.

Mr. Speaker, let me first say the gentleman from Kentucky is not a member of the committee, but because of the profundity of the question and its grave nature, he has attempted to avail himself of the information and was at the reviewing room on Monday morning. There are just a couple of points I would like to make. I commend the chairman of the committee and the full committee for the work that they have done. It is a very difficult task, to say the least. I left that room after seeing the tapes, not with any anger or vengeance toward the gentleman from Pennsylvania (Mr. Myers) but with a sense of ethical sadness for the House and the whole process. I think when I vote in favor of the recommendation of the committee, it will not be with any vengeance or malice toward the gentleman from Pennsylvania but, again, with sadness for him and his family, and with pride that the House has faced a very grave issue and faced up to that issue.

I would like to address the Members of the House too, and ask them to read, pages 32, 33, 34, and 35 of the committee report. The questions of the chairman of the committee, the gentleman from Florida (Mr. Bennett), the gentleman from Wyoming (Mr. Cheney), and the gentleman from Georgia (Mr. Fowler), in my judgment, nailed down very clearly the adequacy of the charges made and the fact that the House is compelled to vote to expel the gentleman from Pennsylvania (Mr. Myers).

Mr. BENNETT. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. Fowler).

Mr. FOWLER. Mr. Speaker, I want to say that as one member of the committee I echo the need that so many Members have expressed for the Committee on the Judiciary to conduct a full investigation into the manner and means by which the Department of Justice acted. It needs to be done. As we have tried to say, that would not mean it would not have a bearing on what we have heard from the gentleman from Pennsylvania's, Mr. Myers' own mouth by our own investigation of what he did. But that needs to be done.

Second, I would like to commend Mr. Myers for not resigning. The reason that this may be a precedent-shattering case is that in three or four instances Members took the easy way out, and Mr. Myers has faced his punishment, whatever that may be, and faced his colleagues. For that he deserves to be commended.

Lastly, I want to say in response really to the gentleman, my friend from Texas (Mr. Gonzalez), there are three issues that no one can decide but each of us here.

□ 1430

They all have to do with justice. The first question is has justice been accorded Mr. Myers.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. Fowler was allowed to proceed for 1 additional minute.)

Mr. FOWLER. The first question is whether or not justice has been accorded Mr. Myers. For the committee, a large majority would submit that in every way possible that we could, we believe justice has been accorded. Mr. Myers was given every opportunity to present every defense, every witness.

Second is the question of justice to this institution, because we are all on trial and we all have to make the decisions as to whether or not the integrity of this institution has been violated, if you find that the allegations brought by this committee to you are so heinous that only expulsion can uphold the integrity of the institution.

Lastly, I suppose, is the question of justice to the people that we represent and in that, as Learned Hand said: "Justice delayed is justice denied." We are all stewards of this trust and if the question is so heinous that this body must deal with the sanction, the ultimate sanction, then the only fulfillment of all of our contracts to the people that we represent is to perform this most sad duty.

● Mr. FUQUA. Mr. Speaker, it is with a heavy heart that I have listened to this debate. I love this House and that for which it stands.

Though I can feel compassion for a colleague, though I can feel sympathy for a fellow human, and though my heart goes out to the families of those who may stand so accused in the well of the House now or in the future, my duty is clear.

I have wrestled with my conscience to determine my course of action today and in the future. I do so with as much thoughtful consideration as anything I have done as a Member of Congress. As a matter of fact, I have said a few prayers over the subject.

It is my feeling that we, as Members of this House, owe it to those who have the unpleasant duty of judging their fellow Members, in this case the House Committee on Standards of Official Conduct, an opportunity to present their findings. Those who would use that process for partisan political means violate my personal sense of responsibility. Should any Member feel that the committee is not performing its responsibilities in a timely and reasonable fashion, they should so inform the House and then the House set a reasonable time for the committee to complete its work.

Those men and women who serve on that committee have my deep appreciation for doing an unpleasant job which has no pluses for them personally, but which is vital if the American people are to have faith in their elected representatives and their Goverment.

I wish to state that my personal position, henceforth, is that I will vote to expel any Member of the U.S. House of Representatives who is convicted of a crime which carried with it the possible penalty of a prison term of at least 1 year. In so doing, I feel I will be fulfilling my responsibilities and my oath of office. Since terms in the House are only 2 years, to follow the procedures of the courts where interminable delays and appeals can consume years and make any proceeding in the House a moot question, some method must be found for us to act expeditiously and also with fairness.

Henceforth, from this day, I shall vote to expel any Member convicted in a court of law for a crime which carries with it the penalty of 1 year in prison, regardless of the recommendation of the committee or a vote of my colleagues. I think it would be a standard which it would be well for others to adopt. This is a very personal statement of my strong feelings of my responsibilities to those who have elected me to represent them.

The evidence in the case before us today is overwhelming. I am saddened that one who would take the oath of office to preserve and protect the Constitution and one who has the privilege of helping enact the laws by which this great Nation will be governed would so wantonly violate those tenets.

For me, the only course of action is to vote for expulsion not only as a punishment for the actions of this individual in bringing disrepute to his office, but also to serve as a firm warning to those who will serve hereafter.●

● Mr. GONZALEZ. Mr. Speaker, the committee investigated this matter under authority of House Resolution 608, which is reproduced in the committee report, volume 1.

I direct attention to page 81 of the report, wherein House Resolution 608 is reproduced. There is a clause there, in section 6, which says that the committee "may restrict access to information received from the Justice Department to such members of the committee or House . . . as the committee may designate."

I voted against this resolution because that clause clearly made second-class citizens out of some members of the committee, if the committee majority decided to exclude information from its own members. I cannot think of a more pernicious thing than to have investigators of equal rank and authority able to deny information available to others of equal rank, authority and, most important, responsibility.

My question is this: Did the committee, at any time, ever invoke its powers to restrict access to information to its own members?

I think we have to be aware of precedent here. No one can say that the actions of Mr. Myers were honorable, but neither could we say that those actions are any more gross in character than those of Mr. Diggs, who was only censured. The committee did not move to recommend expulsion of Diggs until all his court appeals had been exhausted. In this case, the actions of the trial court are not even finished, let alone appeals.

It seems to me that we are confronted here with a set of sliding standards. The crimes involved are equally odious in the Diggs case, but the committee felt he was entitled to exhaust appeals. How do you justify the different treatment?

We have to bear in mind that other trials involving this same investigation will be occurring. The evidence in some of these cases is more ambiguous than the evidence here. Let us suppose, however, that convictions result. Would the committee, notwithstanding the fact that the evidence may be more ambiguous in subsequent cases, also recommend expulsion upon a decision of the jury, notwithstanding the status of appeals? In other words, is the standard for expulsion a pronouncement of guilty by the jury notwithstanding appeals in criminal matters? If that is so, would you not be obliged to recommend expulsion on the basis of any pronouncement by jury of guilt even though that verdict may be overturned?

Suppose we vote to expel Mr. Myers today, and the people of his district reelect him on November 4. What would you recommend the House do in the postelection session, or when it convenes for the next Congress? If Mr. Myers is reelected on November 4, notwithstanding his expulsion, it seems to me that they judge him differently than we do. Are the people of that district entitled to be represented by a scoundrel if that is their choice?●

● Mr. HOLLENBECK. Mr. Speaker, I feel that this is the most solemn moment in the history of the House. We are shortly to vote on the expulsion of one of our membership.

Mr. Speaker, consideration of an expulsion resolution involves two competing interests—that of the House to discipline and police itself and that of a constituency free to elect the Member of its choice.

Now, first let me dispose of any suggestions that this matter is analogous to or subject to the precedent of the Diggs matter. My time is limited hence I will permit others to address other serious points.

Floor consideration of the Diggs case in July 1979 resulted in the censure of Representative Diggs for misuse of clerk-hire allowance. To my mind, it was a serious offense, involving the misapplication of public funds to solve the Member's personal financial worries, and warranted censure.

But, most important, Representative Diggs was convicted in Federal district court in October 1978, subsequent to the time during which the committee could act, and was reelected in November. Because the committee, proceeding under rule 16, rule 14 not having been adopted yet, recommended and the House agreed to, censure and restitution in that case, the competing interests of the House and the constituency never directly clashed, although the committee's report discussed the precedents.

I am inserting, at this point, my remarks concerning Diggs and in answer to questions raised today. I trust that, this time, Members will comprehend them.

First, there has been considerable controversy over the committee not recommending expulsion of the gentleman from Michigan. The questions most often posed in this regard are: First, "Have we the power to expel?" and second, "If so, why was expulsion not recommended in this case?"

The committee declined to recommend expulsion of Congressman Diggs for reasons stated at page 20 of the report. Probably the most important of those reasons was the opinion of the committee that the offenses charged, although very serious, simply did not warrant the ultimate punishment of expulsion—a punishment meted out only three times in the history of the House—a punishment which has never been imposed for an act short of treason, a punishment which has not been imposed in over a century. Viewing Mr. Diggs' cooperation with the committee's investigation, his apology to the House and his agreement to repay the full amount by which he personally benefited from misuse of his clerk-hire allowance, the committee determined that a fair disposition would not include a recommendation of expulsion. Since the committee determined that expulsion was not to be included in the recommended sanctions, it was unnecessary to resolve the constitutional question of power to expel a Member.

This is not to suggest, however, that the committee did not consider the issue of this House's power to expel a Member. On the contrary, the limited precedents on the issue were briefed in detail by counsel and considerable debate was held on the matter. Contrary to the stated opinions of some of our colleagues, the power to expel a Member, articulated in article I, section 5, clause 2 of the Constitution, is not unlimited. In the instant case, where the Member was reelected after his conviction on criminal charges, a recommendation to expel could have directly conflicted with the constitutional right of Mr. Diggs' constituency to freely choose whomever they wish to represent them. In the interest of expediting a fair resolution of the issue at hand—that is, the question of Mr. Diggs' official conduct—the committee, after determining that expulsion was inappropriate, chose not to delay the proceeding by further discussion of the power to expel.

Finally, with respect to the expulsion issue, I would like to associate myself with the remarks of the gentleman from South Carolina regarding the effect of yesterday's vote on H.R. 391. Clearly, as that vote indicates, the majority of the Members of the House agree with the Committee on Standards of Official Conduct that expulsion is not an appropriate remedy in this case.

A second question raised by a number of our colleagues regards the effect of this disposition on the power of the House to later consider a resolution to expel the Member if and when his criminal conviction is upheld and he is incarcerated. It is, first of all, my fervent hope and sincere anticipation that the gentleman from Michigan, who at his criminal trial emphasized his dedication to his constituency, would see fit under such circumstances to resign, so that a new representative could promptly be chosen to replace him. If that is not the case, nothing in the committee's recommendation or report, or in the committee's predisposition negotiation with Mr. Diggs, should be construed as precluding subsequent House action to expel the Member. That is, the recommended disposition of this matter is not intended to bar the House from expelling Mr. Diggs if he is incarcerated and unable to actively represent his constituency.

A third question of common interest concerns the relationship of the House's action today and the criminal proceedings involving the Member. It is the opinion of the committee that the two are totally independent, that the ultimate disposition of charges in each forum is unaffected by the other. The committee's action is not intended or expected to influence the U.S. court of appeals decision in the Member's pending appeal. Reversal by the appellate court of the criminal conviction would in no way affect the House action here under consideration.

A fourth question—or rather category of questions—which warrants only a brief response, concerns the issue of the Member's race. While some have suggested that racism fueled the investigation of Congressman Diggs, others have claimed that a racial "double standard" precluded serious consideration of a harsher sanction. The committee, of course, denies that the race of the Member had any bearing whatsoever on its investigation. We cannot prevent some persons, either in or out of the House, from making such insinuations, but we are confident that our record, as well as the record of the entire House, in dealing with disciplinary proceedings refutes any such suggestions. We have attempted to the best of our ability to observe justice and fairness in every case, judging each on the evidence presented. We have been extremely cognizant of our obligation to observe the due process rights of any Member or person involved in one of our proceedings. With regard to this specific case, it is most important to note that the Member has admitted guilt, apologized to the House, agreed to make restitution, and agreed to accept censure because of his misconduct. Believing that to be a fair disposition, the committee incorporated each of those points in its recommendations.

The suggestion that censure rather than expulsion was recommended so as not to offend the black vote is not worthy of a response.

Another question raised, which I shall examine today is:

What has happened to Representative Newt Gingrich's House Resolution 142?

House Resolution 142 was referred to the committee where it was subject to consideration during the committee's inquiry into the conduct of Representative Diggs, which inquiry commenced prior to House Resolution 142 on the committee's own initiative. Because of the committee's recommended resolution, House Resolution 378, which we discuss today, and assuming the resolution is adopted, no further action is scheduled by the committee with respect to House Resolution 142. In this connection, Representative Gingrich has been quoted as saying that the disposition of this case recommended by the committee satisfies him, particularly in view of the Member's admission of guilt, and his apology therefor.

In dealing with this matter did the committee consider in depth the issue of punishment for offenses committed prior to the most recent election? Some have asked.

The issue of punishment for offenses committed prior to a Member's election is dealt with in the report, including the supplemental views of the gentleman from Wisconsin (Mr. Sensenbrenner). The committee is of the unanimous opinion that the power of the House to punish for prior misconduct, at least the imposition of those sanctions that fall short of expulsion, is clear and well established by many legislative precedents. It is felt that this power can be invoked without conflicting with the right of each congressional constituency to select its representative, whereas the exercise of the power to expel obviously could conflict with those rights. Because of its recommended disposition of this case, the committee found it unnecessary to express an opinion on whether the power to expel extends to prior misconduct. My colleague's will expand upon this point.

I constantly overheard some colleagues asking why not recommend that Mr. Diggs be denied the right to vote on the floor of the House until his appeals are final?

Any attempt to deny the Member the right to vote could raise serious constitutional problems because such action obviously interferes with the right of his constituency to have a voting representative. Most felt that allowing a Member to hold his seat in the House, but denying him a vote, is perhaps worse for his constituency than expulsion. At least following expulsion the seat is vacant and a special election can be held providing the constituency the opportunity to elect a voting representative.

Mr. Speaker, I also note that the committee does not express a viewpoint on whether Mr. Diggs may resume his chairmanships as that is a matter of party responsibility and under current practice would be a decision for the Democratic caucus. We specifically did not express a viewpoint on that matter.

I also note that the committee has acted while appeals are pending in the Federal courts concernings the Diggs conviction.

This subject is dealt with extensively in the memorandum filed by counsel for Representative Diggs in support of a motion to defer the proceedings, and the memorandum in opposition filed by special counsel to the committee. The House has responsibility to act in a totally independent disciplinary procedure with respect to allegations of misconduct, particularly of the kind relating to the Member's official duties. The committee has usually deferred initiating a formal inquiry during the course of the criminal investigation, grand jury proceeding, indictment and trial. That was done in this case. However, the appellate process can be very lengthy, even extending over the terms of two or more Congresses. The factors contributing to a decision to defer an inquiry into the conduct of a Member who has been indicted but not tried, principally problems of pretrial publicity, substantially diminish thereafter.

If a Member eventually is imprisoned, he obviously will be unable to serve his constituency. If that event occurs and the Member does not resign, it will be a matter for the House to deal with at the time. As I stated before, there is nothing in the committee's recommended disposition of the case that limits or affects any action the House might wish to take under those circumstances, in my opinion.

Some have asked me about the costs involved in this matter. The cost of these proceedings thus far has been over $50,000.

The committee printed the original trial record to provide the Members with the opportunity to become fully acquainted with the nature of the offenses with which Representative Diggs was charged both by the Department of Justice in the criminal proceedings and the committee in its proceedings. Volume II is a transcript of the evidence taken at the trial and is very lengthy.

I have heard questions concerning the attention paid to this matter by the Members. I am pleased at the diligence of the committee on this matter. The chairman was initially and accidently ill advised by special counsel who suggested the proceeding could be concluded in 60 days. However, in defense of special counsel, he did not anticipate the challenge to the committee's jurisdiction and the efforts to defer the proceedings undertaken by counsel for Representative Diggs. Moreover, special counsel was of the opinion that the matter could be disposed of following the procedures outlined in committee rule 14 adopted earlier this year. That rule now provides that, following a conviction, if the conduct that was the subject of the criminal proceedings also involved the Member's official duties, an evidentiary hearing could be avoided and a phase two hearing immediately commenced. In a phase two hearing, only the question of the appropriate punishment is before the committee. However, the committee declined to proceed under this rule, which was adopted subsequent to the time of the occurrence of the offenses charged against Representative Diggs, retroactively.

The committee considered this matter on 14 separate occasions and adhered to the timetable of the rules as tightly as possible within the House schedule. I have added a synopsis of committee action at the end of my remarks.

It is disturbing that the recommended disposition of the case has been described by some as resulting from a "plea bargain." These terms are popularly used to describe the disposition of the vast majority of criminal proceedings. Whether or not this terminology is appropriate for the action taken in this legislative disciplinary proceeding is something over which the committee has no control. I can assure those people that the committee settled for no less than it felt was appropriate for the facts of the case.

The discussions which led to the resolution came up during procedural discussion by counsel. During the course of the discussions between special counsel and counsel for the Member, Chairman Bennett and ranking member of the committee, Mr. Spence, and the special subcommittee, consisting of Representative Hamilton and myself, were kept fully informed. Ultimately, one reason for proceeding as we did was the recognition that a lengthy evidentiary hearing would have been largely repetitious of the trial proceeding and would have contributed little or no additional evidence in support of the charges not available from the transcript of testimony received during the trial.

Mr. Speaker, I can recall that the gentleman from Virginia (Mr. Butler) said in debate on House Resolution 142 that Mr. Diggs defrauded the Government of more than $100,000. This gives rise to several questions. First, is the amount of restitution too low? Is conversion of clerk-hire to office related use now legal? What happens to money owed by the gentleman from Michigan if he is no longer a Member? Will there be salary deductions?

The precise amount of money involved in any alleged improper use of the clerk-hire allowance by the Member is difficult to determine, even upon the committee's careful analysis. The amount of the note ordered as restitution is the result of such an analysis.

But I hasten to add that any action here today in no way bars the Government from further civil remedies. Just as it is the responsibility of the Department of Justice to enforce any criminal statutes the Member may have violated, it is also the Department's responsibility, acting in accordance with established policies in such matters, to institute civil action on the part of the United States to recover any clerk-hire or other funds that were disbursed otherwise than in accordance with law. We understand the Department of Justice is considering a civil action to recover such funds.

It should be made clear that the committee charges alleged the Member inflated staff salaries for three different purposes. First, to pay clearly identifiable personal expenses of the Member. Second, to pay expenses related to the Member's official duties, but which exceeded the allowances otherwise provided therefor. This was prior to the present rules allowing transfer. The third category involved alleged overcompensation of staff to pay for services rendered for the personal benefit of the Member, for example, Ms. Jeralee Richmond, who, while apparently rendering some legitimate staff duties, devoted the majority of her time to the affairs of the Member's funeral home; and Mr. George Johnson, who rendered accounting services to the Member personally and to the funeral home.

In his final response, Representative Diggs has admitted guilt with respect to the first category and, without admitting guilt to the third category, has admitted that he personally benefited thereby. Regarding the second category office related expenses, Representative Diggs steadfastly maintains that his use of clerk-hire funds for such purposes was not in violation of any House rules.

The amount of restitution to be made, approximately $40,000, includes the funds involved in the payment of personal expenses or staff salaries paid which inured to the personal benefit of the Member. It does not include funds used to pay office related expenses. This does not mean that the committee finds that the use of the clerk-hire allowance for those purposes did not involve violation of House rules; only that we decided not to render an opinion or judgment on that issue as part of the entire context in which the disposition of the case was reached. Committee advisory opinion No. 2 on the subject of the use of clerk-hire funds, remains the official expression of the committee on the subject. If any Member of the House believes the opinion requires explanation in any given instance, there are procedures available to obtain an interpretation.

If Representative Diggs ceases to be a Member of the House, he still will be obligated to pay the note evidencing the amount of restitution he has agreed to make, and, as previously indicated, any civil judgment the United States might recover. It is contemplated that there will be salary deductions made to meet the obligation evidenced by the note as long as Representative Diggs is a member.

No such competing interests are at issue today. The offenses giving rise to the expulsion resolution were committed in the time frame of the 96th Congress. Mr. Myers' constituency has not spoken since the Myers' conviction. If he is expelled and reelected that is an issue that will be addressed by those elected to serve in the 97th Congress.

Bribery, like crimes of corruption, in this case, the "selling" of a Member's office, are offenses of a degree of seriousness many times that of any disciplinary matter before the House during my committee service. If the ultimate disciplinary action is not taken in this case, expulsion will retreat as a viable weapon for the House to defend its integrity in any case. And this House will deserve the low esteem in which so many people hold it.

Mr. Speaker, I would associate myself with the remarks of the chairman and ranking minority member. Under their leadership the committee worked long and diligently on this matter as is obvious. But words cannot describe or explain the recognition within oneself of the burden which being a member of this committee brings, I can only say simply that every member of the committee has lived up to the obligations and trust placed upon him by this House.

Mr. Speaker, having heard the arguments and testimony including admissions by the defendant, and having viewed the direct videotaped evidence and the trial transcript, I support this resolution without reservation, and urge its adoption.●

● Mr. HAGEDORN. Mr. Speaker, I rise in strong support of the committee resolution calling for the expulsion of Representative Myers from the House of Representatives.

I, like other Members of Congress have seen the tapes of Mr. Myers' conversations with undercover FBI investigators and the transcripts of his trial in Brooklyn. Those materials show that he accepted $50,000 in cash from an undercover FBI agent after discussing what services he could offer in return. The only reasonable conclusion from this, which is supported by the jury's guilty verdict, is that Congressman Myers has violated and abused his publicly held position for self-gain. He has blatantly betrayed the confidence of the American people and brought disgrace to his office.

Certainly, explusion from Congress is the most severe sanction the House can impose. But the crimes for which Mr. Myers has been found guilty—bribery, conspiracy, and violations of the Travel Act—are equally severe. In light of the facts of this case and the evidence used against Mr. Myers—his own words and acts—it becomes the paramount duty of the House to impose the sanction of expulsion. This is the only sanction that fits the crimes committed by Representative Myers.

I urge my colleagues to support the committee resolution.●

● Mr. DERWINSKI. Mr. Speaker, there are two issues before us; one is the resolution to expel Representative Ozzie Myers of Pennsylvania; the second question is the timing of this resolution. It is on this latter point that I disagree with the committee.

I do not believe that at this point, on the last action of the House before recessing for the election, that an objective situation prevails.

Based on the evidence gathered by the committee and keeping in mind the conviction in the court, it is my intention to vote to expel Representative MYERS. But I am troubled by the fact that we might be premature in doing so until such time as the appeals to which he is entitled have run their course.

I believe that the House leadership, and specifically, the Speaker, should have exercised the necessary practicality and tact to have this action deferred until the lame-duck session.

It is obvious that anyone convicted of the charges that were successfully prosecuted against Mr. MYERS does not deserve to serve as a Member of this House. The final judgment will come at some level in the judiciary, and in the case of Mr. MYERS, by his constituents on November 4. To have waited until November 12 or 13 before taking up this matter would have been much more objective, practical, and responsible scheduling.●

● Mr. FRENZEL. Mr. Speaker, I shall vote to expel Representative MYERS. I believe this body cannot operate effectively if its Members are not subject to some reasonable standards of conduct. The gentleman from Pennsylvania has clearly and indisputably used his high public office for personal enrichment. He has violated the law and he has violated the rules of the House.

Unfortunately, he did so under the spotlight of a video camera, so that eventually all of America will witness his gross misconduct. Their perception of this House of Representatives may forever be affected by the memory of his behavior.

Under the Constitution, the House is given the responsibility of being the judge of its own membership. I do not like being a judge, especially of my colleagues and peers. Like most humans, I am not perfect, and I experience torment rather than satisfaction in reviewing the misdeeds of others.

The House has never expelled a Member for corruption. That is, for many people, an indictment of the body itself. I believe that gross corruption, the offering of political favors for sale, warrants expulsion. The House precedent is not a good one.

It is said that since Mr. MYERS' case has not been decided—even though the jury has rendered a verdict—and since the appeal process has not been completed, we should not act. That reasoning misses the point.

For me, the vote depends on the House judgment of Mr. MYERS' conduct, not on someone else's judgment. If he is ultimately sent to jail, the House would probably want to expel, unless a resignation, as is customary is tendered.

The House can tolerate speeders, drunk drivers, and maybe even a few felons. It cannot tolerate, and maintain its effectiveness, any Member who offers his high office for sale. This case is so clear cut, so simple, that the House ought not to delay.

Other cases may be less clear. But in this one, there is no entrapment claim. Mr. MYERS admitted taking the money. The videotape has been described as not only damning, but also repulsive.

In my judgment, Mr. MYERS should be expelled even if the criminal court verdict is set aside. The House rules and standards may not always coincide with the criminal law.

Also, I believe, the House erred in not expelling our colleague from Michigan, Mr. Diggs. Even when his case was under appeal, he did not deny the facts of his offense. He used the people's money for his own gain, and should have been expelled whether convicted or not.

I have never believed a criminal conviction is a prerequisite to expulsion. If a criminal court acts before the House does when the House knows that an abuse has been committed, the House is guilty of dereliction of duty. I will vote today to expel for offenses against the House, not because of a conviction.

Due process has also been questioned today. Our committee has functioned fairly and carefully. Mr. MYERS has had fair and reasonable treatment. The vote will be the same whether taken now or later. Any delay would simply be delay for delay's own sake.

Should we delay or should we vote not to expel, we will only confirm the worst fears and darkest suspicions of the people of the United States about the integrity, image, and operations of this body.

I hope the House will move deliberately, but swiftly, on this most unpleasant task. We should vote to expel Representative MYERS.●

● Mr. MARTIN. Mr. Speaker, in the matter of MICHAEL O. MYERS, U.S. Representative from Pennsylvania, our Committee on Standards of Official Conduct has recommended that he be expelled. Based upon the evidence, including videotapes taken by the FBI and Mr. MYERS' own statements, the committee has concluded, as has a trial jury, that Mr. MYERS is guilty of having violated the law by accepting $15,000 in return for his promise to use his influence to assist a supposed foreigner with immigration and other matters, by conspiring with others to do so, and by traveling interstate to do so.

The record shows that Representative MYERS did present himself as an influential Congressman, that he did bargain to use that influence for money, that he did receive a payment of $15,000 which exceeds the limitation set by the House of Representatives for outside earnings, that he did not report the outside income as he was required to do by law, that he thought he was actually receiving $50,000, and that he continued to bargain for additional payments up until the so-called ABSCAM episode was leaked to the news media.

In my opinion, Mr. MYERS should be expelled from the House of Representatives immediately; not on the basis of the trial, but on the basis of what he did. He has freely admitted to his actions as I have just summarized them. His only defenses are: First, that he was merely play acting with no intention of ever doing any of the things he agreed to do when he accepted the money, and second, that he was targeted by the FBI and victimized by a web of entrapment, and third, that we have no precedent for expelling him.

As was brought out during Mr. MYERS' testimony before the committee, the first defense that he only pretended to offer to sell legislation and influence amounts to an admission of fraud. His claim that his friends had coached him that he could agree to anything without ever having to make good on his contract amounts to an admission of conspiracy to defraud. That is not a very good defense, to claim he was not guilty of felony A and B only because he was guilty exclusively of felony C.

As to the entrapment issue, the FBI has from time to time had to resort to artificial devices to pose its official agents as underworld or foreign operatives in order to obtain evidence of crimes. Such was the case here. There is no evidence here that this ABSCAM connection to MYERS was based on any linkage of previous actions on his part known to the FBI. Yet his name was introduced by one of his friends. Without speculating upon the basis of his friend's initiative and confidence that MYERS' should be brought in on what appeared to be easy money, it is clear that the FBI did not arbitrarily or otherwise target Representative MYERS, but instead acted upon the suggestion initiated by his friends, and followed through by stealthily offering him an opportunity to accept or reject a bribe.

In his criminal trial, Mr. MYERS was found guilty of taking a bribe. As has been said, he awaits a hearing on his case regarding the entrapment defense. If we must suspend and defer on that ground, must we again suspend and defer on the same ground? Surely, appeals will drag on for a year or more into the next Congress or the Congress after that. If this Congress fails to expel him, surely the later sessions will argue over whether they have any jurisdiction over acts committed in this session. Therefore, we must act now. Otherwise, we craft a precedent for avoidance of expulsion regardless of the crime, for all time.

The honor and integrity of this Congress are at stake. The argument that no Member has been expelled except for treason cites a precedent that needs to be changed, now. Let us act now, so that never again can it be argued that betrayal of trust and commission of the crime of bribery, or any crime short of treason is acceptable for membership in this office, even on a technicality, which does not bind us. Let us act now to establish a new and clear precedent that Members will be expelled for criminal abuse of their office.

There are two ways to look at the historical record which shows that no Congress has expelled any Member for corruption; or for any reason at all since December 3, 1861. I look at that record and say to you: It's about time we did.●

● Mr. ROSTENKOWSKI. Mr. Speaker, I feel obligated to rise in opposition to House Resolution 794, a resolution to expel Representative MICHAEL O. MYERS. As the dissenting views to the committee report of our colleagues, Mr. HAMILTON, of Indiana, and Mr. STOKES, of Ohio, make clear, opposition to this resolution should not be considered in any way as an approval of what Representative MYERS did, as revealed in the trial transcript, the videotapes, and his own testimony before the committee.

As has been stated, only three Representatives since the founding of the Republic have been expelled from the

House, and all three of those expulsions occurred in 1861. In fact, each of those three Members expelled, either directly or indirectly took up arms against the United States, and in so doing, committed blatantly treasonous acts. Thus, no Member has ever been expelled for any act less than treason. I point this out merely to demonstrate the severity of the action contemplated, and to underscore my belief that such action is premature at this time.

Expulsion of a sitting Member of Congress is clearly within the authority of this body and is so provided for in the Constitution. But the implication of expulsion for the institution, for the Member involved, and most importantly, for the congressional district which has chosen him to serve in Washington, is so great that this ultimate sanction has been rarely used.

I am troubled any time we are put in a position of making moral judgments on our peers. Drawing lines on issues of morality are very difficult. For that reason, Mr. Speaker, I believe that it is important that if we are to expel Mr. MYERS it be done on a more objective basis than our relative level of disdain for what he did. I look to the courts as the final arbiter of his guilt or innocence.

Basing my belief that expulsion should be linked to the conviction of Mr. MYERS, I am forced to conclude that we cannot rightly act on this matter until his conviction is final. The remaining legal issues in this case have been debated at much length today. From that debate it is clear to me that we have not yet seen a final determination in this matter.

If the conviction is upheld and all appeals are exhausted, I would not have the reservation I have today about voting to expel MICHAEL MYERS for his criminal acts. Absent such a final finding, however, I believe that it is improper for the House to take the action recommended by the Committee on Standards of Official Conduct. Thus, I find it necessary to vote against House Resolution 794 at this time.●

● Mr. ROYBAL. Mr. Speaker, I, like everybody in this Chamber, am disturbed by the actions of Representative MICHAEL O. MYERS, and believe that those actions cannot and should not be condoned by this body. However, I am equally disturbed by what we are doing as well as by the manner in which we are doing it. In our eagerness to adjourn, we have not given this grave issue the attention it deserves, and we have trampled the constitutional rights of our colleague. The expulsion of a Member from this body is so drastic a step that of the thousands of men and women who have served over the years, only three have ever been expelled. I do not believe that an issue of such magnitude should be decided on the day of adjournment a few weeks before the election.

Representative MYERS, no more or less than any other citizen of this great country, is entitled to a fair hearing which provides him with due process and an impartial jury undistracted by matters not relevant to his guilt or innocence. Has Representative MYERS received what he is entitled to? I submit that he has not.

We are the jury in this case. How material to the guilt or innocence of Representative MICHAEL MYERS is the fact that this House will adjourn in a few hours? How material to the guilt or innocence of Representative MYERS is the fact that almost every one of us will be up for reelection in 1 short month? How material to the guilt or innocence of Representative MYERS is the fact that some Members are in very close races which may be decided by how they voted on this issue?

All of us know that these factors are totally and absolutely irrelevant to the guilt or innocence of Representative MICHAEL MYERS, yet all of us know that these facts have greatly influenced how many members of the jury voted on this issue. Representative MICHAEL MYERS has been expelled by a jury greatly under the influence of the hysteria which surrounds the elections in this country. Because this is true, I could not vote to expel him.

I stated earlier that Representative MYERS is entitled to due process, but did not receive it today. The Federal district court, with far more facts and evidence than has been made available to us, has not yet decided whether Representative MYERS' right to due process was violated by the Justice Department. Many questions material to the final determination of the guilt or innocence of Representative MYERS have yet to be answered. How did the Justice Department make the determination to investigate Representative MYERS? Was he predisposed to commit the crime or was he induced to break the law by the Justice Department? The answer to these questions will finally determine whether or not Representative MYERS is guilty or innocent of the crime, and nobody in this body was presented with any evidence on which to base an answer to these very crucial questions. If we cannot answer the basic question of whether Representative MYERS is guilty or innocent, how presumptuous and self-righteous it was of us to feel free to answer the question of whether or not he would remain a Member of this Chamber. Representative MICHAEL MYERS was not accorded the fair process he was due and because of this, I did not vote to expel him.

Had my colleagues looked within themselves and asked themselves if they would want to be tried without due process and by a jury concerned about elections rather than basic justice, they would have voted otherwise. However, they did not and regrettably, a terrible precedent has been set.●

Mr. BENNETT. Mr. Speaker, every life has its tragedies. The most painful of the tragedies are those that we earn ourselves by our own defects. When the concluding remarks were prepared for me to make in the early part of this statement, there was a sentence, "There can be no other choice of sanctions for such a man." I struck through the phrase "a man" and changed it to read "There can be no other choice of sanctions for such actions."

God never made a bad man or a bad woman. We make our mistakes in life. We have to pay for those mistakes. In this instance, the integrity of the House of Representatives is at stake, an institution which is not only important for our country but for mankind.

So, as painful as it is for me to do this, I must ask the House of Representatives to expel Representative MYERS.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on the resolution offered by the gentleman from Florida (Mr. BENNETT).

The question was taken.

Mr. CHARLES H. WILSON of California. Mr. Speaker, at the request of the gentleman from Pennsylvania (Mr. MYERS). I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 30, not voting 26, as follows:

[Roll No. 622]

YEAS—376

Addabbo
Akaka
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dixon
Donnelly
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.

Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murtha
Musto
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey

Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Ratchford
Regula
Rhodes
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rousselot
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence

St Germain
Stack
Stangeland
Stanton
Stenholm
Stewart
Stockman
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Winn
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—30

Alexander
Bailey
Beilenson
Bolling
Clay
Conyers
Davis, S.C.
Drinan
Edwards, Calif.
Ford, Mich.

Garcia
Gaydos
Gonzalez
Holland
Kelly
Lederer
Leland
Mitchell, Md.
Murphy, N.Y.
Murphy, Pa.

Rangel
Richmond
Rosenthal
Rostenkowski
Roybal
Stark
Stokes
Weiss
Wilson, C. H.
Wilson, Tex.

NOT VOTING—26

Abdnor
Albosta
Anderson, Ill.
Biaggi
Brown, Ohio
Burton, John
Corman
Dingell
Dodd

Hall, Ohio
Holtzman
Jenrette
Leach, La.
Mitchell, N.Y.
Mottl
Myers, Pa.
Nolan
Quayle

Reuss
Roberts
Roth
Sebelius
Shannon
Staggers
Steed
Thompson

☐ 1450

So (two-thirds having voted in favor thereof) the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will notify the Governor of the Commonwealth of Pennsylvania of the action of the House.

The matter is closed.

PERSONAL EXPLANATION

Mr. PHILLIP BURTON. Mr. Speaker, because the rules do not permit a Member to announce his position on this particular type of vote that was just had, as is normally the case, the gentleman from California (Mr. JOHN L. BURTON), who is necessarily absent because of a longstanding set of commitments in his State, has asked me to announce his position in support of the committee resolution. The gentleman wants the record to reflect his support of the resolution.

PROVIDING FOR LIMITED CONTINUATION OF PAY OF CLERICAL ASSISTANCE TO MEMBERS IN CERTAIN CASES OF TERMINATION OF SERVICE

Mr. NEDZI. Mr. Speaker, I offer a resolution (H. Res. 804), and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 804

Resolved, That (a) until otherwise provided by law, for purposes of the joint resolution entitled "Joint resolution relating to the continuance on the payrolls of certain employees in cases of death or resignation of Members of the House of Representatives, Delegates, and Resident Commissioners.", approved August 21, 1935 (2 U.S.C. 92b, 92c, and 92d), any termination of service during a term of office of a Member of the House that is not described in the first section of such joint resolution shall be treated as if such termination were described in such section.

(b) The Clerk of the House shall take such action as may be necessary to apply the principles of section 2 of the joint resolution referred to in subsection (a) (2 U.S.C. 92c) in the carrying out of this resolution.

SEC. 2. The Committee on House Administration shall have authority to prescribe regulations for the carrying out of this resolution.

SEC. 3. Payments under this resolution shall be made on vouchers approved by the Committee on House Administration and signed by the chairman of such committee.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I yield to the distinguished acting committee chairman, the gentleman from Michigan (Mr. NEDZI), to explain the resolution.

Mr. NEDZI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the action which this body has just taken makes it necessary for the House to authorize the Clerk to review and adjust the operations of the offices of the First Congressional District of Pennsylvania. Under the provisions of 2 U.S.C. 92 (b), (c), and (d), the Clerk is authorized to make such adjustments when other circumstances create a vacancy. This resolution will extend that authority to cover the action which this body has just taken; adoption of this resolution will allow continued though limited service to constituents in the district.

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

Mr. NEDZI. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INSTALLMENT SALES REVISION ACT OF 1980

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6883) to amend the Internal Revenue Code of 1954 to revise the rules relating to certain installment sales, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out all after line 17, over to and including line 5 on page 3, and insert:

"(2) EXCEPTIONS.—The term 'installment sale' does not include—

"(A) Dealer disposition of personal property.—A disposition of personal property on the installment plan by a person who regularly sells or otherwise disposes of personal property on the installment plan.

"(B) Inventories of personal property.—A disposition of personal property of a kind which is required to be included in the inventory of the taxpayer if on hand at the close of the taxable year.

Page 8, line 18, strike out "The" and insert. "Except for purposes of subsections (g) and (h), the".

Page 9, line 4, strike out "property" and insert "property (whether or not payment of such indebtedness is guaranteed by another person)".

Page 10, after line 15, insert:

"(7) DEPRECIABLE PROPERTY.—The term 'depreciable property' means property of a character which (in the hands of the transferee) is subject to the allowance for depreciation provided in section 167.

Page 10, strike out all after line 15, over to and including line 17, on page 12, and insert:

"(g) SALE OF DEPRECIABLE PROPERTY TO SPOUSE OR 80-PERCENT OWNED ENTITY.—

"(1) IN GENERAL.—In the case of an installment sale of depreciable property between related persons within the meaning of section 1239(b), subsection (a) shall not apply, and, for purposes of this title, all payments to be received shall be deemed received in the year of the disposition.

"(2) EXCEPTION WHERE TAX AVOIDANCE NOT A PRINCIPAL PURPOSE.—Paragraph (1) shall not apply if it is established to the satisfaction of the Secretary that the disposition did not have as one of its principal purposes the avoidance of Federal income tax.

Page 13, strike out lines 15 to 20, and insert:

"(C) SPECIAL RULE WHERE OBLIGOR AND SHAREHOLDER ARE RELATED PERSONS.—If the obligor of any installment obligation and the shareholder are related persons (within the meaning of section 1239(b)), to the extent such installment obligation is attributable to the disposition by the corporation of depreciable property—

"(i) subparagraph (A) shall not apply to such obligation, and

"(ii) for purposes of this title, all payments to be received by the shareholder shall be deemed received in the year the shareholder receives the obligation.

Page 16, strike out all after line 2, over to and including line 16 on page 19.

Page 19, line 17, strike out "(c)" and insert "(b)".

Page 22, strike out lines 4 to 23, and insert:

"(e) LIFE INSURANCE COMPANIES.—

"(1) IN GENERAL.—In the case of a disposition of an installment obligation by any person other than a life insurance company (as defined in section 801(a)) to such an insurance company or to a partnership of which such an insurance company is a partner, no provision of this subtitle providing for the nonrecognition of gain shall apply with respect to any gain resulting under subsection (a). If a corporation which is a life insurance company for the taxable year was (for the preceding taxable year) a corporation which was not a life insurance company, such corporation shall, for purposes of this subsection and subsection (a), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year, all installment obligations which it held on such last day. A partnership of which a life insurance company becomes a partner shall, for purposes of this subsection and subsection (a), be treated as having transferred to a life insurance company, on the last day of the preceding taxable year of such partnership, all installment obligations which it holds at the time such insurance company becomes a partner.

"(2) SPECIAL RULE WHERE LIFE INSURANCE COMPANY ELECTS TO TREAT INCOME AS INVESTMENT INCOME.—Paragraph (1) shall not apply to any transfer or deemed transfer of an installment obligation if the life insurance company elects (at such time and in such manner as the Secretary may by regulations prescribe) to determine its life insurance company taxable income—

"(A) by returning the income on such installment obligation under the installment method prescribed in section 453, and

"(B) if such income would not otherwise be returnable as an item referred to in section 804(b) or as long-term capital gain, as if the income on such obligations were income specified in section 804(b).

Page 23, strike out lines 17, 18, and 19, and insert:

(2) Paragraph (8) of section 381(c) is amended—

(A) by striking out "has elected, under section 453, to report on the installment basis" and inserting in lieu thereof "reports on the installment basis under section 453 or 453A", and

(B) by striking out "for purposes of section 453" and inserting in lieu thereof "for purposes of section 453 or 453A".

(3) Subsection (d) of section 481 is hereby repealed.

Page 23, line 20, strike out "(3)" and insert "(4)".

Page 23, line 24, strike out "(4)" and insert "(5)".

Page 24, line 11, strike out "(5)" and insert "(6)".

Page 27, after line 19, insert:

SEC. 5. COORDINATION WITH SECTION 1239.

Subsections (b) and (c) of section 1239 (defining related persons) are amended to read as follows:

"(b) RELATED PERSONS.—For purposes of subsection (a), the term 'related persons' means—

"(1) the taxpayer and the taxpayer's spouse,

"(2) the taxpayer and an 80-percent owned entity, or

"(3) two 80-percent owned entities.

"(c) 80-PERCENT OWNED ENTITY DEFINED.—

"(1) GENERAL RULE.—For purposes of this section, the term '80-percent owned entity' means—

"(A) a corporation 80 percent or more in value of the outstanding stock of which is owned (directly or indirectly) by or for the taxpayer, and

"(B) a partnership 80 percent or more of the capital interest or profits interest in which is owned (directly or indirectly) by or for the taxpayer.

"(2) CONSTRUCTIVE OWNERSHIP.—For purposes of subparagraphs (A) and (B) of paragraph (1), the principles of section 318 shall apply, except that—

"(A) the members of an individual's family shall consist only of such individual and such individual's spouse, and

"(B) paragraphs (2)(C) and (3)(C) of section 318(a) shall be applied without regard to the 50-percent limitation contained therein.".

Page 27, line 20, strike out "5" and insert "6.".

Page 27, line 21, strike out "SECTION 2.—" and insert "SECTIONS 2 and 5.—".

Page 27, line 23, strike out "section 2" and insert "sections 2 and 5".

Page 28, line 3, after "to" insert "first".

Page 28, after line 8, insert:

(4) FOR SECTION 453A.—Section 453A of the Internal Revenue Code of 1954 (as amended by section 2) shall apply to taxable years ending after the date of enactment of this Act.

Page 28, line 9, strike out "(4)" and insert "(5)".

Page 28, line 14, strike out "(5)" and insert "(6)".

Page 28, after line 17, insert:

(7) SPECIAL RULE FOR APPLICATION OF FORMER SECTION 453 TO CERTAIN DISPOSITIONS.—In the case of any disposition made on or before the date of the enactment of this Act in any taxable year ending after such date, the provisions of section 453(b) of the Internal Revenue Code of 1954, as in effect before such date, shall be applied with respect to such disposition without regard to—

(A) paragraph (2) of such section 453(b), and

(B) any requirement that more than 1 payment be received.

Mr. ULLMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is there objection to the request of the gentleman from Oregon?

Mr. DUNCAN of Tennessee. Mr. Speaker, reserving the right to object, I will not object, but I do yield to the committee chairman, the gentleman from Oregon (Mr. ULLMAN), to explain the conference.

Mr. ULLMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the bill, H.R. 6883, amends the rules for reporting gains under the installment method. The bill simplifies and improves present law by repealing unnecessary requirements and clarifying other provisions. It it supported by the Treasury Department, professional organizations and farm, small business, and banking groups.

H.R. 6883, as it passed the House, amends the rules for reporting gains under the installment method for sales of real property and casual sales of personal property. The bill would: First. make structural improvements to these provisions; second, eliminate the 30-percent initial payment limitation; third, eliminate the requirement that an eligible sale be for two or more payments; fourth, eliminate the selling price requirement for nondealer sales of personal property; fifth, provide that installment reporting automatically applies to a deferred payment sale unless the taxpayer elects otherwise; sixth, prescribe special rules for sales to certain related parties; seventh, provide that the receipt of like-kind property in connection with an installment sale will not accelerate recognition of gain; eighth, provide nonrecognition treatment for distributions of installment obligations received in connection with a 12-month corporate liquidation; ninth, permit installment method reporting for sales for a contingent selling price; tenth, clarify the treatment of gift cancellations of an installment obligation; eleventh, clarify the treatment of an installment obligation which is canceled at the death of the seller; and twelfth, permit an executor or beneficiary to succeed the decedent for purposes of qualifying for nonrecognition treatment if real property sold by the decedent is reacquired in cancellation of an installment obligation.

The Senate amended the bill to: First, clarify and coordinate the provisions relating to sales of depreciable property between closely related parties; second, clarify that a third party guarantee—including a standby letter of credit—securing a deferred payment sale will not constitute payment to the seller; third, eliminate any potential for double taxation when a dealer changes from an accrual method of accounting for sales to the installment method of reporting; fourth, provide that existing special disposition rules for transfers of installment obligations to a life insurance company will not apply if the company reports any remaining gain as taxable investment income when it receives payments on the obligation; and, fifth, make the repeal of the 30-percent initial payment and two or more payment requirements effective for transactions occurring in taxable years ending after the date of enactment rather than for transactions occurring after that date.

The Senate amendments are noncontroversial and are generally supported by the Treasury Department. Mr. Speaker, I urge the House to approve the bill as amended.

Mr. Speaker, I suggest that the gentleman from Tennessee (Mr. DUNCAN) yield to the distinguished chairman of the Subcommittee on Select Revenue Measures, the gentleman from Illinois (Mr. ROSTENKOWSKI), for a fuller explanation.

Mr. DUNCAN of Tennessee. Mr. Speaker, I yield to the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Speaker, the Installment Sales Revision Act has received a considerable amount of consideration at the subcommittee level. We held two separate hearings on this matter, along with the gentleman from Tennessee (Mr. DUNCAN), and the legislation was carefully drafted to take into consideration all the suggestions that we received from both the Treasury Department and interested members of the tax community.

This bill was overwhelmingly approved by the House, and I know of no objection to the technical refinements made by the Senate.

Final approval in the House today concludes the first congressional effort to simplify the tax code. Installment sales are used in a diverse number of business transactions, and the simplifications made by H.R. 6883 will eliminate traps in the current provision and make this method more widely available.

I hope, Mr. Speaker, that this will be only the first of many projects to simplify the code that we will bring to the House for its consideration.

Mr. Speaker, this is a good bill, and final approval of it at this time will allow tax planning to go on with some certainty, knowing that the improved rules of H.R. 6883 are now available for use.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN of Tennessee. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague's yielding.

Mr. Speaker, can my colleague, the gentleman from Illinois (Mr. Rostenkowski), assure us that the amendments made by the Senate which he has personally described do not substantially change the tenor of what we have?

Mr. ROSTENKOWSKI. Mr. Speaker, the gentleman has the complete commitment of the gentleman from Illinois that they do not change it.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman's comment.

Mr. DUNCAN of Tennessee. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. Danielson). Is there objection to the request of the gentleman from Oregon (Mr. Ullman) that further reading of the Senate amendments be dispensed with, and that they be printed in the Record?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Oregon?

There was no objection.

A motion to reconsider was laid on the table.

RELATING TO TARIFF TREATMENT OF CERTAIN ARTICLES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3122) relating to the tariff treatment of certain articles, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out the table after line 9, and insert:

"Other:

470.16	Logwood	Free	Free.
470.18	Other	4% ad val	15% ad val.".

Page 2, line 22, strike out "to which" and insert "described in".

Page 2, line 23, strike out "applied".

Page 3, strike out all after line 16, over to and including line 4, on page 4.

Page 4, line 5, strike out "4." and insert: 3.

Page 4, line 14, strike out "5." and insert 4.

Page 5, line 5, strike out "6." and insert: 5.

Page 5, line 10, strike out "6/30/81" and insert: "6/30/84".

Page 5, line 18, strike out "to which" and insert "described in".

Page 5, line 20, strike out "applied".

Page 6, after line 9, insert:

Sec. 6. Permanent Duty-Free Treatment for Certain Carillon Bells.

(a) (1) Item 725.38 of the Tariff Schedules of the United States (19 U.S.C. 1202, relating to chimes, peals, or carillons containing over 34 bells) is amended by striking out "2.6% ad val." and inserting in lieu thereof "Free".

(2) The amendment made by paragraph (1) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) (1) The Secretary of the Treasury shall admit free of duty 47 carillon bells (including all accompanying parts and accessories) for the use of Wake Forest University, Winston-Salem, North Carolina, such bells being provided by the Paccard Fonderie de Cloches, Annecy, France.

(2) The Secretary of the Treasury shall admit free of duty 49 carillon bells (including all accompanying parts and accessories) for the use of the University of Florida, Gainesville, Florida, such bells being provided by Koninklijke Eijsbouts B.V., Asten, The Netherlands.

(3) If the liquidation of the entry for consumption of any article subject to the provisions of paragraph (1) or (2) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

Sec. 7. Extension of Duty-Free Entry Period for Telescope and Other Articles for Use of the International Telescope Project in Hawaii.

(a) Section 2(a) of Public Law 93-630 (88 Stat. 2152) is amended by striking out "June 30, 1980" and inserting in lieu thereof "June 30. 1982".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(c) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in section 2 of Public Law 93-630 (88 Stat. 2152) (as in effect on June 30, 1980), and

(1) that was made after June 30, 1980, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 8. Suspension of Duty on Synthetic Rutile Until June 30, 1982.

(a) Item 911.25 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/79" and inserting in lieu thereof "6/30/82".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(c) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in item 911.25 of the Tariff Schedules of the United States (as in effect on June 30, 1979) and—

(1) that was made after June 30, 1979, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 9. Permanent Duty-Free Treatment for Synthetic Tantalum-Columbian Concentrates.

(a) Part 1 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 603.65 the following new item:

"603.67	Materials, other than the foregoing, which are synthetic tantalum-columbium concentrates	Free	30% ad val.".

(b) Item 911.27 of the Appendix to such Schedules is repealed.

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(d) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in item 911.27 of the Tariff Schedules of the United States (as in effect on June 30, 1980) and—

(1) that was made after June 30, 1980, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal.

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Sec. 10. Temporary Suspension of Duty on Certain Alloys of Cobalt.

(a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"911.90	Unwrought alloys of cobalt containing, by weight, 76% or more but less than 99% cobalt (provided for in item 632.88, part 2K, schedule 6)	Free	No change.	On or before 6/30/82".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Sec. 11. Temporary Suspension of Duty on Bicyle Parts and Accessories.

(a) Item 912.05 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/80" and inserting in lieu thereof "6/30/83".

(b) Item 912.10 of the Appendix to such Schedules is amended—

(1) by inserting "two-speed hubs with in-

ternal gear-changing mechanisms," immediately after "coaster brakes,";

(2) by striking out "rims," and inserting in lieu thereof "frame lugs,";

(3) by striking out "and 732.41" and inserting in lieu thereof "732.41 and 732.42"; and

(4) by striking out "60/30/80" and inserting in lieu thereof "6/30/83'.'

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

(d) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article to which section 912.05 or 912.10 of the Tariff Schedules of the United States (as amended by subsection (b)) would have applied if this Act had been enacted before July 1, 1980, and—

(1) that was made after June 30, 1980, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendments made by subsections (a) and (b) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 12. RETROACTIVE DUTY-FREE TREATMENT FOR MANGANESE ORE AND RELATED PRODUCTS.

Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of manganese ore, including ferruginous manganese ore, and manganiferous iron ore, all the foregoing containing over 10 percent by weight of manganese (provided for in item 601.27 of the Tariff Schedules of the United States)—

(1) that was made after June 30, 1979, and before January 1, 1980, and

(2) with respect to which there would have been no duty if the entry or withdrawal had been made on or after Janury 1, 1980.

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 13. DEFINITION OF RUBBER FOR PURPOSES OF THE TARIFF SCHEDULES.

(a) Headnote 2 to subpart B of part 4 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows:

"2. (a) For the purposes of the tariff schedules, the term 'rubber' means any substance, whether natural or synthetic, in bale, crumb, powder, latex, or other crude form, that—

"(i) can be vulcanized or otherwise cross-linked, and

"(ii) after cross-linking, can be stretched at 68° F. to at least three times its original length and that, after having been stretched to twice its original length and the stress removed, returns within 5 minutes to less than 150 percent of its original length.

"(b) For purposes of the tariff schedules other than schedule 4, the term 'rubber' also means any substance described in subdivision (a) that also contains fillers, extenders, pigments, or rubber-processing chemicals, whether or not such substance, after the addition of such fillers, extenders, pigments, or chemicals, can meet the tests specified in clauses (i) and (ii) of subdivision (a).".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, on or after the date of the enactment of this Act.

SEC. 14. MISCELLANEOUS AMENDMENTS TO THE TRADE AGREEMENTS ACT OF 1979.

(a) The Trade Agreements Act of 1979 (Public Law 96–39, 93 Stat. 144–317) is amended as follows:

(1) Paragraph (8) of section 510 is amended by striking out "item 719.—" and inserting in lieu thereof "items 717.—, 718.—, and 719.—".

(2) The rate of duty column in section 514(a) is amended—

(A) by striking out "1% ad val." opposite each of items 607.01, 607.02, 607.03, and 607.04 and inserting in lieu thereof "Additional duty of 1% ad val."; and

(B) by striking out "0.5% ad val.+additional duties" opposite item 607.21 and inserting in lieu thereof "1% ad val.+additional duties".

(3) Subsection (a) of section 601 is amended—

(A) by inserting immediately after "such articles" in paragraph (2) the following: "(other than flight simulating machines classified in item 678.50 and civil aircraft classified in item 694.15, 694.20, or 694.40)"; and

(B) by amending paragraph (3) to read as follows:

"(3) Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end thereof the following new subsection:

"'(f) CIVIL AIRCRAFT EXCEPTION.—The duty imposed under subsection (a) shall not apply to the cost of equipments, or any part thereof, purchased, of repair parts or materials used, or of repairs made in a foreign country with respect to a United States civil aircraft, within the meaning of headnote 3 to schedule 6, part 6, subpart C of the Tariff Schedules of the United States.'".

(b) The amendment made by paragraphs (1) and (2) of subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1980. The amendment made by paragraph (3) of subsection (a) shall apply with respect to entries made under section 466 of the Tariff Act of 1930 on or after January 1, 1980.

SEC. 15. DUTY-FREE ENTRY OF TILES FOR CHINESE CULTURAL CENTER, PHILADELPHIA, PENNSYLVANIA.

(a) The Secretary of the Treasury shall admit free of duty the number of tiles (provided for in article 532.31 of the Tariff Schedules of the United States) purchased by the Chinese Cultural and Community Center, Philadelphia, Pennsylvania, for the renovation of the roof of the center, such tiles being purchased from the China National Arts and Crafts Import and Export Corporation.

(b) If the liquidation of the entry for consumption of any article subject to the provisions of subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

SEC. 16. FIELD GLASSES AND BINOCULARS.

(a) (1) Item 768.51 is amended by striking out "7.9% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "3.4% ad val." in the LDDC rate column.

(2) Item 708.52 is amended by striking out "18.5% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "8% ad val." in the LDDC rate column.

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 17. SUSPENSION DUTY ON CRUDE FEATHERS AND DOWNS UNTIL JULY 1, 1984.

(a) Items 903.70 and 903.80 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "on or before 6/30/79" and inserting in lieu thereof "on or before 6/30/84".

(b) (1) The amendments made by subsection (a) shall apply to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

(2) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article described in item 903.70 or 903.80 of the Tariff Schedules of the United States (as in effect on June 30, 1979) and—

(A) that was made after June 30, 1979, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if any of the amendments made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 18. DUTY-FREE ENTRY OF ORGAN FOR OHIO WESLEYAN UNIVERSITY.

(a) The Secretary of the Treasury shall admit free of duty one organ (including all accompanying parts and accessories) for the use of Ohio Wesleyan University, Delaware, Ohio, such organ being provided by Johannes Klais Orgelbau K.G., Bonn, Federal Republic of Germany.

(b) If the liquidation of the entry for consumption of any article subject to the provisions of subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514).

SEC. 19. DUTY-FREE ENTRY OF ORGAN COMPONENTS FOR ST. PAUL'S EPISCOPAL CHURCH, RIVERSIDE, CONNECTICUT.

(a) The Secretary of the Treasury shall admit free of duty the components of the tracker pipe organ which were built (pursuant to contract with Gerhard Hradetzky of Austria) for St. Paul's Episcopal Church, Riverside, Connecticut, and which entered at New York, New York, on January 19, 1979 (entry number 266710).

(b) If the liquidation of the entry for consumption of any article subject to the provisions of subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made, notwithstanding section 514 of the Tariff Act of 1930.

SEC. 20. COLD FINISH STEEL BARS.

(a) Headnote (3) (i) to subpart B of part 2 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "or cut to length" each place it appears therein.

(b) Item 606.88 in subpart B of part 2 of schedule 6 of such Tariff Schedules is amended by striking out "8.5% ad val." in rate column numbered 1 and inserting "7.5% ad val." in lieu thereof.

(c) Subpart B of part 1 of the Appendix to such Tariff Schedules is amended by inserting, in numerical sequence, the following new item:

"911.45.	Finished, drawn products of any cross-sectional configuration, not over 0.703 inch in maximum cross-sectional dimension and containing not over 0.25 percent by weight of carbon (provided for in item 606.88, part 2B, schedule 6)................	5% ad val.	No change.	On or before 12/31/81".

(d) The amendments made by subsections (a), (b), and (c) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on and after the date of enactment of this Act.

SEC. 21. CLARIFICATION OF APPLICATION OF CUSTOMS LAWS TO DEEPWATER PORTS.

Section 644 of the Tariff Act of 1930 (19 U.S.C. 1644) is amended—

(1) by inserting "; application of custom laws to deepwater port act of 1974" in the caption thereof immediately after "1926",

(2) by inserting "(a)" before the first word of the text thereof, and

(3) by adding at the end thereof the following new subsection:

"(b) For purposes of section 19(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the term 'customs laws administered by the Secretary of the Treasury' shall mean this Act and any other provisions of law classified to title 19, United States Code.".

Mr. ULLMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There is no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Oregon?

Mr. FRENZEL. Mr. Speaker, reserving the right to object to the first request, I do so to yield to the distinguished committee chairman to explain the bill.

Mr. ULLMAN. Mr. Speaker, may I ask the gentleman if he will yield to the gentleman from Ohio (Mr. VANIK)?

Mr. FRENZEL. I yield to the distinguished chairman of the subcommittee, the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 3122, as amended by the Senate, is an omnibus tariff bill which contains provisions of bills passed by the House last year; namely H.R. 3122, 1319, 2297, 2492, 3317, 3755, 4309, and 5441, plus sections 105 and 301 of another omnibus tariff bill, H.R. 5047, passed by the House this session. H.R. 3122, as amended by the Senate, contains 20 provisions to suspend duties or to continue existing duty suspensions for temporary periods or to provide permanent duty-free treatment on exports of specific products, provides duty-free treatment on specific entries of certain articles, amends the classification of certain items in the U.S. tariff schedules, and contains technical amendments to the Trade Agreements Act of 1979.

In addition, the Senate amended the bill to add a provision achieving the same purpose as section 2 of H.R. 6864, an authorization bill for administration of the Deepwater Port Act of 1974 passed by the House on August 25, but which has not been acted upon by the Senate. That provision and section 21 of H.R. 3122, as amended clarify the navigation laws in title 19 of the United States Code such as vessel entry laws, do not apply to deepwater ports, consistent with congressional intent in passing the Deepwater Port Act but not clear in the language of the law.

Mr. Speaker, the House passed the substance of the provisions contained in Senate-amended H.R. 3122 by voice vote. The bill will relieve many domestic interests from the burden of having to pay duties on certain imported articles for which there is no domestic production, or for which domestic supply is insufficient or unsuitable for the purpose, thereby reducing costs to consumers and improving the competitive position of U.S. industries. In considering the provisions of H.R. 3122, as amended, the Committee on Ways and Means and the Senate Finance Committee were satisfied that domestic interests would not be adversely affected

□ 1500

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, the bill is as the chairman has described.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Speaker, I just want to address a question to the gentleman from Ohio or the gentleman from Oregon.

A few years ago we had a similar request made at the end of the session. I bring this up every year at this time, because this seems to be the time when these kinds of bills are brought up. I asked whether there was anything in it that was untoward or special or could cause problems, and I was told no by the gentleman from Oregon. It turned out to be the pincushion bill which granted special status to the Republican and Democratic Parties for taxes and postage, or some damn thing like that—pardon my expression—and it wound up months later on the front pages of all the papers that Congress had enacted themselves and their parties this special benefit.

Now, I ask the gentleman, in good faith: Is there anything of this nature in this bill?

Mr. FRENZEL. I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I would say to the gentleman that we have carefully examined the provisions of the Senate, the proposal before us. We find no reason to believe that there is anything that would cause any embarrassment to the House. We are satisfied that the proposals by the other body are consistent with the proposals that left the House.

Mr. BAUMAN. I thank the gentleman for his assurance.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I would like to say that I support this measure. It is an omnibus bill bringing in a very large number of very small matters which are more for the convenience of the Members than any possible source of embarrassment. If there were to have been any serious controversy in any of these measures or procedures as such, it would have been screened out long before it arrived at this point.

Let me say also, Mr. Speaker, that I am pleased—although I was unable to be here to participate—that we have already dealt with the installment sales bill, the resolution of which was entirely appropriate.

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

CONGRESSIONAL REPORTS ELIMINATION ACT OF 1980

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6686) to discontinue or amend certain requirements for agency reports to Congress, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 22 and 23.

Page 2, line 24, strike out "(e)" and insert "(d)".

Page 3, line 1, strike out "(f)" and insert "(e)".

Page 3, line 3, strike out "(g)" and insert "(f)".

Page 3, strike out lines 8 to 11, inclusive.

Page 3, strike out lines 13 to 17, inclusive.

Page 3, line 18, strike out "(c)" and insert "SEC. 103. (a)".

Page 3, strike out lines 20 to 25, inclusive.

Page 4, line 1, strike out "(e)" and insert "(b)".

Page 4, strike out lines 9 to 12, inclusive.

Page 4, line 13, strike out "(c)" and insert "(b)".

Page 4, line 16, strike out "(d)" and insert "(c)".

Page 4, strike out all after line 21 over to and including line 2 on page 5.

Page 5, line 3, strike out "(c)" and insert "SEC. 105".

Page 5, strike out lines 6 to 17, inclusive.

Page 6, strike out lines 1 to 7, inclusive.

Page 6, line 8, strike out "(f)" and insert "(d)".

Page 6, strike out lines 10 to 16, inclusive.

Page 6, line 17, strike out "(j)" and insert "(e)".

Page 6, strike out lines 20 to 22, inclusive.

Page 6, line 23, strike out "(l)" and insert "(f)".

Page 7, strike out lines 1 to 15, inclusive.

Page 7, strike out lines 22 to 24, inclusive.

Page 8, line 1, strike out "(c)" and insert "(b)".

Page 8, line 8, strike out "(d)" and insert "(c)".

Page 12, strike out lines 1 to 6, inclusive.

Page 12, line 8, strike out "114." and insert "113.".

Page 12, line 13, strike out "115." and insert "114.".

Page 12, line 17, strike out "116." and insert "115.".

Page 13, line 2, strike out "117." and insert "116.".

Page 13, line 10, strike out "118." and insert "117.".

Page 13, line 15, strike out "119." and insert "118.".

Page 14, line 2, strike out "120." and insert "119.".

Page 14, line 6, strike out "121." and insert "120.".

Page 14, line 15, strike out "122." and insert "121.".

Page 14, strike out lines 19 to 22, inclusive.

Page 15, strike out lines 2 to 6, inclusive.

Page 15, strike out lines 8 to 14, inclusive.

Page 18, line 8, strike out "203." and insert "202.".

Page 19, line 8, strike out "204." and insert "203.".

Page 20, strike out lines 7 to 18, inclusive.

Page 20, line 19, strike out "(e)" and insert "(c)".

Page 21, line 3, strike out "(f)" and insert "(d)".

Page 21, line 19, strike out "(g)" and insert "(e)".

Page 22, line 11, strike out "(h)" and insert "(f)".

Page 23, strike out lines 1 to 10, inclusive.

Page 23, line 11, strike out "(j)" and insert "(g)".

Page 23, line 18, strike out "(k)" and insert "(h)".

Page 23, strike out all after line 23 over to and including line 6 on page 24.

Page 24, strike out lines 9 to 20, inclusive.

Page 24, line 21, strike out "(c)" and insert "SEC. 204.".

Page 25, line 3, strike out "206." and insert "205.".

Page 25, line 15, strike out "207." and insert "206.".

Page 27, line 4, strike out "208." and insert "207.".

Page 27, line 11, strike out "209. (a)" and insert "208.".

Page 27, strike out all after line 17, over to and including line 6 on page 28.

Page 28, line 8, strike out "210." and insert "209.".

Page 29, strike out lines 10 to 15, inclusive.

Page 29, line 16, strike out "(g)" and insert "(f)".

Page 30, line 3, strike out "211." and insert "210.".

Page 30, line 8, strike out "212." and insert "211.".

Page 30, line 21, strike out "213." and insert "212.".

Page 31, strike out lines 12 to 18, inclusive.

Page 31, line 21, strike out "215." and insert "213.".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HORTON. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas (Mr. BROOKS) for the purpose of explaining what these Senate amendments do.

Mr. BROOKS. Mr. Speaker, I would say to my distinguished friend that this bill as passed by the House eliminated 79 reports and modified 52 reports presently required by law to be submitted to the Congress.

The Senate has removed other specified reports that were indicated to be vital to their committees, leaving a total of 95 reports either eliminated or modified. And this number represents a considerable amount of staff time to be available for work on more priority items.

Most of the information contained in the reports affected by this bill will still be available on an ad hoc basis. The Senate action and the amendments do not substantially affect the House-passed bill.

Mr. HORTON. I thank the gentleman.

As one who is always looking for ways to reduce unnecessary Federal paperwork, I want to register my support for this conference report on H.R. 6686, the Congressional Reports Elimination Act of 1980.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman from Texas assure us that there is nothing highly unusual in this particular report, or something of which we are not aware other than maybe what has been mentioned?

Mr. BROOKS. If the gentleman will yield, I will say to my distinguished and able friend, the gentleman from California, that the only thing unusual about this legislation is that it will save the Government a little money.

Mr. ROUSSELOT. How much?

Mr. BROOKS. I do not know how much. It will cut out some unnecessary reports. I think that the gentleman would support it wholeheartedly, in following with his own policy of recommending that kind of change.

Mr. ROUSSELOT. Further reserving the right to object, Mr. Speaker, there is no doubt that we support that concept, that idea. That is fine. I was merely asking the question because so many times conference reports come back with all kinds of interesting additions or little items that nobody suspected, especially when we do it under unanimous consent.

Now, the gentleman can assure us that there is nothing new or unusual in this conference that has been added by the other body?

Mr. BROOKS. I think the bill is just as clean as you can get it. We will bet on that.

Mr. ROUSSELOT. Mr. Speaker, after that heavy assurance, I will withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

COMMENDING ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES

Mr. BROOKS. Mr. Speaker, I send to the desk a resolution (H. Res. 805) to commend Elmer B. Staats, Comptroller General of the United States, on the occasion of the conclusion of his distinguished career of Federal service, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HORTON. Mr. Speaker, reserving the right to object, and I will not object, I take this opportunity to yield to the gentleman from Texas (Mr. BROOKS) so that he can explain the resolution.

Mr. BROOKS. Mr. Speaker, I offer, with pleasure, a House resolution honoring Comptoller General Elmer B. Staats for his long years of dedicated service to the Congress and the country.

The resolution, which is cosponsored by Congressman FRANK HORTON, ranking minority member of the Committee on Government Operations, calls attention to the many achievements and contributions of Comptroller General Staats during his tenure in office, which have resulted in substantial improvement in the management of Federal programs and congressional oversight of those programs.

The occasion for the resolution is the impending retirement of Mr. Staats as his 15-year term as Comptroller General comes to an end. Previous to that service he held the position of Deputy Director of the Bureau of the Budget under four presidents.

It has been a distinguished, notable career and it is fitting that Congress should recognize it.

Mr. HORTON. Mr. Speaker, I thank the gentleman and I join him in this bipartisan tribute to Mr. Staats. It is appropriate that we commemorate his retirement and call attention to his lengthy dedication to the principles of government economy and efficiency.

I have had the privilege of working closely with General Staats. From that productive association—and from my service with him on the Procurement Commission and the Commission on Federal Paperwork—I can assure this House that I know of no more dedicated public servant.

I am proud to sponsor this resolution, and I withdraw my reservation of objection.

Mrs. FENWICK. Mr. Speaker, reserving the right to object—and I shall not object—I would like to associate myself with the remarks of our previous colleagues concerning our Comptroller General. Surely we had no finer public servant.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 805

Whereas the Congress and the Nation wish to recognize the dedicated service of Elmer B. Staats as Comptroller General of the United States since 1966, during which time he has exhibited selfless devotion to the objective of making the General Accounting Office, an arm of the legislative branch of Government, a valuable asset to the Congress;

Whereas the Congress and the Nation wish to express their appreciation for the service of Elmer B. Staats prior to 1966 as Deputy Director of the Bureau of the Budget under four Presidents, during which time he consistently applied himself in innumerable ways to the objective of improving the efficiency and effectiveness of governmental programs and activities; and

Whereas the Congress and the Nation note with praise the lifelong contributions of Comptroller General Staats to the cause of strengthening the profession of public administration and the spirit of public service: Now, therefore, be it

Resolved, That the House of Representatives hereby commends The Honorable Elmer B. Staats, Fifth Comptroller General of the United States, for his long and distinguished public career and for his immense contributions to the goals of improved management of Federal programs and activities and strengthened congressional oversight.

Sec. 2. A copy of this resolution shall be transmitted to the distinguished Comptroller General of the United States, Elmer B. Staats.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT, OCTOBER 17, 1980, TO FILE SUNDRY OVERSIGHT REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, October 17, 1980, to file sundry oversight reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT OCTOBER 8, 1980, TO FILE REPORT ON H.R. 4178

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight, October 8, 1980, to file a report on H.R. 4178.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON S. 1482, CLASSIFIED INFORMATION PROCEDURES ACT

Mr. MAZZOLI. Mr. Speaker, I call up the conference report on the Senate bill (S. 1482) to provide certain pretrial, trial and appellate procedures for criminal cases involving classified information, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 30, 1980.)

Mr. MAZZOLI (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. Mazzoli) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. McClory) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. Mazzoli).

□ 1510

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

I would like to make mention on page 1 of the conference report there is a typographical error, section 1(a) of which defining unclassified information should be defining classified information.

Mr. Speaker, this important legislation responds to a phenomenon currently threatening both the fair administration of justice and the effective operation of our intelligence services.

The phenomenon has come to be called "graymail." Graymail occurs when the Government is prevented from initiating a prosecution or is forced to dismiss a pending prosecution because of its fear that the defendant will disclose or cause the disclosure of classified information during trial.

The phenomenon is not limited to espionage prosecutions. Graymail can also occur—indeed, it has occurred—in narcotics and murder trials, as well as in cases involving the prosecution of Government officials and businessmen. In its worst extent, graymail appears when a defendant threatens to disclose any or all classified information in his possession, whether or not it is related to the issues of the case.

Graymail may also mean nothing more than that a defendant is exercising his legitimate rights to defend himself through the use of relevant and admissible classified information.

In either instance, however, the result may be the same: A criminal case is terminated prematurely, justice is not done, and public confidence in our prosecutional authorities is lessened.

This legislation is intended to insure that classified information which bears no possible relationship to the issues in a criminal trial is not disclosed. It is also intended to insure that classified information that is relevant to the defendant's case will be identified prior to trial, before it is publicly revealed, so that the Government can make an informed decision in determining whether or not the benefits of prosecution will outweigh the harm stemming from public disclosure of such information.

The heart of the bill is its requirement that a criminal defendant notify the court and the Government before trial of any intention to disclose or cause the disclosure of classified information during trial. The Government may then obtain, prior to trial and in camera a ruling on the relevance or admissibility of the information and may take an interlocutory appeal from an adverse decision. It is to be emphasized that the bill does not alter the existing standards for determining relevance or admissibility.

In some instances, if the court makes the specific determination that to do so would provide the defendant with substantially the same ability to make his defense, the court may order that a specific item of classified information be replaced by a summary thereof or a stipulation to the facts such information tends to prove. The bill also requires the Government to provide the defendant with pretrial notice of the evidence it intends to use to rebut the information furnished in advance by the defendant.

Mr. Speaker, the legislation was reported unanimously by the Permanent Select Committee on Intelligence and the Committee on the Judiciary. It passed the House on the Suspension Calendar.

A substantially similar bill cleared the other body in the same expeditious and bipartisan fashion.

The conference committee swiftly resolved the differences between the versions of the two Houses. The only two major issues of substance in the conference, which involved issues of special concern to the Intelligence Committee and the Judiciary Committee, concerned the standard for alternative disclosure of classified information ruled admissible and the proper time to permit the Government to explain why the particular classified information at issue was so sensitive.

The conferees adopted the House provisions on both of these issues, and on most other issues as well. In those areas where Senate provisions were adopted, the result has been to add clarity and conciseness to the legislation.

Mr. Speaker, the conference report is true to the House-passed measure in both spirit and substance. It is good legislation that provides an effective solution to the graymail problem without impinging in any manner on the rights of criminal defendants.

I urge its adoption.

Mr. McCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support the conference report to S. 1482, the Classified Information Criminal Trial Procedures Act. Mr. Speaker, the primary thrust of the bill which was adopted by the House last week has been retained and strengthened through the efforts of the conferees.

This legislation, when enacted, will provide the means by which criminal prosecutions may be brought to trial without risk of "graymail"—that is, the potential of unauthorized disclosure of classified information thereby threatening our national security. The legislation provides the best solution to a serious problem—furthering the interest of the Government in prosecuting wrongdoers while fully taking into account the rights of the accused.

It is my sincere hope that criminal prosecutions—especially in the areas of espionage and leaks of classified information—will now go forward on their individual merits without fear of graymail.

In closing, I would like to make note of the diligent efforts of the staff of the committee and, especially of the Subcommittee on Legislation.

Mr. Speaker, I urge adoption of the conference report.

● Mr. BOLAND. Mr. Speaker, I rise in

strong support of the conference report. It preserves all the essential features of the House bill. It is an excellent statute and will make a significant contribution to the resolution of criminal cases which otherwise might never come to trial.

Mr. Speaker, I want to compliment the gentleman from Kentucky (Mr. MAZZOLI) for his stalwart work on this measure. It bears his stamp as it does that of the gentleman from Illinois (Mr. MCCLORY) and its original sponsor, Mr. MURPHY of Illinois. I also wish to praise the contribution of the gentleman from California (Mr. EDWARDS) and the gentleman from Illinois (Mr. HYDE), from the Judiciary Committee. Lastly I wish to laud the superior staff work which rendered a number of relatively complex concerns into needed statutory form.●

Mr. Speaker, I yield back the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REQUEST TO CONSIDER H.R. 3765, WALNUT MARKETING AND PROMOTION ACT OF 1980

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3765) to provide that marketing orders issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act respecting walnuts may provide for any form of marketing promotion including paid advertising, and that marketing orders respecting walnuts and olives may provide for crediting certain direct expenditures of handlers for promotion of such commodities, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. WYDLER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk read the Senate amendments as follows:

Strike out all after the enacting clause, and insert: That this Act may be cited as the "Agricultural Act of 1980".

TITLE I—WALNUT AND OLIVE MARKETING ORDERS

SEC. 101. Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by inserting "walnuts," before "or tomatoes"; and

(2) by inserting "walnuts, olives," before "and Florida Indian River grapefruit".

TITLE II—AGRICULTURAL TRADE SUSPENSION ADJUSTMENT ACT OF 1980

SHORT TITLE

SEC. 201. This title may be cited as the "Agricultural Trade Suspension Adjustment Act of 1980".

1981 CROPS OF FEED GRAINS, WHEAT, AND SOYBEANS

SEC. 202. (a)(1) Section 105A(a) of the Agricultural Act of 1949 is amended by (A) striking out the comma after "$2.00 per bushel", and (B) striking out "through 1981 crops of corn," and inserting in lieu thereof "through 1980 crops of corn, and not less than $2.25 per bushel for the 1981 crop of corn,".

(2) Section 105A(f)(1) of the Agricultural Act of 1949 is amended by striking out "November 15" and inserting in lieu thereof "November 1".

(b) Section 107A(a) of the Agricultural Act of 1949 is amended by striking out "through 1981 crops of wheat," and inserting in lieu thereof "through 1980 crops of wheat, and not less than $3.00 per bushel for the 1981 crop of wheat,".

(c) Section 201(e) of the Agricultural Act of 1949 is amended by inserting the following before the period at the end thereof: ": Provided further, That the 1981 crop of soybeans shall be supported through loans and purchases at not less than $5.02 per bushel".

ADJUSTED PRICE SUPPORT LOAN LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM FOR THE 1980 AND 1981 CROPS OF WHEAT AND FEED GRAINS

SEC. 203. (a) Section 110(b) of the Agricultural Act of 1949 is amended by—

(1) inserting the following before the period at the end of the first sentence: ": Provided, That the Secretary shall make available to producers for the 1980 and 1981 crops of wheat and feed grains price support loans under the producer storage program at such levels as the Secretary determines necessary to mitigate the adverse effects of the restrictions on the export of agricultural products to the Union of Soviet Socialist Republics imposed on January 4, 1980, on the market prices producers receive for their crops, but at not less than $3.30 per bushel for wheat, $2.40 per bushel for corn, and such levels for the other feed grains as the Secretary determines are fair and reasonable in relation to the minimum level for corn, taking into consideration, for barley, oats, and rye, the feeding value of the commodity in relation to corn and other factors specified in section 401(b) of this Act and, for grain sorghums, the feeding value and average transportation costs to market of grain sorghums in relation to corn: Provided further, That the levels at which loans for the 1980 and 1981 crops of wheat and feed grains are made available to producers under the preceding proviso shall not be used in determining the levels at which producers may repay loans and redeem commodities prior to the maturity dates of the loans under clause (5) of the second sentence of this subsection, or the levels at which the Secretary may call for the repayment of loans prior to their maturity dates under clause (6) of the second sentence of this subsection"; and

(2) in clause (3) of the second sentence after "except that the Secretary may waive or adjust such interest", inserting a comma and the following: "and the Secretary shall waive such interest on loans made on the 1980 and 1981 crops of wheat and feed grains".

(b) Subsection (a) of this section shall become effective October 1, 1980, and any producers who, prior to such date, receive loans on the 1980 crop of the commodity as computed under the Agricultural Act of 1949, as amended prior to the enactment of this Act, may elect after September 30, 1980, to receive loans as authorized under subsection (a) of this section.

ADJUSTMENT OF THE RELEASE AND CALL LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM

SEC. 204. Section 110(b) of the Agricultural Act of 1949 is amended by amending clauses (5) and (6) of the second sentence to read as follows: "(5) conditions designed to induce producers to redeem and market the wheat or feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for the commodity has attained a specified level, as determined by the Secretary; and (6) conditions prescribed by the Secretary under which the Secretary may require producers to repay such loans, plus accrued interest thereon, refund amounts paid for storage, and pay such additional interest and other charges as may be required by regulation, whenever the Secretary determines that the market price for the commodity is not less than such appropriate level, as determined by the Secretary."

MINIMUM LEVELS AT WHICH THE COMMODITY CREDIT CORPORATION MAY SELL STOCKS OF WHEAT AND FEED GRAINS

SEC. 205. Section 110(e) of the Agricultural Act of 1949 is amended by—

(1) after "Notwithstanding any other provision of law,", inserting "except as otherwise provided under section 302 of the Food Security Wheat Reserve Act of 1980 and section 208 of the Agricultural Trade Suspension Adjustment Act of 1980,";

(2) striking out "150 per centum of the then current level of price support for such commodity" and inserting in lieu thereof "105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of subsection (b) of this section"; and

(3) amending clause (3) to read as follows:

"(3) sales of corn for use in the production of alcohol for motor fuel at facilities that—

"(A) begin operation after January 4, 1980, and

"(B) whenever supplies of corn are not readily available, can produce alcohol from agricultural or forestry biomass feedstocks other than corn,

when sold at not less than the price at which producers may repay producer storage loans and redeem corn prior to the maturity dates of loans, as determined under clause (5) of the second sentence of subsection (b) of this section, or, whenever the fuel conversion price (as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980) for corn exceeds such price, at not less than the fuel conversion price.".

AUTHORITY TO USE THE FUNDS, FACILITIES, AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION TO PURCHASE AGRICULTURAL PRODUCTS INTENDED TO BE EXPORTED TO THE SOVIET UNION

SEC. 206. Notwithstanding any other provision of law, the Secretary of Agriculture may use, subject to such terms and conditions as the Secretary may deem appropriate, the funds, facilities, and authorities of the Commodity Credit Corporation in purchasing and handling agricultural products, other than grains, that—

(1) were intended to be exported to the Union of Soviet Socialist Republics under contracts entered into prior to January 5, 1980, but

(2) cannot be exported under such contracts due to the imposition, on January 4, 1980, of restrictions on the export of agricultural products to the Union of Soviet Socialist Republics,

in the same manner and under the same conditions as the Secretary purchases and handles grains under similar contracts and subject to the imposition of the same restrictions.

SUPPLEMENTAL SET-ASIDE AUTHORITY

SEC. 207. Effective for the 1981 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 is amended by adding at the end of title I a new section 113 as follows:

"SUPPLEMENTAL SET-ASIDE AUTHORITY

"SEC. 113. Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, effective for one or more of the 1981 crops of wheat, feed grains, upland cotton, and rice, the Secretary may announce and provide for a set-aside of cropland under section 101(h), 103(f)(11), 105A(f), or 107A(f) of this title if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or other member of the executive branch of Government. In order to carry out effectively a set-aside program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such program.".

TRADE SUSPENSION RESERVES

SEC. 208. Notwithstanding any other provision of law—

(a) Whenever the President or other member of the executive branch of Government causes the export of any agricultural commodity to any country or area of the world to be suspended or restricted for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law and the Secretary of Agriculture determines that such suspension or restriction will result in a surplus supply of such commodity that will adversely affect prices producers receive for the commodity, the Secretary may establish a gasohol feedstock reserve or a food security reserve, or both, of the commodity, as provided in subsections (c) and (d) of this section, if the commodity is suitable for stockpiling in a reserve.

(b) Within thirty days after the export of any agricultural commodity to a country or area is suspended or restricted as described in subsection (a) of this section, the Secretary of Agriculture shall announce whether a gasohol feedstock reserve or a food security reserve of the commodity, or both, will be established under this section and shall include in such announcement the amount of the commodity that will be placed in such reserves, which shall be that portion of the estimated exports of the commodity affected by the suspension or restriction, as determined by the Secretary, that should be removed from the market to prevent the accumulation of a surplus supply of the commodity that will adversely affect prices producers receive for the commodity.

(c)(1) To establish a gasohol feedstock reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in the production of alcohol for motor fuel through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The Secretary of Agriculture may dispose of stocks of agricultural commodities acquired under paragraph (1) of this subsection only through sale—

(A) for use in the production of alcohol for motor fuel, at not less than the fuel conversion price (as defined in section 212 of this title) for the commodity involved: *Provided*, That, for wheat and feed grains, if the fuel conversion price for the commodity involved is less than the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the second sentence of section 110(b) of the Agricultural Act of 1949, the Secretary may dispose of stocks of the commodity for such use only through sale at not less than the release price: *Provided further*, That such sales shall only be made to persons for use in the production of alcohol for motor fuel at facilities that, whenever supplies of the commodity are not readily available, can produce alcohol from other agricultural or forestry biomass feedstocks; or

(B) for any other use, when sales for use under clause (A) of this paragraph are impracticable, (i) if there is a producer storage program in effect for the commodity, at not less than 105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of section 110(b) of the Agricultural Act of 1949, or, (ii) if there is no producer storage program in effect for the commodity, at not less than the average market price producers received for the commodity at the time the trade suspension was imposed.

(d)(1) To establish a food security reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in providing emergency food assistance and urgent humanitarian relief through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The provisions of subsections (c), (d), (e), (f), and (g)(2) of section 302 of the Food Security Wheat Reserve Act of 1980 shall apply to commodities in any reserve established under paragraph (1) of this subsection, and (except for the last sentence of subsection (c) of section 302) the references to "wheat" in such subsections of section 302 shall be deemed to be references to "agricultural commodities".

(3) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(e) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposition of agricultural commodities under this section.

(f) The Secretary of Agriculture shall establish safeguards to ensure that stocks of agricultural commodities held in the reserves established under this section shall not be used in any manner or under any circumstance to unduly depress, manipulate, or curtail the free market.

(g) Whenever stocks of agricultural commodities are disposed of or released from reserves established under this section, as provided in subsections (c)(2) and (d)(2) of this section, the reserves may not be replenished with replacement stocks.

(h) The provisions of this section shall become effective with respect to any suspension of, or restriction on, the export of agricultural commodities, as described in subsection (a) of this section, implemented after the date of enactment of this Act.

ALCOHOL PROCESSOR GRAIN RESERVE

SEC. 209. (a) As used in this section—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "processor" means any person engaged within the United States in the business of manufacturing grain into alcohol for use as a fuel either by itself or in combination with some other product.

(3) The terms "agricultural grain" and "grain" mean any agricultural commodity (A) that is suitable for processing into alcohol for use as a fuel, and (B) with respect to which a price support operation is in effect.

(4) The term "producer storage program" means the producer storage program provided for under section 110 of the Agriculture Act of 1949.

(5) The term "small scale biomass energy project" shall have the same meaning as defined in section 203(19) of the Energy Security Act.

(b) To assist processors in obtaining a dependable supply of grain at reasonable prices, the Secretary may formulate and administer a program under which processors purchasing and storing grain needed by them for manufacturing into alcohol for use as a fuel may obtain a loan from the Secretary on such grain. Loans under this section may be made available only to processors that (1) operate small scale biomass energy projects financed in whole or in part by the United States Government or any agency thereof, and (2) as determined by the Secretary, are otherwise unable to obtain a dependable supply of grain at reasonable prices for use in such projects.

(c) Except as otherwise provided in this section, loans made under this section to carry out the processor grain reserve program may be made on the same terms and conditions as loans made to carry out the producer storage program.

(d) The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor shall be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

(e) Whenever any quantity of grain stored in the processor grain reserve under this section is removed from storage by a processor, the processor may be required to replace such grain with an equal quantity, within such period of time as the Secretary shall prescribe by regulation, or repay that portion of the loan represented by the quantity of grain removed from storage.

(f) Grain on which an eligible processor has received a loan under this section may not be used for any purpose other than the manufacture of alcohol for use as a fuel, and the Secretary shall establish such safeguards as the Secretary deems necessary to assure that such grain is not used for any other purpose and is not used in any manner that would unduly depress, manipulate, or curtail the free market in such grain.

(g) Loans made under this section shall be made subject to such terms and conditions and subject to such security as the Secretary deems appropriate, except that such loans may not be made as nonrecourse loans.

(h) In carrying out the processor grain

reserve program under this section, the Secretary may—

(1) provide for the payment to processors of such amounts as the Secretary determines appropriate to cover the cost of storing grain held in the processor grain reserve, except that in no event may the rate of the payment paid under this clause for any period exceed the rate paid by the Secretary under the producer storage program for the same period; and

(2) prescribe conditions under which the Secretary may require processors to repay loans made under this section, plus accrued interest thereon, refund amounts paid to the processors for storage, and require the processors to pay such additional interest and other charges as may be required by regulation in the event any processor fails to abide by the terms and conditions of the loan or any regulation prescribed under this section.

(i) The Secretary shall announce the terms and conditions of the processor grain reserve program as far in advance of making loans as practicable.

(j) The Secretary may use the facilities of the Commodity Credit Corporation to carry out this section.

(k) There are authorized to be appropriated such sums as may be necessary to carry out this section. Any loans made under this section shall be made to such extent and such amounts as provided in appropriation Acts. The authority to make loans under this section shall expire five years after the effective date of his title.

STUDY OF THE POTENTIAL FOR EXPANSION OF UNITED STATES AGRICULTURAL EXPORT MARKETS AND THE USE OF AGRICULTURAL EXPORTS IN OBTAINING NEEDED MATERIALS

SEC. 210. (a) The Secretary of Agriculture, in consultation with the United States Trade Representative and any other appropriate agency of the United States Government as determined by the Secretary, shall perform a study of the potential for expansion of United States agricultural export markets and the use of agricultural exports in obtaining natural resources or other commodities and products needed by the United States. The Secretary shall complete the study and submit to the President and Congress a report on the study before June 30, 1981.

(b) In performing the study, the Secretary shall determine for the next five years—

(1) world food, feed, and fiber needs;

(2) estimated United States and world food, feed, and fiber production capabilities;

(3) potential new or expanded foreign markets for United States agricultural products;

(4) the potential for the development of international agreements for the exchange of United States agricultural products for natural resources, including energy sources, or other commodities and products needed by the United States; and

(5) the steps that the United States must take to (A) increase agricultural export trade, and (B) obtain needed natural resources or other commodities and products in exchange for agricultural products, to the maximum extent feasible.

FOOD BANK DEMONSTRATION PROJECTS

SEC. 211. (a) The Secretary of Agriculture shall carry out demonstration projects to provide agricultural commodities and other foods that might not otherwise be used, or might be more effectively used by organizations assisted under this section, to community food banks for emergency food box distribution to needy individuals and families. Notwithstanding any other provisions of law, the Secretary shall make available for purposes of such demonstration projects, agricultural commodities and other foods available to the Secretary under section 416 of the Agricultural Act of 1949, section 709 of the Food and Agriculture Act of 1965, and section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). For purposes of distributing agricultural commodities and other foods to community food banks under this section, the Secretary, may in consultation with State agencies, use food distribution systems currently used to distribute agricultural commodities and other foods under the National School Lunch Act and Child Nutrition Act of 1966. The Secretary shall select food banks, in consultation with the Director of the Community Services Administration, for participation in the demonstration projects under this section. Food banks shall be selected for participation so as to ensure adequate geographic distribution of emergency food box programs in at least two but not more than seven Department of Agriculture regions.

(b)(1) No food bank may participate in the demonstration projects conducted under this section unless an application therefor is submitted to and approved by the Secretary. Such application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

(2) Each food bank participating in the demonstration projects under this section shall establish a recordkeeping system and internal procedures to monitor the use of agricultural commodities and other foods provided under this section. The Secretary shall develop standards by which the feasibility and effectiveness of the projects shall be measured, and shall conduct an ongoing review of the effectiveness of the projects.

(c) The Secretary shall determine the quantities and types of agricultural commodities and other foods to be made available under this section. The Secretary may prescribe regulations regarding the designation of eligible participants in the projects and any other regulations necessary to carry out this section.

(d) The Secretary shall submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under this section. Such report shall include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. The Secretary shall also include in such report any recommendations regarding improvements in Federal assistance to community food banks, including assistance for administrative expenses and transportation.

(e) The sale of food provided under this section shall be prohibited and any person who receives any remuneration in exchange for food provided under this section shall be subject to a fine of not more than $1000 or imprisonment for not more than six months, or both.

(f) There is authorized to be appropriated to carry out this section $356,000.

DEFINITION OF FUEL CONVERSION PRICE

SEC. 212. As used in this title, the phrase "fuel conversion price" means the price for an agricultural commodity determined by the Secretary of Agriculture that will permit gasoline-alcohol mixtures using alcohol produced from the commodity to be competitive in price with unleaded gasoline priced at the point it leaves the refinery, adjusted for differences in octane rating, taking into consideration the energy value of the commodity and other appropriate values designed to represent, on a national average basis, the value of byproducts also recoverable from the commodity; the direct costs and capital recovery costs for a grain alcohol distillery capable of producing forty million gallons of alcohol and recoverng byproducts annually; and Federal tax and other Federal incentives applicable to alcohol used for fuel.

EFFECTIVE DATE

SEC. 213. Except as otherwise provided herein, this title shall became effective October 1, 1980, or the date of enactment, whichever is later.

TITLE III—FOOD SECURITY WHEAT RESERVE ACT OF 1980

SHORT TITLE

SEC. 301. This title may be cited as the "Food Security Wheat Reserve Act of 1980".

FOOD SECURITY WHEAT RESERVE

SEC. 302. (a) To provide for a wheat reserve solely for emergency humanitarian food needs in developing countries. the President shall establish a reserve stock of wheat of up to four million metric tons for use for the purposes specified in subsection (c) of this section.

(b)(1) The reserve stock of wheat under this section shall be established initially by designation for that purpose by the Secretary of Agriculture of wheat owned by the Commodity Credit Corporation.

(2) Subject to the provisions of subsection (i) of this section, stocks of wheat to replenish the reserve may be acquired (A) through purchases from producers or in the market if the Secretary of Agriculture determines that such purchases will not unduly disrupt the market, and (B) by designation by the Secretary of stocks of wheat otherwise acquired by the Commodity Credit Corporation. Any use of funds to acquire wheat through purchases from producers or in the market to replenish the reserve must be authorized in appropriation Acts.

(c) Notwithstanding any other provision of law, stocks of wheat designated or acquired for the reserve under this section may be released by the President to provide, on a donation or sale basis, emergency food assistance to developing countries at any time that the domestic supply of wheat is so limited that quantities of wheat cannot be made available for disposition under the Agricultural Trade Development and Assistance Act of 1954, except for urgent humanitarian purposes, under the criteria of section 401(a) of that Act. Notwithstanding the provisions of the preceding sentence, up to three hundred thousand metric tons of wheat may be released from the reserve under this section in any fiscal year, without regard to the domestic supply situation, for use under title II of the Agricultural Trade Development and Assistance Act of 1954 in providing urgent humanitarian relief in any developing country suffering a major disaster, as determined by the President, whenever the wheat needed for relief cannot be programmed for such purpose in a timely manner under the normal means of obtaining commodities for food assistance due to circumstances of unanticipated and exceptional need. Wheat released from the reserve may be processed in the United States and shipped to a developing country in the form of flour when conditions in the recipient country require such processing in the United States.

(d) Wheat released from the reserve for the purposes of subsection (c) of this section shall be made available under the Agricultural Trade Development and Assistance Act of 1954 to meet famine or other urgent or extraordinary relief requirements, except that section 401(a) of that Act, with respect to determinations of availability, shall not be applicable thereto.

(e) The Secretary of Agriculture shall provide for the management of stocks of wheat in the reserve as to location and class of wheat needed to meet emergency situations and for the periodic rotation of stocks of wheat in the reserve to avoid spoilage and deterioration of such stocks, using programs authorized by the Agricultural Trade Development and Assistance Act of 1954 and any other provision of law, but any quantity of wheat removed from the reserve for the purposes of this subsection shall be promptly replaced with an equivalent quantity of wheat.

(f) Stocks of wheat in the reserve shall not be considered a part of the total domestic supply (including carryover) for the purposes of subsection (c) of this section or for the purposes of administering the Agricultural Trade Development and Assistance Act of 1954 and shall not be subject to any quantitative limitations on exports that may be imposed under section 7 of the Export Administration Act of 1979.

(g) (1) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposal of wheat for or in the reserve.

(2) Effective beginning October 1, 1981, the Commodity Credit Corporation shall be reimbursed from funds made available for carrying out the Agricultural Trade Development and Assistance Act of 1954 for wheat released from the reserve that is made available under such Act, such reimbursement to be made on the basis of actual costs incurred by the Commodity Credit Corporation with respect to such wheat or the export market price of wheat (as determined by the Secretary) as of the time the wheat is released from the reserve for such purpose, whichever is lower. Such reimbursement may be made from funds appropriated for that purpose in subsequent years.

(h) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(i) The authority to replace stocks of wheat to maintain the reserve under this section shall expire September 30, 1985, after which stocks released from the reserve may not be replenished. Stocks of wheat remaining in the reserve after September 30, 1985, shall be disposed of by release for use in providing for emergency food needs in developing countries as provided in this section.

EFFECTIVE DATE

SEC. 303. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

Amend the title so as to read: "An Act to increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes.".

Mr. FOLEY. Mr. Speaker, H.R. 3765, the Walnut Marketing and Promotion Act of 1980, as passed by the House on September 15, 1980, was approved by the Senate on October 1, 1980, with an amendment adding two additional titles—titles II and III.

Title II, Agricultural Trade Suspension Adjustment Act of 1980 parallels very closely H.R. 7264, the producer storage program for wheat and feed gains which was reported out of the House Agriculture Committee on May 7, 1980, by a vote of 40 to 1, and H.R. 118, a bill designed to change the dates for announcement of wheat and feed grains set-aside.

Title III, the Food Security Wheat Reserve Act of 1980 parallels very closely H.R 6635, which was first reported out of the House Foreign Affairs Committee on February 28, 1980, by a voice vote and then out of the House Agriculture Committee, which had joint jurisdiction, on May 12, 1980, by a vote of 30 to 7.

Additionally, titles II and III basically embody the agreements reached by the committee of conference on title IV of H.R. 7664, the Child Nutrition Act. Since the committee of conference on H.R. 7664 has not yet completed work on all aspects of that legislation the Senate took action to add that portion title IV which had been agreed to as titles II and III of H.R. 3765. This action on the part of the Senate adding titles II and III to H.R. 3765 was sponsored by 17 members of the Senate Committee on Agriculture, Nutrition, and Forestry.

TITLE I

Title I contains exactly the same provisions as passed by the House in H.R. 3765 on September 15, 1980.

TITLE II—MINIMUM PRICE SUPPORT LOAN LEVELS FOR THE 1981 CROPS OF WHEAT, CORN, AND SOYBEANS

The amendment would require that the wheat, corn, and soybean price support loan levels for the 1981 crops be not less than $3.00, $2.25, and $5.02 per bushel, respectively, which are the current levels.

The amendment assures farmers that the price support loan levels for wheat, feed grains, and soybeans will not be lower for the 1981 crops than they are this year. This gives each farmer some assurance that if he producers a crop in the future—he at least will be assured of a price that will cover most of his out-of-pocket expenses.

CHANGING THE DATE FOR ANNOUNCEMENT OF A FEED GRAIN SET-ASIDE

The amendment would require the Secretary of Agriculture to announce any set-aside of cropland under the feed grain program not later than November 1 of each calendar year for the crop harvested in the next calendar year. Under current law, the final date for the announcement of such a set-aside is November 15.

Some farmers have found that an announcement of a set-aside under the feed grain program as late as November 15 has caused problems. As a result, some of them choose not to participate in the program.

Corn growers in the Midwest, for example, may need to apply fertilizer for the next year's corn crop before November 15. Thus, an announcement of any set-aside for feed grains as late as November 15 may, as a practical matter, be ineffective as it applies to their operations. Moving the date up to November 1 will reduce the number of farmers caught in this situation without affecting significantly the quality of data used by the Secretary in deciding whether there should be a feed grain set-aside.

INCREASE IN PRICE SUPPORT LOANS UNDER THE FARMER-HELD RESERVE PROGRAM

The amendment would require the Secretary of Agriculture to make price support loans available to producers who participate in the farmer-held reserve program for the 1980 through 1981 crops of wheat and feed grains at increased levels of support. The Secretary would be required to make loans available at such levels as the Secretary deems necessary to mitigate the effects of the restrictions on trade to the Soviet Union on the prices farmers receive for their crops, but at not less than $2.40 per bushel for corn, and not less than $3.30 per bushel for wheat. This provision will provide farmers who participate in the farmer-held reserve program with price support loan levels that are much closer to presuspension market prices. By increasing the minimum loan level, the amendment will assure that the price support loans give farmers more realistic amounts of operating capital.

At the same time, this provision will encourage increased participation in the farmer-held reserve program. Grain placed in the farmer-held reserve is kept out of the market for a minimum of 3 years, unless market prices rise significantly. This provision, by reducing the market supply of grain, will strengthen prices.

The loans authorized by this provision must eventually be repaid by the farmers, so that initial outlays of Government funds for the loans will later be offset by loan repayments.

Under the farmer-held reserve program, grain must be redeemed from the reserve before the due date of the extended loan when market prices hit certain levels—under the program now, 175 percent of the price support level for wheat and 145 percent of the price support level for feed grains. In addition, farmers are permitted to pay off loans early and redeem the grain when market prices reach 140 percent of the price support level for wheat and 125 percent of the price support level for feed grains. Some grain placed in the reserve prior to July 28, 1980, however, may have slightly different release and call levels.

The amendment provides that, even though the price support loan levels under the reserve program are increased substantially, the "call" and "release" levels would remain at the dollar figures presently established under the program—$5.25 and $4.20 for wheat, and $3.26 and $2.81 for corn, respectively. This provision will assure that grain will move out of the farmer-held reserve and not become part of a "permanent" reserve.

The amendment would also require the Secretary of Agriculture to waive interest charges on the loans. This would make the reserve program more attractive to farmers and help strengthen grain prices. By drawing more grain into the reserve, grain prices will advance in response—at least until the release and call prices are reached.

FLEXIBILITY IN ADJUSTING THE RELEASE AND CALL LEVELS FOR WHEAT AND FEED GRAINS

Under existing law, to encourage producers to redeem and market their wheat and feed grains held under the reserve loan program, the Secretary has authority to discontinue storage payments and require interest payments when prices reach a certain level, commonly referred to as the "release" price level.

However, while the Secretary has the authority to set the feed grain release price at whatever level he deems appropriate, he is limited to setting the release price for wheat at no less than 140 percent nor more than 160 percent of the price support level of wheat. Using these existing authorities, the Secretary has set the release price for feed grains at 125 percent of the support level and wheat at 140 percent of the support level.

Additional authority allows the Secretary to set a wheat or feed grain "call" price level. When prices reach the call price, the Secretary may require producers to repay the loans on their farmer-held reserve or forfeit their gain to the Commodity Credit Corporation.

Again, as is the case with the release price, the Secretary has authority to set the call price for feed grains at whatever level he deems appropriate, but in the case of wheat, existing law mandates the call pice cannot be less than 175 percent of the price support level. Under these authorities the Secretary has established the call price for feed grains at 145 percent and for wheat, 175 percent of the price support level.

The amendment would give the Secretary the same discretionary authority for establishing the release and call prices for wheat that he presently has for feed grains. This would have the effect of disconnecting wheat release and call prices from being a mandated percentage of the price support, thus permitting the Secretary to adjust price support levels for wheat without having to make a similar adjustment in the release and call price levels.

RELEASE LEVEL FOR COMMODITY CREDIT CORPORATION-HELD WHEAT AND FEED GRAINS

Except as otherwise provided in title II for the disposal of stocks of wheat and feed grains subject to trade suspensions, the amendment would generally prohibit the Commodity Credit Corporation from selling any of its stocks of wheat and feed grains—except sales of corn for use in the production of alcohol—when the farmer-held reserve program is in effect, at less than 5 percent above the call level.

The Government must make every effort to prevent the embargoed grain from reentering the markets and causing an oversupply of grain. Whenever the Commodity Credit Corporation acquires stocks of grain through price support operations, it becomes a supplier of grain to the markets.

Thus, the Government must also act to prevent oversupply by isolating these Commodity Credit Corporation-held stocks from the market. The amendment accomplishes this by raising the minimum price at which the Commodity Credit Corporation generally may sell its stocks from 150 percent of the price support level to 5 percent above the call level.

The Secretary of Agriculture has already adopted a policy, similar to this provision, of not releasing Commodity Credit Corporation stocks at less than 5 percent above the call level.

The amendment also changes the minimum Commodity Credit Corporation sales price for corn to be used in the production of alcohol when the farmer-held reserve progam is in effect. The minimum sales price for corn for such use is now set at the release price for corn under the farmer-held reserve program. The amendment provides that, if the fuel conversion price for corn exceeds the release level, the Commodity Credit Corporation must sell corn at not less than the fuel conversion price. The fuel conversion price is defined in the amendment as that price for a commodity that would make gasohol using alcohol produced from the commodity competitive in price with unleaded gasoline.

AUTHORITY FOR THE SECRETARY OF AGRICULTURE TO USE THE COMMODITY CREDIT CORPORATION TO PURCHASE AND HANDLE AGRICULTURAL COMMODITIES, OTHER THAN GRAIN, INTENDED FOR EXPORT TO THE SOVIET UNION

The President's decision to restrict agricultural trade with the Soviet Union caused the cancellation of sales of a number of agricultural commodities other than grain. For example, the export sales of a significant amount of poultry were lost due to the suspension.

The Secretary of Agriculture has authority under existing law to purchase or otherwise handle—in the same manner he is handling grain—poultry and other nongrain agricultural commodities that were under contract for export to the Soviet Union. The Secretary should treat producers of all agricultural commodities affected by the Soviet trade suspension equally to the extent that it is possible given the physical characteristics of the commodity.

In the case of the suspended grain export sales contracts, the Secretary developed an arrangement under which he assumed delivery rights under the contracts, with the Commodity Credit Corporation standing in for the Soviet Union as purchaser. It is only equitable that the Secretary take the same approach with other commodities to the extent that production of those commodities was geared up to meet the Russian demand.

The amendment would make it clear that the Secretary has the authority to use the Commodity Credit Corporation to handle all agricultural commodities affected by the suspension as he is handling grain.

AUTHORITY FOR SET-ASIDES FOLLOWING TRADE SUSPENSIONS

To reduce supplies following a suspension of agricultural trade, it may be necessary to reduce acreage put into production after the suspension is imposed.

The Secretary of Agriculture has authority, under existing law, to require a set-aside of cropland if supplies are excessive. However, this authority is conditioned on the Secretary announcing the set-aside by August 15 in the case of wheat or November 15 in the case of corn of the year preceding the year in which the wheat or corn is harvested. The amendment, as I noted earlier, would change the feed grain announcement date to November 1.

The Secretary chose not to proclaim a 1980 wheat or corn set-aside last year. As a result, the Secretary had no authority, after the Soviet trade suspension was announced on January 4, 1980, to reverse his previous decision and proclaim a set-aside of wheat or corn for the 1980 crop year.

The amendment would remedy this gap in the law by authorizing the Secretary, for any commodity for which there is authority for a set-aside, notwithstanding any prior announcement to the contrary, to announce and carry out a set-aside whenever he deems such actions to be in the public interest as a result of the imposition of restrictions on the exportation of the commodity.

AUTHORITY FOR TRADE SUSPENSION COMMODITY RESERVES

The amendment also provides the Secretary of Agriculture authority in the future to divert from the commercial markets agricultural commodities, intended for export, that cannot be exported because the executive branch restricts exports for reasons of national security or foreign policy, if necessary to prevent the accumulation of a surplus that will adversely affect producer prices for the commodity and the commodity is suitable for stockpiling in a reserve.

The Secretary would be authorized to establish nonreplenishing food security reserves of embargoed commodities suitable for use in providing emergency food assistance and urgent humanitarian relief on the same basis as wheat is made available under the food security wheat reserve, and nonreplenishing gasohol feedstock reserves of embargoed commodities suitable for the production of alcohol for motor fuel.

ALCOHOL PROCESSOR GRAIN RESERVE

To help assure that producers of fuel alcohol from small-scale projects are able to obtain a dependable supply of grain at reasonable prices, this amendment would authorize the Secretary of Agriculture to formulate and administer a recourse loan program for fuel alcohol processors to buy grain and store it for use in making fuel alcohol in a small-scale project. A small-scale project includes all facilities that produce less than one million gallons of alcohol per year. The authority to make such loans is subject to the appropriations process.

The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor must be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

The authority to make loans under this program ends five years after the date of enactment.

STUDY OF THE POTENTIAL FOR EXPANDING U.S. AGRICULTURAL EXPORT MARKETS

We must double our efforts to develop new and permanent trading partners to whom we can sell U.S. agricultural commodities.

The world's population is increasing steadily, and worldwide demand for U.S. food and fiber will also increase. Clearly, the potential exists for expansion of U.S. agricultural export markets.

In addition, the United States is and

will probably remain the largest supplier of food and fiber for the world. As worldwide demand for food and fiber increases, the United States should become increasingly able to trade its excess supplies of food and fiber for scarce resources, such as petroleum and natural gas.

The amendment requires the Secretary of Agriculture to perform a study analyzing our agricultural export potential over the next 5 years, and submit to the President and Congress a report before June 30, 1981. Many of our agricultural and export programs will expire at the end of 1981. The information provided by the study will be of great value to Congress when it begins reviewing agricultural policies and programs for inclusion in the 1981 farm bill.

FOOD BANK DEMONSTRATION PROJECTS

While somewhat unrelated to the other provisions in title II, this amendment is an important one. It requires that the Secretary of Agriculture carry out demonstration projects to provide agricultural commodities, and other foods that might not otherwise be used effectively, to community food banks for emergency food box distribution to needy individuals and families.

The Secretary must submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under the program. The report must include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. Up to $356,000 may be appropriated to carry out this program.

It is estimated by the Department of Agriculture that each year about 20 percent of all food produced in the United States is lost or wasted—enough to feed 49 million hungry people. Fortunately for our country's poor, as well as our economy, food banks are springing up across the country to put to good use food that farmers and food producers do not sell. They are successfully marshaling some of that edible but discarded food—valued at $31 billion a year—and providing nutritious meals to needy people while helping to eliminate waste.

Each year food banks collect millions of pounds of edible food cast aside because of over production, dented cans, broken boxes or expired marketing dates and distribute them to charitable groups for use in their on-premises meal programs. Some banks also provide food boxes to help disaster victims through the first few harrowing days following a crisis.

To assure proper geographic distribution of the projects, the location of the projects would be determined in consultation with the Senate Committee on Agriculture, Nutrition, and Forestry, and the House Committee on Agriculture.

FOOD SECURITY RESERVE

Title III of the amendment would require the President to establish a reserve of up to 4 million metric tons of wheat for use in providing for emergency food needs in developing countries. Wheat owned by the Commodity Credit Corporation—most of which was purchased recently to prevent an accumulation of excess supplies following the Soviet trade suspension—would be used to stock the reserve initially. The authority to replenish the stocks of the reserve would expire September 30, 1985.

The reserve may be replenished by either the transfer of wheat from CCC stocks or by purchases from producers or in the market. Whenever wheat is acquired through purchases from producers or in the market to replenish the reserve, funds to do so must be authorized in appropriation acts.

The food security wheat reserve would be used to meet famine or other urgent or extraordinary relief requirements during periods of tight supplies and high prices when commodities would not otherwise be available under the provisions of Public Law 480.

This provision will serve two purposes. First, it will assure that wheat, most of which was intended for export to Russia, does not reenter commercial markets, weakening the price of wheat. Second, this provision will respond to a request made by the administration in May 1979, that Congress provide the President statutory authority to establish such a reserve.

The administration has favored establishing the food security reserve for several reasons. It would help guarantee that the United States would be able to meet priority food assistance needs of developing countries in years of short supply. This would help prevent a recurrence of actions similar to those between 1973 and 1975 when Public Law 480 wheat shipments to poorer countries were sharply reduced. Yet at that time, poorer countries were in particular need, being unable to compete for limited grain supplies in high priced world markets.

The United States would use the wheat in the food security reserve only for Public Law 480 functions and then only when adequate amounts of wheat are not available in commercial markets, as determined by criteria spelled out in Public Law 480. This would isolate the food security reserve from the marketplace and prevent the stored wheat from depressing commercial grain prices.

Also, replenishment of the food security reserve will create additional demand for domestically produced wheat.

A portion of the reserve—up to $300,000 metric tons—could be released from the reserve in any fiscal year for use under title II of Public Law 480, even if there is no short supply finding, to meet urgent humanitarian relief requirements resulting from major disasters. However, this authority could be used only when wheat could not otherwise be timely provided under normal means of obtaining commodities for food assistance due to unanticipated and exceptional need. It is intended that, whenever wheat is released from the reserve to be used for such purpose, the reserve be promptly replenished. It is expected that Congress would appropriate the necessary funds promptly to the extent purchases were necessary for replenishment of the reserve.

Mr. Speaker, I have reviewed in some detail the major provisions of titles II and III of the amendment. I want to emphasize that they are similar to H.R. 6635, the food security act of 1980, a bill which was reported earlier by both the House Committees on Foreign Affairs and Agriculture, and H.R. 7264, a bill amending the producer storage program fo wheat and feed grains.

The new titles are also very similar to the major provisions of an amendment that the Senate adopted July 25, 1980, as title IV of H.R. 7664, the child nutrition amendments of 1980.

The Committee of Conference on H.R. 7664 has not completed its work on all aspects of that legislation, and I do not expect that we will be able to finish the task until after the recess. However, the conferees have reached agreement on title IV of H.R. 7664. Titles II and III of the pending amendment basically embody the agreements reached by the Committee of Conference on that title. The provisions are vital to the welfare of the Nations farmers, and they should be enacted promptly.

REQUEST TO APPOINT CONFEREES ON S. 1615, AN ACT FOR THE RELIEF OF JAMES R. THORNWELL

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1615) an Act for the relief of James R. Thornwell with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman tell us what the amendment is?

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from California.

Mr. DANIELSON. There is a difference in the dollar figure about 100 percent difference between the two Houses. We have to get together to work on it.

Mr. ROUSSELOT. Further reserving the right to object, can the gentleman tell us what the difference is?

Mr. DANIELSON. Yes. The Senate figure is $1 million. The House figure is, I believe, $250,000.

Mr. ROUSSELOT. The subject again is what?

Mr. DANIELSON. For the relief of James R. Thornwell.

Mr. ROUSSELOT. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO CONSIDER SENATE AMENDMENTS TO H.R. 6086, MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6086) to provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, if it is as complicated as it sounds, maybe the gentleman ought to explain.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Speaker, it is not complicated. In the other body amendments were attached to the House bill which incorporated language which has already passed both the House and the Senate in a different bill. The amendments would make a redundant addition to this bill and complicate the passage, which has already been taken care of in this House.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Maryland.

Mr. BAUMAN. That is all very interesting, but what does it do?

Mr. DANIELSON. The House bill is the bill that provides relief to the American Foreign Service and military personnel who were evacuated from Iran in January 1979 at the time of the recent takeover of the Government of Iran.

Mr. BAUMAN. The amendment does what?

Mr. DANIELSON. The amendment appends several other things to that bill.

Mr. BAUMAN. Such as what?

Mr. DANIELSON. Amendments to the Internal Revenue Code.

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MATERIALS POLICY, RESEARCH, AND DEVELOPMENT ACT OF 1979

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2743) to provide for a national policy for materials research and development and to strengthen the materials research and development capability and performance of the United States, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "National Materials and Minerals Policy, Research and Development Act of 1980".

FINDINGS

SEC. 2. (a) The Congress finds that—

(1) the availability of materials is essential for national security, economic well-being, and industrial production;

(2) the availability of materials is affected by the stability of foreign sources of essential industrial materials, instability of materials markets, international competition and demand for materials, the need for energy and materials conservation, and the enhancement of environmental quality;

(3) extraction, production, processing, use, recycling, and disposal of materials are closely linked with national concerns for energy and the environment;

(4) the United States is strongly interdependent with other nations through international trade in materials and other products;

(5) technological innovation and research and development are important factors which contribute to the availability and use of materials;

(6) the United States lacks a coherent national materials policy and a coordinated program to assure the availability of materials critical for national economic well-being, national defense, and industrial production, including interstate commerce and foreign trade; and

(7) notwithstanding the enactment of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the United States does not have a coherent national materials and minerals policy.

(b) As used in this Act, the term "materials" means substances, including minerals, of current or potential use that will be needed to supply the industrial, military and essential civilian needs of the United States in the production of goods or services, including those which are primarily imported or for which there is a prospect of shortages or uncertain supply, or which present opportunities in terms of new physical properties, use, recycling, disposal or substitution, with the exclusion of food and of energy fuels used as such.

DECLARATION OF POLICY

SEC. 3. The Congress declares that it is the continuing policy of the United States to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs. The Congress further declares that implementation of this policy requires that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies to, among other measures—

(1) identify materials needs and assist in the pursuit of measures that would assure the availability of materials critical to commerce, the economy, and national security;

(2) establish a mechanism for the coordination and evaluation of Federal materials programs, including those involving research and development so as to complement related efforts by the private sector as well as other domestic and international agencies and organizations;

(3) establish a long-range assessment capability concerning materials demands, supply and needs, and provide for the policies and programs necessary to meet those needs;

(4) promote a vigorous, comprehensive, and coordinated program of materials research and development consistent with the policies and priorities set forth in the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.);

(5) promote cooperative research and development programs with other nations for the equitable and frugal use of materials and energy;

(6) promote and encourage private enterprise in the development of economically sound and stable domestic materials industries; and

(7) encourage Federal agencies to facilitate availability and development of domestic resources to meet critical materials needs.

IMPLEMENTATION OF POLICY

SEC. 4. For the purpose of implementing the policies set forth in section 3 and the provisions of section 5 of this Act, the Congress declares that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies, and shall—

(1) direct that the responsible departments and agencies identify, assist, and make recommendations for carrying out appropriate policies and programs to ensure adequate, stable, and economical materials supplies essential to national security, economic well-being, and industrial production;

(2) support basic and applied research and development to provide for, among other objectives—

(A) advanced science and technology for the exploration, discovery, and recovery of nonfuel materials;

(B) enhanced methods or processes for the more efficient production and use of renewable and nonrenewable resources;

(C) improved methods for the extraction, processing, use, recovery, and recycling of materials which encourage the conservation of materials, energy, and the environment; and

(D) improved understanding of current and new materials performance, processing, substitution, and adaptability in engineering designs;

(3) provide for improved collection, analysis, and dissemination of scientific, technical and economc materials information and data from Federal, State, and local governments and other sources as appropriate;

(4) assess the need for and make recommendations concerning the availability and adequacy of supply of technically trained personnel necessary for materials research, development, extraction, harvest and industrial practice, paying particular regard to the problem of attracting and maintaining high quality materials professionals in the Federal service.

(5) establish early warning systems for materials supply problems;

(6) recommend to the Congress appropriate measures to promote industrial innovation in materials and materials technologies;

(7) encourage cooperative materials research and problem-solving by—

(A) private corporations performing the same or related activities in materials industries; and

(B) Federal and State institutions having shared interests or objectives;

(8) assess Federal policies which adversely or positively affect all stages of the materials cycle, from exploration to final product recycling and disposal including but not limited to, financial assistance and tax policies for recycled and virgin sources of materials and make recommendations for equalizing any existing imbalances, or removing any impediments, which may be created by the application of Federal law and regulations to the market for materials; and

(9) assess the opportunities for the United States to promote cooperative multilateral and bilateral agreements for materials development in foreign nations for the purpose of increasing the reliability of materials supplies to the Nation.

PROGRAM PLAN AND REPORT TO CONGRESS

SEC. 5. (a) Within 1 year after the date of enactment of this Act, the President shall submit to the Congress—

(1) a program plan to implement such existing or prospective proposals and or-

ganizational structures within the executive branch as he finds necessary to carry out the provisions set forth in sections 3 and 4 of this Act. The plan shall include program and budget proposals and organizational structures providing for the following minimum elements:

(A) policy analysis and decision determination within the Executive Office of the President;

(B) continuing long-range analysis of materials use to meet national security, economic, industrial and social needs; the adequacy and stability of supplies; and the industrial and economic implications of supply shortages or disruptions;

(C) continuing private sector consultation in Federal materials programs; and

(D) interagency coordination at the level of the President's Cabinet;

(2) recommendations for the collection, analysis, and dissemination of information concerning domestic and international long-range materials demand, supply and needs, including consideration of the establishment of a separate materials information agency patterned after the Bureau of Labor Statistics; and

(3) recommendations for legislation and administrative initiatives necessary to reconcile policy conflicts and to establish programs and institutional structures necessary to achieve the goals of a national materials policy.

(b) In accordance with the provisions of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), the Director of the Office of Science and Technology Policy shall:

(1) through the Federal Coordinating Council for Science, Engineering, and Technology coordinate Federal materials research and development and related activities in accordance with the policies and objectives established in this Act;

(2) place special emphasis on the long-range assessment of national materials needs related to scientific and technological concerns and the research and development, Federal and private, necessary to meet those needs; and

(3) prepare an assessment of national materials needs related to scientific and technological changes over the next five years. Such assessment shall be revised on an annual basis. Where possible, the Director shall extend the assessment in ten- and twenty-five-year increments over the whole expected lifetime of such needs and technologies.

(c) The Secretary of Commerce, in consultation with the Federal Emergency Management Administration, the Secretary of the Interior, the Secretary of Defense, the Director of the Central Intelligence Agency, and such other members of the Cabinet as may be appropriate shall—

(1) within 3 months after the date of enactment of this Act, identify and submit to the Congress a specific materials needs case related to national security, economic well-being and industrial production which will be the subject of the report required by paragraph (2) of this subsection;

(2) within 1 year after the date of enactment of this Act, submit to the Congress a report which assesses critical materials needs in the case identified in paragraph (1) of this subsection, and which recommends programs that would assist in meeting such needs, including an assessment of economic stockpiles; and

(3) continually thereafter identify and asess additional cases, as necessary, to ensure an adequate and stable supply of materials to meet national security, economic well-being and industrial production needs.

(d) The Secretary of Defense, together with such other members of the Cabinet as are deemed necessary by the President, shall prepare a report assessing critical materials needs related to national security and identifying the steps necessary to meet those needs. The report shall include an assessment of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), and the Strategic and Critical Materials Stock Piling Act (50 U.S.C. App. 98 et seq.). Such report shall be made available to the Congress within 1 year after enactment of this Act and shall be revised periodically as deemed necessary.

(c) The Secretary of the Interior shall promptly initiate actions to—

(1) improve the capacity of the Bureau of Mines to assess international minerals supplies;

(2) increase the level of mining and metallurgical research by the Bureau of Mines in critical and strategic minerals; and

(3) improve the availability and analysis of mineral data in Federal land use decision-making;

A report summarizing actions required by this subsection shall be made available to the Congress within 1 year after the enactment of this Act.

(f) In furtherance of the policies of this Act, the Secretary of the Interior shall collect, evaluate, and analyze information concerning mineral occurrence, production, and use from industry, academia, and Federal and State agencies. Notwithstanding the provisions of section 552 of title 5, United States Code, data and information provided to the Department by persons or firms engaged in any phase of mineral or mineral-material production or large-scale consumption shall not be disclosed outside of the Department of the Interior in a nonaggregated form so as to disclose data and information supplied by a single person or firm, unless there is no objection to the disclosure of such data and information by the donor: *Provided, however*, That the Secretary may disclose nonaggregated data and information to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

THE MINING AND MINERALS POLICY ACT OF 1970

Sec. 6. Nothing in this Act shall be interpreted as changing in any manner or degree the provisions of and requirements of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a). For the purposes of achieving the objectives set forth in section 3 of this Act, the Congress declares that the President shall direct (1) the Secretary of the Interior to act immediately within the Department's statutory authority to attain the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) and (2) the Executive Office of the President to act immediately to promote the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) among the various departments and agencies.

Sec. 7. Section 1001(a) of title X of the Act of November 3, 1978 (Public Law 95-586), is revised to read as follows:

Sec. 1001. (a) The Congress hereby authorizes and directs that the rights to the geothermal resources, including minerals present in the geothermal fluid, presently vested in the United States of America in real property designated at tract 37, located in sections 2 and 11, township 3, north, range 2 east, Boise meridian, Idaho, containing 4.13 acres more or less;

"Tract 38, located in sections 1, 2, 11, and 12, township 3 north, range 2 east, Boise meridian, Idaho, containing 449.16 acres more or less;

"Unofficial tract 39, located in section 2, township 3 north, range 2 east, Boise meridian, Idaho, described as follows; from the corner of sections 2, 3, 10 and 11, north 76 degrees 26 minutes 17 seconds, east, 1,705.44 feet, thence north 60 degrees 08 minutes east, 593.41 feet, thence north 25 degrees 28 minutes west, 911.46 feet to north 25 degrees 28 minutes west, 660.0 feet, thence north 69 degrees 47 minutes west, 933.24 feet, thence south 26 degrees 24 minutes east, 544.50 feet, thence south 57 degrees 26 minutes east, 240.24 feet, thence north 64 degrees 32 minutes east, 795.30 feet and point of beginning, containing 14.644 acres more or less;

"Unofficial tract 40, located in section 11, township 3 north, range 2 east, Boise meridian, Idaho, described as follows; from the corner of sections 2, 3, 10, and 11, south 84 degrees 44 minutes east, 905.7 feet to the northwest corner of tract 40 and point of beginning, thence south 22 degrees 40 minutes east, 593.75 feet, thence north 84 degrees 45 minutes east, 940.20 feet, thence north 16 degrees 15 minutes west, 315.2 feet, thence north 87 degrees 45 minutes west, 516.6 feet, thence south 68 degrees 14 minutes west, 141.3 feet and point of beginning. containing 4.95 acres more or less;

"Unofficial tract 44, located in section 2, township 3 north, range 2 east, Boise meridian, Idaho, described as follows: from the corner of sections 2, 3, 10 and 11, north 76 degrees 26 minutes 17 seconds east, 1,705.44 feet to the southwest corner of tract 44 and point of beginning, thence north 60 degrees 08 minutes east, 593.41 feet, thence north 25 degrees 28 minutes west, 911.46 feet, thence south 64 degrees 32 minutes west, 795.30 feet, thence south 67 degrees 21 minutes east, 373.03 feet, thence north 58 degrees 18 minutes east, 264.53 feet, thence south 74 degrees 02 minutes east, 154.31 feet, thence south 14 degrees 50 minutes west, 585.02 feet, thence south 9 degrees 31 minutes east, 165.79 feet and point of beginning, containing 9.94 acres more or less; be transferred by the Secretary of the Interior in fee to the city of Boise upon payment by the city of Boise of the fair market value, as determined by the Secretary, of the rights conveyed.".

Sec. 8. Title X of the Act of November 3, 1978, is further amended by adding a new section 1003 to read as follows:

"The Secretary of the Interior, through the Bureau of Land Management, is authorized to utilize geothermal resources found under the parcel known as the Boise District Office Site, described as commencing at the southwest corner of the Old Fort Boise Military Reservation, thence north 70 degrees 0 minutes east, 1,448.2 feet; thence north 4 degrees 32 minutes east, 627 feet to the true point of beginning; thence the following courses and distances: south 87 degrees 8 minutes west, 696.5 feet; thence north 21 degrees 2 minutes west, 532 feet; thence south 69 degrees 4 minutes west, 21.9 feet; thence north 22 degrees 40 minutes west, 86.3 feet; thence north 84 degrees 50 minutes east, 993.6 feet; thence south 4 degrees 32 minutes west, 624.95 feet to the point of beginning; consisting of 11.53 acres, more or less, contained in section 11, township 3 north, range 2 east, Boise meridian, Idaho.".

Amend the title so as to read: "An Act to provide for a national policy for materials and to strengthen the materials research, development, production capability, and performance of the United States, and for other purposes.".

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments be dispensed with, and that they be printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida?

Mr. WYDLER. Mr. Speaker, reserving the right to object, I do so to ask the chairman of the Committee on Science and Technology if he would explain the proceedings in the bill we are now considering.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Florida.

Mr. FUQUA. The bill, as passed by the House last December and passed by the Senate, establishes a material policy in the U.S. Government so that we can have some better order in our materials policy.

As the gentleman in the House is well aware, this is a very critical issue facing the future of this country.

□ 1320

I might point out to the gentleman that attached to the bill was a nongermane amendment in the Senate, technical in nature, to correct the title of some land that had been transferred in a bill last year that had an incorrect description, to correct that description located in the State of Idaho.

I have conversed with the gentleman from Idaho and it has his concurrence. It is strictly technical in nature to correct the title or description of the property.

Mr. WYDLER. Mr. Speaker, I rise in support of H.R. 2743 as amended by the Senate, the National Materials and Minerals Policy Research and Development Act of 1980. I am proud to say that I am one of the original cosponsors of this legislation which was introduced in 1979. This bill has a long history of careful deliberation before our committee over several years. Mr. Speaker, as I said at the time the bill was introduced and as the Washington Post editorial "Is There a Resource War?" reiterated recently, we are dangerously dependent upon foreign sources of materials at a time when there is increasing international demand. We import over 58 percent of our needs for the 38 basic minerals which comprise virtually all of the metals used in the United States. In the long run, I believe the shortage of materials may prove just as serious as the energy shortage.

Energy policy and materials policy are intimately related. For example, new sources of energy such as fusion will require access to highly exotic materials, many of which we must import and which are in short supply the world over. Materials could be one of the fundamental limitations of the fusion energy program which I strongly advocate. We must support both fusion research and development, as well as efforts to produce and process required new materials if that energy program is to be viable on a large scale.

The interlocking of energy and materials policy illustrates that we are dealing with more than just minerals and that we must consider the use of materials throughout the whole life cycle, from production or mining through processing to consumption and final disposal or recycling. We need more research and development in each of these stages of the life cycle. We also must remember, as my colleague Cap Hollenbeck notes in his remarks, that research and development is not an end in itself; it must ultimately find application in industrial technology. I am pleased to see that the Senate amendment has greatly strengthened those provisions relating to the application of research and development to industrial innovation in all stages of the materials cycle. The materials policy which we will pass today should be a major part of the reindustrialization which this Nation is beginning to consider and which we will carry out over the coming generation.

Mr. Speaker, I commend my colleagues on the Science Committee for the long and hard work they have done to bring this bill to final consideration today. I particularly commend my colleague Cap Hollenbeck who has long been the leading advocate for action in the critical area of materials policy for our Nation's future. I urge my colleagues to support this bill.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. Hollenbeck) who has played such an important role in bringing about its passage.

Mr. HOLLENBECK. Mr. Speaker, I rise in support of the compromise amendment proposed by the Senate to H.R. 2743, the National Materials and Minerals Policy Research and Development Act of 1980. This bill, which has a long history in our Subcommittee on Science, Research, and Technology, was passed by the House last year by an overwhelming majority. I was very proud on that day. Today I am equally proud of this bill, for which I have worked a long time. The staff of our committee has also worked very hard to arrange the compromise with the Senate which is now finally before us.

I will simply make two very brief points. First, once again I want to emphasize my interest in long-range assessment. We simply must begin to base our materials policy, including materials research and development, upon the long-term cycles of technological change and materials production and consumption. These life cycles may last up to 40 or 50 years. It is essential that we attempt to look forward that far, however imperfectly. Otherwise, we will not spot potential shortages as well as problems of capitalization, technical training and necessary research and development in time for these problems to be averted.

That brings to mind the second theme. When we passed this bill last December, I emphasized that materials research and development is not an end in itself. It must ultimately find application in industrial technology. Therefore, I fully supported the directive which the House Science Committee's report gave concerning the need for possible financial and tax measures to stimulate the implementation of research through industrial innovation. It was my view and it is still my view that when the President submits his recommendations for legislation under section 5 of this compromise bill, he should include measures of all types including possible financial and tax policy incentives. This provision is clearly within the intent of the policy statement contained in section 4, which states that the President shall "recommend to the Congress appropriate measures to promote industrial innovation in materials technology." I think the compromise bill has strengthened the House version of H.R. 2743 by making more specific the possible directions for the support of industrial innovation in many ways. I commend the Senate for making these changes. They are an essential part of a materials policy.

My third point is that this bill defines "materials" very broadly. We must not think of this bill simply as a mineral bill because the solution to the problems of mineral shortages in many case will lie in the exploitation of new, nonmineral resources such as plastics and biologically developed materials. Nor must we consider this bill as simply a bill devoted to more mineral production or even more material production. It attempts to span the entire gammut of the materials cycle from production through processing through consumption and through ultimate recycling or reuse. In this sense, I concur strongly with the recent Washington Post editorial, "Is There a Resource War?" which noted that the American Geological Society had sounded an alarm concerning potential mineral shortages. However, the editorial notes that this problem requires a far more extensive policy than simply stockpiling strategic minerals or materials. It also must deal with such problems as conservation and recycling. I am glad to see that the legislation before us specifically calls upon the President to assess Federal policies which adversely affect all stages of the materials cycle, including recycling and disposal.

Finally, Mr. Speaker, I would like to make the point that we cannot consider our national materials policy in a purely domestic context. Indeed, the very reason for this bill's being before us today is that we are increasingly dependent upon foreign sources of materials. In this context, I want to note, as I did last year, that the legislation declares that the Federal Government should promote cooperative research and development programs with other nations for the equitable and frugal use of energy. We must remember that the United States cannot continue to use approximately 30 percent of the world's material and energy resources when the needs of other nations are rising, too. We must develop more efficient and more frugal use of materials so as to permit a greater degree of equity in the sharing of the Earth's bountiful but limited resources. But must also realize that the effectiveness of our materials policy will be dependent upon our sympathy for the human development of many materials exporting nations, such as South Africa. We cannot ignore the demands for social and economic justice in these nations if we wish to insure long-term access to these necessary material resources. I would reiterate the comment of my colleague, the gentleman from Ohio (Mr. Pease), which I noted in my remarks last December, namely:

> Our access to other countries' critical materials rests on a very basic human foundation. It is essential that we demonstrate to under-developed countries that we care

> about what happens to their people as much as we care about what happens to their raw materials.

If we do not observe this principle, Mr. Speaker, in the long run, no technological solution will provide a permanent solution to our national materials needs.

Mr. Speaker, I think this legislation as amended by the Senate is excellent. I urge the House to adopt the Senate's amendments so that we may send it to the President for his signature as soon as possible. I thank my colleagues on the Science Committee and the staff of the Science Committee for having worked so long and hard to get this bill into the shape where we could consider it in its final form today.

Thank you, Mr. Speaker.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I rise today in support of H.R. 2743, National Materials and Minerals Policy Research and Development Act of 1980. Today the United States sits anxiously on the sidelines awaiting the final outcome of the war between Iraq and Iran. We sit by anxiously knowing full well that that war could easily escalate into a full-scale regional conflagration which could sever the vital oil lifelines through the Straits of Hormuz to the United States and our free world allies. There is scarcely an American in this Nation that does not realize full well the implications for this Nation and for the life of the individual of this war in the Mideast simply as a result of America's dependence on foreign sources for oil.

Yet as we watch and wonder and worry over the longrun implications of that energy dependence, few worry, few are even aware of America's even more significant vulnerability as a result of dependence on foreign sources for strategic and critical minerals.

Too few today realize that America imports by 50 percent or more 24 of the 32 minerals essential to our national economy and defense. Few are aware that of the most significant minerals—manganese, chromium, platinum, cobalt—we are nearly 100 percent dependent on foreign sources. Few have even begun to contemplate the future of the Western world should war break out not in the Middle East, but in southern Africa, not in the Straits of Hormuz but around the Cape of Good Hope.

Today America imports 42 percent of our manganese, 48 percent of our chromium, 76 percent of our cobalt, and 93 percent of our platinum from one small and highly volatile region of the world—southern Africa. Free world dependence—that is our NATO allies and Japan—is even greater. What would happen to this Nation and to our allies should we be cut off from these minerals? One expert, a man with 30 years experience in the strategic minerals area concludes that the Western World would be brought to its knees within 6 months. A West German Cabinet level study theorized that if West Germany was cut off from 30 percent of its chromium the nation would suffer a 25-percent drop in GNP and 3 million West Germans would be out of work. Our National Academy of Sciences, discussing the possibility of a long-term embargo of chromium concluded that "America would suffer severe economic dislocation," dislocation much more serious than that resulting from an oil embargo.

The experts are as one on this subject. America truly faces in the decades ahead a growing "resource war," a worldwide battle, not necessarily involving military forces, for the world's mineral resources. Recent information has come to light that the Soviet Union, once assumed self-sufficient regarding its mineral needs, is, as a result of labor, technical, ore grade, and capital difficulties, facing mineral shortages for itself and for its Warsaw Pact allies. As a result, the Soviet Union, once content to enter the marketplace for the acquisition of capital or as a disruptive force, now is forced by internal circumstances to obtain its mineral needs from other sources. The other sources are in many cases the sources to which America looks for mineral supplies. Lest there be any doubt that the resource war has already begun, we need only examine the article appearing in this week's Business Week disclosing that one of the reasons that the Soviet Union invaded Afghanistan was for the acquisition of strategic and critical materials.

In the face of all this, America does nothing. As we did in the days prior to the Arab oil embargo of 1973–74, when study after study warned of a dangerous dependence on unstable sources, we sit hoping for the best. Incredibly enough, we do not even have the good judgment to fear the worst. Rather, we have no fear. We continue down the same "it cannot happen to us" polyanna approach regarding nonfuel minerals as characterized our attitude nearly a decade ago in fuel minerals.

In the face of this unfolding drama, concerned Members of Congress urged upon President Carter a careful review and analysis of the nature of the perilous road down which we had begun to travel. Such a review was initiated in December 1977. Today, nearly 3 years later, after the expenditure of nearly $3.5 million and 13,000 man-days, the review is dead. In fact, the only document prepared during the course of that review, a 42-page summation of the problems, was condemned by each and every witness who appeared at the public hearings held across the Nation regarding that report. Not a single witness, neither environmentalist or industry representative, nor independent analyst, spoke in favor of that document. Perhaps the greatest failure of the Presidential review was its lack of recognition of the severity of the crisis and the need for positive action. The Carter administration is engaged in an extremely dangerous head-in-the-sand attitude regarding minerals policy, pretending it is not there, hoping it will go away.

A decade ago the 91st Congress adopted the Mining and Minerals Policy Act of 1970. It is clear from the legislative history of that act that the Congress fully intended the Mining and Minerals Policy Act to stand as a counterforce for the National Environmental Policy Act of 1969, another bill adopted during the 91st Congress. What one was to do for environmental protection, the other was to do for the protection of the most critical element of an industrial society—the raw materials out of which that society builds its future. While NEPA ballooned, was expanded beyond all expectations of the 91st Congress into a multimillion dollar executive program requiring Federal agencies to jump through numerous hoops held at varying heights by the Council on Environmental Quality, the Mining and Minerals Policy Act of 1970 atrophied into nonexistence.

Today the Secretary of the Interior of the Carter administration has denied in correspondence with the Mines and Mining Subcommittee any authority to take any action under that act to promote and encourage the minerals industry. Notwithstanding the efforts of the Secretary of the Interior to assert and claim power in numerous diverse circumstances in this one area, he has abdicated his duty and responsibility. With regard to the minerals industry, asserts the Secretary, he is powerless to act. Thus, as a result of the purposeful abdication by the Department of the Interior of its executive branch responsibility under the Mining and Minerals Policy Act and as a result of a Presidential pretention that the problem simply does not exist, we have continued to take action which has effectively forced our once strong and vital minerals industry out of business.

Notwithstanding the vastness of America's mineral potential and it is that, we find ourselves dependent on foreign sources, unstable, uncertain foreign sources, for the minerals essential to our very existence. Thus, we have continued to withdraw mineral rich Federal lands from the mining law, we have continued to enforce tunnel-visioned environmental regulations, we have continued to use antitrust statutes as a reason for antibusiness, we have continued to frustrate the ability of the mining industry to capitalize itself and we have adopted a national foreign policy which is devoid of any recognition of the importance of minerals.

We do all this, Mr. Speaker, notwithstanding the Mining and Mineral Policy Act of 1970. Thus today we bring to the floor another effort to send a message to the executive branch as to the seriousness of America's minerals vulnerability. Once again this Congress will attempt to deliver to the President and his top aides indication that the Congress wants the development of a unified national policy regarding nonfuel minerals. It is no longer permissible for EPA to restrict the minerals industry and force the closure of smelting and refining facilities. It is no longer permissible for the Department of the Interior by Executive order and by administrative fiat to declare off limits to exploration nearly two-thirds of the public's land. It is no longer permissible for the Department of State to continue its foreign policy as if the United States did not depend upon certain specific nations for minerals critical to our national survival. It is no longer permissible for the Department of Defense to behave as a mere "consumer" of minerals, hoping that other agencies and departments will insure the availability of those minerals necessary for high technology defense weaponry. It is no longer permissible for the Department of Justice and the Federal Trade Commission, by their interpretation of 80-year old statutes to declare war on America's minerals industry.

Rather, the President, as the representative of the Nation must assure that the Nation and the American people have the minerals necessary for the continuation of our highly sophisticated industrial economy. He can only do so by the development and the implementation of a national, truly national minerals policy. Today, we send him another in the long line of tools to do that job. Let us hope for the first time he takes that action. I urge adoption of this legislation.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I am pleased to call up for consideration H.R. 2743, the National Materials and Minerals Policy Research and Development Act of 1980, as amended and passed by the Senate. H.R. 2743 passed the House last December by a vote of 398 to 8. The Senate in its deliberations has incorporated several new provisions in the version now under consideration, which clarifies the roles of several Federal departments in establishing and implementing a national materials policy.

Nonetheless, the basic concerns noted last year by the Committee on Science and Technology—the concern of balancing our energy and environmental policies with those of materials; the concern for establishing a strong, comprehensive, and coordinated materials research and development program; the concern for long-range assessment of our materials needs; and the concern for assessing critical materials related to national security—have all been preserved in the version recently passed by the Senate.

As now written the bill would require the President to return to Congress within 1 year with a program plan for implementing the policies and objectives as described in the bill and to provide the necessary organizational structure to that end. Further, the Office of Science and Technology Policy, within the Executive Office of the President, would be required to coordinate Federal materials R. & D. and related activities as well as implement a 5-year assessment—and where possible extend that assessment by 10- and 25-year increments—of materials needs related to scientific and technological concerns.

Under the coordination of the Executive Office of the President, the Secretaries of Commerce, Defense, and Interior are directed to take specific actions related to materials and materials policy. The Secretary of Commerce will identify and submit to Congress a specific materials needs case related to national security, economic well-being, and industrial production.

The Secretary of Defense will be responsible for providing within 1 year an assessment of critical materials needs related to national security. This assessment is expected to be revised regularly as determined necessary.

The Secretary of the Interior will take a number of steps to provide for stable supplies of materials. These steps include improving our capacity to assess international minerals supplies, increasing mining and metallurgical R. & D. of critical and strategic minerals, and improve the availability and analysis of materials and mineral data.

Each of these programs and activities, as well as the reports and assessments required, are expected to be carried out in a consistent and cohesive manner under the coordination of the Executive Office of the President. The intent here is that each of the Departments and/or Federal agencies not go in divergent directions in implementing this bill.

As I noted when introducing this bill 18 months ago and as I stated last December, we do not see this bill as a general panacea to our national materials problems. H.R. 2743 is only the start in trying to deal with this complex issue. I strongly recommend this measure to my colleagues and urge its adoption.

● Mr. BROWN of California. Mr. Speaker, I rise in support of H.R. 2743, the "National Materials and Minerals Policy, Research and Development Act of 1980." As noted by the chairman of the Committee on Science and Technology, this bill enjoyed strong support in its passage last December in the House. The Senate, after due deliberation and after certain changes designed to strengthen implementation, has concurred with the House with an equally strong vote in favor of passage.

Since the Policy Commission in 1952 at least a dozen major commissions, studies or investigations on materials have been carried out. Each of those commissions emphasized the need for a coherent national materials policy and implementing strategy. Unfortunately, despite the recognition of the need, no national materials policy has been forthcoming. H.R. 2743 represents the first time Congress has passed a bill to create a comprehensive national materials policy and to establish a means for developing strategy for its implementation.

Let us be clear about what is intended by this bill. We are not asking for yet one more study. Those of us who have considered this problem in depth are convinced that further major studies are not necessary. We have a wealth of information and ideas now at hand. What is necessary is action by the President to begin addressing the problems we have identified in the course of creating this bill:

We must look to means of mitigating our present overwhelming dependence on such strategically critical materials such as cobalt, manganese, chromium, and platinum.

We must provide a strong coherent and coordinated program of applied and basic materials research in extractive metallurgy, materials processing, development of new materials, recycling, substitution and disposal.

We must organize the information now available on basic materials—domestic and international—such that it can be readily accessed by the top policy and decisionmakers in the Federal Government.

We must provide for long-range assessment of our materials needs and the means necessary to meet those needs.

We must create an organizational structure within the Executive Office of the President which will serve as the focal point for the materials policies, programs and initiatives of the Federal Government.

We must determine new strategies for working cooperatively with the developing world to help them in discovering and establishing new materials industries and in helping us by providing more divergent sources of crucial materials.

In short we must begin by acting now rather than awaiting for the inevitable materials problems that loom on the horizon for this Nation.

I strongly urge my colleagues to adopt the Senate version of H.R. 2743.●

● Mr. SANTINI. Mr. Speaker, I rise in support of H.R. 2743, the National Materials and Minerals Policy Act of 1980. Initially, I want to commend Chairman FUQUA and Mr. BROWN of the Committee on Science and Technology for their perseverance and commitment to this legislation.

My Subcommittee on Mines and Mining has spent almost 2 years attempting in vain to keep on track the administration nonfuel minerals policy review. This effort started out as a legitimate examination of America's mineral problems. I am sorry to report that what we thought would be an honest effort to review the problems and propose solutions was almost a total waste of time and money yielding no tangible results. Not one Federal agency recognized its own cherished goals, regulations, or policies as worthy of the slightest change to accomplish the larger need of assuring this Nation the availability of the minerals so essential to its economy and its national security.

The Department of the Interior saw no need to reconsider its negative attitude on public land use in support of mineral search and development. The Treasury saw no need to look at the Tax Code as a way that may stimulate the competitiveness of the American minerals industry. And the Environmental Protection Agency sees its environmental goals as overriding all other national goals. The only conclusion I can draw from the frustrating, unproductive effort of the administration's nonfuel minerals policy review is that there simply is no commitment, or even an understanding of the indispensability of the Nation's minerals to every facet of an industrial society.

Perhaps the single most distressing aspect of the fruitless effort was its purposeful ignorance of the inherent problems to this Nation from our import vulnerability that is growing in an increasingly complex and unsettled world. While America seems purposely driven to export this basic and essential industry, the rest of the world is increasingly motivated by resource politics. While we seem to go forward unconcerned with our vulnerability and the dangers involved, the rest of the world is making every effort to strengthen its mineral position.

H.R. 2743 is a good first step. But, we must be prepared to do more. My only reservations about this legislation is that it will leave much in the way of discretion on the part of agencies within the executive to improve the mineral supply situation for the Nation in the years ahead.

I think we should recognize that materials research and development will not in itself guarantee the flow of mineral raw materials to keep our economy going and our defense systems secure. More reports and studies by the executive—if motivated by other goals at cross purposes to mineral development—will not produce minerals or guarantee their supply. We have learned the hard way that good will on the part of the Secretary of the Interior to implement the Mining and Minerals Policy Act of 1970 has not provided any meaningful results.

I strongly endorse H.R. 2743 as a notable first effort that leaves no question of the sincerity of Congress with respect to the commonsense direction America must take. However, we are going to have to provide more specific legislation in the next Congress to make sure that we keep moving in the right direction.

The Subcommittee on Mines and Mining just released its own report on September 21, 1980. That report, I believe, spells out the individual problems and the right direction.

I therefore urge my colleagues to support this legislation.●

● Mr. WYDLER. Mr. Speaker, I rise in support of H.R. 2743 as amended by the Senate, the National Materials and Minerals Policy, Research and Development Act of 1980. I am proud to say that I am one of the original cosponsors of this legislation which was introduced in 1979 and which itself has a long history in earlier versions before our committee over several years. Mr. Speaker, as I said at that time and as the Washington Post editorial "Is There a Resource War?" reiterated recently, we are dangerously dependent upon foreign sources of materials at a time when there is increasing international demand. We import over 58 percent of our needs for the 38 basic minerals which comprise virtually all of the metals used in the United States. In the long run I believe the shortage of materials will prove just as serious as the energy shortage.

Energy policy and materials policy are intimately related. For example, new sources of energy such as fusion will require access to highly exotic materials, many of which we must import and which are in short supply the world over. Materials could be one of the fundamental limitations of the fusion energy program which I strongly advocate. We must support both fusion research and development, as well as efforts to produce and process required new materials if that energy program is to be viable on a large scale.

The interlocking of energy and materials policy illustrates that we are dealing with more than just minerals and that we must consider the use of materials throughout the whole life cycle, from production or mining through processing to consumption and final disposal or recycling. We need more research and development in each of these stages of the life cycle. We also must remember, that research and development is not an end in itself; it must ultimately find application in industrial technology. I am pleased to see that the Senate amendment has greatly strengthened those provisions relating to the application of research and development to industrial innovation in all stages of the materials cycle. The materials policy which we will pass today should be a major part of the reindustrialization which this Nation is beginning to consider and which we will carry out over the coming generation.

Mr. Speaker, I commend my colleagues on the Science Committee for the long and hard work they have done to bring this bill to final consideration today. I particularly commend my colleague CAP HOLLENBECK who has long been the leading advocate for action in the critical area of materials policy for our Nation's future. I urge my colleagues here to support this bill today.●

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the bill before us now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WYDLER. Mr. Speaker, withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Jersey (Mr. FLORIO)?

There was no objection.

A motion to reconsider was laid on the table.

SITUATION OF SEVEN PENTECOSTALS LIVING IN U.S. EMBASSY IN MOSCOW

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 409) expressing the deep concern of the Congress about the deprivation by the Soviet Union of the right of Christians to freedom of religion and, in particular, about the situation of the seven Pentecostals now living in the U.S. Embassy in Moscow, and their families, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I would ask the distingushed chairman to explain the resolution.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman from Alabama yield?

Mr. BUCHANAN. Certainly.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Concurrent Resolution 409, expressing the deep concern of the Congress about the deprivation by the Soviet Union of the right of Christians to freedom of religion and, in particular, about the situation of the seven Pentecostals now living in the U.S. Embassy in Moscow, and their families.

House Concurrent Resolution 409, which was introduced by our colleague, the Honorable LESTER L. WOLFF and 73 cosponsors, was considered and approved by the Committee on Foreign Affairs on September 10, 1980.

The resolution voices great concern over the Soviet denial of its citizens' rights to free worship. It notes with particular distress the seven Pentecostal Christians presently housed in the U.S. Embassy in Moscow who fear for their lives should they leave. The legislation cites a series of Soviet commitments which are violated by Soviet suppression of religious freedom, including the Final Act of the Conference on Security and Cooperation in Europe. Passage of House Concurrent Resolution 409 is particularly timely in view of the upcoming meeting in Madrid of the signatories to the Helsinki accords in November. It will enable the U.S. delegation to attend the conference with an expression, in hand, registering congressional displeasure over the Soviet policy.

The operative part of the resolution calls on the President to do the following:

Convey congressional concern over Soviet Treatment of its Christian citizenry;

Give special attention to the plight of the seven Pentecostals, who have sought refuge within the American Embassy in Moscow, in order to achieve their safe release and emigration from the Soviet Union; and

Report to Congress on the prospects for religious freedom within the Soviet Union.

Mr. Speaker, I urge the adoption of House Concurrent Resolution 409, in recognition of the rights of Soviet Christians and the interest of religious freedom.

Mr BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, I raise a point of great concern to all Americans who know the value and the necessity of the right to freedom of religious practice. Today I would like to call upon the Congress to recognize the systematic violation of this basic human right by the Government of the Soviet Union. The religious freedom of Soviet Jews has long been a prominent issue brought before the Congress, however, the plight of Soviet Christians and Moslems has received little critical attention.

The official ideology of the "Great October Revolution" of 1917 professed imposed atheism. In the violent aftermath of the storming of the Winter Palace and then again during the Russian Civil War there was a veritable orgy of destruction of churches, monasteries, and synagogues. This desecration of the material symbols of religion was accompanied by the violent liquidation of the clergy and a massive antireligious propaganda campaign in the government controled press. Such a concerted effort to eradicate the practice of religion in any form had never before taken place. Yet, religion lived on in the Soviet Union.

The ponderous weight of Soviet governmental discouragement, the systematic efforts to discredit religion in the schools, and even the brutal repression of those known in the Soviet Union only as "believers" has not been able to eliminate widespread worship or to squelch the strangled cries of those who are denied their right to freedom of religious conscience. The survival of religious spirit in the openly hostile environment of the Soviet state is an encouraging statement about the resilience and courage of the human spirit.

Today there is a glaring example of the oppressive treatment received by Soviet citizens who attempt to exercise their right to freedom of religious conscience. At this moment there are seven Soviet Pentecostalists living in the U.S. Embassy in Moscow, awaiting an opportunity to come to the United States. These victims of Soviet human rights violations have been in the Embassy since June 27, 1978. It is significant that these Soviet citizens decided to turn to such drastic acton as bursting into the U.S. Embassy in their desperate search for religious freedom. Not only does their decision reflect the intensity of Soviet religious persecution, but it demonstrates the basic trust and respect which the oppressed of other countries have for the United States.

There have been many instances of foreign citizens fleeing the oppressive human rights conditions of their native country by fleeing into the haven of the American Embassy in recent years. The exodus of Cubans witnessed this spring comes to mind, as does the report of a Soviet soldier seeking political asylum in the U.S. Embassy in Kabul, Afghanistan which was in Tuesday's New York Times. It is no coincidence that these events have taken place in countries of the Soviet bloc. The despicable human rights record of the Soviet Union and its client states is well known to all, and cannot be hidden from view by the acrid smoke screen of Soviet propaganda.

The upcoming Madrid Conference for the review of compliance with the Helsinki accords provides the United States with an excellent opportunity to express our abhorrence of the Soviet Union's human rights policies.

The U.S.S.R. is a signatory to a long list of international agreements on human rights, including: The U.N. International Covenant on Civil and Political Rights (article 12 of which specifies the right to leave one's own country), the Final Act of the Conference on Security and Cooperation in Europe (which formally recognized the right to "profess and practice religion or belief in accordance with the dictates of conscience"), articles 1 and 55 of the Charter of the United Nations, articles 13 and 18 of the Universal Declaration of Human Rights, and perhaps most hypocritical of all, article 52 of the Constitution of the Union of Soviet Socialist Republics—which states that citizens of the U.S.S.R. "are guaranteed freedom of conscience, that is, the right to profess any religion * * * and to perform any religious worship." The Soviet Union must be put on notice that the United States regards Soviet disrespect of international agreements and the systematic violation of human rights as unacceptable behavior for a 20th century state. The persecution of Soviet "believers" must be stopped and their right to emigrate must be recognized. The reverent worship of God cannot be replaced with ideological kowtowing.

Given the plight of the seven Pentecostalists, and that of all "believers" in the Soviet Union, I feel that it is imperative that we express the concern of the U.S. Congress in this critical matter. I have introduced, in conjunction with Representative BUCHANAN, House Concurrent Resolution 397 which expresses the sense of the Congress that—

First, the President should convey to the Government of the Soviet Union the deep concern of the Congress over the deprivation of the rights of Christians and Jews in the Soviet Union;

Second, the President should give special emphasis to the situation of the seven Pentecostalists now living in the U.S. Embassy in Moscow with the objective of assuring their safety and obtaining permission for them and their family members to emigrate from the Soviet Union; and

Third, the President should report to Congress on steps taken in accordance with this resolution on the prospects for improvement in recognition of religious freedom by the Government of the Soviet Union for all Soviet citizens who hold religious beliefs including Jews and Moslems.

I call on all Members of Congress to support this resolution, in order to send a message to the men in the Kremlin that we value the rights of all men everywhere. The continued violation of the right to freedom of religion by the Soviet Government shall not go unnoticed.

Mr. BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio (Mr. GUYER).

Mr. GUYER. Mr. Speaker, I rise on behalf of House Concurrent Resolution 409. I wish to commend the gentlemen, Mr. WOLFF and Mr. BUCHANAN, for bringing this measure to the floor, and the Foreign Affairs Committee for favorably considering it. Last year I had the experience of traveling with Mr. WOLFF to the Soviet Union, and while we were in Moscow several of us talked with the seven Pentecostals who are in refuge in our Embassy there, as well as two outstanding Pentecostal leaders who were in Moscow at pain of imprisonment if their whereabouts were discovered.

Mr. Speaker, it is obvious that, at the best, religious freedom enjoyed by Christians in the Soviet Union is far from satisfactory. For a Christian group to be legal in the Soviet Union is to run the risk of having the church domesticated by the state, so to speak. While there are some benefits in having an officially recognized status, there is a real danger of having the Communist Government of the U.S.S.R. manipulate the leadership and thus control the activities of the church. Christians who resist this kind of relationship with the state and live more openly by biblical tenets risk having their livelihoods taken from them, their children deprived of education, and their families' futures destroyed. For those in this country who take their freedoms lightly, this should be a reminder of how well off we in this country are, and how bad off we might be.

The obvious question is "what can we do?" I think that we ought to be heard on this at least. I would hate for it to be said that the U.S. Congress never expressed its concern about the fate of Christians in the Soviet Union. After we have gone on record about human rights in countries from Korea to Chile to Indonesia to South Africa to Turkey to Spain, we would be remiss if we did not make our opinion clear on this issue as well.

One of these days, perhaps by the grace of God the Soviet Union might learn that Christians, given the freedom to pursue their faith, would be good and supportive citizens. Such freedom is prescribed in the Soviet constitution. But in the meantime, we must maintain a vigilance on behalf of Soviet Christians. It is the least we can do.

Mr. Speaker, I support the adoption of this resolution.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

I, too, want to join in this resolution. I commend the distinguished chairman of our committee for bringing it to the floor.

Mr. Speaker, the plight of the seven Pentecostals now living in the U.S. Embassy in Moscow is indeed a desperate one. They fear for their lives if they even set foot out of our Embassy grounds.

In August 1979 I had the opportunity of visiting the U.S. Embassy in Moscow with the gentleman from New York (Mr. WOLFF). At that time, we discussed these problems personally with the Vaschenko and Chmykhalov families who have been living in our Embassy for more than 2 years while they seek permission to emigrate. They arrived at our Embassy, seeking asylum after their basic human rights were repeatedly violated by the Soviet Government.

Since their arrival, the Soviet Government has intercepted mail intended for them and has refused to deliver clothing gathered in this country for them. Other family members not in the Embassy have been harassed and jailed.

One son, Sasha Vaschenko, has been repeatedly subjected to harsh conditions in an isolation cell and to physical abuse.

The plight of the Vaschenko and Chmykhalov families is another tragic example of the continuing and increasing practice by the Soviet Government to violate even those most basic rights of religious liberty, family reunification and emigration, to name but a few.

Basic humanitarian concerns demand their release.

As a cosponsor of House Concurrent Resolution 409, I strongly urge the adoption of this resolution.

Mr. BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Speaker, as another one of those members of the Wolff delegation who was honored to meet with the Vashchenkos and the other family entrapped in our Embassy, I also want to associate myself with this resolution and point out that as cruel as this particular case is, the case of Raoul Wallenberg, the Swedish hero who saved so many hundreds of Hungarian citizens of the Jewish faith, still rotting in a Soviet dungeon somewhere, cries out for resolution this year and, hopefully, maybe under the 97th Congress.

I thank the distinguished chairman and I thank the gentleman from New York (Mr. WOLFF) for all his help over the 2 years.

Mr. BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I rise in support of the resolution and point out that this is one of the more visible of the practices of the Soviet Union. We must all keep in mind their complete denial of religious freedom, freedom of speech and the things we take for granted. This should be a reminder to all of us of the conditions behind the Iron Curtain.

Mr. BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I appreciate my friend yielding.

I, too, share in the cause that is represented behind this resolution. I cannot think of a way that the Congress could speak out more clearly on behalf of those Christians behind the Soviet Union, who because of their belief in the Bible and their desire to worship God, who are incarcerated, denied those basic human rights, this resolution goes to the heart of that.

I congratulate the gentleman from New York and strongly associate myself with his remarks.

I appreciate my friend from Alabama yielding.

Mr. BUCHANAN. Mr. Speaker, the last 2 years have borne dramatic witness to the continuing and, indeed, increasing repression within the Soviet Union.

For more than 2 years the members of two Siberian families, the Va Shchenkos and the Chmykhalovs have taken refuge in our Embassy in Moscow—victims of repeated violations of their most basic rights.

They have been denied the religious freedom guaranteed by the Soviet Constitution, the Helsinki Final Act and other international agreements.

They have been denied the right to emigrate, again in violation of internationally accepted human rights practices.

Their mail has been censored or interrupted.

Members of their families have been arrested and subjected to inhumane treatment and physical abuse.

Today, Sasha Vaschenko is in a forced labor camp subjected to treatment reminiscent of that of World War II concentration camps. He was sent into isolation at one point for merely attempting to write a letter to his family.

And so, faced with this history, seven members of these two Pentacostal families sought asylum in our Embassy—the only way that they could see to flee the repression of their own government.

They fear for their lives should they leave and Embassy grounds and the Soviet Government has refused even to consider their request that they and the other members of their families be permitted to emigrate.

Only a couple of weeks ago, Jane Drake of the Society of Americans for Vaschenko Emigration (SAVE) personally carried a box of clothing for these families into the Soviet Embassy in Washington. The next day, that clothing was returned. The Soviet Government refused even to deliver one box of clothing to their own citizens.

There can be no question but that the actions of the Soviet Government are a deliberate denial of the basic rights of the members of these families.

As a member of the Commission on Security and Cooperation in Europe, I have listened with sadness and horror to the testimony of stepped up attacks on religious believers within the Soviet Union such as these Pentacostals.

Basic humanitarian concern demands that these individuals and the other members of their families from whom they have been separated for so long be reunited.

Basic humanitarian concern demands that they be permitted to emigrate.

With this resolution this body will go on record in strong support of the rights of these families and in strong condemnation of the Soviet repression which has denied them their rights.

I urge its adoption.

● Mr. DICKS. Mr. Speaker, I rise in support of House Concurrent Resolution 409. I am deeply disturbed by the persecution of Christians and our religious groups in the Soviet Union. House Concurrent Resolution 409 is a positive step to bring attention to these horrendous practices. Mr. Speaker, I would like to insert in the RECORD an article from the September 13, 1980, issue of the Economist, that clearly describes the situation in the Soviet Union:

A CRUSADE AGAINST THE CHRISTIANS

The Soviet army has yet to launch its widely expected offensive against the rebels in Afghanistan, but on the home front the post-Olympics campaign against Russia's own dissidents is in full swing. One of its main targets this time are the Christians.

Last Monday a court in Kalinin passed sentence on Mr. Alexander Ogorodnikov, a prominent Russian Orthodox layman and founder of an unofficial Orthodox seminar. He was given six years in a labour camp, followed by five of internal exile, which means enforced residence in a remote town of the KGB's choice. His all-embracing crime—"anti-Soviet agitation and propaganda"—was the same as that of another prominent religious dissident figure, Father Gleb Yakunin, who got five years in a camp and five of internal exile on August 28th.

Father Yakunin had founded, back in 1976, a body called the Christian Committee for the Defense of Believers' Rights. The committee—the religious counterpart of the Helsinki monitoring group led by Professor Yori Orlov (in prison since 1978)—kept a watch on abuses of believers' rights in the Soviet Union and advised them of their legal rights. It investigated the position of the Russian Orthodox Christians, the Roman Catholics in Lithuania, the Seventh-Day Adventists and other groups. Although Father Yakunin's trial was officially an "open" one, only his wife was allowed to attend.

On August 29th, the day after Father Yakunin's sentence, Mr. Tatyana Velikanova, a mathematician, Russian Orthodox believer and member of the now virtually dismembered Helsinki group of human rights monitors, was sentenced to four years plus five of internal exile. The court claimed that the reports Mrs. Velikanova helped to prepare were "slanderous". One of Father Yakunin's closest associates, Mr. Lev Regelson, a physicist by training and a prominent Orthodox layman, is expected to be tried later this month, and so is another religious activist, Mr. Viktor Kapitanchuk.

Not everybody was actually brought to trial: a well-known Orthodox preacher, Father Dimitri Dudko, was sufficiently softened up in prison to make a public recantation on Moscow television earlier this summer. But most of the others are thought to be shouldering their burden stoically. Mr. Ogorodnikov, who had been on a hunger strike for 102 days, had enough strength left to shout after the announcement of his sentence: "Long live Russia". Father Yakunin is reported to have said: "I thank God for this test that He has sent me. I consider it a great honour and, as a Christian, accept it gladly".

He, and other dissidents, have had no support from the official Orthodox church. The Moscow patriarch and other church leaders particularly dislike Father Yakunin who, in 1965, accused them of silence and inactivity during the previous major wave of religious persecution in Russia in 1958–59.

In Britain, the British Council of Churches has conveyed its protest and a small clergy committee to defend Russian Christians is campaigning on their behalf. Their plight will be raised at the Helsinki follow-up conference in Madrid in November; the preparatory meeting started this week. But in Geneva the World Council of Churches, normally quick to protest against arbitrary state action, has not yet spoken up for the persecuted Russian Christians. Could it be because the official leaders of the Russian Orthodox church, over which the Soviet authorities have a strong hold, are among the WCC's most influential members? ●

Mr. BUCHANAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Wisconsin (Mr. ZABLOCKI).

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, my colleagues have spoken eloquently and well, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin (Mr. ZABLOCKI)?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 409

Whereas the right to the free practice and expression of faith by Christians in the Soviet Union, including Baptists, Evangelicals, Pentecostals, and members of the Russian Orthodox Church, has been systematically denied;

Whereas these rights include freedom of worship according to the tenets of their faith;

Whereas the right of Christians to emigrate has been effectively denied;

Whereas these Soviet policies are contrary to a series of commitments which the Soviet Union has signed including the United Nations International Covenant on Civil and Political Rights; the Final Act of the Conference on Security and Cooperation in Europe, which recognizes the right to "profess and practice religion or belief in accordance with the dictates of conscience" and which encourages family reunification; the Charter of the United Nations; the Universal Declaration of Human Rights; and the Constitution of the Union of Soviet Socialists Republic, which guarantees Soviet citizens "freedom of conscience", that is, the right to profess any religion and to perform any religious worship; and

Whereas, in desperation at the denials of their rights, seven Soviet Pentecostals have sought refuge in the United States Embassy in Moscow and legitimately fear for their lives and persons should they leave: Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*), That it is the sense of the Congress that—

(1) the President should convey to the Government of the Soviet Union the deep concern of the Congress over the deprivation of the rights of Christians in the Soviet Union;

(2) the President should give special emphasis to the situation of the seven Pentecostals now living in the United States Embassy in Moscow with the objective of assuring their safety and obtaining permission for them and their family members to emigrate from the Soviet Union; and

(3) the President should report to Congress on steps taken in accordance with this resolution on the prospects for improvement in recognition of religious freedom by the Government of the Soviet Union for all Soviet citizens who hold religious beliefs including Jews and Moslems.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING RAOUL WALLENBERG

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 434) to honor Raoul Wallenberg, and to express the sense of Congress that the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe urge consideration of the case of Raoul Wallenberg at that meeting, and to request that the Department of State take all possible action to obtain information concerning his present status and secure his release, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. DERWINSKI. Mr. Speaker, reserving the right to object, and I will not object, I yield to the distinguished chairman of the committee for an explanation of this very touching resolution.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, I rise in support of House Concurrent Resolution 434, honoring Raoul Wallenberg for his outstanding work in saving Jewish citizens in Hungary during World War II and urging a full clarification of his current status and whereabouts.

Raoul Wallenberg was truly a remarkable man. He entered Hungary in 1944 as a Swedish diplomat with the mission of saving as many Hungarian Jews as possible from extermination by the Nazis. It was a mission he fulfilled with honor and distinction, even at peril to his own life. By issuing Swedish passports and providing safe havens in houses protected by Swedish neutrality, Raoul Wallenberg saved tens of thousands of Hungary's Jews from the concentration camps and gas chambers.

However, Raoul Wallenberg was taken into "protective custody" by the Soviets when they entered Hungary the next year. This man to whom so many owed their lives, and whose work inspired such admiration and respect, simply disappeared. Repeated inquiries to the Soviet Union regarding his fate have brought conflicting responses over the past 35 years. Although the Soviets now claim that a prisoner by his name died in 1947, there is also reason to believe that Mr. Wallenberg may still be alive. Simple human decency requires that his fate be made known to his family and friends.

Mr. Speaker, I urge the support of my colleagues for this resolution honoring Raoul Wallenberg, a brave and noble man.

☐ 1530

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 434 honoring Raoul Wallenberg, for his courageous work in Eastern Europe during World War II. More specifically, Raoul Wallenberg was a young Swedish Christian diplomat who was singlehandedly responsible for the salvation of 100,000 European Jews from Nazi death camps during an extraordinary mission of mercy in Budapest, Hungary in 1944.

When the Nazis initiated a forced march of Hungarian Jews, Wallenberg followed the marchers saving those whom he could save and assisting others by providing them with food and clothing. Later, he extended his operations by establishing "international Houses" under the protection of the Red Cross in which thousands of Jews were granted refuge.

He was taken prisoner by the so-called liberating Russian forces in 1945, and subsequently disappeared. Soviet officials originally denied that he was in their custody. Later, the Soviet Government stated that he had died in prison in 1947. However, testimony by refugees from Soviet prison camps as recently as May 1978, indicate that he is alive and still being held in a Siberian prison.

Mr. Speaker, if Raoul Wallenberg is still alive, and many reports indicate that he is, then the upcoming Madrid Conference, starting on November 11, to review the implementation of the Final Act of the Helsinki Conference, will provide the U.S. delegation with an appropriate platform to raise the issue with the Soviets. There is no reason for Wallenberg's detention. Various theories have been advanced including Soviet suspicion of espionage, Soviet fear of Western influence in postwar Hungary, and seizure by Soviet officials of refugee aid funds that Wallenberg was in charge of. Whatever the case may have been, continuing to hold him is an outrageous violation of law, morality, decency, and of course, human rights.

Mr. Speaker, Raoul Wallenberg was nominated for the Nobel Peace Prize in 1949. But I do not think that anything sums up the value and extent of Raoul Wallenberg's work better, than the remarks by one of the many survivors who he helped, who said:

> He gave us the sense that we were still human beings . . . he came himself. He talked to us and showed that one human being cared about what was happening to us.

I urge my colleagues to not only support this resolution, but in the spirit of the resolution, to encourage the State Department and other U.S. authorities in collaboration with the Swedish Foreign Office and Government to take any other appropriate action on Wallenberg's behalf.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. Mr. Speaker, I yield to the gentleman from New York (Mr. WEISS), the chief sponsor of the resolution.

Mr. WEISS. Mr. Speaker, I want to commend the distinguished gentleman from Illinois (Mr. DERWINSKI), the ranking member of the subcommittee, and the distinguished chairman, the gentleman from Washington (Mr. BONKER), as chairman of that subcommittee for their expeditious action in the Raoul Wallenberg matter.

Mr. Speaker, it is a special privilege for me to rise in support of House Concurrent Resolution 434, which has been brought to the floor under a unanimous-consent request.

This resolution, which is the revised version of one I first introduced on May 20, was unanimously approved by the House Foreign Affairs Committee.

The resolution honors Raoul Wallenberg, a Swedish diplomat who is credited with saving 90,000 Hungarian Jews from Nazi death camps during World War II. Sent by Sweden to Hungary at the request of the American War Refugee Board in 1944, Wallenberg accomplished his perhaps unparalleled humanitarian deeds in just 6 months before Soviet forces defeated the Nazis. Wallenberg passed out protective Swedish passports to 20,000 individuals, and actually rescued 2,000 by snatching them off the road to the concentration camps. He was a key figure in collaborative efforts by other neutralist representatives in saving 70,000 additional jews.

In recognition of his efforts, Wallenberg was nominated for the Nobel Peace Prize in 1949 by Albert Einstein. But by that time Wallenberg had disappeared, his whereabouts unknown, after he was arrested by the Soviets in 1945 and placed in "protective custody." His status has been a mystery since that time.

The Russians denied any knowledge of Wallenberg until 1957, when they claimed that a prisoner known by that name had died in his cell 10 years earlier.

But frequent reports, including one as recent as May 1978, indicate that Wallenberg may still be alive in the Soviet prison system. Prisoners have recounted seeing, or meeting, a man fitting his description. Swedish efforts to clarify his status have failed.

In addition to honoring Raoul Wallenberg, the resolution directs the State Department to investigate his whereabouts, and to attempt to gain his release if he still lives. Finally, the resolution urges the U.S. delegation to the November meeting of the Madrid Conference on Security and Cooperation in Europe to ask consideration of the Wallenberg matter by that organization.

The Madrid Conference is the successor to the Helsinki Conference, at which the Soviet Union signed the final act pledging to "fulfill in good faith" its obligations under international law. The Madrid Conference will review the Helsinki pact, and thus provides a timely opportunity to discuss Wallenberg's case with the Soviets. As my colleagues are well aware, the imprisonment of this hero of the holocaust violated international standards of diplomatic immunity. Passage of House Concurrent Resolution 434 will make clear the Congress strong desire that this vital concern be pursued at Madrid.

The House has now passed the Holocaust Memorial Act (H.R. 8081), which authorized the existing Holocaust Memorial Council to establish a museum on the holocaust and to begin annual commemoration of "Days of Remembrance." These actions will help us remember the holocaust in years ahead, giving further reason to hope that we will not ever allow its repetition.

This resolution under consideration today is another way to underscore our commitment to that goal. Raoul Wallenberg set a magnificent example. In the face of tremendous odds, he defied the tyrannical power of the Nazi terror, in order to save the lives of those marked to be the victims of Hitler's genocide. In honoring him we may achieve even more. We may begin the process by which, if alive, this hero is finally released to live in freedom again.

The State Department has already shown some interest in pursuing this matter. Passage of House Concurrent Resolution 434 will put the Department on formal notice that Congress is deeply concerned about this vital matter. Let us show that we will not rest until concrete information is known, and Wallenberg is either free, or can be laid to rest in the memories of his countrymen and all those in the world, Jews and non-Jews, who are inspired by his example.

Before I take my seat, Mr. Speaker, I want to thank and commend my distinguished colleague from Washington, Don Bonker, whose efforts have been pivotal in bringing this legislation to the floor today. Under his leadership, and that of the ranking minority member on his Subcommittee on International Organization, Edward Derwinski, my resolution was melded with that of the distinguished gentleman from Connecticut, Christopher Dodd, to produce what we are now prepared to consider. Similarly, I want to express my deep appreciation to the distinguished chairman of the Foreign Affairs Committee, Mr. Zablocki, the distinguished ranking minority member, Mr. Broomfield, all the members of that committee and the more than 60 House Members who have cosponsored the resolution.

A resolution with the same language as House Concurrent Resolution 434 has been sponsored in the Senate by Senators Rudy Boschwitz and Daniel Patrick Moynihan. There is good reason to believe that it will gain swift passage in that body, too.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. Mr. Speaker, I yield to the gentleman from Washington (Mr. Bonker), the distinguished chairman of the Subcommittee of the International Relations Committee.

Mr. BONKER. Mr. Speaker, I want to thank the gentleman and would like to commend him for his support of this legislation, as well as the gentleman from New York (Mr. Weiss) and also the gentleman from Connecticut (Mr Dodd), both of whom sponsored similar resolutions.

Mr. Speaker, I urge my distinguished colleagues to wholeheartedly support House Concurrent Resolution 434, which we considered and passed out of the Subcommittee on International Organizations and the Foreign Affairs Committee.

This concurrent resolution honors Raoul Wallenberg.

It further expresses the sense of Congress that the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe urge consideration of the case of Raoul Wallenberg at that meeting.

It also requests that the Department of State take all possible action to obtain information concerning his present status and assure his release.

Last October at one of the International Organizations subcommittee hearings on the phenomenon of disappearances as a violation of human rights, I discussed the issue of Raoul Wallenberg.

He was a Swedish diplomat who went to Budapest in 1944 with the hope of helping Hungary's 700,000 Jews that were being deported by the Nazis to extermination camps.

He is credited with having saved close to 100,000 lives.

His disappearance in January 1945 after the Russians had captured Budapest is one of the oldest cases of the phenomenon of disappearances.

At that hearing I asked where is Raoul Wallenberg? What has happened to him? Why is it a crime to have saved tens of thousands of lives?

One who perhaps can solve this mystery is a Soviet dissident by the name of Jan Kaplan.

He was imprisoned in 1975 and after his release 18 months later he told his daughter—a doctor in Israel—that he had met a Swede who had been in prison for 30 years.

In order to silence him, and because of his activities on behalf of Raoul Wallenberg, Mr. Kaplan was reimprisoned.

By focusing world public attention on the cases of Raoul Wallenberg and Jan Kaplan we may be able to resolve this tragedy.

Mr. DERWINSKI. Mr. Speaker, I rise in support of the resolution. Mr. Bonker, chairman of the Subcommittee on International Organizations, and I have cooperated on the Raoul Wallenberg matter. We have done what we could to bring the facts about Raoul Wallenberg to the attention of the Members and of the public.

This is a particularly emotional case. Raoul Wallenberg, at great risk to his own life, had worked tirelessly to save upwards of 90,000 Jews from the maw of the Nazi "final solution." He was a bigger-than-life hero to them and, when his exploits became more widely known, to much of the rest of the world. The conquering Red Army, instead of treating him as the towering human being he was, took him into "protective custody" and little has been heard of him since.

Enough leads have emerged from the "muffled zone," nonetheless, to make us believe he may, incredible as it may sound, be still alive. If he is, we must do whatever we can to save Raoul Wallenberg from final martyrdom in the Soviet gulag. In any case, we must try to find out whatever we can about him. We owe it to this great humanitarian figure, to those tens of thousands of persons who survived because of him, and to ourselves.

Mr. Speaker, I cosponsored the resolution of Mr. Weiss and Mr. Dodd, and I ask my colleagues for their votes.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the distinguished young gentleman from California (Mr. Dornan).

Mr. DORNAN. Mr. Speaker, I thank my distinguished, equally young at heart, colleague from Illinois for the opportunity to add just one aspect to the unbelievable tragedy of the Wallenberg case.

There is a general, Jan Kaplan, also released from the dungeons of Siberia who, on an international phone hookup to his daughter in Israel, mentioned, he only mentioned that he had seen Wallenberg alive in prison in 1975. For this he was obviously rearrested and for over a year and one-half has been back somewhere in the Gulag Prison system. The prison where he said he saw Mr. Wallenberg alive in 1975 was Butyrka in the Soviet Union. I hope we can have hearings on this, if not during the rump session, early next year.

I again thank my distinguished colleague for yielding.

● Mr. BROOMFIELD. Mr. Speaker, the purpose behind this measure is to contribute to the deliverance of Raoul Wallenberg from the Soviet gulag where he has languished for 35 years. A hero of the holocaust in saving tens of thousands of Hungarian Jews, he himself was in effect swallowed up by it.

I join my colleagues, Mr. DERWINSKI, ranking minority member of the Subcommittee on International Organizations, and the chairman of the subcommittee, Mr. BONKER, and Mr. WEISS, in support of this resolution to do what we can to try to save Raoul Wallenberg.●

● Mr. DODD. Mr. Speaker, Mr. WEISS and I have combined our two bills concerning Raoul Wallenberg into the bill the House is considering today, House Concurrent Resolution 434. The bill has close to 100 cosponsors and Senators MOYNIHAN and BOSCHWITZ have introduced companion legislation in the Senate.

The case of Raoul Wallenberg is an unusual one. In 1944, the American War Refugee Board with the cooperation of the Swedish Government sent Swedish diplomat Raoul Wallenberg to Budapest, Hungary, with instructions to save as many Hungarian Jews as possible from Nazi death camps. Wallenberg undertook his mission with a determination and unflinching courage that astounded his Nazi enemies. Openly defying death threats and continual harassment by the Nazis, Raoul Wallenberg stood on train platforms and handed out neutral Swedish passports to thousands of Jews who were destined for Auschwitz and Buchenwald.

Wallenberg protected at least 13,000 Hungarian Jews in safe houses he rented that flew the Swedish flag. He pulled countless numbers of men, women, and children out of "death marches" to concentration camps on the Austrian border. Wallenberg is credited with saving the lives of 90,000 Hungarian Jews. Even more importantly, he is remembered by those whom he rescued as an angel of hope who bestowed a renewed sense of human mercy and compassion in a depraved atmosphere.

On January 17, 1945, Wallenberg accompanied two Russian officers to Debrecen, Hungary, where Soviet staff headquarters were located during the Russian siege of Hungary. Wallenberg was never heard from again. It is ironic that his disappearance was not at the hands of his traditional foes, and the rationale for his possible abduction by the Soviets is still unclear.

In August of 1947, the Soviet Government stated that Wallenberg was "not known in the Soviet Union," but in 1957 the Soviet released records that showed that a prisoner at Lubyanka prison named "Walenberg" died of a heart attack on July 17, 1947. To confuse the issue even further, reports from former Russian prisoners, including Aleksandr Solzhenitsyn and Jan Kaplan, continue to appear that indicate that Wallenberg may still be alive and imprisoned in the Soviet Union.

House Concurrent Resolution 434 honors Raoul Wallenberg for his unparalleled humanitarian work. The resolution requests that the State Department act to try to gather information on Wallenberg's whereabouts and secure his release if he is still alive. Most importantly, the bill urges the U.S. delegation to the Madrid Conference on Security and Cooperation in Europe to request that the case of Raoul Wallenberg be raised at the Madrid Conference meeting in November.

The possible internment of Wallenberg is in direct contravention to the principles of the Helsinki Final Act. The world has a right to know Raoul Wallenberg's fate and the Soviet Union has a responsibility as a signatory of the Helsinki accords to cooperate in an investigation into the Wallenberg case.

If Raoul Wallenberg were here today he might be a bit embarassed at all the attention he would be receiving. But Raoul Wallenberg is deserving of limitless praise for his selfless and courageous actions. Unlike many others who preferred to remain indifferent in the face of the unspeakable horrors of the holocaust, Raoul Wallenberg refused to ignore the perverted evil of the Nazi regime. He acted, and we can do no less on his behalf. I would urge my colleagues to give their support to House Concurrent Resolution 434 and to the effort to solve the mystery of the "lost hero of the Holocaust." ●

Mr. DERWINSKI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 434

Whereas in January 1944 the War Refugee Board was established by the United States to organize rescue operations to free persons being persecuted during World War II;

Whereas the War Refugee Board requested Sweden to send a representative to Hungary;

Whereas the Swedish representative, Raoul Wallenberg, is considered responsible for having saved the lives of twenty thousand Jewish citizens in Hungary through the issuance of protective Swedish passports being in July 1944;

Whereas Raoul Wallenberg is recognized as saving indirectly the lives of an additional seventy thousand Jewish citizens in Hungary through collaborative efforts in the latter half of 1944 with neutralist representatives in Budapest and the Jewish Community in Hungary;

Whereas Raoul Wallenberg was taken into Soviet "protective custody" on January 13, 1945, in violation of international standards of diplomatic immunity;

Whereas Soviet officials originally denied having custody of Wallenberg, but subsequently stated that a prisoner named "Wallenberg" died in a Soviet prison on July 17, 1947;

Whereas in 1949 he was nominated by Albert Einstein for the Nobel Peace Prize.

Whereas reports from the Soviet Union, as recent as May 1, 1978, suggest that Raoul Wallenberg is alive;

Whereas the continued internment of Wallenberg, if indeed he is still alive, is in direct contravention of the Final Act of the Helsinki Conference on Security and Cooperation in Europe which requires signatories to "fulfill in good faith their obligations under international law"; and

Whereas the Madrid Conference on Security and Cooperation in Europe, to be held on November 11, 1980, provides an occasion to discuss the status of Raoul Wallenberg with the Soviet Government as part of the review of the Helsinki Final Act;

Whereas documents released by the Swedish Foreign Ministry in January 1980 indicate diplomatic efforts by the Swedish Government have not fully clarified the status of Raoul Wallenberg: Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*). That, the Congress honors Raoul Wallenberg for his outstanding work on behalf of those persecuted in Hungary during World War II, and it is the sense of Congress that the United States delegation to the review meeting of the Conference on Security and Cooperation in Europe which will be held in Madrid in November 1980 should urge that the case of Raoul Wallenberg be considered at that meeting by the signatory countries to the Final Act of the Helsinki Conference on Security and Cooperation in Europe.

It is further resolved that the Congress requests the Department of State to take all possible steps to discern from the Soviet Union the whereabouts of Raoul Wallenberg and, if he is alive, to secure his return to his native country.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 434.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MILITARY PERSONNEL AND CIVILIAN EMPLOYEE CLAIMS ACT

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6086 to provide for the settlement and payment of claims of U.S. civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, after line 2, insert:

SHORT TITLE

Sec. 1. This Act may be cited as the "Military Personnel and Civilian Employees' Claims and Hostage Relief Act of 1980".

TITLE I—MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS AMENDMENT TO THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

Page 1, line 3, strike out "that the" and insert "Sec. 101. The".

Page 4, line 3, strike out "Sec. 2" and insert "Sec. 102.".

Page 4, after line 9, insert:

Sec. 103. Section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 67, as amended; 31 U.S.C. 241), is amended as follows:

(1) by striking out "$15,000" in subsection (a)(1) and inserting in place thereof "$25,000";

(2) by striking out "$15,000" in subsection (b)(1) and inserting in place thereof "$25,000".

Sec. 104. The amendments provided in section 103 of this act shall apply to claims based upon damage to, or loss of, personal property which occurs after the date of the enactment.

Page 4, after line 9, insert:

TITLE II—SPECIAL PERSONNEL BENEFITS

DEFINITIONS

Sec. 201. For purposes of this title—

(1) The term "American hostage" means any individual who, while—

(A) in the civil service or the uniformed services of the United States, or

(B) a citizen or resident alien of the United States rendering personal service to the United States abroad similar to the service of a civil officer or employee of the United States (as determined by the Secretary of State),

is placed in a captive status during the hostage period.

(2) The term "hostage period" means the period beginning on November 4, 1979, and ending on the later of—

(A) the date the President specifies, by Executive order, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, or

(B) January 1, 1983.

(3) The term "family member", when used with respect to any American hostage, means—

(A) any dependent (as defined in section 5561 of title 5, United States Code) of such hostage; and

(B) any member of the hostage's family or household (as determined under regulations which the Secretary of State shall prescribe)—

(4) The term "captive status" means a missing status arising because of a hostile action abroad—

(A) which is directed against the United States during the hostage period; and

(B) which is identified by the Secretary of State in the Federal Register.

(5) The term "missing status"—

(A) in the case of employees, has the meaning given it in section 5561(5) of title 5, United States Code;

(B) in the case of members of the uniformed services, has the meaning given it in section 551(2) of title 37, United States Code; and

(C) in the case of other individuals, has a similar meaning as that provided under such sections, as determined by the Secretary of State.

(6) The terms "pay and allowances", "employee", and "agency" have the meanings given to such terms in section 5561 of title 5, United States Code, and the terms "civil service", "uniformed services", and "armed forces" have the meanings given to such terms in section 2131 of such title 5.

PAY AND ALLOWANCES MAY BE ALLOCATED TO SPECIAL SAVINGS FUND

Sec. 202. (a) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any American hostage which are for pay periods during which the American hostage is in a captive status and which are not subject to an allotment under section 5563 of title 5, United States Code, under section 553 of title 37, United States Code, or under any other provision of law.

(b) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

(c) Amounts may be allotted to the savings fund from pay and allowances for any pay period ending after November 4, 1979, and before the establishment of the savings fund. Interest on amounts allotted from the pay and allowances for any such pay period shall be calculated as if the allotment had occurred at the end of the pay period.

(d) Amounts in the savings fund credited to any American hostage shall be considered as pay and allowances for purposes of section 5563 of title 5, United States Code. (or in the case of a member of the uniformed services, for purposes of section 553 of title 37, United States Code) and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

MEDICAL AND HEALTH CARE AND RELATED EXPENSES

Sec. 203. Under regulations prescribed by the President, the head of an agency may pay (by advancement or reimbursement) any individual who is an American hostage, or any family member of such an individual, for medical and health care, and other expenses related to such care, to the extent such care—

(1) is incident to that individual being an American hostage; and

(2) is not covered by insurance.

EDUCATION AND TRAINING

Sec. 204. (a)(1) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Except as provided in paragraph (3), payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs—

(A) after the ninetieth day after the date the individual is placed in a captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 12-week period following that date.

In order to respond to special circumstances, the President may specify a date for purposes of cessation of assistance under subparagraph (B) which is later than the date which would otherwise apply under subparagraph (B).

(3) In the event an American hostage dies and the death is incident to that individual being an American hostage, payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs after the date of death.

(4) The preceding provisions of this subsection shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38, United States Code.

(b)(1) In order to respond to special circumstances, the head of an agency may, under regulations prescribed by the President, pay (by advancement or reimbursement) an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Payments shall be available under this subsection for an American hostage for education or training which occurs—

(A) after the termination of such hostage's captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 12-week period following that date.

(c) Assistance under this section shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38, United States Code.

(d) In no event may assistance be provided under this section for any individual for a period in excess of 45 months (or the equivalent thereof in part-time education or training).

(e) Regulations prescribed by the President under this section shall provide that the program under this section be consistent with the assistance program under chapters 35 and 36 of title 33, United States Code .

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

Sec. 205. (a) Under regulations prescribed by the President, an American hostage is entitled to the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.), including the benefits provided by section 701 (50 U.S.C. App. 591) but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 (50 U.S.C. App. 514, 515, 516, 540 through 548, 561 through 572, and 574).

(b) In applying such Act for purposes of this section—

(1) the term "person in the military service" is deemed to include any such American hostage;

(2) the term "period of military service" is deemed to include the period during which such American hostage is in a captive status; and

(3) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed to be references to the Secretary of State.

(c) The preceding provisions of this section shall not apply with respect to any American hostage covered by such provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 by reason of being in the armed forces.

APPLICABILITY TO COLOMBIAN HOSTAGE

SEC. 226. Notwithstanding the requirements of section 201(1), for purposes of this title, Richard Starr, of Edmonds, Washington, who, as a Peace Corps volunteer, was held captive in Colombia and released on or about February 10, 1980, shall be held and considered to be an American hostage placed in a captive status on November 4, 1979.

EFFECTIVE DATE

SEC. 207. The preceding provisions of this title shall take effect as of November 4, 1979.

TITLE III—TREATMENT OF THE HOSTAGES IN IRAN

VISITS BY THE INTERNATIONAL RED CROSS

SEC. 301. (a) The Congress finds that—

(1) the continued illegal and unjustified detention of the American hostages by the Government of Iran has resulted in the deterioration of relations between the United States and Iran; and

(2) the protracted length and the conditions of their confinement have reportedly endangered the physical and mental well-being of the hostages.

(b) Therefore, it is the sense of the Congress that the President should make a formal request of the International Committee of the Red Cross to—

(1) make regular and periodic visits to the American hostages being held in Iran for the purpose of determining whether the hostages are being treated in a humane and decent manner and whether they are receiving proper medical attention;

(2) urge other countries to solicit the cooperation of the Government of Iran in the visits to the hostages by the International Committee of the Red Cross; and

(3) report to the United States its findings after each such visit.

Amend the title so as to read: "An Act to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country and to provide certain benefits to the American hostages in Iran and to similarly situated individuals.".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, did the gentleman find out what the provision was relating to the Internal Revenue Code?

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman.

Mr. DANIELSON. My chief staff counsel went over the matter with the gentleman from Maryland (Mr. BAUMAN) and pointed out the nature of the Senate amendments which, as I said before, are redundant and they complicate the passage of the bill. As I understand it, the gentleman from Maryland has very graciously said that he does not object.

Mr. ROUSSELOT. Further reserving the right to object, then you are really only disagreeing with those certain amendments?

Mr. DANIELSON. We are just disagreeing. That is all.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Maryland.

Mr. BAUMAN. I want the record to show that the gentleman from California was even more gracious than the gentleman from Maryland in explaining them.

Mr. DANIELSON. I thank the gentleman for whatever he said.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I rise for the purpose of inquiring of the distinguished acting majority leader the program when we return, if that is possible, and a little bit of advanced intelligence on the schedule as it will unfold during the lameduck session.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield.

Mr. ROSTENKOWSKI. To the best of my knowledge the program as scheduled for the week of November 10 is that the House will meet, will reconvene and resume its sitting on the 12th of November. Monday and Tuesday, November 10 and 11, the House will not be in session. The House will meet at noon on Wednesday and at 10 a.m. on Thursday and Friday for the consideration of the following legislation:

H.R. 7854, the Foreign Assistance Appropriation Act for fiscal 1981;

S. 885, the Pacific Northwest Electric Power Planning and Conservation Act, and we expect to complete consideration on that bill;

H.R. 7112, State and local fiscal assistance amendments, with an open rule, 2 hours of debate. The rule having already been adopted;

H.R. 6417, the Surface Transportation Act of 1980, with an open rule, 1 hour of debate;

H.R. 5615, the Intelligence Identities Protection Act, open rule, 1 hour of debate;

The conference report on H.R. 7765, the Budget Reconciliation Act; and

H.R. 6915, revision of the Federal Criminal Code, subject to a rule being granted.

The House will adjourn at 3 p.m. on Friday. Adjournments on other days will be announced later and, of course, conference reports may be brought up at any time.

Any further program will be announced later.

Mr. MICHEL. Might I inquire, then, if it is the intention of the leadership to have the House in session for the week of Thanksgiving?

Mr. ROSTENKOWSKI. It is the intention at this time for the House to adjourn for the week or the period of time during Thanksgiving, but that has not yet been placed in cement with respect to the date. But it is our intention.

Mr. MICHEL. Then the first week in December, as I understand it from the House Administration Committee, will be an opportunity for the newly elected Members on both sides of the aisle, hopefully more on our side than the gentleman's, to get acquainted?

Mr. ROSTENKOWSKI. I am informed there is somewhat of a schedule tentatively agreed where the House will return on Wednesday, November 12 and will meet Thursday, November 13 and Friday, November 14, and the following week, including Friday, November 21. We will have no legislative business for all of Thanksgiving week, Monday the 24th through and including Friday, November 28.

We will return on Monday, December 1, until completion of the conference report on the second budget reconciliation. Members are reminded that the organizational caucus of the 97th Congress will be held the week of December 8.

The 97th Congress will convene on Monday, January 5. We must count the electoral votes on January 6. We would probably recess until the week of the inauguration, which would be the week of January 20.

That is tentatively the schedule as I understand it.

□ 1540

Mr. MICHEL. I thank the gentleman very much for that advance information.

Mr. BAUMAN. Will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding. I did not notice any comment from the gentleman from Illinois (Mr. ROSTENKOWSKI) on the period from roughly St. Swithin's Day to New Year's Day, or whatever the feast days are, but is the gentleman telling us that we are going to be in right through Christmas, jingle bells and all?

Mr. ROSTENKOWSKI. If the gentleman from Illinois (Mr. MICHEL) will yield, I do not think that is the intention of the leadership. I think we will be adjourning sometime after Thanksgiving.

Mr. BAUMAN. So we might adjourn early in December?

Mr. ROSTENKOWSKI. I would hope we would adjourn in late November.

Mr. BAUMAN. I would just remind again the gentleman of the admonition that whenever the House is in session, the American people may be in danger, so perhaps he could consider that.

Mr. MICHEL. I would underscore again with the Members that in the second week in December, on the 8th and 9th when both parties will have their organizational caucuses and conferences for the new Congress, any planned trips abroad or whatnot would find Members missing on those two very significant dates if they were gone.

AUTHORIZING THE CLERK TO RECEIVE MESSAGES AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS, NOTWITHSTANDING ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, November 12, 1980, the Clerk be authorized to receive messages from the Senate and that the

Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore (Mr. Danielson). Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, November 12, 1980, the Speaker be authorized to accept resignations, and to appoint commissions, boards and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, NOVEMBER 12, 1980

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, November 12, 1980, may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONFERENCE REPORT ON S. 1156, SOLID WASTE DISPOSAL ACT AMENDMENTS

Mr. FLORIO. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the Senate bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. MADIGAN. Reserving the right to object, Mr. Speaker, I do so for the purpose of yielding to the gentleman from New Jersey (Mr. Florio) so that he might establish for the Members of the House why it is necessary to consider this immediately.

Mr. FLORIO. Will the gentleman yield?

Mr. MADIGAN. I will be happy to yield to the gentleman.

Mr. FLORIO. I thank the gentleman. This is the conference report on S. 1156, the Solid Waste Disposal Act reauthorization. This conference report has been approved by the other body and represents the legislation that passed this body by 386 to 10 on February 20, 1980. There is a note of urgency in the demands that this legislation be passed and that urgency pertains to a particular provision that is contained in this bill. These are the amendments to the Resource Conservation and Recovery Act which was passed in 1976. At that time the legislation established a regulatory process that anticipated that the regulations would be put into operation in a timely fashion. Unfortunately, EPA took 4 years to pass these regulations. Accordingly, the regulations will be going into effect on the 19th of November.

One of the provisions in the regulations provides for the licensing of certain hazardous waste disposal facilities, and it is the intent of this bill to provide that those licensed facilities that have come into existence since October 1976 be covered under these regulations. The importance of this is that, unfortunately, the law will leave us without permits for those disposal facilities for hazardous wastes which are probably the safest. What we are doing in this bill is to cover those facilities that have come into existence since October 1976.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. Further reserving the right to object, I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. Could the gentleman assure us that there is nothing unusual in this in coming back as a conference that we have not considered either in committee and/or in the Whole House when it was before the House?

Mr. FLORIO. If the gentleman will yield, we have had a very heated and lengthy conference. The conference report was approved by, I believe, all but one of the conferees, the execption being Mr. Broyhill. There is nothing unusual in the authorization. The reason for action today is because of this one section I am making reference to, and that is really to realine the regulatory process with the legislative process. So I can assure the gentleman that there is nothing unusual about this provision other than the point I am making now.

Mr. ROUSSELOT. I thank the gentleman.

Mr. SANTINI. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. Further reserving the right to object, I yield to the gentleman from Nevada.

Mr. SANTINI. I thank the gentleman for yielding. The distinguished subcommittee chairman has appropriately characterized the nature of the debate in the subcommittee with reference to the one unusual provision that was never the subject of subcommittee, full committee, or House floor debate, and that relates to the establishment of criminal sanctions in a civil legislative product. But the subcommittee chairman further accurately describes the need and the urgency, the impelling urgency, for this legislative product. In the balance, it is representative of some good news and some bad news.

The bad news in this conference is the retention of a House provision know as knowing endangerment. This language was adopted during floor consideration by voice vote with perhaps a dozen Members present. I have no knowledge of advance notice of the amendment.

The specific provisions of the language on endangerment reveal why its sponsors chose not to offer it in either the Subcommittee on Transportation or in the full Interstate and Foreign Commerce Committee. It is particularly relevant that the Judiciary Committee rejected similar provisions during its consideration of the Criminal Code revision.

When it appeared that the original harsh amendment offered on the floor would be retained by the conference, members of the business round table negotiated with Justice Department attorneys to ameliorate some of the ill-conceived language in the House bill. Despite the claims of its sponsors, the "compromise" was agreed to by business only because of the legislative gun which was pointed at its head.

All of us recognize the necessity for prosecuting those who are labeled "midnight dumpers." In fact, current law allows the imposition of heavy fines and jail sentences for such obvious and willful conduct.

What this legislation will allow is prosecution of individuals for violations which are neither willful nor significant. One needs only look to the list of hazardous substances to realize that when saccharin, rubbing alcohol, and mothballs are labeled hazardous, there is potential for technical violations of law which in fact may "endanger" no one. Compounding the problem is the fact that section 3008(f)(2)(B) allows defendants' knowledge to be established by circumstantial evidence.

At no time did the Department of Justice offer any evidence to demonstrate why this change in criminal law is required. The test of "willful intent" in the criminal law will deal with those "midnight dumpers." The debate on this matter in the conference stressed the need to deal with those criminals who intentionally mishandle waste.

The Department of Justice, however, wants to extend its prosecution beyond the scope of current law. This could open up prosecution for far less serious violations. In a letter sent to me by Attorney General Civiletti, the intention of the Department was made obvious:

> Recognizing the need for increased penalties and a provision which covers the full scope of life endangering activities resulting from improper handling of hazardous waste, representative of the business community and the Justice Department drafted the attached proposal . . . .

The agenda of the Department is clear—it wants to extend its prosecutions far beyond those who willfully violate the law.

For these reasons I am very disappointed at the decision of the conference to include this major change in criminal law. Were it not for the positive elements of this legislation, I would not have signed the report. I regret very much that we never had the opportunity for hearings on this most serious issue. The results would surely have been different.

Mr. MADIGAN. Further reserving the right to object, do I understand then from the gentleman from New Jersey (Mr. Florio) that unless we adopt this conference report prior to November 19, all of the hazardous waste disposal sites operated by American industry around the United States and operating under interim permits granted since 1976 will all lose their right to operate and all have to be closed down?

Mr. FLORIO. If the gentleman will yield, the gentleman states it correctly. Perhaps it can be understood even more effectively by stating that all of those newer facilities that have come into existence since October 1976 would be denied the opportunity to operate lawfully.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. Mr. Speaker. I yield to the gentleman from California before withdrawing my reservation of objection.

Mr. ROUSSELOT. I thank the gentleman. We heard some rumblings that the Senate intended to put aspects of the superfund in here. Was that attempt made, or did the gentleman resist it, or whatever?

Mr. FLORIO. If the gentleman will yield, there was no such attempt made. The only thing that is comparable to the superfund legislation was a provision to provide for inventorying of hazardous wastes, but it does not go to the substance of the superfund proposal.

Mr. ROUSSELOT. So the gentleman can assure us that there is nothing in here?

Mr. FLORIO. I can assure the gentleman that there are no superfund provisions in this.

Mr. ROUSSELOT. I thank the gentleman.

Mr. MADIGAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 1, 1980.)

Mr. FLORIO (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. FLORIO) for 30 minutes.

Mr. FLORIO. Mr. Speaker, this bill reauthorizes funding for the Solid Waste Disposal Act for fiscal years 1980, 1981, and 1982.

Mr. Speaker, these funds are used for the regulatory program which insures State hazardous waste management and disposal practices, in addition to programs designed to encourage planning and development of nonhazardous solid waste facilities.

The authorization contains a new State program which directs the States to carry out an inventory of hazardous waste sites within their borders and to provide as much information as is available regarding the amount, nature and toxicity of the waste located there.

The authorization level is $158.5 million for fiscal year 1980; $173.5 million for fiscal year 1981; and $183.6 million for fiscal year 1983. These modest increases are in keeping with the committee's concern that the vital regulations for the control of the transportation, treatment, storage, and disposal of hazardous waste be speedily and efficiently implemented.

The bill also does the following things:

First. Moves the date for which owners or operators can qualify for interim status to facilities in existence on November 19, 1980;

Second. Provides for integration of permits under the Surface Mining Control Act for coal mining wastes and overburden with RCRA permits;

Third. Includes language which provides that in establishing standards under section 3004, the Administrator shall, where appropriate, distinguish in such standards between requirements for new facilities in existence on the date of promulgation of regulations; and

Fourth. Adopts amendments relating to a new waste-to-energy program providing $12 million a year for State and local governments for feasibility planning.

Mr. FLORIO. Mr. Speaker, I think we have already adequately explained the provisions in the bill and the need for the conference report to be considered. As I have indicated, this legislation passed this House by a vote of 386 to 10, and that the major thrust of the legislation is merely to reauthorize the funds for the Solid Waste Disposal Act for fiscal years 1980, 1981, and 1982.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. Is there a termination date on this?

Mr. FLORIO. Yes.

Mr. ROUSSELOT. Is there a termination date on this authorization? How long is it for?

Mr. FLORIO. We authorized for the next 3 years.

Mr. ROUSSELOT. Three years?

Mr. FLORIO. Yes, sir.

Mr. ROUSSELOT. So we can again look at this at that time?

Mr. FLORIO. That is correct.

Mr. ROUSSELOT. I thank the gentleman.

Mr. FLORIO. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REQUEST FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT, OCTOBER 3, TO FILE A REPORT ON S. 1828 AND H.R. 5417, THE MILNER DAM BILLS

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight, Friday, October 3, to file a report on S. 1828 and H.R. 5417, the Milner Dam bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. ROUSSELOT. Reserving the right to object, what is that all about?

Mr. FLORIO. If the gentleman will yield, to be perfectly frank, I have been requested by the committee to make the request, and I am unable to make any more of an elaboration.

Mr. ROUSSELOT. Mr. Speaker, on that basis I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL OCTOBER 8 TO FILE REPORT ON H.R. 4178, MOTOR VEHICLE THEFT PREVENTION ACT OF 1980

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight, October 8, 1980, to file a report on H.R. 4178, the Motor Vehicle Theft Prevention Act of 1980.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

☐ 1550

NATIONAL BUREAU OF STANDARDS AUTHORIZATION, FISCAL YEAR 1981

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2320) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards, including certain special statutory programs, and for other purposes, with Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendments, insert:

That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Years 1981 and 1982."

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 2. (a) There are hereby authorized to be appropriated to the Secretary of Commerce, hereinafter referred to as the Secretary, to carry out activities performed by the National Bureau of Standards, the sums set forth in the following line items:

(1) Measurement Research and Standards,

for fiscal year 1981, $44,161,000, and for fiscal year 1982, $52,577,000;

(2) Engineering Measurements and Standards, for fiscal year 1981 $21,516,000, and for fiscal year 1982, $24,667,000;

(3) Computer Science and Technology, for fiscal year 1981, $11,603,000, and for fiscal year 1982, $12,263,000;

(4) Core Research Program for Innovation and Productivity for fiscal year 1981, $12,800,000, and for fiscal year 1982, $18,080,000;

(5) Technical Competence Fund, for fiscal year 1981, $6,176,000, and for fiscal year 1982, $8,794,000;

(6) Fire Research Center, for fiscal year 1981, $1,253,000, and for fiscal year 1982, $1,378,000;

(7) Central Technical Support, for fiscal year 1981, $10,112,000, and for fiscal year 1982, $24,623,000.

(b) Notwithstanding any other provision of this or any other Act, for fiscal years 1981 and 1982:

(1) of the total amount authorized under subsection (a)(1), not less than $245,000 shall be available for the "Environmental Measurements Program" for fiscal year 1981 and $270.000 for fiscal year 1982;

(2) of the total amount authorized under subsection (a)(2), not less than $425.000 shall be available for the purpose of "Earthquake Hazards Engineering" for fiscal year 1981 and $475,000 for fiscal year 1982;

(3) of the total amounts authorized under subsections (a)(1) and (a)(2), not less than $1,000,000 shall be available for "Measurement Standards for the Handicapped" for fiscal year 1981 and $1,100,000 for fiscal year 1982;

(4) of the total amount authorized under subsection (a)(4), $2,000,000 is authorized for the purpose of "Automated Manufacturing Research Facility" for fiscal year 1981 and $4,000,000 for fiscal year 1982; and

(5) of the total of the amounts authorized under subsections (a)(4) and (a)(7), not more than $6,123,000 shall be available for "Transfer to Working Capital Fund" for fiscal year 1981, and of the total of the amounts authorized under subsections (a)(1), (a)(2), (a)(4), and (a)(7), not more than $11,245,000 shall be available for "Transfer to Working Capital Fund" for fiscal year 1982.

EXCESS FOREIGN CURRENCY

SEC. 3. In addition to the sums authorized in section 2, there is authorized to be appropriated not more than $400,000 for fiscal year 1981, and not more than $500,000 for fiscal year 1982, for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

NATIONAL TECHNICAL INFORMATION SERVICE

SEC. 4. In addition to the sums authorized in section 2, there is authorized to be appropriated the sum of $8,140,000 for fiscal year 1981, and the sum of $9,920.000 for fiscal year 1982, for the Assistant Secretary of Commerce for Productivity, Technology, and Innovation, to carry out activities performed by the National Technical Information Service.

SALARY ADJUSTMENTS

SEC. 5. In addition to the sums authorized to be appropriated by this Act, such additional sums as may be necessary to make any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law are authorized to be appropriated for fiscal years 1981 and 1982, and, if the full amount necessary to make such adjustments is not appropriated, the adjustments shall be made proportionately from section 4 and in the line items in section 2(a) in a manner reflecting the extent to which the amount of each such line item in section 2(a) is attributable to employee benefits of the type involved.

AVAILABILITY OF APPROPRIATIONS

SEC. 6. Appropriations made under the authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making such appropriations.

TRANSFER OF FUNDS

SEC. 7. Funds may be transferred among the line items listed in section 2(a), but neither the total funds transferred from any line item nor the total funds transferred to any line item may exceed 10 per centum of the amount authorized for that line item in section 2(a), unless:

(1) thirty calendar days have passed after the Secretary or his designee has transmitted to the Speaker of the House of Representatives, to the President of the Senate, to the chairman of the Committee on Science and Technology of the House of Representatives, and to the chairman of the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete explanation of the transfer involved and the reason for it, or

(2) before the expiration of thirty calendar days the chairmen of both the Committee on Science and Technology of the House and the Committee on Commerce, Science, and Transportation of the Senate have written to the Secretary to the effect that they have no objection to the proposed transfer.

FACILITIES IMPROVEMENT

SEC. 8. Section 14 of the Act of March 3, 1901 (15 U.S.C. 278(d)) as amended, is further amended by striking out "75,000" and inserting in lieu thereof "250,000".

INTERNATIONAL ACTIVITIES

SEC. 9. In order to develop and strengthen the expertise of the National Bureau of Standards in science and engineering, to enhance the Secretary's ability to maintain the Bureau's programs at the forefront of worldwide developments in science and engineering, and to cooperate in international scientific activities, the Act of March 3, 1901 (15 U.S.C. 271–278h), as amended, is further amended by inserting immediately after section 16 the following new section:

"SEC. 17. (a) The Secretary is authorized, notwithstanding any other provision of law, to expend such sums, within the limit of appropriated funds, as the Secretary may deem desirable, through the grant of fellowships or any other form of financial assistance, to defray the expenses of foreign nationals not in service to the Government of the United States while they are performing scientific or engineering work at the National Bureau of Standards or participating in the exchange of scientific or technical information at the National Bureau of Standards.

"(b) The Congress consents to the acceptance by employees of the National Bureau of Standards of fellowships, lectureships, or other positions for the performance of scientific or engineering activities or for the exchange of scientific or technical information, offered by a foreign government, and to the acceptance and retention by an employee of the National Bureau of Standards of any form of financial or other assistance provided by a foreign government as compensation for or as a means of defraying expenses associated with the performance of scientific or engineering activities or the exchange of scientific or technical information, in any case where the acceptance of such fellowship, lectureship, or position or the acceptance and retention of such assistance is determined by the Secretary to be appropriate and consistent with the interests of the United States. For the purposes of this subsection, the definitions appearing in section 7342(a) of title 5 of the United States Code apply. Civil actions may be brought and penalties assessed against any employee who knowingly accepts and retains assistance from a foreign government not consented to by this subsection in the same manner as is prescribed by section 7342(h) of title 5 of the United States Code.

"(c) Provisions of law prohibiting the use of any part of any appropriation for the payment of compensation to any employee or officer of the Government of the United States who is not a citizen of the United States shall not apply to the payment of compensation to scientific or engineering personnel of the National Boreau of Standards.".

REPEAL OF LIMITED AUTHORIZATION

SEC. 10. Setion 18 of the Act of March 3, 1901, as amended (15 U.S.C. 278h), is further amended by: (1) repealing subsection (b); and (2) removing the designation "(a)" from the remaining paragraph.

EFFECTIVE DATE OF ORGANIC ACT AMENDMENTS

SEC. 11. The effective date of Sections 8 and 9 of this Act shall be October 1, 1980.

Amend the amendment of the House to the title so as to read: "An Act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes.

Mr. BROWN of California (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Is there objection to the original request of the gentleman from California?

Mr. HOLLENBECK. Mr. Speaker, reserving the right to object, I yield to the gentleman from California (Mr. BROWN) for purposes of explaining the amendments.

Mr. BROWN of California. Mr. Speaker, S. 2320 is a bill which provides authorization for the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes.

The bill passed the House on July 21 under suspension of the rules. A compromise was negotiated with the Senate and the compromise version was passed by the Senate on September 30.

The bill would provide authorizations for the next 2 fiscal years, 1981 and 1982, rather than just 1 year. In this matter the House went along with the Senate with some reluctance. Our view was that in this early phase following the shift from the continuing authorization, it would be useful to review the Bureau's programs each year. The Senate felt strongly about the 2-year authorization, and the House has yielded on this.

One factor contributing to our willingness to omit the authorization process next spring is our decision to conduct, during the 97th Congress, a comprehensive review of the Bureau of Standard's Organic Act and the Bureau's place in the Federal Government's overall science and technology effort.

The compromise bill before us differs from the bill passed by the House on July 21 in that the total amount authorized was $125,381,000 for fiscal year 1981, while the compromise bill would authorize $116,161,000 for fiscal year 1981 and a total of $152,802,000 for fiscal year 1982.

The reduction in the total for fiscal year 1981 reflects the omission of the line item for the research competence program, totaling $2 million, and the omission of authorization for the Office for Productivity, Technology, and Innovation funds in the amount of $7.2 million. The latter program has been authorized in another bill, namely S. 1250, and the Senate requested that it not be included in this bill. The authorization of appropriations for fiscal year 1982 includes an increase of $24 million above an inflation adjusted base for fiscal year 1982 of $118.3 million for NBS programs, plus $9,920,000 for NTIS, and $500,000 for foreign currency.

A matter which was of high concern to our committee at the beginning of this year was the relationship of the authorization process to the work of the Appropriations Committee in the matter of programs and priorities. I believe that substantial progress has been made toward resolving any potential conflicts, and I want to commend the acting chairman of the Appropriations Subcommittee, the gentleman from Iowa (Mr. SMITH), for his help and cooperation in working out a good solution.

In this respect, the amendment sponsored by our colleague from New Jersey (Mr. HOLLENBECK), the ranking minority member of the Subcommittee on Science, Research and Technology, to the Appropriations Act providing for the funding of the automated manufacturing research facility preserved the initiative for this important productivity related facility at a slightly reduced level of funding.

Mr. Speaker, I commend my colleagues on the Science Committee for their hard work and efforts on this bill. I may not agree with all the compromises which we have reached with the Senate, but I think this is nevertheless a good bill.

Mr. HOLLENBECK. Mr. Speaker, I rise in support of the Senate amendment to the House amendment on S. 2320, which provides authorizations for the National Bureau of Standards for fiscal years 1981 and 1982. Let me say that while I support the compromise which we have reached with the Senate—they have, in many ways, driven a hard bargain. The Senate did insist upon a 2-year authorization, where we recommended only 1 year. I do, however, support the notion of the longer term planning for scientific research. On the other hand, it also makes it difficult for Congress to exercise needed oversight when authorizations are for extended periods.

The reason I say this is to express the same observation which I did in June, which is that the Bureau—which does most of its research in-house—must constantly be on the lookout for the introduction of fresh blood and new ideas. This is particularly true in the area of industrial innovation. As a result of an amendment which I offered to this year's appropriations bill, there is now funding provided for an automated manufacturing research facility. This is just one example of a new area of research, such as industrial innovation, into which the Bureau should move. I believe and I hope, that even with the more extended authorization periods that they will continue to keep an eye open for these new areas.

I note that the authorization for fiscal year 1981 for measurement research and standards will be $44 million and in 1982 will be nearly $53 million under the compromise proposal. This is a very large increase, which to my mind can only be justified if it is applied to not simply repeating the same old experiments or the same old pet projects, but to aggressively investigating and opening up new areas in this research. The same is true of the engineering measurements and standards program which is the second principle division of the Bureau of Standards.

The Senate, as I said, was a hard bargainer and while I am uneasy about such large 20- and 30-percent increases in line items over a single year, we have decided to defer to the Senate's wishes at this point. I can assure you, however, that I, for one, will urge our subcommittee to exercise very vigorous oversight to see to it that the Bureau opens up new paths of research.

In this regard, there is one hopeful sign. Namely, the core research program for innovation and productivity is scheduled to go from $12 million in 1981 to $19 million in fiscal 1982. That is the type of increase which I can strongly support. Increasing innovation and productivity is one of the most important tasks our Nation faces. I am glad to see that the Bureau has responded to some of the congressional direction and initiatives such as the amendment I sponsored to the appropriations act earlier this year on the automated manufacturing research facility. I am heartened they have seen fit to propose a substantial increase in this program division.

Mr. Speaker, there is another reason why I am concerned about a 2-year authorization. Again, I must say that the Senate is indeed a hard bargainer. Our bill had a provision in it providing for a proportional allocation of appropriated funds among authorized programs. The Senate had not considered the full implications of this provision in our bill and would not accept it. They did agree, however, that it was an important point we were making and they will speak to it on their statements on the floor. At this time, I simply want to commend my colleague, the chairman of the Subcommittee on Science, Research, and Technology, the gentleman from California, for his remarks concerning the apportioning of appropriations among authorized programs.

It is vitally important that we obtain a more rational method of deciding how an agency shall allocate its funds among authorized programs when the appropriations are not equal to the authorization levels. This I believe is fundamentally a legislative task, and not part of the appropriations process. Therefore, I too strongly support the principle that authorizing legislation should contain a reconciliation procedure which is appropriate to a given agency and the programs being authorized. When we next authorize the Bureau, perhaps in a separate bill related to our subcommittee's oversight, I will strongly work for the adoption of a principal which will enable us to reconcile the President's fiscal 1982 budget submission with the levels of authorization which we will authorize here today.

Mr. Speaker, I thank you. I commend my colleagues on the Science Committee for all the hard work they have done in preparing this bill for our consideration today. The compromise is acceptable to me but, as I have said previously, the Senate has a hard serve. I strongly urge the Bureau, however, to take heed of the cautionary remarks which I have made here over the coming 2 years.

Thank you, Mr. Speaker.

● Mr. WYDLER. Mr. Speaker, I rise in support of S. 2320, authorizing appropriations for the National Bureau of Standards for fiscal years 1981 and 1982. Mr. Speaker, while I support the compromise, I echo the remarks of my colleague from New Jersey, the ranking minority member of the Subcommittee on Science, Research and Technology. I do believe that the increases which are contained in this compromise as a result of the inclusion of 2-year authorizations are very substantial. For instance, measurement research goes from $44 million to $52 million—engineering measurement goes from $21 million to $25 million. The Bureau has had relatively stagnant funding for a substantial period of time now. Thus, I am willing to accept the compromise. But I am wary. I think the Senate has abrogated its task by making it more difficult for the Congress to carry out forceful oversight and authorization of these programs when it insisted on extending the authorization from 1 year to 2 years.

I am, however, pleased that the core research program for innovation and productivity will increase from $12 million to $18 million. Improving the Nation's innovation and productivity is one of the most important tasks facing us. I am glad that the Bureau has read the signals from Congress that we are genuinely concerned that they get involved in programs to stimulate industrial innovation. I hope also that the programs which they propose to carry out in fiscal year 1982 under the other older directorates will be specifically designed to complement the program in innovation and productivity. I hope the Bureau will use these increases wisely.

I want to make one final observation concerning the provision which we had with regard to the apportioning of appropriated funds. I want to concur with the remarks of my colleague, the chairman of the Subcommittee on Science, Research, and Technology, and with the comments of my colleague, the gentleman from New Jersey, the ranking minority member of the subcommittee. I, too, strongly support the principal that authorizing legislation should contain a reconciliation procedure which is appropriate to the agency and the programs being authorized. It is absolutely essential that we develop a more rational way of allocating appropriated funds among authorized programs, so that the legislative directions of authorizing committees of Congress will be followed more closely.

Mr. Speaker, I want to commend my colleague CAP HOLLENBECK and my other colleagues on the Science Committee for their efforts in these difficult negotiations with the Senate. The Senate is a hard bargainer. I am not entirely satisfied, but the compromise is acceptable to me. I hope that the Congress, and in particular the Senate who has insisted upon these proposals, will exercise the vigorous oversight that they have told us they would.●

Mr. HOLLENBECK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

EARTHQUAKE HAZARDS REDUCTION ACT FUNDS AUTHORIZAION, 1981-83

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1393) to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments to the House amendments.

The Clerk read the Senate amendments to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendments, insert:

TITLE I—EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 101. (a) Paragraphs (1) through (3) of section 5(a) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(a)) are amended to read as follows:

"(1) be designed and administered to achieve the objectives set forth in subsection (c);

"(2) involve, where appropriate, each of the agencies listed in subsection (d) and the non-Federal partipication specified in subsection (h); and

"(3) include each of the elements described in subsections (e) and (f) and the assistance to the States specified in subsection (g).".

(b) Section 5(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704 (b)) is amended to read as follows:

"(b) DUTIES.—

"(1) The President shall—

"(A) assign and specify the role and responsibility of each appropriate Federal department, agency, and entity with respect to each object and element of the program; and

"(B) establish goals, priorities, budgets, and target dates for implementation of the program.

"(2) The Federal Emergency Management Agency (hereinafter referred to as the 'Agency') is designated as the agency with the primary responsibilities to plan and coordinate the National Earthquake Hazards Reduction Program. The Director of the Agency (hereinafter referred to as the 'Director') shall—

"(A) recommend to the President the role and responsibility of each appropriate Federal department, agency, and entity with respect to each object and element of the program;

"(B) recommend to the President goals, priorities, budgets, and target dates for implementation of the program;

"(C) provide a method for cooperation and coordination with, and assistance (to the extent of available resources) to, interested governmental entities in all States, particularly those containing areas of high or moderate seismic risk;

"(D) provide for qualified and sufficient staffing for the program and its components;

"(E) compile and maintain a written program plan for the program specified in subsections (a), (e), (f), and (g), which plan will recommend base and incremental budget options for the agencies to carry out the elements and programs specified through at least 1985, and which plan shall be completed by September 30, 1981, and transmitted to the Congress and shall be updated annually; and

"(F) recommend appropriate roles for State and local units of government, individuals, and private organizations.".

(c) Section 5(d) of such Act is amended by striking out "(3)(B)" and inserting in lieu thereof "(1)(A)", by striking out "National Bureau of Standards" and inserting in lieu thereof "Department of Commerce", and by striking out "National Fire Prevention and Control Administration" and inserting in lieu thereof "Federal Emergency Management Agency".

(d) Section 5(e)(6) of such Act is amended by striking out "political" and by inserting in lieu thereof "potential".

(e)(1) That portion of section 5(f) of such Act which precedes paragraph (1) thereof is amended to read as follows:

"(f) MITIGATION ELEMENTS.—The mitigation elements of the program shall provide for—".

(2) Paragraph (1) of section 5(f) of such Act is amended to read as follows:

"(1) ISSUANCE OF EARTHQUAKE PREDICTIONS.—The Director of the United States Geological Survey is hereby given the authority, after notification of the Director, to issue an earthquake prediction or other earthquake advisory as he deems necessary. For the purposes of evaluating a prediction, the National Earthquake Prediction Evaluation Council shall be exempt from the requirements of section 10(a)(2) of the Federal Advisory Committee Act. The Director shall have responsibility to provide State and local officials and residents of an area for which a prediction has been made with recommendations of actions to be taken;".

(3)(A) Section 5(f) of such Act is amended by striking out "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon, and by inserting after paragraph (6) the following:

"(7) transmittal to Congress by the Director of an intraagency coordination plan for earthquake hazard mitigation and response within thirty days after enactment of this paragraph, which plan shall coordinate all of the directorates of the Agency; and

"(8) the development and implementation by the Director of a preparedness plan for response to earthquake predictions which includes the following items:

"(A) A prototype plan to be in place in one major metropolitan area by September 30, 1981.

"(B) An action plan to be completed for specific adaptations of the prototype plan to other high risk metropolitan areas by September 30, 1981.

"(C) These prediction response plans are to be integrated with preparedness response plans.

"(D) The plans shall include coordination with State and local governmental companion efforts.

"(E) The plans shall be updated as new, relevant information becomes available.".

(B) The last sentence of section 5(f) of such Act is repealed.

(f) Section 5 of such Act is amended by inserting at the end thereof the following:

"(i) STUDY.—Within one year after the date of enactment of this subsection the Director shall conduct a study and prepare and transmit recommendations to Congress to amend the Disaster Relief Act of 1974 (42 U.S.C. 5121, et seq.) to include provisions for funding for the period of time following a validated earthquake prediction.".

SEC. 102. (a) Section 6 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705) is amended to read as follows:

"SEC. 6. ANNUAL REPORT.

"The President shall, within ninety days after the end of each fiscal year, submit an annual report to the appropriate authorizing committees in the Congress describing the status of the program, and describing and evaluating progress achieved during the preceding fiscal year in reducing the risks of earthquake hazards. Each such report shall include a copy of the program plan described in section 5(b)(2)(E) and any recommendations for legislation and other action the President deems necessary and appropriate.".

SEC. 103. (a). Section 7(a) of such Act is amended by inserting "(1)" after "(a)" and by inserting at the end thereof the following:

"(2) There are authorized to be appropriated to the Director to carry out the provisions of sections 5 and 6 of this Act for the fiscal year ending September 30, 1981—

"(A) $1,000,000 for continuation of the Interagency Committee on Seismic Safety in Construction and the Building Seismic Safety Council programs.

"(B) $1,500,000 for plans and preparedness for earthquake disasters,

"(C) $500,000 for prediction response planning,

"(D) $600,000 for architectural and engineering planning and practice programs,

"(E) $1,000,000 for development and application of a public education program,

"(F) $3,000,000 for use by the National Science Foundation in addition to the amount authorized to be appropriated under subsection (c), which amount includes $2,400,000 for earthquake policy research and $600,000 for the strong ground motion element of the siting program, and

"(G) $1,000,000 for use by the Center for Building Technology, National Bureau of Standards in addition to the amount authorized to be appropriated under subsection (d) for earthquake activities in the Center.".

(b) Section 7(b) of such Act is amended by striking out "and" after "1979;" and by inserting "; and $32,484,000 for the fiscal year ending September 30, 1981" before the period at the end thereof.

(c) Section 7(c) of such Act is amended by striking out "and" after "1979;" and by inserting "; and $26,600,000 for the fiscal year ending September 30, 1981" before the period at the end thereof.

(d) Section 7 of such Act is amended by inserting at the end thereof the following:

"(d) NATIONAL BUREAU OF STANDARDS.—To enable the Bureau to carry out responsibilities that may be assigned to it under this Act, there are authorized to be appropriated $425,000 for the fiscal year ending September 30, 1981.".

SEC. 104. Funds may be transferred among the line items listed in the amendment made by section 103(a), but neither the total funds transferred from any line item nor the total funds transferred to any line item may exceed 10 per centum of the amount authorized for that line item in the amendment made by section 103(a) unless—

(1) thirty calendar days have passed after the Director or his designee has transmitted to the Speaker of the House of Representatives, to the President of the Senate, to the chairman of the Committee on Science and Technology of the House of Representatives, and to the chairman of the Committee on

Commerce, Science, and Transportation of the Senate a written report containing a full and complete explanation of the transfer involved and the reason for it, or

(2) before the expiration of thirty calendar days both chairmen of the Committee on Science and Technology of the House and the Committee on Commerce, Science, and Transportation of the Senate have written to the Director to the effect that they have no objection to the proposed transfer.

TITLE II—FIRE PREVENTION AND CONTROL

SEC. 201. Section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended by inserting at the end thereof the following:

"(c) There are authorized to be appropriated to carry out this Act, except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, an amount not to exceed $23,814,000 for the fiscal year ending September 30, 1981, which amount includes—

"(1) not less than $1,100,000 for the first year of a three-year concentrated demonstration program of fire prevention and control in two States with high fire death rates;

"(2) not less than $2,575,000 for rural fire prevention and control; and

"(3) not less than $4,255,000 for research and development for the activities under section 18 of this Act at the Fire Research Center of the National Bureau of Standards, of which not less than $250,000 shall be available for adjustments required by law in salaries, pay, retirement, and employee benefits.

The funds authorized in paragraph (3) shall be in addition to funds authorized in any other law for research and development at the Fire Research Center.".

SEC. 202. Section 16 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2215) is amended by deleting the words: "June 30 of the year following the date of enactment of this Act and each year thereafter" from the first sentence and inserting in lieu thereof; "ninety calendar days following the year ending September 30, 1980 and similarly each year thereafter".

TITLE III—MULTIHAZARD RESEARCH, PLANNING, AND MITIGATION

SEC. 301. It is recognized that natural and manmade hazards may not be independent of one another in any given disaster. Furthermore, planning for and responding to different hazards have certain common elements. To make maximum use of these commonalities, the Director of the Federal Emergency Management Agency (hereinafter referred to as the "Director") is authorized and directed to:

(1) initiate, within one year after the date of enactment of this Act, studies with the objective of defining and developing a multihazard research, planning, and implementation process within the Agency;

(2) develop, within one year after the date of enactment of this Act, in cooperation with State and local governments, prototypical multihazard mitigation projects which can be used to evaluate several approaches to the varying hazard mitigation needs of State and local governments and to assess the applicability of these prototypes to other jurisdictions with similar needs;

(3) investigate and evaluate, within one year after the date of enactment of this Act, the effectiveness of a range of incentives for hazard reductions that can be applied at the State and local government levels;

(4) prepare recommendations as to the need for legislation that will limit the legal liability of those third party persons or groups which are called upon to provide technical assistance and advice to public employees, including policemen, firemen, and transportation employees, who are generally the first to respond to a hazardous incident; which recommendations shall be provided to the appropriate committees of Congress within one hundred and eighty days after the date of enactment of this Act;

(5) prepare, within one hundred and eighty days after the date of enactment of this Act, a report on the status of the Agency's emergency information and communications systems which will provide recomendations on—

(A) the advisability of developing a single, unified emergency information and communication system for use by the Agency in carrying out its emergency management activities;

(B) the potential for using communication and remote sensing satellites as part of the Agency's emergency information and communication system; and

(C) the type of system to be developed, if needed, including the relationship of the proposed system and its need to the existing and emerging information and communication systems in other Federal agencies; and

(6) conduct a program of multihazard research, planning, and mitigation in coordination with those studies and evaluations authorized in paragraphs (1) through (5), as well as other hazard research, planning, and mitigation deemed necessary by the Director.

SEC. 302. For the fiscal year ending September 30, 1981, there are authorized to be appropriated to the Director $1,000,000 to carry out paragraphs (1) through (5) of section 301 and such sums as may be necessary to carry out paragraph (6) of such section.

Amend the amendment of the House to the title so as to read: "An Act to amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes.".

Mr. BROWN of California (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

Mr. HOLLENBECK. Mr. Speaker, I reserve the right to object, and I yield to the gentleman from California for the purpose of explaining the amendments.

Mr. BROWN of California. Mr. Speaker, S. 1393 is a bill which amends the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes.

The bill passed the House on June 30 under suspension of the rules. A compromise was negotiated with the Senate and the compromise version was passed by the Senate on September 30. This motion concurs in the Senate action and clears the bill for the President.

The compromise bill before us does not change the amounts authorized by the House on June 30. In fact, all of the major House initiatives are maintained in the compromise bill with one exception. The version of this bill passed by the House contained a provision for a proportional allocation of appropriated funds among authorized programs in the event that a difference exists between authorizations and appropriations. Specifically the provision would have required that unless otherwise explicitly stated in the text of an appropriations bill, any line item within an authorization would be funded at a level proportional to the ratio of total program appropriations to total program authorizations. The Senate had not the opportunity to consider fully the implications of this House proposal. Hence, the compromise amendment which we consider today omits that specific provision.

The House proposal, however, addresses an extremely important issue, namely, the problem of apportioning appropriated funds among authorized programs, which I believe must be resolved in future authorizing legislation. The problem is twofold. First, one must define the functions of authorizations and appropriations to the mutual satisfaction of both legislative and appropriating committees. Here I support the conclusion of the House Science Committee in the view enunciated in its report:

> The committee believes that the delineation of broad policies and program balances is the essence of the authorization process; it also recognizes that appropriations legitimately determine the absolute magnitude of expenditures in accord with general economic conditions and national needs. The committee further believes that, since in practice the precise distinction between authorization and appropriations is difficult to determine, limitations on appropriations should be considered by the House of Representatives and should not be effected through committee reports.

A second aspect of the problem concerns how the Executive is to allocate funds among authorized programs in the absence of a specific appropriation. Here I think the Science Committee report has stated the issue well:

> Experience indicates that the executive branch will tend to carry out those programs which were provided for in the President's budget; programs which were added by the authorizing committee will be supported minimally if at all. The executive's rationale is simply that the Congress authorized a program but failed to provide the necessary funds.
>
> On this the Committee strongly disagrees. To the contrary, in the absence of other law, for example a provision in a general appropriations act, to implicitly grant funding priority for a Presidential recommendation over a congressional initiative seriously derogates the legislative powers granted the Congress by the Constitution.

These issues have been elaborated excellently at greater length in the Science Committee's report on this bill. I commend their view on authorizations and appropriations to my colleagues and the Executive.

In conclusion, let me say that I strongly believe in the principle that authorizing legislation should contain, as an essential ingredient, a procedure for apportioning appropriations among authorized programs in the event that a difference exists between authorized and appropriated funds. I will work strongly to insure that such a reconciliation principle is included in subsequent authorizations for FEMA. Further, so that our committees may best determine how to construct such a principle I believe that the Director of FEMA should submit to the Congress, along with his Agency's budget request, a statement detailing recommendations for achieving a reconciliation between appropriations and authorized programs.

Mr. HOLLENBECK. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, my only question would be, again, is, are there any items in here which are highly unusual or different or things which the other body brought in that were not necessarily considered in the House or the House committee?

Mr. BROWN of California. Will the gentleman yield?

Mr. HOLLENBECK. I yield to the gentleman from California.

Mr. BROWN of California. I want to assure the gentleman from California that the changes were only of a technical nature. No effort was made, nor would such effort be agreed to regarding additional amendments.

Mr. ROUSSELOT. Mr. Speaker, is there a timeframe on the bill, if the gentleman will yield?

Mr. BROWN of California. If I recall correctly, this is a 1-year authorization for the two programs.

Mr. ROUSSELOT. The gentleman mentioned the Committee on Appropriations was now satisfied? The objections they had have been totally removed?

Mr. BROWN of California. This keeps our commitment to the Committee on Appropriations; yes, and they are satisfied.

Mr. HOLLENBECK. Mr. Speaker, I rise in support of the Senate amendment to the House amendment to S. 1393 which authorizes appropriations for fiscal year 1981 for the earthquake hazard reduction program and for the Federal Fire Prevention and Control Act. Mr. Speaker, let me say that I think the House has done very well on this bill. With regard to the earthquake program and the fire program, the Senate agreed to our levels of authorizations and also to the particular line-item categories of the budget which we recommended in both these programs. In addition, the Senate has recognized the initiative we made with regard to multihazard planning.

Mr. Speaker, if there is one problem that I would foresee, it is in the area of earthquake hazard reduction. I think we may be caught short footed because I believe that our plans and capabilities to respond to a major disaster such as a large earthquake are extremely limited. Had Mount St. Helens occurred in a populated area, untold lives would have been lost. However, the administration has requested only $1,450,000 for the whole range of planning and preparedness programs within the Federal Emergency Management Agency. Yet FEMA is the agency which will have to carry out any national response to a large-scale emergency.

We have authorized a number of programs at a slightly higher level and I do hope the administration will see fit, as the lessons of Mount St. Helens sink in, to appropriate further funds in a supplemental request for these important programs. We should remember that many of the lessons learned in coping with earthquakes can equally well be applied to other types of disasters. That is the intent of the multihazard research planning and implementation effort in title III for which our Science Committee recommended $1 million. However, some of the same spinoff effects will also accrue from the earthquake component of FEMA directly.

With regard to the programs of the U.S. Fire Administration, there is no need for me to repeat again the litany of high fire losses in this country relative to other nations. I do believe the programs as appropriated are totally inadequate to cope with the national problem of fire losses which total some 7,000 people a year. However, the administration in its infinite wisdom has seen fit only to request this amount. I do hope that the U.S. Fire Administration at FEMA will make every effort to coordinate its program with those other elements of FEMA. It should not remain a separate fiefdom of the fire services since the fire services themselves are increasingly called upon to meet many different types of hazards. I also hope that the Fire Administration will move forward vigorously with its effort on a concentrated demonstration program in fire prevention and control. This program may provide us with concrete data which would illustrate how advanced fire prevention and control techniques can in fact turn around the high fire statistics which unfortunately prevail in the southeastern part of our country.

Mr. Speaker, there is one final point I would make. We originally had a proposal in the House bill which would provide for a proportional allocation of funds among authorized programs in the event that authorizations differed from appropriations. In our negotiations with the Senate we agreed to drop this provision because it had not been studied thoroughly by our colleagues in the Senate. However, I want to say, and I know my colleagues will agree, that it is extremely important that this issue be addressed. Too often, we have seen programs, such as the arson program authorized last year by our committee, ignored by the administration because it was not included within the administration's budget level. This callous disregard for congressional directives by the Executive simply cannot be allowed to continue. Therefore, Mr. Speaker, I want to commend the remarks of my colleague, the chairman of our subcommittee, the gentleman from California, with regard to apportioning appropriations among authorized programs.

I, too, strongly support the principle that authorizing legislation should contain a reconciliation procedure between authorizations and appropriations which is appropriate to the agency and programs being authorized. I will work hard next year to see that the authorizing legislation contains such a provision. It is my understanding the the Senate leaders on this bill have agreed to convey their intent to seriously consider this issue with regard to next year's authorization and I hope that in good faith next year we can undertake to define a more rational procedure for allocating appropriations than currently exists today.

Mr. Speaker, I urge my colleagues to join me in supporting S. 1393 and wish to thank my colleagues on the Science Committee for all the hard work that they have done in helping to prepare the bill for our consideration today.

Thank you.

○ Mr. WYDLER. Mr. Speaker, I rise in support of S. 1393 which authorizes funds for the fiscal year 1981 for the Earthquake Hazards Reduction Act and the Federal Fire Prevention and Control Act. Mr. Speaker, as my colleague CAP HOLLENBECK notes in his remarks, the Mount St. Helens explosion certainly illustrates the degree to which we are incapable of coping with a large-scale disaster. Research, particularly the policy research supported by this bill, would be of great use in meeting such disasters. In addition, I think the multihazard research effort to obtain maximum use of our disaster resources would be a great utility.

With regard to the fire program, let me say as I did in June, that our fire casualty and loss statistics are shockingly high. I am pleased to note that our authorization level reflects a realistic level in view of our financial and economic condition. I am also pleased with the plan for the concentrated demonstration program in fire prevention and control to see if it can obtain measurable improvements in those areas of the country which experience shockingly high fire deaths.

I agree with my colleagues, the chairman of the Subcommittee on Science, Research, and Technology and the ranking minority member of that subcommittee with regard to apportioning appropriations among authorized programs. I support the principle that authorizing legislation should contain a reconciliation procedure between authorized and appropriated funds which will permit congressionally authorized programs a reasonable chance of obtaining substantial funding.

Mr. Speaker, I urge my colleagues to support S. 1393.●

Mr. HOLLENBECK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there further objection to the initial request of the gentleman from California (Mr. BROWN)?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendments to S. 2320 and S. 1393.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COURT OF MILITARY APPEALS ACT OF 1980

Mr. WHITE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8188) to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to revise the laws governing the U.S. Court of Military Appeals, to provide for review of decisions of such court by the Supreme Court, and for other purposes and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mrs. HOLT. Mr. Speaker, reserving the right to object and I shall not object, I would ask the gentleman to explain this measure.

Mr. WHITE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, the Committee on Armed Services has reported H.R. 8188, as amended, a bill to revise the laws governing the U.S. Court of Military Appeals and to provide for a review of the decisions of that court by the Supreme Court and for other purposes.

The legislation, which is an administration proposal, is specifically intended to improve the appellate process in the military court-martial system by enhancing the stature of the Court of Military Appeals.

The principal provisions of the bill are to:

Clarify the independent status of the court by eliminating its current tie to the Department of Defense for administrative matters;

Increase the number of judges from three to five so that retirements, absences, illnesses, or resignations would not impair the ability of the court to function;

Authorize Supreme Court review of Court of Military Appeals cases by discretionary writs of certiorari; and

Provide full 15-year terms for each appointee.

The committee has amended the original administration proposal. Several of the committee changes are technical in nature. The substantive changes are to:

Provide for notification to the appellate counsel of the accused, as well as the accused himself, before the time for appeal to the Court of Military Appeals begins to run;

Include the judges of the court in the financial disclosure provisions of the Ethics in Government Act of 1978; and

Require that not more than three judges of the court may be appointed from the same political party—continuing a similar provision in the law today.

Mr. Speaker, the cost of the bill is estimated to be approximately $191,000 in fiscal year 1981.

The bill contains important improvements in the court structure and will improve the stability of the military justice system which is so essential to the state of discipline in the Armed Forces.

The changes in the bill as reported by the committee are technical in nature.

Mr. Speaker, I urge the Members to support H.R. 8188.

Mrs. HOLT. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I also rise in support of H.R. 8188.

The principal purpose of this legislation is simply to put an end to the turbulence in the military justice system caused by changes in the membership of the Court of Military Appeals.

This bill would increase the size of the court from three to five members. Also, each new appointee would now be provided a full 15-year term upon appointment, rather than the current situation in which appointees serve the unexpired portion of any vacancy.

Mr. Speaker, the impact of this instability has been significant. Due to the size of the court, the absence of a single member, either for illness or resignation, can effectively prevent the court from operating. What has occurred more often is that frequent changes in membership have led to dramatic swings in the court's position on important issues which has made it very difficult for attorneys to advise their clients and for military commanders to enforce the law.

The Court of Military Appeals, as the highest appellate court in the military justice system, has an extremely important role to play in providing for the state of discipline in the military and protecting the rights of servicemen.

H.R. 8188 will substantially improve the operation of the court, as well as the military justice system.

Mr. Speaker, I urge passage of the bill.

Mr. ROUSSELOT. Mr. Speaker, will the gentlewoman yield?

Mrs. HOLT. Mr. Speaker, I yield further to the gentleman from California.

Mr. ROUSSELOT. I thank the gentlewoman for yielding.

Mr. Speaker, would the gentleman assure us there is nothing highly unusual in this request or something to which the House does not give it attention?

Mr. WHITE. I assure the gentleman there is nothing unusual. I think it is important to get this bill through now because we are faced with something of a crisis on the court. We are trying to retain good judges and that is why we bring this matter up.

Mr. ROUSSELOT. I thank the gentleman and I thank the gentlewoman for yielding.

Mrs. HOLT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas (Mr. White)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title; References to Uniform Code of Military Justice.

(a) Short Title.—This Act may be cited as the "Court of Military Appeals Act of 1980".

(b) References to Uniform Code of Military Justice.—Whenever in this Act (except in sections 3(c), 4(a), and 4(b)(1)) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

Sec. 2. Jurisdiction of the Courts of Military Review and of the Court of Military Appeals.

(a) Repeal of Mandatory Review by Courts of Military Review of Sentences Affecting General or Flag Officers.—Section 866(b) (article 66(b)), relating to review by a Court of Military Review, is amended by striking out "affects a general or flag officer or".

(b) Revision of Jurisdiction of Court of Military Appeals.—

(1) In general.—Section 867 (article 67), relating to the Court of Military Appeals, is amended to read as follows:

"§ 867. Art. 67. Review by the Court of Military Appeals; applications to the Supreme Court for writs of certiorari

"(a) The United States Court of Military Appeals, in accordance with subchapter XII of this chapter, shall review the record in—

"(1) all cases in which the sentence, as affirmed by a Court of Military Review, extends to death;

"(2) all cases reviewed by a Court of Military Review which the Judge Advocate General orders sent to the Court of Military Appeals for review; and

"(3) all cases reviewed by a Court of Military Review in which, upon petition of the accused and on good cause shown, the Court of Military Appeals has granted a review.

"(b)(1) Decisions of the Court of Military Appeals are subject to review by the Supreme Court by writ of certiorari as provided in section 1259 of title 28. The Supreme Court may not review any action of the Court of Military Appeals in refusing to grant a petition for review.

"(2) The accused may petition the Supreme Court for a writ of certiorari without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.".

(2) Clerical amendment.—The item relating to such section in the table of sections at the beginning of subchapter IX is amended to read as follows:

"867. Art. 67. Review by the Court of Military Appeals; applications to the Supreme Court for writs of certiorari.".

(3) Technical amendment.—Section 869 (article 869), relating to review in the office of the Judge Advocate General, is amended by striking out "section 867(b)(2) of this title (article 67(b)(2))" and inserting in lieu thereof "section 867(a)(2) of this title (article 67(a)(2))".

(c) Savings Provision.—The amendments made by this section with respect to automatic review of a case that affects a general or flag officer by a Court of Military Review or the Court of Military Appeals under sections 866 and 867 of title 10, United States Code, shall not apply to any case that affects a general or flag officer in which, before the effective date of this Act, charges have been preferred or other official action has been taken with a view toward prosecution, and any such case shall be reviewed in a Court of Military Review and the Court of Military Appeals in the same manner and with the same effect as if such amendments had not been enacted.

SEC. 3. UNITED STATES COURT OF MILITARY APPEALS.

(a) REVISION OF LAWS GOVERNING COURT OF MILITARY APPEALS.—

(1) IN GENERAL.—Chapter 47 is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER XII—THE UNITED STATES COURT OF MILITARY APPEALS

"Sec.	Art.
"941.	141. Status.
"942.	142. Jurisdiction.
"943.	143. Judges.
"944.	144. Organization.
"945.	145. Procedure.
"946.	146. Administrative provisions.

"§ 941. Art 141. Status

"There is established under article I of the Constitution of the United States a court of record known as the United States Court of Military Appeals. The members of the Court of Military Appeals shall be the chief judge and the judges of the Court of Military Appeals.

"§ 942. Art. 142. Jurisdiction

"The Court of Military Appeals shall have such jurisdiction as is conferred by this chapter.

"§ 943. Art. 143. Judges

"(a) The Court of Military Appeals shall be composed of five members.

"(b) Judges of the Court of Military Appeals shall be appointed from civil life by the President, by and with the advice and consent of the Senate, on the grounds of fitness to perform the duties of the office. Not more than three of the judges of the Court of Military Appeals may be appointed from the same political party, and no person may be appointed to be a judge of the Court of Military Appeals unless the person is a member of the bar of a Federal court or the highest court of a State.

"(c) The term of office of any judge of the Court of Military Appeals shall expire at the end of the 15-year period beginning on the date after the judge takes office.

"(d) Judges of the Court of Military Appeals may be removed from office by the President, after notice and an opportunity for public hearing, for inefficiency, for neglect of duty, for malfeasance in office, or other cause.

"(e)(1) Judges of the Court of Military Appeals shall receive a salary at the same rate and in the same installments as the judges of the United States court of appeals.

"(2) Judges of the Court of Military Appeals shall receive travel expenses, and expenses actually incurred for subsistence while traveling on duty away from the principal office of the court, subject to the same limitations in amounts as are applicable to the judges of the United States courts of appeals.

"(f) If a judge of the Court of Military Appeals is temporarily unable to perform judicial duties because of illness or another disability and the court informs the President that a senior judge is not available for temporary service, the President may designate a judge of the United States Court of Appeals for the District of Columbia Circuit to fill the office for the period of disability.

"(g)(1) Any judge of the Court of Military Appeals who is receiving retired pay may become a senior judge, may be assigned offices in a Federal building, and may be provided with a staff assistant, whose compensation may not exceed the highest rate prescribed for grade GS-9 of the General Schedule under section 5332 of title 5.

"(2) If a judge of the Court of Military Appeals is temporarily unable to perform judicial duties because of illness or another disability, or if there is a vacancy on the court, the chief judge of the court may call upon a senior judge, with the consent of the senior judge, to perform judicial duties with the court for the duration of the disability or vacancy. Any act, or failure to act, by an individual performing judicial duties pursuant to this paragraph shall have the same force and effect as if it were the act (or failure to act) of a judge of the Court of Military Appeals, but such individual shall not be counted as a judge of the Court of Military Appeals for the purposes of section 943(a) (article 143(a)) of this title. Any individual performing such judicial duties pursuant to this paragraph shall, in lieu of retired pay, be paid the same compensation as a judge of the court and shall be paid the same allowances for travel and other expenses as a judge of the court.

"§ 944. Art. 144. Organization

"(a) The Court of Military Appeals shall have a seal which shall be judicially noticed.

"(b) The President shall from time to time designate one of the judges of the Court of Military Appeals to be chief judge of the court.

"(c) A majority of the judges of the Court of Military Appeals shall constitute a quorum for the transaction of the business of the court. A vacancy in the court shall not impair the powers nor affect the duties of the court nor of the remaining judges of the court.

"(d) The principal office of the Court of Military Appeals shall be in the District of Columbia.

"(e) Sessions of the Court of Military Appeals shall be held in the District of Columbia, but the court may sit at any other place where jurisdiction under this chapter is exercised by the armed forces.

"(f) The chief judge of the Court of Military Appeals shall have precedence and preside at any session that the chief judge attends. The other judges shall have precedence and preside according to the seniority of their original commissions. Judges whose commissions bear the same date shall have precedence and shall preside according to seniority in age.

"§ 945. Art. 145. Procedure

"(a) The rules of practice before the Court of Military Appeals shall be prescribed by the court.

"(b) The accused has sixty days from—

"(1) the date on which the accused is notified of the decision of a Court of Military Review, or

"(2) the date on which a copy of the decision of a Court of Military Review, after being served on appellate counsel of record for the accused (if any), is deposited with the United States Postal Service for delivery to the accused by certified mail addressed to the latest address listed for the accused in the accused's official service record,

whichever is earlier, to petition the Court of Military Appeals for review of such decision.

"(c)(1) In any case reviewed under section 867(a) of this title (article 67(a)), the Court of Military Appeals may act only with respect to the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the Court of Military Review. In a case which the Judge Advocate General orders sent to the Court of Military Appeals, that action need be taken only with respect to the issues raised by the Judge Advocate General. In a case reviewed upon petition of the accused, that action need be taken only with respect to issues specified in the grant of review. The Court of Military Appeals shall take action under this section only with respect to matters of law.

"(2) If the Court of Military Appeals sets aside the findings and sentence, it may order a rehearing except where the setting aside is based on lack of sufficient evidence in the record to support the findings. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

"(3) After it has acted on a case, the Court of Military Appeals may direct the Judge Advocate General to return the record to the Court of Military Review for further review in accordance with the decision of the court. Otherwise, unless there is to be further action by the President or the Secretary concerned, the Judge Advocate General shall instruct the convening authority to take action in accordance with that decision. If the court has ordered a rehearing, but the convening authority finds a rehearing impracticable, the convening authority may dismiss the charges.

"§ 946. Art. 146. Administrative provisions

"(a) The Court of Military Appeals shall provide for the publication of its reports in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the Court of Military Appeals contained therein in all courts of the United States and of the several States without any further proof or authentication thereof.

"(b)(1) The Court of Military Appeals may appoint and fix the basic pay of such employees as may be necessary to enable it to execute efficiently the functions vested in it. Such employees shall be appointed and such basic pay shall be fixed in accordance with the provisions of title 5 governing appointment and compensation in the civil service. Positions in the court are excepted from the competitive service, and the incumbents of such positions occupy positions in the excepted service.

"(2) Employees of the Court of Military Appeals shall receive travel expenses and expenses for subsistence while traveling on duty away from the principal office of the court as provided in chapter 57 of title 5.

"(c) The Court of Military Appeals may make such expenditures (including expenditures for personal services and rent and for law books, books of reference, and periodicals) as may be necessary to enable it to execute efficiently the functions vested in it. All expenditures of the court shall be allowed and paid, out of moneys appropriated for purposes of the court, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the chief judge.

"(d)(1) The Court of Military Appeals may fix a fee, not in excess of the fee charged and collected therefor by the clerks of the United States courts of appeals, for comparing, or for preparing and comparing, a transcript of the record or for copying any record, entry, or other paper and the comparison and certification thereof. Such fee may not be charged for materials requested by a person subject to this chapter, or by such a person's counsel, with respect to material requested in connection with any review of a case in which that person is a party.

"(2) All fees received by the Court of Military Appeals shall be covered into the Treasury as miscellaneous receipts.

"(e) The Court of Military Appeals and the Judge Advocates General shall meet annually to make a comprehensive survey of the operation of this chapter and shall report annually to the Committees on Armed Services of the Senate and House of Representatives, and to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Transportation, the number and status of pending cases and any recommendations relating to uniformity of policies as to sentences, amendments to this chapter, and any other matters considered appropriate.".

(2) Clerical amendment.—The table of subchapters preceding subchapter I is amended by adding at the end thereof the following new item:

"XII. The United States Court of
Military Appeals............... 941 141".

(b) Transition Provisions.—

(1) Continuation of status.—The United States Court of Military Appeals established under the amendment made by subsection (a)(1) is a continuation of the United States Court of Military Appeals as it existed before the enactment of this Act. The judges of the United States Court of Military Appeals immediately before the effective date of this Act shall become the judges of the United States Court of Military Appeals under section 941 (article 141) of title 10, United States Code, upon the effective date of this Act. No loss of rights or powers, interruption of jurisdiction, or prejudice to matters pending in the United States Court of Military Appeals before the effective date of this Act shall result from enactment of this Act.

(2) Term of office.—(A) The term of office being served by a judge of the Court of Military Appeals on the effective date of this Act shall expire (i) on the date it would have expired under the law in effect on the day before such effective date, or (ii) 10 years after the date on which the judge took office as a judge of the Court of Military Appeals, whichever is later.

(B) With respect to appointments to vacancies on the Court of Military Appeals that exist on the effective date of this Act, the President shall designate one nominee for such an appointment, at the time of the nomination, for a term of office to expire 12 years after the judge takes office.

(C) Any judge of the Court of Military Appeals on the effective date of this Act and any judge appointed under paragraph (2) for a term of 12 years may be reappointed in the same manner as a judge of the Court of Military Appeals appointed under section 943(b)(1) (article 143(b)(1)) of such title, as added by subsection (a)(1).

(3) Employees.—Nothing contained in the amendments made by this Act shall be construed to deprive any individual who on the effective date of this Act is an officer or employee of the United States Court of Military Appeals of any rights, privileges, or civil service status, if any, to which such individual is entitled under the laws of the United States and regulations prescribed under such laws.

(c) Financial Disclosure.—Section 308 of the Ethics in Government Act of 1978 is amended—

(1) by inserting "Court of Military Appeals;" in paragraph (9) after "Tax Court;"; and

(2) by striking out "or of the Tax Court" in paragraph (10) and inserting in lieu thereof ", of the Tax Court, or of the Court of Military Appeals".

Sec. 4. Supreme Court Review.

(a) Establishment of Review by the Supreme Court of Cases Reviewed by the Court of Military Appeals.—

(1) In general.—Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

§ 1259. Court of Military Appeals; certiorari

"Decisions of the United States Court of Military Appeals may be reviewed by the Supreme Court by writ of certiorari in the following cases:

"(1) Cases reviewed by the Court of Military Appeals under section 867(a)(1) of title 10.

"(2) Cases certified to the Court of Military Appeals by the Judge Advocate General under section 867(a)(2) of title 10.

"(3) Cases in which the Court of Military Appeals granted a petition for review under section 867(a)(3) of title 10.

"(4) Cases, other than those described in paragraphs (1), (2), and (3) of this subsection, in which the Court of Military Appeals granted relief.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 81 of such title is amended by adding at the end thereof the following new item:

"1259. Court of Military Appeals: certiorari.".

(b) Technical and Conforming Amendments.—

(1) Time for application for writ of certiorari.—Section 2101 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The time for application for a writ of certiorari to review a decision of the United States Court of Military Appeals shall be as prescribed by rules of the Supreme Court.".

(2) Finality of actions of courts of military review.—Subsection (e) of section 866 (article 66), relating to the Courts of Military Review, is amended—

(A) by striking out "or"; and

(B) by inserting "or the Supreme Court," after "Appeals,".

(3) Appellate counsel in appeals to supreme court.—

(A) Subsection (b) of section 870 (article 70), relating to appellate counsel, is amended by adding at the end thereof the following new sentence: "Appellate Government counsel may represent the United States before the Supreme Court in cases arising under this chapter when requested to do so by the Attorney General.".

(B) Subsection (c) of such section is amended to read as follows:

"(c) Appellate defense counsel shall represent the accused before the Court of Military Review, the Court of Military Appeals, or the Supreme Court—

"(1) when requested by the accused;

"(2) when the United States is represented by counsel; or

"(3) when the Judge Advocate General has sent the case to the Court of Military Appeals.".

(C) Subsection (d) of such section is amended—

(i) by striking out "or" and inserting in lieu thereof a comma; and

(ii) by inserting ", or the Supreme Court" after "Review".

Sec. 5. Effective Date.

The amendments made by this Act shall take effect at the end of the 60-day period beginning on the date of the enactment of this Act.

AMENDMENTS OFFERED BY MR. WHITE

Mr. WHITE. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. White: Page 3, line 22, strike the quotation marks at the beginning of the line.

Page 14, line 14, strike "1979" and insert "1978".

Page 14, line 17, after the word "Court" insert "in paragraph 10".

Page 16, line 14, after "appeals" insert a comma.

Mr. WHITE (during the reading). I ask unanimous consent that further reading of the amendments be dispensed with and that they be printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid upon the table.

REDUCING COST SHARING REQUIRED IN THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Mr. WHITE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7536) to amend title 10, United States Code, to reduce the cost-sharing required of participants in the civilian health and medical program of the uniformed services (CHAMPUS) for inpatient medical care provided on an emergency basis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, I reserve the right to object.

Could the gentleman give us the add-on cost estimate on this?

Mr. WHITE. Mr. Speaker, I rise in support of the bill, H.R. 7536, which amends the present civilian health and medical program of the uniformed services (CHAMPUS) law to reduce the cost sharing required of retired participants in CHAMPUS who receive emergency inpatient health care.

CHAMPUS, enacted into law in 1966, authorized an expanded program of civilian inpatient and outpatient health care for retired military personnel and dependents of active-duty and retired personnel.

As seen against the prevailing view that military benefits are continuously eroding; thus, seriously affecting morale, recruiting, and retention, the proposal before you takes on added importance.

As indicated by the officers and enlisted men who testified before the House Armed Services Committee several months ago, military health-care delivery is very high on their list of priorities. Improvements in the CHAMPUS program are important if we are to answer the call of our young soldiers for better health care throughout their military service to include retirement.

As we all know, we must provide a better atmosphere for our military families—active and retired—if we hope to encourage our young people to join the military and our experienced people to remain. This bill clearly is a step in that direction.

Mr. Speaker, I strongly encourage enactment of this legislation.

Mr. Speaker, the bill is authored by

the gentlewoman from Maryland (Mrs. HOLT).

The Department estimates $5 million for fiscal year 1981 and the Congressional Budget Office estimates $15 million.

Mrs. HOLT. Mr. Speaker, will the gentleman yield to me?

Mr. ROUSSELOT. I yield to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Speaker, I rise in support of H.R. 7536, a bill which is a good effort to redress some of the problems our retired military community has encountered in acquiring emergency health care under CHAMPUS. I am particularly delighted to have the opportunity to sponsor this much needed legislation.

First, I would like to reinforce the distinguished gentleman from Texas (Mr. WHITE), comments concerning the erosion of military benefits.

I have received countless letters from my constituents recounting the demise of one of the single most significant incentives available to our soldiers and their dependents—the military health care program.

As I visit my district, I am frequently asked by many of my retired constituents to "bring back the good old days" when health care was readily available to retired members and their dependents. These are people, many of whom are on relatively modest incomes, who were promised that military medical facilities would readily open their doors to retired members and their dependents.

Many of my retired military constituents know that we are having problems staffing our military medical facilities; they know that doctors and dentists are leaving the military in large numbers; they know that the inpatient cost of providing health care has increased by more than 70 percent over the past 10 years; they know that retirees and their dependents are no less deserving than the active-duty members and their dependents; but they also know that this Nation's pledge to them is being breached.

An example of the unfair burden that the current law placed on many retired members can be illustrated by an incident that occurred last year after the Naval Academy Hospital was closed. One of my constituents had to go in a civilian hospital because of a medical emergency. She stayed in the hospital for 30 days for a cost of $10,000. Her share of the $10,000 was $2,500 (25 percent of total). However, the cost sharing for an active-duty dependent receiving the same medical treatment would have been $150 ($5 per day). In this case, the retiree had to pay $2,350 more than the active-duty dependent.

This is a bill that would reduce the inpatient cost-sharing for emergency treatment to retired members and their dependents participating in CHAMPUS, and thereby assist in ameliorating situations similar to the one mentioned in my example.

Specifically, the bill is designed to redress some of the problems retirees are having in acquiring emergency health care under CHAMPUS by:

Eliminating the 25-percent copayment required for emergency inpatient care for retired members and their dependents.

Establishing a $25 per patient fee, or the daily rate for a military medical facility (currently $5), whichever is greater, for emergency inpatient care for retired members and their dependents. This copayment schedule is currently available to all active-duty dependents on a nonemergency and emergency basis.

Retaining the current copayment rate of 25 percent for nonemergency inpatient care for retired members and their dependents.

The Department of Defense has estimated the cost of this bill to be approximately $5 million per year while the Congressional Budget Office has estimated the annual cost at about $15 million. Therefore, the annual cost might range between $5 to $15 million.

It is time to stop the current erosion of military benefits, and with the Congress and the administration working together, we can begin to reverse the dangerous trend.

I sincerely believe that the enactment of this bill into law will help send a strong signal to our military members that the Congress cares and is appreciative of the service they have given and are giving to our country.

Therefore, I urge enactment of this legislation.

□ 1600

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, and I do not think I will, so the gentlewoman from Maryland and the gentleman from Texas can assure us that the highest cost would be roughly $15 million?

Mr. WHITE. That is my understanding.

Mr. ROUSSELOT. And this is to provide health benefits that we had previously recommended would be there; is that correct?

Mr. WHITE. This applies on an emergency basis for the retired in the same manner as those who are on active service.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from Texas and the gentlewoman from Maryland for their explanations, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1086(b) of title 10, United States Code, relating to contracts for medical care for retired members of the uniformed services and their dependents, is amended—

(1) by inserting "nonemergency" in clause (3) before "inpatient care"; and

(2) by adding at the end thereof the following new clause:

"(4) For emergency inpatient care—

"(A) in the case of a person covered by section 1074(b) of this title, the greater of $25 or the amount that would have been charged under section 1075 of this title had the care being paid for been obtained in a hospital of the uniformed services; and

"(B) in the case of a person covered by section 1076(b) of this title or described in subsection (c)(2) who is eligible for health benefits under this section, the greater of $25 or the amount that would have been charged under section 1078(a) of this title had the care being paid for been obtained in a hospital of the uniformed services.".

SEC. 2. The amendments made by the first section of this Act apply to health care provided after September 30, 1980.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING PROVISIONS OF FULL DENTAL CARE BENEFITS TO DEPENDENTS OF MEMBERS OF UNIFORMED SERVICES ON ACTIVE DUTY

Mr. WHITE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8189) to amend chapter 55 of title 10, United States Code, to authorize the provision of full dental care benefits to dependents of members of the uniformed services on active duty under the civilian health and medical program of the uniformed services and in facilities of the uniformed services.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mrs. HOLT. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from Texas to explain this legislation, and also to assure the gentleman from California (Mr. ROUSSELOT) that there is nothing unusual in this legislation.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, I rise to support H.R. 8189, which authorizes dental care for dependents of active-duty military personnel under the civilian health and medical program of the uniformed services (CHAMPUS), and to offer a technical amendment to the bill as reported.

Early hearings on CHAMPUS documented the dental needs of military dependents and assessed the benefits of including dental-care provisions in the CHAMPUS program. These hearings convincingly demonstrated that our military population perceived dental care as an important benefit.

In recent years, the widespread availability of prepaid dental care programs to the private sector work force sparked renewed interest in the enactment of legislation to provide full dental care for military dependents. As an example, about 70 million Americans in fiscal year 1980 participated in prepaid dental programs.

The current CHAMPUS legislation limits dental care to military dental facilities on a space-availability basis for dependents of active-duty personnel when there exists a dental care emergency, when dental care is adjunct to medical or surgical procedures, when adequate civilian dental care facilities are not available, or when dependents of active-duty personnel are stationed outside of the continental United States.

The committee conducted a series of hearings this year motivated by the administration's dental CHAMPUS proposal and by its assessment: First, that presently many military personnel perceive that military family benefits have been eroding; and second, that spiraling inflation is having a severe impact upon the military family—particularly upon the families of personnel in the lower pay grades.

The evidence overwhelmingly suggested that the administration's proposal while obviously a step in the right direction, did not go far enough in providing for basic dental care. Specifically, it appeared that because of the out-of-pocket cost required of participants to meet the deductible and cost-sharing provisions, dependents of many enlisted members in the lower pay grades would be precluded from taking advantage of even the basic dental services. As a result, the cost-sharing and deductible provisions of the administration's proposal were revised and those changes are reflected in H.R. 8189.

The military witnesses who testified generally agreed that full dental care to dependents of active-duty personnel at military dental facilities should be provided when space facilities and dental staff are available. The witnesses indicated that, frequently as a result of broken appointments and scheduled and unscheduled training exercises by active-duty members, dentists occasionally have unscheduled open periods in their appointment calendars.

It was argued that these dentists should be permitted to take advantage of those openings and provide dental service to active-duty dependents in order to insure the full utilization of military dental facilities. It was clear from the testimony, however, that the number of such openings is not significantly large; thus, it would probably be possible to satisfy only a small portion of the total demand for dental services by active-duty dependents.

H.R. 8189 will remove the restriction which precludes active-duty dependents from taking advantage of available military dental facilities during periods of less than full utilization. This provision is intended to allow the dependent the free choice of seeking dental care under CHAMPUS or electing to receive dental care at a military dental facility if space and staff are available.

CBO estimated the first-year cost of H.R. 8189 at about $189 million. However, since the earliest the program could start would be in the March-April 1981 time frame, the effective date is set at April 1, 1981. This effective date will result in a first-year cost of about $95 million.

This bill (H.R. 8189) goes an important step beyond the administration's proposal, and I strongly recommend that you support it.

Mrs. HOLT. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I would like to add my support to H.R. 8189. I agree with my colleague from Texas (Mr. WHITE) that H.R. 8189 is an important step in the right direction. It is certainly a vast improvement over the administration's dental CHAMPUS proposal, and its enactment will make dental care accessible to those who can least afford it.

I certainly recognize that this bill is not "all things to all people" and that it does not include dependents of retired members, but I feel that in view of our current budgetary constraints, the enactment of this legislation will send a strong and long awaited signal to our military families—that Congress cares.

Therefore, I strongly support this bill because it is the first step toward extending dental care to all of our military families.

I urge you to support H.R. 8189.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

H.R. 8189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1077(a) of title 10, United States Code, is amended by adding at the end thereof the following new clause:

"(15) In the case of dependents described in section 1076(a) of this title, dental care in addition to the dental care authorized by clauses (10), (11), and (12).".

SEC. 2. (a) Chapter 55 of title 10, United States Code, is amended by inserting after section 1079 the following new section:

"§ 1079a. Contracts for dental care for spouses and children:

"(a) To assure that dental care is available for spouses and children of members of the uniformed services who are on active duty for a period of more than thirty days, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, shall contract, under the authority of this section, for outpatient dental care for those persons under such insurance, dental service, or health plans as he considers appropriate. Under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health and Human Services, the types of dental care authorized under this section shall be the following:

"(1) Emergency treatment and diagnostic and preventive services.

"(2) Basic restorative services and prosthetic appliance repairs.

"(3) Endodontic, periodontic, and prosthodontic services, oral surgery, and single-cost restorative services.

"(4) Orthodontic services.

"(b) Plans covered by subsection (a) shall include provisions for payment by the patient as follows:

"(1) Payment for the first charges for a family group during any fiscal year for all types of care authorized by subsection (a) shall be made as follows:

"(A) In the case of the dependents of a member in a pay grade below pay grade E-8, there shall be no payment of such first charges.

"(B) In the case of the dependents of a member in pay grade E-8 or E-9, the first $50 of charges shall be paid.

"(C) In the case of the dependents of a member in a warrant officer grade, the first $100 of charges shall be paid.

"(D) In the case of the dependents of a member in pay grade O-1, O-2, or O-3, the first $150 of charges shall be paid.

"(E) In the case of the dependents of a member in pay grade O-4, O-5, or O-6, the first $175 of charges shall be paid.

"(F) In the case of the dependents of a member in pay grade O-7, O-8, O-9, or O-10, the first $200 of charges shall be paid.

"(2) Payment for charges for a family group during a fiscal year for care authorized by subsection (a) which are in addition to the charges paid for such family group under paragraph (1) shall be made as follows:

"(A) For care described in subsection (a)(1), a patient who is a dependent of a member in a pay grade below grade E-8 shall pay nothing and a patient who is a dependent of a member in a pay grade above pay grade E-7 shall pay 15 per centum.

"(B) For care described in subsection (a)(2), a patient who is a dependent of a member in a pay grade below pay grade E-8 shall pay nothing and a patient who is a dependent of a member in a pay grade above pay grade E-7 shall pay 30 per centum.

"(C) For care described in subsection (a)(3), a patient shall pay 50 per centum.

"(D) For care described in subsection (a)(4), a patient who is a dependent of a member in a pay grade below pay grade E-8 shall pay 50 per centum and a patient who is a dependent of a member in a pay grade above pay grade E-7 shall pay 75 per centum.

"(c) The methods for making payment under subsection (b) shall be prescribed under joint regulations issued by the Secretary of Defense and the Secretary of Health and Human Services"

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1079 the following new item:

"1079a. Contracts for dental care for spouses and children: Plans.".

SEC. 3. (a)(1) Section 1080 of title 10, United States Code, is amended—

(A) by inserting "(a)" before "A dependent"; and

(B) by adding at the end thereof the following new subsection:

"(b) A dependent covered by section 1079a of this title may elect to receive dental care in either (1) the facilities of the uniformed services, under the conditions prescribed by sections 1076–1078 of this title, or (2) the facilities provided under a plan contracted for under section 1079a of this title.".

(2)(A) The heading of such section is amended to read as follows:

"§ 1080. Contracts for medical or dental care for spouses and children: election of facilities".

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"Sec. 1080. Contracts for medical or dental care for spouses and children: election of facilities.".

(b)(1) Section 1081 of such title is amended by inserting "or 1079a" after "section 1079".

(2)(A) The heading of such section is amended to read as follows:

"§ 1081. Contracts for medical or dental care for spouses and children: review and adjustments of payments; reports".

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"Sec. 1081. Contracts for medical or dental care for spouses and children: review and adjustments of payments; reports.".

(c) Section 1082 of such title is amended by inserting "dental service," in the fourth sentence after "medical service,".

SEC. 4. The amendments made by this Act shall apply to dental care provided on or after April 1, 1981.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: Page 5, after line 7, insert:

"(d) The authority of the Secretary of Defense to enter into contracts under this section is effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

Mr. WHITE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITE. Mr. Speaker, I ask unanimous consent that all Members may have the balance of this legislative day in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT ON S. 1828 AND H.R. 5417

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Friday, October 3, 1980, to file a report on the Senate bill, S. 1828, and H.R. 5417, the Milner Dam bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, and I will not, my understanding is that the explanation for this is to allow conversion to hydroelectric power, or what?

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield, it is a dam in Idaho, I am told. I am acting on behalf of the Commerce Committee because they do not have anybody here to explain it, but there are a lot of dam bills floating by us, but these, I understand, are OK.

Mr. ROUSSELOT. Because the gentleman has been nice enough to make sure no dam floats by too quickly, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ESTABLISHING RATTLESNAKE NATIONAL RECREATION AREA AND WILDERNESS IN STATE OF MONTANA

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3072) to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WILLIAMS of Montana. Mr. Speaker, reserving the right to object, will the chairman describe the changes in the bill that was acted upon earlier by the House and the bill that is now before us?

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield, there are three principal changes from the House bill.

The Senate bill would exclude from the proposed wilderness area that is inside the national recreation area a corridor of approximately 7 miles, which would go northward into the wilderness portion of the recreation area. It would give the Forest Service discretion to allow motorcycle use in this corridor. As I understand it, this is presently a primitive road that is used by off-the-road vehicles, particularly motorcycles. It is also my understanding that the Forest Service will have discretion to carry out the management of this area along with the rest of this national recreation area in accordance with the applicable laws already in existence, and will conduct appropriate reviews of off-road vehicle use in this corridor to determine the extent to which such use would be compatible with the rest of the area.

The second change would be that the Senate bill excludes some 5,000 acres from the national recreation area on the south and east side of the recreation area; and as I understand it, follows a watershed line instead of arbitrary section lines.

The third principal change is to drop from the House bill the authorization of funding for the construction and operation of a wildlands education center in the national recreation area.

Otherwise, the bill is substantially the same as the House-passed bill.

Mr. WILLIAMS of Montana. Further reserving the right to object, does the chairman understand that the statement of intent mentioned in the bill reflects an agreement in principal between the parties as to the matters stated concerning claims, and will be used as a basis for agreement among those parties; and does the gentleman further understand that the statement of intent is an agreement reflecting, possibly, partial payment to the Montana Power Co. through coal bidding rights for its Rattlesnake holdings, and that the Forest Service has this day, October 2, 1980, signed that letter of intent; and does the gentleman intend to insert the letter of intent in the RECORD at this point?

Mr. SEIBERLING. The answer to the gentleman's question is this—I think I need to elaborate.

The parties the gentleman refers to are the National Forest Service and holders of certain lands that are in a checkerboard pattern in the proposed national recreation area. The bill authorizes an exchange of those lands for national forest lands outside the national recreation area. The parties include, besides the Forest Service, the Montana Power Co. and, I believe, the Bureau of Land Management.

The answer is yes, it does intend to cover that authorization and that understanding, and I will insert into the RECORD the letter of intent signed by those parties at this point:

STATEMENT OF INTENT

The Montana Power Company intends to convey all of its right, title and interest in and to the lands described in Exhibit A (hereinafter referred to as Montana Power or Rattlesnake Lands) hereto to the United States in order to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana hereinafter referred to as the Rattlesnake Area, subject to existing easements of record in favor of Mountain Water Company, a Montana corporation providing water utility service to the City of Missoula, Montana, and its environs. The Regional Forester of the Northern Region, Forest Service, U.S. Department of Agriculture, and the Montana Director of the Bureau of Land Management, U.S. Department of the Interior, intend to negotiate for and consummate the necessary exchanges with The Montana Power Company, including both land-for-land exchanges and the exchange of coal lease bidding rights for the Montana Power Company lands described in Exhibit A, and to give such exchange project the highest priority with the objective of completion within thirty-six months.

Now, therefore, in consideration of the lands to be exchanged and/or bidding rights to be issued, and/or payments to be made by the United States of America for such intended conveyance, the parties hereto agree as follows:

1. The consideration to be received by the Montana Power Company in exchange for conveyance of the Rattlesnake Lands will consist of three elements, the choice, combination and proportions of which are to be determined from time to time by the Montana Power Company. The three elements are: exchange lands, coal bidding rights, and cash.

2. It is agreed that within thirty-six months after this Statement of Intent becomes operative, and subject to appropriate enabling legislation, the Bureau of Land Management, Department of the Interior, subject to the authority and approval of the Secretary of the Interior, and in accordance with the provisions and limitations of the Federal Coal Management Regulations in 430 CFR 3400, will offer for competitive leasing and will lease the Federal coal on the lands described in Exhibit B as

(A) Naval Reserve coal lands (a portion of coal reserve 1, Montana 1, established by Executive Order of June 6, 1929), and

(B) Other coal leases on Federal lands listed on Exhibit B attached hereto. The bidding procedure shall provide for bonus bidding beginning with the minimum acceptable bid needed to obtain fair market value determined by the Geological Survey, Department of the Interior, and with the royalty and rental rates fixed at the statutory minimum prior to the lease sale. If the Montana Power Company and/or Western Energy Company, its wholly owned coal producing subsidiary, shall be the successful bidder the lease(s) shall be issued in exchange for cash or for a combination of cash and bidding rights in the amount necessary to meet the bonus bid.

Future royalty payments and rentals may also be paid in cash or a combination of cash and bidding rights. All payments related to the Federal coal leases must include a minimum of 50 percent (½) cash. Cash portions of all receipts, up to 50 percent (½) of these total amount received by the Federal government, will be used to pay the State of Montana in accordance with the Mineral Leasing Act as amended. Subject to acreage limitations contained in the Federal Coal Management Regulations in 43 CFR 3400.0-5(cc), new leases issued as a result of the procedures herein described shall become a part of any logical mining unit which they are within or to which they are contiguous. By signifying its assent to the procedures described above, the Montana Power Company does not intend to represent that it will, in all events, bid upon the lands so offered, or that a bid, if made, will be made by the exercise of bidding rights in lieu of cash.

3. The United States Government, acting by and through the USDA-Forest Service, and USDI-Bureau of Land Management, agree, provided that the Rattlesnake Area is established, to attempt to exchange United States lands of equal value for the remaining "Rattlesnake Lands" owned by the Montana Power Company listed on Exhibit A. Said exchange is to be concluded within thirty-six months of enactment of the legislation establishing the Rattlesnake Area. As an identification of the lands to be considered in such an exchange, certain lands are designated in Exhibits C and D as the starting base for the negotiation of such exchange. All lands exchanged shall be conveyed to the Montana Power Company by patent or deed issued by the United States and shall include both the surface and mineral estate insofar as the ownership of the mineral estate resides with the United States. All Montana Power lands exchanged shall be conveyed to the United States by warranty deed conveying merchantable title to the property and shall include both the surface and mineral estate insofar as the ownership of the mineral estate resides with The Montana Power Company, subject only to the easements held by Mountain Water Company as aforesaid. Title to the U.S. lands shall be conveyed simultaneously with title conveyance of The Montana Power Company lands.

4. In the event a land exchange cannot be mutually agreed to, or if only a portion of The Montana Power Company lands are included in the exchange, the Montana Power Company may, at it option, obtain a cash payment for all of, or the remainder of, its "Rattlesnake Lands" subject to appropriation by the United States Congress.

5. Title to the "Rattlesnake Lands" shall not be conveyed to the United States until the values of the exchanges, bidding rights, and/or cash payments equal the estimated fair market value of the Montana Power Company lands listed in Exhibit A.

6. The value of the land, or interests in lands to be conveyed, both Federal and non-Federal, shall be determined, by independent professional appraisers acceptable to the United States and the Montana Power Company, according to the Uniform Appraisal Standards for Federal Land Acquisitions, as issued in May 1971, by the Interagency Land Acquisition Conference. The fair market value of any Federal coal as required by the Coal Leasing Amendments Act will be determined by the Geological Survey, Department of the Interior.

7. It is understood that the payment in cash of any determined values under this Statement of Intent shall be authorized by the United States Congress in the Enabling Act establishing the Rattlesnake Area.

8. It is the intent of all parties involved to meet within thirty (30) days of enactment of the Rattlesnake legislation to develop an action plan setting forth specific details and procedures for implementing and consummating this land transaction.

Mr. MARLENEE. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to my colleague.

Mr. MARLENEE. Mr. Speaker, am I to understand that public access has been provided to Wangel Creek, the corridor we were talking about and discussed in the Interior Committee?

□ 1610

Mr. SEIBERLING. Mr. Speaker, let me take a look at the map here.

That is correct. The answer is, yes, the National Forest Service would be authorized to permit such access.

Mr. MARLENEE. That access would be, as the gentleman referred to it, by motorbike, by trail bike, or by snowmobiles?

Mr. SEIBERLING. That is correct.

Mr. MARLENEE. Mr. Speaker, if the gentleman will yield further, I understand that the differences in this legislation have been reconciled between the Members of the Montana delegation?

Mr. SEIBERLING. Mr. Speaker, that is what I am advised, and I say that the two gentlemen from Montana who are here are probably the best possible ones to know whether that is the case.

Mr. MARLENEE. Mr. Speaker, as the minority member of the delegation, I commend my colleague, in whose district this wilderness area falls, and I do support the bill.

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield, let me simply say as the chairman of the subcommittee, the gentleman from Montana (Mr. WILLIAMS) has done an outstanding job in working with the various interests involved and bringing out a mutually acceptable bill. He has shown great patience, skill, and dedication in working out a balanced and farsighted solution.

I also commend the Members on the Senate side for their willingness to cooperate in doing the same.

As is usually the case, this is not a bill that everyone is totally happy with, but in talking with the gentleman from Montana (Mr. WILLIAMS) and some of the other interested parties, I am told by everyone that it is acceptable. I certainly commend him for his really creative and constructive work here.

Mr. WILLIAMS of Montana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3072

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled, That this Act may be cited as the "Rattlesnake National Recreation Area and Wilderness Act of 1980".

STATEMENT OF FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) certain lands on the Lolo National Forest in Montana have high value for watershed, water storage, wildlife habitat, primitive recreation, historical, scientific, ecological, and educational purposes. This national forest area has long been used as a wilderness by Montanans and by people throughout the Nation who value it as a source of solitude, wildlife, clean, free-flowing waters stored and used for municipal purposes for over a century, and primitive recreation, to include such activities as hiking, camping, backpacking, hunting, fishing, horse riding, and bicycling; and

(2) certain other lands on the Lolo National Forest, while not predominantly of wilderness quality, have high value for municipal watershed, recreation, wildlife habitat, and ecological and educational purposes.

(b) Therefore, it is hereby declared to be the policy of Congress that, to further the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131) and the National Forest Management Act of 1976 (16 U.S.C. 1600), the people of the Nation and Montana would best be served by national recreation area designation of the Rattleneck area to include the permanent preservation of certain of these lands under established preservation of certain of these lands under established statutory deignation as wilderness, and to promote the watershed, recreational, wildlife, and educational values of the remainder of these lands.

DESIGNATION AND MANAGEMENT OF RATTLESNAKE WILDERNESS AREA

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Rattlesnake National Recreation Area as designated by this Act, which comprise approximately 33,000 acres as generally depicted as the "Rattlesnake Wilderness" on a map entitled "Rattlesnake National Recreation Area and Wilderness—Proposed", and dated October 1, 1980, are hereby designated as wilderness and shall be known as the Rattlesnake Wilderness.

(b) Subject to valid existing rights, the Rattlesnake Wilderness as designated by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as the Secretary, in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

DESIGNATION AND MANAGEMENT OF RATTLESNAKE

SEC. 3. An area of land as generally depicted as the "Rattlesnake National Recreation Area" on a map entitled "Rattlesnake National Recreation Area and Wilderness—Proposed", and dated October 1, 1980, is hereby established as the Rattlesnake National Recreation Area.

LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) Within the boundaries of the Rattlesnake National Recreation Area and

Rattlesnake Wilderness, the Secretary is authorized and directed to acquire with donated or appropriated funds including amounts appropriated from the Land and Water Conservation Fund, by exchange, gift, or purchase, such non-Federal lands, interests, or any other property, in conformance with the provisions of this section. Nothing in this Act shall be construed to limit or diminish the existing authority of the Secretary to acquire lands and interests therein within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness.

(b)(1) The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to consider and consummate an exchange with the owner of the private lands or interests therein within or contiguous to the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness, as described in sections 2 and 3 of this Act, by which the Secretary of the Interior may accept conveyance of title to these private lands for the United States and in exchange issue bidding rights that may be exercised in competitive coal lease sales, or in coal lease modifications, or both, under sections 2 and 3 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 201(a), 203). Any lands so acquired shall become national forest lands under the jurisdiction of the Secretary of Agriculture to be managed in accordance with the provisions of this Act and other laws applicable to the management of national forest lands. Nothing in this Act shall be construed to limit or diminish any existing authority of the Secretaries of the Interior and Agriculture to acquire private lands and interests therein in the Rattlesnake National Recreation Area and Rattlesnake Wilderness. Nothing in this Act shall be construed to require any owner of the lands within or contiguous to the Rattlesnake National Recreation Area or Rattlesnake Wilderness to accept coal lease bidding rights in exchange for title to those private lands.

(2) The coal lease bidding rights to be issued may be exercised as payment of bonus or other payment required of the successful bidder for a competitive coal lease, or required of an applicant for a coal lease modification. The bidding rights shall equal the fair market value of the private lands or interests therein conveyed in exchange for their issuance. The use and exercise of the bidding rights shall be subject to the provisions of the Secretary of the Interior's regulations governing coal lease bidding rights, to the extent that they are not inconsistent with this Act, that are in effect at the time the bidding rights are issued.

(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Region as defined in the Federal Register of November 9, 1979 (44 FR 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this Act have not been exercised within three years from the date of enactment of this Act, the holder of the bidding rights may, at its election, use the outstanding bidding rights as a credit against any royalty, rental, or advance royalty payments owed to the United States on any Federal coal lease(s) it may then hold.

(4) It is the intent of Congress that the exchange of bidding rights for the private lands or interests therein authorized by this Act shall occur within three years of the date of enactment of this Act.

(5) In order to facilitate the exchange authorized by this Act, the Executive order captioned "Order of Withdrawal", of June 6, 1929, creating "Coal Reserve No. 1, Montana, No. 1", is hereby revoked to the extent that it constitutes a withdrawal of the lands therein from disposal under the Mineral Lands Leasing Act of 1920, as amended.

(c) The exchange of lands involving Burlington Northern, Inc. shall be in accordance with the agreement entitled "Statement of Intent" entered into by Burlington Northern, Inc. and the Regional Forester of the United States Forest Service, Region 1, signed September 18, 1980, and it is the intent of Congress that this exchange shall occur within three years of the date of enactment of this Act.

(d)(1) As non-Federal lands and interests in the Rattlesnake National Recreation Area are acquired, the lands shall become part of the Rattlesnake National Recreation Area. As non-Federal lands and interests in the Rattlesnake Wilderness are acquired, the lands shall become part of the Rattlesnake Wilderness. The Secretary shall publish from time to time a notice of such classifications in the Federal Register. It is the intention of Congress that acquisition of the non-Federal lands shall be completed no later than three years after the date of the enactment of this Act.

(2) Nothing in this Act shall be construed to permit the Secretary to affect or diminish any water right which is vested under either State or Federal law at the time of enactment of this Act, nor the rights of the owner of such water right to the customary and usual access, including necessary motorized use over and along existing roads and trails to any facilities used in connection therewith, and the right to operate and maintain such facilities.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, a map and legal description of the Rattlesnake National Recreation Area and a map and legal description of the Rattlesnake Wilderness shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 6. Effective October 1, 1981, there is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute only for the purpose of inquiring of the Chair whether or not, except for the routine requests and the special orders, this will conclude the business of the day.

The SPEAKER pro tempore. The Chair will state that the gentleman's question contains the answer. Yes, this will conclude the business of the day.

Mr. MICHEL. I thank the Chair.

GAS RESOURCES R.D. & D. ACT

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. ANTHONY. Mr. Speaker, I rise to introduce a bill which is intended to help improve our Nation's energy self-sufficiency by implementing an aggressive research, development, and demonstration effort in the area of natural and synthetic gas resources. Potential domestic energy production from unconventional gas formations and underground conversion of coal represent a significant source of energy, according to both industry and Government. The need exists for advanced technology to be developed so that these gas resources can supplement existing conventional gas supplies in meeting our energy needs. It is the intention of this legislation to publicly join, with industry, to develop this technology in a time frame that will allow these resources to assist in our transition to renewable forms of energy.

Production from these energy resources are particularly attractive because both well exploration and development and underground or in place conversion of coal are likely to be much less disruptive to the environment than other alternatives. In addition, gaseous energy is clean burning, versatile, and easily stored. Finally, initial estimates of cost put these gas resources in a range competitive with synthetic and renewable fuels.

The counterpart to this measure, S. 2774, was passed by the other body September 24. Knowing the history of the House Science Committee in acting on similar R.D. & D. measures, I look forward to a thorough examination of this bill in the near future.

Mr. Speaker, with the recurring turbulence in the Middle East again threatening the oil lifeline to the United States and the West, it is all too painfully apparent we are in dire need of establishing greater domestic energy self-sufficiency. The Congress, in recognizing this need, has responded over the last 3 years with legislation to stimulate increased domestic energy production through gas and oil price deregulation, subsidies for conversion of coal, shale, and biomass to energy, tax incentives for the use of renewable forms of energy, and grants as well as tax incentives for using energy more efficiently or practicing energy conservation. Although the response time to these initiatives will necessarily be gradual, the United States is moving in the right direction so as to lessen its dependence on unstable, expensive foreign energy sources.

Yet as the legislation enacted by Congress recognizes, most, if not all, the tools to be used in meeting our energy challenge are new and largely untested in today's environment. There is a substantial degree of technical risk, in addition to the economic and environmental risks so often mentioned, in producing new forms of usable energy. Further, the incentives mentioned earlier such as in the Energy Security Act, to reduce the economic risk of producing synthetic fuels will help develop only a portion of our domestic resources, because of conventional technology limitations.

Thus, in order to meet a national objective of maximizing domestic energy production, there is a need to both improve upon conventional energy production technology and introduce more efficient and versatile advanced technology. It is to meet the national objective that research, development and demonstration efforts must be undertaken to reduce the technical risks to deployment of new energy technology. And it is in the energy areas in particular where a Government R.D. & D. role is justified to move up the timeframe in which the private sector can respond to the national need to be more energy independent. It is in the context of an appropriate Government partnership with industry that I submit the Gas Resources R.D. & D. Act will contribute in part to resolving our energy problem.

This bill will accelerate our research, development and demonstration efforts in so-called unconventional gas resources and in the underground or in situ conversion of coal to gas. A Government-sponsored program for the development of improved gas exploration and drilling technology to produce hard-to-get gas as well as advanced processes for converting coal into gas while the coal is in place is doable, will have the involvement of industry, and is in the public interest. These resources will serve to supplement conventional natural gas production which currently is the largest contributor to U.S. domestic energy supplies.

Like conventional natural gas, unconventional or in situ coal gas, is likely to be very desirable environmentally both from the production and utilization points of view, and therefore, a premium fuel for applications in this period of heightened public concern about many of our energy sources. Because there is already a massive investment in the gas pipeline delivery system and in end-use equipment, it is possible to utilize an existing energy infrastructure to market these new gas sources while at the same time get the best return on investment by assuring the use of existing gas delivery and end-use equipment as long as possible.

Unconventional gas resources—tight gas sands, Devonian shales, geopressured aquifers, and coal bed methane—are found in most areas of the Nation, close to existing pipelines and in proximity to potential markets. Both industry and Government analyses of the resource potential of unconventional gas state the case why this resource deserves consideration. The National Petroleum Council, DOE, and Gas Research Institute all put the minimum recoverable resource potential of unconventional gas at double the current level of proved gas reserves—200 TCF, or a 10-year supply at current consumption rates.

As table 1 shows, the amount of gas recoverable from these sources is both price and technology dependent, with advanced technology serving as the stronger variable. In order to address the uncertainties this range of estimates represents, this bill maintains a strong program within the Department of Energy to work with industry to develop advanced drilling technology and attempt to better define the nature of the resource, its behavior under production conditions and the environmental impacts of its production. In addition, other institutional barriers to production are to be examined.

TABLE 1.—ESTIMATES OF UNCONVENTIONAL NATURAL GAS RESOURCES

[Prices in 1979 dollars; volumes in trillion cubic feet]

	Price	GRI	Lewin	NPC[1]
Western tight gas sands:				
Existing technology	$3.12	30	90.0	140
	4.50	45	104.0	160
	6.00	60	----------	175
Advanced technology	3.12	100	170.0	185
	4.50	120	185.0	215
	6.00	150	----------	230
Eastern devonian shale:				
Existing technology	3.00	10	6.1	9.4
	4.50	15	9.6	16.6
	6.00	25	----------	21.0
Advanced technology	3.00	10	12.1	15
	4.50	30	19.5	24
	6.00	45	----------	29
Coal seams:				
Existing technology	3.00	10	----------	6.0
	4.50	15	----------	16.8
	6.00	30	----------	25.3
Advanced technology	3.00	30	1.3–19.2	---------
	4.50	40	1.6–24.6	---------
	6.00	60	----------	---------
Geopressured zones: advanced technology			3.6	[2]0.24–.57

[1] NPC estimates for western tight sands are preliminary and incomplete.

[2] Projection is based upon "best prospects" known to date.

More impressive from a resource potential standpoint is our Nation's vast abundance of coal. With U.S. coal reserves in excess of the energy equivalent of OPEC's oil reserves, we are not without the fossil energy resources to do the job of becoming more energy self-sufficient. However, 93 percent of these coal resources are considered technically or economically unrecoverable using conventional underground or surface mining techniques.

In order to utilize much of these coal reserves in an economically and environmentally acceptable manner, underground coal gasification processes can be developed to convert the coal in place to low- or medium-Btu gas, and thus into usable energy. An exciting prospect of how this source of energy would be used is in the in situ coal gasification of lignite coal which is found in areas of the South and Southwest where new industries are being located. It is envisioned medium-Btu gas could be produced and sent a short distance to an energy park, where industry could operate closer to its energy source rather than population centers.

To date, promising tests of the technology have occurred, while the U.S.S.R. currently uses similar processes commercially. This bill would establish program objectives to further test and demonstate in situ coal gasification technology with industry in order to tap our staggering reserves of unminable coal.

In summary, a successful research, development and demonstration program in gas resources heretofore termed unconventional or exotic could more than double estimates of remaining domestic gas reserves. There is good reason to carry out such a program because the projected economics of these technologies show significant amounts of recoverable resources at prevailing natural gas prices and substantial increases in the recoverable resources when compared to alternate energy sources and when further advances are made in current technology.

An aggressive R.D. & D. program is necessary to improve present state-of-the-art technologies and to foster advanced technologies. Because industry funds for strictly private projects are usually limited to high payoff, near-term efforts, the job of investing in large expenditures to advance technology is not likely to occur without public support, or is not likely to occur as quickly without Government help. This is not to say industry will not or is not doing the job, but can do it faster with cost sharing contributions by the public.

This bill provides a 6-year program authorization for the DOE to commit to a strong R.D. & D. in gas resource development. The amounts authorized in this bill are identical to those outlined in the program planning documents of DOE. The goals of the bill—to foster production of two TCF or quads of unconventional gas by 1990 and six TCF by 2000, while fully demonstrating in situ coal gasification technology by 1990—are both modest and attainable.

Finally, the bill, by committing Government to strong support of this environmentally desirable energy form, gives industry the right signal to proceed to development of these resources under the expectation of consistent Government policy. The consistency factor is important to industry in commitment of long-term capital resources.

Mr. Speaker, I urge my colleagues to consider cosponsorship of this measure and look forward to examination of its merits in the Science and Technology Committee at an early date.

IRAN'S PARLIAMENT HAS APPOINTED A COMMISSION TO NEGOTIATE RELEASE OF AMERICAN HOSTAGES

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, almost since the time of the seizure of our American hostages, an unprecedented offense against civil government, the revolutionary elements in Iran and the Ayatollah Khomeini have declared that the Iranian Parliament would set the terms and arrange for negotiating the hostages' release.

Just yesterday the newly elected Iranian Parliament appointed a commission of seven members to negotiate "with the American people"—not with the American Government. This, I interpret to mean that the Iranian Parliamentary Commission is directed to negotiate with the people's representatives which would seem to me to be a commission or committee of the Congress—primarily the people's representatives or, in other words, a committee formed from the membership of this House.

Mr. Speaker, it is recalled that at the initiative of our colleague, **Ben Gilman** of New York, a communication endorsed by 187 of our colleagues was directed recently to the President of the Iranian Parliament urging that steps be taken to provide an early release of the hostages. That communication has been discussed by the Majlis (Parliament) and we await their response.

Mr. Speaker, while I am not suggesting that diplomatic prerogatives should be taken over by this body, still I do not regard the negotiations for the release of the hostages as necessarily a diplomatic undertaking. President Jimmy Carter, or at least his wife, Rosalynn Carter, has sought to have the President's brother, Billy Carter, serve as a representative to seek release of the hostages. The Secretary General of the United Nations, Kurt Waldheim, has endeavored to use his offices. Even such individuals as Ramsey Clark, Jesse Jackson, and several religious leaders have endeavored to use their offices.

What I am suggesting, Mr. Speaker, is that thoughtful consideration should be given to the naming of a committee of this body which could be available to use our offices in any possible negotiations to secure release of the hostages under any reasonable terms—at the earliest possible date. Certainly, Mr. Speaker, no obstacle should be placed in the path of this proposal by the Carter administration or any of its officials on the grounds that negotiations should be handled under a formula which President Carter may prefer. The important objective is to see the hostages return home, after their horrendous ordeal now extending to 334 days.

Mr. Speaker, I know that there are Members of this body fully capable of representing our Nation's best interests in the difficult and yet highly critical role of finding a basis for our hostages to be released and returned to their homes and families. Let me add that I am aware of strong indications that the suggestion which I am making is consistent with the thinking and overtures of political leaders in Iran which was advanced by the Ayatollah Khomeini himself, and deserves the opportunity for a congressional response to the Iranian parliamentary initiative. This initiative requires the immediate attention of our leaders here in this legislative branch of our Government.

STORAGE OF OIL FOR STRATEGIC PURPOSES

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, if this Nation should suffer disastrous defeat, in my view historians will not point to unfired, misfired or misdirected missiles, or to ineffective training in our military, but rather to the fact that this country ran out of gas. The Iraq-Iranian conflict has again directed the eyes of the world to our Achilles' heel; that is, the failure of this Nation to build a strategic petroleum reserve.

Mr. Speaker, here the Carter administration has demonstrated gross negligence of catastrophic proportions. Notwithstanding that, throughout the present administration's tenure, it has been directed to form a strategic reserve, it has failed to do so. During the oil glut, while private companies and other nations have been filling their reserves, the Carter administration has done nothing. No oil has been placed in storage since November 1978. Only recently have plans been made for exchanging oil from the Elk Hills Naval Petroleum Reserve, a program suggested by myself and the gentleman from New York (Mr. STRATTON) 5 years ago. While recent evidence indicates that 13 million barrels were offered for purchase at relatively bargain prices, none was taken. Recently the administration revealed plans to fill the reserve at minimum levels; under their design it will take 25 years to attain minimum protection.

Because world oil stocks stand at extremely high levels, we may be preserved this time from gross vulnerability and economic crisis. But we may not be so lucky next time.

As I have stated, the armed conflict now taking place between Iran and Iraq prompts renewed concern about the Department of Energy's failure to fill the strategic petroleum reserve mandated by Congress in 1975. As this conflict escalates, there is a very real threat of closing the Strait of Hormuz, through which the major Mideastern oil producers ship their supplies.

It is only because world oil stocks have reportedly reached the enormous level of 6 billion barrels that this contingency does not present an immediate threat to our national security. The current situation contrasts with the 3 billion barrel level which tended to prevail before the Iranian revolution and all of the ensuing anxieties.

Once again, Mideastern events underscore the precariousness of our oil supply, and the reasons why the United States must have a significant amount of oil placed in strategic storage. The Department of Energy's management of the SPR program has amounted to a scandalous failure; 5 years after we established a reserve intended to reach 1 billion barrels of capacity, we have a total of 92 million barrels in storage, only a couple of weeks supply.

Other oil importing countries have insured that, through either private or Government action, their reserves now stand at record levels. According to this week's "Lundberg Letter," a widely recognized authority on the world oil market, most countries are retaining a surplus of about 60 days worth of supply above the "minimum acceptable level," as defined by the Department of Energy. In August, petroleum stocks in the United States equaled 14.5 days above the "minimum acceptable level." The Lundberg Letter estimates that we would need an additional billion barrels in reserve to bring us in line with the world average. It happens that this amount corresponds to the level envisioned for the U.S. strategic petroleum reserve in the authorizing legislation.

The Department's dereliction is particularly unconscionable in light of the supply glut which has characterized the world oil market for the last 6 months. Before the Iran-Iraq conflict developed, this glut was projected to last another year. The Department has not taken advantage of these extremely favorable market conditions to purchase oil for the reserve. It is difficult for me to understand this inaction, since the Department explained its failure to act last year, and the year before, by citing tight world supply conditions. It took a new mandate in the Energy Security Act to prod the Department into issuing any bids for oil purchases. Even with this mandate, the Department does not expect to begin filling the reserve before November.

To describe the dimensions of the current oil glut even further, testimony recently submitted to the Energy and Power Subcommittee by the Arco Co., indicates that over 100 million barrels of oil is now sitting in Anchorage, the Gulf of Mexico and the Caribbean, waiting to be unloaded. At the present time, storage tanks are too full to accept these supplies. There is now 450 million barrels of oil in world pipelines alone.

Under these circumstances, Arco offered to sell the Department 13 million barrels of oil, but the Department refused the offer. Not only have they failed to take decisive action under excellent market conditions, they have also announced intentions to fill the reserve at the minimum rate mandated by the Energy Security Act. Approved in July, this law required a minimum fill rate of 100,000 barrels per day. This rate is completely unacceptable and should be increased several times. At a 100,000-barrel-per-day fill rate, it would take nearly 25 years to accumulate 1 billion barrels.

A few months back, several newspapers reported that the Department's reluctance to purchase oil for the reserve stemmed from strong objections made by Saudi Arabia. Again, this behavior astonishes me, as the reserve was meant to help free the United States from OPEC dictates and extortion.

The SPR program was spurred by the experience of this country during the 1973 Arab oil embargo. Among the many disturbing aspects of that period, Members were appalled by the revelation that the American oil companies which are partners in Aramco accepted directives from the Saudi Arabian Government to cut off supplies to the U.S. military. This cutoff was documented by the findings of at least three major investigations during the 93d Congress, including those of the House Armed Services DOD Energy Resources Subcommittee, the Church Subcommittee on Multinational Corporations, and the Jackson Permanent Subcommittee on Investigations. While it was disturbing to learn of such actions being taken by U.S. multinational corporations, it is intolerable for the U.S. Government to follow Saudi guidance in an area which so vitally affects our national security.

The Department of Energy cannot continue to mismanage the SPR program the way it has so many other energy programs. The implications are too important for our national security. It is essential that Congress act promptly after the October recess to insure that this program finally gets underway, particularly while favorable supply conditions remain. We cannot afford to continue lagging behind other countries in providing for strategic oil storage.

RECONSTRUCTION FINANCE CORPORATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 30 minutes.

Mr. **MOORHEAD** of Pennsylvania. Mr. Speaker, during my 22 years in the House I have been involved in many pieces of legislation. But none were so difficult, so delicate, so fraught with the potentiality for error, as the two bills which I managed on the floor to provide financial assistance to New York City and the Chrysler Corp.—two very large entities whose financial collapse would have had profound repercussions on the Nation as a whole.

I am genuinely proud, Mr. Speaker, of both of those laws. While we cannot yet claim final success in either case, I believe that we were right to provide the assistance in both instances, and both New York and Chrysler stand a good chance of getting back on their feet.

However, that experience has taught me something. While I feel that we wound up with sound legislation in both cases, there were many perils along the way. In brief, I have reached the conclusion that ad hoc action by Congress, sometimes under severe pressure of time, is not the most sensible way of handling this kind of financial emergency.

Therefore, Mr. Speaker, I am introducing legislation today that endeavors to provide a more orderly mechanism for dealing with large potential bankruptcies in the future. In addition, this new mechanism—appropriately named the Reconstruction Finance Corporation—will also be empowered to play a role in what has been called reindustrialization of the American economy.

Let me emphasize at the outset two important points about this bill, as it concerns large business or local government entities threatened with default.

First, there will be no help unless there exists a reasonable prospect of recovery, based on a hardheaded examination by this new Corporation, which will be as insulated as possible from political pressure. Bankruptcy will always be an option. The new RFC will not automatically help any entity just because it is big and its failure would cause significant pain.

Second, the legislation draws from our invaluable experience in writing the New York and Chrysler bills. It is what I called, in both cases, tough and mean. Any large corporation or local government will think long and hard before applying for help. Not only will the assisted entity have to give up some of its autonomous decisionmaking power as long as assistance is outstanding, but also there are rigid requirements for rounding up additional assistance beyond that extended by the RFC. For example, in the case of a potentially failing business corporation, at least half of the financial assistance—as was required for Chrysler—must come from private sources, including banks and other lenders, suppliers, and the company's workers through forgone wages and benefits.

I want to mention also another important feature of this bill that we thought about in the case of Chrysler but did not regard as feasible in the time we had available. In the case of business entities—though not local governments—what is sometimes needed is not more debt, even Government-guaranteed debt, but equity. The new RFC would be empowered to offer assistance through loans and loan guarantees, but it would also be able to provide equity capital through purchase of a company's stock, though with carefully prescribed limits on voting control of the company and prearranged provisions for retirement or sale of this stock.

The financial structure of a new Government corporation such as this is a crucial issue, and I am not wedded to any particular device or method. As a starting point for discussion, the legislation provides a three-part structure.

First, the RFC will be initially capitalized through the proceeds of a 1-percent surcharge on the corporate income tax, to be in place until a total of $2.5 billion is raised. This would take less than 2 years at current and prospective levels of taxable corporate profits. This capital would be the RFC's own money and might never have to be supplemented by another dollar from the taxpayer.

Second, with backing from its capital and its assets—that is, debt securities and stock it has acquired from assisted entities—the Corporation could issue its own obligations in the market, with no guarantee from the U.S. Government.

Third, as an additional backstop for its own bonds, and as a means of assuring rapid payment in cases of default on loan guarantees where that method of assistance by the RFC is used, the Corporation would have the right to borrow up to $5 billion from the Treasury. This money would all be repaid—if necessary, from the proceeds of liquidation of a defaulted entity.

Let me conclude, Mr. Speaker, with a brief note on the other "window" of this new RFC. It would be empowered to extend financial assistance, even in cases where impending bankruptcy is not the problem, to single companies or groups of companies in an industry to achieve specific modernization objectives which would have, and I quote,

> a significant beneficial impact on employment opportunities and productivity, or on the provision of necessary goods and services in any region of the United States.

This aid could be extended only if—

> the recovery plan would not be undertaken and the specified objectives would not be obtained without Federal financial assistance because of the higher costs of obtaining non-Federal financial assistance or the unavailability of such other assistance.

Mr. Speaker, I regard this provision as tentative and subject to extensive exploration in hearings and general public debate. However, I believe that it deserves consideration because, to the extent financial assistance is going to be needed to modernize some of our older industries, I would rather have it provided by an essentially nonpolitical RFC than by an ordinary agency of the Government.

As the Nation starts a great debate on industrial policy, or reindustrialization, or "economic renewal," or whatever other name may be applied, I commend to my colleagues this carefully designed legislation. It is aimed at solving specific problems in a realistic way. It is not pie in the sky but a hardheaded approach for dealing with the kind of hurricane winds that can now afflict our huge economy.

I include a summary of the bill at this point in the RECORD.

H.R. 8301—RECONSTRUCTION FINANCE CORPORATION ACT OF 1980

PURPOSE

To assist financially distressed major businesses and local governments to return to financial health.

FORMS OF ASSISTANCE

Loans, loan guarantees, and, with certain limitations, purchases of stock.

ELIGIBLE RECIPIENTS

Major business entities or groups of entities, and major local governments.

ADMINISTRATION OF PROGRAM

Through the "Reconstruction Finance Corporation of 1980" (RFC), an instrumentality of the U.S. Government, to be administered by a 7-member board of directors appointed by the President and confirmed by the Senate, one director to be nominated as chairman. Directors to serve four years, no more than three directors to be employees of U.S. Government, all directors to serve without salary and may hold outside employment.

FUNDING OF RFC

$2.5 billion capital stock to be raised through a 1-percent surtax on corporations with taxable income over 41 million; up to $5 billion draw on U.S. Treasury to cover defaults on guaranteed loans and to meet maturity schedules on its own debt; RFC authorized in first 6 years to issue its own debt obligations up to 10 times paid-in capital and for maturities not longer than 30 years.

CONDITIONS OF ELIGIBILITY FOR BUSINESS ENTITIES

1. Assistance may go to a single large business entity facing bankruptcy, or to a firm or group of firms to achieve specified objectives of retaining or increasing employment and productivity or provision of necessary goods or services in a region of the U.S.

2. Requires written request accompanied by a feasible plan for return to profitability or attainment of objectives. RFC may refuse assistance if recovery regarded as improbable or objectives unattainable.

3. There must be assurance of financial assistance from non-Federal sources in amount equal to Federal assistance.

4. There must be reasonable assurance of repayment of the Federal assistance.

5. Applicant must agree to annual independent audits, establishment of employee stock ownership plan, and, as RFC may require, revisions of recovery plan and analyses reconciling actual performance with provisions of recovery plan.

CONDITIONS OF ELIGIBILITY FOR LOCAL GOVERNMENTS

1. Financial assistance must be in the national interest because bankruptcy or de-

fault of the local government, or serious interruption in essential services, would have significant adverse impact on State or region. Assistance could also be given to enable local government to provide services or facilities for cooperative industry-government recovery plan to retain, expand, or establish significant business operations in the community or region.

2. Applicant must show inability to obtain sufficient credit elsewhere.

3. Requires written request accompanied by recovery plan, and certification by Governor of need for assistance and inability of State to meet applicant's financing needs.

4. There must be a State-created entity with authority to control applicant's fiscal affairs.

5. Recovery plan must include goal of truly balanced operating budget and a financing plan for meeting all financing needs while assistance is outstanding.

6. There must be a matching amount of non-Federal assistance from the State, other creditors, employees, private sources.

7. There must be reasonable assurance of repayment of Federal assistance.

8. Applicant must agree that, on default or breach of a condition, U.S. may withhold any Federal transfer payments to offset RFC claims.

9. Applicant must agree to annual independent audits, to refrain from reducing significant taxes without RFC approval, and to provide as RFC may require revised recovery plans and reconciliation analyses.

10. Interest on guaranteed local government obligations subject to Federal income taxation.

CAPITAL STOCK PURCHASE

1. RFC may purchase stock of a business enterprise only if loan or loan guarantee will not accomplish objectives of recovery plan.

2. Stock must be retired, repurchased or sold in 30 years, or there must be reasonable assurance that it can be sold.

3. RFC may not exercise its voting rights to control the enterprise by electing a majority of board of directors.

TERMS FOR DIRECT AND GUARANTEED LOANS

Maturity: 30 years or useful life for capital projects; 5 years for working capital for business enterprises.

Interest rate: Reasonable considering appropriate return to RFC and U.S. Treasury's borrowing rate.

Guaranteed fee: Requires at least 0.5 percent, may be higher to cover administrative expenses and provide appropriate return to RFC.

LIMITATIONS

1. Amount of assistance to any one local government or business enterprise may not exceed 10 percent of paid-in capital of RFC plus permissible amount of obligations authorized to be outstanding (10 times paid-in capital) at any one time.

2. Federal Financing Bank prohibited from purchasing obligations of RFC or obligations guaranteed by RFC.

3. Commitments for financial assistance prohibited after six years after effective date of the Act, unless extended by Congress.

☐ 1620

PROPOSED AMENDMENTS TO SENATE VERSION OF H.R. 39, ALASKA LANDS NATIONAL INTEREST ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Seiberling) is recognized for 30 minutes.

(Mr. SEIBERLING asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, today our colleague Congressman Mo Udall, joined by Congressman Tom Evans of Delaware, Congressman Ashley, the acting chairman of the Merchant Marine and Fisheries Committee, Congressman Phillip Burton of California, and myself, have introduced proposed amendments to the version of H.R. 39, the Alaska National Interest Lands Conservation Act adopted by the U.S. Senate.

The other body adopted that bill, making very substantial changes in the House-passed version of H.R. 39, in August. We have been engaged since that time in what turned out to be a fruitless attempt to see if we could get the Senators, particularly the senior Senator from Alaska, Mr. Stevens, to agree to some modifications to bring it closer to the House-passed bill.

Last night Senator Stevens presented to our colleague, Mr. Udall, the Senator's proposed changes, which fell far short of even meeting the House halfway. He sent them over after the House had adjourned. Early this morning the Senate adjourned.

That being the case, those of us who feel that there must be some improvements in the Senate version are introducing this bill in order to permit our colleagues and others interested to look at our proposals between now and the time we get back for the special session.

Mr. Speaker, I am including, following my remarks, a summary of the proposals in our bill and a list of the major benefits to the State and other interested parties that will be derived from enactment of the Senate version of H.R. 39, as amended by our bill.

Proposed Amendments to Senate Version of H.R. 39

A. SOUTHEAST ALASKA

1. East-West Chichagof designated as wilderness.

2. Rocky Pass and Karta—Further planning—protected until next revision of TLMP; to remain protected in any new plan unless Secretary finds it essential to meet 450 mmbf.

3. Misty Fjords—50,000 acre exclusion. Borax permitted to use only one of the two watersheds for access. Include language to allay "viewshed" concerns. Revise special exemptions for Borax.

4. Forest Service directed to offer options to Shee Atika as alternative to Admiralty Island selections.

5. Russell Fjord—Add 19,000 acres to Senate wilderness. House S.W. boundary in Pike Lakes area.

6. Revisions of section 705 so as to draw funds from miscellaneous receipts, and to reflect provisions of Tongass Land Management Plan.

B. "STATE INTEREST" LANDS

1. Yukon Flats—restore original monument boundary in Circle Hot Springs area. This leave State 200,000 acres in Circle Hot Springs area outside wildlife refuge.

2. Return Your Creek to Arctic National Wildlife Refuge (292,000 acres).

3. Denali—restore north boundary (about 115,000 acres) and south boundary (about 30,000 acres) to National Park status. Retain name of Mt. McKinley.

4. Delete south unit of Steese NCA for possible State selection.

5. Revise subsections 906(e) ("top filing") to prevent filing in conservation system units, National Forests or PET-4; revise subsection 906(f); strike the provisos from subsection 906(o) (status of land within units); in the last sentence of paragraph (1) of subsection 906(d), strike "previously selected" and insert "previously validly selected".

C. WILDERNESS IN PARKS AND REFUGES

1. Add about 3.6 million acres to Senate wilderness designations. In addition, redistribute southern one-half of Senate Wrangell-St. Elias acreage to Preserves and Refuges.

2. Revise wilderness study provisions of the Senate bill to include interim protection language for areas subsequently recommended.

3. Add to Senate Wilderness:
Arctic—4,430,000 acres.
Kodiak—50,000 acres.
Copper River Delta—530,000 acres.
Tetlin—100,000 acres.
Koyukuk—570,000 acres.
Gates of the Arctic—300,000 acres.
Katmai—150,000 acres.
Denali—500,000 acres.
Yukon Charley—1,040,000 acres.

D. WILDLIFE REFUGE PROVISIONS

1. Designate Copper River Wildlife Refuge.

2. Designate Teshekpuk Wildlife Refuge.

3. Designate Utukok Wildlife Refuge.

4. Expedited oil and gas leasing in Teshekpuk and Utukok Refuges per House bill.

5. Restore North unit of Steese NCA to Yukon Flats Refuge; Steese highway right-of-way as south boundary.

6. Treat refuges same as those in "lower 48" as regards revenues.

E. NATIONAL PRESERVES

1. Wrangell's—add 700,000 acres in Logan Glacier-Tana River Country—not to abut Canadian border. Redesignate about 65,000 acres of preserve in Nebesna area as park.

2. Denali—Add Kahiltna Glacier area (about 235,000 acres) to S.W. preserve.

3. Lake Clark—expand Preserve to add 140,000 acres.

F. WILD AND SCENIC RIVERS

1. Boundaries of river units should average one mile on each side of river; Senate bill provides for one-half mile, House bill for two miles. (No automatic exclusion in first one-fourth mile for private inholdings.)

2. Add Yukon (Ramparts section) as per House bill.

G. ADMINISTRATIVE PROVISIONS

1. Delete Section 1323 (nationwide access amendment).

2. Maintain Secretarial and State authorities regarding subsistence while still providing for judicial review and a right of action to subsistence users to enforce the subsistence protection provisions.

3. Add six months to time baseline study of coastal plain of Arctic Range to provide proper coordination between biological study and seismic study of oil and gas potential (without delaying completion of seismic study or subsequent report to Congress on oil and gas potential).

4. Revise Section 1326 ("No More" clause) to clarify that it is not intended to alter the Alaska Native Claims Settlement Act.

5. Add "instant" conveyance of core townships of Native villages entitled to same under Alaska Native Claims Settlement Act.

6. "Grandfather" protection for trespass cabins modified to eliminate automatic renewal of permits in favor of descendants of present claimants, and to increase Secretary's flexibility in issuing permits for new cabins and regulating incompatible uses of such cabins.

7. Additional changes to correct ambiguities, technical problems, etc., including explicit provision that maps are controlling over specified acreages.

Major Benefits to Sport Hunters, to the State of Alaska, to Industry Groups, and to Alaskans From Enactment of an Amended Senate Version of Alaska National Interest Lands Conservation Act

1. SPORT HUNTING INTERESTS

The amended bill would open to sport hunting one million plus prime acres now closed and which would remain closed under the Senate-passed bill. These are:

(a) Wrangell Mountains—700,000 acres

(b) Denali (Mt. McKinley National Park)—235,000 acres

(c) Lake Clark—140,000 acres

2. STATE LAND INTERESTS

The amended version would further the State's interests as follows:

(a) Southern Steese Area. (680,000 acres) made available for State selection. (Senate bill designates as part of a national conservation area in Federal ownership).

(b) Right to select in other previously withdrawn areas.

(c) 10-year extension (to 1995) of selection period under Statehood Act.

(d) Right to overselect and thus have additional flexibility in choosing selections.

(e) Right to "Top File" and thus establish interest in some areas not open to State selection.

(f) Bristol Bay Cooperative Region. Establishes a Bristol Bay Cooperative Region in Southwest Alaska, as desired by the State administration. This portion of the bill includes conveyance to the State one of its top-priority land interests in the Iliamna area (which the House bill would have made available to the State only in exchange for other State lands) and a State voice in planning for future management of the Federal lands in the area.

(g) "No more" conservation withdrawals. Provides that in Alaska no future Executive withdrawals exceeding 5,000 acres could persist for more than one year unless affirmatively approved by the Congress.

(h) Exemption from BLM Wilderness Reviews. Exempts Alaska from the mandatory wilderness review provisions of the BLM Organic Act (FLPMA).

(i) Revocation of withdrawals. Revokes the National Monuments and the other withdrawals made by the Administration, and supplants them with the various classifications of the bill itself.

3. TIMBER INDUSTRY INTERESTS IN SOUTHEAST ALASKA

(a) Special entitlement for timber industry. Establishes a special entitlement program of at least $40 million annually for assisting the timber industry to be able to harvest an average of 450 million board feet annually from the Tongass National Forest. This would be drawn from oil, gas, timber, and coal receipts from public lands nationally and would be exempt from limitations of the Budget Act, the marginal-lands provisions of the National Forest Management Act (Sec. 6k), and the appropriations process.

(b) National Forest "Release" clause. Establishes the legal sufficiency of the RARE II studies which produced the Administration's wilderness recommendations in Southeast Alaska, to preclude any need for additional studies or recommendations during this decade.

(c) Guarantees timber supply at average annual rate of 450 million board feet from the Tongass National Forest, with built-in "cushions" of timber from the Forest and also from State and private lands in addition to that 450 mmbf figure.

4. MINING INDUSTRY INTERESTS

(a) Retroactive validation of U.S. Borax claims. Alters the normal standard of testing the validity of U.S. Borax's molybdenum claims in Misty Fjords (by requiring that they be deemed to have filed for mill sites although they did not) so that their otherwise-doubtful validity will be assured.

(b) Exclusions and special provisions for mineral interests. 50,000 acres exclusion in the Misty Fjords wilderness for benefit of U.S. Borax's molybdenum claims.

(c) An additional exclusion from wilderness of 20,000 acres on Admiralty Island for the benefit of Noranda's claims in the Greens Creek area.

(d) Mandated transportation corridor across the southern ("boot") portion of the Gates of the Arctic, for the benefit of Anaconda's claims in the Picnic Creek area—the House bill not only has no such mandated corridor, it places the area in a National Park Wilderness.

(e) Overall 5 of the 7 "World Class" mineral deposits identified by SRI research institute's study are outside the boundaries of conservation system units; and other two can be developed also.

(f) Additional time for claimants in several areas to "prove up" and thus validate their claims.

5. OIL AND GAS INDUSTRY INTERESTS

(a) Seismic exploration in coastal plain of the William O. Douglas Arctic National Wildlife Refuge—an area which the House-passed bill placed into wilderness.

(b) Expedited lease sales in two parts of the National Petroleum Reserve—Alaska (Teshekpuk and Utukok areas).

(c) Facilitation of Alaska natural gas pipeline. The amended language (included in the House bill but dropped by the Senate) which would ensure that creation of the conservation system units would not create new obstacles to building the Alaska Natural Gas Pipeline, which is expected to boost the Alaskan economy perhaps to the same extent as did construction of the Trans-Alaska Oil Pipeline.

6. ALASKAN NATIVES INTERESTS

(a) Immediate conveyance of the "Core" townships to villages entitled to them under the Alaska Native Claims Settlement Act.

(b) Improvements in Alaska Native Claims Settlement Act. Upon the initiative of the House, the various Alaska lands bills have provided the opportunity for amendments to the Alaska Native Claims Settlement Act to improve the workings of that Act, for the benefit of the Alaskan Native entities organized pursuant to that Act. Nearly a hundred such provisions would become law upon enactment of an amended Senate version of the Alaska lands bill. These include (among others) provisions such as a resolution of the submerged-lands problem, selection requirements, approval of Native allotments, creation of a land bank, and supplemental grants which would benefit the Native communities generally and would be worth millions of dollars in outright gains or in reduced legal, administrative or other costs.

(c) Specific provisions for Alaskan Native Corporations. Both the House and Senate bills contain numerous provisions which benefit particular Alaskan Native corporations, through specific land exchanges, resolutions of disputes or problems, and the like. It is not proposed to change these provisions (worth millions to the various beneficiaries) in the amended Senate version.

7. PROTECTION OF THE "ALASKAN LIFESTYLE"

(a) Maintenance of the present division of responsibility between State and Federal governments for management of fish and wildlife.

(b) Enforceable protection of continued subsistence uses of Alaska's wildlife and other renewable resources.

(c) Special provisions to protect "Alaskan lifestyle" including (among others) the assured continued use of hunting camps and of recreational and other cabins in conservation system units; assured continued use of snowmobiles, airplanes, etc. in conservation system areas; guarantees for continued subsistence uses of renewable resources on public lands; provisions to encourage local hire of personnel for staffing conservation system units; and special protection against condemnation of individual holdings in conservation system areas.

Mr. EVANS of Delaware. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. I thank the distinguished gentleman from Ohio for yielding, and I thank him especially for his contributions over the past many years particularly, in connection with H.R. 39.

Mr. Speaker, today I am proud to join my colleagues Mo Udall, Lud Ashley, Phil Burton, and John Seiberling in sponsoring a bill which would amend H.R. 39, the Alaska National Interest Lands Conservation Act, as passed by the Senate. The road to this point has been long and rocky, but I hope that our action today signals both our resolve to continue to fight for a balanced Alaska lands bill and our willingness to go a long way to meeting the concerns of our colleagues in the other body.

As my colleagues know, in 1978 the House passed by a 277-to-31 margin a conservation-oriented bill of historic proportions. I actively supported that bill in the Merchant Marine and Fisheries Committee and on the floor of the House. Unfortunately, our effort was frustrated in the Senate where they refused to consider a bill on the floor, and where even a last ditch effort to approve a much weakened compromise failed in the waning hours of the 95th Congress.

In the 96th Congress the battle started all over again. I am a cosponsor of H.R. 39 and fought for a strong bill all the way to yet another overwhelming victory on the House floor. I shared the delight of many Members of this body when the Senate finally took up the bill as reported by the Committee on Energy and Natural Resources, even though it was a much altered and weakened version of our bill. Fortunately, once the Senate invoked cloture and approved a bill, it was modified in a way that at least headed back in the direction of the House bill.

That bill, which is now here in the House, still falls far short of the high standard set by the House in both the 95th and 96th Congresses. In the Arctic National Wildlife Range, southeast Alaska, the Copper River Delta—area after area—the Senate bill falls short of the mark.

Mr. Speaker, the time since passage of the Senate bill in August has been exceedingly frustrating for supporters of the House version of the Alaska lands bill.

I am afraid to say that the prevailing view from the other body appears to be that the House should simply roll over and accept the Senate bill without significant change. We are being asked to come not just halfway, but half of half of half. That is not good enough. It is not good enough for the many Members of this body who have worked so hard on this proposal for 4 years, and more importantly, it is not good enough for the millions of Americans in present and future generations who have a stake in the fate of Alaska's magnificent wilderness and wildlife.

I might add that it is not only on the Alsaka lands bill that this is happening. With alarming frequency, we are simply asked to accept the Senate's work as though our only purpose in the Nation's Capitol is to rubberstamp their bills.

The bill I have cosponsored today amends the Senate bill, H.R. 39, in a way that makes it not only an acceptable bill, but I think a good and fair bill for all parties concerned. By releasing this bill today, before the recess, we are making a good faith effort to make available for public consideration a proposal which we think goes more than half way in addressing the concerns of the Senate. Make no mistake, this proposal is a compromise in every sense of the word.

While it is not possible to detail here each aspect of this proposal and to compare it with the House and Senate-passed bills, a few examples will make it clear how far we have come.

Foremost in my mind is the Arctic National Wildlife Range. In both House-passed bills the coastal plain of the wildlife range, which is acknowledged to have potential for oil and gas reserves, was declared a wilderness area because of the overwhelming value of the area as an Arctic wilderness and as a calving ground for the 120,000-animal porcupine caribou herd. In the Senate bill, this fragile and special area is opened for a program of seismic exploration by private industry, after which there will be a report to Congress as to the area's oil and gas potential. I am one of those who believed that this area should be the last place to be explored in Alaska, not the first. I still believe that. Nonetheless the compromise is proposed here in deference to our colleagues on the Senate Energy Committee. The only change we make is to extend by a mere 6 months the period allowed for the ecological baseline study which is to precede the seismic program. That is an exceedingly modest request given the ecological resources at stake.

In another major compromise on the North Slope of Alaska, the House bill designated the entire 22.5 million acres of the national petroleum reserve—Alaska as a unit of the National Wildlife Refuge system, albeit with an expedited oil and gas leasing program. In the compromise proposed today, only two portions of this vast area (one of which is at the bottom of the list in terms of oil and gas potential), are proposed for the refuge designation. Expedited oil and gas leasing provisions would still apply.

When the House passed its bill in May of 1979, there were those who argued that the State of Alaska was not getting a fair deal. In my opinion, that argument no longer holds water, if it ever did. This bill contains numerous provisions which will directly benefit the State. To cite only one example, acreage has been taken out of National Wildlife Refuges as approved by the House in the Selawik, Tetlin, and Nowitna areas to make it available for purposes of State selections. We do not know that the State will actually select the areas, but we are willing to forego inclusion in the refuge system to give the State that opportunity.

Mr. Speaker, notwithstanding the many compromises contained in this proposal, this is a good, strong bill which will go far in protecting Alaska's rich and diverse wildlife and its vast wilderness.

This is not the occasion to detail the many virtues of this bill; again, a few examples will suffice.

High on my list is protection of the Copper River Delta in south-central Alaska. As in the House-passed bill, and unlike the Senate bill which eliminated it entirely, this proposal would establish a Copper River National Wildlife Refuge of 1.2 million acres with a portion of it, 530,000 acres, also designated as a wilderness area. This region is perhaps the single most critical resting and feeding area for millions of Pacific Flyway waterfowl and shorebirds that breed in the Yukon Delta, an area already in the refuge system which would be enlarged through Alaska lands legislation. The Delta is a stronghold for nesting trumpeter swans, and its rivers are rich in spawning salmon. The wilderness portion of this bill would give special protection to nesting swans and to a prime salmon spawning stream, the Bering River.

Of all the areas considered in the Alaska lands legislation, I believe the Arctic National Wildlife Range has probably most captured the imaginations of the American public. The Arctic wilderness with its wide-ranging caribou herd that resembles the buffalo of the past century or the teeming herds of hoofed animals on Africa's Serengetti Plain is a priceless part of the American heritage. While a compromise has been made in terms of a seismic study on the coastal plain, an incredible area will still receive the strongest legal protection we can confer—that is the wilderness designation. The migration routes and a part of the wintering grounds of the porcupine caribou herd will be protected, as will raptor breeding habitat and the range of many mountain-dwelling Dall sheep. It is my hope that one day this area in its entirety will be protected as part of the wilderness system, and I look forward to that day.

Mr. Speaker, in sum, our proposal as it amends the Senate-passed bill represents a strong conservation bill—a measure of historic importance, as well as a pragmatic and reasonable compromise with our colleagues in the Senate. I am proud to be a cosponsor of this bill, and I look forward to seeing this great issue resolved before the end of the 96th Congress. We must settle the uncertainties with which Alaskans have been living, and we must do what we can to guarantee the long-term welfare of Alaska's wilderness and wildlife. They belong to us all.

SOVIET OCCUPATION OF AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. **Bereuter**) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, the 1980 Moscow Olympics are, of course, long past and I am sorry to report that earlier predictions have become a glaring reality; the fighting in Afghanistan has intensified and the few reports we receive depict a very gruesome war that is being waged.

On August 11, the New York Times reported that fighting between Afghan guerrillas and Soviet-backed government troops intensified in early August, just after the Olympic games and as the Islamic fasting month of Ramadan drew to a close. In addition to urban fighting, there were reports that attacks by rebels on convoys and government outposts had occurred with renewed intensity in several parts of the country.

The wire services reported on August 27 that Soviet military forces in Afghanistan totaled between 80,000 and 100,000 men despite the limited withdrawal announced in June. The Soviet troops are being armed with new and better equipment. To the horror of the watching world, they are armed with a new rifle which uses bullets which have an effect similar to dumdum bullets; they flatten and expand upon hitting a target. Dumdums are outlawed internationally. In addition, Soviet forces have begun using antipersonnel cluster bombs filled with thousands of needle-sharp arrows against the guerrillas.

While they are badly in need of arms, the resistance fighters have withstood the might of the Soviet forces in a sustained test. There are reports that the Soviet Union has suffered about 10,000 casualties since its invasion last December. Apparently neither side is taking prisoners in this war.

On September 11 the New York Times reported that diplomats in New Delhi have confirmed reports that the Soviet Union has increased its involvement in Afghanistan. In addition to the increased Soviet role in pursuing the fighting, there has also been a buildup of Soviet civilian advisers, estimated in the tens of thousands. Reports have circulated for months about Soviet officials filling high posts in government ministries and controlling communications.

On September 14 the New York Times again reported continued heavy fighting and heavy casualties in Afghanistan. According to reports by diplomats in New Delhi, the streets of Kabul are now being patrolled by Soviet troops during the day; the Russians had been policing the city only at night. Furthermore, there are reports that the Soviets are planning to extend the runways at Kabul airport, which has become the main Soviet airbase in Afghanistan.

Every indication is that the Soviets are in Afghanistan to stay. And why not? The Olympics are over, the President's grain embargo has failed, and the ban on the export of technology has not deterred the Soviets from buying what it wants elsewhere.

The question of U.S. response, "Where do we go from here?" was addressed in a recent article in the Far Eastern Economic Review. I would conclude my remarks today by sharing with my colleagues through the RECORD, excerpts from that article.

The Moscow Olympics are over and the partial boycott—like other measures taken by those nations which disapproved of the Soviet occupation of Afghanistan—has apparently not altered the Kremlin's determination to add the remote, landlocked country to its expanding empire. The world's press continues to report Afghan rebel activity which, even discounting some of the more inflated claims of the propagandists, has apparently been enough to rattle the occupation forces and to render more transparently false Moscow's claim that its troops were invited in. But the headlines are becoming almost routine and, unlike Vietnam, there are no reporters or television cameras to bring home the ruthlessness of the Soviet occupation forces, as villages are reduced to rubble and helicopter gunships mow down the tribesmen.

The chances of the Soviet Union relaxing its hold on Afghanistan are nil, at least for the near future. President Leonid Brezhnev darkly spelled out the Afghans' fate in a speech on August 29 delivered in yet another Soviet colony, Kazakhstan, when he reiterated Moscow's intention to maintain its military forces in Afghanistan: "We shall discharge our duty to the last, fully in accordance with the Soviet treaty of friendship," he said, adding without any apparent irony, "and with the UN Charter." He warned: "No one should have any doubt about this."

For the time being, the Soviet occupation of Afghanistan is a fait accompli, and the story itself is becoming routine. The moment demands an appraisal of the rest of the world's reaction to this act of imperialism and of the quest for a possible solution.

The two main—and opposing—courses being debated at present are: either provide more and better arms and proper training for the guerrillas so as to turn Afghanistan into a Soviet Vietnam; or do not risk trouble, forget the invasion and let the Soviets keep the remote country.

After evaluating its capability for a military response, the West decided to contain itself to a largely political reaction combined with some covert support to the rebels. The declared intention was to make the Kremlin pay dearly for its latest adventure so that it was at least discouraged from making similar moves in future. Enough time has elapsed since the invasion in December 1979 to draw a balance-sheet of Soviet gains and losses.

Counting losses first, it is impossible to ignore the worldwide condemnation the invasion earned. Also, because of the Islamic nature of the resistance, the invasion was a setback to Moscow's growing propaganda claims that communism and Islam are compatible. Besides, the Moscow-sponsored Kabul coup of April 1978, followed a month later by an abortive coup attempt in Baghdad, badly shook Moscow's valuable alliance with its erstwhile key ally in the Gulf—Ba'athist Iraq. All the same, it is hard to argue that these reactions, even cumulatively, constitute a setback for the Soviets' international relations.

The economic sanctions could have been a far more effective response, but their effect was diluted by the fragmented response of the Western allies. Understandably, the Soviets came to believe that half-hearted sanctions would not hold for long. Latest developments seem to endorse this view.

Whatever the military, economic and diplomatic cost of the invasion to the Soviets so far it seems to be more than compensated for by strategic gains. Afghanistan, where the Soviet Union, Iran, China and the Subcontinent meet, is no longer the buffer between the Soviets and the Indian Ocean through Pakistan or the Persian Gulf through Iran. By extending its border with Iran, the Soviet Union is now controlling those northwestern Afghan regions that enhance its advantage in any future southward invasion. Besides, once again the Soviet Union is standing on the borders of promising lands—Pakistan and Iran—made attractive by internal fragmentation.

Above all, by reaching to within 300 miles of the Arabian Sea, the Soviets brought the Gulf into the range of their tactical aircraft. The Soviets expect the Chinese to start developing nuclear missile-armed ships later this decade and into the next. Given the Soviets' paranoid fear of China, the Kremlin is now in a position to deny the Chinese access to the Arabian Sea, and thus eliminate a possible threat to western parts of the Soviet Union.

Inevitably, these strategic gains have yielded corresponding political benefits. The domination of Afghanistan, combined with a strong military presence in Ethiopia, South Yemen and the Indian Ocean, gives the Soviet Union its first role in the politics of Southwest Asia. It reinforces the Soviet claim to acceptance in the region, not only as a balancing force but as a co-guarantor. Indeed, there are now reports that any future discussion of detente must include not only the accommodation of Soviet oil needs, but also the sharing with the Soviets of the security of oil transport routes.

The Soviet proximity and the awareness that United States power in the region is waning puts pressure on local policymakers—whatever their ideological affinity with the West—to seek some accommodation with the Soviet Union. The fear remains, because they know the only concept of security the Kremlin understands is Soviet hegemony, to the exclusion of all rivals.

The depth of the fear that the Soviet invasion of Afghanistan generated cannot be assessed without taking account of what Southwest Asian states feel about the role of the U.S. They know that the U.S. can no longer tackle the Soviet Union with impunity. They also believe that U.S. inhibitions about the open use of force tend to increase in direct relation to the distance from U.S. shores.

Regional policy makers are convinced that the U.S. will not start a huge rearmament programme to confront the Soviet Union. Further, they realize that the U.S. will not regain the dominant position it held in the 1950s, even when it develops its "invisible" aircraft and creates a mobile strategic missile system and a rapid deployment force.

A FREE LITHUANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DOUGHERTY) is recognized for 60 minutes.

Mr. DOUGHERTY. Mr. Speaker, I rise today to take this special order in conjunction with a number of my colleagues, to express our concern and to call attention to a matter of great significance to this Nation and to many of our citizens, and that is the basic concept of freedom.

Mr. Speaker, for the next few moments I would like to discuss two issues, first the upcoming trial on October 7 of the Lithuanian Eighteen, a group of 18 young Americans of Lithuanian descent who were arrested and are being prosecuted for demonstrating in front of the Soviet Embassy.

Of greater significance, Mr. Speaker, is our concern for the future of this Nation's relationship with the Republic of Lithuania, for the very survival of the symbol of a free Lithuania, namely, the Lithuanian Legation here in Washington.

Mr. Speaker, in 1940 Lithuania was forcibly annexed by the Soviet Union. The United States committed itself at that time never to recognize this forcible annexation. For the past 40 years, Mr. Speaker, we have met that commitment. Mr. Speaker, we are now faced with a reality that subtle changes have occurred.

Today, Mr. Speaker, we face the real possibility that that visible sign of a free Lithuania, that symbol of the U.S. commitment to the people of Lithuania may and possibly is being extinguished by time and by the actions of our State Department.

Mr. Speaker, the funds of the Republic of Lithuania were held here in the United States at the time of the annexation by the Soviet Union of Lithuania. Those funds since 1940 have been used to maintain the Legation. Those funds, Mr. Speaker, have run out. While the Legation is currently being funded by the resources of the Legation of Estonia and Latvia, it is our feeling that the Legation of Lithuania will ultimately be forced to close. Indeed, Mr. Speaker, the future of the staff of the Legation is in jeopardy, as the staff is now near retirement age.

☐ 1630

What we have, Mr. Speaker, is the possible demise of a symbol of freedom, a symbol of resistance to Soviet aggression, a symbol of commitment by America to the beautiful people of Lithuania.

Mr. Speaker, there is a growing rebirth of a spirit, of awareness, of concern among our people, particularly those of our Lithuanian-American community that these things must not happen, that this symbol of freedom, the Legation of the Republic of Lithuania must continue to exist. This rebirth of spirit is particularly evident among the proud young people of Lithuanian descent here in America.

Mr. Speaker, sometime ago, 18 young Lithuanian-Americans moved by their renewed awareness of their proud heritage, demonstrated in front of the Soviet Embassy here in Washington in support of the Soviet boycott. They demonstrated to protest the brutal Soviet invasion of Afghanistan. They demonstrated to bring a renewed awareness in America of the tragedy of the people of Lithuania.

Their demonstration, Mr. Speaker, was peaceful. It was orderly. No one was harmed. No damage was done. Yet, Mr. Speaker, unlike the violent demonstrations conducted by the Iranian students, which devastated this city and which were not prosecuted—and I reemphasize the fact that the Iranian students were not prosecuted—these young people of Lithuanian-American descent, whose actions were in the cause of freedom, are now being fully prosecuted by the U.S. attorney.

Why such a double standard, Mr. Speaker? Why are the forces anxious to stimy, to cut off, to destroy this reborn awareness of how precious freedom for Lithuania is for these young people?

How can we tolerate a double standard that punishes those who demonstrate peaceably for the cause of freedom while those who demonstrate violently, who demonstrate for anarchy, who demonstrate with ingratitude, who demonstrate unlawfully, go unpunished?

Mr. Speaker, we are concerned not only about this injustice, this double standard, but also about the unwillingness of our State Department to move enthusiastically to preserve that symbol of freedom, the Legation of Lithuania, that symbol that is so precious to these young people, to our Lithuanian-American community, to many Members of this body and indeed, Mr. Speaker, to all America.

Mr. Speaker, some time ago, legislation was introduced that would have provided funding for this Legation, which would have provided for the right of succession for the staff, so that both the facility and the people would continue to exist as a symbol of freedom. Meetings were held with the State Department.

I should comment here on the tremendous support we received from the chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI) and our ranking Republican, the gentleman from Illinois (Mr. DERWINSKI), but to no avail, Mr. Speaker.

Many of us believe the State Department is acting to threaten and intimidate the Legation. They obviously do not want the Legation to continue to exist. They want to see the Legation fade away, fade away as a thorn in the side of the Soviet Union.

Mr. Speaker, today, I am putting the State Department on notice, and I speak, I am sure, for many of my colleagues, that they either vigorously move to renew the Legation, to establish a process for succession of staff, to provide direct funding, to cease and desist with threats, intimidations and innuendoes and to reassert vigorously our commitment to Lithuania and the other Baltic States. Either the State Department will make those moves, Mr. Speaker, or we will do it for them. That is a commitment that I am making here tonight.

Mr. Speaker, the renewed awareness of the importance of the Lithuanian Legation is a symbol of freedom. It is a symbol of resistance to Soviet tyranny, as a sign of America's visible commitment to Lithuania.

Mr. Speaker, the enthusiasm and vibrant activism of these young Lithuanian Americans, the public commitment by Members of this Congress to the preservation of this legation will not go away. It will not fade, but rather, it will continue to grow and to flourish.

Something exciting is happening among the Lithuanian community in the United States, Mr. Speaker. They have found a cause. They have become more vibrant. They have become more involved in the American political process.

A spirit of Lithuania has been rekindled among the young people of America of Lithuanian descent, and with or without the support of the U.S. State Department, their cause will prevail.

Mr. Speaker, a number of my colleagues have indicated an interest in joining in this special order today.

Mr. DONNELLY. Mr. Speaker, will the gentleman yield?

Mr. DOUGHERTY. I yield to the gentleman from Massachusetts.

Mr. DONNELLY. Mr. Speaker, we are a Nation of immigrants which is truly a unique feature of America. Most importantly, it is one of our greatest strengths.

Our families chose to sacrifice, leaving their native lands and people behind, so their children could know of freedom, opportunity, and justice.

Today, some belittle that vision of America—some may call it naive—but let them ask Lithuanian patriot, Simas Kudirka, if the call of freedom still beckons the price paid to obtain that freedom.

I rise this afternoon to challenge a travesty of justice the Department of Justice has unwittingly provided cause for those who wish our Nation ill, for those who boast that the United States is no longer the land of equal justice for all. I refer to the October 7 scheduled prosecution of American citizens of Lithuanian heritage who held a peaceful protest at the Soviet Embasy in July the Department's action stands in sharp contrast to the blanket amnesty granted Iranian nationals who staged violent demonstrations 9 days later.

As shown by the interest of the Congress, my colleagues and I join the Lithuanian-American community in protesting the Soviet invasion of Afghanistan, the occupation of your homeland since 1940, and the Soviet Union's disregard for basic human rights.

We challenge the Congress to recommit ourselves to upholding the very ideals of justice and freedom which first brought our people to this great land.

Mr. DOUGHERTY. I thank the gentleman for his participation and comments. I believe it is very important we reiterate the fact, Mr. Speaker, that there is an imbalance of injustice when Iranian students can rip up Washington and go unprosecuted, and yet 17 or 18 young Lithuanian-Americans demonstrate peaceably and are being prosecuted to the full extent of the law.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. DOUGHERTY. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, in this, the 63d year since the reestablishment of the Independent Republic of Lithuania, and a full 40 years since the subjugation of that land by the Soviet Union, the spark of independence still glows in the hearts of the Lithuanian people.

This is most recently evidenced by the action's of 18 Lithuanian Americans outside the Soviet Embassy in Washington. These 18 brave people, knowing well that they would be called on to account for their actions, persisted in protesting the continued Soviet occupation of their motherland and the recent Soviet subjugation of yet another freedom loving people, the people of Afghanistan.

This latest incident is just one in a long train of actions by which the Lithuanian people have shown that they love their liberty—perhaps with a greater ferocity than any people in the world.

For 7 years after the Soviet annexation of Lithuania, the people actively fought their oppressors. Indeed, I was surprised to note that as late as the mid-1950's guerrilla actions were still being undertaken in the forests of Lithuania by the freedom fighters. Yet, they paid dearly for their efforts. Throughout the struggle, no fewer than 30,000 of them gave up their lives and literally hundreds of thousands were transported from their homeland to slave labor camps in the Soviet Union.

The struggle continues today, but Lithuanian resolve to regain their independence goes on undiminished. Lithuanians worldwide are united in their continued hopes and efforts for achieving their goal.

And that is the real meaning of this unified statement of support for the courageous 18 Lithuanian freedom fighters here in Washington, who face the prospect of losing their liberty—so ironically—for peaceably protesting the actions of their oppressors.

Let the Members of this body unequivocally voice their support for the people of Lithuania everywhere who still courageously aspire to the reinstitution of the human rights to which they are entitled.

□ 1640

Mr. DOUGHERTY. Mr. Speaker, I thank the gentleman from California for his participation.

At this time I yield to my friend, the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman from Pennsylvania.

I, too, want to commend the gentleman from Pennsylvania (Mr. DOUGHERTY) for being farsighted enough to take this reservation.

I may also say, this is the first time I have ever participated in one of these postreservation sessions. I do it because I have become particularly interested in this cause. Some may recall that a few days ago I gave a 1-minute address on this subject. One of my constituents happened to be one of the 16 Lithuanian Americans who are being brought up for trial on the seventh of this month.

I circulated a letter here on the floor of the House and obtained approximately 50 signatures of Congressmen. I am sure I could have obtained 435 if I had been persistent enough.

I sent a letter addressed to Phil Heymann, the chief of the criminal division of the Department of Justice, protesting this situation where these 16 peaceful Lithuanian Americans were demonstrating peacefully, offered no resistance to arrest, within 500 feet of the Soviet Embassy and none of them have any kind of criminal record. One of them, Simon Kadurska, was the young man who jumped off the Soviet boat and came aboard an American Coast Guard cutter and they erroneously permitted the Russians to pursue him and haul him back aboard, only later to embarrassingly discover he was an American citizen and he is now here and is 1 of the 16; where 10 days later, after the 18th day of July, the Iranians, protesting against the U.S. Government and creating actual violence which resulted in the injury of policemen and bystanders, some of them ended up with being charged with felonies, were released completely and all charges dismissed; whereas these Americans, who were peacefully exercising their rights in support of the position of the U.S. Government are being brought to trial and prosecuted to the letter of the law.

I called Phil Heymann following the sending of that letter. I happen to know the gentleman because of my participation in the Criminal Justice Subdivision where we were rewriting the Criminal Code and consequently were in constant contact with the Department. He had no knowledge of the matter and said it was being handled by the USDA's office here probably. He said that they had some house rule against discussing pending cases with Members of Congress. They have no such reluctance in discussing congressional business, pending legislation, with Members of Congress; but he acknowledged that this was somewhat different than the rule was intended to be.

I pointed out that this, as opposed to an attempt to obstruct justice, this was an attempt to further justice, which he acknowledged. He said he would, notwithstanding that rule, make inquiry into it.

So certainly the high level of the Department is advised of it. It is not just some independent action of a vigorous assistant DA locally. I am going to be extremely disappointed if Mr. Heymann and the powers that be in the Justice Department who are now fully advised, and I personally full advised them in addition to the letter, do not take a hand in this and see that justice is done.

I think this Lithuanian-American group are fantastically good citizens. We were the great beneficiaries, really, of the Russian usurpation of Lithuania.

We have a small, but very prominent, Lithuanian-American group in my community, as well as a Latvian one. They are certainly a great credit to their ethnic background. They are all hardworking, excellent, industrious citizens that we are very glad to have. I sympathize with them.

Again, I want to commend the gentleman from Pennsylvania (Mr. DOUGHERTY) for doing this and thank him very much.

Mr. DOUGHERTY. Mr. Speaker, I thank the gentleman very much for his participation and, indeed, for having the foresight to send that letter to the Department of Justice on behalf of the young people who did demonstrate.

Mr. Speaker, at this time I would like to advise Members of Congress that there is a reception this evening for Members of the Lithuanian-American community.

I would like to note that eight Senators have joined us in this effort to bring to the attention of the Congress and the American public this unfair justice, this double standard, by which young people from the Lithuanian-American community are being prosecuted for acting on behalf of freedom, while Iranian students who destroyed the city and demonstrated for anarchy were let free.

Mr. Speaker, I think the question really is in the short run and in the long run, what are we going to do about the question of the Baltic States, whether or not we are going to allow Latvia, Estonia, and Lithuania to fade from the scene as being committed, viable, free nations that we will recognize as long as we, indeed, ourselves are free. To me, the legation here in Washington is a symbol that goes far beyond Lithuania. It is a symbol to the world that America will not recognize the Soviet domination of the Baltic States.

It would seem appropriate, Mr. Speaker, that the Justice Department should rethink its actions in prosecuting these students, these young people. As I say, it seems rather ironic that those who demonstrate for freedom are persecuted, while those who demonstrate for persecution are allowed to go free in this land of America.

● Mr. DOUGHERTY. Mr. Speaker, as we prepare to recess the Congress until after the election, it is only fitting that we take a few moments to recognize and condemn an unconscionable travesty of justice. I commend my colleagues for their special order on this issue.

I speak, of course, of the 18 Lithuanian-Americans arrested for peacefully demonstrating too close to the Soviet Embassy on July 18. Although charges have been dropped for technical reasons against five of those arrested the remaining 13 are subject to prosecution and will go on trial this month. At the same time, all charges have been dropped against the so-called Iranian "students" who staged a violent demonstration in Washington only 9 days later.

The proximity in time of these two demonstrations has given this unequal treatment great symbolic significance, and that is: Leniency for Iranians who violently protest against the United States; the letter of the law for Americans who peacefully exercise their rights of free speech to support U.S. policy and oppose Soviet aggression. These are precisely the wrong signals to send to the American people at this moment in history. To Americans who first saw law enforcement against Iranian student violence as ineffectual, it now appears arbitrary.

The Justice Department apparently will not reconsider its decision to prosecute the Lithuanian-Americans, in spite of the letter to Assistant Attorney General Philip Heymann, initiated by the gentleman from Michigan (Mr. SAWYER) which many of us signed.

Some time ago, a number of us cosponsored H.R. 5407 to provide continued funding for the legation of Lithuania. The State Department continues to stall on our efforts to insure dipomatic representation of Lithuania in Washington.

I join my colleagues in calling upon the Carter administration in protesting the unequal treatment of American citizens and Iranian nationals, and urge the Justice Department to treat in an impartial manner all persons who violate the law.

Lithuanian-Americans in my congressional district have asked me why the Justice Department decided to handle these two situations differently. I do not know, and it seems that the Justice Department does not know either.

The Lithuanian-American community feels quite strongly about these actions by the Department of Justice, as evidenced by the following quotation from a letter I received:

> As an American who believes in the freedom of speech and of expression, and living in a country where all men are supposed to be treated equally, regardless of national origin, religion, or color, I find this quite apparent double standard of justice very offensive.

I, too, find it offensive.●

● Mr. FROST. Mr. Speaker, the trial of 18 Americans of Lithuanian descent should be followed closely by all Americans who support this Government's human rights policies. Last year, the House of Representatives saluted the people of Lithuania on the anniversary of their "Day of Independence." We made a special effort to commend Lithuanians for their struggle to maintain a measure of human dignity under the yoke of Soviet domination. Yet this year, 18 Americans will soon be standing trial for protesting publicly against the spread of Soviet domination into the nation of Afghanistan.

Mr. Speaker, these 18 people are all too familiar with the horrors of living under totalitarianism. Their relatives in East Europe, the workers in Poland, and the Afghan freedom fighters, these people all share a common sense of the need for the individual to live freely in a sovereign state. By demonstrating in front of the Embassy of the U.S.S.R., these 18 people spoke for every American who watched in horror as the Soviet tanks rolled into Afghanistan. In a sense, these 18 spoke for the current administration—an administration that has taken great pride in its efforts to liberate human beings from the oppression of totalitarianism. The cries for freedom have never fallen upon deaf ears in this country, yet many of our efforts could be nullified if the 18 are not treated with compassion.

Moreover, our effort to eradicate the stamp of Soviet domination on countries outside its borders will not be served if this body does not continue to support the right of the Lithuanian people to be represented as a sovereign nation here in Washington. We must do everything within our power to support the Lithuanian legation, because by doing so, we send a very clear signal to Moscow that we do not and never will recognize the legality of its incorporation of the Lithuanian State.

Last year, I took particular pride in speaking on behalf of Lithuanians, because my maternal ancestors came from this country. My original family was centered in Vistinecs, a small town near the Baltic Sea that was completely destroyed in World War I. The tradition of national pride and struggle could very well have originated then—during the German battles with Russia for domination. What is clear is that this tradition has continued to this very day, and the House of Representatives should support that tradition by going on record in sympathy with the spirit and strength of the 18 Americans who demonstrated against the Soviet Union. I made an observation in my last tribute that is even more fitting today: The people of Lithuania, as represented by these 18 protestors, epitomize the philosophy of Winston Churchill when he defined courage as "the first of all human qualities because it is the quality which guarantees all others."

I take great pride in asking for lenience for Lithuanian Americans who dared to speak up on behalf of their compatriots all over the world.●

● Mr. CLINGER. Mr. Speaker, next Tuesday 18 Lithuanian-Americans will be tried for demonstrating in front of the Soviet Embassy in violation of a District of Columbia statute. They will be tried under a system of law that protects their individual rights even as it protects the peace and order of the larger society.

These Lithuanian-Americans were protesting the violation of other nations' peace and order by a great power that holds scant respect for the individual rights of its own or other nations' citizens, a power that this year forcibly invaded the independent State of Afghanistan as it had, 40 years ago, invaded the independent State of Lithuania. Their demonstration serves us as a vital and timely reminder of the continuing dangers of Soviet expansionism to the freedom and integrity of its neighbors.

Our own great Nation must not yield, as these nations have been tragically forced to do, to the threats of a government to whom international law and the human rights of all peoples mean little in comparison to the advancing of its own strategic goals. We must continue to defend life, law, and freedom when they are threatened by force or subversion.

We must also continue to support the rights of the Lithuanian people, who have suffered and struggled under 40 years of Soviet domination. As you know, the United States has consistently refused to recognize the unlawful Soviet incorporation of Lithuania and the other Baltic States and has maintained diplomatic relations with representatives of the Republic of Lithuania. However, the Lithuanian legation is now facing extinction, its diplomatic personnel of an advanced age and its independent assets nearly gone.

As a cosponsor of H.R. 5407, a bill to provide funding for the Lithuanian legation, I am deeply concerned that our Nation insure the continuation of the diplomatic representation of Lithuania to the United States. We must show the Soviet Union, the world, and ourselves that the cause for which these 18 Lithuanian-Americans demonstrated, the freedom and self-determination of the Lithuanian people and every people, remains a cherished goal of American foreign policy.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, my colleagues will recall the news reports indicating that on October 7, 18 Lithuanian Americans will be tried for peacefully demonstrating outside the Soviet Embassy in Washington, after protesting the recent Soviet invasion of Afghanistan, the occupation of the Soviet Union of their native Lithuania since 1940, and the Soviet Union's disregard for basic human rights.

Exactly 9 days after this demonstration took place, 192 Iranian, pro-Khomeini demonstrators were arrested after repeated clashes with District of Columbia police, resulting in injuries to several officers and citizens. It is quite interesting to note that while all criminal charges against the Iranian demonstrators were dropped and a check on the immigration status of the demonstrators halted, the U.S. Department of Justice has prosecuted the Lithuanian-Americans to the fullest extent of the law.

The conclusion to be drawn from such discriminatory treatment is that United States appears to treat its own citizens more severely than Iranian nationals who have publicly belittled our Nation. This appears to be an open violation of the tradition of our Nation of "equal justice under the law."

I do not choose to endorse or criticize the leniency shown the Iranians at this juncture: Prosecutors commonly dismiss charges for offenses judged minor, for first offenses, or for reasons of public policy. However, the proximity in time of these two demonstrations, has given the apparent unequal treatment an inevitable, symbolic significance. What we have demonstrated in leniency for Iranians who violently protest against the United States and the letter and spirit of the law for Americans who peacefully protest against Soviet aggression.

It is particularly fitting to restate our commitment to Lithuanian independence in lieu of the recent Soviet action in Afghanistan, where once again we see the same frightful pattern of Russia's expansionism. Perhaps recent events in Afghanistan have made many Americans realize the fragile state of the world and sensitized them to the plight of the Lithuanian people who continue to struggle, to pray, and to work for the day when their country can once again enjoy liberty.

In publicly commemorating these events, Americans of Lithuanian descent reaffirm their commitment to the exercise of basic human rights which have so often been forcibly suppressed during Lithuania's tortured history. We too often forget that in other countries of the world the rights which we enjoy are denied. We are free to celebrate our "Independence Day" with patriotic speeches, fireworks, parades, and picnics, but to the Lithuanians, their freedom is only a memory and a dream of the future.

Lithuania today is a colony in a vast Russian Empire. She saw a period of freedom, as well as economic and industrial expansion between this century's world wars. During that time, she was given the Russians' "sacred word of honor," in a peace treaty and nonaggression pact, that they would respect her neutrality and independence. In June 1940, however, Soviet soldiers marched in, forced a coalition government to resign and installed a regime of their own choosing.

Since then, Lithuanians have been denied even the most elemental of human and civil rights, and have suffered severe assaults on their national identity and cultural heritage. The Lithuanian people have bravely refused to accept this oppression and have kept alive their determination to reclaim control over their own lives.

While there are many outstanding examples of those who have stood up to this oppressive Soviet rule, I am honored to join with my distinguished colleagues in singling out 18 Americans of Lithuanian descent for their exceptional courage. The undaunted spirit and the determination of the people of Lithuania have somehow filtered through the iron wall of Soviet domination. The support and encouragement of the American people will permeate that iron wall and will clearly indicate to the Lithuanian people that they are being seen and heard, clearly and loudly, by a nation which remembers.●

● Mr. MAZZOLI. Mr. Speaker, I am pleased to join my colleagues in honoring the courageous people of Lithuania.

The recent Soviet invasion of Afghanistan has heightened the awareness of all the world's free people that democracy is precious and must be actively protected. And, the recent labor activities in Poland have shown us that a strong-willed and freedom-loving nation contains a force that is greater than the repression and presecution tactics used by the Russians.

Similarly, the Lithuanian people are a determined people who have repeatedly voiced their opposition to the Soviet aggression with which they must live daily. Despite the religious persecution, political and cultural repression and denial of fundamental human rights, the Lithuanians have not lost their will to be a sovereign people.

In this same vein, 18 Americans of Lithuanian descent demonstrated their support of the Olympic boycott, and protested the Soviet invasion of Afghanistan and the 40 years of Soviet occupation of Lithuania in front of the Soviet Embassy in Washington.

These Americans demonstrated with the same spirit that has survived throughout the Eastern bloc countries, and with the same spirit which offers inspiration for all the world's people who value human freedom above all else.●

● Mr. RHODES. Mr. Speaker, I join my colleagues in the House in support of the 18 Lithuanians who face trial in the District of Columbia for expressing their protests of the actions of the Soviet Union, which is occupying their homeland.

We in the United States set great store by liberty. William Allen White once reminded us that:

> Liberty is the one thing you cannot have unless you give it to others.

As the seat of Government, Washington is a magnet for citizens who want to petition their Government in person. It is ironic that the District of Columbia grants permits for demonstrations, many of them not peaceable, to groups whose purpose is not freedom, but destruction of our system of rights and privileges. If the representatives of the Government of Iran, which has held 52 Americans prisoner for nearly a year, can go scot free after rioting, the prosecution and trial by the District of these 18 Lithuanian patriots, who sought only to demonstrate their love of freedom, becomes a travesty of justice.

The jackboot of Soviet tyranny has spread across Europe like a plague of the soul. We see signs that the people in oppressed lands are becoming restless, that the yearning for freedom of expression and action has not been quenched by the years of Communist domination. The uprising in Poland is but the tip of an iceberg of discontent. It is important that our Government continue its moral support of displaced ethnic groups, people who want their homelands once more to exercise free choice.

Although the Lithuanian 18 may be in technical violation of an ordinance of the city of Washington, the cause for which they were demonstrating is just, and I believe the District government would be wise to admonish them, but would be unjust to insist on punishing them.●

● Mr. DERWINSKI. Mr. Speaker, on numerous occasions, I have directed the attention of the Members to the continued Soviet persecution of Lithuanian nationals held captive in the Baltic State of Lithuania. This is a situation that is typical of the oppression that exists under the Soviet Government rule.

However, on October 7, 18 Americans of Lithuanian descent will be tried for demonstrating in front of the Soviet Embassy in Washington, D.C. These Americans, in expressing their support of the U.S. Olympic boycott and protesting the Soviet aggression in the invasion of Afghanistan, were utilizing their rights as U.S. citizens.

In contrast to the orderly and peaceful demonstration of the Lithuanian-Americans in front of the Soviet Embassy, Iranian "students" who incited a violent demonstration in the streets of Washington 9 days later to protest American "crimes" in Iran have had all charges dropped against them.

In the case involving the Lithuanian-Americans, each demonstrator was charged with a single misdemeanor and none had a previous arrest record. Yet the Carter administration Justice Department is insisting on prosecuting them for violation of an ordinance which prohibits congregating within 500 feet of an Embassy or displaying flags or placards criticizing a foreign government. Despite the fact that the Iranians provoked a confrontation with onlookers resulting in American citizens and police being injured and despite the fact that several Iranians were charged with felonies, the charges against them were dropped even before the Immigration and Naturalization Service could verify their immigration status. This decision was made at the highest levels in Government.

It is of utmost importance that we insist that the Justice Department reconsider their gutless treatment of the Iranian nationals who demonstrated against U.S. policy as compared to their determination to prosecute the Lithuanian-Americans who demonstrated in support of freedom. I have joined with our colleague, Mr. Donnelly, in cosponsoring House Concurrent Resolution 430, which expresses the sense of Congress that the U.S. Government should, in the tradition of our Nation of equal justice under the law, treat in an impartial manner all persons who violate the law.

For the last 40 years, freedom, self-determination and independence have been denied to the Lithuanian people. Soviet repression in Lithuania has reached alarming proportions. Show trials and harsh sentences are used to intimidate and to silence the widespread nationalistic and religious fervor in this Baltic country. The United States has consistently refused to recognize this unlawful Soviet occupation and to this day continues to maintain diplomatic relations with representatives of these Baltic States.

Unfortunately, the Lithuanian legation in the United States is facing extinction because that small nation's monetary assets frozen in the United States at the Soviet takeover are almost completely depleted. I have joined with other Members in cosponsoring Mr. Dougherty's resolution to authorized appropriations for the Lithuanian legation. I believe that the legation must remain open as a symbol of U.S. nonrecognition of the Soviet occupation of the Baltic States, and to provide hope to the more than 1 million people of Lithuanian descent living in the United States that Soviet oppression can be resisted and that freedom will be restored to their homeland.

On this occasion, we should reaffirm our commitment to those Baltic nations still struggling for independence. The eventual restoration of self-determination for Lithuania, as well as Estonia and Latvia, must be an objective of freedom-loving people throughout the world and is the policy of our Government.

I hope the administration will take this into account.●

GENERAL LEAVE

Mr. DOUGHERTY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. DOUGHERTY. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks and to include extraneous material on the subject of the special order today of the gentleman from New York (Mr. Kemp) on the subject of urban jobs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMENDATION TO CHAIRMAN BENNETT ON A TRAGIC AND DIFFICULT DAY

(Mr. DOUGHERTY asked and was given permision to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOUGHERTY. Mr. Speaker, I would like to pay my public respect and admiration to the chairman of the Ethics Committee, the gentleman from Florida (Mr. Bennett) on what was, indeed, a most tragic and very difficult day for him. I think he handled himself to the credit of this Congress and to the credit of his constituency in Florida.

GROWING BIPARTISAN SUPPORT FOR THE KEMP-GARCIA URBAN JOBS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 60 minutes.

● Mr. KEMP. Mr. Speaker, the headlines of the three articles I am submitting for the record today speak for themselves. On August 28 the Christian Science Monitor reported that "Coalition Charts Way To Save Cities." The Fort Worth News-Tribune on September 12 carried a story about how "Liberals, Conservatives in Congress Back Novel Plan To Restore Cities," while the Philadelphia Inquirer on September 21 announced that "Free Enterprise Zones Growing in Popularity, if Not Reality."

This is not a Republican idea or a Democratic idea. It is a practical idea, which transcends our ideological and political disputes. Bob Garcia and I do not agree on all issues, but we do agree that this Congress must explore new approaches to restoring jobs and growth in our inner cities.

Today I would like to join my colleagues Bob Garcia, Dave Stockman, Hank Nowak, Bob Livingston, and Newt Gingrich in placing recent editorials, letters, resolutions, and testimony in support of H.R. 7563 into the Record:

[From the Christian Science Monitor, Aug. 28, 1980]

COALITION CHARTS WAY TO SAVE CITIES

(By Guy Halverson)

Washington.—An unusual coalition of blacks, conservative economists, socialists, urban planners, and liberal officeholders is taking shape here to push a bold new effort to save central cities from urban blight.

Dubbed "enterprise zones" by proponents, the concept is relatively straightforward: remove most zoning, taxation, and federal and local business regulations from carefully defined central city districts. The upshot, in the eyes of proponents, would be to encourage new industrial and commercial development, including jobs, in those same areas.

The concept has not yet been formally tested out in North America—despite somewhat similar but more restricted ventures, such as "free-trade zones," now under way in 40 US jurisdictions. However, as many as seven enterprise zones are now expected to begin operation later this year in the United Kingdom.

Stuard M. Butler, an economist with the conservative based Heritage Foundation, a Washington research group, sees "strong interest" in the enterprise zone concept from diverse political and economic groups.

The reason, says Dr. Butler, is that given tight pressures on the federal budget, the zoning taxation approach offers a "practical, low-cost" method of attempting to lure business back into central city areas.

Republican presidential contender Ronald Reagan has already made "enterprise zones" one of the cornerstones of his urban political agenda.

But support for the special zones goes far beyond merely the Republican Party. In fact, a version of the concept in the House of Representatives is co-sponsored by conservative upstate New York Republican Jack Kemp and liberal Democrat Robert Garcia, whose district encompasses the South Bronx, one of the most blighted urban areas in the U.S.

"We were supporting this concept long before Mr. Reagan was nominated," argues Jeff Noah, an aide to Representative Garcia. "We've tried just about every possible federal urban renewal program in our district (the South Bronx). They haven't worked. That's why we're willing to try this approach."

The Kemp-Garcia bill is now before the House Ways and Means committee. It has already snapped up support from 40 lawmakers from all sides of the political spectrum, including members of the black caucus.

A similar bill has been introduced in the Senate.

The enterprise zone concept was first developed in England several years ago—the work of Sir Geoffrey Howe (Chancellor of the Exchequer in the present Conservative government) and Peter Hall, an urban planner (and Socialist).

Under the British concept, zoning regulations in a specified industrial area would be reduced, while property taxes would be dropped on commercial and industrial property.

Business taxes—as well as capital gains taxes—would be lowered. Minimum wage laws and the closed shop would be eliminated. If possible, free trade zones would be included within the larger enterprise zones.

Earlier this year the British government announced that it would be going ahead with some six enterprise zones. That number has since been boosted to seven.

Though no such zones are yet underway in the U.S., a bill to establish one experimental plan lost by one vote last year in the Illinois legislature.

The Kemp-Garcia bill—the urban jobs and enterprise zone act—deliberately skirts "local" jurisdictional issues such as zoning. The bill also does not call for elimination or lowering of the minimum wage.

Rather, the emphasis is primarily on lowering taxes. There must be a permanent reduction of not less than 20 percent of the effective real rate on property taxes. The capital-gains deduction would be increased from 60 percent to 80 percent on personal property used essentially for business purposes in the zone. Corporate tax rates would be sharply reduced.

One key criterion for the zone, however, would be that firms must employ at least 50 percent of their work force from the zone area to qualify for most of the various tax reductions. Firms with a smaller percentage of the area work force would have more limited tax advantages.

Opposition to the enterprise zone concept centers around the possibility that such trade-commercial areas might be used to exploit workers. At the same time, the current Republican political identification with the plan almost prohibits Carter administration support.

[From the Fort Worth News-Tribune, Sept. 12, 1980]

Liberals, Conservatives in Congress Back Novel Plan To Restore Cities

(By David A. Williams)

Washington.—"The problems of urban employment and economic decline . . . have made the South Bronx look like Berlin in 1945," according to Democratic Congressman Robert Garcia from the South Bronx.

To help remedy these problems Garcia has joined Republican Congressman Jack Kemp to co-sponsor the Urban Jobs and Enterprise Zone Act (H.R. 7563). The bill has captured the attention of Democrats and Republicans, liberals and conservatives alike.

Rep. Augustus Hawkins (D. Cal.), the senior black Congressman in the House and chairman of the Subcommittee on Employment Opportunities, has called the bill "a bold, innovative approach," that is needed "to restore the vigorous economic growth needed to create jobs for black Americans and other minorities."

The impetus behind this bill is this: Between 1970 and 1979 population in the Northeast actually declined, even though United States population grew 8.3 percent. From 1970 to 1974 northeastern metropolitan areas experienced a net migration and a net job loss. For instance, in the South Bronx, 66 percent of the inhabitants were black or Hispanic by 1970, and 40 percent were below 18. One-third of the population is now dependent on welfare, and although the South Bronx has lost 20 percent of its residents, it has lost less than 3 percent of its welfare cases.

In those areas of the cities where 20 percent or more of the population lives below the poverty level (one in five city residents, and two in three black city residents live in such areas) the overall unemployment rate in 1979 was over twice the national average. For blacks, it was close to three times the national average, and for black teenagers the unemployment rate reached 42 percent, seven times the national average. By 1976, 16 percent of our nation's central city residents fell below the poverty line, compared to a national average of 10 percent in other areas.

The nation is faced with the fact that little or no economic activity is being generated in our inner cities, and that is where our urban problems are coming from. Furthermore, the billions of dollars spent by the federal government since the 1960s although spent with good intentions, have failed to solve the problems of chronic unemployment and economic underdevelopment among our minorities and those in the inner cities.

Since no revenues are coming from these areas, government must introduce measures that will encourage economic growth by lowering tax rates, and drastically reduce or eliminate regulations that serve as a barrier to economic activity. Government loses not a dime by dramatically lowering the tax rate on the unemployed black or Hispanic teenager who is producing no taxable income for the government to lose. Neither does it lose by lowering small business tax rates in burned-out areas of the city since all small enterprises have already left these areas. This is significant since 66 percent of new jobs created nationally, and 100 percent of net new jobs created in the Northeast, come from small business (companies with fewer that 25 employees).

The concept of the "Enterprise Zone" was put forward in Britain in June, 1978 by Sir Geoffrey Howe, now Conservative Chancellor of the Exchequer, and Peter Hall, a socialist and professor of urban planning. A zone of about a square mile is chosen in the most depressed part of a city, and in it restrictions and most business taxes are removed. Zoning is simplified, property taxes cut dramatically and business taxes reduced significantly. The area is designated a free trade zone and thus with taxes, government regulation and red tape minimized, entrepreneurs find it cheaper and simple to turn ideas into jobs.

Kemp's urban jobs and Enterprise Zone Act includes

1. To encourage job creation in the inner city, particularly for the young, the bill reduces Social Security payroll taxes on employers and employees by 90 percent for workers under 21, 50 percent for workers 21 and older.

2. To encourage small enterprise investment and job creation, the bill reduces the capital gains tax rate on investment by 50 percent (on the sale of residential property, the tax reduction applies only when the seller has his or her principal residence in the zone.)

3. To encourage business expansion and to retain existing enterprises, the bill reduces business tax rates 15 percent across-the-board for any business located in and employing at least half of its employees in one or more zones.

4. To increase small business incentives, the bill (a) allows three-year, straight-line depreciation on the first $500,000 of assets purchased each year, (b) allows the use of cash rather than accrual accounting methods for firms with gross sales below $1 million, and (c) extends the loss carry forward provision to ten years.

To be eligible for Enterprise Jobs Zone status, either there must have been an average rate of unemployment in the area of twice the national average for the most recent 24 month period, and 30 percent of families are below the poverty level, or average unemployment rate during the most recent period was at least three times the national average, or at least 50 percent or more families are below the poverty level.

A companion bill (S. 2823) introduced in June, 1980 by Senators Rudy Boschwitz (R.-Minnesota) and John Chafee (R.-Rhode Island) and hearings on it will be held late in the summer in the Senate Finance Committee.

According to British economist Stuart Butler, the beauty of this bill is that, "It would not require tax money—indeed, it would take people off welfare rolls and turn them into taxpayers. Suspending property taxes on empty buildings would involve no loss to a city. Even the tax loss on occupied housing and commercial buildings would likely soon be recovered by increased revenue as new jobs and economic growth were created."

A new concept such as this may finally turn around the spiral of unemployment and urban malaise suffered by our minorities and teenagers.

In the words of William Raspberry, syndicated columnist, with the Washington Post, "If you believe that what America needs is more people gainfully employed, more people producing goods and services, then you might be interested in the Urban Jobs and Enterprise Zone Act introduced by Rep. Jack Kemp."

[From the Philadelphia Inquirer, Sept. 21, 1980]

Free Enterprise Zones Growing in Popularity, if not Reality

(By Douglas A. Campbell)

Buried in the economic medicine bag of election-year inflation cures and tonics for the nation's gouty big businesses is a remedy designed to restore industrial activity in Philadelphia and other big cities.

The prescription is simple: Cut taxes and other government-related business expenses in depressed urban neighborhoods, and the areas will rebound economically.

The prescription is also old. Pennsylvania, for example, already has a statewide program aimed at making urban neighborhoods more hospitable to business.

What has changed is the scope.

Two bills already in Congress would, as a matter of national policy, authorize what are often called "free enterprise zones," in which laissez faire would take over where government has dominated.

The legislation would put the federal government's money where its mouth is, too. At the minimum, it would give huge tax breaks to businesses that set up shop in low-income, high-unemployment neighborhoods.

Not surprisingly in an election year, support for such urban reinvestment proposals comes from individuals representing a wide range of political views.

Ronald Reagan has embraced the free enterprise zone idea as his recommendation for urban renewal. But the concept also is advocated by a number of Democratic experts who cannot help but notice that chronic urban unemployment persists as a major economic problem.

"It's a good idea," said economists Bernard Anderson, an expert on youth unemployment and executive vice president of the Rockefeller Foundation in New York. Anderson was a campaign adviser in 1976 for Jimmy Carter.

"Much of the loss (of urban jobs) is due to tax and expenditure systems we have set up in this country at the local level," said Michael Wachter, a Wharton School economist and another former Carter adviser. "What this enterprise zone is almost saying is: 'Let's copy what the booming Southwest and Southeast is doing.' "

While the general idea of free enterprise zones garners bipartisan support, however, there are several renditions of the theme that would produce substantially different results.

The moderate proposals would simply cut taxes. The more elaborate schemes would create islands for industrial free-for-alls where everything from safety regulations to minimum wage rules would be abolished and where tax levies would be minimal.

Credit is given to the British for coming up with the free enterprise zone as a means of stemming the deterioration of old industrial centers in England, Scotland and Wales.

According to the Heritage Foundation, a conservative, Washington-based group that supports studies of public policy, the British experiment, which started last month, should be imported by the United States because "federal intervention has failed to halt urban blight and decay.

The foundation, which has taken the lead in publicizing the idea, describes the zones as areas where government "would substantially reduce taxes, regulations and the minimum wage to encourage entrepreneurs to create new industry and jobs in the cities' most depressed areas."

The leading piece of legislation in Congress does not fill all those criteria, but it has the foundation's blessing. The congressmen sponsoring the bill are led by South Bronx Democrat Robert Garcia and by Jack Kemp, the Buffalo, N.Y., Republican whose proposal to cut federal taxes by 30 percent in three years has * * * the core of Reagan's economic proposals.

The Kemp-Garcia proposal requires a city that wants to have a free enterprise zone to cut property taxes in the zone by 20 percent permanently. If that is done, the legislation would cut corporate income and capital gains taxes sharply, would reduce Social Security taxes paid by employers by up to 90 percent and would provide for accelerated depreciation rates for companies in the area.

For their parts, companies doing business in free enterprise zones would, under the Kemp-Garcia bill, hire at least 25 percent of their workers from the zone.

Zones would be limited to areas with unemployment rates of at least twice the national average and with at least 30 percent of its residents with incomes below the poverty level.

THE PAUL PLAN

In the view of Temple University economics professor Walter E. Williams, however, this proposal provides insufficient incentives to promote economic development. Williams helped draft legislation introduced by Rep. Ronald E. Paul (R-Texas).

Paul's bill goes further than the Kemp-Garcia measure in six ways, explained Williams, who is on leave from Temple to teach at George Mason University in Fairfax, Va.

Paul's legislation:

Eliminates the federal minimum wage law in free enterprise zones.

Eliminates the jurisdiction of the Occupational Safety and Health Administration (OSHA) in the zones.

Requires deeper local property tax cuts.

Requires elimination of all local zoning ordinances.

Reduces federal taxes even further, both on companies and individuals.

Extends the lifetime of the zone to 20 years from the 10 years proposed under the Kemp-Garcia bill.

Moreover, under the Paul legislation, a city could establish a free enterprise zone if the area had a 7 percent unemployment rate and if 10 percent of its families were under the poverty level.

"In a word or two, these calls for free enterprise zones simply eliminate all those rules and regulations and taxes that have shackled our cities," Williams said in a telephone interview. "They take into account that these cities . . . did not become great as a result of extensive government regulation. They became great because they were free enterprise centers.

"I don't know whether (the taxes and regulations) have a basis for being, but they nonetheless are not free. Somebody has to pay. If the cities have high taxes, they will just drive companies to places in the country that have lower taxes."

FOLLOWING ADAM SMITH

Williams' brand of economics harks back to the days of Adam Smith, whose 1776 book, *Wealth of Nations*, outlined the economy of the industrialized world and described the benefits of a free market.

Williams, himself a product of Philadelphia's poor neighborhoods, insists in his writing that unskilled blacks and other minorities have been kept off even the bottom rung of the nation's economic ladder by the existence of a minimum wage that he believes is kept above the actual value of their work.

In a free market, where unskilled people could offer their toil for the going wage, they would find work and would develop skills, Williams tells his students.

Elimination of the minimum wage is thus a key ingredient in Williams' formula for free enterprise zones, as is the elimination of most forms of government participation in the economy, including existing jobs programs.

"I would argue that if we got some free enterprise zones we could eliminate some of these (government) job training programs and have real job training programs in the private sector," Williams said.

He said he would replace the existing Comprehensive Employment and Training Act (CETA) system of job training with his free enterprise zone scheme.

Economist Wachter said he agreed with Williams' "general thrust." Wachter and his economist wife, Susan, will host a University of Pennsylvania conference next year to discuss the nation's options for reviving its industry.

"We're spending a lot of government money (in CETA) subsidizing jobs in the government sector," Wachter said. "We really do have to reverse that trend."

He cautioned that while CETA has "an awful lot of problems," the program should be phased out rather than ended abruptly.

Wachter also praised the idea of free enterprise zones as a replacement for existing efforts to attack urban unemployment.

"It's the new fiscal conservatism, pro-investment strategy that we're adopting on a national level, applied on the local level," Wachter said.

But he criticized the suggestion that government safety regulations be suspended.

"I think it's one thing to say OSHA has done a terrible job in administering job safety," he said. "(But) we want to have job safety. We just want it done correctly and not done at a cost that's burdensome to employers."

He also said that "any conservative should be opposed" to a plan to cut back on Social Security taxes "for things that have nothing to do with Social Security," a system that is widely acknowledged to face financial difficulties in the years ahead.

Bernard Anderson's reservations about free enterprise zones are even more fundamental, however.

"We don't want this policy to become one for creating low-level, dead-end jobs—for creating in the ghetto a second-class island," Anderson warned.

The minimum wage is not the problem Williams makes it out to be, Anderson said.

"They (minorities) have had the bottom rung for a long time and they didn't get on" because of other factors, he said.

Those factors include economic deterioration in cities, the World War II baby boom that has now flooded the labor pool and the entry of women into the work force, he said.

Nor did Anderson support the idea of relieving safety or other labor standards for companies in the zones.

"If this (free enterprise zone) is a veiled attempt to diminish the quality of labor standards and to depress the quality of economic opportunity for minorities . . . then it will not be well received by minority groups," Anderson said.

Finally, Anderson cautioned against eliminating CETA.

"Simply giving incentives (to business to locate in the zone) does not get individuals in that community trained for the job," he said. "It does not develop their productivity."

But without these qualities, a free enterprise zone "could contribute to the expansion of jobs" and would be "worthwhile" as long as existing companies are not excluded, Anderson said.

Wachter took that point a step further. "The question would come up: Why wouldn't you do this for the whole city?" he said.

Wachter's answer is that, indeed, whole cities should be established as free enterprise zones, and companies should be given tax breaks for hiring the hard-core unemployed regardless of where they live.

"In a city, you would want all manufacturing zones to get the same breaks," he said. "In terms of equity it would be awfully hard to establish separate zones."

Despite their individual ground rules, however, these economists expressed uniform affection for the notion of some scheme that would ease government's presence in urban industry. Said Williams: "What we've got to do is get government to stop destroying jobs." ●

● Mr. GARCIA. Mr. Speaker, when JACK KEMP and I introduced the Urban Jobs and Enterprise Zone Act, H.R. 7563, last June, we stated that above all we hoped to reopen the debate on America's urban policy. Four months later I think we can claim success. Liberals and conservatives. Democrats and Republicans, urban experts and community leaders have all expressed their support for the new concept of enterprise zones.

Last July I had the opportunity to testify before the House Committee on the District of Columbia hearings on urban centers. During these hearings I argued that the history of urban development is the history of "opportunity development." Generations of Americans have come from across the sea, from farms and small towns, to seek in the city an opportunity to better their lives and the lives of their children. Today our cities are filled with people who also came to the cities full of hope—and whose hope is being crushed by the high unemployment rates and business decline in our central cities. The purpose of my bill is to create new jobs and new enterprises in the cities, by providing major tax incentives to entrepreneurs who will start up businesses in poor communities and hire people from them.

I would like to submit my testimony for the RECORD.

TOWARD A NEW FEDERAL ROLE IN URBAN REDEVELOPMENT—A POLICY OF OPPORTUNITY DEVELOPMENT

Chairman DELLUMS. It is indeed a personal pleasure for me to appear before you and your committee today in order to discuss the general state of America's cities.

It is difficult, I think, to offer generalizations about any subject as vast and complex as is the American city. Were someone cheerily to make the blanket statement that our cities are thriving, for example, I would angrily walk with him through the rubble-strewn streets of my congressional district, the South Bronx portion of New York City, point out as many abandoned buildings, burned-out businesses, truant children, unemployed adults, dilapidated apartment houses, and dangerous street gangs as were necessary to bring tears to his eyes and anguish to his soul.

If that same person were then to tell me with sadness that there is no hope for these inner-city people, I would impatiently walk with him to the numerous self-help projects scattered throughout my district where the Black and Hispanic poor—so often denigrated by those in no position to know them—are in reality proving themselves to be the greatest and most unsung heroes of our age as they refashion their community and rebuild their own lives brick by brick and cinderblock by cinderblock. Their heroism in the face of daily crime, a sick economy, bureaucratic inertia, and dogmatic and facile political attitudes toward them would serve to inspire, I am sure, my observant companion.

If that same companion, however, were to argue that such efforts were doomed by the decline evident in all directions, I would walk with him to the nearest subway, sidestepping the litter, the alcoholics, and the occasional drug addict, and ride the train for no more than five minutes. There, within the same city and less than two miles from the devastated scene which earlier brought tears to his eyes, I would watch my companion's eyes light up with astonished delight as the two of us departed the subway in wondrously awesome and diverse midtown Manhattan. Once there, after walking past the continental sidewalk cafes, the modern skyscrapers, the chic plazas, the fabulously expensive boutiques, the renowned museums, and the exciting Broadway shows, if my companion were to state that my city was truly wonderful, I would take him back to my district, force him to watch a fifty year-old building burn to the ground as a result of arson, make him continue to watch in horror as teenagers and young children hurl rock after rock at the arriving firemen, and then ask him to tell me just how wonderful the city is.

Mr. Chairman, I have known for some time what my imaginary friend has recently learned—it is as useless for any of us to speak of an urban crisis as it is for us to speak of an urban renaissance. I know that each of these phrases has been bandied about during the course of these hearings and, frankly, I believe that each phase is as emotionally charged as it is thoroughly void of intellectual substance.

This is not to say, of course, that our patent inability to characterize the state of urban America must of necessity yield to an inability on our part to analyze urban conditions. Far from it. I do believe, however, that if we are to be true to the spirit of our great urban heroes of today—the inner-city residents who thrive on a spirit of community, cooperation, and enterprise—then we must be as precise as is possible in our thinking about what the Federal government can and cannot do to help our cities. Specifically, we must understand that for certain policy purposes the three areas visited by my imaginary friend—tragically declined, hopefully heroic, and fabulously exciting—are part of the same economic entity and for certain other purposes the three areas are absolutely unique.

As I shall explain in these remarks, when viewed in the former context, National economic policy is of greatest significance. When viewed in the latter context, targeted tax policy is of greatest significance.

Jurisdictionally, of course, the three areas of my city are part of the same metropolis, but I am referring to something more important for our purposes, however. Each seemingly different area is part of the same economy—local, regional, and National—and to the extent that Federal economic policymakers devise policies which pit city against city, state against state, and region against region all of our cities, states, and regions will lose. When growth is encouraged in the sunbelt through the relocation of businesses formerly located in the northeast, when mayors must devote their time to lobbying the Federal government for a share of scarce resources instead of governing their communities, when such policies as planned shrinkage gain currency in cities which face opportunity losses instead of gains, then I submit that all of our cities, large and small, are the losers despite any apparent signs to the contrary in some of those cities.

The great principle of urban development throughout the history of the world, I would argue, is that people move from areas of less opportunity to areas of greater opportunity. I urge the members of this committee to keep this principle firmly in mind at all times, just as I urge my fellow members of the House Subcommittee on Housing and Community Development to do likewise. I would contend further that the opportunities need not be economic alone, or even primarily. How else can one explain the eagerness of economically comfortable Jewish scientists to depart the Soviet Union for a rigorous life in Israel other than to conclude that freedom of religion and the right to practice freely their profession is of utmost importance to them? How else can one explain the boatloads of Haitians and Cubans, initially willing to face difficult lives, who nevertheless surge into our country other than to conclude that we offer something which these people never had? Indeed, how else can one explain in its entirety the history of the United States and its cities, villages, and towns other than by reference to this great principle which equates urban development with opportunity development?

Permit me to state my point once again, for it is crucially important. The great principle of urban development throughout the history of the world is that people move from areas of less opportunity to areas of greater opportunity.

Let us not be so blinded by the modern alphabet soup of government and its programs vitally important as they are—HUD, EDA, IRS, DOT, DOL, UDAG, CDBG, etc.—that we forget the simple truth that the history of urban development is the history of opportunity development. To the extent that a government program increases the opportunities of some or all Americans without correspondingly decreasing the opportunities of any Americans, then that program has provided us with an example of the proper role of government in bringing about American urban development, that is, opportunity enhancement not limited to a particular place but instead resulting in enhanced opportunities facing the Nation as a whole. And, to the extent that we pit any aggregation of Americans against another, to that extent we have American urban antidevelopmental policies.

How do we attain the former and avoid the latter. This, it seems to me, is the most significant question faced by this committee. It requires a recognition by the members of this committee that the seemingly separate issues of urban redevelopment and the enhancement of National productivity are exactly one and the same.

We attain the former and avoid the latter approach by recognizing that any policy which provides for the economic growth of our entire Nation without accomplishing this at the expense of any part of our Nation is by far the boldest, most innovative, least costly, least bureaucratic, and most efficient urban policy this Nation could possibly hope to devise. There is only one way that the three very different areas of my city which I described earlier can thrive simultaneously as they frankly are not doing now: through National growth policies designed to make all parts of our land highly productive once again.

There is only one way that my city and the Midwestern farm areas which feed it can thrive simultaneously as they frankly are not doing now: through National growth policies designed to make all parts of our land highly productive once again. And there is only one way that the South Bronxes of the United States will ever be able to capture the enterprising spirit of their residents whose affection for their homes is so great that they have not left them during these hard times: through National growth policies designed to make all parts of our land highly productive once again.

This, then, is the first reason for my identification of urban development with opportunity development.

What are some of the policies which must be followed if we are to achieve these National growth policies? Mr. Chairman, I have already stated that any policy which provides for the economic growth of our entire Nation without accomplishing this at the expense of any part of our Nation is such a policy. A few specific examples come to mind:

Strict enforcement of our civil rights statutes provides for the expansion of minority involvement in the Nation's economy and does not require any lessened majority involvement.

Assistance by the government of already existing regional industries, such as the auto industry, and the employment and business spinoffs derived from such assistance, provide for the economic growth of our Nation when such assistance does not mandate or otherwise make more likely the shift of an industry from one region to another.

Vigorous and fair enforcement by governments of both express and implied contracts lawfully entered into by various parties provides for the mutual, cooperative economic growth of our Nation's consumers and producers without resort to the perversely competitive "either-or" atmosphere which now characterizes public and legal discussion on this subject.

Government loans for new businesses provide for the economic growth of our Nation when, combined with comparable private sector activity, all areas of the country are recipients of loans for new commercial development.

Expanded urban homesteading, shopsteading, and lotsteading programs provide housing, jobs, and site preparation for further developmental activities in places where these now do not exist without depleting scarce resources from other areas which may also require additional housing, jobs, and site preparation.

Finally, a National Development Bank would go far toward providing credit to those living or working in areas which for the most part are not in competition with the recipients of credit from more traditional sources.

It seems to me, therefore, that above all the Federal government primarily must not view cities as places where the rich or poor or middle-class live—specially developing whichever program it feels best suits the needs of a particular group, important as these programs often are—but rather as places which require exactly the same levels of opportunity as are found everywhere else. To the extent that there are discrepancies in the opportunities which exist within cities—as in my city—or among cities, suburbs, and rural areas, to that extent our Nation as a whole is impoverished. When people migrate from one place to another solely because they face no opportunity for advancement of any sort where they are, our Nation as a whole is impoverished by the lack of choices offered its citizens. But, to the extent that people migrate from one place to another not because they face no opportunities where they are but because they prefer instead the different opportunities found elsewhere, our Nation as a whole is enriched by its diversity of choice.

In other words, stated at its most basic, just as the great principle of urban development is opportunity development, so too is the great principle of opportunity development private sector development. For it is only in the private sector that any lasting sense of accomplishment and belonging will occur, and it is only in the private sector that assets may be accumulated and a Nation's wealth created. Thus, although the maintenance of a vigorous, productive private economy is critically necessary for all Americans if our cities are to thrive, in one respect it is even more necessary for the rural and central city poor. For a productive private sector represents the only institution in society capable of permitting the poor to escape their poverty; a weak private sector simply does not offer them that opportunity.

It is for this reason that I place no stock in the "limits to growth" psychology which has attracted so many policymakers. Although I will readily admit that we may at some point run out of certain natural resources, I refuse to concede for one moment that this fact inexorably implies that we are running out of the human resources to find substitute goods and thereby to enrich our lives. To so imply would be tantamount to accepting that the poor must remain poor forever because they were left out of the economic system when our growth allegedly began to be limited, and this is something I will never do.

If there are no limits to our Nation's growth, and if the private sector alone will provide the opportunities for all citizens to better their—and our—lives by participating in this boundless growth, how then do we more precisely orient our Nation's policies to providing opportunities for the poor to participate in that system and through their participation to develop the areas in which they live?

I think the answer may be found by considering for a moment that opportunity is a dual concept: it exists for people and it occurs in places. When the movies of the 1940's depicted the simple country boy leaving home to make it in the big city, or when the movies of the 1970's depicted the cynical urban gentleman leaving home to find life's meaning on a farm, the same basic fact underlay both stories: an opportunity attracted a person, and the land upon which the opportunity presented itself benefitted from the person's presence. Thus, growth requires people to confront real opportunities and those opportunities to be acted upon require a setting.

This is the second reason for my identification of opportunity development with urban development. (The first reason, you will recall, is that in all lands thoughout the history of the world people have migrated from areas of less opportunity to areas of greater opportunity.) As opportunities in the cities develop, the land within their borders will develop as well.

Thus, the key to urban development is opportunity development, specifically the development of opportunities within the private sector.

To that end, I have introduced a bill which I would like to discuss briefly with you. That bill, the "urban jobs and enterprise zone act of 1980" (H.R. 7563) was drafted jointly by me and a man who in working closely together with me has very quickly become a good friend, our colleague Jack Kemp of New York. I should point out that our mutual draft is a revision of an earlier bill drafted by Jack himself.

I suppose that it is unnecessary to remind you that Jack and I disagree on numerous issues. What we agree wholeheartedly upon, however, is that the key to areawide redevelopment is opportunity development—or, more precisely, the reestablishment of opportunity producing incentives in areas where they no longer exist but once did—and that it is proper for government to provide incentives to attract businesses to areas which face severe depression, unemployment, and poverty.

For that purpose, in a bipartisan effort that has rapidly attracted many cosponsors from both parties and been greeted warmly in the Nation's press, Jack and I have drafted a bill which, in its essence, would permit the most decayed, poorest, and most underemployed areas of the country to lower a host of personal and business tax rates applicable within them in order to restore incentives for economic activity. These incentives, suffice it to say, now do not exist in these areas for the most part.

Specifically, the Kemp-Garcia bill would:

Allow city and other local governments, including those in the most severely depressed rural and urban areas, to establish enterprise zones with Federal approval.

Require any eligible businesses within the zones which take advantage of the tax reductions to hire at least fifty percent of their workers from within the zones.

Reduce social security payroll taxes on zone employers and employees to encourage hiring of youths and others in hard-core unemployed areas, while providing simultaneously that any temporary shortfalls to the social security trust fund be made up through general revenues.

Reduce capital gains taxes and provide faster depreciation of business assets in order to encourage investment in job-creating businesses within the zones.

Permit the use of cash rather than accrual accounting methods by small firms and an extension of the loss carryforward from seven to ten years.

And allow the establishment of duty-free foreign trade zones for the fabrication of imported and exported products.

Safety and health standards would be maintained, of course, as would all existing social programs and regulations. The hope of this legislation, however, is that as the depressed areas encounter enhanced economic opportunities the residents of those areas will be able to get off the welfare rolls and onto the payrolls.

Our bill is still undergoing changes as it becomes circulated more widely to groups and individuals around the country and benefits from additional improvements. At some point, I would enjoy appearing before the House Ways and Means Committee with Jack to present a more systematic exposition of our bill. We intend also to hold hearings on our draft law throughout the Nation, thereby giving the people a chance to discuss its merits.

Nevertheless, whatever technical changes may take place in the future, I believe strongly right now that this targeted tax cut approach, when combined with the nondiscriminatory National growth policies I discussed earlier, should form and will form the basis for a new, more cogent Federal role in the redevelopment of our Nation's urban areas. Only through the provision of economic incentives in areas where none presently exist will these areas be transformed from consumers of government services to producers of wages and taxes.

Secretary of State Muskie once stated when he was a Senator that, "The problem of the cities is perhaps the most critical domestic issue with which this country has been confronted since the Civil War, if not since the founding of the Republic."

I would agree with that assessment, Mr. Chairman, but I would add to it ". . . and its solution requires the exact same expansion of economic and personal opportunity which led to the founding of the Republic and its explosion into greatness."●

● Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from New York (Mr. Kemp) for brining this special order to the House floor. Revitalization of the inner cities is one of the most serious problems we as Members of Congress must face today. The congressional direction we take in this regard is extremely vital and I believe that Congressman Kemp and Congressman Garcia have effectively begun to address this serious problem by introducing the Urban Jobs and Enterprise Zone Act.

Since the creation of this great republic we have only seen real economic growth eminate from our innovative business enterprises and small businessmen in the private sector. It is these entrepreneurs who we must turn to to rebuild our inner cities and provide the permanent jobs our inner city poor so desperately need. The Urban Jobs and Enterprise Zone Act will provide the incentive necessary to attract these small businessmen back into our blighted urban areas.

Mr. Speaker, as a cosponsor of this bill, I feel that participation from all segments of our country in its discussion is vital if we are going to adopt the much needed policies that the Kemp-Garcia Urban Jobs and Enterprise Zone Act encompasses. For such reasons, I will close my statement with a copy of a letter from the Honorable "Dutch" Morial, mayor of the city of New Orelans. The mayor's support, in concept, of the bill is important for the Members of this body to note:

City of New Orleans,
August 21, 1980.

Hon. Jack Kemp,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Kemp: I want to commend you and Senator John Chafee for introducing the Urban Jobs and Enterprise Zone Act of 1980, S. 2823/H.R. 7563. I would also like to thank you for requesting comments from the City of New Orleans on the proposed Act. I and my Office of Economic

Development staff have read the provisions of the Act and are enthusiastic about its potential. In general, I view the Act as a major initiative to revitalize distressed urban areas by providing much needed investment incentive for the private sector, without the need to earmark additional federal program monies for a particular area or site.

While the City of New Orleans is in full agreement with the conceptual design of the Urban Jobs and Enterprise Zone Act of 1980, there are a few specifics that I feel deserve clarification and redefinition.

First, New Orleans, unlike most major cities, is characterized by a mixture of numerous, relatively small, low, middle and upper income neighborhoods, whose overall statistics tend to mask unemployment and poverty rates in depressed areas. Hence, it may be difficult in cities like New Orleans to define a unique or single enterprise zone made up of contiguous neighborhoods that would meet the stringent unemployment and poverty requirements the Act proposes as outlined below:

Unemployment and Poverty Requirements:

a. The average unemployment for the past 24 months must be at least twice the national average and 30 percent or more of the families living in a zone must be at or below 85 percent of the Bureau of Labor Statistics lower living standard; or

b. The average unemployment rate for the past 24 months must at least be three times the national average; or

c. Fifty percent of the families within the zone are at or below 85 percent of the Bureau of Labor Statistics lower living standards.

Second, although New Orleans is one of America's oldest centers of concentrated economic activity, historic economic and geographic factors have not permitted the establishment of many large areas of the city that are seriously underutilized. In New Orleans, the potential for creating new job opportunities for low and moderate income residents lies in our eastern sector, or our so-called Almonaster-Michoud Industrial District.

As assurance that these conditions would not preclude New Orleans from addressing its serious unemployment and subemployment problems, we would encourage you and Congressman Kemp to adopt Enterprise Zone requirements which would be designed to provide for larger zones or multiple zones, perhaps to the extent that in some cases, whole cities would be utilized as Urban Jobs and Enterprise Zone. Permitting entire cities to be classified as Enterprise Zones may prove to be most appropriate in light of the general lack of available unemployment and income statistics at levels lower than citywide.

The Urban Jobs and Enterprise Zone Act suggests that local property taxes within a zone would be reduced by 5 percent per year for 4 consecutive years. In New Orleans, as will occur in other cities where property taxes are already low, reduced property taxation would not constitute a truly effective incentive for business expansion. At the same time, the cumulative effect of decreased tax revenues on the fiscal health of our city would be very serious and we would need compensation for the decrease.

Fourth, many of the tax incentives offered to individuals and businesses in the zone require that both employer and employee be located in a zone. If the zone designation requirements as outlined in the Act are adhered to, it is very possible that employment growth locations and needy residents may not be includable in a single zone. Many firms and industries may be encouraged to employ groups of needy residents that live in near, but not necessarily adjacent neighborhoods. We therefore suggest that the Enterprise Zone eligibility requirements be modified to guarantee that both low and moderate income neighborhoods and probable job creation areas both be included in zone boundaries or that the tax incentives in the Act be made available to private firms which already employ or commit to employ residents of the targeted or zone populations.

In closing, I want to repeat my general support of the Urban Jobs and Enterprise Zone Act of 1980 and my belief that the Act can serve as a powerful tool to stimulate new private investments and jobs keyed to the residents of disadvantaged neighborhoods. I would only add the significant factor that the Act could and perhaps should be expanded to include recognition of the serious need to provide significant additional incentives for private sector based skills training programs, without which there is not really much likelihood that either the tax or the investment incentives cited in the Act alone will assure the desired outcome.

Please feel free to contact me at your convenience if I can be of any further assistance. Thank you for this opportunity to comment on your very worthwhile proposal and for your consideration of my comments.

Sincerely,

ERNEST N. MORIAL,
Mayor.●

● Mr. STOCKMAN. Mr. Speaker, the articles that follow discuss an exciting new idea that would go far toward revitalizing urban America. The legislation proposed by the gentleman from New York (Mr. KEMP), offers massive tax breaks to private industry and individuals that will locate and work in the depressed sections of our cities.

The Urban Jobs and Enterprise Zone Act, H.R. 7563, is designed to eliminate city poverty through the promotion of private enterprise rather than public handouts. The bill points the way to genuine urban renewal—renewal based not on the empty promises of a new Federal urban aid program, but on the solid growth that private incentive and investment will bring.

[From the Detroit News, July 8, 1980]

ISSUE: THE SUFFERING CITIES

Since the beginning of what has been called America's "urban crisis," the Democratic Party has been the cities' chief advocate in the political arena.

Many of the programs aimed at making decaying cities livable and prosperous—principally public-employment programs, housing assistance, and income transfers—have come from Democratic presidents or a Democrat-controlled Congress.

Unfortunately, as we in Detroit know too well, few of these programs could be termed successful in any comprehensive sense. Deteriorating cities are, by and large, still deteriorating.

This isn't to say the programs have had no effect. In the area of income transfers, they have made life easier for a broad constituency of poor people. Housing programs have provided shelter to a vast group of city dwellers. And public-employment programs have put large numbers on government payrolls.

The economic cost of these measures has, of course, been enormous. And critics, primarily conservatives, have usually targeted these costs when attacking the Democratic agenda.

But what of the social costs?

Has massive income redistribution brought the poor into the mainstream of American society? Or has it created a permanent underclass, dependent on an entrenched federal Establishment that needs the poor as clients to justify its very existence? Has it broadened opportunities or guaranteed an ever-shrinking economic pie, to be doled out in smaller and smaller slices?

Have the housing programs strengthened neighborhoods and encouraged pride in home ownership? Or have they encouraged blight and locked poor families into grotesquely designed and crime-infested "projects"?

Have the public-employment programs, like the Comprehensive Employment Training Act (CETA), prepared people for productive jobs in the private sector? Or are they another means of expanding the public sector at the expense of the market economy?

The answers to these questions aren't simple. But the most generous thing that can be said about most of the social programs undertaken in recent years is that they haven't met their short-range goals.

Until now, though, they've been virtually the only game in town.

If the GOP is serious about leading the country in the 1980's, it is going to have to change this by developing a comprehensive strategy for reviving the central cities.

The centerpiece of any effective urban strategy should be massive federal tax breaks to private businesses which locate or expand in targeted poverty areas. Such a program has been proposed in Congress by Rep. Jack Kemp, R-N.Y. It would require no new bureaucracy and no army of social workers; so it's unlikely to find support among public-employe groups. But it might just work, since federal tax policies have a decisive impact on almost all business decisions made today.

Too, it might be wise to return more tax money, and authority for allocating it, to local officials. Washington now takes money from the cities in the form of taxes, and returns it in fragmented programs with endless strings attached. Flat grants, unencumbered by federal regulations and priorities, would give local officials the flexibility to spend money where it's needed most.

The GOP should also look at the current British campaign to sell public housing to its tenants and at a long-standing proposal to reduce the minimum wage for summer jobs performed by teen-agers.

A national commission of private businessmen, union officials, academics, local politicians, and ordinary citizens should be asked to develop recommendations for coordinating public and private efforts to rebuild the central cities.

Finally, the Republican platform should include a strong commitment to an urban reconstruction program, based on federal incentives for private enterprise and increased local control of spending.

This may not be high on the agenda of some of the party faithful. Yet, it is absolutely essential, not only to winning elections, but to effectively governing a diverse country—a country in which the old cities have become repositories of the wretched poor.

[From the Detroit Free Press, July 31, 1980]

GREENLINING: REPRESENTATIVE KEMP'S PLAN COULD BOOST URBAN JOBS WITH LITTLE RISK

Rep. Jack Kemp, has hit upon something most intriguing with his "urban greenlining" approach to urban revitalization. And unlike his more famous proposal to cut the federal budget by 30 percent, adopting his urban development plan would be virtually painless.

The plan, embodied in a bill sponsored by Mr. Kemp, aims at encouraging economic development and job creation in inner city communities by setting up "enterprise jobs zones." Within these zones, identified by the localities and approved by the federal government, entrepreneurs would be offered a wide range of tax incentives.

Social Security taxes would be reduced for both employers and employes. The capital gains tax on investments would be reduced. Business tax rates would be lowered. And businesses would be allowed to use more profitable accounting practices. The result presumably would be more entrepreneurial activity and, hence, more jobs.

Even if the plan doesn't work, argues Mr. Kemp, the loss to the federal budget would be minimal since the unemployed minority teenager "is producing no taxable income for the government to lose." Mr. Kemp estimates the total cost to the treasury might amount to $1.4 billion. On the other hand, if the plan does work, some of the federal dollars now going for welfare could be released for other purposes.

At this time no one can really say what the net result of Mr. Kemp's plan would be. What is clear, however, is that the solutions America has so far come up with have left millions of citizens unemployed and in poverty. Clearly, something more is required. And Mr. Kemp seems to be headed in a promising direction.●

● Mr. NOWAK. Mr. Speaker, I would like to join in support of my colleagues' concept of targeting tax incentives to create jobs and investment in economically distressed areas.

I am inserting in the RECORD a resolution on this subject adopted September 4, 1980, by the Erie County, N.Y., Legislature.

RESOLUTION

Whereas, H.R. 7240, the "Urban Jobs and Enterprise Zone Act," is pending in Congress with bipartisan sponsorship and is designed to stimulate employment and investment in declining urban areas by creating special urban jobs and enterprise zones in which unique tax breaks and incentives would apply to both businesses and workers, and

Whereas, To encourage job creation in the inner city, particularly for youth, the bill would reduce Social Security payroll taxes on employers and employees by 90% for workers under 21, and 50% for workers 21 and older, and

Whereas, To encourage business expansion and to retain existing enterprises, the bill would reduce business tax rates 15% across the board for any business located in and employing at least half of its employees in one or more zones, and

Whereas, To increase small business incentives—and small businesses create almost all the new jobs in the inner city—the bill would allow three-year straight-line depreciation for the first $500,000 of assets purchased each year, would allow the use of cash or accrual accounting for firms with gross sales below $1.5 million, and would extend the loss carry-forward to ten years, and

Whereas, Basically, H.R. 7240 would allow local governments to establish "Private Jobs and Enterprise Zones" in areas with high levels of poverty and unemployment, and

Whereas, Designation of such areas would be based on criteria similar to that required for U.S. Economic Development Administration programs, and

Whereas, Congressional enactment of this proposal would help solve the high and tragic level of unemployment and expand the tax base in Buffalo, New York State, the Northeast and other pockets of economic despair,

Now, therefore, be it

Resolved, That the Erie County Legislature hereby goes on record in support of H.R. 7240, the "Urban Jobs and Enterprise Zone Act," and requests Congress and the President to enact it, and be it further

Resolved, That certified copies of this resolution be sent to United States Senators from New York, Congressional representatives from Erie County and the President.

● Mr. GINGRICH. Mr. Speaker, according to the Bureau of Labor Statistics, the youth unemployment rate for August was 19.1 percent. This is tragic.

Youth unemployment among minorities, age 16 to 19, was at 37.4 percent. This means that an overwhelming number of minority youths looking for employment in August just could not find anything.

For many years our Government has attacked this problem of minority youth unemployment with a short-term solution—Government-sponsored job training programs. These job training programs have done very little to curb the rising rate of youth unemployment. What we need is a long-term answer to our youth unemployment problem and I believe the Kemp-Garcia Urban Jobs and Enterprise Zone bill will provide part of the solution.

According to an editorial in the Richmond Times-Dispatch, there are a growing number of leaders from predominantly black and Hispanic communities that feel the urban jobs and enterprise zone bill may help youths find jobs. In addition to creating job opportunities for minority youths, the bill would also allow many black families and would-be businessmen the opportunity to establish their own business.

I thought my colleagues would be interested in reading the remarks made in the editorial concerning the impact of the urban jobs and enterprise zone bill in inner-city minority communities. The text of the editorial follows:

THE URBAN FRONTIER

Hardcore unemployment and economic depression plague inner cities in spite of many years of expensive government programs designed to renew blighted neighborhoods. William Douthit, president of the Urban League of Metropolitan St. Louis, says that during the past two decades his office has been visited by thousands upon thousands of youngsters, unemployed and unemployable even though many of them had participated in government job training and public service employment programs.

Government-sponsored job training programs, declares Mr. Douthit, "are rigid and specific and must proceed as directed in the State, Federal or local grants that pay for them. . . . They often produce more auto mechanics, spot welders or key punch operators than the community can absorb." Public service employment programs "that teach painting stripes down the middle of streets or park maintenance," says the Urban League leader, "are dead-end programs that prepare the clients they are designed to help for no future except enrollment in the next year's public service employment program.'

Mr. Douthit is one of a growing number of leaders from the nation's predominantly black and Puerto Rican inner-city constituencies who are expressing enthusiasm for the idea of urban "enterprise zones," sorely blighted areas wherein tax and regulatory burdens would be eased substantially as an incentive to new, private business activity. Speaking at a recent seminar conducted by Washington's Heritage Foundation, Mr. Douthit was echoed by black businessman J. A. Parker, who argued that "instead of fighting the Webers and the Bakkes" for job and training opportunities, blacks should be encouraging economic freedom and growth in order to develop greater opportunities for all Americans to share. Mr. Parker noted that middle-income blacks, who in greater numbers than ever before have accrued personal savings that would enable them to establish their own small businesses, are discouraged from entrepreneurship at least as much as middle-income white because of government red tape and excessive taxation.

The idea of enterprise zones was originated by a maverick British Laborite and embraced by the conservative government of Margaret Thatcher, which soon is expected to create seven such districts wherein tax rates and regulatory delays and paperwork will be substantially reduced. The plan enjoys support from both socialists and freemarket advocates. The 1980 Republican platform endorses the idea, and Ronald Reagan has promoted it, notably in his speech before the National Urban League convention and in his recent televised debate with John Anderson.

In Congress, two New Yorkers are the most avid advocates of the plan. Rep. Robert Garcia, a liberal Democrat who represents the desolate South Bronx, and Rep. Jack Kemp, the unconventional Republican conservative who serves a blue-collar constituency in Buffalo, have introduced legislation to authorize the establishment of enterprise zones where federal tax rates on personal and business income and capital gains would be slashed drastically provided that local and state governments agreed to cut their income and property taxes in the same areas. To qualify as enterprise zones, areas of one to two square miles would have to suffer from unemployment and poverty rates two to three times as severe as the national average. Rep. Kemp proudly distinguishes his plan from tax abatement, remarking that a business taxed at a low rate is better for the Treasury than an enterprise that was never begun because of high tax rates. Reps. Kemp and Garcia recently were joined in sponsorship of their bill by Rep. William Gray of Philadelphia, a Democrat and a member of the Congressional Black Caucus.

The Urban League's Mr. Douthit has given the idea of enterprise zones perhaps its most forceful endorsement. He says: "It is too good an idea to discard because the unions won't like it, businesses unwilling to relocate will scream 'unfair,' kneejerk liberals will scream 'exploitation' or partisan politics will cause it to be forgotten by Congress. It appears to me, out of many years of experience, as the best chance we have to preserve our great cities and make them livable in the future."

We, too, are eager to see this plan for entrepreneurial incentive given a test in America's cities. The idea quite evidently is so powerful that the mere discussion of it already has begun to knock down some of the old barriers of prejudice and ideology.●

U.S. SHORTAGE OF STRATEGIC METALS AND MINERALS AND THE NEED FOR USE OF THE BARTER PROVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 30 minutes.

● Mr. MILLER of Ohio. Mr. Speaker, On April 5 of last year I offered an amendment to H.R. 3324, the International Development Act of 1979, to require the President to report annually to Congress the steps he has taken to implement section 663 of the Foreign Assistance Act of 1961. Section 663 provides for the bartering of foreign aid for strategic and critical raw materials.

The joint conferees to that bill, however, recommended that any barter arrangement be reported in the annual foreign assistance report, required by section 634 of the act, if the provision (section 633) is ever used.

It is with growing concern that I must say that the President has yet to use his barter authority. The President has not yet reported making any effort to consider benefits from its implementation. As we become increasingly dependent on foreign suppliers of critical metals and minerals, it is alarming that the President would continue to refuse to shore up this country's strategic minerals supply by utilizing this provision which I authored and which the House agreed to in 1974 by an overwhelming recorded vote of 244 to 136.

The use of barter by the United States to acquire strategic materials is not a new concept by any means. During the late 1950's, for instance, barter was used to reduce surplus U.S. agricultural commodities and to build up U.S. strategic stockpiles.

Never before has the need for strategic stockpiling been more evident than it is today. The GAO has reported that under current programs it will take 15 to 20 years to build up our badly deficient strategic stockpiles. But with so many regions of the world in turmoil, we are being unrealistic, and forgetting recent history, if we expect to avoid all market disruptions for 15 to 20 years. Failure to take immediate steps to fill our stockpile is evidence of sheer complacency.

We cannot afford to be complacent. While we are becoming increasingly dependent on foreign supplies, the U.S.S.R. is rapidly achieving total self-sufficiency, and is already a net exporter of most strategic materials. The U.S.S.R. is self-sufficient in 21 of 27 strategic materials. The United States, however, is self-sufficient in only 5 of the 27 materials. The following table from the U.S. Bureau of Mines shows the percentage of sufficiency by the U.S.S.R. and the United States in 27 critical commodities:

COMMODITY SUFFICIENCY, 1975

[In percent]

Commodity	U.S.S.R.	United States
Aluminum	140	102
Antimony	90	51
Asbestos	150	18
Barite	50	68
Bauxite	60	9
Chromite	230	9
Coal—Anthracite	110	110
Coal—Bituminous	100	115
Cobalt	100	2
Copper, refined	130	102
Fluorspar	50	15
Gas, natural	100	90
Gold	240	48
Iron ore	120	70
Lead, refined	110	89
Manganese	120	2
Nickel in ore	100	28
Petroleum, crude	120	65
Phosphate	130	105
Platinum group metals	140	17
Potash	150	49
Steel, crude	100	91
Sulfur	100	95
Tin in ore	80	16
Titanium	100	75
Tungsten	70	45
Zinc	110	39

Source: U.S. Bureau of Mines.

In the August 1980 issue of the U.S. Department of the Interior Bureau of Mines' "Minerals and Material a Monthly Survey," the following startling table is presented:

U.S./U.S.S.R. NET IMPORT RELIANCE OF SELECTED MINERALS AND METALS AS A PERCENT OF CONSUMPTION IN 1979 (U.S.S.R. IN 1978)

Minerals and metals	U.S. percent reliance	U.S. major foreign sources (1975–78)[1]	U.S.S.R. percent reliance
Columbium	100	Brazil (67), Canada (9), Thailand	0
Mica (sheet)	100	India (80), Brazil (8), Madagascar (3)	10
Strontium	100	Mexico (96), Spain (4)	0
Titanium (rutile)	100	Australia (88), Japan (5), India (4)	[2] 20
Manganese	98	Gabon (23), South Africa (20)	0
Tantalum	96	Thailand (31), Canada (15), Malaysia	0
Bauxite and alumina	93	Jamaica (33), Australia (27), Guinea	52
Chromium	90	South Africa (44), U.S.S.R. (12)	[2] 44
Cobalt	90	Zaire (41), Zambia (10), Canada (5)	[2] 45
Platinum-group metals	89	South Africa (50), U.S.S.R. (22)	[2] 32
Asbestos	85	Canada (96), South Africa (3)	50
Tin	81	Malaysia (55), Thailand (16)	21
Nickel	77	Canada (54), New Caledonia (8)	[2] 9
Cadmium	66	Canada (22), Mexico (13)	[2] 29
Potasium	66	Canada (94), Israel (3)	[2] 6
Mercury	62	Algeria (23), Yugoslavia (9)	[2] 42
Zinc	62	Canada (48), Honduras (3)	0
Tungsten	59	Canada (23), Bolivia (15), South Korea (9)	0
Gold	56	Canada (43), Switzerland (20)	[2] 145
Titanium (ilmenite)	46	Australia (55), Canada (42)	12
Silver	45	Canada (37), Mexico (24), Peru (15)	19
Antimony	43	South Africa (34), Bolivia (11)	[2] 10
Barium	40	Peru (30), Mexico (12), Morocco (9)	51
Selenium	40	Canada (46), Japan (21), Mexico (6)	[2] 9
Gypsum	33	Canada (74), Mexico (20), Jamaica (4)	0
Iron ore and iron and steel scrap.	28	Canada (54), Venezuela (21), Brazil	[2] 20
Vanadium	25	South Africa (57), Chile (25)	[2] 31
Copper	13	Canada (25), Chile (24), Zambia (15)	[2] 3
Iron and steel products	11	Japan (43), Europe (37), Canada (10)	[2] 2
Sulfur	11	Canada (55), Mexico (45)	[2] 17
Cement	10	Canada (50), Mexico (10)	[2] 44
Salt	9	Canada (34), Mexico (26)	0
Aluminum	8	Canada (60)	[2] 2
Lead	8	Canada (28), Peru (17), Honduras	[2] 3
Pumice and volcanic cinder.	4	Greece (82), Italy (18)	0

[1] Percentage supplied by country in parentheses ( ).

[2] Exports.

Subsection 6(c)(1) of the Strategic and Critical Materials Stockpiling Act of 1979 (Public Law 96–41) states:

> The President shall encourage the use of barter in the acquisition of strategic and critical materials for, and the disposal of materials from the stockpile when acquisition or disposal by barter is authorized by law and is practical and in the best interest of the United States.

This language gives the President sufficient latitude and discretion to work out the right kind of barter arrangements. Unfortunately, the President has altogether avoided using barter for obtaining strategic materials. There is nothing complicated about how barter works. It was mankind's first form of value exchange. It can and will work in today's world if given the opportunity.

Here is one example:

A developing country might have a very real need for foreign exchange and at the same time have a surplus of a given mineral or of oil which it would like to contribute to the United States at the going prices rather than risk a drop in demand for the surplus product and, subsequently, a drop in prices. For example, such an arrangement might be possible in the case of Zaire—one of the United States two main sources of cobalt. Zaire is an unstable country, which owes billions of dollars primarily to Western banks. It very much needs debt relief as well as additional foreign exchange. Zaire also had a substantial excess of cobalt inventories. If Zaire's cobalt could be moved through barter arrangements rather than through regular market channels, it might prove to be of assistance to all concerned, assuming that the U.S. Government would not otherwise purchase Zairian cobalt for the stockpile. It would prevent cobalt prices from falling due to oversupply, free up Zairian foreign exchange for buying abroad and paying off debts, and help the U.S. strategic posture.

Bartering with Zaire would also help us to erase our 1977 stockpile deficit of 44,523,074 pounds of contained cobalt—a metal used in the manufacture of jet engines, paint, magnets, and steel.

Barter arrangements could also be considered on a regular basis when the annual allocation of foreign assistance among countries is being determined. Rather than automatically providing financial assistance or goods and services, the natural resources (oil, minerals, and so forth) of each country could be evaluated (though it must be noted that not all countries receiving foreign assistance are endowed with natural resources), and a determination made as to what, if any, part of these resources could be exchanged for foreign assistance.

Section (c)(3) of the Strategic and

Critical Materials Stockpiling Act of 1979 provides that:

> To the extent otherwise authorized by law, property owned by the United States may be bartered for materials needed for the stockpile.

Thus, to the extent that a U.S. national stockpile item needs to be rotated or disposed of, it could be decided that no cash would be spent until the barter route had been explored. For example, in December 1979, the President signed a bill authorizing him to dispose of excess amounts of tin and industrial diamond stones (the Strategic and Critical Materials Transaction Authorization Act of 1979. Public Law 96–175 of December 29, 1979). Though the law authorizes the disposal of certain excess items, it does not specify how they are to be disposed of. In view of section (c)(3), perhaps a barter arrangement could be initiated with regard to tin and industrial diamonds, and these items offered to traders in exchange for deficit stockpile commodities.

Regrettably, the country is already engaged in a barter arrangement of sorts. For by continuing to pour dollars into foreign aid programs while realizing few if any tangible results, the United States is bartering away its future security. We can correct this problem by requiring Third World nations who receive U.S. foreign aid to trade us strategic minerals and metals in return for this aid. There is no reason why these countries should receive a "free" gift from the hard pressed American taxpayer. It is time that we move toward a foreign aid program which is mutually beneficial—and in many cases, bartering can help us to make gains in our assistance programs by providing immediate relief for our international allies and by preserving our own future security and well-being.●

THE CONGRESS HAS FAILED ON FEDERALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Corcoran) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, with the recess for the elections imminent, I am deeply disappointed and frustrated with the attitude that the Congress and its leaders have taken regarding the issue of general revenue sharing. This program, first enacted in 1972, expired on September 30 without the needed reauthorization. The Congress, in its inaction, has left countless State and local government officials in a quandary as budgets for their States and communities are being finalized for next year.

While I have some serious reservations about H.R. 7112, State and local fiscal assistance amendments, on balance it is a good proposal which will continue in most respects a thoroughly tested and successful program. H.R. 7112, which contains many aspects of the current Federal general revenue sharing program, reauthorizes a total amount of $13.5 billion for fiscal years 1981, 1982, and 1983 to local governments. Continuing the basic provisions of general revenue sharing for our local general purpose governments is something I enthusiastically support.

I believe that the importance of the revenue sharing program cannot be overly stressed. Since the inception of the program in 1972, my district has received nearly $80 million in revenue sharing moneys, which have been used for capital improvements and for many other useful public purposes. In addition, this bill includes many needed changes with respect to the existing distribution formula. Limiting the tax effort factor of localities to 250 percent of a statewide average should assure that a more equitable distribution of funds will result.

My reservations though, about the bill are significant. For the first time since this program was authorized 8 years ago, States will not share in the bill presented to us by the Government Operations Committee. This is a mistake, and I intend to support the effort by our colleagues, Messrs. Conable and Wydler, to include States in the program for fiscal years 1982 and 1983. More importantly, the Conable-Wydler amendment will insure that funds to the States would be made under an annual appropriations basis, rather than on an entitlement basis. Without the adoption of this amendment, Illinois public schools will be hard-pressed to substitute funds from other sources, since the entire State share of the revenue sharing program in Illinois in the past has gone to the schools.

Also, I will support an amendment offered by my colleague, Mr. Walker, to remove the $1 billion countercyclical title of the bill. I object to the proposed inclusion of this antirecession program inasmuch as such a program is neither a part of the budget resolution, nor is it germane to general revenue sharing.

Finally, I believe that this bill, like its predecessors, reconfirms the success of a program which returns moneys to the local officials who best know what to use them for to effectively promote capital improvement programs and the like in their communities. Until the time when more moneys can remain in the local areas and not travel to Washington to be redistributed, the revenue sharing program remains our best bet. The "no-strings-attached" approach, with little of the Government redtape that is constantly harassing our local and State officials, contained in this concept should be included in many other grant-in-aid programs now in existence. We should move promptly to institute this approach in these Federal programs.

In conclusion, Mr. Speaker, I rise in support of H.R. 7112, and I urge the leadership to bring up this matter as quickly as possible following the reconvening of the Congress on November 12.●

GREEN DEFENDS LITHUANIAN DEMONSTRATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Green) is recognized for 5 minutes.

● Mr. GREEN. Mr. Speaker, on July 18, 1980, eighteen Americans of Lithuanian descent were arrested during a peaceful demonstration in front of the Soviet Embassy. They were protesting the Soviet invasion of Afghanistan and continued occupation of Lithuania. These are patriotic, law-abiding citizens.

They were arrested for violating a law which states that demonstrations cannot occur within 500 feet of an embassy. None of the eighteen visibly protested this action. Indeed, the arresting officers praised them for their cooperation.

On October 7, these 18 Americans will be tried. This seems particularly inappropriate to me. It was not long ago that a very violent demonstration, by Iranian students, was held in Washington to protest U.S. policy. After looking at all the options, the U.S. Attorney General decided the best course of action was to drop all charges against those arrested in this demonstration.

I am not ridiculing this decision. My point is that the eighteen freedom-loving Americans arrested in front of the Soviet Embasy deserve at least the same treatment. Clearly, justice would not be well served if the punishment of a crime were determined by the cause of the individual arrested. I am not arguing that the patriotism of these Americans should lead to lenient treatment. I am saying that these people should be treated as the Iranians were. The charges should be dropped.

It is difficult to overlook the cause these Americans are fighting for. For 40 years the Soviet Union has occupied Lithuania. This has brought all the hardship one would expect. Religious and political freedom are virtually nonexistent. Yet, the people of Lithuania fight on.

We have maintained relations with the true representatives of Lithuania. I applaud this action and will work to see it continued. It provides us with hope. Hope that one day Lithuania and all other captive nations will be free of Soviet dominance.

Hope is what the demonstration on July 18 was all about. To treat these freedom fighters in an uncharacteristically harsh manner would be a travesty.●

THE FEDERAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKinney) is recognized for 5 minutes.

● Mr. McKINNEY. Mr. Speaker, the unfinished agenda of this Congress contains its most important goals—a balanced Federal budget and anti-inflationary tax relief. The President, and the Democratic majority in Congress, have somehow convinced themselves (and now must rush home to try to convince the American people) that these vital national policies can wait another month or two, I am not convinced.

The tragic illogic of their self-deception lies in the obvious truth that the economy refuses to dance to the tune of political siren songs or pious White House pronouncements. Instead, it continues to react negatively to the administration's tight credit program, erratic fiscal signals and stagflationary monetary policies. If political considerations could be put aside, the majority of my Democratic colleagues would have to agree that this economy demands immediate relief from the crushing tax burden imposed by inflation and wasteful Government spending.

When partisanship is put aside, that is the indisputable conclusion. For example, last month, in its fourth consecutive unified report, the bipartisan Joint Economic Committee (JEC) reasserted the proposition that tax relief was already overdue. Echoing the JEC 1980 annual report's conclusion that:

> America does not have to fight inflation in the 1980s by periodically pulling up the drawbridge with recessions and doom millions of Americans to unemployment.

The midyear review carefully analyzed Congress response to past recessions and found it inadequate. The JEC was forced to admit what this administration simply refuses to see—Government action in response to recession is usually too late and has its effects only on the mid- to long-term economic condition. Therefore, the committee recommends that:

> Congress should design policy initiatives taken during a recession for the purpose of *enhancing the quality of the recovery* (emphasis added) and promoting sustained growth. With respect to the recovery from the current recession: (1) Any tax cut that Congress enacts during the next year should be carefully targeted to improve productivity, reduce inflationary pressures, and create jobs for the long run. Accordingly, about one-half of the next tax cut should be directed to increasing productivity, with the remainder of the tax cut directed at reducing personal rates in order to stimulate work, saving, and investment at the individual level. Any tax cut should be accompanied by systematic and vigorous efforts to reduce or eliminate unnecessary and wasteful government spending.

Despite administration claims that a nascent recovery is underway, these steps have not been taken to improve the long-range quality of the recovery. On the contrary, most economists forecast a fitful, uncertain recovery burdened by a $50 billion budget deficit in fiscal year 1981.

Toward the goal of a timely, supply-oriented tax bill in this Congress, I moved last December to discharge the Ways and Means Committee from its consideration of the Capital Cost Recovery Act (H.R. 4646). While I believe it is a disgrace that the only House tax bill must be assembled piece by piece, discharge by discharge, I am today joining my colleague, Representative MILLICENT FENWICK in her motion to discharge H.R. 3609 (petition 14) repealing the so-called marriage tax—the excess tax paid by a two-income couple on a joint return. I do so because I believe, as does the JEC, that individual tax cuts are as much a part of the supply-side enhancement of incentives as business depreciation reforms. Both President Carter and the Senate Finance Committee recognized the need for this type of tax relief in their recent proposals. Unfortunately, neither showed the leadership needed to enact those changes this year.

Much has been said lately that we cannot afford tax cuts, especially across-the-board rate reductions of any size or duration. As I see it, that logic goes something like this: Carter administration policies have failed to reduce inflation (4.8 percent in 1977 to 12 percent today), have failed to curb Federal spending (the fiscal 1980 deficit of $60 billion is the second largest ever), and have exacerbated the recession through wildly erratic monetary levels; so we just cannot afford a tax cut. But next year (right after the election), when inflation is forecast to remain above 10 percent and the budget still $30 billion in deficit, we can afford a $7 billion tax cut. That is not logic, it is cynical politics that would be laughable if the economic welfare of millions was not at stake.

In my view, substantial tax relief is needed if only to reduce the magnitude of scheduled tax increases. This year Federal taxes alone will consume almost 22 percent of the average taxpayer's income. Scheduled social security tax hikes and the unlegislated tax increases due to inflation (called "bracket creep") will add more than $25 billion to next year's tax bill even if the administration's latest "economic recovery" proposals are fully adopted. Therefore, it seems apparent that the size and timing of further tax cuts must at least lift that remaining burden.

Prevailing economic conditions—inflation, budget deficits, interest rates—determine how much, but not whether, tax relief can be digested by the economy without triggering additional inflation. While the Carter recession and erratic monetary policies have mortgaged our ability to extend the broad, immediate tax rate reductions envisioned in the Kemp-Roth proposals, I have long believed that we must ease the bloated tax burden that now strangles new savings, new investments, new jobs, and a better future. Even the President's own chief inflation fighter, Dr. Alfred Kahn, admits that such sweeping tax cuts are "inevitable." To me, that means the sooner the better.

Of course, any substantial reduction in taxes will require fiscal restraint. That cannot be denied. There is no magic formula (the Laffer curve notwithstanding) that allows us to reduce taxes, increase defense spending, and balance the budget. The only true magic lies in restoring economic growth thereby creating jobs, enhancing the tax base and reducing the demand for Government transfer payments (unemployment, welfare, food stamps, et cetera). That will never happen as long as the Federal budget consumes an ever larger share of a shrinking national economic pie. The tough spending decisions must be made now, in this budget, to accommodate tax cuts. While economists of all political stripes concede that a properly balanced tax cut in the range of $25 to $30 billion in 1981 would not be inflationary, further timidity and inaction surely condemns the economy to continued stagnation.

In this budget alone, I have voted for more than $30 billion in spending cuts and authorization reductions, including the $6.4 billion spending reductions mandated by the unprecedented reconciliation bill. None of those votes was easy, and not all were as successful as I would have liked in eliminating wasteful Government spending—especially the year-end splurges that have come to characterize the "use it or lose it" funding cycle here. But it is clear to me there is sufficient fat in the budget to allow necessary tax cuts without crippling vital programs.

In my testimony before the House Ways and Means Committee last July, I advocated a 1980 tax bill reflecting the bipartisan consensus of the JEC that any tax cut be divided evenly between business and individual tax relief, with depreciation reform as its centerpiece. Still, personal tax cuts are an equally important component in making this supply-oriented tax program work because taxpayers traditionally save and invest a larger share of marginal, additional income when the overall economic climate provides incentives to do so. The bill recently drafted by the Senate Finance Committee follows that prescription by calling for a 4 percent personal tax rate reduction as well as depreciation reforms and other business incentives. The "cost" of those proposals in terms of Federal revenue totals $18 billion in fiscal 1981, with 40 percent of that going to business and capital formation. While that bill does not go as far as the $25 or $30 billion 1981 tax cuts that most economists agree could be enacted without increasing inflation, I believe it represents a sound beginning and an important bipartisan recognition that the administration's timidity regarding tax cuts is misplaced.

Mr. Speaker, if inaction by the Democratic leadership in Congress and the Carter administration permits current law and inflation-induced tax hikes to continue, Federal receipts will reach $604 billion next year and top $1 trillion by 1985. The tax cuts advanced by the Senate committee would reduce that figure by $75.8 billion. However, I think it important to note that these "static" revenue loss projections reflect none of the revenue feedback that a revitalized economy would produce. While it can be argued that a 40-percent reflow to the Treasury is not an unreasonable expectation, even a minimal 20 percent feedback due to new payoll and business taxes would reduce that 1985 revenue loss to $60.6 billion, or 1.3 percent of projected 1985 GNP. I do not think that is too much to return to the American people as a sound investment in our economic future.●

RESTORIUM IN BOUNDARY COUNTY FINE EXAMPLE OF LIVING FACILITIES FOR SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 5 minutes.

● Mr. SYMMS. Mr. Speaker, last evening the Senate passed an amendment which clarifies the definition of "public institution" under the supplemental security income program by stating that in order for an institution to be classified as a "public institution," that institution must receive a substantial portion of its operating income from public funds.

Several years ago, the citizens of Boundary County, Idaho, constructed a nonmedical group care home for the senior citizens in that area who were no longer able to maintain their own homes. After the senior citizens moved into the Restorium in 1976, the Social Security Administration declared that they were inmates of a public institution and therefore were no longer eligible for SSI benefits, even though the Restorium receives no operational funds from the county which paid for its construction. Operating funds for the facility come mainly from the residents and their families.

The residents of the Restorium challenged the Social Security Administration's decision and the issue has not yet been resolved, and since that time similar cases have been brought to court throughout the United States. The measure passed by the Senate would clarify the ambiguities in the law and it is my hope that the House will want to rectify the current inequities in the law, as the Senate did last evening.

The intent of the SSI program to provide a minimum income to the most needy blind, disabled and elderly individuals is honorable and for the most part, the program is administered on a sound and equitable basis. However, there is this "gray" area in the definition between public and private institutions.

The Restorium in Boundary County, Idaho, is a fine example of a local effort to provide decent living facilities for the senior citizens in that area. The Congress hopefully will encourage other communities in taking steps to provide a high quality home for their senior citizens, disabled and blind by accepting the Senate measure which will clarify this area of the law.

ITALIAN-AMERICAN HERITAGE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

● Mrs. HECKLER. Mr. Speaker, I am pleased to note that the Senate has just joined the House in unanimously passing our joint resolution designating the week of October 12–19 as "Italian-American Heritage Week," and that the President will soon be signing this proclamation.

As an initial cosponsor of House Joint Resolution 568, I am extremely gratified that this resolution rapidly passed both Houses of the Congress. It is a most fitting tribute not just to the discoverer of America, Christopher Columbus, but to all the Italians who came to our shores and to their descendents: the people who have done so much to enrich our country through their talents, their intelligence, and their unswerving commitment to the principles upon which our great Nation was founded. There is no field of human endeavor; whether the arts, sciences, business, labor, or government where Italian-Americans have not excelled.

In June, I also had the honor of cosponsoring legislation designating June 22, 1980 as "National Italian-American Day," honoring our Italian-American citizens on the 75th anniversary of the founding of the Order of the Sons of Italy in America, the oldest and by far the largest national organization of Americans of Italian descent. Chapters of this great order are found throughout our Nation from the shores of the Atlantic to Hawaii and from Canada to the Gulf of Mexico. Its charitable, civic, and cultural contributions are legion. Its philanthropic work alone testifies to its unswerving commitment to our Nation and its future.

It is particularly fitting that Congress has passed both these resolutions this year because they represent a well-deserved turning point in our Nation: An Italian discovered America and America is finally discovering its Italians.

In a search for our own modern sense of national identity, we find ourselves turning to those values which have always been the cornerstone of the Italian-American way of life: Values based upon the "three R's of reverence, respect, and responsibility."

Although we Americans come from every part of the world, we share a community of values in our country which has as its center a belief in the values of family, work, neighborhood, peace and freedom—those values which are at the heart of the Italian tradition. The Italian-Americans' pride—pride in accomplishment, pride in heritage, and pride in country—as well as their courage and faith, stand as a beacon lighting the way for all of us. Their dream—not just for themselves, but for their children and grandchildren—have become a part of the American dream. Their spirit, drive, and dedication have come to epitomize all that is good in our country.

It is fitting that we honor those to whom we are indebted, and it is with a sense of pride that I am pleased to have been able to assist in this effort through my active cosponsorship of these legislative milestones which give true recognition to our more than 20 million Americans of Italian descent and their illustrious forefathers.●

IN THE MATTER OF MICHAEL J. MYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise to sum up and conclude in these remaining hours of the second session before recessing the saga that I tried to develop about the very bad crime, the assassination of Federal District Judge John W. Wood and the attempted murder of the assistant Federal district attorney for the western judicial district in Texas; but I do so in sort of a tandem discussion or observation with respect to what the House did today.

☐ 1710

I say this coincidentally with some of the remarks just heard from my colleague who just completed his special order with respect to the Lithuanian and Lithuanian-American situation. Of course, I think it stresses something that the common folk are always talking about or at least observing to me and it reminds me of this English saying to the effect that the law will punish and arrest the man who steals a goose from the common but it will turn loose the man who steals the common from the goose.

This is so true. We see, for example, here in the District where a poor woman is arrested, incarcerated, and held without bond because she was eating a sandwich on the subway while murderers, not one time but several times, are out on bond recommitting the crime. So obviously we live in distempered times and the action of the House today, in my opinion, is a very shameful episode at this juncture in our historical development and in the processes of the House.

Since I used rather strong language, and I never use language haphazardly, though I may speak extemporaneously and in quite a passionate way, every word is very carefully selected and evaluated and I am one who respects words and their use and their intended use and their impact. I used strong language and I said in the matter of MICHAEL J. MYERS, and properly, we should have labeled that in the matter of the rather malodorous continuation of the erosion of the institutional integrity of not only the Committee on Standards of Official Conduct or the Ethics Committee, but the very House itself, for it is said in a house standing landmark tomb on legislative procedure by a last-century author, Mr. Lucey, that it ill behooves lawmakers to violate the law and it certainly ill behooves the House or any of its agencies to attempt to erect up rules in charting new paths in a new bramble patch that in the history of the House in 1789 has not been charted or paths that have not been charted. So when I say in these strong words the erosion of the institutional integrity of this body, and some of its communities, I am fully aware of what I am saying and I am fully prepared in subsequent discussions at other times to develop that because ever since my experience in 1977 at the very beginning of that Congress I was fortunate enough to be one of those who observed this sorry process firsthand, probably the first of any, because of the experience I had had in those beginning stages of that

Congress with the so-called Select Committee on Assassinations.

But nowadays' action I think reflects the malaise that seems to be permeating not only the criminal justice system, given these cases that I have referred to, such as this poor woman, an otherwise very respected and reputable citizen of this area, arrested and thrown in jail and held without communication or bond because she was eating a sandwich on the subway, which is prohibited by law. Now the processes today, and I did not have time during the meager time allotted to us during the procedures, which were very restricted, which I think you will admit, to develop something I started with reference to what the House did with only one dissenting vote not too long ago, and it did it to itself.

The House was acting today pursuant to recommendations from the Committee on Standards of Official Conduct which, in turn, was acting in obedience to the resolution I have reference to that was passed by this House with only one dissenting vote, and that being mine. The reason for that dissenting vote was that for the first time in the history of the House, in its attempt to enact rules to govern itself, it provided that this committee and only this committee, but it did not say whom, it did not say whether it is the chairman or certain subcommittees or members of the committee, can deprive any member of that committee, to begin with, or any Member of the House access to any evidentiary matter that the Justice Department might present to that committee.

Given the fact that this resolution was being asked because of the developments know as the Abscam cases, all of which were initiated, conducted, costs defrayed by the Justice Department, the FBI, the executive branch of the Government, and concentrated on measures of the national legislature, what does this mean? It means that we do not know, and nobody can tell me, and nobody has offered to volunteer to say, including the chairman of the Ethics Committee, whether or not a critical bit of evidence yet to be seen or evaluated by anybody, but accessible only to let us call him the defendant, Mr. MYERS, and which could have changed the entire consideration of this matter, and would have made in order a motion I would have been all too privileged to offer to recommit the recommendation or the resolution with instructions, to open the record for review and consider new evidence, which I have every good reason to know exists but which will not be available to the likes of me or anybody else, except those who made the deal with the Justice Department when they first concocted the resolution and brought it to the House for its approval.

Now, this is most disturbing to me because it comes right in line with this horrible crime, yet unsolved by this very prestigious law enforcement agency known as the Justice Department and its subsidiary agencies such as the FBI, and that is the unprecedented murder of a Federal district judge, unprecedented because in the annals of American judiciary and jurisprudence we have not had this happen and it is as unsolved today as it was the day it happened, May 28, 1979. The attempted murder before that in November 1978 of the assistant district attorney for that same judicial district, James Kerr, remains today as unsolved as it was the day it was perpetrated.

So where are we in America, both in and without the legislative branch?

□ 1700

Just as the entire issue under the pressures existing at this time of the around-the-corner elections on November, so have we had the same kind of social pressures brought through this alleging of crime in the most organized form with business, with Government and politics, which allows it to be stronger than the Government itself. So what we have is, I repeat and beg to say, the continued erosion of the institution of integrity in not only this body but our structure of democratic Government, which means our liberties and our way of life as you and I are inured to understand it.

Today, for example, under this pressure of an election Mr. MYERS in effect—and it is not too strong to say so—was mobbed. He was denied equal justice. For example, not only this question of undiscovered evidence in existence that would have a direct bearing, not on his criminal case but on our deliberations here today, but what about the violation of the very rule that this House adopted in the case of In the Matter of Mr. Diggs? In his case it was all ready to let him exhaust all his legal processes and availabilities clear through to the Supreme Court and then, of course, upon the decision of the Supreme Court and the closing of all further judicial ramifications and availabilities, he resigned. But at no time was there a compelling reason for the Ethics Committee to come in and ask us to expel or just throw out Mr. Diggs. Why did the House give Mr. Diggs that kind of treatment and deny it to Mr. MYERS?

Again I do not think I am exaggerating or I do not think I am straying too far into the realm of diatribe or unjust conclusions or threats when I say, because this is what I think, that Mr. MYERS, had he been a minority or maybe perhaps even a Republican, which is a minority, we would not have done today at this time what we did do. And I must remind you that I am supposed to come from a group known as an ethnic minority.

Therefore, when I say that, I say it in all due respect. Had Mr. MYERS been proceeding from such a group, I doubt seriously that the House would have acted this way, because then there would have been a political presence exerted especially upon those Members who have districts that have a good percentage of that particular group or that descendant group of Americans. The committee in no way has accounted—other than in the statement prepared in anticipation of the hearing by the chairman of the Ethics Committee, which I believe in itself is grounds for and should have been grounds for a suspension of consideration of the matter today, because it gave unjust advantage to the prosecution, which is really what it was—the committee in no way has accounted for the difference in treatment given Mr. MYERS under the rule and precedents set up in the Diggs case from that given Mr. Diggs, and that is a rank act of injustice.

Let us suppose Mr. MYERS is expelled and then reelected this November 4, because he is on the ballot. Will the House again expel him? What about the constitutional right of the House even to do that? It is in limbo. We do not know, but Mr. MYERS may not have the financial means in order to prosecute his legal availabilities now, because as of today he is out in the cold. His district has no voice and no vote. We are not depriving Mr. MYERS of his seat; we are depriving his district.

CHICAGO'S COLUMBUS DAY PARADE OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on Monday, October 13, the people of the city of Chicago will celebrate the discovery of America by Christopher Columbus in our traditional grand style with a gigantic parade. The extravaganza will be televised by WGN–TV.

The Vice President of the United States, the Honorable WALTER F. MONDALE, will be the guest of honor, and other honored guests will include Vincent G. Marotta, president, Mr. Coffee, North American Systems, Inc.; Edward J. DeBartolo, Sr., chairman of the board and chief executive officer of Edward J. De Bartolo Corp.; and Jeno F. Paulucci, chairman, National Italian-American Foundation, Jeno's Inc., and Attenzione magazine.

In addition to our honored guest, the parade will be led by the Honorable Jane Byrne, mayor of Chicago; the Honorable James R. Thompson, Governor of Illinois; the Honorable George W. Dunne, president of the Cook County Board of Commissioners; Dr. Teodoro Fuxa, Consul General of Italy; Congressman MARTIN RUSSO, Joseph Tolitano, president of the Joint Civic Committee of Italian-Americans; Joseph J. Spingola, general chairman of the 1980 parade; John Serpico. grand marshal of the parade; virtually every Italian-American political leader in the Midwest, the Italian-American War Veterans of Illinois, any many other political dignitaries, civic leaders, members of the judiciary, businessmen from the community, labor leaders, and others too numberous to mention.

Each year, Chicago celebrates Columbus Day with a series of specially planned events culminating in the spectacular parade. The theme for this year's parade is "Italian-American War Heroes." The parade will honor not only Christopher Columbus, but also the Italians who fought heroically in all of America's wars for freedom. Richard Tagliaferro was a colonel killed at the battle of Guilford Hall during the American Revolution, and Salvatore Catalano was a naval hero who recaptured the *Philadelphia* from pirates. Anthony Casamento recently joined John Basilone and a number of other courageous Italian-Americans who have won our Nation's highest military award for bravery, the Congressional Medal of Honor.

This year I cosponsored a bill to authorize and request the President to issue a proclamation designating October 12 through October 19, 1980, as "Italian-American Heritage Week." The bill passed in both the House of Representatives and the Senate and ranks as a tribute to the great contributions that Italo-Americans have made, not only to the discovery of America, but since the discovery of America, to the development and greatness of the United States.

Mr. Speaker, the President of the United States, the Governor of Illinois, and the Mayor of Chicago have all issued proclamations in celebration of Columbus Day 1980, and copies of those proclamations follow:

[A proclamation by the President of the United States of America]

COLUMBUS DAY, 1980

On October 12, 1492, an Italian sea captain and his crew, having sailed into the western void in three fragile craft, touched land and revealed a New World to the astonished eyes of the old.

The Genoese Christopher Columbus, sailing for his royal Spanish patrons in search of fortune, glory and the validation of his dream, found these and more.

Today, almost five centuries later, we still honor Columbus for the stout heart and tenacity of purpose that sustained his exploits. He inspired an age of exploration and a continuing era of victory over the forces of complacency and ignorance.

As we prepare to commemoraate the four hundred eighty-eighth anniversary of Columbus's historic landfall, we of the New World can pay no greater tribute to his memory than to keep alive that spark of hope and nerve that never failed him and has never failed us.

In tribute to the achievement of Columbus, the Congress of the United States of America, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day.

Now, therefore, I, Jimmy Carter, President of the United States of America, do hereby designate Monday, October 13, 1980, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in his honor.

I also direct that the flag of the United States of America be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

In witness whereof, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER.

PROCLAMATION—STATE OF ILLINOIS

Every American knows what historic event occurred in 1492, for in that year the history of the world took a dramatic leap. The voyage of Columbus, which spurred further exploration of the New World, is celebrated annually throughout our land.

Columbus and many other distinguished Italians have contributed to the growth of civilization. The Italian community is joined by Americans of every ethnic background in recognizing Columbus Day.

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 13, 1980, to be Columbus Day in Illinois.

PROCLAMATION

Whereas, the annual Columbus Day Parade will be held in Chicago, starting at 1 p.m., October 13 on Dearborn Street; and

Whereas, the parade is under the auspices of the Joint Civic Committee of Italian Americans, of which Joseph Tolitano is president, Joseph J. Spingola is general chairman, Congressman Frank Annunzio is honorary chairman, and John Serpico is grand marshal; and

Whereas, held each year in tribute to Christopher Columbus, intrepid Genovese navigator-explorer, and to the contributions of Italian-Americans to the political, social, cultural, and economic history of America, the parade is invariably a highlight of the Fall season in Chicago:

Now, therefore, I, Jane M. Byrne, Mayor of the City of Chicago, do hereby proclaim Monday, October 13, 1980, to be COLUMBUS DAY IN CHICAGO and urge all citizens to take cognizance of the special events arranged for this time in appreciation of the heritage all have from the voyages of Christopher Columbus.

Mr. Speaker, Chicago's Columbus Day celebration will begin with a concelebrated Mass at Our Lady of Pompeii Church at 9 a.m. His Eminence, John Cardinal Cody, will be the presiding prelate, the principal celebrant will be Rev. Robert Simonato, C.S., and the homily will be given by Rev. Charles Fanelli.

Following the Mass, there will be a wreath-laying ceremony at 10:30 a.m. at the Columbus statute in Arrigo Park, led by the Order Sons of Italy, the Joint Civic Committee of Italian Americans, and the Italian American War Veterans.

Chicago's monumental Columbus Day parade will step off from the corner of Dearborn Street and Wacker Drive at 1 p.m. and will include some 150 floats and marching units depicting the theme of the parade. Traditional native costumes of Italy will be worn by participants in the parade representing the culture of various parts of the Italian peninsula. Theme Coordinator Theresa Petrone, authentic Italian costume chairperson Ann Sorrentino, and float personnel committee chairman Lawrence Spallitta have done an outstanding job, as usual, on their parts in making the pageantry of the parade a stunning success. The role of Christopher Columbus will be portrayed by Joseph Mollica.

The Joint Civic Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations in the Chicagoland area, sponsors the Columbus Day parade and other related activities. Many local groups cooperate with the Joint Civic Committee in this community-wide tribute to Columbus, and Anthony Sorrentino, consultant for the Joint Civic Committee, has helped to coordinate the various activities of the parade for many years.

One of the highlights of Chicago's Columbus Day celebration is the selection of the queen of the parade. This year, Susan Spallina, was chosen to reign as queen of the Columbus Day parade. The prizes awarded to the queen included $500 from the Joint Civic Committee of Italian Americans, $100 from the DaPrato Travel Agency, a Revlon gift package from Susan Owens, a gift package from the Alberto Culver, Co., a crown, a trophy, and a bouquet of roses.

Members of the queen's court are Katherine J. Sbarboro, Mary Cecilia Mezzenga, Rhonda Lee Frederick, and Domenica Piragine.

Judges for the final "Columbus Day Queen Contest" were Joseph Caliendo, a fur fashion designer; Robert Clementi, an attorney; Adrienne Levatino Donoghue, an attorney; John DoCurro, an electrical contractor and former Italian opera singer; Barbara Drammis, a personnel manager; Joseph Lizzadro, chairman of the board of the Meade Electric Co.; Suzanne T. Mangione, executive producer at WMAQ–TV; Hon. Philip Romiti, judge, Illinois Appellate Court; Laura M. Spingola, director of public relations at Chicago's Economic Development Commission; and Dennis J. Stevenson, a human resource consultant.

In addition to those watching the parade personally, millions of persons are expected to enjoy the parade via television. This year the sponsors for the parade programing are Dominick Di Matteo, of Dominick's Finer Foods; Anthony Terlato, of Paterno Imports; Turano Bakery, Joseph Marchetti, of the Como Inn; the National Republic Bank, the Amalgamated Trust & Savings Bank, the Chicagoland Cadillac Dealers Association, Holiday Inn, Mazzone Enterprises, Falbo Cheese, the St. Paul Federal Savings and Loan Association, and the U.S. Shoe Repair Service. The telecast of the parade will be narrated by Vince Lloyd, of WGN, and Domenick DiFrisco, of Alitalia Airlines

Our grand Columbus Day celebration will close with a reception at the Como Inn, 546 North Milwaukee Avenue, in Chicago, in honor of our guests, all the officers, subcommittee chairmen, and members who are participating in making the 1980 Columbus Day parade a great and grand event. In addition, leaders of Italo-American organizations from Illinois will be present as well as officials from our State and city governments.

I am proud this year to serve as the honorary chairman of the parade, and I send my best wishes to the members of the Joint Civic Committee of Italian Americans who are doing such commendable work as they continue their untiring efforts to make this varied and monumental event into another great success.

Mr. Speaker, the officers and members of the 1980 Chicago Columbus Day parade committee are as follows:

COLUMBUS DAY PARADE COMMITTEE

Joseph J. Spingola, General Chairman 1980; Congressman Frank Annunzio, Honorary Parade Chairman; and John Serpico, Grand Marshal.

HONORARY CHAIRPERSONS

Hon. Jane Byrne, Mayor, City of Chicago; Hon. Jerome E. Cosentino, Treasurer, State of Illinois; Hon. George W. Dunne, President Cook County Board of Commissioners; Dr. Teodoro Fuxa, Consul General of Italy; Congressman Martin Russo; Hon. James R. Thompson, Governor, State of Illinois.

JCCIA OFFICERS

Joseph Tolitano, President; Jerome N. Zurla, 1st Vice President; James L. Coli, 2nd Vice President; Charles C. Porcelli, 3rd Vice President; Carl DeMoon, 4th Vice President; Anthony Terlato, 5th Vice President; Anthony Morizzo, Treasurer; Charles Carosella, Secretary; Sam Cerniglia, Sgt.-at-Arms.

BOARD OF TRUSTEES

James E. Coli, Chairman; Cong. Frank Annunzio; Judge Nicholas Bua; Hon. Jerome A. Cosentino; Angelo Fosco; Joseph Lizzadro, Jr.; Rev. Armando Pierini, C.S.; Mayor John C. Porcelli; Judge Philip Romiti; Cong. Martin A. Russo.

CHAPLAIN

Rev. Armando Pierini, C.S.

TELEVISION SPONSORS

Anthony Terlato, Chairman; Dominick Di Matteo, Co-Chairman.

THEME COORDINATOR

Theresa Petrone.

RELIGIOUS PROGRAM & ORGANIZATIONS

Rev. Lawrence Cozzi, C.S.; Rev. Charles Fanelli; Rev. Robert Simionato, C.S.; Co-Chairmen; Rev. Armando Pierini, C.S., Advisor; Bernard Bellario, Nick Bianco, Candido De Biase, Michael R. Fortino, Louis Moretti, Michael Palello, Elvira Panarese, Chief Anthony Pilas, Anthony Pope, Dr. Raymond Rondinelli, and John Spatuzza.

AUTHENTIC ITALIAN COSTUME

Ann Sorrentino, Chairperson; Elena Frigoletti, Co-Chairperson; Mary Spallitta, Co-Chairperson; Pauline Jo Cusimano, Co-Chairperson; Anna Albanese, and Regina Panarese.

FINANCE AND SOUVENIR BOOK

Mayor John C. Porcelli, Chairman; Frank N. Catrambone, Sr., Co-Chairman; Sam Cerniglia, Co-Chairman; Bernard Fiorito, Ann Sorrentino, Angeline Annunzio.

BUSINESS AND PROFESSIONAL

Jack Cerone, Co-Chairman; Carl De Moon, Co-Chairman; Vincent Lucania, Co-Chairman; Mathew J. Alagna, Anthony Apa, Charles Carosella, James L. Coli, John Curielli, Dr. John Drammis, Jr., and Dr. John Drammis, Sr.

Peter Ingraffia, Marino Mazzei, Paul Paterno, Louis Ranieri, Michael R. Rosinia, Dr. Mario O. Rubinelli, George Salerno, Joseph Scilabra, Dr. Joseph J. Sirchio, Joseph P. Spingola, Joseph J. Spingola, Jr., Amedeo Yelmini, and Jerome N. Zurla.

LABOR COMMITTEE

James L. Coli, Chairman; James Caporale, Tom Crivellone, Angelo Fosco, Tony Judge, John Serpico, Chuck Spranzo, Michael J. Spingola, Comm., Chicago Park District.

BANDS, MARCHERS & TRANSPORTATION

Louis H. Rago, Chairman; Jordan Canzone, Marie Palello.

PROGRAM & ARRANGEMENTS

Domenick Di Frisco, Co-Chairman; Theresa Petrone, Co-Chairperson; James L. Coli, Louis Farina, Charles C. Porcelli.

QUEEN CONTEST

Fred Mazzei, Chairman; Josephine Bianco, Co-Chairperson; Anita Louise Bianco, Spec. Asst.; Norma Battisti, Sam Burno, Lilla Juarez, Anthony Morizzo, Marie Palello, Hugo Panarese, and Aurelia Tornabene.

FLOATS

Sam Tenuta, Chairman; Sam Cerniglia, Co-Chairman; Vincent R. Lucania, Co-Chairman.

FLOAT PERSONNEL

Lawrence Spallitta, Chairman; Nick Bianco, John De Bella, Mary Spallita.

PARADE MARSHALS

Marco De Stepano, Chairman; Alex Batinich, Larry Battisti, Rocco Bellino, Ray Colagrossi, Ettore Di Vito, Anthony Finley, Neil Francis, Mario Lombardi, Sam Messina, Mike Palello, Joseph Pantaleo, Chief Anthony Pilas, Louis Rago.

RECEPTION COMMITTEE

Josephine L. Ortale, Chairperson; Leonora Turner, Co-Chairperson; Regina Panarese, Co-Chairperson; Norma Battisti, Phyllis Schoene.

WOMEN'S DIVISION

Josephine L. Ortale, President.

WEST SUBURBAN WOMEN'S DIVISION

Leonora Li Puma Turner, President.

YOUNG ADULT DIVISION

Regina Panarese, President.●

ABOLISHING FEDERAL OPEN MARKET COMMITTEE LONG ADVOCATED BY CORPORATE BANKING LEADERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

● Mr. REUSS. Mr. Speaker, in a floor statement on September 18, 1980, my friend Congressman STANTON of Ohio said he believed President Carter was behind a bill to eliminate the Federal Open Market Committee and vest responsibility for monetary policy solely with the Board of Governors of the Federal Reserve, a bill reported by the Domestic Monetary Policy Subcommittee of the House Committee on Banking, Finance and Urban Affairs on September 10.

I wish I could say the President was behind it. Unfortunately that is not the case. The proposition has been advanced over the years, however, by a host of distinguished business, labor and academic leaders. It has been recommended by public commissions and individuals who wish to see responsibility for monetary policy placed where it belongs—with officials of the United States who are appointed by the President and confirmed by the Senate.

In 1961, the Commission on Money and Credit recommended:

> The determination of open market policies should be vested in the Board. In establishing its open market policy the Board should be required to consult with the twelve Federal Reserve Bank presidents.

The Commission that made that recommendation included a number of the Nation's leading corporate and banking chiefs: Frazar B. Wilde, chairman, Connecticut General Life Insurance Co.; James B. Black, chairman of the board, Pacific Gas & Electric Co.; Joseph M. Dodge, chairman of the board, the Detroit Bank and Trust Co.; Marriner S. Eccles, chairman of the board, First Security Corp.; Lamar Fleming, Jr., chairman of the board, Anderson, Clayton & Co.; Gaylord A. Freeman, Jr., president, The First National Bank of Chicago; J. Irwin Miller, chairman of the board, Cummins Engine Co.; David Rockefeller, president, the Chase Manhattan Bank; Earl B. Schwulst, president and chairman of the board, the Bowery Savings Bank; Jesse W. Tapp, chairman of the board, Bank of America, N.T. and S.A.; J. Cameron Thomson, retired chairman of the board, Northwest Bancorporation; Theodore O. Yntema, chairman, Finance Committee, Ford Motor Co.

Marriner Eccles, a member of that Commission and Chairman of the Board of Governors of the Federal Reserve from 1934 to 1948, testified before the Joint Economic Committee on August 14, 1961, vigorously endorsing the proposition that the Board of Governors alone should decide monetary policy.

He said:

> The five bank Presidents serving on the existing Committee cannot be considered governmental as they are elected by the member banks, whereas the members of the Federal Reserve Board must be appointed by the President and confirmed by the Senate and make their reports to Congress. Only this will provide a clear center of responsibility for the use of all three of the major general instruments of monetary and credit policy.

In 1948 the Hoover Commission Task Force headed by the renowned George Leland Bach, presently a professor of economic and public policy at Stanford University also recommended that:

> The present powers of the Federal Open Market Committee should be transferred to the reorganized Board of Governors.

Eliminating the Federal Open Market Committee and vesting all authority for monetary policy decisions with the Board of Governors is the only sound public policy. The decisions made by the FOMC are basic to national economic policy. It is harder to imagine a more basic governmental function than control of the money supply—control which has direct impact on interest rates, inflation, employment, production, economic growth, the value of the dollar. Clearly the men and women who wield this power over the economy of the United States should be selected by the President, not by private bankers, and undergo the scrutiny of Senate confirmation.

Such a change would also restore the intent of the Constitution. The present system of allowing five Reserve Bank Presidents to vote on open market policies is clearly a violation of article II, section 2, clause 2 of the Constitution. The celebrated case of Buckley against Valeo states in unequivocal terms that persons exercising significant governmental authority are "Officers of the United States and should be appointed in the manner prescribed by the Constitution. The Presidents of the Federal Reserve district banks do not meet the Constitution's criteria for exercising governmental authority.

Furthermore, their representation on

the Federal Open Market Committee is patently discriminatory. Membership on the Federal Open Market Committee under present law consists of one representative, at all times, of the Federal Reserve Bank of New York; one representative, every second year, of the Federal Reserve Bank of Cleveland and Chicago; and one representative, every third year, of the "lesser breeds without the law"—the Federal Reserve Banks of Boston, Philadelphia, Richmond, Atlanta, Dallas, St. Louis, Minneapolis, Kansas City, and San Francisco. A requirement that the Board of Governors consult regularly with all 12 presidents would eliminate present discrimination.

The proposal that responsibility for monetary policy be lodged with duly-appointed officials of the United States, instead of with a committee on which 5 of the 12 members are private citizens elected by bankers, is a venerable idea whose time is long overdue.●

TO BUILD A FOUNDATION FOR A STRONGER AND FREER ECONOMY

The SPEAKER pro tempore. Under a previous order of this House, the gentleman from Mississippi (Mr. WHITTEN) is recognized for 5 minutes.

Mr. WHITTEN. Mr. Speaker, our country is a rich country in real wealth and in real resources. However, many of those engaged in business, manufacturing, in retailing, and in agriculture, in view of high cost and poor crops face the forced sale of assets, and bankruptcy unless we here in Congress take action now. We find many businesses and many farmers with little or no cash due to the fact that they have had 4 short crop years. Yet in many cases, they have assets of great value, many times what they would bring at forced sale.

The newspapers regularly report such situations facing major corporations. What they do not point up is that small businesses of all kinds, as well as many farmers, face the same situation. We must move before foreclosure.

The Farmers Home Administration has authority now for providing a holding action for those engaged in agriculture, providing a means of refinancing, stretching out the repayment date, and perhaps postponing a year's payments and interest, when the facts justify such action.

This is the time we need to increase production levels to bolster our economy and not take people out of production due to the shortage of cash.

BUSINESS REVITALIZATION

Mr. Speaker, I introduced a bill to restore the Reconstruction Finance Corporation. The RFC was a source of funds to enable corporations to buy up their indebtedness and scale it down to manageable levels. This was done for banks, drainage districts and other types of organizations. In everyday terms, you might say this organization was a means to "squeeze out the water" and allow organizations to become productive again.

An updated Reconstruction Finance Corporation is obviously needed in light of our current economic situation.

EXCESSIVE REGULATIONS

Too often Government regulations have increased costs, decreased production and reduced profits. At a time when farms and businesses are failing, we cannot afford the luxury of regulating that which is merely undesirable.

I have called on the President to suspend all regulations issued by the Environmental Protection Agency which relate merely to the undesirable rather than that which is necessary to protect human health and safety.

AREA COVERAGE FOR RURAL WATER SYSTEMS

In the appropriation bill for agriculture I have again included language in the report requiring that not less than 30 percent of the funds appropriated to Farmers Home Administration for rural water and sewer systems be used for the expansion of existing systems.

I will expect the Administrator of the Farmers Home Administration to issue regulations that require that funds be available for enlargement of wells, increases in line capacity, as well as the general expansion of existing systems including repairs.

We meet with the Senate conferees on November 12 on the bill making appropriations for the Department of Agriculture.

I have called on the Secretary of Agriculture to report to our committee by that time as to what actions are necessary to provide for area coverage for water and sewer systems. We need more and bigger wells and more and more communities served, toward the objective of reaching area coverage as we did years ago with electricity.

Personally I expect to see that we make a forward step in that direction in our conference.

Mr. Speaker, during recent years, gross farm income has continued to rise, but farm product costs have increased at an even greater rate. In 1979, returns to equity from farming were 4.1 percent compared with 16.7 percent for all manufacturers. During 1979, the farmer's share of the total food dollar continued to drop. Prices paid by farmers have continued to increase at a more rapid rate than prices received for their crops. Fuel costs have led the upward spiral with an increase of 46 percent last year, followed closely by the cost of farmland. At the end of the year, farm debt was $158 billion, up 15 percent in 1 year. The farmer is also faced with the highest rate of inflation in history and the Soviet embargo.

On top of all this, farmers in my section of the country as well as in many other sections have been faced with the worst weather in years.

At planting time we had floods and the fields were too wet.

During the summer we had droughts.

Now that it is harvest time we are again having excessive rain and even floods, and we cannot get the crops out of the fields.

Farmers need help.

MORATORIUM ON LOAN REPAYMENTS

Agriculture is the largest single industry in our country. As a first step toward meeting our current problems, I have called upon the Secretary of Agriculture to develop regulations to allow the deferral of principal and interest payments on loans where necessary. Section 1981 of title VII of the United States Code sets forth the Secretary's authority in this area:

> § 1981a. Loan moratorium and policy on foreclosure
>
> In addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this chapter, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided*, That if the security instrument securing such loan is foreclosed such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

I will expect the Secretary of Agriculture to have ready for our committee on November 12 a report as to what actions he has taken under this authority and what further the Congress needs to do when we go to conference on the agriculture appropriations bill for fiscal year 1981.

Mr. Speaker, I have also asked the Secretary of Agriculture and the Administrator of the Small Business Administration to report to me their recommendations for any additional laws or governmental action that is needed to revitalize agriculture, industry and labor and to build a foundation for a stronger and freer economy.

WE MUST ACT NOW

Mr. Speaker, at present rates we are on the edge of an economic crisis—we must move now if we are to give industry, labor and agriculture the opportunity to recover.

The time is late.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON. Mr. Speaker, I was not recorded on two procedural votes in 1979.

In order that I might have on record an announced position of all votes in the 95th Congress, I wish to note that I would have voted "yes" on rollcall 150 on May 15, 1979, a motion to approve the House Journal of Tuesday, May 15, 1979, and "yes" on rollcall 199 on June 11, 1979, a motion to approve the House Journal of Friday, June 8, 1979.●

EXTENSION OF HOME MORTGAGE DISCLOSURE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

● Mr. ST GERMAIN. Mr. Speaker, on Wednesday night, the House adopted the conference report on the Housing and Community Development Act. One of the important features of the report was an extension of the Home Mortgage Disclosure Act which has been so vital in ending patterns of dircrimination and helping to revitalize our inner city neighborhoods.

In a last-minute change from the conferee's position, which was adopted in conference on a bipartisan vote, the House did provide for a 5-year sunset on the Home Mortgage Disclosure Act. As I stated when the conference report was adopted Wednesday night, I do regret that we did not make permanent our national policy against redlining, but we do have in place a strong mortgage disclosure law.

Mr. Speaker, the conference report as it relates to HMDA calls for two very important studies to be conducted by the Financial Institutions Examination Council which is composed of the financial supervisory agencies.

One of these reports would deal with small business loans, recognizing that community development involves not only housing but general economic activity in an area.

Mr. Speaker, the small business lending by banks is especially important not only for its job creation potential but also because of its role in neighborhood preservation and revitalization. Healthy small businesses are a critical component of the infrastructure of a healthy neighborhood. Whereas some small business loans may be especially important for job creation purposes, others may be especially important for neighborhood preservation and revitalization. Some small business loans may be important in advancing both objectives.

The compilation and disclosure of information on small business loans by banks can be efficiently accomplished and it has enormous potential in assisting regulators and the public in evaluating the small business lending performance of each bank. With respect to neighborhood preservation and revitalization, of particular interest is the performance of the bank in meeting small business credit needs of low- and moderate-income neighborhoods.

Among the items that the Examination Council should address in its study are: First, the appropriate definition of small businesses for the purposes of compiling data, including analysis of whether small businesses should be separated into different types for reporting purposes; second, the appropriate definition of a small business loan; third, whether various categories of small business loans should be defined and separately reported, for example, purpose of loan, long term versus short term, whether or not SBA guaranteed; and fourth, the appropriate level of geographic detail, for example, the census tract where the small business is or will be located.

Mr. Speaker, the other report required involves efforts to develop a unified system for enforcing the Community Reinvestment Act, the Home Mortgage Disclosure Act and fair lending laws.

The conference report makes clear that the Examination Council's evaluation and recommendations regarding a unified system need not be limited to one unified system which would apply to all agencies. Currently three agencies—the Federal Home Loan Bank Board; the Office of the Comptroller of the Currency; and the Federal Deposit Insurance Corporation—are in various stages of implementing somewhat differing systems requiring financial institutions, under certain circumstances, to submit reports to the agencies for fair lending enforcement purposes. With one option that the study should definitely explore is the feasibility and desirability of one unified system which would apply to all of the agencies to accomplish fair lending, CRA, and HMDA purposes, the Examination Council is also free to explore the possibility of each agency having its own separate unified system for the particular agency. Under this approach the unified system for one agency might differ somewhat from the unified system for another agency.

The new HMDA law also provides for compilation of aggregate data for each census tract—a very significant advance in the utilization of the HMDA data.

Varying numbers have been suggested for the cost of the compilation, and the calculations indicate that a reasonable ballpark figure for the agencies' new efforts in this area will be something over $1 million with inflation factors to be considered.

Mr. Speaker, we should also note that because the end of the sunset period provided in the original legislation will have occurred prior to the date of enactment of the Housing and Community Development Act of 1980, no new disclosures under HMDA will have been required between June 28, 1980, and the date of enactment of this legislation. Since most institutions are already reporting on a calendar year basis, disruption in the availability of new disclosures has been minimal. In addition, HMDA requires that any information required to be disclosed must be maintained and be made publicly available for a period of 5 years after the close of the first year during which such information is required to be disclosed.

Thus, during the interim period—June 28, 1980 to date of enactment—disclosures required to be made prior to June 28, 1980, have continued to be required to be publicly disclosed pursuant to this 5-year rule. It is our intent that the 5-year rule shall apply to all HMDA disclosures made since the enactment of the original legislation in 1975, and that the gap in time between June 28, 1980 and the extension of HMDA contained in this conference report will result in no disruption in the availability of HMDA data.

Mr. Speaker, the implementation of the standard format and other provisions in the conference report designed to facilitate more efficient use of the data can be smoothly implemented without undue delay. The Board of Governors has authority under section 305 of the Home Mortgage Disclosure Act to provide for adjustments or exceptions as in the judgment of the Board are necessary and proper to effectuate the purposes of the act or to facilitate compliance with the act. This authority is sufficient for the Board to address any minor transitional problems that may arise. We expect such adjustments or exceptions to be held to the minimum necessary. We should also note that under current regulations, reports for calendar year 1980 would be disclosed by the end of March 1981. Depending on the timing of promulgation of regulations to implement the amendments made by the conference report, it is possible that a short delay from this schedule may become advisable, but there should be no extended delay.

Mr. Speaker, a recent report contracted for by the Federal Home Loan Bank Board and the FDIC recommended that in deciding whether State depository institutions should be exempt under section 306(b) of the Home Mortgage Disclosure Act, the Board of Governors should only grant such exemptions after a careful review of State law, including regulations and instructions, to insure that the disclosure statements produced will be comparable in form, context and data quality with HMDA statements. This would maximally facilitate aggregation of data and comparisons among institutions.

It is the intent of the conferees that the Board of Governors follow this recommendation when implementing section 306(b), and that after the new standard format has been prescribed, exemptions previously granted should be reviewed with this recommendation in mind. In no way do we intend to limit the ability of States to provide for additional disclosures beyond what is required under HMDA. For example, data such as is required under HMDA could be disclosed in form and content comparable to HMDA, and additional disclosures could be made as a separate item.●

ON THE INVESTIGATION OF MR. BEARD OF TENNESSEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CARR) is recognized for 10 minutes.

Mr. CARR. Mr. Speaker, in last evening's Associated Press and this morning's Washington Post my friend and colleague, Congressman ROBIN BEARD of Tennessee is quoted as calling me a "liar."

That quote is unfortunate and untrue. The question is not my veracity, it is the conduct of Mr. BEARD.

Several weeks ago Mr. BEARD, a Member of Congress and the Armed Services Committee, and one who is accustomed to the requirements of classified information, issued a press release containing classified information that had not been previously declassified.

I believe that Mr. BEARD knew or should have known this. He is a fine, intelligent gentleman, not known to be a bumbler, a stumbler, or mistake prone.

Accordingly, I have requested the appropriate House Committees to investigate the matter. I am confident that they will competently do so.

I can appreciate that any Member of Congress who may be investigated for an alleged violation of national security may suffer extreme anxiety and as a result may inadvertently utter an intemperate remark. But it is not helpful for both of us to do so. This investigation should not be conducted in the newspapers.

Should my information be incorrect and should the conduct of Mr. BEARD in issuing that press release be vindicated, I will stand here and make a public apology to him. If on the other hand, the investigation shows him wrong, he will have to deal with that. In the meantime I believe that we should resist the temptation to name calling.

□ 1710

Mr. ROSE. Mr. Speaker, will the gentleman yield to me?

Mr. CARR. Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman for a very well-written and well-spoken statement about what I consider to be a very unfortunate matter.

As a member of the House Permanent Select Committee on Intelligence, I have seen a copy of the press release about which the gentleman speaks. I share the gentleman's concern about the severity of this particular matter. I have known the gentleman for a number of years and know him to be an honorable man, one who is a man of his word. I know the gentleman has sincerely and carefully considered things said here today, also the things which brought you to make the previous statements about which our colleague from Tennessee has reacted.

I would say to the gentleman that I share his concern. I will work with the gentleman in the weeks and the months ahead to see that this serious matter is properly resolved and if, as I suspect, the gentleman's suspicions are correct, that I will work with the gentleman to see that appropriate action is taken by this House and the appropriate committees of the House.

Mr. Speaker, I can recall a friend from Tennessee when he observed several years ago with a great alarm statements by our now departed colleague from Massachusetts, Mr. Harrington. I knew then that he was greatly concerned about statements being made to the public that were unauthorized, that were classified and I know the gentleman shares that concern now and I thank the gentleman for having the courage to come forward and to speak on an area that is of vital importance to the country. Hopefully, in the weeks and months ahead, after the election is over, the smoke clears and we can calmly go back to business, we can determine in that light what sort of damages have actually taken place.

I thank the gentleman for yielding.

Mr. CARR. Mr. Speaker, I thank the gentleman for his remarks. I know the gentleman shares with me the goal not to be necessarily punitive against a Member of Congress but rather to look toward the larger goal, that the intelligence community can look to the Congress with confidence, can confide in us in confidence, that we will treat national security classified information with the utmost care and that Members of Congress and their staffs will not carelessly for political purposes make revelations which would damage the national security of the United States.

Mr. Speaker, we seek no vengeance against a particular Member, but we do seek to maintain a high standard as was maintained by the House in the Harrington example.

Mr. ROSE. Mr. Speaker, will the gentleman yield fruther?

Mr. CARR. I will be happy to yield to the gentleman from North Carolina.

Mr. ROSE. I firmly and totally agree with what the gentleman just said. I would observe the predicament we are in right now is really a determination of who should go forward with an investigation of this matter, the House Armed Services Committee, the House Permanent Select Committee on Intelligence, the House Committee on Standards of Official Conduct. It may very well be that the latter committee, the one that has dominated the actions of the House today may be, in time, the only forum that can adequately address itself to the concerns that the gentleman and I share. As I said before, I will work with the gentleman to make sure that the damage, if it has been done, is minimized.

Mr. CARR. Mr. Speaker, I thank the gentleman for his additional observation. This has been a very sad day for the House of Representatives and for our constitutional history as we have dealt with the misconduct of a Member who hurt himself and by implication hurt the House.

I will trust that the House Committee on Standards of Official Conduct will treat with the same degree of seriousness damage to our national security that they have attributed the particular conduct of the gentleman from Pennsylvania.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding. At the outset, let me say I was shocked to hear awhile ago what the gentleman reported. I wish to go on record to say we may not have agreed on some things having to do with defense matters—the gentleman sits on the Committee on Armed Services and I have large defense bases in my district—we may not agree on all of that but I would be the last one to ever impugn the integrity, reputation or voracity of the gentleman. I think if anything the gentleman stands for integrity. The record of service to our country has been great. I understand the gentleman was a marine.

I have one question: How can we reconcile the House allowing this particular thing happening with respect to the Committee on Standards of Official Conduct in having the power to withhold information. For example, suppose they go into this case involving the gentleman in the well and it is the decision that the FBI or the intelligence community says, "We will give you this information provided you do not let Mr. CARR have it."

I really want to know about this. There seems to be no concern about this. Is that of great concern to the gentleman?

Mr. CARR. Mr. Speaker, I share the concern of the gentleman from Texas. I have listened carefully to the gentleman's remarks with regard to the expulsion today and his remarks later this afternoon in a special order.

I share the gentleman's concern about some of the methods and procedures of the Committee on Standards of Official Conduct. However, I do not believe there will be a particular problem with respect to the investigation recommendation that they make.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman.

Mr. CARR. Mr. Speaker, I yield back the balance of my time.

THE NINE-DIGIT ZIP CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

● Mr. PREYER. Mr. Speaker, on February 1, 1981, the U.S. Postal Service plans to implement what it calls a ZIP code expansion program. The Postal Service proposal involves installing a substantial amount of very expensive automated equipment, as well as expanding ZIP codes from five to nine digits.

Because the Congress and the public were without answers to some very basic matters concerning this proposal, the Subcommittee on Government Information and Individual Rights, which I chair, held hearings several weeks ago to examine the Postal Service plan. However, we came away from those hearings with more uncertainties than answers.

In an effort to get some of these answered before the Postal Service is irrevocably committed to a costly and complex venture, over 100 Members of Congress have joined Congressman TOM KINDNESS and me in requesting that the Postmaster General delay implementation of the ZIP code expansion program. The text of our letter and a sense of the Congress resolution, which many of these Members have also joined as cosponsors, follow:

GOVERNMENT INFORMATION AND
INDIVIDUAL RIGHTS SUBCOMMITTEE,
Washington, D.C., October 2, 1980.

Hon. WILLIAM F. BOLGER,
Postmaster General, U.S. Postal Service,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: We request that you delay implementation of ZIP Code expansion until the Postal Service and the Congress have examined fully the impact of this proposal.

We sense great concern in the business community about the cost of changing mailing lists to 9 digit ZIP codes. Furthermore, judging from the many inquiries we have received, our constituents are also questioning the needless confusion that an additional four numbers may bring. These concerns seem valid.

Assistant Postmaster General Michael Coughlin told the House Subcommitte on Government Information and Individual Rights on September 17 that the ZIP Code expansion plan cannot work "without the help, confidence, and a degree of patience on the part of our customers." It is our considered opinion that you will have neither the help nor the confidence of the public if you proceed with the plan as proposed.

To date, there appears to have been little if any consideration by the Postal Service of the social impact of the plan, no real consideration of the cost to mailers, and no coordination with existing, pre-sort business mail programs. In addition, technical issues are still unresolved; there has been a failure in planning to distinguish between the need for additional ZIP digits; and there has been no study of alternatives, such as providing incentives to business mailers to imprint special bar-coding on billing and reply mail, a particularly glaring omission since the real target of the extra sorting numbers is large business mailers, not the public.

We look forward to your immediate response to our request that you halt implementation of the ZIP Code expansion.

Sincerely,

Richard Preyer, Chairman; Thomas N. Kindness, Ranking Minority Member; Jack Brooks, Texas; James Abdnor, South Dakota; Joseph P. Addabbo, New York; Ike Andrews, North Carolina; Bill Archer, Texas; Berkley Bedell, Iowa; Anthony C. Beilenson, California; William M. Brodhead, Michigan; Clarence J. Brown, Ohio; Clair W. Burgener, California; John L. Burton, California; Carroll A. Campbell, Jr., South Carolina; William Carney, New York; Tim Lee Carter, Kentucky; John J. Cavanaugh, Nebraska; Don H. Clausen, California; James C. Cleveland, New Hampshire; Tony Coelho, California; Cardiss Collins, Illinois; Barber B. Conable, Jr., New York; Daniel B. Crane, Illinois; Norman E. D'Amours, New Hampshire; Dan Daniel, Virginia; Thomas A. Daschle, South Dakota; Robert W. Davis, Michigan; John D. Dingell, Michigan; Robert K. Dornan, California; David F. Emery, Maine.

Glenn English, Oklahoma; David W. Evans, Indiana; Millicent Fenwick, New Jersey; Joseph L. Fisher, Virginia; Floyd J. Fithian, Indiana; Edwin B. Forsythe, New Jersey; L. H. Fountain, North Carolina: Bill Frenzel, Minnesota; Don Fuqua, Florida; Sam Gibbons, Florida; Dan Glickman, Kansas; Barry M. Goldwater, Jr., California; Lamar Gudger, North Carolina; Tennyson Guyer, Ohio; Tom Hagedorn, Minnesota; Sam B. Hall, Jr., Texas; George Hansen, Idaho; W. G. (Bill) Hefner, North Carolina; Cecil Heftel, Hawaii; Jon Hinson, Mississippi; Harold C. Hollenbeck, New Jersey; Carroll Hubbard, Jr., Kentucky; Richard H. Ichord, Missouri; Jim Jeffries, Kansas.

James P. Johnson, Colorado; Walter B. Jones, North Carolina; Robert W. Kastenmeier, Wisconsin; Ray Kogovsek, Colorado; Peter H. Kostmayer, Pennsylvania; Ken Kramer, Colorado; John J. LaFalce, New York; Robert J. Lagomarsino, California; Delbert L. Latta, Ohio; Manuel Lujan, Jr., New Mexico; Dan Lungren, California; Edward R. Madigan, Illinois; Andrew Maguire, New Jersey; Ron Marlenee, Montana; James G. Martin, North Carolina; Robert T. Matsui, California; Romano L. Mazzoli, Kentucky; Joseph M. McDade, Pennsylvania; Larry McDonald, Georgia; Matthew F. McHugh, New York; Stewart B. McKinney, Connecticut; Anthony Toby Moffett, Connecticut; Robert H. Mollohan, West Virginia; John T. Myers, Indiana; Stephen L. Neal, North Carolina.

Bill Nichols, Alabama; Leon E. Panetta, California; Claude Pepper, Florida; Charles Rose, North Carolina; Benjamin S. Rosenthal, New York; Toby Roth, Wisconsin; David E. Satterfield III, Virginia; Patricia Schroeder, Colorado; John F. Seiberling, Ohio; Philip R. Sharp Indiana; Norman D. Shumway, California; Paul Simon, Illinois; Gene Snyder, Kentucky; Fernand J. St Germain, Rhode Island; Arlan Stangeland, Minnesota; J. William Stanton, Ohio; Fortney H. (Pete) Stark, California; Bob Stump, Arizona; Mike Synar, Oklahoma; Thomas J. Tauke, Iowa; Harold L. Volkmer, Missouri; Doug Walgren, Pennsylvania; Robert S. Walker, Pennsylvania.

Ted Weiss, New York; Richard C. White, Texas; Charles Whitley, North Carolina; Lyle Williams, Ohio; Pat Williams, Montana; Larry Winn, Jr., Kansas; Timothy E. Wirth, Colorado; Gus Yatron, Pennsylvania; Robert A. Young, Missouri; James T. Broyhill, North Carolina; Robert W. Daniel, Jr., Virginia; Allen E. Ertel, Pennsylvania; Kent Hance, Texas; William J. Hughes, New Jersey; Olympia J. Snowe, Maine; Bob Traxler, Michigan; Jack Hightower, Texas; Frank Horton, New York; Henry A. Waxman, California; Matthew J. Rinaldo, New Jersey.

CONCURRENT RESOLUTION

Resolved by the House of Representatives (the Senate concurring),

Whereas the U.S. Postal Service has not answered fully the many questions concerning its plan to expand the ZIP Code to nine digits, nor fully resolved the technical issues involved;

Whereas the U.S. Postal Service proposes to pay approximately $1,000,000,000 for new, automated, mail-sorting equipment and for related changes required to expand the Zip Code;

Whereas the U.S. Postal Service has chosen not to examine the cost to businesses, nonprofit organizations, and institutions as well as to all levels of government to convert their mailing lists and make other changes necessary to implement the nine-digit code numbers;

Whereas the cost to these organizations to convert to the nine digits may equal the $1,000,000,000 that the U.S. Postal Service will pay;

Whereas the U.S. Postal Service could achieve significant productivity gains simply by employing new automated equipment to sort mail carrying the current five digit ZIP Codes;

Whereas the U.S. Postal Service has not studied alternatives, such as providing incentives to business mailers to imprint special bar-coding on billing and reply mail;

Whereas, according to the U.S. Postal Service, use of the expanded ZIP Codes will not speed the delivery of mail;

Whereas there is widespread public disenchantment with the plan of the U.S. Postal Service to expand the ZIP Code to nine digits: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the U.S. Postal Service should halt plans for its ZIP Code expansion until such time as the Service and the Congress have fully examined the cost to the Service, as well as to mailers, the social consequences, and the technical issues associated with that proposal, and that in no case should the U.S. Postal Service expand the ZIP Code beyond its current five digits without first fully examining other means of improving productivity in the sorting of mail.●

LEGISLATION ON ALASKA LANDS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 30 minutes.

○ Mr. UDALL. Mr. Speaker, today I am introducing a bill that contains a package of proposed amendments that many of my colleagues believe provides a blueprint for a comprehensive settlement of the many and complex issues still separating the House and the Senate on the Alaska lands bill.

The bill is cosponsored by the acting chairman of the Committee on Merchant Marine and Fisheries, THOMAS ASHLEY, and by Representatives TOM EVANS of Delaware, JOHN SEIBERLING of Ohio, and PHILLIP BURTON of California. Representative JOHN DINGELL of Michigan, a senior member of the committee with jurisdiction over wildlife refuges, has made a number of recommendations that have been incorporated into the bill.

The House has a long and distinguished record on this issue and so it is important, I think, that my colleagues understand what these amendments are and what they are not, and how we have arrived at this process.

In late August, the Senate passed for the first time a version of the Alaska National Interest Lands Conservation Act (H.R. 39). The Senate bill was the product of a month of intensive private negotiations among various key Senators, conducted after supporters of positions close to those already adopted by the House showed remarkable strength on the Senate floor.

At no time did I or any other Member

of the House, or our aides, participate in these negotiations. Nothing in the Senate bill represents an agreement to which I or any other Member of the House has been a party, formally or otherwise. The Senators worked hard and diligently and came up with a bill far superior to the Senate Energy Committee proposal, but a good deal below the standard set by the House.

At that point, I would have strongly favored following regular order and going to conference with the Senate to resolve our differences. Even today, I would still like to accommodate the suggestion of the gentleman from Alaska (Mr. YOUNG) to proceed to a conference. But that is not possible.

It takes two parties for such a marriage and the Senate is the reluctant bride that will not come to the altar. Any conference report would present opportunities to the Senate's corps of filibuster artists and also would necessarily produce a bill that lies in between the House and Senate positions, a result that to this day the Senate principals have never found acceptable.

So, with no possibility of conference, we have been left with only two options. First, we could simply accept the Senate bill. From the hundreds of letters, phone calls, and conversations I have had with my colleagues, interest groups, and average American citizens, I know that such a course is just not acceptable.

The other path, the one we have chosen, is the path of the private discussion and negotiation among the principals in the Senate and the principal supporters of the House position on this side. For 6 weeks we have been walking this road. For more than 4 weeks, the Senate simply declined to walk it with us, apparently in the belief that after 4 years of hard work the House would grow tired of this business and travel the route they had determined. Finally, in the past 2 weeks, Members of the House and Senate sat down in an effort to arrive at a mutually acceptable package of amendments to H.R. 39.

I am making public these amendments today not because those negotiations have succeeded, but because they have not succeeded. Proposals and counterproposals have been exchanged repeatedly, as late as last night, and I expect us to keep exchanging proposals. So far, however, we have not bridged a large gap. So this package does not represent any secret agreement with the Senate, nor is it a ploy designed to up the ante and force anyone's hand? It certainly is not intended to terminate discussion and negotiation.

This is simply our concept, shared by many of our colleagues, of the blueprint for a fair and equitable settlement of the issues that divide the House and Senate bills. I cannot overemphasize my conclusion that the Alaska lands bill, amended as we propose, would provide major new benefits not just to the conservationists of this country, but to the State of Alaska, to native communities, sport hunters and trappers, the oil and gas industry, hardrock miners, and the timber industry. It is a blueprint that advances the interests of all parties on all fronts. And it will be apparent to anyone who examines our package with an open mind that our concessions far outweigh our demands.

Let me briefly outline what our package would do. First, we would accept the Senate bill as the basic text and change it as follows:

For sport hunters, we propose to expand the hunting preserve acreage in national parks by nearly 1 million acres over the Senate bill and 3 million acres over the House bill. Prime hunting lands in the Wrangells-St. Elias, Denali, and Lake Clark National Parks that otherwise would be closed to hunting by both bills would be opened by our amendments.

For the State of Alaska, our bill would accept the Senate conveyance of about 35 million acres of Federal land to State ownership, including about 2.5 million acres which the State currently has not legal right to select. These include lands within the House's boundaries for the Selawik, Yukon Flats, Koyukuk, Nowitna, and Arctic National Wildlife Refuges and the Denali National Park. In addition, our bill also would make available for State selection the south Steese area near Fairbanks while returning to House conservation units the Circle Benchlands and Your Creek areas.

We would confirm the new rights granted the State of Alaska by the Senate bill to make overselections, and to "top file" throughout the Federal lands in Alaska except for conservation system units, national forests, and the national petroleum reserve—Alaska. It also allows an additional 10 years for completion of the State's selection of lands under the Statehood Act.

For oil and gas development, we would accept the Senate's proposal that the coastal plain of the Arctic National Wildlife Range be subjected to seismic testing with a congressional decision 6 years from now on whether to proceed with full-scale exploration. As my colleagues well know, this issue has been one of the preeminent battles in the entire Alaska lands debate and on two occasions the House has said the area must be a wilderness closed to oil and gas development. This major concession we propose to make would be modified only by adding an additional 6 months to the baseline wildlife study.

For the timber industry in southeast Alaska, our amendments would accept the Senate's mandate that an average of 450 million board feet of timber be made available each year to the two pulp mills operating off the Tongass National Forest. And we would accept the Senate bill's requirement that $40 million be available annually for roadbuilding and other activities to assure achievement of that objective.

In exchange for these and other concessions too numerous to mention we ask only modest improvements that would recognize 4 years of hard work by this House and thousands of concerned citizens to preserve for all Americans their most precious and dwindling wilderness resource.

We ask for 3.5 million acres of wilderness more than provided by the Senate bill, still 7 million acres less than our House bill. We also would redistribute some wilderness so that key lands that need the special protection of wilderness will get it.

We ask that the Copper River Delta be designated a refuge so that one of the most bountiful waterfowl nesting and breeding areas in all of Alaska can be properly managed.

We would protect the Karta, Rocky Pass, and East West Chichagof areas in southeast Alaska, insist that the Forest Service offer the Sitka natives suitable lands off Admiralty Island for them to consider as an option to lands there, reduce the U.S. Borax wilderness exclusion in the Misty Fjords National Monument to a reasonable figure and shave the 23-million-acre Teshekpuk-Utukok wildlife refuge to two relatively small refugees totaling less than 8 million acres.

Mr. Speaker, this is a reasonable, forthright package of amendments. It will be clear to anyone who examines this proposal with an open mind that we are conceding far more than we are demanding and that we are not seeking total victory, but a settlement that protects what needs and deserves to be protected, while allowing Alaska and the Nation to benefit from the State's great economic wealth.

When we come back in November we intend to put before the House a bill similar to the amendments we propose today. After Senate passage of the amendments, House passage of the Senate's Alaska lands bill would be assured.

SECTION-BY-SECTION ANALYSIS OF ALASKA LANDS AMENDMENTS ACT

The bill is in two titles. Title I has two sections, which set forth certain findings (corresponding closely to findings contained in the Alaska National Interest Lands Conservation Act, H.R. 39, as passed by the House in 1979) and purposes, and provides for a short title—the "Alaska Lands Amendments Act".

Title II contains detailed amendments to the Senate-passed version of the Alaska National Interest Lands Conservation Act. There are 25 sections.

Section 201 provides a definition of the term "Act", which is used repeatedly throughout the title. The term is defined as referring to the Alaska National Interest Lands Conservation Act, and thus refers to the Senate version of H.R. 39 and contemplates that version being accepted by the House in conjunction with the Senate's passage of the Alaska Lands Amendments Act.

Section 202 deals with the Tongass National Forest in Southeast Alaska. It revises the Senate bill's designation of the West Chichagof-Yakobi Wilderness area so as to conform that wilderness to the boundaries in the House-passed bill. It also designates the Karta and Rocky Pass areas (recommended as wilderness by the President and designated as wilderness in the House-passed bill) as further planning areas.

Section 203 amends section 705 of the Senate bill to clarify the relationship between the provisions of that section and the Tongass Land Management Plan, and the manner in which that section is to be administered.

Section 204 amends the Senate bill's provisions regarding the conveyance of certain lands to Shee Atika, Inc., so as to require the Forest Service to offer to those Natives an option of receiving lands elsewhere than an Admiralty Island.

Section 205 amends the Senate bill so as to bring the Russell Fjords and Misty Fjords National Monument wilderness areas closer to the House-passed version and to revise the provisions of the Senate bill dealing with activities within the Misty Fjords National Monument related to mineral development.

Section 206 amends the Senate bill so as to restore to the Yukon Flats National Wildlife Refuge certain lands which were deleted from that refuge in the Senate bill (some in interests of State selection and some for inclusion in national conservation area).

Section 207 restores to the Arctic National Wildlife Refuge the Your Creek drainage, which was deleted from refuge status by the Senate bill.

Section 208 revises the boundaries and designations of the Denali National Park and Preserve as contained in the Senate bill; it also provides that the name of Mt. McKinley can hereafter be changed only by Act of Congress.

Section 209 strikes from the Senate bill all of that bill's Section 401 (designating a national conservation area). The result is to make the southern part of the Steese Conservation Area available for State selection or for multiple-use management by the Bureau of Land Management (the northern Steese area is restored to wildlife refuge status as part of the Yukon Flats National Wildlife Refuge).

Section 210 amends the Senate bill so as to designate an additional river segment as a scenic river, namely the Ramparts section of the Yukon River, as provided for in the House-passed bill.

Section 211 amends section 906 of the Senate bill to revise that section's provisions regarding the land-selection interests of the State of Alaska under the Alaska Statehood Act.

Section 212 amends the Senate bill so as to designate additional wilderness areas within units of the National Park System and National Wildlife Refuge System.

Section 213 amends the Senate bill so as to designate the Copper River Delta area as a national wildlife refuge.

Section 214 amends the Senate bill's designation of areas within the Wrangell-St. Elias area as a National Park and Preserve, so as to provide additional acreage as a National Preserve, where sport hunting may be permitted.

Section 215 contains a number of miscellaneous amendments to the Senate bill, including corrections of terminology, revised wording of some administrative provisions, and the like.

Section 216 revises the time-frame for the baseline studies to be carried out in conjunction with the seismic study of oil and gas potential of the coastal plain of the William O. Douglas Arctic National Wildlife Range.

Section 217 revises section 1326 of the Senate bill to clarify the relationship between that section and the Alaska Native Claims Settlement Act and also between that section and other sections of the Senate-passed Alaska lands bill.

Section 218 amends the Senate bill by including therein provisions (similar to those in the House bill) for an immediate legislative conveyance to the various qualifying Native Villages of the townships in which the villages are situated, pursuant to the Alaska Native Claims Settlement Act.

Section 220 contains numerous technical, conforming, and perfecting amendments to the Senate bill.

Section 221 contains several additional amendments to the Senate bill, including provisions for designation of a Teshekpuk National Wildlife Refuge and a Utukok National Wildlife Refuge (each including some lands presently included within the National Petroleum Reserve—Alaska).

Section 222 amends the Senate bill so as to provide for a program of expedited oil and gas leasing within the Teshekpuk and Utukok National Wildlife Refuges.

Section 223 amends the Senate bill to make clear that it applies only to Alaska.

Section 224 amends the Senate bill to provide that the unit boundaries of the various wild and scenic rivers can extend as far as one mile on each side of each such river.

Section 225 amends the Senate bill to provide interim management guidance for areas which may subsequently be recommended for wilderness designation.●

HUMANITARIAN AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, distinguished colleagues, and all who read this RECORD, I would like to commend to your attention a highly esteemed businessman and eminent humanitarian of our community in Dade County, Fla., Mr. Arthur H. Courshon.

Arthur Courshon, chairman of the board of the Washington Savings & Loan Association of Florida, will be honored by B'nai B'rith with its highest honor, the humanitarian award, at a testimonial dinner and ball on November 15, at the Sheraton Bal Harbour in Miami Beach.

An outstanding American, Arthur Courshon is much more than a businessman; he is an involved community leader.

Mr. Courshon is former president of the National Savings and Loan League, past cochairman of the Anti-Defamation League dinner, a member of the Board of the Florida Committee for the Weizman Institute of Science in Israel, a corporate founder of the Mount Sinai Medical Center in Miami Beach, and is now serving on the board of directors of the Miami Heart Institute.

In addition, he has well served his community. He is a member of the citizens board of the University of Miami and a member of the Pillars Club of the United Way of Dade County.

Let me commend to all this capable and responsible citizen of my community, who has effectively extended himself beyond his personal interests in the service of humanity. He is a man whose commitment to his community exemplifies the finest in both American and Jewish tradition. B'nai B'rith is proud to honor him with this award.●

SUPERFUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 10 minutes.

● Mr. BRADEMAS. Mr. Speaker, among the major accomplishments of the House this year was the passage of the two so-called superfund bills, the Comprehensive Oil and Chemical Pollution Liability and Compensation Act to provide for the cleaning up of hazardous spills and the Hazardous Waste Containment Act to pay for the cleaning up of sites containing toxic waste.

It gratified me, Mr. Speaker, to read recently an editorial in the Elkhart Truth, a newspaper in my district in Indiana, congratulating the House on its action and calling upon the Senate to take similar action.

I commend the editorial to my colleagues. The text of the editorial from the Elkhart Truth of September 23, 1980, follows:

SUPERFUND NECESSITY

The horror stories of Love Canal and other chemical dumps, and spills of oil and chemicals, have Americans generally convinced that something has to be done to provide for cleanup in these situations. But this is terribly expensive. Fixing responsibility and finding the money are so difficult that actual cleanup is far behind discoveries of the extent of the problem.

Part of the answer is to make the spillers and dumpers responsible for the cost of the damage they cause. But there are many cases of old dumps where owners can't be found or spills where those responsible aren't equipped for cleanup. The best approach devised so far for these cases is a fund—called Superfund, paid largely by oil and chemical companies—that could pay for immediate cleanup, to be reimbursed later if the responsible parties can be identified.

A version of Superfund has passed the House. The Senate is studying a stronger one, and getting bogged down in complications. There is a danger that lobbying pressure from the oil and chemical industries may prevent passage in the short time left for this Congress. But this problem obviously is too much for individuals to handle, or even individual companies, however large. It is in everyone's interest to pass a concerted solution.●

LITHUANIANS ARRESTED FOR DEMONSTRATING OUTSIDE SOVIET EMBASSY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MCDONALD) is recognized for 5 minutes.

● Mr. McDONALD. Mr. Speaker, our Department of State has an unblemished record of being tough with little nations that cannot fight back. The little nation of Lithuania is no exception to this stalwart policy of our brave Department of State. While outwardly we still maintain the fiction that we do not recognize the Soviet seizure of the Baltic States of Lithuania, Latvia, and Estonia, present policy has been to play this down and make no provision for their continued diplomatic representation in Washington, D.C. Does anyone think for a moment that the Soviets would ever give us such a break? They have on tap a national liberation front for every non-Communist nation in the world which either is actively subverting the present government or waiting in the wings to go on stage.

But more to the point, Federal officials have gone to great lengths to see that every Iranian student is fully protected under our "bill of rights" no matter how nasty they become, and yet our Government insists on fully prosecuting and punishing 13 American students of Lithuanian descent who where demonstrating their suport of the Olympic boycott and protesting the Soviet invasion of Afghanistan near the Soviet Embassy in Washington, D.C. All this in rather strange contrast to the Carter administration bombast about cutting off technology and wheat from the Soviets. It appears that the lesson to be learned here is not toy with the United States if you are weak and small, but work your will if you are in a position to strike back, because the policymakers downtown are a cowardly bunch. I strongly urge that the Justice Department come to its senses and drop this case and turn to more important items pertinent to our internal security, many of which I have called to their attention.●

ADMIRATION FOR LITHUANIAN RESISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 5 minutes.

● Mr. MOAKLEY. Mr. Speaker, I rise today to express genuine admiration for the continued Lithuanian resistance to Soviet oppression. The strong will and determination of these people are clearly manifest in the 40-year history of their struggle to retain what all freedom loving people agree are basic human rights.

The Lithuanian people have continually obstructed Soviet attempts to deny them their independence and freedoms of thought, conscience, and religion. We cannot help but respect the persistence they have exhibited in their efforts to regain these freedoms and the right to political self-determination.

The United States has always championed the Jeffersonian principle of self-government and worldwide obedience to a doctrine of human rights. Our views on such issues are clearly stated in both the Constitution and the Declaration of Independence.

The time has come for us to voice our continued support for the Lithuanian cause and to make known our recognition of the plight of enslaved people throughout the world. We must do our utmost to assist these people in their struggles to recapture the freedoms of which they have been deprived. It is with this thought that I urge support for H.R. 5407, which provides for the continued funding of the Lithuanian legation and its personnel.

It is also in this spirit that we should support the efforts of the Lithuanian Americans in their attempt to express their extreme dissatisfaction with Soviet aggression. The incident outside the Soviet Embassy in Washington several months ago was an unfortunate one, but it is the opinion of most observers that the protestors have already been sufficiently dealt with for their violation of the D.C. Code which prohibits congregating within 500 feet of an embassy. We cannot discount the strong feelings they have for their fellow countrymen any more than we can ignore the causes for which they and others like them are fighting.●

COURT DECISION ON CENSUS IS NOT ENOUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

● Mr. BINGHAM. Mr. Speaker, I was heartened by the recent district court decision ordering an adjustment of the census figures for the expected undercount of blacks and Hispanics. By enjoining the Bureau of the Census from delivering the population counts to the President or the States until these adjustments are made, the court has taken a step toward ending the controversy which has surrounded the census for many months. Unfortunately, even if the inevitable appeals are upheld, this ruling will only be a partial solution to the problems New York City has with the census. Therefore, I support the further court action which New York State and New York City have determined they must take. I also support the actions of my colleagues who have introduced legislation in their efforts to solve the problem of a census undercount.

The ruling of U.S. District Court Judge Horace Gilmore in Young against Klutznick merits praise for its eloquent and thorough defense of the right to vote and the right to have one's vote count equally with all other votes. In this case between the city of Detroit and the Bureau of the Census, Judge Gilmore rightly concluded that—

> Where a known differential undercount of Black persons and Hispanic persons as compared with white persons of 4 to 1 has the effect of denying persons equal weight of vote and equal representation, by virtue of the large concentrations of Blacks and Hispanics in metropolitan areas and/or regions of the Southwest, the principle of one-man, one-vote is clearly violated.

I hope this ruling will lead to a satisfactory solution for Detroit and for all other areas of the country where an undercount is likely. However, New York City is a demographically complex area and has unique problems. While we delight in the ethnic diversity of our city, this diversity creates special problems in obtaining an accurate population count. For example, many of our residents do not speak English which makes participation in the census extremely difficult. My congressional district includes people who speak only Russian, Albanian, Jamaican, and Chinese in addition, of course, to those who speak only Spanish. In high-crime areas people are reluctant to open their doors to strangers, including census enumerators. Further, in these areas, enumerators might be fearful of doing their work as thoroughly as they might in safer areas. Deteriorated housing in parts of my district makes it difficult to tell whether many of the buildings are inhabited, let alone to enumerate their occupants. I have found over the years that when families escape their homes in devastated areas they often move in with friends or relatives nearby. These people are reluctant to be counted since they may be violating restrictions on the number of people allowed in one dwelling. Because of these characteristics of my district, I am concerned that an adjustment for blacks and Hispanics, which may be an adequate solution for Detroit, is only a partial solution for New York City.

Mrs. Evelyn Mann, a demographer with New York City for the past 30 years and director of the population division of the department of city planning in New York City, has offered some conservative estimates of the undercount in New York City in an affidavit for the joint lawsuit by New York State and New York City against the Bureau of the Census. The minimum undercount, according to her calculations, is about 800,000 people. She categorizes them this way:

Undocumented aliens (581,000), blacks of non-Hispanic origin (131,000) adult male members of public assistance households (116,000), Hispanics including blacks of Hispanic origin (116,000), persons engaged in illegal activity (100,000), whites (84,000), and selected groups within the Asian and Pacific Islander population (15,500).

Mrs. Mann's figure of 800,000 people not only uses an extremely conservative estimate of undocumented aliens in New York City, but also excludes the potential undercount for unreported children, the aged, homeless people, and people with language difficulties other than those included in the groups above.

In its case against the Bureau of the Census, New York City has raised very serious charges of mismanagement against the Bureau. The city has been frustrated by the Bureau's refusal to take advantage of expert knowledge of New York City which people such as Evelyn Mann can offer. In her affidavit of August 20, 1980, Mrs. Mann criticized the Bureau for its rigid insistence on using only those procedures which it can apply nationally:

> This attitude has serious detrimental consequences for New York City given its unique size, density, and diversity in many ways which directly relates to the ability to enumerate. Even within New York City, enumeration procedures which can be highly successful in one neighborhood can be seriously inadequate in another. The Bureau's failure to recognize this actuality and design procedures which are locality-specific results in a bias against a complete count in New York City which does not exist for those localities which more closely compare with the national norms.

I recognize that there have been dramatic changes in the demographic profile of our country in the last decade, changes such as the shift from the Frost Belt to the Sun Belt and a decline in the average number of persons per household. I can accept these changes and that the population of the Bronx has declined. However, before I can accept the 1980 census figures, and before I agree to depend on that count for the next 10 years on behalf of the people I represent, I must be satisfied that everything possible has been done to make sure that the population count is as accurate as possible.

The State of New York and New York City are determined, in spite of the Detroit ruling, to pursue court action to insure an accurate count of their residents. I support their efforts as well as the efforts of my colleagues in both the House and Senate who have introduced legislation calling for an adjustment of the undercount using the best or most appropriate methodology available.

When the Bureau of the Census studies the question of the most appropriate adjustment methodologies to employ in its procedures, it must not neglect the possibility of recanvassing portions of New York City, and perhaps of other parts of the country, where statistical adjustment without further field work may be inadequate. Judge Gilmore has left the choice of methodology for adjustment up to the skilled statisticians of the Census Bureau, and this is as it should be. I only suggest that the Bureau should not narrow its range of choices by automatically excluding further field studies without giving consideration to the special problems that were encountered in enumerating areas such as New York City.

In his ruling for Detroit, Judge Gilmore cited a 1963 Supreme Court decision in which the Justices stated:

> The right to vote freely for the candidate of one's choice is the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

The minorities and the poor in this country must not have their vote diluted simply because they are hard to count in the census. The Bureau of the Census must use all of the techniques at its disposal to adjust the census undercount and to prevent this injustice from occurring.●

FINANCIAL STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURTHA) is recognized for 5 minutes.

● Mr. MURTHA. Mr. Speaker, once again this year I am inserting into the CONGRESSIONAL RECORD a voluntary financial disclosure statement covering my personal transactions and use of taxpayer funds in the operation of Pennsylvania's 12th District congressional office. This statement consolidates other reports required to be filed by House rules, and in many cases goes beyond the requirements.

On May 14, 1980, in compliance with the rules of the U.S. House of Representatives, I filed the required financial disclosure statement.

I believe this additional statement is important for two reasons. First, to make clear that in the exercise of my duties I am subject to no conflicts of interest that would prevent me from representing the 12th Congressional District. Second, to make clear to constituents how tax moneys have been spent in operation of their congressional office.

Mr. Speaker, I would now like to insert into the Record my financial statement covering January 1, 1979 through December 31, 1979.

FINANCIAL STATEMENT

PART I: PERSONAL FINANCES

A. Taxes

Total taxes paid for the year 1979 amounted to $19,939.00, this included Federal income tax and Pennsylvania state and local taxes.

B. Sources of all income

My total income for 1979 amounted to $64,035, $58,027 was accounted for by my Congressional salary and the balance was comprised of: interest on a savings account I hold jointly with my wife; from the Ace Car Wash in Johnstown of which I am Secretary; interest from the Post Office Employees Credit Union; interest from the Lincoln National Life Insurance Company; honoraria for speeches from the Dravo Corporation, C&K Coal Corporation, Institute of Scrap Iron & Steel, Inc., The Boeing Company, and the Franklin Discussion Group; and dividends on stock owned in the First Tyler Bank and Trust Company of Sistersville, West Virginia, and AT&T. All outside income was in agreement with House Rules.

C. Holdings and interests

(1) Living accommodations.—My wife and I jointly own a home in Johnstown where we have lived since 1961. In Washington I rented an apartment during 1979.

(2) Stocks.—I own stock in the Ace Car Wash of Johnstown located on Roosevelt Boulevard. I have served as Secretary of the Car Wash organization since 1966. I have a few shares of A&T and First Tyler Bank of West Virginia.

(3) Bonds.—The only bonds I owned in 1979 were U.S. Savings Bonds.

(4) Loans.—As of December of 1979 I owed the Dale National Bank for loans made for routine home, auto and family expenses.

(5) Other assets.—The only other assets I have are life insurance policies with a cash value.

PART II: OFFICE REPORT

In 1979 the House of Representatives authorized an allowance for the conduct of the official and representation duties of the 12th Congressional District office. The amount allocated was $67,491. This allowance may be used for the expenses of travel, office equipment lease, district office lease, stationery, telecommunication, mass mailings, postage, computer services and other official expenses approved by House Rules. In accordance with those rules, an additional $15,000 was transferred into the account covering official duties from the Clerk-Hire allowance. Thus, the total for official expenses was $82,491. In 1979, of that total I expended $73,748.60 of this allowance, with an unused balance of $8,742.40. Here is a breakdown of the spending.

A. Office supply account

This is a general fund used for the purchase of regular office supplies such as paper, envelopes, stationery, pens, pencils, and other daily office needs. Supply needs are particularly vital in responding to the 500-750 pieces of mail the office receives each week.

An additional item purchased from this account is American flags flown over the U.S. Capitol. In general, I as persons requesting flags to pay for the flag themselves. There are cases, however, where a constituent or organization (particularly nonprofit groups) deserves to be honored for outstanding service to our area or nation. In such instances, I purchase the flags from this account. Examples during 1979 included a Portage Girl Scout Troop, a new Volunteer Fire Company building, several parks, and a Veterans Post. In 1979 I expended $17,421.79 for office supplies.

B. Postage

This fund allows the purchase of stamps for official business use not covered by the Congressional frank. This includes foreign postage, special delivery, and cases of routine office procedure not covered by the frank. The occasion where the office uses the fund most is in purchasing special delivery stamps where it is important that a report or inquiry be returned to a constituent or community official as quickly as possible. In 1979 I expended $1,080 for postage.

C. Communication

The Communication fund was established to facilitate the correspondence between members and constituents. The uses I made of this fund were in typesetting and negative preparation of newsletters and meeting notices, plus the preparation of polls and questionnaires. In 1979 I expended $543.38 for communications.

D. Computer

In 1979 I expended $149 for computer-related services, and I am working on computerizing many files to speed information to constituents.

E. Equipment lease

To operate the Congressional office, it is essential to lease a number of pieces of equipment both in Washington and the district offices. These including copying machines, typewriters, and similar items. In 1979 I expended $11,072.39 for the leasing of office equipment.

F. District office rent

In 1979 I retained district offices in Johnstown, Kittanning, Somerset, Punxsutawney and Indiana. All, with the exception of the Indiana office, are located in federal buildings. In 1979 I expended $13,670 for the total rental of all offices.

G. Official expenses

Under this category items were covered for official office actions not provided under other categories. As examples, I received $291.80 in reimbursements for official travel within the Congressional District. The costs of subscriptions to newspapers, and research items were paid from this account. Another item included was costs of taping my weekly radio report. In 1979 I expended $15,553.61 for official expenses.

H. Travel

This fund covers official trips between the Congressional District and Washington. Official business trips by staff between those locations can also be reimbursed from this fund. Most every week I drive between Washington and the Congressional District. In 1979 I expended $4,044.28 for official travel.

I. Telecommunications

The basic costs of official telephone service and long distance calls are covered by this account. In 1979 I expended $10,214.15 for telecommunications.

J. Staff

During 1979 I was allowed a maximum of 18 staff positions and a total allowance of $293,199. Of this amount, all positions were filled. At year's end the unused balance of my clerk-hire allowance was $9,894.55. This resulted from paying salaries plus the transfer of $15,000 into other accounts. I have six people on my staff in Washington including an administrative assistant; legislative assistant; case worker (projects, grants, etc.), two secretaries and a receptionist.

The other staff members serve throughout the 12th Congressional District. All but three of the staff members presently or formerly resided in the 12th Congressional District.

K. Government travel

In 1979 I took seven trips as part of my official oversight work as a member of the House Appropriations Committee. All those trips developed from my work on the Defense Appropriations Subcommittee and were inspections of U.S. military facilities. Those trips were:

August 5 to August 11.—(Germany, Belgium) Transportation paid by government ($1,409.61). I claimed $679 per diem. I toured N.A.T.O. bases and met with N.A.T.O. Commanders to analyze allied power against the Soviets.

October 21 to October 22.—(Guantanamo Bay, Cuba) Travel by military aircraft. This trip inspected the Marine Landing at Guantanamo during the height of the Russian Troop situation.

I also took five 1-day trips (leave in morning, return in evening) here in the States. These trips were paid for from existing military budgets and were a series of checks I made on the abilities and readiness of American troops.

February 12.—Parris Island, South Carolina,

March 27.—Quantico, Virginia,

April 19.—Naval Training Center, Great Lakes Illinois.

May 18.—Aberdeen Proving Grounds, Maryland.

July 5.—Fort Benning, Georgia.

Since taking office in 1974 I have returned to the Treasury a total of $136,119.61. These savings were realized while maintaining full service to the people of the 12th Congressional District.●

JCP SEEKS COMMENTS ON REVISED PROPOSED REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Hawkins) is recognized for 5 minutes.

● Mr. HAWKINS. Mr. Speaker, on behalf of the Joint Committee on Printing, I inserted in the Record on August 1, 1980, certain proposed interim changes to the Committee's Government Printing and Binding Regulations No. 24 dated April 1977. The purpose was to solicit comments on the proposed changes from as wide an audience as possible before any formal action was taken by the committee.

Written comments and suggestions were received from almost 100 Federal officials, commercial contractors, and other interested parties. These were supplemented by an equal number of telephoned comments and by individual discussions held during the Joint Committee's recent public meeting in Boston. All comments have been of great value in assisting the committee to evaluate the proposed changes.

As a result, I am inserting today a revised version of proposed changes to our regulations which incorporates most of the suggestions received. Again, our objective is to invite interested persons to submit comments or additional suggestions to the Joint Committee, S–151, U.S. Capitol, Washington, D.C. 20510, on or before November 1, 1980.

NEW PARAGRAPH

1–4. Electronic Printing.—As used in these regulations, electronic printing describes printing produced by or for the Federal Government through the use of any electronic printing system, any integrated printing system, and any item of equipment forming a part of such systems, which can perform composition, image reproduction, or sort/collating regardless of any other capability or function. Such systems may include two or more items of equipment, whether or not such equipment is listed in Title II of these regulations.

REVISED PARAGRAPH

2–1. Copying.—The term "copying" as used in these regulations means material produced by or for a Federal department or agency by use of automatic copy-processing or copier-duplicating equipment employing electrostatic, thermal or other copying processes. Production limits shall be established for the use of such equipment by the Central Printing and Publications Management Organization (CPPMO) of each department or agency.

NEW PARAGRAPH

4–4. Printing Facility.—The term "printing facility" as used in these regulations means any federally owned or federally controlled facility producing printing by use of (a) one or more pieces of equipment listed in Column 2 of the equipment tables, or (b) one or more pieces of automatic copy-processing or copy-duplicating equipment employing electrostatic, thermal, or other copying processes with a rated speed of 80 copies or more per minute. A printing facility shall not be operated for any Federal Government department or agency by a commercial contractor without prior written authorization by the Joint Committee on Printing.

NEW PARAGRAPH

4–5. Printing facilities and equipment owned or operated wholly or in part by the Government or at Government expense shall not produce more than 3,000 production units of any one page or work exceeding 15,000 production units in the aggregate of multiple pages per individual document or publication, unless a waiver or specific authorization to exceed these limits is obtained from (a) the Central Printing and Publications Management Organization (CPPMO) described in paragraph 30 of these regulations or (b) the Joint Committee on Printing.

NEW PARAGRAPH

9–1. Acquisition of any electronic printing system, any integrated printing system, or item of equipment forming a part of systems dedicated to printing processes, or to be used to produce printing whether or not utilizing computer technology and regardless of rated speed, requires prior written approval of the Joint Committee on Printing. This requirement shall be complied with regardless of how such equipment is classified by the General Services Administration (Federal Supply Services). Production utilization constraints and specific reporting requirements may be specified by the Joint Committee on Printing as part of such authorization.

NEW PARAGRAPH

30. Central Printing and Publications Management Organization (CPPMO). Heads of Federal departments and agencies shall maintain under their direct supervision a Central Printing and Publications Management Organization (CPPMO) responsible for:

(a) Conducting a cost effective, coordinated program controlling all materials developed, produced, procured or distributed by the department or agency through the utilization of printing, electronic printing, copying, binding, and microform techniques as defined in these regulations.

(b) Controlling the department's printing plants, printing facilities, copying, and printing and copying equipment.

(c) Assuring the use of the most efficient and cost effective method of printing and copying services.

(d) Monitoring the preparation, review and timely submission of all prescribed reports.

REVISED PARAGRAPH

35–3. A contractor shall not produce or procure more than 3,000 production units of any one page or 15,000 production units in the aggregate of multiple pages per individual document or publication for a Federal department or agency unless a waiver or specific authorization to exceed these limits is obtained from (a) the Central Printing and Publications Management Organization (CPPMO) or (b) the Joint Committee on Printing. For the purpose of this paragraph such pages may not exceed a maximum image size of 10¾ by 14¼ inches.

REVISED PARAGRAPH

35–4. A contractor shall not produce or procure more than 250 duplicates from an original microform, as defined in paragraph 7–2, for a Federal department or agency without authorization by (a) the Central Printing and Publications Management Organization (CPPMO) or (b) the Joint Committee on Printing.

PAGE 7—REVISED FOOTNOTE

[1] Not authorized for use by printing facilities or in connection with copying as defined in paragraphs 2–1 and 4–4.

PAGE 8—REVISED FOOTNOTE

[1] Acquisition of tandem presses, two unit perfecting presses, or duplex copy-duplicators by all facilities shall be reported to the Joint Committee on Printing within 30 days.

REVISED PARAGRAPH

36–3. A grantee shall not produce or procure more than 3,000 production units of any one page, or 15,000 production units in the aggregate of multiple pages per individual document or publication, for a Federal department or agency unless a waiver or specific authorization to exceed those limits is obtained from (a) the Central Printing and Publications Management Organization (CPPMO) or (b) the Joint Committee on Printing. For the purpose of this paragraph, such pages may not exceed a maximum image size of 10¾ by 14¼ inches.

REVISED PARAGRAPH

36–4. A grantee shall not produce or procure more than 250 duplicates from an original microform, as defined in paragraph 7–2, for a Federal Department or agency without authorization by (a) the Central Printing and Publications Management Organization (CPPMO) or (b) the Joint Committee on Printing.

REVISED PARAGRAPH

47. Printing Plants of Federal Prison Industries, Inc.—These plants may be used only for the production of unclassified printing. Printing services are available at the following three locations and may be used by sending a purchase order direct to any one of them: c/o Warden: Federal Correctional Institution, Lompoc, California 93436. c/o

Warden: U.S. Penitentiary, Marion, Illinois 63959. c/o Warden: Federal Correctional Institution, Sandstone, Minnesota 55072.

Where the purchase order contains the Convict Labor Clause, that clause should be deleted.

NEW PARAGRAPH REPLACING 2–2

48–1. (a) Consolidated semi-annual report shall be submitted to the Committee not later than 60 days after the close of the two six month periods, October–March and April–September, by the Central Printing and Publications Management Organization (CPPMO) summarizing production by all manned printing facilities, as defined in para. 4–4, listing individual jobs by title, quantity (pages and copies), date, and where done, which exceed either the 3,000 or 15,000 production unit limitation.

(b) A consolidated annual report covering all unmanned equipment performing copying, as defined in para. 2–1 of these regulations, shall be submitted to the Committee by the Central Printing and Publications Management Organization (CPPMO) not later than 60 days after the close of each fiscal year identifying the volume of reproduction and the cost thereof.

(Reporting forms will be prescribed by the Joint Committee on Printing.) ●

A TRIBUTE TO BILL VEECK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, I rise to pay tribute to Bill Veeck, one of the most dynamic individuals ever to be associated with the game of baseball, who at the conclusion of this season will be retiring as the president of the Chicago White Sox.

In his over 40-year involvement with baseball, Bill has been a pioneer in many aspects of the game, an aggressive promoter, a winner of championships and yet through all his experiences he has never lost a bit of enthusiasm.

Bill Veeck is a master promoter. I dare say P. T. Barnum would be challenged to the limit to match him in this capacity. In fact, in the post-World War II era many commentators have been saying that our society is moving at an ever-increasing pace and that baseball simply is too slow a game to interest our mobile society. Yet, Bill has answered this challenge through the many innovations he has authored which have brought excitement to baseball. He introduced baseball fans to the exploding scoreboard which resounds with lights, fireworks, and music, when a home team player "connects" for a home run. He also broadened the appeal of baseball by attracting not just the males in a family, but all members of a family. The "picnic grounds" in Chicago's White Sox Park where an entire family can eat a picnic-style dinner while enjoying a baseball game is an example of his efforts in this direction.

But, it would not be fair to speak of Bill Veeck only as a man whose skills were limited to box office promotion. He has a keen mind for recognizing talented players and thus molding successful teams. During his years with the Cleveland Indians, he brought them a world championship as well as a season attendance record in 1948 which, by the way, is still a major league record. In Chicago, Bill brought our city its last major league baseball pennant when his 1959 "go-go White Sox" won the American League title.

As Bill approaches retirement, I want to join all of Chicago in saying thank you for many exciting moments. I hope retirement is both restful and relaxing for a man who has done so much for our national pastime. ●

AN EXCHANGE OF VIEWS WITH EUROGROUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, today several staff members of the Committee on Foreign Affairs met with three representatives of the Eurogroup—an informal grouping of a member of European members of NATO. The principal topic of discussion was the European contribution to NATO.

The exchange of views was outstanding. To further our understanding of the Eurogroup and the European contribution to our alliance, I include in the RECORD the attached statement provided by the visiting group:

EUROGROUP AND EUROPEAN DEFENCE: FACTS AND FIGURES

1. The Eurogroup is an informal grouping of European countries within the framework of NATO. It is open to all European members of the Alliance. Those taking part at present are Belgium Denmark, Germany, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Turkey and the United Kingdom.

Aims

2. The basic aim of the Eurogroup is to help strengthen the North Atlantic Alliance as a whole by ensuring that the European contribution to the common defence is as strong and cohesive as possible.

Methods

3. Eurogroup:

(a) Provides a forum for discussion at Ministerial level of political/strategic questions affecting the defence of NATO Europe.

(b) Seeks to make the best use of available resources for defence by co-ordinating efforts in fields of common interest.

Political Consultation

4. Eurogroup Defence Ministers meet twice a year for informal discussions on major topics. They review a wide range of subjects in the defence field. This assists eventual decision-making within the Alliance as a whole; it sets the tone for greater mutual understanding and cohesion at all levels of Eurogroup; and provides impetus for the practical co-operation described below. The non-Eurogroup members of the Alliance are kept in close touch with the outcome of Ministers' discussions.

Practical co-operation

5. Seven sub-groups of national experts are active in the following fields of practical co-operation: training logistics, medical services, communication, information on force structures of member countries, long term planning on the development and harmonisation of tactical concepts, and equipment collaboration.

THE EUROPEAN CONTRIBUTION TO ALLIANCE DEFENCE

6. Force Levels. Of the ready forces currently available in Europe, about 91 percent of the ground forces and 86 percent of the air forces come from European countries,[1] as do 75 percent of NATO's tanks and more than 90 percent of its armoured divisions.

7. Manpower. The size of the armed forces of European countries amounts in peacetime to some 3 million [2] rising to nearly 6 million when reserves with an assigned role in mobilisation are included. North American figures are 2.15 millions rising to 3 millions.

8. Expenditure. In 1979 Eurogroup countries contributed about $70 billions to NATO's total defence expenditure. Between 1970–78 their real spending rose on average by about 2 percent per year over and above inflation so that by 1978 NATO Europe had taken on a proportionately greater share of the common defence burden than it carried ten years earlier. Since 1978 all Alliance members have supported the aim for real increases in defence spending in the region of 3 percent per annum.

9. Capital Expenditure. Several European countries devote as high a proportion of their expenditure to improving the quality and quantity of their military equipment as do North American allies. Among the new land equipment which is being introduced in 1980 are: 190 main battle tanks, 450 other armoured vehicles, 210 artillery pieces, 500 anti-armour missile systems and 9,700 hand held rocket launchers. Over half of these are additional to existing scales of equipment. Plans to improve air and counter-air capability this year include the introduction of 170 new combat aircraft, 110 helicopters and 150 additional air defence artillery systems.

MILITARY COLLABORATION AND INTEROPERABILITY

10. Increased practical military co-operation has consistently been a major Eurogroup objective, both to ensure that the most effective use is made of the resources of the European members of the Alliance and to increase standardisation and interoperability between the forces of member countries. In the most important field—new equipment—a variety of collaborative systems are being introduced in 1980. These include the Tornado multi-role combat aircraft (jointly designed and built by Germany, Italy and the UK); the first European built examples of the NS-designed F16 aircraft (for Belgium, Denmark, Netherlands and Norway); and the German Leopard II main battle tank (the successor to the Leopard I now in service in six Eurogroup countries). Deliveries of the collaboratively designed FH70 155 mm howitzer systems are also continuing as are deliveries of the Anglo-Belgium Scorpion series of tracked reconnaissance vehicles and the German designed 'Gepard' anti-aircraft tank which is also being procured by Belgium and the Netherlands.

11. In 1976 Eurogroup provided the stimulus for the creation of the European Programme Group, involving all members of Eurogroup plus France, firstly in order to extend the equipment collaboration among the European members of NATO, and secondly to enter into a closer dialogue with North American Allies with a view, for example, to achieving a more balanced degree of armaments co-operation with the United States (at present the United States has the advantage in transatlantic trade in defense equipment by a factor of 10–1 over the European allies).

---

[1] 'Eurogroup' proportions (i.e., excluding France) are 80 percent and 70 percent respectively.

[2] 'Eurogroup-only' figures are 2.5 millions.

12. In addition to equipment collaboration, the Eurogroup has also promoted closer European co-operation across a range of associated support functions including training (with over 20 multinational projects currently underway), logistics support (based on co-operative principles agreed in 1975) and battle field communications systems (where parameters have been agreed which would permit full interoperability between nations).

SPECIAL DEFENSE IMPROVEMENTS PROGRAMMES

13. Eurogroup countries have always participated wholeheartedly in the special efforts which have been needed over the past decade to maintain adequate defense capabilities in the light of the scale and nature of the Warsaw Pact military build-up. In 1970 Eurogroup undertook a special 5-year European Defence improvement Programme of additional expenditure amounting to $1 billion (1970 prices) and covering improvements in the field of equipment, communications and infrastructure. Since then Eurogroup countries have played their part following the decisions taken at the NATO Summit in 1977, in undertaking Short Term Measures (early remedies for shortcomings in selective areas of defence capability) and in developing the Long Term Defence Programme involving special efforts across the whole range of defence capabilities to meet the changing defence needs of the 1980s and beyond. In May 1980 as part of an Alliance-wide effort, Eurogroup countries agreed to earlier or augmented implementation of military measures and to consider further such action in December 1980, in order to maintain and strengthen defence capabilities in NATO Europe, particularly in view of the increased defence burden falling upon the United States in relation to South West Asia. In December 1979 the decision was taken on the modernization of NATO's long range theatre nuclear forces by the deployment in Europe of United States systems.

EUROGROUP SECRETARIAT.

SEPTEMBER 1980.●

SOARING INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

● Mr. VANIK. Mr. Speaker, today is the first day of the new fiscal year and the estimates of the 1981 deficits provide a wide variety of choices depending on which assumptions are utilized.

The first budget resolution had calculated a $30 billion deficit. The Senate budget resolution estimated an $18 billion budget deficit based on inconclusive assumptions. From what I can determine, the deficit will be in far excess of these projections.

First of all, the Congress did not support the President's request for increasing revenue in the amount of $7 billion. In addition, the Congress has increased expenditures for unemployment compensation and has yet to deal with the added cost of trade adjustment assistance. It is my understanding that the Department of Defense has incurred considerable extra expense in connection with the Middle East problem.

Without any tax cut legislation in 1981, it appears that we are looking at a deficit of $45 to $50 billion. Any tax cuts projected next year are likely to propel the deficit beyond this base.

Mr. Speaker, under these circumstances we must expect that interest rates next year must soar above the highs of recent years. When Congress considers tax cut legislation next year, it is essential that the interest rate projections be considered in the decision. It would be folly to create capital with excess public borrowing under circumstances in which capital expenditures cannot be wisely made because of soaring interest rates.●

CHILD NUTRITION

(Mr. GILMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3765, the walnut, olive marketing bill which passed the Senate last evening.

This measure, as passed by the Senate, includes the substantively identical provisions of the Food Security Act, which passed both the House Committee on Foreign Affairs, of which I am a member, and the Committee on Agriculture. The measure is also similar to the provisions of H.R. 7664 the Child Nutrition Act Amendments, agreed to by Senate and House conferees.

As the sponsor of H.R. 3611, the Food Security Act, considered by the aforementioned committees of the House, it is gratifying that the House finally has the opportunity to consider this critical and long overdue measure. Similar legislation in the 95th Congress, was caught up in the last minute crush of legislation and unfortunately never considered. The time for action on this key measure is now, we may not soon again find supplies and the vagaries of production as propitious as they are currently.

The Food Security Act would establish a 4 million metric ton reserve to backstop our Public Law 480 food assistance commitments during times of short supply.

Passage of this measure will allow us to improve our ability to respond to the urgent food needs of those in less developed countries during food supply crises. We experienced such a crisis in the early 1970's and short supplies of key commodities shut the door on many developing countries who were most in need of food assistance. Establishment of the proposed reserve for international emergency food assistance would help prevent recurrence of such an intolerable situation at odds with the humanitarian principles upon which our Nation was founded and certainly not in the long-term interests of our Nation or the international community in general.

Accordingly, I urge my colleagues to support this important measure—endorsed by the Presidential Commission on World Hunger of which I was a member—a measure which will underscore our Nation's commitment to ending hunger.●

WHAT IS REALLY HAPPENING IN THE PANAMA CANAL; A UNANIMOUS REPORT OF THE SUBCOMMITTEE ON THE PANAMA CANAL

(Mr. BAUMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BAUMAN. Mr. Speaker, it has been 1 year since Congress adopted legislation to implement the Panama Canal treaties which established a new administrative structure for the operation of the canal until the year 2000. It has also been 1 year since the Carter-Torrijos treaties surrendered U.S. sovereignty over the canal, a U.S. possession since 1903.

In that year, I am sad to report, many of the predictions that I and other opponents of the treaties unfortunately made have come true. In spite of some optimistic reports in the press, the giveaway of the canal has not produced the "era of good feeling" that Jimmy Carter promised between the United States and Latin America if only we handed over this waterway of such great strategic and economic value. In fact, since the transfer, Panamanian officials have repeatedly denounced the United States and Panamanians have engaged in arms traffic which is destabilizing all of Central America.

In 1979, some may recall, the U.S. taxpayers were promised by President Carter that the treaties would not cost any money. Unfortunately for the American consumer, though, canal toll rates were raised by almost a third the day the treaties went into effect in order to pay for the millions of dollars in increased payments guaranteed to Panama. Now there is a move in Panama, which demanded that the pay scales for its own citizens working in the Canal Zone be cut because they were making more than the people outside the zone, to ask that the pay scales be pushed up again. It seems that the Panamanian workers' cost of living rose so much with Panama running the zone's facilities that they are unable to make ends meet. The cost of this raise in wages may be as much as $1.2 billion.

Panama's continued unwillingness to cooperate with the United States has surfaced in a wide range of places. For instance, a U.S. contractor sold his bus company to Panama just before the treaties took effect, with payment due this March. To date, Panama has refused to pay the $160,000 it owes. On a government-to-government level, Panama for months denied that it even owed the United States some $9 million in water treatment payments, and Panama's President Royo boasted that "Panama will never pay for its own water." It was only when we got tough and refused to pay Panama its share of the canal toll revenues that the matter was resolved. To save face, however, President Royo left on a trip abroad before his ministers OK'd the payments agreement.

Even in the operation of the canal, Panama's intransigence has had its effect. The Panmanian Government insists on its own interpretation of the treaties, and refuses to recognize legality of the implementing legislation which the U.S. Congress passed. The Carter administration, though, has preferred to let Panama have its way rather than to resolve the issue and risk having the dispute made public in the United States.

The Panama Canal Subcommittee, of which I am the ranking minority member, recently held oversight hearings on the implementing legislation and found that the violations of that law, and even the treaties themselves, had reached an appalling level simply because the U.S. Government is unwilling to insist that the law we adopted be obeyed. Our subcommittee unanimously approved a report on our findings in open meeting, on September 15, in which we listed six recommendations which would help get the Panama Canal Commission back on course legally running the canal as Congress intended.

Unfortunately, due to Carter administration pressure, the full Merchant Marine and Fisheries Committee has failed to even consider adoption of the report, although a meeting to do so was scheduled and then abruptly canceled.

I believe this to be the result of State Department pressure. That is unfortunate, because covering up the problems with Panama only guarantees that they will worsen. Fearing that this excellent subcommittee analysis of the current situation would never see the light of day, I have decided to place the entire report in the CONGRESSIONAL RECORD. It is a sad commentary on this Nation's leadership that the Carter administration should be so scared of the truth, or so weak that it cannot even acknowledge differences of opinion. I hope that the release of this report will contribute to a resolution of the problems we have uncovered, and lead to a proper relationship between the United States and Panama so that we can resolve our differences openly, not by pretending they do not exist. I urge my colleagues to study this report carefully in order to decide whether the Panama Canal Treaties were proper, or, as many of us said, a tragic mistake.

The report follows:

OVERSIGHT REPORT ON THE ADMINISTRATION OF THE PANAMA CANAL ACT OF 1979

(By the Subcommittee on the Panama Canal of the Committee on Merchant Marine and Fisheries of the House of Representatives)

PURPOSE OF HEARINGS

On July 28, 1980, the Panama Canal Subcommittee of the Committee on Merchant Marine and Fisheries held the fourth in a continuing series of oversight hearings to review the administration and execution of the Panama Canal Act of 1979, Public Law 96–70, approved September 27, 1979 (93 Stat. 452). The act was adopted after extensive hearings and a favorable report of this Committee on April 23, 1979. (H. Rept. No. 96–98, Part I, to accompany H.R. 111, 96th Cong.). After H.R. 111 had passed the House the Subcommittee held an oversight hearing on July 16, 1979, in anticipation of the necessity for expeditious staffing and funding of the Panama Canal Commission when the 1977 treaty entered into force on October 1, 1979. (Hearings Panama Canal Commission Authorization and Oversight—1980, Serial No. 96–7). The second oversight hearing was held on November 2, 1979, approximately one month after the effective date of Public Law 96–70, and the third such hearing was held on February 19, 1980 in connection with consideration of legislation to authorize appropriations for operation of the Panama Canal Commission in fiscal year 1981. (Hearings "Panama Canal Commission" Serial No. 96–25).

Specifically the purpose of the July 28 hearing was to examine the manner in which Public Law 96–70 had been carried into effect in the organization and operation of the Panama Canal Commission, with particular reference to the over all form of the Commission, the distribution of powers and duties within the Commission, and the role of the President and Secretary of Defense in the organization and operation of the Commission. The Subcommittee was especially concerned by the adoption of regulations by the supervisory Board of the Commission at a meeting on June 3 and 4, the provisions of which, according to press reports, appeared to exceed the authority of the Board.

Because of the scope of the responsibilities assigned to the Secretary of Defense in the organization, operation and protection of the Panama Canal, that official was invited to testify on the various questions that were of primary concern to the Subcommittee in the hearing on July 28. In response to that invitation, the Honorable Michael Blumenfeld, Assistant Secretary of the Army (Civil Works) appeared for the Secretary of Defense, accompanied by the Honorable Dennis P. McAuliffe, Administrator of the Panama Canal Commission and Michael Rhode, Jr., Secretary of the Commission.

BACKGROUND

Paragraph 1 of Article III of the 1977 treaty grants to the United States "the rights to manage, operate and maintain the Panama Canal." Paragraph 3 of the Article provides that the United States will "in accordance with the terms of this Treaty and the provisions of United States law carry out its responsibilities by means of a United States Government agency called the Panama Canal Commission, which shall be constituted by and in conformity with the laws of the United States of America."

Subparagraph (a) of Paragraph 3 of Article III of the Treaty provides that the Commission "shall be supervised" by a nine-member Board of whom five shall be nationals of the United States and four shall be Panamanian nationals "proposed by the Republic of Panama for appointment to such positions by the United States of America."

Section 1101 of Public Law 96–70 establishes the Panama Canal Commission as an agency in the executive branch of the United States Government with responsibility for maintenance and operation of the Panama Canal "under the general supervision" of a Board established by Section 1102 of the Act. Section 1101 further provides that the authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

Public Law 96–70 discloses a statutory plan for operation of the Canal as an agency in the Executive Branch of the Government, under the plenary control of the President and Congress and subject to the laws of the United States applicable to that agency. Under the Constitution the President has the obligation to see that those laws are faithfully executed.

From 1914, the date of completion of construction of the Canal, to 1951 the Canal was operated by a Government agency known as The Panama Canal, under the provisions of the Panama Canal Act of August 24, 1912. This Act provided for operation of the Canal by the President, through a Governor and such other persons as might be found to be necessary. The legislative history of Public Law 96–70 shows that the 1979 Act was closely patterned after the statutory plan established in the 1914 Act. See House Report 96–98 Part I, to accompany H.R. 111, 96th Cong., 1st Session, p. 40, *passim*.

From 1952 until the effective date of Public Law 96–70 the Panama Canal was operated by a government agency in corporate form called the Panama Canal Company. The law governing the operations of that agency specifically provided that "management" of the corporation was vested in a Board of Directors and the law granted broad and extensive powers to the Company. All these former provisions were repealed by Public Law 96–70 and an entirely different form of government agency was substituted under the direct control of the President through the Secretary of Defense.

At the time the bill which was eventually enacted as Public Law 96–70 was under consideration by the Congress, both the Government of Panama and the corporate agency then operating the Canal objected strenuously to the provisions of the law that gave direct control to the President and Secretary of Defense, substituting a supervisory board for a Board of Directors with full management powers. This controversy is reflected in the legislative history of Public Law 96–70 and in letters from President Royo to President Carter dated July 11, 1979, and January 9, 1980, respectively.[1]

EVENTS SINCE SEPTEMBER 27, 1979

Public Law 96–70 was approved by the President on September 27, 1979. On October 19, 1979 the Senate confirmed the nomination of Dennis P. McAuliffe as Administrator of the Panama Canal Commission. Mr. McAuliffe has testified that he had assumed the duties of the office on an acting basis on October 1, 1979.

On January 7, 1980 the President announced his intention to appoint the five U.S. and four Panamanian members of the Panama Canal Commission Supervisory Board.

On January 9, 1980 Panama's President Royo sent a letter to President Carter asserting that Public Law 96–70 is "illegal" and unacceptable in every way for the Republic of Panama. Among the provisions of the law to which the letter objects are the use of descriptions of the functions of the Board as "supervisory" whereas, it is asserted that the Board is a "Board of Directors". The letter also vigorously takes exception to the provisions establishing the Commission as an appropriated fund agency in the executive branch of the U.S. Government with the powers of the President exercised through the Secretary of Defense, which the letter asserts is a violation of "the special and independent status granted to the Commission by the treaty." This letter is published in full in the Congressional Record of March 11, 1980 at pp. 5207–5209 and is also reproduced in the record of the July 28, 1980 hearing.

On February 1, 1980, the President sent to the Senate the nominations of Michael Blumenfeld, John A. Bushnell, John W. Clark, Clifford B. O'Hara, and William Sidell to be Members of the Board of the Panama Canal Commission. These nominations were confirmed by the Senate on April 2, 1980 and on June 1, 1980 the appointees took the oath of office prescribed by Section 102 of P.L. 96–70. The four Panamanian members of the Board, Edwin Fabrega V., Roberto Huertematte E., Tomas Paredes, and Ricardo Rodriguez, executed appointment affidavits administered by the Deputy Administrator of the Commission on May 2, 1980. The Committee has received no other notice as to the dates or circumstances of the appointments of the members of the Board.

On May 27, 1980, the President issued Executive Order 12215 delegating to the Secretary of Defense, the Secretary of State and

---

Footnotes at end of article.

the Director of the Office of Personnel Management most (but not all) of his authority under Public Law 96–70. 45 F.R. 36043.

By a memorandum dated July 18, 1980 the Secretary of Defense redelegated to the Secretary of the Army functions delegated to the Secretary of Defense by Executive Order 12215.

By a memorandum dated 18 July 1980 the Secretary of the Army redelegated to the Assistant Secretary of the Army (Civil Works) all the authorities delegated to the Secretary of the Army by the Secretary of Defense on the same date.[2]

The Board of the Panama Canal Commission held its first meeting in Panama on June 2, 3, and 4, 1980. On the first day of the meeting the Board adopted "Regulations of the Board of Directors Panama Canal Commission."

On July 21–22, 1980, the Board of the Commission held its second meeting in Panama at which time the Board adopted a Code of Conduct applicable to each member of the Board and each officer and employee of the Commission as required by Section 1112(b) of Public Law 96–70.

In a series of interviews and press releases following the first two meetings of the Board the Panamanian members of the Board have repeatedly asserted that the Board is a binational body, with authority to control the operation of the Canal under the laws of Panama, and that neither the Board nor the operation of the Canal is subject to the laws of the United States.

FINDINGS

Testimony at the oversight hearings and information made available to the Committee in the course of its investigation clearly show serious problems in the construction and application of Public Law 96–70. Those problems center on the authority of the United States Government to control the operation of the Canal during the next twenty years and the degree to which the United States is able and willing to exercise that authority. In respect to these issues, the Committee has made the following findings:

1. Public Law 96–70 establishes a unified, consistent statutory plan for operation of the Canal during the period the 1977 treaty remains in effect by an agency of the United States Government with detailed provisions allocating responsibility and authority within the executive branch.

2. Public Law 96–70 has left to the President authority to establish the organization of the Panama Canal Commission and the allocation of functions within the Commission which so far have not been provided.

3. The thesis advanced by the Government of Panama and the members of the Board of the Commission that the Board is a binational entity and that the Panamanian members of the Board are not subject to the laws of the United States is inconsistent with Public Law 96–70.

4. The delegations of authority vested by Public Law 96–70 in the President and the Secretary of Defense are invalid insofar as they conflict with the basic plan of the statute to allocate such authority as between the President, the Secretary of Defense, the supervisory Board of the Commission and the Administrator of the Commission.

5. Regulations adopted by the Board at the meeting of the Board on June 2, 1980 are in conflict with Public Law 96–70 and provisions of general laws of the United States applicable to the Commission.

6. No procedures have been established for keeping the Congress informed on a current basis in regard to the issuance of regulations and directives and other important developments affecting the administration of the Canal under Public Law 96–70. In the absence of such procedures the Committees of the Congress having jurisdiction over the operation of the Canal are forced to rely on screening press reports and other information as it is made available to the public generally.

RECOMMENDATIONS

Based on the information developed at the hearings and other available information the Subcommittee recommends:

1. That the President or the officer properly exercising the authority of the President under Public Law 96–70 issue an Executive Order or other directive establishing the organization of the Panama Canal Commission and prescribing the authority and duties of the Board, the Administrator, the Deputy Administrator, the Chief Engineer and other prinicpal officers of the Commission.

2. That the President, Secretary of Defense and Secretary of the Army review and revise their respective delegations of authority under Public Law 96–70 to assure that such delegations are consistent with the statutory plan incorporated in Public Law 96–70 and other applicable provisions of law.

3. That the Panama Canal Commission provide for open meetings of the Board of the Commission in accordance with the provisions of Section 552(b) of Title 5 of the United States Code.

4. That the Board of the Commission rescind the regulations adopted at its meeting on June 2, 1980.

5. That the Congress and the Comptroller General of the United States take appropriate steps to carry into effect the provisions of Public Law 96–70 prohibiting appropriations to or for the use of the Commission or obligation or expenditure of funds by the Commisison, unless such appropriation, obligation or expenditure has been specifically authorized by law.

6. That the Assistant Secretary of the Army (Civil Works) and the Administrator of the Panama Canal Commission establish procedures to provide to the Congress on a current basis information in regard to the issuance of regulations and directives and other important developments affecting the administration of the Panama Canal under Public Law 96–70.

DISCUSSION

1. Organization of Commission

As construction of the Panama Canal approached completion, Congress passed the Panama Canal Act on August 24, 1912 authorizing the President to complete, govern and operate the Panama Canal, under the provisions of the Panama Canal Act, through a Governor "and such other persons as he may deem competent" to discharge the various duties connected with the operation. 37 Stat. 560. Thereafter, at the time the Canal was completed and opened to commerce, President Wilson issued an Executive Order establishing a permanent organization for the Panama Canal, to be administered under the Governor, subject to the supervision of the Secretary of War. Executive Order 1885 of January 27, 1914. The 1914 Act was the prototype for the Panama Canal Act of 1979 (P.L. 96–70 approved September 27, 1979, 93 Stat. 542). See House Report No. 96–98, Part I, p. 40.

The 1979 Act also establishes the agency to operate the Canal in the executive branch of the Government and authorizes the President to exercise his authority with respect to the Commission through the Secretary of Defense.

The President has delegated a major part of his authority under Public Law 96–70 to the Secretary of Defense to be exercised directly in some cases and in other instances by redelegation or otherwise, by the Panama Canal Commission. Executive Order 12215 of May 27, 1980, 45 F.R. 36003. The Secretary of Defense, in turn, has delegated most of the authority delegated to him by E.O. 12215 to the Secretary of the Army or to the Commission. Memorandum, the Deputy Secretary of Defense to Secretaries of Military Department, et al., dated 18 July 1980. The Secretary of the Army, in turn, redelegated his delegated authority to the Assistant Secretary of the Army by a memorandum also dated 18 July 1980.[3]

However, neither the President nor the Secretary of Defense has issued any order or directive comparable to Executive Order 1885 of January 27, 1914 establishing the organization of the Panama Canal Company. Such an order or directive is essential. Paragraph 3 of Article III of the 1977 treaty provides:

"3. Pursuant to the foregoing grant of rights, the United States of America shall, in accordance with the terms of this Treaty and the provisions of United States law carry out its responsibilities by means of a United States Government agency called the Panama Canal Commission, which shall be constituted by and in conformity with the laws of the United States of America."

Section 1101 of Public Law 96–70 established the Panama Canal Commission as an agency in the executive branch of the United States Government and provided that the authority of the President with respect to the Commission shall be exercised through the Secretary of Defense. Section 1101 further provides that the Commission shall be responsible for the maintenance and operation of the Panama Canal "under the general supervision of the Board" established by Section 1102 of the Act. The Act also provides for an Administrator of the Commission, appointed by the President with the advice and consent of the Senate and holding office at the pleasure of the President. (Sec. 1103). The only other provisions bearing on the organization of the Commission are those establishing the positions of Deputy Administrator and Chief Engineer, both to be appointed by the President and to "perform such duties as may be prescribed by the President," and an Ombudsman "who shall be appointed by the Commission."

(Secs. 1104, 1113). The Act specifically provides that the Commission shall not be subject to the direction or supervision of the United States Chief of Mission in the Republic of Panama with respect to the responsibilities of the Commission for operation, management or maintenance of the Canal although in other respects the activities of the Commission are subject to Section 16 of the Act of August 11, 1956 (22 U.S.C. 2680a) subordinating activities of U.S. Government agencies in a foreign country to the control of the U.S. Chief of Mission in that country.

Other provisions of Public Law 96–70 are replete with references to specific authorities of the Commission (e.g. Section 1202 authorizing the Commission to appoint, fix the compensation of and define the authorities and duties of officers, agents, attorneys and employees (other than the Administrator, Deputy Administrator, and Chief Engineer): the "head of each agency" subject to the Act (e.g. Sec. 1213 providing that the head of each agency shall establish written employment standards"; and provisions governing the financial management of the "Commission" (Sec. 1301 et seq.). Throughout the Act there is a careful distribution of regulatory authority as between the President, the Secretary of Defense, and the Commission. But at no place in the Act is there a definitive statement of exactly what elements constitute the Commission or the relationship between the various officers and components of the Commission for which the Act provides. The key to the Congressional intent clearly discernible from the provisions of the Act read as a whole and as explained in the House Report accompanying the bill is that the basic concern of Congress was to maintain maximum control in the hands of the President and Secretary of Defense under

---

Footnotes at end of article.

the ground rules laid down by the Act for operation of the Canal under the conditions established by the 1977 treaty. To that end, the Act left entirely to the President the authority to establish the organization of the Commission and prescription of the extent and limitations on the authority of the various component elements of the organization.

One important feature of such an organizational order would be the provision of a chain of authority leading up to the "head of the agency," an official in whom a vast array of laws applicable to the Commission's operations vest a wide range of powers and duties without further definition or guidance as to the identification of that official. See, for example, 5 U.S.C. 552b, the Government in the Sunshine Act, applicable to an agency headed by a "collegial body" composed of two or more members a majority of whom are appointed by the President and confirmed by the Senate; Sec. 1213 of Public Law 96–70, requiring the "head of each agency" to establish written employment standards; and Sec. 1215 of Public Law 96–70, requiring the head of each agency to establish rates of pay for employees in the agency.

Given the Congressional intent of Public Law 96–70 to leave to the President the authority to establish the form of organization of the Commission, the failure to make appropriate provision for the organizational structure has left a situation of near chaos in the administration of the Canal. The effect of this Commission is graphically illustrated by the uncertainty and conflicting theories demonstrated by the Secretary of the Army, the Assistant Secretary of Army (Civil Works), and the Board of the Commission, in reference to what official or body is the head of the agency. In hearings before this subcommittee on H.R. 111, 96th Congress, Secretary of the Army Alexander suggested that "for purposes of the Government in the Sunshine Act, the argument can be made that the Commission would not be headed by a "collegial body" because the Board of Directors (sic) ultimately would be subject to the direction of the Secretary of Defense." Hearings before the Subcommittee on Panama Canal of the Committee on Merchant Marine and Fisheries "Canal Operations Under 1977 Treaty—Part 2" 96th Congress, 1st Session (Serial No. 96–2) page 889.

In the oversight hearings on July Assistant Secretary of the Army (Civil Works) Blumenfeld, first suggested that the Government in the Sunshine Act did not apply to the Commission because two members of the Board served *ex officio*. Alternately, with the qualification that it would be preferable not to use it as a basis for exclusion of the Commission from the provisions of the Act requiring open meetings, Secretary Blumenfeld repeated the argument advanced by Secretary Alexander in the earlier hearings, noted above.

At its first meeting on June 2, the supervisory Board did not exhibit the same uncertainty in adopting regulations that assumed responsibility for "policy making and supervision of the affairs" of the Panama Canal Commission, provided the "Board meetings shall not be open to the Public," prescribed the duties of the Administrator and Deputy Administrator, and delegated to the Administrator part of the authority granted by the Act to the Commission to appoint, remove, and fix the compensation of officers and employees of the Commission "other than those appointed by the Board." In sum, in the absence of any authoritative action by the executive branch of the United States Government, the Board assumed authority as the head of the agency and in so doing cast into subordinate roles the Administrator, Chief Engineer and, to a certain extent the Secretary of the Army (as the delegee of the powers of the President through the Secretary of Defense.)

In spite of the flat assertion to the contrary by the witness at the July 28 hearing this action represents complete adoption of the thesis of President Royo's letter of January 9, 1980, equating the Board to the Commission with authority to act as a Board of Directors. The attempt to justify this action on the basis that the Assistant Secretary of the Army (Civil Works), to whom the Secretary of the Army had delegated his authority, joined in the action as a member of the Board does not help the situation because clearly the Act as a whole precludes the preemption by the Board of authority reserved by the Act to the President and Secretary of Defense.

In this situation the proper administration of Public Law 96–70 requires the prompt issuance of an order pursuant to the President's authority establishing the organization for operation of the Canal.

RECOMMENDATION NO. 1

That the President or the officer properly exercising the authority of the President under Public Law 96–70 issue an Executive Order or other directive establishing the organization of the Panama Canal Commission and prescribing the authority and duties of the Board, the Administrator, the Deputy Administrator, Chief Engineer and the other principal officers of the Commission.

2. *Delegation of authority*

Although Public Law 96–70 leaves for the President the authority to prescribe the details of the organization of the Panama Canal Commission, it is explicit in establishing the general framework determining the levels of responsibility at which various functions involved in the administration of the agency are to be performed. As shown in the House Report accompanying H.R. 111, the bill enacted as Public Law 96–70, the legislation is an exercise of the Constitutional power of the Congress to regulate commerce and the use and disposition of property of the United States. The Act, in itself, is a delegation of these regulatory powers, and shows a careful distribution of such powers among the President, the Secretary of Defense, the Commission, the Board and the Administrator established by the Act in order to effectuate the overall intent of the Act to maintain close executive and congressional control of the operation of the Canal by the United States.

A review of the provisions of the Act, not intended to be exhaustive, shows that the Act in terms vests authority in or specifies duties to be performed by the President in 26 sections, the Secretary of Defense in 4 sections, the Commission in 35 sections, the Administrator in 2 sections, and the Board in 2 sections. Authority to issue regulations is vested in the Board by Public Law 96–70 only in respect to meetings of the Board and those regulations are made subject to approval by the Secretary of Defense. (Sec. 1102(c)). The only other provisions prescribing duties for the Board are those providing that the Commission shall be "supervised" by a Board of nine members, the U.S. members of which shall cast their votes as directed by the Secretary of Defense or his designee, (Sec. 1102), and requiring the Board to adopt a Code of Conduct (Sec. 1112).

Delegation by the President

Executive Order 12215 of May 27, 1980 delegates to the Secretary of Defense some 15 of the powers vested in the President by Public Law 96–70, plus four functions continued in existing provisions of law. The authority of the President under five sections of Public Law 96–70 (Secs. 1111, 1112 (d), 1344(b), 1504(b) and 3301) was delegated to the Secretary of State, and the President's authority under one section of the Act (Sec. 1243(a)(1) was delegated to the Director of the Office of Personnel Management. Delegation of authority by the President to the Secretary of Defense was clearly and expressly contemplated by Section 1101 of the Act. ("The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense the delegations in Executive Order 12215, with three exceptions discussed below appears to be unexceptionable under currently accepted concepts of law.

Subdelegation by the Secretary of Defense

By a memorandum dated 18 July 1980 addressed to the Secretaries of the Military Departments and other officials of the Department of Defense, the Deputy Secretary of Defense referred to the issuance of Executive Order 12215 and delegated to the Secretary of the Army 8 of the functions delegated by the President to the Secretary of Defense and 4 of the functions vested directly in the Secretary of Defense by Public Law 96–70. The memorandum also subdelegated directly to the Panama Canal Commission authority and functions vested in the President by the law and delegated to the Secretary of Defense in all of the sections included in Section 1–3 of Executive Order 12215 except Sections 1–305 and 1–806. The functions vested in the President by Section 1701 of Public Law 96–70 were subdelegated to the Commander-in-Chief of the United States Southern Command.

The memorandum expressly withheld redelegation of the functions delegated by the President to the Secretary of Defense in Sections 1–101, 1–105, and 1–305 of Executive Order 12215.

Subdelegation by the Secretary of the Army

By a memorandum dated 18 July 1980, the Secretary of the Army redelegated to the Assistant Secretary of the Army (Civil Works) all of the functions redelegated to the Secretary of the Army by the 18 July memorandum of the Deputy Secretary of Defense. As previously noted the current incumbent of the position of Assistant Secretary of the Army (Civil Works) is the Honorable Michael Blumenfeld who has been appointed as a member of the Board of the Commission. The authority vested in the Secretary of Defense by Section 1102 of Public Law 96–70 to direct the votes of the U.S. members of the Board of the Commission was among the functions delegated to the Secretary of the Army and redelegated to the Assistant Secretary of the Army (Civil Works). Prior to the effective date of Public Law 96–70 which abolished the Panama Canal Company, Mr. Blumenfeld served as the Chairman of the Board of Directors of the Company.

Delegation problems

Delegation by the President

The problems with the President's delegation of authority in Executive Order 12215, previously referred to, relates to the attempted delegation to the Secretary of State of two of the President's duties in connection with transfers of property to Panama, and the terms of the delegation to the Secretary of Defense in Section 1–3 of the order that appears to circumvent the intent of the Act.

In respect to transfers of property to Panama, Section 1504 of the Act authorizes such transfers by the Secretary of State in accordance with the terms of the 1977 treaty but requires a written report to the Congress by the President at least 180 days before the transfer of any such property. Section 1344 further requires that before the transfer of property pursuant to Section 1504 "the President shall formally advise the Government of Panama" of certain specified requirements included elsewhere in the provisions of Public Law 96-70. The latter two functions of reporting to Congress and advising the Government of Panama are delegated to the Secretary of State by Section 1-402 of the order.

In view of the Act's specific distribution of functions in respect to transfers of property to Panama the delegation to the Secretary of State of the President's functions is questionable, particularly in view of the opposition of the executive branch to inclusion in the Act of any conditions applicable to the transfer. The requirement of advance notice to Congress and advice to Panama by the President could conceivably exercise an inhibiting effect otherwise lacking if both the initiative for the transfer, notice to Congress and advice is left to the transferring agency. The delegation appears to go a long way toward practical achievement of the self-executing effect of the treaty provisions for transfer of property for which the Department of State and the executive branch as a whole strenuously contended during consideration of the Panama Canal Act of 1979. Whatever merit there may have been in that argument, however, was effectively neutralized as a matter of domestic law by the enactment of the 1979 Act. *The Cherokee Tobacco*, 11 Wall. 616 (1870); Head Money Cases, 112 U.S. 580, 598 (1884).

The language of the delegation to the Secretary of Defense in Section 1-3 of Executive Order 12215 possess even more difficult problems. Section 1-1301 provides that "The functions vested in the President and delegated to the Secretary of Defense in Section 1-3 of this Order shall be carried out by the Secretary of Defense, who shall, in carrying out the said functions, provide by redelegation or otherwise, for their performance, in a manner consistent with paragraph 3 of Article III of the Panama Canal Treaty of 1977, by the Panama Canal Commission."

A more convoluted and ambiguous formulation would be difficult to devise but the quoted sentence appears to say that although the functions are delegated to the Secretary of Defense they are to be performed by the Commission citing paragraph 3 of Article III of the 1977 as the authority for the arrangement. The basic intent therefore, appears to be a delegation to the Commission under the guise of a delegation to the Secretary of Defense.

The objections to this arrangement are three-fold. First, as developed more fully elsewhere in this report, there is no definitive statement anywhere identifying what constitutes the Commission. The quoted pronouncement of Sections 1-3 of the order only adds to the confusion by apparently drawing a distinction between the Commission and the Secretary of Defense in his relationship to the management of the Canal. That is, the Secretary is not part of the Commission since he is directed to provide for performance of certain functions by "the Commission." This effectively disposes of the arguments by the Secretary and Assistant Secretary of the Army referred to above, that the Secretary of Defense is, in fact, the head of the Commission within the meaning of the Government in the Sunshine Act.

Secondly, the delegation in Section 3-1 appears to acquiesce in the argument made by President Royo of Panama and the Panamanian members of the Board that paragraph 3 of Article III of the treaty is the sole determinant of the functions of the Commission, to the complete exclusions of all other provisions of U.S. law except the provision of Public Law 96-70 establishing the Commission.[4] This of course is simply not the case, either as a matter of construction of the language of the treaty of application or the relevant laws of the United States.

Thirdly, the delegation of some of the authority included in Section 3-1 of the order is inconsistent with Public Law 96-70 and to that extent invalid, as more fully discussed below.

This latter point is especially important in respect to the functions assigned to the President in three sections of the Act that are delegated by Section 1-3 of the order, namely (1) the authority of the President to fix the compensation of and to define the authorities and duties of the Deputy Administrator and Chief Engineer (Sec. 1104); (2) the authority of the President to prescribe operating regulations for the Panama Canal (Sec. 1801); and (3) the authority of the President to prescribe regulations on specified subjects applicable to the United States for operation of the Canal (Sec. 1701).

Section 1104 providing for appointment of a Deputy Administrator and a Chief Engineer of the Commission who are appointed by and perform duties prescribed by the President was intended to provide maximum flexibility for the President in setting up the organization of the Commission. In view of other provisions of the Act authorizing the Commission to appoint the Ombudsman (Sec. 1113) and to appoint, prescribe the duties of, and fix the compensation of other officers and employees (Sec. 1202) it is apparent that the provision for prescription by the President of the duties and compensation of the Deputy Administrator and Chief Engineer was deliberate and purposive. Indeed Section 1202 authorizing the Commission to appoint, fix the compensation and prescribe the duties of the officers and employees expressly excludes the Deputy Administrator and Chief Engineer. In these circumstances it could hardly be argued that the President could circumvent the plain requirement of the Act by a delegation (even disguised as a subdelegation) of his authority to the Commission.

The same considerations apply to the attempted delegation to the Commission of the President's authority to prescribe regulations on specified subjects applicable in the areas and installations made available to the United States for operation of the Canal (Sec. 1701) and operating regulations for the Canal (Sec. 1801). Chapter 7 of Title I of the Act carefully divides the regulatory authority between the President and the Commission. In the case of the operating regulations, the Act restores to the President regulatory authority he had originally exercised under the Panama Canal Act of 1914, and which had been transferred to the operating agency between 1951 and the effective date of Public Law 96-70. See House Report No. 96-98, Part I, page 77. Where the Congressional intent to allocate regulatory authority is so clearly manifested, that intent can not be circumvented by a delegation to the very entity that Congress intended to deprive of that authority.

Subdelegations to Secretary and Assistant Secretary of the Army and Panama Canal Commission

The subdelegations to the Secretary of the Army and Assistant Secretary of the Army (Civil Works) by the two memorandums of 18 July 1980 are similarly vulnerable to the criticism that they circumvent the basic plan of Public Law 96-70 to allocate regulatory authority over the Canal and provide for varying degrees of supervisory authority over the Commission in the President and Secretary of Defense. This defect is exacerbated by the absence of an authoritative order or directive defining the organization of the Commission. The net effect of the subdelegations is to go a long way toward eliminating the significance of requirements for issuance or approval of regulations by the President or Secretary of Defense since the functions of the President and Secretary are subdelegated down the line to one of the five U.S. members of the Commission's Board, albeit one of the powers of the Secretary of Defense subdelegated to that individual member is that of directing the votes of the other U.S. members. The subdelegations to the Assistant Secretary of the Army (Civil Works) can be regarded as either a concentration of U.S. authority using the Board as the effective instrument to that end, or a dilution of U.S. authority by leaving it entirely in the hands of one individual. In either case, the effectiveness and legality of the policy represented by the subdelegations can best be evaluated on the basis of the performance of the Board in the light of the intent of Congress expressed in the Act establishing the Commission and providing for operation of the Canal.

RECOMMENDATION NO. 2

That the President, Secretary of Defense and Secretary of the Army review and revise their respective delegations of authority under Public Law 96-70 to assure that such delegations are consistent with the statutory plan incorporated in Public Law 96-70 and with other applicable provisions of law.

3. The Board's regulations

The regulations adopted by the Board at the meeting of the Board on June 2 (the copy attached to the minutes of the meeting is dated June 4) must be considered in the light of the considerations discussed in the foregoing sections of this report concerning conflicting concepts in regard to the form of the agency, the role of the Board and the other officers of the Commission, the relationship of the Commission to the executive branch, and the problem with the delegation and subdelegations of functions under Public Law 96-70. As the previous parts of this report point out, the Government of Panama and the Panamanian members of the Board have taken the position and continue to assert in effect that the Board is the Commission, that neither is subject to Public Law 96-70 or other laws of the United States, and that the 1977 Treaty confers on the Board plenary control of the Commission subject only to the language of the treaty and the laws of Panama. Against that background, the provisions of the regulations adopted by the Board involving clearly identifiable problems are discussed below.

1. Authority for regulations. The only source of authority for adoption of the regulations by the Board referred to in the text or in the testimony at the hearings is Article III of the 1977 treaty (See Sections 1.1, 1.3). As previously noted Article III of the treaty provides that the United States will carry out its responsibilities under the treaty (including operation of the Canal) by means of a United States Government agency called the Panama Canal Commission which shall be constituted by and in conformity with the laws of the United States. The law of the United States constituting the Commission is Public Law 96-70 and any authority of the Board to issue regulations must be found in that law. Public Law 96-70 includes no provision authorizing the Board to prescribe regulations on any subject although the "Commission" is granted such authority in a number of sections including Section 1102(c) providing that the Board shall hold meetings as provided in regulations adopted by the Commission and approved by the Secretary of Defense. The authority to approve the regulations is one of those delegated successively to the Secretary of the Army and Assistant Secretary of the Army (Civil Works).[5]

The absence of accurate reference to the source of authority in the regulations might be regarded as a harmless technicality if such authority actually existed. But there is no authority in the 1977 treaty for issuance of the regulations, and as previously noted, reliance on the treaty to the exclusion of Public Law 96-70 is an essential premise in the unacceptable contention by the Government of Panama that the Board is a "Board of Directors" and in effect constitutes the Commission.

Footnotes at end of article.

2. "The Board of Directors"—Functions. The regulations are expressly entitled "Regulations of the Board of Directors Panama Canal Commission" and Section 1.1 provides that the "Board," in which certain responsibility is vest by Article III 3(a) of the 1977 treaty, "shall be called the Board of Directors, Panama Canal Commission." This terminology appears nowhere in the treaty, Public Law 96–70, the nominations of the U.S. members to serve on the Board, or the Senate's action confirming the nominations. The use of the term "Board of Directors" serves separate objectives of the executive branch and of the Government of Panama. In the case of the executive branch it appears to identify the Commission as the "successor agency of the Panama Canal Company" which by law had a Board of Directors with specifically granted management powers and freedom from restraints applicable to other Government agencies.

From the standpoint of the Government of Panama the assumption of the name "Board of Directors" is intended to establish that the Board has authority to manage the Commission, in fact that it constitutes the Commission, with the asserted consequence that by reason of the membership on the Board of the nationals of Panama the Commission is, in the last analysis, subject to the laws of Panama. As previously noted, the Congress has rejected both these theories in enacting Public Law 96–70.

One of the practical effects of treating the Board as a "Board of Directors" is spelled out in Section 1.1 of the Regulations which unequivocally, if inaccurately, states that "Responsibility for policy making and supervision of the affairs of the Panama Canal Commission is vested in a Board by Article III 3(a), Panama Canal Treaty of 1977." Section 1.1 also provides that "The Board shall review and approve for submission to the Congress the annual budget of the Commission to include the capital program for Canal improvements." This description of the budget process for the Commission is in flat conflict with the applicable provisions of U.S. law on the submission of budget estimates incorporated in Title 31 of the U.S. Code. 31 U.S.C. 22 provides that the head of each department and establishment shall prepare or cause to be prepared in each year his requests for appropriations. Such requests are submitted to the President through the Office of Management and Budget (31 U.S.C. 23) and the President transmits the Budget to the Congress. (31 U.S.C. 11). Direct submission to the Congress by any officer or employee of an agency is prohibited. 39 U.S.C. 15.

One obvious legal problem involved in the treatment of the Board as the head of the agency required by law to submit the budget estimates to the President, is the theory of the executive branch asserted in the hearings on H.R. 111 that while the Commission is a U.S. Government agency, subject to the laws of the United States, the Panamanian members of the Board represent Panama and are not subject to U.S. law. See, for example, the letters from President Royo to President Carter and the statement of H. Miles Foy, Attorney-Advisor, Office of Legal Counsel, Department of Justice in Hearings "Canal Operation Under 1977 Treaty—Part 2," 96th Congress Serial No. 96–2, pp. 1290 et seq. This analysis of the status of the Board and the exemption of its Panamanian members from U.S. law was rejected in the report on the legislation by the Committee on Merchant Marine and Fisheries. House Report 96–98, Part I, 96th Congress, pages 42–46.

A practical consequence of the same problem is graphically illustrated by the Board's treatment of the 1982 budget, which the Board considered at its second meeting held on July 22 and 23. Office of Management and Budget Circular A–10, revised November 12, 1976 stresses that agency submissions concerning the budget constitute confidential advice to the President and that the head of each agency is responsible for preventing premature disclosure of budgetary information. Notwithstanding this provision, on the day following the meeting of the Board the Panamanian members released to the press a statement that one of the actions of the Board had been the approval of the 1982 budget for the Commission including $27 million for capital improvements and that the total budget includes $430 million. On the same occasion, another Panamanian member of the Board stressed that the Panamanian members are not subject to any U.S. law. *La Estrella de Panama,* July 24, 1980, page 1.

3. Appointment of Officers and Employees. Section 1.3 (a) of the Regulations recites that the members of the Board are appointed by the President of the United States "for an indefinite term" in accordance with Article III of the 1977 treaty. In point of fact Article III says nothing about appointment of the members of the Board by the President, or their tenure. Section 1102 (b) of Public Law 96–70 does provide for appointment of the members of the Board by the President, requires Senate confirmation of U.S. nationals appointed to the Board, and provides that all members "shall hold office at the pleasure of the President." Subsection (b) is one of three subsections of Section 1102, all of which contain provisions governing some aspect of the appointment or services of the members of the Board.

Section 1.3(b) of the Regulations provides that the "Board of Directors" may elect or appoint such other officers and agents as it shall deem necessary or as business of the Commission may require, in carrying out the provisions of the Panama Canal Treaty of 1977, each of whom shall hold office for such period, have such authority and perform such duties as the Board of Directors may prescribe from time to time." Article IV of the Regulations exercises that authority by prescribing the duties of the Administrator and Deputy Administrator and by providing for appointment of a Secretary and prescribing his duties.

These provisions squarely pose the question of the identity of the Commission and the relationship of the Board, the Administrator, and the Secretary of Defense. Section 1202(a) authorized the Commission to appoint, fix the compensation of and define the authorities and duties of officers, agents, attorneys and employees (other than the Administrator, Deputy Administrator and Chief Engineer). Under Title 5 of the U.S. Code the head of an agency is generally authorized to perform such functions.

Necessarily, in adoption of the Regulations the Board either assumed that it is the "Commission" or the head of the agency, neither of which assumptions is supported by Public Law 96–70. In any event, even if the assumption were correct, the law vests in the President authority to prescribe the duties of the Administrator, Deputy Administrator and Chief Engineer and that authority is expressly withheld from the Commission. The attempted delegation and subdelegation of this authority in reference to the Deputy Administrator and Chief Engineer is discussed above along with other problems involved in the delegation of authority under Public Law 96–70.

4. Oath of Office. Section 1102(b) of Public Law 96–70 provides:

"Each member of the Board. . . . before assuming the duties of such office, shall take an oath to discharge faithfully the duties of his office."

In compliance with this section the U.S. nationals appointed to the Board executed the standard oath administered to all officers and employees of the U.S. Government. (5 U.S.C. 3331).

Each of the Panamanian nationals signed an "affirmation" that he would faithfully discharge the duties of his office, without specifying the office. The affirmation was administered by the Deputy Administrator, himself a Panamanian national. The Subcommittee was advised at the July 28 hearing that the Deputy Administrator had been authorized to administer the affirmation by the Administrator, pursuant to 5 U.S.C. 2903 which provides that an "employee of an Executive agency" designated in writing by "the head of the Executive agency" may administer the oath of office required by Section 3331 of Title 5 or "any other oath required by law in connection with employment in the executive branch."

5. Closed Meetings—Government in the Sunshine Act. Section 1.5(a) of the Regulations provides that "Board meetings shall not be open to the public." Section 552b of the Title 5 of the U.S. Code, the Government in the Sunshine Act, provides that "every portion of every meeting of an agency shall be open to public observation," subject to certain specified limited exceptions. The section further requires that in the case of each meeting, the agency shall make a public announcement and publish notice in the Federal Register at least one week before the meeting of the time, place and subject matter of the meeting and whether it is to be open or closed to the public. Provision is also made for enforcement of the section by the District Courts of the United States.

The definition of an "agency" subject to the provisions of 5 U.S.C. 552b is "any agency headed by a collegial body, composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency." The application of this definition is discussed above in this report in connection with Recommendation No. 1 for issuance of a directive establishing the organization for the Panama Canal Commission.

The dilemma apparently posed by the Board's adoption of the Regulations in general, and the provision for closed meetings in particular is that if the Board is not the head of the Commission, the Board has no authority to issue the regulations. If the Board does head the Commission it is required by the Government in the Sunshine Act to hold open meetings.

However, without regard to the technical application of the Act the Commission could resolve the dilemma by providing open meetings of the Board in accordance with the policy of the Act.

6. *Executive Committee-Quorum.* Section 3.1. of the Regulations provides for an Executive Committee consisting of four members in addition to the Chairman of the Board. Two of the members are to be U.S. nationals and two are to be Panamanian nationals. Three members constitute a quorum when they include the Chairman and one other U.S. national. Under Section 3.1(b) during intervals between meetings of the Board of the Executive Committee is authorized to exercise "all the powers of the Board of Directors."

Section 1102(c) of Public Law 96–70 provides in reference to the Board that "A quorum for the transaction of business shall consist of a majority of the Board members of which a majority of those present are nationals of the United States." This section requires the presence of 5 members of whom three members are U.S. nationals for exercising any powers the Board may have.

Section 3.1. of the Regulations is palpably inconsistent with Section 1102(c) of the Act and as such is invalid. At the hearing on July 28 the Assistant Secretary of the Army attempted to justify the provisions of the regulation on the ground of the difficulties inherent in applying the law as written.

This kind of selective enforcement of the law on the basis of notions of expediency is alien to our constitutional system of Government.

RECOMMENDATION NO. 3

That the Panama Canal Commission provide for open meetings of the Board in accordance with the provisions of Section 552b of Title 5 of the United States Code.

RECOMMENDATION NO. 4

That the Board of the Panama Canal Commission rescind the regulations adopted at its meeting on June 7, 1980.

4. Authorization of appropriations and expenditures

Section 1302 (c)(1) of Public Law 96-70 provides:

"No funds may be appropriated to or for the use of the Commission, nor may any funds be obligated or expended by the Commission for any fiscal year, unless such appropriation, obligation or expenditure has been specifically authorized by law."

Similarly, Rule XXI of the Rules of the House of Representatives provides in pertinent part as follows:

"2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for an expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. . . ."

As part of its oversight and budgetary responsibilities for legislation relating to the Panama Canal, the Panama Canal Subcommittee moved promptly to provide the authorization for appropriations to finance the operations of the Canal from the effective date of Public Law 96-70. See Hearings "Panama Canal Commission Authorization and Oversight—1980" 96th Congress, 1st Session, Serial No. 96-7; Hearings "Panama Canal Authorization and Oversight" 96th Congress, 2nd Session, Serial No. 96-25.

After the hearings in the first session of the 96th Congress, the Committee reported and the House passed H.R. 5269, authorizing appropriations for FY 1980. House Report No. 96-447, 96th Congress, 1st Session; Congressional Record October 24, 1979, H. 9658 et seq. The bill was amended by the Senate Committee (Senate Report No. 96-419, 96th Congress) and passed the Senate on December 3. (Congressional Record p. S. 16894). The House rejected the Senate amendments, asked for a Conference, and instructed the Conferees to adhere to the House language of Section 4 of the bill. Congressional Record December 4, 1979, p. H. 12256. No further action was taken on the bill in the Senate, but in the meantime the Congress passed and the President approved H.R. 4440 including appropriations for operation of the Canal in FY 1980 (Public Law 96-131, approved November 30, 1979).

After the authorization and oversight hearings early in the second session of the 96th Congress on April 5, 1980, the Committee reported H.R. 6515, authorizing appropriations for the Panama Canal Commission for FY 1981. This bill provided dollar limitations on certain objects of expenditure, and reduced the total amount requested in the budget estimates. See House Report 96-882. On May 20, 1980, the Rules Committee reported a rule for consideration of the bill on the floor. H. Res. 674, 96th Congress.

On July 31, 1980, the House passed H.R. 7831, the Department of Transportation Appropriation Act, 1980, containing appropriations for the Panama Canal Commission, after adopting an amendment incorporating the dollar limitations included in H.R. 6515. Congressional Record July 31, 1980, pp. 6891, 6892.

Under Section 1302(c)(1) the enactment of authorizing legislation is necessary as a prerequisite to expenditure of funds by the Commission notwithstanding that in some circumstances under the House rules appropriations may be enacted without such authorization. In addition to these considerations, the exercise of close control by the Congress over the appropriation and expenditure process is given a special importance by the insistence of the Government of Panama and the nationals of Panama appointed to the Commission's Board that the Commission is not subject to the provisions of Public Law 96-70 and other laws of the United States. See, for example President Royo's letter to President Carter dated January 10, 1980, Congressional Record March 11, 1980, pages S. 2399 et seq., and news accounts of views of Panamanian members of the Commission's Board, all reproduced in the report of the July 28th hearing.

Although some expenditures by the Panama Canal Commission are authorized by Public Law 96-70 and other provisions of general law, much of the budgetary program developed in the oversight and authorization hearings by the Panama Canal Subcommittee relates to activities previously authorized for the Panama Canal Company, all of which have been repealed. Many of such activities appear not to be necessary to the accomplishment of the primary responsibility of the Commission to maintain and operate the Canal. In a number of instances the precise nature of the expenditure is totally obscured by the description in the justification submitted to the Congress in support of the budget.

All these considerations suggest the necessity for vigorous and continuous examination of the fiscal activities of the Commission to assure that all expenditures are authorized by law.

RECOMMENDATION NO. 5

That the Congress and the Comptroller General of the United States take appropriate steps to carry into effect the provisions of Public Law 96-70 prohibiting appropriations to or for the use of the Panama Canal Commission or obligation or expenditure of funds by the Commission unless such appropriation, expenditure or obligation has been specifically authorized by law.

5. Information to the Congress

Since the effective date of Public Law 96-70 and the commencement of operations by the Panama Canal Commission, the Subcommittee has experienced inordinate difficulty in obtaining current information in regard to actions taken by the executive branch to execute the law. Copies of directives, regulations, delegations of authority, press releases and reports have not been furnished to the Subcommittee on a routine basis, and in fact many of such documents have been withheld even after specific request. As a result, the Subcommittee and the Congress as a whole has been forced to rely on screening of the press and other media, reports from outside sources, and occasional responses to official requests to the Commission for specific items of information, notice of the existence of which has come from outside sources.

For example, after receipt of advice from outside sources that the Commission had issued a press release concerning the meeting of the Board held on June 2, 3 and 4, the Chairman of the Subcommittee requested the Secretary of the Commission to provide a copy of the release. The copy of the press release was furnished by the Commission's Secretary on June 18. The press release announced that at the June meeting the Board had adopted regulations governing the Board's functions and had considered a draft Code of Conduct for the members of the Board and employees of the Commission.

By a letter dated June 18, the Chairman of the Subcommittee requested copies of the regulations and of the draft Code of Conduct and stated the assumption that the Subcommittee would continue to receive copies of the minutes of the Board as soon as they became available. On June 27, the Secretary of the Commission advised that the regulations had been "adopted in principle" at the June meeting but must be reviewed "in final form" at a meeting scheduled for July 21-22; that the Code of Conduct considered at the June meeting was "still very preliminary" and would also be taken up at the July meeting; and that the minutes of each meeting of the Board would be furnished after they had been approved at the succeeding meeting. No documents were enclosed. Thereafter by letter dated July 8, without reference to the previous correspondence, the Secretary transmitted a copy of the minutes of the June meeting which, incidentally, show that the Board's regulations had been adopted at the meeting on June 2. At the hearing on July 28th the Subcommittee was advised that the Code of Conduct had been adopted by the Board at the July meeting, but a copy of the Code was not furnished to the Subcommittee until September 2. On August 7, publication of Subpart A of the Code was commenced in the Star and Herald, published in Panama in a series of articles under the by-line of the Panama representative of AFSCME, an organization of Panama Canal employees.

This example is sufficient to indicate that no procedure has been established by the Commission or the Assistant Secretary of the Army (Civil Works) to keep the Congress advised of developments in the administration of the Canal under Public Law 96-70. It can hardly be argued that an undertaking to furnish the minutes of each meeting of the Board after approval at the next succeeding meeting, which may be deferred for a substantial period of time, constitutes an adequate arrangement for furnishing current information to the Congress.

The adoption of recommendation 3 that the Commission provide for open meetings of the Board in accordance with the provisions of the Government in the Sunshine Act would to some extent compensate for the lack of such procedures, but would not be an adequate substitute.

RECOMMENDATION NO. 6

That the Assistant Secretary of the Army (Civil Works) and the Administrator of the Panama Canal Commission establish adequate procedures to provide to the Congress on a current basis information in regard to the issuance of regulations and directives and other important developments affecting the operation of the Panama Canal under Public Law 96-70.

FOOTNOTES

[1] The letters from President Royo to President Carter, and related statements by the Panamanian members of the Board (who are present or former officials of the Government of Panama) are reproduced in the report of the July 28 Hearing.

The legislation to implement the treaty proposed by the Department of State and introduced in the House as H.R. 1716 and in the Senate as S. 1024, would have retained the corporate form for the Panama Canal Commission with management authority vested in the Board of Directors preserving for the Commission the structure and power of the Panama Canal Company. The House Committee Merchant Marine and Fisheries rejected the form of the agency proposed in H.R. 1716 and passed H.R. 111 which substituted for the corporation an appropriated fund agency subject to stringent fiscal and management controls. H. Rpt. No. 96-98, Parts I and II; Cong. Rec. May 21, 1979, p.

11948 et seq. The Senate amended H.R. 111 to substitute the organizational provisions of S. 1024. S. Rpt. No. 96–255; Cong. Rec. July 26, 1979, p. 20757 et seq. However, in conference the Senate receded from the amendments that would have preserved the corporate form of the agency with management vested in a Board of Directors, and the language establishing the Commission as an agency in the Executive Branch of the U.S. Government subject to the authority of the President, exercised through the Secretary of Defense was agreed to. H. Rpt. 96–473; S. Rpt. 96-330; Cong. Rec. September 25, 1979, Rpt. 96–330; Cong. Rec. September 24, 1979, pages 25958 et seq.; September 25, 1979, pages 26000 et seq.; September 26, 1979, pages 26326 et seq.

[2] The documents involved in the successive delegation and redelegations of authority are set out in the record of the July 28 hearing.

[3] All the documents are set out in full in report of the hearings. The problems involved in the successive delegation and redelegations of authority are discussed more fully in the succeeding part of this report.

[4] The concept that the Board is a binational entity not subject to the laws of the United States is probably derived from the provisions of the draft treaties negotiated by the two countries in 1967 but never signed. Article II of the Panama Canal treaty provided that Panama and the United States "hereby establish an international juridical entity to be known as the joint administration of the Panama Canal" to operate, maintain and improve the Canal and administer the Canal areas. Article IV provided that "the governing body of the administration shall be a board consisting of nine members," four of whom were to be appointed by Panama and five of whom were to be appointed by the United States.

The text of the 1967 treaty was printed in the Congressional Record for July 17, 1967 (vol. 113, page 9209) and reproduced and discussed in a report in the 91st Congress by the Subcommittee on Panama Canal of the House Committee on Merchant Marine and Fisheries entitled "Report on the Problems Concerning the Panama Canal" (1970). The Subcommittee report is reprinted at page 1377 in "Background Documents Relating to the Panama Canal" prepared for the Committee on Foreign Relations, United States Senate by the Congressional Research Service in the 95th Congress during consideration of the 1977 treaties.

[5] The statutory plan obviously contemplates that the approval of the regulations is an action separate from the adoption of the regulations, even though, as a member of the Board, the Assistant Secretary of the Army participates in the action adopting the regulations.

[6] See Appendix to the President's Budget F.Y. 1980 page 953. The form and much of the content of the regulations adopted by the Board on June 2 are obviously based on the "Bylaws" adopted by the Board of Directors of the Panama Canal Company, q.v.

LEUKEMIA AMONG PARTICIPANTS IN MILITARY MANEUVERS AT A NUCLEAR BOMB TEST

(Mr. CARTER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CARTER. Mr. Speaker, in January. February, and July 1978, the House Health and Environment Subcommittee on which I serve as ranking Republican held extensive hearings on the health effects of radiation with special attention to the possible link between radiation exposure at the Government's nuclear testing program—1945–76—and the increased incidence of leukemia and other cancer among test participants. A major impetus for our concern about the health effects of nuclear test radiation grew out of the struggle of a veteran from Turkey Neck Bend in my home county to obtain service-connected compensation for the hairy cell leukemia which he had developed almost 20 years later as a result of his participation in the Government's testing program.

Today I am including in the RECORD an extremely important epidemiological study, published this week in the Journal of the American Medical Association, which assesses the relationship between nuclear test radiation and the increased incidence of leukemia among participants at one particular blast called SMOKY, which occurred August 31, 1957, at the Nevada nuclear test site.

This study, undertaken as a result of our panel's hearings and because of the involvement of my veteran constituent, Donald Coe, was directed by Glyn G. Caldwell, M.D., of the U.S. Center for Disease Control in Atlanta. This study found almost three times the expected number of leukemia cases among soldiers who were present at SMOKY. In my view, this research shows clearly that there is a statistically significant association between the development of leukemia and exposure to nuclear test radiation.

And although this SMOKY study looked only at the incidence of leukemia, and the authors point to the need for followup research, I believe, as one who has been actively involved in this matter for 3 years, that additional studies will ultimately prove beyond doubt the link between these servicemen's participation in the testing program and their illnesses. I only hope that the answers do not come too late for the many hundreds of our veterans who are fighting a holding action against the bureaucracy with time, for too many, on the bureaucracy's side.

I might add that two of the SMOKY leukemia victims, Paul Cooper, of Emmett, Idaho, and Donald Coe, successfully appealed the Veterans' Administration's denials of their claims. But only in Mr. Coe's case would the VA concede a causal link between the radiation exposure at SMOKY and his leukemia. Mr. Coe is the only one of the nine leukemia victims covered by this study who is alive today.

In closing, I want to commend Dr. Caldwell, his staff, and Dr. William Foege, director of the Center for Disease Control, for their tremendous contribution to our understanding of the health risks of radiation.

A copy of the October 3 J.A.M.A. article follows:

LEUKEMIA AMONG PARTICIPANTS IN MILITARY MANEUVERS AT A NUCLEAR BOMB TEST—A PRELIMINARY REPORT

(By Glyn G. Caldwell, M.D.; Delle B. Kelley; Clark W. Heath, Jr., M.D.)

(Preliminary studies indicate that nine cases of leukemia have occurred among 3,224 men who participated in military maneuvers during the 1957 nuclear test explosion "Smoky." This represents a significant increase over the expected incidence of 3.5 cases. They included four cases of acute myelocytic leukemia, three of chronic myelocytic leukemia, and one each of hairy cell and acute lymphocytic leukemia. At time of diagnosis, patient ages ranged from 21 to 60 years (mean, 41.8 years) and the interval from time of nuclear test to diagnosis from two to 19 years (mean, 14.2 years). Film-badge records, which are available for eight of the nine men, indicated gamma radiation exposure levels ranging from 0 to 2,977 mrem (mean, 1,033 mrem). Mean film-badge gamma dose for the entire Smoky cohort was 466.2 mrem.)

In late 1976, the Center for Disease Control received notice of a patient who associated his recently diagnosed acute myelocytic leukemia (AML) with his presence at an atmospheric nuclear bomb test. He had been one of about 200 paratroopers flown to Nevada from Fort Bragg, N.C., to participate in psychological and physical tests after observing the detonation of a nuclear device called "Smoky" on Aug. 31, 1957, at the Nevada nuclear test site.

To test the possibility of a causal association between nuclear test radiation and leukemia in this patient, an epidemiologic study was undertaken to measure the frequency of leukemia and other cancers in military personnel who had been present at this particular test. Two possibilities, beyond the notion that the association might be fortuitous, were considered: first, that low levels of radiation, such as nuclear test participants are presumed to have received, may cause cancer more frequently than previously thought; and second, that radiation received during nuclear tests, and particularly during the Smoky test, may have been greater than originally estimated. This report presents preliminary results of this study with respect to leukemia.

BACKGROUND

Between 1945 and June 1976, the United States detonated 588 nuclear devices, 183 of which were detonated in the atmosphere. Of this total, 475 were exploded in the continental United States, with 466 in Nevada.[1] Military troops participated in the tests in 1951, 1952, 1953, 1955, and 1957. About 250,000 troops are estimated to have been present at one or more of these nuclear tests. This number does not include nonmilitary scientific, or contractor personnel, some of whom were present at several tests.

During the 1957 test series, Operation Plumbbob, 25 nuclear devices were exploded, including Smoky, a 44-kiloton bomb that was detonated atop a 210-m steel tower adjacent to the Smoky foothills. Two separate troop operations were conducted during Plumbbob, the first by the U.S. Marine Corps early in July and the second by U.S. Army troops in late July and August. In addition to being present at the detonation of Smoky, however, many of the troops observed at least one other blast and practiced maneuvers in areas where residual contamination from previous blasts may have existed.[2] For the detonation of Smoky, some US Army units were transported by helicopters to an area approximately 2,700 m from ground zero. Rehearsals for these maneuvers included the observation of the detonation of Doppler from a distance of 2,600 m. Task Force Big Bang, the US Army unit to which the index patient was assigned, was to participate in exercises designed to determine how well military personnel, who had never seen an atomic explosion, would perform various combat tasks after such an experience. Additional tasks assigned to other units included retrieval of contaminated equipment, provision of support functions, and the piloting of helicopters and planes for troop movement or radiation monitoring. Be-

---

Footnotes at end of article.

cause of a wind shift, however, the Big Bang maneuvers were not carried out at the time of Smoky; instead, the troops watched the test from a point approximately 29 km from ground zero. The postponed field maneuvers were carried out three days later, in an area possibly contaminated with fallout from Smoky. In the interim, the troops had witnessed a second shot (Galileo).

SUBJECTS AND METHODS

The intent of our study was to identify all military persons present at the detonation of Smoky, to trace each such person's health status, to retrieve or reconstruct information for each person concerning radiation dose received from the detonation of Smoky, and to relate leukemia and cancer incidence in the cohort to this dose information and to expected levels of incidence in nonexposed populations.

Persons present at the detonation of Smoky were not easily identified. The index patient was unable to name more than a few of the men with him at the test; neither could any central record system be found to provide complete listings of test participants.

Our first systematic information came from the Smoky military afteraction report.[3] While this report did not identify individuals present at the detonation of Smoky, it did provide a partial listing of military units, estimated to include at least 2,235 troops. In August 1977, the Armed Forces Radiobiology Research Institute (AFRRI) provided a list giving individual information (name, serial number, rank, unit, and film-badge radiation dose) on 3,153 military personnel who had been issued radiation film badges for the period that included Aug. 31, 1957. Compiled by hand from microfilm records stored at the US Army Signal Corps Depot in Lexington, Ky., the list comprised mainly army personnel, even though the afteraction report had indicated that other military branches had been present. Supplemented with information compiled from other sources (Canada, the US Navy, the US Marine Corps, and the Air National Guard), this listing constitutes the cohort of 3,224 men in this study. No military unit or individual participant was included without confirmation of presence at Smoky by documents from the Department of Defense or the Department of Energy.

Identification of cancer or leukemia cases in this cohort required several methods. Extensive publicity surrounding the index case resulted in inquiries from more than 3,000 individuals, of whom 447 were later confirmed to have been present at the detonation of Smoky. From this group, we identified four additional leukemia victims, one of whom was a member of an Air National Guard unit not included in the AFRRI film-badge listing but confirmed by AFRRI to have been present at Smoky.

The AFRRI list was first matched against various clinical files, including the diagnostic files of the Armed Forces Institute of Pathology (AFIP), the death benefit files at the Veterans Administration, and records maintained at the National Personnel Records Center. Two additional cases of leukemia were identified from AFIP records and one from VA records. Hospital clinical records of leukemia patients were reviewed, and, when feasible, pathology specimens (mostly samples of bone marrow and peripheral blood) were obtained for microscopic review.

Subsequent efforts have involved (1) linking of the cohort listing to various federal records systems to obtain personal identifying information (date of birth, date of death, current address) and (2) contacting individuals or surviving family members to confirm presence at Smoky, to seek names and addresses of others also present, and to ascertain health status. As of March 1980, a total of 2,459 cohort members (76%) had been traced through these procedures, and date of birth had been ascertained for 3,094 persons (96%). Information concerning radiation exposure has come entirely from the film-badge records provided by AFRRI and from dosimetry files maintained by the primary contractor for the Atomic Energy Commission at the Nevada test site. Work is in progress to reconstruct exposure levels from other sources. Particular attention has been paid to potential internal exposures because the film badges recorded only external gamma and beta doses. Conceivably, radionuclides could have been inhaled or ingested and then deposited in bone or other tissue where they continued to irradiate the participant after the film badge was removed. Department of Energy and Environmental Protection Agency laboratories have performed radionuclide analyses on tissue specimens obtained at autopsy from two of the leukemia patients, but elevated levels were not found.

Assuming the observed values to be distributed as a Poisson variable, we tested for statistical significance by the use of Poisson tables. The resulting probabilities are the probabilities of observing by chance values as large as or larger than actually observed.

RESULTS—CHARACTERISTICS OF LEUKEMIA PATIENTS

Leukemia has been confirmed by bone marrow examination in nine Smoky test participants: 4 with AML, 3 with chronic myelocytic leukemia (CML), 1 with hairy cell leukemia, and 1 with acute lymphocytic leukemia (Table 1). The nine men ranged in age from 19 to 46 years (mean, 27.3 years) at the time of the Smoky test and 21 to 60 years (mean, 41.8 years) at the time of diagnosis. Intervals between the Smoky detonation and dates of diagnosis ranged from two to 19 years (mean, 14.2 years). All but one patient are now dead, and four underwent autopsies. Of the nine patients, only eight had adequate records available, and most presented with symptoms related to anemia. Examination of the peripheral blood showed anemia in these eight patients, with leukocytosis in 5, leukopenia in 2, thrombocytopenia in 5, and leukemic blast cells in 4. Blast cell crisis occurred in two cases of CML (No. 4 and 7).

In case 3, diagnosis of leukemia was preceded by a ten-year history of anemia and granulocytopenia. In case 4, a second primary tumor, possibly arising in lung or bone, may have been present.

INCIDENCE

Values of observed and expected incidence of leukemia in the cohort are compared in Table 2 for different cell type groupings. Expected incidence was calculated by applying age- and sex-specific incidence rates[4] to person-years accumulated by the Smoky cohort from 1957 through mid-1977 (20 years). Expected mortality was calculated from US rates for 1970[5] in relation to the period mid-1957 through mid-1978 (21 years). All comparisons indicate that the observed number of cases constitutes a statistically significant increase over the expected incidence of leukemia (Table 2).

Footnotes at end of article.

TABLE 1.—CLINICAL FEATURES OF THE 9 LEUKEMIA PATIENTS AMONG SMOKY PARTICIPANTS

Case	Leukemic cell type[1]	Age, year: In August 1957	Age, year: At diagnosis	Date of onset	Date of diagnosis	Date of death	Interval between August 1957 and diagnosis, years	Unusual clinical features
1	AML	23	42	January, 1976	February, 1976	February, 1978	18	
2	HCL	24	44	August, 1976	December, 1976	Alive	19	
3	AML	46	60?	1961	February 1972	May, 1972	14	Anemia and granulocytopenia since 1961.
4	CML	23	34		August, 1968	September, 1968	11	Blast cell crisis in September, 1968; possible second primary cancer in lung.
5	AML	34	47	June, 1969	October, 1969	April, 1970	12	
6	AML	33	50	July, 1974	August, 1974	May, 1975	17	
7	CML	23	39	March, 1973	March, 1973	March, 1976	15	Blast cell crisis in November, 1975.
8	CML	21	40	June, 1976	January, 1977	May, 1978	19	
9	ALL	19	21		December 1959	1960	2	

[1] AML indicates acute myelocytic leukemia; HCL, hairy cell leukemia; CML, chronic myelocytic leukemia; and ALL, acute lymphocytic leukemia.

TABLE 2.—LEUKEMIA MORTALITY AND INCIDENCE IN SMOKY PARTICIPANTS

Leukemic cell type[1]	Number of Leukemia cases: Observed	Number of Leukemia cases: Expected[2]	Observed/expected ratio	Probability (Poisson)
Mortality (all types)	8	2.9	2.4	0.01
Incidence:				
All types	9	3.5	2.3	.01
AML only	4	1.1	3.6	.03
CLM only	3	0.7	4.3	.03
AML and CML	7	1.8	3.8	.003

[1] AML indicates acute myelocytic leukemia; CML, chronic myelocytic leukemia.

[2] See text.

TABLE 3.—RADIATION DOSE LEVELS RECORDED ON FILM BADGES OF PATIENTS WITH LEUKEMIA

Case	Total radiation recorded in 1957: Gamma, mrem	Total radiation recorded in 1957: Beta, mrem
1	1,250	0
2	755	34
3	0	0
4	2,977	0
5	133	0
6	105	0
7	2,950	47
8	(1)	(1)
9	96	0

[1] No record.

RADIATION EXPOSURE AT SMOKY

The nature of the specific tasks performed by each military unit may provide clues for dose reconstruction. Only the film-badge data contained in the AFRRI and private contractor listings, however, are currently available concerning levels of radiation received by Smoky test participants. For the entire cohort, these data indicate an average whole-body gamma dose in 1957 of 466.2 mrem of radiation (including 207 persons for whom recorded film-badge gamma doses were zero). No film-badge record exists for case 8. For the remaining eight cases, gamma doses ranged from zero in case 3 to 2,977 mrem in case 4 (Table 3). Mean gamma dose among these eight cases was 1,167 mrem.

The accuracy of these data is uncertain for two reasons. First, the film badges recorded the cumulative radiation dose received for the entire series of 1957 tests. Since many of the Smoky participants probably were present at other sites, individual film-badge readings may reflect radiation from several tests. Second, film badges record only external radiation (gamma and beta radiation) and do not measure possible internal exposure or radiation from neutrons. No monitoring was performed for internal exposures resulting from inhalation or ingestion of radioactive dust or other particles. Methods are being explored by which internal exposure levels may be estimated or reconstructed for persons present at Smoky. Measurements performed at Department of Energy and Environmental Protection Agency Laboratories of residual radionuclide levels in tissue material from two patients have detected no increase in radioactivity; liver, lung, spleen, gonad, rib, and vertebra were examined from autopsy material from patient 1 and spleen from surgical operation in patient 2. Elements screened for included plutonium 238/239, polonium 210, uranium 235/238, and strontium 90. This small number of negative findings, however, does not rule out the possibility of internal exposures, particularly from isotopes with shorter half-lives that would have dissipated over the 20 years since the Smoky test.

OTHER ETIOLOGIES

In no case did we find strong history to suggest an exogenous cause for leukemia. Several patients had a family history of cancer (No. 2, 3, 6, and 8), but there were no cases of leukemia in first-degree relatives. Only patient 6 had more than one relative with cancer (mother, intestinal cancer; father, prostatic cancer; 7-year-old son, brain tumor). Patient 2 had a history of repeated pesticide exposure from his work as a farmer. In patient 3, the anemia that preceded the development of leukemia had been questionably linked to use of chloramphenicol. Patient 8, a former commercial airline pilot, may have been exposed to increased levels of background cosmic radiation.

COMMENT

If not a chance occurrence, the apparent excess of leukemia among Smoky participants suggests that such persons may have received more radiation than previously supposed or that low doses of radiation may be more carcinogenic than past estimates predicted. The latter idea has received great attention recently because of several reports of cancer in nuclear workers subjected to relatively low levels of radiation in the workplace,[6,7] in patients receiving diagnostic roentgenograms,[8] and in persons exposed to nuclear fallout in Utah.[9] All of these studies, however, are controversial, and in no instance are findings sufficiently clear to warrant revision of current dose-response estimates for radiation-induced cancer in humans.[10,11] For low-dose levels, such estimates are based largely on extrapolation from high-exposure situations such as studies of Japanese atomic bomb survivors [12] and persons receiving radiation therapy for various medical conditions.[13] Although this process of dose-response estimation is extremely imprecise, current concepts, assuming an exposure of 1 rem to each cohort member, would predict less than one excess cancer case in the lifetime of the Smoky cohort.[14,15]

The excess of leukemia cases among Smoky participants, therefore, suggests either a greater dose than estimated or a greater effect per rem at low-dose levels. Such interpretations, however, must be made with caution, partly because of the small numbers of cases involved and partly because of difficulties inherent in the study design. Unfortunately, it was not possible to define fully the cohort under study until months after the first leukemia cases had been identified. One might argue that the initial index case, and perhaps case 8 as well, would be excluded for subsequent comparisons of observed and expected incidence. While we recognize this problem, we have chosen to include all cases as long as their military units could be officially documented to have been present at Smoky. It is unlikely that any additional sizable units participated in this event.

Seven of the nine leukemia cases were the myelocytic or myelomonocytic type and hence are clearly compatible with radiation leukemogenesis.[16] The condition of patient 2 was diagnosed as as HCL. Hairy cell leukemia may be related to chronic lymphocytic leukemia, which is not associated with radiation exposure, although the exact cell type of origin of HCL is in dispute.[17] However, whether or not this case is included, the increase of observed over expected incidence of leukemia in Smoky participants remains statistically significant (Table 2).

The latent period between exposure and diagnosis of leukemia in these cases (two to 19 years; mean, 14.4 years) is longer than in high-dose exposures involving either radiotherapy patients or Japanese atom bomb survivors, who had a minimal latency of four years with maximum effect seen at ten to 12 years.[13 12 16] While this difference may argue against the Smoky cases being related to the 1957 test, it is by no means certain that the short latency patterns observed elsewhere would be expected in what may represent a different exposure setting.

Current information is not sufficient to estimate precisely the actual total levels of radiation received by troops present at Smoky. Work is in progress to reconstruct possible internal doses from the fallout field of Smoky and other tests, as well as neutron doses from the detonation of Doppler, a nuclear test detonated before Smoky that some Smoky participants observed. The first attempt at such dose reconstruction, covering Task Force Warrior, has just been released [2] and is being reviewed. Eventually, dose reconstructions will be developed for each of the units that make up the Smoky cohort.

Since follow-up of the Smoky cohort is incomplete, final analysis of cancer incidence and mortality is not possible. To date, however, no increased mortality has been seen from any form of cancer other than leukemia. Additional follow-up studies of persons present at other nuclear tests are needed before conclusions can be formed regarding the radiation health risks involved.

FOOTNOTES

[1] *Announced United States Nuclear Test Statistics*. Washington, DC, Energy Research and Development Administration, 1976.

[2] *Analysis of Radiation Exposure for Task Force Warrior-Shot Smoky-Exercise, Desert Rock VII–VIII, Operation Plumbbob*, publication DNA, 4747F. Washington, DC., Defense Nuclear Agency, 1979.

[3] *Exercise Desert Rock VII and VIII: Final Report of Operations*. Presidio of San Francisco, Sixth US Army, 1957.

[4] Cutler SJ, Young LL (eds): *Third National Cancer Survey*. Journal of the National Cancer Institute Monograph 41, 1975, pp 106–107.

[5] *Vital Statistics of the United States*. Washington, DC, National Center for Health Statistics, 1970, vol 2, pt A, pp 1–25, 1–32.

[6] Mancuso TF, Stewart A, Kneale G: Radiation exposures of Hanford workers dying from cancer and other causes. *Health Phys* 33:369–384, 1977.

[7] Najarian T, Colton T: Mortality from leukemia and cancer in shipyard nuclear workers. *Lancet* 1:1018–1020, 1978.

[8] Bross IDJ, Ball M, Falen S: A dosage response curve for the 1 rad range: Adult risks from diagnostic radiation. *Am J Public Health* 69:130–136, 1979.

[9] Lyon JL, Klauber MR, Gardner JW, et al: Childhood leukemias associated with fallout from nuclear testing. *N. Engl J Med* 300:397–402, 1979.

[10] Boice JD, Land CE: Adult leukemia following diagnostic x-rays? *Am J Public Health* 69:137–145, 1979.

[11] Land CE: The hazards of fallout or of epidemiological research? *N Engl J Med* 300:431–432, 1979.

[12] Beebe GW, Kato H, Land CE: Studies of the mortality of A-bomb survivors: VI. Mortality and radiation dose, 1970–1974. *Radiat Res* 75:198–201, 1978.

[13] Court Brown WM, Doll R: Mortality from cancer and other causes after radiotherapy for ankylosing spondylitis. *Br Med J* 2:1327–1332, 1965.

[14] *The effects on Populations of Exposure to Low Levels of Ionizing Radiation*, National Research Council Committee on the Biological Effects of Ionizing Radiations. Washington, DC, National Academy of Sciences, 1979.

[15] *Sources and Effects of Ionizing Radiation*, United Nations Scientific Committee of the Effects of Atomic Radiation. New York, United Nations, 1977.

[16] Bizzozero OJ Jr, Johnson KG, Ciocco A, et al. Radiation-related leukemia in Hiroshima and Nagasaki, 1946–1964. *Ann Intern Med* 66:522–530, 1967.

[17] Scheinberg M, Brenner AI, Sullivan AL, et al. The heterogeneity of leukemic raticulo-endotheliosis, 'hairy cell leukemia.' *Cancer* 37:1302–1307, 1976.

A TRIBUTE TO CONGRESSIONAL MEDAL OF HONOR RECIPIENT FORREST L. VOSLER

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. HANLEY. Mr. Speaker, tomorrow, October 3, marks the official retirement of one of this Nation's true war heroes, as Congressional Medal of Honor recipient Forrest L. Vosler ends his service as officer in charge of the Veterans' Administration regional office in Syracuse, N.Y.

Forrest Vosler entered military service at Rochester, N.Y., on October 8, 1942, and served in the Army Air Corps until October 17, 1944. He was honorably discharged with the rank of technical sergeant.

Upon leaving the military service, he attended Syracuse University and was employed by radio station WSYR in Syracuse. In June of 1947, he was hired as a contact representative with the Veterans' Administration in Syracuse. In 1952, he was promoted to chief of contact service at the VA hospital in Syracuse. In 1959, he was promoted to officer in charge of the VA office in Utica, N.Y.

On January 1, 1961, Vosler took an educational leave of absence to finish his studies at Syracuse University. In the interim, he was employed as a senior claims examiner for Commercial Travelers Accident & Health Co. in Utica for 5 years. Self-employed as a stockbroker and insurance salesman from 1965 to July 1972, he accepted the position of officer in charge of the Syracuse VA office on July 17, 1972, where he has served ever since.

Those who know Forrest and his wife of 35 years, Virginia, know them to be active people, with skiing, golfing, and traveling high on the list. They also know Forrest to be a rare breed of man. As we wish him the best of everything in his well-earned retirement, I would like my colleagues to reflect for a moment on a story of incredible courage and bravery. It is the kind of story that makes me proud to be an American.

On August 31, 1944, Forrest Vosler was awarded the Congressional Medal of Honor. The following citation describes his heroic story.

MOH CITATION

Forrest L. Vosler: Back in 1946 an unofficial committee representing Veterans' organizations and former combat newsmen were asked to choose World War II heroes who epitomized Sergeant Alvin York, generally recognized as the outstanding hero of World War I.

Tennessean York, engaged in action with the Germans in the Argonne Forest, single-handedly captured a German machine gun Battalion. He killed 25 enemy soldiers and took 132 prisoners.

Former Tech Sergeant Forrest L. (Woody) Vosler was chosen as the "Sergeant York of the Army Air Forces."

You can readily understand why hard-nosed newsmen and combat Veterans chose Vosler over the other Army Air Force Medal of Honor Recipients when you read the account of his heroic deed.

Vosler, at age 20, was a radio operator and gunner on a B-17. His flying fortress was on a bombing mission to Bremen, Germany, December 20, 1943, when it was attacked by a fighter, losing two engines. Knocked out of the 303rd Bomb Group formation, it continued to the target at low altitude, released the bombs, and turned for home.

German fighters swarmed around the crippled plane. Vosler kept up a steady barrage of fire until a 20mm. shell ripped through the fuselage and exploded near his legs. Blood oozed out of the top of his boots from the wounds in his feet and legs. Turning around from his gun position, he noticed the tail gunner was badly wounded. Realizing that the fighters were concentrating on the Fortress' tail, he staggered back to man the gun.

While firing, he was hit in the chest and face by another 20 mm. shell. Pieces of metal lodged in both eyes, impairing his vision to such an extent that he could only distinguish blurred shapes. Declining first aid treatment, he continued firing until, as he describes it, "Jerries ran out of ammunition."

Losing altitude and fuel rapidly as the Fortress approached the coast of France, the crew jettisoned every bit of extra weight. Adding to the dilemma, Vosler's radio was knocked out during the air battle. With blood running out of his eyes and unable to see, Vosler repaired the radio entirely by touch. He was able to send out distress signals despite several lapses of unconsciousness.

Headquarters directed them to a Norwegian trawler in the North Sea. The pilot miraculously flew the crippled B-17 to the trawler and ditched. The blind Vosler crawled out to the wing unaided. Hearing the moans of the wounded tail gunner, he held him until the other crew members could get them into a dinghy. He was later picked up by a PT boat and rushed to a Northampton Hospital.

Following years of recuperation, he returned to Syracuse, New York to attend college, but with one eye gone, and the other requiring extensive surgery, he decided to drop out.

After a stint as a radio station engineer, Vosler decided to once again serve his country. Today his VA extension office handles Veteran matters for the Syracuse area, covering eighteen counties. ●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN (at the request of Mr. WRIGHT), after 10:40 a.m. today, on account of official business.

Mr. JOHN L. BURTON (at the request of Mr. BROWN of California), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MOORHEAD of Pennsylvania, to revise and extend his remarks following all legislative business and any special orders heretofore entered into and address the House for 30 minutes today.

(The following Members (at the request of Mr. DOUGHERTY) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 60 minutes, today.

Mr. MILLER of Ohio, for 30 minutes, today.

Mr. CORCORAN, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. HANSEN, for 30 minutes, today.

Mr. FRENZEL, for 20 minutes, today.

Mr. GREEN, for 5 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

Mr. SYMMS, for 5 minutes, today.

Mrs. HECKLER, for 5 minutes, today.

(The following Members (at the request of Mr. ANTHONY) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. WHITTEN, for 5 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mr. NELSON, for 5 minutes, today.

Mr. DODD, for 5 minutes, today.

Mr. ST GERMAIN, for 10 minutes, today.

Mr. CARR, for 10 minutes, today.

Mr. BARNES, for 5 minutes, today.

Mr. CAVANAUGH, for 15 minutes, today.

Mr. PREYER, for 5 minutes, today.

Mr. UDALL, for 30 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. BRADEMAS, for 10 minutes, today.

Mr. MCDONALD, for 5 minutes, today.

Mr. ANTHONY, for 10 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. MOAKLEY, for 5 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

Mr. MINISH, for 5 minutes, today.

Mr. MURTHA, for 5 minutes, today.

Mr. HAWKINS, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 10 minutes, today.

Mr. SEIBERLING, for 30 minutes, today.

Mr. ZABLOCKI, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LATTA, to revise and extend his remarks immediately prior to the passage of H.R. 927.

Mr. GILMAN, his remarks immediately following Mr. FOLEY's remarks on H.R. 3765, during general debate.

Mr. CARTER, and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,080.75.

Mr. BAUMAN, and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,554.50.

(The following Members (at the request of Mr. DOUGHERTY) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. KEMP in six instances.

Mr. GILMAN in six instances.

Mr. CARTER in two instances.

Mr. QUILLEN.

Mr. MILLER of Ohio in three instances.

Mr. MARTIN in two instances.

Mr. DANIEL B. CRANE.

Mr. ROYER.

Mr. YOUNG of Florida.

Mr. JOHNSON of Colorado.

Mr. GRADISON.

Mr. MYERS in three instances.

Mr. MADIGAN.

Mr. RUDD.

Mr. RITTER in two instances.

Mr. WAMPLER.

Mr. GRASSLEY in two instances.

Mr. HANSEN in five instances.

Mr. WYDLER in three instances.

Mr. LEWIS in two instances.

Mr. PURSELL.

Mr. BROWN of Ohio.

Mr. ROUSSELOT.

Mr. WINN.

Mr. GOODLING.

Mr. HYDE.

Mr. FRENZEL in six instances.

Mr. BROOMFIELD.

Mr. BROYHILL.

Mr. CAMPBELL.

Mr. BEARD of Tennessee in two instances.

Mr. LATTA.

Mr. RHODES.

Mr. DERWINSKI in four instances.

Mr. ASHBROOK in two instances.

Mr. SAWYER.

Mr. DORNAN in three instances.

Mr. SHUSTER in 10 instances.

Mr. LAGOMARSINO.

Mr. CORCORAN.

Mr. GINGRICH.

Mr. CHARLES H. WILSON of California in three instances.

Mrs. HECKLER.

Mr. ROTH.

Mr. GOLDWATER.

Mr. MCCLOSKEY.

(The following Members (at the request of Mr. ANTHONY) and to include extraneous matter:)

Mr. RODINO.

Mr. ROE in six instances.

Mr. JOHN L. BURTON in two instances.

Mr. BARNARD.

Mr. HALL of Texas in two instances.

Mr. STOKES in two instances.

Mr. VANIK.

Mr. FORD of Michigan.

Mr. ATKINSON in two instances.

Mr. FISHER in four instances.

Mr. MILLER of California.

Mr. ROSENTHAL.

Mr. SIMON.

Mr. UDALL.

Mr. MCDONALD in 10 instances.

Mr. ATKINSON.

Mr. LEHMAN.

Mr. FARY in two instances.

Mr. MARKEY in three instances.

Mr. PREYER.

Mr. BONKER.

Ms. OAKAR.

Mr. RANGEL.

Ms. FERRARO in two instances.

Mr. HANCE.

Mr. CLAY in two instances.

Mr. DRINAN.

Mr. CORMAN.

Mr. HAWKINS.

Mr. MCCORMACK.

Mr. GAYDOS.

Mr. SOLARZ.

Mrs. SCHROEDER.

Mr. FOLEY.

Mr. MAZZOLI in two instances.

Mr. STUDDS in two instances.

Mr. BENJAMIN.

Mr. ROYBAL.

Mr. HANCE.

Mr. NEAL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2887. An act to protect the confidentiality of data made available to the Bureau of Labor Statistics, and for other purposes; to the Committee on Education and Labor.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 985. An act to amend the Consolidated Farm and Rural Development Act;

S. 1640. An act to extend certain authorities of the Secretary of the Interior with respect to water resources research and development and saline water conversion research and development programs, and for other purposes;

S. 1790. An act to limit governmental search and seizure of documentary materials possessed by persons, to provide a remedy for persons aggrieved by violations of the provisions of this Act, and for other persons;

S. 1946. An act to reform the economic regulation of railroads, and for other purposes;

S. 3180. An act to repeal a provision of the Refugee Education Assistance Act of 1980.

S. J. Res. 201. Joint resolution to provide for the designation of a week as "National Lupus Week."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4310. An act to amend the Federal Boat Safety Act of 1971 to promote recreational boating safety through the development, administration, and financing of a national recreational boating safety improvement program, and for other purposes;

H.R. 528. An act to amend title 38, United States Code, to provide for updated and expanded rehabilitation programs for veterans with service-connected disabilities, to provide a 10-percent increase in the rates of educational assistance under the GI bill, to make certain improvements in the educational assistance programs for veterans and eligible survivors and dependents, to revise and expand veterans' employment and training programs, and to provide for certain cost savings, and for other purposes;

H.R. 6065. An act to amend title 5, United States Code, to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis to allow certain unused leave to accumulate for subsequent use, and for other purposes;

H.R. 6554. An act to authorize appropriations for fiscal year 1981 and a supplemental appropriation for fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes;

H.R. 7085. An act to provide certain benefits to individuals held hostage in Iran and to similarly situated individuals, and for other purposes;

H.R. 7301. An act to authorize certain construction at military installations for fiscal year 1981, and for other purposes;

H.R. 7592. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes;

H.R. 8202. An act to continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, for a certain period;

H.J. Res. 472. Joint resolution designating October 19, 1981, as a "Day of National Observance of the 200th anniversary of the surrender of Lord Cornwallis to Gen. George Washington at Yorktown, Va.; and

H.J. Res. 568. Joint resolution to authorize and request the President to issue a proclamation designating October 12 through October 19, 1980, as "Italian-American Heritage Week."

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. NEDZI, from the Committee on House Administration, reported that that committee did on October 1, 1980, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 6331. An act to amend the act of July 31, 1946, as amended, relating to the U.S. Capitol Grounds, and for other purposes;

H.R. 7218. An act to establish the Martin Luther King, Jr., National Historic Site in the State of Georgia, and for other purposes;

H.R. 7939. An act to amend the Securities Investor Protector Act to increase the amount of protection available under such act to customers of brokers and dealers, and to provide for the applicability of the Right to Financial Privacy Act of 1978 to the Securities and Exchange Commission; and

H.J. Res. 560. Joint resolution to proclaim March 19, 1981, as "National Agriculture Day."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.), pursuant to the provisions of Senate Concurrent Resolution 126 of the 96th Congress, the House adjourned until Wednesday, November 12, 1980, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5430. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting technical amendments to regulation E, which implements the Electronic Fund Transfer Act, pursuant to section 904

(a) (4) of the act; to the Committee on Banking, Finance and Urban Affairs.

5431. A letter from the Administrator of General Services, transmitting a report on his latest investigations of the cost of travel and the operation of privately owned vehicles to Federal employees while engaged on official business, pursuant to 5 U.S.C. 5707(b)(1), and the determinations of the average actual cost per mile for the use of a privately owned automobile, motorcycle, and airplane, pursuant to 5 U.S.C. 5707(b)(2); to the Committee on Government Operations.

5432. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5433. A letter from the Chairman, Federal Labor Relations Authority, transmitting notice of various proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5434. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

5435. A letter from the Chairman, Select Commission on Immigration and Refugee Policy, transmitting the Commission's second semiannual report, pursuant to section 4(d) of Public Law 95-412, as amended; to the Committee on the Judiciary.

5436. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting notice of the proposed designation of the Channel Islands National Marine Sanctuary off the coast of California, pursuant to section 302(h) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Iowa: Committee on Small Business. Report on Conglomerate Mergers—Their Effects on Small Business and Local Communities (Rept. No. 96-1447). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee on Small Business. Report on Inventory Accounting as a Burden on the Capital Formation Process (Rept. No. 96-1448). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on Continued Need for the Veterans' Administration's Record Processing Center in St. Louis (Rept. No. 96-1449). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 6868. A bill to establish a commission to examine existing volunteer service opportunities, including opportunities under the Domestic Volunteer Service Act of 1973, to examine alternative comprehensive national service programs, and to develop a comprehensive national service program; with amendment (Rept. No. 96-1450, pt. 1). Ordered to be printed.

Mr. SMITH of Iowa: Committee on Small Business. Report on the role of Government funding and its impact on small business in the solar energy industry (Rept. No. 96-1451). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on evaluating nuclear utilities' performance: Nuclear Regulatory Commission Oversight (Rept. No. 96-1452). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5417. A bill to exempt the Milner Dam from certain requirements of the Federal Power Act (16 U.S.C. 807), and for other purposes; with amendments (Rept. No. 96-1453). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 1828. A bill to exempt the Milner Dam from certain requirements of the Federal Power Act (16 U.S.C. 807), and for other purposes; with amendments (Rept. No. 96-1454). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASHLEY: Committee on Merchant Marine and Fisheries. Oversight Report on the United States-Canada East Coast Fishery Agreement and Boundary Treaty (Rept. No. 96-1455). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY:

H.R. 8276. A bill to authorize an improved research, development, and demonstration program for advanced technology to produce energy from gas resources; jointly, to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and Science and Technology.

By Mr. BROYHILL:

H.R. 8277. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 8278. A bill to amend title 38 of the United States Code to make certain veterans entitled to wartime disability compensation for disabilities and diseases caused by or attributable to exposure to atomic or nuclear radiation during their period of active service; to the Committee on Veterans' Affairs.

By Mr. CAVANAUGH:

H.R. 8279. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to increase the minimum amount of cash remuneration which an individual performing domestic service in the private home of an employer must receive from such employer in any quarter in order to have such remuneration counted as covered wages for either benefit or tax purposes; to the Committee on Ways and Means.

By Mr. BROWN of Ohio:

H.R. 8280. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of depreciation deduction with respect to any property for a taxable year shall be an amount selected by the taxpayer; to the Committee on Ways and Means.

H.R. 8281. A bill to amend the Internal Revenue Code of 1954 to provide that taxpayers may elect a 12-month amortization period (in lieu of the 60-month period) for any certified pollution control facility; to the Committee on Ways and Means.

H.R. 8282. A bill to amend the Internal Revenue Code of 1954 to provide a simplified cost recovery system for recovery property; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 8283. A bill to amend the Internal Revenue Code of 1954 to extend and liberalize the deduction for individual retirement savings; to the Committee on Ways and Means.

By Mr. PHILIP M. CRANE:

H.R. 8284. A bill to amend the Internal Revenue Code to repeal the "family shelter tax"; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 8285. A bill to amend titles 18 and 17 of the United States Code to strengthen the laws against record, tape, and film piracy and counterfeiting, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of Oklahoma:

H.R. 8286. A bill to amend title 10 of the United States Code to allow the Secretaries of the military departments to establish programs to provide educational assistance to individuals enlisting in the Armed Forces; to the Committee on Armed Services.

By Mr. EVANS of Indiana (for himself and Mr. JACOBS):

H.R. 8287. A bill to provide that interest on certain obligations issued by certain volunteer fire departments shall be exempt from Federal income tax; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 8288. A bill to amend the National Flood Insurance Act of 1968 for the purpose of providing insurance with respect to damage caused by flood-related landslides, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 8289. A bill to amend title 38, United States Code, to increase from 60 to 90 percent the percentage of tuition and fees for an approved program of flight training which is paid by the Veterans' Administration under the GI bill educational assistance program; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ:

H.R. 8290. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives to encourage the building and rehabilitation of rental housing and low-income rental housing; to the Committee on Ways and Means.

By Mr. GUARINI (for himself, Mr. CLAY, Mr. LELAND, Mr. GARCIA, Ms. FERRARO, Mr. GILMAN, Mr. CAVANAUGH, Mr. DERWINSKI, Mrs. SCHROEDER, Mr. DANNEMEYER, and Ms. OAKAR):

H.R. 8291. A bill to designate the New York Bulk and Foreign Mail Center at Jersey City, N.J., as the "Michael McDermott Bulk and Foreign Mail Center"; to the Committee on Public Works and Transportation.

By Mr. HANCE:

H.R. 8292. A bill to regulate the use of off-road vehicles on public lands, to require registration fees to be paid to the Government for the operation of such vehicles on public lands, to provide for the amounts collected from such fees to be expended for the management of offroad vehicles on public lands and for the rehabilitation of areas damaged by such vehicles, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. HECKLER:

H.R. 8293. A bill to amend the Internal Revenue Code of 1954 with respect to the deduction for business gifts awarded to employees by reason of length of service or for safety achievement; to the Committee on Ways and Means.

H.R. 8294. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of tax-exempt individual housing accounts to assist individuals in the purchase of a principal residence, and to provide the Secretary of Housing and Urban Development with authority to provide additional homeownership opportunities for first-time homebuyers; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. HIGHTOWER (for himself, Mr. Gramm, Mr. Hance, Mr. Stenholm, and Mr. Williams of Montana):

H.R. 8295. A bill to amend the Internal Revenue Code of 1954 to exempt from the windfall profit tax oil produced from interests held by or for residential child care agencies; to the Committee on Ways and Means.

By Mr. KEMP:

H.R. 8296. A bill to amend the Internal Revenue Code of 1954 to provide that, in the case of certain vessels documented under the laws of the United States, the deduction for depreciation may be computed using a useful life of 1 year, and for other purposes; to the Committee on Ways and Means.

By Mr. LaFALCE:

H.R. 8297. A bill to amend the Internal Revenue Code of 1954 to disallow certain expenses for advertising on foreign broadcast stations; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 8298. A bill to designate certain national forest system lands in the State of New Mexico for inclusion in the national wilderness preservation system, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. MARTIN (for himself and Mr. Frenzel):

H.R. 8299. A bill to amend the Tax Reform Act of 1976 to postpone certain effective dates; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 8300. A bill to amend the Veterans' Health Programs Extension and Improvement Act of 1979 to require the issuance of guidelines for resolving claims for veterans' benefits based on exposure to the phenoxy herbicide known as Agent Orange during service in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam conflict; to the Committee on Veterans' Affairs.

By Mr. MOORHEAD of Pennsylvania:

H.R. 8301. A bill to create the Reconstruction Finance Corporation of 1980, to authorize such Corporation to issue obligations and provide loans and loan guarantees to qualifying business enterprises and local governmental units, and to provide for a temporary surtax on the income of major business corporations to provide the capital for the Corporation; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. PICKLE:

H.R. 8302. A bill to amend the Internal Revenue Code of 1954 to allow employees a deduction for savings contributions to employer retirement plans or to individual retirement plans; to the Committee on Ways and Means.

By Mr. RITTER:

H.R. 8303. A bill to establish a coordinated program under the direction of the Office of Science and Technology Policy for improving and facilitating the use of risk analysis by those Federal agencies concerned with scientific and technological decisions related to human life, health, and protection of the environment; to the Committee on Science and Technology.

By Mr. ROYBAL:

H.R. 8304. A bill to compensate certain individuals from whom title to land was taken by the Federal Government pursuant to the American-Mexican Chamizal Convention Act of 1964 without just compensation; to the Committee on the Judiciary.

By Mr. RUDD (for himself and Mr. Rhodes):

H.R. 8305. A bill to amend the Internal Revenue Code of 1954 to increase the amount allowable as a deduction for charitable contributions of certain items created by the taxpayer; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 8306. A bill to amend title 5 of the United States Code to require that performance appraisals include the extent to which cost reduction goals and management objectives are obtained, and for other purposes; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. SMITH of Iowa:

H.R. 8307. A bill to amend the Internal Revenue Code of 1954 to promote capital investment in small business, and for other purposes; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 8308. A bill to authorize appropriations for fiscal year 1981 for the Navy for research of a shallow underwater missile (SUM) submarine system; to the Committee on Armed Services.

H.R. 8309. A bill to amend the Public Health Service Act and the Internal Revenue Code of 1954 to provide for comprehensive health care reform, and for other purposes; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. SYMMS:

H.R. 8310. A bill to provide for the conveyance of certain Federal lands adjacent to Lake Shore Drive, Lake Lowell, Boise project, Idaho; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. Evans, of Delaware, Mr. Ashley, Mr. Phillip Burton, and Mr. Seiberling):

H.R. 8311. A bill to amend the Alaska National Interest Lands Conservation Act and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. WAMPLER:

H.R. 8312. A bill to enhance the production of food and fiber and to eliminate hazards to the agricultural community by providing for the regulation by the Secretary of Agriculture of the movement of biological organisms in the United States; to the Committee on Agriculture.

By Mr. CLAUSEN:

H.R. 8313. A bill to amend title IV of the Social Security Act to improve the operation of the AFDC program, to give the States a fiscal incentive to reduce error and waste in the AFDC program, to permit the States to use savings from the AFDC program to defray the costs of other welfare programs, to provide fiscal relief to the States under the AFDC program, to make it clear that States may impose work requirements as a condition of eligibility for AFDC payments, and to establish a demonstration project to provide a pilot test of the States' ability to create their own welfare programs as an alternative to the AFDC program; to the Committee on Ways and Means.

By Mr. GRASSLEY (for himself, Mr. Jacobs, Mr. Rousselot, Mr. Solomon, and Mrs. Holt):

H.J. Res. 624. Joint resolution proposing an amendment to the Constitution to promote fiscal responsibility; to the Committee on the Judiciary.

By Mr. GREEN:

H.J. Res. 625. Joint resolution designating the week beginning October 19, 1980 as "Slavic Culture Week"; to the Committee on Post Office and Civil Service.

By Mr. TAUKE:

H.J. Res. 626. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life; to the Committee on the Judiciary.

By Mr. GUARINI (for himself, Mr. Gephardt, Mr. Udall, Mr. Levitas, Mr. Weiss, and Mr. Bailey):

H. Con. Res. 444. Concurrent resolution expressing the sense of Congress respecting the televising of oral arguments before the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. JACOBS:

H. Con. Res. 445. Concurrent resolution expressing the sense of the Congress that any Federal agency that utilizes the Draize rabbit eye irritancy test should develop and validate alternative opthalmic testing procedures that do not require the use of animal test subjects; to the Committee on Interstate and Foreign Commerce.

By Mr. PREYER (for himself, Mr. Brooks, Mr. Andrews of North Carolina, Mr. Archer, Mr. Bedell, Mr. Beilenson, Mr. Burgener, Mr. Campbell, Mr. Carney, Mr. Carter, Mr. Kindness, Mr. Cavanaugh, Mr. Clausen, Mr. Cleveland, Mr. Coelho, Mrs. Collins of Illinois, Mr. Daniel B. Crane, Mr. D'Amours, Mr. Daschle, Mr. Dornan, Mr. Evans of Indiana, Mr. Fisher, Mr. Forsythe, Mr. Fountain, Mr. Frenzel, Mr. Gibbons, Mr. Goldwater, Mr. Gudger, Mr. Guyer, Mr. Hagedorn, Mr. Hall of Texas, Mr. Hansen, Mr. Hefner, Mr. Hubbard, Mr. Ichord, Mr. Jeffries, Mr. Jones of North Carolina, Mr. Kastenmeier, Mr. Kostmayer, Mr. LaFalce, Mr. Lagomarsino, Mr. Latta, Mr. Madigan, Mr. Maguire, Mr. Marlenee, Mr. Martin, Mr. Mazzoli, Mr. McDade, Mr. McDonald, Mr. McKinney, Mr. Moffett, Mr. Mollohan, Mr. Myers of Indiana, Mr. Neal, Mr. Nichols, Mr. Panetta, Mr. Rose, Mr. Rosenthal, Mr. Roth, Mr. Satterfield, Mrs. Schroeder, Mr. Seiberling, Mr. Shumway, Mr. Simon, Mr. Snyder, Mr. St Germain, Mr. Stangeland, Mr. Stanton, Mr. Stark, Mr. Synar, Mr. Tauke, Mr. Walgren, Mr. Weiss, Mr. White, Mr. Whitley, Mr. Williams of Montana, Mr. Winn, Mr.

Wirth, Mr. Yatron, Mr. Young of Missouri, Mr. Robert W. Daniel, Jr., Mr. Ertel, Mr. Hance, Mrs. Snowe, Mr. Hughes, Mr. Traxler, Mr. Waxman, Mr. Hightower, and Mr. Horton):

H. Con. Res. 446. Concurrent resolution expressing the sense of the Congress with regard to the number of digits which should be used as ZIP codes or other codes used for mail delivery; to the Committee on Post Office and Civil Service.

By Mr. NEDZI:

H. Res. 806. Resolution to provide for the printing as a House document of tributes made to the late Honorable F. Edward Hébert on the floor of the House; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BETHUNE presented a bill (H.R. 8314) for the relief of Ove Norqvist Hansen, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 503: Mr. Evans of Delaware.

H.R. 1053: Mr. Harris.

H.R. 1542: Mr. Dougherty and Mr. Bereuter.

H.R. 1600: Mr. Shuster, Mrs. Heckler, and Mr. Butler.

H.R. 1785: Mr. Shelby, Mr. Philip M. Crane, and Mr. Patterson.

H.R. 3825: Mr. Lederer.

H.R. 4796: Mr. Bereuter.

H.R. 5211: Mrs. Holt.

H.R. 5339: Ms. Ferraro.

H.R. 5466: Mr. Cavanaugh, Mr. Daschle, Ms. Ferraro, Mr. Findley, Mr. Harkin, Mrs. Heckler, Mr. Minish, Mr. Roth, Mr. Wylie, Mr. Huckaby, and Mr. Walgren.

H.R. 5947: Mr. Kogovsek.

H.R. 6171: Ms. Ferraro and Mrs. Heckler.

H.R. 6194: Mrs. Heckler.

H.R. 6400: Mr. Carter, Mr. Coleman, Mr. Robert W. Daniel, Jr., Mr. Davis of Michigan, Mr. Derwinski, Mr. Forsythe, Mr. Guyer, Mrs. Heckler, Mrs. Holt, Mr. Kemp, Mr. Lagomarsino, Mr. Lungren, Mr. McDonald, Mr. Porter, Mr. Whitehurst, and Mr. Wylie.

H.R. 6637: Mr. Bafalis.

H.R. 6709: Mr. Hammerschmidt, Mr. Sawyer, and Mrs. Holtzman.

H.R. 7245. Mr. Burgener.

H.R. 7346: Mr. Fithian.

H.R. 7441: Mr. Madigan, Mr. Davis of South Carolina, Mr. Courter, Mr. Robert W. Daniel, Jr., Mr. Mitchell of New York, Mr. Hopkins, Mr. Hillis, Mr. Symms, Mrs. Heckler, Mr. Myers of Indiana, Mr. Jeffords, Mr. Emery, Mr. Grisham, Mr. Pepper, Mr. Evans of the Virgin Islands, Mr. Mollohan, Mr. Brinkley, Mr. Dan Daniel, Mr. Clinger. Mr. Stenholm, Mr. De la Garza, Mr. Hightower, Mr. Royer, Mr. Oberstar, Mr. Skelton, Mrs. Spellman, and Mr. Hutto.

H.R. 7506: Mr. Anthony, Mr. Archer, Mr. Jacobs, Mr. Lott, Mr. Railsback, and Mr. Wampler.

H.R. 7576: Mrs. Spellman, Mr. Pritchard, Mr. Lundine, Mrs. Heckler, Mr. Green, Mr. Jenrette, Mr. Gudger, Mr. Evans of Delaware, Mr. Marks, and Mr. McCormack.

H.R. 7885: Mr. Mineta and Mrs. Heckler.

H.R. 7906: Mr. Roth, Mrs. Spellman, Mr. Johnson of California, Mr. Bedell, Mr. Williams of Montana, and Mr. Fisher.

H.R. 7983: Mr. Edwards of California, Mr. Traxler, Mrs. Heckler, and Mr. Lagomarsino.

H.R. 8026: Mr. Snyder.

H.R. 8031: Mr. Murphy of New York.

H.R. 8066: Mr. Jeffords, Mr. Forsythe, Mr. Leach of Iowa, Mr. Lujan, Mr. Porter, Mr. Simon, Mr. Ottinger, Mr. Hughes, Mr. Green, Mr. Weaver, Mr. Ertel, Mr. Goldwater, Mr. Charles Wilson of Texas, Mr. Panetta, Mr. Addabbo, and Mr. Lehman.

H.R. 8083: Mr. Wolff.

H.R. 8092: Mr. Hughes, Mr. Coelho, Mr. Daniel B. Crane, Mr. Matsui, Mr. Harris, Ms. Mikulski, Mr. Patterson, Mr. Derwinski, and Mr. Mazzoli.

H.R. 8099: Mr. Bedell, Mr. Conyers, Mr. Corrada, Mr. Downey, Mr. Edwards of California, Mr. Forsythe, Mr. Goldwater, Mr. Hinson, Mr. Horton, Mr. Kindness, Mr. Maguire, Mr. Marriott, Mr. Mavroules, Mr. Mazzoli, Mr. Miller of California, Mr. Mineta, Mr. Mitchell of Maryland, Mr. Mollohan, Ms. Oakar, Mr. Patterson, Mr. Pursell, Mr. Richmond, Mr. Roe, Mr. Scheuer, Mr. Winn, Mr. Young of Missouri, and Mr. Solarz.

H.R. 8111: Mr. Forsythe, Mr. Nowak, and Mr. Hughes.

H.R. 8119: Mr. Van Deerlin and Mr. Daschle.

H.R. 8120: Mr. Horton, Mr. Addabbo, Mr. McKinney, Mr. Cleveland, Mr. Moorhead of California. Mr. Hall of Texas. Mr. Guyer, Mr. Pepper, Mr. Lungren, Mr. de la Garza, Mr. Forsythe, Mr. Carter, Mr. Porter, Mr. Shumway, Mr. Winn, Mr. McDonald, Mr. Taylor, Mr. Solomon, Mr. Young of Missouri, Mr. Erdahl. Mr. Lott. Mr. Kramer, Mr. Badham, and Mr. Whitehurst.

H.R. 8148: Mr. Archer and Mr. Rousselot.

H.R. 8164: Mr. Oberstar, Mr. Kildee, Mrs. Chisholm, Mr. Moffett, Mr. Panetta, Mr. Jeffords, Mr. Traxler, Mr. Nowak, Ms. Mikulski, Mr. Conyers, Mr. Studds, Mr. Mottl, and Mr. Stokes.

H.R. 8205: Mr. Forsythe, Mr. Winn, and Mr. Davis of Michigan.

H.R. 8210: Mr. Winn, Mr. Preyer, Mr. Hinson, and Mr. Andrews of North Dakota.

H.R. 8219: Mr. Weiss and Mr. Goldwater.

H.J. Res. 596: Mr. Anthony, Mr. Stangeland, Mr. Loeffler, Mr. Young of Alaska, Mr. Gingrich, Mr. Cheney, Mr. Grassley, Mrs. Snowe, Mr. Daschle, Mr. Stump, Mr. Fascell, Mr. Boner of Tennessee, Mr. Breaux, Mr. Clausen, Mr. Young of Missouri, Mr. Guyer, Mr. Frost, Mr. Corrada, Mr. Jenkins, Mr. Robinson, Mr. Rosenthal, Mr. Winn, and Mrs. Holt.

H.J. 608: Mr. McEwen, Mr. Ottinger, and Mr. Simon.

H.J. Res. 613: Mr. Addabbo, Mr. Lederer, Mr. Patterson, Mr. Kemp, Mr. Kogovsek, Mr. Fazio, Mr. Horton, Mr. Hightower, Mrs. Chisholm, Mr. Winn, Mr. Nolan, Mr. Steed, Mr. Wolpe, Mr. Conyers, Mr. Edwards of Alabama, Mr. Won Pat, Mr. Evans of the Virgin Islands, Mr. Daschle, Mr. Hinson, Mr. Hubbard, Mr. Lagomarsino, Mr. Hyde, Mr. Panetta, Mr. Porter, Mr. Hughes, Mr. Anderson of California, Mr. Erdahl, Mr. Hawkins, Mr. Roe, Mr. Lungren, Mr. Shannon, Mr. Scheuer, Mr. Sebelius, Mr. Bowen, Mr. Young of Alaska, Mr. Mineta, Mr. Sabo, Mr. Edwards of Oklahoma, Mr. Waxman, Mr. Coelho, Ms. Mikulski, Mr. Simon, and Mr. Phillip Burton.

H. Con. Res. 405: Mr. Goodling.

H. Con. Res. 409: Mr. Harkin and Mr. Mitchell of New York.

H. Con. Res. 418: Mr. Skelton.

H. Con. Res. 422: Mr. Lott.

H. Con. Res. 438: Mr. Brodhead, Mr. Maguire, Mr. Moakley, Mr. Oberstar, Mr. Gradison, Mr. Wolpe, Mr. Ambro, Mr. Solarz, Mr. Wirth, Mr. Lagomarsino, Mrs. Schroeder, Mr. Frenzel, Mr. Kramer, Mr. Fazio, Mr. Williams of Ohio, Mr. Matsui, Mr. Bonior of Michigan, Mrs. Chisholm, Mr. Stack, Mr. Forsythe, Mr. Beilenson, Mr. Waxman, Mr. Porter, Mr. Downey, Mr. Lehman, Mr. AuCoin, Mr. Green, Mr. Kildee, Mrs. Fenwick, Mr. Fowler, Mrs. Heckler, Mr. Sabo, Mr. Evans of the Virgin Islands, Mr. Dougherty, Mr. Hughes, Mr. Hollenbeck, Mr. Edwards of California, Mr. Glickman, and Mr. Dicks.

H. Con. Res. 443: Mr. Rosenthal.

H. Res. 729: Mr. Stump, Mr. Young of Florida, and Mr. Andrews of North Carolina.

H. Res. 774: Mr. Phillip Burton, Mrs. Spellman, Mr. Bedell, Mr. Fauntroy, Mr. Garcia, and Mr. Weaver.

H. Res. 803: Mr. Badham, Mr. Royer, and Mr. Anderson of California.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

444. By the SPEAKER. Petition of the Council of Old South Church in Boston, Mass., relative to Iran and Afghanistan; to the Committee on Foreign Affairs.

445. Also, petition of the New England Association of Chiefs of Police, Dover, N.H., relative to the Drug Enforcement Administration and the Law Enforcement Assistance Administration; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6704

By Mr. KRAMER:

—Page 26, after line, 14, insert the following new section (and redesignate the subsequent sections accordingly):

USE OF FUNDS

Sec. 13. (a) Section 227 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637) is amended by adding at the end thereof the following new subsection:

"(c) Funds paid pursuant to section 223 (a)(10)(D) and section 224(a)(7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legisla-

ture, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 224(a)(7) are used either directly or indirectly in any manner prohibited in this subsection.

EXTENSIONS OF REMARKS

THE NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS—LEADERSHIP FOR INNOVATION AND PRODUCTIVITY

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. McCORMACK. Mr. Speaker, the National Society of Professional Engineers is a professional society of about 80,000 members representing all disciplines of engineering in this country.

During recent years, the NSPE has taken a leadership role in promoting responsible consideration of policy questions involving engineering and technology, and affecting the future of this country. One example of such leadership is the formal suggestion by the president of the NSPE, Dr. Sammie Lee, that the President of the United States establish a blue ribbon panel to seek solutions to America's declining rates of productivity and innovation.

Recently, Dr. Lee—one of America's outstanding engineers—delivered an address on innovation and productivity entitled, "The Key to America's Future." His thoughtful remarks provide Members of Congress with a valuable perspective which can have great importance for the future of our country.

A copy of Dr. Lee's address follows. I encourage the Members to consider it carefully.

INNOVATION AND PRODUCTIVITY: THE KEY TO AMERICA'S FUTURE

Wednesday night the NSPE Meeting has historically been reserved for the President to speak on the "State of the Society." Last year, Bob Nichols attempted to eliminate his speech, but the Executive Committee insisted that he report on NSPE's condition.

As a result of Bob's leadership and the subsequent changes that have resulted, our format has changed for tonight. You still will have an opportuntity to hear the president—but on a different subject. I want to talk to you briefly on a subject of extreme importance—not just the future of NSPE, not just the future of engineering, but the future of the American way, this United States we all love.

You may be thinking already—that's heavy stuff—and if so, you are right. Because ladies and gentlemen, I need only remind you that unemployment is rising, our Nation's balance of trade is declining, inflation remains far too high, and the list of indicators goes on and on—all indicating that this country is going to be in bad trouble unless there is some action in Washington.

Now that hopefully I have your attention, let me offer a scenario for consideration. Tonight we have honored two distinguished engineers. One with an outstanding career in energy—and with an excellent name. The other a brilliant young engineer with the enthusiasm and dedication typical of engineers. So as we honor these representatives of the thousands of engineers of this great country, we can't help but be sobered by the earlier facts recounted. Productivity in the U.S. is declining—we're behind Japan and West Germany and maybe others, depending on which summary is used. But, whether third or fifth is not important—the important thing is that the U.S. is no longer first in the world and we're still declining.

Now to the thrust of my scenario. We can no longer tolerate being less than first in the world. And, I am convinced that the solution of inflation, balance of trade, unemployment and, in fact, most of our fiscal and social problems lies in one basic area where engineers hold the key—in innovation and productivity!

You have read in Engineering Times that I represented you at platform hearings for both the Democratic and Republican Parties last month. The following is a portion of that statement:

"We would like to comment today on the need to improve American technology and the innovation process. We are deeply concerned over America's ability to initiate technological change.

"Technology might be thought of as a partnership involving four principal members: The university, industry, government and the public. The innovative process depends on each playing a proper role, and success is a function of harmony among the members. Our current dilemma concerns growing tensions in the partnership. Let me characterize some of these tensions.

"Our universities suffer from inadequate financing for research and technical facilities. Industry, preoccupied with inflation, can no longer focus on the long-term benefits of research and instead looks to short-term gains. The public meanwhile, is demanding more say in technology as it relates to social policy and it is frustrated over a perceived lack of impact.

"The government's role in all of this is more difficult to pin down. In a comprehensive study on the role of government in the innovation process conducted at MIT, they found that in contrast with other nations, our government provides 'no major, across-the-board support for civilian technology.' The failure to stimulate technology through coordinated policies is, we contend, weakening our ability to innovate more than any other single factor.

"What are the consequences of this, and how do they relate to the other national problems that the pollsters tell us are most on the voters' minds?

"Our rate of productivity growth is declining. The causes are diminished research and development, lack of investment capital, regulation that restrains initiative, and conflicting taxation. To solve inflation, we must raise productivity which first requires that we cure our innovation ills. By untying the knot of conflicting government policies that retard innovation, we will take a major step toward solving inflation.

"The Nation's engineers urge the party to target improved productivity as a national priority and to reflect this in a separate plank in the party platform with the following language:

"Growth in productivity is essential in solving inflation, improving our standard of living, and increasing our competitive edge in the international market place. Improving productivity is a national priority of the highest order.' "

The issues that we have raised are not isolated events. It is clear from our perspective that lagging technology and faltering innovation will erode our ability to provide goods and services regardless of the particulars under discussion. To see the importance of this in the rapidly changing world we now face, we need only to consider the challenges ahead. In transportation we must launch bold new systems while we maintain our current ones. In national security, where our shipbuilding technology has left us terribly vulnerable, we must innovate or pay serious consequences. In the barely publicized area of critical materials, we are growing more dependent on foreign sources for cobalt, chromium, manganese, and other substances that are on the verge of being the basis of new, more perilous cartels than the one we face in oil.

But engineers are problem solvers, and we would not leave you on a pessimistic note. We have tremendous confidence in our ability to innovate. The Nation's eagerness to do this is reflected in the overwhelming number of young people who are entering engineering schools and the number of jobs that await them. Unfortunately, we must burden even this good sign with caution. But it reflects on the overall problem. The quality of engineering education is strained with a litany of problems that includes declining math skills in secondary education, declining numbers of graduate students and faculty members who are lured away from higher education by higher salaries in the private sector, and the rapid obsolescence and high cost of laboratory equipment, just to mention a few. But these, too, are correctable with the proper stimulants and clear national policy guidance.

So in our recommendation to the party platform, we are making one straightforward request: Liberate the innovation process.

To help accomplish this, we ask the party to recognize technology and innovation as the fundamental elements in solving many of our national problems. Accordingly, we urge the adoption of a separate platform plank that should begin in the following manner:

TECHNOLOGY AND INNOVATION

Technological innovation is essential in solving many of our national problems. It is the government's responsibility to remove unnecessary barriers in the innovation process and to support the development of technology through policies that stimulate and coordinate the proper use of our resources.

With the vast reservoir of brilliant minds, educated and trained in the various disciplines of engineering, there is no problem too difficult for solution provided the subject is made a matter of national priority. For the best example, recall the decision to put a man on the moon. And it was done ahead of schedule as I recall—but the important point is that it was number one by both leaders and citizens of this country.

Now I'm suggesting that our national and international dilemma can be overcome by getting the U.S. back into the lead as the international power. Tonight, I am therefore calling on President Carter to name a blue ribbon task force, adequately funded, and chaired by an eminent engineer with the charge of developing a specific, time-phased

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

program for getting productivity on the increase again, and for encouraging and rewarding innovation.

I further am calling on the Congress to give bipartisan support for this program to immediately get it activated.

This proposal is with the full recognition that there are proposals now under consideration by the Congress and the White House for various solutions to innovation and productivity.

But my approach is simple, straight-forward and responsive. It could be initiated, funded and underway in a few months with deadline for completion of 12 to 15 months. With a recommended program from the task force, a bipartisan effort could be mounted simultaneously with government, industry and education to emphasize and publicize the top priority of the recommendation. By the end of the first quarter of the decade of the 80's, the U.S. could have a master plan for guiding her return to a position of leadership in the world in the important areas of innovation and technology. And, I am convinced the solutions to inflation, unemployment, balance of trade and related problems would follow close at hand.

Simple? Yes. Too simple? No. The U.S. has proven time and again its power of positive solution—the early days of pioneering—the industrial revolution—exploration of space—conquering of disease—all have in common the recognition of national priority.

Now to overcome foreign advancements in steel, automobiles, electronics, just to name a few, we need to conquer complacency, over-regulation, and the myriad of deterrents to improved production in this country. Engineers are problem solvers and we have confidence in our ability to innovate. But to do so, the process must be liberated.

A task force with representatives of labor, finance, government, law, political science and social science led by an eminent engineer will, I am convinced, arrive at a cost-effective, workable program to guide the U.S. returning to be number one in the world in innovation and productivity by the start of the decade of the 90's.

I ask you tonight for your enthusiastic endorsement of this program—and then together let's get support of other engineering organizations—and other professions—and citizens' groups. With that cooperation, the elected officials will respond promptly and enthusiastically and we'll be on the road to improved productivity and innovation.●

REGULATORY REFORM AND DEREGULATION

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. FISHER. Mr. Speaker, in recent years, much has been said about the enormous growth of the Federal Government and how regulatory agencies have not adhered to the dictates of the Congress. We have also seen many businesses overwhelmed by seemingly duplicative and unnecessary Government regulations with which they must comply. When the 96th Congress convened 2 years ago, many believed it would be the Congress of Regulatory Reform. While we have fallen somewhat short of that goal, several important and noteworthy actions have been taken to release business and industry from their regulatory shackles.

During the past several years, the Congress, with my full support, has passed sweeping legislation to decontrol important elements in the banking, airline, trucking, railroad, oil and gas industries. In the long run, these reforms should help to bring about a stronger economy. They will also reduce Government paperwork and generally save money for both Government and private industry.

Another important bill which is designed to help small business has recently been enacted. Known as the Regulatory Flexibility Act, it requires, among other things, that agencies take into account the effect of regulations on small businesses. This is a major first step toward a two-tiered regulatory approach, with one tier applying to small businesses.

In recent years, there has been a much closer scrutiny of Government regulations. In some cases, the Congress has actually voted to prohibit agencies from implementing certain proposed regulations that were considered unwarranted. More often, however, individual Members of Congress, or groups of Members, have worked with the agencies and the affected parties in an effort to bring about reasonable regulations. For example, the Department of Education has recently proposed regulations aimed at assuring an equitable education for those students who are learning English as a second language. Both Arlington and Fairfax Counties, in my congressional district, have large numbers of non-English speaking students and the local school systems are legitimately concerned that their effective ongoing programs might be stymied by the DOE proposal. I plan to express my concerns to the Secretary of Education that flexibility must be retained by local school authorities who already are providing demonstratively successful means of educating students who are learning English as a second language. If these concerns are not reflected in DOE's revised regulations when they are published, then further action will be warranted.

Certainly a more comprehensive regulatory reform package is needed. One that calls for a periodic review of Government regulations with the elimination of those that are outdated and the revision of others when necessary. A workable plan for cost-benefit analyses of proposed regulations that gives proper consideration to the Nation's health and safety concerns, should also be developed.

A bill aimed at streamlining the regulatory process is awaiting action by the full House of Representatives. I urge the House to consider this bill before the adjournment of the 96th Congress. To the extent practicable, we should reduce Government regulations and eliminate unnecessary Government paperwork requirements, thus allowing the free market to operate more effectively. Reliance mainly on the free market and consumer choice are the hallmarks of our economic heritage. Government intervention should be limited to those areas where the marketplace cannot adequately protect the health, safety and welfare of the American people. The regulatory reform efforts of the 96th Congress are designed to help achieve these goals, and I hope the regulatory reform momentum will continue next year.●

AN OPEN LETTER TO SECRETARY MUSKIE

HON. LARRY WINN JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WINN. Mr. Speaker, I have today sent the following letter to Secretary of State Edmund Muskie. I would like to share it with my colleagues. I believe that we all have a deep interest in determining whether the Soviet Union has violated existing arms limitation agreements prior to the United States entering into yet another agreement with the U.S.S.R.

The letter follows:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., October 2, 1980.

Hon. EDMUND S. MUSKIE,
Secretary of State,
Department of State, Washington, D.C.

DEAR MR. SECRETARY: In your upcoming negotiations on theater nuclear arms limitation with the Soviet Union, you will be seeking objectives which are important to the United States: Western security, peace, and world stability. These are laudable goals that merit our serious attention.

However, I would like to express my strong reservations about the United States entering into yet another arms control agreement with the Soviet Union when so many doubts persist regarding Soviet compliance with the terms of existing arms limitation treaties, agreements, conventions, and protocols. Uncertainties about Soviet adherence to the terms of the SALT I Treaty and the verifiability of the SALT II Treaty were among the reasons why many Members of Congress, including myself, could not support SALT II.

Therefore, it is critical, I believe, to ascertain whether the Soviet Union is in compliance with existing arms control agreements prior to the opening of the East-West theater nuclear arms talks in Geneva later this month. If the Soviets have not, in fact, complied with arms limitation agreements already in effect, then further U.S.-U.S.S.R. arms control treaties are not in our interests. They would merely perpetrate a myth of arms control that disarms the West while permitting Soviet military developments to proceed unchecked.

Prior to the October 13 talks in Geneva, therefore, I believe that it is important and necessary to have answers to the following questions and I respectfully request your cooperation in providing them:

1. Has the United States fully satisfied itself that the Soviet Union has not used chemical weapons in Afghanistan in violation of the Geneva Protocol of 1925 prohibiting the use in war of chemical weapons?

2. Has the Soviet Union provided the United States with the necessary scientific data to allay all doubt that the outbreak of pulmonary anthrax near the Soviet city of Sverdlovsk in April 1979 was not related to the Soviet development of biological agents and toxins for warfare? Is the United States now completely satisfied that the Soviet Union has not violated the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their destruction to which both the U.S.S.R. and the United States became parties in 1972?

3. Did the Soviet Union, in its September 14, 1980 underground nuclear explosion at Semipalatinsk exceed the 150 kiloton limit for such testing set by the 1974 threshold test ban treaty? What are the intelligence estimates of the yield?

4. Are the reports accurate that the Soviet Union violated a provision of the 1979 SALT II Treaty which prohibited rapid reloading of missile silos by testing, in recent exercises, the reload capability for the SS-18 ICBM?

5. Have the Soviets tested an air defense system in an antiballistic mode in clear violation of the ABM Treaty? I am referring to the Soviet testing of the SH-8 hypersonic interceptor missile to determine whether it could destroy U.S. entry vehicles within the atmosphere.

6. Were Soviet tests of their new submarine-launched ballistic missile from Nenoksa on the White Sea conducted with the telemetry data encrypted, preventing U.S. verification of missile performance, again in violation of SALT II Treaty terms?

I look forward to your response in the very near future.

Sincerely,

Larry Winn, Jr.
Member, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs.●

REGULATORS RUNNING AMUCK; A FANTASY?

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BEARD of Tennessee. Mr. Speaker, the January 21, 1980, issue of Chemical and Engineering News published by the American Chemical Society, has a humorous article by Monte Throdahl of the Monsanto Corp. It is humorous, but not very funny. Unless the purist bureaucrat is brought under control, the United States will price itself right out of the world's markets under the guise of protecting the very people who are being destroyed by inflation and unemployment.

The message in this article is worth remembering.

The Pencil Problem—1990

(Monte Throdahl is senior vice president for Monsanto. He recently addressed a Washington, D.C., conference on toxics control. The following is taken verbatim from his prepared text. He describes it himself as "an exaggeration to the point of outrage." That it may be. But it does make a point.)

This is the story of the U.S. pencil industry. Remember, we are looking back from our vantage point of 1990. It's strange to think that, back in 1979, just anyone could use a pencil any way they wanted to.

You see, it all started when the Occupational Safety and Health Act carcinogen policy went into effect. The graphite in the pencil leads always contained a residue of crystalline silica. And there was at least one animal test and an in-vitro test indicating that crystalline silica produced tumors, so the material became regulated as a carcinogen. There was no alternate for pencils, so exposure had to come down almost to zero. Workers were put into protective clothing, and that solved the problem initially.

But then the Environmental Protection Agency, acting under the Clean Air and Clean Water Acts which soon had their own carcinogen policies, required drastic reductions in emissions and effluents. The control technology was quite expensive, and only the largest manufacturers could afford it. This caused a flurry of antitrust suits in the early 1980's when there were only three pencil makers left in the country. One of the three was split into smaller companies, but they soon went out of business since they were unable to afford increasingly stringent workplace and pollution control requirements. Then foreign pencil manufacturers began to threaten to dominate the pencil market, and our government, in an abrupt about-face, allowed a merger of the two remaining companies to meet overseas competition.

The Consumer Product Safety Commission then became concerned with what the newspaper headlines were calling the "pencil problem." Rubber erasers could be chewed off and choke small chickens. The sharp points of pencils could also be dangerous. There were residual solvents in the paint used on pencils, and pencil-chewing seemed to be a more widespread habit than anyone had realized. Printing a legend on each pencil that said: "This Pencil Could Be Hazardous To Your Health" did not seem to affect consumer pencil habits, a Harvard study indicated in fact, the study found additional potentially harmful uses, such as stirring coffee. This led FDA to declare that harmful substances could be dissolved out of the pencil into the coffee, and thus pencils violated food additive laws, including the Delaney amendment.

Trying to salvage its business, the pencil company began making pencils without paint, without erasers, and with only soft leads so they would not hold a sharp point. But consumers were outraged, and sales declined.

Then someone invented a machine that could measure crystalline silica below the part-per-trillion level, and workplace, air emission, water effluent, and waste disposal regulations required that the best practicable technology be used to reach this low level. The pencil company was threatened with financial ruin because of the large sums needed to purchase new control equipment. There were those that wanted to ban pencils entirely under the Toxic Substances Control Act, but the government decided that pencils were necessary, particularly since they were used to write new regulations. Besides, the Senators from the state where the pencil company was located declared that pencils were as American as baseball, and should not be replaced with ball-point pens.

So the government bailed out the pencil company with a large, guaranteed loan—called a Chrysler loan in those days. But, of course, that was only a temporary measure, and to protect the pencil business, the government eventually nationalized it.

It is comforting to know, after all, that society is being protected against a danger that was so obvious we didn't even notice it for many years. There are still those who complain about paying $17 for a pencil, but you really can't put a price ~~tag on~~ health or safety.●

PATRIOTISM IN CARLISLE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GOODLING. Mr. Speaker, I would like to bring to the attention of my colleagues a stirring example of patriotic sentiment that is proudly exhibited daily in my congressional district. I submit for the Record an article from the September 1980 issue of the American Legion which Congressman Charles E. Grassley was kind enough to bring to my attention. The citizens of Carlisle, Pa., are to be congratulated for their tenacious sense of patriotism. I am proud that their devotion to flag and country have achieved this national recognition.

The article follows:

Thievery Prompts Patriotic Outburst

Thieves in the Carlisle, PA area inadvertently prompted an outbreak of patriotic fervor in that small community the likes of which have probably never been seen before.

It began in February when a new drugstore in town installed a 75-foot flagpole in their parking lot and ran up a 25-by-40 foot flag.

Legion Post 101 there honored the drug firm with a Certificate of Appreciation for their patriotic gesture.

Then someone stole the $325 flag.

A duplicate flag was ordered by the drug firm and, upon receipt, was dutifully run up the parking lot flagpole.

Someone stole that flag too.

While the drug company awaited arrival of their third flag, Post 101 lent them a smaller flag for their barren flagpole while business establishments, the local newspaper and others offered rewards.

"The third time's a charm," is not a phrase subscribed to by the drugstore's employees. Flag number three disappeared shortly after it was flown.

Now people were really hot. Other flag thefts occurred in the community and rewards mounted to close to $2,000 for the apprehension of the thief or thieves.

Police worked diligently and the Evening Sentinel, the local newspaper, scored the rash of thefts in articles and editorials. Irate citizens deluged both the paper and the Legion Post with telephone calls.

The area adopted newspaper editor Wayne Powell's idea in naming a special "fly-the-flag" day. Powell enlisted the Mayor and public in a demonstration of patriotism. Flags flew everywhere in Carlisle. And for those without flags, the newspaper printed a full color American flag.

Post Adj. Frank Smith gained the support of the Cumberland County Commissioners for an additional idea. All flags at the County prison, nursing homes and courthouses are now raised and lowered each day by trained, uniformed security personnel.

Reflecting the current mood of the area was a published photo showing a prison window which contained a newspaper flag along with a sign marked, "Bring Back The Flags."

According to Smith, "In all, many things have been learned since the flag thefts. That patriotism is alive and thriving in historic Carlisle, and increasing daily, is perhaps the greatest lesson learned.

"Patriotism might well be the area's greatest commodity."●

HY COHEN: A MAN FOR ALL SEASONS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. SOLARZ. Mr. Speaker, only on a rare occasion do I rise to pay special tribute to any one individual. But in regard to my good friend, Hy Cohen, I do so proudly and without hesitation.

Hy is one of those exceptional human beings who has devoted his life to the benefit of the entire community in which he lives back in my district in Brooklyn.

The roster of Hy's activities and accomplishments reads like a virtual who's who—formerly treasurer of the Infants Home of Brooklyn before it became part of the Jewish Board of Guardians; honorary chairman of Manhattan Beach Jewish Center; elected to the school board of District 21; president of the Oceanfront Development Corp., a nonprofit organization for the betterment of the community; member of the Jewish War Veterans and vice president and general manager of Brighton Beach Baths.

In the recent school board elections, Hy was reelected to a second term and for his leadership qualities was then selected as the president of the school board.

It is in this regard that Hy has shown that special care and concern that has created a vastly improved educational atmosphere for the school children of my district. Hy has also been instrumental in bringing in millions of dollars of badly needed Federal aid to education that my district both needs and deserves. He understands that good government only works when concerned citizens take an active role and Hy Cohen is, indeed, a model for all community activists to follow.

On October 24, the New York Aquarium will honor Hy Cohen for all his effective efforts on behalf of the community, and I will be on hand to join in this festive and long overdue occasion.

Hy Cohen is truly a man of the people and a man for the people, and I am proud to count him as a constituent and a friend.●

WASHINGTON POST EDITORIAL

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. RHODES. Mr. Speaker, the Washington Post, in its lead editorial of October 2, points out the true purpose of the lameduck session scheduled for November. The Post notes that it is not because of any work burden, but simply a device to dodge responsibility, or face tough votes before the election. Concern for the public interest is the farthest thought from the shapers of this lameduck ploy, although they use heavy work as an alibi, and public concern as a rationale.

This editorial states some very plain truths about the real aims of a lameduck session. I urge my colleagues to read it.

Text of the editorial is as follows:

LAME DUCKING

A lame duck session is a marvelous device for escaping political responsibility. Congress already seems to take it for granted that it will come back into session after the election, for four or five weeks. As the congressional leaders explain it, the burdens of public service have been unusually heavy this year, and a crowded schedule requires a brief return to Washington in November to tie up a few loose ends.

What blather. Congress has, in fact, indulged in a flagrant example of institutional procrastination engineered for the sole purpose of avoiding certain painful votes before Nov. 5. Most of those votes concern the budget and spending. Readers will doubtless have perceived long since that next year's budget will run a large deficit. No one disputes it. But Congress doesn't want to acknowledge it formally until after the election.

A lame duck session is dangerous. Some of the more influential committee chairmen will be closing their offices and their careers, not all of them voluntarily. When they no longer have anything to lose, a few them may well be tempted to settle a few outstanding accounts before they go. Strange bills can be enacted by legislatures in which large numbers of members will never again have to face the voters. There's the further possibility, incidentally, that the lame duck Congress may find itself sending legislation to a lame duck president.

Of the 13 appropriations bills, only one has been passed. The others are being deferred out of solicitude for the presumed feelings of the voters. It seems likely that the second and binding budget resolution, along with the budget reconciliation bill, will be similarly postponed, for the same bad reason.

Other legislation, some of it of great importance, is also being pushed beyond the election. The bill establishing the Superfund to clean up chemical and oil wastes, which we address below, is only one of them. The Alaska lands bill is also being deferred until after the election. Both would be vulnerable to attack—perhaps by means of the attachment of last-minute riders—by people who have a few weeks' power unchecked by the thought of elections.

It is apparently already too late to avoid a lame duck session this year. But its true intention deserves to be recognized. It is a deliberate attempt by Congress to evade its accountability to the people for whom it works.●

THE INTERSTATE TAXATION ACT OF 1980

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BROYHILL. Mr. Speaker, I am today introducing the Interstate taxation Act of 1980.

This legislation would establish national standards governing State taxation of interstate commerce and rules governing State taxation of worldwide corporate income. It also establishes jurisdiction of the U.S. Court of Claims for resolution of disputes arising under the act.

Businesses have increasingly been subjected to complex and often conflicting State and local tax rules in their efforts to conduct interstate transactions. The consequences of these numerous State and local tax rules eventually take the form of higher prices to the public, as firms are forced to deal with increasing amounts of paperwork and decreasing predictability and certainty of their tax liabilities. A tax system which creates such uncertainty cannot help but undermine the efficiency of those who are subject to the system. The Interstate Taxation Act seeks to remedy these uncertainties, which plague those businesses engaged in interstate commerce, by creating a uniform system of taxation.

Similar legislation was introduced last year in the Senate by Senator CHARLES MATHIAS, JR., and was the subject of hearings by the Finance Committee's Subcommittee on Taxation and Debt Management. While I realize that there is not time between now and the end of the 96th Congress to give this legislation the full consideration it merits, I am hopeful that by introducing the Interstate Taxation Act at this time, businesses and other interested parties will take this opportunity to study the bill and make their viewpoints known. The issue may then be subjected to more indepth analysis by the Ways and Means Committee once Congress reconvenes in 1981.●

THE CARTER CAMPAIGN

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CAMPBELL. Mr. Speaker, today's edition of the Columbia, S.C., State newspaper contained an editorial which I believe is right on point. I commend it to the attention of my colleagues:

CARTER SANCTIMONIOUS IN ATTACKING REAGAN

President Carter's strategy of relentlessly attacking Ronald Reagan surely cannot be helping the President inspire any confidence in the American voters.

The strategy will be counterproductive, if it isn't already. From the reaction of the American press—and from some publications abroad, too—the judgment is that Mr. Carter is playing dirty politics with Mr. Reagan in a mean and calculating way.

Mr. Carter had made slurring remarks about the Republican challenger, depicting him as a racist and as a war-monger. And the President continues to draw an issue between himself and Mr. Reagan as a choice the American people should make between war and peace.

We don't believe that will work. Mr. Reagan may be pro-military, pro-defense, and he may have taken aggressive positions in years past, but he is no more likely than any other man in the White House to start a war.

Mr. Carter began this long attack on Mr. Reagan in September in New York City, when he accepted the Democratic party's nomination for re-election. The Democrat's television advertising is also aimed at discrediting his opponent. (Reagan didn't tell the truth about his administration in California.) The whole thrust of the campaigning is low.

Mr. Carter is hypocritical. He does not sound like the same high-minded Southern governor, intent on bringing moral leadership to this nation and to the world, that he seemed to be four years ago. Assertions of the inevitable triumph of rightness and goodness of our national character over all the tribulations are missing this election year.

Mr. Carter does not seem, or sound like, the same man who was elected President almost four years ago. We would expect him to change in some respects; the heavy demands of the position and the wearing force of uncontrollable events show in the man's face. He appears to have aged many more than four years.

But the pressures of the world's most powerful office cannot excuse the unfair political tactics the sanctimonious Mr. Carter has used recently. The President demeans his office. He should stick to the real issues—among them his own record as President—and not the character of his opponents.●

ART FROM NATURAL MATERIALS

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. FOLEY. Mr. Speaker, I would like to share with my colleagues an article from the Spokane Chronicle written by my constituent, Dodie Murphy Wagner, entitled "Baskets Include Nature's Offering." The article discusses the unique art of Carol Lynne Pool who continues to use techniques developed by the North Pacific Indians in creating beautiful works of art out of natural materials. In a time when all of us have become accustomed to the age of synthetics, it is refreshing and enlightening to know that original crafts such as basketry which make the very best use of Mother Nature's offerings are still very much alive.

The article follows:

BASKETS INCLUDE NATURE'S OFFERING

PULLMAN, WASH.—Most people walk into a forest and see trees. Carol Lynne Pool sees baskets.

A fiber artist, Ms. Pool was an art student in southern California and worked in traditional art media—oils, watercolor, silk screens, and created sculpture—before moving to Pullman and studying basketry at Washington State University.

She felt she was unable to express herself in the traditional media and felt "unsatisfied" until she heard of a fine arts-anthropology departments course in basket weaving.

The course stressed the use of natural materials, which appealed to Ms. Pool.

Basket making often is considered—erroneously—a "gut" course for lazy college students. A basket exhibit, on view at the WSU Museum of Art until Saturday, shows the seriousness with which the students complete the course.

Historically, most baskets were woven by Indians for everyday use. Although some were used in ceremonies, and others were considered gifts to be exchanged with visiting tribes and nations, the "burden basket" was used as people gathered fish and clams, for harvesting, and transporting grasses and bark.

Ms. Pool, who is not a Native American, weaves in the style and uses the material of Washington State's coastal tribes.

Recently she went on an expedition to collect cedar bark, the inner-pulp of a cedar tree that is just inside the rough outside bark. A tree that's "huggable" can have its bark stripped safely.

"Never defoliate the forest," she warns. "Work on land that the owner has given you permission to use."

After the bark is pulled from the tree, Ms. Pool splits it to the desired thickness and width, then bundles it up and takes it home to be sun-dried. When stored in a dry place, the bark keeps indefinitely.

In addition to cedar bark and roots, she uses various grasses, raffia (palm leaf), pine needles, corn husks and silk, seashells, feathers, beads and pine cones to make baskets.

Most natural materials have to be used wet, she explained. "Collecting them and modifying them can take as long as the weaving itself," she noted.

Sea grass, which Ms. Pool will harvest on the coast, must be washed and hung out to dry after it's collected or it will mildew. Once modified, the grass can be used naturally or dyed.

Seashells must be soaked before piercing, feathers must have all the downy parts trimmed.

Although Ms. Pool's baskets are as varied as cloud patterns, she weaves only three types of baskets—coiled, twine and plaited. She use a variety of stitches so that each basket is one-of-a-kind.

The stitches were developed by Indians more than 9,000 years ago, long before pottery was invented. False beading is a stitch that has the design only on the outside of the basket; imbrication—unique to the Washington coastal Indians—is produced by covering coils with a strip to colored grass or bark which is fastened by folding it under each stitch when the coils are sewn.

Plaited baskets are the simplest to weave, Ms. Pool said, and is the technique many children learn in school when creating Easter baskets from construction paper.

The fiber artist tries to build pieces that have interesting materials, are pleasing to the eye, and have texture.

She explained, "I weave baskets for the pure pleasure of it. If you have a preconceived idea and can make it work that is rewarding. Often, though, a basket just takes shape in my hands."

Recently Ms. Pool used basket weaving techniques and materials to create a coral-colored seashell. "It's not meant to be a basket, but rather, an expresion of my love for the ocean. Since I'm far away from the ocean, it brings the ocean to me."

Since each basket requires weeks of time to make—Ms. Pool's small, delicate ones trimmed with feathers or shells are the result of 20 hours of work—they are expensive.

"Baskets are expensive, and they are sought by collectors who appreciate the time spent in gathering the bounties of the earth and sea, the intricacies of time and knowledge the artist uses to make baskets, and by those who realize baskets are an art form not hung on the wall."

While she does not make her baskets with preconceived marketability, her baskets do sell. It was only after her friends spent years urging her to sell her baskets that she did, in fact, sell them.

Each basket has its own spirit. I put a deliberate mistake into each one because the basket shouldn't be any more perfect than the weaver," she laughed.●

MEMBER EXPELLED FOR MISCONDUCT

HON. RICHARD BRUCE CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CHENEY. Mr. Speaker, none of us takes pleasure in participating in these proceedings this morning—but under the circumstances we have no alternative.

I have previously argued on this floor, that the House must exercise its power to expel a Member for misconduct very sparingly; that we must have evidence of extraordinary wrongdoing before we take it upon ourselves to override the wishes of the voters of a Member's congressional district. Unfortunately, in the case of Mr. MYERS, we have such evidence.

It has been suggested that we should not take action until the Member has exhausted his right of judicial appeal. But what happens in the courts has little bearing on this case. Even if his conviction is overturned, the facts will not be altered.

And the evidence—never challenged by Mr. MYERS—proves conclusively that he did, in fact, accept $15,000, that he asked for $85,000 more, and that he promised to use his influence as a Member of this body in return for the money.

The question before the House today, is whether or not these actions, constitute a violation of the rules of the House, and second, what sanction should be imposed.

Given the nature of the evidence presented to the committee, and Mr. MYERS' own testimony, there can be no question of his guilt.

And given the nature of his offense—there can be no question about the penalty we should impose. The only appropriate sanction for Mr. MYERS is expulsion.

I urge the House to approve the committee's resolution.●

TAX CUT LEGISLATION—WHERE DOES IT STAND

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. FISHER. Mr. Speaker, with Congress about to recess, it is appropriate to recap what is the status of the legislative initiatives for a major tax cut bill.

During the summer, both the House Ways and Means Committee and the Senate Finance Committee held extensive hearings on the questions of whether there should be tax reduction legislation passed and, if so, what should be its total magnitude and its major components. From the beginning of these hearings, I was skeptical about both Houses of Congress being able to formulate their own major tax bills and have the differences reconciled prior to the October recess. As the hearings progressed, my first impression was reinforced.

For example, there seemed to be a general consensus that there should be changes in the Tax Code to encourage business investment which would improve our productivity and help in the battle against inflation. However, there were any number of views on how this might best be achieved. Simplification and acceleration of the depreciation laws? General corporate tax reduction? Lowering the capital gains taxes? Increased investment tax credits? Or a combination of all of these? But in what proportion?

With respect to tax cuts directly affecting individuals there was a similar situation. There was a general agreement that a tax bill must be passed to offset to some degree the effects of social security tax increases and inflation. Furthermore, there must be at least a start in addressing some of the glaring inequities in the Tax Code. However, there were again differences over what specifically to do and how to do it. An across-the-board tax cut has the virtue of simplicity, but it does not focus the benefits on those groups which are in the greatest need of tax relief—the low- and middle-income wage earner and the elderly. A tax credit determined by the amount of social security taxes paid would ignore Federal, State, and local employees who do not pay social security taxes but who do suffer from inflation and make substantial pension plan contributions. The marriage penalty tax should be eliminated or at least reduced, but in a way that does not inadvertantly create tax inequities for future Congresses to resolve.

In light of all of these nuances, it would have been very difficult to draft a comprehensive tax package responsibly during September. The Senate Finance Committee made an attempt to do this, and in fact did report out a bill. However, its almost $40 billion price tag, which in my view is about $15 billion too high, indicates that the hard questions of "either-or" were answered by saying "both."

The uncertain economic climate also cautioned delay in enacting a major tax bill during this period. It is still unclear whether the recession has yet bottomed out, or if inflation is on a plateau or a launching pad. Since a multibillion-dollar tax bill would have an impact on the entire economy, it was wise to be more certain of the prospects for the economy before passing such a bill. If inflation is likely to increase, then a more modest tax package would be in order. If, on the other hand, the economic recovery is likely to be sluggish, then it would be appropriate to have a tax cut with significant stimulative aspects to it. In addition, the few weeks just before an election is not the most favorable time for formulating and passing a balanced and sensible tax bill of major scope.

This period between the end of the hearings on tax cut legislation and the congressional recess was useful, however, for digesting, advancing, and discussing comprehensive tax cut plans. As part of that effort, I drafted and introduced my own tax bill, the Tax Reduction Act of 1980. It is a balanced approach to the issue. As in all major tax cut legislation, it proposes tax relief for individuals and for businesses. In the first few years, these cuts would be weighted on the individual side, but in subsequent years the business cuts would grow as a percentage of the overall cut. The bill would offer relief to the young and the old, to the large corporations and to small business, but proportionately more to the latter. It benefits individuals covered by pension plans, and by individual retirement accounts. It seeks to lessen the discrepancy in the tax treatment for married couples as compared with singles and to put nonitemizers on a par with itemizers with respect to the charitable contribution deduction. The estimated overall revenue impact of this proposal would be $26.5 billion.

Once Congress returns from recess, it is possible for major tax cut legislation to be considered, but I believe that it is unlikely that Congress will take this action during the special session. The postelection session must give final consideration to the bulk of the appropriations bills and the Second Budget Resolution for fiscal year 1981. It must also consider the Alaska lands bill, the superfund bill, revenue sharing, and the conference reports on the reconciliation bill. In light of all of these items being on the schedule already, I think that it would be unrealistic to expect that major tax legislation will be enacted as well.

However, by early 1981 the legislative calendar will be open, the economic situation should be more defined, and the public's sentiments clarified. Be it the will of my constituents, I will be back here to push for a tax bill along the lines which I have suggested. Hopefully, the Congress can then proceed in a deliberative manner and produce a tax bill which is economically justifiable, fiscally responsible, and legislatively equitable.●

PHARMACISTS MURDERED BY THE UNPUNISHED

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HYDE. Mr. Speaker, our country's pharmacists daily face the threat of being held up by a gunman demanding drugs. Pharmacists have been murdered by addicts looking for a fix or dealers looking for drugs to sell on the street.

The irony of this is that the pharmacist himself is subject to the tightest Federal control imaginable; if he incorrectly dispenses controlled substances or illegally provides such drugs, he is subject to Federal prosecution.

However, that very same pharmacist does not have the protection of the Federal Government and drug enforcement officers if his pharmacy is robbed of those same drugs. The reason: It is not a Federal crime to rob a pharmacy of controlled substances.

The success of Federal law enforcement agencies have had against illegal drug traffic has made the neighborhood drug store a tempting target. Pharmacists and customers are beaten and even killed by dealers and addicts determined to steal the controlled substances. The local community pharmacist is totally at the mercy of these criminals who need a fix or have a shopping list of drugs to be sold on the street. The pharmacist usually is forced at gunpoint to meet the demands of the criminal and must either comply or risk a severe beating or death.

Drugs such as amphetamines and barbiturates can command as much as $25 or $30 on the street for one pill. A couple of 100-tablet bottles can mean as much as $5,000 to a drug-dealing criminal.

More than 1,700 armed robberies of drugstores occur each year on a nationwide basis, robberies involving dangerous narcotics. This type of criminal activity should be classified as a Federal offense, with severe penalties levied.

When the Judiciary Committee considered legislation reforming the Federal Criminal Code, the gentleman from North Carolina (Mr. GUDGER) and I offered amendments that would make it a Federal crime to rob a pharmacy of controlled substances. The committee, by an extremely narrow margin, rejected our amendments. It is therefore our intention to again offer a pharmacy protection amendment when the House considers criminal code reform legislation.

I am hopeful that my colleagues will overwhelmingly support our pharmacy protection amendment when we return in November. We will have an opportunity at that time to signal to the criminal element now engaged in senseless beatings and killings of pharmacists throughout the country that the robbery of controlled substances constitutes a Federal offense.

I submit for my colleagues' review the full text of an editorial by Stanley Siegelman in the September 1980 issue of American Druggist magazine, and call your attention to the list of pharmacists murdered by criminals wanting drugs. I also want to share with my colleagues an article in the June 30, 1980, edition of the Wall Street Journal, "Drug Crimes Shooting Up At Pharmacies":

[From the American Druggist magazine, September 1980]

Our Dishonored Dead: Pharmacists Murdered by the Unpunished

(By Stanley Siegelman)

The pharmacists listed below were killed by armed intruders seeking drugs and cash. They were brutally murdered while serving the public.

At long last, there is a real possibility that legislation will be enacted making violence against pharmacies a Federal crime. That no such law exists dishonors our elected representatives in Washington, as well as those guiltless pharmacists who suffered the ultimate penalty.

Clip this page and send it to your Congressman. Drop us a note stating you have done so—so that we have more ammunition at hand to further the cause. It is a just cause. Pharmacists deserve the protection of the Federal government. State and local authorities have proved inadequate in dealing with this particularly vicious iniquity.

This list is more eloquent than any editorial we could possibly write:

Sidney Adelman, RPh, Philadelphia, PA; Morris Becker, RPh, Yonkers, NY; Samuel Beskin, RPh, Los Angeles, CA; Ellis Bogan, RPh, Philadelphia, PA; Paul Boght, RPh, Covington, KY; Carl Brooks, RPh, Little Rock, AR; Joe Bruce, RPh, Fayetteville, AR; Adele Carr, RPh, Covington, KY; William Catoe, Jr., RPh, Columbia, SC; Bob Chachere, RPh, New Orleans, LA; Clem Charbonnet, RPh, New Orleans, LA; Les Craigen, RPh, Seattle, WA; Donald Dearth, RPh, Long Beach, CA; Jacob Farber, RPh, Philadelphia, PA; Peter Friedlander, RPh, Bronx, NY; Hy Gordon, RPh, Malden, MA; John Groen, RPh, Seattle, WA.

Pat Horgan, RPh, Long Beach, CA; Cyril Russell-Howland, RPh, Atlanta, GA; Patrick Hughes, RPh, Roxbury, MA; Robert Jorgensen, RPh, Minneapolis, MN; Larry Jung, RPh, San Leandro, CA; Carvil Kiger, RPh, Wilmington, DE; William Knox, RPh, Indianapolis, IN; A. B. Lanier, RPh, Memphis, TN; Louis Lipschultz, RPh, Philadelphia, PA; David MacLarty, RPh, Linthicum, MD; George Malaith, RPh, Lake County, IN; Sol Mars, RPh, Buffalo, NY; John McLain, RPh, Decatur, GA; Fred Meek, RPh, Portland, OR; William Middleton, RPh, Baton Rouge, LA; Chester Mitchel, RPh, Shreveport, LA; Woodrow Moulton, RPh, Pensacola, FL.

Elbert Munsey, RPh, Portales, NM; Douglas Orchard, RPh, Magna, UT; Simon Perloff, RPh, Philadelphia, PA; Herbert Roth, RPh, Philadelphia, PA; William Sherman, RPh, St. Joseph, MO; June Shillcutt, Little Rock, AR; Herb Silverman, RPh, Hollywood, FL; Julius Smith, RPh, Columbus, GA; Jesse Stewart, RPh, Fremont, NC; John Stockdale, RPh, Indianapolis, IN; Irving Tweedy, RPh, Buffalo, NY; Louis Viner, RPh, Philadelphia, PA; Mrs. John Volpato, Carlsbad, NM; Jacob Wallfield, RPh, Philadelphia, PA; Max Zalstein, RPh, Philadelphia, PA; Leslie Zive, East Hatfield, MA.

[From the Wall Street Journal, June 30, 1980]

Drug Crimes Shooting Up At Pharmacies

(By Kate Pound)

Pharmacists have always lived with the threat of being held up at gunpoint in their stores by addicts looking for a fix or by narcotics dealers seeking a fresh supply of drugs. Nowadays, the threat is rapidly becoming a fact of business life.

Druggists across the country are being robbed and burgled in record numbers. Industry figures show the crime problem worsening in the past two or three years. Drugstore crime in Oklahoma City doubled last year, the state pharmacists' association says. Stanley Swain, a local pharmacist, says he's been held up seven times and his store ransacked five times since 1977.

In Pennsylvania, pharmacists had a 60 percent chance of being victimized at least once in the past five years. The average druggist was struck twice in that period.

A TEMPTING TARGET

Ironically, it's the success that law enforcement agencies have had against illegal drug traffic that has made the inventory of the neighborhood drugstore a more tempting target for criminals. As a result, lots of once-friendly pharmacies have adopted the security trappings of a branch bank. Armed druggists dispense prescriptions from behind bulletproof glass. Hired guards and alarm systems are more in evidence.

DRUGSTORE HIT LIST

Name	Primary medical use	Street use
Demerol	Pain killer	Euphoric high.
Dilaudid	Pain killer	Euphoric high.
Seconal and nembutal	Sedative	Euphoric high.
Benzedrine and dexedrine.	Appetite control; reduces hyperactivity in children.	Sensory enhancement; often used by students and truck drivers to stay awake.

One Oklahoma druggist reportedly has started banking certain drugs each night with his cash deposits. Others are refusing to stock them altogether, a move that is stirring debate over whether some patients are being deprived of needed prescriptions.

"It almost totally changes your personality," says Lester Hosto of Little Rock, who recalls vividly how two gunmen filtered through his drugstore's stock, selected the drugs they wanted, then ordered him and his 16-year-old clerk to the floor. He remembers wondering whether he was about to be shot. "Once you're robbed, you want to say, 'To hell with the public,' " he says.

Nationwide, four pharmacists were killed in holdups last year and one has been killed so far in 1980. In April, a Kansas City, Kans., pharmacist shot and killed a robber.

Narcotics and amphetamines, among the most addictive of all drugs, are what criminals want most. The federal government's Drug Enforcement Administration calls these "Schedule II" drugs.

In the street trade, these drugs yield enormous profits. A pharmacist may pay $10 for a 30-cubic-centimeter bottle of Demerol, a morphine synthetic pain killer (the contents would fill a whisky shot glass). An illegal dealer can get $5,000 for the same amount. At that price, Demerol has a street value about seven times that of gold.

SOME RESTRICT INVENTORY

It isn't surprising that some druggists have decided to fight the problem by removing the temptation. "I try not to carry anything they want," says Pat Voight of Kansas City. "People after drugs aren't always in a reasonable state of mind."

Leroy Gregg, an Oklahoma City pharmacist, believes four out of five drugstores in his city have stopped carrying Schedule II drugs. These include Demerol; such amphetamines as Benzedrine, often prescribed for diet control, and such barbiturates as Seconal, a powerful sedative used in treating the mentally ill.

But the trend to remove Schedule II drugs from pharmacy shelves dismays national and local pharmacy organizations. They warn that patients who need this medication won't be able to find it. Discontinuing drugs isn't the answer, says Tom Arthur, executive director of the Colorado Pharmacal Association. "Although the drugs are seldom used, they ought to be available."

Trade groups are encouraging members to stock small supplies of Schedule II drugs and to make their stores more secure. They also want theft of controlled substances made a federal offense. In Washington, the drug enforcement administration says it has its hands full coping with drug dealers without investigating thefts as well.

Without a change in the law or a safer system for dispensing drugs, pharmacists feel they are stuck with a worsening crime problem. Says Oklahoma druggist Dave McMillan: "I'm resigned to the fact that it isn't the last time I'll be robbed. It's just a matter of when it happens."●

HISPANIC AMERICAN RECRUITMENT TO THE FEDERAL GOVERNMENT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mrs. SCHROEDER. Mr. Speaker, I want to take this opportunity to commend Alan K. Campbell, the Director of the U.S. Office of Personnel Management, Jule M. Sugarman, OPM's Deputy Director, and particularly my distinguished colleague from New York, Congressman Robert Garcia, for their excellent work in broadening Federal Government efforts to recruit Hispanic Americans into the Federal work force. Recently, OPM signed a contract with the national Hispanic organization IMAGE to create a pilot program to recruit additional Hispanics into Federal positions. This is an excellent idea, and I want to bring it to the attention of my colleagues.

This recruitment program helps to carry out a mandate this Congress established when it passed the Civil Service Reform Act of 1978. We included the amendment authored by

Congressman GARCIA that requires increased recruitment efforts for those underrepresented in the Federal work force, especially women and minorities. As I have learned from hearings in my Subcommittee on Civil Service, many minority groups, especially Hispanic Americans, are underrepresented among Federal workers, particularly at the higher grades, I am pleased that OPM has been willing to work with me, with Congressman GARCIA, and also my distinguised colleague from California, Congressman GUS HAWKINS, to increase the number of Hispanics by stepping up recruitment of them.

The pilot program to recruit Hispanics involves a contract between OPM, three other major Federal agencies, and the Vacancy Outreach Service—VOS—run by IMAGE. I want to emphasize that it is a pilot program. But I am hopeful that it will be tremendously successful, and will create a standard not only in the Federal Government, but in the private sector as well, where we often find underrepresentation of women and minorities to be a serious problem.

Frankly, I am tired of hearing the argument that we cannot find enough qualified Hispanics. They are available. The VOS project is an effort that will help these agencies find them. Hispanics constitute only 3.9 percent of the Government employees, while comprising 8 percent of the population of our country. The Federal Government can and must do better, and I believe the program created by OPM and IMAGE will help.

I understand that at least one of my colleagues has some misgivings about this contract. I want to assure this entire body that my subcommittee will monitor this program, just as we monitor all other efforts by the Federal Government to implement Congressman GARCIA's amendment. Should it prove not to be worthwhile, I will be the first to say so. But should it work effectively, as I expect it will, in helping the Federal Government recruit Hispanics, I hope that all my colleagues will join me in commending OPM, the other agencies involved, and IMAGE for a job well done.●

ITALIAN AMERICAN HERITAGE WEEK

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. RITTER. Mr. Speaker, in anticipation of the birthday of Christopher Columbus and the historic day when the Italian explorer arrived on our shores, Congress has sent to the President a resolution designating October 12-19, 1980, as "Italian American Heritage Week." I am pleased to have been a cosponsor of this legislation because I believe that it is important to recognize Italian Americans across the Nation who have played a vital role in the historical development of our country.

In the Lehigh Valley of Pennsylvania, especially in the Easton area, Italian American culture, history, and traditions have been preserved by a vibrant and creative community of citizens. This year's Bona Feste celebration in Easton on October 11 is a special one because it is the 50th anniversary of a wonderful contribution of the Italian community to the city of Easton—the statue of Christopher Columbus in Riverside Park. On the occasion of the Bona Feste celebration, I would like to honor the Italian American community for contributing so much to the richness of life in the Lehigh Valley.

Following are excerpts from "A History of Italian Immigration in the Easton area," written in 1964 by Judge Richard D. Grifo and Anthony F. Noto, both leaders in the Italian American community. Their study describes the establishment of an Italian community of Easton and the erection of the Columbus statue.

As we celebrate Italian American Heritage Week, let us honor the unique contribution of the Easton Italian community to our American heritage.

> In the early years, all the Italian immigrants to Easton celebrated the feast day of their hometown's patron saint in the traditional manner (A special Sunday mass, music, fireworks, parades, picnics, etc.) The younger generations have pretty well abandoned such celebrations. One of the few to carry on until the present day is the Holy Cross Society (Societa Santissimo Crocefisso di santo stefano di camastra) (letto santo), which still celebrates the traditional feast day or "Festa", of the patron saint of the town of santo stefano (on the north coast of Sicily). This celebration starts on the second Saturday of September of each year promptly at 9:00 A.M. at fourth and Lehigh streets in Eastern.
>
> The members of the society and its auxiliary carrying the Holy Cross banner and two "American flags" (before world war II, one American and one Italian flag) and followed by a hired band await the exploding of a series of aerial bombs and proceed to parade through the streets of Easton up fourth to Ferry, west on Ferry to twelfth, south on twelfth to Lehigh, east on Lehigh to the Catholic church, south on ninth to Washington, west on Washington to thirteenth, south on thirteenth to Butler, down Walnut to Washington, east on Washington down to Wolf avenue, down union to Spruce, east to sixth street, down Levan's court to fifth, north on fifth to Ferry, down Ferry to west, out west street to Washington and down to fourth street. Residents of Italian extraction in tribute to the patron saint come out of their homes when they hear the music and pin money on the huge Holy Cross flag, called "Stenardo".
>
> The parade continues in the afternoon on the south side of Easton. Sunday morning there is "High Mass" at St. Anthony's church and all the members and the society auxiliary take Holy Communion. After mass, the parade again assembles at the eastern end of the Easton-Phillipsburg bridge and covers the streets of Phillipsburg. At four P.M. the parade re-assembles at Holy Cross Park in Williams township, and after services in the Holy Cross chapel and a procession and fireworks, the feast begins. A band concert Sunday night is the main feature, but the feast includes general carnival amusements, food, and fireworks at midnight of each day. * * *
>
> * * * At first, apart from the boardinghouse, the Italian did not have any social life of his own, though he mingled informally with the people of his own neighborhood. But as the pressures of American society became greater, he felt the need for some protection and help. The answer to this need was the mutual aid society or benefit organization which helped him to meet the risks of sickness, accident, and death which were ever present. At first, the "Societa" was largely dependent on the old family feeling or localism and was organized by individuals who felt a special need for prominence in the community. Made up of "paesans", these societies charged from fifty cents to one dollar a month, and in case of sickness would pay six dollars a week during illness or two hundred dollars at death. During the early years of the twentieth century, hundreds of these societies came into existence. Gradually, their functions broadened from insurance and protection to social activities. (These Our People, R. A. Schermerhorn, page 249.)
>
> In Easton there were and still are the following Societies:
>
> 1. Garibaldi Society.
> 2. San Placido Castel di Lucio Society.
> 3. Sommatino Society.
> 4. Abbruzzese Society.
> 5. Circolo Santo Barbara.
> 6. Santo Stefano Letto Santo (Holy Cross).
> 7. Order Sons of Italy: (a) Enrico Milo Lodge #30, (b) Allesandro Volta Lodge #30.
> 8. Santo Antonio Di Padova Society.
> 9. The Easton Italian Home Association.
>
> So strong has been the individual devotion of the members of these societies to their particular organization that practically all efforts to merge them have failed.
>
> * * * The significant contribution to Easton by immigrants of Italian extraction is the statue of Columbus located in Riverside Park. This contribution to the community by the Italian citizenry is vividly described in an article appearing in the Easton Express December 15, 1930 from which I quote: "Columbus Statue presented to city at impressive exercises. Monument entailing expenditure of $13,000 unveiled at Riverside Park. Concert and banquet follow."
>
> The striking bronze statue of Christopher Columbus, discoverer of America, located at Riverside Park, was unveiled and presented to the city of Easton at impressive exercises in the presence of a large throng of Easton citizens and prominent guests yesterday afternoon.
>
> The statue standing nine feet high mounted on a pedestal ten feet high, facing southwest in the park, was secured through the efforts of the Columbus Memorial Fund Committee, which labored for about two years to bring the matter to its successful culmination yesterday. The statue with its pedestal and the erection entailed a total expenditure of approximately thirteen thousand dollars. The beauty of the statue, designed by Giuseppe Donato of Philadelphia, elicited the praise of all who have seen it. * * *
>
> * * * Many people of the same nativity as Columbus had been the leaders in the movement and many people of American birth had joined in the project, showing a united citizenry, just as the people of Italian birth who have come to this country and have become naturalized, have become an inte-

gral part of our citizenry, accepting no favors and shirking no responsibilities.●

LEGISLATION ON DR. AND MRS. WONG

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. LATTA. Mr. Speaker, on March 20, 1978, I introduced legislation to provide permanent residence in the United States for Dr. and Mrs. Ka Chun Wong, so that Dr. Wong could render much-needed medical service to the people of the Fifth Congressional District of Ohio and particularly to the people of Pandora, Ohio, and community at their new medical center, the Pandora Medical Services Corp.

On October 14, 1978, the House passed this legislation. However, the Senate failed to act on it prior to adjournment of the 95th Congress on the following day, October 15.

In January 1979, I reintroduced identical legislation—H.R. 927—and once again the House Judiciary Committee favorably reported my resolution. With the help of the Speaker, the chairman of the Judiciary Committee, the Honorable PETER RODINO, and the ranking minority member of the subcommittee, the Honorable HAMILTON FISH, this legislation is up for consideration today and I wish to publicly thank them for their assistance in bringing this bill to the floor.

Dr. Wong attained his bachelor of medicine and bachelor of surgery degrees in Hong Kong and is certified to practice in the State of Ohio. He also has been certified by the American Board of Cardiovascular Disease, and is the only certified heart specialist in Putnam, Allen, and Hancock Counties in Ohio. His professional services are needed in this area and it was for this reason that I introduced this legislation. I urge the House to act favorably on this legislation.●

LAMEDUCKING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GILMAN. Mr. Speaker, on this final day that the House of Representatives is in session before the election recess, I again express my regrets that the majority has not seen fit to permit the House to finish the business it was elected to do, the completion of which is our responsibility to the American people.

A lameduck session is a tacit admission by the majority that they are unable to do the public's work, and that they have failed to fulfill their responsibilities as elected representatives of the people of our Nation. It is an admission that the majority prefers to duck the responsibility of voting on tough issues before the election. Rather than running on its record, the majority apparently prefers to run from its record.

A lameduck session is not conducive to sound legislation. Strange votes may be cast by legislators who will never again have to respond to their constituents in an election. Unsound legislation and spending programs could be railroaded through a lameduck session with the votes of those that their constituents rejected as their representatives—especially if a lameduck Congress finds itself sending legislation to a lameduck President.

I believe that our constituents have a right to know how the Members of Congress stand on crucial budget issues. It is for this reason that I voted to stay in session for as long as it takes for the Congress to fulfill its responsibility and to complete the job we were elected to do.

Permit me to call to my colleagues' attention today's assessment by the Washington Post of the true intention of the lameduck session, "It is a deliberate attempt by the Congress to evade its accountability to the people for whom it works." I regret that the majority has opted for such an evasion and has breached its obligation to the American people by leaving unfulfilled the obligations they assumed when elected to serve in this great legislative body●

THE SANCTITY OF LIFE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ASHBROOK. Mr. Speaker, I recently had the opportunity to read an excellent article prepared by one of my constituents, Rev. John A. Teevan, associate pastor of the Grace Brethren Church in Ashland, Ohio. Reverend Teevan clearly addesses the moral concerns of those who oppose abortion and revere the right to life of the unborn. His article is based not on emotion but on Biblical interpretation and my colleagues in the Congress should take the time to read it.

The Teevan article follows:

THE SANCTITY OF LIFE

(By John Teevan)

American Christians routinely accuse the Christian Church in Nazi Germany for failing to stand up against Hitler. In 1940 abortion and experimentation with the unborn were legal in Germany and illegal in America.

Today the situation is exactly reversed. Millions of girls are risking their lives, their ability to have children, and their consciences to have what ads in yellow pages across America call "safe, gentle abortions."

As America replaces God with Uncle Sam, prayer with lobbying in Washington, and providence with cash payments, Christians themselves are starting to believe that if it's legal it must be acceptable. Christian men can easily fall into the trap of having their daughter or wife have an invisible baby aborted secretly. It's legal. There is no singing of hymns, no pleas for mercy. It keeps the family name reputable, spares a lot of grief, and no one at church sees. Except God!

But abortion is not the only sanctity of life issue, and the unborn are not the only ones declared nonpersons. Jews in many cultures, black slaves, and Indians in America were declared nonhuman for economic and political reasons.

The same logic—based on wantedness, usefulness, and meaningful life—that permits abortion, also justifies the logic of Francis Crick, a Nobel Laureate who was quoted in the Pacific News Service as saying: "No newborn infant should be declared human until it has passed certain tests regarding its genetic endowment and that, if it fails these tests, it forfeits the right to live." His opinion is not unique.

Infanticide happens now, and the same logic can also be applied to the handicapped, the elderly, and eventually any group deemed unwanted or useless by whoever happens to be in control.

How does the Scripture establish Sanctity of Life? First, "Sanctity of Life" is established by creation. Genesis 2:7 reveals man became a living soul when God breathed life into Adam. Genesis 1:27 states that man, unlike plants and animals, is created in the image of God. "Sanctity of Life" is ratified by social protection. In Genesis 4:11 and following, God cursed and banished Cain for murdering Abel. Exodus 20:13 states that "Thou shalt not kill" or more completely "You shall not murder people." In the Genesis 9:6 passage, murder carries the death penalty because man is created in the image of God. "Sanctity of Life" is confirmed by redemption. John 3:16 states Jesus died for man, giving us the dignity of being worth the blood of the eternal Son of God. Philippians 2 established His becoming one of us as does John 1. Romans 3-5 establishes His payment for our sins.

Doesn't the Bible teach that life begins at first breath? Genesis 2:7 says that God breathed into the dust-formed man, and he became a living soul. There is no indication that this is normative. Adam was the only human formed of dust. Besides, God does the breathing here, while at birth the child does his own breathing.

Other passages indicate that God recognizes human life before birth. We read in Jeremiah 1:4-5: "Before I formed you in the womb I knew you. . ." (NASB). In Luke 1:41-44 it is stated that John the Baptist "leaped in her womb; and Elizabeth was filled with the Holy Spirit" (NASB). Galatians 1:15 says that Paul was set apart from his mother's womb. Luke 1:35—Jesus alive at conception, and in Luke 2:21—only recognized as Jesus at birth. The same Greek and Hebrew words are used for born and preborn children.

Does the Bible say life begins at conception? Not in nice proof-text fashion. We know there is human life in the womb. That life is referred to as a child's "unformed substance." That is a noun used only once, *golem*. The verb form of *golem* is found in 2 Kings 2:8 where it refers to Elijah folding his coat. The word carries the idea of folding. The human embryo is round and flat until it starts to "fold" and take the fetal position. That folding takes place about a week after conception.

David refers to his reception of a sin nature at conception (Ps. 51:5) indicating his humanness at conception.

The Hebrew word for pregnant is *harah* which, while translated conceived, means more specifically "to become pregnant." Women become pregnant at conception.

The New Testament word *sullambano* means to receive and is the word used to translate *harah* in the Septuagint. "To take together" is a more precise translation and refers here to the egg taking the sperm and together forming a child. The very words used indicate that life begins at conception.

Is abortion punishable in the Bible? Yes. In Exodus 21 (NASB), various rules concerning violence are given to clarify that one should not kill. Verse 22 refers to two men struggling with each other, striking a woman "so that she has a miscarriage, yet there is no further injury" there shall be a fine. But verse 23 says if there is further injury (to the child born prematurely), the penalty is life for life. The picture is that of a fight resulting in a premature childbirth. The prematurity requires a fine, the death of that premature child requires the death penalty. Some reputable scholars regard this as a miscarriage (dead baby) requiring the penalty and the further injury referring to the mother. Even accepting this view there is a penalty associated with the induced miscarriage.

Is abortion the only "Sanctity of Life" issue? No. Allowing newborn (full-term and premature) babies to die of neglect is infanticide. Choosing specific groups such as ill, elderly, racially economically or physically handicapped, to die by someone's choice is euthanasia. Both are violations of the sanctity of life principle.

Is it advisable to make a strong statement on social issues? Not generally. Public outcry against homosexuality and pornography, for example, are current problems covered in a general way in our statement of faith.

"Sanctity of Life" is basic to our Christian understanding. In fact it is so basic that it has been assumed rather than stated. Similarly Christians have been accused of making an issue of inspiration while the Early Church Fathers and reformers were "vague" on it. That argument is nonsense. Inspiration appears vague in the days of the fathers and reformers because it was assumed.

The world has again made it necessary for us to take one more tenant of the faith out of the realm of the assumed. To avoid being accused of being "vague" we must state clearly: "Human life begins at conception and is worthy of utmost respect" (see Ps. 139:13-16, Exod. 21:22-25).

What is "utmost respect"? It means prolonging and maximizing life. It does not mean prolonging or maximizing death. For example, removal of ectopic or tubal pregnancies results in one death but prevents the death of both and shows utmost respect for life. Similarly separation of Siamese twins, one with a four-chamber heart, one without, resulting in the death of the one with an insufficient heart often keeps both from dying. Some day possibly these deaths will be avoidable.

PRACTICAL ALTERNATIVES

If a local church believes in the "Sanctity of Life," what should it do? As a minimum, adopt a clear statement on the "Sanctity of Life," teach the people the sanctity of life, and provide a home, job, love, and adoption alternative for pregnant women in the church and community who are married or unmarried.

As a maximum, lead your community in providing an alternative. Run an ad in the phone book. Be involved in a community group to inform the community about abortion and alternatives. Help the community identify the politicians' views, use of public funds, public legislation, and hospital/clinic abuses of the sanctity of life. Consider church discipline for member parents who deliberately promote/arrange/cover an abortion for their daughter.●

H.R. 8252, TO AMEND VA FLIGHT TRAINING BENEFITS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GOLDWATER. Mr. Speaker, I am very pleased to be joining my colleague, Hon. TOM DASCHLE from South Dakota, in sponsoring legislation to reinstate the VA flight training benefits to the former 90-10 percent split contributions.

I feel very strongly that now is not the time to be cutting our veterans benefits; we should be increasing them. The veterans' flight training program has always been a very popular program and enables many individuals who would otherwise be denied this very worthwhile career an opportunity to receive the necessary training. I sincerely hope that we may expect hearings on this bill before the 96th Congress recesses.●

MANHATTAN BLACK DISTRICT LEADERS STATEMENT ON SOMALIA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. RANGEL. Mr. Speaker, the situation of the refugees in Somalia demands the attention and action of this Nation. Over 1 million people are faced with disease and malnourishment in refugee camps hastily erected to cope with the influx of people fleeing the war in the Ogaden. Because Somalia is one of the poorest nations in the world, it does not have the ability to feed, clothe, house, or provide proper medical care for these people, and the United Nations has asked the world community to provide assistance. I believe that the United States should be in the forefront of this assistance effort, and I have communicated that idea to the White House and the State Department. The caucus of Manhattan black district leaders shares my concern for this situation. I would like to insert in the RECORD a statement which this group has made on this situation.

SOMALIA REFUGEES

Currently, there are now over one million refugees in Somalia, a small East African country with a total population of five million. These refugees, nearly all of them nomadic cattle and camel herders, are from the Ogaden region in the Southeast corner of Ethiopia. Over 90 percent are women and children, the men having either been killed in the 1977 Ogaden war or having remained to fight Ethiopia over this disputed territory.

The refugees are in critical need of medical attention, medical supplies and medical doctors. The death rate is astronomical as a result of inadequate drugs and medical supplies needed to treat the refugees who are being housed in mud and thatch huts. These huts are infested with disease carrying insects. Infectious diseases such as malaria, tuberculosis, hepatitis, dysentery and bronchitis pervade the 23 refugee camps throughout while starvation bloats the bellies of babies.

In addition to the ravages of war and the reports of continued fighting between Ethiopian infantry forces and Somalia guerrillas, a recent drought has resulted in a critical lack of corn and other food. Thus, these refugees, now estimated as moving across the border into Somalia at the rate of 1,500 per day, face starvation if they avoid death by disease.

Dr. Kevin Cahill, an aide to Governor Carey, toured Somalia late last year. He reported that one Somalia doctor attempts to service up to 50,000 refugees. "He works with almost no laboratory or surgical equipment, few nurses and grossly inadequate drugs and medical supplies in one of the five and 21 permanent camps . . . there are no latrines in any of the camps that I visited, and the only water comes from nearly parched beds of neighboring rivers or stagnant pools that serve the animals as well as the humans."

CALL UPON THE CONGRESSIONAL BLACK CAUCUS

The Caucus of Manhattan Black District Leaders is calling upon the Congressional Black Caucus to take the lead in urging the U.S. Government to increase its financial and medical support to the Somalia refugees and the more than 2 million other refugees in such African countries as Uganda, Sudan, Zaire, Tanzania and Chad among other countries. The African refugee problem has received little public attention here in the U.S. or worldwide. The Congressional Black Caucus must take the lead in publicizing these inhumane conditions and seeking relief.

WORSE THAN CAMBODIA

The Somalia refugee problem and the refugee problem in Africa is far worse than the Cambodian or Southeast Asia refugee situation. According to the United Nations High Commissioner for Refugees, there are now considerably more refugees in Africa and with fewer funds, doctors and medical supplies. And in Somalia, there are more refugees than in all of Cambodia and the Vietnamese camps combined. Dr. Cahill feels that Africa, "is being penalized for generously accepting refugees; whereas the obscene practice of expelling refugees in Southeast Asia brings the matter to America's attention and touches our hearts."

As to funding, the U.N. notes that medicine is $18 million short of the $40 million needed. The U.N. Budget for 1980 gives the serious but lesser problems of Southeast Asia 3 times the money given for *all* African refugee problems.

The U.S. government has assigned a similarly low share for African relief. Again, Southeast Asia aid far exceeds that given the far more critical problems in Africa.

WHAT IS NEEDED

In addition to the Congressional Black Caucus calling upon the U.S. Government to increase its aid to Africa for her refugees problems, the U.N. must send $18 million immediately for the needed medicine and medical supplies. We call upon doctors, nurses and other medical technicians to take "vacations" and visit Somalia. This may be the worst example of mass famine and disease since Biafra in 1969 and Bangladesh in 1971.

NOTE.—The Caucus of Manhattan Black District Leaders is a group of 19 elected District Leaders throughout Harlem and Manhattan.●

GEORGE SIPKIN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. LEHMAN. Mr. Speaker, on Monday, October 6, the President will sign into law the Housing and Community Development Act of 1980. Title VI of this bill contains provisions relating to recreation lease abuses which exist primarily in Florida.

Recently, my good friend and former district office director, Mr. George Sipkin, died. I regret that George did not live to see this condominium legislation become law, because he was one of the leaders in the fight to gain relief from the oppressive recreation leases containing escalating clauses.

George Sipkin was never afraid of getting involved in efforts to help his fellow citizens. In addition to his role as a condominium activist, he led the fight for Dade County ordinances on no-phosphate detergents, milk and meat dating, clear packaging of meat, and "Saturday night special" gun control.

Before moving to Florida, he served here in Washington as a civil servant for 33 years. He held a degree in electrical engineering in addition to his law degree. He was a man of many talents who put them all to use in the service of his community.

When President Carter signs the condominium legislation on Monday, I will be thinking of George Sipkin and how much he contributed to the development of the bill. I will remember him as one who cared about other people, and as one who acted to help them.●

MADE IN U.S.A.

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. FORD of Michigan. Mr. Speaker, I would like to take this time to inform my colleagues of an important educational and artistic project that deserves their interest and support. With financial assistance from the National Endowment for the Arts and Humanities, a Boston public television station is producing a 10-episode historical drama on the untold story of American workers.

Entitled "Made in U.S.A.," the proposed docudrama will be the first major television series ever to examine the history of workers in America, a subject that has been sorely neglected by both of our Nation's principal educational media: Our schools and network television.

"Made in U.S.A." is based on actual people and events, from Lowell, Mass. factory girls working 14-hour days in the 1830's, to the Flint, Mich. sitdown strikes 100 years later and the plight of tenant farmers during the New Deal. Each of the 10 episodes will tell the story of a major historical event affecting the lives of American workers both at the time it occurred and in our present day.

A remarkable group of talented individuals have collaborated on this project, including a score of well-known writers, directors, and producers. They have been guided in their historical research and presentation by a Humanities Advisory Committee composed of scholars representing a broad spectrum of viewpoints and areas of concentration and drawn from over a dozen universities. I have no doubt that the end result of their combined labors will be a landmark of historical and artistic achievement for American television.

One of the country's best known historians, Arthur Schlesinger, Jr., having reviewed the preparations and plans for "Made in U.S.A.," has praised both its purpose and its design:

> This project seems to me soundly conceived, and it would unquestionably help fill a large and shameful gap in popular knowledge of American history. It would certainly be of great benefit to the general public.

Dr. Schlesinger's high opinion of "Made in U.S.A." is widely shared by historians. The president, president-elect and immediate past president of the Organization of American Historians have formed an historian's committee to garner financial support for the series. Upon announcing the formation of the committee, Carl Degler, the Margaret Byrne, professor of American history at Stanford University, stressed the variety of ways in which the series will benefit the public. Mr. Degler indicated that:

> If this series can be properly funded, it will have an appeal that will not only advance the cause of history and the humanities, but broaden the scope of the public television audience itself.

Although financial support for "Made in U.S.A." is growing, the producers are still far short of the funds needed to complete the series.

I would encourage my colleagues to support the "Made in U.S.A." series in every way they can: By writing to the Corporation for Public Broadcasting to urge its financial support, by recommending the series to charitable givers, and by encouraging those Federal agencies with appropriate authorizations and missions to lend whatever assistance they can to this worthy project.

We have an opportunity to help correct a serious error of omission and to bring the history of American workers and their organizations to the public's awareness for the first time. As a prominent economist has remarked, the "Made in U.S.A." programs "can be an inspiration to all of us in that they show the great resiliency of the country, its capacity for progress and for eventual elimination of evils." I trust that we will not let this opportunity slip through our hands.●

SEVENTIETH ANNIVERSARY OF COVENANT LUTHERAN CHURCH

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Ms. FERRARO. Mr. Speaker, on Sunday, October 19, I will have the honor of joining the congregation of the Covenant Lutheran Church in the Ninth Congressional District of New York, in celebrating their 70th anniversary. The anniversary is one which brings to mind more than 70 continuous years of service, it is also an opportunity to reflect upon the quality of the service that the church has brought to the people of the Ridgewood-Glendale areas of Queens for almost three-quarters of a century.

Like so many churches in Queens, the Covenant Lutheran Church has become the focal point for a wide range of community activities. In addition to its active gospel ministry, the church provides educational programs, sports associations, a social ministry, and a counseling and youth ministry. Covenant Lutheran's activities on behalf of the community represent a successful effort to enhance the orientation of new Americans to our society and culture. In an area with a steady influx of immigrants, the church has served to help them adjust to their new environment, and move from this area, their first home in America, into other parts of the city, State, and Nation, bolstered by the compassion and dedication they witnessed at Covenant Lutheran. As Reverend Beck, the pastor of the church, points out, others quickly fill their places. Most recently, the church has been providing services to Romanian Orthodox Christians who flee Communist oppression and make their home in New York.

It is an honor for me to represent a congregation which epitomizes the strength, compassion, and vitality of our ideals, and a church which helped to make the American dream a reality for thousands. I commend Reverend Beck and the congregation and join the many people in Queens who appreciate their work in the past, and wish them every hope for future successes.●

CONGRESSIONAL INACTION ON UNITED STATES-JAPAN PROBLEMS

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. PURSELL. Mr. Speaker, on Monday it was expected that the House would take action this week on two resolutions—House Concurrent Resolution 376 and House Concurrent Resolution 363—relating to United States-Japan trade. I rise now to express my deep concern and regret that Congress apparently will recess today without considering either one of these important measures.

House Concurrent Resolution 376, which was placed on the calendar for a while, notes the serious problems caused by the level of United States-Japan bilateral trade deficits and calls upon "Japan to assume a greater sense of responsibility for the trade deficit and take such steps in cooperation with the United States as are required to help correct the deficit."

As you know, this situation is due in no small part to the flood of imported automobiles and trucks that are taking an increasing share of the American market. Accordingly, it has been my hope that the House also would approve House Concurrent Resolution 363, which I introduced earlier this year and which was favorably acted upon Monday by the House Foreign Affairs Committee, with the recommendation that it be passed by the full House of Representatives.

This measure urges the President to enter into negotiations with the representatives of the Government of Japan with respect to: (1) a temporary restraint in the exportation of automobiles into the United States; (2) an equitable relationship between prices charged in domestic and foreign sales; and (3) the elimination of trade barriers affecting purchase of American products.

Needless to say, the automobile industry is facing its greatest challenge in our lifetime, and the adverse consequences of this situation are being felt throughout the Nation's economy. One of every twelve manufacturing jobs are directly, and one of six jobs are indirectly, dependent upon the auto industry. For every hourly job involved in the manufacture of motor vehicles, an additional two jobs are created in such areas as steel, rubber, glass, wholesale and retail trade, as well as in other businesses throughout the economy.

Over 300,000 auto workers currently are on layoff, as are an estimated 550,000 additional workers in auto-dependent industries. This means, not only hardships and suffering by the families of those out of work, but less tax revenue and more Federal expenditures, which add to the burdens of those of us lucky enough to have a job. The impact of all this is calculated to cost upwards of $20 billion a year.

As a charter member of the auto task force, cochairman of the northeast/midwest coalition's budget task force, and, of course, a member of the Michigan congressional delegation, I have been working hard, not just to publicize the seriousness of the situation, but more importantly, to offer some potential solutions for dealing with the short term, intermediate, and long-run problems associated with these grave conditions.

Although my role today is to discuss two resolutions, which address the short term, I do not want to underemphasize the need to to beyond these relatively modest first steps. We must also enthusiastically deal with the structural problems faced by auto and other American industries, as well as to prepare for the future through meaningful partnerships that include labor, management, education, and government at all levels. I look forward to discussing these vital aspects in greater detail during the weeks and months ahead.

The immediate task is to effectively address the flood of foreign automobiles and trucks—primarily from Japan—that are taking an increasing share of the American market. While our plants are being idled and shut down, Japanese plants are running overtime and producing an unprecedented volume of vehicles, which now represent over 22 percent of the U.S. market. It is estimated that as many as 1.5 million units per year are currently being produced on overtime work alone.

Make no mistake about it, this is not happening by chance, but it is part of a conscious, well-planned design. Shortly after World War II, Japan decided to develop its own passenger car industry. This was accomplished through favorable tax laws and subsidies, by excluding imports from the United States and other established producers through preventing foreign investment, as well as by imposing prohibitive tariffs and leaving the costly burdens of defense to others.

Once the Japanese auto industry got firmly on its feet, the barriers to foreign imports began to be reduced, and the industry currently receives no direct financial assistance from its government. It may be of interest to relate at this point that Toyo Kogyo (Mazda) was saved from bankruptcy—a la Chrysler—in 1975 by the combined efforts of a number of banks and both local and central governments.

Meanwhile, potential markets in Europe and elsewhere have maintained quotas or other restraints to trade. Thus, the United States, the only substantial "open" market available, became the prime target for Japan's aggressive new export efforts.

The geographic size of Japan, its uncontrolled fuel costs, urban driving conditions, along with a host of other factors, demanded a small, fuel-efficient vehicle. Accordingly, when American driving and car-buying habits abruptly changed following the Iranian crisis, the Japanese were the lucky beneficiaries; that is, their "grand design" worked better than they ever dreamed.

At the same time, despite Japan's changing policies with respect to import restrictions, including the fact that its tariff on imported vehicles has been eliminated, a number of other factors combine to push up prices on U.S. cars sold in Japan by 50 to 100 percent or more over their retail prices domestically. Consider the following:

One. A so-called commodity tax is levied on all automobiles sold in Japan. It is calculated on the factory price of Japanese cars, but is applied to imported cars after including transportation costs. Because the tax is rebated on exported autos, such vehicles sell for less wholesale in the United States than they would domestically.

Two. Because Japanese safety and environmental standards differ from those in the United States, our exports must be modified through a process—called homologation—that costs between $110 and $535 per vehicle. This process includes such items as the installation of low current overnight parking lights, overspeed warning devices, and a metric speedometer with a red band at 100 kilometers per hour.

Three. Approximately another $200 is added to the price of each imported U.S. car when it is inspected and extensive documentation is completed to insure compliance with various standards.

Four. U.S. auto producers face severe problems of distribution in Japan for a variety of reasons, including the fact that they cannot "piggyback" on the dealer networks of major Japanese manufacturers, such as has been done in the United States. Furthermore, market entry in Japan is complicated by the increased costs and planning associated with that country's practice of placing a small volume of goods and limited territory in the hands of a large number of "middlemen."

Five. Finally, Japanese taxes, including the "commodity tax," favor small cars. For example, a "road tax" assessed twice each year is based on the weight of the vehicle and another annual tax ranges from $94 to $125 for cars with engines under 2,000 cubic centimeters and from $337 to $613 for those over that size.

The U.S. automobile industry is currently in the midst of an $80 billion conversion to meet the new demands of its driving public and the rest of the world, including Japan. What is needed, now is some "breathing room," such as that experienced by the Japanese industry during its time of conversation in the 1950's and 1960's.

As you know, the United Auto Workers Union and Ford Motor Co. have each petitioned the U.S. International Tariff Commission for relief under the Trade Act of 1974. The Commission has indicated that by November 24 a final report on this matter will be presented to the President, along with recommendations for related actions.

It is my strong view that we cannot stand by idly for more than 2 months awaiting this report. Congress has a responsibility to go on record now—while it is still in session—and to indicate what direction should be taken regarding this serious situation.

The American people are suffering greatly as a result of the conditions I have described and they are crying out for leadership by their elected officials. It is our obligation to respond as effectively as we know how, and we can start by promptly passing these two important resolutions—House Concurrent Resolution 376 and House Concurrent Resolution 363.●

STAND UP FOR AMERICA ESSAY

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mrs. BOUQUARD. Mr. Speaker, this past weekend I had the honor of being present at the awards presentation for the local winners in the "Stand Up for America" contest. It was a wonderful experience to be around these young people who believed very strongly in their country and were not ashamed to stand up and say so.

I would like to share the essay which was awarded the grand prize at this contest with all of my colleagues. If Mattiel Gerrard, the author of this essay, is an example of the kind of young people which we have in our Nation today then I believe our Nation has a very bright future:

STAND UP, AMERICA

For almost two hundred years each American living in these United States has been free and secure, as Thomas Jefferson put it, in his "right to life, liberty and the pursuit of happiness."

Yet, it is safe to say that not very many of us have more than the haziest idea of what liberty means. To the rest it merely is a word to be bandied on orators' tongues on special occasions such as Washington's birthday and the Fourth of July.

In these days when our democratic way of life is on trial, and our hard won liberties are challenged, the call of the future must be a rekindled American faith based on our priceless heritage of freedom, justice and the religious spirit.

The citizens of this great nation are a favored people. This is a land of liberty in a world of oppression. We have resources and food in abundance in a world of hunger. Our standards of living are the realization of the age old dream of mankind.

The American worker has economic freedom, freedom to choose a job, freedom to enjoy the fruits of his labor, freedom to spend, save or invest. He has more of the necessities, conveniences, comforts and luxuries of life than enjoyed by mankind in any other part of the world.

The American laborer is paid the highest wages in the world. He has more tools at his command and more kilowatts to power the tools than any other worker in the world.

He and his family ride in the same kind of automobile, use the same kind of refrigerator and watch the same kind of TV shows enjoyed by millionaires. And none of this is because he is smarter, stronger, more industrious or virtuous. It is because he lives in America.

We as a people have not been sufficiently articulate enough and forceful in expressing pride in our traditions and ideals. In our homes and schools we need to learn how to "let freedom ring." In all the civilized world there is no story which compares with America's efforts to become free and to incorporate freedom in our institutions.

I am sure most Americans believe that our light of freedom is a shining light. As Americans, we should stand up, speak of it, and let the world see this light, rather than conceal it. For too long we have had a tendence to keep silent while the communists, their sympathizers, and their fellow travelers have been telling the world what is wrong with democracy. Suppose every American spent a little time each day, less than the time demanded by the communists, in studying the Bible and the basic documents of American history, government and culture? The result would be a new America, vigilant, strong, but ever humble in the service of God.●

HYSTERIA IS COMING

HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. JOHNSON of Colorado. Mr. Speaker, our obsessive insecurity about our defensive capabilities never ceases to amaze rational observers. One would think having the capacity to destroy the world several times over would be sufficient military strength, but sadly there are those who continue to call for even more weapons of mass destruction.

Mr. William Greider, writing for the September 28, 1980, issue of the Washington Post, offers an insightful analysis of the sense of panic surrounding our military position in the world today. I commend his comments to my colleagues.

HYSTERIA IS COMING!

I don't blame ordinary citizens for ignorance in this matter of the Red Menace of 1980. Life is too short to spend it reading Foreign Affairs and the other turgid journals where the Cold War is fought out in dense, bloodless theory. Normal people have better things to do.

I do blame ordinary citizens, though, for being so easily seduced by the new hysteria over national defense, a collective obsession of 1980 politics that is going to prove outrageously expensive and, if God isn't looking out for us, dangerous.

If Americans kept closer tab of their history, they would remember that they have been duped before by the cold warriors, stampeded by apocalyptic warnings that proved false. The Russians are coming. The Reds are superior. We are vulnerable. Armageddon is just around the corner. Unless, of course, we spend a trillion dollars. Yes, we intend to spend a trillion dollars on defense in the next five years.

Well, the Russians are not coming, folks, so keep your shirts on (if you have them left). The fundamental truth, in fact, is that they are weak, and getting weaker, and we are strong. We are not vulnerable. In the present season of martial music, that assertion marks one as irresponsible or, worse, craven. But I am confident that history is on my side.

A few years hence, I predict, the same learned theoreticians who are now exciting national fears will be writing thoughtful articles about how we misinterpreted and over-estimated to produce the born-again Cold War of 1980. Perhaps they will make discreet comparisons with the "missile gap" of 1960 when a similar hysteria, aroused by some of the same experts, proved phoney. Except that it resulted in the very real arms buildup of the Sixties.

Many Americans seem intimidated by this Cold War priesthood. They needn't be. Anyone of normal intelligence who can understand the strategies and imponderables of pro football on Sunday afternoon can easily grasp the basics of the national security debates. Cold War theories are crude bits of whimsy compared with the thoroughgoing war games of a Tom Landry or George Allen.

The difference is this: Those football coaches must test their "game plans" every Sunday afternoon. The nuclear thinkers have been indulged by history, never tested by the real thing, never forced to discover what a nuclear exchange would really be like. This should tell us something about how much theory to believe, for in the history of human warfare, particularly in the 20th century, new weapons have always altered war-making in horrible new ways that were not predicted beforehand. Consider the machine gun in World War I or aerial bombing in World War II.

If any earnest citizens wants to understand, the relevant information is not "top secret." Much of it has been printed in your daily newspaper. But first one has to cut through the general noise of alarm bells and define the three different arguments contained in this new wave of fright (next, one can go the the public library and read a few old articles, all written in plain English).

"The Russians have us outnumbered in tanks and troops and planes—they could sweep across the Rhine and reach the English Channel in a matter of days and we wouldn't be able to stop them."

This is the favorite spectre invoked by those arguing for a big buildup in conventional arms. Sometimes, these days, they substitute the Mideast for Western Europe. The argument regularly invokes deceitful comparisons—our tanks vs. their tanks—which even the densest senator must know is a phoney numbers game.

The U.S. military opted for the best and most expensive model of virtually every weapons system, including anti-tank wizardry; the Russian tank is crude and simple compared with our million-dollar electronic marvels. The Soviets out of their own necessities, build on the cheap and build many more. Nobody, as far as I know, is a seriously proposing to change our development strategy or even to match the Russians tank-for-tank, plane-for-plane. Yet they still play the numbers game because it sounds so scary (for a thorough account of what the trillion dollars will buy, see "5-Year Military Buildup To Cost U.S. $1 Trillion" by George Wilson, Post, May 19, 1980).

A reasonable question about the crossing-the-Rhine scenario is why the Europeans, who would be the immediate victims, are less alarmed than we seem to be. Indeed, a reasonable citizen might ask: If we are headed toward disaster, why are our allies spending so much less on defense than we are for comparisons, see "Allied Defense Costs: An Unequal Sharing of the Burden" by Michael Getler, Post, May 20, 1980).

One reason might be that nobody seriously believes the Russians are planning such an offensive or that they could pull it off without starting Warld War III, last in a series. The crossing-the-Rhine theories presume or pretend that neither the United States nor our allies would respond with the big one—nuclear weapons. We are pledged to do so. It would be a rather desperate gamble for the Soviet leaders to roll the dice and find out if we meant it.

But why then do the Russians have all those tanks in Eastern Europe, if not to threaten us? Recent headlines provided one of the main answers—to threaten their own satellites and keep them in line.

U.S. conventional forces do have serious and costly problems—the replacement of worn-out equipment, inadequate maintenance, the technological escalation of weapons and their soaring price tags, the shortage of pilots and experienced technicians in the ranks. But none of these problems is a function of Soviet hegemony; none will be solved by scaring folks.

"For the next four or five years, the United States is in a dangerous window of vulnerability—the Soviet Union could start a nuclear war and win it."

This is the notion that launched the $80 billion MX missile "racetrack" scheme, a proposal so dubious that even some conservative hawks oppose it (for the best scripture see "Assuring Strategic Stability in an Era of Detente" by Paul Nitze, Foreign Affairs, January 1976). The fear is that the Soviets now have enough megatonnage in place, ready to fire, to knock out all our land-based missiles in one strike. Though this is theoretically true, no one should be surprised by the development; the Soviets have been building toward nuclear parity with us for the last decade. Anyway, the "window of vulnerability" theory depends on two very flimsy assumptions.

First, that the Soviet leaders, in some sort of crazy desperation, must be prepared for 100 million dead Russians if their gamble is wrong. This is what's known as "war-winning capability." The Soviet leaders are a brutish, hostile lot, but I don't believe they define 100 million dead comrades as "victory."

Second, that the U.S. president will surrender without a fight. Our land-based missiles are destroyed, tens of millions of Americans have been killed, radiation death is spreading across our land—but the president decides not to retaliate with our thousands of protected bombs on submarines and bombers. Why? By the logic of vulnerability, he would conclude that it wasn't worth it, that more lives would be lost, ours and theirs, and we would wind up in total devastation. A humanitarian view.

Do you believe that? Nothing in American history suggests a precedent for surrender. Indeed, the history of modern warfare, in which many nations have faced similar choices, is filled with eloquent stories of leaders and peoples between devastation and surrender who chose terrible suffering before defeat and subjugation. Would Americans somehow be different? (For a lively version of how the Russians might see it, read "The Doomsday Debate" by Robert G. Kaiser and Walter Pincus, Outlook, Aug. 12, 1979).

The "vulnerability" issue evades the larger and now permanent reality—both sides have overabundant nuclear arsenals, sufficiently protected from attack, to obliterate the other after absorbing a first strike, if necessary. Together, by 1985, we will have more than 35,000 warheads; we already have 14 billion tons of explosives, three tons each for every living mortal (for a dry-eyed description of the nuclear arms race, see "SALT: Straight Answers for Confused Citizens" by Richard Harwood, Outlook, June 10, 1979).

"We're not really talking about actual strengths and weaknesses—we're talking about the perception of weakness. If it looks like Russia's arsenal is bigger than ours, it will influence world politics. Therefore, build we must."

This "perception of weakness" is the core anxiety, I believe, a spiritual malaise which infected cold warriors at the fall of Saigon. The argument is really a kind of self-fulfilling theology which lies beyond proof (for the best articulation, see "Testing Time for America" by James Schlesinger, Fortune, February 1976). To prevent the "perception of weakness," we should commit a fixed percentage of our growing national wealth to the military and argue later about how to spend it. This is roughly what the government is now trying to do, and it resembles the primitive rite of offering sacrifices at the altar of the war god.

What's more scandalous is this: The so-called "perception of weakness" is fundamentally wrong. The Soviet Union, as every scholar knows, is in deep trouble, at home and abroad, in the long run and in the immediate future. The scary image of Soviet hegemony, so familiar to American consumers, simply doesn't fit the facts.

The popular rebellion in Poland. The quagmire in Afghanistan. The Islamic reformation, which is much more threatening to the U.S.S.R. than to us because a growing portion of the Soviet population is Moslem. The new tactical nukes in Germany which threaten from the West. And, from the East, the new U.S. alliance with China.

The list goes on. While Americans never seem to see these as ominous for the Soviets leaders, the Soviet leaders do. Their perception is almost a perfect reverse mirror of the U.S. cold warriors' perception—the Soviets see themselves encircled, threatened, endangered (for an excellent and up-to-date account, see "Soviets' Global Position Eroding" by Dusko Doder, Post, Sept. 11, 1980).

The long-run outlook for the Russians is even worse. The basic problem, after all the ideological rhetoric has been brushed aside, is simple—their system doesn't work. The Soviet economy can't grow fast enough to buy all the military hardware and, at the same time, provide elementary consumer goods. It has to buy food from America. It has to borrow technology. Satellite nations like Poland have to borrow capital from Western bankers to stay afloat. Still, the Polish workers go on strike. That's why all those Russian tanks are in Eastern Europe.

These historic contradictions will become more intense in the 1980s because the Soviet population is changing in adverse ways. Because of abortions, a rising rate of infant mortality and a declining birth rate, the age group of young workers is shrinking as a proportion of the society—and shifting, incidentally, away from the urban centers of industry and toward provincial minorities like the Moslems. None of this is expected to undo Lenin's revolution. But, at the very least, the Commies are facing hard times that make our difficulties seem benign and manageable. (see Peter Drucker's new book, "Managing in Turbulent Times," Harper and Row, 1980).

Everything I have said here has been said before, has been printed in newspapers and articles. Yet I would guess that much of it will be news to ordinary Americans. They don't pay close attention to the undramatic and tedious details, but they sit up and listen when someone cries "war."

I don't blame them for selective inattention, but I do think this: if Americans don't get smarter about themselves and the world, someday they are going to get hurt by what they don't know.●

FIFTIETH BIRTHDAY PARTY FOR THE ARAGON BALLROOM IN CLEVELAND, OHIO

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Ms. OAKAR. Mr. Speaker, for the past 50 years, the Aragon Ballroom, located in downtown Cleveland, has staged an evening of frolic, fun, and nostalgia—all to the rhythm of the big band beat.

The building that houses the Aragon was erected in 1919. It's weathered a fire, prohibition, the stock market crash, the Depression and rock-and-roll. The building's memory goes back to the days when an evening of dancing cost no more than 30 or 40 cents, some nights only a quarter.

In 1980, the majority of clientele is made up of people who caught "Aragon fever" when they were 18 or 19. Lloyd and Madeleen Meyers, who met at the Aragon and later married, are also the proud owners of what many of the old timers call their home away from home. Lloyd and his father founded the Aragon 50 years ago. Paul Burton and his orchestra have kept the big band sound alive since 1950. All the greats have played at the Aragon—Glenn Miller, the Dorseys, Shep Fields, Freddy Martin, Xavier Cugat, and Abbe Lane. Guy Lombardo, who got his start in Cleveland, performed at the ballroom as did the Andrews Sisters, the McGuire Sisters, Dean Martin, and Perry Como.

You could visit the Aragon this weekend, as late or as early if you will, as 1 a.m. and see 60-, 70-, and 80-year-old youngsters hoofing their way across the ballroom floor. As they say, their chronological age may be greater than 50, but their feet still move like 19.

The Aragon Ballroom has not only preserved many people's agility of mind, spirit, and body, but also has preserved an era otherwise lost to our century. The man at the microphone announces "It's music time tonight." We hope his echo reverberates throughout the ballroom for at least another 50 years.●

LETA BURNS LEADS THE WAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MILLER of California. Mr. Speaker, it is indeed a privilege to announce to my fellow Members of Congress that Leta Burns has just been elected the first woman president of the Contra Costa Board of Realtors. As a realtor for over 15 years, Leta has contributed to the sense of community in our county by bringing people together with the right home and neighborhood to fit their needs. She is truly a distinguished citizen in our area, and I congratulate her on her victory. The following article from the Contra Costa Times further highlights her accomplishments and beliefs, and I commend it to the reading of my colleagues:

[From the Contra Costa Times, Sept. 28, 1980]

LETA BURNS—FIRST WOMAN CHOSEN PRESIDENT, CONTRA COSTA BOARD OF REALTORS

(By Judy Java)

WALNUT CREEK—When Leta Burns takes the president's gavel in January, she will be the first woman ever to head the Contra Costa Board of Realtors.

"Looking back," she said, "I have a lot of people to thank for my career. I worked for a large auto parts manufacturer once who wouldn't let me sell parts because women didn't do those things.

"Then I worked for a Walnut Creek bank who wouldn't promote me to loan officer because women didn't do those things either."

She was a law student when she decided to go into real estate in 1965. "It was an open field for women," she recalled.

She went to work for Mason McDuffie on Aug. 1, 1965. Her first day on the job, two people walked in off the street looking for a house to rent. Four days later, she sold them a house in Lafayette.

"In those days, real estate salesmen weren't trained as well as they are today," she said. "I was a little green and I didn't know how to write up a contract so the listing agent volunteered to write up the offer, pretending to be my secretary."

Two years later, she moved to Bonanza Realty to learn from real estate expert Lyles Pember. "He was a great broker to work for," she said, "He really knew the business. He taught me to negotiate."

The following year, she applied for a broker's license and opened her own office in Orinda, a tiny little office called "Leta Burns Real Estate."

Though she intended to work alone, she soon found she couldn't turn down agents who came along from time to time, and when she moved her office to 224 Brookwood Road, three agents came with her.

"About that time, the sign ordinance was going in in Contra Costa County," Burns recalled. She already had a somewhat outsized shingle, so she called up County Planner Tony DeHaesus and told him she had a little sign she needed approval for.

"He came out, looked it over and said, 'That looks as if it will conform.' So I got my billboard," she said and laughed. The large sign is still standing.

She joined the Contra Costa Board of Realtors and served as a director in 1974-75. The same year, she became an instructor of real estate at Diablo Valley College, teaching principles, practice and finance classes until 1979.

She was appointed to head CCBR's grievance committee in 1977 and last year took her place as vice president in charge of membership on CCBR's officers board with president Leo Saunders.

"We have a quasi-judicial system of hearings and arbitration," Burns explained. "If a realtor takes another realtor to court, often the court sends the case back to the board for hearings. Realtors are harder on themselves and each other than the courts are because we know where the bodies are buried."

As vice president, she was in charge of administrative hearings, arbitration and grievances.

Reflecting on her narrow victory in the recent CCBR election—one that forced her into a run-off race with George Dodge, another CCBR vice president—Burns said, "They call me, 'Landslide Leta.' I won the vice presidency by one vote and the presidency by two votes."

"We've always had a large turnover in real estate. We lose 40 percent of new realtors the first year, mainly because people think this is an easy job, and it's not."

She said an average week for a real estate salesman is 50 to 60 hours, "with maybe one day off and you always work weekends. . . People get discouraged. It's a job of matching people with houses and you'll know in six months whether you love or hate this business."

Realtors are agents of the sellers according to their contracts but there's a trend in the industry toward a fiduciary responsibility to the buyer, according to Burns.

"The buyer is paying the realtor's commission in the asking price," she explained. "For the commission, we negotiate, we market the house, we have a stable of buyers to whom we show the house, we draw up binding contracts, but the question is, if it bombs, where's your first loyalty? It's still to the seller."

Still, no seller can show the realtor termite damage and expect the realtor not to tell the buyer, she added. "We tell the sellers that we have to reveal any adverse factors we know of. It's against the law to withhold full disclosure and we'll be sued.

"But beyond that," she said, "realtors are thinking, caring human beings who are also members of the community. Most of them are not concerned only with earning that day-to-day buck."

Burns said she's personally concerned because no housing is being built for the next generation. "Can the government build it? And if they do, will we be told what kind of house we can live in?" she asked.

"We see the trend and I don't think it's healthy for private enterprise."

When she becomes president next year, Burns hopes to expand communication "between realtors and realtors, between realtors and clients, and between realtors and local, state and federal agencies," she said. "Most of our problems come from a lack of communication."

Burns said she believes the housing crisis in Contra Costa County is the most critical problem facing the industry today.

"It's a local problem in one sense, but it's also a statewide and national problem. The question is, Where do you begin?" she asked.

She believes the cost of housing will continue to escalate from 10 to 12 percent in the next year. "I think they should take off the regulations and allow builders to build houses for six months to meet the demand," she declared. "Sometimes, I feel like Alice in Wonderland. Everything's topsy turvy. But things are getting better.

"Even with the high interest rates, our list of houses is twice what it was in September of 1979."

She scoffed at reports of a pending real estate crash. "Unlike the stock market, people must have shelter," Burns said. "It's logically inconsistent to believe that prices will go down while the demand is greater than the supply."●

KEEPING THE GOVERNMENT OPERATING

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. FISHER. Mr. Speaker, Congress has gone down to the wire and beyond in its race to complete action on appropriations legislation for the start of the new fiscal year. Although Congress has delayed action beyond the deadline before, this year the situation was doubly bad. First, not one single appropriation bill for any agency had been sent to the President for his signature. Second, the Attorney General has issued an opinion that agencies cannot continue to conduct business in the absence of an appropriation. The decision is based on a law which has been on the books for many years but has not been previously invoked in this context. Thus, every agency of Government earlier this week was faced with the prospect of shutting down its operations.

I find this situation untenable. Congress is clearly abrogating its responsibility by failing to act within prescribed deadlines. There really is no excuse for work on the appropriations bills to be unfinished by October 1. But if the bills have not been sent to the President, then Congress must pass the continuing appropriation resolution to maintain the orderly flow of business in the Federal Government. Failure to act on time means that employees may have to be furloughed, pay is in jeopardy, program management is interrupted, employee morale is lowered, investigations must be suspended, and a myriad of other problems.

The device of passing a continuing appropriations resolution is intended to avoid these problems. Government can then continue to function while Congress works out the details on the legislation for each department. Generally a continuing resolution leaves intact the spending legislation passed in the just-completed fiscal year and extends it for a limited period of time. In the last few years, the resolutions have become vehicles for additional restrictions on spending which go beyond the previous year's legislation and which have not yet been settled with regard to the bills for the new fiscal year. Not only does this distort the function of the continuing resolution, but it leads to disputes and delays which jeopardize the operation of the Government. Without questioning the right of Congress to place limitations and restrictions on spending, I must express serious concern about the effect of fighting the battles over the restrictions during consideration of the continuing resolution. These issues should be resolved during the debate on the regular appropriations legislation.

In the past I have introduced legislation to assure the continuation of pay for Federal employees in the absence of a regular or continuing appropriation. In light of the Attorney General's opinion that agencies must cease operation, my proposal will need refinement. But I stand by the principle that the inability of Congress to act on time should not jeopardize the livelihood of employees or the orderly functioning of Government.●

KANSAS CITY, KANS., IS KEEPING AMERICA BEAUTIFUL

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WINN. Mr. Speaker, I want to share with my colleagues and other readers of the Record a commendable plan to keep America beautiful. The city of Kansas City, Kans., has established a City Beautiful Commission with an ultimate goal of making the city a better place to live. At a time when we are hearing a lot about the decline of our cities, this community endeavor will assure that Kansas City, Kans., remains an exception.

Begun as a joint project of the city of Kansas City, Kans., the Chamber of Commerce and the Junior League, Kansas City has joined the national organization, Keep America Beautiful, Inc. KAB, stressing community involvement and ownership, has more than 190 successful programs around the United States.

The overall objective is to develop a well-planned, consistent approach to the problem of litter and trash reduction. A unique thrust of the problem is to focus on the cause of litter—people's attitudes and behavior—and to establish new patterns of behavior in trash management.

Designed to involve a broad base of community support from business, government, schools, civic groups, and the media, the intent of the program is to involve all citizens at all levels and to promote individual citizen understanding of proper litter and trash disposal.

I believe this program is a shining example of what can be done through local initiatives and when citizens work together to improve their community life. I am not surprised that the citizens of Kansas City, Kans., have responded with full support toward a common goal. I commend all who are participating and working to make the program a success for the city and for KAB. As a member of the community, I lend my support and assistance to the program.●

STRUGGLING FOR SURVIVAL AGAINST THE JAPANESE WHALERS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BONKER. Mr. Speaker, as chairman of the House subcommittee that oversees the work of the International Whaling Commission (IWC), I have followed closely developments in this international agency. The results of the 32d annual IWC meeting, held in Brighton, England, in July, can at best be termed satisfactory. Indeed, this session must be regarded as one of the most controversial in the Commission's history. The 24-member nations of the IWC again failed to achieve effective measures for protecting and conserving the world's endangered whales.

The article I wish to submit for the record, entitled "The Whales Versus Japan," appeared in the September 1980 issue of The Living Wilderness. It provides an excellent insight into the failure of the IWC meeting to take forceful actions to halt the commercial slaughter of whales. The author, Mrs. Christine Stevens, is widely recognized as one of the foremost authorities on cetacean conservation. Mrs. Stevens has testified before the International Organizations Subcommittee on numerous occasions, and I commend her thoughtful summary of the 32d annual IWC meeting to my colleagues:

[From The Living Wilderness, September 1980]

THE WHALES VERSUS JAPAN

(By Christine Stevens)

"A dying industry of death" was the London Times' description of commercial whaling which headed an editorial on the 32nd meeting of the International Whaling Commission. But death has always been powerful and well-financed. The Nakabe family, rulers of Taiyo Fishery Company, the biggest fishing company in the world, are well connected at the highest levels of the Japanese government, and the recently installed Prime Minister, Zenko Suzuki, has strong ties with fishing interests.

The hopes for major whale conservation measures at the July 21-26 meeting in Brighton, England, were dashed by intensive Japanese public-relations expenditures. In the United States, for example, under the requirements for registration as a foreign agent, Washington lobbyist Robert J. Keefe reported an $80,000 fee from the Japan Whaling Association. Third World countries thinking of joining the IWC in order to register their support for whale protection reportedly were subjected to heavy Japanese pressure not to join.

Japan is virtually the sole market for whale meat. Iceland, Spain, Norway, South Korea, Peru and Chile export to Japan nearly all the meat from the whales they harpoon, and their commissioners generally have followed Japan's lead in voting at the IWC. Denmark also formerly supported commercial whaling to the maximum. But the Norwegian and Danish Ministries of the Environment and Foreign Affairs have recently looked at whaling more critically. This year when the proposal for a moratorium on commercial whaling came up, Norway abstained rather than vote against it, and Denmark voted "yes."

Ever since it was approved unanimously at the Stockholm Conference on the Human Environment in 1972, a 10-year moratorium on commercial whaling has been the key issue at IWC meetings. Last year a moratorium was achieved on factory-ship whaling for all whale species except the small minke whale. This year four moratorium proposals were voted on: (1) a moratorium on all commercial whaling beginning in the 1981-82 season; (2) a two-year phase-out moratorium; (3) an immediate moratorium on killing sperm whales; and (4) a moratorium on sperm whaling beginning in the 1982-83 season. All received a majority of votes, but all failed to obtain the necessary three-fourths.

Strangely, Canada (whose whaling was ended in 1973 when then Environment Minister Jack Davis declared that it could not be commercially successful unless more fin and sei whales were killed than the populations could sustain without endangerment) voted this year with the Soviet Union and Japan against the full moratorium. Canada's motivation is difficult to assess. In 1973 Canada voted for the moratorium on all commercial whaling. Last year it abstained. This time, after Canada voted "no" even on the phase-out moratorium, as well as on an urgently needed sperm whale moratorium, demonstrators burned the Canadian flag in the street outside the Metropole Hotel, where the meeting was being held. The sperm whale moratorium failed by one vote. It would have been adopted had Canada backed it. So next season 1,320 sperm whales will die because of the Canadian vote.

Countries opposing moratoria often point to the fact that the IWC's Scientific Committee has not said they were necessary. But in the last three years this committee has increasingly admitted how extremely limited its data are. This year it reported on the "breadth and depth of uncertainties," noted that "not one whale-stock assessment exists which is free from some of the uncertainties described" and suggested that a cessation of whaling might be necessary to "decrease the risks of whaling in the face of such uncertainties."

When the Scientific Committee recommends a zero quota for a whale species in a specific area, there can be no doubt of the urgent, even desperate need for it. Yet Japan, with its well-organized bloc of whaling countries, was able to prevent passage of the zero quota for sperm whales in the North Pacific called for by the Scientific Committee. Eight-hundred and ninety of these large-brained whales will be harpooned there in the coming year as the result of the commissioners' bargaining. The quota reads "890 males," but since Japan claims the whalers can't tell male from female except by size till after they are hauled aboard the factory ship, a so-called "by-catch" for females also is allowed.

Whether the "international" inspectors (Japanese on Russian ships, Russians on Japanese) report accurately in all cases has long been in question. Greenpeace found that a Japanese shore station was killing whales last year after the season was officially closed. And even if infractions are reported, there is no IWC penalty. Average fines levied by the industry itself are generally in the $23 range for an undersized or lactating whale, hardly a major deterrent to a gunner intent on filling the factory ship's hold.

Infractions Committee meetings at the IWC are little more than a gesture. The U.S.S.R.'s manner of stonewalling on its huge overkill of sperm whales this year was to ascribe the harpooning of 331 extra whales to a misunderstanding and to detail to the committee allegedly non-English-speaking members of its delegation. As for the Soviet kill of nearly a thousand orcas (killer whales) in the Antarctic, this was also attributed to a misunderstanding. The commission set a zero quota on orcas in the Antarctic for the coming season.

Peru also managed to "misunderstand" to the extent of killing 259 sperm whales and 107 Bryde's whales beyond the numbers allotted by the IWC. Peru submitted no infraction reports at all—nor did Denmark (despite the killing of 10 humpbacks by Greenlanders), South Korea (through which illicit Taiwanese whale meat was "laundered" to the Japanese market), Norway (which imported 25 tons of whale oil from the notorious pirate ship *Sierra* last year) and Spain (which filed an objection to its fin whale quota last year, then withdrew the objection during the meeting; according to a worker within the industry, Spain already has exceeded this year's quota, and at least two of the kills were reportedly blue whales, among the most severely endangered species).

The savagery of the Spanish whaling industry is epitomized by its use of "cold" harpoons to kill giant fin, sperm and blue whales, which must be harpooned repeatedly. The terror and pain of the whales were dismissed by the Spanish commissioner because some meat is destroyed by use of explosive harpoons, which kill much more rapidly. "Do we want to lose an important part of the meat?" he asked, adding that it was "in a way senseless if we lose part of the whale we are killing." Every whaling nation except Spain and South Korea routinely uses explosive harpoons for large whales.

Towering ominously behind the commissioner throughout the meeting was Juan Masso, director of the Spanish whaling station, a man who reportedly ordered a photographer beaten and watched the beating despite the fact that permission to photograph at the whaling station had been asked. A crewman on a Spanish whaling vessel, in a letter to a conservation group, wrote: "Once a whale is harpooned the boat is stopped and the whale is allowed to pull the boat for one or two miles until it tires, when it is harpooned again, then the whale is inflated to burst it inside and also to keep it afloat." According to another eyewitness report, this one from the Azores, a sperm whale killed last year took 24 hours to die.

A ban on cold harpoons was proposed by Professor Derek Ovington, commissioner from Australia, who stated:

"I do not believe that because we are government officials we can close our eyes to what is happening. With greater emphasis on harvesting minke whales, the commission has unintentionally increased the inhumanity of its overall operations. Australia regards this as morally unacceptable and as not being in accord with the wishes expressed by all commissioners to reduce any cruelty involved in whaling. The swing towards greater use of the cold harpoon means that on average whales taken under the aegis of the International Whaling Commission are now taking longer to die and are in greater pain than has been the case in the past. The justification for the wanton disregard of the normally accepted animal rights is that there is less damage to that portion of the animal taken by man. It is wrong that an industry, so subject to public scrutiny as whaling, could sit by while realizing that the method of killing used is not even the most humane currently available. The position of the International Whaling Commission is morally indefensible by any standards."

The commission voted a binding schedule amendment to ban the use of cold harpoons for whales larger than minkes. A non-binding resolution by the Australian commissioner looked toward consideration of a similar ban for minke whales next year.

Japan, where promising technology for a high-impact explosive harpoon designed especially for the small minke whales is being developed, nevertheless strongly opposed such considerations. Kunio Yonezawa, the Japanese commissioner, stated: "You have to trust the good-faith efforts of my country and other whaling nations to improve the method of killing." But observers present at the 1975 IWC meeting when the United States raised the question of less inhumane killing methods recall that the then Japanese commissioner, Iwao Fujita, refused even to allow discussion of the subject. It had not, he said, been placed on the agenda 60 days before the meeting. So humane killing was not even talked about until 1976. Now, under worldwide public pressure, Japan is devoting long-overdue efforts to the matter.

There was a small reduction in the minke whale quotas this year. Japan's efforts to increase the quotas failed.

The bowhead battle which since 1977 has been the United States Achilles' heel in the commission was finally dealt with after much rescheduling in the agenda, with a three-year bloc quota of 45 bowhead whales landed or 65 struck, whichever occurs first. This constitutes a small reduction from the current one-year quota of 18 landed or 26 struck. The Scientific Committee reiterated its unqualified recommendation of a zero quota, but legal counsel retained by Eskimo whalers fought strenuously to keep the quota as high as possible, and U.S. Commissioner Richard Frank again spent a disproportionate amount of time and energy in seeking to keep the quota at this year's level. Conservationists were gravely concerned that no quota would be agreed on, and that the matter would go into prolonged litigation in U.S. courts. This would have increased even further the risk to the bowheads, whose population, according to the most authoritative scientific projection available, will decrease even if no whales are killed.

The danger to every species of whale had the bowhead been thrown back into domestic litigation was equally serious. It is essential that whales swimming past the coasts of any country retain whatever protection the IWC provides now or in the future. Thus the 45/65 quota was the lesser, by far, of the two undesirable choices available. It is to be hoped that Eskimo whalers will now study all of the scientific information that has been collected and decide—because it is in the long-term interest of "the people of the whale"—to decrease their captures well below the limit set by the IWC and to adopt methods to prevent the high "struck and lost" rate that still plagues them. The 19th-century weaponry left behind by the Yankee whalers who nearly killed the bowhead to extinction surely has no "cultural" value—quite the reverse. It is a sorry memento of the uncontrolled greed of the commercial whalers of the period.

The 1980 IWC meeting failed to make the significant gains that friends of whales had hoped for. No break-through like last year's moratorium on most factory-ship whaling took place. Panama, which proposed that unusually successful move, is now out of the IWC altogether. Japanese whaling interests are organizing internationally against any further reduction of quotas, but the broad trend now is for the whales. Persistent efforts by conservationist nations and organizations, supported by the continued growth of active public concern throughout the world, can bring an end to the unjustified commercial exploitation that whales still suffer.

The IWC lacks enforcement power, but a law that can protect whales in all parts of the world was passed last year by Congress: the Packwood-Magnuson amendment, named for the senators who pushed it through, Bob Packwood (R-Oregon) and Warren G. Magnuson (D-Washington). It amends the Fishery Conservation and Management Act to cut fish allocations by half on certification by the Secretary of Commerce that a nation has violated the provisions of the Pelly amendment. If the nation failed to rectify the violation, all allocations would be terminated in a year. The Pelly amendment refers to any nation that "diminishes the effectiveness" of an international agreement for the conservation of marine resources.

Several nations, including the Soviet Union and Japan, have heavy interests in fishing within our 200-mile zone. Because whaling is a dying industry while fishing is extremely lucrative, this sanction, if the government firmly invokes it, can ensure that IWC regulations are observed by member nations on peril of losing the opportunity to fish in rich United States waters.●

JAMES MAYFIELD COMMENDATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. LEWIS. Mr. Speaker, I would like to take this opportunity to commend to the House of Representatives the Honorable James Mayfield, chairman of the San Bernardino County Board of Supervisors.

A native Californian, Jim Mayfield is the chief executive officer of San Bernardino County, where he has served as a member of the board of supervisors since November 1972.

After being discharged from the U.S. Coast Guard in 1958, Mayfield worked in banking, import/export, and insurance fields. In 1962, he joined the San Bernardino County Sheriff's Department where he worked throughout the county's 21,000 square miles as a criminal investigator and supervising officer. In addition to his duties as a member of the sheriff's department, he was an instructor at Victor Valley Community College where he specialized in police science and administration.

Jim Mayfield's contributions have extended throughout our county. Early in his career, he recognized the desperate need that citizens, both young and old, had for medical services in rural areas. Where no doctors could be found, Jim Mayfield established and staffed full-service medical clinics. He took medical services out to those people in remote areas by health department vans.

He has advocated a whole system of decentralized services, from the courts to nutrition centers, law enforcement and fire protection facilities.

His love for the vast beauty of our great country and its environment is best demonstrated by his successful fight to preserve the habitat of the Morongo Basin Wildlife Conservation Park, and his insistence that utilities follow a joint utilities management plan (JUMP) before crisscrossing the desert and valley with high-power lines.

Jim Mayfield has received countless honors for his services to the community from all segments of society. His contributions are endless and Mr. Speaker, it is an honor to recognize my friend Jim Mayfield.●

COLUMBUS DAY, 1980

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. RODINO. Mr. Speaker, I wish to express renewed admiration for the man who discovered America, an explorer of unique courage—Christopher Columbus.

This is the 10th year in which Columbus Day will be observed officially by the Nation. At the end of this decade of formal recognition for him in the United States, it would seem fitting to focus on some of the basic personal qualities of Columbus which guided him to his magnificent achievement.

Those qualities, I believe, could be raised as standards for leadership needed today in our country and our communities, in our professions, and our political life.

First of all, Christopher Columbus was a restless man. If he had not been, he might never have wandered away from Genoa and he might have remained there as a weaver. But the restlessness of Columbus did not waste his energies or talents. His restless nature was ordered by a sense of direction.

Another great quality of Columbus was his powerful imagination. Others of his time discussed the possibility of land far to the west from the shores of Europe, and some of them dreamed that the land would be reached. But Columbus, with his powerful imagination, believed firmly that the land was there to the west. He did not fool with dreams. He fashioned a vision, clear and rich in realistic detail.

The vibrant imagination of Columbus would not have soared surely beyond daydreams without two other valuable qualities in him: his practicality and his patience. He knew that his vision of reaching the land to the west could only be realized if he could raise the money for a voyage with strong men and sturdy masts. And after his practical plans were proposed to the Spanish monarchs, Columbus had the patience to wait several years before they agreed to back his enterprise.

His whole voyage toward the New World was a dramatic demonstration of his quality of profound courage. That fact is commonly accepted. But the courage of Columbus was coupled with another quality less frequently credited to him: a thoroughness in planning which at times verged on caution. An example was his decision that three ships—the *Santa Maria*, the *Pinta*, and the *Nina*—should voyage west together. The reason was not a more-the-merrier motive. Columbus cautiously calculated that if one ship sank or was wrecked, the crew could be rescued and the voyage continued by the other two ships.

That is what happened when the *Santa Maria* smashed into a reef on Christmas Eve, 1492, and then was torn open by the tides. The men and the provisions of the *Santa Maria* were saved, and the shipwreck revealed another quality which strengthened Columbus for almost any apparent adversity: his faith. That quality led him to conclude that the wreck of the *Santa Maria* was a blessing because it freed a number of crewmen who wanted to remain in the New World to search for its riches. Columbus wrote in his journal:

> Our Lord has caused the ship to run aground there in order that he might have a settlement there.

Christopher Columbus was joyful when he first stepped ashore in the New World, his vision triumphant. But his enthusiasm for discovery could center meticulously on details of beauty as well as the quest for gold, as in this passage from his journal for October 21, after he examined an island he named Isabella:

> This island even exceeds the others in beauty and fertility. Groves of lofty and flourishing trees are abundant, as also large lakes, surrounded and overhung by foliage, in a most enchanting manner. Everything looked as in April in Andalusia. The melody of the birds was so exquisite that one was never willing to part from the spot, and the flocks of parrots obscured the heavens. * * *

That man—that man of vision, imagination, faith, courage, and poetic appreciation of beauty—expanded mankind's horizons and led the way to the New World which would give birth to this great Nation of ours.

The spirit of Columbus brought to this continent others of vision and faith and courage. And as America grew and became a nation, it raised a beacon of hope to people of all lands. They came for opportunity and freedom, and as they came they expanded the opportunities and freedoms of this Nation. Each new American added an individual element of strength to this country.

Our strength as a nation stems from our sense of unity and our devotion to the principle of "one Nation under God, indivisible."

But America is still made dynamic by the adventurous spirit of Columbus and by the diversity of peoples within our shores. I hope we all remain aware of that vibrant spirit as we celebrate Columbus Day.●

U.S. AGRICULTURE POLICY AND THE FAMILY FARM

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MADIGAN. Mr. Speaker, the small- and medium-sized family farms of America have served as the backbone of the U.S. agricultural sector since the beginning of our Nation's history. These institutions play a major role in providing food for our Nation and many other countries throughout the world. In addition, the family farm lends vitality to the local rural community by stimulating businesses and providing jobs, thereby contributing to sound rural economic development.

Nowhere is the value of the family farm more prevalent than in my home State of Illinois. In Illinois, we have over 105,000 farms, and almost half of them—48,300—are classified as small by USDA. Illinois ranks first in the Nation in agricultural exports and ships over 900 million bushels of grain to foreign and domestic markets. Obviously, Illinois agriculture, of which the family farm is an integral part, plays a major role in America's biggest and most successful business.

Unfortunately, we face today in Illinois and throughout the Nation a serious and growing problem in the decline of the number of family farms. Inflated land prices and skyrocketing production costs prevent many young would-be farmers from entering the farming business and forces the consolidation of smaller farms into larger units. U.S. Department of Agriculture statistics show that the number of farms has declined from 5.6 million in 1950 to 4 million in 1960 to 2.9 million in 1970 to 2.3 million in 1980. If the current decline in farms continues, the Nation either will run out of food producers or be forced to rely on a limited number of large corporate farms for our food supply.

Increasing social and economic evidence indicates that the reasons family farmers are having trouble staying on the land and newcomers are having trouble getting started in farming have nothing to do with economic efficiency. In fact, there is extensive evidence showing that small and medium-sized farms are efficient both economically and productively. Instead, the problems of the family farm appear to be structural ones—

reasons that include inflation, tax laws, policy decisions, and marketing systems.

Although the current administration has pledged to support the concept of the family farm, farm conditions actually have worsened rather than improved. Inflation, which the Carter administration has totally failed to control, is the biggest problem facing farmers today. In the last 3 years the inflation rate has risen from less than 5 percent to more than 13 percent. As a result, the prices farmers receive for their products are falling far short of the rapid increases in the cost of production. This cost-price squeeze forces farmers to expand their operation or go out of business. The Presidentially imposed embargo on grain to the Soviet Union early this year is another factor that has put severe economic pressure on farmers. Many producers had no option but to sell grain at low prices caused by the embargo, and those farmers who were able to get loans are now stuck with payments at extremely high interest rates. It is policies such as these which force the family farmer out of business.

In order to properly address the problems of the family farm, the 1981 farm bill must go beyond simply providing more credit to small farmers and begin to address some of the structural changes occurring within American agriculture. Fair prices to agricultural producers of all sizes are the best protection against the loss of family farms to corporations and foreign owners. Farm programs should provide an economic floor to help keep individual farmers from financial ruin, and Government interference in the marketplace should be kept to a minimum, with emphasis on support, protection, and promotion of good agricultural markets.

We can figure out ways to combine the best of our innovative and highly productive farm technology with the traditional diversity of our small and medium-sized family farms. We do not need to create massive new spending programs, but we must continue to review and adjust our current farm programs and laws in order to meet the changing needs of our family farms and American agriculture.●

CONGRESS SHOULD RESTORE ARTISTS' TAX DEDUCTION FOR GIFTS TO CHARITABLE ORGANIZATIONS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. RUDD. Mr. Speaker, I am today introducing legislation to restore to artists an income tax deduction for the fair market value of their work when donated to charitable organizations. This bill addresses a subject which I hope will be addressed in the near future by the Committee on Ways and Means.

This legislation is needed to overcome an unintentional inequity which arose from the passage of the Tax Reform Act of 1969.

Since that time, the IRS Code has not allowed an artist—or for that matter an author, composer, or other craftsman—to donate his work to a charitable institution and simultaneously receive a tax deduction for the value of the work. Instead, the only allowable deduction has been for the cost of the raw materials used in producing the work.

Obviously, this method leaves no incentive for artists to donate their works of art to museums. And, needless to say, our citizens have been the real losers in being unable to appreciate the art work of many artists.

This problem is exacerbated by the fact that if the artist retains his work, he runs the risk of leaving immense tax bills to his heirs upon his death. For while the art work—if donated—is only considered as a raw material for tax deduction purposes during his life, it is considered at market value, and is taxed as such, at the artist's death.

Thus, the present IRS Code would allow a tax deduction of only $25 for instance, to cover the value of raw materials for a painting which might be valued at $10,000. Yet, upon his death, his heirs would be taxed based on the value—that is, $10,000—of the art work.

The need for this tax reform legislation was graphically and tragically demonstrated in my own State of Arizona several years ago. The memory of it, and the intense desire that a similar situation not arise again, prompts my continuing interest in this subject.

Four years ago, a distinguished Arizona artist actually burned hundreds of his paintings rather than leave a high tax liability to his heirs. This tragic dilemma need never arise again for any artist.

While there has been some discussion of the need to amend this provision in recent years, there has been little actual progress.

The time for reform has come. Creativity is one of the most valued natural resources this Nation has, and it must be encouraged and rewarded rather than being penalized.●

CRIMINAL CODE REVISION ACT OF 1980—H.R. 6915

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HALL of Texas. Mr. Speaker, on September 16, 1980, the gentleman from Massachusetts, Father DRINAN, addressed the issue of certain misleading form letters being circulated about a "bar to prosecution" of labor extortion in H.R. 6915, the Criminal Code Revision Act of 1980. I wish to compliment my good friend on his excellent analysis and explanation of the Supreme Court's decision in *United States* v. *Enmons,* 410 U.S. 395 (1973), and I would like to associate myself with that portion of his remarks. I believe that they are exactly right and I think that all Members should study them before H.R. 6915 comes to the floor for consideration.

Because I understand that H.R. 6915 is likely to be brought to the floor when the House meets in November, I think it is important to clarify where my friend from Massachusetts and I disagree on this issue and why. It is my view that the Supreme Court was wrong in its analysis of the Hobbs Act and that the ends/means distinction in Enmons is an unwise differentiation. Under present Federal law, in a strike situation, one party to the dispute may not legally use threats of force or violence under any circumstances while the other party may, if the goal being sought is a legitimately obtainable one, or may not, if the goal is something that the party has no legitimate right to seek. Many of us can see no reason for this distinction. If violence or threats of violence are improper for one party, they should logically be improper for all parties. It is the conduct that is objectionable, not the goal. The concept that the end justifies the means is foreign to our system and I believe that this special exception was never intended by Congress.

It is argued that the acts in question are covered by State and local laws and, thus, should not be a matter of Federal attention. As most of you know, I stand second to none in my desire to eliminate Federal meddling in areas that are not properly of Federal concern. However, the Federal Government has a long history of involvement in labor law and, in fact, as I pointed out earlier, Federal extortion laws do already apply to most aspects of labor disputes. It is the inconsistency and lack of logical reasons behind the Supreme Court's interpretation of the Hobbs Act that causes my concern.

Furthermore, there are precise jurisdictional requirements which must be met before the Federal Government could prosecute for extortion. Nearly every Federal crime is already a crime under State law and the fact that all 50 States prohibit murder and arson does not deter us from making those acts Federal crimes. Rather, we establish criteria for determining when the Federal Government has jurisdiction to try the case. Thus, the fact that acts of extortion by organized labor may be a crime under State or local law is immaterial to the question of whether it should be a crime under Federal law.

Finally, it is argued that by changing the Enmons decision, we will make random and minor picket line violence a Federal offense. This overlooks the specific language of the act. Section 2522(a) of H.R. 6915 states, in part, that:

> Whoever knowingly threatens or places another person in fear that—
>
> (1) any person will be subjected to bodily injury or kidnaping; or
>
> (2) that any property will be damaged;
>
> and thereby wrongfully obtains property of another person or a government, or attempts to do so, commits a class C felony.

This language clearly addresses knowing threats and I would argue that it does not cover a frustrated worker on a picket line who, in anger, picks up a stone, throws it, and breaks a window. First, such an action would not necessarily threaten or place another person in fear. Second, such an action would not normally result in the obtaining of the property of another.

However, to meet this objection, I introduced the following amendment in the House Judiciary Committee:

> (c)(1) it is a defense to a prosecution for an offense under this section that the conduct constituting the offense was in furtherance of a legitimate objective or activity, unless the conduct consisted of a threatened:
>
> (A) act in violation of chapter 23, subchapter I (homicide offenses),
>
> (B) act in violation of section 2311 (maiming),
>
> (C) act in violation of section 2312 (aggravated battery),
>
> (D) act in violation of section 2315 (terrorizing),
>
> (E) act in violation of section 2321 (kidnaping),
>
> (F) act in violation of section 2322 (aggravated criminal restraint),
>
> (G) act in violation of section 2501 (arson),
>
> (H) act in violation of section 2502 (aggravated property destruction),
>
> (I) act in violation of section 2511 (criminal entry),
>
> (J) act in violation of section 2521 (robbery),
>
> (K) act in violation of section 2731 (inciting or leading a riot),
>
> or a conspiracy to commit acts which would violate chapter 23 subchapter I, or sections 2311, 2312, 2315, 2322, 2501, 2502, 2511, 2521, or 2731 of this title.

This amendment, which was narrowly defeated, rules out any possibility that minor picket line violence would be a Federal crime by limiting Federal interest in such situations to the really serious threats or actions involving severe bodily injury or property damage. This amendment represents a reasonable compromise on this issue while making it clear that Federal laws apply equally to all, regardless of their position or power.

Mr. Speaker, I anticipate that if H.R. 6915 comes to the floor of the House, the Enmons decision will be the subject of debate and a possible amendment to the bill. Again, I urge my colleagues to read the comments of the gentleman from Massachusetts on this matter because they clearly identify the issues involved. My own comments, coupled with Father DRINAN's advocacy for retention of the language in H.R. 6915, accurately reflect, I believe, the views of the two sides on a question that has generated great concern on the part of many many Americans.●

UNION OIL HONORED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ANDERSON of California. Mr. Speaker, the Harbor Association of Industry & Commerce recently announced that the Union Oil Co. has been chosen to receive its annual award. This prestigious award will be accepted by Fred Hartley, president of Union Oil, on November 14, at a banquet to be held at the Music Center in Long Beach, Calif. This award is given in recognition of Union Oil's significant and continuing contributions to the economic well-being of the area and active participation in community development.

Union Oil deserves such a fitting tribute, as it has played a major role in the development of the San Pedro Bay area for many years. As early as 1922, Union Oil had already invested $1.6 million—a lot of money then—to change the shallow harbor into a deep water terminal capable of handling seagoing vessels. Furthermore, Union Oil employs over 650 permanent people at their Los Angeles refinery, which is adjacent to the San Pedro Bay. As an additional 400 individuals are contractor personnel who work on maintenance and construction at the refinery, it is clear that Union Oil is a major contributor to the economic well-being both of the harbor area and the entire southern California community.

Though frequently times have been difficult for us all, Union Oil has remained in the South Bay area as a principal energy operator. With a crude oil terminal at berth 46 in the Port of Los Angeles, as well as a products terminal at berth 149; the Union Oil Co., under Fred Hartley's leadership has, throughout the years, clearly demonstrated to the Los Angeles area its commitment to people, jobs, and energy.

As president of Union Oil, Fred Hartley has shown outstanding leadership qualities. He is a strong and effective voice for the free enterprise system, which is the solid base upon which our country was founded. He gives of his time and energy not only to his company, but to many civic and charitable organizations as well. One example is that Fred is this year's president of the American Charitable Petroleum Institute.

It is for these many contributions and achievements that my wife, Lee, and I, congratulate Fred Hartley and Union Oil. The Harbor Association of Industry and Commerce is to be commended both for their own fine work, and in choosing such a worthy recipient as Union Oil. We extend to Fred Hartley and the entire Union Oil family our best wishes for continued success in any and all of their future endeavors.●

TRIBUTE TO FATHER DONALD S. D'ANGELO

HON. BILL ROYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ROYER. Mr. Speaker, on October 11, 1980, the Italian American Federation of San Mateo County will honor Father Donald S. D'Angelo for his many contributions to the entire county of San Mateo, which includes my congressional district. Father D'Angelo has been a loyal supporter of the annual Columbus Day observation in San Mateo County, which draws members of the Italian American community in the entire bay area to celebrate the historic reenactment of Columbus' landing.

It is only fitting that Father D'Angelo be honored on Columbus Day. Of common heritage, he, like Columbus, is the helmsman for the people in his charge who look to him for spiritual guidance and security. Furthermore, his many years of support for this annual event stand as a beacon to all citizens of my district, illuminating the true meaning of service to the community.

A native San Franciscan, educated on the peninsula, he originally served as the deacon at St. Matthew's Church in Redwood City and associate pastor of St. Victor's in San Jose and Our Lady of the Pillar, Half Moon Bay. He is now the vocational director for the Archdiocese of San Francisco, as well as Archbishop Quinn's secretary.

In addition to Father D'Angelo's service to the community as the guiding light for the annual Columbus Day celebration, he has volunteered numerous hours in support of various community activities. He is the unofficial chaplain of the Half Moon Bay Police Department, as well as the chaplain for the Half Moon Bay Boy Scouts. A tireless supporter of the Catholic Youth Organization, he is the priest coordinator for that organization for San Mateo and Santa Clara Counties.

So, Mr. Speaker, I commend Father D'Angelo on this high honor, and join with his many friends and admirers in acknowledging his contribution to the fabric of our lives. By his words and actions, he is creating a legacy for us all to emulate. I am proud to call this human priest constituent and friend.●

RELIGION AND POLITICS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. UDALL. Mr. Speaker, few spokesmen in the "right to life" movement can articulate their philosophies with the deft reason and moral clarity of Marjory Mecklenburg. In the movement since its inception, Ms. Mecklenburg has the right and the responsibility to comment on the recent unsettling conglomeration of right wing political action groups under the heading of "right to life." Commentators from across the land have been observing the phenomenon, but few of them have shed as much light upon the dilemma faced by those who now have been coerced into an alinement with this wide variety of political philosophies: the new right to life:

EDITORIAL STATEMENT

If you identify yourself as "pro-life," many persons will automatically label you "arch-conservative" and assume that you are aligned with the Moral Majority or some other coalition of the "New Right." If you are a moderate or liberal who supports life, you are frustrated because it is increasingly difficult to make your pro-life position appeal to others who share your political philosophy.

Radical conservatives seeking political advantage have identified with the anti-abortion cause and co-opted those activists who are impatient for political clout. This new coalition defines which candidates are "pro-life" and which are "pro-choice." Incumbents' voting records on carefully selected issues are used to develop "hit lists." Prominent liberals appear most often in the pro-abortion column. "Pro-abortion" conservatives are conspicuously absent.

ACCL will not be joining this rush to the far right. Instead, we will endeavor to keep all doors open and to project this issue so that it appeals to a wide segment of society.

At one time the "right to life" movement was viewed as an exclusively Catholic movement. It was only after a serious effort was made to broaden participation across denominational lines that non-Catholics were attracted to the position.

Today we face a similar challenge in planning our political strategy. Support across political lines is necessary to eliminate widespread abortion. If pro-life activism becomes synonymous with right wing politics the capacity to attract moderates and liberals in gaining a consensus is reduced.

We do not question the wisdom of forming political coalitions. This technique has been used effectively by most special-interest groups. Indeed some political analysts say that it is the only way to make legislative progress. However, we need to recognize that there are risks in identifying closely with an agenda of political goals which is too narrow or too extreme to appeal to large segments of the population.

ACCL has long advocated—and demonstrated—the value of entering into supportive coalitions. In the process we avoid rigid alliances which would require us to compromise our own long-term goals.

The type of coalition we seek is one in which important concerns are held in common but individual identity and integrity are preserved.

A successful pro-life political strategy should provide an opportunity for coalition. People from different backgrounds need to feel comfortable under the pro-life umbrella. This strategy contains three elements: discouraging abortion by eliminating public funding, relieving the pressures for abortion by enacting a broad program of alternatives, and restoring constitutional and statutory protection for the unborn.

Some liberals support one of these goals and some conservatives another, but presently few candidates support all three. The need to work cooperatively with candidates and elected officials who do not share our entire agenda is obvious.

As we in ACCL look forward to the coming election, observing the current political scene, we see no reliable shortcuts to responsible pro-life citizenship. We can offer no better guide to voting than a recent statement of the Administrative Board of the United States Catholic Conference: ". . . concern for human rights and social justice should be comprehensive and consistent. It must be formulated with competence and with an awareness of the complexity of issues. It should also be developed in dialogue with other concerned citizens and respectful of the rights of all. . . . We urge citizens to avoid choosing candidates solely on the personal basis of self-interest. Rather, we hope that voters will examine the positions of candidates on the full range of issues as well as the person's integrity, philosophy, and performance."

The nation cries out for leaders who possess such qualifications. In this election pro-life voters have an opportunity to strengthen our nation and advance the value of life. But we must select our leaders wisely or in trying to do something about abortion we could undermine our overall goal of weaving respect for life into the fabric of American society; we could threaten our nation's progress toward the realization of social justice.

MARJORY MECKLENBURG,

ACCL.●

BRUCE WATKINS—HE CAME, HE SAW, HE CONQUERED

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CLAY. Mr. Speaker, recently, Bruce Riley Watkins, Sr., passed from this life. He took a path that each of us must someday travel. Death is as certain as sunrise and as sure as sunset. Bruce R. Watkins learned early that death was not about dying but about living; and he lived his life to the fullest.

Mr. Speaker, if a man died it is obvious that he lived. So if death is guaranteed, why look upon it as an act of courage? Bruce viewed living as the most courageous act in which a human being could engage. He saw living as the greatest challenge confronting human existence. That is why he fought against racial hatred and exploitation.

He lived. He did make a difference in someone's life. He came, he saw and he conquered. I have seen funerals attended by less than five people. Such a scene describes a little something about the impact the deceased had on the lives of those around him.

Mr. Speaker, the great and the near great came to pay their last respects to Bruce R. Watkins. If Bruce could have seen them, he would have been proud that Vice President MONDALE, the Governor of Missouri, Joseph Teasdale, two members of the Missouri congressional delegation, and a host of State, county, and city elected officials traveled to Kansas City, Mo., for his last rites. But, knowing Bruce, he would have been more touched that over 5,000 rank-and-file citizens lined the premises outside the mortuary to say their goodbys. Those were the people that Bruce's life was about. Bruce did live with them and for them. And he did make a difference. He laughed with them, cried with them, struggled with them, sacrificed with them, agonized with them, and finally died with them. They too died just as surely as they died with Jack, and Bobby and Martin.

Mr. Speaker, attached is my friend's obituary, I request that it be reprinted in the RECORD.

OBITUARY

Bruce Riley Watkins, Sr., born March 20, 1924—Died September 13, 1980.

His birthplace was Parkville, Missouri, where he spent his early childhood. It was during this period that his family moved to Kansas City, Missouri where he attended elementary schools. Later, the family moved to New York City. It was there he attended high school.

As a young man he entered the military service and was trained in the Air Force at Tuskegee Airbase where he earned the rank of Lieutenant, Bombardier-Navigator. Upon completion of his military service he joined his family who had returned to Kansas City. He worked in the family business, Watkins Brothers Memorial Chapel, during his early adult years after attending the Worsham College of Mortuary Science.

In 1956, inspired by T. B. Watkins, he became intrigued with politics. In 1960, Bruce joined with Leon M. Jordan to create a political entity, known as Freedom, Incorporated. He began his career as an elected official in 1963, when he won the Third District Council seat becoming the first Black to serve on the Kansas City Council. He quickly gained public attention in his fight for human rights. This quickened the pace in moving Kansas City "Out of the dark ages into the sunlight of progress".

In 1966, he was elected the first Black Circuit Clerk of Jackson County, Missouri, and re-elected in 1970.

In 1975, he was again elected to the City Council of Kansas City, Missouri, representing the 6th District.

In 1979, he announced his candidacy for Mayor of Kansas City. It was a well fought campaign; even in defeat, he forged ahead with his demands for equality and representation of the people. Through obstacles of indifference and exclusion, he worked avidly for public accommodations, fair housing and equal opportunity.

Bruce actively participated in many community organizations, boards and committees. He was a driving force in his family business, Watkins Brothers Memorial Chapels, Incorporated. He considered the Black church the most valuable institution of his race, and had great respect for its ministry. He was a member of Friendship Baptist Church and one of its most loyal supporters.

For a period in excess of twenty years in the Kansas City Metropolitan area, Bruce R. Watkins was a leading proponent for social and economic progress that impacted upon all people. He initiated and implemented the concept which is now known as the Spirit of Freedom Fountain Foundation.

His survivors are: two sons, Bruce, Jr., and Robert; a sister, Mrs. LaVerne Watkins Thomas; step-father, George H. Johnson; brother-in-law, Joseph V. Thomas; sister-in-law, Mrs. Jewell J. Watkins; a nephew, three nieces, two great nieces and other relatives and many friends.●

MENNONITE BILL

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HALL of Texas. Mr. Speaker, I urge support for S. 707, which passed the Senate last year overwhelmingly and was approved by the House Judiciary Committee on August 27 without a dissenting vote.

This is an equity bill. It is designed to correct a serious injustice against members of the Mennonite Church who reside in Seminole, Tex., and Boley, Okla.

One of the staunchest supporters of this bill is our former colleague and dear friend, GEORGE MAHON, who along with Senator LLOYD BENTSEN and our colleagues KENT HANCE and MIKE SYNAR have championed the Mennonite cause.

The Mennonite people are law-abiding, productive members of society. When their land holdings in Mexico were placed in jeopardy, they sought a new life in the United States. Unfortunately, they were unaware of their legal status and were ordered out of the country after making a tremendous investment in farm property. Apparently, when this group first came to the United States, they naively believed that citizenship would be relatively easy to obtain.

After being informed by the Immigration and Naturalization Service that they would be deported, the Mennonites sold their land at a substantial loss. They are now living and working in the Seminole, Tex., and Boley, Okla., areas, unsure of their status. Theirs is a real hardship situation, and I am convinced they are deserving of the citizenship that they so desperately seek. I hope my colleagues will support the bill.●

AGENT ORANGE

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MICA. Mr. Speaker, the purpose of this piece of legislation is to promulgate regulations containing guidelines to resolve the claims of veterans' benefits based on exposure to agent orange. This addresses one of the most serious problems still confronting the Vietnam veteran and his family, the toxic effects of the herbicide agent orange.

This piece of legislation calls for action by the VA Administrator to issue proposed regulations not later than 90 days after the submission of the first report, and not later than 90 days after each subsequent report, on the VA's epidemiological study, the amendment does not expressly preclude, and is not intended to prevent, the Administrator from taking such action at any earlier time. It is also noted that the legislation is not restricted to requiring action on the study results alone but also on other available pertinent information at the time the proposed regulations are issued.

The legislation will require the VA to conduct rulemaking once reliable results of the study are available. This is to reiterate the point that the legislation does not prohibit or preclude any agency rulemaking action before the results of that study are available.

The last point of the legislation that needs to be highlighted is the absence of any specific mention of genetic damage or birth defects. This is done with the intent that the Congress will fashion suitable legislation needed to provide compensation and health care benefits for a child of a veteran only after Congress has definitive data indicating that the birth defects do result from genetic damage due to exposure to a particular chemical during service.

It needs to be stressed that this legislation does not establish any presumptions of service connection or exposure, nor does it require the VA to take any action in these respects other than what all the evidence suggests should be done at particular points in time. Therefore, this legislation in no way prejudges what the studies and data will show, scientifically, legally, or practically.●

HEDRICK SMITH SALUTES THIS NATION'S BOUNDLESSNESS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. KEMP. Mr. Speaker, Hedrick Smith—the New York Times' chief Washington correspondent, author of the best-selling book "The Russians," and winner of two Pulitzer Prizes—this summer presented a challenge to the Williams College class of 1955. He told those assembled at Williams for the reunion that they must not fall into the trap of believing that they—or we—had reached a limit. Instead he reminded his classmates that:

> As a nation, we have shown that we retain enormous resilience and vitality, a life-giving capacity to adapt, change, grow, meet new circumstances and challenges, and to find the fuse or regeneration. We must dare to think and act anew.

He urged them to consider the example of Picasso. Picasso never allowed himself to sink into a stagnant middle age. Whenever the chart ran out on Picasso—the chart of past artistic form or tradition, the chart of his own previous style—Picasso created a new chart of his own. He simply invented something new. His creative imagination was unbounded, his energy limitless.

What is true of Picasso is true of this Nation as well. I believe that the American people today have the same spirit of adventure and enterprise, the same hopes and the same dreams, as their ancestors who took a chance on the New World. But I also believe that today we see barriers erected against individual initiative and daring. Our Nation must follow Picasso's example and create a new chart. Above all we must restore the incentives for innovation, for production and employment, which our high marginal tax rates have destroyed. Only this way can we free the boundless American spirit.

I commend Hedrick Smith's excellent article to your attention.

THE WELL-SPRING OF OUR EDUCATION

I've been waiting for this day—this morning after. For you, my friends, are living proof of what Bob Hope had to say about the morning after in midlife—and I guess this qualifies as The Midlife Reunion, not only for the Class of 1955, but also for the nation as a whole.

Other people have gotten in their digs at midlife. Some say it's the time of life when the warning to slow down comes not from the cop but the doctor.

Dear Abby wrote the other day that it's a time when people start telling you that you're looking good, but they've stopped telling you that you're good looking.

It's that phase of life when you pass up a romantic encounter because you're worried about your heart.

But our friend Bob Hope had a kind word for midlifers, a word of optimism. Middle age, he says, is when you still believe you'll feel better in the morning. (And I hope you do!)

You may, however, be feeling your age at times because of a complication or two with the younger generation. At home, you get about as much respect as a hat rack.

Someone once quipped that teen-agers never seem to get homesick except when they're home. That's understandable. They feel they have it tough. They got their parents at such an advanced age that they find it hard to retrain us. Youth, after all, is a time of rapid change. Between the ages of 12 and 17, an average parent can age 30 years.

But the past 25 years have been not only a time of change. They've made us all wiser, or at least more practical. We've learned that if you owe $500, you're a piker . . . if you owe $500,000, you're a small businessman . . . if you owe $500 million, you're a tycoon . . . and if you owe $500 billion, you're the federal government.

And finally, I suppose, we've gotten a more sophisticated understanding of democracy since we were on the writing end of a Williams exam. Now, you and I know democracy means the right to do whatever you please without asking permission of anybody except your boss, your doctor, your lawyer, your tax man, your bank, your city planning board, the county zoning commission, the state government, the S.E.C., OSHA, the Justice Department antitrust division . . . and maybe your wife and children.

But humor aside, these are trying times. Enough to tempt one to pine for that calm and simpler era of our own College years in the mid-50's. For it seems as though not only Gail Sheehy's millions of readers but the very nation itself is going through a midlife crisis.

Take a look in the mirror. What do you see? Economic disarray, political confusion, military insecurity and personal disenchantment. The economy sags from a big bulge of inflation around the middle. The strains of recession are beginning to cause shin splints and shortness of breath. A bad war and some bad presidents have left a permanent political bellyache. It's been a rough quarter-century. It has shaken our easy faith in America, the natural confidence we had that the future will automatically be better than the past.

The American dream seems tarnished, if not vanished entirely. We don't have any real heroes anymore. With the assassination of the Kennedy brothers and Martin Luther King, it seemed as though the worst in our nation was prevailing over the best.

So much that we took for granted has not panned out. Time magazine not long ago carried an essay titled: "Capitalism—Is It Working?" Our political system either produces a President and Congress unable to work with each other or it throws up two major party nominees that about half the people find unacceptable. Detente has turned sour. The superpowers have the capacity to imperil our very survival, and yet, paradoxically, seem to lack either the power or the will to insure peace. Most fundamentally, there seems a disturbing fear abroad in the land that we have lost control over our own destiny.

At times like these, it's tempting to while away a reunion lost in the comforting foam of nostalgia for the good old days.

I don't want to minimize the problems, but, personally, I don't believe that all is gloom and doom. Like Bob Hope, I don't think we have an incurable hangover from the last couple of decades. We may face a more trying and complex world than 25 years ago, a world where we cannot simply decide what we want and get it by flexing our muscles. But it is also a more humane world. There have been other changes, easy to forget, but very important to remember.

As someone who witnessed the first black students entering the Universities of Mississippi and Alabama, who covered blacks running for major political office in the South for the first time, who saw black and white high school and college students go to jail for sitting at lunch counters, sharing drinking fountains, riding buses together, going to movies, or staying in hotels and motels, I think we can take great pride in the civil rights revolution which brought many blacks closer to the mainstream of American life, even though much yet remains to be done.

Fortunately, too, we learned since graduation that we squander and defile our common natural environment at our peril—the Love Canal is a tragic reality. But we have taken steps to protect this precious heritage for ourselves and future generations, and I think we can take pride in that.

At great pain and embarrassment, we have seen our political system rise to confront a President who set himself above the law . . . and we have effectively taken him to account for his activities. And with difficulty, we have bound up the wounds of Watergate and the terrible trauma of the war in Vietnam.

Perhaps no change has touched all of our lives more fundamentally than to have women take far more prominent roles outside the home in many, many walks of life . . . and hopefully we will see greater opportunities for them ahead.

Slowly, haltingly, we have begun to reduce our ridiculous overdependence on imported oil, and we are now developing a consensus that the time has come to pull back the hand of bureaucracy here at home to give more freedom and incentive to the inventive, creative capacity of our economic system.

We worry terribly about the Soviet threat today. But as someone who stood there one thrilling morning on a sandy beach in Florida 18 years ago when John Glenn became the first American to vault into orbit, I can recall that we overcame the panicky aftermath of Sputnik, and later what proved to be the false crisis of the missile gap. And I am confident that once again we can organize ourselves, without excessive alarm, to match the Soviets, insure our adequate national defense, and protect Western oil in the Persian Gulf.

We must not exaggerate the peril abroad and forget the peril at home that will arise if we—particularly we fortunates from colleges like Williams—become so smug or casual, that we let social inequities become so harsh for the poor and the minorities that they explode in anger as they did recently in Miami. That was an important warning of trouble in our inner cities that we cannot afford to ignore. Moreover, we must not focus so intently on the danger of war that we forgo the chance to strengthen the structure of peace.

Our political system is in disrepair. The emergence of John Anderson as a third candidate is a symptom of dissatisfaction with the results of the two-party system. To me, it is also a healthy sign. Anderson will help keep Carter and Reagan more honest. He will increase the pressure on both to wage positive campaigns, to spell out more where they stand on issues, where they want to take us in the next four years. And that is all to the good. Let us not waste this resource, especially at the outset of the campaign, by being overly obsessed about who will ultimately win. Winning is not everything. It is vital at this point in history to have alternatives and to keep as much of the electorate as possible engaged in the political process.

Our nominating process, for example, desperately needs change. We must shorten the primary season, force it to start later, balance our geographical sequence better so that a couple of small, largely rural states do not set the national pattern prematurely. And we must bring back some of the influence of office-holding politicians into the selection process—say, for example, as a quota of uncommitted delegates from each state—so that they can adjust their votes as the situation evolves in the election year and so that our winner is not the best TV performer but the candidate best equipped to govern. What we need is not leadership by charisma, which is always less valuable the morning after the election than the night before. What we need at the helm is political skill to move the system.

However frustrated we are, we can make these changes and begin to improve the results if concerned people like you here will not merely voice your displeasure but actively engage yourselves in the political process.

So, all may not be well. This is midlife, and it takes more effort to do what we could easily do 25 years ago, but some of it we do much better and more wisely. Moreover, as a nation, we have shown that we retain enormous resilience and vitality, a life-giving capacity to adapt, change, grow, meet new circumstances and challenges, and to find the fuse of regeneration. We must dare to think and act anew and, above all, we as individuals must involve ourselves. For our time of leadership has come.

Personally, I am hopeful about the future. One reason is that Williams College today is so healthy and thriving, and that it has attracted so many of us back here.

Why have we come? What does it mean?

The easy answer—and surely it's an important part of our presence here—is that we have reached for the chance to enjoy old friendships, to savor an interlude of tranquility from our hectic lives. But Williams offers more than a setting for a sentimental replay of our salad days, more than a weekend lost in emotionally reliving our earlier innocence. Unconsciously perhaps, we have come looking for more, and I feel confident we will take much more away with us.

Alex Haley had one very important word for what we seek here—Roots. For many of us, this is one of the rare occasions in our lives when we have taken the time and trouble to go back to our roots. And here in Williamstown, we find not only roots but continuity and identity for ourselves and among each other. By coming back, we knit together past and present and hopefully the future as well. We sow a thread of continuity into our changing lives. We tap and replenish a vital element of our own identity, and draw strength from each other for what lies ahead.

We have come, too, because of the intimacy of Williams. In an age of overwhelming bigness—big government, big business, big labor, mass production, mass media, and a $2 trillion economy—we have here at Williams a community on human scale. That is so vital—a community on a human scale, where each of us can feel, "I make a difference . . . I belong."

That is a critical ingredient in the quality of a Williams education, and the quality of devotion and personal investment that Williams inspires in each of us. The Gift of the Class of 1955—and of other classes—is a remarkable testimony to that devotion and that shared sense of intimacy. It is a fitting memorial to the classmates who have passed away, not a glance at the past, but a commitment to the future.

Instinctively, we knew that coming here would remind us of the message conveyed long ago—that there is more to life than whatever any of us now happens to be doing at this moment. With all the marvelous craft of teaching and within a nurturing atmosphere of friendship and tolerance, superb teachers like Whit Stoddard, Bob Waite, Bob Brooks, Bob Scott, Fred Stocking, Fred Rudolph, Irwin Shainman, Sam Matthews, Jim Burns, Lane Faison, Howard Stabler, Charlie Keller, Don Gifford and many, many others lured us into the byways of history, the fascination of the stars, the mysteries of the atom and anatomy, the wonders of Beethoven and Brahms, or the genius of Picasso. And any of you who have talked with the faculty this weekend have rediscovered what stimulating, thought-provoking people they are.

I don't know how many of you have had an opportunity to see the marvelous exhibition of Picasso's life work at the Metropolitan Museum in New York. By all means see it if you can. It is an exciting experience.

Room after room, floor after floor, abounds with the incredible, irrepressible creativity of this one artist. So far as I can tell, midlife never fazed Picasso. It looks as though he did not have time to slow down for it. Whenever the chart ran out on Picasso—the chart of past artistic form or tradition, the chart of his own previous style—Picasso created a new chart of his own. He simply invented something new. His creative imagination was unbounded, his energy limitless. He exudes the yeast of life—embodies the process of growth—showers out evidence that every day, every week, every year, something new lies ahead.

To me, the spirit of Picasso, that sense of never ending discovery, learning, change, adaptation and experimentation, is the very essence of Williams, the very essence of the liberal arts college. We took it for granted as undergraduates, hardly paused to appreciate it. It was in the air, the ozone, we breathed. The superb faculty who are the heart and soul of this institution made sure that it was our daily bread.

And now, instinctively understanding this and missing it, we have been drawn back at the moment of midlife to be refreshed by this environment. We're not stagnant either as individuals or as a nation. But we have sensed the time to return to the well-spring of our education in order to revive our capacity for self-renewal, to rekindle our spirit of curiosity, to reanimate that process of growth that is the very essence of life itself. At heart, that is what gives us so much to celebrate here at Williams together today.●

PRICE-ANDERSON REFORM NEEDED TO PROTECT VICTIMS OF NUCLEAR PLANT ACCIDENT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MARKEY. Mr. Speaker, yesterday, the House Subcommittee on Energy and the Environment met to discuss major legislation reforming the 1957 Price-Anderson Act. Due to the absence of the quorum necessary to report the bill from the subcommittee to the full Interior Committee, no final action was taken on this legislation.

I ask that my statement prepared for yesterday's markup be included in the Record so that my views on the bill can be shared with my colleagues.

H.R. 8179 is a compromise version of two Price-Anderson rewrites: Representative Bingham's H.R. 7526 and Representative Udall's omnibus nuclear reform bill, H.R. 6390. Besides lifting all liability limits for future nuclear plants, H.R. 8179 would increase a Government-industry pot for compensating victims of a nuclear accident from $560 million to $5 billion.

Although H.R. 8179 removes the limit on liability for plants which have not yet received construction permits, it allows more than 150 plants now operating or under construction to retain an artificial limit on liability. Only 11 proposed nuclear plants—which would not receive a construction permit by enactment in this Congress—would be subject to unlimited liability claims through the courts. In other words, almost all likely nuclear plants in this country will be grandfathered under the provisions of the Price-Anderson Act, which means that the arbitrary limit on liability provided by the 1957 statute will be retained. Since this is the underlying problem with Price-Anderson, the reforms proposed by H.R. 8179 are simply inadequate to the task.

The gentleman from Pennsylvania (Mr. Kostmayer) and I have sought to amend H.R. 8179 to take limited liability away from plants owned by utilities which have not applied for an operating license for the facility at the time of enactment. Our amendment was defeated in the subcommittee on September 24 by a tie vote 9 to 9. The arbitrary limit on liability acts as a disincentive to safety by shielding the nuclear industry from legal responsibility for its activities; it also denies citizens the opportunity to seek traditional legal redress in the event that the compensation fund is exhausted. Under Price-Anderson and under H.R. 8179, many reactors, which could be made safer if there were the incentive to do so, are needlessly exempted from legal responsibility.

In the same September subcommittee markup, I offered an amendment to eliminate the Federal Government role entirely in the Price-Anderson compensation financing. H.R. 8179 increases the Federal subsidy currently set at $50 million to $3.5 billion. In the event of a serious accident, such a Federal payment would represent a raid by the nuclear industry on the U.S. Treasury and its taxpayer dollars. My amendment would eliminate this Federal subsidy entirely and replace it with a requirement that nuclear architect-engineers and manufacturers—like Babcock & Wilcox, the manufacturer of the pressurized light water reactor which failed at Three Mile Island in March 1979—contribute to the nuclear industry self-insurance pool in an amount to be determined by the Nuclear Regulatory Commission. Under Price-Anderson and under H.R. 8179, such firms would continue to be exempted from any responsibility for paying for a nuclear accident. While my amendment failed in a vote of 8 to 12, I intend to continue to fight for this principle in the future.

In conclusion, while I believe that H.R. 8179 is flawed, I decided to support the action to report the bill for consideration before the full Interior Committee. My motion to report the bill is pending before the subcommittee, which remains in recess subject to a return at the call of the chairman, the gentleman from Arizona (Mr. Udall). I hope the subcommittee can meet to conclude its business on H.R. 8179 during the postelection session of the House next month.

I insert my remarks on this bill prepared for yesterday's markup in the Record:

Mr. MARKEY. Mr. Chairman, I intend to vote to report this legislation. But I do so with a great deal of reluctance. And I believe many of my colleagues share my reluctance.

I support reporting H.R. 8179 from the subcommittee with hesitation because while the legislation is a significant, first step toward the badly-needed reform of the Price-Anderson Act, it is defective—if not fatally flawed—in several respects.

First, the bill does not adequately protect our citizens from the devastating losses which would occur as a result of a nuclear accident. A serious nuclear plant accident could cost billions of dollars. Thousands of deaths and injuries would result. Yet the current Price-Anderson Act limits victim compensation to a total of $560 million—a sum acknowledged by all parties to be completely insufficient. Under H.R. 8179, this sum is raised to a total of $5 billion, by a dramatic increase in the direct federal contribution from the current $50 million to $3.5 billion. But under this bill, the traditional right of recourse to the courts continues to be effectively denied to most citizens, because the bill removes the Price-Anderson limitation on liability for only 11 of the 96 facilities now planned or under construction. H.R. 8179—as written—would ensure that citizens living near reactors in operation or in some stage of construction at the date the bill becomes law might recover only a few pennies on every dollar of damages they incur.

The 1975 amendments to the Price-Anderson Act established a firm commitment to phase out the Government's share in a post-accident compensation pool. H.R. 8179 reverses this direction and sends a clear signal to the nuclear industry that the Federal Government is willing to bail them out, using taxpayers' dollars to pay for private industry's mistakes.

In exchange for the enormous shield H.R. 8179 places around the nuclear industry, consumers and taxpayers receive very little in return. The utilities' payment to the retrospective premium pool is increased only $15 million per reactor, a trifling amount compared to what they can afford and should be responsible for.

The bill also fails to account for the fact that a serious accident can be the result of poor design or faulty construction, as well as careless operation. In H.R. 8179, reactor architect-engineers and reactor manufacturers are completely absolved of responsibility for any contribution whatsoever to this compensation pool.

Second, leaving the limitation on liability in place for all but a few plants eliminates the incentive to demand maximum degrees of safety. This incentive is normally provided by exposure to all the free enterprise risks of the marketplace. Grandfathering at least 150 nuclear plants—many of which are not yet under construction—needlessly exempts these reactors from accountability. Thus, it may jeopardize the lives of many Americans.

In conclusion, the limitation on liability and the huge government obligation of $3.5 billion represents a massive subsidy of one industry—the nuclear industry—at the expense of others. It skews scarce energy investment dollars towards nuclear, and away from safer, more promising energy alternatives such as clean coal, geothermal, and solar power in all its forms.

In its present form, H.R. 8179 is not acceptable to me. But it is not the final product either. I commend the distinguished chairman of our committee, and the distinguished gentleman from New York. They have taken an important step in the process of educating our subcommittee on this issue. They have taken a step—however incomplete—in the right direction. All of us here today, on both sides of the aisle, are concerned about these questions. None of us want the victims of a terrible nuclear accident to be reduced to the status of beggars. We will have the opportunity to improve this legislation, either in the full Committee in November, or next year, when the new Congress convenes.

One thing is certain. By reporting out this bill, we are telling the nuclear industry that the "free lunch" may soon be over. I look forward to working with my colleagues in the coming months to transform these first, tentative efforts into the full-scale reform of Price-Anderson that American citizens demand and deserve.●

TAX ISSUE MUST BE ADDRESSED

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BROWN of Ohio. Mr. Speaker, we are about to recess, leaving the most urgent economic questions unsettled. The unfinished economic matters include the budget, appropriations, and a vitally important tax reduction program. If we are to have any kind of worthwhile economic recovery, if we are to avoid slipping back into recession within the year, we must address the tax issue when we return in November.

The Senate Finance Committee, in a nearly unanimous bipartisan vote, has produced a program of personal and business tax rate reductions largely geared toward the supply side of the economy. Most of the bill's provisions have some impact on marginal incentives. It is a good package, and it should be given prompt consideration by the Congress.

One part of the Senate Finance Committee package deals with depreciation. For more than 1 year, Congress has been more familiar with the problems of inadequate depreciation, and more united on the sort of tax changes that are needed, than any other tax question. Had we taken action on this matter 1 year ago, we might have averted the current needless recession, the rise in unemployment, and the slump in productivity that plague us today.

There are two major depreciation plans with widespread bipartisan support in the Congress. One is the Senate Finance Committee proposal. The other is the Conable-Jones "10-5-3" bill.

The 10-5-3 proposal has the cosponsorship of a majority of the House and the backing of a majority of the Senate. It is simple and powerful. It has been slowed down by technical concerns and worries over its cost. These problems are not insurmountable.

The Senate Finance Committee proposal is somewhat smaller in size, but almost as simple and easy for firms to use as the 10-5-3 approach. It too requires some technical adjustments, which I intend to offer here today.

It is my hope that an improved and strengthened version of the Senate bill can become a compromise piece of legislation which can pass the Congress and be signed into law this year. This is essential if we are to put the economy on a productivity-enhancing, anti-inflationary recovery path. If we delay, it will be nearly 1 full year before we shall have another chance to start the economy moving. It will be 1 year of wasted manpower and wasted capacity. We cannot afford that kind of waste.

The Finance Committee's depreciation plan, and the modified version I am introducing today, sets up four categories of equipment and machinery. Assets in these categories are to be depreciated over timespans of 2, 4, 7, or 10 years. Equipment which now has the longest tax lives under the current ADR—asset depreciation range—system would fall into the 10-year category. Shorter lived assets would fall into the shorter categories. Each asset will experience a significant reduction, at least 40 percent, in its writeoff period.

In each category, there is an investment tax credit. My bill provides a 10-percent investment tax credit (ITC) for assets in the 7- and 10-year categories, a 7½-percent ITC for the 4-year category, and a 4-percent ITC for the 2-year category. This is a change from the Senate bill, which gave the 4- and 2-year categories smaller ITC's, 6 percent and 2½ percent, respectively.

The increased ITC's are essential if smaller businesses are to be better off under the revised depreciation system than they are under current law. Smaller firms are in lower income tax brackets than larger firms. For those in the lower brackets, the depreciation allowances, which are deductions from taxable income, save less in taxes than for those in the higher brackets. For lower bracket firms, the ITC, which is a credit against tax, is relatively more valuable. The Senate bill grants shorter asset lives, faster depreciation, but with a reduced ITC. This trade was carried too far for the smaller firms. The enlarged ITC in this bill remedies the defect. The change makes certain that firms of all sizes experience a significant improvement in their capital cost recovery allowances compared to current law.

Another provision of the Senate bill allows firms to write off $25,000 in new equipment in the first year—expensing. This is very important for small business, greatly simplifying their accounting procedures. Unfortunately, the bill provides no ITC for this equipment. For small firms, the ITC obtainable under other provisions of the bill for assets written off over several years is more valuable than the added gains from first-year write-off. No small firm would take advantage of this provision as it stands. To remedy the problem, my bill provides a 4-percent ITC for the $25,000 of expensed assets.

The rest of the bill parallels the Senate version. A fact sheet follows. For more detail, see Senate Report No. 96-940 on H.R. 5829, subtitle B.

FACT SHEET—CAPITAL INVESTMENT ACT OF 1980

This legislation offers broad incentives to invest. It is based on the depreciation amendments reported by the Senate Finance Committee, with an important perfecting amendment.

1. *Simplified Cost Recovery (SCR).*—The bill establishes a Simplified Cost Recovery System (SCR) which provides tax incentives for investment in equipment and machinery. Under the legislation, equipment would be classified in one of four recovery accounts with a recovery period of 2, 4, 7 or 10 years. Generally, equipment and machinery would be depreciated 40 percent faster than under present law. A simple "open-ended account" system for computing depreciation deductions, which has been successful in Canada, would replace the complicated "vintage account" system of present law.

In addition, the investment tax credit rules would be modified. Assets with recovery periods of 7 or 10 years would receive a 10 percent investment tax credit, as in the Senate Finance Committee bill. Assets with 4 year and 2 year recovery periods would receive 7½ percent and 4 percent investment tax credits, respectively, higher than those in the Senate bill (6 percent and 2½ percent, respectively). This modification is necessary if smaller firms are to receive improved incentives to invest, compared to current law.

2. *Structures.*—At the option of the taxpayer, structures and structural components would be eligible for twenty year straight line depreciation with Section 1250 recapture. This compares to a useful life of some 30 years for apartment buildings, 35 years for industrial structures and 40 years for commercial structures under present law. Also at the option of the taxpayer, certain low income rental housing would be eligible for 15 years straight line depreciation with Section 1250 recapture. This compares to a useful life of some 30 years for low income housing under present law. Another option is provided for taxpayers who build, hold and occupy structures for use in their business, rather than for resale. These would include plants or retail structures built by manufacturing or commercial firms for their own use. These structures would be eligible for 15 year straight line depreciation with Section 1245 recapture. These provisions would provide an "audit-proof" system for taxpayers by eliminating disputes over useful life between businessmen and the Internal Revenue Service.

These provisions will encourage the construction of new factory buildings which is so important in modernizing our industrial base. The new rules will provide a needed stimulus to the depressed housing industry and help create jobs in the construction industry. Additional incentives are provided for low income housing.

3. *Progress Payments.*—The bill permits firms to begin depreciation with respect to progress payments for property which requires a long period of construction, rather than wait until it is placed in service.

4. *Rehabilitation of Commercial and Industrial Structures.*—In an effort to help revitalize some of the older industrial sections of the nation, the legislation increases the existing 10 percent investment tax credit for the rehabilitation of commercial and industrial structures to 25 percent.

5. *Small Business Simplification and Incentive.*—In an effort to provide substantial simplification and a real tax incentive for small business, taxpayers can elect a first year write-off (expensing) for the first $25,000 of annual investments in equipment and machinery. A 4 percent investment tax

credit is allowed, which is not part of the Senate bill. This is necessary to make this option as attractive as ordinary multi-year depreciation with the investment tax credit allowed in that case. Hundreds of thousands of small businessmen across the nation would no longer have to worry about burdensome depreciation calculations if they elect this option.

According to preliminary estimates by the staff of the Joint Committee on Taxation, the bill would reduce taxes by less than $8 billion in 1981 and $28 billion a year by 1985.

I am also introducing two additional bills concerning depreciation. One would allow firms to write off pollution control equipment in the year of purchase—expensing. A 4-percent ITC would be permitted.

The other bill cuts right to the heart of the depreciation question. Why do we make firms depreciate their machinery and equipment over many years? The standard tax base in the United States is income. The theory is that a machine should be written off over the time it earns income for the firm—the machine's useful life. This is fine philosophy, but it is economic nonsense. Aside from the obvious fact that a machine may become economically or technologically obsolete long before it wears out, there is a deeper problem.

Any income tax is a double tax on saving and investment, compared to consumption. Money saved and invested was taxed when it was earned. If it is saved and invested, instead of consumed, the earnings on the investment are taxed again. A tax system which is neutral between saving and consumption would tax either the income that got saved, or the earnings of the saving, but not both. This is why the value added taxes of Europe permit the full deduction of an investment in the year it is made.

The ideal unbiased tax code would permit a firm to deduct the cost of a machine as soon as it is purchased. This last bill I offer today would permit firms to write off their equipment and machinery over any time period they choose, and in any proportion in each tax year, with a 4-percent ITC. Some firms would prefer a longer depreciation period with all the deductions in later years if they were losing money in the year of purchase and had no profits to offset at that time. This is a bill for the future. It is the ideal system we should approach over time.●

THE TRIGGER PRICE MECHANISM

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. FRENZEL. Mr. Speaker, on September 30, President Carter unveiled what was termed a comprehensive plan to aid the economically hard-pressed steel industry. The package includes reimposition of the trigger price mechanism to guard against subsidized imports, proposed tax relief in the form of more rapid accelerated depreciation and partially refundable investment tax credits, and easing of air and water pollution standards, and worker and community assistance.

Excluded from the package is the American consumer and the American exporter. Concerns about the inflationary or trade impact of these proposals have been largely ignored.

Coming only a month before the election, following years of complaints by the steel industry that imports of dumped and subsidized steel have left insufficient profits for plant modernization and technological innovation and after one failed attempt at a trigger price mechanism, it is not surprising that the plan has been received with skepticism.

The steel industry itself has been reserved in its praise, although there will be an immediate jump of $40 in the price of a ton of steel as a result of the TPM renewal. The average cost of a ton of steel will rise to about $421. At a time of raging inflation it will increase America's steel costs by about $4 billion per year.

I want to focus here on the reimposition of the trigger price mechanism along with a new feature designed to respond to import surges. The TPM will be reinstated within 3 weeks at levels 12 percent higher than existed when the program was suspended in March of this year. The methodology for determining price levels is the same as under the old system with the most current data available used to indicate a 12-percent rise in the cost of production for efficiently made Japanese steel upon which the increase in the TPM is based.

The 12-percent increase is said to represent the increase in the cost of production that has occurred in the 6 months since the TPM was suspended. However, I question whether such a volatile time in the steel market, following the initiation of massive dumping suits and amid speculation as to the outcome of the negotiations on a renewed TPM, accurately reflects normal costs, inventories or prices.

A new feature of the trigger price program about which I have grave reservations is the provision governing import surges. Under these provisions, import volumes that exceed 13.7 percent of domestic consumption at any time when the domestic steel industry is operating at below 87 percent capacity utilization will require a review by the Commerce Department of possible evasions of the TPM. Commerce would "take appropriate action" if the review is positive.

If the volume of imports exceeds 15.2 percent of domestic consumption when capacity utilization is less than 87 percent, a more thorough investigation is required. This investigation would determine whether it appears that dumping subsidization or other unfair trade practice is occurring. The study must be completed within 90 days, and consultations must take place with the foreign governments involved. If the results of the study show violations of the kind described above, antidumping or countervailing duty suits can be initiated under the provisions of current law without endangering the continuation of the TPM. Both investigations would be in addition to the monitoring of the TPM that normally would occur.

My objection to the surge feature of the new TPM is that it might act as an effective, quantitative limitation for which there is no legislative mandate. Although on its face, the surge element involves only strict monitoring followed by the application of existing antidumping, countervailing, or other laws should the situation warrant. Actually, it is a phantom quota supported by threat of harassment.

However, the TPM itself was designed to be a monitoring exercise for more effective administration of the antidumping and countervailing duty laws. Yet, it serves quite effectively to set the price levels of both imported and domestic steel.

The Trade Subcommittee plans to hold hearings in November on the reimposition of the trigger price mechanism and its implications for the steel industry, importers and consumers. At that time I expect the concerns I have raised, including the inflationary aspects, will be examined more thoroughly. It is questionable, even from the point of view of the domestic industry, that the TPM is an effective tool in controlling dumped imports or in relieving the economic difficulties of this industry. It is also questionable whether the rights of the industry and other affected parties under current trade laws are fully protected when the existence of the TPM is conditioned on whether the industry refrains from exercising those rights.

Other aspects of the rescue package, especially the tax provisions, could be very useful to the industry if they are indeed approved by the Congress. However, the steel industry is not unique in this regard. Many other American industries could be stimulated by more liberal depreciation rules and increased investment tax credits. Any proposal of tax relief should take into account the problems faced by a broad spectrum of U.S. industries.

The original TPM, although it had some of the same disadvantages as this one, proved to be effective only until one company filed an antidumping case. The Congress must find ways to help American industry, including steel, but I think we ought to be careful about allowing any executive agency to legislate by regulation in a manner that is protectionist and inflationary.●

PERSONAL EXPLANATION

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. JOHN. L. BURTON. Mr. Speaker, I was unavoidably not present on the floor of the House of Representatives to vote on the matter of Representative MICHAEL J. MYERS. Had I been present, I would have voted with the Ethics Committee on every motion.●

DR. DOROTHY FEREBEE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CLAY. Mr. Speaker, at this time, I would like to honor a woman whose achievements are an inspiration to all women, black and white. She was a woman of great intelligence and integrity who utilized her creativity and courage to achieve her goals. Dr. Dorothy Ferebee championed the rights of working women before there was a women's movement. Her insight into the plight of working mothers during the late twenties and early thirties aided in the establishment of the Southeast Neighborhood House, a place for the black children of working mothers in the Washington, D.C. area to recreate and learn. I have known her to be a pioneer in the struggle for good health care regardless of the recipients race or ability to pay. She further demonstrated her commitment to that cause as medical chief of Howard University Hospital. Her life should be a role model for all youth. As a personal friend of her son, Claude and his wife, Carol, I share in their sorrow at her passing. It was both an honor and a tribute to have known her. Attached is a copy of her obituary to be reprinted in today's RECORD:

DR. DOROTHY FEREBEE DIES; FOUGHT FOR RIGHTS OF WOMEN, BLACKS

(By J. Y. Smith)

Dr. Dorothy B. Ferebee, 83, a retired member of the medical faculty of Howard University who was widely noted in Washington and elsewhere in the country for her efforts in behalf of blacks, women and disadvantaged persons, died at Georgetown University Hospital on Sunday of congestive heart failure.

She was a founder of the Southeast Community House here, a founder of The Women's Institute and a president of the National Council of Negro Women, having succeeded Mary McLeod Bethune, the founder of that organization. She became an instructor in obstetrics at the Howard University Medical School in the late 1920s and later served for many years as medical director of the Howard University Health Service. She was director of university health activities at the time of her retirement in 1968.

For seven summers in the depression-ridden 1930s, Dr. Ferebee helped run a health project in rural Mississippi. She was a chairman of the D.C. Commission on the Status of Women and was appointed to the U.S. Food for Peace Council by President Kennedy. She traveled widely throughout Latin America, Europe and Africa as a representative of the State Department and of the National Girl Scouts of U.S.A.

In her own life, she overcame formidable barriers against blacks and women and she was not unmindful of what she had accomplished.

"In our family, there was never a question of couldn't," she said in an interview two years ago. "Before me there were eight lawyers—all I heard at the table was 'your honor, I object,' or 'answer the question, yes or no.' Yet all my life I wanted to be a doctor.

"I would nurse and rub the birds that fell out of trees, the dog that lost a fight. My grandmother would say, 'Do you need water, dolly?' and then say to my mother, 'She's going to make a fine doctor.' They weren't professional women but they gave me marvelous encouragement."

She observed that it is easier now for a woman or a black to become a professional.

Dr. Ferebee was born in Norfolk. She grew up in Boston and graduated from Simmons College there. She earned her medical degree at Tufts University in 1924.

The following year, she moved to Washington to begin her internship at the old Freedmen's Hospital, now Howard University Hospital. She once recalled that although she had been among the top five graduates of her class at medical school all of her applications to other hospitals were refused. She became an instructor in obstetrics at Howard when her training was finished and she remained at the school for the next 40 years.

Her interest in what became the Southeast Neighborhood House began while she was still completing her internship. She had attended the famous Peabody Settlement House in Boston while she was growing up. In Washington, she came across a 9-year-old boy named Georgie. Georgie was babysitting for his 3-year-old brother while his mother was working as a domestic. There being nothing in the icebox at home, Georgie took a bottle of milk from the porch of a neighbor and was arrested.

"I went down and got him and paid for the milk and right then decided we needed a place for black children of working mothers," Dr. Ferebee recalled.

So she began collecting donations and then appealed to the board of Friendship House, then an all-white organization, for a location.

"I explained to them the need and they said I was lecturing," Dr. Ferebee recalled. "I said no, I am just telling you the facts. Finally a woman said yes, we will help—so did the old Community Chest—and we opened Southeast Neighborhood House at 301 G St. SE."

Last May, the D.C. City Council passed a resolution recognizing Dr. Ferebee's contributions over the years.

Among the furnishing in Dr. Ferebee's house in Washington are a Persian rug and some chairs that belonged to her great-grandparents, who had been slaves in Virginia and who took those items to Boston in 1848. They had been released by their former master and they made the journey mostly at night. Dr. Ferebee said the trip had been made that way "for safety," and she was proud of what her forebears had done.

"When I get tired, I just come in here and look at my great-grandmother's furniture," she once said. "I just look."

The thought of it seemed to give her strength.

Dr. Ferebee's marriage ended in divorce.

Survivors include a son, Dr. Claude T. Ferebee, a dentist who lives in Chevy Chase, and four grandchildren.●

THE BUDGET DEFICIT—IT IS BIGGER THAN YOU THINK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. KEMP. Mr. Speaker, the first balanced budget in 12 years has turned into a $55 billion Federal budget deficit, almost overnight. This is no surprise to most Members of Congress—in fact, this is why the majority party refuses to vote on the budget before the election November 4. Republicans fought hard to keep Congress in session until it completed action on the fiscal year 1981 budget—fiscal year 1981 began yesterday—but to no avail. Congress has voted to duck the major economic issues facing this country today—unemployment, high interest rates, slow growth, inflation—by closing shop this afternoon and going home.

Now there is fresh evidence that the Federal deficit—and the Federal drain on our economy—is even bigger than suspected. The respected accounting firm, W. M. O'Reilly & Co., has reestimated the Federal budget deficit for fiscal year 1976 through fiscal year 1981 based on new GAO accounting guidelines. Its conclusion?

> Actual and projected Federal deficits have been grossly underestimated . . . a restatement of the period 1977 through 1980 reflects a 4-year increase in the Federal deficit of $1.024 trillion.

And furthermore, that

> The proposed GAO standards should be adopted on a provisional basis without further delay, so that Congress and the public can assess the consequences of government promises.

Mr. Speaker, I submit this eye-opening report for the RECORD, and commend it to the attention of all my colleagues:

4-YEAR FEDERAL DEFICIT EXCEEDS $1 TRILLION

A financial report prepared by an independent CPA firm, using new government accounting standards proposed by the General Accounting Office, disclosed that actual and projected federal deficits have been grossly understated.

The latest official federal budget for fiscal year 1981 shows a deficit of $29.8 billion. According to a financial forecast prepared by W. M. O'Reilly & Company, based on the same economic and financial assumptions used in the official budget, the 1981 deficit is estimated at $431 billion. A restatement of the period 1977 through 1980, also based on the GAO proposed rules, reflects a 4-year increase in the federal deficit of $1.024 trillion.

"The proposed GAO standards should be adopted on a provisional basis without further delay, so that Congress and the public can assess the consequences of great promises by the government to pay rapidly escalating accrued amounts which are not included in the official public debt," said William M. O'Reilly, director of the CPA firm preparing the report.

The major variances between official reported deficits and those contained in the O'Reilly report are due primarily to differences in measuring and reporting liabilities. "Our report reflects accrued pension costs, reserves for losses on federal loan guarantees, and other liabilities of the government which are not included in the official Treasury debt," said O'Reilly.

U.S. GOVERNMENT PROJECTED CONSOLIDATED STATEMENT OF FINANCIAL POSITION

[In billions of dollars]

	Actual December 1976	Projected				
		December 1980	Net change	September 1980	September 1981	Net change
Assets:						
Cash and monetary reserves	42	51	9	51	53	2
Receivables (net of allowances)	130	182	52	180	190	10
Inventories (at cost)	77	90	13	89	92	3
Property and equipment (at cost)	302	389	87	385	400	15
Less—accumulated depreciation	−150	−192	−42	−189	−201	−12
Deferred charges and other assets	21	26	5	26	28	2
Total assets	422	546	124	542	562	20
Liabilities:						
Accounts payable	54	87	33	83	98	15
Unearned revenue	10	13	3	13	15	2
Borrowing from the public	508	727	219	715	765	50
Accrued pension, retirement, and disability plans	1,207	2,078	871	1,984	2,361	377
Loss reserves for guarantee and insurance programs [1]	28	47	19	45	51	6
Contingent liabilities [2]						
Other liabilities	43	46	3	46	47	1
Total liabilities	1,850	2,998	1,148	2,886	3,337	451
Fiscal deficit:						
Deficit—U.S. Government	1,428	2,452	1,024	2,344	2,775	431
Total liabilities and fiscal deficit	422	546	124	542	562	20

[1] Loan guarantee amount is $298 billion in 1980 and $340 billion in 1981. We have assumed a writeoff rate of 15 percent on the average of all guarantee loans.

[2] The maximum financial exposure on insured risks is estimated at $2.7 trillion for 1980 and 1981.●

TRIBUTE TO RICK DEES AND KHJ

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DORNAN. Mr. Speaker, it gives me great pleasure to commend to the attention of my colleagues the outstanding contribution made to the Los Angeles community by radio station KHJ and by Los Angeles' favorite disc jockey, Rick Dees. Those familiar with KHJ know that is an enormously public spirited station, consistently demonstrating a desire to make Los Angeles an even better place to live. It was no exception then, when "the Rhythm of the Southland," as it is known to its millions of listeners, graciously and enthusiastically devoted considerable time, energy, and expense to help save Santa Monica Bay from Federal offshore drilling proposals.

When the Secretary of the Interior announced that Santa Monica Bay, that beautiful part of the Pacific Ocean which lies between Point Dume in Malibu and Point Vicente in Palos Verdes, would be exempted from Federal oil drilling lease sales, it was a much savored victory. This magnificent body of water, visited by over 56 million people each year, is simply too valuable a resource to endanger by constructing oil drilling platforms only 3 miles from the curvaceous, palm laden palisades and beaches of Los Angeles. The Secretary's decision marked the culmination of yeomanly efforts on the part of a great many people who got this message across. KHJ and Rick Dees were at the forefront of this effort.

Concerned that the public had no direct voice in the early Interior Department decisionmaking process, I was able to form the bipartisan Save Our Bay Committee. It included the mayors of the Santa Monica Bay coastal cities and many State and county elected officials as well. We had decided that a public demonstration of support for the preservation of Santa Monica Bay was required and I asked Rick Dees and KHJ if they would help arrange publicity and support for our petition signing rally. Their response was immediate and enthusiastic.

Within days, KHJ had mobilized its considerable resources to print thousands of fliers and petition signing pads. It parent company, RKO General, issued a multimillion dollar insurance policy to cover the day's events. KHJ set up a roller disco skateathon contest which ran concurrently with the rally's other events. Rick Dees and KHJ's many other talented disc jockeys gave the rally weeks of airwave publicity. Many more tasks were also performed, for all of which special thanks to KHJ's Dwight Case, corporate president; Harvey Mednick, vice president; Richard McGeary, general manager; and Chuck Martin, program director. A very special expression of thanks and appreciation also goes to Greg Taylor, director of promotion, and Nancy Wilkerson, promotion coordinator at KHJ. They both did an outstanding job in coordinating all of KHJ's participation in the Save Our Bay rally.

On the day of the rally, held alongside the world famous Santa Monica Pier, over 1,000 people parked their blankets on the beach and listened to their elected officials, rock performers, Rick Dees, and other famous celebrities, including Dinah Shore, Brian Wilson and Mike Love of the Beach Boys, Dick Martin, and Rick Little join in the chorus of opposition to oil drilling. Many more telegrammed messages of support were also read that day.

A brief note about Rick Dees. He's a bright new star in the entertainment industry. Since moving to Los Angeles from Memphis in early 1979, he quickly and easily captured the loyalty and friendship of his morning drive listeners. Be it at home, at work or on the way to work, every business morning Rick Dees and his wife, Julie McWhirter Dees, entertain Los Angelinos with funny stories, great impersonations, and terrific music. More than anything else, though, they communicate their likeability. It is their greatest asset. Keep an eye on them, they are on the way up.

Again, Mr. Speaker, let me restate to KHJ and to Rick Dees my personal thanks and gratitude. Their fine work has helped to insure that Santa Monica Bay will remain as it is, a unique national resource for the people to enjoy.●

NICARAGUA'S LINK TO TERRORISM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. LAGOMARSINO. Mr. Speaker, on Tuesday, September 30, 1980, the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs of which I am a member, held an important oversight hearing on the implementation of key provisions of Public Law 96-257, the President's special Nicaraguan aid program. According to the law as passed by the Congress and signed by the President, before any aid under the authority of that law is made available to the Government of Nicaragua, the President must certify to the Congress that the Sandinista government "has not cooperated with or harbors any international terrorist organizations or is aiding, abetting, or supporting acts of violence or terrorism in other countries."

During this hearing, which follows the President's action on September

12, 1980, in issuing such a determination to the Congress, the subcommittee heard testimony from Members of Congress, the Department of State, the Defense Intelligence Agency, and the Central Intelligence Agency. Following that hearing, it was my conclusion as well as a majority of the subcommittee that Nicaragua is in fact engaging in those very activities of supporting terrorism and exporting violence that the President's certification denies.

While much of the evidence relevent to such a certification is of a classified nature, the subcommittee did hear public testimony which does reveal the seriousness of the question at hand and the overwhelming amount of evidence that is available through nonclassified sources. In his statement before the subcommittee, our colleague Congressman Bill Young of Florida, who is the author of the key amendment in question, clearly spelled out his view that the legislative intent has not been complied with by the President. Furthermore, in reaching this decision it should be noted that Congressman Young, as a member of the House Select Committee on Intelligence, has had access to the identical intelligence resources the President used to reach his determination.

In light of the evidence that has been presented before the subcommittee concerning the activities of the Sandinista government before September 12 of this year when the President made his certification and such new evidence related to their activities after that date such as that related to the Somoza assassination, I urge my colleagues to join with me in calling upon the President to review his decision and the entire determination process. According to the law, if the President is made aware of such evidence that runs contrary to his certification, he is required to make all such loans immediately due and payable.

For the information of my colleagues, at this point in the Record, I submit the entire text of Congressman Young's testimony:

Testimony of Congressman C. W. Bill Young

Mr. Chairman, on September 12, the President of the United States signed a certification pursuant to Section 536(G) of the Foreign Assistance Act in which he swore that the Government of Nicaragua "has not cooperated with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries." The intelligence information available to the President proves the opposite. I have had the opportunity to examine information made available to the President by our intelligence agencies and no reasonable man, after examining that evidence, could reach the same conclusion contained in the President's certification.

As this is an open session, I will not quote from any of the classified intelligence reports. I will use instead the public record which is thoroughly consistent with the classified information and is not contradicted in any way by the reports of our intelligence agencies.

The Sandinistas have made it clear that they have no intentions of fulfilling any requirements that the Congress of the United States has placed on the $75 million loan. Interior Minister Tomas Borge said on September 5, "If they could buy us with $75 million or with one billion dollars, we would stop being revolutionaries. We revolutionaries would rather starve if necessary before falling on our knees in the face of yankee imperialism. Let them refuse once and for all to give us the $75 million. They think we are going to beg. How little do they know the Sandinistas." (Broadcast over Managua Radio Sandino, on September 6, 1980.)

In an interview published September 14, 1980, in the newspaper LaPrensa, the Junta member Arturo Cruz pointed out that, "at the same time Congress was approving the loan, there were precise recommendations to President Carter to affect the disbursement and the use of the loan, based on direct and precise observations of Nicaragua." He called specific attention to the clause that prevented the Sandinistas from getting money in the event that Nicaragua is "proved to be involved in acts of terrorism or to be sheltering groups which carry out such actions." Cruz continued, "I wish to make it very clear, that this is a duty imposed by the U.S. legislature on the President. In other words, it is 'their' political problem. The "revolutionary government in no way accepts, under any circumstances, any agreement—whether for a loan or for financial cooperation—with the United States or with 'any' country in the world not even with the Holy See, that contains any clause that is injurious to the national dignity or that imposes financial conditions of a unilateral nature."

Despite the fact that the Sandinistas have made it clear that they will not accept the $75 million if that means that they must stop supporting terrorism in Latin America, Cruz claimed that as soon as Congress approved the loan, $15 million was made available and that when they sign the agreement they will receive another $40 million and the rest will come a short time later. In other words, the first $15 million was released to them long before the President certified that they were not involved in the export of terrorism.

The most significant support to terrorism given by the Sandinistas is the aid and training that they supply to terrorist groups in El Salvador. On June 23, 1980, the press and radio in El Salvador published the statement of a captured terrorist Julian Ignacio Otero Espinosa. Otero testified that he, himself was involved in the shipment of arms from Nicaragua to the terrorists in El Salvador. He said, "On several opportunities we went to the border with Honduras to receive arms coming from Nicaragua. On other occasions, we received arms coming directly from the Soviet Union and the Socialist Republic of Cuba." He referred to "the active collaboration of the government of Nicaragua. Not long ago landing exercises were carried out in the Corinto area and they have training camps in Nicaragua."

On June 25, 1980, the official Managua radio Sandino, reported the unification of the terrorist groups in El Salvador. They stated "A single army will emerge from their force, their heroism, their revolutionary awareness, their responsibility toward the peoples of the world and their unity." The day before the announcement of the unity of the terrorist groups in El Salvador over the official Nicaraguan radio, the terrorists sent letters to a number of prominent politicians and journalists in El Salvador threatening their lives. Those threatened include representatives of the French News Agency, Reuters, Associated Press and United Press International.

It is interesting to note that the Cuban Ambassador to Nicaragua Julian Lopez, is a member of the Americas Department of the Central Committee of the Communist Party of Cuba. The Americas Department is responsible for providing support to terrorists and insurrectionary groups throughout the hemisphere.

It is also of some significance that the press in Kuwait reported on August 23 that a delegation from the Palestine Liberation Organization had gone to Nicaragua to supervise military training. According to the newspaper, Ar-Ray Al-Amm the instructors were sent in accordance with an agreement between Yasir Arafat and the leaders of the Sandinista Government in Nicaragua. Actually, there has been a long standing relationship between the PLO terrorists and the Sandinista terrorists. On August 7, 1979, the Kuwait newspaper Al-Watan reported an interview with Jorge Mandi, the Sandinista representative in Europe. Mandi said, "There is a long standing blood unity between us and the Palestinian Revolution. We have long had close relations with the Palestinians. Many of the units belonging to the Sandinista movement were at Palestinian revolution bases in Jordan . . . as an example of our cooperation with the Palestinian Revolution, a number of our comrades took part in the operation to divert four planes which the Popular Front for the Liberation of Palestine seized and landed at a desert airfield in Jordan. One of our comrades was also wounded in another hijack operation in which Layla Khalid was involved. She was in command of the operation and our comrades helped her carry it out."

This close association between the Sandinista terrorists and the PLO perhaps explains why, when the American Jewish Committee investigated the situation of Jews in Latin America in May, they found that the entire Jewish Community of Nicaragua, some 70 families, about 350 people, had vanished from that country. This was reported in the Jewish Press, New York, May 23, 1980.

The role of the Sandinista government of Nicaragua, and the terrorists that they support from other parts of Latin America, in the murder of former President Somoza is obvious to everyone. Only the Sandinistas benefited from the murder, and the Argentinian terrorist killed in a shoot out with police shortly after the murder had close ties with the Sandinista government. He was a member of the Trotskyite terrorist organization ERP (Revolutionary Army of the People) which has long collaborated with the Nicaraguan Sandinistas.

You may recall that my interest in this subject is not a recent one. I was instrumental in calling for the closed session of Congress held 25 February 1980 in order that classified information could be presented to the full Congress in considering aid for Nicaragua. Even prior to that time, the Subcommittee on Evaluation of the House Permanent Select Committee on Intelligence, of which I am a Member, had been engaged, as part of their regular duties, in monitoring the quality of intelligence performance in this part of the world. So this has been a continuing and ongoing effort.

I am very concerned about the President making the certification that the government of Nicaragua is not involved in the exporting of terrorism or in supporting the overthrow of other duly constituted governments in Central America, since I have had access to the intelligence information of the CIA and the Defense Intelligence Agency concerning this matter. While I cannot quote classified information in this open session, I can tell you that the intelligence reports confirm in overwhelming detail that the Sandinista clique that rules Nicaragua is engaged in the export of violence and terrorism.

I feel that you should also know about the difficulties that we have recently had in obtaining the classified information on this subject from the Executive Branch.

As I previously noted, the staff of the Subcommittee on Evaluation has had an ongoing study of intelligence of Nicaragua which began in late 1978. As part of that responsibility the staff often makes visits to the CIA to talk with analysts and periodically requests studies produced by the CIA and other intelligence agencies in Washington, and in general has paid attention to what is going on.

On 12 August of this year the staff made a routine request to talk with an analyst at CIA's National Foreign Assessment Center about Nicaragua. The staff was told that they would not be able to talk with the analyst at CIA since there was "a Presidential Embargo" on talking about Nicaragua. I was unaware of this at the time since this took place during the recess, but the staff was quite concerned. The Chairman of the Committee, Mr. Boland, sent a letter to the Director of Central Intelligence on this matter, on August 22. To date the CIA has not responded to that letter.

I would further note that the staff was notified via telephone on September 10 that the embargo had been lifted and that discussions could be held with CIA analysts. Two days later the President made his certification that Nicaragua is not exporting terrorism and/or acting as a conduit for arms or sanctuary for revolutionaries in other Central American countries.

On September 15 the staff of the House Intelligence Committee was briefed on Nicaragua. The evidence of Sandinista export of violence and terrorism was presented. As a result of that briefing the staff requested certain materials from the CIA. One of those papers was a study produced for the National Security Council. Although the staff was allowed to read the study, as I was, we were not allowed to keep the paper. We were later given a study which, for the most part, is the same as the paper which had been supplied to the National Security Council. One of the other documents is still denied to us.

At the same time the staff was talking with analysts in the intelligence community and also reviewing production by the Defense Intelligence Agency and the Department of State to ascertain if there was any kind of a dispute in regard to the facts, or if the intelligence was so ambiguous that differing interpretations could be placed on it.

The staff of the Subcommittee on Evaluation found that there is essentially no disagreement within the intelligence community on the evidence. There may be slight nuances here or there, but in general the community is in agreement.

While there is no intelligence issue, there is a policy issue. While the intelligence community is reporting one thing about what is occurring in Nicaragua, our Chief Executive Officer, the President of the United States chooses to disregard that evidence and certify otherwise. It is clear that either the President hasn't read the same intelligence reports that I have, or he had received them through a filter. In either event, it is a serious matter. I believe that you should explore this matter in depth with the agencies.

As I mentioned there are documents which the Intelligence Committee staff has requested which they have not received. They have been given various reasons and excuses for why they cannot have them. My own view is that they touch on political sensitivities rather than sources and methods. Let me say that in the deliberations over the Intelligence Oversight Act of 1980, H.R. 7668, I was a firm proponent, along with my colleagues on the Committee, that the CIA deserved protection for intelligence sources and methods. Obviously our nation's intelligence efforts need this kind of protection. However, they must not be manipulated by anyone to use the sources and methods caveat, to withhold information which is essentially politically sensitive rather than source sensitive. Let me reiterate that an embargo was placed on discussing this matter with the staff of a Committee of the Congress which is empowered to oversee the intelligence community, assess its performance and evaluate its effectiveness. The embargo was removed only after the President made a political decision about the information. And at this time, some data is still being denied to us.

It is very disturbing that the Central Intelligence Agency was directed to not provide an answer to the Chairman of the House Permanent Select Committee on Intelligence to the questions that he asked in his letter of August 22.

What we have is a case of the intelligence community being manipulated by the Executive Branch to protect a political sensitivity. What dismays me is the political misuse of the intelligence community, which rightfully has a reputation for objectivity. The intelligence community must be free of political bias so that our decision makers can use their reports to reach decisions based on the facts of the matter, and not on desired political outcomes.

I look forward to hearing the testimony of the witnesses from the intelligence community. They have a hard problem in light of the President's certification. But, I am sure that they will be candid with this Committee.●

DR. LAMAR DODD

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BARNARD. Mr. Speaker, I would like to take this opportunity to announce that a fine Georgian and a distinguished American, Dr. Lamar Dodd, will present an illustrated lecture entitled "An Artist's Flight Into Painting" on October 22, 1980, at the theater of the National Air and Space Museum here in Washington. Dr. Dodd will explore the many entities that influence and stimulate an artist.

Lamar Dodd has a long history of affiliation with space exploration, and he has been involved for many years with the art program of the National Aeronautics and Space Administration. Two favorite subjects of Dr. Dodd's paintings have been the exploration of space and the documentation of open heart surgery. He sees a definite link between scientists who work in these two fields. A comparison of these two subjects will also be covered in this upcoming lecture.

The contributions Dr. Lamar Dodd has made as an accomplished artist and educator for over 40 years cannot be overstated. He has works in the permanent collections of the most prestigious museums in the country including the National Gallery, the Metropolitan Museum of Art, the Whitney Museum of American Art, and the Virginia Museum of Fine Art. Presently, Dr. Dodd is the regent's professor emeritus of art at the University of Georgia where he served as head of the art department for 37 years.

In 1937, Lamar Dodd was invited to join the University of Georgia faculty and 1 year later was made head of the art department. He then molded a nationally recognized department from the skeletal eight students and virtually nonexistent budget that were there when he took over. When Dr. Dodd retired 37 years later it was an outfit of 1,200 art majors and was financed by a 7-digit budget plus many substantial grants from foundations. These monumental strides were made possible by the individual effort and excellent leadership that Lamar Dodd provided.

Mr. Speaker, I know I speak for all the Members of the House when I commend this fine American and grand artist and thank him for the multitude of contributions he has made to the world of art. I feel certain that the lecture he will deliver on October 22 will equal the high standards he has set and maintained throughout his notable career.●

LIONS CLUBS

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Ms. FERRARO. Mr. Speaker, on October 8, 1980, the Lions Clubs of the Ninth Congressional District of New York, under the leadership of District Governor David Rennick, are commemorating World Lions Day. I would like to use this forum to publically congratulate these clubs for their successes in the past, and continued good work in the future.

One of the major objectives of the Lions Club is service to community members in need. Since they began in 1917, the Lions Clubs have made important contributions through their humanitarian activities. They have fostered a better understanding among people around the globe. The Lions Clubs are now represented in 149 countries, and have a total membership of 1.3 million.

I have had, as have so many of my colleagues in the House, the opportunity to speak before local Lions Clubs, to work with them toward our mutual goal of bettering our neighborhoods, and to rely upon them to help all of us who seek to improve the quality of life in our communities. Their record of service is one of which they can be proud, for it signifies a commitment which is deeply embedded in American culture.

I ask my colleagues to join me in applauding the efforts and successes of Lions Clubs all over the world. I know that the people of the Ninth Congressional District similarly join me in expressing appreciation to our own clubs in Queens County.●

CONTROVERSY OVER NUCLEAR WASTE LEGISLATION REQUIRES DEMOCRATIC CAUCUS AND OPEN RULE FOR HOUSE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MARKEY. Mr. Speaker, I ask that two letters be printed in the RECORD showing the considerable degree of concern among Members of the House over the shape of pending legislation concerned with nuclear waste policy. Many points of controversy have been raised about the several bills—at least six nuclear waste policy bills have been reported from the Interior, Commerce, and Science committees in the past few months—now pending before the Rules Committee.

I urge that my colleagues review my extended remarks on this subject printed in the October 1, 1980, RECORD on pages 28915-28916.

The first letter, signed by 16 Members of the Interior and Commerce committees, was sent to the distinguished chairman of the Rules Committee (Mr. BOLLING) on September 23. In that letter, we declared that the House should debate legislation on nuclear waste policy under an open and unrestricted rule.

The second letter, signed by 52 Democratic Members of this body, was sent to the distinguished chairman of the Democratic Caucus (Mr. FOLEY) on September 29. In that letter, we have petitioned the chairman to call a meeting of the caucus to debate two resolutions concerned with key issues respecting nuclear waste management. A caucus on this subject may be held when this body returns following the November election.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 23, 1980.
Hon. RICHARD BOLLING,
Chairman, Committee on Rules,
The Capitol.

DEAR CHAIRMAN BOLLING: As you know, the three House Committees which share jurisdiction on nuclear waste have reported out different versions of radioactive waste legislation. As Members of two of the Committees on Interstate and Foreign Commerce and/or the Committee on Interior and Insular Affairs, we are writing you regarding the radioactive waste legislation which may be before the Rules Committee in the near future.

These bills, as reported out by our respective Committees, contain a wide range of opinions on the concepts and methods for dealing with radioactive waste. These issues include state participation, NRC licensing authority, NEPA implementation as well as establishment of various types of facilities for the storage of radioactive waste. As a result of this complicated process, Committee staffs have been attempting to construct a composite vehicle for possible Floor action.

We are concerned that this legislative process may ensure a "consensus" nuclear waste bill that does not reflect views and actions of our respective committees. Further, it is unclear at this time whether we will be afforded an opportunity to thoroughly review such composite legislation prior to Rules Committee action.

Therefore, as Members of affected Committees, we urge the Rules Committee to adopt an open and unrestricted rule in order to effectively guarantee Members the opportunity to protect their jurisdiction and interests.

Since the debate on nuclear waste is of intense interest and is obviously an issue of national concern, any Congressional action on waste management must achieve maximum public confidence and ensure an adequate process for state participation.

With best wishes,

Bob Eckhardt, Edward Markey, Jim Santini, Phil Burton, George Miller, Barbara A. Mikulski, Peter Kostmayer, Richard Ottinger, Andrew Maguire, Toby Moffett, Bruce Vento, Timothy Wirth, Ray Kogovsek, Jim Weaver, Pat Williams, Robert Kastenmeier, Members of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 29, 1980.
Hon. THOMAS S. FOLEY,
Chairman of the Democratic Caucus,
Longworth House Office Building

DEAR MR. CHAIRMAN: As you know, nuclear waste management policy has become a matter of heightened interest to Members of Congress in recent weeks. Because of this concern, we would like to request a special meeting of the House Democratic Caucus to consider two resolutions:

Resolved, That it shall be the Democratic Policy in the House of Representatives that the right of States to object to a proposed nuclear waste repository site be guaranteed by law, subject only to over-ride by Congress; and

Resolved, That it shall be the Democratic Policy in the House of Representatives that any nuclear waste demonstration repository be licensed by the Nuclear Regulatory Commission and be subject to the same procedures with regard to State participation as full-scale repositories.

Thank you for your consideration.

Peter H. Kostmayer, Edward J. Markey, Andrew Maguire, George Miller, Jim Santini, John F. Seiberling. Jim Weaver, Richard L. Ottinger, Robert Drinan, Nick Joe Rahall, Barbara Mikulski, Clarence Long, Mary Rose Oakar, Jerome Ambro, Robert Matsui, Ted Weiss, Mickey Leland, Fortney Stark, Howard Wolpe, Martin Sabo, James Shannon, Julian Dixon, Brian Donnelly, Tom Harkin, James Hanley, Bob Edgar, James Oberstar, Joseph Early, Norman Dicks, William Ratchford, Thomas Downey, Bruce Vento, Ray Kogovsek, John Burton, Michael Barnes, David Bonior, Bob Eckhardt, Mike Lowry, Tony Hall, Toby Moffett, Nicholas Mavroules, Donald Pease, Frederick Richmond, Berkley Bedell, Henry Gonzalez, Doug Walgren, Mike Synar, Edward Beard, Richard Nolan, Les AuCoin, Lester Wolff, Eugene Atkinson, Members of Congress.●

UNITED STATES-CHINA ACADEMIC EXCHANGE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. STUDDS. Mr. Speaker, I have the privilege of serving on the Foreign Affairs Committee. I would like to bring to the attention of the members of that committee and the Members of the House the success that the international teaching training and exchange program (ITTEP) has had in developing exchange programs with the People's Republic of China. ITTEP, which was founded and developed by William Cloherty, has recently concluded nine agreements with the People's Republic of China. Attached is a copy of the agreement between ITTEP and the People's Republic of China Ministry of Agricultural Machinery. Similar agreements have been concluded with the Ministry of Education, the Ministry of Foreign Trade, the Beijing Institute of Foreign Trade, the Fourth Ministry of Machine Building, the Fifth Ministry of Machine Building, the Ministry of Agriculture, the Ministry of Coal, and the Ministry of Oil and Gas Exploration and Development Corporation.

It is clear that the Chinese are eager to send their most promising students, scholars, and industrial and agricultural experts to the United States. ITTEP has also secured many opportunities for Americans to study in China so as to gain a firsthand knowledge of the language and the culture. This is important. I will be meeting with some of the Chinese exchange visitors coming to America under the ITTEP agreement as well as some of the Americans who will be going to China. I will follow with great interest the development of this important initiative. And I will keep my colleagues in the House informed regarding the expansion and growth of the ITTEP program in China. A copy of the agreement between ITTEP and the People's Republic of China Ministry of Agricultural Machinery follows:

AGREEMENT BETWEEN THE BUREAU OF EDUCATION OF THE MINISTRY OF AGRICULTURAL MACHINERY AND ITTEP

1. This agreement between ITTEP and the Bureau of Education of the Ministry of Agricultural Machinery (MAM) is designed to promote the modernization and mechanization of agriculture as part of the four modernizations campaign. It is also designed to promote and to foster friendship, understanding and respect between the people of China and the people of the United States of America.

2. ITTEP will begin immediately a program to place in the United States twenty-five (25) agricultural machinery experts to undertake advanced training and education in the United States.

3. These experts will be nominated by the Bureau of Education, MAM.

4. ITTEP will begin this program with the placement of five (5) of the experts immediately (in the next 90 days). ITTEP will then

begin placement on the additional twenty (20) experts during the course of the year.

5. ITTEP will arrange the exchange visitor visa plus handle and pay for all their expenses while in the USA.

6. ITTEP will arrange for the experts nominated by the Bureau of Education, MAM to come to the United States of America to have an opportunity to learn by developing rewarding associations with leading departments of agricultural machinery at American universities, agricultural machinery associations, agricultural machinery companies, as well as, and especially with, individual American farmers who have a strong interest in agricultural machinery and in China.

7. The Bureau of Education, MAM will provide their transportation to and from their site in the USA.

8. ITTEP will make certain that all of their necessary expenses in the United States are covered; this will include housing, food, local transportation, clothing allowance, tuition, medical insurance and a monthly stipend for incidental expenses.

9. Each of the 25 agricultural machinery experts to come to the USA under this agreement will have a personal program developed by ITTEP to meet their precise needs and requirements. It will be tailored to meet their exact situation.

10. The Ministry will inform William M. Cloherty by telex (telex 898403) whenever a delegation from the Ministry is coming to the USA. Their itinerary and the list of participants will be forwarded. If time permits this information may be sent by mail; if not, it will be sent by telex.

11. All questions or issues that may arise will be settled in a spirit of mutual cooperation between friends.●

NO VIOLATION OF COMMITTEE RULES

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BEARD of Tennessee. Mr. Speaker, I would at this time like to present to the full House my testimony presented to the Investigative Subcommittee of the Armed Services Committee; this testimony was in response to charges made by Representative BOB CARR that I violated committee rules by releasing classified material.

I was pleased but not surprised that the committee found no violation of the committee rules and that the committee exonerated me of these reckless charges.

I submit this statement to also reemphasize the flagrant violations committed by the Soviet Union in respect to the arms control treaties. It is my most sincere hope that the Armed Services Committee will immediately begin hearings into these Soviet Union violations—violations which could so change the balance of power as to being irreversible.

STATEMENT BY CONGRESSMAN ROBIN L. BEARD

Mr. Chairman and Colleagues, I appreciate this opportunity to appear before you today to elaborate on my request of September 18 that our committee be convened at an early date to review evidence which raised important questions for American security relating to Soviet compliance with several bilateral treaties or executive agreements with the United States. As you are no doubt aware, I expressed my request in a private but unclassified letter also on September 18th to the Chairman as well as in public by way of a press release issued by my office.

This information was not based upon either testimony or briefings given me through the Armed Services Committee. The content of both my press release and news media interviews was based solely upon my understanding of a verbal description of the content of a forthcoming article in a well-known trade journal, Aviation Week and Space Technology. The imminent adjournment of the House made it necessary to request a convening of the committee swiftly lest timely Congressional understanding of so important an issue be abandoned—possibly deferring consideration for as much as four months.

My concern and indignation was aroused because of what I believe to be an appalling pattern of Administration neglect of matters concerning Soviet compliance with arms control agreements, particularly with respect to timely and forthright discussion of these matters with the American people. In many cases, prior cases of ambiguities in Soviet compliance have been discussed with the Soviets, but in most cases the incidents in question were suppressed from the American people. As the Secretary of State has proclaimed that the forthcoming election should constitute a "referendum" on arms control, it seems reasonable to me that Soviet compliance with existing arms control agreements should be discussed as well.

We have been advised in open testimony before this Committee that the pending SALT II agreement will place a cap on the Soviet strategic nuclear buildup. As a consequence, the issue of whether or not the strategic balance intended by the treaty could be maintained if the Soviets developed an ability to rapidly reload and refire their strategic missiles in violation of Article IV para. 5(c) of the SALT II treaty is one of profound importance. A Soviet ability to reload its ICBMs on the scale suggested in the Aviation Week and Space Technology article could swiftly alter the military balance to the disadvantage of the United States—a prospect this Committee has labored long and hard to prevent. This Committee should seek to ascertain the significance of the alleged reloading and refiring capability so that timely recommendations can be made. In this context, the recent argument that the Soviets did not demonstrate a "rapid" reload capability, but only a reload capability, in my view still remains a matter of real concern, because it demonstrates Soviet capability, and, at best, one can only say that the Soviets have circumscribed at least the intent of the Salt agreement.

Similarly, the confidence we have in the stability of deterrence rests heavily on the expectation that the Soviets will comply with the terms of the 1972 ABM Treaty, and will avoid conducting experiments with the anti-aircraft surface-to-air air missiles that would enable them to be used against our ballistic missiles. Such a development could result in the sudden appearance of a Soviet ABM capability which we would not be able to match for many years. Thus, a presentation of evidence to this effect in a national magazine justifies a serious investigation by this Committee.

For the past few years, the United States and the Soviet Union have agreed to refrain from testing nuclear weapons underground with a yield of more than 150 kilotons pending formal ratification of the Threshold Test Ban Treaty (TTBT). U.S. compliance with this agreement has obliged us to curtail military experiments of great significance, but we have done so in the interests of reducing some of the serious effects of Soviet-American nuclear competition. Should the Soviets continue to conduct tests with explosive yields well above 150 kilotons, they could gain unilateral advantage over the United States, posing a grave risk to our security. An allegation to this effect published in a national magazine, and subsequently confirmed by Administration spokesmen, justifies my concern. Rick Burt, in a recent New York Times article maintained new British intelligence reveals that this may or may not be the case. As the Administration has made known its concerns in this matter to the Soviets, the details of concern could probably be explored in an open hearing. Suffice it to say, the risks posed to American security by these violations, if sustained by Committee investigation, cry out for swift Congressional action.

The manner in which some of these issues have been discussed in public has served to fuel my concern. For example, on September 16th, the Congressional Record (p. S 12694) carried the text of the Administration's response to a question posed concerning the reloading and refiring of ICBMs. The Administration stated:

> It is unlikely that any excess older missiles the Soviets may have would be used for refire. A complex operation with thousands of people and vehicles—all observable—would be necessary to launch these missiles without their silo launchers. There is no evidence of any such infrastructure.

The presentation of evidence in the public media to the effect that the Soviets may have simulated the reloading of some of its missiles contradicts authoritative statements by Administration spokesmen who appear prepared to dismiss the issue of refire. If the allegations concerning Soviet reloading efforts are sustained, then our entire diplomatic strategy to seek arms limitation agreements with the Soviets must be reviewed. Indeed, so central is the reloading controversy to our entire concept of strategic arms limitation that Administration spokesmen quoted by Aviation Week and Space Technology described the alleged violations as "alarming" and going "to the very heart of SALT." The reason for this alarm is, of course, that we depend upon the limitation built into the agreement on launcher numbers (e.g., silos) will not be offset by multiple missile firing from a single launcher. As the United States does not have additional missiles available for reloading and refiring purposes except for a small number for operational testing, the risk to the United States is grave.

Thus, I believe it fair to argue that there are compelling reasons for this Committee to take up these allegations at the earliest possible date. If the allegations are unfounded, then delay undermines confidence in the arms control process. If the allegations are sustained, delay jeopardizes American security. With the impending adjournment of the Congress on October 4, I felt obliged as a member of this Committee to make public the Aviation Week and Space Technology allegations a few days in advance of its public distribution to expedite a decision to convene hearings on the subject at an early date.

I reiterate that none of the information I used in this episode came from Committee hearings or briefings. It was drawn from a public source without benefit of any privileged access to information in either the Congress or the Executive branch. I can appreciate that the Administration would find that the existence of such evidence would be embarrassing at a time when they are making such great efforts to gain Senate approval of the SALT II Treaty, but the courts have long upheld the notion that government information that is merely embarrassing to that government is not subject to classification. There is ample evidence that the Administration itself has adopted a selective attitude toward the compromise of sensitive information. A prominent Member of Congress disclosed compartmented code word information in a widely publicized article on a SALT-related matter, yet the compromise of such sensitive information did not elicit Administration Disapproval—perhaps because the disclosure served other political ends. Should the Committee wish further elaboration of this point, I will provide it in an Executive session. Other disclosures by Administration officials whether by inadvertent design can be thoroughly documented, yet no resolute response to the frequency of such occurrences by the Administration are in evidence.

The Administration response has been overwhelming, as it has been in Congress—but the inescapable conclusion remains—its focus of the impropriety of the disclosure is intended to deflect attention from the central issue raised by the Aviation Week article and my request for a hearing before this Committee. It is my hope that the Committee will dispose of the issue of the manner of disclosure of this information, and get on with the crucial business of assessing the extent of Soviet non-compliance with arms control commitments and its implications for American security.

Let me also point out that Congressman Carr's allegations that I have released unauthorized, classified information appears to be contradicted by the Administration's assertions in a New York Times story that says the information I informed the Committee of was inaccurate.

The Soviets had made a mockery out of the arms control process . . . They are pursuing an unconstrained, unrelenting, and unilateral massive military build-up that in many cases circumvents, and in some cases possibly violates the spirit, . . . of the arms control agreements we have entered in with them.

We in the Congress, and the American people, need to be informed if we are to be able to respond to the Administration's call that this election be a national referendum on the adequacy and in my view, the inadequacy, of the arms control policies and defense policies of this Administration.

. . . Now, Mr. Chairman, I would be happy to respond to any questions the Committee might have, but let me emphasize, or reiterate . . . and take that from the original draft.

Tom, make sure that Mark Schneider reviews this.●

ANTI-BALLISTIC-MISSILE SYSTEMS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WINN. Mr. Speaker, in light of the ongoing instability in the Middle East, and the heightened cold war situation between the United States and the Soviet Union, an issue of paramount importance to the American people is that of our national security system. It is absolutely crucial that accurate information be disseminated to public officials as well as the general populace so that important security policies are decided on fact, not illusion. At this time I would like to submit an excerpt from the 1980 edition of the arms control and disarmament agreements regarding our now dismantled ABM system:

> PROTOCOL TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC-MISSILE SYSTEMS
>
> At the 1974 Summit meeting, the United States and the Soviet Union signed a protocol that further restrained deployment of strategic defensive armaments. The 1972 ABM Treaty had permitted each side two ABM deployment areas, one to defend its national capital and another to defend an ICBM field. The 1974 ABM Protocol limits each side to one site only.
>
> The Soviet Union had chosen to maintain its ABM defense of Moscow, and the United States chose to maintain defense of its ICBM emplacements near Grand Forks, North Dakota. To allow some flexibility, the protocol allows each side to reverse its original choice of an ABM site. That is, the United States may dismantle or destroy its ABM system at Grand Forks and deploy an ABM defense of Washington. The Soviet Union, similarly, can decide to shift to an ABM defense of a missile field rather than of Moscow. Each side can make such a change only once. Advance notice must be given, and this may be done only during a year in which a review of the ABM Treaty is scheduled. The treaty prescribes reviews every 5 years; the first year for such a review began October 3, 1977.
>
> Upon entry into force, the protocol became an integral part of the 1972 ABM Treaty, of which the verification and other provisions continue to apply. Thus the deployments permitted are governed by the treaty limitations on number and characteristics of interceptor missiles, launchers, and supporting radars.

The implications of the preceding section are serious. It would lead one to believe that our ABM system is fully functional, when in fact it is not. Vital issues such as the MX missile, B-1 bomber, and especially the Salt II Treaty demand responsible coverage.●

INTRODUCTION OF NEW LEGISLATION—NATIONAL FLOOD INSURANCE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GOLDWATER. Mr. Speaker, today I introduce a bill which, by amending the National Flood Insurance Act of 1968, would provide insurance coverage for damage caused by flood-related landslides.

Because of this past winter's rains, California recently suffered severe flood damage. The rains in several areas initiated large earth movements which destroyed both homes and property. Many homeowners, who purchased a national flood insurance policy, believed they were adequately protected against flood and flood-related disasters. The national flood insurance program is a Federal program enabling property owners to buy flood insurance at a reasonable cost. In return, communities carry out local flood plain management measures to protect the lives and new construction from future flooding. Now however, after the flooding, holders of national flood insurance, many of whom were required to purchase the insurance, are putting in claims for the first time. And they are discovering it is pretty much worthless. The way the legislation was written, the policies do not cover any landslide that is caused by flooding or a great accumulation of water as a result of extensive rains. It specifically exempts landslide from coverage, and will only pay for mudslide, or mudflow in agency interpretations. The difference between the two is a highly technical distinction made by a geologist, and very often geologists will disagree.

Title XIII of the Housing and Urban Development Act of 1968 contained the National Flood Insurance Act of 1968—Public Law 90-488. Although the National Flood Insurance Act of 1968 had no language on mudflows and mudslides, the Housing and Urban Development Act was extensively amended the following year. These revisions are contained in Public Law 91-152, the Housing and Urban Development Act of 1969. Section 409(f) contains the language:

> It is therefore the further purpose of this title to make available . . . protection against damage and loss resulting from mudslides that are caused by accumulations of water on or under the ground.

This language was developed in the House of Representatives, and is a part of House Report 91-539. The mudslide provision was slightly modified in the Flood Disaster Protection Act of 1973—Public Law 93-234. After the law was passed, the Flood Insurance Administration issued implementing regulations on October 26, 1976.

It seems very clear that the intent of the national flood insurance program is to protect local homeowners against floods and flood-related disasters. It should therefore make no difference whether an earth movement, caused by flooding, is termed a "landslide," a "mudslide," or a "mudflow"; the national flood insurance purchaser should be protected.

My bill would simply do three things to correct this inequity. First of all, landslides which are water initiated are included under national flood insurance coverage. Landslides initiated by earthquakes or volcanoes or other non-water-induced earth movements are not to be included under the national flood insurance program. Second, the Federal Insurance Administration shall conduct a study, due within 1 year, of the costs to the national flood insurance program for including property damage coverage.

Currently, coverage for property damage, including driveways, fences, and other property items, is not offered under national flood insurance; only buildings and their contents are protected. Even if a mudslide or mudflow threatens the very foundation of a home, the hapless homeowner cannot receive needed reparation funds until the home has been damaged. Should the study prove property insurance coverage against water-initiated mudslides and landslides to be feasible and economically justifiable, I fully intend to introduce legislation which would include such coverage. Finally, my measure would make retroactive payments, not to exceed the date the disaster was declared, to those who suffered water-initiated landslide damage to their homes.

Mr. Speaker, this is an extremely important piece of legislation. I urge prompt consideration of this bill, and ask my colleagues to join me as cosponsors.●

DAVIS-BACON WILL INFLATE METRO CONSTRUCTION BY $149 MILLION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ASHBROOK. Mr. Speaker, I am today releasing a report which the General Accounting Office prepared on the impact of the Davis-Bacon Act on future Metro construction. Although it is an interim report, I believe that its conclusions are so significant that they must be brought to the attention not only of the citizens of the National Capital region but also of the Nation generally. GAO concludes that future Metro construction costs may be inflated by as much as 6.8 percent due to the Davis-Bacon Act. This translates into a staggering $149 million.

To those of us who have studied this issue, these findings come as no surprise. The GAO for over a decade has documented case after case of how the Davis-Bacon Act has inflated labor costs in excess of the prevailing wage standards of a locality. Most recently, in April 1979, GAO submitted a comprehensive report, recommending that the act be repealed. GAO estimated that the Davis-Bacon Act resulted in inflated construction costs totaling $513 million annually, plus an additional $189 million in administrative and recordkeeping costs.

The legislative committees in this Congress unfortunately refused to act on such legislation. However, the House did have the opportunity to reduce inflated labor costs with respect to Metro construction. On July 16, 1979, the House considered the National Capital Transportation Act Amendments of 1979 (H.R. 3951). To that bill, I offered an amendment to waive application of the Davis-Bacon to Metro. Unfortunately, that amendment was defeated. Perhaps the reason lay in the lack of direct evidence of the act's inflationary impact on Metro construction. During the debates, I suggested that an inflation factor of 3.4 percent was an appropriate measure. This was the average figure found by GAO in its survey of 30 projects for its April 1979 report.

The interim GAO report which is set forth below shows that I was wrong. The inflation factor for Metro construction is not 3.4 percent but 6.8 percent. The new GAO report thus makes a far more compelling case against Davis-Bacon.

Because of space limitations, what follows are the pertinent portions of the GAO letter, dated October 2, 1980:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., October 2, 1980.

Subject: Review to Determine Whether the Davis-Bacon Act Has an Inflationary Impact and Increases Costs on METRO Construction (HRD-81-10).

Hon. JOHN M. ASHBROOK,
Ranking Minority Member, Committee on Education and Labor, House of Representatives.

DEAR MR. ASHBROOK: By letter dated April 27, 1980, you and Representative Robert E. Bauman asked us to review the effect of using wage rates issued by the Department of Labor under the Davis-Bacon Act (40 U.S.C. 276(a)) on construction of the Washington Regional Rapid Rail Transit System (METRO).

In accordance with your September 18, 1980, request, this interim report discusses our preliminary findings.

We found that setting prevailing wages for METRO construction—as required by the Davis-Bacon Act—may increase the construction costs by about 6.8 percent. We estimate that, as a result of Labor establishing wages at higher rates than those actually prevailing in the area of METRO projects, METRO construction costs could be increased by about $149 million. * * *

GAO WAGE RATE SURVEY

To determine the effect of using Davis-Bacon wage rates on METRO construction contracts, we made a wage rate survey in Montgomery County. We intended to make a similar wage survey in Virginia; however, Labor is making wage rate surveys in the city of Alexandria and Fairfax County. To avoid duplicating Labor's effort and possibly interfering with its survey or antagonizing contractors with two requests for the same data, we deferred our survey in Virginia. We plan to review the results of Labor's surveys when they are completed.

On current METRO construction contracts, the Transit Authority is required to use Labor's Davis-Bacon rates published in an area decision covering jurisdictions in the metropolitan area transit zone. Labor issues two types of Davis-Bacon wage determinations—project determinations and area wage determinations. The area decision in effect at the time of our review was DC 80-3040, published in the Federal Register on May 16, 1980, and modifications 1 and 2, published in the Register on May 30 and June 6, 1980, respectively. According to Labor officials, some of the wage rates were based on wage surveys made in the Virginia counties. However, they said Labor has not made a wage survey in Montgomery County in 6 to 10 years.

SURVEY PROCEDURES

Labor's area decision DC 80-3040 lists wage rates to be paid for about 155 classifications of workers in various types of construction; e.g., building, heavy, highway, and water and sewer line construction. According to a Transit Authority official, 13 craft or worker classifications—listed for building and heavy construction—account for about 90 percent of the labor costs on METRO construction projects. Therefore, during our survey in Montgomery County, we obtained data on wages paid to the corresponding 13 classes of crafts or workers on similar private construction projects in Montgomery County, from July 1, 1979, through June 30, 1980.

In collecting the data and determining rates, we generally used Labor's regulations and procedures. However, we surveyed wage rates paid on private construction only (eliminating Federal projects with Davis-Bacon Act rates) and eliminated duplicate counting of workers where contractors had worked on more than one project during the survey period.

We excluded federally funded projects because the legislative history of the act indicated that the wage rate should be based on wages that prevailed on private construction. This exclusion also eliminated any influence of incorrect rates that may have been issued on earlier Davis-Bacon projects. We considered including the same employees working on different projects—multiple counting—to be a questionable practice which distorts survey results.

SURVEY STATISTICS

Our universe of construction projects in Montgomery County was identified from Dodge Reports, a publication that lists projects and their contractors by county. We also asked prime contractors to identify their subcontractors and other construction projects in progress. During the wage rate survey, we identified 153 construction projects and 97 prime contractors and 256 subcontractors working on the projects. We were able to contact 80 prime contractors and 211 subcontractors. Of them, we obtained data from 58 prime contractors and 180 subcontractors covering 93 construction projects.

PRELIMINARY FINDINGS

Most of the wage rates prevailing on private construction in Montgomery County for the 13 crafts are substantially lower than those required by Labor.

For 11 of the 13 classifications, the prevailing wage rates prescribed by Labor were higher than those we found to prevail on similar private construction in the county. For example:

For a laborer, the prevailing rate was $6.05, while Labor's prescribed rate was $10.95—$4.90 higher.

For a carpenter, the prevailing rate was $9.24, while Labor's rate was $13.56—$4.32 higher.

For a power equipment operator (bulldozer), the prevailing rate was $8.99, while Labor's rate was $13.72—$4.73 higher.

For the other two crafts, our wage rates and Labor's were the same.

Overall, the higher wage rates established by Labor resulted in significantly higher wage costs—an average of 33.9 percent—for the METRO construction contracts.

IMPACT ON METRO CONSTRUCTION

Setting prevailing wages for METRO construction, as required by the Davis-Bacon Act, may increase the construction cost by about 6.8 percent. We estimate that, as a result of wages being established at higher rates than those actually prevailing in the area of METRO projects, METRO construction costs could be increased by about $149 million.

To illustrate, a Transit Authority official told us that labor accounts for about 22.4 percent of a METRO construction project and that the 13 craft classifications we surveyed accounted for 90 percent of the labor used on a project. A Transit Authority official also estimated that future construction costs for METRO will total about $2.18 billion. On the basis of the above, the potential impact of Davis-Bacon wage determinations on future METRO construction costs is shown in the following table.

[Dollars in millions]

	Total system
Estimated construction cost	$2,180.0
Percentage of costs for labor	22.4
Total estimated labor costs	$488.3
Percentage of Metro labor for crafts we surveyed	90.0
Total estimated labor costs for crafts we surveyed	$439.5
Average percentage labor costs increased because of the Davis-Bacon Act	33.9
Estimated increase in labor costs because of the Davis-Bacon Act	$149.0

We recognize that the wage rate difference found in Montgomery County may not be the same (1) in all jurisdictions where Metro is being constructed or (2) for all types of construction; we also recognize that the proportion of labor provided by a particular craft classification may vary. However, we believe that the wage rates within the different counties in the Washington metropolitan area transit zone should be reasonably close to those in Montgomery County, and that or cost estimates are a useful indicator of the potential magnitude of the increased construction costs resulting from the Davis-Bacon wage determinations. * * *

A report on our findings is also being sent to Representative Bauman. We hope to complete our remaining fieldwork and issue the final report to you in early 1981.

Sincerely yours,

EDWARD A DENSMORE.●

REALTORS "REPORT CARD"

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MINISH. Mr. Speaker, because we are Members of Congress and because we are Americans, we all agonize over the difficult economic questions our Government has to face. I am talking about questions like:

How much can we do to combat inflation without letting unemployment get out of hand?

Will increased Federal spending increase jobs and productivity or will it fuel inflation unnecessarily?

How much can Government regulatory agencies do to protect our citizens—without strangling businesses in redtape and increasing inflation through increased costs?

There is no getting around it, these are tough issues. So I am sure you will be happy to know that I have discovered someone who knows the answers to all these questions and more. He can tell you what effect Federal spending will have on price increases in New Jersey, down to one-tenth of 1 percent, in 1985. He can tell you the effect of Government economic policies on family income in New Jersey down to the last dollar. He can predict interest rates 5 years in advance.

Who is this messiah? Apparently, he is an in-house economist for a Washington, D.C., trade association called the National Association of Realtors. I would like to read you a few direct quotes from the "Legislative Report Card" I recently received from that lobbying group:

> If the important economic policy issues were passed because of Congressman Minish's votes, consumer prices in New Jersey would have been 3.3 percent higher than they would have otherwise been. By 1985, Congressman Minish's votes during 1977 through 1980 would have caused consumer prices to be 10.8 percent higher in New Jersey than they would have otherwise been.
>
> By 1985, Congressman Minish's votes during 1977 through July 1980 would have caused employment to be 129,500 jobs or 4.2 percent lower in New Jersey.
>
> By 1985, Congressman Minish's votes * * * would have caused family income to be $1890 or 5.7 percent lower in New Jersey than it would otherwise have been.
>
> By 1985, Congressman Minish's votes * * * would have caused long term interest rates to be 2.8 percent higher in New Jersey than would otherwise have been.

Mr. Speaker, well, now that the effects of Government policies on inflation, unemployment, and interest rates are known so precisely, I guess we can close up things like the Joint Economic Committee, the Council of Economic Advisers, and the Congressional Budget Office. It should save us a lot of money.

Seriously, though, I wanted to bring this up as an example of the kind of mud slinging that is going on in this year's election. Not only do we have the usual political invective, but now we have people trying to give it an aura of respectability by invoking pseudoscience. Apparently what the realtors did was to crank a number of congressional votes into an econometric forecast. Naturally, no explanation of their assumptions or statistical methods was sent out with the "report card." As you all know, econometric forecasting is an inexact business, full of estimates and guesses. I do not think it is meant to be used to predict how many fewer jobs there will be in New Jersey in 1985 because I voted for an Alaska lands bill amendment in 1979. But that is what the realtors are presuming to do.

The Democratic Study Group has done an extensive examination of the realtors methods and has found them seriously deficient. As the DSG points out, many of the votes listed were straight party line votes in which the realtors simply chose the Republican position as the correct one. Many of the housing votes had little to do with housing and the great majority of votes crucial to housing in the United States were ignored. In addition, the realtors designated a number of votes on restricting political action committee contributions as housing votes, although they had nothing to do with housing. In all, the DSG study makes it clear that the realtors "report card" is a slipshod, partisan, and irresponsible effort to promote their own cause.

As many of you know, I think that a lot of Congress problems can be traced to the influence of the special interest groups that abound in Washington today. Legislation often becomes a battle of the interest groups and lobbyists, and anyone who tries to do what he thinks is in the public interest gets attacked from both sides.

I would like to cite just one example of this problem. In 1979, I proposed a bill to amend the Federal law governing the sale of land in subdivisions. What land developers were doing to people was a national disgrace. The same group that is now giving me a report card, the National Association of Realtors, fought me tooth and nail on this bill. I wanted to provide some minimal protections for the little people who buy land and they wanted business as usual. Well, my bill passed, but not before industry supporters knocked out several of the most effective consumer protections. A study of this vote done by a public interest group later showed that the realtors had made over $1 million in contributions to House and Senate candidates in 1978 and that 83 percent of the members who voted to weaken my bill had received contributions from the realtors. These contributions averaged $3,665 apiece. I am not going to speculate on connections between contributions and votes, but those are the facts.

In conclusion, if a special interest group like the National Association of Realtors has an ax to grind, they should at least do it fairly.●

H.R. 7921

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. PREYER. Mr. Speaker, earlier this year, Mr. BROYHILL, Mr. SCHEUER, Mr. LUKEN, and I introduced H.R. 7921, the Product Liability Act of 1980. This legislation would provide uniformity and balance in certain areas of product liability law that have caused much confusion and uncertainty.

Unfortunately, time did not permit enactment of H.R. 7921 this Congress. However, I have been assured by the chairman of the Subcommittee on Consumer Protection and Finance that he intends to consider H.R. 7921 during the congressional session beginning November 12, 1980. It is my hope that the subcommittee can perfect this most important legislation so as to permit its early consideration in the next Congress.

Thank you, Mr. Speaker.●

A PRESIDENTIAL COMMISSION TO STUDY NATIONAL YOUTH SERVICE AS AN ALTERNATIVE TO THE DRAFT

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. McCLOSKEY. Mr. Speaker, the Senate has acted to authorize a Presidential Commission to study the proposed National Youth Service (H.R. 2206). I believe we should do likewise, acting favorably on H.R. 6868.

I believe that on April 22, 1980, the House vote, 219 to 180, for resumption of draft registration made it clear that a majority of the Members have reached the realization that the All-Volunteer Force (AVF) concept is not working. A number of us who voted against renewal of draft registration were of the view that the AVF is not working but we saw no way to renew a draft which, unlike in prior years would take, at the very most, 400,000 young men—1 out of 5—each year from the 2 million young men who turn 18 each year.

We saw no way to maintain military morale when only one out of four is taken. If the draft as we have known it is not appropriate, what is?

A national service concept is clearly one alternative. The Department of Defense itself recognized this as the best alternative in its report to Congress last February:

> The CLNS (Compulsory Lottery Based National Service) alternative is the most promising of the four models in the context of this report. It should be examined further in contingency planning for any actual military conscription in a national emergency, bearing in mind the serious practical and conceptual problems discussed above.

But national service requires consideration of at least three other major issues: First, educational benefits; second, veterans' benefits; and third, volunteer service to charities as well as in Federal or local governmental service.

The breadth of issues which national service must address is what justifies a Presidential Commission, in my judgment. The Commission could answer questions of cost and comparison which no single congressional committee can answer without infringing on the jurisdictional pride of another committee.

A high-level Commission can find the AVF is failing, something the current administration refuses to concede despite mounting evidence to the contrary.

In DOD's report to Congress of February 11, 1980, previously cited, DOD states:

> There is no need for a national civilian service program at this time. The AVF is adequate to meet projected military personnel needs under pressure under present assumptions "Presidential Recommendations for Selective Service Reform," pp. 58-59, Feb. 11, 1980.

If this statement is to be refuted in the public's mind, the recommendations of a Commission will be invaluable.

Congressional action on a comprehensive national youth service bill, such as H.R. 2206, even with administration help, will require the coordination and agreement of three committees of the House: Armed Services, Veterans' Affairs, and Education and Labor. This coordination and argument could be expedited and enhanced by the thorough review and recommendations of the contemplated Commission.

The arguments which have thus far done most to discourage NYS are those of cost. Many of our colleagues have stated that while they agree with the concept, they cannot support a plan that the Congressional Budget Office originally stated could run as high as $28 billion per year. This figure, however, is totally wrong. The CBO was assuming that 4.3 18-year-olds would be participating at a minimum wage.

Actually, the NYS could conceivably cost no more than present programs that it could replace or modify. Consider the following line of reasoning:

First, the original outlay for a national service plan such as H.R. 2206 would cost approximately $18 billion and not the $28 plus billion that the Congressional Budget Office originally estimated. Although the military will continue to require perhaps 400,000 18-year-olds per year for its regular service and 250,000 per year for the reserves, a number of polls reflect that this entire number can be met by high school graduates who volunteer, and that an additional 25 percent may volunteer for civilian service, either for Federal Government employment or for local charities. If the polls are accurate on a national level, NYS would attract 650,000 military volunteers and perhaps 900,000 civilian service workers, raising the total number of participants to roughly 1.5 million volunteers per year. Third, whereas the CBO estimate supposed that volunteers would earn the minimum wage, NYS would pay subsistence wage levels. ACTION pays its volunteers less than $300 per month as a subsistence stipend. Assuming ACTION figures at the cost of both military and civilian volunteers, $7,200 per year times 1.5 million volunteers equals roughly $10 billion per year.

Of course, NYS guarantees educational benefits to those who serve in the military. The maximum cost, if all 650,000 took advantage of their educational opportunities, would be roughly $7.4 billion per year—400,000 2-year volunteers times $16,000 equals $6.4 billion. Add 250,000 reservists at $4,000 each, $1 billion. Already, new educational benefit programs that the House agreed to during the DOD authorization a few weeks ago, introduced by DICK WHITE of Texas, would provide each participant with $3,900 per year—$1,200 in educational benefits and $2,700 as a subsistence allowance—for 4 years in compensation for 2 years of military service. During the 1979-80 school year the mean cost for 4-year public institutions was only $3,258, so either DICK WHITE's plan or the NYS will give a full 4 year education at most of our public institutions.

Since a return to the draft will require the reactivation of the Selective Service System there should be no additional cost by the creation of a national service system to perform the administrative functions of the NYS.

Second, by reducing the initial 2-year wage for military personnel to the subsistence wage paid to volunteers for ACTION, and by reducing the very substantial costs of recruiting now being borne to attract volunteers, we might expect to save $3.5 billion per year. I base this figure on the GAO's report that the cost of the transition to the AVF had approximated $3 billion per year and William King's statements, in his report to the Senate Armed Services Committee "Achieving America's Goals: National Service or the All-Volunteer Armed Force," that, "when other personnel-related costs are taken into account, total costs for the AVF of as high as $5.6 billion per year may be calculated." Thus, from the military standpoint, the cost of NYS, including college benefits, maybe no more than the current costs for the AVF.

The Veterans' Administration presently pays $2.2 billion in substantial benefits. The Federal Government will make $5.7 billion in educational assistance and $9.6 billion in educational benefits available to 7.4 million college students in fiscal year 1981. While the VA benefits should probably continue for professional service personnel who leave the military, it would seem reasonable that one-half of the college expenditures may be assigned to military volunteers leaving one-half for the impoverished or handicapped student.

Third, finally, many CETA programs could be replaced by comparable programs under NYS, targeted to the same age group. In 1979, for example, youth employment and training programs—including YACC, Job Corps, and Youth Conservation Corps—reached approximately 1.5 million youths at an approximate cost of $2.5 billion—approximately $1,633 per individual for short periods of time. If 900,000 18-year-olds are employed in the civilian component of NYS for 1 year at ACTION costs of $7,200, the cost is approximately $6.5 billion per year compared to $9.7 billion for CETA's present program. The entire net cost of NYS would thus come to only $600 million over current costs.

In conclusion, the failure of the AVF concept requires that some form of compulsive system be adopted to assure a competent military force.

At the same time, the availability of civilian service and a shared opportunity for the entire youth population of the country is a new and growing concept.

A Presidential Commission could well help bring these two parallel concepts into a condition which permits congressional action in the 97th Congress. The makeup of the Commission can be altered in any way you deem appropriate, but I hope your subcommittee will concur in the basic value of the assistance such a Commission can give.

The NYS program cost estimate follows:

COST ESTIMATE OF THE NATIONAL YOUTH SERVICE PROGRAM

[In billions of dollars]

	Amount
Outlays:	
1. Employment cost	10.0
2. Education cost	7.4
Total	17.4
Savings and transferred costs:	
1. Savings earned by replacing the AVF	3.5
2. Transfer of one-half Federal educational assistance	7.5
3. Transferred CETA expenditures	6.4
Total	17.4

●

EXECUTIVE ORDER 11644

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HANCE. Mr. Speaker, I am introducing today a long overdue and much needed bill that would bring under control the growing problem of off-road vehicles (ORV) on our public lands. In 1972, the Nixon administration recognized that off-road vehicles were causing irreparable damage to public lands. Executive Order 11644 was issued, directing the Federal land management agencies to promulgate regulations to manage and to restrict the use of off-road vehicles on the lands under their jurisdiction. By 1977, however, the agencies had failed to halt the spread of ORV damage. As a result, President Carter issued a second Executive Order, 11989, which directed the respective agency heads to immediately close areas where "considerable adverse effects" were occurring to off-road vehicle use.

Despite these repeated directives from the Office of the President, the Federal land management agencies have failed to control adequately off-road vehicle use. This has resulted in the continued degradation of the soil, vegetation, wildlife, watershed, and historical and cultural values of our public lands. This failure has been particularly evident in the Bureau of Land Management's approach to ORV management. This past Monday, the BLM released a proposed plan for the management of the 12.5 million acre California Desert Conservation Area. This plan, however, leaves tremendous amounts of this fragile area open to the continued devastation of off-road vehicles. This proposal, which was supposed to be a model for sound multiple use land planning, would continue to allow motorcycle and dunebuggy use in delicate sand dune areas and in critical habitat for important wildlife species. I believe it is now clearly evident that strong legislation is necessary if we are to insure that uncontrolled ORV use does not permanently degrade the diverse natural and cultural values of our public lands.

My bill would require the land management agencies to designate and clearly post which areas of the public lands are open to ORV use, and would set reasonable standards for determining which lands are suitable for such use. It would also establish a registration requirement for off-road vehicles, which would generate funds to be used for the regulation of off-road vehicles and for the rehabilitation of public lands damaged by such use.●

PAUL WARNKE: UNITED STATES "RACING TOWARD AN ARMS DISASTER"

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DRINAN. Mr. Speaker, ratification of our second Strategic Arms Limitation Treaty with the Soviet Union—SALT II—is the most important unresolved issue of the 96th Congress. Approval of SALT II will not only fundamentally improve our strategic balance and strengthen our relationship with the Soviets, but by curbing unnecessary arms expenditures it will free our economic resources to meet basic human needs here at home and in the developing world.

In an article in the Boston Globe of September 30, 1980, Paul C. Warnke, formerly chief SALT II negotiator as Director of the Arms Control and Disarmament Agency and now a practicing attorney in Washington, outlines in stark but realistic terms the consequences of further delay in ratifying SALT II.

The article follows:

RACING TOWARD AN ARMS DISASTER

(By Paul C. Warnke)

Two propositions are currently being put forward by proponents of substantial increases in our defense spending. Though logically incompatible, their emotional synergism heads us toward an unrestricted arms race that could only endanger our national security.

The first proposition is that all of our international troubles are the product of Soviet might and mischief. The second is that each of these problems can be made to disappear if we undertake to out-compete the Soviet Union in arms expenditures that they cannot and will not match. Accordingly, the enticing prospect offered is that by funding new, elaborate and enormously expensive weapons systems we can dampen down turmoil and change in the Third World, regain military superiority for the United States and achieve arms control by Soviet default.

The notion of Soviet omnipresence, if not omnipotence, has been put most vividly by Ronald Reagan. He recently told the Wall Street Journal: "Let's not delude ourselves; the Soviet Union underlies all the unrest that is going on. If they weren't engaged in this game of dominoes, there wouldn't be any hot spots in the world."

A somewhat more tentative exposition of the same thesis appears in an article in the current issue of Foreign Affairs by Paul H. Nitze, a former high official in Democratic administrations and currently chairman of the Policy Studies of the Committee on the Present Danger. According to Nitze, "it appears probable that the Red Brigades in Italy, the assault on the Mosque at Mecca and the seizure of the American hostages in Iran were supported and perhaps instigated by agents of the Soviet bloc."

These assertions might perhaps be found to fit Secretary of State Edmund Muskie's description of "a policy of knee-jerk hostility that sees a Russian under every Third World stone." Certainly it is difficult to credit the contention that if there were no Soviet Union, those who live under unfair and oppressive regimes where the few feed too well on the misery of the many would somehow become content with the status quo.

The fact is that a good deal of turmoil and change goes on in the world because there is a good deal that needs to be changed. The Soviet leadership may well be tempted to fish in troubled waters, but a policy based on the assumption that everything would be quiet if only the Soviets would behave is a policy that cannot possibly deal with the complexities of today's international life.

Reagan appears to have no difficulty in reconciling his picture of a Soviet Union capable of manipulating local events to its advantage all over the world with his view that the same country can be brought to heel by the kinds of increases in our defense spending that can coexist with his proposals of a balanced budget and tax relief.

But for a country allegedly bent on global subversion and world dominion willingly to accept military inferiority seems, at least, highly improbable—particularly when that country is under totalitarian control that can squeeze additional defense dollars out of the standard of living without any fear of an unhappy electorate.

Moreover, the assumption that an arms race is necessary to get the Soviets to be serious about arms control is unsupported by the history of the SALT negotiations. Those familiar with the facts recognize that the Soviet government has always treated these negotiations seriously and has made important accommodations to meet US positions and requirements. It is the inability of the US government to get the SALT 2 treaty ratified and get on with the process that has stalled arms-control efforts.

We don't need an arms race to force the Russians back to the bargaining table. All we need is to consolidate our arms-control gains by ratifying the SALT 2 treaty and going on to further meaningful agreements on control of nuclear and conventional arms.

It is, I believe, unfortunate that the presidential election campaign has thus far yielded little meaningful debate about defense policy. Instead, partisan defense politicking has been met in kind.

Administration boasts of an "invisible" bomber have led the Republicans to conjure up a phantom security breach Presidential Directive 59 either does or doesn't constitute a dramatic departure from deterrence to nuclear war-fighting as the cornerstone of our strategic doctrine. Secretary of Defense Harold Brown calls it just "evolutionary." But as described in the initial press leaks, it's an unprepossessing clone of a Republican platform plank calling for a counterforce strategy and the weapons to match it. The MX missile system—a luxury housing development for a new counterforce ICBM—may be driven more by perceived political expediency than by military necessity. And just a few days ago the Senate showed its machismo if not its mental acuity in voting the money to start building a plant to produce a new nerve gas.

But the MX, new nerve gas facilities and an added $50 billion a year in the defense budget won't guarantee our security or even our survival. They won't get the American hostages out of Iran or prevent international terrorism. They won't help satisfy the urgent need for additional funds for international development.

Without sensible measures of arms control, the nuclear arms competition will focus increasingly on counterforce capability—the means of destroying the other side's ability to retaliate. Counterforce weapons are largely irrelevant unless intended to be used first, and a counterforce competition would magnify the incentives and seeming advantage of being the one to start a nuclear war.

Only a lengthy spell of Soviet good behavior can do much to dispel the notion that the Soviet Union seeks world dominance through military power and exploitation of local crises. We can't hold our breath, or disregard our defenses, while we wait for this marvel to occur. But baby talk about national security issues and panicky abandonment of realistic arms-control efforts is no answer to our security problems. The clear and present danger is that we may scare ourselves into an uncontrolled arms race that leaves us, and the rest of humanity, far less secure.●

THE F-18: FIGHTER FOR THE FUTURE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DORNAN. Mr. Speaker, toward the end of this session, the House of Representatives approved the funding for the F/A-18 fighter aircraft. I was pleased that the distinguished members of the House Appropriations Committee concurred with the 1981 defense authorization conference report providing for a total of 60 F/A-18 aircraft and $118,200,000 for advance procurement of 108 aircraft in the fiscal year 1982. Under House Appropriations Committee mandate, $1,708,292,000 has been appropriated, a $270,892,000 increase over the administration's budget request. Those of us who are known as fiscal conservatives supported the F-18 program, largely because we recognize how essential the F-18 will be in the dangerous decade of the 1980's.

Mr. Speaker, I would like to comment upon the rationale for the F-18 hornet aircraft. Inasmuch as I had the opportunity to fly this fine plane on July 23, 1980, I feel compelled, by virtue of my own background in military aviation, to defend the F-18 program against what I, and many other pilots familiar with the capabilities of the F-18, believe to be ill-advised criticisms of the aircraft. Criticisms of the F-18 program have intensified because of the recent crash of an F-18 after takeoff from England. All of the facts are not yet in on that unfortunate accident. But I would remind critics of the F-18 that we have had such failures with other aircraft, and one failure like this should not, in and of itself, be paraded around as a justification for any delay or cancellation of the F-18 program. And I am relieved that the House of Representatives has seen fit to press on with the development of the F-18, in spite of such criticisms.

Those who test military aircrafts must accept certain risks; one must be able to accept the fact that the aircraft, and indeed, your very life, may be lost on any one flight. After surviving two parachute ejections, I can assure my colleagues that I am intimately familiar with these risks. At the same time, we must continue flight testing, whether it is the F-18 or any new aircraft if we are going to learn the potential of our aircraft, and if our young pilots are going to be combat-qualified to fly sophisticated new aircraft.

During the early 1970's, the Navy undertook several studies in order to determine the technical feasibility of developing a multirole carrier aircraft that could perform two, distinct and critical combat missions: an air-to-air interceptor missions and an air-to-surface combat mission, the kind of mission assigned to light attack aircraft. In effect, the Navy wanted a single aircraft that could replace the Navy light attack aircraft—(A-7's)—and also replace the Marine Corps F-4's. Derived from the F-17 lightweight fighter, the flexible F-18 was selected by the Navy over all potential candidates for fulfilling the dual-mission role in the 1980's.

What has been the progress of F-18 testing? As of August 1, 1980, the F-18 test planes have flown more than 1,700 test flights and 2,300 test hours. Moreover, performance standards have exceeded our expectations. The General Electric F-404 engines are now producing a thrust in the supersonic flight which is astonishing. I have been told by Navy authorities that, to their knowledge, no engine has been put through a more severe testing procedure than the F-404 engine, and it has, in the words of one Naval officer, "performed like a champ." My colleagues should also know that the F-18 carrier landings have been very successful and that testing, thus far, indicates that the F-18 will exceed the specified attach range and will meet, and probably exceed, the Navy's fighter range requirement. Of course, the F-18 has had its problems. But I ask my colleagues to put those problems in their proper perspective.

We are not moving too fast in the development of the F-18. Those familiar with aircraft with aircraft development programs know that the F/A-18 program has less concurrency, that is, overlap in development and production schedules, than any other recent aircraft, including the F-14, F-15, and F-16 programs. Of all four of these programs, the F-18 has had the longest test period prior to delivery of the first production aircraft. The F/A-18 has the slowest production delivery rate buildup, plus the lowest delivery rate of production aircraft at the completion of the plane's full-scale development. Additionally, the F/A-18 program has the first integrated, single site manufacturer/armed service test program specifically designed for reducing technical risks and eliminating the extra time and cost associated with redundant testing.

Before the first full scale production F/A-18 is delivered in late 1982, 24 months will have elapsed since completion of initial operational test and evaluation, 15 months since completion of initial operational test and evaluation, 15 months since completion of contractor tests and board of inspection and survey trials, and 9 months since completion of military operational evaluations. At this time in late 1982, 34 pilot and limited production aircraft will have been delivered. This low level of concurrency allows efficient continuity of production and ample time for correction of any test problems at the lowest possible cost risk. But we cannot afford any unnecessary delays.

Mr. Speaker, based on my personal experience of hundreds of hours flying military jet aircraft, I can say that the F/A-18 is a fantastic and tough performance fighter. As an example, it is capable of executing a 180° turn at combat airspeeds of 0.8 to 0.9 mach in only 16 seconds. Let me tell you, when you reverse course and come back directly at the enemy in an attack mode, in that super-short period of time, you are flying one outstanding fighter aircraft. The F-18 has already—in the test program—reached speeds in excess of 1.9 mach, flown at 54,000 feet, and the F-18 has attained 7.7 positive G factors and 2.8 negative G's. For those of you who may not understand the significance of these figures—let me assure you—they are outstanding.

In summary, we are building a fine aircraft. It is badly needed by our young Navy and Marine flyers to face the grave threats that may come our way in the late 1980's.●

CONGRESSIONAL SALUTE TO HON. JOSEPH SALKO, DISTINGUISHED CITIZEN AND COMMUNITY LEADER OF THE BOROUGH OF WALLINGTON, STATE OF NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ROE. Mr. Speaker, on Friday, October 17, the residents of the Borough of Wallington, my congressional district, and State of New Jersey will assemble at a testimonial dinner in tribute and deep appreciation to an outstanding public administrator of the community, the Honorable Joseph Salko, tax collector-treasurer (former councilman) whose decades of service dedicated to the administration of good government on behalf of the people of Wallington have truly enriched our community, State and Nation.

Mr. Speaker, as this distinguished citizen and community leader retires from his public administration career as tax-collector-treasurer of the Borough of Wallington, I am pleased to join with his many, many friends in deep appreciation of all of his good works and share with his good wife Helen, son Major Joseph E., Jr. of the U.S. Army Medical Corps, daughter Nancy, daughter-in-law Mary Ann, and five grandchildren great pride in the success of his achievements.

With your permission I would like to insert at this point in our historic Journal of Congress a brief chronology of his service to the borough in each instance with devotion and sincerity of purpose in his daily pursuits in the interest of our people, as follows:

Joe has been a resident of Wallington since 1920. He was educated in New Jersey Schools—Holy Trinity School, Passaic, and East Rutherford High School, and obtained an Associate Degree in Business Administration from Fairleigh Dickinson University. He retired from the American Oil Company after 34 years of service.

He was elected to the Board of Education in 1939, and served three terms as President in 1946-1949.

In the governing affairs of the community, he was elected twice to the Borough Council. His first tenure on the Council beginning in 1942, was interrupted so that he could enlist in the Armed Services of our country. He was re-elected for a three-year term in 1946 upon his return from service. During World War II he served in the Sea Bees with the rank of Senior Chief Petty Officer—Finance and Supply, with overseas and combat duty in the South Pacific.

Joe also served as Clerk of the Municipal Court from 1951 until he resigned to assume full-time duty as tax Collector-Treasurer.

Among his many years of service to our people, he was also a member of the Planning Board serving as liaison commencing with the formation of the board in 1947, and continued, both as a charter member and Chairman until his resignation in 1951 to assume the office of court clerk.

He is a Member and Past Commander of Pavlick-Koster Post No. 2640, Veterans of Foreign Wars, and presently serves in the esteemed veterans officers' post of Adjutant.

Among his many civic and political activities, he is a member and Past President of the Wallington Lion's Club. He is a member of the Wallington Democratic Club, and presently serves as Municipal Chairman of the Democratic County Committee.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of our way of life here in America and I am honored and privileged to call your attention to the lifetime of outstanding public service provided by an exemplary citizen.

As he retires from the high office of public trust that he has attained by his personal commitment and hard work, I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to him for his leadership and standards of excellence. We do indeed salute the Honorable Joseph Salko, distinguished citizen and community leader, for his contributions to the quality of life for the people of Wallington, our State and Nation.●

LAWMAKERS MIX UP PRIORITIES—BUDGET WAITS

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. SAWYER. Mr. Speaker, the Congress will adjourn today and reconvene for a lameduck session on November 12. For us to go home without working on essential business is, in my judgment, unconscionable. We are breaking faith with the American people.

We should not be adjourning today while there is important business yet to be transacted. The Budget Act required that the 1981 budget resolution must be adopted by September 15, 1980, which has now come and gone. The new fiscal year began yesterday and we still have no budget resolution. Now the budget will be postponed until sometime after November 12.

We are in violation of the law and the majority in Congress who schedule legislation think that no one cares. I could not disagree more.

It is increasingly apparent to me, and I believe the American People, that the majority in Congress does not want to deal with the budget resolution before the election. I believe this is a disservice to the people of the United States, because I believe that the second concurrent budget resolution will disclose, instead of a balanced budget or anything approaching a balanced budget, that Congress has produced a deficit that will range from $30 billion to $50 billion. To postpone that reality and publication of that fact until after the election is a $50 billion surprise for the American people, which they will only find out about after the November election.

I believe a Representative should expect hard work and expect to have to make hard decisions. Additional restraint in Federal spending is necessary to reduce inflation and sometimes this will require lawmakers to go against their natural instincts of electoral self-preservation. Yesterday we had a vote to try to force Congress to stay in session until it completed action on the second budget resolution. I voted in favor of this move, but it lost 161 to 231.

We are not fooling the American public and we do ourselves a disservice by not being able to cope with the problems which we face.

Unfortunately, in my home State of Michigan it appears the State legislature has come up with a similar solution to solving the States urgent economic problems—duck them. This may be the origin of the now famous "lameduck."

A recent editorial in the Grand Rapids Press comments on how heavy issues are handled lightly by lawmakers. I believe its message could be equally directed to the U.S. Congress. I urge my colleagues' attention to the editorial which follows:

STATE BUDGET WAITS UNTIL ELECTION DAY

State lawmakers have made it abundantly clear that they consider the business of running the state to be secondary to the business of getting re-elected.

In what Lansing observers called an "unprecedented" move, Gov. William Milliken and legislative leaders struck a deal last week that will allow them to delay approval of a state budget until after Jan. 1.

After hedging for months on methods of balancing the state's finances, lawmakers agreed to put off the last hard decisions for three months—a convenient tactic that will allow them to make their decisions after the November election.

Worse, House Democrats and Republicans made a bargain that neither side will blame the other for the failure to come up with a budget before the end of the fiscal year on Wednesday.

This all adds up to a cynical plan to put the lawmakers' mutual interest—re-election—before the best interests of the voters or the state.

The governor and Legislature have been whittling off slices of the budget all year in an effort to bring spending in line with available revenue. For a time, it appeared that a balanced budget (required by the state constitution) might be approved. But election-year politics apparently made that impossible.

The final battle came over a proposal—backed by Democratic leaders and the Republican governor—to balance the budget by slashing some spending, closing tax loopholes and hiking levies on cigarettes and liquor.

Some Republicans in the House refused to support those tax hikes, which would have brought in about $100 million, while some Democrats refused to support further cuts in human service programs.

That dispute—whether the state should raise revenue or cut services—is the central issue facing all government today. But instead of battling it out through the legislative process, the two sides decided to hide out until after the election.

If the representatives are convinced they are doing what's best for the state—and each will tell you so at every opportunity—they shouldn't be afraid to take action during their re-election campaigns.

State lawmakers face the sternest budget task in years. A near-depression in the private sector economy has spawned calls for big increases in services for the unemployed. Consequently, the state's needs are increasing at the same time its income is falling.

That's a brutal two-edged sword, to be sure, but most state residents face similar problems in their personal finances.

Instead of performing courageously, our lawmakers decided to slink away without making a decision. Then, when the election is over and the electorate can no longer hold them accountable, they will slip back into the Capitol and do what needs to be done.

The action—or lack of it—may help a few lawmakers save their skins, but it will mean at least three more months of uncertainty for school districts, welfare departments and every other agency that receives state support.

While the state's priorities are crystal clear—jobs, insufficient funding for critical services such as schools and prisons and a balanced economy without booms and busts—too many of our leaders in Lansing seem to have chosen political expediency as the first order of business. Talk about unemployment! Perhaps the electorate hasn't been pink-slipping enough of those people.●

PERSONAL EXPLANATION

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ROTH. Mr. Speaker, had I been present for the vote on House Resolution 749, I would have voted "yea," to expel Mr. MYERS of Pennsylvania.●

CARTER'S HATCHET CABINET

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. SHUSTER. Mr. Speaker, in a nationally syndicated column published on Sunday, September 28, noted political columnist Hugh Sidey characterized the Carter Presidency as a "dispirited and shattered administration." He went on to comment about President Carter that "his Attorney General is widely perceived to have lied publicly about the Billy Carter affair. His Secretary of Defense is viewed as having compromised America's secrets in his zeal to help Carter politically. Carter's National Security Adviser is such a loose cannon within the Government that even Carter's close friends believe he should get out."

Mr. Speaker, this is a rather damning indictment of the Carter administration from a distinguished member of the National Press Corps. But even this does not tell the entire story. For, as we well know, U.S. Ambassador to the People's Republic of China, Leonard Woodcock, Secretary of State Edmund Muskie, and Secretary of Health and Human Services Patricia Harris have joined Secretary Brown in a headlong rush to politicize their offices in an effort to help reelect President Carter.

But this is still not the entire picture, Mr. Speaker.

For Mrs. Harris has now taken it upon herself to attack the so called right wing Christian groups for their participation in the political process. Where was Mrs. Harris, and all the other liberal critics, when Father Berrigan was attempting to influence the political process 10 years ago?

Mr. Speaker, so that my colleagues may more fully understand the nature of Mrs. Harris' attacks, I am attaching a press release issued by the Department of Health and Human Services describing her diatribe. In addition, I am attaching a letter to the editor written by Congressman RICHARD SCHULZE, Chairman of the Republican study group, which expresses the justifiable outrage felt by many over these blatant partisan attacks by a member of the Carter Cabinet.

I wish to associate myself with Mr. SCHULZE's remarks. When a member of the Cabinet stoops so low as to compare the Ayatollah Khomeini with a member of the clergy, it is time to change the administration. It would appear that one could very easily turn Mrs. Harris' comments upon her own activities with the same amount of accuracy. She cited issue positions which she believes are conservative and, therefore, wrong. She criticizes those who advocate those positions, yet remains silent when members of the clergy advocate positions which she favors. This type of blatant hypocrisy is not worthy of a member of our Cabinet and I call upon Mrs. Harris to resign her post.

The articles follow:

DEPARTMENT OF HEALTH AND HUMAN SERVICES PRESS RELEASE

The growing involvement of fundamentalist religious organizations in partisan politics poses a serious threat to religious tolerance in the United States and runs counter to two hundred years of development of the American democratic process, Patricia Roberts Harris, Secretary of Health and Human Services, warned Tuesday night.

Speaking to the American Whig-Cliosophic Society at Princeton University, Secretary Harris said, "I have no quarrel with the right of individuals and groups—no matter what their political positions—to become involved in the political process. I have sought such involvement all my life. My chief concern is that fundamentalist politics as practiced at this time is at best exclusionary, and at worst a dangerous, intolerant and polarizing influence in our political system."

"I do not imply that all 'born again' Christians reflect a right-wing, or even a conservative, political outlook," she said. "Any number of Evangelical Christians—President Carter, Senator Mark Hatfield and former Senator Harold Hughes, for example, hold decidedly different views. The vast majority of such individuals believe in and practice toleration of opposing views and vote as most of us vote—on the basis of deeply felt beliefs about priorities and goals, parties and candidates—and their votes are therefore widely distributed all across the political spectrum."

As a contrast, Secretary Harris cited recent news reports on the activities of organizations like "The Moral Majority" which seek to score office holders on a "moral score card" and reward and punish office seekers on the basis of their "pro-Christian" views.

Such divisive comments and actions "have roots in virtually every generation in American history," Secretary Harris said. "At various times it has made victims of Catholics, immigrants, Jews, Blacks, Indians and countless others who failed to fit into neat patterns of acceptability."

Secretary Harris said such appeals to narrow orthodoxy run counter to the American traditions of religious tolerance and separation of church and state, and that they tend to exclude large numbers of Americans from full participation in the political process.

"To argue that there is a single 'Christian' viewpoint or even a religious point of view on every issue in foreign and domestic policy is to say no debate is necessary or desirable—that all that is required is unquestioning obedience of 'God's will' as revealed to a single individual or group. I thought that was what the last four hundred years had rejected," she said.

Secretary Harris told the Princeton audience that "religious absolutism" is bad for both the country and the nation's religions, and that it is time for Americans to reaffirm their commitment to a pluralistic society.

"None of us knows a single truth which closes the debate and dictates our actions in the political world, but in a democracy we can work together in the search for truth and in doing so create the just and humane society which all of us seek," she said.

THE REPUBLICAN STUDY COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, CANNON HOUSE OFFICE BUILDING,
Washington, D.C., September 25, 1980.

LETTER TO THE EDITOR,
Washington Star Newspaper,
Washington, D.C.

DEAR EDITOR: I was astounded by the blatant partisanship, ignorance and hypocrisy displayed by Health and Human Services Secretary Patricia Harris in her Princeton attack on "right wing Christian groups" for their involvement in the political process.

For her to suggest a similarity between the Ayatollah Khomeini and Reverend Jerry Falwell is just beyond belief. It even surpasses her introduction of the Ku Klux Klan into the campaign rhetoric.

Since when is it inappropriate for any group in the country to speak out and try to influence the electoral process toward their beliefs? These people are doing nothing more than the environmentalists, the unions, the feminists and other groups have been doing for years. They are attempting to use the established democratic process to protect and promote their views.

The truth of the matter is that as long as it is a liberal group or an ineffective conservative group speaking out, Secretary Harris and others have no objection. However, the left sees that this new level of involvement by the Christian community is bringing masses of new recruits to the conservative side of the spectrum and they don't like it.

So, they are seeking every possible way to discredit the movement.

It is also hypocritical of Secretary Harris to complain about these Christian groups addressing themselves to issues she deems to be unrelated to moral concerns. I don't recall hearing her or any of the liberal leaders making such charges over the years when it was the liberal religious leaders stirring up the masses for political involvement against the war, against the draft, for welfare, for unemployment compensation or farm workers, etc., etc.

The liberal National Council of Churches has even published a 28-page booklet in which they enumerate and boast about their efforts to directly influence bills in Congress. Many of the subjects they addressed are far less relevant to "moral issues" than the ones she complained about in her speech.

For Secretary Harris to suggest that Reverend Falwell or anyone else is trying to impose a monolithic religion or set of values on the entire nation is pure rubbish. The "right wing Christian groups" are simply fed up with having their rights, beliefs and values systematically trampled and destroyed through public policy and they are ready to enter the political battle. Fortunately, our system still allows differing viewpoints to test their popularity at the ballot box—even if Secretary Harris doesn't approve.

Sincerely,

RICHARD B. DINGMAN,
Executive Director.●

FEDERALLY AIDED SYNFUELS PROJECTS SHOULD HAVE BID PREFERENCE FOR DOMESTIC MATERIALS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. RITTER. Mr. Speaker, the first major synfuels project will soon begin construction in Mercer County, N. Dak. I am very distressed to learn that the gasifiers may be fabricated in Japan. The gasifiers represent the heart of this project and are the cutting edge of the technology.

Bethlehem Steel Corp. recently submitted a statement to the Trade Subcommittee of the House Ways and Means Committee in support of a domestic preference provision to federally aided synfuels projects. I strongly urge my colleagues to carefully review the attached statement:

STATEMENT OF BETHLEHEM STEEL CORP.

High technology industries can be a significant source of jobs and economic growth, now and in the years to come. But in order to realize the full potential of these industries, government policy must recognize that the technologies in these industries will evolve rapidly. Consequently, those who start first will have an opportunity to "move up the learning curve" and acquire an advantage that their competitors will be hard-pressed to overcome.

The synfuels industry is a critical case in point. It represents technologies that will evolve and at the same time stimulate related technological development within supplying industries. Products will be invented and refined. Processes will be developed and enhanced. Jobs will be created and expanded. Skills will be learned and upgraded. Commercial relationships will be established and strengthened. In short, it will serve as a technological and economic catalyst.

There is no question that this will happen. The central question is: Where will it happen? In the United States, where industries have been declining; where jobs all too often appear threatened; where real incomes are actually shrinking. Or elsewhere?

This is not the time to dissipate the economic and technological stimulus that the synfuels program represents! Yet, fears that this stimulus will benefit others, not our own existing and future industries, are real and well-founded.

There is in the United States today only one synfuels project that promises to yield commercial quantities of energy during this decade. It is the Great Plains coal gasification project, and its construction began during the summer of 1980 near Beulah, North Dakota.

Unfortunately, this encouraging and exciting beginning has been accomplished by a development that raises Bethelehem's concern that our country may already be squandering the technological and economic stimulus of this and future synfuels projects. Specifically, it now appears likely that the pressure vessels that will be a crucial part of this project are to be supplied by a foreign, rather than a domestic, company.

This important, first move up the learning curve will not be taken by an American firm. But even more immediately, wages and salaries that could be earned by American workers will be lost, as will potential tax revenues of governments at the local, State, and Federal levels.

CBI Industries, Inc., the lowest American bidder on the pressure vessels, would have constructed them at its Birmingham and Memphis plants—both of which are currently operating with only about 40 percent of their normal work force.

Bethlehem is among the companies that supply the American firms like CBI Industries that are capable of providing the equipment that will be needed to produce synfuels in this country. We have, in other words, a "commercial interest."

The 2,000 tons of steel plate required for the fourteen pressure vessels that will convert coal into synthetic natural gas, and the 20,000 tons of steel that will be used by the entire project would provide much-needed employment in the American steel industry.

But there is a broader concern that we share, and it is that an opportunity is being wasted. Our sense of dismay is compounded by the fact the United States government is a party to the squandering of this critically important chance to provide jobs and an impetus to technological development and economic growth in our nation.

The Great Plains coal gasification project is going forward with a loan guarantee from the Department of Energy. In fact, it would not be going forward at this time without the guarantee. The American people, through their government, are providing assistance to a project that is vital to our energy future and has the potential of playing a significant role in relieving current unemployment and in shaping our economic future. The American people provide the support, yet a major benefit—the technological and economic stimulus—is realized by others.

We believe that a useful step to correct this situation would be a meaningful bid preference for domestic materials in future synfuels construction projects that are federally aided. The benefits will be both immediate and long term as workers are employed, wages and salaries are earned, taxes are paid, the steel balance of trade is strengthened, further dependence of foreign steel producers is avoided, and stimulus is provided to future technological and economic development in our country.

We believe that this is of such great importance that a domestic bid preference amendment is worthy of consideration. This amendment would be made to the federal Nonnuclear Energy Research and Development Act of 1974. While this legislation does not fall within the purview of the Committee on Ways and Means, we call it to your attention and hope that you will support the amendment at the appropriate time.

A copy of the proposed amendment is attached.

NONNUCLEAR ENERGY RESEARCH AND DEVELOPMENT ACT OF 1974

We recommend that a new subparagraph be added to Title 42, Section 5919, Paragraph (x), and that it should read as follows:

"(3)(A) The Administrator shall not approve any financial assistance under this section unless the recipients agree that only domestic articles, materials and supplies shall be used by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance under this section.

"(B) The provisions of subparagraph (A) of this paragraph shall not apply where the Administrator determines—

(i) their application would be inconsistent with the public interest;

(ii) domestic articles, materials and supplies of the class of kind to be used in the performance of the work are not reasonably available; or

(iii) the use of domestic articles, materials and supplies will increase the cost of the overall project contract by more than 15 per centum (25 per centum, if the domestic articles, materials and supplies are produced in a 'Substantial Labor Surplus Area' as defined by the United States Department of Labor)."●

PROFILE OF TIM LEE CARTER

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MARTIN. Mr. Speaker, the AANA News Bulletin published by the American Association of Nurse Anesthetists has begun a series of congressional profiles.

The featured member this month is our very good friend Representative TIM LEE CARTER, who is a physician and has spent his 16 years in Congress as a member of the Health and Environment Subcommittee. From that vantage point his comments regarding health legislation are particularly enlightening, and I include this special report in the RECORD for the benefit of the other members of this body. It reports on the extraordinary standard he has established for all of us.

The article follows:

CONGRESSMAN TIM LEE CARTER SPEAKS UP FOR NURSE ANESTHETISTS IN WASHINGTON, D.C.

Congressman Tim Lee Carter, MD, Republican representative from Kentucky, is a primary spokesman for nurse anesthetists on Capitol Hill. As a member of the House Interstate and Foreign Commerce Committee, Subcommittee on Health and the Environment, he was a major proponent of the provision that included nurse anesthetist traineeships in the Nurse Training Act. This article recognizes Dr. Carter's contribution to nurse anesthetists and his impact on the future of the profession.

CONGRESSMAN CARTER

Congressman Carter nonchalantly comments, "I've been a general practitioner for 43 years. I am probably the last physician in the state of Kentucky to have removed a man's leg on a kitchen table."

As a physician in Monroe County, Kentucky, Congressman Tim Lee Carter, MD, has often practiced medicine under less than ideal conditions. Until 1953, the rural area surrounding his home town of Tompkinsville was without a hospital. More recently, Monroe County has just obtained its first fully staffed clinic.

His experiences in Monroe County have helped to shape his understanding of the critical issues in medicine today, making him an ideal spokesman for health care professionals. Of the three physicians in Congress, only Dr. Carter is actively involved in health legislation, specifically when it concerns manpower shortages, education and research.

As the ranking republican on the House Health and the Environmental Subcommittee (which has jurisdiction over all health training programs, national health insurance, Medicaid, and food and drug laws), Dr. Carter was instrumental in gaining passage of the Nurse Training Act. According to Richard Verville, AANA's Washington Consultant, "Dr. Carter was a proponent, with other members of the Subcommittee, of provisions for nurse anesthetist traineeships, now part of the Nurse Training Act passed last year. He is also a proponent of maintaining this provision when they rewrite the Nurse Training Act this year."

Dr. Carter has long been aware of nurse anesthetists. "In my own area, we use nurse anesthetists a great deal. It's extremely difficult to get MD anesthetists there. Nurse anesthetists are well trained and provide excellent service."

"In the 95th Congress [1978], we passed a Nurse Training Act which included the nurse anesthetist amendment. But, the President vetoed it. I was very disappointed; however, we did pass the legislation for 1980 [the Nurse Training Amendment of 1979]."

DR. CARTER'S BACKGROUND

Dr. Carter has had a long and varied career. At the age of 17, he became a teacher in a one-room school in Tompkinsville. He went on to receive his Bachelor's degree from Western Kentucky University in 1934, and graduated from the University of Tennessee Medical School in 1937. He served his internship at the U.S. Marine Hospital and Chicago Maternity Center before returning to Tompkinsville to begin private practice.

Dr. Carter volunteered for active military service in 1942. He became a captain in the U.S. Army, 38th Infantry, and served as a combat medic in the Pacific. He received both the Bronze Star and the Combat Medical Badge.

After the war, he returned to his medical practice in Monroe County, becoming involved in community affairs and local politics. He was chairman of the Monroe County Board of Education, and for 12 years prior to his election to the U.S. House of Representatives, was chairman of the Monroe County Republican Party.

Doctor Carter became Congressman Carter in 1964. He is currently serving his eighth term as Representative of the 5th Congressional District in Kentucky. He admits that to many people, a political career seems unusual for a physician.

"Some of my partners encouraged me to go into politics. It was something I had been thinking about for some time. I felt that most of the major legislation to occur after 1964 was going to be health legislation."

16 YEARS OF HEALTH LEGISLATION

"Much of the legislation that has been passed during the 16 years I've been in Congress has come about as the result of the advances made in the health field." Although he attributes the success of health legislation to the health and science professions, Dr. Carter himself has been a considerable force in gaining the passage of major health legislation.

Among the many bills he has been associated with, Dr. Carter takes special pride in his efforts on behalf of arthritis and diabetes research, which have led to the passage of the National Arthritis Act and the National Diabetes Act. He was also the primary sponsor of an amendment to provide funding for digestive diseases research.

According to Francie de Peyster, legislative aide to the Congressman, "Dr. Carter has been a long standing supporter of efforts to establish cancer research, and subsequently, to further efforts to expand and extend this research." He has also worked to obtain federal assistance for the education of health care professionals, including nurse anesthetists.

The honors and awards that Dr. Carter has received as a result of his efforts in health legislation are many. They include the National Humanitarian Award from the American Digestive Disease Society and National Foundation for Ileitis and Colitis; the Dr. L. Michael Kuhn Award from the National Hemophilia Foundation; and the Dr. Benjamin Rush Bicentennial Award for Citizenship and Community Services from the American Medical Association.

Distinguished service awards have been presented to Dr. Carter by the American Academy of General Practice, the American Podiatry Association, the National Arthritis Foundation, the National Cystic Fibrosis Research Foundation, and the American Diabetes Association. He has been accorded honorary membership in the American Dental Association, the American Hospital Association, and the Kentucky Hospital Association. He is also the recipient of three Honorary Doctorate Degrees.

What is perhaps most incredible is that he still finds time to see an occasional patient in addition to his many legislative duties. "It just fits in . . . somehow," Dr. Carter offered by way of an explanation. However, his patients will find it much easier to get in touch with him after January 3, 1981; Dr. Carter is retiring when Congress recesses at the end of this term.

THE FUTURE

Do his plans for the future include a return to full-time practice? Dr. Carter answered with an emphatic, "No! I'm of retirement age! I'll only work by appointment now." He added, "When I retire, I'll have the opportunity to do consultation and diagnostic work. I love to solve puzzles. And, since I've been the ranking minority member of the Health subcommittee, I've had an on-going continuing education with some of the best doctors in the country!"

Nurse anesthesia legislation will be carried on after his retirement, Dr. Carter assures CRNAs. "I am attempting to get the other doctors in Congress involved in health legislation, and of course, the members of the subcommittee and Chairman Henry Waxman will continue to work toward our goals."●

OSHA CLOSES DOWN A MODEL FOUNDRY

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HANSEN. Mr. Speaker, I am deeply dismayed at the outcome of a recent confrontation involving the Occupational Safety and Health Administration (OSHA) in Kansas earlier this year. OSHA's unfortunate judgment has added 60 more people to the Nation's already scandalous unemployment rolls.

We as Members of Congress can no longer afford to allow such blatant Government interference to continue. Legislative remedies must be enacted as soon as possible.

Mr. Speaker, I invite your careful attention to the following article from the September 15, 1980 edition of the Wall Street Journal which details the death of a business and unnecessary loss of jobs for which OSHA was responsible:

[From the Wall Street Journal, Sept. 15, 1980]

RATHER THAN DICKER WITH OSHA, MODEL FOUNDRY CLOSES UP SHOP

(By Stanford L. Jacobs)

If Richard Saunders had been willing to negotiate with the men from OSHA, his Wichita, Kans., foundry and its 60 employees probably would still be making wing flaps for Boeing 747 jets, control columns for Gates Learjet planes and other aircraft parts.

But the Saunders Inc. foundry is closed because of a confrontation between Mr. Saunders and the Occupational Safety and Health Administration. Mr. Saunders, a 62-year-old Texan who designed World War II planes for Howard Hughes, "approaches genius," an aviation executive says. But the lean, leathery-featured engineer can be as hard-boiled as frontier lawman. When he shops for equipment, he warns suppliers to submit their best price first because he won't come back and haggle later. "Dick Saunders doesn't have the ability to compromise," a long-time associate says.

The Labor Department's OSHA, on the other hand, thrives on give-and-take. Its inspectors often make tough demands that later are negotiated into more lenient compliance measures. "The general practice is to work out some sort of compromise," says Douglas Stratton, a Kansas lawyer who represents a number of companies in OSHA matters.

Despite the differences in style, Mr. Saunders had little to fear from OSHA last February when two of the agency's inspectors entered his modern, all-electric foundry. "It was the most outstanding foundry in the U.S.," an aircraft executive says. In an industry of notoriously dirty, dangerous workplaces, Saunders' plant was a paragon. "It undoubtedly was the cleanest damn foundry I've ever been in, and I've been in over a hundred," a Boeing executive says.

The inspection could have been as routine as it was in 1975, when OSHA complimented Mr. Saunders on his foundry. But this time, according to a worker who was there, Mr. Saunders called an OSHA man "a stupid SOB" because he was showing employees how they could get hurt on the job. "That's the stupidest damn thing," says a still-angry

Mr. Saunders, who chewed out the OSHA inspector. "Showing someone how to stick his arm in something is just stupid."

Soon after the incident, four OSHA inspectors studied the 42,000-square-foot foundry. Eventually they wrote citations for 23 alleged "serious violations" of federal job-safety laws. Serious violations supposedly "can cause serious physical harm or death" to employees.

An employer has 15 days to contest such allegations. Then it's up to OSHA to prove the conditions violate the law. If they do, they must be corrected according to inspectors' recommendations.

Businesses normally can negotiate with local OSHA officials to soften the demands. "What you do is you sit down and work out something," says an aircraft executive. "You do the minimum for compliance. That's the way it works." For his big company, that means sending three or four industrial engineers and a few lawyers to deal with OSHA.

But Mr. Saunders refused to negotiate. He decided his choices were to comply with changes ordered by OSHA or fight an all-out legal battle. He had beaten the Labor Department 20 years earlier when one of its compliance officers wanted to fine Saunders Inc. because it didn't pay Mr. Saunders overtime for his night and weekend work. But he figured he couldn't devote the time to a court case because he was the only one doing the engineering, and metallurgical work for the $3 million to $5 million worth of castings the company made each year.

The foundry had orders booked through the middle of next year when Mr. Saunders decided last spring to close rather than fight OSHA. He already had made many of the alterations OSHA inspectors demanded. But their insistence that explosion-proof electrical equipment was required close to the grinding operation proved to be too much.

Explosive aluminum and magnesium dust left over from the grinding of rough spots off castings was sucked into a vacuum system. The grinding was done in eight booths to keep dust from blowing around the plant, but workers still had to be careful to avoid accumulating the dust on their clothes.

The required new electrical work would have cost $500,000. Mr. Saunders spent weeks with outside experts trying unsuccessfully to find an affordable solution. Borrowing the $500,000, he decided, "would be starting down the road to bankruptcy."

The seven outside advisers who acted as Mr. Saunders' unofficial directors agreed that going out of business was the best course. A few months ago, the foundry equipment was auctioned off; the building was sold recently. Mr. Saunders is moving to Texas to set up a design-engineering firm that presumably won't have to contend with OSHA.

Evelyn Simons isn't sure what she'll be doing. A 55-year-old widow, she was dismissed May 30 when the foundry was closed. She had been there 12 years. She made $8.29 an hour and was happy with her work. Now she is having trouble finding any kind of job, even at the minimum wage.

And Jeff Spahn, the OSHA director for Kansas, is surprised that the Saunders foundry is closed. "I can show you case after case where we negotiated procedures to comply that were less strict," he says. "There are many ways to skin a cat."●

CONTRIBUTION OF THE OCEAN SECTOR TO THE U.S. ECONOMY

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. PRITCHARD. Mr. Speaker, as Ranking Minority Member of the Subcommittee on Oceanography, I would like to bring to the attention of my colleagues a recent study which examines the contribution of ocean resource development to the economy as a whole. This study provides some interesting new economic statistics about an area which is increasingly becoming a major supplier of goods and services to the U.S. economy. This study, which I will briefly summarize, was conducted by a team of researchers from the Bureau of Economic Analysis, U.S. Department of Commerce, and the Columbia University Graduate School of Business estimated the contribution of the ocean sector to the gross national product (GNP) of the United States.[1] Based on data most recently available in 1972, the ocean sector of the economy contributed $30.6 billion—2.6 percent—to the $1,171.1 billion United States GNP. GNP for this study was measured by the value-added approach where value-added is defined as total output—sales plus inventory changes—less current account purchases. Value-added summed for all establishments in the United States equals GNP. The gross product originating from the ocean sector is based on industries which either extract or utilize an ocean resource in a productive process—for example, fishing, mining, or transportation—or industries whose output is dependent upon the ocean or are located near the ocean, for example, shipbuilding, warehousing, trade, real estate, or services. While this value may seem small, the study team indicated that the ocean sector is comparable to mining at $18.9 billion, communications at $29.4 billion, agriculture—including fisheries—at $35.4 billion and construction at $58.0 billion.

Table 1 shows the values of the various subsectors or industries within the ocean sector and the GNP. The ocean sector is dominated by the Federal Government—$10.8 billion—of which the U.S. Navy accounts for $10.0 billion. Value-added for the Government sector is defined as total personnel compensation. The importance of the coastal zone can be seen in the large contributions that trade and real estate make to the aggregate value of the ocean sector. Oil and gas extraction and transportation are also important contributors to the aggregate value of the ocean sector. Other industries have little or no contribution.

It should be emphasized that the values are based on 1972 information. The year 1972 was chosen for this study because it was the latest for which detailed statistics from the quinquennial economic censuses and census of the governments conducted by the Bureau of the Census were available. While the relative magnitude of elements within the GNP are relatively stable between censuses, the period since 1972 has been a tumultuous period for the economy. Care should be exercised when extrapolating 1972 information to the present because contributions from ocean subsectors may have changed. For example, while the amount of oil and gas extracted from offshore areas has declined since 1972, the value has increased dramatically. Preliminary 1977 census information indicates that the value-added for offshore oil and gas extraction is approximately $6 billion, a threefold increase from 1972.

Although the information used in this study was obtained in 1972, the study still has merit. The study was the first attempt to disaggregate GNP on a spatial basis rather than production sector basis. The study provided a useful estimate of the contribution that the ocean sector and its subsectors make to the GNP of the United States. This estimate and its underlying detail can provide a statistical framework for models of the linkages between the ocean sector and the rest of the economy. The models in turn can be used to assess how changes in the ocean sector output will affect the U.S. economy and vice versa. For example, models could be developed that would show how Federal efforts to accelerate OCS exploration and development would affect the ocean sector mining industry and the resulting impacts to the rest of the economy. Along the same line, multiplier values could be established for the fishing industry or transportation industry of the ocean sector, which would assist in predicting the effect of a particular level of stimulus to those sectors.

Although the ocean covers over 70 percent of the Earth's surface, and is a resource which will increasingly be depended upon for living and nonliving marine resources including new energy resources, for navigation and transportation services, for national defense, and for recreation, there has been very little analysis of the net economic contribution of ocean resources. This is in spite of the fact that we are seeing major new legal and institutional changes in the way we manage ocean resources. The United States along with many other nations are gradually, in some cases, and more hurriedly in others, asserting jurisdiction over marine resources which were formerly common property resources. Concurrently, the United Nations in its Conference on the Law of the Sea, is attempting to extend the rule of international law over certain ocean resources and activities. With these major changes occurring in ocean use, law, and institutions, an economic analysis such as the Pontecorvo study is useful as a means of evaluating changes in the net economic contributions of ocean-related activities.

---

[1] U.S. Department of Commerce, Bureau of Economic Analysis. "Gross Product Originating from Ocean-Related Activities", 1980; and Pontecorvo, Giulio, et al. "Contribution of the Ocean Sector to the United States Economy", Science, Vol. 208, pp. 1000-1006 (30 May 1980).

TABLE 1.—GNP AND OCEAN SECTOR BY INDUSTRY FOR 1972

[Dollars in billions]

Industry	U.S. total		Ocean sector total		Ocean sector percentage of industry (B/A × 100)
	Industry contribution to GNP (A)	Percentage of GNP	Industry contribution to ocean sector (B)	Percentage of ocean sector	
Agriculture, forestry, fisheries	$35.4	3	$0.3	1	0.8
Communications	29.4	3	0	0	0
Utilities	28.0	2	0	0	0
Construction	58.0	5	.2	1	.3
Mining	18.9	2	2.1	7	11.1
Transportation	46.2	4	2.4	8	5.2
Services	134.5	11	1.2	3	.8
Finance, insurance, real estate	167.3	14	4.7	15	2.8
Wholesale and retail trade	201.1	17	7.2	24	3.6
Manufacturing	288.8	25	1.3	4	.4
Government:					
Federal	58.8	5	10.8	35	18.4
State and local	96.1	8	.4	1	.4
Other	8.3	1	0	0	0
Total	[1] 1,171.1	100	30.6	[1] 99	2.6

[1] Aggregate sum does not equal total due to rounding.●

LITHUANIANS DO NOT DESERVE PROSECUTION

HON. C. W. (BILL) YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. YOUNG of Florida. Mr. Speaker, Soviet troops marched on and overtook the small Republic of Lithuania in 1940, and now, 40 years later Soviet domination remains there, stripping the Lithuanian people of their human rights. Although it is a small country, the determination of the people to see that Soviet oppression is overthrown remains great, and continues to this day.

Since the Soviet takeover, the United States has refused to recognize the Communist government, instead choosing to recognize the Lithuanian delegation here in the United States. However, the delegation is small and aging, and the resources of the Republic are dwindling. It is not a pleasant future the delegation faces, but they have had a bleak 40 years and have continued to persist and survive. The hard time ahead for this small country is all the more reason we, as a Nation, must stand behind Lithuania's fight to regain its independence.

But the United States is attempting to dampen that spirit of independence by prosecuting 18 Lithuanian-Americans for protesting in front of the Soviet Embassy. This action by the District of Columbia follows an earlier action by the same Government that released 192 Iranian students who protested against the United States. Somehow it doesn't seem right to me that 18 Americans protesting in support of the principles of a free and democratic government face being jailed, while 192 foreign students who protested against such democratic government are set free.

The Lithuanian people need our support against their Soviet aggressors. Sending 18 descendants of that heroic Republic to jail for supporting the United States is wrong and we cannot allow such an injustice to occur.●

FELICIAN SISTERS CELEBRATE 125TH ANNIVERSARY

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. FARY. Mr. Speaker, the Felician Sisters, one of the Western World's largest women's religious congregations, marks its 125th anniversary in 1980. Many of my friends and neighbors in the Chicago area have greatly benefited from the services of the good sisters. I wish at this time to congratulate them and praise the role they have played in educating American children, since they came to this country in 1874.

The Felician Congregation was founded in Warsaw in 1855 by Sophia Truszkowska, who later became known as Mother Angela. A wealthy woman, she took pity on the sad plight of orphaned and neglected children in Poland.

In their early zeal, the Felicians undertook charitable activities including an orphanage, school for poor children, home for aged women, and a hospital.

The Felicians follow the rule of life of St. Francis of Assisi. The patron saint for whom the order is named is St. Felix of Cantalice, a Franciscan Capuchin Brother. Like all followers of St. Francis, the Felicians hold as their ideals simplicity, poverty of heart and lifestyle, and a joyful, hospitable spirit. Prayer and penance—understood as intense personal conversion—are also elements of the Felician-Franciscan spirituality. In addition to these Franciscan elements are the Felician ideals of love of the Eucharist and devotion to the Blessed Virgin Mary.

Flowing from this spirituality is the Felicians goal of spiritual renewal of the world—cooperating to bring all things back to the Lord. Thus Felician Sisters serve and minister to the people, hoping to bring about this spiritual rebirth and deepened love of God.

The congregation became successful from the beginning in attracting recruits. In 1874, less than 20 years after its creation, five Felician Sisters came to America. They were invited by Father Joseph Dabrowski, a pioneer missionary among immigrant Poles, to Polonia, Wis. [This original Felician Province in America was moved to Detroit in 1882. It is now in Livonia, Mich.]

The Mother of Good Counsel Province was founded in 1910. Other U.S. provinces are in Buffalo, N.Y.—founded in 1900—Lodi, N.J.—founded in 1913—Corapolis, Pa.—founded in 1920—Enfield, Conn.—founded in 1932—Rio Rancho, N. Mex.—originally founded in Ponca City, Okla. in 1953.

In addition to Poland and the United States, the Felician General Headquarters is in Rome and there are vice-provinces in Canada and Brazil.

Before her death in 1899, the foundress, Mother Angela, was able to see the Felician Congregation take root in Poland and spread to the Western Hemisphere.

From the outset, the Felician Sisters have emphasized education, from elementary through college, and the worth and dignity of the individual.●

MISSING FARMS

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DANIEL B. CRANE. Mr. Speaker, 44 farms have vanished in Fayette County, Ill.

The missing land is worth at least $61,450,000 at a conservative value of $2,500 per acre.

For a full report on this tragedy, I suggest the following July 30, 1980, editorial by Jay Gossett, editor of the St. Elmo, Ill., Banner:

VANISHING ACRES

The State of Illinois is belatedly coming to grips with a problem that such neighboring States as Wisconsin and Michigan are already tackling—that is the disappearance of prime farmland into the asphalt jungle.

Jim Frank, an Illinois agriculture department official, estimates that 100,000 acres of farmland vanishes each year in the name of progress as exemplified by expanding cities, shopping centers, highways and factory sites. He did not mention man-made lakes but such projects as Carlyle and Shelbyville lakes and the apparently now defunct Louisville lake gobble thousands of acres of farmland.

Living where we do, one might suppose that this problem is more pertinent to Chicago, Springfield, Peoria, East St. Louis and the State's larger cities.

It isn't. The fact is that even Fayette county with its predominantly agricultural economic climate isn't immune to the encroachment of asphalt on farmland. In the four years between the agricultural censuses of 1974 and 1978, 9,834 acres of farmland disappeared. At the 1978 average farm size of 220 acres, that's 44 farms. Another way of looking at it is that we're losing 2,458.5 acres yearly.

Michigan and Wisconsin have sheltered farmland from urban encroachment by offering farmers tax incentives to keep farming. Illinois should do the same, at least.

The legislature took a small step in that direction this past session by eliminating the sales tax on farm implements selling for over $1,000. Giving farmers the same break on gasoline and diesel fuel that cities get would be another helpful step. Finally, some adjustments in state income tax regulations to encourage family farming would help.

The temptation, however, will be to provide relief in property taxes which does not affect state coffers but does diminish local tax monies.

Farming is a business fraught with hazards. A farmer can do everything right and Mother Nature can trump him with a heat wave, windstorm or freeze. Finally, in this inflation infected era, the farmer seems to be the only business person who can't pass his increased costs along to the consumer. He's completely at the mercy of the market place.

The present hostile economic environment is accelerating the trend toward bigger farms and corporate farming. If the day ever comes that agriculture is dominated by corporate farming that lack of control over pricing which currently plagues the family farmer will be remedied in short order and in pocketbook terms that everyone of us will understand.

So we do have a stake in the preservation of the family farm. For that reason we can't afford to be so shortsighted as to envy any dispensations the state may grant to encourage the family farmer to continue to do the great job he's been doing.●

THE LAST WORDS OF PRESIDENT ANASTASIO SOMOZA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. McDONALD. Mr. Speaker, the brutal assassination of former Nicaraguan President Anastasio Somoza calls renewed attention to our Nation's policy of betraying its friends and allies. Somoza was murdered by a Communist hit squad in Paraguay; he was denied the common right of asylum in the United States because he refused to keep silent on the circumstances under which he was forced from office by partisans of the Sandinistas in our own Government.

President Somoza did speak out, from exile. In collaboration with Jack Cox, he wrote "Nicaragua Betrayed," which has just been published by Western Islands, in Belmont, Mass. An interview with Mr. Cox, the coauthor, appeared in the Review of the News on October 1. It contains extremely valuable insights and information relative to the conduct of American foreign policy in the Caribbean—naming names and quoting recorded conversations. It is essential that Members of this body learn what is being done in the name of the American people and their Government.

The interview follows:

Three days before General Anastasio Somoza Debayle, the former President of Nicaragua, was brutally assassinated in Asunción, Paraguay, he made what was to be his last statement to the American press in a telephone conversation with The Review Of The News. General Somoza discussed with us his dramatic book, Nicaragua Betrayed, recently written with Jack Cox for Western Islands, and made final arrangements for a long and detailed interview.

In this last conversation with an American reporter, General Somoza suggested that if given sufficient circulation Nicaragua Betrayed might well "demolish Carter" at the polls in November. He said: "I have the utmost respect for the office of the Presidency of the U.S. . . . but one can be critical of the President without denigrating that esteemed office. . . . I am firmly convinced he is leading the Free World into a cataclysmic political eclipse which will bring darkness to free peoples everywhere."

Anastasio Somoza was a graduate of the U.S. Military Academy at West Point and a dedicated fighter against Communism throughout his life. He spent his last months working on a project designed to halt the spread of Communism in Latin America. But it was his revelations in Nicaragua Betrayed that interested our interview team. Knowing the potential risks and consequences, Somoza had told, detailed, and documented the story of how James Earl Carter and his Far Left advisors in the State Department and the National Security Council worked to bring the Cuban- and Soviet-trained Sandinistas to power in Nicaragua.

Jack Cox, the American author and expert on Central America, lived in Paraguay for more than three months working on Nicaragua Betrayed with former President Somoza. When Somoza was slain four days before our scheduled interview we turned to his intimate friend Cox for answers to the questions Nicaragua's former President had agreed to answer.

Rees: Mr. Cox, as you know we had planned to interview you along with our mutual friend General Somoza about the powerful and dramatic book the two of you have just written. President Somoza was killed before we could complete our interview. Why was he assassinated?

Cox. I think ultimately we will find these were hired Communist assassins; and I think the thread will lead us back to Thomas Borge, the Interior Minister and chief of secret police for the Sandinista regime in Nicaragua. Borge is an avowed Communist who was trained in Cuba and the Soviet Union. He is in fact an admitted murderer of innocent Nicaraguans whom he suspected of supporting Somoza. Borge and Fidel Castro could never forgive Anastasio Somoza for his anti-Communism. They would not have felt safe until he was dead.

And now that Somoza has been murdered the Sandinista regime is rejoicing. Rafael Cordova Rivas, a member of the revolutionary junta that now rules Nicaragua, has boasted that on his recent tour of South America he told audiences: "Nicaragua will not be free unless Somoza is killed." In fact, on the day General Somoza was murdered the Government-run radio station in Managua called on its listeners to "hold popular festivities" and "express our happiness over the execution." That was no "execution"! It was a cowardly terrorist ambush by international Communist mercenaries.

Rees. So far, at least two of the terrorists have been identified as members of the Argentinian People's Revolutionary Army. That group is known to have sent many of its members to Cuba for training in terror tactics and to have formed an important part of the International Communist Brigades which helped the Sandinistas fight the National Guard during the Communist invasion of Nicaragua last year.

Despite the claims of the Marxists, the "Liberal" American media, and the Carter Administration, President Somoza had the support of most of the Nicaraguan people. His National Guard remained loyal to his command and fought to the end. What was the attitude of the Carter Administration toward the National Guard?

Cox. There was no question it was one of hostility. In President Somoza's book, Nicaragua Betrayed, he said: "There were two items I insisted upon in my condition before leaving the country and going to the United States. In all my conversations with Ambassador Pezzullo, Ambassador Bowdler . . . and General Dennis McAuliffe, one of those things was preservation of the Guardia Nacional, because these men have been loyal to their country. Many of them were barely teenagers. Most of the officer cadre had been trained in the United States and they were strongly anti-Communist, strongly pro-United States. And I had the assurance from all of those with whom I was negotiating in the United States that the Guardia Nacional was essential to the preservation of peace and freedom in Nicaragua" and would be preserved.

Rees. But the Carter Administration did not honor its promise. The entire personnel of the Nicaraguan National Guard, both the men and the officers, were almost immediately imprisoned.

Cox. And they're still imprisoned, over 8,000 of them, and being slowly starved. The Sandinistas are taking them out for trial in small groups before a kangaroo court and individually sentencing them to 30 years in prison at hard labor. So in effect what they are doing is taking all the men who have been exposed to anti-Communist military training, and who have an understanding of military action, and putting them in slave-labor camps to die. Few will survive 30 years at hard labor on a starvation diet.

Rees. What other assurances did President Somoza receive from U.S. officials to persuade him to leave Nicaragua?

Cox. As you know, President Somoza tape-recorded his conversations with American officials. The transcripts of the tapes reproduced in Nicaragua Betrayed, and other hard evidence, confirm a series of assurances that the United States would guarantee that the Nicaraguan Liberal Party, of which President Somoza was the head, would be preserved; that his political supporters would not be persecuted; and, that the United States would exert every effort to see that freedom was maintained in Nicaragua after he left. Somoza was subsequently betrayed on every one of these assurances.

Rees. The Nicaraguan Government was almost totally dependent on purchases of U.S. arms and ammunition. Once the Sandinistas and their allies began their terrorist and insurgency campaign, President Carter imposed an embargo on sales of ammunition and arms to Nicaragua. How did that affect President Somoza's position?

Cox. Eventually the Carter Administration made it impossible for the Somoza Government to buy arms or ammunition anywhere in the world.

The undeniable fact is that it was the American arms embargo against Nicaragua that settled the question as to whether the F.S.L.N. revolutionaries would take control. The only other case of that happening in this hemisphere was when the State Department did the same thing in order to deliver Cuba to Fidel Castro. Like the F.S.L.N., the Castro 26th of July Movement was already controlled by Communists and Russia moved in to provide them with arms, ammunition, and military advisors.

President Somoza and his Government were of course anti-Communists. Yet the United States actively campaigned against them. Meanwhile the Cubans and their Panamanian friends poured in supplies to the Sandinistas. Given the situation, it was only a matter of time until the National Guard would be completely helpless.

Rees. Do you think President Somoza ever really understood that the Carter Administration was out to set up a Marxist revolutionary Government in Nicaragua?

Cox. No, he never realized that until too late. You have to remember that Anastasio Somoza was educated in the United States, that his wife was an American, that his children were sent to school here, that he had always been an anti-Communist and had supported every U.S. international move against the Communist bloc. President Somoza was convinced right up until the very end that the Carter Administration would change its policy and allow the necessary supplies to reach his army.

You know, of course, that in every battle with the Sandinista forces, even those involving ambush and siege, the National Guard proved itself far superior to the invaders. There was a fierce battle in the south at Rivas, for example, where the Guard held off the invasion column striking from Costa Rica. The only reason the F.S.L.N. and its motley International Communist Brigades got through was that the National Guard literally ran out of ammunition.

Rees. President Somoza's Government, which was the legal and recognized government of Nicaragua, was a party to mutual defense treaties within the O.A.S. against Communist aggression. How could America have ignored those treaties and worked actively to assist the Reds?

Cox. The Carter Administration had only one policy towards Nicaragua and that was to get rid of President Somoza. Never mind that an "anyone but Somoza" policy meant putting in power the Sandinista National Liberation Front. There was simply no other strong force to oppose the invaders. Except for Somoza's Liberal Party the Nicaraguan political parties were splintered and fractionalized. The Communist forces had a steady supply of weapons and a safe base in Costa Rica from which to invade. A military takeover by the Marxists was inevitable once the Somoza Government and its armed forces were effectively disarmed through embargo.

Rees. Did any American official admit to President Somoza that this was U.S. policy?

Cox. General Somoza recalled bitterly being told by President Daniel Oduber of Costa Rica that Robert Pastor, the U.S. National Security Council advisor for Latin America, had said to him: "When are we going to get that son of a bitch to the north out of the Presidency?" And of course Somoza had read U.S. newspaper accounts that Pastor had said: "This Administration is going to see to it that every Conservative, Rightwing Government in Latin America goes."

President Somoza was convinced that even the Organization of American States would never have passed an anti-Somoza Resolution without strong United States support. Though of course the Carter Administration was backed in all of this by the Torrijos regime in Panama and by (then) President of Venezuela Carlos Andres Perez.

Rees. The murder of newspaper publisher Pedro Chamorro, one of President Somoza's longtime political opponents, was a landmark in the campaign to overthrow his Government. Why do you think Chamorro was killed?

Cox. Certainly it greatly assisted the anti-Somoza propagandists outside Nicaragua. Inside the country, however, the murder of Chamorro marked a turning point in the support of Nicaraguans for Somoza. Remember that hours after the killing one of the assassins was arrested by the Nicaraguan police. He confessed to the whole conspiracy and the other killers were arrested and also confessed. In fact their confessions were made on television in Managua. These were detailed statements so there was no question that these men were really the ones who had carried out the murder. Based on my own interviews with people in Nicaragua, with National Guard officers, and with people I knew well in the Government, I am convinced that Chamorro was killed for the reasons they said.

Rees. Wasn't it a private dispute between Chamorro and a businessman he had attacked in his newspaper?

Cox. The assassins said they had been hired by the manager of a blood-plasma export company. Chamorro's newspaper had called for the closing of that company and had run a campaign against it for many months. The man they identified as having hired them to kill Chamorro lived in Miami, Florida, and Nicaragua tried to extradite him.

The rioting and violence did not erupt until three days after the murder. The F.S.L.N. held a special meeting to decide how to react to Chamorro's death. Only then did the revolutionaires stage the rioting and looting for the purpose of making international propaganda. Inside Nicaragua, however, the people knew that Somoza and his friends had had nothing to do with the killing of Chamorro. Those confessions were completely convincing. But people in the United States and in other countries outside Nicaragua were never told that.

Rees. Why?

Cox. Because the "Liberal" press was as usual out to lynch the anti-Communists. The story was: "Here is the latest rumor slandering President Somoza." When the truth didn't fit their preconceived story line, they ignored the truth. It's a familar tale.●

U.S. COURT CURTAILS OSHA'S MICKEY MOUSE WARRANTS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HANSEN. Mr. Speaker, businesses and working men and women throughout the country have achieved a significant victory in the fight to end the harassment and abuses of the Occupational Safety and Health Administration—OSHA.

A U.S. district court in Idaho recently reeled in OSHA's fishing expeditions by demanding more evidence before granting warrants for an OSHA inspection. This determination significantly bolstered the famous Barlow decision by the U.S. Supreme Court which upheld the constitutional rights of employers to reject an OSHA inspection without a search warrant based on probable cause.

The Court's decision was most gratifying and will hopefully provide a basis for other Federal courts across the country to make similar judgments in the protection of citizen rights against the illegal actions of OSHA.

The victory was reported in the following article by the United Press International in the Twin Falls, Idaho, Times-News on September 11, 1980:

COURT MAKES OSHA WARRANTS HARDER TO GET

BOISE (UPI).—Occupational Safety and Health Administration officials in Idaho must detail alleged infractions when seeking a warrant to search a business under a precedent-setting ruling issued in Idaho U.S. District Court.

Idaho U.S. District Chief Judge Ray McNichols Monday rejected OSHA's request for a warrant to search the Mark Line Supply company in Boise, saying agency attorneys must provide him with preliminary investigatory data before he will even consider granting such a warrant.

Clerks for McNichols say the crux of the judge's decision means OSHA inspectors now must hand over information in court which has led them to believe a business may be in violation of the law.

Up until Monday's decision, they say, McNichols generally granted the warrants as a matter of routine without requiring the detailed background information.

"I believe what it means is that the court is not going to allow itself to be used," said Terry Coffin, the attorney representing Mark Line. "Most judges nationwide have just assumed that a complaint reviewed by OSHA and compiled by OSHA would be sufficient. This decision tells me that is changing."

Coffin says the decision sets a precedent in Idaho and "limited precedent" for other States. Already, he said, he has received requests from lawyers handling OSHA cases in Texas, Georgia and other States, asking him to outline the defense he used so they may try it in other federal court districts.

In addition, Coffin says, the decision gives employers a "safeguard" because now it will be much more difficult for a disgruntled employee to lash out against a company by calling in OSHA.

William Kates, the U.S. Labor Department's Seattle attorney who represented OSHA before McNichols, however, says he believes the decision "is not an earth-shaking event." He says in the future he nevertheless will provide McNichols—the only judge in Idaho who hears OSHA cases—

with detailed information concerning a warrant application.

And while he is not required to give such information to judges in other States because McNichols' decision is not binding there, Kates says he probably will keep the ruling in mind when OSHA asks him to seek warrants elsewhere.

McNichols issued a warrant to OSHA inspectors on Aug. 1, allowing them to go into C. J. Widmark's Mark Line facility and check for safety infractions. Widmark, however, refused to allow inspectors on his property.

OSHA inspectors came back to McNichols, seeking a court order placing Widmark in contempt of court. But McNichols Monday refused to issue that contempt citation, denied OSHA's request for another warrant and further dismissed the entire matter after hearing Coffin's arguments.

Coffin said Widmark properly denied OSHA inspectors access to his property because the complaint on which OSHA based its search application was leveled against Mark Line by Boisean Mary Grant, who was fired by Widmark for failure to perform her job.●

LIFE INSURANCE INDUSTRY PROVIDES LEADERSHIP ON INFLATION PROBLEM

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. SIMON. Mr. Speaker, as Congress continues its effort to put together a Federal budget for 1981, the need to reduce our continuing high rate of inflation must remain a highest priority.

To date, little real progress has been made in eliminating the inflation gripping our economy. To be sure, the current recession, from which we may be beginning to emerge, has dampened the ravaging inflation rate of earlier this year.

However, recent resurges in interest rates, food prices, and other goods indicates that inflation will show little, if any, real improvement by year's end.

As the mail to most Members of Congress makes clear, the American public is well aware of the inflation problem, and is ready to accept tough and decisive action. In my opinion, they are more ready for such action than we are. One reason the American public has become so aware of the complexities of this problem—as well as some of the possible solutions—is the efforts of the American Council on Life Insurance, which has launched a ballot campaign to inform and enlist the support of the American people in the inflation fight. I commend them for their leadership.

Earlier this year, the council published a series of inflation-fighting ballots in a number of national and regional publications. In addition, 274 individual companies and organizations joined in sponsoring these ballots in a wide variety of publications.

The ballot asked for a commitment on six points dealing with inflation. First, it asked people to assume a personal responsibility for controlling inflation. It further asked people to commit to: First, not ask for new government programs which require deficit spending; second, support a sound monetary policy by restricting personal use of credit; third, not ask for government regulations unless social benefits justify the cost; fourth, be personally more productive; and fifth, conserve energy.

These are important questions, and ones which should be asked of all citizens, including Members of Congress.

To date, more than half a million individuals have responded by marking these ballots. A breakdown of how ballots were marked, on a State-by-State and district-by-district basis, are being distributed to every congressional office. This is important information which reemphasizes the commitment of the American people to win the inflation fight.

In my own State of Illinois, more than 25,000 individuals submitted ballots. This was the second highest number of ballots submitted from any State, a fact of which I am proud.

I believe the results of this ballot are important for the Congress to study. Therefore, I am submitting for the record a complete compilation of the results of the balloting in all 50 States on a district-by-district basis. I believe that this information will help Congress as it renews its effort to fight inflation:

MAKE YOUR MARK IN THE FIGHT AGAINST INFLATION

Without any question, the problem of inflation—and its eventual control—is one of the greatest challenges our nation faces at this time.

Ultimately, because ours is a government by the people, each of us has the power to contribute to the control of inflation—through our actions as individuals and in the voting booth.

If you would like to register your vote against inflation, and if you would like your voice to be heard by our nation's leaders in Washington, we urge you to fill out the ballot below.

CAST YOUR VOTE AGAINST INFLATION

I vote to self-control inflation. I recognize and accept my personal responsibility and will share my views with others.

Here's how I'll do my share:

I will not ask for new government programs that require deficit financing and will expect our elected representatives to do the same.

I will support a sound monetary policy by restricting my personal use of credit.

I will not expect or ask for government regulations unless the social benefit justifies the cost.

I will commit myself to being personally more productive and will support efforts that encourage industry to invest in new plants and equipment, product development, and job training.

I will make every effort to conserve energy.

I, the undersigned, commit myself to the citizens' crusade against inflation and pledge to honor my commitments to self-control it to the best of my ability.

Your vote against inflation will reach our nation's leaders in Washington.

AMERICAN COUNCIL OF LIFE INSURANCE, NATIONAL ANTI-INFLATION VOTE, TABULATION BY STATES

State	Responses [1]					
	(1)	(2)	(3)	(4)	(5)	(6)
Alaska	559	496	502	485	491	517
Alabama	5,843	5,177	5,210	5,086	5,062	5,286
Arkansas	3,470	3,119	3,153	3,076	3,053	3,174
Arizona	5,107	4,546	4,534	4,447	4,391	4,614
California	30,807	26,136	26,484	25,745	25,538	27,041
Colorado	5,850	5,293	5,319	5,203	5,143	5,348
Connecticut	7,392	6,393	6,470	6,283	6,233	6,599
District of Columbia	591	457	480	443	465	501
Delaware	1,903	1,608	1,641	1,589	1,580	1,696
Florida	20,883	18,341	18,488	18,052	17,809	18,691
Georgia	10,619	9,217	9,348	9,086	9,111	9,591
Hawaii	2,067	1,644	1,660	1,606	1,616	1,726
Iowa	8,135	7,145	7,237	6,976	6,827	7,390
Idaho	1,815	1,582	1,584	1,558	1,537	1,613
Illinois	25,124	21,688	22,013	21,292	21,160	22,363
Indiana	12,006	10,437	10,549	10,218	10,140	10,699
Kansas	6,066	5,446	5,484	5,320	5,181	5,557
Kentucky	5,610	4,605	4,866	4,722	4,688	4,924
Louisiana	6,231	5,444	5,483	5,342	5,376	5,545
Massachusetts	13,161	10,634	10,887	10,373	10,319	11,475
Maryland	8,432	7,176	7,298	7,049	7,055	7,447
Maine	2,100	1,840	1,852	1,807	1,781	1,890
Michigan	15,395	13,374	13,503	13,110	13,003	13,648
Minnesota	8,221	7,228	7,335	7,121	7,017	7,350
Missouri	10,529	9,079	9,165	8,907	8,795	9,255
Mississippi	3,696	3,298	3,314	3,256	3,267	3,351
Montana	1,619	1,438	1,451	1,411	1,388	1,480
North Carolina	10.852	9,706	9,785	9,578	9,549	9,946
North Dakota	1,574	1,356	1,385	1,338	1,328	1,403
Nebraska	3,658	3,287	3,304	3,220	3,197	3,374
New Hampshire	2,214	1,943	1,967	1,921	1,889	2,007
New Jersey	17,720	15,041	15,324	14,745	14,732	15,624
New Mexico	1,863	1,650	1,661	1,608	1,629	1,677
Nevada	961	875	886	849	849	890
New York	24,305	20,046	20,386	19,641	19,606	20,950
Ohio	23,811	20,990	21,263	20,608	20,570	21,469
Oklahoma	4,542	3,974	4,019	3,904	3,866	4,068
Oregon	4,248	3,710	3,733	3,609	3,560	3,775
Pennsylvania	30,661	26,699	27,020	26,111	26,092	27,331
Rhode Island	1,424	1,181	1,177	1,161	1,157	1,195
South Carolina	5,991	5,336	5,388	5,281	5,264	5,426
South Dakota	1,791	1,582	1,577	1,543	1,527	1,601
Tennessee	14,782	11,857	12,050	11,595	11,465	12,851
Texas	21,121	18,959	19,050	18,722	18,681	19,195
Utah	1,864	1,662	1,679	1,645	1,656	1,681
Virginia	10,941	9,651	9,787	9,478	9,378	9,917
Vermont	1,129	982	1,005	972	953	1,004
Washington	6,030	5,344	5,404	5,276	5,182	5,444
Wisconsin	12,510	11,022	11,118	10,832	10,715	11,351
West Virginia	3,413	2,987	3,030	2,941	2,939	3,076

[1] See table of Commitments on last page.

INSURANCE COMPANIES ACTIVELY PARTICIPATING IN PROGRAM

Aetna Life and Casualty; Allstate; American Health and Life; American Mutual Life; American United; Appalachian National; Baltimore Life; Bankers Life of Iowa; Bankers Life of Nebraska; Berkshire Life; Business Men's Assurance; Canada Life, Ontario; Centennial Life Insurance Company (American Defender) (Employer's Reinsurance) (National Fidelity); Central States of Omaha; College Life; Columbus Mutual; Commonwealth Life; Confederation Life Insurance Co; Connecticut General; Connecticut Mutual.

Equitable of Iowa; Farm Bureau; Fidelity Mutual; General American; Georgia International; Guarantee Mutual Life; Home Beneficial Life; Home Life; Indianapolis Life; Jefferson Standard; John Hancock; Kansas City Life; Kemper Life; Lamar Life; Life of Georgia; Life of Virginia; Lincoln Benefit Life; Lincoln National; Lutheran Brotherhood.

ManuLife; Massachusetts Mutual; Metropolitan Life; MFA Life; Michigan Life; Midland Mutual Life; Midland National Life; Minnesota Mutual; Monarch Life; Monumental Life; Mutual of New York; Mutual Trust; National Fidelity; National Life of Vermont; National Mutual Benefit; National Travelers; Nationwide; New England Life; North Carolina Mutual; Northwestern National Life.

Occidental Life of California; Occidental Life of North Carolina; Pacific Mutual; Pan-

American Life; Paul Revere Companies; Peoples Life; Pilot Life; Pioneer Life; Pioneer Mutual; Provident Life and Accident; Provident Life Insurance of North Dakota; Provident Mutual; Prudential.

SAFECO; Security Benefit; Security Mutual Life; Southern Life; Southland; Southwestern Life; Standard Insurance; Standard Life of Indiana; State Mutual; Sun Life of Canada; Time Insurance; The Travelers; Unigard Olympic Life; Union Mutual; United Life and Accident; United of Omaha; United Services Life; Victory Life; Volunteer State Life; Washington National; Washington National of New York; Western States Life; Wisconsin National Life; Woodmen Accident and Life.

Miscellaneous organizations participating in program

National Association of Life Underwriters (50 State Associations):

Special Efforts Made By: Alaska, Arizona, California, Florida, Hawaii, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, Washington (state).

Million Dollar Round Table.

General Federation of Women's Clubs.

National Extension Homemakers Council.

USDA Cooperative Extension Service.

Grey Advertising, Inc.

National Consumer Magazines: Atlantic, Business Week, Harper's, Money, Newsweek, Reader's Digest, Sports Illustrated, US News.

Catalyst Associates (St. Louis, MO).

Kodak (NY).

Medical Plastics Laboratory (TX).

Target Planning Corporation (CA).

Texas Dept. of Correction.

NASA Credit Union (MD).

Warren Bank and Trust (AR).

LeHigh Valley (PA) financial institutions and local businesses.

ZIA Company (Santa Fe, NM).

Chattanooga (TN) Banks and Savings and Loan Associations: American National, Chattanooga Federal, Cherokee Valley Federal Savings and Loan Association, City Bank, Commerce Union Bank, First Federal Savings and Loan Association, First Tennessee National Bank, Pioneer Bank, United Bank of Chattanooga.●

THE 25TH ANNIVERSARY OF BUTLER JUNIOR CONSERVATION SCHOOL

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ATKINSON. Mr. Speaker, this year marks the 25th anniversary of the Butler County (Pa.) Junior Conservation School. Dedicated to instilling a respect for and education of the finest conservation practices, the Butler Junior Conservation School has pioneered in this area.

Supported by sportsmen, the school is operated with no paid staff. Volunteers from among the local Sportsman's Club and the School Alumni Association provide instruction in hunting, fishing, camping, emergency first aid procedures, and the importance of obeying all conservation laws.

Several graduates of the school have decided to follow careers in conservation.

Many awards and letters of commendation have been received by the school from communities throughout the country and from foreign countries.

We are very proud of the Butler Junior Conservation School. It is certainly in the best spirit of the outdoors to teach our youngsters how to understand and appreciate nature in all its loveliness and wonderment.

My congratulations to the faculty and Leonard A. Green, who served as chairman of the conservation school from 1957 through 1978, and Kenneth E. Weitzel, secretary and senior advisor to the school. Their efforts and the support of the Butler County Sportsmen's Conservation Council together with area businesses have produced a distinguished school and outstanding graduates.●

CANCER PROGRAM SUPPORT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. QUILLEN. Mr. Speaker, enactment of the National Cancer Act a decade ago began a concentrated effort by the Federal Government to support research to find the causes of and cures for cancer.

One of those who played a leading role in getting that Federal effort enacted into law and who has devoted himself since to sustaining the Federal Government's commitment to the fight against cancer is our colleague from Kentucky, TIM LEE CARTER.

The Cancer Letter in its September 12 edition reported on floor consideration of the latest legislation to continue the Federal effort, H.R. 7036, and on some of the comments of Representative CARTER and others during that debate.

I include this report for the RECORD.

HOUSE MEMBERS EXPRESS CANCER PROGRAM SUPPORT IN DEBATE ON WAXMAN'S BILL

Tim Lee Carter, A Kentucky physician who as the top ranking Republican on the House Health Subcommittee was one of the principal architects of the National Cancer Act of 1971, has continued to support the Cancer Program at every opportunity. He will retire from Congress at the end of this session, and the House debate on the Health Research Act of 1980 was his last opportunity to participate in formulating legislation affecting NCI and NIH.

Carter, whose son died of leukemia three years ago, said, "Sometimes we look at the funds we spend, and we wonder what good they are doing, if we look at, for instance, in cancer, in leukemia, we will find that in cases of acute lymphocytic leukemia, just a few years ago the mortality was 100 percent. Now, at least 50 percent of the youngsters with the disease are going into remission. We owe some of the physicians in this country a great deal of credit for this.

"One of them is Dr. Emil Frei of Harvard, and he is now a physician with the Farber Institute. Sidney Farber was a renowned cancer specialist over the years. Another physician prominent in the cancer field is Dr. Emil Freireich. It is an unusual thing that these two men, Emil Frei and Emil Freireich, were in the same class at Harvard, and both of them are well known and tremendously dedicated oncologists.

"I would also like to remind the Members of Dr. (James) Holland of Mount Sinai, who has been so helpful in this area.

"Just this morning we received a report that one of the cancers, acute myelogenous leukemia, which has been resistant to treatment, now is being treated successfully on an experimental basis. These cases are going into remission under treatment approximately 40 percent of the time, and soon they may well be cured.

"I want to commend the appointment of Dr. Vincent DeVita as director of the National Cancer Institute. Few people know that his son, although he did not suffer from cancer, suffered from an incurable diseases, a plastic anemia, in which his body could not fight off any type of infection, and he had to live in a laminar flow unit for years and years. . . .

"I would say that if we ever had a man who has the right to be dedicated, it is a man who has had a family member under such treatment and suffering such a condition over such a long period of time. I know that Dr. DeVita will be a dedicated man. With such men, I am sure that we can go forward. There will be breakthroughs in this area."

Subcommittee Chairman Henry Waxman pointed out that "two of our colleagues are retiring this year, and much of the great work of the National Institutes of Health and so many other of our health programs, are due to their efforts. The first is Dr. Tim Lee Carter. The other is the very distinguished chairman of the Interstate and Foreign Commerce Committee, the gentleman from West Virginia (Harley Staggers). They have fought over the years for a strong and effective NIH program to conquer disease."

The bill included an amendment offered by Carter which authorizes an additional $100 million to fund any unexpected breakthroughs that might occur.●

SALUTE TO LOU EIS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ROE. Mr. Speaker, on Sunday, October 26, the residents of my congressional district and the State of New Jersey will join together in testimony to an outstanding citizen, community leader and good friend, the Honorable Lou Eis, whose many good deeds on behalf of our people have earned him the respected and esteemed title of "Man of the Year" among his friends and peers for his standards of excellence in working to improve the quality of life for the senior members of our community, State, and Nation.

Mr. Speaker. I know that you and our colleagues will want to join with me in extending our warmest greetings and felicitations to Lou Eis upon receiving this citation of merit for this leadership endeavors which will be commemorated on October 26 with particular emphasis on his current goals and objectives to establish a nutrition center for our senior citizens and retirees in the county of Passaic, N.J.

There is much that can be said of Lou Eis and his lifetime of achievements in service to people and with your permission I would like to insert at this point in our historic journal of Congress, a brief outline of his good works and affiliations that will be particularly cited by his friends on October 26, as follows:

As senior advocate for Passaic County, Lou Eis has helped to obtain and supply free bus service for senior citizens from up county areas to Pompton Lakes for shopping and their return trip home. He has assisted people in applying for food stamps, helping those in need of advice regarding community services available to them, counseling seniors with social security and medicare/medicaid problems.

Lou is also chairman of the Nutrition Advisory Council of Passaic County and helps out as a volunteer when needed with the Meals on Wheels program for homebound disabled, ill, and elderly people. He is a member of the Title XX Coalition of Passaic County, a delegate to the New Jersey State Advisory Committee in the State capitol of New Jersey and a member of the Retired Seniors Volunteer Program of Passaic County as well as a member of the Passaic County Area on Aging.

He has also been active in voluntary youth work in New York City under the auspices of the Board of Education.

In Pompton Lakes, Lou has been a member of the Executive Board of the P.T.A.; member, the Safety Council; president, Stardusters' Booster Club; president, Ramapo Jewish Children's School; chairman, Pompton Lakes Board of Recreation; and is one of five men to have received honors for service in helping to organize the summer day camp for the Girl Scouts of Pompton Lakes.

He has served on the Pompton Lakes Planning Board and for 4 years as municipal court clerk of the borough of Pompton Lakes. He served the Pompton Lakes Board of Education as a member of the Citizens Advisory Committee.

Lou organized the Golden Age Group of Pompton Lakes 16 years ago before he was eligible to join, and was later selected to represent them at the United Passaic County Senior Citizens' Organization whose membership appointed him to the legislative body representing all of Passaic County.

He is also a member of the Board of Trustees of the Bergen Passaic Health Systems Agency where he serves as a member of the Plan Development Committee and chairman of the study committee for the investigation of medicare abuses on behalf of the HSA Plan Implementation Committee.

Lou Eis has served for 3 years as president of the Mens' Corps of Chilton Memorial Hospital, a volunteer organization, comprised of a proud hardworking group of community leaders who actively donate their valued services in helping people throughout the communities served by the hospital. These activities include escort service, emergency food aid, elevator operation, laboratory aid, X-ray record aid, and patient handling. He is also a director and first vice president of the Bergen County Bowling Association.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of our way of life here in America and I am honored and privileged to call your attention to Lou Eis' lifetime of good works. As we gather together on October 26 in tribute to the quality of his leadership and sincerity of purpose dedicated to service-to-people, we do indeed salute a distinguished citizen, outstanding community leader, and good friend, the Honorable Lou Eis, for his standards of excellence which have truly enriched our community, State, and Nation.●

A TRIBUTE TO DENNIS HANSBERGER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. LEWIS. Mr. Speaker, I would like to take this opportunity to commend the Honorable Dennis Hansberger to my colleagues, for his tenure and service to the people of San Bernardino County.

Elected to the San Bernardino County Board of Supervisors in November 1972, Dennis Hansberger was selected by his colleagues only 2 years after his election to serve as chairman. He was the youngest chairman of California's 58 boards of supervisors and served as chairman until January 1977.

Strength in leadership ultimately led Hansberger to represent the largest county in the United States to such organizations as County Supervisors Association of California—CSAC—executive committee, as the president of the Southern California Association of Governments—SCAG—and is currently chairman of the South Coast Air Quality Management District, fiscal committee. Hansberger previously served on the Southern California Air Pollution Control District Board; the South Coast Air Basin Coordinating Council; and as chairman of both the environmental quality committee and air quality task force of SCAG.

Hansberger is past president of the Southern California Regional Association of County Supervisors—SCRACS—a member of the CSAC board of directors; and past member of the CSAC executive committee and past treasurer. He is a member of the National Association of Counties—NACO—waste water treatment project advisory task force and a member of the University of California at Riverside Biomedical Advisory Board.

Hansberger served as a member of the joint conference Committee of the San Bernardino County Medical Center; board of directors of the San Bernardino Association of Governments; member of Local Agency Formation Commission; Omnitrans executive board; East Valley Transit Authority; East Valley Planning Agency Airport Land Use Commission, and East Valley Planning Agency.

A native of San Bernardino County, Hansberger was born in Redlands and graduated from Redlands High School. He also attended San Bernardino Valley College and the University of California at Riverside. Geology, world literature, and business administration were his areas of endeavor.

Dennis Hansberger began his business career with Atlas Redi-Mix Concrete in Colton; was employed by the Redlands city school where he became involved with handicapped children at Crafton Elementary School. He later served as financial manager for Tri-City Concrete before being selected as executive assistant to former third district Supervisor Donald C. Beckord in 1968.

Hansberger is a member of the Yucaipa Rotary Club. A founder and charter member of the Yucaipa Jaycees, a recipient of one of California's five "Outstanding Young Men" awards from the Jaycees, one of the original board members of the "100 Men of the Boy's Club" in San Bernardino, and a former member of Toastmaster's Club.

A generous volunteer in fund raising for specific organizations as well as for wildlife preservation. Hansberger also coaches and referees youth soccer in Yucaipa.

Dennis, his wife, Ann, and their three sons, reside in Yucaipa. A married daughter lives in Riverside.

Mr. Speaker, far too often we at the national level neglect to recognize the contributions of those at the local level. Their contribution is perhaps the most difficult and least rewarding. Therefore, it is only fitting that we take time to pay tribute to statesmen like Dennis Hansberger.●

THE PROBLEMS IN ENGINEERING EDUCATION

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. FUQUA. Mr. Speaker, various segments of the higher education community have problems today and engineering is no exception. Recently, Western Engineer, the official publication of the Professional Engineers of Colorado, began a series of articles written by educators with vast experience in the field of engineering.

The first of these articles, with permission, is reprinted:

The Shape of Things to Come: Obsolete Education

Equipment and funding shortages will soon be short-changing future engineers unless action is taken now.

Editor's Note: Engineering colleges in Colorado and across the nation are confronted by major problems. They need the understanding and help of practicing engineers, and in order to further this understanding, Western Engineer here presents the first of a series of three articles produced by the academic heads of Colorado's three engineering colleges: Dean Lionel V. Baldwin of Colorado State University, Vice President William M. Mueller of the Colorado School of Mines, and Dean William J. Pietenpol of the University of Colorado.

The present popularity of the engineering profession has collided head-on with inflation and the tax revolts to leave engineering colleges overloaded with students and woefully short of professors and equipment. The flood of students is good news; many engineers will be needed in the decades ahead, but the shortages can mean trouble.

Some types of education are fundamentally more expensive than others. In some, paper and books are the only equipment used and good faculty are readily obtainable. It's different in engineering; salaries that would be attractive to philosophy or history professors may not be at all competitive for qualified engineering faculty. This is fairly obvious, but still the problem is often compounded by the very human reluctance of university administrators whose own academic degrees are in non-engineering fields to admit the facts.

Thus, the overload of students is made worse by an increasing shortage of engineering faculty. A later article will deal with this; in this issue of Western Engineer we shall discuss the problems of obsolete instructional equipment.

Engineers must differ with an assertion of James A. Garfield, who is often quoted (inaccurately) as saying "A university is a student on one end of a log and Mark Hopkins on the other." No matter how talented, engineering educators also need equipment. The principles of chemistry can be demonstrated in test tubes, but the operation of a chemical plant can be taught only in a process laboratory, which is an expensive, elaborately instrumented, and computerized facility. Students can learn computing only with computers.

Most people would be alarmed if they believed that medical students were being trained with obsolete diagnostic equipment, but the possible dangers of a badly engineered process or structure could far exceed those likely in medicine. The public is entitled to the protection of having its engineering students learn their profession with modern equipment. Because engineering also pays off handsomely in products and jobs, good engineers are also a good investment.

Unfortunately, the equipment in universities today is inadequate and growing more so. A sort of Einstein shift occurs today: as the velocity of progress increases, the clock of obsolescence runs faster and faster. This is particularly true in the fields of instrumentation, data handling, and computing. Rapid progress in applying electronic devices and computerization to all sorts of engineering and engineering equipment greatly accelerates the pace of obsolescence.

The situation at the College of Engineering and Applied Science of the University of Colorado (CU) is approximately typical of that at Colorado School of Mines (CSM) and Colorado State University (CSU) as well. At CU, the engineering college needs $1.25 million in new equipment and an annual outlay of $75,000 per year. These are conservative estimates, made by a blue-ribbon committee of widely recognized engineers from industry and government who examined the college's instructional equipment recently at the request of CU's Engineering Development Council. The figures sound relatively modest but represent many times as much as the Colorado legislature now appropriates for these purposes. As one committee member put it, "We were both amazed and concerned at the insignificant fiscal support the college receives for obtaining new instructional equipment for its laboratory teaching facilities." "We believe it will be necessary to obtain an equipment budget for new equipment and maintenance of from at least $75,000 to $150,000 annually," he said. "Such funding is absolutely necessary if the college is to provide an adequately trained resource of engineers to supply the needs of the state's industrial and governmental organizations." The situations at CSU and CSM differ only in detail.

Of course the outstanding laboratories of CU, CSU, and Mines contain much elaborate and valuable equipment. However, almost none of it was purchased by state funds, and very little of it is adapted to educating platoons of undergraduates. (Most of this graduate equipment came through federal research grants, and many items came from industry, gratefully received by the colleges and still valuable for research even though they often had become slightly obsolete for industry and most valuable to their owners as tax deductions.)

Undergraduate instructional laboratories serve different purposes than graduate laboratories and have different needs, but they too have been equipped largely by National Science Foundation grants, for instructional equipment, and by the generosity of industrial firms. Often, such firms make their newest and best apparatus available to the colleges as outright gifts or at giveaway prices. The sad truth is that in Colorado, at least, state funding is not adequate even to maintain and repair the laboratory equipment. Another sad fact is that the generosity of the federal government and of industry is intermittent. In most instructional laboratories in engineering colleges one finds items of equipment that should have been retired to the junkyard or museum decades ago. Sometimes there are brass crank-wheels, polished wooden boxes, and silvery electronic tubes that would delight an antique collector. Things can look modern but be obsolete: "A mini-computer purchased in 1975 is so primitive by today's standards that it can be used only in a most general way for instruction," a committee member said.

Fundamental principles are not necessarily exemplified by experiments employing usable but obsolete equipment, a committee member pointed out; he cited as an example the millimeter wave portion of the radio frequency spectrum, where techniques bear little or no resemblance to those developed earlier for the longer waves such as microwaves.

Committee members sought to drive home the point that modern instructional apparatus is an essential and a good investment. They pointed out that very few industries operate with "simple" systems. Nearly all require very complex instrumentation or design techniques or both. It is essential that the laboratory courses teach the current technology which graduates will be expected to use in industry. Modern sensors permit great accuracy and stability, and modern industry has applied these refined techniques in manufacturing, processing, and communications. Sensing devices are analog by nature, but the data that they gather is processed digitally; students need a full understanding of the entire flow of information, the committee emphasized.

Modern engineers must be able to interact with computers. Industry and government expect engineering graduates to have had extensive hands-on experience with computers and computer ancillaries such as cathode ray tube (CRT) terminals, interactive graphics, sensing devices, and the new breed of specialized microprocessors. "University engineering curricula that do not recognize and provide for computer training are obsolete," a committee member explained. Today's undergraduates need regular access to minicomputers and computer ancillaries.

Engineers today can mathematically model almost any physical or chemical process and install the model in computers. A highway engineer who wants to predict the traffic effects of a Bronco football game on congestion of an intersection on Interstate 25 ten miles away one hour later will need a large model in a large computer. A power plant engineer can write a much smaller computer model to predict the effect of boiler upsets on emission levels from the stack of the plant. Either way, the ability to predict the behavior of complex systems has been one of the major breakthroughs stemming from the computer revolution of the Seventies.

Such modeling is essential in such diverse fields of engineering application as coal mine design and energy recovery, and for effective research on the utilization of agricultural and water resources.

As engineers know, simulation today is not only economical, it can do things that would otherwise be extremely costly or impossible. The needs of computer simulation are in fact spurring demands for better physical data, often obtainable only through electronic sensing.

Computers require accurate data input. Pollution problems of the Colorado Front Range can be understood and attacked only if gigantic volumes of data on the source and quantity of the various pollutants are available. The engineering student must learn about sensors, their placement, and the computer monitoring of these devices if he or she is to contribute to the solution of air pollution problems. Students cannot merely study engineering; they must study the principles of electronic sensing devices and must have experience in working with such instrumentation to get such data into a computer system properly.

On the output side, computers today are so fast and powerful that they produce more numbers than the human brain can handle. Graphic devices that are capable of taking numeric output and converting it to curves on a graph at fantastic speed are commonplace pieces of ancillary computer equipment today. The engineering student must learn to handle mountains of computer output in this fashion.

The advent of small powerful computers at relatively low prices has allowed computers to move into industry and laboratories as analytical and operating tools, while the general-purpose computer centers handle the kinds of computational and research problems that they have traditionally solved, especially including those related to programming and computing themselves.

The popularity of on-the-job computers stems in part from dramatic reductions in price that help to make the use of small computers in instruction economically feasible. Thus, the price tag for providing adequate instructional computer facilities for the state's three engineering colleges does not represent an excessively large investment. Detailed information has not been compiled for the three colleges, but CSU has estimated the cost of providing the computer terminals needed for its undergraduate instruction at about $1.25 million. This works out to about $600 per engineering student, so that if these figures are also valid for the other campuses, the cost for the three colleges would amount to $5 million. However, this estimate is for hardware and software at list prices. Since computer suppliers often make hardware available to the colleges at substantial discounts and throw in some software without charge, the actual cost might be substantially less.

The general problem of equipment shortage is complicated by a primitive inventory system which the universities say is forced upon them by lack of personnel. The CU equipment committee censured the universities for this procedure, which creates a grossly inflated picture of the equipment's value.

Under this system, equipment items are carried on the books throughout their lifetimes at their full acquisition costs, producing a fictitious impression that depreciation doesn't affect academic equipment. Capital equipment lists based on these non-depreciated values are often submitted to the legislature and other interested agencies. In contrast, industry and government facilities utilizing similar equipment ordinarily depreciate it over lifetimes ranging from three to five years for most of the electronic apparatus to ten years for most other equipment.

The future is bright for engineering. Its achievements in solving today's pressing problems will be a shining page in its history. However, the engineering profession needs to take action now. Without its aid, the fine young minds of the engineers of tomorrow may be short-changed today.●

NORTHRIDGE HOSPITAL: 25 YEARS AND STILL GETTING BETTER

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CORMAN. Mr. Speaker, it gives me great pleasure to honor the Northridge Hospital Foundation in Northridge, Calif., on its silver anniversary this month. In those 25 years, this facility has grown and expanded into one of the most comprehensive and innovative centers for health care and health education.

The primary reason for their achievement and potential is due to a very dedicated and progressive staff directed by Dr. Donald G. Martyn, board of trustees president, and Paul A. Teslow, administrator. The staff has developed strong community relations because of its commitment to outreach and the level of quality service.

The people of the San Fernando Valley are proud that their hospital is developing a national reputation in total patient care. Earlier this year, for example, the U.S. House of Representatives approved Federal financial support for Northridge's spinal cord injury care program as one of four model programs in the Nation. Northridge goes far beyond the usual hospital attraction in dramatic and exotic services to such difficult and neglected services as rehabilitation medicine, home health care, mental health care, alcoholism treatment, the full range of therapies, and patient education.

My congratulations to the hospital staff and officers on the first 25 years of excellent service to the community and leadership to the Nation's hospitals.●

BALANCED BUDGET FOR FISCAL YEAR 1981

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GRASSLEY. Mr. Speaker, the much-publicized projection of a balanced budget for fiscal year 1981 was a brief fantasy earlier this year—lasting only until the President's projection for the second resolution 1 month later. The revised budget deficit now looms larger than $40 billion for fiscal year 1981 and all hopes of a balanced budget next year have been dashed.

At one time, the President assured us of his conviction that his budget proposal was "prudent and responsible." Of course, saying so cannot make it so. The Carter administration's budget record has been an unqualified disaster, heaping 3 consecutive years of more spending, higher taxes, huge deficits on an economy already groaning from the weight of record-high inflation. Despite the "balanced budget" rhetoric emanating from the Oval Office, the eventual budget resolution will offer more of the same.

It is increasingly obvious that a law on the books requiring equal revenues and outlays has been inadequate to insure a fiscally sound Federal budget. It was not that easy back in the autumn of 1978, when I offered a motion on the House floor that resulted in the only law in the U.S. Code requiring a balanced budget by 1981. It certainly looks like it will not be easy, if not impossible, to enforce it. It has become imperative that we direct our efforts toward stronger incentives.

Therefore, I am introducing in the House at this time a constitutional amendment mandating a balanced Federal budget that has the bipartisan support of several members of the Balanced Budget Caucus, of which I am cochairman. The language of the bill is identical to that of Senate joint resolution 126, which was introduced by Senator DECONCINI and has achieved remarkable success for such a measure. This bill narrowly failed being reported from the full Senate Judiciary Committee on March 18 by one vote. I chose this language because it has received and passed severe scrutiny in drafting, as the subcommittee on the constitution examined neary 3 dozen constitutional amendments for spending and tax limitations that have been introduced in the 96th Congress.

To summarize the amendment very briefly, let me first say that it is directed at the legislative processes by which we order economic policies. Section I would establish a balanced budget unless approved by three-fifths of the Members of each House of Congress through a roll call vote. It reflects the view that a balance between expenditures and receipts should be the norm and that any intentional violation of that norm should require a greater consensus in Congress than a simple majority.

Section II would require that taxes and other receipts of the Federal Government would not automatically increase, due to inflationary pressures, without specific approval from Congress. It would require that our elected Representatives go on record, by a clear and unambiguous vote, on tax increases.

Both sections are designed to make the budgetmaking process in Congress more accountable, and freer of illusions. The language is moderate, brief, and free from arbitrary numerical limits. In short, it allows flexibility. This concept has made clear progress in the Senate; it is time that we press for debate in the House.

As witnessed even more vividly through the still unresolved fiasco over fiscal year 1981's budget, the Congress is afraid to exercise its constitutional authority over the public purse. The budget has begun to control the Congress, rather than Congress the budget. Having refused to follow its own disciplinary device, the budget process, the Congress has given much of its fiscal authority to statutory increases in spending and taxes.

I believe that most of our citizens are convinced that the Government will never willingly stop its own growth and they are demanding a change in the Constitution that will force the Government to stop growing. If spending cannot be restrained by lawmakers, the lawmakers' spending will have to be restrained by law. My push for such a proposal is a response to the more than 80 percent of the public, and I believe a majority of their elected Representatives, estimated to favor a balanced budget requirement for the Federal Government. According to the Republican Policy Committee, 74 percent of the Republicans and 29 percent of the Democrats in the House have cosponsored a constitutional amendment to limit spending. My efforts are also a response to the 30 States, only 4 short of the required 34, that have petitioned Congress for a balanced budget constitutional amendment.

Opponents of a balanced budget amendment contend the Constitution is a magnificent document devoted to high principles protecting human rights and defining the framework for self-government. They do not believe that economic dogma should be written into the Constitution, that adoption of one of these amendments would trivialize and clutter the Constitution. I believe these arguments should be brushed aside. In the words of Yale law professor and former Solicitor General of the United States Robert Bork, "any systematic malfunctioning of government serious enough to threaten prosperity and freedom may properly be addressed in the Constitution. Nor is the esthetic objection to the necessarily detailed, technical language of the amendment well-taken." What is at stake is the basic relationship between citizens and their government, a statement which is appropriate for inclusion in the Constitution.

Equally tenuous, in the words of writer William Safire, is:

> The often-expressed fear that if those yahoos in the countryside ever got together with constitutional sanction, they would tear up the Bill of Rights and bring back slavery.

Yet, the negative reaction in Washington to the possibility of a constitutional limit on spending illustrates the wisdom of the Founders—a growing central government is unlikely to share its power or curtail its growth without a powerful threat from the States and its people.

It is the strong biases in our political system that lead us to more governmental spending than is desired by the general populace. The reason is simple. The spending bias exists because of the political advantage gained from supporting spending programs. Groups representing persons who benefit from spending programs lobby intensely and provide political support in the form of favorable votes. Such groups are stronger, better organized and more active than they have been in the past. On the other hand, the taxpayers who generally bear the cost of such programs lose relatively little from each particular program and are not aware or vocal about them. Consequently lobbying pressure against a program is less intense and the likelihood of gaining significant political support as the result of a vote against the program is likely to be small.

This situation confronts every elected official, regardless of personal spending philosophy, because additional revenues are available from borrowing and from automatic tax increases. My bill would reduce that bias toward spending by making deficit spending less available and by requiring that all politicians be fully accountable for tax increases.

Spending restraint should not depend on the presence of economic problems as grave as those that our Nation now faces. In 25 of the last 30 years, the budget has run deficits totaling $450 billion. Since 1950, Federal expenditures have increased from 14 to 22 percent of the gross national product. In the last decade alone, Government outlays have increased nearly threefold. Worse, any reduction in the Federal deficit will come not because spending is curtailed, but because inflation is squeezing more tax dollars out of workers pushed into higher tax brackets.

A constitutional amendment requiring a balanced budget is certainly a peremptory measure. But our country is in the midst of an inflation that has already weakened the confidence of people in the Government and in our country's future. To solve these problems and prevent their reoccurrence, fundamental and permanent changes are needed in the political process through which spending decisions are made. A constitutional amendment requiring a balanced budget may well be the measure to assure the American people that they can look forward once again to a dollar of stable purchasing power.●

THE ALTERNATIVE EDUCATION PROGRAM

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ATKINSON. Mr. Speaker, it gives me great pleasure to share with my colleagues in the House of Representatives news about a relatively new program in the field of education.

Ken Musko, a resident of Butler, Pa., has designed a program, the alternative education program, which deals solely with disciplinary problem students whose next step may be expulsion from school.

Musko has designed a program to utilize the energy students frequently express in anger in a constructive, self-image building way. Including high-risk activities such as rappelling down cliffs and transversing a deep ravine on a rope, as well as visits to prisons, morgues, and homes for retarded children, have all served to show these youngsters more about life around them and to sensitize them to sources they have never experienced.

This year Ken Musko received the prestigious Freedoms Foundation Award for his educational contributions from the Valley Forge Freedom Foundation. He has received acclaim from educators, parent-teacher groups, and the media for his innovation.

We of Pennsylvania's 25th Congressional District are very proud of Ken Musko and his accomplishments. I insert an article from the Butler (Pa.) Eagle describing more of Ken Musko's endeavors. It is truly a fascinating and worthwhile breakthrough in education.

The article follows:

KEN MUSKO THINKS OF HIMSELF AS A BEACON, TRYING TO GUIDE YOUTHS ALONG THE RIGHT PATH

(By David W. Heastings)

There's a bright light shining atop New Castle Road hill where the Butler Senior High School stands.

It's a light that illuminates the way for some students, and a light that glares in the eyes of others.

Ken Musko, who last week was named recipient of a Freedoms Foundation Award for his educational contributions through the Alternative Education Program he designed for the Butler Area School District, likes to think of himself as a beacon.

And if his light happens to be shining brightly, it's not that it burns alone.

"We've got a lot of beacons in Butler. This district has a lot of good teachers," he said yesterday, following announcement of the award.

However, he admits that there still are some teachers who refuse to talk with him, a condition muddled in misunderstanding and, perhaps, professional jealousy.

Musko and his program were brought to the attention of a panel from the Freedoms Foundation in Valley Forge, Pa., by a local woman who recognized the importance of Musko's program because it came along too late for several of her former foster children.

But to a man who got so inundated by both positive and negative phone calls on the program that he had to get an unlisted number, the award is less a singular reflection on his achievement than a cause for rekindled dedication by his teaching profession.

"I hope the award will give teachers more confidence, and that the feeling will extend to the students and even their parents," he said.

The Alternative Education Program, which Musko started in the Butler school district in the 1975-76 school year after coming from Knoch High School, deals solely with disciplinary problems whose next step may be expulsion.

Because most of the students express their anger and frustration physically, Musko designed a program to harness that physical energy and direct it into helping the student build a stronger self-image.

These high-risk activities—rappeling down cliffs and transversing a deep ravine on a rope are two examples—along with emotionally-charged visits to prisons, morgues, and homes for retarded children, brought praise from some quarters and charges of cruelty from others.

Much of the public reaction followed an Associated Press story that carried the news of his program around the world.

The reverberations of that story brought requests for interviews from radio stations and magazines from a variety of spots around the globe and captured the curiosity of a producer for the now-defunct NBC feature show, "Weekend," who led a film crew into the city for periodic filming over several weeks. The program aired April 1, 1978, and brought more letters for another six months, Musko said.

Much of the adverse criticism came from people outside the area who did not fully understand the program, Musko said. "The people in this community were very supportive," he said.

The Alternative Education Program, while clearly resembling the one he started 4½ years ago, has taken on some new angles.

While he has consistently believed in maintaining a contact with the parents of his students, Musko recently has started a "bibliotherapy," which has the student and his parent read the same book about other problem-filled, child-parent relationships which mirror their own.

The effort is to extend the effects of the class into the home, "because we only have them for six hours. After that they go home."

The program's class instruction has branched out to remedial reading and remedial math taught by Musko's partner, Jeffrey Schnur, with the assistance of teacher aide Kay Miller.

Musko has been invited to explain the Alternative Education Program to the staff of the new federal Department of Education.●

SWEET PROFITS FOR SUGAR GROWERS: A SOUR TASTE CONSUMERS WILL REMEMBER

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. VANIK. Mr. Speaker, last year at this time, the House was preparing to debate a sugar bill which would have guaranteed growers 15.8 cents per pound. The sugar growers were begging and pleading for this legislation, claiming that at the low world prices which then prevailed, they were being driven out of business.

One of the most objectionable features of this bill was that it provided a guaranteed floor of protection and price support for producers—but gave no ceiling or maximum price protection to consumers. It was a one-way street.

For a variety of reasons the bill was defeated.

In the meantime—for many reasons—the world price of sugar has soared dramatically and last week sugar was selling on the New York market for about 38 cents a pound—almost quadruple the world price of 1½ years ago. The speculators are now reaping enormous profits—as much as 22 to 23 cents per pound. For the greater part the farmers have already sold their crops.

And there is no price cap in sight for consumers. Instead, U.S. sugar exports have soared, as U.S. growers and refiners ship hundreds of thousands of tons of sugar out of the country, thus keeping the price to consumers high. The "USDA Sugar and Sweetener Report" for September has just been released and describes this topsey-turvey development:

> U.S. sugar exports totaled 223,000 tons during the first 6 months of 1980. Exports for calendar 1980 may total around 350,000 tons, compared with only 18,000 in 1979. Refined sugar dominates U.S. sugar exports, accounting for over 86 percent of the total in 1979. Raw sugar exports were a distant second, nearly 13 percent of exports, while liquid sugar exports were less than 1 percent.
>
> U.S. exports have jumped high this year. U.S. refiners realized they could receive substantial drawback (Government repayment of sugar import duties and fees) if claims were made within 3 years of the time the sugar had been imported into the U.S. In addition, refiners are allowed another 2 years to export physically the equivalent amount of sugar for which drawback is claimed. This means that with substantial drawback payments available (up to 6.1725 cents a pound in some instances), U.S. refined sugar exports are now competitive in the world market for the first time since before World War II.

For years, the American consumer was denied very low-cost sugar at world prices because of tariffs and fees that ranged as high as 6 cents plus. Sometimes the tariffs almost exactly equaled the world price of sugar.

Now, when sugar prices are high and consumers could use a few extra pounds of supply, the sugar speculators and refiners are shipping the sugar out of the country and getting the money back from the taxpayers' Treasury. The consumer has lost twice.

This is an outrageous operation of the Nation's tariff drawback laws and these provisions should be examined on agricultural commodities which may fluctuate widely in price because of crop failures. Tariff drawbacks make sense for industrial products which are reasonably stable in price and which can be processed in this country, thus creating jobs. But in the case of some agricultural products, it is a perversity which is socking the consumer twice.

The consumer will remember this example the next time the sugar crowd comes around begging for protectionism and price supports. The sugar growers like to argue that by providing import protection and price supports, they can stay in business and thus supplies will be available for American consumers once the world price rises. In this way, they argue, American consumers will benefit by the continued existence of the industry since price rises will be moderated. Clearly, the dramatic increase in exports has revealed the fallacy in these sugar producer arguments.

The Nation's sugar programs have always been a one-way street. The producer has benefited through quotas and tariffs and loan-support programs. Yet when prices start to rise, the consumer is left with no protection. The sugar industry may be too busy carrying its profits to the bank to think ahead—but the consumer will not forget the next time sugar legislation comes to the House.●

TWENTIETH ANNIVERSARY OF CYPRUS INDEPENDENCE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ROSENTHAL. Mr. Speaker, October 1, 1980, marks the 20th anniversary of the independence of the Republic of Cyprus. Twenty years ago, the people of that small Mediterranean island, for the first time in their long history, became masters of their own fate, establishing a democratic and representative form of government.

Over the years the small republic made impressive strides in its economic development surprising many experts who viewed it as economically unviable.

The dreams and ambitions of the Cypriot people were shortlived however and today, they are unable to reap the fruits of their independence and labor. Cyprus' 20th anniversary finds almost half of the territory of the island republic under Turkish military occupation. This state of affairs has continued since 1974, when Turkey, using as a pretext the coup of the Greek colonels against the legitimate Government of Cyprus, invaded and occupied 40 percent of Cypriot territory.

U.S. policies kept our country closely involved with the eastern Mediterranean during the 1960's and 1970's. Our country must remain concerned with the situation and use its good offices to insure the restoration of the independence and territorial integrity of Cyprus.

I was heartened with the recent resumption of the Cypriot intercommunal talks under the auspices of the United Nations Secretary-General. We must support the Secretary-General in his endeavors and use our influence with all parties and especially Turkey to see that this time around the intercommunal talks yield specific results starting the return of Greek Cypriot refugees to the Famagusta region.

Peace must be given a chance in Cyprus. As that small island republic enters the third decade of its existence, our country, which has special interests and responsibilities in the eastern Mediterranean, must do its share in the peace-making process.●

HAPPY 101ST BIRTHDAY IRVIN F. WESTHEIMER

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GRADISON. Mr. Speaker, on September 19, one of my constituents, Irvin F. Westheimer, celebrated his 101st birthday. While his longevity is of itself a cause for celebration, Mr. Westheimer also deserves our praise for his role in founding, over 75 years ago, the Big Brothers movement.

On the Fourth of July 1903, a young Cincinnati businessman, Irvin Westheimer, found a young boy rummaging through a garbage pail outside the rear entrance to his office. Discovering that the boy had no father, Mr. Westheimer befriended him and began urging his friends to do the same for other young boys from fatherless homes. From this small beginning grew the Big Brothers movement which today has 140,000 Big Brothers and Big Sisters spread nationwide, with more than 1,000 in the Cincinnati area.

Born in Newark, N.J., Mr. Westheimer was reared in St. Joseph, Mo., and graduated from Cornell University. He moved to Cincinnati after college to join the family's liquor business. Shortly thereafter, he founded a new family enterprise, Westheimer & Co., and purchased a seat on the New York Stock Exchange. Eventually, he was elected to the board of governors of the Association of New York Stock Exchange Firms, the only member representing a firm outside the New York City area.

His service for the Government includes missions to Belgium and England at the request of Gen. Leslie M. Groves of the Manhattan project. He was also vice consul of Paraguay in Cincinnati and a director of several corporations. His many honors include: Outstanding Achievement Award from the Junior Achievement—of which he was the local cofounder; the Human Relations Award from the American Jewish Committee; the Good Neighbor Award of the Isaac M. Wise Temple; the Ohio Governor's Award; the St. Francis of Assisi Award from the Friars' Club; and two awards from the American Legion.

Mr. Speaker, I'm sure my colleagues will join thousands of Cincinnatians, and thousands of alumni and alumnae of the Big Brothers and Big Sisters program nationwide, in honoring Irvin Westheimer and wishing him well in his 102d year.●

ROLE OF NIEHS IN DISEASE PREVENTION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. OBEY. Mr. Speaker, over the past 50 years the Congress has enacted a Food and Drug Act, a Toxic Substances Control Act, an Environmental Protection Act, an Occupational Safety and Health Act, a Pesticide, Fungicide, and Rodenticide Act, and we are now considering a Hazardous Waste Containment Act. These laws, designed to protect the public from exposure to hazardous substances, are only as good as the scientific base for deciding which substances are hazardous and which are not. The agency with primary responsibility for not only conducting such research but also developing better methods of determining which chemicals are hazardous and which are not is the National Institute for Environmental Health Sciences (NIEHS) of the National Institutes of Health. A recent book by Dr. Samuel S. Epstein, "The Politics of Cancer," contains the following description of the role of NIEHS. It is a vitally important role, one that must be protected and improved if we are to take prevention seriously as part of our Nation's efforts to fight disease.

THE NATIONAL INSTITUTE FOR ENVIRONMENTAL HEALTH SCIENCES (NIEHS)

Created in the fall of 1966 and located in Research Triangle Park, North Carolina, this is the only NIH Institute located away from the Bethesda, Maryland, Campus. NIEHS supports basic research on the toxic effects of environmental pollutants and on ways to predict such future crises.

Although one of the youngest and smallest NIH Institutes, NIEHS has taken the lead in several major areas of research, particularly mutagenesis, which is important because of the promise of mutagenesis as a short-term test for carcinogenicity, quite apart from intrinsic public health problems of mutagenicity. A second major field is the development of improved statistical methods for extrapolating from animal tests to humans, and from high-dose to low-dose responses. (Institute statisticians have been prominent in reaffirming the scientific basis of the Delaney law, and the inability of science to determine threshold levels for carcinogens.) An additional area has been the study of the rate of absorption, distribution, metabolism, and excretion of toxic and carcinogenic substances in the body. The Institute has also served as a major supporter of a number of critical areas of extramural research, including Selikoff's pioneering work on asbestos, and the studies of Norton Nelson's group at New York University, which led to the identification of BCME, dimethyl carbamoyl chloride, and epichlorhydrin as major industrial carcinogens.

Probably the most important contributions of NIEHS have been in the development of national recognition of toxicology as a major field of scientific endeavor, and in the organization of a broad forum for discussion of the scientific basis of important regulatory issues. Such activities have included the establishment of two Task Forces on research planning in environmental health, which focused the attention of policy makers and scientists on research and manpower needs in this field, and the creation of a new journal, Environmental Health Perspectives, which has served as a key instrument in the rapid communication of proceedings of conferences convened by the Institute.

The NIEHS budget has grown from $49 million in 1977 to about $69 million in 1979. Of the current budget, approximately $19 million is allocated to "Disease Prediction," $11 million to "Disease Mechanisms," $15 million to "Manpower Development," and $21 million to "Intramural Research." Research funds are evenly divided between intramural and extramural activities.

There are clearly some ambiguities and areas of jurisdictional overlap between the functions of NIEHS on the one hand and NCI and NIOSH on the other. This is illustrated by the recent shift in scientific responsibility for the NCI's Bioassay Program to NIEHS by the creation of the National Toxicology Program (NTP) on a two-year experimental basis. NTP was set up as an interagency department-wide cooperative program (including NCI, NIEHS, CDC/NIOSH, FDA, and other members of the Interagency Regulatory Liaison Group) under the direction of David P. Rall, Director of the NIEHS, who will report to the Assistant HEW Secretary for Health. The avowed objective of the NTP is "to strengthen the Department's activities in the testing of chemicals of public health concern, as well as in the development and validations of new and better integrated test methods." In its first year, the approximately $41 million budget of the NTP is comprised of the following contributions: NCI $22 million; NIEHS $10 million; FDA $7 million; and CDC/NIOSH $2 million.

Rall is both skilled and enthusiastic, and has emerged as one of the leading scientific protagonists of the hazards of toxic and carcinogenic environmental pollutants. He has also been involved in critical public issues, such as defending the Delaney Amendment from industry attacks and in backing the proposed FDA ban on saccharin. Rall additionally serves as Chairman of the DHEW Committee to Coordinate Toxicology and Related Programs, which draws together the DHEW agencies (and observers from non-DHEW agencies) for the purpose of improving information flow and program coordination of toxicology research.●

PATENT AND TRADEMARK LAW REFORM—A NECESSITY

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. FISHER. Mr. Speaker, I wish to express my support for H.R. 6933, the patent and trademark law amendments. This legislation is necessary to redress some of the major problems associated with the Patent Office.

The Patent Office and U.S. patent policy have been criticized increasingly in the last few years. My constituents—who should have a lot to say in the matter, since the Patent Office is in my congressional district—have specified at least three criticisms: that patent rights, especially of small inventors, can be easily challenged, and that frequently resolution must be in the courts; that the Patent Office itself is inefficient and underfunded; and that because of Government patent policy, 28,000 patents held by the Federal Government continue to go unused and undeveloped.

The bill before us would make some important changes that should remove many of these inefficiencies and help stimulate invention in this country. First, the bill provides for reexamination of patents, and would allow challenges to the validity of a patent to be settled first in an administrative setting rather than in the courts. Second, the bill would allow the Commissioner of the Patent Office to increase fees to cover patent processing costs, and yet in such a way that would not create hardship for small inventors. The fee would be payable in four installments over the 17-year life of the patent, with the first installment comparable to the $275 that is the current patent fee. Finally, the bill would allow small businesses and nonprofit organizations to file for the title to patents that have resulted from federally funded research, and would allow exclusive licenses to be granted to contractors on federally owned patents.

The current perception of many people is that American technological innovation is losing ground to foreign competitors, and that the inefficiencies surrounding our patent policy contribute to this. We need a patent system that does not act as a deterrent to technological development, but rather contributes to and stimulates invention and creativity. I believe that the patent and trademark law amendments will help achieve this, and I urge my colleagues to support this bill.●

OSHA AT THE BATTLE OF BUNKER HILL

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HANSEN. Mr. Speaker, I continue to be dismayed at the tactics of the Occupational Safety and Health Administration (OSHA). The North Idaho Press in a September 17, 1980, editorial examines in some detail another foolish action by OSHA toward a company in my State. The editorial is submitted for the RECORD as further proof of the need for congressional oversight and reform of this bumbling and bungling monstrosity.

OSHA's BUNKER HILL POLICY ABSURD

Mining companies are used to getting the shaft—from their own development teams, anyway—but few have been stuck with one like the Bunker Hill Company got last week from OSHA.

The feds charged Bunker Hill with forcing its female employees to be sterilized if they work around areas where excessive exposure to lead is a likelihood. To read the banner headlines over the weekend, you'd think Bunker was marching its women en masse down to the local body butchers for internal restructuring.

What the company did, in fact, was say to its female workers (and this was five years ago): Look, there's a risk to mothers-to-be in working around lead, a risk to their offspring. We don't want to risk you or your future children. If you're capable of bearing children, we don't want you to take the chance of being exposed to excessive doses of lead, and you may not work in areas where that might happen.

That's hardly Draconian corporate policy. It may even be enlightened corporated policy.

Would OSHA prefer that Bunker Hill, aware of the potential health hazards, allow or insist that pregnant or child-capable women be exposed to lead levels which may be harmful to their offspring?

Given the capriciousness of OSHA, maybe that's what they want.

A debate rages in scientific as well as governmental circles over the lead-health issue. The lead industry was dealt a major blow by the U.S. Court of Appeals in June when the court upheld a proposed federal standard limiting lead emissions to one-tenth what they currently are around the Kellogg smelter.

No spirit of compromise between Bunker Hill and the EPA—the agency which governs how much lead gets out of the smelter—is extant. EPA remains rigid in its standard; Bunker Hill says the standard cannot be achieved.

The net result is that nothing is getting done. The net tragedy is that little children may be exposed to excessive levels of lead—all because industry has not been given goals that it can reasonably be expected to meet at reasonable expense. Bunker Hill is trying to seek a middle ground, which would at least reduce lead exposure around the smelter. EPA wants all and is getting nothing.

With this serious problem facing the Silver Valley, OSHA gets into the act by deciding a thing is half empty instead of half full. Bunker Hill is to be commended for attempting to protect its women workers from conditions potentially harmful to them. To slap a fine on a company for such concern for its workers makes you wonder just whom the Occupational Safety and Health Administration is trying to protect.●

THE SOVIET'S INVASION OF AFGHANISTAN AND MATERIALS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. FUQUA. Mr. Speaker, a recent editorial in Business Week magazine—Business Week: September 29, 1980, page 62—discloses a rather startling reason underlying the Soviet's invasion of Afghanistan. The editorial notes:

> Hunger for Afghanistan's important and strategic minerals was an incentive for the Soviet invasion and an attempt to annex Kabul to the Soviet bloc.

Afghanistan possesses a wide range of important strategic materials—aside from its oil and natural gas deposits—including high grade iron ore, chromium, copper, tantalum, and niobium. As I have noted before my colleagues in the past, the Soviet's policy of strategic materials independence makes for strong contrast with the United States increasing dependence. Apparently the Soviets are willing to take whatever measures necessary, including the invasion of a neighboring country, to maintain that independence.

The following is the full text of the Business Week article. I would strongly commend it for my colleagues' information on this important matter.

AN UNDERLYING IMPETUS FOR SOVIET INVASION

Hunger for Afghanistan's important and strategic minerals was an incentive for the Soviet invasion and attempt to annex Kabul to the Soviet bloc. That can be surmised from a three-year-old geological study by Russian experts—translated by the U.N. Development Program—that has now reached policy circles in Washington.

The report makes clear that Afghanistan possesses a broad spectrum of minerals, in addition to its well-known oil and natural gas deposits, which the Soviet Union and the Communist bloc badly need. Most important are the Hajigak iron ore deposits located in the Hindu Kush mountains northwest of Kabul. The Hajigak reserves are estimated to contain more than 2 billion tons of high-quality ore that is 65 percent iron. The Soviet Union's remaining reserves amount to more than 10 billion tons of ore with an iron content of less than 55 percent. The average richness of all Russian reserves is only 38 percent, which means that most Soviet Union iron requires costly upgrading—a process that the Hajigak reserves would not need.

A CRUTCH FOR MOSCOW'S CHROME

There also is copper in Afghanistan: The Aimak deposit is estimated at 3.5 million tons, 0.7 percent to 1.2 percent grade, which makes it richer than the Sierra Colorado deposit about to be developed in Panama. In addition, there are chrome ore, beryl, fluorspar, lead, zinc, bauxite, lithium, tantalum, and niobium. An important high-grade uranium deposit in the southwest was reported, but the size and grade data have been cut off by Afghan-Russian censorship of minerals resource data.

Soviet interest in Afghanistan's high-grade chrome ore comes on the heels of evidence that Moscow's own chrome ore quality is falling rapidly (BW—Sept. 8). The estimated 500,000-ton resource potential of Afghanistan would supplement lower-grade Soviet materials. And because Poland is now less reliable as a source of coal production for the Soviet bloc, the vast Afghan reserves—estimated at a total of 400 million tons (including some marginal coking coal)—provide a potential alternative. In fact, two new mines, at Clitch and Sabzak, are preparing to open. And Afghan natural gas from two major fields (1,675 billion cu. ft. of estimated reserves) is already being transported through large-diameter pipe to the Soviet Union, where at least some of it has been used by a Soviet aluminum refinery.

The main obstacle to development of these minerals in the past was the virtual nonexistence of a transport infrastructure in the country. Ore production had to go by motor transport to the Soviet Union or to Peshawar across the Pakistan border. At Peshawar it was reloaded for rail shipment to Karachi and exported overseas. Thus, Afghanistan's mineral production has been small in contrast to its mineral potential. Total natural resource output was limited to asbestos, barite, cement, coal, and natural gas.

Only three months before a Communist coup toppled the Daud regime in April, 1978, the Kabul government had received from Sofrerail, a French company, a proposal for a $928 million railroad. The proposed line would have integrated Afghanistan's mineral development with Iran's industrial development program and would have been financed by the former Shah's government. These proposed closer ties with Iran, as well as with Pakistan, were a factor in the Soviet decision to move. Moscow had seen development of the Hajigak iron ore for steel mills in Tashkent as a way to amortize Soviet capital expenditures on Afghan gas and oil development, and an independent regime in Kabul might have turned to Western international mining and oil companies for aid in mineral development.●

CLAYTON A. RECORD, JR.

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. LEWIS. Mr. Speaker, I would like to take this opportunity to recognize one of the truly outstanding men in America today, the Honorable Clayton A. Record, Jr.

A lifelong resident of Hemet, Calif., Clayton Record has contributed unceasingly to our county and our community. As a member of the Riverside Board of Supervisors, he has served as chairman during 1974 and 1975. During his tenure he has been instrumental in seeing that the board of supervisors has extended to all the full benefits of its services.

Beyond his elected offices he has served as chairman of the Southern

California Association of Governments, Environmental Quality Committee and as a member of the SCAG executive committee. He is a past member of the Riverside County School Boards Association, past chairman of the Riverside County Farm Bureau Dairy Department as well as a director of the farm bureau itself.

He is a member of the County Supervisors Association of California of which he has served as president, vice president, and treasurer among other offices. He was a member of Governor Brown's office of planning and research, a member of the California School Boards Association and the League of California Milk Producers, just to name a few.

At the national level, Clayton Record had made an impact through his membership in the national legislative committee and resolution committee as well as the National School Boards Association. In 1978 he was appointed by the Secretary of the Interior as chairman of the Bureau of Land Management's California Desert Conservation Area Advisory Council.

Mr. Speaker, I take great pride in commending to my colleagues Clayton Record, he is not only my friend but a truly fine individual and an outstanding statesman worthy of the honor of this body.●

IN MEMORY OF HON. EDWIN H. PALMER, PH. D., DISTINGUISHED THEOLOGIAN, ESTEEMED PASTOR, AND OUTSTANDING LEADER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1980

● Mr. ROE. Mr. Speaker. On September 16, 1980, one of our most distinguished citizens, outstanding community leaders, and good friend, Hon. Edwin H. Palmer, Ph. D. of Wayne, N.J., went to his eternal rest. I know you and our colleagues here in the Congress will want to join with me in extending our most sincere condolences to his good wife Elsie Palmer and four sons, Tim, Mark, Glenn, and Randy.

In memoriam to his lifetime of dedication and devotion to the public good, I am privileged and honored to seek this national recognition of Dr. Palmer and his many achievements in service to God and his fellowman, particularly through his teachings and the written word as a master in the study of the nature of God and religious truth and rational inquiry into religious questions.

Mr. Speaker, Dr. Palmer was the executive secretary of the Translation Committee of the New International Version of the Bible, now used by many major denominations and by evangelists such as Billy Graham. He directed the 60 theological scholars involved in the translation of both the Old and the New Testament into contemporary English.

Dr. Palmer was born in the State of Vermont and graduated from Harvard University with a B.A. degree. He enlisted in the Marine Corp and saw action, as a first lieutenant, in the assault on Okinawa. He was later stationed in China.

In 1949 Edwin Palmer received his theological degree from Westminster Seminary in Philadephia, Pa., and studied at the Free University in Amsterdam, the Netherlands, where he received his doctorate. In 1979 he received an honorary doctorate degree from Houghton College in New York.

Returning to Westminster Seminary after receiving his Ph. D. from the Free University, Dr. Palmer earned his professorship, a teacher of the highest rank in an institution of higher learning. He had pastorates in the Spring Lake Christian Reformed Church and the Grandville Avenue Christian Reformed Church, both in the Grand Rapids area of Michigan.

Dr. Palmer was also vitally interested in the private school movement in this country and served first as president and then chairman of the board of trustees of Citizens' for Educational Freedom, an organization that seeks public aid for private schools.

A prolific writer, Dr. Palmer authored articles for different religious periodicals and was editor of volume I of the Encyclopedia of Christianity.

The greatest effort, however, of this intense Christian, lay in his position as executive secretary of the Translation Committee of the New International Version of the Bible. Dr. Palmer was an authority on the Bible. He was an authority on the Dead Sea Scrolls.

The New International Version of the Holy Bible, which has replaced various translations of the Bible in many Protestant denominations, is a completely new translation of the Holy Bible made by over 100 theological scholars working directly from the best Hebrew, Aramaic, and Greek texts. It had its beginning in 1965 when, after several years of exploratory study by committees from the Christian Reformed Church and the National Association of Evangelicals, a group of scholars met at Palos Heights, Ill., and concurred in the need for a new translation of the Bible in contemporary English. This group, though not made up of official church representatives, was transdenominational. Its conclusion was endorsed by a large number of leaders many from different denominations who met in Chicago in 1966.

Responsibility for the new version was delegated by the Palos Heights group to a self-governing body of 15, the Committee on Bible Translation, composed for the most part of biblical scholars from colleges, universities, and seminaries. In 1967 the New York International Bible Society generously undertook the financial sponsorship of the project, a sponsorship that made it possible to enlist the help of many distinguished scholars. The fact that participants from the United States, Great Britain, Canada, Australia, and New Zealand worked together gave the project its international scope. That the scholars were from many denominations, including Anglican, Assemblies of God, Baptist, Brethren, Christian Reformed, Church of Christ, Evangelical Free, Lutheran, Mennonite, Methodist, Nazarene, Presbyterian, Wesleyan, and other churches, helped to safeguard the translation from sectarian bias.

Mr. Speaker, there is so much more that can be said of Dr. Edwin H. Palmer, Ph. D. and his many good deeds on behalf of all of our people, young and adults alike, and his many contributions to good government and a better quality of life and way of life for the people of America. I know I am particularly grateful for all of his help and guidance as a member of my Congressional Academy Review Board.

The New International Version of the Holy Bible will always remain as a living testimony of this man of God and to all of us who have had the good fortune to know him he will be sorely missed, not only for the richness of his wisdom but for the warmth of his friendship and standards of excellence throughout his lifetime which have truly enriched our community, State, and Nation.

May his wife Elsie and sons Tim, Mark, Glenn, and Randy soon find abiding comfort in the faith that God has given them and in the knowledge that their beloved husband and father and our good friend is now under His eternal care. May he rest in peace.

GENOCIDE IN LAOS—DEATH OF THE H'MONG PEOPLE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DORNAN. Mr. Speaker, much has been revealed of the carnage which has occurred in Cambodia during the past 5 years.

While the American people have recoiled in disbelieving horror in reacting to accounts of the vicious genocide conducted by the Khmer Rouge tyranny in that once gentle land, another campaign of genocide has proceeded almost unnoticed in the nation of Laos—a genocide which equals in its horror anything which has taken place in modern history. What makes the ongoing genocide of the H'Mong people in Laos particularly revolting is that it has been implemented in large part by the use of poison gas, supplied free of charge by the Soviet Union. Thousands of brave H'Mong people have died terrible, suffering deaths as a result of being sprayed with this poison gas. Their crime—they were loyal allies of the United States during the Vietnam conflict. And, if this campaign of extermination were not enough, it appears from the circumstances that the Soviets are using the H'Mong as guinea pigs to experiment with the various gases they are utilizing. We might wisely ask ourselves who the next victims will be after the Soviets have perfected their gases and their techniques for delivering it.

We also should ask ourselves, and our current leaders, if it is not time that we cease deluding ourselves with talk about détente and international cooperation. The leaders of the United States have a sacred duty to look at the world as it really is and act in accordance with that reality. The Carter administration has exhibited a stubborn unwillingness to see the danger which confronts the West, and in doing so it is sentencing the American people to a fate similar to that of the dying H'Mong people.●

NEW APPROACHES TO MINORITY ECONOMIC ADVANCEMENT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GINGRICH. Mr. Speaker, recently I read two articles suggesting new approaches to problem solving in our minority communities.

I agree wholeheartedly—we must look for new approaches.

Nearly all of us in this body agree on the goal—of creating a prosperous America for all Americans. Yet we get hung up in arguments over process—over what types of Government action should be used or required.

I hope these two articles can help us to look at such problems with a fresh perspective. One was carried in the New York Times, and was written by Robert Woodson, a resident fellow of the American Enterprise Institute for Public Policy Research.

The second article was written by a minority businessman from Atlanta, Roy Patterson.

MINORITIES AND SELF-HELP

(By Robert Woodson)

"The people we have come to know as civil rights leaders are out of touch with the black community.

"They seem unable to develop useful approaches to the problems of the poor in the black community and so contribute to the disillusionment and increasing polarization that is taking place in those communities. They neither represent the views of their people nor offer a model for self-reliance.

"This was a major theme of a meeting attended by representatives of 26 grassroots organizations from 16 cities and the black police officers who patrol those communities who recently met in Philadelphia to discuss the causes of racial violence and share views on ways to prevent it.

"These community leaders are the first people called upon to try to stop violence in their communities. They have developed programs to better their communities. Most have had to raise their own resources to help youth, the segment of their population they feel is most in need of help.

"But when longer-range policies are made and, more important, when grants are handed out, it is the professional social-welfare groups and the civil rights leaders who are on the receiving end.

"This layer of professionals has become a sponge that absorbs society's money and good will without passing it on to the people society has undertaken to help.

"The more that minorities riot, the greater the demand of the social-welfare/poverty complex for increased funding to do more research, more studies. Their incentives are to maintain the problem, not to solve it.

"Anyone who questions the actions of this social-welfare/poverty complex is in danger of being called an enemy of the poor. But the fact of both conditions results in the dichotomy of white America's perceptions and black America's reality.

"The result is a belief, by those at the top level of Government and private industry, that the victim is at fault. The answer that they receive when they ask 'what happened to the large expenditures?' is that the urban poor, the young and the downtrodden are beyond redemption.

"No one is telling them that they are being misled, misguided by 'friends' of the poor. And, unfortunately, some of these 'service providers' look just like those being served—they, too, are black.

"There is hard evidence that the 'no-hope lobby' is wrong. There are great strengths in the black urban neighborhood that can be nurtured. Black churches, even in the poorest neighborhoods, have management skills. No black church has ever gone out of business because of financial ruin. They give scholarships, they build buildings, and they do not depend on Government subsidy.

"Recently, 30,000 black Shriners met in New York City and spent an estimated $12 million dollars on goods and services in a period of six days. Look also at the Elks, the Masons, black sororities and fraternities, none of which depend upon the Government or the good will of whites for their survival. Despite their obvious power and potential economic clout, they are seldom seen as black community leaders, nor are they called upon to help formulate major policies that affect black people.

"Our domestic-policy makers, captured by the social-welfare/poverty complex, have been going to the wrong places for answers. They have ignored those closest to the problem, those who have demonstrated success in addressing some of the most pressing difficulties in urban neighborhoods: the grassroots community leaders.

"Most of these community representatives have no desire to be long-term wards of the Government. They are seeking the means to become self-reliant. They do not accept the limited options offered by the conservative right that would exploit the desire for self-reliance by reducing the financial support for the truly needy of our society, or the liberal left that would have the poor and minority community restrict its goals and aspirations to the items listed on Federal grant applications.

"The grassroots community leaders and their minority law-enforcement counterparts are taking the lead in developing a means to make the minority community more self-directing.

"Minority leadership must be redefined. It can no longer be narrowly seen in terms of civil rights, particularly those groups that depend on the Federal Government for existence.

"The local groups that met in Philadelphia have formed a national organization called the 'Grassroots Network.' They are sharing their own program successes and hope that by banding together and finding strength in numbers they will get a seat at the planning table. Their ideas and proved programs should not be ignored."

A SLICE OF THE PIE

(By Roy Patterson)

INTRODUCTION

When presidential candidates Ronald Reagan, John Anderson, Ted Kennedy and Jimmy Carter address groups of black voters, such as the recently held National Urban League convention, each of them approach black voters with the promise of more jobs. Only those blind or oblivious to the millions of unemployed inner-city potential black workers will tell you that jobs are not important to the black community. Moreover, the black community still derive its wealth primarily from jobs . . . earned income (as opposed to stocks, bonds, real estate holdings, and other investments). Hence, black voters are especially susceptible to the rhetoric of campaigns that promise more jobs; thus, black electors cast 94 percent of their ballots for Jimmy Carter in 1976. He, too, promised jobs.

However, in the past four years black unemployment has gone up not down in virtually every segment of the black community: white collar and blue collar, laborers and professionals, workers and managers. Well over 50 percent of black youth, aged 16 to 22, are without work. Twenty-four percent of black households are without breadwinners. And even for those who have jobs, they find their income not keeping pace with either inflation or the income of their white counterparts. To say that Black America exists in the early stage of a depression is to state the obvious.

In 1980, we are faced with a political choice similar to 1976. The election will likely be a tight race among the three primary candidates: Republican, Democrat and Independent. With 10 million registered voters across this nation, black electors can and should be decisive in determining the next president of the United States. It is an opportunity that ought not be wasted. In this regard, I call upon the National Black Republican Council to require a real commitment from Republican candidate Ronald Reagan, his running mate George Bush and their staff to putting Black Americans either back to work or to work for the first time. This paper, in summary of a more detailed research position paper, is offered as a suggestive guide through which the Republican Administration can shape a plan of action to tackle the yet unchallenged problem of black economic development.

BACKGROUND

During the period 1950 through 1974, the income gap between white wage earners and black wage earners began to narrow for the first time, closing to within $1,700. Since that time, the income gap has widened more than $5,000 between black and white household income. In 1969, there were some 163,000 black owned and operated black businesses in the United States with $4.4 billion in annual business volume, representing only 2.2 percent of the nation's businesses and producing only .3 percent of the nation's total business receipts. Those figures increased grudgingly over a five year period . . . to 180,000 businesses by 1974 with $6 billion in sales volume. However, the percentage of total businesses remained unchanged, as did the percentage of total business receipts. Clearly, black businesses grew but only in terms of previous years not in comparison to the rest of the nation's business community.

Another view of the precarious nature of black businesses can be seen in the comparison the nation's largest business in the white and black communities: General Motors and Motown Records. In 1977, Motown Records generated some $50 million in sales, whereas General Motors generated almost $55 billion in sales. Motown's sales represent one week of General Motors' sales.

Yet another way to measure the economic condition of Black America is to analyze and compare the 100 top black businesses as listed by Black Enterprise Magazine with the Fortune 500. Not a single black business is listed in the Fortune 500 . . . or the Fortune second 500. In fact, according to 1977 figures, the aggregate sales of all 100 top black businesses in America, approximately $168 million, would not make the Fortune 500. In fact, it would rank only as the 824th largest company in America if all 100 were one business.

RECOMMENDATIONS

We can continue this tale of woe, but it should be obvious that massive assistance is needed in both the private and public sectors if Black people are to survive, let alone thrive in the free enterprise system. In summary, then, we offer the following recommendations in a sense of "self-help" with public and private assistance.

1. Establish as a goal making the Black Enterprise 100 aggregate sales $800 million or approximately 500th on the Fortune 500 by the year 1990.

2. Start a national directory of black businesses . . . every type, size, volume . . . across the country that would identify black businesses by location, type, sales, assets, needs, potential and assistance available to them; and spearhead the movement to improve the conditions under which black businesses must operate and, thus, enhance their chances for success.

3. Place huge sums of loan dollars in black banks . . . federal, state and local, as well as private . . . that would be earmarked for hard-pressed black businesses due to no fault of theirs, such as auto dealers who may go under before Detroit can meet the challenge of the imports.

4. Utilize the coverage of black insurance companies extensively.

5. Help black businesses to galvanize the black consumer dollar, estimated at $115 billion in 1980, and direct those dollars to logical, local and accessible black community businesses. This can be done through government sponsored communications programs, just as the various branches of the armed forces made our youth aware of their existence and advantages.

6. Assist with the development and acquisition of commercial and cable communications properties: television and radio. Communications appears to be one of the few recession-proof industries with a tremendous capacity for growth between now and the end of this century. Black Americans, who own all of two (2) television properties and less than 10 percent of the radio properties in the country, and failing newspapers, must take advantage of the growing communications industry. Set of goal of at least two television acquisitions and five radio acquisitions and one cable acquisition each year from 1981 through 1989.

7. Insist that federal contracts let by each department within the federal government contract with a black firm in part. Although "quota" is a controversial concept and may embroil the administration in emotional politics, the administration at least ought to set goals within the framework of letting federal contracts to vendors and firms.

8. Direct black entrepreneurs toward business markets that are nontraditional as well as traditional-but-inaccessible. For example, the vast oil-gasohol-energy related field is non-traditional and should involve blacks in a significant way. Hotels in major convention cities, like Atlanta, are traditional but inaccessible to blacks because of the immense financing involved. Given the lucrative convention business in cities like Atlanta, New York, Chicago, Los Angeles and others, the financing should be made available for a consortium of black business people to construct or buy a major downtown hotel.

9. Create a special cross-section minority business advisory council with direct access to the President. This council will tell the administration of the needs of black and other businesses and how the government can assist them. The council should be broadbased not elitist in nature.

10. Create a similar advisory group to council the government about its budget balancing, so that the poor and underprivileged do not suffer disproportionately. The goal should be to employ two people in the private sector for every one person who loses a job in the public sector.●

ECONOMIC WAR AS IT WAS WAGED AGAINST NICARAGUA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. McDONALD. Mr. Speaker, just prior to his assassination by a Communist gang, former President Somoza had published, in the United States, what amounts to his last political testament, "Nicaragua Betrayed," Western Islands, Belmont, Mass. Mr. John Rees, writing in the Review of the News on October 1, spoke with the coauthor of the book, Mr. Jack Cox, and the course of the interview contained very revealing details of the two-pronged economic war waged against Nicaragua by the Communist-led Sandinistas and the U.S. Government. That portion of the interview is presented here.

Rees: The war against Nicaragua had both a military and an economic aspect. Did President Somoza tell you how the Sandinista Communists destroyed the economy?

Cox: The Marxists used quite a variety of tactics to wreck the country's economy. They knew that if they could destroy the economic base it would undermine the ability of the military to resist and would later make it easier to impose the strictures of a Communist dictatorship.

The Marxists had learned early that they could not undermine the support that Somoza enjoyed among the Nicaragua people without terror. Here the image projected by the U.S. media was a total fabrication. Somoza's support among the ordinary people of Nicaragua was overwhelming. The average citizen on the street, the farm workers and campesinos, all supported President Somoza.

Rees: How did they show that support?

Cox: Less than a year before President Carter pressured him into resigning, 150,000 people attended a rally in Managua to show their support for Somoza. At a second rally another 75,000 came out to participate. This was in a small country. The entire population of Nicaragua is only about two and a half million.

Rees: How did the Sandinistas run their economic warfare campaign?

Cox: Of course the major tactic was terrorism. The rural agricultural workers who harvested coffee and picked cotton and worked on the cattle ranches were told that if they went to work when the Sandinistas called a strike they or their families would be shot. And the Sandinistas backed up their threats by a series of killings. They did the same to people who worked in the warehouses and small factories of the cities.

Then the F.S.L.N. started a campaign of arson and sabotage, burning tractors and destroying all sorts of agricultural equipment. They also burned farm buildings and even the houses of farmers and farm workers.

The Sandinistas called two major strikes to paralyze Nicaragua. Funds to support the strike were provided from the United States. But still they failed to break either Somoza's popularity or the economy.

Rees: Then the Carter Administration all but declared economic war.

Cox: That's right. When Somoza demonstrated his support and resisted all the pressure, the Carter Administration ordered the U.S. Department of Agriculture to embargo imports of Nicaraguan beef. These beef shipments were an important source of cash income. Next came a boycott of Nicaraguan coffee, yet another major cash crop. At the same time, the Sandinistas did their best to burn as much of the coffee crop as they could. The idea was to pauperize the Nicaraguan economy to prevent the government from buying arms and ammunition.

The last act of economic warfare by the United States against the Somoza Government was carried out by the U.S. Embassy in Managua. Our diplomats actually contacted all the major businessmen and urged them to take their dollars and transfer them out of Nicaragua to the United States. This effectively removed all of Nicaragua's foreign exchange. There were simply no dollars left in the country. Nicaragua now had no hard currency with which to buy arms or ammunition anywhere in the world since cordobas couldn't even be given away outside Nicaragua.

Rees: I saw in the tape transcripts in Nicaragua Betrayed that U.S. Ambassador Pezzullo vehemently warned President Somoza against speaking with Republican Presidential challenger Ronald Reagan. Do you know the background to that?

Cox: It was one of the conditions laid down by the Carter Administration for letting Somoza live in exile in the United States. When I interviewed General Somoza in exile in Paraguay I asked him about that. He said he didn't understand why Ambassador Pezzullo had specified Governor Reagan as the man to stay away from, because at the time John Connally, George Bush, Jack Kemp, and many others were also actively seeking the Republican nomination.

The idea was that if Somoza even made a ripple, let alone a wave, he would be extradited back to the Sandinistas for execution.

Rees: The transcripts of those taped conversations in Nicaragua Betrayed are horrifying. For instance, there is one conversation in which U.S. General Dennis McAuliffe argued that President Somoza must resign his office even if a planned election demonstrated he had the support of a majority of the Nicaraguan people. Can you comment?

Cox: Yes, Somoza and I talked about that. He had thought that General McAuliffe, being like himself a West Point graduate, would understand the reality of the strategic threat to all of Central America should Nicaragua fall into the hands of the Communists. So when McAuliffe called President Somoza to ask for a meeting he agreed.

To Somoza's considerable surprise, General McAuliffe arrived with Ambassador William Bowdler. President Somoza had not been informed Bowdler was coming. Somoza told me that he guessed Bowdler was there to keep McAuliffe in line and make sure he delivered the Carter message without staying around for a thorough briefing on the situation. Somoza was amazed that the General was content to mouth the Administration's line. And Somoza told me he was very disappointed that General McAuliffe subsequently lied to a Congressional Committee when it asked him whether he had called upon Somoza to resign.

Rees: In your opinion, could there have been any doubt in the minds of men like Pezzullo, Bowdler, Warren Christoper, Robert Pastor, or General McAuliffe that the Sandinista National Liberation Front was run by Communists under the direction of Cuba?

Cox: There could not have been any doubt whatsoever. First there was our own intelligence information on activities in Cuba in support of the F.S.L.N., with additional confirming material on the activities of Cuban agents and Soviet and other Communist bloc intelligence operatives in Central America. Additionally, the Nicaraguan military intelligence provided daily reports to the U.S. Embassy in Managua. The Nicaraguan intelligence officers backed up their reports with documentation including identification tags, photographs of arms and ammunition, and so forth. The National Guard killed many foreign Communist terrorists who had joined the ranks of the F.S.L.N. These included Argentinians, Colombians, Chileans, Panamanians, and Cubans.

Rees: Cuba has long provided a safe haven for revolutionary terrorists from all over Latin America. They were encouraged to put all that training into practice on behalf of the Sandinistas.

Cox: But when they came up against a National Guard which America had trained over the past 15 years into the best counterinsurgency force in Central America they were always thrown back. The point is that when the Carter Administration cut off the Guard's arms and ammunition it amounted to turning the country over to the Reds. With all the documentation of Cuban direction and support of the F.S.L.N., and very strong indications of ultimate Soviet involvement, there can be no question that Cyrus Vance, Warren Christopher, William Bowdler, Pezzullo, Pastor, and the others knew very well that the opposition to Somoza was being run by hostile alien forces. They knew that because hard proof of it was provided to them daily. Yet they moved heaven and earth to destroy Somoza and deliver the country to the Sandinistas.

Rees: Did President Somoza understand why the Carter Administration wanted him forced out of Nicaragua?

Cox: He had no idea. He had always gotten along with every American Administration, whether it was Democratic or Republican, because he viewed his country's role as that of a strong U.S. ally. Nicaragua was so close to America that even its Constitution was modeled on our own.

Nicaragua was a constitutional republic. Somoza's party won elections because it delivered the sort of government the people wanted and did everything it could to facilitate the development and modernization of the country. Chamorro's party was repeatedly crushed in the elections and had so little support that the Constitution was written to guarantee it 40 percent of the Assembly seats just to ensure an opposition voice in government. In the last Presidential election there were many observers present from the Organization of American States. The press of the world was invited to send reporters.

President Somoza felt that Americans appreciated the kind of free government that existed in Nicaragua, and he believed they would never let their President destroy a constitutional republic which had been a longtime ally and the most consistent and loyal supporter the United States ever had anywhere in the world.

Rees: It does seem incomprehensible for a U.S. President to set out to destroy a loyal ally and turn it over to our avowed enemies.

Cox: I had many hours of discussion with General Somoza in Asunción on this. One day he asked me, "Jack, do you think President Carter is a Communist?" And I said, "No, I don't think so. I think he is a naive man who listens to the wrong people." He commented. "Well, if he is not a Communist, he has certainly surrounded himself with radicals who further the Communist cause and he is buying everything they say."

Rees: So Somoza came at last to understand what had happened. That is undoubtedly why the Carter Administration refused to allow him to live in the United States and threatened to turn him over to the Sandinistas if he told his story.

Cox: It was a terrible betrayal. Once he was forced to leave Nicaragua, Anastasio Somoza wanted to live in the United States, where he had been educated and which he thought of as his second home. He was assured by Ambassador Pezzullo that he would be allowed to reside in the United States, that he would be treated as a former Chief of State, that security would be provided, and that he could live a long and peaceful life here. America gave its word.

But General Somoza had been in the United States less than six hours last July, and had barely arrived at his home in Miami, when a call was placed to him by Deputy Secretary of State Warren Christopher. General Rafael Porras took the call and immediately put Somoza on the line. Warren Christopher noted that Somoza's successor as President of Nicaragua, Francisco Urcuyo, had told the press that he would like to serve out the year and a half remaining of President Somoza's unexpired term of office. Because of this, declared Christopher: "You are no longer welcome in the United States."

Rees: And so the Administration had him thrown out after he's been here six hours because of something another man said back in Managua?

Cox: It was absolutely disgraceful. General Porras had to get on the telephone and start calling to find some country where they could go without being sent to their deaths. First they went to the Bahamas, then to Paraguay.

Rees: Do you know whether President Somoza ever expected to return to Managua, either as a private citizen or as a leader?

Cox: He discussed this with me many times and it was clear that he believed he would never be able to return to his homeland. He had bought a farm in Paraguay and was getting ready to plant 2,700 acres of cotton. I spent a day with him checking out farm machinery and equipment. He was planning to lead as productive a life there as he could.

Rees: Did Somoza attempt to warn the leaders of the remaining free nations in Central America?

Cox: We discussed this at great length. He had spoken personally with the Presidents of Honduras, Guatemala, and El Salvador. He organized several joint meetings of the four Chiefs of State of the strongly anti-Communist countries of Central America. Somoza told them that he was fighting their battle and that if they didn't all stand together they would most assuredly be destroyed separately. He asked them for their support, saying: "Whether you realize it or not, we in Nicaragua are fighting your battle against the advance of Communism."

Rees: And did they understand?

Cox: Yes, John, each of them understood. But they would not unite with Somoza in that fight because of the tremendous pressure from the United States. Somoza told me the Carter Administration put particular pressure on Guatemalan President Fernando Lucas. All along, the General said, they kept thinking: "Well, Somoza cannot be right. If the Communists really attack us, the United States will come in and save us. This is just a way of putting pressure on us; they would not let it go too far."

General Somoza told me repeatedly in Paraguay that the one lesson for all is that no nation can now count upon the military support of the United States to defend it against Communist forces. Whatever sacrifice is necessary, each nation must look to its own defense.

Rees: Regrettably, that is true. And I don't know how long and how much hard work it will take to reverse the deep distrust that the Carter Administration has created around the world. However, one thing is plain: Anastasio Somoza died as he had lived, fighting Communism—a soldier's death.●

NUCLEAR WASTE MANAGEMENT, A POLITICAL BUT NOT A TECHNICAL ISSUE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WYDLER. Mr. Speaker, it appears after all the hard work of our Science and Technology Committee which produced the nuclear waste management R. & D. bill, H.R. 7418, that we are not going to have nuclear waste legislation in the 96th Congress after all. I am extremely disappointed that the Democratic leadership does not consider this legislation important enough to have it considered in these final days of the session. It would be quite easy to have a rule which would allow for several major amendments that would provide discussion on the key issues with respect to nuclear waste disposal. Recently, the American Nuclear Society provided testimony to the Nuclear Regulatory Commission to be factored into rulemaking on nuclear waste disposal. This testimony is interesting as a technical document with no emotional harangue. the major points made by the Society are excerpted from the testimony:

Gross-Statement of Position of the American Nuclear Society

I. INTRODUCTION

A. The Scientific and Technical Evidence in this Record Establishes that Nuclear Waste Can Be Stored and Disposed of Without Danger to Man or His Environment.

The record that is now before the Nuclear Regulatory Commission (NRC) contains evidence, studies, and findings of numerous outstanding scientific groups which establish confidence that nuclear waste* can be stored and disposed of safely. In addition, the position statements of the American Nuclear Society (ANS), American Institute of Chemical Engineers, the Atomic Industrial Forum, the Utility Nuclear Waste Management Group-Edison Electric Institute, and the Department of Energy (DOE) offer reasonable and conclusive proof for a finding of confidence.

In contrast, those who express a lack of confidence ignore the evidence, relying instead on speculation and fear. A review of their statements shows that no new concerns or issues have been raised. Instead, numerous fears of alleged gaps and uncertainties are expressed. These participants show great creative imagination, but no credible basis or reliable supporting evidence to justify a finding of no confidence. Rather, they use mere argument and vague speculation, magnifying slight possibilities into frightening spectors of impending doom. They fail to identify quantitatively the nature and scope of the risk; instead they speak of it as if it were a constant undiminishing hazard of indefinable dimensions, danger, and duration. They speak of their perception of the lack of data and the need for more studies. They demand absolute assurance now that the system will perform perfectly for millions of years. They refuse to accept that the disposal system proposed, deep geologic burial, is not dependent upon the absolute integrity of any one barrier to assure that nuclear wastes are disposed of safely. Rather, the system is a composite of barriers, a defense-in-depth. Even if one element of the system degrades with time, the others will still be in place to assure the safety required. They ignore the overwhelming scientific showing that safe disposal and storage are technically feasible. There is every reason to find confidence, and no contention of any merit to prevent such a finding.

B. The Nuclear Regulatory Commission Can and Should Find that It Has Confidence that Radioactive Waste Can Be Disposed of Safely if One Method of Disposal Is Found to Be Technically Feasible.

The purpose of this proceeding is not to determine which of the various methods of disposal is "best," or to find that there is a "perfect" method. Instead, it is to reaffirm NRC's confidence that disposal is technically feasible and that there are grounds for reasonable assurance that nuclear waste can be isolated adequately from the biosphere. Thus, NRC need only find that one method can be available when needed for the safe disposal of nuclear wastes to justify a finding of confidence.

With present-day understanding of the phenomena and material properties involved in designing a mined geologic repository, it is possible to develop a technically conservative system that will achieve the desired safe disposal. We cite the Swedish KBS-II conceptual design and review as a prime example of such an approach.

C. The Numerous Alleged Institutional Issues Are Legislative Matters Beyond the Authority of the Nuclear Regulatory Commission, and Consideration of Them Is Not Necessary for a Finding of Confidence.

This hearing must focus on the technical feasibility of waste storage and disposal. It must not get side-tracked into consideration of social, political and institutional issues which are not germane to the question of safety and which are not within the authority of NRC.

Numerous participants have raised issues characterized as social, governmental, or institutional. They express concern with governmental organization and responsibility, with states' rights, and with citizen input. The NRC's finding of confidence should not be contingent upon the resolution of these matters because, as important as they are, NRC has no jurisidiction and no authority to resolve them. These questions must be resolved by the legislative branch of government. *Vermont Yankee Nuclear Power Corp.* v. *Natural Resources Defense Council, Inc.*, 435 U.S. 519, 558 (1978), *Natural Resources Defense Council* v. *United States Nuclear Regulatory Commission*, 582 F.2d 166, 175 (2d Cir. 1978).

The institutional issues by their very nature are political and emotional, and cannot be resolved by rational presentation or evidentiary proof. Rather, they invite the expression of personal feelings. This is neither the time nor the place for such emotional propagandizing, and to consider such issues would be a waste of time and energy.

It should be noted that these institutional problems will be resolved, for they must be resolved. We now have a significant quantity of nuclear waste. It must be stored and disposed of safely. Thus, any institutional problems which may exist will of necessity be resolved.

This hearing should be confined to dealing with the true issues, the technical feasibility of safe storage and the disposal of nuclear wastes. These issues can and must be resolved based on the abundant scientific evidence that nuclear waste can be stored and disposed of safely.

II. THE NUCLEAR REGULATORY COMMISSION MAY FIND CONFIDENCE IF IT HAS REASONABLE ASSURANCE THAT METHODS OF SAFE PERMANENT DISPOSAL WILL BE AVAILABLE WHEN NEEDED

The notice of this rulemaking proceeding indicated that NRC will apply the "reasonable assurance" standard. The notice provided:

"If the Commission finds *reasonable assurance* that safe, off-site disposal for radioactive wastes from licensed facilities will be available prior to expiration of the facilities' licenses, it will promulgate a final rule providing that the environmental and safety implications of continued on-site storage after the termination of licenses need not be considered in individual licensing proceeding." 44 Fed. Reg. 61372, 61373 (Oct. 25, 1979) (emphasis added).

The court's decision in *State of Minnesota* v. *United States Nuclear Regulatory Commission*, 602 F.2d 412 (D.C. Cir. 1979), remanding the consideration of these issues to NRC, also suggested that use of the "reasonable assurance" standard would be appropriate. *Id.* at 418.

The finding of "reasonable assurance" is one that calls for the exercise of discretion of NRC. Cf. *Nader* v. *Ray*, 363 F. Supp. 946, 954-55 (D.C.C. 1973). Thus, the question is what must NRC find to have "reasonable assurance."

Some participants have argued that there must be a total resolution of all safety questions before confidence can be found. Others want an ironclad guarantee of no risk, and some would even require the actual operation of a waste repository as a condition to finding confidence. None of this is required.

As has been stated so often:

"Absolute or perfect assurances concerning public health and safety are not required by [the Atomic Energy Act], and neither present technology nor public policy admit of such a standard. *Citizens for Safe Power, Inc.* v. *NRC*, 173 U.S. App. D.C. 317, 323, 524, F.2d 1291, 1297 (1975)." *Natural Resources Defense Council* v. *U.S. Nuclear Regulatory Commission*, 582 F.2d 166, 168 (2d Cir. 1978).

III. THE SHORT-TERM HAZARDS FROM NUCLEAR WASTES MUST BE CONTRASTED WITH THE LONG-TERM HAZARDS IN EVALUATING THE EFFECTIVENESS OF DISPOSAL METHODS

The first step towards resolving the question of confidence is to determine what hazards exist and for how long. It is apparent from the statements that many participants have no concept of what the risks are or their duration. Because of this, they argue that any disposal system must remain intact for millions of years, if not for infinity. The obvious human inability to guarantee such a system is then used as an argument for finding no confidence. It is an argument whose fallaciousness is exposed when the true risk/duration problem is recognized.

The scientific evidence establishes that the requirements for the waste disposal system are quite different in the short term (less than 1,000 years) than in the long term, due to the phenomenon of radioactive decay.

The afore-mentioned analyses establish that the period of major concern is not one million years, as alleged by numerous participants, but is nominally 500 to at most 1,000 years, the value tentatively identified by the Environmental Protection Agency in its proposed criteria. 43 Fed. Reg. 53262 (1978).

Obviously, the ability to develop a system that will remain intact for this shorter period of time and to predict its performance is much greater than the ability necessary to design a system which will last for eternity. This is why it is so important to evaluate the actual risks, their magnitude and their duration.

IV. RADIOACTIVE WASTES AND SPENT FUEL CAN BE, AND IN FACT HAVE BEEN, STORED SAFELY FOR DECADES

A. Scientific and Technical Evidence in the Hearing Record Establishes a High Degree of Confidence that the Extended Storage of Spent Fuel is Technically Feasible and Safe.

An issue in this rulemaking proceeding is the technical basis for confidence in the extended (up to 100 years) storage of expended nuclear fuel. To the degree that extended storage of light water reactor (LWR) spent fuel is feasible, the issue of the precise timing and availability of specific facilities becomes of less importance in this proceeding.

Participants opposing extended storage of nuclear waste allege that it is not safe. However, the record and experience demonstrate the contrary. Studies establish that the integrity of stainless steel and Zircaloy-clad commercial LWR spent fuel, including fuel with cladding defects, has been satisfactory in water pool storage. Zircaloy-clad LWR spent fuel has now been in storage for over 20 years, with no adverse effects on the public. Furthermore, LWR spent fuel has been handled at nuclear power plants with exposures to operating personnel being well within the NRC safety limits. (The NRC limit is 5 man-rem per year.)

---

* The American Nuclear Society (ANS) reiterates that it does not consider spent fuel to be waste. Spent fuel represents a significant national energy asset.

For this reason, ANS, in advocating a finding that it is now technically feasible to dispose of spent fuel, does not reject the potential of reprocessing of spent fuel. In fact, ANS submits that a finding of confidence in the current proceeding is sufficient to provide the Commissioners with equal or greater confidence that processed, separated high-level waste can be disposed of safely and permanently.

B. Other Studies Have Shown Long-Term Storage of Spent Fuel to be Safe and Feasible.

The Swedish KBS-II Plan includes 40-year storage in a water basin after leaving temporary storage at the reactor. This longer term storage is intended to permit sufficient radioactive decay so that the temperatures in the ultimate repository can be kept below 80 C. The reduced performance requirements for fuel in storage allow fuel to be stored for extended periods of time greater than the 40 years now permitted under licenses for components that operate at reactor temperatures and pressures. * * *

C. The capability to store spent fuel safely for long periods of time means that the precise dates of the availability of off-site storage or disposal facilities are not matters of public health and safety on environmental protection.

The question of the precise dates of availability of off-site storage or disposal facilities has been discussed at length in this proceeding. The dates submitted by DOE for operation of disposal facilities are between 1997 and 2006. ANS indicated in its position statement that these dates are very conservative for the program, and could be implemented much sooner because the schedule is controlled by administrative rather than technical considerations. * * *

The scientific evidence in this proceeding regarding the feasibility of spent fuel storage provides more than reasonable assurance that spent fuel can be stored for long periods of time. Thus, the capability of DOE to build and put into operation particular facilities between 1997 or 2006, a period 17 to 26 years in the future, is not a compelling reason to justify either a present nuclear plant moratorium, or an extensive review of the proposed schedule. A finding of confidence can therefore be based on the present technical capability for safe waste storage and safe waste disposal.

V. THE RECORD ESTABLISHES THAT NUCLEAR WASTES CAN BE DISPOSED OF SAFELY, AND NOTHING OF MERIT HAS BEEN INTRODUCED TO THE CONTRARY

A. No Credible Arguments or Proof Have Been Introduced to Discredit the Past Conclusion of the Nuclear Regulatory Commission and of Every Major Scientific Study that Nuclear Wastes Can Be Disposed of Safely.

The record in this proceeding establishes that nuclear waste can be disposed of safely. Indeed, one of the major critics of the waste disposal program concedes this point. The Natural Resources Defense Council (NRDC) in its submittal states:

"The simple question of whether wastes 'can' be disposed of safely is not at issue. No informed commenter has claimed that it is now and will continue to be impossible to isolate or contain high-level radioactive wastes. No laws of physics must be violated to produce a waste disposal program. Theoretically therefore, waste containment and isolation are feasible." NRDC position statement, p. 9.

B. The Position Statements of Participants Who Oppose a Finding of Confidence Fail to Comprehend the Significance of the Defense-in-Depth System for the Safe Disposal of Radioactive Waste.

Many of the position statements demonstrate a singular lack of comprehension not only of the problems actually presented by nuclear waste, but also of the system that is proposed to handle waste disposal. They fail to recognize that it is a multi-barrier or defense-in-depth system. The protections provided by the site selection process and by engineered emplacement of the waste provide as many as three more barriers between subterranean radioactivity and man than are found in naturally occurring deposits of radioactive materials such as ore.

The impression that many of the position statements try to create is that the failure of one element of the waste disposal system will inexorably lead to the release of radioactivity into the environment. However, because of the differences in failure mechanisms, the failure of one barrier in the system does not necessarily lead to the degradation failure of any of the others. Stressing "inadequacies" of one component, or even several components, in that system ignores the fact that the protection afforded by a defense-in-depth system is specifically designed to be greater than the sum total of its parts.

CONCLUSION

ANS, based on its independent review of the statements and references filed in this proceeding, respectfully submits that overwhelming evidence has been placed before the NRC that nuclear waste can be stored and disposed of safely. No credible arguments or proof have been introduced to discredit the past conclusions of the NRC and of every major scientific study that nuclear wastes can be stored and disposed of safely. The statements of participants who oppose a finding of confidence fail to comprehend the significance of the defense-in-depth system for the safe disposal of radioactive waste.

Based on this scientific and technical evidence, NRC must find that:

1. Spent nuclear fuel from licensed facilities can be disposed of in a safe and environmentally acceptable manner;

2. The Federal government's plan for establishing geologic repositories is an effective and reasonable means for developing a safe and environmentally acceptable disposal system;

3. Spent nuclear fuel from licensed facilities can be stored in a safe and environmentally acceptable manner on-site or off-site until disposal facilities are available; and

4. Sufficient additional storage capacity for spent nuclear fuel from licensed facilities can be provided as needed.

Having made these findings, NRC should promulgate a rule providing that the safety and environmental implications of spent nuclear fuel remaining on-site after the anticipated expiration of the facility licenses involved need not be considered in individual facility licensing proceedings.●

H.R. 6777

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ROUSSELOT. Mr. Speaker, on Monday, September 24, the House of Representatives, by a yea-and-nay vote of 229 to 165, passed H.R. 6777 to increase the authorization of the Council of Wage and Price Stability. I voted in opposition to this measure. It has been my position for many years that Federal Government intervention and regulation in private business has slowed down U.S. productivity while requiring billions in private sector compliance costs—$100 billion in just fiscal year 1979 alone. Unfortunately, it is not only the businessman who suffers but the American consumer who must pay higher costs for products. All regulatory costs are passed to the consumer.

The term "voluntary wage and price controls" of the Council of Wage and Price Stability is a misnomer; the administration's wage and price controls are not voluntary. Firms which do not comply with the guidelines are subject to a cutoff of Federal contracts and to vilification in the press as bad corporate citizens. Under the guise of voluntary guidelines the administration can coerce wage and price adherence in industries dependent on Government contracts.

The present program unjustifiably punishes small business. Alfred Kahn in the March 14, 1979, Wall Street Journal praised big business for its cooperation with the anti-inflation program but criticized small business for its noncompliance. The Nation's small businesses, however, are already plagued with an overwhelming Federal paperwork burden. Everyone knows that the reason big business can demonstrate an exemplary record of compliance is that big business is best situated to absorb the massive overhead costs and to pass the costs on to consumers. By declaring war on those businesses least able to cope with additional paperwork, the administration is deliberately driving small business toward mergers as a practical means of spreading the increased overhead over a larger economic base. The result can only be additional economic concentration and a decline in the viability of small business in this country, for which the administration will be held responsible.

Furthermore, additional funds requested by the administration would be used primarily to increase price-monitoring personnel which would lay the basis for mandatory wage and price controls.

Wage and price controls are not effective. Controls hit the symptom; they do not address the cause of rising prices.

Since 1978, the Council on Wage and Price Stability has administered an increasingly complex system of voluntary wage and price guidelines. An overall inflation rate of 13.3 percent to 14.7 percent, nevertheless, occurred during this same period raising questions concerning the Council's effectiveness.

In an economy where money and credit are being extended faster than the growth of goods and services, controls obstruct the distribution and expansion of a wide range of services. Products restricted to prices below their costs will not be produced. The price control concept implies a static economy, not a productive economy of growth.

Instead of a program of economic regimentation, our Nation needs economic programs of growth. The handcuffing of our economy with wage and price controls will retard the growth of new jobs and production so crucial to curbing inflation.

Spending $9.5 million to extend for another year the administration's voluntary wage and price control program is just one more step toward a greater inflation problem. The reality of inflation can only be defeated by the restraint of big-spending big Government. The country cannot afford its price tag, nor can our economy afford one more year of bureaucratic intervention and disruption.

Luckily, Mr. Speaker, the taxpayers were saved $3 million by the passage of the Rousselot amendment attached to H.R. 6777 during floor debate. The Rousselot amendment froze fiscal year 1981 appropriations for the Council at fiscal year 1979 levels, or $3 million less than requested by the committee.

By far COWP's largest expenditure goes for wage-price guideline development and monitoring. The future of these functions are in doubt.

New guidelines were to have been issued by the Council by September 30. The guidelines were to have been based upon recommendations made by the pay and price panels by mid-month. However, these recommendations were not forthcoming.

Instead, the majority of the pay advisory panel is reported to favor either the postponement of guideline tightening or scrapping the program altogether. The price committee is reportedly split on the issue. If it is to be eliminated, the guidance program would be phased out beginning in 1981.

There are weaknesses in the current guidelines. Unfortunately, the only practical alternative to weak or ineffective controls is likely to be intolerably oppressive controls.

When the administration and the Council have determined what the future of these programs, if there is to be a future, will be, they can come up with facts and figures to justify an appropriate appropriation.

I believe that my amendment, which keeps the 1981 authorization at the 1979 level, is a good one. I offer it with no malice. To appropriate moneys without assurances of the future of the programs to be funded is irresponsible. We cannot, in good conscience, guarantee the growth of bureaucracy in our Government in instances where the validity of the programs involved are in question.●

TRIBUTE TO BOB DUNCAN

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1980

● Mr. PHILLIP BURTON. Mr. Speaker, I join my colleagues today in paying tribute to my dear friend Bob Duncan. He will be sorely missed by those who have worked with him during his five terms in the House.

As his work on the Appropriations Committee attests, Bob is a legislator of extraordinary talent and has a fine political mind. When the House loses such a Member there is a void left which is extremely difficult to fill. Those of us who have worked closely with Bob over the years are especially dismayed by his departure.

I am certain Bob will find a successful and productive pursuit for his skills next year and I would not be surprised if he made yet another comeback in politics. I know that many Members of this body would welcome his return.●

THE 250TH ANNIVERSARY OF MAURICETOWN, N.J.

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HUGHES. Mr. Speaker, I recently had the privilege of speaking at a special anniversary dinner commemorating the 250th anniversary of Mauricetown, N.J. The dinner served as the starting point for a weeklong celebration of Mauricetown's existence.

Mauricetown is located in Cumberland County, a semirural area in south Jersey. The town began as a popular stop along the Maurice River. It was originally named Mattox Landing after one of its first settlers, Luke Mattox. Almost from the beginning, the little village prospered and grew. Attesting to the town's affluence are some outstanding examples of colonial homes built during the period of mid to late 18th century by the town's founding fathers.

The town flourished because of its location along the river. Shortly after its inception, it boasted of a general store, bakery, cannery, wood and coal store, millinery shop, hotel, and even an undertaking establishment. It catered to the rivermen who ran boats and barges up and down the Maurice River.

By 1810, the town was laid out with streets and avenues and renamed Mauricetown.

During the 19th century the little town enjoyed a resurgence and large Victorian homes were built by sea captains who located there.

Today, the town is an interesting mixture of the various styles of architecture spanning three centuries. The people who call Mauricetown home are justly proud of their town. I am delighted that such an historic site and a great people are located within my congressional district. I commend the residents of Mauricetown on this very special occasion—their 250th birthday. ●

THE NEED FOR A HUMAN LIFE AMENDMENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MAZZOLI. Mr. Speaker, as one who is unalterably opposed to abortion-on-demand—and to the expenditure of tax dollars for abortions—I was naturally disappointed over the House's acceptance of compromise abortion language in the continuing funding resolution for fiscal year 1981.

Though the final outcome was not what I would have desired, I would like to commend the tenacity and resoluteness of House conferees, who received little assistance in this noble effort from their Senator counterparts.

This most recent struggle underscores, clearly and definitely, the need for a human life constitutional amendment to end this controversy once and for all and to insure that abortion-on-demand is no longer the law of the land.

I am a member of the House Judiciary Committee, before which all the human life amendments are pending. While I dislike the discharge petition procedure, I have filed such a petition to discharge the Judiciary Committee from further consideration of House Joint Resolution 135 because it appears that no action will be forthcoming in the committee in this Congress.

I will continue my efforts toward the goal of enactment and ratification of a human life amendment.●

OSHA ABUSES CONTINUE

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HANSEN. Mr. Speaker, several matters regarding the Occupational Safety and Health Administration (OSHA) have recently come to my attention that I would like to share with my colleagues. These incidents clearly indicate an unfortunate continuation in a long line of OSHA disasters and demonstrate the urgent need for legislative action by the Congress to reform the agency's practices.

First, according to a recent Associated Press wire story the California Occupational Safety and Health Agency attempted to cite six firefighters who saved a carpenter from being buried alive for not using OSHA approved trenching materials during the rescue. I believe that the article which follows speaks for itself:

> OSHA CANCELS REPRIMANDS TO SIX HEROES
>
> MORAGA, CALIF.—A California agency reversed itself Thursday and decided that six firefighters who saved a carpenter from possibly being buried alive were heroes even though they didn't follow the book.

The state Occupational Safety and Health Administration had issued two reprimands to the Moraga Fire Department last week. The citations said the firefighters did not follow training and trenching procedures when they rescued the carpenter, David Michaels, 39.

Michaels was working in a sewer excavation when a slab of heavy clay collapsed into the 12-foot hole, burying him to the waist.

The firemen rushed to the scene and used available construction timbers to shore up the earthen walls while they carefully dug for three hours with small trowels to free the man.

"There were times when I'm sure Michaels thought he wasn't going to get out," said Fire Chief Don Skinner. "And there were times I did, too. Any movement in that ditch could have meant his demise."

Michaels' wife presented the firemen a cake afterward. He suffered only minor bruises. Skinner wrote letters of commendation to his men.

But the next day, the department got reprimands from the local OSHA office. The agency is responsible for overseeing safety standards for California workers.

One citation said the firefighters violated regulations by going into a trench deeper than 5 feet without the walls being shored up by metal-to-metal screw-jack shorings. The other citation said the firefighters didn't have advanced "excavation" training.

"It's ridiculous!" Skinner said. "It's idiotic! This was an emergency."

"What were we supposed to do," he said, "let the man sit there while we go find shoring from some unknown place that meets every code?

"I've been in the service 28 years and I've attended a lot of schools and training sessions and I've never seen anything offered for firefighters on shoring open trenches."

OSHA Chief Don Carter reviewed the case Thursday, and, after a meeting with Skinner, said he was revoking the citations.

What may apply in a normal situation, he said, "is clearly different from what was an emergency lifesaving situation in which the Fire Department did make reasonable efforts to provide some quick emergency shoring."

The second incident involves going from the ridiculous to the illegal. OSHA was forced to drop $35,000 worth of fines against a northern Idaho business because of "legal and technical errors" on the part of the agency. It is incredible to believe that a Deputy Regional Solicitor for the Department of Labor was forced to publicly admit that OSHA's inspection "was flawed by insufficient evidence, use of health standards not yet in effect, and 'other legal problems'". This was reported in the following Associated Press article in the August 17 edition of the Idaho State Journal:

OSHA DROPS BUNKER FINES

LEWISTON, IDAHO—Nearly $35,000 in fines against Bunker Hill Co. have been dropped by the U.S. Labor Department because of legal and technical errors in a health and safety inspection, officials say.

The Kellogg-bound lead smelter was fined $37,000 in May 1979 after a five-month investigation claimed Bunker Hill was exposing workers to lead dust and arsenic compounds.

At the time, the $37,000 fine was the largest ever assessed against a private employer in Idaho by the Occupational Safety and Health Administration.

But following a review of the Labor Department agency's investigation, it was recommended Bunker Hill be fined only $3,300 for its alleged violations of worker safety and health laws.

Deputy regional solicitor Williams Kates said Wednesday the inspection by OSHA was flawed by insufficient evidence, use of health standards not yet in effect, and "other legal problems."

Bunker Hill, one of the nation's largest lead smelters, employs 2,000 workers in the Wallace-Kellogg area. About 1,200 of them work at the lead refinery and processing plant OSHA probed.

A third incident is a recounting of OSHA's improper and costly responsiveness to special interests. This was reported in the following letter that I received recently which is typical of many of the complaints that I hear each week from throughout the Nation:

JOHNS ELECTRIC, INC.,
August 25, 1980.

Representative GEORGE HANSEN,
Longworth House Office Building,
Washington, D.C.

This is not an OSHA horror story but an example of what I just went through at taxpayer expense with OSHA.

On November 6, 1979 three of my employees failed to properly guide a pulling rope through a pipe and in so doing jammed the pulling machine to cause damage to other equipment. These three men refused to repair the damage they caused and were discharged as per the collective bargaining agreement.

On their leaving the premises they called their union business agent, who in turn called OSHA and they (OSHA) in turn visited the site and interviewed our Superintendent, General Foreman, Foreman and other workmen. The Union Steward agreed with us that these men were at fault and had no basis to complain. Nevertheless on January 8, 1980 I received a citation from OSHA and immediately requested an informal hearing at Boise. They consented and our Contractor Association Manager from Spokane, Mr. Keith Englund, joined me in a trip to Boise to plead our case. We took pictures, statements from our employees, etc. We left feeling we abated the citation. Wrong. On April 2, 1980 I received a formal notice from the Secretary of Labor for a formal hearing to be held in Lewiston on August 21, 1980. My attorney then went through the interrogatory procedure and on Wednesday, a week preceding the hearing, came to Lewiston to meet with me and my people who were to be my witness. On the Monday prior to the Thursday hearing date I received a phone call from my attorney stating that OSHA had withdrawn it's case.

I received in the mail Tuesday a copy of the transmittal that inferred that the issue had been settled and generally postponed. I contacted Faith Haywood of Senator McClure's office in Lewiston who contacted Mr. Bernard of OSHA in Boise who informed her that the union had backed off and could not substantiate their case, so they (OSHA) dropped the charges.

This whole episode has cost me approximately $7,500.00 of lost time by employees, $1,500.00 of attorney fees and an unattainable amount of dollars for phone calls and transportation to and from Boise. I did not think that OSHA was to represent any particular party. If there is a violation, So Be It, but to represent the union in harassing an employer, this is not fair.

Respectfully,

JOHN NANNINGA, Jr.,
President.

In a fourth situation OSHA has even gone so far as to invade the music industry. The following article in the September 10, 1980 edition of the Washington Star reported that the Nevada Department of Occupational Safety and Health has fined singer Cher and Caesars Palace in Las Vegas for giving a performance that was allegedly too loud:

A MATTER OF 115 DECIBELS

The Nevada Department of Occupational Safety and Health, responding to complaints from musicians that they are "going deaf," wants to fine Cher and Caesars Palace $180 for a performance she gave that was allegedly too loud. The department said yesterday the hotel had contested the citation, which was issued after the department wired three musicians in the hotel's orchestra with sensitive sound monitoring. The sound level during the July 3 show reportedly reached 115 decibels. . . . "Our people are suffering," said Irv Kluger, vice president of Musicians Local 369, which has mounted a campaign to have the volume cut at some performances. "It makes our members go deaf. Once a musician loses his ability to hear high pitches, he's not worth a damn."

Mr. Speaker, these are but four of the ever-increasing complaints from across the country concerning an agency out of control and frequently unwilling to comply with even the most basic legal guidelines and congressional mandates. Congress must realize its responsibilities and move forward at the earliest possible time with full and complete legislative oversight and reform of OSHA.●

MINERAL POLICY

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. SANTINI. Mr. Speaker, on September 15, 1980, the Reno Evening Gazette ran an editorial entitled "Mineral Policy" which I urge my colleagues to read.

It is important that every American understand the role of minerals in a secure and economically sound Nation. Without a coherent minerals policy, our Nation will continue down the spiraling path of self-destruction regarding the availability of nonfuel minerals.

The Gazette editorial portrays the problems in a style that succinctly communicates to its readers the importance of minerals.

MINERAL POLICY

Congressman Jim Santini has received a good deal of national attention lately in his campaign for a national policy on essential minerals.

He has been the subject of articles by national columnists, has been interviewed by "Enterprise: the Journal of Executive Action," and been discussed on the editorial page of The Washington Star, among others. Much of this publicity centers around the Aug. 28 report of his Mines and Mining subcommittee. This report outlines in stark detail the international and national dangers faced by a minerals-short United States.

The question is whether all this publicity will awaken the federal government from its persistent and unhealthy minerals slumber. On the answer to that question, the fate of this nation could someday depend.

Santini is not the first person to call attention to our minerals problem. Miners—including the miners of Nevada—have been saying for some time that this Nation is becoming dangerously dependent on foreign nations for essential industrial and military minerals. However, Santini's voice is among the most prominent and loudest at the moment, coming as it does from his power base as chairman of the Mines and Mining subcommittee.

The so-called Santini report outlines United States dependence upon certain African nations whose supplies could conceivably be cut off from us on short notice. These include economically unstable Zaire (cobalt, zinc), revolutionary Zimbabwe (chromium, nickel), and racially-troubled South Africa (chromium, platinum, vanadium, diamonds).

But in the broader scope it is not just these African nations or the particular minerals they produce that should concern the United States. It is the entire spectrum of minerals—where they are found, in what quantities they exist, and how we plan to assure our access to them.

As the Nevada congressman notes, we must become more aware of the effect that federal policies have on our minerals future. The most obvious policy, as has been noted many times, is the environmental preservation program which has cut off much federal land from prospecting. The Alaskan wilderness bill is a prime example of this. Santini notes that in 1968, prospectors could seek minerals on 84 percent of federal land, but by 1978, environmental concerns had limited this to only 30 percent. A more even-handed approach is needed, to meet both environmental and prospecting needs.

But beyond this, a complete, informed minerals policy is needed. In the August issue of Enterprise, Santini suggests that this policy should include a recognition of the deficiencies in our existing stockpiles and a willingness to improve these stockpiles. This seems essential. We must have enough vital minerals stored up to protect us in times of cutoff and trouble. This is the same sort of stockpiling suggested for oil—a stockpiling that unfortunately has not occurred with this important element either.

Santini also suggests that the United States begin prospecting in the oceans and do what it can to increase research and the development of alternative minerals. These are also excellent suggestions.

Finally, Santini wants the United States to reorient its policy toward Africa. He believes the State Department has become "so fixated on exporting human rights" that it deals only with intangible good will and fails to understand the political realities. This is a difficult matter. The United States must deal with existing governments to assure access to strategic minerals, but at the same time it cannot afford to turn its back on the legitimate aspirations of black Africans. Possibly no single policy can assure success; but the United States can remain flexible. It should be alert to changes and not tie itself down blindly to particular philosophies or diplomatic theories.

But the vagaries of international diplomacy notwithstanding, the United States can—and must—develop a coherent overall minerals policy that (1) recognizes the problem and (2) takes positive steps to deal with it. To fail to do so could prove disastrous.●

SOVIET VIOLATIONS OF ARMS CONTROL AGREEMENTS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GINGRICH. Mr. Speaker, the security of the United States requires Soviet compliance with the arms control agreements that they have pledged to observe. Recent revelations that there has been cheating by the Soviets cast doubt upon the security of America. I recommend that all Members take a careful look at two articles on this important topic.

The first article is from the Defense Daily of July 14, 1980. The second is from Aviation Week and Space Technology, September 22, 1980. The articles follow:

HUMPHREY CITES 27 SOVIET VIOLATIONS OF SALT

Sen. Gordon Humphrey (R-N.H.) says the Soviet Union is guilty of 27 violations of the ABM Treaty, SALT I, SALT II and other arms control agreements.

Humphrey also charges the Nixon, Ford and Carter Administration with suppression, distortion or a misleading presentation of these violations to the American people.

The SALT violations "coverup" began under the Nixon Administration and "was orchestrated by Dr. Henry Kissinger," who "perpetuated" the coverup under the Ford Administration, he said. "It was continued and expanded under the Carter Administration," which has "extended the coverup to Soviet violations of SALT II."

The violations, as outlined by Humphrey:

SALT I VIOLATIONS—ABM TREATY

(1) Soviet SAM testing in ABM mode

(2) Soviet deployment of ABM Battle Management Radars

(3) Soviet ABM camouflage

(4) Soviet falsification of ABM deactivation

(5) Soviet creation of a new ABM Test Range without prior notification

(6) Soviet development of a rapidly deploymentable, mobile ABM

SALT I VIOLATIONS—INTERIM AGREEMENT

(1) SS-19 ICBM deployment, which is the most dangerous of all Soviet SALT violations.

(2) Failure to Deactivate old ICBMs on time, and falsification of official reports.

(3) Bringing back ICBM equipment to a deactivated ICBM complex.

(4) Keeping 18 SS-19 ICBMs at Tyuratam illegally operational.

(5) Deploying MIX silos with a configuration too similar to a missile-launch silo.

(6) Massive deliberate camouflage, concealment, and deception, which actually increased after 1972:

(a) Encryption of missile telemetry.

(b) Camouflage of ICBM testing, production, deployment.

(c) Concealment of submarine construction, berthing, dummy subs, berthing tunnels.

(7) Constructing 68 strategic submarines, when only 62 allowed.

(8) SS-20 IRBM deployment, which should count as ICBM deployment.

(9) Violation of Brezhnev's pledge not to build mobile ICBMs.

(10) Deploying SS-11 ICBMs at SS-4 MRBM sites.

(11) Keeping over 1300 old ICBMs stockpiled.

OTHER ARMS CONTROL VIOLATIONS

(1) 6 Soviet underground tests probably over 150 KT, in violation of the Threshold Test Ban Treaty.

(2) Over 30 Soviet ventings in violation of the Limited Test Ban Treaty.

(3) Soviet Deployment to Cuba of Golf and Echo Class submarines carrying long-range nuclear missiles, deployment of nuclear-capable MIG-23 fighter-bombers to Cuba, deployment of long range Bear bomber type aircraft capable of carrying nuclear bombs to Cuba, all in violation of the 1962 and 1971 Agreements Prohibiting Strategic Offensive Weapons in Cuba.

(4) The April 1979 germ warfare accident at Sverdlovsk, indicating Soviet violation of the 1975 Convention banning germ warfare.

SALT II VIOLATIONS

(1) Soviet Typhoon SLBM encryption

(2) Camouflage of new submarines

(3) SS-18 mod X ICBM encryption

(4) SS-NX-19 SLCM encryption

(5) SS-20 IRBM encryption and deployment

(6) Continued stockpiling of SS-16 mobile ICBMs

"The Carter Administration has defined a SALT violation as a Soviet action which is deliberate, is contrary to the purpose, intent, and precise terms of the SALT agreement, and which results in a significant increase in Soviet strategic power. A violation should be easy to define, however, as simply a Soviet act which is contrary to the terms of the agreement.

"But even using the looser Carter definition of a violation, there is no recognition of Soviet deployment of the SS-19 ICBM as a violation. Yet, this is the single most dangerous Soviet SALT violation, because it has nearly doubled the Soviet counterforce threat to the United States.

"Using the above Carter violation definition, the SS-19 case is a violation for the following reasons. Soviet SS-19 deployment was deliberate. It was contrary to the purpose, intent, and precise terms of the SALT I Interim Agreement's Article II. This provision bans heavy ICBMs from replacing light ICMBs, yet the SS-19 is a heavy Soviet ICBM replacing the light SS-11. Finally, the SS-19 has given the Soviets a significant increase in their military power. Despite their own loose definition of a SALT violation and the above facts, the Carter Administration still explicitly refuses to classify the SS-19 as a Soviet SALT violation."

SOVIET SALT VIOLATIONS FEARED

USSR ENGAGED IN STRATEGIC NUCLEAR WEAPONS ACTIVITIES THAT ARE CAUSING CONCERN TO SOME INTELLIGENCE OFFICIALS

(By Clarence A. Robinson, Jr.)

WASHINGTON.—U.S. intelligence officials are expressing deep concern over Soviet strategic nuclear weapons activities they believe overtly violate the Strategic Arms Limitation Treaty (SALT). Even beyond what appear to be clear-cut violations are other Russian activities that border on treaty violations, or take advantage of loopholes in the agreement.

The recent Soviet strategic nuclear weapons activities include:

Testing in the past few weeks of the SA-10 surface-to-air missile acquisition and tracking radars against Russian reentry vehicles in an antiballistic missile mode. The phased-array radar was used as a battle management system for low-altitude defense of ICBM silos. The Soviets have developed and tested a hypersonic interceptor missile known as the SH-8 to destroy U.S. reentry vehicles within the atmosphere. Testing of an air defense system in an antiballistic missile mode is a clear violation of the ABM treaty, according to U.S. officials.

Testing in a ballistic missile defense scenario against reentry vehicles of the SA-5 Gammon air defense radars on at least one occasion. SA-5s are operated from fixed, hardened sites in the USSR and use a target tracking radar known as the Square Pair, and the Back Net acquisition radar along with the Side Net height-finding radar. The SA-5 has a range of 100 naut. mi. and a maximum altitude of about 100,000 ft. The Soviets conducted earlier tests with the SA-5 in the ABM mode (AW&ST Oct. 21, 1974, p. 14), and the U.S. brought up the tests to the Standing Consultative Commission as a possible violation. Those tests were halted then and only recently resumed.

Tests during recent Soviet and Warsaw Pact war games of a reload capability for the SS-18 ICBM. During the tests in early September, the Soviets simulated firing SS-18s from their silos (launchers), removed the missiles and replaced them with other SS-18s, demonstrating a reload capability. It took the Russians 2-5 days to accomplish the reload procedure.

Tests of the new submarine-launched ballistic missile from Nenoksa on the White Sea with encrypted telemetry, preventing U.S. verification of missile performance. The new missile is designed for use with the Typhoon-class submarine. At least 80% of the telemetry data was encrypted during the most recent test, according to U.S. intelligence officials.

Tests of a new Soviet air-launched cruise missile from the Tupolev Tu-26 Backfire bomber with a missile range greater than 600 km. (372 mi.). The successful testing of the Soviet version of the USAF/Boeing ALCM should require that the Backfire be counted under the heavy bomber category in the unratified SALT II agreement, according to U.S. arms control officials.

The demonstrated reload capability with the SS-18 is causing more concern among U.S. intelligence and arms control communities than any of the other Soviet strategic weapons activities, according to Carter Administration officials, "because it goes to the very heart of SALT; that launchers are counted and not missiles."

Information on Soviet nuclear weapons activities taking advantage of the U.S. in using the SALT agreement to screen testing, or of violations, is emerging just as the U.S. is preparing for meetings in early October by Secretary of State Edmund Muskie with Soviet Foreign Minister Andrei A. Gromyko on arms control agreements for theater nuclear forces in Europe.

The U.S. also is moving toward comprehensive nuclear test ban negotiations in Geneva in October despite what U.S. officials call the most flagrant Soviet violation of the existing threshold test ban treaty that limits both sides to underground nuclear testing at the 150-kiloton level.

The test being described by the arms control community as the "hardest violation yet of the threshold test ban" took place in recent weeks at Semipalatinsk. The U.S. received seismic data from 17 locations providing information that the yield of the nuclear device tested was as high as 640 kilotons, with the lowest possible yield 150 kilotons. U.S. officials said they are 95% certain that the yield of the device was between 300 and 400 kilotons, making it a clear violation of the existing test ban treaty.

"We've never had better data than this," one arms control expert said, "and there is no doubt the Russians have violated the treaty. They've gone over the 150-kiloton limit before but not like this with the evidence so clear. At the same time, the U.S. nuclear weapons laboratories are being hamstrung by having to test below a yield of 90 kilotons to make sure we honor the agreement."

Not only are violations alarming the U.S., one Administration official said, "but there is activity which falls outside the SALT agreement, and there appears no way to negotiate an agreement with the Soviet Union which can cover all eventualities. It all boils down to the fact that we got no limit of the Soviets from SALT, especially with this demonstrated SS-18 reload capability. Either this is a vindication of SALT critics or a violation of the agreement."

The Soviet Union, some U.S. intelligence officials believe, has been using spacecraft to survey U.S. ICBM silo locations. One official said there is evidence the USSR has used a beam splitter mirror on its spacecraft to photograph U.S. missile fields in laser light while it simultaneously photographs the satellite against the star background to pinpoint the location of the spacecraft in relation to each U.S. silo.

As the Soviet spacecraft passes over the USSR, it also photographs Soviet missile silos with the star background. This enables Soviet rocket force officers to "hook the arcs together for precision that could enable CEPs [circular error probable] of 50 to 100 ft."

The USSR already has deployed 248 SS-18s in four models. The ICBM has a hard target capability against Minuteman silos. One version has a yield of 24 megatons and a CEP of 0.23 naut. mi. Another version carries 8-10 reentry vehicles, each with a 0.55-megaton yield with the same CEP.

A third version has a CEP of 0.19 naut. mi. and carries a single 20-megaton warhead. The fourth version has 10 MIRVs, each with a 0.50-megaton yield and CEP of 0.14 naut. mi.

Recent U.S. intelligence analysis has determined that the SS-18 is clearly designed to carry 12-14 reentry vehicles in the post boost vehicle, not the 10 limited by SALT II.

Soviet actions in recent weeks place the arms control community in a position of having to apologize for the Russians, one community member said. "It forces the community to rationalize the Soviet behavior as compatible with treaty language or of having to apologize for the treaty's sloppy language."

The arms control expert added that this defeats any argument against the point that SALT agreements are meaningless by seeking to limit launchers. "The Central Intelligence Agency is arguing that this SS-18 reload drill is no violation of the SALT agreement because from two to five days is not a rapid reload capability," he explained.

In the SALT 2 treaty signed by the U.S. and USSR but withdrawn from Senate ratification when the Soviets invaded Afghanistan, each party undertakes:

Not to supply ICBM launcher deployment areas with intercontinental ballistic missiles in excess of a number consistent with normal deployment, maintenance, training and replacement requirements.

Not to provide storage facilities for or to store ICBMs in excess of normal deployment requirements at launch sites of ICBM launchers.

Not to develop, test or deploy systems for rapid reload of ICBM launchers.

The treaty further specifies that the term normal "means the deployment of one missile at each ICBM launcher."

"It's not any one thing that leaps out at us from all this Soviet nuclear weapons effort," one strategic weapons expert said, "but rather a picture of a very dedicated kind of an effort in the USSR to achieve a clear superiority over the U.S. at the earliest possible date."

Another official explained that while the intelligence agencies argue over what constitutes a rapid reload capability, the SS-18 exercises contravene SALT. "The whole idea of the treaty is one missile per silo. The U.S., however, must take the rap for this because the Soviets have never said one missile, one silo, and they have never said how many ICBMs they have stockpiled for reloading silos."

"There is something much more important here than merely a Soviet SALT violation," one high-level U.S. official said, "The USSR is behaving in a way calculated to give it a clear advantage over the U.S., which is completely enmeshed in mental or legal constraints of its own making."

The Soviet Union is building a new phased-array ballistic missile defense radar 60 mi. north of Moscow. This is completely within the rules in the ABM treaty, according to U.S. arms control officials.

"But it lends great credibility to NIE [National Intelligence Estimate]-11-38, which states that the USSR is capable of deploying a high-quality think bank of ballistic missile defense systems within one year from the time the U.S. could detect that the deployment was unmistakable," the official said.

The Soviets have designed the SH-4 interceptor missile much like the U.S. Spartan ABM missile designed by the U.S. Army for intercepts of reentry vehicles in the upper atmosphere. It would be used in an overlay mode by the Soviets as the first line of defense, with the SH-8 for terminal phase intercepts of reentry vehicles.

"With the deployment of the flat twin movable ABM radar system, the new missiles tested against RVs [reentry vehicles] and the battle management radar around Moscow, the Soviets are building toward a capability to break out of the ABM agreement with a clear-cut capability and leave the U.S. behind," one arms control expert said.

A high-level Administration official last week sought to play down the reload capability of the SS-18 ICBMs in response to Aviation Week & Space Technology. He said Soviet textbooks have for years openly discussed the possibility of reloading ICBM silos, and that the Carter Administration position has been that the reload possibility is well known; but that it was agreed not to store missiles in ICBM fields for this purpose. There is no indication this has been done, and it avoids a rapid reload capability.

"In strategic nuclear force balances by Defense Secretary Harold Brown, reloads have not been taken into account," according to the official. He added: "The U.S. already looks so bad in these calculations, why make it look worse? SALT negotiators better wake up. The USSR is obviously thinking in terms of a protracted nuclear war or they wouldn't be testing reloads of four or five days, and the balance is in their favor."●

THE MIKE EASLER SUCCESS STORY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. STOKES. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues in the U.S. House of Representatives the outstanding achievement of one of my former constituents, Mr. Mike Easler.

My colleagues who are baseball fans probably are familiar with the success story of this young man. For those who are not, I am sure that they will find his story to be one of great inspiration and courage. Mr Speaker, the road to success was a very long and hard one for Mike Easler.

Today, he is a champion hitter for the 1979 World Champion Pittsburgh Pirates. But, for many years he was consigned to the minor leagues. No one knew of Mike Easler then but his family and a handful of dedicated fans. Being a man a great determination, Mike Easler refused to be daunted by those who wrote him off as minor league material. He knew he could not only perform but excel in the major leagues if only given a chance. With that chance, he has gone on to prove the critics wrong.

Recently, Mr. Hal Lebovitz of the Cleveland Plain Dealer wrote an article about Mike Easler. I think that story best sums up the career of a man who went from being a star at the Bendictine High School in Cleveland to what critics said a mediocre player in the minor leagues and then to the major league champion Pittsburgh Pirates as a champion hitter. I like Mr. Lebovitz believe that "Mike's success story has to be an inspiration to those who continue to believe in themselves, refuse to let others count them out and keep scrapping until they make the critics back off." It is also a story that gives hope to blacks and other minorities who have to struggle sometimes in the face of almost insurmountable odds.

Mr. Speaker, I and the entire city of Cleveland are proud of Mike Easler. At this time, I would like to share the Mike Easler success story with my colleagues by entering the article by Mr. Hal Lebovitz in the CONGRESSIONAL RECORD.

CAN SCOUTS BE SO WRONG?

I'm surprised I haven't received a call from Ted Easler lately, saying, "I told you so."

He certainly did.

His son, Mike, the Ex-Benedictine High star, is hitting .349 for the World Champion Pittsburgh Pirates and he is now a regular for them. Yes, at long last Mike Easler is doing what he and his father knew he always could: Play outstanding major league ball, day after day after day.

Mike's success story has to be an inspiration to those who continue to believe in themselves, refuse to let others count them out and keep scrapping until they make the critics back off.

In 1977 Ted Easler, a supervisor at the downtown post office, called. He wanted me to do some detective work. His son always hit well in the minors, summer and winter. Nevertheless, the Houston Astros, St. Louis Cardinals and California Angels, respectively, traded him away with scarcely a major league look. The Angels had just swapped him to the Pirates' Tripple A Columbus farm.

That's when Ted Easler asked, "Hey, what's wrong with my son? Is he giving his managers trouble? Is there prejudice? There must be some hidden reason he hasn't made it. I know he is a major leaguer."

So I checked around, I knew he was no troublemaker, for I had found him to be an outstanding young man.

Bob Kennedy, now general manager of the Chicago Cubs, had obtained Mike for the Cardinals when he was with that organization. He told me, "Mike does everything average. He hits in AAA and struggles in major league ball. I really wish I had a spot for him. He is a wonderful guy and tries very hard. He could be the fourth or fifth outfielder with somebody, but all clubs are loaded with outfielders."

I called Harry Dalton, then general manager of the Angels. (Dalton now is general manager of the Milwaukee Brewers). He said, "Mike's real problem is defense. He seems to have trouble fielding. Our judgment was that he is limited to being a part-time player. He didn't want to go back into our minor league system so we moved him to the Pittsburgh organization to give him another chance."

The killer was the 1976 Major League Bureau Scouting report. This comes out of the confidential files:

"Marginal arm, speed and field ability. Has power but mechanics don't favor success. Has a jack-up swing that takes away both timing and control. Hits slow stuff but can't get around when pitcher has a little extra."

The scouting report burned Ted Easler. He said, "I've met only two major league scouts while Mike has been playing ball. One was Pat Gillick (now director of personnel at Toronto). He said if Mike signed a pro contract it would be only a week before the manager would send him home. Well, that was in 1969 and Mike signed that contract and was the leading hitter for the Covington, Va., Astros at .319.

"The other scout, well he's dead now, so I won't repeat what he said. But he was way off base, too. What I'm trying to say is that a ballplayer should be judged on performance more than on a scouting report. Mike's record speaks for itself. After all, most major league scouts are selected mostly by politics and race."

Mr. Easler was wrong in his assumption, but no one can blame him. Both he and Mike were terribly frustrated.

But Mike refused to quit. He went to the Pirates' farm in Columbus. "What bothers me," he told me then, "is that I have a wife and two daughters to support and I don't know how much longer I have to keep proving myself."

But he vowed that if it would take 10 more years, playing both winter and summer, he would do it. "I'm ready now," he added. "I just haven't been in the right place. I'll keep working and working until I show them."

The "right place" came this season. Last year he had been a good pinch hitter for the Pirates and on every airplane ride he would sit next to Howie Haak, the special assignment scout who traveled with the team and tell him. "I can play every day. I can hit."

Yet, with the brilliant cast of players the Pirates had, Mike went to spring training with a simple goal: "Start 10 games and be the best pinch hitter in the league."

Then came a series of injuries—to John Milner, Willie Stargell, Bill Robinson and Dave Parker. Mike, in mid-June, became the regular outfielder, playing every day, right field or left field. He has played excellently according to, yes, the scouts. To date he has made only two errors. He is steady in every respect.

"My dad told me about the scouting reports," he said by phone yesterday. "I worked hard everyday at the fundamentals. I still do, 20 minutes before every game, even though I'm starting. Now I'll work twice as hard to stay."

Incidentally, at age 29 he has the same swing the scouts belittled. In 275 at-bats he already has "jacked out" 16 homers, knocked in 52 runs, including six game-winners.

"Anybody who looked at my swing," he says, "could say what the scouts did. But I knew the pitchers couldn't get me out."

Easler's initial baseball nickname was "Easy", which not only came from his name but also fit his pleasant disposition. Last year he took a new one and has it on the back of his jacket: "Hit Man".

"My oldest brother (Ted II, a Glenville High grad who is director of development at the School of Medicine at Morehouse College) came up with it," he reveals. "He didn't want anybody to think I was 'easy'. He suggested something more aggressive. In this game you've got to be. 'Hit Man', that's aggressive."

Another player would be bitter over the many years and lost money he had to spend proving himself. Not Mike. "A lot of guys get there too soon," he said, "and they're not ready. David Clyde (who was with the Indians last year) is an example. I'm glad I went through all those tough years in the minors. I can better appreciate what I have now. I knew God would give me a shot eventually.

"That was the key: Faith in God, belief in myself and parents who are behind me 200%."

Ted Easler has a right to be beaming all over town today. He knew those scouts were wrong. Dead wrong.●

OUR COUNTRY NEEDS EXPORT TRADING COMPANIES

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. NEAL. Mr. Speaker, I am very disappointed that we have not yet passed legislation permitting American businesses to form export trading companies.

As you know, the Senate recently passed an export trading company bill by a vote of 77 to 0. There also is strong support in this House for the trading-company concept, but we have not been able to bring a bill to the floor because of disagreements among the committees and subcommittees sharing jurisdiction on this matter.

I understand the concerns that have necessitated our delay. I, too, have had some misgivings about proposals for bank participation in export trading companies. It appears to me, however, that most House Members are in agreement on the basics of this legislation.

The Banking Committee's Subcommittee on International Trade, of which I am chairman, has held hearings that, in my opinion, clearly established the need for export trading companies. The administration, in its vigorous new program to promote exports, has come to the same conclusion.

Mr. Speaker, it should be possible for this House to pass an export trading company bill in the post-election session. If nothing else, we could bring to the floor a compromise that includes basic provisions but leaves out the elements on which we differ. One such bill could be H.R. 7230, which has been stripped of the controversial banking and tax provisions.

H.R. 7230 or some similar bill could do much to make the United States more competitive in the world economy of the 1980's.

As we all know, American companies, with a few notable exceptions, never have been much attuned to the world market. Our huge and constantly expanding domestic market has absorbed goods and services so adequately that our companies have not had to seek foreign markets aggressively.

While the Japanese, the British, the West Germans, the French, and others have had to export to survive, American companies have long regarded the export market as an expendable extra.

Today, of course, we no longer have that luxury. The world economy has become interdependent. If we hope to sustain our economic growth, provide jobs for our people, and maintain our leadership in the world, we must compete more effectively in the global marketplace.

For years, Mr. Speaker, we have tried to entice American companies into export trade. We have tried every gimmick. We have reorganized our trade bureaucracy time and again. We have given pep talks and slide shows. We have organized trade missions. We have mailed out magazines. We have done market studies. All these things have helped, but they have not been enough.

Our efforts have been insufficient because we have not addressed the major problem: the attitude of American business toward exporting.

Instead of findings ways to make export trade attractive, convenient, and profitable, we have erected and incredible maze of laws, regulations, tax disincentives, and bureaucratic redtape. We have discouraged all but the hardiest and most persistent exporters.

An export trading company bill could help to solve this problem. By selectively waiving laws that now prevent U.S. companies from combining their efforts, we could allow creation of trading companies that specialize in world trade. Small- and medium-sized businesses that now lack the resources to tackle the world market could use the marketing and technical services of these large trading companies. The U.S. Department of Commerce estimates that an additional 20,000 companies could export successfully if they had the proper incentives and support services.

Even though our export performance has improved in recent months, the United States still is likely to have a foreign trade deficit exceeding $30 billion this year because of our $90 billion of oil imports. Unfortunately, our dependence on foreign oil is going to continue, so we have no choice but to export more and more to assure our economic viability and to bolster the dollar's value overseas.

To do that, we need export trading companies. We should waste no time in approving them. Even though we have not agreed on all the fine points of this legislation, it is of overriding importance, I think, that we act this year. If we leave this issue to the 97th Congress, we will be risking months of needless delay.●

THE BOAT PEOPLE AND THE LAND

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BOB WILSON. Mr. Speaker, just because the subject of Southeast Asia's boat people has disappeared from the front pages of our newspapers does not mean that they no longer exist. They do, in refugee camps, at border stations, and floating about the South China Sea in flimsy craft, subject to all manner of disasters.

Our Nation, though more generous than most in welcoming them to our shores, has not gone as far as it could really go because we have no comprehensive policy for dealing with refugees. Something that we tend to forget is that America is a nation of refugees. All of us at one time or another came from someplace else.

In the autumn 1979 issue of the Washington Quarterly, William H. Lewis writes of this problem and offers some concrete suggestions that we may well heed, and I recommend his article to my colleagues.

WASHINGTON: THE BOAT PEOPLE AND THE LAND PEOPLE

(By William H. Lewis)

During much of the past summer, the attention of Washington was riveted on the melancholy plight of Southeast Asia's "boat people." Hundreds of thousands of expellees were placed at the mercy of the South China Sea and the "hospitality" of nations adjoining Indochina. Designated the "archipelago of despair," the Indochina peninsula has yielded three million refugees as a result of more than 30 years of near-continuous warfare. But never has the human tide been so intense, or the capacity of the international community to respond to these victims of conflict so constrained.

When the South Vietnamese government collapsed in April 1975, in excess of 225,000 people fled the incoming communist regime. Most were resettled in the United States with a modicum of stress. The limited numbers that followed in the next three years were kept in various camps throughout Southeast Asia in countries of "first asylum" awaiting relocation elsewhere. But in mid/1978, the situation began to change dramatically—the trickle became a flood: 19,200 in October 1978, 22,000 in March 1979, 70,000 in May 1979. The excesses of the Pol Pot regime in Kampuchea and spreading hostilities throughout the Indochina peninsula had suddenly created a new generation of refugees, the "land people" of Laos and Kampuchea and the "boat people" of Vietnam. Both were victims—the first, of the Vietnamese invasion and brutal treatment by the contending Pol Pot and Hanoi forces; the second group was the product of a conscious policy adopted by Hanoi to expel from Vietnam what the communists regarded as politically "unreliable" citizens, in particular, the ethnic Chinese.

The initial response of the international community to the 1979 harvest of refugees was far from reassuring. Hapless Cambodians were forced back across the frontiers by Thai security forces to face an uncertain plight at the hands of Kampuchea's new masters; in neighboring countries, the "boat people" were turned away as Malaysia, Thailand, and Singapore reached saturation point in their capacity to absorb new waves of refugees. All concerned governments in the area urged the industrial nations and the United Nations high commissioner for refugees to undertake emergency measures to: (1) staunch the exodus; (2) provide additional aid to refugees already housed in camps under conditions which were variously described as "deplorable," "uncivilized," or "barbaric"; and (3) resettle the Indochinese refugees elsewhere. During the early months of 1979, the response of the international community was tentative and the atmosphere was fouled by accusations and mutual recrimination. In the interim, conservative estimates placed the number of "boat people" who were lost in the South China Sea at more than 200,000 souls, and the number of "land people" who had perished as a result of forcible return to Kampuchea at one-quarter that figure.

The U.S. government, in particular, was ill-prepared to meet the challenge posed by this epic tragedy. The performance of the Department of State's newly established Bureau of Human Rights and Humanitarian Affairs in refugee matters afforded little room for confidence. Its assistant secretary had devoted only passing attention to the global refugee problem, preferring instead to concentrate on human rights violations of a political nature. The office directly concerned was understaffed, incapable of providing effective policy direction, and, therefore, without bureaucratic clout either in the Department of State or in its dealings with other government agencies. The performance of leading figures within the department was so inept as to almost degrade that section of President Carter's stirring inaugural address dealing with human rights:

"Our commitment to human rights must be absolute. . . . Because we are free we can never be indifferent to the fate of freedom elsewhere. Our moral senses dictates a clear-cut preference for those societies who share with us an abiding respect for individual human rights."

In reality, during much of the spring and early summer of 1979, when the dimensions of the Asian crisis were becoming apparent, the White House devoted little attention to the matter, preferring instead to concentrate its energies and public relations efforts on historically nonmomentous summit meetings in Vienna and Tokyo. The absence of clear policy direction and an overarching strategy reached such proportions that the Washington Post offered the following unflattering evaluation on June 24:

Though White House staffers say the president "has focused on this issue" and has been "very concerned" about the refugee crisis for months, State and Justice Department officials privately accused Carter of failing to come to grips with the situation.

"The White House is the problem," said one highly placed State Department official last week. The refugee issue "has never yet seized the president's interest and concern. . . . There has been no reaching out by the president. Even Gerald Ford would have been out front on this issue."

At the time these evaluations were tendered, the number of refugees in Asian camps had grown to more than 250,000. While the president had reluctantly raised the monthly number of refugees to be admitted to the United States from 7,000 to 14,000 in April, the actual admission rate was considerably less than 5,000 due to shortages of funds—a fact that severly taxed the credibility of administration recriminations against other nations who were failing to accept their "fair share" of Indochinese refugees. Indeed, the performance of the Carter administration was so inept that the Congress was forced to take the initiative in seeking remedial measures, including a Senate resolution in late June asking the president to increase the number of admissions and to consult with other nations on a loosening of their immigration policies.

It remained for British Prime Minister Margaret Thatcher, working in close collaboration with United Nations Secretary-General Kurt Waldheim, to work out a temporary respite. In a summit meeting of concerned nations convened at Geneva by the secretary-general in July, the government of Vietnam agreed to restrain the exodus of refugees for a "reasonable period of time." Hanoi promised to establish "holding centers" for would-be emigrants for whom safe transit and places of asylum are not yet readily available. For their part, many of the attending nations pledged to accept 260,000 refugees already located in countries of "first asylum"—notably, Thailand, Malaysia, Singapore, and the Philippines—and, where possible, to provide financial support for these refugees pending their relocation and final settlement. Several nations pledged to make transit camps available to facilitate orderly emigration and resettlement, but such camps are not likely to be constructed before the end of this year.

Critics of the Geneva accord point to a number of glaring deficiencies in the agreement:

1. It fails to address the situation of the "land people"—i.e., refugees fleeing Kampuchea and Laos.

2. The agreement violates UN Charter provisions concerning the rights of individuals to unrestricted emigration, as well as U.S. human rights policies relating to the rights of people to leave countries in which they are subjected to political or other forms of persecution.

3. The agreement provides for no effective safeguards for those confined to Vietnamese refugee camps.

4. It does not effectively place the government of Vietnam before its moral responsibilities for the care and well-being of potential emigrants (and contains no hint of sanctions or other punitive actions to be taken in the event of renewal of forced expulsions).

5. It fails to address the basic political causes and precipitants of the refugee exodus.

While the number of refugees had dropped by late summer, from a monthly average of 20,000 to substantially less than 5,000, the spectre of a resurgence hangs over much of Southeast Asia. Continued conflict in Kampuchea and Laos, the possibility of renewed hostilities between Vietnam and the People's Republic of China, and widening starvation as a result of wartime crop losses all threaten to produce a second wave of mass migrations across Southeast Asia.

The international community, confronted as it is with problems of recession, inflation, burgeoning population growth, political disorder, and social turmoil is ill-prepared to meet additional challenges. The world already counts more than 12 million refugees and displaced persons as the victims of past upheavals—4 million alone are located in Africa—and is suffering from what might be characterized as system overload. The community of nations, as a result, has a diminishing capacity to cope effectively with those factors and forces which tend to produce large refugee populations. It has even less capacity to resettle all or most of these victims of twentieth-century dislocation. As fresh waves of uprooted and homeless people appear, many are virtually certain to become this century's new caste of untouchables.

Even the United States is not immune from domestic pressures for retrenchment where refugee admission quotas are concerned. As our economy enters a period of deep recession, the poignant question is likely to be pressed upon a beleaguered administration: "How much is enough?" Senator Walter Huddleston (D-Ky.) posed the question in September as the Senate reviewed the administration's new refugee and immigration bill. The world has demonstrated an unrelenting ability to mint whole new generations of refugees and displaced persons—almost 100 million in this century alone—as the absorptive capacity of the United States and most other industrialized nations has become increasingly pinched. Extravagant morality could, in the view of several senators, become expensive economics.

To date, the Carter administration has failed to fashion a clear-cut and persuasive response to this question. Its performance in refugee matters continues to be ragged, uncoordinated, and, on the whole, unresponsive to worldwide demands for assistance. The president's appointment in March 1979 of former Senator Dick Clark (D-Iowa) as U.S. coordinator has provided a focal point for decision making. Ambassador Clark is attempting to draw together the numerous bureaucratic strands in a freshly organized Bureau of Refugee Affairs within the Department of State; he proved particularly effective in representing the United States in Geneva, together with Vice-President Mondale. But the ponderous ways of bureaucracy persist, the mechanics of planning and programming funds remain deficient, and increasingly members of Congress have ventilated their despair over the ineffectuality of the administration's refugee "system"—one which is continually surprised by international events and sluggish in its response to the human needs generated by these events.

The immediate need in Washington is to fashion a comprehensive refugee policy, together with a set of carefully balanced strategies, which will provide guidelines, hopefully, for a streamlined bureaucracy. The basic ingredients for a comprehensive policy might include:

1. An international conference in early 1980 to strengthen the mandate of the United Nations high commissioner for refugees, accord him greater latitude in fund raising, and enlarge substantially his headquarters planning and field staffs.

2. Vigorous championing of a fundamental international statute defining with precision the rights and safeguards to be accorded refugees *and* displaced persons, as well as sanctions to be taken in the event of willful violation by a UN member state.

3. Intensification of efforts to enhance the capacity of regional organizations to ensure that refugees rights are safeguarded, to provide trained personnel to assist countries of "first asylum," and to assume financial burdens through voluntary contributions or otherwise.

4. Coordination and integration of refugee support activities by the various agencies of the UN and the dozens of voluntary agencies currently functioning in Asia, Africa, the Middle East, and Latin America.

Within the U.S. government, an intensive review of the mandates, functions, and roles assigned to those agencies dealing with immigration, naturalization, refugees, political asylum cases, paroles, and related matters is clearly in order. The maze of bureaucracies in these fields has confused, confounded, and frustrated many legislators. The welter of funding sources and administrative channels extant in the executive branch has led more than one legislative leader in Congress to express dismay. Earlier this year, Congressman Stephen J. Solarz (D-N.Y.) was led to observe that there appeared to be almost as many refugee programs as there were refugees:

"I have never seen a greater plethora of programs, agencies, or administrations or whatever for one problem. And I would like to know what the justification is for having all these different programs for what is fundamentally the same problem; and whether it would impair or enhance your capacity to deal with this problem if we were to combine the various refugee relief offices ... in one central coordinated bureau that would have the responsibility for coordinating all of our various refugee funds."

For more than three decades, the U.S. government, despite its self-proclaimed leadership role in addressing international refugee problems, has preferred to regard these problems as limited in nature, requiring expedient "solutions," and demanding only a small measure of alms from our national treasury. With the exception of escapees and exiles from communist nations, and such special cases as Jewish emigrés, we have preferred to keep the bulk of refugees far from our shores. Our jerry-built approaches served successive administrations reasonably well until the mid-1970s. The upsurge of conflict situations in many parts of the world now threaten to overwhelm the international community in general and Washington in particular. The Carter administration, which prides itself on organizational reform, needs to assess the capacities and capabilities of various agencies in this field, to reorganize and to consolidate them, and to take appropriate steps to exercise true leadership in the international community on refugee questions. To do less would be to make a mockery of the human rights "crusade" that Jimmy Carter brought to Washington in January 1977.●

UNITED STATES-CHINA EXCHANGE VISITORS AGREEMENT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MARKEY. Mr. Speaker, I am pleased to bring to the attention of my colleagues in the Congress the impressive and important work of the international teaching training and exchange program (ITTEP) in developing exchange programs between the United States and the People's Republic of China (PRC).

Mr. William M. Cloherty, the able and experienced president of ITTEP, recently completed a 3-week visit to the PRC during which time he concluded nine separate exchange agreements with various Chinese organizations. I am submitting a copy of the agreement that Bill Cloherty signed with Xu Shiwei, the vice president of the Beijing Institute of Foreign Trade (BIFT).

I especially want to call the attention of the Members to article 6 of the agreement which indicates that arrangements are being made for Americans to go to China under ITTEP sponsorship with the "help and assistance of the Beijing Institute of Foreign Trade."

This is important for it will give our American students and scholars an opportunity to study the Chinese language and to learn more about a great people that constitute one-fourth of the world's population. I am pleased to learn that the first Americans to go to China under this ITTEP/BIFT agreement will be departing from Massachusetts for a 2-year study and teaching program in China at BIFT in January of 1981.

I am also informed that American organizations, institutions, and individuals from throughout our country are participating in the sponsorship and hosting of the Chinese exchange visitors.

I plan to meet with a group of the Chinese exchange visitors who will be placed in Massachusetts. I think it very important that America move quickly and decisively to expand our involvement with and our understanding of China. There is great potential for mutually advantageous relations in the area of education, training, tourism, trade, and political relations.

A copy of the BIFT/ITTEP agreement follows:

MEMORANDUM OF AGREEMENT

1. The ITTEP program will begin to implement the February 1980 agreement to bring ten (10) young faculty members of the Beijing Institute of Foreign Trade under a two-year academic exchange program.

2. William M. Cloherty will interview all of the ten who will come under the academic exchange program in Beijing at the Institute of Foreign Trade (an academic institution) on Friday August 29, 1980.

3. The Beijing Institute will provide the transportation from China to their site in the United States and their return transportation from the United States to China.

4. ITTEP will arrange for the sixty-six (66) form to be sent to each of the ten so that they may acquire their exchange visitor visa to enter the United States by the end of October 1980. William M. Cloherty has received full resumes both in English and in Chinese.

5. ITTEP will guarantee that all of their expenses in the USA will be provided such as housing, food, local transportation, tuition, etc.

6. There will be provisions made in the immediate future for American students and other Americans to come to China as exchange visitors with the help and assistance of the Beijing Institute of Foreign Trade.

7. William M. Cloherty will arrange for all ten exchange visitors to live with American families and pursue English studies during their first year in the USA. The exchange visitors will be put on education programs at American universities or colleges as soon as possible.

8. William M. Cloherty will arrange for the exchange visitors to have the opportunity to become acquainted with American universities, associations, organizations, institutions, corporations, local-state and federal governments, and individuals.

9. Particular attention will be focused on making arrangements for the exchange visitors to have an opportunity to attend lectures, conferences and courses in areas of their particular interest.

10. This program is designed to foster and to encourage understanding and friendship between the people of the United States of America and the people of China.

XU SHIWEI,
Vice-President,,
Peking Institute of Foreign Trade.
WILLIAM M. CLOHERTY,
President, ITTEP.●

WORKPLACE FATALITIES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GAYDOS. Mr. Speaker, according to a recent Labor Department publication, before the Occupational Safety and Health Act was passed in 1970, job-related accidents accounted for more than 14,000 worker deaths annually. Roughly 2 million additional people were being disabled annually by occupational hazards. Others were unknowingly exposed to industrial substances and chemicals whose long-term effects could cause death or serious disease.

But the passage of this monumental occupational safety and health law has assured our Nation's workers that they need not trade their jobs for their lives. Under section 11C of the OSH Act, workers have the right to complain to their employer, union, or OSHA about unsafe or unhealthful conditions free from employer harassment.

The act has also created an awareness that if management, labor, government, and the academic community work together, occupational hazards and diseases can be controlled and possibly eliminated.

However, far too many working men and women are still being killed, injured or made ill while on the job. Unsafe and unhealthful workplaces continue to contribute to higher medical and business expenses, family income losses, and costly drains on our economic productivity, not to mention the human suffering.

At this point, I would like to provide for my colleagues information on some recent workplace fatalities.

On June 13, 1980, an 18-year-old employee of a Muncie, Ind., company was electrocuted while working on a tree pruning operation. The victim was killed when the pruning bucket, which was attached to a truck by a crane-like device, touched a high voltage line.

On June 17, 1980, a 29-year-old employee of a construction company located in Lantana, Fla., was killed when he fell from a warehouse under construction in Lake Worth, Fla., Federal OSHA has been asked to determine whether safety violations were involved in the worker's death.

On July 1, 1980, a 40-year-old employee of a bus factory in Conway, Ark., was electrocuted by a faulty drill. OSHA has initiated an investigation into the incident, which occurred while the employee was working on the plant's assembly line.

On July 2, 1980, a 44-year-old employee of a masonry construction company operating in Durham, N.C., was killed when he was buried under a collapsing brick wall. OSHA has indicated that it will investigate the accident.

On July 8, 1980, a 34-year-old employee of a metallurgical corporation in Albany, Oreg., was killed when he inhaled a poisonous gas from an air supply hood. Air supply hoods are commonly used by employees doing work in enclosed places where the air supply might not be sufficient. The death was the second at the Albany area industry in less than a week. An investigation into the accident was initiated.

The responsibility for eliminating tragedies such as those listed above lies mainly with industry and labor. But the history of occupational deaths and diseases has also demonstrated that workers need the strong protection of a Federal law. Under the Occupational Safety and Health Act of 1970, OSHA has the power to set standards, educate workers and employers, and enforce improved worker protection. Government must continue to play a strong leadership role in devising strategies to improve worker protection and in sensitizing both employers and employees to the serious problem of occupationally related death and disease. OSHA has been in existence now for roughly 10 years, and while much has been accomplished since its inception, much remains to be done. It is essential that workers of industries of all types and sizes be afforded equal protection under the law and that their right to a safe and healthful work environment remain unabridged.●

THE $67 BILLION SECRET

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CORCORAN. Mr. Speaker, Congress is shutting down today for its biannual preelection recess, 2 weeks sooner than is the usual case, without dealing with the record tax and spending increases that are on track for the Government's budget year which began yesterday. In so doing, the Congress is keeping the lid on a $67 billion secret.

That amount is the increase in Federal spending this year over fiscal year 1980, given estimates of $640 billion in Federal outlays under the rate of the continuing appropriations measure and enacted appropriations bills and the current fiscal year 1980 outlay prediction of $573 billion. Since this fiscal year's revenues are seen by the Office of Management and Budget as being $604 billion, and because off-budget items are estimated to have a net deficit of $21.7 billion, we can expect the 12th consecutive Federal budget deficit to be about $58 billion. This deficit level brings the total national debt to just shy of $1 trillion.

Such a massive deficit might seem to indicate that Congress intends the national debt to grow rather than to increase taxes. On the contrary, the typical working man and woman will have over $600 more this year taken out of their paychecks and will pay $800 more in total taxes—$870 if President Jimmy Carter's proposed new taxes are approved.

The budget, and the specific impacts and aspects of it just noted, has not been taken up by Congress since it approved a budget balanced at least on paper in late spring. Today, 17 days after the congressionally set deadline for final approval of the Federal budget, Congress is recessing without attempting to deal with Federal taxation, spending, and another inflationary deficit.

Opportunities for action on these matters of the utmost importance were available: First, on September 18, the House defeated an attempt to provide stopgap spending authority only through October 18, rather than through December 15, so that further efforts to resolve the lack of a budget could be pursued by a 153-228 vote; second, on September 25, an attempt to begin consideration of the budget was defeated by a vote of 144 in favor and 246 against; third, yesterday, the House voted to recess without dealing with those record tax and spending increases by 230 to 173. On all three occasions, the Democrat majority which has controlled Congress for over a quarter century decided to forsake its duty to govern responsibly by opposing each effort to make progress on making the budget more affordable, while Republicans voted to deal with these matters overwhelmingly in each case.

Additionally, the résumé of congressional activity printed in the Daily Digest for today will indicate a significantly lessened commitment to action on the part of those who set the House's schedule. Calculations based on congressional activity through the end of August illustrate this. By that late time, the House spent 8 percent less time in session and had 20 percent fewer recorded votes than was the case in the 95th Congress (1977-78) by that time. The congressional leadership had the chance but did not take it to deal with the increasing governmental burden on Americans.

The "lame duck" session set by the leadership to begin on November 12 is the third outside of wartime to deal with significant legislative matters since the 20th amendment was ratified in 1933. While such undemocratic sessions were intended under the amendment to be a thing of the past, the Democrats in control of the House have chosen to take that route in order to deal with budgetary matters at a later date.

Having supported the three previously noted attempts to advance consideration of tax and spending matters, I can only say that a change is needed in the leadership of the House, which has so ineptly handled the Nation's finances.●

LONG BEACH DEMONSTRATES URBAN REVIVAL SUCCESS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ANDERSON of California. Mr. Speaker, the Federal Government has long held a deep commitment to our Nation's troubled cities; a commitment which has been reemphasized in the present administration. This stems from the recognition of the vital function cities serve as stimulating centers of commerce and culture. Often in the past, however, Federal aid programs have merely served the purpose of staving off financial collapse and ruin, rather than enhancing a city's ability to turn itself around and thrive on its own. Today, however, I am proud to speak on what may be considered a model effort of joint cooperation and achievement in total revitalization—the downtown redevelopment project of Long Beach, Calif.

On October 11, 1980, this city, which was, as recently as 1978, described by the Department of Transportation as the sixth most fiscally distressed city in the Nation, will formally begin construction of a $200 million regional shopping plaza, a central element of the city's overall downtown revitalization effort. Day-long ceremonies will mark the occasion with the participation of Government and business leaders and the general citizenry. While significant by itself, the plaza's importance is enhanced when one considers it is only one part of a $1 billion infusion of new investment throughout the city's downtown area. And it has been leadership at the local level coupled with cooperation and assistance from the Federal Government which has produced the progress to be celebrated on October 11.

Federal assistance has proved essential to the success of the project to date, not so much because of its quantity but because of its quality. A carefully developed strategy of multidepartmental assistance was put together with the leadership of the White House Interagency Coordinating Council to help the city. The result was an unprecedented agreement of assistance and cooperation that met the need to cut redtape where necessary and when it was most critical. Now, the joint venture is turning $65 million of public investment from the Department of Housing and Urban Development, the Economic Development Administration of the Commerce Department, the Urban Mass Transit Administration of the Department of Transportation, and the Department of Labor, into $1 billion of jobs-producing private investment.

Though the project is not complete, its achievement to date is a remarkable tribute to the administration's urban policy, and the leadership of the mayor, the city council, and the administrative staff. I am proud of any assistance I may have lent in helping to forge the joint venture of the Long Beach redevelopment project. I pledge to continue that support. But today, I ask my colleagues to join me in congratulating those involved for a job well done.●

REVENUE SHARING PROGRAM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BROOMFIELD. Mr. Speaker, 2 days ago the administration and this Congress let one of the most successful Federal programs, the general revenue sharing program, expire for lack of action. This is the first time in 8 years that our States and communities will be without these funds to assist them.

The success of this program can be seen by the strong support it has received from mayors, county executives, State legislatures, and Governors around the country. The program operates efficiently and economically because the full use of these funds is determined by those levels of government closest and most responsive to the people.

While the administration proclaims its support and concern for the cities of this land, its lack of action in pursuing passage of the general revenue sharing bill clearly indicates what priority is actually placed on the cities' welfare.

However, more than the cities are affected. Every type of local government will have to either increase its taxes or cut services. Last year, Michigan alone received $191,468,264 in general revenue sharing funds. Local governments in my suburban Detroit district, an area that is suffering under the enormous impact of the problems of the auto industry, received $7,253,880. In these times of economic crisis for these areas, where are they to make up the lost revenues?

Mr. Speaker, there was time before the coming recess to save this worthwhile program, and it should have been saved. The Congress inaction on this measure only serves to underline the administration's and the majority party's callous approach to the hardships of the people.●

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the 31 Orange County residents of New York's 26th Congressional District who have recently chosen to become citizens of the United States, with all of the privileges, freedoms, and responsibilities that American citizenship entails.

It was my pleasure to welcome this group of citizens personally on the occasion of their naturalization in Goshen, N.Y., on September 26, and I am proud to have had the opportunity to share an experience of such significance and personal importance with them.

Our Hudson Valley region in New York State and our Nation is proud of its newest citizens and I invite my colleagues to join me in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

NEWLY NATURALIZED AMERICANS

Muriel Emily McDermott, Michael Warren McDermott, Francesco Daniel Maccarrone, David Sang Wurzburg, Seosam Benedict O'Nuallain, Marilyn Catherine Le-Huray, Maria Grazia Christina Parisi, Vassil Konstantinov, John Orfanos, Bruce Danner, Marie Weigert Varnackas, Oscar Alberto Coria, Denise Marie Hooks, Murickolil Scharia Eappen, Julia Vilanova, Gustavo Sierra Hernandez, and Jack Joseph Russell.

Edgardo Vasquez, Bertram St. Clair Watkins, Carmen Eureta Watkins, Elisabeth Anna Dittrich, Rudolf Carl Dittrich, Aston Kennor Bailey, Pedra Alda Carmona, Kunwar Gurmit Singh Nagpal, Giannoula Lambros Adamis, Giovanna Piccolo, Estrellita Tan Quintans, John Lennon, Ishbel Elizabeth Paul Lennon, and Ute Helga Lacey.●

MONDALE'S ECONOMIC DISTORTIONS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BOB WILSON. Mr. Speaker, in his own inimitable style, columnist William F. Buckley, in a recent contribution to the Washington Star, comments on the economic gospel according to Vice President MONDALE.

Cutting through the rhetoric of an election year, Mr. Buckley points out the fallacies in the administration's arguments and sets forth clearly just what the real issues are. I believe my colleagues would profit from Mr. Buckley's observations, in contrast with the Alice in Wonderland economic world as set forth by our Vice President.

MONDALE'S ECONOMIC DISTORTIONS

It is very hard to say who gave the worst speech at the Democratic convention. Everyone has his own favorite. I think, though, that I could handle any challenge by sticking to my personal choice of Walter Mondale, and lasciviously repeating what he said, sentence by sentence. Students of demagogy would do well to write to the vice president and request a text. It is difficult—anywhere—to come upon a greater congestion of economic half-truths, solecisms, distortions and lies. The speech was well-received by the audience.

It always takes a little while for reason to creep back in. The Wall Street Journal last week took an informed and leisurely look at the proposed tax cuts of Mr. Reagan, which are fashioned on the Kemp-Roth bill calling for across-the-board reductions of 10 per cent per year for three years. Walter Mondale has been positively hysterical on the subject.

"Kemp-Roth," he shouted, "is an insult to the American people. Only—only if Mr. Reagan repealed Medicare and Medicaid and all of our programs for schools and cities and veterans and the unemployed—only then could he finance that tax scheme. Only if he destroyed the Social Security system and all who depend upon it—only then would the job be done."

Here is what The Wall Street Journal analyst concluded, after carefully examining Mr. Reagan's tax proposals together with his other proposals: "Mr. Reagan has spelled out a prudent, gradual, responsible reordering of economic priorities, not much different from the kind of thing Republicans have always offered. The question is not whether it is sound enough economically, but whether it is bold enough politically."

THE FIGURES

Are you ready for the figures? Assuming Reagan's tax cuts were enacted, tax receipts would come to $910 billion. Now at $910 billion, this would represent 20.4 percent of the Gross National Product. When Jimmy Carter took office, at which point Americans were not exactly experiencing Tobacco Road, government tax receipts amounted to 19.5 percent of the GNP. So that the projections establish that the cuts Reagan advocates would still leave the citizenry paying to the federal government a higher percentage of its income than it did in 1976.

A quick way to handle Mr. Mondale's analysis is to dismiss it as what it is: hogwash. It would be reassuring if some responsible Democrats would step forward and exhibit just a little sense of embarrassment. But embarrassment is defined as the emotion appropriate only to Republicans when Ronald Reagan exaggerates the oil potential of Alaska.

And a little more on the rich-bit, on which Messrs. Carter and Mondale feed so regularly. The Tax Foundation has released its analysis of the latest available figures, which are for income year 1977. Question: Suppose that the government confiscated all the money earned by Americans now paying 50 percent on the top dollar. How much money would the government get? Answer: $6.97 billion—or just enough, at the 1977 rate, to meet the federal government's bills for six days.

Under existing tax schedules, a single person begins to pay 50 percent of his incremental income to the state when he arrives at the exhilarating income of $32,000, hitting 70 percent at $106,000. Reduce those levels by 13 percent (the current rate of inflation per year), and you get the feel of the bracket creep, and of the reptilian distortions of our vice president.●

ST. BERNARDINE HOSPITAL—50 YEARS' SERVICE TO SAN BERNARDINO

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. LEWIS. Mr. Speaker, on October 10 in the year of our Lord nineteen hundred and thirty-one and in the one hundred and fifty-fifth year of the independence of the United States of America, elaborate dedicatory exercises and cornerstone laying were held for one of San Bernardino's most forward achievements.

Shortly after 1925, two groups unknown to each other, were very concerned about the lack of adequate hospital facilities in San Bernardino. The first of the two groups, spearheaded by Dr. Philip M. Savage, Sr. through the course of medical trips, had occasion to visit St. Mary's Hospital in Rochester, Minn., which served as the main hospital for the Mayo Clinic. Dr. Savage, a Protestant and Master Mason, saw how efficiently and compassionately St. Mary's was run by the Franciscan Sisters in conjunction with the Mayo Clinic. At that time, there was no reason why a community such as San Bernardino could not provide its citizens with a first-class hospital operated by a community of dedicated religious Catholic women like the Franciscan Sisters. With this in mind, Dr. Savage contacted the Reverend Patrick Dunn, pastor of St. Bernardine Catholic Church of San Bernardino, who through a series of events contacted Mother Placidus, Mother General of the Sisters of Charity of the Incarnate Word, Villa de Matel, Houston, Tex., in which he expressed the urgent need for a Catholic hospital in San Bernardino. He emphasized the fact that conditions were favorable for the erection of the hospital and he further stated that he had been informed that physicians and prominent citizens of San Bernardino would be willing to raise funds if the Sisters would consider the offer.

In reply, the Sisters gave very faint hope of favoring the proposal since they were then engaged in the erection of a hospital in Port Arthur, Tex. In the meantime, the doctors called a meeting for the purpose of discussing further inducements to be offered to the Sisters. It was then decided that the Very Reverend Patrick Dunn would journey to Texas in order to have a personal conference with Mother Placidus and the Sisters, which proved to be favorable for all concerned.

On December 4, 1929, a formal trust agreement was established in which it was agreed to purchase a suitable site and to engage the necessary professional people to design the hospital and to enter into a fundraising program to secure funds. The original grantors of the trust agreement included Mr. Grant Holcomb, an attorney; Mr. R. L. Mack, president of Pioneer Title Insurance & Trust Co.; Mr. Frank J. Solt, general contractor; Mr. George Hellyer, an attorney; Mr. Dade Davis, businessman; Dr. Philip M. Savage, Sr.; Mr. R. C. Harbison, former owner of the Sun-Telegram; and Mr. B. H. Shock, businessman. Two additional members of the committee were not signatories, however, but were Dr. Emmett L. Tisinger and Mr. R. E. McCook.

Through their personal resources, they purchased a 17-acre site and raised $100,000 following the stock market crash and the beginning of the Depression. Civic leaders involved were an example of supreme optimism, confidence and faith in their community. The Mother House of the Sisters of Charity of the Incarnate Word in Houston, Tex., advanced the remainder needed—$550,000.

On August 15, 1930, ground was broken for the hospital in a very elaborate ceremony by the Most Reverend John J. Cantwell, Archbishop of Los Angeles. Also attending this ceremony were Mother Placidus, Superior General; Sister Mary Augustine and Sister Mary Collette and the Very Reverend Patrick Dunn; Frank J. Solt, the Honorable Mayor Grant Holcomb, Mr. Roy Mack, and the altar boy, then Jimmy Cunningham, now Judge James J. Cunningham.

On October 10, 1931, St. Bernardine Hospital was dedicated with Governor James J. Rolph, Jr., of the State of California laying the cornerstone. Part of the contents of that cornerstone reads "to the greater honor and glory of God, to the praise of His divine Son, the Incarnate Word, and the blessed Virgin Mary, Mother of God, and the relief of suffering humanity, this hospital is built."

The six-story structure was ideally located far from the noise and traffic of the major city. There were 125 beds, some private rooms furnished in homelike appointments. The whole establishment had a warmth and beauty rather than the usual conventional coldness in furnishings of many large institutions.

Included in the hospital were five surgery rooms; two of them for general operations and others for surgical specialities; also an operating theater where methods of doctors could be observed by students and others. There were six solariums, well-equipped clinical laboratories, rooms for special treatment and X-ray work. The main kitchen and special diet kitchens were a perfection in modern equipment.

The Depression years were hard on St. Bernardine and many bills were paid with walnuts, oranges, or poultry and often the Sisters were found bartering for cash necessary to buy medicines and dressings to provide for their patients. By the time World War II started, the hospital became self-sufficient. The hospital was fully utilized because of the influx of both military and civilians into this area.

Every segment of the population contributed to the hospital of St. Bernardine and every segment of the population will be served. There are no limitations of color, creed, or national origin placed on admissions to the hospital beds. Membership on the hospital staff is open to all qualified physicians and dentists.

In the early 1950's, it became evident that additional beds would be needed for the community. In May 1956, community leaders decided the time was appropriate to develop a fundraising campaign in an attempt to add 120 beds to the hospital and to do extensive expansion of existing facilities. The campaign was headed by San Bernardino businessman Mr. R. Spain, Jr. At the time the campaign was to begin, the area entered into a slight depression. This was compounded by the reduction in personnel at Norton Air Force Base and supporting industries. However, this campaign, which included such community leaders as Judge Martin J. Coughlin, Judge John P. Knauf, James A. Guthrie, publisher of the Sun-Telegram, Leslie I. Harris of the Harris Co., and businessmen Ernest Martin, Michael C. Gabriel, John M. Oakie, and John Pike raised adequate money to begin the expansion program.

To meet the demands of the inland empire, the south wing, as it was to be called, was added in 1960 at a cost of $3 million. The south wing was officially dedicated on July 3, 1960, by the late Most Reverend Charles P. Buddy of the San Diego Diocese. The south wing enabled the hospital to establish the Inland Heart Center in 1961 providing facilities for patients with congenital and acquired heart diseases which can be corrected by surgery. The Inland Heart Center has achieved great recognition for its work and research in heart ailments and circulatory diseases. The initial funding for the heart center was obtained by Leslie I. Harris of the Harris Co., on the death of a friend and the money was started through the Harrison Memorial Fund. Additional support, initially and continuing, has been received from the San Bernardino County Heart Association.

With additional space in the south wing, a new department of inhalation therapy was created, an intensive care unit was designed and implemented, a postoperative recovery room was established, the family prenatal clinics were initiated, and the pacemaker clinic was started as a followup for patients who have implanted pacemakers.

Again, through the expressed need of our community, a major expansion program was begun as a result of many years of planning and meetings with doctors, hospital consultants, architects and engineers. Ground breaking ceremonies for the expansion and modernization of St. Bernardine Hospital were held on October 11, 1970. The Reverend Monsignor I. B. Bagen, representing the Most Reverend Leo T. Maher of the Diocese of San Diego blessed the ground where the new St. Bernardine Hospital nursing tower would eventually arise. The planned nursing tower would increase the hospital's bed capacity to 254, providing modern and sophisticated equipment and facilities. Incorporating the latest design and concepts in construction, particular emphasis was placed on comfort, convenience, and quality of patient care, both inpatient and outpatient. On April 28, 1974, the Most Reverend Leo T. Maher, Bishop of San Diego, dedicated the $14 million health care center, composed of the six-story nursing tower. Included in this new structure are clinical pathological laboratories, physical therapy, respiratory therapy departments, surgical suites, 10 modern operating rooms, a new recovery room, intensive care unit, coronary care unit, specialized facilities, radiology department, nuclear medicine, brain scanner, computerized axial tomography (CAT) and a new pharmacy and central supply area.

The hospital today serves over 18,000 patients per year coming from all areas of the inland empire. The dedicated hospital staff of 1,200 people contributes to the overall wellness of those patients coming to the hospital. Over 250 physicians, both family practitioners and specialists, make up the hospital's medical staff, treating patients for diseases ranging from the very rarest to the most common.

Mr. Speaker it is a pleasure to recognize the many contributions of St. Bernardine's Hospital has made to our community and to the lives of those it serves. I wish them Godspeed and the best of luck for continued success.●

TOM O'TOOLE AND SCOTT JACOBS

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. JOHN L. BURTON. Mr. Speaker, I would like to extend my heartiest congratulations to Tom O'Toole of Tiburon and Scott Jacobs of Corte Madera, who recently competed in the Junior Worlds. They are members of Marin County's Rowing Association. They placed an admirable second in the Junior Worlds, a national and worldwide recognition of their outstanding talents.

At 17, Tom and Scott are a great tribute to both youth and competitive sports. Their ability to place in the Junior Worlds after only rowing together for 6 weeks represents a unique combination of teamwork and sportsmanship.

I am sure the residents of Marin County would like to join with me in extending our congratulations, and we look forward to hearing more good news about these fine young men.●

NEED FOR REASONABLY PRICED RENTAL HOUSING

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GONZALEZ. Mr. Speaker, there is a growing concern across the country over the lack of reasonably priced rental housing. In some cities there is almost nothing available for the average family interested in renting and I understand that the vacancy rate nationwide is down to 5 percent, the lowest it has been in the 24 years this type of data has been available.

There will be some rental housing built within the next year but most of it will be either insured or subsidized by the Federal Government. There is absolutely no incentive for private investors to get into the rental housing market.

This reason for the lack of interest is basic. The investors can no longer make a profit from building new rental housing or even rehabilitating units because of the high cost of money, building materials, land, and ever-increasing operating costs. Thus, rental housing for the average citizen is going the way of the horse and buggy.

I am very concerned over the fact that the low- and middle-income families may soon find themselves not only priced out of the housing market, but also out of the rental market, and I am proposing today a bill called the Residential Rental Housing Tax Incentive Act of 1980. The thrust of my bill is to encourage the building and rehabilitation of private rental housing, including low-income rental housing, through tax incentives.

There are three major provisions to my bill. Two deal with new rental housing while the third deals with an incentive for the rehabilitation of existing stock.

The first provision calls for new rules dealing with depreciation for new construction of residential rental housing as well as low-income rental housing. My bill would allow a 10-year straight line depreciation for new construction of residential rental housing and an 8-year straight line depreciation for low-income rental housing.

Under present law all new construction may be depreciated over the useful life of the building—25 to 30 years—in a straight line method, or an accelerated schedule can be used. However, almost all developers have used the straight line method since accelerated schedules are subject to the minimum tax and recapture provisions.

My bill defines useful life as 10 years and 8 years depending on the type of rental housing, accelerating the depreciation schedule significantly without the penalties currently incurred when a rapid depreciation schedule is used. And since my bill calls for straight line depreciation only, there is no excess depreciation which may be penalized through the minimum tax or recapture provisions.

The second change my bill calls for is the repeal of section 189 of the Internal Revenue Code of 1954 as it applies to residential housing.

Under present law all construction period interest and taxes are amortized over 10 years, even though they are out-of-pocket expenses at the time incurred. My bill would repeal this for the construction of rental housing and low-income rental housing and allow an immediate writeoff of such costs.

The third provision would extend section 167(k) to all existing rental housing. This section presently allows a 5-year amortization of rehabilitation expenses for improvements made on low-income rental housing and the change in my bill would extend the rapid amortization provision to all existing residential rental housing. This section would also eliminate the excess depreciation created by the rapid amortization schedule as an item of tax preference. And finally the bill increases the expenditure limitation allowable under this provision in order to bring it into line with current costs of rehabilitation.

I strongly encourage action on my bill when the House returns in November. The rental housing situation will not improve overnight, even if we have a drastic change in our present economic situation, and the only way we are going to see affordable rental housing produced in the quantities needed is to make this time of venture economically viable. I believe my changes in the tax law would do that and urge my colleagues support for the measure.●

THE HEROIN EPIDEMIC: ALL IS NOT QUIET ON THE WESTERN FRONT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GILMAN. Mr. Speaker, I am greatly distressed by a recent United Press International story, September 22, 1980, entitled, "Heroin Down, Grass Up," that cites "a recent report sent by the President to Congress." The report is the "Annual Report on the Federal Drug Program (1980)." The UPI story stated:

> HEROIN DOWN, GRASS UP
>
> WASHINGTON.—Heroin addiction in the United States has reached its lowest point for 10 years although there is "growing acceptance" of marijuana and cocaine use, the White House said.
>
> "There are now fewer than 400,000 heroin addicts in our country, the lowest number in 10 years," said a report sent by President Carter to Congress.
>
> It warned, however, that heroin from Southwest Asia "poses a growing threat to these gains."
>
> The government is also attempting to counter "growing acceptance of drug use in the country, a disturbing trend which has resulted from the glamorization of the use of drugs such as marijuana and cocaine, and which has masked the issue of their harmful effects," it said.
>
> Between September 1976 and September 1979, heroin overdose deaths in the United States decreased by 80 percent and heroin-related injuries decreased by half.

The impression left by this report is that all is quiet on the heroin trail, which is contrary to the reports that our Narcotics Select Committee has been receiving and contrary to the narcotic enforcement officials that we have been consulting. The White House perception that heroin trafficking and addiction is on the decline, despite its awareness that "heroin from Southwest Asia poses a growing threat to these gains," is, in my opinion, a myopic interpretation of available evidence. It sends the wrong message to the public regarding the dangers of narcotics trafficking and drug abuse.

Just last week, Robert Morganthau, district attorney for New York County, warned that heroin arrests and heroin-related deaths in New York City have sharply increased and that cities along the eastern seaboard are facing "a massive crisis" of heroin addiction.

Hardly a day goes by that a hospital emergency room does not report a heroin death or a heroin-related injury. According to Mr. Morganthau, an estimated 600 individuals will die from heroin overdoses this year, a sharp increase from the 472 reported heroin deaths for last year and a meteoric increase in the 246 heroin deaths for 1978. Hospital emergency room visits for heroin overdose have already reached 684 for this year, compared to 702 for 1979 and 480 for 1978.

Banner headlines daily reflect the magnitude of the drug epidemic in our Nation. The following indicate only the tip of the heroin iceberg.

A 'Massive Crisis' on Heroin in East Coast Seen by Morganthau (New York Times, Sept. 23, 1980).

Heroin Is Coming, Help Is Not (New York Times, Sept. 24, 1980).

Carey Asks Liquor Tax Rise for 'War on Heroin' in State (New York Times, October 1, 1980).

A Treasure in Opium Poppies Is Ripe for the Plucking in Golden Triangle (New York Times, Sept. 8, 1980).

State Fears Heroin Deaths Rising (New York Post, Sept. 10,1980).

Rise in Drug Addicts Strains Programs in New York State (New York Times, Sept.1, 1980).

Heroin—It's Back and Deadlier (Herald Statesman, June 22, 1980).

Mob Seen Cashing In on Drug Trade (Philadelphia Daily News, August 20, 1980).

Drug Abuse Up: Island Groups Apply for State Aid (Staten Island Advance, June 26, 1980).

Drug Crimes Shooting Up at Pharmacies (Wall Street Journal, June 30, 1980).

Mr. Speaker, it would be a mistake for the public to believe that the heroin epidemic facing our Nation is decreasing or for our citizens to be lulled into complacency regarding the dangers of narcotics trafficking and drug abuse, when current evidence point in the opposite direction. If the UPI story accurately reflects the administration's perception of heroin trafficking and addiction in this country, then I urge a reexamination of the current narcotics data and better consultation with State and local law enforcement and health officials, public interest groups and other experts in the drug field. The administration needs to become better informed and the public must be awakened to the fact that all is not quiet on the western front's heroin trail.●

FIRST BAPTIST CHURCH OF FALL RIVER CELEBRATES ITS 200TH ANNIVERSARY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mrs. HECKLER. Mr. Speaker, I am pleased to take this opportunity to extend my heartfelt congratulations to the congregation of the First Baptist Church of Fall River on their 200th anniversary. The church stands as a shining monument to a country which was founded for the purpose of promoting freedom of religion for all through the separation of church and state. I take a particular sense of pride that the First Baptist Church was founded in the 10th Congressional District of Massachusetts which I am proud to represent in the Congress. From the time the church was first organized by Capt. Jonathan Brownell and Patience Boomer Brownell in 1781, until its bicentennial anniversary this year, the First Baptist Church has made countless unselfish contributions to the community which have enriched the lives of all of us.

Four years ago the First Baptist Church worked vigorously to salute this country in the year of its bicentennial. It is now time for the country to salute and thank the First Baptist Church for 200 years of much appreciated community service and a tradition of patriotism that makes us all proud to be members of this community.

I wish to particularly congratulate the Reverend Donald S. Mier and the Reverend W. Sheldon Hurst who are the distinguished spiritual leaders of a dedicated congregation at this historically significant moment in the history of the First Baptist Church of Fall River.●

RECOGNITION OF JOHNSON PRODUCTS CO., INC.

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. STOKES. Mr. Speaker, on September 27, 1980, Johnson Products Co., Inc. sponsored the Congressional Black Caucus spouses luncheon and fashion show. Proceeds from this event will be used to support the Congressional Black Caucus foundation graduate legislative intern program.

The CBC Foundation is a nonprofit, nonpartisan, tax-exempt organization. Black and minority graduate students are afforded the opportunity to observe and participate in the legislative process of the Federal Government, through the intern program.

There is no question that the decade of the 1980's will be a decade of increasing hardship and difficulty for black and poor people. Aware of the need for a network of support across the country the Congressional Black Caucus expresses its sincere gratitude to Johnson Products Co., Inc., for its generous contribution.●

HOLOCAUST IN LAOS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DORNAN. Mr. Speaker, the holocaust. We envision death camps, mass murder by ideological fanatics of innocent human beings, the totalitarian excess that plagues the modern world. It happened in Germany. It happened in Cambodia. It is now happening again in Laos and Afghanistan. I ask my colleagues to examine the following article by Jane Hamilton-Merritt of Readers Digest.

GAS WARFARE IN LAOS: COMMUNISM'S DRIVE TO ANNIHILATE A PEOPLE

The place is not a pretty sight. I.V.s drip fluid into skinny arms. Doctors and nurses scurry from one wooden-slab bed to another, responding to pleas for help. I am at Ban Vinai, a refugee camp along the Mekong River just inside northern Thailand. It is populated by some 35,000 H'mong (pronounced Mong) tribal refugees from the mountains of Laos. They suffer from severe malnutrition, malaria, amoebic dysentery, tuberculosis, pneumonia and a host of parasites. For many there is a tragic complication: they have been gassed.

One of them is a friend of mine; yet I don't recognize him, although I have passed his pallet at least 20 times. Finally, through his pain, he recognizes me and sends a relative to bring me to him.

Nhia Yang Vang, about 40, had once been vigorous, energetic. Now he is a skeleton with sunken, haunted eyes. In a weak voice he tells me he had returned to Laos after I saw him in January. Concerned about relatives, he had gone back there with a party of 19 men for three months. During that time, he says, his team had been in areas sprayed by poisonous chemicals nine times.

Every few minutes his talk is broken by a racking cough that nearly strangles him. He spits bloody sputum into a tin can. A H'mong nurse tells me that he had chest pains, finds breathing difficult, cannot eat.

Nhia continues: "They hit us at the end of May at Nam Khing with the yellow chemicals. It was a white plane like a Soviet helicopter—low enough so that I could see the figures of two pilots. Immediately when they dropped the gas I fell to the ground vomiting blood. My eyes burned; I could not see. I have the 'red' diarrhea.

"It was a powder. When it touched my skin it became sticky, like an ointment, and when water is put on it, it becomes liquid." He stops for another bout of coughing. "You know, after a rain the chemicals will get into the water and poison it. Now that it is the rainy season, it will be so easy to poison us all."

"Just Like the Jews." In 1960, there were at least 500,000 H'mong in Laos. Today, perhaps 70,000 are still alive there, many of them sick or dying of malnutrition. Another 50,000 are in Thai refugee camps, and some 35,000 have been resettled in Western countries. The H'mong survivors in Laos now face a terrible future, for they are the targets of a deliberate, calculated policy of extermination.

This policy is the tragic heritage of the H'mong commitment to America's effort to prevent a communist takeover in Vietnam and Laos. The United States, unwilling to send its own troops into Laos, opted for another kind of army—a guerrilla army recruited mostly from the H'mong, but also from other Laotian tribes, such as the Yao, Lahu, Lao, Teung. Trained by the U.S. military and the CIA, the H'mong formed the backbone of the resistance against the communist forces in Laos that were supported by North Vietnam, China and the U.S.S.R. They sabotaged war supplies moving south along the Ho Chi Minh Trail, and rescued American pilots shot down in Laos. They proved adept at intelligence work, gathering vital information on troop, tank and supply movements.

Gen. Vang Pao, who commanded the H'mong forces and now lives in the United States, told me recently that his forces destroyed millions of dollars' worth of military equipment, medical and food supplies moving down the Ho Chi Minh Trail into South Vietnam between 1962 and 1975. "To do that," he said, "my people gave 12,000 lives. All of that was secret, but now I want the American people to know."

When the Americans pulled out of Vietnam and Laos, the H'mong—and the sacrifices they had made—remained largely unknown. But the Vietnamese and Pathet Lao did not forget. Li Chai, who now lives in Denver, Colo., and is a leader of the H'mong refugee group there, tells why: "The communists know that we were the Americans' hands, arms, feet and mouths. That's why they believe they must kill all H'mong—soldiers, farmers, children. We suffer and die just like the Jews in World War II, but the world ignores us."

Hide in Caves. Gen. Vang Pao says, "Communists gassing of the H'mong people began in August 1975, at Mung Om and Nam Fen, south of Phu Bia, where 17,000 men women, and children were killed. I learned from a Pathet Lao defector that from 1975 to 1978 the gassing has killed 50,000 H'mong in the Phu Bia area alone. During that time some 45,000 died from starvation and disease, or were shot trying to escape to Thailand."

Today, in tribal refugee camps in northern Thailand, H'mong refugees tell of starvation, rape, the crippling of children whose fathers worked for the United States, of massacres. But what frightens them most are the poisons, which they call "rain," "gas," or "smoke," for they cannot hide from the chemicals that poison them, their water, animals, plants and fields.

Survivors speak of several kinds of "rain." Yellow and red are very serious, and a direct hit means sure death. Green and blue-green rains are not as immediately lethal. A small bit of opium often enables victims to survive, but they suffer vomiting, bloody diarrhea, fever, bleeding through the nose, and dizziness.

Recently, still another chemical, a light-yellow powder, has been dropped by four-engine planes or by helicopters. The latter, a U.S. military spokesman tells me, resemble Soviet MI-4s or MI-8s.

A H'mong farmer, looking much older than his 40 years, says: "For two years they attack my area in Laos. The planes cover us with red smoke, and the people and animals die. We cannot grow rice or farm. We must hide in caves.

"They drop poison on us 200 times in 1978 and 1979. The first time five people die immediately. Red smoke rolls over the area and everyone is sick. It smells like burning rubber. I swallow a bit of opium, but slide to the ground unable to move. In about an hour I can get up, but I cannot eat or drink. I become very skinny. Twelve more people in my village die of being skinny."

Chronicle of Horror. The stories are countless. One man sits before me in Ban Vinai refugee camp in Thailand carrying "evidence" of the continued gassing in Laos. Trained by the Americans in intelligence in the 1970s, this former H'mong lieutenant had crossed the Mekong River to Thailand on June 6. From a miniature diary that he miraculously managed to bring, he quietly reads:

"On 15 May 1980, two Soviet helicopters dropped yellow powder on a H'mong village of 200 at coordinate TF9376. Thirty-five died within seven days; the remaining are very sick."

He recites another attack. Then, carefully turning the tattered pages of his diary to check dates, figures and locations, he chronicles what happened to him after the American withdrawal from Laos in April 1975:

"The first gas attack was in October 1975. The communists couldn't take our village by fighting, but they came back with airplanes. One carried red gas, another yellow. Those near where the chemical rockets exploded fell unconscious, with bleeding from the mouth and nose. Many died. Soon afterward a yellow water flowed from their bodies.

"They hit us with gas for three days. Seventy-five people died immediately. Five hundred more died within a short time. I was lucky, for I was not in the village at the time.

"For three years we were constantly attacked like this. We must live in the jungle like animals. Since early 1980, people are so hungry that they eat leaves exposed to the chemicals, and 715 people have died in my area. I dig in the ground for roots and water, but many are too weak to do this. We have no cloth to cover our bodies from mosquitoes, so we all have malaria. We have no medicine, so we are all sick."

SHOT IN THE ARM

On a visit to Thailand in January, my friend Nhia Vang, who had just escaped from a Vietnamese prison camp in Laos, told me a story not only of genocide, but of an added horror: medically supervised experimentation that uses chemical agents on imprisoned H'mong men, women and children:

"In November 1978, a Vietnamese force of 3500 captured about 1200 H'mong men, women, and children—including mine—in the jungle where the red and yellow smoke had forced us to live. We were taken to a camp called Tong Mien, which held 2000 H'mong prisoners. We were given only a small portion of rice every 15 days, and many of my people were shot trying to get to the forest for food.

"Then, on March 25, two MiG jets flew low over our prison camp and sprayed us with white rain. One hundred people died immediately. The rest of us had diarrhea for 20 days, then fever; we cannot walk or raise our arms. Many more people die.

"In May, four Pathet Lao medics gave injections in the arm to 30 H'mong, including me. It was the color of water. I immediately became dizzy and could not breathe. Blood spurted from my nose and I fell to the ground unconscious. A relative blew opium smoke over me for several hours and finally the bleeding stopped. In 12 hours I could see again and by the next day I could walk.

"The next day four new medics came. This time they had injections and pills for 40 gassing victims. Some medics gave my people injections and green pills, others injections and white pills. Nothing happened for 12 hours; then they have trouble seeing, can't speak and black out. Fifteen died; the rest are very sick for a long time. The medics wrote reports on the people given medicine." What has been the response of the United States to these atrocities? In my view, it has been appallingly weak and ineffectual.

The House Subcommittee on Asian and Pacific Affairs has taken testimony on the gassings. And the State Department and Department of Defense have made their own investigations. But they and other U.S. officials, including those in the White House, refuse to acknowledge that the evidence is conclusive.

After listening to testimony at the subcommittee hearings in April, Congressman Jim Leach (R., Iowa) stated: "I personally interviewed these refugees. I read State Department and Defense Department reports which are so numerous and so persuasive that they cannot be denied. No one in the White House ever saw a person being gassed in Auschwitz, but we know it occurred. I think this Administration has a moral responsibility to tell the people of the world what is happening."

Urgent Mission. What government agencies want for "conclusive evidence" is a body for autopsy. But there are serious logistical difficulties in obtaining recently gassed victims and fresh chemicals because the gassing occurs in the remote mountains of Laos, many days' walk through enemy territory to the Thai border. One H'mong found a dispensed gas canister, wrapped it heavily in old clothes, and started to walk it out of Laos to Thailand. The chemical residue in the canister killed him before he reached the Mekong.

I asked Vang Neng, H'mong chief at Ban Vinai, about the U.S. insistence on having a body for autopsy. In a voice of frustration and anger, he said, "Yes, I have bodies for autopsy. I learned yesterday that the communist gassed a village on May 14, killing ten immediately. This is many days' walk from the Mekong. By the time we carry one body out, it will be spoiled."

Last fall, a step in the right direction was made when a team from the office of the Army Surgeon General was sent to Tailand to investigate the gassing allegations. They interviewed 40 men, two women and a 12-year-old girl, all of whom were witnesses to, and survivors of, gassing attacks in Laos, and concluded in a report withheld from the public that chemical agents had been used against the H'mong. Two recommendations were: to "develop a plan whereby blood, tissue or other specimens may be rapidly transported from the suspect area to the Biomedical Laboratory for analysis, and to establish a medical team, on a standby basis, prepared to travel to the site of future allegations to conduct interviews/examinations." The final recommendation read: "From a military defense position, it would seem to be an extremely urgent mission to initiate every effort possible to identify the chemical agents that have been used and to develop appropriate countermeasures, antidotes, etc."

Unfortunately—indeed, unbelievably—those recommendations have been ignored. On June 30, 1980, I reported to the U.S. embassy in Bangkok that I had located two men in a refugee-camp hospital who reported being gassed in the latter part of May. The timing for testing was within the six-week limit recommended by the Surgeon General. After 14 days of evasive and false information by the embassy and other U.S. officials in Thailand, I returned to the camp myself to speak directly to the two men recently gassed and to the camp medical personnel.

Only then did I learn that medical experts familiar with gassing had not conducted the investigations. We had sent a Thai nurse and an American public-health worker, who admitted he was a "novice" with regard to chemical warfare and, in his own words, had "very little" instruction even in how to collect samples. When I left Bangkok on July 18, the specimens were still there.

"Will You Help?" While the West refuses to acknowledge the use of lethal chemical agents by the Soviet-backed regimes of Hanoi and the Pathet Lao, the Vietnamese government applauds its army's chemical-warfare branch by awarding it a Ho Chi Minh medal. According to Hanoi radio monitored in Thailand in April 1980, Gen. Le Trong Tan told the unit: "Chemical weapons contributed to winning the great victory in the great anti-U.S. salvation resistance struggle" and in "tasks in the new situation." The "new situation" undoubtedly refers to Laos, Cambodia—and possibly to Afghanistan.

The State Department calls evidence suggesting a Soviet role "circumstantial," but it is more than that. Independent intelligence sources have confirmed the presence of Soviet Gen. V. K. Pikolov's chemical-warfare forces in Laos—and subsequently in

Kabul, Afghanistan. In addition, Soviet chemical-warfare experts are said to have visited several cities and areas in Laos to inspect "chemical explosives"—artillery shells, bombs, rockets. In sum, it is hard to escape the conclusion that the Soviets are involved, certainly in the production and distribution of chemical agents, and probably in on-site surveillance and medical experimentation.

Meanwhile, the H'mong continue to die. A H'mong leader who is responsible for almost 30,000 civilians in Laos recently crossed into Thailand. His words haunt me: "I have come to see if anyone has food, clothing or medicine to protect us from the gassing. Someone must help, soon, or we will all die. We are friends of the Americans. We fought for freedom. Will you help?"

Will we? How?

First, a fully publicized Congressional hearing—both Senate and House—into the gassing of the H'mong should be held. This would inform the U.S. people and attract world-press coverage of the atrocity and the U.S. government should make communist gas warfare a major issue before the United Nations and every international forum.

Second, direct pressure should be applied on Hanoi by Free World industrial nations on whom Hanoi greatly relies for the technology and financial aid to rebuild Vietnam. This must be done at the highest private "hot-line" leader-to-leader level. Hanoi should be told that this inhuman policy must stop or aid will be halted.

Finally, since Vietnam is a client state of the Soviets (apparently the source of the lethal chemicals), the United States should inform the Soviets that any discussions of other issues will be put off until we are satisfied that chemical warfare in Laos has ceased.

AT BAN VINAI CAMP, Vang Chue, an 18-year-old boy who has been gassed, is carried into the hospital. His chest heaves with erratic contractions and he struggles to breathe. His face is heavy with sweat and I see a tear looming—the first H'mong-soldier tear that I have ever seen. I lean down to talk with him.

"I'm so sorry that my country is dying," he says in a voice of pain. "Please do something."●

A "ROASTED" DAN BUTCHER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ANDERSON of California. Mr. Speaker, on October 23, the Encino Shrine Club is going to "roast" Dan Butcher, one of Shrinedom's most active members, and a man whom I have known for over 20 years. Aside from the "roast," and to speak in a serious vein, Dan's record of achievements, both for the Shriners and others, is something I would like to chronicle for my colleagues.

Although born in Salt Lake City, Utah, Dan has lived in California for over 30 years. He has been a successful contractor for even longer than that, and his involvement in the construction business has been considerable indeed. He earned his real estate broker's license in 1963, and with his knowledge of the building needs of the community, has parlayed these two areas of expertise into five companies of which he is president.

At the same time that Dan was succeeding in his business endeavors, he was becoming increasingly active in many social and charitable organizations of the South Bay area. He has been a member of several Masonic lodges for many years, and has been a Shriner for over 25. As a Shriner, Dan Butcher is an active and esteemed member, as his involvements with over a dozen area Shrine clubs will attest. Concurrent with these many memberships, Dan was also a key participant in the Los Angeles District Attorney's Advisory Council, the Torrance Rotary Club, and the Torrance Chamber of Commerce. Dan has a perfect record of attendance with the Rotary Club, and in 1970 was appointed to the club's board of directors. Dan was also a vice president of the Torrance Chamber of Commerce for 3 years, from 1968-71. Yet Dan declined the presidency of both these organizations in order to devote as much of his spare time as possible to the Shriners.

Dan's involvement with the Shriners, on all levels, has continually been marked by dedication and untiring willingness to assist in all phases of their activities. His steady rise up the ladder of shrinedom success is apparent: in 1968 and 1969, Dan Butcher was elected president of the El Toga Shrine Club. In 1969 he also became second ceremonial master, and the following year, first ceremonial master. He was chosen an oriental guide in 1971, and proved himself so capable in all these roles that 1975 saw Dan elected illustrious potentate of the Al Malaikah Shrine Temple in Los Angeles. This, Mr. Speaker, is the largest temple in shrinedom, with 71 clubs in the Greater Los Angeles area. Dan's trusteeship at the Temple soon followed.

The awards that Dan has received from other organizations is further proof of the diversity of his involvement. In 1974, the Governor of Louisiana, Edwin Edwards, conferred upon Dan the title of honorary colonel and aide-de-camp on the Governor's staff. And in 1975 the Orange County Campfire Girls issued Dan a certificate of appreciation for his work with their group; Dan received a similar citation from the YMCA in 1979. The Southern California Gas Co. awarded Dan a plaque in 1977, praising him for his conservation of energy in construction. The following year, Jack Rogers named one of his horses after Dan, and "Dan Butcher" went on to win several races at Hollywood Park. He still runs, as a matter of fact, which seems appropriate to me, Mr. Speaker, since Dan Butcher the man hasn't stopped running either.

Dan Butcher has been an integral part of the South Bay area for over 30 years, both in his professional and personal life. The pinnacle of success which he has reached in business, is equal to his achievements as a Rotarian, chamber of commerce member, and Shriner. It surprised me to learn, Mr. Speaker, that even with all these activities, Dan, in some more spare time that seems to exist only for him, has built a floppy-disk computer, which, of course, is another source of enjoyment to him.

Having known Dan and his family for such a long period of time, my wife, Lee, and I, extend our love and best wishes to them all. We are certain that Mary, Dan's beloved wife, as well as his four children, Debbie, Candy, Gary and Dan, are as proud of Dan's impressive record of service to the community as we are. We wish all of them continued success and happiness.●

CYPRUS WAITS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DERWINSKI. Mr. Speaker, the October 4 edition of the prestigious magazine the New Republic has just reached the newsstands. This edition includes an impressive article by Russ Hoyle, appropriately entitled "Cyprus Waits." The article is critical of the do-nothing policy followed by the United States for the last 3½ years under the Carter administration. This do-nothing policy is in contrast to the campaign promises made by Mr. Carter in 1976.

This article follows for the attention of Members:

CYPRUS WAITS

(By Russ Hoyle)

Six years after the Turks' Afghanistan-style invasion of Cyprus, Greek Cypriots (as well as more than a handful of their Turkish compatriots) are anxiously awaiting the second volume of Henry Kissinger's memoirs, which presumably will explain, in real-political detail, why the US left them to twist in the wind during the summer of 1974. The Turkish "intervention"—winked at by Watergate-preoccupied Republican policy-makers at the time—succeeded in neutralizing the government of the late archbishop Makarios, Cyprus' unpredictable, left-leaning "red priest." It gave the security-minded Turks considerably more than a foothold on the island. And it also accomplished the long-awaited strategic goal of polarizing the Cypriot population into Greek and Turkish enclaves.

Otherwise, US "management" of the 1974 Cyprus crisis was an unmitigated disaster of inattention, shifting designs (if any), and hopeless execution. Forget, for the moment, that Turkey, in the second wave of the invasion in August, forcibly overran nearly 40 percent of this tiny island 40 miles off its southern coast in the name of some 18 percent of its people. Forget that the invasion violated just about every legal and moral standard of international decency. Forget that thoughtful Turkish officers finally halted their troops at points determined in consultation with their British counterparts, and that Greek officers failed to give their Greek Cypriot charges the order to open fire until the skies above Nicosia were dark with Turkish paratroopers. Even forget the hundreds of thousands of Cypriots who were left homeless, missing, or dead (this is history, after all). Cyprus represented for the US, as the Vietnam War wound down, a signal breakdown of the leadership the United States had exercised over its European allies since the end of World War II.

Today the US presence in Cyprus is officially described as "unseen." The diplomatic community, like the non-policy it says it is charged with carrying out, keeps a low profile—a by now familiar US response to having been burned in the past, and having lost credibility because of it. But this new American style of unctuous humility only masks an essentially unchanged set of assumptions about Cyprus. The trappings of a repentant, cautious, and overly sensitized power, in tandem with worn-out policies, now threaten to foreclose options for cooperation with the Cypriots that are of significant strategic and political advantage to US and Western interests. Unless the United States moves quickly and steadily to help both Greek and Turkish Cypriots structure a workable intercommunal settlement for governing the island, pressures generated by internal Cypriot politics may well deprive the US and Great Britain of a potentially important base of operations in the eastern Mediterranean, as well as the goodwill of a future ally. A stubborn adherence to the current policy of damage limitation and drift will help no one, and is likely to make matters worse in the long run.

Since the early 1960s, when the newly formed Republic of Cyprus first began experiencing serious intercommunal tensions, a parade of US Cyprus thinkers, from Dean Acheson to George Ball to Clark Clifford, have accepted one or another variant of policies designed to isolate the communist, or communist-leaning, elements of Cyprus. The premise, in keeping with the doctrine of containment, was to prevent Soviet access to Cyprus as a base of operations in the eastern Mediterranean. To accomplish this, the idea of partitioning the island into separate Greek and Turkish sectors, evantually to be governed by some kind of federation of Greek and Turkish Cypriots, became *de rigueur* in US foreign policy circles. In effect, this strategy came to a sort of fruition with the Turkish intervention, the demise of Makarios, and the subsequent military occupation of northern Cyprus (now called the Turkish Federated State of Cyprus), where 23,000 Turkish troops are still stationed.

But the price paid by the US for its tacit countenancing of the 1974 Turkish aggression was high indeed. Relations with Turkey soured almost irrevocably when President Ford was forced to slap an arms embargo on the government of Bulent Ecevit by a Congress outraged over the use of US weapons in the invasion. For the US, this amounted to an unprecedented intrusion of the legislative branch of government on the making of foreign policy, which seriously undercut a key military ally in the southeastern flank of NATO. This and other affronts have so deeply embittered the Turks toward the US that any American effort to press several subsequent Turkish governments to take positive steps toward a settlement on Cyprus has been considered unthinkable. Even the final lifting of the arms ban by President Carter in 1978 (which committed the US to supporting an intercommunal solution on Cyprus—a ball that Carter hastily threw into Kurt Waldheim's court) has failed to undo the damage done diplomatically, and to slow down the political and economic deterioration that resulted in a military coup in Turkey two weeks ago, despite massive recent infusions of US and Western aid (six billion dollars to date).

The second major unresolved legacy of the 1974 Cyprus crisis was the withdrawal of the Greek military from NATO to protest the invasion. Since the revolution in Iran and the Soviet invasion of Afghanistan have altered the strategic picture in the eastern Mediterranean and darkened official US perceptions of Russian intentions in the Middle East, the reintegration of Greece into NATO has become the top US priority in the region, and one that overshadows attention to progress on Cyprus. With Iran no longer serving as a stabilizing buffer next to the Soviet Union, Turkey in economic and political disarray, and the Turkish military (according to US military experts) badly in need of new equipment and structural reform to fill its NATO role effectively, a Greek refusal to bolster US and Western military interests almost certainly would create a dangerous vacuum of power in a region that is already volatile enough.

At this point, the conservative Greek government of George Rallis, beset by an electoral challenge from leftist Andreas Papandreou early next year, favors Greek reintegration into NATO, but only on terms that will not alienate Greek voters. At issue is control of air and seabed rights in the Aegean, a responsibility that the Greek military traditionally has exercised, and that the Turks, with an eye on their own security needs, want a piece of. So far, Turkey has refused to accept Greece's reentry into NATO until some satisfactory arrangement is reached on the Aegean question. Rallis already has turned down several NATO plans for joint Greek-Turkish control of the Aegean, and recently has upped the ante by threatening to dismantle US military installations in Greece unless Greece is fully reintegrated into NATO by December. For his part, Papandreou has warned that he may steer Greece into nonalignment—and well clear of NATO—if he is elected. US policymakers are currently in a race against the clock to find an Aegean formula that will patch together NATO's vulnerable eastern Mediterranean flank. Few knowledgeable observers at this time are willing to bet on a successful outcome.

In the meantime, Cyprus is on a back burner, so fearful is this administration that some slip-up on Cyprus might imperil the delicate Greek-Turkish relationship before the Aegean question is resolved and Greece is back in NATO. The US's "unseen hand" in Cyprus does little more than stroke and placate the Turks and the Turkish Cypriots. Cyprus, in the words of one American in Nicosia, exists only as "a banana peel for the government in power in Turkey."

Washington's do-nothing diplomacy is a sore and saddening point among Cypriots, who feel that US prestige and power could hasten an intercommunal settlement on Cyprus. They also believe that their loyalty to Western ways is not fully appreciated by the US government. In fact, American passivity has many Cypriots convinced that the US does not want to see an independent, nonaligned state of Cyprus—at least not for the time being. Their reasoning goes to the heart of an issue US officials refuse to discuss: Cyprus's strategic importance to the West and the future of the two sovereign British military and intelligence installations on the island. If Greek and Turkish Cypriots lived in basic harmony under a nonaligned government, they argue, popular pressure against continued Cypriot acceptance of the British and American military presence on Cyprus would grow rapidly, prodded along by a well-established Greek Cypriot Communist party and its growing Turkish counterpart in the north. The two British bases were established as sovereign British territory by Cyprus's 1960 Treaty of Establishment. Dhekelia, a major intelligence-gathering outpost on the eastern coast of Cyprus near Larnaca, reportedly is linked to an over-the-horizon radar installation in the Troodos mountains and is capable of monitoring air and naval activity in most of the Mediterranean, as well as penetrating Asia Minor as far as the Soviet Caucasus. Akrotiri, in the south near Limassol, is reputedly one of the largest RAF airbases in the world, and American U-2 aircraft regularly use it to fly reconnaissance missions over the Middle East. Prolonged political paralysis, say these Cypriots, works in favor of the US by muting inevitable discontent over the British and American presence and keeping the spotlight on intercommunal problems.

Though the theory is undoubtedly somewhat draconian, it also is a credible explanation for why the U.S. feels little pressure to push aggressively for a Cyprus solution. If the U.S. is getting what it wants out of Cyprus, why rock the boat? Officially, of course, the U.S. professes no interest in the bases, since they are, by treaty, the property of the United Kingdom and technically off limits for U.S. or NATO use. But a U.S. military and intelligence presence at the two British bases is nevertheless widely assumed; indeed, it is considered among the most open of secrets in the region. Last year the U.S. proposed some beefing up of its personnel in Cyprus for SALT II monitoring; following the fall of the shah and the Russian incursion into Afghanistan, Cypriot workers reported increased American activity at Dhekelia, though the reports were never officially confirmed, it is not so far-fetched to suppose that U.S. strategic planners, in their search for bases in the Middle East, considered Cyprus—or are considering Cyprus, in light of the possible dismantling of the Greek bases—as a potential strategic asset, perhaps as a staging area for Rapid Deployment Forces in the event of escalating tensions in the Middle East or in the eastern Mediterranean. It is just as likely that they passed Cyprus over, at least in the short term, for fear of upsetting the Greek-Turkish balance in the area and creating new domestic problems for the British on Cyprus.

Given the strategic importance of the British bases now, it is conceivable that they will become more so in the not-so-distant future. But simultaneously, as a settlement draws closer on Cyprus, the internal political pressure to exact monumental reparations from the British for their continued use, or to do away with the bases entirely, is bound to mount. There is little question that a provision for the demilitarization of Cyprus, as envisioned in the 10-point agreement worked out in 1979 by Greek Cypriot president Spyros Kyprianou and Turkish Cypriot leader Rauf Denktash (and a key basis for the current intercommunal talks of Cyprus), was meant to include both the eventual withdrawal of Turkish troops and some significant diminution of the Western military presence on Cyprus.

There is no question that the issue is already on the minds of many Cypriots. This summer the Greek Cypriot Communist party, AKEL, which controls nearly 50 percent of Kyprianou's ruling coalition in the south, withdrew its support from the government for its failure to make any progress on intercommunal talks. AKEL was careful to lay most of the blame on "US and NATO imperialism" and "Turkish intransigence," but party chief Ezekias Papaioannou did not hesitate to take Kyprianou personally to task for fudging on the demilitarization issue as it concerns the British bases. Papaioannou wants to abolish the 1960 treaty, which gave the British sovereign rights to the bases. Within six weeks the threat of a permanently splintered coalition was enough to force Kyprianou to take a compromise position on the bases, demanding that the British pay 100 million pounds to the Cyprus government in return for their continued use. Kyprianou's extortionate proposal (so outrageous, in fact, that it may have signaled to the British that the new line was merely a sop to AKEL) certainly fell far short of Papaioannou's professed goal of abolishing all British sovereign rights on the island. But the word from the highest levels of the Kyprianou government is that it is prepared to increase the stakes if the British balk at the new proposal.

Kyprianou will be under increasing pressure from the communist left to do just that. AKEL always has had very close ties to Moscow. The AKEL-Kyrianou split is consistent with the Soviets' desire for the strictest possible construction of nonalignment for an emergent Cypriot state, a tactic no doubt intended to keep both the US and NATO off balance. Moreover, since the Communists are estimated to control almost 30 percent of the Greek Cypriot electorate, AKEL's withdrawal from the ruling coalition was also probably part of an attempt to increase its own electoral strength by exploiting the bases issue, taking advantage of a new law mandating proportional representation for political parties after Cyprus's 1981 parliamentary elections. Those elections already are being touted as a referendum on Kyprianou's chances for reelection in 1983. It will be almost impossible for Kyprianou to stay in power without the support of the AKEL-socialist bloc on the left. And there is little official doubt that the Soviets realize that greater AKEL clout in parliament could create a popular storm over the British bases in the future.

It is just this kind of pressure, generated primarily on the left, that the US is afraid to exacerbate by explicitly including Cyprus in the strategic equation in the eastern Mediterrranean. But the emerging shape of the demilitarization issue in Cyprus has another dimension. Unless some action is taken to defuse broader Cypriot public opinion on the issue, precisely the kind of militant nonalignment that US policymakers saw in Makarios inevitably will dominate Cypriot politics, no matter what the US does. Cypriot leaders would be well advised to consider the consequences, since they know best that Cyprus' future always has hinged on a volatile amalgam of international as well as domestic politics.

The time has come for the eastern Mediterranean, and the U.S. would do well to reconsider its passive role in Cyprus. Opportunities have been missed. The U.S. stood by in April while a UN-sponsored initiative to revive intercommunal talks fell apart when the Turkish Cypriot negotiator inexplicably pulled out. Ironically—and shamefully for the U.S.—it was not American efforts that got the talks back on the track, but the intervention of the ubiquitous Muammar Qaddafi, a trading partner of both the Greek and Turkish Cypriots, who insisted that both parties come to Libya to iron out their differences. Unable to say no to Qaddafi outright, negotiators for both sides were so appalled at the implications of a trip to Libya that they rushed to the UN to find a way out of Qaddafi's unseemly embrace.

Now that the talks are under way, the U.S. should do everything in its power to assist in what are sure to be difficult negotiations, both in public gestures of support for a federated, bi-zonal settlement and through quiet assistance to both sides. The Turkish-occupied north is an economic disaster area. Inflation is raging along at an estimated 200 percent; the Greek Cypriot pound, officially worth 36 Turkish lira, brings 250 lira on the government-controlled black market. Trade with European countries is at a virtual standstill, as the Turkish Cypriot sector is not recognized by European Economic Community countries. Nor is the north of Cyprus eligible for the grants and loans from the World Bank or the IMF that the government of Cyprus in the south enjoys. The U.S. could play an active role in easing these problems during the lengthy transitional period the negotiations surely will involve, working in close association with the Greek Cypriots, who have both suffered real torment at the hands of the Turks and managed to bounce back impressively. They have built small temporary cities for refugees from the north, and rebuilt a strong democratic government in a matter of years. Their efforts should be acknowledged. The skepticism with which they are too often received in U.S. government circles should be moderated accordingly. The Greek Cypriots should be assiduously cultivated; they are the link to a vocal and powerful sector of the American electorate capable of making or breaking a more forthright policy on Cyprus; and they are the key to providing believable assurances of security to the Turkish Cypriot minority, for whom memories of EOKA-B terrorism and Greek internment camps are still open wounds.

Accomplishing this will not be easy, given the mess the US has helped create in Cyprus. But several things ought to be kept in mind. Whatever shape a new Cyprus government takes, the majority of the electorate is certain to be pro-Western and supportive of the instruments of economic democracy. Cypriots like to talk about Nicosia becoming a new Beirut—a center of trade and communications between Europe and the Middle East—and any newly constituted Greek-Turkish Communist party would risk political suicide by opposing so basic a Cyriot premise of well-being. It is also important to recognize that, since intercommunal talks are in progress, it is no longer necessary to take a back seat to Turkey on questions involving Cyprus. Turkish Cypriots—though not formally recognized diplomatically—should be treated not as wards of Turkey, but as partners in a new Cyprus government, even if that is not entirely the case yet. An attempt must be made to separate Cyprus policy from Turlish policy—and Greek policy, for that matter—even if only in matters of protocol and form. Finally, US policy-makers should assume that Cypriots, both Greek and Turkish, are not so much ambivalent about the US as they are confused about why an obviously powerful country chooses to use its power with such pitiful stinginess. They are likely to be much more receptive to the application of supportive US power than we have led ourselves to believe.

And this includes the matter of the British bases. Cyprus is closer to, say, the Iran-Iraq border than any of the other prospective and problematic bases in Somalia, Kenya, or Diego Garcia that the Carter administration has ballyhooed now for months. The installations on Cyprus are established, protected by friendly powers (presumably Greece, Turkey, and Great Britain will continue to be guarantor powers of a new Cypriot state, and our allies), and would require a minimum of modification for use as a staging area in case of a Middle Eastern conflagration. Even if the US chooses not to use Cyprus beyond whatever is currently the case, it should not foreclose the option by leaving the British to take the buffetings of Cypriot politics until the situation becomes irretrievable. The US and Britain should determine the potential uses of the bases, and when the time comes, so inform the Cypriot government. If we jettison our policy of drift in Cyprus, and take an active role in its creation, we will have done much to steer Cypriots into a realistic, flexible policy of nonalignment, and to insure the existence of such a government sooner than would be possible otherwise. The danger, if we persist in a policy of drift and do-nothingism, is that in 10 years we will have tossed away a considerable strategic and diplomatic asset, and most likely will have abandoned Cyprus to the next round of its bloody history.●

QUESTIONNAIRE AND OPINION POLL

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. RINALDO. Mr. Speaker, each year since I was first elected to Congress in 1972, I have conducted a questionnaire and opinion poll in the 12th Congressional District of New Jersey, which I represent.

This survey has been phenomenally successful, and each year has witnessed a greater interest on the part of constituents from all parties, economic levels, and backgrounds. This is one reason why I pay such close attention to the results of this poll; it is an effective means of gaging the opinions of constituents in all walks of life who care enough about their Government to respond to their Representative.

I have recently concluded the tabulation of the 1980 survey and would like to insert these results in the RECORD so that my colleagues may have the benefit of this questionnaire.

The survey results follow:

ENERGY

1. Do you favor increased use of nuclear power to reduce our dependence on imported oil? Yes, 68 percent; no, 23 percent; undecided 9 percent.

2. Do you believe our nation faces a real energy crisis? Yes, 70 percent; no, 23 percent; undecided 7 percent.

3. If there were a serious gasoline supply shortage, would you support rationing by the federal government? Yes, 75 percent; no, 19 percent; undecided 6 percent.

4. To reduce our dependence on imported oil, do you favor converting oil-burning electric generating plants to coal, despite possible relaxation of clean air standards? Yes, 78 percent; no, 14 percent; undecided 8 percent.

DEFENSE

5. Do you favor construction of the B-1 bomber? Yes, 58 percent; no, 19 percent; undecided 23 percent.

6. Do you think the United States is ahead of the Soviet Union in total military capability and power? Yes, 11 percent; no, 78 percent; undecided 11 percent.

FOREIGN AFFAIRS

7. The President has said that any Soviet attempt to gain control of the Persian Gulf "will be repelled by any means necessary including military force." Do you support this

"Carter Doctrine"? Yes, 61 percent; no, 24 percent; undecided 15 percent.

8. Would you favor tougher and more decisive actions by our government in solving the Iranian hostage situation? Yes, 74 percent; no, 17 percent; undecided 9 percent.

EDUCATION

9. Should parents of children who attend non-public elementary and secondary schools be allowed to deduct a portion of the cost from their federal income tax? Yes, 50 percent; no, 46 percent; undecided 10 percent.

DRUGS

10. Do you favor allowing the use of marijuana for legitimate medical purposes? Yes, 74 percent; no, 19 percent; undecided 7 percent.

ABORTION

11. Do you favor the use of federal tax dollars to finance abortions on demand? Yes, 27 percent; no, 68 percent; undecided 5 percent.

ECONOMY

12. If inflation continues at its present rate, should the President impose mandatory wage and price controls? Yes, 53 percent; no, 35 percent; undecided 12 percent.

PRESIDENCY

13. Do you think President Carter is doing a good job? Yes, 10 percent; no, 79 percent; undecided 11 percent.

14. Which of these is most capable of leading our country from 1981 to 1985? A: Jimmy Carter, 13 percent; B: Ronald Reagan, 59 percent; C: John Anderson, 28 percent.

DEFENSE BUDGET

15. Would you favor increasing or decreasing the U.S. defense budget, or would you keep it about the same? A: Increase, 67 percent; B: Decrease, 7 percent; C: About the same, 26 percent.

DOMESTIC AFFAIRS

16. What do you feel is the most pressing problem facing our nation today? A: Inflation, 77 percent; B: Unemployment, 11 percent; Energy, 12 percent.●

RISK ANALYSIS RESEARCH AND DEMONSTRATION ACT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. RITTER. Mr. Speaker, today I am introducing a bill entitled the "Risk Analysis Research and Demonstration Act of 1980." This measure is designed to establish a coordinated program, under the direction of the Office of Science and Technology Policy (OSTP) for improving and facilitating the use of risky analysis by those Federal agencies concerned with scientific and technological decisions related to human life, health, and protection of the environment.

The first session of this Congress, I introduced my comparative risk bill, H.R. 4939. In May of this year, hearings were held on H.R. 4939 before the House Subcommittee on Science, Research, and Technology. At that time, a number of my colleagues testified to the legislative need for a rational mechanism for risk analysis within the Federal regulatory process. The testimony dealt with a wide variety of areas, including medical drugs, pesticides, food additives, auto emissions, and energy sources. A number of distinguished witnesses from the private sector also urged a better separation of the objective, scientific risk assessment portion of the regulatory rulemaking process, from the more subjective, risk evaluation portion of the final decision. Attached for your information are two of many articles resulting from that hearing.

My new bill, a digest of which will follow, incorporates much of the testimony of the 1980 hearings, and is, as a result, a more comprehensive piece of legislation than the earlier version. More specifically, it better defines the role of OSTP in planning and oversight responsibility for such an effort, and recognizes the need for research with a role for National Science Foundation. This bill retains the essential feature of H.R. 4939 in that it recognizes that assessment and comparison risk are essential before regulations are promulgated to reduce those risks. For the evaluation of risk is the bottom line. It is by this process that we need to decide and inform the public, just what constitutes acceptable risk.

Risk analysis as part of the regulating process is an idea whose legislative time has come. Events of this past year have, if anything provided more dramatic proof of that fear.

For example:

Both Houses of Congress have dealt with the need for regulatory reform and for a systematic regulatory analysis procedure.

In a recent judicial decision concerning the OSHA standard on benzene, the Supreme Court spoke out against a regulatory decision that was not based on a "significant" risk. In so doing, the Court stated that "safe" is not equivalent to "risk-free."

The National Science Foundation, in its 5-year outlook report to Congress, noted that "If regulations are to become more rational, we must expand the science on which these regulations are based." It recommended that "* * * research is needed to understand the casual mechanisms underlying various risks * * *."

The National Academy of Sciences is currently preparing a report for NSF on the future directions and recommendations for research in the field of risk analysis.

At a hearing into the EPA rule permitting the use of the chemical NTA based on results of a risk assessment, a number of my colleagues defended this as a rational basis for regulatory decisions instead of the "regulatory chemophobia" that often seems to direct such decisions.

An international professional society for risk analysis is being formed, which will help coordinate the many efforts, both within and outside the Federal Government, in this interdisciplinary field.

The message of these events is that risk analysis is inevitably assuming a position of greater prominence in future regulatory decisions. Furthermore, the need for regulatory reform and the recent Supreme Court decision dictate that risk assessment will form the basis for more and more regulatory decisions. We can now lay the foundation by which the use of risk analysis can be developed in a systematic, logical way. I strongly believe that now is the time for Congress to provide direction in this emerging area. The legislation that I am introducing is in that spirit.

Additional information follows:

RISK ANALYSIS RESEARCH AND DEMONSTRATION ACT OF 1980

SECTION 1: FINDINGS

Establishes the need for a coordinated approach for the use of risk analysis within these Federal agencies responsible for regulatory decisions affecting human life and health and the environment.

SECTION 2: PURPOSE

To develop a comprehensive and coordinated research and demonstration program for improving and facilitating the use of risk analysis.

SECTION 3: DEFINITIONS

Risk Analysis: Total process of identifying and quantifying a risk (risk analysis) and determining an acceptable level of that risk (risk evaluation). Comparison of Risks—any method or methods, by which risk to human life, health or ecological systems, or alternative courses of action are compared.

SECTION 4: PROGRAM

(A) Objectives: Develop and recommend programs within the Federal agencies to improve and develop techniques for measuring, gathering, analyzing and evaluating data necessary to complete risk assessments and risk evaluations, the latter with special emphasis on use of risk comparison.

(B) Establishment: President to establish and maintain a coordinated program for improving and implementing the use of risk analysis. Office of Science and Technology Policy assigned the responsibility for oversight and advisory guidance. Regulatory Council assigned the overall responsibility for the program and for the coordinating and planning the provisions of this Act within the Federal agencies. National Science Foundation given the responsibility of coordinating and recommending basic and applied research programs with other agencies and institutions to meet the objectives of this act.

(D) Duties: within one year a report to the Congress on the use of current risk analysis within the Federal agencies.

SECTION 5: RESEARCH

Regulatory Council to recommend research required to assist the Federal agencies. NSF to recommend research required to improve the general state of the art in support of Federal agencies.

SECTION 6: DEMONSTRATION

Regulatory Council to coordinate prototypical demonstration projects within the Federal agencies.

SECTION 7: REPORT

Within two years a report recommending comprehensive research programs, legislative changes, organization changes.

SECTION 8: APPROPRIATIONS

For OSTP 50,000, Regulatory Council 1,500,000, and NSF 150,000 to carry out the purposes of this Act.●

ARMS SALE TO SAUDI ARABIA

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MAVROULES. Mr. Speaker, the sale of military arms to the nations of the Middle East is now, more than ever, a sensitive issue requiring our prudent consideration. The policy our Government must pursue should reflect our dedication to peace and stability—and, at the same time, recognize and support those nations who have already made significant strides in this direction.

It is therefore, with this commitment in mind, that I protest reports that the administration is considering the sale of additional, offensive military equipment to Saudi Arabia. And, it is with this same conviction that I have joined many of my colleagues in signing a letter to President Carter, urging him to reject any such proposal. Providing Saudi Arabia with an increased military capacity at this time would serve only to tip the delicately balanced scales of the Mideast and leave our ally—Israel—ever more vulnerable.

Such an amendment to our existing contract with Saudi Arabia would be inconsistent with Secretary Brown's assurance to Congress 2 years ago that arms increasing the range or ground-attack capability of the F-15 would not be sold to the Saudi Air Force. The sale of this equipment, at this time, would only further enflame an already unstable situation and threaten the peaceful initiatives for which we must continue to strive. The policy which has guided our country in the past, the policy which we should reaffirm today, is one which will provide an adequate defense capability—but not an excessive offensive capability—to those nations in need of a sufficient deterrent against foreign assault.

Our hope, Mr. Speaker, is that Saudi Arabia, like Egypt, will initiate in the days ahead the terms of a peaceful agreement with Israel. Our policy regarding the sale of arms to Saudi Arabia should encourage, and not deter the attainment of this goal.

CONGRATULATIONS TO LEVER BROS. CO.

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BENJAMIN. Mr. Speaker, October 17, Hammond, Ind., will be the site of an example that the U.S. economy is still growing and that the State of Indiana is leading the way.

The Lever Bros. Co. will be opening a new bar soap plant in Hammond, Ind. The new facility is significant in two respects. First, it represents an investment of approximately $45 million in the Indiana and U.S. economy during these difficult economic times.

Second, it marks the introduction in the United States of state-of-the-art technology in the soap business. Technological ingenuity led this country into its leading role in the world economy and technological ingenuity will keep us in that role.

I would like to congratulate the Lever Bros. Co. for their statement of support for the United States and Indiana economy. While many companies are moving their facilities abroad to capitalize on cheap labor, or reduced environmental regulations, it is a pleasure to see companies, like Lever Bros., who are proud of the United States and wish to remain in these United States.

Congratulations and thank you Lever Bros.●

CONSTRUCTION OF THE ALCAN PIPELINE CANNOT BE ALLOWED TO DISCRIMINATE AGAINST AMERICAN STEEL WORKERS AND U.S. STEEL INDUSTRIES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. KEMP. Mr. Speaker, at a time when unemployment in my western New York community is at 10.4 percent and much higher in the steel and steel-related auto industries in the Greater Buffalo area, I am deeply disturbed that the administration has recommended approval of the Alcan pipeline project under circumstances which appear to be detrimental to both American jobs and American tax dollars.

All of us in this body, especially those who represent constituencies in the Northeast, are in agreement that Alaskan gas is vitally important to heat 24 million homes and industries which employ some 1 million workers. The sooner the Alcan pipeline is built, the sooner this badly needed energy will be available for both the health and environmental necessities of the people and job security for the workers in gas-dependent industries.

What has been brought to my attention by my friends in the Steel Caucus is that Canada is not living up to its commitment to assure that American steel producers have had a fair opportunity to bid, on a competitive basis, to supply pipeline materials.

This situation is even more disconcerting due to the fact that U.S. workers and U.S. industries—indeed all the American taxpayers—are going to guarantee payment for the pipeline project which discriminates against their personal and community economic well-being.

I find this circumstance incredible. As one who represents an area which includes Bethlehem Steel Corp., Republic Steel and constituents who have lost their jobs at these and other steel fabricating firms because of the general economic malaise and the import of foreign steel, I am, frankly, incensed.

In behalf of the workers and industries of western New York and the Northeast, I intend to bring this urgent matter to the attention of the executive branch. And I urge all my colleagues to join me in seeking help from the executive branch to redress the far-reaching inequities of the United States-Canadian pipeline project.●

THE PROBLEM OF YOUTH UNEMPLOYMENT DOES NOT GO "ON RECESS"

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HAWKINS. Mr. Speaker, as the Congress recesses until November 12, and as the Presidential election campaign season reaches its final few weeks, I think it is appropriate that we take a moment to remember that political campaign promises and empty phrases do nothing to correct the gross injustices being borne by the unemployed and underemployed young people in our country. What our young people need is action, not words; commitment, not empty phrases and political gestures.

One year ago, the Subcommittee on Employment Opportunities, which I chair, sent a letter to the President asking for prompt comprehensive action on the new youth employment legislation.

Unfortunately, as many of us are aware, the new Youth Act of 1980 has not been passed as this Congress prepares to go on recess until after the November elections.

Over 3 weeks ago, another letter was sent to the President expressing our extreme concern that even if a youth bill were passed, funds would not be available for implementation of the program, due to the fact that the administration had not made a budget request for the new and changed youth program, nor a request for additional appropriations.

Today, in the Washington Post, I saw a small article which stated that yesterday the President asked Congress to add $2 billion to the fiscal 1981 budget for the youth jobs and training program. This statement, while welcomed, is little more than a gesture, since further action on appropriation matters will be postponed until after the election.

In the meantime, millions of our young people remain out of school, out of work, and with little hope or prospects for improvement.

Copies of the letters and article follow:

DECEMBER 20, 1979.

Hon. JAMES EARL CARTER,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am apprised that you recently received a review memorandum regarding both the acute and chronic problem of youth unemployment which recommends various policy options for legislation to be submitted to the Congress in the next session. The Subcommittee on Employment Opportunities, which I chair, has conducted a series of hearings on this issue throughout this year.

It is the intention of the Subcommittee to proceed on this matter during the first few weeks of the next session. Expeditious action is required in order to have a statute enacted so that the youth programs will be included in the 1981 appropriations. Therefore, it is essential that we receive your recommendations as soon as possible to assist us in this process.

At a minimum, the present Youth Employment and Demonstration Projects Act must at least be extended in order to continue youth services during the next fiscal year. Without your timely recommendations, the Subcommittee will face the prospect of either completing action on the legislation which is pending in the Subcommittee, including the Youth Employment Act of 1979, H.R. 4465, which was introduced by Chairman Perkins, myself and Congressman Jeffords and which has been cosponsored by over 50 Members of both parties, or reporting a simple extension of the current law.

Early completion of legislative activity on youth unemployment is also vital for the purpose of allowing the Subcommittee time to address other concerns. As the Welfare Reform Jobs legislation would not be implemented until 1982, a delay in acting upon matters which require our attention this year could defer action on this issue.

Mr. President, I urge you to submit your recommendations on future methods of reducing the unconscionably high level of unemployment among our nation's youth when the Congress reconvenes in January. I look forward to working closely with your administration on this and other employment issues.

With warm regards, I am

Sincerely,

AUGUSTUS F. HAWKINS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C., September 9, 1980.

Hon. JIMMY CARTER,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We appreciate your strong support for the Youth Act of 1980 and your assistance in securing House passage of H.R. 6711 on August 26. The overwhelming vote in favor of the legislation indicates a recognition of the seriousness of the youth unemployment problem and a firm resolve to remedy it.

We are concerned, however, that sufficient funds will not be made available to have a significant impact on the alarming increase in unemployment among our nation's youth. We believe that the amount initially proposed for the youth initiative was inadequate. Yet, even this amount was not included in the 1981 appropriations bill for Labor, Health and Human Services and Education which passed the House on August 28 as no budget request for the youth programs had been submitted by the Administration.

On May 21, we met with Rep. William Natcher, Chairman of the Appropriations Subcommittee on Labor-Health, Education and Welfare, and Mr. Bowman Cutter, Associate Director of the Office of Management and Budget, regarding the funding for the youth initiative. At that time, Mr. Cutter assured us that a budget request for the youth initiative would be submitted as soon as the House acted on the legislation.

We are writing now to urge you to submit this budget request immediately—as promised by Mr. Cutter on behalf of the Administration—in order to assure that funds will be included in the Labor-HHS and Education Appropriations bill now pending in the Senate. In the absence of a firm commitment of resources, enactment of the youth employment legislation is little more than a hollow gesture.

Sincerely,

AUGUSTUS F. HAWKINS,
Chairman, Subcommittee on Employment Opportunities.

CARL D. PERKINS,
Chairman,
Committee on Education and Labor.

CARTER ASKS $2.1 BILLION TO BE ADDED TO 1981 BUDGET

President Carter yesterday asked Congress to add $2.1 billion to the fiscal 1981 budget for a youth jobs training program, the federal courts and settlement of a Maine Indian land claim.

In a statement, the White House said the proposed budget amendment includes $1.1 billion for the Labor Department and $900 million for the Education Department, both to implement the youth program.

The amendment also includes $81.5 million for the Interior Department to provide for settlement of land claims by various Maine Indian tribes, and $4.2 million for the federal judiciary.●

VOLUNTEER FORCES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HORTON. Mr. Speaker, throughout the debate on the President's military registration scheme, I and a number of colleagues attempted to bring out the serious situation facing our Volunteer Forces. As I stated before the House last June, and as I believe today, significant improvements are desperately needed to compensate those individuals who choose to enlist for service in the military. Unless higher pay, better benefits, improved educational and promotional opportunities are provided, capable individuals will turn away from military career opportunities, and midlevel officers will be lured by better opportunities in the private sector. A recent letter I received from one of my constituents, Dr. Robert F. Clark of Rochester, N.Y., dramatically illustrates the point. More than ever, our Nation is in need of trained land, air, and naval forces. This need must be adequately filled, especially when one considers the many volatile situations occurring in Southeast Asia, and the Middle East. We can no longer afford to neglect better compensation for our servicemen, and I hope this letter serves as a reminder to my colleagues of the need for substantive improvements in existing pay and benefit schedules. Dr. Clark's impressive letter follows:

ROCHESTER, N.Y., *August 26, 1980.*

Congressman FRANK HORTON,
Rayburn Office Building, Washington, D.C.

DEAR CONGRESSMAN: On a recent trip to California to visit my son-in-law, I became upset by an incident which involved one of our high ranking servicemen in the Navy. I have known this young man for a number of years. He is a full commander in the regular Navy and a graduate of Annapolis with a masters degree. He has been stationed in one of the naval air stations on the west coast, in command of an A7 jet and is a highly skilled competent naval officer very much dedicated to fulltime naval service.

Recently he was transferred from the west coast to the War College in Rhode Island. This man with two small children and his wife is being required to drive across country, sell his house himself and put one of his cars up for sale because he was not given any money for his travel expenses across country. It is my understanding from a good source that he will be reimbursed at the rate of 12½¢ a mile and other expenses after he reports for duty at the War College in Rhode Island. Because of the difficulty of having a lot of ready cash this full commander was required by his financial status to stay with friends at several points across country while traveling to his new assignment and has been given no advanced money to make this trip.

I would liken this incident to a similar one in civilian life; namely, my son-in-law, who is an engineer working for FMC Corporation. He was working in West Virginia and subsequently transferred to San Jose, California to a different division. FMC Corporation bought his house, provided him with 18½¢ a mile to cross the United States and sent him a check for $1000 for incidental expenses while traveling. They also provided him with funds to help him obtain a mortgage in the new house in San Jose while working for the company in the new location. They also indicated that if the $1000 was not enough, that he could obtain further funds to cover the cost that he would incur while traveling across country. They also shipped his second car to the new location. This civilian, junior executive, who is similar in working rank to the Navy commander is being thoroughly covered by his company.

My reason for writing this letter is because I am very upset with our current military systems with the threats from Russia and other unfriendly countries. I think it's quite shocking to see that our Congress and Armed Forces cares very little about dedicated senior ranking officers whom I consider at least at the same level as an engineer with a private company. I do not understand how we could possibly entice qualified, well trained, intelligent men into military service if they are treated such as this senior officer is being treated. I think the rules and regulations of the Armed Forces are archaic and rather naive in the presence of current costs.

Furthermore, I do not know how we can possibly attract men into volunteering at the level of private and seaman if we cannot take care of our senior officers. Most of all I do not see how we can possibly expect men to volunteer for military service when they are going to be cared for as poorly as this.

Unfortunately, the only way that we can possibly do this is with conscription which almost becomes, in the eyes of the young people, slave labor and is a shocking thing to think that people in your position will allow such things to occur when our national defense is so critical. We should begin to build up, at least on paper, a fighting force to show the Russians and others that we intend to defend the United States against all aggressors.

Very truly yours,

ROBERT F. CLARK, M.D.●

AMERICAN LEGION POST 60

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mrs. SPELLMAN. Mr. Speaker, in the early morning hours of March 9, 1979, tragedy struck American Legion Post 60 in my own community of Laurel, Md. As Post Commander Edward Strainge and other members of the post watched in horror, fire destroyed their 37-year-old post home, a former USO club for area servicemen. At times, the flames shot 175 feet in the air, destroying not only the structure but irreplaceable trophies and photographs as well.

Mr. Speaker, the fire was such that today, 18 months later, those associated with the post still feel the loss. But, it is a loss tempered with gratitude and goodwill. For, as Post Adjutant Raymond P. Jacquez put it:

> Countless memories, trophies and pictures were burned (but) we at Laurel Post 60 gained a great deal. We have had the unique experience of seeing just how much people care and how much they want to help.

Mr. Speaker, the story of how the community responded to the Laurel American Legion Post fire is an inspiring one indeed. It is story of friends reaching out to friends in an hour of trial. It is a story of cooperation and working together toward a common goal. And, for this reason, I feel my colleagues would benefit from hearing just what happened in the wake of that tragic fire last year.

Within hours of the blaze, post 60 received offers of help from both the Maryland State and National organizations of the American Legion. Local posts offered both financial and material aid and local civic and fraternal organizations offered their assistance. The response was nothing short of overwhelming.

For 18 months, post 60 had free use of an office and the board of directors' meeting room at the Citizens National Bank in Laurel. The Laurel Building Association graciously allowed use of its board room for executive committee meetings of both the post and its ladies auxiliary. And the Laurel Boys' and Girls' Club offered the use of its facilities for squadron 60 meetings and weekly bingo sessions.

The Laurel Moose Lodge, the Shriners of Laurel and the Boumi Temple of Baltimore likewise made gracious donations to post 60, noting that "it could happen to us and we know you would respond in the same fashion."

Laurel Elks Lodge Chapter 2283 not only allowed post 60 the use of its facilities for general membership meetings but also threw open its doors to post members on a social basis. That, of course, helped greatly in maintaining a spirit of unity during a trying time. And American Legion Post 40 in Glen Burnie, Md., held a huge fundraiser that started post 60 on the long road to recovery.

Throughout the long period of planning for reconstruction and during the actual reconstruction, Laurel Mayor Robert DiPietro and his staff provided invaluable guidance and assistance. Once reconstruction was under way, Laurel's Police Department kept a watchful eye on the site so that no significant loss of building materials occurred.

After more than 9 months of planning, the first shovel of dirt in the rebuilding of post 60 was turned on January 1 of this year. And just a few weeks ago, on Saturday, September 13, 1980, I had the extreme pleasure of participating at the dedication of the newly completed post home.

Mr. Speaker, a wise man once said that "your friends are your needs answered." For American Legion Post 60 in Laurel, Md., that was most definitely the case. It was truly a long haul, involving an investment of no less than three-quarters of a million dollars. But, with the able assistance of its own members and its many, many loyal friends, post 60 has seen its "needs answered" in full. Thanks to the cooperative efforts of people and groups representing nearly every segment of the community, post 60 has been able to rebound and rebuild from that tragic night in March 1979.

Mr. Speaker, I know my colleagues will want to join me in offering heartfelt thanks and sincere appreciation to all those who aided and assisted post 60 over the last 18 months. The story of their efforts in the wake of last year's fire is the story of the United States of America, people helping people. It is the story of brotherhood, of goodwill, of generosity. And it is one that will not be forgotten for many years to come.●

MADRID FOLLOWUP CONFERENCE TO THE HELSINKI FINAL ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to an important conference which will open on November 11, 1980: The Madrid Conference To Review the Implementation of the Helsinki Final Act. Obviously, Soviet behavior will be high on the agenda. Understandably so.

Less than 1 year ago, the world was stunned by two brutal acts by the Soviets. The first was the premeditated invasion of Afghanistan by the Soviet Armed Forces. The second incident is less blatant in nature and in scope: The systematic and extensive expansion of the persecution of Soviet dissidents, including the exiling of the eminent physicist and peace advocate Andrei Sakharov.

For many others in the Soviet Union, these events come as nothing new. The oppressive nature of the Soviet regime is a longstanding reality. During 1979 there appeared a glimmer of hope for the untold thousands who desired to emigrate, with a record 51,303 applicants being granted an exit visa. In 1980, however, this glimmer of hope grew dimmer. For Jewish dissidents in the Soviet Union, investigations, detentions, harassment, job dismissals, arrests, and kangaroo trials with harsh sentences are the order of the day.

An estimated 20,000 refuseniks are still waiting for approval of their exit visas. In the meantime they are being denied permission to study at universities and are generally isolated from everyone including their own families.

Having been actively involved in the issue of human rights, I am disturbed that the degree of persecution behind the Iron Curtain has reached new heights. I was appointed as a congressional member of the American delegation to the 1977 Belgrade Review Conference on the Implementation of the Helsinki Final Act. At that time, I submitted to the Soviets a brief setting forth the U.S.S.R.'s noncompliance with the accords because of their systematic interruption of international postal communications. Since that time, there has not been much, if any, improvement. The Soviets continue to interrupt U.S. mail to citizens of the Soviet Union and is continuing its policy of failing to notify the sender of nondelivery and the reasons therefor.

The Madrid Conference must confront the Soviets with this issue. The declarations of intent contained in Basket I and Basket III have in no way been fulfilled with regard to the Jewish minority and other minorities in the Soviet Union. Human contacts with other people in other countries have not been facilitated; on the contrary, serious obstacles have been placed in the way of such contacts. In fact, new obstacles indicate an effort on the part of the Soviet authorities to isolate the Jewish community in general, and the activists in particular, from any contact with the outside world. One such effort has been the deliberate interruption of U.S. mail postmarked for Jewish citizens in the U.S.S.R.

Each year, thousands of postal items, including private communications, packages, vyzovs—invitations to join family members abroad, and cultural materials, are sent to Soviet Jews from the United States. A large portion of these items either disappear or are opened, inspected, and/or confiscated by postal officials of the Soviet Union, constituting a direct, illegal interference with the freedom of communications realized here through the international postal system. These matters led me to introduce legislation—House Concurrent Resolution 167—by which the U.S. Congress strongly denounced the Soviets practices and urged a cessation of mail interruption activities. That legislation passed both Houses of Congress by a unanimous vote in 1979.

Despite the efforts of many countries, individuals, and small communities, not to forget the world press, the Soviets continue striking at the very foundation of the final act, weakening the already critical issue of détente, and creating a situation in which cooperation in other fields cannot continue on its previous basis. Emigration rates continue to drop at a rate of 30 percent a year, and the wave of new arrests and trials appears to still be riding on a high crest.

As we all know, Anatoly Shcharansky, Yosef Mendelevich, Ida Nudel, and others, are still languishing in the cruel detention system which Alexander Solzhenytsyn so well described in his "Gulag Archipelago." I have conferred and worked with Avital Shcharansky, the wife of Anatoly, on numerous occasions as she pursues her objective of making the world aware of the true nature of the Soviet regime and its treacherous methods of dealing with anyone, including her husband, who speaks out in favor of human rights and reminds the Soviet officials of its obligation to following the Helsinki accords and promoting the spirit of the 10 principles contained in the Declaration of Principles. I have, alongside many other concerned people, contacted the Soviet officials on his behalf. As anticipated, all our inquiries and appeals have gone unanswered.

A case in point demonstrating the arbitrary nature of the Soviet system is that of Yosef Mendelevich. After having been denied an exit visa for his family for the fourth time, Yosef lost all hope of ever leaving Russia legally. On June 15, 1970, he was arrested at the Smolny Airport near Leningrad. In his one-sided show trial he was sentenced to 15 years of confinement in a strict labor regime. No prisoner in a Soviet labor camp can be envied, but life in such circumstances is especially intolerable for a devout observant Jew like Yosef who refuses to eat nonkosher food and courageously persists in the strict observances of his orthodox religious beliefs despite the resultant harassment.

I am especially concerned about the health of both these prisoners and of course other men and women like them, who have been pushed to their physical limits, with no end in sight. All have shown signs of deteriorating health, but under the circumstances are still in sound spiritual and emotional health.

Mr. Speaker, our Nation's actions have been consistent with the intent of the final act, which links political, economic, and security cooperation. The United States is now continuing intensive preparations for the Helsinki followup meeting in Madrid. It is certainly within our right and perogative to seek a thorough and candid review of the implementation of the final act, including a pressing of the Soviets on the human rights and humanitarian issues on a case-by-case review. I urge my colleagues to have their voices heard at this time, to demonstrate a renewal of support for those victimized by the Soviet's blatant disregard for human rights.●

CORRECTION OF SOCIAL SECURITY RETIREMENT TEST AND LIMITATION OF SOCIAL SECURITY BENEFITS TO PRISONERS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. PICKLE. Mr. Speaker, I would like to inform the House that both the House and the Senate have now taken final action of H.R. 5295, a bill from my subcommittee which makes corrections in the social security retirement test and which limits social security benefits to prisoners.

The House took final action on this matter yesterday evening, and the Senate, late last night, completed its action. This is important legislation for many insurance agents, partners, teachers, students, and others adversely affected by the repeal of the monthly measure of retirement in the 1977 social security amendments.

The final version of the bill also included important amendments limiting social security benefits to prisoners—an issue which has outraged many both within and outside of the Congress.

I wish to commend first, Hon. ANDY JACOBS of Indiana, the original sponsor of legislation both to correct the monthly measure and of legislation to limit benefits to prisoners. His steadfast work was vital in bringing about the successful completion of this effort. Congressman BILL COTTER was most helpful in this effort also.

Also I wish to commend the cooperation we have had on this bill from Hon. BARBER CONABLE, BILL ARCHER, particularly on the prisoners bill, BILL GRADISON, and all the members of the Social Security Subcommittee and the full Ways and Means Committee and of members of the Senate Finance Committee who cooperated in moving this measure along substantially in the form in which the subcommittee acted upon it.●

SAVING CAMBODIA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BOB WILSON. Mr. Speaker, an editorial from the September 7, 1980, issue of the San Diego Union is a reminder that there is still a tragedy of vast proportions in existence in Cambodia, and even though a magnificent relief effort has been mounted to help the unfortunate citizens of that country who have been caught in the crossfire, there is still much to be done.

The Union speaks to the future of the region and what should be done. Though not viewing the future through rose-colored glasses, a case is made to treat the disease, and not the symptoms.

SAVING CAMBODIA

A conscience-stricken world responded to famine in Cambodia last year with one of the largest international relief operations since World War II. Food, medicines, and volunteers flowed to the Thai-Cambodian border in a desperate effort to save the already-decimated Khmer people from extinction.

The heartening results of this response are measured in the hundreds of thousands of Cambodians who would not be alive today had someone not cared.

The relief effort continues, as it must, along the Thai-Cambodian border and inside Cambodia itself. More than a quarter of a million refugees on or near the border are wholly dependent on international aid. Within Cambodia, a majority of the population suffers varying degrees of deprivation due to inadequate food supplies and critical shortages of essential medicines and health care.

Still, the acute crisis of last year's famine has been surmounted and food shortages this year, while serious, are probably not life-threatening in most areas of the country.

But what of the future? Cambodia's economy and its work force remain devastated by a succession of calamities. At best, it will be years before Cambodia can be restored to something approaching self-sufficiency.

Inevitably, the healing process will be slowed drastically and perhaps frustrated altogether by the Vietnamese occupation and by the continuing guerrilla war directed against Hanoi's forces.

And there is no hope of ending the festering refugee crisis along the Thai border so long as Cambodia suffers foreign occupation, war, and concomitant food shortages.

In sum, each of the problems that afflict Cambodia and its people are intertwined. Solving any of them requires an approach capable of resolving them all.

At some point, this will probably necessitate an international conference involving all of the parties to the Cambodian tragedy: Vietnam, China, the Soviet Union, Thailand, the United States, and, to be sure, representatives of the Khmer people.

The ideal solution, and one the United States should steadfastly promote, would be the withdrawal of Vietnamese troops and their replacement with a United Nations peacekeeping force. This would provide the stability Cambodia needs to rebuild its economy and the freedom its people must have to begin the process of determining their own political future.

A neutral Cambodia, which is the likely choice of most Khmer, would pose no threat to Vietnam or Thailand. More importantly, the neutrality guaranteed initially by the presence of a U.N. peacekeeping force would shield Cambodia from the big power rivalries that have been its ruination during the last decade.

With stability, security, and a reviving economy, Cambodians would then be free to fashion political institutions appropriate to their needs without coercion from outside powers or from the remnants of the genocidal Pol Pot regime.

Indeed, even the Khmer Rouge now profess at least to support the imposition of a U.N. peacekeeping force and free elections to choose a new government.

We don't mean to suggest that arranging an international conference on Cambodia and attaining the results listed above would be easy. It would not.

Vietnam and its patron, the Soviet Union, may see no reason to surrender the ill-gotten gains of aggression. It is the task of diplomacy to convince them otherwise.

Nor would we pretend that Cambodians themselves could resolve their own political differences overnight, given the bloody legacy of the last ten years.

But the alternative to pursuing a comprehensive solution for Cambodia is to continue to treat the symptoms—refugees and hunger—while ignoring the disease itself.●

THE PLIGHT OF VLADIMIR KISLIK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DERWINSKI. Mr. Speaker, I would like to direct the attention of the Members to the plight of Vladimir Kislik, who along with thousands of other Soviet Jews, remains separated from his family and relatives and has been denied the right to leave the Soviet Union in order to emigrate to Israel to join his family.

Even during such threatening times, we cannot forget the Soviet dissidents who are continuing to be victimized within the Soviet borders by repressive internal policies of that nation's leaders.

Soviet repression of this movement has been intense, often effective. Soviet authorities have resorted to arrests, trials, and imprisonment, confinement in psychiatric hospitals, forced emigration for some, and refusal to allow emigration for others, as in the case of Vladimir Kislik.

The continued incarceration of Vladimir Kislik and many others, coupled with the systematic harassment of the many hundreds of families not only violates the Helsinki agreement, a pact that the Soviets initiated and promoted, but also serves as a harsh reminder that the climate of suppression of basic freedoms still remains in the Soviet Union.

Vladimir Kislik has paid a drastically high price for his principles and for being a vocal critic of the repressive attitudes and acts of the Soviet Union. If we, in the United States, do not voice our vigorous opposition to this repression and harassment then we are little more than accomplices to these repugnant actions by the Soviet Government.

Although a signatory of the Helsinki rights accords and the United Nations Universal Declaration of Human Rights, the Soviet Union has repeatedly proven by its actions that it has no regard for human rights. This issue has continued through the years to be among the most sensitive aspects of Soviet-American relations. We cannot be silent and give our approval to the denial of such freedoms.

The Kislik case is an example of the continuing repression by the Soviet authorities of Jews whose sole crime is a desire to be reunited with their families and to enjoy their religious freedoms. We must continue to speak out for the nearly 200,000 who have applied for permission to emigrate as well as for those whose fear of reprisal has prevented them from requesting permission to leave.

I join with Temple Anshe Sholom located in Olympia Fields, Ill., in praying for the release of Vladimir Kislik, who they have adopted as their prisoner of conscience, and for all those people who seek religious and personal freedoms, and the right of emigration.

I insert some of the pertinent information regarding Vladimir Kislik's case, so as to provide documented evidence of the mistreatment to which he and other Soviet Jews have been subjected:

SOVIET JEWISH REFUSENIK CASE HISTORY

Name: Vladimir Kislik.

Address: USSR, Ukrainian SSR, Kiev 154, Rusonovsky Bul. 10, Apt. 122.

Date of birth: 1935.

Profession: Engineer, Candidate of Physics and Mathematics (Ph.D); working as bookbinder.

Date of first Application: 1973.

Date and reason for Refusal: 1974.

FAMILY DATA

Spouse: Yevgenia Kislik.

Children: Maxim (son).

Other: Father, born 1901, address same as Vladimir Kislik.

Relatives/friends outside the USSR: Wife and Son: Yevgenia and Maxim Kislik, address: Givat Hatakhmoshet 2, Kiryat Sharett, Holon, Israel.

HISTORY AND BACKGROUND/ADDITIONAL INFORMATION

Since he first applied to leave the Soviet Union in 1973, Vladimir Kislik has been subject to constant harassment and persecution. His case clearly represents a violation of the Helsinki Accord, as he has been separated from his family since 1973 when his wife and son were allowed to leave for Israel and he was given the impression that he would soon be able to follow them. His harsh treatment by Soviet authorities indicates he has been selected to be an example to other potential emigrants, as part of the official policy of deliberately discouraging application for emigration.

Kislik was a distinguished scientist at the Kiev Institute of Nuclear Research. The work he did there concerned problems widely discussed internationally in the 1960's and since published in both scientific and popular literature, with his name deleted from all papers he wrote or published. Since he left the Institute in 1966 he has not been engaged in any "secret work", and after his 1973 visa application he has not worked in the scientific field in any capacity recognized by the Soviet authorities. He has held menial jobs and now is working as a bookbinder.

In 1974 Kislik was forcibly prevented from traveling to Moscow to meet with American senators and congressmen, and in that same year was the victim of a brutal beating which the police refused to investigate. He was also the victim that year of verbal abuse by crowds outside his home. He was called then "a traitor and an Israeli spy" and was first arrested as a result of this disturbance.

In early 1975 Kislik was told officially that he would not be allowed to emigrate for at least another five years. On September 28, 1975 Kislik was one of a number of local activists who were threatened and arrested in order to prevent a demonstration at the memorial being erected at Babi Yar. All of those activists have been allowed since to emigrate to Israel, with the exception of Vladimir Kislik.

In May 1976 Kislik's phone was disconnected after he had spoken to his wife in Israel, and after being warned by police to discontinue the scientific seminars he had been organizing annually since 1974, he was arrested and severely beaten by police.

In March 1977 he and six other refuseniks in Kiev declared a five day hunger strike in protest at not receiving any replies to their requests for exit visas or reasons for refusal. During this time his telephone was reconnected and again disconnected, and by this time he was under constant surveillance by KGB, agents "guarding" his apartment.

In April 1977 he was forcibly removed from a train as he was about to leave for Moscow.

In September 1977 Vladimir Kislik was called in for interrogation in connection with the Anatoly Scharansky case and subsequently an article appeared in the main Kiev newspaper accusing him of being an agent working for foreign hostile countries. He was interrogated on several more occasions and a Moscow broadcast in English repeated the accusations of spying activities.

In March of 1978 he received a warning by the KGB after signing a letter in defense of Scharansky. In September of 1978 another Kiev newspaper article accused him of being a black marketeer and a swindler and his apartment was searched with many personal articles confiscated.

In December 1978 he was warned by the KGB that his file was "far from being closed", he was again accused of "anti-

Soviet" activities and he remained under constant surveillance.

In January 1979 Kislik was prevented from going to Moscow to attend a scientific symposium. In April 1979 he was one of a group of refuseniks arrested outside the Kiev OVIR office and detained by authorities for several hours. He was again attacked in a newspaper article, accused of being an idler avoiding work, and open accusations were levelled against him linking him with Sharansky who had been by then sentenced to imprisonment.

On August 15, 1979, Kislik was arrested and detained by the KGB to prevent him from Babi Yar when the US Commission on the Holocaust toured the massacre site.

On August 20, 1979, he was again detained by the KGB for interrogation at the time that Israeli delegates to the International Scientific Congress were visiting Kiev.

At this time Vladimir Kislik's position remains very precarious and there seems to be no prospect of him being able to join his wife and son in Israel in the near future.

On July 4, 1980, Kislik was accused of hooliganism and sentenced to two-weeks imprisonment, which was extended to an additional two weeks. On July 19, 1980, Kislik was taken to a psychiatric hospital and we received word he was released on August 4th.●

SENATE—*Wednesday, October 15, 1980*

(Legislative day of Thursday, June 12, 1980)

ADDITIONAL STATEMENTS

AIRLINE DEREGULATION

● Mr. BAUCUS. Mr. President, I would like to share with my colleagues a very interesting article that appeared recently in the New York Times. Authored by Paul Grimes, the article, "Deregulation's First Two Years For Air Travelers," is one of the best analyses I have seen to date on the effects of airline deregulation. Although the verdict on airline deregulation is not yet conclusive, the article identifies a number of impacts. Among them are lower fares on competitive routes, more crowded planes, and reductions in service, especially in rural areas where market forces are insufficient to allow for competition at reasonable rates.

Mr. President, I am deeply concerned about the effects of airline—as well as truck and railroad—deregulation on our rural communities. I fear that if we do not monitor these effects carefully in the next few years, rural areas may become even more isolated than they already are. I, therefore, offer this article for insertion in the RECORD as part of my efforts to keep us all apprised of impacts of legislation to deregulate major sectors of the transportation industry:

DEREGULATION'S FIRST TWO YEARS FOR AIR TRAVELERS

(By Paul Grimes)

On Oct. 24, the Airline Deregulation Act will be two years old. Those familiar with the travel industry acknowledge it to be one of the most significant pieces of legislation in recent years. It has imposed a degree of competition and free enterprise on the airlines that was inconceivable a few years ago.

But in trying to assess how well deregulation has served the travelers who consume air services, a lot depends on whom you ask. In these inflationary times, the travelers who can fly from New York to Los Angeles, 2,475 miles by air, for as little as $125 one way, will doubtless cheer. But the frequent business traveler to New Haven who finds that the city is no longer served by any major airline but mostly by short-haul commuter lines may complain.

Deregulation has brought great bargains to those travelers fortunate enough to want to fly from one major population center to another—or perhaps to an exceptionally popular resort. Meanwhile, it has posed substantial hardship on passengers to small towns who have found that, without the heavy hand of Uncle Sam ordering an airline to maintain service, the milk plane doesn't stop there any more.

"The thing that we like about it most," said David S. Stempler of the Airline Passenger Association (a group working primarily for business travelers), "is that it has sort of moved the passenger from the passenger seat to the driver's seat. It creates an industry where each individual business must compete for the consumer. The airline that does best in terms of price or route will do best generally."

Cornish F. Hitchcock of the Aviation Consumer Action Project, a Washington-based organization affiliated with Ralph Nader, says travelers would have been "much worse off" if the old regulatory system had been retained during these last two years of inflation and recession.

"The airlines wouldn't have had the flexibility to enter new markets, and it would have been difficult for them to move out of markets where they were losing money," Mr. Hitchcock said. Deregulation has brought bargain fares to competitive routes, he said, and has given travelers more options.

Citing the introduction of coast-to-coast scheduled service by World Airways and Capitol International Airways, which had previously been authorized to fly only charters, he said:

"People who live in other parts of the country say, 'Well, gee, we have World only in the East Coast-West Coast corridor, and that doesn't do us much good,' but I say, 'Well, do you want to go back to where you didn't have them at all?' "

Before deregulation, interstate airlines—those whose services came under the purview of the Civil Aeronautics Board—needed board permission for almost everything, including changes in fares. The way this worked out, competition came to be based, not on price, but on scheduling and on inflight amenities.

The board also had to approve or disapprove all route-change applications. Its policy was to protect existing carriers and to keep newcomers out. Between 1950 and 1974, for example, the C.A.B. received 79 applications for routes from companies that wanted to enter the airline industry. All were rejected.

Deregulation actually began in early 1977, when the C.A.B., with a mandate from the Carter Administration, began to ease airline controls. Among its first moves was to allow American and Texas International Airlines to introduce deep-discount fares. The board also loosened substantially the restrictions on the operation of point-to-point charter flights, provoking the major scheduled airlines to respond with bargain fares. Soon the era of super-savers and other promotional offerings was in full swing.

Meanwhile, the C.A.B., first under Alfred E. Kahn and then under Marvin S. Cohen, the current chairman, gradually lessened restraints on an airline's ability to introduce and drop routes. It allowed so-called "supplemental" carriers—such as World, Capitol and Transamerica—to establish scheduled services at reduced rates. It gradually increased the fare flexibility it granted the major carriers, thereby encouraging real competition and offering passengers the chance to shop around to find the cheapest fare on a route.

Under the 1978 legislation, deregulation is gradual. The act provides for the phasing out or transfer of functions of the C.A.B., the principal American regulatory agency in the field of air service. (The Federal Aviation Administration is concerned primarily with air safety.)

By December 1981, the C.A.B. will have given up most of its authority over domestic routes, such as who flies where and when. On Jan. 1, 1983, it will lose control over domestic fares and its authority over domestic mergers and interlocking relationships among airlines. On Jan. 1, 1985, the agency will cease to exist, unless Congress acts to preserve it.

Some C.A.B. functions will be taken over by other governmental agencies. To a substantial extent, international air services will be subject to government-to-government negotiation and agreement, as they are now. But air service within the United States and to some other countries will be as unregulated as travel by the family car.

One effect travelers will feel is the loss of the C.A.B. as a protector and complaint bureau. These functions are being turned over to state and local consumer protection agencies and it remains to be seen how effective they will be. It could be much more difficult to obtain redress from an airline if travel goes amiss.

The board contends, however, that consumer complaints against airlines have diminished recently as the airlines adjust to dealing with their passengers in an increasingly competitive environment. But experience has shown that the board's bureau of consumer protection has mediated in consumer grievances to a degree that cannot be expected of other governmental or private consumer agencies.

So far under deregulation, many new routes have been established, although others have been dropped as uneconomical. Competition has greatly increased on some routes, notably between the coasts, between the Northeast and Florida, between certain cities in the West and between the United States and Europe. As a result many bargain fares have persisted and new ones have been introduced, despite inflation. In 1978, a year of relatively stable fuel prices and a healthy economy, "consumers saved more than $2.5 billion through reduced air fares while the industry achieved record operating profits," according to the Congressional testimony last May of the C.A.B.'s chairman, Mr. Cohen.

According to industry statistics, even last year—a time of inflation and soaring costs of fuel—the average air fare, because of deep discounts on many routes and their use by perhaps one-third of all American air travelers, rose at less than half the rate of increase of the cost of living. The United States Travel Data Center, an independent research organization in Washington, reports a 41.2 percent rise in air fares between August 1979 and August 1980, but that percentage is based on what has happened to unrestricted, full economy rates and does not take account of bargains. The statistics indicate, however, that consumers could be hit hard if the airlines end the bargain fares that now are moderating travel costs.

Here are some of the pluses and minuses ahead for travelers as deregulation continues to unfold:

The pluses:

Competitive fares on highly competitive routes, although after the current coast-to-coast bargains expire on Oct. 31, probably not so low as $125 one way.

Lower fares on such routes as New York-Chicago and New York-Washington, where there has been little competition, or where competitors have avoided undercutting each other. In the next few months, however, the expected entry of an affiliate of Texas International into competition with the Eastern Air Lines shuttle between New York and Washington, and New York and Boston, is likely to lower prices. So is the expected entry of Midway Airlines in the New York-Chicago market.

Great convenience for travelers who live in suburbs of some cities, in downtown areas of others and in some smaller cities. For example, Air Florida already has service between White Plains and Washington and is planning flights between White Plains and Chicago. Texas International has just started flights between Bradley Field, Windsor Locks, Conn. (serving the Hartford-Springfield area) and the Baltimore-Washington airport with some fares much cheaper than Eastern's New York-Washington shuttle. In Chicago, meanwhile, Midway is using the down-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

town airport of that name, which for many travelers is much more convenient than O'Hare International.

As noted by Mr. Stempler of the Airline Passengers Association, if you can fly out of a small city airport, such as White Plains, rather than Kennedy, "it will probably cost you much less to get to the airport in terms of time, price and anxiety." But to guarantee scheduled service from smaller cities, an airline, whether large or small, will have to have ample passenger volume.

Greater ease and increased bargain fares for flights abroad. Under deregulation and through negotiation with foreign governments, many new gateway cities have been established in both the United States and abroad. It is now possible, for example, to fly directly from Atlanta to Brussels, bypassing New York.

Possibly a widespread breach of the tradition under which all travel agents charge the same price for the same type of air ticket on the same airlines. Several moves are afoot—largely to the consternation of the trade—to sell tickets at net rates to agents and allow them to add whatever surcharge they prefer, rather than require them to charge a set rate that includes a commission.

The minuses:

More crowded long-distance planes—if that is possible—as airlines strive to make their operations as cost-efficient as possible; more changes of plane in such "hub" cities at Atlanta, St. Louis or Chicago.

More complicated ticketing, and possibly higher travel costs, as disparities in fares and sizes of aircraft make it more difficult to transfer in midjourney from one line to another where there are no direct flights.

For relatively short flights, increasing dependence on commuter airlines—the noncertified airlines that fly planes with fewer than 56 seats. As recent investigations have shown, the safety records of many commuter airlines are far from adequate, and many of them show little concern for customer relations. Their fares are often higher than on certified carriers.

Discontinuance of air service for cities or routes that do not generate enough traffic to cover airline costs.

A growing need to shop, shop, shop. It is often difficult to determine, either directly from an airline or through a travel agent, the lowest and most suitable fare from Point A to Point B. Under deregulation, however, it could become necessary to compare what travel agents charge, in addition to what airlines charge.

Initially, deregulation was criticized by the heads of many of the nation's biggest airlines. They liked the old system that based fares on mileage and allowed all scheduled airlines flying the same route to charge identical fares for first or economy class. The major airlines often chafed under Government restraints but they were suspicious of how free a market the Administration had in mind. As C. E. Meyer Jr., the chairman of Trans World Airlines, recalled recently, he had feared that the deregulation deck would be unfairly stacked against the major carriers "as a kind of penalty for their very size and success."

Today, however, Mr. Meyer speaks this way: "I am now a firm believer in the virtues of deregulation—converted by experience, if not actually 'born again.' I am, in fact, so zealous a convert that I'm now prepared to say, 'Let's get on with it—and go all the way.'"

To a great extent, however, the first two years of deregulation have been far different from what its designers expected. The legislation was enacted at a time of a buoyant economy, single-digit inflation and 38-cent-a-gallon jet fuel. But the Consumer Price Index increased by nearly 13 percent in the last year and the cost of a gallon of fuel rose to 88.1 cents this summer, which has affected airline fares, services and profits in ways that neither the carriers nor the deregulators anticipated. So, despite the glowing comments of some airline executives, most of the big carriers have been suffering. Some executives have expressed optimism for the remainder of the year, but for the first half of 1980, United States airlines as a whole were reported by the Air Transport Association, their trade group, to have lost about $475 million, compared with a profit of nearly $250 million a year earlier.

Those that have gained this year have been mostly smaller carriers, especially commuter lines, with lower operating expenses and an ability to operate with peak efficiency on shorter routes. According to Julius Maldutis, an airline analyst for the investment firm of Salomon Brothers, the 10 major American trunk lines lost $430 million in operations in the first half of this year, compared with $175.5 million in profits a year earlier.

To some analysts, the course that many major airlines have been following seems almost suicidal. At a time of economic distress, they have poured many millions of dollars into promoting loss-leader fares in an effort to undercut their competition on prestige routes. Service, however, has deteriorated because of cutbacks in flights, creating sardine-can conditions for passengers.

What all this indicates is the difficulty in assessing whether the beginning of deregulation has been good, bad or something between; conditions have simply been highly abnormal. "We have to see a full economic cycle," a spokesman for the Air Transport Association said. "So far we have seen mostly a recession, inflation and soaring costs of fuel. We still have to see what happens in prosperity, too."

Yet industry leaders, like Mr. Meyer of T.W.A. and Richard J. Ferris, chairman of United Airlines, insist that they like the flexibility that deregulation has given them. Some of the smaller, formerly regional, carriers, such as Texas International and Air Florida, speak with pride of the opportunities deregulation has given them to expand selectively, without being burdened by vast numbers of aircraft and employees, and give the major carriers a run for the dollar.

And the rapidly growing—and largely unregulated—commuter airlines seem delighted at the opportunities to fly their smaller planes on routes that the major carriers have found uneconomical, and to charge as much as they think the traffic will bear.

Mr. Meyer of T.W.A., having shed his criticism of deregulation, now says, "I want more—as soon as possible." But in some segments of the travel industry there is worry that a free marketplace could be chaotic. In the view of Joseph R. Stone, president of the American Society of Travel Agents, a lot of deregulation in a very short time could mean "flying into a storm." ●

ACID RAIN

● Mr. BAUCUS. Mr. President, in September 1980, a joint hearing on the topic of acid rain was held by the Senate Select Committee on Small Business and the Committee on the Environment and Public Works. This hearing echoed the sentiment which has increasingly been expressed by those concerned with the quality of our environment. The feeling is that acid rain is the environmental issue of the 1980's for much of the Nation. As we look toward the 97th Congress, the time is ripe to begin looking for a legislative response to this problem.

Clearly, sound scientific evidence must be the foundation of any such legislative answer. I am proud to note that on August 28, 1980, a symposium on this very issue was held in Montana. Appropriately, the conference was set at the University of Montana Biological Research Station on the shores of spectacular Flathead Lake.

I had the pleasure of addressing this convocation of some of Montana's eminent scientists and public servants who share a concern for the threat of acid rain. At that meeting, I noted that we all have heard the familiar aphorism that "what goes up must come down."

Unfortunately, in the case of acid rain, the "what comes down" may be far worse than the "what went up." In the case of acid rain, sulfur and nitrogen oxides emitted by utilities, cars, and coal-fired industrial plants are spewed into the upper atmosphere. There they combine with atmospheric water and fall to the Earth as sulfuric and nitric acids. In the process, the pH of the rain is lowered, thereby indicating an increase in acidity.

The effects of acid rain are felt throughout the Northeastern United States and Eastern Canada. Today, many say that it also threatens the Rocky Mountain States and the west coast. Certainly, if this Nation's shift away from oil and gas to coal is to be realized, that threat will most certainly spread to other areas. At the same time, the need for us to expand our knowledge of this environmental hazard and to coordinate our efforts in responding to it will also grow.

I am not a scientist nor an expert on acid rain. However, I would like to note some of the stumbling blocks which we face in the political arena in addressing this issue.

First of all, acid rain does not have much sex appeal. Unlike raw sewage pouring into a stream or clouds of smog shrouding our cities, acid precipitation does not photograph well. The rain showers that fall are as refreshing as always. Acid rain does not taste bad. It does not have a foul smell. It does not make a lake look dirty.

Thus, there is some difficulty in convincing some of our colleagues that the problem exists. While one can take a subcommittee to a lake to observe the effects of untreated sewage, the same principle does not apply to a lake affected by acid rain. The water in an acidic lake would, in fact, be strikingly clear. Indeed, because of the absence of organic material, the waters would be crystalline blue.

In fact, however, such a lake is dying. Plant growth is restricted and fish reproduction is hampered. Bacterial decomposition—the building block on which the aquatic food chain is built—is impaired.

Although acid rain is not always obvious, the threat is unquestionably real. The most remarkable demonstration of this phenomenon occurred April 10, 1974, in Scotland. As umbrellas were unfurled that day, few Scots walking through the thunderstorm would have guessed that they were being showered by rain roughly as acidic as vinegar.

Closer to home, experts in the field have documented the damage caused by acid rain in the lakes and streams of the Shenandoah National Forest in Virginia, the Adirondack Mountains of New York, and the Boundary Waters Canoe Area of northern Minnesota. The damage will not stop there, however. Already, according to the Congressional Environmental Study Conference, damage to buildings and monuments has risen over the $1 billion mark.

Because research into this field is relatively new, the long term affects of acid rain on crop and forest productivity cannot be defined with certainty. However, reasonable concern exists among some scientists that productivity may well be reduced. Worst of all, increased acidity in our water supplies may result in the accumulation of toxic heavy metal in our own food chain, creating a grave health risk.

The West and Montana, in particular, have yet to feel the brunt of these problems. But danger signs do loom on the horizon. Rapid expansion of Canada's petrochemical industry in the prairie provinces is certain to occur. Combined with increased electrical generation by coal-fired plants both north and south of the border, the potential for increased acid precipitation is expanding.

On the national scene, the biggest threat is a result of the administration's proposal to convert to coal-fired powerplants as part of this country's drive toward energy self-sufficiency. Recently, EPA Administrator Douglas Costle pointed the finger at existing powerplants—not at new generating stations—as the culprits. Even so, EPA standards today require only the removal of approximately 70 percent of the sulfur content of coal. That suggests to me that even the most modern powerplants may well contribute to acid rain.

Mr. President, while there is agreement that acid rain exists, the response to this threat is divergent. Nonetheless, this diversion of opinion must not be permitted to thwart our actions. Now is the time for Congress and the administration to begin the process of preventing wholesale destruction of our lakes, streams, crop lands, and forests.

Now is the time to set forth a clear policy. A policy that avoids the extremes and seeks the middle ground. Now is the time to make the decisions that will preserve our natural resources, not to destroy them in an invisible storm of acid precipitation.

Such a national policy must move forward on three fronts. First, we must develop and strengthen our understanding of the phenomenon of acid rain itself. We need the kind of scientific research that will tell us once and for all how acid rain affects crops and timber land. We need to understand the relationship between leaching of heavy metals from the soil and acid rain. We need to explore the mechanism of long range transportation of pollutants in the upper atmosphere.

Even as I urge further research, however, I am also convinced that we may not have the luxury of waiting until all the evidence has been collected and analyzed. Thus, I believe that thoughtful legislation is a second front upon which we must begin to move. While I support the move toward the conversion to coal as mandated in the oil backout bill earlier in this session, environmental considerations must not be ignored in legislation of this nature.

Of course, other legislative initiatives are possible, too. Modification of the Clean Air Act by the next Congress is an obvious approach. However, the development of innovative approaches to power generation presents the best long-term solution. The research which is going on in Montana at this time on the magnetohydrodynamics approach to electrical production from coal is a good example. MHD and other alternative energy sources point to the possibility of continued generation of electricity while reducing the emissions which produce acid rain.

Finally, an international air quality agreement with Canada is long overdue. Because acid rain respects no international boundary, this treaty must create a mechanism for the control of air pollution and acid rain which spill over the border from one country to the other. The treaty must seek to find a way to site major facilities so that the resulting pollution is not simply dumped over the border.

The road to that agreement is not built on selfish promises. Rather it must be based on a genuine recognition that what we do in the United States affects the very life of our neighbors in Canada. The first significant step down that road was taken August 6 of this year when our two nations signed a "Memorandum of Intent." The agreement will hopefully lead to a transboundary air quality treaty.

The Canadian Minister of the Environment estimated earlier this year that 70 percent of Canada's acid rain originated in the United States. He noted that this is one "time bomb" which has already exploded over Canada. The Minister's remarks underscore the fact that we cannot simply ignore the impact of what blows north. Our efforts to correct this situation must be nurtured carefully.

Mr. President, all too often, we in Congress tend to put off for tomorrow what we should be doing today. Acid rain is one of those issues which has been put on the back burner. Now is the time to see that this trend is reversed. The cost of acting now is far less than the result of our continued inertia. In short, we must never forget that the relationship between our civilization and its natural surroundings is a delicate balance. We are the stewards of that relationship. It is up to us to use our resources in such a way that would provide for our basic needs without destroying our environment.

Thank you.●

THE REAL RECORD OF PRESIDENT CARTER

● **Mr. BAUCUS.** Mr. President, there is an old adage in this town that perception is reality.

We are all rightfully alarmed by the dangerous condition that exists when decisions are made on a perception of the facts rather than on the facts themselves.

Nowhere does there exist a more critical need for accurate understanding of the facts themselves than with the record and achievements of President Carter.

He has pursued realistic solutions to difficult problems. He has avoided quick fix promises and shallow slogans.

Because he has refused to simplify our problems or their solutions his political opponents have tried to muddy the waters to create the perception that President Carter does not have a good record of responsible, effective leadership. In an effort to clear the water, I submit the following:

RECORD OF PRESIDENT CARTER

1. The President has protected the peace, through his firm diplomatic skills and through his initiatives to strengthen our nation's defenses:

DIPLOMATIC EFFORTS

Negotiated Camp David Accords, bringing the first peace between Egypt and Israel and establishing a framework for comprehensive peace in the Middle East.

Completed SALT negotiations after 7 years.

Supported majority rule in South Africa leading to free elections at the end of the civil war in Zimbabwe.

Normalized relations with the People's Republic of China.

DEFENSE

Reversed decade-long decline in real defense spending through commitment to 3 percent annual real growth in defense spending.

Revitalized NATO through new weapons systems and successful efforts to have NATO allies increase their real defense spending.

Pursued development of important long-overdue weapons systems, such as TRIDENT submarine and the cruise missile.

Concentrated defense efforts on real needs and improved efficiency by improving readiness capability (Rapid Deployment Force) and military pay incentives, and by rejecting wasteful initiative like the B–1 bombers.

Firmly opposed Soviet aggression in Afghanistan through the Olympic boycott, strengthened defense presence in Persian Gulf Region, and secured Allied support in behalf of the effort.

2. The President has tackled the tough, long-ignored and politically difficult issues of vital importance to the nation:

ENERGY

Developed nation's first comprehensive energy program whose major components include phased decontrol of natural gas and oil prices, a $227 billion Windfall Profits Tax, a national alcohol fuels program massive commitments to development and use of solar and other renewable energy sources (goal: 20 percent of our energy use by year 2000), Alaska Natural Gas Pipeline, expanded commitment to coal use with responsible reclamation controls, far-reaching national conservation effort, and low-income energy assistance.

Achieved first real cooperation with Allies on energy research and development, and on energy consumption.

Results of this policy have been importation of 1.5 million barrels of oil per day below 1977 level, 12 percent reduction of oil imports, tripling of funding for solar energy research and development from last year, more oil drilling rigs in use than at any time in 25 years, and a path toward reducing dependence on foreign oil by 50 percent by 1990.

INFLATION

Inherited a decade-long problem of rising inflation and, developed program to reduce it without mandatory wage and price controls, without sacrificing the needs of the poor and disadvantaged, and without postponing politically difficult economic decisions.

Pursued a voluntary wage and price guideline program which has succeeded in moderating increases, particularly in the face of last year's 120 percent increase in OPEC prices; cooperation of labor in the anti-inflation efforts due to National Accord agreement of 1979.

Reduced regulatory burden through deregulation of key industries and by 45 percent reduction in federal paperwork requirements.

As a result of the anti-inflation initiatives of last March, inflation is coming down, interest rates have dropped at record rates, and the CPI monthly figures should soon be well within the single digit level.

GOVERNMENT BUREAUCRACY

Reduced the number of government employees by 20,000, with an additional 20,000 reduction expected by the year's end because of a current hiring freeze.

Proposed and passed twelve government reorganization plans involving the streamlining of such areas as civil rights enforcement, emergency preparedness, and White House staff (size reduction of 30 percent).

Enacted first comprehensive reform of civil service system in over a century.

3. President Carter has restored important values to the federal government:

Pursued an aggressive bold policy of human rights which has helped to change our image abroad and which has contributed to a climate of reduced political oppression and increased human rights sensitivities in a number of important countries.

Increased dramatically the funding and staffing for civil rights enforcement, tripled minority procurement by Federal government, pursued affirmative action policies in the courts and in the Administration through record-level appointments of women, Blacks, Hispanics, and other minorities to senior management positions (and more new women, Black, and Hispanic judges than in all previous Administrations combined).

Adopted policies which have restored ethics and integrity to the federal government: Ethics in Government Act (ending "revolving door" practices and ensuring financial disclosures by federal officials), and creation of Inspectors General in each Department to root out waste, fraud, and abuse.

Pursued the ratification of two additions to the Constitution essential to expanding equal and civil rights: Equal Rights Amendment (helped achieve ratification deadline extension), and D.C. Voter Rights Amendment (helped pass Congress).

Worked to maintain important civil liberties protections through new privacy legislation, the Foreign Intelligence Surveillance Act, proposed FBI and intelligence agency charters, modifications to proposed criminal code, and legislation proposed to overturn Stanford Daily decision.

4. President Carter has compassion and sensitivity for the problems of the poor, minorities, the disadvantaged, the unemployed and the elderly.

Developed nation's first comprehensive urban and rural policies.

Increased aid to state and local governments by 40 percent ($25 billion) since 1977, with major increases for mass transit (60 percent), economic development assistance (98 percent), urban economic development (3000 percent), UDAG (created in 1978), public service employment (257 percent), nutrition assistance (193 percent), and low-income energy assistance (created in 1979);

Strengthened and expanded vital human services programs: education (73 percent budget increase since 1977), bilingual and Indian education (117 percent), Head Start (73 percent), summer jobs (66 percent), elderly housing (107 percent), legal services for the poor (257 percent), Title XX Day Care (70 percent);

Led the fight for food stamp reforms ensuring benefits for an additional 2.2 million low-income Americans.

Proposed and enacted the largest increase in the minimum wage in American history.

Helped to ease mandatory retirements, rescued Social Security System from near-bankruptcy.

Proposed the most comprehensive national health insurance program ever submitted by an American President, providing expanded coverage for the poor, the elderly, and expectant mothers and infants, and protecting all Americans from the fear of financial ruin as a result of catastrophic illness.

Proposed a welfare reform program which would lift over 2 million Americans out of poverty, provide over 400,000 public service jobs, expand the earned income tax credit for the working poor, and provide $900 million in fiscal relief.

Worked to increase employment through passage of Humphrey-Hawkins Full Employment Act, 50 percent increase in CETA, enactment of youth employment legislation (nearly doubling funding to $4 billion) and proposed $2 billion additional Youth Act, doubling of Job Corps, enactment of targeted tax credit to promote private sector jobs for the unemployed, one million summer youth jobs annually, and massive job-creating policies in the energy, economic, and urban areas.

Result of employment efforts: more jobs (over 8.5 million) have been added to our workforce than during any other Presidential term in history; employment remains at an all-time high, employment among women and minorities has risen much more rapidly than among the population as a whole, 75 percent of the entire national increase in Black youth employment is due to the President youth jobs program.

5. President Carter has developed a program for the 1980s which shows vision, practicality, compassion, and purpose:

Strenthen efforts to reduce unemployment and combat the recession, increase productivity, restore our industrial base, increase our economic competitiveness, and expand our exports.

Reduce tax burdens in a targeted, responsible, noninflationary manner.

Continue and strengthen the National Accord with labor.

Expand worker protections.

Increase economic and government opportunities for women and minorities.

Enact Welfare Reform.

Ensure continued fiscal strength of Social Security system.

Continue record of progress, innovation and commitment to education.

Expand efforts to revitalize our nation's urban areas.

Ratification of the Equal Rights Amendment.

Ratification of the D.C. Voter Rights Amendment.

Continue effort to ensure effective enforcement of our civil rights laws.

Enactment of tax reform.

Enactment of vital election reforms, like public financing of Congressional campaigns and programs designed to facilitate increased voter participation.

Continued efforts to reduce dependence on foreign oil and to develop energy sources at home, particularly synthetics and renewable energy sources.

Protection of the environment against efforts by special interests to weaken that protection.

Stable farm prices and farm exports, increased agriculture productivity, expanded farm exports.

Continued real growth in defense spending.

Ratification of strategic arms limitations.

Continued strong human rights policy.

Middle East peace agreement.

Continued strengthening of NATO.

Continued development of relationship with the People's Republic of China.

Continued support for majority rule in South Africa.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR THE PERIOD FROM JULY 2 TO AUG. 7, 1980

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Henry M. Jackson:									
United Kingdom	Sterling pound	374.12	882.60	(1)					882.60
Norway	Norwegian kroner	4,443.10	930.00		1,883.08	746	156.23		2,969.31
James Roche:									
United Kingdom	Sterling pound	374.12	882.60	(1)					882.60
Norway	Norwegian kroner	4,443.10	930.00		1,883.08	746	156.23		2,969.31
James T. Fleming: United Kingdom	Sterling pound	210.21	502.41		991.88				1,494.29
Thomas L. Laughlin: Switzerland	Swiss franc	820	500.00		885.83				1,385.83
Total			4,627.61		5,643.87		312.46		10,583.94

[1] See Norway.

Sept. 18, 1980.

HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY,[1] FOR THE PERIOD FROM APR. 27 TO 28, 1980

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kalicki, Jan:									
Mexico	U.S. dollar		75.00		[2] 113.00				188.00

[1] Amended report.

[2] Amendment to Report of Committee on the Judiciary published in Congressional Record July 25, 1980, p. 19726.

EDWARD M. KENNEDY,
Chairman, Committee on the Judiciary.

July 30, 1980.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), MINORITY LEADER, FOR THE PERIOD FROM JUNE 19 TO 27, 1980

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Howard S. Liebengood:									
Great Britain	Pound	106.89	252.00					106.89	252.00
Greece	Drachma	9.743	225.00					9.743	225.00
Federal Republic of Germany	Deutsche mark	275.12	162.00					275.12	162.00
Round trip air fare					1,865.00				1,865.00
George F. Murphy, Jr.:									
Great Britain	Pound	106.89	252.00					106.89	252.00
Greece	Drachma	9.743	225.00					9.743	225.00
Federal Republic of Germany	Deutsche mark	275.12	162.00					275.12	162.00
Round trip air fare					1,865.00				1,865.00
Total			1,278.00		3,730.00				5,008.00

HOWARD H. BAKER, JR.,
Minority Leader.

July 25, 1980.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), DEMOCRATIC POLICY COMMITTEE, FOR THE PERIOD FROM JULY 21 TO 26, 1980

Name and country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Cynthia C. Lebow:									
England	Pound		504.00		992.02				1,496.02
Total			504.00		992.02				1,496.02

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,496.02
Total	1,496.02

ROBERT C. BYRD,
Majority Leader.

Aug. 25, 1980.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), ROBERT C. BYRD DELEGATION TO CHINA, FOR THE PERIOD FROM JULY 3 TO 16, 1980

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Barbara Videnieks:									
Hawaii	U.S. dollars		101.92						101.92
China	Yuan	634.79	453.42					634.79	453.42
Hong Kong	Hong Kong dollars	335.50	68.58					335.50	68.58
Japan	Yen	13,000	59.36					13,000	59.36
Alaska (refuel stop)									
J. Michael Willard:									
Hawaii	U.S. dollars		101.92						101.92
China	Yuan	634.79	453.42					634.79	453.42
Hong Kong	Hong Kong dollars	313.50	64.08					313.50	64.08
Japan	Yen	13,000	60.08					13,000	60.08
Alaska (refuel stop)									
Hoyt H. Purvis:									
Hawaii	U.S. dollars		101.92						101.92
China	Yuan	634.79	453.42					634.79	453.42
Hong Kong	Hong Kong dollars	317.98	65.00					317.98	65.00
Japan	Yen	14,440	66.74					14,440	66.74
Alaska (refuel stop)									
Walter J. Stewart:									
Hawaii	U.S. dollars		105.21						105.21
China	Yuan	634.79	453.42					634.79	453.42
Hong Kong	Hong Kong dollars	348.90	71.32					348.90	71.32
Japan	Yen	13,000	60.08					13,000	60.08
Alaska (refuel stop)									
Jeanine Drysdale-Lowe:									
Hawaii	U.S. dollars		107.52						107.52
China	Yuan	634.79	453.42					634.79	453.42
Hong Kong	Hong Kong dollars	388.30	79.37					388.30	79.37
Japan	Yen	13,000	60.08					13,000	60.08
Alaska (refuel stop)									
Arthur H. House:									
Hawaii	U.S. dollars		101.92						101.92
China	Yuan	634.79	453.42					634.79	453.42
Hong Kong	Hong Kong dollars	317.98	65.00					317.98	65.00
Japan	Yen	16,442	75.08					16,442	75.08

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), ROBERT C. BYRD DELEGATION TO CHINA, FOR THE PERIOD FORM JULY 3 TO 16, 1980

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alaska (refuel stop)									
Freeman H. Cary:									
Hawaii	U.S. dollars		120.68						120.68
China	Yuan	634.79	453.42					634.79	453.42
Hong Kong	Hong Kong dollars	469.65	96.00					469.65	96.00
Japan	Yen	13,000	60.08					13,000	60.08
Alaska (refuel stop)									
Robert C. Byrd:									
Hawaii	U.S. dollars		101.92						101.92
China	Yuan	634.79	453.42					634.79	453.42
Hong Kong	Hong Kong dollars	313.50	64.08					313.50	64.08
Japan	Yen	13,000	60.08					13,000	60.08
Alaska (refuel stop)									
Delegation expenses including direct payments and/or reimbursements to the Embassies and Department of Defense under sec. 502B of the Mutual Security Act of 1954, as amended by sec. 22 of Public Law 95-384, and Senate Resolution 179, agreed to May 25, 1977, for transportation and in-flight expenses on aircraft, overtime for Embassy employees, clerical supplies and control room expenses, communications, baggage handling, and other necessary expenses of the delegation:									
Hawaii							1,117.07		1,117.07
China							4,701.60		4,701.60
Hong Kong							2,169.09		2,169.09
Japan							2,787.22		2,787.22
Alaska							51.60		51.60
Transportation and in-flight expenses					2,437.83				2,437.83
Total			5,545.38		2,437.83		10,826.58		18,809.79

Aug. 15, 1980.

ROBERT C. BYRD,
Chairman, Delegation to China.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1980

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Graeme Bannerman:									
Algeria	Dinar		66.91						66.91
Tunisia	Dinar	97,022	246.00					97,022	246.00
Morocco	Dirham	1,136.31	300.00					1,136.31	300.00
Egypt	Pound	105.000	150.00					105.000	150.00
Jordan	Pound	5	15.00					5	15.00
Israel	Pound	20,200	400.00					20,200	400.00
United States	Dollar				2,105.00				2,105.00
Geryld B. Christianson:									
United States	Dollar				1,217.00				1,217.00
Switzerland	Swiss franc	942.35	571.12	13	7.08			955.35	578.20
Rich Davis:									
Switzerland	Swiss franc	1,005.35	609.30					1,005.35	609.30
United States	Dollar				1,217.00				1,217.00
Carl W. Ford:									
Taiwan	Taiwan dollar	18,900	525.00					18,900	525.00
United States	Dollar				1,659.00				1,659.00
James W. Fox:									
Italy	Lira	163,770	193.35					163,770	193.35
Somalia	Shilling	1,398	224.40					1,398	224.40
Sudan	Pound		165.00						165.00
Switzerland	Swiss franc	155	95.15					155	94.15
United States	Dollar				2,159.77		25.50		2,185.27
Eric Newson:									
Switzerland	Franc		500.00						500.00
United States	Dollar				1,211.00				1,211.00
John Ritch:									
West Germany	Mark	215	122.00	105	60.00			320	182.00
United States	Dollar				827.00				827.00
Rudolph Rousseau:									
Italy	Lire	228,775	273,00	378,200	450.77			606,975	723.77
Somalia	Shilling	2,841.10	455.89	1,516	243.33			4,357.10	699.22
Switzerland	Franc	553	355.96					553	335.96
United States	Dollar				1,709.00				1,709.00
Barry Schochet:									
Algeria	Dinar		66.91						66.91
Tunisia	Dinar	97,022	246.00					97,022	246.00
Morocco	Dirham	1,136.31	300.00					1,136.31	300.00
Egypt	Pound	105.000	150.00					105.000	150.00
Jordan	Pound	5	15.00					5	15.00
Israel	Pound	44,400	880.00					44,400	880.00
United States	Dollar				2,050.00				2,050.00
Total									
Stanley Sienkiewicz:									
Algeria	Dinar		66.91						66.91
Tunisia	Dinar	97,022	246.00					97,022	246.00
Morocco	Dirham	1,136.37	300.00					1,136.37	300.00
France	Franc	403	100.00					403	100.00
United States	Dollar				1,778.65				1,778.65
Total			7,617.90		16,694.60		25.50		24,338.00

Sept. 30, 1980.

FRANK CHURCH,
Chairman, Committee on Foreign Relations.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), MINORITY LEADER, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1980

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equiva'ent or U.S. currency
Joanne Novins:									
Belgium	Franc	6,020	215.00					6,020	215.00
Federal Republic of Germany	Mark	480.60	270.00					480.60	270.00
Sweden	Kroner	533.45	128.00					533.45	128.00
Norway	Kroner	452.00	93.00					452.00	93.00
United Kingdom	Pound	105.22	252.00					105.22	252.00
Sandra Mullenix:									
Belgium	Franc	6,720	240.00					6,720	240.00
Federal Republic of Germany	Mark	480.60	270.00					480.60	270.00
Sweden	Kroner	533.45	128.00					533.45	129.00
Norway	Kroner	452	93.00					452	93.00
United Kingdom	Pound	105.22	252.00					105.22	252.00
William F. Hildenbrand:									
Belgium	Franc	3,260	116.43					3,260	116,43
Federal Republic of Germany	Mark	480.60	270.00					480.60	270.00
Sweden	Kroner	415.20	99.61					415.20	99.81
Norway	Kroner	452	93.00					452	93.00
United Kingdom	Pound	105.22	252.00					105.22	252.00
G. Cranwell Montgomery:									
Belgium	Franc	5,345	190.89					5,345	190.89
Federal Republic of Germany	Mark	338.20	190.00	629.00	353.00			967.20	543.00
Sweden	Kroner	533.45	128.00					533.45	128.00
Norway	Kroner	452	93.00					452	93.00
United Kingdom	Pound	105.22	252.00					105.22	252.00
Sharon Sharp:									
Belgium	Franc	5,720	204.29					5,720	204.29
Federal Republic of Germany	Mark	480.60	270.00					480.60	270.00
Sweden	Kroner	533.45	128.00					533.45	128.00
Norway	Kroner	452	93.00					452	93.00
United Kingdom	Pound	105.22	252.00					105.22	252.00
Ronald McMahan:									
Belgium	Franc	6,720	240.00					6,720	240.00
Federal Republic of Germany	Mark	480.60	270.00					480.60	270.00
Sweden	Kroner	533.45	128.00					533.45	128.00
Norway	Kroner	452	93.00					452	93.00
United Kingdom	Pound	105.22	252.00					105.22	252.00
Robert C .McFarlane:									
Belgium	Franc	6,793	240.00					6,793	240.00
Federal Republic of Germany	Mark	480.60	270.00	629	353.00			1,109.60	623.00
Sweden	Kroner	533	128.00					533	128.00
Norway	Kroner	452	93.00					452	93.00
United Kingdom	Pound	105	252.00					105	252.00
Howard S. Liebengood:									
Belgium	Franc	6,720	240.00					6,720	240.00
Federal Republic of Germany	Mark	861.52	484.00	1,194	670.78			2,055.52	1,154.78
United Kingdom	Pound	105.22	252.00					105.22	252.00
				827	29.22				
George F. Murphy, Jr.:									
Belgium	Franc	10.080	360.00	5,488	196.00			16,395	585.22
Federal Republic of Germany	Mark	338.20	190.00					338.20	190.00
	Mark	277.68	156.00					277.68	156.00
United Kingdom	Pound	105.22	252.52					105.22	252.52
Howard O. Greene, Jr.:									
Belgium	Franc	6,720	240.00					6,720	240.00
Federal Republic of Germany	Mark	480.60	270.00					480.60	270.00
Sweden	Kroner	533.45	128.00					533.45	128.00
Norway	Kroner	452	93.00					452	93.00
United Kingdom	Pound	105.22	252.00					105.22	252.00
Thad Cochran:									
Belgium	Franc	6,220	222.14					6,220	222.14
Federal Republic of Germany	Mark	480.60	270.00					480.60	270 00
Sweden	Kroner	533.45	128.00					533.45	128.00
Norway	Kroner	452	93.00					452	93.00
United Kingdom	Pound	105.22	252.00					105.22	252.00
William S. Cohen:									
Belgium	Franc	6,720	240.00					6,720	240.00
Federal Republic of Germany	Mark	480.60	270.00					480.60	270.00
Sweden	Kroner	533.45	128.00					533.45	128.00
Norway	Kroner	452	93.00					452	93.00
United Kingdom	Pound	105.22	252.00					105.22	252.00
Howard H. Baker, Jr.:									
Belgium	Franc	6,645	237.32					6,645	237.32
Federal Republic of Germany	Mark	861.52	484.00	1,194	670.78			2,055.52	1,154.78
United Kingdom	Pound	95.22	228.00					95.22	228.00
Henry Bellmon:									
Belgium	Franc	3,792	135.43					3,792	135.43
Federal Republic of Germany	Mark	480.60	270.00					480.60	270.00
Sweden	Kroner	533.45	128.00					533.45	128.00
Norway	Kroner	452	93.00					452	93.00
United Kingdom	Pound	105.22	252.00					105.22	252.00
Total		13,232.63		2,272.78					15,505.41

HOWARD H. BAKER, JR.,
Minority Leader.

Sept. 30, 1980.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), MINORITY LEADER, FOR THE PERIOD FROM APR. 1 TO JUNE 30, 1980

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Malcolm Wallop:									
United Kingdom	Pound	54.05	117.00					54.05	117.00
Italy	Lira	272,400	300.00					272,400	300.00
United States	Dollar				587.00				587.00
Thad Cochran:									
Greece	Drachma	12,750	300.00					12,750	300.00
Turkey	Lira	5,500	74.63					5,500	74.63
Italy	Lira	204,300	225.00					204,300	225.00
William F. Hildenbrand:									
Greece	Drachma	12,750	300.00					12,750	300.00
Turkey	Lira	3,187.5	43.25					3,187.5	43.25
Italy	Lira	158,300	172.49					158,300	172.49
Total			1,532.37		587.00				2,119.37

HOWARD H. BAKER, JR.,
Minority Leader.

June 30, 1980.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1980

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lester J. Johnsen:									
Norway	Norwegian kroner	6,664.60	1,395.00		2,029.70	398	83.35	7,062.60	3,508.05
Robert S. Dotson:									
Belgium	Franc	3,416	120.00	(1)	(1)			3,416	120.00
Federal Republic of Germany	Deutsche mark	369.16	208.56	(1)	(1)			369.16	208.56
Total			1,723.56		2,029.70		83.35		3,836.61

[1] Transportation provided for by U.S. Army.

JOHN C. STENNIS,
Chairman, Committee on Armed Services.

Oct. 6, 1980.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR THE PERIOD FROM AUG. 10 TO 16, 1980

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Leonard Weiss:									
Mexico	Peso		450.00		326.00				776.00
Total			450.00		326.00				776.00

ABRAHAM RIBICOFF,
Chairman, Committee on Governmental Affairs.

Oct. 9, 1980.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FROM JULY 1, TO SEPT. 30, 1980

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Peter A. Friedmann:									
England	Pounds	383.73	920.95	11.10	26.64	151	356.36	545.83	1,303.95
	Deutsche mark			653.37	1,163.00			653.37	1,163.00
Subtotal			920.95		1,189.64		356.36		2,466.95
Mary Jo Manning:									
France	French Franc	808	202.00	1,309	325.66			2,117	527.66
	U.S. dollar				660.00				660.00
Subtotal			202.00		985.66				1,187.66

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF PUBLIC LAW 95-384—22 U.S.C. 1754(b) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FROM JULY 1, TO SEPT. 30, 1980—Continued

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sharon T. Maier:									
Switzerland	Swiss franc	1, 152. 20	700. 00					1, 152. 20	700. 00
	French franc			511. 68	127. 92			511. 68	127. 92
	Deutsche mark			1, 972. 32	1, 105. 00			1, 972. 32	1, 105. 00
Subtotal			700. 00		1, 232. 92				1, 932. 92
Total			1, 822. 95		3, 408. 22		356. 36		5, 587. 53

Oct. 3, 1980.

HOWARD W. CANNON,
Chairman, Committee on Commerce, Science, and Transportation.

MODEL STATE ADOPTION ACT

● Mr. TOWER. Mr. President, on June 4, 1980, Senators HATCH, HELMS, HUMPHREY, and I wrote to HHS Secretary Patricia Harris concerning the so-called Model State Adoption Act. We, along with a number of our colleagues who independently wrote to Secretary Harris, agreed that, on a number of particular items, the Model State Adoption Act drafted by an advisory panel was seriously flawed.

While the signatories of this letter received a bare acknowledgment of our letter from the Department, I am pleased to report that the distinguished chairman of the House Labor-HEW Appropriations Subcommittee did succeed in eliciting a substantive response from the Department. In an undated memorandum from David Johnson of Ms. Harris' staff to Fred Pfluger of Congressman NATCHER's staff, we finally learn that, "Because of the large number of public responses to the publication of a proposed Model Act on February 15, 1980, the Secretary is considering republishing the proposed act to provide the public with another opportunity to make comment."

I hope that Secretary Harris will demonstrate some responsiveness to the obvious intent of Congress in respect to this matter by deciding to republish her Department's version and by announcing this prior to the time we reconvene. Given the convincing arguments made by experts, concerned adult adoptees, biological parents, adoptive parents, and other organizations, such an announcement seems to be a minimal response.

We must also recognize the need for key organizations, such as the American Bar Association and the National Conference on Commissioners on Uniform State Laws, to be given the time to be meaningfully involved in the preparation of any "model act" issued by the Federal Government. For my own part, I shall gage the Secretary's responsiveness in this regard as one factor in her performance—not only for her current assignment, but for any further assignment requiring confirmation by this body.●

INDIAN TRIBAL COURT SYSTEM

● Mr. LUGAR. Mr. President, an article published in the summer 1980 issue of the Lamp has been brought to my attention. "A Special Kind of Justice," by Jack Long, provides an historical account of the Indian tribal court system, and recounts the astounding progress of the National American Court Judges Association in delivering a wide range of services to the Indian people. Tribal courts and law systems vary greatly from one tribe to another in terms of form and sophistication, and the National American Court Judges Association provides guidance and counsel that responds to tribal and community needs. I request that the text of the article about the association be printed in its entirety, and I encourage my colleagues to read it.

A SPECIAL KIND OF JUSTICE

(By Jack Long)

One fine Saturday afternoon last fall in Missoula, Montana, referee Donald Dupuis officiated in a football game between Montana State and his alma mater, the University of Montana, where he had once played offensive tackle. Though UM won, no one questioned the impartiality of the referee, whom many in the crowd knew as the chief judge of the Flathead Indians' tribal court.

On the following Monday, Judge Dupuis donned his black robe and strode into the courtroom in the law enforcement building on the reservation, which lies on the western edge of the Rocky Mountains in northwestern Montana. Attorneys, litigants and the court stenographer all rose. Judge Dupuis gaveled the court into session, then listened to arguments involving conflicting claims in an adoption case.

Afterward, relaxing in his office, he said: "I've loved football as long as I can remember. My best afternoons are still on the field, even though you get bruised out there. As an official, you go strictly by the rule book and make instantaneous decisions. In court, it's something else. Decisions there affect people's lives—you can't help wondering if you did the right thing and the books don't always tell you."

In the adoption case, for example, the judge had to decide the future of a three-year-old girl, a ward of the tribe, who was sought for adoption by two couples, one wealthy and middle-aged, the other a pair of young school teachers who already had a small child of their own.

"The older people talked about how much they could do for the little girl," Judge Dupuis said, "but I could see that she would fit right into that other family. So that was my decision, and I'm sure that I made the right one. But for a layman to be a judge—you certainly have a lot to learn."

And there is the point of the story, for Donald D. Dupuis did not study law as a young man. Neither did he expect to become a judge among his people, the Confederated Salish and Kootenai tribes of the Flathead Nation. Nevertheless, he now finds himself not only dispensing justice but helping to bridge the gap between the Indian world and the surrounding, dominant white society. To understand how this came about, it is necessary to know both Judge Dupuis and some of the forces that are at work to bring native Americans—who have been called the most underprivileged of all U.S. minorities—closer to the mainstream of national life.

Don Dupuis was born 47 years ago to a father who was half French and half Indian and a mother who was one-fourth Indian. His parents both finished high school with the Ursuline Sisters at St. Ignatius Mission on the Flathead reservation, and his father worked as a lineman and electrician with the Flathead Irrigation Project, which operates a hydroelectric plant on the reservation. All of Dupuis' brothers and sisters finished high school and five of the nine went on to college.

Dupuis himself joined the Navy when he finished high school, and by the time he was discharged in 1955, he had traveled around the world on a hospital ship. He entered the University of Montana on the "GI Bill" and a football scholarship. ("They always need cannon fodder," he says wryly.) In 1959, he graduated with a degree in physical education but he still had no clear idea about the future. "I wanted to come back home," he pointed out, "but what was there to do? It's almost as bad today, with nearly 50 percent unemployment on the reservation."

Applying for work through the university placement office, Dupuis landed a job as a salesman with Upjohn Company, and for 14 years he sold pharmaceutical products, first in Burlington, Vermont, then in Spokane and Walla Walla, Washington. For three of those years, he was the company's top salesman, but then he began to feel the pull of home. By the time he finally did come back to Montana in 1974, he was divorced and the father of two young daughters.

"I thought I might be of some use here," he says. "Many of us come back nowadays hoping to do something to improve life on the reservation. We get a perspective and new ideas outside that can be useful. I became more aware of my Indian heritage back East than when I was growing up here."

Soon after his return, the Flathead Tribal Council announced that it was about to appoint a new chief judge. Dupuis was chosen from a field of nine applicants and his two-year term has been renewed twice.

"I could see how important the law was to our people," he said. "And as for legal training—no one in the tribe had a law degree at that time. I thought I could learn."

Fortunately, there was an organization ready to help him: the National American Indian Court Judges Association in Washington, D.C. It currently has 200 members from 118 tribal courts. Since 1971, the association has held training sessions for Indian judges under a program supported by the Department of Justice, the Bureau of Indian Affairs and Arrow, Inc., a voluntary organization providing funds for Indian education and social welfare. Arrow, Inc. receives support from Exxon Company, U.S.A.

"It's an unusual kind of law school," says Dupuis. "In the classes you'll find older men who've been tribal leaders for years and speak Indian languages better than they do English. They know Indian laws and customs, and they're trying to combine them with federal and state laws."

To many Americans unacquainted with the separate world of the Indian reservation, the existence of a tribal justice system may come as news. In fact, tribal courts have functioned in some form since the treaties with the Indians that recognized the tribes as sovereign, self-governing nations within the jurisdiction of the federal government. In general, tribal courts have jurisdiction over nonfelonious crimes, family matters such as marriage, divorce, adoption and probate, and civil suits involving damage and negligence claims. Felonies are usually tried by federal courts, but in Montana the state courts have jurisdiction. According to Judge Dupuis, tribal courts may soon handle more felonies.

Over the years a confusing maze of jurisdictions developed, with authority disputed by federal, state and tribal courts, and enforcement on the reservation divided among federal, tribal, state, county and municipal authorities. The result was to weaken tribal government and leave more than 500,000 American Indians vulnerable to discrimination and exploitation.

According to Professor Ralph Johnson of the University of Washington Law School, one of the organizers of the Indian judges training program, "We're taking old tribal codes and practices that served the Indian well and grafting them onto established concepts such as the right to trial by jury and protection from unlawful search and seizure. In the past five years we've made good progress in upgrading the Indian tribal courts and getting their decisions accepted by both the state and federal courts."

There are still areas in limbo, and new law is being made constantly by federal court decisions involving disputes between Indians and non-Indians, hunting and fishing rights, and zoning on reservations. The trend is toward enlarged jurisdiction for the Indian courts and a greater burden on these courts. As Professor Johnson puts it: "A lot depends on the judges' competence."

Judge Dupuis is an enthusiastic participant in the Indian court training program and puts in 20 to 30 days a year at national and regional meetings held in various western cities. He has become a lecturer as well as a student, and sits as a circuit judge on other tribal courts. He has studied such subjects as criminal law and procedure, family law and child welfare, sovereignty and jurisdiction, and the Indian Civil Rights Act of 1968, which for the first time guarantees Indians the same rights of due process as other United States citizens.

"You've got to do more than write laws in the books," Dupuis explains. "For example, the Indian Civil Rights Act provides that a defendant in a tribal court has the right to legal counsel at his own expense. But what if the defendant has no money? Here and on some other reservations we've taken the initiative and tried to solve the problem by providing lay counsel who are tribal members and can act as public defenders."

Dupuis has added three young people to the court staff in this capacity, and they have attended training courses for Indian lawyers. Other key court personnel include the three associate judges who work under Judge Dupuis, two staff attorneys—one a recent Indian law graduate and the other a non-Indian—two young women juvenile probation officers, a clerk and a stenographer. The tribal police force numbers seven officers, five dispatchers and six game wardens. All are members of the Flathead tribe.

In a year the court hears about 350 misdemeanor cases and an equal number of civil actions. An average week brings in two juvenile cases and two probates. The court serves a population of 4,000 Indian on the reservation and another 2,000 Flathead people who live off the reservation but still add to the tribal court's case load, particularly in civil and family matters.

The Flathead Tribal Court is not altogether typical of Indian courts, many of which are poorly funded, less well-staffed and well-trained, and badly overworked. The Flatheads are more prosperous than most tribes and can budget $80,000 annually for the court and $205,000 for the police, in addition to money received from the Bureau of Indian Affairs for law enforcement. In fact, the Flathead court is close to the level of excellence sought by the Bureau, the Department of Justice and Arrow, Inc.

A visitor to the reservation notes at once that this is no disaster area, even though the people there share the major disabilities of most native Americans: lack of education and jobs in a population more than half of which is under 25. Most striking is the beauty of the land, which includes a portion of 300-foot-deep Flathead Lake in the north and extends 55 miles down the Flathead and Jocko river valleys to within seven miles of Missoula. The reservation boundaries encompass snowcapped mountains, pine forests, grazing lands, valuable water resources, a National Bison Range, mineral hot springs, several bird and wildlife reserves, and unspoiled hunting and fishing areas.

All of this totals 1,245,000 acres, of which 618,000 acres are still in tribal ownership. The rest is owned by non-Indians who have moved onto the reservation to open shops and banks, build vacation homes and run cattle ranches. Tribal law now forbids further sale of Indian land to outsiders, and $1 million a year is set aside by the Tribal Council to buy back privately owned acreage. The Flathead Nation's income derives from tribal timberland, fees for hunting and fishing licenses, and a growing number of tribally owned and operated businesses. The council distributes about $1000 a year per capita in dividends to members, and administers an annual operating budget of $3 million.

But the Flatheads want still more control over their own affairs, and the increased authority of the tribal court is a part of this drive. When it comes to a question of the court's jurisdiction, Judge Dupuis' dictum is, "If you're not sure you have jurisdiction, take it." Appeals can be carried from his court to a Montana district court, but few of his decisions have been reversed. In the aforementioned adoption case, for example, his decision was upheld by an appellate court.

"Until recently we didn't do marriages," Dupuis explains, "but a minor needs parental and tribal permission to marry and we're in a better position to handle that than a J.P. I've married a couple standing on the back of a truck in a muddy road. We're a complete court and we intend to serve."

In his office, Dupuis explained that his people nearly always plead guilty as charged. "It's the Indian mentality to say, 'I did it and I'll take my punishment,'" he said. "I'm trying to teach them to challenge the system, to demand their rights. Then maybe 30 percent of the inmates in Montana prisons won't be Indians any longer."

The following Monday an Indian rancher was brought to trial charged with property damage and cruelty to animals. His hungry cattle had broken through fences, entered a neighbor's property and eaten his hay. Judge Dupuis ordered restitution, a traditional Indian concept. Instead of being fined or jailed, the rancher agreed to repair the damage, deliver six bales of hay to the neighbor and to take greater care of his animals in the future.

In the most complex case that week, a widow filed suit against three tribal police officers and the tribe itself in the death of her husband, charging that the officers had pulled him from his stalled car thus contributing to his death by exposure. Her Missoula attorney asked $1.5 million punitive damages. Judge Dupuis accepted jurisdiction and prepared to impanel a jury.

"The case is an example of growing legal sophistication on the part of our people," he commented later. "A few years ago, we never had such cases on the reservation."

Judge Dupuis also looks beyond the law at the social and economic problems of the Flathead Nation and works with the Tribal Council to improve their lives. For example, alcoholism is involved in a majority of the misdemeanors that come before his court. An alcoholism program was begun before Dupuis became chief judge and for two years he served as its chairman. A treatment center was built in 1975 with beds for 15 patients. Last year the center's staff treated some 300 inpatients along with an equal number of outpatients.

Because of the number of truancy cases the court handles, Dupuis is also a strong supporter of the Two Eagle River School, which was established in 1973 for high school-age youngsters who were dropouts or troublemakers in the public schools. Classified as an "alternate school," it receives federal, state and tribal funds to provide 15 teachers and assistants for 50 boys and girls, which means small classes and programs tailored to the individual.

Education, jobs, justice—these are the three bases for Indian progress that Judge Dupuis and other tribal leaders are determined to strengthen. They reinforce one another: to hold jobs and run businesses requires education, and to maintain order and defend economic interests calls for an effective legal system.

Says Dupuis: "We're developing a few tribal businesses that bring in revenue, but most of our small Indian businessmen fail because they don't have the basic skills. We lease the Flathead River dam site to the power company, and now we have to renegotiate the terms of the lease, and maybe develop other hydro projects. Our land and resources get more valuable every day, and we intend to control them."

Then the judge grows philosophical. From his house he can look over Flathead Lake and over family land where he grew up. "Just a generation ago we were almost self-sufficient here," he says. "My parents raised their vegetables, my father shot game and my mother jerked the meat and stored it. When I was a kid we hunted and fished, and our only entertainment was an occasional Saturday movie—a Western, at that.

"Today nobody would be satisfied with such a simple life, even on the reservation. So for the foreseeable future, the Indian will live in two worlds, his own and the white man's. That's what I tell our kids they'll have to learn. Because these societies will be here for the rest of our lives."●

THE CANCER CONNECTION

● Mr. EAGLETON. Mr. President, I would like to bring to the attention of all my colleagues a recently initiated plan in Kansas City, Mo., designed to aid cancer patients. This two-part plan, known as the "Cancer Connection," consists of both a hotline for cancer patients and a cancer treatment panel.

The case of the national health problem caused by cancer has been amply documented. Recent statistics published by the American Cancer Society indicate that in 1980 alone some 785,000 new cancer cases were diagnosed. Staggering though this figure may be, it cannot convey the human tragedy brought by cancer to the patient and that patient's family and friends.

The Cancer Connection will provide an important new support service in the Kansas City area. The hotline, operated in connection with the human rescue organization, will provide newly diagnosed cancer patients with the unique experience of obtaining advice and emotional support from volunteers who have themselves been diagnosed as having cancer.

The cancer treatment panel, comprised of volunteer physicians from several disciplines, will be available to patients through physicians referral and to physicians to come to the panel with complete medical records to review and discuss the best possible cancer treatment for a particular patient.

Mr. President, I believe that the two-part program will lend desperately needed emotional support for patients and an organization that will render informed medical opinion, at no charge, to the patient as well as the attending physician. I request that the attached material further explaining the Cancer Connection be printed in the Record, and I urge all of my colleagues to review it carefully.

The material follows:

Questions and Answers About "The Cancer Connection"

Q. How is The Cancer Connection organized and operated?

A. The Cancer Connection's goal is to help patients who have been told that they have a malignancy or a suspected malignant condition. There is no formal organizational structure save the on-going operations of the volunteers through the Hot Line and the Medical Treatment Panel. There is no office, staff, fund-raising effort, or any other structure. The Connection's goal is to help people—not create an institution. The project was founded by Richard A. Bloch, Chairman of the Board of H & R Block. He has enlisted Dr. Barth Hoogstraten, M.D., a world-wide noted Oncologist, and Jerry Smith, well-known Kansas Citian, to help him launch the project. Telephones are answered in connection with Human Rescue, an on-going social service/crisis-intervention organization in Kansas City.

Q. Why is this program necessary?

A. Despite the numerous organizations and institutions that deal with cancer, the particular group we are talking about (new patients either diagnosed with malignancies or thought to have malignant conditions), have no organizations to help them cope with or understand their circumstances. This understanding is essential, especially in those critical first hours and days after the discovery of the illness.

Q. Are there any programs similar to The Cancer Connection?

A. At this time, we know of no other program that is similar to this one. That is not to say that there are no others, just that we are not aware of them.

Q. Who are the Hot Line volunteers?

A. The phone-answering component of the Hot Line is provided by Human Rescue, an on-going telephone operating, social service and crisis-intervention program in Kansas City. Volunteers at Human Rescue will refer those patients calling in to our Hot Line volunteers. The Hot Line volunteers are individuals who have had a similar experience with cancer and will be able to share what they have learned from that experience with the caller.

Our primary group of volunteers will be those who have been diagnosed as having cancer. Or, volunteers will have had a close personal experience with cancer. Those who have actually had the illness will be able to speak to those who have just discovered it with honesty, compassion, and understanding of a sort not available from those unfamiliar with the illness on a personal level. Those volunteers who have had close personal experiences with the illness (in the family, etc.) will deal with callers who have the illness in a similar way in their lives.

Volunteers are screened and trained under the direction of experienced psychologists from the community. It is our belief that the main body of knowledge the volunteers need has been acquired through their experience with the illness. The training serves to prevent them from doing anything counter-productive to the new patient and will, through an on-going training process, allow those volunteers who serve to constantly improve the quality of their help. Volunteers will participate in regular discussions about what they have learned in the counseling process.

Q. How does the Cancer Treatment Panel operate?

A. The Cancer Treatment Panel reviews the case of the new patient with the patient and his physician. Physicians obtain appointments for the Treatment Panel through the Hot Line number. Patients must be referred by a physician. The physician and the patient come to the panel with complete medical records and the case is discussed. Then the panel issues a recommendation to the attending physician. The panel will function as an organization that will render a second opinion, at no charge, to the patient and his physician.

Q. Who are the doctors who serve on the Cancer Treatment Panel?

A. Doctors who serve on the Cancer Treatment Panel will be chosen from a group of volunteers from the community. The panel will be composed of physicians from several disciplines—Pathology, Radiology, Medical Oncology, Surgical Oncology, and other medical specialties as well. Physicians will be chosen on a rotating basis. The panel will be under the supervision of Barth Hoogstraten, M.D.

Q. How do patients participate in the Cancer Treatment Panel?

A. Patients must be referred by a physician. Calls should be made to the Cancer Hot Line, (816) 931–0030, and an appointment time will be set. The physician will provide the panel with the background information needed, and the physician and the patient will attend the scheduled session together.

Q. When does the Hot Line start operation?

A. The Hot Line is in operation now, and ready to serve callers. The Hot Line is ready to process calls from: physicians, wanting to schedule their patients for the treatment panel; physicians wanting to volunteer to serve on the treatment panel; newly diagnosed patients wanting to make contact with a Cancer Connection volunteer; and those wishing to volunteer to help The Cancer Connection in any way, especially as a Hot Line volunteer.

Q. When does the Cancer Treatment Panel start operation?

A. The first actual session of the Cancer Treatment Panel will be on September 2, 1980. Thereafter it will meet each Tuesday, and more often if needed.

Q. What can I do to help?

A. The project's most immediate need is for volunteers to act as counselors. The volunteers we are looking for are people who have actually had cancer themselves, and who are willing to be trained and then committed to making contact with newly diagnosed patients; also needed are those who have had personal experiences with cancer among family or close friends, who are willing to talk to similar people. General administrative helpers are needed who will be available to render administrative assistance as needed, through Human Rescue or in any of the follow-up paper details. Our need for this latter type of volunteer is very small, but there is an opportunity for someone to help in this capacity.

The Cancer Connection

Kansas City, Missouri Mayor Richard Berkley hosted Richard Bloch, Chairman of the Board of H & R Block, representatives of the cities of Independence, Missouri, Overland Park, Kansas City, Kansas, representatives of the Department of Human Services of the Federal Government, a representative of the Mid America Health Systems agency, and the news media at a conference today held in Kansas City Missouri's City Hall. The purpose of the press conference was to announce a two-part plan designed to aid cancer patients—a Hot Line and a Cancer Treatment Panel.

Mayor Berkley began the event by reading a proclamation designating the week of August 20–26 as Cancer Awareness Week in Kansas City, Missouri, and pledged his support of "The Cancer Connection" project. Dennis Shockley of Mayor Reardon's office also read a proclamation.

Richard Bloch, a recovered cancer patient, is spearheading this service project in the hopes that other American cities will follow Kansas City's example.

Jerry Smith, well-known community leader, explained the Cancer Hot Line. This Hot Line, operated in connection with the Human Rescue organization, will provide newly diagnosed cancer patients with the unique experience of obtaining advice and emotional support from volunteers who have themselves been diagnosed as having cancer. The Hot Line is presently operating, and cancer patients may call (816) 931–0030 for a special type of contact not formerly available.

Dr. Barth Hoogstraten, Director of the Southwest Oncology Group, will supervise the second aspect of Mr. Bloch's "Cancer Connection"—a Cancer Treatment Panel. By physician referral, this panel will review the medical facts of cancer cases and make recommendations for treatment. This service will provide a "second opinion" to patients at no charge whatsoever. Physicians may call the Cancer Hot Line to obtain appointments for their patients.

Mr. Bloch has learned through his experience with cancer that a "positive mental attitude" can play a central role in recovery and the Hot Line and Medical Treatment Panel have been designed to offer this positive support, in addition to sound professional advice.

Proclamation by Mayor Richard Berkley

Whereas, cancer has been an affliction of mankind throughout the history of civilization, and;

Whereas, this dread disease continues to strike, bringing with it suffering and sadness to the victims and their loved ones, and;

Whereas, there is much body of belief that mental attitude and hopeful outlook can contribute to the positive treatment of cancer, and;

Whereas, there now exists in Kansas City—as a model for all cities—a new program to help those who are stricken with cancer take strength, hope and courage in the face of their illness, and;

Whereas, this program enables the patient to be as certain as possible that he or she is getting the best and most up-to-date treatment available;

Therefore, I do proclaim the week of Wednesday, August 20, 1980 through Tuesday, August 26, 1980 to be Cancer Awareness Week in Kansas City, Missouri.

Further, I do congratulate our citizens who volunteer their time and their hearts to participate in these new programs, and I wish them every great success.●

RURAL PUBLIC AWARENESS

● Mr. EAGLETON. Mr. President, service agencies often have difficulty in making their resources known to the public, especially in rural areas. However, with imagination and cooperation, the public and private sector can help our Nation's needy learn about community resources through effective informational programing.

The following article which appeared in last month's Human Development News, published by the Department of Health and Human Services, describes a public awareness program that is taking place in Missouri. Because this project can be readily duplicated in rural areas across America, I ask that the text of this article be printed in the RECORD.

The article follows:

RADIO—THE ANSWER TO RURAL PUBLIC AWARENESS?

When any service agency begins a public awareness campaign, the choice of media becomes crucial. Few resources are available to public agencies unless funds are designated for this purpose. And when the area served is largely rural, the problem is compounded.

Greg Thomas, former director, Linn County Family Services and now director of Family Services in Hannibal, Missouri, came to his position with some experience in both radio and newspaper work. He chose to use the media as his prime source of creating public awareness in rural areas of his agency's programs—both social services and income maintenance. He began with KGHM—a small AM station whose broadcast range included all of the county and several surrounding counties.

He approached the news director with the idea of a weekly show on the programs available at the local office. Jim Mross, the director, willingly agreed to donate 10 minutes once a week to the idea.

Dave Larcom, an announcer, conducted interviews with Thomas centered around a specific topic. The shows were taped in advance which allowed for editing. They were usually conversational in format. Initially the interviews were structured with specific questions and answers, however, as the two participants became a more cohesive team this was dropped in favor of the more informal style. A topic was presented during a miniseries which enabled a broader discussion of the subject as well as stimulating interest in future broadcasts.

Since it began in June 1979, the project has discussed all of the programs available through the local office and has emphasized that interested persons can seek assistance through their own county office. Child abuse and neglect programs have received more coverage than other programs largely because the subject lends itself better to discussion. Eligibility for assistance programs is contingent upon one's circumstances and is more difficult to discuss. However, Thomas believes the radio can be effective in creating an awareness of those programs also.

When Missouri's legislature authorized the creation of an energy assistance program for the elderly—Utilicare—the need arose for educating the area about the advantages of the program as well as the eligibility factors. Thomas prepared a media package using both newspaper and radio resources. The radio package was simple to use and yet structured toward information dissemination.

Throughout the program application period at least one interview show per month was devoted to explanation of Utilicare as a followup to the miniseries broadcast when the program began. Changes were released as they occurred and explained in detail during the weekly show. Thirty-second public service announcements were used to keep Utilicare visible. During 1 month 186 public service announcements were aired.

Based on the success of this office's approach to public awareness through radio, it is clear that similar approaches can be taken in other rural areas. By approaching station managers with a proposal and being willing to listen to their advice, an effective program can be produced even without previous experience.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. SASSER. Mr. President, I would like to announce that the Subcommittee on Intergovernmental Relations will hold its final oversight hearing on the Freedom of Information Act. The hearing will be held on November 18 at 10 a.m. in room 357 Russell Senate Office Building. For further information on the hearing, please call Tom Berrigan at 224-9514.

SELECT COMMITTEE ON SMALL BUSINESS

Mr. NELSON. Mr. President, the Senate Select Committee on Small Business will conduct an oversight hearing on SBA's data processing system, on October 29, 1980.

The hearing will begin at 10 a.m., in room 424 of the Russell Senate Office Building.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate on October 1, 1980, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4728. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, technical amendments to Regulation E (which implements the Electronic Fund Transfer Act) adopted by the Board on September 24, 1980; to the Committee on Banking, Housing and Urban Affairs.

EC-4729. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Formulation of U.S. International Energy Policies"; to the Committee on Energy and Natural Resources.

EC-4730. A communication from the D.C. Representative of the Ladies of the Grand Army of the Republic, Inc., transmitting, pursuant to law, the audit report of the Ladies of the Grand Army of the Republic, Inc. dated August 31, 1979; to the Committee on the Judiciary.

EC-4731. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fiscal year 1978 report on Federal activities on alcohol abuse and alcoholism; to the Committee on Labor and Human Resources.

HOUSE OF REPRESENTATIVES—*Wednesday, October 15, 1980*

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Bill Digest Section, American Law Division of the Congressional Research Service, pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of July 25, 1980 (p. 19817). Cumulative listing may be found in the Digest of Public General Bills and Resolutions.

H.R. 7771. July 21, 1980. Education and Labor. Amends the Contract Work Hours Standards Act to limit overtime compensation for public contracts employment to only those hours of employment in excess of forty hours in a workweek (current law also requires overtime compensation for hours in excess of eight hours in a workday).

H.R. 7772. July 21, 1980. Ways and Means. Amends the Internal Revenue Code to exclude from the gross income of individuals over age 65 amounts received on the redemption of certain U.S. savings bonds which have been held for at least ten years.

H.R. 7773. July 21, 1980. Interstate and Foreign Commerce. Amends the Powerplant and Industrial Fuel Use Act of 1978 to repeal: (1) certain prohibitions and limitations on the use of natural gas as a primary energy source in electric powerplants; and (2) the authority of the Secretary of Energy to prohibit such use of petroleum or natural gas where coal or an alternate fuel capability exists.

H.R. 7774. July 21, 1980. Interstate and Foreign Commerce. Repeals the prohibition against certain coercive practices affecting broadcasting in the Communications Act of 1934.

H.R. 7775. July 21, 1980. Foreign Affairs. Requires the Director of the International Communication Agency to make available to the Administrator of General Services a copy of each film with footage of Lyndon Johnson. Directs the Administrator to deposit such films in the Lyndon Baines Johnson Library in Texas.

H.R. 7776. July 21, 1980. Ways and Means; Interstate and Foreign Commerce. Directs the Secretary of Health and Human Services to perform studies and demonstration projects to determine: (1) the desirability of using funds available under the Social Security Act to restructure community health care delivery; (2) the desirability of using funds available under the Act to provide financial relief for hospitals; and (3) whether changes in the Act would increase the availability of services.

H.R. 7777. July 21, 1980. Ways and Means; Government Operations; Rules. Amends the Internal Revenue Code to: (1) reduce individual, corporate, and estate and trust income taxes; (2) reduce capital gains taxes; (3) eliminate the age requirement for the one-time $100,000 exclusion of gain from the sale of a principal residence; and (4) index tax rates to reflect inflation of income and property values.

Places limits on Federal spending. Provides for the reduction of the public debt.

H.R. 7778. July 21, 1980. Judiciary. Extends the period prior to a Presidential election during which the Secretary of the Treasury may authorize the United States Secret Service to protect the spouse of a major Presidential or Vice Presidential nominee.

H.R. 7779. July 21, 1980. Ways and Means. Amends the Internal Revenue Code to increase the number of judges on the Tax Court.

H.R. 7780. July 21, 1980. Armed Services; Government Operations. Directs the Administrator of General Services to donate to a State or local government certain property loaned to such government by the Defense Civil Preparedness Agency.

H.R. 7781. July 21, 1980. Banking, Finance and Urban Affairs. Charters the National Water Utilities Bank, as a Government corporation, to provide financial assistance for public water systems.

H.R. 7782. July 21, 1980. District of Columbia. Amends the District of Columbia Police and Firemen's Salary Act of 1958 to specify that officers and members of the United States Secret Service Uniformed Division shall receive the same overall percentage adjustments in basic compensation as other Federal employees within the General Schedule under the Federal pay comparability system.

H.R. 7783. July 21, 1980. Judiciary. Declares three named individuals to have been lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7784. July 21, 1980. Judiciary. Declares a named individual to have been lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7785. July 21, 1980. Judiciary. Declares a named individual to have been lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7786. July 22, 1980. Judiciary. Extends the period prior to a Presidential election during which the Secretary of the Treasury may authorize the United States Secret Service to protect the spouse of a major Presidential or Vice Presidential nominee.

H.R. 7787. July 22, 1980. Appropriations. Extends the program of awarding energy allowances to applicants needing assistance.

H.R. 7788. July 22, 1980. Ways and Means. Amends the Internal Revenue Code to tax income of married individuals filing tax returns separate from their spouses at the same rates applicable to unmarried individuals.

H.R. 7789. July 22, 1980. Foreign Affairs. Provides for payments to the U.S. citizens held hostage in Iran from the blocked Iranian assets

H.R. 7790. July 22, 1980. Veterans' Affairs. Authorizes the Administrator of Veterans Affairs to make contributions to local authorities for the construction of traffic controls, road improvements, or other devices adjacent to national cemeteries in order to facilitate safe entry or exit.

H.R. 7791. July 22, 1980. Interstate and Foreign Commerce. Amends the Securities Exchange Act of 1934 to make it unlawful, with a specified exception, for a foreign citizen or corporation to acquire U.S. securities if such foreign country places greater restrictions on the acquisition of securities in such country by U.S. citizens or corporations.

H.R. 7792. July 22, 1980. Post Office and Civil Service. Entitles any individual covered by a Federal health benefits program which provides payment for the services of a nurse-midwife to unrestricted selection of, and access to, such nurse-midwife.

H.R. 7793. July 22, 1980. Interstate and Foreign Commerce; Ways and Means. Amends the Railroad Retirement Act of 1974 to exextend specified cost-of-living increases for railroad employee annuitants.

H.R. 7794. July 22, 1980. Agriculture. Directs the Secretary of Agriculture to make disaster payments to producers of the 1980 crop of flaxseed, soybeans, sugarbeets, sunflower, potatoes, or pinto beans whenever the harvest of such crops, because of a natural disaster, is less than 60 percent of the farm yield for such crop established by the Secretary.

H.R. 7795. July 22, 1980. Veterans' Affairs. Provides an Armed Forces Educational Assistance Program for persons who enter the military service after September 30, 1980. Terminates the Post-Vietnam Era Veterans' Educational Assistance Program after September 30, 1982.

H.R. 7796. July 22, 1980. Agriculture. Makes producers of the 1980 crop of soybeans eligible for compensation in the case of prevented plantings or failure to harvest normal crop acreage because of a natural disaster at rates comparable to those received by producers of feed grains and wheat under the Agricultural Adjustment Act of 1949.

H.R. 7797. July 22, 1980. Judiciary. Directs the Administrator of Veterans' Affairs to pay a named individual a monthly non-service connected disability pension at a rate as though he had no income from the Social Security Administration.

H.R. 7798. July 23, 1980. Merchant Marine and Fisheries. Amends the Fishery Conservation and Management Act of 1976 to include the Northern Mariana Islands within the fishery management program of the United States.

Provides for tournament permits for foreign fishing vessels engaging in fishing in a recreational fishing tournament in the fishery conservation zone.

Permits the disposal of any perishable fish seized for a violation of any provisions of such Act. Authorizes the Secretary of Commerce or the Secretary of the department in which the Coast Guard is operating to seize the proceeds of the sale of any fish taken in violation of any provisions of such Act.

H.R. 7799. July 23, 1980. Merchant Marine and Fisheries. Implements the Protocol Amending the Convention Between the United States of America and Canada for the Halibut Fishery of the Northern Pacific Ocean and Bering Sea.

H.R. 7800. July 23, 1980. Education and Labor. Amends the Fair Labor Standards Act of 1938 to exempt from restrictions on "oppressive child labor" the employment in any occupation of any person who is a graduate of a secondary school and who has received appropriate (as determined by the Secretary of Labor) vocational education in such occupation.

H.R. 7801. July 23, 1980. Post Office and Civil Service. Reduces the salaries of Members of Congress and top-level officials in the executive branch by five percent.

H.R. 7802. July 23, 1980. Ways and Means. Amends the Tariff Schedules of the United States to reduce gradually the duties on specified alkaloids and to provide for separate duties for pseudoephedrine and its salts.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

H.R. 7803. July 23, 1980. Ways and Means. Imposes quotas on the importation of automobiles, trucks, and specified engines over a five-year period.

H.R. 7804. July 23, 1980. Ways and Means. Amends the Internal Revenue Code to exclude from gross income a corporate stock distribution to a stockholder based upon the reinvestment of stock dividends in the corporation by such stockholder pursuant to his election to participate in a qualified dividend reinvestment plan.

H.R. 7805. July 23, 1980. House Administration. Authorizes appropriations for the American Folklife Center for fiscal years 1982 through 1984.

H.R. 7806. July 23, 1980. Interstate and Foreign Commerce; Banking, Finance and Urban Affairs; Rules; Government Operations; Foreign Affairs. Sets forth a program providing for energy conservation and rationing, wage and price controls, interest rate limitations, restrictions on grain exports, and energy mortgage relief. Permits Congress to veto decisions by the Federal Reserve Board concerning monetary policy. Revises congressional budgetary procedures.

H.R. 7807. July 23, 1980. Judiciary. Authorizes the Attorney General to adjust the status to that of permanent resident of certain residents of Guam (and their immediate families) who are natives of Korea, India, China, or the Philippines and who were evacuated from Vietnam and paroled into the United States before March 31, 1975.

H.R. 7808. July 23, 1980. Judiciary. Authorizes the Secretary of the Army to pay a named individual for a claim arising out of an automobile accident involving a military vehicle.

H.R. 7809. July 24, 1980. Interstate and Foreign Commerce. Authorizes the Secretary of Energy to make grants: (1) for the conversion of electric powerplants to the use of coal or another alternate fuel as a primary energy source; (2) for the design and installation of sulfur removal systems in coal-fired powerplants; (3) for the design and installation of facilities for reducing the sulfur content of coal; and (4) for the achievement of fuel displacement targets.

H.R. 7810. July 24, 1980. Banking, Finance and Urban Affairs. Amends the Truth in Lending Act to repeal the provision which ends the prohibition against credit card surcharges on February 27, 1981.

H.R. 7811. July 24, 1980. Ways and Means. Amends the Internal Revenue Code to: (1) increase the earned income exclusion for U.S. citizens working abroad who are bona fide residents of a foreign country; (2) repeal the hardship area requirement; (3) reduce the residency period requirement for the earned income exclusion and the income tax deduction for certain housing expenses of living abroad; and (4) provide for an income tax exclusion for the value of certain employer-provided housing.

H.R. 7812. July 24, 1980. Public Works and Transportation. Amends the highway safety program uniform standards to include: (1) effective alcohol safety programs; and (2) criminal penalties to deter motorists from driving while under the influence of alcohol.

H.R. 7813. July 24, 1980. Agriculture. Authorizes the Secretary of Agriculture to make payments to the producers of the 1980 crop of soybeans if such producers are able to harvest less than 70 percent of such crop because of a natural disaster. Establishes a formula for determining the amount of such payments.

H.R. 7814. July 24, 1980. Interior and Insular Affairs. Designates specified lands in the Fire Island National Seashore, New York, as the Otis Pike Fire Island High Dune Wilderness.

H.R. 7815. July 24, 1980. Public Works and Transportation. Designates specified post offices in the State of Missouri as the Henry Winfield Wheeler Post Office, the Leon Mercer Jordan Post Office, and the Bernard F. Dickmann Post Office.

H.R. 7816. July 24, 1980. Public Works and Transportation. Designates the United States Federal Building in Hartford, Connecticut, as the Abraham A. Ribicoff Federal Building.

H.R. 7817. July 24, 1980. Judiciary. Amends and disapproves certain amendments to the Federal Rules of Criminal Procedure proposed by the Supreme Court.

Sets forth new procedures governing the revocation and modification of probation.

H.R. 7818. July 24, 1980. Interstate and Foreign Commerce. Amends the Railroad Unemployment Insurance Act to increase the maximum daily benefit for unemployment or sickness.

H.R. 7819. July 24, 1980. Ways and Means. Amends the Internal Revenue Code to allow taxpayers an income tax credit for the purchase of a new automobile.

H.R. 7820. July 24, 1980. Post Office and Civil Service. Amends the Federal Salary Act of 1967 to make any recommendations of the President relating to the salaries of Members of Congress purely advisory.

Amends the Legislative Reorganization Act of 1946 to require that the annual rate of pay for Members of Congress and the House and Senate leadership be the rate payable for such positions on the date of enactment of this Act unless otherwise established by law.

H.R. 7821. July 24, 1980. Ways and Means. Amends the Internal Revenue Code to treat specified retailers of natural gas as independent producers for purposes of the crude oil windfall profit tax.

H.R. 7822. July 24, 1980. Judiciary. Amends the Clayton Act to prohibit persons with nonfarming business assets in excess of $5,000,000 from engaging in the production of agricultural products. Directs the Secretary of Agriculture to acquire, under certain circumstances, any property or interest of which a person must divest himself by virtue of this prohibition.

H.R. 7823. July 24, 1980. Public Works and Transportation. Amends the highway safety program uniform standards to include: (1) effective alcohol safety programs; and (2) criminal penalties to deter motorists from driving while under the influence of alcohol.

H.R. 7824. July 24, 1980. Education and Labor. Amends the Farm Labor Contractor Registration Act of 1963 to revise the definition of "farm labor contractor", to broaden specified exclusions from coverage, and to add nonprofit or cooperative farmer, grower, or rancher associations, and their employees to such exclusions.

Limits the definitions of "agricultural employment" and of "migrant worker" for purposes of such Act.

H.R. 7825. July 24, 1980. Interior and Insular Affairs. Amends the National Trails System Act to designate a trail system in the State of Wisconsin as the Ice Age National Scenic Trail.

H.R. 7826. July 24, 1980. Ways and Means. Amends the Internal Revenue Code to allow individual taxpayers an income tax deduction for cash contributions to an individual housing account established to aid such taxpayers in the purchase of a principal residence.

H.R. 7827. July 24, 1980. Interior and Insular Affairs. Confers jurisdiction upon the United States Court of Claims to hear all claims which the Assiniboine Nation or Tribe may have against the United States with respect to certain lands defined in the Treaty of Fort Laramie.

H.R. 7828. July 24, 1980. Interior and Insular Affairs. Confers jurisdiction upon the United States Court of Claims to hear all claims which the Blackfeet and Gros Ventre Tribes may have against the United States with respect to certain lands defined in the Treaty of October 17, 1855.

H.R. 7829. July 24, 1980. Judiciary. Directs the granting of visas and admission to the United States for permanent residence to seven named individuals.

H.R. 7830. July 24, 1980. Merchant Marine and Fisheries. Directs the Secretary of the department in which the Coast Guard is operating to document a named vessel as a vessel of the United States with the privilege of engaging in coastwise trade and fishing so long as such vessel is owned by a citizen of the United States.

H.R. 7831. July 24, 1980. Makes appropriations for fiscal year 1981 for expenses of the Department of Transportation, the National Transportation Safety Board, the Civil Aeronautics Board, the Interstate Commerce Commission, the Panama Canal Commission, the United States Railway Association, and the Washington Metropolitan Area Transit Authority.

H.R. 7832. July 25, 1980. Ways and Means. Amends title II (Old Age, Survivors and Disability Insurance) of the Social Security Act to extend the period during which a spouse becoming eligible for a government pension may qualify for an exemption from the provisions of the Social Security Amendments of 1977 requiring a reduction in such spouse's OASDI benefit based on receipt of a government pension.

H.R. 7833. July 25, 1980. Interstate and Foreign Commerce. Amends the Solid Waste Disposal Act to encourage the recycling of used oil. Directs the Administrator of the Environmental Protection Agency to determine and report to Congress on whether used oil ought to be treated as a hazardous waste.

H.R. 7834. July 25, 1980. Interstate and Foreign Commerce. Directs that benefits and allowances under an employee protection agreement or arrangement entered into under the Rock Island Railroad Transition and Employees Assistance Act shall be paid by the Chicago, Rock Island, and Pacific Railroad from its own assets.

H.R. 7835. July 25, 1980. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a named municipal corporation in full satisfaction of a claim against the United States for highway relocation costs associated with the construction of part of the Interstate Highway System.

H.R. 7836. July 25, 1980. Banking, Finance and Urban Affairs; Interstate and Foreign Commerce. Amends the Right to Financial Privacy Act of 1978 to apply its provisions to the Securities and Exchange Commission, except as provided in the Securities Exchange Act of 1934.

Amends the Securities Exchange Act of 1934 to specify those circumstances in which the Commission may obtain copies of information contained in financial records of a customer from a financial institution without prior notice to the customer.

H.R. 7837. July 25, 1980. Interior and Insular Affairs. Authorizes the establishment of Federal Land Transfer Boards to convey to the States federally owned, unreserved, and unappropriated land located west of the one-hundredth meridian. Requires a State in order to be eligible for such conveyances to establish a State land commission with specified authority over the management of such land.

H.R. 7838. July 25, 1980. Agriculture; Interior and Insular Affairs; Interstate and Foreign Commerce. Allows the Secretary of Agriculture to adjust the titles of land acquired by the Government by exchange of public domain land or resources.

Amends the Federal Power Act of 1920 to specify that any reserved public land included in any proposed power project shall be unconditionally restored to the status such lands would have had if the reservation had not occurred as specified conditions are met.

H.R. 7839. July 25, 1980. Veterans' Affairs. Revises the termination date for veterans eligible for educational assistance to provide that such assistance shall terminate on December 31, 1989, or the date five years after the veteran's last discharge or release from active duty, whichever is later.

H.R. 7840. July 25, 1980. Judiciary. Directs the Secretary of the Treasury to pay compensation to individuals of Japanese descent residing on the territory of Guam during World War II for damages caused such individuals by the Armed Forces of the United States.

H.R. 7841. July 25, 1980. Judiciary. Directs the Chairman of the Foreign Claims Settlement Commission or his authorized agents to reconsider the claim of a named individual against the German Democratic Republic.

H.R. 7842. July 28, 1980. Interstate and Foreign Commerce. Repeals portions of the Emergency Petroleum Allocation Act of 1973 relating to the sale of motor gasoline at retail. Prohibits refiners of motor fuels to unreasonably undersell competitors in close proximity and with which they have a franchise relationship.

H.R. 7843. July 28, 1980. Armed Services. Exempts from a maximum limitation of 60 days certain payments to members of the uniformed services for unused accrued leave.

H.R. 7844. July 28, 1980. Ways and Means. Amends the Internal Revenue Code to permit the executor of an estate, in calculating the value of the gross estate, to elect to disregard that portion of the value of any copyright, or literary, musical, or artistic work created by a decedent which would have been ordinary income if such work had been sold by the decedent at its fair market value.

H.R. 7845. July 28, 1980. District of Columbia. Amends the District of Columbia Self-Government and Governmental Reorganization Act to establish a method for determining the amount of the annual Federal payment to the District of Columbia.

H.R. 7846. July 28, 1980. Ways and Means. Amends the Internal Revenue Code to increase the noncorporate capital gains deduction from gross income. Reduces the corporate alternative minimum tax rate on capital gains.

H.R. 7847. July 28, 1980. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction equal to 130 percent of the cost of natural gas used on a farm for farming purposes.

H.R. 7848. July 28, 1980. Ways and Means. Amends the Internal Revenue Code to allow an employer an income tax deduction for contributions to an employee stock ownership plan (ESOP) which owns all, or substantially all, of the outstanding qualifying employer securities of such employer, and such contributions are applied to the repayment of principal and interest on a loan incurred by the plan for the purpose of acquiring such securities.

H.R. 7849. July 28, 1980. Ways and Means. Amends the Internal Revenue Code to permit distributions from a tax-qualified deferred compensation plan which are made after the close of the taxable year but before the tax return filing date to be treated as being made on the last day of such taxable year.

H.R. 7850. July 28, 1980. Public Works and Transportation. Establishes the Air Safety Administration as an independent regulatory agency.

Replaces the Federal Aviation Administration with the Aviation Operations Administration within the Department of Transportation.

H.R. 7851. July 28, 1980. Ways and Means; Education and Labor. Amends the Internal Revenue Code to permit retail stores to use price indexes published by the Bureau of Labor Statistics when reporting income under the LIFO method of accounting.

H.R. 7852. July 28, 1980. Public Works and Transportation. Repeals provisions of the Aviation Safety and Noise Abatement Act of 1979 concerning exemptions for aircraft from certain aviation noise standards.

Imposes more stringent noise standards for specified aircraft.

H.R. 7853. July 28, 1980. Ways and Means. Amends title II (Old Age, Survivors and Disability Insurance) of the Social Security Act to prevent payment, in certain cases, of disability insurance benefits for a physical or mental condition arising from specified circumstances. Excludes from the definition of "full-time student" any individual incarcerated in a penal institution following a felony conviction. Provides that disability insurance benefits may not be paid to individuals incarcerated in a penal institution following a felony conviction, unless that individual is participating in a rehabilitation program which has been approved by a court of law.

H.R. 7854. July 29, 1980. Appropriations. Appropriates funds for fiscal year 1981 for international financial institutions, bilateral economic assistance, and military assistance. Specifies limitations on the amounts of direct and guaranteed loans by the Export-Import Bank. Sets forth limitations on the uses of such funds.

H.R. 7855. July 29, 1980. Interior and Insular Affairs. Directs the Secretary of the Interior to retain specified lands within the Outer Continental Shelf extending from Point Concepcion in the south to the California-Oregon border in the north and extending seaward as a national reserve for oil or gas production development.

H.R. 7856. July 29, 1980. Post Office and Civil Service. Prohibits any Member of Congress, or his survivor or beneficiary, to be paid an annuity under the civil service retirement system if such Member has been convicted of bribery, graft, or conflicts of interest while serving as a Member.

H.R. 7857. July 29, 1980. Interior and Insular Affairs. Amends the Mineral Leasing Act to revise the authority of the Secretary of Energy to lease lands containing oil shale deposits.

H.R. 7858. July 29, 1980. Banking, Finance and Urban Affairs. Provides interim loans and loan guarantees to assist local government to provide the additional public infrastructure and services which are required as a result of the rapid increase in population due to the construction and operation of a synthetic fuel facility.

H.R. 7859. July 29, 1980. Education and Labor. Provides general assistance and special impact aid to local educational agencies for the education of Cuban and Haitian refugee children. Provides asistance to State educational agencies for the education of Cuban and Haitian refugee adults.

H.R. 7860. July 29, 1980. Ways and Means. Amends the Internal Revenue Code to extend the rollover period for nonrecognition of gain on the sale of principal residences sold during 1980 or 1981.

H.R. 7861. July 29, 1980. Science and Technology. Directs the Administrator of the National Oceanic and Atmospheric Administration to establish a Severe Storms Advisory Committee to submit annual reports to the President and Congress assessing and making recommendations concerning the current objectives, milestones, and technological developments of the severe storms forecasting program.

H.R. 7862. July 29, 1980. Judiciary. Declares a named individual to have satisfied specified requirements under the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States for the purpose of determining whether his daughter is a national and citizen of the United States.

H.R. 7863. July 29, 1980. Judiciary. Declares a named individual to have been lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 7864. July 29, 1980. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 7865. July 30, 1980. Science and Technology. Directs the Secretary of Energy to establish a research, development, and demonstration program for instituting practical improvements in the safety of nuclear powerplants.

H.R. 7866. July 30, 1980. Interstate and Foreign Commerce. Amends the Public Utility Regulatory Policies Act of 1978 to require separate metering of the electricity or natural gas used in each new building unit constructed after enactment of this Act.

H.R. 7867. July 30, 1980. Agriculture. Amends the Agricultural Act of 1949 to authorize the Secretary of Agriculture to continue current price support levels for milk or to modify an increase in such levels which might otherwise be required when the quantity of dairy products acquired by the Commodity Credit Corporation exceeds the quantity of products sold by a specified amount.

Fixes the level of price supports for milk at not less than 75 percent of the parity price.

H.R. 7868. July 30, 1980. Education and Labor. Amends the Farm Labor Contractor Registration Act of 1963 to exempt labor unions from coverage as farm labor contractors.

Grants a limited exemption from registration requirements to specified farms, processors, canneries, gins, packing sheds, and nurseries, and their employees.

Exempts from such coverage specified family farmers, processors, canners, ginners, packing shed operators, and nurserymen, and their employees.

Revises certain requirements of disclosure of information to workers by farm labor contractors.

H.R. 7869. July 30, 1980. Public Works and Transportation. Directs the Secretary of the Army, acting through the Chief of Engineers, to conduct a feasibility study of a second lock at locks and dam 26, Mississippi River, Alton, Illinois, and Missouri.

H.R. 7870. July 30, 1980. Ways and Means. Amends the Internal Revenue Code to: (1) allow an income tax credit for contributions to an individual retirement account; (2) increase the allowable amount of the income tax deduction for contributions to pension plans for the self-employed; and (3) increase the allowable amount of the income tax deduction for contributions to an individual retirement account.

H.R. 7871. July 30, 1980. Ways and Means. Amends the Internal Revenue Code to increase the rate and the allowable dollar amount of the earned income credit. Allows a disregard of such credit in determining entitlement for benefits under the Social Security Act.

H.R. 7872. July 30, 1980. Ways and Means. Amends the Internal Revenue Code to increase the amount of the earned income tax exclusion for Americans working abroad. Repeals the income tax deduction for expenses of Americans living abroad.

H.R. 7873. July 30, 1980. Judiciary. Amends the Clayton Act to prohibit the direct or indirect restriction by any person engaged in commerce on the use of credit instruments in any transaction concerning the sale, resale, or transfer of gasohol or other synthetic motor fuel, where there is no similar restriction on transactions concerning conventional motor fuel. Prohibits any other condition, restriction, agreement, or understanding which otherwise discriminates against or unreasonably limits the sale, resale, or transfer of gasohol or other synthetic motor fuel.

H.R. 7874. July 30, 1980. Banking, Finance and Urban Affairs. Directs the Secretary of the Treasury to inventory U.S. gold reserves. Requires congressional authorization to sell gold bullion. Repeals the President's and the Secretary's authority to regulate privately owned gold. Repeals specified legal tender laws. Provides for the redemption in gold of all Federal Reserve and U.S. notes. Permits any association to carry on the business of banking if it possesses sufficient money to cover all outstanding promises to pay a sum of money on demand.

H.R. 7875. July 30, 1980. Ways and Means. Amends the Internal Revenue Code to provide tax incentives for businesses in economically depressed areas.

H.R. 7876. July 30, 1980. Post Office and Civil Service. Prohibits the Postal Service from decreasing the frequency of mail delivery service below the frequency in effect for the calendar week beginning April 7, 1980.

H.R. 7877. July 30, 1980. Ways and Means. Amends the Internal Revenue Code to allow a credit or refund of crude oil windfall profit taxes to any qualified royalty owner for any portion of such tax paid in connection with qualified royalty production between February 29, 1980, and January 1, 1981.

Reduces the adjusted base price of crude oil for purposes of computing the windfall profit tax.

H.R. 7878. July 30, 1980. Armed Services. Authorizes the sale or lease of specified naval vessels to Brazil, Colombia, Ecuador, Greece, Italy, South Korea, Mexico, Peru, and Taiwan. Sets forth conditions to such sales or leases.

H.R. 7879. July 30, 1980. Ways and Means. Amends title II (Old Age, Survivors and Disability Insurance) of the Social Security Act to prevent payment, in certain cases, of disability insurance benefits for a physical or mental condition arising from an individual's commission of a crime or the individual's incarceration in a penal institution. Excludes from the definition of "full time student" any individual incarcerated in a penal institution following a felony conviction. Deems convicted felons to have refused rehabilitation services under certain circumstances.

H.R. 7880. July 30, 1980. Ways and Means. Amends the Internal Revenue Code to allow state legislators an income tax deduction for travel expenses away from home.

H.R. 7881. July 30, 1980. Education and Labor. Amends the Employee Retirement Income Security Act of 1974 to postpone for two months the date on which the Pension Benefit Guaranty Corporation must pay benefits under terminated multiemployer plans.

H.R. 7882. July 30, 1980. Education and Labor. Reorganizes the administration of Federal aid for State and local programs authorized by the Elementary and Secondary Education Act of 1965.

Prohibits the Secretary of Education from issuing regulations in matters relating to the details of planning, developing, implementing, and evaluating such programs, except as specifically authorized under this Act.

H.R. 7883. July 30. 1980. Public Works and Transportation. Prohibits any Federal funds from being authorized for, or apportioned, expended, or obligated for, construction of the North South Distributor Freeway in St. Louis, Missouri.

H.R. 7884. July 30, 1980. Agriculture; Banking, Finance and Urban Affairs; Interstate and Foreign Commerce; Science and Technology.

Provides for an accelerated program of biomass energy research and development.

H.R. 7885. July 30, 1980. Agriculture; Banking, Finance and Urban Affairs; Interstate and Foreign Commerce; Science and Technology. Provides for an accelerated program of biomass energy research and development.

H.R. 7886. July 30, 1980. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for adoption expenses on the same basis as deductions are currently allowed for medical or dental expenses.

H.R. 7887. July 30, 1980. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to release the name and address of any present or former member of the Armed Forces to any organization or private party conducting bona fide scientific research.

H.R. 7888. July 30, 1980. Ways and Means. Amends the Internal Revenue Code to enumerate certain conditions whereby meals furnished by an employer to an employee may be considered furnished for the convenience of the employer, and thus qualify as tax excludible for the employee, even if such meals are furnished off the business premises of the employer.

H.R. 7889. July 30, 1980. Judiciary. Declares a named individual to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 7890. July 30, 1980. Judiciary. Authorizes the classification of a named individual as a child for purposes of the Immigration and Nationality Act.

H.R. 7891. July 31, 1980. Banking, Finance and Urban Affairs. Amends the Depository Institutions Deregulation Act of 1980 to abolish the Depository Institutions Deregulation Committee. Prescribes maximum interest rate differentials between savings and loan accounts and bank accounts.

Amends the Federal Reserve Act, the Federal Deposit Insurance Act, and the Federal Home Loan Bank Act to require the respective Boards to limit interest rates on deposits to no more than the market rate of interest.

H.R. 7892. July 31, 1980. Merchant Marine and Fisheries. Directs the Secretary of the Interior to establish the Protection Island National Wildlife Refuge, Jefferson County, in the State of Washington.

H.R. 7893. July 31, 1980. Government Operations. Amends the Inspector General Act of 1978 to establish an Office of Inspector General in each of the Departments of Defense, Justice, State, and the Treasury and in the International Development Cooperation Agency.

H.R. 7894. July 31, 1980. Post Office and Civil Service. Requires the Secretary of Commerce to submit questions to be included in specified censuses to Congress. Prohibits the Secretary from including in any such census any question which is disapproved by Congress.

H.R. 7895. July 31, 1980. Judiciary. Provides that a rule promulgated by a Federal agency may not become final unless the agency submits the rule and an economic impact statement to the Congress and the Congress approves such rule and statement.

Requires each agency to submit to Congress an economic impact statement on each rule which has been promulgated by such agency.

H.R. 7896. July 31, 1980. Merchant Marine and Fisheries; Public Works and Transportation. Permits the Corps of Engineers or its contractors to dispose of dredged material from the Norfolk Harbor Channel (Virginia) project in specified ocean waters.

H.R. 7897. July 31, 1980. Judiciary. Permits the owners of certain real property in McIntosh, Georgia, presently comprising the Harris Neck National Wildlife Refuge and which was acquired by the United States by condemnation in 1943, to bring a claim against the Government, notwithstanding any existing statutes of limitation.

H.R. 7898. July 31, 1980. Ways and Means. Amends the Internal Revenue Code to allow a first-year income tax deduction for a specified percentage of the basis of certain types of business or investment property which are placed in service after 1980.

H.R. 7899. July 31, 1980. Judiciary. Amends the Immigration and Nationality Act to provide for the immediate deportation of aliens who are arrested and refuse to disclose their identities to law enforcement officers.

H.R. 7900. July 31, 1980. Interior and Insular Affairs. Prohibits the listing of any site on the National Register of Historic Places without the prior written permission of each owner of record of such site.

Permits the Federal Government to bring an action in the appropriate district court to list a site on the National Register of Historic Places.

H.R. 7901. July 31, 1980. Ways and Means. Amends the Internal Revenue Code to provide that an employee-participant in a tax-qualified plan of deferred compensation shall not lose eligibility for the income tax deduction for contributions to an individual retirement account if such employee separates from service with an employer during the taxable year and there is no increase in such employee's vested accrued benefit derived from employer contributions under such plan.

H.R. 7902. July 31, 1980. Banking, Finance and Urban Affairs. Establishes a National Development Bank to provide loans: (1) to finance public facilities for State and local governments; (2) for the establishment, expansion, and improvement of businesses and industries; and (3) to provide job training for unskilled and semi-skilled unemployed and underemployed workers.

H.R. 7903. July 31, 1980. Judiciary. Amends the Federal criminal code to penalize any player in a professional sports event who knowingly uses excessive physical force and causes risk of significant bodily injury to another person involved in such event.

H.R. 7904. July 31, 1980. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to eliminate the limitation of the years of service credit for military service to wartime service only.

H.R. 7905. July 31, 1980. Agriculture. Amends the Consolidated Farm and Rural Development Act to require that not less than a specified percentage of the real estate loans made under such Act be for the acquisition of family farms by prospective owner-operators.

H.R. 7906. July 31, 1980. Ways and Means. Amends the Internal Revenue Code to treat amounts paid as a distribution of earnings on a small business participating debenture as long-term capital gain.

H.R. 7907. July 31, 1980. Post Office and Civil Service. Directs the President to designate the year 1984 as the centennial celebration of the Statue of Liberty. Establishes the Statue of Liberty Centennial Commission.

H.R. 7908. July 31, 1980. Interstate and Foreign Commerce; Ways and Means. Amends title XIX (Medicaid) of the Social Security Act to require a State Medicaid program to provide for a program of grants to financially distressed medical care facilities. Establishes a Medical Care Facilities Protection Board to advise the Secretary of Health and Human Services in the administration of the grant program.

Amends title XVIII (Medicare) of the

Act to revise, for a hospital, the computation of the "reasonable cost" of services.

H.R. 7909. July 31, 1980. Ways and Means. Amends the Internal Revenue Code to allow an income tax credit of a portion of the qualified research and experimental expenditures paid or incurred by the taxpayer during the taxable year in connection with his trade or business.

H.R. 7910. July 31, 1980. Ways and Means. Establishes a National Council for Industrial Innovation and Reconstruction to seek information and advice from the private sector in implementing a system for adjusting depreciation schedules to encourage industrial development.

H.R. 7911. July 31, 1980. Interstate and Foreign Commerce. Makes technical changes in specified provisions of the Public Health Service Act and other Federal law regarding health planning.

H.R. 7912. July 31, 1980. Judiciary. Declares a named individual to have satisfied specified requirements under the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States. Authorizes such individual to be naturalized.

H.R. 7913. July 31, 1980. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 7914. July 31, 1980. Judiciary. Declares five named individuals to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 7915. July 31, 1980. Judiciary. Declares a named individual to be an immediate relative of a United States citizen for purposes of the Immigration and Nationality Act.

H.R. 7916. August 1, 1980. Interstate and Foreign Commerce. Prohibits the phaseout of any particular energy source for use by electric powerplants which would adversely affect the adequacy of electric power supply in any electric reliability area.

H.R. 7917. August 1, 1980. Banking, Finance and Urban Affairs. Directs the Secretary of the Treasury to inventory U.S. gold reserves. Requires congressional authorization to sell gold bullion. Repeals the President's and the Secretary's authority to regulate privately owned gold. Provides for the redemption in gold of all Federal Reserve and U.S. notes.

H.R. 7918. August 1, 1980. Judiciary. Amends the Federal criminal code to establish a maximum penalty of up to life imprisonment for whoever: (1) travels in interstate or foreign commerce with intent to commit rape; and (2) commits or attempts to commit rape during or after such travel.

H.R. 7919. August 1, 1980. Interior and Insular Affairs. Provides for the settlement of land claims of Indians, Indian nations, and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians.

H.R. 7920. August 1, 1980. Public Works and Transportation. Amends the highway safety program uniform standards to include: (1) effective alcohol safety programs; and (2) criminal penalties to deter motorists from driving while under the influence of alcohol.

H.R. 7921. August 1, 1980. Interstate and Foreign Commerce. Provides for a uniform product liability law.

H.R. 7922. August 1, 1980. Interstate and Foreign Commerce. Amends the Home Energy Assistance Act of 1980 to require that the allotment of home energy grant funds be based on the number of heating degree days or cooling degree days, whichever is greater.

H.R. 7923. August 1, 1980. Judiciary. Declares a named individual to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

Directs the granting of visas and admission to the United States for permanent residence to three named individuals.

H.R. 7924. August 1, 1980. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 7925. August 1, 1980. Judiciary. Declares three named individuals to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 7926. August 1, 1980. Judiciary. Declares five named individuals to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 7927. August 18, 1980. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to authorize payment for specified services performed by chiropractors, for physical examinations, and for related routine laboratory tests.

H.R. 7928. August 18, 1980. House Administration. Establishes temporary provisions governing the day and times for the elections of Senators, Members of the House of Representatives, and electors of the President and Vice President.

H.R. 7929. August 18, 1980. Ways and Means. Amends title II (Old Age, Survivors and Disability Insurance) of the Social Security Act to phase out, by 1985, the limitation on outside income for beneficiaries age 65 or older.

H.R. 7930. August 18, 1980. Ways and Means. Amends the Internal Revenue Code to allow individuals age 65 or over an income tax credit for the real property taxes, or 25 percent of the rent, paid on their principal residences.

H.R. 7931. August 18, 1980. Ways and Means. Amends the Internal Revenue Code to qualify educational filmstrips for the investment tax credit.

H.R. 7932. August 19, 1980. Ways and Means. Amends the Internal Revenue Code to eliminate the requirement that States reduce the amount of unemployment compensation payable for any week by the amount of pension, retirement or retired pay, annuity, or other similar payments.

Prohibits denial or reduction of unemployment compensation to an individual solely by reason of social security or railroad retirement benefits received.

H.R. 7933. August 18, 1980. Veterans' Affairs. Provides a Peacetime Veterans' Educational Assistance Program for persons who enter the military service after September 30, 1980. Terminates the Post-Vietnam Era Veterans' Educational Assistance Program after September 30, 1982.

H.R. 7934. August 18, 1980. House Administration; Rules. Establishes advisory referendum procedures to provide voters with a means to express their views on issues of national importance in each general election. Establishes a Joint Committee on the National Advisory Referendum and directs the Congressional Research Service to prepare a voters' guide pursuant to each issue in such referendum.

H.R. 7935. August 18, 1980. Ways and Means. Amends the Internal Revenue Code to permit married couples to file a combined income tax return under which each spouse computes taxable income separately and applies the tax rate for unmarried individuals to such income.

H.R. 7936. August 18, 1980. Interstate and Foreign Commerce. Exempts blood fractions used in immunoaugmentative therapy by a certain research center in Freeport, Grand Bahama Island, Bahamas from the definition of drug under the Federal Food, Drug, and Cosmetic Act for a period of five years.

H.R. 7937. August 18, 1980. Armed Services; Judiciary; Post Office and Civil Service; Rules. Amends the Ethics in Government Act of 1978 to require reporting of the exact value of items required to be disclosed.

H.R. 7938. August 18, 1980. Veterans' Affairs. Designates the Veterans Administration Medical Center, Reno, Nevada, as the "Ioannis A. Lougaris Veterans Administration Medical Center."

H.R. 7939. August 18, 1980. Banking, Finance and Urban Affairs; Interstate and Foreign Commerce. Amends the Securities Investor Protection Act to increase the maximum amount which the Securities Investor Protection Corporation may distribute to a customer in the liquidation of a broker-dealer.

Amends the Right to Financial Privacy Act of 1978 to apply its provisions to the Securities and Exchange Commission, except as provided in the Securities Exchange Act of 1934.

Amends the Securities Exchange Act of 1934 to specify those circumstances in which the Commission may obtain copies of information contained in financial records of a customer from a financial institution without prior notice to the customer.

H.R. 7940. August 18, 1980. Merchant Marine and Fisheries. Establishes the Falls of the Ohio National Wildlife Refuge.

H.R. 7941. August 18, 1980. Interior and Insular Affairs. Amends the Mineral Lands Leasing Act to authorize the Secretary of the Interior to lease additional lands to the holder of an oil shale lease for purposes that the lessee demonstrates are necessary for such operation. Permits the lessee to use the land to, among other things: (1) dispose of oil shale waste; and (2) build plants, reduction works, and other needed facilities.

H.R. 7942. August 18, 1980. Ways and Means. Approves the Protocol to the Agreement on Implementation of Article VII (Customs Valuation) of the General Agreement on Tariffs and Trade and the administrative action implementing such agreement.

Amends the Trade Agreements Act of 1979 to repeal a provision concerning the customs valuation of imported merchandise.

Amends the Tariff Schedules of the United States to make technical revisions in the tariff classifications of various chemicals.

H.R. 7943. August 18, 1980. Judiciary. Authorizes the classification of a named individual as a child for the purposes of the Immigration and Nationality Act.

H.R. 7944. August 18, 1980. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 7945. August 13, 1980. Interstate and Foreign Commerce. Authorizes the Secretary of Energy to make grants to: (1) units of local government for preparing and implementing local energy plans; and (2) States for preparing, modifying, or administering State long-range energy plans.

H.R. 7946. August 19, 1980. Judiciary. Grants a Federal charter to the Daughters of Union Veterans of the Civil War, 1861–1865.

H.R. 7947. August 19, 1980. Judiciary. Establishes three judicial districts in Michigan, the Eastern and Western Districts, and a new Northern District consisting of the Southern, Northern, and Eastern Divisions.

H.R. 7948. August 19, 1980. Ways and Means. Amends the Internal Revenue Code to reduce income taxes.

H.R. 7949. August 19, 1980. Ways and Means. Amends the Internal Revenue Code to reduce the tax on the net capital gains of individual and corporate taxpayers.

H.R. 7950. August 19, 1980. Banking, Finance and Urban Affairs. Directs the Secretary of the Treasury to establish a Commission to study U.S. policy concerning the role of gold in domestic and international monetary systems.

H.R. 7951. August 19, 1980. Judiciary. Transfers the counties of Fremont and Page from the Southern Division to the Western Division of the Southern Judicial District of Iowa.

H.R. 7952. August 19, 1980. Judiciary. Amends the patent law to extend the term of a patent which encompasses a chemical product, a process for use of a chemical product, or a device subject to a regulatory review period.

H.R. 7953. August 19, 1980. Interior and Insular Affairs. Provides for assistance to State and local governments for the protection and preservation of certain wild and scenic rivers.

H.R. 7954. August 19, 1980. Public Works and Transportation. Directs the Secretary of Transportation to appoint a task force to study the problems of allocating the use of airport facilities and airspace among persons using or seeking to use such facilities.

H.R. 7955. August 19, 1980. Armed Services; Education and Labor; Government Operations; Judiciary; Ways and Means. Limits the authority of the Federal Government to control State and local educational institutions with respect to prayer in public schools, parental involvement in the classrooms, and the employment conditions of teachers.

Amends the Internal Revenue Code to provide various tax incentives for the care and education of family members.

Requires federally funded abortion or venereal disease treatment centers to notify the parents of unmarried minors receiving treatment. Grants tax-exempt status to organizations providing care for abused children or spouses and for children who run away from home.

Places restrictions on the Legal Services Corporation in providing legal assistance.

H.R. 7956. August 19, 1980. Ways and Means. Amends the Internal Revenue Code to make miscellaneous revisions in Federal tax law relating to: (1) the income tax; (2) tax deferred pension plans; and (3) the estate tax.

H.R. 7957. August 19, 1980. Ways and Means. Authorizes the President to negotiate agreements with foreign governments limiting exports of automobiles and trucks to the United States.

H.R. 7958. August 19, 1980. Post Office and Civil Service. Entitles a former spouse of a Federal employee or a Member of Congress to a survivor annuity if provided in an election by such employee or Member or by a court decree of divorce or annulment.

H.R. 7959. August 19, 1980. Education and Labor. Amends the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to waive specified requirements for the use of title I special educational needs funds by local educational agencies participating in experimental programs designed to consolidate State categorical educational programs.

H.R. 7960. August 19, 1980. Interior and Insular Affairs. Directs the Secretary of Agriculture to set aside in special trust for a named individual of Chiloquin, Oregon, the beneficial use and occupancy of and to a specified tract of land in Klamath County, Oregon. Sets forth the terms and conditions of such use. Requires the Secretary to utilize the moneys to which such individual would otherwise be entitled to purchase lands within the former boundaries of the Klamath Indian Reservation to become part of the Winema National Forest.

H.R. 7961. August 19, 1980. Interior and Insular Affairs. Allows the one year initial deferment period permitted by the Secretary of the Interior on annual assessment work on unpatented mining claims to be renewed annually for additional periods, not to exceed one year each, for so long as the Secretary find such renewal is justified.

Authorizes the Secretary to waive the requirement of annual assessment work on unpatented mining claims for one or more assessments years.

H.R. 7962. August 19, 1980. Public Works and Transportation. Authorizes the Secretary of the Army to convey to the city and port of Umatilla, Oregon, specified lands and improvements in Umatilla County, Oregon.

H.R. 7963. August 19, 1980. Judiciary. Declares a named individual to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 7964. August 19, 1980. Judiciary. Directs that a named individual shall be deemed to have elected on a specified date, to have waived entitlement to military retired pay and to have received in lieu thereof a civil service retirement annuity.

Directs the Secretary of the Treasury to pay, from the Civil Service Retirement and Disability Fund, to: (1) the Secretary of the Air Force a specified amount equal to such individual's military retired pay; and (2) the surviving spouse of such individual a specified amount equal to such individual's civil service retirement annuity, less sums previously paid.

H.R. 7965. August 19, 1980. Judiciary. Declares a named individual to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 7966. August 20, 1980. House Administration. Sets forth procedures for the selection of a presidential candidate or a vice presidential candidate, or both, in the event that the President and Vice President are to be selected by the Senate and the House of Representatives, respectively, and the presidential or vice presidential candidate, or both, of a party die or are disqualified.

H.R. 7967. August 20, 1980. Judiciary. Provides that the United States District Court for the Eastern District of California shall be held in the Modesto-Ceres metropolitan area, in addition to those places currently provided by law.

H.R. 7968. August 20, 1980. Ways and Means. Amends the Internal Revenue Code to allow an income tax credit for expenses paid for energy audits of residences.

H.R. 7969. August 20, 1980. Interior and Insular Affairs. Amends the Wild and Scenic Rivers Act to designate a certain portion of the Salmon River in the State of Connecticut for potential addition to the wild and scenic rivers system.

H.R. 7970. August 20, 1980. Agriculture. Authorizes the Secretary of Agriculture to make payments to the producers of the 1980 crop of soybeans if such producers are able to harvest less than 70 percent of such crop because of a natural disaster. Establishes a formula for determining the amount of such payments.

H.R. 7971. August 20, 1980. Ways and Means; Amends the Internal Revenue Code to provide individuals a credit against income tax for ten percent of the State and local general sales taxes imposed on their purchase of certain new American-made highway vehicles.

H.R. 7972. August 20, 1980. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to replace the Provider Reimbursement Review Board with the Provider Payment Review Board. Grants the Board the power to review disputes on cost reimbursement under the Medicare program between providers of services and Secretary of Health and Human Services.

H.R. 7973. August 20, 1980. Ways and Means. Amends the Internal Revenue Code with respect to the treatment of certain shale oil property as energy property for purposes of the energy investment credit.

H.R. 7974. August 20, 1980. Judiciary. Sets forth rules governing the composition and duties of the judicial councils of the circuit courts. Establishes procedures within such councils for the processing and resolution of complaints against Federal judges within such circuits.

H.R. 7975. August 20, 1980. Ways and Means. Amends the Internal Revenue Code to eliminate the marriage penalty by requiring that all individuals use the income tax rates applicable to joint returns and that community property laws shall not apply for Federal income tax purposes.

H.R. 7976. August 20, 1980. Agriculture. Amends the Agricultural Fair Practices Act of 1967 to insert good faith bargaining provisions.

H.R. 7977. August 20, 1980. Judiciary. Amends the Federal criminal code to establish a penalty for anyone within the jurisdiction or control of the United States who knowingly develops, transfers, or possesses any agent (a micro-organism or infectious substance capable of causing harm), toxin, or delivery system for a prohibited purpose.

H.R. 7978. August 20, 1980. Judiciary; Education and Labor. Creates a Cuban/Haitian immigrant entrant status.

H.R. 7979. August 20, 1980. Interior and Insular Affairs; Judiciary; Merchant Marine and Fisheries. Provides for seabed boundary agreements between the United States and any coastal State and the immobilization of the seabed boundary of any State.

H.R. 7980. August 20, 1980. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to contract for the use of a privately or publicly owned facility in Las Vegas, Nevada, to provide hospital care for veterans with service-connected disabilities.

H.R. 7981. August 20, 1980. Interior and Insular Affairs. Authorizes appropriations to the Nuclear Regulatory Commission for fiscal year 1981.

H.R. 7982. August 20, 1980. Interior and Insular Affairs; Public Works and Transportation. Authorizes the Secretary of the Interior to grant rights-of-way on Federal and non-Federal lands for the construction, operation, and maintenance of coal pipelines and related facilities.

H.R. 7983. August 20, 1980. Ways and Means. Amends the Internal Revenue Code to allow an income tax credit of a portion of the qualified research and experimental expenditures paid or incurred by the taxpayer during the taxable year in connection with his trade or business.

H.R. 7984. August 20, 1980. Judiciary. Declares a named individual to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 7985. August 21, 1980. Ways and Means. Amends the Internal Revenue Code to allow an individual a deduction for certain contributions to an account the proceeds from which are used to purchase a principal residence for such individual.

H.R. 7986. August 21, 1980. Public Works and Transportation. Authorizes the discharge of dredged material from Federal projects for the construction of the Fernandina Harbor Jetties and a portion of the Intercoastal Waterway in Florida.

H.R. 7987. August 21, 1980. Judiciary. Eliminates the jurisdiction of Federal courts established under article III of the Constitution to modify any State court order which is or will be subject to review by the highest court of the State.

H.R. 7988. August 21, 1980. District of Columbia. Establishes within the District of Columbia government an Office of the Attorney General for the District of Columbia. Transfers prosecutorial authority for local offenses to the District of Columbia government. Abolishes the Office of the Corporation Counsel of the District of Columbia and transfers its functions and positions to the Office of the Attorney General.

H.R. 7989. August 21, 1980. Ways and Means. Amends the Internal Revenue Code to: (1) increase selected tax benefits for individuals; (2) allow an income tax credit for the payment of social security taxes and for contribution to qualified pension plans; (3) establish a system of capital cost recovery in lieu of the present system of calculating depreciation allowances; and (4) reduce corporate income tax rates.

H.R. 7990. August 21, 1980. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to permit certain post-retirement employment by rail carrier annuitants on the same basis as is permitted under the social security system.

H.R. 7991. August 21, 1980. Agriculture. Amends the Rural Electrification Act of 1936 to require the United States to purchase class A stock to fund the Rural Telephone Bank through 1991. Sets forth redemption requirements for such stock.

H.R. 7992. August 21, 1980. Ways and Means. Amends the Internal Revenue Code to abolish the estate and gift taxes.

H.R. 7993. August 21, 1980. Interior and Insular Affairs. Amends the Wild and Scenic Rivers Act to designate a specified portion of the Farmington River in the State of Connecticut for potential addition to the Wild and Scenic Rivers System.

H.R. 7994. August 21, 1980. Ways and Means. Amends the Internal Revenue Code to reduce the rate of tax on capital gains for individuals and corporations.

H.R. 7995. August 21, 1980. Interstate and Foreign Commerce. Amends the Developmental Disabilities and Bill of Rights Act to extend the authorization of appropriations for specified programs for persons with developmental disabilities.

H.R. 7996. August 21, 1980. Ways and Means. Amends the Internal Revenue Code to allow an income tax credit for the purchase of a new American-made automobile.

H.R. 7997. August 21, 1980. Judiciary. Removes the current authority of Federal magistrates to hear certain types of criminal proceedings.

Limits the circumstances in which a writ of habeas corpus may be granted on behalf of a person in custody under a State court judgment.

Revises the standards governing such proceedings in Federal court.

H.R. 7998. August 21, 1980. Appropriations. Makes appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 1981.

H.R. 7999. August 22, 1980. House Administration. Amends the Legislative Reorganization Act of 1946 to repeal the authority of the Secretary of the Senate and the Clerk of the House to enter into arrangements with the Board of Education of the District of Columbia for the education of congressional pages.

Establishes the U.S. Capitol Page Board for supervision and education of congressional pages.

H.R. 8000. August 22, 1980. Interstate and Foreign Commerce. Amends the Energy Policy and Conservation Act to require as a condition for the receipt of Federal assistance for a proposed State energy conservation plan under this Act that a State permit right turns after stopping at at least 70 percent of the red stoplights in such State.

H.R. 8001. August 22, 1980. Interior and Insular Affairs. Amends the Wild and Scenic Rivers Act to designate a segment of the Dosewallips River and segments of the Quillayute River in Washington as components of the National Wild and Scenic Rivers System.

Designates the entire Hoh River, a segment of the Dosewallips River, and a segment of the Quillayute River in Washington for potential addition to the National Wild and Scenic Rivers System.

H.R. 8002. August 22, 1980. Ways and Means. Amends the Social Security Act and the Internal Revenue Code to include service performed as the Vice President of the United States, as a Member, Delegate, or Resident Commissioner of or to the Congress, or in the legislative branch within the definitions of employment for purposes of such Acts relating, respectively, to Federal Old Age, Survivors and Disability Insurance Benefits and to Federal Insurance Contributions (applicable to all taxable years beginning after December 31, 1980).

H.R. 8003. August 22, 1980. Interior and Insular Affairs. Amends the Colorado River Basin Project Act to prohibit any Federal official from undertaking reconnaissance studies of any plan for the importation of water into the Colorado River Basin.

H.R. 8004. August 22, 1980. Ways and Means; Interstate and Foreign Commerce. Establishes a program of mental health benefits to entitle all residents and nonresident citizens of the United States to payments for mental health care and psychiatric care.

H.R. 8005. August 22, 1980. Veterans' Affairs. Establishes a minimum pension of $600 for veterans of a period of war who have permanent and total non-service-connected disabilities and who are entitled to receive pension and for the surviving spouses of such veterans.

H.R. 8006. August 22, 1980. Government Operations. Amends the Accounting and Auditing Act of 1950 to require ongoing evaluations of, and reports on, the adequacy of the systems of internal accounting and administrative control of each executive agency.

H.R. 8007. August 22, 1980. Veterans' Affairs. Allows educational assistance benefits to be provided to adult children of members of the Armed Forces being forcibly interned by foreign governments on the same basis as such benefits are provided to adult children of veterans with permanent service-connected total disabilities.

H.R. 8008. August 22, 1980. Ways and Means. Amends the Internal Revenue Code to increase the capital gains deduction for individuals.

H.R. 8009. August 22, 1980. Foreign Affairs; Public Works and Transportation; Judiciary. Sets forth sanctions to be imposed against countries that support international terrorism.

Authorizes the Secretary of Transportation to restrict operations at those foreign airports failing to bring their security measures to a specified level of effectiveness. Sets forth penalties for specified acts endangering aircraft.

Requires explosives to carry certain identification and detection taggants.

Establishes a task force for U.S. victims of terrorism within the Department of Health and Human Services.

Requires the Director of the Federal Emergency Management Agency to coordinate Federal planning to reduce the consequences of terrorism acts.

H.R. 8010. August 25, 1980. Education and Labor. Amends the Comprehensive Employment and Training Act to direct the Secretary of Labor to designate certain Job Corps facilities in Kentucky as the Earle C. Clements Job Corps Center.

H.R. 8011. August 25, 1980. House Administration. Amends the Federal Election Campaign Act of 1971 to provide for financing of general election campaigns for the House of Representatives.

H.R. 8012. August 25, 1980. Post Office and Civil Service. Establishes a commission to recommend an appropriate memorial to former U.S. Representative Allard K. Lowenstein.

H.R. 8013. August 25, 1980. Foreign Affairs. Requires that certain payments be made by the Government of Iran to those U.S. citizens who were taken hostage in Tehran in November, 1979.

H.R. 8014. August 25, 1980. Ways and Means. Amends the Internal Revenue Code to reduce corporate income tax rates.

H.R. 8015. August 25, 1980. Ways and Means. Amends the Internal Revenue Code to increase the unified credits against the estate and gift taxes and the minimum gross estate requiring filing of an estate tax return.

H.R. 8016. August 25, 1980. Ways and Means. Amends the Internal Revenue Code to: (1) increase the unified credit against estate tax; and (2) increase the gift tax exclusion.

H.R. 8017. August 25, 1980. Public Works and Transportation. Funds the dredging to deepen Baltimore Harbor and channel. Provides within Baltimore Harbor spoil disposal sites enlarged in capacity by dewatering. Prevents spoil disposal at Hart and Miller Islands in the Chesapeake Bay.

H.R. 8018. August 25, 1980. Public Works and Transportation. Renames the East Fork Lake and the East Fork Dam in the Little Miami River Basin, Ohio, as the William H. Harsha Lake and the William H. Harsha Dam.

H.R. 8019. August 25, 1980. Ways and Means. Amends the Internal Revenue Code to allow home builders an income tax credit for the incorporation of passive solar energy systems in newly constructed residences.

H.R. 8020. August 25, 1980. Ways and Means. Amends the Internal Revenue Code to: (1) increase the unified credit against estate and gift tax; and (2) increase the gift tax exclusion.

H.R. 8021. August 25, 1980. Agriculture. Amends the Food Stamp Act of 1977 to authorize the States to establish eligibility standards for participation in the food stamp program and benefit levels under such program.

H.R. 8022. August 25, 1980. Interior and Insular Affairs. Reinstates and extends a specified U.S. oil and gas lease subject to payment of accrued rental for such lease by the last recordholder of such lease.

H.R. 8023. August 26, 1980. Ways and Means; Interstate and Foreign Commerce. Amends Title IV (AFDC) and Title XIX (Medicaid) of the Social Security Act to increase gradually the Federal medical assistance percentage payable to a State with a medical assistance plan approved by the Secretary of Health and Human Services under this Act.

H.R. 8024. August 26, 1980. Public Works and Transportation. Renames Aubrey Lake, Texas, as Ray Roberts Lake.

H.R. 8025. August 26, 1980. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) and title XIX (Medicaid) of the Social Security Act to prohibit Medicare and Medicaid payments for any new prescription drug or drug similar to a new prescription drug which has been approved by the Secretary of Health and Human Services but for which the Secretary has issued a notice of a hearing on a proposed order to withdraw approval of such drug because the drug is not effective for all uses prescribed in its labeling.

H.R. 8026. August 26, 1980. Education and Labor. Amends the Farm Labor Contractor Registration Act of 1963 to revise the definition of "farm labor contractor" to broaden specified exclusions from coverage and to add nonprofit or cooperative farmer, grower, or rancher associations, and their employees to such exclusions.

Limits the definitions of "agricultural employment" and of "migrant worker" for purposes of such Act.

H.R. 8027. August 26, 1980. Public Works and Transportation. Extends from fifty years to eighty years the period for repayment of revenue bonds issued by the Saint Lawrence Seaway Development Corporation to the Secretary of the Treasury.

H.R. 8028. August 26, 1980. Ways and Means. Amends the Internal Revenue Code to provide for nonrecognition of gain on the sale or exchange of farm property under rules similar to the rules for nonrecognition of gain on the sale or exchange of a principal residence.

H.R. 8029. August 26, 1980. Government Operations. Permits any person to commence a civil action against any person (including the Government) who is alleged to possess records wrongfully removed from an agency.

H.R. 8030. August 26, 1980. Interior and Insular Affairs. Grants diversity jurisdiction to the District Court of Guam, regardless of the sum or value of the matter in controversy.

Declares that in any direct action brought against an insurer of a policy or contract of liability insurance, the insurer, for purposes of this Act, shall be deemed to be a citizen of the State of which the insured is a citizen, the States by which it is incorporated, and the State where it has its principal business location.

H.R. 8031. August 27, 1980. Post Office and Civil Service. Requires the Secretary of Commerce to adjust the population figures obtained in the 1980 decennial census for undercounting, and to authorize the use of sampling to determine the population for purposes of apportionment of Representatives in Congress.

H.R. 8032. August 27, 1980. Ways and Means. Amends the Internal Revenue Code, with respect to the estate and gift taxes, to: (1) increase the unified credit; (2) provide for an unlimited marital deduction; (3) increase the annual gift tax exclusion; (4) permit disabled individuals and those receiving social security benefits to take advantage of the specal use valuation of farms and small businesses; and (5) revise other provisions of the Code with respect to the special use valuation, extension of payment time, and disclaimers.

H.R. 8033. August 27, 1980. Ways and Means. Amends the Internal Revenue Code, with respect to the estate and gift taxes, to: (1) increase the unified credit; (2) provide for an unlimited marital deduction; (3) increase the annual gift tax exclusion; (4) permit disabled individuals and those receiving social security benefits to take advantage of the special use valuation of farms and small businesses; and (5) revise other provisions of the Code with respect to the special use valuation, extension of payment time, and disclaimers.

H.R. 8034. August 27, 1980. Post Office and Civil Service. Establishes a ceiling on Federal contracts for personal services. Extends the ceiling on the number of Federal employees under the Civil Service Reform Act of 1978.

H.R. 8035. August 27, 1980. Veterans' Affairs. Revises the procedures of the Veterans Administration for the construction, alteration, and acquisition of land for cemeteries. Requires congressional oversight of any such project involving a total expenditure of more than $500,000.

H.R. 8036. August 27, 1980. Ways and Means. Amends the Internal Revenue Code to treat as front-end oil, exempt from the crude oil windfall profit tax, any domestic crude oil which is a production payment, in payment of allowed expenses, carved out for exploration or development of a qualified mineral property which is the subject of a tertiary project of an independent producer.

H.R. 8037. August 27, 1980. Ways and Means. Amends the Internal Revenue Code and the Social Security Act to repeal the increases in social security taxes scheduled to go into effect in 1981 and 1982.

H.R. 8038. August 27, 1980. Ways and Means. Amends the Internal Revenue Code to allow a tax credit for certain contributions of literary, musical, or artistic compositions.

H.R. 8039. August 27, 1980. Post Office and Civil Service. Establishes the Commission for the Commemoration of the Bicentennial of the United States Constitution, representing the three branches of the Federal Government and the public, to plan and develop activities to commemorate the historic events that preceded and are associated with the Constitution.

H.R. 8040. August 27, 1980. Ways and Means. Amends the Internal Revenue Code to provide for the refunding of the amount a taxpayer's investment credit exceeds his liability for income tax.

H.R. 8041. August 27, 1980. Public Works and Transportation. Changes the name of Clarence Cannon Dam and Reservoir.

H.R. 8042. August 27, 1980. Ways and Means. Amends the Internal Revenue Code to include a one-bank holding company among the exceptions to the tax penalty to allow the transfer of a bank from one independent ownership to another.

H.R. 8043. August 27, 1980. Post Office and Civil Service. Directs the Secretary of Commerce to adjust the population figures obtained in the decennial census by using appropriate statistical methods to remedy any undercount.

H.R. 8044. August 27, 1980. Judiciary. Declares, for purposes of the Government Losses in Shipment Act, that certain United States Treasury Notes owned by two named individuals shall be deemed to have been destroyed.

H.R. 8045. August 27, 1980. Interior and Insular Affairs. Directs the Secretary of the Interior to reinstate six specified oil and gas leases upon petition by a named corporation.

H.R. 8046. August 28, 1980. Ways and Means. Extends for an additional two years certain provisions relating to controversies as to the treatment of individuals as employees for purposes of the unemployment taxes.

H.R. 8047. August 28, 1980. Judiciary. Provides for adjustment to the refugee admission status of certain Cuban and Haitian nationals presently in the United States.

H.R. 8048. August 28, 1980. Government Operations. Amends the Federal Property and Administrative Services Act of 1949 to require an executive agency responsible for constructing a dam to transfer surplus topsoil, upon request, to local governments, local pulic agencies, and private nonprofit organizations in the area without consideration.

H.R. 8049. August 28, 1980. Judiciary. Amends the Federal criminal code to revise the current prohibition against making threats against a President and successors to the Presidency by: (1) including the threat of kidnapping within the scope of such offense; and (2) extending its application to threats against presidential and vice-presidential candidates, spouses of such candidates, and members of the immediate family of the President and Vice President.

H.R. 8051. August 28, 1980. Ways and Means. Directs the Secretary of Health and Human Services to carry out at least three demonstration projects whereby Medicare patients receiving chemotherapy may be housed in facilities other than inpatient acute care hospital facilities.

H.R. 8050. August 28, 1980. Ways and Means. Amends the Internal Revenue Code to: (1) reduce individual income tax rates; (2) increase the zero bracket amount for individual taxpayers; (3) increase the income levels at which a tax return is required to be filed; and (4) reduce the rate of the alternative minimum tax.

H.R. 8052. August 28, 1980. Interstate and Foreign Commerce. Establishes a civil penalty for any person engaged in the sale of a good, the producer of which is required under Federal law or regulation to include a batch identification number, who renders such number unusable.

H.R. 8053. August 28, 1980. Education and Labor. Directs the Secretary of Education to make grants to aid educational agencies of States and U.S. territories in providing basic and supplemental education services for alien children enrolled in elementary and secondary public and private schools.

H.R. 8054. August 28, 1980. Ways and Means. Provides that certain regulations relating to ingredient labeling and advertising of wine shall not take effect unless they are amended to insure compliance by foreign producers.

H.R. 8055. August 28, 1980. Education and Labor. Amends the Fair Labor Standards Act of 1938 to raise the minimum annual gross volume of sales made or business done by an enterprise in order for the employees of an enterprise to be covered by such Act.

H.R. 8056. August 28, 1980. Post Office and Civil Service. Amends existing law to correct for under-counting in the 1980 census.

H.R. 8057. August 28, 1980. Public Works and Transportation. Requires aircraft manufacturers to remedy design and manufacturing defects in civil aircraft.

H.R. 8058. August 28, 1980. Ways and Means. Amends the Internal Revenue Code with respect to the limitation on the acceleration of the accrual of taxes.

H.R. 8059. August 28, 1980. Ways and Means. Amends the Internal Revenue Code to increase the aggregate decrease in the value of qualified real property taken into account for purposes of the special valuation of certain farms for application of the estate tax.

H.R. 8060. August 28, 1980. Judiciary. Declares four named individuals to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 8061. August 28, 1980. Appropriations. Makes appropriations for Federal payment to, and specified loans and programs of, the District of Columbia for fiscal year 1981.

Specifies restrictions on the use of funds appropriated by this Act.

H.R. 8062. September 3, 1980. Government Operations. Establishes controls on year end expenditure practices of Federal agencies.

H.R. 8063. September 3, 1980. Government Operations. Amends the Accounting and Auditing Act of 1950 to require each executive agency to report to the President, annually, on the adequacy of its systems of internal auditing and administrative control, and to establish such controls in accordance with standards prescribed by the Comptroller General.

Amends the Budget and Accounting Act of 1921 to require the President to include in information transmitted to Congress with the annual budget specified information on requests for appropriations by Offices of Inspector General.

H.R. 8064. September 3 1980. Foreign Affairs; Interstate and Foreign Commerce. Amends the Foreign Assistance Act of 1961 and the Public Health Service Act to provide for the advancement of international cooperation and assistance in health.

H.R. 8065. September 3, 1980. Judiciary. Amends the Federal criminal code to prohibit the sale, exchange, or concealment of a Treasury check or Government bond or security, knowing that such item is stolen or bears a forged endorsement or signature.

Authorizes the United States Secret Service to arrest persons committing such offense.

Increases the current penalties for forging contracts, deeds, and powers of attorney to defraud the United States, if the face value of the writing exceeds $500.

H.R. 8066. September 3, 1980. Public Works and Transportation. Exempts from the jurisdiction of the Interstate Commerce Commission transportation by motor vehicle of food and other edible products intended for human consumption.

H.R. 8067. September 3, 1980. Judiciary. Amends the Immigration and Nationality Act to provide for: (1) the deportation of certain nonimmigrant aliens involved in unlawful conduct in demonstrations; and (2) the expediting of judicial review of deportation and exclusion orders.

H.R. 8068. September 3, 1980. Ways and Means. Amends the Internal Revenue Code to exempt from the manufacturers' excise tax: (1) chassis designed primarily as feed, seed, or fertilizer equipment; and (2) chassis, and parts and accessories for such, sold in connection with the first retail sale of trucks and trailers with feed, seed, or fertilizer bodies.

H.R. 8069. September 3, 1980. Judiciary. Makes technical corrections in the Civil Rights of Institutionalized Persons Act (Public Law 96–247).

H.R. 8070. September 3, 1980. Ways and Means. Amends the Internal Revenue Code to increase the minimum amount of retained earnings which a corporation may accumulate without being subject to the tax on accumulated earnings.

H.R. 8071. September 3, 1980. Agriculture. Amends the Agricultural Act of 1949 to increase to 100 percent the amount of the deficiency in the production of the 1980 crops of corn, wheat, and feed grains with respect to which farm disaster payments may be made.

H.R. 8072. September 3, 1980. Judiciary. Grants relief to a named individual for all liability to the United States for an amount claimed to have been overpaid due to administrative oversight.

Directs the Secretary of the Treasury to pay such individual a specified sum in satisfaction of such liability.

H.R. 8073. September 4, 1980. Ways and Means. Sets forth the criteria for the tax treatment of certain transactions involving automobiles and trucks entered into before January 1, 1981.

H.R. 8074. September 4, 1980. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) and title XIX (Medicaid) of the Social Security Act to reimburse qualifying hospitals for the community service costs incurred in providing covered outpatient services to certain poor and uninsured individuals.

Establishes the National Advisory Council on Hospital Financing Stabilization and Reorganization to advise the Secretary of Health and Human Services with regard to the implementation of this Act.

H.R. 8075. September 4, 1980. Government Operations. Adds representatives of town officials to the membership of the Advisory Commission on Intergovernmental Relations.

H.R. 8076. September 4, 1980. Armed Services. Authorizes appropriations for fiscal year 1981 to the Navy for research, development, testing, and evaluation of a shallow underwater missile (SUM) submarine system.

H.R. 8077. September 4, 1980. Ways and Means. Amends the Internal Revenue Code with respect to the application of the credit for producing fuel from a nonconventional fuel to solid fuel pellets made from biomass.

H.R. 8078. September 4, 1980. Interior and Insular Affairs. Deauthorizes the Oahe Unit, James Division, Missouri River Basin project, in the State of South Dakota.

H.R. 8079. September 4 1980. Veterans' Affairs. Designates the Veterans' Administration medical center in Clarksburg West Virginia, as the "Louis A. Johnson Veterans' Medical Center."

H.R. 8080. September 4, 1980. Judiciary. Amends the Foreign Agents Registration Act of 1938 to prohibit relatives of the President, Vice President, any Member of Congress, or any member of the President's cabinet from acting as foreign agents.

H.R. 8081. September 4, 1980. Post Office and Civil Service; House Administration; Interior and Insular Affairs. Establishes the United States Holocaust Memorial Council.

H.R. 8082. September 5, 1980. Ways and Means. Amends the Internal Revenue Code, with respect to the special farm valuation for estate tax purposes, to deem the material participation requirement met if, before the decedent's death, there was material participation by the decedent or any spouse in the operation of the farm or other business during periods aggregating 20 years or more.

Requires treatment of the activities of any agency or fiduciary as the activities of a qualified heir under certain circumstances.

H.R. 8083. September 5, 1980. Interstate and Foreign Commerce; Ways and Means. Amends Title IV (AFDC) and Title XIX (Medicaid) of the Social Security Act to increase gradually the Federal medical assistance percentage payable to a State with a medical assistance plan approved by the Secretary of Health and Human Services under this Act.

H.R. 8084. September 5, 1980. Interior and Insular Affairs. Amends the Wild and Scenic Rivers Act to authorize the acquisition of certain lands in Douglas County, Wisconsin.

H.R. 8085. September 5, 1980. Banking, Finance and Urban Affairs. Provides for the termination of the Credit Control Act.

H.R. 8086. September 5, 1980. Ways and Means. Directs the Secretary of the Treasury to admit free of customs duty an ion microanalyzer for the use of a named corporation.

H.R. 8087. September 8, 1980. Interior and Insular Affairs. Amends the National Trails System Act to designate specified trails as national scenic and historic trails. Specifies trails to be studied for consideration for designation as national scenic trails.

Authorizes the establishment of a volunteer action trails demonstration program to be administered by the Secretary of the Interior to encourage the planning and management by volunteers of all types of nonmotorized trails throughout the National Trails System.

H.R. 8088. September 8, 1980. Ways and Means. Amends the Internal Revenue Code to allow individuals a 50 percent credit for retirement savings and to otherwise encourage, expand, and simplify independent individual savings for retirement.

H.R. 8089. September 8, 1980. Ways and Means. Amends the Internal Revenue Code to provide an additional personal exemption for a taxpayer, or spouse or dependent of a taxpayer, who has a disability requiring the use of a wheelchair.

H.R. 8090. September 8, 1980. Agriculture. Amends the Consolidated Farm and Rural Development Act to require that the rate of interest applicable to real estate loans made for irrigation purposes not exceed seven percent.

H.R. 8091. September 8, 1980. Education and Labor. Amends the Longshoremen's and Harbor Workers' Compensation Act to limit the liability of owners, operators, or charters of vessels engaged in activities on the Outer Continental Shelf for injuries to persons covered by such Act to damages attributable to their negligence.

H.R. 8092. September 9, 1980. Ways and Means. Amends the Internal Revenue Code to repeal the family rental tax.

H.R. 8093. September 9, 1980. Judiciary. Authorizes the granting of a visa and admission to the United States for permanent residence to a named individual.

H.R. 8094. September 10, 1980. Ways and Means. Sets forth the tax treatment of the proceeds from the condemnation of certain forest lands in trust for the Klamath Indian Tribe.

H.R. 8095. September 10. 1980. Public Works and Transportation; Merchant Marine and Fisheries. Authorizes certain Great Lakes maritime programs to extend the traditional shipping season. Provides for the filing of tariffs by common carriers by water in the foreign commerce of the United States. Revises certain St. Lawrence financial provisions.

H.R. 8096. September 10, 1980. Interior and Insular Affairs. Designates specified rivers for potential addition to the national wild and scenic rivers system.

Designates specified rivers as components of the national wild and scenic rivers system.

Designates certain river segments for inclusion in such system.

H.R. 8097. September 10, 1980. Interior and Insular Affairs. Provides that the amount of Federal payment to units of local government within a State for certain Federal property located within their jurisdiction shall not be less than the amount such units would be eligible to receive from the State as a State payment in lieu of taxes if the property were owned by the State rather than the United States.

H.R. 8098. September 10, 1980. Ways and Means. Requires the Internal Revenue Service to follow Frederick vs. United States in the administration of the Internal Revenue Code with respect to transportation expenses.

H.R. 8099. September 10, 1980. Ways and Means. Amends the Internal Revenue Code to allow an individual to establish a tax-exempt trust fund for the support of a handicapped dependent.

H.R. 8100. September 10, 1980. Ways and Means. Amends the Internal Revenue Code to allow an individual to establish a tax-exempt trust fund for the support of a handicapped dependent.

H.R. 8101. September 10, 1980. Interstate and Foreign Commerce. Amends the Solid Waste Disposal Act to provide Federal financial and technical assistance to implement State programs for the cleanup and containment of inactive hazardous waste sites.

H.R. 8102. September 10, 1980. Interior and Insular Affairs. Conveys certain lands in Oklahoma to the Cherokee Nation of Indians.

H.R. 8103. September 10, 1980. House Administration. Designates the Smithsonian Institution's National Collection of Fine Arts as the National Museum of American Art and the National Museum of History and Technology as the National Museum of American History.

H.R. 8104. September 10, 1980. Interstate and Foreign Commerce; Science and Technology. Amends the Resource Conservation and Recovery Act of 1976 to require the Administrator of the Environmental Protection Agency to conduct and coordinate research relating to specifying the dumpsites which contain toxic chemicals or hazardous wastes sufficient to present a clear danger to public health and identifying the most appropriate solutions to health and environmental problems presented by such wastes.

Directs the Administrator to establish an Office of Remedial Research to undertake a comprehensive study, analysis of, and report on such dumpsites.

Creates an independent Toxic Chemical and Hazardous Waste Advisory Board to review the findings and recommendations in the report.

H.R. 8105. September 11, 1980. Appropriations. Makes appropriations to the Department of Defense for fiscal year 1981.

H.R. 8106. September 15, 1980. Banking, Finance and Urban Affairs. Amends the Depository Institutions Deregulation and Monetary Control Act of 1980 to provide that any person may charge interest on any loan at a rate which is not more than five percent greater than the discount rate on 90-day commercial paper which is in effect at the Federal Reserve banks in the Federal Reserve district in which such person is located.

H.R. 8107. September 15, 1980. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to require the monitoring of radioactive materials transported by air.

H.R. 8108. September 15, 1980. Interstate and Foreign Commerce; Public Works and Transportation. Requires the monitoring of radioactive materials transported by air.

H.R. 8109. September 15, 1980. Ways and Means. Amends the Internal Revenue Code to increase the amount of the credit for expenses for household and dependent care services necessary for gainful employment.

H.R. 8110. September 15, 1980. Ways and Means. Provides certain rules relating to the taxation of U.S. business operations abroad.

H.R. 8111. September 15, 1980. Ways and Means. Amends the Internal Revenue Code to provide tax incentives with respect to the building and rehabilitation of rental housing.

H.R. 8112. September 15, 1980. Interior and Insular Affairs. Requires the Secretary of the Interior to convey a parcel of land in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development.

H.R. 8113. September 15, 1980. Agriculture. Amends the Consolidated Farm and Rural Development Act to provide the Secretary of Agriculture with emergency credit readjustment authority.

H.R. 8114. September 15, 1980. Ways and Means. Amends the Internal Revenue Code to exempt incremental tertiary oil from the crude oil windfall profit tax.

H.R. 8115. September 15, 1980. Judiciary. Amends the Immigration and Nationality Act relating to the seizure and disposition of vessels, vehicles, and aircraft involved in the smuggling of illegal aliens into the United States.

H.R. 8116. September 15, 1980. House Administration. Requires that State elections, within the same region of the United States, for delegates to national presidential nominating conventions be held on the same date.

H.R. 8117. September 15, 1980. Interstate and Foreign Commerce. Amends the Safe Drinking Water Act to extend the time by which temporarily exempted public water systems must meet contaminant level and treatment technique requirements.

Authorizes a State to receive and retain primary enforcement responsibility for protecting its underground injection control program relating to oil or natural gas production or recovery by demonstrating that its program meets the minimum requirements of State program regulations and will prevent underground injection which endangers drinking water sources.

H.R. 8118. September 16, 1980. Ways and Means. Authorizes any State to enter into an agreement with the Secretary of Labor to pay Federal Supplemental Benefits to unemployed individuals meeting specified requirements whose week of unemployment begins in a Federal supplemental benefit period. Requires each such agreement to contain specified provisions. Provides sanctions against individuals who receive undue benefits.

H.R. 8119. September 16, 1980. Merchant Marine and Fisheries; Science and Technology. Requires the Secretary of Commerce to undertake a study to determine the effects of certain past ocean dumping of radioactive wastes.

H.R. 8120. September 16, 1980. Ways and Means. Amends the Internal Revenue Code to provide that certain rentals to members of a taxpayer's family will not be treated as personal use by the taxpayer for purposes of the disallowance of certain expenses in connection with the business use of homes and rental of vacation homes.

H.R. 8121. September 16, 1980. Interstate and Foreign Commerce. Amends the Energy Policy and Conservation Act to transfer the authority of the Strategic Petroleum Reserve Office over the Reserve to the Strategic Petroleum Reserve Corporation.

H.R. 8122. September 16, 1980. Armed Services. Provides for the conveyance of certain lands to the State of Maine.

H.R. 8123. September 16, 1980. Ways and Means. Amends the Internal Revenue Code with respect to capital investment in small business.

H.R. 8124. September 16, 1980. Ways and Means. Amends the Internal Revenue Code to exempt from the excise taxes on gasoline, diesel fuel, and special motor fuels any such fuels used in connection with intercity, local, and school buses.

H.R. 8125. September 16, 1980. Government Operations. Requires certain Federal agencies to analyze complaints regarding their delivery of services and benefits and to report their findings to Congress.

H.R. 8126. September 16, 1980. Interior and Insular Affairs. Revises the boundary of Voyageurs National Park in the State of Minnesota.

H.R. 8127. September 16, 1980. Ways and Means. Amends the Internal Revenue Code to reduce corporate income taxes for small businesses.

H.R. 8128. September 16, 1980. Ways and Means. Amends the Internal Revenue Code to eliminate the requirement that States reduce the amount of unemployment compensation payable for any week to an eligible individual by the amount of certain retirement benefits received by such individual.

H.R. 8129. September 16, 1980. Interstate and Foreign Commerce. Amends the Energy Policy and Conservation Act to increase the average daily rate of increase in the amount of crude oil in storage in the Strategic Petrolem Reserve.

H.R. 8130. September 16, 1980. Public Works and Transportation. Exempts from all federally required permits and permit processes the proposed plan to relocate a specified Louisiana highway.

H.R. 8131. September 16, 1980. Banking, Finance and Urban Affairs; Science and Technology. Establishes a national industrial innovation corporation to provide financial assistance to industrial firms in conducting projects and activities which will increase innovation and productivity and enhance the competitive position of the United States in international markets.

H.R. 8132. September 16, 1980. Judiciary. Relieves a named college of liability for a specified sum payable to the United States under an agreement with the Department of Health, Education, and Welfare.

H.R. 8133. September 17, 1980. Armed Services; Veterans' Affairs. Authorizes the Veterans Administration to furnish hospital care to certain members of the Armed Forces injured during a period of war or other armed conflict.

Establishes the Federal Interagency Health Resources Committee to coordinate the sharing of medical resources between facilities of the Veterans Administration and those of the Department of Defense.

H.R. 8134. September 17, 1980. Interior and Insular Affairs. Amends the Wild and Scenic Rivers Act to provide for the designation of a protected agricultural river.

H.R. 8135. September 17, 1980. Interior and Insular Affairs. Amends the National Trails System Act to provide for trail interpretation centers along the route of any national scenic or national historic trail to provide information to the public about the trail.

H.R. 8136. September 17, 1980. Ways and Means. Authorizes social security coverage, under the agreement entered into with the State of Connecticut pursuant to the Social Security Act, for certain employees of the city of Hartford who are not members of such city's municipal retirement plan. Validates the past coverage of such employees in cases where wage reports were filed and the equivalent of social security taxes were paid.

H.R. 8137. September 17, 1980. Ways and Means. Amends the Internal Revenue Code to increase the charitable contribution deduction of film corporations which donate certain historical film to educational organizations.

H.R. 8138. September 17, 1980. Veterans' Affairs. Establishes a presumption of service-connected disability for certain diseases arising in Vietnam-era Veterans (and for birth defects in their children) exposed to Agent Orange.

H.R. 8139. September 17, 1980. Ways and Means. Amends the Internal Revenue Code to increase the rate of the investment tax credit for the rehabilitation of existing structures.

H.R. 8140. September 17, 1980. Post Office and Civil Service. Directs the Postmaster General to issue a commemorative postage stamp in honor of the 150th anniversary of the birth of Doctor Samuel A. Mudd.

H.R. 8141. September 17, 1980. Public Works and Transportation. Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act to establish policies and procedures to be followed by Federal agencies prior to the acquisition of private lands or interests in private lands.

H.R. 8142. September 17, 1980. Agriculture. Establishes a program to direct financial and technical assistance to areas of the United States which have severe soil erosion, soil erosion-related problems, or irrigation water management problems.

H.R. 8143. September 17, 1980. Armed Services. Directs the Secretary of Defense, after consultation with the Secretary of Health and Human Services, to contract for outpatient dental care for spouses and children of members of the uniformed services under the CHAMPUS program and in facilities of the uniformed services.

H.R. 8144. September 17, 1980. Judiciary. Directs that a specified Small Business Administration loan to a named church shall be at a five percent interest rate.

H.R. 8145. September 18, 1980. Education and Labor. Directs the Education Appeal Board to dismiss all actions seeking the repayment of certain funds provided to State or local agencies which are based on final audit determinations issued prior to a specified date.

H.R. 8146. September 18, 1980. Ways and Means. Authorizes any State to enter into an agreement with the Secretary of Labor to pay Federal supplemental compensation for a week of unemployment to individuals who meet specified requirements.

Requires that a State which has entered an agreement under this Act shall be paid an amount equal to the Federal supplemental compensation it pays to eligible individuals.

Imposes sanctions upon individuals who receive undue Federal supplemental compensation as a result of fraud.

H.R. 8147. September 18, 1980. Merchant Marine and Fisheries; Public Works and Transportation; Ways and Means. Establishes a comprehensive system of liability and compensation for damage and removal costs resulting from spills of oil and hazardous substances.

H.R. 8148. September 18, 1980. Ways and Means. Allows an income tax deduction for certain motor carrier operating authorities to offset the impact of the Motor Carrier Reform Act of 1980.

H.R. 8149. September 18, 1980. Ways and Means. Extends duty-free treatment to prayer shawls, bags for the keeping of prayer shawls, and certain headware used in religious observances.

H.R. 8150. September 18, 1980. Ways and Means. Amends the Internal Revenue Code to exempt from the excise tax on motor fuels used in noncommercial aviation any fuel used in aircraft in connection with: (1) the planting, cultivating, caring for, or cutting of trees (including preventing and fighting forest fires); or (2) transportation of logs from where cut.

H.R. 8151. September 18, 1980. Judiciary. Amends the Federal criminal code to make rape a Federal crime if committed after travel in interstate commerce with the intent to commit rape. Establishes within the Federal Bureau of Investigation a rape prevention information center.

H.R. 8152. September 18, 1980. Ways and Means. Amends the Internal Revenue Code with respect to foreign pension plan investment in the United States.

H.R. 8153. September 18, 1980. Ways and Means. Amends the Internal Revenue Code to clarify the tax-exempt status of agricultural and horticultural organizations operated for the purpose of bargaining collectively for the sale of members' products.

H.R. 8154. September 18, 1980. Ways and Means. Permits a taxpayer who is required to change his method of accounting pursuant to Revenue Ruling 80–60 (inventory valuation) and Revenue Procedure 80–5 to effect such a change only for taxable years beginning after December 31, 1979.

H.R. 8155. September 18, 1980. Ways and Means. Amends the Internal Revenue Code to reduce by half the capital gains tax on the sale of certain stocks and bonds of qualified small corporations.

H.R. 8156. September 18, 1980. Ways and Means. Extends for an additional three years certain provisions relating to controversies as to whether individuals are employees for purposes of the unemployment taxes.

H.R. 8157. September 18, 1980. Interior and Insular Affairs; Interstate and Foreign Commerce. Establishes a representative regional power planning process for the Pacific Northwest.

H.R. 8158. September 18, 1980. Agriculture. Amends the Agricultural Adjustment Act to authorize marketing research and promotion projects, including paid advertising for filberts.

H.R. 8159. September 18, 1980. Ways and Means. Permits the same standard mileage rate to be used in determining the amount of income tax deductions for charitable and medical uses of automobiles as is used in determining the amount of income tax deductions for business uses of automobiles.

H.R. 8160. September 18, 1980. Interstate and Foreign Commerce. Amends the Safe Drinking Water Act to permit small community-operated public water systems to give notice that the systems do not meet certain requirements in any appropriate manner in lieu of publication in a newspaper.

H.R. 8161. September 18, 1980. Public Works and Transportation. Designates the United States Federal Building in Pittsburgh, Pennsylvania, as the William S. Moorhead Building.

H.R. 8162. September 18, 1980. Interior and Insular Affairs. Authorizes the Secretary of the Interior to assist in the preservation of historic Camden in the State of South Carolina.

H.R. 8163. September 18, 1980. District of Columbia; Public Works and Transportation. Amends the National Capital Transportation Act of 1969 to authorize additional Federal contributions for the designing, construction, and equipping of a rail rapid transit line to Dulles International Airport.

H.R. 8164. September 18, 1980. Ways and Means. Amends the Trade Act of 1974 to include any period of authorized sick leave or absence from work due to work-related injury as a period of employment for purposes of trade adjustment assistance. Directs the Secretary of Labor to reconsider refiled applications in light of such amendment.

H.R. 8165. September 18, 1980. Judiciary. Directs that service performed by 51 named individuals, during a specified period of time, under the Federal cataloging program of the Department of Defense shall be considered creditable service for purposes of civil service retirement.

H.R. 8166. September 18, 1980. Judiciary. Directs the Secretary of the Treasury to pay to a named individual, in full settlement of claims against the United States arising from a wrongful death action, the reasonable sum for travel to and from Arlington National Cemetery.

Directs the Secretary of the Navy to dispatch an expedition for the purpose of identifying the deceased's remains and transporting them to Arlington National Cemetery.

H.R. 8167. September 19, 1980. Education and Labor. Provides that Congress shall have authority under the General Education Provisions Act to disapprove any fiscal regulations promulgated by the Department of Education for the proposed rules on nondiscrimination under programs receiving Federal financial assistance through such Department.

H.R. 8168. September 19, 1980. Interstate and Foreign Commerce. Amends the Powerplant and Industrial Fuel Use Act of 1978 to encourage a reduction of air pollution and oil consumption by existing electric powerplants.

H.R. 8169. September 19, 1980. Ways and Means. Amends title II (Old Age, Survivors and Disability Insurance) of the Social Security Act to increase to $24,000 in 1981 the amount of outside earnings which a beneficiary age 65 or over may have in any taxable year without a reduction in benefits.

H.R. 8170. September 19, 1980. Interstate and Foreign Commerce. Authorizes an environmental program of integrated financial assistance to States and local government to plan, manage, and implement abatement and control strategies.

H.R. 8171. September 19, 1980. Agriculture. Provides assistance to local and State governments for conservation and protection of soil, water, and related resources.

H.R. 8172. September 19, 1980. Interstate and Foreign Commerce. Amends the Clean Air Act to provide that coal-fired stationary sources may meet emission requirements through the use of coal having low pollution characteristics.

H.R. 8173. September 19, 1980. Foreign Affairs. Provides for distribution in the United States of certain International Communication Agency films relating to Lyndon Johnson.

H.R. 8174. September 19, 1980. Interstate and Foreign Commerce. Eliminates 1,000 of the positions within the Department of Energy associated with the administration of the Emergency Allocation Act of 1973, effective at the expiration of such Act.

H.R. 8175. September 19, 1980. Merchant Marine and Fisheries. Directs the Secretary of the department in which the Coast Guard is operating to document a named vessel as a vessel of the United States with the privileges of engaging in coastwise trade so long as such vessel is owned by a citizen of the United States.

H.R. 8176. September 22, 1980. Judiciary. Amends the Federal Rules of Criminal Procedure with respect to the disclosure of matters occurring before a grand jury.

H.R. 8177. September 22, 1980. Ways and Means. Amends the Internal Revenue Code to provide that the energy percentage of the investment tax credit shall be 20 percent for specially defined energy property, certain alternative energy property recycling equipment, and qualified conservation property. Allows refunds of the investment tax credit to the extent attributable to such 20-percent energy credit.

H.R. 8178. September 22, 1980. Judiciary. Revises Federal judicial districts in California, Iowa, Missouri, North Carolina, and Texas.

H.R. 8179. September 22, 1980. Interior and Insular Affairs. Amends provisions of the Atomic Energy Act relating to liability for accidents at nuclear facilities.

H.R. 8180. September 22, 1980. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a named individual in full satisfaction of a claim against the United States as regards unused leave accrued in service to the United States Air Force.

H.R. 8181. September 22, 1980. Judiciary. Directs the Comptroller General to settle a claim of a named newspaper for an advertisement published for the Department of the Army.

H.R. 8182. September 23, 1980. Ways and Means. Amends the Internal Revenue Code to provide, with respect to certain trusts created before December 31, 1977, a deduction from the gross estate for a charitable remainder interest in such a trust if such remainder interest is transferred free of trust to charity.

H.R. 8183. September 23, 1980. Ways and Means. Amends the Internal Revenue Code to provide for the annual imposition and payment of the gift tax.

H.R. 8184. September 23, 1980. Foreign Affairs. Amends the Foreign Assistance Act of 1961 to authorize additional appropriations for the economic support fund for Zimbabwe.

H.R. 8185. September 23, 1980. Merchant Marine and Fisheries. Removes certain lands from the Wichita Mountains Wildlife Refuge in the State of Oklahoma.

H.R. 8186. September 23, 1980. Education and Labor; Ways and Means. Establishes a Federal annuity program to compensate participants in private pension plans which terminated before July 1, 1974, for nonforfeitable pension benefits which were lost by reason of the terminations.

H.R. 8187. September 23, 1980. Judiciary. Declares four named individuals to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 8188. September 24, 1980. Armed Services. Revises provisions of the Uniform Code of Military Justice regarding status, jurisdiction, membership, organization, procedure, and administration of the Court of Military Appeals.

Provides for Supreme Court review of such Court's decisions.

Eliminates mandatory review by the Courts of Military Review and the Court of Military Appeals of sentences affecting general or flag officers.

H.R. 8189. September 24, 1980. Armed Services. Directs the Secretary of Defense, after consultation with the Secretary of Health and Human Services, to contract for outpatient dental care for spouses and children of members of the uniformed services under the CHAMPUS program.

H.R. 8190. September 24, 1980. Banking, Finance and Urban Affairs. Amends the Truth in Lending Act with respect to cash discounts.

H.R. 8191. September 24, 1980. Banking, Finance and Urban Affairs. Amends the urban development action grant program with respect to determining the level of physical and economic distress of certain urban counties.

H.R. 8192. September 24, 1980. Ways and Means. Amends the Internal Revenue Code to make the investment tax credit for motor vehicle manufacturing property refundable.

H.R. 8193. September 24, 1980. Science and Technology; Ways and Means. Amends the Solar Heating and Cooling Demonstration Act of 1974 to provide for a program to develop solar agricultural and industrial process heat.

Directs the Secretary of Energy to: (1) establish a repair and profit program for solar heating and combined solar heating and cooling systems; (2) conduct a study on Federal geothermal leasing and environmental review procedures; (3) establish a solar energy office for small businesses; and (4) encourage small inventors to participate in the development and demonstration of solar energy.

Amends the Internal Revenue Code of 1954 to allow a taxpayer to elect to take an amortization deduction for qualified geothermal property.

H.R. 8194. September 24, 1980. Ways and Means. Amends the Internal Revenue Code to: (1) repeal the crude oil windfall profit tax on tier 2 oil and tier 3 oil; (2) phase out the tax beginning October 1, 1981; and (3) provide that royalty owners shall be exempt from the tax.

H.R. 8195. September 24, 1980. Interstate and Foreign Commerce. Amends the Railroad Retirement Act to extend cost-of-living increases for railroad employee annuitants. Places related financial interchange on a current basis.

H.R. 8196. September 24, 1980. Interior and Insular Affairs. Provides compensation for certain facilities on Cumberland Island National Seashore in the State of Georgia.

H.R. 8197. September 24, 1980. Foreign Affairs; Science and Technology. Provides technical and financial support to domestic manufacturers of solar photovoltaic energy systems to facilitate the development and demonstration of such systems in foreign countries.

H.R. 8198. September 24, 1980. Interior and Insular Affairs; Public Works and Transportation. Authorizes the head of any agency of the United States to retrocede to a State concurrent jurisdiction over any lands or interests therein over which the United States has previously acquired exclusive jurisdiction.

H.R. 8199. September 24, 1980. Ways and Means. Amends the Internal Revenue Code to provide a four percent refundable income tax credit for individuals, a permanent refundable income tax credit of social security taxes, and a capital cost recovery system for investment in physical plant and equipment. Revises the tax on married couples.

H.R. 8200. September 24, 1980. Interior and Insular Affairs. Requires the Secretary of the Interior to conduct a study to examine measures for the protection of the resources of the Hackensack Meadowlands District in the State of New Jersey and to determine whether such area should be designated as a unit of the national park system.

H.R. 8201. September 24, 1980. Ways and Means. Amends the Internal Revenue Code to increase the allowable contributions to individual retirement plans. Allows employees a deduction for savings contributions to employer retirement plans or to individual retirement accounts.

H.R. 8202. September 24, 1980. Judiciary. Continues the authority of the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, until the earlier of the effective date of a general authorization Act or 180 days after enactment of this Act.

H.R. 8203. September 24, 1980. Interior and Insular Affairs. Provides for the establishment of the Tallgrass Prairie National Reserve in the States of Kansas and Oklahoma.

H.R. 8204. September 24, 1980. Agriculture. Amends the United States Grain Standards Act with respect to official export inspections.

H.R. 8205. September 24, 1980. Judiciary. Permits public participation in the rulemaking process of Federal agencies.

H.R. 8206. September 24, 1980. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to establish certain limitations relating to the ownership of cable television franchises.

H.R. 8207. September 24, 1980. Interstate and Foreign Commerce Authorizes appropriations for the energy conservation program for schools and hospitals and buildings owned by units of local government and public care institutions.

H.R. 8208. September 24, 1980. Public Works and Transportation. Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to extend first right of refusal to owners or tenants occupying certain real property by permission of the head of a Federal agency.

H.R. 8209. September 24, 1980. Judiciary. Authorizes the classification of a named individual as a child for purposes of the Immigration and Nationality Act.

H.R. 8210. September 25, 1980. Agriculture. Amends the Consolidated Farm and Rural Development Act to provide the Secretary of Agriculture with emergency credit adjustment authority.

H.R. 8211. September 25, 1980. Agriculture. Amends the Consolidated Farm and Rural Development Act to provide the Secretary of Agriculture with emergency credit readjustment authority.

H.R. 8212. September 25, 1980. Interstate and Foreign Commerce. Requires the Secretary of Health and Human Services to study the relationship between the exposure of members of the Armed Forces of the United States to nuclear radiation in connection with the atomic detonations at Hiroshima and Nagasaki in 1945 and various symptoms currently exhibited by such members.

H.R. 8213. September 25, 1980. Ways and Means. Amends the Internal Revenue Code to increase the maximum amounts allowable as deductions for contributions to retirement plans for self-employed individuals and to simplified employee pensions. Provides an inflation adjustment for such amounts.

H.R. 8214. September 25, 1980. Ways and Means. Amends the Internal Revenue Code to repeal the family rental tax.

H.R. 8215. September 25, 1980. Government Operations; Interstate and Foreign Commerce; Judiciary. Amends the Privacy Act of 1974 and the Communications Act of 1934 to provide for the protection of telephone records.

H.R. 8216. September 25, 1980. Ways and Means. Amends the Internal Revenue Code to provide royalty owners and independent producers an annual credit against the crude oil windfall profit tax.

H.R. 8217. September 25, 1980. Veterans' Affairs. Establishes a national cemetery in Withlacoochee State Forest in Sumter County, Florida.

H.R. 8218. September 25, 1980. Ways and Means. Directs that the amendment contained in the Multiemployer Pension Plan Amendments Act of 1980 which relates to the treatment of certain retirement benefits under State unemployment compensation laws shall apply to weeks beginning after March 31, 1980, and to certifications of States for 1980 and subsequent years.

H.R. 8219. September 25, 1980. Government Operations; Interstate and Foreign Commerce; Judiciary. Amends the Privacy Act of 1974 and the Communications Act of 1934 to provide for the protection of telephone records.

H.R. 8220. September 29, 1980. Interstate and Foreign Commerce. Requires electric utilities to comply with certain minimum standards concerning retail rates for the sale of electric energy and certain other utility practices.

H.R. 8221. September 29, 1980. Ways and Means. Amends the Internal Revenue Code with respect to the tax treatment of certain individuals who separate from service with an employer during the taxable year.

H.R. 8222. September 29, 1980. Armed Services. Increases, for members of the uniformed services, incentive pay for aviators, special pay for sea duty, and special pay for enlistments, reenlistments, and extensions of enlistments. Gives enlisted members of the uniformed services basic allowances for subsistence when in travel status.

H.R. 8223. September 29, 1980. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act with respect to the Federal Reserve System.

H.R. 8224. September 29, 1980. Ways and Means. Applies the quantitative limitations on the importation of specialty steel products for a three-year period.

H.R. 8225. September 29, 1980. Ways and Means. Amends the Internal Revenue Code to allow individuals a deduction for certain expenses paid or incurred in connection with the adoption of a child.

H.R. 8226. September 29, 1980. Education and Labor. Authorizes funds for the Carl Albert Congressional Research and Studies Center.

H.R. 8227. Judiciary. Directs that a named individual shall be considered to have satisfied specified requirements of proof with respect to certain applications for insurance benefits.

H.R. 8228. September 30, 1980. Provides that a certain portion of Lake Erie shall be declared nonnavigable.

H.R. 8229. September 30, 1980. Ways and Means. Amends title II (Old Age, Survivors and Disability Insurance) of the Social Security Act to provide that an individual's benefits shall not be reduced, under the earnings test, on account of earnings from self-employment unless such earnings are based on services performed after he or she became entitled to such benefits.

H.R. 8230. September 30, 1980. Interstate and Foreign Commerce. Amends the Powerplant and Industrial Fuel Use Act of 1978 with respect to reducing air pollution and oil consumption by existing electric powerplants.

H.R. 8231. September 30, 1980. Government Operations. Provides for grants to be made by the United States to local governments for property exempt from property taxation which is located within the jurisdiction of the local government and owned by the United States, a foreign government, or an international organization.

H.R. 8232. September 30, 1980. Interior and Insular Affairs; Merchant Marine and Fisheries; Public Works and Transportation; Rules. Amends the Outer Continental Shelf Lands Act, the Outer Continental Shelf Lands Act Amendments of 1978 providing for the Offshore Oil Spill Pollution Fund and the Fishermen's Contingency Fund, the Coastal Zone Management Act of 1972, and the Federal Water Pollution Control Act with respect to oil spill pollution liability.

H.R. 8233. September 30, 1980. Interstate and Foreign Commerce. Amends the Comprehensive Drug Abuse Prevention and Control Act of 1970 to permit moneys acquired through forfeiture to the United States for violations of such Act to be used by the Attorney General in connection with investigations of violations of such Act.

H.R. 8234. September 30, 1980. Public Works and Transportation. Designates the Federal building located at 444 Southeast Quincy, Topeka, Kansas, as the Frank Carlson Federal Building.

H.R. 8235. September 30, 1980. Judiciary. Grants the consent of the Congress to the Tahoe regional planning compact. Authorizes the Secretary of Agriculture and others to cooperate with the planning agency thereby created.

H.R. 8236. September 30, 1980. Ways and Means. Amends the Internal Revenue Code to repeal the requirement that operating capacity must increase for purposes of the energy credit allowed for intercity buses.

H.R. 8237. September 30, 1980. Ways and Means. Amends the Internal Revenue Code to: (1) provide an addition income tax exemption for a taxpayer, or the spouse or any dependent of the taxpayer, who is disabled; and (2) allow a tax credit to certain disabled individuals for amounts paid for household services.

H.R. 8238. September 30, 1980. Veterans' Affairs. Amends the Veterans Health Extension and Improvement Act of 1979 to require the Veterans Administration and the National Academy of Sciences to enter into an agreement under which the Academy will conduct an epidemiological study of veterans exposed to Agent Orange.

H.R. 8239. September 30, 1980. Ways and Means. Amends title XVI (Supplemental Security Income) of the Social Security Act to increase the amount of personal expense allowance which is presently provided for eligible individuals and eligible spouses who are in medical institutions. Provides that subsequent annual increases in the amount of such allowance shall reflect changes in the cost of living.

H.R. 8240. September 30, 1980. Judiciary; Government Operations. Provides for the formation of regulatory negotiation commissions.

H.R. 8241. September 30, 1980. Judiciary. Forgives the assessed delinquent tax deficiency owed by a named educational institution. Deems such institution to have complied with the requirements extending to tax-exempt organizations.

H.R. 8242. September 30, 1980. Judiciary. Directs that, for the purpose of determining the eligibility of a named individual to receive an annuity, such individual's husband shall be deemed to have died on a specified date.

H.R. 8243. October 1, 1980. Interstate and Foreign Commerce. Amends the Natural Gas Policy Act of 1978 to decontrol the wellhead price of natural gas produced from certain tight formations.

H.R. 8244. October 1, 1980. Ways and Means. Amends the Internal Revenue Code with respect to the treatment of net profits interests for purposes of the windfall profit tax.

H.R. 8245. October 1, 1980. Interior and Insular Affairs. Establishes the Franklin Delano Roosevelt-Warm Springs National Historic Site in the State of Georgia.

H.R. 8246. October 1, 1980. Education and Labor. Makes it the continuing duty of the Bureau of Labor Statistics to compile and publish the Consumer Price Index (CPI). Requires that no changes be made in the factors used in the formation of the CPI or any similar index, except as authorized by law, if such changes would reduce the amount of the cost of living increases provided by specified Federal retirement programs.

H.R. 8247. October 1, 1980. Ways and Means. Amends the Internal Revenue Code to allow an estate tax credit for certain contributions of open space easements.

H.R. 8248. October 1, 1980. Ways and Means. Amends the Internal Revenue Code with respect to the exemption of the State share of Federal royalties from the crude oil windfall profit tax and with respect to the deductibility of certain severance taxes.

H.R. 8249. October 1, 1980. Education and Labor. Consolidates the administration of Federal aid for elementary and secondary education authorized by the Elementary and Secondary Eduaction Act of 1965.

H.R. 8250. October 1, 1980. Education and Labor. Amends the Elementary and Secondary Education Act of 1965 to permit the Secretary of Education to waive certain requirements in the case of local educational agencies participating in experimental State programs with respect to consolidating certain categorical educational programs.

H.R. 8251. October 1, 1980. Agriculture. Authorizes the Secretary of Agriculture to guarantee graduated payment loans to assist individuals in establishing and operating livestock production facilities.

H.R. 8252. October 1, 1980. Veterans' Affairs. Increases from 60 to 90 percent the percentage of the tuition and fees for an approved program of flight training which is paid by the Veterans Administration under the GI bill educational assistance program.

H.R. 8253. October 1, 1980. Education and Labor. Provides general assistance and special impact aid to local education agencies for the provisions of educational services to undocumented alien children to whom State or local educational agencies are required by order of any Federal court to provide educational services, or who are permitted under such order to receive the benefits of State funds available for educational purposes.

H.R. 8254. October 1, 1980. Agriculture; Foreign Affairs. Establishes the Domestic and International Hunger Foundation.

H.R. 8255. October 1, 1980. Ways and Means. Amends the Internal Revenue Code to provide individuals a credit against income tax for up to $800 of the cost of purchasing a new domestically produced automobile.

H.R. 8256. October 1, 1980. Interstate and Foreign Commerce. Submits any final rule promulgated by the Administrator of the Environmental Protection Agency which would nullify or have the effect of nullifying an Act of any State legislature or any State administrative procedure.

H.R. 8257. October 1, 1980. Ways and Means. Amends the Internal Revenue Code to increase the tax incentives for cogeneration equipment.

H.R. 8258. October 1, 1980. Judicary. Provides extended coverage for the minimum mandatory penalties for certain illegal uses of firearms.

H.R. 8259. October 1, 1980. Ways and Means. Amends the Internal Revenue Code to provide that the requirement that unemployment compensation be reduced by certain retirement benefits will not apply to social security and railroad retirement benefits.

H.R. 8260. October 1, 1980. Judiciary; Interstate and Foreign Commerce. Amends the Clayton Act to inhibit the diversion of oil company profits in non-energy-related acquisitions. Prohibits interlocking directorates and officers affecting energy-related materials.

H.R. 8261. October 1, 1980. Judiciary; Rules. Establishes a uniform procedure for congressional review of agency regulations.

H.R. 8262. October 1, 1980. Armed Services; Interior and Insular Affairs. Transfers to the jurisdiction of the Secretary of the Interior those lands comprising Fort Douglas, in Salt Lake City, Utah.

H.R. 8263. October 1, 1980. Judiciary. Makes it unlawful for any person to import, manufacture, sell, buy, transfer, receive, transport, own, or possess any handgun or handgun ammunition. Specifies exemptions, procedures for the operation of licensed pistol clubs, and penalties for violation of this prohibition.

H.R. 8264. October 1, 1980. Ways and Means. Amends the Internal Revenue Code to allow certain small businesses to use the cash receipts and disbursements method of accounting without regard to any requirement to use inventories.

H.R. 8265. October 1, 1980. Ways and Means. Amends the Internal Revenue Code with respect to businesses located in distressed areas.

H.R. 8266. October 1, 1980. Ways and Means. Amends the Internal Revenue Code to allow individuals to receive refundable credit against income tax for renting to or maintaining a household for certain individuals who have obtained the age of 65.

H.R. 8267. October 1, 1980. Ways and Means. Amends the Internal Revenue Code to exclude from gross income a certain portion of amounts received under public retirement systems by persons who have attained the age of 62.

H.R. 8268. October 1, 1980. Interior and Insular Affairs. Directs the Secretary of the Interior to convey certain lands to the city of Henderson, Nevada.

H.R. 8269. October 1, 1980. Interstate and Foreign Commerce; Ways and Means. Amends the Clean Air Act and the Internal Revenue Code with respect to the use of coal in lieu of imported energy.

H.R. 8270. October 1, 1980. Armed Services. Authorizes leave carryover in excess of 60 days for members of the armed services assigned to certain deployable ships, mobile units, and locations.

H.R. 8271. October 1, 1980. Interior and Insular Affairs. Provides for the conveyance of any right, title, or interest which the United States may have in certain real property in the State of Arizona to the current owners of record.

H.R. 8272. October 1, 1980. Judiciary. Amends the Immigration and Nationality Act to include under the definition of nonimmigrant aliens certain aliens serving on board any fishing vessel having its home port or an operating base in the United States.

H.R. 8273. October 1, 1980. Judiciary. Declares eight named individuals to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 8274. October 1, 1980. Judiciary. Declares three named individuals to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.R. 8275. October 1, 1980. Judiciary. Designates certain casualty losses as losses attributable to disaster for the purpose of determining the Federal income tax liability of a named corporation.

H.R. 8276. October 2, 1980. Interior and Insular Affairs; Interstate and Foreign Commerce; Science and Technology. Authorizes a research, development, and demonstration program for advanced technology to produce energy from gas resources.

H.R. 8277. October 2, 1980. Judiciary. Provides a system for the taxation of interstate commerce.

H.R. 8278. October 2, 1980. Veterans' Affairs. Entitles certain veterans to wartime disability compensation for disabilities and diseases caused by or attributable to exposure to atomic or nuclear radiation during their period of active service.

H.R. 8279. October 2, 1980. Ways and Means. Amends title II (Old Age, Survivors and Disability Insurance) of the Social Security Act and the Internal Revenue Code to increase the minimum amount of cash remuneration which an individual performing domestic service in the private home of an employer must receive from such employer in any quarter in order to have such remuneration counted as covered wages for either benefit or tax purposes.

H.R. 8280. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to provide that the amount of depreciation deduction with respect to any property for a taxable year shall be an amount selected by the taxpayer.

H.R. 8281. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to provide that taxpayers may elect a 12-month amortization period (in lieu of the 60-month period) for any certified pollution control facility.

H.R. 8282. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to provide a revised cost recovery system for recovery property.

H.R. 8283. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to extend and expand the deduction for individual retirement savings.

H.R. 8284. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to repeal the family shelter tax.

H.R. 8285. October 2, 1980. Judiciary. Amends existing Federal law relating to record, tape, and film piracy and counterfeiting.

H.R. 8286. October 2, 1980. Armed Services. Allows the Secretaries of the military departments to establish programs to provide educational assistance to individuals enlisting in the Armed Forces.

H.R. 8287. October 2, 1980. Ways and Means. Exempts from Federal income tax interest on certain obligations issued by certain volunteer fire departments.

H.R. 8288. October 2, 1980. Banking, Finance and Urban Affairs. Amends the National Flood Insurance Act of 1968 to provide insurance with respect to damage caused by flood-related landslides.

H.R. 8289. October 2, 1980. Veterans' Affairs. Increases the percentage of tuition and fees for an approved program of flight training which is paid by the Veterans Administration under the GI bill educational assistance program.

H.R. 8290. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to provide tax incentives with respect to the building and rehabilitation of rental housing and low-income rental housing.

H.R. 8291. October 2, 1980. Public Works and Transportation. Designates the New York Bulk and Foreign Mail Center at Jersey City, New Jersey, as the Michael McDermott Bulk and Foreign Mail Center.

H.R. 8292. October 2, 1980. Interior and Insular Affairs. Regulates the use of offroad vehicles on public lands. Requires registration fees to be paid to the Government for the operation of such vehicles on public lands. Provides for the amounts collected from such fees to be expended for the management of offroad vehicles on public lands and for the rehabilitation of areas damaged by such vehicles.

H.R. 8293. October 2, 1980. Ways and Means. Amends the Internal Revenue Code with respect to the deduction for business gifts awarded to employees by reason of length of service or for safety achievement.

H.R. 8294. October 2, 1980. Ways and Means; Banking, Finance and Urban Affairs. Amends the Internal Revenue Code to provide for the establishment of tax-exempt individual housing accounts to assist individuals in the purchase of a principal residence. Authorizes the Secretary of Housing and Urban Development to provide additional homeownership opportunities for first-time homebuyers.

H.R. 8295. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to exempt from the windfall profit tax oil produced from interests held by or for residential child care agencies.

H.R. 8296. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to provide that, in the case of certain vessels documented under the laws of the United States, the deduction for depreciation may be computed using a useful life of one year.

H.R. 8297. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to disallow certain expenses for advertising on foreign broadcast stations.

H.R. 8298. October 2, 1980. Agriculture; Interior and Insular Affairs. Designates certain national forest system lands in the State of New Mexico for inclusion in the national wilderness preservation system.

H.R. 8299. October 2, 1980. Ways and Means. Amends the Tax Reform Act of 1976 to postpone certain effective dates.

H.R. 8300. October 2, 1980. Veterans' Affairs. Amends the Veterans' Health Programs Extension and Improvement Act of 1979 to require the issuance of guidelines for resolving claims for veterans' benefits based on exposure to Agent Orange during service in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam conflict.

H.R. 8301. October 2, 1980. Banking, Finance and Urban Affairs; Ways and Means. Creates the Reconstruction Finance Corporation of 1980. Authorizes such Corporation to issue obligations and provide loans and loan guarantees to qualifying business enterprises and local governmental units. Provides for a temporary surtax on the income of major business corporations to provide capital for the Corporation.

H.R. 8302. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to allow employees a deduction for savings contributions to employer retirement plans or to individual retirement plans.

H.R. 8303. October 2, 1980. Science and Technology. Establishes a coordinated program under the direction of the Office of Science and Technology Policy for revising and facilitating the use of risk analysis by those Federal agencies concerned with scientific and technological decisions related to human life, health, and protection of the environment.

H.R. 8304. October 2, 1980. Judiciary. Compensates certain individuals from whom title to land was taken by the Federal Government pursuant to the American-Mexican Chamizal Convention Act of 1964 without just compensation.

H.R. 8305. October 2, 1980. Ways and Means. Amends the Internal Revenue Code to increase the amount allowable as a deduction for charitable contributions of certain items created by the taxpayer.

H.R. 8306. October 2, 1980. Government Operations; Post Office and Civil Service. Requires that performance appraisals include the extent to which cost reduction goals and management objectives are obtained.

H.R. 8307. October 2, 1980. Ways and Means. Amends the Internal Revenue Code with respect to the taxation of capital investment in small business.

H.R. 8308. October 2, 1980. Armed Services. Authorizes appropriations for fiscal year 1981 to the Navy for research of a shallow underwater missile (SUM) submarine system.

H.R. 8309. October 2, 1980. Ways and Means; Interstate and Foreign Commerce. Amends the Public Health Service Act and the Internal Revenue Code with respect to the provision of comprehensive health care.

H.R. 8310. October 2, 1980. Interior and Insular Affairs. Conveys certain Federal lands adjacent to Lake Shore Drive, Lake Lowell, Boise Project, in the State of Idaho.

H.R. 8311. October 2, 1980. Interior and Insular Affairs; Merchant Marine and Fisheries. Designates specified public lands and waters in the State of Alaska for inclusion in the National Park, National Wildlife Refuge, National Wild and Scenic Rivers, National Forest, and National Wilderness Preservation Systems. Makes provisions for the management of subsistence uses of fish and wildlife on national lands. Amends the Alaska Claims Settlement Act.

H.R. 8312. October 2, 1980. Agriculture. Authorizes the Secretary of Agriculture to regulate the movement of biological organisms in the United States.

H.R. 8313. October 2, 1980. Ways and Means. Amends title IV (Aid to Families With Dependent Children) of the Social Security Act to: (1) give the States a fiscal incentive to reduce error and waste in the AFDC program; (2) permit the States to use savings from the AFDC program to defray the costs of other welfare programs; (3) provide fiscal relief to the States under the AFDC program; (4) allow States to impose work requirements as a condition of eligibility for AFDC payments; and (5) establish a demonstration project to provide a pilot test of the States' ability to create their own welfare programs as an alternative to the AFDC program.

H.R. 8314. October 2, 1980. Judiciary. Declares a named individual to have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

H.J. Res. 588. July 23, 1980. Armed Services. Directs the President to utilize the resources of the armed forces to halt the illegal importation of drugs into the United States.

H.J. Res. 589. July 24, 1980. Appropriations. Increases the limitation on program activity authorized for the Export-Import Bank with specified restrictions.

H.J. Res. 590. July 28, 1980. Post Office and Civil Service. Authorizes and requests the President to designate November 14, 1980, as "National Operating Room Nurses Day."

H.J. Res. 591. July 31, 1980. Judiciary. Constitutional Amendment—Provides for the direct popular election of the President and Vice President of the United States.

H.J. Res. 592. August 1, 1980. Interior and Insular Affairs. Directs the President to proclaim the intention to grant sovereignty to Puerto Rico upon the convening of a constituent assembly of the people of Puerto Rico. Authorizes an organizing committee to convene such assembly.

Provides for the appointment of a commission to negotiate the terms of relations between Puerto Rico and the United States.

H.J. Res. 593. August 1, 1980. Post Office and Civil Service. Honors Mexican Americans for their cultural contributions to the State of California. Joins with the California State Assembly in recognizing August 24, 1980, as "Dia de Mexicanos Americanos" in California.

H.J. Res. 594. August 18, 1980. Post Office and Civil Service. Authorizes and requests the President to designate September 18, 1980, as "Constantino Brumidi Day."

H.J. Res. 595. August 18, 1980. Judiciary. Constitutional Amendment—Authorizes Congress to propose that popular referenda be the mode of ratification used by the States to amend the Constitution.

H.J. Res. 596. August 19, 1980. Post Office and Civil Servce. Designates the week of October 6 through October 12, 1980, as "National Productivity Improvement Week."

H.J. Res. 597. August 19, 1980. Post Office and Civil Service. Designates August 2, 1981, as "National Day of Peace."

H.J. Res. 598. August 20, 1980. Ways and Means. Authorizes the President to negotiate agreements with foreign governments limiting exports of automobiles and trucks to the United States.

H.J. Res. 599. August 25, 1980. Post Office and Civil Service. Establishes the United States Constitution Bicentennial Commission to plan and develop a program to commemorate the bicentennial of the United States Constitution.

H.J. Res. 600. August 26, 1980. Post Office and Civil Service. Authorizes and requests the President to designate the week of September 7 to September 14, 1980, as "National Life Flight Week."

H.J. Res. 601. August 27, 1980. Appropriations. Appropriates fiscal year 1981 funds for an increase in the U.S. quota in the International Monetary Fund.

H.J. Res. 602. August 27, 1980. Post Office and Civil Service. Designates March 16 of each year as "Freedom of Information Day."

H.J. Res. 603. August 27, 1980. Judiciary. Constitutional Amendment—Limits to 18 the number of years a Senator or Representative may serve.

H.J. Res. 604. August 27, 1980. Post Office and Civil Service. Designates the week of October 19 through October 25, 1980, as "Appalachian Coal Awareness Week."

H.J. Res. 605. September 4, 1980. Judiciary. Constitutional Amendment—Allows the District of Columbia, Puerto Rico, Guam, and the Virgin Islands to have Representatives in the House of Representatives.

H.J. Res. 606. September 5, 1980. Ways and Means. Authorizes the President to enter into negotiations with foreign governments to limit the importation of automobiles and trucks into the United States.

H.J. Res. 607. September 9, 1980. Appropriations. Makes a supplemental appropriation to the Veterans Administration for fiscal year 1980.

H.J. Res. 608. September 10, 1980. Post Office and Civil Service. Requests the President to designate January 25, 1981, the birthday of Robert Burns (national Poet of Scotland), as "Scottish Heritage Day."

H.J. Res. 609. September 15, 1980. Appropriations. Makes continuing appropriations for fiscal year 1981 to the Federal departments and agencies.

H.J. Res. 610. September 16, 1980. Appropriations. Makes continuing appropriations for fiscal year 1981 to the Federal departments and agencies.

H.J. Res. 611. September 17, 1980. Post Office and Civil Service. Authorizes and requests the President to designate March 16 of each year as "Freedom of Information Day."

H.J. Res. 612. September 17, 1980. Post Office and Civil Service. Authorizes and requests the President to designate September 21, 1980, as "National Ministers Day."

H.J. Res. 613. September 18, 1980. Post Office and Civil Service. Requests the President to designate May 13 of each year as "National Indian Day."

H.J. Res. 614. September 23, 1980. Post Office and Civil Service. Requests the President to proclaim November 28, 1980, as "Salvation Army Day."

H.J. Res. 615. September 24, 1980. House Administration. Appoints a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 616. September 24, 1980. Post Office and Civil Service. Designates November 28, 1980, as "National Lifeliner Day."

H.J. Res. 617. September 30, 1980. Appropriations. Makes continuing appropriations for fiscal year 1981 to Federal departments and agencies.

H.J. Res. 618. September 30, 1980. Post Office and Civil Service. Designates the third week of November of each year as "National Wild Turkey Week." Designates each Thanksgiving Day as "National Wild Turkey Day."

H.J. Res. 619. September 30, 1980. Post Office and Civil Service. Designates the month of October, 1980, as "American White House Replica Month."

H.J. Res. 620. October 1, 1980. Post Office and Civil Service. Designates November 23, 1980, as a National Day of Prayer and Fasting.

H.J. Res. 621. October 1, 1980. Judiciary. Constitutional Amendment—Vests the right to life in each human being from the moment of fertilization without regard to age, health, or condition of dependency.

H.J. Res. 622. October 1, 1980. Post Office and Civil Service. Designates February 14 of each year as National Salute to Hospitalized Veterans' Day.

H.J. Res. 623. October 1, 1980. Judiciary. Constitutional Amendment—Prohibits court orders requiring busing.

H.J. Res. 624. October 2, 1980. Judiciary. Constitutional Amendment—Requires a three-fifths, roll call vote of each House of Congress in order to adopt either a Federal budget which is not balanced or an annual increase in the proportion of Federal recepits to the national income. Prevents any appropriation bill from becoming law if it would cause an unbalanced Federal budget in any fiscal year.

H.J. Res. 625. October 2, 1980. Post Office and Civil Service. Designates the week beginning October 19, 1980, as "Slavic Culture Week."

H.J. Res. 626. October 2, 1980. Judiciary. Constitutional Amendment—Vests the right to life in each human being from the moment of fertilization without regard to age, health, or condition of dependency.

H. Con. Res. 385. July. 23, 1980. Foreign Affairs. Expresses the sense of Congress that the President should seek to secure Turkish cooperation in the peaceful settlement of the Cyprus problem.

H. Con. Res. 386. July 23, 1980. Rules. Establishes a Joint Select Committee on Monetary and Commodity Policy to conduct a study to determine the causes of growth in public and private debt, monetary inflation, and trade deficits in the United States since 1945.

H. Con. Res. 387. July 23, 1980. Foreign Affairs. Extends U.S. congratulations to Jamaica on its 18th anniversary of independence. Encourages Jamaica's commitment to peaceful change through elections. Supports Jamaica's efforts to protect its heritage from outside influence.

H. Con. Res. 388. July 25, 1980. Post Office and Civil Service. Authorizes and requests the President to designate May 29 of each year as a day of remembrance of John F. Kennedy.

H. Con. Res. 389. July 25, 1980. Foreign Affairs. Condemns Soviet persecution of Vladimir Kislik. Expresses the sense of Congress that Kislik should be permitted to emigrate from the Soviet Union.

H. Con. Res. 390. July 25, 1980. Foreign Affairs. Supports a Presidential policy against further U.S. manufacture or possession of lethal and incapacitating chemical weapons. Urges a treaty banning the manufacture and possession of such weapons.

H. Con. Res. 391. July 28, 1980. Foreign Affairs. Reaffirms congressional support for full implementation of the Helsinki Final Act. Expresses the sense of Congress concerning the Madrid meeting to review such Act.

H. Con. Res. 392. July 28, 1980. Armed Services; Interior and Insular Affairs. Expresses the sense of the Congress that the President should submit a plan to the Congress, and annually report on its implementation, to ensure that adequate supplies of minerals essential to the United States remain available in the future.

H. Con. Res. 393. July 28, 1980. Agriculture. Recognizes the year 1980 as the 75th anniversary of the founding of the Forest Service, United States Department of Agriculture. Extends congressional tributes to that agency.

H. Con. Res. 394. July 30, 1980. Foreign Affairs. Urges the President to instruct the U.S. Delegation to the Madrid Conference on Security and Cooperation in Europe to request that: (1) the case of Raoul Wallenberg be placed on the agenda of the Conference; and (2) the Soviet Union cooperate in an investigation to determine his whereabouts.

H. Con. Res. 395. July 30, 1980. Foreign Affairs. Expresses the sense of the Congress that the President should request the International Red Cross to make regular visits to the hostages held in Iran.

H. Con. Res. 396. July 31, 1980. Foreign Affairs. Objects to the proposed sale to Jordan of 100 tanks and related defense articles and services.

H. Con. Res. 397. July 31, 1980. Foreign Affairs. Expresses the sense of Congress that the President should convey congressional concern about religious freedom in the Soviet Union.

H. Con. Res. 398. August 18, 1980. Ways and Means. Expresses the sense of the Congress that legislation providing for withholding of Federal income tax from dividends and interest will not be enacted.

H. Con. Res. 399. August 18, 1980. Judiciary. Expresses the sense of the Congress that persons from Eastern European countries wishing to enter the United States because of oppression in their countries should be admitted into the United States to the same extent as other refugees.

H. Con. Res. 400. August 19, 1980. Ways and Means. Expresses the sense of the Congress that the imposition of any withholding tax on interest and dividend payments would be detrimental to the American economy.

H. Con. Res. 401. August 19, 1980. Foreign Affairs. Objects to the proposed sale to Jordan of 100 tanks and related defense articles and services.

H. Con. Res. 402. August 19, 1980. Foreign Affairs. Condemns the Soviet Union for its persecution of Yuriy Shukhevych.

H. Con. Res. 403. August 19, 1980. Ways and Means. Expresses the opposition of Congress to the imposition of any withholding tax on interest-bearing bank accounts and on dividend income.

H. Con. Res. 404. August 20, 1980. Foreign Affairs. Expresses the sense of Congress that U.S. concern for the fate of Raoul Wallenberg be expressed to the Soviet Government and at the Madrid meeting of the Conference on Security and Cooperation in Europe.

H. Con. Res. 405. August 20, 1980. Judiciary. Expresses the sense of the Congress with respect to the prompt deportation from the United States of aliens who have engaged in unlawful or disorderly activities in the United States.

H. Con. Res. 406. August 20, 1980. Foreign Affairs. Declares that the people of Poland should be allowed to settle their own affairs without foreign interference.

H. Con. Res. 407. August 20, 1980. Judiciary. Expresses the sense of Congress that the Government should take the necessary action to return to Cuba those Cuban refugees not wishing to remain in the United States.

H. Con. Res. 408. August 21, 1980. Foreign Affairs. Objects to the proposed sale to Jordan of 100 tanks.

H. Con. Res. 409. August 21, 1980. Foreign Affairs. Expresses the sense of Congress that the President should convey congressional concern about religious freedom in the Soviet Union.

H. Con. Res. 410. August 22, 1980. Makes corrections in the enrollment of S. 2680.

H. Con. Res. 411. August 22, 1980. Ways and Means. Expresses the sense of the Congress that the Secretary of the Treasury should exercise his regulatory authority by designating energy efficient wood-burning stoves as eligible for the residential energy tax credit.

H. Con. Res. 412. August 22, 1980. House Administration. Expresses the sense of the Congress that State election officials should forward absentee ballots to Americans being held hostage in Iran.

H. Con. Res. 413. August 22, 1980. House Administration. Directs the printing as a House document of a revised edition of "The Capitol."

H. Con. Res. 414. August 25, 1980. Judiciary. Expresses the sense of the Congress that: (1) the Secretary of State should revoke the visas of aliens arrested for certain violent or illegal activities; and (2) the Attorney General should order the deportation of such aliens.

H. Con. Res. 415. August 25, 1980. Foreign Affairs. Expresses the sense of the Congress that the United States should provide immediate humanitarian asistance to Somalia in order to help that nation cope with a massive influx of refugees.

H. Con. Res. 416. August 25, 1980. Foreign

Affairs. Expresses the sense of the Congress that the legitimate demands of the striking Polish workers be met by the Government of Poland by peaceful means, without any interference from outside powers.

H. Con. Res. 417. August 25, 1980. Education and Labor. Expresses the sense of the Congress that public school administrators and teachers should provide periods for silent prayer, contemplation, or reflection at the individual student's discretion and should provide opportunities for study of the development of the world's major religions.

H. Con. Res. 418. August 25, 1980. Judiciary; Education and Labor. Declares the sense of Congress that the Constitution of the United States does not preclude, and that public school authorities should recognize the value of, periods of silence in the public schools to be used at the discretion of individual students.

H. Con. Res. 419. August 25, 1980. Ways and Means. Disapproves the determination of the President not to provide import relief for the leather wearing apparel industry.

H. Con. Res. 420. August 25, 1980. District of Columbia. Disapproves the approval of the Rental Housing Conversion and Sale Act of 1980 by the District of Columbia Council.

H. Con. Res. 421. August 26, 1980. Foreign Affairs. Expresses the sense of Congress that the United States should openly support the Polish people and should refrain from aiding the Polish government during its negotiations with Polish workers.

H. Con. Res. 422. August 27, 1980. Post Office and Civil Service. Directs the President to designate the week of September 28 through October 4, 1980, as "National High School Activities Week."

H. Con. Res. 423. August 27, 1980. Foreign Affairs. Expresses the sense of Congress relating to the peaceful resolution of the Polish workers' strike in accordance with specified international agreements.

H. Con. Res. 424. August 27, 1980. Education and Labor; Judiciary. Expresses the sense of the Congress that the Constitution does not prohibit public schools from providing time for voluntary individual religious expression and prayer.

H. Con. Res. 425. August 28, 1980. Judiciary. Expresses the sense of the Congress that: (1) the Secretary of State should revoke the visas of aliens arrested for certain violent or illegal activities: and (2) the Attorney General should order the deportation of such aliens.

H. Con. Res. 426. August 28, 1980. Judiciary. Expresses the sense of the Congress with respect to the prompt deportation or removal from the United States of aliens who have engaged in unlawful or disorderly activities in the United States.

H. Con. Res. 427. August 28, 1980. Interstate and Foreign Commerce. Expresses the sense of the Congress in opposition to excessive violence in sports.

H. Con. Res. 428. September 3, 1980. Judiciary. Expresses the sense of the Congress with respect to the deportation of nonimmigrant aliens arrested for unlawful conduct in connection with demonstrations.

H. Con. Res. 429. September 5, 1980. Armed Services; Post Office and Civil Services. Expresses the sense of Congress that the provisions of law requiring biannual cost of living adjustments for Federal civil service and military retirees should not be changed.

H. Con. Res. 430. September 5, 1980. Judiciary. Expresses the sense of the Congress that the Federal Government should treat impartially all persons who violate the law.

H. Con. Res. 431. September 10, 1980. Agriculture; Foreign Affairs. Expresses the sense of the Congress with respect to the export of wheat.

H. Con. Res. 432. September 18, 1980. Disapproves the proposed export of low-enriched uranium to India.

H. Con. Res. 433. September 18, 1980. Post Office and Civil Service. Expresses the sense of the Congress that the U.S. Postal Service and the Postal Rate Commission should establish a special "citizen's rate" for domestic first-class mail that affords individual nonbusiness mail users a reduced domestic first-class mail rate.

H. Con. Res. 434. September 19, 1980. Foreign Affairs. Honors Raoul Wallenberg for his work in Hungary during World War II. Expresses the sense of Congress that U.S. concern for the fate of Raoul Wallenberg be expressed to the Soviet Government and at the Madrid meeting of the Conference on Security and Cooperation in Europe.

H. Con. Res. 435. September 19, 1980. Foreign Affairs. Expresses the sense of Congress relating to the resolution of the Polish workers' strike.

H. Con. Res. 436. September 22, 1980. Public Works and Transportation. Declares that the Congress accepts the gift of a red oak tree as a symbol of American hopes for the immediate release of the hostages in Iran. Dedicates the tree to the principles of individual freedom and world peace.

H. Con. Res. 437. September 23, 1980. Foreign Affairs. Urges the Government of South Korea to fulfill its stated commitments to the democratization of South Korea and to commute the death sentence of Kim Dae Jung.

H. Con. Res. 438. September 25, 1980. Foreign Affairs. Expresses the sense of the Congress with respect to the recent curtailment of Jewish emigration by the Government of the Soviet Union.

H. Con. Res. 439. September 25, 1980. Foreign Affairs. Expresses the sense of the Congress that the frozen Iranian assets be used to compensate the American hostages and their families.

H. Con. Res. 440. September 25, 1980. Banking, Finance and Urban Affairs. Expresses the sense of the Congress that the Depository Institutions Deregulation Committee should establish a housing differential for thrift institutions of one-quarter of one percent on all categories of deposits and accounts, other than negotiable order-of-withdrawal accounts, which are established after December 10, 1975.

H. Con. Res. 441. September 29, 1980. Makes corrections in the enrollment of H.R. 6331.

H. Con. Res. 442. September 29, 1980. Post Office and Civil Service. Designates the month of February as National Snowmobiling Month.

H. Con. Res. 443. October 1, 1980. Foreign Affairs. Disapproves the proposed sale to the Republic of Korea of defense articles pursuant to a cooperative logistic supply support arrangement.

H. Con. Res. 444. October 2, 1980. Judiciary. Expresses the sense of the Congress with respect to the televising of oral arguments before the Supreme Court of the United States.

H. Con. Res. 445. October 2, 1980. Interstate and Foreign Commerce. Expresses the sense of the Congress with respect to the number of digits which should be used as ZIP codes or other codes used for mail delivery.

H. Con. Res. 446. October 2, 1980. Post Office and Civil Service. Expresses the sense of the Congress with respect to the number of digits which should be used as ZIP codes or other codes used for mail delivery.

H. Res. 746. July 23, 1980. Elects a specified Member of the House of Representatives Speaker pro tempore during the absence of the Speaker.

H. Res. 747. July 23, 1980. Government Operations; Ways and Means. Expresses the sense of the House of Representatives regarding a rehabilitation plan designed to correct current economic adversities in the basic steel industry.

H. Res. 748. July 24, 1980. Foreign Affairs. Expresses the sense of the House of Representatives that the U.S. delegation to the Copenhagen Conference on the United Nations Decade for Women should oppose any resolutions which do not relate directly to the goals of the Conference.

H. Res. 749. July 24, 1980. Sets forth the rule for the consideration of H.R. 3486.

H. Res. 750. July 24, 1980. Waives certain points of order against the bill H.R. 7724.

H. Res. 751. July 24, 1980. Sets forth the rule for consideration of H.R. 7299.

H. Res. 752. July 24, 1980. Foreign Affairs. Urges the President to rescind the embargo on U.S. grain exports to the Soviet Union.

H. Res. 753. July 25, 1980. Requires an independent investigation of the safety of the Members of the House of Representatives due to structural deficiencies of the West Front of the Capitol.

H. Res. 754. July 25, 1980. Education and Labor. Calls on the President, in the exercise of authority under the Davis-Bacon Act, to declare a national economic emergency and suspend the provisions of such Act and the provisions of all other Acts providing for the payment of wages on the basis of determinations of the Secretary of Labor under such Act.

H. Res. 755. July 28, 1980. Post Office and Civil Service. Requests the President to designate October 11, 1980, as "National Jogging Day."

H. Res. 756. July 28, 1980. Public Works and Transportation. Expresses the sense of the House of Representatives that the Secretary of Transportation and the Administrator shall adopt a policy and implement regulations to manage the growth of commercial jet air traffic in the region and establish a rational balance in the use of Washington National Airport and Dulles International Airport.

H. Res. 757. July 29, 1980. Sets forth the rule for the consideration of H.J. Res. 589.

H. Res. 758. July 29, 1980. Waives certain points of order against the bill H.R. 7831.

H. Res. 759. July 31, 1930. House Administration. Directs the printing as a House document of a collection of statements made in tribute to the late Mamie Doud Eisenhower. Authorizes additional printing of copies for use by the House at a cost not to exceed $1,200.

H. Res. 760. August 1, 1980. House Administration. Expresses the sense of the House of Representatives that each Member should vote for the Presidential candidate who receives a majority or a plurality of the popular votes cast in the Member's district.

H. Res. 761. August 18, 1980. Expresses the condolences of the House of Representatives on the death of Representative Harold Runnels of New Mexico.

H. Res. 762. August 19, 1980. Sets forth the rule for the consideration of H.R. 7104.

H. Res. 763. August 19, 1980. Sets forth the rule for the consideration of H.R. 4370.

H. Res. 764. August 22, 1980. Sets forth the rule for the consideration of H.R. 3904.

H. Res. 765. August 22, 1980. Sets forth the rule for the consideration of H.R. 7036.

H. Res. 766. August 22, 1980. Sets forth the rule for the consideration of H.R. 7203.

H. Res. 767. August 26, 1980. Sets forth the rule for the consideration of H.R. 6417.

H. Res. 768. August 26, 1980. Sets forth the rule for the consideration of H.R. 6628.

H. Res. 769. August 26, 1980. Sets forth the rule for the consideration of H.R. 6721.

H. Res. 770. August 26, 1980. Sets forth the rule for the consideration of H.R. 6806.

H. Res. 771. August 26, 1980. Sets forth the rule for the consideration of H.R. 7668.

H. Res. 772. August 27, 1980. Sets forth the rule for the consideration of H.R. 85.

H. Res. 773. August 27, 1980. Sets forth the rule for the consideration of H.R. 7020.

H. Res. 774. August 27, 1980. Foreign Affairs. Expresses the sense of the House of Representatives that the President should continue certain measures which have been taken against the new regime in Bolivia until that regime takes certain corrective actions.

H. Res. 775. August 27, 1980. Ways and Means. Disapproves the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to Romania.

H. Res. 776. August 28, 1980. Sets forth the rule for the consideration of H.R. 7765.

H. Res. 777. August 28, 1980. Armed Services. Requests the President to furnish to the House of Representatives all information, whether or not classified, concerning the disclosure of classified information relating to the Stealth technology for military aircraft.

H. Res. 778. September 3, 1980. Sets forth the rule for the consideration of H.J. Res. 601.

H. Res. 779. September 3, 1980. Sets forth the rule for the consideration of S. 658.

H. Res. 780. September 3, 1980. Sets forth the rule for the consideration of H.R. 6777.

H. Res. 781. September 3, 1980. Foreign Affairs. Expresses the sense of the House of Representatives that the United States should repudiate its abstention on United Nations Security Council Resolution 478 (1980) to reaffirm Israel's right to choose its own capital city.

H. Res. 782. September 5, 1980. House Administration. Authorizes the printing as a House document of the transcript of hearings of the Select Committee on Committees relating to energy jurisdiction of House committees.

H. Res. 783. September 8, 1980. Armed Services. Requests the President to furnish certain information to the House of Representatives concerning the disclosure of classified information relating to the new Stealth technology for military aircraft.

H. Res. 784. September 9, 1980. Waives certain points of order against the conference report on S. 1125.

H. Res. 785. September 9, 1980. Rules. Establishes a Select Committee on Procedures for Election of a President in the House of Representatives.

H. Res. 786. September 17, 1980. Elects a named Representative to the Committee on Armed Services.

H. Res. 787. September 17, 1980. Sets forth the rule for the consideration of H.R. 7112.

H. Res. 788. September 17, 1980. Sets forth the rule for the consideration of H.R. 5615.

H. Res. 789. September 17, 1980. Waives certain points of order against H.J. Res. 610.

H. Res. 790. September 19, 1980. Foreign Affairs. Requests the President to furnish specified information to the House of Representatives concerning U.S. involvement in Iran.

H. Res. 791. September 23, 1980. Sets forth the rule for the consideration of S. 885.

H. Res. 792. September 24, 1980. Sets forth the rule for the consideration of H.R. 7548.

H. Res. 793. September 24, 1980. Education and Labor. Expresses the sense of the House of Representatives that the Secretary of Health and Human Services should not approve certain portions of the proposed model State adoption legislation prepared under the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

H. Res. 794. September 24, 1980. Expels a named Representative from the House of Representatives.

H. Res. 795. September 25, 1980. Interstate and Foreign Commerce; Foreign Affairs; Ways and Means. Expresses the sense of the Congress that the President should use whatever authorities available to him to limit price increases for crude oil and other petroleum products resulting from the current conflict between Iran and Iraq.

H. Res. 796. September 29, 1980. Sets forth the rule for the consideration of H.R. 7854.

H. Res. 797. September 29, 1980. Sets forth the rule for the consideration of H.R. 6520.

H. Res. 798. September 29, 1980 Sets forth the rule for the consideration of H.R. 8146.

H. Res. 799. September 30, 1980 Waives certain points of order against the conference report on the bill S. 1946.

H. Res. 800. October 1, 1980. Elects a named Representative to serve on the Committee on Agriculture.

H. Res. 801. October 1, 1980. Elects a named Representative to serve on the Committee on Veterans' Affairs.

H. Res. 802. October 1, 1980. Sets forth the rule for the consideration of H.R. 8146.

H. Res. 803. October 1, 1980. Banking, Finance and Urban Affairs. Expresses the sense of the House of Representatives that the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation should delay any enforcement of due-on-sale clauses until a date at least 30 days after the receipt by Congress of the report of the Secretary of Housing and Urban Development.

H. Res. 804. October 2, 1980. Provides for limited continuation of pay of clerical assistants to Members of the House of Representatives in certain cases of termination of service of such Members.

H. Res. 805. October 2, 1980. Commends the Comptroller General of the United States on the occasion of the conclusion of his distinguished career of Federal service.

H. Res. 806. October 2, 1980. House Administration. Provides for the printing as a House document of tributes to the late Honorable F. Edward Hébert on the floor of the House.

EXTENSIONS OF REMARKS

PRESIDENT SOMOZA TELLS HOW CARTER BETRAYED NICARAGUA—PART I

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. McDONALD. Mr. Speaker, the recent assassination of former President Somoza in Paraguay did not prevent the true story of his betrayal by the United States from finding its way into print. His story has been published by Western Islands in a 448-page book as told to Jack Cox. Mr. Medford Evans, a very distinguished author, reviewed this timely book in the October 1980 issue of American Opinion magazine. Events that took place in Nicaragua need more than ever to be put into perspective at this time, because the drive to topple non-Marxist governments in Central America appears to be a continuing policy of the Department of State. Members of Congress who are confused by our present policy in that area would do well to read this book review which follows:

When Jimmy Carter leaves office, as he will no doubt do next January, the manner should be different from that of Anastasio Somoza's leaving the Presidency of Nicaragua last year in July. Somoza, like Francis I after the battle of Pavia, could say, "All is lost, save honor."

Carter, to be sure, could do what Somoza never could. He could claim responsibility for both transitions. He would have hounded Somoza out of office, and blundered himself out. Between the two men, Somoza is by far the more likely to return.

The facts about the fall of Nicaragua to Communism in 1979 have been obscured, distorted, covered up, and just plain lied about till there has been simply no way until now for Americans to find out exactly what happened. Even ostensibly fair accounts failed to suggest the international significance of a revolutionary action which endangered American interests more seriously, and far more immediately, than did the Soviet invasion of Afghanistan. Consider the following from the 1980 World Almanac's "Chronology" of 1979:

"Rebels win 7-week Nicaraguan Civil War—Rebels of the Sandinist Nationalist Liberation Front took over Managua, the capital of Nicaragua, July 19, after defeating the National Guard in a 7-week civil war. President Anastasio Somoza Debayle resigned and fled the country. The civil war left an estimated 10,000 dead and 500,000 homeless and ended the 46-year family dynasty of the Somozas."

The deadpan, tight-lipped narrative continues with little that would interest a North American reader (another fracas in a banana republic?) except that a U.S. television correspondent got shot and—more problematically—that on June twenty-first our then-Secretary of State Cyrus Vance "told representatives of the Organization of American States . . . that the government of Anastasio Somoza should be replaced and called for an inter-American peace force to restore order. . . ." To this bit of Big Brotherism the O.A.S. "reacted negatively," and the U.S. public reacted yawningly.

One cannot so much say that government releases and media presentation filled the public mind with false images of the "civil war" in Nicaragua as one can say—indeed, what one must say—that government and the media together blanketed the Nicaraguan disorder with enough cotton batting, and deadened its repercussions with enough acoustic tile, to insure that the public mind in the U.S. had only the vaguest notion of what was going on, and didn't particularly care. Meanwhile our own multibillion-dollar agencies were being employed not just to sabotage Nicaragua, but to promote the extension and expansion of Soviet power in all the shores of the Spanish Main and the Gulf of Mexico.

Appears now this unexampled new book, "Nicaragua Betrayed," as it was told to Texan Jack Cox by President Somoza in the comparative security of Asunción, Paraguay, where during three strenuous months (February 23 to May 28, 1980) the General's account was taperecorded, transcribed, organized, and proofed into a manuscript of seven hundred pages for submission to Western Islands in Belmont, Massachusetts.

Many misconceptions will be dissipated and replaced with reality by intelligent attention to "Nicaragua Betrayed." Chief among these is the thought that what happens to Nicaragua is of little or no concern to a mighty power like the United States. Should such thinking persist, the United States will not continue to be a mighty power. John Donne's, "Send not to ask for whom the bell tolls; it tolls for thee," was never more applicable, though Hemingway used it in a polemic for the wrong side.

The very name Sandinista, which the media have used so continuously without explanation of its origin, comes from the name of a man whose chief hatred was directed toward the United States. I quote from the 1968 Encyclopaedia Britannica:

"Sandino, Cesar Augusto (1893-1934), Nicaraguan guerrilla leader was one of the most controversial figures of recent Central American history. Although he was considered a bandit by the United States government, many Latin Americans viewed him as a patriot and fighter against "Yankee imperialism."

"The son of a small farmer, Sandino first gained national recognition in 1926 when he took up arms in support of Vice-Pres. Juan Bautista Sacasa's claim to the presidency. After the United States intervened in 1927 to impose peace, Sandino refused to lay down his arms and with several hundred men withdrew to the mountains of northern Nicaragua. His success in eluding capture by the U.S. Marine Corps and the Nicaraguan National Guard attracted widespread sympathy for him throughout the hemisphere. The resulting anti-United States feeling helped bring about a change in U.S. foreign policy toward Latin America, which culminated in Pres. Franklin D. Roosevelt's 'Good Neighbor Policy.' Following the withdrawal of the Marines in January 1933 and the inauguration of Sacasa as president, Sandino finally laid down his arms. On Feb. 21, 1934, upon leaving a dinner with the president, Sandino and several aides were assassinated by members of the National Guard who resented the lenient treatment accorded him by the government."

Initials show that the Britannica article was written by a respected scholar, Professor R. M. Schneider of Queen's College. That the Britannica ran the article suggests that it is not slanted to the Right. A bit surprisingly, it seems not to be slanted at all. Note that Sandino was not assassinated until after the U.S. Marines had been gone from Nicaragua for more than a year. Yet "Sandinista" doctrine has never wavered from impugning "Yankee imperialism" (to give the matter its most temperate wording) as the chief enemy.

Somoza himself was the chief enemy. But Somoza was the Sandinistas' enemy because to them he was a tool of "Yankee imperialism." The savage irony is that nowhere has the indictment of being a tool of Yankee imperialism hurt Somoza quite so much as among Yankees. Considering that most of Anastasio Somoza's formal education, as well as much of his informal education, was obtained in the United States, it is wonderful that he has never betrayed or detested either our country or his own. Like their ideological siblings the Weathermen, the Sandinistas are at war with the United States. The battle of Nicaragua is simply part of the war against the United States. This was never a "civil war," as the World Almanac was far from alone in calling it, but part of an international war. The Sandinistas were armed, trained, transported, and deployed against Nicaragua in and from Cuba, Panama, and Costa Rica. This was no rebellion but an invasion.

While the strategic objective of the power behind the invasion was encirclement of the United States, the immediate target was that friend of the United States, Anastasio Somoza, who says in this enlightening book:

"At the time the international press really took after me, favorable articles about the Sandinistas began appearing. These were glowing articles in which the Sandinistas were depicted as being young idealists who, with their bare hands, were fighting a horrible dictator named Somoza. How wrong they were. All of the leaders had been trained in Cuba, Czechoslovakia, the PLO, Libya, and Panama; and they were tough. They knew tactics and their knowledge of weaponry was first rate."

Whatever may be the case with Cuba and Panama, it is a safe presumption that Czecho-Slovakia, the P.L.O., and Libya had little interest in Nicaragua as such. Nicaragua is, however, the only potential site for another canal between the Atlantic and the Pacific. Since the Panama Canal has already been taken away from the United States, there is no more logical next step for those who know that world power is naval power, and therefore seek naval hegemony, than driving "Yankee imperialism" in the person of Anastasio Somoza out of his native Nicaragua. All the countries named above as training sites for Sandinista leaders—decidedly including Cuba and Panama—were and are at one with the Soviet superpower of which they are satellites in mutual determination to end U.S. hegemony in the Western Hemisphere.

Which raises this question: What is the U.S. doing—what has it been doing these past three or four years and more—siding

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

with the anti-U.S., not just anti-Somoza, Sandinistas? They wouldn't have been anti-Somoza if he hadn't been pro-U.S.

It is important to realize the simple if astounding fact that the United States—through the elites and the government departments which make foreign policy and conduct foreign affairs for the nation—is working, not just surreptitiously, but openly, against itself. Somoza in the beginning must have found this to be even more incredible than would some of us U.S. natives, who were perhaps earlier aware of a kind of collective schizophrenia in the body politic. By the same token the West Point graduate from Nicaragua was no doubt forced into an even clearer realization than ours that the North American power which he so admired was plainly set upon destroying the Central American country which he loved.

Being himself a Head of State and of Government, he was particularly shocked by the undeniable fact that the command decision to deliver Nicaragua to the Soviet camp was made by the President of the United States. Granted that Jimmy Carter is surrounded by advisors, many of them more experienced than himself, and granted that Presidents before Jummy Carter, as far back as Franklin Roosevelt and up to and including Gerald Ford, had participated in the drive against "Yankee imperialism," it was Carter who gave the orders that forced Somoza out of Nicaragua and put the Communist Sandinistas in power.

Question may be raised as to whether the U.S. used force against the Somoza Government of Nicaragua. The answer is that of course we did—that is, the Carter Administration did. To be sure, President Carter did not send Marines to install the Sandinistas. Rather, the U.S. Government choked his economy by delaying loans already agreed to by the World Bank and embargoed all shipments of ammunition to Somoza's National Guard, his army. Meanwhile, the invading Sandinistas were well supplied with funds as well as ammunition for their Czech and Soviet weapons through Cuba, Panama, and Costa Rica. If you remove weight from one side of a balance the result is the same as if you had added it to the other. Carter broke the Nicaraguan economy and then disarmed the National Guard by denying it ammunition. This was algebraically the same as supplying money and weapons to the Sandinistas.

I have there stated the matter somewhat dryly and abstractly. General Somoza fleshes it out with circumstantial detail. One "man bites dog" episode illustrates the extent to which Washington went in supporting the international assault on Nicaragua. Critics of Washington have often, and not without reason, complained of tendentious influence on our government from Israel; as a matter of fact our government's influence on Israel is rather the more powerful. Somoza writes:

"While we were engaged in these fierce battles, we were expecting a ship from Israel loaded with arms and ammunition. [In addition to financial inducement, Israel would naturally have been ready to help a nation like Nicaragua which was beleaguered by, among others, terrorists from the P.L.O. supplied by, among others, Libya.] This, incidentally, had been paid for before the ship ever left Israel. Our most monumental problem was the acquisition of arms and ammunition. Mr. Carter had successfully dried up almost every source. . . .

"As the ship approached . . . , we received word . . . that the captain was fearful that something would happen . . . . we directed the ship to go to Guatemala. We had obtained permission . . . to unload the ship there. For Nicaragua a disaster then occurred. The ship, with our lifesaving arms and ammunition, did not proceed to Guatemala—it turned back to Israel. We suspected the reason for the sudden change in shipping plans, and later our suspicions were verified. U.S. intelligence had learned the destination of this ship and they obtained information as to the cargo she carried. Due to extreme pressure applied by the United States, Israel made the decision to return the ship to its home port. Somewhere in Israel there is a large consignment of arms and ammunitions which could have saved Nicaragua."

Somoza does not say what happened to the prepayment. "That was hardly the principal point for a nation in its death throes.●

FIFTY YEARS OF SERVICE BY TROOP 155 AND SCOUTMASTER PETERSEN

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DOUGHERTY. Mr. Speaker, this year ELCOR Troop 155, Boy Scouts of America, sponsored by the Lutheran Church of the Redeemer in my district, completed 50 years of service to the boys in the community of Mayfair in Philadelphia. In those 50 years, over 500 young men and innumerable adults enjoyed the fun and camaraderie of Scouting while absorbing the moral principles and guiding inspiration of the Scout oath and law.

The marking of 50 years of Scouting by ELCOR Troop 155 is a milestone of great significance to the unit. The event is even more important in the life of troop 155's Scoutmaster, Helmar W. (Chief) Petersen, who has served as leader of the unit since its beginning in 1930.

Although he has two daughters and traveled 40 miles for weekly meetings of troop and committee, Chief "adopted" every boy who came under his influence in a program that included overnight camping trips almost every month and weeklong camping experiences every summer. His inspiring example has been the single most important reason for the excellent record established by troop 155 in its 50 years. Alumni of the unit look back to the time they spent as members of troop 155 with gratitude to Chief for the experiences they shared together under his leadership.

On October 18, 1980, the Lutheran Church of the Redeemer will celebrate the 50th anniversary of troop 155 and will honor Scoutmaster Petersen for his 50 years as leader of the unit.

Mr. Speaker, to ELCOR Troop 155 and Scoutmaster Helmar W. (Chief) Petersen we offer our congratulations and our gratitude for 50 years of outstanding and dedicated service to our young people in Scouting.●

HAVE YOU HUGGED YOUR BUREAUCRAT TODAY?

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. MINETA. Mr. Speaker, Mr. Michael Rancer, field representative in my district office, wrote a column which recently appeared in the Christian Science Monitor. I take this opportunity to share it with my colleagues.

I believe Mike's commentary makes an important point for individuals both inside and outside the Government. Entitled "Have You Hugged Your Bureaucrat Today?," the article asks readers to assume a positive view of those who work hard so that Government may work well. The article follows:

HAVE YOU HUGGED YOUR BUREAUCRAT TODAY?

After three years in Washington, D.C., I recently returned to California to take a job in the district office of a U.S. Congressman. My work with the public since then has been a sobering experience because, in the past few years, citizens in California have developed a profound dislike and mistrust for the institutions of government. As someone who has always viewed government as an instrument for the public good, I am disturbed by this attitude.

Certainly there are valid criticisms to aim at government. Taken as a whole the system has shown alarming growth since the watershed era of 1933–45 (though in proportion to the total economy it is smaller than the public sectors in many industrialized Western nations). Moreover, all of us, including those who work as public officials, are angered by the expense, complexity, impersonal nature, occasional irrationality, and dense language of government.

I have no objection to such legitimate, constructive criticism. But I fear that in the current drive to pillory all public institutions, we destroy more than we improve. When I listen to the charges people make, or read commentaries in the press, what I often detect is undisguised hatred directed at the individuals who comprise our bureaucracies—a hatred which does not know names or abilities, yet which is nonetheless eager to attack. What I sense, fundamentally, is a double standard. Private citizens are not willing to give to their public officials those things—respect, a salary that allows people to live with inflation and pay their taxes—which they demand for themselves.

Perhaps I have become too sensitive after a year of trying either to help constituents solve their problems or to explain current legislative issues. Perhaps I am chafing at a recent initiative campaign in California which made repeated reference to "the bumblers." But all too frequently I find myself trying to converse with someone who has little knowledge of the processes of government, yet who refuses really to listen to the information being communicated because he or she holds the unshakable opinion that everybody involved in government is either crooked or incompetent. I know of no other calling where dedicated professionals are told daily that their work is without consequence.

This attitude is especially difficult to accept because contemporary American society, while voting to reduce the resources available to government, continues to ask more of its public institutions. Today as always the private sector is reluctant or unable to perform many of the functions we deem essential to a civilized society:

Local government, for the most part, provides basic services, which are both capital and labor intensive, and which account for up to 80 percent of the municipal budget. Cities as we know them could not exist without police, firefighters, garbage collectors, and sewage-treatment plants, all supported at public expense.

At the federal level citizens ask for funds for a wide range of programs considered necessary in an industrialized nation. These include money for housing, mass transportation and highways, defense, social security for the elderly, research efforts in industry, loans for small businesses, and regulation of utilities (which the companies themselves most often fight to retain).

The indisputable point is that government does not operate in a vacuum—it responds to the public's demands. And despite proclaimed disenchantment with government, the voters themselves continue to demand more intervention in their lives. Witness the many cities in California which in recent years have, through citizen votes, adopted growth control measures to restrict private development. In short, we have gotten the sort of government we have been asking for since the great depression of the 1930s.

The result has been as intended. The economic collapse of 1923-33 which haunted my parents' memories has never recurred, largely because of government action. In other ways, too, public solutions have worked. The nation's air and water are cleaner than at any time in recent history; millions own their homes because of FHA mortgage insurance; mass transit is experiencing a renaissance which is helping to reduce the use of gasoline made from imported oil. Still, there have been many failures, and even the cost of our successes has been high.

The solution to the problems of the public sector, though, is not to be found in a wholesale attack on government workers. Nor is the single-minded solution of "letting private industry do the job" the answer to our dilemma. Anyone who has ever dealt with the wasteful, impersonal bureaucracy of the local electric company must know that such entities are no more responsive than a government agency—perhaps they are less so because they answer only to their stockholders. More striking, perhaps, is the failure of the American auto industry to compete on its own turf. Were it not for federal mileage standards, Ford and General Motors would be even less competitive with Volkswagen and Toyota than they are today.

The real solution is for citizens to ask less of their public institutions. Measurement of public service demand is a dubious procedure at best, but during Congress's recent attempt to balance the budget I saw the clamor for more government on a regular basis. I witnessed a procession of citizen groups visiting the congressman to say "balance the budget but increase appropriations for our programs at someone else's expense." Business groups and Republicans were as vocal as Democrats and consumers.

Since the House of Representatives is made up of 435 members, each representing a district constituency, it is not surprising that the special-interest philosophy has prevailed. If, instead, both taxes and expenditures are to be cut, then people must be prepared to do more for themselves. They must be willing to take the risks and to make, out of their own pockets, the investments in the country's future for which they have so far relied on government.

The problem is not that there are too many bureaucrats, but that there are too few citizens who care to share in the responsibilities for their own lives. The more talented government employees have taken up their careers as an alternative to the pursuit of limitless personal profit. Unrelenting criticism will just drive these out, leaving only the true "bumblers" as our remaining public servants.

If bureaucrats are not well understood, it may be because the public doesn't always take time to engage in a reasonable dialogue. It is worth considering that, like the society it serves, government is only made of people trying to solve difficult problems.●

THE 41ST ANNUAL INTERNATIONAL WATER CONFERENCE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WALGREN. Mr. Speaker, one of the greatest natural resources the Nation possesses today is the energetic pool of scientists and engineers who daily contribute to the Nation's quality of life and to its technological growth.

Their work goes far beyond the demands made on them by the positions they hold. They feel a need as professionals to band together and to share their knowledge so that the state of the art can be advanced.

Next week in Pittsburgh we will see concrete evidence of this type of activity. It is unique in one sense; typical in another. It is typical in that it reflects the work of one professional society made up of engineers and scientists. It is unique in the sense that it is the only conference of its type in the world. Because of my committee interest in water and the husbanding of this vital resource, I use this occasion to call attention to the work of one of many engineering societies as well as to the specific conference and its value to the Nation and to the world. The Engineers' Society of Western Pennsylvania is one of the Nation's outstanding professional societies. This year it celebrates its 100th anniversary.

Founded in 1880 to provide an exchange of ideas and technologies for practitioners in the Pittsburgh area, the society reflects the area's growth to become what is often called the workshop of the world. Over the years it has contributed to the well-being of its area and of the Nation as a whole.

Today the Engineer's Society of Western Pennsylvania acts as the umbrella group for 55 technical societies and associations with membership of more than 18,000 engineers and scientists. They reflect and are contributing to a technological change which makes the Pittsburgh area one of the world's leaders in research and technology. More than 125 industrial and educational research laboratories are pursuing practical procedures in virtually every aspect of science and engineering.

The unique conference being sponsored is the 41st Annual International Water Conference. It deals exclusively with treatment, use and reuse of industrial waste water.

The 41st Annual International Water Conference will attract more than 1,500 engineers, scientists and other specialists involved in solving the world's industrial water problems.

The conference is sponsored by the Engineer's Society of Western Pennsylvania and is the outgrowth of a need perceived by society members in 1940. From the first small meeting whose purpose was to bring the light of science and knowledge into an area that was replete with opinion and guesswork.

Water conference veterans recall the heated discussions sparked at early meetings when untested opinions ran into laboratory proofs as the imbalance of art and science involved in water treatment tilted steadily to the side of science.

The high quality of the conference over the years is credited to the involvement of an advisory committee which this year included the representatives of 53 manufacturing, engineering, and consultant firms involved in the use, reuse, and treatment of industrial wastewater.

Conference meetings will be held at the William Penn Hotel on October 20, 21, and 22. Interest is so high that hospitality rooms have overflowed the William Penn and perhaps a dozen are booked for the Hilton Hotel. Attendance will be 2½ times greater than 6 years ago.

Andrew F. McClure, Dravo Corp., is general chairman; Edward F. Maziarz, Jr., Alcoa, is vice chairman; Yale Solomon, Westinghouse Electric Corp., is program chairman.

Other executive committee members are Mary Jean Edgar, secretary, and Florence K. Troy, program coordinator, both on the staff of the Engineers' Society; also Ray Baum, Craft Products, Inc.; C. A. Bishop, United States Steel Corp.; Paul Cohen, consultant; E. Dennis Escher, Penn Environmental Consultants, Inc.; Paul Goldstein, NUS Corp.; E. Stuart Savage, Dravo Corp.; Stephen Vajda, Jones & Laughlin Steel Corp.; and Walter Zabban, the Chester Engineers.

Topic headings for the various discussion sessions for which several papers will be presented are:

Ion exchange and condensate polishing; water and waste-water treatment; boiler treatment; membrane technology; stream purity and turbine corrosion, sponsored by American Society of Mechanical Engineers; cooling water; chemical cleaning; chemical data base and data estimation; calculations at high temperatures—steam-generating systems; progress reports on ion exchange; calculations at intermediate temperatures—cooling water systems; and a final session dealing with progress reports in various fields.

A "call for papers" for the conference was sent out last January proposing topics of high interest. A program committee selects those papers which best seem to present the topics.

The program is determined by mid-April to provide ample lead time for preparations of papers and for distribution of the papers.

Proceedings from the conference made up of technical papers presented over the years now make a set of books. They contain the state-of-the-art developments which have contributed to the quality of life of our Nation.

An excerpt from one of these papers outlines the original concept for the need of this conference.

It was designed to take the mumbo-jumbo and nonscientific charlatanism out of a field that was growing in importance.

By focusing on proven scientific evidence and processes, the conference has been able to advance the state of the art with a rapidity that was unexpected.

The paper, from the 1979 proceedings, is titled "Water Conditioning Devices—An Update." It was written by J. Fred Wilkes, consulting chemical engineer, La Grange, Ill.; and Ray Baum, Craft Products Co., Inc., Pittsburgh, Pa.

The paper follows:

WATER CONDITIONING DEVICES—AN UPDATE

Despite adverse evaluations by corrosion engineers and water technology experts, non-chemical devices claimed to function by electronic, electrostatic, magnetic and other physical principles continue to be promoted for prevention of scale and deposits, microbiological growth and corrosion mitigation in water-using systems. There is an urgent need for factual information and validated performance data on such systems. These data are needed to permit economic and technical evaluation by owners and engineering staffs of industrial, institutional and commercial installations, for whom safe, efficient operation and continuous availability of costly steam generating and cooling systems are of critical importance.

A study now in progress by a Technical Practices subcommittee of the National Association of Corrosion Engineers already has identified and listed nearly 100 non-chemical devices now being marketed for water treatment applications. Many of these are similar or identical in design and construction, but are sold under different tradenames by their promoters. In these times of growing fuel shortages and burgeoning regulation by local, State, and Federal agencies, the promotional claims of minimum energy requirements, elimination of chemical feed and control requirements, reduced pollution, and potential water conservation are increasingly attractive to owners and engineers whose facilities include costly utility systems—heating and cooling.

The promotion of non-chemical devices to replace conventional water treatment approaches is far from new. Over two decades ago (at the Fourteenth Annual Water Conference) Welder and Partridge presented a thoughtful evaluation of typical devices. Characteristics and principles of more than 50 different systems dating back to 1865 were listed and described. This landmark publication included a useful bibliography of 106 references and patent citations, plus case histories of recorded performance on several devices. Eliassen, Uhlig, Skrinde and Davis described and critically evaluated several electrical "water conditioners" in laboratory studies and a series of papers.

General characteristics and benefits claimed for many present-day devices include:

1. Prevention of corrosion, scale and deposits, and microbiological growth in water-using systems by physical forces (non-chemical methods).

2. Operating results not reflected by changes in water composition, as determined by standard chemical analyses.

3. Little or no technical control required.

4. Minimum or no energy (power) input required.

5. Elimination of potential pollution from system discharges, since conditioning method is nonchemical.

6. Further energy savings through elimination or reduction of utility system blowdown/bleedoff requirements.

At odds with such claimed benefits are less desirable characteristics of equal concern, such as:

1. Unpredictable and erratic performance in field applications.

2. Rarely supported by results of properly designed operating tests, conducted under supervision of unbiased water technology/corrosion scientists.

3. Operating data and results of scientific evaluations rarely are adequate to account for apparent good results in certain cases, or failure in others.

4. Claims of effective performance too often are supported only by testimony from uncritical, non-scientific observers.

5. Promotional literature often includes extravagant, unsupported claims, and utilizes pseudo-scientific terminology, essentially unintelligible to knowledgeable engineers, scientists and water technologists.

Our objectives in this update are to discuss operating principles of 'new generation' non-chemical devices now being marketed, as described in manufacturers' trade literature. To view these devices in perspective, they will be compared with established electrical/magnetic water conditioning systems of proven performance, and which:

1. Produce predictable, reproducible results.

2. Require appreciable energy input for operation.

3. Have demonstrated consistent effectiveness in corrosion control and water or waste treatment applications.

4. Are based on accepted scientific principles.

With respect to "new generation" devices, we hope to initiate thoughtful discussion on questions such as these:

1. Do the principles by which non-chemical devices are claimed to operate include a factual nucleus from which consistent, reproducible benefits may be predicted?

2. What significant performance in scale/corrosion control can be expected, in view of the limited energy inputs typical of most devices?

3. Do additional corrosion products traceable to deterioration of dissimilar metal couples in conditioner water passages, or metal hydroxides produced by sacrificial components modify normal scale formation processes on heat transfer surfaces, or otherwise contribute to reduction in scale/deposit formation?

4. If so, what reproducible results in characteristics and magnitude of scale/deposit control process results may be obtainable with electrical or magnetic water conditioners?

Let us seek to penetrate the smoke screen of ignorance, mystery and pseudo-scientific jargon which pervades the marketing of many devices now being offered, and find the germs of truth (perhaps still unrecognized and unidentified) which might offer potential future utility.

A partial listing of established electrical/magnetic/physical systems employed in water/waste treatment applications might include these examples:

1. Ozone generators—for sterilization, BOD reduction, microbiological growth control, and oxidation of heavy metals, etc.

2. Cathodic protection for preservation of metal structures, using driven or sacrificial anodes.

3. Sacrificial anodes as source of iron and aluminum ions, for coagulation.

4. Electrolysis of brine and brackish supplies to produce chlorine for biofouling control.

5. Electrolytic reduction of Cr^{+6}, by forced oxidation (corrosion) of iron.

6. Electrodialysis and ion exchange membrane processes for desalting water.

7. Reverse osmosis—pump power being employed to force water through micropore membranes or hollow fibers, to remove large amounts of dissolved salts.

8. Magnetic separators and high gradient magnetic filters, to remove magnetic iron particles in boiler feedwater, or in waste treatment applications.

Note that:

1. All these processes require not only substantial capital investment, but also have substantial power demands.

2. All work on known, accepted principles; produce reproducible results; and have been evaluated objectively and reported in engineering studies.

3. All require careful control, monitoring and continuous maintenance.

In this presentation we will consider four types of nonchemical conditioning systems, some of which have been promoted extensively in recent years. These are Electrostatic Water Treatment Units, Electrostatic/Ultrasonic Systems, Magnetic Water Treatment Devices, and a provocative newcomer—Scale/Deposit Control by Ozone. Performance case histories have been compiled on several systems in these categories.●

THE UDALL RECORD—1980

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. UDALL. Mr. Speaker, it has become my practice toward the end of each session of Congress to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of southern Arizona have the right to know where I stand on the issues decided by the House, and I have found that printing my voting record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main, Tucson.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of the issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting;
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting).
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

3. H.R. 4788. Water Resources Development Act. Adoption of the rule providing for House floor consideration of the bill authorizing construction, repair and preservation of certain public works projects on rivers and harbors for navigation and flood control. January 23. Y(4-0-0), adopted 384-10.

5. H. Con. Res. 249. Moscow Olympics. Adoption of the resolution urging that the 1980 Moscow Summer Olympic Games be moved, canceled or boycotted, as a protest against the December 1979 Soviet invasion of Afghanistan. January 24. Y(4-0-0), adopted 386-12.

6. H. Con. Res. 204. China Trade. Adoption of the rule providing for consideration of the resolution approving the trade agreement between the United States and the People's Republic of China. January 24. Y(2-2-0), adopted 321-74.

7. H. Con. Res. 204. China Trade. Passage of the resolution approving the U.S.-China trade agreement granting most favored nation status to the People's Republic of China. January 24. Y(2-2-0), adopted 294-88.

9. H.R. 4788. Water Resources Development Act. Amendment to authorize six additional water development projects in Title I of the bill, January 28. Y(4-0-0), adopted 335-23.

11. H.R. 4788. Water Resources Development Act. Amendment to delete eight water projects, totaling $161 million, for which there are no completed feasibility reports from the U.S. Army Corps of Engineers. January 28. N(0-4-0), rejected 117-263.

14. H.R. 5980, Anti-Recession Fiscal Assistance. Substitute to make local governments ineligible for targeted fiscal assistance if the employment growth rate in their county exceeds 250 percent of the national average over the most recent three-year period. January 30. N(1-3-0), rejected 119-294.

15. H.R. 5980. Anti-Recession Fiscal Assistance. Substitute to the Rodino amendment to increase the authorization for targeted fiscal assistance to $200 million, from $150 million, if the national unemployment rate is above 7.5 percent during the first quarter of a fiscal year. January 30. N(3-1-0), rejected 185-207.

16. H.R. 5980. Anti-Recession Fiscal Assistance. Amendment to increase the authorization for targeted fiscal assistance to $200 million, from $150 million, if the national unemployment rate is above 5 percent during the first quarter of a fiscal year. January 30. Y(1-3-0), passed 208-186.

17. H. Con. Res. 267. Appreciation to Canada. Adoption of the resolution expressing appreciation to the government of Canada for helping six American Embassy workers in Tehran escape from Iran. January 30. NV(3-0-1), adopted 370-0.

18. H.R. 2440. Aviation Safety and Noise Abatement. Adoption of the conference report on the bill to allow some aircraft to delay meeting federal standards designed to reduce aircraft noise, to authorize funding for noise abatement projects and to authorize increased funding for some airport development projects. January 31. Y(4-0-0), adopted 285-122.

20. H.R. 5980. Anti-Recession Fiscal Assistance. Amendment to the targeted fiscal assistance program to substitute the general revenue sharing allocation formula to determine how much a locality receives, for the allocation formula in the bill which uses the local unemployment rate and the general revenue sharing formula. January 31. N(3-1-0), rejected 185-221.

22. H.R. 5980. Anti-Recession Fiscal Assistance. Amendment to prohibit any one state from receiving more than 12.5% of the total $200 million for targeted fiscal assistance. January 31. Y(4-0-0), adopted 216-188.

23. H.R. 5980. Anti-Recession Fiscal Assistance. Amendment to delete from the bill language requiring the payment of prevailing wages under the Davis-Bacon Act with countercyclical and targeted fiscal assistance funds. January 31. N(3-1-0), rejected 130-266.

24. H.R. 5980. Anti-Recession Fiscal Assistance. Motion to recommit the bill to committee with instruction to reduce the authorization for countercyclical anti-recession aid from $1 billion to $525 million. January 31. N(2-1-1), rejected 178-215.

25. H.R. 5980. Anti-Recession Fiscal Assistance. Passage of the bill to authorize, for FY80, $1 billion in countercyclical anti-recession fiscal assistance to state and local governments, and to authorize a one-time, $200 million payment to local governments only for targeted fiscal assistance. January 31. N(0-3-1), passed 214-179.

28. H.R. 4788. Water Resources Development Act. Amendment to delete the provision authorizing construction of a memorial to the Army Corps of Engineers in Washington, D.C. February 5. Y(1-2-1), rejected 133-273.

29. H.R. 4788. Water Resources Development Act. Passage of the bill to authorize water development projects to be built by the Army Corps of Engineers. February 5. Y(3-0-1), passed 283-127.

30. H. Con. Res. 272. Soviet Dissident Andrei Sakharov. Adoption of the concurrent resolution to express the sense of the Congress that the Soviet Union should release Andrei Sakharov from internal exile and that the president protest to the Soviet Union on its continued violations of human rights. February 5. Y(3-0-1), adopted 402-0.

32. S. 918. Small Business Act Amendments. Motion to agree to the Senate amendment to the bill with a House amendment to permit the Small Business Administration to finance loans by borrowing from the Treasury an interest differential only on these borrowed funds. February 6. Y(3-0-1), agreed to 384-17.

33. H.R. 5507. Unemployment Compensation/Pension Offset. Motion to recommit the bill to the Ways and Means Committee with instructions to postpone the effective date of the unemployment compensation reduction required by the bill until July 1, 1981, rather than January 1, 1982. February 6. N(2-1-1), rejected 188-215.

34. H.R. 5507. Unemployment Compensation/Pension Offset. Passage of the bill to modify and postpone until January 1, 1982, a federal requirement that states reduce unemployment compensation payments to individuals by the amount of certain pension benefits they receive, and to impose a two-year limit on payment of extended unemployment compensation benefits to eligible individuals. February 6. Y(1-2-1), passed 306-97.

36. H.R. 2251. Agricultural Land Protection. Motion to recommit the bill to committee with instructions to delete language for demonstration projects and authorization of $60.5 million for such projects. February 7. N(2-1-1), agreed to 227-163.

37. H.R. 2551. Agricultural Land Protection. Passage of the bill to establish federal policy concerning protection of agricultural land from being used for non-agricultural purpose and to authorize a study. February 7. Y(1-2-1), rejected 177-210.

39. H.R. 2609. Colorado River Salinity Control. Amendment to require the Interior Secretary to review and report to Congress on the need for an efficacy of a desalting plant on the Colorado River and to prohibit the expenditure of any funds authorized by the bill until 90 days after the report had been submitted. February 7. N(0-3-1), rejected 83-286.

40. H.R. 2609. Colorado River Salinity Control. Passage of the bill to increase to $356 million, from $155 million, the appropriations ceiling for Title I of the Colorado Basin Salinity Control Act, to meet increased costs of desalting water provided to Mexico under treaty obligations. February 7. Y(3-0-1), passed 275-94.

44. H.R. 4774. Conscientious Objection to Union Membership. Motion to suspend the rules and pass the bill to waive federal labor laws requiring union membership or payment of union dues for workers who objected to union membership on religious grounds. February 12. NV(1-0-3), agreed to 349-15.

45. H.R. 6374. Gold Medal for Canadian Ambassador. Motion to suspend the rules and pass the bill to award a gold medal to Canadian Ambassador Kenneth Taylor "in recognition of his valiant efforts to secure the safe return" of six U.S. Embassy employees forced to hide out in Tehran, Iran. February 12. NV(1-0-3), agreed to 362-1.

46. H.R. 5913. Shipbuilding Negotiated Pricing. Motion to suspend the rules and pass the bill to permit negotiated bidding on a permanent basis for ships built with federal construction subsidies. February 12. NV(0-1-3), agreed to 324-36.

48. H.R. 3995. Noise Control Act Authorization. Amendment to provide a one-year (FY80) authorization of $13 million for the EPA to carry out the provisions of the Noise Control Act. February 12. NV(1-0-3), rejected 150-205.

49. H.R. 3995. Noise Control Authorization. Amendment to allow a one-house veto of EPA rules under the Noise Control Act if one house of Congress adopts a disapproval resolution within 60 days of promulgation of a rule and the other chamber does not reject the disapproval resolution within the following 30 days. February 12. NV(1-0-3), adopted 253-103.

50. H.R. 3995. Noise Control Authorization. Passage of the bill to authorize appropriations of $15 million in each of FY80 and FY81 for the EPA to carry out the provisions of the Noise Control Act, to provide for a one-house veto of EPA rules under the act and to require the EPA to develop by March 1, 1980, a five-year plan to carry out its responsibilities under the act. February 12. NV(0-1-3), passed 288-70.

52. H.J. Res. 469. Iwo Jima Day. Passage of the joint resolution to designate February 19, 1980, as Iwo Jima Commemoration Day. February 13. NV(1-0-3), passed 323-0.

53. H.R. 4119. Federal Crop Insurance. Amendment to extend the federal disaster payments program through crop year 1981, and to eliminate proposed changes in the Federal Crop Insurance Corporation

(FCIC). February 13. NV(1-1-2), rejected 81-165.

54. H.R. 4119. Federal Crop Insurance. Passage of the bill to expand the operations of the Federal Crop Insurance Corporation (FCIC) into a nationwide, comprehensive all-risk crop insurance program with the federal government paying 30% of the cost of premiums; and to extend the federal disaster payments program through the 1981 crop year, except for crops covered by existing federal insurance plans. February 13. NV(1-1-2), passed 202-140.

56. H. Res. 678. House Rules Committee Inquiry. Adoption of the resolution to instruct the House Rules Committee to determine the accuracy of February 9, 1980, press reports that "the House of Representatives this week lost a secret effort in court to obtain a ruling that congressmen do not have to respond to federal grand jury subpoenas for House records." February 13. NV(2-0-2), adopted 314-0.

57. H.R. 6285. Egg Research. Motion to suspend the rules and pass the bill to increase producer assessments for promotional and educational programs under the Egg Research and Consumer Information Act. February 19. Y(4-0-0), agreed to 288-82.

58. H.R. 2492. Tariff Treatment of Feathers and Down. Passage of the bill to extend the duty suspension on feathers and down from June 30, 1979, to June 30, 1984. February 19. Y(4-0-0), passed 371-0.

60. H.R. 3919. Windfall Profits Tax. Motion to instruct the House conferees on the bill to accept Senate language providing for $25 billion in energy production and conservation tax credits. February 20. N(0-4-0), rejected 195-207.

61. H.R. 3994. Solid Waste Disposal. Passage of the bill to authorize $524 million in FY80-82 for EPA programs to study, plan and regulate solid waste disposal and to authorize $8 million each in FY81-85 for grants to aid states in planning waste recovery. February 20. NV(2-1-1), passed 386-10.

63. H.R. 6081. Central American Aid. Adoption of the rule providing for House floor consideration of the bill to provide economic development aid to Central American Countries of Nicaragua and Honduras. February 21. Y(2-2-0), rejected 233-155.

64. H.R. 3789. Soil Conservation. Adoption of the rule providing for House floor consideration of the bill to extend and expand the Great Plains conservation program through September 30, 1991, and to authorize $600 million for the program. February 21. Y(4-0-0), passed 384-2.

67. H.R. 6081. Central American Aid. Adoption of the rule providing for House floor consideration of the bill to provide economic development aid to certain Central American Countries. February 22. Y(2-1-1), passed 251-60.

68. H.R. 6081. Central American Aid. Motion that the House resolve itself into the Committee of the Whole to consider the bill. February 22. Y(2-1-1), passed 257-52.

69. H.R. 4996. Paiute Indians. Motion to suspend the rules and pass the bill to restore to four bands of Paiute Indians in Utah federal recognition that had been terminated by Congress in 1954. February 25. NV(2-1-1), agreed to 321-12.

71. H.R. 6081. Motion that the House go into secret session to discuss classified information on developments in Nicaragua. February 25. Y(4-0-0), agreed to 290-74.

73. H.R. 6081. Central American Aid. Substitute to instruct the president to terminate aid to Nicaragua if he determined that the Sandinista regime was engaged in a consistent pattern of violations of the right of labor unions to organize and operate free from political oppression. February 25. Y(1-3-0), adopted 202-164.

75. S. Con. Res. 72. Cambodian Refugee Camps. Motion to suspend the rules and adopt the concurrent resolution expressing the sense of the Congress that the president request the United Nations to send U.N. observers to the refugee camps in Thailand to supervise relief assistance and provide stability and ensure the safety of the Cambodian refugees living in the camps. Y(4-0-0), agreed to 388-1.

77. H.R. 6081. Central American Aid. Amendment to require that before the president granted aid to Nicaragua he would have to certify to Congress that Nicaragua had not cooperated with or harbored any international terrorist organizations or aided or abetted terrorism in other countries. February 26. Y(4-0-0), adopted 392-3.

78. H.R. 6081. Central American Aid. Amendment to require the president to terminate aid to Nicaragua if free elections were not held there by December 31, 1981. February 26. N(2-2-0), rejected 191-212.

79. H.R. 6081. Central American Aid. Amendment to instruct the president to encourage the government of Nicaragua to hold free elections "within a reasonable time" and to take into consideration Nicaragua's progress toward holding national elections in giving any additional aid. February 26. Y(4-0-0), adopted 400-0.

80. H.R. 6081. Central American Aid. Amendment to allocate the aid authorized by the bill for Central American nations on the basis of each country's population: Guatemala, 39% ($31.2 million); El Salvador, 26% ($20.8 million); Honduras, 21% ($16.8 million); and Nicaragua, 14% ($11.2 million). February 26. N(2-2-0), rejected 138-258.

81. H.R. 6081. Central American Aid. Amendment to require that local currency generated by the U.S. loan program to Nicaragua be used to establish private sector credit unions, cooperatives and lending facilities and for loans to Nicaraguans through these and other private institutions or through American financial institutions. February 26. N(3-1-0), rejected 195-199.

82. H.R. 6081. Central American Aid. Amendment to require compensation by the Nicaraguan government for expropriated U.S. property upon a determination of the Foreign Claims Settlement Commission. February 26. N(3-1-0), rejected 192-197.

84. H. Res. 571. Abscam Investigation Evidence. Motion to table the resolution to require the Justice Department to turn over to the House within 30 days all evidence compiled by the Justice Department and the FBI implicating members of Congress in its "Abscam" investigation, and to inform the House within 30 days of the total cost to the federal government of the Abscam investigation. February 27. Y(4-0-0), agreed to 404-4.

85. H.R. 3919. Windfall Profits/Gasohol. Motion to table the motion to instruct conferees on the windfall tax not to accept any Senate provision benefiting gasohol that would reduce revenues going to the Highway Trust Fund. February 27. N(0-4-0), agreed to, 294-118.

86. H.R. 6081. Central American Aid. Amendment specifying that none of the funds authorized by the bill could be used to assist any schools in Nicaragua that housed, employed or were made available to Cuban personnel. February 27. Y(4-0-0), adopted 235-166.

87. H.R. 6081. Central American Aid. Motion to recommit the bill to the Foreign Affairs Committee, thus killing it. February 27. NV(3-0-1), rejected 191-204.

88. H.R. 6081. Central American Aid. Passage of the bill to authorize $80 million in supplemental economic assistance in FY80 to the Central American countries of Nicaragua ($75 million) and Honduras ($5 million). February 27. NV(0-3-1), passed 202-197.

90. H. Res. 541. Armed Services Committee Funding. Motion to recommit the resolution to committee with instructions to reduce the funds for investigations and studies by $208 thousand, to $619 thousand from $827 thousand. February 18. N(0-4-0), rejected 68-323.

91. H. Res. 552. Rules Committee Funds. Motion to order the previous question (thus ending further debate) on the resolution to provide $615 thousand for investigations and studies to be conducted by the House Committee on Rules during calendar 1980. February 28. Y(1-2-1), agreed to 344-153.

92. H. Res. 554. Agriculture Committee Funding. Adoption of the resolution to provide $1.2 million for investigations and studies by the House Agriculture Committee during 1980. February 28. Y(1-3-0), adopted 288-115.

93. H. Res. 556. Small Business Committee Funding. Adoption of the resolution to provide $776 thousand for investigations and studies by the House Small Business Committee during 1980. February 28. Y(4-0-0), adopted 343-57.

94. H. Res. 535. Science and Technology Committee Funds. Adoption of the resolution to provide $1.9 million for investigations and studies to be conducted by the House Science and Technology Committee during 1980. February 28. NV(1-2-1), adopted 257-145.

95. H. Res. 546. Merchant Marine Committee Funds. Adoption of the resolution to provide $1.7 million for investigations and studies by the House Merchant Marine and Fisheries Committee during 1980. February 28. NV(1-2-1), adopted 237-166.

96. H. Res. 538. Ways and Means Committee Funds. Adoption of the resolution to provide $2.2 million for investigations and studies to be conducted by the House Ways and Means Committee during 1980. February 28. NV(0-3-1), adopted 250-151.

97. H. Res. 532. Government Operations Committee Funds. Adoption of the resolution to provide $2.3 million for investigations and studies to be conducted by the House Government Operations Committee during 1980. February 18. NV(0-3-1), adopted 241-159.

98. H. Res. 536. Banking Committee Funds. Adoption of the resolution to provide $2.5 million for investigations and studies to be conducted by the House Banking, Finance and Urban Affairs Committee during 1980. February 28. NV(0-3-1), adopted 231-169.

99. H. Res. 567. Interior Committee Funds. Adoption of the resolution to provide $1.3 million for investigations and studies to be conducted by the House Interior and Insular Affairs Committee during 1980. February 28. NV(0-3-1), adopted 257-146.

100. H. Res. 527. Foreign Affairs Committee Funds. Adoption of the resolution to provide $1.9 million for investigations and studies to be conducted by the House Foreign Affairs Committee during 1980. February 27. NV(1-2-1), adopted 220-175.

101. H. Res. 523. Post Office Committee Funds. Adoption of the resolution to provide $950,000 for investigations and studies to be conducted by the House Post Office and Civil Service Committee during 1980. February 28. NV(0-3-1), adopted 206-194.

102. H. Res. 545. Public Works Committee Funds. Adoption of the resolution to provide $1.9 million for investigations and studies to be conducted by the House Public Works and Transportation Committee during 1980. February 28. NV(3-0-1), adopted 307-92.

103. H. Res. 565. Select Aging Committee Funds. Adoption of the resolution to provide $1.2 million for investigations and studies to be conducted by the House Select Committee on Aging during 1980. February 28. NV(0-3-1), adopted 235-161.

104. H. Res. 552. Rules Committee Funds. Adoption of the resolution to provide $615,000 for investigations and studies to be conducted by the House Rules Committee during 1980. February 28. NV(1-2-1), adopted 220-176.

105. H. Res. 543. House Administration Committee Funds. Adoption of the resolution to provide $1.7 million for investigations and studies to be conducted by the House Administration Committee during 1980. February 28. NV(2-1-1), adopted 232-162.

106. H. Res. 530. Education and Labor Committee Funds. Adoption of the resolution to provide $2.5 million for investigations and studies to be conducted by the House Education and Labor Committee during calendar 1980. February 28. NV(0-3-1), adopted 210-184.

107. H. Res. 2313. FTC Authorization/Legislation Veto. Motion to instruct House conferees on H.R. 2313 to insist on House language establishing a legislative veto over FTC rules and regulations. (A nay vote was supporting the President's position). February 28. NV(3-0-1) motion agreed to 257-115.

108. H.J. Res. 414. National Bicycling Day. Motion to suspend the rules and pass the bill authorizing the president to proclaim May 1, 1980, "National Bicycling Day." March 3. Y(4-0-0), Motion agreed 318-3.

109. H.J. Res. 445 National Cystic Fibrosis Week. Motion to suspend the rules and pass the bill authorizing the president to designate the third week of September as "National Cystic Fibrosis Week." March 3. Y(4-0-0). Motion agreed 323-0.

110. H.J. Res. 463. National Diabetes Week. Motion to suspend the rules and pass the bill authorizing the president to designate the week of Oct. 5 through Oct. 11 as "National Diabetes Week." March 3 Y(4-0-0). Motion agreed 326-0.

111. H. Res. 4960. Gold Medal for Gerald F. Spiess. Motion to suspend the rules and pass the bill authorizing the president to present on behalf of Congress a specially struck gold medal to Gerald F. Spiess in recognition of his accomplishment in designing, constructing and sailing a small homemade boat "Yankee Girl" from the U.S. to England in record time. March 3. Y(2-2-0), rejected 212-116.

112. H. Res. 5548. Gold Medal for Simon Wiesenthal. Motion to suspend the rules and pass the bill authorizing the president to present on behalf of Congress a specially struck gold medal to Simon Wiesenthal in recognition of his contribution in international justice through the documentation and [illegible]tion of war criminals from World [illegible]II. March 3. Y(2-2-0), passed 289-38.

113. H. Con. Res. 282. Tunisia Stability. Motion to suspend the rules and adopt the resolution expressing the sense of Congress the "recent foreign-inspired attempts to undermine the stability of Tunisia" were a serious threat to international peace and that the United States should assist Tunisia by providing economic security aid. March 4. Y(2-1-1), passed 389-7.

114. H. Res. 575. Leach Election Challenge. Adoption of the resolution to dismiss the challenge to the 1978 election of Rep. Claude Leach, D-La., on the basis of vote fraud. March 4. Y(2-2-0), passed 241-153.

115. S. 643. Refugee Act of 1980. Adoption of conference report on legislation to increase to 320,000 the number of refugees and immigrants allowed into the United States each year, to provide uniform admission procedures and to revamp refugee resettlement programs. March 4. Y(1-3-0), passed 207-192.

116. H. Res. 6291. Economic Emergency Agricultural Credit Extension. Adoption of the rule providing for House floor consideration of the bill to extend through fiscal year 1981 the economic emergency agricultural loan program, to authorize an additional $2 billion a year for the loans and to make certain changes in a loan program for on-farm storage facilities. March 4. Y(4-0-0), adopted 393-0.

117. H. Res. 6291. Economic Emergency Agricultural Credit Extension. Passage of the bill to extend through fiscal year 1981 the economic emergency agricultural loan program, to authorize an additional $2 billion a year for the loans and to make certain changes in a loan program for on-farm storage facilities. March 5. Y(4-0-0), adopted 392-22.

119. H. Res. 3829. International Development Banks. Amendment to prohibit funds authorizing in the bill for the Inter-American Development Bank from being used for any form of assistance to nations that are not members of the bank. March 6. Y(1-3-0), adopted 210-181.

121. H. Res. 3829. International Development Banks. Amendment to reduce the authorization for the United States' subscription to the Inter-American Development Bank's regular operations to $1.6 billion, from $2.7 billion, and the contribution to the bank's Fund for Special Operation—the bank's so called soft loan window—to $600 million from $700 million. March 6. N(3-1-0), adopted 219-170.

122. H. Res. 3829. International Development Banks. Amendment to reduce the authorization for the United States' contribution to the Asian Development Bank to $180 million from $445 million. March 6. N(3-1-0), adopted 210-189.

123. H. Res. 3829. International Development Banks. Amendment to limit United States payments to the Inter-American Development Bank, the Asian Development Bank and the African Development Fund to 90% of the authorization levels in the bill for those institutions so long as the average salary levels of persons working for those banks exceeded by 10% the average salary levels of comparable personnel in the U.S. government. March 6. N(2-1-1), rejected 189-197.

124. H. Res. 3829. International Development Banks. Passage of the bill to authorize an increase totaling $2.5 billion in the United States commitment to the Inter-American Development Bank, the Asian Development Bank and the African Development fund. March 6. Y(2-1-1), passed 219-166.

125. H. Con. Res. 285. International Kidnaping. Motion to suspend the rules and adopt the resolution expressing the sense of Congress that any government that causes the disappearance of any person by abduction and clandestine detention was committing an act of terrorism that could not be justified under any circumstances and urging the president and other countries to call on the United Nations to condemn such actions and to establish procedures to deal with cases of disappeared persons. March 10. Y(3-1-0), motion agreed 343-3.

126. H. Res. 6702. Political Contributions. Motion to suspend the rules and pass the bill to amend the Federal Election Campaign Act so that a ban of federal employees making political contributions to their employers applied only to the legislative branch and not to the executive branch. March 10. Y(3-1-0), motion agreed 338-5.

127. H. Res. 6152. Product Liability Insurance Cooperatives. Passage of the bill to allow businesses to form self-insurance cooperatives known as risk retention groups to provide product liability insurance. March 10. NV(3-0-1), passed 332-17.

128. H. Res. 6029. International Sugar Agreement. Adoption of the rule providing for House floor consideration of the bill to implement the 1977 International Sugar Agreement. March 11. Y(4-0-0), adopted 371-18.

129. H. Res. 6029. International Sugar Agreement. Passage of the bill to authorize limits on imports of sugar from nations that were not members of the International Sugar Agreement and to authorize certain other activities connected with participation in the agreement. March 11. Y(4-0-0), passed 367-30.

130. H. Res. 548. Judiciary Committee Funds. Adoption of the resolution to provide $1.4 million for investigations and studies to be conducted by the House Judiciary Committee during calendar 1980. Y(2-2-0), adopted 260-139.

131. H. Res. 580. Select Committee on Committee Funds. Adoption of the resolution to provide $2.8 hundred thousand for investigations and studies to be conducted by the House Select Committee on Committees during calendar 1980. March 11. Y(2-2-0), adopted 199-198.

132. H. Res. 572. Select Narcotics Committee Funds. Adoption of the resolution to provide $6 hundred thousand for investigations and studies to be conducted by the House Select Committee on Narcotics Abuse and Control during calendar 1980. March 11. Y(2-0-0), adopted 252-146.

133. H. Res. 573. Select Outer Continental Shelf Committee Funds. Adoption of the resolution to provide $1.6 hundred thousand for investigations and studies to be conducted by the House Select Committee on the Outer Continental shelf during calendar 1980. March 11. Y(1-3-0), rejected 183-218.

134. H. Res. 583. Commerce Committee Funds. Adoption of the resolution to provide $3.75 million for investigations and studies to be conducted by the House Committee on Interstate and Foreign Commerce during calendar 1980. March 11. Y(2-2-0), adopted 271-132.

135. H. Res. 574. House Information Systems Funding. Adoption of the resolution to provide $9.8 million to the House Administration Committee for the provision of computer and information services by the House Information Systems during calendar 1980. March 11. Y(2-0-0), adopted 228-174.

137. H. Res. 602. Windfall Profits Tax. Adoption of the resolution expressing the sense of the House that 50% of the revenue raised by the windfall profits tax (HR 3919) be allocated for energy conservation and production programs (instead of 15% as suggested in the conference report—H Rept 96-817). March 12. Y(1-3-0), rejected 209-197.

138. H. Res. 602. Windfall Profits Act. Adoption of the rule providing for consideration of the resolution. March 12. Y(1-3-0), adopted 201-215.

140. H. Res. 3919. Windfall Profits Tax. Adoption of the rule providing for House floor consideration of the conference report on the windfall profits tax. March 12. Y(1-0-0), adopted 252-154.

142. H. Res. 3919. Oil Windfall Profits Act. Motion to recommit the conference report with instructions to the conferees to exempt from the tax the first thousand barrels a day produced by independent oil companies. March 13. N(2-1-1), rejected 185-227.

143. H. Res. 3919. Oil Windfall Profits Tax. Adoption of the conference report on the bill to place a tax on extra revenue going to the oil industry as domestic price controls were lifted—the tax was expected

to raise $227 billion in federal revenues by 1990. March 13. Y(1-2-1), adopted 302-107.

144. H. Res. 6631. Cayuga Indian Land Claims. Motion to suspend the rules and pass the bill to settle claims by the Cayuga Indian Nation in New York State to its former 64,000-acre reservation. In return for dropping its claim the Cayuga Indian Nation would receive 3,630 acres of federal land, 1,800 acres of state land and an $8 million trust fund, of which $2.5 million was to be used to purchase private lands for inclusion in the new reservation. March 18. Y(1-2-1), rejected 187-201.

145. H. Res. 5625. Phillip Randolph Institute Gold Medal. Motion to suspend the rules and pass the bill to authorize twenty thousand dollars to provide for the striking of a gold medal to honor the black labor leader A. Phillip Randolph, who organized the Brotherhood of Sleeping Car Porters in 1925 and became vice president of the AFL-CIO in 1957. March 18. Y(2-2-0), motion agreed 333-61.

146. S. 2222. Indian Claims Statute of Limitations Extension. Adoption of the rule providing for House floor consideration of the bill to extend the time for filing claims on the behalf of the Indians. March 18. Y(4-0-0), adopted 380-2.

147. S. 2222. Indian Claims Statute of Limitations Extension. Passage of a bill to extend the statute of limitations for two years, to April 1, 1982, for cases brought by the United States on behalf of Indian tribes. March 18. Y(2-2-0), passed 250-134.

149. H. Res. 5741. Tax-Exempt Housing Mortgage Bonds. Adoption of the rule providing for the House floor consideration on the bill to curtail the use of tax-exempt bonds to raise money for home mortgages. March 19. Y(1-3-0), adopted 271-133.

150. H. Res. 5741. Tax-Exempt Housing Mortgage Bonds. Motion that the House resolve itself into the Committee of the Whole to consider the bill. March 19. Y(4-0-0), motion agreed to 365-10.

151. H. Res. 5043. Bankruptcy Tax Act. Motion to suspend the rules and pass the bill to bring federal tax laws into conformity with changes in federal bankruptcy law enacted in 1978. March 24. Y(3-0-1), motion agreed 324-0.

152. H. Res. 4088. Sale of Obsolete Vessels. Motion to suspend the rules and pass the bill to allow the Commerce Secretary to sell two obsolete vessels—the *Private George Peters* and the *Resolute*—for operation in the fisheries or domestic commerce of the United States, and to allow previously sold obsolete vessels to operate in the fisheries of the United States. March 24. Y(3-1-0), motion agreed 332-0.

153. H.R. 6410. Paperwork Reduction Act. Motion to suspend the rules and pass the bill to establish an Office of Federal Information Policy within the Office of Management and Budget to control federal paperwork planning for federal telecommunications and automatic data processing and to authorize $8 million in FY81, $8.5 million in 1982 and $9 million in 1983. March 24. Y(3-0-1), motion agreed 328-13.

154. S. 2222. Indian Claims Statute of Limitations Extension. Adoption of the conference report on the bill to extend the statute of limitations until Dec. 31, 1982, for cases brought by the United States on behalf of Indian tribes to recover damages. March 24, Y(2-1-0), adopted 209-131.

156. H. Res. 549. House Energy Committee. Substitute amendment to give jurisdiction over "national energy policy, generally" to the House Committee on Interstate and Foreign Commerce, and to rename that Committee on Energy and Commerce, effective Jan. 3, 1981. March 25. Y(2-2-0), adopted 300-111.

157. H. Res. 549. House Energy Committee. Motion to recommit the resolution to the House Select Committee on Committees with instructions to report back to the House an amendment to establish a new House standing committee on energy. March 25. N(3-1-0), motion rejected 125-282.

158. H. Res. 549. House Energy Committee. Adoption of the resolution to give jurisdiction over "national energy policy, generally" to the House Committee on Interstate and Foreign Commerce, and to rename that Committee the Committee on Energy and Commerce, effective Jan. 3, 1981. March 25. Y(1-3-0), adopted 274-134.

159. H.J. Res. 514. Emergency FY80 FTC Appropriations. Adoption of the rule (H. Res. 619) providing for the House floor consideration of the joint resolution to transfer funds to the Federal Trade Commission. March 26. Y(1-3-0), adopted 224-190.

160. H.J. Res. 514. Emergency FY80 FTC Appropriations. Passage of the joint resolution to transfer $12.1 million to the Federal Trade Commission from the International Communications Agency for March 15 to April 30, 1980 (the FTC would be limited to spending $9.8 million) and to prohibit the FTC from promulgating or instituting any new regulations for the same period. March 26, Y(1-3-0), pased 216-201.

161. H. Res. 5741. Tax-Exempt Housing Mortgage Bonds. Ways and Means Committee amendment to restrict the use of tax-exempt mortgage bonds for single and multi-family housing and phase out after two years. March 26. Y(4-0-0), adopted 404-10.

162. H. Res. 5741. Tax-Exempt Housing Mortgage Bonds. Passage of the bill to restrict and phase out the tax-exempt mortgage bond program and provide liberal transition rules for state and local governments that had bond issues in the pipeline before April 24, 1979, March 26. Y(2-2-0), passed 238-178.

163. H. Res. 4986. Banking Deregulation. Adoption of the rule providing for House floor consideration of the conference report of the bill. March 27. Y(2-2-0), adopted 385-5. Ceilings on savings accounts and give the Federal Reserve authority to require reserves from member and non-member financial institutions. March 27. Y(4-0-0), adopted 385-5.

165. S. 2269. Economic Emergency Agricultural Credit Extension. Adoption of the conference report on the bill to extend through FY81 the economic emergency agricultural loan program and to authorize an additional $2 billion a year for the loans. March 27. Y(3-0-1) adopted 380-10.

166. H. Res. 608. House Abscam Investigation. Adoption of the resolution to authorize the House Standards of Official Conduct Committee to conduct an investigation of alleged improper conduct by certain House members and employees in the FBI "Abscam" investigation of bribery of public officials. March 27. Y(2-0-2), adopted 382-1.

167. H. Res. 6837. Passenger Railroad Rebuilding/Rock Island. Motion that the House resolve itself into the Committee of the Whole for consideration of the Passenger Railroad Rebuilding/Rock Island Railroad bill. March 31. Y(3-0-1), motion agreed 308-3.

169. H. Res. 6837. Passenger Railroad Rebuilding/Rock Island. Amendment to provide for a study of a Cleveland-Erie-Buffalo rail corridor. March 31. N(1-2-1), rejected 63-275.

171. H. Res. 6837. Passenger Railroad Rebuilding/Rock Island. Amendment to delete the provision proposing the development of 13 intercity rail passenger corridors. March 31. N(1-2-0), rejected 84-266.

172. H. Res. 5410. Survivors Benefits of Federal Employees. Motion to suspend the rules and pass the bill to require federal employees, electing a pension payout plan that paid higher payments during the life of the retiree death, to notify or to attempt to notify the spouses that they would receive no survivor benefits. April 1. Y(4-0-0), motion agreed 372-4.

173. H. Res. 5563. Spanish in Puerto Rico District Court. Adoption of the rule (H. Res. 625) providing for House floor consideration of the bill to allow certain federal judicial proceedings in Puerto Rico to be conducted in Spanish. April 1. Y(3-1-0), adopted 343-35.

174. H. Res. 5563. Spanish in Puerto Rico District Court. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to allow certain federal judicial proceedings in Puerto Rico to be conducted in Spanish. April 1. Y(3-1-0), motion agreed 358-11.

175. H. Res. 6464. Michigan Army Missile Plant. Adoption of the rule (H. Res. 628) providing for floor consideration of the bill. April 1. Y(4-0-0), adopted 333-52.

176. H. Res. 6464. Michigan Army Missile Plant. Amendment to prohibit the sale of the Lance missile plant to any third party that received loans from the United States or the state of Michigan if the plant were transferred to the state of Michigan. April 1. N(1-3-0), rejected 61-328.

177. H. Res. 6464. Michigan Army Missile Plant. Passage of the bill to authorize the Secretary of the Army to transfer ownership of the Lance missile plant in Sterling Heights, Mich., to the state of Michigan in exchange for two new office buildings at the Detroit Arsenal (the purpose of the exchange was to allow the state to then sell the plant to Volkswagen auto company or some other company to start an auto factory on the property). April 1. Y(3-1-0), passed 341-45.

178. H. Res. 6613. Maritime Collective Bargaining. Motion to suspend the rules and pass the bill to remove maritime collective bargaining agreements with multiemployers from the Federal Maritime Commission's jurisdiction. April 15. Y(4-0-0), motion agreed 358-2.

179. H. Res. 6554. Maritime Authorization. Adoption of the rule (H. Res. 629) providing for House floor consideration of the bill to authorize funds for FY81 maritime programs. April 15. Y(4-0-0), adopted 359-0.

180. H. Res. 6554. Maritime Authorization. Amendment to add $1.6 million to the authorization for modernization of facilities at the U.S. Merchant Marine Academy in New York. April 15. N(1-3-0), rejected 68-302.

181. H. Res. 6554. Maritime Authorization. Passage of the bill to authorize $582.2 million for maritime programs of the Commerce Department in FY81. April 15. Y(3-1-0), passed 320-50.

183. S. 2009. Central Idaho Wilderness. Substitute amendment to reduce acreage set aside in the bill from 2.2 million to 1.8 million, to reduce from 178 to 125 the number of miles of the Salmon River designated all areas of Idaho not designated as wilderness consideration all areas of Idaho not designated as wilderness by the bill. April 16. N(3-1-0), rejected 179-214.

184. S. 2009. Central Idaho Wilderness. Passage of the bill to authorize $16.2 million for FY81 and set aside 2.2 million acres of land in central Idaho as the River of No Return Wilderness and to designate 178 miles of the Salmon River as a component of the Wild and Scenic Rivers System. April 16. Y(1-3-0), passed 301-93.

186. S. 662. International Development Banks. Motion to recommit the conference report on the bill to the House-Senate con-

ference committee with instructions to restore House-passed amendments cutting overall U.S. contributions in 1979-82 for the Asian Development Bank, the Inter-American Development Bank and the African Development Fund to $2.5 billion from the $4 billion requested by the administration, approved by the Senate and recommended in the conference committee version. April 17. N(2-1-1), recommittal motion agreed 211-180.

187. H. Res. 6614. Sea Grant Authorization. Passage of the bill to authorize the national sea grant program for ocean, coastal and marine research and education for FY81-83, including $55.5 million for FY81, $66 million for FY82 and $75 million for FY83. April 17. Y(3-0-1), passed 373-13.

188. H.J. Res. 521. Draft Registration Funding. Adoption of the rule (H. Res. 643) providing for House floor consideration of the joint resolution to provide funds to resume draft registration in FY80. April 22. Y(4-0-0), adopted 357-29.

189. H.J. Res. 521. Draft Registration Funding. Amendment to increase the funds for the Selective Service System to $500 million, from the $13.3 million recommended by the Appropriations Committee, in order to classify and give physical examinations to registrants. April 22. N(2-2-0), rejected 45-363.

190. H.J. Res. 521. Draft Registration Funding. Appropriations Committee amendment to transfer $13.3 million from the Air Force to the Selective Service System to start draft registration of 19- and 20-year-old males in 1980. April 22. N(3-1-0), adopted 218-188.

191. H.J. Res. 521. Draft Registration Funding. Amendment to make the registration voluntary. April 22. N(0-3-1), rejected 84-319.

192. H.J. Res. 521. Draft Registration Funding. Passage of the bill as amended, to transfer $13.3 million from the Air Force to the Selective Service System to start draft registration of 19- and 20-year-old men. April 22 N(2-1-1), passed 219-180.

195. H. Con. Res. 307. FY81 Budget Targets. Adoption of the rule (H. Res. 642) providing for House floor consideration of the resolution to set target spending ceilings and revenue floors for FY81, FY82, and FY83 and to revise the FY80 budget. April 23. Y(2-2-0), adopted 261-143.

196. H.R. 626. Understandings With Former Shah. Motion to table (kill) the resolution directing the President to provide the House with full and complete information with regard to any commitments and obligations made by the U.S. with the former Shah of Iran at Lackland Air Force base Texas, and elsewhere. April 23. NV(2-1-1), motion agreed 342-57.

197. H. Res. 627. U.S. Agreements with Iran. Motion to table (kill) the resolution directing the President to make available to the House full and complete information and facts regarding alleged U.S. concessions to the government of Iran in March 1980 in exchange for the release of the American hostages held captive in Tehran. April 23. NV(1-2-1), motion agreed to 314-90.

199. H. Con. Res. 307. FY81 Budget Targets. Technical amendment to increase FY80 budget ceilings by $3.1 billion in budget authority and $4.6 billion in outlays, reflecting re-estimates for existing commitments since the resolution was reported by the Budget Committee. April 29. Y(1-3-0), adopted 244-173.

200. H. Con. Res. 307. FY81 Budget Targets. Substitute amendment to add $2.3 billion in budget authority and $1.7 billion in outlays, reflecting restoration of the state share in revenue sharing, and to cut $4.15 billion in budget authority and $1.7 billion in outlays from other areas. April 29. N(3-1-0), rejected 146-271.

203. H. Con. Res. 307. FY81 Budget Targets. Amendment to add $2.3 billion in budget authority and $1.7 billion in outlays, reflecting restoration of the state share of revenue sharing, and to make offsetting cuts in categorical grants to states. April 30. N(1-2-1), rejected 192-225.

205. H. Con. Res. 307. FY81 Budget Targets. Substitute to the resolution to increase total budget authority by $3.4 billion and outlays by $2.1 billion reflecting reductions in the defense function of $5.8 billion in budget function of $200 million in budget authority and outlays with offsetting increases in "human needs" programs. April 30. N(0-4-0), rejected 109-310.

206. H. Con. Res. 307. FY81 Budget Targets. Substitution to the resolution to increase total budget authority by $5.6 billion in budget authority and $3.1 billion, outlays by $5.4 billion, reflecting restoration of certain cuts in domestic programs plus enactments of tax reforms. April 30. N(0-4-0), rejected 74-313.

207. H. Con. Res. 307. Fiscal 1981 Budget Targets. Substitute to the resolution to increase total budget authority by $5.6 billion, outlays by $5.4 billion, and revenues by $5.4 billion reflecting restoration of certain cuts in domestic programs plus enactment of tax "reforms". April 30. N(0-4-0), rejected 65-352.

208. H. Con. Res. 307. FY81 Budget Targets. Substitute to the resolution to increase total budget authority by $1.1 billion, outlays by $700 million and revenues by $800 million, reflecting increases in domestic programs and foreign oil tax credit reform. April 30. Y(1-3-0), rejected 201-213.

209. H. Con. Res. 307. FY81 Budget Targets. Substitute to the resolution to increase total budget authority by $18.4 billion, outlays by $16.5 billion, of budget authority and outlays to levels proposed in the president's and revenues by $16.5 billion, reflecting restoration of budget authority and outlays to levels proposed in the president's January budget, as re-estimated by the Congressional Budget Office, plus enactment of tax reforms. April 30. Y(1-3-0), rejected 70-336.

211. H. Con. Res. 324. Tribute to Governor Munoz Marin. Adoption of the resolution expressing the U.S. Congress' gratitude to the late Luis Munoz Marin, who was the first elected governor of Puerto Rico (Pop D, 1948-64), for his efforts in the U.S.-Puerto Rican relations and for his leadership in the economic progress of the commonwealth. May 1. Y(4-0-0), adopted 395-0.

212. H. Con. Res. 307. Fiscal 1981 Budget Targets. Substitute to the resolution to increase defense programs by $5.8 billion in budget authority and $5.1 billion in outlays and to make offsetting cuts in other programs. May 1. N(2-1-1), rejected 164-246.

213. H.J. Res. 541. Emergency Fiscal 1980 FTC Appropriations. Passage of the joint resolution to transfer $7.5 million to the Federal Trade Commission for May 1 to May 31, 1980, from the State Department's contributions to international organizations. May 1. Y(1-1-2), passed 284-96.

214. H. Con. Res. 307. Fiscal 1981 Budget Targets. Motion that the House resolve itself into the Committee of the Whole for further consideration of the resolution. May 6. Y(4-0-0), passed 393-4.

215. H. Con. Res. 307. Fiscal 1981 Budget Targets. Amendment to reduce FY81 revenues to billion, Budget authority to $681.3 billion and outlays to $597.8 billion and provide for a $32 billion tax cut, and also to increase the outlays by $4.5 billion and budget authority by $13.4 billion for defense programs. May 6. N(3-1-0), rejected 175-242.

216. H. Con. Res. 307. Fiscal 1981 Budget Targets. Amendment to cut total FY81 revenues to $603.5 billion, budget authority to $681.3 billion, and outlays to $601.4 billion and provide for a $31.7 billion tax cut. May 6. N(3-1-0), rejected 191-218.

217. H. Con. Res. 307. Fiscal 1981 Budget Targets. Motion that the House resolve itself into the Committee of the Whole for further consideration of the resolution. May 7. Y(4-1-1), passed 383-4.

218. H. Con. Res. 307. Fiscal 1981 Budget Targets. Amendment to strike "reconciliation" language from the resolution instructing eight House and Senate committees to report legislation cutting $9.1 billion in outlays in FY81. May 7. Y(3-1-0), rejected 127-289.

219. H. Con. Res. 307. Fiscal 1981 Budget Targets. Adoption of the FY81 sections of the budget at $613.8 billion, budget authority at $694.6 billion and outlays at $611.8 billion. May 7. Y(1-3-0), passed 225-193.

220. H. Con. Res. 307. Fiscal 1981 Budget Targets. Adoption of the FY80 section of the resolution setting revenues at $528.8 billion, budget authority at $660.3 billion and outlays at $571.6 billion. May 7. Y(1-3-0), passed 241-174.

222. S. 1309. Food Stamps. Amendment to reinstate the purchase requirement for food stamps. May 8. N(3-1-0), rejected 112-289.

223. S. 1309. Food Stamps. Amendment to reduce food stamp benefits to families whose children were eligible for free lunches at school. May 8. N(1-3-0), rejected 134-269.

224. S. 1309. Food Stamps. Amendment to limit the eligibility for food stamps to families with gross incomes below the federally defined poverty level, with a 15% deduction for earned income. May 8. N(1-3-0), rejected 106-297.

225. S. 1309. Food Stamps. Amendment to restore the purchase requirement except for the aged, blind, and disabled. May 8. NV(3-0-1), rejected 154-248.

226. S. 1309. Food Stamps. Amendment to require families who had received food stamps at some time during the year, but had annual incomes over 175% of the poverty level, to repay some or all of their food stamp benefits. May 8. NV(2-0-2), passed 241-147.

227. S. 1309. Food Stamps. Amendment to substitute a program of block grants to state nutritional programs for existing food stamp program, beginning in 1982. May 8. NV(3-0-1), rejected 111-268.

228. S. 1309. Food Stamps. Passage of the bill to raise the statutory ceiling on food stamp spending to $9.2 billion in FY80 and $9.7 billion in FY81. May 8. NV(1-2-1), passed 320-56.

229. H.R. 6616. Ocean Dumping Controls Authorization. Motion to suspend the rules and pass the bill to authorize $16.7 million in FY81 for regulation of ocean dumping of wastes, designation of marine sanctuaries and research into ocean dumping alternatives, and $12 million in FY82 for research into ocean dumping alternatives. May 13. Y(2-2-0), passed 372-24.

231. H.J. Res. 545. Fiscal 1980 Food Stamp Supplemental Appropriation. Passage of the joint resolution to appropriate $2.5 billion for the food stamp program in the remainder of FY80. May 13. Y(1-3-0), passed 354-56.

233. H.R. 6974. Defense Department Authorization. Amendment to delete $200 million recommended in the bill for procurement of the long lead items associated with the construction in the future years of the strategic Weapons Launcher—an aircraft that would substitute for the cancelled B-1 bomber as a cruise missile carrier. May 14. N(0-4-0), rejected 119-297.

234. H.R. 6974. Defense Department Authorization. Amendment to delete $1.55 billion recommended in the bill for research and development funding on the M-X missile program and the related system for storing and protecting the missile from enemy attack. May 14. N(0-4-0), rejected 82-319.

235. S. 1309. Food Stamps. Adoption of the conference report on the bill to raise the statutory ceiling on the food stamp spending to $9.5 million from $6 million in FY80, and to $9.7 million from $6.2 million in FY81; the bill also contained a number of provisions aimed at reducing fraud and waste in the program. May 15. NV(0-2-2), adopted 324-80.

237. H.R. 6794. Defense Department Authorization. Amendment to delete $500 million of the $1.6 billion in the bill for continued development of the MX intercontinental missile system (if enacted the amendment would have blocked further development of the MX basing system, but allow studies of the best system to continue). May 15. NV(2-0-2), rejected 152-250.

238. H.R. 6974. Defense Department Authorization. Amendment to retroactively compensate members of the WWII Philippine Scouts, or their survivors for the difference between their World War Two pay and the pay they received at the time by U.S. Army members of the same rank, and to equalize Philippine Scouts' retirement benefits with those of U.S. Army members after September 30, 1980. May 15. NV(2-0-2), rejected 115-215.

239. H.J. Res. 545. FY80 Food Stamp Supplemental Appropriation. Adoption of the conference report on the joint resolution to provide a supplemental appropriation of $2.6 million for the food stamp program in FY80, to direct the Agriculture Department to proceed on the assumption that the total spending for the year would be $9.9 million, and to prohibit total spending for the year in excess of $9.9 million. May 15. NV(1-1-2), adopted 316-36.

241. H.R. 6940. Infant Formula/Marijuana Penalties. Motion to suspend the rules and pass the bill to require infant formulas to include minimum level of nutrients required for human health, to raise federal penalties for trafficking in large amounts of marijuana and to make certain other changes relating to infant formula and drug abuse enforcement. May 20. Y(3-1-0), passed 388-15.

242. H.R. 7012. Veteran's Health Care Personnel. Motion to suspend the rules and pass the bill to raise special pay for Veterans Administration doctors and dentists, to make the special pay system permanent, to create a new service connected scholarship program for doctors and nurses and to make certain other changes in VA health programs. May 20. Y(4-0-0), passed 406-1.

243. H.R. 3. Omnibus National Parks Bill. Motion to suspend the rules and pass the bill to authorize approximately $90 million in FY81 to establish seven new units in the National Parks System, expand 13 existing parks and increase the authorization levels for four others. May 20. Y(2-2-0), passed 300-102.

244. H. Res. 655. Incremental Pricing of Natural Gas. Adoption of the resolution to disapprove the proposed rule by the Federal Energy Regulation Commission to expand the scope of incremental pricing under the Natural Gas Policy Act of 1978—the change would have the effect of increasing gas prices for all non-exempt industrial users. Y(4-0-0), adopted, 369-34.

245. H.R. 2313. Federal Trade Commission. Adoption of the conference report on the bill to authorize $70 million for FTC activities in FY80; $75 million in FY81; and $80 million in FY82; and to provide for a two-chamber veto of agency regulations. May 20. Y(2-2-0), adopted 272-127.

246. H.R. 5200. Fair Housing Act Amendments. Adoption of the rule providing for House floor consideration of the bill to amend the Fair Housing Act and strengthen federal enforcement powers to end housing discrimination. May 21. Y(4-0-0), adopted 382-7.

247. S. 662. International Development Banks. Adoption of the conference report on the bill to authorize $2.5 billion for the International Development Bank (IADB), $630 million for the IADB Fund for Special Operations, $378 million for the Asian Development Fund. May 21. Y(2-2-0), adopted 224-181.

249. H.R. 6974. Defense Department Authorization. Amendment to prohibit the release of public lands intended for housing and deployment of the MX intercontinental missile system until the secretary of defense submitted a written report detailing 1) the specific social, economic and environmental impact of the MX system on the people and resources of the area, 2) the amount of public land to be closed or restricted to public use, 3) proposals for easing the impact of the system on the region and 4) the feasibility of basing the system in other states in addition to Utah and Nevada. May 21. Y(1-3-0), rejected 135-268.

250. H.R. 6974. Defense Department Authorization. Passage of the bill to authorize $53.1 billion in FY81 for weapons procurement and for research and development programs of the Defense Department and to authorize ceilings on manpower levels for the active and reserve armed services. May 21. Y(4-0-0), passed 338-62.

251. H.R. 3904. Multi-employer Pension Plans. Adoption of the rule (H.Res. 666) providing for House floor consideration of the bill to revise the pension benefit guarantee program for multi-employer pension plans. May 21. Y(3-1-0), adopted 309-76.

253. H.R. 3236. Disability Programs. Adoption of the conference report on the bill to make changes in the Social Security Disability Insurance and Supplemental Security Income disability programs, in order to provide new work incentives to disabled persons, by limiting benefits to future recipients, and offering additional help to those who did return to work; the bill also established a new voluntary program of federal certification of "Medigap" insurance policies sold to supplement Medicare health insurance. May 22. Y(4-0-0), adopted 389-2.

255. H.R. 3904. Multi-employer Pension Plans. Amendment to increase the level of benefit guarantees for certain plans that elect to amortize the cost of unfunded liabilities over a 20-year period, rather than 30 years as provided in the bill. May 22. Y(4-0-0), rejected 160-218.

256. H.R. 3904. Multi-employer Pension Plans. Passage of the bill to strengthen funding requirements for private pension plans covering employees of more than one company, permit financially troubled multi-employer plans to reduce benefits in certain cases, increase insurance premiums paid by employers to the Pension Benefit Guarantee Corp., and limit the level of benefits guaranteed by the corporation. May 22. Y(1-2-1), passed 374-0.

261. H.R. 6942. Foreign Aid. Amendment to delete a provision in the bill to reduce the number of congressional committees receiving advance notice of covert operations by federal intelligence agencies (the amendment would restore the so-called Hughes-Ryan intelligence reporting amendment, which the Foreign Affairs Committee has voted to repeal). May 28. N(0-3-1), rejected 50-325.

262. H.R. 6942. Foreign Aid. Amendmen to delete $5.5 million in military aid for Nicaragua. May 28. Y(3-0-1), adopted 267-105.

264. H. Res. 660. Charles H. Wilson Censure. Motion to postpone until June 10, the resolution to censure Rep. Charles H. Wilson, D-Calif., and to deny him the chairmanship of any committee or subcommittee for the remainder of the 96th Congress. May 29. Y(2-2-0), rejected 182-217.

267. H. Res. 660. Charles H. Wilson Censure. Motion to reconsider the vote rejecting the motion to postpone consideration of the resolution. May 29. N(3-1-0), passed 199-192.

269. H.R. 7428. Debt Limit Extension. Motion to refer to the House Rules Committee 270. H. Con. Res. 307. FY81 Budget Targets. Motion to approve the conference version of the resolution to set FY80 budget totals and setting FY81 targets as follows: for FY80—$657.5 billion in budget authority, $572.3 billion in outlays, $525.7 billion in revenues, and $46.6 billion deficit; for FY81—$697.2 billion in budget authority, $613.3 billion in outlays, $613.8 billion in revenues, and a $500 million surplus. May 29. N(3-1-0), rejected 211-175. The rule (H. Res. 682) providing for House floor consideration of the bill to extend public debt limit. May 29, N(3-1-0), passed 211-175.

270. H. Con. Res. 307. FY81 Budget Targets. Motion to approve the conference version of the resolution revising FY80 budget totals and setting FY81 targets as follows: for FY80—$657.5 billion in budget authority, $572.3 billion in outlays, $527.5 in revenues, and a $46.6 billion deficit; for FY81—$697.2 billion in budget authority, $613.3 billion in outlays, $613.8 billion in revenues, and a $500 million surplus. May 29. N(3-1-0), rejected 141-242.

271. H. Con. Res. 307. Fiscal 1981 Budget Targets. Motion to approve provisions in the conference version of the resolution dealing with FY80 budget levels and reconciliation, but to insist on the FY81 budget levels originally passed by the House. May 29. Y(3-1-0), rejected 173-179.

272. H. Con. Res. 307. Fiscal 1981 Budget Targets. Motion that the House insist on its disagreement with the Senate and request a further conference on the resolution. May 29. NV(0-3-1), passed 202-120.

273. H. Con. Res. 307. Fiscal 1981 Budget Targets. Motion to kill the House motion to instruct House conferees on the resolution to agree to $171.3 billion in budget authority and $153.7 billion in outlays for national security in FY81—the levels contained in the original conference compromise. May 29. NV(0-3-1), rejected 123-165.

274. H. Con. Res. 307. Fiscal 1981 Budget Targets. Motion that the House adjourn. May 29. NV(0-3-1), rejected 141-145.

276. H.J. Res. 554. FY1980 Federal Trade Commission Appropriation. Adoption of the rule providing for House floor consideration of the joint resolution to appropriate $49.7 million in FY80 for the Federal Trade Commission. May 30. Y(1-3-0), passed 239-100.

277. H.J. Res. 254. Fiscal 1980 Federal Trade Commission Appropriation. Motion to postpone until June 10 consideration of the joint resolution. May 30. Y(3-1-0), passed 241-102.

278. H.J. Res. 254. Fiscal 1980 Federal Trade Commission Appropriation. Ordering of the engrossment and third reading of the joint resolution to appropriate $49.7 million in FY80 for the Federal Trade Commission. May 30. Y(1-3-0), passed 270-70.

279. H.J. Res. 554. Fiscal 1980 Federal Trade Commission Appropriations. Motion to recommit the joint resolution to the House Appropriations Committee. N(3-1-0), rejected 99-247.

280. H.J. Res. 554. Fiscal 1980 Federal Trade Commission Appropriation. Passage of the joint resolution to appropriate $49.7 in FY80 for the Federal Trade Commission. May 30. Y(1-3-0), passed 236-106.

281. H.R. 7428. Debt Limit Extension. Adoption of the rule providing for House floor consideration of the bill to extend the public debt limit at its existing level of $879 billion through June 30, 1980. May 30. Y(1-3-0), rejected 189-153.

282. H.R. 2255. Bank Holding Company Activities. Adoption of the rule providing for House consideration of the bill to limit the insurance activities of bank holding companies. May 30. Y(3-0-1), passed 301-0.

283. H.R. 4046. Antitrust Collateral Estoppel. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to clarify the application of the doctrine of collateral estoppel in antitrust litigation. May 30. Y(3-0-1), passed 283-3.

284. H.R. 4046. Antitrust Collateral Estoppel. Passage of the bill to authorize courts to private antitrust cases to resolve issues against a defendant in the same way the issue was decided in a Government case against the same defendant, without a repetition of evidence. May 30. Y(2-0-2), passed 254-0.

285. S. 1786. Smithsonian Museum Grant Program. Motion to suspend the rules and pass the bill to authorize $803,000 in FY81 and $1 million in FY82 for the Smithsonian Institution to administer the national grants program for museum staff training. June 4. Y(1-3-0), passed 262-131.

286. H.R. 7051. International Affairs of Treasury Department. Motion to suspend the rules and pass the bill to authorize $24.8 million in FY81 for administrative expenses, salaries, and cost of living allowances for the international affairs functions of the Treasury Department. June 4. Y(2-2-0), rejected 251-143.

287. H.R. 7428. Debt Limit Extension. Adoption of the rule providing for House floor consideration of the bill to extend the public debt limit at its existing level of $879 billion through June 30, 1980. June 4. Y(1-3-0), passed 202-199.

288. H. J. Res. 531. Oil Import Fee. Passage of the joint resolution to disapprove the oil import fee of $4.62 per 42 gallon barrel that President Carter imposed effective March 15. June 4. Y(4-0-0), passed 376-30.

289. H.R. 7428. Debt Limit Extension. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to extend the public debt limit. June 4. Y(2-2-0), passed 315-77.

290. H.R. 7428. Debt Limit Extension. Passage of the bill to extend the public debt limit at its existing level of $879 billion through June 30, 1980. June 4. Y(1-3-0), passed 208-198.

292. H.R. 6942. Foreign Aid. Motion that the House resolve itself into the Committee of the Whole for further consideration of the bill. June 5. Y(3-1-0), passed 356-24.

294. H.R. 6942. Foreign Aid. Amendment to reduce the request for Economic Support Fund aid to Zambia to $20.3 million, from $27 million. June 5. N(2-2-0), passed 220-148.

296. H.R. 6942. Foreign Aid. Amendment to eliminate the committee-approved $3.5 million in Economic Support Fund aid to Syria. June 5. Y(4-0-0), passed 320-71.

297. H.R. 6942. Foreign Aid. Amendment to allow the bill's $25 million in Economic Support Fund aid to Nicaragua, and require the president to report to Congress every 90 days of the internal situation in Nicaragua, including the government's observance of human rights. June 5. Y(2-2-0), passed 243-144.

298. H.R. 6942. Foreign Aid. Amendment to prohibit development assistance for members of the Organization of Petroleum Exporting Countries. June 5. N(2-1-1), rejected 177-198.

299. H.R. 6942. Foreign Aid. Amendment to cut authorizations in the bill by 10 percent, except for funds for Egypt, and Israel, the United Nations Children's fund, American schools and hospitals abroad, international narcotics control, peacekeeping operations, and migration and refugee assistance. June 5. N(2-1-1), passed 243-131.

300. H.R. 6942. Foreign Aid. Passage of the bill to authorize $5.23 billion for military aid and economic aid programs and arms sales loans in FY81. June 5. Y(1-2-1), passed 221-147.

301. H.R. 7428. Oil Import Fee/Debt Limit. Passage, over the president's June 5 veto, of the bill to extend through June 30, 1980, the existing debt limit of $879 billion and to disapprove the $4.62 fee per barrel of imported oil that President Carter imposed effective March 15. June 5. N(1-1-2), passed 335-34.

303. H. Con. Res. 323. Commendation for U.S. Hostage Rescue Attempt. Motion to suspend the rules and adopt the concurrent resolution commending the military men who took part in the attempt to rescue the American hostages in Iran, urging the president to consider bestowing on them appropriate military medals, and recommending use of Iranian assets in the U.S. for American damage claims against Iran, particularly from the hostages and families and the military men, or their survivors or families, killed or injured in the rescue mission. June 10. Y(4-0-0), adopted 400-0.

304. H.R. 5612. Small Business Minority Contracting. Motion to suspend the rules and pass the bill to extend for two years, through September 30, 1982, the pilot procurement and bond waiver programs under the Small Business Act. June 10. Y(2-2-0), adopted 367-33.

306. H. Res. 660. Charles H. Wilson Censure. Amendment to drop from the resolution the provision that Rep. Wilson, D-Calif., be denied any chairmanship for the remainder of the 96th Congress. June 10. Y(2-2-0), adopted 261-148.

307. H. Res. 660. Charles H. Wilson Censure. Motion to recommit the resolution to the House Committee on Standards of Official Conduct with instructions to report back to the House a substitute amendment providing that Rep. Wilson, D-Calif., be reprimanded rather than censured. June 10. N(1-3-0), rejected 97-308. (The resolution to censure Rep. Charles H. Wilson, D-Calif., and to deny him the chairmanship of any committee or subcommittee for the remainder of the 96th Congress subsequently was adopted by voice vote.)

308. S. 562. Nuclear Regulatory Commission. Adoption of the conference report to authorize $426.8 million for FY80 and stiffen penalties for safety violations at nuclear reactor sites. June 10. Y(4-0-0), adopted 386-9.

310. H.R. 5200. Fair Housing Act Amendments. Substitute amendment to allow real estate appraisers to consider factors other than race, color, religion, national origin, sex or handicap. June 11. Y(1-3-0), adopted 257-156. (The original amendment, as amended, was adopted subsequently by a standing vote of 151-68. The original amendment would have allowed appraisers to consider "all factors shown by documentation to be relevant," which would have included race.)

311. H.R. 5200. Fair Housing Act Amendments. Substitute amendment to: (1) give the Justice Department authority to appoint administrative law judges (ALJs) to handle housing bias cases; (2) prohibit appointment as an ALJ anyone who had worked as an investigator or prosecutor for the Department of Housing and Urban Development within the previous two years; (3) prohibit dismissal of ALJs without a Merit System Protection Board hearing; and (4) require the HUD secretary to refer all land use control cases to the attorney general. June 11. Y(1-3-0), adopted 205-204. (The original amendment would have eliminated administrative proceedings to enforce the housing laws and required cases to be handled by federal magistrates or judges.)

312. H.R. 5200. Fair Housing Act Amendments. The original amendment, as amended (see vote 311 above). June 11. Y(2-2-0), adopted 345-66. Government. Y(4-0-0). 384—June 12. Y(4-0-0), adopted 345-66.

314. H.R. 5200. Fair Housing Act Amendments. Motion to recommit the bill back to the Judiciary Committee with instructions to report it back to the House with an amendment to delete new federal administrative enforcement provisions. June 12. N(3-1-0), rejected 196-209.

315. H.R. 5200. Fair Housing Act Amendments. Passage of the bill to give the federal government new authority to enforce housing discrimination laws and to include handicapped persons within coverage of the fair housing laws. June 12. Y(2-2-0), passed 310-95.

316. H.R. 4048. Prejudgment Interest in Antitrust Litigation. Amendment to eliminate awards of interest for the period prior to a court judgment in antitrust cases for which triple damages can be awarded. June 12. N(3-1-0), rejected 154-243.

317. H.R. 4048. Prejudgment Interest in Antitrust Litigation. Passage of a bill to allow a judge to award interest for the period prior to a final court judgment in antitrust cases. June 12. Y(2-2-0), passed 227-169.

321. H. Con. Res. 307. FY81 Budget Targets. Motion to approve the revised conference version of the resolution to revise binding FY80 budget totals and set FY81 budget targets as follows: for FY80—$658.9 billion in budget authority, $572.7 billion in outlays, $525.7 billion in revenues and a $47 billion deficit; for FY81—$697.2 billion in budget authority, $613.6 billion in outlays, $613.8 billion in revenues and a surplus of $200 million. June 12. Y(2-2-0), agreed to 205-195.

322. H.R. 2255. Bank Holding Companies Activities. Amendment to stipulate that the bill would not preempt state laws regulating the insurance activities of bank holding companies. June 12. N(1-3-0), rejected 43-323.

323. H.R. 2255. Bank Holding Companies Activities. Passage of the bill to limit the insurance sales activities of bank holding companies with over $50 million in assets. June 12. Y(4-0-0), passed 333-25.

326. H.R. 6413. National Aeronautics and Space Administration. Amendment to reduce FY81 funds for aeronautical research by $23.5 million in order to eliminate funding for research on advanced supersonic transport aircraft. June 13. Y(1-1-2), rejected 90-225.

327. H.R. 6413. National Aeronautics and Space Administration. File passage of the bill to authorize $5.6 billion for FY81 for the National Aeronautics and Space Administration, including $4.5 billion for research and development, $115.5 million for construction of facilities and $1 million for general research and program management. June 13. Y(2-0-2), passed 285-29.

330. H.R. 7115. National Science Foundation. Adoption of the rule (H. Res. 685) pro-

viding for House floor consideration of the bill to authorize FY81 funds for the National Science Foundation. June 13. Y(1-0-3), adopted 290-3.

332. H.R. 7018. Pesticides Authorization. Motion to suspend the rules and pass the bill to authorize $77.5 million in FY81 to continue programs of the Federal Insecticide, Fungicide and Rodenticide Act. June 17. Y(3-1-0), rejected 200-215.

333. H.R. 4155. Student Loan Defaults. Motion to suspend the rules and pass the bill to allow the Internal Revenue Service to provide the Education Department with the current addresses of persons who defaulted on higher education loans under the Guaranteed Student Loan program or under the program of loans to Cuban refugees. June 17. Y(4-0-0), motion agreed to 411-0.

334. H.R. 4968. Real Estate Investments. Motion to suspend the rules and pass the bill to allow real estate investment trusts (REITs) an additional year to carry over net operating loss carryback because under prior tax laws REITs could not claim such a loss. N(2-2-0), rejected 214-196.

335. H.R. 7171. Tax Law Changes. Motion to suspend the rules and pass the bill to make miscellaneous changes in the tax laws, including an exemption from paying taxes on scholarships received under federal programs that required future federal service by the recipients. Y(4-0-0), agreed to 393-17.

336. H.R. 2510. Federal Employees Disability Retirement. Motion to suspend the rules and pass the bill to provide, in cases of a federal agency seeking disability retirement of an employee on the basis of the employee's mental condition, for appeal of decisions to a U.S. district court after Merit Systems Protection Board consideration. June 17. Y(3-1-0), agreed to 362-48.

337. H.R. 7477. Airport and Airway Trust Fund. Motion to suspend the rules and pass the bill to extend the airline passenger ticket tax and other aviation levies that feed the Airport and Airway Trust Fund for three months, starting July 1, 1980. June 17. Y(3-1-0), agreed to 394-20.

339. H.R. 7542. FY80 Supplemental Appropriations. Amendment to rescind $100 million previously appropriated for the purchase of furniture by federal agencies, and to increase FY80 supplemental appropriations by $42,860,000 for the Agriculture Department's Food for Peace program. June 17. NV(0-3-1), adopted 346-47.

342. H.R. 7542. FY80 Supplemental Appropriations. Amendment to delete from the bill $58 million in Army Corps of Engineers FY80 construction funds for the Tennessee-Tombigbee Waterway Project. June 18. N(0-4-0), rejected 185-230.

343. H.R. 7542. FY80 Supplemental Appropriations. Amendment to prevent the Internal Revenue Service from using any funds in the bill to deprive any private, church-operated or religious school of its tax-exempt status. Y(4-0-0), adopted 326-81.

344. H.R. 7542. FY80 Supplemental Appropriations. Amendment to provide the president with an additional $100 million for resettlement assistance for immigrants and refugees other than Cubans found by the Immigration and Naturalization Service to be convicted felons or prostitutes. June 19. Y(1-3-0), adopted 210-188.

345. H.R. 7542. FY80 Supplemental Appropriations. Passage of the bill to rescind $1,751,196,700 in funds already appropriated for FY80, to provide an additional $17,446,211,063 in FY80 supplemental appropriations, and to provide $400,000,000 in appropriations for FY81. June 19. Y(3-1-0), passed 294-106.

346. S. 2698. Small Business Administration. Adoption of the conference report on the bill to authorize $1.2 billion in FY81 and $1.4 billion in FY82, FY83 and FY84 for Small Business Administration programs. June 19. Y(2-2-0), adopted (thus cleared for the president) 210-193.

347. H.R. 6418. Trucking Deregulation. Amendment to exempt from federal trucking regulation the hauling of processed food. June 19. N(0-4-0), rejected 113-287.

348. H.R. 6418. Trucking Deregulation. Amendment to delete the provision allowing sellers of grocery products to give discounts to customers based on the cost of transportation if the customers use their own trucks to pick up the products at the sellers warehouse. June 19. N(1-3-0), rejected 57-338.

349. H.R. 6418. Trucking Deregulation. Amendment to provide for a congressional veto of Interstate Commerce Commission or Transportation Department trucking regulations. June 19. N(3-1-0), rejected 189-192.

350. H.R. 6418. Trucking Deregulation. Passage of the bill to substantially curtail federal regulation of the trucking industry, increase competition in the industry and allow individual trucking firms greater ability to change rates. June 19. Y(4-0-0), passed 367-13.

352. H.R. 6711. Youth Employment. Adoption of the rule providing for House floor consideration of the bill to establish new employment and education programs for low-income teen-agers. June 20. Y(4-0-0), passed 330-1.

353. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, Fiscal 1981. Adoption of the rule providing for House floor consideration of the bill to appropriate fiscal 1981 funds for the Departments of State, Justice and Commerce, and the federal judiciary and 20 related agencies. June 20. Y(4-0-0), passed 325-10.

354. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, Fiscal 1981. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill. June 20. Y(4-0-0), passed 323-4.

356. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Amendment designed to force the relocation of the United States embassy in Israel from Tel Aviv to Jerusalem by prohibiting the expenditure of more than $1,000 to operate or maintain an embassy not in Jerusalem. June 20. N(2-2-0), rejected 80-252.

358. H.R. 7584. Justice, Commerce, Judiciary Appropriations, FY81. Amendment to limit the State Department to only 90% of the money appropriated in the bill, except for any sums appropriated for the American Institute in Taiwan. June 20. N(2-2-0), rejected 151-157.

360. H.R. 3567. Soft Drink Bottlers' Antitrust Immunity. Motion to suspend the rules and pass a bill to insulate from antitrust challenge certain exclusive licenses owned by soft drink bottlers. June 24. NV(3-0-1), agreed to 377-34.

361. H.R. 77018. Pesticides Authorization. Motion to suspend the rules and pass the bill to authorize $77.5 million in FY81 to continue programs of the Federal Insecticide, Fungicide and Rodenticide Act and to provide for a two-house congressional veto of Environmental Protection Agency pesticides regulations. June 24. Y(4-0-0), agreed to 392-22.

362. H.R. 7590. Energy and Water Development Appropriations, FY81. Amendment to increase FY81 funding for energy supply, research and development by $107 million. June 24. NV(1-3-0), adopted 254-151.

363. H.J. Res. 521. Draft Registration Funding. Motion to adopt the Senate-passed version (containing a minor amendment deleting $10,000 from the bill for technical reasons) of President Carter's $13.3 million plan to register 19- and 20-year-old men for a possible military draft. June 25. N(1-3-0), agreed to (thus cleared for the president) 234-168.

364. H.R. 7590. Energy and Water Development Appropriations, FY81. Amendment to reduce by $200 million FY81 funding for the Tennessee-Tombigbee Waterway. June 25. N(0-4-0), rejected 196-216.

365. H.R. 7590. Energy and Water Development Appropriations, FY81. Amendment to delete $2.1 million in FY81 funding for the O'Neill irrigation unit in Nebraska. June 25. Y(1-3-0), rejected 202-211.

367. H.R. 7590. Energy and Water Development Appropriations, FY81. Amendment to add $9 million for the nuclear safety activities of the Nuclear Regulatory Commission. June 25. Y(1-3-0), rejected 169-245.

368. H.R. 7590. Energy and Water Development Appropriations, FY81. Passage of the bill to appropriate in FY81 $11.71 billion for the Department of Energy, the Army Corps of Engineers, the Bureau of Reclamation and other agencies. June 25. Y(3-1-0), passed 334-87.

369. S. 751. Navajo and Hopi Indian Relocation. Adoption of the conference report on the bill to authorize funding—including about $10 million in FY81—and several measures for the relocation of Navajos from land in Arizona involved in a dispute between the Navajo and Hopi Indian tribes. June 25. Y(3-1-0), adopted 396-15.

372. S. 932. Synthetic Fuels/Defense Production Act. Adoption of the conference report on the bill to authorize $20 billion for alcohol fuels and urban waste and $3 billion for a solar energy and conservation bank to provide subsidized loans; and to extend authorization of the Defense Production Act through September 30, 1986. June 26. Y(1-3-0), adopted 317-93.

373. H.J. Res. 507. POW-MIA Recognition Day. Passage of the joint resolution designating July 18, 1980, as "National P.O.W.-M.I.A. Recognition Day" honoring those Americans who were captured or missing in action in wartime. June 26. Y(3-0-1), passed 395-0.

374. H.R. 7573. Cook Inlet Land Exchange. Passage of the bill to extend until July 15, 1982, the deadline for nominating certain lands in Alaska for possible selection by the Cook Inlet native corporation as part of their land entitlement under the Alaska Native Claims Settlement Act. June 26. Y(3-0-1), passed 395-0.

377. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Amendment to limit spending by the State Department to 95% of the funds appropriated in FY81, except for funds appropriated for the American Institute in Taiwan. June 26. N(2-1-1), adopted 240-144.

379. S. 1308. Energy Mobilization Board. Motion to recommit to the House-Senate conference committee the conference report (thus killing the conference report) on the bill to provide for establishment of an Energy Mobilization Board to cut red tape and waive certain laws for priority energy projects. June 27. Y(2-1-1), agreed to 232-131.

381. H.R. 7592. Military Construction Appropriations, FY81. Passage of the bill to appropriate $4,801,119,000 for military construction projects of the Department of Defense in FY81. June 27. Y(3-0-1), passed 308-19.

384. H.R. 7542. FY80 Supplemental Appropriations. Motion to table (kill) the motion to instruct House conferees on the bill to disagree with the Senate amendment that included in the bill the conference agreement (H. Rept. 96-787) on the 1980 foreign aid appropriations bill (H.R. 4473). July 1. Y(1-2-1), agreed to 241-163.

---

385. H.R. 5341. Ocala Wilderness. Motion to suspend the rules and pass the bill to add 21 national forest wilderness areas, totaling 130,340 acres in six southeastern states, to the National Wilderness Preservation System. July 1. Y(1-2-1), agreed to 324-82.

386. H.R. 7482. Olympic Gold Medals. Motion to suspend the rules and pass the bill to authorize $50,000 for 650 gold-plated medals to be presented by the President, on behalf of Congress, to the U.S. Olympic athletes in recognition of their athletic achievements and their pursuit of excellence. July 1. Y(2-1-1), agreed to 375-28.

387. H.R. 7321. National Tourism Policy. Motion to suspend the rules and pass the bill to establish a national tourism policy, a Cabinet-level coordinating council and a board to develop marketing and implementing plans and to promote foreign travel in the United States. July 1. Y(2-1-1), agreed to 347-55.

388. S. 2009. Central Idaho Wilderness. Adoption of the conference report on the bill to set aside 2.3 million acres of central Idaho for the River of No Return Wilderness area, add 105,600 acres to the Selway-Bitterroot Wilderness and designate 125 miles of the Salmon River as part of the Wild and Scenic Rivers System. July 1. Y(1-2-1), adopted (thus cleared for the president) 272-137.

390. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Amendment, to the amendment, to add $22.37 million to the Immigration and Naturalization Service appropriation for 311 border patrol positions and 91 inspectors. July 1. Y(3-0-1), adopted 337-72.

391. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Amendment to require that $100 million from the Justice Department appropriation be made available for grant programs administered by the Law Enforcement Assistance Administration. July 1. Y(1-2-1), rejected 182-221.

392. S. 2240. National Aeronautics and Space Administration. Adoption of the conference report on the bill to authorize $5.59 billion in FY81 for National Aeronautics and Space Administration programs, including $1.98 billion for the space shuttle. July 1. Y(3-0-1), adopted 384-21.

394. H.R. 7235. Rail Deregulation. Amendment, to the substitute amendment, to narrow the definition of effective transportation competition, which a railroad could use against rate challenges. July 2. Y(2-1-1), rejected 130-281.

395. H.R. 7542. FY80 Supplemental Appropriation. Adoption of the Conference Report to provide new budget authority of $16.6 billion, including $19.9 billion in appropriations and $3.3 billion in recissions. July 2. Y(1-2-1), passed 291-117.

396. H.R. 7542. FY80 Supplemental Appropriations. Motion that House recede from its disagreement to the Senate amendment providing $8.1 billion for foreign aid programs. Agreed to 198-196. July 2. NV(0-2-2), 37 agreed to 198-196.

397. H.R. 7542. FY80 Supplemental Appropriations. Motion to concur in the Senate foreign aid amendment with an amendment to reduce appropriations by $554 million and provide funds for the Export-Import Bank, aid to Nicaragua and other programs. July 2. NV(0-2-2), passed 212-178.

398. H.R. 7542. FY80 Supplemental Appropriations. Motion to table motion to reconsider the vote by which amendment was agreed to. July 2. NV(0-2-2), rejected 107-162.

399. H.R. 7542. FY80 Supplemental Appropriations. Motion to reconsider the vote by which the motion was agreed to. July 2. NV(2-0-2), passed 243-124.

400. H.R. 7542. FY80 Supplemental Appropriations. Motion to table the appeal from the ruling of the chair that the O'Neill motion was not in order. July 2. NV(1-1-0), passed 222-140.

401. H.R. 7542. FY80 Supplemental Appropriations. Motion to concur in the Senate foreign aid amendment with an amendment substituting the original $46 million House foreign aid appropriation, plus $80 million for aid to Nicaragua. July 2. NV(0-2-2), passed 199-163.

402. H.R. 7511. Veteran's Disability Compensation and Survival Benefits. Motion to suspend the rules and pass the bill to provide a 13% cost-of-living increase in the rates of disability compensation for disabled veterans and to raise the rates of dependency and indemnity compensation for survivors of disabled veterans. July 21. NV(3-0-1), passed 383-1.

403. H.R. 7394. Veterans' Education and Rehabilitation. Motion to suspend the rules and pass the bill to provide a 10% increase to persons receiving benefits under veterans' education programs, and to make other changes in education and rehabilitation programs, including changes aimed at saving $400 million. July 21. NV(3-0-1), passed 383-0.

404. H. Con. Res. 351. Social Security Taxation. Motion to suspend the rules and adopt the resolution stating the sense of Congress that Social Security benefits should remain exempt from federal taxation. July 21. NV(3-0-1), passed 384-1.

405. H.R. 5499. World War II Civilian Internment. Motion to suspend the rules and pass the bill to authorize $1.5 million for a seven-member commission to investigate the circumstances surrounding President Roosevelt's Executive Order 9066, relocating and interning 120,000 U.S. citizens and resident aliens for periods up to three and a half years. July 21. NV(1-2-1), passed 279-109.

406. H.R. 7593. Legislative Branch Appropriations, FY81. Amendment to delete from the bill $210,000 intended to reimburse House members for travel to and from Washington, D.C., in the first session of the 97th Congress. July 21. NV(1-1-2), passed 217-159.

408. H.R. 6974. Defense Department Authorization. Motion to close to the public the House-Senate conference committee on the differing version of the FY81 Defense Department research and development and procurement bill at such times as classified national security information was under consideration pursuant to House Rule 28, but to allow any member of Congress to attend any of the closed sessions. July 22. NV(2-2-0), passed 396-0.

410. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Amendment to prohibit the Legal Services Corporation from using appropriated funds to provide legal assistance in promoting, defending or protecting homosexuality. July 22. NV(2-0-2), passed 290-113.

412. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Amendment to prohibit the use of U.S. Metric Board funds to promote the metric system. July 22. NV(2-0-2), rejected 141-260.

413. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Amendment to delete the $2.8 million appropriation for the U.S. Metric Board. July 22. NV(2-0-2), rejected 113-265.

414. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Motion to resolve the House in the Committee of the Whole for further consideration of the bill to appropriate FY81 funds for the Departments of State, Justice and Commerce, the federal judiciary and related agencies. July 23. NV(2-0-2), passed 374-5.

415. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Amendment to prohibit use of appropriated funds in FY81 to carry out the restriction on export of agricultural commodities to the Soviet Union. July 23. NV(0-2-2), rejected 135-279.

416. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Substitute to prohibit use of appropriated funds in FY81 to carry out or enforce any restriction on export of agricultural commodities to the Soviet Union. July 23. NV(0-2-2), rejected 1-414.

417. H.R. 7584. State, Justice, Commerce Judiciary Appropriations, FY81. Amendment to prohibit use of appropriated funds in FY81 to carry out or enforce any restriction on export of agricultural commodities to the Soviet Union unless the restriction was imposed under the provisions of the 1979 Export Administration Act. July 23. NV(0-2-2), rejected 149-167.

418. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Amendment to prohibit use of appropriated funds in FY81 to administer or promote any trade between the United States and the Soviet Union. July 23. NV(2-0-2), rejected 124-284.

419. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Amendment to prohibit any agency receiving money under H.R. 7584 from spending more than 20% of its total appropriation during the last two months of the fiscal year. July 23. NV(2-0-2), passed 351-52.

420. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. To reduce the LSC appropriation by $21.3 million. July 23. NV(2-0-2), rejected 197-215.

421. H.R. 7584. State, Justice, Commerce, Judiciary Appropriations, FY81. Passage of the bill to appropriate $8.7 billion in FY81 for the Departments of State, Justice and Commerce, the federal judiciary and related agencies. July 23. NV(0-2-2), passed 252-158.

422. H.R. 7235. Rail Deregulation. Motion that the House resolve itself into the Committee of the Whole for further consideration of the bill. July 24. NV(2-0-2), passed 369-10.

423. H.R. 7235. Rail Deregulation. Amendment to ensure against rail discrimination against any person, port, or type of traffic. July 24. NV(0-2-2), rejected 145-255.

424. H.R. 7235. Rail deregulation. Amendment to provide the I.C.C. with jurisdiction for three years over rail rates that result in revenues of more than 160% of non-fixed transportation costs. July 24. NV(1-1-2), adopted 204-197.

425. H.R. 7631. HUD & Independent Agencies Appropriation, FY81. Amendment to reduce to $500 million, from $575 million, the amount for the Urban Development action Grant Program. July 24. NV(1-1-2), rejected 136-262.

429. H.R. 7631. HUD & Independent Agencies Appropriation, FY81. Amendment to add $67 million for emergency planning, preparedness, and mobilization. July 25. NV(1-1-2), rejected 175-201.

430. H.R. 7631. HUD & Independent Agencies Appropriation, FY81. Amendment to cut $542,000 from the National Commission on Air Quality. July 25. NV (1-1-2), rejected 176-184.

431. H.R. 7458. Veterans Home Loan Refinancing. Motion to suspend the rules and pass the bill to allow veterans to refinance VA home loans at lower interest rates. July 28. Y(4-0-0), approved 382-0.

432. S. 1916. OPIC Operations in China. Motion to suspend the rules and pass the bill to allow the OPIC to operate in the People's Republic of China. July 28. Y(2-2-0), approved 328-55.

433. H.R. 5961. Currency Reporting Act. Motion to suspend the rules and pass the bill to make it illegal to attempt to export or import large amounts of currency without filing the required reports. July 28. N(0-4-0), rejected 135-248.

434. H.R. 658. Bankruptcy Law Amendments. Motion to suspend the rules and pass the bill to prohibit persons who receive student loans from discharging those loans in bankruptcy proceedings. July 28. Y(1-3-0), rejected 205-178.

436. H.R. 7631. HUD & Independent Agencies Appropriation, FY81. Amendment to withhold 2% of funds within the bill, except for the Veterans' Administration and any other entitlements. July 28. Y(4-0-0), adopted 228-151.

437. H.R. 7631. HUD & Independent Agencies Appropriation, FY81. Passage of the bill to appropriate $39.7 billion for the Department of HUD, 19 Federal agencies, and the Federal Home Loan Bank Board. July 28. Y(2-2-0), approved 313-67.

439. H. Res. 748. U.N. Mid-Decade Conference for Women. Motion to suspend the rules and adopt the resolution stating the sense of the House that the U.S. delegation to the Copenhagen Conference should oppose politically inspired resolutions. July 29. Y(3-1-0), passed 382-9.

443. H.J. Res. 589. Export-Import Bank. Passage of the resolution to appropriate $526 million for Export-Import Bank lending in FY80. July 30. Y(4-0-0), passed 400-14.

444. H.J. Res. 575. Emergency Gasoline Rationing. Motion to discharge the Commerce Committee from further consideration of the resolution to disapprove President Carter's standby gasoline rationing plan. July 30. Y(4-0-0), rejected 205-209.

445. H.R. 7724. Interior, Energy Appropriations, FY81. Passage of the bill to appropriate $10.48 billion for programs of the Interior Department and Forest Service and research programs of the Energy Department in FY81. July 30. Y(2-1-1), passed 334-61.

446. H.R. 7831. Transportation Appropriations, FY81. Adoption of the rule H. Res. 758 providing for the House floor consideration of the bill to appropriate funds for the Transportation Department and related agencies in FY81. July 31. Y(2-2-0), passed 374-20.

447. H.R. 7831. Transportation Appropriations, FY81. Amendment to prohibit the use of funds for programs to compel local transit authorities to purchase wheelchair lifts to comply with the Rehabilitation Act of 1975. July 31. N(2-1-0), rejected 190--217.

448. H.R. 7831. Transportation Appropriations, FY81. Amendment to provide $1 million for the reconstruction of the railroad bridge over the Hudson River at Poughkeepsie, N.Y. July 31. N(0-3-0), rejected 129-263.

449. H.R. 7831. Transportation Appropriations, FY81. Motion to recommit the bill to the House Appropriations Committee with instructions to withhold 2% of the appropriations not required by law, provided that the amount not exceed 5% for individual accounts. July 31. N(2-1-1), rejected 191-206.

450. H.R. 7831. Transportation Appropriations, FY81. Passage of the bill to appropriate $12.03 billion in FY81 for the Transportation Department and related agencies. July 31. Y(2-1-0), passed 306-88.

452. H.R. 7262. Housing and Community Development Act. Amendment to increase to $75,000, from $60,000, the mortgage limit for middle-income families buying single-family homes in high cost areas under the revised Section 235 homeownership assistance program and to authorize the housing and urban development secretary to boost the $75,000 mortgage limit another 75% in very high cost areas. August 18. N(0-3-1), rejected 117-247.

453. H.R. 5208. Hay Transportation Reimbursement. Motion to suspend the rules and pass the bill to forgive Agriculture Department overpayments made to farmers under the 1976 disaster program for self-hauling of fees for drought-stricken livestock. August 19. Y(3-1-0), passed, 303-89.

454. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Amendment to prohibit the use of appropriated funds by the Internal Revenue Service for the study or implementation of a proposed withholding tax on interest and dividends. August 19. Y(4-0-0), passed 401-4.

456. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Amendment to prevent the Internal Revenue Service from implementing new and more stringent vesting requirements for retirement plans under the Employee Retirement Income Security Act of 1974. August 19. Y(4-0-0), adopted 310-86.

457. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Appeal of the chair's ruling that the Ashbrook amendment, to prevent the Internal Revenue Service from formulating or carrying out any rules or regulations that cause private or religious schools to lose tax-exempt status, was out of order. August 19. NV(0-3-1), ruling upheld 214-182.

458. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Amendment to prevent the Internal Revenue Service from adopting proposed procedures for removing the tax-exempt status of private schools. August 19. Y(3-0-0), adopted 308-85.

459. H.R. 7583. Treasury, Postal Service, General Government Appropriations, Fiscal 1981. Amendment to prevent the IRS from adopting proposed procedures for removing the tax-exempt status of private schools. August 19. Y(3-0-1), passed 308-85.

460. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Motion that the House resolve itself into the Committee of the Whole for further consideration of the bill. August 20. Y(4-0-0), motion agreed to 354-2.

462. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Amendment to prohibit the Internal Revenue Service from disqualifying any non-partisan organization from tax-exempt status for reasons that they published or distributed voting guides on political campaigns. August 20. Y(4-0-0), adopted 205-188.

463. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Amendment to end bulk rate postal subsidies to state and national committees of political parties. August 20. N(1-3-0), rejected 96-310.

464. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Amendment to prevent reapportionment of congressional seats based on the 1980 census. August 20. N(1-3-0), adopted 222-189.

465. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Amendment to prevent use of IRS funds for formulating or carrying out any rules or regulations that would cause private, religious, or church-operated schools to lose their tax-exempt status. August 20. Y(4-0-0), adopted 300-107.

466. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Amendment to prevent any funds appropriated by the bill to pay for abortions or the administrative expenses of any plan under the Federal Employees Health Benefit Program that provides coverage for abortions. August 20. NV(3-0-1), adopted 228-170.

467. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Amendment to prevent reapportionment of congressional seats based on the 1980 census. August 20. NV(1-2-0), adopted 222-176.

468. H.R. 7583. Treasury, Postal Service, General Government Appropriations, FY81. Passage of the bill to appropriate $9.69 billion in FY81 for the Treasury Department, Postal Service, the Executive Office of the President and certain independent agencies. August 20. NV(1-2-0), passed 253-143.

469. H.R. 7262. Housing and Community Development. Motion that the House resolve itself into the Committee of the Whole for further consideration of the bill. August 21. Y(3-0-1), motion agreed to 375-5.

470. H.R. 7262. Housing and Community Development. Amendment to prohibit new Multi-Family Housing Initiative Program assistance to areas with rent control statutes that would apply to the new housing. August 21. Y(4-0-0), adopted 239-162.

472. H.R. 7262. Housing and Community Development. Amendment to change the eligibility standard for low income housing to 50%, from 80%, of the median income in an area. August 21. N(3-1-0), rejected 71-326.

474. H.R. 7262. Housing and Community Development. Amendment to restrict the authority of the secretary of housing and urban development to raise the rent for Section 8 low income housing. August 21. N(3-1-0), adopted 204-183.

475. H.R. 7262. Housing and Community Development. Amendment to create the post of assistant HUD secretary for Hispanic affairs. August 21. Y(2-1-0), rejected 158-218.

477. H.R. 7262. Housing and Community Development. Amendment to set up a demonstration program allowing 10% of Federal Housing Administration loans to be negotiated between the lender and the borrower. August 21. Y(3-0-1), adopted 296-68.

479. H.R. 7262. Housing and Community Development. Amendment to prohibit retroactive application of a 1979 housing law provision barring prepayment of federal loans for rural housing. August 22. N(2-1-0), adopted 230-108.

480. H.R. 7262. Housing and Community Development. Passage of the bill to authorize federally funded assisted housing programs and programs for community development. August 22. Y(2-1-1), passed 291-43.

482. H.R. 7299. Mental Health Systems. Motion to recommit the bill to the House Committee on Interstate and Foreign Commerce with instructions to substitute for the language in the bill a simple reauthorization of existing community health programs for FY81 and FY82, with an authorization of $72 million for FY81 and $79 million for FY82. August 22. N(2-1-1), rejected 75-223.

483. H.R. 7299. Mental Health Systems. Passage of the bill to extend and expand community mental health services programs, state mental health programs and mental illness prevention programs, and to authorize for those programs a total of $78 million for FY81, $152 million for FY82, $177.5 million for FY83. August 22. Y(2-1-1), passed 277-15.

484. H.R. 6308. Fusion Energy Research. Motion to suspend the rules and pass the bill to authorize $435 million for accelerated development of fusion energy. August 25. Y(4-0-0), motion agreed to 365-7.

485. H.R. 7380. Big Sur Coast Area. Motion to suspend the rules and pass the bill to establish the 160,000 acre Big Sur Coast Area in California, to be managed jointly by the federal, state, and local gov-

ernments. August 25. Y(1-3-0), motion agreed to 257-118.

486. H.R. 3904. Multi-Employer Pension Plans. Motion to order the previous question on the rule (H. Res. 764) providing for House floor consideration of the bill to strengthen multi-employer pension plans under the Employee Retirement Income Security Act. August 25. Y(1-3-0), motion agreed to 217-158.

487. H.R. 3904. Multi-Employer Pension Plans. Motion to agree to the Senate version of the bill, with an amendment deleting three Senate-passed amendments relating to job safety and affirmative action, and making minor changes in the provisions of the bill relating to multi-employer pensions. August 25. Y(4-0-0), motion agreed to 363-0.

488. H.R. 7102. VA Physicians Pay Veto. Passage, over President Carter's August 22 veto, of the bill to increase special pay bonuses for Veteran's Administration (VA) doctors and dentists, create a pay-back scholarship program for physicians and nurses, and make other changes in VA health care programs. August 26, Y(4-0-0), passed 401-5.

489. H.R. 6974. Defense Authorization. Adoption of the conference report on the bill to authorize $52.8 billion in FY81 for Defense Department weapons procurement, research, and development, testing and evaluation, and to authorize the manpower strengths of the military services. August 26. Y(4-0-0), adopted 360-49.

490. H.R. 5168. Military Pay. Adoption of the conference report on the bill to provide a $790 million package of military benefits, known as the Nunn-Warner amendment, for certain members of the armed services. August 26. Y(4-0-0), adopted 399-0.

492. H.R. 6711. Youth Jobs and Education. Amendment to delete the section of the bill establishing a new program of aid for the teaching of basic educational skills in junior and senior high schools with high proportions of low-income students. August 26. Y(1-3-0), rejected 60-342.

494. H.R. 6711. Youth Jobs and Education. Passage of the bill to revise and extend existing youth jobs programs, and to establish a new program of aid for the teaching of basic educational skills in junior and senior high schools with high proportions of low-income students. August 26, Y(2-2-0), passed 337-51.

495. S. Con. Res. 118. Labor Day District Work Period. Adoption of the concurrent resolution to provide for a Senate recess from August 27 until September 3, 1980, and an adjournment of the House from August 28 until September 3, 1980. August 27. Y(1-3-0), adopted 241-155.

497. H.R. 7998. Labor-HHS-Education Appropriations, FY81. Amendment to prohibit the use of funds by the Department of Education to implement proposed regulations that would require some school districts to provide instruction to non-English speaking students in their native language. August 27. Y(3-1-0), adopted 213-194.

498. H.R. 7998. Labor-HHS-Education Appropriations, FY81. Amendment to allocate $1.8 billion in fuel subsidies for the poor according to the formula in the Crude Oil Windfall tax of 1980 (PL 96-223) rather than according to the formula in the bill. August 27. Y(4-0-0), rejected 199-215.

499. H.R. 7998. Labor-HHS-Education Appropriations, FY81. Amendment to exempt businesses with 10 or fewer employees in industries with good safety records from certian OSHA safety regulations. August 27. Y(4-0-0), adopted 225-178.

501. H.R. 7998. Labor-HHS-Education Appropriations, FY81. Amendment to reduce the appropriation for ACTION programs to $154 million from $158 million. August 27. N(3-1-0), rejected 162-240.

502. H.R. 7998. Labor-HHS-Education Appropriations FY81. Passage of the bill to appropriate $84.55 billion for the Departments of Labor, Education, and Health and Human Resources. August 27. Y(2-2-0), passed 320-83.

503. H.R. 5192. Higher Education. Adoption of the conference report on the bill to extend the authorization for federal higher education programs through FY85. August 28. Y(3-1-0), adopted 373-16.

504. H.R. 3904. Multi-Employer Pension Plans. Motion to send the bill to conference with the Senate. August 28. Y(4-0-0), passed 384-1.

505. H.R. 7036. Health Research. Adoption of the rule providing for House floor consideration of the bill to authorize $4.1 billion in FY82 and $5.2 billion in FY83 for the National Institute of Health and Natural research service awards. August 28. Y(3-1-0), passed 343-28.

506. H.R. 7036. Health Research. Passage of the bill to authorize $4.1 billion in FY81, $4.6 billion in FY82 and $5.2 billion in FY83 for the National Institute of Health and National Research Service. August 28. Y(2-2-0), passed 292-48.

507. H.R. 8061. District of Columbia Appropriations, FY81. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill making appropriations for the government of the District of Columbia for FY81. September 3. Y(4-0-0), passed 308-2.

509. H.R. 8061. District of Columbia Appropriations, FY81. Amendment to cut the federal payment to the District of Columbia by $6 million, but requiring that the reduction not be applied to reduce fire-control or police services below levels established by Congress. September 3. Y(3-1-0), passed 218-144.

510. H.R. 8061. District of Columbia Appropriations, FY81. Amendment to prohibit the use of any of the funds appropriated under the bill to pay for abortions. September 3. N(2-2-0), rejected 182-192.

511. H.R. 8061. District of Columbia Appropriations, FY81. Passage of the bill to appropriate $509.7 million in federal funds and $1.76 billion in local funds to the District of Columbia for FY81. September 3. Y(2-2-0), passed 215-158.

513. H.R. 7203. Health Professions. Amendment to reduce authorization levels for certain programs of aid of health professions schools. September 3. N(3-1-0), rejected 68-303.

514. H.R. 7203. Health Professions. Passage of the bill to authorize a total of $2.3 billion in FY81-83 for grants, scholarships and other aid for schools and students of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, nursing and public health, and for the National Health Services Corps. September 3. Y(4-0-0), passed 368-8.

516. H.R. 7765. Budget Reconciliation, FY81. Motion to order the previous question on the rule (providing for floor consideration) of the bill providing for resolution for FY81. September 4. Y(1-3-0), passed 230-157.

517. H.R. 7765. Budget Reconciliation, FY81. Adoption of the rule providing for floor consideration of the bill providing for spending cuts and revenue increases as ordered by the first congressional budget resolution for FY81. September 4. Y(1-3-0), adopted 206-182.

518. H.R. 7765. Budget Reconciliation. Amendment to restore provisions of existing law providing semiannual cost-of-living adjustments (COLA) in benefits to federal military and civilian retirees. September 4. Y(2-1-1), passed 309-72.

519. H.R. 7765. Budget Reconciliation. Passage of the bill, as required under the first budget resolution for FY81, to reduce 1981 outlays by $5.3 billion, and increase revenues by $3.9 billion. September 4. Y(2-1-1), passed 294-91.

520. H.R. 7115. National Science Foundation. Passage of the bill to authorize $1.1 billion in FY81 for the activities of the National Science Foundation. September 4. Y(1-2-1), passed 314-55.

521. H.R. 7235. Rail Deregulation. Motion that the House resolve itself into the Committee of the Whole for consideration of the rail deregulation bill. September 4. Y(4-0-0), Passed 333-2.

523. H.R. 6790. Foreign Service Act. Motion that the House resolve itself into the Committee on the Whole for consideration on the bill. September 8. Y(4-0-0), passed 325-2.

524. H.R. 6790. Foreign Service Act. Adoption of House Foreign Affairs Committee amendments to the bill. September 8. Y(4-0-0), passed 229-111.

525. H.R. 6790. Foreign Service Act. Passage of the bill to provide the first revisions since 1946 in Foreign Service personnel regulations, and to establish a new senior Foreign Service. September 8. Y(1-3-0), passed 239-78.

526. H.R. 7956. Miscellaneous Revenue Act of 1980. Motion to suspend the rules and pass the bill to consolidate 13 revenue measures, including changes in community property income tax laws; allowances for business to amortize business start-up expenses over a period not less than 60 months; and extension of the investment tax credit to tax-exempt organizations or government units for expenditures to rehabilitate older business and commercial buildings. September 9. Y(4-0-0), passed 375-6.

527. H.R. 7817. Criminal Procedure and Evidence Rules. Motion to suspend the rules and pass the bill to reject two proposed changes in the Federal Rules of Criminal Procedure, amend one proposal and approve another proposed change, dealing with such things as the admissibility of statements made during plea bargaining and the appointment of counsel, which were proposed by the Supreme Court. September 9. Y(1-3-0), rejected 241-145.

528. H.R. 6629. Indian Health Care. Motion to suspend the rules and pass the bill to authorize $434.3 million for Indian Health Care programs in FY81-84. September 9. Y(3-1-0), passed 311-70.

530. H.R. 7235. Rail Deregulation. Amendment to expedite procedures for I.C.C. resolution of joint rate division disputes, delete language providing for joint rate surcharge procedures, and provide assistance to the Rock Island and Milwaukee Railroads. September 9. NV(0-3-1), rejected 83-296.

531. H.R. 7235. Rail Deregulation. Amendment to allow the Interstate Commerce Commission to review the rail rates that exceed certain thresholds provide certain protections for shippers and others when a railroad added a surcharge to a joint rate and provide aid to the Milwaukee and Rock Island Railroads. September 9. Y(4-0-0), passed 369-9.

533. H.R. 7235. Rail Deregulation. Amendment to create a rail land bank to acquire track, rights of way and other real property that would otherwise be abandoned. September 9. N(0-4-0), rejected 45-310.

534. H.R. 235. Rail Deregulation. Passage of the bill to substantially ease federal regulation of the railroad industry. September 9. Y(4-0-0), passed 337-20.

537. H. Res. 745. Billy Carter Investigation. Motion to table the resolution direct-

ing President Carter to turn over records concerning Billy Carter's Libyan dealings. September 10. N(0-4-0), rejected 124-260.

538. H.R. 7301. Military Construction. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to authorize $5.5 billion for FY81 military construction programs. September 10. Y(4-0-0), passed 346-1.

539. H.R. 7301. Military Construction. Passage of the bill to authorize $5.54 billion for military construction projects in FY81. September 10. Y(4-0-0), passed 337-22.

540. H.R. 6865. Liquid Nuclear Waste Disposal Project. Motion to suspend the rules and pass the bill to authorize $5 million in FY81 for an Energy Department Demonstration project at West Valley N.Y., to solidify high-level liquid radioactive wastes for transportation and eventual permanent storage. September 15. Y(4-0-0), passed 244-0.

541. H.R. 7825. Ice Age National Scenic Trail. Motion to suspend the rules and pass the bill to designate as a national scenic trail the 1000 mile route following the path of the Great Wisconsin Ice Sheet. September 16. Y(3-1-0), passed 397-3.

542. H.R. 7084. Pretrial Services. Motion to suspend the rules and pass the bill to provide assistance to the federal judges in determining whether defendents are entitled to bail and on what conditions. September 16. Y(1-3-0), rejected 243-155.

543. S. 2514. Treasury Department International Affairs. Motion to suspend the rules and pass the bill to authorize $23.7 million to operate the International Affairs Division of the Treasury Department in FY81. September 16. Y(1-3-0), rejected 238-164.

544. H.R. 8105. Defense Department Appropriations, FY81. Amendment to substitute amendment to restore $51 million dropped by the Appropriations Committee for Army recruiting purposes. September 16. N(2-2-0), rejected 66-329.

545. H.R. 8105. Defense Department Appropriations, FY81. Amendment to restore $100 million dropped by the Appropriations Committee for recruiting activities of the armed services. September 16. Y(2-2-0), adopted 390-13, rejected 238-164.

546. H.R. 8105. Defense Department Appropriations, FY1981. Amendment to prohibit use of funds for production of binary chemical munitions. September 16. Y(1-3-0), rejected 125-276.

547. H.R. 8105. Defense Department Appropriations, FY81. Amendment to prohibit until April 1, 1981 use of any funds for a basing system for the MX missile. Y(1-3-0), rejected 141-256.

548. H.R. 8105. Defense Department Appropriations, FY81. Amendment to repeal law that prohibits the Defense Department from paying the premium price on procurement contracts in order to award the contracts to firms located in areas of high unemployment. Y(1-3-0), adopted 220-179.

549. H.R. 8105. Defense Department Appropriations, FY81. Amendment to Passage to appropriate $157.2 billion for Defense Department programs in FY81. Y(4-0-0), passed 351-42.

552. H. Res. 772. House Subpoena Response Procedure. Amendment to require an affirmative vote of the House before a House officer or employee could seek a judicial determination of the validity of the subpoena seeking the officer's or employee's testimony or documents relating to official House functions. N(1-3-0), rejected 55-353.

553. H. Res. 772. House Subpoena Response Procedure. Adoption of the resolution to require House officers and employees to comply with subpoena seeking their testimony or documents relating to official House functions unless they first notify the House Speaker of their intention to seek a judicial determination of a subpoena's validity. Y(3-1-0), adopted 380-23.

554. S. 1125. Federal Crop Insurance. Adoption of the rule for the conference report on the bill to extend the federal crop insurance program and provide subsidies for premiums. September 17. Y(1-3-0), adopted 235-150.

555. H.R. 7244. International Monetary Fund Quota. Adoption of the rule (H. Res. 726) providing for House floor consideration of the bill to increase the United States' quota in the International Monetary Fund. September 17. Y(4-0-0), adopted 379-3.

557. H.R. 7244. International Monetary Fund Quota. Amendment to prohibit use of the $5.5 billion U.S. quota for the International Monetary Fund authorized by the bill until the president had certified to Congress that the federal budget had been balanced for one fiscal year. September 17. N(2-2-0), rejected 156-248.

558. H.R. 7244. International Monetary Fund Quota. Amendment stating that the United States is opposed to official observer status in the IMF for the Palestine Liberation Organization. September 17. Y(4-0-0), adopted 386-2.

559. H.R. 7765. Budget Reconciliation. Motion to instruct the House conferees on the FY81 budget reconciliation bill to insist on the House position retaining provisions of current law that give twice-a-year cost-of-living adjustments in the federal military and civilian retirement benefits. September 18. Y(2-2-0), agreed to 300-73.

560. H. Con. Res. 367. India Nuclear Fuel. Adoption of the resolution disapproving the shipment to India by the United States of enriched nuclear fuel. September 18. Y(3-1-0), adopted 298-98.

561. H.J. Res. 610. Continuing Appropriations, FY81. Motion to order the previous question (thus ending debate and the possibility of amendment) on the rule (H. Res. 789) providing for floor consideration of the joint resolution. September 18. Y(2-2-0), agreed to 237-150.

562. H.J. Res. 610. Continuing Appropriations, FY81. Motion to recommit the bill to the Appropriations Committee with instructions to terminate the funding authority in the resolution on October 18 rather than December 15. September 18. N(2-2-0), rejected 153-228.

563. H.J. Res. 610. Continuing Appropriations, FY81. Passage of the joint resolution to provide funding, from October 1 to December 15, for government agencies whose regular FY81 appropriations had not become law. September 18. Y(2-2-0), passed 223-153.

564. H.R. 7244. International Monetary Fund Quota. Passage of the bill to authorize a U.S. quota of $4.2 billion drawing rights (approximately $5.5 billion) for the International Monetary Fund. September 18. Y(2-1-1), passed 199-151.

565. H.R. 7244/S. 2271. International Monetary Fund Quota. Motion to strike all after the enacting clause of the Senate version of the bill and substitute the provisions of the House-passed bill. September 18. NV(1-1-2), agreed to 184-129.

566. H.R. 7020. Hazardous Waste Disposal. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to set up a $1.2 billion "superfund" to clean up abandoned hazardous waste dump sites. September 19. Y(3-0-1), motion agreed to 307-1.

567. H.R. 3904. Multi-employer Pension Plans. Adoption of the conference report on the bill to amend the 1974 Employee Retirement Income Security Act to tighten funding requirements and reduce government liability of Retirement Income Security multi-employer pension plans. September 19. Y(3-0-1), adopted 324-1.

568. H.R. 85. Oil and Chemical Spill Liability. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to set up two $375 million funds for cleaning up oil and chemical spills into navigable waterways, and to compensate victims of such spills for certain damages. September 19. Y(3-0-1), motion agreed to 302-5.

570. H.R. 85. Oil and Chemical Spill Liability. Amendment to make damages resulting from the oil spill in Campeche Bay, Mexico, eligible for compensation from the oil spill trust fund to be set up by the bill. September 19. N(1-2-1), rejected 43-264.

571. H.R. 85. Oil and Chemical Spill Liability. Passage of the bill to set up two $375 million funds to clean up oil and chemical spills into navigable waterways, and to compensate victims of such spills for certain damages. September 19. Y(2-1-0), passed 288-11.

572. H.R. 7039. Fisheries Promotion. Demand for a second on the motion to suspend the rules and pass the fisheries promotion bill. September 23. Y(2-2-0), second ordered 283-91.

573. H.R. 7039 Fisheries Promotion. Motion to suspend the rules and pass the bill to phase out foreign fishing in U.S. waters and provide for U.S. fisheries research and development. September 23. Y(2-2-0), motion agreed to 300-97.

574. H.R. 6228. Communication Cross-ownership. Motion to suspend the rules and pass the bill to codify Federal Communications Commission rules on a broadcasting station owner's ownership of several different communications media. September 23. Y(1-3-0), motion rejected 215-176.

575. H.R. 5340. Motion to suspend the rules and pass the bill to extend for two years programs of the Interior Department's Office of Water Research and Technology, and to authorize $92.2 million for FY81 and FY82. September 23. Y(2-2-0), motion agreed to 383-15.

576. H.R. 7939. Securities Investor Protection. Motion to suspend the rules and pass the bill to increase the maximum levels of insurance for customer cash and securities held by broker-dealers and to ease restrictions on Securities and Exchange Commission access to financial records without prior notification to the customer. September 23. Y(1-3-0), motion agreed to 315-83.

577. H.R. 7554. Small Business Investment Incentives. Motion to suspend the rules and pass the bill to raise from $2 million to $5 million the size of an offering of securities which can be made under the Securities Exchange Commission's simplified reporting procedure and exempt certain "venture-capital" investment companies from the 1948 Investment Company Act. September 23. NV(3-0-1), motion agreed to 395-1.

578. H.R. 5164. Small Vessel Inspection. Adoption of the conference report on the bill to amend inspection and manning laws for small vessels carrying passengers or freight for hire and to subject all offshore supply boats to Coast Guard safety inspection and manning requirements. September 23. Y(4-0-0), adopted 279-111.

579. H.R. 7020. Hazardous Waste Disposal. Passage of the bill to set up a $1.2 billion "superfund" to clean up abandoned hazardous waste dump sites. September 23. Y(1-2-0), passed 351-23.

580. H.R. 7590. Energy/Water Development Appropriations, FY81. Adoption of the conference report on the bill to appropriate $12 million in FY81 for the nonfossil energy programs of the Energy Department, water projects and independent agencies, includ-

ing the Nuclear Regulatory Commission. September 24. Y(2-1-0), adopted 273-117.

581. H.R. 7590. Energy/Water Development Appropriations, FY81. Motion to agree to a Senate amendment to authorize a $284 million flood control project in the Tug Fork River valley along the Kentucky-West Virginia border. September 24. N(2-1-1), motion agreed to 230-164.

582. H.R. 6777. Council on Wage and Price Stability. Adoption of the rule (H. Res. 780) providing for House floor considerations of the bill. September 24. Y(1-2-1), adopted 291-97.

584. H.R. 6777. Council on Wage and Price Stability. Amendment to apply the wage and price standards of the council to oil and natural gas producers. September 24. NV(0-2-2), rejected 155-240.

585. H.R. 6777. Council on Wage and Price Stability. Motion to recommit the bill to the Banking Committee with instructions to reduce the authorization from $9.8 million to $6.9 million. September 24. Y(3-0-1), motion agreed to 238-161.

586. H.R. 6777. Council on Wage and Price Stability. Passage of the bill to extend the Council on Wage and Price Stability through September 30, 1981, and to authorize $6.9 million in appropriations for the council. September 24. Y(1-2-2), passed 229-165.

587. H.R. 7112. General Revenue Sharing and Countercyclical Fiscal Assistance. Adoption of the rule (H. Res. 787) providing for House floor consideration of the bill to extend the general revenue sharing program and provide anti-recession funds to states and local governments. September 24. Y(3-0-1), adopted 385-8.

588. S. 885. Pacific Northwest Power Planning. Adoption of the rule (H. Res. 791) providing for House floor consideration of the bill to create a regional council for electric power and conservation in the Pacific Northwest. September 24. Y(3-0-1), adopted 378-5.

589. H.R. 8024. Ray Roberts Lake. Passage of the bill to change the name of Aubrey Lake in Texas to the Ray Roberts Lake in honor of Rep. Ray Roberts. September 24. Y(3-0-1), passed 366-1.

590. H.R. 7568. Washington Metro Study. Passage of the bill to require the transportation secretary to contract with the Washington Metropolitan Area Transit Authority for a comprehensive study of extending the rail rapid transit line specified in the adopted regional system plan. September 25. Y(2-2-0), passed 251-140.

591. H.R. 6674. National Visitors Center. Motion to order the previous question on the adoption of the rule (H. Res. 675) providing for House floor consideration of the bill to authorize funds for the National Visitors Center in Washington, D.C. September 25. Y(1-3-0), motion agreed to 246-144.

592. H.J. Res. 601. IMF Appropriations. Amendment to state it is the policy of the United States that the Palestine Liberation Organization should not be given membership in the Fund or be given observer status or any official status at any meeting sponsored by or associated with the fund. September 25. Y(4-0-0), agreed to 387-1.

593. IMF Appropriation. Amendment to reduce the amount of Special Drawing Rights and the dollar equivalent thereof made available in this resolution by 10%. September 25. N(2-2-0), rejected 174-208.

594. H.J. Res. 601. IMF Appropriations. Adoption of the joint resolution to make an appropriation for the International Monetary Fund for the fiscal year ending on September 30, 1981. September 25. NV(1-2-2), passed 224-146.

599. H. Res. 798. Unemployment Compensation. Passage of the resolution allowing floor consideration of H.R. 8146, the bill to extend federal support of state unemployment compensation programs. September 30. Y(2-2-0), passed 258-127.

600. H.R. 8146. Unemployment Compensation. Motion to recommit the bill to committee with instructions to replace the national implementation trigger with individual state triggers. September 30. N(3-1-0), rejected 138-268.

601. H.R. 8146. Unemployment Compensation. Passage of the bill to extend federal financial support for state unemployment benefit programs. September 30. Y(2-2-0), passed 336-71.

602. H.R. 7831. Transportation Appropriations, FY81. Passage of the conference report to provide funding for the Department of Transportation and related agencies for FY81. September 30. Y(3-1-0), passed 355-54.

603. S. 1117. Mental Health Systems Act. Passage of the conference report on the Mental Health Systems Act. September 30. Y(3-1-0), passed 380-25.

604. S. 2597. Intelligence Authorization. Passage of the conference report on the Intelligence Authorization Act for FY82. September 30. Y(4-0-0), passed 385-18.

606. H.R. 7592. Military Construction Appropriations, Fiscal Adoption of the conference report on the bill to appropriate $5 billion for military construction projects in FY81, including air and naval bases facilities in the Indian/middle east region. September 30. Y(4-0-0), passed 343-29.

609. H.R. 7859. Refugee Education Assistance. Motion to agree to the Senate amendments to the bill to provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children. October 1. Y(2-2-0), passed 303-94.

610. H. Con. Res. 435. Support for Polish workers. Motion to suspend the rules and adopt the resolution expressing congressional support for the peaceful resolution of the polish workers' strike and for the effective implementation of the agreements reached between the Polish workers and the government of Poland. October 1. Y(4-0-0), passed 403-0.

611. H.R. 7163. Hazardous Materials Transportation. Motion to suspend the rules and pass the bill to amend the Hazardous Materials Transportation Act and to authorize additional appropriations. October 1. Y(1-3-0), rejected 162-247.

612. H.R. 6228. Communications Cross-Ownership Act. Motion to suspend the rules and pass the bill to prohibit the I.C.C., in considering applications for the renewal of broadcasting stations licences, to take into account ownership of the applicant in other communications enterprises. October 1. Y(4-0-0), passed 310-97.

614. S. Con. Res. 126. Election Recess. Motion to commit the resolution to provide for a congressional recess until November 12 to the Rules Committee with instructions to amend the resolution so that Congress could adjourn until one day after consideration of the second budget resolution. October 1. NV(3-0-1), rejected 161-231.

615. S. Con. Res. 126. Election Recess. Adoption of the concurrent resolution providing for a congressional recess between October 2 and November 12. October 1. Y(1-3-0), 230-173.

616. S. 1159. Motor Vehicle Safety Authorization. Motion to suspend the rules and pass the conference report of the bill to authorize additional appropriations for the National Traffic and Motor Vehicle Safety Act. October 1. Y(2-2-0), failed under suspension 209-192.

617. H.R. 5612. Minority Contracting (Equal Justice Act). Motion to reject Title II (the Equal Access to Justice Act) of the House amendment. October 1. N(0-4-0), rejected 48-357.

618. H.R. 2977. Domestic Violence. Adoption of the conference report on the bill to provide federal funds to states to set up shelters for victims of domestic violence. October 1. Y(2-2-0), passed 276-117.

619. S. 1790. Newsroom Privacy Protection. Adoption of the conference report on the bill to prohibit surprise police searches of newsrooms and other organizations involved in activities protected by the First Amendment of the Constitution. October 1. Y(4-0-0), passed 357-2.

621. H. Res. 794. Michael Myers Expulsion. Motion to delay until November 13, 1980, House floor consideration of the resolution to expel Rep. Michael Myers, from the House of Representatives. October 2. N(0-4-0), rejected 75-332.

622. H. Res. 794. Michael Myers Expulsion. Adoption of the resolution to expel Representative Michael Myers from the House of Representatives. October 2. Y(4-0-0), passed 376-30.●

HON. BOB DUNCAN

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1980

● Mr. GINN. Mr. Speaker, the loss of Bob Duncan to this great body is a sad one, for he has been a tireless legislator, an able arbitrator, and a vocal proponent of the interests of his constituents.

As chairman of the Transportation Appropriations Subcommittee, he has demonstrated a grasp of the important transportation issues of our day, in a manner which will be very difficult to equal. In the face of competing interests he has provided great balance, always dealing fairly, and always open to differing views.

While he has not in every instance made the decisions sought by many of his colleagues, myself included, he has always listened intently to our concerns, and he has continued to listen after decisions were made, in the event a new set of circumstances or additional information had developed. If he could, he would provide the help needed.

It has been that attitude of cooperation which has distinguished him in this House, and it has transferred over into dynamic leadership, not stubbornness or bullheadedness, which are the terms he sometimes uses in referring to himself.

Yes, he is tough on the issues, and that is why he has been such a capable Representative in the Congress. But in his heart, he is a man of compassion and understanding, who has worked diligently with his colleagues to improve the state of the Nation and the quality of life of our citizens. I deeply regret his departure from this body, but I know in whatever new career he may pursue, he will continue to fight for the ideals he has so eloquently expressed so often in the Chamber.

Bob, my best wishes go with you, along with my deep appreciation for your abiding friendship.●

SEVEN-POINT STRATEGY FOR REVITALIZING PHILADELPHIA

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. GRAY. Mr. Speaker, one of the major priorities of the new administration in the city of Philadelphia, during its short time in office, has been to develop a comprehensive strategy for the economic revitalization of our city.

On July 13, the city representative and director of commerce under Mayor William J. Green, Mr. Richard A. Doran, reviewed the administration's plan in comments before a meeting of the Rotary International. I offer Mr. Doran's comments for the RECORD and commend them to the attention of my colleagues, because I believe his remarks demonstrate the commitment of city officials to restore the economic vitality of Philadelphia:

SPEECH BY RICHARD A. DORAN, CITY REPRESENTATIVE AND DIRECTOR OF COMMERCE

During the Green Administration's first six months in office, we have been shaping an economic development strategy for Philadelphia consistent with the Mayor's often repeated statement that his top priority is more jobs for the people of the city.

Today, I will attempt to define that economic strategy and present some of our goals and objectives for the future.

Let me say at the outset that I do not wish to engage in the dialogue about whether this city should be a service or a manufacturing center.

What we are after is more jobs, regardless of their nature. If we can attract a manufacturing plant, great. If we can open a new office headquarters, equally great. If the jobs are downtown, fine. If they can be enticed into a neighborhood setting, all the better.

The fact is that this city lost more than 140,000 jobs during the decade of the 1970's. Our first goal then has been—and will be to stop the decline. We can't afford to lose anymore. And our second, equally important goal, is to accelerate an upturn.

These are realistic goals—not grandiose ones. They are based on the facts of economic life, not on unrealistic dreams or expectations.

The energy problem, our strategic location—so well situated between the nation's political and financial capitals—our liveability, graciousness, and unique style, and our transportation infrastructure all present us with tremendous opportunities.

Recently, that judgement was echoed by one of the nation's leading consultants on corporate location decisions, Keith Wheelock, the President of the Fantus Company. "Philadelphians don't realize how good they have it," He said. "You have a combination of living and working environments that ranks among the very best among mature cities on the East Coast."

Recent statistics are encouraging. As reported to me by the City's Economist, the City had total employment of 793,000 in the summer of 1978, exactly two years ago. This summer, that figure stands at 808,000, an increase of 15,000 jobs.

The totals are up in construction, finance, insurance, real estate and the service industries. Manufacturing employment continued to decline but nowhere near the trends of the early and mid-seventies.

Naturally, we are concerned about the recession, especially the impact it is having on the lower end of the economic scale. But we cautiously hope to weather this one a lot better than the last few because our economic base is healthier than it was when many industries left here—or died here.

Now if all of that sounds encouraging, it is. But there is also a less optimistic side to the picture which we have to watch carefully as we implement our plans. Old industrial plants, taxes, problems of safety and accessibility in inner city locations and the availability of a highly skilled and motivated work force continue to be cited by corporate decision makers when forming judgements about locating in—or staying in—Philadelphia and most other northeastern cities.

Furthermore, the persistence of high levels of inner city unemployment, especially among young people, blacks, and hispanics makes it imperative that we attempt to find solutions and shape programs which address themselves to these problems. Frankly, with our limited resources and the size of the problem, we shouldn't kid ourselves into believing that it can be solved by this city alone. Nothing less than a national policy with substantial resources and careful implementation could possibly do the job. But that doesn't mean we can't try and we intend to try with all the tools—admittedly limited—at our command.

With that overview, here is an outline of our basic economic strategy.

First, there can be no real economic growth without financial stability and efficient government. Business doesn't thrive in cities that are financially unstable, politically hostile, unpredictable in tax policy and preoccupied with placing narrow political interests ahead of the public interest.

If Bill Green enjoys the support of the City's business community, it is because he stopped runaway spending, grappled heroically with the deficit and placed the public interest above political motivation.

Frankly, an honest government, which treats people fairly, means a great deal—to the public at large and to the City's—and the Nation's—economic decision makers.

A government that is willing to tackle deficit spending by pulling in automobiles and credit cards, facing up to personnel reductions and pleading—at the highest level—for labor contract restraint—will see its courage rewarded with the confidence of the people who have to pay the bill.

It was not easy for the Mayor—or we as members of his Cabinet—in these inflationary times—to personally plead before binding arbitration panels for wage restraint by public employees. But we had to do it.

I can assure you that the word is spreading—among economic development experts, and corporate decision makers around the country—that Philadelphia is one so-called old northeastern city that means business and intends to put its house in order.

The second piece of the strategy concerns small business. The fact is that nine out of every ten jobs in this City are produced by businesses with fifty or fewer employees.

These are the businesses which employ Philadelphia's rank and file. But these are also the businesses most likely to pack up the van and move out to Fort Washington or New Jersey because of government neglect and adverse business conditions.

At the core of our efforts is the shaping of policies which will retain Philadelphia's small and medium sized businesses, encourage them to expand here and foster the birth of new businesses for which the climate in this city is hospitable, encouraging and realistic.

It is in the encouragement of the small business sector that we are most likely to find the enterprises which will reinvigorate inner city Philadelphia, its neighborhoods and its commercial strips.

Philadelphia now has a Deputy Director of Commerce whose exclusive responsibility is small business growth and neighborhood commercial revitalization.

We are one of the few municipalities in the nation which has given small business the place it deserves through the establishment of a Mayor's Small Business Advisory Council.

We have advertised in Philadelphia's daily newspapers the names and numbers of the people in government and related agencies who assist small business, together with a brief description of their programs.

We are looking at the City's economic incentives, tax structure and services to make sure they conform to the needs of small and medium sized businesses.

We have entered into an agreement with the Control Data Corporation to establish an $8 million business and technology center in the West Parkside neighborhood of Philadelphia, an effort which is one part of a total neighborhood strategy designed to create 2500 more jobs in that area of West Philadelphia through numerous programs initiated by the City Venture Corporation of Minneapolis.

We are directly interested in the garment manufacturer, the producer of automotive parts, the printer, the automobile dealer, the machine shop, the storm window manufacturer and their counterparts around the City who survived and are now looking around and making crucial location and expansion decisions.

And the Philadelphia Industrial Development Corporation is having a banner year, with activity in the first six months alone of 116 transactions for $110,708,000, maintaining or creating 7,470 jobs.

It's important to realize that the vast majority of those jobs go to the people who live in Philadelphia's neighborhoods—both skilled and unskilled workers, black and white, men and women. In short, Philadelphia's economic development programs are well targeted and the emphasis will be accelerated.

The third piece of the strategy is to push forward with the unprecedented boom that is taking place in the construction business.

Several hundreds of millions of dollars in current and contemplated construction, which will provide about 20,000 new or retained jobs, is now going on—from the Franklintown project to the new Sun building and from the Atrium to 615 Chestnut Street.

This activity will soon be joined by INA's office-hotel complex at Logan Square, the completion of Market East, the Oliver Tyrone Towers at 16th and Market Streets, the development of the old Gimbel's site by Urban Investment Development Corporation and the addition of several new hotels which will enhance the tourism and convention business.

Incidentally, these numbers do not include construction of the Center City Commuter Tunnel.

Perhaps the most interesting aspect of this boom is the marriage of major national developers with prominent national long term lenders.

Look at the development of Philadelphia and you will see, placing their confidence in the City, names like Rouse, Urban Investors, INA, Aetna, Oliver Tyrone, Cadillac Fairview, Metropolitan Life, Connecticut General, Prudential, Sun, Equitable, New York Life, Canadian Pacific, Fairmont, Four Seasons, Hyatt, Penney's and others soon to come.

This vote of confidence is an affirmation of Philadelphia's viability and its strategic position in the Northeast Corridor.

We are supporting it because it means jobs, revenue, economic activity and commercial vitality for the City and its people. And it will continue into the 80's with further activity east and west of Market Street and on to Penn's Landing and the Center City waterfront.

A fourth part of the strategy is what I call the federal connection. It is now visible in our action grant eligibility, in the $2.2 million federal establishment of a Shoe Technology Center at University City Science Center, and in a $1.7 million grant for port development.

But it will appear in its most dramatic form with the coming of the aircraft carrier Saratoga to the Philadelphia Navy Yard in October for massive overhauling as part of the Navy's Service Life Extension Program.

That $500 million contract has already produced 2000 new civilian and 1500 new military jobs at the Yard. The Lexington is already here and—thanks to our Congressional delegation, PenJerDel and our own lobbying efforts—the Forrestal will be next in an on-going program which could pump a grand total of $2.5 billion into the local economy in the next ten years with incalculable spinoff effects on suppliers, small businesses, tax revenues and services in the region.

To understand the profound effect of this program, it must be seen to be believed. Visit the Navy Yard, as the Mayor and I have done, and see for yourself. And, above all, be welcoming and hospitable to our service personnel whose morale and motivation are so vitally important to keeping the program here.

Next in the strategy is the support structures factor and most vital in this regard is the transportation network.

That means having a fine airport. To run it, the Mayor recently appointed one of the top professionals in the nation, Bill Willoughby, formerly of Kansas City, to be Director of Aviation.

It also means maximum cooperation with the State on completing I-95, getting the airport high speed line finished by late 1982, putting the improvement of Delaware Avenue back on the list of priorities, designing Vine Street as a limited access highway and repairing the area's highways and bridges.

As always, with transportation projects, our principal concern is time and money. Recent federal funding cutbacks, and engineering difficulties make early completion dates on these projects a source of concern.

But the Mayor now has a special transportation advisor, good relationships with PennDot and coordinated city agencies and this combination should accelerate our efforts.

In addition, we are in the process of developing a comprehensive strategy for the port of Philadelphia, an effort that was greatly helped last week by the joint State-Conrail announcement of a $30 million improvement of Pier 124 to accelerate coal exports.

The sixth part of the strategy concerns innovation. It means the attraction of new industry, light manufacturing, reverse investment, the development of export potential, energy related initiatives, especially in conservation, and the enhancement of Philadelphia's considerable health industry as a center for new technology, research, testing and trials in those areas where the City is a leader—pharmaceuticals, chemicals, medical instruments and devices.

Here we are especially supportive of the International City program, the Foreign Trade Zone, the University City Science Center, the Philadelphia Association for Clinical Trials, the Greater Philadelphia International Network and the proposed Philadelphia Export Network. PIDC will market its incentives around the country and the world and the Mayor has pledged his personal willingness to go anywhere and meet with anyone to bring new business to Philadelphia.

One of his first efforts in office was to persuade Pierre Peledeau not to shut down the Journal.

He has personally contacted and met with business interests from Hong Kong to London and from Montreal to Mexico City. He has met in small groups with numerous segments of the local business community, personally hosted this year's Armed Forces Day Dinner for the men of the Navy and sent me off to urge Mrs. Paul's to remain in Philadelphia.

We will not only be supportive of innovation, but we will personally put ourselves in the forefront by providing the leadership of City Hall to achieve it.

In many of the above mentioned instances, we will be supportive of private efforts. Government can't do everything. We need the Chamber of Commerce, the Greater Philadelphia Partnership, the Urban Coalition, the Convention and Visitors Bureau, our academic institutions and the ingenuity of the private sector to take the longer view and develop the more sophisticated mechanisms for economic growth.

The seventh and final component of the strategy has to do with image. It's the need we face first to be proud of ourselves again and then to transmit that pride into a national recognition of the attractiveness of Philadelphia as a great place to live and conduct business, the premiere place to see a ballgame or a concert, the best town to eat in, a fascinating place for a visit or convention, the heart of America's history and the essence of its cultural traditions.

The realization of all this—good and valuable in itself—spells jobs for Philadelphia.

And that is why we have settled on a new promotional theme for all these purposes.

It's a theme called "Philadelphia Style". It plays to the very special and unique quality of a very special place.

And it's beginning to gain momentum.

Philadelphia Style is the national public television broadcast—for the first time—of July 4th from Independence Mall.

It's hosting 2,000 convention planners from all over the country at the most remarkable display of hospitality this City ever put on.

It's having the International Liberty Bell Track Classic.

It's launching a campaign to clean up the City's streets for citizen and visitor alike.

It's Luciano Pavarotti telling me he loves to sing in the Academy of Music because he thinks it the finest concert hall in the world.

It's Jimmy Connors telling me—as I handed him the Philadelphia Bowl when he won the U.S. Pro Indoor—that Philadelphia is one of the great sports capitals of the world.

It's the Mayor giving Eugene Ormandy the Freedom Medal on July 4th.

It's planning the celebration of our 300th birthday as a city in 1982 with a sense of style and community participation.

It's packaging trips and tours with Atlantic City, the Poconos, the Dutch Country, and Valley Forge.

And most of all it's Philadelphia in all its uniqueness—the Mummers, the pretzels, the cheese steaks, the hoagies and the people.

Those are the seven pieces—good government, small business, downtown development, federal connection, transportation, spurring innovation, changing image.

If we can package all this, give it life and send it off as ambassador to the world, then I have no doubt that this City can, as I said in the beginning, take off in the Eighties.

It's only a matter of our collective determination to do so. I know Bill Green's ready. And I hope you are too.●

NATIONAL PORT WEEK

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ASHLEY. Mr. Speaker, the week of October 5-11, 1980, has been designated by the President of the United States as National Port Week to remind all Americans of the contributions the port industry makes to the United States and the entire world. We sincerely hope the President's action will impress on all citizens of this country the numerous benefits that flow from the development of vital port facilities to consumers and producers, to labor, business, and industry, and to every other aspect of the American economy.

The Port of Toledo, the leading import-export tonnage port among all Great Lakes ports, has provided thousands of employment and business opportunities for Toledo and Lucas County for more than 150 years. I would like to feature the Port of Toledo's leadership role in Great Lakes-St. Lawrence Seaway maritime activities, and I would like to highlight its economic contributions to its citizens. For more than 150 years, the industrial and business environment at the Port of Toledo has contributed more than $3.5 billion to the local and national economy. As we begin National Port Week 1980, we are reminded of the thousands of Americans who have benefited from this Nation's productive port industry.●

OCCUPATIONAL THERAPISTS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WALGREN. Mr. Speaker, I would like to take this opportunity to give special recognition to the outstanding contribution made to the medical profession by the dedicated people practicing in the field of occupational therapy. Their skill and energy makes a critical difference in the lives of those who are stricken with physical disability.

The following is a series of case descriptions which show how occupational therapists can restore seriously injured and disabled individuals to a normal life. These descriptions are good examples of the work occupational therapists perform everyday throughout the country:

CASE DESCRIPTIONS

CASE I

Mrs. G. is 76 years old and lives alone in a modest 2 story house. Due to severe osteoarthritis in her right knee, Mrs. G. underwent surgery for fusion of the knee to maintain her leg in a straight position. After several medical complications were resolved, Mrs. G. was discharged from the hospital.

Because she was unable to dress herself from the waist down, and to bathe herself Mrs. G. went to the home of her niece. After several weeks, she was able to put on and remove her slacks, shoes and stockings; however, she was unable to bathe independently. The Home Care Occupational Therapist visiting her made an evaluation of the bathroom and Mrs. G.'s problem in getting in and out of the tub. It was determined that a low tub rail mounted on the side of the bathtub would enable her to transfer in and out of the tub independently, and to no longer require the assistance of her niece.

Mrs. G. was able to bathe independently within two weeks; she returned to her own home at that time. (Mrs. G. also had difficulty initially, going up and down stairs. After instructions and exercises from the Home Care physical therapist, Mrs. G. was able to walk up and down stairs using a handrail and a 4 pronged cane. This was an essential step in her rehabilitation as she lives in a 2 story home with the bathroom on the second floor).

CASE II

R.M., a 23 year old male, was involved in a motorcycle accident in July, 1977, suffering severe head trauma with paralysis of all extremities and impaired speech and language functions. After much acute medical treatment and physical rehabilitation over the next 2½ years, R.M. was able to put on/remove a pull-over shirt, feed himself with adapted equipment, transfer with moderate assistance, and communicate with special boards and electronic devices.

By this time, R.M. had been in health facilities long enough and needed to be in his home. However, his mother with whom he lived, was disabled with rheumatoid arthritis. Home Care was referred, and R.M. was treated by occupational therapy, speech pathology, and physical therapy services. During the six months of home care occupational therapy treatment, R.M. progressed to independent dressing/undressing, independent feeding after his plate is prepared, supervised transfers (including car transfers), and minimally assisted hygiene. His speech and mobility improved as well.

In August, R.M. was admitted to a rehabilitation center for more intensive physical and vocational evaluation and training. Home Care, including occupational therapy services, was not only able to maintain this patient in his home during these intervening months, but was able to help him progress substantially in his recovery and rehabilitation program.

CASE III

Mr. S. was a 52 year old male who suffered a stroke after having oral surgery. Mr. S. had paralysis of right arm and leg and difficulty with his speech. Mr. S. was seen on an out-patient basis by the Occupational Therapy department for nearly a year in which time the patient made progress in communication skills, writing skills, using the left non-dominant hand and the functional use of the right dominant hand. Mr. S. was taught initially how to dress himself one-handed and as movement came back to the right hand, Mr. S. was taught to use this right hand functionally for all other daily activities. Mr. S. was discharged from the out-patient program with an adequate home program and continued to progress at home. Mr. S. was again referred to the outpatient Occupational Therapy Department for a pre-vocational evaluation. At this time, Mr. S. was evaluated in functional writing skills, safe ambulation including climbing stairs, use of adding machine and organizational skills. Mr. S. was a foreman with Fisher Body and through treatment in Occupational Therapy acquired the necessary skills to return to this position as well as take care of all of his daily needs and returned to driving.

It is felt that in the above case it is apparent that Occupational Therapy has helped this patient return to a normal life including his safe return to his previous occupation.

CASE IV

Mr. J., a 53 year old employee of a Pittsburgh company was injured on the job when his arm slipped into a machine he was operating. Following numerous surgical procedures and an extensive rehabilitation program, (in which an Occupational Therapist worked vigorously with Mr. J. to restore the functional use of his hand), the company was eager to evaluate this long term employee for return to his job.

A local occupational therapist in private practice was contacted to assist a private rehabilitation company in assessing both Mr. J. and his job for potentially returning a young man to gainful employment. Unfortunately, Mr. J.'s non-dominant left hand had been so injured that it served assistively but would unlikely return to normalcy. It was quickly discovered that many of the maneuvers required could be adequately and safely performed with one hand. The occupational therapist made a number of recommendations for simple alterations in handles and dials so that they too could be operated with one hand. The company was happy to make the adaption and Mr. J. returned to work.

CASE V

In a pediatric setting, the Occupational Therapist was called upon to make a protective jacket for a newborn child. The order was for the therapist to "protect the back." This young child was born with spina bifada defect which involves the development of the central nervous system. In spina bifada the vertabrae of the spine fails to close and membranes, nerves and the spinal cord bulge outward from the central spine leaving the spine very vulnerable and making it extremely difficult for the child to be handled. In this instance the occupational therapist constructed a thermoplastic jacket for the child to wear during the newborn period. With the splint, the mother can take care of this baby with no fears. This jacket not only allows the mother to naturally nurture and handle the baby but also will limit the number of surgeries this child will need due to the collapsing of the back or the hip dislocation.

But most of all the occupational therapist helped the parents to learn to cope with this child through an understanding of the daily expectations of the child both as an infant and throughout life.—Pediatric Occupational Therapy, Children's Hospital.

CASE VI

Mr. U., a 35 year old white male with a primary diagnosis of schizophrenia and questionable alcohol abuse, was referred by a psychiatrist, who was monitoring his medication, to Occupational Therapy because of limited community adjustment. A vocational assessment and individual vocational counseling were requested. Mr. U. had been a patient (inpatient or outpatient) in psychiatric hospitals for the past 8 years. Mr. U.'s appearance at this time was poor. His hair was unkempt and below his ears. He had a thin, untrimmed beard. His clothes were often wrinkled and needed patches.

Mr. U.'s educational history included a bachelor's degree in mathematics, a master's degree with honors in psychology, and several years toward a doctoral degree which has remained uncompleted since his first "breakdown" approximately eight years ago.

A work history included one year of teaching mathematics in a private high school and two years as a laborer in a warehouse. He reported no employment since losing-his job as a laborer five years ago when the business relocated.

He stated that his present financial support included; public assistance, donating plasma at the blood bank, and periodic "loans" from his parents.

He reported living alone in a one bedroom apartment. Social contacts with others were limited to periodic evenings drinking beer in a local bar. He mentioned spending the majority of his time alone either reading books or drinking beer while watching sports events on television.

While involved with Occupational Therapy, he was referred to the Bureau of Vocational Rehabilitation (B.V.R.). The vocational assessment revealed a strong interest in mathematics and strong intellectual skills. He scored in the 95th percentile or above in all areas. B.V.R. okayed funding for a community computer trade school, from which Mr. U. graduated first in his class.

Counseling by the occupational therapist was initially done in individual sessions once a week for thirty to sixty minutes. Once school began—after six months of individual counseling—Mr. U. was placed in an evening vocational group for individuals of above average intellectual skills with limited vocational skills. The group was co-led by an occupational therapist (Mr. U.'s therapist) and a vocational counselor. After school was completed Mr. U. was discontinued from the evening group, and individual supportive sessions were resumed as Mr. U. sought employment. Now, one and one half years since the referral was made to Occupational Therapy, Mr. U.'s psychiatric condition has remained in remission. Appearance at this time was clean shaven with short well-kept hair.

After several months of no success in obtaining employment, Mr. U. agreed to videotape a simulated job interview with the occupational therapist which was played back to him to critique his performance. Prior to this time Mr. U. had been flown to Texas and Ohio by companies who had received his application, but was not called back. It thus appeared that his presentation during the interview and "gap" in employment history may have been the problem.

Now, three years later, Mr. U. is employed as a computer programmer. He has maintained this position for the past 6 months. O.T. has been discontinued. He is presently being followed as an outpatient for medication monitoring.●

FEDERAL RESERVE GENERATING NEW SURGE OF INFLATION

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. HANSEN. Mr. Speaker, once again, inflation is being stoked up by the Federal Reserve. After knocking the economy for a loop with interest rates that remained too high for too long, the Federal Reserve has now set out to reaccelerate inflation by letting the money supply go out of control.

In the spring of this year, money supply was suddenly strangled, as the rate of growth was reduced to zero and then actually went negative. At the same time, interest rates soared to the neighborhood of 17 to 20 percent.

Now the trade-off between interest rates and printing press money is being worked the other way. Over the last several weeks, the annual rate of growth of the money supply has been running to 17 to 20 percent. A fiscally incompetent administration has brought us to the point at which the purchase of vast amounts of Government debt by the Federal Reserve is the only way to keep interest rates from exploding. The 18-percent interest rates are being swept under the rug until after the election by speeding up the printing presses to 18 percent. That reduces the pain now, and that is good for an irresponsible administration facing reelection, but a few months from now it can only result in another burst of inflation and higher mortgage rates than we have seen yet.

For years, the Banking Committee has been saying, both Democrat and Republican, that monetary growth has to be brought down and stabilized. During 1980 alone, money growth has varied from minus 10 percent to plus 20 percent, while interest rates—the key Federal funds rate, for example—have varied from over 19 percent to under 9 percent.

Even those members of the Banking Committee who urge more spending and more deficits and more taxes have agreed that it is time to stop this insane roller coaster of money spurts and crunches. On September 10, the Subcommittee on Domestic Monetary Policy, on which I sit as ranking minority member, agreed with only one dissent to write into the law some statutory discipline for Federal Reserve monetary policy. All the piously stated intentions of the Federal Reserve to steadily wind down money growth have come to nothing, so the subcommittee decided to put the targets into law and prevent this stupid boom-and-bust cycle that the White House and the Federal Reserve are apparently intent on perpetuating for strictly political reasons.

The bill also contains a provision to abolish the Federal Open Market Committee, which is now charged with monetary policymaking. Many Republicans are opposed to this provision, and it can be hoped that some other way can be found to get at the objective desired by the bill's author, Banking Committee Chairman Henry Reuss. But what ought to be noticed is that setting the money supply targets into law makes the question of who implements that statutory policy, whether the Open Market Committee or the Board of Governors, of much less importance.

In the face of 18- to 20-percent money growth, and only mildly rising interest rates, the administration several weeks ago called on the Federal Reserve to man the printing presses and hype the economy even more to hold down the interest rates at the cost of exploding inflation well after the election. We can expect this pressure to continue, and the printing presses to work overtime, until November 5. We should not be surprised if the Secretary of the Treasury, and even the President himself, publicly demand more funny money from the Federal Reserve. But after the election, we can look for another lurch in policy, another sudden dip on the monetary roller coaster—and then look out, fellow Americans, because your businesses and your jobs are again on the line.

It is no secret that all this is going on. And the sickening uncertainty about the future of interest rates and inflation is exactly why businessmen across the country are so afraid to invest in more production and more employment. A sluggish economy with heartbreaking stagnation in employment is the immediate price we are paying for these stop-and-race policies; inflation at a roaring rate is the price we will pay next year.

The only real solution for this mess is for Congress to get rid of the problem permanently, by adopting the statutory limits on money growth that are contained in H.R. 8223.●

REMARKS OF REPRESENTATIVE BOB ECKHARDT ON CONFERENCE REPORT ON S. 1946, THE STAGGERS RAIL ACT OF 1980

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. ECKHARDT. Mr. Speaker, the Congressional Record of September 30, 1980, at page 28429, contains a statement by Mr. Madigan concerning standards for determining revenue adequacy under section 10704(a)(2) of the Revised Interstate Commerce Act as amended by S. 1946 which I feel compelled to respond to in order to clarify the legislative history on this most consequential subject. As originally passed by the House, section 206(c) of S. 1946 directed:

> (c)(1) The Interstate Commerce Commission shall, within 180 days after the effective date of this Act and thereafter as necessary, establish standards for determining what constitutes adequate revenues for rail carriers under section 10704 of title 49, United States Code.
>
> (2) On the basis of the standards established under paragraph (1) of this subsection, the Commission shall, within 180 days after the effective date of this Act and on an annual basis thereafter, determine which rail carriers are earning adequate revenues.

This provision was rejected in the conference bill in favor of a new subsection which provides:

> (b)(1) Section 10704(a)(2) of title 49, United States Code, is amended by inserting "and revise as necessary" immediately after "shall maintain".
>
> (2) Section 10704(a) of title 49, United States Code, is amended by adding at the end thereof the following new paragraphs:
>
> "(3) The Commission shall conclude a proceeding under paragraph (2) of this subsection within 180 days after the effective date of the Staggers Rail Act of 1980 and thereafter as necessary.
>
> "(4) On the basis of the standards and procedures under paragraph (2) of this subsection, the Commission shall, within 180 days after the effective date of the Staggers Rail Act of 1980 and on an annual basis thereafter, determine which rail carriers are earning adequate revenues."

Clarification of the Commission's authority to revise its standards was in order in light of the fact that language from the 4-R Act specifying such authority was deleted in the recent recodification of the Interstate Commerce Act. As Commission decisions in several recent proceedings dealing with revenue adequacy reveal, the Commission has not been making revenue adequacy determinations on an annual basis as required by its regulations because of possible revisions in its standards for making such determinations. The conference bill would require that any such revisions be completed within 180 days, although the Commission would continue to have authority to revise its standards in the future. The conference bill also codifies the requirement that revenue adequacy determinations be made on an annual basis.

I do not believe that Mr. Madigan's remarks reflect the position of the conference on the subject of revenue adequacy. Any suggestion that the conferees intended that the Commission must change its standards from what they are today or that they must rely solely or primarily upon a rate of return on net investment equal to the cost of capital is unfounded. Clearly, there is nothing in the conference bill or report expressing such a purpose or intent. Moreover, as reflected in a letter to me from Senator Long, which I append hereto, language very similar to that of Mr. Madigan's statement was suggested for the conference report but was specifically rejected.

It should also be noted for purposes of legislative history that the portion of Mr. Madigan's statement concerning revenue adequacy was not actually spoken on the House floor, as confirmed by the videotape of proceedings for September 30, but rather was submitted in writing for the Record.

U.S. Senate,
Washington, D.C., October 6, 1980.

Hon. Bob Eckhardt,
House of Representatives,
1741 Longworth Office Building,
Washington, D.C.

Dear Bob: Thank you for bringing to my attention the comments of Congressman Madigan which appear in the Congressional

Record of September 30, 1980, at 28429 concerning the standards to be utilized by the Interstate Commerce Commission (ICC) in determining revenue adequacy. I share your belief that Mr. Madigan's statements to the effect that the Commission's existing standards for determining revenue adequacy are inadequate and must be changed to a standard based upon a rate of return equal to the current cost of capital are not in keeping with the conference position on revenue adequacy.

As I pointed out in my statement on the conference bill which appears at 28233 of the Congressional Record of September 30, the ICC determination of revenue adequacy is crucial to certain provisions of the conference bill regarding protections for captive shippers from unjustly high freight rates. I noted in that statement that the conference bill does not require the ICC to develop new standards for determining revenue adequacy but merely requires the Commission to conclude the process of revising its standards and procedures which it has indicated on several occasions that it has already begun.

Not only is the language of Mr. Madigan's statement contrary to my understanding of the intent and purpose of the conference bill, it is virtually identical to language the House has suggested for the conference bill which I expressed grave concern about on the occasion of the conference. That language was specifically rejected and does not appear in the conference report which was adopted.

I believe, as you do, that the record should be set straight on this most consequential subject. Please feel free to incorporate this letter with the remarks I understand you intend to submit for the record in this regard.

Sincerely yours,
RUSSELL B. LONG,
Chairman,
Surface Transportation Subcommittee.●

EDUCATION CONCERNS A PRIORITY FOR REMAINDER OF SESSION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DIXON. Mr. Speaker, one of the items which I hope Congress will consider promptly is enactment of the 1981 Labor-HEW appropriations measure, which provides billions of dollars in educational support.

Due to the need for a continuing resolution, elementary and secondary education programs are shortchanged by hundreds of millions of dollars over the amounts approved by the House of Representatives. It is my hope that Congress will take action to finalize 1981 funding levels for title I, support and innovation, bilingual education, and other programs.

In passing the continuing resolution, Congress has also approved a provision which will prevent the Department of Education from issuing final guidelines for bilingual education, and particularly equal educational opportunity for students with limited English backgrounds. It is my hope that Congress will seriously consider the best ways to serve this growing student population, and not attempt merely to avoid responsibility through delaying tactics. In addition to these issues, I would like to bring attention to an important educational development in Los Angeles.

On October 28, 1980, at the Bonaventure Hotel in Los Angeles, leaders from both the public and private sector will assemble to pay tribute to Dr. William (Bill) Johnston, now serving his last year as superintendent of this Nation's second largest urban school district—the Los Angeles Unified School District. Bill has compiled an impressive and distinctive career not only as an educator but, as an individual singularly committed to the concept of community participation and service as well.

The Boy Scouts of America are recognizing Bill for his special service to scouting and the community in general. An outstanding educator who has provided excellent leadership during a period of great change and turmoil in the public education system, I would like to take this opportunity to share with my colleagues just a few of Bill's accomplishments.

Beginning his career in 1950 as a teacher at Gardena High School, Bill Johnston moved swiftly through the ranks of the Los Angeles Unified School District, assuming his first position of administrative responsibility in 1957. During this period and even today, Dr. Johnston became actively involved in several professional organizations including the Council of Great City Schools, where he served as legislative chairman; the Big Eight Association of Public School Districts; and president of Educare, an educational support organization established at the University of Southern California.

Bill's involvement in, and commitment to, the community goes even further. He is a member of such community-based organizations as: the Ad Hoc Committee on Juvenile Justice; California Museum Foundation; Council for Peace and Equality in Education; Kiwanis Club of Gardena Valley; Los Angeles Chamber of Commerce; Los Angeles County Museum of Art; Los Angeles Urban League; Rotary Club of Los Angeles; and Town Hall of California.

As an educator and community leader, Bill Johnston quickly grasped the importance of the school's active participation in community activities. A community leader both in the sense that he recognized and encouraged the schools' leadership role in becoming involved in community activities, Bill also distinguished himself from his peers by actually assuming the responsibility for developing an interrelationship between the schools and the community. Of particular interest to him was the area of Scouting.

Dr. Johnston's commitment to broadening the educational horizons of young people in Los Angeles schools through Scouting can be viewed in several elementary schools today. In 1977, under Bill's tutelage, in-school Scouting was initiated in four elementary schools. Its purpose, to provide the benefits of Scouting to young people who because of adverse economic conditions might not have the opportunity to participate in programs of this nature through the more traditional approaches.

A highly successful program, in-school Scouting utilizes the leadership of college students, employed and trained by the council office. Programs are conducted in the third through sixth grade classes on a once-a-week basis and although traditional Scouting skills are taught, primary emphasis is placed on strengthening students' academic skills as well as reinforcing the values of a good character education. Support for this unique and innovative approach to Scouting through education is provided through contributions received from individuals and business organizations in the Los Angeles community.

Today, Bill's Scouting through education initiative effectively operates in 24 elementary schools in the Los Angeles School District.

For his distinguished service to the community Bill has received numerous awards; among them: The American Educators Medal Award; the 1963 and 1968 Freedoms Foundation Award; and a life membership by the National Congress of Parents and Teachers. Additionally, in 1974, Bill was awarded an honorary doctor of laws degree from Pepperdine University.

In recognition of Bill Johnston's significant contributions to education and, in light of the special concern which he has provided in upgrading the lives of hundreds of young people through the medium of Scouting, the Boy Scouts of America are honoring this outstanding educator and community spirited individual. I, too, would like to take this opportunity to commend Bill for his outstanding accomplishments and to salute him for his exceptional work with the youth of Los Angeles.●

OVERMOUNTAIN VICTORY NATIONAL HISTORIC TRAIL

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. BROYHILL. Mr. Speaker, I am sure my colleagues are aware of the efforts to see the Overmountain Victory Trail recognized as a national historic trail.

The fruits of our labors came to bear on September 8 when the President signed Public Law 96-344 and thus officially recognized the OVT as a national historic trail.

The story of the OVT spans two centuries. The Overmountain Victory National Historic Trail is the path followed by a band of revolutionary patriots who marched for 2 weeks over mountainous terrain to successfully defend our lands and our ideals at the battle of Kings Mountain in 1780. Each year, citizens from throughout the trail area meet to reenact the 2-week march.

This year's march has just been finished and it was especially notable. This is the first time that the marchers have traversed the Overmountain Victory National Historic Trail. In addition, it is important to mention that this year marked the 200th anniversary of the original campaign and battle at Kings Mountain.

The occasion of the 200th anniversary of the march gives us good reason to remember the ideals and principles which were the driving force behind the unselfish march of our ancestors. The essence of this patriotic spirit has been captured in the following editorial printed in the Lenoir, N.C., News Topic and I commend this article to my colleagues as an excellent reminder of the patriotism which has unified our country for generations:

[From the Lenoir News-Topic]

IN OUR OPINION: OVERMOUNTAIN MARCH MORE THAN CEREMONY

The Overmountain Victory Trail Association's march to Kings Mountain ended Tuesday, and those participating must have felt a great deal of satisfaction with themselves after braving cold, wet, and heat during the week-long jaunt. We should all feel gratitude complementary to the satisfaction felt by those marchers.

The marchers marked their fourth consecutive year trudging the long arduous miles to the famous battlesite, and in the process have brought well-deserved national attention to the contributions made by local ancestors in the United States' battle for independence from the British Crown.

Many are to be thanked for their untiring efforts during the past four years that the OVT march has been conducted.

But each year, those who take the time to participate, and expend the energy to honor those who went before us, should receive annual thanks from all Caldwell County residents.

The march is more than mere ceremony, as opposed to other national celebrations that most persons take part in.

For many, the Fourth of July means parties, drinking, and wrecks on the highway. Other holidays set aside to commemorate national historic events mean nothing more than a day off to many people.

The OVT march is different.

People actually brave the elements, arrayed in the rugged, often times uncomfortable garments of the era, simply to mark a historic occasion.

The march is far more than a simple ceremony to pay respects to dead ancestors or honor their achievements.

These marchers stand as living, walking, talking proof that there are these among us, even today, who will brave the elements, face the obstacles, and meet events head-on any time they are called upon to do so.

The OVT march is a showplace for the spirit that still thrives in America, attesting to the fact that there are still those among us who will be the first to volunteer, the first to go, and the last to retreat from all the things we hold dear.●

AMTRAK OWNERSHIP OF NEW HAVEN LINE ESSENTIAL TO SUCCESS OF NORTHEAST CORRIDOR

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. McKINNEY. Mr. Speaker, the House of Representatives on March 31, 1980, passed H.R. 6837, the Rail Rebuilding Act of 1980, which authorized an additional $750 million for the completion of the Northeast corridor improvement project (NECIP). The bill will permit completion of the high-speed rail corridor between Washington, D.C., New York, and Boston, one of the most heavily traveled corridors in the United States. However, in testimony supporting the bill before the House Interstate and Foreign Commerce Committee on February 26, 1980, Mr. Alan Boyd, President of Amtrak, stated that none of that $750 million would be used for any necessary track improvements on an important 54-mile segment of the corridor. That segment, the New Haven line between New Rochelle, N.Y., and New Haven, Conn., is not owned by Amtrak. It is therefore ineligible for NECIP funds which could otherwise bring it up to the standards of the rest of the corridor, and allow Amtrak to meet its goal of reliable, rapid passenger service between the major cities of the Northeast. This gap in the corridor must be mended, and I intend to introduce a measure to do just that, by providing Amtrak with the funds to purchase this vital rail link.

Trustees of the bankrupt Penn Central Railroad, owners of the 47 miles of this segment of track in Connecticut, currently lease the track to the State of Connecticut—the New York Metropolitan Transportation Authority owns the adjacent 7 miles in New York. Connecticut holds an option to buy the track at any point during the 60-year lease, but thus far has chosen not to expend its mass transit funds to exercise that option. Amtrak's current operating rights on the line were conveyed to it by Penn Central in 1976, when Amtrak acquired the remainder of Penn Central properties in the Northeast. However, Amtrak is also interested in owning the New Haven line. On July 1, 1977, it filed suit against the Penn Central trustees to obtain fee title to the line. If that suit fails, and Connecticut fails to exercise its option to buy, Amtrak could seek first option to purchase the track. However, Connecticut's lease with Penn Central trustees will not expire until the year 2030, possibly resulting in a 50-year delay in Amtrak ownership. I am therefore compelled to seek a more immediate alternative.

Toward that end, I will promote an agreement between Amtrak and the State of Connecticut, whereby the State would exercise its option to buy the track, and would in turn sell it to Amtrak. My proposal to provide funds through Federal legislation to permit Amtrak to make the acquisition would pave the way for the necessary NECIP improvements.

The goal of NECIP is the achievement of safe, energy-efficient, high-speed rail service between Washington, New York, and Boston. NECIP's desired trip time goals are 2 hours, 40 minutes from Washington to New York, and 3 hours, 40 minutes from New York to Boston by 1985. Without Amtrak ownership of the New Haven line, these goals cannot be met. In his February 26 testimony, President Boyd stated:

> * * * under the proposed funding levels, achievement of the trip time goals is based on the assumption that improvements will be made over this 54-mile segment of right-of-way. If there is no change in the current situation, the number of slow orders over this track will prevent Amtrak from attaining it's trip time goals between New York and Boston.

Further, the unique division of ownership, operational, and maintenance responsibilities that currently exists on the New Haven line not only hinders NECIP goals, but adversely affects the quality of commuter service to New York City offered on the line. Approximately 30,000 daily commuters use the service, which is operated by the Consolidated Rail Corporation (Conrail). These passengers are too often subject to delays, overcrowding, scheduling conflicts, equipment breakdowns, and malfunctions in heating and cooling systems. With a 25-percent increase in ridership since 1976, and rising fuel prices expected to advance that increase even further, we cannot afford for the inadequate level of service currently provided by Conrail to continue. Of course, the possibility of Amtrak assuming commuter service would be subject to additional agreements and reimbursement from the State of Connecticut. However, I have long contended that, given its experience in moving people rather than freight, Amtrak could significantly improve commuter service on the New Haven line.

Fortunately, several of those who would be instrumental in the transfer of ownership of the line to Amtrak have already voiced their support for the concept. In an October 23, 1979, letter to me, Alan Boyd states—regarding Amtrak takeover of commuter operations—that:

> * * * operations and control improve where all responsibility for service is under one operator, rather then being divided between two or more organizations, as is the case now. The public, in general, would be the real beneficiary of the coordinated and fully integrated intercity and commuter rail system on the New Haven line.

In a more recent May 14, 1980, letter, Mr. Lawrence Gilson, Vice President of Government Affairs at Amtrak, stated that Amtrak would "continue to explore every possibility" with regard to a transfer of ownership on the 47 miles of track. During a question period following his testimony supporting the Rail Rebuilding Act last February 26, Mr. John M. Sullivan, Administrator of the Federal Railroad Administration, endorsed the idea of Connecticut exercising its purchase option, and subsequently selling the line to Amtrak. Furthermore, following that testimony, Commissioner Arthur Powers of the Connecticut Department of Transportation (Conndot) indicated an initial willingness to pursue that option.

However, despite these expressions of support early this year, substantial progress on this proposal has not been forthcoming. On March 11, 1980, Amtrak and Conndot representatives met to discuss the New Haven line. At that meeting, the State of Connecticut agreed to investigate the possibility of a transfer of ownership, and to identify those portions of the track that it would prefer to retain. Amtrak agreed to conduct an engineering analysis to determine the amount of upgrading necessary to bring the 47 miles up to the standards of the rest of the Northeast Corridor. Completion of the Amtrak study indicated that $120 to $150 million will be needed to achieve NECIP standards, but, in the 7 months following the March meeting, the State of Connecticut has failed to fulfill its part of the March agreement. With the 47-mile segment of track so obviously deficient according to NECIP standards, action on a transfer of ownership must not be delayed any longer.

Connecticut is served by 26 daily Amtrak trains on Northeast Corridor routes, with service provided to the major cities of Stamford, Bridgeport, and New Haven along the New Haven line. The importance of Amtrak ownership of the line, both to long-term NECIP goals and to passengers in Connecticut, cannot be ignored, and I intend to work toward a timely resolution of this problem.●

AMERICA, THE JESUIT WEEKLY, DISAPPROVES OF THE REMOVAL OF PUBLIC SCHOOL PRAYERS FROM FEDERAL JUDICIAL REVIEW

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. DRINAN. Mr. Speaker, I reproduce herewith an excellent editorial against the bill which would seek to remove prayer in the schools from Federal judicial review.

This editorial appeared in the Jesuit weekly, America.

This editorial clearly states that "stripping the Federal courts of jurisdiction to determine the constitutionality of official prayers in public schools is not sound policy."

PRAYING AROUND THE COURT

Some advocates of prayer in the public schools are once again trying to make an end run around the Supreme Court. Unable to secure a constitutional amendment that would override the Court's 1963 decision banning official periods of prayer in the public schools, these advocates seek to insulate such official prayer from Federal judicial review. Article III of the Constitution gives Congress explicit authority to define the jurisdiction of the lower Federal courts, and to make exceptions to the general appellate jurisdiction of the Supreme Court. By statute, then, Congress could put all cases dealing with prayer in the public schools outside the jurisdiction of all Federal courts if it so wished.

It is much easier, of course, to enact a statute than to secure passage of a constitutional amendment. Even if a statute runs into serious opposition from the President, two-thirds of both houses of Congress are sufficient to enact it. An amendment requires the same two-thirds, plus three-fourths of the states.

Relative ease of passage, however, has nothing to do with the political or spiritual merits of this proposal to shield official public school prayers from Federal judicial veto. Although the proposal has some surface appeal, Congress should reject the proposal because it threatens the uniformity of Federal constitutional law throughout the United States. Congress should also reject the proposal because, for spiritual reasons, official prayers do not belong in public school classrooms.

One of the most important functions of the Supreme Court is to unify the interpretation of the Constitution. Through its general appellate jurisdiction over state and Federal courts in constitutional matters, the Court helps to make the Constitution the same for people in Maine and California. In a country with one Federal Constitution and 50 states, it is impossible to preserve uniformity without a central court of last resort.

As Chief Justice John Marshall argued long ago in the classic case of Marbury v. Madison (1803), it is a contradiction to affirm that the Constitution is the supreme law of the land to deny that the courts have the authority to interpret it. Stripping courts of jurisdiction to determine the constitutionality of official prayers in public schools is unquestionably within the power of Congress, but it is not sound policy. The religion clause of the First Amendment, it is true, would remain the supreme law of the land in the state courts, but it would not be long before the same clauses meant very different things in different states.

Spiritual considerations also militate against adoption of the proposal to take away the jurisdiction of Federal courts over controversies involving official prayers in the public schools. Prayer is an act of faith and worship, and by its very nature must be free. The Declaration of Religious Liberty of the Second Vatican Council insists on the right of every individual to be free from state coercion in religious matters. For those parents who are opposed to prayer, or to particular forms or formulas of prayer, the reintroduction of official prayers to public school classrooms would pose a serious problem. The problem is also serious for the children of such parents, because they must bear the brunt of declining the public school teacher's invitation (however gently put) to join in the prayer. Finally, for public school teachers themselves, there may well be problems because of their personal religious convictions.

Nothing in the Supreme Court's 1963 decision forbids children to pray in the public schools whenever they feel the impulse to do so. All things considered, it seems better to leave that impulse to the Holy Spirit.●

REPUBLICAN INITIATIVES IN AGRICULTURE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. SHUSTER. Mr. Speaker, since agriculture is this Nation's most important industry, I would like to take a few minutes to review what was achieved for farmers in the 96th Congress—with emphasis on the 2d session—and in particular, what was achieved by Republicans on the House Committee on Agriculture on behalf of farmers.

As chairman of the House Republican Policy Committee, I am well aware that this 96th Congress was supposed to be the great "Oversight Congress"—the one that would step back a few paces and assess the myriad of laws and regulations which were put into effect over the past few years and their effect on the country. As you know, this did not happen. Perhaps it was an oversight on the part of the Democratic leadership.

In any event, we have little more knowledge now of how the laws we passed are working than before. I hope the next Congress will take this responsibility more seriously than the last. If it turns out to be a Republican Congress, I can assure you that it will.

At the outset, let me say that the Committee on Agriculture was able to enact some legislation of benefit to farmers and some which was not. But on balance, I consider its efforts worthwhile noting as we head into this preelection recess period. In particular, I want to call attention to the efforts of individual Republican members of the Agriculture Committee, starting with the ranking Republican member, the gentleman from Virginia, BILL WAMPLER. I would also like to commend all the Republican members whose efforts helped the committee write better bills, rewrite poor ones, and block some really bad ones.

To start off, let be bring to your attention four bills which Mr. WAMPLER introduced which are vital to the continuation of a sound agricultural system, in my opinion. He was joined in cosponsorship of these bills by several of his Republican colleagues on the committee.

The first was the National Science Council Act of 1980, which he introduced last February. This bill has been widely applauded as a move to bring scientific reason to the regulatory system by individual scientists, scientists who work for agricultural producers and the agricultural industries, and large segments of industry which produce chemicals or work with chemical products alleged to cause health hazards. The need for the bill arose when numerous scientists, producers, and consumers opposed the scientific basis for Government regulatory proposals to ban or phase out a number of widely used chemical products or derivative substances—for example, saccharin, a substitute for sugar; nitrites, a food preservative for meats, poultry, and fish; the herbicide 2,4,5-T, an aid to timber reforestation; and other products.

Mr. Wampler's bill would transfer to an independent blue ribbon science council the determination of relevant questions of scientific fact involved in Federal regulatory decisionmaking dealing with chemicals. These chemicals are involved in the production of food and other products or found in the workplace or in the environment generally.

Another proposal which Mr. Wampler introduced would provide catchup direct agricultural research facility grants to the 16 so-called 1980 black land-grant colleges plus Tuskegee Institute, based on a formula-funding system. A portion of this bill was adopted in the subcommittee and committee and passed the House just prior to the election recess period.

In the pesticide area, Mr. Wampler's scientific peer-review amendments to the 1981 FIFRA authorization bill were passed by the House and accepted by the Senate. These amendments will require the Environmental Protection Agency to conduct independent scientific peer review, both as to study design and results of any major study utilized by the Agency in any regulatory action against a pesticide. This legislation will go a long way toward correcting abuses by EPA in "bending" science to fit its regulatory actions. It will help to return the confidence of the people to the institutions of government.

Mr. Wampler, aided strongly by Mr. Symms, Mr. Grassley, Mr. Hagedorn, Mr. Coleman, and others, continued his efforts to overturn the USDA and the Food and Drug Administration's proposal to ban or phase out the use of nitrite, the only known chemical that has the properties to prevent botulism in meats, poultry, and fish.

The vigilance of these members paid off just before the election recess when a federally funded independent scientific review of the so-called Newberne study, used as a basis for the 1978 proposal to phase out or ban nitrites, held that the nitrite study had no scientific validity. The persistent oversight of this group has prevented a premature and unwarranted action by agencies of our Government, and has saved the meat, poultry, and fish industries as well as some traditional foods from disappearing from our food inventory.

Finally, Mr. Wampler has started the wheels turning toward drafting an extension of title XIV, the Agricultural Research, Extension and Teaching Policy Act—a major part of the 1977 farm bill—which expires in the next Congress. He is of the firm opinion that this action will provide the American farmer and rancher and American agribusiness with the tools to keep American agriculture No. 1 in the world, and thus provide our people with the lowest priced and the most wholesome food available anywhere. In addition, it will insure enough food, fiber, and forest product exports to allow us to pay for a substantial part of our imports needed to support our economy and aid in our national security.

In an effort to address his concern that, in many cases, areas within the jurisdiction of USDA are being taken over by other agencies—such as FDA or EPA—Mr. Wampler introduced a bill to repeal the act of 1913 (21 U.S.C. 151-158) and replace it with a new act to be known as the Animal Biological Products Act. The new act would strengthen regulatory measures relating to the production, distribution, and sale of animal biological products used in the prevention, diagnosis, and treatment of animal diseases, and assure that regulatory authority in these areas rests with the Secretary of Agriculture. Increased regulatory authority is not favored unless there is a definite need for it; however, if there is to be further regulation in this area, the Secretary of Agriculture should administer it.

Finally, in another area impacting on agriculture, Mr. Wampler was an active member of the House-Senate conference committee which finalized the Synthetic Fuels Act, a bill to encourage production of fuel from domestic resources such as coal and biomass. Alcohol fuel provisions in the omnibus Synfuels Act, which include direct loans for small-scale alcohol facilities and funding to promote research and extension, represent an opportunity for farmers to help the Nation achieve energy independence while easing their own energy needs.

This major piece of legislation also contained several other provisions which benefit farmers and rural communities, including loans for small-scale hydropower projects and energy conservation and solar energy programs for farm buildings, rural housing, and low-income homes. The synfuels bill was signed into law last June.

Mr Speaker, we will miss Keith Sebelius of Kansas in the House of Representatives when he retires at the end of this term. More importantly, the farmers of America will miss Keith for he was their champion.

Although this Democratic-controlled Congress may have been remiss in its oversight responsibilities, Congressman Sebelius has been most active in his responsibilities in this regard during the past session. Mr. Sebelius led the way in examining the controversial Government-to-Government rice sale to Mexico earlier this year. His belief that actual sales should be conducted by private exporters, rather than Government entities, prompted him to question this sale and promote a change in course for USDA policymakers.

The gentleman from Kansas worked actively with his colleagues to assure that administrative decisions with respect to sodium nitrite were based on scientific evidence, rather than prejudice and faulty research. He also worked for what he calls commonsense in administrative actions regarding sulfamethazine residues in pork; net weight regulations; meat inspection, grading, and quality control regulations; and buffer zones in the aerial application of pesticides.

On the legislative front, Mr. Sebelius responded to the skyrocketing interest rates earlier this year—during the time when farmers had to borrow to plant their crops—by introducing legislation to grant tax credits for interest payments exceeding 12 percent.

Mr. Sebelius also introduced legislation to extend the life of the Farmers Home Administration economic emergency loan program and to increase the authorized funding for this important program. Similar legislation was passed and became Public Law 96-220.

One of the most important areas of legislation with which the House Agriculture Committee is involved is food stamps—and one of the most active members in that regard is my colleague, Paul Findley of Illinois.

Mr. Findley led the bipartisan effort on behalf of 20 Senators and House Members to investigate the use of Federal funds by a public interest group called the Food Research and Action Center—also known as FRAC—to interfere with at least two of the food stamp "workfare" pilot projects, one at Morristown, Tenn., and one at Zanesville, Ohio. These projects were authorized under section 17(b)(2) of the Food Stamp Act of 1977 and Mr. Findley's assistance in obtaining an investigation of FRAC's efforts to impede the intent of Congress in establishing them is most fitting and proper.

A report on this investigation of FRAC by the General Accounting Office was released October 14, 1980. It makes certain findings to the effect that FRAC was in violation of lobbying laws on at least two occasions and directs the Community Services Administration (CSA) to recover expenditures on these unlawful activities. It also calls on CSA to review its regulations to insure that they are consistent with directives in section 607(a) of the Treasury, Postal Service and General Government Appropriation Acts regarding appropriation restrictions on the funding of lobbying activities and to provide notice to CSA grantees of this prohibition. I hope CSA will pursue this matter diligently so as to deter so-called public money to serve personal interests.

I might note that Mr. Findley was the sponsor of an amendment to S. 1309, the Food Stamp Amendments of 1980, to provide Federal reimbursement to States and local communities of up to 50 percent of the administrative expenses incurred in establishing workfare projects in their areas. I consider this a worthwhile expenditure of Federal funds to make sure the second round of these projects gets off to the right start.

One piece of legislation which Mr. Findley cosponsored with Ed Madigan of Illinois, and helped push to enactment, was H.R. 6593, the Swine Health Protection Act. It was approved by Congress October 1 and is now awaiting the President's signature. This bill will protect American hog producers and the multibillion-dollar pork industry against possible invasion of the deadly African swine fever from the Caribbean area—a disease so serious that the Dominican Republic was forced to kill its entire hog population this year to eradicate it. Briefly, the legislation provides that all garbage—which is the main carrier of the disease—fed to swine must first be treated to kill disease organisms. It also provides for a cooperative State-Federal animal health protection program.

As you know, Mr. Speaker, the distinguished gentleman from Idaho, Steven Symms, has decided to seek office other than the one he served so well here in the House for 8 years. He is running for the U.S. Senate from his home State and we all wish him well, of course. He will be missed as a member of the House Committee on Agriculture.

Although I singled out Paul Findley a moment ago for his work on food stamp legislation, I should note that the gentleman from Idaho was equally active in the legislative battle to make this program more effective. For one thing, he led the floor fight on S. 1309 to restore the requirement that recipients of food stamps must first purchase an amount of stamps based on their income before they become eligible for free stamps. Of course, very low income households would have no purchase requirement. Although this amendment failed, it represented an effort to restore the nutrition focus of the food stamp program—a most important part which was unwisely deleted from the program.

Mr. Symms was also active in other areas of food stamp legislation this past session, offering an amendment which was adopted to strike the 5-percent cushion for fiscal year 1980 and the 10-percent cushion for fiscal year 1981. As you know, these so-called cushions would have enabled the U.S. Department of Agriculture to spend sums considerably in excess of authorized amounts for food stamps without ever returning to the Congress for authority. Thus, the congressional oversight of this program would have been reduced even more than it is now.

What Steve Symms did, in effect, was head off the establishment of a dangerous precedent and put the Department of Agriculture on notice to be more cautious in the administration of the food stamp program. I will not at this time go into the waste of Federal funds in this program which has been uncovered by GAO—but it is horrendous. That is one reason why the Symms amendment was so important.

I might note that Congressman Symms was gracious enough to step aside from the committee to enable George Hansen, a fellow Idahoan, to continue that State's representation on the panel.

The Agricultural Committee will miss Jim Johnson of Colorado who is retiring at the end of this Congress. He is one of those unique members known for his independent thinking—one who commands respect on both sides of the aisle.

As the ranking minority member of the Subcommittee on Forests, one of Mr. Johnson's greatest feats in the 96th Congress was preventing bad legislation from reaching the floor of the House. H.R. 4718, the Forestry Loan Act, is a good example. The theory behind the Forestry Loan Act was that small, nonindustrial landowners needed an annual cash flow to encourage an increase in the productivity of private nonindustrial forest land. Mr. Johnson demonstrated that, over the past 25 years, timber growth has exceeded removals in every part of the country, except the West, and on all forest land, public and private, except that held by large timber firms. The Forestry Loan Act would have blazed a new concept in an entitlements program, he pointed out. It would have provided annual income payments to a landowner, insured and guaranteed by the Federal Government, based on what someone thinks the inflated future value of his trees will be worth, even if the trees have not yet been planted. Repayment of the loans would have been over 15 to 30 years. The first version of this legislation would have exposed the Treasury to billions of dollars in payments—whereas the final version contained a $50 million cap. However, in spite of his success in reducing the cost of the Forestry Loan Act, Jim Johnson showed that this legislation would squander and misallocate our valuable resources, greatly increase our ballooning offbudget expenditures and increase the Federal debt.

Because of the high respect Jim Johnson commands on the House Agriculture Committee, I might note every single Republican voted against the Forestry Loan Act. Even though the Forestry Loan Act was reported out of the House Agriculture Committee last spring and was pending before the House Rules Committee, it was never granted a hearing in Rules—and if it had been I feel sure it would not have passed.

Mr. Speaker, I consider Jim Johnson one of the top authorities on natural resources issues facing this country. He strongly favors doing everything possible to increase our renewable resources for the future benefit of all Americans and, to this end, he firmly supported the reforestation tax incentives provision—attached to the Federal boat safety bill, H.R. 4310—which was recently signed into law. The reforestation tax provision encourages landowners to reforest their lands by allowing rapid tax writeoffs. The provision also establishes a trust fund to reforest public lands. Industry tax experts call this measure the most important forestry tax measure in 20 years. I commend Mr. Johnson for his work on this measure.

The distinguished gentleman from Illinois, Ed Madigan, is one of the most active members of the Committee on Agriculture—and I am pleased to talk about what he was able to achieve for farmers in a number of important areas.

For starters, he cosponsored the Federal Crop Insurance Act of 1980 and played a major role in getting final congressional approval on this all-risk crop insurance legislation and on its eventual extension to all crops in all countries.

Ed Madigan also worked for an amendment requiring the Federal Crop Insurance Corporation to offer two insurance policies to farmers: an all-risk policy and an all-risk policy without hail and fire coverage, with premium costs adjusted accordingly. The effect of this proposal is to place the private insurance industry on an equal footing with the Federal Government, and to provide the farmer with the flexibility to choose the type of insurance protection best suited to his particular needs. This legislation was signed into law in September, I am pleased to note.

During consideration of the amendments to the Consolidated Farm and Rural Development Act, which have passed both Houses and have been signed into law, Mr. Madigan worked to establish higher funding levels for Farmers Home Administration loan programs and also authored an amendment to increase the size of rural communities eligible for community facility loans from a population level of 10,000 to 20,000. This amendment will add about 1,200 communities to the eligible list and aid them in finding financial assistance for such needed projects as hospitals and nursing homes.

My Illinois colleague also cosponsored Farm Credit Act amendments which have passed the Agriculture Committee and are now awaiting House floor action. This important legislation updates and improves the farm credit system, the single largest source of credit for the U.S. agricultural sector.

I would be remiss if I did not mention that, along with Congressman Findley, Mr. Madigan cosponsored the Swine Health Protection Act to protect our Nation's multibillion-dollar hog industry from the potentially devastating effects of an African swine fever epidemic.

Peggy Heckler of Massachusetts has been instrumental in leading the fight for consumers. She was in the forefront in helping to defeat sugar legislation which she characterized as "setting an artificially high price on sugar at a time when prices were low." In addition, during hearings on the National Academy of Sciences study of cholesterol in the American diet, Mrs. Heckler was critical of the Government's handling of this issue. She put it this way:

> To publicize one year that too much cholesterol is dangerous to your health and then reverse that opinion shortly thereafter, only leads to confusion and doubt in the minds of the American public.

Along with consumer issues, Peggy Heckler has been involved to a great degree in food stamp legislation. She was responsible for a provision in the 1980 food stamp legislation that would allow shelters of halfway houses for battered women and children to receive food stamps as payments for meals. She was also successful in revising the deduction system to provide a separate dependent care deduction.

I am pleased to note the achievements of Jim Jeffords of Vermont—especially on the Federal crop insurance program. As a result of a Jeffords' amendment to the Federal crop insurance bill, the FCIC is empowered to conduct pilot insurance programs on livestock diseases, the destruction of bees due to the use of pesticides, and other unique problems of special risks. Such insurance programs will reduce the need for costly Government indemnity programs for such risks.

Congressman Jeffords has been an active participant in legislation to amend the Farm Credit Act. He fought to improve the synthetic fuels bill and, when the Senate added a title for acid rain research to the omnibus Energy Act, S. 932, two dozen Congressmen joined Jim Jeffords in a strong letter to the House and Senate conferees on the bill to strengthen several of the bill's provisions. A greatly improved acid rain title was part of the conference report which was approved by the House and Senate. The bill has been signed into law.

When the Wood Residue Utilization Act, H.R. 6755, was considered by the Committee on Agriculture, Mr. Jeffords offered an amendment making it possible that wood residues could be used in a wide variety of energy applications. This emphasizes and helps to make possible that wood can help this country become energy independent.

One member of the Agriculture Committee whose contributions to its effectiveness will be missed is Richard Kelly of Florida. The judge, as he is affectionately called by his colleagues, has always been an ardent protector of taxpayers' money as well as farmers' interests. He has maintained that food stamp benefits should go to the needy—like the elderly and disabled Americans—and not the greedy—like strikers and cheats. He fought the sugar bill because he thought it would subsidize a narrow segment of the domestic sugar industry at a cost of millions of dollars to consumers. He has warned us of the danger of Government involvement in the private money market system, voicing concerns that the Government should be very cautious of loan guarantees.

Mr. Speaker, one of the most active members of the Agriculture Committee was Charles Grassley of Iowa. One of the leaders on the committee to prevent a nationwide ban on nitrites on the basis of the controversial Newberne study, he requested the Iowa State University review that found serious flaws in the study, and initiated the request to the General Accounting Office to investigate the handling of the study by the U.S. Department of Agriculture and the Food and Drug Administration.

In the 95th Congress, Chuck Grassley was one of the three principal authors of the law requiring foreign buyers of U.S. farmland to report their holdings. In this Congress, he introduced and pushed for passage of legislation to close the capital gains tax loophole for foreign buyers of U.S. farmland. Mr. Grassley worked for legislative and administrative actions to offset the price-depressing effects to farmers of the embargo on farm exports to the Soviet Union. He is a strong proponent of ending this ban which he describes as "ill advised and ineffective."

During the farm credit crunch earlier this year, Mr. Grassley successfully urged the Federal Reserve Board to make additional credit available for agricultural purposes, and prodded USDA to release Farmers Home Administration emergency farm loan funds. He authored two bills proposing new approaches to soil conservation and is actively working for more intensive soil conservation efforts nationally. He is a strong supporter of changing the unfair estate tax laws.

In addition to his active efforts on the House Agriculture Committee through proposed legislation and amendments to protect the interests of the Nation's farmers and ranchers, Chuck Grassley was a principal sponsor of the recently enacted Rural Development Policy Act to improve Federal coordination and administration of programs affecting rural areas, and to make Federal rural policies more responsive to the needs of rural communities in the United States.

One of the strongest defenders of American agriculture on the House Agriculture Committee is our colleague from Minnesota, Tom Hagedorn—a farmer himself. Tom Hagedorn has been at the forefront of efforts by many of the members of the committee—particularly Republicans—to ameliorate the impact of President Carter's embargo on the export of grain to the Soviet Union. He was one of the first to advocate purchases by the Federal Government of the embargoed grain and isolation of it from the market in order to protect farm prices. In an effort to help feed grain farmers plan more effectively, he cosponsored and supported legislation to advance the date by which a feed grain set-aside must be announced.

Mr. Hagedorn has been an avid proponent of ethanol production—particularly from agricultural commodities. Title II of the Energy Act contains much of the legislation he introduced early in this Congress to provide for ethanol research programs, to encourage the use of grain-produced ethanol as an alternative fuel for motor vehicles, and to provide guaranteed loans for ethanol-producing facilities.

Tom Hagedorn was also a leader in the fight by members of the committee, mainly Republicans, to keep nitrites as a preservative for processed meat products. His efforts and those of other committee members were instrumental in getting USDA and the Food and Drug Administration to review the evidence against nitrites and to finally conclude that there really was no evidence on which to ban the use of this beneficial preservative.

The role of Tom Coleman of Missouri on behalf of farmers is one I cannot fail to mention, Mr. Speaker. He spearheaded a successful effort to insure an appropriate investigation and response to allegations of mismanagement and corruption in the Federal Crop Insurance Corporation—an investigation which resulted in the removal of four of the top officials of the Corporation. He is largely responsible for a subcommittee hearing into the handling by USDA of the Inspector General's report on the case to insure that it was not swept under the rug by the Department.

In another important area involving farm credit, Mr. Coleman was successful in getting a two-House veto provision included in the Farm Credit Act amendments, insuring that the program would be administered as Congress intended.

Along with other committee members, I should note that Tom Coleman worked to keep nitrites from being banned as a meat preservative and to keep the public informed on the mishandling of the case by USDA and FDA.

Another active member of the Agriculture Committee is our colleague from Montana, Congressman Ron Marlenee. His efforts on behalf of wheat producers and livestock ranchers have been particularly effective. He supported higher target and loan rates for wheatgrowers and represents the Agriculture Committee minority on a congressional mission to Canada to discuss wheat export issues with Members of Parliament in Ottawa.

Congressman Marlenee has shown his concern for the livestock industry by sponsoring and testifying in support of legislation to assure that imported meat products meet the same health and safety standards as domestic meat, by cosponsoring a bill to reduce the amount of livestock losses to coyotes, and by cosponsoring a bill to assure that African swine fever is not transmitted to our domestic swine population through feeding of untreated garbage—a bill he joined Congressmen Findley and Madigan in pressing to a successful conclusion.

Ron Marlenee has also fought to cut waste and overlap in Federal programs. His efforts produced a limitation of 200 on the number of additional full-time employees the Federal Crop Insurance Corporation may hire to carry out the new crop insurance program, and resulted in a reshaping of a rural development bill to eliminate a bureaucratic oversight group.

From the day our colleague from Kentucky, Congressman Larry Hopkins, joined the Agriculture Committee, he has been an effective spokesman for growers of tobacco—a crop which is so important to the agricultural economy of his State. Mr. Hopkins again led the fight to continue—for the third year—the experimental looseleaf tobacco marketing program. His efforts to expand that experiment have been beneficial to tobacco growers. He has also pressed for continued funding for tobacco production research and tobacco insect research, and he was instrumental in arranging a field hearing in Lexington, Ky., where the Tobacco Subcommittee, of which he is a member, heard testimony on matters of interest to the tobacco industry in Kentucky. Mr. Hopkins is also working closely with the Environmental Protection Agency to assure that a much-needed pesticide, metalaxyl, used to control a devastating tobacco disease, will receive timely consideration.

Congressman Hopkins is also a cosponsor and active supporter of the legislation to update and improve the operations of the member banks of the farm credit system. He has worked closely with personnel of the system in his district to get a bill out of the committee which meets the needs of the local farm credit system institutions.

Mr. Speaker, the second newest Republican member of the Agriculture Committee is Congressman Bill Thomas of California who has taken up his responsibilities with a vigor and dedication which is refreshing. He cosponsored H.R. 5523 to establish an improved program for Extra Long Staple cotton, which was signed into law. One of Mr. Thomas' amendments to this bill was adopted which struck a section allowing for the unprecedented interstate sale or lease of cotton allotments to producers wanting to grow more Extra Long Staple cotton. Since allotments have been used to control production rather than increase it, his amendment to delete this section was most pertinent—as USDA can increase the national allotment and achieve the same results.

Bill Thomas was also successful in inserting an amendment in H.R. 3683 that did not place a cap on the total amount of emergency loans that may be obtained by a farmer under the emergency loan program administered by Farmers Home Administration.

He also joined five other members of the Agriculture Committee in requesting Secretary Bergland to fully explain not only his remark that he "will not put Federal money into any project that results in the saving of farm labor" but also to explain the need for a task force on agricultural mechanization research. As he told the Secretary, "We've come a long way since the invention of the wheel—let's keep going forward, not backward."

Congressman Thomas also cosponsored legislation, H.R. 7824, that would relieve farmers, ranchers, processors, and other fixed-site agricultural employers from having to undergo fingerprinting, registration with, and investigation by the Department of Labor. The Farm Labor Contractor Registration Act of 1963 was intended to crack down on unscrupulous labor contractors, but due to overzealous interpretation the Department of Labor has extended its provisions to farm operations and farmworkers. This bill would clarify who is and who is not covered by the 1963 act and relieve agricultural employers from unnecessary and burdensome regulation.

One area in which Bill Thomas has been at the forefront is continuing to assure that U.S. agricultural exports receive equitable and reasonable access to the European Economic Community (EEC). He has also continued to monitor as well as testify on behalf of the almond and citrus industry, to seek a resolution to the external tax imposed by EEC on almonds, as well as a resolution to the preferential tariff reductions provided citrus imported from certain Mediterranean countries. Both of these actions by EEC until resolved will continue to hamper U.S. exports.

Mr. Speaker, the newest Republican member of the House Committee on Agriculture is Idaho Congressman George Hansen, who has extensive experience in agriculture. He was a member of the Agriculture Committee from 1965 to 1969 when he served on Capitol Hill and gained additional experience while serving at the Department of Agriculture from 1969 to 1972.

During his five terms in Congress, Congressman Hansen has taken an active role in agricultural matters. Although he was just reappointed to the committee last month, he has sponsored legislation concerned with issues such as beef imports, food stamp reform, wheat embargo adjustment, estate and gift tax reform, and OSHA as it applies to agriculture. He has worked with key committee members on such items as multiple-use forest management and animal damage control.

Mr. Speaker, these are just a few of the achievements by Republican members of the House Committee on Agriculture which time permits me to go into. There are innumerable others, however. Republicans on this committee and on others in the Congress have established a record for responsibility of which I am proud to be a part.

There is an old saying that Republicans grow on you—that you see what they can do and you want to elect a lot more. I am hopeful this message gets across to the voters on November 4.●

REVITALIZE THE STEEL INDUSTRY

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WALGREN. Mr. Speaker, I would like to share some observations on the economy by an outstanding business leader and personal friend of mine—Mr. R. P. Simmons. As president of Allegheny Ludlum Steel Corp. Mr. Simmons is a leading spokesman for the specialty steel industry. His firsthand knowledge of the steel industry will make a significant contribution to the national effort to revitalize our domestic industry:

Hon. Doug Walgren,
U.S. House of Representatives,
117 Cannon House Office Building,
Washington, D.C.

Dear Doug: Following up on your letter of August 6, 1980, let me offer you some comments concerning the items which you have mentioned in your letter and which, of course, are of great importance to Allegheny Ludlum, its employees, and its shareholders.

Let me start my comments by focusing on the continuing problem of "unfair" competition. As you know so well, the specialty steel industry of the United States and Allegheny Ludlum Steel Corporation have consistently taken the position that we are prepared to compete and we can compete from the standpoint of technology, productivity, and efficiency with any specialty steel industry in the world if—our foreign competition must meet our disciplines of profit and capital formation. In other words, we are not asking for protection from "fair" competition. The reason that I state this first is because it will become the basis of the following comments I make. We, of course, in the specialty steel industry are concerned over the extremely rapid rise in imports of certain specialty steel products since the termination of quotas on February 14. Imports of stainless steel bar, stainless steel rod and tool steel are up dramatically; in two cases, up by more than 100% in the first half of this year as compared to the first half of 1979. Keep in mind that quotas did not expire until February 14 of this year. Thus, these increases have occurred dramatically in the last several months.

Now with respect to tax cut legislation, I am in no position to suggest when Congress should act with regard to a tax cut. It is very clear, however, that both positions in Washington appear to favor a cut. The only question is whether or not the cut should be legislated prior to January 1 or after January 1. Both positions seem to favor the tax cut taking effect on January 1. What I am most concerned about is the nature of the tax cut. If this country does not adopt a policy to spur investment by industries such as ours which are so heavily capital intensive, the time will soon be past when we will be able to compete with foreign producers who do not seem to be constrained at all. Frequently, they are able to invest only because they are funded by their government. The need for tax relief either in the form of tax cuts, increased investment tax credits or improved depreciation guidelines in the form of a 10-5-3 program is an absolute necessity if industry is to begin to reverse the long and injurious trend of declining investment in this country. I frankly am somewhat pessimistic that the time may already have passed when this nation can reverse this alarming trend, a trend which you and I know has been going on now for over ten years.

If you will accept the logic of tax reform to spur capital investment by improving cash flow, I hope you will keep in mind that improving depreciation guidelines is of little help unless you are earning a profit. The importance of this is related to uncontrolled imports of unfairly priced products. If foreign companies during this current recession behave as they have in every other period of recession, they will increasingly dump their products in the United States in order to "export their unemployment" to the United States. We could be facing a rather slow period of recovery, a period which may take as much as two years to reachieve the levels of output that we have seen in 1979. If this is the case, improved depreciation guidelines or improved investment tax credits will be of little benefit if we do not have sufficient profits to credit them against. This is the reason why my first comment dealt with the problem of unfair competition from abroad.

Finally, let me offer one comment concerning the increasing call for the "reindustrialization" of America. I have, as you know, spent a great deal of time working in Washington and growing to understand how the system works. I must admit I have become increasingly cynical over the ability of government to develop good solutions to serious problems. For many years, I focused on trying to identify the problem that the specialty steel industry faced with regard to unfair imports. I believe that most of the members of Congress and the present Administration understand the seriousness of this problem. I am concerned, however, with the kinds of solutions that will be developed since so frequently they become pragmatic political solutions rather than anything approaching the best solution. I am increasingly concerned that the government attempts to involve itself in business in ways that anyone with a knowledge of business understands will never work. When a member of the Administration says to me, if we give you depreciation relief, will you promise to invest the money in the steel business; my response is automatic. That is a promise I can neither make nor if I could, would I. The capital will flow to those industries that indicate the best return of that capital. It is inherent in our system and I am convinced that it is the only way in which capital should be allocated. The communist countries have proven that a controlled economy with decisions being made by bureaucrats does not work.

So I conclude by urging you to reject the kinds of solutions that involve more government involvement except and unless it involves tax policies which are really not government involvement or enforcement of U.S. laws which really, in my opinion, is not government involvement. If I have a concern, it is that some of our laws including the most recently passed trade law do not respond to the problem of endemic dumping from many countries throughout the world dumping the same product in the United States. The antidumping laws require a tremendous amount of commitment of money and energy to prepare and prosecute each case. Endemic dumping is almost an impossible problem to deal with. It is for this reason that the specialty steel industry has called for the reimposition of quantitative restraints.

Best regards.

Sincerely,

R. P. SIMMONS.●

COTTER PLAN TO INCREASE SAVING FOR RETIREMENT

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. COTTER. Mr. Speaker, I have been developing a plan to increase saving for retirement by increasing the maximum contribution limit on individual retirement accounts, and expanding the number of individuals eligible to open these accounts. I am placing a general explanation of my bill, H.R. 8283, at this point in the RECORD, along with the estimated distribution pattern by income class of benefits:

COTTER PLAN

PRESENT LAW

An individual generally is entitled to deduct the amount contributed to an individual retirement account or individual retirement annuity, or used to purchase retirement bonds (referred to collectively as "IRAs"). The limitation on the deduction for a taxable year is generally the lesser of 15 percent of compensation for the year or $1,500. The $1,500 contribution limit is increased to $1,750 for a spousal IRA for a year where (1) the contribution is equally divided between an individual and the spouse of the individual, and (2) the spouse has no compensation for the year. However, no IRA deduction is allowed for a taxable year to an individual who is an active participant during any part of the year in a tax-qualified pension, profit-sharing or stock bonus plan, a tax-sheltered annuity, or a governmental plan (whether or not qualified).

Many qualified plans provide for contributions by both the employer and the employee. In some cases, the employee contributions are mandatory (i.e., required as a condition of employment, as a condition of participation in the plan, or as a condition of obtaining additional employer-derived benefits). In other cases, employee contributions are voluntary. A plan can provide for both mandatory and voluntary employee contributions.

Income allocable to an employee's contributions to a qualified plan is generally not taxed to the plan or the employee prior to the time the income is distributed or made available to the employee or the employee's beneficiary. However, the employee is not qualified to a deduction or exclusion for employee contribution to a plan.

In the case of tax-sheltered annuities (including custodial accounts investing in shares of a regulated investment company) purchased by certain tax-exempt institutions for their employees or purchased by schools for teachers, employees are entitled to an exclusion, within limits, from gross income for amounts contributed on a salary reduction basis.

EXPLANATION OF PROVISIONS

Increased deduction for retirement.—Under the bill, the annual limit on deductions for contributions to an IRA would be increased to 100 percent of the first $2,000 of compensation for an individual who is not an active participant in a qualified plan, a tax-sheltered annuity, or a governmental plan. For spousal IRAs, the annual limit would be increased to $2,500.

Deduction for retirement plan participants.—The bill would generally allow a deduction for up to $500 for contributions by an employee who is an active participant in a tax-qualified retirement plan, a tax-sheltered annuity, or a governmental plan. The deduction would be allowed, subject to the annual $500 limit, (1) for contributions to an IRA and (2) for designated employee contributions to a qualified or governmental plan or under a tax-sheltered annuity if the plan or annuity contract meets certain accounting requirements.

Under the bill, an employee could designate voluntary cash contributions as deductible for a taxable year. Designated contributions by each employee would be recorded in a separate qualified employee account under the plan or annuity contract. An employee's right to the balance of designated contributions (including gains, losses, income, and expenses relating to the account) would be fully vested at all times and withdrawals could be made by the employee at least annually. Withdrawals from qualified employee accounts would be subject to tax unless rolled over to an IRA or to another qualified employee account. As in the case of an IRA, withdrawals made by an employee before attaining age 59½ would be subject to an additional 10 percent tax unless the employee is disabled. An employee would receive an annual report on the qualified employee account.

To encourage the growth of qualified plans, the bill does not allow a deduction for contributions to a qualified plan by a self-employed individual.

Minimum deduction.—Under the bill, individuals (other than self-employed individuals) who are presently barred from making deductible IRA contributions would be allowed a deduction for IRA contributions. The deduction would be limited to 100 percent of the first $500 of the individual's compensation. The minimum deduction rule would apply, for example, to an active participant in a tax-qualified plan. The bill also permits limited income splitting by married couples under the minimum deduction rules. For example, if a wage-earner has compensation of at least $1,000 for a year, that $1,000 could be split with the wage-earner's spouse so that $1,000 could be deducted for IRA contributions (up to $500 for each spouse) even though one or both of the spouses is an active participant in a qualified plan.

Disclosure.—The bill expands the pre-investment disclosure rules with respect to IRAs. Under the bill, a financial institution which provides more than one investment medium for IRAs would be required to disclose the features of the alternative investments.

Effective date.—Generally, the bill would apply for taxable years beginning after December 31, 1980. The disclosure provisions would apply beginning on January 1, 1981.

COTTER PENSION PLAN—ESTIMATE OF DISTRIBUTION BY INCOME CLASS

[1978 income level]

Aggregate gross income (thousands of dollars)	Tax deduction (millions of dollars)	Percent of all tax deduction	Number of returns (thousands of returns)	Percentage of all returns
$0 to $10	143	6.0	577	11.6
$10 to $20	565	23.9	1,384	27.7
$20 to $30	655	27.7	1,312	26.3
$30 to $50	663	28.0	1,181	23.7
$50 to $100	273	11.5	445	8.9
$100 plus	68	2.9	91	1.8
Total [1]	2,367	100.0	4,990	100.0

[1] Estimated revenue loss for 1978 is $760 million.

Source: Joint Committee on Taxation.●

IN THE MATTER OF MICHAEL J. MYERS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WEISS. Mr. Speaker, I insert in the RECORD at this point two sections from the transcript of the trial of Michael J. Myers.

First, I insert the complete text of the exchange in the cross-examination of the prime informant in Mr. Myers' case, Mr. Weinberg, during which the informant is questioned about the prior setting up of a U.S. Senator from New Jersey in the same Abscam investigation. I read a portion of this part of the cross-examination during the floor debate today.

Second, I insert the instructions of the trial judge, the Honorable George C. Pratt, to the jury regarding the episode with the Senator from New Jersey.

Both inserts are drawn from the report of the Committee on Standards of Official Conduct on the matter of Michael J. Myers.

The cross-examination follows:

Q. Now, Mr. Weinberg, certainly in that last sequence that was played, you were instructing and telling people what to say, is that correct?

A. That is correct.

Q. You were setting the stage for presentation before the Sheik, is that correct?

A. Yes.

Q. And Tony?

A. Yes.

Q. That was the Sheik, of course, played no part, he was just a figurehead?

A. That is correct.

Q. Never opened his mouth?

A. I wasn't in the room, I don't know.

Q. He never, under the circumstances, according to the plan, was supposed to say anything?

A. I don't know what was said in the room.

Q. Let me ask you this, the total ABSCAM concept, the Sheik was never supposed to say anything, just sit there?

A. I don't know. I wasn't in the room.

Q. You were downstairs, you gave the instructions before the person went in the room, right?

A. I was with the people down in the room.

Q. What the jury heard is what you told the people and Mr. Errichetti before the person went into the room where the Sheik was?

A. That is correct.

Q. He was told what to say and how to do it, you will go on stage twenty minutes, it's all ——?

A. Yes.

Q. That was presentation before a person who really was not a Sheik?

A. That is correct.

Q. An F.B.I. agent?

A. Yes.

Q. It was play acting to be put on before whoever was in the room, Tony Amoroso and the person who was the Sheik?

A. Yes.

Q. According to the script as the jury heard it?

A. I don't know about the script here.

Q. According to the words and performance you read out before the persons went in the room as heard on the tape?

A. That is correct.

Q. And the two previous tapes that set up the climax, it was preparation with Mayor Errichetti, you telling him what to do with respect to those persons?

A. I told him to set the meeting up.

Q. He followed your instruction?

A. Yes.

Q. The tapes of the 16th and 20th culminated or came to a climax with the tape of the 28th when you——

A. I told him what to say in the tape.

The judge's instructions follow:

The COURT. I will give a double limiting instruction, ladies and gentlemen. First off, the meeting they are talking about, you may recall from the testimony yesterday, involved three people, Senator Williams, the defendant Errichetti, and Mr. Weinberg. None of the other three defendants were present. And therefore until I tell you otherwise—unless I tell you otherwise—you should not weigh the evidence as against them, the other three defendants or any of them.

But there is another sense in which the evidence that you are about to hear should be limited in your consideration. The purpose for which I am admitting this evidence is for you to weigh in connection with the contention that what happened as between the defendant Myers and the sheik's representatives on the occasion which you have seen in one of the videotapes when money was allegedly given to Mr. Myers, what happened on that occasion is something that you are going to have to determine. What the meaning of what happened—what the witness testified to about it, the defendants have argued to you in their opening statements and apart from questions that this is not what it appears to be on the surface, but was in effect someone acting out something they were supposed to be doing or were told to do.

This evidence that you heard yesterday was offered—admitted for the purpose of your determining whether or not there is merit to the contention that this was in effect a stage play, that the people who were dealing with the sheik—sheik's representatives—in our case, that would be Congressman Myers—was he acting or was he not? And the contention with respect to the evidence relating to Senator Williams is there was similar conduct on the part of Mr. Weinberg, that he was giving instructions as to exactly what should be said. He did it on the one occasion. Therefore, the argument would be that he—that is what he did with respect to Congressman Myers. It is what we call similar act kind of testimony. Its significance for your purpose is to determine whether or not there was some kind of a plan, pattern, action carried on by Mr. Myers and/or the FBI agents to put words into the mouths of the participants so it would appear on television or on tape recordings that they were taking money in return for being influenced in official actions when in fact that was not the case. That is one of the central issues that you are going to have to determine. And this evidence relating to Senator Williams is an entirely different transaction. It does not involve any of the—directly any of the issues that you have to determine in this case. But it is offered solely on this question of what was it that was really going on. I am sorry. It is offered solely on the question of was there some kind of a pattern or plan of action on the part of Mr. Weinberg and Mr. Amoroso to tell people what they were to say.

It is contended that what happened before Senator Williams is that he was told what to say. And it is argued that it was part of a plan, and that plan extended to include what happened before Congressman Myers. There's no contention that there is any direct connection between Senator Williams and Congressman Myers. There is no indication of connection other than the possible common connection of the defendant Errichetti having been present on both occasions.

So it is in that limited sense that you are to view this evidence together with the limitation that it does not apply at this stage directly to any of the other defendants except to the defendant Errichetti.●

ABM SYSTEM

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WINN. Mr. Speaker, in light of the ongoing instability in the Middle East, and the heightened cold war situation between the United States and the Soviet Union, an issue of paramount importance to the American people is that of our national security system. It is absolutely crucial that accurate information be disseminated to public officials as well as the general populace so that important security policies are decided on fact, not illusion. At this time I would like to submit an excerpt from the 1980 Edition of the Arms Control and Disarmament Agreements regarding our presently dismantled ABM system.

PROTOCOL TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC MISSILE SYSTEMS

At the 1974 Summit meeting, the United States and the Soviet Union signed a protocol that further restrained deployment of strategic defensive armaments. The 1972 ABM Treaty had permitted each side two ABM deployment areas, one to defend its national capital and another to defend an ICBM field. The 1974 ABM Protocol limits each side to one site only.

The Soviet Union had chosen to maintain its ABM defense of Moscow, and the United States chose to maintain defense of its ICBM emplacements near Grand Forks, North Dakota. To allow some flexibility, the protocol allows each side to reverse its original choice of an ABM site. That is, the United States may dismantle or destroy its ABM system at Grand Forks and deploy an ABM defense of Washington. The Soviet

Union, similarly, can decide to shift to an ABM defense of a missile field rather than of Moscow. Each side can make such a change only once. Advance notice must be given, and this may be done only during a year in which a review of the ABM Treaty is scheduled. The treaty prescribes reviews every 5 years; the first year for such a review began October 3, 1977.

Upon entry into force, the protocol became an integral part of the 1972 ABM Treaty, of which the verification and other provisions continue to apply. Thus the deployments permitted are governed by the treaty limitations on number and characteristics of interceptor missiles, launchers, and supporting radars.

The implications of the preceding section are serious. It would lead one to believe that our ABM system is fully functional, when in fact it is not. Vital issues such as the MX missile, B-1 bomber, and especially the SALT II Treaty depend on responsible coverage.●

A QUESTION OF POSTAL POLICY

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CORCORAN. Mr. Speaker, on August 5, I was honored to be the keynote speaker at the 76th annual convention of the National Rural Letter Carrier's Association in Wichita, Kans. I discussed the question of the future of the Postal Service in America with these dedicated Federal employees. This is a question that will have to be resolved soon—probably by the next Congress—and it is a question of vital concern to all Congressmen, because the role of the mails in America's future will shape the nature of all communications in America.

I am including in the Congressional Record a copy of my statement before the National Rural Letter Carriers' Association. I hope that my discussion will provide food for thought as Congress is called upon to decide once and for all the appropriate role of the Postal Service.

President King. It certainly looks like we have a large delegation from Illinois this morning.

Our keynote speaker for this year's Annual Convention is Congressman Tom Corcoran of Illinois, now in his second term in the Congress. Congressman Corcoran represents the 15th Congressional district of Illinois, a sprawling ten-county area in the North Central part of the state.

Since his 1976 entry into the Congress, he has become one of our staunchest and most articulate House Post Office and Civil Service Committee members. His keen wit, razor-sharp mind, reputation for thoroughness and accuracy have made him one of the most respected members of that committee on either side of the political aisle. Congressman Corcoran's penetrating, masterful cross examination of the Postmaster General and the Board of Governors of the Postal Service at a special committee hearing earlier this year exposed to public scrutiny the folly of eliminating six-day mail delivery. A passionate supporter of universal postal service, Congressman Corcoran is the sponsor of legislation which would allow Congress to veto all changes in postal services which would have a national impact.

He is also the author of numerous amendments which were approved as part of the omnibus Postal Reform legislation enacted by the House in the 95th and 96th Congresses.

Born on the family farm in Ottawa, Illinois, he is a 1961 graduate of Notre Dame University with post-graduate work at the University of Chicago, Northwestern University and the University of Illinois.

A U.S. Army veteran, he has as a staff assistant served in the Illinois State Legislature and as Vice President of the Chicago Northwestern railroad.

Will you please give a warm rural letter carrier welcome to a fine legislator and a good friend, Congressman Thomas Corcoran of Illinois.

[The assembly arose and applauded.]

The Honorable Tom Corcoran, U.S. Congressman (R.-Illinois). Thank you, very, very much.

I want to say to Dean that I really appreciate that stellar introduction. I had no idea that he could read my handwriting that well. [Laughter.]

I'm delighted to be here, and I am happy to have the opportunity which you have afforded me to keynote this Convention. First of all, it's always good to get out of Washington, and, secondly, as you well know, although it's rather hot here in Wichita, it's really hot these days in Washington in more ways than one. [Laughter.] So I'm glad to be here.

This year, everybody in Washington has been talking about balancing the Federal budget. I believe in balancing the Federal budget, because that's the only way we can ever bring inflation under control. However, it seems to me that we should not balance the Federal budget by raising taxes and also by eliminating essential services that we have had in this country for centuries. Furthermore, it seems to me that if we are going to make any spending reductions, any cuts in the Federal budget, that we ought to do it across the board, not just on one or two programs which may or may not be of priority to certain people in Washington.

Of course, as you well know, that brings us to a subject which is dear to you as professional rural letter carriers, and dear to me as a Member of the Congress, and, as Dean pointed out, a member of the Post Office and Civil Service Committee of the House of Representatives. The United States Postal Service has gotten caught up in this attempt to balance the Federal budget. What happened is that there developed a confluence of two groups that came together on this point. On the one hand, we have those who have for years been attempting to get the United States Postal Service out from under the thumb of the Congress, and, on the other hand, we have a variety of people in Washington in high places who know very little about the operation, about the goals and purposes, and about the complex financing mechanism of the United States Postal Service.

The President of the United States and his advisers, particularly those in the Office of Management and Budget, decided upon looking at the totality of the expense side of the United States government, that one of the good candidates for a cut would be Saturday mail delivery. In fact, what they want to do is not just eliminate Saturday mail, but remove the Postal subsidy entirely, the entire $920 million and other additional subsidies that have gone to the Postal Service during these last ten years since the Reorganization Act of 1970. So President Carter announced he would be for eliminating the Saturday mail.

Then followed Congressional actions, first in the Budget Committee of the House of Representatives. They looked at the budget and they said, "The President makes good sense and what we think we will do is recommend also that the Saturday mail delivery and the postal subsidy be removed, if not entirely, at least phased out over a period of two or three years."

Then the Senate Budget Committee got into the act, and they decided that what they ought to do was balance the Federal budget by eliminating Saturday mail delivery. Then followed the leadership of the Congress—the Speaker and the Majority Leader—and they decided that what they ought to do was to eliminate Saturday mail as a means of balancing the Federal budget.

Well, of course, at that particular point, there was silence from a quarter where you would have expected outrage, and I'm talking about the top management of the United States Postal Service. Had this been a cut, not just a cut in the rate of increase of the budget as was talked about for some other agencies of the Federal Government, but a cut, as in the case of this cut below the amount allocated in last year's budget, a cut of more than 3 percent from the last year's budget, can you imagine the outrage from the Secretary of Defense? Can you imagine the outrage from Joe Califano if that happened while he was the Secretary of the Department of Health, Education, and Welfare? He would have come before the Congress; he would have come before the American people; and he would have threatened to resign had his agency been cut in the way in which the President of the United States, the budget leaders of the Congress, the leadership of the Congress, and a good many other people had recommended that the Postal Service budget be cut. What if it had been the Secretary of the Department of Housing and Urban Development? What would that person have done, had there been the talk of a cut, such as below the amount in last year's budget for this year? There would have been outrage.

Why did we hear not a whimper? Why were there no complaints? Why was nothing said? I submit to you the answer is clearly that the leadership of the Postal Service was willing to accept the cut because, for years, the top management of the Postal Service, the Postal Board of Governors, that unnecessary bunch of retired old men who know nothing about the Postal Service [cheers and applause], said not a word. And what came from anybody who had a responsibility for the United States Postal Service? Not one single complaint. The reason is, as I said, that the Postal Service leadership wants to get out from under the thumb of the Congress. They don't like the idea of people like myself or people like Congressman Bill Ford, who is going to have the honor to address this Convention later on this week, looking over their shoulder. They want to do it their own way, and their own way spells disaster for the United States Postal Service as we know it. Mark my word. [Applause.]

Fortunately, into this vacuum came people like yourselves, who, on this occasion as in cases past, have had to enter to do the work of top management and the Board of Governors of the Postal Service to protect the Postal Service and to protect the private express statute. On innumerable other problems in the past few years there have been people like yourselves who have exerted that kind of leadership, and I commend you for it. At the same time, there were a few in Congress, particularly in the House, where we have the Post Office and Civil Service Committee, men like Jim Hanley and Charlie Wilson and others who got involved in the effort to save Saturday mail. And I'm here to tell you that for this year, at least, Saturday mail has been saved. [Applause.]

So that's the good news for this year, and maybe for next year. We have turned the tide on the ill-advised effort to eliminate Saturday mail, and to eliminate more than that, to terminate the postal subsidy altogether in order to get out from under the current limited control of the Congress, to remove any real mechanism for accountability to the American people, and leave to the leaders of the Postal Service the future of the United States Postal Service.

The real question now is what about the future? Is this simply a warning? Is this simply a one-time event that very shortly will be forgotten and fade away into memory? I hate to utter the words, but I think not. I submit to you that this was only the beginning of the attack on the United States Postal Service as we know it today. That attack comes about for two reasons: first of all, because of the basic law that provides the guidance and the direction from the Congress of the United States to the Postal Service; and, secondly, I think it is because of the attitude of the top management and the Board of Governors of the Postal Service.

I think that the lines are drawn in this bellwether year, and hopefully we will have a new Administration in government next year. We will have a new Congress in government next year. One of the primary issues of public policy for that new Administration and that new Congress has got to be the future of the United States Postal Service. [Applause.]

And what are the issues? Well, on the one hand, we have those who say that the Postal Reorganization Act of 1970 is a beautiful work and what we want to do is keep it intact. We want to maintain it, protect it, just like we protect the postal monopoly. But I say we cannot have it both ways, because I believe that if the unfolding of the Postal Reorganization Act continues to the point where the subsidy is removed entirely as is contemplated by the Carter Administration by the House Budget Committee and the Senate Budget Committee, then I believe that the Postal Service as we know it today, will be changed, and changed dramatically.

Furthermore, with particular reference to the monopoly, there is no way that we can maintain and protect the private express statutes if we allow those changes to take place, as I fear they will under the current law. That's why it seems to me that we have to take a look at the current law and decide for ourselves whether or not it is important enough to each of us, whether or not it is important enough to each American, to make the changes in that law which I believe must be made.

What we now have is the Postal Reorganization Act of 1970. It calls for a break-even point in the next few years. Some people in Washington tried to accelerate that this year, but fortunately, as I said, that particular effort has been thwarted. The idea is to live for the Postal Service within its income. The idea back in 1970 was to make the Postal Service independent, because people thought at that time that if we could just get the Post Office Department out of politics and make it independent, we could run it like a business and we could see the costs go down and the services improve. But what has actually been the case since 1970? The prices and the costs have gone up inexorably, and I can see, as you well know, that the current thrust of increasing rates from 15 cents to 20 cents for letter mail is going to continue in the years ahead. Even now there is a pending rate case to increase first-class rates from 15 cents to 20 cents and on other classes of mail proportionally as well.

The real objectives of these bureaucrats, these unelected bureaucrats, is to get out from under the Congress. You know, nobody likes to run a business like a bureaucrat, especially when he's got a monopoly. Now, I come from agriculture; I come from the railroad business; and I know what it is to run a business. But we never had a monopoly on the farm; we never had a monopoly against the competition of trucks and barges or against the competition of other railroads in the railroad industry. But, boy, do they love to run it like a business when they've got a monopoly. And what is the result? The result is that business is leaving the Postal Service. Sure the volume is up, but the overall proportion of customers, in terms of market share, is declining, and I believe that it will get even worse in the next few years.

Take, for instance, one particular issue—electronic communications. I remember when I first had the opportunity to serve on the Post Office Committee. We had the Board of Governors in, we had the top management in, and we asked about electronic communications. Well, you would have thought they had never heard of it. Yet, the Commerce Committee, on which I also serve, just considered legislation completely restructuring the laws which affect the telecommunications industry. And why is that? Because we are looking for new laws to pass? No, not at all. It's because the technology is changing, and changing dramatically, and what we are going to see with respect to communications in the next several years—not the next decade, not the next century, but in the next several years—is a dramatic change in the way in which people communicate. As of today, the Postal Service will be like the horse-and-buggy industry of that particular business, unless we make some changes. We have had to drag them, kicking and fussing, into a position to deal effectively with these changes to modernize, to be in a position so that the Postal Service can take advantage of this developing and changing technology of electronic communications. I'm not talking about getting into the business where there is a big capital program, where the Postal Service builds the new facilities and equipment involved. I'm not suggesting that at all. All I am talking about is a relationship between the Postal Service and those companies that are already in the business which could use postal delivery services so that if a letter is put into one post office, it can be sent electronically to another post office, a hard copy developed, and a letter carrier delivers that mail. If the Postal Service doesn't respond to that need, the business will be gone and it will be out of that business.

While I recognize that there are bills (I know Chuck Merin and Dean King have talked about Congressman Tom Daschle's Saturday Delivery bill and reference was made to my bill) and other stop-gap measures to protect the Postal Service in terms of particular functions, such as Saturday mail or nationwide services, these stopgap efforts are simply not enough. What we must do in 1981 with the new Congress and with the Administration that's in place at that time is make a significant change in the basic, underlying law itself. What we need is a Postal Reorganization Act of 1981. [Applause.]

What should be its ingredients? What will be the components of this postal reform which will carry on the work contained in H.R. 79, H.R. 7700 of previous years? Well, fortunately, we have a basis to go on, because of the outstanding work of people like Congressmen Jim Hanley and Charlie Wilson, who regrettably will not be with us in the next Congress. I think, first of all, we have to recognize that we no longer need the Board of Governors [applause] and I would move that if the legislation that is introduced does not contain a provision eliminating the Postal Board of Governors, I would move as I did last year and the year before, by amendment, to abolish the Board of Governors. [Applause.]

Secondly, I think we ought to have the President of the United States appoint the Postmaster General. [Applause.] I say this for a number of reasons, one of which is to provide for some accountability. I think it is very important that we no longer allow the Postal Service and the Board of Governors to operate in a vacuum, to operate arbitrarily, to operate in an unresponsible way toward the Congress of the United States and toward the people of the United States. We want accountability. We want a direct line between the President of the United States and the Postmaster General. And if it's Bill Bolger, that's all right. I think Bill Bolger is a good man. His problem as our current Postmaster General is the basic underlying statute with which he has to deal.

The other reason that I'm convinced we must provide for the Presidential appointment of the Postmaster General is that I want somebody in that office who doesn't just knuckle under, who doesn't just go along with the Congress, who doesn't just say, "That's O.K." to the Congress and the President of the United States. I want somebody who is going to stand up to the President and be an advocate for the Postal Service like Earl Butz was for Agriculture. [Applause.] When, as was the case this year when this Administration, because of misunderstanding and misinformation (and there are other words I could use), took the course it did, I want a strong person as the Postmaster General who will stand up and say, "Mr. President, if you follow through on that policy," whether it's the elimination of Saturday mail or the elimination of the entire subsidy altogether, or any of the other changes which could be made which are of national consequence, "if you go through with that, Mr. President, I'm going to resign." That's what Joe Califano would have done; that's what Elliott Richardson did; and that's what we want in the office of the Postmaster General because of the important national responsibility I believe that person holds.

In addition to that, I think we have to look at the subsidy. We have to look at the money, and I believe that we must maintain the subsidy and make sure it is adequate to meet the needs of the Postal Service. It would be my view that any realistic assessment of the current financing of the Postal Service would have to acknowledge that not only do we want to retain the subsidy, but the subsidy must and should be increased. Unless we increase the subsidy, we are going to see a continuous flood of business and customers away from the Postal Service, as you will see in the current rate-making procedure—the 33⅓ increase in first-class rates from 15 cents to 20 cents.

Finally, of course, I think we need to get a direct accounting of where the public service subsidy goes. If this is not contained in the legislation that is introduced, I will offer the amendment, as I did in the past, to provide for a direct accounting to the Congress of the United States of the Postal Service subsidy so that, as a condition for future increases, we can know where that money is going. The taxpayers' funds should not be put into just one big pot.

They should be accounted for. There should be an itemization of how much money is going for the small post offices, how much money is going for rural delivery and so forth. Who, in his right mind, would ever think today, given the cost of energy, that you could possibly maintain rural delivery without the subsidy? They are simply blind to reality. We need to make sure that service continues, and we need to make sure that there is adequate financing for that service, as well as all the other services, such as the location of the post office for the convenience of the customer, not necessarily for the most economical way to transport the mail. And there are many others such as the not-for-profit mailing subsidies, for the churches, for the blind and many other groups. What kind of society are we going to have in the future if we take the course which some in the Congress and certainly many in the Postal Service want to take? If we take that course, what we are going to have is no longer the United States Postal Service. We're going to end up with the United States Postal Business, because, once, you take service out, you are going to find that the smaller customers, the rural customers, the little towns, the small post offices, can no longer economically and from a profit-making standpoint meet the test. But the Postal Service should not be subject to the profit test; it's a government service.

That's why I believe that what we must do in 1981 and 1982, in the next Congress, is make some basic changes in the law. It seems to me only proper to do so. What authority do we have for this approach? We have none other than the founding fathers of this country, those who wrote the United States Constitution. [Applause.] I refer to Article I, Section 8, wherein the Constitution grants the Congress the powers to insure delivery of the mails. That's in the Constitution and not Jimmy Carter or anybody else has changed that, so far as I know. [Applause.]

What other changes must we make? We must make the changes in the basic law, and I believe those changes will be made in the House of Representatives. In the last three years, we in the House have done the right thing, in my judgment, on postal reform. But where has the problem been on Capitol Hill? The problem has been in the other body, as we affectionately refer to it on Capitol Hill, the Senate of the United States. The Senate doesn't have a Post Office Committee. Thanks in large measure I am sad to say, to a Senator from Illinois, that committee was eliminated. Furthermore, the Postal Service doesn't even have a subcommittee in the Government Affairs Committee, which has Postal jurisdiction. No as a matter of fact, Senator Glenn heads the subcommittee which does, from time to time, not too often, get involved in postal matters. The name of that subcommittee is the Senate Subcommittee on Energy, Nuclear Proliferation, and Federal Services. How, in the name of God, can the Post Office be included with nuclear nonproliferation? [Applause.]

Well, it's not all bad for some people in Washington. It's not good for the people of this country; it's not good for the Postal Service; it's not good for the mails; it's certainly not good for you; it's not good for me. But it is good for some people especially the lawyers and the consultants and other people who have to work their way through all of the myriad legislation that goes through this subcommittee; but they are not bad people.

They're doing fine, but we're not. And that is why it seems to me that we must recognize the changes that ought to be made, indeed must be made, in the basic law that governs the Postal Service.

It's been a great honor for me to be your keynoter, and if there is one thought that I would like to leave you with, if there is one keynote that could be the ringing cry for this convention and the rallying cry in postal matters for the next Congress. I would like it to be this: "Survival of the Postal Service." We have it within our power, we have this power within the Congress, and you have it within your power to elect the members of the Congress in both the House of Representatives and in the Senate. I implore you to get involved and to make the effort because unless we make those changes, unless we either change the philosophy of the people who now, unfortunately, prevail, or unless we make the changes in the personnel themselves.

I fear for the future of the Postal Service. If you look back for ten years and extend that for another ten into the future, you will see rates for first-class mail at 50 cents, no question about it. You will see services change dramatically; you will see the elimination of most of the rural service; you will see small post offices being abolished. And I think that you will see a great change in our society, because the responsibility that you have, that the Postal Service possesses, is a responsibility to allow the people of this country, as we did from the very beginning, to communicate one with another.

Just taking the matter of television, if we realize that, after all, Walter Cronkite was wrong on who the vice presidential nomination was going to be for the Republican Party, they are not always right. If we just listen to the radio, we are going to miss something. We are going to affect that person who today can't afford TV; we are going to affect that person who wants to spend 15 cents for that letter from a small town in California to a small town in Massachusetts. But if we ever go to that day when we are going to charge the real economic cost of sending that letter from a small town in California to a small town in Massachusetts, the price will be so high that person won't even think about using the mails.

So it's right there in front of us. We can make the change. I submit we have to make the change. And I want to see this change made, not just because we have Don Warren, Jim and Joyce Conroy and all my friends of the Illinois delegation here who would like to see it changed. I don't want to see it changed just because Dean King and Chuck Merin and other of your very effective representatives in Washington want to see it changed. I want to see it changed because I believe this would be in the best interest of every American.

Thank you very much.

[The assembly arose and applauded.]

President KING. Thank you. Congressman Corcoran.

I think it is very evident that he has set the keynote for this convention. As I told you in the introduction, I have been very impressed with this Congressman and, as I said, he has a razor-sharp mind and lot of keen wit. What perhaps you don't know is that this gentleman spoke to you from the heart, with not one note before him. [Applause.] Another thing is that he broke away from a vacation in North Carolina to be with us today, and I think he has set the stage for a great Convention, and we appreciate his coming here. Thank you very much.

I will now turn the podium over to our Vice President who has some announcements before we recess.

[Announcements and drawing for Western straw hats. Vice President Sorteberg assumed the chair.]

Vice President SORTEBERG. This session of the convention will stand at recess until 1:30.

[The convention was then recessed at twelve o'clock noon.]●

GAO SLAMS ADMINISTRATION BREEDER STRATEGY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WYDLER. Mr. Speaker, the General Accounting Office released a report on September 22, "U.S. Fast Breeder Reactor Program Needs Direction." The report points out with the present fast breeder development strategy being followed "the United States may not be able to have a commercially available technology if and when it is needed". This topic is, of course, very familiar to our Science and Technology Committee since we have taken the position to commit to a fast breeder demonstration plant for the past 4 years in the fact of the Carter administration's attempts to terminate the Clinch River project. The GAO report outlines the major features of the administration's ill-founded strategy which was first sold to the Congress as part of what is now proven to be a counterproductive and bankrupt nuclear nonproliferation policy.

The GAO points out the lack of "clear mention and focus resulting in a considerable waste of time and money" because the administration refuses to allow construction of a fast breeder technology demonstration plant. The report reaffirms our committee's position that the construction and operation of such a plant is not tantamount to the commercialization of the breeder technology, as the President has misleadingly insisted. I recommend the summary of the digest of this Controller General's report to the Congress and point out to my colleagues that the "Recommendations to the Congress" made by the GAO have been made time and again by our committee and the Appropriations Committee on the floor of the House.●

FEDERAL BIOLOGICAL ORGANISMS ACT OF 1980

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WAMPLER. Mr. Speaker, on October 2, 1980, I introduced H.R. 8312, the Biological Organisms Act of 1980. This bill is designed to enhance the production of food and fiber in this country and to eliminate hazards to our agricultural community by providing for the regulation by the Secretary of Agriculture of the movement of biological organisms in the United States.

With the renewed emphasis on the environment and the effort to increase integrated pest management programs, many concerned individuals, organizations, and scientists are becoming more and more interested in the use of biological organisms as a possible technique in pest management. However, many importers and others interested in using such biological organisms are not aware of the hazards of introducing new species into the environment. Therefore, I believe that adequate regulation of the movement of biological organisms is in the best interest of both agriculture and the protection of the environment.

H.R. 8312 is similar to a bill I introduced in the 95th Congress (H.R. 12189). So that interested persons may become familiar with the bill I am inserting a section-by-section analysis following these remarks. We will be sending copies of the bill to numerous persons and requesting their comments. However, I welcome comments on the bill from all interested persons. After analyzing all of the comments we receive, I hope to reintroduce another revised bill early in the next Congress.

The analysis follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 8312

Section 1 states that the Act may be cited as the "Biological Organisms Act of 1980."

Section 2 sets forth certain findings as follows: Biological organisms, when properly utilized, can be beneficial to humans in their continual fight against plant pests, livestock pests, weeds, and other pests of agricultural products. However, the unrestricted movement of biological organisms, especially those of foreign origin, into or within the United States is imprudent, and regulation of transactions in, and the movement of, biological organisms as provided in the Act is necessary to prevent and eliminate burdens upon interstate and foreign commerce, to eliminate possible hazards to American agriculture, and to enhance the production of food, feed, and fiber.

Section 3 defines the terms "biological organism", "inspector", "move", "Secretary", and "United States". The term "biological organism" includes fungi, bacteria, algae, protozoa, viruses, insects, mites, mollusks, nematodes, and other related organisms. The Act would be applicable in the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and other territories and possessions of the United States.

Section 4 prohibits a person from moving any biological organism into, through, or within the United States unless the movement is authorized by the Secretary and is made in accordance with such conditions as the Secretary prescribes to prevent the dissemination into, through, or within the United States of biological organisms that may be hazardous to American agriculture or the production of food or fiber.

The Secretary is required to prescribe the conditions and procedures by which persons conducting scientific experiments using biological organisms may expedite the movement of such organisms into, through, or within the United States so as not to inhibit scientific research.

The Secretary is also directed to refuse to allow any biological organism to move into, through or within the United States when, in his opinion, the movement would involve a danger of the dissemination of such biological organisms as may be hazardous to American agriculture or the production of food or fiber.

The Secretary is further required to permit the movement of any biological organism without restriction or condition whenever he determines that the movement of such biological organism within the United States would not be hazardous to American agriculture or the production of food or fiber.

This section also prohibits any person from selling, purchasing, bartering, exchanging, giving, receiving, advertising, or using any biological organism that has been moved in violation of this Act.

Section 5 authorizes inspectors, when properly identified: (1) to stop and inspect, without a warrant, any person or means of conveyance moving into the United States to determine whether any biological organism subject to the Act or the regulations is being carried; (2) to stop and inspect, without a warrant, any means of conveyance moving within the United States upon probable cause to believe that the means of conveyance is carrying any biological organism subject to the Act or the regulations; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary to enforce the provisions of the Act or the regulations.

Federal judges, United States commissioners, and judges of any court of record in the United States would be authorized to issue warrants for the entry of premises and for inspections and seizures necessary to enforce the Act.

Section 6 authorizes the Secretary to assess a civil penalty of not more than $10,000 for each violation against any person who violates the Act or the regulations thereunder, for which no criminal penalty has been imposed. The determination and order of the Secretary imposing a civil penalty would be final unless the person against whom the order is issued appeals the order to the appropriate United States court of appeals within 60 days of the entry of the order.

The Secretary is also authorized to issue subpoenas to require the attendance and testimony of witnesses and the production of documents and to administer oaths. U.S. district courts would have authority to enforce subpoenas upon refusal to obey them.

Section 7 provides criminal penalties (fine not exceeding $5,000 or imprisonment not exceeding one year, or both) for knowingly violating section 4 of the Act or the regulations thereunder.

Section 8 vests the United States district courts and the United States courts of the territories and possessions with jurisdiction to enforce and to prevent and restrain violations of the Act and with jurisdiction in all other kinds of cases arising under the Act, except as provided in section 6.

Section 9 provides that nothing in the Act shall be construed as requiring the Secretary to report for prosecution or for the institution of injunction proceedings, minor violations of the Act or the regulations whenever he believes that the public interest will be adequately served by a suitable notice or warning or other administrative action.

Section 10 authorizes the Secretary, whenever he deems it necessary as an emergency measure in order to prevent or correct injury to American agriculture or the production of food and fiber due to the movement of any biological organism, to seize, quarantine, treat, or apply other remedial measures to any such organism or the premises in which it is found.

The Secretary is also authorized, whenever he determines emergency measures are necessary, to order the owner of any organism or premises, or his agent, to treat, apply other remedial measures to such organism or premises, or to dispose of such organism without cost to the Federal government and in such manner as the Secretary deems appropriate.

Section 11 authorizes the Secretary to cooperate with any other Federal agency, any appropriate agency of any State, Territory, district, possession or any political subdivision thereof, and any other person, in carrying out the provisions of the Act, and in securing uniformity of regulations. This section further authorizes the Secretary, either independently or in cooperation with other Federal agencies, agencies of States, Territories, or districts, possessions, or political subdivisions thereof, farmers' associations, and similar organizations, and individuals, to eradicate, suppress, control, or prevent or retard the spread of any biological organism which has been determined to be harmful to agriculture or the production of food and fiber.

Section 12 authorizes and directs the Secretary to promulgate regulations necessary to effectuate the provisions of the Act.

Section 13 authorizes appropriation of such sums as are necessary to carry out the purposes of the Act. Unless specifically authorized in other legislation or provided for in appropriations, no part of the sums appropriated under the Act may be used to pay the cost or value of property injured or destroyed as a result of any action taken pursuant to the provisions of the Act.

Section 14 provides that no provision of the Act shall invalidate the provisions of the laws of any State or political subdivision thereof, or of any Territory, district, or possession of the United States relating to biological organisms, except that no such jurisdiction may permit any action that is prohibited under the Act.

Section 15 provides that if any provision of the Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.●

HON. MADGE S. WATAI, JUDGE, LOS ANGELES COUNTY MUNICIPAL COURT

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CHARLES H. WILSON of California. Mr. Speaker, it is my pleasure today to honor an outstanding citizen of the city of Gardena, Calif.—the Honorable Madge S. Watai, judge, Los Angeles Municipal Court. I choose to bring congressional attention to this very fine lady because of the outstanding record she has achieved and the excellent example she has set for women of all ages. Here is a lady who, with the support and consent of her attorney husband, George Watai, and her family, returned to college after that family was raised, and through diligence and hard work, received her juris doctor degree, became a practicing attorney in the city of Gardena, and in June of 1978 was appointed to the municipal court bench in Los Angeles County.

Judge Watai's private law practice was directed toward immigration law, probate, business, domestic, and workers' compensation matters, and she created for herself a most impressive and respected reputation, not only amongst the people whom she assisted, but also amongst her peers. She is a person with deep and sincere humanitarian convictions and this element of her being was always foremost in her law practice.

Her achievement is outstanding, not only as a woman, but as an American of Japanese descent. She is the first woman from Gardena and the second Japanese woman in the State of California to receive an appointment to the bench.

The list of associations and organizations with which she has been associated is most impressive. She has been very active in bar association activities, serving on the immigration and naturalization section of the Los Angeles County Bar Association; the individual rights and responsibilities committee and the judicial qualifications committee of the Women Lawyers Association of Los Angeles; the California Women Lawyers Association; the Association of Immigration and Naturalization Lawyers; and is a charter member of the National Women Judges Association.

In addition to all this, she finds time to be involved in the Gardena community, serving on numerous committees and commissions, and has received many awards and certificates of appreciation for her dedication and valuable contributions.

The Honorable Madge S. Watai is truly a woman who cares—about other women, about our youth, about all people of all ages—and it gives me great pleasure to bring this fine lady to your attention and to commend her for her achievements and accomplishments.●

COTTER PENSION PLAN

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. COTTER. Mr. Speaker, I outlined in the Record of July 23 my proposal to expand individual retirement accounts in order to promote saving for retirement throughout the general population.

The Cotter plan would simply make every working individual eligible to open an IRA, even those who are members of a qualified private pension plan or a government pension plan. Individuals in pension plans would be allowed to place up to $500—$1,000 for joint returns—in an IRA.

I am introducing this bill today, and am inserting it at this point in the Record:

Cotter Pension Plan

Section 1. Short Title; Amendment of 1954 Code.

(a) Short Title.—This Act may be cited as the "Individual Retirement Savings Act of 1980".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Sec. 2. Liberalization of Retirement Savings Provisions.

(a) General Rule.—Section 219 (relating to deduction for retirement savings) is amended to read as follows:

"Sec. 219. Retirement Savings.

"(a) Allowance of Deduction.—In the case of an individual, there shall be allowed as a deduction an amount equal to the qualified retirement contributions of the individual for the taxable year.

"(b) Maximum Amount of Deduction.—

"(1) In general.—The amount allowable as a deduction under subsection (a) to any individual for any taxable year shall not exceed the lesser of—

"(A) $2,000, or

"(B) the amount of the compensation includible in the individual's gross income for such taxable year.

"(2) Special rules in the case of active participants in employer plans.—In the case of an individual who for any part of the taxable year is an active participant in a qualified employer plan—

"(A) paragraphs (1)(A) and (3)(A)(ii)(II) shall be applied by substituting '$500' for '$2,000', and

"(B) for purposes of this section, the spouse of such individual shall be treated as having compensation includible in the spouse's gross income equal to the lesser of—

"(i) $500, or

"(ii) 50 percent of the compensation includible in the individual's gross income for the taxable year.

"(3) Special rules in case of simplified employee pensions.—

"(A) Limitation.—If there is an employer contribution on behalf of the employee to a simplified employee pension, the limitation under paragraph (1) shall be the lesser of—

"(i) the amount of the compensation includible in the employee's gross income for the taxable year (determined without regard to the employer contribution to the simplified employee pension), or

"(ii) the sum of—

"(I) the amount contributed during the taxable year by the employer to the simplified employee pension and included in gross income (but not in excess of $7,500), and

"(II) $2,000, reduced (but not below zero) by the amount described in subclause (I).

"(B) Certain limitations do not apply to employer contribution.—Paragraphs (1) and (2) of subsection (c) shall not apply with respect to the employer contribution to a simplified employee pension.

"(C) Special rule for applying subparagraph (A) (ii).—In the case of an employee who is an officer, shareholder, or owner-employee described in section 408(k)(3), the $7,500 amount specified in subparagraph (A)(ii)(I) shall be reduced by the amount of tax taken into account with respect to such individual under subparagraph (D) of section 408(k)(3).

"(4) Special rule for individual retirement plans.—If the individual has paid any designated voluntary employee contributions during the taxable year, the amount of the qualified retirement contributions (other than employer contributions to a simplified employee pension) which are paid during the taxable year to an individual retirement plan and which are allowable as a deduction under subsection (a) for such taxable year shall not exceed—

"(A) the amount determined under paragraph (1) (as modified by paragraphs (2) and (3)) for such taxable year, reduced by

"(B) the sum of the employer contributions to a simplified employee pension plus the amount of such designated voluntary employee contributions.

"(c) Certain Individuals Not Eligible.—

"(1) Self-employed individuals and shareholder employees.—No deduction shall be allowed under subsection (a) to any individual for any taxable year—

"(A) if for any part of such taxable year such individual was an active participant in a qualified employer plan, and

"(B) if at any time during such year such individual was an employee (within the meaning of section 401(c)(1)) with respect to such plan.

"(2) Individuals who have attained age 70½.—No deduction shall be allowed under this section with respect to any retirement savings contribution which is made for a taxable year of an individual if such individual has attained age 70½ before the close of such taxable year.

"(d) Other Limitations and Restrictions.—

"(1) Recontributed amounts.—No deduction shall be allowed under this section with respect to a rollover contribution described in section 402(a)(5), 402(a)(7), 403(a)(4), 403(b)(8), 408(d)(3), or 409(b)(3)(C).

"(2) Amounts contributed under endowment contract.—In the case of an endowment contract described in section 408(b), no deduction shall be allowed under this section for that portion of the amounts paid under the contract for the taxable year which is properly allocable, under regulations prescribed by the Secretary, to the cost of life insurance.

"(e) Definition of Retirement Savings Contributions; Etc.—For purposes of this section—

"(1) Qualified retirement contribution.—The term 'qualified retirement contribution' means—

"(A) any designated voluntary employee contribution paid in cash by the individual during the taxable year, and

"(B) any amount paid in cash during the taxable year by or on behalf of such individual for his benefit to an individual retirement plan.

For purposes of the preceding sentence, the term 'individual retirement plan' includes a retirement bond described in section 409 only if the bond is not redeemed within 12 months of its issuance.

"(2) Designated voluntary employee contribution.—

"(A) In general.—The term 'designated voluntary employee contribution' means any contribution—

"(i) which is made by an individual as an employee under a qualified employer plan,

"(ii) which is not a mandatory contribution,

"(iii) which the individual designates as being taken into account under this subsection, and

"(iv) which is allocated to a qualified employee account.

"(B) Qualified employee account.—For purposes of subparagraph (A), the term 'qualified employee account' means a separate account under a qualified employer plan—

"(i) which consists only of contributions designated under this subsection and the income, expenses, gains, and losses attributable thereto,

"(ii) no part of the amounts in which will be invested in life insurance contracts, and

"(iii) the amounts in which are withdrawable not less frequently than annually.

"(C) Mandatory contribution.—For purposes of subparagraph (A), the term 'mandatory contribution' means any contribution which is required as a condition of employment, as a condition of participation in the plan, or as a condition of obtaining benefits under the plan attributable to employer contributions.

"(D) Designation.—An individual shall make a designation under subparagraph (A) with respect to any contribution under a qualified employer plan by notifying, on or before the 45th day after the close of the individual's taxable year for which the contribution is taken into account, the plan administrator of such plan that the individual is taking such contribution into account under this section. Any designation or notification referred to in the preceding sentence shall be made in such manner as the Secretary shall by regulations prescribe and, after the 45th day after the close of such individual's taxable year, such designation shall be irrevocable.

"(3) Qualified employer plan.—The term 'qualified employer plan' means—

"(A) a plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

"(B) an annuity plan described in section 403(a),

"(C) a qualified bond purchase plan described in section 405(a),

"(D) any plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b), and

"(E) a plan established for its employees by the United States, by a State or political subdivision, or by an agency or instrumentality of any of the foregoing.

"(4) Payments for certain plans.—The term 'amounts paid to an individual retirement plan' includes amounts paid for an individual retirement annuity or a retirement bond.

"(f) Other Definitions and Special Rules.—

"(1) Compensation.—For purposes of this section, the term 'compensation' includes earned income as defined in section 401(c)(2).

"(2) Married individuals.—Except as provided in subsection (b)(2)(B), the maximum deduction under subsection (b) shall be computed separately for each individual, and this section shall be applied without regard to any community property laws.

"(3) Time when contributions deemed made.—For purposes of this section, a taxpayer shall be deemed to have made a contribution on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made—

"(A) not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof), or

"(B) in the case of a designated employee contribution, not later than the 45th day after the close of the taxable year.

"(4) Reports.—The plan administrator of a qualified employer plan receiving designated voluntary employee contributions—

"(A) shall furnish to plan participants who have made such contributions annual reports showing—

"(i) the amount of any contributions to, or withdrawals from, the participant's qualified employee account during the year,

"(ii) the amount of any income, expense, gain, or loss allocated to the account for the year, and

"(iii) such other information as the Secretary may by regulations require, and

"(B) shall furnish to plan participants and the Secretary such other reports as the Secretary may by regulations require.

Any report required under subparagraph (A) or (B) shall be furnished at such time and in such manner as the Secretary shall by regulations prescribe.

"(5) Employer payments.—For purposes of this title, any amount paid by an employer to an individual retirement plan shall be treated as payment of compensation to the employee (other than a self-employed individual who is an employee within the meaning of section 401(c)(1)) includible in his gross income, whether or not a deduction for such payment is allowable under this section to the employee after the application of subsection (b).

"(6) Participation in governmental plans by certain individuals.—

"(A) Members of reserve components.—A member of a reserve component of the armed forces (as defined in section 261(a) of title 10 of the United States Code) shall not be treated as an active participant in a plan described in subsection (e)(3)(E) for a taxable year solely because he is a member of a reserve component unless he has served in excess of 90 days on active duty (other than active duty for training) during the year.

"(B) Volunteer firefighters.—An individual whose participation in a plan described in subsection (e)(3)(E) is based solely upon his activity as a volunteer firefighter and whose accrued benefit as of the beginning of the taxable year is not more than an annual benefit of $1,800 (when expressed as a single life annuity commencing at age 65) shall not be treated as an active participant in such a plan for the taxable year.

"(7) Excess contributions treated as contribution made during subsequent year for which there is an unused limitation.—

"(A) In General.—If for the taxable year the maximum amount allowable as a deduction under this section for contributions to an individual retirement plan exceeds the amount contributed, then the taxpayer shall be treated as having made an additional contribution for the taxable year in an amount equal to the lesser of—

"(i) the amount of such excess, or

"(ii) the amount of the excess contributions for such taxable year (determined under section 4973(b)(2) without regard to subparagraph (C) thereof).

"(B) Amount contributed.—For purposes of this paragraph, the amount contributed—

"(i) shall be determined without regard to this paragraph, and

"(ii) shall not include any rollover contribution.

"(C) Special rule where excess deduction was allowed for closed year.—Proper reduction shall be made in the amount allowable as a deduction by reason of this paragraph for any amount allowed as a deduction under this section for a prior taxable year for which the period for assessing deficiency has expired if the amount so allowed exceeds the amount which would have been allowed for such prior taxable year."

(b) Treatment of Distribution From Employer Plan to Which Employee Made Deductible Contributions.—

(1) In General.—Section 72 (relating to annuities; certain proceeds of endowment and life insurance contracts) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) Special Rules for Distributions From Qualified Plans to Which Employee Made Deductible Contributions.—

"(1) Treatment of contributions.—For purposes of this section and sections 402, 403, and 405, notwithstanding section 414(h), any deductible employee contribution made to a qualified employer plan shall be treated as an amount contributed by the employer which is not includible in the gross income of the employee.

"(2) Distributions from qualified employee accounts.—"(A) In general.—Any amount in a qualified employee account shall be included in gross income—

"(i) when paid or distributed out of the account, and

"(ii) for taxable year in which the payment or distribution is received.

"(B) Distributions of excess contributions.—For purposes of subparagraph (A), under regulations prescribed by the Secretary, rules similar to the rules of paragraphs (4) and (5) of section 408(D) shall apply.

"(3) Additional tax if amount received before age 59½.—If—

"(A) any amount is received from a qualified employee account,

"(B) such amount is received by the employee before such employee attains the age of 59½, and

"(C) such amount is not received by reason of such employee's becoming disabled (within the meaning of subsection (m)(7)),

then the employee's tax under this chapter for the taxable year in which such amount is received shall be increased by an amount equal to 10 percent of the amount so received to the extent that such amount is includible in gross income. For purposes of this title, any tax imposed by this paragraph shall be treated as a tax imposed by subsection (m)(5)(B).

"(4) Amounts constructively received.—For purposes of this subsection, rules similar to the rules provided by paragraph (4) of section 408(e) shall apply.

"(5) Rollover amounts not taken into account.—

"(A) In general.—Paragraphs (2) and (3) shall not apply to any amount which is not includible in gross income under section 402(a)(5), 402(a)(7), or 403(a)(4).

"(B) Special rules.—For purposes of sections 402(a)(5), 402(a)(7), 403(a)(4), 408(d)(3), and 409(b)(3)(C), the Secretary shall prescribe regulations providing for such allocations and separations of amounts attributable to the qualified employee account, and for such other rules, as may be necessary to insure that the amounts in the qualified employee account do not become eligible for additional tax benefits (or freed from limitations) through the use of rollovers.

"(6) Definitions and special rules.—For purposes of this subsection—

"(A) Deductible employee contributions.—

"(i) In general.—Except as provided in clause (ii), the term 'deductible employee contribution' means any designated voluntary employee contribution (as defined in section 219(e)(2)).

"(ii) Special rule.—If the amount of the designated voluntary employee contributions taken into account under section 219 for any taxable year exceeds the amount of the deduction allowable by section 219 for such taxable year (or where section 219(b)(3) applies, the amount specified in section 219(g)(3)(A)(ii)(II) as modified by section 219(b)(2)), each of such designated voluntary employee contributions shall be treated as a deductible employee contribution only to the extent that it does not exceed an amount which bears the same ratio to the amount of the deduction so allowable (or the amount so specified) as such contribution bears to the aggregate of such designated voluntary employee contributions. Proper adjustments shall be made in the application of the preceding sentence in the case of distributions not included in gross income by reason of paragraph (2)(B).

"(B) QUALIFIED EMPLOYEE ACCOUNT.—The term 'qualified employee account' has the meaning given to such term by section 219(e)(2)(B).

"(C) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' has the meaning given to such term by section 219(e)(3)."

(2) 10-YEAR AVERAGING AND CAPITAL GAINS PROVISIONS NOT TO APPLY.—Subparagraph (D) of section 402(e)(4) (relating to total taxable amount) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, subsection (a)(2), and section 403(a)(2), the total taxable amount (determined without regard to this sentence) shall be reduced by the amount of the balance in any qualified employee account (as defined in section 219(e)(2)(B)) immediately before the distribution."

(c) ESTATE AND GIFT TAX EXCLUSION.—

(1) ESTATE TAX.—Subsection (c) of section 2039 (relating to exemption of annuities under certain trusts and plans) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, any deductible employee contributions (as determined under paragraph (6) of section 72(o) as of the date of the decedent's death) shall be considered as made by a person other than the decedent."

(2) GIFT TAX.—Subsection (b) of section 2517 (relating to transfers attributable to employee contributions) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, any deductible employee contributions (as determined under paragraph (6) of section 72(o) as of the date of the transfer) shall be considered as made by a person other than the employee."

(d) INCREASE IN LIMITATION UNDER SECTION 220.—Subparagraph (C) of section 220(b)(1) (relating to maximum deduction under section 220) is amended by striking out "$1,750" and inserting in lieu thereof "$2,500".

(e) DISCLOSURE REQUIREMENTS.—Subsection (i) of section 408 (relating to reports) is amended to read as follows:

"(i) REPORTS.—The trustee of an individual retirement account and the issuer of an endowment contract described in subsection (b) or an individual retirement annuity—

"(1) shall, before the account, contract, or annuity is established for the benefit of any individual, furnish to such individual a statement setting forth—

"(A) the interest rates under such account, contract, or annuity,

"(B) any commission or other charges under such account, contract, or annuity,

"(C) any restriction on distributions out of such account, contract, or annuity, and

"(D) such other information as the Secretary may by regulations require; and

"(2) shall make such other reports regarding such account, contract, or annuity to the Secretary and to the individuals for whom the account, contract, or annuity is, or is to be, maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations.

Any statement or report required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by regulations."

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENTS TO INCREASE IN IRA LIMITATIONS.—

(A) The following provisions are each amended by striking out "$1,500" each place it appears and inserting in lieu thereof "$2,000":

(i) Section 408(a)(1) (defining individual retirement account).

(ii) Section 408(b) (defining individual retirement annuity).

(iii) Section 408(j) (relating to increase in maximum limitations for simplified employee pensions).

(iv) Section 409(a)(4) (defining retirement bond).

(B) Subparagraph (A) of section 408(d)(5) is amended by striking out "$1,750" and inserting in lieu thereof "$2,500".

(2) AMENDMENT OF SECTION 220.—Paragraph (5) of section 220(c) is amended by striking out "section 219(c)(4)" and inserting in lieu thereof "section 219(f)(6)".

(3) Paragraph (5) of section 415(c) (relating to application with section 404(e)(4)) is amended—

(A) by striking out "SECTION 404(e)(4)" in the paragraph heading and inserting in lieu thereof "SECTIONS 219(b) AND 404(e)(4)", and

(B) by adding at the end thereof the following new sentence: "In the case of an individual retirement plan, the amount determined under paragraph (1)(B) with respect to any individual shall not be less than the amount determined under paragraph (1) or (3) of section 219(b), whichever is applicable."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1980.

(2) ESTATE AND GIFT TAX PROVISIONS.—

(A) The amendment made by subsection (c)(1) shall apply to the estates of decedents dying after December 31, 1980.

(B) The amendment made by subsection (c)(2) shall apply to transfers after December 31, 1980.

(3) DISCLOSURE REQUIREMENTS.—The amendment made by subsection (e) shall take effect on January 1, 1981.●

TRIBUTE TO ROBERT G. FEATHERS

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. STOCKMAN. Mr. Speaker, I would like to take this opportunity to honor Robert G. Feathers, who will soon retire from his position as township supervisor of Oronoko Township in Berrien Springs, Mich. Bob Feathers has devoted his life to community service through his leadership in local government.

He has held a broad range of key positions including 33 years as Oronoko Township supervisor and 27 years as Oronoko Township assessor. He has served two terms as chairman of the Berrien County Board of Supervisors and he currently chairs the board of public works, a position that he has held since 1974.

Through the years, his dedication to the citizens of all Berrien County has also been outstanding. During his chairmanship of the county board of supervisors, Bob Feathers organized all of the county's historical societies to form the Berrien County Historical Commission. This commission eventually bought and restored the old Berrien County Courthouse in Berrien Springs. He was also instrumental in the building of the new Oronoko Township Hall, supervising the planning of the township park and forming the joint Berrien Springs/Oronoko Police Department.

Bob Feathers has also been involved in countless community activities including the Hinchman Methodist Church, St. Joseph Elks Club, Michigan Township Association, Berrien County Farm Bureau, Berrien Springs American Legion, and Eastern Star.

I urge my colleagues in the Congress to join in honoring an outstanding citizen—someone truly dedicated to the quality of life in his community. Bob Feathers has earned the respect, admiration, and friendship of many. He is truly a great American.●

THE CONTINUING CRISIS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CRANE. Mr. Speaker, by combining the inflation rate and the unemployment rate in 1976, President Carter came up with a misery index. At that time the figure was 12.5 percent. This year, Carter is condemned by his own measure of misery. The current 1980 rate is 19.1 percent—12.1 percent inflation, 7 percent unemployment. To make matters even worse, the monthly index reached 24.2 percent in February. That figure has only been exceeded once before in our Nation's history—1934 when unemployment was 22.2 percent and inflation was 3.4 percent.

These figures are even more devastating when considered with the policy espoused in the Democratic platform. The 201 new spending schemes in the Democratic platform would, according to a study by the Republican Research Committee's Task Force on Economic Policy, result in budget deficits totaling $713 billion over the next 5 years. These gigantic spending programs would double the Federal budget by 1985. Due to inflation, taxes would skyrocket. Under the present tax code, a family with an income of $25,000 per year would face a $3,074 increase in taxes by 1985.

My good friend, Roy M. Frisby, has commented even further on the damage the Carter administration has done and I would like to share his September 12 letter addressed to Wilmette Life with you:

THE CONTINUING CRISIS

To Wilmette Life:

The incalculable damage the Carter administration has done to the economy seems totally oblivious to the unthinking Democrats and an increasing number of unthinking Independents.

Do not any of them recall that Carter campaigned as an effective and severe critic of the then tax structure by labeling it a "disgrace"? He has in four years made it immeasurably worse by running a twelve hundred million dollar deficit per week in this fiscal year alone. Billions of sorely needed capital squandered in the repudiation of his repetitive promises to balance the budget, pleading with the electorate to "trust me". Just to mention one incident of gross neglect, Carter's former and now resigned director of H.E.W. admitted to a seven billion dollar fraud in that division. One might rise to inquire where were the Washington Posts' Watchdogs and where are the Watergate prosecutors. The Carter administration always flexible merely replied that a criminal investigation would require an audit that would take 25 years to complete. Hence nothing was done.

Yes the once great Chicago Tribune, The New York Times, The Washington Post, the pseudo intellectuals, the League of Women Voters, the fallen from political grace Ms. Mary Crisp and the television commentators riding in the same bureaucratic vanguard along with countless millions receiving government transfer payments, swelled further by the 20 million helpless souls receiving food stamps constitute a formidable collection of voters for "what's best for America" and them!

Unfortunately for our beloved Republic the Arab nations have not forgotten Carter's broken promises. In terms of the purchasing power of our depreciating currency the Carter administration has provided the Arabs et al with a perfect formula for their doubling the price of oil since 1979. As our dollar erodes in the international market the Arabs reaction (as of this morning) is to raise the price of oil another 14 percent and reduce the production so that the lesser amount of oil will command the same total price in terms of the Carter currency.

Carter's regulatory agencies cost the economy over 100 billion dollars a year. To Carters 1200 alphabet soup agencies has just been added his most recent triumph—a 911 page guide book (only something less than the Chicago telephone directory) that bares the beautiful photograph of Carter's Director of Consumers Affairs—Esther Peterson. It cost three quarters of a million dollars to prepare and instructs us on "How to Beat Inflation". Overlooking the inflationary cost of the very bureau itself if one were to put its suggested projects into effect one might save 200 dollars but it would take one 200 years to do it.

Senator Ted Kennedy told us in no uncertain terms that the country "could not stand four more years of Carter". Carter is the all time all American con man with John Anderson running a close second. The man who supported Kennedy for the presidency (Gov. Lucy) beseeched the Democratic Convention to disregard the Democratic will of the "Democratic primaries" and vote over again in a "Democratic Open Convention". The co-author of this un-American and nefarious scheme who failed to stampede the convention for Kennedy has been chosen by Anderson to be his Vice-Presidential Candidate and Campaign helpmate. This is the "Anderson difference" and it is unbounded. Anderson a Republican of 20 years lost a fair fight for the nomination, bolted the party and took to the road leading to multiple parties. He reminds us of EAESOPS fable wherein the fox that lost his beautiful tail implored all the other foxes to cut off theirs.

This absence of logic deters not The League of Women Voters nor the once great Chicago Tribune along with much of the other media that write on the shifting political sands while television writes on the political winds.

I invite Ms. Mary Crisp and the League of Women Voters to remember Gene McCarthy of Minnesota who last campaigned on the 3rd party Independent ticket. You may all recall this was the time the late Mayor Daley tried to cope with the Hippies and save us from anarchy and the lawless gangs led by the notorious Chicago seven. It was generally conceded that there was an orator in Congress whose talents to gain a listening decision exceeded all others. This great orator warned the Republic of the dangers inherent in third parties which open the way to house elections, multiple parties, coalition governments and anarchy. He made the best case for the preservation of the two party system a keystone in our government. This valued warrior was none other than Ms. Mary Crisp's very own John Anderson!

As we see in the Tribune's September 5th editorial which summarizes the salient features of Anderson's 317 page platform. On energy for example Anderson would clobber the economy with his 50 cents per gallon or 27.50 per barrel gasoline tax. To add insult to injury Anderson would create another bureau which would "rebate the full amount of the tax thru cuts in social security and payroll taxes". There is no end to his originality. The Tribune points with pride to Andersons "one two punch at his opponents" that "America will not trade inept management of complexity for doctrinaire assertions of simplicity". Now how about that? The Tribune further states that Anderson is more "specific". Well if that is a "one two punch" for specificity it's a knockout and we are all floored.

With respect ot the League of Women Voters we might have hoped that they would encourage our communities toward self improvement, support our Republic form of government, the two party system, the weighted vote and a free society rather than clamor for the advancement of John Anderson who by his atrocious and unamerican conduct has surrendered even the last scintilla of consideration that he might once have had to administer the civil power.

ROY M. FRISBY.●

SOLVING THE ENERGY CRISIS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CONYERS. Mr. Speaker, as we have painfully witnessed in the past few years, our inability to solve the energy crisis has directly affected every aspect of our economic lives. Energy costs have been the principal reason for the rampant inflation. The more than $90 billion the Nation will spend this year on foreign oil has drained away national income and disrupted virtually every phase of the economy. It has led to the growing unemployment and deepening recession. Every additional $5 billion in foreign oil purchases, it is estimated, results in a loss of 200,000 jobs in the United States. The energy crisis has had an acute impact on Detroit and its auto industry, the indefinite layoff of more than 230,000 auto workers, the plant shutdowns, and the shift in consumer purchases toward imported cars, which now account for 28 percent of the domestic market.

I am here to discuss energy because it is a basic necessity of life, no longer a discretionary item that individuals can forgo when times are tough. The citizens I represent have little, if any, discretionary income. Their income goes exclusively toward the necessities of life—housing, medical care, food, and energy—and the cost of energy has risen far more than the other necessities and, increasingly, is squeezing out their income available for housing, medical care, and food.

The trouble is that energy still is treated by Government and business as a largely discretionary item—a take-it-or-leave-it proposition. In fact, this notion is so embedded in our economic and political philosophy that despite the depth of the crisis we face, we still either leave energy matters to chance, or else treat them as predominantly matters for private decision and private enterprise. The United States is the last major industrial nation to do this. We seem content to leave these matters entirely in the hands of the private sector, mostly the multinational oil companies. We also still allow for rampant speculation and profiteering in energy, as if energy were no different from stocks and bonds, real estate investments, or other ordinary investment tax shelters.

The present energy and economic crisis ought to have shaken us sufficiently to discard this notion that energy is no different from other consumer items in the marketplace. It should convince us by now that energy is at the center of our lives, is a public good which we cannot do without, and has to be a matter that citizens have control over and that decisionmakers are accountable for. Yet old attitudes and ideas, that no longer have relevance, die hard, especially when they support powerful economic and political interests.

The central problem of the energy crisis is the supply and pricing of crude oil. Oil is the only energy source for which we depend for our supply of substantial amounts on other countries. The problems of importing foreign oil and the production and pricing of domestic oil are closely interrelated. The available supply of the latter determines the amount of the former. If the decontrol of domestic oil is completed in 1981, as planned, the price of domestic oil will then be completely determined by the world price for oil. The world price, determined by the OPEC cartel, has risen 150 percent in the past year, and every indication is that it will continue to rise steeply in the coming years. Present national energy policies do not address the pricing of foreign oil. As a Nation, we have no input at all in the trading and pricing of imported oil. We have left these decisions entirely in the hands of OPEC and their trading partners, the multinational oil companies.

Consider for a moment the economics of imported oil. At Ras Tanura, Saudi Arabia's port, the cost of production of light crude put aboard a tanker is about 29 cents a barrel—less than 1 cent a gallon. The latest Saudi posted price of $28 a barrel is 100 times the cost of production. This extraordinary spread between cost and price defies every principle of economics we are taught to assume. It is, however, the measure of the price-fixing, supply-restricting powers of the OPEC cartel combined with the monopoly market power of the big oil companies.

It is hopeless to expect the multinational oil companies to take a stand against further OPEC price increases. It should be understood by now that the multinationals have a vested interest in both the stability of the cartel and the high prices they charge. They lack any incentive to negotiate lower prices because of their historic ties to the producers, much of the oil of which they once owned, their considerable investment and ownership in Saudi oil, and the privileged access they enjoy. The multinationals have little interest in shopping around for cheaper oil or of promoting new production elsewhere in the world. This became apparent 1 year ago, when the major oil companies publicly opposed the World Bank's decision to invest in new oil exploration and development. It often has been observed that the multinationals perform a valuable function for the cartel in synchronizing production levels among the cartel producers and in rationalizing oil supply and distribution. In most transactions, the multinationals act as a unit in dealing with each of the exporting countries. Since the decision to decontrol the price of domestic oil, the multinationals won a further incentive to maintain and raise the world price. When controls are completely removed in 1981, according to the present plan, their domestic oil will rise to the world price, and so will their profits.

To change this situation and create a countervailing market power for American consumers, it is essential to establish a Federal oil import agency as the sole agent for the purchase and sale of foreign oil used in the United States. For this reason, 1 year ago, along with Representatives Benjamin Rosenthal of New York and Charles Rose of North Carolina, I introduced the Oil Import Act, H.R. 3604, that would establish the American Oil Import Corporation.

A Federal oil import corporation would represent the interests of the United States in obtaining adequate supplies of foreign oil at the lowest possible price. The United States imports 30 percent of all the oil in international commerce. This market share constitutes tremendous bargaining power. This situation would enable the agency to negotiate transactions not possible to buyers having small market shares. The oil import agency also could offer logistical support for the financing of new exploration and development in other Third World countries undertaken by the World Bank or other institutions. This support could take the form of guarantees to purchase at fair prices specified quantities of any oil produced in other countries. The agency could also promote contracts that tie oil purchases to reciprocal purchases of U.S. goods and services, as has already occurred on the part of a number of European countries and Canada.

Another important function of the oil import agency is to safeguard the national interest in times of energy emergency by insuring access to an appropriate supply of world oil. Under the existing system, the Government and the public lack complete information on the transactions of the multinational oil companies with the producing countries. Nor is there presently any mechanism for monitoring the distribution of oil supplies that the companies purchase, particularly during periods of oil shortage. The proposed agency would have the complete information and be in a position to allocate scarce supplies where they are needed the most.

The question of the importation of oil and the production and price of domestic oil are closely interrelated. Few Americans are aware that the United States still possesses vast oil and gas, as well as coal, reserves, that can supply most of our needs until alternative solar-based sources become available. Nor is it commonly known that the bulk of these domestic oil and gas reserves exist on publicly owned lands. Of the 822 million acres of Federal, publicly owned land, approximately 400 million have been judged to be valuable for oil and gas development, according to the Department of the Interior. One estimate indicates as much as 85 percent of total U.S. oil reserves are situated on Federal lands; 37 percent of all natural gas reserves; and 72 percent of shale oil reserves.

These lands in future years will be the new frontier for domestic energy development and, needless to say, a major battleground for the control of the energy wealth that exists in the Nation. Yet current law and practice involving the exploration, development, and production of these resources is simply inadequate to meet the Nation's needs. The existing system, whereby private persons, including corporations, can obtain Federal oil and gas leases for a nominal fee and tie up these leases for decades without having to show any drilling or production, has proven itself to be subject to gross abuse and contrary to the national interest.

There are three specific flaws to the current system: The lack of a fair rate of return to the public on the value of these lands and the resources they contain; the widespread fraud and manipulation that has taken place in the awarding of oil and gas leases; and the lack of effective means to insure diligent performance on these leases.

Of the approximately 70,000 oil and gas leases issued in the past 6 years, 97 percent were awarded noncompetitively, either by lottery or over the counter. Recent DOI testimony before the Senate indicated figures as high as $200,000 plus future royalties for a lease that was obtained initially for only $2,157 and then reassigned to another party. That particular lease yielded a speculative gain 100 times its cost.

The relative ease and inexpensiveness of obtaining leases, along with the permissive rules governing them, has led to widespread fraud in the noncompetitive lottery system. While abuse has existed for years, it has intensified as the value of oil and gas has risen sharply. A recent investigation by the U.S. attorney's office in Denver, DOI, and the FBI has revealed that the entire system is subject to fraud. Applicants for leases can flood particular lottery drawings with multiple, redundant applications for the same tract of land. Many applications are processed by middlemen ultimately representing major energy firms. Secretary Cecil Andrus commented in a recent letter to Senator Henry Jackson, chairman of the Senate Energy Committee: "A substantial number of the leases are acquired by speculators who have neither the means nor the intent to explore the leased lands."

The speculative use of Federal lands is a major reason behind the failure to accelerate development and production. Another factor is the lack of adequate safeguards to monitor and enforce timely performance on leases. In 1979 only 1.3 percent of outstanding oil and gas leases were actually drilled during that year; 75 to 80 percent expire without any drilling. Since oil and gas prices, and the value of leases, are continually rising, the present system gives incentives to individuals and firms to delay development until the last possible moment so as to reap the harvest of higher prices.

Last month I introduced the Federal Oil and Gas Development Act, H.R. 7282, that represents a clean break with existing policy. It would create an independent Federal corporation, along the lines of TVA, to manage all new oil and gas development on Federal lands. This agency is modeled after the Long Beach, Calif., Oil Properties Department, a municipally owned oil development company, that has operated successfully for over 40 years. The key innovation of the bill is that the Corporation no longer would award leases, but instead solicit contracts on a competitive basis that specify the percentage of profits, initial bonuses, and fees to cover the costs of operation. The rights to the oil and gas on Federal lands no longer would be transferred to private hands.

The new Corporation, along with the Secretary of the Interior, would make the determination on the times, locations, and rates of drilling on Federal land, according to a rational plan for resource development. The Corporation would also be responsible for the sale of the oil and gas produced to all qualified buyers, so as to insure fair allocation and maximum competition among refiners and marketers. The bill provides for thorough safeguards to protect the environment. The organization of the Federal Oil and Gas Corporation would follow the guidelines proposed for the oil import agency.

The public concern about energy is not only directed at its soaring price and uncertain supply, but also reflects their perception of the lack of control over basic resources. The picture of a small number of distant oil-producing countries and a handful of multinational corporations lording over these resources is an understandably infuriating one. The handwriting is on the walls. I have no doubt that in one form or another, the legislative intent of these two bills will be the subject of lively debate and decisionmaking in the next Congress.●

DCASR CONSOLIDATION CALLED POLITICAL BY NATIONAL FEDERATION OF FEDERAL EMPLOYEES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. McDONALD. Mr. Speaker, for some years the Defense Logistics Agency studied how best to consolidate its nine offices into five. Each time the matter was studied, it was affirmed that the most efficient and economical consolidation would be to combine the Atlanta and Philadelphia offices in Atlanta. Suddenly in August of 1980 it was announced that all previous studies, notwithstanding, Atlanta was now to be merged with Philadelphia. This sudden turn of events had the stench of election year politics about it. Therefore, I was pleased to receive the following letter from the National Federation of Federal Employees president that he agreed with me. His letter follows:

NATIONAL FEDERATION OF
FEDERAL EMPLOYEES,
Washington, D.C., September 18, 1980.

Hon. LARRY McDONALD,
Cannon House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE McDONALD: On behalf of the National Federation of Federal Employees, especially Local 1788 in Atlanta, Georgia, I want to commend you for leading the battle to save the Atlanta office of the Defense Contracting Administration Service (DCASR). I noticed your remarks in the August 26, 1980, Congressional Record attacking Mr. Carter's reversal of the planned consolidation of the Philadelphia and Atlanta offices of DCASR in Atlanta.

The DCASR shuffling is politics pure and simple. As you know, the General Accounting Office found that one-time site preparation costs would be $1.78 million higher in Philadelphia than in Atlanta, and facility and space savings in Atlanta would be $83,000 annually. It seems sound economics are out the window at election time.

I have notified our Local of your support and they certainly appreciate your assistance in this matter. I have suggested that they prepare a report comparing costs between Philadelphia and Atlanta, as well as the economic and minority impact on both sides. We are anxious to work with you in blocking the move to Philadelphia. Please let me know the next step in the reorganization's implementation and what actions must be taken to locate the DCASR southeast regional center in Atlanta.

Sincerely,

JAMES M. PEIRCE,
President.●

LEGISLATION INTRODUCED TO HELP U.S. PORTS AND SHIPBUILDING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. KEMP. Mr. Speaker, I have been working with the ILA on legislation that will greatly aid the Port of Buffalo, our national defense posture, and thousands of Americans all across this country who will benefit from the jobs created in the shipbuilding industry when this measure becomes law.

The bill I am introducing will provide a 1-year depreciation schedule for U.S. flagships to make them more competitive in the world economy. This legislation as I said was drafted in consultation with Teddy Gleason, president of the International Longshoremen's Association; Pat Sullivan, president of the Buffalo ILA; a number of maritime trades unions, and the shipbuilding industry of the United States. It represents a breakthrough in cooperation among many parties who are mutually interested in restoring America's shipping strength for our economic vitality as well as for our strategic security.

My purpose in this bill, is to focus attention on the dangerous erosion of our position in the world due to the decline of a competitive U.S. maritime industry. I hope this bill helps elevate the dialog on what we in Congress must do to make American flagships competitive again.

The Port of Buffalo is suffering today for many reasons. One of the major reasons is an attitude in the Federal Government that seems to neglect America's ports and shipping. Buffalo, N.Y., grew up because of the dual benefits of the Port of Buffalo and the port benefits of the Erie Canal. Because of the Federal Government's attitude of neglect toward our maritime industries, the life and growth and vigor of our port areas are dying out.

And with the decline of our port areas comes a devastating decline in jobs, and in hope of job opportunities in the future. Over one half of the members of the International Longshoremen's Association in Buffalo today are either unemployed or only working part time—and that part-time work is not maritime related. I think few Americans are aware that the ILA in New York has not accepted any more members into their union since 1962—no new longshoremen jobs have been created in New York for 18 years.

This situation has to change, and change quickly, if we as a nation are to have a healthy merchant marine that can provide us adequate support capabilities in times of national emergencies. In the face of massive Soviet naval buildups, the military need for a stong U.S. merchant marine should be clear to all.

The U.S. merchant marine is suffering from serious policy disadvantages imposed by our Government. It has experienced a marked drop in numbers of vessels and percentage share of carriage of U.S. foreign commerce. In turn, American shipbuilders are facing dire prospects for construction of U.S. vessels. Here, too, it is U.S. Government policy that is largely at fault.

A major element of the problem that undermines this sector of the Nation's economy and defense is noncompetitive depreciation rules for American shipping. The attached bill would correct the existing handicap in depreciation rules and act to foster a resurgence in the U.S. merchant fleet and in U.S. shipbuilding.

Present depreciation for vessels in the United States is 14.5 years, whether built in the United States or abroad. The bill would revise the depreciation period as follows:

A period of 1 year for U.S. ships, whether constructed in the United States or abroad. Jones Act vessels in the domestic noncontiguous, intercoastal and coastwise trades including Great Lakes would also qualify in this category.

The bill would accomplish several competitive goals in the United States. It would return the financial prospects of building and operating a U.S.-flag ship to a competitive position vis-a-vis foreign-flag vessel competitors. That correction will also redress a significant deficiency in U.S. policy as regards U.S. shipbuilding.

The bill would take account of the unique circumstances in U.S. shipping. It would allow flexibility of depreciation schedule at the option of the carrier. This addresses the cyclicality of ocean transportation and permits a longer period, if needed by the carrier, to accomplish depreciation. This is also important in light of the capital intensive, multimillion dollar cost of modern technology ships.

Another advantage of the bill is the opportunity for existing vessels to apply the new schedules for whatever their remaining useful lives may be. Most of the U.S. fleet was constructed with steam turbine propulsion. Foreign fleets, on the other hand, have used fuel efficient, slow speed diesel engines for years. These powerplants were deemed to be advantageous because such vessels would be equipped to maintain faster cruising speeds with naval convoys in any national emergency. Also, there appeared to be commercial competitive advantage in shorter transit times. But the entire situation was overturned by the skyrocketing cost of fuel.

In the span of several years, the vastly increased price and reduced availability of fuel rendered much of the U.S. merchant fleet economically obsolete. Fuel consumption must be reduced and soon, if U.S. carriers are to remain on the high seas. Vessels need to be replaced or completely reengined. Making shorter depreciation schedules available to these existing ships will allow urgently needed writeoffs of energy consumptive ships and aid in the capital formation essential to replacing and expanding the U.S. fleet and vessel construction schedules for U.S. shipyards.

Opponents of improved accelerated depreciation usually argue that there would be a revenue loss to the Treasury. In the case of international shipping that argument does not apply. The vast majority of U.S. imports and exports are now transported on foreign-flag vessels. The freight and insurance and other payments by the U.S. economy to those foreign-flag interests are actually a net deficit on the U.S. balance of trade.

With improvements in the U.S. depreciation of vessels, the improved economics will enable the U.S. construction of more U.S. ships, to employ U.S. crews in the transport of U.S. cargoes. Freight payments to U.S.-flag vessels keeps more dollars in the U.S. balance of trade, creates more jobs in the U.S. economy and could result in increased tax revenues to the Treasury. It would certainly aid shipyards.

Elective accelerated depreciation in respect of shipping assets would not change the amount of a vessel owner's tax liability, but would shift significantly the timing of the liability. Foreign maritime powers understand this clearly and provide superior tax treatment to their shipping interests. The country whose merchant fleet has grown alarmingly fast has no tax problems, the U.S.S.R.

This could ultimately achieve a stronger, more flexible U.S. fleet better able to compete in international commerce and to support national defense in emergencies. A 1-year depreciation schedule for U.S. ships is the first step in rebuilding a strong U.S. merchant marine.

Mr. Speaker, at this time I would like to enter the text of my bill into the CONGRESSIONAL RECORD:

H.R. 8296

A bill to amend the Internal Revenue Code of 1954 to provide that, in the case of certain vessels documented under the laws of the United States, the deduction for depreciation may be computed using a useful life of 1 year, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 167 of the Internal Revenue Code of 1954 (relating to deduction for depreciation) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

"(r) ALTERNATIVE DEPRECIATION FOR VESSELS.—

"(1) GENERAL RULE.—Pursuant to regulations prescribed by the Secretary, the taxpayer may elect to compute the depreciation deduction provided by subsection (a) attributable to eligible vessels by using a useful life of one year.

"(2) TIME OF DEDUCTION.—An amount paid by the taxpayer with respect to an eligible vessel will be subject to the allowance under paragraph (1) in the taxable year paid by the taxpayer without regard to the date the eligible vessel is placed in service.

"(3) CARRYOVER OF ALLOWANCE.—In any year the taxpayer does not claim the entire amount of the allowance computed under paragraph (1), the unclaimed amount may be carried forward and claimed in any subsequent year in addition to the allowance claimed in that year pursuant to paragraph (1). The deduction for any taxable year may be increased or decreased at any time before the expiration of the period prescribed for making a claim for refund of the tax imposed by this chapter for such taxable year.

"(4) TRANSITIONAL RULE.—In the case of any eligible vessel for which an allowance for depreciation under subsection (a) has been claimed for a prior taxable year, the balance in the capital account not yet claimed under subsection (a) may be treated by the taxpayer as property subject to the allowance of this subsection if the taxpayer so elects, in accordance with regulations prescribed by the Secretary.

"(5) RECAPTURE PROVISION.—If, in any taxable year, any eligible vessel with respect to which deductions were made pursuant to this subsection is documented or registered under the laws of a nation other than the United States, then the taxpayer must include in his gross income for the taxable year, an amount equal to the excess of the accelerated depreciation claimed pursuant to this subsection over the depreciation which would have been allowed on a straight line basis over the actual useful life of the vessel.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE VESSEL.—The term 'eligible vessel' means a vessel documented under the laws of the United States which is operated in the foreign, international, or domestic commerce of the United States.

"(B) VESSEL.—The term 'vessel' means a vessel and any cargo handling equipment affixed to the vessel and a container complement not exceeding three times the vessel's capacity."

(b) The amendments made by this Act shall apply to amounts paid by the taxpayer after the date of the enactment of this Act and to taxable years ending after such date.●

ENERGY POLICY: THE RISK OF DOING NOTHING

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WYDLER. Mr. Speaker, Harvey Brooks, distinguished Harvard professor and cochairman of the National Research Council's Committee on Nuclear and Alternative Energy Systems (CONAES) wrote a particularly interesting article on energy policy which appeared in the September issue of Physics Today magazine. In this article Dr. Brooks summarizes the CONAES report "Energy in Transition 1985-2010," a document that attempts to identify various energy scenarios that would sustain our Nation into the next century. Dr. Brooks points out that the CONAES report emphasizes the following:

Any commitment to a course of action on energy policy is unwise, if that action is likely to hamper this country's future flexibility.

This Nation's energy future is dependent on many unknown factors. "Thus, our message is that energy policy involves very large social and political components that are less well understood than the technical factors, which are themselves uncertain." While some of the unknowns will yield to more study, "There will remain, however, an irreducible element of conflicting values and interests that cannot be resolved except in the political arena."

Dr. Brooks also make the point that the most serious risk for the United States in energy policy is that we do nothing more than we are doing now and this will lead to a widening gap between energy supply and demand.

I strongly recommend the Brooks' article to my colleagues. The sections I believe to be most important are italicized.

There are many paths that are technically and economically feasible for our nation's energy future. The choice of a path will therefore depend heavily on political considerations. Unfortunately, the magnitude of uncertainty—technical, economical and political—makes it unwise to commit ourselves to actions that might reduce our flexibility in the future. These points are of prime importance in the considerations and recommendations of the National Research Council Committee on Nuclear and Alternative Energy Systems (April, page 83).

The committee refused to chart a single, clear-cut path for our nation's energy policy with definitive recommendations designed to extricate us from our energy dilemma. It seems to me that no group of experts could responsibly develop such a prescription; to do so would be to disguise their political preferences and personal conceptions of a desirable future society as an objective plan based on technical considerations. Technological and economic considerations by themselves do not constrain us to a single path. This does not mean we can choose any path we want, but we still have a range of choices.

The multiplicity of choices is reflected in the three hundred people who worked on our committee and its supporting panels and resource groups. They represented a range of political viewpoints, technical expertise and institutional affiliations—a diversity that precluded consensus on what was either desirable or probable in projecting future economic growth, energy consumption, or the optimum mix of energy sources and technologies. Even when we agreed on the risks associated with various strategies, we were unable to concur on the relative social acceptibility of these risks.

STRATEGY

At the outset, therefore, our committee decided that it would present its results in terms of a set of alternative energy futures ranging from high levels of conservation to high levels of supply development, without stipulating the most plausible or desirable among them. We did not try to take into account unforeseeable events such as natural catastrophes, wars or revolutions; in that sense our scenarios were "surprise-free."

The starting point of our work was a projection of various possibilities for future energy demand, based on several different assumptions regarding the evolution of energy prices and of government regulations that affect the performance of energy-using machinery, and modes of transportation and of land-use. These energy demand projections corresponded to conservation regulations of varying severity, but the driving variables were energy prices to the consumer and average annual GNP growth rates.

We next attempted to estimate how the demand for various fuels might be met, based on postulates as to the policy environment affecting the rate of investment in supply development. Our supply panels concluded that this investment rate would be determined more by the political and regulatory climate than by the prices to producers. The three policy assumptions used were described as "business as usual," "enhanced supply" and "national commitment."

The supply and demand panels then negotiated a series of estimated "study scenarios" that provided a detailed breakdown of energy use in terms of fuels and technologies as well as among the economic sectors, for four sets of price and regulatory assumptions and two assumptions about economic growth.

The low-energy growth scenarios entail high prices for all non-renewable energy forms combined with vigorous government intervention to induce or mandate energy-conserving investments as well as investments in renewable energy forms. We guessed that the prices needed to secure the lowest growth scenarios would require the imposition of taxes on energy. Our committee disagreed among themselves on the extent to which such energy taxes might be partially replaced by detailed regulation and standards for energy-using equipment. All of us did agree that mandatory performance standards, such as the present automobile mileage requirements, would probably be necessary to ensure that actual equipment purchases would conform to rational consumer buying in terms of life-cycle costs. Thus it appears that the highest conservation scenarios would require some government intervention in decisions of millions of businesses and consumers, a situation with which we have had little experience except in wartime. There was a great difference of opinion as to the difficulties in implementing these policies or their political and social tolerability.

The high-growth, high-supply scenarios lay at the other extreme, though even these involved some conservation measures just to accommodate the price rises of recent years, even if there were no further tightening between now and 2010. They would probably entail large government subsidies for new energy supply investments, the expediting of energy facility siting decisions, the streamlining of licensing and regulatory procedures, and a moratorium on further changes in regulatory standards. Since the decisions regarding energy supply are fewer in number and more centralized than those concerned with energy demand, some people on the committee felt that they presented much less political difficulty than would be the case in the low-energy growth scenarios. Past history seems to support the view that government-subsidized, large-scale investment decisions are much more popular than measures to alter consumer behavior, whether by prices or regulations. Others felt that the facilitation of energy-supply decisions would inevitably provide a license for rape of the environment and for bypassing public participation and due process in major decisions, in violation of democratic principles.

There was a great debate in the committee as to whether the reduction of energy consumption by tax-induced high prices and regulation would adversely affect personal income and employment. Although the analysis we produced on this point was not entirely conclusive, the preponderance of evidence seemed to indicate that there would be little adverse effect even if the energy-to-GNP ratio were reduced gradually by a factor of 2 or 3 over several decades. In the next few years the analysis of the American economy's delayed response to the price rises that have already occurred should begin to tell us if this hypothesis is correct.

In none of the scenarios we explored was it possible to avoid some conservation and some supply-stimulation measures. The scenarios differed in the relative emphasis on supply and consumption efficiency; for example, business-as-usual supply, especially for oil and natural gas, was insufficient to meet projected demand even in the highest conservation scenario. Nuclear power also plays a role in this scenario, as do oil imports.

REALITIES

The energy-growth scenarios I have sketched do not involve the consumption of fuel that cannot be extracted nor the use of nuclear reactors that cannot be built by 2010. They involve improvements in the energy efficiency of automobiles, aircraft, housing and manufacturing processes that appear to be technically feasible and economically rational under the price assumptions used. Thus, as I stated previously, the choice among scenarios cannot be made on technical and economic grounds alone; they involve political choices. This does not mean, however, that controlled low prices, weak conservation incentives and regulations, strong political constraints on supply development and on the large-scale deployment of additional energy supply facilities are possible simultaneously. *If we want both low prices and a minimum of consumer regulation, then we are forced to have off-shore oil drilling, massive coal mining, a major synthetic fuels industry, nuclear reactors and, by the year 2000, breeder reactors. If we feel we must proceed slowly and cautiously in the deployment of these supply options, then we must accept high and rising energy prices (probably including energy taxes), progressively more stringent governmental standards and regulations, and probably some mandatory installation of certain solar technologies regardless of cost.* These measures probably cannot be introduced in a way that will be regarded as completely equitable by all those affected.

The middle ground involves a more balanced mix between supply expansion and demand-growth reduction. This appears to be the natural result of a "hands-off" or least-cost approach to energy, allowing domestic market prices to equilibrate with OPEC oil prices and allowing the market to choose the technologies that will be used. There is certainly a risk in this scenario; it shows little reduction in oil imports, even by 2010, and it requires the exercise of all the available supply options as well as substantial improvements in energy efficiency over what exists today.

UNCERTAINTY AND RISK

Let me now turn to the matter of uncertainty and its significance. I have already referred to the uncertainty in our estimates of the amount of energy-demand growth reduction that is possible without adverse effects on our national income. The larger question is how much reduction in demand growth can we count on prudently in our planning for energy supply. It is in this domain of prudence that the biggest differences of opinion arose in the committee. Some thought the environmental and societal risks associated with supply growth and increased energy consumption were sufficiently great to warrant some gambling on our ability to realize the most ambitious conservation goals. Others feared that even a small risk of shortfalls in energy supply would be politically unacceptable, and that prudent planning must include the capability of deploying larger energy supplies than those postulated as necessary in the more optimistic conservation projections.

Of course, there are health and environmental risks associated with all energy options, including conservation itself. The committee found on close examination of the literature that the range of uncertainty in the rating of these risks was considerably larger than we had expected. In the case of electricity generated from nuclear fission or coal, for example, we discovered that the range of uncertainty in the risk estimates of each was probably larger than the difference between the "best estimate" risks of each. There was agreement on the probably low health risks of solar energy, but it is difficult to be sure until the technology is fully developed. Indeed, the concept of aggregate risk-benefit analysis is of dubious value because there is no simple way to sum the risks and benefits of various energy systems so as to arrive at a single objective ranking among them. This is because their aggregation involves adding different kinds of risks and benefits, some of which are quite intangible or speculative.

Another problem is that assessment of some of the largest potential risks associated with energy systems seem to depend on speculative assumptions about human behavior both now and a long time in the future. For nuclear power especially, the largest factor in public distrust lies not in the technology itself but in skepticism about the ability of people and institutions to manage the technology responsibly over long periods of time. The future safety of nuclear power may depend strongly on the political stability of future societies.

DILEMMA

Will we ever reduce the uncertainties to the point where we can make decisions confidently? It will require not only research but accumulated operating experience with the various technologies *as well as proceeding in some cases without full knowledge of all risks. This is our fundamental dilemma. It is a dilemma precisely because doing* *nothing more than we are doing now will inevitably lead to the further opening of the gap between domestic energy supply and demand, and that is probably the biggest risk of all. I perceive that particular risk as much more serious than I did when our study began.* Almost all of the world from which we import oil is threatened by political turmoil. Therefore, the redundancy of our energy sources (including conservation opportunities) is an important form of insurance. *We must plan our supply projections for less curtailment of demand growth than we think is feasible and our conservation policies for a more constrained supply situation than we believe is realizable. Since lead times for any major alterations in both supply and demand patterns are long, we cannot afford to rely on last-minute adjustments.*

It is already much later than we think. Fortunately, we are still benefitting from the excess capacity of electric power stations planned before the 1973 oil embargo, but that will soon disappear if we continue to slip behind in present plans for new capacity. The situation appears even tighter for fluid fuels and has deteriorated considerably since our study started. Our projections of domestic oil and gas production are more pessimistic than earlier studies. For example, we believe world oil production may have already reached its peak, not for physical but for political reasons. The committee's outlook for domestic uranium production also falls short of earlier predictions, and even if there were no serious questions about the economic feasibility of solar energy, we estimate it would take decades for it to have a major impact on energy supply.

It is important to keep in mind that the energy problem does not arise from an overall physical scarcity of resources. There are several plausible technical options for indefinitely sustainable energy supplies, potentially accessible to all people of the world at aggregate levels well above current world consumption. *The problem is in effecting a socially acceptable and smooth transition from gradually depleting resources of oil and natural gas to new technologies whose potentials are not now fully developed or evaluated and whose costs are presently unpredicable. This transition involves planning and development on a time scale of half a century. The question is whether we will be diligent, clever and lucky enough to make this inevitable transition an orderly one.*

Thus, our message is that energy policy involves very large social and political components that are less well understood than the technical factors, which are themselves uncertain. Some of these sociopolitical considerations are amenable to better understanding through research on the social and institutional characteristics of energy systems and the factors that determine public, governmental and industrial perception and appraisal of them. There will remain, however, an irreducible element of conflicting values and interests that cannot be resolved except in the political arena. The acceptability of any such resolution will also be a function of the processes by which it is achieved.●

LONG ISLAND MOURNS A BELOVED LEADER

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. WYDLER. Mr. Speaker, Long Island recently lost a man who literally embodied the spirit of our party system, and who dedicated most of his life to serving his community in public office or posts.

His name was A. Holly Patterson, and his death on September 20 was a terrible shock to all of us who were in his large circle of friends.

Mr. Patterson was a lifelong resident of Long Island, having been born in Uniondale, N.Y., 82 years ago. Known as Nassau County's Mr. Republican, he first entered public life in the 1930's, when he was appointed the town attorney for Hempstead, where he was subsequently elected presiding supervisor in 1934. Here he remained until 1952, taking time out during World War II to join the Navy's intelligence corps.

In 1952, he was elected Nassau County executive, only the second person to have held this office since its inception in 1938. Here he remained until 1961, exhibiting enormous talents as an administrator and a leader. During his years as county executive, A. Holly Patterson's achievements were numerous. He helped found Nassau Community College, and led the way for the expansion of the county's hospital. During his terms, a number of health clinics were created, the county's park was improved and the Nassau County received a new multimillion-dollar sewer system.

Just before he left office, officials named the county home for the aged the A. Holly Patterson Home, and just last May the Nassau Community College named its new library after him.

In the years which followed, Mr. Patterson continued to hold a number of public posts, including chairman of the board of Nassau Community College, chairman of the Jones Beach State Parkway Authority and president of the Long Island State Park and Recreation Commission.

In 1968, he also became vice chairman of the Security National Bank of Huntington, after its merger with the Hempstead Bank—which he had headed since leaving county government. He was also later on the advisory board of Chemical Bank.

Mr. Patterson received his law degree from Columbia University in 1926, after having graduated from Syracuse University.

Those, Mr. Speaker, are the vital statistics of the man, but he was a very human person indeed. In my own life he gave me advice and direction from my earliest days in government—and even before, when I was only considering whether to enter government service at all. When I had the opportunity to run for Nassau County executive, I spoke with him about that at length; again, he gave me very straightforward advice—telling me the pros and cons.

He was always a close friend and a man whom I truly loved and respected, very much like I did my own father. All of us in Nassau County are proud of Holly Patterson, and we will all miss him.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1980

● Mr. CORCORAN. Mr. Speaker, during the session on September 30, I was not recorded as voting on rollcall No. 607, on agreeing to order a second to H.R. 8195, the Railroad Retirement Act amendments. Had I been recorded, I would have voted in favor of ordering a second.●

HOUSE OF REPRESENTATIVES—*Wednesday, November 12, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Praise, the Lord. For it is good to sing praises to our God; for He is gracious, and a song of praise is seemly.—Psalms 147: 1.

For Your goodness to us, O God, we give our praise; in Your abiding love and forgiveness to us, we raise our voices in thanksgiving. Be with all who earnestly turn to You for direction and support, and may Your mighty hand protect people everywhere who have great need or who suffer from injustice or tribulation. We particularly remember our hostages and their families, that underneath the pressures and anxieties of the moment, Your still, strong word will continue to give confidence and hope sufficient for all needs. Be with us and remain with us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 1, 1980:

H.J. Res. 610. Joint resolution making continuing appropriations for the fiscal year 1981, and for other purposes.

On October 3, 1980:

H.J. Res. 551. Joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the 7 calendar days beginning October 5, 1980, as "National Port Week," and for other purposes;

H.R. 5192. An act to amend and extend the Higher Education Act of 1965, and for other purposes;

H.R. 5278. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, and for other purposes;

H.R. 6395. An act to amend the Consumer Product Safety Act to modify certain post-employment restrictions applicable to officers and employees of the Consumer Product Safety Commission;

H.R. 7478. An act to facilitate the management of the public debt by permitting an increase in the investment yield on U.S. savings bonds above the existing 7 per centum ceiling, and by increasing the amount of the bonds paying interest in excess of 4¼ per centum which may be outstanding; and

H.R. 7825. An act to establish the Ice Age National Scenic Trail, and for other purposes.

On October 6, 1980:

H.R. 3748. An act to provide for a uniform national 3-year statute of limitations in actions to recover damages for personal injury or death, arising out of a maritime tort, and for other purposes;

H.R. 5164. An act to amend certain inspection and manning laws applicable to small vessels carrying passengers or freight for hire, and for other purposes;

H.R. 6242. An act to establish a Towing Safety Advisory Committee in the Department of Transportation;

H.R. 8018. An act to rename a reservoir and dam in the Little Miami River Basin, Ohio, as the "William H. Harsha Lake" and the "William H. Harsha Dam"; and

H.R. 8024. An act to change the name of Aubrey Lake, Tex., to Ray Roberts Lake.

On October 7, 1980:

H.R. 4792. An act to name certain Federal building in Houston, Tex., the Bob Casey Federal Building-U.S. Courthouse;

H.R. 5410. An act to amend title 5, United States Code, to require any Federal employee who elects at the time of retirement not to provide survivorship benefits for the employee's spouse to notify (or take all reasonable steps to notify) the spouse of that election;

H.R. 5732. An act to designate the Federal Building located at 33 West Twohig, San Angelo, Tex., as the "O. C. Fisher Federal Building";

H.R. 6308. An act to provide for an accelerated program of research and development of magnetic fusion energy technologies leading to the construction and successful operation of a magnetic fusion demonstration plant in the United States before the end of the 20th century to be carried out by the Department of Energy;

H.R. 6531. An act to name a certain building in Indianapolis, Ind., the Minton-Capehart Federal Building;

H.R. 7414. An act to designate the building known as the Federal Building and U.S. Courthouse in Amarillo, Tex., as the "J. Marvin Jones Federal Building";

H.R. 7450. An act to designate the U.S. Court and the U.S. Post Office Federal Building in Waterbury, Conn., as the "John S. Monagan Federal Building";

H.R. 7511. An act to amend title 38, United States Code, to provide cost-of-living increases in the rates of compensation for veterans with service-connected disabilities and in the rates of dependency and indemnity compensation for surviving spouses and children of veterans, to provide for limited grants for special home adaptations for certain severely disabled veterans, to provide for Veterans' Administration guaranties for loans to refinance certain existing veterans' home loans and to increase the maximum loan guaranties for home loans made to veterans, and to provide for the confidentiality of certain Veterans' Administration medical quality assurance records, and for other purposes;

H.R. 7782. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to provide for the same adjustments in the basic compensation of officers and members of the U.S. Secret Service Uniformed Division as are given to Federal employees under the General Schedule;

H.R. 8081. An act to establish the United States Holocaust Memorial Council; and

H.R. 8202. An act to continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, for a certain period.

On October 9, 1980:

H.J. Res. 472. Joint resolution designating October 19, 1981, as a "Day of National Observance of the 200th Anniversary of the Surrender of Lord Cornwallis to Gen. George Washington, at Yorktown, Va.";

H.J. Res. 560. Joint resolution to proclaim March 19, 1981, as "National Agriculture Day";

H.R. 3956. An act granting the consent of the Congress to Hewson A. Ryan to accept the office and title of Honorary Consul of Honduras;

H.R. 6538. An act to authorize and direct the Secretary of the Interior to reinstate oil and gas lease New Mexico 33955;

H.R. 7130. An act to designate the building known as U.S. Court House and Federal Building in Syracuse, N.Y., as the "James M. Hanley Federal Building";

H.R. 7309. An act to designate the Federal building in Portland, Oreg., the "Edith Green Federal Building";

H.R. 7544. An act to designate the U.S. Federal Building in New Haven, Conn., as the "Robert N. Giaimo Federal Building";

H.R. 7588. An act to redesignate the U.S. Post Office and Courthouse Building in Concord, N.H., as the "James C. Cleveland Federal Building";

H.R. 7670. An act to amend title II of the Social Security Act to make necessary adjustments in the allocation of social security tax receipts between the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund;

H.R. 7770. An act to name the Environmental Research Center in Cincinnati, Ohio, the "Andrew W. Breidenbach Environmental Research Center";

H.R. 7831. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1981, and for other purposes; and

H.R. 8161. An act to designate the U.S. Federal Building in Pittsburgh, Pa., as the "William S. Moorhead Federal Building."

On October 10, 1980:

H.R. 6065. An act to amend title 5, United States Code, to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis, to allow certain unused leave to accumulate for subsequent use, and for other purposes;

H.R. 6331. An act to amend the act of July 31, 1946, as amended, relating to the U.S. Capitol Grounds, and for other purposes;

H.R. 7218. An act to establish the Martin Luther King, Jr. National Historic Site in the State of Georgia, and for other purposes;

H.R. 7301. An act to authorize certain construction at military installations for fiscal year 1981, and for other purposes;

H.R. 7411. An act authorizing the Secretary of the Interior to accept the conveyance of the United First Parish Church in Quincy, Mass., and authorizing the Secretary to administer the United First Parish Church as

---

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

a national historic site, and for other purposes;

H.R. 7434. An act to provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes;

H.R. 7666. An act to amend chapter 87 of title 5, United States Code, to increase the amounts of regular and optional life insurance available to Federal employees and provide optional life insurance on family members, and for other purposes;

H.R. 7859. An act to provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children, to provide special impact aid to such agencies for the education of Cuban and Haitian refugee children and Indochinese refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults;

H.R. 7919. An act to provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, and for other purposes; and

H.R. 7939. An act to amend the Securities Investor Protection Act to increase the amount of protection available under such act to customers of brokers and dealers, and to provide for the applicability of the Right to Financial Privacy Act of 1978 to the Securities and Exchange Commission.

On October 13, 1980:

H.J. Res. 568. Joint resolution to authorize and request the President to issue a proclamation designating October 12 through October 19, 1980, as "Italian-American Heritage Week";

H.R. 5048. An act to amend the act entitled "An act to preserve within Manassas National Battlefield Park, Va., the most important historic properties relating to the battle of Manassas, and for other purposes," approved April 17, 1954 (68 Stat. 56; 16 U.S.C. 429b);

H.R. 5546. An act to amend the U.S. Grain Standards Act to permit grain delivered to export elevators by any means of conveyance other than barge to be transferred into such export elevators without official weighing, and for other purposes;

H.R. 6440. An act to establish priorities in the payment of claims against the People's Republic of China;

H.R. 7592. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes;

H.R. 7779. An act to amend the Internal Revenue Code of 1954 to authorize three additional judges for the Tax Court and to remove the age limitation on appointments to the Tax Court; and

H.R. 8103. An act to rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively.

On October 14, 1980:

H.R. 4310. An act to amend the Federal Boat Safety Act of 1971 to promote recreational boating safety through the development, administration, and financing of a national recreational boating safety improvement program, and for other purposes;

H.R. 7085. An act to provide certain benefits to individuals held hostage in Iran and to similarly situated individuals, and for other purposes; and

H.R. 7665. An act to amend title 28, United States Code, to divide the fifth judicial circuit of the United States into two circuits, and for other purposes.

On October 15, 1980:

H.R. 4273. An act to amend section 17 of the act of July 5, 1946, as amended, entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes";

H.R. 4417. An act to provide for the coordination of federally supported and conducted research efforts regarding the Chesapeake Bay, and for other purposes;

H.R. 5451. An act to amend the Merchant Marine Act, 1936, to revise and reenact the laws pertaining to the U.S. Merchant Marine Academy and to State maritime academies and for other maritime education and training purposes;

H.R. 6554. An act to authorize appropriations for fiscal year 1981 and a supplemental appropriation for fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes; and

H.R. 8178. An act to amend title 28 to make certain changes in judicial districts and in divisions within judicial districts, and for other purposes.

On October 17, 1980:

H.R. 3122. An act relating to the tariff treatment of certain articles;

H.R. 5288. An act to amend title 38, United States Code, to provide for updated and expanded rehabilitation programs for veterans with service-connected disabilities, to provide a 10-percent increase in the rates of educational assistance under the GI bill, to make certain improvements in the educational assistance programs for veterans and eligible survivors and dependents, to revise and expand veterans' employment and training programs, and to provide for certain cost savings, and for other purposes;

H.R. 6593. An act to regulate the feeding of garbage to swine; and

H.R. 6790. An act to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes.

On October 19, 1980:

H.R. 5295. An act to amend the Social Security Act with respect to the retirement test, to reduce spending under title II of the Social Security Act, and for other purposes;

H.R. 5326. An act to authorize the Secretary of Agriculture to convey certain Government-owned property in the Kisatchie National Forest to the State of Louisiana in exchange for certain property at old Camp Livingston, La.;

H.R. 6686. An act to discontinue or amend certain requirements for agency reports to Congress;

H.R. 6816. An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State; and

H.R. 6883. An act to amend the Internal Revenue Code of 1954 to revise the rules relating to certain installment sales.

On October 21, 1980:

H.R. 2743. An act to provide for a national policy for materials and to strengthen the materials research, development, production capability, and performance of the United States, and for other purposes;

H.R. 5612. An act to amend the Small Business Act, to provide for the payment of the United States of certain fees and costs incurred by prevailing parties in Federal agency adjudications and in civil actions in courts of the United States, and for other purposes;

H.R. 6665. An act to implement the protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes; and

H.R. 7554. An act to amend the Federal securities laws to provide incentives for small business investment, and for other purposes.

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

I move a call of the House.

The SPEAKER. The Chair will not entertain that at this particular time. The Chair feels that there is no need for it.

Mr. WYDLER. Since we were in recess, Mr. Speaker.

SWEARING IN OF THE HONORABLE GEORGE W. CROCKETT, JR., AS A MEMBER OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan, Mr. GEORGE W. CROCKETT, JR., be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SHUSTER. Reserving the right to object, Mr. Speaker, I would simply ask if this matter has been discussed at all with the minority, with the minority leader?

The SPEAKER. Is there any objection from the minority leader?

Mr. SHUSTER. I would simply ask if the majority has discussed this with the minority.

Mr. RHODES. Mr. Speaker, reserving the right to object, I have not heard of any plans to swear a Member in today. If the usual certificate of election is available, or if there is no contest, I would have no objection to it.

The SPEAKER. There is no contest.

Mr. RHODES. I have not been notified.

The SPEAKER. The gentleman's office has been notified.

Mr. WRIGHT. Will the distinguished minority leader yield?

Mr. RHODES. Yes.

Mr. WRIGHT. The Wayne County, Mich., clerk, the clerk for Wayne County, Mich., advises that the vote total is 78,119 for Mr. CROCKETT and 6,908 for his only opponent, and no contest for the election has been filed.

A certificate of election will be issued Thursday, November 13, according to the Wayne County clerk, that being tomorrow; and notification has been received to that effect.

I am sorry that the distinguished minority leader had not received this notification. It had been my understanding that it had been given to his office, and I assure the gentleman that there is no contest, that the election is certified to be truly valid, and indeed overwhelming in this instance.

Mr. RHODES. From the figures which the distinguished majority leader has read, I would say that the victory of the gentleman from Michigan was somewhat substantial, and I cannot imagine that there will be a successful challenge. Therefore, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CROCKETT appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentleman is a Member of the Congress of the United States, and congratulations.

THE HONORABLE GEORGE W. CROCKETT, JR.

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, it is my privilege and high honor to present to the House of Representatives, Mr. GEORGE W. CROCKETT, JR., of Detroit, Mich., whom I am pleased to announce was elected to serve the 13th District of Michigan, the city of Detroit.

I personally congratulate Mr. CROCKETT who will now serve with us in the House as the Congressman filling that district's vacancy.

He has served the city of Detroit, appointed by the mayor, Coleman Young, as the acting corporation counsel during 1980.

Mr. CROCKETT's expertise and knowledge of the law will be of tremendous assistance to the House and to the Detroit area he serves.

For the past several years, he served as a judge in the Michigan Court of Appeals and on the recorders court in Detroit as presiding judge.

Previously a lawyer in private practice and an attorney for the U.S. Department of Labor, Washington, D.C., Mr. CROCKETT was first elected to the Detroit Recorders Court in 1966.

He also served the Michigan judicial and legislative system. He was appointed by the Michigan Supreme Court to review the judicial activities of the Michigan constitution; appointed by the State Bar of Michigan to the committee to draft Michigan criminal jury instructions; and appointed by the Michigan Supreme Court to the committee to draft Michigan rules of evidence. He is a member of the bar in the States of Florida, West Virginia, and Michigan, and has been a resident of Detroit since 1943.

I welcome Mr. CROCKETT to the House and wish him and his family success.

□ 1210

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 12, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted October 2, 1980, the Clerk has received the following messages from the Secretary of the Senate:

1. On Tuesday, October 7, 1980, that the Senate agree to the amendment of the House of Representatives to the bill (S. 2412) entitled "An Act to amend the Solid Waste Disposal Act to further encourage the use of recycled oil.".

2. On Monday, November 10, 1980, that the Senate passed S. 1814.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted the Speaker on Thursday, October 2, 1980, the Speaker did on Friday, October 3, 1980, sign the following enrolled bills:

H.R. 4417. An act to provide for the coordination of federally supported and conducted research efforts regarding the Chesapeake Bay, and for other purposes;

H.R. 5048. An act to amend the act entitled "An act to preserve within Manassas National Battlefield Park, Va., the most important historic properties relating to the Battle of Manassas, and for other purposes," approved April 17, 1954 (68 Stat. 56; 16 U.S.C. 429b);

H.R. 5451. An act to amend the Merchant Marine Act, to revise and reenact the laws pertaining to the U.S. Merchant Marine Academy and to State maritime academies and for other maritime education and training purposes;

H.R. 7779. An act to amend the Internal Revenue Code of 1954 to authorize three additional judges for the Tax Court and to remove the age limitation on appointments to the Tax Court;

H.R. 8103. An act to rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively.

H.R. 8178. An act to amend title 28 to make certain changes in judicial districts and in divisions within judicial districts, and for other purposes;

S. 1482. An act to provide certain pretrial, trial, and appellate procedures for criminal cases involving classified information;

S. 1798. An act to reduce regulation of and increase competition in the household goods moving industry, and for other purposes;

S. 1873. An act to revise the composition of the judicial councils of the Federal judicial circuits, to establish a procedure for the processing of complaints against Federal judges, and for other purposes;

S. 2320. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes;

S. 2622. An act to improve coastal zone management in the United States, and for other purposes;

S. 2719. An act to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes;

S. 2936. An act to transfer certain employees of the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate; and

S. 2961. An act for the relief of Viktor Ivanovich Belenko.

And on Wednesday, October 8, 1980, the Speaker signed the following enrolled bills:

H.R. 2743. An act to provide for a national policy for materials and to strengthen the materials research, development, production capability and performance of the United States, and for other purposes;

H.R. 3122. An act relating to the tariff treatment of certain articles;

H.R. 4273. An act to amend section 17 of the act of July 5, 1946, as amended, entitled "an act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes";

H.R. 5326. An act to authorize the Secretary of Agriculture to convey certain Government-owned property to the Kisatchie National Forest to the State of Louisiana in exchange for certain property of old Camp Livingston, La.;

H.R. 5295. An act to amend the Social Security Act with respect to the retirement test, to reduce spending under title II of the Social Security Act, and for other purposes;

H.R. 5612. An act to amend the Small Business Act, to provide for the payment of the United States of certain fees and costs incurred by prevailing parties in Federal agency adjudications and in civil actions in courts of the United States, and for other purposes;

H.R. 6440. An act to establish priorities in the payment of claims against the People's Republic of China;

H.R. 6593. An act to regulate the feeding of garbage to swine;

H.R. 6665. An act to implement the protocol of 1978 relating to the International Convention for the Prevention of Pollution From Ships, 1973, and for other purposes;

H.R. 6686. An act to discontinue or amend certain requirements for agency reports to Congress;

H.R. 6790. An act to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes;

H.R. 6816. An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State;

H.R. 6883. An act to amend the Internal Revenue Code of 1954 to revise the rules relating to certain installment sales;

H.R. 7434. An act to provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes;

H.R. 7554. An act to amend the Federal securities laws to provide incentives for small business investment, and for other purposes;

H.R. 7665. An act to amend title 28, United States Code, to divide the Fifth Judicial Circuit of the United States into two circuits, and for other purposes;

H.R. 7859. An act to provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children, and to provide special impact aid to such agencies for the education of Cuban and Haitian refugee children, and Indochinese refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults;

S. 707. An act for the relief of certain aliens;

S. 1156. An act to amend and reauthorize the Solid Waste Disposal Act;

S. 1250. An act to promote U.S. technological innovation for the achievement of national economic, environmental, and social goals, and for other purposes;

S. 1393. An act to amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes;

S. 2043. An act to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife;

S. 2412. An act to amend the Solid Waste Disposal Act to further encourage the use of recycled oil;

S. 2725. An act to extend certain authorizations in the Clean Water Act, and for other purposes; and

S. 3072. An act to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana.

REAPPOINTMENT OF MEMBERS TO JOINT CONGRESSIONAL COMMITTEE ON THE INAUGURAL CEREMONIES

The SPEAKER. Pursuant to Senate Concurrent Resolution 84, without objection, the Chair reappoints the following Members to the Joint Congressional Committee on the Inaugural Ceremonies to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the part of the House:

Mr. RHODES of Arizona;

Mr. O'NEILL of Massachusetts; and

Mr. WRIGHT of Texas.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 12, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit a sealed envelope received from The White House at 11:15 p.m. on Saturday, October 25, 1980, and said to contain a message from the President wherein he transmits the proposed constitution of the Virgin Islands, together with draft legislation to rectify discrepancies between the proposed constitution and Federal law.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives,
By W. RAYMOND COLLEY.
Deputy Clerk.

PROPOSED CONSTITUTION FOR THE VIRGIN ISLANDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-375)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs, and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, November 12, 1980.)

INTRODUCTION OF BILL RELATING TO DISENFRANCHISEMENT OF RIGHTS OF CERTAIN U.S. CITIZENS

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LLOYD. Mr. Speaker, I am introducing a bill which will not go far in this lameduck session. The bill addresses the disenfranchisement of the rights of U.S. citizens to vote in this "free country."

I am trying to right the wrong visited on voting citizens in this most recent election. This loss of citizen rights occurred when the media announced a Reagan victory almost 4 hours before the close of the California polls, coupled with the President's concession speech about an hour and a half before polls closing.

This bill does the following: All polls open and close at the same time. Voting will be over a 24-hour period with the polls closed for 8 hours for night commensurate with reasonable voting hours. Voting shall be on Saturday and Sunday. Polls must be open at least 3 hours on the short day.

It could operate as follows: Polls open in New York at 4 p.m.; polls open in Los Angeles at 1 p.m.; in Hawaii at 11 a.m. Saturday, et cetera. All polls would close 24 hours later, with polls being open a total of 16 hours. No ballots will be counted prior to polls closing, including absentee ballots—and, there is more.

Absentee ballots may be obtained up to 72 hours prior to poll opening. It shall be a felony to vote more than once, and if more than one ballot is cast, the vote violator shall be defranchised in the next Federal election, and subject to a fine, or both.

There shall be established in each State the office of registrar of voters, who shall review and establish and maintain a list of all eligible voters in cooperation with established registrar of voters operating currently. This list can be crosschecked with social security numbers and drivers license.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1280, ENERGY MANAGEMENT PARTNERSHIP ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 96-1460) on the resolution (H. Res. 807) providing for the consideration of the Senate bill (S. 1280) to provide assistance to States and to political subdivisions within States to promote national energy objectives, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AUTO IMPORTS

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, the American auto industry is battling for survival against a flood of imports, and now the industry has been wounded from the rear by our own International Trade Commission.

The big automakers have suffered record deficits. More than 200,000 autoworkers are unemployed. And one-fourth of the cars now sold in the United States are made elsewhere.

Yet the ITC has concluded that no relief from this financial and human hemorrhaging is justified.

This decision is disastrous for the auto industry, and ultimately for the entire Nation. I believe that Congress now must act to limit imports of autos and parts, to allow our own industry the necessary time to retool and meet the competition.

My friend and colleague, Congressman VANIK, has announced hearings of the Trade Subcommittee for next week on this issue. I urge the swiftest action possible by both Houses of Congress to provide some relief.

Autoworkers President Douglas Fraser has said the ITC ruling could threaten an additional 100,000 American jobs. In terms of our long-term economic health, in terms of unemployment, we simply cannot afford to continue doing nothing.

"PRINSENDAM" RESCUE

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, the first weekend in October of this year, the luxury cruise vessel *Prinsendam* caught fire off the coast of Alaska. When the fire got out of control, her master ordered the ship abandoned.

That command commenced one of the most dramatic, effective, and unprecedented rescues at sea in history. It was well covered in our press and on television. The facts are now history. But what has not been done is to thank and recognize the efforts of those men and women of different nationalities who participated in this rescue in the cold and stormy seas off our Alaskan coast.

So I propose that it is right and proper for the Congress of the United States to do so. To accomplish this, I am today introducing a House concurrent resolution, which would cost the Treasury nothing, but which will convey the thanks of this Congress to those who risked their lives so that others may live. I solicit your support as cosponsors so that we may extend our thanks to them prior to the 96th Congress adjourning.

ESTABLISHMENT OF A NATIONAL PRIMARY DATE

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, in this Chamber today divided by sadness and jubilation, I believe there is widespread agreement that campaign '80 started too early in the late summer of 1979 and continued too long.

It will take months to calculate the direct cost of the political campaign which may range upwards of a half billion dollars. It may take years to calculate the indirect cost of decisions deferred or politically altered.

Mr. Speaker, I hope that the new Congress will give priority to the establishment of a common national primary date 4 or 5 months before the election the next time around.

A FAIR CAMPAIGN PRACTICES COMMISSION AND PUBLIC FINANCING OF CONGRESSIONAL RACES

(Mr. AMBRO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AMBRO. Mr. Speaker, we all anticipate defeat but few of us are prepared for it.

As one who is naturally optimistic, I was one who was unprepared, but that optimism imbues me with a deep feeling that there is an abiding genius in the American people who provide the gift of elective office to those who best reflect their mood and who will, in fact, safeguard our Nation, and in that I wish everyone here Godspeed.

Those very often who are in a position to recommend changes are most often not in a position to implement those changes and with respect to one of them, I would like to suggest that without question in the future we need two things.

One, a Federal Fair Campaign Practices Commission or Committee with teeth to assure that those issues that are developed during campaigns are in fact, fair, and the other, without question, is public financing of congressional races. I recognize that the latter has lacked the necessary support in the past to pass such a bill but even those who have benefitted under the present system should give voluntary checkoff public financing another look. With respect to the former, no one in public life it seems to me should fail to support fairness and an end to distortions, misstatements, and deliberate lying in a campaign.

THE LATE HONORABLE CHESTER O. CARRIER

(Mr. NATCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NATCHER. Mr. Speaker, our former colleague, Chester O. Carrier of Leitchfield, Ky., in the Second Congressional District, died on Wednesday, September 24, 1980, in North Seminole, Fla. He was buried in Clarkson, Ky.

Chester O. Carrier was born on May 5, 1897, on a farm near Brownsville in Edmonson County, Ky. He attended public schools in Grayson County, Ky., and later attended the University of West Virginia at Morgantown, W. Va. He graduated from the law department of the University of Louisville at Louisville, Ky., in 1924.

Mr. Carrier was elected to five terms as county attorney in Grayson County, Ky., serving from 1925 to 1943. In December 1943, during a special election, he was elected to the U.S. House of Representatives and served in the House until January 1945. Chester O. Carrier was elected to fill the vacancy brought about as a result of the death of the Honorable Edward W. Creal. He was a former recipient of the "distinguished alumus award" from the University of Louisville. At one time, he served as president of the county attorney's association and the district bar association in Kentucky. After practicing law for a period of 55 years, he retired and moved to North Seminole, Fla.

Mr. Speaker, Chester O. Carrier was an outstanding citizen of the Commonwealth of Kentucky, and he was an excellent lawyer. In every position he held either private or public, he achieved distinction. His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not to the best interest of our people. His service in all of his assignments was marked by a high sense of conscience and duty. Although he served only a short time in the Congress of the United States, he clearly demonstrated that he had those qualities that were essential for leadership—sound judgement, patience, perseverance, and unyielding adherence to the principles and policies advocated by his party for the welfare of the country. His character, achievements, and his faithful service will be an inspiration for generations yet to come.

Mr. Speaker, I extend my deepest sympathy to the members of his family and especially to his lovely wife, Edna Carrier.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character and public service of the late Honorable Chester O. Carrier.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CHARLES B. HOEVEN

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I want to announce that our former colleague, Congressman Charles B. Hoeven of Iowa, died in Orange City on Sunday, November 9, 1980. He was 85 years of age.

Mr. Hoeven was elected to the 78th Congress in 1943 and served until he retired in 1965. He was ranking minority member of the House Committee on Agriculture and served on the House Republican Conference. I knew Mr. Hoeven for the last 6 years that he served here. I worked very closely with him on agricultural matters. I well remember that the present Governor of Minnesota and myself worked on the target concept. Mr. Hoeven was on the conference that year and I gave him a considerable amount of credit for working with the then chairman of the committee, Mr. Cooley, that established that "target" concept in the law which is still in the law today.

He also served as a U.S. delegate to the Interparliamentary Union in London in 1957 and 1961, Belgrade in 1963, and Copenhagen in 1964. He was a Congressional delegate to the Rural Food Organization in Rome in 1957.

Charles B. Hoeven was born at Hospers, Iowa, on March 30, 1895, the son of Gerrit and Lena Weiland Hoeven. He moved with his parents to Alton, Iowa, in 1901. He was graduated from the Alton Public School in 1913 and from the State University of Iowa with a B.A. in 1920 and an LL. B. in 1922.

A lawyer by profession, he was admitted to the Iowa State Bar Association in 1922 and admitted to practice before the U.S. Supreme Court in 1946. He served as County Attorney of Sioux County, Iowa, from 1925–37, was a member of the Iowa State Senate from 1937–41, and was president pro tempore of the Iowa State Senate from 1939–41.

Mr. Hoeven also held the following other posts: Temporary and permanent chairman of the Iowa Republican Judicial Conference, 1942; former president of the Iowa County Attorneys' Association; former president, Sioux County Bar

Association; former president, 3-B Judicial Bar Association; Iowa delegate to the Republican National Convention in San Francisco, 1964; former president, Alton, Iowa, Board of Education; member of board of directors and first vice president of Alton Savings Bank; past president, Alton Rotary Club; past president, Orange City Lions Club; member, Phi Alpha Delta Legal Fraternity at State University of Iowa; member, United Presbyterian Church, Alton, Iowa; former member, Council of the Presbytery of Northwest Iowa; mediator of the presbytery of Northwest Iowa, 1967; member of masonic bodies; veteran of World War I serving with the AEF in England and France; charter member of Floyd Post 200, American Legion, Alton, Iowa; member, VFW, Disabled American Veterans, and Veterans of World War I. He was Iowa delegate to the National American Legion Conventions in Miami, New York, Cleveland, Chicago, and St. Louis.

Mr. Hoeven was awarded the certificate of accomplishment by the State University of Iowa in 1947, received honorary degrees from Westmar College (1956), Morningside College (1965), and Buena Vista College (1968); Distinguished Service Citation, Northwestern College (1964); and Honored Iowans Award, Buena Vista College (1966).

He married Velma Ruth Pike of Toledo, Iowa, in 1928. They have two children, Pauline Ruth Marshall, of Ackley, Iowa, and Charles Pike Hoeven, of Slater, Iowa, and five grandchildren.

Memorial services will be held at the Alton Reform Church, Alton, Iowa, at 1:30 p.m. on Wednesday, November 12.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the life, character, and public service of the late Charles B. Hoeven.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE NEED FOR SUPERFUND LEGISLATION

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDGAR. Mr. Speaker, as we begin this lameduck session, I would urge my colleagues in this body and in the other body not to neglect some of the important pieces of legislation that we have already passed and which await our final decision.

In particular, I would like to call to the attention of the House the need to pass in this lameduck session the superfund legislation already passed by the House to deal with the Love Canals and the Valley of Drums, the Wade Site Dumps, and the more than 200 sites that we are discovering around this Nation every month that have some form of toxic substance that is being exposed on our society.

Mr. Speaker, I urge the passage of superfund legislation and urge the other body to move expeditiously in that direction.

THE NEED FOR SUPERFUND LEGISLATION

(Mr. MOFFETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOFFETT. Mr. Speaker, I would like to follow the remarks of my distinguished colleague from Pennsylvania with a similar plea and remind my colleagues that we passed that superfund bill by such an overwhelming margin. There are 100 billion pounds of hazardous waste being dumped every year into our ground, 90 percent of it improperly, as we know, and that amount is going up by 6 or 7 percent each year. I think that is one reason we passed that bill with such bipartisan support.

Mr. Speaker, I urge my colleagues on this side of the aisle to join with us to attempt to convince the other body and particularly the new majority leader to be or the apparent majority leader to be in the other body, to lend his support to this important legislation. The problem needs to be addressed and we do not want to lose this opportunity.

□ 1230

THE JACOB K. JAVITS FEDERAL BUILDING

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, the results of the election are clear, and they have compelled me to introduce this piece of legislation to designate a Federal building at 26 Federal Plaza in the Borough of Manhattan, N.Y., as the Jacob K. Javits Federal Building. I hope that the House acts quickly, if not in this lameduck session, at least in the new 97th session to so designate this Federal building for the former senior Senator from New York.

I want to add my words and strong support to those of the gentlemen from Pennsylvania and Connecticut that we pass this superfund bill for those 2.6 million residents on Long Island who have faced the potential of ground water contamination.

Swift action is essential if we are to protect our declining water supply and to give some comfort and solace to those people located near toxic waste sites.

LAMEDUCK SESSION IS ONLY FULFILLING A CARETAKER'S ROLE

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, let me first welcome the Speaker back to Washington. While the Speaker was away, there was a change of season, a fresh breeze is blowing, and it makes me feel real good. I am looking forward to the new Congress with great expectation.

Regrettably, Mr. Speaker, I am not looking with the same expectations toward this lameduck session. Let us face it, we are performing no more than a caretaker's role. The new House and Senate will be starkly different from this one. I certainly do not want to see us saddling the new administration and the new Congress with a budget that has no validity and economic policies that have no value. I do not want to see us turn loose on a new Government the economic ghosts and goblins of the old.

If this Congress imposes an unrealistic budget on the new President, then it has an obligation to also give the President the power to enforce it. That means a statutory ceiling on spending and a resumption of Presidential impoundment power. Anything less is political subterfuge.

One final word, Mr. Speaker: This is a dying Congress. Let us leave as soon as possible and let it rest in peace.

GOP DESERVES FAIR COMMITTEE REPRESENTATION

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, one of the big questions growing out of the Reagan-GOP election mandate is: Will the Democratic majority in the House cooperate or obstruct?

One of the first tests will be whether the Democratic majority in the House is willing to give fair representation to Republicans on committees.

Last June the Republican Policy Committee pointed out that Republicans are underrepresented on committees by 15 seats and by 59 seats on subcommittees.

We again call on the Democratic majority to stop violating the "one person—one vote" doctrine and apportion committee ratios on the basis of the elected ratio in the House.

Mr. Speaker, very significantly, I am informed that it is the intention of the Republican majority in the Senate to follow the elected ratios in assigning committee slots to the minority—and in the name of fairness and equal representation we call upon the majority in the House to do likewise.

If indeed the Democrats in the House intend to cooperate with the new administration, this could be one of the first signals of fair treatment of the minority in the House.

Mr. Speaker, the Republican minority deserves fair representation on committees.

LAMEDUCK SESSION SHOULD CONSIDER ONLY NECESSARY FISCAL MATTERS

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, my faith has been reaffirmed in the American people. In my own State of Mississippi we had one of the highest percentages of turnout in the Nation. But all across the country the people have voted for a different direction for this country and for our Government. They are demanding some change.

However, this lameduck session is not the place to do it. History shows very clearly that in Congress and other legislative bodies in lameduck sessions a lot of mistakes are made. There have been changes in the direction of the country and in the direction of the Government and in the people who are in this body.

I, therefore, urge the leadership to push for quick action on necessary fiscal matters and not get into substantive legislation that should be given very careful and extended consideration before we vote. We should vote on the appropriation bills, the fiscal matters, and adjourn this Congress sine die.

AID TO SOMALIA

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, there are not too many positive things we can accomplish in this remaining session. But we will have a bill, H.R. 7854, before us for aid to halt the famine in Somalia. The death rate of children in that part of the world is a mind-numbing tragedy. It is far beyond our State Department's worse estimates of death, but we have cut in half this year the aid that we were going to send to that part of Africa to alleviate the starvation that is decimating the Turkana people and the Somalians who have fled from the war in the Ogaden.

I hope that we will at the very least restore to last year's levels the food that we are sending to save tens of thousands of lives and particularly to stop the incredible death toll of infants.

LOOKING FORWARD TO WORKING WITH NEW CONGRESS

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, I want to take a moment to welcome all of my colleagues back, to congratulate those who were reelected, to give the very best wishes to those who were not successful at the polls and to those who retired.

Even though I have been a Member of this body for some time, I do not really think I ever anticipated being one of the senior Members. I sometimes feel like I came in about the time of the Boer War, and to paraphrase Sophie Tucker, I have been through wins, and I have been through losses, and wins are a lot better. One thing I would point out is that during my 20 years in Congress one phrase I have heard so much in the past will have a different ring. How many times have I heard that phrase, "We will clean it up in the Senate," or, "We will clean it up in conference."

Mr. Speaker, I look forward to January working with my colleagues when actually cleaning it up in the Senate or cleaning it up in the conference will have a different connotation than it has during the past 20 years.

CONSERVATIVES NEED NOT WORRY ABOUT PRESIDENT-ELECT REAGAN

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, may I suggest to some of my friends in the conservative movement in which I have had some small role over the last 20 years that it is more than a bit premature to start questioning the devotion to conservative principles of our President-elect Ronald Reagan. There is no doubt in my mind the next President of the United States is indeed a conservative and will do all he can to see that his beliefs are translated into policies and achievements that will benefit the American people. All of the American people.

I and millions of other citizens have worked too long to advance the cause of conservatism in America to allow anyone to go unchallenged who questions the integrity of or threatens politically the next President of the United States.

I trust that before long President Reagan will be at the top of enough liberal "hit lists" to satisfy even the most ardent conservatives of his continuing loyalty to our cause.

□ 1240

CONGRESS GRINDING TO A HALT ON ANNUAL BUDGET PROCESS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, looking around the Chamber, I see one or two members of the House Budget Committee and, of course, all Members are aware of the painful process of budgeting and appropriating we have been through. It seems to me that the Congress is literally grinding to a halt in this annual process, a very essential, a very fundamental responsibility, but one that we are not handling well.

I would like to suggest to members of the Budget Committee, as well as to my other colleagues that serious thought be given to budgeting and appropriating for a 2-year instead of a 1-year period. I see no reason why this could not be accomplished within the provisions of the Constitution and it would certainly simplify our procedures and enable us to deal with other matters much more expeditiously and thoughtfully. It would avoid repetition of the current spectacle, closing the year with most of the appropriation bills unfinished.

VETERANS DAY

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN DANIEL. Mr. Speaker, yesterday the Nation observed Veterans Day.

Forty million-plus Americans have served this Nation in time of national peril.

More than 1 million did not return to enjoy the fruits of their sacrifice. Let us pay tribute to them by a recitation of this poem whose author is unknown:

> They did give
> That you might live
> Our country
> Their lives in the air
> When the need was there
> Their bodies to the sea
> When that had to be
> Their sweat and toil
> Their blood to the soil
> Before they would yield
> A rock a pebble on a field
> Of this, our country
> Blood, sinew and bone
> All they did have they did give
> That you might live
> Our country.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 23, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On September 26, 1980 I notified you that my office had received a subpoena from the United States District Court for the District of Maryland.

The documents sought relate to the employment of an individual formerly employed by a Member of the House of Representatives. I have determined to comply with this subpoena after review by this office under the provisions of House Resolution 722. Unless I receive instructions to the contrary, I intend to comply forthwith.

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

WASHINGTON, D.C.,
November 5, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On November 5, 1980 I was served with a subpoena from the United States District Court for the Eastern District of New York for certain official records within my custody. The subpoena was issued upon application of the United States Attorney, signed by the Deputy Clerk of the Court.

Pursuant to the provisions of House Resolution 722, adopted on September 17, 1980, this is to notify you of the receipt of the subpoena. Also in accordance with House Resolution 722, I have this day requested the Clerk of the House to send a copy of the Resolution to the Court as required by Section 7 of the Resolution.

The subpoena is available for inspection by Members in my office.

Sincerely,

BENJAMIN J. GUTHRIE,
Sergeant at Arms.

ANNUAL REPORT BY SECRETARY OF TRANSPORTATION ON OPERATIONS AND ACTIVITIES OF ALASKA RAILROAD DURING FISCAL YEAR 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interstate and Foreign Commerce:

(For message, see proceedings of the Senate of today, November 12, 1980.)

SECOND ANNUAL SCIENCE AND TECHNOLOGY REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, November 12, 1980.)

TWENTY-SECOND QUARTERLY REPORT OF COUNCIL ON WAGE AND PRICE STABILITY — MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see proceedings of the Senate of today, November 12, 1980.)

REPORT ON NATION'S PROGRESS IN SPACE AND AERONAUTICS DURING 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, November 12, 1980.)

FIRST ANNUAL REPORT ON IMPLEMENTATION OF SECTION 403 OF POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1980—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interstate and Foreign Commerce:

(For message, see proceedings of the Senate of today, November 12, 1980.)

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 623]

Abdnor
Addabbo
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, Tenn.
Benjamin
Bennett
Bereuter
Bethune
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burton, John
Burton, Phillip
Butler
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crockett
Daniel, Dan
Daniel, R. W.
Danielson
Davis, Mich.
de la Garza
Dellums
Derwinski
Devine
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harris
Hawkins
Hefner
Hightower
Hillis
Hinson
Holland
Hollenbeck
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McHugh
McKay
McKinney
Maguire
Markey
Marks
Marriott
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nedzi
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Paul
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Rhodes
Rinaldo
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Russo
Sabo
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Staggers
Stangeland
Stark
Steed
Stenholm
Stewart
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Traxler
Trible
Ullman
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zeferetti

☐ 1300

The SPEAKER pro tempore. On this rollcall, 345 Members have recorded their presence by electronic device, a quorum.

Under the rule further proceedings under the call are dispensed with.

STATE AND LOCAL FISCAL ASSISTANCE AMENDMENTS

Mr. BROOKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7112) to authorize an extension and amendment of the revenue-sharing program to provide general purpose fiscal assistance to local governments, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7112, with Mr. STUDDS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Texas (Mr. BROOKS) will be recognized for 1 hour, and the gentleman from New York (Mr. HORTON) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

□ 1310

Mr. BROOKS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, in all honesty, I would prefer not to be bringing this bill before the House today. I had hoped that after 8 years of seeing revenue sharing in action, Congress would realize what a wasteful, illogical program it is and let it die.

But that golden goose is hard to kill, and in its wisdom the Committee on Government Operations has approved a 3-year extension of revenue sharing. As chairman of the committee, I am carrying out my responsibility to present it for consideration by the House.

My good friend from North Carolina (Mr. FOUNTAIN) will explain the bill in detail in a few minutes. I will simply say that the committee has taken one positive, logical step and eliminated State governments from the program, thereby reducing its cost from $6.9 billion a year to $4.6 billion.

It has also included in the bill a standby antirecession program that would provide up to $1 billion a year to State and local governments during a recession. The purpose of this program is to allocate national resources to meet national needs—in this case a need to help State and local governments recover from the effects of a national recession.

But that is not a description of revenue sharing. Cleaning a city's streets, raising the pay of city officials, adding sidewalks in suburbia are not the concerns of a national legislature. Congress is not the city council of the United States, but that is how it functions under revenue sharing.

There was something called budget surpluses in those olden days when the revenue-sharing program was first conceived. The idea was to turn back some of that surplus money to the cities. But by the time the Nixon administration was able to sell the idea to Congress in 1972 that situation had long since been demolished. Instead of a budget surplus, there was a deficit of nearly $30 billion that year and we have been wallowing in red ink ever since. The budget deficit in fiscal year 1980 totaled $59 billion. We had a national debt of $437 billion in 1972. The figure was $909 billion on September 30 of this year, and a trillion dollar debt—if you can even imagine such a number—is only a matter of time unless we cut out wasteful, unnecessary Federal spending.

Another of the original assumptions behind revenue sharing was that it would replace the categorical aid programs that were beginning to proliferate in the 1960's. Well, those aid-to-State-and-local-government programs totaled about $40 billion in 1972 and now they are running about $80 billion. Twice as much. And that is in addition to revenue sharing.

But of all the original assumptions about revenue sharing that have turned out to be wrong, the most wrong and most damaging one has been the idea that it would strengthen our Federal system. That it would restore vitality to local governments and reduce their reliance on Washington. That is what they said back in 1972. But what is the reality of 1980?

If we are to believe the anguished cries of city and county officials who have been beseiging our offices and filling our mailboxes for most of this year, their local governments would not survive if revenue sharing is cut off. They would be face-to-face with disaster, they say. After 8 years of revenue sharing, they are more dependent than ever on what happens here in Washington. And I think that is the most damning indictment of all against the program.

There is a role for the Federal Government to play in helping State and local governments, Mr. Chairman, and it is playing it. As Congress has seen the need for Federal assistance to meet problems that have a national impact, it has poured billions of dollars into highways, hospitals, housing, schools, colleges, libraries, urban and rural development, water and sewer systems, airports and harbors, pollution control. These are the kind of programs on which a national government should be spending money collected from all its taxpayers. Pouring out billions of dollars to local governments without regard for whether they need it or any control over how it is spent is not proper exercise of our legislative authority. Under current economic and budgetary conditions, with Congress cutting back on many useful, worthwhile programs, it borders on irresponsibility to continue such an activity.

I hope that Congress will not extend this program to the States and that those Members who are seriously concerned about the financial status of this Nation will join with me in defeating the entire bill.

Mr. HORTON. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, I rise in strong support of the extension of the general revenue-sharing program, I begin with that statement because I believe it is absolutely essential that the Congress act rapidly at this late date to extend this important program.

When general revenue sharing was originally passed in 1972, it was heralded as a major change in the relationship between the Federal Government and State and local governments. Congress had made the decision to provide general fiscal assistance to State and local governments with very few strings attached. Since becoming law, this program has provided badly needed financial assistance to every State and general purpose unit of Government during a time when they have been burdened with diminishing resources and increased demands for services.

By our acting today to continue the revenue-sharing program, we will reaffirm our commitment to the Federal system of government that has worked so well for over 200 years. We will reaffirm the understanding of Congress that many decisions are best made at the State and local level. Finally, the extension of revenue sharing will place the Congress clearly on the record that there are alternative means of assisting State and local governments than by complicated categorical programs.

All too often in the past, the Federal Government has assumed responsibilities which actually can be better handled at the State and local level. Over the years we have witnessed an almost explosive, uncontrolled growth in Federal grant-in-aid programs. The number of categorical grants available to State and local governments range from just under 500 to 1,000, depending on how programs are counted or defined. The fragmentation, duplication, paperwork, and redtape that exists in this system is truly astounding. During the hearings held this year by the Subcommittee on Intergovernmental Relations and Human Resources of the Government Operations Committee, and during hearings held in 1976, the message was clear from Governors, mayors, county executives, and State legislators: The traditional form of Federal categorical assistance is costly and unproductive.

I served as the chairman of the Commission on Federal Paperwork. The Commission held hearings all over the country and at every one of those hearings it was pointed out time and time again how these categorical programs result in a tremendous increased paperwork burden which drives up costs and reduces productivity.

Revenue sharing, on the other hand, provides an opportunity for distributing Federal assistance in a manner which is both efficient and effective. In fact, the entire program has been administered with a staff of fewer than 200 persons and one computer. That cannot be said about any other Federal program of which I am familiar. This simplicity of the revenue-sharing program stands in stark contrast to the confusion and complexity inherent in the intergovernmental grant system. Revenue sharing is our way of saying to local governments around this Nation that we trust them and we have confidence in their ability to use these moneys wisely in providing important services to all of our citizens.

The Committee on Government Operations, under the able leadership of Mr. BROOKS and Mr. FOUNTAIN, has developed a bill that would extend the general revenue-sharing program for another 3 years. While there are a number of changes to the program, there are three which I believe deserve the most attention:

First. The bill as reported by the committee retains the entitlement feature of existing law;

Second. The bill does not include general revenue-sharing allocations to State governments; and

Third. The bill does include as a separate title a special countercyclical revenue-sharing program in which State and local governments participate.

Mr. Chairman, I expect in today's debate we are going to hear a lot of talk about the entitlement provision and I expect there may even be an amendment to make the general revenue-sharing program a simple, annual appropriation. I believe that removing the entitlement status of the general revenue-sharing program would be unwise. While there are serious problems with much of the Federal budget consisting of "uncontrollable" expenditures, a careful review indicates that the revenue-sharing entitlement bears little similarity with the entitlement programs which have added so much to Federal spending each year.

Simply put, revenue sharing funds are directed to an exact number of recipient governments—over an exact period of of time—spending an exact amount of money. It is unlike other entitlement programs in which benefit or eligibility levels are set without knowledge of the number of recipients who may participate in the program. In sum, other entitlements mean uncertain costs, while revenue sharing does not. As such, it is valid to say that the revenue-sharing entitlement does not carry with it the problems of other entitlement programs.

Entitlement financing is essential. Local budget planners need to know exactly what their governments stand to receive during the course of the entitlement period. This allows revenue sharing funds to be utilized in a systematic and orderly fashion. Elimination of the entitlement would make the program subject to uncertainty with each annual appropriations process, thereby severely limiting the program's effectiveness.

The bill as reported by the committee includes allocations to State governments on a countercyclical basis only. This was one of the most important decisions that we made in the committee. I expect it will be the subject of a great deal of debate here today.

The final major change is the second title of the bill which authorizes a countercyclical revenue sharing program. Mr. Chairman, there is no doubt that the country is just emerging from a short and sharp national recession. This recession, like all recessions, causes serious problems for State and local governments as they are forced to cut back on vital services or increase taxes to make up for revenue shortfalls caused by the recession. A recent National Governors' Association survey of 34 States found that the recession has caused serious fiscal difficulties in all regions of the Nation but particularly severe problems in the Northeast, Industrial Midwest, and Northwest. Hard-hit States including Michigan, Ohio, Illinois, and Pennsylvania but also Vermont, Minnesota, Oregon, and Utah. South Carolina and Alabama are among Southern States experiencing serious financial pressures caused by the recession.

As we well know, the impact of the recession can be quite serious. In Michigan, where some 600,000 persons are unemployed, the State's 1981 budget is expected to be below the 1980 budget in actual dollars. Revenues from withholding tax collections are reported to be down 6 percent. Minnesota revenues are reported $91.4 million below estimates in 1980, with more problems expected in 1981. Ohio revenues: $188 million below estimates in 1980, with the State now imposing a 3-percent across-the-board spending reduction.

A major issue before the Congress is what steps the Federal Government should take to lessen the impact of recessions on State and local government budgets. The Intergovernmental Relations and Human Resources Subcommittee of the Committee on Government Operations, under the able leadership of L. H. FOUNTAIN, has studied this complex question for some time and has developed, as a second title to revenue sharing, a program that would provide financial payments to State and local governments adversely affected by a recession.

The purpose of these payments is to lessen the burden of the recession on these governments. The program would only operate in the event of a national recession and would only provide assistance to State and local governments that are actually affected by the recession and would automatically cease providing assistance when the recession ended.

I believe that a program of this nature makes a great deal of sense and I would urge its careful consideration today.

At the present time there is no money in the budget for this program. I think that provision should be made in the second budget resolution to fund this program. However, if it is the will of the Congress not to do this, then I think it would be wise for the Congress to at least put this program on the books so that when the next recession comes along, we have a program ready to respond.

In sum, H.R. 7112 is a balanced and reasonable piece of legislation which I think a great majority of Members can support. I would emphasize that it is absolutely essential that this body, together with the Senate, enact this legislation before we adjourn. It is important for local officials to be told how much revenue sharing funds they can plan to receive next year.

Over 38,000 local budgets all over America are in a state of uncertainty because the Congress has not acted to renew this program. The next scheduled revenue sharing payments are due in early January. Unless we act to continue the revenue sharing program, local governments will not receive that payment. I am sure many Members have been approached, as I have been, by concerned local officials from their districts asking when Congress will act. Well, now is the time for us to act. I urge my colleagues to support H.R. 7112.

□ 1330

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am happy to yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to commend the gentleman in the well for his statement, which I think is comprehensive and speaks to all the points of this piece of legislation.

As we participate in the next few days in what is termed a lameduck session, I have to feel there are some basic pieces of legislation that will be left unfinished. This revenue sharing bill that is before us today is, I think, a good one. It targets funds into local communities and into local units of government, and I hope we will not only see the enactment of this bill in the House but the swift passage of it in the Senate so that it can be moved to the President's desk.

The CHAIRMAN. The time of the gentleman from New York (Mr. HORTON) has expired.

Mr. HORTON. Mr. Chairman, I yield myself 1 additional minute.

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. HORTON. I will be glad to yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I think there are two points that have to be underscored in the gentleman's statement.

The first point is, how many local units of government are in the process of putting budgets together and need to know with some surety what kind of level of spending will be provided to them through the revenue-sharing act? I think it is important for us to give them that assurance by swift passage of this bill.

Second, I think we ought to consider the need for countercyclical provisions in this bill. There are cities all over this country that have high levels of unemployment and that, because of the enactment of this piece of legislation, will be given that little buffer against the high recession and high unemployment that they are facing at this particular time.

Mr. HORTON. Mr. Chairman, I would agree with the gentleman from Pennsylvania (Mr. EDGAR) on the two points he has made. I would also emphasize that in the countercyclical portion of this bill we also provide for the States. If States are adversely affected by a recession, they will receive payments, even though they are not included in the revenue-sharing portion of the bill.

I do certainly agree with the gentleman. I have the same situation in my district. As a matter of fact one of the towns in my district, the town in which I live, has submitted two budgets, one with and one without revenue sharing. So this is creating a very serious problem for local governments. Because of the rush to adjournment, we are going to have to move very quickly on this bill if we are going to get it done before we adjourn.

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. HORTON. I continue to yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I would just like to thank the gentleman from New York (Mr. HORTON) for his leadership on this important legislation, and I thank the gentleman for yielding.

Mr. HORTON. Mr. Chairman, I would like to thank the gentleman from Pennsylvania (Mr. EDGAR) for his assistance over the years on this legislation.

Mr. MOTTL. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Ohio.

Mr. MOTTL. Mr. Chairman, I would like to compliment the gentleman from New York (Mr. Horton) on his very comprehensive statement, and I wish to state that I endorse his remarks.

Mr. Chairman, the revenue-sharing legislation we are considering today is perhaps one of the most important and vital pieces of legislation to come before us.

Local governments are finding it increasingly difficult to get new taxes approved and are relying more and more on revenue-sharing funds just to provide existing services.

Communities in my home State of Ohio were allocated more than $184 million in revenue-sharing funds in 1980. To take that money away from them would force many communities into near-bankruptcy.

Inflation has eroded the money received from revenue sharing by almost 50 percent since its inception in 1972. For that reason I will support the amendment by my good friend Dick Gephardt of Missouri which will increase local revenue shares by $460 million in each of fiscal years 1982 and 1983 through annual appropriations.

The original $4.6 billion revenue-sharing program has not increased since 1972.

If we do nothing else in the postelection session, we must pass the revenue-sharing legislation.

The CHAIRMAN. The time of the gentleman from New York (Mr. Horton) has again expired.

Mr. HORTON. Mr. Chairman, I yield myself 1 additional minute.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding.

I, too, want to commend the gentleman from New York (Mr. Horton) for his leadership on this measure, and I commend the gentleman from North Carolina (Mr. Fountain) for his work that he and the other members have done in bringing this measure out of their subcommittee.

Mr. Chairman, I rise in strong support of H.R. 7112, the reauthorization of the general revenue sharing program, which has been and continues to be vital to towns, counties, and cities throughout our Nation.

Revenue sharing, through which local governments receive no-strings-attached grants for general purposes, is one of the most important programs we have for demonstrating our commitment to the vitality of our municipalities. Those who receive funds under this program are free to use them to meet the needs which are greatest in their own areas, and to exercise their own judgment and discretion in determining and addressing local priorities. The program is an important expression of our commitment to reducing the unnecessary interference of the Federal Government in local affairs.

I have received many letters from the mayors, supervisors, and councilmen in my district, affirming the value of the general revenue sharing program as a major instrument in keeping local taxes down to a reasonable level and as a vital resource in road repair, health, employment, fire and police protection, and other necessary programs and services.

Over $60 million has been made available in direct payments to local governments in my congressional district since the inception of this program. Mr. Louis Heimbach, the county executive of Orange County, said:

> Revenue sharing has been a significant resource for keeping county governments solvent. . . . Loss or reduction in revenue sharing could prove to be disastrous to the fiscal stability of counties.

It is gratifying that we are finally beginning the consideration of this bill today, and I regret that we have not been able to consider this measure earlier in the session. The fact that we have delayed our consideration of this bill has imposed a special hardship on the communities in my district in New York State, which by State law are required to submit annual budgets by December 1 of this year. I am hopeful that they will benefit by our favorable consideration of this bill and I urge my colleagues to join in support of this vital legislation.

Mr. HORTON. Mr. Chairman, I thank the gentleman from New York for his comment, and I commend him for his support of revenue sharing and for his interest in seeing that the bill gets passed in this Congress.

Mr. BROOKS. Mr. Chairman, I yield 11 minutes to the gentleman from North Carolina (Mr. Fountain).

Mr. FOUNTAIN. Mr. Chairman, let me first compliment and commend the chairman of this committee, the distinguished gentleman from Texas (Mr. Brooks), particularly in view of his general opposition to this legislation, for cooperating with the Subcommittee on Intergovernmental Relations and Human Resources, which I have the honor of chairing, and for cooperating with the full committee in bringing this legislation to the floor of the House for consideration and, hopefully, final passage.

Let me also compliment the distinguished ranking minority member, the gentleman from New York (Mr. Horton), and those Members who have worked with him, for their cooperation in making this basically a bipartisan piece of legislation to help the local units of government in this country.

Mr. Chairman, the committee has brought a good bill before the House, a bill that deserves our support in its present form. This is a carefully developed piece of legislation. It balances the need of our local and State governments for fiscal assistance with the budget realities facing the Federal Government today.

The bill reported by the committee was approved by the Intergovernmental Relations and Human Resources Subcommittee in essentially its present form after 6 days of hearings and 4 days of markup, in which all of the issues and policy options were thoroughly examined. In reviewing the existing revenue-sharing law and possible improvements, the subcommittee systematically examined the entire range of policy issues and proposed formula changes brought to its attention by the administration, by the Comptroller General, and by interested organizations and individuals. I believe this legislation has been fully and carefully considered, and that H.R. 7112 as reported by the committee is the best compromise possible under present budgetary circumstances.

We have all heard the statement that the Federal Government is a better and more efficient tax collector than State and local governments. This argument is often used by the proponents of new Federal programs.

While the statement is true as a generalization, it ignores the fact that a large part of Federal revenue increases results from taxpayers being pushed into higher income tax brackets, due to the very inflation that excessive Federal spending helps create. Taxpayers, quite understandably, are beginning to rebel against these inflation-related tax increases.

What does the public think about the Federal income tax? For the second year in a row, the annual poll sponsored by the Advisory Commission on Intergovernmental Relations found the public regards the Federal income tax as the worst of all taxes—that is, the least fair. The local property tax came in a distant second in unpopularity.

The characterization of the Federal Government as a good tax collector also ignores the fact that it is extremely difficult to allocate Federal assistance equitably. This is so because virtually all of the data elements used in grant formulas have serious limitations. Even the revenue-sharing formula, which relies on the best data sources available, suffers from serious data inadequacies which are discussed in the committee report.

A number of proposals for formula changes that are not included in the committee bill were carefully examined by the subcommittee, and some of them examined again during committee markup. They were rejected because we could not be sure the changes would allocate revenue sharing more equitably. In addition, some proposals—such as untiering the formula—would have caused severe political problems by shifting large amounts of money between local jurisdictions.

☐ 1340

The committee has not closed the door to any formula change that might improve the program. Instead, it has taken the position that we must obtain better measures of fiscal need and fiscal effort before making fundamental formula changes. I am hopeful this will be done before the next revenue-sharing authorization.

The committee amendments to the Revenue-Sharing Act are fully explained in the committee report. I will restrict my remarks to the two most important of those changes.

Revenue sharing for State governments was discontinued for the duration of the program's 3-year extension in order to help balance the Federal budget. A balanced budget, which would contribute to a lessening of inflationary pressures, is unquestionably one of our Nation's highest priorities. This objective, you will recall, was demanded of the Congress by a large majority of the States. There was a good possibility of balancing the budget by fiscal 1982 at the time the committee acted. However, the budget picture has deteriorated further since then, with the evidence pointing to continued red ink and double digit inflation for the foreseeable future. If ever there was a time to cut out nonessential spending, it is now.

In lieu of the State share, the committee bill authorizes $1 billion a year in special antirecession assistance, for fiscal years 1981 through 1983, to help compensate State and local governments for their declining tax revenues caused by recession. I believe this is an appropriate and realistic tradeoff for State revenue sharing, since it would provide half of these funds to State governments when they need them the most. The committee's substitution of antirecession assistance for State revenue sharing is strongly supported by the administration.

As I stated earlier before the election recess, in a "Dear Colleague" letter, I am confident the subcommittee will give prompt and expeditious consideration to resuming revenue sharing for State governments if the Federal budget situation improves sufficiently during the next few years. Meanwhile, it makes no sense to authorize assistance now for fiscal years 1982 and 1983, since we do not know what the budget situation will be. Moreover, such action would not even be helpful to the States, since they could not include this money in their future budget planning.

The more prudent course would be, to cross that bridge when we come to it, when we have the evidence that the budget and the destructive inflation we are experiencing have been brought under control. This is the approach taken by the committee bill.

I might emphasize again that basically this is a bipartisan piece of legislation.

Let me say a final word about title II in the bill, which authorizes antirecession payments to State and local governments. This program would be triggered only in the event of a national recession, and payments would be tailored to each State and each county area's proportionate share of the national decline. The data for these calculations are already collected by the Government on a continuing basis.

This program has a sound and rational formula which uses actual figures on changes in inflation-adjusted wages and salaries instead of the notoriously unreliable, and often fictitious, unemployment rates that were used in the countercyclical assistance program enacted in 1976 after the last recession.

The bill would allocate half of the authorized funding to State governments, instead of one-third as in the regular revenue-sharing program, because State tax collections are affected by a recession to a greater extent than local revenues.

If we must restrict the Federal budget over the next few years—which appears clearly the case—the States obviously can better afford to share in the sacrifices than local governments which have more limited resources. The States can tax, just like the Federal Government. The evidence shows that the States are in much better financial shape than the Federal Government which has balanced its budget only once in the last 20 years, has accumulated a $908 billion national debt, and is running a deficit of more than $60 billion.

I urge support of the committee bill.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of this bill to reauthorize the general revenue-sharing program. I was deeply disappointed when this legislation was not acted upon before the Congress recessed for the election. Most of our local governments are already well into their budget planning process for the coming year. The delay in deciding the future of this program has left local government officials in limbo as to whether they should count on receiving these funds or not in determining their tax rates for the coming year.

Mr. Chairman, I was one of the original cosponsors of the revenue-sharing program when it was first enacted in 1972 and I supported its reauthorization in 1976. I believe the revenue-sharing program has proven to be worthwhile and I remain committed to its continuance.

Since the inception of this program in 1972, communities in my district have received more than $88 million in revenue-sharing payments. As I traveled around my district during this election campaign, I learned firsthand of the importance of the revenue-sharing program to local communities. Whether urban or rural, small or large, the local governments in my district all faced the common problems of increased Federal and State mandates and a growing demand for public services. For many of the smaller communities who do not have full time grantsmen who can wind their way through the competitive Federal grants maze but who are nevertheless faced with this increased demand for services, the revenue-sharing program is regard as the most important Federal assistance program we have.

Mr. Chairman, I urge approval of this bill to reauthorize the general revenue-sharing program and I hope the other body can be counted on to act on it with dispatch.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, I have been a strong and longtime supporter, as a matter of fact, one of the charter members of the group that supported the concept of revenue sharing in the Congress and in the country.

My renewal legislation, H.R. 2291, which had almost 100 cosponsors, was the first general revenue-sharing bill introduced in the 96th Congress. I believe revenue sharing is the most efficient and economical program which we have at the Federal level to assist States and localities.

General revenue sharing is one program which works and apparently that bothers some people right here in the Congress. It is a program that works very, very well.

Mr. Chairman, I am not going to renew all the discussion of the benefits of revenue sharing for my colleagues. We have heard it before. We know what those arguments are. I think an overwhelming number of the Members have made up their minds how they are going to vote on the legislation and I think we all know that when the time for final passage of this bill comes, no matter what is the form of it—in other words, no matter what amendments have been adopted—the bill is going to pass overwhelmingly and we know that in addition it will be quickly passed in the other body and, hopefully, although we cannot be sure of this, it will be very quickly signed into law by the President.

There is one very important amendment that is going to be offered and I believe it will be offered by me. That is going to be the Conable-Wydler amendment, which is, in effect, an amendment to give back to our State governments the opportunity to participate in this program in the fiscal years 1982 and 1983. I would urge upon the Republicans who are listening, that if they have been opposed to this amendment in the past, that they reconsider, and that they reconsider on the basis that we indeed have had a change in national administration in our country and that the new President-elect, Ronald Reagan, is a very strong supporter of the revenue-sharing concept and will, indeed, want to put the States back into the program at the earliest possible moment. This amendment will give him the mechanics, the means, whereby he can do that when the time comes.

I would hope that Republican Members who may have been doubtful about this issue in the past or opposed to it, reconsider their positions and, hopefully, will support the amendment.

I would appeal to the gentlemen on the right-hand side of the aisle, the Democratic Members of the Congress, for some of them to reconsider their opposition as well and particularly I would urge that on the chairman of the full committee, the gentleman from Texas (Mr. BROOKS). I like the gentleman from Texas. The gentleman from Texas is a friend of mine and always will be, but I think the gentleman has been wrong on revenue sharing from the beginning. The concept is one that is well respected by the American public and by the

American body politic. It is one that is very much liked by the President-elect, Mr. Reagan, and I think it is time for the people who have been opposing this concept to get the message that has been driven home to me so clearly in this past election.

□ 1350

I think most of the Members know I was not directly involved in the election, not running for office again, but as somebody who could observe it. To me, the message came through loud and clear, and that message was that the American people are not enamored of the Government as we have been giving it to them for lo these many years past, with a tremendous number of categorical programs, well intentioned, and hoping to do the best with them, but nevertheless driving our local governments crazy with rules and regulations and mandates from the Federal level and making the people disgusted with the way the Federal money is being spent.

I think if anything else comes through, it is the fact the American people would like to see, yes, the Federal Government help States and local governments, but do it in a way where they could do what they know are the things that the people in their areas want done rather than the things that we insist that they do.

The CHAIRMAN. The time of the gentleman from New York (Mr. WYDLER) has expired.

Mr. HORTON. I yield an additional 5 minutes to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. I would ask the Members on the other side of the aisle to consider that, really deeply, consider that this, the time has come to really reconsider those who oppose revenue sharing. This is a concept that has been part of our Federal Government now for many years. It has worked well. Nobody can really point at the program and say it has been a terrible program; did a poor job. You will not hear that in this debate. Instead, people will be taking shots at it from the side, based on the old prejudices they still have against the concept of giving another government some Federal money without telling them exactly what they have to do with it and that is the mind bent that is the downfall of a great many people who ran for office in my judgment in this last election, and it will continue to be the downfall to those Members who do not get that message.

I hope that not only the chairman of the committee, because I respect his judgment, and I have worked with him on a great many things, but he has his mind set on this bill that somehow this bill does harm to the Federal Government. I do not know how he concludes that, but, in my judgment, it is not right. It is not the thinking, current thinking of the American people, and I wish he would do what he can today to help us get this bill passed here in the best shape we can in the quickest time we can.

I am going to tell him right now, and I hope he hears this message. We are going to consider this bill, and we are going to consider the amendment that I am going to offer on State sharing for fiscal years 1981 and 1983. I have heard some rumors—to this point they are strictly rumors, and nobody has come to me directly and told me about it—that there may be an attempt which would be just the last in a long series of procedural attempts to do something to keep the State sharing from being voted on today or tomorrow. This Member will not allow that to take place. I tell the gentleman now or any other gentleman who may have that in his mind, we are going to face this issue. We are going to let the Congress speak. We are going to let the people see who is speaking on whose side, and that is what I am going to make sure is done if this bill is considered. It is going to be considered as a whole bill, and the Members are going to have an opportunity to debate and vote on the amendments.

I hope we will have that kind of a procedure. I hope that is the way we are going to proceed here on this legislation.

This bill is long overdue. We all know that. It is a disgrace that we are here in a lameduck session thinking and talking about this legislation. This should have been passed in the early months of this year, in January, February or March, so every one of the local governments would know at this moment that the revenue-sharing program was in place and when they made up their budget they knew that the money was going to be there.

It is a disgrace to the American people that the administration, the present administration and Members of this Congress have done everything in their power to hold back and delay this program. And they are the ones who are responsible and if they try it again, they will be revealed here today as doing it once more.

I do not think it is in the public service, and I do not think it is justified. I do not think an overwhelming number of the Members of the House or Senate want it done. I hope it is not attempted.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I rise, as a member of the Government Operations Committee, in strong support of the State and Local Fiscal Assistance Act Amendments of 1980 (H.R. 7112), and to urge my colleagues to continue this program, originally enacted in 1972.

Title I of H.R. 7112, as reported by the committee, extends for 3 additional years the general revenue-sharing (GRS) program at its current $4.6 billion level for local governments, and authorizes, in title II, a $3 billion, 3-year program of countercyclical assistance to counter the effects of the current recession.

There can be little doubt that GRS moneys have become an important part of government financing—at both the State and local levels. Since 1972, GRS has distributed some $56 billion to 39,000 State and local governments, for almost every reasonable government purpose. To a good portion of these governments, this means that GRS moneys are used for education, while social services for the elderly, the sick, and the indigent rank high on the list of prominent uses by other areas. And even though the rate of inflation erodes the value, in constant dollars, of this $4.6 billion, decreasing it by almost 50 percent since 1972, these payments continue to play a vital, even crucial, role to the localities which are charged with providing these services. There is simply no doubt that should we in the Congress fail to renew this program, there would be immediate and severe layoffs and hiring freezes in the public sector, cutbacks in services, escalating taxes and/or service fees, and delayed capital projects.

Title II's countercyclical fiscal assistance program, for State and local governments, is a concept to which this body has already given its approval when it passed, on January 31, 1980, H.R. 5980. That earlier bill, as this, provided for antirecession aid to be triggered-in when the national economy was in recession. And although the two bills differ in their specifics, the concept embodied in them remains the same—to aid units of Government, and the people they serve, in dealing with the great financial burden of providing services in times of recession when local revenues decline at the very same time that the need for these services increases.

Unfortunately, the committee has reported this title using the same national trigger mechanism adopted in H.R. 5980—that is, two consecutive quarterly declines in both GNP and real wages and salaries. These indexes were thought to be, by at least a majority of the committee, a more accurate determination of recession than the unemployment data which had been used in 1976 to originally enact this program. I fervently dissent from this rejection of the unemployment figures, certainly at the nation and State level. The formula now used in H.R. 7112 will, I believe, result in further delay in the implementation of the program, and may well have the effect of targeting these funds away from the very areas which are hardest hit by the recession.

Several amendments will be proposed during consideration of this bill which I believe can greatly improve the delivery of vital services at the local level. The first, and perhaps most important, will concern the States share of general revenue sharing.

During the Government Operations Committee consideration of H.R. 7112, I proposed an amendment to continue the State share of general revenue sharing in fiscal years 1982 and 1983. As the effects of the current recession become obvious, I am even more sure of the need for States participation in this program today than I was then. I thus intend to join with several of our colleagues, on both sides of the aisle, in proposing an identical amendment.

The amendment we will propose would authorize, subject to regular congressional appropriation, $2.3 billion in both fiscal year 1982 and 1983 for participation of the States in the general revenue-sharing program. Due to restrictions imposed by the Budget Act, no funding is included for fiscal year 1981. Unlike the local share of GRS, the State share would no longer be an entitlement and would thus, to repeat, require appropriation.

The State share of GRS—now one-third of the total GRS allocation—must be preserved. I believe these funds are extremely vital to the economic well-being of our States—even more important to the local governments across the Nation which share in the passthrough of Federal GRS moneys down to the cities and counties.

Although we will hear much about the fiscal strength of States during debate on this amendment, the truth of the matter is that almost all of the States are now in serious financial straits. Unfortunately, in the years to come, this situation will only become worse. According to the latest figures from the Department of Commerce and Data Resources, Inc., the State surpluses of earlier years will have disappeared by the end of fiscal year 1980. In that year the States will show a net deficit nationwide of approximately $12 billion. In 1981, this deficit figure rises to approximately $15 billion. These figures do not include, of course, funds which have been placed in social insurance or pension trust funds, as these are, by law, not available for general Government functions.

Perhaps even more than for local governments, the fiscal outlook for the States during times of economic downturn is strained. Because States often rely primarily on income and sales taxes for their revenues, the States find their income quickly depressed during recession. And because many States are required by their State charters to balance their budgets, this must immediately result in reduction of services.

This reduction of the States share of GRS has an immediate effect at the local level. One study found that over half of the funds which States receive go directly for education and social services. In fact, 21 States earmark all their GRS allocation for these purposes. Ten States use all or a substantial portion of GRS payments to fund capital improvements, while another 9 States use all of their share to help finance retirement benefits. These four categories alone account for 87 percent of the expenditures of the States share of GRS. Others, including Treasury Secretary Miller, estimate that perhaps some 60 percent of the funds are passedthrough by States to local governments. In my own State of New York, the figure is even higher. Whatever the State or the estimate, it is abundantly clear that a large portion of State GRS dollars are filtered to local governments for legitimate government functions which will necessarily be reduced without continuance of the State participation.

And finally, during upcoming debate there will be those who will again raise the need to "balance the Federal budget." I can only wonder why this worthy fiscal goal is renewed by many only when we are considering relatively small portions of the Federal budget which are to go for education, or for the elderly or the sick.

We do not see the waving of this flag when we spend hundreds of billions for the toys of war, or favorite construction projects back home, or when, by our tax laws we forego Federal revenues on the unconscionable profits of the oil companies.

Before concluding my remarks, I would like to touch on three other amendments which have been noticed.

The gentleman from New Jersey (Mr. MAGUIRE) will propose that "exported" severance taxes levied on energy sources be eliminated from the measurement of tax effort for GRS distribution. Thus, severance taxes paid by residents of State "X" would not be used to figure, and under oil decontrol, to increase, the amount that State "Y" received under GRS. This amendment would thus remove a significant inequity in the allocation formula by removing the artificial tax effort measurement enjoyed by the few energy-producing States—at the expense of the net energy-consuming States.

The 8-year erosion in the value of GRS to local governments will be addressed by an amendment offered by the gentleman from Missouri (Mr. GEPHARDT) to increase the local share of GRS by $460 million in fiscal year 1982 and fiscal year 1983. As I stated earlier, the value of revenue-sharing dollars has decreased about 47 percent since GRS enactment in 1972, and with inflation continuing at double-digit rates, GRS will have even less value in future years. Most other entitlement programs automatically adjust to take this into account—but not GRS. and although the amendment would require a separate appropriation in each year, thus not creating additional entitlement, it would redress this problem.

Another amendment would also compensate for impact of inflation on GRS by increasing the local share of GRS by $500 million. At the same time, this amendment would correct an inequity in the allocation formula by eliminating the "tiering" which is currently employed in revenue-sharing payments. Instead of the current method of first distributing to county areas and then to local governments within these county areas, the amendment proposed by the gentleman from Pennsylvania (Mr. WALGREN) would allow allocation directly to the local areas. This "detiering" of the formula would correct the situation where, because there are both high-income and low-income areas within a county, the poorer community receives substantially less than it would were it in a county with uniformly low per capita income areas.

Mr. Chairman, I urge my colleagues to join me in support of these amendments and passage of this important legislation.

☐ 1400

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the distinguished and able gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I rise in support of this legislation. I believe it is well considered, well thought out, and important legislation. The concept of general revenue sharing is the essence of federalism. It says simply that the decisions as to the expenditure of funds collected from taxpayers across this Nation can best be made by those people closest to the citizens. It says that there is no greater integrity, there is no greater wisdom, there is no greater ability in the bureaucracies in Washington as to how these funds should be targeted and spent than there is in the city councils around America where these people are in the trenches meeting with their citizens and their constituents each day. They know a lot better than the GS-15's in Washington where the priorities are and where the needs are.

This program is one of the most cost-effective programs to administer in the entire Federal Government. I am told that the entire overhead operation of this program is about one-eighth of 1 percent of the funds which are expended.

All we are saying is that so long as the Federal Government is effective in collecting taxes, at least let a portion of the decisions as to where those taxes are to be spent, be made by local government officials who are elected by the same citizens who elect the Members of the Congress. It is the local governments who bear the responsibilities of providing services while the Federal Government, through the income tax, has preempted the major source of revenue. Consequently, it makes a great deal of sense, and it is a tribute to the strengthening of our system of Federal Government, to provide a portion of these funds for local decisionmaking by those people closest to the public.

Now, some have said that this really is not revenue sharing, that this is deficit sharing, that the Federal Government is operating at a substantial and, in my opinion, outrageous level of deficit and, consequently, we are not sharing revenues, we are sharing this deficit; but that presupposes that what has contributed to the deficit is revenue sharing. This is not the program that has created the national debt.

It is not the last or the next to the last or the third from the last brick that makes a building as high as it is. I suggest to you there are a number of programs further down the line which could easily be eliminated, which could easily be cut back to provide this revenue sharing that will permit local governments to discharge their responsibilities to the people without raising local property taxes and regressive taxes on the taxpayers at the local level.

I support this program now and have supported it since I came to Congress. It is a program that says we in the U.S. Congress trust the decisionmaking of local officials around this country. The moneys are not Federal funds which are being put back into the local communities. These are not Federal dollars. These are taxpayer dollars and come from taxpayers all across America and all we are saying is that as stewards of these revenues, we are going to let people at the local level, accountable to the same public as we are, make the decisions. This is one of the reasons that several years ago when we authorized this program, I had the privilege of offering the amendment which eliminated the categorical uses of revenue sharing and simply said, I have trust in our mayors, I have trust in our county commissioners, I have trust in the local elected officials and we are reaffirming that trust in federalism today.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I would be happy to yield to the gentleman from New York.

Mr. WYDLER. I appreciate the gentleman yielding. I want to just congratulate the gentleman.

I know the gentleman has had an enlightened view about this program from the beginning of the matter; in fact, more than that. The gentleman has been a creative person in improving the program and the way the gentleman improved the program was not to go in the old-fashioned way of trying to break it down into little pieces and make everybody fill out 42 forms to get a little piece of it; but rather to make it a program where people could get the money and put it into action, nearly all of the money, so that most of it did not go for administration of the program. It went into some programs that really did some good for people.

It amazes me that we will have practically no discussion during the consideration of this bill about any criticism of the program. That will be the amazing fact. Nobody will get up, and there certainly are weaknesses in it.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

Mr. BROOKS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Georgia.

Mr. LEVITAS. I yield to the gentleman from New York.

Mr. WYDLER. We will not hear any of that, I am sure, as we go through the debate on this program. This program really has worked and the gentleman has been one of those that has helped to improve it and make it better; so I heartily congratulate the gentleman, not only for his statement, but for the help he has given to the revenue-sharing program in the amendment process in the past.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman for his comments. The gentleman makes a point which I think should be reiterated; that is, with so many of the Federal programs that we have to apologize for and explain because of their misuse or their abuse, here is a program which has reduced local property taxes, which has served the needs of the people as determined by those individuals elected by them to make those decisions. We have done it in the most cost-effective way possible.

I would hope someday we would simply be able to leave those revenues back at the home level to begin with; but until we do that, the general revenue-sharing program is one of the outstanding successes of our Federal budgetary process.

I urge Members on both sides of the aisle to give it their enthusiastic endorsement and to vote for its passage.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maine (Mrs. SNOWE).

Mrs. SNOWE. I thank the gentleman for yielding.

Mr. Chairman, even though it is the 11th hour, I am glad to see that we are finally considering H.R. 7112, revenue-sharing extension. The phrase, "better late than never," certainly applies in this instance. I sincerely hope that we can complete consideration of this bill quickly, so that we can insure its passage during this postelection session.

A key issue will be State participation in the program. I strongly support the amendment that will be offered by my colleagues, Messrs. WYDLER, CONABLE, MITCHELL, RODINO, and WEISS to restore the State governments to the program. The amendment would prevent the House from making a very serious mistake, cutting out the State share of revenue sharing. It does so in a very responsible manner. There is no State funding for fiscal year 1981, but the States are restored in fiscal years 1982 and 1983. Any State share in the future years will be subject to the annual appropriations process; this is not an entitlement. I urge my colleagues to support this amendment.

The economic forecasting firm of Data Resources, Inc., predicts that State and local governments will run a deficit of $13 billion in 1980 and $16 billion in 1981. In light of this, totally eliminating the State's share is bound to affect cities and towns. At present, State funds constitute nearly 40 percent of local government expenditures. Total elimination of the State share will dramatically affect such local services as police, fire, sanitation, and education. We will be making a grave mistake if we cut off our options at this point.

I would like to remind my colleagues that revenue sharing is the cheapest and easiest grant-in-aid program to administer at the Federal level. Administrative costs account for only one-tenth of 1 percent of total program cost. Or, for every dollar spent, $5,263 are put to work. There are few regulations, and no bureaucracy as only 200 people at Treasury administer the program. Revenue sharing has grown at an average rate of about 3 percent a year since it was authorized in 1972. Whereas categorical grants, which have higher overhead costs and which account for nearly 80 percent of all Federal aid, have grown at nearly 14 percent a year in the same period. Because of inflation, the revenue-sharing dollar in 1980 is worth 40 percent less in real terms than the same dollar in 1972.

This is no time to eliminate one of the few Federal programs that works and works well.

We have to remember that the role of the States is fundamental to our constitutional system. The tendency for the past 15 years has been to cut the States out and have Federal grant funds go directly to the localities. To further weaken the States' role by cutting their share of revenue sharing would be a mistake. Revenue sharing was started as a broad formula grant for general purposes, intended to increase independence and flexibility of action for the States and localities, and decrease Federal influence. Cutting the States out of this program of decentralized decisionmaking can only have adverse effects.

There adverse effects would be wide ranging because State revenue sharing supported a variety of education, health, transportation, and social programs at both the State and local levels. Approximately 40 percent of the States' share of $2.3 billion is passed through to local governments. In my State of Maine, the State uses its $15.6 million share for municipalities for their teacher pension plan. Governor Hughes of Maryland estimated that ending the State share would have the effect of adding $1 billion to the property tax burden faced by taxpayers. The U.S. Conference of Mayors recently surveyed 100 of the Nation's larger cities and indications are that more than 3 out of 4 are facing, or will soon face, financial problems. Obviously, they will have an even harder time if the State revenue-sharing program is cut.

The rationale for cutting the State share basically misses the point. The argument is made that the States do not need the money and aggregate budget figures are cited as proof. Last year, the States' $4.3 billion projected surplus was given as proof that the States did not need revenue-sharing funds. Looking at the aggregate is misleading because most of that projected surplus was in five States. And, as Governor Hughes of Maryland pointed out in his testimony before the Subcommittee on Intergovernmental Relations and Human Resources of the Government Operations Committee, 48 of the 50 States have legal constraints against incurring deficits and must maintain balances to deal with emergencies. Moreover, the aggregate budget surplus figures do not include certain unfunded pension fund obligations currently owed by the States, estimated at $175 billion. The key point is that the original intent of the program was that all State and local governments were eligible, and need was never a necessary criterion for eligibility. The program was originated to return decisionmaking authority to the States and localities.

I think this is a very reasonable compromise. I would urge my colleagues not to start the beginning of the end of an effective program. I would urge my colleagues to support this amendment.

☐ 1410

Mr. HORTON. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, it is important that we keep our perspective on this program so we will remember what we are trying to decide and what is important about what we decide. It seems to me that delays in enacting this measure have been mischievous. I do not mean by that that the members of the committee have been motivated by mischief, but it has had a mischievous effect out in the communities where many officials do not know whether to count on this money or not.

Revenue sharing is not really a program as such. It is nothing directed by the Federal Government. It is a formula effort to reallocate tax moneys in a way that will skew the whole tax system toward progressivity and away from regressivity.

Our local taxes and, to some degree, our State taxes tend to be more regressive; that is, less based on ability to pay, than the Federal taxes. We have had, of course, over the years in the Federal Government a tendency to serve as a prime financing agent while at the local and State level we actually provide the services that are part of the social contract of government. The result has been that the cost of State and local government has risen more sharply than the cost of the Federal Government and, therefore, we have put increasing strain on taxes which are more burdensome on the American people than the Federal income tax.

Not to pass revenue sharing at the $7 billion level, and that is the level at which we have been funding this device of government, would be to transfer to State and local taxpayers a $7 billion burden. It would be wrong to transfer that cost into real estate tax and sales tax increases, which would be harder for the people to pay than the income tax is.

I think for that reason we should extend the program. It is awfully important we have the money available so the localities and the States can count on it through entitlements rather than through appropriation.

Generally speaking, I am in favor of converting entitlements to appropriations wherever possible; but in this case, where all we are doing is establishing a tax transfer, it is important that planning be permitted for those localities and those State governments that are ultimately going to spend the money or they will have to raise their taxes and then, if they get revenue sharing by virtue of our usual late appropriation route, the result will be a windfall to them and probable waste. We are going to have much better use of revenue sharing money, in short, if it can be counted on and put in the local budgets and local taxation can be reduced correspondingly.

I hope my colleagues will understand that there are many different types of aid programs for communities.

Revenue sharing runs at a level of about $7 billion. Categorical grants, which are directed out of Washington and which have been one of the major instrumentalities of the centralization of our governmental system, run about $92 billion.

If we are going to cut Federal aid, and I think we must, the localities and States must expect to participate in reductions in Federal financing. But I hope we will cut the categorical grants rather than the revenue-sharing grants which as has already been stated, are much more efficiently administered, involve much less waste, and have the tendency to decentralization rather than centralization as their end product.

Mr. Chairman, I understand that there is going to be an effort made to extend this program for just 1 year. I realize that because of the lateness of the hour there is some difficulty in completing the conference on revenue sharing. I would be very regretful if extending the program for 1 year is all we can do because that means that once again next year our communities would not know whether they can count on revenue sharing or not and if they do not know whether they can count on it chances are they will leave their taxes at a higher level than they would otherwise have to do in order to hedge the possibility that they may not get the revenue-sharing money now that they know it is not a dependable program on which they can count and plan in advance.

It is my view, Mr. Chairman, that this is one of the most important parts of the federal system, at least as the Federal Government contributes to that system. I would like to see us stabilize it, make it a predictable part of our program once again, make it something that will contribute to decentralization and pluralism in government problem solving rather than centralization and all of the strictures that go with centralization of government.

I would like to urge the committee to take whatever steps they can to see that this goal is achieved by reconstituting the program on as long term and stable a basis as possible. It is going to be necessary to go to annual appropriations, I personally will withdraw my support from the program because of my conviction that it will result in serious waste unless the communities can plan on it in advance, know that it will be automatically available to them and thereby reduce their regressive taxes in order to take advantage of the opportunity the Federal Government is offering them.

□ 1420

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, if the general revenue-sharing program is not reauthorized, Americans will suffer a $6 billion reduction in State and local government services or a $6 billion increase in State and local taxes. They will not, however, see a commensurate reduction in Federal income taxes in return. Nor will they see a balanced budget.

If the Congress fails to continue this program, it will be killing the most effective program of aid to State and local governments that has ever been devised.

Revenue sharing for State and local governments consumes less than one-tenth of 1 percent of the funds appropriated for administrative costs, compared to anywhere from 10 to 40 percent for categorical grant programs.

There is not a State or local government that would not prefer that Congress eliminate or reduce hundreds of other programs before the revenue-sharing program is cut. Reams of paperwork are required both at the Federal level and the State level by these categorical programs, eating up manhours and dollars, leaving less of the money to meet the local needs for which it is intended.

The taxpayer benefits from revenue sharing because State and local officials receive both more funding and more discretion to meet local needs as they see them.

I have been a strong proponent of this program since it was first proposed by a Republican administration 8 years ago. I fought for the extension of revenue sharing 4 years ago. And earlier this year, I was an original cosponsor of legislation that would have continued the program in its current form for 4 more years.

Unfortunately, the Carter administration was able to convince a majority of the members of the Committee on Government Operations that the program should not be continued as it was for 4 more years. The most serious deficiency in the bill before us today is that funding for the State share of general revenue sharing has been eliminated. This is a serious mistake.

In Ohio, for example, half of the general revenue-sharing payment to the State government goes into the school foundation fund, which supports local schools. The other half is split evenly between higher education and operating expenses for other State agencies and passthroughs to local governments. The largest portion of these remaining funds are used to support local mental health and mental retardation programs.

We are very proud in my area of the country that we have some of the best programs for the mentally ill and mentally retarded in the Nation. It seems particularly cruel that the misguided actions of this Congress should fall so heavily on the people who are served by these programs and on the schoolchildren whose quality education depends so heavily on these funds.

Finally, Mr. Chairman, let me say that I think it is a disgrace that this vital program, general revenue sharing, was allowed to expire at the end of the last fiscal year and that its reauthorization is being considered in this manner by a lameduck Congress.

Nevertheless, I urge my colleagues to support the continuation of the most efficient program of aid to local governments that we have. And if we are given the opportunity to vote on an amendment that would restore the State share of revenue sharing in fiscal 1982 and fiscal 1983, I will speak at that time in favor of such an amendment.

As the Members weigh their decision on this revenue-sharing reauthorization, I hope they will keep in mind the message the American voter sent us loud and clear last Tuesday. The American people want effective, efficient government programs and they want an end to unnecessary bureaucracy and waste. The revenue-sharing program, from its inception, has been a model of government efficieecy. It should be continued.

I urge my colleagues to support the broader version of it.

Mr. BROOKS. Mr. Chairman, does the gentleman from New York (Mr. HORTON) desire further time?

Mr. HORTON. I have an additional request, Mr. Chairman. I yield 2 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Chairman, I reluctantly rise in support of H.R. 7112, to reauthorize the general revenue-sharing program for 3 years.

I had intended to offer the amendment I offered in the Government Operations Committee which would gradually phase out the general revenue-sharing program by evenly decreasing the authorizations over the 3-year reauthorization period. This amendment was based on my bill, H.R. 7697, which would replace GRS with a Federal income tax credit for State and local taxes. Rather than describe its provisions in detail, a section summary of that bill is submitted as a part of these remarks for the RECORD. The time is now too late, and the complications too great, to try to effect this change. It must be planned for—well in advance.

My reason for offering the amendment was twofold: First, it was based upon a recognition that the Congress has failed to fulfill the original intent of the Nixon administration and the 92d Congress, which originally enacted GRS, that being to replace categorical grant programs with general revenue sharing and six block grants. Second, instead of trying to share revenue that we do not have, it would be wiser to share tax base with States and local governments by providing individuals with a Federal income tax credit for State and local sales, property, and income taxes. This idea was rejected 9 years ago when the Congress considered the creation of some kind of new Federal financial relationship which resulted in revenue sharing.

Another reason for my amendment to phase out the program is my belief that the concept of Federal revenue sharing is flawed in that it separates the responsibility for raising revenue from the decision to spend revenue. This is "free" money to State and local governments. A couple of weeks ago, I had an office full of township officials who really put the pressure on to support reauthorization. They are having trouble meeting their needs for funds, which is not surprising given the extent of the combined local, State, and Federal tax burden on our citizens.

And, of course, they are worried because of the lateness of the hour. Revenue sharing expired September 30. Like the food stamp program crisis of last spring, the Democratic Party leadership in the Congress has dallied until this moment before bringing this legislation to the floor.

I would hasten to say however that I do not blame either Subcommittee Chairman FOUNTAIN or Chairman BROOKS for this situation. Mr. FOUNTAIN held 6 days of hearings on reauthorization of revenue sharing before commencing a very difficult mark-up process; made much more difficult by the Carter administration's proposals to politically tinker with the program. Chairman FOUNTAIN was most fair in handling this very difficult situation. Even more remarkable was the leadership of Chairman BROOKS who discovered that the money addicts, as he called them, were doing their best to rub each other out and, in the process, alienate him—a man who makes no bones about his opposition to the concept of revenue sharing. A snake is what he has called it and I do believe that he is referring to that same snake who led mankind down the road of sin.

I am sure that many of my Republican colleagues are surprised or even unhappy with my position since, as the Republican Policy Committee has pronounced, revenue sharing was "conceived by, born under, and nurtured by the Republican Party." I might remind my Republican colleagues that the antecedents of the current program go back to Joseph Pechman of the Brookings Institution. In the mid-1960's he was suggesting revenue sharing as a means of avoiding fiscal drag on the economy which could occur, he feared, because the rapidly expanding American economy at that time was generating revenue for the Government faster than it could be spent. The answer to that problem is either to cut taxes or index the rates or both.

I am also cognizant of another argument raised by my Republican colleagues: "If it ain't broke, don't fix it." If one looks at revenue sharing apart from all other aspects of Government taxing and spending, it appears to be a marvel in that it costs so little to administer; the computer decides whether a government is eligible and spits out a check to it every quarter. Yet, where will the $7 billion come from in this fiscal year to cover those checks; and, where will the $4.6 billion—and more, if we put the countercyclical frosting on this already oversweetened confection—where will the $4.6 billion come from in the coming fiscal year? We Republicans have all said it while campaigning—we will not have a balanced budget in the coming fiscal year. So, once again, as in every previous year since GRS was enacted, we will borrow in order to pay for revenue sharing—as well as all the categoricals and entitlements.

I would love to believe that we are going to be able to get rid of or, at least, consolidate many of the categorical grants and entitlement programs. Perhaps a later, Republican-controlled Congress will be able to do that.

But, let me suggest that, during this next 3 years, we all start to think seriously about whether there is not a more principled way of realining the relationship between the States and the Federal Government. That is really what we are talking about. Eight years ago, the Republican Party platform saw revenue sharing as "a means of returning to the people powers which for 40 years have grown increasingly centralized in the remote Washington bureaucracy."

Instead of returning powers to the people, we have sent money to State and local governments to spend as they saw fit, with no responsibility for raising those revenues. I now see the spectacle of local officials, who some years ago were telling me to keep the feds off their backs and out of their towns, now telling me that they have got to have their revenue-sharing funds in order to make ends meet because their citizens refuse to pass property tax levies or other local tax increases.

Most of us agree that, in one form or another, there is a need for tax reduction in this country. And, one of the reasons we need a tax reduction is so that our people begin to have confidence that they are getting their money's worth out of their Government. I believe that the collective wisdom of our people will make the right choices on local tax issues if we reduce our overall level of taxation so that we can get our economy productive again.

One of the components of an overall tax reduction could be the revenue-sharing alternative I have proposed. I do not claim to have created the idea of giving a Federal income tax credit for State and local income, property, and sales taxes. But, I think it deserves more consideration than that given it by then-Treasury Secretary John Connally who, in rejecting the idea before the House Ways and Means Committee in 1971, said: "Tax credits are, in the first instance, tax relief to taxpayers, not to needy local governments."

Just as I do not believe that revenue sharing can be properly evaluated in isolation, I do not believe that it is fair to dismiss the tax credit alternative by saying that it will not provide an incentive for citizens to raise their taxes at the local level to pay for services that they want. With sufficient overall tax reductions, I believe that our economy will revive and become more productive. With confidence restored, our people should be in a better position to decide whether they want to raise revenue for a particular purpose and I am willing to stake my future on their decisions.

The section-by-section summary follows:

SECTION-BY-SECTION SUMMARY

TITLE I—AMENDMENTS TO THE STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Title I would reauthorize the general revenue sharing program for local governments only for three fiscal years. The level of funding currently available to local governments, $4.56 billion annually, would be continued for fiscal 1981. In fiscal 1982, that level would be reduced by ⅓ (to $3.04 billion), and would be further reduced by ⅓ (to $1.52 billion) for fiscal 1983. The program would then expire on September 30, 1983.

The bill would eliminate the state share of revenue sharing funds provided in current law. Otherwise, the bill would make no changes in the current distribution formulae or other provisions or limitations of the current program.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

Section 201 would provide individuals a federal income tax credit for 25% of the taxes they pay to State and local governments, which are currently deductible by those who itemize deductions pursuant to section 164 of the Internal Revenue Code of 1954 (IRC).

The credit created by this section would not be refundable; that is, it could not exceed a taxpayer's federal income tax liability before subtraction of the credit.

The taxpayer would not be allowed the credit if he or she takes a deduction for State and local taxes under sec. 164 of the IRC. The taxpayer can elect either the deduction under section 164 or the credit under new section 44F.

The definitions and rules contained in subsections (d) through (h) are taken directly from current law, IRC, section 164 (b) through (f). Thus, the same State and local taxes, including sales, property, and income, would be eligible for the 25% credit election.

Sections 202 and 203 make necessary technical, conforming amendments to sections 275 and 1451 of the IRC.

Section 204 provides that the effective date for Title II will be January 1, 1982.

Mr. HORTON. Mr. Chairman, could I ask how much time I have remaining?

The CHAIRMAN. The gentleman from New York (Mr. HORTON) has 17 minutes remaining; the gentleman from Texas (Mr. BROOKS) has 30 minutes.

Mr. HORTON. I yield 2 minutes to the gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. I thank the gentleman for yielding.

Mr. Chairman, I strongly support the general revenue-sharing program and the assistance it provides for our local and State governments. I am happy that the congressional leadership has finally scheduled debate on this measure and I intend to vote to reauthorize this program.

Nevertheless, I do have reservations about that section of H.R. 7112 that would require local governments to account for at least 10 percent of their total expenditures for two or more services from a long list of services outlined in the bill, or, in the alternative, require each unit of local government to substantially perform four or more of the listed public services. According to information from the Treasury Department, this requirement could make approximately 17,000 local units of government potentially ineligible for general revenue sharing.

I, therefore, intend to offer an amendment to call for a study before redefining the requirements for general revenue-sharing funds so that local communities are not unduly burdened.

Let me cite some Members whose congressional districts could be particularly hard hit if my amendment is not adopted:

Potentially ineligible units of local government

Member:	
Mark Andrews	1,427
Abdnor	631
Jeffries	236
Glickman	231
Whittaker	399
Nolan	628
Coleman	254
Bereuter	230
Virginia Smith	354
Daschle	431
Jeffords	159
Kastenmeier	195
Baldus	246
Obey	301
Roth	131
Petri	119
Applegate	141
Shuster	148
McDade	117
Murtha	117
Clinger	153
Hagedorn	168
Erdahl	138
Robert Davis	118
Snowe	152
Railsback	210
Corcoran	174
John Anderson	120
Bob Michel	141
Findley	163
Madigan	114
Sebelius	761
Dan Crane	260
Simon	153
Myers, John	103
Hamilton	112
Oberstar	159
Skelton	134
Harsha	115
C. Miller	150
Ashbrook	109

A significant number of Members have between 40 and 100 potentially ineligible units of local government in their congressional districts.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. HAGEDORN).

Mr. HAGEDORN. Mr. Chairman, I rise in support of H.R. 7112, the Local Government Assistance Amendments of 1980.

As a strong proponent of general revenue sharing, I feel that passage of H.R. 7112 is essential to maintaining many governmental functions which have, in the past, been provided by this form of "no-strings-attached" Federal assistance.

Since the enactment of the general revenue-sharing program in 1972, approximately $49 billion in Federal assistance payments have been made to both State and local governments. The Fiscal Assistance Amendments of 1976 further extended the revenue-sharing program through fiscal year 1980 at an annual level of $6.9 billion. Under the general revenue-sharing program, moneys are directed to States and localities on a formula basis which takes into account such factors as per capita income, local tax effort, intergovernmental revenue, and preparation for each recipient unit of government.

If my colleagues vote to eliminate this essential aid, which in effect relies on the progressive Federal tax structure, the taxpayer will pay in more ways than one. Not only will the taxpayers be burdened with additional sales and property taxes, but they also will be forced to obtain funding through traditional sources such as our existing categorical grant program to provide the much needed funding for local units of government. As we all know, the rules, regulations and the bureaucracy sponsored by these programs are enormous.

Revenue sharing, on the other hand, is simple and easy to understand. Its benefits are direct and it has not created a bureaucratic mess to oversee the distribution of these benefits. In fact, administration of the revenue-sharing program costs only one-tenth of 1 percent of the total costs of the program. It is run by one of the smallest bureaucracies in town. It has few regulations. General revenue-sharing costs have risen only 12 percent since 1975, which is a much lower rate than the cost increase for almost any other domestic program.

H.R. 7112, as currently drafted, will not continue to extend revenue sharing to State governments. Many States are experiencing State budget surpluses and are, in essence, in a better overall fiscal condition than the Federal Government. For this reason, I believe they will be able to adjust to this elimination of funding. It is also my opinion that during these times of fiscal austerity, the State government will be the most capable governmental entity to cope with the loss of funding.

All available evidence has convinced me that Federal revenue sharing is a fiscally sound way to decentralize our Government and eliminate some excessive Federal regulations. Revenue sharing represents an efficient use of the taxpayers' money. I believe that by returning decisionmaking power to the level closest to the people, to the local officials, that the right people will benefit from this important source of public tax money.

For these reasons, I urge my colleagues to support H.R. 7112, the Local Government Assistance Amendments of 1980.

☐ 1430

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. Mr. Chairman, I want to congratulate the leadership for making a commitment today on the general revenue-sharing policy of this Nation to return our tax dollars to our local communities. I wholeheartedly support that policy. I think it is in keeping with what the taxpayers and the local officials, both township and city and village officials, who are appropriating money to develop the general municipal services needed in our constituent districts.

So, in retrospect, I think general revenue sharing should continue. I wholeheartedly support it, and I ask the Congress to adopt this bill today.

Mr. HORTON. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I take this time to inform the House that I intend to offer an amendment after the short title of the bill is read, and before title I, which is an amendment which is not in the RECORD. Now, the rule requires an amendment be placed in the RECORD in order to be taken up. I could not have put this in the RECORD because we adjourned prior to the time, of course, that this bill was considered today. So this is the first opportunity I have had to offer this amendment.

I would like to say at the outset that I favor the continuation of revenue sharing. I favor it on an entitlement basis. I have indicated before that I favor it for a 3-year extension. But we find ourselves in a situation now where the Congress is drawing rapidly to a close, and so many things can happen in the last days of a Congress that I am very much afraid that this bill could go down the drain and we would not have anything as far as our local governments are concerned.

Also, to set the stage, we know that, because of the budget resolution, we could not include States in 1981, in the fiscal year 1981.

So this amendment, what it would do is to extend revenue sharing at the $4.6 billion rate for the local governments only for 1 year, which would be up until September 30, 1981. It would be a simple extension of revenue sharing for 1 year on the same basis that we have had before, the same formula, and so forth.

That money would be distributed to the same organizations, the same local units of government that now receive it. So what it would be is a simple extension of 1 year for $4.6 billion on an entitlement basis.

It is my judgment that if we fool around here, have all of the amendments, we might have to go to a conference. If we do have to go to a conference, we might not finish the conference in time, and the result would be that there would be no revenue sharing.

I talked to the chairman of the committee, the gentleman from Texas (Mr. Brooks), and I am sure he will join with me in this colloquy, and I have talked to the chairman of the subcommittee, the gentleman from North Carolina (Mr. Fountain). Both of them have indicated to me a willingness to take up the entire matter before September of next year so that we can discuss the matter of revenue sharing for additional years at that time. We should also take up the other matters that are involved.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield briefly?

Mr. HORTON. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I have listened attentively to what the gentleman has said, and also the preceding speaker, the gentleman from Minnesota (Mr. Stangeland), and I think it would be a shame to literally eliminate almost half, for instance, of the townships and the local bodies that may be eligible to receive under the new definition. So I think the gentleman's amendment makes eminent good sense, and I hope that we have enough sense to adopt it.

Mr. HORTON. I thank the gentleman. There are some 19 amendments.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I will be glad to yield to the chairman.

Mr. BROOKS. Mr. Chairman, I would say to my distinguished friend that I am inclined to agree with him. I believe that it would expedite final consideration of the adoption of some type of a bill. While I am against the legislation, basically, and have been, I think that the Congress may well want to adopt an extension of it. I think the Senate may well accept that.

If I was for the bill, I would sure be for the amendment, because I would be concerned that we not complete this bill expeditiously with all of the amendments that the gentleman has mentioned that are now pending, and it would be fought out on the floor, and which would then be controversial in a Senate conference, regardless of what they come up with. And we may be looking at a very early adjournment.

I would certainly like to see this bill completed today and sent over to the Senate in that form so that they could work on it and you have a chance to get final action on it.

That is just my judgment on it. The Members can do, of course, as they think they should. But I seriously believe that a simple amendment would be the wisest course at this point.

Mr. HORTON. As the chairman knows, I am reluctant to even offer this amendment, but I feel that, with the lateness of the session, if we do not do something like this, we might end up with absolutely nothing as far as revenue sharing is concerned.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Minnesota.

Mr. STANGELAND. I appreciate the gentleman's yielding.

Mr. Chairman, I would just like to question the gentleman as to what approximate time we would have hearings in the next session of the Congress to take a look at these units of government.

In all due respect to our distinguished colleague, the gentleman from North Carolina (Mr. Fountain), he worked extensively on this portion of the bill that we are so concerned about. He came up with a list of responsibilities that local governments had to do, and I know he was well intentioned in what he was doing. Yet those governments would be denied, 17,000 of them, would be denied money under this bill. The gentleman's amendment will preclude that. But I am concerned as to how we determine in the next session of Congress how we get that eligibility.

As the gentleman knows, in my amendment I call for a study by the Commerce Department and by the local units of government, the various agencies of those local units of government, to determine who is going to be eligible for revenue sharing in the future. That is my concern. What kind of assurance do we have that we can take a new look and not have to go through the same kind of an argument and fight next year?

Mr. HORTON. I was just going to ask the chairman of the subcommittee, the gentleman from North Carolina (Mr. Fountain), to enter into a colloquy with with me on the subject.

But let me say to the gentleman, before I enter into that colloquy with the gentleman from North Carolina, that it is my judgment that the new administration will have a different view than the Carter administration with regard to what it would send up. This would give the new administration an opportunity to develop its plans on revenue sharing. We could take up the State issue, because, as the gentleman knows, the States' share is not involved in fiscal year 1981. What we would be doing is simply extending revenue sharing as it is now for local governments at the $4.6 billion rate for 1 year through September 30, 1981.

Mr. STANGELAND. If the gentleman will yield futrher, would this also be retroactive?

Mr. HORTON. This would extend it from October 1, 1980, until September 30, 1981.

I would like to ask the gentleman from North Carolina his view on this proposed amendment, and then also from him what he would envision with regard to the subcommittee acting on a revenue-sharing bill in the next Congress.

Mr. FOUNTAIN. Mr. Chairman, I would like to respond to the gentleman by saying that, frankly, I would like to get this bill disposed of. I would like to see us enact it for 3 years.

I strongly support this legislation. I think it is the most responsible kind of revenue sharing that we could possibly have. If I thought there was a chance that we might not get it extended next year, I would not even consider supporting the amendment which the gentleman has offered. And I must confess that I am inclined to do so because of a lot of things I am hearing about what well may happen. Local units of government may be left out, waiting and not knowing, and we may well not get this legislation considered until next year, anyway.

□ 1440

The CHAIRMAN. The time of the gentleman from New York (Mr. Horton) has again expired.

Mr. HORTON. Mr. Chairman, I yield myself 1 additional minute, and I yield further to the gentleman from North Carolina (Mr. Fountain).

Mr. FOUNTAIN. So, I am rather reluctantly inclined to agree to the 1-year extension even though it includes all the townships to which the gentleman has made reference for a period of 1 year, with the understanding that I am to have the cooperation not only of the committee, the chairman of the full committee, the gentleman from New York, and others in reporting this legislation out in our subcommittee and in our full committee, and then to the Congress, prior to September of next year.

I say this because I understand the Senate has to act on this legislation. We have to have the conference report, and because of so many conference reports now in process of being acted upon and the difficulty of getting people together, because of the nature of this Congress at the present time and the outcome of the election and with all of the possibilities involved which I do not think we have to enumerate, I am reluctantly agreeing to support the amendment which the gentleman is offering to be sure that we get on the statute books a continuation of revenue sharing as we have known it, basically to the end that next year we can take such action as may be necessary to extend it for the period of time provided in the proposed legislation.

Mr. HORTON. I thank the gentleman for his statement. As I indicated, I do this reluctantly because I would like to have it extended also for 3 years, but I think with the lateness of the session and what could happen in the conference, because of the time limitations we have on the floor and the tremendous number of very fine amendments, it seems to me that this would be the best way to go. It would give us an opportunity in the 97th Congress to develop all the issues that are involved in extension for a 3-year period. So, I would urge that when the amendment is offered, it be acted upon favorably.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. MAGUIRE).

Mr. MAGUIRE. Mr. Chairman, I thank the chairman of the committee for yielding.

I have listened with interest to the discussion of a 1-year extension. I hope, after all the work that the subcommittee did and the full committee did—and I am a member of the full Government Operations Committee—that we will not abandon this bill at this point. I am particularly anxious that we not abandon the opportunity to work the will of the House on an amendment which I intend to offer relating to State tax effort.

I do not know how many of my colleagues on both sides of the aisle realize that the way the revenue-sharing formula now works is that a State is rewarded for the tax effort that it makes by getting a higher percentage of the revenue-sharing pie in direct relationship to the greater degree of taxation of its own citizens.

But beyond that, I would be willing to wager that very few Members on either side of the aisle understand the further very interesting fact that not only are people rewarded under the revenue-sharing formula for the taxes that they levy on their own citizens, but they also are rewarded for the taxes that they levy on citizens outside the borders of their State. This is a matter which we have discussed at some length in the Northeast-Midwest Coalition, because we are concerned about the fact that those of us in energy-poor, energy-consuming States—and that is 39 of the 50 States—our citizens are paying severance taxes to the States that produce—and this is 11 States mainly—that produce oil and gas and coal, and those then in turn are able to get a higher percentage of the revenue-sharing pie with the result that all of the States whose citizens are paying severance taxes get a lesser portion of the revenue-sharing pie.

Now, surely this is to turn on its head the theory that the State tax effort element of the formula was originally designed to deal with.

Let me give the Members some figures. Montana, 86 percent of the severance taxes paid into the treasury of Montana are paid by people outside of the State of Montana; Alaska, 85 percent from outside the State; Kentucky, 80 percent; Louisiana, 79 percent; Wyoming, 73 percent; New Mexico, 73 percent; Texas, 64 percent; West Virginia, 62 percent; Oklahoma, 57 percent; Colorado, 24 percent; and North Dakota, 17 percent. My colleagues, those are paid by our citizens in States other than those 11 that I just named.

Now, this is not a small amount of money. The Treasury estimates that in 1985 some $36 million in revenue-sharing moneys will be transferred from the energy-consuming States to the energy-producing States due to increases in severance tax collections, and these taxes are being increased every year by the energy-producing States. If we leave the State share language intact as it exists in this bill at the moment, the defect will cost energy-consuming States $175 million before 1985.

Now, I have talked with many colleagues on both sides of the aisle about this bill, and I think we have a coalition of interests here that crosses party lines. It is not just, by the way, the Frost Belt-Sun Belt issue either. Thirty-nine States all across the country, Northeast, Midwest, West, South, Southeast, and Far West, are on the short end with respect to this operation of the existing formula.

In conclusion, let me say that my amendment does not restrict the right of any State to raise revenue in any manner it chooses. It does not prevent that State from including in its revenue-sharing formula any tax which it levies on its own citizens. My amendment also does not prevent States from levying severance taxes, which are often to cover environmental damages caused by resource extraction. What my amendment does, and the only thing that my amendment does—I want everybody to get this fine point—what my amendment does and the only thing that my amendment does is to exclude that portion of the severance taxes paid by citizens in other States from the formula that allocates revenue-sharing dollars to each State. I cannot think of anything that would be more fair, that would be more equitable, that would recognize the realities of a situation in which some few States have enormous resources—which are really national resources—at their command, and that is fine that they tax us; let them levy a severance tax on those resources, but let us not then ask the citizens of every other State to pay not once, but twice through loss of allocations under revenue sharing which they, by every standard of equity, should have had.

I thank the gentleman from Texas, the distinguished chairman, for yielding to me.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I thank the gentleman from New York for yielding. I think that the amendment that he proposes is a very, very good compromise. I too am a solid supporter of general revenue sharing, but I think this idea of extending it for a 1-year period is a good idea simply because it will get us by some of the things which are very much of a problem in the present bill.

For example, if we go ahead with the legislation as it came from the committee, we will have to deal with the countercyclical portion of that legislation. I will offer an amendment to strip out the provision primarily because it is a $1 billion program for which there is absolutely no funding in the budget whatsoever. At the same time the majority side is talking about cutting the overall budget by 2 percent, we are offering on the floor a countercyclical program for an extra billion dollars that is not even included in that budget. What I am afraid is that over a period that will end up endangering the entitlement program for local governments. We cannot afford to put through a bill that could well end up bringing the entitlement program into question in order to fund this categorical effort, this countercyclical program.

Hopefully, we stand a chance of getting a much better bill next year, a bill that would strengthen rather than undermine the revenue sharing concept. I think we are going to have an administration that will be very sympathetic to that kind of effort. So, I believe the proposal offered by the gentleman from New York at this time, extending the authorization for 1 year, is a very good proposal, and I intend to support him on it.

□ 1450

The CHAIRMAN. The Chair advises the gentleman from New York (Mr. HORTON) that he has 1 minute remaining and advises the gentleman from Texas (Mr. BROOKS) that he has 25 minutes remaining.

Mr. BROOKS. Mr. Chairman, I have no further requests for time.

Mr. HORTON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Government Operations now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read. No amendments are in order except amendments printed in the CONGRESSIONAL RECORD.

The Clerk will designate section 1.

Section 1 reads as follows:

H.R. 7112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State and Local Fiscal Assistance Act Amendments of 1980".

The CHAIRMAN. Are there any amendments to section 1?

Mr. HORTON. Mr. Chairman, I have an amendment at the desk. It was not printed in the RECORD, but I ask unanimous consent that the amendment be considered, notwithstanding the provisisions of the rule.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WYDLER. Mr. Chairman, reserving the right to object, this is, of course, exactly the situation I sought to develop when I addressed the House during the course of debate. A different Member is now making the request that I discussed at that time, but the purpose is the same, and as I announced to the Members of the House at that time, I intended to object when this request was made.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I will yield to the gentleman in a moment.

Mr. HORTON. Mr. Chairman, I ask the gentleman to yield just on the subject of the objection.

Mr. WYDLER. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I would urge the gentleman not to object, because if the gentleman objects, then we will have to rise and just waste the rest of the afternoon. The only reason that I have to ask unanimous consent to do this is that the amendment was not printed in the Record, and I have no control over that because we have not been in session since last October 2.

Mr. WYDLER. Mr. Chairman, as the gentleman knows, I do respect the gentleman and his position, but this is to me just the latest in a series of twists and turns that have gone on with this legislation at every level of its consideration in the House. It is just the latest way of trying to avoid, in my judgment, a vote on the issue of whether States shall indeed be recipients of revenue sharing funds in fiscal years 1982 and 1983.

So, Mr. Chairman, I am going to object when the time comes, but I will just reserve my right to object now.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, let me state to the gentleman that we were perfectly willing to bring this legislation up in September when it was scheduled to come up on the floor, but other legislation pushed it off. This was not through any machinations of mine or of the gentleman from New York (Mr. Horton) or the gentleman from New York (Mr. Wydler) that we have had this delay. We would have considered it in September, because my comments were prepared and I was ready to move on it then.

I think the gentleman knows that, and he knows the reason we are considering it today. The bill was third on the list, and I encouraged the leadership to take it up first so we could get this matter out of the way.

Mr. WYDLER. Mr. Chairman, I appreciate what the gentleman is saying.

Mr. HORTON. Mr. Chairman, will the gentleman yield on that point?

Mr. WYDLER. Mr. Chairman, I would like to be courteous, but I would just like to answer one gentleman first before I yield to another gentleman.

I do not know what went on all the way through, but I do know that many head counts were taken on this bill when it was about to come to the floor. I saw the head counts, and I am sure the gentleman from Texas did as well. The amendment to restore State funding for 1982 and 1983 was going to pass by a substantial majority, and I was told that the bill was not going to be considered as a result of that. Who made that decision I do not know, but that is the information that was available to me.

I believe that same situation prevails today. I cannot say whose decision it was to take the bill off the floor, but the fact was that it did not come to the floor even though it was ready for consideration.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I would just like to substantiate what the chairman of the committee said.

Even though the gentleman from Texas (Mr. Brooks) has from the outset indicated his opposition to the bill, he has attempted to expedite its consideration on every occasion in the subcommittee and in the full committee. I worked very carefully with him before the Committee on Rules and with the leadership to try to get the legislation on before the recess and before the election.

This amendment, as I explained earlier, would simply extend revenue sharing for 1 year for the local governments. It would not affect the States' share because that is excluded anyway by the budget resolution. That is for 1981. The question for the out years, 1982 and 1983, could be taken up in the bill to be submitted by the new administration which would have to be taken up before the expiration date of September 30, 1981.

The only thing that the gentleman would accomplish by objecting to the request that this amendment be taken up now is to delay further the bill's being taken up because the chairman of the committee in that event is going to move that we rise in order to give me an opportunity to have the amendment put in the Record so it could be taken up tomorrow, and the amendment will be printed in the Record today.

So I would urge the gentleman to let us proceed. The gentleman can offer his amendments, and he can debate this amendment any way he wants. The gentleman can attempt to get the Members to vote the amendment down. But I ask the gentleman to let the House exercise its will this afternoon. Let us not delay any further consideration of this very important legislation.

Mr. WYDLER. Mr. Chairman, I agree that it is very important legislation, and that, of course, should make every Member of the House wonder what we are doing here in a lameduck session considering it. Of course, the reason we are here in a lameduck session considering it is because Members have been holding it up in an effort to try to whittle it down or get rid of it in one way or another.

To me, this is just a last-minute or last-second attempt to throw some new obstacles in the path of the States' share of the program.

I do agree with the gentleman that this is only an extension for 1 year. But just think what that means to the local governments out there. We are going to put them right back in the box they have been in and are in now. We spent all last year wondering if the program is going to go forward and if the money should be put in the budget.

I do not know how many calls other Members have received from local government officials, but I have received many calls asking me if the program is going to proceed. They ask, "Should I put it in my budget?" And I tell them, "Well, you will have to take your chances."

Are we going to do that again to them all next year and keep them on the line? Frankly, the same Members are going to be running the program here in the House of Representatives next year who are running it this year, and I can see a repeat of the same situation developing as one attempt after another is made to keep the House from finally voting on this issue of whether the States are going to share in the program. I do not intend to let that happen.

I told the gentleman that. The statement was directed to him at the time I said it, because I had been informed that the chairman of the committee was going to offer this amendment. Be that as it may, what I said to him and to every other Member of the House as well was that I am going to be constrained to object.

Whatever the chairman of the committee decides to do, that is his decision. I cannot control that. But I would like to see us go ahead and vote on the States' share. I think we have plenty of time to do it. We can vote on it and find out once and for all whether the Members want the States to share in this program for fiscal years 1982 and 1983 or not. That is the way I think we should proceed.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, does the gentleman believe that he is in any way jeopardizing revenue sharing for the local governments for the current year?

Mr. WYDLER. Not in the slightest. As a matter of fact, I think they will be better off under the situation that is developing than they are now, because to an extent they will get out of the hands of the group that is running this bill. If they do not get the money through this device, they can obviously go to the appropriation device for the money, and I think they will find a much more receptive audience at that level for it.

So I am not worried about the local governments getting their money. They are going to get their money, because there is an overwhelming will on the part of the Members of this House to see that it is done and in some way they will have the funds. So I am not in the least worried about that.

Mr. VOLKMER. Mr. Chairman, if the gentleman will yield further, the other body has not acted on this legislation at all; is that correct?

Mr. WYDLER. That is correct.

Mr. VOLKMER. And this body has not acted yet. We are talking about trying to have a mechanism whereby my local government will have some money on January 1; is that not correct?

Mr. WYDLER. That is correct. I have

to tell the gentleman that we still need an appropriation for that to happen, and I will just tell the gentleman that we can have an appropriation. So I am not particularly concerned about that. They will get their money; I am convinced of that.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, as the gentleman knows, I am very concerned about the States' share for some very parochial reasons that relate to my district in the State of Ohio, but I want to ask a question that is technical in nature.

If there is a continuing resolution, if this bill does not pass before January, then the issue of revenue sharing could be dealt with by continuing resolution; is that correct?

Mr. WYDLER. That is correct.

Mr. BROWN of Ohio. And that continuing resolution would or would not continue the States' share? That is the question I am unclear about.

Mr. WYDLER. Well, I am unclear about that, too. It would do whatever the continuing resolution said it would do. That is what it would do, and I do not know what they will put in the continuing resolution. It may be included or it may not be included, but I think they would probably not put in a States' share for the simple reason that the States' share has not been budgeted, so for that reason it would not be budgeted.

Mr. BROWN of Ohio. Mr. Chairman, would the gentleman yield further?

Mr. WYDLER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. My concern is that we continue both the State's share and if we do not get a chance to vote on that, then I would hope it would be in the continuing resolution, if we do not get a chance to vote on the whole bill.

On the other hand, if we have a choice between no State share and no local share, either, then it is my concern that we at least get the local share carried on and I do not want to lose the State's share either by vote or by no vote. That is the position.

Now, could the gentleman enlighten me on what my position should be on what apparently is a controversy between Members on both sides of the aisle about the issue?

Mr. WYDLER. Mr. Chairman, I would urge the gentleman to let this matter come to a head. I think we should let the House speak on whether it wants to include the States in fiscal year 1982 and 1983 or not, and I think when they do that, they are going to speak with a loud and clear voice in favor of doing it and I think once we clear up that issue, the rest of this bill and the bill in the Senate and so on will fall into place very quickly.

The Senate has already passed out of committee a bill including the States' share for 1982 and 1983. They are going to have no trouble in the other body with this legislation. The problem as usual lies here. We know that. It lies here because there are certain people who are very influential on the floor of the House on this legislation who are doing what they can to cut it apart. I have just reached the point where I have seen it cut apart, pulled together—whoever is doing it, I do not know, but it is happening and it happens constantly, and I think the moment of truth has arrived and we are now going to have to face the truth of whether or not we want to pass this bill or not. That is in the hands of other people.

Mr. BROWN of Ohio. Finally, if the gentleman would yield further, has the gentleman had any communication from the various institutions, the Governors' Conference, or the National Association of Counties or any of those?

Mr. WYDLER. Mr. Chairman, I am reluctant to express their views because this has been an 11th-hour situation that has developed here. It has been told to me that they oppose this. I do not know whether that is true. I am not going to say it is true. I have been told it is true but I do not know whether it is true, frankly. I would rather have it from almost an original source. I think they will oppose it. We will know by tomorrow.

Mr. BROWN of Ohio. I respect both gentlemen from New York, the gentleman as well as the gentleman who is the ranking member of the full committee. I also understand the difference of views. It is my own concern that I can reflect properly on this issue the views that I have which propose State share and pro local share.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I do yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman, my good friend from New York, for yielding.

The gentleman objects to the amendment being offered for a 1-year extension. I understand all the arguments the gentleman has made.

I recall very clearly the gentleman's work on revenue sharing and speaking on revenue sharing since the very inception of the bill. It would seem to me at this time if there is objection, there is a possibility, of course, that revenue sharing may not come up again even though the amendment could be put into the RECORD as is stated by the leadership but a lot of things happen in these uncertain times that could change that and we may never see it again this year.

Mr. Chairman, I would like to urge the gentleman, who has been one of the great proponents, and with whom I have voted on this issue over the years, to at least give a chance to the House to act on this amendment, pro or con. I know my good friend is unfortunately leaving the Congress at the gentleman's own choice and it seems to me that a bill that has been as closely associated with the gentleman, the gentleman should not end this perhaps on a basis of not making it available to come up. That is what concerns me, because we have a desperate need and I need not explain that to the gentleman.

Mr. WYDLER. Mr. Chairman, I agree with what the gentleman says about risk. I would only say to the gentleman, I feel no confidence in the fact that if we go ahead with this bill tonight and tomorrow they may decide to do something else. I think that is very possible, too. Or they can find some other reason why this legislation cannot be completed here in the House—if the amendment they are now proposing is not passed. I do not think that is impossible at all, because I have lived with this bill through all of the proceedings that have gone on before this and I have seen as soon as one objection is taken out of the way, a new one arises in its place.

I do not feel that, you know, necessarily, we may not get a bill here today. It is very possible. It is possible whether or not I object, in my opinion.

Mr. Chairman, the problem I have with this, however, is, what we are doing here—I want the Members to understand this and I want the people who are going to be directly affected to have a chance to think about what it means to them—whether we want to put our local governments back on the rack of uncertainty, again, for the next year. Maybe some people like to have them in that position. I do not think it is wise, good government or sound to do that and I do not want to see it done. I would rather fight this issue out on the basis of the way we are going forward now than to just try to hope for the best. That is apparently the way they want to play this, but I do not want to play it that way.

Mr. PEYSER. Mr. Chairman, if the gentleman would yield further, the only problem I see with the gentleman's argument is, something the gentleman has fought for is apt to go down the drain unless we continue this action today. I am just saying perhaps the gentleman can defeat the 1-year amendment. I think if it is defeated there will certainly be plenty of votes to vote for the full 3 years that is in the bill right now. I am convinced we are not going to vote against revenue sharing, no matter which way it goes; but if we do not get the chance to vote, that is the way we are going to lose revenue sharing.

Mr. Chairman, I hope the gentleman will reconsider.

Mr. WYDLER. Unfortunately, I would agree with the gentleman, except I do not share with the gentleman in his conclusion that if they get their way on this one the bill will go right ahead and everything will be fine. I do not accept that as a conclusion. I have seen too much go on with this bill to believe that.

In other words, if this amendment is offered and is defeated and a State sharing amendment is offered and is passed, we may find the bill does not pass anyway.

I do not know if the gentleman was here when we discussed this, but I am not ultimately concerned with the local governments getting their revenue-sharing moneys in January, which is one that is due. They will either get their funding in January or not. That is when the next segment becomes due. I believe that the Congress will take care of that. They will pass a continuing resolution that will make that money available to the local governments in January. I think they will do that in the subsequent areas as well but is still going to leave those local areas with a degree of uncertainty.

However, Mr. Chairman, when the bill comes up next year under those circumstances, if we do not pass it this year, we will have to face all these issues at that time and I think at that time the Congress would act as they would act today if they were given the chance to put the State share in.

Mr. WALKER. Mr. Chairman, will the gentleman yield under his reservation?

Mr. WYDLER. I do yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Is it the gentleman's understanding that the situation in which we find ourselves right now is, if we go ahead and object to the amendment our colleague from New York has proposed, that the committee will probably rise and we will come back and take up that amendment tomorrow, anyhow? I guess my question is, I am not sure how it promotes the gentleman's argument. I happen to agree with the gentleman on States' share and I would probably vote with the gentleman on States' share, but I think we are probably going to vote the amendment the gentleman from New York is offering anyhow, we are probably going to vote it rather early in the legislative day tomorrow.

My question would be, would it not be better to just go ahead and vote the amendment today? If the amendment is defeated, we can go on to the gentleman's very worthwhile effort on States' share and, at least, where time is of the essence here in the lameduck session we could move the revenue-sharing bill along, which I think a lot of local governments out there are waiting for us to do.

Mr. WYDLER. Mr. Chairman, the trouble I have with the gentleman's statement is that the gentleman arrives at certain conclusions and I do not know whether or not they are true. In other words, the gentleman says, if I object we are going to rise. Maybe we are, maybe we are not.

Mr. WALKER. That is simply this gentleman's understanding.

Mr. WYDLER. I have heard that bandied around, also. Then, of course, what would happen if, let us say, I do not object, we consider the amendment and it is defeated? We might then rise. I really do not control that situation. For all I know, that might happen. I do not know really what is going to happen but I do think all of us should have a chance to consider this amendment a little more carefully.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I would assure the gentleman if we vote on the amendment of the gentleman from New York (Mr. HORTON) and it passes, we can go on with completion of the bill. If it fails, we can proceed with the handling of amendments. I am quite willing to work until 6:30 p.m. and come in in the morning starting at 9 a.m. and finish it. We have about 19 amendments. We will consider every one of them. We can have a record vote on all of them. We can argue about all of them, about States' shares, about appropriations, about every conceivable idea you can dream up between now and then. I am perfectly willing.

Mr. WYDLER. Mr. Chairman, the gentleman well knows that will not happen at all.

Mr. BROOKS. Mr. Chairman, it might well happen.

Mr. WYDLER. It could happen and it could not happen. We do not know what is going to happen, really, do we?

□ 1510

Mr. BROOKS. Well, we might not be here.

The CHAIRMAN. Is there objection to the request of the gentleman from New York (Mr. HORTON)?

Mr. WYDLER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7112) to authorize an extension and amendment of the revenue-sharing program to provide general purpose fiscal assistance to local governments, and for other purposes, had come to no resolution thereon.

REQUEST FOR PERMISSION FOR COMMITTEE ON BUDGET TO HAVE UNTIL 5 P.M. THURSDAY, NOVEMBER 13, 1980, TO FILE REPORT ON SECOND BUDGET RESOLUTION

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until 5 p.m. Thursday, November 13, 1980, to file its report on the second budget resolution for fiscal year 1981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, could we have the request repeated?

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Connecticut.

Mr. GIAIMO. My request was to ask unanimous consent for the Committee on the Budget to have until 5 p.m., Thursday, November 13, to file its report on the second budget resolution for fiscal year 1981.

Mr. BAUMAN. Reserving the right to object, Mr. Speaker, the gentleman from Maryland has in his possession two copies of letters addressed by the gentleman from Connecticut to the chairman of the Committee on Rules today. Both of them are rather mysterious. One calls for a closed rule on the second budget resolution and the other requests that the Committee on Rules immediately draft a possible spending limitation bill, whatever that means.

Mr. GIAIMO. One has nothing to do with the other, let me say to the gentleman.

The letter dealing with a spending limitation is not part of the budget resolution. It is the sense of the committee that the Committee on Rules should undertake to study and report out a spending limitation-type bill. It has nothing to do with this. There is nothing mandatory about it.

Mr. BAUMAN. Further reserving the right to object, the request for a closed rule, has that been at all discussed with the minority?

Mr. GIAIMO. That was discussed with the minority. It is my intention to ask the Committee on Rules to make in order a minority substitute under the control of the gentleman from Ohio (Mr. LATTA).

Mr. BAUMAN. And the gentleman from Ohio (Mr. LATTA) has given his approval of the request for the closed rule?

Mr. GIAIMO. He has.

Mr. BAUMAN. Further reserving the right to object, I wonder if the gentleman could tell us how this request for filing by Friday fits into the overall program of the remainder of whatever is left of the lameduck session?

Mr. GIAIMO. As I understand it, the intention is to take this legislation up next week, probably Tuesday.

Mr. BAUMAN. If the request is granted?

Mr. GIAIMO. Yes.

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman tell us if there was not an objection to the unanimous-consent request?

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Connecticut.

Mr. GIAIMO. I think the gentleman should address that question to the Chair.

Mr. ROUSSELOT. Then I will be glad to address the question to the Chair.

Mr. Speaker, if objection is heard on the gentleman's unanimous-consent request, what would the result be? What does that do?

The SPEAKER pro tempore. The gentleman from Connecticut would have to file his privileged report while the House was in session.

Mr. ROUSSELOT. And that would be when?

The SPEAKER pro tempore. Whenever the House is next in session, which would be tomorrow.

Mr. ROUSSELOT. Further reserving the right to object, would that do any great damage to our process? I certainly do not want to hold up our lameduck session.

Mr. GIAIMO. Mr. Speaker, if the gentleman will yield further, we are trying to expedite matters. I think this is the most orderly way of doing it.

Mr. ROUSSELOT. Further reserving the right to object, has the gentleman consulted, besides the gentleman from Ohio (Mr. LATTA), the minority leader and others? Are they aware, because, as the gentleman knows, and we have a chance to discuss things briefly, the budget resolution becomes one of our main products here in the lameduck session. So I do not wish to create undue problems.

Mr. GIAIMO. Would the gentleman repeat his question?,

Mr. ROUSSELOT. My question is, Does an objection really create substantial problems for the gentleman?

Mr. GIAIMO. Well, I believe that it does. I believe that it would be easier if the gentleman did not object and if we could get this filed tomorrow and proceed to consideration of this matter.

Mr. ROUSSELOT. Further reserving the right to object, I think the reason we do so is that we want to be sure that we have adequate time to review the documents that will be forthcoming from the Budget Committee to explain what the budget resolution does. We have heard and seen a great deal on the news media about the 2-percent cut, where those cuts are, where they are proposed. Will we have adequate time on this side of the aisle to see the printed documents? When will those be ready?

Mr. GIAIMO. The resolution that they voted out of the committee yesterday is available to the minority. They have voted on it. They voted against it, but they were there. They voted on it. They know what is included in it. When they are printed, I suspect, will be by tomorrow.

Mr. ROUSSELOT. Further reserving the right to object, I am talking about the committee reports.

Mr. GIAIMO. Yes.

Mr. ROUSSELOT. When does the gentleman think those will be printed and ready?

Mr. GIAIMO. I understand it has already been filed in the RECORD. It is available. The resolution is in the RECORD today.

Mr. ROUSSELOT. The gentleman is filing the committee report today in the RECORD?

Mr. GIAIMO. The resolution is in the RECORD today. The committee prints will be ready tomorrow.

Mr. ROUSSELOT. For all Members?

Mr. GIAIMO. Well, I assume for all Members if they are able to read.

Mr. ROUSSELOT. Well, I can assure the gentleman everybody on this side can read.

Mr. GIAIMO. I am sure.

Mr. ROUSSELOT. I am not trying to be facetious or funny. There is a genuine concern that Members should have the advantage of reading the report. Many times we do not always have adequate time to read and understand what we are voting on. We just want to be sure all Members have read it. It is an important part of the process. The gentleman knows that. We just want to be sure we have protected Members. I am still trying to find out, did the gentleman have a chance to discuss this with our minority leader, the gentleman from Arizona (Mr. RHODES)?

Mr. GIAIMO. No; I have not discussed it with the gentleman from Arizona (Mr. RHODES), but I have discussed it with the minority on the committee.

Mr. ROUSSELOT. Could the gentleman give us a little more time? Will the gentleman withdraw the unanimous-consent request, and we will talk it over a little more so that we know what is going on?

Mr. GIAIMO. Fine.

Mr. ROUSSELOT. Thank you.

Mr. GIAIMO. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore. The unanimous-consent request is withdrawn.

PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. KAZEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—years 347, nays 5, answered "present" 4, not voting 76, as follows:

[Roll No. 624]

YEAS—347

Abdnor
Addabbo
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Beard, Tenn.
Benjamin
Bennett
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burton, John
Burton, Phillip
Butler
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Derrick
Devine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harris
Harsha
Hawkins
Hefner
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McHugh
McKay
McKinney
Maguire
Markey
Marks
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Paul
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Staggers
Stangeland
Stark
Steed
Stenholm
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Traxler
Trible
Udall
Ullman
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zeferetti

NAYS—5

Bauman
Edgar
Lloyd
Mitchell, Md.
Wilson, Bob

ANSWERED "PRESENT"—4

Duncan, Oreg.
Kostmayer
Kramer
Roberts

NOT VOTING—76

Akaka
Ambro
Anderson, Ill.
Aspin
Beard, R.I.
Bedell
Beilenson
Bevill
Bolling
Breaux
Burlison
Byron
Chisholm
Coleman
Crane, Philip
Dannemeyer
Davis, S.C.
Deckard
Dellums
Derwinski
Dodd
Eckhardt
Erlenborn
Evans, Ga.
Fithian
Frenzel
Frost
Gingrich
Ginn
Goldwater
Hall, Ohio
Hanley
Heckler

Heftel
Holtzman
Jenkins
Jenrette
Johnson, Colo.
Leland
Lent
McCloskey
McDade
McDonald
McEwen
Madigan
Marlenee
Mathis
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
Nolan
O'Brien
Ottinger
Patterson
Pease
Richmond
Ritter
Rudd
Satterfield
Shumway
Spellman
St Germain
Stanton
Stewart
Stockman
Stokes
Thomas
Thompson
Van Deerlin
Vento
Wilson, C. H.
Winn
Wylie
Zablocki

□ 1530

Mr. MARKEY changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill, S. 885, with Mr. McHugh in the chair.

The Clerk read the title of the bill.

□ 1540

The CHAIRMAN. When the Committee of the Whole House rose on Monday, September 29, pending was an amendment in the nature of a substitute offered by the gentleman from Oregon (Mr. Weaver) to the text of the bill, H.R. 8157, which was being considered as an original text, and was open to amendment at any point.

Mr. WEAVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we once again take up the northwest power bill after the election, and I wanted to review briefly with Members what this bill is about. First, let me say that this bill has been in the works for 4 years. One of the essential parts that has always been said about the bill is that it must represent a consensus in the Northwest. It is a regional bill. Even though it has broad national implications, it is, nevertheless, restricted to the Bonneville Power Administration marketing area so, therefore, consensus was essential and necessary for this bill to be brought into effect.

No consensus exists, Mr. Chairman. Three of the newly elected Congressmen, Congressman AuCoin, myself, and Congressman-elect Wyden from Portland oppose the bill in its present form.

The four public utilities in Oregon oppose the bill strongly. The Eugene Water & Electric Board, my home utility and the largest public utility in Oregon, adamantly and strongly opposes the bill. Let me tell you why the Eugene Water & Electric Board opposes this bill. The Eugene Water & Electric Board is one of the most aggressive utilities in the Nation in developing its own energy sources. Only in the last week it has announced four new hydro projects that will meet its low growth needs for many years. The Eugene Water & Electric Board is also developing other projects—geothermal, wood waste, and many other forms of energy and will meet its needs. It is actually selling surplus electricity now to California.

Under this bill, that initiative by the Eugene Water & Electric Board would be destroyed. This bill would destroy the initiative of such utilities as the Eugene Water & Electric Board to develop their own energy sources. It creates a new Federal bureaucracy, a new Federal agency, and empowers an existing Federal bureaucracy—the Bonneville Power Administration—with vast new powers to mandate any project that this Federal agency decided upon on every utility in the Northwest. The reason that they want to do this is to finance staggeringly expensive new projects that they cannot finance themselves.

The bill creates an entirely new bureaucracy and empowers an existing Federal bureaucracy with vast new powers to mandate on every utility in the Northwest the costs and the burden of any new project they decide upon. There are consortia developing in the Northwest to create new energy. That is fine. Several utilities have announced construction plans for three new nuclear plants. They may do that without a bill. The proponents of the legislation say it is a conservation bill. They say that renewable resources will be developed by the bill. That can all be done without a bill.

The Bonneville Power Administration has the authority to do the conservation programs without a bill.

What this bill is all about is simply to empower the Bonneville Power Administration to mandate to all utilities whatever this Federal bureaucrat decides upon.

□ 1550

Now, my utility says, "Look, we can meet our load growth much cheaper, much more effectively, without having this mandate. Do not destroy our initiative. Please do not destroy our utility. Let us do our job."

And so I will be offering an amendment. I call the Members' attention to this critical amendment that I will be offering. It is called freedom of choice. It is a very simple, very brief amendment. It simply allows any utility in the Bonneville region to decide whether or not to invest in any project the Bonneville Power Administrator decides on. That is all.

Mr. BONKER. Mr. Chairman, will the gentleman yield for a moment?

Mr. WEAVER. I yield to the gentleman from Washington.

Mr. BONKER. As I understand it, the gentleman's amendment, which he terms the freedom of choice, would enable a utility to opt out of the program. But it is my understanding that, under the existing provisions of S. 885 that is before this body, the utilities already have the right and the opportunity to opt out of the program or, indeed, if their own energy program is incompatible with the regional energy plan that is adopted by the council, they can opt out.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. Weaver) has expired.

(By unanimous consent, Mr. Weaver was allowed to proceed for 3 additional minutes.)

Mr. WEAVER. Mr. Chairman, may I say to the gentleman that they would lose, then, all of the hydroelectricity allotment from Bonneville.

May I ask the gentleman—he has many utility districts in his congressional district—would any of them say, "We do not want any more hydroelectricity from Bonneville"?

Mr. BONKER. All of the public utilities in my district, as the gentleman knows, support this legislation.

Mr. WEAVER. I ask the gentleman: Would they say, "We do not want any more electricity"?

Mr. BONKER. I think the preference requirements of the Bonneville Act——

Mr. WEAVER. Would the gentleman answer my question? Would any of the utilities in his district say, "No, we do not want Bonneville cheap hydroelectricity"?

Mr. BONKER. I think that, under the existing provisions of this act, the utilities will opt in the program because they realize the benefits are there.

Mr. WEAVER. May I ask the gentleman this, then, Why not, then, if that is the case, support my freedom of choice amendment that the Eugene Water and Electric Board so strongly desires and allow a utility to say whether or not they will participate in any given project? Is that not a decent thing to do?

Mr. BONKER. Well, I am all for doing decent things.

Mr. WEAVER. Is that not a decent thing to do?

Mr. BONKER. The utilities already have the opportunity to opt out of the program, so the amendment is not necessary.

Mr. WEAVER. Then why would not the gentleman support my amendment?

Mr. BONKER. The utilities already have the opportunity to opt out.

Mr. WEAVER. Why would the gentleman not support my amendment, then?

Mr. BONKER. Because the gentleman realizes that this bill represents a very delicate balance, and if we start adding amendments at this stage, it will force a conference which will do in the bill.

Mr. WEAVER. I will tell the gentleman that the bill started with 19 pages, went to 40 pages, went to 80 pages, is now 103 pages. And so I say to the gentleman that there have been many amendments in the bill, dozens and dozens of them. But I can only tell the gentleman that my freedom of choice amendment simply does this:

It allows any individual utility to decide whether or not to invest in any given project by the Bonneville Power Administrator, and that amendment would continue the initiative and the incentive for utilities to develop their own energy sources. It is only on any specific project. And so with that amendment, the bill then becomes tolerable. The bill becomes tolerable with that amendment because it does not destroy individual initiative.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Chairman, I simply want to ask the gentleman a couple of questions to see just where we are with this bill.

Am I correct in my recollection that the gentleman now has pending a substitute to the entire bill?

Mr. WEAVER. That is correct.

Mr. LUJAN. And this amendment that the gentleman is offering is now an amendment to the substitute that the gentleman offered; is that correct?

Mr. WEAVER. No.

First, let me say that I have lost my glasses and, therefore, I hear the friendly and wonderful voice of my dear friend, the gentleman from New Mexico, but I cannot see him. I assume that that fine, outstanding Member is the person I am addressing. And I say to my distinguished friend from New Mexico that I have not offered an amendment yet. I moved to strike the last word. I will be offering several amendments. They will be, however, to the bill before the House, not to the substitute.

Mr. LUJAN. We do not, then, have an amendment in the nature of a substitute that has been offered already?

Mr. WEAVER. There is such, and it is pending; but you can also at the same time offer amendments to the original bill. And my amendments will be to the original bill.

Mr. LUJAN. All right. Now, let me ask the gentleman, for clarification: During committee, the gentleman had a great number of amendments. Is it still the intention of the gentleman to offer in the neighborhood of 50 to 75 amendments?

Mr. WEAVER. We will be selecting only the most important fundamental amendments and offering those at this time.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. WEAVER) has again expired.

(On request of Mr. LUJAN and by unanimous consent, Mr. WEAVER was allowed to proceed for 2 additional minutes.)

Mr. WEAVER. The basis on which I will select the amendments to offer is this: The bill, as it stands now, if enacted into law, would probably seriously undermine the economy of the Northwest. It would cost us tens of thousands of jobs, take purchasing power out of the Northwest. It would literally devastate, over the next generation, our economy. So, therefore, I will select those amendments that try to keep our economy on something of an even keel. There are amendments that will be good, important as a matter of fact, for the proper working of this bill, if enacted; but I will select only those amendments that are essential in order to keep the bill from destroying our livelihood in the Northwest.

Mr. LUJAN. If the gentleman would continue to yield, could the gentleman give us some kind of an idea as to how many amendments the gentleman will offer during the course of the consideration of the bill?

Mr. WEAVER. I would be delighted to.

Mr. LUJAN. Just a rough idea. A ballpark figure would be fine.

Mr. WEAVER. I would be delighted to.

This bill was on the schedule. But when we came this morning, we were told that it would not be brought up until next week. So we did other work instead of sitting down and preparing our floor situation, thinking that we had a number of days to go. So we have not done that work yet of sorting out exactly which amendments are essential to preserve the economy of the Northwest.

Mr. LUJAN. So the gentleman does not know how many?

Mr. WEAVER. Not yet; I will pare it to the bone, I will say to my friend. Only those that are absolutely essential to preserve the economy of the Northwest. That will be the sole criterion. There are other amendments that would very much help the workings of the bill. But we will just weed them out, weed as many amendments out, on the basis that, yes, they are good for the bill, but they would not really preserve the economy of the Northwest; we will keep only those amendments that will keep the livelihoods in the Northwest that this bill will destroy.

☐ 1600

Mr. LUJAN. If the gentleman will continue to yield, would it be within the realm of possibility that we would finish this bill today?

Mr. WEAVER. I have no idea of what time we are going out, so I could not tell the gentleman. I have no idea what time for debate will be.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the last word.

Mr. Chairman, Mr. LOWRY has an amendment to this bill which would modify the provision authorizing the Bonneville Power Administration to enter into contracts with utilities—both public and private—which are constructing new powerplants or acquiring other energy resources. By the terms of these contracts the BPA will agree to purchase all or part of the potential output of these plants, thus underwriting their financing whether or not these plants ever operate, operate below capacity, or are constructed at an unreasonable cost.

It sets a dangerous precedent for BPA to assume the risk of financing all or part of the cost of a new powerplant or other energy resource. Either these new plants are necessary and the utilities in the region will build them themselves, without BPA participation, or they are not necessary and the utilities should not build them. There is no reason to supplant or distort this basic marketplace decision. If the utility or utilities responsible for constructing and operating the plant cannot obtain the necessary financing or do not wish to build a plant without BPA participation, the plant should not be built.

Rate disparities in the Northwest are in the process of being reduced and are a result of a large number of factors other than wholesale power rates. At present there is a lot of competition among utilities. This competition is healthy and should be encouraged, rather than discouraged.

None who favors cutting back on the powers of the Department of Energy should support this guranteed purchase provision, which represents yet one more step toward Government intrusion into energy production. BPA is a marketing agency and should not be given powers—such as financial participation in the construction of new powerplants—which are appropriate only for a utility.

The Lowry amendment would allow BPA to make long-term purchases of surplus power, but not to participate in the financing of new plants as if it were just another utility. This is all that the proponents of the bill can reasonably demand, without setting a dangerous precedent for the Nation.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I will be glad to yield.

Mr. LUJAN. Let me ask the gentleman just one question. What happens if, say, the Public Service Co. of Oklahoma in the gentleman's State, if that is the name of the private utility there, builds a powerplant and it did not work? Would the ratepayers of Oklahoma still have to pay that charge or not?

Mr. EDWARDS of Oklahoma. If the utility in Oklahoma goes ahead and makes the decision to build the powerplant and it does not work, there is a financial failure, the company would absorb the loss unless the Corporation Commission of the State of Oklahoma allowed them to pass that cost on.

Mr. LUJAN. I thank the gentleman.

AMENDMENTS OFFERED BY MR. DINGELL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. DINGELL. Mr. Chairman, I offer a series of technical amendments to the amendment in the nature of a substitute, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. DINGELL to the amendment in the nature of a substitute: Page 2, title 4, strike out the period and closing quotation marks and insert in lieu thereof closing quotation marks followed by a period.

Page 13, line 5, before the period insert: "of the General Schedule".

Page 14, line 2, strike out the comma and insert in lieu thereof a dash.

Page 18, line 1, after the period insert: "In order to carry out such functions and responsibilities expeditiously, the Administrator, the Secretary of the Interior, and the Administrator of the National Marine Fisheries Service shall take into consideration any actions of the Council under this subsection, and may review, modify, or confirm such actions without further proceedings.".

Page 19, line 23, after "Services" insert "Administration".

Page 21, line 3, strike out "or" and substitute "and".

Page 24, after "habitat" insert a comma.

Page 30, line 24, after "(B)" insert "establishing".

Page 31, line 2, strike out the comma and insert in lieu thereof a semicolon.

Page 38, line 1, strike out "loses" and insert in lieu thereof "losses".

Page 38, line 24, after "shall" insert "establish procedures for timely comments thereon. The Council shall".

Page 39, line 1, strike out "administrator" and substitute "Administrator".

Page 39, line 14, strike out the comma.

Page 49, in lines 13 and 14, strike out "(ii)" and substitute "(i)".

Page 49, line 15, strike out "administrator" and substitute "Administrator".

Page 55, line 22, strike out "subsections" and insert in lieu thereof "subsection".

Page 69, line 16, strike out "but in excess" and insert in lieu thereof "but not in excess".

Page 70, line 11, strike out "interior" and substitute "interim".

Page 73, strike out lines 19 and 20 and insert in lieu thereof the following: "istrator's action under this Act were not achieved."

Page 74, line 9, after "overrecovery" insert "or".

Page 79, strike out the comma after "before" and insert a coma after "of".

Page 80, line 16, strike out "such enactment" and substitute "the effective date of this Act".

Page 82, line 16, strike out "sections" and insert in lieu thereof "section".

Page 88, line 2, strike out "sections" and insert in lieu thereof "section".

Page 88, line 9, strike out "energy" and insert in lieu thereof "Energy".

Page 88, beginning in line 10, strike out "sections" and insert in lieu thereof "section".

Page 89, line 14, strike out "837(b)(d))," and insert in lieu thereof "837b(d)),".

Page 90, line 19, strike out "for" and insert in lieu thereof "For".

Page 91, in lines 2, 6, and 8, strike out the comma and insert in lieu thereof a semicolon.

Page 91, line 12, strike out "section" and insert in lieu thereof "subsection".

Page 94, line 23, strike out the comma and insert in lieu thereof a dash.

Page 94, line 24, after "board" insert a comma.

Page 99, line 18, strike out "cost effective" and insert in lieu thereof "cost-effective".

Page 103, line 2, strike out "or".

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendments be dispensed with and that they be printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Chairman, copies of these amendments have at an earlier time been made available to my colleagues on both sides of the aisle. They correct the printing that was done in the Government Printing Office wherein words were dropped and commas were inserted that did not belong; wherein one section which was in one part of the bill should have been in another part of the bill; where there are misspellings; where words were failed to be capitalized; eliminating a comma; striking out certain numbering which was incorrectly done in the Government Printing Office; changing words like "subsections" to "subsection" and from the plural to the singular; adding "in lieu of but not in excess"; the words "not in excess" in lieu thereof; striking out the word "interior" and putting in the word "interim"; and inserting some additional language to complete a sentence; putting in certain other words which were dropped or which were incorrectly placed in the legislation; inserting commas and putting a hyphen in the words "cost and effective" so as to convert it to one word; and striking the disjunctive "or". I urge adoption of the amendment.

Also at this time I want to state my understanding that the term "existing direct-service industrial customer" does not mean to include a plant that is presently served by a utility but which is owned by a company that also owns other facilities that are served as direct-service industrial customers. For example, Crown Zellerbach has a plant served by the Clatskanie PUD, a utility, in Oregon, and a different plant at Port Townsend, Wash., which is a direct-service industrial customer facility. It is also my understanding that the bill is not meant to permit BPA to serve, or to begin to serve, the Crown Zellerbach plant in Oregon as a direct-service industrial customer.

The bill does not authorize service by BPA to any new DSI's, and that term would preclude BPA service to an industrial facility that is presently served by a utility such as the Crown Zellerbach plant served by the Clatskanie PUD.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan (Mr. Dingell) to the amendment in the nature of a substitute offered by the gentleman from Oregon (Mr. Weaver).

The amendments to the amendment in the nature of a substitute were agreed to.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Weaver: Page 48, line 23, after "customer" insert "and, notwithstanding any provision of section 7, such electric power shall be sold at a price that reflects the full cost of acquiring such power plus the appropriate administrative costs of the Administrator".

Mr. DINGELL. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. Dingell) reserves a point of order.

Mr. WEAVER. Mr. Chairman, this bill now, being 103 pages, is riddled with things that are in it to give various entities a real nice situation, all of them at the expense of the small business, farm, and residential ratepayers of the Northwest. One of these, and one of the most flagrant, is a provision in here that would allow Bonneville to write a new 20-year contract with Alumax Aluminum Co. for a plant that is not built yet—a 20-year contract for a plant that is not built yet—and the amount of electricity reserved for Alumax is 320 megawatts. That is almost enough to serve my entire congressional district—my entire congressional district—and Alumax would get it at a much cheaper rate than my residents will pay for it, my small businesses will pay for it.

Now, when I tell the Members that Alumax is half-owned by the Japanese, and therefore my constituents will be subsidizing the Japanese, perhaps that will not mean anything to them, but it does mean something to my constituents. Their electric bills are already high and going higher, and they do not like the idea of their electrical bills going even higher than they are so that some Japanese company can benefit.

Also, the reservation of 320 megawatts takes that much electricity out of the Northwest pool, so I would like to ask the chairman and the sponsors of the bill if they would not mind responding to a question. Would Chairman Kazen mind responding to a question?

Mr. KAZEN. I will try to answer the gentleman's question.

Mr. WEAVER. It has been said that the reason for this bill is that there is a shortage of electricity in the Northwest. Now, if that is the case, how can we justify setting aside 320 megawatts of electricity for an aluminum company half-owned by the Japanese, that is not built yet? If there is a shortage, how can we do that?

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I would be delighted to yield.

Mr. BROWN of Ohio. I would just say to the gentleman that I thought I heard him in the well a minute ago—my ears may have deceived me because it is awfully hard to hear in the Chamber sometimes—that he was concerned about jobs for the people in his area.

Mr. WEAVER. Right.

Mr. BROWN of Ohio. I would think an aluminum company building a plant in his area would provide some jobs.

☐ 1610

Mr. WEAVER. Mr. Chairman, may I say to my dear friend, the gentleman from Ohio, that the lumber industry is the main industry in our Northwest, and that the number of jobs—and they have done a study of this—created by the same amount of electricity would be something like 20 times the number of jobs for the same amount of electricity.

May I also make one further point for the gentleman? I want the gentleman to get this point. We would have to build, in order to supply this electricity to this plant, a billion-and-a-half-dollar generating facility. My constituents' purchasing power would be drained to pay this billion and a half dollars, and, therefore, the number of jobs created will be decreased by thousands because the purchasing power in my constituents will not be there to buy the goods from the local industry. And also may I say that the timber industry could use the same electricity and create 20 times the number of jobs.

Does that answer the gentleman's question?

Mr. BROWN of Ohio. Not really very well. May I proceed?

Mr. WEAVER. Go ahead. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, I know that there are such things as aluminum boats and wooden boats, but it occurs to me there are uses for aluminum that may not be preferable to wood. It seems to me that wood and aluminum are both industries that provide work and jobs.

Mr. WEAVER. Mr. Chairman, let me ask the gentleman a question.

Mr. BROWN of Ohio. Certainly.

Mr. WEAVER. Would the gentleman allow a corporation to come in or would he want a corporation to come into his district, a corporation that is owned by the Japanese or owned by a foreign company, that was going to raise the electric rates of his constituents?

Mr. BROWN of Ohio. It is funny that the gentleman should ask. I have a Japanese firm that has made a rather substantial investment in my district to build motorcycles, and just yesterday or the day before it announced that it will have the ground-breaking started on a 2,000-job automobile plant that will cost $200 million to build. The name of the company is Honda. It is, at the last report, Japanese, and it will provide jobs for people in my district. I think that is commendable, and that is why I find the gentleman's attitude so peculiar.

Mr. WEAVER. I think that is wonderful.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. Weaver) has expired.

Mr. WEAVER. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. DINGELL. Mr. Chairman, reserving the right to object, we have a very limited amount of time at our disposal, and, therefore, I must object.

The CHAIRMAN. Objection is heard.

Mr. WEAVER. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for an additional 4 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. DINGELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WEAVER. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. DINGELL. Mr. Chairman, reserving the right to object, I simply want to announce to the House that I will be compelled, in view of the time constraints, to object to such requests after this because I want to insure that the proceedings of the House are expedited. I will allow the gentleman to have this additional time, but I will object to all further unanimous-consent requests for extension of time. I observe that we have had 2 hours of general debate and many hours to consider amendments prior to the recess, as well as today.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. Weaver) is recognized for 3 additional minutes.

Mr. WEAVER. Mr. Chairman, I would like to explain this further to my friend, the gentleman from Ohio (Mr. Brown).

I will ask the gentleman, does he understand what my amendment provides? Perhaps the gentleman does not understand the amendment. My amendment only says that this company can come in and build the plant; they can get their contract, but they pay the going rate for electricity. I just do not want my constituents to subsidize them. I do not think the gentleman's constituents are going to subsidize the Honda plant in his district.

My only objection is to a subsidy of $1.5 billion that my constituents will have to pay. If the gentleman's company pays the going rate for new electricity production, my amendment only says they shall also pay for that.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield further?

Mr. WEAVER. Yes; I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I am under the impression that part of the objective of this bill was to assure that we get in the Northwestern part of the United States, where, in spite of the population-limiting aspects of the gentleman's home State where there is a need for electric power, new electricity that would be used for the development of industry.

Mr. WEAVER. Absolutely.

Mr. BROWN of Ohio. And I understood that one of the industrial uses of that electricity is for the aluminum industry because the aluminum industry had a clear choice as to whether or not it was going to build the facilities in the Northwestern part of the United States or in some other part of the United States.

Mr. WEAVER. Mr. Chairman, I have a limited amount of time, and I will not yield further.

Let me say to the gentleman that we have 11 aluminum plants in the Northwest. We have a vital industry that produces a vital product, and these plants already produce one-third of the aluminum in the United States. This is one plant.

The only thing my amendment asks is that they pay the going rate for electricity. That is all we are asking. If they build the plant—and they can under the bill—with the amount of jobs at stake, if there is a shortage of electricity in the Northwest, how can we afford to set aside 320 megawatts for a Japanese-owned firm and let them get their electricity cheap while my constituents and everybody else's constituents must pay this $1½ billion in order to build a new plant?

Mr. Chairman, I plead with the gentleman. This is incredible.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, let me ask the gentleman, is the project in question in his district?

Mr. WEAVER. No. It has been bandied about in various areas, but it affects the electricity rates in my district very directly.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield further?

Mr. WEAVER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. What about the Hanna Nickel plant?

Mr. WEAVER. That is in my district. I am very proud of that plant.

Mr. BROWN of Ohio. Will they be paying lower rates? Will the Hanna Nickel plant be paying lower rates?

Mr. WEAVER. They will pay the going rate. It will be the going rate for the direct service industries.

Mr. BROWN of Ohio. They are subsidized, however?

Mr. WEAVER. Oh, yes. Yes; they are highly subsidized.

Mr. BROWN of Ohio. I see. Could the gentleman explain to me what the distinction is?

Mr. WEAVER. This is a new plant. It has not even been built yet.

Mr. BROWN of Ohio. But it will bring in jobs?

Mr. WEAVER. No; it will hurt jobs. The gentleman should understand that we can produce 20 times the number of jobs with the same electricity, and that is 20 times the number of jobs with the same capital.

Mr. BROWN of Ohio. Mr. Chairman, I think the gentleman will find that the result would be different than he anticipates.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair will inquire first, does the gentleman from Michigan (Mr. Dingell) continue to reserve his point of order?

Mr. DINGELL. I do not reserve the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman withdraws his point of order.

The gentleman from Michigan (Mr. Dingell) is recognized for 5 minutes in opposition to the amendment.

Mr. DINGELL. Mr. Chairman, I know that the gentleman from Oregon (Mr. Weaver) offers this amendment in good faith, but I must observe that the amendment is a bad one.

First of all, the amendment purports to do something which in fact it does not. It purports to protect jobs. In point of fact, it will prevent the construction of a plant.

As written, section 5(e) is the provision that forces all BPA customers to take responsibility for making available to BPA enough power to meet their own load growth. Section 5(e) provides that if BPA at some point lacks sufficient power to meet its obligations, it must "allocate" its available power by providing back to each customer the amount of power the customer has sold to BPA. Thus, "you get what you put in" during insufficiency.

If a customer has sold to BPA more than enough power to meet its own load, that customer will have during insufficiency an "excess" entitlement. Section 5(e) provides that excess entitlements shall be distributed by BPA first among customers of the same class—publics, privates, Federal agencies and DSI's.

The amendment would eliminate the DSI's as a class, so that the excess entitlement of any DSI would not be made available first to other DSI's.

Section 5(e) deals with the return of power BPA buys from a customer, not the "sharing" of power BPA sells to a customer. This section does not permit other DSI's to "share" power that BPA is obligated to provide to Alumax. It deals only with the return of power purchased from a customer (and even then, only during periods of insufficiency).

It is already illegal for the Alumax power to be sold to any other DSI or group of DSI's. Under the Bonneville Project Act, such a sale would immediately and automatically void the Alumax contract thus cutting off the power.

The only effect of the amendment would therefore be to discourage the DSI's from selling power to BPA, since the power would not be returned to the DSI's as a class if BPA became insufficient. In other words, the amendment would be a disincentive for the DSI's to begin coming forward with power themselves.

I urge rejection of the amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the fact of the matter is that Alumax already has a contract?

Mr. DINGELL. That is correct. They do.

Mr. KAZEN. And they do not need this legislation. But as soon as the environmental impact statement is completed and the plant is built, by bringing them under this legislation, they will at that time pay a much higher rate than they would pay under the existing contract.

Mr. DINGELL. The gentleman is correct.

Mr. KAZEN. Therefore, I do not see what the gentleman is talking about in this amendment.

Now, in our subcommittee the gentleman from Oregon offered an amendment which we accepted that allowed the Hanna Nickel Co. a lower rate than what the gentleman is asking for over and above and beyond what this bill actually provides. I do not think that is right.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I cannot yield to the gentleman from Oregon (Mr. WEAVER), but I do yield to my good friend, the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I thank the gentleman for yielding.

I want to add my words of strong opposition to this amendment. The Alumax Co. does have a legitimate contract. The committee has worked out a very equitable provision whereby service to that company will be delayed until the power is available, but that service ought to be delivered at the same rate and on the same basis as the other service industries in the Pacific Northwest. That is the only way it is feasible. That is the only way it is fair and equitable. That is the only way they could get into business competing with the other firms.

□ 1620

Therefore, I strongly oppose this amendment. It is one that ought not to be passed. I want the committee to support the compromise bill that has been worked out so carefully by the chairmen of the two committees involved.

Mr. DINGELL. Mr. Chairman, I do, again, urge my colleagues to reject the amendment offered by the gentleman from Oregon (Mr. WEAVER). It is a bad amendment.

Mr. LOWRY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was going to speak on this amendment until there was objection when the gentleman from Oregon (Mr. WEAVER) was trying to answer questions about this amendment.

Since there was objection to the gentleman from Oregon being able to try to answer some questions, I asked for this time.

It is my understanding that the Alumax contract is for a potential future plant that may or may not ever be built. The contract will expire sometime in the future, approximately 1988–90. The legislation before us, if it is not amended, would in effect allow the renewal of that contract. The Weaver amendment will change the status of that to a much more equitable position for the other ratepayers of the Northwest and that is why I support this amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. LOWRY. I yield to the gentleman from Texas.

Mr. KAZEN. That is like any other contract.

Relative to the very first statement the gentleman made, I am not aware of any amendments that the gentleman offered to my subcommittee that were not considered by my subcommittee. Does the gentleman speak of my subcommittee of the Committee on Interior and Insular Affairs?

Mr. LOWRY. I would say to the subcommittee chairman that we have numerous amendments we tried to have considered. Some were considered. I am not on that committee and I am not on the subcommittee of the Committee on Interstate and Foreign Commerce.

Mr. KAZEN. Let me just tell the gentleman that I am not aware of any attempts made by the gentleman in the well to have any of the gentleman's amendments considered, and if they came forth I am sure my subcommittee considered them.

Mr. LOWRY. I can tell the gentleman there were a number that came up and there were a number that were considered. There were other efforts made.

I am here on the Alumax amendment in which a nonexisting business is going to be allocated approximately 320 megawatts when the entire city of Eugene uses maybe 250 megawatts. That is very bad for job potential in the Northwest.

Mr. KAZEN. Will the gentleman yield?

Mr. LOWRY. I do yield to the gentleman from Texas.

Mr. KAZEN. That contract is in existence now.

Mr. LOWRY. That contract will expire without this legislation in approximately 1988 and the reason the aluminum companies and the OSI's have been before us to get this legislation is because those contracts will be expiring.

I yield to the gentleman who did not have an opportunity to speak before.

Mr. WEAVER. I would say to the gentleman, in the first place the Bonneville Power Administration can raise the rates on existing contracts. You do not need a new law or a new contract to raise the rates on them. They can do that now.

What my amendment does it simple. It says, if you want to build the Alumax aluminum plant, build it, but pay the rate of cost for electricity that it will cost the ratepayers to build at that time. Gentleman, that sounds fair to me. Why should my constituents subsidize this? It sounds fair to me. Why give this company the cheapest electricity in the Nation and my constituents and the constituents of the gentlemen from Washington, Messrs. LOWRY, SWIFT and DICKS and the constituents of others will have to pay $1.5 billion to produce the electricity for this plant. That $1.5 billion is going to come out of the capital, the purchasing power and the wherewithal of the people of the Northwest. It is, therefore, going to drain jobs, capital and other things from the Northwest, because the amount of jobs created by this aluminum company will be infinitesimal compared to the capital loss.

Mr. LOWRY. Mr. Chairman, I would like to take back my time to speak in favor of the amendment before us. That is why I took this time. I would urge adoption of this amendment by the gentleman from Oregon.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman in the well yield?

Mr. LOWRY. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Am I wrong or did I miss a point somewhere: Is not the Hanna Nickel operation subsidized under this current arrangement?

Mr. LOWRY. I cannot answer that question. I was not working on that.

Mr. BROWN of Ohio. Perhaps I could inquire of the chairman of the subcommittee.

Mr. LOWRY. Are they in existence now?

Mr. WEAVER. Mr. Chairman, I can answer the question. Will the gentleman yield?

Mr. LOWRY. I yield to the gentleman from Oregon.

Mr. WEAVER. There are 11 aluminum companies and five or six other direct service industries, large timber companies, a chemical, and a nickel mine. The only nickel mine in the United States, the only one, the only producer of nickel in the entire country is in my district. I am very proud of that. We must for strategic purposes produce nickel but it gives no better deal than any of the other direct service industries.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

Mr. LUJAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have previously been told there will be numerous amendments offered in an effort to delay this legislation until we finally call the bill off. It is my impression there will be an attempt to defeat this legislation by means of offering amendments.

Mr. Chairman, this one amendment took 45 minutes. I believe we ought to consider the legislation in a fair way rather than by killing it by offering amendments.

Of course the gentleman from Oregon has a number of amendments in the

RECORD already and he will not be precluded from presenting them.

Mr. Chairman, I would ask unanimous consent that we set a time certain for the consideration of this bill and all amendments thereto of 5:30 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. AUCOIN. Mr. Chairman, I reserve the right to object.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, a point of order.

Is there a unanimous-consent request presently before the House?

The CHAIRMAN. The gentleman from New Mexico (Mr. LUJAN) has asked unanimous consent that all debate on the bill and all amendments thereto terminate at 5:30. The gentleman from Oregon (Mr. AUCOIN) has reserved the right to object.

Mr. DINGELL. Mr. Chairman, I withdraw my point of order.

Mr. AUCOIN. Mr. Chairman, I have heard the argument made, once again, that there are those who would try to kill this bill by overloading it with amendments and drag out the clock.

As a Member of this body who has amendments of his own, I want to say to the gentleman who seeks to limit debate that there are those of us who care deeply about the outcome of this legislation who live within the region affected by this legislation, who have amendments to offer and do not look upon their amendments as in any way being dilatory—but representing instead their own deeply held views and the concerns of a very large number of their constituents.

Mr. Chairman, I would not want it to be understood by the Members of this body that just because there happened to be a number of amendments—there are a number of amendments—that that represents a dilatory tactic. This bill happens to be the most controversial the Northwest has ever seen.

It should be no surprise to the gentleman from New Mexico (Mr. LUJAN), even though the gentleman lives a long way from the Pacific Northwest, that such a bill would spawn a large number of amendments. Many of these amendments could have been offered in the committee and a number of them were.

□ 1630

Some of them were successful. Some of them have come to light since then. But that does not mean that Members who offer them are dilatory. It means the Members who offer them are concerned as their constituents are concerned.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

I have repeatedly heard the comment made that any tactic at all, any legislative way of defeating this bill would be taken, and that is the reason that I was trying to ask unanimous consent. I am not wedded to the 5:30 time. I would just like to see some time set so that we could move on ahead.

As the gentleman knows, we are not going to be here forever. We are going to be here just a short time, and there is a lot of legislation to be considered.

Could we come to an agreement on the time?

Mr. AUCOIN. If I may reclaim my time, I understand the point the gentleman is making. But I think our colleagues need also to understand that a number of us who have amendments, who have been looking forward to the opportunity of offering them, who have looked forward to the opportunity of resolving the outcome of this legislation, were caught quite by surprise, as I think some of the proponents were, in the bringing up of the bill today. And, therefore, to seek an early closure of debate on amendments offered to this bill, would do a severe injustice to those of us who have these amendments who are not in any sense trying to be dilatory, but are very concerned about the outcome of the legislation.

Mr. LUJAN. If the gentleman will yield further, it does not preclude any Member from offering amendments. The gentleman from Oregon, for example, has a great number of amendments already in the RECORD, and even if we have a limitation of time, all of those amendments can be offered.

Mr. AUCOIN. I would say to the gentleman, I have been in this body now approximately 6 years. I have seen too many occasions in which amendments have to be, because of time limitations, considered with 30 seconds on each side. And as a resident of the Pacific Northwest, I do not want to see the debate on the pending amendments to this bill being considered under such an absurd situation. That would be the effect in my judgment of the limitation the gentleman seeks. And so, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. LUJAN. Mr. Chairman, I move that all debate on the bill and the amendment in the nature of a substitute and all amendments there to cease at 5:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from New Mexico.

The question was taken, and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WEAVER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. WEAVER. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The pending business is the demand of the gentleman from Oregon (Mr. WEAVER) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 95, not voting 92, as follows:

[Roll No. 625]

AYES—245

Abdnor
Addabbo
Albosta
Alexander
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Archer
Ashbrook
Aspin
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Beard, Tenn.
Benjamin
Bereuter
Biaggi
Blanchard
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brooks
Brown, Ohio
Broyhill
Burgener
Butler
Campbell
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clinger
Coelho
Collins, Ill.
Collins, Tex.
Conable
Conyers
Corcoran
Corman
Cotter
Courter
Daniel, Dan
Daniel, R. W.
Davis, Mich.
de la Garza
Deckard
Derrick
Devine
Dickinson
Dicks
Dingell
Dixon
Dougherty
Drinan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Emery
English
Erdahl
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Ferraro
Findley
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hance
Heckler
Hefner
Hightower
Hillis
Hinson
Holland
Holt
Horton
Howard
Hubbard
Huckaby
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kogovsek
LaFalce
Lagomarsino
Latta
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lujan
Luken
McClory
McCormack
McKay
McKinney
Marks
Marriott
Martin
Mattox
Mavroules
Mica
Michel
Mikulski
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Murphy, Pa.
Murtha
Musto
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Pashayan
Patten
Pepper
Perkins
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Quayle
Quillen
Rahall
Railsback
Rangel
Rhodes
Roberts
Robinson
Roe
Rose
Rostenkowski
Roth
Rousselot
Royer
Santini
Sawyer
Scheuer
Sebelius
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Staggers
Stangeland
Steed
Stenholm
Stewart
Stockman
Stratton
Stump
Swift
Symms
Tauke
Taylor
Traxler
Trible
Udall
Ullman
Vander Jagt
Vanik
Walgren
Watkins
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Wolff
Wright
Wyatt
Young, Alaska
Young, Mo.
Zeferetti

NOES—95

Ambro
Anderson, Calif.
Anthony
Ashley
AuCoin
Barnes
Bauman
Bennett
Bethune
Bingham
Boland
Brown, Calif.
Burton, John
Burton, Phillip
Carney
Carr
Clay
Cleveland
Conte
Coughlin
D'Amours
Danielson
Daschle
Derwinski
Donnelly
Dornan
Early
Eckhardt
Edwards, Calif.
Edwards, Okla.
Evans, Del.
Fazio
Fenwick
Fish
Fisher

Garcia
Gilman
Gramm
Green
Hammer-schmidt
Harkin
Harris
Hawkins
Hollenbeck
Hughes
Jacobs
Jeffords
Kastenmeier
Kelly
Kemp
Kildee
Kostmayer
Leach, Iowa
Lowry
Lungren
McHugh
Markey
Matsui
Mazzoli
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moore
Mottl
Myers, Ind.
Panetta
Paul
Petri
Ratchford
Regula
Reuss
Rinaldo
Rodino
Rosenthal
Roybal
Satterfield
Schroeder
Seiberling
Sensenbrenner
Shannon
Studds
Tauzin
Volkmer
Walker
Wampler
Weaver
Weiss
Williams, Mont.
Wirth
Wolpe
Yates
Yatron
Young, Fla.

NOT VOTING—92

Akaka
Anderson, Ill.
Applegate
Beard, R.I.
Bedell
Beilenson
Bevill
Boggs
Bolling
Breaux
Brodhead
Broomfield
Buchanan
Burlison
Byron
Chisholm
Coleman
Crane, Daniel
Crane, Philip
Crockett
Dannemeyer
Davis, S.C.
Dellums
Dodd
Downey
Edgar
Erlenborn
Fithian
Frenzel
Gingrich
Ginn
Goldwater
Grassley
Grisham
Hall, Ohio
Hanley
Hansen
Harsha
Heftel
Holtzman
Hopkins
Jenrette
Johnson, Colo.
Kindness
Kramer
Leland
Lent
Lloyd
Lundine
McCloskey
McDade
McDonald
McEwen
Madigan
Maguire
Marlenee
Mathis
Miller, Calif.
Moffett
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
Nolan
O'Brien
Ottinger
Patterson
Pease
Pursell
Richmond
Ritter
Rudd
Russo
Sabo
Schulze
Shumway
Spellman
St Germain
Stanton
Stark
Stokes
Synar
Thomas
Thompson
Van Deerlin
Vento
Waxman
Wilson, C. H.
Winn
Wydler
Wylie
Zablocki

☐ 1650

Mr. MATSUI and Mr. EDWARDS of California changed their vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 3 minutes each, unless the Member has an amendment printed in the Record, in which case he or she is protected. The Chair would like to recognize first the Members who do not have amendments printed in the Record.

Are there any Members whom the Chair announced who do not have amendments printed in the Record?

If not, the Chair will, therefore, go down the list.

The Chair recognizes the gentleman from Washington (Mr. Lowry).

Mr. LOWRY. Mr. Chairman, we have before us today on this first day that we have come back from the election break perhaps the most important and definitely the most controversial legislation in the four States of the Northwest.

Mr. Chairman, we were hopeful this morning that this legislation before us would not be up before next Monday. There are many of us from the Northwest that have extreme concerns over this legislation as it now stands and wanted to support the legislation but cannot without significant amendments needed to correct it. We would like to have had more time to present those amendments. We have not. The committee leadership has limited debate less than 2 hours into consideration.

I think this is a very bad procedure in this House and I greatly ask the Members to look at those amendments that we badly need so those of us in the Northwest can support this bill. But we cannot if we cannot improve the legislation through amendment.

☐ 1700

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. AuCoin).

(By unanimous consent, Mr. Weaver yielded his time to Mr. AuCoin.)

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Chairman, I appreciate the Chair's calling the House to order because that is one of the points I want to make. Throughout the discussion on the bill today the Chair has tried—many times in vain—to call the Members' attention to a bill of great consequence to the people of the Pacific Northwest.

Of course, we can all understand why the Chair is having difficulty getting the Members' attention. This is the first day we have been in session since the election. There is a lot on the minds of the Members of this body right now—many things well beyond the scope and the substance of the Pacific Northwest power bill.

I would bet that the gentlemen having a conversation in the back of the Chamber at this very moment are not fully familiar with the pending amendments to the bill at this particular moment. Yet a number of amendments that are about to be offered have a fundamental impact on the people and the ratepayers of the Pacific Northwest. And, likewise, the Members standing in the back of the Chamber over in this corner—we have been trying to get their attention, as they would be trying to get our attention if they had a bill of such consequence to their districts.

This bill is the most important piece of energy legislation ever proposed in the Pacific Northwest. The day may come when other Members will have a piece of legislation that affects their region just as severely and just as significantly as this piece of legislation affects our region. I hope that they will have a chance, if that ever should happen to them, to offer amendments under a better set of circumstances than we have been given.

The CHAIRMAN. Will the gentleman from Oregon kindly suspend?

Will the gentlemen in the rear of the Chamber and to the right of the Chair kindly take their seats and cease conversation? The gentleman from Oregon has correctly pointed out that he is entitled to be heard.

The Chair recognizes the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. I thank the Chairman. I would just say to my colleagues, many of whom I have seen stand where I stand today and argue for legislation of great consequence to their own regions, that I hope if they are placed in the situation that a number of us in the Pacific Northwest are in today, they will have an opportunity to work their will through amendments in a far better way than we have been afforded.

This bill has been brought to the floor the first day of the session. It is a regional bill and, therefore, it is not apt to be paid complete attention to by the Members, given the tumultuous events of the last few days. Without much ability to prepare, we have come to the floor and tried to be in a position to offer amendments that are very important to our districts. That is enough of a problem, but the trouble now is that we have a time limit of 5:30 and a number of Members are going to find themselves with extreme difficulty in trying to offer amendments that will perfect the legislation.

Why is this legislation so important to the Northwest? For a number of reasons. For one thing, this Member happens to feel very strongly about the impetus I think the bill would give for the construction of nuclear powerplants. Many of you agree with the construction of nuclear powerplants. I do, too, under a certain set of circumstances, but that set of circumstances does not exist in this legislation. I have amendments that would try to address themselves to that.

But more importantly, the bill, if it is not amended, would provide fairly easy financing for the construction of these plants throughout the Pacific Northwest, and I think that represents an unfair environmental price for the ratepayers and the citizens of the Northwest, considering the unanswered questions of waste storage, operational plant safety, and all the rest. But more importantly, this bill as it currently exists—Mr. Chairman, could I have order, please?

The CHAIRMAN. The Chair will remind the Members that we are operating under a time limitation, and the Members are entitled to be heard. Will the gentlemen in the rear of the Chamber kindly cease conversation.

The Chair recognizes the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, the legislation as it stands, unamended, provides easy financing for the construction of these plants. That construction carries an environmental price that many people in my district, and in fact a majority of the voters in Oregon, were very concerned about in the last general election, and for that reason they approved a referendum that would put some restrictions on the construction of nuclear plants.

Beyond that the bill provides a funding mechanism that gives carte blanche to cost overruns. There are three plants in the Pacific Northwest now financed under a net billing arrangement by the BPA. That is a mechanism similar to what the guaranteed purchase authority would offer to an untold number of future nuclear plants if this bill is passed unamended.

It is interesting to see what has happened to the costs of three of those plants already under construction, not all of which are completed at this time. It was originally estimated that those plants would cost something like $4 billion. Today because of the net billing arrangement, the cost overruns have come to four times that original estimated cost—four times. We are talking about $16 billion. You know who pays the cost for those cost overruns. The price is paid by the ratepayers of the Pacific Northwest. And those plants are not even complete yet. I think that is a damning indictment of the operation and the procedure under which we are operating here. I hope the Members will bear that in mind as we consider this legislation.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. Murtha) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

(By unanimous consent Mr. Dicks yielded his time to Mr. Swift.)

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Swift).

Mr. SWIFT. Mr. Chairman, largely because we have not wanted to be a part of extending this debate beyond the time that is necessary, a number of us who are strong supporters of this bill from the Pacific Northwest have not been speaking this afternoon, but lest we leave the impression that there is little support for this in the Northwest, I would like to clarify to all of my colleagues that it is quite to the contrary. The word "consensus" does not mean unanimity, and nobody to my knowledge has ever claimed there was unanimity of support for this bill in the Pacific Northwest. We are westerners. We rarely are unanimous on anything. It would be a hard time to get a unanimous vote to welcome in the dawn in the Pacific Northwest.

☐ 1710

But there is consensus. Both Senators from Oregon, both Senators from Washington and the Senator-elect from Washington, both Senators from Idaho and the Senator-elect from Idaho, Congressman Duncan, Congressman Ullman, and the Member-elect from that district support the bill. Tom Foley, Mike McCormack and the Member-elect from that district support the bill. I support the bill. Don Bonker supports the bill. Joel Pritchard supports the bill. Norm Dicks supports the bill. The gentleman from Idaho (Mr. Symms) supports the bill and will have the privilege, apparently, of supporting it in both houses. That, gentlemen, is consensus.

I can name some others. The mayor of Seattle, the city of Seattle, the Eugene, Oreg., Chamber of Commerce, and others. But there is consensus. Let there be no mistake about that.

As to adequate consideration of the various issues raised by this particularly complex bill, let me point to the action that has taken place in the committees of this Congress. This is a terribly complex bill. The energy situation in the Pacific Northwest is complex. But this bill has innumerable hearings, and it had a long markup before the Energy and Power Subcommittee of Commerce, at which many of the issues which are now being raised as amendments were heard.

It had full markup before the full Committee of Commerce, at which many of these issues were raised and settled. And I might point out that it was in these particular sets of markups in Commerce at which the bill was substantially improved over the early version of the bill which I could not support in that form, which the gentleman from Washington (Mr. Bonker) could not support in that form, which a number of others of us could not support in that form.

Now, there are two ways you can go. If you do not like the way a bill is, you can try to kill it or you can try to improve it. And some of us took the latter, more positive approach, and we improved it enormously. And then it went to Water and Power in Interior, where there were additional refinements that further improved the bill, and yet more of the arguments that were contained in the amendments that have been noticed were heard. Some were adopted. Many, in all of those places. And in the full Committee on Interior and Insular Affairs, again there was an opportunity to raise these issues, and in many instances they were adopted; in many, many instances the people who had studied this, had looked into it with care, who understood the issue being raised and understood the problem the bill tries to solve and understood the bill, voted them down. Not even close. By wide margins.

The bill was reported out of all four of those forums of this body by substantially wide margins. So there is consensus in the region. There is a tremendous desire to avoid the chaos that is going to occur in the Pacific Northwest if we do not have a balanced and rational, planned method of being able to deal with our own energy problems.

This Congress has studied this bill with care, and the forums before which it has gone have studied it with care and have improved it and have passed it out overwhelmingly. We now arrive at a point where, as the Members will recall, just a few days before we went into recess for the election, we met filibuster by amendment. It is not supposed to happen in the House, but in fact if you abuse the rules of the House, you can hold the floor forever.

Today we had an hour and, I believe, 45 minutes during which we were able to consider two amendments. And so now we have limited debate because this bill has been seriously and deeply and fairly considered by the major institutions of this House, because there is a regional consensus this bill is essential, and because we have limited time now in which to work. And I urge my colleagues to support this bill.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. When the gentleman discussed a consensus, he mentioned the political figures. But is it not also true that there are a great number of interests in the Northwest, agriculture, fishing, industrial, electrical producers, including the publics and including the privates, that are substantially in accord that this bill is essential if we are going to be able to solve our energy production requirements in the Northwest?

Mr. SWIFT. The gentleman is correct.

The CHAIRMAN. The Chair now recognizes the gentleman from Massachusetts (Mr. Markey) for 3 minutes.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Markey: Page 27, line 10, strike "may" an insert therefor "shall".

Mr. DINGELL. Mr. Chairman, reserving a point of order—I do not know whether I will pursue it or not—I have not seen the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. Dingell) reserves a point of order.

The Chair will inquire of the gentleman from Massachusetts if this amendment was printed in the Record.

Mr. MARKEY. Mr. Chairman, this amendment was printed in the Record under the name of the gentleman from Oregon (Mr. Weaver).

The CHAIRMAN. The gentleman from Massachusetts (Mr. Markey) is recognized for 5 minutes in support of his amendment.

Mr. DINGELL. Mr. Chairman, I still reserve a point of order.

The CHAIRMAN. The gentleman from Michigan (Mr. Dingell) reserves a point of order.

The gentleman from Massachusetts (Mr. Markey) is recognized for 5 minutes in support of his amendment.

Mr. MARKEY. Did the chair say 5 minutes?

The CHAIRMAN. For 5 minutes.

Mr. MARKEY. Mr. Chairman, I rise to offer an amendment to the Pacific Northwest Electric Power Planning and Conservation Act. My amendment is proposed so that the House can make certain that this bill is unambiguous in its commitment to energy conservation.

I want to make certain that this commitment is strong, that it is more than rhetorical, more than just words.

The amendment is quite simple. On page 27 of the amendment in the nature of a substitute (the text of H.R. 8157) to S. 885, I propose that we strike the word "may" and insert therefor the word "shall."

The CHAIRMAN. Will the gentleman suspend for just a moment, please?

The Chair would like to advise the gentleman that the Chair was incorrect originally, and the gentleman from Massachusetts (Mr. MARKEY) has 3 minutes under the rule in support of his amendment.

Mr. MARKEY. I thank the Chair.

Mr. Chairman, if my amendment is adopted, the language of this bill would declare that the Administrator of the Bonneville Power Administration must impose monetary sanctions on utilities or direct-service-industries which fail to implement the conservation measures to achieve recommended energy savings. In its present version, the bill leaves such sanctions at the discretion of the Administrator. The bill does not say that the Administrator "shall" levy the rate surcharge, only that he "may" do so.

If we are to guarantee that this legislation accomplishes the goals proposed in section 2 of the bill—"to encourage * * * conservation and efficiency in the use of electric power" as the top energy priority for the Pacific Northwest region—we need to make certain that shortfalls in achieving these goals are met with more than a slap on the wrist from the BPA bureaucracy.

Section 4 of this bill sets forth the provisions for "regional planning and participation" under the terms of this legislation. It establishes a regional agency known as the "Pacific Northwest Electric Power and Conservation Planning Council," to achieve the purposes of the legislation and facilitate cooperation among the four affected States—Idaho, Montana, Oregon, and Washington. Two persons from each State may be appointed to serve as members of the Council.

Within 2 years after the Council is established, the Council is directed by this bill to adopt and transmit to the Administrator a regional conservation and electric power plan, which may be amended by the Council from time to time and must be thoroughly reviewed by the Council at least once every 5 years.

According to the language of section 4—beginning on page 23, line 22—the regional plan shall give priority to resources judged by the Council to be cost-effective. "Priority shall be given: first, to Conservation," according to the bill, and accordingly the plan's energy conservation program shall include so-called model conservation standards.

These model conservation standards are described on page 26, beginning on line 17. The standards in question are not "performance" standards but "code" standards.

For example, it is expected that the model standards to be proposed by the Council would set forth recommended insulation efficiencies for ceiling and wall insulation, both for new and existing structures. The model standards would apply to utility, direct-service industry, and governmental conservation programs, as well as to ratepayer actions to achieve conservation. Geographic and climatic differences within the region shall be respected by these model standards.

In the words of section 4, page 26, beginning on line 24, the model standards "shall be designed to produce all power savings that are cost effective for the region and economically feasible for consumers, taking into account financial assistance made available to consumers under section 6(a) of this Act."

Model standards are a vital element in this legislation to make certain that the bill accomplishes its ostensible goals: To put energy conservation and renewable power sources ahead of costly and time-consuming BPA investments in nuclear powerplants. The city of Portland, Oreg.—well known for the effectiveness of its energy savings in the past decade—has urged that these model standards be a strong part of this bill.

If the utilities or direct-service industries within the region fail—in the judgment of the BPA Administrator—to implement conservation measures that achieve energy savings comparable to those which would be obtained under the model standards, the Council by a majority vote may recommend to the Administrator a rate surcharge to recover for BPA such additional costs as will be incurred because such energy savings have not been achieved. This language is already in the bill on page 27.

My amendment proposes that if the Council votes to recommend a monetary penalty, the Administration should be required to levy it up on the affected utility or industry.

My amendment will put real teeth into the requirement that the Pacific Northwest save energy—the cheapest, fastest, safest way to provide more energy—before going to costlier and slower sources of new power.

The surcharge will come on top of the rate already paid by the utility or industrial customer to BPA for the power to be provided under the terms of this legislation. As the bill already provides, in no case may such surcharges be less than 10 percent or more than 50 percent of the Administrator's applicable rates for such load or portion thereof.

I believe that the delegates representing the four affected States—serving as members of the Council—should expect that their recommendations for penalties will be made to stick. But under the language of the bill before us, the Administrator can choose to ignore this recommendation. If my amendment is adopted, this will no longer be the case.

If we mean what we say in this bill—to put energy conservation first and foremost—adoption of my amendment will strengthen this commitment and improve this bill accordingly.

Thank you.

□ 1720

The CHAIRMAN pro tempore. Does the gentleman from Michigan insist upon his point of order?

Mr. DINGELL. I do not, Mr. Chairman, but I ask unanimous consent to address the committee for 1 minute of the 3 in opposition to the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan (Mr. DINGELL) for 1 minute.

Mr. DINGELL. Mr. Chairman, the amendment here would change the permissive authority for BPA to impose surcharges on customers on recommendation of the council. This change would raise constitutional problems because the council is a State agency. Under the amendment, if the council recommended a surcharge, BPA would have no course but to impose it. A State agency cannot, under the Constitution, require a Federal agency to take action of this nature. The provision would change that so that we would clearly have then an unconstitutional and undesirable result.

While it is desirable, I believe the BPA should impose surcharges where it deems it appropriate under the criterion of the section, and the BPA should nevertheless have authority to make that determination.

The constitutional consequences of this amendment are far too dangerous. While I agree with the gentleman from Massachusetts that such a recommendation should certainly be heeded by BPA, I do not feel that we should tie its hands or impose upon this agency the kind of unconstitutional consequences that are inherent in the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee of the Whole appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN pro tempore. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Massachusetts (Mr. MARKEY) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

☐ 1730

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment that is at the desk and is numbered 54.

Mr. DINGELL. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) reserves a point of order against the amendment.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 71, line 1, after "(1)" insert "(A)";

Page 71, line 1, strike out "a rate or";

Page 71, line 5, strike out "Such rate or rates shall" and all that follows down through page 71, line 12 and substitute:

"(B) The rates of general application established under this paragraph for electric power sold to meet such general requirements and loads under section 5(c) shall consist of the following separate rates—

(i) A rate which shall recover both (I) the costs of that portion of the Federal base system resources needed to serve such general requirements and loads and (II) the costs of the electric power acquired by the Administrator under section 5(c) to serve such general requirements and loads.

(ii) Separate rates which shall recover the costs of any additional electric power acquired by the Administrator from sources other than the sources referred to in clause (i) in order to serve such general requirements and loads under section 5(c).

(C) The rates under clause (ii) of paragraph (B) shall consist of the following separate rates—

(i) A rate for that amount of additional electric power referred to in clause (ii) of subparagraph (B) which is initially purchased by the Administrator in the first ten year period during which any such additional electric power is purchased by the Administrator for purposes of sales referred to in such clause (ii).

(ii) Separate rates for that amount of additional electric power referred to in clause (ii) of subparagraph (B) which is initially purchased in each succeeding ten year period during which any such additional electric power is purchased by the Administrator for purposes of sales referred to in such clause (ii).

(D) The rates established pursuant to subparagraph (B)(ii) for any electric power acquired by the Administrator from a new resource shall recover the full costs of such new resource over its useful life.

(E)(i) The Administrator shall annually allocate the electric power sold at the rate established under clause (i) of subparagraph (B) to the customers referred to in subparagraph (A), including public bodies and cooperatives formed after the date of the enactment of this Act which initially become customers of the Administrator after such date.

(ii) In the case of the public body, cooperative, and Federal agency customers, such allocation shall be in proportion to general requirements of each such customer, except that the allocation shall be adjusted to give equitable consideration to differing rates of population growth, employment, and irrigated acreage.

(iii) In the case of the customers acquiring electric power pursuant to section 5(c), such allocation shall be adjusted on the basis of population growth and irrigated acreage.

(F) Each separate rate required pursuant to this subparagraph shall be separately stated on a billing provided to the customer for purposes of periodically notifying the customer of the charges for electric power purchased subject to each such rate.

(G) Whenever the rates charged to public body, cooperative, and Federal agency customers are modified by reason of the limitation contained in paragraph (2), such modified rates shall be established, where practicable, as separate rates charged according to the rate structure described in subparagraphs (B) and (C), and where not practicable, according to a rate structure which the Administrator determines will maintain the effects of such separate rates and will carry out the purposes of subparagraphs (B) and (C).".

Page 80, strike "(j) All" and all that follows down through line 4 on page 81.

The CHAIRMAN. The Chair will inquire of the gentleman from Oregon (Mr. WEAVER) if this amendment was printed in the RECORD.

Mr. WEAVER. Yes, it was, Mr. Chairman.

The CHAIRMAN. The gentleman from Oregon (Mr. WEAVER) is recognized for 5 minutes in support of his amendment.

Mr. WEAVER. Mr. Chairman, this amendment embodies what is perhaps the single most important element in our entire energy policy.

Ronald Reagan's energy adviser during the campaign, Dr. Mitchell of Michigan, said this was the single most important thing that we could do in energy. This amendment was written by the city of Seattle utility, one of the largest utilities in the world. The amendment is technically sound.

What it does is simply this: It prices electricity at its cost. In other words, what we have today is a distorted price of electricity, of energy, so that the price signals sent to people are distorted. They do not get the message, and, therefore, they do not use electricity wisely.

The effect of this amendment in the Northwest would be to sell the hydro power in effect at roughly its cost—this is to the utilities on a wholesale basis from Bonneville—and then sell any new additional generation at its cost so that the utility would get the price signal.

The important thing here is that any new energy source would be competitive. It would compete in the marketplace. This is the single most important market function that we have in our economic system.

Mr. Chairman, let me give the Members an example. In the Northwest we have millions on tons of wood waste that we burn in our forests. There are millions of tons of that waste in Oregon forests, enough to heat three-quarters of all the homes in Oregon. Yet we are not using that in energy for the simple reason that the way the utilities or Bonneville operate with electricity, they take the cheap hydro power and the expensive thermal power and average them, meld them together.

So, therefore, even though the wood waste electricity is cheaper than the thermal electricity, the price is averaged. The Roseburg Lumber Co., one of the largest lumber companies in the world, now produces the electricity at about half the cost of that which is extracted from the thermal plants under construction. Yet the price given to the utilities by Bonneville is melded or is averaged, so, therefore, it is below, because it has all that cheap hydro worked into it, the cost of the wood waste.

So we go on letting them build these enormously expensive thermal plants, and we are wasting energy sources that are much cheaper. It is crazy.

Yes, of course it is crazy, and that is why we have inflation. That is why we have stagflation, because we waste things that we could be using and because of the distortions in the marketplace.

This amendment written by the city of Seattle utility simply says that we will burn the hydro power at its cost to the utility and then use the last increment of whatever new energy they are producing at its cost. So if somebody wants to come in and compete with wood waste or new hydro or coal or solar or anything else, they will be competing with the true cost of the energy generated.

That is the market system. That is what Ronald Reagan's advisor believes. Ronald Reagan believes that this is essential to bring sanity to our energy system.

Therefore, this amendment would frankly make this bill a bill that makes sense. It would make sense if we could just do this, because the melded price of electricity is the single most detrimental thing in this Nation to solving our electrical energy problem. It is the single most detrimental thing we know of.

Therefore, if we simply did this one thing, it would create enormous amounts of new energy from things that we waste today. It would bring commonsense to the marketplace for electricity. It would even aid in conservation, because a person would not be saving the melded price; he would be saving the higher cost, and, therefore, we would have a greater incentive to conserve.

So, Mr. Chairman, I ask the Members in the name of sanity and commonsense and for the marketplace to adopt this technically sound amendment. The General Accounting Office has looked it over, and they say the two-tiered grade pricing would provide utility customers with more accurate price signals than they presently receive with Bonneville's melded rate.

Mr. SWIFT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Before the gentleman proceeds, the Chair will inquire, does the gentleman from Michigan (Mr. DINGELL) insist on his point of order?

Mr. DINGELL. Mr. Chairman, I do not insist on my point of order.

The CHAIRMAN. The point of order is withdrawn.

The gentleman from Washington (Mr. SWIFT) is recognized for 5 minutes.

☐ 1740

Mr. SWIFT. Mr. Chairman, earlier I said that when something in a bill seems inadequate you have two choices, you can oppose it or fix it. We caught on to this particular problem a long time ago and fixed it a long time ago. The problem is how do you provide economic incentive for conservation in this bill?

The proposal that they are making is a two-tier rate which will not work. The reason it will not work is that it makes perfect integral logic as a retail pricing strategy but it is being applied on a wholesale level where it will not work.

We had before the Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce a witness from the environmental defense fund, a Dr. Zack Willy. I asked him specifically about this kind of approach at the wholesale level.

He said:

> There are a number of problems. One of the problems is lag in pricing signals to investment planners and utilities. There is a long lag time particularly in nuclear and coal plants, 8 to 10 years. So the problem is investment in those plants are not regulated by prices from the market.

That witness used another example. He said what is really wrong with it is it is like a long narrow room where you have the furnace at one end and the thermostat at the other. By the time the heat from the furnace gets to the regulating device you are already overheated.

Multitier pricing at the wholesale level will not work.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding, Mr. Chairman.

The sponsor of the amendment made reference to the city of Seattle, the original drafter of this amendment.

Mr. Chairman, I think it is important that our colleagues know that the city of Seattle wrote us a letter earlier stating that they felt it important that the bill include one of two means of dealing with conservation, either the multitier wholesale rate structures or through a meaningful billing credit mechanism. They concluded that the letter is the way we should go which is in place in the bill. The result of this is the city of Seattle, the mayor, Charlie Royer, strongly supports the provision of conservation rate credits in the bill which would make unnecessary the amendment offered by the gentleman from Oregon.

Mr. SWIFT. Mr. Chairman, I thank the gentleman from Washington. What the gentleman says is absolutely accurate and further, the General Accounting Office has indicated the mechanism which we have included in the bill will, in fact, be an effective means of sending a price signal at the wholesale level to encourage conservation. It is a billing credit which permits anyone, any utility, to apply, after it has found the conservation means or renewal resources, to apply for a credit that comes right off the top of the wholesale bill which can be passed on to their consumers.

Mr. LUJAN. Mr. Chairman, will the gentleman yield.

Mr. SWIFT. I will be happy to yield.

Mr. LUJAN. There is one question that the gentleman has not addressed that causes me some concern. It is a provision that applies to the entire country. That is on the preference clause it seems to me there are some requirements that are being put into this that might affect the rest of the country and put some precedence in there, that those rates, you could have different rates depending on population, a population growth, employment, irrigated acreage, and, if we get it started in this particular piece of legislation, then we are going to be seeing exceptions to the preference clause in all other allocations.

Mr. SWIFT. Mr. Chairman, the gentleman is absolutely correct. That is one of the reasons that the city of Seattle has supported the billing credit, that it achieves the end, which is to send an economic signal for conservation without endangering the preference clause at all.

I, therefore, suggest to the supporters of the amendment that I totally agree with the ultimate goal they are trying to achieve. We agreed so much that long before the bill had gotten to the subcommittee we had already taken care of it.

The bill provides those very important economic incentives for an effective and meaningful conservation program without detriment to the public power preference clause.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

Mr. KAZEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River power system to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes, had come to no resolution thereon.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT OF 1979

Mr. UDALL. Mr. Speaker, I ask unanimous consent that it shall be in order to consider, without intervening motion, on today, or any day thereafter, a motion to concur in the Senate amendment to the bill (H.R. 39) to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the national park, national wildlife refuge, national forest, national wild and scenic rivers, and for other purposes, in the House, that debate on said motion shall continue not exceed 1 hour, to be equally divided and controlled by myself and the gentleman from Alaska (Mr. YOUNG) and that the previous question shall be considered as ordered without intervening motion on said motion to final adoption.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

MOTION OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. UDALL moves that the House concur in the amendment of the Senate.

The SPEAKER. The gentleman from Arizona (Mr. UDALL) is recognized for 30 minutes and the gentleman from Alaska (Mr. YOUNG) is recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the leadership and the Members indulging us in this very important matter at this hour. This is probably one of the most far-reaching and important conservation and resource decisions in our Nation's history. I have personally been involved in this for more than 8 years now, going back to the old Alaska Native claims bill.

We are now in a situation where we have to decide whether we want to go ahead with the Senate bill because realistically that is our only legislative option, or whether we want to come back next year and start all over.

Today and on previous days there has been a good spirit of accommodation and compromise and I think we are ready to pass this bill tonight and get this part of the job done.

I want to emphasize that in my own mind this is a basic beginning, but it falls far short of the kind of bill that we wanted as we proceeded in this Congress and it falls short of what the House did in 1978. Nonetheless, given the realities of the situation I think this is an acceptable beginning and I want everyone to understand that throughout the rest of this session and in the new Congress I will be working to improve some of the things that were in the bill when it left the House and did not survive in the Senate. I do believe the prudent thing to do at this time is to adopt the Senate amendment and clear this bill with the White House for final action.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. SEIBERLING). Mr. Speaker, the gentleman from Ohio has been instrumental in carrying a share of the burden in the course of preparing this legislation.

Mr. SEIBERLING. Mr. Speaker, I think the gentleman from Arizona has put it very well. The situation we are in is a practical one. The Senate version of the Alaska lands bill does fall short of what the House passed both in this Congress and in the preceding one. However, I would say that it probably represents about 85 percent of what we had hoped to achieve when we passed the House bill.

Mr. Speaker, I certainly agree with the distinguished gentleman from Arizona that we need to work in the next Congress to try to improve this bill. I am sure that on both sides of the aisle and in both Houses there are things that people with differing points of view will recognize need to be improved and clarified.

Mr. Speaker, I suppose that I have spent more time on this particular piece of legislation than any other person perhaps with the exception of the gentleman from Alaska (Mr. YOUNG) who represents the area in question. I know the subject matter quite well and have gone into it in great detail.

I can only say this does represent a tremendous achievement even though it is not everything we wanted. It will triple the size of the national park system in the United States, it will add tremendous new acreage in wilderness, tremendous new additions to the National Wildlife Refuge System, provide protection for the most critical areas in southeast Alaska and in general accomplish some of the aims of the Natives and the other residents of Alaska in terms of accelerating the transfer of land to the State and Natives and in protecting the rights of subsistence users to their wildlife resources.

☐ 1750

I want to commend the gentleman from Arizona who has stood strong and stood fast for strong environmental legislation in Alaska as well as elsewhere.

I want to commend the gentleman from Alaska (Mr. YOUNG) for being willing despite the disagreements and issues involved in this bill, to try to work with us to the extent that we could work out matters of common consensus.

I think that this bill, to the extent that it exists in this form, does represent a true consensus, even though it does not go all the way toward the objectives that the various different points of view sought. I appreciate very much having had this opportunity to work on the bill as well as to speak on it at this time.

Thank you.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Speaker, I rise to associate myself with the remarks of our distinguished chairman, the gentleman from Arizona (Mr. UDALL), in suggesting that the House move on this legislation to advance it down to the President so there can be a signature this year. I think we have been dealing with this now for some 4 years.

I think it is important that we have a measure of progress in this Congress and, of course, this bill represents such progress.

This measure clearly represents the product of 4 years of arduous work. Our Interior Committee has been through two difficult markups and twice we have come to the House floor in the midst of bitter controversy. These struggles have educated all of us and defined the key issues. I believe it is instructive that this measure has been criticized by both sides in this controversy. This demonstrates the compromise nature of the bill, which despite any deficiencies it may contain, merits support and passage by this body.

I also recognize that there are deficiencies in this bill but there is no significant disagreement regarding 80 percent of its provisions. Acceptance of this bill will enable us to put into law the agreements and permit us to focus on the areas of disagreement in future Congresses. A no bill course of action will force us to reconsider the entire bill. Such reconsideration is clearly counterproductive and time consuming—it will force us to recross old ground and rehash previously resolved disputes. We will be much better advised to invest our time and efforts in dealing with those areas where significant disagreements still exist.

Last, enactment of this measure will end the uncertainty regarding land status which has plagued Alaska for the last 9 years. While land status remains up in the air and unilateral executive withdrawals remain in place, the State will be unable to obtain its Statehood Act lands, the future of the timber industry and its employees remains in question and mineral companies will be unable to make crucial investment decisions regarding development of major mineral discoveries. Despite the shortcomings in this bill noted by both sides, the simple end of uncertainty will eliminate many problems and permit the State and key industries to make firm and realistic plans for the future. The end of uncertainty and inaction is sure to result in important economic benefits for the people of Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Speaker, I rise in support of this compromise. It is statesmanlike, I imagine. It is disappointing. It is prudent. It has many virtues. And it lacks many others. But I think it is wise at this moment to support it, and we have to accept that which is possible even if it is not perfect. I congratulate the chairman. I was a cosponsor of the Udall-Evans bill. I regret that that is now before us, but we must accept what we have.

Thank you.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Speaker, I am going to vote against this bill, I know that there has been a great deal of hard work done on this bill in this Congress but I think we all should recognize that there was an election taken in Alaska in the early part of September in which over 50 percent of the people in Alaska, our 49th State voted to reconsider statehood. That in itself tells me that the people of Alaska are not happy with the land-use policies that are coming out of Washington, D.C., and that we are not being sensitive to the needs of Alaska.

I think, furthermore, we need to recognize that our national minerals policy is totally inadequate and reaching a critical point. We are locking up millions of acres of land in Alaska which hold minerals vital to this country. Over 70 percent of the most favorable oil and gas lands in Alaska are now off limits for exploration.

I think that the wisest course of action would be to vote this legislation down, look forward to a new administration which will be taking office in January of next year and a new Congress. We will try to readdress this problem at that time and pass legislation which will be more reasonable and which would give not only the people of Alaska a better say so in the future of their State, but also would give this country a responsible, multiple-use concept for those lands.

For that reason, I would urge all Members of this Congress to vote against it. This bill is going to need some severe and serious amendments in coming Congresses. I think "no" votes registered today will also help those in the future who are trying to connect the tragic waste of resources that will take place with the passage of this bill under the leadership of Secretary Andrus and President Carter.

I would ask for a "no" vote on the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Speaker, I raise no objections to the adoption of the amendment to H.R. 39. We have given a great deal of attention to this very important legislation during the last 4 years and I think the time has come to move on to the consideration of other important matters of national interest

I do not pretend that we have taken care of all the problems which have been addressed over the years by adopting this version of the Alaska National Interest Lands Conservation Act. However, I hope that the specific questions at issue which are left outstanding can be resolved through the normal amendment process.

The Committee on Merchant Marine and Fisheries has jurisdiction over fisheries, wildlife, and the National Wildlife Refuge System throughout the United States and over those sections of this bill that relate to these areas. As a member of the Merchant Marine and Fisheries Committee, I want to assure my colleagues that I will certainly do my utmost to see that the fish and wildlife resources in Alaska are preserved in the national interest and that any problems which arise as a result of this extensive legislation are addressed by our committee.

Mr. Speaker, I support the passage of H.R. 39 as amended by the other body and encourage my colleagues to do the same.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Speaker, I thank the gentleman from Alaska who has always been eminently fair to those with whom he agrees and to those with whom he might not always agree.

Mr. Speaker, I rise in support of the motion to agree to the Senate-passed amendments to H.R. 39, the Alaska National Interest Lands Conservation Act. In doing so, let me thank my colleagues MORRIS UDALL, chairman of the Committee on Interior and Insular Affairs, and JOHN SEIBERLING, chairman of the Subcommittee on Public Lands. These men have worked long and hard in both this and the last Congress to produce a bill which will stand as a landmark in this Nation's conservation history. Let me state from the outset, this bill does not do everything I hoped it would do. I have serious problems with some aspects of it, but on balance, it is time to move forward and enact a basic Alaska lands bill into law. There is much in this bill on which all sides can agree, and I support its passage.

The Senate's version of the strong House bill protects nesting habitat for migratory birds ranging from the rich solar basin of the Yukon River to the cliffs of Cape Thompson. It protects some of Alaska's finest scenic landscapes from the spires of the Arrigetch Peaks to the islands of Southeast Alaska. The important thing is that the Congress has established as its policy that Alaska unsurpassed wildlife and wilderness are to be protected for the benefit of present and future generations. This is a bill we can work with.

Mr. Speaker, this is not the occasion to list all the deficiencies of the Senate-passed bill, but there are several that must be mentioned.

From the standpoint of the National Wildlife Refuge System, one of the most serious problems is that the Senate chose to leave the critical habitat of the Copper River Delta in the Chugach National Forest rather than establish it as a National Wildlife Refuge under the administration of the U.S. Fish and Wildlife Service. This refuge was twice included in the Alaska bill by the Committee on Merchant Marine and Fisheries and it was included in both versions of the Alaska lands bill so overwhelmingly passed by the House.

There are many other deficiencies from the standpoint of the refuge system including the deletion of key areas from some of the refuges which were established and a weakening of the refuge compatibility test which is the basic law governing administration of the refuge system.

From a policy standpoint I am particularly disturbed about a provision included in the Senate bill to give the U.S. Forest Service a minimum of $40 million annually—not subject to the appropriations process or rescission and deferral actions—to be spent for intensive forestry practices in only the Tsongas National Forest. This amount of money is guaranteed annually, as is a certain cut from the forest, regardless of market conditions or other factors which would and should be taken into account.

The House-passed bill authorized some modest sums of money for purposes of precommercial thinning and guaranteed loans to aid the industry in employing the best possible technologies. What is included in the House-passed bill is a far cry from the subsidy contained in the Senate version, and I think it is one of those things we must take another look at.

One of the aspects of this legislation about which I have felt most strongly is the fate of the Arctic National Wildlife Range in northeast Alaska. The coastal plain of this Arctic wilderness is the calving ground for the 120,000-animal porcupine caribou herd. However, it is also an area that has been identified as having oil and gas potential. The Senate bill establishes a procedure by which this priceless area will be opened for a seismic exploration program conducted by private industry.

I was among those who believed that this area should be among the last, not the first, places to be explored. Nonetheless, this program is in the bill, and it is my hope that the responsible committees in the House will vigorously exercise their oversight responsibilities to insure that the caribou are protected throughout the duration of the exploration program. At the end of the seismic program, that is about 5 years, we will have to take another look at this whole matter.

Mr. Speaker, it is time to move this bill. It is not the last step on Alaska lands, but for the most part it is a firm and progressive step forward. We have a debt to present and future generations of Americans who do and will cherish our wildlife and wilderness legacy in Alaska. This bill is a good downpayment on that debt, and it has my support.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. EVANS of Delaware. I yield to the gentleman from Arizona.

Mr. UDALL. I want to concur in the observations of the gentleman from Delaware and thank him for the solid strong backer he has been in all this legislation. There is a great tradition of conservation in the Republican Party going back to Theodore Roosevelt and Gifford Pinchot. The gentleman from Delaware has acted in that tradition, and I commend him.

□ 1800

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield 1 minute to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Speaker, I would like to join in commending our distinguished colleague, the gentleman from Arizona (Mr. UDALL) and also, very importantly, our dear friend and colleague who bore so much of the brunt of the work, the gentleman from Ohio (Mr. SEIBERLING).

I, too, would like to echo the remarks of the distinguished gentleman from Arizona and commend not only the gentleman from Delaware, (Mr. EVANS), for his effective help on this bill, but also our colleague, who will not be serving with us next year, the gentleman from Illinois, Mr. JOHN ANDERSON.

Of course, as in the case of the Redwood National Park legislation—where we had a Redwoods II. Now, in light of this limited solution—someday, we will have to have an Alaskan II.

Mr. UDALL. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WEAVER), a member of the committee.

Mr. WEAVER. Mr. Speaker, I want to concur in the remarks of the gentleman from California (Mr. PHILLIP BURTON) and commend the leaders and all those who played the role.

I am going to support the passage of this because it is a great leap forward and I believe in it; but I do want to go on the record as saying that the Tsongas National Forest is not adequately protected. It is being overcut and overharvested and we must look to the protection of those great lands in the southeast of Alaska in the coming Congresses.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. AuCOIN).

Mr. AuCOIN. Mr. Speaker, this is an historic occasion. After several years of debate, many hours of hearings, and frequent heated arguments, the House is about to enact an Alaska lands bill. Twice before we have expressed our will for resolving this issue; but the matter was left without resolution in the Senate. Now, however, we have agreement by the Senate on a bill and we move today to endorse that agreement.

I rise in support of that bill and urge my colleagues to support its passage—but not without some misgivings.

It goes well beyond the version reported by the Senate Energy Committee, representing major progress in protecting the environmentally sensitive areas of the State while respecting Alaska's wealth of resources and the need to develop those resources. It leaves open more than 90 percent of land areas for oil and gas exploration. It provides some form of protection for 104 million acres of virgin forests, unpolluted rivers, and wildlife habitats for generations yet to come. It protects as wilderness 56 million acres—18 million more than the Senate Energy Committee proposal.

I do regret that more could not be done to bring the Senate bill into line with the version endorsed overwhelmingly by the House a year ago. For example, the caribou calving area of the Arctic coastal plain, which is protected as wilderness in the House bill, is opened to private seismic exploration for oil and gas. Moreover, the House bill protects 45 percent more acres in wildlife refuges than its Senate counterpart. The Copper River Delta, a critical habitat for the remaining population of dusky Canada geese and other migratory birds, is left outside the national wildlife refuge system. Also, the House bill assures owners of inholdings of reasonable access across conservation system units in Alaska. The bill we are to approve today grants private inholders carte blanche access across national forest and public lands nationwide.

These are a few of the flaws in the Senate bill. They are serious but not fatal. They should not keep us from passing this bill; but we should not forget these flaws either. It is my hope that in the months ahead we can move to correct some of the more glaring omissions and errors. Passage of this bill brings to a close a great debate on Alaska and our proper stewardship of its national resources. But it should not deter us from continuing our agenda to safeguard this unique environmental heritage for the American people.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. Mr. Speaker, I rise to support the proposal that is being put forward. It is not my first choice for a bill on this subject, but it is a good position, an honorable one, and I certainly think we should adopt it and settle this matter during this Congress. It is the best chance we will have at it for a long time.

I have personal reason for supporting this. When I was much younger, I spent several years in Alaska, most of it in the field. I know a good bit in the early days of the territories and land tracts that are being set aside now in various categories for protection. I even wrote a Ph. D. dissertation on the conservation and economic development of Alaska many years ago.

I remember at that time making the argument that if you set tracts of land aside in protected status, later on if you desperately need to go there and extract resources, you can do it; but if you do not set the land aside, but allow development helter-skelter to take place, it is irreversible, especially in a very fragile environment such as is much of Alaska; so by all odds, the prudent thing to do for the benefit of the State of Alaska, which was a territory when I was there, is to do exactly what we are doing, to set large tracts aside in appropriate categories and leave them in this protected status until such time as they may desperately be needed for other purposes, but I would hope they can stay forever in these protected categories; so although it is not my first choice, it is a good choice and I strongly urge my colleagues forthwith to vote for this.

Mr. UDALL. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. Mr. Speaker, I, too, would like to take this opportunity to commend the chairmen of the appropriate committees, the gentleman from Arizona (Mr. UDALL); the gentleman from Ohio (Mr. SEIBERLING); the gentleman from New York (Mr. MURPHY); and the gentleman from Louisiana (Mr. BREAUX) for the fine work they have done on the bill and also to mention the persistence and the effort of the coalition who worked very hard for a good number of years to put together a package which I think will live as a monument to this Nation.

Finally, I would like to pay tribute to our President, who I think stood fast and is to be commended on the work that he and the administration did on this particular bill.

I had the opportunity, Mr. Speaker, the rare opportunity and privilege to hike the Brooks Range and to canoe the Kenai and the wonders of Alaska. I just would hope this Congress and perhaps future Congresses would keep in mind the needed protection for areas such as the Copper River Delta, the Chelkad area and the North Slope.

I again wish to commend the chairman of the committee.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I go into the nature of the great historical period of time which we are about to enter into when we vote on this bill, I would like to commend the chairman of the full committee, the gentleman from Arizona (Mr. UDALL); the gentleman from Ohio (Mr. SEIBERLING), for their work in locking my State up. They have done it with great honor and with a great deal of forthrightness and have been straight with me all along. They told me when they were going to put it to me. I do compliment them for that. They have been honest in their decisions. I respect anybody's beliefs and they do believe they are doing what is right for the great State of Alaska.

I want to make it perfectly clear to my colleagues that I will not be voting for the passage of this legislation, because it is my feeling that this bill that they are saying is not what they want is not what I want, either. It still is an environmentally leaning bill.

I will tell you, though, it does contain many provisions that are good for the State of Alaska, and for the listening audience and those who are here listening to me today, in this bill the good things are that in the Statehood Act, lands are conveyed to the State. The existing Carter monuments are repealed. Access to inholdings and traditional access are guaranteed. There is maintenance of the timber industry in the southeast and it is not being overharvested. It is being harvested as it should be. There are provisions for mineral developments, such as borax, in Chignik Creek, Greens Creek, et cetera. There are exemptions for the wilderness studies by the BLM lands.

Most key mineral areas are open. There is a provision that there will be no more executive withdrawals.

There are oil and gas studies and there are gas and oil leasing on the refuges. All these things are in the bill.

The thing that I object to most in this bill is it never should have been before us in the first place. Under the Statehood Act we were guaranteed 104 man acres of land, of lands that were not reserved at that time. Under this bill, there are lands still in conflict that the State will not be granted. There are areas of land that have been closed to hunting, but that will be addressed the next session of Congress.

I believe that the next session is going to prove that Congress can see the wisdom of allowing lands to be open to the people. All Alaskans have ever wanted and have ever asked is that they have the rights that were guaranteed to them under the Constitution, that they have the right to utilize these lands for their enjoyment and for their economic benefit; primarily their enjoyment above all. The idea that Congress can close down lands and that they cannot be utilized has been a sore in the eyes of all Alaskans.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding.

I would just like to ask the gentleman if the statement I made on the floor about the vote in Alaska where over half of the people voted to reconsider their statehood, if the gentleman agrees that this process of land lockup and the management on the part of the administration of those federally owned lands in Alaska is the reason behind that vote.

Mr. YOUNG of Alaska. I may answer the gentleman, that is absolutely right. The frustration that is felt in Alaska is not in anyone's imagination. It is there. When people's rights are put upon by the Federal Government, then they begin to get very frustrated.

I hope that the election last November 4 brought this home to most of the people on this floor, that there is an unrest out there in the general public that the Federal Government has taken too many rights away from people. That commission was voted upon to study whether the Statehood Act had been fulfilled as far as the Federal Government goes.

Mr. SYMMS. Mr. Speaker, if the gentleman will yield further, I would also like to ask the gentleman, is it not true that there are millions of acres of land in Alaska that are being locked up that have high potential for critical minerals, as well as oil and gas?

Mr. YOUNG of Alaska. Yes; there are many acres locked up and it is my hope that next year as we come back to this Congress that those areas that have high potential will at least be explored, because when they are explored then we will know when, where, and how to retrieve the resources that this Nation is going to have to have.

The gentleman knows as well as I do that if you think the OPEC crisis is bad, just wait for the mineral crisis. If this Congress does not wake up to the fact that we must start producing those minerals which we are now importing over 100 percent in many areas, that I believe will be recognized by the new 97th Congress.

Mr. SYMMS. Mr. Speaker, if the gentleman will yield further, I might just mention that I know what the gentleman says is true. I only wish that this was better known throughout the country, that there are some 56 operating mines in Siberia, which is very much a similar geological belt as Alaska, and none in Alaska.

Mr. YOUNG of Alaska. There is only actually one and that is a coal mine and gold mine, but there are no metal mines in Alaska today.

□ 1810

Mr. SYMMS. But we do have the potential in Alaska, some 23 of the 31 critical minerals are in Alaska that could be developed for the security of this country. Heaven knows what is in the future for us, but it seems to me it would make much more sense to allow the young people of the United States to have the opportunity to work in the extraction of minerals, oil and gas and coal in Alaska than it would to ask them to go off to Persia or somewhere to defend oil fields. This is really what we are talking about here.

It is a disaster for the country that this whole process has come this far. This bill badly needs amendment. The bill is not a good piece of legislation. It should be voted down by the Congress.

The Antiquity Act that was used by President Carter has not been in the best interests of the United States. There are still plenty of areas in Alaska which can be preserved for those people who sit in Wall Street and want to see some land locked up or preserved that no one is going to go into. There are millions of acres of land in Alaska. I think this bill carries some 25.5 times the size of the State of Idaho in wilderness.

Mr. YOUNG of Alaska. The gentleman is absolutely right.

There is one point I want to make clear again. The legislation we are voting on today is legislation that has been worked on for 4 years and it has great weaknesses. But it is an attempt to address those weaknesses that will take place next year, which I am confident this Congress, and the gentleman from Idaho (Mr. SYMMS) being in the position he will be in next year, will be able to address those questions of minerals and oils that have been locked up under the present legislation before us.

Mr. SYMMS. I would just like to compliment the gentleman from Alaska for the job that he has done in trying to represent his State. This is a vital issue and it is too bad that Alaska does not have more representation based on geography, and then we would probably have a better bill.

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Speaker, I want to compliment the gentleman in the well for the extraordinary effort he has put forth on this legislation. While the gentleman has pointed out there are a number of reservations he does have, as the gentleman knows, there are some provisions in this legislation that are desperately needed by the Alaskans. For that reason I tend to tilt in the direction to vote for the bill because of those provisions which will facilitate some exchange arrangements that will be very valuable to the State of Alaska and Alaskans generally. For that reason I tend to tilt in the direction of getting a decision now. I will work with the gentleman and I am sure the chairman, the gentleman from Arizona (Mr. UDALL) on the basis of conversations I have had with him will cooperate in this effort. We can work with him next year to address some of these problems the gentleman has alluded to today.

Mr. YOUNG of Alaska. If the gentleman will yield my time back to me, the reason I did not object to the bill was the cooperation we received from the chairman and from the gentleman from California (Mr. CLAUSEN) as the ranking member, and the understanding that there will be work done next year. That is the main reason that there was no objection to the bill.

Again I say to my colleagues that this is a very historical moment. We are about ready to pass some of the largest, the largest single piece of land legislation, even larger, even larger than the Statehood Act for the State of Alaska, even larger than that act itself in this Congress. It is unfortunate this is a lameduck session. It is unfortunate that it did have to occur at this time, but it is occurring and we are going to be working next year. I believe that we will benefit from this act today, although I am voting against it, and we will be able to attack the specific weaknesses as they appear in the legislation over the next 2 years.

Second, let me say that we are going to have an administration that understands the writing of regulations and that is vitally important. The regulations written to implement this act are really going to fulfill the intent of the act and the Congress as we pass this legislation.

I yield back the balance of my time.

● Mr. UDALL. Mr. Speaker, during the earlier colloquy between the gentleman from Alaska (Mr. YOUNG) and the gentleman from Idaho (Mr. SYMMS) there was an expression of concern regarding the alleged effect of this bill upon Alaska's ability to contribute to meeting the nonfuel mineral needs of the Nation.

Certainly I am committed to insuring that this Nation has the mineral resource base to continue to have a strong economy and a strong national defense. And I want to point out that the bill we are now urging the House to accept is far from a "lockup" of mineral resources. The facts are just to the contrary.

In the first place, the areas in this bill—like those in the House bill—which would be closed to new mineral entries have been carefully drawn so as to minimize the extent of conflict with mineral interests. And even in those areas, all valid existing mining claims—and other valid existing rights—are fully protected.

Then, the bill goes further and includes numerous provisions which will actually advance mineral development in Alaska. For the benefit of our colleagues, I am here inserting a list of just some of those provisions:

A provision which would allow mineral entry, location, and patent until December 31, 1983, on all land designated as national forest wilderness in Alaska outside of the two existing national forest monuments.

A provision creating a wilderness exclusion for the Toronto-based Noranda Mines mineral deposit at Greens Creek on Admiralty Island.

A provision giving the mining company MAPCO and other miners located in the White Mountains National Recreation Area a 2-year moratorium on mineral contest proceedings. This provision would allow MAPCO to use core samples taken after the area was withdrawn for purposes of proving up their claims. Also, the provision would provide for preference rights to leases in this area should it be opened by the Secretary to new mining activities in the future.

A provision which removes over 1.4 million acres in the Squirrel River drainage from wildlife refuge status—in the House bill—and places it under BLM management, open to mining.

A provision establishing a mechanism which could be used to open conservation systems units—other than park system units—to mining when necessary to meet a national need. This successor to a similar but more comprehensive provision the House developed in the 1978 Alaska lands bill was included in the Senate bill.

A provision for a transportation corridor across the southern—"boot"—portion of the Gates of the Arctic, for the benefit of Anaconda's claims in the Picnic Creek area as well as those of others nearby in the Ambler mining region.

Provisions related to U.S. Borax & Chemical Corp., a subsidiary of a London-based conglomerate, Rio-Tinto Zinc, and its Quartz Hill molybdenum claims in the Misty Fjords National Monument which provide for the following:

First. An exclusion of 149,000 acres from wilderness for the mining claims and a buffer zone around those claims;

Second. The construction of a road with which bulk sampling can be carried out;

Third. A 5-year grace period during which mining claimants inside national forest monuments may prove up certain unperfected mining claims, and

Fourth. Establishes a legal fiction in order to assist U.S. Borax in obtaining validity determinations of some of its molybdenum claims in Misty Fjords.

Overall five of the seven "world class" mineral deposits identified by the Stanford Research Institute's study are outside the boundaries of conservation system units and the other two, while inside a conservation system unit will be able to develop.

Approximately 62 percent of the lands with metallic mineral potential are completely outside conservation system units.

Mr. Speaker, I think it is clear that any rational examination of this bill leads one to the indisputable conclusion that

H.R. 39 does what it was intended to do; that is, provide a rational structure for the management of public lands in Alaska to include provisions for the development of key mineral bearing lands while guaranteeing that lands high in other values are given the definitive protection they deserve.

Mr. Speaker, I here attach a detailed discussion of other aspects of the bill:

MAPS AND MINOR BOUNDARY ADJUSTMENTS FOR CONSERVATION SYSTEM UNITS

Both the bill we passed in May of last year, and the version we are about to pass her today require that "whenever possible, boundaries shall follow hydrographic divides or embrace other typographic or natural features."

Until the boundaries can be surveyed, they will be based on legal descriptions using township and section lines. Obviously, these temporary zig-zagging township and section lines along a divide will result in a very uneven boundary, with some lands being excluded that would otherwise be within the conservation system unit and some federal lands that we do not intend to include may be included. Some have inquired as to what happens to the intended conservation system lands during the period before final boundaries are established; will they be protected in the interim? That certainly is our intent. We expect the Secretary to use his existing authority to prevent incompatible uses, potential State selections, and so forth during the period of field surveys and before the final boundaries can be set.

There is another provision in Sec. 103 which states that the appropriate Secretary ". . . may make minor adjustments" in the boundaries of conservation system units. A minor adjustment cannot increase or decrease a unit by more than 23,000 acres.

This one-township limitation is a generous one, and we expect the Secretary to use it judiciously, if at all. Additions must be for the specific purposes for which the unit was established, and should be held to the minimum amount necessary. An example would be to complete the protection of a habitat area of critical importance to a species within the unit.

Similarly, any deletions must solely consist of lands not essential for the purposes for which the unit was established, and, as in the case of additions, must be held to a minimum.

TITLE II—NATIONAL PARK SYSTEM

The House recognizes that a number of the Senate bill's provisions were initiated by and are a direct evolution of the House provisions. It is recognized that there is no House or Senate Committee report which supports this legislation, since both the House and Senate bills were the result of substitutes offered on the floor. Therefore, the following language is presented as explanation of those aspects of the legislation that affect the National Park System as the official legislative history of the "Alaska National Interest Lands Conservation Act."

OVERVIEW

Our Nation's greatest system of national parks represents a special and unique ethic in land preservation, one that has its roots in the American frontier. Born with the creation of the world's first national park, Yellowstone, in 1872, the National Park System contains the treasured symbols of our heritage. They are no less wondrous to Americans today than Yellowstone was to Americans over a century ago. Embracing more than 31 million acres of land in 310 acres (excluding the Alaska National Monuments established on December 1, 1978) in 49 States and in Puerto Rico, Guam, and the Virgin Islands, our National Park System now receives more than 260 million visits by people annually.

As Yellowstone did in the last century, the proposed parks in the Alaska National Interest Lands Conservation Act offer Congress and the public an opportunity to protect a part of our last frontier—Alaska—by endowing a major legacy of parks for future generations of Americans. The proposed parks were selected and their boundaries drawn after extensive surveys and comparative analyses of all the unreserved Federal lands in Alaska. They have been aptly called Alaska's "crown jewels".

These parks offer a full range of nature and history in Alaska, mighty landforms and entire ecosystems of naturally occurring geologic and geomorphic processes, intricate waterforms and spectacular shorelines, majestic peaks and gentle valleys, diverse plant communities and equally diverse fish and wildlife.

Some illustrate regional diversity; others evidence the on-going processes still shaping the landscapes; still others represent ecosystems of vegetation and successional stages of plant growth. Certain units have been selected because they provide undisturbed natural laboratories—among them the Noatak, Charley, and Bremmer River watersheds. These can serve as benchmarks by which one can compare the effects of human activity on similar landscape elsewhere.

Four of the units in large part—Gates of the Arctic, Mount McKinley, Katmai, and Glacier Bay National Parks—are intended to be large sanctuaries where fish and wildlife may roam freely, developing their social structures and evolving for long periods of time without the changes that extensive human activities would cause. Several—including the Bering Land Bridge National Preserve, Cape Krusenstern National Monument and the Kobuk Valley National Park—show the evidences of geologic development of the terrain and trace the development of human ways of life from ancient to recent times.

The overall objective of Title II is to establish as complete and comprehensive a system of parks in Alaska as possible, representing the most outstanding available characterizations of natural and historical themes. These National Park System units will also provide an opportunity for people to enjoy a wide array of recreational experiences unique in our Nation—ranging from the solitude and challenge of remote wilderness to the simple pleasures of hiking an accessible trail, or rafting down a crystal clear river, or learning about a quirk of nature or history from a park ranger. Although seemingly remote now, the Alaskan parks are more readily accessible than was Yellowstone at the time of its establishment; thus as population pressures increase and technological advances make all the world more accessible, it becomes ever more important that actions be taken now to protect these splendid lands and waters.

The new and expanded national park units in Alaska, like all national parks, are to be places for people. They are the heritage of our past and the treasures of our present. Most of all, like Yellowstone, the Grand Canyon, and the others before them, they will be our generation's legacy for the future.

The Alaska National Interest Lands Conservation Act seeks to reaffirm the goals established by the Congress in earlier years, and in the House version of H.R. 39 concerning the National Park System and to strengthen the protection for the new National Park System units in Alaska. Several of the units established in this Act are the same as recommended by the House, and their intent is the same as described by the Senate Committee in its report on H.R. 39. Bering Land Bridge National Preserve, Cape Krusenstern National Monument, Kobuk Valley National Park, Yukon-Charley Rivers National Preserve, Kenai Fjords National Park, the additions to Glacier Bay National Park, and Aniakchak National Monument and Preserve remain essentially unchanged from the Committee recommendation.

Significant changes were made in several units established by the Senate bill compared with the Senate Committee recommendation. In the Noatak, the Federal lands in the lower Noatak Valley were added to the preserve and the national recreation area was eliminated and the lands reclassified as part of the preserve. This change conforms the area with the House-passed bill. In the Gates of the Arctic, the national recreation category was dropped, with the John River, Anaktuvuk Pass, and North Fork of the Koyukuk portions of the area added to park status. The Itkillik Lake and Upper Kobuk River portions of the Gates of the Arctic will be preserves. Thus, the Gates will have one large national park unit and two small preserves in the northeast and the southwest. This is a compromise from the House position in order to allow some sport hunting in the central Brooks Range. The northern boundary of the Gates of the Arctic Park and Preserve conforms the boundary to tho agreement entered into between the Arctic Slope Regional Corporation and the Dpartment of the Interior on June 19, 1979. In Katmai, the park has been expanded over the original Senate Committee recommendation to include Battle Lake and Kulik Lake, like the House-passed bill. Unlike the House, the preserve was expanded to include lands south of the Alagnak River in the northwest corner of the Park System unit. At Denali, a small expansion has been made in the Southern Preserve to increase the amount of lands in the unit that would be open to hunting. In addition, the Senate bill established a second preserve in the northwest corner of the management unit principally to accommodate trappers who have used the area.

COMPARISON OF HOUSE AND SENATE BILLS

	House	Senate
Aniakchak:		
Monument	350, 000	138, 000
Preserve	160, 000	376, 000
Total	510, 000	514, 000
Bering Land Bridge: Preserve	2, 600, 000	2, 457, 000
Cape Krusenstern: Monument	560, 000	560, 000
Denali:		
Park	3, 410, 000	2, 426, 000
Preserve	480, 000	1, 330, 000
Total	3, 890, 000	3, 756, 000
Gates of the Arctic:		
Park	8, 220, 000	7, 052, 000
Preserve		900, 000
Total	8, 220, 000	7, 952, 000
Glacier Bay:		
Park	590, 000	523, 000
Preserve		57, 000
Total	590, 000	580, 000
Kenai Fjords: Park	570, 000	570, 000
Kobuk Valley: Park	1, 710, 000	1, 710, 000
Katmai:		
Park	1, 160, 000	1, 037, 000
Preserve	210, 000	308, 000
Total	1, 370, 000	1, 345, 000
Lake Clark:		
Park	2, 500, 000	2, 440, 000
Preserve	1, 150, 000	1, 210, 000
Total	3, 650, 000	3, 650, 000
Noatak: Preserve	6, 460, 000	6, 460, 000
Wrangell-St. Elias:		
Park	7, 950, 000	8, 147, 000
Preserve	4, 240, 000	4, 171, 000
Total	12, 190, 000	12, 318, 000
Yukon Charley: Preserve	1, 720, 000	1, 720, 000

Sections 201 and 202 provide for the establishment or expansion of 13 units of the National Park System. In each case, the bill provides an approximate acreage figure and an approximate map reference. In the designation of boundaries, the map's boundary line, not the acreage stated for each unit, is controlling, except that all coastal units do not extend seaward beyond the mean high tide line. Only a small part of Alaska has been surveyed. The acreage is only approximate and descriptive of an estimate of the public lands within the units at this time. Final conveyances to Native corporations, allotments, and the State, surveys, and any lands acquired, may result in different acreage calculations. The National Park Service should periodically publish in the Federal Register the most recent calculations of the Federal acreage and the amount of inholdings within each unit.

Sections 201 and 202 also set forth the purposes of each designated unit and additions to existing units. Enumeration of purposes is not exclusive, but is set forth as a guide to management. For example, although the protection of an endangered species such as the peregrine falcon may not be stated as a purpose for a particular park or wildlife refuge system area, we expect the Secretary to adopt such administrative controls on public use and other uses as are necessary to protect the area around critical use sites of these kinds of wildlife species.

Section 201(1). Aniakchak National Monument and Aniakchak National Preserve:

The Aniakchak National Monument and Aniakchak National Preserve are located on the Alaska Peninsula approximately 350 air miles south of Anchorage. The Aniakchak National Monument consists of 138,000 acres of public lands above mean high tide, while the preserve includes 376,000 acres of public lands. The management unit, monument and preserve contain 514,000 acres of public lands, and is established to protect and provide for public use and enjoyment one of the world's great dry volcanic calderas, its environs, and the Aniakchak River.

Aniakchak's 30 square mile caldera, a registered national natural landmark, contains examples of volcanic activity, including lava flows, cinder cones, a lava plug, warm springs, explosion pits, and layers of volcanic and sedimentary rocks exposed by volcanic action. Within the caldera is Surprise Lake. The Aniakchak River flows from the lake and cuts a spectacular gorge through the caldera's 2,000-foot wall as it tumbles 27 miles to the Pacific Ocean. Surrounding the caldera are ash fields, tundra-covered lowlands, portions of the Aleutian Mountain Range, and a segment of the Pacific Coastline.

Brown bear and moose are found throughout the area with concentrations along the streams and bays on the eastern coast. The cliffs and offshore islands harbor oceanic birds, sea lions, sea otters, and seals. The gentle mountains to the east northeast provide backcountry hiking opportunities.

The monument is composed entirely of Federal lands. The preserve is a combination of Federal land, Native subsurface inholdings (for oil and gas only) which are likely to be developed should exploration confirm the existence of hydrocarbons, and Native village surface selections. Federal land management should be in close cooperation with other landowners in mutually beneficial management of the resources of the preserve.

The Aniakchak Monument and Preserve are to be managed to assure retention of natural conditions and to provide for the optimum level of recreation use compatible with resource preservation as well as to provide opportunities for research into natural and cultural phenomena.

Under reasonable regulation, sport hunting and subsistence uses shall be allowed to continue within the preserve. The preserve is to be managed similarly to the monument, except that hunting, commercial trappings, and the development of Native oil and gas rights may be allowed. The National Park Service is expected to issue regulations for the protection of the surface values of the preserve while allowing the Natives the right to develop their oil and gas resources. The House notes that the National Park Service has successfully accomplished this in the Big Cypress Preserve in Florida, and is expected to take similar steps, as appropriate, in the sub-arctic to protect the Aniakchak preserve.

Nothing in this Act is intended to modify the intent of Public Law 94-204, which provides for the Koniag Native Corporations the right to own oil and gas subsurface rights on certain lands within the preserve. Section 912 of this Act corrects some technical errors in the description of the lands from which Koniag may receive ownership of any oil and gas only.

The Senate bill recommends national monument status for the core of the area rather than national park status as included in the House bill. While the size of the area on a nationwide basis qualifies the Aniakchak for park status, in the context of Alaska, the area is small and the primary purpose of the core area is the scientific importance of the volcanic features associated with the volcano. There will be no difference in management for the area if it is designated park or monument. Thus, the monument status is acceptable for the unit.

The Senate recommended a national monument containing approximately 138,000 acres of Federal lands and a national preserve of approximately 376,000 acres of Federal lands. The bill was amended on the Senate floor to open the monument to subsistence uses. In the bill before us, the Aniakchak National Monument and Preserve are the same as recommended by the Senate Committee except that subsistence uses by local residents shall be allowed in the monument where such uses have been traditional. The bill recognizes that traditional subsistence uses may take place in portions of the monument. To the extent that now take place, uses are protected. Sport hunting and trapping are not allowed in the monument, while sport fishing is allowed. Subsistence uses, sport hunting, sport fishing, and trapping are allowed in the preserve in accordance with the provisions of the bill.

Section 201(2). Bering Land Bridge National Preserve:

The Bering Land Bridge National Preserve is located on the Seward Peninsula in northwestern Alaska, between Nome and Kotzebue. The area encompasses approximately 2,457,000 acres of public land above mean high tide. The official boundary map indicates an offshore boundary in the vicinity of Cape Espenberg. The intent of this line is to include all offshore islands within the preserve but not, at this time, any off-shore water or submerged lands.

The Bering Land Bridge National Preserve is part of a relic backbone of a much larger area which was the Bering Land Bridge connecting Asia and North America. During several of the Pleistocene's great ice ages, Alaska was linked to Asia by a 1,000-mile-wide land bridge. Over this connection came the first people into the New World, probably between 28,000 and 25,000 years ago. From western Alaska, these early hunters spread into North, Central, and South America to become the ancestors of all American Indian groups. Along with man, plants and animals migrated between Asia and North America. The area contains innumerable paleontological deposits relating to Land Bridge times, including remains of mammoths, horses, bison, beaver dams, ancient forests and tundra landscapes. Extensive pollen profiles have provided excellent information about the vegetation and climate during the times the Land Bridge was present. Recognizing the importance of the cultural resources of the preserve, the National Park Service should develop a continuing program of paleontological, archeological, and biological research, publication, and interpretation to further the Nation's understanding of the Bering Land Bridge and its cultural and biological significance to the Nation and the New World.

Two nationally significant volcanic processes are also represented. Lava flows in an arctic environment cover large areas in the southern portion of the area. To the north, steam explosions have left unusual deep crater lakes and buried beneath the ash is a prehistoric ecosystem, nearly totally preserved. These maar craters are very unusual in the Arctic and are of special interest here since they formed in pairs, an occurrence not known elsewhere in the world.

Wildlife values of the preserve are internationally significant: of the 112 migratory bird species found in the area, 87 nest here and about half of the Pacific Flyway population of snow geese stops in this area. Migrations occur to six continents. The migratory bird life is also a clear remnant of the Bering Land Bridge times. A number of Old World species nest in the preserve, one of the few places in the New World where they may be seen.

Of the marine mammals which occur in nearby waters, four—the Bowhead, Humpback, Grey and Pacific White Whales—are on the endangered species list. Other mammals include grizzly bear, wolf, polar bear, moose, and a variety of furbearers.

Native uses of the land in and around the proposal are primarily of two types, subsistence use and reindeer herding. Both uses shall continue.

Recent socioeconomic studies of reindeer herding sponsored by the National Park Service have demonstrated the importance of traditional reindeer herding on the Seward Peninsula of northwest Alaska. Villages here depend upon the reindeer herd for a steady source of inexpensive meat. While it is recognized that reindeer herding is critical to the continued viability of the people of the Seward Peninsula, it is not considered a subsistence use for the purposes of this Act. Reindeer herding is a commercial grazing enterprise whose continuation is viewed as essential because of the remote location of the area and the critical importance of the reindeer to the local food supply. In order to prevent undue hardship for these villages, it is the intent that reindeer herding activities and supporting facilities and activities will be permitted to continue within the Bering Land Bridge National Preserve. Expansion of reindeer herding may take place but it is not intended that such expansion will necessitate expansion of facilities, or that herd expansion would be allowed to increase to a point that would result in any substantial damage to the preserve resources. Continued reindeer herding must be consistent with sound range management practice, while also serving to protect the natural and cultural resources of the preserve. It is the intent that the National Park Service assume complete Federal management responsibilities for reindeer in the preserve.

It is the intent that this Act not be interpreted as permitting reindeer herding to be instituted on conservation system unit lands elsewhere in the State where it does not now occur, unless otherwise specified in this Act, or unless the Secretary finds that such herding would not interfere with the purposes of a conservation system unit or the management system. For example, new reindeer herding would not be allowed in any units of the National Park System. Bering Land Bridge is an exception in order to protect an existing use.

An existing transportation route utilized by the people living on the Seward Peninsula exists within the preserve. It is the intent that past levels and types of winter access be permitted to continue under National Park Service management along the winter trail between the Kougarok River and the Inmachuk River. This trail has, in the past, been used during the winter for hauling supplies from Nome to the Deering area by tractor and sled, as well as for snow machine travel by local residents. The winter trail extends from the Nome to Taylor road to the confluence of Hannum Creek and the Inmachuk River and is generally shown as a "tractor trail" on the Bendeleben 1:250,000 scale U.S.G.S. map published in 1950.

It is not the intent of this Act that this winter trail be upgraded or improved beyond its current condition unless such a need is identified as part of the unit management plan. Rather the bill intends only to guarantee that the existing use pattern would be allowed to continue. Since the route has been traditionally used as a winter trail only, the House expects that the route would not be used during times or by such means that terrain damage might occur owing to unfrozen ground or insufficient snow cover.

Serpentine Hot Springs has been used throughout history for bathing and recreation purposes by the local residents of the Seward Peninsula, and remains popular today. The springs area is also geologically significant, containing values which should be preserved. It is intended that the springs continue to be available for public enjoyment and recreation, while at the same time, the National Park Service should develop a specific management plan for the Serpentine Hot Springs area, in addition to the overall management plan for the entire preserve. The plan should address such concerns as the need for access to the area, such structures as may be needed to further the management and visitor use of the area, and such actions as may be necessary to protect significant natural, wilderness and cultural values of the site.

Development within the preserve should be managed to adequately protect the resources of the preserve while making them available to the public for its enjoyment and understanding. The area is to be managed the same as a national park, except that hunting and trapping shall be allowed within the limits of sound resource management. Subsistence hunting is an important use throughout much of the preserve and would be allowed to continue. Under the terms of this Act subsistence hunting shall have priority over sport hunting when healthy populations are insufficient to support both. It is further expected that the National Park Service should consider locating interpretative facilities for the preserve at, or near, Nome, Alaska.

The bill recognizes that the National Park Service is the most appropriate agency to manage the myriad of significant features and resources that compose the Bering Land Bridge National Preserve. Although significant waterfowl populations utilize the area such waterfowl populations are only one of many nationally significant resources within the preserve. Other places exist in Alaska with high waterfowl values but the Bering Land Bridge is a unique remnant of the Bering Land Bridge over which the ancestors of all American Indians entered the Western Hemisphere. Vast numbers of paleontological sites exist within the preserve which relate to the land bridge theme. Additionally, nationally significant botanical resources, volcanic formations, and archeological, historical and contemporary cultural resources exist within the preserve, as well as the opportunity to include an arctic tundra continuum, from mountain to sea, within the National Park System.

Section 201(3). Cape Krusenstern National Monument:

Cape Krusenstern National Monument is situated north of the Arctic Circle approximately 40 miles from the city of Kotzebue in northwestern Alaska. The area is a level coastal plain dotted with sizable lagoons and backed by gently rolling limestone hills. On the east, the plain meets an ancient sea cliff now mantled with tundra and a veneer of blue-gray limestone rubble. The Chukchi Sea bounds the Cape on the west. The Cape Krusenstern National Monument contains approximately 560,000 acres of public lands. Additional acreage within the area which is currently selected by local Native corporations will become part of the monument should the lands not be conveyed to the Natives or at some point in the future are acquired by the National Park Service. The monument will protect an internationally significant series of archeological sites which illustrate, in a horizontal stratigraphy, every major period of Eskimo cultural history in Alaska.

During the past 6,000 years, since the oceans attained their present level, a constant wave-driven flow of shoreline gravel has supported the construction of the Cape, which is a series of 114 beach ridges. Each of these ancient shorelines, in its day, was the dwelling place, hunting site, and burial ground for Eskimo people. The cultural remains and artifacts contained by this rolling beachscape represent the complete chronological order of all major phases of Eskimo culture, and comprise one of the most important archeological sites in arctic Alaska. This beach ridge succession extends more than 3 miles inland from the sea and represents more than 4,500 years of human history, from the early Denbigh Flint people (the first to be recognized as Eskimo) to today's Eskimo who still retain a dependency on the Cape's offshore marine and estuarine resources. Unglaciated during Pleistocene times, the Cape's low-lying plain also offers an important geological display in its remnants of "esker" formations, a glacier gravel deposition of late Illinoisian times, 225,000 years ago—the only example known in Alaska. Scores of archeological sites exist throughout the monument.

The bill includes the entire watersheds of the Omikviorok River, and Rabbit Creek within the monument. Through the inclusion of these watersheds and their related portions of the arctic coastline, it is the intent that the entire beach gravel "cell" that has and continues to form Cape Krusenstern be included within the monument and protected in perpetuity. It is the intent that this portion of the arctic coastline be managed in a way which does not interfere with the natural beach building process for Cape Krusenstern and its related adjacent beaches.

The Senate bill designates a national monument of approximately 560,000 acres with essentially the same boundaries as the House-passed bill. Subsistence uses by local residents shall be permitted in the monument in accordance with the provisions of the subsistence title. Sport hunting and trapping are not allowed in the monument, while sport fishing is allowed.

It is further recognized that at certain times of the year, Cape Krusenstern is actively utilized for subsistence purposes by the local people. It is the intent that future uses and development of the area not adversely impact the local people and their culture. The involvement of the local Eskimo people in the management, use, and interpretation of the area is planned and expected. Traditional subsistence uses will be continued throughout the monument and the resources on which the subsistence uses depend will be maintained.

There is little sport hunting in the area at this time while this is one of the most important and concentrated subsistence use areas in the State. Allowing sport hunting within the area could create a conflict with subsistence uses. The subsistence activities that take place here now are a logical extension of the tradition that has evolved here for thousands of years.

Section 201(4). Gates of the Arctic National Park, Gates of the Arctic National Preserve:

The Gates of the Arctic National Park and Preserve are located in Alaska's central Brooks Range. The Park System unit is a vast, wild region of superlative natural beauty and exceptional scientific value, the last such essentially untouched mountain area of its scale in the United States.

In the 1930's the region was first extolled in the writing of Robert Marshall, an explorer-forester and one of the founders of the American Wilderness System. Marshall pointed out that "in Alaska alone can the emotional values of the frontier be preserved." The name Gates of the Arctic is itself derived from Marshall's name for a pair of peaks which flank the broad valley of the North Fork of the Koyukuk River.

The park is characterized by a maze of deep glaciated valleys and gaunt and rugged mountains, culminating in Mount Igikpak, the highest peak in the central Brooks Range. Many of the summits and waterways remain nameless, but sources of several major rivers are in the area; the North Fork of the Koyukuk, the John, the Killil, the Kobuk, the Alatna, and the Noatak. Two special resources, Walker Lake and Arrigetch Peaks, are on the National Register of Natural Landmarks, and 11 other features have been recommended for national landmark status.

Although the boreal forest reaches up the southern drainages, with stands of spruce and birch, most of the park is tundra clad. The park contains habitat for and migration routes of the western arctic caribou herd which has recently suffered a severe population decline, and is prime habitat for the barren-ground grizzly bear, Dall sheep, and wolf, all of which require extensive ranges and would be perpetuated within the park complex. The park complex is also important for raptors, with peregrine falcons and gyrfalcons nesting throughout the central Brooks Range. Scores of lakes within the area support grayling, lake trout, arctic char and northern pike.

The wilderness values of the Gates of the Arctic are paramount and provide a special value to the National Park System. The Administration recommended that the area be classified as the National Park System's first wilderness park. While the bill does not adopt this classification, in order to avoid too many classifications, the intent for the area's management is as wilderness. The National Park Service should conduct thorough studies, with public input, to determine the extent that visitation can occur within the area, within the limits of the wilderness resource and the clear intent that the area be managed as a wilderness park.

The Senate-passed bill designates a two-unit national preserve in the Gates of the Arctic, the Kobuk unit in the southwestern portion of the area and the Itkillik unit in the northeast. The preserves are to be managed the same as the park, except that sport hunting and trapping shall be allowed. The House and the Senate both rejected a scheme that the John River Valley should be classified as a recreation area, thus facilitating the development of a transportation corridor through the valley. It is noted that the State of Alaska agreed to a court order in 1974 which closed the "Hickel Highway" through the John River Valley to further use. The suit was brought by the people of Anaktuvuk Pass who sued to protect the natural subsistence values of the John Valley. The John River is a critical portion of the national park complex and its natural and wilderness character should be managed in such a manner so as to protect these values. A north-south corridor should never be developed through the park as it would only serve to degrade the national treasure which the Gates of the Arctic represents. Any corridor would destroy the Nation's only true wilderness park. Thus, the John Valley was included in the park, and is designated wilderness.

The Kobuk unit of the preserve is adjacent to a nationally significant mineralized zone, within which several new mines may be developed within the next few years. The Senate bill provides for a single transportation corridor through the Kobuk unit to connect the mineral district with an existing haul road along the trans-Alaska oil pipeline. Should the need arise for a transportation corridor through this area, the Secretary will grant a right-of-way through the Kobuk unit for that purpose. In granting the right-of-way, the Secretary, through the National Park Service, planning jointly with the Secretary of Transportation, is to locate the environmentally preferable location for the route, one that would have minimal impact upon the natural resources of the recreation area, while still providing an economically sound route for access purposes. The House expects the National Park Service to take all possible actions to find alternative routes outside the park or, if the route is to be built through the preserve, provide a route that is the most environmentally acceptable.

Since the people of the village are dependent upon caribou for their survival, they often have to follow the movements of the caribou herds. Thus, subsistence use of the park may be essential periodically or continuously for the continued survival of the Anaktuvuk people. The subsistence patterns of the park are well known and can be identified. The following drainages within the park have been used for subsistence hunting, and were identified by the Senate Committee: Etivluk River, Outwash Creek, Kurupa River, Oolamnagavik River, Killik River (and all its tributaries), Okpikruat River, Alapah Creek, Kayak Creek, Erratic Creek, Nanushuk River, Kuhsuman Creek, Anaktukuk River, Ernie Creek and the Itkillik River. In addition, the lands surrounding Anaktuvuk Pass and a major portion of the John River Valley portion of the park are important to a continued subsistence lifestyle for the people of Anaktuvuk Pass and sport hunting in the northeast Preserve shall not interfere with subsistence use. It is noted that the Arctic Slope Regional Corporation traded certain lands, selections, and identifications to the Secretary in exchange for other lands. A fundamental part of that agreement was an understanding that in relinquishing its selections and identifications, the people of Anaktuvuk Pass would still be able to continue their subsistence lifestyle on those lands which are now part of the park. The Senate also amended the bill on the floor to add the John River Valley to the park, rather than being part of the preserve. This Act, in continuing subsistence uses within the park, implements this understanding and protects the people of Anaktuvuk Pass.

It is the intent of the Committee that the Secretary, in managing the area, take into consideration the sporadic movement of caribou from year to year, and be in a position to react quickly, if needed, to provide subsistence hunting zones for the local people, should the caribou move to different locations. Subsistence hunting, as well as sport hunting would also be allowed within the preserve.

It is noted that the State of Alaska has expressed its willingness to discuss the possibility of land exchanges that would bring some of the lands selected by the State adjacent to the park into Federal control. It is the intent that should any of the lands now selected by the State in this area and contiguous to the park complex return to Federal control, they would become part of the Gates of the Arctic National Park complex.

The Senate Committee recommended a national park containing approximately 4,801,000 acres of Federal lands, a national preserve containing approximately 2,117,000 acres of Federal lands and a national recreation area of approximately 1,034,000 acres of Federal lands in the Gates of the Arctic. The Committee proposal provided for subsistence uses to be continued within the park, where such uses are traditional, in accordance with the provision of the subsistence title. The Committee proposal also provided for a process whereby a single transportation corridor may be granted across the upper Kobuk River unit to provide needed access to the mineralized zone in the Bornite-Picnic Creek region so that commercial development of those mineral properties can occur.

In the Senate-passed bill, there is a substantial change of the classification for the Park System unit. However, the external boundary of the Gates of the Arctic unit of the National Park System and the purposes for which the area is added to the system are the same as recommended by the Committee. In the Senate bill, the national recreation area classification and management were eliminated. The upper Kobuk unit is classified as a preserve, rather than a recreation area. The north fork of the Koyukuk unit is classified as part of the park, rather than as a recreation area. The large central preserve in the Committee recommendation, which included the John River Valley and the Anaktuvuk Pass region, has been classified as part of the park. A small preserve in the northeast corner of the unit remains. Thus, in the Senate bill, the Gates of the Arctic National Park would contain approximately 7,052,000 acres of Federal lands, and the Gates of the Arctic National Preserve would contain approximately 900,000 acres of Federal land. The Senate added lands in the Koyuktuvuk River Valley to the park and deleted lands the House included in the upper Ambler watershed.

The bill recognizes the superb park and wilderness values that are found in the Gates of the Arctic. Thus, in this proposal the park is expanded into one large park unit with two small preserves—in the northeast at Itkillik Lake and in the southwest along the upper Kobuk River. The park values of the John River/Anaktuvuk Pass portion of the unit and the north fork of the Koyukuk are outstanding, have superb wilderness recreation potential, and merit the full protection of park and wilderness status. In accepting the Senate position, the House understands and expects that the park will have a minimum of development, consistent with the intent that the area be managed as a wilderness park and preserve. In the Itkillik portion of the preserve, the National Park Service is expected to closely monitor the sport hunting in the preserve to insure that there are no adverse impacts upon the people of Anaktuvuk Pass and their subsistence lifestyle. If there is an impact, then under the priority clause of Title VIII, sport hunting shall be restricted in the preserve.

The Senate Committee recommendation provided for subsistence uses to be continued by the people of Anaktuvuk Pass within the park, where such uses are traditional, in accordance with the provisions of the subsistence title. In addition to that portion of the park which the Senate Committee identified as important for subsistence, the Anaktuvuk Pass area and a major portion of the John River Valley portion of the park, which were preserve under the Committee recommendation, are also important to the subsistence lifestyle of the Anaktuvuk people. Therefore, these additional areas should be considered part of the park's subsistence zone in addition to the drainages identified by the Committee in its report. Sport hunting and trapping are not allowed in the park, while sport fishing is allowed. Subsistence uses, sport hunting, sport fishing, and trapping are allowed in the two preserve units, in accordance with the provisions of this substitute.

The northern boundary now conforms with the Arctic Slope agreement and the House bill. Consistent with the Arctic Slope agreement, the Committee provided the Secretary with the authority to acquire certain adjacent Native owned lands. If any of the identified lands are acquired, they are to be added to the park automatically without further action by the Congress. The Committee expects the Secretary to notify the Committee before such acquisition is made.

Kenai Fjords National Park is established to insure the preservation, interpretation, and study of a spectacularly beautiful interrelated icefield and fjord/rainforest system and its associated population of seabirds and marine mammals. The park is located immediately south of Seward, Alaska, which is only a 2½ hour drive from Anchorage, the largest city in Alaska and a tourist focal point.

One of the four major icecaps in the United States today, the Harding Icefield is a reservoir of ice for glaciers that continue to carve deep glacial valleys through the Kenai Mountains. Three major glaciers and several minor ones flow from the icefield into the present fjords, where these tidewater glaciers frequently carve huge blocks of ice into the sea. On adjacent headlands, a moss-covered spruce rainforest clings tenaciously to steep rocky slopes amidst the cool, moist climate which created and sustains the icefield above. At this interface of land and water, where the Kenai Mountains are drowning in the sea, marine mammals and seabirds abound. Stellar sea lion and harbor seal haul out of ledges and ice flows respectively and warm in the sun of mid-summer days; killer whale, porpoise, and sea otter swim just offshore. Puffins, gulls and other seabirds inhabit rocks and cliffs by the tens of thousands, while eagles nest in trees overlooking the edible riches of the tidal fringe. The abundant life of the intertidal zone supports many of the larger animals mentioned above. Shoreward from the park's eight major bays, back bear, wolverine, river otter, and mountain goat are found. The scenic quality of the fjords is outstanding and its potential for marine-oriented recreation such as sight seeing, sport fishing and boating is excellent.

The Kenai Fjords National Park consists of 567,000 acres of public lands above the mean high tide. The official boundary map indicates an offshore boundary. The intent of this line is to include Nuka Island and its assorted rocks and spires, but not any offshore waters or submerged lands within the area.

The Kenai Fjords National Park will be managed as a natural area of the National Park System. Small clusters of offshore islands (the tops of largely submerged mountains extending out from the fjords), will be managed by the Fish and Wildlife Service. The Fish and Wildlife Service and the National Park Service are expected to cooperate so that visitors may enjoy the beauty and wildlife of the islands so long as the bird populations are protected.

Nuka Island, and its associated rocks and spires, which are State owned, are within the park. It offers a location that may be jointly used by both the State and the National Park Service in a cooperative manner for the management of Kachemak Bay State Park and the Kenai Fjords National Park. The Park Service should explore the possibilities of developing cooperative management and visitor facilities with the State here, or in another more appropriate locale. Cooperative agreements concerning the State and National Park here are encouraged.

The Kenai Fjords are a biological island, physically isolated from the remainder of the Kenai Peninsula by the Harding Icefield, the Kenai Mountains, and the ocean. Thus, the Kenai Fjords National Park represents a small distinct ecosystem of extreme beauty, best managed by the Park Service.

The Alaska Maritime Refuge includes most of the nesting colonies and marine hauling grounds of the region, including Chiswell Islands, with some bird and mammal concentrations inside the park. The Park Service and the Fish and Wildlife Service should cooperate in these two units in developing and implementing a plan which provides for the protection of wildlife values, as well as allowing recreaiton in the fjords and around the islands.

Language was included which authorized the National Park Service to construct facilities to provide access by visitors up to the Harding Icefield. In recent years, a road up the Resurrection Valley to the vicinity of Exit Glacier has been constructed by the local people. The National Park Service, in its recommendation for the area, indicated that this location was ideal for the construction of a visitor center, picnic area, and campgrounds in the vicinity of the Exit Glacier. The Park Service should explore this further and initiate a development concept plan for the Resurrection Valley-Seward vicinity as soon as possible. As the park and the valley are road accessible today, the Kenai Fjords should be considered for development of visitor facilities as early as possible, upon the completion of all necessary planning and appropriate environmental statements. In order to facilitate early completion of a visitor complex in this area, specific authorization for facilities and motorized use of the icefield are included in the bill. All developments must, however, be consistent with the preservation of the park's resources and should not include massive facilities.

The Senate recommended a national park of approximately 567,000 acres of Federal lands in Kenai Fjords. This is the same recommendation as included in the House-passed bill with essentially the same boundaries. Subsistence uses, sport hunting, and trapping are not allowed in the park, while sport fishing is allowed.

Section 201(6). Kobuk Valley National Park:

The Kobuk Valley National Park is located above the Arctic Circle in the central Kobuk River Valley of northwestern Alaska, 100 miles east of Kotzebue. The park is located in a basin, encircled on the north by the crest of the Baird Mountains and on the south by the Waring Mountains—the boundaries forming a natural hydrographic system. The Kobuk Valley National Park encompasses approximately 1,710,000 acres of public lands.

The park has nationally significant geological, biological, and cultural features. The Kobuk River, with its myriad meander sloughs and oxbow lakes, winds its way west through the heart of the area. The Great Kobuk River, with its myriad meander are the active relics of a prehistoric dune area which once covered 300 square miles. The park is representative of both the western interior and Brooks Range physiographic provinces and includes the northwest limit of the boreal forest. An unusually wide variety of habitat types and vegetational communities, from arctic wetlands, open tundra and arctic woodland to sand dunes and barren jagged mountain tops, at present. Although 35 miles above the Arctic Circle, the well drained valley floor contains sage brush plant communities which are relics of the late Pleistocene times when the Bearing Land Bridge connected Asia with North America. One species, *Oxytropis kobukensis*, a legume, occurs nowhere else on earth. The northern portion of the winter range of the western arctic caribou herd and several of its most important and consistently used migration routes lie within the area. Moose, black and grizzly bear, and wolves are indigenous.

Onion Portage, which has a record of at least 10,500 years of human occupation and is one of the two most significant archeological sites in arctic Alaska, lies within the park's eastern boundary. Midway in the Kobuk River's meander through the proposal, over 100 ancient housepits along a river bend known as "Ahteut" comprise the largest neo-Eskimo archelogical site in arctic Alaska, dating to 1250 A.D. Numerous other archeological sites lie within the park along the river valleys, as well as in the mountain passes used by caribou migration.

The park is comprised entirely of public lands except for an area, approximately one township in size along the eastern boundary, which is Native-selected.

The Kobuk Valley National Park is to be managed for the perpetuation of its natural, historical, wilderness, and cultural values. The House recognizes that most of the management unit is used for subsistence hunting by local people, and that continuation of subsistence hunting by local people, and that subsistence is essential to their traditional lifestyle. Traditional subsistence uses, including hunting and gathering activities, will be continued within the park. Involvement of the Kobuk Valley Eskimos in the management, use and interpretation of the areas is planned and expected.

As the northwest extension of the boreal forest, the Kobuk Valley can accommodate a limited degree of appropriate visitor development and use perhaps better than any other conservation system unit in the arctic. The amount of use will be limited by the fragile nature of arctic ecosystems. Thus this area will be managed in a manner that encourages visitor use within the limits of the natural and cultural resources. Furthermore, any visitor related facilities should cause the least possible impact and adverse effect on wildlife and scenic landscapes of the area. Most visitor services could be provided outside of the management area in nearby villages in cooperation with the local residents. However, it is expected that the Kobuk Sand Dunes will be made available for visitor use and enjoyment. It is the intent that the National Park Service be allowed to provide and develop visitor facilities and accommodations within the national park that would directly relate to visitor use and enjoyment of the Kobuk Sand Dunes. However, no development other than the type which is traditionally allowed in wilderness, i.e., trail construction, would be allowed within the wilderness portion of the area. In developing a plan for the sand dunes, the National Park Service should study the possibilities of constructing mobile or impermanent facilities, such as floating structures on the Kobuk River, which would minimize environmental impacts.

The Committee included the entire watershed of the Salmon River within the park. The Salmon may have some of the best recreational opportunities of any arctic river. It is the intent that the National Park Service may make the Salmon River available for visitor use and enjoyment by permitting, to the extent compatible with the purposes for which the park is established, aircraft to land at sites in the upper Salmon River watershed.

The National Park Service is expected to designate an aircraft landing site in the headwaters for access by fixed wing aircraft for visitors who may desire to float the river. Should no natural landing site be available, the National Park Service should study the feasibility of constructing a back-country airstrip as necessary to accommodate fixed wing "bush" type aircraft. The landing site should provide ready access to the river, yet not impair the character of the wild river or the wilderness setting of the Baird Mountains.

The diversity and quality of the resources within the area merit full national park status. The Kobuk Valley park is approximately the size of Yellowstone and includes the rich diversity of resources that exemplifies national parks. The biological, archeological, cultural, and geological resources of the park combine to create a great national treasure.

The Senate recommended a national park of approximately 1,710,000 acres of Federal lands in the Kobuk Valley, essentially the same area and boundaries as included in the House-passed bill. The intent of the House concerning the management and use of the park is retained in this bill. Subsistence uses by local residents shall be permitted in the park in accordance with the provisions of the subsistence title. Sport hunting and trapping are not allowed in the park, while sport fishing is allowed. The House expects the National Park Service to cooperate with the local people to protect the Onion Portage area and to seek cooperative agreements for the management of the area.

Section 201(7). Lake Clark National Park, Lake Clark National Preserve:

Lake Clark National Park and Lake Clark National Preserve are established to protect and interpret a region of highly diverse resources, containing outstanding examples of Alaska's finest natural and recreational values, available within an hour's air flight time of Anchorage, the State's major population center.

The 3,653,000-acre area straddles both the Alaska and Aleutian Mountain Ranges. On the south end is Lake Clark, 50 miles in length; on the north is rugged Merrill Pass; to the west is a series of glacier-created lakes, frequently referred to as the Switzerland of Alaska. The region is large, intricate, mostly unexplored, and contains a wide spectrum of outdoor recreational opportunities. National Park Service studies of the Lake Clark Region began in the early 1950's and several bills have been introduced over the years to create a national park in this area. Lake Clark National Park contains about 2,439,000 acres of public lands and the preserve encompasses approximately 1,214,000 acres of public lands.

Mountains, lakes, rivers, and woodlands support a diverse range of fish and wildlife populations, and offer varied recreational and educational opportunities. Scores of waterfalls cascade down mountain slopes. Numerous valleys weave through a jumble of mountain peaks, often meeting other drainages in low passes, resulting in a maze of natural hiking and climbing routes. These routes permit access to a spectacular mountain environment where two major mountain ranges intersect in a medley of rugged spires, glaciers, watrefalls, and volcanoes. Two active volcanoes, Mount Redoubt and Mount Iliamna have been added to the National Register of Natural Landmarks, and Lake Clark Pass has been recommended for natural landmark status for its glacial phenomena. The still-smoking volcanoes are excellent examples of the geologic forces that continue to shape much of Alaska's skyline. Immediately west of the Chigmit Mountains is a string of beautiful turquoise-colored lakes nestled against the mountain flanks.

Vegetation and wildlife are as diverse as the topography. Brown and black bear, trout, moose, salmon and Dall sheep can be found within the area. The Mulchatna caribou herd feeds and calves on the tundra plains and hills in the western portion of the park/preserve. Plant communities range from the Cook Inlet coastal lowlands of spruce, marshes, and swamps to the alpine meadows and lichen growth of the mountainous areas and include the southernmost known inholding of the Arctic tundra biome. The foothills region west of the lake country supports a complex of many small lakes, ponds, and marshes that along with the tundra supply a varied habitat for caribou, moose, waterfowl, and fish. Marine life such as harbor seals, Beluga whales, and otters can be observed feeding near the river mouths along the Cook Inlet coast. The area includes the headwaters of the Iliamna-Kvichak watershed—an extremely important part of the world-famous Bristol Bay red-sockeye salmon fishery.

Portions of the unit have been selected by the Nondalton Village Corporation and the Cook Inlet Regional Corporation. The Cook Inlet land exchange, endorsed by the 94th Congress in Public Law 94–204, as amended, set the land ownership pattern in the Cook Inlet region and will not be altered by this legislation. Pursuant to the land exchange, regional deficiency selections in the southern portion of the area will remain in Federal ownership for the purpose of including them within the Lake Clark National Park/Preserve. Also included are the Cook Inlet village selection lands along the Cook Inlet coast, which are also part of the Cook Inlet exchange. The Cook Inlet exchange is not affected or in any way modified by the action of this bill in establishing this area.

The Senate proposal agrees with the House that the Tazimina Lakes and the lower end of Lake Clark should be included within the preserve. Since these lands are, in fact, within the boundaries of the Bristol Bay Regional Corporation they were not part of the Cook Inlet exchange. Some scattered Native ownership remains within this portion of the area. This addition to the Administration's proposed boundary will provide protection for important recreation resources, critical salmon spawning grounds and the lower end of Lake Clark which is integral to the park. The boundary excludes the lands of the village of Nondalton from the preserve. By excluding Six Mile Lake, a natural boundary was adopted that included the important natural features that relate to the park, while leaving out the village itself and its associated developments. The village of Nondalton is located on the periphery of the Lake Clark Preserve, and its inclusion is not essential for the protection of natural and cultural values.

The Senate recommendation excluded existing State selected lands. These occur generally in three locations. The Chilikadrotna-Mulchatna watersheds are on the western edge of the proposal. These two rivers are nationally significant and their environment would add a desirable contrasting lowland section to the preserve. The Chilikadrotna may be second only to the Charley River in quality in Alaska. The House expects and encourages the Secretary to seek land exchanges with the State which would bring these lands into the National Park System. If at any time in the future the Secretary acquires any contiguous lands within the potential addition they shall automatically become a part of the national preserve.

The Stony River watershed is located in the northwest corner of the preserve and is mostly selected by the state of Alaska. Since most of the lands within the watershed are State selected, a portion of the watershed in the Park unit might be exchanged for State lands elsewhere in the vicinity.

While nothing in this bill expressly authorizes this particular exchange, the Secretary is encouraged to negotiate with the State to accomplish such an exchange.

The third area of State selection lands deleted was in the northeast portion of the area in the Chakachamina Lake area. Under the provisions of the 1972 Federal-State agreement, the State of Alaska was granted priority selection rights in this area. These hands have high potential for exchange The lands in question possess important park and recreation values, including the features associated with Chakachamina Lake and Mt. Spur Volcano. It is recommended that this area, like the Chilikadrotna-Mulchatna be added to the Park System, in this case as a park, should the lands be acquired by the Federal Government. The Secretary is also encouraged to enter into cooperative management agreements with the State for this area to insure the protection of nationally significant natural values. Another smaller area of potential for exchange of lands is at the eastern entrance to Lake Clark Pass.

The Lake Clark National Park and Preserve is to be managed as a natural area of the National Park System.

The Senate recommended a national park of approximately 2,440,000 acres of federal lands and a national preserve of approximately 1,210,000 acres of federal lands in Lake Clark, which is similar to the House bill. The park and preserve are to be managed by the Park Service single management unit. The intent of the House concerning the management and use of the park and preserve is retained in the Senate bill. Subsistence uses by local residents shall be permitted in the park in accordance with the provision of the subsistence title. Sport hunting and trapping are allowed in the preserve in accordance with the provisions of this substitute.

Section 201(8). Noatak National Preserve:

The establishment of the Noatak National Preserve in the National Park System is intended to protect the scientific values of a unique wilderness environment in western arctic Alaska. The preserve comprises a complete hydrographic system which includes all headwaters and tributaries of the Noatak, except for that portion of the watershed within the Gates of the Arctic National Park, to its downstream boundary with the Native selected lands for the village of Noatak.

The preserve is located in northwest Alaska above the Arctic Circle, but south of the Arctic Divide. The nearest city is Kotzebue, about 60 air miles south and southwest of the area. It is bounded on the east by the Gates of the Arctic National Park, on the southwest by the Native selected lands in the Noatak Valley, and on the south by the Kobuk Valley National Park. The National Petroleum Reserve is contiguous with the Noatak on the north.

The Noatak is the largest mountain-ringed river basin in North America still virtually unaffected by human activities. The management unit, composed of the preserve and the national recreation area, has nationally significant biological, geological, and cultural features. Its chief resources include a botanical diversity equal to or surpassing the flora of the entire north slope of the Brooks Range. It also contains prime examples of geological history, which are exposed in the various canyons along the river. About midway, the Noatak winds through a gentle "S" curved canyon known as the "Grand Canyon of the Noatak," an outstanding recreational feature which is biologically and geologically significant. Where bluffs rise above the river, as in the Grand Canyon, peregrine falcon and gyrafalcon nest. The area also includes critical migration routes for Alaska's western arctic caribou herd, as well as habitat and wildlife representing a wide array of arctic species, including wolf, wolverine, barren-ground grizzly, and a variety of raptors.

The area embraces nearly 300 miles of the Noatak River, Alaska's 11th largest river in watershed area and 15th in flow volume, as well as 8 major tributary rivers, 25 other named tributaries and 13 large lakes. Topographic features include a broad central basin as well as extensive mountain regions to the north, in the DeLong Mountains and adjacent ranges, and to the south in the Baird Mountains. The Kelly River is the second most important tributary to the Noatak, contributing a significant portion of the Noatak's waterflow. As such both the House and Senate rejected various proposals that would leave the Kelly open to development.

Though mostly tundra-covered, the basin contains the northwestern-most extension of the boreal forest in North America and the area's array of flora may well be the most diverse in the entire northern latitudes of the earth. As a transition zone and migration route for plants and animals between subarctic and arctic environments, the basin is probably without peer in North America in its variety of terrain and habitats. This situation creates habitats used by a rich diversity of birdlife, including Asian species. The basin is crossed twice a year by two-thirds of the arctic caribou herd, and is prime habitat for the barren-ground grizzly bear. The river supports the northern-most chum salmon run in Alaska and is important also for arctic char.

Underscoring the importance of the Noatak Valley—both nationally and internationally—the area has been designated a "Biosphere Reserve," as part of UNESCO's Man and the Biosphere program. This worldwide system, under the auspices of the United Nations, represents the finest examples of the earth's unaltered ecosystems. The Noatak may prove to be one of the most important scientific areas in North America, and it is this value that is paramount in the establishment of the area requiring that public uses be strictly controlled.

Officials of the Smithsonian Institution have referred to the Noatak as "one of the most biologically significant land-water units still left in a pristine state." The Center for the Northern Studies in its investigations of the Noatak found virtually every type of arctic habitat known to exist within the Noatak drainage, and concluded that the basin may have the finest array of flora anywhere in the Arctic. "The size of the Noatak basin is such that it is a true wilderness rather than an enclave of wild country surrounded by civilization on all sides. In terms of the scope and complexities of the environment, there is certainly no situation left in the 'lower 48' that is remotely comparable." The Noatak Valley and the surrounding countryside affords one of the last opportunities in the United States, or for that matter the entire world, to set aside for the future wilderness of such size, variability, and complexity that it functions as a complete ecosystem. If this opportunity is not seized upon, it will never occur again. For all these reasons the Noatak makes an excellent addition to the National Park System. While the Noatak does not have the high scenic values or forestal areas so often identified with National Park System areas, the scientific significance of the area, biological diversity, and ecological values are significant much in the same way as the Everglades are important. This is a fitting and superb addition to the System.

The fisheries of the Noatak River comprise more than half of the commercial salmon fishery of Kotzebue Sound, as well as an important part of Native subsistence harvest arctic char, whitefish, and chum salmon. The Noatak makes a major contribution of freshwater to the Kotzebue Sound estuary.

Approximately 265 miles of the Noatak River (to its downstream confluence with the Kelly River) qualifies for and is designated a Wild River in the National Wild and Scenic Rivers System.

The Noatak Valley also holds an outstanding archeological resource. Over 135 archeological sites have been discovered representing 11 different cultural assemblages which include three early traditions of men in the arctic: American Paleo-Arctic, Northern Archaic, and Arctic Small Tool Tradition.

* * * occupation in the Noatak Valley can be traced back at least 10,000 years to early "Paleo-Indian" people of the region. The most extensive chert quarry found in northwest Alaska, which supplied the raw materials for early lithic cultures, lies in the headwaters of the Kelly River.

In a world dominated by human systems, preservation of this outstanding natural area will provide an essential base against which to judge environmental dynamics of the future. An advisory board of distinguished scientists should be established by the Secretary to encourage and guide a comprehensive, interdisciplinary scientific research program within the area. The board should include representatives of all major disciplines of arctic research and should meet a sufficient number of times each year to actively guide, review, develop and encourage research programs in the Noatak. The National Park Service should cooperate with the board and budget sufficient funds for it to operate.

Uses permitted in the preserve will include existing subsistence uses by local people, baseline scientific research in the ecological sciences, archeological investigations, environmental education, and limited compatible recreational uses, such as canoeing, hiking, camping, hunting and fishing of types and intensities that will not interfere with the scientific education purposes of the preserve or the subsistence uses of the local people.

The Noatak National Preserve is also intended to aid the United Nation's Man and the Bioshere program, which has as its primary focus "the interrelationship of man to the ecosystems and the extent to which his activities and his perception of himself are affected by this interrelationship."

It is expected that the National Park Service will manage public use in the preserve to the appropriate degree, in keeping with the scientific research values and preservation of the natural integrity of the area. The Park Service should work closely with Native village inhabitants of the region to assure that Native cultural values are enhanced by establishment of the Noatak National Preserve.

The Senate recommended a National Preserve containing approximately 6,460,000 acres of Federal lands, the same as the House-passed bill.

The National Recreation Area in the Kelly drainage originally recommended by the Senate Committee has been eliminated and the lands classified as part of the preserve. This recognizes the critical need to preserve the Kelly. Furthermore, the Federal lands in the lower Noatak which are east of the river have been added to the Preserve. Language is included in the bill so that all Native selected lands which are not conveyed to the Natives in the lower Noatak Valley, east of the river, shall be added to the Preserve. This section is not discretionary, any lands which meet this test must be added to the Preserve. Such addition does not require further action by Congress and is not limited by either the acreage figure in the bill or the official map.

The purposes of establishing the Preserve are the same as recommended by the House and the Senate. The entire area is now to be managed as a Preserve by the National Park Service in accordance with the provisions of this Substitute. Subsistence uses, sport hunting, sport fishing and trapping are allowed with the Preserve.

The National Preserve is to be managed the same as a national park, except that sport hunting and commercial trapping shall be allowed; recreational uses are to be compatible in nature and the scientific values of the area shall predominate over others.

Subsistence uses by local rural residents shall be allowed within the Preserve. A combination of the lands deleted from the Noatak forming a north-south corridor west of the river and the lands which the State will receive between the Noatak and the Coast provide access routes within the region, for the "Red Dog" mineral area, and the western portion of the North Slope. It is the intent of the House that these two routes be considered adequate corridors for the region. In making the Noatak a unit of the National Park System and furthermore designating it as wilderness it is the definite intent of the House that neither the Howard Pass Corridor nor any other north-south corridor across the Noatak be approved. The fragile nature of the valley is too great to risk the damage caused by a corridor.

Section 201(9). Wrangell-St. Elias National Park and Wrangell-St. Elias National Preserve:

The Wrangell-St. Elias National Park, and Preserve in southcentral Alaska stretches north 170 miles from the Gulf of Alaska to encompass a superlative 12-million-acre region of mountains and forelands bounded by the Copper River on the West and the Kulane National Park and Territorial Game Sanctuary of Canada to the east. Together, these American and Canadian units encompass the greatest expanse of valleys, deep canyons, and towering mountains in all of North America and include ten of the highest peaks of the continent.

This area has been studied for some 40 years and was proposed for national park status by then-Governor (later Senator) Ernest Gruening of Alaska, who reported to the Secretary of the Interior that "The area is superlative in its scenic beauty and attractiveness and measures up fully and beyond the requirements for its establishment * * * as a National Park. It is my personal view that from the standpoint of scenic beauty, it is the finest region in Alaska."

The essence of the Wrangell-St. Elias National Park and Preserve is best captured in the tremendous variation in physiography. Contained within the boundaries are much of the Wrangell, St. Elias, and Chugach Mountain Ranges, including Mount St. Elias (18,008 feet) and three other peaks over 16,000 feet—Mount Mona, Mount Blackburn, and Mount Sanford.

Dominating the high mountains are great ice and snow fields intersected by enormous glaciers. Some of the largest (Malaspina), longest (Nabesna), and most active (Hubbard and Yahtse) glaciers in the world are found here. To illustrate the scale of some of these features, the Malaspina Glacier alone is larger than the State of Rhode Island. Supplied by glacial meltwaters, large braided river systems drain the region. The Chitina and Cooper Rivers are among the Nation's largest systems. While many of the most spectacular features are designated as wilderness, ample non-wilderness areas are included in the park and preserve from which the outstanding wilderness features can be viewed by most tourists.

The diverse landforms in the proposal, from seacoast to high mountains, provide habitats for an excellent representation of the fauna of interior Alaska. Dall sheep, brown and black bear, moose, mountain goat caribou, bison and wolf are all found here. Of special interest is the large coastal fringe along the Malaspina Glacier, where sea lion, otter, harbor seal, and several species of whales inhabit waters adjacent to the park. The valleys and lowlands of the unit are also particularly important, supporting a diverse spectrum of biologic communities which are evolving in direct response to changing natural conditions and the advance and retreat of the glaciers.

There are several historic placer gold mining sites located along the river valleys within the proposal. The focal points of mining history in the region are the Kennecott copper mine, abandoned for four decades, and the nearby town of McCarthy, both located in the preserve.

The State of Alaska holds title to about 50,000 acres in the Chitina Valley. There are also a number of scattered backcountry cabins and camps. In most cases existing levels of residential use are low. It is expected that the National Park Service shall generally permit such existing uses to continue under appropriate regulation. Under all instances, however, the resources of the park must be protected consistent with this Act and the laws governing the National Park System.

It is expected that the Secretary will cooperate with local residents, private landowners, and the State in the development of plans and the implementation of regulations to assure that development of and access to assure private lands within the unit is compatible with the purposes of this section and the quality of the experience of park and preserve visitors. One example for such cooperation is the scenic highway study provided for in Section 1311.

Subsistence uses will continue in areas of the preserve, and the park where they now occur. Sport hunting and trapping under reasonable regulation, shall be permitted in the preserve.

The Wrangell-St. Elias National Park abuts both the Canadian Kluane National Park and Territorial Game Sanctuary. Both national parks will share a common physiography, resource, visitor use and safety demands, and management problems. Close cooperation between the National Park Service and Parks Canada, in particular Kluane National Park, is thus essential.

Furthermore, the Wrangell-St. Elias region is relatively close to the population centers of Alaska and the periphery of the region is accessible via the interconnected, paved state highway system. As a result, the Wrangell-St. Elias Park and Preserve should support a large share of the increased visitation expected to Alaskan parks. There is opportunity to develop visitor facilities at scenic locations on or near the existing improved highway system, primarily on private and Native lands. Cooperative agreements with adjacent land owners is essential and is encouraged.

In the Senate the National Recreation Area classification and management which had earlier been recommended have been dropped and the lands designated as part of the preserve. In addition, lands at the entrance of the Chitina Valley and the Kuskklunana River valley were designated as park rather than preserve. Thus, the Senate establishes a national park of approximately 8,147,000 acres of Federal lands and a national preserve of approximately 4,171,000 acres of Federal lands.

The purposes of the park and preserve and the intent of the House and Senate for the park and preserve management are retained. Sports hunting, and trapping are not allowed in the park, while sport fishing is allowed in the perserve in accordance with the provision of this bill. The Chitina Valley has often been described as Alaska's Yosemite Valley, with high scenic values and opportunities for recreation. In developing its management plan for the National Park Service must minimize conflicts between the various uses of the area.

Section 201(10). **Yukon-Charley Rivers National Preserve:**

The Yukon-Charley National Preserve combines two nationally significant resources; the upper Yukon River with its historic, biotic, and geologic resources, and the Charley River drainage, an entire watershed essentially undisturbed by modern man, containing one of Alaska's best whitewater rivers and a wealth of scientific values. The area of 1,713,000 acres of public land includes diverse wildlife, a fine cross-section of interior Alaska flora, outstanding paleontological resources, scenic diversity, and high potential for varied recreational uses. The nearby town of Eagle, a historic district on the National Register of Historic Places, complements and is symbolic of the rich cultural heritage within the area.

The history of the upper Yukon River area is rich and still visible. Along the banks of the Yukon, the remains of many old buildings attest to the river's historic use as an artery of trade, travel, and communication. The endangered peregrine falcon, which nests in extraordinary concentrations within the area, heads the list of biotic resources to be protected. In addition there are Dall sheep, moose, bear, wolf and other large mammals, nearly 200 species of birds including 20 different raptors, and salmon, grayling, and numerous other fish.

Geologic features of the area include a nearly unbroken visible cross section of rock strata dating from pre-Cambrian times. The oldest exposures have yielded fossils estimated to be 700 million years old, including some of the earliest forms of animal life. Of particular importance to the science of paleontology is the triangle formed by the Kandik River, the Canadian border, and the Tintina Fault, which parallels the south side of the Yukon River.

The entire Charley River basin is significant because of its undisturbed nature and its cross section of interior Alaska flora and fauna and has been recommended for preservation for its scientific values by the Institute of Northern Forestry.

Boating and camping along the Charley River and the lower reaches of its principal tributaries, as well as primitive hiking in bluff and highland areas, will provide high quality experiences for visitors. Because the basin area was largely unglaciated in the Pleistocene era, a rich botanical history is preserved, including relics of previous climatic periods. Recent archeological finds in the upper Charley basin, with artifacts dating back possible thousands of years, signify the presence of ancient hunters ancestral to the modern Athabascan people.

The National Park Service is the appropriate management agency for the area, and the preserve classification is the most suitable management classification. Outstanding natural, historic, paleontological, archeological, and biological features of the area, especially when combined with what may be the best wild river in the State of Alaska, the Charley, strongly conclude that the inclusion of this area in the National Park System is clearly in the national interest. The Yukon-Charley Rivers National Preserve would be designated for a variety of appropriate uses. The area should be managed in the same manner as a national park, except that hunting and trapping shall be allowed. Subsistence uses by local residents are allowed throughout the area. Protection and use of recreational, historical, and natural values will dominate other resource use considerations.

Scientific research will be encouraged. Sport hunting shall be permitted under sound management principles. A major segment of the Charley River canyon should be closed to hunting to maintain presence of Dall sheep close to the river for observation. The Dall sheep are a prime attraction to the recreation boater. This through closure the Park Service should insure that for a major portion of the river corridor, and perhaps along the entire Charley River banks, the sheep remain unaffected by man.

As one of the finest whitewater streams, the Charley River should be available for public use and enjoyment, while preserving the wilderness character of the terrain. Therefore, it is the intent that the National Park Service permit, to the extent compatible with the purposes for which the preserve was established, aircraft to land at specified sites in the upper Charley River watershed. Such locating as the Service identifies must be located to minimize the impacts upon the river and wilderness environment. The Park Service should conduct a thorough study of the basin in order to locate the environmentally best location for a back country landing site by fixed wing "bush" aircraft.

There are numerous backcountry cabins along the Yukon River; many are historic while many others recently built are used today by the local people. Many of the cabins legally located under the Federal homesteading laws will be private inholdings within the preserve. Others are in trespass on Federal lands, the people settling in the area after the public land orders were issued which closed this region to entry under the public land laws of the United States. The provisions of Section 1303 of this Act will apply to these cabins. The Park Service should conduct a thorough review of all cabins and residents within the preserve and develop a specific management plan which addresses this issue, the people involved, and their cabins. No new homesites or trespassers are to be allowed. Nothing in this Act is intended to grant any legal interests or rights to those trespassers on the Federal lands. For lands in which a fee interest is held, Federal condemnation authority is to be used only as a last resort. The plan should include a list of all homesteads, mining claims, and trespassers and outline how the agency proposes to deal with this situation and the people involved. Public hearings should be held on the plan before it is implemented.

The Senate recommended a National Preserve of approximately 1,713,000 acres of Federal lands in the Yukon-Charley Rivers areas, the same as recommended by the House. The intent of the House and Senate concerning the management and use of the preserve is retained. Subsistence uses, sport hunting, sport fishing, and trapping are allowed in the preserve in accordance with the provision of this Act.

Section 202(1). **Glacier Bay National Park and National Preserve:**

Glacier Bay National Monument was established in 1925 to protect a dramatic landscape of costal mountains undergoing uniquely rapid glacial fluctuations. While the fastest retreat of glacial ice in history continues to occur in the area, other glaciers within the park are today reclaiming territory from the pioneering plants and animals which had begun inhabiting postglacial areas. The addition to Glacier Bay adds an area integral to the awesome power of storm and ice and life's quiet tenacity. Designation of this entire area of about 2,792,000 acres as Glacier Bay National Park recognizes the diversity of its physical and biological systems and the outstanding opportunities for interpretation and recreation that they provide. The entire existing monument, including waters and submerged lands, is included within the park.

Closely guarded on one side by the formidable coast ranges and on the other by the Gulf of Alaska, the 120-mile stretch of beach between Lituya and Yakutat Bays in a rich biological island, access to which from the interior is limited to one major pass—the Alsek River valley. The Alsek addition would protect a significant portion of this biological island which is closely related ecologically to lands already within the boundaries. Continued access to this prime habitat by such large mammals as moose, bear, and wolves will be assured by the inclusion of the vital segment of the Alsek River corridor within the park. Also included within the addition are the northwest flanks of Mount Fairweather, the scenic cornerstone of the present monument. The Deception Hills contain ecologically significant and extremely old plant communities, which are important to scientific investigations of southeast Alaska.

The Alsek River and its tributary the Tatshenshini has high potential for white water recreation and is a major international natural resource. Rising high in the St. Elias Mountains in Canada, the Alsek tumbles to the sea through tight canyons offering a supreme test to the white water enthusiast while the Tatshenshini offers an easier route. Recreational use of the river has been increasing in recent years as it has become better known. The National Park Service must take such steps as are necessary to insure that overuse of the river does not occur. A quality wilderness river experience should be protected.

The new National Park consists of all the land, submerged lands, and waters within the present national monument and an addition of 523,000 acres of public lands, above mean high tide. The preserve containing 57,000 acres of public lands is to be managed in the same manner as the park, except that hunting and trapping may be allowed. Also within the preserve, the existing commercial fishing operations are allowed to continue at Dry Bay.

Several commercial fishermen operate out of the Dry Bay area; in addition, there is an airstrip related to facilities within the preserve which shall continue to be used and maintained. The lands are important additions to the National Park System, and the addition provides for a natural boundary between the park system unit and the national forest. Dry Bay is the terminus for float trips down the Alsek that originate in Canada, and the Park Service has considered using that location for management and visitor related facilities. The preserve classification was used so that the sport hunting which occurs within the area could be continued. Recreation and interpretation activities compatible with ecological values of the Park System addition will be encouraged. Subsistence uses will be allowed within the preserve, but not in the park. The Secretary is encouraged to seek cooperative agreements with Canada which serve to protect the entire watershed of the Alsek River, and provide for cooperative visitors use of the river and its environs. Lands inside the park and preserve boundary within the existing forest are hereby removed from the forest and transferred to the National Park System. The Senate proposal for a Glacier Bay National Park and Preserve are essentially the same as recommended by the Committee. The only difference is the designation of a small preserve at Dry Bay. The intent of the House concerning the management and use of the park is retained. The entire Glacier Bay National Monument and its park addition are reclassified by the bill as Glacier Bay National Park. Subsistence uses, sport hunting, sport fishing, and trapping are not allowed in the park. Sport fishing is permitted. Subsistence uses, sport hunting, sport fishing, and trapping are allowed in the preserve in accordance with the provisions of this Act.

Section 202(2). **Katmai National Park and Katmai National Preserve:**

Katmai National Monument, containing about 2,790,000 acres on the Alaska Peninsula, was established in 1918 by Presidential proclamation to preserve a scenic region containing an area devasted in 1912 by volcanic eruptions and ash deposition. Later expansions included a variety of natural and biologically significant resources, including the Naknek Lake system and brown bear habitat, in the monument.

The park/preserve complex combines presently existing national monument in its entirety and certain additions and designates the total area as Katmai National Park and Preserve. The existing monument, including lands, waters and submerged lands, is designated a part of the park.

Resources within the proposed additions include the headwaters of the Alagnak River and Nonvianuk Lake. Land between McNeill River State Bear Refuge and the present park boundary, also a part of the unit, will protect an ecosystem sufficiently large to include a largely unhunted population of the giant Alaskan Brown bear.

The northern part of the park and the preserve will also offer many backcountry recreation opportunities amidst highly scenic and varied types of terrain from rolling tundra, wooded valleys, and alpine lakes to rugged snow and glacier-clad peaks. Pristine watersheds necessary for support of the red salmon fishery and water quality protection within the existing monument are included within the addition.

Katmai National Park/Preserve will continue to be managed as a natural area with the primary objective of insuring maximum retention of lands and lifeforms in a near natural state. Subsistence uses, hunting, trapping, and commercial fishing will not be allowed in the park, but appropriately regulated sport fishing will be allowed. The preserve is to be managed in the same manner as the park, except that hunting, trapping and fishing and subsistence uses shall continue, under regulation. Existing levels of subsistence uses will continue in the preserve but will not be allowed in any part of the park.

The primary overnight use facility at the park/preserve may be at the west end of Naknek Lake depending upon the results of the park master plan. Secondary facilities may be located elsewhere. Aircraft tours can be continued for aerial viewing of significant vistas. Canoe and small boat travel will be encouraged, and hiking will be an increasingly popular use of the Park/Preserve.

The Senate recommended a national park of approximately 1,037,000 acres of federal lands and a national preserve of approximately 308,000 acres of Federal lands in Katmai. The watersheds of Battle Lake and Kulik Lake are now part of the park rather than being part of the preserve, while lands in the northwest corner of the area, south of the Alagnak River, have been classified as preserve rather than park. The Senate adopted slightly different boundaries for the southern addition to the park but still serve to protect the critical values of the park. The purposes for the park and preserve and the intent of the House and Senate for the area's management are retained in the bill.

Section 202(3). Denali National Park, and National Preserve:

Mount McKinley National Park, containing about 1,940.00 acres, was established by an Act of Congress of February 26, 1917, for the purposes of public recreation and the preservation of animals, birds, fish, natural curiosities, and scenic beauty. The Park has recently been designated a Bioshere Reserve as part of UNESCO's "Man and the Biosphere" program.

Both the Park and Preserve are renamed Denali, adopting the ancient Athapascan name for the mountain. However, no action was taken to change the name of the mountain.

By these actions there was no way intention to indicate approval or disapproval of the proposal to change the name of the mountain to Denali which has been pending before the Board of Geographic Names. This Board is the entity which should make such a decision and it is recommended that the Board continue its examination of this proposal and reach a decision based on the merits of the case at the earliest possible time.

The north addition will add to the park sufficient habitat to sustain its large mammal populations of moose, wolf, and caribou. The southern addition will include southern lower slopes of Mount McKinley itself and its associated mountain and glacial features. The Alaska Railroad right-of-way already is located within the existing park, and this action clarifies the intent of Congress in establishing the area in 1917 that the right-of-way will be subject to the same restrictions relative to hunting, fishing or other public uses as the remainder of the park. However, it is the intent that the railway be allowed to continue to operate through the park.

The prime resource for which the north addition is established is the critical range necessary to support populations of moose, wolf, and caribou as part of an integral ecosystem. Public enjoyment of these outstanding wildlife values would thus continue to be assured.

The southern addition includes that part of Mount McKinley massif not presently within the park and its associated spectacular glacial gorges and valleys.

* * * Existing subsistence uses will continue within the Preserve. Subsistence uses, to the extent that such uses exist shall be allowed to continue at their present level within the additions to the Park. Hunting and trapping may continue, under regulation, in Denali National Preserve. North of the Alaska Range, the major development will remain at the present entrance to the park, which will serve as a staging area, information center, and transportation system terminus. Small campgrounds are located along the park road and a hostel land interpretation center can possibly be developed in the historic Kantishna area in the park. Transportation within the existing park and the proposed northern addition will continue to be via public transportation for the most part.

It is recognized that three blocks of adjacent State lands have high potential for recreational values and have park quality. These occur primarily in three areas. In the northeast portion of the area, near the existing headquarters, there are some 3 townships of state lands which are critical for sheep, caribou, and wolf habitat and should eventually become a part of the park. In the west are watersheds near the Cathedral Spires with wildlife and habitat and ecological values which relate to the park. On the south, the Chelatna Lake country has some of the best access to the south side of the park and has high potential for recreational uses.

It is recommended that the Secretary seek land exchanges with the State of Alaska that would serve to bring these areas into the Park. It is recommended that the Kantishna hills and the Dunkle Mine area be studied by the land use council in cooperation with the Secretary because of the historic mineral potential this area has.

The study should further evaluate the nationally significant resources of the two areas including fish and wildlife, public recreation opportunities, wilderness potential, historic resources, and mineral potential. These lands are to remain within the park and it is not the intent that these lands ever be removed from the park. However, the Council and the Secretary should report the appropriate committees of the Congress with the results of the study and any recommendations that they may have for the future management of the area keeping in mind that the lands will remain a unit of the National Park System. During the study, valid mining claims may continue to be operated and any claim acquisition should be on a willing buyer/willing seller basis.

The Secretary is prohibited from using his condemnation authority in this area during the study period unless he determines that activities will result or threaten to result in significant resource damage to any park lands.

Field investigations this summer by the National Park Service revealed that there are approximately 80 acres of land which contain mining claims within the boundaries of the Denali National Park additions, in the vicinity of Dutch Hills. These claims are all located on the very edge of the boundary and are part of the watershed that flow outside the park. As such, it would be appropriate for the National Park Service to examine the desirability of exchanging public lands or the Secretary using his authorities under the minor boundary adjustment section of Title I to exclude these lands from the park. This exclusion would also remove a trail that has been used in the past by miners who have worked these claims. This is considered a unique situation.

The Senate recommended the establishment of a two-unit preserve within the overall management unit, in the northeast and southeast. The Senate recommended the establishment of the preserve (Cathedral Spires and Minchumina units) in order to provide for sport hunting, subsistence uses and continued trapping within the area. The preserves shall be managed in the same manner as the park, except that hunting, trapping, and other subsistence activities shall be allowed.

The Senate recommended a national park addition of approximately 2,426,000 acres of Federal lands and a national preserve of approximately 1,330,000 acres of Federal lands. The Senate committee originally recommended no subsistence uses be allowed in the park. That position was changed in order to protect the limited subsistence uses by the people of Cantwell. While they use very little of the park, the intent of this change is to protect this valid use so that that portion of the park used by Cantwell will remain open to subsistence.

The existing Mount McKinley National Park and its park addition are reclassified as Denali National Park. The Senate Committee recommendation included an authorization for the Secretary to delete up to 46,080 acres from the park in the vicinity of Tokositna Glacier for conveyance to the State of Alaska. That authorization and its associated study were not included in the Senate-passed bill. That deletion is not appropriate as the lands located at Tokositna Glacier are critical park lands which should remain within the park. The House expects the Park Service to take all steps possible to insure that any future development at Tokositna is compatible with National Park purposes. The deletion of land here to support larger developments is not intended and is strongly opposed as indicated by the dropping of the Senate Committee's authorization.

The purposes for the park and preserve and the intent of the House for the area's management are retained in the substitute. The substitute recognizes that traditional subsistence uses may take place in portions of the park additions. To the extent that they do, these uses are protected. Sport hunting and trapping are not allowed in the park, while sport fishing is allowed.

Section 203. Administration:

The consumptive use of wildlife resources for subsistence, recreational, and other purposes is a recognized and permitted use of such resources within National Park Preserves. Section 203 clarifies that such use of wildlife resources within areas designated by Sections 201 and 202 as National Park Preserves shall continue subject to reasonable regulation, including the provisions of Title VIII.

Since the establishment of the National Park System in 1916, the consumptive use of wildlife resources within National Parks and National Monuments has been prohibited. Such units have traditionally been viewed as wildlife sanctuaries for the nonconsumptive enjoyment of the American public. However, when establishing new units of the National Park System the Congress has had a longstanding traditional practice of reviewing those values and activities within new units which, if immediately curtailed, might result in substantial hardships to the local residents of the area. Consequently, in appropriate instances certain grazing and inholder activities have been phased out of such units gradually, rather than terminated immediately at the time of establishment of the unit.

In other instances, because of their unique significance to the Nation the Congress has authorized the continuation of certain uses within new parks and monuments which would be prohibited under traditional National Park Service management policies. For example, in Hawaii Volcanoes National Park and the Big Cypress National Preserve certain types of subsistence activities are authorized to continue as a result of congressional recognition of their cultural significance. In both units subsistence activities within the park and preserve were specifically linked by the Congress to culturally distinct groups of people: Native Hawaiians at the Volcanoes Park, and the Miccosukee and Seminole Indian tribes of Florida in Big Cypress. The Congress also adopted a similar approach with respect to the continuation of local commercial fishing within the Virgin Islands National Park.

With respect to the situation of local residents in and near certain new national parks and monuments established by this Act, the House believes that the establishment of these units should protect the opportunity for local rural residents to continue to engage in a subsistence way of life. The House notes that the Alaska Native people have been living a subsistence way of life for thousands of years, and that the Alaska Native way of life in rural Alaska may be the last major remnant of the subsistence culture alive today in North America. In addition, there is also a significant non-Native population residing in rural Alaska which in recent times has developed a subsistence lifestyle that also is a cultural value.

In addition to the cultural importance of the subsistence lifestyle, curtailment of subsistence uses would impose major hardships upon many residents of rural Alaska. It is a combination of these factors which has led to the conclusion that there is a need to continue the opportunity for subsistence uses of renewable resources, including wildlife, within certain National Parks and Monuments by local rural residents who have, or are a member of a family which has, an established or historical pattern of subsistence uses within such units. Local rural residents who maintain their primary, permanent residence within or near such units should have the opportunity to decide for themselves the course, pace, and extent, if any, of their own lifestyle and community evolution.

It should be noted that in most new units of the National Park System the taking of wildlife by local rural residents for subsistence uses has not necessitated the use of aircraft as a means of access, but this concept is not absolute. For example, some years the caribou herds do not use the mountain passes near the village of Anaktuvuk Pass during their annual migration. Since this village has no alternative sources of food, the use of aircraft is essential for the continued survival of the Anaktuvuk Pass people. Similarly, residents of Yakutat have customarily used aircraft for access to the Malaspina Forelands in the Wrangell?St. Elias area for subsistence purposes, since traveling by boat, the only other possible means of transportation, can be extremely dangerous due to the violent storms that frequent the Gulf of Alaska.

Although there may be similar situations in other areas of Alaska in which aircraft use for subsistence hunting may be appropriate and should be permitted to continue, these types of situations are the exception rather than the rule and that only rarely should aircraft use for subsistence hunting purposes be permitted within National Parks, National Monuments and National Preserves. It is not the intent to invite additional aircraft use, or new or expanded uses in parks and monuments where such uses have not traditionally and regularly occurred.

It should be emphasized that this modification of National Park Service policy is based upon the commitment of the Congress and the National Park Service to the protection and continuation of the lifestyle of local rural residents who have, or who are a member of a family which has, an established or historical pattern of subsistence hunting within the park or monument, during those periods of time during which such persons maintain their primary, permanent residence in or near the park or monument.

Consistent with the policy set forth in section 802(1), communities which contain concentrations of local residents with established or historical patterns of subsistence use of wildlife within those units are identified and designated as "resident zones". Persons whose primary permanent place of residence is within a zone should be permitted to harvest wildlife within the park or monument for subsistence uses without obtaining a National Park Service permit. Of course, such activities would continue to be regulated by the State of Alaska and the National Park Service pursuant to the provisions of title VIII and other State and Federal laws.

Designation of resident zones rather than National Park Service regulation of subsistence hunting by individual permit has a number of advantages. The National Park Service is spared the expense and administration complications attendant in the implementation of a comprehensive permit system. The traditional movement of local residents between rural villages and Alaska's larger population centers can continue, consistent with unit values, without the interference of a complicated administrative structure. And most importantly, rural communities and cultures will not be burdened by implementation of a complex and in many instances culturally disruptive regulatory system, unless necessary in specific instances to protect and administer unit values.

In the latter regard, the resident zone approach to subsistence hunting is consistent with the protection of park and monument values only so long as such zones remain composed primarily of concentrations of residents with an established or historical pattern of subsistence uses of wildlife within the units. The direction of the evolution of many rural communities within resident zones is as yet undetermined. As a result, the composition of residents within a particular community may alter substantially in the future. If so, and section 203 and title VIII so authorize, the National Park Service may protect unit values by determining eligibility of residents of communities within previously designated resident zones for subsistence hunting purposes through implementation of an individual permit system.

The Committee also recognizes that there may come a time when wildlife available for subsistence uses may be insufficient to satisfy the subsistence needs of local rural residents who choose to continue the subsistence way of life. For example, pressures on a wildlife population may become sufficiently intense that in order to insure the perpetuation of a viable self-sustaining population within the park system unit there may be a need to restrict the subsistence take of such population by residents of communities properly within designated resident zones and by residents who engage in subsistence uses by permit. In such situation local residents of communities or areas which are the most dependent upon the resource and which have the least access to alternative resources should be given a priority use of the population for subsistence purposes pursuant to the provisions of section 804. Priority among local residents within such communities are the criteria set forth in section 804. The Congress expects the National Park Service to make such critical allocation decisions in close consultation with the State of Alaska and affected communities and local residents.

In authorizing subsistence uses within National Parks, Monuments and Preserves, it is the intent of the Congress that certain traditional National Park Service management values be maintained. It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources. Rather, the National Park System concept requires implementation of management policies which strive to maintain the natural abundance, behavior, diversity and ecological integrity of native animals as part of their ecosystem, and that concept should be maintained. The National Park Service recognizes, that subsistence uses by local residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the natural food chain. It is expected that the National Park Service will take appropriate steps when necessary to insure that consumptive uses of fish and wildlife populations within National Park Service units not be allowed to adversely disrupt the natural balance which has been maintained for thousands of years. Accordingly, the National Park Service will not engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within National Park System units.

Several of the new park units, established by this legislation, most notably the Gates of the Arctic, Wrangell-St. Elias, the Denali additions, and Lake Clark, encompass some of the most magnificent, remote and untouched mountain terrain in North America. Within these units, whole mountain ranges intersect in a spectacular jumble of unclimbed, uncharted peaks, with rugged spires, great glaciers and snow fields and deep, glacier-carved gorges. These features offer unparalleled opportunities for the whole range of climbing and mountaineering activities, from short day hikes and overnight trips to long treks and major expeditions in truly rugged and remote terrain. It is expected that future management of these areas for such purposes will allow such recreational uses with minimal formal regulatory requirements, and with recognition of the desire of such users for solitude, self-reliance and freedom of movement. These uses, and management practices, must be accomplished in a manner consistent with the purposes for which the areas are established and within the limits of sound management principles, including providing for visitor and resource protection.

Section 204 addresses the need of Congress to make a determination concerning those lands withdrawn in accordance with section 17(d)(2)(E) of the Alaska Native Claims Settlement Act (ANCSA). The lands in question were withdrawn for park purposes under section 17(d)(2) and for possible selection by the Chugach Regional Corporation under section 11(a)(3) of ANCSA. Under the terms of section 204, the Chugach Regional Corporation will be able to receive the valid selections and identifications that they made on the dual withdrawn lands. Those lands that are not conveyed to Chugach will become part of the national park.

There were two other areas in the State that had dual withdrawals in addition to the area in the Wrangell-St. Elias area. The Gates of the Arctic had dual withdrawals for park and Arctic Slope Regional Corporation selections and the Lake Clark area has dual withdrawals for park and Cook Inlet Regional Corporation selections. In both the Gates of the Arctic and the Lake Clark areas the dual withdrawal issues were resolved between the Department and the affected regional corporation through negotiations and agreement.

The Arctic Slope land exchange as included in title XIV of this Act and the Cook Inlet Land exchange as included in Public Law 94-204 resolved these issues, thus relieving Congress of the need to decide the issue. Section 204 resolves the last remaining dual withdrawal issue in Alaska.

All of the units established by this Act are established subject to valid existing rights, which includes valid selections by Native Corporations. Therefore, it was not necessary to include a specific reference in the statute that recognized continuing validity of all Native selections. I was necessary to include statutory language in this specific instance where the Congress has a requirement to resolve the controversy posed by dual withdrawals.

Section 205. Commercial Fishing:

Section 205 provides that commercial fishing within certain units of the National Park System shall be allowed to continue. In all three units the actual fishing takes place offshore in the ocean, outside of the units. The fishermen are dependent upon the park units for land based support facilities for their fishing activities. It is intended that the Secretary allow these existing land based facilities to continue, including campsites, cabins, motorized vehicles, and aircraft landing on existing strips. The Secretary shall be permitted, however, to issue reasonable regulations to insure that such activities do not result in any permanent or substantial harm to the environment. Commercial fishing permits shall continue to operate under State law. The intent of this section is to allow existing levels of use to continue, subject to reasonable regulation. It is not to authorize or permit any significant expansion or new use to occur.

This section includes Cape Krusenstern National Monument in the list of where this activity is permitted. The Dry Bay area of Glacier Bay National Preserve and the Malispina Glacier forelands are of the Wrangell-St. Elias National Park and Preserve were previously included. At Cape Krusenstern it is not the intent of the section to allow commercial fishing that take place on allotments to expand onto Federal lands as that would constitute a significant expansion. The Park Service is expected to manage this section of Cape Krusenstern National Monument in such a manner that archeological sites and artifacts are protected.

Section 1313. Administration of National Preserves:

The substitute established several national preserves to be administered by the National Park Service. Like the House-passed bill, this Act directs that a preserve be managed as a national park except that all forms of hunting be permitted to continue. This includes sport, subsistence, and guided hunting.

It can be expected that some hunting guides that currently have guiding districts within various national parks established by this Act will be shifted by the State guiding board to new territories, which could include the preserves. The National Park Service should work with the State to make this transition as smooth as possible. Guided hunting will not necessarily conflict with the management of preserves and the Park Service should work to insure that guided hunting can continue to be a viable part of the Alaska hunting scene.

The Park Service, however, must continue to manage the resources of the preserves, including the wildlife species. Therefore this bill gives the Secretary authority to close any portion or all of any preserve to nonsubsistence consumptive uses, if necessary, for the purposes of public safety, administration, floral or faunal protection and management, or public use and enjoyment. Such closures may be temporary or permanent. The Secretary should, however, consult with the Alaska Department of Fish and Game before taking any such action to close an area, unless the closure is part of an emergency action. In addition to closing portions of preserves, the Secretary may also close preserves to hunting to specific species or during certain seasons, as appropriate.

In allowing trapping to continue within preserves, it was not the intent to allow exploitative forms of commercial trapping to occur. The intent is to allow individual Alaskans to continue to operate their own trap lines within the preserves, even though those individuals might not qualify as subsistence users. It is clearly not the intent of this Act that preserves would be a place where more extensive forms of commercial trapping would be allowed where, for example, the trapping itself becomes a business with employees paid to support the trapping operation. The Secretary, through the National Park Service, is expected to monitor trapping operations within the preserves and the associated wildlife populations and issue appropriate regulations to insure that exploitative forms of trapping do not take place and that there is not substantial or permanent harm to the wildlife populations.

Section 1307: Revenue-Producing Services:

This section established a mechanism whereby concessions operations and programs within the conservation system units established by this Act would be granted to Alaskans, Alaska companies and Native Corporations. All such operations must meet the qualifications and provide adequate services in accordance with the standards set by the Department of the Interior.

Section 1307 grants the highest priority to those individuals who are currently engaged in revenue producing services. So long as those individuals and concerns are operating in accordance with agency standards, they should be allowed to continue.

For new revenue services the substitute seeks to grant a preference to local individuals and Native Corporations most affected by the conservation system unit.

Section 601. Wild and Scenic Rivers:

This section established several Wild and Scenic Rivers within units of the National Park System in Alaska.

The Alagnak River is designated both within and outside of Katmai National Preserve. It is integral to Katmai and there should be unified management of the river. It is the intent of this bill that the National Park Service be the administering agency for both portions of the river.

General issues

There are a couple of typographical errors in the Senate-passed bill which need clarification. In every instance the history of these errors is clear and after consultation with the Senate managers of the bill it is clear that the understanding of the House and Senate is the same concerning these errors.

In section 204 Native lands which have been selected are confirmed to the Native corporation. In referring to "Valid Native Selection" it is the intent of the Congress that this means "Valid Native Corporation Selections".

Section 1326 prohibits any new Federal withdrawals containing more than 5,000 acres without the concurrence of the Congress as outlined in section 1326(a)(2). In adopting this section it is the intent of the authors that this section does not apply to any withdrawals that are specifically authorized by this Act. For example, section 1304 authorized the addition of up to 7,500 acres to each of four National Park System areas which could total 30,000 acres of additional withdrawals to be added to the National Park System. Title 14 under the Arctic Slope exchange authorizes the addition of several thousand acres to the Gates of the Arctic National Park should the Federal government acquire the adjacent lands which are now outside of the park boundary; and, section 103 authorizes the Secretary to make minor boundary adjustments which could add up to 23,000 acres to each National Park System unit. It is not the intent that any of these actions fall under the requirements of section 1326. It was the clear understanding that this section was developed in recognition of these other withdrawals and that this section was intended to apply to all withdrawals not otherwise authorized by this Act.

A typographical error occurred in the bill in section 201. In authorizing subsistence uses on National Park System areas it has been the clear intent from the beginning that all subsistence uses to be authorized are by local residents only. In 2 instances, section 201(3), and 201(9) the phrase "by local residents" accidently was dropped out after the words "Subsistence uses". The omission of these words in these 2 subsecsections is not intended to imply that subsistence is any different here than other National Park System areas. All National Park System areas which allow subsistence are authorized to allow it for local residents only.

In section 202 the Glacier Bay National Park and Preserve includes lands that have been within the National Forest System. It is the clear intent that in adding these lands to the National Park System that they are thereby removed from the National Forest System. Therefore the United States Forest Service shall make such modifications of their forest boundaries as appropriate to reflect the change in administration. It is also intended that the Forest Service quickly act to transfer administration of these lands to the National Park Service and that all valid permits for the operation of fishing camps and other uses on forest lands shall also be transferred to the National Park Service for administration.

Section 1302 authorizes exchanges including lands within the National Park System. In accepting this legislation it is the intent of the House that the National Park Service not include any wilderness lands within proposed trades.

Section 1306 authorizes the Secretary and the National Park Service to acquire sites and facilities for administrative sites. For the purposes of this section administrative sites includes employee housing, office space, and other necessary facilities which are suitable for carrying out the purposes of this Act. This is intended, for example, to authorize the Director of the National Park Service to negotiate directly with Native Corporations or others to have housing and office space built and leased. In developing this section the Congress recognizes that the General Services Administration has had little experience in the remote locations of Alaska and it is not appropriate to apply the same standards and requirements as are applied in urban areas to the bush in the arctic. Therefore, it is intended that the land managing agencies have the authority to negotiate directly and not through the GSA. It is expected that the agencies coordinate their activities so that duplicate facilities are not constructed.

Section 1314 in using the term "park monuments," it is referring to national monuments which are within the National Park System.

In section 1315, the references to the Secretary are to the Secretary of Agriculture.

Section 1417 has a spelling error. In subsection (d) the word "properly" was intended to be "property".

In reserving these lands for the National Park System it is the clear intent of the Congress that these lands be administered accordingly. Therefore the Congress expects the Secretary to formally withdraw all power site withdraws on National Park System units. In establishing the parks, monuments, and preserves, it is the intent of the Congress that all such power site withdrawals have in fact been rejected by the Congress and have become null and void. The Congress expects the Secretary to correct the land records, accordingly.

Section 103 authorizes minor boundary adjustments to each of the conservation system units. The intent of this section is that for each conservation system unit all modifications and adjustments shall not have the affect of increasing or decreasing the size of the unit by more than 23,000 acres. Thus the Secretary may not make a series of adjustments that serve to increase or decrease the size of the areas more than 23,000 acres. Once 23,000 acres has been added to an area, no more land may be added without the approval of Congress. The same is true for deletions, once 23,000 acres has been deleted from a unit, no more deletions may be made without the approval of Congress.

There are several references in the bill to various authorities granted to the Secretary and the Secretary of Agriculture. In accepting this legislation it is the clear intent of the House that all such authorities apply only to the State of Alaska. This legislation deals only with Alaska and it was developed with the specific needs and problems of that state. Therefore, it was not intended that any new authorities or programs authorized in this Act apply outside of Alaska.

This legislation provides for all lands within conservation system units that are not designated wilderness by this Act be studied for wilderness and with recommendations made by the President to the Congress. In providing for this wilderness study and recommendation it is the intent of the House that all lands recommended as wilderness by the President be protected until such time as the Congress acts on the recommendation. This means that once the lands are recommended for wilderness they are to be managed as wilderness by the agency until the Congress acts to accept, modify or reject the recommendation.

TITLE III

National Wildlife Refuge System

Section 301. As is the case with the House bill, the Senate bill not only designates certain conservation system units as new units of the National Park and National Wildlife Refuge Systems, but also enlarges certain other existing units and redesignates them as units of these systems. The purpose for redesignating the older, previously established units of the National Park or Wildlife Refuge Systems is not merely to assure consistency in classification terminology used by the administering agencies, but also to confirm their longstanding status as parts of National Wildlife Refuge or National Park Systems. All previously established park or wildlife refuge units were initially established by administrative withdrawal from public domain and classification terminology in use at the time of withdrawal was used to identify the area. For example, Nunivak was classified as a Reservation, a common term in vogue in the 1920's and 1930's to identify areas withdrawn from public domain as opposed to those which had been acquired and termed "refuge" or other title. Similarly, the term "Range" (such as Kenia or Arctic) denoted a public land withdrawn area whose purposes may have been different from other such areas.

Nevertheless, provisions of all laws, regulations and policies pertaining to and guiding administration of the National Wildlife Refuge or National Park Systems have always applied to them, including, in the case of National Wildlife Refuge System, the National Wildlife Refuge Administration Act, the Migratory Bird Conservation Act, the Lacey Act and so on.

Redesignation of previously existing areas merely confirms what has been the case all along: For example, nothing in this bill is intended to modify either the National Wildlife Refuge Administration Act, the Migratory Bird Conservation Act or any other law pertaining to the administration of wildlife refuges including, but not limited to access, migratory bird and other fish and wildlife management programs such as opening areas to sport hunting in cooperation with the State of Alaska, distribution of receipts or revenues, including oil and gas, or the "compatibility test" determinations required in advance of certain activities.

Section 302. In establishing, enlarging and redesignating units of the National Wildlife Refuge System, it is the intent of Congress that wildlife refuges, in conserving fish and wildlife populations and their habitats, will conform to the standards set forth in existing policy and fish and wildlife populations will be those species naturally associated with the specific area. It is not the intent to include exotic and domestic animals in the definition of wildlife, but rather to assure the Fish and Wildlife Service sufficient authority to manage fish and wildlife populations native to, occuring on, or associated with the wildlife refuge area, migratory and non-migratory.

Section 305. The House recognizes a possible problem in the timing for the submission of comprehensive refuge conservation plans (7 years) and wilderness studies (5 years), while the Act calls for comprehensive conservation plans for a particular unit to be submitted with the wilderness plan for that unit.

It is our intent that plans and wilderness reviews be completed in an orderly fashion and in certain cases, wilderness studies can be continued during the two year recommendation period, until the comprehensive conservation plans are completed, and both wilderness recommendations and the comprehensive conservation plan then be submitted to the Congress.

Section 503. The bill both extinguishes and recreates the two National Forest Monuments in southeast Alaska, the Misty Fjords and Admiralty Island National Monuments. The reasons for designating these monuments remains the same as when they were designated in December, 1978. They are designated for the purposes of protecting their ecological, cultural, historical, prehistorical, biological, fish and wildlife, and other natural and scientific values; and the Secretary of Agriculture is to manage these monuments so as to protect (and further research concerning) objects of ecological, cultural, geological, historical, prehistorical, and scientific interest and so as to maintain these monuments' scenic, natural, biological, fish and wildlife, and other values.

The provisions of Section 503(h) provide assurances that the U.S. Borax and Chemical Corporation will be able to build a road to their claims in the Misty Fjords National Monument without fear of arbitrary and capricious Secretarial decisions causing unnecessary delays and complications. The provisions are not intended to be a blank check for the company, and the Secretary is to follow his other mandates to protect resources, including the anadromous fisheries resources of the area. Nor does the bill amend existing law, such as the Clean Water Act.

It is further the intent of the Congress that surface access and similar uses by U.S. Borax be limited to one drainage (either of the Keta River or of the Blossom-Wilson Rivers) in order to minimize impacts to the fisheries. The EIS already completed on access for bulk sampling identified a road route up the Keta River and it is our intent that U.S. Borax be limited to this route if at all possible, in order to prevent impacts of the vastly more valuable Wilson Arm drainages.

Section 503(h) also makes reference to a "planning document" which closely parallels the existing "scoping process" stipulated in the Presidents Council on Environmental Quality's recently issued regulations, 43 CFR 1501.7. Those regulations as issued shall guide the Secretary in preparing the planning document. It is also our intent that the document's findings be incorporated in preparation of the EIS, and that any studies identified during the scoping process be completed as part of the preparation of the EIS.

Wild and scenic rivers—Corridors

Section 606. H.R. 39 as the House passed it last year provides for wild and scenic river boundaries that may extend up to two miles from each bank. The Senate bill, which we are now going to pass, calls for an average of one-half mile from each bank for final boundaries. As we have stressed throughout the House's consideration of this legislation, we think the Secretary should include important wildlife habitats, geological features, archaeological resources and other natural values associated with the river valleys.

Secondary emphasis should be placed on the "line-of-sight" concept as used in the other states. Under the line-of-sight approach, the outer boundaries are determined by such features as the top of a bluff adjacent to the river, the top of a nearby ridge, or perhaps the top of a line of trees.

Under the method we expect the Secretary to use, he would take the boundary out to include key features or habitats even if these were beyond the line-of-sight. For example, a salmon spawning area in a tributary or a cliff used by nesting raptors might be beyond the line-of-sight, but their inclusion in the final river boundaries are essential if the important wildlife values of the riverine zone are to be safeguarded.

We expect the Secretary to use his authority under the Federal Land Policy and Management Act to manage publicly-owned watersheds adjacent to the designated river corridors in such a manner as not to jeopardize the wild and scenic rivers. For example, such management would involve careful control over mining, logging, or other development that could result in pollution and siltation of tributaries to the designated wild and scenic rivers. In this way, our future options to expand the corridors where necessary are not foreclosed.

* * * Any further changes would have to be made by Congress. Further, we expect the Secretary, in providing notice of any proposed additions or deletions to the Congress as required by Sec. 103, to set forth the reasons for his proposed adjustment and how the changes would further be consistent with the purposes for which we established the area. We can then review his proposal and decide for ourselves whether it is justified.

Finally, although section 103 is silent on the question of an EIS, I assume that the Secretary would analyze the need for an EIS on a case-by-case basis. For very small acreage changes, an EIS is unlikely to be required. But for changes involving thousands of acres, it is likely that an EIS would be necessary.

Section 702. While the Senate bill reduces wilderness designations in wildlife refuges, all lands not designated as wilderness now must be reviewed for later consideration by the Congress.

In addition, the acreage listed for the Andreafsky Wilderness contains a typographical error. The acreage should be one million six hundred thousand acres (not one million three hundred thousand acres) as explained on page 21890 of the Congressional Record of August 19, 1980. Such acreage also conforms the area to the map. Also, while the Senate adopted the House wilderness designated within Nunivak National Wildlife Refuge, the description of the Nunivak Wilderness is in error. While some 500,000 acres of the wilderness area is located on the southern portion of the island, as described by the Senate (also on page 21890 of the Congressional Record of August 19, 1980) the remainder includes submerged lands (about 3750′ wide) around the entire island—except for these submerged lands in the immediate vicinity of the village of Mekoryuk land selections—and rocks, islets, and reefs in adjacent waters.

Section 704 designates a wilderness study area, composed of federal lands in western Prince William Sound from Columbia Bay to Puget Bay, including all of the mainland (except the Passage Canal area) and Glacier, Naked, Perry, Esther, Culross, Knight, Bainbridge, Elrington and other smaller islands.

By establishment of this wilderness study area, Congress intends that the Forest Service give special consideration to the outstanding wilderness values of western Prince William Sound. Review of this area during development of the current Forest Plan under the National Forest Management Act will not be adequate to fulfill the intent of this section. Congress intends that a separate study be made of the wilderness potential of this area. Neither the National Forest Timber Utilization Program nor the RARE II Release shall apply to the Chugach Forest.

Furthermore, most of the Chugach National Forest outside the wilderness study area shall remain in the "further planning" category. Designation of western Prince William Sound as a wilderness study area is not intended to reflect on the wilderness potential of these other "further planning" areas. All of these areas deserve to be considered for wilderness designation during development of the forest plan. By specifically designating western Prince William Sound for a three year wilderness study, the Congress has acknowledged the outstanding wilderness qualities of this particular area without intending to slight any other areas in the forest.

Tongass National Forest

Section 705 of the Senate bill contains important provisions regarding the annual transfer from the Secretary of the Treasury to the Secretary of Agriculture of substantial sums to be drawn from the federal receipts from oil, gas, coal, timber, and other natural resources. Our acceptance of this section of the Senate bill is premised on several particular understandings:

First, it is our understanding that the sums to be transferred under this section will be charged against the total natural-resource receipts which are deposited in the Treasury and credited to miscellaneous receipts. In other words, this section of the bill is not intended to require the Secretary of the Treasury to charge the amounts to be transferred against the various funds (such as the land and water conservation fund) which also receive portions of the federal natural-resources receipts.

Second, it is clear that any and all sums transferred to the Secretary of Agriculture under section 705 are to be employed by the recipient Secretary for the purpose of implementing the provisions of the Tongass Land Management Plan in the Tongass National Forest. Neither section 705 nor any other section of the Senate bill requires or authorizes any revisions in the Tongass Land Management Plan, which will continue in effect unless and until it is revised at the end of the initial planning period, in accordance with the National Forest Management Act and other applicable law.

Third, it should be noted that section 1321 of the bill specifically limits the ability of the Secretary of Agriculture (and that of any other officer of the government) to "enter into contracts or to make payments or to expend previously appropriated funds under this Act" by confining such authority to "the extent or in such amounts as are provided in advance in appropriation Acts." This limitation of course applies to any of the specified activities which would be carried out in order to implement section 705.

The guaranteed funding provided by Section 705 is to implement the timber management program of the Tongass Land Management Plan, as it was adopted in April 1979, in order to provide the 450 MMBF annual average mentioned in subsection (a). This section is an affirmation of the current Tongass Land Management Plan, and provides direction to the Secretary of the Treasury. In keeping with existing National Forest Management Act provisions, this is not a mandate to produce a specific cut level regardless of the findings of future land use plans, demand for National Forest timber, or the cost to the taxpayer.

The U.S. Forest Service economists predict that at the accelerated harvest levels planned by the Southeast Alaska Native corporations, demand for national forest timber may fall to 400 mmbf annually by the end of the next decade, entirely as a result of the dynamics of the marketplace and regardless of land use designations. No more national forest timber should be supplied than can be sold at fair market value and the goal of the Forest Service should be to maintain employment, not to maintain an arbitrary cut level through changes in export restrictions or other methods. No more timber should be offered for sale than the Forest Service can reasonably expect to sell.

As we have learned through our study of this legislation, the situation in the Tongass and other national forests is too complex for broad, simplistic edicts from the Congress. As the drafters of the National Forest Management Act concluded in 1976, it is essential to leave flexibility in the system and to provide for future contingencies through rational planning. We have reviewed the current Tongass Land Management Plan (TLMP) and find it satisfactory. Nothing in the bill amends the National Forest Management Act or TLMP. It is also our intent that TLMP stay unchanged through the first planning period as mandated by existing law, to allow time for the market and demand situation to become clear before forcing the Forest Service to readdress this enormous management planning task.

It is obvious that there is no danger to timber industry employment with the provisions of this section and the advent of large scale logging on private lands, lands that were once part of the Tongass. Note that with a cut of 400–450 MMBF from the reduced Tongass land base and 250 MMBF from the newly acquired Native lands, the total cut from Southeast Alaska forest lands will be 650–700 MMBF annually, far more than has ever been cut before.

An unfortunate side effect of the Alaska Native Claims Settlement Act is that while spurring industrial growth through conveyance of Federal lands to private corporations, the cost of providing timber from the remaining federal lands is increasing. With conveyance of fully one third of the best remaining timber stands to Native corporations, and advent of a more enlightened view of multiple-use as stipulated in the NFMA, the real costs of producing a thousand board feet of timber from the Tongass has increased markedly since 1975. The Tongass has always been an expensive place to produce federal timber due to its extreme remoteness from markets, the lack of existing roads, and more recently, lack of competition to spur prices paid for federal timber.

The wise and desperately needed prescriptions for true multiple-use outlined in TLUMP and the reduction in the timber base from Native selections have forced partial dependence on timber that is presently classified as "economically marginal," meaning that the costs of production, including allowance for profit for the timber operators, exceed the value of the product. In order for this timber to be utilized, roads to access it must be built, timber stand improvement techniques must be maximized, and financial assistance provided to spur purchase of advanced logging equipment. All of these programs are recommended in TLUMP. We are not condoning unwarranted or excessive subsidization of the two major local timber companies, but we cannot escape the fact that additional investments are needed to implement TLUMP recommendations. It is our intent to maximize protection to environmentally sensitive areas, particularly those with high fish and wildlife values.

The Congress fully intends that the Secretary carry out his mandate under Section 6k of the National Forest Management Act to identify lands that are not currently suitable as timber producing areas for economic reasons. Subsection (d) of Section 705 is designed to prevent impounding funds which would be used to implement TLUMP. Our intent is to encourage retention of old-growth forests for multiple use considerations rather than reduce old-growth retention in order to lower costs. The funding provided by Section 705 is to enable the Forest Service to adhere to the land use allocations of the plan and in the process, to protect the non-economic values embodied in the plan.

Section 708, the "RARE II Release" section, rules on the legal sufficiency of the Tongass Land Management Plan's consideration of wilderness allocations for the Tongass. The Forest Service has indeed done a fine job on the plan as adopted in April, 1979, and the bill's designations fall completely within the plans recommendations. Therefore, the plan need not and should not be revised during the initial planning period ending in 1995. A minor amendment to reallocate Boundary Spires from Land Use Designation I and LUD II would be appropriate, however, as would other minor amendments.

It is clear that the 450 mmbf sale level recommended in TLMP can be reached without changing any of the land allocations worked out so laboriously after years of study through the IDT process.

Section 906 of the Senate bill contains a number of provisions regarding the land-selection interests of the State of Alaska. Subsection (e), for example, allows the State (subject to valid existing rights and Native selection rights) to file "future selection applications and amendments thereto" for certain areas which would not otherwise be eligible for such filings. In accepting this provision of the Senate bill, it is our understanding that it is not intended to grant the State any new rights (under the Statehood

Act and any other existing law, including this Act) with regard to selection and transfer of any federal lands located within conservation system units, national forests, the National Petroleum Reserve-Alaska, or any other lands withdrawn or classified for Federal purposes, including military reservations.

Further, it is clear that Section 906 does not have the effect of enlarging or diminishing the State's entitlement to receive federal lands, under the Alaska Statehood Act or any other applicable law. And, it should be stressed, the "future selection applications" which are referred to in subsection (e) of Section 906 will not by themselves give the State any vested rights to public lands which, at the time of the filing of such applications, are not available to the State for valid selections under the Alaska Statehood Act or other applicable law.

In short, these "future selection applications" will have the effect of merely expressing the interest of the State in selecting and receiving the applied for lands, if and when Congress at some future date should decide to make such lands available for selection by the State and provided that the State has not at such later time already received its total entitlement to federal lands.

Title VIII—Subsistence Management and Use, and other subsistence provisions.

Of all the groups in Alaska with a stake in passage of the Alaska National Interest Lands Conservation Act, no group will be more profoundly affected than the Alaska Native residents of the more than two hundred Native villages scattered throughout rural Alaska. The cultural identity of those residents, and the economy of their villages, remain interwoven today, as they have for generations, with the harvest of fish, wildlife and plants, for subsistence uses.

With only a few exceptions, the Alaska Native villages to which I am referring are located along the Alaska coastline or upon the shore of one of Alaska's lakes or rivers. The location of these villages is no accident. Prior to the intrusion of western culture into Native Alaska in the late 1800's, most Alaska Natives traveled from hunting camp to fish camp, and fish camp to hunting camp, following the natural cycle of the seasons and the migratory patterns of the fish and wildlife in their area. With the arrival of the missionary and the schoolteacher, more permanent villages were established. Those villages were located in the most advantageous locations from which to subsistence hunt, fish, and gather. Today, the same social, cultural, and economic purpose of these same villages remains. Indeed, the only purpose in an economic sense of almost every Native village is to serve as a staging area from which the residents of the community continue to participate in the subsistence way of life which is central to their cultural identity.

If for any reason, Mr. Speaker, the fish stocks and wildlife populations which are the subject of Alaska Native subsistence uses are significantly reduced, either as the result of the degradation of habitat, the overharvesting of subsistence resources by urban or non-resident sport hunters and fishermen, or a prohibition of subsistence uses of fish and wildlife on portions of the public lands such as national parks and monuments, then the Alaska Native Culture as we know it will simply cease to exist. And the rural Native villages which are the strongholds of that way of life will be abandoned as their residents are unwillingly drawn to Anchorage, Fairbanks, and other urban centers. Indeed, if rural Alaska is to continue to exist, the Alaska Native subsistence way of life and the fish stocks and wildlife populations upon which the continuation of that way of life depends must be adequately protected by the Congress.

Mr. Speaker, in 1971 the Congress passed the Alaska Native Claims Settlement Act, an historic benchmark in the relationship between the Alaska Native people and the Congress. That legislation authorized the conveyance of forty-four million acres of land, located primarily around the Native villages to which I have referred earlier, to villages and regional corporations established by the Act. At that time the Congress realized, however, that the lands conveyed to Native corporations would be insufficient to adequately protect subsistence resources and provide for subsistence uses. It recognized that the continuation of the Alaska Native subsistence way of life also depended upon the use of Federal and State lands for subsistence uses, and the protection of such uses on those lands as well as on Native lands.

In furtherance of this objective, the Settlement Act bill enacted by the Senate included a provision on subsistence hunting by Alaska Natives. Unfortunately, that provision was not adopted by the Conference Committee, which in its stead substituted the following language in the Report of the Managers: "The Conference Committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Natives."

The Conference Committee's recognition of the joint responsibility of the Federal and State governments to protect Alaska Native subsistence activities is consistent with the historic trust responsibility of the Federal government to the Alaska Native people, a responsibility which transcends the termination of aboriginal hunting and fishing rights by the Settlement Act. It also is consistent with the policy adopted by the United States government when it signed the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights in 1977. Article I of both covenants states that "in no case may a people be deprived of its own means of subsistence." And Article XXVII of the International Covenant on Economic, Social, and Cultural Rights guarantees that ethnic minorities in the United States, of which the Alaska Native people are a pre-eminent example, shall not be denied the right to enjoy their own culture.

Regretably, during the time period between the enactment of the Alaska Native Claims Settlement Act and the introduction of H.R. 39 in the 95th Congress, neither the Secretary nor the State of Alaska made sufficient effort to abide by the direction of the Conference Committee. Overwhelming evidence of their failure, or at best their indifference, was thoroughly documented in hearings held by both the House Interior Committee and the Senate Energy and Natural Resources Committee during the 95th Congress, and by the House Interior Committee again last year. I would direct any member of this body interested in a more detailed exposition of the subsistence issue to the hearing records and reports of both of those committees as well as the hearing record and committee reports published by the House Merchant Marine and Fisheries Committee which also was actively involved in the subsistence issue.

Although I have my disagreements with several of the provisions of the version of H.R. 39 passed by the Senate, I am particularly proud of the subsistence language in the bill because it fully reflects the commitment that Congressman Seiberling, Gudger, and I, with other members of the Interior Committee, made to the Alaska Native people at the beginning of the 95th Congress. At that time we promised that any legislation enacted into law would recognize the importance of the subsistence way of life to the survival of the Alaska Native people, and would contain management provisions which recognize the responsibility of the Federal government to protect the opportunity from generation to generation for the continuation of subsistence uses by the Alaska Native people so that Alaska Natives now engaged in subsistence uses, their descendants, and their descendants' descendants, will have the opportunity to determine for themselves their own cultural orientation and the rate and degree of evolution, if any, of their Alaska Native culture.

We made good on that promise by including a detailed subsistence title in the version of H.R. 39 which was passed by the House of Representatives during the 95th Congress. The Senate Energy and Natural Resources Committee rejected the "State subsistence program" requirement of our subsistence title, and adopted a "judicial enforcement" approach in lieu of our "Secretarial action" section to ensure that the State will meet its responsibilities. But with those two relatively minor exceptions, the Committee adopted our subsistence title conceptually intact.

During the 96th Congress, I studied the subsistence provisions of the bill reported the previous Congress by the Senate Energy Committee, and after being certain that with the exception of the "judicial enforcement" provision, the rest of the subsistence title was essentially the title which I and the other members of the Interior Committee had drafted, I included a subsistence title in the Udall-Anderson bill similar to that of the Senate Energy Committee. The bill passed by the Senate and now under consideration by this body, continues the broad consensus on the subsistence issue by again adopting the work of the Senate Energy Committee, which, as I have explained above, in turn was based upon the work of the House Interior Committee.

Consequently, as chairman of the committee which developed the concepts which are the foundation of the subsistence title and other subsistence provisions of the Senate bill, I would like to highlight for the other members of the House, and for the persons in the Department of the Interior and Department of Agriculture who will be charged with responsibility for implementing the subsistence management system established by this legislation, the history of several of the most important ideas developed by the House Interior Committee and retained by the Senate.

Although the Federal and State subsistence management system established in the bill is racially neutral, it is important to recognize that the primary beneficiaries of the subsistence title and the other provisions in the bill relating to subsistence management are the Alaska Native people. Although there are many non-Natives living a subsistence way of life in rural Alaska which may be an important national value, the subsistence title would not be included in the bill if non-Native subsistence activities were the primary focus of concern. Rather, the subsistence title and the other subsistence provisions are included in recognition of the ongoing responsibility of the Congress to protect the opportunity for continued subsistence uses in Alaska by the Alaska Native people, a responsibility consistent with our well recognized constitutional authority to manage Indian affairs.

Early drafts of the subsistence title by the House Interior Committee allocated access to subsistence resources on an ethnic basis, an approach similar in concept to that suggested by the Settlement Act Conference Committee. However, that approach was abandoned in the House after Governor Hammond correctly pointed out that under the Alaska Constitution the State cannot participate in a subsistence management system which would require it to allocate access to subsistence resources on the basis of "Nativeness." The written testimony submitted to the Energy Committee in 1978 by

John Shively, representing the NANA Corporation and the Alaska Federation of Natives, is an excellent summation of the evolution of the "Nativeness" issue in the House to which I would direct any member interested in more information on this subject.

Because of the Governor's objections, we adopted (and the will retains) a racially-neutral approach to the subsistence allocation issue. Subsistence uses are defined as the customary and traditional uses of wild, renewable resources for personal and family consumption by all residents of rural Alaska, Native and non-Native alike. Subsistence uses by rural residents shall have a priority over the taking of renewable resources by non-rural residents of Alaska, non-residents of Alaska, and aliens.

If in a particular instance a particular fish or wildlife population cannot even safely sustain a harvest only by rural residents engaged in subsistence uses, then priorities among such rural residents will be established on the basis of the racially-neutral criteria of local residency, availability of alternative subsistence and other food resources other than the resource being allocated, and the degree of dependency of individual rural residents on the allocated resource as the mainstay of livelihood. These neutral criteria will be applied evenhandedly to all rural residents, Native and non-Native alike, who harvest the allocated resource for subsistence uses.

Although I will address the operation of the subsistence priority later in my remarks, I raise the history of the subsistence priority here to point out that while the statutory allocation scheme is racially neutral, its application may result in instances in which significantly more Natives than non-Natives may be afforded access to a particular subsistence resource. Such a result will be consistent with a statutory approach based, as the subsistence title is, upon the constitutional authority of the Congress to manage Native affairs.

However, Mr. Speaker, I would hasten to emphasize that it is also true that a racially-imbalanced allocation system may result from time to time not because the subsistence priority favors Natives over non-Natives, but merely (as is a well-recognized fact of life) the vast majority of the residents of rural Alaska happen to be Alaska Natives.

For example, if there are only six communities in a particular State game management unit, all of which are Alaska Native villages in which Alaska Natives predominate in the population, and the biologists determine that the local moose herd cannot safely sustain a harvest greater in size than the number normally harvested by residents of the local area for subsistence uses, then the subsistence priority requires the State to adopt regulations which restrict moose hunting within that game management unit to only the residents of that unit. The responsibility of the Federal Government to protect Alaska Native subsistence activities will be met, but all non-Native residents of the area will be treated in a manner identical to that of their Native neighbors. In other words, the criteria used to allocate access to the moose in my example is based upon "residency," with all similarly situated residents treated in an identical manner. It also should be noted that the residency component in the subsistence priority, both rural residency and local residency, is not intended to impose a durational residency requirement.

Mr. Speaker, there is another significant reason to emphasize that the subsistence title and the subsistence provisions in other titles are enacted based upon our constitutional authority to manage Indian affairs. The so-called "(d)(2)" issue in general, and the subsistence title and other subsistence provisions of this bill in particular, are derivative of the Alaska Native Claims Settlement Act. The Federal courts have consistently recognized the Settlement Act to be Indian legislation, entitled to all of the legal presumptions and statutory interpretations associated with that generic class of statutes. While the Alaska National Interest Lands Conservation Act obviously is not Indian legislation in its entirety, the subsistence title and the other subsistence related provisions are. And under well-recognized canons of statutory construction, any ambiguities in the title and other provisions must be resolved in favor of the Alaska Native people.

This result is also consistent with the Congressional policy established by section 802(1) that the management of the public lands shall cause the least adverse impact possible on rural residents who depend upon subsistence uses. This policy requires that administrative structures and regulations for conservation system units, including national parks and monuments, shall be established and implemented in a manner consistent with the protection and continuation of Alaska Native culture and Native subsistence activities.

Consequently, in general, no permit or quota system for the subsistence use of wildlife within national parks and monuments and other conservation system units should be imposed on rural residents unless necessary to protect the continued viability of a particular wildlife population, and then only with respect to that particular population. However, trapping and other customary trading activities may be an exception to this general rule.

The policy also requires that regulatory systems which employ income requirements not be imposed upon rural residents. Income requirements are by their very nature capricious classifications in rural Alaska, and consequently can be invidiously destructive to Alaska Native culture. To key eligibility to harvest wildlife within a national park, for example, upon a determination of whether a resident of a Native village was able to secure temporary employment away from his village, has a wife who is a health or teacher's aide with a steady source of income, or has a job in the village as a corporation officer or power plant operator, is to key eligibility on criteria which embody the seeds of destruction of Native culture sewn in the guise of regulation. Such regulatory structures may be bureaucratically convenient but represent a disrespect for the Alaska Native culture, and the community cohesion which is one of its greatest attributes, which we have gone to great lengths throughout the Alaska lands bill to protect. It is the intent of the bill in general, and the subsistence title in particular, so far as possible to allow the Alaska Native people to choose for themselves the direction and pace, if any, of the evolution of their own culture.

Mr. Speaker, I also would like to briefly review the requirements imposed on the subsistence management system by the subsistence priority established in section 804. Section 804 is based upon section 704(b)(5)(B) and (C) of the version of H.R. 39 passed by the House during the 95th Congress. The only major difference between any of the subsistence preference sections has been the inconsistent use of the words "preference" and "priority". Mr. Speaker, in terms of the legal effect of the section I do not believe that there has ever been any intent to alter the legal requirements of the section by the use of one, as opposed to the other, of these two terms. Rather, this difference reflects the idiosyncratic styles of the various committee draftsmen. Consequently, I do not believe that the State of Alaska need modify its State subsistence statute, which uses the term "priority", in order to be in compliance with the "preference" requirement of section 804. However, the State statute may need to be modified to comply with other requirements of both section 804 and other provisions of the title.

The subsistence preference applies to individual wildlife populations and fish, and State regulation of the taking of each population and stock must be consistent with section 804.

The State must first identify the customary and traditional subsistence uses of each population and stock by rural residents. It should be emphasized that this evaluation must be based upon subsistence use, not upon any form of economic or other need. It also should be emphasized that the level of subsistence uses by rural residents of particular wildlife populations and fish may have been repressed by State regulatory activities and, consequently, recent historical levels of harvest of a particular population or stock may not accurately reflect the normal level of the customary and traditional subsistence use of such population.

The king salmon fishery on the west side of Cook Inlet and the caribou harvest in the Copper River area are two recent examples of this situation. From 1964 until this past June, when the subsistence king salmon fishery was finally opened to the residents of the village of Tyonek by a State court order implementing the State subsistence statute, the residents of that village have been prohibited from harvesting a subsistence resource which prior to 1964 had been harvested for generations. Obviously, an analysis of the customary and traditional subsistence use of king salmon by residents of the village of Tyonek over even the past ten years would result in a determination that king salmon are not a customary and traditional subsistence resource of that village, a determination which would be erroneous.

Because of the decline of the caribou population in the Copper River area, the State reduced the total harvest of the population and established a lottery in which the residents of villages in the Copper River area have had to compete against sport hunters from around the State for a caribou hunting permit. Any analysis of the level of customary and traditional subsistence use of caribou by rural residents in the Copper River area will produce a figure far below the normal customary and traditional subsistence use of the resource which would have resulted if the State had not imposed a regulatory system on the rural residents of the area which subordinated subsistence uses to the needs of urban sport hunters.

Mr. Speaker, similar examples are too numerous to mention. The point I am making is that the subsistence priority requires the State of Alaska to determine the customary and traditional subsistence use of a particular wildlife population or fish which would have reasonably been made by rural residents if their subsistence uses had consistently been respected and adequately protected by State regulation.

It also should be noted that customary and traditional subsistence uses must be evaluated on a community or area basis, rather than an individual basis. If not, our commitment in this legislation to the protection of the Alaska Native subsistence way of life would be terminated in one generation as rural residents with established subsistence uses pass away and their descendants with no established customary and traditional uses take their place in the subsistence cycle.

As I have mentioned earlier, and as the subsistence title itself specifically states, it is the intent of this legislation to protect the Alaska Native subsistence way of life, and the Alaska Native culture of which it is a primary and essential element, for generation upon generation, for as long as the Alaska Native people themselves choose to participate in that way of life, and to leave for the Alaska Native people themselves, rather than to Federal and State resource managers, the choice as to the direction and pace, if any, of the evolution of the subsistence way of life and of Alaska Native culture.

Once the customary and traditional subsistence uses of a particular wildlife population or fish stock have been determined, the State must next determine whether its viability is such that the harvest demands of all user groups can be satisfied without endangering the health of the resource. If the population is sufficiently viable then all user groups may participate in the harvest, but regulations concerning such subjects as seasons and means of taking must be adopted which have the least adverse impact upon rural residents engaged in subsistence uses of the population.

If the population cannot safely sustain a harvest by all user groups, then the State must adopt regulations establishing subsistence uses as the priority uses of such population. All genuine subsistence uses must be met before the State may permit taking of the population for any type of non-subsistence uses.

For example, if residents of the villages in a particular area normally harvest five hundred moose for subsistence uses, and fly-in hunters from outside the local area normally harvest five hundred moose from the same herd, but the biologists determine that the herd can safely sustain a total harvest of only six hundred moose, the subsistence priority in section 804 requires that only one hundred moose be made available for harvest by persons other than residents of the local area engaged in subsistence uses. This result could be achieved by opening the moose season to the residents of the game management units in which the moose herd is located for hunting without a permit to obtain moose for subsistence uses, and then allocating access to the remaining one hundred moose to non-residents of the area by lottery.

If in the previous example the moose herd is only capable of sustaining a total harvest of four hundred moose, then not only must no hunting of the herd be permitted by persons not resident of the local area, but the State must also establish priorities for access to the herd by the rural residents of the local area as well, based upon the three criteria set forth in the subsistence preference: local residency, availability of alternative resources, and dependence upon the resource. Only at this stage of the regulatory process, when dependence upon the resource as the mainstay of livelihood for the first time becomes a permissible allocation criteria, does the income of individual rural residents become a permissible factor in the allocation process. The availability of alternative resources criteria is intended to focus on alternative subsistence or other food resources, not money. For example, if caribou are reduced are some villages better able to withstand the hardship than others because they have more access to seals or moose?

As long ago as August of 1977 Governor Hammond testified to the importance to resource protection that one management system, and one manager, be in control of fish and wildlife resources throughout their range. This is particularly important with fishery resources. Consequently, it has always been our intent to apply the subsistence preference to all fish stocks in the waters of Alaska. This result enables the State of Alaska to continue its lead in fisheries management without unnecessary disruption. It also should be stressed that if for any reason the State should ever repeal its subsistence statute, this preemptive section would continue the subsistence preference for fish throughout the waters of Alaska. For the purposes of section 804, the reference to "fish populations" is intended to mean any species, sub-species, race, geographical grouping, population, run, or other category of fish characterized by similar morphological, meristic, or life history traits, or which is geographically, ecologically, or genetically interrelated, or affected as a group by fishing practices, or capable of being managed as a unit on a rational and timely basis.

Mr. Speaker, the subsistence provisions of the bill now before us differs from those in the House bill primarily by the Senate's adoption of a "judicial enforcement" approach to proceedings by the Secretary of the Interior or Secretary of Agriculture, depending upon which lands are involved, to assure the State's implementation of the subsistence preference. In that regard I would point out that it is not my understanding that this section in any way compromises the administrative authorities of the Secretaries, or their legal responsibilities, to protect subsistence uses on the public lands and in the waters of Alaska; otherwise, the section may be unconstitutional.

The judicial enforcement approach was developed by the Senate Energy and Natural Resources Committee during the 95th Congress. Senators Abourezk, Ford, and Durkin were three of the members of that committee who were particularly involved in the development of the Senate subsistence title. Their supplemental views detailing the responsibility and authority of the Secretary to exercise his administrative authority over the public lands and the waters of Alaska to protect subsistence uses in appropriate instances are the basis of my interpretation of the effect of section 806 of the Senate bill. Since section 806 is intended to be the remedy of only the local committees and regional councils, obviously rural residents engaged in subsistence uses and other persons who are directly affected by State implementation of the subsistence preference are entitled to have the Secretary take appropriate action if the State fails to do so, and, consequently, will be entitled to mandamus such action from the appropriate Secretary if he should fail to fulfill his duty to manage the public lands and the waters of Alaska in a manner consistent with the management standards established by the Congress in this legislation.

Lastly, Mr. Speaker, I would like to briefly discuss the manner in which subsistence hunting by local residents is to be managed within new national parks and national park monuments and within the additions to those national parks and national park system monuments which were established prior to December 1, 1978. As you know, hunting of any kind generally is not permitted within national parks in the United States. However, during the development of the Department of the Interior's legislative proposal to the Congress, it became obvious to the Secretary of the Interior and to the National Park Service that much of the acreage within the large parks and monuments desired by the National Park Service included acreage which customarily and traditionally has been used, and is now being used, by Alaska Natives and other rural residents for subsistence hunting. Application of the traditional no hunting policy to these proposed areas would result either in significant disruption of subsistence hunting activities and resultant community hardship, or would require the cutting back of the boundaries of the proposed park units to accommodate subsistence activities.

In recognition of this uniquely Alaskan situation, the Department of the Interior represented to the residents of the affected villages and to Native village and regional corporations representing the same residents, that subsistence hunting within all of the new parks and within the additions to existing parks would be statutorily guaranteed. And it was as a result of this agreement, Mr. Speaker, that most local communities and village and regional corporations have supported, or at least not opposed, the creation of new parks and monuments within their regions.

Mr. Speaker, consistent with their promise to the Native community, since 1977 Secretary Andrus and the National Park Service have consistently recommended to both Houses of the Congress that subsistence hunting by local residents be continued within all parks and monuments established or expanded by this legislation, other than the Kenai Fjords National Park. Consistent with this recommendation, the Antiquities Act proclamations signed by President Carter on December 1, 1979 not only guaranteed the continuation of subsistence hunting by local residents, but specifically recognize subsistence hunting as an important value of each monument, other than the Kenai Fjords.

Consistent with the Secretary's recommendation and the language of the monument proclamations, both the version of H.R. 39 passed by the House in 1978 and the Udall-Anderson bill passed last year establish subsistence uses by local residents, including subsistence hunting, as a purpose of each new park and park monument, other than the Kenai Fjords, and of the additions to parks and monuments established prior to December 1, 1978.

The Alaska Lands bill passed by the Senate (and which we today concur in) statutorily guarantees that subsistence hunting by local residents will be permitted within all of the same areas as are open to such uses in the Udall-Anderson bill, but regrettably does not designate subsistence uses as a purpose of each new area and addition. However, Mr. Speaker, I would note that sections 201 and 202 indicate that the purposes of each new park and addition set forth in the legislation are not intended to be all inclusive. I would strongly suggest that in establishing regulations for the management of each of these areas, the Secretary of the Interior designate subsistence uses by local residents as a specific purpose of each park and park preserve. To do any less would be inconsistent with the longstanding representations which the Secretary, the National Park Service, and the House Interior Committee, have made to the Alaska Native residents of areas within or adjacent to these new areas.

It also should be noted Mr. Speaker, that with respect to several of the new parks, the Senate bill intends to permit subsistence hunting only within certain subsistence zones within the park. I have reservations about this concept because I am uncertain if data presently exists which is definitive enough to enable the National Park Service to say with any degree of confidence that subsistence hunting has or has not traditionally taken place within a certain area. Consequently, if the subsistence zone concept is to be applied to any park areas, fundamental fairness seems to require that the designation and boundaries of those zones be made by the subsistence resource commissions established by section 808, rather than by park planners and researchers, and that if there is any doubt as to whether subsistence hunting should be permitted within a particular area, that the decision be made on the basis that subsistence hunting should be permitted rather than restricted. Finally with respect to this issue Mr. Speaker I would like to assure the Alaska Native people that the House Interior Committee intends to closely follow the implementation of the subsistence hunting program in the parks over the years ahead to make sure that our representations to the Alaska Native people on this critical issue do not take their place in the litany of other forgotten or broken promises made by the Federal government to Indian people when convenient to accomplish the goals of those with a different agenda.

Mr. Speaker, this discussion has touched upon only a few of the many important concepts embodied in the subsistence management system established by the Senate bill.

I am proud that the leadership role assumed by the House Interior Committee to develop a workable solution to this complex, and often emotional issue has resulted in the adoption of an approach which, while by no means perfect, nevertheless both meets our responsibilities to the Alaska Native people and ensures the continuation of the historical Federal-State fish and wildlife management relationship.

I am also very proud that we played a similar leadership role in having this bill shaped to deal with many other interests and concerns to Alaskan Native corporations, groups, and individuals—provisions which the Senate has built upon and which are included as a result of our Committee's field hearings, oversight activities, and other initiatives.

Section 906(o) of the Senate bill was originally included in the House-passed bill of 1978 at my request. Since that time, the provision has been changed a number of times, and I think it would be useful to summarize my intent as we adopt the final version.

This provision is intended to prevent the establishment of future inholdings within conservation system units by requiring that all federal land within the units withdrawn for but not selected by Native corporations automatically becomes part of the units.

There are two categories of federal land within the conservation system units: land withdrawn pursuant to Sec. 17(d)(2) of the Alaska Native Claims Settlement Act, and land withdrawn pursuant to Section 17(d)(1) of the Settlement Act.

In addition, all lands withdrawn under Section 11 of the Settlement Act for Native land selections are also withdrawn under Section 17(d)(1). This dual withdrawal was made in order to insure that any sec. 11 land withdrawals not selected by the Native corporations would revent to 17(d)(1) status. Since approximately three times as much federal land was withdrawn for Native selection as has been selected by the Natives, the bulk of the Section 11 withdrawals will revert to federal ownership.

Section 906(o) of the bill provides that any unselected Section 11/17(d)(1) lands within conservation system units automatically become part of the conservation system units. Section 906(o) also provides that any lands withdrawn solely under Sec. 17(d)(1) also be added to the conservation system unit in question.

It is necessary to clarify the status of these 17(d)(1) lands because the State has in the past argued that Section 17(d)(1) lands are available for State selection. And the Alaska Native Claims Settlement Act authorizes the State to select alternate townships within the 25-township village withdrawals.

But it is inadvisable to leave ambiguous the status of (d)(1) lands inside conservation system units. Obviously, neither the Senate or the House intend to allow the State to make future selections inside the conservation system units, either of "pure" (d)(1) or unselected sec. 11/17(d)(1) withdrawals.

Section 906(o) also provides that ". . . nothing in this subsection shall necessarily preclude the future conveyance to the State of those federal lands which are specified in a list dated October 19, 1979 . . ." The lands referred to are those within the Alaska Peninsula National Wildlife Refuge established by this Act which the State identified for selection in 1976–77 and which the Department of Interior has ruled were not available for State selection at that time. This bill does not convey these lands to the State; it simply leaves the determination of validity to the courts, should the State decide to challenge the Department's ruling that its proposed selections are invalid. If the State so decides, and ultimately prevails, then of course the land would be conveyed to it.

Section 906(o) specifically protects any valid prior selection of (d)(1) land by the State within conservation system units. If the State, prior to enactment of this legislation, had made any valid selection of (d)(1) land pursuant to a 1972 out-of-court settlement with the Department or any other authority, then its selections are protected. Section 906(o) is intended to prevent any *future* state selections of federal land within the conservation system units.

As I stated when I originally included this provision during Committee mark-up of HR 39 in 1978, the problem of inholdings in conservation system units is one that has plagued us over the years, and it is only sensible that we not repeat the mistakes of the past in this legislation.

Section 1008 of the Senate-passed bill requires the Secretary of the Interior to establish an oil and gas leasing program on Federal lands in Alaska not subject to the Section 1001 study requirements (North Slope Lands Study) or located within the National Petroleum Reserve-Alaska. The Secretary may not undertake this program on lands where applicable law prohibits such leasing or on units of the National Wildlife Refuge System unless he determines that the exploration for, and development of, oil and gas would be compatible, as required by Section 304(b), with the purposes for which the unit was established.

Section 1302. Acquisition of Inholdings: Most of the land within conservation system units designated by this legislation is owned by the federal government. However, in some places privately owned tracts are located deep within the units. Although it also occurs elsewhere, this situation is most acute in the Chitina Valley of the Wrangell-St. Elias complex, where recreational subdivisions cover several thousand acres. We do not want to see repeated in Alaska the land speculation and inappropriate development that mars the inholding areas and the entryways in some of our lower-48 parks. While improved private residences are explicitly protected from immediate unjustified condemnation, the intent of section 1302 is that the Secretary takes those steps necessary to prevent substantial population increases within conservation system units and to prevent land speculation and subdivision within these areas. He is to take an assertive position in buying currently undeveloped land, giving priority to such places as McCarthy, where undeveloped subdivided parcels now on the market gravely threaten achievement of the purposes for which the park and preserve are established.

The dissenting views presented in our Interior Committee report, reflecting a version of the bill subsequently passed by a large majority of the House, constitute a significant part of the legislative history of the Alaska National Interest Lands Conservation Act. In discussing the Wrangell Mountains area, these views point out that the existing rustic rural settlements harmonize with and in fact complement the park scene, but they also emphasize that the Secretary shall assure that development of and access to private lands are compatible with the larger national purposes of the park and preserve. The Congress intends that the Secretary take this mandate very seriously.

Changes made by the Senate regarding land acquisition authority do not affect the intent of this section. We expect the Secretary to act firmly regarding the acquisition of unimproved private property, while at the same time allowing present residents to continue their way of life to the maximum extent compatible with the purposes of the areas.

The power of the Secretary is conditioned by section 1302(c) of the Senate bill, which requires that an inholder be offered appropriate land of similar characteristics and like value as a land trade, if such land is available from public lands outside the boundaries of any conservation system unit. The Congress does not intend this procedural step of offering a land trade to be an obstruction to dealing with private inholdings. We expect that the Secretary shall inventory the lands in Alaska for the purpose of locating suitable tracts for trade, and proceed expeditiously with his inholdings acquisition policy.

One concern may be that the Bureau of Land Management may resist yielding prime lands which are under its jurisdiction, thus frustrating the land acquisition policy of another agency such as the Park Service. We intend that the Secretary prevent such resistence, and that if such situations occur, he shall give the Director of the Park Service or other agency managing conservation system lands the authority to identify areas for trade on the BLM lands. And we expect that the Secretary shall then convey such BLM lands to the private parties as are identified by the conservation system unit planning and management program as necessary for land trades.

Sections 1306 and 1307. Recreation Development and Concessions Policy:

The Alaska National Interest Lands Conservation Act is being passed primarily to protect the superb wilderness and natural qualities of our last great undeveloped landscapes. By setting aside these areas before they are committed to unwise and unnecessary development, we hope to demonstrate that we have learned from the mistakes of the past. Natural values of conservation system units in other states have on occasion suffered because of inappropriate development for recreation purposes. The Congress intends that such incompatible development of visitor facilities shall be avoided in Alaska.

Public use can be accommodated and wilderness, wildlife habitats, and natural qualities fully protected if the land-managing agencies place primary emphasis—as we intend them to—on locating major visitor facilities on the periphery of the conservation system units. Ideally, the agencies should attempt to locate such facilities on other public lands contiguous to the conservation system units, or on Native, other private, or State land adjacent to the units; provided, of course, that these non-federal landowners are interested in hosting such facilities.

Small-scale visitor facilities such as shelters needed for public safety can be within the interior of the units, but we intend them to be rustic, to blend with the natural character of the landscape, and to be located with care in order to avoid conflicts with wildlife concentration areas, migration routes, or particularly sensitive landscapes.

These principles are intended to apply to all of the new conservation system units. We note that several new and expanded units will be adjacent to the existing road system. Since these are the units which will be most visited, it is especially important that major visitor facilities be located on the periphery of these units preferably along the existing roads, in order that the resources of the units not be damaged directly or indirectly by inappropriate siting of such facilities, and the construction of roads required for access to the facilities.

For example, the Parks Highway adjacent to Denali National Park and the Glennallen-Copper Center area near the Wrangells might be found suitable for major visitor facilities, following site-specific studies by the National Park Service and other cooperating land owners. But other areas are more suited to small-scale, rustic lodges and other facilities in keeping with the character of the land and the local culture, and the requirements of the environment.

Section 1307(b) of the Senate bill gives preference to Native corporations and local residents in the selection of persons to provide new visitor services in conservation system units. Both local residents and the Native corporations are to be treated equally in implementing this section. In addition, nothing in the legislation should be interpreted as giving monopoly interest in the provision of visitor services in any area to any person or corporation. While clearly stating that Native corporations and local residents are first in line to obtain any contracts the federal agencies may offer within conservation system units, we wish to avoid situations where powerful, entrenched concessionaires are able to influence management policy.

It is the intent of the Congress that exclusive contracts giving sole control over visitor services in a region or in a conservation system unit not be granted. While Native corporations and local residents have priority in the granting of new concession contracts, this priority does not imply any right to exclusive or monopoly control. Such exclusive contracts, sometimes given by the Park Service in the past, have resulted in problems we do not wish to see repeated in the new Alaska units. We would not, for example, want to see a concessionaire in a position to favor expensive, large-scale luxury accommodations over a diversity of smaller, less costly, more rustic facilities; nor to be in a position to unduly influence such matters as agency recommendations for wilderness designation or the area development plan.

Section 1308. Local Hire:

It is the intent of this provision that agencies of the Federal Government with land management responsibilities in Alaska shall be provided the opportunity to utilize the expertise of local residents without being subject to the sometimes limited restrictions of civil service laws or regulations. It is recognized that often there will be local residents in Alaska who have a unique knowledge or special skills which will contribute greatly to the management of the conservation system units but who may not qualify for hire under existing requirements. Consideration must be made of these unique circumstances and the Secretary is directed to establish a program whereby these qualified individuals will be recruited and considered for available, appropriate positions.

Section 1311. Scenic Highway Study:

The Senate added language to the House provision for a scenic highway study. This language was added at the request of the State to protect the state's desire to maintain and repair roads during the study process. Some have been concerned that this study, especially as amended by the Senate, may lead to substantial upgrading of the primitive McCarthy road, to the detriment of the Wrangell-St. Elias National Park and Preserve and counter to the desires of many of the local residents of the McCarthy area. However, the Senate bill includes the word "minor" regarding road realignment and maintenance permitted during the study period. The intent of the highway study is that the Chitina-McCarthy road not be upgraded while the issue is being discussed, and the word "minor" was inserted so that widening or upgrading of the Chitina-McCarthy Road would not take place during the study period. It is not intended that the controversial vehicle bridges over the Kennicott River be built, nor that tree clearing along the road right-of-way take place which could affect the scenic quality of this route. Maintenance of foot access to McCarthy is not intended to be affected. In addition, it is our intent that the Administration use its existing authority under section 4(f) of the transportation act and under NEPA to assure these objectives are met, since the Chitina-McCarthy road is an existing federal-aid project on which federal funds have already been spent.

The bill includes the Chitina-McCarthy road in the overall scenic highway study so that all alternatives for access into the Chitina Valley can be considered fairly and completely. The study team set up to look at the scenic highway possibilities should examine the question of whether improved road access is in fact appropriate in the Chitina Valley, or whether alternatives are available.

Section 1313. The Senate Amendment to H.R. 39 adds a provision defining the administration of National Preserves. This section states that hunting and trapping shall be allowed in the Preserves, under applicable Federal and State law and regulation. Except for this, the National Preserves are to be managed exactly as are the National Parks. These are lands which qualify in every regard as National Parks. Congress has found, in some instances, that the taking of wildlife under appropriate regulation is consistent with the maintenance of the natural values of lands which we otherwise would unhesitatingly designate as National Parks. Declaring these lands to be National Parks, but allowing sport hunting or commercial trapping nonetheless, was an option proposed early in our deliberations on this legislation. The Congress rejected that option, because a precise definition of "National Park" has emerged internationally as well as in our country. This definition excludes sport hunting and commercial trapping. We did not wish to interfere with this definition, and we wanted to continue to use the words "National Park" to apply in Alaska to lands closed to all sport hunting and commerical trapping.

Thus the lands we chose to designate as "National Preserves" in all respects measure up to park standards. Their classification as "Preserves" rather than "Parks" has nothing to do with their resource or aesthetic values, nor with the way they are to be planned and managed for recreation or development or other uses—except that the taking of fish and wildlife for sport as well as subsistence purposes, and trapping, shall be allowed under law and regulation.

Congress intends that the Secretary shall manage National Park System units in Alaska to assure the optimum functioning of entire ecological systems in undisturbed natural habitats. The standard to be met in regulating the taking of fish and wildlife, and trapping, is that the preeminent natural values of the Park System shall be protected in perpetuity, and shall not be jeopardized by human uses. These are very special lands, and this standard must be set very high: the objective for Park System lands must always be to maintain the health of the ecosystem, and the yield of fish and wildlife for hunting and trapping must be consistent with this requirement.

Trapping poses a particular challenge to the managers of our National Park System. The House accepts the language of section 1313 of the Senate amendment, specifying explicitly that trapping shall be allowed in the preserves. We do so in recognition that trapping by individual rural Alaska residents may be necessary to their way of life, although it may not qualify as a subsistence activity. The Congress does not intend that the more extensive forms of commercial trapping would be allowed in Preserves, for example where the trapping becomes a business with employees paid to support the trapping operation. The House agrees with the Senate Energy Committee report on this matter, which specifies that "the Secretary, through the National Park Service, is expected to monitor trapping operations within the Preserves and the associated wildlife populations and issue appropriate regulations to insure that exploitive forms of trapping do not take place and that there is no substantial or permanent harm to the wildlife populations" (Senate Cmte. Rept. 96–413, p. 307–8). We expect that the Secretary will use his authority to prevent trapping from reducing populations of furbearers, temporarily or permanently, in ways that affect the natural balance of species in the Preserves.

Section 1314. In accepting the Senate modifications to the House language on division of responsibilities relative to fish and wildlife management, it should be clear that the intent of both the House and Senate all along has been to maintain the status quo insofar as these responsibilities are concerned. The language in the Senate bill accomplishes the goal of assuring that the Secretary of Agriculture and Interior retain their authorities over activities which take place on lands under their administration, including hunting and fishing, with the State retaining its responsibilities for regulating sport hunting and fishing activities. It is the intent of the bill to not amend existing laws, regulations, or policies governing fish and wildlife management in National Forest, National Wildlife Refuges, or other conservation system units, or the public lands administered by the Bureau of Land Management; rather, intent of the language is to assure that the cooperative programs developed in other states in the "lower 48" and in Alaska itself will continue.

Section 1315. Administrative Provisions:

The 1979 House bill contains special provisions dealing with aquaculture—the rehabilitation and enhancement of fisheries through control of environmental factors—in National Forest wilderness areas. The House provisions allow most such activities consistent with wilderness management and establishes a cooperative fisheries planning process to coordinate private non-profit programs funded by fishermen with ongoing State and Federal programs.

The Senate includes the cooperative planning program, but also allows fish hatcheries and other large scale developments to be constructed in wilderness areas at Secretarial discretion. Only such facilities as have been planned and approved via the cooperative planning process should be allowed, and then only if no other suitable location outside the wilderness areas can be found.

Use of National Forest wilderness lands for fish hatcheries are incompatible with wilderness and requests should be rejected by the Secretary unless no other suitable location is available in the Forest, in order to preserve the wilderness resource. Throughout our deliberations on this matter, the concern was not to encourage development in wilderness areas, but to provide the option in the event that no other site was available for a project of critical importance sought by all parties in the planning process. One class of projects that specifically would not be allowed under any circumstances would be private, for-profit hatcheries, as such activities do not rehabilitate the wilderness resource, and can be conducted on other lands.

It is also our intent that should enhancement facilities be authorized, a full Environmental Impact Statement process be followed in accordance with NEPA, that only the minimum necessary structures be proposed, and maintenance and rehabilitation activities be carried out in a manner causing the least impact on the wilderness resource.

Section 1323. This section pertains to access to nonfederally owned lands within the boundaries of national forests or public lands. Although the amendment is ambiguously drafted and not expressly limited to Alaskan lands, the House believes that, as with all the other provisions of the bill, the language of the section applies only to lands within the State of Alaska. This belief is founded in part upon section 102(3) of the bill in which the term "public lands" is defined as "land situated in Alaska". It is therefore the intention of the House that this section be limited in its application to lands within Alaska. If a contrary interpretation is subsequently taken, the House will intend to offer an amendment to clarify that section 1323 apply only to Alaska.

Section 1414. It is our understanding that the lands being granted to Shee-Atika on Admiralty Island are in the area being vacated by the Goldbelt move off of Admiralty conforms to the requirements of existing law, particularly the Alaska Native Claims Settlement requirements such as that lands will be selected in a reasonably compact and contiguous block and Sec. 22(k) will apply. In addition, it is not the intention of the bill that this land grant to Shee-Atika does not enlarge its entitlement beyond that granted by ANCSA.

ACREAGE CHARTS

For further reference, following is a chart containing an acreage comparison between the House and Senate various conservation system units established, expanded or redesignated by the bill:

Area	House	Senate
NATIONAL PARK SYSTEM		
Aniakchak	350, 000	138, 000
Preserve	160, 000	376, 000
Bering Land Bridge (preserve)	2, 590, 000	2, 457, 000
Cape Krusenstern	560, 000	560, 000
Gates of the Artic	8, 220, 000	7, 052, 000
Preserve		[1] 900, 000
Kenai Fjords	570, 000	567, 000
Kobuk	1, 710, 000	1, 710, 000
Lake Clark	2, 500, 000	2, 439, 000
Preserve	1, 150, 000	1, 214, 000
Noatak (preserve)	6, 460, 000	6, 460, 000
Wrangell-St. Elias	7, 950, 000	8, 147, 000
Preserve	4, 230, 000	4, 171, 000
Yukon-Charley (preserve)	1, 720, 000	1, 713, 000
Glacier Bay additions	590, 000	523, 000
Preserve		[1] 57, 000
Katmai	1, 160, 000	1, 037, 000
Preserve	210, 000	[1] 308, 000
Denali	3, 410, 000	2, 426, 000
Preserve	480, 000	1, 330, 000
Park and monument	27, 020, 000	24, 599, 000
Preserve	17, 000, 000	18, 986, 000
Grand total	44, 020, 000	43, 585, 000
NATIONAL WILDLIFE REFUGE SYSTEM		
Alaska Peninsula	1, 570, 000	3, 500, 000
Becharof	1, 200, 000	1, 200, 000
Innoko	3, 850, 000	3, 850, 000
Kanuti	1, 450, 000	1, 430, 000
Koyukuk	3, 650, 000	3, 550, 000
Nowitna	1, 560, 000	1, 560, 000
Selawik	3, 300, 000	2, 150, 000
Tetlin	770, 000	700, 000
Yukon Flats	10, 600, 000	8, 630, 000
Alaska Maritime	460, 000	460, 000
Arctic additions	9, 900, 000	9, 160, 000
Kenai	280, 000	240, 000
Kodiak	50, 000	50, 000
Togiak	3, 135, 000	3, 840, 000
Yukon Delta	14, 061, 000	13, 400, 000
Copper River	1, 200, 000	
Teshekpuk, Utokok	22, 500, 000	
Total	79, 536, 000	53, 720, 000
WILDERNESS SUMMARY		
Park System	34, 120, 000	32, 355, 000
Wildlife Refuge System	27, 456, 000	18, 720, 000
Forest System	5, 854, 900	5, 361, 899
Total	67, 430, 00	56, 436, 899
NATIONAL PARKS (WILDERNESS)		
Aniakchak	300, 000	
Bering Land Bridge	700, 000	
Denali	2, 800, 000	1, 900, 000
Gates of the Arctic	8, 050, 000	7, 052, 000
Glacier Bay	2, 820, 000	2, 770, 000
Katmai	3, 630, 000	3, 473, 000
Kenai Fjords	340, 000	
Kobuk Valley	1, 140, 000	190, 000
Lake Clark	2, 620, 000	2, 470, 000
Noatak	5, 880, 000	5, 800, 000
Wrangell-St Elias	4, 800, 000	8, 700, 000
Yukon Charley	1, 040, 000	
Total	34, 120, 000	32, 355, 000
NATIONAL WILDLIFE REFUGES (WILDERNESS)		
Alaska Maritime	2, 900, 000	
Aleutian Islands		
Unimak		910, 000
Semidi		250, 000
Subtotal	2, 900, 000	2, 460, 000
Arctic	13, 430, 000	8, 000, 000
Becharof	400, 000	400, 000
Copper River	530, 000	
Innoko	1, 240, 000	1, 240, 000
Izembek	300, 000	300, 000
Kanuti	300, 000	
Kenai	1, 450, 000	1, 350, 000
Koyukuk	970, 000	400, 000
Nowitna	560, 000	
Nunivak	600, 000	600, 000
Selawik	356, 000	240, 000
Tetlin	100, 000	
Togiak	1, 070, 000	2, 270, 000
Yukon Delta	3, 200, 000	1, 600, 000
Kodiak (Devilpaw)	50, 000	
Total	27, 456, 000	18, 720, 000
NATIONAL FOREST WILDERNESS		
Admiralty Island	921, 000	900, 000
Coronation Island	19, 100	19, 122
Endicott	103, 000	94, 000
Maurelle Island	4, 400	4, 424
Misty Fjords	2, 285, 000	2, 136, 000
Duncan Canal	50, 000	50, 000
Russell Fjord	360, 000	307, 000
South Baranof	305, 000	314, 000
South Price of Wales	121, 000	97, 000
Stikine-Le Conte	463, 000	443, 000
Tebenkof	65, 000	65, 000
Tracy Arms-Fords Terror	656, 000	656, 000
Warren Island	11, 400	11, 353
West Chichagof	375, 000	265, 000
Karta	39, 000	
Rocky Pass	72, 000	
Total	5, 854, 900	5, 361, 899

●

● Mr. JEFFORDS. Mr. Speaker, I rise in reluctant support of this bill.

For 2 years this body has attempted to expeditiously and responsibly address the question of how we will manage and protect our irreplaceable natural heritage. We have twice completed action on legislation which would strike a reasonable balance between development and protection of our natural resources. Unfortunately, the Senate has put off action until it is too late to work out an appropriate compromise between the versions of the bill. I am hopeful that perfecting changes may be made in the next Congress to reach a reasonable compromise between these versions of the legislation.

In taking an active part in the development of the House version of this legislation I believe our actions represent more than the disposition of some 100 million acres of wild country. Our votes on these issues have been indicative of our broader attitudes toward our environment and our respect for our national heritage. In my own State of Vermont, we have come to realize that well-considered decisions result from a careful attitude toward development. I believe this attitude is not represented in the Senate version of this bill.

I believe the most glaring deficiencies of this legislation would allow the commercial development of unique wild areas even though other less damaging alternatives exist. This Senate version would allow unreasonably high logging harvest levels in excess of amounts needed to maintain the present levels of employment, and would give special priority to one area of the country for intensive forest management.

The expansion of oil and gas exploration into the existing Arctic National Wildlife Refuge is premature given the lack of development of other oil reserves in Alaska and elsewhere. In short this legislation does not adequately protect the natural heritage for the people of this country and future generations.

But this legislation will provide a greater degree of certainty as to the future of many of the lands in Alaska and does represent a start toward a reasonable balance between development and the protection of our natural heritage. The passage of this legislation will represent a major achievement for the 96th Congress in the area of conservation. While I believe further refinements of this legislation will be essential, I support this bill as a beginning and believe we should move forward to resolve most of the issues relating to the public lands in Alaska.

I wish to thank those Members of this body and the Senate who have played a part in the development and improvement of this legislation. I look forward to our continued efforts toward the protection and preservation of our natural heritage. I urge the support of my colleagues for this legislation.●

● Mr. BREAUX. Mr. Speaker, H.R. 39, as it passed the Senate, comes with it a recommendation of sorts—no one is completely satisfied with it. Nevertheless, after 4 years of congressional debate on this issue, I agree with Congressman UDALL that the time has come to settle at least the major part of this issue. This bill, while it has its faults, will allow the State of Alaska, the Federal Government, and private interests the degree of certainty needed to plan for the future.

I am pleased to note that many of the provisions of the substitute bill reported out by the Merchant Marine and Fisheries Committee—the so-called Breaux-Dingell substitute—were incorporated in the Senate bill. In particular, I am pleased that there is a provision for a 5-year study of the resources of the Arctic Coastal Plain that is somewhat similar to the proposal of our substitute bill. The Senate bill also adopted many of the provisions of the transportation approval process that we proposed.

Like Congressman UDALL, there are a number of provisions in the bill that I find wanting. I am somewhat concerned that the subsistance provisions may be difficult to administer. The Senate bill failed to establish national wildlife refuges in several areas, such as the National Petroleum Reserve and the Copper River Delta, where we believe that the wildlife resources would dictate such a designation.

In the next Congress, I assure you that the Merchant Marine and Fisheries Committee will continue its involvement with Alaska. If necessary, we will draft legislation to correct what we believe to be deficiencies in this bill.

This is not, however, a time to be negative. We have accomplished a great deal. The unique and precious lands that make up Alaska will be preserved for the future, and we have, in many areas, achieved the balance between preservation and development that our country needs.●

● Mr. **LOWRY**. Mr. Speaker, I rise in support of the motion of the Congressman from Arizona to pass the Senate version of Alaska lands bill, which appears to be the best attainable compromise legislation.

I must still express my grave concern that in the southeast Alaska area called Misty Fjords the legislation goes much too far in sacrificing the needs of the commercial fishing industry to those of the mining industry.

Misty Fjords is a major producer of all five species of Pacific salmon and is especially important for King salmon. This body, in passing H.R. 39 last year made numerous provisions to protect mining interests, including access to holdings within the proposed national forest monument wilderness area where the new molybdenum mine is to be located and millsites, subject to some determinations by the Secretary of Agriculture.

The Senate provisions designate the proposed site of the new mine as part of a national forest monument but wilderness overlay does not cover the 150,000 acres near the mineral site. These acres are the lower watersheds of the Wilson, Blossom, and Keta Rivers—the area's salmon spawning habitat. It is my understanding that an exclusion as large as the Senate version stipulates will necessarily involve all river drainages. A smaller exclusion, under 62,000 acres, could have protected at least the Wilson-Blossom drainage (where 80 percent of the salmon from the combined drainages spawn) and would have more than met the needs of the mining company. John Oakes, former senior editor of the New York Times, writing in the Times in September called the company's exclusion "totally unjustified and unnecessary * * * 10 times what it could conceivably need for mining purposes." In addition, there is a new and unique "floating wilderness" provision allowing for any uses of the area which the company feels are needed to develop its mineral, whether or not these uses are compatible with a national forest and a provision validating millsites that the mining company failed to file for before the monument was proclaimed in 1978.

I have constituents who fish in southeast Alaska each summer to earn a living. We are not talking about jobs versus backpackers or industry versus no industry. We are talking about the reasonable balancing of interests of an established commercial fishing industry and an incoming mining concern. The junior Senator from my State of Washington stated in additional views to his own Energy Committee's report on the Senate legislation:

> From my own experience in the Pacific Northwest, I am aware that natural salmon runs, once destroyed, are almost impossible to reestablish. Mitigation measures and attempts to produce artificial runs with hatchery fish are rarely successful.
>
> There are only 14 major chinook spawning rivers in Southeast Alaska. Three—the Wilson, Blossom, and Keta—are within the monument and potentially impacted by mining activities at Quartz hill. Such impacts could have serious long-term implications for the fishing industry in southeast Alaska. I am concerned about these implications and continue to feel that a viable fishing industry in that area is in the best interest of the nation.

I am most unhappy that discussions with the other body have not led to any concessions on this point. The legislation we are considering today is a landmark in many ways, but in southeast Alaska unprecedented concessions to improve the economic feasibility of a private company's mining venture take unreasonable risks with the existing fishing industry.●

● Mr. **KEMP**. Mr. Speaker, everyone agrees that we need to preserve our national parks, national forests, and a decent amount of wilderness land for future generations. But I strongly believe that this can be done without locking away the very energy resources which may provide the key to a safe and secure energy future for us all. There must be a balance between our environmental goals and our energy needs. Is it wise to lock away forever an area the size of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania combined? I am voting against the Alaskan lands bill today because it obviously is not.

This bill is out of balance when it precludes development of what may be one of the most energy-rich areas in the world, the Arctic Wildlife Range. Under the Senate bill, firms can search for oil and gas on the range, but they cannot produce any until a 5-year study of the area's energy potential is made. Yet there has already been such a study, performed by the U.S. Geological Survey, and it concludes that overall reserves in the area could match the current proved reserves of the rest of the country.

The point here is that exploration of Alaskan reserves has just barely begun. Proving reserves takes more than geologic guesswork or seismic surveys; it takes wildcat well testing dozens of different approaches in different areas. More than 300 dry holes were drilled before the bounties of Wyoming's overthrust belt were discovered. We have drilled less than 30 wells in this section of Alaska, yet this bill proposes to padlock the region and remove the chance for development for at least 5 years, if not longer.

An Alaskan Lands bill is out of balance when it precludes development of many of the strategically important metals and minerals to be found in the State. The United States has grown increasingly dependent on mineral imports—we are now more dependent on foreign countries for our nonferous minerals than we are for oil and gas. We rely on sources outside our national boundaries for at least 17 strategically vital minerals essential for national defense. According to a State of Alaska geological survey, most of these strategic minerals can be found in Alaska, but only 17 percent of the public domain is open to mineral development. The bill before us today will only move us one step further from development of these vital reserves.

Some have argued that mineral exploration and development in Alaska would spoil the natural surroundings. I would point out, however, that substantially more damage would be done to the wilderness if, in the case of a national emergency, we were to embark on a panic mining effort. Such an effort might not even be successful, for some mining ventures require up to 10 years of leadtime. Preservation of the environment and our national security would be best served by an Alaskan lands bill which permitted the orderly development of these mineral resources. Unfortunately, the bill before us today does not.

Finally, the Federal Government's whole approach to Alaskan lands is unbalanced when it tries to legislate the future of these lands without regard to the needs and wishes of the people of Alaska. This bill closes too many areas to sport hunters, and creates a risk that timber-related jobs in southeast Alaska will be lost. The Feds now control 95 percent of Alaskan lands, and it has gotten to the point where the small part of Alaska over which the State is sovereign is "land-locked." As the Wall Street Journal puts it—

> The State can't get to what exists of itself because the feds won't give it a passport to travel through Federal wilderness areas.

No wonder the people of Alaska voted a few months ago to study the possibility of seceding from the Union.

Mr. Speaker, is it wise to vote on this bill during the lameduck session? Would the new session not produce a more balanced bill, one that would take the newly discovered energy potential of the Arctic Range into account, and one which is more responsive to the needs of the people of Alaska? The decision we make today will effect our energy security for years to come.

Mr. Speaker, at this time I would like to insert the following article for the RECORD:

[From the Wall Street Journal, Aug. 20, 1980]

ALASKA'S ENDANGERED WILDCATS

One of the more puzzling "compromises" in the Alaskan Wilderness Bill that passed the Senate yesterday lets firms search for oil and gas on the Arctic Wildlife Range, but not produce them. Any production must wait at least five years until a "study" of the area's "energy potential" is made.

As it happens, there already has been a study and it concludes that the range may be one of the most energy-rich areas in the world. Yet the Carter administration has even occasionally crossed the bounds of propriety in trying to suppress this finding and thwart development of these and other Alaskan resources, all the while deploring the nation's "energy crisis." If you take the arguments for padlocking the wildlife range at face value, the best represented political constituency in the U.S. is the Alaskan caribou.

The story of administration dissembling and footdragging begins with the National Petroleum Reserve Survey Program on NPR-4, starting just west of the prolific Prudhoe Bay field. Since the mid-70s, Husky Oil Co. has been drilling exploratory wells under a $500 million contract. In January 1979, after 19 "dry" holes (which actually showed some hydrocarbons), the Carter administration decided to save some $230 million by canceling the program.

The decision on paper wasn't bad, since the Interior Department wanted to replace the program with lease sales to private wildcatters. A fixed-price government contract is an incentive to drill holes, not to find oil.

But NPR leasing requires Congressional approval, and the administration didn't have a leasing bill ready until this spring, over a year later. In the meantime, worried about a two- to five-year gap with no exploration at all, Congress forced continuation of the government contract. And some senior energy officials were saying the dry holes, an average of 1.3 wells per 1,000 square miles, "proved" the NPR was a bust.

The tune changed suddenly this summer when it started to run counterpoint to the Alaskan wilderness chorus. With a major discovery in the Canadian side of the Beaufort Sea, oil company interest shifted sharply from the NPR side of Prudhoe Bay, on the west, to the east side, where the National Arctic Wildlife Range runs to the Canadian border. But the Carter administration was backing an amendment to lock the Wildlife Range, breeding ground for 103,000 caribou, into the untouchable wilderness areas. Now Interior Secretary Andrus started to beat the drums for NPR leasing, for which he still lacks statutory authority, as opposed to Wildlife Range leasing, where, ironically, he has it. "Go west, not east," he told the oil companies in an infamous July 10 press release that stated "the Wildlife Range should be the last place we look for oil and gas."

This release purported to summarize a U.S. Geologic Survey comparison of potential oil reserves in the Wildlife Range and the NPR, concluding, it said, that the NPR was more promising. But Senators Hatfield and Jackson smelled a rat and asked the General Accounting Office to check the facts. The GAO reported back that the full USGS study said exactly the opposite. Secretary Andrus had suppressed the high-side estimate that the Wildlife Range could sit on giant oil pools topping Prudhoe Bay's and that overall reserves could match the current proved reserves of the rest of the country.

As word of the real findings came out, the wilderness amendment was dropped in favor of the Senate "compromise" that would permit seismic exploration on the Wildlife Range for five years. At that point, it would take another act of Congress to permit drilling. This "compromise" is quite an anemic reaction to a potential which, if not yet Saudi Arabian, is certainly the best we've heard of in a long time. "Proving" reserves takes more than geologic guesswork (the basis of the USGS study) or seismic surveys; it takes wildcat wells testing dozens of different approaches in different areas. It's impossible to write off the NPR or the Wildlife Range or even compare the two on the basis of data now in hand. The NPR Survey Program amounts to less than 30 wells; we're told it took more than 300 dry holes to unlock the secrets of Wyoming's Overthrust Belt.

The exploration of Alaskan reserves has just barely begun, and the Senate has just accepted a "compromise" that casts further doubt on how badly anyone in power wants to end the "energy crisis" and the contributions it has made to government influence and power.●

Mr. UDALL. Mr. Speaker, I move the previous question on the motion.

The SPEAKER. Under the unanimous-consent agreement, the previous question is ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

NOTICE OF CONTINUING EMERGENCY WITH RESPECT TO THE SITUATION IN IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-376)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to section 202(d) of the National Emergencies Act (50 U.S.C. 1622 (d)), I transmit herewith a copy of my notice stating that the emergency with respect to the situation in Iran, which I declared on November 14, 1979, must continue in effect after November 14, 1980.

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980.*

VETERANS DAY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, at 11 a.m. on November 11, 1918, hostilities between the Allied Powers and Germany stopped under the terms of the armistice. This was the first Armistice Day.

In 1921, the body of an unknown American soldier was brought from France and on Armistice Day was buried in Arlington Cemetery.

In 1926, Armistice Day officially received its name in America through approval of a congressional resolution, and in 1938 Congress designated Armistice Day as a national holiday.

In 1954, Congress passed a law proclaiming that Armistice Day would henceforth be Veterans Day—a day for families and friends to honor all who have served in the Armed Forces during our Nation's wars.

Until World War II, it was the hope and dream of all Americans that World War I was the "war that ended all wars." It was most fitting and proper that Armistice Day—November 11 of each year, be the 1 day that commemorates all our Nation's veterans while at the same time not detracting from the historical significance of the close of World War I. One reason is because there is no comparable date, no Armistice Day, to define the ending of World War II, the Korean conflict, and the Vietnam conflict. Another is that by 1954, the armistice of World War I had been observed throughout the land on a continuing basis since 1918, and thus had become part of our American tradition. In fact, Armistice Day was synonymous with patriotism, a day dedicated to the millions of our citizens who have fought and died in order that freedom might live.

On Tuesday, November 11, 1980, Veterans Day ceremonies were held throughout the Nation, including the annual Veterans Day ceremony at Arlington National Cemetery. At exactly 11 a.m. the Presidential wreath representing all Americans, was placed on the Tomb of the Unknown Soldier.

At this year's ceremony at Arlington, all Americans were mindful of the nine American servicemen who lost their lives defending our way of life during this past year. Just about a year ago, a Marine was killed while defending the American Embassy against a mob attack in Pakistan. Last May, eight courageous men lost their lives in Iran, while seeking to rescue the hostages. Thus, Veterans Day has taken on an enlarged meaning and significance to Americans. Today, all over the world, American servicemen are serving under very difficult conditions far from the people they love, in helping to carry out our foreign policy and security commitments. We hope there will never be another war, but we must never forget that being the leader of the free world, it is the duty and responsibility of this Nation to not only maintain a strong military establishment, but to be militarily ready, as the best guarantee that military force will never be used against our friends or ourselves.

Today, there are over 30 million living American veterans representing persons who have served in our wars from the Spanish-American War to date. I salute these veterans who, when called upon, made the extra sacrifice to safeguard our freedom, defend our heritage, and preserve the peace.

LAWS GOVERNING CONDUCT OF PRESIDENTIAL AND CONGRESSIONAL ELECTIONS SHOULD BE REVISED

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, each election year, Americans living in the West and Midwest witness the increasing disenfranchisement of their voting privileges. When Western voters see Presidential elections decided on the basis of early returns from Eastern States that have finished voting, their ballots for President appear worthless. Many voters, feeling both anger and despair about the futility of exercising their vote for the next President, then decide not to vote at all.

Each year when this occurs, folks strike up the cry: "There ought to be a law. * * *" Mr. Speaker, it is time for a law. It is time for Congress to exercise its constitutional authority to make laws governing the conduct of Presidential and congressional elections so that we can end this devastating disenfranchisement.

More than in any past election, early eastern voting returns this year turned midwestern and western voters away from the polls, and may have had a significant impact on the outcome of several House races in California and Oregon and on the outcome of Senate races in Idaho and Arizona. In addition, although no precise statistics have been compiled, it is probable that a lower voter turnout for the Presidential race has an adverse impact on State and local races.

To begin the debate on this matter of vital concern to all Americans, I am introducing two bills that offer alternative solutions to the problem.

The first bill seeks to establish a simultaneous closing for all polling places.

The second bill retains current polling times, but seeks to seal the ballot boxes and machines until all voting across the Nation has been completed.

I offer these alternative solutions so that we may begin the debate in earnest and make a responsible attempt to solve the problem.

There are, no doubt, other approaches to solving this problem, including some that would effectively put a muzzle on the members of the media, who some see as the source of the problem. However, we have a constitutional charge to refrain from placing any restrictions on the media. Their reporting of the election results in the East is not due to wrong action on their part, but, primarily, is due to the advances in technology that provide fast ballot counting and even faster communication of the results.

I offer my bills as a means to focus our attention on the real problem: The election process.

Thank you.

DEFENSE DEPARTMENT VIOLATES FEDERAL POLICY ON DOLLAR BILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, last week I learned that the Defense Department is no longer supplying dollar bills to our military personnel in Europe, but is only supplying $2 bills and $1 coins. On November 5, 1980, I wrote to Secretary Harold Brown of the Defense Department, pointing out to him that the action of the Defense Department works a hardship on our servicemen and violates assurances given the Consumer Affairs Subcommittee by other Government agencies that the dollar bill would not be removed from circulation.

Last year, the Consumer Affairs Subcommittee, of which I am chairman, jointly held oversight hearings on the Anthony dollar coin with the General Oversight and Renegotiation Subcommittee. At those hearings representatives of the Federal Reserve, the Bureau of the Mint, and the Treasury Department gave assurances that no attempt would be made to force the unpopular dollar coin on the public by withdrawing the dollar bill from circulation. They further testified that Congress would be consulted before any decision would be made to withdraw the dollar bill from circulation. To further assure that no such action was taken, I introduced H.R. 5444, the Dollar Bill Preservation Act. That bill has been cosponsored by 57 Members of the House.

In my letter, I indicated to Secretary Brown that the Defense Department should not treat Americans serving their country abroad as second-class citizens. Those Americans are entitled to the same choice of currency as their fellow citizens at home.

Finally, I pointed out that the Defense Department action worked a financial hardship on our military personnel. This is because exchange notes in the local economies are lower for coins than for notes. For example, a $1 note buys 1.75 marks in Germany, but a $1 coin, only 1 mark. In England a dollar bill is worth 40 pence, but a dollar coin, only 33 pence. Thus, the Defense Department policy makes it even harder for our low-paid servicemen and servicewomen to make ends meet.

I have urged Secretary Brown to end this ill-advised and burdensome policy and resume supplying $1 notes to our servicemen in Europe. I am hopeful that he will correct the problem.●

RULE TO BE REQUESTED ON THE SECOND CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1981

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Giaimo) is recognized for 10 minutes.

● Mr. GIAIMO. Mr. Speaker, on November 11, 1980, the Committee on the Budget ordered favorably reported to the House by a vote of 14 "ayes" to 8 "nays," the second concurrent resolution on the budget for fiscal year 1981. This resolution revises matters contained in the first budget resolution, while setting binding ceilings on total spending—budget authority and outlays—and a floor on revenues for fiscal year 1981.

Pursuant to rule M IX of the Democratic Caucus (96th Congress) I take this occasion to advise my colleagues as to the nature of the rule that I will request for the consideration of the second budget resolution. The Committee on the Budget has instructed me to request that the Committee on Rules grant a modified closed rule which would only provide for:

First, one substitute to be offered by the minority;

Second, amendments—where necessary—to resolve technical inconsistencies; and

Third, a waiver of all points of order.

We have requested to be heard before the Committee on Rules at their earliest convenience.

In addition, for the further benefit of the Members, I would like to take this time to include in the Record following this notice specific information related to the second budget resolution. This information includes a copy of the resolution, as ordered reported, and a summary explanation of its provisions:

H. Con. Res.—

Concurrent resolution revising the congressional budget for the United States Government for the fiscal years 1981, 1982, and 1983

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1980—

(1) the recommended level of Federal revenues is $606,700,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $400,000,000;

(2) the appropriate level of total new budget authority is $689,500,000,000;

(3) the appropriate level of total budget outlays is $631,750,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $25,050,000,000;

(5) the appropriate level of the public debt is $971,000,000,000, and the amount by which the statutory limit on such debt should accordingly be increased is $46,000,000,000; and

(6) the appropriate level of total gross obligations for the principal amount of direct loans is $73,550,000,000 and the appropriate level of total commitments to guarantee loan principal is $76,400,000,000.

Sec. 2. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 310(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1980, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):

(A) New budget authority, $171,800,000,000;

(B) Outlays, $158,700,000,000.

(2) International Affairs (150):

(A) New budget authority, $23,500,000,000;

(B) Outlays, $10,400,000,000.

(3) General Science, Space, and Technology (250):

(A) New budget authority, $6,150,000,000;

(B) Outlays, $5,950,000,000.

(4) Energy (270):

(A) New budget authority, $5,350,000,000;

(B) Outlays, $8,150,000,000.

(5) Natural Resources and Enrivornment (300):

(A) New budget authority, $11,900,000,000;

(B) Outlays, $13,100,000,000.

(6) Agriculture (350):

(A) New budget authority, $5,250,000,000;

(B) Outlays, $2,050,000,000.

(7) Commerce and Housing Credit (370):

(A) New budget authority, $5,300,000,000;

(B) Outlays, $1,400,000,000.

(8) Transportation (400):

(A) New budget authority, $21,850,000,000;

(B) Outlays, $20,050,000,000.

(9) Community and Regional Development (450):

(A) New budget authority, $9,750,000,000;

(B) Outlays, $11,200,000,000.

(10) Education, Training, Employment and Social Services (500):

(A) New budget authority, $32,600,000,000;
(B) Outlays, $30,250,000,000.
(11) Health (550):
(A) New budget authority, $67,100,000,000;
(B) Outlays, $62,700,000,000.
(12) Income Security (600):
(A) New budget authority, $244,650,000,000;
(B) Outlays, $222,700,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $21,600,000,000;
(B) Outlays, $21,350,000,000.
(14) Administration of Justice (750);
(A) New budget authority, $3,950,000,000;
(B) Outlays, $4,350,000,000.
(15) General Government (800):
(A) New budget authority, $4,450,000,000;
(B) Outlays, $4,350,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,750,000,000;
(B) Outlays, $7,350,000,000.
(17) Interest (900):
(A) New budget authority, $73,650,000,000;
(B) Outlays, $73,650,000,000.
(18) Allowances (920):
(A) New budget authority, $800,000,000;
(B) Outlays, $950,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$26,900,000,000;
(B) Outlays, −$26,900,000,000.

SEC. 3. The Congress projects the following budgetary levels for fiscal years 1982–1983—

(1) the recommended level of Federal revenues is as follows:
Fiscal year 1982: $682,100,000,000;
Fiscal year 1983: $778,300,000,000;

and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:
Fiscal year 1982: $000,000,000;
Fiscal year 1983: $000,000,000;

(2) the appropriate level of total new budget authority is as follows:
Fiscal year 1982: $754,450,000,000;
Fiscal year 1983: $821,800,000,000;

(3) the appropriate level of total budget outlays is as follows:
Fiscal year 1982: $695,950,000,000;
Fiscal year 1983: $755,300,000,000;

(4) the amount of the deficit or surplus in the budget which is appropriate in light of economic conditions and all other relevant factors is as follows:
Fiscal year 1982: −$13,850,000,000;
Fiscal year 1983: +$23,000,000,000;

(5) the appropriate level of the public debt is as follows:
Fiscal year 1982: $1,017,850,000,000;
Fiscal year 1983: $1,031,850,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:
Fiscal year 1982: $46,850,000,000;
Fiscal year 1983: $24,000,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1982 and 1983 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):
Fiscal year 1982:
(A) New budget authority, $193,300,000,000;
(B) Outlays, $179,450,000,000.
Fiscal year 1983:
(A) New budget authority, $218,100,000,000;
(B) Outlays, $201,700,000,000.
(2) International Affairs (150):
Fiscal year 1982:
(A) New budget authority, $17,100,000,000;
(B) Outlays, $10,200,000,000.
Fiscal year 1983:
(A) New budget authority, $17,850,000,000;
(B) Outlays, $10,600,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 1982:
(A) New budget authority, $6,250,000,000;
(B) Outlays, $6,350,000,000.
Fiscal year 1983:
(A) New budget authority, $6,200,000,000;
(B) Outlays, $6,700,000,000.
(4) Energy (270):
Fiscal year 1982:
(A) New budget authority, $7,350,000,000;
(B) Outlays, $9,250,000,000.
Fiscal year 1983:
(A) New budget authority, $8,950,000,000;
(B) Outlays, $10,700,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 1982:
(A) New budget authority, $12,450,000,000;
(B) Outlays, $12,750,000,000.
Fiscal year 1983:
(A) New budget authority, $13,400,000,000;
(B) Outlays, $13,050,000,000.
(6) Agriculture (350):
Fiscal year 1982:
(A) New budget authority, $5,400,000,000;
(B) Outlays, $4,000,000,000.
Fiscal year 1983:
(A) New budget authority, $5,150,000,000;
(B) Outlays, $4,400,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1982;
(A) New budget authority, $6,100,000,000;
(B) Outlays, $3,050,000,000.
Fiscal year 1983:
(A) New budget authority, $6,550,000,000;
(B) Outlays, $3,100,000,000.
(8) Transportation (400):
Fiscal year 1982:
(A) New budget authority, $21,550,000,000;
(B) Outlays, $20,800,000,000.
Fiscal year 1983:
(A) New budget authority, $22,500,000,000;
(B) Outlays, $22,600,000,000.
(9) Community and Regional Development (450):
Fiscal year 1982:
(A) New budget authority, $8,600,000,000;
(B) Outlays, $9,000,000,000.
Fiscal year 1983:
(A) New budget authority, $9,200,000,000;
(B) Outlays, $8,300,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1982:
(A) New budget authority, $33,800,000,000;
(B) Outlays, $33,050,000,000.
Fiscal year 1983:
(A) New budget authority, $36,550,000,000;
(B) Outlays, $34,850,000,000.
(11) Health (550):
Fiscal year 1982:
(A) New budget authority, $79,250,000,000;
(B) Outlays, $73,250,000,000.
Fiscal year 1983:
(A) New budget authority, $89,150,000,000;
(B) Outlays, $82,650,000,000.
(12) Income Security (600):
Fiscal year 1982:
(A) New budget authority, $276,100,000,000;
(B) Outlays, $248,100,000,000.
Fiscal year 1983:
(A) New budget authority, $300,150,000,000;
(B) Outlays, $269,150,000,000.
(13) Veterans Benefits and Services (700):
Fiscal year 1982:
(A) New budget authority, $23,350,000,000;
(B) Outlays, $22,750,000,000.
Fiscal year 1983:
(A) New budget authority, $24,900,000,000;
(B) Outlays, $24,450,000,000.
(14) Administration of Justice (750):
Fiscal year 1982:
(A) New budget authority, $4,300,000,000;
(B) Outlays, $4,350,000,000.
Fiscal year 1983:
(A) New budget authority, $4,650,000,000;
(B) Outlays, $4,650,000,000.
(15) General Government (800):
Fiscal year 1982:
(A) New budget authority, $4,650,000,000;
(B) Outlays, $4,550,000,000.
Fiscal year 1983:
(A) New budget authority, $5,000,000,000;
(B) Outlays, $4,850,000,000.
(16) General Purpose Fiscal Assistance (850):
Fiscal year 1982:
(A) New budget authority, $6,950,000,000;
(B) Outlays, $7,100,000,000.
Fiscal year 1983:
(A) New budget authority, $6,500,000,000;
(B) Outlays, $6,550,000,000;
(17) Interest (900):
Fiscal year 1982:
(A) New budget authority, $76,700,000,000;
(B) Outlays, $76,700,000,000.
Fiscal year 1983:
(A) New budget authority, $77,700,000,000;
(B) Outlays, $77,700,000,000.
(18) Allowances (920):
Fiscal year 1982:
(A) New budget authority, $950,000,000;
(B) Outlays, $950,000,000.
Fiscal year 1983:
(A) New budget authority, $900,000,000;
(B) Outlays, $900,000,000.
(19) Undistributed Offsetting Receipts (950):
Fiscal year 1982:
(A) New budget authority, —$29,700,000,000;
(B) Outlays, —$29,700,000,000.
Fiscal year 1983:
(A) New budget authority, —$31,600,000,000;
(B) Outlays, —$31,600,000,000.

SEC. 4. The Congress recognizes that (other than for certain minor changes adopted at the start of the 96th Congress as revisions to the Rules of the House) there have been no changes to the Budget Act of 1974. It is the sense of the Congress that after six years of experience under the Budget Act, the time is right for considering revisions and modifications to the Budget Act so as to improve the congressional budget process. Accordingly, the Congress believes that a full-scale review of the Budget Act and the congressional budget process should be undertaken without delay.

SUMMARY EXPLANATION OF THE SECOND BUDGET RESOLUTION FOR FISCAL YEAR 1981, AS REPORTED

The reported resolution reduces the total spending estimated by the Budget Committee for fiscal year 1981 by some $17 billion, thus paring the deficit by $13 billion after allowing for the revenue loss associated with a spending reduction of this magnitude.

Current revenue estimates are further adjusted downward by $5.4 billion on the assumption that some form of tax reduction will be enacted in the course of fiscal year 1981. Allowing for the normal time frame for passage of major tax legislation, this amount would accommodate any of the plans currently under consideration in the $30 billion to $32 billion range on a full calendar year basis.

The result is a resolution with outlays of $631.75 billion, revenues of $606.70 billion, and a deficit of $25.05 billion.

It cannot be overemphasized that the above figures assume enactment of the omnibus reconciliation bill still in conference.

Should this not be enacted, the deficit would rise by some $9 billion.

The resolution reduces overall spending. It does not detail reductions on a line-by-line, program-by-program basis. Instead, except for functions for national defense, interest and undistributed offsetting receipts, proportional reductions are made in all functions.

It is anticipated that, if this resolution is adopted, President-Elect Reagan would detail to the Congress his promised recommendations for achieving a deficit reduction of $13 billion in his budget submission next spring.●

RETIREMENT OF THE HONORABLE CHARLES A. VANIK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. ULLMAN) is recognized for 10 minutes.

● Mr. ULLMAN. Mr. Speaker, at the appropriate time, I am sure that all Members will have an opportunity to express their regret on the retirement of our colleague, the Honorable CHARLES A. VANIK, at the end of this session, but in the meantime, I want to take this opportunity to include in the RECORD a very perceptive article which appeared in the Washington Post on Sunday, October 5, 1980, while we were in recess, which discusses the outstanding service of our esteemed colleague and the loss which the Congress and the public interest will suffer on his retirement.

As chairman of the Committee on Ways and Means, I have had the great privilege of having CHARLIE VANIK as one of the senior members on the committee and as chairman of two of our subcommittees. Following the creation of our standing subcommittees in 1975, he first served as chairman of the first Subcommittee on Oversight and then, also with great distinction, as the chairman of the Subcommittee on Trade.

I know that all of our colleagues will be interested in reading the following article which appeared in the October 5 edition of the Washington Post:

A RARE BIRD IS SIGHTED FLYING FROM CAPITOL HILL

(By Ward Sinclair)

Let's be right up front about it: the ugly lucre of the U.S. election system is driving Rep. Charles A. Vanik (D-Ohio) out of Congress, and it's a shame.

A shame, because Vanik is one of those people in the House who keeps giving integrity a good name, doing what he thinks is right rather than expedient.

The way we are, maybe all such nice things have to end. So after 13 terms in the House, Vanik is sitting out the 1980 election because he refuses to go out and raise campaign money.

Vanik's view—not shared, obviously, by very many other House members—is that a dollar received is a favor owed, which is the worst way to make public policy.

When friends and advisers said that reelection this time would require raising some money, Vanik decided that coming up on 67 years, and having seen it all, the time was right to pack it in.

Vanik had been reelected by spending no more than $2,000 to $3,000 each time, and with it he preserved for himself an independence that sometimes was confused with impetuosity, flakiness and/or theater.

He called a news conference last January in Cleveland, and announced he was quitting because he didn't want to sully his independence. Money, he told reporters, was creating a revolving-door Congress with "little stability or courage."

Since then, he hasn't recanted a bit, except that he may feel even more strongly about his House brethren.

"I feel every contribution carries some sort of lien which is an encumbrance on the legislative process," Vanik said the other day. "Contributions are rewarded by legislative policy. This is bought and sold.

"Today I'm terribly upset by the huge amounts that candidates have to raise. Every night there are seven or eight fund-raisers around here—that is Washington lobbyist money they're seeking. And it won't stop until the lobbyists form a union and end it all."

Many House members think the same way. Few, though, will acknowledge it, which only serves to underline the importance of hearing from a Charlie Vanik every so often.

There is a fascinating side to the streak of freedom that propels Vanik. Rather than running around raising money and politicking, Vanik put his time and considerable brainpower to the ideas of legislation and policymaking.

The results of that are impressive. Vanik is seen universally as a four-square battler for the underdog, the working man and the middle-class taxpayer—fairly left-wing views on the Ways and Means Committee. He loved to whack away at the tax-dodging corporations and the gentry who could win tax breaks in Congress.

"I always felt that a great majority of the American people had no lobby in Congress before Ralph Nader came along. The people of Cleveland rewarded me with their votes, and that gave me a freedom to legislate," Vanik said.

So in the mid-1970s, as Vanik was about to become chairman of the first trade subcommittee at Ways and Means, there were tremors in corporate America. The gadfly might become a hornet.

The way it turned out, the big businesses and the multinationals he had blistered so regularly decided he wasn't half bad. They liked his fairness, his industry and his intellect.

Much of the major trade legislation that went through Congress during the decade carried the fine fingerprints of Vanik, and won him lasting endearment in the business community.

"He is always coming after us, criticizing us on our tax payments, but Vanik has been an absolutely outstanding subcommittee chairman," said Robert McNeil of the Emergency Committee for American Trade, a multinationals' organization.

"He has been fair, available, considerate, reflective, terribly responsible. He was the right guy at the right time, just one helluva chairman," McNeil said.

Fred Stokeld, director of international policy at the Chamber of Commerce of the United States, said, "On a scale of zero to 10, Vanik is viewed pretty high up there in a very tricky sport. He was a responsible statesman on rough issues, never a pushover, and he didn't suffer fools gladly."

Equally effusive things come from the other side. Robert Brandon, who used to be Ralph Nader's right-hand man on tax reform, remembered Vanik as "the archetypical non-influenced politician. He always seemed to be on the right side of the issues . . . He reflected a solid philosophy on why he was here. He had no trouble making decisions."

Vanik always was a couple years ahead of the pack. The political buzzword of 1980—reindustrialization—was just about coined by Vanik with his studies and reports on basic industries beginning in 1977.

He pushed for higher individual income tax exemptions before they came. As soon as he got to the House he started screaming about the oil depletion allowance (it finally was killed). Early on, he wanted a tax on gas-guzzling new cars. The tax credits for technology development he now seeks may soon become popular. And so on, through issue after issue, with Vanik.

The name for that is freedom of thought, which comes back full circle to Charlie Vanik, gray patrician in the trademarked bow tie and black suit, sitting in his spartan office, worrying about the House he loves.

A reader's short guide to Vanikisms:

"Campaign money has deteriorated the political process, bringing greater politicization to Congress. Politics is now a 50-week affair, and time for the legislative process is encapsulated."

"More and more of our people are spending most of their time preserving their own office rather than the institution. There are too many aldermen coming here, and not enough national legislators."

"You go to a markup or a House-Senate conference and you see the vacant chairs. Sen. Russell Long [the Finance Committee chairman] holds all the proxies. That's when we need every hand and every mind."

"Campaign money causes a knee-jerk reaction in some and a legislative course is reversed, just when you think it's all lined up. You are never sure now where a member stands."

So Vanik is going, and they pay a good deal more attention to him now than when he first came roaring in from Cleveland, upsetting the House establishment with his skin-kicking of special interests.

He might be retiring as chairman of the Ways and Means Committee if he hadn't lipped off about Big Oil in the late 1950s. Most congressional people agree that kept him off the committee until some years later and slowed his advancement.

What he said in the House on March 11, 1959, was a memorable fly in Big Oil's ointment. The Eisenhower order curtailing foreign oil imports, leading to faster depletion of U.S. stocks and richer oil companies, Vanik said, would someday shackle America. Shipping routes might be closed in emergencies, and oil importers might look to the Soviet bloc.

Sounds crazy, doesn't it? ●

TRIBUTE TO ROBERT STANTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I would like to take this time to pay tribute to an outstanding citizen of my area, Mr. Robert Stanton.

A special reception is being held in Bob Stanton's honor today, and he has fully earned this and many other tributes. Bob is one of California's and the Nation's finest architects. His imprint can be found all over the State of California, but it is most prominent in my own area. He has designed countless schools, hospitals, and other public and private buildings.

Bob was born in 1900, and by the mid-1920's his distinguished career was off and running. By the 1940's he was well enough known to be asked by the Federal Government to work on several hospital construction jobs, and in 1943, he opened an office in Pebble Beach, Calif., on the Monterey Peninsula, to specialize in the building of hospitals and schools.

Throughout the years, Bob Stanton

has contributed enormously to the public welfare through his work on designing buildings that serve the people and we are all grateful to him for his efforts. As a longtime neighbor of his in our beautiful Carmel Valley, I wish I could be in California today to attend the reception in Bob's honor. I know my colleagues and the country join me in wishing him the best of luck in the future and in congratulating him on his many and varied accomplishments.●

CIVIL RIGHTS COMMISSION VERDICT: CONGRESS SHOULD NOT INTERFERE WITH BUREAUCRATIC AND JUDICIAL LAWMAKING

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. ASHBROOK. Mr. Speaker, in a long list of demagogic distortions contained in the October 15 statement of the Civil Rights Commission, one stands out as a direct challenge to the lawmaking power of Congress. Commenting on my amendment to prevent Department of Education appropriations which would prohibit the Department of Education from imposing its version of bilingual education on local school systems, the Civil Rights Commission says:

> This amendment would erect an obstacle to the Federal Judiciary's fundamental and historical authority to interpret and assure compliance with Federal law, including civil rights law, in accordance with the Constitution.

I have never heard of a Federal judge saying that for Congress to clarify the law itself, as it did in the case of my amendment, was a usurpation of judicial authority. If this is a "fundamental and historical authority" of the Federal judiciary, it is one which has nothing to do with the Constitution. According to the Constitution, Congress makes laws.

My amendment is a clarification of congressional intent of title VI of the Civil Rights Act of 1964, as amended. The Civil Rights Commission feels that Congress, by making its intent clear, has usurped power rightly belonging to the Federal judiciary. This would be a surprise to those who ratified the U.S. Constitution, article I of which states:

> All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives.

My amendment has been accepted by the House and a similar version has been passed by the Senate.

The assertion of the Civil Rights Commission that Congress should avoid clarification of civil rights laws also ignores the language of the 14th amendment, under which the Civil Rights Act of 1964 was passed. Section 5 of that amendment states:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

It is hard to imagine how the Commission could have read these words and concluded that that amendment was intended to limit congressional clarifications of civil rights legislation.

As a matter of fact, my amendment represents a traditional part of the action and reaction of the judicial and legislative branches of our Government under the system of checks and balances. In the Lau decision, a Federal court interpreted the Civil Rights Act of 1964 as requiring that children with English deficiency be given instruction in their own language while learning English. In the language of the Lau decision, the court made it abundantly clear that no specific remedy was being ordered by the court. No license was given by that decision for Washington bureaucrats to impose their own version of bilingual education on every school in America, as the Department of Education is attempting to do.

In accordance with that decision, and with the intent of the legislation on which that decision was based, my amendment is aimed at preventing the Department of Education from imposing just such a dictated version of bilingual education on America's public schools. The duty of Congress under the constitutional doctrine of balance of powers is to prevent usurpation of authority by the executive branch, and that is what my amendment is intended to accomplish.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. Spellman (at the request of Mr. Wright), for this week, on account of illness.

Mr. Akaka (at the request of Mr. Wright), for this week, on account of official business.

Mr. McEwen (at the request of Mr. Rhodes), for an indefinite period, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Roth) to revise and extend their remarks and include extraneous matter:)

Mr. Horton, for 1 hour, on Tuesday, November 18.

Mr. Ashbrook, for 10 minutes, today.

(The following Members (at the request of Mr. Swift) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 15 minutes, today.
Mr. Annunzio, for 5 minutes, today.
Mr. Giaimo, for 10 minutes, today.
Mr. Ullman, for 10 minutes, today.
Mr. Panetta, for 5 minutes, today.

Mr. Danielson, for 60 minutes, on November 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Roth) and to include extraneous matter:)

Mr. Schulze.
Mr. Kramer.
Mr. Davis of Michigan.
Mr. McClory.
Mr. Pursell.
Mr. Wydler.
Mr. Kemp in two instances.
Mrs. Snowe.
Mr. Lee.
Mr. Dornan in two instances.
Mr. Williams of Ohio.
Mr. Bauman.
Mr. Hollenbeck.
Mr. Bafalis.

(The following Members (at the request of Mr. Swift) and to include extraneous matter:)

Mr. Holland in five instances.
Mr. Thompson in two instances.
Mr. Skelton.
Mr. Mazzoli in five instances.
Mr. Anderson of California in 10 instances.
Mr. Gonzalez in 10 instances.
Mr. Rosenthal in 10 instances.
Mrs. Bouquard in five instances.
Mr. Hamilton in 10 instances.
Mr. Brown of California in 10 instances.
Mr. de la Garza in 10 instances.
Mr. Annunzio in six instances.
Mr. McDonald in 10 instances.
Ms. Holtzman in 10 instances.
Mr. Jones of Tennessee in 10 instances.
Mr. Boner of Tennessee in 10 instances.
Mr. Cavanaugh in five instances.
Mr. Murphy of New York.
Mr. Seiberling in 10 instances.
Mr. Kildee.
Mr. Roberts in three instances.
Mr. Giaimo.
Mr. Hubbard.
Mr. Weiss in two instances.
Mr. Jones of Oklahoma.
Mr. Bingham in five instances.
Mr. Pepper in two instances.
Mr. LaFalce.
Mr. Hawkins.
Mr. Moorhead of Pennsylvania.
Mr. Bennett.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1814. An act to provide for a National Afro-American History and Culture Commission, which shall establish the National Center for the Study of Afro-American History and Culture, and for other purposes; to the Committee on Education and Labor.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 707. An act for the relief of certain aliens;

S. 1156. An act to amend and reauthorize the Solid Waste Disposal Act;

S. 1250. An act to promote U.S. technological innovation for the achievement of national economic, environmental, and social goals, and for other purposes;

S. 1393. An act to amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes;

S. 1482. An act to provide certain pretrial, trial, and appellate procedures for criminal cases involving classified information;

S. 1798. An act to reduce regulation of and increase competition in the household goods moving industry, and for other purposes;

S. 1873. An act to revise the composition of the judicial councils of the Federal judicial circuits, to establish a procedure for the processing of complaints against Federal judges, and for other purposes;

S. 2043. An act to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife;

S. 2320. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes;

S. 2412. An act to amend the Solid Waste Disposal Act to further encourage the use of recycled oil;

S. 2622. An act to improve coastal zone management in the United States, and for other purposes;

S. 2719. An act to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes;

S. 2725. An act to extend certain authorizations in the Clean Water Act, and for other purposes;

S. 2936. An act to transfer certain employees of the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate;

S. 2961. An act for the relief of Viktor Ivanovich Belenko; and

S. 3072. An act to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana.

ENROLLED BILLS SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2743. An act to provide for a national policy for materials and to strengthen the materials research, development, production capability, and performance of the United States, and for other purposes;

H.R. 3122. An act relating to the tariff treatment of certain articles;

H.R. 4273. An act to amend section 17 of the act of July 5, 1946, as amended, entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes";

H.R. 4417. An act to provide for the coordination of federally supported and conducted research efforts regarding the Chesapeake Bay, and for other purposes;

H.R. 5048. An act to amend the Act entitled "An Act to preserve within Manassas National Battlefield Park, Va., the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (68 Stat. 56; 16 U.S.C. 429b);

H.R. 5295. An act to amend the Social Security Act with respect to the retirement test, to reduce spending under title II of the Social Security Act, and for other purposes;

H.R. 5326. An act to authorize the Secretary of Agriculture to convey certain Government-owned property to the Kisatchie National Forest to the State of Louisiana in exchange for certain property of old Camp Livingston, La.

H.R. 5451. An act to amend the Merchant Marine Act, to revise and reenact the laws pertaining to the U.S. Merchant Marine Academy and to State maritime academies and for other maritime education and training purposes;

H.R. 5612. An act to amend the Small Business Act, to provide for the payment of the United States of certain fees and costs incurred by prevailing parties in Federal agency adjudications and in civil actions in courts of the United States, and for other purposes;

H.R. 6440. An act to establish priorities in the payment of claims against the People's Republic of China;

H.R. 6593. An act to regulate the feeding of garbage to swine;

H.R. 6665. An act to implement the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes;

H.R. 6686. An act to discontinue or amend certain requirements for agency reports to Congress;

H.R. 6790. An act to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes;

H.R. 6816. An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State;

H.R. 6883. An act to amend the Internal Revenue Code of 1954 to revise the rules relating to certain installment sales;

H.R. 7434. An act to provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes;

H.R. 7554. An act to amend the Federal securities laws to provide incentives for small business investment, and for other purposes;

H.R. 7665. An act to amend title 28, United States Code, to divide the Fifth Judicial Circuit of the United States into two circuits, and for other purposes;

H.R. 7779. An act to amend the Internal Revenue Code of 1954 to authorize three additional judges for the Tax Court and to remove the age limitation on appointments to the Tax Court;

H.R. 7859. An act to provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children, and to provide special impact aid to such agencies for the education of Cuban and Haitian refugee children, and Indochinese refugee children, and to provide assurance to State educational agencies for the education of Cuban and Haitian refugee adults;

H.R. 8103. An act to rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively; and

H.R. 8178. An act to amend title 28 to make certain changes in judicial districts and in divisions within judicial districts, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. NEDZI, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 2, 1980:

H.R. 3956. An act granting the consent of the Congress to Hewson A. Ryan to accept the office and title of Honorary Consul of Honduras;

H.R. 5546. An act to amend the U.S. Grain Standards Act to permit grain delivered to export elevators by any means of conveyance other than barge to be transferred into such export elevators without official weighing, and for other purposes;

H.R. 7130. An act to designate the building known as U.S. Court House and Federal Building in Syracuse, N.Y., as the "James M. Hanley Federal Building";

H.R. 7309. An act to designate the Federal building in Portland, Oreg., the "Edith Green Federal Building";

H.R. 7411. An act authorizing the Secretary of the Interior to accept the conveyance of the United First Parish Church in Quincy, Mass., and authorizing the Secretary to administer the United First Parish Church as a national historic site, and for other purposes;

H.R. 7544. An act to designate the U.S. Federal Building in New Haven, Conn., as the "Robert N. Giaimo Federal Building";

H.R. 7588. An act to redesignate the U.S. Post Office and Courthouse Building in Concord, N.H., as the "James C. Cleveland Federal Building";

H.R. 7666. An act to amend chapter 87, of title 5, United States Code, to increase the amounts of regular and optional group life insurance available to Federal employees and provide optional life insurance on family members, and for other purposes;

H.R. 7831. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1981, and for other purposes; and

H.R. 8161. An act to designate the U.S. Federal Building in Pittsburgh, Pa., as the "William S. Moorhead Federal Building."

On October 3, 1980:

H.R. 4310. An act to amend the Federal Boat Safety Act of 1971 to promote recreational boating safety through the development, administration, and financing of a national recreational boating safety improvement program, and for other purposes;

H.R. 7085. An act to provide certain benefits to individuals held hostage in Iran and to similarly situated individuals, and for other purposes:

H.R. 7301. An act to authorize certain construction at military installations for fiscal year 1981, and for other purposes;

H.R. 7592. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes; and

H.J. Res. 568. An act to authorize and request the President to issue a proclamation designating October 12 through October 19, 1980, as "Italian-American Heritage Week."

On October 6, 1980:

H.R. 4417. An act to provide for the coordination of federally supported and conducted research efforts regarding the Chesapeake Bay, and for other purposes;

H.R. 5048. An act to amend the act entitled "An act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (68 Stat. 56; 16 U.S.C. 429b);

H.R. 5288. An act to amend title 38, United States Code, to provide for updated and expanded rehabilitation programs for veterans with service-connected disabilities, to provide a 10-percent increase in the rates of educational assistance under the GI bill, to make certain improvements in the educational assistance programs for veterans and eligible survivors and dependents, to revise and expand veterans' employment and training programs, and to provide for certain cost savings; and for other purposes;

H.R. 5451. An act to amend the Merchant Marine Act, 1936, to revise and reenact the laws pertaining to the U.S. Merchant Marine Academy and to State maritime academies and for other maritime education and training purposes;

H.R. 6065. An act to amend title 5, United States Code, to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis, to allow certain unused leave to accumulate for subsequent use, and for other purposes;

H.R. 6554. An act to authorize appropriations for fiscal year 1981 and a supplemental appropriation for fiscal year 1980 for certain maritime programs of the Department of Commerce and for other purposes;

H.R. 7779. An act to amend the Internal Revenue Code of 1954 to authorize three additional judges for the Tax Court and to remove the age limitation on appointments to the Tax Court;

H.R. 8103. An act to rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively;

H.R. 8178. An act to amend title 28 to make certain changes in judicial districts and in divisions within judicial districts, and for other purposes;

H.R. 8202. An act to continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, for a certain period; and

H.J. Res. 472. Joint resolution designating October 1981, as a "Day of National Observance of the 200th Anniversary of the Surrender of Lord Cornwallis to Gen. George Washington at Yorktown, Va.

On October 8, 1980:

H.R. 6593. An act to regulate the feeding of garbage to swine;

H.R. 6790. An act to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States and for other purposes;

H.R. 6883. An act to amend the Internal Revenue Code of 1954 to revise the rules relating to certain installment sales; and

H.R. 7859. An act to provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children, and to provide special impact aid to such agencies for the education of Cuban and Haitian refugee children, and Indochinese refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults.

On October 10, 1980:

H.R. 2743. An act to provide for a national policy for materials and to strengthen the materials research, development, production capability, and performance of the United States, and for other purposes;

H.R. 3122. An act relating to the tariff treatment of certain articles;

H.R. 4273. An act to amend section 17 of the Act of July 5, 1946, as amended, entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes;

H.R. 5295. An act to amend the Social Security Act with respect to the retirement test, to reduce spending under title II of the Social Security Act, and for other purposes;

H.R. 5326. An act to authorize the Secretary of Agriculture to convey certain Government-owned property in the Kisatchie National Forest to the State of Louisiana in exchange for certain property at old Camp Livingston, La.;

H.R. 5612. An act to amend the Small Business Act to provide for the payment of the United States of certain fees and costs incurred by prevailing parties in Federal agency adjudication and in civil actions in courts of the United States, and for other purposes;

H.R. 6440. An act to establish priorities in the payment of claims against the People's Republic of China;

H.R. 6665. An act to implement the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes;

H.R. 6686. An act to discontinue or amend certain requirements for agency reports to Congress;

H.R. 6816. An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in the State;

H.R. 7434. An act to provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes;

H.R. 7554. An act to amend the Federal securities laws to provide incentives for small business investment, and for other purposes; and

H.R. 7665. An act to amend title 28, United States Code, to divide the Fifth Judicial Circuit of the United States into two circuits, and for other purposes.

ADJOURNMENT

Mr. SWIFT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 19 minutes p.m.) the House adjourned until tomorrow, Thursday, November 13, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5437. A letter from the Chairman, National Agricultural Research and Extension Users Advisory Board, transmitting the Board's annual report; to the Committee on Agriculture.

5438. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of October 1, 1980, pursuant to section 1014(e) of Public Law 93–344 [H. Doc. No. 96–377]; to the Committee on Appropriations and ordered to be printed.

5439. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of November 1, 1980, pursuant to section 1014(e) of Public Law 93–344 [H. Doc. No. 96–378]; to the Committee on Appropriations and ordered to be printed.

5440. A letter from the Under Secretary of Defense (Research and Engineering), transmitting an annual report covering fiscal year 1979, on the Department's funds paid to subcontractors by prime contractors receiving contract awards of $500,000 or more, pursuant to section 836(b) of Public Law 95–111; to the Committee on Appropriations.

5441. A letter from the Assistant Secretary of Defense (Comptroller), transmitting notice of various transfers of funds appropriated to the Department of Defense, pursuant to section 734 of the Department of Defense Appropriation Act, 1980; to the Committee on Appropriations.

5442. A letter from the Secretary of Housing and Urban Development, transmitting a report on a violation of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

5443. A letter from the Deputy Secretary of Defense, transmitting the Army's plan to reduce by $600 million the life-cycle costs for incorporating the 120-millimeter gun into the tank force of the Army, pursuant to section 206(3) of Public Law 96–342; to the Committee on Armed Services.

5444. A letter from the Deputy Secretary of Defense, transmitting the initial allocation of the total civilian authorization among the military Departments and the Defense agencies, pursuant to section 501(b) of Public Law 96–342; to the Committee on Armed Services.

5445. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

5446. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Naval and Marine Corps Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

5447. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to increase the monthly basic pay of a certain officer of the Armed Forces and to make subsequent increases in pay and allowances for such officer reflective of changes in the Consumer Price Index; to the Committee on Armed Services.

5448. A letter from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposed legislation to amend section 2104 (b)(6)(B) of title 10, United States Code, to permit the Secretary of the military department concerned to defer the field training or practice cruise required by this section; to the Committee on Armed Services.

5449. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to increase the special pay of nuclear qualified officers and the nuclear career accession bonus; to the Committee on Armed Services.

5450. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 305a of title 37, United States Code, to increase the rates of career sea pay and to entitle officers to such pay; to the Committee on Armed Services.

5451. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 301 of title 37, United States Code, to increase the rate of officer and enlisted submarine duty incentive pay and to extend continuous entitlement of submarine duty incentive pay to officers on shore duty when certain requirements are met; to the Committee on Armed Services.

5452. A letter from the Secretary of the Navy, transmitting notice of a proposed transfer of the obsolete destroyer ex-*Kidd* (ex-DD 661) to the State of Louisiana, Louisiana Naval War Memorial Commission, pursuant to 10 U.S.C section 7308(c) to the Committee on Armed Services.

5453. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to donate certain surplus property to the Charleston, S.C., Chapter of the National Railway Historical Society, pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

5454. A letter from the Director, Federal Emergency Management Agency, transmitting a report that the Agency made no property acquisitions of emergency supplies and equipment during the quarter ended June 30, 1980, pursuant to section 201(h) of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

5455. A letter from the Assistant Secretary of the Navy (Manpower, Reserve Affairs and Logistics), transmitting notice of plans to study the conversion from in-house operation to contractor performance of two Military Sealift Command vessels, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

5456. A letter from the Acting Director, Defense Communications Agency; transmitting notice of plans to study the conversion from in-house operation to contractor performance of the transportation service function at the Defense Communications Engineering Center, Reston, Va., pursuant to section 806(a) of Public Law 96-107; to the Committee on Armed Services.

5457. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the guard service activity at Oakland Army Base, Oakland, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5458. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the wearing apparel activity at Fort Bliss, Tex. pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5459. A letter from the Assistant Secretary of the Navy (Manpower, Reserve Affairs and Logistics), transmitting notice of the Navy's intention to study the conversion from in-house operation to commercial contract of various Military Sealift Command vessels, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

5460. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the family housing maintenance function at Eielson Air Force Base, Alaska, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3461. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the family housing maintenance function at Elmendorf Air Force Base, Alaska, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5462. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the transient aircraft alert maintenance function at Tyndall Air Force Base, Fla., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5463. A letter from the Acting Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the grounds maintenance function at Robins Air Force Base, Ga., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5464. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the military family housing maintenance function at Hickam Air Force Base, Hawaii, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5465. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the duplicating services function at Mountain Home Air Force Base, Idaho, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5466. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the refuse collection function at Barksdale Air Force Base, La., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5467. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the transient alert aircraft maintenance function at Malmstrom Air Force Base, Mont., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5468. A letter from the Principal Deputy Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the military family housing maintenance function at Seymour Johnson Air Force Base, N.C., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5469. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the commissary shelf-stocking and custodial services function at Tinker Air Force Base, Okla., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5470. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the transient aircraft maintenance function of Charleston Air Force Base, S.C., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5471. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the military family housing maintenance function at Sheppard Air Force Base, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5472. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the commissionary shelf stocking and custodial services function at Hill Air Force Base, Utah, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5473. A letter from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting a report on a proposal for joint action among countries of the Western Hemisphere to increase exploration and exploitation of energy and mineral resources, pursuant to section 102 of Public Law 96-259; to the Committee on Banking, Finance and Urban Affairs.

5474. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction exceeding $100 million with All Nippon Airways Co., Ltd., pursuant to section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amendd; to the Committee on Banking, Finance and Urban Affairs.

5475. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-254, "To amend the District of Columbia Securities Act; to clarify and make technical amendments to provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 relating to public school teachers; to provide for voluntary retirement by public school teachers, police officers, and firefighters, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5476. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-255, "To amend the schedule of water rates and the charges for sanitary sewer services, and for other purposes," pursuant to section 602(c) of Public Law 95-198; to the Committee on the District of Columbia.

5477. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-256, "To amend the law which regulates finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5478. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-257, "To establish the real property tax rates for tax year 1981, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5479. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-258, "To eliminate restrictions relating to the operation of beauty shop and barber shop establishments in the District of Columbia in order that such establishments may remain open for business seven (7) consecutive days each week of the calendar year," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5480. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-259, "To establish in the Executive Office of the Mayor, the Office of Financial Management and the Office of the District of Columbia Treasurer; to authorize the performance of financial management functions by the Office of Financial Management and the Office of the Treasurer; and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5481. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-260, "To increase the amount of revenue collected by the District of Columbia from sightseeing vehicles, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5482. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-261, "To provide protections for children determined to be in need of inpatient examinations in proceedings regarding delinquency, neglect, or in need of supervision," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5483. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia 3-262, "To order the closing of a public alley abutting lots 30, 31, 32, 27, 801, 4, and 5 in Square 225, bounded by 15th Street, N.W., F Street, N.W., 14th Street, N.W., and Pennsylvania Avenue, N.W. (S.O. 79-392) (Ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5484. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-263, "To order the closing of a north-south public alley abutting on lots 804, 828, 826, 820, 801, 802, 803, and 15 in Square 563, bounded by Massachusetts Avenue, N.W., 2nd Street, N.W., New Jersey Avenue, N.W., and H Street, N.W., (S.O. 76-144) (Ward 2)," pursuant to section

602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5485. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-254, "To create a cause of action for damages against the District of Columbia by persons who have been unjustly convicted and imprisoned," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5486. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-255, "To amend the law with respect to the blind and otherwise physically handicapped to include deaf persons and persons using guide dogs, and for other purposes," pursuant to section 602 (c) of Public Law 3-198; to the Committee on the District of Columbia.

5487. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-266, "To amend the District of Columbia Tissue Bank Act to authorize the Chief Medical Examiner to allow the removal of tissue from dead bodies in certain instances," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5488. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-267, "To revise the procedural rules of practice to govern hearings before the District of Columbia Alcoholic Beverage Control Board, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5489. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-272, "To amend the Firearms Control Regulation Act of 1975 to increase the criminal penalties thereunder, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5490. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-273, "To amend Article 20, Section 2 of the District of Columbia Police Regulations to permit indefinite posting of crime prevention signs, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5491. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-274, "To authorize the Mayor to take certain actions in connection with a public emergency," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5492. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-275, "To adopt the basic compensation system for the District of Columbia Board of Education and the University of the District of Columbia; to amend the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 relating to compensation; and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5493. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-276, "To name the park in lot 1, Square 2927, bounded by 13th Street, N.W., Arkansas Avenue, N.W., and Emerson Street, N.W., in memory of Mary Church Terrell and Arthur Fletcher Elmes (Ward 4)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5494. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-277, "To amend the Motor Vehicle Regulations for the District of Columbia relating to exhaust emission standards and equipment requirements for motor vehicles operated in the District of Columbia," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5495. A letter from the Secretary, Council of the District of Columbia, transmitting District of Columbia resolution 3-553, "14th Street Urban Renewal Area Modification, Residential Permit Parking Approval, and Transfer of Jurisdiction over 33rd Street, Northeast, and a portion of Fort Lincoln Drive, Northeast, Resolution of 1980,"; to the Committee on the District of Columbia.

5496. A letter from the Chairman, District of Columbia Armory Board, transmitting the 32d annual report on the operation of the D.C. National Guard Armory, and the 22d annual report on the operation of the Robert F. Kennedy Memorial Stadium, covering calendar year 1979, pursuant to section 10 of the Armory Board Act of 1948, as amended, and section 10 of the District of Columbia Stadium Act of 1957, as amended, respectively; to the Committee on the District of Columbia.

5497. A letter from the Chairman, Board of Trustees, Public Defender Service for the District of Columbia, transmitting the Board's annual report for fiscal year 1978, pursuant to section 306(a) of Public Law 91-358; to the Committee on the District of Columbia.

5498. A letter from the Secretary of Labor, transmitting the annual report for calendar year 1979 on the administration of the Fair Labor Standards Act of 1979, as amended, pursuant to section 4(d)(1) of the act; to the Committee on Education and Labor.

5499. A letter from the Secretary of Labor, transmitting a report on current research on the employment implications of alternative energy technologies and on the relative intensity of energy use among U.S. industries, pursuant to section 5(b) of the Comprehensive Employment and Training Act of 1973, as amended; to the Committee on Education and Labor.

5500. A letter from the Commissioner on Aging, Department of Health and Human Services, transmitting the biennial report on the development and implementation of a Federal manpower policy for the aging, pursuant to Public Law 89-73, as amended; to the Committee on Education and Labor.

5501. A letter from the Chairman, Architectural and Transportation Barriers Compliance Board, transmitting the Board's annual report for fiscal year 1979, pursuant to section 502 of Public Law 93-112, as amended; to the Committee on Education and Labor.

5502. A letter from the Chairman, National Labor Relations Board, transmitting the Board's annual report, covering fiscal year 1979, pursuant to section 3(c) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

5503. A letter from the Chairman, Board of Trustees, Harry S Truman Scholarship Foundation, transmitting the Foundation's annual report for 1979-80, pursuant to section 13(b) of Public Law 93-642; to the Committee on Education and Labor.

5504. A letter from the Assistant Secretary of State for Congressional Affairs, transmitting notice of the State Departments intention to consent to the request of the Government of the Netherlands for permission to transfer certain U.S. origin defense equipment to the Government of Greece, pursuant to section 3(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5505. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Departments intention to consent to a request by the Government of the Netherlands for permission to transfer certain U.S. origin defense equipment to the Government of Turkey, pursuant to section 3(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5506. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on the proopsed co-production of certain U.S. origin defense equipment in the Republic of Korea, pursuant to section 42(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5507. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of New Zealand for permission to transfer certain U.S. origin defense equipment to Singapore, pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

5508. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of various agreements between the American Institute in Taiwan and the Coordination Council for North American Affairs, pursuant to section 12(a) of Public Law 96-8; to the Committee on Foreign Affairs.

5509. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Jack F. Matlock, Jr., Ambassador-designate to Czechoslovakia, and by members of his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

5510. A letter from the Acting Assistant Secretary for International Organization Affairs, Department of State, transmitting three reports prepared by the United Nations Joint Inspection Unit, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

5511. A letter from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting various project performance audit reports or project completion reports prepared by the International Bank for Reconstruction and Development and the Asian Development Bank, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

5512. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment and services to NATO (Transmittal No. 81-05), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5513. A letter from the Director, Defense Security Assistance Agency, transmitting a report covering the quarter ended September 30, 1980, listing the price and availability estimates provided to countries and the requests for issuance of letters of offer received, pursuant to section 28 of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5514. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Greece (Transmittal No. 81-01), pursuant to section 36(b) of the Arms Export Control Act, together with certification that the sale is consistent with the principles contained in section 620C(b) of the Foreign Assistance Act, pursuant to section 620C(d) of the act; to the Committee on Foreign Affairs.

5515. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5516. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b (a); to the Committee on Foreign Affairs.

5517. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112 b(a); to the Committee on Foreign Affairs.

5518. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b (a); to the Committee on Foreign Affairs.

5519. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b (a); to the Committee on Foreign Affairs.

5520. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting the annual report on the committee's activities for fiscal year 1979, pursuant to section 1(1) of the act of June 25, 1938, as amended; to the Committee on Government Operations.

5521. A letter from the Vice President for Human Resources, Federal Home Loan Mortgage Corporation, transmitting the annual report on the Corporation's pension plan for calendar year 1979, pursuant to section 121 (a)(2) of the Budget and Accounting Procedures Act of 1950, as amended (92 Stat. 2541); to the Committee on Government Operations.

5522. A letter from the Assistant Attorney General for Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5523. A letter from the Assistant Secretary of Housing and Urban Development for Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5524. A letter from the Assistant Secretary of Transportation for Administration, transmitting notice of a proposed change in an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5525. A letter from the Deputy Assistant Secretary of Defense, (Administration), transmitting notice of a proposed new records system for the National Security Agency, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5526. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Air Force, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5527. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Defense Logistics Agency, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5528. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Navy, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5529. A letter from the Administrative Director, U.S. Arms Control and Disarmament Agency, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5530. A letter from the Administrator of Veterans Affairs, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5531. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5532. A letter from the Secretary, Railroad Retirement Board, transmitting notice of proposed changes in two existing records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5533. A letter from the USPS Records Officer, United States Postal Service, transmitting notice of a proposed change in an existing records system and notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5534. A letter from the Administrator, General Services, transmitting notice of a proposed change in an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5535. A letter from the Administrator of General Services, transmitting notice of proposed changes in an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5536. A letter from the Administrator, Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting a report on the major activities of the Office of Federal Procurement Policy during fiscal years 1979 and 1980, pursuant to section 8(a)(1) of Public Law 93-400, as amended; to the Committee on Government Operations.

5537. A letter from the Administrator, Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting a proposal for the Uniformed Procurement System, pursuant to section 8(a)(2) of Public Law 93-400; to the Committee on Government Operations.

5538. A letter from the Comptroller General of the United States, transmitting a report encouraging greater computer use on Federal design projects by agencies (LCD-81-7, October 15, 1980); to the Committee on Government Operations.

5539. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during September 1980, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

5540. A letter from the Secretary of the Interior, transmitting a report covering fiscal year 1979 on donations received and allocations made from the fund "14X8563 Funds Contributed for the Advancement of Indian Race, Bureau of Indian Affairs," pursuant to the act of February 14, 1931, as amended (82 Stat. 171); to the Committee on Interior and Insular Affairs.

5541. A letter from the Secretary of the Interior, transmitting notice of the leasing systems to be used in oil and gas lease sale No. 62, Gulf of Mexico, to be held on November 18, 1980, pursuant to section 8(a) (8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

5542. A letter from the Secretary of the Interior, transmitting notice of the proposed refund of $47,405.26 in royalty overpayments to Norcen Energy Resources Limited, pursuant to section 10(b) of the Outer Continental Shelf Lands Act; to the Committee on Interior and Insular Affairs.

5543. A letter from the Secretary of the Interior transmitting a report on the amounts expended by the Commonwealth of Massachusetts, the city of Lowell, and nonprofit entities in furtherance of the Lowell National Historical Park, pursuant to section 103(d) of Public Law 95-290; to the Committee on Interior and Insular Affairs.

5544. A letter from the Assistant Secretary of the Interior, transmitting a request for the authorization of appropriations for programs, functions and activities of the Bureau of Land Management for fiscal years 1982-1985, pursuant to section 318(b) of Public Law 94-579; to the Committee on Interior and Insular Affairs.

5545. A letter from the Assistant Secretary of the Interior, transmitting notice of the receipt of an application for a loan from the Roosevelt Irrigation District, Arizona, pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

5546. A letter from the Assistant Secretary of the Interior, transmitting notice of the deferral of payment of two installments due August 1, 1980, from the Arvin-Edison Water Storage District, Arvin, Calif., pursuant to section 17(b) of the act of August 4, 1980; to the Committee on Interior and Insular Affairs.

5547. A letter from the Assistant Secretary of the Interior for Land and Water Resources, transmitting the annual report of the Office of Water Research and Technology, pursuant to section 409 of Public Law 95-467; to the Committee on Interior and Insular Affairs.

5548. A letter from the Secretary of Health and Human Services, transmitting a report covering fiscal year 1978 on Federal activities on alcohol abuse and alcoholism, pursuant to section 101(5) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act; to the Committee on Interstate and Foreign Commerce.

5549. A letter from the Secretary of Health and Human Services, transmitting a report that no grants or contracts for toxic substances research were awarded during calendar year 1980 under the Toxic Substances Control Act, pursuant to section 27 of the act; to the Committee on Interstate and Foreign Commerce.

5550. A letter from the Deputy Secretary of Energy, transmitting the annual report for calendar year 1979 on the energy conservation program for consumer products other than automobiles, pursuant to section 338 of the Energy Policy and Conservation Act, as amended; to the Committee on Interstate and Foreign Commerce.

5551. A letter from the Secretary of Transportation transmitting a proposed method for evaluating rail passenger corridors and the ranking of the corridors with the greatest potential, pursuant to section 1001(d) of the Rail Passenger Service Act of 1970, as amended (96 Stat. 415); to the Committee on Interstate and Foreign Commerce.

5552. A letter from the Assistant Secretary for Conservation and Solar Energy, Department of Energy, transmitting notice of schedule variances regarding final regulations establishing a methodology for calculating the equivalent petroleum-based fuel economy of electric vehicles, required by section 13 of Public Law 94-413; to the Committee on Interstate and Foreign Commerce.

5553. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission is unable to render a final decision in Docket No. 37409, Aggregate Volume Rate on Coal, Acco, Utah, to Moapa, Nev., within the initially specified 7-month period, pursuant to 49 U.S.C. 10707 (b)(1); to the Committee on Interstate and Foreign Commerce.

5554. A letter from the Secretary, Federal Trade Commission, transmitting the ninth report of the Commission on the impact on competition, and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program, pursuant to section 252(l) of the Energy Policy and Conservation Act of 1975, as amended; to the Committee on Interstate and Foreign Commerce.

5555. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the 1978 annual report on U.S. crude oil and natural gas reserves, pursuant to section 657(2) of

Public Law 95-91; to the Committee on Interstate and Foreign Commerce.

5556. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting reports covering the month of July 1980 on sales of refined petroleum products and retail gasoline, pursuant to section 4(c)(2)(A) of the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

5557. A letter from the Secretary, Railroad Retirement Board, transmitting the Board's second semiannual report on its activities under the Milwaukee Railroad Restructuring Act, pursuant to section 21(b) of the act; to the Committee on Interstate and Foreign Commerce.

5558. A letter from the Chairman, National Arthritis Advisory Board, transmitting the Board's report on the implementation of the Arthritis Plan during 1977–1980, pursuant to section 440(j) of the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

5559. A letter from the vice president for Government affairs, National Railroad Passenger Corp., transmitting a report covering the month of June 1980 on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

5560. A letter from the vice president for Government affairs, National Railroad Passenger Corp., transmitting the financial report of the corporation for the month of July 1980, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

5561. A letter from the president, National Railroad Passenger Corp., transmitting a report on the corporation's performance evaluation activities, pursuant to section 305 of the Rail Passenger Service Act, as amended; to the Committee on Interstate and Foreign Commerce.

5562. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a statement of increasing concern that Congress is undermining the enforcement of civil rights laws, pursuant to Public Law 85–315; to the Committee on the Judiciary.

5563. A letter from the Commissioner, Federal Prison Industries, Inc., Department of Justice, transmitting the annual report of the Board of Directors of the Corporation for fiscal year 1979, pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary.

5564. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii); to the Committee on the Judiciary.

5565. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

5566. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

5567. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

5568. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

5569. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

5570. A letter from the Chairman, Board of Directors, Future Farmers of America, transmitting the audit report of the organization for the year ended August 31, 1980, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

5571. A letter from the Executive Director, American Historical Association, transmitting the audit report of the Association for the year ended June 30, 1980, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

5572. A letter from the Comptroller General of the United States, transmitting a report and recommendation concerning the claim of the Seattle Post-Intelligencer for advertising provided for the Department of the Army, pursuant to the Meritorious Claims Act of 1928; to the Committee on the Judiciary.

5573. A letter from the Comptroller General of the United States, transmitting a report and recommendation concerning the claim of Equity Advertising Agency for advertising provided for the Environmental Protection Agency, pursuant to the Meritorious Claims Act of 1928; to the Committee on the Judiciary.

5574. A letter from the Comptroller General of the United States, transmitting a report and recommendation concerning the claim of The News Tribune for advertising provided for the Civilian Personnel Office of the Ninth Infantry Division and Fort Lewis, pursuant to the Meritorious Claims Act of 1928; to the Committee on the Judiciary.

5575. A letter from the Secretary of Commerce, transmitting the annual report on the Commerce Department's administration of the Marine Mammal Protection Act of 1972, covering the year ended March 31, 1980, pursuant to section 103(f) of the act; to the Committee on Merchant Marine and Fisheries.

5576. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting a report on the actual amount of revenues deposited in the Panama Canal Commission Fund during fiscal year 1980, pursuant to section 1302(c)(2) of Public Law 96–70; to the Committee on Merchant Marine and Fisheries.

5577. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting the seventh annual report on the administration of the ocean dumping permit program, pursuant to section 112 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended; to the Committee on Merchant Marine and Fisheries.

5578. A letter from the Administrator of General Services, transmitting a report in response to a complaint filed with the Special Counsel of the Merit Systems Protection Board, pursuant to 5 U.S.C. 1206(b)(5); to the Committee on Post Office and Civil Service.

5579. A letter from the Secretary of Transportation, transmitting a report on the bonded indebtedness of toll roads, bridges, and tunnels incorporated into the Interstate System, pursuant to section 164 of Public Law 95–599; to the Committee on Public Works and Transportation.

5580. A letter from the Secretary of Transportation, transmitting a report on the Mississippi River Bridge diversion study, pursuant to section 163 of Public Law 95–599; to the Committee on Public Works and Transportation.

5581. A letter from the Secretary of Transportation, transmitting a prospectus proposing the construction of a new Technical Support Facility at the Federal Aviation Administration Technical Center, Atlantic City, N.J.; to the Committee on Public Works and Transportation.

5582. A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting the semiannual report covering the period ended June 30, 1980, on the effectiveness of the civil aviation security program, pursuant to section 315(a) of the Federal Aviation Act, as amended; to the Committee on Public Works and Transportation.

5583. A letter from the Executive Director, Minnesota Pollution Control Agency, transmitting a report on Minnesota Water Quality for calendar year 1979, pursuant to section 305(b)(2) of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works and Transportation.

5584. A letter from the Administrator of General Services, transmitting a prospectus proposing construction at Kansas City, Mo., of a new Internal Revenue Service Center, pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

5585. A letter from the Administrator of General Services, transmitting a report on a building project survey in Clarksburg, W. Va., requested by the Senate Committee on Environment and Public Works adopted May 21, 1979; to the Committee on Public Works and Transportation.

5586. A communication from the President of the United States, transmitting a report on his decision to provide import relief on canned mushrooms which differs from that recommended by the U.S. International Trade Commission, pursuant to section 203 (b)(1) of the Trade Act of 1974 [H. Doc. No. 96–379]; to the Committee on Ways and Means and ordered to be printed.

5587. A letter from the Attorney General, transmitting notice of the Justice Department's decision not to appeal the judgment of the district court in *Becker* v. *Harris* (E. D. Calif., Civil No. S–79–248–LKK), which held that section 211(a)(5)(A) of the Social Security Act violates the equal protection requirement of the fifth amendment to the Constitution, pursuant to section 21 of Public Law 96–132; to the Committee on Ways and Means.

5588. A letter from the Secretary of Commerce, transmitting the first annual report of the National Climate Program, pursuant to section 7 of Public Law 95–367; to the Committee on Science and Technology.

5589. A letter from the Administrator, U.S. Fire Administration, Federal Emergency Management Agency, transmitting a report on the study of firefighter safety, pursuant to section 27 of Public Law 93–498, as amended; to the Committee on Science and Technology.

5590. A letter from the Administrator of Veterans Affairs, transmitting a report on the investigation of alleged irregularities by employees at the Veterans' Administration Medical Center, Bonham, Tex., pursuant to 5 U.S.C. 1206(b)(5); to the Committee on Veterans' Affairs.

5591. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to improve the program of Federal payments for foster care and adoption assistance; to the Committee on Ways and Means.

5592. A letter from the Secretary of Health and Human Services, transmitting a report on the establishment of appropriate time limitations governing decisions on claims for benefits under title II of the Social Security Act, pursuant to section 308 of Public Law 96–265; to the Committee on Ways and Means.

5593. A letter from the Chairman, U.S. International Trade Commission, transmitting an interim report on the status of the harmonized commodity description and coding system being developed by the Customs Cooperation Council in Brussels, Belgium, pursuant to section 608(c) of Public Law 93–618; to the Committee on Ways and Means.

5594. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1979 on the special pay program for medical officers of the Commissioned Corps of the Public Health Service, pursuant to 37 U.S.C. 313(e); jointly, to the Committees on Armed Services, and Interstate and Foreign Commerce.

5595. A letter from the Comptroller General of the United States, transmitting a report on management problems in the acquisition of aircraft gas turbine engines (PSAD–80–72, Sept. 30, 1980); jointly, to the Committees on Government Operations, and Armed Services.

5596. A letter from the Comptroller General of the United States, transmitting a report on the Federal Mediation and Conciliation Service suggesting they strive to avoid mediating minor labor disputes (HRD–81–14, Oct. 30, 1980); jointly, to the Committees on Government Operations and Education and Labor.

5597. A letter from the Comptroller General of the United States, transmitting a report on the Department of Labor's audit coverage of Comprehensive Employment and Training Act programs (FGMSD–81–1, Nov. 6, 1980); jointly, to the Committees on Government Operations, and Education and Labor.

5598. A letter from the Comptroller General of the United States, transmitting a report on aiding U.S. consulates in responding to Americans in foreign countries who come to them seeking help (ID–81–9, Nov. 6, 1980); jointly, to the Committees on Government Operations, Foreign Affairs, and the Judiciary.

5599. A letter from the Comptroller General of the United States, transmitting a report on the inappropriate use of an Indian trust fund to subsidize Bureau of Indian Affairs activities (FGMSD–80–78, Oct. 7, 1980); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

5600. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness of State medicaid fraud control units and the actions that the Department of Health and Human Services should take to improve program operation and administration (HRD–81–2, Oct. 6, 1980); jointly, to the Committees on Government Operations and Interstate and Foreign Commerce.

5601. A letter from the Comptroller General of the United States, transmitting a report on the difficulties of implementing the Toxic Substances Control Act by the Environmental Protection Agency (CED–81–1, Oct. 28, 1980); jointly, to the Committees on Government Operations and Interstate and Foreign Commerce.

5602. A letter from the Comptroller General of the United States, transmitting a report on the demand for freight cars and the railroads improving the utilization of the existing fleet they have on hand (CED–81–2, Nov. 10, 1980); jointly, to the Committees on Government Operations and Interstate and Foreign Commerce.

5603. A letter from the Comptroller General of the United States, transmitting a report on more guidance and supervision needed over Federal grand jury proceedings (GGD–81–18, Oct. 16, 1980); jointly, to the Committees on Government Operations and the Judiciary.

5604. A letter from the Comptroller General of the United States, transmitting a report on the dim prospects for effectively enforcing the immigration laws in the United States (GGD–81–4, Nov. 5, 1980); jointly, to the Committees on Government Operations and the Judiciary.

5605. A letter from the Comptroller General of the United States, transmitting a report on cash management improvements needed in Federal insurance and benefits programs (FGMSD–80–83, Oct. 10, 1980); jointly, to the Committees on Government Operations, and Post Office and Civil Service.

5606. A letter from the Comptroller General of the United States, transmitting a report on the highway safety grant program (CED–81–16, Oct. 15, 1980); jointly, to the Committees on Government Operations and Public Works and Transportation.

5607. A letter from the Comptroller General of the United States, transmitting a report on the need for a new formula to calculate interest rate on unpaid taxes (GGD–81–20, Oct. 16, 1980); jointly to the Committees on Government Operations and Ways and Means.

5608. A letter from the Comptroller General of the United States, transmitting a report on Federal and State actions needed to overcome problems in administering title XX programs (HRD–81–8, Oct. 29, 1980); jointly to the Committees on Government Operations and Ways and Means.

5609. A letter from the Comptroller General of the United States, transmitting a report describing the administration of the generalized system of preferences for developing countries (ID–81–10, Nov. 6, 1980); jointly, to the Committees on Government Operations and Ways and Means.

5610. A letter from the Comptroller General of the United States, transmitting a report recommending changes in the systematic review for declassification of national security information (LCD–81–3, Oct. 15, 1980); jointly, to the Committee on Government Operations, and the Permanent Select Committee on Intelligence.

5611. A letter from the Secretary of Transportation and the Administrator, U.S. Environmental Protection Agency, transmitting a report on the effects of airport noise on a neighboring State, pursuant to section 8 of Public Law 95–609; jointly, to the Committees on Interstate and Foreign Commerce, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on Oct. 2, 1980, the following report was filed on Oct. 8, 1980*]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 4178. A bill to improve the physical security features of the motor vehicle and its parts, to increase the criminal penalties of persons trafficking in stolen motor vehicles and parts, to curtail the exportation of stolen motor vehicles, to stem the growing problem of "chop shops," and for other purposes; with amendment (Rept. No. 96–1456, pt. I). Ordered to be printed.

[*Pursuant to the order of the House on Sept. 30, 1980, the following reports were filed on Oct. 10, 1980*]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5496. A bill to amend the National Historic Preservation Act of 1966, and for other purposes; with amendment (Rept. No. 96–1457). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5584. A bill to provide for certain lands to be held in trust for the Moapa Band of Paiutes and to be considered to be a part of the Moapa Indian Reservation; with amendment (Rept. No. 96–1458). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Oct. 17, 1980*]

Mr. BROOKS: Committee on Government Operations. Immigration and Naturalization Service records management problems. (Rept. No. 96–1459). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Nov. 12, 1980*]

Mr. BOLLING: Committee on Rules. House Resolution 807. Resolution providing for the consideration of the bill S. 1280 to provide assistance to States and to political subdivisions within States to promote national energy objectives, and for other purposes. (Rept. No. 96–1460). Referred to the House Calendar.

ADVERSE REPORTS

Under clause 2 of rule XIII,

[*Filed on Oct. 8, 1980*]

Mr. RODINO: Committee on the Judiciary. H.R. 6121. A bill to amend the Communications Act of 1934 to make certain revisions in the provisions of such act relating to the regulation of telecommunications activities. (Rept. No. 96–1252, pt. II). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 8315. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for the purchase of a commuter highway vehicle, to exclude from gross income certain amounts received in connection with the provision of alternative commuter transportation, to provide employers a credit against tax for costs incurred in ride-sharing programs, and for other purposes; to the Committee on Ways and Means.

By Mr. BAFALIS (for himself and Mr. WHITTAKER):

H.R. 8316. A bill to repeal the Family Rental/Home Business Tax; to amend the Internal Revenue Code of 1954 with respect to the deduction of certain expenses in connection with the business use of homes and the rental of residences to family members, and for other purposes; to the Committee on Ways and Means.

By Mr. COELHO:

H.R. 8317. A bill to provide homeownership assistance; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PHILIP M. CRANE:

H.R. 8318. A bill to amend the Internal Revenue Code of 1954 to exempt individuals over age 70 from Federal income tax; to the Committee on Ways and Means.

By Mr. DOWNEY:

H.R. 8319. A bill to designate the Federal building at 26 Federal Plaza in the Borough of Manhattan, New York, N.Y., as the "Jacob K. Javits Federal Building"; to the Committee on Public Works and Transportation.

By Mr. LAFALCE:

H.R. 8320. A bill to amend the Internal Revenue Code of 1954 to provide for tax deferred savings accounts, and to provide incentives for retirement savings by increasing the maximum amount of annual deduction allowable for deposits into individual retirement accounts, and by permitting active participants in employer plans to establish such accounts; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 8321. A bill to provide for a study of the suitability and feasibility of designating the Vietnam Veterans Chapel, Eagle Nest, N. Mex., as a national memorial to the Vietnam veterans; to the Committee on Interior and Insular Affairs.

By Mr. MITCHELL of New York:

H.R. 8322. A bill relating to the effective date of the amendment contained in the Multiemployer Pension Plan Amendments Act of 1980 which relates to the treatment of certain retirement benefits under State unemployment compensation laws; to the Committee on Ways and Means.

By Mr. PEPPER (for himself and Mr. PASHAYAN):

H.R. 8323. A bill to amend the Internal Revenue Code of 1954 to repeal the "Family Rental Tax"; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 8324. A bill to amend the Internal Revenue Code of 1954 to provide that the requirement that unemployment compensation be reduced by certain retirement benefits will not apply to social security and railroad retirement benefits; to the Committee on Ways and Means.

By Mr. ROTH:

H.R. 8325. A bill relating to the treatment of certain annuity contracts; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 8326. A bill to amend title XVI of the Social Security Act to provide for annual cost-of-living adjustments in the reduced SSI payments which are made to individuals in certain medical institutions; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 8327. A bill to impose quotas on the importation of automobiles during 1981, 1982, and 1983; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Mr. LENT, Mr. CARNEY, Mr. KEMP, and Mr. MCEWEN):

H.R. 8328. A bill to designate the laboratory known as the Brookhaven National Laboratory in Upton, Town of Brookhaven, N.Y., as the "John W. Wydler National Laboratory"; to the Committee on Public Works and Transportation.

By Mr. WEISS (for himself and Mr. STRATTON):

H.R. 8329. A bill to allow the obsolete aircraft carrier U.S.S. *Intrepid* to be transferred to the Intrepid Museum Foundation, Inc., before the expiration of the otherwise applicable 60-day congressional review period; to the Committee on Armed Services.

By Mr. WILLIAMS of Montana:

H.R. 8330. A bill to provide a uniform time for the closing of polling places in all regular elections of Representatives to Congress, U.S. Senators, and electors of the President and Vice President of the United States; to the Committee on House Administration.

H.R. 8331. A bill to seal the ballots in Federal elections until all polling places are closed; to the Committee on House Administration.

By Mr. FASCELL:

H.J. Res. 627. Joint resolution authorizing the President to proclaim March 16 of each year as "Freedom of Information Day"; to the Committee on Post Office and Civil Service.

H.J. Res. 628. Joint resolution designating the week beginning March 8, 1981, as "Women's History Week"; to the Committee on Post Office and Civil Service.

By Mr. GIAIMO:

H.J. Res. 629. Joint resolution to grant posthumously full rights of citizenship to Douglas Clyde Macintosh; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H. Con. Res. 447. Concurrent resolution to express the thanks of the Congress of the United States to those persons who, during the period of October 4-6, 1980, directly participated in the rescuing of 510 people on board the burning passenger vessel *Prinsendam* off the coast of Alaska; to the Committee on Merchant Marine and Fisheries.

By Mr. COTTER:

H. Res. 808. Resolution to express the concern of the House of Representatives over the continued repression of religious freedom in the Soviet Union; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. FISHER introduced a bill (H.R. 8332) for the relief of Chi K. Lee, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

446. By the SPEAKER: Petition of the Brevard County Board of Commissioners, Fla., relative to the Chrysler plant; to the Committee on Banking, Finance and Urban Affairs.

447. Also, petition of the manager, State Agency for Surplus Property, Jefferson City, Mo., relative to transfers of excess and surplus, Federal personal property; to the Committee on Government Operations.

448. Also, petition of Youngstown City Council, Youngstown, Ohio, relative to countercyclical funds; to the Committee on Government Operations.

449. Also, petition of the president of the National Association of State Land Reclamationists, relative to the Surface Mining Control and Reclamation Act of 1977; to the Committee on Interior and Insular Affairs.

450. Also, petition of the Oglala Sioux Tribe, Pine Ridge, S. Dak., relative to living conditions; to the Committee on Interior and Insular Affairs.

451. Also, petition of the Catholic War Veterans, Washington, D.C., relative to a commemorative stamp for St. Francis of Assisi; to the Committee on Post Office and Civil Service.

452. Also, petition of Theodore Cox and others, Astoria, Oreg., relative to Federal work grievances; to the Committee on Public Works and Transportation.

453. Also, petition of Kitty Hawk Elementary School, Mather Air Force Base, Calif., relative to the Select Committee on Narcotics Abuse and Control; to the Committee on Rules.

454. Also petition of the president, American Trucking Associations, Washington, D.C., relative to the Motor Carrier Act of 1980; to the Committee on Ways and Means.

[Petitions relative to the general revenue sharing program were received from the following agencies, and were referred to the Committee on Government Operations]

455. Fairbanks North Star Borough Assembly, Fairbanks, Alaska.

456. Baldwin County Commission, Alabama.

457. Clarke County Commission, Alabama.

458. Executive Committee, Alabama-Tombigbee Regional Commission, Camden, Ala.

459. Cochise County Board of Supervisors, Arizona.

460. Pinal County Board of Supervisors, Arizona.

431. Los Angeles County Board of Supervisors, California.

432. Tulare County Board of Supervisors, California.

463. Citrus County Board of Commissioners, Florida.

464. Osceola Board of County Commissioners, Florida.

465. Sarasota County Board of Commissioners, Florida.

466. Brevard County Board of Commissioners, Florida.

467. City Commission, Brunswick, Ga.

468. Henry County Board of Commissioners, Georgia.

469. Shoshone County Board of Commissioners, Idaho.

470. Des Moines County Health Unit, Burlington, Iowa.

471. Chickasaw County Board of Supervisors, New Hampton, Iowa.

472. Scott County Board of Supervisors, Davenport, Iowa.

473. Palo Alto County Board of Supervisors, Emmetsburg, Iowa.

474. Warren County Board of Supervisors, Indianola, Iowa.

475. Washington County Board of Supervisors, Washington, Iowa.

476. Newton County Board of Commissioners, Ind.

477. Council, Parish of St. Charles, Hahnville, La.

478. Oceana County Board of Commissioners, Hart, Mich.

479. Lapeer County Board of Commissioners, Lapeer, Mich.

480. Board of Commissioners, Douglas County, Minn.

481. Lake County Board of Commissioners, Baudette, Minn.

482. Polk County Board of Commissioners, Crookston, Minn.

483. Kittson County Board of Commissioners, Hallock, Minn.

481. Pipestone County Board of Commissioners, Pipestone, Minn.

485. Olmstead County Board of Commissioners, Rochester, Minn.

483. Murray County Board of Commissioners, Slayton, Minn.

487. Hancock County Board of Supervisors, Bay Saint Louis, Miss.

488. Amite County Board of Supervisors, Miss.

489. Pearl River County Board of Supervisors, Miss.

490. Hill County Board of Commissioners, Havre, Mont.

491. Granite County Board of Commissioners, Phillipsburg, Mont.

492. Tacs County Board of Commissioners, N. Mex.

493. Torrance County Commission, N. Mex.

494. Stanly County Board of Commissioners, N.C.

495. Greene County Board of Commissioners, N.C.

496. Craven County Board of Commissioners, N.C.

497. Catawba County Board of Commissioners, N.C.

498. Caswell County Board of Commissioners, N.C.

499. Board of Trustees, Floral Park, N.Y.
500. Town Board, Oyster Bay, N.Y.
501. Board of County Commissioners, Craig County, Okla.
502. Mayor J. Kenneth Blackwell, Cincinnati, Ohio.
503. Board of Ashtabula County Commissioners, Ohio.
504. Warren County Board of Commissioners, Ohio.
505. Youngstown City Council, Ohio.
506. Pen Argyl Borough Council, Pa.
507. Clearfield County Commissioners, Pa.
508. Board of Supervisors of West Whiteland Township, Pa.
509. Board of Commissioners, Township of Wilkins, Pa.
510. York County Board of Commissioners, Pa.
511. Edgefield County Council, S.C.
512. Perry County Commission, Tenn.
513. Commissioners' Court of Upton County, Tex.
514. Lynn County Commissioners Court, Tex.
515. Commissioners Court of Palo Pinto County, Tex.
516. Commissioners' Court of Maverick County, Tex.
517. Commissioners' Court of Smith County, Tex.
518. City Council, Hopewell, Va.
519. Lincoln County Board of Supervisors, Wis.
520. Sauk County Board of Supervisors, Wis.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. Patterson, and Mr. John L. Burton.

H.R. 282: Mr. Royer.

H.R. 365: Mr. Pickle, Mr. Wolpe, Mr. Murphy of New York, and Mr. Jacobs.

H.R. 1053: Mr. Coughlin.

H.R. 1297: Mr. Burgener.

H.R. 2507: Mr. Marks.

H.R. 3439: Mr. Coughlin, and Mr. Rosenthal.

H.R. 4178: Mr. Collins of Texas, Mr. Corcoran, and Mr. Hawkins.

H.R. 5040: Mr. Musto.

H.R. 5947: Mr. Charles Wilson of Texas.

H.R. 6181: Mr. Moffett.

H.R. 7170: Mr. Bedell.

H.R. 7928: Mr. Moffett.

H.R. 8148: Mr. Duncan of Tennessee.

H.R. 8225: Mr. Sabo.

H.R. 8311: Mr. McCloskey, Mr. AuCoin, Mr. Gingrich, Mr. Richmond, Mr. Maguire, Mr. Wolpe, Mr. Thompson, Mr. Markey, Mr. Gray, Mr. Davis of South Carolina, Mr. Ginn, Mr. Studds, Mr. Rodino, Mr. Kildee, Mr. Wolff, Mr. Fazio, Mr. Fisher, Mr. Fowler, Mr. Vento, Mr. Erdahl, Mr. Boland, Mr. Hollenbeck, Mr. Ottinger, Mr. Moorhead of Pennsylvania, Mr. Brodhead, Mr. Matsui, Mr. Regula, Mr. Walgren, Mr. Long of Maryland, Mr. Conte, Mr. Rinaldo, Mr. Eckhardt, Mr. Moakley, Mr. Anderson of Illinois, Mr. Ford of Tennessee, Mr. Hughes, Mr. Findley, Mr. McClory, Mr. Mavroules, Mr. LaFalce, Mr. Harris, Mr. Daschle, Mr. Weaver, Mrs. Collins of Illinois, Mr. Weiss, Mr. Rosenthal, Mr. Coelho, Mr. Florio, Mr. Pease, Mr. Won Pat, Mr. Van Deerlin, Mr. Hanley, and Mr. Sabo.

H.J. Res. 139: Mr. D'Amours.

H.J. Res. 159: Mr. Paul, Mr. Kostmayer, Mr. Fisher, Mr. Yatron, Mr. Snyder, and Mr. Brown of Ohio.

H.J. Res. 441: Mr. Mollohan.

H.J. Res. 502: Mr. Rose, Mr. Robinson, Mr. Waxman, Mr. Duncan of Tennessee, Mr. Shumway, Mr. McClory, Mr. Russo, Mr. Hubbard, Mr. Simon, Mrs. Collins of Illinois, Mr. Blanchard, Mr. Lowry, Mr. Murtha, Mr. Railsback, Mr. Udall, Mr. Coelho, Mrs. Spellman, Mr. Ford of Tennessee, Mr. Snyder, Mr. Jones of Tennessee, Mr. Bailey, Ms. Ferraro, Mrs. Snowe, Mr. Rosenthal, Ms. Oakar, Mr. Akaka, Mr. Drinan, Mrs. Heckler, Mr. Patterson, Mr. Anderson of Illinois, Mr. Swift, Mr. Buchanan, Mr. Wolpe, Mr. Erdahl, Mr. Conable, Mr. Wirth, Mr. Fisher, Mr. Kastenmeier, Mr. McHugh, and Mr. Moffett.

H. Con. Res. 436: Mr. Mineta, Mr. Vento, Mr. Jenkins, Mr. Murphy of Pennsylvania, Mr. Robert W. Daniel, Jr., Mr. Howard, Mrs. Heckler, Mr. Davis of Michigan, Mr. Edgar, Mr. Zablocki, and Mr. Archer.

H. Con Res. 443: Mr. Moffett.

H. Res. 343: Mr. Mollohan.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7112

By Mr. HORTON:

—Strike out everything after the enacting clause and insert in lieu thereof the following:

Section 1. Short Title.

This Act may be cited as the "State and Local Fiscal Assistance Act Amendments of 1980".

Sec. 2. Extension of Program.

(a) Authorization of Appropriations.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition; there are authorized to be appropriated to the Trust Fund $4,566,700,000 to pay the entitlements of units of local government hereinafter provided for the entitlement period beginning October 1, 1980, and ending September 30, 1981."

(b) Elimination of State Share.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) Division Between State and Local Governments.—

"(1) State government share.—The State government shall be entitled to receive—

"(A) one-third of the amount allocated to that State for each entitlement period ending before October 1, 1980, and

"(B) no part of such amount for the entitlement period beginning October 1, 1980, and ending September 30, 1981.

"(2) Local government share.—Of the amount allocated to a State—

"(A) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as provided in section 108, among the units of local government of that State; and

"(B) for the entitlement period beginning October 1, 1980, and ending September 30, 1981, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.".

(c) Conforming Amendments.—

(1) Payments.—Section 102 of the Act is amended—

(A) by striking out the first sentence of subsection (a) and inserting in lieu thereof the following: "Except as otherwise provided in this title, the Secretary shall, for each entitlement period, pay out of the Trust Fund to each unit of local government a total amount equal to the entitlement of such unit determined under section 108 for such period.";

(B) by striking out "State government or" each place it appears in subsections (a) and (b);

(C) by striking out "any State government and" in subsection (c); and

(D) by striking out "such State" in subsection (c) and inserting in lieu thereof "a State".

(2) Adjustment of local government entitlements.—Section 108 of the Act is amended—

(A) by striking out "two-thirds of" in subsection (b)(6)(B);

(B) by striking out "the entitlement of the State government of the State in which that unit is located" in subsection (b)(7)(C)(i) and inserting in lieu thereof "ratably the entitlement of the other units of local government (other than a county government) in that county which are not constrained by paragraph (6) from receiving it, or, if all such other units of local government are so constrained, such amount shall be added to and increase ratably the entitlement of each such government";

(C) by striking out "the entitlement of the State government of the State in which it is located" in subsection (b)(7)(C)(ii) and inserting in lieu thereof "ratably the entitlement of the other county governments in that State which are not constrained by paragraph (6) from receiving it, or, if all such other county governments are so constrained, such amount shall be added to and increase ratably the entitlement of each such government"; and

(E) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1981".

(3) Definition of entitlement period.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year period beginning on October 1, 1980.".

(4) Judicial review.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

(d) Transition Provision.—Section 121(c)(2) of the Act is amended by adding at the end thereof the following new sentence: "For the entitlement period beginning on October 1, 1980, and ending September 30, 1981, a State government or unit of local government shall not be deemed to be in violation of the requirements of subsection (b) or paragraph (1) of this subsection if such government or unit has, prior to the date of enactment of the State and Local Fiscal Assistance Act Amendments of 1980, conducted hearings required under subsection (a) on proposed uses of funds on the basis of a reasonable projection of the amount of funds to be made available to such unit under such Amendments.".

(e) Waiver Provision.—Section 123(c)(5) of th Act is amended to read as follows:

"(5) Waiver.—The Secretary may waive the requirements of paragraph (1) or paragraph (2), in whole or in part, with respect to any State governmental or unit of local government for any fiscal year as to which (in accordance with the regulations prescribed by the Secretary) there is a finding that—

"(A) the financial accounts of such government for such period are not auditable, and that such government demonstrates substantial progress toward making such financial accounts auditable, or

"(B) such government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent (in accordance with regulations prescribed by the Secretary), and such State audit agency demonstrates progress toward meeting generally accepted auditing standards or becoming independent.".

Sec. 3. Effective Date.

The amendments made by this Act shall apply with respect to entitlement periods (as such term is defined in section 141(b) of the State and Local Fiscal Assistance Act of 1972) beginning on or after October 1, 1980.

By Mr. MOORHEAD of Pennsylvania: (Amendment in the nature of a substitute.)

—Strike out everything after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Fiscal Assistance Act Amendments of 1980."

SEC. 2. EXTENSION OF PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund $4,566,700,000 to pay the entitlements of units of local government hereinafter provided for the entitlement period beginning October 1, 1980, and September 30, 1981."

(b) ELIMINATION OF STATE SHARE.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—

(1) STATE GOVERNMENT SHARE.—The State government shall be entitled to receive—

"(A) one-third of the amount allocated to that State for each entitlement period ending before October 1, 1980, and

"(B) no part of such amount for the entitlement period beginning October 1, 1980, and ending September 30, 1981.

"(2) LOCAL GOVERNMENT SHARE.—Of the amount allocated to a State—

"(A) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as provided in section 108, among the units of local government of that State; and

"(B) for the entitlement period beginning October 1, 1980, and ending September 30, 1981, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.".

(c) CONFORMING AMENDMENTS.—

(1) PAYMENTS.—Section 102 of the Act is amended—

(A) by striking out the first sentence of subsection (a) and inserting in lieu thereof the following: "Except as otherwise provided in this title, the Secretary shall, for each entitlement period, pay out of the Trust Fund to each unit of local government a total amount equal to the entitlement of such unit determined under section 108 for such period.";

(B) by striking out "State government or" each place it appears in subsections (a) and (b);

(C) by striking out "any State government and" in subsection (c); and

(D) by striking out "such State" in subsection (c) and inserting in lieu thereof "a State".

(2) ADJUSTMENT OF LOCAL GOVERNMENT ENTITLEMENTS.—Section 108 of the Act is amended—

(A) by striking out "two-thirds of" in subsection (b)(6)(B);

(B) by striking out "the entitlement of the State government of the State in which that unit is located" in subsection (b)(7)(C)(i) and inserting in lieu threof "ratably the entitlement of the other units of local government (other than a county government) in that county which are not constrained by paragraph (6) from receiving it, or, if all such other units of local government are so constrained, such amount shall be added to and increase ratably the entitlement of each such government";

(C) by striking out "the entitlement of the State government of the State in which it is "located" in subsection (b)(7)(C)(ii) and inserting in lieu thereof "ratably the entitlement of the other county governments in that State which are not constrained by paragraph (6) from receiving it, or, if all such other county governments are so constrained, such amount shall be added to and increase ratably the entitlement of each such government"; and

(E) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1981".

(3) DEFINITION OF ENTITLEMENT PERIOD.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year period beginning on October 1, 1980.".

(4) JUDICIAL REVIEW.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

(d) TRANSITION PROVISION.—Section 121(c)(2) of the Act is amended by adding at the end thereof the following new sentence: "For the entitlement period beginning on October 1, 1980, and ending September 30, 1981, a State government or unit of local government shall not be deemed to be in violation of the requirements of subsection (b) or paragraph (1) of this subsection if such government or unit has, prior to the date of enactment of the State and Local Fiscal Assistance Act Amendments of 1980, conducted hearings required under subsection (a) on proposed uses of funds on the basis of a reasonable projection of the amount of funds to be made available to such unit under such Amendments.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to entitlement periods (as such terms is defined in section 141(b) of the State and Local Fiscal Assistance Act of 1972) beginning on or after October 1, 1980.

SEC. 4. ESTABLISHMENT OF COUNTERCYCLICAL PROGRAM.

The Act of October 20, 1972, entitled "An Act to provide fiscal assistance to State and local governments, to authorize Federal collection of State individual income taxes, and for other purposes", is amended—

(1) by striking out the text of section 101 and inserting in lieu thereof the following: "This title and title IV may be cited as the 'State and Local Fiscal Assistance Act of 1972'."; and

(2) by adding at the end thereof the following new titles:

"TITLE IV—FISCAL ASSISTANCE DURING PERIODS OF RECESSION

"SEC. 401. FINANCIAL ASSISTANCE AUTHORIZED.

"(a) PAYMENTS TO STATE AND LOCAL GOVERNMENTS.—The Secretary of the Treasury (hereinafter referred to in this title as the 'Secretary') shall, in accordance with the provisions of this title, make payments to State governments, units of local government, and territorial governments for each eligible calendar quarter to help counter the effects of an economic recession.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) DURATION OF AUTHORIZATION.—Subject to paragraph (2), there are authorized to be appropriated with respect to each eligible calendar quarter, for the purposes of payments under this title during the fiscal year specified in paragraph (2), an amount not to exceed the amount determined for such quarter under paragraph (3). Any amount so appropriated for any such calendar quarter shall remain available for making payments with respect to such quarter until expended.

"(2) LIMITATION ON TOTAL AMOUNT.—The total amount which may be appropriated pursuant to this subsection shall not exceed $1,000,000,000 for the fiscal year ending September 30, 1981.

"(3) QUARTERLY APPROPRIATION LIMITS.—The amount which may be appropriated pursuant to this subsection with respect to any eligible calendar quarter shall not exceed the lesser of—

"(A) the product of the economic decline factor for such quarter multiplied by $10-000,000, or

"(B) $300,000,000.

"(c) DIVISION BETWEEN TERRITORIAL, STATE, AND LOCAL GOVERNMENTS.—One percent of the amount appropriated under subsection (b) for any calendar quarter shall be allocated to territorial governments under section 412. From the remainder of the amount so appropriated, one-half of such remainder shall be allocated to State governments under section 402 and one-half of such remainder shall be allocated to units of local government under section 403.

"(d) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE CALENDAR QUARTERS.—An eligible calendar quarter is—

"(A) any calendar quarter which is 1 of 2 consecutive calendar quarters—

"(i) during each of which the aggregate real wages and salaries are less than the aggregate real wages and salaries of the calendar quarter immediately preceding the first of such 2 quarters; and

"(ii) which are immediately preceded by, concurrent with, or partially preceded by and partially concurrent with, 2 consecutive calendar quarters during each of which the real gross national product is less than the real gross national product of the calendar quarter immediately preceding the first of such 2 quarters; and

"(B) any calendar quarter following a calendar quarter which meets the requirements of subparagraph (A) which is—

"(i) not a calendar quarter during which the aggregate real wages and salaries equals or exceeds the base period amount: and

"(ii) not a calendar quarter following a quarter described in clause (i) of this subparagraph.

"(2) AGGREGATE REAL WAGES AND SALARIES.—Aggregate real wages and salaries during any period are the total amount of wages and salaries received during such period, as determined by the Secretary of Commerce for the purpose of computing the gross national product, deflated by the personal consumption expenditure implicit price deflator developed by the Department of Commerce.

"(3) REAL GROSS NATIONAL PRODUCT.—The real gross national product is a measure of the value of the volume of national production in constant dollars, as determined by the Department of Commerce.

"(4) ECONOMIC DECLINE FACTOR.—The economic decline factor for any eligible quarter is determined by—

"(A) subtracting the aggregate real wages and salaries for such quarter from the base period amount;

"(B) dividing the amount determined under subparagraph (A) by the base period amount; and

"(C) multiplying the resulting fraction by 1,000, and rounding the product to the nearest whole number.

"(5) BASE PERIOD AMOUNT.—The base period amount is the sum of the aggregate real wages and salaries during the national base period divided by two.

"(6) NATIONAL BASE PERIOD.—The national base period is the 2 consecutive calendar quarters immediately preceding the first of the calendar quarters which meets the requirements of paragraph (1)(A). Only one national base period shall be established with respect to each series of consecutive eligible calendar quarters.

"SEC. 402. STATE GOVERNMENT ALLOCATION.

"(a) ALLOCATION OF FUNDS.—For each calendar quarter for which funds are available under this title, the Secretary shall allocate to each eligible State government an amount which shall bear the same ratio to the amount available for allocation under this section for that quarter (in accordance with section 401(c)) as the product of—

"(1) the economic decline factor for such State, multiplied by

"(2) the tax effort factor of such State government,

bears to the sum of such products for all eligible State governments.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE STATE GOVERNMENT.—

"(A) IN GENERAL.—A State government is an eligible State government under this section for a calendar quarter if—

"(i) such quarter is an eligible State quarter; and

"(ii) the base period amount for such State exceeds the aggregate real wages and salaries of such State for that calendar quarter.

"(B) ELIGIBLE STATE QUARTER.—A calendar quarter is an eligible State quarter with respect to a State if—

"(i) such quarter is an eligible calendar quarter as defined in section 401(d)(1); and

"(ii) such quarter—

"(I) is 1 of 2 consecutive calendar quarters, occurring within 1 year prior to the beginning of the first eligible calendar quarter (as defined in section 401(d)(1)) or during any such eligible calendar quarter, during each of which the aggregate real wages and salaries of such State are less than the aggregate real wages and salaries of such State are less than the aggregate real wages and salaries of such State during the calendar quarter immediately preceding the first of such 2 quarters; or

"(II) is a quarter following a quarter which meets the requirements of subclause (I) of this clause.

"(2) ECONOMIC DECLINE FACTOR.—The economic decline factor for a State for a calendar quarter is a number equal to the number of dollars by which the base period amount for such State exceeds the aggregate real wages and salaries of such State for that quarter.

"(3) TAX EFFORT FACTOR OF STATE GOVERNMENTS.—The tax effort factor of a State government is (A) the total taxes taken into account with respect to such State government under section 109(c)(2) of this Act for the most recent reporting year (as defined in subparagraph (B) of such section), divided by (B) the personal income for such State for such year as determined by the Department of Commerce for national income accounts purposes.

"(4) BASE PERIOD AMOUNT.—The base period amount of a State is the sum of the aggregate real wages and salaries of such State during its base period divided by two.

"(5) STATE BASE PERIOD.—The base period for any State is the 2 calendar quarters immediately preceding the first of the 2 consecutive calender quarters described in paragraph (1)(B)(ii). Only one base period shall be established for any State with respect to each series of consecutive eligible calendar quarters (as defined in section 401(d)(1)).

"(6) AGGREGATE REAL WAGES AND SALARIES OF A STATE.—The aggregate real wages and salaries of a State is the total real wages and salaries taken into account with respect to such State under section 401(d)(2) for each calendar quarter.

"SEC. 403. ALLOCATION TO UNITS OF LOCAL GOVERNMENT.

"(a) DETERMINATION OF ALLOCABLE AMOUNTS.—

"(1) COUNTY AREA ALLOCABLE AMOUNT.—For each calendar quarter for which funds are available under this title, the Secretary shall determine for each eligible county area an allocable amount which shall be an amount which bears the same ratio to the amount available for allocation under this section for that quarter (in accordance with section 401(c)), as the product of—

"(A) the economic decline factor for such county area for such quarter, multiplied by

"(B) the county area revenue sharing amount,

bears to the sum of such products for all eligible county areas for such quarter.

"(2) UNIT OF LOCAL GOVERNMENT ALLOCABLE AMOUNT.—

"(A) INDIAN TRIBES AND ALASKAN NATIVE VILLAGES.—If within a county area there is an Indian tribe or Alaskan native village which has a recognized governing body which performs substantial governmental functions, then the allocable amount for such tribe or village for any quarter shall be an amount which bears the same ratio to the total amount to be allocated for such quarter in such county area as the revenue sharing amount of that tribe or village bears to the sum of the revenue sharing amounts of all units of local government (and such tribes and villages) within that county area.

"(B) UNITS OF LOCAL GOVERNMENT.—The allocable amount for a unit of local government within a county area for any quarter shall be an amount which bears the same ratio to the amount remaining for allocation for such quarter in such county area (after subtraction of the allocable amount determined under subparagraph (A)) as the revenue sharing amount of that unit of local government bears to the sum of the revenue sharing amounts of all units of local government within that county area.

"(b) ALLOCATION BASED ON ALLOCABLE AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall allocate to each unit of local government, Indian tribe, and Alaskan native village an amount equal to the allocable amount determined under subsection (a) with respect to such unit, tribe, or village.

"(2) LIMITATION: MINIMUM ALLOCATION.—Notwithstanding paragraph (1), no allocation shall be made to any unit of local government, Indian tribe, or Alaskan native village if the allocable amount determined with respect to such unit, tribe, or village for such quarter is less than $1,000.

"(3) DISTRIBUTION OF UNALLOCATED AMOUNTS.—The Secretary shall add any amounts which, as a consequence of paragraph (2), remain unallocated (to units of local government, Indian tribes, and Alaskan native villages in any county area) to the allocation of the county government for such area.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE COUNTY AREA.—A county area is an eligible county area for a calendar quarter if the economic decline factor for such county exceeds zero.

"(2) ECONOMIC DECLINE FACTOR.—The economic decline factor for a county area for a calendar quarter is a number equal to the number of dollars by which the base period amount for such county area exceeds the aggregate real wages and salaries of such county area for that quarter.

"(3) BASE PERIOD AMOUNT.—The base period amount of a county area is the sum of the aggregate real wages and salaries of such county area during its base period divided by two.

"(4) COUNTY AREA BASE PERIOD.—The base period for any county area is (A) the 2 calendar quarters constituting the State base period (as defined in section 402(b)(5)) of the State within which such county area is located, if such State base period precedes the national base period (as defined in section 401(d)(6)), or (B) the 2 calendar quarters constituting such national base period, if no State base period is established for such State or such State base period is concurrent with or follows such national base period.

"(5) AGGREGATE REAL WAGES AND SALARIES OF A COUNTY ARFA.—The aggregate real wages and salaries of a county is the total real wages and salaries taken into account with respect to such county area under section 401(d)(2) for each calendar quarter.

"(6) COUNTY AREA REVENUE SHARING AMOUNT.—The county area revenue sharing amount is the sum of the amounts determined under section 108 of this Act with respect to the units of local government within such county area for the most recently completed entitlement period, as defined in section 141(b) of this Act.

"(7) UNIT OF LOCAL GOVERNMENT REVENUE SHARING AMOUNT.—The revenue sharing amount of a unit of local government is the amount determined under section 108 of this Act with respect to such unit for the most recently completed entitlement period, as defined in section 141(b) of this Act.

"SEC. 404. STATEMENT OF ASSURANCES.

"Each State and unit of local government may receive payments under this title only if it has filed with the Secretary, at such time and in such manner as the Secretary prescribes by rule, a statement of assurances. Such rules shall be prescribed by the Secretary not later than 90 days after the date of enactment of this title. The Secretary may not require any State or unit of local government to file more than one statement during each fiscal year. Each such statement shall contain—

"(1) an assurance that the State or unit of local government will—

"(A) use fiscal, accounting, and auditing procedures which conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States); and

"(B) provide to the Secretary (and to the Comptroller General of the United States), on reasonable notice, access to, and the right to examine, such books, documents, papers, or records as the Secretary may reasonably require for purposes of reviewing compliance with this title;

"(2) an assurance that reasonable reports will be furnished to the Secretary in such form and containing such information as the Secretary may reasonably require to carry out the purposes of this title;

"(3) an assurance that the requirements of section 405 will be complied with;

"(4) an assurance that the requirements of section 406 will be complied with; and

"(5) an assurance that the State or unit of local government will spend amounts received under this title only in accordance with the laws and procedures applicable to the expenditure of its own revenues.

"SEC. 405. NONDISCRIMINATION.

"(a) PROHIBITION.—

"(1) IN GENERAL.—No person in the United States shall, on the ground of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a State government or unit of local government, which government or unit receives funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity. Any prohibition against discrimination on the basis of religion, or any exemption from such prohibition, as provided in the Civil Rights Act of 1964 or title VIII of the Act of April 11, 1968, commonly referred to as Civil Rights Act of 1968, shall also apply to any such program or activity.

"(2) EXCEPTIONS.—

"(A) FUNDING.—The provisions of paragraph (1) of this subsection shall not apply where any State government or unit of local government demonstrates, by clear and convincing evidence, that the program or activity with respect to which the allegation of discrimination has been made is not funded in whole or in part with funds made available under this title.

"(B) CONSTRUCTION PROJECTS IN PROGRESS.—The provisions of paragraph (1), relating to discrimination on the basis of handicapped status, shall not apply with respect to construction projects commenced prior to January 1, 1977.

"(b) ENFORCEMENT AND REMEDIES.—The provisions of subsection (a) of this section shall be enforced by the Secretary in the same manner and in accordance with the same procedures as are required by sections 122, 124, and 125 of this Act to enforce compliance with section 122(a) of this Act. The Attorney General shall have the same authority, functions, and duties with respect to funds made available under this title as the Attorney General has under sections 122 (g) and (h) and 124(c) of this Act with respect to funds made available under title I of this Act. Any person aggrieved by a violation of subsection (a) of this section shall have the same rights and remedies as a person aggrieved by a violation of subsection (a) of section 122 of this Act, including the rights provided under section 124(e) of this Act.

"SEC. 406. LABOR STANDARDS.

"All laborers and mechanics employed by contractors on all construction projects, 25 percent or more of the cost of which are paid out of payments under this title, shall be paid wages at rates not less than those prevailing on similar projects in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"SEC. 407. GOVERNMENTAL DEFINITIONS AND RELATED RULES.

"(a) STATE.—The term 'State' means any of the several States.

"(b) UNITS OF LOCAL GOVERNMENT.—The term 'unit of local government' has the meaning set forth in section 109(d)(1) of this Act. Such term also means, except for purposes of sections 403 (a) and (b) and 408, the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions.

"(c) CERTAIN AREAS TREATED AS COUNTIES.—In any State in which any unit of local government (other than a county government) constitutes the next level of government below the State government level, then, except as provided in the next sentence, the geographic area of such unit of government shall be treated as a county area (and such unit of government shall be treated as a county government) with respect to that portion of the State's geographic area. In any State in which any county area is not governed by a county government but contains two or more units of local government, such units shall not be treated as county government and the geographic areas of such units shall not be treated as county areas.

"(d) TOWNSHIPS.—The term 'township' includes equivalent subdivisions of government having different designations (such as 'towns'), and shall be determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes.

"(e) UNITS OF LOCAL GOVERNMENT LOCATED IN LARGER ENTITY.—A unit of local government shall be treated as located in a larger entity if part or all of its geographic area is located in the larger entity.

"(f) ONLY PART OF UNIT LOCATED IN LARGER ENTITY.—If only part of a unit of local government is located in a larger entity, such part shall be treated for allocation purposes as a separate unit of local government, and all computations shall, except as otherwise provided in regulations, be made on the basis of the ratio which the estimated population of such part bears to the population of the entirety of such unit.

"(g) BOUNDARY CHANGES, GOVERNMENTAL REORGANIZATION, ETC.—If, by reason of boundary line changes, by reason of State statutory or constitutional changes, by reason of annexations or other governmental reorganizations, or by reason of other circumstances, the application of any provision of this section to units of local government does not carry out the purposes of this title, the application of such provision shall be made, under regulations prescribed by the Secretary, in a manner which is consistent with such purposes.

"(h) TREATMENT OF THE DISTRICT OF COLUMBIA.—For purposes of this title the District of Columbia shall be treated as a county area which has no units of local government (other than itself) within its geographic area.

"SEC. 408. PAYMENTS.

"(a) IN GENERAL.—From the amounts allocated to State governments, units of local government, and Indian tribes and Alaskan native villages under sections 402 and 403, the Secretary shall—

"(1) not later than 30 days after the receipt from the Secretary of Commerce of State-level data regarding the calendar quarter following an eligible calendar quarter described in section 401(d)(1), pay to each State government which has filed a statement of assurances under section 404 an amount equal to the amount allocated to such State government under section 402 for such eligible calendar quarter; and

"(2) not later than 30 days after the receipt from the Secretary of Commerce of county-area data regarding an eligible calendar quarter described in section 401(d)(1), pay to each unit of local government and Indian tribe and Alaskan native village which has filed a statement of assurances under section 404 an amount equal to the amount allocated to such unit, tribe, or village under section 403 for such eligible calendar quarter.

"(b) ADJUSTMENTS.—Payments under this title may be made with necessary adjustments on account of overpayments or underpayments under this title.

"(c) CERTIFICATION OF DATA.—The Secretary of Commerce shall, as soon as may be practicable after the conclusion of each calendar quarter, provide to the Secretary the data required for purposes of sections 401 (d)(2), 402(b)(6), and 403(c)(5).

"SEC. 409. WITHHOLDING.

"Whenever the Secretary, after affording reasonable notice and an opportunity for a hearing to any State government or unit of local government, finds that there has been a failure to comply substantially with any assurance set forth in the statement of assurances of that State government or unit of local government filed under section 404, the Secretary shall notify that State government or unit of local government that further payments will not be made under this title until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made under this title.

"SEC. 410. REPORTS.

"(a) QUARTERLY REPORTS.—The Secretary shall report to the Congress as soon as is practical after the end of each calendar quarter during which payments are made under the provisions of this title. Such report shall include information on the amounts paid to each State government and unit of local government and a description of any action which the Secretary has taken under the provisions of section 409 during the calendar quarter.

"(b) ANNUAL REPORT.—The Secretary shall report to Congress as soon as is practical after the end of each fiscal year during which payments are made under the provisions of this title. Such reports shall include detailed information on the amounts paid to State governments and units of local government under the provisions of this title and any actions with which the Secretary has taken under the provisions of section 409.

"SEC. 411. ADMINISTRATION.

"(a) RULES.—The Secretary is authorized to prescribe, after consultation with the Secretary of Commerce, such rules as may be necessary for the purpose of carrying out his functions under this title. Such rules shall be prescribed by the Secretary not later than 90 days of the date of enactment of this title.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the administration of this title.

"SEC. 412. ALLOCATION FOR PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS.

"(a) ALLOCATIONS.—

"(1) IN GENERAL.—For each calendar quarter for which funds are available under this title, the Secretary shall allocate to each territorial government an amount equal to the product of the amount available for allocation under this section multiplied by the applicable territorial percentage.

"(2) APPLICABLE TERRITORIAL PERCENTAGE.—For the purposes of this subsection, the applicable territorial percentage of a territory is equal to the quotient resulting from the division of the territorial population of such territory by the sum of the territorial population for all territories.

"(3) DEFINITIONS.—For purposes of this section—

"(A) The term 'territorial government' means the government of a territory.

"(B) The term 'territory' means Puerto Rico, Guam, American Samoa, and the Virgin Islands.

"(C) The term 'territorial population' means the most recent population for each territory as determined by the Bureau of Census.

"(b) PAYMENTS TO LOCAL GOVERNMENTS.—The governments of the territories shall make payments to local governments within their jurisdiction from sums received under this section as they deem appropriate.

"(c) APPLICATION OF GENERAL PROVISIONS.—The provisions of sections 404, 405, 406, and 409 shall apply to the funds authorized under this section.".

By Mr. WYDLER:

(Amendment to the amendment offered by Mr. HORTON.)

—On page 1 of the amendment of the gentlemen from New York, strike out section 2 and insert in lieu thereof the following:

SEC. 2. EXTENSION OF PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS FOR LOCAL SHARE.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund to pay the entitlements of units of local government hereinafter provided $4,566,700,000 for each of the entitlement periods beginning October 1 of 1980, 1981, and 1982."

(b) STATE SHARE PROVISIONS.—

(1) AUTHORIZATION OF STATE SHARE APPROPRIATIONS.—Section 105 of the State and Local Fiscal Assistance Act of 1972 is further amended by redesignating subsection (d) as subsection (e) and by inserting immediately before such subsection the following new subsection:

"(d) Authorization of Appropriations for Allocations to State Governments.—

"(1) In general.—In the case of each entitlement period described in paragraph (2), there are authorized to be appropriated to the Trust Fund $2,300,000,000 for each such entitlement period to make allocations to State governments in accordance with section 107(a)(2).

"(2) Entitlement periods.—The following entitlement periods are described in this paragraph:

"(A) The entitlement period beginning October 1, 1981, and ending September 30, 1982; and

"(B) The entitlement period beginning October 1, 1982, and ending September 30, 1983.".

(2) State share allocation.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) Division Between State and Local Governments.—

"(1) Entitlement allocations.—

"(A) State government share.—The State government shall be entitled to receive—

"(i) one-third of the amount allocated to that State under section 106 for each entitlement period ending before October 1, 1980, and

"(ii) no part of such amount for the entitlement period beginning October 1, 1980, and ending September 30, 1981.

"(B) Local government share.—Of the amount allocated to a State under section 106—

"(i) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as provided in section 108, among the units of local government of that State; and

"(ii) for the entitlement period beginning October 1, 1980, and ending September 30, 1981, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.".

"(2) Nonentitlement allocation to states.—From any amount appropriated pursuant to section 105(d) for any entitlement period described in section 105(d)(2), there shall be allocated to each State government an amount which bears the same ratio to the amount so appropriated for that period as the amount allocable to that State under section 106(b) bears to the sum of the amounts allocable to all States under section 106(b).".

(c) Conforming Amendments.—

(1) Payments.—Section 102(a)(1) of the Act is amended by striking out "entitlement" and inserting in lieu thereof "the allocation, if any,".

(2) Adjustment of local government entitlements.—Section 108 of the Act is amended—

(A) by striking out "two-thirds of" in subsection (b)(6)(B); and

(B) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1981".

(3) Definition of entitlement period.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year periods beginning on October 1 of 1980, 1981, and 1982.".

(4) Judicial review.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

(d) Transition Provision.—Section 121(c)(2) of the Act is amended by adding at the end thereof the following new sentence: "For the entitlement period beginning on October 1, 1980, and ending September 30, 1981, a State government or unit of local government shall not be deemed to be in violation of the requirements of subsection (b) or paragraph (1) of this subsection if such government or unit has, prior to the date of enactment of the State and Local Fiscal Assistance Act Amendments of 1980, conducted hearings required under subsection (a) on proposed uses of funds on the basis of a reasonable projection of the amount of funds to be made available to such unit under such Amendments.".

(e) Waiver Provision.—Section 123(c)(5) of the Act is amended to read as follows:

"(5) Waiver.—The Secretary may waive the requirements of paragraph (1) or paragraph (2), in whole or in part, with respect to any State government or unit of local government for any fiscal year as to which (in accordance with the regulations prescribed by the Secretary) there is a finding that—

"(A) the financial accounts of such government for such period are not auditable, and that such government demonstrates substantial progress toward making such financial accounts auditable, or

"(B) such government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent (in accordance with regulations prescribed by the Secretary), and such State audit agency demonstrates progress toward meeting generally accepted auditing standards or becoming independent.".

—Strike out everything after the enacting clause and insert in lieu thereof the following:

Section 1. Short Title.

This Act may be cited as the "State and Local Fiscal Assistance Act Amendments of 1980".

Sec. 2. Extension of Program.

(a) Authorization of Appropriations for Local Share.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund to pay the entitlements of units of local government hereinafter provided $4,566,700,000 for each of the entitlement periods beginning October 1 of 1980, 1981, and 1982."

(b) State Share Provisions.—

(1) Authorization of state share appropriations.—Section 105 of the State and Local Fiscal Assistance Act of 1972 is further amended by redesignating subsection (d) as subsection (e) and by inserting immediately before such subsection the following new subsection:

"(d) Authorization of Appropriations for Allocations to State Governments.—

"(1) In general.—In the case of each entitlement period described in paragraph (2), there are authorized to be appropriated to the Trust Fund $2,300,000,000 for each such entitlement period to make allocations to State governments in accordance with section 107(a)(2).

"(2) Entitlement periods.—The following entitlement periods are described in this paragraph:

"(A) The entitlement period beginning October 1, 1981, and ending September 30, 1982; and

"(B) The entitlement period beginning October 1, 1982, and ending September 30, 1983.".

(2) State share allocation.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) Division Between State and Local Governments.—

"(1) Entitlement allocations.—

(A) State government share.—The State government shall be entitled to receive—

"(i) one-third of the amount allocated to that State under section 106 for each entitlement period ending before October 1, 1980, and

"(ii) no part of such amount for the entitlement period beginning October 1, 1980, and ending September 30, 1981.

"(B) Local government share.—Of the amount allocated to a State under section 106—

"(i) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as provided in section 108, among the units of local government of that State; and

"(ii) for the entitlement period beginning October 1, 1980, and ending September 30, 1981, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.".

"(2) Nonentitlement allocation to states.—From any amount appropriated pursuant to section 105(d) for any entitlement period described in section 105(d)(2), there shall be allocated to each State government an amount which bears the same ratio to the amount so appropriated for that period as the amount allocable to that State under section 106(b) bears to the sum of the amounts allocable to all States under section 106(b).".

(c) Conforming Amendments.—

(1) Payments.—Section 102(a)(1) of the Act is amended by striking out "the entitlement" and inserting in lieu thereof "the allocation, if any,".

(2) Adjustment of local government entitlements.—Section 108 of the Act is amended—

(A) by striking out "two-thirds of" in subsection (b)(6)(B); and

(B) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1981".

(3) Definition of entitlement period.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year periods beginning on October 1 of 1980, 1981, and 1982.".

(4) Judicial review.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

(d) Transition Provision.—Section 121(c)(2) of the Act is amended by adding at the end thereof the following new sentence: "For the entitlement period beginning on October 1, 1980, and ending September 30, 1981, a State government or unit of local government shall not be deemed to be in violation of the requirements of subsection (b) or paragraph (1) of this subsection if such government or unit has, prior to the date of enactment of the State and Local Fiscal Assistance Act Amendments of 1980, conducted hearings required under subsection (a) on proposed uses of funds on the basis of a reasonable projection of the amount of funds to be made available to such unit under such Amendments.".

(e) Waiver Provision.—Section 123(c)(5) of the Act is amended to read as follows:

"(5) Waiver.—The Secretary may waive the requirements of paragraph (1) or paragraph (2), in whole or in part, with respect to any State government or unit of local government for any fiscal year as to which (in accordance with the regulations prescribed by the Secretary) there is a finding that—

"(A) the financial accounts of such government for such period are not auditable, and that such government demonstrates substantial progress toward making such financial accounts auditable, or

"(B) such government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent (in accordance with regulations prescribed by the Secretary), and State audit agency demonstrates progress toward meeting generally accepted auditing standards or becoming independent."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to entitlement periods (as such term is defined in section 141(b) of the State and Local Fiscal Assistance Act of 1972) beginning on or after October 1, 1980.

(Substitute amendment for the amendment offered by Mr. HORTON.)

—Strike out everything after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Fiscal Assistance Act Amendments of 1980".

SEC. 2. EXTENSION OF PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS FOR LOCAL SHARE.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund to pay the entitlements of units of local government hereinafter provided $4,566,700,000 for each of the entitlement periods beginning October 1 of 1980, 1981, and 1982."

(b) STATE SHARE PROVISIONS.—

(1) AUTHORIZATION OF STATE SHARE APPROPRIATIONS.—Section 105 of the State and Local Fiscal Assistance Act of 1972 is further amended by redesignating subsection (d) as subsection (e) and by inserting immediately before such subsection the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS FOR ALLOCATIONS TO STATE GOVERNMENTS.—

"(1) IN GENERAL.—In the case of each entitlement period described in paragraph (2), there are authorized to be appropriated to the Trust Fund $2,300,000,000 for each such entitlement period to make allocations to State governments in accordance with section 107(a)(2).

"(2) ENTITLEMENT PERIODS.—The following entitlement periods are described in this paragraph:

"(A) The entitlement period beginning October 1, 1981, and ending September 30, 1982; and

"(B) The entitlement period beginning October 1, 1982, and ending September 30, 1983.".

(2) STATE SHARE ALLOCATION.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—

"(1) ENTITLEMENT ALLOCATIONS.—

(A) STATE GOVERNMENT SHARE.—The State government shall be entitled to receive—

"(i) one-third of the amount allocated to that State under section 106 for each entitlement period ending before October 1, 1980, and

"(ii) no part of such amount for the entitlement period beginning October 1, 1980, and ending September 30, 1981.

"(B) LOCAL GOVERNMENT SHARE.—Of the amount allocated to a State under section 106—

"(i) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as provided in section 108, among the units of local government of that State; and

"(ii) for the entitlement period beginning October 1, 1980, and ending September 30, 1981, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.".

"(2) NONENTITLEMENT ALLOCATION TO STATES.—From any amount appropriated pursuant to section 105(d) for any entitlement period described in section 105(d)(2), there shall be allocated to each State government an amount which bears the same ratio to the amount so appropriated for that period as the amount allocable to that State under section 106(b) bears to the sum of the amounts allocable to all States under section 106(b).".

(c) CONFORMING AMENDMENTS.—

(1) PAYMENTS.—Section 102(a)(1) of the Act is amended by striking out "the entitlement" and inserting in lieu thereof "the allocation, if any,".

(2) ADJUSTMENT OF LOCAL GOVERNMENT ENTITLEMENTS.—Section 108 of the Act is amended—

(A) by striking out "two-thirds of" in subsection (b)(6)(B); and

(B) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1981".

(3) DEFINITION OF ENTITLEMENT PERIOD.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year periods beginning on October 1 of 1980, 1981, and 1982.".

(4) JUDICIAL REVIEW.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

(d) TRANSITION PROVISION.—Section 121 (c)(2) of the Act is amended by adding at the end thereof the following new sentence: "For the entitlement period beginning on October 1, 1980, and ending September 30, 1981, a State government or unit of local government shall not be deemed to be in violation of the requirements of subsection (b) or paragraph (1) of this subsection if such government or unit has, prior to the date of enactment of the State and Local Fiscal Assistance Act Amendments of 1980, conducted hearings required under subsection (a) on proposed uses of funds on the basis of a reasonable projection of the amount of funds to be made available to such unit under such Amendments.".

(e) WAIVER PROVISION.—Section 123(c)(5) of the Act is amended to read as follows:

"(5) WAIVER.—The Secretary may waive the requirements of paragraph (1) or paragraph (2), in whole or in part, with respect to any State government or unit of local government for any fiscal year as to which (in accordance with the regulations prescribed by the Secretary) there is a finding that—

"(A) the financial accounts of such government for such period are not auditable, and that such government demonstrates substantial progress toward making such financial accounts auditable, or

"(B) such government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent (in accordance with regulations prescribed by the Secretary), and such State audit agency demonstrates progress toward meeting generally accepted auditing standards or becoming independent.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to entitlement periods (as such term is defined in section 141(b) of the State and Local Fiscal Assistance Act of 1972) beginning on or after October 1, 1980.

SENATE—*Wednesday, November 12, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. J. JAMES EXON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

God of our Fathers and our God, who has made and preserved us a nation, make us to know that Thou art a God of history at work in history. We thank Thee for the movement of Thy Spirit in the tides of time and for the patterns of Thy coming kingdom being formed in the world in which we live. Thou hast watched over our going out and our coming in and brought us to this new day. Be to us our guide, our strength, our stay.

Deliver us from all that obstructs the working of Thy Spirit. Implant in us the graces of magnanimity and chivalry and civility. As we go to work anew help us in all our ways to acknowledge Thee, knowing that Thou wilt direct our paths.

Bestow Thy higher wisdom upon the President and all who labor in the affairs of state, to the end that justice and peace may prevail throughout the world.

Keep us steadfast and true in the things that matter and bring us to Thy everlasting kingdom. Through Him who reigns above all worlds forever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 12, 1980.

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. JAMES EXON, a Senator from the State of Nebraska, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. EXON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

THE JOURNAL

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Journal be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. CRANSTON. Mr. President, I ask unanimous consent that at this point there be printed in the RECORD a statement by the majority leader on Veterans Day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I have a statement with respect to Veterans Day which I would like to have appear in the RECORD at the time the majority leader is customarily recognized.

I understand Mr. CRANSTON has already provided for that, so I will read the statement at this point with the understanding that it will appear at that point in the RECORD.

VETERANS DAY, 1980

Mr. ROBERT C. BYRD. Mr. President, Tuesday the Senate was not in session in order to commemorate Veterans Day. Many of us spent the day in our home States. Many of us took some part in Veterans Day ceremonies. This Nation has a historic commitment to honor and care for those who have borne arms in service to this country, during times of war and peace.

During the history of the United States, more than 38 million Americans have entered military service in the defense of their country. Today, there are more than 30 million men and women who are veterans of duty in the armed services, and more than 26 million of these are veterans of wartime service. Six years ago, America's direct involvement in the Vietnam war ended. Since that time, we have been a nation at peace. More than 2½ million veterans served in Vietnam, and another 6 million served elsewhere during those years.

The present veteran population is the largest in the Nation's history. It represents more than a sixfold increase since the Veterans' Administration was created more than 50 years ago. Today, 93 million persons—veterans, dependents, and survivors of deceased veterans—are potentially eligible for VA benefits and service. As the number of citizens served by the Veterans' Administration has risen to an all-time high, the benefits and services provided by the VA have grown to meet the changing needs of veterans, and the changing demands of society.

We owe a debt to recent veterans which we are just beginning to pay. At the same time our obligation to veterans of other eras remains as compelling as ever. We owe a continuing debt to those men and women who have put aside their own lives to serve in the country's armed services.

Veterans Day is one way Americans demonstrate their respect for those men and women who have endured hardship and sacrifice in able service to this country. It is my hope that many citizens paused yesterday to honor, to remember, and "to care for him who shall have borne the battle."

RECESS UNTIL 12 NOON

Mr. CRANSTON. Mr. President, I have discussed this with the distinguished minority leader, and at the request of the majority leader I now move that we stand in recess until 12 noon.

There being no objection, the Senate, at 11:04 a.m., recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HEFLIN).

RECESS UNTIL 1 P.M.

Mr. CRANSTON. Mr. President, I move that the Senate stand in recess until the hour of 1 p.m.

There being no objection, the Senate, at 12 noon recessed until 1 p.m.; thereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MORGAN).

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President what is the business before the Senate?

The PRESIDING OFFICER (Mr. BUMPERS). There is still leadership time remaining.

Mr. ROBERT C. BYRD. I thank the Chair.

THE ELECTION

Mr. ROBERT C. BYRD. Mr. President, I think I should say that the people have spoken in the recent election. I regret the decision that has been reached, but I recognize the decision and, of course, will abide by it.

The President, I think, was blamed with problems, many of which were not of his own making, certainly, and I think it must be said that he acted resolutely in confronting the problems.

There are high marks to be given to President Carter in many areas, particularly with reference to the area of international affairs.

In that area, the Senate gave to him many of his victories. I can cite the Pan-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ama Canal treaties, for example. It seems to me that as we have witnessed events since those treaties went into effect, we would have to agree that goodwill has been created for the United States in Panama and in other Latin American countries.

We probably have the best relations with Panama that we have had for 30 years. The Panamanians are no longer anti-American. They know that this country acted like a superpower in proceeding with the treaties, in recognizing what was right, what was just, and what was equitable, as the Senate gave its approval to the ratification of those treaties.

I could go on with respect to Panama and cite other experiences that we have had since the passage of the treaties which would indicate that the United States took the right step. There were other subject areas in which the Senate acted responsibly and constructively: in the case of the Middle East arms sales and in the case of lifting the Turkish embargo.

The Senate supported the President in bringing about civil service reform, and in creating a new Department of Energy and a Department of Education. The Senate passed extremely contentious, complex, and difficult energy legislation.

In the field of deregulation of natural gas prices, in the field of energy conservation, the windfall profit tax, the Energy Mobilization Board, the synthetic fuels program, which initiates an entirely new industry in this country, all of these energy measures were thoroughly debated. They were divisive in many instances, yet the Senate acted to respond to the needs of the Nation and, in so doing, I think we have to recognize the leadership that Mr. Carter gave.

He was the first President to offer to the Congress a comprehensive national energy policy. Parts of that proposed policy remain to be acted upon. The energy mobilization bill, for example, has been acted upon by both Houses, but went to conference. The conference report has not been adopted by the other body. I hope that that legislation can be finally acted upon before this Congress adjourns sine die.

I think that the other measures will provide, in due time, for alternative fuels. The deregulation of crude oil prices by the President and deregulation of natural gas prices by the Congress in support of the President's program have already brought about the prospects for increased energy supplies.

In the case of natural gas, I believe there has been a 2-percent increase over the past 9 months as against the same period of last year. In the case of crude oil, I believe there has been an increase of 3 percent in the first 9 months of this year over the same 9 months of last year.

There has been an increase in both natural gas and domestic oil in the last 2 years. These increases have reversed, in the case of crude oil, a trend in the opposite direction that was a decade long.

In the case of natural gas, I think the increases in production in the last 2 years have reversed a 5-year-long trend.

Mr. President, we already are seeing the benefits that have accrued and will continue to accrue increasingly from these legislative programs that Congress has enacted in support of the President.

May I say in passing that in these we have had excellent cooperation from the other side of the aisle. Without bipartisan support, the energy legislation that has been passed could not have been enacted. Without bipartisan support, the Panama Canal Treaties would not have been approved.

So I point out at this time, as I have said many times, that that bipartisan support is recognized.

As we go forward into the next Congress, the new President will have the support of Democrats on this side of the aisle, when we can agree with him; and when there come times in which there are honest differences, as I am sure there will be, we will attempt to act constructively and to present alternatives.

I, of course, am disappointed and saddened that we will not have with us in the new Congress a number of noble, able, and patriotic Senators who were defeated in the election. I believe that the country will lose, as the Senate will lose, by our not having their presence here. They have served the country well; they have served the Senate well. Some of the best known Senators, some of the ablest Senators, some of the brightest Senators of all time, will not be with us in the next Congress by virtue of the election results.

In that regard, two of our Senators on this side of the aisle will not be here because they chose to retire. Mr. STEVENSON and Mr. RIBICOFF will leave this Congress at the end thereof and will not return. We will miss the able counsel—I certainly will miss the noble counsel—of both Senators.

I have leaned a great deal upon the wisdom and the guidance that have been provided to me by Senator RIBICOFF. He will be missed sorely by me and by the leadership on this side of the aisle, by the Senate, and by the Nation.

ADLAI STEVENSON gave of his best in the service of the Senate. He had to perform some duties that were extremely difficult and onerous; and as a result, he was unable to give of his time to other matters that he might well have given. But that is the way he saw it, and he chose to do his duty. So he will not be here.

I think that about winds up what I have to say, Mr. President. We will have two new Senators on this side of the aisle, and we will welcome them. I am sure they will contribute greatly to the Senate and to the Nation.

I close by saying again that it will be our endeavor to cooperate where we can, because we all serve the Nation; and we best serve our party when we best serve the Nation. When we differ, it will be through honest differences of opinion. In those cases, we will try to be constructive, responsible, and responsive, and we will try to and will offer constructive alternatives.

We do not intend to stop our efforts to serve the country; nor do we see this as the final bringing down of the curtain on the majority leadership by my party. My party has been in the minority before, and we have come back.

I feel that the people of the country will see the need for returning the Senate and the Presidency to the leadership of the Democratic Party—certainly by 1982 in the case of the Senate and by 1984 in the case of the Presidency as well as the Senate.

In any event, in the meantime, we will apply ourselves diligently to the tasks that remain before the Nation. We certainly wish our Nation well as we confront those very serious problems. We in the Democratic Party on this side of the aisle will not be recreant in performing our duty. We look forward, not backward, with confidence that this party of ours, which has so long led the Nation, will again lead the Nation in the future, and not too many days and months hence. However, until that time, we shall accept our lot. We accept the decision of the people as certainly a temporary one at least, and we will do our duty.

Mr. BAKER. Mr. President, my good friend, the distinguished majority leader, was going good until he got to that part about recapturing the Senate and the White House.

We have not even done it yet. We have not even taken control, and already he is speculating on getting it back. I expect that is sort of the way Bill Knowland felt in 1954, and it took 26 years to change that.

I do not wish it to take 26 years, necessarily, but, on the other hand, turnabout is fair play.

Mr. ROBERT C. BYRD. Mr. President, will the Senator allow me to say one thing?

Mr. BAKER. I thought that might stimulate my friend.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the minority leader. I should do that. He has been an excellent leader of the minority.

We have had our differences from time to time, but they never have been personal. He has cooperated, perhaps not as much as I would have liked at times, but I consider the position he is in.

He cannot always cooperate, because he has to consider the needs of his party and the wishes of his colleagues on that side of the aisle. There have been times—I know there have been, and he so expressed himself—when he would have like to cooperate with respect to time agreements, the calling up of bills, and so forth, when he felt constrained not to do so because he had to protect those on his side of the aisle and abide by their wishes, too. We in the leadership are not entirely an island to ourselves.

So I think it is appropriate at this time—I will have the opportunity to do so again; we will continue in the majority until sine die of this Congress—for me to express my appreciation to him and to TED STEVENS, the minority whip, for the support they have given.

I would hope that that kind of cooperation could continue throughout the remainder of this session. But as I look beyond it, I congratulate the minority leader, who will be the majority leader in the next session. I know he will continue to give of his many talents, and I look forward to a good personal working relationship with him in the new Congress.

Mr. BAKER. Mr. President, I thank the majority leader, and it is characteristic of him to be as generous as he has just been to express the intention to cooperate and the hope and wish for a continuation of our good personal relationship of which I am certain.

I might say before I finish these remarks, which will be brief, that Bob Byrd has contributed many things to the Senate. But, as I have said on previous occasions, and will reiterate now, one of the major contributions he has made, not only as majority leader but as majority whip and a Member of the Senate, has been to become what may be the country's leading expert of all time in the rules, precedents, the procedures, and the traditions in the operation of the Senate of the United States.

As and when my colleagues give me the opportunity to be the majority leader of the Senate, I will owe him a debt of gratitude for his example and for his instruction on how the Senate operates, how it should operate, and the underlying principles which have made it the great institution which it is.

Mr. President, it would be remiss of me, however, not to observe, as I do now, that today we find ourselves on the brink of a historic shift of control of the Senate, the first Republican majority since 1954.

Mr. President, I am sure I speak for every Member on this side of the aisle, and those who will soon join us, when I say we are ready, indeed eager, for the challenge and for the opportunity to serve. We look forward to working closely with the President-elect and his growing administration during this crucial period of transition. We look forward to working closely with President Reagan in formulating and moving through the Congress a Republican program to meet the needs and the desires of the American people; and, Mr. President, we look forward to working closely with the new loyal opposition, the Democratic minority in the Senate of the United States. I had to try that and see how it sounded. [Laughter.]

For 26 years we Republicans in the Senate have done our best to fill our difficult but constitutionally vital role as the minority party. We are confident that the new minority will do the same. I look forward to continuing the personal relationship that I have valued so much with the distinguished Senator from West Virginia and with my other colleagues on the other side of the aisle.

Mr. President, it is not an exaggeration to say that the changes that will occur in the Congress and, most especially in the Senate, will have profound implications in many ways. But I believe that the challenge before the Republican Party, as it is once again entrusted with the majority leadership in the Senate, may be one of the great political challenges of all time in our system. Thus we must perform in a responsible way, in a cooperative way. We must continue the tradition of bipartisan cooperation, as the distinguished majority leader has just alluded to.

We must prove that this, the greatest of all public forums, can perform efficiently and effectively. But, most of all, Mr. President, it seems to me that our challenge is to reiterate our belief that the business of government and politics is a civilized and noble undertaking and that we will work together, notwithstanding our differences, our disappointments, our aspirations for the future, and that together, Republicans and Democrats, we will produce the public policies of this Nation that will best serve for the months ahead.

I relish that new role. I look forward to that relationship with my Democratic colleagues, and I pledge for all of us our best.

Mr. President, if I have time remaining I will be happy to yield it or to yield it back.

Mr. CRANSTON. Mr. President, I would like some time if I may have it.

Mr. BAKER. I yield to the distinguished majority whip.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I thank the distinguished Senator from Tennessee.

My joy in returning to the Senate for a new term is tempered with sadness and regret over the loss of a number of friends and very distinguished fellow Senators. Senators will no longer be in this body who have left an indelible mark upon the history of our country. They have accomplished some very great things for all of us.

I regret, too, the departure of President Carter. I agree with the distinguished majority leader that when history looks back upon his administration there will be many, many successes to note and to applaud.

I congratulate the President-elect upon his success. I congratulate the distinguished Senator from Tennessee upon his prospective elevation to the majority leadership. I likewise congratulate the distinguished Senator from Alaska upon his prospective move to replace me as majority whip in this body. I look forward to working with both men and all of their colleagues.

The people of our country have elected a Republican President and a Republican Senate. They want them to succeed. I want them to succeed. That will be good for our country, and I will do what I can to see to it that they do succeed.

I will give the new President the benefit of the doubt. I will support him whenever I can. I will oppose him only when I feel that I must. The same will hold true for my relationship with the leadership and the Members of the new majority when they assume that position in the Senate.

We have many, many vital issues that must be dealt with in a constructive way, and I hope when we feel we cannot go along with what the majority and the new President seek to do that we will have very constructive alternatives, and I will do my best to see that that is the way things work out.

On a personal note, I want to say that since there is to be a new President who is a Republican, I am glad that he comes from California. That gives me hope that I will, despite my new and shocking minority status, be able to achieve many things for the benefit of my State, in concert with the new President.

Many of the people who will be close to him in one way or another are from California. Many of them are friends of mine; a number of them supported me in one way or another in my recent campaign, so I look forward to a continuing opportunity to serve my State and also to serve my Nation, working with those in the executive branch and in the Congress for that purpose. I look forward to those opportunities.

Mr. BAKER. Mr. President, if I have time remaining, I simply wish to express my appreciation to the Senator from California and, of course, to the distinguished majority leader, and I am prepared to yield that time back.

Mr. STEVENS. Mr. President, will the Senator yield me some time?

Mr. BAKER. I would be happy to yield.

Mr. STEVENS. Mr. President, I want to thank the distinguished Senator from California for his prediction. I hope it comes true. I look forward to working with him and my good friend from West Virginia.

It does seem to me that the problems of the country do require a concerted effort on both sides of the aisle to work in harmony with the new administration, and I sense, as I have returned to Washington, that there is the dedication from all concerned to do just that. I think that is the right spirit with which to approach the new year, and I look forward to that new year. It will be nice to be in the majority for a change.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

LEGISLATIVE PROGRAM FOR THE NEXT SEVERAL DAYS

Mr. BAKER. Mr. President, if I have any time remaining, I wonder if I may ask the distinguished majority leader if he could give us any insight into what the program of the Senate will be for the next few days. I observe there was a Democratic caucus today, and those usually produce some legislative insight. I wonder if he could give us any information in that respect.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader.

The Senate will resume consideration today of the State, Justice appropriation bill. Mr. Hollings is prepared, as the manager of that bill, to proceed where we left off when we set the bill aside some time ago.

Following the action on the State, Justice appropriations bill, the Senate, by order entered some time ago, will proceed to the consideration of the Interior appropriations bill.

Upon the completion of Interior appropriations, the remaining appropriation bills that are on the calendar are as follows:

Treasury, Postal, and District of Columbia will be taken up. I hope that the Senate and House can complete action on as many appropriations bills as possible before the Congress adjourns sine die. The foreign assistance appropriations bill is still in the House. There are some appropriation measures in conference. There are one or two, I believe, in the Appropriations Committee that have to be marked up.

I simply say that I hope we could dispose of as many appropriation bills as possible. If there are some appropriations measures which cannot be disposed of, we would of course have to take up a continuing resolution to care for those agencies and departments that are involved.

Other than that, I would say that we need to complete action on the budget process. We have the second concurrent budget resolution which should be acted upon. The reconciliation measure is still in conference. I hope that we can see final action on that measure.

Other than those money bills and budget measures, I hope that we could take up the revenue-sharing legislation and dispose of it. There are other measures on the calendar which I need not enumerate at this point, except to suggest that perhaps the measure that deals with saving and reduction of paperwork, that I hope we could dispose of that. The fair housing legislation I think would be a good candidate. It might be that we would want to take up the Criminal Code legislation. Mr. KENNEDY and other Senators on this side of the aisle will be engaging in consultations with Senators on the other side of the aisle to see if we might be able to work out some arrangement whereby the Criminal Code legislation could be brought up. The superfund is also in that category.

That is about all I would care to say at this point which I think gives us a good workload. I anticipate that we would go until the close of business on the 25th of November, which is a Tuesday, 2 weeks from yesterday, and go out for the Thanksgiving holiday. At that point, we may be able to see more clearly as to a feasible sine die adjournment date. I must have some discussions with the Speaker. Mr. CRANSTON, Mr. INOUYE, and I will go over to see the Speaker and the House leadership shortly and see what the thinking is over there. But we will have to coordinate our efforts with the other body.

Now that is a pretty full platter, I would say. Obviously, some of the measures that we would hope to take up I have not enumerated, but they are on the calendar. There will be some measures that we will not be able to act upon.

I think that as to the tax cut we have been discussing, while I felt early on that we ought to take up the tax cut in the next few days, I have changed my view of that after discussing the matter with Members of the other body, with the President, and with my own colleagues on my side of the aisle. I believe that this is a matter that we ought to leave for the next Congress. I am convinced that it would be better, Mr. Reagan having been elected to be the new President of the United States, for him to have his turn at bat, his opportunity. If at that time the new President wishes to proceed with the tax cut legislation, we Democrats on our side will make our input, offer our amendments, make our contributions and make our decisions in the light of circumstances at that time.

But I have come to change my mind after these various discussions with my colleagues and with the other parties that I have mentioned. So I would not entertain any notion of calling up that measure in this session. I have no intention to do so.

I guess that about wraps it up insofar as my response to the distinguished minority leader is concerned.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the majority leader for his reply.

I may say that as a matter of general principle it would be my preference to conclude this session as soon as possible. I think that if there is no other bases for it—and there are other bases—than that the new Republican President and indeed the new Republican majority of the Senate should have a maximum opportunity to act on these issues, that would suffice unto itself.

I hope that the November 25 date identified by the majority leader might indeed turn into an adjournment sine die date. I, of course, will be here, as will my colleagues, to partcipate on whatever bases we must. But I think the best interest of the country and the best interest of the Senate will be served by concluding the necessary, essential business of the Senate and the Congress and postponing all those things we can postpone until next year.

Mr. President, I am disappointed to hear that the majority leader has indicated that he has changed his mind and that the Democratic majority does not agree to proceeding with the tax relief measure. I had hoped that we would. I had even thought that it might be done promptly since it would appear that we had strong bipartisan support of the bill that is reported by the Finance Committee.

I think it is not 1 day too soon to begin the business of providing tax relief for the people of the United States. I am disappointed that it would appear now that will not occur. I wish that we might reconsider that judgment and consider that along with other essential measures that must be dealt with.

I agree with the majority leader that revenue sharing reauthorization is essential and I will support him in that request. I hope we can do that promptly and without any great complication.

On the matter of the budget, Mr. President, if, in fact, we cannot complete all of the appropriation bills—and, frankly, I doubt that we can—I would have grave doubts about whether we could finish the budget process in time; that is the second concurrent budget resolution. I hope that the majority leader and I might discuss that after the situation with respect to the appropriation bills becomes a little clearer.

In the matter of appropriation bills, I understand we will proceed now to State, Justice and then to Interior under the previous order. Some other appropriation bills I think surely must be dealt with—the Defense appropriation bill comes to mind. But I would hope in that case as well that the distinguished majority leader would consider the appropriation process with appropriate continuing resolutions, so that we can have a realistic expectation of closing by Thanksgiving.

But in order to do that, I very much doubt that it will be possible to pass some appropriation bills, to pass continuing resolutions where necessary, and to pass a budget resolution in November. Of course, that is the judgment of the majority leader to make, and I am sure we will have more conversations about it. But I would reiterate my preference to do as little as we can do in good conscience to take care of the business of Government in the Senate and to adjourn as promptly as possible.

Mr. President, the only other thing I would say in response to the remarks of the majority leader is in respect to a number of other bills, such as superfund. I, for instance, support a superfund bill, but I am convinced that we will pass a better superfund bill next year, early next year—and by the way, I will pledge to try to move that bill as early as possible next year—than we will trying to do it now in our effort to complete our work this year.

Concerning the Criminal Code, there is divided opinion on this side of the aisle as to how we will proceed. I was reassured to hear the majority leader say that Senator KENNEDY, Senator THURMOND, and others will attend conversations in that respect.

Finally, in addition to thanking the majority leader for the information he has given, I wish to say that the ultimate objective in my view, of course, is to take care of the necessary business of the Senate, but the next objective is to adjourn as soon as possible. I hope we might proceed to try to accommodate that as much as we can.

Mr. ROBERT C. BYRD. Mr. President, I certainly do not want to see the Senate stay in session a day beyond what is necessary, but it does seem to me to be necessary, as I have indicated—and I will not belabor the point—for us to complete action as soon as possible on as many appropriations measures as possible, on the budget process, and then the continuing resolution so that whatever agencies and departments have not been covered by the appropriations bills passed would be taken care of. Aside from that, there are some other measures which I think are important to the extent that we ought to act on them this year. Revenue sharing is one of them. The minority leader has said that he shares that viewpoint.

There are others and I will not attempt to go into them at this point. I would hope that we could work together and cooperate as much as possible, to get time agreements where necessary, and to try to avoid the calling up of legislative amendments on appropriations bills so as to expedite action thereon and to hasten the day when we might complete our work and adjourn sine die.

I thank the minority leader and others who have been privy to this colloquy.

Mr. President, I believe Mr. HOLLINGS is now here.

Mr. BAKER. Mr. President, I have a special request on this side that as we proceed to the consideration of State and Justice we might not continue the consideration of the Weicker amendment until some time after 3:30 this afternoon.

Mr. ROBERT C. BYRD. Is that the pending amendment?

Mr. HOLLINGS. Yes. We would have to momentarily set that aside.

The PRESIDING OFFICER. It is the pending business.

Mr. ROBERT C. BYRD. I will leave it to the distinguished manager of the bill to proceed with the bill. He will ask unanimous consent to set that amendment aside temporarily and to proceed with other amendments.

Mr. BAKER. I misspoke myself a moment ago. My understanding now is that the request is that there be no action on any amendment prior to 3:30. That, of course, is to accommodate certain other Senators.

Mr. HOLLINGS. That is agreeable.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, that Senators may speak therein up to 5 minutes each, and that there be a limitation of the period of 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS, 1981

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 7584 making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies, 1981, and for other purposes, which the clerk will state by title.

The legislative clerk read as follows:

> A bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, as we resume consideration of the 1981 appropriations bill for the Departments of State, Justice, Commerce, the Judiciary, and 21 related agencies, the amount in the bill stands at $9,057,918,000, in budget authority, which will result in an estimated $9,898,000,000 in outlays. During Senate consideration of the bill in September all the committee amendments were agreed to except that:

The House language was restored restricting the Legal Services Corporation from carrying out any activities on behalf of any individual who is known to be an alien;

The House language was restored restricting the Department of Justice from bringing any sort of action to require the transportation of any student to a school other than the school which is nearest the student's home;

The House language was also restored restricting the use of funds to implement, administer or enforce any regulation which has been disapproved by one or both Houses of Congress.

The House language was restored prohibiting the use of funds in any action not in compliance with the provisions of the Refugee Act of 1980.

Several other amendments were adopted including: $2,000,000 for the State and local drug grant program within the Department of Justice; $750,000 for NOAA's striped bass study; $2,000,000 to implement the Dispute Resolution Act; Elimination of the farm finance survey conducted by the Bureau of Census; termination of the Soviet grain embargo; insertion of a provision requiring agencies to give 60 days' notice before awarding or modifying contracts; a system for scheduling and reporting outlays; prohibiting use of funds to administer disaster loan programs where participants are eligible for compensation through other direct Federal payment programs; and language providing that EDA funds may be used for servicing as well as liquidating defaulted loans.

With few exceptions, the committee reduced the budget requests so that we are $608,469,000 under the administration's estimates. We are $338,720,000 over the House bill because the committee believes that we should move forward with the appropriations for the Economic Development Administration and the Regional Planning Commission deferred by the House.

The pending amendment, when consideration of the bill was suspended, was Senator WEICKER's amendment to section 607 of the bill providing that—

> Nothing in this section should be interpreted to prevent the Department of Justice from initiating or participating in litigation to secure remedies for violations of the fifth or fourteenth amendments to the Constitution of the United States.

We are aware of several other amendments which we can deal with quickly, and then move to final passage of the bill.

The main thing, Mr. President, is that we defer momentarily on the Weicker amendment and that we defer momentarily on any other amendment that we find objection to, until the return of my ranking colleague, Senator WEICKER, in about an hour and a half. I think that would be the judicious thing to do for the new chairman of this subcommittee as of next year.

Senator YOUNG, we have suffered a disaster since I have seen you, and we are going to have to have some disaster assistance, not only from farmers but from politicians.

Mr. YOUNG. I notice that the Senator from South Carolina did all right.

Mr. HOLLINGS. We were very fortunate. We were in the eye of a hurricane but we had a good organization. I know better than any other that I was lucky to miss the national wave.

Mr. YOUNG. You have done a fine job for South Carolina. I appreciate the fine work you have done in the committee of which I am a member.

Mr. HOLLINGS. I thank my distinguished colleague from North Dakota. We will miss him.

I came to the Senate under the auspices and guidance of my sort of patron saint in the U.S. Senate, Senator Richard B. Russell, Brevard Russell, of Georgia. I went back to see him when I was elected in 1966. I went to Winder, Ga. His sister cooked lunch and we ate on the porch. It was a warm day.

The first gentleman he told me about was you. He said, "We get along on both sides. We work on this defense thing. It is a bipartisan thing. You will find that one of the outstanding stalwarts is the Senator from North Dakota, MILTON YOUNG. I want you to meet him."

I found him to be exactly right—perhaps a little on the modest side.

Mr. YOUNG. Mr. President, that was very nice of the Senator. You won big in your election and because of your great record here—congratulations. I always considered Senator Russell one of the alltime great Members of the Senate and a wonderful friend of mine. Unfortunately, I was not able to go to his funeral. I shall be going to Atlanta next Monday when he receives some special recognition. I shall drive to Winder to see his grave: He is one of many southerners who was buried at the home of the family.

Mr. HOLLINGS. That is exactly right. We went to the funeral, many of us, in two planes. We had to land at my home in Charleston, S.C., and pipe the services in, so to speak, by way of telephone line and TV, because of the bad weather out there. It was just outrageously dangerous at the time and after one plane almost went in, we turned back and landed at Charleston. We had the services there with the Vice President, and Senator Russell's distinguished colleague (Mr. TALMADGE) and others from my hometown.

It will be a good visit for both of us. I hope to get back over that way myself during the holidays.

Mr. YOUNG. I shall be glad to be with the Senator.

Mr. HOLLINGS. Mr. President, if the policy committees on both sides could notify the Senators if they have any amendments to bring, there may be a few we can get accepted if we can get clearance. We cannot have a vote, if there is any question about it, until Senator WEICKER arrives.

Mr. President, I should like to discuss a technical problem which has arisen with the coastal energy impact fund under the Coastal Zone Management Act. On October 17, 1980, the President signed into law amendments to the Coastal Zone Management Act. In those amendments, we revised section 308(d)(4) which provided grants for impacts from energy systems other than oil and gas. Section 308(d)(4) was deleted and a new provision took its place, section 308(c)(3), which does essentially the same thing.

Some $682,536.00 remains to be expended from the old provision, and even though it was our intention that these funds could be expended under the new, similar provision, the lawyers at the Department of Commerce are not certain that they have the technical authority to do so. I would like the record to show that it was, in fact, our intention in drafting the new amendments that the small amount of money remaining could be expended under the new provision. I understand that applications have been in hand for the funds, but that processing was suspended because this question was raised. I hope making of this part of the RECORD will clarify that point.

Mr. President, while we wait for some other amendments, I think that perhaps I could revert this discussion momentarily to our concern about the budget, because we shall have a budget resolution that, hopefully, we can bring to the floor the first of next week. As you know, Mr. President, the House was acting yesterday, hoping to pass it before they recess this week. I think, along the lines of the tax cut, it is quite obvious that there will be some kind of tax cut at the beginning of the year and a provision in the bill, either on the House side or whatever we may include on the Senate side, would be in order at that time. I make issue with respect to the matter of a tax cut now. I do not do this to be contentious. I think that perhaps there ought to be a record made of exactly the meaning of a particular tax cut at this particular time.

At the time the Senator from South Carolina assumed the chairmanship of the Budget Committee from the previous chairman (Mr. Muskie), who went over to the Department of State, I had the opportunity of an off-the-record session with the chief economists and financial minds of this country. Since it was off the record, I need not identify them. But three were former chairmen of the Council of Economic Advisers, and one has since won a Nobel Prize in economics. This was the latter part of May, almost the 1st of June. At that time, economists were talking about a reestimate of unemployment in the first concurrent resolution. We stuck to the 7.5-percent projected unemployment for the year 1980-81. They were, at that time, seeing indications of perhaps an average out at 9 percent, a point and a half above our assumption.

Obviously, that was quite a turn, because we know, in the budget world, that a 1-percent increase in unemployment equals on the one hand a loss of some $20 billion in income tax revenue. On the other side of the ledger, it means expending around $10 billion in order to take care of the increased demands for unemployment compensation, trade adjustment assistance, and food stamps. The fact is that there are more medicare and more medicaid claims to the tune of $10 billion. So, when you say 1 percent of unemployment, you are saying something around $30 billion. When we passed the first concurrent budget resolution on June 2, we were still talking about a balanced budget. Yet we were getting these kinds of indications that we would be some $30 billion off. This was noted in the news media at the time and now history has shown that they were perhaps too extreme on their unemployment figure; that, rather, a figure of 8.5 percent, which we presently have in the second concurrent resolution, is more near the target rather than the 9 percent.

I think that you should imagine me at that particular time in conference. I am turning to the economists and saying, "Look, I am not an economist. As a Senator and a new chairman and, more than anything, as a candidate for reelection come November 4, what should be done about this high unemployment? We cannot go to the people as candidates for reelection of Senators or otherwise and say, look, we just did not do anything about 9 percent unemployment; what should be done?"

If I remember, there were around 27 at the meeting, and to a man and woman, they all agreed at that particular time, both conservative and liberal economists, "Nothing."

They said, "Senator, if you wanted to have done anything about unemployment for November, you should have done it 18 months ago. What you should be concerned about now is 1982-83, and that we do not reenact another budget that would cause spiraling inflation and a deeper recession.

"Looking at that problem, the 1982-83 problem of an even higher spiraling inflation and an even deeper, long-lasting recession, No. 1, get us past that election without any stimulus packages and without any tax cuts."

There is not any question that we did not need any more stimulants. We can emphasize that when we go back to the debate on that budget resolution. I pointed out to those who always thought the wealth of the land was there and that we ought to have a Marshall plan to reinvigorate the economy that, in essence, looking at the recession and the prospects for 1984, what we had was a Marshall plan each and every year, 1975-76, 1977-78, and 1978-79, and we worked our way into 18-percent inflation.

On the other hand, with respect to the tax cut, the economists, of course, were saying, "What we need is a modest tax cut on the supply side, something in the neighborhood of not to exceed $20 billion, building up, as we say, over the years—over, say a 3- to 4-year period, to an increased tax cut so that business could foresee and it could calculate, it could depend upon, could predict and, counting on it, make their business plans accordingly."

Emphasizing then, they said, "Senator, get us past that election without either one of those, and by the end of the year we should be on top of the recession and have held back inflation as much as we possibly can; and then we can move accordingly at the first of the year on that supply side tax cut. Any tax cut that goes across the board will go immediately into the main stream of consumerism and immediately begin to start inflating us again. That is the great danger."

I dare say the economists then were talking as economists who had misgivings about the politics of it, that there was no way to pass through a national Congress, tax cuts for business without some individual tax cuts and, necessarily, they would be much higher than the $20 billion amount.

Of course, we know of the job done, which was a creditable job by our Finance Committee. While it was $40 billion rather than $20 billion, the impact on fiscal year 1981, commencing January 1, was only about $11 billion. But still, therein was the across-the-board individual tax cut.

I may say that while there are many statements being made about the American people—everybody is talking about the American people, and Senators always fall into that particular posture of "I am talking for the American people"—and having just come off the track and having looked last night at a survey done by the U.S. News & World Report of the voters coming out of the booths, asking why they voted for Reagan, the answers were about defense, about inflation, about a balanced budget. Nowhere therein under the several reasons listed is a large tax cut.

Nowhere in the campaign, that I have heard, of what we need shows a large tax cut.

Many business leaders were talking about depreciation allowance, investment tax credits, so they could retool and gear up the American industrial machine. So as the economists said, 1982 and 1983, the statement made that a large tax cut cannot come too soon, I would rather contend that this large inflation cannot be diminished too soon.

Foremost in their minds is getting the national budget back into the black. That is why it was not a big political issue the last 6 weeks, either nationally or locally in the several campaigns. They were not talking about and voting on a political nuance, a term.

We learn a lot of lessons as we move along, but it was a very interesting one. Generally speaking, we all as politicians say that we are going to cut taxes, and against the size of Government. But what they want is someone getting a handle on inflation at this particular time.

So if President-elect Reagan and his team work out a good tax cut, which could be done early in the year, effective

January 1, on the supply side, business could be notified, they could be counting on it.

There is no reason that cannot be passed in the early part of the year, to take effect back as of January 1, and we could move along accordingly.

But I, for one, was of the school of thought that we ought to do our dead level best, first cut down spending as much as possible in the budget resolution.

I would hope when we do present the Second Concurrent Resolution that we realize there is already computed therein an $18 billion deficit. Some reestimates are coming and, more than anything else, we have the proposition of the tax cut, because what will be the economic impact will depend on what kind of tax cut and what size of tax cut is really projected.

So I do not think that the Congress is dragging its feet or has missed the vote on November 4. On the contrary, I think what the people want is not political maneuvering. They do not want posturing. They do want even a large tax cut, although they would appreciate it at this time if they knew that would not be followed on with a tremendous inflationary impact on the economy.

I think that is the thing for the Reagan team to study out because they will live with it for 4 years and it will be for the good of the country, both Democrat and Republican, that they do succeed.

I do not know of anyone in either party, or anybody in public office, or in this Government, that believes in this high inflation. That is the kind of tax on middle America that middle America cannot stand.

That is why at this particular moment they cannot go out and buy that automobile, with 15, 16, 17 percent interest. That is why they cannot finance that home.

The best housing program we can possibly pass in a restrictive economic program to get on top of inflation so that interest rates would come down, that inflation would decrease, so they could finance houses, so they could finance automobiles, and all these other things.

So let us not lose sight of the target here as we reconvene in what they call a lame duck session. We may be lame ducks politically, but we are not lame ducks mentally.

I think I was being given the advice and counsel at the time of the takeover of the Budget Committee some 5 months ago by a bipartisan group and it was given in bipartisan fashion.

Having listened this morning to Mr. Greenspan, he had every opportunity on the CBS program to come out for that large tax cut across the board, and we could see the furrows and the worries in his brow and in his mind as the Reagan team takes over, how, in both conscience and in economics can we increase the defense budget, how can we provide for the regularly stipulated programs?

Look at social security. If there is a social security amendment, and there could be, with respect to increasing that aid gradually to make that fund solvent. People are living longer than originally at the enactment of that act, and there are a lot of adjustments to be done.

I do not know of that dramatic finding of fraud, of $12 billion, and $17 billion, and $20 billion in HEW and elsewhere to make room for the increase. So if we increase defense an additional $20 billion and cut off revenues an additional $40 billion, to use the description of our friend, the distinguished Vice-President-elect, we do not have to use all our own commonsense, and that is the way the voter sees it.

How in the world can we add a $60 billion differential and say that that will help the $60 billion deficit we have right now?

That is not going in the right direction. We will have to first cut back.

Mr. President, since we are awaiting amendments we would be glad to yield to colleagues, if they have business to conduct.

I emphasize the fact that in the second concurrent resolution the budget figure of 050, which is defense, and there have been headlines about that so much, of what they will do on defense, that this Congress and that this U.S. Senate in particular, did not just receive a message on November 4.

On the contrary, they received a message last summer, and it came with the SALT II hearings.

I wish somebody would come in to debate that SALT II and we could show it is not that we are for or against a nuclear holocaust, or we are for or against arms limitation. We are all against the holocaust and all for limitations.

But I can show mathematically in a flash that that contract is not in the security interests of the United States. We have the short end of the deal. I do not mean to get the advantage of the Soviets, but I want an agreement with them and one that does include parity, or equity, or equality. It is not in there.

But last year when they started to steamroll toward a SALT II ratification, we started the hearings, and the hearings were designed at that particular time to prove the need and the wisdom of disarmament. On the contrary, in a very ironic fashion, it proved the need and wisdom of armament—exactly the opposite.

(Mr. LEVIN assumed the chair.)

Mr. HOLLINGS. Mr. President, on September 18, 1979, long before the trouble in Iran and Afghanistan, the U.S. Senate passed a 5-percent real growth add-on to our defense budget. We could not hold it on the House side or with the administration.

Later, this spring, we had some large contests, it will be recalled, particularly with the first concurrent resolution, of holding the Senate figure at that time. We made note of the fact that those in opposition to our defense figure were actually going to spend more, and so be it. Instead of the $151.7 billion in budget authority, the Senate figure is $173.6 billion and the House Budget Committee figure is $171.8 billion. The spendouts were coming in the budgets of the preceding years to impact on this year in order to catch up with the Rapid Deployment Force, more money for Nunn-Warner in pay benefits, more money for steaming hours, flying hours, starting ship construction, and moving back once again into the security of this Nation.

So what is included—and that is the point—is that we have in this budget amount of $173.6 billion a $29.1 billion add-on, 1981 over 1980.

Some might want to add another $20 billion, but I do not think this is the time to posture. I think this is the time to at least try to hold that figure. The Pentagon, I take it, is going to have to have certain supplementals—perhaps the first part of this year. Already, it is going to be a difficult task at this time to get the defense appropriations bill through this year, but all of a sudden we have discovered defense, on November 4.

The Budget Committee in the Senate and a substantial force in Congress have been moving toward an increased defense, and the name now is to see that it is spent judiciously, in that fashion.

I have been hearing all this talk about gold-plating. I knew this from the study made by Secretary of Defense Brown from three summers ago, when they took office, and they showed that they needed an $80 billion add-on just to keep at the current level. Our 5-percent amendment of September 8, 1979, at $40 billion, was only half of the $80 billion they said was needed at that time. Now, with inflation up and up and away, we can well see that, yes, we could use those amounts, but it has to be a balancing of priorities.

We have to recover from inflation. We have to recover from an enfeebled defense posture. We have to recover in various areas of our national endeavor. I believe this is a good time to withhold any extreme action, allow the administration to come in and set its program—that is what the people voted for on November 4—and give them a chance at bat, and cooperate fully, as much as we can, for the good of the entire country, to get on top of one thing first, and that is inflation in the United States.

As to the message going out in these headlines and editorials, somebody ought to talk to their economists and find the man who says that what we really need is a large, across-the-board 10 percent, $28 billion, individual tax cut. I have not found him yet. Let them all write their stories hereafter. They might be doing it politically, to sustain and protect and defend.

However, when we start with that $28 billion across the board and then try to get the supply side, we are up to a $55 billion to $60 billion tax cut. plus, as I have pointed out, the $60 billion deficit we have, just the experience in fiscal year 1980, and that is $120 billion out, and they are now talking about increases.

Yes, let us work on fraud, less waste, less food stamp programs.

The Senator from Oklahoma (Mr. BELLMON). the distinguished ranking minority member of the Budget Committee, and I cosponsored the amendment in

June—and we had to fight to get it—to take the college students off, the retirees off, the military off, the striking people off, all people who are not hungry Americans, off the sugar tip.

At the end of the Great Society in 1969–70, we had 3 million eligible at a cost of $250 million. That is what food stamps cost. We found out that we could get a little better outreach by doubling the amount and put it at 6 million. There were those in South Carolina who did not have transportation or the know-how or the money to qualify for it. We tried to clean it up. But instead of 6 million, it has gone to 23 million Americans, at a cost of $11 billion.

Those are the kinds of things we will have to clean up, as the distinguished Presiding Officer, the Senator from Michigan, outlined in his very perceptive article the day before yesterday in the Washington Post. I believe that the Senator from Michigan (Mr. LEVIN) has thrown a lot of light on our problems, and I believe others will be doing the same, and I will be glad to follow and to work along.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEVIN). Before the clerk calls the roll, the Chair, speaking as a Senator from Michigan, thanks the Senator from South Carolina for his kind comments.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1726

(Purpose: To provide additional personnel to meet workload in bankruptcy case filings)

Mr. HOLLINGS. Mr. President, there is an amendment relative to additional requirements of the bankruptcy courts. I call up my amendment on that particular subject and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from South Carolina (Mr. HOLLINGS) proposes an unprinted amendment numbered 1726:
>
> On page 34, line 14 strike: "$64,410,000" and insert "$65,610,000 of which $1,200,000 shall be derived by transfer from the appropriation for Speedy Trial Planning".

Mr. HOLLINGS. Mr. President, I have cleared this on the other side of the aisle with Senator WEICKER.

The PRESIDING OFFICER. The Chair will interrupt for just one moment. Is the Senator requesting that the Weicker amendment be temporarily laid aside?

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Weicker amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

Mr. President, the administrative office of the courts has just advised us that there is a requirement for additional deputy clerks to handle the exploding workload in the bankruptcy courts. I will make part of the record a letter received today from Director Foley that indicates that the filings are expected to be twice the number estimated in the 1981 request.

We are advised the $1,200,000 is available in an appropriation for speedy trial planning that is no longer required and can be transferred to the bankruptcy courts.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter dated November 12, 1980, from the Director of the Administrative Office of the U.S. Courts to our subcommittee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> NOVEMBER 12, 1980.
>
> Hon. ERNEST F. HOLLINGS,
> *Chairman, Subcommittee of the Committee on Appropriations for the Departments of State, Justice, Commerce, the Judiciary, and Related Agencies, U.S. Senate, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: I regret that at this late date I must ask you and your Committee to consider an amendment to the Judiciary Appropriation Bill for the fiscal year ending September 30, 1981 (H.R. 7584) so as to provide an additional $1.2 million in the appropriation "Salaries and Expenses, Bankruptcy Courts" for the employment of temporary personnel for the clerks' offices in those courts. This sum may be derived by a transfer of an unobligated balance in the appropriation for Speedy Trial Planning purposes which was made available in fiscal year 1975 by Public Law 94-32. All of the Speedy Trial plans have been adopted and are operational in the district courts and, therefore, very limited funds will be required in the current fiscal year for that purpose. The sum requested will provide for the employment of approximately 120 deputy clerks on a temporary basis for a period of nine months.
>
> The budget estimate for fiscal year 1981 which was submitted in October 1979, contemplated 255,000 bankruptcy case filings. The current estimate of filings for fiscal year 1981 is 475,000 cases (estates) and there would appear to be no evidence that the rate of filings will subside any time in the near future. This increase in filings, in large measure, is due to the liberalized provisions of the Bankruptcy Reform Act of 1978 as well as the removal of restrictions on advertising by attorneys who practice bankruptcy law. We are hopeful that if general economic conditions improve, there may be a leveling off or a slight reduction in filings but this would not alleviate the current problem in so far as the disposition of cases already filed.
>
> The increase in bankruptcy filings has had a crippling effect on the work of the bankruptcy offices. The clerks of the bankruptcy courts have requested and are in dire need of more clerical assistance which we cannot provide. Most offices have had to defer the closing of cases in order to meet deadlines in providing notices to creditors with respect to current filings. Deputy clerks are currently putting in many extra hours of overtime for which they are not being compensated. This has created serious morale problems in those offices and it is imperative that some relief be provided at the earliest possible date. I might add that as a result of the delay in the closing of cases, trustees are not being compensated on a timely basis and are refusing to accept appointments.
>
> Preliminary results of a work measurement study which was requested by the Appropriations Committees of both the House and Senate would appear to substantiate the need for approximately 600 additional personnel for clerks' offices. We have included a request for additional personnel in our budget estimates for fiscal year 1982 as submitted to the Office of Management and Budget. Although this request for fiscal year 1981 will provide funds for only a limited number of temporary personnel, it will at least in some measure relieve the current critical situation.
>
> I am submitting this request for an amendment with the approval of the Budget Committee of the Judicial Conference of the United States. If you should have any questions or require any additional information, please feel free to call me.
>
> Sincerely yours,
> WILLIAM E. FOLEY,
> *Director.*

Mr. HOLLINGS. Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (UP No. 1726) was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that this order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1727

Mr. MOYNIHAN. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is the Senator requesting that the Weicker amendment be temporarily laid aside?

Mr. MOYNIHAN. Mr. President, I would wish to consult the managers of the legislation.

Do I assume that would be the case?

Mr. HOLLINGS. Mr. President, we have already set aside the Weicker amendment by unanimous consent.

The PRESIDING OFFICER. But this must occur each time after the disposition of an amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that we temporarily set aside the Weicker amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from New York (Mr. MOYNIHAN), for himself and Mr. DOMENICI, proposes an unprinted amendment numbered 1727.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 24, line 5 strike "$770,830,000" and insert in lieu thereof "$772,830,000".

Mr. HOLLINGS subsequently said: Mr. President, I ask unanimous consent that Mr. MITCHELL, the Senator from Maine, be added as a cosponsor to unprinted amendment No. 1727 appropriating $2 million for carrying out the provisions of title VII of the Energy Security Act. I make this request on behalf of the distinguished Senator from New York (Mr. MOYNIHAN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, this is a matter which I believe has been agreed to by the distinguished managers of this legislation. I offer it on behalf of myself and my colleagues, Senator DOMINICI and Senator MITCHELL.

Mr. President, on July 4, 1980, the President signed the Energy Security Act—a bill initiating a $20 billion investment in a new synthetic fuels industry. Recognizing the causal link between increased fossil fuel combustion and the phenomenon known as acid rain, the Senate accepted my amendment to initiate an acid precipitation task force. During the course of conference, changes were made in the composition of the task force and the orientation of the comprehensive 10-year program. The conference agreed to designate the National Oceanic and Atmospheric Administration as the lead agency for the purposes of administering the research program.

The acidity of precipitation has been increasing at an alarming rate, for the most part of a consequence of the increased combustion of fossil fuels. If we are to rely to a greater degree on coal and synthetic fuels in the future, the concentration of atmospheric pollutants which lead to acid rain will surely increase as will all the attendant harmful effects.

There is no doubt that something must be done to address these problems. The program authorized in title VII will provide a mechanism for obtaining the essential information and for developing solutions to the problem of acid rains.

In spite of the urgency of the matter, the administration has failed to request the funds for NOAA to begin its work. I am well aware of the existence of the acid rain coordinating committee, established by the President last June. However, the coordinating committee has failed to produce anything to date. Indeed, last November—nearly a year ago—I was told that a report from the group was forthcoming. It is September 25, 1980, and again Congress is being told to wait—a report is forthcoming. How long are we to wait? And what are we waiting for?

The administration has moved swiftly to implement other provisions of the Energy Security Act. Grant proposals are already pouring in from across the country to fund innovative synthetic fuels projects. The acid precipitation program should be no less of a priority. When the Congress considers the Clean Air Act next year—in the context of the synfuels program and the coal conversion program—it is imperative that we have in hand the basic scientific data required to make intelligent policy choices.

Our amendment is simple—to add $2 million to the National Oceanic and Atmospheric Administration appropriation to initiate the acid precipitation program. I understand that OMB does not support this amendment. I wish to point out to the Senate that OMB is simply refusing to implement the law. Public Law 96–294—the Energy Security Act—title VII, subtitle A. Section 706(a) states:

> For the purpose of establishing the Task Force and developing the comprehensive plan under section 704 there is authorized to be appropriated to the National Oceanic and Atmospheric Administration for fiscal year 1981 the sum of $5,000,000, to remain available until expended.

We are not requesting the full level of funding, though well we should. Nonetheless, $2 million should be an adequate sum to enable NOAA to initiate the pressing work of the task force.

I would wish to make one further point. Title VII delineates a very special role for the national energy laboratories in the development of a comprehensive acid precipitation research program. Section 703(b) states:

> The four National Laboratories [Argonne, Brookhaven, Oak Ridge, and Pacific Northwest] shall constitute a research management consortium having the responsibilities described in section 704(6)(13) as well as the general responsibilities required by their representation on the task force.

Section 704(b)(13) refers to

> (A) the planning and management of research and development programs and projects, (B) the selection of contractors and grantees to carry out such programs and projects, and (C) the establishment of peer review procedures to assure the quality of research and development programs and their products.

I believe the statutory language makes clear the intent of Congress to involve the national energy laboratories in basic research on acid precipitation. The laboratories have the proven capability of carrying out extended, thorough investigations on this subject. We need only to give then the wherewithal to proceed.

This task force would also, I wrote note, involved, if they so wish to join, the Government of Canada, which is much concerned with this matter.

We have had numerous delegations of Canadian parliamentarians call upon us about this.

The effect of my amendment is simply to provide the $2 million funding for the first year of activity of the task force.

I would hope the managers of the bill accept this amendment on the simple principle of implementing a program enacted by Congress.

Mr. HOLLINGS. Mr. President, that is correct. What we would hope to do, Mr. President, is take from the salary account in the Economic Development Administration $2 million and allocate this to the National Oceanic and Atmospheric Administration. NOAA was considering a $2 million supplemental request, but this is even more timely. I congratulate the distinguished Senator from New York for bringing this to the attention of the committee.

I have cleared it on the minority side with Senator WEICKER, Senator STEVENS, and Senator DOMENICI, a cosponsor of the amendment.

Mr. MOYNIHAN. That is correct. I thank my distinguished friend.

I see my colleague, Senator DOMENICI, is here, and I am happy to yield to him.

Mr. DOMENICI. Mr. President, I thank the Senator.

I am pleased that the floor managers will accept this amendment.

Mr. President. every time Congress discusses the additional use of coal in this country for the development of electricity, we are confronted with this ongoing debate on the phenomenon of acid rain. One group says that sulfur in the coal precipitates the acid rain. Another group says it does not.

There is no question but that this Nation must move with dispatch and use more coal. We are going to be continuing to face the argument to find out if acid rain is related and, if so, how much, or whether it is nominal or not involved at all.

I wholeheartedly support this provision which must be funded, which is found in the Energy Security Act.

These funds will begin to carry out that commitment which is already a matter of law.

Mr. President, the phenomenon of acid precipitation is a poorly understood one. There is controversy over its cause and also its effects. Many scientists believe it is related to the burning of fossil fuels, especially those with high levels of sulfur. Some believe there is little if any relationship. Each time the Congress takes actions to use more fossil fuels of domestic origin particularly coal, Mr. President, we inevitably raise the issue of what will this increased use do to our environment.

The debates rage back and forth and always there is the statement, "We really don't know for certain that this or that will increase acid precipitation or the levels of carbon dioxide in the atmosphere."

Mr. President, when we passed the Energy Security Act we provided for a task force to study acid precipitation. We made a good faith effort to seek answers to some very real and important environmental questions.

Just a few months ago the Senate passed legislation to assist utilities in the conversion from oil to coal. At that time we debated, once again, over whether more coal use would raise the levels of acid precipitation. Any number of times the argument for action on further environmental controls or no environmental controls to go along with greater coal use were based on the same argument: "We don't know enough."

At the time President Carter submitted that legislation to us he wrote:

> I call upon the Congress to address with me in this session this important new concern and hope the appropriate committees in Congress will commence hearings on this as soon as possible.

Well, Mr. President, we did more than just have hearings as I have said. We set up a task force to study this problem. Now, when it comes time to fund this task force, to address the problem, the Office of Management and Budget opposes us. Mr. President, this is the most ridiculous thing the OMB has done in a long while. Everyone agrees the studies are needed, the President says he wants us to act and then the OMB says: "No."

I hope this Senate is more responsible than that, Mr. President. The issue needs no further debate. It is clear on its face. I urge the Senate to accept this amendment.

The PRESIDING OFFICER. The amendment of the Senator from New York amends a figure already amended by the Senate. It would take unanimous consent for the further amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the amendment of the Senator from New York be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that three press clippings from the New York Times, dated September 15, 1980, October 6, 1980, and October 21, 1980, be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Who Cares About Canada?

Most Americans think of Canadians as worthy but distant kin who can be counted on for an occasional family favor. No other neighboring countries casually manage so long a shared border (5,000 miles) or trade so extensively ($90 billion in 1979). So when Canadians quarrel among themselves, most Americans just shrug.

Now that there has been a breakdown in Canada's constitutional conference, that complacency ought to be reappraised. There are disquieting blips on the early-warning screen, for the Canadians are not only arguing bitterly among themselves. Some of their anger is directed against the United States. A tit-for-tat feud has developed on matters ranging from fishing rights to television advertising. If the warnings are ignored, American nonchalance could furnish a unifying grievance to a tormented country.

Canada's internal arguments are longstanding. The country has repeatedly tried to remodel an archaic constitutional system rooted in the British North America Act, adopted in 1867 by the British Parliament. The existing system cedes substantial powers to ten provincial governments, which now want further autonomy for reasons either cultural, as in French-speaking Quebec, or economic, as in oil-exporting Alberta.

Prime Minister Trudeau, a committed federalist, had summoned the rebellious provinces to discuss not just fiscal arrangements but also a possible new structure for the Federal Parliament, a new system of elections and the adoption of a Canadian Bill of Rights. But the differences between Mr. Trudeau and the provincial premiers proved to be irreconcilable. The Prime Minister's threat to move unilaterally to "patriate" Canada's Constitution is certain to inflame the domestic controversy.

Whatever the outcome, the American stake in a coherent Canada is obivous. Expanded trade and investment depend on it, and on an open border. Ominously, however, Canada's debate over domestic political arrangements coincides with unprecedented cross-border feuding.

Some of the feuds, notably the one over TV advertising, seem silly. To protect its broadcasters, Canada has eliminated the tax deductibility of commercials bought on American stations whose signals reach Canadian audiences. In reprisal, President Carter is asking Congress to remove the deduction for American advertisers on Canadian stations.

Americans probably have the greater grievance here. But these petty retaliations serve to magnify Canada's resentments on larger matters—like Buy-American trade restrictions, the increasing American export of acid rain and, most immediately, the sidetracking of a key fisheries agreement.

Canadians are justifiably exasperated by the failure of the United States Senate to ratify an East Coast fisheries treaty that the two countries signed 17 months ago. In effect, Canada is being asked to reopen talks on the treaty because New England fishermen are dissatisfied with their scallop quotas. So what was to be an agreement to unite neighbors is, perversely, driving them apart.

Who cares about Canada? An obliging neighbor has traditionally given Americans small reason to care. But Canadians groping for a new sense of nationhood are in a touchy state. Whoever aspires to lead in Washington ought to reckon with the Canadian cold front before it turns into a Mexican-style twister.

What We Don't Know About Acid Rain

To the Editor: R. A. Reid's letter of Oct. 6 decried your passing mention of acid rain in an editorial on the ground that it failed to give the issue the importance it deserves.

It should be noted that a study by Battelle's Columbus Laboratories observes that "it is difficult to show that acid rain has caused significant damage to the environment in the U.S." The report also points out that "acid rain is known to be a problem in some areas of the world, but whether or not it is now a significant problem in the United States is difficult to establish."

Battelle conducted the study with the sponsorship of the American Electric Power Service Corporation, service arm of the American Electric Power Company, a utility holding company with eight operating electric companies, in seven East-Central states.

The report notes that "there is a need to know more about the separate effects of the various components in rain on the ecosystem, not only the acids and alkalis present, but the trace amounts of toxic materials as well."

"Further analysis of existing data bases," the report continues, "and further investigation of the mechanisms of long-range transport of acidity are needed to improve the ability to predict long-range transport. There is insufficient information on nitrogen oxide behavior in plumes. Longer-term operation of the current monitoring networks is essential, and private industry initiative in this area should be encouraged.

"The health effects of acid rain and acid fog need to be established with much greater certainty. Also needed is effort on the role acid rain plays on the corrosion of materials. Finally, more effort is needed in field research and monitoring of aquatic and terrestrial ecosystems."

The report adds that "it is difficult to demonstrate convincingly by direct measurement that the acidity of rain has significantly increased in the United States in recent times. However, the trends indicate that there may be a problem, and there is a need for better and more reliable information to make environment decisions on a rational basis."

The report is an important contribution to the national dialogue on this subject. We hope that all concerned individuals will take the time to read the study and use its factual materials as the basis for future decisions.

W. S. White, Jr.,
Chairman, American Electric Power Service Corporation.

Rain That Kills

To the Editor: As a Canadian citizen's group concerned about the environment, we welcomed your recent editorial on Canadian-U.S. relations, but your passing mention of acid rain fails to give this issue the importance it deserves.

The Ontario government has estimated that 48,500 Ontario lakes will be rendered biologically dead over the next two decades as a result of acid rain. Many of these lakes are in our prime cottage and tourist country, and their demise would be a serious blow to our economy and our environment.

Well over half of that acid rain comes from the U.S., primarily from coal-burning power plants. We cannot solve our acid-rain problem without U.S. cooperation. So far, that cooperation has been less than enthusiastic.

Acid rain is the most pressing and widespread environmental problem we Canadians have ever faced. Unless we can achieve speedy progress on an international air-quality agreement, it is likely to emerge soon as one of the most serious irritants in our long friendship as well.

R. A. Reid,
Staff Environmentalist,
Federation of Ontario Naturalists.

Mr. MOYNIHAN. Finally, Mr. President, if I can detain my distinguished colleagues for another moment, I would hope this might be noted in Ottawa, that the U.S. Senate has taken this action with a specific concern that we engage our Canadian neighbors in these deliberations. I hope they will find it within their good judgment to joint in the task force efforts.

I thank the distinguished chairman and the distinguished ranking member, whom I will soon learn to address in yet more exalted terms.

Mr. STEVENS. Mr. President, as one who has been involved in the Canadian discussions, I am pleased to see this amendment. I think it is very timely.

It is my understanding, and I want to confirm this, that there will be a reduction in the EDA account accordingly.

Mr. HOLLINGS. That is right.

Mr. STEVENS. Mr. President, I have no objection.

Mr. MOYNIHAN. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1727) was agreed to.

UP AMENDMENT NO. 1728

(Purpose: to limit the amount of guaranteed loans on certain Small Business Administration programs)

Mr. HOLLINGS. Mr. President, I am told we have another technical amendment which has been cleared with Senator Weicker on the other side of the aisle. I call up this amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The Weicker amendment, without objection, will be further set aside and the amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. Hollings) proposes an unprinted amendment numbered 1728:

On page 45, line 25, strike "limitation." and insert in lieu thereof "limitation: *Provided*, That not more than $33,000,000 shall be available for guaranteed loans for the programs authorized by section 7(1) of the Small Business Act.".

AMENDMENT TO LIMIT GUARANTEED LOANS FOR CERTAIN SMALL BUSINESS ADMINISTRATION PROGRAMS

Mr. HOLLINGS. Mr. President, this amendment puts a limitation on the amount of guaranteed loans available in fiscal year 1981 for the Small Business Administration 7(l) energy loan program. The amendment will insure that the appropriations is consistent with the full amount authorized by the Congress for this program in Public Law 96–302, enacted on July 2, 1980.

There was an error in both the House and Senate Appropriations Committees' allowance for this program—an allowance in excess of the statutory authorization limit. The amendment is necessary so that conferees will be able to adhere to the statutory authorizations in establishing SBA's program levels.

This amendment has been cleared with the ranking minority member of the subcommittee (Mr. WEICKER) and we have discussed this with the authorizing committee, as well.

As I have noted before, the distinguished Senator from Connecticut (Mr. WEICKER) is the ranking minority member of the Subcommittee on Small Business Administration. We have discussed it with him and he has cleared it. He desires that the amendment pass.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator's statement is correct. On that basis, we are prepared to accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1728 was agreed to.

UP AMENDMENT NO. 1729

(Purpose: To revise certain provisions relating to the Federal Communications Commission)

Mr. BAUCUS. Mr. President, I have an amendment which I will send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be tempararily set aside.

The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an unprinted amendment numbered 1729:

On page 38, lines 15 and 23, strike "the rental of space in the District of Columbia and elsewhere;".

On page 39, beginning on line 8, strike "For the purpose of 47 U.S.C. 154(e), the District of Columbia is hereafter defined to include an area within two miles of the present District boundary."

Mr. BAUCUS. Mr. President, I am offering this amendment to H.R. 7584, the appropriation bill for the Federal Communications Commission.

My amendment would delete the "new" definition of the boundaries of the District of Columbia. As written, H.R. 7584, expands the boundaries of the District to include an area within 2 miles of the present boundary.

My amendment would also delete the independent authority to rent space given to the FCC in H.R. 7584.

I ask my colleagues to support this amendment for the following reasons.

First, if the Senate gives the FCC independent authority to rent office space, we create a situation where the FCC may compete directly with the Federal Government's landlord, the General Services Administration. This competition for the same office space only increases rental costs and the ultimate cost to taxpayers. Mr. President, I certainly endorse and support the principle of competition, but not among agencies of the same Government.

Second, 18 other Federal agencies are listed on GSA's "Current List of Priority Leasing Actions in the National Capital Region." This includes:

Merit Systems Protection Board;
Securities and Exchange Commission;
National Aeronautics and Space Administration;
Selective Service System;
Department of Agriculture;
Federal Labor Relations Authority;
Special Trade Representative;
Department of Commerce;
Department of Justice;
Internal Revenue Service;
Office of Personnel Management;
Secret Service;
Metric Board;
Environmental Protection Agency;
Drug Enforcement Agency;
Patent Office; and
Department of the Interior.

Can this body imagine the chaos that would result in this city if we were to grant independent authority to rent office space to each of these agencies? Not only would the cost of rental space increase, but agencies in desperate need for space due to the loss of their present lease, would have to compete with other agencies merely planning for future expansion or consolidation. Congress created GSA specifically to avoid such situations.

As a past critic of GSA, I do not intend to tell this body that GSA's leasing operations are perfect. They have their management problems just like everyone else in Government. However, you do not solve management problems by spreading management authority around. And you do not solve it by creating additional leasing bureaucracies in 100 different agencies. You solve it with careful oversight by Congress and the executive branch, as was done most ably by the Senate's Environment and Public Works Committee last year.

Third on my list of reasons is Executive Order 12072, signed by President Carter on August 16, 1978. This Executive order, entitled, "Federal Space Management," requires consideration of "activities and programs of other federally contolled agencies * * * availability of existing federally controlled facilities * * * and the management needs for consolidation of agencies or activities in common or adjacent space in order to improve administration and management and effect economies."

I ask my colleagues how the FCC or other Federal agencies, once granted leasing authority, will be able to effectively coordinate their leasing of space with other Federal agencies as required by this Executive order. Can we expect the FCC to contact each of the 100 Federal agencies in the D.C. area before they lease space? Again, I remind my colleagues that this body created a General Services Administration to do just that.

Fourth, the FCC has no special or peculiar space requirements that justify independent authority to rent office space. GSA has in the past delegated authority to rent space in special circumstances. The Department of Agriculture has had such authority to rent space in small rural areas, Department of Defense Recruitment offices have such authority, and occasionally a special need for laboratory or other specialized industrial space results in a delegation of authority.

Such delegations make sense and I support the idea. However, the FCC merely wants to consolidate their operations, a desire common to all Federal operations, including, I am sure, everyone of my colleagues in Congress. Such a desire is simply not sufficient to grant independent leasing authority.

My fifth reason is based on the lease the FCC entered into this year, using its independent leasing authority it received in last year's appropriation bill. That lease is for 22,000 square feet of space at 2000 L Street NW.

According to the GSA memorandum I have here, the FCC lease is "weighted in favor of the lessor and does not contain many of the mandatory requirements imposed on GSA leasing activities. The space was leased as is on a Washington Board of Realtors measurement rather than a net usable square foot basis. A pass through tax and operating cost escalation was agreed to, in addition to 25 percent of the increases in the CPI. There was no indication of Clean Air and Water Certification; Pre-Award EEO Compliance Review, negotiated overtime rates, or consideration of the Economy Act Limitation."

The point here is that GSA is required by law and regulation to comply with certain lease requirements. By granting separate leasing authority to the FCC, we have no assurance they will comply with those same laws and regulations. In fact, we already have evidence that they will not comply with all of them. Either these laws are good and should be obeyed or they are bad and should be changed. In no case should they simply be ignored.

My sixth point is also based on actions taken by FCC since they received rental authority in last year's appropriation bill.

The Appropriation Committee granted the FCC leasing authority based upon the assumption that GSA was incapable of finding space. Yet, in order to find space, the FCC has done the very things for which management at GSA has been heavily criticized; that is, sole sourced contracts and ignored laws and regulations.

The FCC began their search for space by sole sourcing a $680 a day contract to a real estate firm. To date, over $80,000 has been spent for the services of that firm.

In addition, FCC sole sourced an indefinite quantity contract to an interior landscaping firm to design the interior of newly-acquired space. Over $127,300 has been spent on this contract, even though GSA has full-time civil servants that perform the same functions.

If we encouraged GSA to sole source contracts to real estate agents and interior designers, they, too, could improve their performance record and perhaps find space more quickly. However, we cannot allow agencies to avoid procurement regulations simply to find space. To do so increases the cost of Government.

My last point is based on the FCC's consideration of moving into the Twin Towers Building in Rosslyn. As many of my colleagues are aware, the Department of Justice, Department of the Interior, and National Capital Planning Commission have all fought to prevent these 30-story buildings from being built. It is hard to imagine a Federal agency regarding the owner of a building with lease money, knowing that other Federal agencies were trying to prevent the construction of the building.

Mr. President, we are witnessing the first crack in a very large dam if we give FCC independent authority to rent space. Agency after agency will come to Congress and ask for similar authority. Each will have their own "special circumstances" that will "require" such authority. It will be a free-for-all in the Washington real estate market. The only winners will be real estate agents and landlords. The losers will be the taxpayers. I urge my colleagues to support my amendment.

Mr. President, the amendment is very simple. It eliminates language which allows the Federal Communications Commission to move out of the District and rent space in the new Twin Towers office building under construction in Rosslyn, Va. I firmly believe that it is not only inappropriate to include such authorizing language in the appropriations bill, but on the substance, it is inappropriate for the FCC to avoid the normal GSA procedures.

Under the present language, FCC would be able to rent space wherever it wants and would not have to go through GSA.

FCC would be able to rent space in Twin Towers in Rosslyn. We know the National Capitol Planning Commission and the Department of Interior sued to try to prevent construction of those buildings because, as an esthetic matter, they violate the strong intended purpose adopted in the Nation's Capital to prevent the construction of buildings which overshadow or upstage our national monuments.

GSA does not get a gold star for its efficiency in managing Federal office space. But, Mr. President, two wrongs do not make a right. We should not make the problem worse by allowing Federal agencies to rent space wherever they want. Rather, the solution is to reform GSA management procedures. You do not solve management problems by dispensing management authority.

Mr. MOYNIHAN. Will the Senator yield?

Mr. BAUCUS. I am happy to yield.

Mr. MOYNIHAN. Mr. President, I thank my distinguished friend and rise to support him on both counts. The FCC is acting quite out of order here and in ways which are not to be encouraged in terms of Government procedure and certainly not to be encouraged in terms of the development of the city of Washington and its environs, which is a responsibility of this body. We are responsible and the Senator is asserting that responsibility.

Second, I wish to say that, as the Senator knows, the GSA has indeed not had the most distinguished record. But the Committee on Environment and Public Works has for 3 years been at work on a comprehensive reorganization of the whole rental-purchasing-leasing function of the Government through the GSA, imposing an orderly annual request, with priorities, with oversight. That bill passed out of the Committee on Environment and Public Works unanimously. I had the honor to be the majority sponsor. Senator Stafford, soon to be chairman of the committee, was the minority sponsor.

It passed this body 71–8. Please do not hold me exactly to that margin, but it was exactly of that order. It is now in conference. That matter will be dealt with. So I think the Senator's amendment should be accepted. I hope it will be.

Mr. BAUCUS. I thank the distinguished Senator from New York. Because he is a member of the Public Works Committee which has jurisdiction over GSA, I very much value his views. I thank the Senator for expressing the intent of the committee to reform GSA in order to take care of this problem.

I also ask unanimous consent that documents I have referred to and others be made part of the Record.

There being no objection, the documents were ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 16, 1980]

FCC Negotiating a Move Arlington High-Rise

(By Paul Hodge)

The Federal Communications Commission is negotiating to move its downtown headquarters and 1,700 employes into a controversial Arlington high-rise office building—in apparent violation of both a presidential order and the FCC's charter, which requires that it be located in the District of Columbia.

The proposed move to one of the 30-story Twin Towers now being constructed in Rosslyn has been under negotiation for almost a year. During the same period, the U.S. Department of Justice and a sister federal agency, the Department of Interior, were suing to block construction of the skyscrapers.

The 30-story buildings, one to be completed next spring and the other in 1982, will be the tallest in the Washington area. They have been called "monsters" by Interior Secretary Cecil D. Andrus because they will loom like shadows behind the Lincoln Memorial and other downtown monuments.

Most of the FCC offices are now in a building at 1919 M St. NW. The chairman of the National Capital Planning Commission, David Childs, said yesterday of the FCC's plans to move to Arlington, "It is appalling that a federal agency is planning to lease space in a building that so dramatically violates what was intended to be the natural setting for the nation's capital."

The FCC move is being made possible by a little-noticed rider in the 1981 budget, which permits the agency to bypass normal federal leasing procedures and lease its own office space.

A spokesman for the General Services Administration, chartered in 1949 to be the sole procurer of federal civilian office space here, yesterday also criticized the FCC plans as a bad precedent.

If all 140 federal agencies here began scrambling to lease their own offices, there would be chaos, said James Whitlock, assistant administrator for space management. Whitlock also questioned whether the FCC needs new offices in the first place and whether the Twin Towers move, "about which we've been told nothing," might not be extravagantly expensive.

No FCC officials could be reached yesterday to comment on the proposed move or the costs involved. Arlington Towers developer Stanley Westreich confirmed that the FCC has been negotiating over the office space for some time.

In a recently approved House amendment to the 1981 appropriations bill the FCC is given permission to lease office space in the District. But the rider then defines the District "to include an area within two miles of the present District boundary," thus extending FCC's leasing privileges into most nearby Washington suburbs. This apparently will permit the FCC to ignore its own 1934 charter, which states the commission must meet and have its principal offices "in the District of Columbia."

"The Senate is scheduled to vote on the amendment later this week.

A move to Rosslyn appears to violate President Carter's 1978 executive order that all federal agencies locate or relocate in urban areas, a policy that was crucial to the recently approved move of the Nuclear Regulatory Commission to a new headquarters for its 2,600 employes in Silver Spring, considered a depressed urban area under federal guidelines.

While Washington has no clearly defined "urban area," federal officials doubt that glassy, high-rise Rosslyn meets the President's criteria of "a centralized community business area" in need of revitalization.

The District does. But then, at least according to House Bill 7584, Rosslyn is in the District.

[From the Washington Post, Sept. 22, 1980]

Arranging a Happy Ending to a Saga of (Office) Space

(By Paul Hodge)

The Securities and Exchange Commission plans to move into a new downtown Washington headquarters within the next 18 months, ending a 10-year search for a home for its 1,450 Washington area employes.

The move also would mark the end of a lengthy battle between the agency and the Federal Government's landlord, the General Services Administration, over the right to lease office space.

The reconciliation of the squabbling sister agencies was engineered last month by the House Public Works Committee, SEC officials say, just as Congress was about to make the SEC the second major Federal agency to get its own leasing powers.

The FCC is now proposing to leave downtown Washington—although its charter requires it to be headquartered in the District—and is negotiating to move into a controversial high-rise office building in Rosslyn.

The Rosslyn location, the 30-story Twin Towers complex, has been sharply criticized by two other Federal agencies—the Interior Department and the National Capital Planning Commission—for allegedly marring Washington's skyline. Construction of the buildings—to be the tallest in the Washington area when completed—was fought unsuccessfully in Federal court.

Legislation approving the FCC move to Arlington, already passed by the House in a rider to the 1981 appropriations bill is scheduled to come up in the Senate in the next few days.

Despite FCC claims that General Services had been incapable of finding it office space in downtown Washington, one high GSA official, John Guldardi, said yesterday that, "There are many buildings now coming on the market in downtown Washington and we're looking to lease space in them for the SEC and numerous other agencies." The FCC could have been one of them.

A solicitation for bids to provide 320,000 square feet of office space for a new FCC headquarters will be published by GSA within the next few days.

"We've been in the same place [500 N. Capitol St.] for 15 years and been asking GSA for additional space for 5 to 10 years." SEC executive director Benjamin. Milk said yesterday.

"They had not been responsive to our needs to consolidate and the whole thing ended in the fiasco at Buzzard Point," Milk said. GSA leased a remote office building on Buzzard Point on the north bank of the Anacostia River to which several other Federal agencies refused to move. FBI and Defense Department employees are now there.

Suddenly this summer the GSA became responsive, Milk said, "and in the last three months they've done more than has been done in the past 10 years. We don't have and don't want our own leasing authority," he said, particularly because "we don't have the expertise, the time and employees, and don't want to hire consultants" to find new office space.

[From the Washington Post, Sept. 24, 1980]

FCC PAYS FOR JOB GSA DOES FOR FREE

(By Paul Hodge)

The Federal Communications Commission has paid $175,000 to consultants to help the agency lease office space in the Washington area—work the General Services Administration would have done without charge, commission officials acknowledged.

Most of the money—$127,300 this year—went to Computer Sciences Corp. for "office landscaping" in buildings the agency currently leases in the District, but between $25,000 and $30,000 went for the design of office spaces in a controversial Arlington high-rise that the agency has not been authorized to rent.

The payments also included about $50,000—at $680 a day—to the Washington real estate firm of Julien J. Studley, which was asked to help the agency find additional office space.

Thomas Campbell, the FCC's associate executive director for operations, said that both firms were chosen without competitive bidding and at the suggestion of one of his assistants who used to work for Computer Science.

"This was no sweetheart deal," said Campbell. "They are reputable firms that have done business with the government before, are on government-approved lists and were hired at rates similar to those charged other federal agencies."

Questions about the propriety of the contracts and the agency's controversial efforts to move its headquarters and 1,700 employees to Arlington from downtown Washington are expected to be raised in the Senate today when several senators plan to introduce amendments to the FCC's 1981 appropriations bill in an effort to block the move.

A two-sentence rider added to the bill by the House would permit the FCC to lease its own office space, bypassing normal federal leasing procedures and allowing the FCC to ignore its 1934 charter, which requires the communications agency to have its headquarters in the District.

Sen. Max Baucus (D-Mont.), chairman of a Senate Judiciary subcommittee, has been critical of the consulting contracts and has announced he will hold hearings on them Oct. 2. Baucus has questioned the cost of the contracts, the FCC's failure to seek competitive bids and whether the FCC should do its own leasing.

FCC documents already given to the senator's staff show that in the past three years the number of FCC contracts put out to competitive bid has declined drastically, from 69 percent in 1977 to 13 percent during the current fiscal year.

The FCC's Campbell said that while the number of FCC contracts that are awarded on a noncompetitive basis may appear high, their dollar amount is relatively small. "Only about 48 percent of the $1.8 million in contracts let so far this fiscal year have been sole source," Campbell said. Last year, about 60 percent of the FCC money spent on contracts was awarded without competitive bids, he said.

The 30-story Rosslyn building where the FCC would like to move was challenged unsuccessfully in court last fall by two federal agencies, the Department of Interior and the National Capital Planning Commission. They contended that the huge, twin-tower complex—which will be the tallest in the Washington area—would ruin the skyline of the nation's capital.

Their claims were rejected by the courts.

Campbell said the FCC knew of the federal suit when it made inquiries about leasing space in the building. "We carefully didn't begin actual negotiations until after the suit was settled," he said.

Like many federal agencies in Washington, the FCC has long wanted more space in one location because its employes are scattered in buildings around Washington. "I don't say our problems are greater than those of other agencies . . . but our chairman (Charles Ferris) felt our mission was being impaired . . . and we needed to do something immediately," Campbell said.

The FCC began designing a new headquarters in Rosslyn, he said, even though it lacked congressional approval or funds for the move because "we couldn't afford to wait 90–120 days longer," the time he said competitive bidding would take.

The Arlington building where the FCC wants to move is under construction and the FCC needed to act quickly to plan the layout of the floors it would occupy, Campbell said. "If we don't go into this building it (the money spent on office designs) will appear to have been for naught . . . we had to gamble a bit."

A spokesman for Computer Science said the firm "does not discuss client matters . . . but this is just a normal, above-board contract."

Barbara Pryor, broker for Studley, said "I don't think $680 a day is high. As a matter of fact it's low . . . and the Twin Towers, (the Rosslyn high-rise project) which I knew was coming 11 years ago, is one of the best deals I've ever made in my life. If the FCC doesn't lease this, it will cost the taxpayers $15 million compared to the rental figures the FCC would pay . . . around Washington with the GSA looking for space for it."

She said she has only been paid by the FCC for finding office space in Gettysburg and downtown Washington, and will not be paid for a move to Rosslyn because the building's owner, Stanley Westreich, would pay her a normal broker's commission.

"I don't know what Congress is looking at. This has got to be the dullest scandal in town. I'm scrupulously honest and so is the Twin Towers owner."

[From the Washington Post, Oct. 8, 1980]

LAWYERS FOR THE FCC CRITICIZE OWN AGENCY ON BIDDING FEES

(By Paul Hodge)

Lawyers for the Federal Communications Commission have criticized the agency for awarding contracts without competitive bidding, singling out $275,000 in consultant fees paid to two Washington firms to help the FCC relocate in new offices.

In an internal report, made public yesterday on Capitol Hill, FCC attorneys said the agency failed to follow federal contracting procedures in hiring the Julien J. Studley real estate firm and Computer Sciences Corp. to plan a proposed move by the agency from downtown Washington to a controversial Rosslyn office tower.

Studley has been paid about $83,000 during the past year and Computer Sciences Corp. about $193,000.

According to the report, the FCC hired the computer firm at the recommendation of a Studley agent, Barbara Pryor, "the wife of David Pryor who, at the time, was in the employ of CSC."

It added that the FCC official who originally suggested that Studley and Barbara Pryor be hired "is personally acquainted with the Pryors, was formerly employed by CSC, where Mr. Pryor was his supervisor, and is a former tenant or lessee of a personal residence owned by the Pryors."

Although the FCC's contracting officer is required by U.S. regulations to be involved in any agency contracts, the report noted, he "was not privy to or involved in any of these negotiations."

Barbara Pryor, Computer Sciences and the FCC previously have defended the arrangement as proper.

The report was released by a Senate Judiciary subcommittee looking into government contracting practices. Committee chairman Max Baucus (D-Mont.) yesterday joined in criticizing the FCC for what he called its haste in seeking noncompetitive bids.

"What's the damage to Uncle Sam if you move two months later?" Baucus asked agency officials called to testify before the committee. Baucus said the $680-a-day paid to Studley was "almost twice as much as you pay your highest paid communications consultant . . . about $400 a day."

FCC executive director Richard D. Lichtwardt and his assistant, Thomas Campbell, defended the action as a question of time, saying attempts to get the General Services Administration to find it space had been fruitless.

"Increasing frustration graduated into compelling need," Campbell said, and FCC Chairman Charles Ferris "gave us a direct charge in this matter" to expedite the search for additional or totally new office space for the agency's 1,700 employes.

Both Campbell and Lichtwardt said the Studley and CSC contracts are under review. Campbell also conceded that "the circumstances were not as compelling as they could be for avoiding competitive bidding."

The agency has proposed moving to the Twin Towers office complex in Rosslyn, a controversial pair of 30-story towers now under construction and already visible from parts of downtown Washington. Efforts by two U.S. agencies earlier this year to halt work on the towers on grounds that they mar the capital's skyline were unsuccessful.

The FCC is negotiating to lease at least 22 floors of one of the towers at an annual rental of close to $8 million.

COMMITTEE ON ENVIRONMENT AND
PUBLIC WORKS,
Washington, D.C., September 9, 1980.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MAGGIE: It has come to my attention that the Appropriations Committee's Subcommittee on State, Justice, Commerce and the Judiciary has approved a bill authorizing the Federal Communications Commission to lease its own office space. I understand that the full Committee will act on this bill in the next few days.

As I am sure you know, the Federal Property and Administrative Services Act of 1949 gave the General Services Administration general authority to lease space for the agencies of the Federal Government. The Public Buildings Act of 1959, as amended, further requires the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House to approve major leasing actions of the GSA.

Giving the FCC its own leasing powers would circumvent this congressionally created system for providing the Government with needed workspace. The FCC would have to develop its own staff knowledgeable in real estate matters, duplicating staff already existing at GSA. Moreover, the FCC would not be subject to the fiscal safeguards embodied in GSA regulations requiring competitive negotiating for Government leases.

I understand that the FCC intends to lease space in highrise office buildings now under construction in Rosslyn, Virginia. These buildings only last year were the subject of Interior Department legal action. The Department attempted to halt their construction on the grounds that their height is excessive and that they will aesthetically impair the Nation's Capital because of their visual prominence on the Washington skyline. I also understand that the National Capital Planning Commission, a Federal agency charged with responsibility for advising on the location of Federal agencies in the Washington area, is recommending that Federal offices not be located in these buildings.

I would appreciate your assistance in deleting from legislation before the Appropriations Committee any authorizations to Federal agencies to conduct their own leasing or construction programs. I would appreciate your letting me or the staff of the Committee on Environment and Public Works know of the outcome of your deliberations on this matter.

Sincerely,

JENNINGS RANDOLPH,
Chairman.

JULY 9, 1980.

Assistant Regional Administrator, Public Buildings Service (WP).

FCC Lease and your two way memo, same subject, dated June 18, 1980.

Deputy Regional Administrator (WAD).

The subject lease appears to have been entered into by FCC under the authority of Public Law 96–68, dated September 24, 1979.

The cited authority provided ". . . For necessary expenses of the Federal Communications Commission . . . for . . . the rental of space in the District of Columbia . . .". The legislative history associated with this citation gives evidence of a Congressional intent to allow FCC to enter into "multi year" leases provided such leases are contracted for under standard procurement procedures.

Absent a review of the Contracting Officer's documentation for this acquisition, we are unable to determine if the FCC was required to comply with appropriate provisions of the Federal Property and Administrative Services Act (FPASA).

If the action was pursued under the FPASA, it is most likely that it was conducted under Section 302(c)(1), Section 302(c)(2), or Section 302(c)(10). If this assumption is correct, then it appears that FCC's Contracting Officer does not have to operate under the GSA policies and procedures under which we operate. Specifically:

(1) We lease space according to a net usable square footage measurement rather than a WBR measurement.

(2) We require lessors to conform to specific requirements of the National Fire Protection Association (NFPA) Standard 101, Code for Life Safety from fire in buildings and structures to insure the lifesafety integrity of the leased facility. We also require lessors to meet the American National Standards Institutes (ANS) A117.11961 (R1971) criteria for making buildings accessible to and usable by the physically handicapped. Noted deficiencies must be corrected by the potential lessor or specific waivers must be obtained by the Contracting Officer prior to award.

(3) A "pass through" escalation for tax and operating costs was agreed to based on FCC's agreement to pay a pro rata share of the lessor's increased expenses due to taxes and operating costs. In addition, FCC agreed to pay 25 of any increases in the CPI (above the base period) to the lessor as additional rent.

We could not have agreed to so liberal an escalation provision and are in fact limited to a single CPI escalation associated with the base year cost of the operating costs and actual cost for tax increases.

(4) There was no indication of:

(a) The Clean Air and Water Certification.

(b) A review of EEO Compliance.

(c) A check of the lessor's financial responsibility.

(d) Compliance with the BAL of 1932 (as amended).

(e) Negotiated overtime rates.

(f) Historic building considerations.

We would have been required to consider and address all of these issues prior to consummating the lease.

Clearly the leasehold interest appears to have been acquired under far less stringent guidelines than we must meet. It should also be noted that FCC committed for a 5 year, firm term lease albeit their appropriation appears to have been for one year only and they have no termination rights prior to August 31, 1985.

JOHN T. MYERS,
Assistant Regional Administrator,
Public Buildings Service.

OFFICE OF SPACE MANAGEMENT,
July 16, 1980.

FEDERAL COMMUNICATIONS COMMISSION LEASING AUTHORITY

The Federal Communications Commission (FCC) appropriation act of 1980 enables that agency to lease office space, "in the District of Columbia and elsewhere". The rationale for this was based on "GSA's inability to offer downtown locations", delays in responding to urgent FCC space requirements, and the resultant impairment of employee morale and productivity."

National Capital Regional staff have obtained, informally, a copy of a lease executed by FCC (pursuant to this authority) for approximately 22,000 square feet of space in a building located at 2000 L Street, NW., Washington, D.C. The lessor has previously rejected solicitations to lease space to GSA, presumably because the standard requirements contained in our lease solicitations were unacceptable to him. A cursory review indicates the FCC lease is weighted in favor of the lessor and does not contain many of the mandatory requirements imposed on GSA leasing activities. The space was leased "as is" on a Washington Board of Realtors measurement rather than a net usable square foot basis. A "pass through" tax and operating cost escalation was agreed to, in addition to 25 percent of the increases in the CPI. There was no indication of Clean Air and Water Certification; Pre-Award EEO Compliance review, negotiated overtime rates, or consideration of the Economy Act Limitation.

In our view FCC, in seeking the authority and then utilizing it, has acted to the detriment of a larger interest; specifically, the Government's space situation in the National Capital Region and elsewhere.

To emphasize our concern to the FCC and create an awareness on their part of the seriousness with which we view their action, we recommend sending the enclosed letter.

SEPTEMBER 17, 1960.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As passed by the House of Representatives, H.R. 7584, the Appropriation Bill for the Federal Communications Commission (FCC), contains a provision for FCC to lease space in "the District of Columbia and elsewhere." This provision is in contravention to the Federal Property and Administrative Services Act of 1949, as amended, and Reorganization Plan No. 18 of 1950, which vests such authority in the Administrator of General Services.

While the General Services Administration (GSA) has recently delegated leasing authority to the Department of Defense, the Department of Agriculture, the Central Intelligence Agency and the Bureau of the Census, these were essentially for specialized activities outside the realm of "general purpose office and related space," the provision of which is GSA's primary responsibility. FCC's requirements, on the other hand, are not specialized and its space needs are not unlike those of all other headquarters activities.

Within the last year, our National Capital Region (NCR) was created so the particular demands imposed by agencies in the Washington metropolitan area could be more properly addressed. In this connection, our realty specialists in NCR have extensive experience and knowledge in dealing with the local real estate market, thus, assuring the best possible price and terms for the Government. We do not believe that FCC has the technical expertise to insure these interests. This factor becomes especially critical considering the quantity of space required by FCC and the significant amount of funds to lease it.

Further, to carry out its responsibilities to efficiently and economically meet the housing demands of Federal agencies and to insure maximum utilization of federally controlled facilities, GSA must have the ability to assign and reassign space. To permit agencies such as FCC to acquire their own space limits our authority to carry out these responsibilities under the Act and hinders our ability to effectively service all agencies.

In view of the above, I ask that when your committee reviews H.R. 7584, the provision for FCC to acquire its own space be deleted from the bill. Your support in this matter will be greatly appreciated.

Sincerely,

GERALD MCBRIDE
(For Freeman).

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., September 24, 1980.

Space Management Division—WPR.

Current List of Priority Leasing Actions in the National Capital Region.

JAMES G. WHITLOCK,
Assistant Commissioner for Space Management—PR.

In response to your request for a current list of priority leasing actions in the Washington, D.C., area, the following agencies' space needs have been reviewed by the National Capital Region and established as necessary to the effective operations of each agency:

Agency	*Square footage needed*
Merit Systems Protection Board	56,000
Security Exchange Commission	320,000
National Aeronautics and Space Administration and Others	250,000
Selective Service System	24,000
Department of Agriculture	95,000
Federal Labor Relations Administration	60,000
Special Trade Representative	40,000
Department of Commerce	47,000
Department of Justice	16,000
Internal Revenue Service	32,000
Office of Personnel Management	21,000
Department of Agriculture	13,000
Secret Service	44,000
Metric Board	12,000
Environmental Protection Agency	60,000
Drug Enforcement Agency	32,000
Patent Office	25,000
Department of the Interior	46,000

We have many other space requests pending for the Washington, D.C. area which are essential to other agency operations but the foregoing list is receiving our priority attention.

EARL W. ESCHBACHER, Jr.,
Regional Director,
Space Management Division,
National Capital Region.

TITLE 3—THE PRESIDENT

AUGUST 16, 1978.

Executive Order 12072

FEDERAL SPACE MANAGEMENT

By the authority vested in me as President of the United States of America by Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to prescribe appropriate policies and directives, not inconsistent with that Act and other applicable provisions of law, for the planning, acquisition, utilization, and management of Federal space facilities, it is hereby ordered as follows:

1–1. *Space Acquisition.*

1–101. Federal facilities and Federal use of space in urban areas shall serve to strengthen the Nation's cities and to make them attractive places to live and work. Such Federal space shall conserve existing urban resources and encourage the development and redevelopment of cities.

1–102. Procedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.

1–103. Except where such selection is otherwise prohibited, the process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

1–104. The process of meeting Federal space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following criteria:

(a) Compatibility of the site with State, regional, or local development, redevelopment, or conservation objectives.

(b) Conformity with the activities and programs of other Federal agencies.

(c) Impact on economic development and employment opportunities in the urban area, including the utilization of human, natural, cultural, and community resources.

(d) Availability of adequate low and moderate income housing for Federal employees and their families on a nondiscriminatory basis.

(e) Availability of adequate public transportation and parking and accessibility to the public.

1–105. Procedures for meeting space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following alternatives:

(a) Availability of existing Federally controlled facilities.

(b) Utilization of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507, 40 U.S.C. 612a).

(c) Acquisition or utilization of existing privately owned facilities.

(d) Construction of new facilities.

(e) Opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.

1–106. Site selection and space assignments shall take into account the management needs for consolidation of agencies or activities in common or adjacent space in order to improve administration and management and effect economies.

1–2. *Administrator of General Services.*

1–201. The Administrator of General Services shall develop programs to implement the policies of this Order through the efficient acquisition and utilization of Federally owned and leased space. In particular, the Administrator shall:

(a) Select, acquire, and manage Federal space in a manner which will foster the policies and programs of the Federal government and improve the management and administration of government activities.

(b) issue regulations, standards, and criteria for the selection, acquisition, and management of Federally owned and leased space.

(c) Periodically undertake surveys of space requirements and space utilization in the executive agencies.

(d) Ensure, in cooperation with the heads of Executive agencies, that their essential space requirements are met in a manner that is economically feasible and prudent.

(e) Make maximum use of existing Federally controlled facilities which, in his judgment, are adequate or economically adaptable to meeting the space needs of executive agencies.

(f) Annually submit long-range plans and programs for the acquisition, modernization, and use of space for approval by the President.

1–202. The Administrator is authorized to request from any Executive agency such information and assistance deemed necessary to carry out his functions under this Order. Each agency shall, to the extent not prohibited by law, furnish such information and assistance to the Administrator.

1–203. In the process of meeting Federal space needs in urban areas and implementing the policies of this Order, the Administrator shall:

(a) Consider the efficient performance of the missions and programs of the agencies, the nature and function of the facilities involved, the convenience of the public served, and the maintenance and improvement of safe and healthful working conditions for employees.

(b) Coordinate proposed programs and plans for facilities and space with the Director of the Office of Management and Budget.

(c) Consult with appropriate Federal, State, regional, and local government officials and consider their recommendations for and objections to a proposed selection site or space acquisition.

(d) Coordinate proposed programs and plans for facilities and space in a manner designed to implement the purposes of this Order.

(e) Prior to making a final determination concerning the location of Federal facilities, notify the concerned Executive agency of an intended course of action and take into account any additional information provided.

1–204. In ascertaining the social, economic, environmental and other impacts which site selection would have on a community, the Administrator shall, when appropriate, obtain the advice of interested agencies.

1–3. *General Provisions.*

1–301. The heads of Executive agencies shall cooperate with the Administrator in implementing the policies of this Order and shall economize on their use of space. They shall ensure that the Administrator is given early notice of new or changing missions or organizational realignments which affect space requirements.

1–302. Executive agencies which acquire or utilize Federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949, as amended, shall conform to the provisions of this Order to the extent they have the authority to do so.

1–303. Executive Order No. 11512 of February 27, 1970, is revoked.

JIMMY CARTER.

THE WHITE HOUSE, *August 16, 1978.*

FCC—PROJECT EXODUS

1. The FCC requirements currently layout to 28 floors in both towers. This is because of the following reasons:

a. Large administrative support requirement—40 percent of total requirement. The current requirements should be further investigated to determine if this is a realistic amount: 135,053 square feet x $16.00 square foot = $2,160,848/year.

b. The bureaus and departments allocated to Tower 2 are the largest in the agency; when these requirements are separated into floors, extra unnecessary square footage develops on each floor. Approximately 32,000 square feet are currently wasted because of the proposed sacking plan. It is suggested that the FCC reanalyze this plan. 32,000 square feet x $16.00 square foot = $512,000/year.

c. Proposed open-office furniture creates a 6 percent (103,000 square feet) savings. Usually modular furniture will decrease the required floor space by 16 to 20 percent. The lower percentage of projected savings is due to the large administrative support space and the fact that GS Levels 1–6 are already housed in 60 square feet. The projection was based that GS 1–13 would utilize modular furniture. 103,000 square feet x $16.00 square feet=$1,648,000/year.

2. To further reduce the projected floors of the towers, the FCC might consider reducing the size of the offices below current GSA standards.

3. Does the FCC prefer higher initial costs and lower life-cycle costs or lower initial costs and higher life cycle costs?

Example: $16/square foot x 18,650 square feet x 28 floors = $8,314,880, Durable carpet, life expectancy 10 years; $15/square foot x 18,650 square feet x 28 floors=$7,795,200. Inexpensive carpet, life expectancy 5 years. Initial Cost Difference = $519,680.

Cost of carpet replacement in 5 years with like quality $1.20/square foot x 18,650 square feet x 28 floors = $626,640; Savings of durable carpet in 5 years = $106,960.

TOWER 1—PHASE I

Floor	SF/Flr	User group	Group SF	Extended SF	SF diff.
19	13,579	Sci and Tech—Chief	6,937	6,987	
		Research and Analysis	5,815	12,752	+827
18	13,579	S. & T.—Spec Mgt	7,468	7,468	
		P.R.—Rules	6,084	13,552	+27
17	13,579	P.R.—Chief	4,512	4,512	
		Policy Dev	1,440	5,952	
		Compliance	4,945	10,897	
		Licensing	512	11,409	
		CTV—Spec R. & M	2,265	13,674	−95
16	13,579	CTV—Chief	1,685	1,685	
		Policy Review	757	2,442	
		Research	1,120	3,562	
		Records and Sys. Mgt	3,600	7,162	
		Comp	1,232	8,394	
		Exec. Dir—Env. Ser	2,196	20,590	
		Personnel—Train	2,355	12,945	+634
15	13,579	Exec. Dir—Operation Support	13,579	13,579	0
14	13,579	do	13,579	13,579	0
12	13,579	do	1,513	1,513	
		Visual Info	742	2,255	
		Emer. Comm	1,975	6,575	
		Procurement	1,397	7,972	
		C.C.—Account and Audit	4,415	12,387	
		Hearing	2,345	4,600	+1,192
11	13,579	C.C.—Dom. Fac	9,270	9,270	
		Enforcement	3,545	12,815	
		Exec Dir—Record Mgt	1,120	13,935	−356
10	13,579	B.B.—Hearing	4,380	4,380	
		Review Board	3,943	8,323	+5,256
9	13,579	ALJ	11,845	11,845	+1,734
22	13,921	FOB—Chief	4,464	4,464	
		Violations	2,246	6,710	
		Enforcement	4,379	11.089	
		Regional Services	2,499	13,588	+333
21	13,921	FOB—Engineering	1,684	1,684	
		B.B.—Renewal and Tran	9,435	11,119	
		Sci and Tech—Author and STD	1,560	12,679	+1,242
20	13,389	S. & T.—Chief	6,937	6,937	
		Research and Analysis	5,815	12,752	+637
19	13,579	S. & T.—Spec Mgt	7,468	7,468	
		P.R.—Rules	6,084	13,552	+27
18	13,579	P.R.—Chief	4,512	4,512	
		Policy Development	1,440	5,952	
		Compliance	4,945	10,897	
		Licensing	521	11,409	
		C.T.V.—Spec R. & M	2,265	13,674	−95
17	13,579	CTV—Chief	1,685	1,685	
		Policy R. & D	757	2,442	
		Research	1,120	3,562	
		R. & S. Mgt	3,600	7,162	
		Comp	1,232	8,394	
		Exec Dir—Envir Ser	2,156	10,590	
		Person Train	2,355	12,945	+634
16	13,579	Exec Dir—Oper Sup't	13,579	13,579	0
15	13,579	do	13,579	13,579	0
14	13,579	do	1,513	1,513	
		Visual Info	742	2,255	
		C.C.—Hearing	2,345	4,600	
		B.B. Hearing	4,380	8,980	
		Review Bd	3,943	12,923	+656
12	13,579	C.C.—Enforcement	3,545	3,545	
		Dom Fac	9,870	13,415	+164
11	13,579	OED—Procurement	1,397	1,397	
		Record Mgt	1,120	2,517	
		Emergency Comm	1,975	4,492	
		OED (Oper) and Finance	4,585	13,492	+87
		C.C.—ACC and Audit	4,415	8,507	
10	13,579	ALJ	11,845	11,845	+1,[illegible]34
9	13,579				

TOWER 2.—PHASE 2

Floor	SF/Flr	User group	Group SF	Extended SF	SF diff.
22	13,921	Chairman and Commissioners	12,855	12,855	+1,066
21	13,921	Commissioners	9,240	9,240	
		O.C.—Chief	3,270	12,510	
		Exec Dir—Main Off	1,124	13,634	+287
20	13,389	G.C.—Litigation	3,175	3,175	
		Legislation	1,335	4,510	
		A.C	2,980	7,490	
		Office Trans and Policy	5,695	13,185	+204
19	13,579	C.C.—Chief	5,295	5,295	
		Int Conf Staff	2,060	7,355	
		Int Fac Planning	2,820	10,175	
		Int Fac Author and Lic	2,775	12,950	+625
18	13,579	CC—Consumer Affairs	1,925	1,925	
		Policy and Planning	2,465	4,390	
		Tariff	6,300	10,690	
		Gen Req	1,700	12,390	+1,189
17	13,579	CC—Mobile Services	5,990	5,990	
		ECON	4,725	10,715	
		Credit Union	470	11,185	
		Health Unit	985	12,170	+1,409
16	13,579	B.B.—Facilities	12,295	12,295	+1,284
15	13,579	B.B.—Chief	5,585	5,585	
		License	7,065	12,650	+929
14	13,579	B.B.—Complaints and Compliance	6,330	6,330	
		Public Affairs	7,378	13,708	−129
12	13,579	B.B.—Policy and Rules	9,620	9,620	
		Office of Sec'y	3,500	13,120	+459
11	13,579	Office of Sec'y	11,859	11,859	
		Info Mgt GP	1,600	13,459	+120
10	13,579	do	13,579	13,579	0
9	13,579	do	13,579	13,579	0

Management Control of Agency Contracting Activities—An Examination of Consulting Services Contracts (Over $10,000) Awarded During Fiscal Year 1980 by the Federal Communications Commission

(By Fred J. Goldsmith and Edwin J. Schafer)

INTRODUCTION

By letter of February 8, 1979, to Mr. Wayne G. Granquist, Associate Director, Office of Management and Budget (OMB), FCC Chairman Charles D. Ferris designated Mr. Fred J. Goldsmith, Chief, Internal Review and Security Division as accountable directly to the Chairman to oversee the agency's efforts to eliminate waste, fraud, and error.

On July 3, 1980, Mr. Goldsmith was contacted by an assistant to Mr. Howard M. Messner, Assistant Director, OMB, who requested information as to the agency's actions or follow-up on recently published information concerning the FCC's use of consultants hired under sole-source contracts. (The information was requested concurrently with the dispatch of a letter by the Director, OMB, James T. McIntyre, Jr. to the heads of Executive departments and agencies. The letter emphasizes the importance of effective management controls over procurement practices, and stresses that the policy, guidelines and standards of OMB Circular A-120 apply to all Executive departments and agencies. Appendix I.) In response, Mr. Messner was informed that the records maintained by the Commission's Procurement Branch appear to comply with existing legal provisions, and contain in each instance a determination by a senior official that sole source procurement of a consulting service was proper, but that in order to determine the efficacy of the FCC's management control system, an independent review was being initiated by Mr. Goldsmith and Mr. Edwin J. Schafer, Office of General Counsel.

The Commission's use of consultants was also referred to in a July 17, 1980 letter from Senator Barry Goldwater to the Chairman of the Senate Committee on Commerce, Science and Transportation, and the Chairman of the Subcommittee on Communications (Appendix II). In Chairman Ferris' letter of August 15, 1980, detailed replies are made to Senator Goldwater's question concerning two consulting services contracts, both awarded on a non-competitive basis (Appendix III).

OMB Bulletin No. 78-11, was issued May 5, 1978 to implement an earlier Presidential memorandum that asked the heads of agencies to review consulting services arrangements to assure that they were both appropriate and necessary (Appendix IV). Basic policy and guidelines for the use of consulting services were provided, as were the management controls to be observed. Basic policy was stated as follows:

a. Consulting services will not be used in performing work of a policy-decisionmaking or managerial nature which is the direct responsibility of agency officials.

b. Consulting services will normally be obtained on an intermittent or temporary basis; repeated or extended arrangements are not to be entered into except under extraordinary circumstances.

c. Consulting services will not be used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures.

d. Former Government employees per se will not be given preference in consulting service arrangements.

e. Consulting services will not be used under any circumstances to specifically aid in influencing or enacting legislation.

f. Grants and cooperative agreements will not be used as legal instruments for consulting service arrangements.

Following were the guidelines for the use of consulting services:

a. To obtain specialized opinions or professional or technical advice which does not exist or is not available within the agency or another agency.

b. To obtain outside points of view to avoid too limited judgment on critical issues.

c. To obtain advice regarding development in industry, university, or foundation research.

d. To obtain the opinion of noted experts whose national or international prestige can contribute to the success of important projects. Management controls to be established for all consulting service arrangements were to assure that controls are competitively awarded to the maximum extent practicable to ensure that costs are reasonable. Further, that each agency will establish specific levels of delegation of authority to approve the need for the use of consulting services, with written approval of all such arrangements required at a level above the organization sponsoring the activity.

On April 14, 1980, OMB gave more permanent form to its Bulletin No. 78-11 by publishing it as Circular A-120, and adding the following:

a. The contracting officer is held responsible for determining whether a requested solicitation or procurement action, regardless of dollar value, is for consulting services, with such determination being final.

b. The contracting officer will assure that all provisions of Circular A-120 are adhered to, and that certain recording action is taken on all awards of consulting services contracts over $10,000.

c. The level of delegation of authority to approve the need for the use of consulting services during the fourth fiscal quarter will be the second level above the organization sponsoring the activity rather than the first (Appendix V).

CONSULTING SERVICES CONTRACTS AT THE FCC

In fiscal year 1980, approximately $690,000.00 were awarded in consulting services contracts (over $10,000). All of these were awarded on a sole source basis. In terms of the agency's contract obligations for the year (again using contracts over $10,000 each) the above sum represents approximately 38% of funds obligated for all contracts.

The actions taken and procedures used in the award of non-competitive (sole source) consulting services contracts during Fiscal Year 1980 were subjected to examination during this inquiry in an effort to determine compliance with and adherence to existing regulations. A total of fifteen such contracts, all but one valued at $10,000 or more, were examined (one in the amount of $9,750 was included because the contractor was a former Commission employee). The examination included a review of records maintained by the Procurement Branch, Operations Support Division; the Finance Branch, Financial Management Division, both under the Office of the Associate Executive Director (Operations); records of operating officials; review of pertinent agency directives; and interviews with finance and contracting personnel and the officials responsible for initiating the procurement actions. No effort was directed to ascertainment of the validity of the need for the consulting services procured.

In interviews with Bureau and Office Officials responsible for obtaining desired consulting services it was found that acquisition of desired services on a sole source basis was 1) dictated by time constraints; 2) desired from a particular person or firm because of familiarity with work product; or 3) felt to be warranted because of the unsolicited nature of the proposal offered. In most cases, other prospective sources of the desired services were considered. They were dismissed usually, because of the unavailability of the person needed to perform the service. Insofar as price is concerned, Bureau and Office Officials stated that price negotiations were not undertaken by them but were left to the Commission's procurement Office. It would appear that in most cases, if an offeror's price was within the limit budgeted for the particular project, it was accepted without bargaining. In all cases, it was the view of the Bureau and Office Officials that the price paid was reasonable—relying upon personal knowledge or experience with existing marketplace rates for similar types of work. In some cases, analogy to the 10th step of a grade GS-15 was cited, or the current $80 to $100 per hour fee charged by Washington lawyers was used as a benchmark. Bureau and Office Officials agreed that exceptional value was received in most cases; and that no unsatisfactory or unacceptable work was produced. The contract disputes clause has not been invoked with respect to any of the contracts reviewed.

A detailed review, containing the findings made with respect to the major topics of this inquiry, follows:

Implementation of OMB directives

OMB Bulletin No. 78-11, of May 5, 1978 (Appendix IV) was not publicized within the agency, or issued in the form of Commission instructions. The Chief, Procurement Branch, when meeting with Bureau representatives engaged in arranging for consulting services, instructed such persons as to the basic policy and the guidelines of 78-11; however, the agency did not comply fully with the management controls prescribed by the OMB directives:

1. Individual justifications did not contain a certification that there was no unnecessary duplication of previously performed work or services (7a(1)).

2. The absence of any competitively awarded contracts points to the absence of effective management controls (7a(3)). It appears that in several of the contract situations examined, the pressure of time and the requirement to go "sole source" arose because the need for consulting services was not recognized early enough within a given project, and because insufficient inquiry was made to locate persons called for under some of those contracts or with the admittedly rare skills and the ability to address the topics without any institutional bias.

3. The agency did not establish specific levels of delegation of authority (at a level above the sponsoring activity) to approve the need for the use of consulting services (7b). In many instances, the requesting and the approving officials were one and the same.

Following the publication of OMB Circular A-120 in May 1980 (Appendix V), the Chief, Procurement Branch recommended in July 1980 the publication of an FCC directive, and submitted it, through his division chief, to the Associate Executive Director—(Operations). Although a meeting was held to discuss the matter, no agreement was reached as to the approving level for the consulting services arrangements, and publication of a directive is still pending.

Role of the Office of General Counsel

The role of the Office of General Counsel in the procurement cycle is at best ill-defined. Currently pursuant to an understanding that dates to the early 1970's, the Office of General Counsel reviews for legal sufficiency all Requests for Proposals (RFP's) for "research projects" before publication and prior to final award to the successful offeror. There are no formal guidelines with respect to other procurement activities. Insofar as consulting contracts not clearly characterized as research are concerned, they are referred to the Office of General Counsel for review for legal sufficiency on an ad hoc basis at the discretion of the contracting officer. Of the consulting contracts reviewed in this inquiry, only five (out of a total of fifteen) were referred. The Office of General Counsel review has been confined essentially to determining whether the strictures of the Federal Procurement Regulations and the Federal Property and Administrative Services Act of 1949, as amended, have been adhered to. In other cases the opinion of the General Counsel's Office has been solicited with respect to ostensible or possible conflict of interest matters. The Office of General Counsel does not attempt to go behind the contract to determine, for example, whether the best prospective contractor has been chosen for award, or that the contract price quoted is reasonable.

Adherence to legal strictures concerning procurement

As has been noted elsewhere in this document, all FY 1980 consulting services contracts were awarded on a negotiated rather than formally advertised basis. Negotiated procurement is authorized pursuant to Section 302 of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252), and the Federal Procurement Regulations (FPR) that implement that Act, see 41 CFR 1-3.200 et seq.

Of the circumstances permitting negotiated procurement, exclusive reliance in FY 1980 was placed on Section 302(c)(10) of the above-referenced act and Section 1-3.210 (a)(13) of the FPR. These sections provide, in substance, that negotiated procurement may be pursued in those cases where it is impracticable to secure competition by formal advertising. Appropriate determinations and findings (D & F's) were prepared for each of the consulting contracts awarded; and where required, determinations of contractor responsibility are to be found in the contract files of the Procurement Office. Formal adherence to the Federal Property and Administrative Services Act and the Federal Procurement Regulations was noted in all cases.

Unsolicited proposals

There appears to be considerable confusion surrounding the treatment afforded unsolicited proposals.* Upon receipt these proposals are treated as proprietary, whether so requested by the offeror or not. They are then referred to the appropriate Office or Bureau of the Commission for consideration. If the proposal appears meritorious, and it is found to be genuinely worthwhile, a search for funding is undertaken. Standard Federal (particularly DOD) practice dictates that negotiations may then be undertaken with the offeror without soliciting other sources even though these other sources may be fully and equally competent to perform the desired work. Any other practice might discourage people from submitting ideas that have substantial value to the government. Moreover, making a truly unique unsolicited proposal the basis for a competitive solicitation can raise both legal and ethical questions. The confusion with respect to unsolicited proposals centers about the failure to adequately consider the uniqueness of the proposal, and the failure to recognize that price may be negotiated. Thus, in order to warrant the extraordinary treatment reserved for unsolicited proposals, a determination must first be made that the ideas contained within the proposal are genuinely novel or unique. This does not appear to have been done or understood.

The Julien Studley/Computer Sciences Company (CSC) contracts

The Contracting Officer's determinations and findings with respect to both of these negotiated sole source procurements are predicated on the impracticability of securing competition by formal advertising [41 U.S.C. 252(c)(10); and 41 CFR 1-3.210(a)(13)].

Selection of the Studley firm to provide consulting services relative to the Commission's space acquisition problems was accomplished without reference to or consideration of other organizations or firms providing similar services. The price of the services offered appears to have been accepted without any attempt at bargaining. The price quoted was, in the view of the staff official responsible for the negotiations, reasonable and in accord with prices quoted for other professional services with which he professed to be familiar. The architectural-engineering services necessary and complementary to solutions of the Commission's space problems were negotiated for by the same Staff Official responsible for obtaining the services of Studley. As in the case of the Studley negotiations, no consideration was given to other organizations or firms providing similar or identical services. In like manner, price quotations appear to have been accepted without question or attempt at bargaining. The Commission's Contracting Officer was not privy to, or involved in, any of these negotiations.

The Studley representative with whom negotiations were conducted is the person who in fact has performed for Studley under the contract. This person, Mrs. Barbara Pryor, is the wife of David Pryor who, at the time that A–E services were determined to be required, was in the employ of CSC. The initial reference or suggestion that the Services of the Studley firm be considered, was made by a Commission employee who (1) is personally acquainted with both Mr. and Mrs. Pryor; (2) was formerly employed by CSC where Mr. Pryor was his supervisor; and (3) is a former tenant or lessee (1972/73) of a personal residence owned by the Pryors. These relationships are mentioned not as an indication of any improper action on the part of the Commission employee who, parenthetically, considers both Pryors to be outstanding in their respective fields, but to demonstrate the need for independent inquiry on the part of the negotiating official and for the involvement of the contracting officer in the process in order to arrive at an independent judgment of an offeror's qualifications. The method used to establish Studley's qualifications was to initiate a purchase request in a relatively small amount ($6,800), and based on acceptable performance by Studley, there followed the award of a sole source contract for which the sum of $62,160.00 has been obligated, and $38,527.65 expended to date.

---

*The three unsolicited proposals reviewed in this inquiry all appear to have been genuinely unsolicited.

The services of the Studley firm are, according to the Commission staff official responsible for procuring Studley's services, confined to space acquisitions and related matters in the immediate geographical vicinity of the Commission's Offices at 1919 M St. N.W., Washington; and the ongoing acquisition of space in South-Central Pennsylvania, near Gettysburg. The scope of Studley's services, according to the same official, is to exclude remuneration for consultation or advice with respect to the acquisition of the office space currently under active consideration in Rosslyn, Virginia.

A relationship, the precise nature of which has not been determined, exists between Studley and the owners or lessors of the space in Rosslyn that the Commission is considering for lease in its efforts aimed at consolidation of staff offices. It is presumed that Studley is acting as a broker and/or leasing agent with respect to the Rosslyn space.

Reference to invoices submitted by Studley indicates that certain services and advice have been provided with respect to the acquisition of space in Rosslyn. These invoices have been honored, and payment has been made.

The role of the Commission's contracting officer

The position and the responsibilities of the Contracting Officer within the procurement cycle are believed to be little understood by those staff officials responsible for obtaining desired consulting services. In most cases, the contracting officer was not informed or made aware of the true circumstances or background of the contract he was being asked to enter into on behalf of the Government. Again, in most cases, preliminary negotiations or searches for prospective contractors were undertaken before the contracting officer was even advised that a contract was being considered. The most glaring of the deficiencies noted in this area has been the total lack of inclusion of the contracting officer in the negotiation of price. It may be said that with respect to the truly critical aspects of negotiation of contracts for consulting services the contracting officer has been effectively by-passed. In most cases the contracting officer is presented with after-the-fact details and asked to draft the necessary procurement documents for award. The contracting officer's position or location in the organizational structure of the Commission is believed to be indicative of the general lack of emphasis or recognition of the importance of the procurement function. A current organization chart is appended hereto as Appendix VI.

STATE OF RECORDS FINANCE BRANCH

The records of Finance Branch consists of a file containing a copy of the contract or purchase orders and the record of each payment made, and a voucher file containing the bill, invoice, etc. submitted by the contractor, together with a certification by the COTR that the billing is proper and that payment may be made. (The COTR, normally an employee of the Bureau/Office that requested the service, is the person most familiar with the requirement and the product expected). It was found that there were no written instructions to guide Finance Branch processing personnel. It is the present practice, and has been for years, that a bill submitted by a contractor, and accompanied by the COTR's certification, will be processed and certified for payment by one of the four certifying officers of Finance Branch without efforts to verify the presence of any documentary support of the charges. For example, bills submitted by Julien J. Studley, Inc., contained total charges without any breakdown, and make reference to attached time sheets. These time sheets are not on file, and, according to the principal voucher examiner, she has not been instructed that documentation beyond the COTR's certificate is needed. However, in instances where it was obvious that the bill contained an error in totals shown, it would be sent to Procurement Branch for clarification.

In case of the Studley time sheets, it was found that they had been submitted to the official who requested the services and is the COTR. Certification was made by the COTR after review of the time sheets, but they were then separated and sent to administrative files, rather than Finance Branch. The employee having custody of the time sheets indicated no direct involvement with the particular contract, and assumed that, on completion, the records would be sent to Procurement Branch. The GAO Manual for Guidance of Federal Agencies calls for the segregation of duties and functions as among authorization, performance, keeping of records, custody of resources, and review, so as to provide proper internal checks on performance and to minimize opportunities for carrying out unauthorized, fraudulent, or otherwise irregular acts. Procedures are called for that provide adequate control over expenditures in order to provide assurance that services paid for are actually received and that prices are in accordance with the applicable contract. Absent the detailed record of how the expenditures were incurred, it appears that the current internal control procedures in this specific area are inadequate. According to the Chief, Finance Branch, this situation is due to the workload imposed on the office and limited personnel resources, the absence of any written policy or instructions, and the fact that the present procedure for payment of contractors' bills is one that has been in effect since 1972.

RECOMMENDATIONS

1. Take priority action to issue an agency directive implementing OMB Circular A–120, to include the establishment of a panel, consisting of senior agency officials, with the delegated authority to approve the need for the use of consulting services by Bureaus and Offices. This would require delegation of authority by the Chairman.

2. Initiate comprehensive training and orientation programs, based on the Commission's written directive implementing A–120. It should combine the technical, legal, and ethical aspects that must be considered in each of the instances where consulting services are deemed necessary, and provide checklists, etc. for the use of COTR's and others. Procedures and instructions should be provided for the handling of unsolicited proposals.

3. Provide for written directives and instructions concerning the records required to be maintained by Finance Branch, and the extent of independent verification of charges to be performed by its personnel.

4. Require that all contractual arrangements for consulting services over $10,000 be given a review for legal sufficiency by the Office of General Counsel.

5. Consider strengthening the role, position, and visibility of the contracting officer by placing the function at an organizational level above that of the present branch. With a considerable amount of the day-to-day procurement actions being initiated through the division of which Procurement Branch is a part, or through the Office, Associate Executive Director (Operations), of which division is a part, the independence of the contracting function, through elevation within the organizational structure of the Office of Executive Director, appears to be desirable. This would also tend to strengthen the hand of the contracting officer in direct dealings with the heads of Bureaus and Offices on contractual matters.

6. Determine the status of the tasks presently assigned Studley and CSC with respect to specified sites or buildings, and permit no "add-ons" or further purchase orders for their services (assessing space availability and assisting in the preparation of solicitations for space in the case of Studley, architectural and engineering services in the case of CSC) beyond tasks already in progress. Further services of this type should be obtained competitively.

7. Establish the legal relationships between a.) Studley, b.) the lessors of the office space being negotiated for in Rosslyn, and c.) the Commission, to determine whether conflicts of interest may be present.

Mr. HOLLINGS. Mr. President, let me commend the Senator from Montana (Mr. BAUCUS) and the Senator from New York (Mr. MOYNIHAN). As a group, the Committee on Environment and Public Works has finally taken hold of a responsibility which has previously been neglected and are finally focusing on the General Services Administration. I agree with it and I agree with this amendment. The committee accepts it. I do want, in accepting the amendment on behalf of our subcommittee, Mr. WEICKER and myself, to make a statement so we do not see FCC as taking irresponsible action.

Mr. President, the fact is the language in the bill giving the Federal Communications Commission authority to lease their own office space was approved by the Congress last year. The House added a new provision this year allowing the FCC headquarters to be established within 2 miles of the present District of Columbia boundary. These provisions were approved by the committee because of the particular space needs of the FCC, as well as our longstanding frustration with the inability of the General Services Administration to meet the critical space needs of agencies in this bill

We inserted the leasing authority in last year's bill because GSA had indicated that they could not find the critically needed additional space the FCC required in Washington as well as in Gettysburg, Pa. The FCC has used this authority to secure the Washington space and is close to signing a lease for space in Gettysburg. At the time we granted this authority, we were trying to resolve the incremental requirements of the Commission, but since the Commission will lose the space at two of the five District of Columbia locations presently under lease, they propose to lease the 22-story building now being erected in Rosslyn. The Commission believes that this is their only chance to relocate in one location in the near future and therefore realize the benefits that consolidating operations will have on their efficiency.

With regard to our general concern about the lack of office space for agencies in this bill, the Subcommittee on State, Justice, Commerce, the Judiciary and related agencies appropriations makes no apologies. Two years ago, in our report on the 1979 appropriations bill, we strongly supported President Carter's urban policy that proposed to end the flight of Federal offices to suburban locations. I ask unanimous consent to insert in the RECORD at this point the part of Report 95-1043 entitled "Relocation of Offices".

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

RELOCATION OF OFFICES

During the course of the Committee's hearings with the Department of Justice there was extensive discussion of the movement of the U.S. Marshals Service headquarters elements to Tyson's Corner in McLean, Va. The Committee is fully supportive of that part of the President's urban policy that will end the flight of Federal offices from central cities to suburban locations. Thus it was surprising to find that the U.S. Marshals Service was to be moved to the fringe of the Washington metropolitan area. This transfer was all the more surprising since the Committee had not been notified as it should have been pursuant to the above requirements which are identical to those contained in our previous reports.

The Assistant Attorney General for Administration testified about the merits of consolidating the Department's legal activities in or close to the Main Justice Department Building, the general lack of adequate office space in the downtown Washington area, and the intent to move the Marshals Service to Tyson's Corner. The Committee appreciates the Attorney General's desire to consolidate the local divisions and voiced a desire to work with the Department on the overall space problem and to find adequate space for the Marshals Service in the downtown area. Subsequent to the Committee hearing, the Committee was surprised to learn that its offer to assist the Department was moot, since a final decision to move had already been made several months previously.

While the Committee appreciates that the General Services Administration may have been unable to locate space for the Marshals Service in downtown Washington, D.C., it was nevertheless incumbent on the Department to notify the Committee of these developments. Instead of notifying the Committee, the Department proceeded to initiate a Standard Form 81, "Request for Space" which was transmitted to GSA on September 14, 1977. An attachment to this request included a suggestion that "general boundaries be established 2 miles either side of the Capital Beltway at a point within 30 minutes of the Department of Justice, National Airport, and Dulles International Airport."

This statement also went on to note: "A review of the space at the Tysons Corner Shopping Mall indicated that the above conditions can be met." Pursuant to this request, the GSA Administrator, after meeting with the Attorney General, approved the solicitation of bids for leasing space in Northern Virginia for the U.S. Marshals Service. On December 30, 1977, a contract was entered into to lease a total of 59,955 net usable space at the Tyson's Corner Office Building.

With this case as an example, the Committee admonishes the departments and agencies within the jurisdiction of this act to notify the Committee of any relocation of offices to outside the limits of the cities and counties where presently located. Otherwise, the Committee will not be responsible for providing funds necessary for the payment of any lease where such notification is not given and approved by the Chairman of the Subcommittee on State, Justice, Commerce, the Judiciary and Related Agencies.

Mr. HOLLINGS. Mr. President, the agencies in this bill have tried to conform with the directions in that report but have been repeatedly told by GSA that the only space available was in Bethesda, Md., and Tysons Corner and Baileys Crossroads, Va. As recently as September 8th, the Department of Justice informed us that several components of the Department have been forced to move to Bethesda, Md., and Falls Church, Va. I ask unanimous consent that the notice received from the Department be printed in the RECORD at this point.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on the Departments of State, Justice and Commerce, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you pursuant to Public Law 96-132, Section 8(7) with regard to relocation of offices within the Washington Metropolitan area.

The Department of Justice has been, and continues to be, faced with a serious shortage of space in the Metropolitan Washington area. The growth in the staff size in recent years of the Washington based legal divisions, notably the Civil Division, the Civil Rights Division, the Criminal Division, and the Land and Natural Resources Division, has not been accompanied by a significant increase in space in the downtown Washington area where those divisions must be located for purposes of coordination and good program management.

The Department has requested repeatedly over the past several years that the General Services Administration (GSA) provide additional downtown space. GSA has been unable to do so to any significant degree; therefore, we have reluctantly accepted space offered by GSA in the suburbs at the One Park North Building, 5550 Friendship Boulevard, Bethesda, Maryland, and at Skyline Towers, One Skyline Place, Leesburg Pike, Falls Church, Virginia.

After considerable review and in accordance with the Attorney General's determination that the Department's legal divisions are to be located in space within close proximity to the Main Justice Building, the Department intends to relocate to the new buildings nonlitigating Department of Justice components which can be moved with minimal impact on the effectiveness of the legal divisions. Specifically, the following relocations are to be accomplished during the month of October.

One Park North Building, Community Relations Service, U.S. Parole Commission, Pardon Attorney.

Skyline Towers, The Internal Audit Staff of the Justice Management Division, The Audit function of the Office of Justice Assistance, Research and Statistics.

The organizations that are proposed for relocation are now being informed of the intended moves and in some cases may be concerned about potential operational problems. Any such operational problems which might occur will be addressed and arrangements will be made to minimize any adverse effects caused by the moves. Given the desire to make space available to legal divisions in or close to the Main Justice Building, it is felt that these moves are the most practical and economical solutions to the Department's immediate space problems.

Should you require additional information or clarification of the plans detailed here, please contact me directly.

Sincerely,
WM. D. VAN STAVOREN,
Acting Assistant Attorney General, for Administration.

Mr. HOLLINGS. Mr. President, Senator WEICKER and I have long been supporters of the National Oceanic and Atmospheric Administration. Even before NOAA was established, the Department of Commerce formed the Environmental Science Services Administration—ESSA—and sought to establish a national office for the Nation's oceanographic and atmospheric functions at the Fort Lincoln New Town development. More than 10 years later ESSA has grown into NOAA and there is still no national office for these vital responsibilities. Instead NOAA is scattered among some nine locations in the District of Columbia area with the Weather Service at Camp Springs, Md.; the National Ocean Survey at Rockville, Md. Part of the Administrator's Office is in the Commerce Building, another part up on Wisconsin Avenue, and the balance out in Rockville. I ask unanimous consent to have printed in the RECORD at this point a portion of our hearing record on NOAA's 1981 appropriation request entitled "Relocation of Washington Personnel."

There being no objection, the document was ordered to be printed in the RECORD, as follows:

RELOCATION OF WASHINGTON PERSONNEL

What progress has been made towards consolidating NOAA's activities in the Washington, D.C. area?

Presently, NOAA has no plan for the consolidation of all its Washington area activities at one location. Instead, NOAA has taken a number of preliminary steps to locate only selected elements at the Page Building Complex in Washington. These elements include the Assistant Administrators and staffs of Research and Development, Oceanic and Atmospheric Services, National Marine Fisheries Services, and Office of Coastal Zone Management. Certain staff offices of the Administrator are also included in the plan.

The preliminary work to date encompasses the development of cost estimates for the move; initial facilities planning, and, a survey of selected employee groups to determine the level of acceptance for such a move and the existence of any special employee considerations not yet addressed by NOAA management. However, no consolidation will take place until approved by Congress.

Last year the staff observed the terrible condition of chart distribution facility at Riverdale, Maryland. What has been done to protect the more than $5,000,000 inventory at that facility?

All major problems have been corrected at Riverdale except for the leaking roof. The boilers have been repaired and all three now can operate; a security systems has been installed; crumbling portions of the roof have been braced and covered with plywood; battery charge areas have been moved to avoid leaking water; and emergency patches have been applied to major leaks in the roof. All that remains to be done is for GSA to approve the contract for the major roof overhaul which will cost $500,000. This project is expected to start this month. GSA has been responsible for correcting all adverse conditions at this site.

Please supply for the record a listing of all the Washington, D.C. area locations occupied by NOAA including the number of employees assigned to each activity assigned to each location.

Location: Organization element	Employees
Camp Springs, Md.:	
National Weather Service (NWS)	236
National Environmental Satellite Service (NESS)	130
Environmental Data and Information Service (EDIS)	18
Total	384
Greenbelt, Md.:	
Environmental Research Laboratory (ERL)	1
NESS	3
Total	4
Hillcrest Heights, Md.: NWS (total)	2
Riverdale, Md.:	
Office of Management and Budget (OMB)—NOAA	32
National Ocean Survey (NOS)	126
Total	158
Rockville, Md.:	
Administrator (A)	93
OMG-NOAA	630
Research and Development Headquarters (RD HQ.)	62
Oceanic and Atmospheric Services Headquarters (OAS HQ.)	54
Office of Ocean Engineering (OOE)	41
Sea Grant (SG)	41
NOS	910
EDIS	39
NESS	1
Total	1,871
Silver Spring, Md.:	
A	1
OMB-NOAA	21
OOE	2
ERL	21
NOS	204
NESS	1
EDIS	8
NWS	527
Total	785
Suitland, Md.:	
OMB-NOAA	98
NOS	1
NESS	363
NWS	180
Total	642
Arlington, Va.:	
A	1
National Marine Fisheries Service (NMFS)	3
Total	4
Washington, D.C.:	
A	146
Coastal Zone Management (CZM)	110
OMB-NOAA	43
NMFS	358
ERL	3
NOS	234
EDIS	221
NESS	2
NWS	19
Total	1,136
Grand total	4,986

(Mr. BURDICK assumed the chair.)

Mr. HOLLINGS. Mr. President, the best example of the intransigent attitude of GSA to the space requirements of the agencies is their treatment with regard to the Securities and Exchange Commission. On page 279 of part 2 of our 1981 hearing record is a chronology of the SEC's efforts to secure a consolidated headquarters. I ask unanimous consent that Chairman WILLIAMS' letter to me of May 13 also be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 13, 1980.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on State, Justice, Commerce and Judiciary Committee on Appropriations, United States Senate, Washington, D.C.

DEAR CHAIRMAN HOLLINGS: During the Commission's recent fiscal 1991 budget testimony before your Appropriations Subcommittee, I made several references to the Commission's space problems and our long-term efforts to obtain a consolidated headquarters. At the request of Senator Weicker and Mr. Kane, the Commission shortly will submit for the record additional materials concerning our space problems. In the meantime, I would like to bring our problem directly to your attention.

As early as 1974, GSA, OMB, and the Congress indicated support for the Commission's efforts to obtain a new consolidated headquarters. Since that time, we have tried to cooperate fully with GSA; however, as a result of our request to lease a portion of 400 North Capitol Street, GSA's alternative acquisition of space at Buzzard's Point, and subsequent efforts which have resulted in only limited movement, we now believe that the situation has continued for so long and become so critical, that the only realistic means of solving the problem is to provide the Commission with its own leasing authority. I hope that you share this belief and will provide needed assistance in obtaining formal Congressional concurrence.

I attach for your information a memorandum which outlines the history of our efforts to obtain a new consolidated headquarters, describes the effects of operating from multiple locations, and explores the reasons why the Commission is requesting leasing authority. Let me briefly highlight some of the points made in that memorandum.

The Commission moved into its present, main headquarters building at 500 North Capitol Street, in 1966 with a staff of 887. Over the past 14 years, the Commission's authorized Washington area staff has grown from 887 to 1,300. In order to accommodate these additional personnel, we have spread into three satellite locations, two in downtown Washington and one in Arlington, Virginia, and we have had to accommodate nearly 1,000 employees in our 500 North Capitol Street location.

For an organization as small and cohesive as the Commission, the burdens of having multiple locations and inadequate space are quite significant. Unlike the situation found in many government agencies, the Commission's divisions and offices are not free-standing organizational components; rather, almost all Commission activities require the participation of several offices and divisions. Thus, the impact on our productivity is especially significant. In particular, our Division of Corporation Finance and our Directorate of Economic and Policy Research, both of whose work is integral to the capital formation process, are split between two locations; in these cases, which involve more than 300 staff members, there is also a serious and immeasurable morale problem which flows from their unfortunate physical separation.

The result is hundreds of hours of lost time, delayed deliveries, excessive duplication of facilities and materials, as well as other inefficiencies. Moreover, working conditions at our First Street satellite location have been, at times, sub-standard and even hazardous, compounding the morale problems created by the split. While the largest costs incurred as a result of our work environment are not quantifiable, we have estimated the direct dollar costs which result at nearly half a million dollars a year, most of which could be eliminated if the Commission were housed in a suitable, single location.

Beyond costly inefficiencies and serious morale problems, the public too bears a large burden. Each year, over 70,000 lawyers, accountants, businessmen, and other interested members of the public conduct business at the Commission's Washington offices. Despite our best efforts, the present arrangement delays our decisionmaking process and imposes substantial inconvenience and cost on the business community. This is particularly troublesome at a time when we are all concerned with the need to stimulate the capital formation process and increase confidence in government.

In order for the Commission to have the authority to lease its own space, both our authorization and appropriations bills require language to that effect. Preliminary discussions with our authorization committees indicate support for our efforts. In the face of greatly constrained resources, minimal pay increases, and increasing restrictions and demands on Commission employees, no single event could have a more positive impact on the morale and productivity of the Commission staff than the resolution of our longstanding space needs through the acquisition of suitable headquarters.

I would appreciate an opportunity to discuss this matter more fully with you at your convenience. Thank you for your consideration of our request.

With best wishes.

Sincerely,

HAROLD M. WILLIAMS,
Chairman.

CHRONOLOGY OF SEC EFFORTS TO SECURE CONSOLIDATED HEADQUARTERS

July, 1971: Meeting between Commission's Executive Director and GSA Director of Space Management to outline our need for additional space.

April, 1972: Letter from Chairman Casey to GSA outlining our space needs.

May, 1972: Received 32,662 square feet at 1100 L St. (including parking spaces).

September, 1972: Received additional 11,875 square feet (including parking spaces) at 1100 L St.

November, 1972: Second letter from Chairman Casey to GSA requesting help for consolidated headquarters.

December, 1972: Letter from GSA including a copy of "Purchase Contract Prospectus." Chairman Casey response urging consideration of 400 North Capitol St. space.

January, 1973: GSA letter indicating unwillingness to reconsider initial prospectus.

February, 1973: Commission letter to GSA expressing concern.

March, 1973: GSA letter rejecting consideration of lease/purchase option in favor of purchase contract. (No reasons given.)

June, 1973: Commission memo to OMB requesting prospectus revision.

September, 1973: Meeting between Commission Executive Director and GSA. GSA indicated that although Congress was usually unwilling, they might, in our case, accept a prospectus for leasing a building. GSA further stated they thought they could get a prospectus to OMB by mid-November.

December, 1973: Additional 57,694 square feet (including parking) at 1100 L St. obtained and 5.403 square feet released.

March, 1974: Commission contacted GSA to find out when the prospectus, already four months late, would go to OMB. GSA estimated March 15.

May, 1974: Additional 1.025 square feet (including parking) received at 1100 L St.

June, 1974: GSA finally sent prospectus to OMB.

At our request, OMB expedited consideration and approved prospectus.

August, 1974: GSA submitted prospectus to Congress.

October, 1974: Prospectus approved by Congress.

November, 1974: GSA submits timetable for competition and award of contract. Commission receives draft "solicitation" and believes it is inadequate.

December, 1974: Commission letter to GSA criticizing "solicitation." GSA warns that delay in signing the solicitation would not be in Commission's best interests; since the solicitation is already delayed, GSA urges Commission to sign and promises to deal with objections later. The Commission, accepting GSA's pledge to handle our objections later, approved the solicitation.

January, 1975: GSA letter advising Commission they had received only one offer (for 400 North Capitol) which was "exorbitant." They unilaterally extend the date one year.

February, 1975: Chairman Garrett wrote to GSA explaining concern and requested meeting with GSA Administrator. Letter was followed by several Commission-initiated requests to arrange a meeting. All failed. GSA wrote saying a deputy of the Administrator would meet with Chairman Garrett. Commission persisted in trying to meet with Administrator Sampson.

March, 1975: Chairman Garrett wrote to GSA Administrator, designating Commissioner Pollack to represent him at any meeting. Later that month, Commissioner Pollack met with Administrator's deputy.

April, 1975: Administrator Sampson wrote to the Commission telling us there was no chance of securing space by the summer of 1975. He proposed making a new offer to us, which does not arrive until the middle of June.

May, 1975: Sampson calls Chairman Garrett to tell him about Buzzards Point, which Chairman Garrett says is unacceptable.

June, 1975: GSA Administrator's deputy calls to see Chairman Garrett immediately. They meet hours later and deputy shows Garrett press release announcing that GSA has made an award to the owner of Buzzards Point. Garrett says the Commission will probably exercise its right to request a review of the decision. Commission writes to OMB Director Lynn indicating its intent to make a formal request for review of the decision.

July, 1975: Commission makes formal request for reversal of GSA decision. OMB reverses GSA decision.

November 1976: Commission Executive Director wrote letter to GSA summarizing need for additional 30.000 square feet.

May, 1977: Chairman Williams and Executive Director meet with new GSA Administrator, Jay Solomon, and Associate Administrator, Robert Griffin, to outline severity of space needs.

September, 1977: 30,000 square feet at 320 First Street offered.

January, 1978: Commission moves into third satellite facility.

April, 1979: Chairman Williams and Executive Director meet with GSA Regional Administrator at which time GSA requests Commission prepare a request for consolidated headquarters space.

September, 1979: Commission sends memo to GSA with formal request.

November, 1979: GSA responds that they are developing a 1,000,000 square foot prospectus for three agencies and that the Commission is one of the three. However, GSA reserves the right to acquire the space in 200,000 square foot parcels, which would be inappropriate for the Commission's 320,000 square foot consolidated space needs.

December, 1979: GSA writes to Commission and submits copy of draft prospectus.

January, 1980: Commission writes letter to GSA with our comments on the draft prospectus (1) 1983 is too late (2) 200,000 square foot parcels are inappropriate. Requested response by January 31. January 31 response from GSA, leaving some Commission concerns unresolved.

Mr. HOLLINGS. This chronology shows that initial efforts to consolidate SEC's staff in one location began in July 1971 and climaxed in 1975 when GSA advised the Commission that the offer of space at 400 North Capitol Street was "exorbitant." As the Senate will recall, the Senate rejected purchasing that building for $35.000.000 in 1976. The building subsequently was sold twice and is now leased to Amtrak.

Incidentally, the owner of the building told me 6 weeks, or 2 months ago, that he rejected an offer of $92 million for that particular building. It is ironic that space was not considered economical for the SEC nor the Senate, but is OK for Amtrak which is largely funded by the taxpayers.

Mr. President, the Federal building fund was created in 1974. The income of this fund comes from standard level user charges (SLUC) by which the Federal agencies pay rent to GSA for the space they occupy. By letter of November 10, Admiral Freeman of GSA has advised me that since the inception of this fund on July 1, 1974, through fiscal year 1980, $7.646.499.000 has been paid into the fund. I ask unanimous consent to have Admiral Freeman's letter printed in the RECORD at this point.

There being no objection the letter was ordered printed in the RECORD as follows:

NOVEMBER 10, 1980.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommitee on State, Justice, Commerce, the Judiciary and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR HOLLINGS: This is in reference to your letter of October 17, 1980, which requested information on Federal Buildings Fund (FBF) income, square footage of leased Federal office space and the number, as well as square footage, of buildings constructed with funds obtained from the FBF.

Since the implementation of the FBF on July 1, 1974, Fiscal Year 1975, through Fiscal Year 1980, income realized from Standard Level User Charge (SLUC) is in the amount of $7,646,499,000. A total of 77 buildings have been constructed from FBF income. The enclosed schedule provides you with details by fiscal year. It also contains the square footage of leased Federal office space by fiscal year.

If you have further questions, please feel free to contact us.

Sincerely,

R. G. FREEMAN.

Fiscal year	Standard level user charge (SLUC) income (in thousands)	Leased Federal office space (square footage, in millions)
1975	$952,317	62.0
1976	1,059,414	66.4
Transition quarter (June 30 to Sept. 30, 1976)	277,988	
1977	1,137,217	67.2
1978	1,349,943	69.6
1979	1,397,430	70.4
1980	1,472,190	70.8

	Number	Square footage (millions)
Buildings constructed with funds obtained from FBF	77	[1]24

[1] Approximately.

Mr. HOLLINGS. Mr. President, one of the purposes of creating the Federal buildings fund was to provide a mechanism whereby the Federal Government could consolidate the office buildings it critically needs. Prior to the inception of the fund, GSA would budget for new buildings, but the funds for new buildings were usually the first victim of Office of Management and Budget and congressional budget reductions. In other words, the easy choice was made to lease more space with its lower initial cost rather and avoid large initial outlay required for construction.

At the time the fund became operative, the Federal Government leased 62 million square feet of office space. Since that time, the leased office space has grown to 70.8 million square feet. It is apparent that the fund is not working since leased office space now constitutes 60 percent of the Federal space inventory as compared to the 40-percent level of 1969. As the Committee on Environment and Public Works own hearings indicate at the end of fiscal year 1979, GSA provided approximately 231 million square feet of space to client agencies. About 137 million square feet is in Government-owned space and about 93 million in leased space, a ratio of about 60 to 40. While total space has increased nearly 10 percent from fiscal year 1969, the amount of Government-owned space has decreased 14 percent, and leased space has increased by 92 percent.

Admiral Freeman also notes that 77 new Federal buildings have been constructed with funds obtained from the Federal buildings fund. I do not know where they are—I do not say that facetiously—they certainly have not been built for the FCC, the SEC, or NOAA, or any of the agencies which this subcommittee is charged with the responsibility of.

Mr. President, it is clear that something must be done to resolve the critical space requirements of the agencies. I look forward to the enactment of the Public Buildings Act of 1980 (S. 2180), and the additional federally owned office space that it contemplates. There are many excellent long-term goals in that bill; but in the meantime, GSA has to get moving on the immediate needs of the agencies. Apparently our action has forced GSA to get moving on a downtown building for the SEC and some of the other commissions. We would like to take the leasing authority for SEC to conference to maintain the pressure.

I personally am not happy with the Rosslyn location for FCC and am willing to delete the language allowing their headquarters to be outside of the District of Columbia. However, they have done a good job in meeting their incremental space requirements here and in Gettysburg and the leasing authority should be maintained. This would also be a clear signal to GSA to get moving on a consolidated location for the FCC and end this era of enriching the landlords. We have tried to meet the needs of the FCC as well as the SEC in this bill.

I urge that the amendment of the Senator from Montana and the Senator from New York be adopted.

Mr. President, there are two parts to the amendment. We will take both.

On page 38, line 23, to strike "the rental of space in the District of Columbia and elsewhere." and then on page 39, line 8, to strike "for the purpose" of the particular section, "the District of Columbia is hereafter defined to include an area within 2 miles of the present District boundary."

I go along with the Senator from Montana. We will do our best with the House to see if we cannot keep it.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, there is a conflict in this area. It appears that from what I have been shown there would be a saving of money by the move contemplated by the FCC.

I am representing the ranking Republican on the subcommittee now in trying to move these amendments. On the basis that the matter will be fully within the scope of the conference, that the Senator from Montana is deleting two House provisions and it could be fully explored in conference, I certainly do not object to the amendment and I know of no one on this side that will object.

But I do think it ought to be examined to determine whether the FCC is correct, that relocating outside the District would improve the efficiency of that independent agency.

It is not directly related to any of the downtown agencies. It does handle the problems of a myriad of small entrepreneurs throughout the country. It is not the same kind of agency as others that require daily visitation to the offices.

I see no real reason for mandating that it be specifically within the District of Columbia. I think at the time that was passed in 1934 there was not a Reston and not these other dispersed areas of the Federal Government around the Nation's Capital.

But I understand the statement of the distinguished chairman of the subcommittee and, on the basis of his comments and those of the Senator from Montana, we are prepared to accept the amendment and take it to conference on that basis.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from the Chairman of the FCC dated September 25, 1980. It outlines the procedures used by the FCC in negotiating for space in Rosslyn.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS
COMMISSION,
Washington, D.C., September 25, 1980.

HON. ERNEST F. HOLLINGS,
Chairman, Subcommittee on State, Justice, Commerce, the Judiciary, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you in regard to a proposed amendment to delete the Federal Communications Commission's authority to lease office space which is included in H.R. 7584. I believe it is essential that the FCC should *retain* its existing authority granted last year by the Congress to permit this agency to seek independently adequate office space. That authority is even more urgent today because of the following:

The FCC currently is spread over five separate locations in N.W. Washington in generally poor working conditions.

The FCC lease in one building housing 100 employees will expire in April 1982 and cannot be renewed. GSA's only possible proposal was to relocate these employees somewhere in the Washington suburbs, further dispersing our work force.

The FCC's main leases expire in the next three years and given the rapid increase in office space prices and high demand for office space, we expect that office space, if available, to be at substantially increased rates. Currently, office space in downtown Washington is leased at over a 99 percent rate.

In response to these problems, we obtained professional assistance to meet these urgent needs with the hope of consolidating our activities into one building at a reasonable cost and with long term lease stability. We found a favorable site in Rosslyn, Virginia.

We believe that the Rosslyn site offers the best possible alternative to meet the Commission's office space requirements. It is located very near the Metro and would provide excellent working conditions for the Commission's employees, including parking facilities at significantly reduced rates. But, perhaps most important, we project that relocating in Rosslyn will provide a savings in rental of about $15-18 million to the taxpayer over the next eleven years. As a final point on the Rosslyn site, we did not undertake lease negotiations on this site until after the Department of the Interior law suits over the construction of these buildings had been resolved.

I believe that it is very important to the efficient functioning of the FCC that our short and long term office space problems be resolved. The proposed move to Rosslyn has the clearest potential to provide the solution.

Sincerely,

CHARLES D. FERRIS.

Mr. HOLLINGS. Mr. President, to be perfectly candid, I have noticed some news article about the Commission retaining people to obtain this space. I do not condone anything along that line. I will have to look into it further. I am sure we will before conference. But I wanted to make sure the chairman's letter was printed in the RECORD at this particular point.

Mr. MOYNIHAN. Mr. President, I thank the distinguished chairman for his generous remarks about the Public Buildings Act of 1980 and say to him and his colleagues that we hope to bring this back to the Senate with a conference report this year, to accomplish the concerns that both have spoken about so well. It is our duty to try to do that. We shall do it.

Mr. President, on behalf of myself and Senator RANDOLPH, distinguished chairman of the Committee on Environment and Public Works, I strongly urge approval of the amendment to H.R. 7584 proposed by Senator BAUCUS.

The amendment would delete provisions granting the Federal Communications Commission its own authority to lease office space in the Washington metropolitan area. The FCC acquired leasing authority only last year, in a provision inserted in its appropriation bill. I regret that I did not notice and speak out against the provision at that time. However, to my knowledge no hearings were held on the proposal and little if any attention was called to its inclusion in the fiscal year 1980 appropriations. That such an authorization should be provided in an appropriation measure at all is a matter about which I think the Senate should feel some concern.

The effect of continuing to grant this authority to the FCC, whether in an appropriation bill or by any other means, would be to exempt the FCC from the real property operations of the General Services Administration. The GSA was established in 1949 to conduct the routine housekeeping operations of the Government, on the premise that centralized handling of these mundane functions would yield economies of scale.

The provision of office space through construction or leasing is one of the GSA's primary housekeeping functions. The Public Buildings Service of the GSA employs over 18,000 employees and manages over 10,000 buildings. Its budget for fiscal year 1981 is about $1.6 billion. These activities of the GSA fall under the general jurisdiction and oversight of the Public Works Committee of the Senate and the House of Representatives.

Mr. President, I am the member of the Environment and Public Works Committee charged with managing our responsibilities in this area. In this function, which falls under no subcommittee, I am ably and actively supported by our beloved chairman, our distinguished ranking minority Member, Senator STAFFORD, and by the junior Senator from Rhode Island, Senator CHAFEE. We have not been satisfied with the performance of the GSA in carrying out its building duties, and for that reason carried out an intensive review in 1979 that ended last December with the introduction of a thorough-going reform measure, S. 2080. The Senate passed that measure, the Public Buildings Act of 1980, by a vote of 71 to 8 on June 20 of this year. Both the Senate and the House have named conferees and we expect to come to agreement this year.

We believe this legislation will cure the problems that we found in the Public Buildings Service. It is clear to me that granting the FCC continued leasing authority will only exacerbate the difficulties confronting the Government in securing adequate office space in the

Washington area. Moreover, I believe that the FCC's leasing authority will result in the duplication of Government efforts at the ultimate expense of the taxpayers.

Chairman RANDOLPH wrote to the distinguished chairman of the Committee on Appropriations to request that the FCC leasing authority be deleted from H.R. 7584. He noted that this provision would circumvent the organic legislation establishing the GSA and the public buildings program. He further observed:

> The FCC would have to develop its own staff knowledgeable in real estate matters, duplicating staff already existing at GSA. Moreover, the FCC would not be subject to the fiscal safeguards embodied in GSA regulations requiring competitive negotiating for Government leases.

Senator RANDOLPH's views were, as usual, completely accurate. FCC officials have informed us that they do, indeed, contemplate hiring additional staff to help carry out the new leasing authorities. Worse, Senator BAUCUS now discovers that the FCC has, without competitive bidding, awarded contracts at exorbitant rates to private real estate concerns to help the FCC do that which the GSA already has staff to do.

The GSA is often criticized for failing to respond quickly enough to agency demands for office space and other necessaries of the bureaucratic life. Some of these criticisms are doubtless justified. On the other hand, it is the unhappy lot of the GSA to have to determine the priorities of competing agency demands. It regards the FCC's office space needs at the moment not to be among the most critical in the Washington area.

I do not believe that, in responding to the FCC requests for this authority, the Appropriations Committees have been privy to this GSA assessment of relative priorities. Nor, I believe, have they been aware of the questionable contracting procedures and cost premiums that have been associated with the FCC's use of its 1-year-old leasing authority.

I do not believe that the Appropriations Committees have considered the horrendous precedent that would be set by the continued grant of leasing authority to the FCC. With this as an example, I believe we can expect other agencies soon to demand their own authorities. We will then see the burgeoning of new real estate offices in myriad Federal agencies—or the burgeoning of a new form of Government consultant. Soon after, we shall view the spectacle of those agencies bidding against each other—and driving up the price—for that most precious white-collar commodity; the prime office location.

Finally, I point out that our committee, in reporting S. 2080 to the Senate, expressed great concern over the Government's skyrocketing and uncontrollable leasing costs and the advantages of beginning a phased program of Federal construction to provide more economical office space in the future. Permitting the FCC, and eventually scores of other Federal agencies to negotiate their own long-term leases, will preclude the GSA's planning for such a fiscally responsible future. Indeed, such a welter of mutually antagonistic authorities will prevent the GSA from carrying out any sort of rational office-space planning at all.

I ask unanimous consent that a copy of a letter concerning this matter from the Administrator of General Services to Chairman MAGNUSON be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 17, 1980.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As passed by the House of Representatives, H.R. 7584, the Appropriation Bill for the Federal Communications Commission (FCC), contains a provision for FCC to lease space in the District of Columbia and elsewhere. This provision is in contravention to the Federal Property and Administrative Services Act of 1949, as amended, and Reorganization Plan No. 18 of 1950, which vests such authority in the Administrator of General Services.

While the General Services Administration (GSA) has recently delegated leasing authority to the Department of Defense, the Department of Agriculture, the Central Intelligence Agency and the Bureau of the Census, these were essentially for specialized activities outside the realm of general purpose office and related space, the provision of which is GSA's primary responsibility. FCC's requirements, on the other hand, are not specialized and its space needs are not unlike those of all other headquarters activities.

Within the last year, our National Capital Region (NCR) was created so the particular demands imposed by agencies in the Washington metropolitan area could be more properly addressed. In this connection, our realty specialists in NCR have extensive experience and knowledge in dealing with the local real estate market, thus, assuring the best possible price and terms for the Government. We do not believe that FCC has the technical expertise to insure these interests. This factor becomes especially critical considering the quantity of space required by FCC and the significant amount of funds to lease it.

Further, to carry out its responsibilities to efficiently and economically meet the housing demands of Federal agencies and to insure maximum utilization of federally controlled facilities, GSA must have the ability to assign and reassign space. To permit agencies such as FCC to acquire their own space limits our authority to carry out these responsibilities under the Act and hinders our ability to effectively service all agencies.

In view of the above, I ask that when your committee reviews H.R. 7584, the provision for FCC to acquire its own space be deleted from the bill. Your support in this matter will be greatly appreciated.

Sincerely,

GERALD MCBRIDE,
(For R. G. Freeman III),
Administrator.

Mr. LEVIN. Mr. President. I rise today in support of the amendment offered by Senator BAUCUS.

Government. We do not believe that FCC has requested such authority so as to be able to relocate and consolidate staff in the Twin Towers in Rosslyn, Va. Both the National Capital Planning Commission, which was created by the Congress in 1952 as the principal planning agency for the Federal Government in the National Capital region, and the Department of Interior have objected to the development of the Twin Towers because of harm to the Washington skyline.

Recently, the Secretary of Interior started a suit against developers of the Rosslyn high rises because of the buildings' perceived negative impact upon the Nation's Capital. U.S. District Court Judge Oren R. Lewis rejected the Federal Government's complaint because he believed that the Government had failed to prove that the buildings would be a public nuisance. While the court determined in the Rosslyn case that the builders had legal right to build, we should not assist the development by working at odds with the agencies who are directly responsible for protecting the design and plan of the Capital region.

Mr. President, I do not pretend to be an expert on architectural planning and development. The Congress established the National Capital Planning Commission for that purpose.

> The Commission represents the Federal interest in planning and development of the region. In accordance with the National Capital Planning Act as amended (40 U.S.C. 71–71f) and the Reorganization Plan No. 5 of 1966 (40 U.S.C. 71b), the Commission is charged with dealing directly with suburban jurisdictions and exercising liaison function in protecting the Federal interest.

The purpose of the Commission is clearly stated—

> The general objective of this Act is to enable appropriate agencies to plan for the development of the Federal establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of adjoining States and local governments to exercise control appropriate to their functions.

Mr. President, we created the National Capital Planning Commission to make important planning and development decisions about "the physical development of the National Capital and its environs." We should not undermine the function of the Commission by ignoring its attempts to discourage a type of development in Rosslyn which the experts appointed by our mandate say will destroy the beauty of our city. In testimony before the Arlington County Board on October 28, 1978, Mr. David M. Childs, Chairman of the National Capital Planning Commission stated:

> The siting of the Nation's capital at the confluence of the Potomac River and the Anacostia River within the original ten-mile-square District was decided upon after careful study by Pierre L'Enfant with the concurrence of George Washington and Thomas Jefferson. The natural features of these rivers and the topographic bowl formed by the Florida Avenue escarpment and the Anacostia and Arlington Hills were all-important to L'Enfant's plan, in that they gave a sense of place and backdrop to his vision for the new city. Although the political divisions encompassing this area have since changed, the original ten mile square still forms the urban setting for "the permanent Seat of the Government of the United States."
>
> As the city developed, the Arlington Ridge became the most important segment in the green backdrop to the monumental core of the Capital, and its natural character has largely been preserved by the presence of the Arlington cemetery, Fort Myer, Iwo Jima

Memorial, Lee's Mansion, and other appropriate land space uses. The development in Rosslyn has in most cases not jeopardized this open space concept, but the recent approval of plans for the Weissberg Apartments, and the pending plans for the two 29-story tower office buildings in the vicinity of Arlington Towers will indeed permit irreparable damage to occur.

In this capacity as Chairman of the Commission, Mr. Childs has also recommended that a task force, consisting of the Arlington County Planning Commission, the National Park Service, the Commission on Fine Arts and the General Services Administration be created in order to establish future standards for development in Rosslyn which would not detract from the beauty of the Nation's capital.

Finally, if we authorize the FCC in this bill to lease space in the Rosslyn high-rises, the Congress would be lending sanction to further Rosslyn high-rise development, rather than attempting to discourage it. At a minimum we should avoid giving economic support to the development of buildings which our experts say will have a negative impact upon the skyline, architecture, and design of the Nation's capital.

Finally, I am sympathetic with the office space problems of the Federal agencies and I understand their desire to consolidate operations, but I believe that the Federal Government must be consistent in its approach to development in the Rosslyn area. If we hope to have some impact upon decisionmakers who ultimately approve proposals for further development impacting on the District of Columbia skyline, we must support the role of the National Capital Planning Commission.

I urge my colleagues to support the amendment by Senator Baucus and Senator Moynihan as an important gesture of our commitment to preserve the esthetics of the D.C. skyline, which has given so many people so much pleasure.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 1730

(Purpose: Relating to reduction in funds for advertising and public relations activities)

Mr. BAUCUS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the Weicker amendment will continue to be set aside.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. Baucus) proposes an unprinted amendment numbered 1730.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

Sec. . Notwithstanding any other provision of this Act, any amount appropriated by this Act for the fiscal year ending September 30, 1981, for any department, agency, or instrumentality of the United States Government, which is available to pay for or conduct advertising or public relations activities is reduced by 10 percent.

Mr. BAUCUS. Mr. President, this amendment is similar to one offered to other appropriation bills. It simply reduces the advertising budgets of the agencies under the jurisdiction of this bill by 10 percent.

I believe we all will agree that there is at least 10 percent fat and waste in advertising budgets of various agencies, including agencies under this bill—State and Commerce, for example.

Second, I believe we should address the matter of public policy regarding the degree to which the Government should advertise to encourage the public to purchase its wares or become involved in its programs. The Government is here to serve the people, not to sell itself to the people. I believe we can reduce the advertising budget by 10 percent.

Mr. HOLLINGS. Mr. President, the Senator from Connecticut and I are willing to go along with this amendment.

In a discussion of this matter, one example was the advertising by NOAA, the National Marine Fisheries Service, in favor of the consumption of fish.

Now we come into the bailiwick of the distinguished Senator from Alaska, who is the manager on the minority side. As you know, when we went into the 200-mile limit, we finally took over the jurisdictional responsibility for the fisheries of the United States. Along with this, we are trying to reestablish our fisheries.

However, there has to be a judicious measurement of advertising. If it is just puffing the wares of a particular body, as to whether they are doing a good job, such public relation endeavors should be cut back in this age of inflation. On the other hand, if it is an affirmative policy of trying to increase the consumption of the products of American fisheries, which would impact not only on jobs but also the economic impact with respect to the balance of payments, that would be an unwise restriction on that advertising.

I believe that these are the kinds of realistic observations that could be made at the time we did the cutting of advertising in particular budgets, because there are different purposes at different times.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I am sure that the concept of reducing expenditures is a bona fide one.

I sometimes wonder about these percentage cuts without the detailed examination of them when they apply to a bill that deals with more than one agency.

There are some agencies which, by virtue of their legislative mandate, have the duty to advertise. BLM, for example, has to advertise the availability of lands, and others have a similar responsibility.

The matter should be in conference, and I am of the impression that between now and the time of the conference, if we need to, we can allocate this cut between the agencies that are covered by this bill. On that basis, it is my understanding that the Senator from Connecticut would have no objection to the amendment.

Mr. BAUCUS. Mr. President, I thank the Senator from South Carolina and the Senator from Alaska.

I agree fully that there is some mischief in across-the-board cuts. I was on the Appropriations Committee in the House for 4 years and did not agree with across-the-board cuts because I thought it was our duty to be more precise in finding the fat and waste and shape the budget.

I also want to stress that my amendment in this case, as well as in all the other appropriations bills, is not aimed at legitimate personnel recruitment advertising. That is not what I want to limit. That should be clear in all cases. There is a lot of other legitimate activity in this area, too, such as mentioned by the distinguished Senator from Alaska.

However, it was my experience in the 4 years that it is very difficult to find that waste. Agencies come well prepared. They know what questions we are going to ask. They spend hundreds of man-hours in preparation of and in defense of their budgets.

It is my view that one way we can force a little more efficiency—and I must confess that I am slipping back into a position of almost last resort—is to enact some kind of across-the-board cuts. Also, I believe we should press for a line item in each Department's or agency's budget, so that we can see how much is actually spent. I insert in the Record here a copy of a law even requiring such a line item.

There being no objection, the law was ordered to be printed in the Record, as follows:

§ 307. Employment of publicity experts; restrictions

Appropriated funds may not be used to pay a publicity expert unless specifically appropriated for that purpose. Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 416.

Mr. BAUCUS. Certainly, BLM has to advertise. Various agencies have to advertise. I believe we will agree that most agencies can find places to cut.

I should like to embellish a little on the example mentioned by the chairman—that is, the NOAA film. Basically, it is a 14-minute film in color. I have seen many movies which NOAA produces and distributes. This called, "Clam and Oyster Sam." It is described in the NOAA brochure as an educational musical comedy designed for general audiences and stresses the gustatorial delights as well as the nutritional advantages of eating clams and oysters.

It contains purchasing, preparation, and nutritional information as well as "toe-tapping tunes such as 'Everybody Gotta Love an Oyster, Nobody Doesn't Like a Clam.'" There is another toe-tapping tune, "Stay As Slim As You Are."

I think that is all right if you want to stay slim and like oysters and clams. Frankly, I do not believe it is proper for NOAA to be pushing the sales of oysters and clams. That is something for fishermen to be engaged in.

Mr. HOLLINGS. I do not know whether the Senator or I know much about advertising; but, in any event, we are trying to slim down the budget.

Mr. BAUCUS. Thank you. I would like to insert in the Record an article from the August 27, 1979, issue of U.S. News & World Report, as well as comparative budgets for 1978, 1979, and 1980 up to the time my staff canvassed the agencies involved.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE GREAT AMERICAN BUREAUCRATIC PROPAGANDA MACHINE

The federal government spends more money each year trying to influence the way people think than it spends altogether for disaster relief, foreign military assistance, energy conservation and cancer research.

Public-affairs and information efforts of the bureaucracy cost taxpayers at least 2.5 billion dollars annually, and hidden activities probably send the total far higher.

Uncle Sam's publicists contend that much of what they do is required by law and is necessary to a free society, such as informing citizens about their rights and providing advice about health, safety and financial aid.

But to their critics they are "flacks," busy glorifying the reputations of political leaders, exaggerating successes of their agencies, covering up bureaucratic boondoggles and sometimes distorting the truth.

Washington's propaganda machine is so vast that nobody knows how many civil servants are engaged in trumpeting the works of government. Though official estimates put their number near 20,000, every audit to find the true extent of federal public relations has fizzled because the publicity network is so widespread and the identities and activities of many of those involved are disguised by vague titles.

"The federal government suffers from runaway flacksterism," complained Senator Abraham Ribicoff (D-Conn.) in releasing a General Accounting Office study of U.S. public information activities.

Cited as evidence of the enormous scope of "The Great American Bureaucratic Propaganda Machine":

Uncle Sam is one of the Nation's top 20 advertisers, with outlays rivaling those of such business giants as Coca-Cola and Procter & Gamble. In one year, government advertising costs total 200 million dollars.

Washington is coming to be known as "Hollywood on the Potomac." Agencies spend as much as 600 million dollars annually making movies and other audio-visual programs—an amount that dwarfs the production costs of Twentieth Century-Fox Film Corporation and Paramount studios.

The paper tide of press releases, reports and documents that flows from government presses each year could fill four Washington Monuments. Last year, the Government Printing Office billed its federal customers 500 million dollars, and the Office of Management and Budget found that additional U.S. printing cost another 800 million.

To finance official activities of federal public-relations officials costs more than 400 million dollars annually.

Moreover, Ribicoff said, the GAO failed to find all the costs. "So effective have government agencies been in cloaking their P.R. types in disguises that it is now literally impossible to keep track of them," he declared.

SHAPING PUBLIC OPINION

A survey of 47 federal agencies and commissions made by *U.S. News & World Report* under the Freedom of Information Act turned up 4,926 government information specialists. Total salaries: 109 million dollars.

That money is only a fraction of the actual payroll. More than 30 years ago, the Budget Bureau was able to count 42,000 federal publicists, and U.S. information activity has increased enormously over the years even as the titles of those who do the work have become more shadowy.

Because of a 1913 law that forbids using appropriated funds for paying "publicity experts," there is not one by that title in all federal government. Instead—in a bureaucratic wink at a bothersome law—there are "information officers," "public-affairs officers," "communications officers" and "press secretaries."

Many earn more than $40,000 annually, and salaries for those who reach subcabinet level, such as Thomas B. Ross, assistant secretary of defense for public affairs, hit $50,000.

The most publicity-minded departments include Agriculture, with 1,234 identifiable specialists in information and a budget of 41 million dollars; Defense, with a staff of 1,227 and a budget of 25 million, and Health, Education and Welfare, with 560 employes and a budget of 37 million.

Critics contend that, in one sense, all of what these information specialists do is propaganda. A task force of the Commission on Federal Paperwork concluded: "The timed release or manipulation of information by an agency has developed into almost a fine-art form, most effectively employed by the Defense and related national-security agencies that report real or contrived threats or gaps at budget hearings to justify defense funding."

This report was never made public officially. The task-force director, Philip G. Vargas, was fired when he insisted on disclosing the findings, becoming the first whistle blower dumped by the Carter administration.

TURNING FAILURE INTO SUCCESS

David H. Brown, special assistant to the public printer, told a meeting of communicators last year: "I can easily give you examples of government garbage. I can also conscientiously say that there are those in the government-information business who could not hold a private-industry job more than 10 minutes."

Inept or not, government-information officials often succeed in putting a bright face on a gloomy situation.

After President Carter spoke last year at Sun Day ceremonies in Golden, Colo., headlines across the country bannered the news that he had pledged an additional 100 million dollars for solar-energy research.

Result: The President became instantly, if briefly, a darling of the ecology movement. Because the administration adroitly timed the announcement just as reporters faced deadlines, it was never widely reported that the Department of Energy wanted Carter to budget up to 400 million dollars for these projects. The money he promised to spend actually represented a defeat for solar-energy advocates.

The White House smoothed over another bumpy image problem this year when Carter went to Mexico and was publicly chastised by Mexican President López Portillo for U.S. arrogance toward Mexico in the past. Presidenial spokesmen afterward claimed—and it was duly reported by the American press—that Mexican newspapers rebuked López Portillo for being so rude. A later check of the Mexican press showed no sign of any such rebukes.

Such ploys are common at all levels of the federal establishment. For example, after numerous complaints that local officials were misusing funds under the Comprehensive Employment and Training Act, Congress provided fewer public-service jobs than the White House had requested. Undaunted, the administration bragged that the "new CETA" relies more heavily on the private sector.

SINS OF THE PAST

One communications director, Frank Greer of the Occupational Safety and Health Administration, explains that his basic technique is to "admit the sins of the past," while emphasizing new efforts to clean up the mess. In response to complaints from owners of small businesses about OSHA's "nitpicking" regulations, for instance, the agency announced in 1977 that it was abolishing about 1,000 of its most petty rules. A year later, OSHA was embarrassed when it came to light that those regulations had not been lifted. Then the rules finally were erased.

It is common for agencies to put out news releases designed solely to polish the images of their directors. Early this year, the Federal Home Loan Bank Board issued a statement in which then Chairman Robert H. McKinney mused about taking Sunday bicycle rides with his children to meditate at the tomb of Robert F. Kennedy.

At the Department of Health, Education, and Welfare, former Secretary Joseph Califano insisted that his name appear on all major press statements—and on some minor ones. This approach not only put Califano in the spotlight but also gave programs more visibility, since a cabinet member's utterings are bigger news than those of his subordinates.

CARE AND FEEDING OF THE PRESS

Most government press releases wind up in the trash can. Wesley Pedersen, president of the National Association of Government Communicators, told a meeting of his colleagues that the typical Washington news release is so badly done that "few editors who value their eyesight will give it a second glance—literally." He added: "Candor compels the statement that many government news releases simply serve no purpose at all."

Despite the self-serving aspects of government press releases and briefings and background conferences, without them most reporters today would have trouble informing the public of what Washington is doing.

As columnist Joseph Kraft explains it: "In the typical Washington situation, news is not nosed out by keen reporters and then purveyed to the public. It is manufactured inside the government, by various interested parties for purposes of their own, and then put out to the press in ways and at times that suit the sources. That is how it happens that when the President prepares a message on crime, all the leading columnists suddenly become concerned with crime. That is even how it happens that when the Air Force budget comes up for consideration, some new plane will streak across the continent in record time."

AT A TIME OF CRISIS

Influence of the government's propaganda machine becomes a matter of greatest concern during a national emergency. During the Cuban missile crisis, Arthur Sylvester, then assistant secretary of defense for public affairs, was quoted as saying that "the government has the inherent right to lie to the people." In the Vietnam War, Sylvester was quoted as heatedly telling reporters that they had "a patriotic duty to disseminate only information that makes the U.S. look good."

Asked if that meant the press should be a handmaiden of government, Sylvester was quoted as saying: "That's exactly what I mean. . . . Look, if you think any American official is going to tell the truth, then you're sutpid. Did you hear that? Stupid!"

Despite occasional angry encounters, relations between reporters and government spokesmen are usually genial—not surprising since the ranks of federal publicists are filled with former newsmen. Notable examples: State Department spokesman Hodding Carter III, once of the Delta Democrat-Times of Greenville, Miss.; Assistant Secretary of the Treasury for Public Affairs Joseph Laitin an ex-wire service reporter, and Eileen Shanahan, a New York Times reporter who became an assistant secretary of HEW for public affairs and recently quit to become an editor of the Washington Star.

SELLING CAPITOL HILL

Congress, so fearful of government influence on public attitudes that it barred use of "publicity experts" more than half a century ago, has built an aggressive public-relations apparatus of its own in recent years.

Every senator and representative and every committee has someone assigned to deal with reporters—from staff members who handle publicity along with other chores to full-time press aides such as Ron McMahan of Senate Minority Leader Howard Baker's staff, whose $49,940-a-year salary makes him the highest paid public-relations officer on Capitol Hill.

Each House member is allowed $5,000 a year to pay for newsletters to constituents. As a typical example, Representative Herbert E. Harris II (D-Va.) sends four newsletters a year to 185,000 homes in his district.

In addition, it will cost taxpayers 64.9 million dollars this year to subsidize about 300 million pieces of franked mail sent out by senators and representatives.

Among the materials mailed is one viewed by many as the most self-serving and misleading in all government the CONGRESSIONAL RECORD. It is supposed to be the official account of all remarks delivered in the House and Senate, but in reality it falls somewhat short of that mark.

In 1972, the Record quoted Representative Hale Boggs (D-La.) as wishing his colleagues a merry Christmas—two days after the airplane in which Boggs was flying disappeared in Alaska. Because of a reform last year, speeches and materials not actually delivered on the floor are now marked with a black dot. On the other hand, members retain the right to delete remarks they actually do make. Sample: During a debate on June 25, Senator Lowell P. Weicker, Jr. (R-Conn.), said that Senator H. John Heinz III (R-Pa.) was "either an idiot or devious." In the CONGRESSIONAL RECORD, it never happened.

To burnish their images, members of Congress have access to radio and television recording studios in the Capitol, where they can make tapes for distribution to broadcasting stations in their home districts. Salaries alone for those involved in running the studios totaled $839,532 this year.

UNCLE SAM THE MOVIEMAKER

Money used on film by Congress is only a fraction of the amount spent government-wide on audio-visual activity—an estimated 600 million dollars yearly, or more than half the entire budget for the State Department.

A White House study of federal film making last year found that the government owns close to 2 billion dollars' worth of filming equipment and facilities. The survey determined that in one recent year the Defense Department alone produced 1,141 motion pictures, 3,560 television films and 3,412 audio and mixed-media presentations.

"A number of films were screened, which appeared to be predominantly agency self-promotion," the report noted. "It is not uncommon to find a justification such as one, in writing, for a film currently being planned, which says: 'Department will benefit through increased exposure to the public, thereby improving image.' "

It was found that in many cases films were produced and equipment was purchased by agencies merely to avoid returning money left in budgets at year's end.

Some taxpayers might wonder about the need for such recent government films as "Cuckoo's Nest Revisited," "Making an Occupied Bed," "Sex Life of the Norway Rat," "Makeup From the Neck Down," "Identification of Some Common Sucking Lice," "Froggy and Friends," "Sauce for the Gander" and "Home-Wrecker." Zesty titles may be misleading. The Navy explains that its film "How to Succeed With Brunettes" merely teaches sailors "proper and improper etiquette on a movie date and at a formal dance with a receiving line." In the minds of some critics, that still leaves questions about the need for taxpayers to finance such a movie.

As the White House report concluded: "Identify a subject which receives major attention in the media such as civil rights, the environment, women's lib or energy and government-produced material will follow about a year behind."

Examples of waste in federal film making are legion. One agency spent $125,000 on a motion picture and then lost the film. A 30-minute film on the Bicentennial cost the government $454,000 and was seen by an estimated 500,000 people. The average cost of a half-hour, prime-time TV program seen by 30 million viewers during that period was $177,000. This means the per-viewer cost of the government's film was 91 cents, while the per-viewer expense of the commercial program was about half a penny.

SHADING THE FACTS

Cases of agencies' misleading the public through their promotional programs have been noted even by federal officials. Chairman Michael Pertschuk of the Federal Trade Commission announced on August 9 that his agency had received "complaints that government advertising is inaccurate, misleading or even occasionally deceptive."

The issue is being studied by FTC Deputy Director Tracy Westen, who says the Postal Service quit guaranteeing "next-day delivery" in its commercials after the commission asked for proof of the claim.

Westen also cites the case of a physician who refused to continue military service on the ground that the recruiting advertisement had painted a false picture of military life. "Well," says Westen, "they not only court-martialed the dupe, but the Army prosecutor accused him of contributory negligence in the bargain—for being dumb enough to believe those puffery commercials in the first place."

Critics assert that efforts of government departments to promote their programs often appear to be of questionable legality. Representative John N. Erlenborn (R-Ill.) told the House that two agencies recently sent him information touting their programs and offering grants to his constituents in return for favorable votes on appropriation measures. Erlenborn said the National Endowment for the Humanities sent him a letter implying that his district would get $365,000, and the Labor Department suggested his district would get $386,000—if he voted for their budgets.

"There are laws on the books which prohibit departments and agencies from lobbying members of Congress," Erlenborn noted. "We are all aware that this law is winked at, and we are lobbied constantly."

LIKE SELLING TOOTHPASTE

Public-affairs officers in government contend that their work is vital, because the best-planned programs will do little good if the public does not know about them.

"We are in the business of producing information materials which help people lead a better life," declares Warren Dunn, head of public affairs at the Department of Housing and Urban Development. "We are in competition for the attention of the American people just like Gleem toothpaste is."

For example, HUD publicists wanted to inform the public about the graduated-payment mortgage program, designed to admit young couples into the housing market by letting their mortgages start small and grow over a 10-year period. To do this, HUD produced three public-service announcements for TV, made up press kits for all news media and distributed nearly 8 million brochures to lenders, real-estate brokers and supermarkets across the country. The promotion cost $256,000—an amount officials argue is cheap compared with the 5 million dollars that advertising-industry experts estimate is the minimum for introducing a new product on the commercial market.

In many cases, federal information programs take one side of a controversial issue, reflect the personal interests of a top official or are intended primarily to extend the scope of an agency. Examples:

Government promotion campaigns played a large role in boosting food stamps from a 30-million-dollar program in 1964 to one of nearly 7 billion dollars this year. The Agriculture Department recently spent $325,000 on 12 million brochures in English and Spanish, telling people how to get food stamps, and also is ready to help states advertise for food-stamp users on television.

HEW is gearing up a new $380,000 campaign, involving extensive use of radio, to discourage women and teenagers from smoking. Over three years the agency, under former Secretary Califano, a reformed smoker, has produced 50 million dollars' worth of antismoking advertising.

The Occupational Safety and Health Administration spends large sums on publicity urging workers to file complaints againt their employers about hazards on the job.

The General Accounting Office concluded that HEW was justified in its anticigarette program because smoking is the nation's single largest preventable cause of permature death, illness and disability. The GAO estimated that government advertising helped reduce smoking more than 4 percent in each of the three-year campaign.

The study further determined that a 17.5–million-dollar education program by the National Institutes of Health "appears to have contributed to a decline in death rates from hypertensive disease and from strokes and coronary heart diseases related to high blood pressure."

Whatever the benefits, government P.R. may be the fastest-growing industry in Washington. A recent Library of Congress study found that in an 18-month period ending last year, federal agencies published 102,000 different publications. But 36.000 of the publications were not listed in the government's monthly catalog, as required by law.

"Government agencies are issuing publications so fast that they can't keep track of them," complained Senator Ribicoff.

The same condition exists in the bureaucracy's audio-visual activities. A report to the Office of Telecommunications Policy concluded: "It is impossible to develop an accurate count of the number of government television studios in the Washington area."

SECRECY, THOUGHT CONTROL

While most critics of Washington's proliferating information systems are largely concerned with waste, some others are uneasy over the potential for thought control.

The first draft of the Commission on Federal Paperwork report on secrecy, which was itself kept secret, stated: "Information within an agency is controlled and released only when the agency believes that the release will help accomplish agency goals. . . .

"If this trend continues, it appears likely that the information resource—at one time defined as a free resource similar to air, water and land—will be increasingly regulated by the federal government."

H.R. 7584

	In-house	Outside	Total
FISCAL YEAR 1978			
State Department	$766, 696	$109, 833	$876, 529
Department of Justice:			
Drug Enforcement Administration	821, 000	0	821, 000
Office of Justice Assistance, Research, and Statistics	438, 870	0	438, 870
Community Relations Service	9, 106	0	9, 106
Total for Department of Justice	1, 268, 976	0	1, 268, 976
Department of Commerce:			
General administration	793, 000	0	793, 000
International Trade Administration	0	55, 000	55, 000
Minority Business Development	50, 000	26, 000	76, 000
National Oceanic and Atmospheric Administration	78, 000	129, 000	207, 000
National Bureau of Standards	35, 000	7, 000	42, 000
National Technical Information Service	1, 000	47, 000	48, 000
Maritime Administration	175, 000	79, 000	254, 000
Bureau of the Census	56, 000	0	56, 000
Patent and Trademark Office	185, 000	0	185, 000
Total for Department of Commerce	1, 373, 000	343, 000	1, 716, 000
Independent agencies:			
Arms Control and Disarmament Agency	705, 000	0	705, 000
Board for International Broadcasting	0	0	0
Commission on Civil Rights	0	0	0
Equal Employment Opportunity Commission	0	0	0
Federal Communications Commission	0	0	0
Federal Maritime Administration			
Federal Trade Commission	377, 000	281, 000	658, 000
International Communication Agency	495, 997	11, 121	507, 118
International Trade Commission	0	0	0
Securities and Exchange Commission	251, 500	0	251, 500
Small Business Administration	615, 884	0	615, 884
U.S. Metric Board	0	0	0
Total for independent agencies	2, 445, 381	292, 121	2, 737, 502
Grand total	5, 854, 053	744, 954	6, 599, 007
FISCAL YEAR 1979			
State Department	869, 527	259, 122	1, 128, 649
Department of Justice:			
Drug Enforcement Administration	923, 000	0	923, 000
Office of Justice Assistance, Research, and Statistics	632, 236	0	632, 236
Community Relations Service	11, 820	0	11, 820
Total for Department of Justice	1, 567, 056	0	1, 567, 056
Department of Commerce	682, 000	0	682, 000
General administration	449, 000	493, 000	942, 000
International Trade Administration	0	68, 000	68, 000
Minority Business Development	39, 000	36, 000	75, 000
National Oceanic and Atmospheric Administration	106, 000	100, 000	206, 000
National Bureau of Standards	38, 000	4, 000	42, 000
National Technical Information Service	0	7, 000	7, 000
Maritime Administration	176, 000	40, 000	216, 000
Bureau of the Census	449, 000	493, 000	942, 000
Patent and Trademark Office	206, 000	0	206, 000
Total for Department of Commerce	2, 145, 000	1, 241, 000	3, 386, 000
Independent agencies:			
Arms Control and Disarmament Agency	866, 000	0	866, 000
Board for International Broadcasting	0	0	0
Commission on Civil Rights	0	2, 009	2, 009
Equal Employment Opportunity Commission	0	0	0
Federal Communications Commission	0	0	0
Federal Maritime Administration			
Federal Trade Commission	347, 000	170, 000	517, 000
International Communication Agency	495, 000	2, 549	497, 549
International Trade Commission	0	0	0
Securities and Exchange Commission	301, 400	0	301, 400
Small Business Administration	681, 679	15, 100	696, 779
U.S. Metric Board	30, 000	7, 000	37, 000
Total for independent agencies	2, 721, 079	196, 658	2, 917, 737
Grand total	7, 302, 662	1, 696, 780	8, 999, 442
FISCAL YEAR 1980 (TO DATE)			
State Department	478, 592	122, 822	601, 414
Department of Justice:			
Drug Enforcement Administration	827, 000	0	827, 000
Office of Justice Assistance, Research, and Statistics	53, 000	0	53, 000
Community Relations Service	4, 410	0	4, 410
Total for Department of Justice	884, 410	0	884, 410
Department of Commerce:			
General administration	410, 000	0	410, 000
International Trade Administration	24, 000	0	24, 000
Minority Business Development	14, 000	15, 000	29, 000
National Oceanic and Atmospheric Administration	54, 000	89, 000	143, 000
National Bureau of Standards	43, 000	5, 000	48, 000
National Technical Information Service	0	11, 000	11, 000
Maritime Administration	139, 000	11, 000	150, 000
Bureau of the Census	1, 376, 000	211, 000	1, 587, 000
Patent and Trademark Office	202, 000	0	202, 000
Economic Development Administration		5, 000	5, 000
Total for Department of Commerce	2, 262, 000	347, 000	2, 609, 000
Independent agencies:			
Arms Control and Disarmament Agency	950, 000	0	950, 000
Board for International Broadcasting	0	0	0
Commission on Civil Rights	4, 000	0	4, 000
Equal Employment Opportunity Commission	0	0	0
Federal Communications Commission	0	0	0
Federal Maritime Administration			
Federal Trade Commission	278, 000	171, 000	449, 000
International Communication Agency	329, 668	3, 682	333, 350
International Trade Commission	0	0	0
Securities and Exchange Commission	294, 300	0	294, 300
Small Business Administration	614, 030	82, 512	696, 542
U.S. Metric Board	80, 500	26, 000	106, 500
Total for independent agencies	2, 550, 498	283, 194	2, 833, 692
Grand total	6, 175, 500	753, 016	6, 928, 516

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1730) was agreed to.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. DECONCINI. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Weicker amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1731

Mr. DECONCINI. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes an unprinted amendment numbered 1731.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, between lines 20 and 21, insert the following new section:

Section 404. The position of trustee coordinator in the bankruptcy courts shall not be limited to persons with formal legal training.

Mr. DECONCINI. Mr. President, I was pleased to support my colleague, Senator HOLLINGS, on his amendment to transfer certain funds within the judiciary budget and earmark them for use by the bankruptcy courts. There has been an explosion of bankruptcy filings in the past year and estimates of filings for this fiscal year continue that trend and could reach 475,000 filings. A real need exists in the bankruptcy courts for adequate staff assistance; Senator HOLLINGS' amendment meets part of the need and the amendment I now raise will also go a long way in assuring adequate and competent personnel in the bankruptcy courts.

My amendment simply provides that appointees to the newly created position of trustee coordinator, in those judicial districts that do not have U.S. trustees, need not necessarily have had formal legal training. To require essentially an attorney to fill this position is needlessly narrow and I doubt that it could be shown that such a requirement will produce better judicial administration. The position is basically as its title describes, a coordinator of trustee activities. Myself and several bankruptcy judges I have contacted, are in accord that what is needed is a person with good administrative abilities, a person with business acumen and experience.

I recognize the reasons behind the Judicial Conference of the United States decision to limit the position to people with a legal background—they wanted qualified people and not flunkies. I share their goal and would urge them to draft a tight job description that will hopefully result in only people of the highest caliber being appointed to the position of trustee coordinator. Certainly, for example, mere work on the staff of a clerk of court, without more, would not reasonably qualify a person to become the trustee coordinator.

I have become quite familiar over the past few years with the bankruptcy process and its needs, and I feel that this amendment will only serve to improve the administration of our bankruptcy courts.

Mr. President, I am very pleased to support the chairman, Senator Hollings, on his amendment to transfer certain funds in the judiciary budget and earmark them for the use by the bankruptcy courts. I think it is a positive, constructive step that will not cost more money but implement some of the proceedings within the bankruptcy court.

My amendment before the Senate now simply provides that appointees to the newly created position of trustee coordinator, in those judicial districts that do not have U.S. trustees, need not necessarily have had formal legal training.

Mr. President, there are many precedents for not necessarily having a lawyer when you have a trustee, particularly in bankruptcy cases that deal with small businesses.

Oftentimes, as a matter of fact, the legal training might be a handicap, depending on how you look at it.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Arizona. His amendment adds language that the bankruptcy trustees are not required to be lawyers. The distinguished Senator from Arizona had a long legal background before coming to the Senate. He understands the problems. I am glad he brought this to the attention of all of us here in the Senate.

Mr. McCLURE. Mr. President, on behalf of the minority I can say we will be pleased to accept the amendment.

Mr. DeCONCINI. I thank the chairman of the committee and also the Senator from Idaho.

I ask further consideration of the amendment and vote thereon.

Mr. HOLLINGS. Mr. President, I move adoption of the amendment.

The amendment (UP No. 1731) was agreed to.

Mr. DeCONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DeCONCINI. I thank the Chair.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Weicker amendment be temporarily laid aside so that we may consider another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1732

(Purpose: To reduce funds for salaries and expenses of the Economic Development Administration)

Mr. HOLLINGS. Mr. President, I propose a conforming amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. Hollings) proposes an unprinted amendment numbered 1732:

On page 21, line 15 strike "$60,000,000" and insert "$55,000,000".

Mr. HOLLINGS. Mr. President, this conforming amendment is in the Economic Development Administration. On page 21 we strike $60 million and insert $55 million.

At the time that we accepted the Moynihan amendment we are now proposing to take the Heinz amendment which will cost another $1.7 million, and eventually the Weicker amendment adding $1 million to the SEC, we said that they did not increase the bill but rather would be balanced by reducing the administrative funds of the Economic Development Administration. This $5 million is not needed at this particular point due to the delay in enacting the expanded appropriation for EDA.

Mr. President, this is one we should dispose of.

I move the adoption of the amendment.

The amendment (UP No. 1732) was agreed to.

Mr. HEINZ. Mr. President, if I understand the Senator from South Carolina correctly, now would be appropriate to offer my amendment to increase the funding for the Drug Enforcement Administration by $1.7 million. Is that correct?

Mr. HOLLINGS. That is correct.

Mr. President, I ask unanimous consent that the Weicker amendment be set aside temporarily to receive the Heinz amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1733

(Purpose: To increase the amount appropriated for the Drug Enforcement Administration by $1.7 million)

Mr. HEINZ. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. Heinz) proposes an unprinted amendment numbered 1733:

On page 14, line 14, strike out "$205,100,000" and insert in lieu thereof "$206,800,000".

Mr. HEINZ. Mr. President, this amendment which I offer if accepted will insure the continued operation of several very effective Drug Enforcement Administration hard drug task forces.

The amendment, as stated, would appropriate $1.7 million which, due to an oversight by the Office of Management and Budget, was not included in the Treasury-Justice appropriations bill as it was reported out of the committee.

The DEA State and local task forces have been a highly successful effort and have produced through their attacks a successful large-scale war on hard drug trafficking.

In my own State, the Philadelphia DEA task force has initiated 200 investigations per year, on the average, since its inception in 1972. Its focus has been on the hard drug trade, with 50 percent of the cases involving heroin, and on the large-scale drug dealers, with 23 percent of the cases involving major drug violators. Most significant, I think, are the results of these investigations: 95 percent of these cases have resulted in convictions.

U.S. Attorney Peter Vaira has recently remarked that the Philadelphia DEA task force "is the most effective and successful in the DEA's Northeast region. It supplies me in my office with 75 percent of my drug cases."

The DEA task forces have also been specifically designed to minimize the Federal role in these investigations and instead to develop local initiative and coordination. Task forces are principally manned by State and local police officers, who operate under the guidance of DEA agents. A major goal of the program is to provide extended on-the-job training and practical experience for these local officers in the latest techniques of fighting organized drug dealing, with an eye to encouraging local self-sufficiency.

In the Philadelphia office, 17 to 24 local officers per year take part in this program and return to their various jurisdictions in the city and county with increased skill and enthusiasm. Other key goals of the task forces also enhance cooperation between local agencies: improved operations coordination between agencies involved in the task forces; targeting of effort on the most dangerous drugs; and increased development and sharing of intelligence about drug trafficking.

Finally, this is an efficient and cost-effective program. Overhead expenses are minimal, since funding for such services as secretarial help, office space, and automobiles is already part of DEA's normal administrative budget. The funding needed here would basically provide for two essential items: First, the purchase of information and evidence, and second, payment of overtime costs for local police officers participating in task force investigations, which often require long hours of continuous duty.

Mr. President, the Office of Management and Budget on Thursday, November 6, last week, sent us a thorough breakdown and justification for this amendment, which outlined the need for this amendment in their memorandum, and I ask unanimous consent that it be made a part of the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION, SALARIES AND EXPENSES

	1981 request pending	1981 proposed amendment	1981 revised request
Salaries and expenses	$205, 100, 000	$1, 700, 000	$206, 800, 000

This amendment will provide $1,700,000 for support of State and Local Task Forces, which are an integral part of law enforcement efforts against illicit drug trafficking; in particular these funds will maintain task forces aimed at heroin from Southwest Asia in the Northeast Corridor of the United States. Continuing support for the task force in Orlando, Florida, is also included.

DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES SUMMARY OF REQUIREMENT

[Dollar amounts in thousands]

Comparison by activities	1981 request pending		1981 proposed amendment		1981 revised request	
	Permanent positions	Amount	Permanent positions	Amount	Permanent positions	Amount
1. Enforcement of Federal law and investigations:						
a. Domestic enforcement	1,891	$91,674			1,891	$91,674
b. Foreign cooperative investigations	345	23,993			345	23,993
c. Compliance and regulation	408	14,160			408	14,160
d. State and local assistance	316	19,028		$1,700	316	20,728
2. Intelligence	387	17,711			387	17,711
3. Research and development	26	1,919			26	1,919
4. Support operations	322	21,117			322	21,117
5. Program direction	397	15,498			397	15,498
Total requirements	4,092	205,100		1,700	4,092	206,800

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES, JUSTIFICATION OF REQUIREMENTS

[Dollar amounts in thousands]

Comparison by activities	1981 proposed amendment	State and local task forces
1. Enforcement of Federal law and investigations:		
a. Domestic enforcement		
b. Foreign cooperative investigations		
c. Compliance and regulation		
d. State and local assistance	$1,700	$1,700
2. Intelligence		
3. Research and development		
4. Support operations		
5. Program direction		
Total requirements	1,700	1,700

JUSTIFICATION OF REQUIREMENTS
ACTIVITY: STATE AND LOCAL ASSISTANCE

[Dollar amounts in thousands]

	1981 request pending		1981 proposed amendment		1981 revised request	
	Permanent positions	Amount	Permanent positions	Amount	Permanent positions	Amount
Item: State and local task forces	208	$12,933		$1,700	208	$14,633

This amendment would restore to the Drug Enforcement Administration $1,700,000 for the support of State and Local Task Forces. DEA's efforts to stimulate drug enforcement at the State and Local level are an essential part of the national drug strategy. The objectives of the Task Force approach continue to be:

(1) To increase the effectiveness of participating agencies by providing extensive on-the-job training to State and local officials and exposing them to benefits of selective targeting.

(2) To improve operational interaction among all Federal, State and local participating law enforcement agencies.

(3) To encourage the establishment of investigative priorities which emphasize those drugs posing the greatest danger to the citizenry.

(4) To increase the effectiveness of drug law enforcement in the geographic area by providing direct assistance, intelligence information and other support.

(5) To provide for the development and maximum use of all intelligence information available through a coordinated effort.

These task forces combine the efforts of Federal enforcement personnel with those of State and local police in selected cities. The primary objective of these cooperative enforcement efforts is to disrupt the middle and lower levels of the drug traffic with emphasis on heroin trafficking. The task forces operate under DEA control, but are staffed largely with local police officers.

The President's initial FY 1981 budget proposed a decrease of over $3,000,000 for this program. This reallocation of funds was necessary to provide DEA with the capability to support increased emphasis on Federal priority thrusts during a period of limited resource availability. Now, because of the increased availability of high quality heroin from Southwest Asia in northeastern cities and inadequate State and local resources, $1,700,000 is needed to continue support for the task force in Philadelphia, Long Island, Orlando, and Newark. DEA is unable to provide the amount that is required within current and anticipated appropriations.

The 1981 State and Local Task Forces funding plan is as follows:

DEA Operating Expenses:	
Personnel and benefits	$7,170
DEA operating costs	243
Total, DEA operating expenses	7,413
Cooperative Investigations (independent of task forces)	760
Special New York Joint Task Force	979
Continuing Support for Task Forces:	
Undistributed costs:	
SLUC	450
Equipment	215
Atlantic City	93
Baltimore	114
Buffalo	153
Chicago	316
Denver	437
Guam	62
Los Angeles	175
Lubbock	113
Minneapolis	184
Phoenix	129
Rochester	186
San Diego	479
San Jose	121
St. Louis	153
Washington, D.C.	264
Washington Airport	137
Total, Task Force Support	3,781
Total, Funded in 1981	12,933
Additional Continuing Support Requested:	
Long Island	624
Newark	311
Orlando	293
Philadelphia	472
Total, Task Force Support	1,700
Amended Request for 1981	14,633

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES, FINANCIAL ANALYSIS

Item	1981 proposed amendment	State and local task forces
Other services	$1,700	$1,700

AMENDMENT REQUESTED, EXISTING LEGISLATION
DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION, SALARIES AND EXPENSES
PROGRAM AND FINANCING

(In thousands of dollars)

	1981 actual. request pending	1981 estimate, proposed amendment	1981 estimate, revised request
PROGRAM BY ACTIVITIES			
Direct program:			
1. Enforcement of Federal Investigations:			
(a) Domestic enforcement	91,674		91,674
(b) Foreign cooperative investigations	23,993		23,993
(c) Compliance and regulation	14,160		14,160
(d) State and local assistance	19,028	1,700	20,728
2. Intelligence	17,711		17,711
3. Research and development	2,719		2,719
4. Support operations	21,117		21,117
5. Program direction	15,498		15,498
Total, direct program	205,900	1,700	207,600
Reimbursable program:			
1. Enforcement of Federal law and investigations:			
(a) Domestic enforcement	865		865
(b) Foreign cooperative investigations	2,358		2,358
(c) Compliance and regulation			
(d) State and local assistance			
2. Intelligence	1,241		1,241
3. Support operations	51		51
4. Program direction	50		50
Total, reimbursable program	4,565		4,565
Total program costs, funded	210,465	1,700	212,165
Total obligations	210,465	1,700	212,165

AMENDMENT REQUESTED, EXISTING LEGISLATION—Continued

DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION, SALARIES AND EXPENSES—Continued

PROGRAM AND FINANCING

(In thousands of dollars)

	1981 actual, request pending	1981 estimate, proposed amendment	1981 estimate, revised request
FINANCING			
Offsetting collections from:			
Federal funds	−3, 855		−3, 855
Non-Federal funds	−710		−710
Unobligated balance available, start of year	−1, 728		−1, 728
Unobligated balance available, end of year	928		928
Budget authority (appropriation)	205, 100	1, 700	206, 800
Relation of obligations to outlays:			
Obligations incurred, net	205, 900	1, 700	207, 600
Obligated balance, start of year	36, 736		36, 736
Obligated balance, end of year	−39, 797		−39, 797
Outlays	202, 839	1, 700	204, 539

OBJECT CLASSIFICATION

(In thousands of dollars)

Personnel compensation:			
Permanent positions	103, 457		103, 457
Positions other than permanent	605		605
Other personnel compensation	10, 020		10, 020
Special personal services payments	1, 000		1, 000
Total personnel compensation	115, 082		115, 082
Personnel benefits: Civilian	16, 446		16, 446
Benefits for former personnel			
Travel and transportation of persons	8, 611		8, 611
Transportation of things	1, 616		1, 616
SLUC	11, 614		11, 614
Rent, communications, and utilities	11, 741		11, 741
Printing and reproduction	1, 047		1, 047
Other services	30, 821	1, 700	32, 521
Supplies and materials	4, 631		4, 631
Equipment	4, 191		4, 191
Insurance claims and indemnities	100		100
Total obligations	205, 900	1, 700	207, 600
Personnel compensation:			
Permanent positions	1, 200		1, 200
Other personnel compensation	107		107
Total personnel compensation	1, 307		1, 307
Personnel benefits: Civilian	112		112
Travel and transportation of persons	483		483
Transportation of things	72		72
Rent, communications, and utilities	180		180
Printing and reproduction	34		34
Other services	1, 718		1, 718
Supplies and materials	54		54
Equipment	605		605
Total reimbursable	4, 565		4, 565
Total obligations	210, 465	1, 700	212, 165

Mr. HEINZ. I point out also that getting this information from the Department of Justice and from OMB corrects a very erroneous impression that, for a variety of reasons, was earlier reported, which was that if this legislation that I propose today did not pass, funds would somehow be found to keep these task forces going. The Department of Justice and OMB have reversed that earlier impression, and I want to commend them for having gone back at my request and reanalyzed the situation, and I want to commend them for having the basic integrity to admit that it was necessary for them to change their minds.

Therefore, I am delighted that OMB, through this recognition, has by request in a recent letter to the Senate Appropriations Subcommittee supported this request for $1.7 million to be restored to the DEA budget.

It is my understanding that the restoration of this funding is now also a top priority among all their priorities for the Department of Justice. This was not true some weeks ago, some months ago. Unfortunately, the communication from the Justice Department that was intended to reach the subcommittee apparently did not do so for its consideration and it was obscured by later events.

Mr. President, for all these reasons, the demonstrated conviction record of the task forces, their encouragement of local initiative and coordination, and their cost-effectiveness, I strongly support the continued funding I propose. This is a Federal program which actually succeeds in doing what it was intended to do. It is broadly supported by local officials and citizens, and I urge my colleagues to support the amendment.

Mr. HOLLINGS. Mr. President, the committee now, with the return of our distinguished Senator from Connecticut, is prepared to accept this amendment. The fact is, Mr. President, we have a letter dated September 14, 1980 to the subcommittee by the Deputy Attorney General Charles B. Renfrew who writes in support of Dr. John White's request. Dr. White, of course, is the Deputy Director of OMB.

The letter outlines the need to fund the unfunded offices and endeavors in 1981 in El Paso, Long Island, Newark, Orlando, Philadelphia, and Reno. The total unfunded amount is the $1.7 million submitted by the distinguished Senator from Pennsylvania.

Mr. President, I ask unanimous consent that the Deputy Attorney General's letter, together with a fact sheet, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., Sept. 14, 1980.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing with regard to the letter of September 11, 1980, you received from Dr. John White, Deputy Director, Office of Management and Budget. In that letter, Dr. White requested that the Congress appropriate $1.7 million more for the Drug Enforcement Administration's State and Local Task Forces program than your subcommittee approved last week. I would like to indicate the Department's support for Dr. White's recommendation.

As you are aware, the task force program has been a viable aspect of Federal law enforcement's strategy against illegal drug traffickers for several years. Although, statistically, the program has primarily impacted upon mid and low level traffickers, it has also produced substantial intelligence and important investigative leads which have resulted in the apprehension of numerous high level drug traffickers. Based upon these considerations, the Department strongly advocated the retention of this program at its current level. However, in the face of stringent Federal budgetary goals, the difficult decision was made to reduce the program by approximately one third, i.e., 21 positions and $3 million. This substantial reduction was included in the budget request reviewed by your subcommittee.

Recent events have led us to seek restoration of a portion of this drastic cut. In recent months, the availability of highly potent heroin from Southwest Asia has risen sharply in major northeastern cities. This has resulted in significant increases in heroin related deaths and accidents. Unfortunately, the reduction in the task force program will require the elimination of existing task forces in certain of these cities. Due to the role these task forces can play in supporting the Federal offensive against Southwest Asia heroin, we believe it is critical that sufficient funds be appropriated to allow retention of task forces in these northeastern cities. The requested $1.7 million will be sufficient to meet this goal even though the program will still absorb a decrease of 21 positions and $1.3 million.

We emphasize that partial restoration of this reduction will not increase the President's original budget request for the Department. The original request contained funding for the Bureau of Prisons camp at Madera. Funding is no longer required for this purpose. The Department believes that reallocation of a portion of this funding to the task force program is both an appropriate use of these funds and in the best interests of the public.

I hope this letter will be of aid to you in supporting the Administration's request. If you need further information regarding the task force program please feel free to call me.

Sincerely,

CHARLES B. RENFREW,
Deputy Attorney General.

Department of Justice Drug Enforcement Administration, State and local task force requirements fiscal year 1981

(Dollars in thousands)

Funded in 1981:	
DEA Operating expenses:	
Personnel and benefits	$7, 159
Computer and operating costs	1, 484
Equipment	215
Total, operating costs	8, 858
Special New York Joint Task Force	1, 105
Continuing Support for Task Force:	
Atlantic City	105
Baltimore	129
Buffalo	172
Chicago	356
Denver	493
Guam	70
Los Angeles	197
Lubbock	127
Minneapolis	208
Phoenix	145
Rochester	210
San Diego	540
San Jose	136
St. Louis	173
Washington, D.C	298
Washington Airport	154
Total, Task Force Support	3, 513
Total funded 1981	13, 476
Unfunded in 1981:	
El Paso	175
Long Island	525
Newark	240
Orlando	250
Philadelphia	390
Reno	120
Total unfunded in 1981	1, 700
Total	15, 176

Mr. HOLLINGS. I yield to the distinguished Senator from Connecticut. We are ready to vote.

Mr. WEICKER. Mr. President, I concur with the remarks of the distinguished Senator from South Carolina and suggest approving the amendment.

Mr. HEINZ. Mr. President, I would like to be recognized for 1 additional minute. I want to thank the distinguished Senator from South Carolina and the distinguished Senator from Connecticut for their support of the amendment. I particularly appreciate the Senator from South Carolina putting into the Record the earlier request. He is absolutely correct that the earlier request was made. It arrived at the Senator's subcommittee, as he knows, too late.

Then when we went back to the Justice Department to ascertain whether or not this money was needed, they said, "No, we do not need the money. Everything is going to be just fine in Philadelphia and the other cities." But now that all those press releases have been put forth, they have come to us, as I think the Senator knows, and said, "Oh, yes, we do need that money." They said that afterward.

I think we should be very pleased that we finally have a very clear signal. I know the Senator from South Carolina has supported this all along, and I appreciate his good will in all these matters at every step of the road because he and I and his staff have followed every step of the way, and he and his staff have been most patient, kind, and understanding, and I express my appreciation to the Senator.

Mr. HOLLINGS. I thank the distinguished Senator.

● Mr. BIDEN. Mr. President, I stand in support of the amendment offered today by Senator Heinz to H.R. 7584 calling for an increase of $1.7 million for State and local narcotic task forces. My support is based on the report and investigation I have recently completed as chairman of the Senate Judiciary Subcommittee with oversight of the Drug Enforcement Administration. That report describes the influx of a major new source of heroin into this country which is unlike anything we have ever experienced.

Southwest Asian heroin cultivated in Afghanistan and Pakistan and processed in Sicily and Italy is already reaching the streets of the United States. In a news article in the New York Times printed during the recess, the district attorney of New York City, Robert N. Morgenthau, was quoted as saying:

> The eastern seaboard is in the early stages of a massive crisis of heroin addiction.

Mr. Morgenthau indicated that heroin arrests and heroin caused deaths in New York City are up substantially with heroin related emergency room episodes exceeding the total for all of 1979. It is imperative that we take sufficient action now to interdict this new source of heroin.

I have on occasion been known to criticize some aspects of the Drug Enforcement Administration. I would like to see better results and greater emphasis by DEA and the Department of Justice on major drug traffickers and organized crime involvement, particularly in the area of forfeiture of assets for those convicted. I do not, however, support any cutbacks in the area of cooperative Federal, State, and local task forces. As Senator Heinz has so eloquently pointed out the task force concept has proven itself successful in cities such as Philadelphia. In many of the major narcotic cases brought to my attention in hearings I have chaired, the original source of information came as a result of cooperative, local, State, and Federal officers working together in a narcotic task force.

I support the narcotic task force approach and do not think it is is an area of narcotic enforcement that should be interrupted. Duplication of efforts and potential danger of injury to law enforcement officers are examples of what results when different governmental law enforcement agencies within a jurisdiction, attempt to carry out their own undercover narcotic investigations. The task force approach brings these various agencies together and provides a mechanism for a coordinated narcotic enforcement strategy.

For these reasons I commend Senator Heinz for his amendment and offer my support.●

I move the adoption of the amendment.

The PRESIDING OFFICER (Mr. Exon). The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (UP No. 1733) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to temporarily set aside the Weicker amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I wonder if the distinguished Senator from Connecticut will yield just a moment. The Senator from Montana has a short colloquy.

Mr. WEICKER. I yield.

Mr. BAUCUS. It has come to my attention that the report language for H.R. 7584 includes language which directs the Small Business Administration to include the recreational vehicle industry in the definition of those small businesses eligible for funding by loans under the emergency energy shortage economic injury loan program.

Mr. President, the recreational vehicle industry is totally entwined with the campground business. You cannot have one without the other. Yet campground operators, which suffered just as much from energy shortages, were not included in the language. It is not wise to neglect campground operators, especially if assistance is given to recreational vehicle manufacturers and owners. There will be no place for them to go if the campground operators have gone bankrupt.

I would appreciate it if the committee were to note this concern and consider the possibility of raising the issue in conference to help campground operators in America as well as their sister industry, the recreational vehicle industry.

I am inserting in the Record an excellent letter which the Director of Administration for Kampgrounds of America sent me. It describes very well the difficulties the industry has faced.

There being no objection, the letter way ordered to be printed in the Record, as follows:

Kampgrounds of America, Inc.,
Billings, Mont., September 26, 1980.

Hon. Max Baucus,
U.S. Senate,
Washington, D.C.

Dear Senator Baucus: Through an initiative by Senator Birch Bayh, the Senate Appropriations Subcommittee on State, Justice, Commerce and the Judiciary has accepted an amendment letter into the subcommittee report which accompanies the bill appropriating Small Business Administration funds for 1981. In summary, the amendment letter referred to hardships suffered by the recreational vehicle industry due to energy related problems. It directed the SBA to include the R.V. industry in the definition of those small businesses eligible for funding for loans under the Emergency Energy Shortage Economic Injury Loan Program.

Senator, no industry has been visited with more economic hardships from energy problems than the camping industry. Campground operators are usually small business people with everything invested in their campgrounds, and now their own futures are being threatened by economic forces beyond their control.

While the cost of doing business has soared since 1979, campgrounds have experienced quarterly declines in dollar receipts of 5% to 7%, which means at least a 14% to 16% decline because of inflation. In the Mountain West region, real sales declined 14% in the peak period second and third quarters of 1979. And 1980 was no better. Employment is down, too. Campground owners are forced to reduce payrolls, and the concomitant services offered to lure potential travellers.

Campground owners must have relief from the overwhelming burdens and hardships of forces beyond their control. They are not looking for handouts, but rather for operating capital to see them through tense times caused by the energy shortage. They deserve the support of us all. We are talking about independent business men and women—free enterprise people—people who would ordinarily look to conventional loans to modernize and see them through tough periods, but conventional interest rates are too high, making it nearly impossible to pay back much needed loans.

Therefore, we urge that you make every effort to include campground owners in the group of businesses able to receive SBA funds for 1981. You have long been recognized as a champion of tourism, and I know you are familiar with the problems I have outlined. Your help will be much appreciated.

Sincerely,

Ralph Burney,
Director of Administration.

Mr. HOLLINGS. Mr. President, if the distinguished Senator from Montana would observe, on page 77 of the committee report it states:

> It is the belief of the Committee that the recreational vehicle industry was adversely impacted by the energy shortage of 1979. As a direct result of this fuel shortage, these small businesses have experienced great economic hardship. For that reason, the Committee directs that this industry should be included in the definition of those small

businesses eligible for funding for loans under the Emergency Energy Shortage Economic Injury Loan Program and directs the Administrator of SBA to take the appropriate steps to include the recreation vehicle industry in this loan program.

So I think in there we express the very same intent that the distinguished Senator from Montana desires, and I would go along with his concern that the campgrounds also be considered.

Mr. BAUCUS. Mr. President, I thank the Senator.

I thank the Senator from Connecticut for yielding.

Mr. HOLLINGS. Mr. President, to sum up where we are, we have been temporarily setting aside the amendment of the distinguished Senator from Connecticut on which we suspended debate on the bill in September.

We have taken care of most of the amendments that I had listed with me as the subcommittee chairman. I think, perhaps, Senator WEICKER would want to temporarily set aside his particular amendment relative to busing and the Constitution, so that we can enact his SEC amendments, and a small business amendment, as well as the one he has relative to the International Trade Administration. We can take these up and the membership will know that we have fairly well completed the bill other than for this particular amendment.

UP AMENDMENT NO. 1734

(Purpose: To provide funding for small business exporting)

Mr. WEICKER. Mr. President, I send an amendment to the desk.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to temporarily set aside the other Weicker amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an unprinted amendment numbered 1734:

On page 22, line 24, strike the word "activities." and insert in lieu thereof "activities: *Provided further*, That $1,000,000 shall be available to carry out the program established in section 302 of Public Law 96-481.".

Mr. WEICKER. Mr. President, this amendment provides $1 million for the International Trade Administration to fund small business export development programs authorized by Public Law 96-481. This amendment would add no new budget authority as there is a sufficient latitude within the $107.5 million provided for International Trade Administration in the bill to provide $1 million for this important export promotion program.

Mr. President, on December 10, 1979, I introduced S. 2104, the Small Business Export Development Act. Title I of that bill created a grant program based on the highly successful small business export program developed jointly by the Smaller Business Association of New England and the Massachusetts Port Authority. Under this program grants would be made to qualified applicants on a 50/50 matching basis, requiring the applicant to bear 50 percent of the program cost. In no case would the Federal share exceed $150,000.

Programs established with these grants would provide new-to-export small businesses with a broad range of export services from evaluation of a firm's export potential to arranging and sponsoring foreign trade missions where the U.S. representative would meet with potential buyers overseas.

These provisions were endorsed by the Small Business Committee when they were substantially incorporated in S. 2620, the Small Business Export Expansion Act. S. 2620 was unanimously reported out of the committee on April 23, 1980 and passed the full Senate by voice vote on September 3. To insure enactment of an export promotion program in the 96th Congress, Senator NELSON and I added two titles of S. 2620 as an amendment to H.R. 5612 when it passed the Senate on September 30. On October 21 H.R. 5612 was signed into law by the President as Public Law 96-481.

Mr. President, this amendment will provide sufficient funding for the Department of Commerce to begin implementation of this program. At least one export development program could be established in each Federal region during this fiscal year.

The Department of Commerce estimates that 20,000 small and medium sized firms have failed to realize their export potential. All too often, the markets for U.S. small businesses stop at our water's edge. The Federal Government must aggressively encourage the small business sector to look overseas as a promising arena for expanding sales.

Mr. President, I urge my colleagues to adopt this amendment so that the Commerce Department can vigorously pursue promotion of small business exporting in a manner that will insure that these businesses tap their full export potential.

Mr. BAUCUS. Mr. President, it is my understanding that the chairman of the committee accepts this amendment and I want to express his views at least as it has been related to me.

I also, in my capacity as a Senator from Montana, happen to be on the committee that Senator WEICKER is on. I have supported this measure that he has pushed for very successfully. I want to thank him for his efforts here today.

Mr. WEICKER. Mr. President, I thank my distinguished colleague from Montana. I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Connecticut (Mr. WEICKER).

The amendment (UP No. 1734) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1735

(Purpose: To provide funding for SEC conferences)

Mr. WEICKER. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I might send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an unprinted amendment numbered 1735.

On page 44, line 16, strike out "$76,350,000" and insert "$77,100,000, of which amount at least $750,000 shall be available to carry out Title V of Public Law 96-477 and section 19 (c) of the Securities Act of 1933".

Mr. WEICKER. Mr. President, this amendment would provide funds for implementation of two conferences which the SEC is required to conduct pursuant to the provisions of Public Law 96-477. This amendment is necessary because the legislation that mandated the conferences was not passed by the Senate until September 25 of this year—after the State-Justice Appropriations Subcommittee had considered the SEC's fiscal year 1981 budget needs.

On numerous occasions, on the Senate floor and elsewhere, I have discussed the serious capital formation problems confronting our Nation's small- and medium-sized businesses. It is not necessary to again at this time reiterate these points, except that it is important to note that SEC regulations have been frequently cited as an impediment to raising capital.

Title V of Public Law 96-477 directs the SEC to convene two separate conferences to provide a framework and forum to study and resolve the capital formation problems of small- and medium-sized businesses. One conference is designed to carry out policy effectuating greater uniformity in Federal-State securities matters. The other conference will bring together other Federal agencies, State securities commissions, representatives of small business organizations, professional organizations, and the investment community, to undertake an ongoing review of the financing of small businesses.

Section 503 of Public Law 96-477 specifically directs the SEC to study, in consultation with the SBA, the capital formation needs, problems, and costs involved in small businesses raising capital. This research and the studies and reports prepared, will be key to insuring that the conferences are most productive. I would expect that these research studies will be circulated prior to the conference. so that, the conferences can be hard-hitting, productive discussions of the current capital formation problems facing the small entrepreneurial sector of the economy.

Section 505 of Public Law 96-477 mandates that the SEC bring together Federal and State securities authorities at an annual conference and through regional meetings. One of the prime targets of these meetings would be to resolve many of the excessive and often conflicting regulations that exists between the Federal regulations and so-called State "Blue-Sky" laws. The intent is to promote collaboration on such projects as standardization of forms, elimination of duplicative forms, duplication in clearance procedures and the development of uniform small business exemptions, all of which add substantially to the costs incurred by small businesses raising capital through the securities markets. These conferences would advance the common desire among all parties to improve the effectiveness of regulation while reducing its overall costs.

In order to carry out the missions of title V, I am offering this amendment to add $750,000 to the SEC appropriations for fiscal year 1981. Although, the planning of these conferences are only in the initial stages, the SEC, however, has informed my staff that this level of funding would be appropriate for the Commission to meet the goals of title V of the Small Business Securities Act of 1980.

It is expected that the Commission will use these funds to provide for the participation of the broadest spectrum of interested organizations, government agencies and grassroot businesses concerned with various aspects of capital formation.

In my view, Federal and State regulators can all benefit from regular and systematic consultation. That consultation is long overdue. That is precisely what this legislation is designed to provide and what my amendment will insure.

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have been informed that the chairman of the committee also accepts this amendment.

I might add, Mr. President, that several years ago I was an employee of the Securities and Exchange Commission. I might add that this amendment, in my experience, is very necessary. Often we would receive telephone calls from the small businesses and small businessmen who had a devil of a time complying with registration under the Securities Act and complex laws and regulations that larger corporations had enough of a difficult time meeting but that small businesses had even a more difficult time meeting.

Subsequent to my work at the SEC, I practiced law in my home State of Montana. Small businessmen in Montana had still more difficulty in complying with SEC regulations, as well as State securities laws. I want to very much commend the Senator, because, in my experience, I found that this kind of amendment helps small businesses and is absolutely essential.

Mr. WEICKER. Mr. President, I thank the distinguished Senator from Montana for his comments based on his experiences with the SEC. I urge that the amendment be agreed to.

The ACTING PRESIDENT pro tempore. Is there further discussion on the amendment?

The question is on agreeing to the amendment offered by the Senator from Connecticut (Mr. WEICKER).

The amendment (UP No. 1735) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Weicker amendment be temporarily set aside so we may proceed with the Nunn-Weicker amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1736

(Purpose: To allow the guarantee authority under section 503 of the Small Business Investment Act to be funded at a level up to $400 million)

Mr. NUNN. Mr. President, on behalf of myself and the Senator from Connecticut, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN), for himself and Mr. WEICKER, proposes an unprinted amendment numbered 1736.

Mr. NUNN. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 25, at the end of Hollings UP–1728 strike the period and insert a colon followed by: "*Provided*, That sufficient funding shall be made available from the Business Loan Investment Fund to allow guarantee authority of up to $400,000,000 under the Section 503 program of the Small Business Investment Act, as amended.".

Mr. NUNN. Mr. President, this amendment sponsored by the Senator from Connecticut and myself relates to the section 503 program of the Small Business Administration. I shall read the amendment, because it is, in a way, self-explanatory.

The amendment reads:

On page 45, line 25, after the words "fiscal year limitation" strike the period and insert a colon followed by: "*Provided*, That sufficient funding shall be made available from the Business Loan Investment Fund to allow guarantee authority of up to $400,000,000 under the Section 503 program of the Small Business Investment Act, as amended."

Mr. President, this amendment does not add any funds to this appropriations measure. It does, however, provide the SBA authority to raise the guarantee authority under the new section 503 program to $400 million. This amendment simply allows SBA to reallocate existing dollars under the current general guarantee authority provided in this appropriations measure.

Using the Small Business Administration's existing local development company program as a base, 503 authorizes SBA to guarantee for the first time debentures issued by eligible local development companies. These federally guaranteed debentures are then sold by SBA to the Federal Financing Bank. These moneys are used to match the private sector commitment obtained by the small businessman.

This public-private capital will assist small business in the acquisition of land, the construction of new plant, the purchase of necessary equipment and machinery, or the expansion of existing plants.

Allowing the guarantee authority to rise to $400 million holds the potential for an important economic revitalization program which clearly emphasizes small business capital improvement. The sale of $400 million in SBA guaranteed notes from the private sector, coupled with a $100 million community injection (all private) from the local development companies, and $500 million from the first mortgages provided by commercial banks in each local community would yield nationwide $1 billion in new capital investment for small business. The employment potential of the program, particularly in terms of its costs to the Federal Government when compared to public works employment is tremendous. Assuming Government figures of $10,000 per year to create one job, it would require $1 billion in direct Federal outlays to create 100,000 public works jobs in a year, if that were the route taken. On the other hand, using 503, the total financing is through the private sector and the only Federal cost is the set aside for a loan reserve which historically, has proven almost negligible.

I am informed by staff that that amount of money would be approximately $6 million to correspond to the $400 million guarantee authority, the $6 million representing about 1½ percent.

Further, the jobs created through 503 expansion would be ongoing private sector jobs as opposed to public works jobs which require new additional Federal outlays each year.

The 503 program is not a one-step solution to our Nation's economic problems; however, I firmly believe that this public-private cooperation can lead to reduced unemployment without significant Federal expenditures. Section 503 offers the Nation's small businesses—the bedrock of our competitive free enterprise system—a chance for needed capital with a minimum of Federal involvement. It also holds the potential for thousands of new, permanent jobs in the private sector.

Mr. President, the Senator from Connecticut (Mr. WEICKER) and I have worked on this 503 program for a long time. Its implementation has been delayed because of some unfortunate delays in the overall small business authorization bill, which has finally become law in recent months. This does have enormous potential for our country. In a period of time when our economic problems are very severe, I think this program can go a long way toward helping solve a number of those economic problems.

As I said, Mr. President, I think it is important to repeat that this does not create any new appropriation money and it takes the money in the guarantee program from the existing pie that is in SBA. It is a shift of resources that will give increased leverage for more capital being raised in the small business sector and more jobs being created.

Mr. President, I yield to the Senator from Connecticut. I yield the floor. I know he would like to speak, since this is his amendment as well as mine.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from Georgia on his amendment, especially at this time, when, indeed, capital is hard to come by so far as American small business is concerned, and especially at this time when capital for small business in the urban areas of this country is hard to come by.

I hope that the Senate will pass this amendment. It is of assistance both in the matter of employment and the matter of expansion of business within our cities.

The mechanism has proved to be enormously successful up to this point.

What is now needed is additional funding support by the Government. I hope the amendment will pass.

The PRESIDING OFFICER. Is there further discussion on the amendment?

Mr. HOLLINGS. Mr. President, SBA's new 503 program became operational on September 30. We are advised then more than 75 applications have already been received and most will be certified in the near future. By September 30, 1981, SBA expects to have 150 certified companies.

At the present time, there are 503 projects being considered in the field totaling $65,000,000. Most of these are converted 503 projects. Demand for 503 debentures is expected to be $400,000,000 for fiscal year 1981, with the majority ready for approval in the third and fourth quarters.

Unfortunately the Small Business Amendments Act approved in July establishes a ceiling of $115,000,000 on the amount of 503 guaranteed loans so that this language in the appropriations bill is required. There should be no budget authority impact by this increase in the total level of guarantees as there is little likelihood of any of the projects guaranteed in fiscal 1981 going into default during 1981.

We are aware that there is interest in adding $22,500,000 to the bill for the 502 direct loan program. At our subcommittee markup we approved the $45,000,000 in order to maintain that program at the 1980 level. SBA subsequently advised that due to the 503 being authorized, full restoration of the 502 direct loans was not necessary. Since our subcommittee recommendations totaled $200,000,000 more than our allocation under the first concurrent budget resolution so that we reduced our 502 direct loans to $22,500,000 as part of a package to get the bill within the allocation. It must be noted that the President's budget as well as the House allowance includes no funds for 502 direct loans but we felt that the $22,500,000 would satisfy present demand and hardship cases that cannot be assisted by the 503 program.

The 503 program is a substitute means of funding 502 direct loans. To increase the 502 direct loan level beyond the $22,500,000 level would be counter productive and would seriously hamper development of the 503 program. Instead of increasing the direct loan level to $45,000,000, the guaranty level should be increased to $400,000,000.

So the committee would accept the amendment of the distinguished Senators from Georgia and Connecticut.

Mr. NUNN. Mr. President, I thank my colleague from South Carolina for accepting this amendment.

I believe it is an important measure and will greatly assist our small business community and produce more jobs.

I hope the Senator will use his considerable power and influence, particularly his power of eloquent persuasion, to keep this in the conference report.

Mr. HOLLINGS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER (Mr. MITCHELL). The question is on agreeing to the amendment of the Senators from Georgia and Connecticut.

The amendment (UP No. 1736) was agreed to.

Mr. LEVIN. Mr. President, the Small Business Administration's 502 loan program has proven to be of great assistance to small business throughout the Nation. The 502 program is designed to provide loans to local development companies for long-term fixed asset financing for small businesses. The direct loan funds are passed through local development corporations who relend the funds to small business. Not only has this program provided needed funds to small businesses, but it has been very useful in the creation of jobs.

Between 1959 and 1980, over 200,000 jobs have been created through the use of this loan program. In fiscal year 1980; well over 10,000 jobs were created. The State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Subcommittee set a program level for the 502 program of $45 million. This level was reduced in full committee to $22.5 million in order to get the bill under the budget allocation.

The 502 program is funded from the Business Loan and Investment Fund (BLIF) and there is a substantial difference in what the House has appropriated for BLIF and what the Senate will most likely finally agree upon. I would like to see us increase the level of funding for the 502 direct loan program above the $22.5 million level when this bill goes to conference. Given the past history of demonstrated success of this program and the continued demand, I believe $22.5 million is inadequate.

It should be pointed out that the funds appropriated for this program in the continuing resolution were used up by October 15—2 weeks into the fiscal year. There are an estimated 1,200 local development corporations in the United States and a majority of them will not be able to qualify for the 503 program because of lack of professional staff or because of the higher interest rates and participation requirements. These LDC's and the small businesses which they serve should not be neglected. I would urge Senator HOLLINGS and the other members of the conference committee to find ways to raise the program level for the 502 direct program when this bill goes to conference.

Mr. HOLLINGS. Mr. President, I want to take this opportunity to comment briefly on Senator LEVIN's statement concerning the SBA 502 loan program.

As I indicated earlier, we wanted to retain the $45 million level appropriated in 1980, but were forced to the $22.5 million level in order to stay within our budget allocation. I think this a valuable program and has been very useful in retaining and increasing jobs throughout the Nation, in both the rural areas and in the cities. It has provided needed capital to small businesses to expand and thereby create a healthy economic environment for their communities. We will watch this program carefully and will be ready to consider adjustments in the program level.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Connecticut.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Weicker amendment be set aside temporarily so that we can engage in a colloquy with the distinguished Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I yield to the Senator from Florida so he can outline the problem.

Mr. CHILES. Mr. President, the chairman of the Appropriations Committee (Mr. MAGNUSON) received a letter this morning from the Office of Management and Budget which was to the effect that the administration expects to request added 1981 funding for costs associated with the Cuban and Haitian entrants and that they are going to send up supplemental requests, budget amendments, totaling $263 million.

These funds would cover reception and processing costs at Fort Chaffee and Fort Allen, construction and operating costs of the Krome North holding center, voluntary agency grants for initial resettlement, and domestic welfare, social services, and education assistance.

The requested amount also includes funds to cover the extraordinary costs of Coast Guard operations along the Florida coast and ship maintenance that had been deferred during the boat lift.

The letter goes on to say that formal details will follow shortly.

Part of those details are that on the Department of Justice, there are two items, one for $4.6 million and one for $8.9 million having to do with the Immigration and Naturalization Service, extra costs for that for $8.9 million, and the Federal Prison System, $4.6 million, totaling $13.5 million having to do with the extra cost for Immigration and Naturalization Service, and I assume some of these prison funds.

I am not sure whether this particular piece is trying to set up part of the Puerto Rican system or whether it is to deal with the part of the prison area where they are holding some of the incorrigibles that have already come over.

I raise this to the distinguished chairman of the subcommittee (Mr. HOLLINGS) knowing that we have not had a chance to have hearings. Really, the ink is not dry on this letter. I know he has a budget problem on his particular bill.

I wanted to raise this issue because we had just received it, and I assume that the other parts of the package will be coming up, and these are budget amendments that are being requested by the administration.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Florida raises a very important point. Obviously, we are operating under the first concurrent resolution. In the second concurrent resolution, we will have to take care of different matters under the bill.

One specific matter is the SBA disaster loan request. At the present time, that is a need of about $1.4 billion. That is not in the bill we are considering this afternoon, because we do not have the budget authority within our present allocation for it. Action on that will be required on the continuing resolution.

It is our expectation, in accordance with the letter to the chairman of the Appropriations Committee from OMB, that the President will be recommending a supplemental, for these items and that will have to be included in the continuing resolution, in the neighborhood of $263 million, to cover the reception and processing costs at these various installations. We do not know that to be the exact amount.

I do not think we should pass our bill as if nothing were happening, that we had no concern, or that we were going to disregard the recent Cuban and Haitian entrance problem.

I will be glad to get together with Senator CHILES—he and I have worked together on other matters—and when we present the continuing resolution for this part of our budget, which probably will be an overall appropriations continuing resolution, we will definitely consider those amounts. I will support him at the time.

Mr. CHILES. I thank the distinguished chairman. I believe that is probably the best way to handle it.

I wanted to raise this matter because the information came to us before this bill was passed, and there is this piece of the package of $13.5 million that would be included in this bill.

Mr. HOLLINGS. Did the Senator from Florida ask to have the letter printed in the RECORD?

Mr. CHILES. Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 12, 1980.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Appropriations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is to inform you that the Administration expects to request added 1981 funding for costs associated with recent Cuban and Haitian entrants.

We are recommending to the President 1981 Budget Amendments totalling $263 million. These funds would cover reception and processing costs at Fort Chaffee and Fort Allen; construction and operating costs of the Krome North holding center; voluntary agency grants for initial resettlement; and domestic welfare, social services, and education assistance. The requested amount also includes funds to cover the extraordinary costs of Coast Guard operations along the Florida coast and ship maintenance that had been deferred during the boat lift.

Formal details of these requests will follow shortly.

Sincerely,

——— ———.

Mr. HOLLINGS. I thank the distinguished Senator from Florida.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President,, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Weicker amendment be temporarily set aside so that the Senator from Louisiana may present a matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1737

(Purpose: To provide funds for the continuation of undercover property recovery programs operated by state and local governments under the supervision of the Department of Justice)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes an unprinted amendment numbered 1737.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, strike lines 10 through 12 and insert the following: "That $95,000,000 of said amount shall be available only for grants authorized by Title II of the Juvenile Justice and Deliquency Protection Act of 1974, as amended; and further provided that $5,000,000 shall be allocated for the continuation of undercover property recovery programs operated by state and local governments under the supervision of the Department of Justice."

Mr. JOHNSTON. Mr. President, the amendment I have sent to the desk simply reallocates $5,000,000 of grants to States and localities for juvenile justice programs to undercover property recovery programs operated by States and localities. Had I been given my choice, Mr. President, I would have added an additional $5 million to the budget of the Department of Justice for undercover property recovery programs. But, as Senator HOLLINGS has so persuasively argued, this appropriation bill is lean and is already at the ceiling allocated under the Budget Act. Consequently, there is no other recourse but to take from one account in this appropriation bill for the purpose of funding one of the most successful law enforcement programs supervised by the Department of Justice.

There is no doubt, Mr. President, that no one likes their source of funds reduced. I carefully reviewed each account controlled by the Department of Justice in this appropriation bill and concluded that the grant program to States and localities for juvenile justice programs could most afford a reduction in order to allocate funds to the undercover property recovery program.

The question may well be asked why should a program not now funded in this appropriation bill be funded and force a reduction in one which the Appropriation Committee recommends a higher level of funding. Well, the answer is simple. The undercover property recovery program.

The question may well be asked why should a program not now funded in this appropriation bill be funded and force a reduction in one which the Appropriation Committee recommends a higher level of funding. Well, the answer is simple. The undercover property recovery program has been so successful that the Appropriation Committee concluded that this program could well be supported by the States and localities or the insurance companies which benefit from the property recovered through this program. While I agree, Mr. President that this program has proven to be an outstanding success, I disagree that terminating support for this program at the Federal level will necessarily mean that it will be continued either by the States and localities funding it or by contributions from insurance companies.

Let me briefly describe the history and the success of the undercover property recovery program which my amendment addresses.

In 1974, the LEAA organized crime program was revised to include a joint Federal/State/local undercover component targeted at the disruption of the illegal redistribution system of stolen goods, commonly called fencing. This antifencing component achieved great success and expanded rapidly so that now, in 1980, it comprises the major organized crime program thrust. Conceived as an effort to blend law enforcement manpower resources and professionalism with comprehensive planning, this program seeks to impact upon the illegal redistribution system and property crimes through the arrest of criminal receivers. This is principally accomplished by means of apprehending and interrogating theives and burglars who normally transact with criminal receivers to dispose of stolen property. These LEAA funded projects have been directly responsible for indictment of 9,437 individuals for offenses ranging from minor property crimes to homicide.

To date, the 114 separate operations in 54 cities across the Nation have accumulated over $291,421,308 in savings and recovered stolen property, including firearms, drugs, negotiable instruments, recreation vehicles, cars, credit cards, office equipment, household appliances, and personal property. Only $7.7 million was expended to purchase these items (3 percent of its value). Approximately 90 percent of the property recovered was returned to its owners.

Statistics show that antifencing operations do not contribute to property crime during actual operations. The nationwide uniform crime report statistics also show a decrease in property crime rates below the national average in those cities which have terminated undercover property recovery programs. Let me briefly compare the reduction of crime nationally to the cities within which the undercover property recovery programs operated with populations in excess of 100,000 during a 6-month period in 1977 over 1978:

[In percent]

	National average	Program cities
Burglary	−1	−5.4
Larceny	−4	−10.8
Robbery	−2	−11.5
Auto Theft	−1	−8.1
Property Crime	−3	−8.9

Considerable savings to taxpayers are being obtained in the costs of court trials of defendents in undercover property recovery program trials versus ordinary defendants.

Average cost of ordinary trials	$11,138.00
Average cost of program trials	1,050.00
Savings to taxpayer	10,088.00

Mr. President, there is no dispute as to the success of this undercover property recovery program. The savings to the Federal Treasury are not so well understood; however, I must suggest to my colleagues that without this undercover recovery program, the loss of Federal revenues will be substantial. The Treasury will lose first because the losses which are now recovered in the program will no longer be recovered and the taxpayer will be permitted to take a deduction on his or her tax returns for the theft. This deduction reduces Federal revenues. Second, the Treasury will lose because insurance companies which reimburse policy holders for the theft deduct as a cost of doing business the payments under their insurance policies. This deduction also reduces Federal revenues.

Mr. President, it is clear that the undercover property recovery program is cost effective and provides taxpayer savings. I am confident that the $5 million taken from a $100-million grant program to States and localities for juvenile justice programs will return to taxpayers and the Treasury tens of millions of dollars which otherwise would be lost.

Mr. President, this program has been one of the most successful programs in the Department of Justice. To date, 114 separate operations in 54 cities have resulted in the recovery of more than $291 million in property.

I would call this program a "sting" operation, but that word is in some disrepute now. However, I suppose that is the most accurate description. For every 3 cents spent under this program, a dollar in property has been recovered.

Frankly, Mr. President, I was hoping that we had this matter worked out with the distinguished Senator from South Carolina, the chairman, who has been most cooperative in trying to find a way to get this budget funded. Although I have been told by him that things do not look good for this program, I hope he is now in a position to reconsider and accept this amendment because this is such an excellent program.

I wonder whether the distinguished chairman and the distinguished minority member are in a position to accept this program or hold out some hope that we can get it funded.

Mr. HOLLINGS. Mr. President, I hold out the hope. I have talked with the distinguished Senator from Louisiana.

If we look at the statistics, we see that there is no question that, for a nominal amount, these sting operations have worked and are working in Louisiana and in Arizona; and the distinguished Senator from Arizona (Mr. DeConcini) is vitally interested in this.

For example, the amount expended in Arizona was approximately $160,000, and the value of the recovered property was $4,162,000.

In Louisiana, for the expenditure of $148,498, they recovered property valued at $2,372,121.

So we are back to a couple of fundamentals which deal with the order of priorities, because we are out of money.

If we accept the amendment, it takes away from an equally effective and demanding program—namely, the juvenile justice and delinquency program. So, as between the two, there is that fundamental involved, that I still would have to support the juvenile justice program.

With that nominal expenditure, with the good State of Louisiana having a better surplus than that of the United States, it seemed that that would be a wonderful local law enforcement program.

What we are talking about everywhere around the globe is trying to return to the local people the authority and the responsibility to "get Government off our backs."

Mr. JOHNSTON. And out of our pockets.

Mr. HOLLINGS. "And out of our pockets", reduce the size of the Federal octopus, and those kinds of things.

So, this afternoon I am not trying to increase the Federal octopus or put more Federals on the backs of those in Louisiana, Arizona, and South Carolina.

I do not speak facetiously. The fact is that with juvenile justice, we had a good justification for a $128 million program. I discussed that with Senator Bayh and we discussed it with all the witnesses and told them that this was a time of constraint; that we had to hold back and to cut; that we were not going to cut juvenile justice but we were going to fight like the dickens to hold the $100-million level.

My distinguished colleague from Indiana is not available here this afternoon, but I do not want to let him down and I do not want to let down the constituency that is interested in juvenile justice and delinquency prevention.

So, to assure my sympathies and my feeling of cooperation with respect to what the Senator from Louisiana has outlined very forcefully here—with which I agree—I wish there were room in this bill. If somewhere language can be arranged in the continuing resolution, or if we can get an additional allocation under the budget, as I agreed with Senator Chiles in the matter of the various detention camps for the refugees, for disaster, we hope to accommodate you.

We are trying to get home, but we are not in that big a rush. I would be willing to work with the Senator from Louisiana on the continuing resolution.

I do not have the room within my allocation and therefore I could not support it. I do not want to move to table, but if we have to get to a vote—I have to be open with the Senator—I will have to oppose the amendment or table the amendment and then let us see how our colleagues feel about it.

I hope the Senator will not press it that far because we are trying to find Senator Bayh and some of the others interested in this. There are other Senators who also want to be notified over on the other side of the aisle who are equally interested in juvenile justice not being cut by $5 million. It has no reflection on the amendment of the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the case for this particular amendment or at least for this particular program I think is overwhelming. As I say, $288 million was recovered in property at a cost of only $7 million.

Mr. President, I ask at this particular time that a list of States showing these amounts be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

	Value, recovered property	Amount expended	Total, persons charged to date
Alaska	$62,473	$4,060	19
Arizona	4,162,331	160,391	210
California	56,537,143	295,142	617
Colorado	2,144,504	200,358	172
Connecticut	137,910	14,940	3
Florida	54,802,097	657,580	792
Hawaii	1,595,000	192,600	239
Indiana	4,801,641	299,935	322
Kansas	4,753,778	356,334	284
Kentucky	6,836,349	412,000	446
Louisiana	2,372,121	148,498	314
Maine	989,884	38,807	60
Maryland	2,390,153	215,182	210
Massachusetts	3,000,000	260,000	50
Michigan	11,935,669	412,804	490
Missouri	1,716,682	144,799	213
Nevada	14,061,565	275,747	354
New Jersey	1,488,760	73,604	34
New Mexico	49,327,354	232,410	300
New York	8,577,328	674,816	494
North Carolina	1,096,000	66,790	87
Ohio	5,052,429	269,451	201
Oklahoma	4,014,960	234,165	441
Oregon	1,253,504	71,393	82
Rhode Island	280,000		28
Tennessee	10,252,148	616,338	853
Texas	8,292,991	588,769	732
Virginia	19,105,347	356,655	558
Washington	658,259	51,038	49
Wisconsin	20,000	2,100	10
District of Columbia	6,760,000	398,577	472
Total	288,478,380	7,725,283	9,135

Mr. JOHNSTON. Mr. President, I might add to my distinguished friend from Connecticut that we recovered in Connecticut $137,000 worth of property at a cost of only $14,000, and that kind of ratio is throughout the parade of States.

Mr. President, I also do not want to cut juvenile justice and I also want the States to pick up these programs and reduce the Federal budget. I hope that we can balance the budget now.

We have heard a balanced budget in this recently concluded campaign. I for one want to help the President do it and that means returning some of the responsibility to the States, and I am happy to do it.

I simply say one thing with respect to this program. The Senator from South Carolina makes a salient point when he says that this is one program that could be returned to the States. I think that is true. The unfortunate thing for this particular year is that it is too late in the year to get the slack picked up at the State level between now and the time that legislatures could meet and get this funded.

I do not wish to press this matter to a vote. I understand the position that the Senator from South Carolina and the Senator from Connecticut are in. They are right up at their budget allocation. We have a budget for juvenile justice which has already been cut, due to the loss of the LEAA funds, and some say cut too much, and I know the interest of the distinguished Senator from Indiana (Mr. BAYH) in this particular program.

But the amount of money involved here is small. The payoff is indisputable and it is great. I hope that the Senator will work with me particularly on the continuing resolution and see if we can find a place to fit in this very modest amount of dollars.

The Senator from Connecticut will speak on this and then I will make a motion.

Mr. WEICKER. Mr. President, I concur with both remarks, the remarks made by the distinguished Senator from South Carolina and those by the Senator from Louisiana.

We are not here to argue in any way against the substance of the Senator's proposal. It is the timing and the budgetary situation in which we find ourselves that brings us to the point of opposition. It is not the substance of what the Senator is proposing. So there will be no attempt by this Senator to refute everything that has been said by the Senator from Louisiana. It is right on the mark.

But I hope that this matter can be worked out not here on the floor today but in the subsequent activity that will take place before the end of this session or at the beginning of the next. The fact is I do not think the Senator from Louisiana knows the difficulties which the Senator from South Carolina enjoyed in the matter of juvenile justice. Our distinguished colleague from Indiana and many of his colleagues wanted a great deal more money for the program. It was just a very difficult task for the chairman to maintain this $100 million figure.

I hope that the Senator from Louisiana recognizes that we understand the point that he is making, that we are going to try to work it out, and that that would be sufficient, rather than to open up unrestricted raiding on the floor here of the valid demands of certain Senators and programs to the wishes or desires of other programs and other Senators; and that is the only point that I am trying to make, not in opposition, as I say, to the substance, but to the timing of the proposal.

Mr. JOHNSTON. Mr. President, with recognition of the difficult position that my two friends from South Carolina and Connecticut are in, recognizing that they would have to choose between two excellent programs, one of which has already been deeply cut, I recognize the difficulties but, as I listened to their comments on this program, in praise of what they do recognize as being an excellent program, I realize that in the end I will probably be as well off to have them as allies, as they have, I think I understood them, sworn themselves to fill this program and to help me in later legislative deliberations. That is almost as good as passing the amendment. So with that kind of help and those kinds of allies, Mr. President, I am—I was going to say happy—but I am at least resigned and willing to pull this amendment down and hope we can pass it later with thanks to my two good friends.

I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Louisiana. In his usual understanding and cooperative way, I think he has saved us all some time for the moment in that we did not wish to call colleagues over here in a heated debate on this because we agree with the Senator from Louisiana. It is a good program, and we will be helping in the continuing resolution or whatever opportunity to try to increase those amounts.

Mr. WEICKER. Mr. President, I also thank the distinguished Senator from Louisiana. He has just acquired what is known in our profession as a blue chip on his side of the table.

Mr. HOLLINGS. That is right. He is getting as good as Senator LONG, is he not? Even better. I hope the people from Louisiana will note that.

AMENDMENT NO. 2392

Mr. President, we recur on the amendment of the Senator from Connecticut. As manager of the bill I say for the good of our colleagues at this moment they have one remaining amendment in issue to settle here this afternoon and then we can get final passage.

So let me yield to the Senator from Connecticut and the senior Senator from South Carolina.

Mr. WEICKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question before the Senate is the amendment of the Senator from Connecticut.

Mr. WEICKER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

Mr. HOLLINGS. I shall make a unanimous-consent request, if that will be agreeable with Senator THURMOND and Senator WEICKER and colleagues on both sides of the aisle. I ask unanimous consent that the Weicker amendment and any amendment thereto by either Senator WEICKER or Senator THURMOND, the senior Senator from South Carolina, be considered but after this particular issue is disposed of there be no further amendments and we move to a third reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask that when the vote is taken on the Weicker amendment that the yeas and nays be ordered. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. THURMOND. Mr. President, in all fairness to the Senator, I give notice that after I give my statement here, I am going to move to table the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WEICKER. Wait a minute, Mr. President.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. Mr. President, am I correct in stating that a motion to table the Weicker amendment was made and defeated?

The PRESIDING OFFICER. The Senator is correct.

Mr. WEICKER. And would a motion to table at this time under the circumstances of the motion to table on September 26, would such a motion to table be in order?

Mr. THURMOND. Mr. President, more than 3 days have passed, and it would be in order.

The PRESIDING OFFICER. Once again a motion to table would be in order, 3 days having elapsed.

Mr. WEICKER. All right.

The PRESIDING OFFICER. The question now remains is there a sufficient second?

Mr. WEICKER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. Parliamentarily, is there a sufficient second for the yeas and nays on the Weicker amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. With the understanding that I have the right to table after I make my statement, and I will ask for the yeas and nays on that.

The PRESIDING OFFICER. The Senator retains that right.

Mr. THURMOND. Yes, I retain that right and I ask for yeas and nays on the motion to table.

The PRESIDING OFFICER. First the chairman must ascertain whether there is a sufficient second on the request for the yeas and nays on the amendment. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I ask for the yeas and nays on the motion to table which will be made prior to the vote on the Weicker amendment.

The PRESIDING OFFICER. The Chair will inform the Senator that it would take unanimous consent to order the yeas and nays on a motion to table the amendment which has not yet been made. Does the Senator now ask unanimous consent?

Mr. THURMOND. I now ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is in order to order the yeas and nays on a motion to table the amendment of the Senator from Connecticut. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, today the Senate is considering an amendment offered by the Senator from Connecticut. That amendment would add language to a provision which has already been adopted by the House and approved by the Senate. As the fiscal year 1981 State, Justice, Commerce, and the Judiciary appropriations bill now stands, it reads in the pertinent section:

> SEC. 607. No part of the appropriations contained in this Act shall be used by the Department of Justice to bring any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

This language is clear and precise. It clearly states the intent of this body and, as I stated, it has already been adopted by the House of Representatives. It means that the Justice Department is not to press a court to order mandatory schoolbusing to achieve racial balance. This language does not mean that schoolbusing for racial balance is absolutely prohibited; such an objective is probably beyond the scope of this entire piece of legislation. However much the American people may want to end forced busing entirely, and no matter how many of us may want to end such unreasonable approaches, this bill, as presently amended, will not do that. This point must be made clear—the current provision will not entirely preclude the use of busing. I want the distinguished Senator from Connecticut to hear this—the current provision will not entirely preclude the use of busing as a tool to achieve racial balance in schools. It will, however, prevent the Justice Department from pursuing litigation with the purpose of requiring such busing.

Presently, the Senate is considering the Weicker amendment No. 2392, which would add this language to section 607:

> *Provided*, That nothing in this section shall be interpreted to prevent the Department of Justice from initiating or participating in litigation to secure remedies for violations of the fifth and fourteenth amendments to the Constitution of the United States.

If I correctly understand the proponents of this amendment, they feel that the present bill will prohibit the Justice Department from pursuing certain cases of discrimination in education. That is not the case, and if it is the purpose of the Weicker amendment to insure that the Department will retain its authority to pursue discrimination, this amendment is superfluous. The current bill does not, in any way, limit the authority of the Justice Department to investigate and take remedial action against discrimination. It merely limits the remedies which the Department may seek by removing its power to seek mandatory busing, a remedy which is rejected by an overwhelming majority of the American people, both black and white. The polls show that the black people and the white people have opposed busing purely for racial balance.

The Senator from Connecticut claims that his amendment will simply insure that the Constitution is upheld. In so representing, he has overstated the scope and effect of the language in the current bill. The current bill does no damage to the Constitution, and anyone who feels that it does is confusing the question of constitutional protections and the power of the Congress to limit actions and expenditures by the Justice Department. The current language does not limit any court-ordered remedy; it simply redirects the thrust of the remedies favored and advocated by the Department.

It is important that this point be emphasized. The current bill is not a limitation on the jurisdiction of any court. Although some Members of this body may want to limit court jurisdiction, the bill, as it presently stands in section 607, does not achieve that limitation. This provision will probably not prohibit all forced busing. Neither is this provision a limitation on the Justice Department's authority and directive to pursue discrimination in education. The Justice Department is still free, in fact, still obligated, to eliminate discrimination. The current language of the bill very simply contains another directive to the Department, to supplement the many directives which we have earlier given the Department. We are simply telling the Department that, as it continues its efforts against discrimination, it is to seek alternative remedies, instead of forced busing. Such a directive is, without doubt, within the power of Congress. The true issue in the Weicker amendment is not of constitutional dimension; it is an issue of whether or not we want to make the Department more responsive to the desires of the American people, who obviously favor more reasonable, yet equally effective remedial approaches to proven instances of de jure discrimination. To claim that the current bill impedes the authority to fight discrimination is simply clouding the issue.

A review of case law in this area indicates that the current language is constitutionally sound. In the most recent expression on this point, the courts, in dicta, have indicated that the central issue here is the need to insure the continued existence of a workable solution to create equal educational opportunity. The current bill does nothing to detract from such a solution; it merely redirects the efforts of the Justice Department to provide a more reasonable, and more workable solution.

Mr. President, the question before the Senate is the Weicker amendment. This amendment is not necessary for any constitutional protection. It is simply an attempt to undo what the Senate has already spoken on. The Weicker amendment is superfluous at best and confusing or contradictory in any other light. Perhaps the position of the Department best illustrates the rationale for the current language. In the letter addressed to the chairman of the House Judiciary Committee, reprinted in the debate on this point, the Department noted that its authority in this area had been conferred on it by Congress. This is a fact which is at the core of our discussion. Congress does delegate authority to the Justice Department and it has a responsibility to insure the authority is exercised responsibly and responsively. We have an obligation to make sure that the Department acts in an effective and reasonable way. If we do less, we are not providing the accountability which the American people deserve. I oppose the Weicker amendment because I believe that its attempt to underscore constitutional protections which are already fully supported in the present bill seriously undercuts a needed and reasonable directive to the Justice Department.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, very briefly, I would like to speak in support of the Thurmond amendment and in support of the Thurmond motion to table.

Just 2 or 3 months ago I had occasion, at the request of the Rapides Parish School Board—we have parishes instead of counties in Louisiana—to go to the Justice Department and plead with them with respect to a particular plan for busing in that parish.

Accompanying me to the Justice Department were many representatives of the school board, both black and white, together with community leaders, both black and white.

It is safe to say that in Rapides Parish, 95 percent or more of the citizens of both races oppose this particular plan. But, Mr. President, it is sort of a law out of control, in that here both black and whites oppose the plan. The plaintiff in that case, the original plaintiff has long since either left the parish or graduated from school or in any event has gone.

The Justice Department was sort of hemmed in by what they perceived to be the law and at least their own internal policy. The judge felt that he had no choice. And so there we were beset with a situation, Mr. President, where, in that parish, everyone opposed the plan and thought it was unworkable and yet it had to go into effect, all at the great cost and great expense of public education and all, as a very minor thing but as a very important thing, as a waste of energy and, I think, as a sacrifice of the quality of the education because some of those people had to be bused very long distances.

Mr. President, I was there in the Justice Department. I know those particular arguments. It is just simply not right for that kind of situation to exist. It is time, I think, for the Congress to take some control and to put some reasonable limitations, such as the Thurmond amendment does, on the use of busing. We recognize or certainly I recognize and have no intention of repealing the 14th amendment. I support it. I support the integration of schools. My record here has been consistent and clear on that. Make absolutely no mistake about that. That is not what I am about in supporting the motion to table.

What I do mean to do is to assert here in the Congress and in the Senate some degree of control over what the Justice Department does with respect to forced busing. And I believe that the Weicker amendment, well-intentioned though it may be, tends to completely nullify the rather modest effect of the original Thurmond amendment.

The Thurmond amendment does not repeal the 14th amendment. The Thurmond amendment does not prevent courts from ordering forced busing. The Thurmond amendment in no way affects any decision of the Supreme Court on the books right now.

What the Thurmond amendment would do—or is it the Helms amendment?

Mr. HELMS. Both.

Mr. JOHNSON. The Helms-Thurmond amendment would keep a rogue Justice Department from seeking out places to order busing because of some kind of internal policy. I believe that the Weicker amendment simply renders that null and void.

So, as one who does not want to destroy the 14th amendment in any of its aspects, I believe that this is a modest amendment, the original Thurmond-Helms amendment, that ought to be allowed to work. Therefore, I will support the distinguished Senators from South Carolina and North Carolina in their amendment and in their motion to table.

Mr. HELMS. Will the Senator yield?

Mr. JOHNSTON. Yes; certainly.

Mr. HELMS. Mr. President, I commend the distinguished Senator from Louisiana. He has stated the case clearly and succinctly.

I ask the Senator if he can name any activity of Government that has been more destructive to the quality of education in this country than things like forced busing?

Mr. JOHNSTON. I really cannot. And, Mr. President, the interesting thing is that the black citizens oppose the busing in my State——

Mr. HELMS. Mine, too.

Mr. JOHNSTON (continuing). And I think nationwide, as strongly as white citizens do.

Why cannot the will of the people, to some extent, be heard? Why do blacks have to be bused against their will and why do whites have to be bused against their will, when you can show statistically that it is hurting public education?

Mr. HELMS. That is absolutely correct. If the Senator will yield further, we have had so much hostility bred in my State and in States across this Nation because a handful of bureaucrats and pressure groups have pushed something upon the citizens, both black and white, as the Senator has emphasized, that they do not want and which, in fact, is destructive to quality education.

We need to release the administrators of our school systems across this country from having to deal with a Washington bureaucracy that is constantly trying to push something upon the local communities that is not good for the local communities and which, in fact, is destroying confidence in the public education system.

Mr. JOHNSTON. If I may say to my distinguished friend from North Carolina, we really have come full circle. It used to be—and do not get me wrong—school boards and local communities had massive resistance, stood in the school door and all that. I am not talking about that. But we have come full circle from then.

In Rapides Parish you literally had a private school started after the order for busing came down, but, interestingly enough, a private school with both black and white students in it and black teachers as well.

So it was not white flight; it was salt and pepper flight. If there was ever an indelible and clear example of a rogue policy gone amuck against the will of the people, it was busing in Rapides Parish, La. And they are getting ready to do it in other areas of my State, not to help education, not because the blacks want it, not because it is good for integration, but because there is some policy somewhere in the Justice Department that says we have to do it anyway.

All we are saying here is that we do not have to do it anyway, at least to the extent that we can control the Justice Department and rein it in to some extent. We can put some reins on them, all consistent with the 14th amendment and its broad mandate to integrate schools.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I wonder if I might pose a question to my friend, the distinguished and able Senator from South Carolina, Mr. THURMOND.

We have a situation now where the House of Representatives has spoken on this issue. Is that correct?

Mr. THURMOND. That is correct. The House of Representatives has included the provision in their bill but the Senate Appropriations Committee took that out. And I want to read this because I think it is worth taking time to read. This is section 607 of the appropriation bill:

> No part of the appropriation contained in this act shall be used by the Department of Justice to bring any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

To me, that makes sense. Why should the children not go to the nearest school? It may be all black, it may be all white, it may be mixed, 90–10, 80–20, whatever it is; just send them to the nearest school. Little children get irritated and they get tired and they fuss and fight on these buses when they have to ride long distances.

I believe in North Carolina there once was one child who was transported 20 miles—or what was the distance there?

Mr. HELMS. It was nearer 30 miles round trip; one child for one bus.

Mr. THURMOND. One child on one bus had to be transported 30 miles just to meet some court-ordered arrangement there about racial integration.

Mr. HELMS. That is right.

Mr. THURMOND. This is no amendment to prevent discrimination. We are against discrimination. We oppose discrimination. It is very clear. But I do not think it makes sense to transport these little children way off to another community, or such number as they want to transport, just to bring a racial integration.

Let them go to the nearest school. You not only satisfy the parents and the children better, but you will save millions and millions of gallons of gasoline, too, while fuel is short. It is the only practical way I see that it can be handled.

Mr. HELMS. I ask the Senator if he would respond to this. The House having spoken on this issue before the recess, is it likely that the House would accept the Weicker amendment if the Senate, in a sudden burst of lack of wisdom, should approve the Weicker amendment?

Mr. THURMOND. Well, of course, no one knows what they would do on that, but I understand over there the vote was all one sided on this question. I am sure the House would be hesitant to accept it. You could tie up this entire session for some length of time if the House did not accept it.

Mr. HELMS. That is precisely the point. If Senators want to stay here until we not only sing "Jingle Bells" in this Chamber but maybe "Auld Lang Syne" as well, this is a good way to go about it.

I do not have any idea whatsoever that the House of Representatives will back up on this issue. They have spoken.

Mr. WEICKER. Will the Senator yield for a question?

Mr. HELMS. Yes.

Mr. WEICKER. Will the Senator indicate to me what the vote in the House of Representatives was?

Mr. HELMS. I have no idea.

Mr. WEICKER. Will the Senator indicate to me what the vote in the House of Representatives was?

Mr. THURMOND. I understand it was by a voice vote but a very strong voice vote.

Mr. WEICKER. I have had my question answered.

Mr. HELMS. I did not know the answer to it, but I know the attitude of people across this country on this issue. I have seen poll after poll involving citizens of all races, and the American people are fed up with the wastefulness of forced busing. I think it is high time for the Justice Department and all other aspects of the Federal Government to get out of this business and let the local administrators run the schools. Otherwise, the Federal Government is going to ruin the schools. As a matter of fact, they have done a pretty good job in that connection already.

Mr. THURMOND. Will the Senator yield?

Mr. HELMS. I yield.

Mr. THURMOND. Does the Senator feel that the local trustees and the State board of education know better what is needed in the State districts than the Department of Justice up here or the Department of Education up here?

Mr. HELMS. I certainly agree with the Senator. I would say further that what we are dealing with is a group of zealots in the bureaucracy. I have talked to a former Attorney General in the Carter administration about this subject. I have talked to scores of other people in the Federal Government who agree that we had better stop this business before we ruin the schools of America. We have gone pretty far down that road already.

I yield the floor, Mr. President.

Mr. WEICKER. Mr. President, I would like to first bring to the attention of my colleagues what it is that we are voting on. The issue is not busing. The issue is the Weicker amendment which states the following:

> Provided, that nothing in this section shall be interpreted to prevent the Department of Justice from initiating or participating in litigation to secure remedies for violations of the 5th and 14th amendments to the Constitution of the United States.

That is what is before us.

There might be broader issues involved insofar as who it is who will enforce the Constitution of the United States through the judicial system. However, there is no issue of busing here on the floor except as it was raised in the House language and by the Thurmond amendment, which is found in section 607 of the bill.

Indeed, when we speak of the legislative branch being heard on this issue, I think it important to note that the Senate of the United States refused to table the Weicker amendment by a vote of 54 to 27 on September 26. Even that was done in the heat of an election campaign.

I have no doubt that except for the fact that we were in the midst of an election campaign, the House language embodied in the Thurmond amendment would have never passed. It had never passed before, either in committee or on the floor of the Senate.

The reason the amendment passed here was because of an election campaign, with many Members feeling this is a sensitive issue and many Members not being present.

Even under those most adverse circumstances, the Senate refused to table the Weicker amendment which, in effect, guaranteed that the Department of Justice can enforce the Constitution of the United States. It refused to table the Weicker amendment by a vote of 54 to 27.

Busing is not the issue of this amendment. The amendment merely guarantees that the Justice Department will be able to enforce the laws of this country, more particularly, as was pointed out in my provision, the 5th and 14th amendments of the Constitution of the United States. What do the 5th and 14th amendments say? The fifth amendment says:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offenses to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Let me repeat, "No person shall be * * * deprived of life, liberty, or property, without due process of law." That is the point.

The 14th amendment provides:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

That is the pertinent section as it applies to the guarantee of equality throughout the land.

All my amendment says is that the Justice Department should not be limited in any way in enforcing the Constitution of the United States. The Weicker amendment has nothing in it about busing, nothing at all.

Let me ask, who is it who is going to enforce the Constitution of the United States? Who is it that is going to bring to the recognition of the judiciary the inequities of life which are violations of the Constitution and of law? Who is charged with that responsibility if indeed it is not the Justice Department of the United States?

Does it mean that Senators will jump out of their seats and run across the street and take on that task? Is it the man on the street who is expected to take on that task? No. On behalf of the citizenry of this country, it is the Justice Department that is charged with that responsibility.

I might add to my good friend from South Carolina, soon to become chairman of the Judiciary Committee, I cannot think of anything more embarrassing than to have one of his first actions be declared unconstitutional. There is no doubt in my mind that if this language contained in section 607 is passed as it is, it will be declared unconstitutional.

(Mr. BAUCUS assumed the chair.)

Mr. HAYAKAWA. Will the distinguished Senator yield for a question?

Mr. WEICKER. I yield.

Mr. HAYAKAWA. If this is to restore the Justice Department authority to initiate or participate in litigation to secure remedies for violation of the 5th or 14th amendments of the Constitution, in what way is the Justice Department under present authority inhibited or prevented from initiating or participating in litigation to secure remedies for violation of the 5th and 14th amendments?

Mr. WEICKER. There is no such inhibition at the present time. Were the Thurmond amendment found in section 607 enacted, that would be an inhibition. Right now there is no inhibition.

Mr. HAYAKAWA. So why are we doing this if there is no such inhibition? Why is the Senator insisting that we have to restore? What are we restoring if there is no inhibition?

Mr. WEICKER. I am restoring it because this body passed the House language. Let me read it:

> No part of the appropriations contained in this Act shall be used by the Department of Justice to bring any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

In effect, what has happened here is that the inhibition which was voted by voice vote in the House was approved here on the Senate floor. That is where it sat until I offered an amendment which added language. My language is now up for debate before my colleagues.

Mr. HAYAKAWA. I fail to see that requiring directly or indirectly transportation of students from one school to another is not a violation in itself of the 5th or 14th amendments. That is, we are depriving parents and pupils of the right to go to a school of their choice. And we are, at enormous expense, at a time of gasoline shortages, busing people for three-quarters of an hour from one end of a large city to another. As a result of all this, there has been no improvement in education—and I, as an educator, have followed this very closely—of either the blacks or the whites. And there is no proof whatsoever that this kind of busing benefits the students in any way. In fact, it creates racial hostilities where none existed before.

Mr. WEICKER. Mr. President, I do not mind responding to a question, but now we are obviously getting to an argument on busing—which again, I repeat, is not the substance of my amendment. My amendment goes to the issue of whether or not the Justice Department can enforce the 5th or 14th amendments to the Constitution. The matter of busing which the Senator is addressing can properly be addressed in the amendment of the distinguished Senator from South Carolina, Mr. THURMOND.

Mr. HAYAKAWA. If that is the case, then we do not need to restore the Justice Department's authority to litigate to execute remedies for violations of the 5th and 14th amendments. They already exist, do they not?

Mr. WEICKER. No, Mr. President, that has been taken away by the Thurmond amendment. The Thurmond amendment, which is section 607 of the bill, clearly restricts the latitude of what it is that the Justice Department can ask for in the way of remedies for constitutional violations. And it is necessary for the Justice Department, when it presents its case, to bring to the cognizance of the court, in addition to whatever violations of law are alleged, possible remedies. These things just do not pop up in the mind of the court in the absence of presentation by parties before the court.

Mr. HAYAKAWA. Support of the alleged remedy is not a remedy at all, I say.

Mr. WEICKER. Again, we can go around in a circle on the issue of whether it might not be a remedy. There is no point in our arguing.

I might take it one step further to indicate that the Justice Department or the court cannot do whatever they want, willy-nilly, in the area of busing. That has been clearly defined by Supreme Court decisions. in *Dayton Board of Educ.* v. *Brinkman* 433 U.S. 406, 420 (1977), the Supreme Court reiterated what it had said earlier in Keyes against Denver School District that the remedial powers of the Federal courts are called forth by violations and are limited by the scope of those violations. I quote from the Brinkman decision, "Once a violation is found, the Federal court is required to tailor the scope of the remedy to fit the nature and extent of the constitutional violation."

So it is not a question that, just willy-nilly, the court can order busing. A series of Supreme Court decisions makes that clear. The circumstances under which a remedy can be ordered are very carefully defined.

What I am arguing against is limiting either the presentation to a court by the Justice Department or, in a sense, what can be ordered by the court.

Let us say that everybody decided that busing is no good. Let us say that it was felt that the remedy lay in the improvement of the education system, and to achieve such improvement would require a $1,000 tax on the head of every American. Let us say that was the remedy.

Congress, following the example of what we are doing here, could say, "I do not like that remedy. I do not like busing. I do not like that change in lifestyle, but neither do I want to see any money go forward for such a requirement. So let us go ahead on the floor of the Senate and propose an amendment that says such remedy cannot be presented by the Justice Department of the United States and we shall do it by the indirect method of controlling the Justice Department by virtue of the power of the purse."

I might add on the last point, I think the Thurmond amendment is unconstitutional anyway. I do not think the legislative branch can, by the power of the purse, do what is constitutionally impermissible and control what is properly within the jurisdiction of the judiciary.

Let me read to you a letter I received from the dean of Northeastern University School of Law, Michael Meltsner:

> DEAR SENATOR WEICKER: Thank you for your letter of October 29th regarding H.R. 7584. You request my opinion of the constitutionality of the provision passed by the House of Representatives and whether the proposed amendment would remedy any constitutional defect.
>
> In my judgment H.R. 7584 violates the Equal Protection guarantees of the Fourteenth and Fifth Amendments for the simple reason that its purpose and effect remove from judicial cognizance what may prove a necessary remedy to eliminate illegal discrimination. The failure of the provision to mention race does not remove the constitutional infirmity anymore than the failure of the ordinance in the famous case of *Yick Wo v. Hopkins*, to mention orientals, remedied the constitutional defect in that legislation. Nor does the use of the power of the purse convey on Congress any greater power to bring about what would otherwise be unconstitutional, invidious discrimination.
>
> I believe the proposed amendment may very well save the constitutionality of the resolution; however, I see no reason to restrict the violations exempted to those of the Fifth and Fourteenth Amendments. While these are the provisions of law most relevant, the failure to exempt violations of *any* constitutional guarantee may cause mischief in the future should the nature of the constitutional claims involved in such litigation change.

Another letter, from Professor Pollitt at the University of North Carolina at Chapel Hill, echoed this opinion on the unconstitutionality of the Thurmond amendment:

> DEAR SENATOR WEICKER: Thank you very much for your letter of October 29 inviting me to comment on the pending legislation regarding remedies in school desegregation cases.
>
> I enclose an article I wrote on the subject back in 1972. My observations are just as good now as they were then. In brief, I do not believe the legislative branch of government can control the outcome of cases and controversies properly within the jurisdiction of the judiciary branch; nor do I think the legislative branch can achieve this result indirectly by controlling the purse of the Department of Justice.

Mr. MORGAN. Will the Senator yield on that point?

Mr. WEICKER. If the Senator from North Carolina will allow me to continue this thought, I shall be delighted to yield in a few minutes to my good colleague.

Mr. President, the fact remains that the Weicker amendment only assures that the appropriate branch of Government, the judicial branch of Government, is not going to be restricted in any way in its consideration of violations of the Constitution of the United States, and in fashioning appropriate remedies. I find it amazing that Senators can stand on this floor and argue against the enforcement of the Constitution of the United States.

There is no interpretation by Senator WEICKER in his amendment as to a particular circumstance of a violation of the Constitution shall be moved against in the courts. There is nothing in here except the mere statement of the fact that the Department of Justice is not restricted in initiating or participating in litigation to secure remedies for violations of the 5th and 14th amendments of the Constitution of the United States.

What I am adding on the Senate plan is that the 5th and 14th amendments of the Constitution of the United States, and probably a lot of other provisions of the Constitution, have become rather distasteful in the public eye and/or actions by the courts in enforcing the Constitution have become distasteful in the public eye.

But the fact is that the Constitution and the interpretation thereof is established until, I might add, changed, which it well might be by subsequent Justices. It is not the job of the legislative branch of Government to go ahead and accomplish such by, in the sense, of in any way restricting either the prosecution of discrimination cases or the remedies asked for by the appropriate arm of the executive branch or the remedies given by the judiciary branch.

When the day comes that Congress injects itself in the judicial process to that extent, I would suggest that no American would be guaranteed of an independent forum in which to hear a particular complaint, or that in that forum claims will be heard in an equitable impartial manner.

Again I repeat that what is at issue and what is before this body has nothing to do with busing. Nothing.

What is before us is a reaffirmation of action taken by the U.S. Senate on September 26, which action merely stated that the Department of Justice is under no restriction in initiating or participating in litigation to secure remedies for violation of the 5th or 14th amendments to the Constitution. The Weicker amendment does not define permissible remedies. It does not define specific remedies for violation of the 5th or 14th amendments of the Constitution of the United States.

I might add that now the shoe is on the other foot. Now the election of 1980 is over. The election of 1982 is my election—it is my election. I intend to speak the same way before the election of 1982, my election, as I spoke before the election of 1980.

I have no difficulty at all, none whatsoever, in standing and speaking for these principles at this time.

I took my oath of office to the Constitution of the United States. When the day comes that I stand with the power of that office in a position saying that the processes, the institutions of Government, cannot enforce that Constitution of the United States, that will be the day I ought to be kicked out of office in a landslide. That is the responsibility of the leadership of this Senate. I do not pretend to be better than anybody else. We have the same problems in Connecticut as in other places in the United States. The South is not special, or unique in its problems.

But the one constant factor has to be that Constitution, and enforcement of its provisions does not change from State to State, does not change from year to year, from election to election. That is the point being made here.

I hope my colleagues will support me in the effort to defeat the motion to table which will be made by the distinguished Senator from South Carolina.

I promised to respond to the Senator from North Carolina on a question.

Mr. MORGAN. First, I say to the Senator, I commend him for the position he has taken. I do not think we can come here and forbid the Government from enforcing the laws of the land. I think we will find, as the Senator stated, that my vote after the election will be the same as it was before the election. It may very well have contributed to my defeat.

Be that as it may, that is a risk we take. But it is the same position I have taken, also.

As I understand the Senator's amendment, it would simply say that nothing here shall prevent the Justice Department from enforcing the 14th and 5th amendments to the Constitution.

Mr. WEICKER. That is correct.

Mr. MORGAN. I say to the Senator, if he permits it, I personally disagree with the philosophy of busing.

I argued that on record in the original busing case for the State of North Carolina, but I lost that case. The Court said it was constitutional.

But now, if the Senator's amendment should be defeated and the amendment as now pending is adopted, there is nothing in the amendment that would in any way alleviate the busing now going on in the South.

Mr. WEICKER. No. The answer to the Senator from North Carolina is "No."

Mr. MORGAN. In other words, those who say by voting against this amendment that I voted for busing—well, in other words, it in no way would alleviate that problem. But what it would do is, as it now stands, it would prevent the Justice Department from enforcing busing for the purpose of bringing about a better racial balance in other areas of the country, would it not?

Mr. WEICKER. That is correct.

Mr. MORGAN. In other words, if the Senator's amendment is defeated, then for all practical purposes what we are doing is perpetuating the dual system of public education in this country, and I think it is generally true that busing occurs all over the South today by court order, and it is not generally done in other parts of the country, so it would be perpetuating the dual system; would it not?

Mr. WEICKER. That is correct.

Mr. MORGAN. In other words, it would be tying the hands of the Justice Department, not only to enforce the Constitution, as interpreted by the Supreme Court, whether we agree with it or not, that is the law, it would tie their hands and say they cannot go into the other parts of the country and bring actions to enforce equal educational opportunities as required by our Constitution.

Mr. WEICKER. that is correct.

Mr. MORGAN. I thank the distinguished Senator. I thought I understood the Senator's amendment correctly.

Mr. KENNEDY. Will the Senator yield?

Mr. WEICKER. I intend to yield to the Senator from Massachusetts, but I did agree to a last question from the Senator from California.

Mr. HAYAKAWA. Mr. President, it is my understanding that in the famous case of Brown against the Board of Education, a little black girl by the name of Brown, living in a white district, was based from one end of Topeka to another to be kept in a segregated school, and the effect of the decision of the Supreme Court at that time was to stop busing in order to enforce segregation; in other words, those who are recommending busing now are fighting that which the Supreme Court stopped in 1954.

My reverence for the Constitution, I am sure, must be quite as deep as that of the distinguished Senator from Connecticut. Therefore, I do not see the necessity of this particular amendment whatsoever.

I do not believe that the power of the Justice Department to participate in litigation to secure remedies for the violation of the 5th and 14th amendments is at all necessary at this point.

I would be grateful for the Senator's comments.

Mr. WEICKER. The Supreme Court has stated very clearly that without the power to bring about busing to remedy constitutional violations, the Brown against Board of Education decision is worth nothing. That has been firmly established by the Supreme Court.

I do not want to be dissuaded and I do not want my colleagues to be distracted from the shift to a discussion here of busing. That is not what is at issue.

What is at issue is the capacity of the Justice Department of the United States to bring any action, request any remedy, without restriction by the Congress of the United States.

What is at issue is the independence of the courts in their power to adjudicate and in their power to fashion a remedy for a constitutional violation.

I repeat, we can go down the checklist of all those things that are unpopular and, by using the power of the purse, prevent the issue from being brought before the judiciary branch. Today it might be busing. Tomorrow it might be taxes required to achieve equality of education. Eventually, it would be impossible for the judicial system to remedy a violation.

To return to the question of the Senator from California, in North Carolina State Board of Education against Swann, the Supreme Court concluded that the prohibition against school assignments on the basis of race against the background of segregation in the case could not withstand constitutional challenge. Otherwise, to quote the Court it "would render illusory the promise of Brown against Board of Education."

The Court concluded on this point:

> Just as race, on balance, must be considered in determining whether a constitutional violation has occurred, so also must race be considered in formulating a remedy. *Swann*, 402 U.S. 43, 46 (1971)

That is the law of the land. For one aspect of the leadership of the United States of America to say, "We have had enough of this business of equality. We have had enough of this business of due process. It has become a little too long and a little too painful and a little too costly in the political sense"—believe me, this is a disgrace that the Union can ill afford.

There might be some bad judicial decisions, and some bad law might even be passed; but the inability to take or the willingness to abandon the mantle of leadership in the face of adversity—particularly political adversity—is something that surpasses all in the evil it creates.

What will the lesson be? During the past couple of months, when I discussed the inability of Congress to come to grips with many problems confronting the Nation, I used this amendment as a humorous example, where 27 Senators of the United States—even though I won the motion by a vote of 54 to 27—said that the Justice Department cannot enforce the Constitution. It would bring down the house every time.

We do not need any more of that around this place. We need men and women to stand up and say, "Yes, the law will be enforced." We need leadership from here.

I yield to the distinguished Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator from Connecticut for yielding.

Mr. President, I support the amendment offered by Senator WEICKER to H.R. 7584, the State Justice Commerce appropriation bill.

The amendment states that:

> *Provided*, That nothing in this section shall be interpreted to prevent the Department of Justice from initiating or participating in litigation to secure remedies for violations of the 5th or 14th amendments to the Constitution of the United States.

The magnitude of the issue now before us supersedes any particular position that a Senator may hold on the issue of busing as a remedy to segregation in our schools. The rider attached to the appropriations bill is a substantive and dangerous infringement upon fundamental and constitutional guarantees. The constitutional rights secured by the 14th and 15th amendments will be reduced to meaningless words on paper if the present language in the bill is not modified by the addition of the Weicker amendment.

The Constitution preserves certain fundamental liberties as contained in the Bill of Rights. It also enumerates additional rights which neither the States nor the Congress may deny. Included among these are the right to equal protection under the law and due process of law. Whenever and wherever a violation of any of these guarantees occurs, the Constitution affords the basis for appropriate relief, and citizens should be able to look to the Department of Justice to help secure that relief.

However, when the ability for an effective and appropriate remedy for a constitutional violation is removed, the real effect is to have denied that right. Mr. President, I submit that the deprivation of a constitutional-based remedy is the same as the deprivation of a constitutional right.

Our sworn duty as Members of the U.S. Senate is to preserve and protect the Constitution. However, without passage of the Weicker amendment we will be responsible for an erosion of guarantees protected by the 5th and 14th amendments. The Congress has no legitimate authority to legislate away the ability of the Justice Department to bring suit or seek certain remedies for violations of the first amendment, or the protections against the denial of life, liberty or property without due process of law as provided in the fifth amendment or any other constitutional right. Constitutional rights extend to all citizens, including black and minority schoolchildren. The Constitution and the Supreme Court's interpretation of the 14th amendment are clear:

Separate educational facilities are inherently unequal.

To the extent that segregation exists, the 14th amendment requires and allows all appropriate remedies.

The antibusing rider completely handcuffs the ability of this country's chief law enforcement agency, the Justice Department, to even bring suit in school discrimination cases. We must continue to preserve the vitality and unfettered authority of a strong and vigorous Justice Department. It is because of this interference with the constitutional mandate contained in article 17, section 3, that the Executive faithfully execute the laws, that I oppose this antibusing prohibition which impairs the Justice Department's authority and discretion to bring suit. Without the addition of the Weicker language, the Senate will begin a journey down an uncharted and dangerous path. If we now prohibit the Justice Department from enforcing the due process and equal protection guarantees with appropriate court ordered remedies, where will we stop? How long will it be before legislation is before this Chamber to remove environmental cases, prisoner petitions, welfare cases or any other type of case from Justice's jurisdiction on the ostensible grounds that the Court may issue a particular type of remedy?

Mr. President, I again urge the Members to be aware of the issue at stake this afternoon. The issue is not court-ordered busing. The issue is whether the Congress is going to start excluding from the Justice Department's jurisdiction particular types of cases because of the existence of a potential remedy which a court may or may not impose. This type of restraint on any attorney general is unsound policy and, in my view, an unconstitutional interference with the executive branch's responsibility to enforce the laws.

Mr. President, I ask unanimous consent that a copy of the Attorney General's letter, dated November 12, 1980, to the Appropriations Committee in opposition to the antibusing prohibition, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, passage of the Weicker amendment is necessary, both from a policy as well as a constitutional viewpoint. The constitutionality of language which has been attached to other appropriations measures in the past hinges on the continued and unrestrained vitality of the Justice Department to seek remedies for constitutional violations.

In *Brown* v. *Califano*, 445 F. Supp 837 (1978) (affirmed on appeal, 1980), the Court approved the Eagleton-Biden language clearly because that language left open the option of appropriate enforcement by the Justice Department. The Court observed that:

> Nothing in the (Eagleton-Biden) amendments precludes HEW from referring (school desegregation) cases to the Department of Justice, with recommendations for appropriate legal action. This option is especially meaningful given the Department's historic role in civil rights enforcement, its experience in helping to develop desegregation plans, and its authority to intervene in private suits as well as initiate enforcement actions.

It is clear that the appellate courts placed much weight on the Justice Department's unrestrained enforcement authority when passing on the constitutionality of prohibitions on administratively ordered busing plans.

Mr. President, I ask unanimous consent that the text of the Brown against Califano appellate decision be printed in the RECORD in its entirety at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KENNEDY. The rider to this bill completely eliminates the Justice Department's ability to pursue litigation, develop strategy or seek negotiated settlements because it would not be able to bring any suit which "directly or indirectly" would result in court-ordered busing. Under the standards laid down by the Court in Brown against Califano, foreclosing this enforcement option appears unconstitutional on its face.

I therefore urge my colleagues to support the Weicker amendment which would make clear that the Department of Justice will not be limited or encumbered in the type of litigation it may initiate or participate in.

Passage of the Weicker amendment is necessary to preserve the tenets of the doctrine of separation of powers which recognizes and respects the coequal authority of the institutions of a constitutional Government. The antibusing rider is a impermissible legislative encroachment upon the Executives' authority. Passage of the Weicker amendment would ease the most serious constitutional defects of the current language and make the parameters of Justice's enforcement authority clear.

Passage of the Weicker amendment will further insure that all of our citizens will enjoy equal protection under the law and that all of our citizens will be able to enjoy culturally rich, diverse and integrated educational opportunities.

We are now over 26 years late in achieving racial equality in the schools in this country. I urge adoption of the Weicker amendment because we cannot afford to further impair the ability to achieve constitutionally guaranteed rights and because we cannot afford to jeopardize the separation of powers doctrine of the U.S. Constitution.

We must continue to preserve the vital authority of a strong and vigorous Department of Justice. The failure to do so can only result in the erosion of fundamental democratic principles and individual rights. I urge the adoption of the amendment offered by the Senator from Connecticut.

Mr. President, I commend the Senator from Connecticut for the points he has put forward to the Senate this afternoon and the case he has made, particularly the emphasis he has placed upon the enforcement role of the Justice Department and distinguishing the role of the Congress of the United States in the fashioning and shaping of the laws.

I ask the Senator from Connecticut whether, if his position is not sustained, he fears the day when there may be other restrictions that would be placed on other basic rights, such as the freedom of religion and the freedom of speech?

It seems to me that the limitation presently in the bill affects the transportation of students. However, it does not appear to me to be a very great leap from the Congress of the United States putting further restrictions on the enforcement of other provisions of the Constitution or the Bill of Rights.

If we can do it in this particular area and if we are not willing to accept the position of the Senator from Connecticut, it seems to me that we would be establishing a precedent where we could one day do the same thing on the issue of free speech or what we may do in protecting the freedom of religion. Therefore, it is a precedent which I believe is unwise at best and dangerous at worst, and one which I believe is unconstitutional as well.

I am sure that in the course of the presentation by the Senator this afternoon, he has reviewed for the benefit of the Senate the decision in Brown against Califano, which said that the limitations which were placed on HEW concerning administratively ordered student transportation by busing were constitutional, in large part, because the Justice Department still had the ability to seek remedies to protect constitutional rights. Any prohibition on the ability of the Justice Department to protect those rights, it seems to me, would clearly be unconstitutional.

Finally, I believe that the Senator

from Connecticut has made a very eloquent and very persuasive statement, and that is that we should be legislating and letting the Justice Department enforce the **laws.**

If we have a difference in terms of enforcement, that is one issue. But our responsibility should not be to legislate away remedies to secure rights when the courts have found violations of those rights. We should be protecting both the rights and the ability to secure remedies. The Weicker amendment tries to insure the integrity and authority of the Justice Department. It seems to me to be eminently deserving of the support of the Members of this body. I commend the Senator from Connecticut.

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., November 12, 1980.
Hon. WARREN G. MAGNUSON,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: As you know, during the consideration of the Justice Department's appropriation for fiscal year 1981, H.R. 7584, both Houses of Congress added language addressing the Department's statutory authority to file suits seeking to end unconstitutional school segregation. I am writing to express to you this Department's opposition to this amendment.

On July 23, 1980, the House of Representatives amended the Justice appropriation bill by adding the following language as § 607:

"No part of any appropriation contained in this Act shall be used by the Department of Justice to bring any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest student's home, except for a student requiring special education as a result of being mentally or physically handicapped."

The Senate Committee on Appropriations recommended that the Senate strike this language. However, on September 25, 1980, on the motion of Senator Thurmond, the Senate voted by 49–42 to table the committee recommendation, effectively retaining the House amendment. The next day Senator Weicker moved to amend § 607 by adding to it:

"*Provided*, that nothing in this section shall be interpreted to prevent the Department of Justice from initiating or participating in litigation to secure remedies for violations of the fifth or fourteenth amendments to the Constitution of the United States."

This language would make it clear that the House amendment does not interfere with the Justice Department's ability to carry out its statutory mandate to bring suit against school districts which have been intentionally discriminating. The Senate voted 51–27 that Sen. Weicker's amendment was germane. The Senate then rejected by 54–27 a motion to table the amendment. Following that, the Senate halted consideration of the appropriations bill and passed a continuing resolution to continue the funding of federal agencies.

Our objections to § 607 are explained below. In short, the section raises three concerns. First, § 607 could raise serious constitutional problems. Congress has already prohibited the Department of Education from administratively seeking transportation remedies in school districts receiving federal assistance. Section 607 could unconstitutionally withhold from the Executive branch any ability to insure through the courts that federal funds are spent in a nondiscriminatory manner. Second, the Department, when conducting litigation, may not "require" school districts to adopt desegregation remedies. Since § 607 is written in terms of preventing the Department from "requiring" the adoption of transportation remedies, it does not accurately reflect our function and will create ambiguities which may result in the statute being unworkable in practice. Third, the amendment is unnecessary because stated congressional concerns about transportation remedies have been addressed through previously enacted statutes and existing court decisions which limit the courts to requiring transportation only as a last resort when remedying proven constitutional violations.

We understand that the Senate may consider the Justice appropriation, and specifically the Weicker amendment, shortly after the election recess. I strongly urge the Senate to eliminate, or add the Weicker language to, the provision of the bill directed to the Department's authority to engage in school desegregation litigation.

Section 607 could raise constitutional difficulties by withholding from the government the only remaining method for insuring that federal funds are spent in a constitutional manner. In 1964, Congress enacted Title VI of the Civil Rights Act, which prohibits discrimination in federally funded programs. That statute was in part a reaction to judicial decisions establishing that statutes which authorize or permit recipients of federal assistance to discriminate may implicate the federal government in the discrimination. See *Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F.2d 959 (4th Cir. 1963). Title VI envisioned two ways for the government to insure that federally funded programs do not support discrimination—it could terminate federal support for the program which is being discriminatorily operated, or sue to require those operating the program to obey the Constitution. The Department of Health, Education and Welfare was the agency which would administratively attempt to insure that school districts receiving federal financial assistance operated their programs in a constitutionally permissible manner.

In 1977, Congress passed the Eagleton-Biden amendment to HEW's fiscal year 1978 appropriation. That provision prevented HEW from administratively requiring school districts, as a precondition to receiving federal assistance, to desegregate by transporting children beyond the closest school. Congress' stated intent was to permit only the judiciary to decide that a school district has been discriminating in a manner to require a remedy involving the reassignment of students beyond the closest school. Accordingly, the Eagleton-Biden amendment left the Justice Department free to exercise its pre-existing Title VI authority to bring suit to remedy unconstitutional segregation by local school districts which receive federal funds.

This Justice Department authority enabled the Eagleton-Biden amendment to survive constitutional challenge. In *Brown* v. *Califano*, the Department of Justice defended the Eagleton-Biden amendment on the grounds that Congress specifically left unaffected the Department's litigative authority to insure that federal funds, and therefore the United States, are not implicated in a constitutional violation. The district court continually referred to the Justice Department litigation as enabling the Executive Branch to insure that federal funds do not contribute to constitutional deprivations. "Notwithstanding . . . Eagleton-Biden, the referral and litigation [by Justice] option remains an available enforcement technique . . ." 455 F.Supp. 837, 842 (D. D.C. 1978). See also 455 F.Supp. at 840, 841.

The district court emphasized that only Justice's continued ability to litigate effectively supported the constitutionality of Eagleton-Biden (455 F.Supp. at 843):

"This conclusion (of constitutionality) however, embodies only a view concerning the *facial* constitutionality of the two disputed provisions. Whether the Esch and Eagleton-Biden Amendments, as interpreted and administered by responsible officers at HEW and the Department of Justice, will have the practical effect of taking the core out of the government's overall Title VI enforcement program is not an issue now before the Court. Should further proceedings in this case reveal that the litigation option left undisturbed by these provisions cannot, *or will not*, be made into a workable instrument for effecting equal educational opportunities, the Court will entertain a renewed challenge by plaintiffs on an *as applied* basis. For the present, however, plaintiffs' motion for declaratory and injunctive relief must be denied (emphasis in original)."

The court of appeals upheld the district court's order, also relying in large measure on the fact that HEW retained the option under Eagleton-Biden of referring a case to the Justice Department for suit. "To avoid constitutional doubts, we must proceed on the assumption that Congress intended the Department of Justice to act with the greatest dispatch." *Brown* v. *Califano*, No. 78–1864 (D.C. Cir., January 31, 1980), slip op. 25. "As the amendments also leave in place the enforcement options at the Department of Justice, we cannot find that on their face they 'restrict, abrogate, or dilute' the guarantee of equal protection." Slip op. 27.[1]

Since the Eagleton-Biden amendment prevents the Executive from administratively pursuing a school desegregation remedy if student transportation is the only feasible remedy, § 607's further prohibitions on Justice Department action could disable the Executive branch from taking any action to prevent the government from participation in a constitutional violation. This is the very situation the courts have suggested raises serious constitutional doubts.

Section 607 may also prove unworkable. Because it does not accurately reflect this Departments role in school desegregation cases, its precise impact is unclear.

The Department has statutory authority to litigate in school desegregation cases pursuant to three other congressional enactments even when the school districts do not receive federal assistance. Title IV of the 1964 Civil Rights Act, 42 U.S.C. 2000c, authorizes the Department to file suit to remedy unconstitutional school segregation. Title IX of that Act authorizes the Department to intervene in existing cases of general public importance which allege a deprivation of rights based on race, color, religion national origin or sex, 42 U.S. 2000h–2. And the Equal Educational Opportunities Act of 1972 authorizes the Attorney General to file suit when school districts deny persons equal educational opportunity. 20 U.S.C. 1710.

Contrary to the implication of § 607, when litigating the Department does not "require" remedies involving student transportation. When the Department first considers an instance of alleged unlawful segregation, we may have no way of knowing whether an appropriate remedy will necessarily include student transportation. In some circumstances, the Department and the school district may agree on a remedy without formal litigation. In others, the school district may choose to reject a desegregation plan this Department suggests, and instead elect to litigate the issues of discrimination and relief and await the binding decision of a federal court. In those instances, this Department attempts to prove to the court that unlawful discrimination has occurred.

---

[1] The Fifth Circuit Court of Appeals relied on *Brown* v. *Califano* when it upheld the Attorney General's authority under Title VI to enforce contractual assurances of non-discrimination. *United States* v. *Marion County School District*, 625 F. 2d 547 (5th Cir. 1980).

If the court finds unlawful segregation, it will require the school district to prepare a plan to remedy the segregation that resulted from discrimination. Although this Department may comment on the plan, or suggest a plan if a school district refuses to prepare one, our comments and plans do not bind the court. They are not therefore "requirements" in the sense suggested by § 607.

The final determination of what relief will sufficiently remedy a proven constitutional violation remains with the court. Relief is determined by the effects of the unconstitutional conduct. Even then, transportation will be required only when all other means to desegregate have been shown to be infeasible or ineffective. Both the Supreme Court—in *Swann* v. *Board of Education*, 402 U.S. 1 (1971)—and Congress—in 20 U.S.C. 1713—have suggested that student transportation is to be the remedy of last resort. In addition, the court must consider factors such as the ages of the affected students, safety and transportation time in formulating any remedy requiring transportation.

This summary of the process leading to imposition of a school segregation remedy illustrates how unclear it may be at the inception of a case what precise remedy, if any, will ultimately be imposed. Therefore, neither the Justice Department nor the federal court would know in advance which cases would fall under the § 607 prohibition. We would be irresponsible if we withdrew from the remedy phase of a case after we had proved a constitutional violation.

The floor debate offers little guidance to help construe this ambiguous provision. The sponsors and supporters of § 607 agreed during debate on the amendment that it would permit the Department to continue to file cases alleging discrimination. Sen. Thurmond stated that under § 607, "the Justice Department can bring suit for discrimination anytime." 146 Cong. Rec. 27549 (Sept. 26, 1980). See also the comments of Rep. Collins at 146 Cong. Rec. 19309 (July 23, 1980), and comments of Sen. Thurmond at 146 Cong. Rec. 27202 (Sept. 25, 1980). However, these comments also suggest that the amendment is intended to prevent the Department from presenting to the court a remedy involving transportation. The debate leaves unclear how the Department and the courts would proceed in those instances when a school board was unable to prepare a remedy not involving student transportation. If the Department were statutorily precluded from suggesting a transportation plan, the court would be left with no party able to set forth a workable remedy for a proven constitutional violation.

In addition, we believe § 607 is not necessary. Congress and the courts have already limited transportation remedies to situations where they are necessary to overcome the effects of proven discrimination, and where no other remedial measures are feasible. When discussing § 607, Sen. Thurmond expressed concern that students are being transported "for the purpose of achieving arbitrarily established racial quotas." 146 Cong. Rec. 27200 (Sept. 25, 1980). The Department's position in court has generally been to suggest that school boards not be required to bring each school in the district to the same racial percentage, but rather that the plan need not go beyond overcoming the effects of past discrimination and that the board should be permitted to establish a range of percentages above or below the district-wide percentage as a tool in preparing a plan. This enables school boards to prepare plans which involve far less transportation than would otherwise be necessary.

In addition, the Department cooperates in attempting to aid districts to develop plans which will effectively desegregate schools through methods, such as magnet schools, which involve students who voluntarily change schools. In short, we believe the record will prove that the Department has exercised its statutory authority to file school desegregation suits in a responsible manner, and has not fostered or encouraged the development of desegregation plans requiring unnecessary and onerous transportation requirements.

The debate on § 607 reflects Congress' deep concern about the issue of student transportation. We believe that any Congressional action on such an important issue should be preceded by a full discussion through hearings and committee action, and not be done through the appropriations process. We urge Congress to avoid piecemeal revocation of previously enacted Executive authority by appropriation riders, particularly in this case where the Executive has acted responsibly, and the real controversy concerns judicially developed remedies addressing problems of constitutional dimension.

In summary, we believe that § 607 is an unworkable and unnecessary challenge to this Department's authority to conduct litigation to achieve compliance with constitutional demands. Congress has already, by statute, adequately ensured that student transportation will not be imposed administratively and that a court may impose a transportation remedy only when one is absolutely necessary to achieve compliance with the Constitution. The Department has acted responsibly in exercising the authority previously enacted to engage in school desegregation litigation. To the extent that § 607 may block any means for the Executive Branch to prevent discriminatory use of federal funds, it would present very serious constitutional problems. When consideration of H.R. 7584 is resumed, we urge the Senate to strike § 607 of the appropriations bill, if procedurally possible, or pass the language proposed by Sen. Weicker, which would insure that the Department may initiate or otherwise participate in cases involving constitutional violations. We also urge the Senate thereafter to insist that the Conference Committee ratify the Senate's action.

Sincerely,

BENJAMIN R. CIVILETTI,
Attorney General.

EXHIBIT 2

[United States Court of Appeals for the District of Columbia Circuit]

APPEAL FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, D.C. CIVIL 75–1068

No. 78–1864; DARRYL W. BROWN AND DAVID BROWN, INFANTS, BY THEIR PARENT, JO ANN BROWN, ET AL., APPELLANTS v. JOSEPH A. CALIFANO, INDIVIDUALLY AND AS SECRETARY OF HEALTH, EDUCATION AND WELFARE, ET AL.

Argued February 12, 1979.
Decided January 31, 1980.

Joseph L. Rauh, Jr., with whom *John Silard, Elliott C. Lichtman, William L. Taylor, James M. Nabrit, III, Bill Lann Lee* and *Eric Schnapper* were on the brief, for appellants.

Frank A. Rosenfield, Attorney, Department of Justice with whom *Earl J. Silbert*, United States Attorney, *Barbara Allen Babcock*, Assistant Attorney General and *William Kanter*, Attorney, Department of Justice were on the brief, for appellee.

Before: BAZELON, *Senior Circuit Judge*, TAMM, *Circuit Judge*, and GESELL, *United States District Judge* for the District of Columbia.

Opinion for the Court filed by *Senior Circuit Judge* BAZELON.

BAZELON, *Senior Circuit Judge:* Darryl and David Brown and sixteen other public school children, the appellants, challenge the constitutionality of amendments that restricts federal methods for assuring nondiscrimination in public schools receiving federal support.[1] The amendments essentially prevent the Department of Health, Education, and Welfare (HEW)[2] from requiring "the transportation of any student to a school other than the school which is nearest the student's home."[3] The district court found that the existence of an alternative federal avenue to effect transportation remedies saves these amendments from constitutional challenge on their face.[4] The district court explicitly left open the possibility of future challenges to the amendments as applied.[5] For the reasons described below, we affirm.

I. BACKGROUND

Full understanding of this case requires a brief historical review of civil rights enforcement and of HEW's administrative scheme under Title VI before and after the challenged amendments were enacted.

A. Civil Rights Enforcement

The guarantees of the Fourteenth Amendment proved elusive for nearly a century. Two effective litigative strategies finally bore fruit in the 1950's. First, *Brown v. Board of Education*,[6] held that the Constitution demands the dismantling of dual school systems, intentionally segregated by race. Second, *Cooper v. Aaron*[7] and related cases barred governmental support of unconstitutionally discriminatory institutions.

Both concepts were incorporated in the first sweeping federal commitment to civil rights enforcement, the Civil Rights Act of 1964 (the Act).[8] Title VI of the Act prohibits discrimination on the ground of race, color, or national origin under any program receiving federal financial assistance.[9] Each federal department can ensure compliance by 1) refusing financial assistance to any recipient found violating the prohibition after a finding on the record, with an opportunity for a hearing; or 2) "by any other means authorized by law."[10] The Act specifically provides that enforcement efforts should not begin until the noncomplying party has been notified and given an opportunity to comply voluntarily.[11] Thus the Act permits the Executive to avoid providing support to noncomplying public school districts, and to use the threat of fund-termination to persuade or induce recipients to dismantle vestiges of segregation.

B. HEW Enforcement Before the Amendments

Through agreement with other executive departments, HEW assumed responsibility for Title VI enforcement with respect to most federal financial assistance to elementary, secondary and higher education and other specified health and social welfare activities.[12] Between the passage of the Act and March of 1970, HEW diligently followed rules[13] it promulgated under Title VI and brought some six hundred administrative proceedings against noncomplying districts.[14] Then, between March 1970 and February 1971, HEW brought no enforcement proceedings. At the same time, HEW continued to advance federal funds to schools HEW found in violation of Title VI.[15]

Based on factual findings of this sort, Judge Pratt in *Adams v. Richardson*[16] and Judge Sirica in the earlier proceedings in this case[17] ordered declaratory and injunctive relief requiring HEW to resume enforcement under Title VI. Those decisions disapproved of HEW's conduct but left its regulations in place to guide future enforcement.[18] Under these regulations, HEW requires elementary

---

Footnotes at end of article.

and secondary school applicants and recipients to provide assurances of their compliance with desegregation plans.[19] HEW can investigate actual compliance on its own initiative; it must investigate private complaints about noncompliance.[20] Upon finding apparent violation of the assured compliance, HEW must notify the recipient and seek voluntary compliance.[21] If voluntary compliance cannot be secured, HEW can pursue enforcement through fund termination proceedings within the agency,[22] or through other means under law.[23] The regulations specify the primary alternative to fund-termination: referral to the Department of Justice with a recommendation of appropriate legal action.[24] Reflecting the regulations' emphasis on voluntary compliance, HEW informally resolved findings of noncompliance in nearly all cases between 1972 and 1978: funds were actually terminated in only one instance.[25]

C. The Effect of the Amendments on the Enforcement Scheme

Enacted as floor amendments to appropriation bills, the amendments challenged here lack careful explanation or description of their intended effect on HEW's enforcement procedures under Title VI. (A lengthy footnote discusses the congressional debates over the amendments.)[26] Their general purpose, however, is clear. Congress wanted to ensure that no student would be transported beyond the school nearest his home[27] because of an HEW requirement.[28]

Of course, as members of Congress were aware, HEW never had the authority to order any particular remedial plan.[29] Its enforcement authority permits it only to require assurances of compliance from applicants, and to seek enforcement through fund-termination proceedings or referral to the Department of Justice.[30] Nonetheless, as the legislative debates also acknowledge, the power to threaten fund-termination—the power that attaches strings to financial assistance—can often work coercively.[31] Thus, Congress explicitly intended that HEW could not use this power to require, "directly or indirectly,"[32] student transportation beyond the school closest to their home. Nor may it pressure a district to restructure grade levels offered at particular schools, thereby changing the location of the nearest school "which provides the appropriate grade level"[33] or "course of study pursued" by each student.[34]

Although the sponsors maintained that HEW retains Title VI enforcement authority under the amendments,[35] the extent of that authority is not entirely apparent.[36] On the one hand, it is clear that the amendments leave intact HEW's entire administrative enforcement process, including fund-termination, for violations not calling for transportation remedies.[37] But the legislative debates do not identify when and through what procedures HEW can avoid funding schools known to violate the Constitution and Title VI.[38] Congress apparently intended HEW to retain the power to refer cases to the Department of Justice for appropriate legal action.[39] Congress neglected, however, to specify the steps HEW may take before a referral. Thus, although it expressly wished HEW to continue its role in seeking voluntary compliance,[40] Congress did not explain the extent of that role when transportation remedies are at issue.[41] The effect of the amendments is especially ambiguous insofar as they modify the order outstanding from earlier proceedings in this case.[42]

D. Opinion by the District Court

Appellants contended in the district court that the amendments impermissibly interfere with the two civil rights enforcement concepts introduced, respectively, in *Brown v. Board of Education, supra*, and *Cooper v. Aaron, supra*. They claimed both that the amendments inhibit desegregation and that they cause the federal government to provide support for segregated public education. Judge Sirica for the district court rejected both claims insofar as they attack the amendments on their face, not as applied.[43] First he found no impermissible inhibition of desegregation because the amendments do not bar either local or federal action to desegregate the schools as required by *Brown v. Board of Education, supra*, and to adopt a transportation plan if necessary. Judge Sirica distinguished the instant case from *North Carolina State Board of Education v. Swann*, 402 U.S. 43 (1971), a case relied on by appellants, because the instant case does not involve a flat prohibition against involuntary busing.[44] The amendments challenged here merely restrict one federal agency's ability to induce busing as a condition of receiving federal funds. Local school officials still may voluntarily employ transportation to desegregate, HEW can refer cases to the Department of Justice for litigation, and private suits may be brought. Thus, the court concluded, all reasonable desegregation methods remain available to school officials and to courts.

Judge Sirica similarly found the availability of other desegregation options dispels appellants' second objection. Through desegregation litigation brought by the Department of Justice, the government can avoid supporting illegal discrimination, as prohibited by *Cooper v. Aaron*, 358 U.S. 1, 19 (1958); *Kelsey v. Weinberger*, 498 F.2d 701, 709–10 (D.C. Cir. 1974), and similar cases.[45] Judge Sirica observed that the litigation would avoid unconstitutional governmental support by assuring that recipients comply with the law.[46] He rejected the claim that litigation would be less rapid that fund termination because the administrative procedures for fund termination are themselves "cumbersome" and time-consuming.[47]

Central to the district court's conclusion was its view that "neither [amendment] operates by its express terms to foreclose the availability of remedies that may be necessary to guarantee federal rights in given instances."[48] The court explicitly noted it would entertain attacks on the provisions as applied, if further proceedings show the litigation option is not a "workable instrument for affecting equal educational opportunities."[49]

II. THE AMENDMENTS AND EFFECTIVE DESEGREGATION ENFORCEMENT

The amendments here at issue make no classification along impermissible lines, but that does not prevent an equal protection challenge.[50] Interference with the remedies necessary to implement the promise of *Brown* v. *Board of Education*, 347 U.S. 483 (1954), could well rise to the level of impermissible discriminatory effect and purposes.[51] In essence, that is appellants' claim here. Appellants argue that, by restricting HEW's ability to require busing remedies, the amendments demonstrate discriminatory intent to interfere with desegregation. Presumably, this claim attaches to HEW's statutory obligation under Title VI to achieve equality in federally-funded schools and to the Executive's duty to "take care that the Laws [are] faithfully executed."[52]

Thus, appellants assert that the amendments, by their plain terms, effect and purpose, violate the fifth amendment by eliminating "the single, proven, and most effective remedy for desegregating schools receiving federal aid."[53] There are actually two prongs to this claim: the amendments will effectively inhibit desegregation and thereby dilute the guarantees of the fifth amendment: and the amendments reflect an impermissible legislative motivation to inhibit desegregation. Because the amendments on their face leave open many apparently effective avenues for desegregation, we are not persuaded by either argument.

A. Construing the Amendments

The traditional judicial practice of reaching statutory issues before constitutional ones,[54] combined with deference to Congress, supports application here of the general rule that legislation "should be interpreted, if fairly possible, in such a way as to free it from not insubstantial constitutional doubts."[55] The amendments can be interpreted here to advance a permissible purpose, with no general inhibition of desegregation.[56] Although individual supporters broadly attacked busing as a desegregation remedy,[57] we do not find these statements expressive of the entire legislature's intent. Were they representative, we would be confronted with grave constitutional difficulties. Instead, we recognize the primary focus of the congressional debates on the role of HEW as an enforcement agency. An explicit, major purpose of the amendments was to take "HEW out of the busing business."[58] In other words, Congress wanted to ensure that mandatory busing orders derive either from local school officials or federal courts.[59]

Accordingly, the amendments only restrain HEW from using its fund-termination authority to induce school districts to require student transportation beyond schools closest to their homes.[60] They do not in any way restrict HEW's authority to threaten or actually terminate funds with respect to any other desegregation remedy which would suffice.[61]

Thus, HEW can reject fund applications which fail to provide for magnet schools,[62] faculty desegregation, school construction or school closings that enhance desegregation, or other nontransportation remedies it deems necessary for compliance with Title VI and the Constitution.

For those noncomplying school districts which HEW believes require transportation remedies, the amendments clearly eliminate use of the fund-termination option to induce busing.[63] At the same time, nothing in their language or legislative history impairs two HEW activities in this context. First, the agency still may negotiate with the noncomplying district to encourage adoption of a voluntary transportation plan.[64] The second activity is obvious. As the district court concluded, nothing in the amendments precludes HEW from referring such cases to the Department of Justice, with recommendations for appropriate legal action.[65] This option is especially meaningful, given the Department's historic role in civil rights enforcement,[66] its experience in helping to develop desegregation plans, and its authority to intervene in private suits as well as initiate enforcement actions.[67]

Appellants contest the sufficiency of this referral option by claiming that time-consuming litigation will impermissibly forestall the requisite remedy.[68] This is an issue which clearly requires concrete development, and is not susceptible to resolution in the abstract. We cannot agree with the district court that litigation promises "great if not greater promptness" than fund-termination by the agency.[69] Yet it is possible that litigation could conceivably stretch no longer or not much longer than the period required by the administrative alternative. Thus, as a facial challenge to the amendments, appellants' argument cannot succeed. Further, the Department of Justice is not limited to a litigative strategy; it may conduct negotiations and seek settlements, where appropriate.

Finally, the Department is under a strict obligation to avoid delay. To avoid constitutional doubts, we must proceed on the assumption that Congress intended the Department of Justice to act with the greatest dispatch. Otherwise, the amendments may be seen as a tool of delay to avoid dismantling unconsitutionally segregated school systems. The courts no longer countenance

---

Footnotes at end of article.

"all deliberate speed" as the time-frame for dismantling unconstitutionally segregated school systems. Instead, "the obligation of every school district is to terminate dual school systems at once." [70]

This obligation to guard against delay applies with equal force to HEW when it seeks to procure compliance. The government argues that the amendments do not prevent HEW from threatening referral to the Department of Justice in order to increase HEW's leverage in persuading offending districts to "voluntarily" reassign students.[71] We agree, with this proviso: HEW cannot delay in taking necessary steps to bring about compliance. In *Adams v. Richardson,* the district court held with our approval that if HEW fails "during a substantial period of time to achieve voluntary compliance, [it has] a duty to commence enforcement proceedings." [72] In sum, HEW referral to the Department of Justice for action must not be hindered by delays due to either agency.[73]

B. Dilution of Equal Protection Guarantees

The amendments would be constitutionally flawed if they diluted rather than enforced equal protection guarantees.[74] As construed, however, these amendments do not pose this problem. We concluded above that these amendments do not preclude the threat of fund-termination for non-complying districts except if deployed to induce a busing remedy. With that exception, HEW can still use this enforcement tool which appellants characterize as "the single most effective remedy for desegregating schools receiving federal aid." [75] As the amendments also leave in place the enforcement options at the Department of Justice, we cannot find that on their face they "restrict, abrogate, or dilute" the guarantee of equal protection.[76] Where a choice of alternative enforcement routes is available, and the one preferred is not demonstrably less effective, Congress has the power to exercise its preference.[77]

C. Legislative Motivation

Absent discriminatory effect, judicial inquiry into legislative motivation is unnecessary, as well as undesirable.[78] Obviously, the foreseeable effect [79] of these amendments is increased litigation for court-ordered desegregation, and settlements supervised by HEW and the courts—not unremedied segregation.[80] Thus, statements by individual congressmen that reveal opposition to busing or to student assignment to achieve desegregation,[81] do not by themselves establish constitutional flaws in the amendments.[82]

III. PROHIBITION AGAINST GOVERNMENT SUPPORT FOR SEGREGATION

More problematic is appellants' charge that the amendments interfere with the government's obligation not to support segregated schools.[83] The Constitution's prohibition against governmental support of schools practicing invidious discrimination is too obvious and well-established to require elaboration here.[84] Distinct from its duty to enforce the law, the Executive must not itself participate in unlawful discrimination. This prohibition is embodied in Title VI and in numerous subsequent statutory schemes.[85] To avoid the cloud of constitutional doubt, we must assume that Congress did not intend the amendments to force federal financial support of illegal discrimination.[86]

Thus, the amendments cannot be read to prevent HEW from fulfilling its obligation to assure no federal moneys support segregated schools. HEW has an obligation, as a government agency, not to participate in unlawful discrimination.[87] In particular instances, HEW may be required to 1) refer a case to the Department of Justice for appropriate action; [88] 2) terminate funds through HEW's administrative procedures; [89] or 3) alert the President that a case may require Executive impoundment of funds.[90] Appellants and other private individuals certainly are not barred from challenging HEW's failure to take any such steps.

The record in this case raises the issue of whether the amendments in fact permit HEW to discharge its obligation to assure that no funds are used by districts it has found out of compliance. At the time of the most recent affidavit submitted in this case, HEW was merely planning to or thinking about referring cases to the Department of Justice for enforcement.[91] See Appendices A & B. Thus, from the record, we have no evidence that HEW has taken steps to avoid participation in unlawful segregation. We agree, however, with the district court that the record does not establish sufficient factual evidence to permit a review of the amendments as applied.[92] Therefore, we affirm the district court's judgment that the amendments survive facial challenge. We assume that the district court retained jurisdiction to entertain further motions changing HEW's actions under the amendments [93] and we affirm.

Affirmed.

APPENDIX A

Cases settled or dismissed although violation found; HEW precluded from requiring transportation * and Status as of Feb. 28, 1978 **

Springfield, Ohio: Voluntary steps taken, "yet sufficient doubt as to the adequacy of these remedies remains to justify our giving these districts further consideration for possible referral".

Joliet, Illinois: Same.

Fresno, California: Same.

Ann Arundel, Maryland: Same.

Frederick County, Maryland: Same.

Gulfport, Mississippi: "Preliminary determination": it "should be prepared for referral"

Madison County, Georgia: OCR to determine if referral is appropriate.

Jones County, Missouri: Schools substantially racially balanced.

APPENDIX B

Pending or active cases where HEW found 14th amendment violation but amendments preclude HEW from requiring only effective remedy, transportation beyond nearest school* and Status as of Feb. 28, 1978**

Lima, Ohio: ALJ found violation; in preparation for referral.

Flint, Michigan: Same.

Marion County, Florida: Same.

Marshall, Texas: Same.

Kansas City, Missouri: ALJ found violation; HEW accepted negotiated plan.

Maywood, Illinois: "Preliminary determination": it "should be prepared for referral".

Saginaw, Michigan: Adverse finding by ALJ.

Baltimore City, Maryland: Litigation in court.

Vance County, North Carolina: Settled on the basis that the student assignment meets constitutional requiremens.

FOOTNOTES

* Based on Deposition of David Tatel, July 28, 1977, J.A. at 19; Affidavit of David Tatel, July 31, 1977, J.A. at 36–37.

** Based on Affidavit of Cynthia Brown, Feb. 28, 1978, J.A. at 39–40.

[1] Initiated in 1975, this suit is a companion case to Adams v. Richardson, 351 F.Supp. 636 (D.D.C. 1972), *modified,* 356 F.Supp. 92 (D.D.C.), *aff'd,* 480 F.2d 1159 (D.C. Cir. 1973) (en banc). Both suits challenged the Department of Health, Education, and Welfare's (HEW's) failure to enforce Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (1976) and the fifth and fourteenth amendments of the Constitution. In both cases, plaintiffs prevailed in the charge that HEW had defaulted in its duty to enforce Title VI. In 1973, Judge Pratt in *Adams supra,* ordered HEW to take enforcement measures in the Southern school districts involved in that suit. In 1976, Judge Sirica ordered HEW to enforce Title VI in 46 specified Northern and Western school districts. *Brown v. Califano,* No. 75–1068, Memorandum and Order, July 20, 1976. The judge ordered HEW to conclude pending investigations and to commence enforcement proceedings against specified noncomplying school districts. *Id.*

In 1977, the certified class of plaintiffs in this suit moved for further declaratory and injunctive relief. They challenged the constitutionality of amendments passed during the pendency of the suit which restrict HEW's enforcement ability. Judge Sirica's judgment denying such relief is the only matter here on appeal. *See* Brown v. Califano, Memorandum Opinion, No. 75–1068 (D.D.C. filed July 18, 1978), Joint Appendix (J.A.) at 1. *See also* Stipulation and Order, No. 75–1068, Jan. 10, 1978 (consent order entered Dec. 29, 1977 settles all outstanding claims "except for plaintiff's pending motion for injunctive and declaratory relief regarding the Esch Amendment, the Byrd Amendment, and the Eagleton-Biden Amendment").

[2] As in all proceedings in this case, references to HEW refer also to its successors, agents, and employees.

[3] Eagleton-Biden Amendment, § 208(b), P.L. 95–205, codified at 42 U.S.C. § 2000d (1976). This language replaced the Byrd amendment, also challenged here, and it provides a stricter limitation on transportation than the earlier Esch amendment, which is also challenged. *See* § 209, 90 Stat. 22 (1975) (Byrd amendment); 20 U.S.C. § 1714(c) (1976) (Esch Amendment). The Esch Amendment itself was modified by the Scott-Mansfield Amendment. Thus, four provisions are at issue here. *See generally* discussion *infra* at nn.26–27.

[4] Brown v. Califano, Memorandum Opinion, No. 75–1068 (D.D.C. filed July 18, 1976), J.A. at 1, 8–9 [hereinafter cited to J.A. as Memorandum Opinion].

[5] Should further proceedings in this case reveal that the litigation option left undisputed by these provisions cannot, *or will not,* be made into a workable instrument for effecting equal educational opportunities, the Court will entertain a renewed challenge by plaintiffs on an *as applied* basis. *Id.* at 12–13.

[6] 347 U.S. 483 (1954) (*Brown I*); 349 U.S. 294 (1955) (*Brown II*).

[7] 358 U.S. 1 (1958). *See* discussion *infra* at p. 30.

[8] 42 U.S.C. §§ 1971, 1975a–1975d, *et seq.* (1976).

[9] Title VI of the Civil Rights Act of 1964 § 601, 42 U.S.C. § 2000d (1976) [hereinafter cited as Title VI].

[10] Title VI, § 602, 42 U.S.C. § 2000d–1 (1976). HEW regulations specify referral to the Department of Justice as the primary other means under law. 45 C.F.R. § 80.8(a) (1979); *see* p. 1 *infra.*

[11] *Id.*

[12] In Executive Order No. 11247, President Lyndon Johnson directed the Attorney General to coordinate enforcement of Title VI and directed each department to cooperate in the enforcement. 30 Fed. Reg. 12327 (1965), *reprinted in* 42 U.S.C. § 2000d–1 (1976). HEW is responsible for assuring nondiscrimination in the use of funds from 186 federal financial assistance programs. 45 C.F.R. § 80.13 (1979) (Appendix A).

[13] *See* 45 C.F.R. Part 80 (1979).

[14] Adams v. Richardson, 351 F. Supp. 636. 640 (D.D.C. 1972).

[15] 351 F.Supp. at 640; 356 F.Supp. 92, 94 (D.D.C. 1973) (Judge Pratt's findings of fact in Adams v. Richardson).

[16] 356 F.Supp. 92, 95 (D.D.C. 1973) ("Having once determined that a school district is in violation of Title VI, and having failed during a substantial period of time to achieve voluntary compliance defendants have a duty to commence enforcement proceedings.").

[17] Brown v. Califano, Memorandum and Order, No. 75–1068 (D.D.C., filed July 20, 1976). *See* note 1 *supra*.

[18] *E.g.*, Adams v. Richardson, 480 F.2d 1159, 1163 n.5 (D.C. Cir. 1973); Brown v. Califano, Memorandum and Order, No. 75–1068 (D.D.C. filed July 20, 1976), 13–14.

[19] 45 C.F.R. § 80.4(c) (1979) (elementary and secondary school applicants must provide sufficient assurance that they will comply with a desegregation plan approved by the appropriate HEW official or with a final federal court desegregation order). *See also* 45 C.F.R. § 80.4(a) (1979) (each applicant for federal funds must submit assurance that its program will not discriminate as prohibited).

[20] 45 C.F.R. §§ 80.7(a), (b), (c) (1979). *See also* 45 C.F.R. §§ 80.6(a), (b), (1978) (HEW can request compliance reports; recipients shall provide information requested by HEW).

[21] 45 C.F.R. § 280.7(d) (1979).

[22] 45 C.F.R. §§ 80.8(a), (c) (1979). The regulations impose procedural requirements for fund termination:

> No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured through voluntary means, (2) there has been an express finding on the record, after an opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found. 45 C.F.R. § 80.8(c) (1979).

Termination hearings must follow the procedures outlined in 45 C.F.R. §§ 80.9, 81.71 *et seq.* (1979). A termination decision is appealable within the agency, 45 C.F.R. §§ 80.10(e), (g) (1979), and finally, to court, 45 C.F.R. § 80.11 (1979).

[23] 45 C.F.R. §§ 80.8(a), (d) (1979).

[24] 45 C.F.R. § 80.8(a) (1979). The Department of Justice may bring litigation to enforce any rights of the United States or the contractual assurance to HEW. *Id. See also* 28 C.F.R. §§ 0.50, 50.3 (Alt. I–B–1) (1979) (Department of Justice Regulations directing initiation or intervention in civil suits to achieve compliance).

Referral to the Department of Justice can be used only after HEW (1) determines that voluntary compliance cannot be secured, (2) notifies the recipient of failure to comply and of the action intended, and (3) provides 10 days after mailing notice to the recipient, during which time HEW is to make additional effort to persuade the recipient to take corrective action. 45 C.F.R. § 80.8(d) (1979).

[25] Deposition of David Tatel, March 17, 1978 at 93, J.A. at 51. The one district for which funds were terminated was Ferndale, Michigan. School Dist. of Ferndale v. HEW, 474 F.2d 1349 (6th Cir.), *cert. denied*, 414 U.S. 824 (1973), *rehearing denied*, 414 U.S. 1172 (1974). The record in this case does not disclose fuller data on the numbers of cases or kinds of plans accepted.

[26] Appellants challenge three amendments that successively restrict the ability of HEW to require transportation to remedy segregation:

(1) *The Esch Amendment:* Rejected by the House Committee, this amendment was introduced and passed during House floor debate on H.R. 69, The Elementary and Secondary Education Act Amendments of 1974. See H.R. Rep. No. 93–805, 93rd Cong., 2d Sess. 245 (1974) (Additional view of Mr. Esch on H.R. 69); 120 Cong. Rec. 8262 (1974) (Rep. Esch introducing amendment); 120 Cong. Rec. 8281 (1974) (Esch Amendment passes House). The amendment, called the Equal Educational Opportunities Act of 1974, defines unlawful denial of equal educational opportunity, provides that racial imbalance alone does not constitute such a denial, describes civil enforcement options, and lists remedies in priority of congressional preference. The portion challenged in this suit provides that:

> No court, department, or agency of the United States, shall, pursuant to section 1713 of this title [listing priority of remedies for denial of equal educational opportunity] order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for each student. Section 215(a), P.L. 93–380, *codified at* 20 U.S.C. § 1714(c) (1976).

The Senate and the Conference Committee modified the effect of the Esch Amendment by also adopting the Senate Scott-Mansfield Amendment, which says in pertinent part: "The provisions of this chapter are not intended to modify or diminish the authority of the courts of the United States to enforce fully the fifth and fourteenth amendments to the Constitution of the United States." Section 203(b), P.L. 93–380, *codified at* 20 U.S.C. § 1702(b) (1976).

Though some argued that the Scott-Mansfield provision negated the effect of the Esch Amendment, *e.g.*, 120 Cong. Rec. 14859 (1974) (remarks of Rep. Pucinski), the two amendments have been construed together to mean that no court is constrained from providing whatever remedy it deems necessary, but federal departments such as HEW cannot require student transporation beyond the school next closest to his place of residence and offering the appropriate program. *E.g.*, 120 Cong. Rec. 15078 (1974) (remarks of Sen. Scott).

(2) *The Byrd Amendment*: A rider to the fiscal 1976 Labor-HEW Appropriations Act, this amendment was added in the Senate after the bill was approved by both the House and the Senate Appropriations Committee. It was intended to perfect the Biden Amendment that already had passed but that was criticized for in effect repealing Title VI. The Biden amendment prohibited the use of appropriated funds to require assignment of teachers or students "for the reason of race." 121 Cong. Rec. 29688. (1975).

The Byrd Amendment's prescription is narrower:

> "None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home and which offers the course of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964." Section 209, P.L. 94–206, *codified at* 42 U.S.C. § 2000d (1976).

Debate on the Byrd Amendment was far more limited than debate on the Biden Amendment, and on the Helms Amendment, which was tabled. Nonetheless, it is clear that the author of the Byrd Amendment intended it to provide that the funds appropriated in this act cannot be utilized by HEW either directly or indirectly to require the transportation of any student to any school beyond his neighborhood school—beyond the school nearest his home—except in instances wherein the student could not pursue the courses of study he desires to pursue at the nearest school.

> * * * * *
>
> This amendment will reach the bureaucrats in HEW and provide that they cannot use taxpayer's money to require, directly or indirectly, the transportation of students beyond their neighborhood schools to bring about an arbitrary racial balance. 121 Cong. Rec. 30038 (1975) (remarks of Sen. Byrd).

The amendment was enacted when the appropriations act was passed over presidential veto unrelated to the busing provision. It was reenacted with the appropriations bill for fiscal 1977. *See* § 208, P.L. 99–439, *codified at* 42 U.S.C. § 2000d (1976). *See generally* 121 Cong. Rec. 29696 (1975) (remarks of Rep. Allen); 122 Cong. Rec. 21196 (1976) (remarks of Sen. Brooke).

(3) *The Eagleton-Biden Amendment*: After the reenactment of the Byrd Amendment for fiscal 1977, the Attorney General and the Secretary of HEW construed it to permit HEW to reject remedial plans not pairing or clustering schools. Pairing treats two schools as one unit, with some of the grade levels housed in one, and the rest housed in the other. Similar grade or program restructuring takes place among more schools through clustering. A remedial plan using these strategies could effectively change the location of the "nearest" school "which offers the courses of study pursued by such student." Byrd Amendment, *supra*. As a result, busing could be required to take students beyond schools physically nearest their homes.

In his legal memo on the subject, the Assistant Attorney General for the Civil Rights Division explained that this interpretation was not inconsistent with the amendment's legislative history, and avoided possible conflict with Title VI and the Constitution. A stricter interpretation, he explained, could preclude all HEW action to desegregate schools. Memorandum for the Attorney General Re: HEW Interpretation of Byrd Amendment, *reprinted in* 123 Cong. Rec. 21253 (June 28, 1977).

Supporters of the Eagleton-Biden Amendment claimed that the HEW-Justice interpretation "circumvents the clear intent" of the Byrd Amendment by permitting HEW to require busing. 123 Cong. Rec. 21247 (June 28, 1977) (remarks of Sen. Eagleton); *see* 123 Cong. Rec. 19400 (June 16, 1977) (remarks of Rep. Mottl); 123 Cong. Rec. 21261 (June 28, 1977) (remarks of Sen. Biden). The amendment was designed to "close this loophole" created by the HEW-Justice interpretation. 123 Cong. Rec. 19401 (June 16, 1977) (remarks by Rep. Milford).

The amendment, as enacted, replaces the Byrd Amendment with the following language:

> None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purposes of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructing, pairing, or clustering. The prohibition described in this section does not include the establish-

ment of magnet schools. 42 U.S.C. § 2000(d) (1976).

[27] The Byrd and Eagleton-Biden Amendments effectively supercede the more generous Esch Amendment. *Compare* 20 U.S.C. § 1714 (c) (1976) (Esch Amendment) permits transportation to "closest or next closest school") with 42 U.S.C. § 2000d (1976) (Byrd and Eagleton-Biden Amendments) (no transportation other than to "the school which is nearest the student's home"). The Eagleton-Biden Amendment does permit further transportation, however, for special education and to magnet schools. 42 U.S.C. § 2000d (1976). Representative Stokes noted that determining what actually is the "nearest" school itself is a problematic task for HEW, 122 Cong. Rec. 20408 (1976).

[28] A purpose frequently reiterated by the amendments' sponsors is that "a busing order should certainly come from a court rather than an administrative agency." 122 Cong. Rec. 21198 (1976) (Sen. Biden describing Byrd Amendment passed in previous term).

[29] *E.g.*, 121 Cong. Rec. 30542 (1975) (remarks of Sen. Humphrey).

[30] *See* pp. 6–7 and notes 19–24 *supra*.

[31] *E.g.*, 123 Cong. Rec. 19400 (June 16, 1977) (remarks of Rep. Mottl) (fund-termination power gives HEW blackmail power); 121 Cong. Rec. 30358, 30361 (1975) (remarks of Sen. Biden); 120 Cong. Rec. 8523 (1974) (remarks of Rep. Ashbrook).

[32] 42 U.S.C. § 2000d (1976). Senator Biden said the word "indirectly" was meant to cover HEW's fund-termination power. 121 Cong. Rec. 30361 (1975) (remarks of Sen. Biden).

[33] 20 U.S.C. § 1714(c) (1976).

[34] 42 U.S.C. § 2000d (1976).

[35] 123 Cong. Rec. 21246, 21250 (June 28, 1977) (remarks of Sen. Eagleton); 121 Cong. Rec. 30358 (1975) (remarks of Sen. Biden).

[36] Senator Humphrey, for example, said the ambiguity created by the Byrd Amendment would pose a difficult interpretation problem for the courts. 121 Cong. Rec. 30542 (1975). *See also* 123 Cong. Rec. 19400 (June 16, 1977) (remarks of Rep. Flood). Representative Obey argued that the confusion surrounding the Eagleton-Biden Amendment was the best argument against its passage. 123 Cong. Rec. 19405 (June 16, 1977).

This legislative ambiguity is especially pronounced because there are no committee or conference reports describing the intended operation of the amendments. *See* 121 Cong. Rec. 39030 (1975) (remarks of Sen. Magnuson) (Byrd Amendment should be separate legislation, dealt with by legislative committee, rather than rider to appropriations bill). As a result, the court is put in the position of having to actively seek the amendments' meaning—running the risk of criticism for an activist posture. *Cf. Rosado* v. *Wyman*, 397, 412 (1970) (court strains to determine meaning of legislative compromise with "those commonsense assumptions that must be made in determining direction without a compass"); H.L.A. Hart, The Concept of Law 140 (1961) (courts invite criticism for frequently acting upon unsettled meaning of a law).

[37] 121 Cong. Rec. 29811 (1975) (remarks of Sen. Eagleton on Byrd Amendment). *See also* 121 Cong. Rec. 30358 (1975) (remarks of Sen. Biden on defect in Biden Amendment).

[38] An apparently major thrust of the amendments is to prevent HEW from relying on only its own administrative judgment to determine the need for a busing remedy. 123 Cong. Rec. 21243, 21246 (June 28, 1977) (remarks of Sen. Eagleton). But the legislative history is replete with comments acknowledging the constitutional problem posed if HEW is forced to fund school districts that violate the Constitution. *E.g.*, 123 Cong. Rec. 19406 (June 16, 1977) (remarks of Sen. Edwards and Sen. Blanchard); 121 Cong. Rec. 30543 (1975) (remarks of Sen. Humphrey). *See also* 120 Cong. Rec. 14912 (1974) (remarks of Sen. Taft) ("Each branch of the Government has a duty and responsibility to uphold the Constitution.").

The debates do not suggest how HEW is to avoid funding a school district which refuses to adopt a busing remedy that HEW believes the Constitution requires. Nor did Congress explain whether HEW should have the authority to accept a nontransportation desegregation plan from a school district of this sort.

[39] *E.g.*, 123 Cong. Rec. 21246 (June 28, 1977) (remarks by Sen. Eagleton). Senator Biden supported his own amendment with the view that HEW should have "absolutely no input whatsoever with regard to any order of a court." 121 Cong. Rec. 30359 (1975). Although he claimed his amendment and the Byrd Amendment would have the same effect, Senator Biden's remark should bear limited weight as his own amendments were ultimately dropped from the bill.

[40] *E.g.*, 123 Cong. Rec. 19405 (June 16, 1977) (remarks of Rep. Mottl); 121 Cong. Rec. 30358 (1975) (remarks of Sen. Biden).

[41] Senator Johnston for example said that HEW under the Byrd Amendment would not be able to use the threat of fund-termination "to encourage or require or cajole the school board into accepting a busing plan." 121 Cong. Rec. 30362 (1975). No one during any of the debates discussed the similar use of a threat of referral to the Department of Justice.

[42] Rep. Flood explained that the Byrd Amendment "simply limits the discretion of the Secretary of HEW in choosing methods to carry out his enforcement of the law." 122 Cong. Rec. 20409 (1976). The previous order in this case directed HEW to pursue enforcement in 46 districts. Brown v. Califano, No. 75–1068, Memorandum and Order (D.D.C. July 20, 1976), 13–14.

Plaintiff-appellants here argue that HEW has continued to provide federal funds to some 14 districts, despite the order. Reply Br. at 2. They cite the Deposition of David Tatel, HEW Director for Civil Rights, as evidence that HEW has "settled or dismissed" its proceedings against seven districts in which it found de jure segregation "because the Esch or Byrd Amendments precluded HEW from requiring the busing remedy needed to achieve desegregation." *Id.* (citing J. A. 18–19, 36–37, 116).

[43] Memorandum Opinion, J.A. 12–13.

[44] *Id.* at 8–9.

Swann involved a state statute prohibiting student assignment on the basis of race, religion, or national origin and barred the use of public funds for "[i]nvoluntary bussing." 402 U.S. at 45 n.11. The Court in *Swann* held that:

". . . the flat prohibition against assignment of students for the purpose of creating a racial balance must inevitably conflict with the duty of school authorities to disestablish dual school systems." *Id.* at 46.

[45] *E.g.*, Gatreaux v. Romney, 448 F.2d 731 (7th Cir. 1971), 503 F.2d 930 (7th Cir. 1974), *aff'd sub nom.* Hills v. Gatreaux, 425 U.S. 284 (1976). *See* Green v. Connally, 330 F.Supp. 1150, 1164 (D.D.C. 1971), *aff'd sub nom.* Coit v. Green, 404 U.S. 997 (1971).

[46] Memorandum Opinion, J.A. 11.

[47] *Id.* at 11–12.

[48] *Id.* at 12. Judge Sirica treated the Esch and Scott-Mansfield Amendments as one, and the Byrd and Eagleton-Biden Amendments as a unit. As the Eagleton-Biden provision is the most restrictive, the most explicit, and the most recent, this court focuses analysis on it. *See* n.27 *supra*.

[49] Memorandum Opinion, J.A. at 12.

[50] *Cf.* North Carolina State Board of Education v. Swann, 402 U.S. 43, 45–46 (1971) (apparently neutral, color blind prohibition against student assignment on the basis of race, read against background of segregation, "would render illusory the promise of Brown v. Board of Education, 347 U.S. 483 (1954)").

[51] *Id.*

[52] U.S. Const., art. II, § 3.

[53] Appellants Br. at 8. Appellants thus launch the difficult claim that the amendments are discriminatory in impact and purpose despite seeming neutral.

[54] *E.g.*, Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 348 (1936) (Brandeis, J., concurring).

[55] Lynn v. Overholser, 369 U.S. 705, 711 (1962). *Accord*: United States v. National Dairy Corp., 372 U.S. 29, 32 (1963); Crowell v. Benson, 285 U.S. 22, 62 (1932); United States v. Thompson, 452 F.2d 1333, 1337 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 998 (1972).

[56] This court intimates no approval of the amendments should they in practice inhibit desegregation. The court also expresses no view on their constitutionality should the amendments be shown to prevent or delay a transportation remedy for a particular district. Such a showing should arise in the context of a particular district requiring such a remedy.

[57] The Esch Amendment expressly sought to prohibit all busing remedies, even if ordered by a court. 120 Cong. Rec. 8265 (1974) (remarks of Rep. Esch); 120 Cong. Res. 14911 (1974) (remarks of Sen. Gurney, Senate sponsor of Esch Amendment). *See* note 26 *supra*. A measure with that affect is clearly unconstitutional in light of Swann v. Charlotte-Mecklenburg Board of Educ., 402 U.S. 32 (1971) (rejecting state prohibition against student assignment and busing where needed to achieve racial balance). But the Esch Amendment was modified before enactment by the Scott-Mansfield provision. The Scott-Mansfield language clarifies that Congress did not intend to interfere with the judicial obligation to uphold the Constitution—nor with its power to order relief it deems required. 120 Cong. Rec. 15078 (1974) (remarks of Sen. Scott).

Supporters of the Byrd and Eagleton-Biden Amendments at times expressed broad intentions of banning involuntary busing as a desegregation remedy. They did so in the name of preserving neighborhood schools, *e.g.*, 121 Cong. Rec. 38176 (1975) (remarks of Rep. Bauman); promoting safety, *e.g.*, 123 Cong. Rec. 19408 (June 16, 1977) (remarks of Rep. Broomfield); and cutting energy costs, *e.g.*, 121 Cong. Rec. 30036 (remarks of Sen. Byrd). These purposes have sometimes thinly hidden opposition to desegregation or equal educational opportunity. Standing alone, however, they do not clearly impugn the legislative motivation behind the amendments which themselves do not ban busing.

More problematic, as the government concedes, are the remarks of Senator Byrd. He supported his amendment with arguments for reversing the series of federal judicial decisions that permit desegregation through student assignment to achieve racial balance. 121 Cong. Rec. 30035–36 (1975) (remarks of Sen. Byrd) (criticizing United States v. Jefferson County Board of Education, 372 F.2d 836 (5th Cir. 1966) (en banc), Green v. New Kent County, 391 U.S. 430 (1968), and *Swann*, *supra*). Despite his espoused position, Byrd proposed his amendment to narrow the Biden Amendment, which would have precluded student assignment based on race, and which was eventually dropped by the Conference Committee. *See* note 26 *supra*. This legislative history, combined with the actual language of the Byrd Amendment and its successor, the Eagleton-Biden Amendment, buttresses our presumption that Congress did not intend the unconstitutional aims of preventing racial assignment as a desegregation remedy or halting desegregation.

[58] 122 Cong. Rec. 21198 (1976) (remarks of Sen. Biden) (regarding intention of Byrd Amendment passed in 1975). *Accord*: 121 Cong. Rec. 29811 (1976) (remarks of Sen. Eagleton); 121 Cong. Rec. 29813 (1976) (remarks of Sen. Byrd); 123 Cong. Rec. 19400 (June 16, 1977) (remarks by Rep. Mottl).

[59] 123 Cong. Rec. 19404 (June 16, 1977) (remarks of Rep. Coleman) (reserve to local officials); 123 Cong. Rec. 21243, 21246 (June 28, 1977) (remarks of Sen. Eagleton) (reserve to courts); 122 Cong. Rec. 21198 (1976) (remarks of Sen. Biden) (same).

[60] *See* p. 12 *supra*.

[61] *See* p. 14 and n. 37 *supra*. If termination is sought, HEW must first seek voluntary compliance, and then follow termination procedures as required by Title VI and applicable regulations. *See* p. 7 and nn. 21 & 22 *supra*.

[62] Magnet schools are schools that attract voluntary student enrollments by offering special or enriched curriculae and programs.

[63] *See* pp. 12-13 *supra*. Congress intended to prevent HEW from in any way using fund termination to produce a busing plan. *E.g.*, 120 Cong. Rec. 8522-23 (1974) (remarks of Rep. Ashbrook) ("The possibility that funds might be withdrawn is so threatening to local operations that compliance, normally voluntary, follows" without improving education.). The "special coerciveness" of the sanction has been linked to the magnitude of the potential loss and to the consolidation of grant and enforcement functions in the same agency. Fiss, *The Fate of An Idea Whose Time Has Come: Antidiscrimination Law in the Second Decade after* Brown v. Board of Education, 41 U. Chi. L. Rev. 742, 756-58 (1974).

[64] Voluntary compliance was the method most obviously encouraged by Title VI and HEW's regulations. *See* pp. 7–8 *supra*. This emphasis undoubtedly reflects the greater success of voluntary desegregation efforts. Although the amendments undeniably prevent HEW from threatening fund termination to induce a busing remedy, nothing in the legislative history suggests that HEW cannot otherwise participate in negotiations with such a district. Congress expressly wished HEW to retain its role in encouraging voluntary compliance even after the passage of the amendments. *See* p. 15 and n.40 *supra*. Voluntary desegregation plans, or plans which obtain substantial community support, have a greater chance of creating the atmosphere conducive to improved minority academic achievement. School Desegregation: Making It Work (R. Green ed. 1976). *Cf.* Levin. *School Desegregation Remedies and the Role of Social Science Research*, 42 Law & Contemp. Problems 1, 29 (1978) (courts opt for magnet school plans "on evidence that magnet schools had met with some success in drawing white students"). Moreover, plans supported by the community minimize the kind of opposition that puts children physically and psychologically at risk. *See* Bell, *Waiting on the Promise of* Brown, 1975 Law & Contemp. Problems 341, 349.

[65] Memorandum Opinion, J.A. at 5.

[66] Fiss, *supra* note 63 at 754.

[67] 20 U.S.C. § 1708 (1976) (Attorney General may intervene in suits brought by individuals denied equal educational opportunities); 20 U.S.C. § 1706 (1976) (Attorney General may institute civil action on behalf of individual denied equal educational opportunities).

The Attorney General also may bring suit to enforce the assurances of compliance provided by a school district. *E.g.*, United States v. Tatum Independent School Dist., 306 F.Supp. 285, 288 (E.D. Tex. 1969) (United States authorized under Title VI, 45 C.F.R. 80.8, and its own authority to enforce terms and conditions upon which money allotments); United States v. Frazer, 297 F.Supp. 319 (D. Ala. 1968) (same). We disagree with the contrary view of a district court in the 5th Circuit that the Department of Justice has no standing to seek enforcement of federal fund recipients' assurances of nondiscrimination. *See* United States v. Marion County School District, No. 78-22-Civ.-Oc. (78–1864) (M.D. Fla. Aug. 11, 1978). The same court correctly ruled that the Department of Justice has standing to enforce the guarantees of equal protection, as embodied in Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6 (1976). The executive's authority to bring suits on behalf of private citizens should be most certain where necessary to protect individual constitutional rights. *See* Note, *Protecting the Public Interest: Nonstatutory Suits by the United States*, 89 Yale L.J. 118 (1979).

The recent district court decision dismissing a Department of Justice suit to enjoin violations of constitutional rights by the Philadelphia police department poses no obstacle to suits challenging discriminatory use of federal funds. *See* United States v. City of Philadelphia, No. 79–2937 (E.D. Pa., dismissed in part for lack of standing, Oct. 29, 1979). That district court retained jurisdiction on the aspect of the complaint alleging discrimination in federally funded programs. *Id.*

[68] Appellants' Br. at 16, Appellants Reply Br. at 6.

[69] Memorandum Opinion at J.A. 12.

[70] Alexander v. Holmes County Board of Educ., 396 U.S. 19, 20 (1969). *See* Griffin v. County School Bd., 377 U.S. 218, 234 (1964); Goss v. Board of Educ., 373 U.S. 683, 689 (1963).

[71] Government Br. at 7.

[72] 356 F. Supp. at 94 (finding two-year period too long). In affirming Judge Pratt's finding, this court concluded:

"Although the Act does not provide a specific limit to the time period within which voluntary compliance may be sought, it is clear that a request for voluntary compliance, if not followed by responsive action on the part of the institution within a reasonable time, does not relieve the agency of the responsibility to enforce Title VI . . . . A consistent failure to do so is a dereliction of duty reviewable in the courts." 480 F.2d at 1163 (footnote omitted).

[73] This is the single HEW corrective option when the agency concludes a district's noncompliance can be cured only by a transportation remedy. Private suits and suits initiated by the Attorney General remain, however, as avenues to challenge and remedy denials of equal educational opportunity or equal protection in the schools. In addition, a private individual could challenge in court HEW's continued funding of a noncomplying district.

[74] *See* Katzenbach v. Morgan, 384 U.S. 641, 651 n.10 (1966). Although *Katzenbach* concerned a congressional enactment (§ 4(e) of Voting Rights Act of 1965) under the 14th amendment, the same principle would apply to congressional action seeking to restrict the scope of fifth amendment due process. *See* Bolling v. Sharp, 347 U.S. 497, 500 (1954).

[75] Appellants Br. at 19. Appellants cite similar views of President Carter, Secretary Califano, the U.S. Commission on Civil Rights and the Attorney General, all lauding the effectiveness of fund-termination to expedite federal enforcement of equal protection guarantees. *Id.* at 19–25. The government concedes that the amendments' restriction on this enforcement tool is "a bad idea." Appellee's Br. at 44 n. 27; *see* Memorandum Opinion at 6. But, as the government also notes, "bad ideas are not automatically unconstitutional." Appellee's Br. at 44 n. 27.

[76] Katzenbach v. Morgan, *supra* at 651 n. 10. As the Supreme Court noted, a state legislature lacks power to authorize racial segregation in public schools for that "would not be—as required by § 5 [of the 14th amendment]—a measure 'to enforce' the Equal Protection Clause." *Id.* Similarly, a congressional enactment banning all government enforcement options would not be authorized by the "necessary and proper clause" of the fifth amendment.

Senator Taft warned that the Esch Amendment would amount to such an unconstitutional ban of governmental corrective action. "The right would be nullified if there is no effective remedy to vindicate it, which certainly would be the situation in certain cases" where HEW could not require busing. 120 Cong. Rec. 14912 (1974). The Scott-Mansfield modification of the Esch Amendment, and this court's interpretation of the other amendments, assures that remedies remain for unconstitutional deprivation through prompt court suits, if not through HEW action.

[77] *See* Katzenbach v. Morgan, *supra* at 654–56 (Congress' prerogative to legislate so as to preclude enforcement of state English literacy requirement for voting).

[78] The courts "will not strike down an otherwise constitutional statute on the basis of an alleged illicit legislative motive." United States v. O'Brien, 391 U.S. 367, 383 (1968). This rule is supported here by deference to a co-equal branch and recognition of the difficulties in proving intentions behind four amendments spanning three years. *See* note 26 *supra*.

There is, however, a certain anomoly in applying this rule to an equal protection claim. Recent Supreme Court cases have made clear that proof of discriminatory intent, not just disproportionate impact, is necessary to establish an equal protection violation of constitutional dimensions. *E.g.*, Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252, 265 (1977); Washington v. Davis, 426 U.S. 229, 239–44 (1976). Impact alone may be inconclusive where, as here, legislation is challenged on its face. The Court has acknowledged that in some circumstances, impact alone may suffice as the critical factor to trigger strict scrutiny. Washington v. Davis, *supra*, 426 U.S. at 242–43 (discussing Palmer v. Thompson, 403 U.S. 217 (1971) and Wright v. Council of City of Emporia, 407 U.S. 451 (1972)). We find that the foreseeable impact of the amendments is not discriminatory. *See* p. 29 *infra*. Absent proof of disproportionate impact, we refrain from further investigation into the historical background and legislative history to unearth illegitimate intent. *See* Village of Arlington Heights v. Metropolitan Housing Development Corp., *supra* at 266–68 (describing sources of inquiry for equal protection challenge).

Even if further consideration of intent were required, a review of the dominant purposes of the legislation would suffice. *See* Washington v. Davis, *supra* at 243 (construing Palmer v. Thompson). We have found that the amendments were tailored to the permissible purpose of removing HEW authority to order busing without disturbing the authority of courts and local officials to promptly require student transportation.

[79] A threshold showing of impermissible motivation may well draw on objective proof of the legislation's foreseeable effect, just as the foreseeable effect of school board action may be used as evidence of intent. Note, *Segregating Schools: The Foreseeable Consequences of Tuition Tax Credits*, 89 Yale L.J. 168 (1979). *Cf.* Personnel Adm'r of Massachusetts v. Feeney, 99 S.Ct. 2282, 2296 n.25 (1979) (discriminatory intent may be inferred from foreseeable impact of statute).

[80] This result was also foreseen by some members of Congress. *See, e.g.*, 121 Cong. Rec. 30542 (1975) (remarks of Sen. Humphrey).

[81] See n.57 *supra*. Such statements, of course, are contrary to the Supreme Court's continuing interpretation of what the Constitution requires. Even members of that Court who doubt the wisdom of busing acknowledge the continuing necessity that busing remains as a remedial option. As Chief Justice Burger recently observed:

"It is becoming increasingly doubtful that massive public transportation really accomplishes the desirable objectives sought. Nonetheless our prior decisions have sanctioned its use when a constitutional violation of sufficient magnitude has been found. We cannot retry these sensitive issues in this Court; we can only set the general legal standards and, within the limits of appellate review, see that they are followed." Columbus Bd. of Educ. v. Penick, 99 S.Ct. 2941, 2952 (1979) (Burger, C.J., concurring in the judgment).

[82] *See* p. 21. Coupled with evidence that the amendments as applied inhibit desegregation, such statements in the Congressional Record could bolster a future constitutional challenge.

[83] Appellants' Br. at 38–43.

[84] *See, e.g.,* Norwood v. Harrison, 413 U.S. 455, 467 (1973) ("A State's constitutional obligation requires it to steer, clear, not only of operating the old dual system of racially segregated schools, but also of giving significant aid to institutions that practice racial or other invidious discrimination."); Cooper v. Aaron, 358 U.S. 1, 19 (1958) ("State support of segregated schools through any arrangement, management, funds, or property cannot be squared" with the equal protection clause); Kelsey v. Weinberger, 498 F.2d 701 (D.C. Cir. 1974) (federal funds cannot support school system which has stopped discriminatory assignment of faculty but not remedied effects of past discrimination); Adams v. Richardson, 480 F.2d 1159, 1166 D.C. Cir. 1973) (en banc) (HEW's "general obligation not to allow federal funds to be supportive of illegal discrimination); The prohibition extends not only to financial aid, but also to any substantial government involvement in private, invidious discrimination. *E.g.*, Evans v. Newton, 382 U.S. 296, 298, 301 (1966) (forbidding racial discrimination in private park once under municipal trusteeship); Anderson v. Martin, 375 U.S. 399, 402 (1964) (striking down state requirement of designation of candidates' race on ballot); Lombard v. Louisiana, 373 U.S. 267, 273 (1963) (prohibiting state enforcement of private segregation in restaurant).

[85] *See* Fiss, *supra* note 63, at 756 ("Fund termination was first viewed not as a sword, but as a shield against government participation in discriminating activities.") Congress has authorized fund termination to steer federal money away from impermissible discriminatory use in a wide range of contexts. *E.g.*, 42 U.S.C. § 6709 (public work employment) (1976); 42 U.S.C. § 6870 (energy conservation) (1976); 49 U.S.C. § 1608(f) (urban mass transportation) (1976).

Of course, funds cannot be denied or terminated until procedural requirements are met, *e.g.*, 45 C.F.R. Parts 80, 81 (1979) (HEW procedures); *see* pp. 6–7 *supra*. The government claims that the amendments here at issue are similar, permissible procedural limits on executive civil rights enforcement. Appellee's Br. at 34–35. The district court, however, correctly observed that the amendments cause an obvious change in the executive's options for assuring aid flows only to proper recipients. Administrative fund-termination "directly results in severing financial ties with school systems that are willing to accept the loss of federal support as the price for operating their schools" in violation of the Constitution. Memorandum Opinion, J.A. at 11. Where the amendments preclude this option, the government only indirectly avoids support to noncomplying schools by seeking to bring them into compliance through Department of Justice litigation. Whether this change to an indirect method unconstitutionally burdens the government's obligation to avoid supporting segregated schools can be resolved only in the context of a concrete situation.

[86] Congress was fully aware of this constitutional issue. *E.g.,* 123 CONG. REC. 19406 (June 16, 1977) (remarks of Rep. Edwards) (opposing Eagleton-Biden amendment on this ground); *id.* (remarks of Rep. Eckhardt) (same); 121 CONG. REC. 30543 (1975) (remarks of Sen. Humphrey) (opposing Byrd Amendment because of this constitutional risk). President Carter was also alert to the constitutional problems posed by the Eagleton-Biden Amendment. Statement by the President, Dec. 9, 1977, *reprinted in* Appellants' Br. at Appendix C, 4.

[87] Hills v. Gautreaux, 425 U.S. 296, 297 (1976) (Department of Housing and Urban Development violated fifth amendment and Title VI by knowingly funding racially discriminatory public housing program).

[88] *See* pp. 7, 23 *supra*. The Department of Justice must pursue such referrals with urgency especially when the issue is termination, not an initial grant of funds.

[89] *See* p. 22 *supra*. The government argues that the amendments merely replace eventual judicial review of HEW action with initial resort to the courts for districts which HEW believes need a transportation remedy. Appellee's Br. at 31 & 32 n.18. As construed by this court, the amendments clearly permit initial HEW evaluation of a district's compliance with its assurance of nondiscrimination as required by Title VI and the Constitution.

We also conclude that the amendments preclude HEW use of its fund-termination authority to induce a busing remedy. HEW nonetheless retains authorization to initiate its administrative proceedings if busing is only one of multiple possible remedies for a noncomplying district. As long as HEW clarifies that it is not using the fund-termination to require busing, it should be able to pursue other remedies through administrative action. The agency is better situated than the court to decide in the first instance how to proceed where more than one option is present. *See* Southwestern Sugar & Molasses Co., Inc. v. River Terminals Corp., 360 U.S. 411, 420 (1959).

[90] The President's authority to impound funds derives from his duty to "take care that the laws [are] faithfully executed," article II, § 3 of the Constitution, and from specific statutory provisions. Impoundment takes on special importance where the Executive believes the expenditure would violate a constitutional provision. *See* Krantz, *A 20th Century Emancipation Proclamation: Presidential Power Permits Withholding of Federal Funds from Segregated Institutions,* 11 AM. U. L. REV. 48 (1962); Miller, *Presidential Power to Impound Appropriated Funds: An Exercise in Constitutional Decision-Making,* 43 N. CAROLINA L. REV. 503, 533–34, 544 (1965). Title VI bolsters the Executive's authority to ensure that federal funds do not flow to impermissibly segregated school systems.

Although subject to congressional limits, *see* Kendall v. United States, 37 U.S. (12 Pet.) 524 (1838) (postmaster general cannot deny payment expressly provided by Congress); Congressional Budget and Impoundment Control Act of 1974, 31 U.S.C. §§ 1403, 1404 (1976), the President retains the authority to impound or defer funds, consistent with the purposes of the particular program and subject to judicial review. *See* Abascal & Kramer, *Presidential Impoundment Part II: Judicial and Legislative Responses,* 63 GEO. L. J. 149 (1974). *Cf.* Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579, 635–37 (1952) (Jackson, J., concurring).

[91] Affidavit of Cynthia Brown, Acting Director, Office of Civil Rights, February 28, 1978, J.A. 38–42. In an earlier statement, David Tatel, Director of the HEW Office of Civil Rights admitted that HEW was funding segregated school systems. Deposition of David Tatel, July 28, 1977, J.A. 19; Affidavit of David Tatel, July 31, 1977, J.A. 36–37. The government claims that in each district cited, HEW "was either able to negotiate acceptable desegregation plans or intended to refer the case to the Department of Justice if dissatisfied with the local authorities' actions." Appellee's Br. at 12. The government relied on the Affidavit of Cynthia Brown, *supra*. We cannot be confident on this basis that the amendments permit HEW to discharge its obligation to assure federal funds do not flow to unconstitutionally segregated districts.

Director Tatel identified eight districts which HEW found in violation of the 14th amendment but which continue to receive federal funds as HEW settled or dismissed action without attaining a busing remedy. Deposition of David Tatel, July 28, 1977, J.A. at 19, Affidavit of David Tatel, July 31, 1977, J.A. at 36–37. (Springfield, Ohio; Joliet Illinois; Jones County, Missouri; Fresno, California; Gulfport, Missouri; Madison County, Georgia; Anne Arundel, Maryland; and Frederick County, Maryland.) Explaining HEW's progress in these cases six months later, Acting Director Brown noted that five "have taken substantial voluntary steps to eliminate racial isolation in their schools, yet sufficient doubt as to the adequacy of these remedies remains to justify our giving these districts further consideration for possible referral." Affidavit of Cynthia Brown, Feb. 28, 1978, J.A. at 40. (Springfield, Ohio; Joliet, Illinois; Fresno, California; Anne Arundel, Maryland; and Frederick County, Maryland.) Thus, the record on appeal reveals no HEW action to stop funding these districts which it believes to be in violation of the Constitution. *See generally* Appendix A *infra*.

In response to questioning, Tatel also identified nine "pending or active cases where HEW has found that the district has segregated schools in violation of the Fourteenth Amendment" and where the amendments preclude HEW from requiring "the only effective remedy, transportation of students beyond the nearest or second nearest school." Deposition of David Tatel, July 28, 1977; Affidavit of Davil Tatel, July 31, 1977, J.A. at 19. (Lima, Ohio; Kansas City, Missouri; Maywood, Illinois; Flint, Michigan; Saginaw, Michigan: Marion County, Florida; Baltimore City, Maryland; Vance County, North Carolina; Marshall, Texas.) Five of these resulted in findings by administrative law judges of constitutional violations. HEW accepted a negotiated plan in Kansas City, Missouri, and Brown said that preliminary steps were taken "in preparation for the referral" of the other four to the Department of Justice. Affidavit of Cynthia Brown, Feb. 28, 1978, J.A. at 40. (Lima, Ohio; Flint, Michigan; Marion County, Florida; Marshall, Texas.) Similarly, Brown reported HEW's preliminary determination that the Maywood, Illinois case "should be prepared for referral." *Id.* at 40. The ultimate treatment of these five cases is not known to this court. *See generally* Appendix B *infra*.

Of course, a serious problem here is the length of time that has elapsed since this suit and the affidavits were filed. This unfortunate consequence of the nature of civil litigation should not shield from judicial review a fuller record on the agency's capacity under the amendments to observe constitutional requirements in the disbursement of federal funds.

[92] Memorandum Opinion, J.A. at 7.

[93] The district court has invited reopening the case "upon the application of any party should this Court's involvement become necessary." Order, July 18, 1978, No. 75–1068; *see* Memorandum Opinion, J.A. at 12–13 (invit-

ing appellants' challenge to the amendments as applied). Neither this decision nor the consent decree and prior orders terminate this case. *See* note 1 *supra.*

Mr. THURMOND. Mr. President, I move to table the amendment of the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. BRADLEY), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Missouri (Mr. DANFORTH), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DURENBERGER) and the Senator from Wyoming (Mr. SIMPSON) would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 34, nays 46, as follows:

[Rollcall Vote No. 464 Leg.]

YEAS—34

Armstrong
Bentsen
Biden
Boren
Cannon
Chiles
Cochran
DeConcini
Dole
Exon
Ford
Garn
Goldwater
Hatch
Hayakawa
Helms
Humphrey
Jepsen
Johnston
Laxalt
Lugar
McClure
Nunn
Proxmire
Randolph
Roth
Sasser
Schweiker
Stennis
Thurmond
Tower
Warner
Young
Zorinsky

NAYS—46

Baucus
Boschwitz
Bumpers
Burdick
Byrd, Robert C.
Chafee
Cohen
Cranston
Culver
Domenici
Durkin
Eagleton
Glenn
Hart
Hatfield
Heflin
Heinz
Hollings
Huddleston
Jackson
Javits
Kennedy
Levin
Matsunaga
McGovern
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Packwood
Pressler
Pryor
Ribicoff
Riegle
Sarbanes
Schmitt
Stafford
Stevens
Stewart
Stone
Talmadge
Tsongas
Weicker
Williams

NOT VOTING—20

Baker
Bayh
Bellmon
Bradley
Byrd,
  Harry F., Jr.
Church
Danforth
Durenberger
Gravel
Inouye
Kassebaum
Leahy
Long
Magnuson
Mathias
Pell
Percy
Simpson
Stevenson
Wallop

So the motion to lay on the table Mr. WEICKER'S amendment No. 2392 was rejected.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from New York is correct. The Senate is not in order. The Senate will be in order.

The question recurs on agreeing to the amendment of the Senator from Connecticut. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. HOLLINGS. Mr. President, what we have been doing here is working out an agreement with the other side specifically with reference to the Weicker amendment.

Mr. STENNIS. May we have order, Mr. President.

The PRESIDING OFFICER. The Senator will please suspend. Will Members who wish to converse please leave the Chamber. The Senate will not proceed until it is in order. Will the Senators in the rear of the Chamber who wish to converse please leave the Chamber? Will the Senators in the aisle please leave the Chamber?

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum so that we can work this out and make a unanimous-consent request.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, after conferring with the two managers of the bill, Mr. HOLLINGS and Mr. WEICKER, and with Mr. THURMOND and Mr. STEVENS, the distinguished acting Republican leader, I make the following unanimous-consent request, with the understanding that there will be no more rollcall votes tonight if the request is agreed to.

I ask unanimous consent that the Senate resume consideration of the pending measure tomorrow at 11 a.m.; that at that time there only be two amendments in order to the amendment by Mr. WEICKER, one amendment by Mr. HELMS on which there will be a 1-hour time limitation, to be equally divided in accordance with the usual form, and one amendment by Mr. THURMOND on which there will be a 1-hour time limitation, to be equally divided in the usual form, and that each amendment be required to be germane to the amendments by Mr. WEICKER; and upon the disposition of those two amendments, there be a time limitation on the Weicker amendment as amended, if amended, or 30 minutes, to be equally divided in accordance with the usual form, and that the Senate proceed to the disposition of the amendment by Mr. WEICKER as amended, if amended.

Mr. MOYNIHAN. Mr. President, may I ask the majority leader if that precludes any further amendments on this bill?

Mr. ROBERT C. BYRD. No. It would just preclude further amendments to the Weicker amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, may I ask my good friend, does that mean there are no more votes tonight?

Mr. ROBERT C. BYRD. There will be no more rollcall votes tonight. If Senators have amendments which can be disposed of by voice vote, they can discuss those with the managers of the bill.

The PRESIDING OFFICER. The Chair informs the majority leader that there is an existing previous agreement——

Mr. MOYNIHAN. Order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

The Chair is informed by the Parliamentarian that there is an existing agreement which would preclude additional amendments after the Weicker amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I think the record should show that when I responded to the distinguished Senator from New York a moment ago, I misspoke, in that I had forgotten about the consent order that Mr. HOLLINGS had entered earlier to the extent that once the Weicker amendment was disposed of no more amendments would be in order. But consent can be gotten from time to time on an ad hoc basis to allow amendments to come in.

Mr. MOYNIHAN. Mr. President, I thank the majority leader for his courtesy.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I have cleared this on both sides of the aisle and with the Senator from New Mexico.

I ask unanimous consent that the Weicker amendment be temporarily laid aside so that I can present an amendment by the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1738

(Purpose: To relieve from liability the State of New Mexico from obligation or liability for reimbursement to the United States as a result of a prison disruption)

Mr. HOLLINGS. Mr. President, this particular amendment has to do with the cost of custody, care, subsistence, education, treatment, or training of prisoners in the State of New Mexico that were required to be temporarily placed in Federal facilities as a result of the prison disruption that we had in New Mexico on February 2 and 3, 1980.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate? There are numerous conversations going on. I believe the manager of the bill should be heard.

The PRESIDING OFFICER. The Senator is correct.

Will the Senator please suspend until the Senate is in order? Will Senators and staff who wish to converse please leave the Chamber?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, in ordering settlement of these accounts, the amendment would provide that credit be given for the amounts for which liability is relieved by this particular section.

I do not think this would have any budgetary impact, at least we hope not, and we can fit it in within the bill. It is general language entitled "Relief From Liability."

I ask unanimous consent for permission to submit this amendment at this particular time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS), on behalf of Mr. DOMENICI, proposes an unprinted amendment numbered 1738.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the appropriate place, add a new section:

RELIEF FROM LIABILITY

The State of New Mexico is relieved from any obligation or liability for reimbursement to the United States arising under section 5003(a) of title 18 of the United States Code, for the period described in paragraph (2) for any costs or expenses incurred by any Federal facility for the custody, care, subsistence, education, treatment, or training of those prisoners of the State of New Mexico required to be temporarily placed in Federal facilities as a result of the prison disruption in the New Mexico State Penitentiary on February 2 and 3, 1980.

(2) Paragraph (1) applies to the period beginning on the date any Federal facility acquired custody of any such prisoner and ending on the date of enactment of this Act.

(b) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amounts for which liability is relieved by this section.

Mr. HOLLINGS. Mr. President, I yield to my distinguished colleague from New Mexico.

Mr. DOMENICI. Mr. President, I do not have much to add to what the distinguished floor manager has indicated. I think we are all aware of that rather incredible riot in New Mexico. As a result, it is going to be very difficult to arrive at a settlement other than under the straight per diem laws of the country, and they are very excessive. There is no other way to do this, other than provide some scheme for relieving liability. That is what this does.

We do not think the Government is counting on the money at this point, so we do not think it has any budget impact.

With that, I ask adoption of the amendment.

Mr. HOLLINGS. We move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1738) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Weicker amendment be temporarily set aside so that we can present an amendment by the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1739

(Purpose: To provide for continued funding for the hazardous devices course)

Mr. HOLLINGS. Mr. President, this amendment is relative to the training on bomb disposal techniques at the Redstone Arsenal. It is really at the request of the FBI, but it previously belonged in the LEAA. It is only a $350,000 amendment and should have been included. I have checked with the distinguished Senator from Connecticut on the minority side and we are prepared to accept this amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS), on behalf of Mr. HEFLIN, proposes an unprinted amendment numbered 1739:

On page 13, line 4, strike "$629,720,000" and insert in lieu thereof "$630,070,000".

Mr. HEFLIN. Mr. President, the amendment Senator HOLLINGS and I are offering today is for the purpose of insuring the continuation of the hazardous devices course at Redstone Arsenal, Ala. This addition of $350,000 is for that purpose.

Mr. President, as every Member of this body knows, I have been a strong advocate of the law enforcement administration assistance program. I think that the Senate has pretty much worked its will, however, and that program will not survive the fiscal constraints which we are facing today. Nevertheless, one program which has previously been funded under the LEAA is so critical to the law enforcement effort of this Nation that it must be singled out and specifically funded under this appropriation bill. The hazardous devices course, or bomb school, which is run by the Army at Redstone Arsenal in Huntsville, Ala., is the only facility in this country that can train public safety and law enforcement personnel to recognize and neutralize explosive and incinerary devices which may be planted by terrorists or other criminal elements.

This course is designed to train people with little or no previous experience or background the techniques required to render safe home-made bombs of all types. Over the years, the program has graduated over 2,700 basic students, and in addition, another 1,300 have returned for refresher training and updating concerning more sophisticated devices. This school is unique in that there is no other place in this country where our civilian law enforcement personnel can receive this type of training.

Mr. President, it is my understanding that the Federal Bureau of Investigation will assume the responsibility for funding this program now that the LEAA has been terminated. I further understand that arrangements have been made between the Army and the Department of Justice for the program to continue in its present form for the immediate future. One problem remains, however. Because this shift has occurred so late in the year, there was no opportunity to budget for this item in the FBI budget or to provide funds in the FBI appropriation measure. Thus, it is imperative that we approve this amendment today adding the $350,000 required for the school to be continued during fiscal year 1981. In future years, the normal appropriations process will provide money for the school to operate under the authority of the FBI.

Mr. President, in the famous speech in Julius Caesar, Shakespeare has Mark Anthony say of the fallen Caesar:

> The evil that men do lives after them.
> The good is oft interred with their bones.
> So let it be with Caesar.

Likewise, the evil that an agency does often lives after it, while the good is interred with its bones. I urge the Senate today not to inter this most worthwhile program with the bones of the LEAA. I urge that we act quickly to approve this minor amendment to this important appropriations bill so that our civilian law enforcement officers can continue to receive the lifesaving training that they need in order to combat crime and terrorism in this country today.

I urge that my amendment be expeditiously adopted.

Mr. President, this amendment strikes the figure of $629,720,000 and inserts in lieu thereof $630,007,000.

Mr. President, I thank the distinguished Senator from South Carolina for his consideration in regard to this amendment.

Mr. HOLLINGS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1739) was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent again that the Weicker amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senator from New York may present his amendment which we are prepared to consider and agree to at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I thank my friend, the distinguished chairman for his courtesy.

UP AMENDMENT NO. 1740

(Purpose: To restrict the payment of funds by the Department of State to UNESCO for projects that would promote the Palestine Liberation Organization)

Mr. MOYNIHAN. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an unprinted amendment numbered 1740.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 9, immediately after line 16, insert the following:

SEC. 106. None of the funds appropriated under this title shall be used for payment by the United States to the United Nations Educational, Scientific and Cultural Organization of any amount which would cause the total contribution of the United States to exceed its assessed contribution less 25 percent of the amount budgeted by UNESCO for distribution to the Palestine Liberation Organization or for projects administered by or in consultation with the Palestine Liberation Organization.

Mr. MOYNIHAN. Mr. President, this is a simple amendment in the spirit of a similar proposal I advanced last year which I believe was accepted unanimously by the Senate. It would instruct the Department of State to reduce its contribution to UNESCO by one-fourth of that amount which the UNESCO budget provides to the Palestine Liberation Organization for propaganda and other activities.

Mr. President, I have just this day received from the Department of State the UNESCO budget for the next 2 years which was adopted at the 21st UNESCO general conference recently concluded in Belgrade.

I regret to report to the Senate that this budget is riddled with transparent efforts to provide funds to the PLO, a terrorist organization, an organization long involved with, and now increasingly controlled by, the Soviet Union. We have read in the press in recent weeks the open admission by PLO terrorists that they have had their guerrilla training, their terrorist training, in the Soviet Union and also in North Vietnam.

We know what we are faced with in the PLO; we know the nature of this organization. I need not belabor the point. It is unacceptable that the United Nations Educational, Scientific, and Cultural Organization should fund it.

The purpose of my amendment is to instruct the Department of State to make an estimate and deduct from its contribution to UNESCO an amount equal to one-fourth of the amount of money UNESCO will spend next year on several projects that will clearly promote the PLO in its propaganda efforts to legitimize its terrorist activities. It is entirely consistent with an amendment I offered last year to the Department of State Authorization Act for fiscal years 1980 and 1981. That amendment, which was accepted without objection in this Chamber and was ultimately enacted into law, reduced the American contribution to the United Nations through the same formula I propose today.

The United States furnishes 25 percent of the UN's budget. When the United Nations General Assembly decided to create two organizational fronts to promote the PLO, the Committee on the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights, the U.S. Congress expressed its objection by authorizing a reduction of our contribution to the UN equal to our portion of the budgets for these two fronts. It amounted to approximately $185.000 in fiscal year 1980.

That action has worked, the arrangement has worked, and I hope that the distinguished managers of the bill might find it possible to apply it again this year with regard to UNESCO. It will mean a reduction in our payment to UNESCO. Much more importantly, it means we will uphold a principle which must remain foremost to this body, that we will not allow the United Nations and its specialized agencies to fund organizations devoted to undermining and destroying the very principles upon which the United Nations is based.

I see that my friend, the distinguished chairman, is here. I would simply repeat that this is consistent with the arrangement which is in place and which works. It is a painful necessity that we should adopt such a measure, but the general conference of UNESCO might think about that before they put in their budget funds for terrorists.

Mr. HOLLINGS. Mr. President, I could not agree more with the distinguished Senator from New York. I think this is very appropriate. We ought to make our position known and have it known very, very clearly.

I am prepared on this side to accept the amendment. I understand the distinguished Senator from Connecticut is also prepared to accept it. Mr. President, we move the adoption of the amendment.

The PRESIDING OFFICER (Mr. BOREN). Without objection, the amendment is agreed to.

The amendment (UP No. 1740) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I thank the distinguished Senator from South Carolina for his cooperation and assistance.

Mr. HOLLINGS. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1741

(Purpose: To provide necessary authority for the Department of State to obligate and expend the funds as appropriated by the Senate)

Mr. HOLLINGS. Mr. President, the State Department has a problem, in that the authorization has not passed for the Department of State, and they obviously would like this language in section 612:

Notwithstanding section 15a of the act entitled "An act to provide certain basic authority for the Department of State," approved August 1, 1956 the total amounts appropriated by title I of this act shall be available for obligation and expenditure.

Mr. President, they feel that kind of language would be necessary for them to proceed under this act. This is language provided by the Department of State. It has been checked by the distinguished chairman of the Foreign Relations Committee, Senator CHURCH, and checked out on the minority side also.

With that, I ask unanimous consent that the Weicker amendment be temporarily set aside, and I ask unanimous consent that this particular amendment be presented.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS) proposes an unprinted amendment numbered 1741.

On page 53, after line 18 insert the following:

SEC. 612. Notwithstanding section 15a of the act entitled "An act to provide certain basic authority for the Department of State", approved August 1, 1956 the total amounts appropriated by Title I of this act shall be available for obligation and expenditure.

Mr. HOLLINGS. Now, Mr. President, with the explanation given, I move adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (UP No. 1741) was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum while we check with the leadership on both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. BAUCUS. I want to thank the chairman and his committee for recommending funding to implement a desperately needed technology innovation center program. My constituent, Dr. Gerry Plunkett, an internationally recognized expert on innovation and energy, directs the Montana Energy Research and Development Institute located in Butte, Mont. MERDI, as it is called, is serving as a model for other such technology assistance centers in other regions of the country.

I am concerned, however, by language in the committee report which would require that management assistance for small businesses be carried out only through the university-based small business development centers which are also limited by report language to 18 States. In particular, this would inhibit the development of private-sector-based training centers designed especially for businesswomen. I chaired hearings held by the Senate Small Business Committee on the proposed women's business enterprise program, which includes as its top priority the development of several such centers, and was very much impressed by the case made for them.

I hope that the committee will not insist that management assistance for women can be offered only at SBDC's. While the SBDC's would be utilized for training women in the States where they exist, there is certainly a need to assist women in other areas of the country where these centers are planned.●

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the transaction of routine morning business, that Senators may speak during that period, and that the period for the transaction of routine morning business not exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETO MESSAGE ON S. 1464

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a veto message on S. 1464 received on October 11, 1980, be spread upon the Journal, and be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTIONS OF SECRECY

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from four treaties transmitted to the Senate today by the President of the United States:

The Convention on the Elimination of All Forms of Discrimination against Women (Executive R, 96th Congress, second session);

The Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals (Executive S, 96th Congress, second session);

A Convention with Canada with respect to Taxes on Income and Capital (Executive T, 96th Congress, second session); and

A Tax Convention with the Arab Republic of Egypt (Executive U, 96th Congress, second session).

I ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

Mr. STEVENS. We concur in that procedure, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification (subject to certain qualifications and possibly to appropriate implementing legislation), I transmit herewith a copy of the Convention on the Elimination of All Forms of Discrimination against Women. The Convention was adopted by the United Nations General Assembly on December 18, 1979 and signed on behalf of the United States of America on July 17, 1980. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

Adoption of this Convention by the General Assembly at the conclusion of its 34th Session in December, 1979, was the culmination of a negotiating process that lasted several years. Throughout this process, the United States was an active participant and a vigorous supporter of a comprehensive and effective international instrument to achieve the elimination of discrimination against women. Although certain earlier human rights treaties relate to the rights of women, none of these previous instruments attempted to deal with women's rights in as comprehensive a manner as this Convention. The wide scope of the Convention is particularly noteworthy and commendable in that it calls upon States Parties to take "all appropriate measures" to eliminate discrimination against women in such diverse fields of human endeavor as politics, law, employment, education, health care, commercial transactions, and domestic relations. Moreover, the Convention establishes a Committee on the Elimination of Discrimination against Women to review periodically the progress being made by States Parties.

Ratification of the Convention on the Political Rights of Women in 1976 was a recent express affirmation by the Executive and Legislative branches of the U.S. Government that human rights in general and women's rights in particular are matters of legitimate concern to the international community and are not subjects with exclusively domestic ramifications. U.S. ratification of the Convention at hand, the newest of the international human rights instruments, would be consistent with this affirmation and would make clear at home and abroad the commitment of the United States to eliminate discrimination against women.

The great majority of the substantive provisions of the Convention are consistent with the letter and spirit of the United States Constitution and existing laws. However, certain provisions of the Convention raise questions of conformity to current United States law. Nevertheless, the Departments of State and Justice and other interested agencies of the Federal Government concur in the judgment that, with the adoption of certain qualifications and, possibly, appropriate implementing legislation, there are no constitutional or other legal obstacles to United States ratification. The report of the Department of State on the Convention and an attached legal memorandum describe the provisions of the Convention and identify those areas of concern that will require further discussion and treatment.

This Convention is a significant new element in the development of the international law of human rights. By giving its advice and consent to ratification of the Convention, the Senate will confirm our country's traditional commitment to the promotion and protection of human rights and will enhance our nation's ability to achieve progress throughout the world. I hope that all States will become Parties to the Convention, and that it will be applied universally. I recommend that the Senate give early and favorable consideration to this Convention.

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980.*

To the Senate of the United States:

I am pleased to transmit the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals between the United States, Canada, Japan, and the Soviet Union, signed in Washington on October 9, 1980.

The Interim Convention was signed in 1957; it replaced an earlier convention on North Pacific fur seals dating back to 1911. Under the two conventions, the herds of fur seals have been protected and managed, and the population has increased from 300,000 animals to approximately 1.7 million. The Interim Convention was extended in 1936 and 1969. A 1976 Protocol further extended the Convention and amended it in order to provide greater protection for fur seals. This Protocol extends the Interim Convention for an additional four years, until 1984. It also reflects the four signatory nations' recognition of the extensions of fisheries jurisdictions which have occurred since the entry into force of the 1976 Protocol.

I transmit also for the information of

the Senate the report of the Department of State with respect to the Protocol.

I urge the Senate to act favorably at an early date on this Protocol.

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980.*

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Convention between the United States of America and Canada with respect to Taxes on Income and Capital (the Convention), signed at Washington on September 26, 1980, and a related exchange of notes for the information of the Senate. I also transmit the report of the Department of State with respect to the Convention.

The Convention will replace the existing tax convention with Canada, signed in 1942, as amended by supplementary conventions signed in 1950, 1956 and 1966. It is based, in general, on the United States and OECD model conventions but deviates from the models in a number of important respects in order to take account of particular features of Canadian law and its interaction with United States law, the unique economic relationship between the United States and Canada, and the provisions of the existing convention.

As in the existing convention, the new Convention provides that the business profits of a resident of one Contracting State will not be subject to tax by the other State except to the extent that they are attributable to a permanent establishment which the resident has in the other State. The definition of a permanent establishment in the Convention is more comprehensive than that in the existing convention and is very similar to the definition in the United States model.

The Convention establishes maximum reciprocal rates of withholding at source for dividends, interest, and royalties. Although the rates exceed those in the United States model for several types of income, there are a number of significant reductions in withholding rates in comparison with the existing convention.

I recommend that the Senate give early and favorable consideration to the Convention and give advice and consent to its ratification.

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980.*

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Convention between the Government of the United States of America and the Government of the Arab Republic of Egypt for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, (the Convention) signed at Cairo on August 24, 1980. I transmit also the report of the Department of State with respect to the Convention.

The Convention will replace the income tax convention with Egypt which was signed in 1975. I therefore, desire to withdraw from the Senate the followng treaty, removing it from the Treaty Calendar:

Convention between the Government of the United States of America and the Arab Republic of Egypt for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, signed at Washington on October 28, 1975 (Executive D, 94th Cong., 2d Sess.).

The Convention is similar to the United States model in major respects although different in form and pattern as the model was published after the negotiations of the convention had begun. As in the model, business profits of a resident of one country may be taxed by the other only if such profits are attributable to a permanent establishment in the other country. Similarly, with respect to independent personal service income, an individual who is a resident of one State may be taxed by the other State only if certain tests are met. In the Convention, the time threshold is shorter than in the United States model, and, with respect to entertainers, the dollar threshold is lower.

Maximum rates of tax are established on a reciprocal basis for the taxation by the source country of dividends, interest, and royalties. In general, these maximum rates in the Convention exceed the rates specified in the United States model. The rates in the Convention are, however, consistent with those established in other United States tax conventions with developing countries.

I recommend that the Senate give early and favorable consideration to the Convention.

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980.*

AUTHORIZATION OF TESTIMONY AND PRODUCTION OF DOCUMENTS

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a Senate resolution and ask that it be stated by the clerk.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 537) to authorize testimony by Senator Young and the production of documents.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading be dispensed with and that the Senate proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 537

Whereas, in the case of *Dr. Gary L. Pearson, DVM* v. *The United States* (Ct. Claims No. 249–78), pending in the United States Court of Claims Trial Division, the Court has granted plaintiff leave to depose Hon. Milton R. Young, a Member of the Senate;

Whereas, Title VII of the Ethics in Government Act of 1978, Public Law 95–521 ("the Act"), establishes the Office of Senate Legal Counsel and provides that the Senate may direct its Counsel to represent the Senate, its committees, Members, officers, or employees;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of a Member of the Senate is needful for use in any court for the promotion of justice and, further, that such testimony may involve documents, papers, and records under the control of or in the possession of the Senate and communications, conversations, and matters related thereto, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate;

Whereas, pursuant to Sections 703(a) and 704(a) (2) of the Act the Senate Legal Counsel has been directed by the Joint Leadership Group to represent Hon. Milton R. Young in connection with his testimony and the production of documents in the case of *Dr. Gary L. Pearson, DVM* v. *The United States* (Ct. Claims No. 249–78); Now, therefore, be it

Resolved, That Hon. Milton R. Young is authorized to testify at deposition and at trial in the case of *Dr. Gary L. Pearson, DVM* v. *The United States* (Ct. Claims No. 249–78), and to produce documents requested of him, except concerning matters for which he and the Senate Legal Counsel or his representative determine are privileged from disclosure.

RATIFICATION OF A LAND DISPUTE SETTLEMENT AGREEMENT BETWEEN THE PAMUNKEY INDIAN TRIBE AND THE SOUTHERN RAILWAY CO.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1119. I make this request on behalf of Mr. MELCHER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 7212) to ratify a settlement agreement in a land dispute between the Pamunkey Indian Tribe and the Southern Railway Co., and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR SAM ERVIN'S APPRAISAL OF THE BATTLE OF KING'S MOUNTAIN

Mr. HELMS. My colleague from North Carolina (Mr. MORGAN) and I wish to share with our fellow Senators, and others who follow the proceedings of the Senate in the CONGRESSIONAL RECORD, an outstanding document prepared by our distinguished former colleague, Sam J. Ervin, Jr.

During the recess, I chatted with Senater Sam, as he is affectionately known throughout America. The next day, he drove over from his hometown of Morganton to King's Mountain, N.C., where each year there is a reenactment of the historic over-the-mountain march of the heroes of the Battle of King's Mountain.

Senator Ervin, in his typically remarkable way, has prepared his assessment of this significant event in American history. As always, he is thorough, he is factual, and he is mindful of the great principles involved in the birth of this Nation.

It is this document that I wish to share now with my colleagues. In a moment I shall ask unanimous consent, on behalf of Senator Morgan and myself, that the entire text of Senator Ervin's paper be printed in the Record at the conclusion of my remarks.

Before doing so, Mr. President, I want to pay my deepest respects to Sam J. Ervin, Jr. I had the privilege of being his junior colleague from North Carolina for the first 2 years I was a Member of the Senate. I had known him well and admiringly for many years before that. I shall always count it a very special blessing that I was able to serve with him in the Senate. He and I do not belong to the same political party, but we hold the same principles.

I am proud of Sam J. Ervin, Jr., because he typifies the wisdom and strength and courage of the State of North Carolina which we love. Mrs. Helms and I will always remember our association with him and his dear "Miss Margaret."

Mr. President, I ask unanimous consent that the paper prepared by Senator Ervin be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Battle of King's Mountain: An Appraisal of Its Historical Significance

(An appraisal made by Sam J. Ervin, Jr., of Morganton, N.C., in honor of those who re-enact annually as a patriotic obligation the over-the-mountain march of the heroes of King's Mountain from Sycamore Shoals to the King's Mountain battlefield.)

For some years my good friend, Colonel Hugh C. Bennett, and other patriots have been re-enacting the over-the-mountain march of the heroes of the Battle of King's Mountain from Sycamore Shoals on the Watauga to the battlefield.

In so doing, they perform a two-fold patriotic service. First, they commemorate one of the most thrilling events in our country's past; and, second, they remind present-day Americans of this everlasting truth which was cherished and exemplified by the heroes of King's Mountain: It is better for men to die on their feet fighting an oppressor for liberty than to live on their knees appeasing him.

Some of those who fought for freedom at King's Mountain were of English or French Huguenot ancestry. The overwhelming majority of them, however, were Scotch Irish.

The Scotch-Irish were the blood descendants of the Lowland Scots whom England induced to migrate from their native Scotland during the 1600's and settle on the confiscated lands of Irish rebels in North Ireland which the King had given to some of his favorites and which were known to history as the Ulster plantations. At the outset those lands were leased to the Lowland Scots at low rents.

The belief underlying the establishment of the Ulster plantations was that the presence of the Lowland Scots in North Ireland would aid the English to retain their dominion over the rebellious Irish whose hatred of English rule knew no limits.

This belief proved valid. The Lowland Scots fought valiantly in the armies of William of Orange in the Irish Wars in which the rebellious Irish and their French allies suffered defeat.

Notwithstanding their reliance upon them, the English King and Parliament and their landlords grossly mistreated the Lowland Scots. Since they were devout Presbyterians rather than members of the established Church of England, the Lowland Scots and their descendants in North Ireland were barred from holding political office, required by law to pay taxes for the support of the established Church of England whose doctrines they rejected, and denied various religious rights, including that of having their marriages solemnized by ministers of their own faith instead of the clergyman of the established church.

Despite these tyrannies, the Lowland Scots and their descendants in North Ireland were a hard-working folk and achieved a measure of economic well being by raising sheep, growing flax, and other endeavors. As the generations came and went, their prosperity increased, and during the years preceding the American Revolution, the descendants of the Lowland Scots in North Ireland manufactured and exported excellent woolens and linens whose sales encroached severely upon markets previously monopolized by similar English products.

The British Parliament thereupon added economic tyranny to the political and religious tyrannies which had been long visited upon the descendants of the Lowland Scots. It enacted laws imposing oppressive tariffs upon woolens and linens made by them in favor of those of English manufacture. Their landlords augmented the resulting economic woes by raising rents to a confiscatory degree.

The economic, political, and religious tyrannies to which they were subjected in North Ireland engendered an undying hatred of the British government in the hearts of the descendants of the Lowland Scots, and impelled multitudes of them to migrate to America in quest of the economic, political, and religious freedom denied them in North Ireland. Hence, they were ripe for revolt against Britain when their feet touched American soil.

After they reached America, they were called Scotch Irish to distinguish them from both the Highland and Lowland Scots who migrated directly from Scotland to America and the real Irish.

Their hatred of the British government did not diminish after their settlement in America. The head of local government in each colony was a royal governor who responded to the desires of the British Crown rather than the wishes of the colonists, and they and the other colonists were deprived of much political freedom. Besides, eight of the thirteen colonies robbed them of the religious freedom they craved, and the British Parliament imposed upon all the colonists taxes they deemed unjust.

After the colonies declared themselves to be independent states and united to fight for freedom, they relied on two groups to wage their battles—the Continentals and the militia.

The Continentals were recruited by the Continental Congress for long periods. They were well trained for combat, and when properly armed were able to confront any enemy in open warfare.

The militia were recruited by the states for short periods. Often they had no uniforms, and furnished their own weapons. Despite their valor, they were not disciplined by adequate training, and found it difficult to stand effectively against a conventionally trained enemy in open combat.

It was decidedly otherwise, however, when the battlefield consisted of rough or forested terrain. Militiamen who lived on the frontier or in sparsely settled areas were great hunters and skilled marksmen, and knew how to maximize the cover from exposure to the enemy afforded by rocks or trees. As a consequence, they were deadly foes to a conventionally trained enemy in rough or forested terrain.

Although some of them were Tories during the Revolution, the Scotch Irish as a whole were numbered among Britain's most formidable foes in that struggle.

In an effort to terrorize them into submitting to the British Crown, some British officials and their Tory allies perpetrated upon the Scotch Irish inhabiting the frontier regions of northwest South Carolina, western North Carolina, southwest Virginia and the over-the-mountain areas in what is now Tennessee, and the Scotch Irish living along the Santee, Black, and Pee Dee Rivers and Lynches Creek in South Carolina atrocities befitting Attila the Hun. I will indicate briefly the nature of these atrocities and refrain from stating them in detail.

During early Revolutionary days, British agents incited the Cherokees to make surprise attacks on the frontier settlements and to massacre and scalp unwarned and unprotected men, women, and children.

In subsequent times Cornwallis' subordinate, Lieutenant Colonel Banastre Tarleton, a regular British officer, rightly earned for himself the opprobrious nickname "Bloody Ban" by the numerous barbarities he practiced upon the Scotch Irish in South Carolina. For example, on one occasion he exhumed from the grave in which it had lain for six weeks the corpse of a highly respected Whig, Brigadier General Richard Richardson, and explained that this ghoulish act was motivated solely by his desire to "look upon the face of such a brave man." Circumstances indicate, however, that the opening of the grave was motivated by the suspicion that family treasures might have been buried in it.

After this ghoulish act, Tarleton committed another atrocity similar to those he perpetrated elsewhere at other times. He herded the cattle, swine, and poultry of the Richardsons into a barn, set the barn afire, and had them consumed in the ensuing flames.

On other occasions Tarleton wantonly slaughtered in cold blood American soldiers who were seeking to surrender and pleading for quarter. It is not surprising that thereafter Southern Whigs often entered combat with the war cry: "Remember Tarleton's quarter."

During the weeks preceding the Battle of King's Mountain, another one of Cornwallis' subordinates, Major James Wemyss, a British regular, and his Tory confederates deliberately devastated an area 70 miles long and 15 miles wide lying along Black River, Lynches Creek, and the Pee Dee River in South Carolina. In so doing, Wemyss and his confederates robbed known Whigs of their tangible possessions, wantonly slaughtered their cattle and swine, burned their homes, and in some cases murdered them.

These atrocities boomeranged against the British and Tories. Instead of cowering the Scotch Irish into submission, they implanted in them the implacable resolve to fight to the death for American independence.

The significance of the Battle of King's Mountain cannot be rightly appraised by studying it in isolation. If one is to understand its tremendous impact on America's fight for freedom, he must consider it in the light of related events which preceded and followed it.

Preceding related events make it plain that at the time the Battle of King's Mountain was fought the American cause in the

South had become well-nigh hopeless. I describe these events:

Sir Henry Clinton, the Commander in Chief of British forces in America, decided to transfer the main theatre of hostilities from the North to the South. His decision was motivated by the conviction that by so doing the British could subjugate South Carolina and Georgia and deprive the other states of their aid.

Accompanied by a vast naval force under Vice Admiral Marriott Arbuthnot and several thousand English regulars and their Hessian and Tory allies in transports, Sir Henry sailed from New York, and by March, 1780, laid seige to Charleston, S.C., the most important Southern port, by land and sea.

Unfortunately Major General Benjamin Lincoln, an inept Continental officer from Massachusetts, was in command of all the disciplined Continental troops in the South. He unwisely left only 200 of them in the field, and permited Clinton to bottle up all the others as well as vast numbers of the militia in Charleston. He offered an uninsipiring resistance to Clinton until May 12, 1780, and on that day surrendered the entire defending force of 7,000 Continentals and militia to him.

This disaster left South Carolina prostrate before the enemy and severed Georgia from the other states. Governor John Rutledge fled the state to escape capture and possible assassination and set up a government-in-exile in distant Hillsborough, the then capital of North Carolina. Manifestly, he was handicapped in his efforts to govern South Carolina effectively from that distance. The only military units left in South Carolina to oppose the British and Tories were small bands of militia composed in large part of the Scotch Irish who had settled along the Santee, the Black, and the Pee Dee Rivers * * *.

These small bands repeatedly emerged from their hide-aways in the South Carolina swamps and forests and made surprise guerrilla attacks with their own meagre resources upon detachments of the British and the Tories. They acted under the inspiring commands of Francis Marion, "The Swamp Fox", and Thomas Sumter, "The Game Cock", and other partisan leaders.

The fall of Charleston convinced Clinton that his Southern mission had been accomplished. He delegated the British command in the South to Lord Charles Cornwallis, assigned him the mission of holding South Carolina and Georgia and conquering North Carolina, and returned to New York with 4,500 of his troops.

George Washington recommended that the Continental Congress assign Major General Nathanael Greene, a Continental officer of Rhode Island, whom some historians consider second only to Washington as a military strategist, to command an army of Continental and Virginia troops led by the valiant Baron deKalb which was marching through North Carolina to rescue the Southern states from Cornwallis.

Congress ignored this recommendation, and assigned this command to Major General Horatio Gates, a rather inept Continental officer. Its action was undoubtedly prompted by the popular acclaim erroneously crediting Gates with the American victory over English General John Burgoyne at Saratoga. In reality, this victory was attributable to Generals Philip Schuyler and Benedict Arnold rather than Gates. Regrettably Arnold afterwards became a traitor to America.

Before Gates went South to assume his new command, a northern neighbor, Charles Lee, gave him this warning: "Take care lest your Northern laurels turn to Southern Willows."

Gates assumed the command of the army DeKalb was leading on Deep River in North Carolina. Notwithstanding none of the troops had been battle-tested except the relatively small groups of the Delaware and Maryland Continentals and Colonel Armand's Legion, and notwithstanding his army was debilitated by hunger and dysentery, Gates recklessly pushed forward by forced day and night marches to attack Cornwallis, who had concentrated some 2,200 battle-tested veterans at Camden, S.C.

In the ensuing Battle of Camden on August 16, 1780, Gates' forces suffered what has been described by some historians as the "most disastrous defeat ever inflicted upon an American army."

The gallant DeKalb, and the battle-tested Continentals who stood and fought Cornwallis, were slaughtered. Other members of Gates' army who did not flee were captured. While no accurate account of their casualties is available, American losses in killed, wounded, and captured have been estimated at above 2,000. The British suffered 68 killed and 245 wounded.

Gates himself departed hastily from the battlefield on the fastest horse in his army and did not stop to rest until he reached Charlotte, N.C., 60 miles from Camden. After sleeping there, he continued his personal retreat on the two succeeding days and established headquarters at Hillsborough, N.C. about 180 miles from Camden. He then attempted to rebuild his army.

After he crushed Gates at Camden, Cornwallis planned to invade North Carolina, set up headquarters in Charlotte, enlist North Carolina Tories, and subjugate the State.

He undertook to safeguard his plans against the only substantial hazard he apprehended—an attack on his left flank by Whigs from the Western backwoods and mountains.

Cornwallis assigned the task of protecting his left flank to a native of Aberdeen, Scotland, Major Patrick Ferguson, a career officer, who commanded a well trained regiment known as the American Volunteers, which had been recruited for British service among the Tories of New York and New Jersey.

Cornwallis was convinced that Ferguson would perform this task successfully. He knew Ferguson to be a brave man, who was known for displaying at times a spirit of chivalry and for disapproving of "Bloody Ban" Tarleton's wanton blood-thirstiness. He was convinced that Ferguson could speak with persuasive power to the western Whigs, most of whom were also of Scottish blood. Cornwallis ignored the fact, however, that the western Whigs knew that Ferguson deemed the plundering and burning of the homes of Whigs an appropriate method of subduing them.

After dispatching Ferguson to western South Carolina, Cornwallis marched from Camden to Charlotte, where he arrived September 26, 1780. While en route, he was constantly harassed by small bands of South Carolina partisans and North Carolina Whigs, and was reputed to have exclaimed that he had run into a hornet's nest.

Ferguson was highly successful in organizing the western Tories. With the aid of British Lieutenant Colonel Nisbet Balfour, who was stationed at Ninety-Six, S.C., he formed about 4,000 of them into seven regiments.

His success contributed to his ultimate undoing. For several years these Tories had been deterred from hostile action by fear of reprisals at the hands of the Whigs. Ferguson's activities in organizing them emboldened them to throw off restraints and to plunder and burn the homes of Whigs. As a consequence, much civil strife ensued among the Tories and Whigs of the area, and the determination of the western Whigs to resist Ferguson became implacable.

With the consent of Cornwallis, Ferguson decided to invade North Carolina. He sent couriers ahead bearing messages to the inhabitants of Rutherford, Tryon, and Burke Counties and to the people dwelling beyond the Blue Ridge on the Holston, the Nolachucky, and Watauga Rivers in what is now east Tennessee.

These messages urged that all revolt against the King in these areas cease, pledged to the people who submitted to the King's rule British protection against the Whigs, and declared that if the people of these areas persisted in revolt against the King Ferguson would lay waste their country with fire and sword.

On September 7, 1780, Ferguson crossed the North Carolina border with about 50 of his America Volunteers and 300 southern militia and marched to Gilbert Town in Rutherford County. During subsequent days he extended his invasion of North Carolina to Tryon and Burke Counties, and remained in North Carolina during the remainder of September, seeking to enlist the aid of the Tories, to persuade the Whigs to submit to the King's rule, and to subdue any Whigs who refused to do so.

He increased the resentment of the western Whigs by confiscating their horses for British use and by appropriating their cattle, swine, poultry, and crops for the sustenance of his forces.

The Tories hastened to assure Ferguson of their allegiance to the King. A few wealthy men of Whig sympathies pretended to submit to the King's rule to secure British protection for themselves and their possessions. The majority of the people, however, revealed to Ferguson their abiding determination to support the cause of independence against all hazards.

The courage and sagacity of the Whig women folk equalled that of the men.

The truth of this observation was revealed by three Burke County women: Mrs. Thomas Lytle, wife of a Captain of Whig militia; Grace Greenlee Bowman, widow of Sheriff John Bowman, a deceased Captain of Whig miiltia; and Mrs. Thomas Hemphill, the wife of a Captain of Whig militia.

Ferguson visited the Lytle home and sought to persuade Mrs. Lytle to induce her absent husband to desert the Whigs and take British protection. Mrs. Lytle refused to do so. Ferguson told her that "the rebellion" had had its day and is now virtually "put down" and warned her that if her husband persisted in the rebellion and came to harm his blood would be "upon his own head", Mrs. Lytle calmly replied: "I don't know how this war will end, but I do know my husband will never prove a traitor to his country."

On receipt of news in June, 1780, that her husband had been mortally wounded in the Battle of Ramseur's Mill, Grace Greenlee Bowman carried their two year old daughter on horseback 40 miles to him, nursed him during his dying hours, and saw that his remains were decently buried.

When Ferguson invaded Burke County, the widowed Grace Greenlee Bowman apprehended one of his officers taking her horse from her stable. When she objected, the officer stated: "Madam, the King hath need of your horse." Mrs. Bowman stepped into her home, returned with her late husband's loaded rifle, aimed it at the officer's head, and ordered him to put the horse back in the stable. The officer replied, "Madam, the King hath no further need of your horse", and returned the horse to the stable. The widow afterwards contracted a second marriage with General Charles McDowell.

A foraging party of Ferguson's men seized the entire flock of the Hemphill sheep, carried them to his camp, and put them in an enclosure guarded by a soldier ignorant of the vagaries of sheep. Mrs. Hemphill mounted her horse and rode directly to Ferguson's headquarters. This colloquy ensued between her and Ferguson:

She said: "Your men have taken all my sheep. Winter is coming. I have no means of clothing my little children except from the wool of my sheep."

Ferguson asked: "Where is your husband?"

Mrs. Hemphill answered: "I will not tell you a lie. Sir. He is out with the Whigs."

Ferguson responded: "Madam, your husband is engaged in a rebellion against his lawful King, with others that are at war with me; but I am not here to oppress women and children. My soldiers must be fed, but you may have half of the sheep."

Mrs. Hemphill inquired: "May I choose my half?"

Ferguson answered in the affirmative and sent her to the guard with an orderly, who told the guard that the commander had instructed that he return to her the half of the sheep chosen by her.

Mrs. Hemphill first chose the old bellwether ram, who had led the flock for years. To the frustration of the guard, the whole flock jumped out of the enclosure and followed their flying leader home.

Pending the assembling of enough Whigs to offer Ferguson adequate resistance, many Whigs hid themselves and their horses and cattle from the forces of Ferguson to escape discovery.

While he remained in Rutherford, Tryon, and Burke, trouble was brewing for Ferguson beyond the Blue Ridge.

Acting with the approval of Colonel Charles McDowell, of Burke County, N.C., Colonel Benjamin Cleveland, of Wilkes County, N.C., and Colonel William Campbell, of Washington County, Va., Colonel John Sevier and Colonel Isaac Shelby, who resided in the over-the-mountain country, scheduled a rendezvous for the Whigs at Sycamore Shoals on the Watauga for September 25, 1780, to plan action against Ferguson.

Sevier and Shelby knew that the Whigs would provide their own horses, long rifles, hunting knives, blankets, and other personal equipment for the execution of any plan adopted, and serve without pay. They knew, however, that money would be required to finance the expenses incident to any expedition over the Blue Ridge, and persuaded John Adair, the patriotic entry taker of Sullivan County, to advance to them for this purpose $12,735 he had collected from land sales and had been unable to remit to the North Carolina Treasurer because of the unsettled state of the country. Adair made the advancement to Sevier and Shelby for this patriotic purpose upon their personal assurances that they would replace the money in case North Carolina so demanded.

On September 25, 1780, the following Whig contingents met at Sycamore Shoals on the Watauga: 240 "over-the-mountain" men under Colonel John Sevier; another 240 "over-the-mountain" men under Colonel Isaac Shelby; 400 Virginians under Colonel Campbell, of Washington County; and 160 North Carolinians under Colonel Charles McDowell, of Burke County, and Colonel Andrew Hampton, of Rutherford County. They agreed to cross the Blue Ridge and attack Ferguson without delay.

On the following day, the Reverend Samuel Doak, an "over-the-mountain" Presbyterian preacher, delivered to the assembled Whigs a sermon of moving power. He implored the Almighty to bless the fight of the Whigs for freedom, and exhorted the Whigs to unsheathe the Sword of the Lord and Gideon and smite Ferguson.

As soon as the sermon ended, the Whigs mounted their horses and began their trek across the Blue Ridge. The route they took has been traced with meticulous care by historians.

When they reached the beautiful Roan Mountain, they encountered an early snowfall, and discovered that two of their number had deserted and hurried ahead to warn Ferguson of their coming.

On September 30, they reached Quaker Meadows which lay below the hillside home of Charles McDowell and across the Catawba River from Morgantown. They were joined at this place by 350 North Carolina Whigs under Colonel Benjamin Cleveland, of Wilkes County, and Major Joseph Winston, of Surry County, and camped for the night at Quaker Meadows. The Whigs enjoyed the relaxing hospitality of the McDowells and their neighbors, and their leaders held a council of war under the historic Council Oak. This venable oak succumbed long ago to the ravages of time, and the spot where it stood is now indicated by a simple marker.

On the following day the Whigs resumed their trek, and at even time pitched camp at Bedford Hill near the present Burke, McDowell, and Rutherford County lines. The next day rain made travel difficult, and the Whigs remained in camp all day to enable their leaders to solve a perplexing problem.

Colonel Charles McDowell was the senior militia officer present, and protocol dictated that he was entitled to the overall command of all the assembled Whig forces.

Some weeks before the British had made a surprise attack upon a small Whig encampment on the Pacolet in South Carolina, and killed Noah Hampton, a son of Colonel Andrew Hampton. Hampton had an emotional conviction that Colonel McDowell was morally responsible for his son's death for failing to station pickets at proper distances from the encampment, and was reluctant to serve under his direct orders. While there seems to be no substantial evidence that the other Whig leaders in the camp at Bedford Hill shared Hampton's emotional conviction, some of them believed Colonel McDowell too cautious to have overall command of their hazardous mission when they confronted Ferguson.

They wished to solve their problem without causing embarrassment to anyone, and they accomplished their objective by means revealing that they were diplomats as well as warriors.

They argued that the highest ranking officers in camp at Bedford Hill were colonels of militia holding their commission under different jurisdictions; that it would be inappropriate, therefore, for any one of them to exercise authority over the others; that in consequence they should request Major General Gates, who was at Hillsborough, to assign to them as an overall commander a Continental officer holding the rank of General; and that Colonel McDowell, as the senior militia officer present, ought to journey to Hillsborough and present to Gates a letter signed by Cleveland, Shelby, Sevier, Hampton, Campbell and Winston, asking Gates to assign a general officer such as the Old Wagoner, Daniel Morgan, or the gallant William Lee Davidson, to exercise command over the expeditionary force as a whole.

These arguments had convincing power. They moved Colonel McDowell to action which explains why he, as the senior militia officer among the assembled Whigs, did not command them at King's Mountain.

After delegating the immediate command of the Burke County Whigs to his younger brother, Major Joseph McDowell, Colonel Charles McDowell mounted his horse and set out for Hillsborough carrying a letter signed by the other ranking officers which asked General Gates to assign them a Continental officer holding the rank of a General to act as their overall commander.

I digress to note that Charles McDowell afterwards became a Brigadier General in the Burke County militia.

While the events just recounted were occurring, the two men who had deserted the Whigs at Roan Mountain found Major Ferguson at Denard's Ford on Broad River about eight miles south of Gilbert Town in what was then Tryon County. They warned him that the Whigs were coming in formidable force to attack him.

Ferguson forthwith disseminated throughout the region a proclamation replete with vituperation and vulgarity, which was designed by him to incite Tories to hasten to his aid.

Despite the vulgarity in it, fidelity to historical truth requires the publication of Ferguson's proclamation in its original form. The proclamation was dated at Denard's Ford on Broad River in Tryon County, was addressed "to the Inhabitants of North Carolina", and set forth:

"Unless you wish to be eat up by an inundation of barbarians, who have begun by murdering an unarmed son before the aged father, and afterwards lopped off his arms, and who by their shocking cruelties and irregularities, give the best proof of their cowardice and want of discipline; I say, if you wish to be pinioned, robbed, and murdered, and see your wives and daughters, in four days, abused by the dregs of mankind—in short, if you wish to deserve to live and bear the name of men, grasp your arms and run to camp.

"The Backwater men have crossed the mountains: McDowell, Hampton, Shelby, and Cleveland are at their head, so that you know what you have to depend upon. If you choose to be pissed upon forever and ever by a set of mongrels, say so at once and let your women turn their backs upon you, and look out for real men to protect them.—Pat Ferguson, Major, 71st Regiment."

The statement in the proclamation that the Whigs had murdered and maimed an unarmed son before his aged father was totally false.

Ferguson's proclamation aroused indignation among the Whigs, but incited few Tories to hurry to his aid.

The most violent Tories relished plundering and burning the homes of Whigs while Whig husbands and fathers were absent. Few of them desired, however, to engage in combat with the angry, courageous, and resolute Whigs who were approaching to attack Ferguson.

After Charles McDowell's departure for Hillsborough, the Whig Colonels selected Colonel William Campbell to assume the role of overall commander of their forces, and the Whigs marched to Cane Creek.

Before they broke camp at Cane Creek the following morning—October 4—and resumed their march, Colonel Isaac Shelby addressed the Whigs. He told them that they would soon encounter the enemy in battle and that any of them who were reluctant to share in the battle and the glory were at liberty to leave and return to their homes.

At the conclusion of Shelby's remarks Major Joseph McDowell put this inquiry to the assembled Whigs: "What kind of story will you, who back out, have to relate when you get back home?"

Not a single man left.

Colonel Shelby, who understood the individual nature and skills of the men standing before him, then said: "When we encounter the enemy, don't wait for the word of command. Let each of you be your own officer and do the best you can. If in the woods, shelter yourself and give them Indian play. The moment the enemy gives way, be on the alert and strictly obey orders."

The Whigs thereupon proceeded from Cane Creek to Gilbert Town. En route they received intelligence that Ferguson had left Denard's Ford during the late afternoon three days earlier, and was endeavoring to evade them by retreating. They undertook to pursue and overtake him.

Ferguson retreated by a meandering route in a southeasterly direction, crossed the boundary line into South Carolina, reached King's Mountain, a mountaineous ridge in York County, Friday, October 6; and took position along its summit with about 100 well-trained regulars from New York and New Jersey and 1,000 militia. For ease of narration, I shall call the soldiers from New York and New Jersey the British regulars.

Undoubtedly Ferguson had hoped for some reinforcement from Cornwallis, which never came. By what seems a dispensation of Providence, Cornwallis was indisposed, and Tarleton and his second in command, Major George Hangar, were laid low by malaria.

King's Mountain extended southwestward from its northeast end, which was a short distance below the North Carolina border.

It was an unusual formation in that it was not connected with other mountainous peaks or ridges. It rose about 60 feet above the adjacent area, and its steep, rocky and heavily wooded slopes afforded the only access to its level summit, where Ferguson had positioned his men. This level summit had a length of about 500 yards, and a width which varied from about 70 or 80 yards at its southeast end to some 120 yards at its northeast end.

Ferguson deemed his position on top of King's Mountain virtually impregnable, and announced that he "defied God Almighty and all the rebels out of Hell to overcome him."

Despite their experience in following trails in the backwoods and mountains, the pursuing Whigs were baffled by the meandering tracks made by Ferguscon's retreating force. They could not fathom by inspecting these tracks whether Ferguson intended to move eastward to Charlotte or southward to Ninety-Six.

For the purpose of preventing his escape by any route, they traveled 21 miles on Friday, October 6, and pitched camp at Cowpens, South Carolina. En route, they were joined by 200 of Thomas Sumter's men under Colonels Edward Lacy, Frederick Hambright and William Graham, and 75 Whigs from Laurens County, S.C., under Colonel James Williams.

While the Whigs were enjoying their first substantial meal in days, two of their scouts brought information that Ferguson had stationed his forces atop King's Mountain. Apprehending the possibility that "Bloody Ban" Tarleton might come to Ferguson's rescue if they delayed action, the Whig leaders forthwith dispatched 910 selected men to ride ahead and attack Ferguson as speedily as possible. These men rode all night through a heavy rain, were greeted by bright sunshine at noon on Saturday, October 7, and arrived in the immediate vicinity of King's Mountain by 3 o'clock in the afternoon.

Under Colonel Campbell's orders, they dismounted, secured their horses in the rear, and surrounded King's Mountain to fight on foot with their long rifles and without bayonets. Taking every advantage of the cover afforded by the steep, rocky and wooded slopes, the Whigs advanced to the attack on all sides with synchronized precision.

Under Ferguson's courageous leadership, the Britain regulars and Tories sought to repel the Whigs with the bayonet. The synchronized movements of the Whigs frustrated their efforts.

When the British regulars and Tories charged one group of ascending Whigs with the bayonet, those Whigs retreated down their side of the mountain and their comrades ascending on another side of the mountain poured a deadly fire into the British and Tories with their long rifles.

When the British and Tories turned and charged the new group of ascending Whigs, the first group halted their retreat, reascended their side of the mountain and poured more deadly rifle fire into the British regulars and the Tories. Ferguson gallantly dashed to and fro on horseback along the summit encouraging his men to fight and directing them by blowing a silver whistle. All of this was to no avail.

After it appeared that the British and Tory efforts to repel the Whigs were futile, Ferguson refused to surrender to those he had called mongrels, and struck down with his sword efforts of some of his men to raise white flags.

Finally, Ferguson was killed by Whig bullets, and his body fell from his horse with one of his feet caught in a stirrup. The surviving British and Tories thereupon capitulated to the Whigs.

The British regulars and Tories suffered these appalling casualties: 119 killed, 123 wounded, and 664 captured. By their judicious use of the cover of rocks and trees, the Whigs limited their losses to 28 killed and 62 wounded. Among the Americans killed was Colonel Williams.

Upon hearing the details respecting the battle, Light Horse Harry Lee rightly observed that King's Mountain was "more assailable by the rifle than defensible by the bayonet."

Altogether the battle lasted about an hour.

The battle of King's Mountain dismayed the British and Tories, and inspired the Whigs. It was followed by a series of related events. I indicate only the most significant of them.

Cornwallis left Charlotte and retreated to South Carolina.

On December 3, 1780, General Nathanael Greene relieved General Gates of the command of the Whig Southern army at Charlotte.

The army was in deplorable condition. It consisted of 150 artillerests and cavalrymen, and 2307 enrolled infantrymen. Only 1482 of the enrolled infantrymen were present and fit for duty and only 949 of them were Continentals. The remanider were chiefly inadequately trained militia. Only 800 of the total force was properly equipped. Manifestly Greene was unable to give immediate battle to Cornwallis.

The career of General Greene is unique in the annals of war. As a professing Quaker, he theoretically deemed war to be sinful. As a military strategist, he lost virtually all the battles he fought, and won every campaign in which he participated. His paradoxical record arose out of the circumstance that a substantial part of all his commands were inadequately trained militia and he was unwilling to risk the outcome of a campaign upon the pitch and loss of a single encounter with the enemy. After fighting and inflicting substantial casualties on the enemy, Greene customarily executed skillful retreats, which baffled and exhausted his pursuing foe. He described his tactics in this way: "We fight, get beat, rise, and fight again."

After Greene relieved Gates, Cornwallis divided his army. He sent a strong force under "Bloody Ban" Tarleton to northwest South Carolina to attack one division of Greene's army which was commanded by his trusted lieutenant, General Daniel Morgan, and which consisted of 940 continentals from Delaware and Maryland and militia from Virginia and the backwoods and mountains of the Carolinas.

Cornwallis retained his main force, which numbered about 3,000 men, in Camden and Winnsboro under his personal command. His purpose was to employ it to destroy the second division of Greene's army which numbered about 1,100 continentals and militia and which had advanced to Cheraw.

In late January, 1781, Cornwalls advanced on this ill-equipped and outnumbered division of Greene's army, and Greene prudently and skillfully retreated into North Carolina. Cornwallis pursued him.

On January 17, Tarleton's force of 1150 men attacked Morgan at Cowpens. Although he outnumbered Morgan in trained regulars more than three to one, Morgan inflicted a devastating defeat upon Tarleton. While American casualties numbered only 12 killed and 60 wounded, Morgan's men killed 100, wounded 229, and captured 600 of Tarleton's men. All in all, nearly nine-tenths of "Bloody Ban's" force were killed, and captured.

As he retreated before Cornwallis, Greene received reinforcements. He paused at Guilford Courthouse in northern North Carolina on March 15, 1781, and gave Cornwallis battle. This encounter was a technical defeat for Greene. After inflicting heavy losses upon Cornwallis, he forsook the field and resumed his masterly retreat. His heavy casualties made Cornwallis' apparent triumph at Guilford Courthouse a Pyrrhic victory. Like Pyrrhus of old, he might well have thought: "Another such victory, and I am undone."

Cornwallis stopped pursuing Greene and took a safe route to Wilmington. Greene returned to South Carolina. He was accompanied by a battle-tested Legion of Virginians commanded by "Light Horse Harry" Lee, who subsequently became the father of the incomparable Confederate chieftain, Robert E. Lee.

Upon his arrival in South Carolina, Greene fought the British and Tories at Hobkirk's Hill on April 25, 1781, and at Eutaw Springs on September 8, 1781. With the magnificent aid of "Light Horse Harry" Lee, and Francis Marion, Thomas Sumter, Andrew Pickens, Wade Hampton, and other Southern Carolina partisans. Greene drove the British forces into Charleston, where they were virtually imprisoned in a state of comparative impotence until the war's end.

Meanwhile, Cornwallis abandoned North Carolina to the Whigs, joined his army to other British forces in Virginia, and as the senior British officer there assumed command of the combined British forces.

On October 18, 1781, Cornwallis was compelled to surrender to George Washington and America's French allies at Yorktown, Virginia, and American freedom became a reality.

American historians agree that the Battle of King's Mountain was the turning point in the war for independence. The historical import of the Battle from the British viewpoint was appraised with unerring accuracy by Sir Henry Clinton, one time commander in chief of all British forces in America. He declared that the Battle of King's Mountain "proved the first link in a chain of evils that followed each other in regular succession until they at last ended in the total loss of America."

The hatred of the Whigs for the Tories abated little with the ending of the Revolution. Former Burke County Whigs, for example, did not permit former Tories to visit Morganton, the county seat, freely, except on the days when the Court of Pleas and Quarter Sessions sat.

The Clerk of this Court was Alexander Erwin, who had captained a mounted unit of Burke County Whigs in combat during the Revolotion. He probably hated former Tories with even more intensity than most former Whigs because of an unhappy experience which befell Sarah Robinson, the wife of his youth, during the Revolution.

A badly wounded Whig, Samuel Alexander, sought haven with them at their home in the Cherryfield area. They hid him from the Tories in an outhouse and ministered to his needs.

One day when Alexander Erwin was engaged elsewhere in a guerrilla operation, a band of marauding Tories ransacked his dwelling. After so doing, they found the disabled Whig lying helpless in the outhouse. One of the Tories undertook to dispatch him with his sword. Sarah Robinson Erwin saved the wounded Whig from death by thrusting her arm between the descending blade of the Tory's sword and him, and thus suffered a wound which maimed her for life.

Alexander Erwin never forgot or forgave this injury to his beloved one. While serving as Clerk of the County Court in after years, he invariably mounted a stump in the court-yard each day after its adjournment and proclaimed in a loud voice that all former Tories had better leave Morganton before sundown. His proclamation was never disobeyed.

The Battle of King's Mountain is one of the most heroic incidents in our country's past. It seems not amiss to add to my remarks about it some observations which are highly germane to its present and future.

The world is in a perilous state because Communist rules are bent on extinguishing the lights of liberty throughout the earth. Some unwary Americans delude themselves into believing that our country can deter them from their tyrannous purpose by the pusillanimous expedient of appeasing them in various ways.

These unwary ones are oblivious to the admonition of Benjamin Franklin, who had a head-full of common sense as well as a heart-full of love for our country. Franklin warned America that those who are willing "to give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." I add they will obtain neither.

As the eminent historian, J. A. Froude, has declared, "history is a voice forever sounding across the centuries the laws of right and wrong."

A nation which ignores the truth history teaches cannot escape the consequences of its folly.

History teaches this everlasting truth: God grants liberty only to those who love it and are always ready to guard and defend it.

America will remain the land of the free only if it remains the home of the brave.

I close with this prayer: May America heed the truth taught by history and preserve its liberty and self-respect by keeping its heart in courage and lifting up its hand in strength.

ENDORSEMENT OF MR. NIXON'S NEW BOOK, "THE REAL WAR"

Mr. THURMOND. Mr. President, the West today is in a period of crisis in which its very survival is at stake. The Soviets are on the verge of outdistancing us in strategic weapons. They have been outspending us in this area threefold since the early 1970's and have made rapid advances in many new systems while we have downgraded, canceled, or postponed ours. They are making an ominous buildup in seapower and have an enormous advantage over us in conventional forces and chemical weapons.

I believe, Mr. President, that one of the clearest and most forceful expositions of America's position vis-a-vis the Soviets today is outlined in President Richard M. Nixon's new book, "The Real War," published by Warner Books, New York. I urge that this important new book be read at once by every Member of both Houses of this Congress. To encourage this, Mr. President, I shall briefly summarize the salient points of President Nixon's book at this time, and then ask unanimous consent that a condensation of the book, which appeared in the August 1980 issue of Book Digest magazine, be placed in the RECORD at the conclusion of my remarks.

President Nixon reminds us that the invasion of Afghanistan was only part of the Soviet's pattern of using subversion or military force to take over one country after another, until they are in a position to dominate the world. Brezhnev's aim is to deny non-Communist nations necessary resources by gaining control of precious Persian Gulf petroleum and critical African minerals. The Soviets are in Africa not to liberate but to dominate, and they are replacing the old colonial system with Communist imperialism. At the same time in Cuban outposts, they are using Cuba to threaten our southern flank in Latin America and influence the oil producing nations of Venezuela and Mexico.

This is not surprising, Mr. President. As President Nixon points out, Russia has always been an authoritarian and expansionist power—even under the czars. Of the 15 republics that make up the U.S.S.R., 14 were once separate nations that were conquered by the 15th—Russia.

The Soviet aim is to demoralize us so they can control us. To this end, they disguise their true intentions. They try to make us feel guilty and defensive about protecting our rightful interests. They attempt to break our will with threats and bluffs.

We have the resources and the manpower to win this war, but we have lacked the will to use them for a long time. President Nixon places the blame for this lack of will squarely on the American intellectual and cultural power elite—those who teach and inform us. Many of these persons have been gullible, smug, left-leaning, and downright naive about the realities of the global conflict in which we are now engaged. Yet, they set America's agenda of public debate, manipulate what millions see on television and read in the papers, and mold impressions that mire our Nation in the inaction and acquiescence which only invite further Soviet gains. They romanticized Castro in Cuba 20 years ago and depicted the war in Vietnam as not worth fighting. They contributed to the fall of our friends, the Shah of Iran and President Somoza of Nicaragua. Now they foster our "paralysis by analysis", by concocting overly intellectualized rationales for each new Soviet advance and using these as excuses for even more capitulation.

No weapons will help us, no matter how many or how powerful, unless we overcome our loss of will power. We must have the strong heart, solid will, and just plain guts necessary to save America and our freedom. By summoning up our will, we can find our way. The demonstrated will, nerve and unpredictability of the President of the United States is still the most crucial factor in the ultimate victory of the West. If the Soviets fear that the President will react strongly to their adventurism, they will be less likely to put him to the test.

We can win this war, Mr. President, although the hour grows late. We must decide that we can and should win. We must do whatever is necessary to assure victory. We must return to the concept of peace through strength, and accept the risks it brings. We must restore our military strength, so that we and not the Soviets are number one in the next two decades, ready and able to project our power to troubled spots the world over and to defend our legitimate interests.

We must restore to our crippled and emasculated intelligence community the means to do their job of providing our leadership with high-quality intelligence. We must restore honor to those who fight for our country—in uniform or out. We must make clear to Castro and the Soviets that the Monroe Doctrine still stand and that we will resist foreign intervention in Latin America, including intervention by their proxies and puppets.

Finally, we must stand by our friends around the globe, even if they are less than perfect in our eyes. There is still time for us to rise and emerge victorious, if we will but rally to the cause.

In conclusion, Mr. President, I ask unanimous consent that the Book Digest review of President Nixon's compelling book be placed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE REAL WAR

(By Richard Nixon)

As I write this book, a third of a century has passed since I first entered Congress; five years have passed since I resigned the presidency.

When I resigned that office, I left unfinished the work that meant more to me than any I have ever been engaged in: the establishment of a new "structure of peace" that might prevent a major war, and at the same time maintain the security of the Western world during the balance of this century.

Since that time, the position of the United States relative to that of the Soviet Union has seriously worsened, and the peril to the West has greatly increased.

This book is a *cri de coeur*, addressed not only to our political leaders but to leaders in all walks of life—to take hold before it is too late and to marshal America's strengths so as to ensure its survival.

The Soviet Union today is the most powerful nation the world has ever known, and its arms buildup continues at a pace nearly twice that of the United States. There is no mystery about Soviet intentions. The Kremlin leaders do not want war, but they do want the world. And they are rapidly moving into position to get what they want.

In the 1980s America for the first time in modern history will confront two cold realities. The first of these is that if war were to come, we might lose. The second is that we might be defeated without war. The second prospect is more likely than the first, and almost as grim.

That danger can still be averted, but the time in which we can avert it is rapidly running out. The next two decades represent a time of maximum crisis for America and for the West, during which the fate of the world for generations to come may well be determined.

Angola, Ethiopia, Afghanistan, South Yemen, Mozambique, Laos, Cambodia, and South Vietnam, all have been brought under communist domination since 1974; nearly 100 million people in the last five years.

Iran has been plunged into bloody chaos and turned overnight from a bastion of Western strength to a cauldron of virulent anti-Westernism, its oil treasures lying provocatively exposed to lustful Russian eyes. Cuba acts increasingly as an agent of wide-ranging Soviet ambitions.

The old colonial empires are gone. The new Soviet imperialism requires a new counter-force to keep it in check.

We are at war. We are engaged in a titanic struggle in which the fates of nations are being decided. In war the fact that a surrounded garrison surrenders without any shots being fired makes its capture no less a military victory for one side and a defeat for the other. When the Soviet Union advances by using proxy troops, its conquests are still Soviet victories and Western defeats.

The basic rule of Soviet behavior was laid down years ago by Lenin: Probe with bayonets. If you encounter steel, withdraw. If you encounter mush, continue. The question is which will the Soviets encounter: steel or mush? The answer to that question lies with America's leadership.

LINGERING LEGACY

Unfortunately, America is still suffering from the legacy of the 1960s. A rabid anti-intellectualism swept the nation's campuses then, and fantasy reigned supreme. Attacks on anything representing the established order were in fashion. The discords of that decade and of its aftermath critically weakened the nation's capacity to meet its responsibilities in the world, not only militarily but also in terms of its ability to lead.

Ironically, even as anti-intellectualism ravaged the campuses, the 1960s also saw an overly "intellectualized" new fashion take hold among many of those who thought professionally about arms and particularly about arms control: the notion that above a certain minimum, the less military strength you had, the better.

The hope arose that if the United States limited its own arms, others—particularly the Soviets—would follow. But the Soviets did not perform according to theory. The Soviets were driving toward supremacy.

There are many today who suggest that American civilization is suffering a terminal illness, that we are witnessing the beginning of the end of the West. As playwright Eugene Ionesco reported after a recent visit to the United States, American intellectuals tend to be "masochists who want to be blamed for everything wrong in the world."

What America does suffer from is not itself a terminal illness, but rather a sort of creeping paralysis that could become terminal unless treated. The naïve notion that we can preserve freedom by exuding goodwill is not only silly, but dangerous. The more adherents it wins, the more it tempts the aggressor.

The central thesis of this book is that the West, today, has crossed the threshold of a period of acute crisis in which its survival into the twenty-first century is directly at stake. We have the material capacity, the economic and technological strength, to prevail—which means to maintain our freedom and to avert a major war. But the capacity alone is not enough. Sir Robert Thompson, the British expert on guerrilla warfare, has trenchantly defined national power as manpower plus applied resources, *times* will.

We have the resources and the manpower. Have we the will to use them?

America's failures of will in recent years have been partly the product of weariness after nearly forty years of bearing the burdens of world leadership. They clearly result in part from the traumas of Vietnam and Watergate. But more fundamentally, they reflect the failures of America's leadership class. Too many of those who profess to be the guardians of our ideals have instead become the architects of our retreat.

In 1919 a starry-eyed Lincoln Steffens, after visiting the Soviet Union, exulted, "I have been over into the future, and it works." In our own time other starry-eyed reporters have glorified the "Brave New Worlds" of Maoist China, Vietnam, and Cuba.

This romanticizing of revolution, this willful blindness to the human costs of tyranny as long as tyranny speaks the hypocritical language of the Left, permeates the ranks of those who report and those who teach, and it leaves a disastrous imprint on the minds of millions who read and listen.

We cannot ignore any part of the world as being too far from our concerns to care about. As the 1980s began, this was being vividly illustrated by events in Afghanistan—a fact that provided its own peculiar irony, because for many years American newsmen disparagingly referred to analyses of trends in distant lands as "Afghanistanism." Afghanistan was treated as a metaphor for all the dull and distant events that glazed the eyes of the American reader.

But in real life Afghanistan is much more than that. Despite its poverty and the harshness of its land, Texas-sized Afghanistan has long been a cockpit of great-power intrigue.

The British knew that Afghanistan's rugged Khyber Pass was the gateway to the Indian subcontinent, and they fought two brutal wars to deny the Russians control of it. Today Afghanistan is a testing ground for an ominous, brazen new phase in the Soviet expansionist drive.

The Soviet seizure of Afghanistan is a continuation of the old tsarist imperialism—the relentless outward pressure that has continued since the Duchy of Muscovy threw off Mongol rule in 1480. What made the fall of Afghanistan so significant a loss to the West was not just the fate of its 18 million people, 90 percent of whom are illiterate. Not even its strategic location would make its loss so significant, if that loss had occurred in isolation. But it did not occur in isolation. It was part of a pattern.

It is a pattern of ceaseless building by the Soviets toward a position of overwhelming military force, while using subversion and proxy troops, and now even its own, to take over one country after another, until they are in a position to conquer or Finlandize the world.

In terms of nuclear weapons the United States had an absolute monopoly at the end of World War II. At the time of the Cuban missile crisis in 1962, the United States still had an overwhelming nuclear superiority, in the range of 15 to 1 or even more.

But since 1973 the Soviet Union has been spending three times as much as the United States on strategic weapons alone.

With their rapid advances in nuclear missile technology and their vigorous development of new weapons systems—while new American weapons systems have been systematically canceled or postponed—the Soviets are quick to closing the gap in those areas in which we are ahead and increasing their superiority where they are ahead.

The Soviets have an enormous advantage in conventional ground forces. Beyond this, the dramatic buildup of Soviet sea power has been particularly ominous. While the United States still has an advantage in aircraft carriers, the Soviets now have half again as many major surface combatant ships as the United States and three times as many submarines.

Unless the United States drastically increases its military budget, the Soviet Union by 1985 will have unquestioned nuclear superiority, overwhelming superiority on the ground, and at least equality at sea. In sum, unless we act fast, the period of the mid-1980s will be one of maximum peril for the United States and the West. In a nutshell: The Soviet Union will be the number one; the United States will be number two.

WORLD WAR III

World War III began before World War II ended. Even as Allied armies battled Nazi forces to the death in Europe, Stalin had his eye clearly fixed on his postwar objectives. In April 1945, as American and Russian soldiers were embracing at the Elbe River in Germany, Stalin was spelling out his blueprint for a divided postwar world. "This war is not as in the past," he said; "whoever occupies a territory also imposes on it his own social system. Everyone imposes his own system as far as his army can reach. It cannot be otherwise."

World War III has proceeded from the Soviet seizure of Eastern Europe, through the communist conquest of China, the wars in Korea and Indochina, and the establishment of a Western hemisphere outpost of Soviet power in Cuba, to the present thrusts by the Soviet Union and its allies into Africa, the Islamic crescent, and Central America.

Korea and Vietnam were battles in that war, as were the coups that brought Soviet satellite regimes to power in places as remote as Afghanistan and South Yemen. So, too, have been the struggles to keep communist parties from taking control in Italy and Portugal, and to contain Castro's export of revolution in Latin America.

World War III is the first truly global war. No corner of the earth is beyond its reach. World War III is also the first truly total war; it is waged on all levels of life and society. Military power, economic power, willpower, the strength of a nation's galvanizing ideas and the clarity of its sense of purpose—each of these is vital to the outcome.

* * * * *

Stalin highlighted the vulnerability of the West to resource interdiction back in 1921. "If Europe and America may be called the front," he said, "the non-sovereign nations and colonies, with their raw materials, fuel, food, and vast stores of human material, should be regarded as the rear, the reserve of imperialism. In order to win a war one must not only triumph at the front but also revolutionize the energy's rear, his reserves."

More recently, Soviet President Leonid I. Brezhnev confided to Somalian President Siad Barre, then an ally of the U.S.S.R., that "our aim is to gain control of the two great treasure houses on which the West depends—the energy treasure house of the Persian Gulf and the mineral treasure house of central and southern Africa."

While the United States is partially dependent on imported oil and strategic minerals, Europe and Japan are absolutely dependent on overseas sources. Half of our oil is imported, but Europe imports 85 percent and Japan 100 percent. As for minerals, Western Europe imports 80 percent and Japan 95 percent.

The Soviet leaders have their eyes on the economic underpinnings of modern society. Their aim is to pull the plug on the Western industrial machine. The Western industrial nations' dependence on foreign sources of vital raw materials is one of our chief vulnerabilities. This, as well as the inherent instability of many of the producing nations, dictates Soviet strategy in such areas as the Middle East, Africa, and Latin America.

Soviet activities in Africa underscore one of the great strategic changes of recent years; the emergence of the U.S.S.R. as a global power exerting direct pressure not just on contiguous territories, but wherever the opportunity presents itself. Using Cuban troops transported in Soviet aircraft, Moscow has been leapfrogging national boundaries to strike deep in the heart of Africa. Now that European colonialism has disappeared from Africa, Soviet imperialism is moving to replace it.

In 1975, four centuries of Portuguese colonial rule ended in Angola and Mozambique. Now, instead of colonial ties to Portugal, both countries have "friendship treaties" with Russia, they bristle with modern Soviet weapons and threaten the whole of what Brezhnev so covetously referred to as the "mineral treasure house of central and southern Africa."

It was in Angola that the Soviets first used Cuban troops to impose Russian rule in Africa. For more than a decade, during the independence struggle, Moscow had been funneling aid to the Popular Front for the Liberation of Angola (MPLA), a Marxist guerrilla force.

When the Portuguese left, two other

groups were also contending for power in the newly independent nation: the FNLA and UNITA. Fighting among them continued. In the final showdown the United States cut off to the pro-Western groups, while the Soviets air-lifted in 15,000 Cuban troops to help MPLA. Not surprisingly, MPLA won. Angola became a Soviet outpost.

In late 1979 Jonas Savimbi, the leader of UNITA, was in the United States seeking support for his continuing guerrilla war against Angola's new masters. Savimbi earned his credentials by fighting for freedom from Portuguese rule; now he is fighting for freedom from Russian rule.

Lamenting that in the United States "there is a total absence of resistance to Russian and Cuban aggression" in Africa, he complained that "a new form of imperialism is dominating our continent." The Russians and Cubans, he said, "who were supposed to be our friends and who did give us help in our struggle against the Portuguese are now bringing us a new style of slavery."

Commenting acidly on the lack of American support for Savimbi, Francis X. Maier, editor of the National Catholic Register, noted that Savimbi is "a witness to the fact that, somewhere along the way, the United States has lost the ability to distinguish our natural friends from our natural enemies. It's another curious irony of the late twentieth century—and a hint of our moral disarray—that the only 'freedom fighters' we will not wine and dine are those who profess our own values."

Just as Ethiopia to the north, these former Portuguese colonies to the south are key outposts of Soviet empire. Like a cancer that gets into the system, Soviet influence spreads out from these and Russia's other African outposts. In Zambia, Tanzania, and elsewhere, Cuban troops and Eastern bloc "technicians" are becoming as familiar as Western colonialists used to be.

If the U.S.S.R. continues to succeed in its penetration of Africa, it will have come a long way in its larger strategy of encircling the world "city"—of cutting off the industrialized West from the resources without which it cannot survive.

Zairean copper and cobalt, Rhodesian chrome, South African gold, diamonds, manganese, and platinum metals—these are among the economic stakes the Soviets are playing for in southern Africa. They already control the excellent ports in Angola and Mozambique flanking the Cape of Good Hope.

If South Africa were to fall under their control, they would control the sea-lanes around the Cape through which 70 percent of the strategic raw materials and 80 percent of the oil needed by European NATO powers flow.

The real threat of white domination in Africa during the remainder of this century is not from the old order. The real danger is from the new order—the new slavery that Jonas Savimbi warns of, imposed and maintained by the new Soviet imperialism. The Soviets are not in Africa to "liberate." They are there to dominate, control, and exploit, and to replace the old white supremacy with a new white supremacy. White colonial rule is white colonial rule, whether exercised from London or from Moscow.

THE "SOFT" UNDERBELLY

With our eyes riveted on the successive crises in NATO Europe, the Middle East, Southeast Asia, and Africa, we have lost sight of the growing world of power to the south of us in Latin America. The Soviets already have outposts of influence on the offshore islands—in Cuba and some of the smaller Antilles.

Latin America is a prime Soviet target for three major reasons: it has enormous natural resources; by the end of the century its population will be substantially greater than that of the United States and Western Europe combined; and it is close to the United States—it is our soft underbelly.

Radical governments are now installed in Grenada and St. Lucia. Cuba has made efforts to ingratiate itself in Jamaica and Panama, and has intervened in Nicaragua. This could be the first step along a road that leads through Honduras, El Salvador, and Guatemala to the threshold of the great Mexican oilfields in the area of the Tehuantepec Isthmus.

The Soviets and their allies may well try to repeat in Latin America the squeeze play they engineered in Afghanistan, South Yemen, and Ethiopia around the oil-producing lands of the Middle East. As Rowland Evans and Robert Novak have put it, the "Central American dominoes are falling." The primary reason for these reverses is one man on one island: Castro and Cuba.

If Soviet client regimes come to power in Central America, the Western hemisphere will have been cut in two at its "slim waist." From their position in Central America such regimes would threaten the two laregst oil producers in Latin America, Venezuela and Mexico, as well as the Panama Canal. We cannot afford to let this happen.

The Monroe Doctrine must be revitalized and redefined to counter indirect aggression, which was not a threat 150 years ago. The United States should make it clear that we will resist intervention in Latin America not only by foreign governments but also by Latin American governments controlled by a foreign power.

Of the total of 10 million Cubans, more than 40,000 are now acting as proxies for Soviet expansion in Africa. This is the equivalent of sending an army of nearly 1 million Americans overseas to fight—almost twice the highest number we had in Vietnam. Tiny Cuba, under Soviet tutelage, has become a major imperialist power.

Castro must not be allowed, with Soviet support, to foist his discredited economic and political system on other countries in Latin America. Any such effort at subversion should be firmly and unmistakably checked, and both Soviets and Cubans should be told in advance that any interference here will bring far more than a diplomatic protest from us.

At the same time, we must work with the nations of Latin America in building their economies and helping them to help their people escape the poverty that still is the lot of so many.

In everything that we do, we must remember that *how* we do it counts more with our proud and sensitive Latin friends than with any other people in the world. It is vital that we treat them as partners, not as patients; and, as the giants in this area grow, we must acknowledge their new status in the world.

THE DANGER: DEFEAT BY DEFAULT

The Russians play chess. In chess a player gains an advantage by eliminating as many of his opponent's men as possible. But chess masters know that the game can be won when there are still many pieces left on the table. All that is necessary is that the opponent's king be immobilized, hemmed in by threats on all sides so he cannot move.

As British military historian B. H. Liddell Hart has noted, "Lenin had a vision of fundamental truth when he said that 'the soundest strategy in war is to postpone operations until the moral disintegration of the enemy renders the delivery of the mortal blow both possible and easy.' " This is the Soviet strategy. They seek first to demoralize us so that they can then destroy us. They want to end World War III not with a bang, but with a whimper.

They do this in three ways. First, they try to deceive us, in order to disguise their intentions and make us relax our will; second, they try to make us feel guilty and defensive, even about our most dramatic successes, so that our will is paralyzed; third, they try to break our will by bullying us with threats and bluffs.

I vividly recall my old friend, NATO Secretary General Manlio Brosio, who had served for five years as Italy's ambassador in Moscow, emotionally telling me in 1967, "I know the Russians. They are great liars, clever cheaters, and magnificent actors. They cannot be trusted. They consider it their duty to cheat and lie."

One of the Soviets' favorite tactics is bluster. Even when they were vastly inferior to us in power, Nikita Khrushchev would rattle his nuclear sabers, hoping to instill in the West a fear of Soviet might. Our leaders at the time were not fooled; they knew that Khrushchev had no intention of committing national suicide, but public opinion was strongly affected.

During the Cuban missile crisis Khrushchev overplayed his hand, Kennedy called his bluff, and the Soviet leader backed down. But since that time the Soviet Union has pressed forward with a sustained and intensive military buildup while the United States has let its nuclear superiority wither away. If in the future the Soviet leaders feel they have attained clear nuclear superiority, they will try once again to break our will, only this time it will be a substantive threat rather than a bluff. The greatest danger we face in World War III is that we will lose it by default.

In World War III, as in other human activities, small problems neglected have a way of growing into large ones. Acquiescence in one aggressive move invites another. Momentum is a powerful force among nations. Wavering leaders sense a shift in the balance of power and the direction of history, and they accelerate that shift by joining it. The key to winning World War III is to shift that balance, that momentum, in our direction.

THE VISIBLE HAND

In July of 1959 I became the first U.S. Vice-President to visit the Soviet Union. In what was in effect a two-month cram course, I read books on Russia and thousands of pages of analyses of the Soviet Union prepared by the State Department, the CIA, and the Defense Department.

But no amount of briefing could have prepared me for what I encountered when I arrived in Moscow. Khrushchev was tougher and smarter than most of the briefers had indicated. All the Soviet leaders I met were communist to the core, but at times they were more Russian than communist.

In many respects the revolution that brought the communists to power in Russia was less a change from the tsarist ways than it was a refinement and reinforcement of those ways. Russia has never *not* been an expansionist power. Nor, except for a few brief months in 1917, has it ever *not* been either an authoritarian or a totalitarian state. Territorial expansion comes as naturally to Russia as hunting does to a lion or fishing to a bear.

As the first step toward democracy was being taken in England the grandsons of Genghis Khan were sweeping westward across the vast Eurasian plain.

The Mongol hordes were stopped short of the heart of Europe, but they laid waste to Russia. They sacked its major towns and reduced Russian civilization to a barbarous level. For almost 250 years the Mongols imposed their rule and impressed their harsh brand upon the Russian soul, exacting a crippling tribute—the "Tartar yoke"—that kept the Russians impoverished and in bondage.

The Mongols ruled by ruthless terror, a complex bureaucracy, and adroit manipulation of local rivalries; they imposed a crushing tax as tribute. With what one nineteenth-century writer called the "Machiavellism of the usurping slave," the native rulers of Moscow began to adopt the Mongol techniques, first by taking on the role of local tax collectors for the Mongols. Gradually they brought more and more lands under their own control, even while slavishly kowtowing to the Mongol Khans.

Finally, after almost 250 years of bondage and humiliation, in 1480 Ivan the Great threw off the Tartar yoke and ended the Mongol rule. But its imprint remained. In the words of that same nineteenth century writer:

"The bloody mire of Mongol slavery . . . forms the cradle of Muscovy, and modern Russia is but a metamorphosis of Muscovy. . . . It is in the terrible and abject school of Mongolian slavery that Muscovy was nursed and grew up. It gathered strength only by becoming a virtuoso in the craft of serfdom. Even when emancipated, Muscovy continued to perform its traditional part of the slave as master."

The author of those words was Karl Marx.

Even after the Tartar yoke was thrown off, the Mongol terror continued. With the defensible frontier often not more than one hundred miles from Moscow, waves of Tartar cavalry swept in from the steppes every year, leaving devastation. They came to seize slaves. The word "Slav" is itself related to the word "slave."

To fight off the Tartar slavers, Russian men were called up every spring to take their battle places on the frontier, and were kept there until fall, when the steppes became impassable. This was repeated each year for a man's entire lifetime. Russia's struggle with the Tartars, historian Tibor Szamuely argues, "comes nearer to the modern concept of total war than anything else in pre-twentieth-century European history."

The brutal exercise of total power, the subjugation of the individual to the state, the ruthless marshaling of all resources for the purposes of the state, the idea of constant, unremitting war—these all have their roots deep in the Russian past, in the terrors of Mongol rule, and in the bitter necessities of fighting the Tartar hordes.

Constant expansion also has roots deep in the Russian past. The Duchy of Muscovy spent two centuries expanding its power over its neighbors before Ivan the Great was able to throw off the Tartar yoke in 1480. He more than tripled the lands under Moscow's rule, extending its reach from the Baltic Sea to the Ural Mountains.

It was another Ivan, Ivan the Terrible, who a century later was crowned the first "Tsar of all the Russias." Tsar is the Russian word for Caesar; his reign marked the beginning of Russian imperial rule.

SWEEP ACROSS SIBERIA

In the seventeenth century Russia conquered Siberia. Cossacks and fur traders swept 2,500 miles across the wilderness in fifty-five years, reaching the Pacific in 1639. From the frozen north, the Russians pushed south across the steppes of Central Asia in the eighteenth and nineteenth centuries toward China, Persia, India, and Afghanistan. Millions of Moslems fell under the sway of the tsars as the ancient cities of Samarkand, Bukhara, Tashkent, and Ashkhabad felt the alien hand of a European conqueror for the first time.

But two continents were not enough; Russia raced to occupy a third: North America. In 1741 Captain Vitus Bering, a Danish navigator in the service of Russia who gave his name to the Bering Straits, led an expedition which sighted Alaska. Russian settlements were established in Alaska. Until 1867, when the United States bought it, Alaska was known as Russian America.

The local authority, the Russian-American Company, had been chartered in 1799 and empowered to discover and occupy new territories for Russia. Venturing south, the company established a settlement and built a fort sixty miles from present-day San Francisco, near what is now called the Russian River. Fortunately the fort was sold to John Sutter only seven years before the discovery of gold on his land launched the great California gold rush. The Russian-American Company also tried to gain a foothold in the Hawaiian Islands, but failed.

Meanwhile, Russia was pressing its expansion in two other directions. In the nineteenth century it conquered the Caucasus, the gateway to Persia, Turkey, and the Middle East. It also pushed westward against Europe, where it encountered its most sophisticated and formidable foes.

In terms of territory Russia dwarfs the countries of Europe, but for centuries it has found itself threatened and at times overwhelmed by these smaller but technologically more advanced powers. Russia was invaded by Poland in the seventeenth century, by Sweden in the eighteenth, by France under Napoleon in the nineteenth, and twice by Germany in the twentieth. Against each foe the Russians suffered staggering defeats, but they held on, regained the initiative, and eventually triumphed.

Just as the Tartar conquest led Russian rulers to adopt Oriental political techniques, the threat from the West led them to "Westernize." This has chiefly meant the industrialization and modernization of Russia's military.

It was Peter the Great, the tsar from 1682 to 1725, who systematized the importation of modern techniques from the West and made Russia a modern power on a par with the countries of Europe.

After he got what he wanted from the West, he warred with Sweden, Turkey, and Persia for twenty-eight consecutive years, from the age of twenty-four to a year before his death.

The next "Great," Catherine, who ruled from 1762 to 1796, subjugated the Crimean Tartars and secured for Russia a permanent place on the Black Sea. She partitioned Poland three times with Prussia and Austria, until in 1795 there was nothing left of it. The Russian move toward Central Europe had begun.

Next, Russia took advantage of the chaos caused by the Napoleonic wars to seize Finland. Russian armies drove deep into Central Europe, extending Russia's borders to within 200 miles of Berlin.

In the mid-nineteenth century Russia's relentless expansion drew a baleful notice from a *New York Tribune* correspondent in Europe, who little imagined that future Russian expansionism would be pursued in his name: Karl Marx. On June 14, 1853, Marx wrote a piece for the *Tribune* in which he pointed out that in just the past sixty years, the Russian frontier had advanced toward Berlin, Dresden, and Vienna 700 miles; toward Constantinople 500 miles; toward Stockholm 630 miles; and toward Tehran 1,000 miles. The pace was relentless. It did not stop with the tsars.

What today is called the "Union of Soviet Socialist Republics" is the product of seven centuries of conquest, first by the Dukes of Muscovy as they subjugated what became Russia, then by the tsars and their twentieth-century successors as they expanded the Russian empire. Fifteen "Soviet Socialist Republics" make up the U.S.S.R.; fourteen of those are essentially separate nations that were conquered by the fifteenth, Russia.

America is made up of people of many nationalities who came here voluntarily. Whole *nations* were absorbed into the Russian empire and are kept there by force. We have Armenians and Lithuanians; they have Armenia and Lithuania.

RUSSIA ENCOUNTERS CHINA

The Chinese and the Russians fought their first battle in 1652. Whether ironically or prophetically, it was at the mouth of the same Ussuri River that was to be the site of violent border clashes three centuries later, in 1969, after I became President.

After thirty-five years of intermittent warfare in the seventeenth century the two sides finally agreed to hold peace talks. The Russians sent a negotiating party of 2,000 soldiers, diplomats, and servants to the faraway border. But the Chinese, being much closer, arrived with 15,000. When the talks bogged down, the Chinese delegates resolved the impasse by threatening to attack their Russian counterparts. Faced with superior force, the Russians backed down and withdrew from the disputed lands, leaving the Chinese in peace for the next 150 years.

By the middle of the nineteenth century, however, China had weakened. The Russians seized two huge chunks of land from China—about 650,000 square miles, an area as large as all the states of the east and west coasts of the United States combined. In 1860 the Treaty of Peking gave them undisputed title to a seaport in their new territory, which they named Vladivostok—meaning Rule of the East.

The chief foreign affairs counselor to the Emperor of China warned that "Russia, with her territory adjoining ours, aiming to nibble at our territory like a silkworm, may be considered a threat at our bosom."

By the eve of the Russian Revolution Sun Yat-sen, the father of modern China, estimated that the Russian sphere of influence in his country included 42 percent of its territory.

After the Russian Revolution the Chinese looked with hope to the new communist regime which repudiated the expansionism of the tsars and promised to treat all nations with new respect.

But in 1921, Russia's encroachments on China resumed in a way that foreshadowed its invasion and satellization of Afghanistan in 1979. The Russians sponsored a few Mongolians who formed a Mongolian People's Revolutionary Party, proclaimed a Provisional Revolutionary Government, and "appealed" to Moscow for "help."

The Red Army marched in, and Mongolia, which had been part of China for centuries, became the first Soviet satellite. The Karakhan Declaration was repudiated. In 1929, the Soviet Union and China fought an undeclared war in Manchuria in which 10,000 Chinese were killed.

Farther to the west, the Chinese province of Sinkiang became, in the words of one observer, "virtually a Soviet colony" during the 1930s.

The brief period of friendship between China and Russia in the 1950s was the exception rather than the rule; through the centuries their relations have been characterized by rivalry, hostility, and Russian territorial expansion.

WILL POWER

William F. Buckley, Jr., once remarked that he would rather be governed by the first 100 names in the Boston telephone book than by the faculty of Harvard University. This reflects a shrewdly perceptive analysis of American strengths and weaknesses. The people as a whole often lack sophistication, but they have a good, gut common sense, and when necessary they can draw on an enormous reservoir of courage and will.

But too many of America's intellectual and cultural elite have shown themselves to be brilliant, creative, trendy, gullible, smug, and blind in one eye: they tend to see bad only on the Right, not on the Left. Extremely sophisticated about ideas in the abstract, they can be extremely simplistic and naive about the realities of the actual global conflict we find ourselves engaged in. "War" is "bad." "peace" is "good," and posturing with words is everything.

The nation's immediate problem is that while the common man fights America's wars, the intellectual elite sets its agenda. Today, whether the West lives or dies is in the hands of its new power elite: those who set the terms of public debate, who manipulate the symbols, who decide whether nations or leaders will be depicted on 100 million television sets as "good" or "bad." This power elite sets the limits of the possible for Presidents and Congress. It molds the impressions that move the nation, or that mire it.

America lost in Vietnam because this power elite persistently depicted first Diem and then Thieu as corrupt and dictatorial and the war therefore as not worth fighting—ignoring how much worse the alternative would be. The Shah of Iran and President Anastasio Somoza of Nicaragua met the same fate, with the United States greasing the skids for their downfall.

While still our U.N. ambassador, Andrew Young nominated the Ayatollah Khomeini for sainthood and praised Cuban troops as providing "stability" in Africa. Television romanticizes revolutionaries, thus greatly increasing the chances that Soviet-backed revolutionary wars can be waged successfully—just as *The New York Times*'s romancizing of Fidel Castro two decades ago, was a major factor in legitimating his revolution and securing his victory.

Reflecting on his days as a Moscow correspondent for the *Manchester Guardian* during the Stalin era, Malcolm Muggeridge recently recalled "the extraordinary performance of the liberal intelligentsia, who, in those days, flocked to Moscow like pilgrims to Mecca. And they were one and all utterly delighted and excited by what they saw there. Clergymen walked serenely and happily through the anti-god museums, politicians claimed that no system of society could possibly be more equitable and just, lawyers admired Soviet justice, and economists praised the Soviet economy."

It was this, he said, that "touched off my awareness of the great liberal death wish, my sense that Western man was, as it were, sleep-walking into his own ruin."

Too many of those who should be most jealously preserving and defending what America represents have instead been paralyzed by a misplaced sense of guilt, which has led them to abandon faith in our own civilization.

If America loses World War III, it will be because of the failure of its leadership class. In particular, it will be because of the attention, the celebrity, and the legitimacy given to the "trendies"—those overglamorized dilettantes who posture in the latest idea, mount the fashionable protests, and are slobbered over by the news media, whose creation they essentially are.

The trendies are an army of the gullible, steering by the star of fashion, drawn to the sound of applause. They call themselves "liberal" because "liberalism" is in fashion; but they have lost touch with the classic spirit of liberalism.

In a less hazardous age we could afford to indulge the prancing of the trendies on the stage of public debate. But now our national survival depends on learning to distinguish between the meaningful and the meaningless.

America is a sleeping giant. It is time to wake up that giant, to define his purpose, restore his strength, and revitalize his will. Nothing less will save the West and the institutions of freedom around the world from the merciless barbarism that threatens us all. As Solzhenitsyn has also argued, "No weapons, no matter how powerful, can help the West until it overcomes its loss of will power. In a state of psychological weakness, weapons become a budren for the capitulating side."

MEDIA POWER

The greatest institutional change in America's leadership class has been the development of enormous new power in the hands of the media. But the failures of the leadership class go beyond the intellectual and media elite.

The leaders of "big business" once were a bastion of support for American strength, just as they once were rigorously independent. Now, with some admirable exceptions, they have become timid, reluctant to roil bureaucratic waters or offend consumer spokesmen; as huge corporations have become huge bureaucracies, corporate leaders themselves have become bureaucratic. There are few big business leaders I would have put in the ring with a healthy Brezhnev. A George Meany or a Frank Fitzsimmons, however, would have held his own.

When the chips were down, when America's future was on the line and I needed support for the really tough decisions, I seldom got it from the corporation chairmen or university presidents. I did get it from labor leaders, from smaller businessmen, from "middle America." They had the strong heart, the solid will, the guts that have saved America before and will save it again.

It has been said that where there is a will there is a way. As we have so often proved in the past, by summoning up our will we can find the way.

PRESIDENTIAL POWER

When I first entered Congress more than thirty years ago Truman was in the White House, Stalin was in the Kremlin, MacArthur ruled Japan, and Europe lay in ruins. Since then I have watched nations advance and decline and have seen leaders succeed and fail. America has been through seven presidencies. It has confronted many crises, fought two wars, and narrowly averted fighting others.

As I have watched the unfolding of world events over these years, it has become clear to me that the one factor most crucial to the strength and cohesion of the West, and to the chances for peace, is the leadership provided by the President of the United States.

The President has great power in wartime as Commander-in-Chief of the armed forces. But he also has enormous power to prevent war and preserve peace. Having had both responsibilities, I know that the latter can be even more important than the former. It can also be more difficult to exercise effectively, especially in this era of a "war called peace."

A President needs a global view, a sense of proportion, and a keen sense of the possible. He needs to know how power operates, and he must have the will to use it.

If I could carve ten rules into the walls of the Oval Office for my successors to follow in the dangerous years just ahead, they would be these:

1. Always be prepared to negotiate, but never negotiate without being prepared.
2. Never be belligerent, but always be firm.
3. Always remember that covenants should be openly agreed to but privately negotiated.
4. Never seek publicity that would destroy the ability to get results.
5. Never give up unilaterally what could be used as a bargaining chip. Make your adversaries give something for everything they get.
6. Never let your adversary underestimate what you *would* do in response to a challenge. Never tell him in advance what you would *not* do.
7. Always leave your adversary a face-saving line of retreat.
8. Always carefully distinguish between friends who provide some human rights and enemies who deny all human rights.
9. Always do at least as much for our friends as our adversaries do for our enemies.
10. Never lose faith. In a just cause faith can move mountains. Faith without strength is futile, but strength without faith is sterile.

Having laid down these rules, I would also suggest that the President keep in his desk drawer, in mind but out of sight, an eleventh commandment: When saying "always" and "never," always keep a mental reservation; never foreclose the unique exception; always leave room for maneuver. A President always has to be prepared for what he thought he would never do.

PRIVATE DIPLOMACY

By its nature, diplomacy must be conducted beyond the range of cameras and microphones if it is to succeed. Publicity defeats it.

Frequently results can be achieved through quiet diplomacy that could never be achieved through public diplomacy. A classic illustration of this occurred during my first term, in 1970. In the fall of that year U-2 flights over Cuba revealed that a base was being constructed at Cienfuegos which could be used for submarines armed with nuclear missiles. This violated the 1962 U.S.-Soviet agreement on Cuba.

But instead of confronting the Russians publicly with our knowledge of this violation, we decided to use quiet diplomacy so that they could withdraw without losing face publicly. Henry Kissinger informed Soviet Ambassador Anatoly Dobrynin that we were aware of the base under construction, told him unequivocally that we considered it to be a violation of our agreement, and let Dobrynin know that we were keeping things cool deliberately so that the Soviets could withdraw without a public confrontation.

Two weeks later Dobrynin handed Kissinger a note reaffirming the 1962 understanding about Cuba and stating that the Soviets were doing nothing to violate that understanding. U-2 flights showed that construction had slowed down at the sub site. After some face-saving delays it stopped altogether and the base at Cienfuegos was abandoned. Our strategy had worked.

There are, of course, times when going public becomes a useful tactic to advance a negotiation, to rally support, to bring pressure on the other side, or to counter enemy propaganda. In January 1972 I disclosed publicly that for nearly two and a half years Henry Kissinger had been periodically traveling in secret to Paris and conducting negotiations there with representatives of North Vietnam, and I also disclosed the proposals we had secretly made.

North Vietnam had been cynically exploiting the secrecy of those negotiations; we were being accused of intransigence, when in fact we had advanced extremely forthcoming peace proposals and had been stonewalled by the North Vietnamese. In this case, with North Vietnam clearly hoping to wear down America's will by blaming us for the lack of progress and thus fanning heightened antiwar sentiment, it became important to make the record public.

THE "HOLE CARD"

International relations are a lot like poker—stud poker with the hole card. The hole card is all important because without it your opponent—the Soviet leader, for instance—has perfect knowledge of whether or not he can beat you. If he knows he will win, he will raise you. If he knows he cannot, he will fold and get out of the game.

The United States is an open society. We have all but one of our cards face up on the table. Our only covered card is the will, nerve, and unpredictability of the President—his ability to make the enemy think twice about raising the ante.

Many examples from recent years illustrate the danger of turning all our cards up, as well as the benefit of keeping one down.

In 1950 the United States had overwhelming nuclear superiority. But when Secretary of State Dean Acheson announced an American view of vital international interests, he excluded South Korea. The North Korean communists thought that our intentions were face up on the board, and that they did not include the defense of South Korea. So they attacked, confident of both Soviet and Chinese support. It was a miscalculation by them, based upon a misrepresentation by us. Had Acheson's statement left doubt in the minds of the communists, the war in South Korea might have been avoided.

During the course of the war Truman again turned up a card by announcing his intention to refrain from using tactical or strategic nuclear weapons in the conduct of the war. The North Koreans, Chinese, and Soviets once again gained full knowledge of our hand, so they felt comfortable continuing to pursue the war at the conventional level. Only when Eisenhower assumed power did the card again become a mystery.

When the French and British forces moved into Egypt at the height of the Suez crisis, Soviet Premier Nikolai Bulganin proposed to President Eisenhower that the Soviets and Americans engage in a joint military action to stop the fighting in Egypt, a proposal the White House immediately branded as unacceptable. As the fighting increased, however, and it appeared possible that the Soviets might take some unilateral action, Eisenhower ordered the Joint Chiefs to put American military units on alert. Even after a ceasefire was declared, the Soviets continued to threaten to send "volunteers" into Egypt.

While Eisenhower's answer to this was diplomatically worded, NATO Commander Alfred Gruenther was authorized to be blunt: a communist attack on the West would result in the Soviet bloc being "destroyed . . . as sure as day follows night." As Eisenhower noted in his memoirs, "The Soviet threat proved to be nothing but words." However, it was clear that Eisenhower's credibility as a strong military leader, combined with our overwhelming nuclear superiority, was the decisive factor that deterred Soviet intervention.

Two years later, in 1958, when the United States confronted Chinese communist threats to take over the Nationalist-held islands of Quemoy and Matsu, Eisenhower explained to me his version of the concept of the hole card. Reflecting on his own experience as a military commander, he said that "you should never let the enemy know what you will do, but it's more important that you never let the enemy know what you will not do."

KENNEDY'S CONFIDENCE

Even when you are strong, it is bad strategy to let yourself appear weak. This can lead to a dangerous miscalculation on your adversary's part. The 1961 Vienna Summit between Khrushchev and Kennedy led to such a miscalculation. Perhaps Kennedy was confident of his own resolve, but he did not project that confidence to Khrushchev.

Khrushchev later called Kennedy's hand by putting missiles into Cuba. A dangerous confrontation with nuclear overtones resulted, one that could have been prevented had Kennedy's conduct in Vienna given Khrushchev a greater impression of strength and determination.

In 1979, the Carter administration's relatively mild reaction to previous Soviet moves may well have led Brezhnev to conclude that he could send the Red Army into Afghanistan without provoking a strong U.S. response.

Public statements that we will not let the Russians push us around are not effective. They dismiss these as bravado, primarily because they engage in that sort of bluster so much themselves. They must always have very serious questions about what a President will do.

The demonstrated will, nerve, and unpredictability of the President become even more important in a period when the Soviet Union moves from inferiority to superiority in nuclear arms. If the Soviets fear that the President might react strongly, they will be less likely to put him to the test. If they conclude that they can predict his response, and that it will be a weak one, they will test him.

Then, if they turn out to be right, they will win. If they turn out to be wrong, they will have made the kind of miscalculation that could lead to a major conventional or even nuclear war. The lesson of history is that wars more often than not come from this kind of miscalculation.

THE "BLACK ARTS"

The kinds and quality of intelligence information available to a President can be crucial to success or failure in his role as world leader.

There has always been a strong ambivalence in American attitudes toward intelligence. When Americans do not feel threatened, they tend to regard such activities as immoral or un-American. When they do feel threatened, they wonder why we do not have better intelligence.

Espionage and covert operations are as old as mankind. Both have existed alongside the system of international law as long as there has been a system of international law. All nations, with the possible exception of some of our modern ministates, have engaged in them; only the United States has adopted the curious doctrine that they should be performed in public. In Great Britain, where modern democracy began, even publishing the name of the head of the Intelligence Service can land a citizen in jail.

In this country we seem to have evolved the strange doctrine that it is the duty of government to keep its secrets and the equally sacred duty of the media to expose them. For the future we must find an accommodation between freedom of the press and the requirements of national survival in a threatened and uncertain world—in a way that enhances survival.

Failures of intelligence can be disastrous. In the 1960s and early 1970s, for eleven years in a row, the Central Intelligence Agency underestimated the number of missiles the Russians would deploy; at the same time the CIA also underestimated the totality of the Soviet strategic program effort and its ambitious goals. In 1976 the CIA estimates of Russian military spending for 1970–1975 were doubled overnight as errors were discovered and corrected.

Throughout the critical period of the mid-1960s, when McNamara decided to curtail unilaterally U.S. nuclear programs and the Russians moved massively to catch up, and in the early 1970s, when the first concrete steps toward arms control were taken, American Presidents were being supplied by the CIA with figures on Russian military spending that were only half of what the agency later decided spending had been. Thanks in part to this intelligence blunder we will find ourselves looking down the nuclear barrel in the mid-1980s.

The real question before the American people is this: Can we afford to stumble like a blind and deaf giant into the last twenty years of this century, until one day we face the alternative of surrender or total destruction? If we lack proper intelligence, we will, as former Marine Corps Commandant General David M. Shoup has said, "be in the ring blindfolded."

We also depend on our intelligence agencies for covert, or hidden, operations that are meant to help one's friends or make the task of one's enemies more difficult. Here too Americans have had ambivalent feelings.

Most covert actions are not armed actions. Many times they consist only of helping a democratic newspaper to survive economic action against it, support for cultural activities, or paying the fares of young people to some world gathering so that they can speak out for freedom.

The scope for covert action in peacetime is more restricted than it is in wartime, the need for it is not so unambiguous, but the payoffs may be just as large. Unless we restore the covert capabilities of the CIA we are going to get rolled by the Soviets in country after country. The proportion of the CIA's budget that goes for covert actions has fallen from over 50 percent to less than 5 percent. In an effort to clean up abuses—and alleged abuses—we have come close to throwing out the baby with the bathwater.

The Freedom of Information Act lets anyone—including enemy intelligence agents—rummage through CIA and FBI files at taxpayer expense. According to CIA officials, the agency has spent more man-hours filling Freedom of Information requests than "on any one of several areas of key intelligence interest." In addition, opening these files has a chilling effect on those who would be ready to risk their lives and their reputations to help the United States in sensitive areas or operations.

With the CIA reporting its covert activities to eight separate committees whose members comprise one third of Congress, as well as the staff members, we might as well send out news releases to our opponents. This requirement restricts the CIA, as Senator Daniel P. Moynihan has put it, to "doing research that might as well be done in the Library of Congress."

Foreign intelligence agencies and individual agents are no longer willing to risk exposure by cooperating with the CIA—and our operations are crippled. The "black arts" should, as the London Economist puts it, "be restored to dimmer light, or to darkness, where they can thrive."

We have castrated the CIA and other intelligence agencies. We must restore their ability to keep the President and our other leaders informed, ready, and able to respond to danger. We must give them the means to do their job.

NO SUBSTITUTE FOR VICTORY

We can lose World War III, or we can win it. We can lose it by defeatism: by imagining that the contest is unwinnable or unworthy. We can lose by waking up too late to the importance of the conflict, and thus acquiescing too long in those incremental gains by the Soviet side that cumulatively can amount to a major, even a decisive, Soviet victory. We can lose by disdaining allies that are imperfect, or contests that affront our sensibilities.

We can lose by self-indulgence, by telling ourselves that the sacrifice can wait until tomorrow, by postponing hard decisions until the need becomes so obvious that the decision comes too late. We can lose through a sort of "paralysis by analysis," concocting overly intellectualized rationales for each new Soviet advance, and using these as an excuse for inaction.

Or we can win—if we decide to. The first necessity is to recognize that we can win, and that we should win.

The next is to insist that we must win, and to make and stick to the basic political decision that we will do whatever is necessary to ensure victory. This sounds simple. It is not. It requires a conscious return to the concept of peace through strength. It requires discarding a lot of well-worn intellectual baggage and abandoning a lot of popular slogans. It requires overriding the clamorous voices of a lot of separate interests, all insisting that someone else sacrifice instead of themselves. It requires accepting risks.

America and the West need to be jolted into a sense of urgency. We no longer have the margin for error that we had even a few short years ago. That margin vanished with our advantage in strategic weapons.

We must restore our military strength, so that once again we will unquestionably have both the power to defend our interests and the capacity to project that power to trouble spots around the globe. This will take time, and time is running out.

A 5 percent increase in the military budget is wholly inadequate to turn the tide. This would still leave the Soviets outspending us by a wide margin, and therefore widening their military lead over us in the dangerous years of the early and mid-1980s.

A strategy of victory requires that we move urgently to restore both the intelligence and the covert arms of the CIA, so that we can have better information and more means of dealing with threats to ourselves and others. We should restore honor to those who fight the nation's wars, whether in the uniform of the armed forces or in the often more hazardous mufti of the CIA. We should not collapse in a flutter when accused of being "arms merchants." In World War II we proudly declared ourselves "the arsenal of democracy." In World War III it is just as vital that our friends have the arms to defend themselves.

We should stop condemning a friendly government and refusing it aid when its existence is threatened, merely because its elections are no more honest than our own have sometimes been in places like Boston or Chicago. Even if the regime is repressive or authoritarian, the communist alternative is likely to be not only worse for the West, but worse for the people of the country itself.

The Soviets can conquer, but they can never persuade. Moscow has been very successful in extending its domination over other nations, but totally unsuccessful in winning the support of the people of those nations.

One weak point is that they consistently act in ways that make them intensely unpopular. Their aggressive bullying breeds an angry response in others.

When they do get a foot in the door, the Soviets often behave so boorishly and heavy-handedly that their hosts throw them out. Soviet advisers were thrown out of Egypt in 1972 and Somalia in 1977. Pro-Soviet governments were ousted in Chile in 1973, in Peru in 1976, and Ghana in 1966. Nor do they always manage to establish a foothold when they try. Communist or communist-backed rebellions have been put down in many countries, including Greece in 1949, the Philippines in 1953, Malaya in 1960, the Congo in 1962, and Oman in 1975.

Communist coup attempts have been successfully foiled in the Dominican Republic and Indonesia in 1965, in the Sudan in 1971, in Portugal in 1975, and in many other places as well.

BITTER ENEMIES

The Chinese formerly referred to the Soviets as their "elder brother"; now China has become the Soviet Union's bitterest enemy, a giant that shares 4,000 miles of border with the U.S.S.R. and claims parts of its territory.

It is in our interest to have a strong China, because a weak China invites aggression and increases the danger of war. We and our European allies should do what is necessary to see that China acquires the military strength necessary to provide for its defense.

For their part, the Chinese want to see a strong and resolute United States. If they see us backing down before the Soviets, they may decide that their interests lie in a rapprochement with the Soviet Union—not because they will suddenly agree with the Soviets or stop hating and fearing them, but because the combination of Soviet strength and U.S. weakness will cause them to reassess where their interests lie.

The task that confronts us is not one for the United States alone. As the present threat to the Persian Gulf makes starkly clear, the entire West has an immediate stake in the struggle. So do the threatened nations themselves. It makes no sense for the United States to provide the arms, the money, and the men to meet every crisis. There are more than 3 billion people outside the Soviet bloc, of which only 200 million are Americans. As the French have shown in Africa, sometimes our allies can respond more effectively than we can, especially in areas with which they have a long familiarity.

The oil-rich Moslem nations of the Persian Gulf share a common interest in defending their own independence, and Islam, against any expansion of the Soviet thrust into Afghanistan. But the West does look to the United States for leadership. And the Soviets do look at the United States in calculating what they can get away with.

The human spirit has time and again transcended the most terrible assaults on it; civilizations fall to babarians, but eventually barbarism succumbs to civilization. But this victory of the spirit takes place over a very long term. Our challenge now is to show that a particular civilization—ours—can triumph over a particular barbarism—Soviet communism—so that freedom will be preserved for our children and grandchildren.

THE NEED FOR MORE INTERNATIONAL COOPERATION BY THE UNITED STATES

Mr. PROXMIRE. Mr. President, owing to ever-increasing world trade and technological improvements in the communications and transportation fields, the world is becoming smaller and smaller. Instead of solving their problems in autarchy, nations are developing an ever-greater reliance upon one another.

For despite the cultural and physical differences which distinguish nations, we have realized that many of the common problems and goals we share can best be dealt with through international cooperation.

The United States has taken the leadership role in initiating and implementing many international agreements, treaties, and conferences.

Yet despite its commendable record of international participation in some areas, there is an apparent contradiction in the U.S. determination to achieve global harmony through cooperation with the other nations of the world.

This thorn in the side of the United States is its steadfast refusal, over the past 33 years, to ratify the Genocide Convention.

We have seen fit to ratify many international covenants, dealing with a multitude of subjects, because we have believed that a global effort would be more effective than an individual one in solving many of the problems that confront us. Why then, have we not ratified the Genocide Convention?

The United States is the only major industrial nation which has refused to approve of this critical document.

This very important treaty abhors and makes illegal the repugnant crime of genocide. This murderous act has taken place before, and it could occur again.

For this reason, the United States must join the majority of nations in the world, and voice its opposition to this heinous crime. We cannot continue to give even tacit approval to such a barbarous act.

If the United States is truly the leader of the free world, it cannot afford to sit idly by, feigning indifference to this very important treaty. We must join the many other nations which have already expressed their opposition to the perverse crime of genocide.

I urge my colleagues to immediately ratify the Genocide Convention.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

VETO OF S. 1464—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 251

Under the authority of the order of the Senate of October 2, 1980, the Secretary of the Senate, on October 11, 1980, received the following message from the President of the United States; together with accompanying papers; ordered held at the desk:

To The Senate of the United States:

I am returning without my approval S. 1464, "To direct the Secretary of the Interior to acquire certain lands for the benefits of the Mille Lacs Band of the Minnesota Chippewa Indians."

S. 1464 would require the Secretary of the Interior to acquire approximately 105 acres of land, in Mille Lacs County, Minnesota, from a commercial land developer and subsequently hold such land in trust for the Mille Lacs Band. Under the terms mandated by S. 1464, the cost to the Federal government of acquiring this land could not be less than $670,000, and could be $910,000 or more.

I am disapproving S. 1464 because the Secretary of the Interior already possesses the authority to purchase an amount of land he determines appropriate for the benefit of the Mille Lacs Band, and because he and the tribe agree that the bill would require purchase of the land at a price the Secretary has heretofore determined excessive.

In order to obtain a swift resolution of the issues which prompted Congressional action on S. 1464, I am, however, instructing the Secretary of the Interior to conduct as expeditiously as possible a new appraisal of the 25 acres of land in question and to make a fair and reasonable offer based on that appraisal for purchase of those 25 acres.

JIMMY CARTER.

THE WHITE HOUSE, *October 11, 1980.*

PROPOSED CONSTITUTION FOR THE VIRGIN ISLANDS—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 252

Under the authority of the order of the Senate on October 2, 1980, the Secretary of the Senate, on October 25, 1980, received the following message from the President of the United States; together with accompanying papers, which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I am today transmitting to the Congress a proposed constitution for the Virgin Islands. Since 1936, an act of the Congress has organized the local government in this unincorporated territory of the United States. Having encouraged the constitution drafting process in the islands, I view this draft as a major step in the territory's political development. I am confident that the Congress will agree with me that it provides a foundation upon which the Virgin Islands can assume greater responsibility for local self-government.

This document is the result of several months of public deliberation by an elected Constitutional Convention. I commend the membership of that body for their dedicated effort. The draft was completed on July 31, 1980. On August 26, 1980, the Governor of the Virgin Islands submitted it to Vice President Mondale, who accepted it on my behalf. In accordance with Public Law 94-584, I am transmitting the constitution to the Congress with my comments within the sixty-day period permitted for Executive branch review. The Congress has a sixty-day period in which to approve, modify, or amend the document by joint resolution. If the Congress passes no joint resolution by the end of this period, the document will be deemed approved by the United States. The draft constitution, as approved, will then be submitted to a referendum and will become law upon approval by the qualified voters of the territory.

The document implicitly recognizes the sovereignty of the United States and the supremacy of United States law over locally-enacted legislation, and is, therefore, in substantial compliance with the pertinent provision of the Enabling Act that established the procedure for the drafting of a constitution for the Virgin Islands.

Several Federal agencies have reviewed the constitution, and have noted that a number of provisions may require additional clarification, deletion, or enactment of Federal legislation in order to be made consistent with Federal law. To facilitate congressional review of the constitution, I have enclosed draft legislation to rectify discrepancies between the constitution and Federal law. The attached proposed bill addresses the following concerns:

1. Article III, section 2, contains detailed provisions governing "Virgin Islands citizenship." I have been advised by the Department of Justice that the topic of Virgin Islands citizenship generally has been preempted by the Fourteenth Amendment to the Constitution of the United States and is not a matter of local self-government to which the constitution is limited under the Enabling Act. Article II, section 2(b), would require a citizen of the United States to be domiciled in the Virgin Islands for one year before he would be deemed a citizen of the Virgin Islands. This provision, taken together with the requirement of Article IV, section 1, that a person must be a citizen of the Virgin Islands in order to vote, would unconstitutionally disenfranchise a number of United States citizens residing in the Virgin Islands. Therefore, I recommend that the one-year requirement be deleted.

2. Article VI, section 3(e) would establish a fifteen-year residence requirement for persons holding the offices of Governor and Lieutenant Governor. This provision may violate the Federal constitutional prohibition against discriminatory qualifications for public office. While the Supreme Court has not as yet passed on residence requirements for Governors and Lieutenant Governors, it should be noted that only three States have a residence requirement for their Governors as long as ten years.

3. Article VII, sections 1 and 2, would exceed the authority vested in the Constitutional Convention by Public Law 94-584 in that it establishes a court system not authorized by existing Federal law. In my February 14, 1980, Territorial Policy statement, however, I asked the Secretary of the Interior to consider Federal court reform for the Virgin Islands. I welcome the initiative taken by the Convention delegates in addressing this issue. Since such reform requires Federal legislation, the attached draft bill would conform Federal law to the Virgin Islands Constitutional provision by authorizing appeal of questions of Federal law from the Virgin Islands appellate court to the United States Court of Appeals for the Third Circuit. As with the States, questions of local law would not be appealable.

4. Article XI, section 2, would give the local Legislature the power to enact laws to administer and enforce the Federal tax laws applicable to the Virgin Islands. This section is inconsistent with current Federal law regarding the administration of certain Federal taxes in the Virgin Islands such as Social Security and Self-Employment taxes. It is also inconsistent with proposed bills that would require the Internal Revenue Service to administer Federal income taxes, as is already the case for other Federal tax laws applicable to the Virgin Islands. It is not within the authority of the Constitutional Convention to propose that the Government of the Virgin Islands administer and enforce Federal taxes applicable to the Virgin Islands. I recommend, therefore, that section 2 be deleted.

5. Article XI, section 3(c) would exceed the authority of the Constitutional Convention by attempting to exempt all obligations issued by the Government of the Virgin Islands and the income derived from them from taxation by the United States, or any State, Territory, or the District of Columbia. This, too, is a matter for Federal law, and it is already provided for in the Internal Revenue Code and the Revised Organic Act of the Virgin Islands. Article XI, section 3(g), would prohibit the issuance of bonds for the operating expenses of the Government of the Virgin Islands, except that short-term bonds repayable within a year might be issued "to meet casual deficits." The term "casual deficit" is not defined and is not a term of art. Because the Virgin Islands is heavily dependent on Federal financial assistance, financial provisions in the constitution should be written with the utmost clarity. I recommend that the reference to casual deficits be deleted. The Secretary of the Treasury advises that other parts of the constitution dealing with finance also need to be clarified to ensure sound fiscal management and consistent accounting practices. The Constitution should: (1) explicitly require the Governor to submit a balanced budget to the Senate, a requirement found in virtually every State constitution; (2) require a uniform system of accounts, set a time for the submission of the audit, and clarify the independence of the Auditor General; and (3) require the Virgin Islands to pledge its full faith and credit to its debt obligations and set limitations on the issuance of short-term debts. Without proper language regarding these items, the Virgin Islands will find it difficult to gain access to the credit markets. I have asked the Secretary of the Treasury to provide advice and technical assistance on these issues to the congressional committees that will review the constitution, if they request such assistance.

6. Section 3 of the Transitional Schedule could exceed the authority of the Constitutional Convention if it is read to affect Federal law. To correct this ambiguity, the attached draft bill would limit this section to matters of local law only. In addition, section 5 specifies the duties of Federal judges, which is not an appropriate subject for the constitution to address. I recommend that judicial matters remain unchanged until the appellate court called for in Article VII is established.

In addition, I believe there are some provisions in the constitution that will require interpretation by the courts. Article I, section 10(c), for example, contains an equal-pay-for-equal-work provision that would not apply to public employees represented by different labor unions. Similarly, the prohibition of child labor does not set age limits. Certain provisions of the Bill of Rights guaranteeing the inviolability of the dignity of the human being, the right of privacy, the right to know, and the right to a healthy environment, have not been written with precision, and may lead to extensive litigation. However, I do not feel it is appropriate for me to question the wisdom of entrusting the interpretation of these provisions to the courts. This is a matter for serious discussion by the people of the Virgin Islands, for this document should truly be one of their own making.

I have asked the Attorney General and the Secretary of the Interior, as well as the Secretary of the Treasury, to provide advice and technical assistance to the congressional committees that review the document, if requested, so that the Congress may benefit from the thorough analyses that they have made of the constitution.

JIMMY CARTER.

THE WHITE HOUSE, *October 25, 1980.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the

Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TWENTY-SECOND QUARTERLY REPORT OF THE COUNCIL ON WAGE AND PRICE STABILITY—PM 253

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

In accordance with Section 5 of the Council on Wage and Price Stability Act, as amended, I hereby transmit to the Congress the twenty-second quarterly report of the Council on Wage and Price Stability. The report describes the Council's activities during the first quarter of 1980. These include the monitoring of prices and wages in the private sector as well as of various Federal Government activities that could lead to higher costs and prices without creating commensurate benefits. The report discusses the Council's activities before Federal regulatory agencies and its role in my anti-inflation program.

The Council on Wage and Price Stability will continue to play an important role in our efforts to fight inflation. Its work supplements fiscal and monetary policies by calling public attention to wage and price developments and to actions by the Government that should be of concern to American consumers.

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980*.

ANNUAL REPORT ON OPERATIONS AND ACTIVITIES OF THE ALASKA RAILROAD—PM 254

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the annual report by the Secretary of Transportation on the operations and activities of The Alaska Railroad during fiscal year 1979 as required by The Alaska Railroad Act of March 12, 1914.

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980*.

REPORT ON THE NATION'S PROGRESS IN SPACE AND AERONAUTICS—PM 255

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith this report on the Nation's progress in space and aeronautics during 1979. This report is provided in accordance with Section 206 of the National Aeronautics and Space Act of 1958 as amended (42 U.S.C. 2476).

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980*.

ANNUAL REPORT ON IMPLEMENTATION OF SECTION 403 OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978—PM 256

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I am pleased to transmit the first Annual Report on the implementation of Section 403 of the Powerplant and Industrial Fuel Use Act of 1978, which was prepared by the Department of Energy and submitted to me by Secretary Duncan.

The Report describes actions taken by Federal agencies pursuant to Executive Order 12217, which I issued on June 18, 1980, to increase the conversion of Federal facilities now burning oil or natural gas to coal or other alternate fuels. All Federal agencies must survey and identify facilities subject to the Act and submit annual plans for funding their conversions beginning in Fiscal Year 1982. Five major Federal installations are now in the process of converting twelve units to coal. These conversions will displace 920,000 barrels of oil per year.

The Report also discusses the results of Executive Order 12185, in which I directed all Federal agencies to establish rules to encourage conservation of petroleum and natural gas by recipients of Federal financial assistance. Agencies published final rules and guidelines to implement this Executive Order on August 29, 1980.

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980*.

NOTICE WITH RESPECT TO DECLARATION OF EMERGENCY IN IRAN—PM 257

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Pursuant to section 202(d) of the National Emergencies Act (50 U.S.C. 1622 (d)), I transmit herewith a copy of my notice stating that the emergency with respect to the situation in Iran, which I declared on November 14, 1979, must continue in effect after November 14, 1980.

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980*.

SECOND ANNUAL SCIENCE AND TECHNOLOGY REPORT—PM 258

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report.

JOINT REFERRAL OF MESSAGE FROM THE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the President, transmitting the second annual science and technology report as required by the National Science and Technology Policy, Organization, and Priorities Act of 1976, be jointly referred to the Committees on Commerce, Science, and Transportation, and Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message follows:

To the Congress of the United States:

I am pleased to submit to the Congress the Second Annual Science and Technology Report as required by the National Science and Technology Policy, Organization, and Priorities Act of 1976.

The events and issues discussed in this report—and in its companion report, the *Five-Year Outlook on Science and Technology*—show how closely government policies and developments in science and technology are connected. Careful and systematic assessment of scientific and technological developments remains crucial to the formation of effective public policy.

I hope that this report, like its predecessor, will contribute to the informed discussion so necessary to the maintenance of our scientific and technological capabilities.

JIMMY CARTER.

THE WHITE HOUSE, *November 12, 1980*.

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following acts and joint resolutions:

On October 1, 1980:

S. 2443. An act to authorize the Department of Energy to carry out a high-level liquid nuclear waste management demonstration project at the Western New York Service Center in West Valley, New York.

On October 3, 1980:

S.J. Res. 209. Joint Resolution providing for temporary extension of certain Federal Housing Administration authorities and for rural housing authorities; and

S. 2489. An act to authorize appropriations for the Coast Guard for fiscal year 1981, to authorize supplemental appropriations for fiscal year 1980, and for other purposes.

On October 6, 1980:

S. 1123. An act to amend section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for title II of such Act for fiscal year 1980; and

S. 1895. An act to change the name of the Los Esteros Dam (New Mexico) to the Santa Rosa Dam and Lake, and to designate Clark Hill Dam and Lake on the Savannah River, Georgia and South Carolina, as "Clarks Hill Dam and Lake".

On October 7, 1980:

S. 1177. An act to improve the provisions of mental health services and otherwise promote mental health throughout the United States, and for other purposes;

S. 1442. An act to authorize the documentation of certain vessels as vessels of the United States, and for other purposes; and

S. 2271. An act to amend the Bretton Woods Agreements Act to authorize consent to an increase in the United States quota in the International Monetary Fund, and for other purposes.

On October 8, 1980:

S. 2719. An act to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

On October 9, 1980:

S. 91. An act to amend title 10, United States Code, to remove certain inequities in the Survivor Benefit Plan provided for under chapter 73 of such title, and for other purposes;

S. 341. An act to authorize the Three Affiliated Tribes of the Fort Berthold Reservation to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes;

S. 1795. An act to authorize the Blackfeet and Gros Ventre Tribes to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes;

S. 2126. An act relating to certain leases involving the Secretary of the Interior and the Northern Cheyenne Indian Reservation;

S. 2398. An act to extend the provisions of the General Exchange Act, as amended, to certain lands in order that they may become parts of the Umatilla and Wallowa National Forests, and for other purposes; and

S. 2801. An act to designate the Indian Health Facility in Ada, Oklahoma, the "Carl Albert Indian Health Facility".

On October 10, 1980:

S.J. Res. 82. Joint resolution to designate the week commencing with the third Monday in February of 1981 as "National Patriotism Week";

S.J. Res. 201. Joint resolution to provide for the designation of a week as "National Lupus Week";

S. 1654. An act to improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes.

S. 1796. An act to authorize the Assiniboine Tribe to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes;

S. 2475. An act to amend title V of the Motor Vehicle Information and Cost Savings Act to reduce administrative burdens on low volume automobile manufacturers, to encourage and increase the domestic value added content in labor and materials of foreign automobiles sold in the United States, to extend the time available to all manufacturers for carry forward or carry back of credits earned under the Act, and for other purposes;

S. 2730. An act to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes:

S. 3044. An act to designate the United States Federal Building in Hartford, Connecticut, as the "Abraham A. Ribicoff Federal Building";

S. 3148. An act to name the Federal Building located at 444 Southeast Quincy, Topeka, Kansas, the "Frank Carlson Federal Building"; and

S. 3180. An act to repeal a provision of the Refugee Education Assistance Act of 1980.

On October 13, 1980:

S. 985. An act to amend the Consolidated Farm and Rural Development Act;

S. 1790. An act to limit governmental search and seizure of documentary materials possessed by persons, to provide a remedy for persons aggrieved by violations of the provisions of this Act, and for other purposes;

S. 2185. An act to authorize the acceptance and use of bequests and gifts for disaster relief;

S. 2511. An act to amend section 106 of the Civil Rights Act of 1957 to authorize appropriations for the Commission on Civil Rights for the fiscal year 1981; and

S. 2936. An act to transfer certain employees of the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate.

On October 14, 1980:

S. 1946. An act to reform the economic regulation of railroads, and for other purposes;

S. 2597. An act to authorize appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes; and

S. 2961. An act for the relief of Viktor Ivanovich Belenko.

On October 15, 1980:

S. 1482. An act to provide certain pretrial, trial, and appellate procedures for criminal cases involving classified information;

S. 1640. An act to extend certain authorities of the Secretary of the Interior with respect to water resources research and development and saline water conversion research and development programs, and for other purposes;

S. 1798. An act to reduce regulation of and increase competition in the household goods moving industry, and for other purposes;

S. 1873. An act to revise the composition of the judicial councils of the Federal judicial circuits, to establish a procedure for the processing of complaints against Federal judges, and for other purposes;

S. 2320. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes; and

S. 2412. An act to amend the Solid Waste Disposal Act to further encourage the use of recycled oil.

On October 17, 1980:

S. 2043. An act to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife; and

S. 2622. An act to improve coastal zone management in the United States, and for other purposes.

On October 19, 1980:

S. 707. An act for the relief of certain aliens.

S. 1393. An act to amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes.

S. 3702. An act to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana.

On October 21, 1980:

S. 1156. An act to amend and reauthorize the Solid Waste Disposal Act.

S. 1250. An act to promote United States technological innovation for the achievement of national economic, environmental, and social goals, and for other purposes; and

S. 2725. An act to extend certain authorizations in the Clean Water Act, and for other purposes.

MESSAGES FROM THE HOUSE RECEIVED DURING THE RECESS

Under the authority of the order of October 2, 1980, the Secretary of the Senate, on October 2, 1980, received a message from the House of Representatives that reported that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2352. An act to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also reported that the Speaker has signed the following enrolled bills and joint resolution:

S. 985. An act to amend the Consolidated Farm and Rural Development Act;

S. 1790. An act to limit governmental search and seizure of documentary materials possessed by persons, to provide a remedy for persons aggrieved by violations of the provisions of this act, and for other purposes;

S. 1946. An act to reform the economic regulation of railroads, and for other purposes;

H.R. 4310. An act to amend the Federal Boat Safety Act of 1971 to promote recreational boating safety through the development, administration, and financing of a national recreational boating safety improvement program, and for other purposes;

H.R. 7085. An act to provide certain benefits to individuals held hostage in Iran and to similarly situated individuals, and for other purposes;

H.R. 7301. An act to authorize certain construction at military installations for fiscal year 1981, and for other purposes;

H.R. 7592. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes; and

H.J. Res. 568. Joint resolution to authorize and request the President to issue a proclamation designating October 12 through October 19, 1980, as "Italian-American Heritage Week".

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. MAGNUSON).

Under the authority of the order of October 2, 1980, the Secretary of the Senate, on October 3, 1980, received a message from the House of Representatives reporting that the House disagrees to the amendments of the Senate to the bill (H.R. 6086) to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the U.S. Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country.

The message also reported that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act.

The message further reported that the House disagrees to the amendment of the Senate to the bill (H.R. 8146) to provide a program of Federal supplemental unemployment compensation; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ULLMAN, Mr. CORMAN, Mr. RANGEL, Mr. BRODHEAD, Mr. ROUSSELOT, and Mr. FRENZEL were appointed as managers of the conference on the part of the House.

The message further reported that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1482) to provide certain pretrial, trial, and appellate procedures for criminal cases involving classified information.

The message also reported that the House agrees to the amendments of the Senate to the amendments of the House to the following bills:

S. 1393. An act to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes. and

S. 2320. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards, including certain special statutory programs.

The message further reported that the House agrees to the amendments of the Senate to the following bills:

S. 2743. An act to provide for a national policy for materials research and development and to strengthen the materials research and development capability and performance of the United States;

H.R. 3122. An act relating to the tariff treatment of certain articles;

H.R. 6686. An act to discontinue or amend certain requirements for agency reports to Congress; and

H.R. 6883. An act to amend the Internal Revenue Code of 1954 to revise the rules relating to certain installment sales.

The message also reported that the House has passed the following bills, each without amendment:

S. 707. An act for the relief of certain aliens;

S. 2961. An act for the relief of Viktor Ivanovich Belenko; and

S. 3072. An act to establish the Rattlesnake National Recreation and Wilderness in the State of Montana.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further reported that the Speaker has signed the following bills and joint resolutions:

S. 1482. An act to provide certain pretrial, trial, and appellate procedures for criminal cases involving classified information;

S. 1640. An act to extend certain authorities of the Secretary of the Interior with respect to water resources research and development and saline water conversion research and development programs, and for other purposes;

S. 1798. An act to reduce regulation of and increase competition in the household goods moving industry, and for other purposes;

S. 1873. An act to revise the composition of the judicial councils of the Federal judicial circuits, to establish a procedure for the processing of complaints against Federal judges, and for other purposes;

S. 2320. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes;

S. 2622. An act to improve coastal zone management in the United States, and for other purposes;

S. 2719. An act to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes;

S. 2936. An act to transfer certain employees of the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate;

S. 2961. An act for the relief of Viktor Ivanovich Belenko;

S. 3180. An act to repeal a provision of the Refugee Education Assistance Act of 1980;

H.R. 4417. An act to provide for the coordination of federally supported and conducted research efforts regarding the Chesapeake Bay, and for other purposes;

H.R. 5048. An act to amend the Act entitled "An act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes";

H.R. 5288. An act to amend title 38, United States Code, to provide for updated and expanded rehabilitation programs for veterans with service-connected disabilities, to provide a 10-percent increase in the rates of educational assistance under the GI bill, to make certain improvements in the educational assistance programs for veterans and eligible survivors and dependents, to revise and expand veterans' employment and training programs, and to provide for certain cost savings; and for other purposes;

H.R. 5451. An act to amend the Merchant Marine Act, to revise and reenact the laws pertaining to the United States Merchant Marine Academy and to State maritime academies and for other maritime education and training purposes;

H.R. 6065. An act to amend title 5, United States Code, to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis, to allow certain unusued leave to accumulate for subsequent use, and for other purposes;

H.R. 6554. An act to authorize appropriations for fiscal year 1981 and a supplemental appropriation for fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes;

H.R. 7779. An act to amend the Internal Revenue Code of 1954 to authorize three additional judges for the Tax Court and to remove the age limitation on appointments to the Tax Court;

H.R. 8103. An act to rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively;

H.R. 8178. An act to amend title 28 to make certain changes in judicial districts and in divisions within judicial districts, and for other purposes;

H.R. 8202. An act to continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, fiscal year 1980, for a certain period;

S.J. Res. 201. Joint resolution to provide for the designation of a week as "National Lupus Week"; and

H.J. Res. 472. Joint resolution designating October 19, 1981 as a "Day of National Observance of the Two Hundredth Anniversary of the Surrender of Lord Cornwallis to General George Washington at Yorktown, Virginia.

The enrolled bill S. 2719 was subsequently signed by the President pro tempore (Mr. MAGNUSON).

The other enrolled bills and joint resolutions were subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

Under the authority of the order of October 2, 1980, the Secretary of the Senate, on October 8, 1980, received a message from the House of Representatives reporting that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 927. An act for the relief of Doctor Ka Chun Wong, and his wife, Marilyn Wong;

H.R. 3459. An act to waive the statute of limitations with regard to the claim of Eazor Express, Incorporated, of Pittsburgh, Pennsylvania, against the United States;

H.R. 4032. An act for the relief of Mahmud Ali Khan alias Fazal Dad;

H.R. 5067. An act for the relief of Doctor Toomas Eisler and Carmen Elizabeth Eisler;

H.R. 5788. An act for the relief of Jun Ae Hee;

H.R. 7536. An act to amend title 10, United States Code, to reduce the cost-sharing required of participants in the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for inpatient medical care provided on an emergency basis;

H.R. 7764. An act for the relief of Doctor Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six;

H.R. 7960. An act to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests;

H.R. 8188. An act to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to revise the laws governing the United States Court of Military Appeals, to provide for review of decisions of such court by the Supreme Court, and for other purposes; and

H.R. 8189. An act to amend chapter 55 of title 10, United States Code, to authorize the provision of full dental care benefits to dependents of members of the uniformed services on active duty under the civilian health and medical program of the uniformed services and in facilities of the uniformed services.

The message also reported that the House agrees to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 409. Concurrent resolution expressing the deep concern of the Congress about the deprivation by the Soviet Union of the right of Christians to freedom of religion and, in particular, about the situation of the seven Pentecostals now living in the United States Embassy in Moscow and their families; and

H. Con. Res. 434. Concurrent resolution to honor Raoul Wallenberg, and to express the sense of the Congress that the United States delegation to the Madrid Conference on Security and Cooperation in Europe urge consideration in the case of Raoul Wallenberg at that meeting, and to request that the Department of State take all possible action to obtain information concerning his present status and secure his release.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 6593. An act to regulate the feeding of garbage to swine;

H.R. 6790. An act to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes;

H.R. 6883. An act to amend the Internal Revenue Code of 1954 to revise the rules relating to certain installment sales; and

H.R. 7859. An act to provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children, and to provide special impact aid to such agencies for the education of Cuban and Haitian refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults.

The enrolled bills were subsequently signed by the Vice President.

ENROLLED BILLS SIGNED

Under the authority of October 2, 1980, the Secretary of the Senate, on October 9, 1980, received a message from the House of Representatives reporting that the Speaker has signed the following enrolled bills:

S. 707. An act for the relief of certain aliens;

S. 1156. An act to amend and reauthorize the Solid Waste Disposal Act;

S. 1250. An act to promote United States technological innovation for the achievement of national economic, environmental, and social goals, and for other purposes;

S. 1393. An act to amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes;

S. 2043. An act to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife;

S. 2412. An act to amend the Solid Waste Disposal Act to further encourage the use of recycled oil;

S. 2725. An act to extend certain authorizations in the Clean Water Act, and for other purposes;

S. 3072. An act to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana;

H.R. 2743. An act to provide for a national policy for materials and to strengthen the materials research, development, production capability, and performance of the United States, and for other purposes;

H.R. 3122. An act relating to the tariff treatment of certain articles;

H.R. 4273. An act to amend section 17 of the Act of July 5, 1946, as amended, entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes";

H.R. 5295. An act to amend the Social Security Act with respect to the retirement test, to reduce spending under title II of the Social Security Act, and for other purposes;

H.R. 5326. An act to authorize the Secretary of Agriculture to convey certain Government-owned property to the Kisatchie National Forest to the State of Louisiana in exchange for certain property of old Camp Livingston, Louisiana;

H.R. 5612. An act to amend the Small Business Act, to provide for the payment of the United States of certain fees and costs incurred by pevailing parties in Federal agency adjudications and in civil actions in courts of the United States, and for other purposes;

H.R. 6440. An act to establish priorities in the payment of claims against the People's Republic of China;

H.R. 6665. An act to implement the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes.

H.R. 6686. An act to discontinue or amend certain requirements for agency reports to Congress;

H.R. 6816. An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State;

H.R. 7434. An act to provide for the establishment of the Boston African American National Historic Site in the Commonwealth of Massachusetts, and for other purposes;

H.R. 7554. An act to amend the Federal securities laws to provide incentives for small business investment, and for other purposes;

H.R. 7665. An act to amend title 28, United States Code, to divide the fifth judicial circuit of the United States into two circuits, and for other purposes.

The enrolled bills were subsequently signed by the Vice President.

HOUSE BILLS REFERRED DURING THE RECESS

Under the authority of the order of October 2, 1980, the following bills were referred as indicated:

H.R. 927. An act for the relief of Doctor Ka Chun Wong, and his wife, Marilyn Wong; to the Committee on the Judiciary;

H.R. 3459. An act to waive the statute of limitations with regard to the claim of Eazor Express, Incorporated, of Pittsburgh, Pennsylvania, against the United States; to the Committee on the Judiciary;

H.R. 4032. An act for the relief of Mahmud Ali Khan alias Fazal Dad; to the Committee on the Judiciary;

H.R. 5067. An act for the relief of Doctor Toomas Eisler and Carmen Elizabeth Eisler; to the Committee on the Judiciary.

H.R. 5788. An act for the relief of Jun Ae Hee; to the Committee on the Judiciary;

H.R. 7536. An act to amend title 10, United States Code, to reduce the cost-sharing required of participants in the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for inpatient medical care provided on an emergency basis; to the Committee on Armed Services;

H.R. 7764. An act for the relief of Doctor Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six; to the Committee on the Judiciary;

H.R. 7960. An act to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests; to the Committee on Energy and Natural Resources;

H.R. 8188. An act to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to revise the laws governing the United States Court of Military Appeals, to provide for review of decisions of such court by the Supreme Court, and for other purposes; to the Committee on Armed Services;

H.R. 8189. An act to amend chapter 55 of title 10, United States Code, to authorize the provision of full dental care benefits to dependents of members of the uniformed services on active duty under the civilian health and medical program of the uniformed services and in facilities of the uniformed services; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTIONS REFERRED DURING RECESS

Under the authority of the order of October 2, 1980, the following concurrent resolutions were referred as indicated:

H. Con. Res. 409. Concurrent resolution expressing the deep concern of the Congress about the deprivation by the Soviet Union of the right of Christians to freedom of religion and, in particular, about the situation of the seven Pentecostals now living in the United States Embassy in Moscow, and their families; and to the Committee on Foreign Relations.

H. Con. Res. 434. A concurrent resolution to honor Raoul Wallenberg, and to express the sense of the Congress that the United States delegation to the Madrid Conference on Securtiy and Cooperation in Europe urge consideration in the case of Raoul Wallenberg at that meeting, and to request that the Department of State take all possible action to obtain information concerning his present status and secure his release; to the Committee on Foreign Relations.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on October 2, 1980, he had presented to the President of the United States the following enrolled bills and joint resolution:

S. 985. An act to amend the Consolidated Farm and Rural Development Act;

S. 1177. An act to improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes;

S. 1790. An act to limit governmental search and seizure of documentary materials possessed by persons, to provide a remedy for persons aggrieved by violations of the provisions of this Act, and for other purposes;

S. 1795. An act to authorize the Blackfeet and Gros Ventre Tribes to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the Untied States Constitution, and for other purposes;

S. 1796. An act to authorize the Assiniboine Tribe to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes;

S. 1946. An act to reform the economic regulation of railroads and for other purposes;

S. 2185. An act to authorize the acceptance and use of bequests and gifts for disaster relief;

S. 2511. An act to amend section 106 of the Civil Rights Act of 1957 to authorize appropriations for the Commission on Civil Rights for the fiscal year 1981;

S. 2597. An act to authorize appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes;

S. 2801. An act to designate the Indian Health Facility in Ada, Oklahoma, the "Carl Albert Indian Health Facility;"

S. 3044. An act to designate the United States Federal Building in Hartford, Connecticut, as the "Abraham A. Ribicoff Federal Building";

S. 3148. An act to name the Federal Building located at 444 Southeast Quincy, Topeka, Kansas, the "Frank Carlson Federal Building"; and

S.J. Res. 82. Joint resolution to designate the week commencing with the third Monday in February of 1981 as "National Patriotism Week".

The Secretary reported that on October 3, 1980, he had presented to the President of the United States the following bill:

S. 2719. An act to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for otther purposes.

The Secretary reported that on October 6, 1980, he had presented to the President of the United States the following bills and joint resolution:

S. 1482. An act to provide certain pretrial, trial, and appellate procedures for criminal cases involving classified information;

S. 1640. An act to extend certain authorities of the Secretary of the Interior with respect to water resources research and development and saline water conversion research and development programs, and for other purposes;

S. 1798. An act to reduce regulation of and increase competition in the household goods moving industry, and for other purposes;

S. 1873. An act to revise the composition of the judicial councils of the Federal judicial circuits, to establish a procedure for the processing of complaints against Federal judges, and for other purposes;

S. 2320. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes;

S. 2622. An act to improve coastal zone management in the United States, and for other purposes;

S. 2719. An act to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes;

S. 2936. An act to transfer certain employees of the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate;

S. 2961. An act for the relief of Viktor Ivanovich Belenko;

S. 3180. An act to repeal a provision of the Refugee Education Assistance Act of 1980; and

S.J. Res. 201. Joint resolution to provide for the designation of a week as "National Lupus Week".

The Secretary of the Senate reported that on October 7, 1980, he had presented to the President of the United States the following enrolled bill:

S. 2320. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for the fiscal years 1981 and 1982, and for other purposes.

The Secretary of the Senate reported that on October 10, 1980, he had presented to the President of the United States the following enrolled bills:

S. 707. An act for the relief of certain aliens;

S. 1156. An act to amend and reauthorize the Solid Waste Disposal Act;

S. 1250. An act to promote United States technological innovation for the achievement of national economic, environmental, and social goals, and for other purposes;

S. 1393. An act to amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes;

S. 2043. An act to provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife.

S. 2412. An act to amend the Solid Waste Disposal Act to further encourage the use of recycled oil;

S. 2725. An act to extend certain authorizations in the Clean Water Act, and for other purposes; and

S. 3072. An act to establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4732. A communication from the Acting Administrator of the Rural Electrification Administration, transmitting, pursuant to law, notice of the approval of a commitment to guarantee a non-REA insured loan to Alabama Electric Cooperative of Andalusia, Alabama; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4733. A communication from the President of the United States, transmitting, pursuant to law, a proposed amendment to the request for appropriations for the fiscal year 1981 for the Department of Health and Human Services; to the Committee on Appropriations.

EC-4734. A communication from the Under Secretary of Defense (Research and Engineering), transmitting, pursuant to law, the total amount of DoD funds paid to subcontractors by prime contractors receiving contract awards of $500,000 or more; to the Committee on Appropriations.

EC-4735. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the transfer of certain funds appropriated to the Department of Defense; to the Committee on Appropriations.

EC-4736. A communication from the General Counsel of the Navy, transmitting, pursuant to law, a report concerning allegations of mismanagement, waste, abuse of authority, and corruption abroad the USNS *Vandenberg*; to the Committee on Armed Services.

EC-4737. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report with respect to converting the wearing apparel activity at Fort Bliss, Texas, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4738. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, a report concerning converting the military family housing maintenance function at Sheppard Air Force Base, Texas, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4739. A communication from the Acting Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, a report with respect to converting the family housing maintenance function at Elmendorf Air Force Base, Alaska, and that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4740. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Are Management Problems In The Acquisition Of Aircraft Gas Turbine Engines Being Corrected"; to the Committee on Armed Services.

EC-4741. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on acquisitions of emergency supplies and equipment for the quarter ended June 30, 1980; to the Committee on Armed Services.

EC-4742. A communication from the Acting Director of the Defense Communications Agency, transmitting, pursuant to law, notice of the intent to study the conversion to commercial contract of the transportation service function at the Defense Communications Engineering Center, Reston, Virginia, in fiscal year 1980; to the Committee on Armed Services.

EC-4743. A communication from the Acting Secretary of the Air Force (Research, Development, and Housing), transmitting, pursuant to law, a report on a study with respect to converting the transient alert aircraft maintenance function at Charleston Air Force Base, South Carolina, and a decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4744. A communication from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs, and Installations), transmitting a draft of proposed legislation to amend section 2104(b)(6)(B) of Title 10, United States Code, to permit the Secretary of the Military Department concerned to defer the field training or practice cruise required by this section; to the Committee on Armed Services.

EC-4745. A communication from the Assistant Secretary of the Navy (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, notice that the Department plans to study the conversion to commercial contract of two Military Sealift Command Vessels; to the Committee on Armed Services.

EC-4746. A communication from the Acting Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, a report on a study with respect to converting the grounds maintenance function at Robins Air Force Base, Georgia, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4747. A communication from the Secretary of the Navy, transmitting, pursuant to law, notice of the intent of the Department of the Navy to transfer the obsolete destroyer ex-KIDD to the State of Louisiana, Louisiana Naval War Memorial Commission, Baton Rouge; to the Committee on Armed Services.

EC-4748. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on a study with respect to converting the guard service activity at Oakland Army Base, Oakland, California, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4749. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the operation of the special pay program for medical officers of the Commissioned Corps of the Public Health Service; to the Committee on Armed Services.

EC-4750. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee and insurance transactions supported by Eximbank during August 1980 to Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-4751. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the Administration's Semiannual Report on the Effectiveness of the Civil Aviation Security Program; to the Committee on Commerce, Science, and Transportation.

EC-4752. A communication from the Vice President for Government Affairs, AMTRAK, transmitting, pursuant to law, a report for the month of June, 1980, on the average number of passengers and the on-time performance; to the Committee on Commerce, Science, and Transportation.

EC-4753. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on a proposed method for evaluating rail passenger corridors and the ranking of the corridors with the greatest potential; to the Committee on Commerce, Science, and Transportation.

EC-4754. A communication from the President of AMTRAK, transmitting, pursuant to law, a Performance Evaluation Report; to the Committee on Commerce, Science, and Transportation.

EC-4755. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Highway Safety Grant Program Achieves Limited Success"; to the Committee on Commerce, Science, and Transportation.

EC-4756. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report and the findings thereunder, on the bonded indebtedness of toll roads, bridges, and tunnels incorporated into the Interstate System; to the Committee on Commerce, Science, and Transportation.

EC-4757. A communication from the Assistant Administrator, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, United States Department of Commerce, transmitting, pursuant to law, the designation of a marine sanctuary in certain waters around the northern Channel Islands and Santa Barbara Island off the California coast; to the Committee on Commerce, Science, and Transportation.

EC-4758. A communication from the Secretary of Commerce, transmitting, pursuant to law, the first Annual Report on the National Climate Program; to the Committee on Commerce, Science, and Transportation.

EC-4759. A communication from the Assistant Secretary of the Interior, transmitting pursuant to law, a report on an agreement with the Arvin-Edison Water Storage District, Arvin, California, to defer repayment obligation of its distribution system loan; to the Committee on Energy and Natural Resources.

EC-4760. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Electricity Planning—Today's Improvements Can alter Tommorrow's Investment Decisions"; to the Committee on Energy and Natural Resources.

EC-4761. A communication from the Deputy Secretary of Energy, transmitting, pursuant to law, the annual report of the Department on the progress of the energy conservation program for consumer products other than automobiles; to the Committee on Energy and Natural Resources.

EC-4762. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, two reports on changes in marketing shares for petroleum products for July, 1980: Sales of Refined Petroleum Products, and Sales of Retail Gasoline; to the Committee on Energy and Natural Resources.

EC-4763. A communication from the Secretary of Interior, transmitting, pursuant to law, the annual report on the leasing and production program in the Outer Continental Shelf and the number of safety violations; to the Committee on Energy and Natural Resources.

EC-4764. A communication from the Secretary of the Interior, transmitting, pursuant to law, required notice on leasing systems for the oil and gas lease sale No. 62, Gulf of Mexico; to the Committee on Energy and Natural Resources.

EC-4765. A communication from the Acting Administrator of the Energy Information Administration, transmitting, pursuant to law, a draft report of the Administration's second annual survey of the Nation's oil and gas proved reserves; to the Committee on Energy and Natural Resources.

EC-4766. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, a request for certain authorizations for appropriations for the Bureau of Land Management for fiscal years 1982-1985; to the Committee on Energy and Natural Resources.

EC-4767. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report encompassing the National Park Service new area study program; to the Committee on Energy and Natural Resources.

EC-4768. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, reports on the NRC Incident Response Plan, the NRC Emergency Communications plan, and on the Acquisition of Reactor Data for the NRC Operations Center; to the Committee on Environment and Public Works.

EC-4769. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, an annual report on the ocean dumping permit program; to the Committee on Environment and Public Works.

EC-4770. A communication from the Administrator of the General Services Administration, transmitting, pursuant to a resolution adopted by the Senate Committee on Environment and Public Works, a Federal building project survey in Clarksburg, West Virginia, evaluating the Federal space needs of agencies in that area; to the Committee on Environment and Public Works.

EC-4771. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Funding for State Medicaid Fraud Control Units Still Needed"; to the Committee on Finance.

EC-4772. A communication from the Attorney General of the United States, transmitting, pursuant to law, the determination by the Solicitor General that the United States will not appeal the judgment of the district court in Becker v. Harris; to the Committee on Finance.

EC-4773. A communication from the Comptroller General of the United States, transmitting, pursuant to law; a report entitled "New Formula Needed to Calculate Interest Rate on Unpaid Taxes"; to the Committee on Finance.

EC-4774. A communication from the Acting United States Trade Representative, transmitting, pursuant to law, the semiannual report on the operation and effect of the International Sugar Agreement; to the Committee on Finance.

EC-4775. A communication from the President of the United States, transmitting, pursuant to law, a report setting forth his decision to provide import relief on canned mushrooms in the form of increased tariffs; to the Committee on Finance.

EC-4776. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, an interim report on the status of the Harmonized Commodity Description and Coding System; to the Committee on Finance.

EC-4777. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the previous sixty days; to the Committee on Foreign Relations.

EC-4778. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties, entered into by the United States within the previous sixty days; to the Committee on Foreign Relations.

EC-4779. A communication from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting, pursuant to law, a report on the Proposal for an Inter-American Fund for Energy and Minerals; to the Committee on Foreign Relations.

EC-4780. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties, entered into within the previous sixty days by the United States; to the Committee on Foreign Relations.

EC-4781. A communication from the Acting Assistant Secretary for International Organization Affairs, Department of State, transmitting, pursuant to law, three reports by the United Nations Joint Inspection Unit; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Under the authority of the order of October 2, 1980, the following reports of committees were submitted on October 2, 1980:

By Mr. CHILES (for Mr. RIBICOFF), from the Committee on Governmental Affairs, with an amendment (in the nature of a substitute):

S. 2116. A bill to authorize the establishment of a Senior Cryptologic Executive Service and Merit Pay and Awards Systems within the National Security Agency and to make necessary amendments to title 5, United States Code (Rept. No. 96-1014).

By Mr. BAYH, from the Committee on the Judiciary:

Special Report entitled "Inquiry Into The Matter of Billy Carter and Libya" (Rept. No. 96-1015).

Under the authority of the order of October 2, 1980, the following report of a committee was submitted on October 16, 1980:

By Mr. CHURCH, from the Committee on Foreign Relations, with amendments:

S. Con. Res. 60. Concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes (Rept. No. 96-1016).

Under the authority of the order of October 2, 1980, the following reports of committees were submitted on October 30, 1980:

By Mr. BAYH, from the Select Committee on Intelligence:

Special Report entitled "Implementation Of The Foreign Intelligence Surveillance Act of 1978-1979-1980 (Rept. No. 96-1017).

By Mr. RIBICOFF, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 262) to provide for the regulatory analysis of proposed rules and review of existing rules by the agencies, to make other improvements in regulatory procedures, to establish the administrative conference of the United States, and for other purposes (Rept. No. 96–1018).

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Under the authority of the order of October 2, 1980, the following executive reports of committees were submitted on October 30, 1980:

By Mr. CHURCH, from the Committee on Foreign Relations:

Robert S. Gershenson, of Pennsylvania, to be Ambassador Extraordinary and Penipotentiary of the United States to Uruguay. (Ex. Rept. 96–54)

Statement of Political Contributions

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert S. Gershenson.

Post: Ambassador to Uruguay.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, Louis Gershenson, $25, January 1980, Congressman Anderson; $25, April 1980, Congressman Edgar. Morris Gershenson, $25, February 1980, Congressman Anderson.
7. Sisters and spouses names, none.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

John A. Gronouski, of Texas, to be a member of the Board for International Broadcasting. (Ex. Rept. 96–55)

The above nominations reported from the Committee on Foreign Relations with the recommendation that they be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCLURE:

S. 3191. A bill to amend the Communications Act of 1934 to prohibit the broadcast of the results or projection of the results of an election to choose the electors of the President and Vice President of the United States until all polling places in the United States are closed; to the Committee on Commerce, Science, and Transportation.

By Mr. BOREN:

S. 3192. A bill to authorize funds for the Carl Albert Congressional Research Studies Center; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 3193. A bill to designate the Jacob K. Javits Federal Building; to the Committee on Environment and Public Works.

By Mr. RANDOLPH:

S. 3194. A bill for the relief of Manuel P. Franco, M.D.; to the Committee on the Judiciary; and

S. 3195. A bill for the relief of Jose Y. Auditor, M.D.; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLURE:

S. 3191. A bill to amend the Communications Act of 1934 to prohibit the broadcast of the results or projection of the results of an election to choose the electors of the President and Vice President of the United States until all polling places in the United States are closed; to the Committee on Commerce, Science, and Transportation.

ELECTION BROADCAST REFORM ACT

Mr. McCLURE. Mr. President, the dust from last Tuesday's election is still settling, and while the events of that eventful day are fresh in our minds, I want to call the attention of the Senate and the Nation to a matter about which I have felt very strongly for some time. That is, Mr. President, the manner in which the major broadcast networks cover the election results and particularly their unduly early determination and announcement of the winners.

I believe last Tuesday's coverage was particularly blatant in this regard. Let me just give an example from my own experience to describe what it is like in the West. My wife and I left our home in McCall, Idaho by car on the afternoon of election day to drive the distance to Payette, where we have always voted, to cast our ballots. By the time we arrived in Payette, about 5:30 in the afternoon, the networks had determined the election was decided and President Carter was ready to concede defeat. Make no mistake about it, Mr. President, I am absolutely delighted with the results of this election and at the opportunities for a new direction it provides our Nation.

I have been and continue to be a strong supporter and admirer of President-elect Reagan. But I am also concerned that the right of every American voter to cast a ballot assurred that his or her vote makes a difference is important, is worth making the effort for, is protected. I believe people should be free to make a choice based on their own convictions and judgment without the undue influence of what the networks say is going to be the result. I can think of no better way to reduce voter turnout or to discourage participation in the election process than to allow this practice to continue. Voter turnout was only approximately 53 percent this year, the lowest figure since 1948.

The State of California, in the Pacific time zone, was expecting voter participation of 85 percent, but a full 13 percent fewer voters showed up at the polls. People in my State, which in the northern part is hours behind the east coast, are angry, and I think they have a right to be angry. I would venture to say the same is true in other Western States. The right to vote in a free society is too precious and too important to allow it to be tampered with in this way. Our elections are so much more than media events or mere television specials. I can see no reason or justification that the election results must be known instantaneously across the land, let alone forecast before they are really known. Really, the greatest advantage I see is to the network ratings. I believe the right to vote is more important.

Accordingly, I am introducing today, the first opportunity after the election, a measure to prohibit the broadcast of results or projections of results of Presidential voting until all the polls across the Nation are closed. There has been some discussion that the way to address this situation is to provide that the polls remain open during the same period of time across the country. But in my judgment, this proposal is bound to lead to inconvenience in one part of the country or another, and would in fact result in even smaller voter turnouts. Why should the time of voting for millions of Americans be adjusted to meet the demands of the broadcast media? Does it not make more sense that the media adjust its programing for the needs of those voters? It would be well if the networks would take this step on their own initiative, but quite frankly, I do not expect that to happen.

But it does focus on the problem and I believe in a reasonable manner deals with something that sooner or later we must deal with.

Something must be done, Mr. President, as difficult as it seems. We must re-enfranchise that significant portion of our population living and voting in the later time zones.

I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

I think the competition to get to the final projection of result is too great, and I do not think that they can, because of competitive forces, reduce their own appetite to be the earliest to make the projections whether it be on the congressional, senatorial races, or particularly in the presidential race.

I recognize that the approach I propose touches on the constitutional guarantees of freedom of the press and freedom of speech, but I believe the proposal would pass constitutional muster. It has been concluded through a long series of decisions that these rights are not absolute, and my proposal does not go so far as to prohibit speech or publication altogether but really rather delays it only a matter of hours. It entails a reasonable manner of achieving a justifiable purpose with a minimum infringement on the rights in question. I, of course, recognize that the bill I am introducing is in need of some perfecting. It does not, for example, address the question of Senate and House races, nor does it anticipate all possibilities.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of title III of the Communications Act of 1934 (47 U.S.C. 301–330) is amended by adding at the end thereof the following new section:

"SEC. 331. PROHIBITION AGAINST BROADCAST OF PRESIDENTIAL ELECTION RESULTS UNTIL POLLS ARE CLOSED.

On any day in which an election is held to select electors of the President and Vice President of the United States, no station licensee shall broadcast, or permit the broadcast of the results of or any projections of the results of such election prior to the official closing of all polling places (other than those places where only absentee ballots may be cast) at which votes may be cast in such election. Any station licensee which violates this section shall be subject to a fine of not more than $10,000."

By Mr. BOREN:

S. 3192. A bill to authorize funds for the Carl Albert Congressional Research Studies Center; to the Committee on Commerce, Science, and Transportation.

CARL ALBERT CONGRESSIONAL RESEARCH STUDIES CENTER

● Mr. BOREN. Mr. President, I am pleased to introduce legislation today to establish the Carl Albert Congressional Research Studies Center at the University of Oklahoma. All Oklahomans are extremely proud of the long, distinguished service which Speaker Albert rendered, not only to his district and State, but to his Nation as well. As the first Speaker of the House from the State of Oklahoma, he has earned the lasting respect and admiration of all those who have been privileged to know and work with him.

This bill recognizes not only Speaker Albert's past contributions, but also provides the means whereby his dedication to public service may be engendered among future generations of America's leaders. I can think of no finer tribute to Speaker Albert, nor wiser investment in our Nation's educational system, than the establishment of the Carl Albert Congressional Research Studies Center.●

By Mr. MOYNIHAN:

S. 3193. A bill to designate the Jacob K. Javits Federal Building; to the Committee on Environment and Public Works.

JACOB K. JAVITS FEDERAL BUILDING

● Mr. MOYNIHAN. Mr. President, today I am introducing a bill to designate the Federal Office Building at 26 Federal Plaza in New York City as the Jacob K. Javits Building.

I admit that the naming of a building for an outstanding political leader is a commonplace honor and only a small gesture of respect and appreciation. Senator JAVITS deserves more, much more. But it would be folly on our part to presume that we could ever give to Senator JAVITS all that he has given to us, for his contribution has been great—it has been the better part of his life, 34 years of public service.

Beginning in 1946, JACOB JAVITS entered public life by doing what no Republican had done since 1923: He won a seat in the House of Representatives from New York's 21st Congressional District. He won reelection in that Democratic district three times, in 1948, in 1950, and in 1952. In 1954, JACK turned to New York State politics, and was elected attorney general over a very popular Democrat, Franklin D. Roosevelt, Jr.

He won election to the U.S. Senate in 1956 with a plurality of 458,774 votes, carrying 58 of New York's 62 counties. Senator JAVITS more than doubled that margin in 1962, and had the largest plurality of any Senate candidate elected that year. He was also the first Republican running for a statewide office ever to carry New York City, certainly no small feat.

During his 24 years in the Senate, Senator JAVITS has accumulated more committee seniority than any Senator from New York elected in modern times. He is the ranking minority member on the Foreign Relations Committee and serves on the Governmental Affairs Committee, Labor and Human Resources, and the Joint Economic Committee.

But length of service is no great virtue if it is not accompanied by accomplishment. Senator JAVITS, however, has a solid record—even an unsurpassed record—of achievement. His legislative efforts have brought us much good—in education, health, housing, civil rights, labor policy, foreign affairs, trade, and the arts and humanities.

The social and economic programs that Senator JAVITS fought for are what matter to him most, rather than praise or recognition. As people pass through the doors of 26 Federal Plaza—which houses the New York offices of the Labor Department, HUD, OSHA, the Social Security Administration, among others—I want them to know, even if only in a small way, that Senator JAVITS did much to bring those programs to life. It falls to us, his friends and colleagues, to see that he is identified with his work and given credit for all the good he has done.

We can do that by giving his name to 26 Federal Plaza, the largest Federal building in New York State. He deserves it; we should do it.●

ADDITIONAL COSPONSORS

S. 2521

At the request of Mr. DOLE, the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 2521, a bill to amend the Internal Revenue Code of 1954 to provide more equitable treatment of royalty owners under the crude oil windfall profit tax.

S. 2848

At the request of Mr. DOLE, the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 2848, a bill to amend the Internal Revenue Code of 1954 to provide more equitable treatment of royalty owners under the crude oil windfall profit tax.

S. 2916

At the request of Mr. DOLE, the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2916, a bill to amend the Internal Revenue Code of 1954 to provide that the investment tax credit may be claimed against the alternative minimum tax to the extent that it is attributable to the active conduct of a trade or business.

S. 3087

At the request of Mr. SASSER, the Senator from Iowa (Mr. CULVER) was added as a cosponsor of S. 3087, a bill to amend the Congressional Budget Act to require the Congressional Budget Office, for every significant bill or resolution reported in the House or Senate, to prepare and submit an estimate of the cost which would be incurred by State and local governments in carrying out or complying with such bill or resolution.

NOTICES OF HEARINGS

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on Taxation and Debt Management of the Senate Committee on Finance announced today that the subcommittee will hold a hearing on bills relating to the taxation of certain annuity contracts and the normalization requirements for certain public utility property.

The hearing will be held on Wednesday, November 19, in room 2221 of the Dirksen Senate Office Building, and will begin at 2 p.m.

S. 3082, introduced by Senator TOWER, and S. 3094 introduced by Senator HATCH, are substantially identical and would provide that the tax treatment of certain annuity contracts be determined without regard to revenue ruling 77-85. H.R. 6806 would provide that in certain instances, violations of the normalization requirements of present law would not result in a public utility's loss of eligibility for the investment tax credit or accelerated depreciation. H.R. 6806 would benefit Pacific Telephone & Telegraph Co., General Telephone Co. of California, and Southern Gas Co.

Revenue estimates on these measures will be available at the hearing.

Witnesses who are not scheduled to make an oral presentation, and others who desire to present their vows to the subcommittee, are urged to prepare a written statement for submission and inclusion in the printed record of the hearing. These statements should be typewritten, not more than 25 double-spaced pages in length, and mailed with 5 copies to Michael Stern, staff director, Committee on Finance, room 2227, Dirksen Senate Office Building, Washington, D.C. 20510, not later than December 1, 1980.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND FEDERAL SERVICES

Mr. GLENN. Mr. President, I wish to announce a hearing that will be held by the Subcommittee on Energy, Nuclear Proliferation, and Federal Services of the Committee on Governmental Affairs. On Tuesday, November 18, 1980 at 10 a.m., the subcommittee will hold a hearing on the undercount in the 1980 Census in room 3302 of the Dirksen Senate Office Building.

If you have any questions regarding this hearing please contact Mrs. Martha Volner of the subcommmittee staff at 224-2627.

SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

Mr. DECONCINI. Mr. President, I wish to announce that the Subcommittee on Improvements in Judicial Machinery will hold hearings on S. 2082, a bill to amend title 17 of the United States Code dealing with exceptions to the copyright law, on November 19, 1980 at 10 a.m. in room 2228 of the Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

POLITICAL IMPACT OF GROWING SOVIET POWER

● Mr. JACKSON. Mr. President, on Thursday, October 30, I had the opportunity to address the Conference on the Sino-Soviet Conflict: The Seventies and Beyond held in Seattle under sponsorship of the School of International Studies of the University of Washington.

The conference brought together a distinguished group of scholars on China and the Soviet Union. The participants contributed major papers and the level of discussion was exceptionally high.

I undertook in my dinner address to suggest and briefly discuss key issues arising from the political impact of growing Soviet military capability. Since these issues need urgent attention not only by scholars, but by officials in the executive branch and Congress as well, I ask that the full text be printed in the RECORD.

The address follows:

The Political Implications of Growing Soviet Power

(By Senator HENRY M. JACKSON)

I am delighted to join you on the first evening of this Conference. I always have been a champion of the University of Washington's achievements in Asian and Russian studies. As many of you know, I have taken a personal interest in the development campaign undertaken by the School of International Studies. Especially now, we want the new Center for Contemporary Chinese and Soviet Studies to get a strong and significant start. So this Conference on The Sino-Soviet Conflict: The Seventies and Beyond is particularly auspicious.

Also, the focus of this Conference on the history of the conflict is very welcome. Some of you who know me well are aware that my favorite policy advisers are historians; my happiest hours in congressional sessions are those spent with witnesses steeped in history—Robert Conquest, Bernard Lewis, Richard Pipes, Dwight Perkins, Mike Oksenberg, and the many others.

For a decade, Western nations have been receding into the shadows of growing Soviet military power. While our defense budgets were declining, theirs were increasing. While we were negotiating, they were doubling their strategic forces, and expanding as well as modernizing their conventional forces opposite both Europe and China.

It should have come as no surprise that the Soviets would crown a decade of "détente" by invading Afghanistan. Yet it was a surprise to Western leaders, shocking the Administration and jolting European capitals. This invasion provided more evidence, if any more was needed, that too many Western policy makers cannot read the signs of the times. Indeed, official Washington—as well as the community of American scholars—needs to squarely face some prime questions. I think it might be useful on this occasion to highlight a few, and comment briefly on them.

First of all, there are questions relating to the adverse shift in the strategic nuclear equation. How do the impressive gains in Soviet strategic power affect Soviet behavior? What are the consequences for the United States of a strategic environment in which American primacy is widely questioned?

Long ago, I took my clues on how the Soviets might behave from the beloved historian, Professor Philip Mosely of Columbia University. Back in 1967 before a Senate Committee I was chairing, Phil warned:

"In any future period in which it might attain either nuclear equality or nuclear superiority, however that may be measured in terms of the ratio between offensive and defensive systems, we would be prudent to assume that Soviet policy would be tempted to undertake a more extensive, more acute, and more dangerous range of risks in order to pursue its declared long-range ambition to reshape the world according to its own dogma."

How right Phil was. The increasingly favorable strategic nuclear balance provides Moscow with the umbrella under which it pursues probes abroad, directly or by proxies, to expand its influence and power.

Like popularity in politics, strategic advantage may be difficult to define, but when it shifts, those who gain it and those who lose it are bound to be sensitive to the change. Today, American diplomacy does not enjoy the comfortable freedom of action that it experienced in the past, and the element of uncertainty in crisis situations is now of more serious import.

As I see it, a robust strategic equivalence with the Soviet Union is an essential foundation for an effective American foreign policy—one which will assure our national security and the safety of other free nations. But even if we succeed in maintaining strategic equality, areas like the Middle East and Southeast Asia will become more vulnerable to the growing Soviet capacity for regional intervention.

And our overdue buildup in conventional capabilities, including naval forces, has been hesitant—marked by a redesignation of existing forces for a much-needed rapid deployment force rather than the creation of new ones. Moreover, the pace is inappropriately slow, given the steady Soviet arms buildup over the last 10 to 15 years. Unless determined efforts are made to modernize U.S. military capabilities, develop appropriate allied capabilities, and fortify the regional military balances, Soviet pressures on countries close to their periphery are sure to increase.

For these reasons, I am determined to do what I can to see that this country moves urgently but sensibly to restore its overall military strength.

A second set of questions relates to the many means the Soviets employ to protect their influence abroad. How has the Soviet Union gained diplomatically and politically from its steady investment in military power? What tactics is Moscow using to expand its influence in the Persian Gulf area?

It is generally agreed that a basic Soviet guideline for action is what the Soviets refer to as the "correlation of forces." By this term they mean the balance in capabilities of contending parties to inflict harm on each other. The Soviets maintain that such a calculation allows one to decide in any given situation whether to act more aggressively or less, and which of the various means to employ.

Mindful of the Russian proverb: "If you don't know the ford, don't step in the river," the Politburo does not plunge into contests blindly. Moscow prefers the political offensive—using its military forces to bully and blackmail. Rather politic than fight—those are the Kremlin's priorities. And this is the real return on the massive Soviet investment in military capabilities, both nuclear and conventional.

An area of grave and immediate concern is, of course, the Middle East. How are the Soviets using their position of strength in the Persian Gulf area?

I would guess the Soviets are not responsible for starting the Iraq-Iran war. They probably are not too happy with it. They have yet to gain the full control of Afghanistan which they are anticipating. But, there are some ways Moscow can profit from the Iraq-Iran war—there is little or no profit for us in this conflict.

As I view it, the Soviets seem to be tilting toward Iran, perhaps betting that if Iran is the winner, Moscow could inherit a virtual protectorate over northern Iran—without incurring the disadvantages of an overt invasion. It is significant that the Soviets chose this particular time to sign the Friendship and Cooperation Treaty with Syria, which like Libya is opposed to Iraq and is aiding Iran. Should Iraq be the loser, President Saddem Hussein probably would be overthrown, and his successor would likely be more willing to heed Moscow. Thus the Soviet Union could end up with Iraq once again as a friendly client, and Moscow in de facto control of a major part of Iran—a long coveted objective.

Moreover, Moscow is well positioned as a mediator of the conflict, having diplomatic relations with both sides. We on the other hand have diplomatic relations with neither side and are scorned by both belligerents.

Predictably, the Soviets are obstructing efforts to get the United Nations into the act as mediator to secure a cease-fire. If only the United Nations would give to the Iraq-Iran conflict even a portion of the attention and energy it gives to denouncing Israel and lauding the PLO!

In the meantime, will the Soviets strongarm Gulf states to move oil out of the Middle East into the Soviet Union for resale to Europe, making Europe more dependent on the Soviet Union? The Kremlin did something similar with natural gas; it bought gas from Iran, while selling its own to Europe. Germany and Italy are 20 percent dependent for their natural gas on the Soviet Union.

What happens if we wake up tomorrow and learn there is a coup in Saudi Arabia? What do we do? Western leaders are not addressing such contingencies, even though they are of such major importance.

A third group of questions pertains to the Soviets' Western Flank and the problems besetting its Warsaw Pact allies. What can we expect as Moscow tries to ensure the stability and cohesion of the Soviet bloc? How will it manage the crisis in Poland?

The Soviet thrust into Czechoslovakia proved what they can do overnight in military terms—when unopposed. Memories of August 1968 argue against the complacent notion that restraint in handling its allies will necessarily prevail in the Politburo.

Clearly the Soviets are deeply upset by the Polish crisis. It caught them at a time when they were struggling in Afghanistan, preoccupied with the Persian Gulf area, and starting up the new "peace offensive" in Europe in hopes of creating strains between the United States and its allies and undermining NATO. Obviously, the Soviets would wish to handle the crisis without military action—especially in view of the expectation that the Poles would fiercely resist. But independent trade unions are a threat to the supremacy of the Polish Communist Party. Will the Soviets tolerate them? The Polish government is seeking a way to thwart the Polish revolt—for example, a Warsaw court has registered the independent trade union federation, Solidarity, but attached a provision to the union charter stipulating that it must recognize the "leading role" of the Polish Communist Party, and uphold Poland's system of alliances with Communist countries. Will this work? If not, what next? What other

Soviet-inspired salami tactic will be tried? Meanwhile, the option for overt intervention one way or another is open, and I believe the Soviets intend to keep it open.

Should the West continue large-scale loans to Poland and finance the increase in wages and benefits that the Polish strikers have forced? As of August this year, the Polish regime owed our government $1.8 billion in principal and interest under CCC, PL 480 and Ex-Im programs. Overall, Polish private and official indebtedness to the West is now $21 billion, much of it to Germany and France. Large-scale loans to East European countries were once thought of as a way to gain "leverage" over these governments; what may be happening instead is that the debtors are obtaining leverage over Western governments by the substantial interest in repayment the West's governments and banks are acquiring.

The Polish government is now coming to the West for more help. What conditions should we set? We want to support the basic rights of Polish workers; but I don't like the idea of being milked for loans on the false assumption that the Polish government is standing up to the Soviets when in fact it is sabotaging solemn agreements with its own workers.

A fourth set of questions relates to the domestic problems confronting Kremlin leaders. How do difficulties at home influence their conduct abroad? Will internal troubles slow the Soviet military buildup and discourage adventurism beyond its borders?

There is no doubt that Moscow faces severe domestic problems. Soviet leaders have yet to make their political and economic system come near to meeting the growing demands of their consumers and workers. They must control a population composed of more than 150 nationalities, with the great Russians now only 47 percent of the population. Moreover, the Kremlin has limited skills in political management: master at brute force and repression, but not at compromise and accommodation.

Yet, as Phil Mosley used to say, the Soviets have a sense of defense-mindedness which makes them feel they are never safe until they are stronger than the potential opponent. In Phil's words:

"Instead of feeling that a country can have enough defense at any given time, they have a feeling that they must have superiority, and this is very deep seated in their popular psychology and is therefore accepted by their people in terms of the sacrifices that they know that they are making for strengthening their defense."

Moreover, the Russian people are very conscious of power. Historically, they look back on many periods when their country was invaded because it was weaker than a neighbor—the Mongols, the Tartars, Napoleon, the invasion of their territory in World War I, and Hitler's deep penetration in World War II. The Soviet regime speaks endlessly of the sacrifices of World War II to bolster national unity.

And, for the people to be told: "Now we are one of the two great powers, and no one would dare to attack us" is a matter of considerable satisfaction to individual Russians.

The Soviet leaders—like all despots—fear their own people. But Professor Richard Pipes points out:

"Fear breeds insecurity which in turn expresses itself, in nations as in individuals, in aggressive behavior."

Domestic unrest may be taken by the Politburo as an argument—even an incentive—for stepped-up activity abroad. "There is no bread," cry the peasants. "So what," say the Brezhnevs, "we will soon be the No. 1 nation in the world." "There is no freedom," cry the dissidents. "So what," say the Gromykos, "we are taking on the capitalists and grinding their faces in the muck."

I believe we can take little comfort in the expectation that internal difficulties in the Soviet Union will tame the "Polar Bear."

Finally, we face questions involving the Soviet approach to East-West negotiations. Are the Soviets interested in balanced, mutually beneficial agreements as we in the West define these terms?

From the Soviet tactic to enter agreements that appear cooperative—the Hitler-Stalin Pact comes to mind, as does the Soviet-Chinese Friendship Treaty of 1950, or the Soviet-Egyptian Friendship Treaty of 1971, or SALT I and SALT II for that matter—some officials have drawn the mistaken conclusion that the U.S.-Soviet relationship is a mixture of "cooperation and competition." This confusion between the appearance of cooperation and the reality of competition has nurtured and sustained illusions about East-West negotiations for over a decade. The fact is that for the Kremlin the U.S.–USSR relationship is one of unremitting competition. Moscow will talk and negotiate with the United States in order to compete more effectively.

Malcolm Mackintosh, distinguished British author and analyst, says it this way:

"Negotiation is viewed by the Soviets as a weapon like a ship in the Mediterranean or a strategic missile. Their aim in talking to the United States and the West is *not* to get an agreement based on mutual concessions in order to produce lower tensions and a more understanding relationship with other countries."

Tragically, our SALT promoters never understood this fundamental proposition. As a result, in SALT II they came up with an altogether ironic outcome for a so-called arms control agreement—an unbalanced charter sanctioning the massive buildup of Soviet strategic power, advantaging the Soviets in critical respects, and containing provisions of great importance that we are unable to adequately verify.

As we get serious about our defenses, we need not abandon our long-standing goal of reaching truly equal, and truly verifiable accords with the Soviet Union to reduced weapons of mass destruction. But we will never achieve this kind of stabilizing and durable agreement if we negotiate from a position of weakness and make gratuitous concessions. And the Soviet should understand that we are prepared to live in a world without arms limitation if they persist in their pattern of aggression and subversion, and continue to settle only for unequal, one-sided agreements.

Just a concluding word:

The kinds of questions I am raising certainly give policy makers and scholars no excuse to relax. We are in a period of fateful decisions, not easy decisions like resistance when you are attacked. In fact, we confront a protracted, costly struggle which alone can assure the future of freedom.

If our discussions here provide us with a better intellectual foundation to wage the contest and stay the course, then our time at this Conference is well spent. The School of International Studies, in its tradition of excellence, will again have put critical issues in perspective.●

PROTECTIONISM, PART I

● Mr. HEINZ. Mr. President, one of the scare stories frequently found in the work of today's economic writers and pundits is that the United States—indeed the entire world—is growing increasingly protectionist. Such stories are invariably based on the premise that protectionism is always bad and usually cancerous in its growth. That is, one small protectionist action leads inevitably to the next, and to the next, and so on until international trade virtually disappears. This is similar to the old "one step down the road to socialism" argument we used to hear, although in the minds of some of today's writers, protectionism is even worse than socialism.

In fact, as is always the case, the real world is more complex, and it needs to be viewed in finer detail than the broad brush of "protectionism" permits.

In the coming weeks, Mr. President, I will be commenting from time to time on protectionism and bringing to the Senate's attention some of the more illuminating and realistic articles that have appeared on the subject. I begin today with a recent statement by the National Foreign Trade Council, clearly a "free trade" organization, which accurately defines the term in a precise, nonpejorative way. Most importantly, the Foreign Trade Council makes clear that there are legitimate steps a nation can take to defend itself against unfair actions by others that should not be defined as "protectionism." The Council's statement says:

> The term, "protectionism," refers to measures employed to restrict fair and competitive imports. The primary means of restricting imports include increased tariffs, negotiated orderly marketing agreements, mandatory quotas, administrative measures, non-reciprocal trade practices and voluntary restraint agreements. However, measures to counteract dumping and export subsidies which are not in line with international agreements, when properly applied, are legitimate actions to prevent unfair competition, and should not be considered as protectionist devices.

The statement goes on to emphasize this fundamental point: International law and the general agreements on tariffs and trade (GATT) sanction defensive actions by nations in certain clearly defined circumstances. Protection in those circumstances is to be in response to unfair practices, or if in response to injury should be narrowly targeted to the injured party, limited in duration and scope, and phased out rapidly. These conditions are all met by our existing laws, thanks in part to modifications made last year in the Trade Agreements Act of 1979.

My point, Mr. President, is that we should all be more careful when we throw around terms like "protectionism" and imply that any trade restraint for any reason falls into that category. In fact the international trading system depends on adherence to carefully crafted rules and principles, rules which sanction trade restrictions under defined circumstances. When the U.S. Government acts pursuant to its own laws and the GATT to provide legitimate relief to an injured party, we should not simply rush to conclude that action is illegitimate, illegal, unwarranted, or unwise. In fact, trade policy is considerably more complex.

In the days ahead, Mr. President, I plan to discuss some of these complexities in greater detail. I ask that the statement by the National Foreign Trade Council appear at this point in the Record.

The statement follows:

POLICY STATEMENT—PROTECTIONISM

SEPTEMBER 24, 1980.

Nations throughout the world, including the United States continue to adopt protectionist measures to restrict competitive imports, despite the conclusion of the Tokyo Round of the Multilateral Trade Negotiations last year. The National Foreign Trade Council views with concern the efforts of governments worldwide to protect selected domestic industries from fair competition of foreign goods and services. Unless checked, such protectionism can lead to a spiral of retaliation and counterretaliation, which will inhibit international trade and investment and slow worldwide economic growth. Furthermore, such barriers against imports can increase inflationary pressures, inhibit the transfer of capital and labor into more productive enterprises and restrict international competition.

A free and open international trading system, characterized by minimal government intervention in trade flows, offers the best hope for continued economic growth in developed and developing countries. The United States must continue to exercise leadership in trade liberalization and the reduction of obstacles to trade flows.

The term, "protectionism," refers to measures employed to restrict fair and competitive imports. The primary means of restricting imports include increased tariffs, negotiated orderly marketing agreements, mandatory quotas, administrative measures, nonreciprocal trade practices and voluntary restraint agreements. However, measures to counteract dumping and export subsidies which are not in line with international agreements, when properly applied, are legitimate actions to prevent unfair competition, and should not be considered as protectionist devices.

The Council considers that the first line of defense against protectionism is health and expanding local economies. Nevertheless, it recognizes that occasionally when a country is experiencing difficulties, import injury relief may be necessary to cope with exceptional dislocations in certain industries as a result of injurious increases in fair and competitive imports.

Given the current weakness in the United States domestic economy and recognizing that imports have surged to the detriment of some industries, the Council acknowledges that selective relief may be needed. It believes that the best second line of defense against protectionism is adjustment assistance to the affected workers, companies, and communities. The objective of our nation's assistant program should be to continue to provide financial aid as well as technological help in promoting production efficiency and new production methods. Since these programs are costly, efforts are needed to hold expenditures at levels absolutely necessary to achieve the objectives.

At times, nations may consider it necessary to go further and in limited cases to employ import restrictions to moderate the impact of increased imports on injured industries. The Council then recommends that consideration first should be given to tariffs before employing non-tariff measures. Unlike non-tariff measures, increased tariffs, unless at prohibitive rates, allow domestic and foreign producers to compete on price and other terms with minimal government interference and maintain both the consumer's freedom of choice and the producer's incentive for increased productivity.

Protectionism should only be employed when the need is clearly demonstrated and when adjustment assistance does not provide adequate relief. The measures taken should satisfy the needs of those injured and be developed in consultation with the other trading partners. They should be temporary, have a definite termination date and be phased out as rapidly as possible. While in force, they should provide growth in imports as domestic consumption increases.

Protectionism should not be used to preserve over the long term a non-competitive or non-strategic industry. Costs should be kept as low as possible and made known to the consumer and taxpayer.

In conclusion, the Council reaffirms its longstanding commitment to freer trade and a more open and equitable trading system. The Council believes that the United States should assert its leadership in combating protectionism and non-reciprocal trade practices and together with its major trading partners should continue to move forward in liberalizing all tariff and non-tariff barriers and assure that international trade is being conducted on fair, reciprocal, and mutually acceptable terms.●

THE DECLINE IN OUR INTERNATIONAL TRADE POSITION

● Mr. BENTSEN. Mr. President, I have been troubled by the decline in our international trade position. One element contributing significantly to this decline has been the inequitable tax treatment of Americans working abroad. In this regard, I am pleased that the Senate Finance Committee has approved an amendment that I worked on with Senator CHAFEE which will reduce the tax burden on these Americans. A letter written by Mr. William Quasha to the editor of the Asian Wall Street Journal on October 25, 1980, outlines the problem well. I submit the letter for the RECORD.

The letter follows:

EXPATRIATE TAX

Editor:

The question of U.S. taxation on income earned abroad by bona fide overseas American residents is too important to be relegated to an emotional issue. I refer to the exchange of letters between Mr. David A. Lloyd-Jones and Mr. I. H. Fredericks (AWSJ Sept. 13, Oct. 4, and Oct. 11).

The exemptions that Americans formerly enjoyed under Sections 911 and 913 of the Internal Revenue Code of the United States were removed by Congress on the theory that all Americans should be taxed equally. Americans living abroad are basically engaged in promoting international trade and, thus, are helpful in promoting American business which, in turn, helps America's balance of payments.

Various measures are now proposed in Congress to give Americans living abroad some relief in respect of taxes on their income earned abroad. Recognition is now being given to the fact that Americans living abroad ought to be placed on equal status with their competitors.

Virtually all nations with whom America competes in the international markets do not tax their citizens on income earned abroad.

No question of patriotism is involved. The question is one of economic realities. Americans living abroad must pay taxes to their host government. Under previous law the tax paid abroad was deductible from their U.S. income tax. With the removal of this and other exemptions, some Americans are in a position of having to pay to their host government and to the U.S. government taxes which exceed 100% of the taxpayer's income.

Even in the best of circumstances, an American who is in a high tax bracket under present law has very little income left. Consequently, many Americans have found it necessary to give up their jobs overseas and to return to America. American companies are often compelled to hire third-country nationals who, although they are willing to work and often do work very well, are unlikely to have the same enthusiasm for promoting American products as an American would have.

So, "equality" under present law does not exist in the true sense of the word. When an American living abroad has to pay taxes to two governments he is not on an equal basis with the American living in the U.S. and he is not on equal footing with citizens of other nations with whom America is competing in overseas marketplaces.

In certain areas, such as Hong Kong, where there is a modest tax on income, the pinch is not as severe as it is in other countries where the tax net income escalates similarly to the U.S. income tax schedule. In these instances Americans are penalized merely because they are Americans.

No one can say what is patriotic in respect of the payment of taxes other than to say that it is the responsibility of all citizens of all nations to respect the law of their own country, as well as the law of the place where they live.

WILLIAM H. QUASHA.

MANILA.●

COAL LEASES IN THE BISTI REGION OF NEW MEXICO

● Mr. DOMENICI. Mr. President, I am very happy to announce that the President has signed into law H.R. 6816, an act that would authorize and direct the Secretary of the Interior to issue coal leases in the Bisti region in New Mexico to the owner or owners of two outstanding Federal coal leases to New Mexico, Western Coal Co., upon surrender and relinquishment of the outstanding leases or portions of the leases. This legislation is important for two reasons. It gives the Western Coal Co. an opportunity to acquire other coal leases in exchange and to begin supplying the coal needed for production of electrical power for New Mexico and the Southwest. At the same time it allows the Federal Government to protect sensitive archeological, paleontological, wilderness and other values in the lands covered by the leases that will be relinquished.

These are the reasons the President signed the act into law. However, in doing so, he noted two provisions of the law that he found objectionable and, except for the overriding need for coal development and for protection of a variety of sensitive resource values in the lands covered by the relinquished leases, would have been reason for a veto.

The first provision the President found objectionable was that the Secretary of the Interior is directed, rather than just authorized, to make the exchange. The President points out that this would remove from the Secretary the ability to refuse to make an exchange if he found it to be not in the public interest.

The act was worded as it is because it was our understanding that the Bureau of Land Management and the Department of the Interior was prepared to move forward with the exchange as soon as the Congress enacted the necessary enabling legislation. The language was intended to reinforce what was already clearly the intent of the Department, the Bureau of Land Management, the Secretary and the congressional delegation to pursue an exchange as the best way of achieving both the wilderness protection and energy production goals that are important to New Mexico and the Nation. There was never any intent to require the Secretary to do something contrary to his judgment or not in the public interest.

The second objection raised by the President is the specific identification of Federal coal lands to be made available for development through exchange. The President felt that the Secretary must be allowed to make those land determinations required by law prior to designation of lands for an exchange lease. Again, there was no intention through this legislation to interfere with the environmental analysis or land use planning which are inherent in BLM management decisions. We merely intended to identify those Federal lands which we had been told appear most likely to meet the criteria used by BLM in the planning process for determining how to proceed with the exchange recognizing that the lands are still subject to further review prior to a land use decision.

Congress certainly did not intend that the bill circumvent the determinations and the processes established by the Secretary to insure a well-planned Federal coal program. Congress did not intend that the inclusion of the two objectionable provisions serve as a precedent for other legislation. Through enactment of this law, the Secretary of the Interior has the necessary authority and can begin the exchange process.●

THE TENN-TOM WATERWAY

● Mr. STEWART. Mr. President, 13 years ago, Congress and the President of the United States decided it was a good idea to construct a waterway connecting the Tennessee River and the Tombigbee River; 13 years later, it is still as good an idea as it was then. The 232-mile waterway will connect 16,000 miles of inland waterways with ports of the eastern Gulf of Mexico. Construction of the waterway began in 1972 and is now almost 50 percent complete with nearly 70 percent of the total costs of the project under contract.

A great deal of time has been spent by opponents of this project on the issue of the benefit/cost ratio of the waterway. I would like to spend a moment clearing the muddy water on this issue. First, I think it is important to remember that of all the projects in the United States for which Federal funding is utilized, none goes through as stringent an analysis to assure that the cost to the taxpayer does not exceed the benefits as does a water project. Most federally funded projects go through no benefit/cost analysis whatsoever.

Detractors of Tenn-Tom claim that the benefit/cost ratio is inaccurate because it uses a low rate of interest in its calculation. The discount rate of 3¼ percent used in determining the benefit/cost ratio for Tenn-Tom is proscribed by law; first by regulation of the Water Resources Council, and then by Congress in the Water Resources Development Act of 1974. When using the 3¼ percent discount rate, the remaining cost/benefit ratio for Tenn-Tom is 2.5 to 1. A benefit/cost ratio for the entire project, including that which has been completed, is still above unity at 1.3 to 1. Even when computed at a discount rate of 7⅛ percent, the remaining benefit/cost ratio is still above unity at 1.3 to 1.

When computing a benefit/cost ratio, the Corps of Engineers makes an assessment of future commerce generated by a water project. A review of projected navigation tonnages by the corps in past years shows their estimates to be very conservative. As General Morris of the corps stated in testimony before Senator JOHNSTON's subcommittee, "every waterway we have looked at, with few exceptions, has greater tonnages than projected."

The benefit/cost ratio is a guideline for the corps, an attempt to insure that no waterway will cost more than it is worth in generated commerce. But there are many more benefits to water projects, especially the Tennessee-Tombigbee, which are not included in the benefit/cost ratio. The benefits to regional growth as a result of the waterway are not included in the benefit side of the ratio, induced regional water traffic is not included, energy saved by using the waterways as opposed to less energy efficient means of travel is not included, the effect of the waterway in increasing our export trade is not included, the benefits through increased jobs to many of our Nation's rural areas is not included. It depends on how one quantifies these unincluded benefits, but clearly these are positive benefits to our Nation as a result of the Tennessee-Tombigbee Waterway.

In 1976, barges on our Nation's waterways moved nearly 16.9 percent of total intercity ton-miles of freight for only 2.3 percent of the total freight costs. At that same time, railroads moved 37 percent of the tonnage for 37 percent of the costs. I do not intend to indicate here that use of waterways will replace the need for rail freight transportation. We need the freight services provided by rail transportation, but I do not believe we should shy away from a more energy efficient means of travel simply because it interjects some competition into the total picture of freight shipping. The farmers of this Nation who are playing an increasingly active role in export deserve any shipping alternatives available.

Clearly, the demand for the use of the waterway for a variety of commodities is on the rise. When the waterway was first conceived, there was little indication that the demand for agricultural exports could be as great as it is today. Agricultural exports are the one bright spot on a rather bleak export picture. The Tenn-Tom Waterway will allow for further increases in exports from vital Middle West, Midwest, and southern agricultural States.

The benefits of this waterway to my own State of Alabama are many. The Tenn-Tom will tie the port of Mobile, the Nation's eighth busiest port, to the Great Lakes and the Ohio and Tennessee Rivers. The waterway will give 23 States direct connections to Alabama's outlet in the Gulf of Mexico. One out of every 11 jobs in Alabama in some way relate to import and export activity through the Port of Mobile. The payroll for import/export-related jobs in the State is over $1 billion. One of the benefits I mentioned earlier that is not included in the benefit/cost ratio is the number of jobs created by the Tennessee-Tombigbee. In Alabama alone, the Tenn-Tom is expected to create 15,000 new jobs by 1986, and the projection for the year 2000 is more than 55,000 jobs.

Under the impetus of the Tenn-Tom, Alabama will receive a savings in navigation that will total $37.5 million in the first year. Thirteen other States will save transportation costs totaling $44.5 million in the first year. The savings per year in the State of Alabama could reach a level as high as $48 million per year.

In addition to the Mobile area in Alabama, the region with the greatest potential for development is that along the route of Tenn-Tom is west Alabama. Like many areas through which the Tenn-Tom will travel, this is one of the least developed and poorest sections of my State. Development of this waterway offers the people of this economically depressed area of Alabama a chance to work and to improve the quality of life in that area.

Alabama, with its more than 1,300 miles of navigable waterways, stands on the threshhold of helping improve the Nation's transportation system through integration of the inland waterway system, combining railways, highways and the airways.

For the past 2 years, I have served in the Senate, much debate has centered on the need to plan ahead for America's economic future. We must not be caught in the short-sighted trap that by cutting immediate dollars from the budget would also slash economic growth potential in the future. This Nation suffers the severe economic consequences of an unfavorable balance of trade and a dependency on inflationary imported oil supplies. The Tenn-Tom will directly address both these crucial issues. By providing a cost-efficient means of transporting America's vast coal reserves, the Tenn-Tom will be working to reduce our dependency on the foreign oil imports that have steadily fueled the inflation rate in this country. And, by opening vast new export opportunities for thousands of American firms and farmers, the Tenn-Tom will be working to bring back home some of those dollars currently trapped abroad by our own exporting deficiency.

And, there is a growing third concern in this country that the Tenn-Tom directly touches—the issue of jobs and unemployment. In my travels across Alabama, I have seen thousands of workers enduring the hardship and frustration of unemployment triggered by the current recession. I have no doubt that we will soon be discussing various kinds of job programs to attack this nationwide unemployment problem. Before we start talking about how much we are going to fork out to fund some expensive job creating program, let's not first begin by abolishing the many thousands of productive jobs connected with the Tenn-Tom waterway.

Today, I ask you to cast your vote for the Tenn-Tom Waterway and for the economic future of this country.●

THOMAS J. YEZBAK

● Mr. HEINZ. Mr. President, on Sunday, October 19, 1980, in Uniontown, Fayette County, Pa., a rare tribute was paid to Thomas J. Yezbak, an outstanding community leader. I have known Tom Yezbak for many years and I have long admired his decency, his dedication and his commitment to the people of Fayette County and Pennsylvania.

This tribute, naming Tom "Man of the Year" of Fayette County, was attended by representatives of the entire southwestern Pennsylvania community. It honored his years of community service—the kind of selfless public service that too often goes unrecognized today.

Among Tom's many contributions, he was the founder and first president of the American-Lebanese-Syrian Association of Western Pennsylvania, an organization that has helped Arab-Americans to be Americans first but proud of their great cultural heritage.

He helped organize the Fayette County Retarded Children's Association and serves on its board of directors today. In addition, Tom holds offices with the Uniontown Chamber of Commerce, the Westmoreland-Fayette Council of the Boy Scouts, the Penn State-Fayette campus and the Exchange Club of Uniontown.

Tom Yezbak's integrity, his willingness to share with others, and his concern for people represent the very best that the State of Pennsylvania has to offer.

I am proud to offer this tribute to Tom Yezbak in the Senate of the United States.●

THE 50TH ANNIVERSARY OF THE BRODHEAD NAVAL ARMORY, DETROIT, MICH.

● Mr. LEVIN. Mr. President, I would like to take this opportunity to pay tribute to the Brodhead Naval Armory, Detroit, Mich., upon the 50th anniversary of its establishment.

This armory was the result of the untiring efforts of Richard T. Brodhead. Captain Brodhead's distinguished record of Naval service, which spans the early part of this century, was highlighted by his commissioning as Captain of the U.S.S. *Yosemite*, his tenure as Chief of the State of Michigan Naval Militia, and the completion and opening of the armory in 1930. The Captain was responsible for convincing the State of Michigan Legislature to appropriate funds for construction and for the city of Detroit to donate the fine location on the banks of the Detroit River. Today, the armory continues as the site for training and drilling of area Naval and Marine Reservists as it has for half a century.

At the recent rededication of the armory, Captain Brodhead's son, as well as distinguished artist Edgar Yeager, whose magnificent paintings adorn the walls of the building, were in attendance.

It is with great honor that I bring the anniversay of the Brodhead Naval Armory to the attention of my colleagues in the Senate.●

VIRGIE WHITE

● Mr. BOREN. Mr. President, I submit for the RECORD the following article from the September 25, 1980, edition of the Austin, Tex., American-Statesman.

It is a column by Gordon Baxter which describes, with much insight, the outstanding accomplishments and fine character of a woman who has literally become an institution in southern Oklahoma.

Virgie White's sparkling personality and philosophy of life—using power for good—have enabled her to leave a mark on all the communities in the Lake Texoma area. Her accomplishments to help young people in the area will live on for many generations.

Few articles have ever captured her character and personality as well as this piece by Mr. Baxter. I recommend it to my colleagues.

The text of the article follows:

WAITRESS WANTS CHAPEL, COWBOY

(By Gordon Baxter)

The waitress was a spindly little creature, an ancient weathered bird. I could tell by the way she was dealing heavy steak platters off of one arm and keeping the coffee, hot, full, but never sloshed, that she was not exactly a beginner at the trade. We were not long into the banquet before I got the feeling that she was not serving the head table, but running it and we were only there by her graces.

But I was as surprised as the rest of the crowd when the awards ceremony began and they stood up and seated her at the tipped forward chair, then called her name and gave her a past president's gold lapel pin. All three or four hundred of them got up on the hind legs and gave her a roar of standing ovation and tiny twinkling Virgie took it with as much aplomb and good cheer as she had done everything else that night.

What I thought was happening was that the 25th anniversary banquet of the Southwest Park and Recreation Training Institute was just heaping a few profuse honors upon a good little old gal who had waited tables a long time. What a nice thing to do. The curved glass windows of the huge white lodge on the hill looked out over the impounded water of Lake Texoma, one of those man-made lakes, big enough to sink a couple of Manhattans in, that turned the Oklahoma dust bowl into a freshwater playground. The room was warm with the spirit of the people who planned and built such places. Little Virgie White had waited tables there since the lodge opened 25 years ago.

I began to get suspicious of little old Virgie the waitress after the ball was over. There was an uproar in the kitchen. The young, Eastern-trained food manager was berating the clean-up staff of waitresses and the commotion was that Virgie had just lit into him. Like a mocking bird chasing a chicken hawk, she was shaking a finger under his nose, using longshoreman's language, and had pretty well put him to the wall.

Seeing me she abruptly changed manners back to being a little old lady, apologized for her language and said, "He thinks he's running this place. I've read the book, closed it and put it away. The problem is six waitresses, seven tables. He talks mean to people. I feel sorry for him. No Lord in his heart." Dismissing the food manager she then commented on the night's event, "I don't deserve these honors, or living this long."

She delivered that line with such practiced smoothness that I was almost certain now that our Virgie was a fake waitress, hemmed her up in a corner, and asked her to come clean with me. Who is she, and what's really going on here?

It took two days and the help of Liz Germany, executive director of the Lake Texoma Association, to pry out the truth. But the mystery of why Virgie White, one of the most influential and best-known women in Oklahoma, chooses to operate out of the humble role of a uniformed table waitress remains an unsolved enigma.

Liz Germany, a handsome faced woman without guile, is the custodian of Virgie's history and Virgie's Corner, a roomful of blue-ribboned and gold-sealed state of Oklahoma framed proclamations and tall trophies, there at the lodge site. Liz made the statement, and Virgie gleefully confirmed it, that this wizened little waitress can pick up the phone and get Governor George Nigh, or ex-House Speaker Carl Albert, or any of the powerful Kerr family on the line in five minutes.

A mover and a shaker, Virgie raised the money and founded the Kingston, Okla., Youth Center. "I saw little Mexican children eating out of garbage cans," explains Virgie. A charter member of the Madill Chamber of Commerce, and also the Kingston Chamber, vice president of the Durant Business and Professional Women's club, and a charter member of the Lake Texoma Association. She writes a newspaper column for the Durant Daily Democrat, and does a morning radio show, live from the lodge lobby phone booth over KMAD in Madill. In Virgie's corner are letters of appreciation for her humanitarian work from Presidents Kennedy, Nixon and Johnson.

But Virgie really is a waitress. She has been for 60 years, and she is 83 years old. Five-foot-two, at about 90 pounds, big eyed mod glasses framing her blue eyes, the full mobile mouth of the beautiful girl she must have been, she fairly snaps and crackles when she tells of her achievements. But she keeps the thumb of one hand always tucked baby-like, hidden out of sight. After her civic achievements she hides in the scullery again.

"She came out of a cotton patch, out under that water now," says Liz Germany gesturing toward the silent, deep, 2,000-acre lake, "but her impact here will live on forever."

Virgie tells the story of being born in what was then the Choctaw-Chicasaw Indian Nation near Calera, Okla., in 1897, picking cotton and walking three miles to school. "The world has changed for the better. If a girl got pregnant then she was ruined for life and the boy went scot free. I picked cotton for 50 cents a hundred to buy $4 shoes. Now I buy $40 shoes, but I work in this beautiful place. I believe man are the strongest. The serpant didn't go to Adam." But then she tweaks the nose of the Establishment by saying "I am a Catholic, but I work all the Shriner conventions. My ambition is to be the first woman Catholic Mason."

Asked about her own personal life, Virgie tells the story of riding the train into the city with her two sisters and meeting a handsome young brakeman who asked what they wanted to be when they grew up? One sister wanted to marry a rich banker and live in New York. The other sister wanted to get a fine education and be a teacher. And Virgie, "I want to meet and marry a handsome Texas cowboy."

She worked 40 years in the then grand Baker Hotel in Dallas, adopted homeless kids, helped put both sisters through college, and then told me that coming back to Oklahoma with her sisters they met the same brakeman, now a silver haired conductor on his last run before retirement. And he remembered them. One sister is now married to a rich New York banker, one teaches school, and, said Virgie, tucking her thumb away, "I'm still looking for my handsome Texas cowboy."

In truth she has been badgering the governor with a grand scheme to build a roadside war memorial chapel where the long causeway crosses Lake Texoma.

"I guess one day I'll just turn to stone in this lobby and they can stick an American flag in one hand and a picture of Carl Albert in the other, and say she's still waiting for her handsome Texas cowboy."●

TEXAS NURSES WEEK

● Mr. BENTSEN. Mr. President, the period November 9 to 15 has been designated as "Texas Nurses Week." I would like to take this opportunity to commend the 82,000 nurses registered in the State of Texas and call the attention of my colleagues to the important role played by nurses in bringing quality health care to millions of Americans.

The soaring cost and increasingly impersonal nature of medical care are matters of urgent and legitimate concern to the people of this country. Frequently overlooked, however, is the fact that talented, dedicated, and highly professional nurses provide services that help hold down the cost of health care and respond to the particular needs of the patient and his family. Any person who has suffered a prolonged illness or seen a friend or relative hospitalized for treatment can attest to the vital—and very human—role of the nurse in medicine today.

The old myths about the nurse, derived largely from Florence Nightingale stories, soap operas, and get-well cards, are gradually giving way to the new realities of the 20th-century health care professional. The registered nurse today plays an indispensible and increasingly important part in meeting the health requirements of families and individuals all across this Nation.

The profession of nursing is being upgraded as more and more nurses enter the field with B.S. degrees from 4-year colleges and universities. Over 38,000 Texas nurses have gone back to school to earn Masters and Doctorate degrees that qualify them to take part in the new opportunities and responsibilities opening up to the profession.

Increasing numbers of nurses are becoming specialists in areas such as birthing and well baby clinics. Nurses provide home care health visits to shut-ins and elderly people, while clinics staffed and run by nurses have become a standard and vital part of health care in many rural and inner city communities.

Nurse practitioners are qualified to evaluate and treat minor illnesses, do physical examinations, take patient histories, and perform certain diagnostic and therapeutic procedures. Adequate and effective primary nursing care frequently prevents the need for hospitalization while the length of stay in a hospital can often be reduced if a nurse practitioner is available to monitor the patient at home during the period of recovery.

It is important to understand, Mr. President, that nurses are the largest group of health providers in this country. Nurses care for people, and they teach people to care for themselves.

I would like to commend Ouida Weaver, RN, and the 6,500 members of the Texas Nurses Association on their efforts to improve health care facilities and make them more available to the people of Texas; to fostering high standards of nursing; and to promote the professional development of nurses.

I join the members of the Association in looking forward to a bright and exciting future for nurses as they respond to the rapidly changing health of America. Along with millions of people who have known the pain of illness and the loneliness of hospitalization, I extend my personal thanks to the nurses of America whose professionalism and instinct for human kindness have done so much to bring dignity and comfort to millions of people in this country.●

STATEMENT BY GOVERNOR LANDON

● Mr. DOLE. Mr. President, I would like to call the Senate's attention to a statement made by Gov. Alf M. Landon on September 18, 1980. In his statement, Governor Landon very clearly puts into perspective the current condition of the Soviet sphere of influence—and illustrates that, as has proven to be true for the leaders of authoritarian governments and empires throughout history, Soviet control over its satellites is beginning to be plagued by disaster and uncertainty.

Governor Landon provides an enlightening overview of the present Polish labor strike situation, and lends us hope that this may be the beginning of a new era in the struggle for freedom behind the Iron Curtain.

I ask that Governor Landon's statement be printed in full at this point in the Record.

The statement follows:

Statement of Alf M. Landon

The ping pong ball helped breach the Great Wall of China, as I pointed out at the time. Let me point out now that the Polish workers' strike—and even the token American union contribution to it—may be the beginning of the end of the monolithic communism practiced by the Russian politburo.

But we shouldn't be too optimistic. The wounded tiger is far more dangerous than the well-fed one.

Religion is, in the Marxist view, the opiate of the people. Now, after 30-odd years, Communist Russia is finding that is not true and the Roman Catholic Church in Poland is impossible to ignore.

It is significant that American trade unions have made a small contribution to the new Polish unions. It is possible the spread of independent unions may bring the downfall of Russian communism. Yugoslav socialism can be cited as another deviant example from Communism.

Quite possibly, the Russian empire builders are now discovering what the leaders of the British Empire discovered, and those of the Spanish empire, the Turkish empire and the Roman empire before them. A hegemony of colonies eventually is more trouble than they are worth, despite the riches of initial exploitation.

With short crops and an eventual exhaustion of oil, Communist Russia is finding the pain of feeding and lubricating its Warsaw Pact allies at the expense of its own peasants—who may or may not, no one knows for sure, be becoming more restive—is upsetting Communist designs for power.

Like all revolutions, that of the Russian proleteriat eventually turns upon itself. Karl Marx would be aghast at the dashas of the Lenin aristocrat.

What happens after the current crop of Kremlin bosses die off may parallel the experience of China after the death of Mao Tse-tung and Chou En-lai.

The Afghanistan experience of the Russians, so closely paralleling the experience of the British of Kipling's day and earlier invaders, may be another clue to the decline of the Kremlin. Certainly it has not encouraged the communist leaders of Western Europe.

Again, it is only natural that the communists of Western Europe begin to worry about their own hide rather than the ideological teats of Mother Russia. As we know, in the long run, all politics tends to be local. It is easier to organize free labor unions than new free governments to satisfy a yearning for open and effective church services.

But we also know a leopard cannot change its spots. While more of the world may be beginning to realize that modernization and compromise are essential to survival, we can't be sure the Kremlin has that message. A frustrated and despairing leadership often takes to desperate measures.

Nevertheless, there still seems hope for the world, provided it doesn't blow up in the meantime.●

THE 100TH ANNIVERSARY OF VLADIMIR JABOTINSKY

● Mr. METZENBAUM. Mr. President, last night, I had the pleasure of attending a commemoration in New York of the 100th anniversary of the birth of Vladimir Jabotinsky. Jabotinsky was a brilliant man—a poet and scholar who became a soldier in the cause of Jewish nationhood. He did not live to see the creation of the State of Israel. But there can be no doubt that Vladimir Jabotinsky must be numbered among the founding fathers of modern Israel.

Last night's function, which was sponsored by the Jabotinsky Foundation, was a very special occasion. In the presence of Prime Minister Begin, a hundred distinguished Americans of all faiths and backgrounds were honored in Jabotinsky's name for their devotion and their unselfish service to the cause to which he devoted his life.

Mr. President, I ask that an article on Jabotinsky by Rabbi Arthur Hertzberg that appeared in the November 1980 issue of Hadassah magazine be printed in the Record.

The article follows:

Vladimir Jabotinsky—The Myth and the Man

(By Arthur Hertzberg)

(In the years following World War I, the Zionist movement was shaken by a debate between followers of Vladimir Jabotinsky, who called themselves Revisionists, and mainstream Zionists, who were led by Chaim Weizmann. The roots of the fierce contention, which go back to Herzl's time, concerned the shape of the Zionist ideal and the means that should be used to achieve it.

(This month, on the hundredth anniversary of Jabotinsky's birth, the ideas and accomplishments of this controversial figure are re-examined by Rabbi Arthur Hertzberg, of Temple Emanu-El in Englewood, New Jersey. Rabbi Hertzberg, a leading figure in Jewish and Zionist affairs and a member of our editorial board, is the author of "The Zionist Idea" and "The French Enlightenment and the Jews.")

All of his life, Vladimir Jabotinsky insisted that he, and not his opponents, was the true heir of Herzl. Public men are often wrong in their self-assessments, but especially now, 100 years since his birth and 40 years after his death, it is clear that Jabotinsky was right.

Even his earliest beginnings in Odessa and Rome paralleled Herzl's first years in Budapest and Vienna. The Black Sea port of Odessa was, in 1880, almost totally unlike the rest of Czarist Russia. This city had been founded as a free port, to further Russia's international commerce. There, Jews were freer and more nearly equal than anywhere else in the Czar's regime.

While the rest of Russian Jewry was still largely untouched by Western culture, a Jewish intelligentsia already existed in Odessa which spoke Russian rather than Yiddish, read the general press and had even started newspapers and journals of their own in Russian. Here, Jewish culture was not the world of the yeshiva, but rather that of secular values in both Yiddish and Hebrew. Ahad Haam, the central figure of cultural Zionism, lived there during the years of Jabotinsky's childhood and adolescence; so did many of the luminaries of Yiddish and Hebrew belles-lettres.

In this environment, it was possible to grow up almost a hundred years ago, even in Russia, in a cosmopolitan, Western city and not in the shtetl. Jabotinsky spoke Russian as his native language. He learned Hebrew in private afternoon and evening lessons with Yehoshua Ravnitzki, the well-known Hebrew author and journalist. His Yiddish was a later acquisition, along with many other languages, for which he had an astonishing facility.

By his mid-teens, Jabotinsky was already a formidable stylist in Russian. When he left high school in 1898 to study abroad, one of the Odessa newspapers was willing to accept him as a foreign correspondent. He spent most of the next three years studying at a university in Rome. His columns from Rome became so popular that by 1901 this young man of 21 was called back to Odessa to serve on the editorial board of Odesskiye Novosti, the newspaper which was publishing his articles.

Despite Odessa's surface Westernization, the tragic side of modern Jewish history was also present in the city. Jabotinsky did not personally remember the pogroms of 1881, which had devastated the Jews of Russia, including those in the "enlightened" city of Odessa. Indeed, the very fact that outbreaks could occur even there had impelled an earlier generation of half-assimilated Jewish intellectuals to found the first Zionist movement in Russia: Hovevei Zion—the Lovers of Zion.

One of the first great Zionist tracts, Autoemancipation, was written in 1881 by an Odessa doctor, Leon Pinsker, who was shocked at what he had seen. There were, however, more pogroms in Russia in 1903, with a particularly murderous horror in Kishinev. Jabotinsky, who had not been actively involved in any of the Zionist endeavors before, helped organize a Jewish self-defense in Odessa and became an active Zionist.

In the very year when Jabotinsky turned Zionist, 1903, the simmering battle between Herzl and the bulk of his followers among the East Europeans broke out into a fierce confrontation over the Uganda proposal, an offer by the British Government to set up an autonomous Jewish colony in British East Africa.

The Uganda proposal, however, was not the only issue in the heated debate. The young Chaim Weizmann, who was already a well-established opponent of Herzl, felt that the latter was too involved in diplomacy and almost totally unconcerned with the inner revival of Jewish culture. Weizmann's criticism was correct. Herzl did, indeed, hold the view that all other issues, even the revival of Hebrew, were secondary to the fundamental, overarching Jewish need: the creation of a state.

Herzl behaved all his life as though he were the prime minister of a government in the process of being formed, who conducted diplomatic relations on a plane of equality with other powers, even with unfriendly anti-Semitic ones, if some arrangement of political value to Jewry could be made.

These were precisely the terms in which Jabotinsky himself thought. He knew and loved Hebrew, and wrote it brilliantly, but his Zionism was not about cultural revival, or even about the socialist dream of a more just society. All these values he called "luxuries."

Like Herzl, Jabotinsky was dedicated to one idea alone—a Jewish state. The critical difference between them was that, coming on the scene a decade later, and in Russia rather than Austria, Jabotinsky soon came to believe that diplomacy alone was not enough. Herzl had a much larger faith in the world's good will toward the Jewish people than did Jabotinsky, who became ever more insistent on the need for power.

From his earliest days, Jabotinsky was a proponent of absolute frankness, even in politics. The Turks were putting obstacles in the way of Jewish immigration, and the Arabs were already hostile, even before 1914. Jabotinsky insisted that the shortest road to the Zionist goal was to tell the truth: The Jews intended to have a state of their own.

When the First World War broke out, Jabotinsky was one of the few who was immediately certain, and very publicly, that the Jews ought to side with the Allies. From the beginning, he believed that Jews would have a greater chance to share in the victory if they participated in the war as Jews. It took several years of badgering before the British finally consented to the formation of three Jewish battalions, the first of which fought under General Allenby in the campaign which led to the British conquest of Palestine in 1918.

Jabotinsky enlisted as a private in the first of the units that later formed the Jewish Legion; he was a lieutenant when he was mustered out—unwillingly. He wanted to stay in the Jewish Legion and have it remain in Palestine as the kernel of a Jewish army.

In 1920, when the first major Arab riots took place, Jabotinsky organized a Jewish self-defense force. The British administration jailed him for illegally possessing arms and sentenced him to 15 years in jail. Because of the storm of protest that this caused, he was soon released and expelled from Palestine.

Jabotinsky was allowed to return briefly in 1928. He lived in Jerusalem, where he served as director of the Judea Insurance Company and editor of the daily Doar Hayom. In 1930, when he was on a lecture tour of South Africa, the British canceled Jabotinsky's visa. He was never allowed to return to Eretz Israel.

Even though Jabotinsky was elected to the Zionist Executive in the next year in London, he spent the last two decades of his life at odds with the dominant Zionist line. Jabotinsky believed that catastrophe was coming for the Jews of Europe, and especially for those of Poland. There was no time to waste. All other considerations should be put aside and immediate mass emigration, even to tents without facilities, would be better than waiting for proper growth of a planned society.

Over these ideas, Jabotinsky fought with his colleagues in the Zionist Executive and, after two years, he resigned in anger. In 1925, he had organized a new party, the Revisionists; ten years later, in 1935, he took most of his followers out of the World Zionist Organization and founded the New Zionist Organization.

Within the Jewish world, the Revisionist movement under his leadership stood for the notion of hadar (best translated as knightliness), which included both personal civility and military courage. It had a youth movement, Betar, whose leader in Poland immediately before the Second World War was the young Menachem Begin. Betar emphasized obedience and military training, and, along with its elders, it asserted that Palestine on both sides of the Jordan was the land of the Jews.

In Palestine itself, Jabotinsky's disciples were not the only group to organize illegal immigration during the 1930's, for that was the policy of all Zionists. What was strikingly different about the Revisionists and the Irgun, the military group which they organized, was that they did not agree with the defensive tactics of the much larger Hagana, the armed force of the Jewish majority in Palestine. The Irgun acted directly, and offensively, against Arab marauders in the late 1930's. During the years 1945–48, the Irgun was directly at war with Great Britain as well as with the Arabs. By then Jabotinsky was dead; he had passed away in the United States in 1940.

Jabotinsky's reputation underwent several transformations in the course of his lifetime, and again after his death. In his earliest years he was the brilliant shooting star, admired even by many of his opponents. As the quarrels within Zionism became more embittered in the 1930's, he was either loved extravagantly or reviled with such terrible epithets as "fascist." After the creation of the State of Israel in 1948, his old opponent David Ben Gurion refused to honor the request in Jabotinsky's will that Jewish Government should bring his remains to the Land of Israel. That did not happen until 1965, when Ben Gurion was effectively off the scene.

Since 1977, with a Government led by the party he founded, he has become a central hero. His name is invoked as the prime source of the nationalism which insists on the annexation of the West Bank to Israel in the name of mystical, religious nationalism.

Great men are, of course, the stuff of which myths are made. The greatest service that we can do to their memories is to understand their true teachings. Jobotinsky did believe in the right of the Jewish nation, because of past historic association and present need, to the Land of Israel, which he described in the poem that became the hymn of his movement as a country lying "on both sides of the Jordan." What he did not believe in was the mystical assertion that if only Jews did in politics what the Bible commanded, the "end of days" would be near at hand. Thus, his Zionism, extreme though it was, lent itself to argument, even to compromise.

Perhaps the most important speech of his life was the one that Jabotinsky gave in London before the Peel Commission in February 1937. This was the most distinguished of the many groups that repeatedly investigated the counterclaims of Jews and Arabs in Palestine.

Appearing before this body as the head of the New Zionist Organization, Jabotinsky argued for the immediate establishment of a Jewish state to include both Palestine and Jordan—that is, all the territory included in the original League of Nations Mandate.

He knew that this required agreement by the British Government to do everything in its power to open wide the doors for Jewish immigration, despite Arab opposition. He also knew that the British would say that they would do no such thing. Jabotinsky boldly responded: Then tell us that you cannot, give up your rule in Palestine and tell us that we must fend for ourselves.

The most interesting parts of Jabotinsky's argument were in his justification for the Jewish claim to Palestine and in his approach to the question of the Arabs. The Jews were entitled to their own land, he maintained, because of their historic tie to it and the overwhelming nature of their need. He acknowledged that some injury was being done to the Arabs, but he insisted that the harm could be minimized by total equality of individual rights for all in the Jewish State. Every reasonable man, he argued, should accept the view that the lack of an Arab majority in one small part of the Middle East was less of a disaster for mankind than the continuing homelessness of the Jews.

But let Jabotinsky speak for himself, with his own clarity and matchless eloquence:

I fully understand that any minority would prefer to be a majority. It is quite understandable that the Arabs of Palestine would also prefer Palestine to be Arab state number 4, or number 6. That I quite understand; but when the Arab claim is confronted with our Jewish demand to be saved, it is like the claims of appetite versus the claims of starvation.

No tribunal has ever had the luck to try a case where all the justice was on the side of one party and the other party had no case whatsoever. Usually, in human affairs, any tribunal, including this tribunal, is trying two cases and has to concede that both sides have a case. In order to do justice, the tribunal must take into consideration what would constitute the basic justification of all human demands, individual or mass demands—the terrible balance of Need. I think it is clear.

Like Herzl, Jabotinsky was a statesman of the twentieth century, not a messiah. He was eloquent, urbane, passionate and extreme, but of this world. On the centenary of his birth in Odessa on November 7, 1880, one suspects that even his erstwhile opponents long for him as he really was.●

VETERANS DAY

● Mr. GLENN. Mr. President, all too often, America's riches are described in terms of factories, of raw materials, or of gross national product. But these descriptions overlook our greatest national treasure, the spirit of our people. Yesterday, November 11, was a national holiday that commemorates the proud accomplishments of a very broad spectrum of the American people—the veterans of our Armed Forces.

America's veterans have displayed their bravery and devotion in every war. And nothing can surpass the shining examples of heroism they have left for our history books. But there are also the veterans of military service in what passes for peace in a troubled world today—and tomorrow. We cannot forget those who stood the lonely watches in some remote part of the world—far from loved ones, in order that this Nation might never again be the victim of surprise or deceit.

Some of my proudest moments have been spent in military service. I had 23 years in the Marine Corps. I saw first hand the bravery of American men and women. I have witnessed again and again the belief of these people—now veterans—that America owed them nothing, and that through their service they were helping to keep America free and that freedom alone was reward enough.

But on Veterans Day, I believe the Nation must be reminded that its sons and daughters who today stand guard on the frontiers of freedom continue to deserve its highest gratitude and respect. This gratitude must be made evident across the land. And we must also make evident that we believe that service in the profession of arms—whether lasting for 2 years or 20 times 2 years—the shield of freedom and patriotism—is among the most honorable and is vital to our Nation's survival.

In the coming days and months, we will have opportunities in Congress to demonstrate the Nation's gratitude for our veterans. This country has been well served by the men and women who have worn the uniforms of its armed services. Freedom will endure, as long as we find such people—and we will.

The ideals of courage and sacrifice of Americans in uniform was well captured in a short radio broadcast by John Salisbury on KXL radio in Portland, Oreg. in the mid-1960's. I ask that the transcript of that broadcast be printed in the RECORD.

The transcript follows:

To my country, America, liberty did not come easy. And, it has not been easily sustained. He could have told you about that. He was my friend. No, much more than that, he was my brother because he died a thousand deaths for me.

For him, it began and it ended at Lexington. And it began and ended, too, at Concord and Valley Forge, at Bunker Hill and San Juan Hill, at Gettysburg and Vicksburg. At Belleau Wood, a mortar cut him down. At Iwo Jima, it was a bullet as he raised the stars and stripes and was frozen into bronze for us all to remember.

Over the hot sands of Africa, it was his plane that went screaming down in flames. And at Pearl Harbor, his ship resting at the bottom of the bay, supporting now the permanent shrine to his bravery and sacrifice.

In the biting cold of Korea, he died another death. He is dying still today in a place called Vietnam.

He was my brother because he died a thousand deaths for me. He was not really a fighting man, but he fought for me and gave his country the last full measure of devotion because he knew, as all of us know, that eternal vigilance is the price of liberty.

I cannot see his face clearly. He wore so many of them. He was at one time swarthy and pale, a red-headed, brunette, blond with sometimes graying hair. And his young/old eyes reflecting the browns, blues, and greens of his ancestry.

He was an Irish, Polish, French, Italian, Mexican, Spanish, Sino, African, full-blooded Indian American, my brother. I cannot see his face clearly, but I know his uniform. It's the uniform of the United States Army, Navy, Air Force, Marines—that's what it is and he wore it proudly.

He wore it proudly before that bullet, that mortar, that anti-aircraft gun, and the torpedo bloodied it. And ended him for the life, the kind of life, he fought to preserve.

He was my friend. No, much more than friend, he was my brother. He died a thousand deaths for me. And for you, for us, he gave the last full measure of devotion. He was and still is a part of that eternal vigilance which has kept us free. For that freedom, we, you, and I owe him a debt which only our eternal vigilance and our devotion to liberty can repay.

He is buried now at Arlington. He was my friend, my brother and I don't even know his name.

Yes, I do, too. He was called American.

TEXAS NURSE WEEK

● Mr. TOWER. Mr. President, Texas Nurse Week is November 9–15, 1980. It is a special time set aside to consider and recognize the immeasurable contributions nurses provide toward better health care.

In complex metropolitan health care facilities, in small neighborhood clinics, in quiet homes for the aged, in rural health centers, in physicians' offices, in schools, and in industry, nurses are there. Whatever the health problem to be faced, nurses are there. They are there with the knowledge, skill, and experience to help prevent illnesses and their complications; there to care for the person who is ill, to speed recovery and return to normal living, to minimize disabilities from injury or chronic illness.

A nurse is a highly skilled and well-educated professional who administers immunizations, refers students to a physician when medical problems are identified at school, gives prenatal care, and teaches parents how to care for their children. Nurses teach diabetics how to administer insulin injections and manage their diets, and give first aid when injuries occur at work, and arrange for additional care if required. Nurses relate relevant facts about specific health needs to families, so each member can retain or regain maximum health.

In the community the nurse is in the forefront—working for community cooperation and seeking legislation to provide needed services for young and old alike. These activities and many, many more are the responsibilities of the professional nurse in the 1980's.

Nurses are professionals qualified by their educational background in nursing and the behavioral and physical sciences, and by their commitment to the well-being of every individual. When well-prepared nurses are available and used effectively, quality health care can be possible for everyone.

However, Texas, as well as many other States, is faced with a serious shortage of nursing professionals. A study by the Texas Nurses Association indicates that health care delivery in Texas requires a working force of 66,963 registered nurses. Current data shows that 50.759 are employed. That's a shortage of more than 16,000 RN's.

The rapid expansion of health care facilities has strained the available nurse-power supply. Problems in the work-setting have burned out and discouraged many from continuing to practice. New career roles and professions have opened up for women providing rewards which traditional health management systems ignore.

Problems exist, but so do challenges and solutions. And our professional nurses are in the thick of it, researching and proposing solutions, but at the same time nursing, caring, and keeping in touch.

In assuring the best care possible, in helping consumers to get well faster and to stay well, nurses are helping keep health care costs under control and are helping make sure that the costs of health care are used to the best advantage.

Nurses constitute the largest health profession. In the United States alone, there are more than 1 million registered nurses working with individuals, families, and communities to help all persons live the healthiest lives possible. This is the goal of all professional nurses—care for all and caring wherever there is a health need.

We salute the nurses of Texas.●

TO FORM A GOVERNMENT

● Mr. PELL. Mr. President, the ability of our Federal Government to deal effectively with the problems confronting the Nation and the American people is a matter of primary importance.

Certainly, our Nation cannot hope to achieve its full potential if our National Government is unable to formulate, adopt, and execute policies in a timely and effective manner.

Unfortunately, however, the record of the past decade raises questions about the degree of effectiveness of our Federal Government. All too often, critically important policy questions, involving energy, national security, environmental protection, and our economy, have remained unresolved. Instead of decisive action, we have all too often seen stalemates, frustration, and stagnation.

This has been true, regrettably, whether the Presidency and the Congress have been controlled by the same or by different political parties, so it cannot be said that the decline in the effectiveness of government is a result of mere political partisanship.

Indeed, I believe that President-elect Reagan, even with the momentum of his impressive election victory and with a Senate majority of his political party, will experience a good deal of frustration in his own efforts to govern effectively.

Like his predecessors, he will find that nearly every important policy initiative will bring forth opposition from organized groups who will insist not only that their interests be considered, but that their interests should prevail, even at the cost of further stagnation.

The serious problem of governing effectively under our system of governmental checks and balances, with society increasingly fragmented into narrow economic, social, and regional interest groups, is not a partisan one. It is a problem that I believe deserves serious study and consideration by every concerned American.

Recently, Lloyd N. Cutler, counsel to President Carter, examined this problem of effective government in a provocative article in the fall issue of Foreign Affairs magazine.

I believe Mr. Cutler's article is an important contribution to the discussion of the problems of effective government. I hope it will stimulate further thought, discussion, and debate, and I ask that the article be printed in the RECORD.

The article follows:

TO FORM A GOVERNMENT

(By Lloyd N. Cutler)

(NOTE.—Lloyd N. Cutler is currently Counsel to the President. From 1962 to 1979 he was a partner in the Washington law firm of Wilmer, Cutler & Pickering, and served also on various public commissions. This article is adapted from the Strasburger Lecture delivered at the University of Texas Law School in April 1980. The views expressed are personal to the author. They were formed in large part before he assumed his present position.)

(On May 10, 1940, Winston Churchill was summoned to Buckingham Palace.) His Majesty received me most graciously and bade me sit down. He looked at me searchingly and quizzically for some moments, and then said: "I suppose you don't know why I have sent for you?" Adopting his mood, I replied: "Sir, I simply couldn't imagine why." He laughed and said: "I want to ask you to form a Government." I said I would certainly do so.—WINSTON S. CHURCHILL. "The Gathering Storm" (1948).

Our society was one of the first to write a Constitution. This reflected the confident conviction of the Enlightenment that explicit written arrangements could be devised to structure a government that would be neither tyrannical nor impotent in its time, and to allow for future amendment as experience and change might require.

We are all children of this faith in a rational written arrangement for governing. Our faith should encourage us to consider changes in our Constitution—for which the framers explicitly allowed—that would assist us in adjusting to the changes in the world in which the Constitution must function. Yet we tend to resist suggestions that amendments to our existing constitutional framework are needed to govern our portion of the interdependent world society we have become, and to cope with the resulting problems that all contemporary governments must resolve.

A particular shortcoming in need of a remedy is the structural inability of our government to propose, legislate and administer a balanced program for governing. In parliamentary terms, one might say that under the U.S. Constitution it is not now feasible to "form a Government." The separation of powers between the legislative and executive branches, whatever its merits in 1793, has become a structure that almost guarantees stalemate today. As we wonder why we are having such a difficult time making decisions we all know must be made, and projecting our power and leadership, we should reflect on whether this is one big reason.

We elect one presidential candidate over another on the basis of our judgment of the overall program he presents, his ability to carry it out, and his capacity to adapt his program to new developments as they rise. We elected President Carter, whose program included, as one of its most important elements, the successful completion of the SALT II negotiations that his two predecessors had been conducting since 1972. President Carter did complete and sign a SALT II Treaty, in June 1979, which he and his Cabinet regarded as very much in the national security interests of the United States. Notwithstanding recent events, the President and his Cabinet still hold that view—indeed they believe the mounting intensity of our confrontation with the Soviet Union makes it even more important for the two superpowers to adopt and abide by explicit rules as to the size and quality of each side's strategic nuclear arsenal, and as to how each side can verify what the other side is doing.

But because we do not "form a Government," it has not been possible for President Carter to carry out this major part of his program.

Of course the constitutional requirement of Senate advice and consent to treaties presents a special situation. The case for the two-thirds rule was much stronger in 1793, when events abroad rarely affected this isolated continent, and when "entangling foreign alliances" were viewed with a skeptical eye. Whether it should be maintained in an age when most treaties deal with such subjects as taxation and trade is open to question. No parliamentary regime anywhere in the world has a similar provision. But in the American case—at least for major issues like SALT—there is merit to the view that treaties should indeed require the careful bipartisan consultation essential to win a two-thirds majority. This is the principle that Woodrow Wilson fatally neglected in 1919. But it has been carefully observed by recent Presidents, including President Carter for the Panama Canal Treaties and the SALT II Treaty. In each of these cases there was a clear prior record of support by previous Republican Administrations, and there would surely have been enough votes for fairly rapid ratification if the President could have counted on the total or near-total support of his own party—if, in short, he had truly formed a Government, with a legislative majority which takes the responsibility for governing.

Treaties may indeed present special cases, and I do not argue here for any change in the historic two-thirds requirement. But our inability to "form a Government" able to ratify SALT II is replicated regularly over the whole range of legislation required to carry out any President's overall program, foreign and domestic. Although the enactment of legislation takes only a simple majority of both Houses, that majority is very difficult to achieve. Any part of the President's legislative program may be defeated, or amended into an entirely different measure, so that the legislative record of any presidency may bear little resemblance to the overall program the President wanted to carry out. Energy and the budget provide two current and critical examples. Indeed, SALT II itself could have been presented for approval by a simple majority of each House under existing arms control legislation, but the Administration deemed this task even more difficult than achieving a two-thirds vote in the Senate. And this difficulty is of course compounded when the President's party does not even hold the majority of the seats in both Houses, as was the case from 1946 to 1948, from 1954 to 1960 and from 1968 to 1976—or almost half the duration of the last seven Administrations.

The Constitution does not require or even permit in such a case the holding of a new election, in which those who oppose the President can seek office to carry out their own overall program. Indeed, the opponents of each element of the President's overall program usually have a different makeup from one element to another. They would probably be unable to get together on any overall program of their own, or to obtain the congressional votes to carry it out. As a result the stalemate continues, and because we do not form a Government, we have no overall program at all. We cannot fairly hold the President accountable for the success or failure of his overall program, because he lacks the constitutional power to put that program into effect.

Compare this with the structure of parliamentary governments. A parliamentary government may have no written constitution, as in the United Kingdom. Or it may have a written constitution, as in West Germany, Japan and Ireland, that in other respects—such as an independent judiciary and an entrenched Bill of Rights—closely resembles our own. But while there may be a ceremonial President or, as in Japan, an Emperor, the executive consists of those members of the legislature chosen by the elected legislative majority. The majority elects a Premier or Prime Minister from among its number, and he selects other leading members of the majority as the members of his Cabinet. The majority as a whole is responsible for forming and conducting the "government." If any key part of its overall program is rejected by the legislature, or if a vote of "no confidence" is carried, the "Government" must resign and either a new "Government" must be formed out of the existing legislature or a new legislative election must be held. If the program *is* legislated, the public can judge the results, and can decide at the next regular election whether to reelect the majority or turn it out. At all times the voting public knows who is in charge, and whom to hold accountable for success or failure.

Operating under a parliamentary system, Chancellor Helmut Schmidt formed the present West German Government with a majority of only four, but he has succeeded in carrying out his overall program these past five years. Last year Mrs. Thatcher won a majority of some 30 to 40 in the British Parliament. She has a very radical program, one that can make fundamental changes in the economy, social fabric and foreign policy of the United Kingdom. There is room for legitimate doubt as to whether her overall program will achieve its objectives and, even if it does, whether it will prove popular enough to reelect her Government at the next election. But there is not the slightest doubt that she will be able to legislate her entire program, including any modifications she makes to meet new problems. In a parliamentary system, it is the duty of each majority member of the legislature to vote for each element of the Government's program, and the Government possesses the means to punish members if they do not. In a very real sense, each member's political and electoral future is tied to the fate of the Government his majority has formed. Politically speaking, he lives or dies by whether that Government lives or dies.

President Carter's party has a much larger majority percentage in both Houses of Congress than Chancellor Schmidt or Mrs. Thatcher. But this comfortable majority does not even begin to assure that President Carter or any other President can rely on that majority to vote for each element of his program. No member of that majority has the constitutional duty or the practical political need to vote for each element of the President's program. Neither the President nor the leaders of the legislative majority have the means to punish him if he does not. In the famous phrase of Joe Jacobs, the fight manager, "it's every man for himself."

Let me cite one example. In the British House of Commons, just as in our own House, some of the majority leaders are called the Whips. In the Commons, the Whips do just what their title implies. If the Government cares about the pending vote, they "whip" the fellow members of the majority into compliance, under pain of party discipline if a member disobeys. On the most important votes, the leaders invoke what is called a three-line whip, which must be obeyed on pain of resignation or expulsion from the party.

In our House, the Majority Whip, who happens to be one of our very best Democratic legislators, can himself feel free to leave his Democratic President and the rest of the House Democratic leadership on a crucial vote, if he believes it important to his constituency and his conscience to vote the other way. When he does so, he is not expected or required to resign his leadership post; indeed he is back a few hours later "whipping" his fellow members of the majority to vote with the President and the leadership on some other issue. But all other members are equally free to vote against the President and the leadership when they feel it important to do so. The President and the leaders have a few sticks and carrots they can use to punish or reward, but nothing even approaching the power that Mrs. Thatcher's Government or Chancellor Schmidt's Government can wield against any errant member of the majority.

I am hardly the first to notice this fault. As Judge Carl McGowan has reminded us that "young and rising academic star in the field of political science, Woodrow Wilson—happily unaware of what the future held for him in terms of successive domination of, and defeat by, the Congress—despaired in the late 19th century of the weakness of the Executive Branch vis-a-vis the Legislative, so much so that he concluded that a coalescence of the two in the style of English parliamentary government was the only hope." [1]

As Wilson put it, "power and strict accountability for its use are the essential constituents of good Government." [2] Our separation of executive and legislative power fractions power and prevents accountability.

In drawing this comparison, I am not blind to the proven weaknesses of parliamentary government, or to the virtues which our forefathers saw in separating the executive from the legislature. In particular, the parliamentary system lacks the ability of a separate and vigilant legislature to investigate and curb the abuse of power by an arbitrary or corrupt executive. Our own recent history has underscored this virtue of separating these two branches.

Moreover, our division of executive from legislative responsibility also means that a great many more voters are represented in positions of power, rather than as mere members of a "loyal opposition." If I am a Democrat in a Republican district, my vote in the presidential election may still give me a proportional impact. And if my party elects a President, I do not feel—as almost half the voters in a parliamentary constituency like Oxford must feel—wholly unrepresented. One result of this division is a sort of a permanent centrism. While this means that no extreme or Thatcher-like program can be legislated, it means also that there are fewer wild swings in statutory policy.

This is also a virtue of the constitutional division of responsibility. It is perhaps what John Adams had in mind when, at the end of his life, he wrote to his old friend and adversary, Thomas Jefferson, that "checks and ballances, Jefferson, . . . are our only Security, for the progress of Mind, as well as the Security of Body." [3]

But these virtues of separation are not without their costs. I believe these costs have been mounting in the last half-century, and that it is time to examine whether we can reduce the costs of separation without losing its virtues.

During this century, other nations have adopted written constitutions, sometimes with our help, that blend the virtues of our system with those of the parliamentary system. The Irish Constitution contains a replica of our Bill of Rights, an independent Supreme Court that can declare acts of the government unconstitutional, a figurehead president, and a parliamentary system. The postwar German and Japanese Constitutions, which we helped to draft, are essentially the same. While the Gaullist French Constitution contains a Bill of Rights somewhat weaker than ours, it provides for a strong President who can dismiss the legislature and call for new elections. But it also retains the parliamentary system and its blend of executive and legislative power achieved by forming a Government out of the elected legislative majority. The President, however, appoints the Premier or First Minister.

II

We are not about to revise our own Constitution so as to incorporate a true parliamentary system. But we do need to find a way of coming closer to the parliamentary concept of "forming a Government," under which the elected majority is able to carry out an overall program, and is held accountable for its success or failure.

There are several reasons why it is far more important in 1980 than it was in 1940, 1900 or 1800 for our government to have the capability to formulate and carry out an overall program.

(1) The first reason is that government is now constantly required to make a different kind of choice than usually in the past, a kind for which it is difficult to obtain a broad consensus. That kind of choice, which one may call "allocative," has become the fundamental challenge to government today. As a recent newspaper article put it:

> "The domestic programs of the last two decades are no longer seen as broad campaigns to curb pollution or end poverty or improve health care. As these programs have filtered down through an expanding network of regulation, they single out winners and losers. The losers may be workers who blame a lost promotion on equal employment programs; a chemical plant fighting a tough pollution control order; a contractor who bids unsuccessfully for a government contract, or a gas station owner who wants a larger fuel allotment.[4]

This is a way of recognizing that, in giving government great responsibilities, we have forced a series of choices among these responsibilities.

During the second half of this century, our government has adopted a wide variety of national goals. Many of these goals—checking inflation, spurring economic growth, reducing unemployment, protecting our national security, assuring equal opportunity, increasing social security, cleaning up the environment, improving energy efficiency—conflict with one another, and all of them compete for the same resources. There may have been a time when we could simultaneously pursue all of these goals to the utmost. But even in a country as rich as this one, that time is now past. One of the central tasks of modern government is to make wise balancing choices among courses of action that pursue one or more of our many conflicting and competing objectives.

Furthermore, as a new economic or social problems are recognized, a responsible government must *adjust* these priorities. In the case of energy policy, the need to accept realistic oil prices has had to be balanced against the immediate impact of drastic price increases on consumers and affected industries, and on the overall rate of inflation. And to cope with the energy crisis, earlier objectives of policy have had to be accommodated along the way. Reconciling one goal with another is a continuous process. A critical regulatory goal of 1965 (auto safety) had to be reconciled with an equally critical regulatory goal of 1970 (clean air) long before the auto safety goal had been achieved, just as both these critical goals had to be reconciled with 1975's key goal (closing the energy gap) long before either auto safety or clean air had lost their importance.

Reconciliation was needed because many auto safety regulations had the effect of increasing vehicle size and weight and therefore increasing gasoline consumption and undesirable emissions, and also because auto emission control devices tend to increase gasoline consumption. Moreover, throughout this 15-year period, we have had to reconcile all three of these goals with another critical national objective—wage and price stability—when in pursuit of these other goals we make vehicles more costly to purchase and operate.

Footnotes at end of article.

And now, in 1980, we find our auto industry at a serious competitive disadvantage vis-à-vis Japanese and European imports, making it necessary to limit those regulatory burdens which aggravate the extent of the disadvantage. A responsible government must be able to adapt its programs to achieve the best balance among its conflicting goals as each new development arises.

For balancing choices like these, a kind of political triage, it is almost impossible to achieve a broad consensus. Every group will be against some part of the balance. If the "losers" on each item are given a veto on that part of the balance, a sensible balance cannot be struck.

(2) The second reason is that we live in an increasingly interdependent world. What happens in distant places is now just as consequential for our security and our economy as what happens in Seattle or Miami. No one today would use the term "Afghanistanism," as the Opposition benches did in the British Parliament a century ago, to deride the Government's preoccupation with a war in that distant land. No one would say today, as President Wilson said in 1914, that general European war could not affect us and is no concern of ours. We are now an integral part of a closely interconnected world economic and political system. We have to respond as quickly and decisively to what happens abroad as to what happens within the portion of this world system that is governed under our Constitution.

New problems requiring new adjustments come up even more frequently over the foreign horizon than the domestic one. Consider the rapid succession of events and crises since President Carter took up the relay baton for his leg of the SALT II negotiations back in 1977: the signing of the Egyptian-Israeli Peace Treaty over Soviet and Arab opposition, the Soviet-Cuban assistance to guerrilla forces in Africa and the Arabian peninsula, the recognition of the People's Republic of China, the final agreement on the SALT II terms and the signing of the Treaty in Vienna, the revolution in Iran and the later seizure of our hostages, the military coup in Korea, the Soviet-supported Vietnamese invasion of Kampuchea, our growing dependence on foreign oil from politically undependable sources, the affairs of the Soviet brigade in Cuba, the polarization of rightist and leftist elements in Central America, and finally (that is, until the next crisis a month or two from now) the Soviet invasion of Afghanistan and the added threat it poses to the states of Southwest Asia and to the vital oil supplies of Europe, Japan and the United States.

Each of these portentous events required a prompt reaction and response from our Government, including in many cases a decision as to how it would affect our position on the SALT II Treaty. The government has to be able to adapt its overall program to deal with each such event as it arises, and it has to be able to execute the adapted program with reasonable dispatch. Many of these adaptations—such as changes in the levels and direction of military and economic assistance—require joint action by the President and the Congress, something that is far from automatic under our system. And when Congress does act, it is prone to impose statutory conditions or prohibitions that fetter the President's policy discretion to negotiate an appropriate assistance package or to adapt it to fit even later developments. The congressional bans on military assistance to Turkey, any form of assistance to the contending forces in Angola, and any aid to Argentina if it did not meet our human rights criteria by a deadline now past, are typical examples.

Indeed, the doubt that Congress will approve a presidential foreign policy initiative has seriously compromised our ability to make binding agreements with nations that "form a Government." Given the fate of SALT II and lesser treaties, and the frequent Congressional vetoes of other foreign policy actions, other nations now realize that our executive branch commitments are not as binding as theirs, that Congress may block any agreement at all, and that at the very least they must hold something back for a subsequent round of bargaining with the Congress.

(3) The third reason is the change in Congress and its relationship to the Executive. When the Federalist and Democratic Republican parties held power, a Hamilton or a Gallatin would serve in the Cabinet, but they continued to lead rather than report to their party colleagues in the Houses of Congress. Even when the locus of congressional leadership shifted from the Cabinet to the leaders of Congress itself, in the early nineteenth century, it was a congressional leadership capable of collaboration with the Executive. This was true until very recently. The Johnson-Rayburn collaboration with Eisenhower a generation ago is an instructive example. But now Congress itself has changed.

There have been the well-intended democratic reforms of Congress, and the enormous growth of the professional legislative staff. The former ability of the President to sit down with ten or fifteen leaders in each House, and to agree on a program which those leaders could carry through Congress, has virtually disappeared. The committee chairmen and the leaders no longer have the instruments of power that once enabled them to lead. A Lyndon Johnson would have a much harder time getting his way as Majority Leader today than when he did hold and pull these strings of power in the 1950s. When Senator Mansfield became Majority Leader in 1961, he changed the practice of awarding committee chairmanships on the basis of seniority. He declared that all Senators are created equal. He gave every Democratic Senator a major committee assignment and then a subcommittee chairmanship, adding to the sharing of power by reducing the leadership's control.

In the House the seniority system was scrapped. Now the House Majority Caucus—not the leadership—picks the committee chairmen and the subcommittee chairmen as well. The House Parliamentarian has lost the critical power to refer bills to a single committee selected by the Speaker. Now bills like the energy bills go to several committees which then report conflicting versions back to the floor. Now mark-up sessions take place in public; indeed, even the House-Senate joint conference committees, at which differing versions of the same measure are reconciled, must meet and barter in public.

The recent conference committees on the Synthetic Fuels Corporation and the Energy Mobilization Board, for example, were so big and their procedures so cumbersome that they took six months to reach agreement, and then the agreement on the Board was rejected by the House. All this means that there are no longer a few leaders with power who can collaborate with President. Power is further diffused by the growth of legislative staffs, sometimes making it difficult for the members even to collaborate with each other. In the past five years, the Senate alone has hired 700 additional staff members, an average of seven per member.

There is also the decline of party discipline and the decline of the political party itself. Presidential candidates are no longer selected, as Adlai Stevenson was selected, by the leaders or bosses of their party. Who are the party leaders today? There are no such people. The party is no longer the instrument that selects the candidate. Indeed, the party today, as a practical matter, is no more than a neutral open forum that holds the primary or caucus in which candidates for President and for Congress may compete for favor and be elected. The party does not dispense most of the money needed for campaigning, the way the European and Japanese parties do. The candidates raise most of their own money. To the extent that money influences legislative votes, it comes not from a party with a balanced program, but from a variety of single-interest groups.

We now have a great many diverse and highly organized interest groups—not just broad-based agriculture, labor, business and ethnic groups interested in a wide variety of issues affecting their members. We now have single-issue groups—environmental, consumer, abortion, right to life, pro- and anti-SALT, pro- and anti-nuclear, that stand ready to lobby for their single issue and to reward or punish legislators, both in cash and at the ballot box, according to how they respond on the single issue that is the group's raison d'être. And on many specific foreign policy issues involving particular countries, there are exceptionally strong voting blocs in this wonderful melting pot of a nation that exert a great deal of influence on individual Senators and Congressmen.

III

It is useful to compare this modern failure of our governmental structure with its earlier classic successes. There can be no structural fault, it might be said, so long as an FDR could put through an entire anti-depression program in 100 days, or an LBJ could enact a broad program for social justice three decades later. These infrequent exceptions, however, confirm the general rule of stalemate.

If we look closely we will find that in this century the system has succeeded only on the rare occasions when there is an unusual event that brings us together, and creates substantial consensus throughout the country on the need for a whole new program. FDR had such a consensus in the early days of the New Deal, and from Pearl Harbor to the end of World War II. But we tend to forget that in 1937 his court-packing plan was justifiably rejected by Congress—a good point for those who favor complete separation of the executive from the legislature[5]—and that as late as August 1941, when President Roosevelt called on Congress to pass a renewal of the Selective Service Act, passage was gained by a single vote in the House. Lyndon Johnson had such a consensus for both his domestic and his Vietnam initiatives during the first three years after the shock of John Kennedy's assassination brought us together. But it was gone by 1968. Jimmy Carter has had it this past winter and spring for his responses to the events in Iran and Afghanistan and to the belated realization of our need for greater energy self-sufficiency, but he may not hold it for long. Yet the consensus on Afghanistan was marred by the long congressional delay in appropriating the small amounts needed to register 19- and 20-year-olds under the Selective Service Act—a delay that at least blurred the intended impact of this signal to the world of our determination to oppose further Soviet aggression.[6]

When the great crisis and the resulting large consensus are not there—when the country is divided somewhere between 55–45 and 45–55 on each of a wide set of issues, and when the makeup of the majority is different on every issue—it has not been possible for any modern President to "form a Government" that could legislate and carry out his overall program.

Yet modern government has to respond promptly to a wide range of new challenges. Its responses cannot be limited to those for which there is a large consensus induced

---

Footnotes at end of article.

by some great crisis. Modern government also has to work in every presidency, not just in one presidency out of four, when a Wilson, an FDR or an LBJ comes along. It also has to work for the President's full time in office, as it did not even for Wilson and LBJ. When they needed congressional support for the most important issue of their presidencies, they could not get it.

When the President gets only "half a loaf" of his overall program, this half a loaf is not necessarily better than none, because it may lack the essential quality of balance. And half a loaf leaves both the President and the public in the worst of all possible worlds. The public—and the press—still expect the President to govern. But the President cannot achieve his overall program, and the public cannot fairly blame the President because he does not have the power to legislate and execute his program. Nor can the public fairly blame the individual members of Congress, because the Constitution allows them to disclaim any responsibility for forming a Government and hence any accountability for its failures.

Of course the presidency always has been and will continue to be what Theodore Roosevelt called "a bully pulpit"—not a place from which to "bully" in the sense of intimidating the Congress and the public, but in the idiom of TR's day a marvelous place from which to exhort and lift up Congress and the public. All Presidents have used the bully pulpit in this way, and this is one reason why the American people continue to revere the office and almost always revere its incumbent. Television has probably amplified the power of the bully pulpit, but it has also shortened the time span of power, few television performers can hold their audiences for four consecutive years. In any event, a bully pulpit, while a glorious thing to have and to employ, is not a Government, and it has not been enough to enable any postwar President to "form a Government" for his entire term.

Finally, the myth persists that the existing system can be made to work satisfactorily if only the President will take the trouble to consult closely with the Congress. If one looks back at the period between 1947 and 1965 there were indeed remarkable cases, at least in the field of foreign policy, where such consultation worked to great effect, even across party lines. The relationships between Senator Vandenberg and Secretaries Marshall and Acheson, and between Senator George and Secretary Dulles, come readily to mind. But these examples were in an era of strong leadership within the Congress, and of unusual national consensus on the overall objectives of foreign policy and the measures needed to carry it out.

Even when these elements have not been present, every President has indeed tried to work within the majority in Congress, and the majority in every Congress has tried to work with the President. Within this past year, when there has been a large consensus in response to the crises in Afghanistan and Iran, a notable achievement has been a daily briefing of congressional leaders by the Secretary of State, and weekly private briefings with all Senate and House members who want to attend—a step that has helped to keep that consensus in being. Another achievement of recent times is the development of the congressional budget process, exemplified by the cooperation between the congressional leadership and the President in framing the 1981 budget.

But even on Iran, Afghanistan and the budget, the jury is still out on how long the large consensus will hold. And except on the rare issues where there is such a consensus, the structural problems usually prove too difficult to overcome. In each Administration, it becomes progressively more difficult to make the present system work effectively on the range of issues, both domestic and foreign, that the United States must now manage even though there is no large consensus.

IV

If we decide we want the capability of forming a Government, the only way to do so is to amend the Constitution. Amending the Constitution, of course, is extremely difficult. Since 1793, when the Bill of Rights was added, we have amended the Constitution only 16 times. Some of these amendments were structural, such as the direct election of Senators, votes for women and 18 year olds, the two-term limit for Presidents, and the selection of a successor Vice President. But none has touched the basic separation of executive and legislative powers.

The most one can hope for is a set of modest changes that would make our structure work somewhat more in the manner of a parliamentary system, with somewhat less separation between the executive and the legislature than now exists.

There are several candidate proposals. Here are some of the more interesting ideas:

1) We now vote for a presidential candidate and a vice-presidential candidate as an inseparable team. We could provide that in presidential election years, voters in each congressional district would be required to vote for a trio of candidates, as a team, for President, Vice President and the House of Representatives. This would tie the political fortunes of the party's presidential and congressional candidates to one another, and provide some incentive for sticking together after they are elected. Such a proposal could be combined with a four-year term for members of the House of Representatives. This would tie the presidential and congressional candidates even more closely, and has the added virtue of providing members with greater protection against the pressures of single-issue political groups. This combination is the brainchild of Congressman Jonathan Bingham of New York, and is now pending before the Congress.

In our bicameral legislature, the logic of the Bingham proposal would suggest that the inseparable trio of candidates for President, Vice President and Member of Congress be expanded to a quintet including the two Senators, who would also have the same four-year term. But no one has challenged the gods of the Olympian Senate by advancing such a proposal.

2) Another idea is to permit or require the President to select 50 percent of his Cabinet from among the members of his party in the Senate and House, who would retain their seats while serving in the Cabinet. This would be only a minor infringement on the constitutional principle of separation of powers, but it would require a change in Article I, Section 6, which provides that "no person holding any office under the United States shall be a member of either house during his continuance in office." It would tend to increase the intimacy between the executive and the legislature, and add to their sense of collective responsibility. The 50-percent test would leave the President adequate room to bring other qualified persons into his Cabinet, even though they do not hold elective office.

3) A third intriguing suggestion is to provide the President with the power, to be exercised not more than once in his term, to dissolve Congress and call for new congressional elections. This is the power now vested in the President under the French Constitution. It would provide the opportunity that does not now exist to break an executive-legislative impasse, and to let the public decide whether it wishes to elect Senators and Congressmen who will legislate the President's overall program.

For obvious reasons, the President would invoke such a power only as a last resort, but his potential ability to do so could have a powerful influence on congressional responses to his initiatives. This would of course be a radical and highly controversial proposal, and it involves a number of technical difficulties relating to the timing and conduct of the new election, the staggering of senatorial terms and similar matters. But it would significantly enhance the President's power to form a Government.

On the other hand, the experience of Presidents—one recalls Nixon in 1970—who sought to use the mid-term election as a referendum on their programs suggests that any such dissolution and new election would be equally as likely to continue the impasse as to break it. Perhaps any exercise of the power to dissolve Congress should automatically require a new presidential election as well. But even then, the American public might be perverse enough to reelect all the incumbents to office.

4) Another variant on the same idea is that in addition to empowering the President to call for new congressional elections, we might empower a majority or two-thirds of both Houses to call for new presidential elections. This variant has been scathingly attacked in a series of conversations between Professor Charles Black of the Yale Law School and Congressman Bob Eckhardt of Texas, published in 1975, because they think that such a measure would vitally diminish the President's capacity to lead.[7]

5) There are other proposals that deserve consideration. There could be a single six-year presidential term, an idea with many supporters, among them Presidents Eisenhower, Johnson and Carter, to say nothing of a great many political scientists. (The French Constitution provides a seven-year term for the President, but permits reelection.) Of course Presidents would like to be elected and then forget about politics and get to the high ground of saving the world. But if first-term Presidents did not have the leverage of reelection, we might institutionalize for every presidency the lame duck impotence we now see when a President is not running for reelection.

6) It may be that one combination involving elements of the third, fourth and fifth proposals would be worthy of further study. It would be roughly as follows:

A. The President, Vice President, Senators and Congressmen would all be elected for simultaneous six-year terms.

B. On one occasion each term, the President could dissolve Congress and call for new congressional elections for the remainder of the term. If he did so, Congress, by majority vote of both Houses within 30 days of the President's action, could call for simultaneous new elections for President and Vice President for the remainder of the term.

C. All state primaries and state conventions for any required mid-term elections would be held 60 days after the first call for new elections. Any required national presidential nominating conventions would be held 30 days later. The national elections would be held 60 days after the state primary elections and state conventions. The entire cycle would take 120 days. The dissolved Congress would be free to remain in session for part or all of this period.

D. Presidents would be allowed to serve only one full six-year term. If a mid-term presidential election is called, the incumbent would be eligible to run and, if reelected, to serve the balance of his six-year term.

Limiting each President to one six-year term would enhance the objectivity and public acceptance of the measures he urges in the national interest. He would not be regarded as a lame duck because of his continuing power to dissolve Congress. Our capacity to "form a Government" would be

---

Footnotes at end of article.

enhanced if the President could break an impasse by calling for a new congressional election and by the power of Congress to respond by calling for a new presidential election.

Six-year terms for Senators and Congressmen would diminish the power of single-interest groups to veto balanced programs for governing. Because any mid-term elections would have to be held promptly, a single national primary, a shorter campaign cycle and public financing of congressional campaigns—three reforms with independent virtues of their own—would become a necessity for the mid-term election. Once tried in a mid-term election, they might well be adopted for regular elections as well.

7) One final proposal may be mentioned. It would be possible, through constitutional amendment, to revise the legislative process in the following way. Congress would enact broad mandates first, declaring general policies and directions, leaving the precise allocative choices, within a congressionally approved budget, to the President. All agencies would be responsible to the President. By dividing up tasks among them, and making the difficult choices of fulfilling some congressional directions at the expense of others, the President would fill in the exact choices, the allocative decisions. Then any presidential action would be returned to Congress where it would await a two-house legislative veto. If not so vetoed within a specified period, the action would become law.

If the legislative veto could be overturned by a presidential veto—subject in turn to a two-thirds override—then this proposal would go a long way to enhance the President's ability to "form a Government." In any event, it should enable the elected President to carry out the program he ran on, subject to congressional oversight, and end the stalemate over whether to legislate the President's program in the first instance. It would let Congress and the President each do what they have shown they now do best.

Such a resequencing, of course, would turn the present process on its head. But it would bring much closer to reality the persisting myth that it is up to the President to govern—something he now lacks the constitutional power to do.

V

How can these proposals be evaluated? How can better proposals be devised? Above all, how can the public be educated to understand the costs of the present separation between our executive and legislative branches, to weigh these costs against the benefits, and to decide whether a change is needed?

One obvious possibility is the widely feared constitutional convention—something for which the Constitution itself provides—to be called by Congress itself or two-thirds of the states. Jefferson expected one to occur every generation. Conventions are commonplace to revise state constitutions. But Congress has never even legislated the applicable rules for electing and conducting a national constitutional convention, even though more than 30 states have now called for one to adopt an amendment limiting federal taxes and expenditures. Because of the concern generated by this proposal, any idea of a national constitutional convention on the separation of powers is probably a nonstarter.

A more practicable first step would be the appointment of a bipartisan presidential commission—perhaps an offshoot of President Carter's first-class Commission on the Eighties—to analyze the issues, compare how other constitutions work, hold public hearings, and make a full report. The presidential commission could include ranking members of the House and Senate, or perhaps Congress could establish a parallel joint commission of its own.

The point of this article is not to persuade the reader of the virtue of any particular amendment. I am far from persuaded myself. But I am convinced of these propositions:

We need to do better than we have in "forming a Government" for this country, and this need is becoming more acute.

The structure of our Constitution prevents us from doing significantly better.

It is time to start thinking and debating about whether and how to correct this structural fault.

FOOTNOTES

[1] Carl McGowan, "Congress, Court, and Control of Delegated Power," *Columbia Law Review*, Vol. 77, No. 8 (1977) pp. 1119–20.

[2] *Congressional Government: A Study in American Politics*, Boston and New York: Houghton Mifflin, 1913, p. 284.

[3] *The Adams-Jefferson Letters*, Vol. II, (Lester J. Cappon, ed.), Chapel Hill: University of North Carolina Press, 1959, p. 134

[4] Quoted from Carl P. Leubsdorf, "Contemporary Problems Leave U.S. Political System Straining to Cope," reprinted in the *Congressional Record*, October 31, 1979, pp. 30374–30375.

[5] The mention of this historic example may strike some readers as sharply impairing the general thesis of this article in favor of disciplined party voting in the Congress. But one can readily envisage a category of issues—analogous to mutual defense treaties—where an Administration would not be entitled to apply party discipline. (In Britain, for example, votes on such issues as capital punishment have traditionally not been subject to the party whip.) Any measure amending the Constitution or affecting the separation of powers (as the 1937 Court Plan did) should probably be exempted, as well as any issue of religious conscience, such as legislation bearing on abortion.

[6] Similarly, the belated consensus on energy self-sufficiency did not restrain the Congress from overriding, by one of the largest margins in history, the President's unpopular but necessary oil import fee order.

[7] Bob Eckhardt and Charles L. Black, Jr., *The Tides of Power: Conversations on the American Constitution*, New Haven: Yale University Press, 1976.●

ORDER FOR RECESS TODAY UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10:30 a.m. tomorrow.

The motion was agreed to and, at 6:28 p.m., the Senate recessed until tomorrow, Thursday, November 13, 1980, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 12, 1980:

General Assembly of the United Nations

The following-named persons to the positions indicated to which they were appointed during the last recess of the Senate:

To be Representatives of the United States of America to the 35th session of the General Assembly of the United Nations:

Donald F. McHenry, of Illinois.

William J. vanden Heuvel, of New York.

Hannah D. Atkins, of Oklahoma.

To be Alternate Representatives of the United States of America to the 35th session of the General Assembly of the United Nations:

Nathan Landow, of Maryland.

Barbara Newsom, of California.

Richard W. Petree, of Virginia.

H. Carl McCall, of New York.

Corporation for Public Broadcasting

Melba Pattillo Beals, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1986, vice Lucius Perry Gregg, Jr., term expired.

U.S. Synthetic Fuels Corporation

John C. Sawhill, of the District of Columbia, to be chairman of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 7 years (new position), to which office he was appointed during the last recess of the Senate.

The following-named persons to the positions indicated to which they were appointed during the last recess of the Senate:

To be Members of the Board of Directors of the U.S. Synthetic Fuels Corporation for the terms indicated:

John D. DeButts, of Virginia, for a term of 1 year (new position).

Catherine Blanchard Cleary, of Wisconsin, for a term of 2 years (new position).

Frank Savage, of New York, for a term of 3 years (new position).

Joseph Lane Kirkland, of the District of Columbia, for a term of 5 years (new position).

National Labor Relations Board

John C. Truesdale, of Maryland, to be a Member of the National Labor Relations Board for the term of 5 years expiring August 27, 1985 (reappointment), to which office he was appointed during the last recess of the Senate.

Community Services Administration

Harold Lafayete Thomas, of the District of Columbia, to be an Assistant Director of the Community Services Administration, vice John B. Gabusi, resigned, to which office he was appointed during the last recess of the Senate.

Laird F. Harris, of Michigan, to be an Assistant Director of the Community Services Administration, vice Frank Jones, resigned, to which office he was appointed during the last recess of the Senate.

Department of Agriculture

Alex P. Mercure, of New Mexico, to be Under Secretary of Agriculture for Small Community and Rural Development (new position), to which office he was appointed during the last recess of the Senate.

In the Coast Guard

The following Regular officers of the U.S. Coast Guard for promotion to the grades of captain:

Hubert T. Blomquist
Robert F. Melsheimer
Theodore E. Deming
Charles F. Reid
Lloyd R. Lomer
Paul D. Russell
Terry L. Lucas
Neal F. Herbert
Ralph E. Griffin
Joseph S. Blackett, Jr
John R. Sproat
Richard W. Zins
John E. McCarty
Martin J. Moynihan
Jerome M. Myers
Michael B. Dunn
James F. Butler
Robert E. Kramek
Robert E. Phelps
Donald A. Naples
David F. Cunningham
Leon E. Beaudin
James H. Parent
William E. Ecker, Jr.
Alan F. Miller
Alexander E. Tanos
John H. Hill
Richard W. Long
Richard O. Buttrick
George F. Ireland
Gary F. Crosby
Ronald C. Pickup
David L. Parr
Kyle A. Shaw

Thomas Y. Lawrence, Jr.
William J. Ecker
Gregory A. Penington
Keith P. Penson
Leo N. Schowengerdt, Jr.
George H. Moritz
Robert L. Phelps
Kenneth R. Gard
Dale R. Schmidt
Paul R. Taylor
Kenneth F. Bishop, Jr.
Walter R. Glenning
Clayton D. Morrison
Richard A. Appelbaum
Macon T. Jordan
Donald H. Ramsden
John C. Trainor
Joseph L. Valenti

IN THE AIR FORCE

Brig. Gen. James Taylor, Jr., [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force for promotion to the Regular grade of major general and for appointment as the Deputy Judge Advocate General, U.S. Air Force, under the provisions of chapter 839 and section 8072(d), title 10 of the United States Code.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Vernon Anthony Walters, [redacted] (age 63), Army of the United States (major general, U.S. Army Retired Reserve).

IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapters 35 and 837, Title 10, United States Code.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Aghajanian, Nishan, [redacted].
Airy, Ray D., [redacted].
Bedker, Ervin J., [redacted].
Budig, Gene A., [redacted].
Buttrick, Maurice R., [redacted].
Cali, Andrew, III, [redacted].
Couch, Everett W., [redacted].
Coughran, William M., [redacted].
Crane, Leroy R., [redacted].
Daniel, James E., [redacted].
Dawson, John V., [redacted].
Dotson, Alan B., [redacted].
Dougherty, Frank E., Jr., [redacted].
Flaherty, Robert M., [redacted].
Hefton, Richard R., [redacted].
Hicks, Alvan W., [redacted].
Hutten, Robert L., [redacted].
Johnson, Harold W., [redacted].
Koch, Jack D., [redacted].
Koerner, John W., [redacted].
Lambert, Galen M., [redacted].
Laquey, Allan R., [redacted].
LaSalle, Benjamin J., Jr., [redacted].
Leland, Kenneth J., [redacted].
Leonard, Raymond M., Jr., [redacted].
Marvin, John M., [redacted].
Mayol, Juan J., [redacted].
McNeely, Edgar S., [redacted].
Metzger, Cecil F., [redacted].
Olson, John N., [redacted].
Orear, Joseph, [redacted].
Parodi, Jose A., [redacted].
Phillips, Delford M., [redacted].
Pryor, Thomas B., III, [redacted].
Quisenberry, Jesse D., III, [redacted].
Schwahn, George B., [redacted].
Smidt, Dudley P., [redacted].
Stasiewicz, Kenneth G., [redacted].
Stich, Richard A., [redacted].
Streeter, John B., Jr., [redacted].
Strickland, Claude M., Jr., [redacted].
Sumida, Kenji, [redacted].
Tilley, Kenneth G., [redacted].
Waldrop, Carleton B., [redacted].
Webb, John G., [redacted].
Williams, Curtis G., [redacted].
Young, Revere A., [redacted].

CHAPLAIN CORPS

Kohler, Joseph M., [redacted].

MEDICAL SERVICE CORPS

Strate, David J. E., [redacted].

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, Title 10, United States Code, as amended. All officers are subject to physical examination required by law:

LINE OF THE AIR FORCE

Captain to major

Abair, Michael A., [redacted].
Abbey, Dennis O., [redacted].
Aber, Leland A., [redacted].
Abler, Peter D., [redacted].
Abraham, Warren E., [redacted].
Accurso, Steven A., [redacted].
Adair, Harmon L., Jr., [redacted].
Adams, Charles E., [redacted].
Adams, Nathan J., Jr., [redacted].
Adams, Nathaniel J., [redacted].
Adams, Thomas F., [redacted].
Adamson, Anthony L., [redacted].
Adamson, James I., [redacted].
Agnor, Raymond M., Jr., [redacted].
Ahearn, Francis W., [redacted].
Aikman, Rex, Jr., [redacted].
Aitken, George G., [redacted].
Alberts, John M., [redacted].
Alderfer, Elmer L., [redacted].
Alexander, Richard D., [redacted].
Alexander, Roger S., [redacted].
Algire, Richard G., [redacted].
Allan, Howard R., [redacted].
Allen, Lewis H., III, [redacted].
Allen, Robert A., Jr., [redacted].
Allen, Roger L., [redacted].
Allevato, John T., [redacted].
Allum, Alvin L., [redacted].
Alpert, Thomas J., [redacted].
Alton, Jack W., Jr., [redacted].
Ambrose, Richard W., [redacted].
Amerise, Leonard A., [redacted].
Anderegg, Clarence R., [redacted].
Anderson, David B., [redacted].
Anderson, David M., [redacted].
Anderson, Frederic M., [redacted].
Anderson, James E., [redacted].
Anderson, Jeffry W., [redacted].
Anderson, John A., [redacted].
Anderson, Jon A., [redacted].
Anderson, Kelly D., [redacted].
Anderson, Kurt B., [redacted].
Anderson, Robert R., [redacted].
Anderson, Thomas E., [redacted].
Andreoli, Leopold J., [redacted].
Andrews, Robert S., [redacted].
Angerman, George G., [redacted].
Annesser, James W., [redacted].
Anno, Stephen E., [redacted].
Ansorge, Gene A., [redacted].
Anton, Thomas J., [redacted].
Apgar, Richard, [redacted].
Arbaugh, Thomas W., [redacted].
Arbeit, Ferde P., [redacted].
Archibald, Alexander M., Jr., [redacted].
Ardillo, Nick P., Jr., [redacted].
Ardis, David G., [redacted].
Ardis, Wesley R., [redacted].
Arms, Charles I., [redacted].
Armstrong, Gerald R., [redacted].
Armstrong, Robert J., [redacted].
Armstrong, William P., Jr., [redacted].
Arner, Eugene O., [redacted].
Arnett, George D., [redacted].
Arnold, Daniel E., [redacted].
Arnold, Harry W., [redacted].
Arnold, John E., [redacted].
Arnold, Palmer G., [redacted].
Arnold William, R., Jr., [redacted].
Arola, George T., [redacted].
Arthur, Arch S., [redacted].
Artz, John F., [redacted].
Ashbaugh, Dennis M., [redacted].
Asmus, Hans J., [redacted].
Atkinson, William B. Jr., [redacted].
Bachelor, Robert R., [redacted].
Badgley, James L., [redacted].
Baenziger, Clayton M., [redacted].
Bagby, Alva E., III, [redacted].
Bailey, Gregory P., [redacted].
Bailey, Ronald G., [redacted].
Baker, Charles W. Jr., [redacted].
Baker, James R., [redacted].
Baker, Lawrence H., [redacted].
Baker, Michael L., [redacted].
Baki, Richard K., [redacted].
Balcik, John T., [redacted].
Balkovec, Steve L., [redacted].
Ball, Michael J., [redacted].
Ballard, James R., [redacted].
Ballentine, Rodger D., [redacted].
Banks, Calvin, Jr., [redacted].
Banning, Thomas M., III, [redacted].
Bannwart, James L., [redacted].
Baranowski, Bronislaw F., [redacted].
Barber, David E., [redacted].
Barbier, Allison J., Jr., [redacted].
Barclay, Douglas G., [redacted].
Barden, Paul W., [redacted].
Barna, Theodore K., [redacted].
Barnard, Howard D., III, [redacted].
Barnes, Judson C., [redacted].
Barneyback, Stephen E., [redacted].
Barnum, Robert J., [redacted].
Barr, Tommy D., [redacted].
Barreras, Allen J., [redacted].
Barrett, James G., Jr., [redacted].
Barrett, Robert M., [redacted].
Barrick, Samuel L., Jr., [redacted].
Barry, John M., [redacted].
Bartee, Luther M., [redacted].
Bartlett, John R., [redacted].
Barton, David W., [redacted].
Barton, Frederick E., [redacted].
Barton, Leroy H., III, [redacted].
Barton, Lloyd H., [redacted].
Bash, Donald C., [redacted].
Basine, James M., [redacted].
Bass, Arnie, [redacted].
Bassett, Loyal G., [redacted].
Bates, John F., [redacted].
Bauder, John W., [redacted].
Bauer, Bruce L., [redacted].
Bauer, Christian A., [redacted].
Baugh, Gary E., [redacted].
Bayless, James E., [redacted].
Beachem, Eugene R., [redacted].
Beacht, Russell W., [redacted].
Bean, William R., Jr., [redacted].
Beard, Robert J., [redacted].
Beard, Terry L., [redacted].
Bearden, James G., [redacted].
Bearley, John W., [redacted].
Beatty, Jerome W., [redacted].
Beck, Larry R., [redacted].
Beck. Peter M., [redacted].
Becker, Gary L., [redacted].
Beckett, Robert E., Jr., [redacted].
Beckmann, Joel W., [redacted].
Beggerly, James D., [redacted].
Beinecke, Terry A., [redacted].
Bell, Donald W., [redacted].
Bell, Robert J., [redacted].
Belmont, Gary R., [redacted].
Belt, James H., [redacted].
Bendlin, Gary R., [redacted].
Benke, William A., [redacted].
Benkert, Daniel D., [redacted].
Bennert, Raymond M., [redacted].
Bennett, Warren A., Jr., [redacted].
Bennett, William R., [redacted].
Bentley, Philip S., [redacted].
Bentley, Robert S., [redacted].
Benton, Mark J., [redacted].
Beran, Jeffrey L., [redacted].
Bergo, Kenneth M., [redacted].
Bergseth, Robert R., [redacted].
Bernard, Paula A., [redacted].
Bernia, Dennis A., [redacted].
Berry, William E., Jr., [redacted].
Berthelotte, William P., [redacted].
Bertram, Heinz D., [redacted].
Bertrand, Randall L., [redacted].
Berty, Barry J. T., [redacted].
Berzins, John J., [redacted].
Beshore, Eric A., [redacted].
Besold, Barry B., [redacted].
Best, Richard A., [redacted].
Bettinger, Alexander, [redacted].
Bettinger, Sterling J., Jr., [redacted].

Betts, David E., [redacted].
Betz, William D., [redacted].
Bevan, Steven B., [redacted].
Bidwell, David F., [redacted].
Bieringer, Gerald F., [redacted].
Biever, Lawrence J., [redacted].
Bihner, William J., Jr., [redacted].
Birdlebough, Michael W., [redacted].
Black, Walter J., Jr., [redacted].
Blackman, Johnny N., Jr., [redacted].
Blackman, William J., [redacted].
Blair, Carlton W., Jr., [redacted].
Blair, David G., [redacted].
Blair, Donald C., Jr., [redacted].
Blair, James D., [redacted].
Blakely, Milo R. B., [redacted].
Blanchard, James R., [redacted].
Blanco, James P., [redacted].
Blank, Jere F., [redacted].
Blanks, Randolph M., [redacted].
Blaschke, Robert E., Jr., [redacted].
Blase, Carlton G., Jr., [redacted].
Blauch, James L., [redacted].
Blaum, Raymond J., Jr., [redacted].
Blaxton, Eldon C., [redacted].
Bleakley, Bruce A., [redacted].
Blewett, Timothy E., [redacted].
Blinn, Roger K., [redacted].
Bliquez, Terry O., [redacted].
Bliss, Thomas F., [redacted].
Block, John R., [redacted].
Block, William H., [redacted].
Blomberg, Earl A., Jr., [redacted].
Blum, Ronald E., [redacted].
Blunt, James H., [redacted].
Boasso, Herbert J. Jr., [redacted].
Boddy, Robert F., [redacted].
Bogard, Earl C., Jr., [redacted].
Bohn, Gary D., [redacted].
Bomberger, John F., [redacted].
Bond, Dennis G., [redacted].
Bonn, Russell H., [redacted].
Booth, Thomas R. L., [redacted].
Bordeau, Wayne R., [redacted].
Boren, Glenn E., [redacted].
Borland, Dennis P., [redacted].
Bortner, Jonathan J. [redacted].
Boston, Ronald G., [redacted].
Boswell, Gordon F., [redacted].
Boucher, Jean A., [redacted].
Boudreaux, Whitney, J., Jr. [redacted].
Boulet, Dan L., Jr., [redacted].
Bound, Ronald J., [redacted].
Bouthillier, Raymond A., [redacted].
Bouvier, Ronald D., [redacted].
Bowers, John V., Jr. [redacted].
Bowman, Gerald L., [redacted].
Bowman, Medford C., Jr., [redacted].
Boyd, Jimmy L., [redacted].
Boyd, Stephen B., [redacted].
Boyle, Jerry D., [redacted].
Boyle, Marcus J., [redacted].
Braa, Arthur J., [redacted].
Bradford, Barry C., [redacted].
Bradley, Ronald G., [redacted].
Brady, Charles C., [redacted].
Brady, James F., [redacted].
Brady, Kenneth L., [redacted].
Brady, Thomas R., [redacted].
Brahan, Michael G., [redacted].
Brandon, John D., [redacted].
Brandon, Peter B., [redacted].
Brandt, William R., [redacted].
Branscome, Claude E., [redacted].
Branson, Phillip A., [redacted].
Brass, Edward W., [redacted].
Bravinder, Richard W., [redacted].
Bray, David A., [redacted].
Brazil, Douglas L., [redacted].
Breland, John G., Jr., [redacted].
Breland, Lonnie J., [redacted].
Brende, Otis A., [redacted].
Brewer, Myron T., Jr., [redacted].
Bridewell, Alexander C., III. [redacted].
Bridges, John F., [redacted].
Bridges, Thomas F., [redacted].
Briggs, John J., III, [redacted].
Brinkley, Michael E., [redacted].
Brister, Leroy H., [redacted].
Brittelli, Joseph L., [redacted].
Britton, John F., Jr., [redacted].
Brocato, Thomas A., [redacted].
Brock, William C., [redacted].
Brody, Robert D., [redacted].
Brohammer, Ronald G., [redacted].
Bronzo, Anthony F., Jr., [redacted].
Brooks, George D., [redacted].
Brooks, William J., III, [redacted].
Brotzman, Robert L., [redacted].
Brown, Alan H., II, [redacted].
Brown, Gary E., [redacted].
Brown, Harold R., Jr., [redacted].
Brown, Henry A., Jr., [redacted].
Brown, James F., [redacted].
Brown, Joe B., [redacted].
Brown, Ronald T., [redacted].
Brown, Tommy G., [redacted].
Brown, William L., [redacted].
Browning, Robert W., Jr., [redacted].
Brownlee, Donald H., [redacted].
Brumfiel, Philip A., [redacted].
Brummund, Charles R., [redacted].
Bruner, James D., [redacted].
Bruns, David A., [redacted].
Brunsting, James A., [redacted].
Brunt, Curtis W., Jr., [redacted].
Bryan, Edwin B., [redacted].
Bryant, Floyd, Jr., [redacted].
Buchanan, James D., [redacted].
Buchholz, David E., [redacted].
Buck, John E., [redacted].
Buckner, Robert W., [redacted].
Budinger, Fred W., Jr., [redacted].
Buecker, Robert C., [redacted].
Buettner, Terry W., [redacted].
Bughman, Niles J., [redacted].
Bull, David E., [redacted].
Bulloch, Donald C., [redacted].
Bumbulis, Gunars, [redacted].
Bunger, Allen D., [redacted].
Burbank, Deane A., [redacted].
Burch, Joe T., [redacted].
Burchell, Gary F., [redacted].
Burdeshaw, Fred H., Jr., [redacted].
Burge, Pruett W., [redacted].
Burink, Gerald A., [redacted].
Burke, David K., [redacted].
Burke, Joseph W., [redacted].
Burke, Michael B., [redacted].
Burke, Robert F., [redacted].
Burke, Robert W., [redacted].
Burke, Terry A., [redacted].
Burkel, Louis A., III, [redacted].
Burkholder, James A., Jr., [redacted].
Burnett, Paull C., [redacted].
Burnette, Joe D., [redacted].
Burns, Herman W., [redacted].
Burns, Jerry E., [redacted].
Burrows, Henry P., III, [redacted].
Burski, Michael L., [redacted].
Burton, William R., [redacted].
Busch, Howard R., II, [redacted].
Bush, Andrew K., [redacted].
Bush, Frederick E., Jr., [redacted].
Bush, William L., III, [redacted].
Busico, Roger P., [redacted].
Butchart, James F., [redacted].
Butcher, Maxwell P., [redacted].
Butler, Johnnie B., [redacted].
Butterbrodt, Vaughn L., [redacted].
Button, Gary D., [redacted].
Butts, David R. W., [redacted].
Buzze, Charles L., [redacted].
Byrd, Emerson E., [redacted].
Byrd, Harry E., [redacted].
Byrne, Mary, [redacted].
Byrns, William G., [redacted].
Cabral, William R., [redacted].
Cadugan, John A., [redacted].
Caldwell, Douglas E., [redacted].
Caldwell, William R., [redacted].
Calhoun, Charles K., Jr., [redacted].
Cali, Richard, [redacted].
Calta, Dick, [redacted].
Camerota, Peter P., [redacted].
Campagna, Carmen S., [redacted].
Campbell, Dennis L., [redacted].
Campbell, Frank B., [redacted].
Campbell, Harry G., [redacted].
Campbell, Hugh T., [redacted].
Campbell, John S., [redacted].
Campbell, William H., Jr., [redacted].
Campion, Norman J., [redacted].
Cantrell, John L., [redacted].
Capaldi, Larry S., [redacted].
Caparoon, Phillip E., [redacted].
Caputo, John A., [redacted].
Carberry, Don L., [redacted].
Cardiel, Richard B., [redacted].
Carleton, Roger E., [redacted].
Carlson, Ronald D., [redacted].
Carmack, Wayne A., [redacted].
Carman, Philip L., [redacted].
Carney, John M., Jr., [redacted].
Caroon, William T., [redacted].
Carpenter, Adelbert W., [redacted].
Carpenter, Robert F., III, [redacted].
Carr, Dennis L., [redacted].
Carr, Michael F., [redacted].
Carr, Randell E., Jr., [redacted].
Carr, Wayne L., [redacted].
Carrier, Robert B., [redacted].
Carrillo, John, [redacted].
Carro, Roger C., [redacted].
Carroll, Leo T., III, [redacted].
Carroll, Terry M., Jr., [redacted].
Carruthers, Riley W., [redacted].
Carson, Donald R., [redacted].
Carson, William D., Jr., [redacted].
Carter, James E., [redacted].
Cary, John L., Jr., [redacted].
Casciano, John P., [redacted].
Case, Randolph M., [redacted].
Casey, Tommy W., [redacted].
Cason, Robert D., [redacted].
Castillo, Jose R., [redacted].
Cathey, Ronald A., [redacted].
Cave, Gary R., [redacted].
Centilla, Robert J., [redacted].
Cervi, Richard J., [redacted].
Chace, Harvey D., [redacted].
Chadbourne, Harvey L., [redacted].
Chambless, Lewis L., [redacted].
Champion, Archie J., Jr., [redacted].
Chandler, Edward L., [redacted].
Chandler, Vincent, [redacted].
Chapman, Dean W., [redacted].
Chappelear, Robert L., [redacted].
Chary, Henry A., [redacted].
Cherry, Robert E., [redacted].
Cheshire, James C., III, [redacted].
Chevalier, Paul R., Jr., [redacted].
Chiapusio, Rodney D., [redacted].
Chickles, James G., [redacted].
Chisholm, Frederick L., [redacted].
Chisler, Ralph A., Jr., [redacted].
Chism, Duane L., [redacted].
Choate, Robert W., [redacted].
Chockley, Julian H. M., [redacted].
Choffel, Michael F., [redacted].
Christen, Barry W., [redacted].
Christensen, Charles R., [redacted].
Christon, Christopher L., [redacted].
Chvatal, Joseph J., [redacted].
Cimino, William A., Jr., [redacted].
Cipriano, John P., [redacted].
Clapp, Thomas R., [redacted].
Clark, Charles T., [redacted].
Clark, Freddie W., [redacted].
Clark, Gary E., [redacted].
Clark, Jess R., [redacted].
Clark, John R., [redacted].
Clark, Phillip C., [redacted].
Clark, Samuel L., II, [redacted].
Clark, Wayne E., [redacted].
Clark, William E., [redacted].
Clarke, James B., [redacted].
Clarke, Richard L., [redacted].
Clavenna, James F., [redacted].
Clayton, Eugene W., Jr., [redacted].
Cleary, Michael O., [redacted].
Cleland, William T., [redacted].
Clement, Peter A., [redacted].
Clements, Edward P., [redacted].
Clements, John P., [redacted].
Clements, Morris E., Jr., [redacted].
Clevesy, John W., [redacted].
Clonts, Kenneth D., [redacted].
Cloos, John J., [redacted].
Coakley, Donald J., [redacted].
Cobb, George N., [redacted].
Coburn, Arthur E., [redacted].

Cochran, Charlie T., [redacted].
Cochran, Curtis D., [redacted].
Cochran, Thomas M., [redacted].
Coffey, Michael D., [redacted].
Coffey, Roger K., [redacted].
Cogswell, Roger L., [redacted].
Coile, James T., [redacted].
Cole, Dennis L., [redacted].
Cole, Edward D., [redacted].
Cole, George P., Jr., [redacted].
Cole, Neil R., [redacted].
Colello, Stephen A., [redacted].
Coleman, James P., [redacted].
Coleman, Maurice A., Jr., [redacted].
Colestock, Harry E., III, [redacted].
Colgrove, Roger T., [redacted].
Collins, James M., [redacted].
Collins, Kenneth F., [redacted].
Collins, Perry B. III, [redacted].
Collins, Roland C., [redacted].
Colpitts, Charles O., [redacted].
Combs, John R., Jr., [redacted].
Compton, Munson G., Jr., [redacted].
Comstock, Robert W., Jr., [redacted].
Comstock, William P., III, [redacted].
Condit, Thomas H., [redacted].
Cone, Milton L., [redacted].
Conklin, Hugh R., Jr., [redacted].
Conlan, George I., [redacted].
Conlon, Michael E., [redacted].
Conner, James M., [redacted].
Connors, Daniel V., [redacted].
Contreras, Raul, [redacted].
Converse, Elliott V., III, [redacted].
Converse, Lowell A., [redacted].
Cooey, Robert L., Jr., [redacted].
Cook, Douglas F., [redacted].
Cook, John W., [redacted].
Cook, Larry T., [redacted].
Cook, Robert, [redacted].
Cooke, Edwin B., [redacted].
Cookson, Edward D., [redacted].
Cool, Lawrence E., [redacted].
Cooley, John D., [redacted].
Cooper, Ronald T., [redacted].
Coppock, William J., [redacted].
Corban, William J., [redacted].
Cormack, David E., [redacted].
Cormney, Laney K., [redacted].
Cornelia, Thomas B., [redacted].
Corwin, Gerald W., [redacted].
Cory, Bryan J., [redacted].
Cossa, Ralph A., [redacted].
Costello, John S., [redacted].
Cottam, Eleanor I, [redacted].
Coulter, Gary R., [redacted].
Coursey, Richard J., [redacted].
Couture, James E., [redacted].
Covarrubias, Francisco J., [redacted].
Cox, Bruce N., [redacted].
Cox, Harvey B., III, [redacted].
Cox, Herman B., Jr., [redacted].
Cox, James B., [redacted].
Cox, John A., Jr., [redacted].
Cox, Joseph E., Jr., [redacted].
Cox, Larry W., [redacted].
Coyle, Jeffrey W., [redacted].
Crabb, Roy W., Jr., [redacted].
Crabtree, William E., [redacted].
Crafton, Walter D., [redacted].
Crane, Barry D., [redacted].
Crane, Charles L., [redacted].
Crane, Gregory L., [redacted].
Crawford, Charles S., Jr., [redacted].
Crehan, James E., [redacted].
Creighton, Donald J., [redacted].
Crews, Alan L., [redacted].
Crick, Robert T., [redacted].
Critchfield, Richard M., [redacted].
Croach, Robert E., [redacted].
Crowley, Thomas J., [redacted].
Crum, George T., [redacted].
Crumley, James J., Jr., [redacted].
Crumm, William J. II, [redacted].
Cseh, Thomas A., [redacted].
Cummings, David D., [redacted].
Cummings, William D., [redacted].
Cunningham, David H., [redacted].
Cunningham, Jerald L., [redacted].
Curran, Craig V., [redacted].
Curry, Gary L., [redacted].
Curtin, Gary L., [redacted].
Curtis, Edward E., [redacted].
Cuthrell, Luther G., [redacted].
Czonstka, Steven J., [redacted].
Czyzak, Stanley R., [redacted].
Daguiar, Roger F., [redacted].
Dahms, Arthur R., III, [redacted].
Daines, Alan R., [redacted].
Dakers, Uldis J., [redacted].
Daly, Michael R., [redacted].
Dambra, Joseph V., [redacted].
Damron, Lynn B., [redacted].
Damron, Richard L., [redacted].
Daniel, Edward L., [redacted].
Daniels, Charles C., [redacted].
Danos, Dean J., [redacted].
Dash, George H., Jr., [redacted].
Daughtry, David L., [redacted].
Davenport, Michael R., [redacted].
Davern, James J., [redacted].
Davidson, Cullen L. G., [redacted].
Davidson, Dale A., [redacted].
Davidson, Gordon R., [redacted].
Davidson, Thomas E., [redacted].
Davie, Donald R., [redacted].
Davie, Robert N., Jr., [redacted].
Davies, George A., Jr., [redacted].
Davies, James D., II, [redacted].
Davis, John L., [redacted].
Davis, Marvin L., [redacted].
Davis, Michael H., [redacted].
Davis, Orval J., Jr., [redacted].
Davis, Paul B., Jr., [redacted].
Davis, Simeon B., III, [redacted].
Dawsey, Donald J., [redacted].
Dean, Gary L., [redacted].
Deascenti, Anthony F., [redacted].
Deboe, David, [redacted].
Decabooter, William R., [redacted].
Deckard, Gary D., [redacted].
Deen, William K., [redacted].
Defee, Robert A., III, [redacted].
Defelice, Joseph D., [redacted].
Degrassi, Andy A., [redacted].
Degruccio, Stanley G., [redacted].
Delacruz, Rogelio, [redacted].
Delaney, John P., III, [redacted].
Delay, Richard D., [redacted].
Dellamea, Vincent E., [redacted].
Delong, Myron J., Jr., [redacted].
Demarest, John A., [redacted].
Demarquis, Kenneth R., [redacted].
Dempsey, Dennis T., [redacted].
Dempsey, Stephen A., [redacted].
Denham, Charles A., [redacted].
Denigris, Michael P., [redacted].
Denison, Norman W., [redacted].
Derfler, Frank J., Jr., [redacted].
Deturk, Robin A., [redacted].
Devers, Waynard C., [redacted].
Dicker, James T., [redacted].
Dickerson, Larry S., [redacted].
Dickson, James E., [redacted].
Diesen, Bernard C., III, [redacted].
Dietz, Edward R., [redacted].
Dill, Glenn E., III, [redacted].
Dilling, Paul W., [redacted].
Dingee, David B., [redacted].
Dirnberger, Kenneth R., [redacted].
Ditucci, John P., [redacted].
Dixon, Lonnie D., [redacted].
Dobbins, Harold R., [redacted].
Dobney, Arthur M., [redacted].
Doe, James H., [redacted].
Dolgins, Alfred J., [redacted].
Domain, Donald A., Jr., [redacted].
Doman, Allan M., [redacted].
Domin, Dennis D., [redacted].
Domina, John, [redacted].
Donahue, Morgan J., [redacted].
Donkin, James W., [redacted].
Dooley, Larry R., [redacted].
Dooley, Martin P., [redacted].
Dopson, George E., [redacted].
Dorris, Stephen P., [redacted].
Dotson, Gary K., [redacted].
Dougherty, Llewellyn S., [redacted].
Doughty, Ronald H., [redacted].
Dowling, Emmett P., III, [redacted].
Downey, Clyde J., II, [redacted].
Downing, William E., [redacted].
Downs, Robert G., [redacted].
Drabant, Robert E., [redacted].
Draper, Eugene, [redacted].
Draper, Robert A., [redacted].
Draves, Richard P., [redacted].
Drennan, Jerry D., [redacted].
Drewry, David R., [redacted].
Driscoll, Jack A., [redacted].
Drozdz, Stanley J., Jr., [redacted].
Druebert, Hilmar C., [redacted].
Drummond, Dennis M., [redacted].
Duckworth, Anthony E., [redacted].
Dudley, Edward E., II, [redacted].
Duffield, George F., [redacted].
Duffield, James E., [redacted].
Dukes, Luther M., [redacted].
Dumond, John, [redacted].
Duncan, Lloyd F., [redacted].
Duncan, Ronald P., [redacted].
Duncan, William J., [redacted].
Dunlop, James B., [redacted].
Dunn, David J., [redacted].
Dunn, Leif R., [redacted].
Durand, Arthur A., [redacted].
Durante, Blaise J., [redacted].
Durbon, William O., [redacted].
Durrant, David A., [redacted].
Duval, Robert J., Jr., [redacted].
Dyer, Everett B., III, [redacted].
Dysart, Christopher J., [redacted].
Eanes, Jack E., [redacted].
East, James R., [redacted].
East, Wilbur W., [redacted].
Easterly, James C., [redacted].
Eastman, George M., [redacted].
Eaton, John P., [redacted].
Eaves, Stephen D., [redacted].
Eby, James R., [redacted].
Eddins, William N., III, [redacted].
Edsall, Barton S. G., III, [redacted].
Edwards, Ernest E., III, [redacted].
Edwards, Jerry W., [redacted].
Edwards, Laurel J., [redacted].
Edwards, Raymond G., [redacted].
Edwards, Robert D., [redacted].
Edwards, Terrell, Jr., [redacted].
Edwards, William H., II, [redacted].
Ehrhart, Robert C., [redacted].
Eichinger, Matthew S., [redacted].
Eickmann, Kenneth E., [redacted].
Eisman, Leon P., Jr., [redacted].
Elder, Frank R., Jr., [redacted].
Elliott, Earnest H., [redacted].
Elliott, James C., [redacted].
Elm, Stephen R., [redacted].
Elmgren, Clyde A., [redacted].
Elrod, Robert V., [redacted].
Elston, Ernest W., Jr., [redacted].
Emerson, Kenneth R., [redacted].
Engels, John P., [redacted].
England, David A., [redacted].
Englebretson, Robert E., II, [redacted].
English, Robert L., [redacted].
Engstrom, Philip J., [redacted].
Ennor, Timothy M., [redacted].
Ensinger, Milton R., [redacted].
Eramian, Michael T., [redacted].
Ercoline, William R., [redacted].
Erickson, Kermit A., [redacted].
Erickson, Robert L., [redacted].
Erickson, Robert V., [redacted].
Ernst, Thomas J., [redacted].
Ervin, James L., Jr., [redacted].
Escue, Ralph C., [redacted].
Essing, John E., [redacted].
Etbauer, Wilbur J., [redacted].
Evans, Charles L., Jr., [redacted].
Evans, James C., [redacted].
Evans, Thomas F., [redacted].
Evans, Walter S., [redacted].
Eye, Donald K., [redacted].
Ezell, Melton L., [redacted].
Fabian, Edward D., [redacted].
Fagg, Hamby D., [redacted].
Fairchild, MacLennan C., [redacted].
Fake, James P., [redacted].
Faris, William L., [redacted].
Farkas, Richard L., [redacted].

Farrell, Timothy J., xxx-xx-xxxx.
Faulk, Albert W., xxx-xx-xxxx.
Fazackerley, Paul F., xxx-xx-xxxx.
Fehrenbach, Richard L., xxx-xx-xxxx.
Felker, Richard I., xxx-xx-xxxx.
Fellows, Ray E., Jr., xxx-xx-xxxx.
Felton, Silas, xxx-xx-xxxx.
Femrite, Ralph B., xxx-xx-xxxx.
Fenstad, Terry M., xxx-xx-xxxx.
Ferenz, John J., Jr., xxx-xx-xxxx.
Fergus, John R., xxx-xx-xxxx.
Ferguson, Charles M., xxx-xx-xxxx.
Fergusson, Brenda R., xxx-xx-xxxx.
Fern, Michael J., xxx-xx-xxxx.
Ferrarer, Joseph S., xxx-xx-xxxx.
Ferrell, Clyde T., xxx-xx-xxxx.
Ferris, Donald F., xxx-xx-xxxx.
Ferris, Joseph D., xxx-xx-xxxx.
Feterle, Lynn C., xxx-xx-xxxx.
Fields, Thomas A., xxx-xx-xxxx.
Figueroa, Francisco A., xxx-xx-xxxx.
Fineour, John V. S., xxx-xx-xxxx.
Fink, David F., xxx-xx-xxxx.
Finley, James D., xxx-xx-xxxx.
Finley, William E., xxx-xx-xxxx.
Finnegan, Patrick W., xxx-xx-xxxx.
Fischer, Curt, xxx-xx-xxxx.
Fischer, Herbert W., xxx-xx-xxxx.
Fischer, James K., xxx-xx-xxxx.
Fischer, Lawrence J., xxx-xx-xxxx.
Fisher, Carroll S., Jr., xxx-xx-xxxx.
Fisher, Larry E., xxx-xx-xxxx.
Fisher, Paul F., xxx-xx-xxxx.
Fisher, Robert E., Jr., xxx-xx-xxxx.
Fisher, William R., xxx-xx-xxxx.
Fitch, Jeff I., xxx-xx-xxxx.
Fite, John L., Jr., xxx-xx-xxxx.
Flaherty, Daniel J., Jr., xxx-xx-xxxx.
Flanagan, William A., xxx-xx-xxxx.
Fleeger, David W., xxx-xx-xxxx.
Fleming, Gerald B., xxx-xx-xxxx.
Flinn, William E., Jr., xxx-xx-xxxx.
Flint, Foster J., Jr., xxx-xx-xxxx.
Flynn, Robert G., xxx-xx-xxxx.
Folkeson, John R., Jr., xxx-xx-xxxx.
Folkestad, Alan J., xxx-xx-xxxx.
Folz, Eddie J., xxx-xx-xxxx.
Forbes, Harry G., Jr., xxx-xx-xxxx.
Ford, Phillip J., xxx-xx-xxxx.
Forrester, Ronald G., xxx-xx-xxxx.
Forster, Arthur C., Jr., xxx-xx-xxxx.
Forsyth, John F., IV, xxx-xx-xxxx.
Fortmeyer, Charles R., xxx-xx-xxxx.
Fosdick, Roger B., xxx-xx-xxxx.
Foster, Jon K., xxx-xx-xxxx.
Fought, Stephen O., xxx-xx-xxxx.
Fowle, Bernard H., IV, xxx-xx-xxxx.
Fowler, Donald R., xxx-xx-xxxx.
Fowler, J. R., Jr., xxx-xx-xxxx.
Fowler, Robert F., xxx-xx-xxxx.
Fowler, Thomas W., xxx-xx-xxxx.
Fowler, William T., xxx-xx-xxxx.
Fox, Charles L., xxx-xx-xxxx.
Fox, George P., Jr., xxx-xx-xxxx.
Fox, Thomas A., Jr., xxx-xx-xxxx.
Fraas, G. Richard, xxx-xx-xxxx.
Frady, Robert E. M., xxx-xx-xxxx.
Francisco, Michael C., xxx-xx-xxxx.
Franck, Raymond E., Jr., xxx-xx-xxxx.
Franckowiak, Stanley V., xxx-xx-xxxx.
Franco, John M., xxx-xx-xxxx.
Frank, James T., xxx-xx-xxxx.
Franklin, Arnold L., Jr., xxx-xx-xxxx.
Franklin, Richard D., xxx-xx-xxxx.
Franklin, Robert J., xxx-xx-xxxx.
Franz, Richard J., Jr., xxx-xx-xxxx.
Frazier, Robert H., xxx-xx-xxxx.
Frechette, Louis A., xxx-xx-xxxx.
Frederick, Robert P., xxx-xx-xxxx.
Freeborn, Robert A., xxx-xx-xxxx.
Freeman, Bruce M., xxx-xx-xxxx.
Freeman, James D., xxx-xx-xxxx.
Freeman, Robert O., xxx-xx-xxxx.
Freiley, Kenneth J., xxx-xx-xxxx.
Freix, Gregory D., xxx-xx-xxxx.
Fresh, Herman E., Jr., xxx-xx-xxxx.
Friedel, John M., xxx-xx-xxxx.
Friedlander, Leonard, xxx-xx-xxxx.
Frisbie, Noel F., xxx-xx-xxxx.
Frisby, John E., xxx-xx-xxxx.
Froehlich, David V., xxx-xx-xxxx.
Froehlich, John M., xxx-xx-xxxx.
Frueh, Michael E., xxx-xx-xxxx.
Frushour, George V., Jr., xxx-xx-xxxx.
Fry, Howard J., Jr., xxx-xx-xxxx.
Fullenkamp, Robert G., xxx-xx-xxxx.
Fuller, Ernest A., xxx-xx-xxxx.
Fuller, John H., Jr., xxx-xx-xxxx.
Fuller, John P., xxx-xx-xxxx.
Fullerton, Brian R., xxx-xx-xxxx.
Funk, Larry D., xxx-xx-xxxx.
Fuquay, Gary H., xxx-xx-xxxx.
Gabriel, Lester D., xxx-xx-xxxx.
Gaddis, Eugene H., xxx-xx-xxxx.
Gagen, Dennis C., xxx-xx-xxxx.
Galinger, Boyd R., III, xxx-xx-xxxx.
Gallagher, Michael R., xxx-xx-xxxx.
Gallant, Paul B., Jr., xxx-xx-xxxx.
Gamble, Patrick K., xxx-xx-xxxx.
Garcia, Alfred R., Jr., xxx-xx-xxxx.
Gardner, Elmo H., Jr., xxx-xx-xxxx.
Garrison, George F., xxx-xx-xxxx.
Garriss, James P., xxx-xx-xxxx.
Gaskin, Robert W., xxx-xx-xxxx.
Gavron, Alan H., xxx-xx-xxxx.
Gayer, Frank W., xxx-xx-xxxx.
Gaylord, William W., III., xxx-xx-xxxx.
Geertz, Stephen J., xxx-xx-xxxx.
Gehbauer, Robert M., xxx-xx-xxxx.
Geloneck, Terry M., xxx-xx-xxxx.
Gembarowski, Charles J., xxx-xx-xxxx.
Gent, David C., xxx-xx-xxxx.
Gentry, James M., xxx-xx-xxxx.
George, Gerald P., xxx-xx-xxxx.
George, James G., xxx-xx-xxxx.
Gerber, William J., xxx-xx-xxxx.
Germann, John A., xxx-xx-xxxx.
Giammo, Salvatore J., xxx-xx-xxxx.
Giannoni, John M., xxx-xx-xxxx.
Gibbons, William A., xxx-xx-xxxx.
Gibson, Gary P., xxx-xx-xxxx.
Gibson, George C., xxx-xx-xxxx.
Gibson, Paul S., xxx-xx-xxxx.
Giebink, Norman G., xxx-xx-xxxx.
Gilchrist, Gary L., xxx-xx-xxxx.
Gill, Paul F., xxx-xx-xxxx.
Gillespie, Kenneth M. S., xxx-xx-xxxx.
Gillespie, Melvin D., xxx-xx-xxxx.
Gillett, Bruce D., xxx-xx-xxxx.
Gilmore, Charles R., xxx-xx-xxxx.
Girard, Richard N., xxx-xx-xxxx.
Giroux, Peter J., xxx-xx-xxxx.
Glass, Louis E., xxx-xx-xxxx.
Glauner, Lewis M., xxx-xx-xxxx.
Glenboski, Peter J., Jr., xxx-xx-xxxx.
Glessner, Donald G., xxx-xx-xxxx.
Glorioso, Richard, xxx-xx-xxxx.
Glover, Albert R., xxx-xx-xxxx.
Gnall, John S., xxx-xx-xxxx.
Godfrey, Larry J., xxx-xx-xxxx.
Godman, Thomas W., xxx-xx-xxxx.
Goembel, Carlos D., xxx-xx-xxxx.
Golden, Richard R., xxx-xx-xxxx.
Goldey, James W., xxx-xx-xxxx.
Gonterwitz, Joseph, xxx-xx-xxxx.
Gooch, Eugene D., xxx-xx-xxxx.
Good, Jackie R., xxx-xx-xxxx.
Goodmon, Jerre B., xxx-xx-xxxx.
Goodwin, David F., xxx-xx-xxxx.
Gorby, James D., xxx-xx-xxxx.
Gordon, Arthur R., Jr., xxx-xx-xxxx.
Gornall, William S., xxx-xx-xxxx.
Gorski, Wallace B., xxx-xx-xxxx.
Goss, Jerry W., xxx-xx-xxxx.
Gossner, John H., xxx-xx-xxxx.
Gould, Michael A., xxx-xx-xxxx.
Gould, Michael D., xxx-xx-xxxx.
Grafe, Robert C., xxx-xx-xxxx.
Graham, James D., Jr., xxx-xx-xxxx.
Graham, James R., xxx-xx-xxxx.
Grahn, Victor G., xxx-xx-xxxx.
Granger, Peter A., xxx-xx-xxxx.
Grant, Donald R., xxx-xx-xxxx.
Grant, Tucker B., xxx-xx-xxxx.
Grapentine, James D., xxx-xx-xxxx.
Graser, John C., xxx-xx-xxxx.
Grate, Robert E., xxx-xx-xxxx.
Gray, George A., III, xxx-xx-xxxx.
Gray, Irving L., xxx-xx-xxxx.
Green, Darrell D., xxx-xx-xxxx.
Green, Douglas L., xxx-xx-xxxx.
Green, Gary A., xxx-xx-xxxx.
Green, Terry F., xxx-xx-xxxx.
Greenawalt, Rodgers K., xxx-xx-xxxx.
Greene, Charles D., xxx-xx-xxxx.
Greene, Melvin L., Jr., xxx-xx-xxxx.
Gregory, Daniel J., xxx-xx-xxxx.
Gregory, Norman D., xxx-xx-xxxx.
Gresham, James L., xxx-xx-xxxx.
Gressang, Randall V., xxx-xx-xxxx.
Gribble, James T., III, xxx-xx-xxxx.
Grice, Kenneth E., xxx-xx-xxxx.
Griesser, Thomas W., xxx-xx-xxxx.
Griest, Sidney H., xxx-xx-xxxx.
Griff, John P., xxx-xx-xxxx.
Griffin, John M., Jr., xxx-xx-xxxx.
Griffin, Larry D., xxx-xx-xxxx.
Griffith, Ronald T., xxx-xx-xxxx.
Griffiths, Paul L., III, xxx-xx-xxxx.
Grillo, Edward F., Jr., xxx-xx-xxxx.
Grimm, Ralph B., xxx-xx-xxxx.
Gritzmaker, Duane W., xxx-xx-xxxx.
Groggel, Dwight K., Jr., xxx-xx-xxxx.
Grominger, Howard M., Jr., xxx-xx-xxxx.
Grosick, Frederick E., xxx-xx-xxxx.
Gross, Jon L., xxx-xx-xxxx.
Grosse, Vinson G., xxx-xx-xxxx.
Grotheer, Kurt V., Jr., xxx-xx-xxxx.
Ground, James H., xxx-xx-xxxx.
Grow, Robert A., xxx-xx-xxxx.
Grunenwald, William J., xxx-xx-xxxx.
Gruver, Russell M., Jr., xxx-xx-xxxx.
Guasco, David F., xxx-xx-xxxx.
Gude, Gerald F., xxx-xx-xxxx.
Guesno, William J., xxx-xx-xxxx.
Guiles, Howard W., xxx-xx-xxxx.
Guinn, John A., xxx-xx-xxxx.
Gumble, Bruce L., xxx-xx-xxxx.
Gunter, Charles A., xxx-xx-xxxx.
Gunter, Edwin D., Jr., xxx-xx-xxxx.
Guse, Steven D., xxx-xx-xxxx.
Gustke, Leroy K., Jr., xxx-xx-xxxx.
Gutterson, Roger S., xxx-xx-xxxx.
Gyure, Ronald J., xxx-xx-xxxx.
Haas, Milton F., xxx-xx-xxxx.
Hackman, Jeffrey R., xxx-xx-xxxx.
Haden, Robert H., xxx-xx-xxxx.
Hadfield, Larry D., xxx-xx-xxxx.
Haese, Wyndle R., Jr., xxx-xx-xxxx.
Hagey, James F., xxx-xx-xxxx.
Hahn, Bertram G., xxx-xx-xxxx.
Haldane, George M., III, xxx-xx-xxxx.
Hale, Dwight B., Jr., xxx-xx-xxxx.
Hall, David A., xxx-xx-xxxx.
Hall, Donald R., xxx-xx-xxxx.
Hall, Frederick W., xxx-xx-xxxx.
Hall, Jackson M., xxx-xx-xxxx.
Hall, Jesse S., xxx-xx-xxxx.
Hall, John B., Jr., xxx-xx-xxxx.
Hall, Kenneth B., xxx-xx-xxxx.
Hall, Manly W., III, xxx-xx-xxxx.
Halliday, John M., xxx-xx-xxxx.
Hamann, David L., xxx-xx-xxxx.
Hamilton, Claudie A., xxx-xx-xxxx.
Hamilton, David J., xxx-xx-xxxx.
Hamilton, Gale W., xxx-xx-xxxx.
Hamilton, Julius M., II, xxx-xx-xxxx.
Hammonds, Veneble L., Jr., xxx-xx-xxxx.
Hampton, Richard J., xxx-xx-xxxx.
Hamrick, Wynne R., xxx-xx-xxxx.
Hancock, Stanley R., xxx-xx-xxxx.
Handerhan, Michael W., xxx-xx-xxxx.
Handy, John W., xxx-xx-xxxx.
Hanfland, Lawrence W., xxx-xx-xxxx.
Hanisee, Thomas P., xxx-xx-xxxx.
Hanna, Richard L., xxx-xx-xxxx.
Hansen, James E., xxx-xx-xxxx.
Hanson, Larry E., xxx-xx-xxxx.
Hanson, Paul E., xxx-xx-xxxx.
Hardenburg, Charles T., Jr., xxx-xx-xxxx.
Harden, Donell L., xxx-xx-xxxx.
Harding, Ralph D., xxx-xx-xxxx.
Hardy, Richard F., xxx-xx-xxxx.
Hargett, Robert M., xxx-xx-xxxx.
Hargreaves, Thomas D., xxx-xx-xxxx.
Harlacher, Donald S., xxx-xx-xxxx.
Harling, John H., xxx-xx-xxxx.
Harmon, Frank L., xxx-xx-xxxx.
Harrell, Arthur L., II, xxx-xx-xxxx.
Harrell, Thomas L., xxx-xx-xxxx.
Harrington, Marion R., xxx-xx-xxxx.

Harrington, Thomas C., [redacted].
Harris, Cassius A., IV, [redacted].
Harris, Delbert D., [redacted].
Harris, James E., [redacted].
Harris, Leonard, [redacted].
Harris, Lynn A., [redacted].
Harris, Randall G., [redacted].
Harris, William W., [redacted].
Harry, Larry E., [redacted].
Hart, Albert R., [redacted].
Hart, Larry D., [redacted].
Hart, Robert L., [redacted].
Hartley, Gerald G., [redacted].
Hartman, Gary E., [redacted].
Hartschuh, Neil E., [redacted].
Harvell, Kenneth S., [redacted].
Harvey, George C., [redacted].
Harwood, Donald M., [redacted].
Harwood, Paul R., [redacted].
Hasche, Lloyd R., [redacted].
Haselhorst, Dale O., [redacted].
Hassebrock, Roland A., [redacted].
Hatfield, Samuel F., Jr., [redacted].
Hawkins, Douglas S., [redacted].
Hawkins, Max L., [redacted].
Hawkins, Thomas R., [redacted].
Hawks, George W., Jr., [redacted].
Hawley, Robert J., [redacted].
Hawn, Steven E., [redacted].
Hayes, Donald F., [redacted].
Hayes, Fulton D., [redacted].
Hayman, Frank T., IV, [redacted].
Hayner, Michael S., [redacted].
Haynes, Dennis K., [redacted].
Haynes, Gerald W., [redacted].
Hays, Richard W., [redacted].
Haywood, Ronald T., [redacted].
Hazlegrove, Allen P., [redacted].
Head, Raymond L., Jr., [redacted].
Heagy, David L., [redacted].
Heaps, Charles R., [redacted].
Heckelman, John E., [redacted].
Heckert, Donald W., [redacted].
Hedegaard, Maynard A., [redacted].
Hedlund, Arthur R., Jr., [redacted].
Heezen, Arthur F., Jr., [redacted].
Heffernan, John P., Jr., [redacted].
Heflebower, Charles R., [redacted].
Hegarty, Kevin F., [redacted].
Heidler, Clare D., III, [redacted].
Heining, Jan R., [redacted].
Heiser, Richard L., [redacted].
Helkey, Wilbur T., [redacted].
Helms, David L., [redacted].
Helms, David L., [redacted].
Helt, Robert C., [redacted].
Helton, Edward D., [redacted].
Hemmick, Donald E., [redacted].
Henderson, Edward J., Jr., [redacted].
Hendrickson, Carl R., Jr., [redacted].
Hendrix, Robert A., [redacted].
Henny, William C., [redacted].
Henry, Patrick M., [redacted].
Henry, Paul F., [redacted].
Hensel, Ralph L., [redacted].
Hensley, James I., [redacted].
Hepler, William C., [redacted].
Herd, Warren A., [redacted].
Herider, Michael R., [redacted].
Hess, Daniel L., [redacted].
Hess, Michael E., [redacted].
Hesser, William R., [redacted].
Hester, John M., [redacted].
Hickel, Clifford A., [redacted].
Hickly, Edward M., [redacted].
Hicks, Arthur G., Jr., [redacted].
Hicks, Jonathan L., [redacted].
Hielscher, Dalton W., Jr., [redacted].
Higaki, Fred S., [redacted].
Higbee, Edward J., [redacted].
Higgins, Michael J., Jr., [redacted].
Hikida, Larry K., [redacted].
Hilbert, Anthony G., Jr., [redacted].
Hill, Dennis H., [redacted].
Hill, James S., [redacted].
Hill, Randall M., [redacted].
Hill, Robert E., [redacted].
Hill, Roger H., [redacted].
Hill, Victor A., [redacted].
Hill, Walter C., [redacted].
Hilt, Barry L., [redacted].
Hind, Edwin A., Jr., [redacted].
Hines, Larry W., [redacted].
Hinton, Williams S., Jr., [redacted].
Hintz, Joal E., [redacted].
Hipple, Herbert D., [redacted].
Hirko, Michael J., [redacted].
Hirshberg, Sidney S., III, [redacted].
Hladky, Paul D., [redacted].
Hoberman, Barry, [redacted].
Hoch, Ronald C., [redacted].
Hodgson, James R., [redacted].
Hoff, James E., Sr., [redacted].
Hoffman, Irving L., [redacted].
Hoffman, Robert E., Jr., [redacted].
Hofmann, John R., [redacted].
Hogarty, James P., [redacted].
Hoge, Calvin V., [redacted].
Hogle, Walter S., Jr., [redacted].
Hohn, Roger A., [redacted].
Holaday, Kent T., [redacted].
Holcomb, Robert J., [redacted].
Holder, Ruffin B., II, [redacted].
Holdsworth, David E., [redacted].
Holland, Chaz M., Jr., [redacted].
Holland, Stephen L., [redacted].
Hollrah, Dale E., [redacted].
Holmes, Ned D., [redacted].
Holmquist, John D., Jr., [redacted].
Holser, Paul R., [redacted].
Holtzman, William A., [redacted].
Homan, Edward L., [redacted].
Honea, William R., [redacted].
Honeycutt, David F., [redacted].
Hopler, Edwin A., [redacted].
Hoppe, Darrell R., [redacted].
Hoppe, David L., [redacted].
Horkavi, George D., [redacted].
Horn, Clinton V., [redacted].
Horn, Grat H., Jr., [redacted].
Horning, James R., [redacted].
Hornor, Edward G., [redacted].
Hornung, Thomas A., [redacted].
Horton, James L., Jr., [redacted].
Houghton, William D., Jr., [redacted].
Houston, James B., Jr., [redacted].
Hout, George W., [redacted].
Howard, Carlton T., [redacted].
Howard, Jimmy H., [redacted].
Howard, Phil T., [redacted].
Howard, Sidney R., [redacted].
Howerton, Clarence L., Jr., [redacted].
Howerton, Glenn F., Jr., [redacted].
Howman, Paul D., [redacted].
Howry, James E., [redacted].
Hrncir, Stanley G., Jr., [redacted].
Hubbard, Carl J., III, [redacted].
Hudak, Ronald M., [redacted].
Hudler, Dale B., [redacted].
Huffman, James W., [redacted].
Hugdahl, Peter O., [redacted].
Hughes, Gary L., [redacted].
Hughes, Harry H., [redacted].
Hughes, Thomas R., [redacted].
Huner, David C., [redacted].
Huot, Raymond P., [redacted].
Hurwitz, Steven, [redacted].
Huskey, Leon O., [redacted].
Hutcheson, Donald W., [redacted].
Hutchings, Robert L., [redacted].
Hutchison, Terry L., [redacted].
Hutter, Andrew C., Jr., [redacted].
Hutton, William E., [redacted].
Hyle, Stephen B., [redacted].
Ibarra, Humberto, [redacted].
Icenhour, James O., Jr., [redacted].
Ingelido, Michael J., III, [redacted].
Ingold, Richard R., [redacted].
Ingwersen, William H., [redacted].
Ireland, William J., [redacted].
Irwin, George E. Jr., [redacted].
Isenhour, Larry W., [redacted].
Iskra, Thomas M., [redacted].
Iversen, Richard D., [redacted].
Iversen, Robert L., [redacted].
Izatt, John O., II, [redacted].
Jackson, Don E., [redacted].
Jackson, Gene E., [redacted].
Jackson, Kenneth E., [redacted].
Jackson, Larry L., [redacted].
Jacob, Richard T., [redacted].
Jacobs, John F., [redacted].
Jacobus, Thomas J., [redacted].
Jacoby, George A., [redacted].
Jahnke, Terance L., [redacted].
James, Bernard A., [redacted].
Jameson, David M., Jr., [redacted].
Janes, Benjamin F., IV, [redacted].
Jansen, Thomas V., [redacted].
Janson, Stephen P., [redacted].
Janzen, James A., [redacted].
Jardine, Edwin P., [redacted].
Jaszczak, Casmier, [redacted].
Jefferson, Ardell R., [redacted].
Jemiola, James M., [redacted].
Jendrek, John P., Jr., [redacted].
Jenkins, Robert G., [redacted].
Jenneskens, Hubert A., [redacted].
Jewett, Stephen E., [redacted].
Jewett, Thomas D., [redacted].
Joest, James E., [redacted].
Johansen, Olaf K., [redacted].
Johansen, William A., [redacted].
Johnson, Barry D., [redacted].
Johnson, Carl G., [redacted].
Johnson, Carrol R., [redacted].
Johnson, Charles E., Jr., [redacted].
Johnson, Dale G., [redacted].
Johnson, Duane K., [redacted].
Johnson, Edward K., [redacted].
Johnson, Harry F., [redacted].
Johnson, Herbert H., III, [redacted].
Johnson, Herbert W., [redacted].
Johnson, James A., Jr., [redacted].
Johnson, James R., [redacted].
Johnson, Joel D., [redacted].
Johnson, Norman E., [redacted].
Johnson, Paul D., [redacted].
Johnson, Ralph D., [redacted].
Johnson, Waldon L., [redacted].
Johnston, Charles L. G., II, [redacted].
Johnston, Jerry W., [redacted].
Jonak, Thomas E., [redacted].
Jones, Charles D., [redacted].
Jones, Claude S., [redacted].
Jones, David M., [redacted].
Jones, Dwight B., [redacted].
Jones, Howard L., [redacted].
Jones, Hugh B., [redacted].
Jones, James P., [redacted].
Jones, Keith W., Jr., [redacted].
Jones, Ronald B., [redacted].
Jones, Ronald R., [redacted].
Jones, Terry R., [redacted].
Jones, Thomas R., [redacted].
Jones, William A., Jr., [redacted].
Jordan, Gene A., [redacted].
Jordan, Michael G., [redacted].
Jordan, Robert L., [redacted].
Jordan, Marshall E., [redacted].
Jorgensen, Alvin W., [redacted].
Josey, Ben E., [redacted].
Joyce, Douglas A., [redacted].
Kaehlert, Ronald C., [redacted].
Kahl, George G., III, [redacted].
Kaiser, Donald W., [redacted].
Kaiser, John V., Jr., [redacted].
Kalinowski, Sharon A., [redacted].
Kancitis, Andris, [redacted].
Kapp, Francis L., [redacted].
Karas, Wayne J., [redacted].
Karbowsky, William F., [redacted].
Karlin, Richard C., [redacted].
Karlsson, Peter E., [redacted].
Karp, Merrill R., [redacted].
Kassen, William C., [redacted].
Kato, Ken H., [redacted].
Katz, Richard A., [redacted].
Kaufman, Robert, [redacted].
Kearns, Michael W., [redacted].
Kehnle, Anthony C., [redacted].
Kelleher, Daniel E., [redacted].
Keller, Harris, [redacted].
Keller, John J., Jr., [redacted].
Kelley, James R., [redacted].
Kelley, Richard D., [redacted].
Kelley, Stephen E., [redacted].
Kelly, Darby J., [redacted].
Kelly, Frank K., [redacted].
Kelly, James P., [redacted].
Kelly, Juliann L., [redacted].

Kelmereit, Alan H., [redacted].
Kemp, Richard C., [redacted].
Kempf, Nicholas J., III [redacted].
Kenna, Michael J., [redacted].
Kennedy, Charles D., [redacted].
Kennedy, Daniel E., Jr., [redacted].
Kennedy, Gordon H., [redacted].
Kennedy, James M., [redacted].
Kennedy, Robert B., Jr., [redacted].
Kennedy, William E. C., III, [redacted].
Kenner, Ronald P., [redacted].
Kennington, Thomas K., [redacted].
Kern, Jere W., [redacted].
Ketchum, Leongirard R., [redacted].
Keylor, Richard A., [redacted].
Keys, James H., [redacted].
Keys, Ronald E., [redacted].
Kiermaier, Robert G., [redacted].
Kieslich, Karl V., [redacted].
Kiley, James T., [redacted].
Kilikauskas, Rom, [redacted].
Kinego, Joseph C., [redacted].
King, Donald, [redacted].
King, Eddie M., [redacted].
King, Richard C., [redacted].
King, Ronald, [redacted].
Kingston, John C., [redacted].
Kinnear, William P., Jr., [redacted].
Kipp, Marvin L., [redacted].
Kirby, David P., [redacted].
Kirby, Robert O., [redacted].
Kirchhoff, Alan A., [redacted].
Kirkland, Clayton M., [redacted].
Kirkwood, Robert W., [redacted].
Kittle, James L., [redacted].
Klein, William D., [redacted].
Kleinhenz, William J., Jr., [redacted].
Klement, Richard C., [redacted].
Klemp, Arthur K., [redacted].
Knabe, Carl F., II, [redacted].
Knaub, Michael H., [redacted].
Knebusch, Donald M., [redacted].
Knepell, Peter L., [redacted].
Knight, Delbert L., Jr., [redacted].
Knight, James E., [redacted].
Knight, John W., [redacted].
Knight, Warren V., [redacted].
Knittel, Paul F., [redacted].
Knoke, Paul D., [redacted].
Knolle, Hermann, [redacted].
Knudsen, William P., [redacted].
Kobernus, George M., [redacted].
Koch, Perry L., [redacted].
Kohut, Orest L., [redacted].
Konegen, Rudolf R., [redacted].
Koontz, Charles D., [redacted].
Koontz, Ralph G., [redacted].
Kornemann, William E., II, [redacted].
Koshko, Kent D., [redacted].
Kozma, William J., [redacted].
Kramer, Arthur F., [redacted].
Kramer, Ronald L., [redacted].
Kramer, Willard P., [redacted].
Kraske, Gary E., [redacted].
Krater, Ronald O., [redacted].
Kraus, David C., [redacted].
Kreager, Richard J., [redacted].
Kreer, James R., [redacted].
Kreps, Robert P., [redacted].
Kroboth, Thomas J., [redacted].
Kroese, Ted R., [redacted].
Krueger, Richard D., [redacted].
Kruid, Leroy G., [redacted].
Krzymowski, Victor K., [redacted].
Kucharczyk, Jerry E., [redacted].
Kuehn, Robert J., Jr., [redacted].
Kuenning, Thomas E., Jr., [redacted].
Kuhns, Robert M., [redacted].
Kullberg, Kenneth N., [redacted].
Kuminecz, John P., [redacted].
Kurina, Jerry W., [redacted].
Kurtz, Larry D., [redacted].
Kwiatkowski, Leonard F., [redacted].
Kyle, James S., [redacted].
Labeau, Michael H., [redacted].
Lacey, James E., [redacted].
Lacy, George M., Jr., [redacted].
Ladd, William T., III, [redacted].
Laflamme, Herbert A., [redacted].
Laitinen, Roger K., [redacted].
Lajeunesse, John J., [redacted].
Lamb, Allan R., [redacted].
Lamb, William J., [redacted].
Lambert, Brian M., [redacted].
Lambert, Darrell R., [redacted].
Lambert, Robert W., [redacted].
Lamothe, Richard R., [redacted].
Lampe, George P., [redacted].
Lancaster, Detlev L., [redacted].
Landers, John S., [redacted].
Landry, Louis F., Jr., [redacted].
Lane, Jimmy N., [redacted].
Lane, Robert A., [redacted].
Lane, Samuel O., Jr., [redacted].
Langabeer, James R., [redacted].
Langston, Michael J., [redacted].
Languit, Gerald A., [redacted].
Lanier, Ronnie D., [redacted].
Lankford, William S., [redacted].
Lapointe, John W., [redacted].
Larsen, Roger H., [redacted].
Larson, Wayne D., [redacted].
Larson, William A., [redacted].
Lascala, Ronald, [redacted].
Lasky, Robert J., [redacted].
Lattig, John M., [redacted].
Lauher, John D., [redacted].
Lavanish, Paul J., [redacted].
Lawder, Shelby D., [redacted].
Lawhern, Richard A., [redacted].
Lawrence, David A., [redacted].
Lawson, Carl D., [redacted].
Lawyer, David F., [redacted].
Lea, Joseph D., Jr., [redacted].
Leach, Arthur S., [redacted].
Leary, John R., [redacted].
Leatherwood, David A., [redacted].
Leblanc, Ralph D., [redacted].
Lecki, Ronald C., [redacted].
Lee, James H., Jr., [redacted].
Lee, Jeffrey F., [redacted].
Lee, Joseph R., [redacted].
Lee, Robert E., Jr., [redacted].
Lee, Wayne, H. W., [redacted].
Lefforge, Jack A., [redacted].
Leigh, Charles M., [redacted].
Leighton, Daniel L., [redacted].
Lemanski, John H., [redacted].
Lemon, Richard C., [redacted].
Lenox, Robert D., [redacted].
Lenz, Gary L., [redacted].
Leonard, J. R., [redacted].
Leonard, Tice N., Jr., [redacted].
Leone, Kenneth C., [redacted].
Leopold, Raymond J., [redacted].
Leppert, Gregory A., [redacted].
Leslie, Thomas M., [redacted].
Lessard, Dennis J., [redacted].
Lettan, Richard H., Jr., [redacted].
Lewis, Dean W., Jr., [redacted].
Lewis, Frank D., [redacted].
Lewis, Harold R., [redacted].
Lewis, Jack P., Jr., [redacted].
Lewis, James R., [redacted].
Lewis, John R., [redacted].
Lewis, John S., [redacted].
Lewis, Joseph W., [redacted].
Lewis, Ronald E., [redacted].
Lewis, William C., [redacted].
Leykum, Charles R., [redacted].
Lilley, Kenneth B., [redacted].
Lind, Christopher T., [redacted].
Lind, David W., [redacted].
Lind, Lauren A., [redacted].
Lindahl, Thomas B., Jr., [redacted].
Lindgren, Randahl N., [redacted].
Lindsey, Hugh A., [redacted].
Lines, Russel W., [redacted].
Link, Joseph V., [redacted].
Linville, James G., [redacted].
Linville, Ray P., [redacted].
List, Leonard L., [redacted].
Little, James E., [redacted].
Little, Michael O., [redacted].
Littlefield, Laurence D., [redacted].
Litts, Phillip E., [redacted].
Lloyd, David E., [redacted].
Lloyd, Russell F., [redacted].
Locke, William J., [redacted].
Lockhart, Daniel E., [redacted].
Loeser, Sol, [redacted].
Loftis, Gary D., [redacted].
Loftus, Patrick M., [redacted].
Lolas, Anthony J., [redacted].
Lomax, Francis E., [redacted].
Long, Stephen G., [redacted].
Longren, Paul A., [redacted].
Loofbourrow, Eugene M., Jr., [redacted].
Loose, Chester S., [redacted].
Loose, William E., [redacted].
Lopp, James K., [redacted].
Lord, Eugene V., [redacted].
Lorenz, Gary R., [redacted].
Loser, Gregory A., [redacted].
Lovell, Jack R., [redacted].
Lowder, Harrington L., [redacted].
Lowe, William B., Jr., [redacted].
Lowry, Clarence T., [redacted].
Lowry, Norman L., III, [redacted].
Lubelczyk, Chester S., [redacted].
Lucas, Stevan R., [redacted].
Luczak, Ralph J., [redacted].
Lueders, Denis A., [redacted].
Luesse, Karl E., [redacted].
Lund, Glenn W., [redacted].
Lundberg, Allen B., [redacted].
Lundmark, Dennis P., [redacted].
Lundquist, Arthur C., [redacted].
Lung, Emmet G., [redacted].
Lupia, Eugene A., [redacted].
Lutes, Victor R., [redacted].
Lutz, Charles F., [redacted].
Lux, Louis A., [redacted].
Lynch, Gary L., [redacted].
Maas, Charles I., [redacted].
Macaulay, Allan K., [redacted].
Maccarroll, Michael J., [redacted].
Machmer, Paul D., [redacted].
Magee, Claybourne S., II, [redacted].
Magee, Edward B., [redacted].
Maginel, Robert H., [redacted].
Magness, William M., Jr., [redacted].
Magnuson, Larry A., [redacted].
Mahan, James B., III, [redacted].
Maher, Gerald N., Jr., [redacted].
Mahler, Michael E., [redacted].
Malcolm, Hugh S., [redacted].
Malone, Michael W., [redacted].
Maloy, Curtis K., [redacted].
Mangan, John F., [redacted].
Manganello, Richard L., [redacted].
Mangels, John C., [redacted].
Mangnall, Richard K., [redacted].
Manire, William G., Jr., [redacted].
Manley, James A., [redacted].
Manley, William J., [redacted].
Mann, Robert W., [redacted].
Mann, Vernon R., [redacted].
Manning, Keith H., [redacted].
Mannix, James P., [redacted].
Marek, Edward S., [redacted].
Markey, Jeffrey H., [redacted].
Marks, Michael D., [redacted].
Markussen, Carl S., [redacted].
Marlow, Frederick K., [redacted].
Marlow, Stephen W., [redacted].
Marr, John E., Jr., [redacted].
Marsch, Robert J., Jr., [redacted].
Marsh, Charles W., [redacted].
Marsh, Gregory P., [redacted].
Marshak, Robert A., [redacted].
Marshall, Terry D., [redacted].
Marshall, Victor H., [redacted].
Marshall, William D., [redacted].
Marstall, James B., [redacted].
Martin, Michael D., [redacted].
Martin, Michael T., [redacted].
Martin, Richard D., [redacted].
Martin, Thomas G., [redacted].
Martini, Arthur P., [redacted].
Martino, Frank E., Jr., [redacted].
Marvel, Hynson H., Jr., [redacted].
Marvin, Carroll C., [redacted].
Marzinke, David H., [redacted].
Maskell, Dean E., [redacted].
Mason, Alonzo C. J. II, [redacted].
Mason, David J., [redacted].
Mass, Robert C., [redacted].
Masson, Dennis R., [redacted].
Masters, Francis M., [redacted].

Masterson, Mark W., [redacted].
Mather, Richard S., [redacted].
Maxon, Gary L., [redacted].
Maxwell, Mark D., [redacted].
May, John W., [redacted].
Mayer, Ronald L., [redacted].
McAdam, Theodore J., Jr., [redacted].
McAdams, William D., [redacted].
McBrearty, Charles F., Jr., [redacted].
McBroom, John M., [redacted].
McCabe, Daniel J. III, [redacted].
McCarron, William E., [redacted].
McCarthy, Michael J., [redacted].
McCarthy, Stephen P., [redacted].
McCarty, Curtis, [redacted].
McCarty, Deryl S., [redacted].
McCarty, Joseph, [redacted].
McClarney, Winton P., [redacted].
McClintick, Robert C., [redacted].
McClung, Larry W., [redacted].
McClure, Dennis S., [redacted].
McComb, Jack F., [redacted].
McCormack, Randolph W., [redacted].
McCormick, Samuel D., [redacted].
McCoy, Jarell V., [redacted].
McCoy, Johnny M., [redacted].
McCoy, Norman C., [redacted].
McCoy, Richard C., [redacted].
McCulloch, Robert S., [redacted].
McCutheon, Robert H., Jr., [redacted].
McDaniel, Harry R., [redacted].
McDaniel, Larry D., [redacted].
McDaniel, Larry T., [redacted].
McDaniel, William B., [redacted].
McDermott, James H. K., [redacted].
McDonald, David A., [redacted].
McDonald, Elden S., [redacted].
McDonald, Jerald A., [redacted].
McDonald, Joe R., [redacted].
McElhenie, Richard L., [redacted].
McElroy, Gerald P., [redacted].
McEwen, James A., [redacted].
McGann, James M., [redacted].
McGarvey, Richard G., [redacted].
McHargue, William R., [redacted].
McHenry, Kenton D., II, [redacted].
McIntyre, Andrew J., Jr., [redacted].
McIntyre, Henry J., [redacted].
McIntyre, James H., [redacted].
McKaskle, Joe P., [redacted].
McKittrick, Robert J., [redacted].
McKnight, Thomas J., [redacted].
McLain, Albert H., [redacted].
McLean, John A., Jr., [redacted].
McLeroy, Joe C., [redacted].
McMacken, Roy W., [redacted].
McMahon, Dennis J., [redacted].
McMillen, Victor R., [redacted].
McMillin, Harry C., [redacted].
McMurray, Frederick C., [redacted].
Mears, Dwight J., [redacted].
Mechanic, Jack H., [redacted].
Meier, Daniel T., [redacted].
Meier, David M., [redacted].
Meinke, George H., [redacted].
Melberg, Raymond H., Jr., [redacted].
Melching, Howard A., [redacted].
Melchior, Richard B., [redacted].
Melhart, Leonard J., Jr., [redacted].
Melton, Dennis D., [redacted].
Mencke, Danny L., [redacted].
Mendell, Robert W., [redacted].
Mendenhall, Laurence D., [redacted].
Menza, Thomas F., [redacted].
Merkel, James J., [redacted].
Merrill, Kenneth O., [redacted].
Merriott, Charles R., [redacted].
Messenger, Marion J., Jr., [redacted].
Messerly, John A., [redacted].
Metteer, Stephen E., [redacted].
Metz, Thomas L., [redacted].
Metzgar, Dean E., [redacted].
Meurer, Earl L., [redacted].
Meyer, Arnold A., [redacted].
Meyer, Herbert F., Jr., [redacted].
Micklas, Paul J., Jr., [redacted].
Middleton, James M., [redacted].
Middleton, Robert M., [redacted].
Midkiff, Richard M., [redacted].
Miesse, Douglas A., [redacted].
Mihara, Robert M., [redacted].
Milam, Alvin L., [redacted].
Milburn, Michael P., [redacted].
Milewski, Mitchell, Jr., [redacted].
Milhiser, Charles L., Jr., [redacted].
Millard, Terry L., [redacted].
Miller, Arthur L., II, [redacted].
Miller, Bennie A., Jr., [redacted].
Miller, Charles G., III, [redacted].
Miller, Duane M., [redacted].
Miller, George K., [redacted].
Miller, Harvey J., [redacted].
Miller, Herman G., Jr., [redacted].
Miller, John P., [redacted].
Miller, Lloyd D., [redacted].
Miller, Paul H., [redacted].
Miller, Thomas L., [redacted].
Miller, Walter J., III, [redacted].
Miller, William D., [redacted].
Miller, William P., III, [redacted].
Milligan, Thomas J., [redacted].
Milliken, Kent T., [redacted].
Mills, Allyn K., [redacted].
Milne, George P., [redacted].
Milstead, James P., [redacted].
Minks, John A., [redacted].
Mirrer, Keith S., [redacted].
Mitchell, Edwin D., II, [redacted].
Mitchell, Gerald L., [redacted].
Mitchell, James D., [redacted].
Mitchell, Ronnie D., [redacted].
Mize, Mark Jr., [redacted].
Moe, William M., [redacted].
Moehlenkamp, Michael C., [redacted].
Moffitt, Michael C., [redacted].
Mohan, Steven D., [redacted].
Molbert, Lennet J., Jr., [redacted].
Monaco, Salvatore J., [redacted].
Moncrief, Rehn M., [redacted].
Montgomery, James E., [redacted].
Mood, John D., Jr., [redacted].
Moore, Douglas A., [redacted].
Moore, James C., [redacted].
Moore, James S., Jr., [redacted].
Moore, Lester R., [redacted].
Moore, Ronald L., [redacted].
Moore, Steven J., [redacted].
Moore, Thomas G., [redacted].
Moore, Warren W., [redacted].
Moran, Lawrence L., [redacted].
Moreau, Edward L., [redacted].
Morga, Stephen V., [redacted].
Morgan, John G., [redacted].
Morganto, Joseph E., [redacted].
Morgenstern, David H., [redacted].
Morishige, Ronald I., [redacted].
Morris, Charles E., [redacted].
Morris, Curtis S., Jr., [redacted].
Morris, Francis B., [redacted].
Morris, William W., III, [redacted].
Morrison, Jimmie G., [redacted].
Morrison, Joel T., [redacted].
Morse, Gaylord J., [redacted].
Morsics, Frank, Jr., [redacted].
Moser, Robert L., Jr., [redacted].
Mosher, Walter L., [redacted].
Mote, Albert S., [redacted].
Motonaga, Bert T., [redacted].
Moyer, Dale L., [redacted].
Mrazek, James E., Jr., [redacted].
Muehring, Paul E., [redacted].
Mueller, Garry S., [redacted].
Mueller, John W., II, [redacted].
Muellner, George K., [redacted].
Mulcahy, William F., [redacted].
Muldrow, Robert, [redacted].
Mullane, Richard M., [redacted].
Mullen, James M., [redacted].
Muller, Alvin D., [redacted].
Muller, Hugh W., [redacted].
Mullikin, Michael O., [redacted].
Mullin, Jonathan B., [redacted].
Mullis, Marcus M., [redacted].
Mulvaney, James A., [redacted].
Munn, Henry J., [redacted].
Munninghoff, Ivan, [redacted].
Murdoch, Donald G., [redacted].
Murphy, Dennis J., [redacted].
Murphy, Jerry M., [redacted].
Murphy, John D., [redacted].
Murphy, John E., [redacted].
Murphy, Robert O., [redacted].
Murray, William J., Jr., [redacted].
Myers, Kenneth A., [redacted].
Myers, Newton C., II, [redacted].
Myers, Thomas C., [redacted].
Naccari, Norman W., [redacted].
Naddra, George T., [redacted].
Nadeau, Robert L., [redacted].
Nagle, Bruce M., [redacted].
Nakrosis, Paul P., [redacted].
Nance, William G., [redacted].
Nauful, John R., [redacted].
Naumann, Leroy M., [redacted].
Neal, Robert F., [redacted].
Neary, Michael J., [redacted].
Neel, James L., [redacted].
Neill, Joe E., [redacted].
Nelson, Eric E., [redacted].
Nelson, Gary A., [redacted].
Nelson, Loren P., Jr., [redacted].
Nelson, Richard W., [redacted].
Nemec, Ronald R., [redacted].
Nenner, Ronald B., [redacted].
Nett, John O., [redacted].
Nettles, Thomas C., [redacted].
Nettleton, James F., [redacted].
Neumann, William C., II, [redacted].
Neuschaefer, James H., [redacted].
Newberry, Robert J., [redacted].
Newton, Gary F., [redacted].
Newton, John E., [redacted].
Newton, Lester F., [redacted].
Newton, Peter J., Jr., [redacted].
Newton, Philip L., [redacted].
Nicholau, William A., [redacted].
Nichols, Stephen E., [redacted].
Nicholson, George E., III, [redacted].
Nicholson, Philip A., [redacted].
Nickel, Kenneth F., [redacted].
Nichlas, John G., [redacted].
Niederhauser, John R., [redacted].
Nield, Thomas V., [redacted].
Nielsen, Jim L., [redacted].
Nieser, Tracy, [redacted].
Nikolai, Karl J., [redacted].
Niles, John R., [redacted].
Nimick, Richard F., [redacted].
Nimmo, Edward J., [redacted].
Noguchi, Russel A., [redacted].
Nokovich, Charles R., [redacted].
Norelius, James T., [redacted].
Norman, William G., Jr., [redacted].
Norton, Frederick P., [redacted].
Norton, Thomas J., [redacted].
Norton, William G., [redacted].
Norwood, George W., [redacted].
Novak, Daniel L., [redacted].
Novak, John A., [redacted].
Nowlin, David V., [redacted].
Null, James C., [redacted].
Null, Richard C., [redacted].
Numoto, John M., [redacted].
Nye, Richard J., [redacted].
Nystrom, John L., Jr., [redacted].
Obar, William D., [redacted].
O'Brien, James R., [redacted].
Ochandarena, Douglas W., [redacted].
O'Connor, William P., [redacted].
Odle, Dick E., [redacted].
O'Donnell, Jon D., [redacted].
Oesterle, Donald L., [redacted].
Offholter, Charles F., [redacted].
O'Grady, Michael E., [redacted].
Ohlinger, Charles T., III, [redacted].
Okawa, Earl K., [redacted].
O'Keefe, Gerard P., [redacted].
Oleksuk, Michael H [redacted].
Oliphant, Ronald E., [redacted].
Olsen, George W., Jr., [redacted].
Olson, Duane L., [redacted].
Olson, Eric A., [redacted].
Olson, James I., [redacted].
Oman, Barry M., [redacted].
O'Neal, Gary D., [redacted].
O'Neill, Patrick H., [redacted].
Orchard, Stetson J., [redacted].
Orlando, Robert A., [redacted].
Ormsby, Richard J., [redacted].
O'Sullivan, John F., Jr., [redacted].
Oswald, Billie E., Jr., [redacted].

Otten, Leonard J., III, [redacted].
Otterbein, James E., [redacted].
Ousley, James F., III, [redacted].
Overall, James W., [redacted].
Owen, Don H., [redacted].
Owen, Gary D., [redacted].
Owens, Richard F., [redacted].
Owings, Markley J., Jr., [redacted].
Pace, Lawrence, [redacted].
Pacheco, Nelson S., [redacted].
Paddock, Richard S., Jr., [redacted].
Page, James W., [redacted].
Page, Larry A., [redacted].
Page, Roger W., Jr., [redacted].
Page, Warren L., [redacted].
Palicia, David F., [redacted].
Parker, Ronald C., [redacted].
Parkinson, Edward L., [redacted].
Parks, Edward B., [redacted].
Parnell, Roy L., [redacted].
Parris Russell E., Jr. [redacted].
Parsons, Robert N., [redacted].
Pastusek, Robert R., [redacted].
Patterson, Arthur W., [redacted].
Patterson, Marshall S., [redacted].
Patton, Gene N., [redacted].
Patton, William N., [redacted].
Patzer, Larry L., [redacted].
Paul, Richard R., [redacted].
Paxson, Ronald L., [redacted].
Pearman, Charles B., Jr., [redacted].
Pederson, Arvid P., [redacted].
Pedone, Stephen P., [redacted].
Pehan, Terry S., [redacted].
Peloquin, Michael R., [redacted].
Peraldo, Mario G., [redacted].
Perry, Keith M., [redacted].
Peters, Robert H., [redacted].
Peters, Timothy A., [redacted].
Petersen, David L., [redacted].
Peterson, Eric L., [redacted].
Peterson, James B., [redacted].
Peterson, Maxie J., [redacted].
Peterson, Robert D., [redacted].
Peterson, Russell L., [redacted].
Petrash, Ernest F. [redacted].
Petrusky, Robert J., [redacted].
Pettit, Elvy Jr., [redacted].
Pettyjohn Daniel E., [redacted].
Pfile, Robert D., [redacted].
Phalen, Michael J., [redacted].
Phelps, Terrance J., [redacted].
Philbrick, David L., [redacted].
Philips, Philip H. II, [redacted].
Phillips, Elmo D., Jr., [redacted].
Phillips, John F., [redacted].
Phillips, John R., [redacted].
Phillips, Michael F., [redacted].
Picarella, Thomas D., [redacted].
Pichon, Allen A., Jr., [redacted].
Pickrel, Eddie G., [redacted].
Pietras, Robert J., [redacted].
Piirto, David J., [redacted].
Piotrowicz, Andrew R., [redacted].
Piper, Danny, [redacted].
Pitts, William E., [redacted].
Platt, William E., [redacted].
Pleggenkuhle, Daryl A., [redacted].
Pletcher, John H., Jr., [redacted].
Plowman, Leland H., [redacted].
Plumb Morton V., Jr., [redacted].
Poe, Thomas A., [redacted].
Poindexter, William R., Jr., [redacted].
Polay, Michael J., [redacted].
Polifka, Karl L., Jr., [redacted].
Pollock, Charles D., [redacted].
Pollock, Robert M., Jr., [redacted].
Poore, Charles P., [redacted].
Poplin, James F., [redacted].
Popp, Robert A., [redacted].
Potter, Greg A., [redacted].
Pouch, John E., III, [redacted].
Power, William F., [redacted].
Powers, Clarke W., [redacted].
Powers, Russell J., [redacted].
Powers, William J., Jr., [redacted].
Powley, Herbert W., [redacted].
Pressley, Homer M., Jr., [redacted].
Price, Clinton R., [redacted].
Price, David L., [redacted].
Price, Delton M., [redacted].
Price, Jerry L., [redacted].
Price, Lansing B., [redacted].
Price, Michael B., [redacted].
Priddy, Ronald N., [redacted].
Pritzlaff, Charles P., [redacted].
Prizner, David J., [redacted].
Prout, Donald G., [redacted].
Prouty, James W., [redacted].
Pruett, Charles E., [redacted].
Pruitt, Richard T., Jr., [redacted].
Przytula, William S., [redacted].
Pugh, Dennis G., [redacted].
Pumfrey, Marion A., [redacted].
Punches, John M., [redacted].
Purdy, Stephen G., [redacted].
Puzas, David L., [redacted].
Pyeatt, Robert J., [redacted].
Quance, Thomas P., [redacted].
Quebe, John C., [redacted].
Quisenberry, Bobby R., [redacted].
Quisenberry, Charles M., [redacted].
Radford, Kent V., [redacted].
Rafuse, Harold E., [redacted].
Raines, Norman W., Jr., [redacted].
Rainville, Paul J., [redacted].
Rakowski, Albin M., [redacted].
Ramsey, Alfred J., [redacted].
Randel, James M., [redacted].
Randle, John P., [redacted].
Rannazzisi, Santo J., [redacted].
Ransom, James M., [redacted].
Rapp, Robert L., [redacted].
Rasco, Joe R., Jr., [redacted].
Ratley, Lonnie O., III, [redacted].
Ratliff, Larry K., [redacted].
Rauschuber, Robert F., [redacted].
Rawcliffe, William E., [redacted].
Ray, Hubert L., [redacted].
Ray, Richard R., [redacted].
Ray, William D., [redacted].
Raymond, Neil V., [redacted].
Ream, Barry L., [redacted].
Redman, William J., [redacted].
Reed, David M., [redacted].
Reed, Earl S., Jr., [redacted].
Reedy, Rodger A., [redacted].
Reese, Pat L., [redacted].
Reeves, Thomas E., [redacted].
Reger, Charles B., [redacted].
Register, Perry L., [redacted].
Register, Willie C., [redacted].
Reich, Stephen H., [redacted].
Reichal, Joseph C., Jr., [redacted].
Reichman, James G., [redacted].
Reid, James E., [redacted].
Reid, Jarve G., [redacted].
Reineck, Michael H., [redacted].
Reiter, Thomas E., [redacted].
Remagen, Lawrence D., [redacted].
Remy, Thomas J., [redacted].
Rendine, Michael J., [redacted].
Retelle, John P., Jr., [redacted].
Reynolds, Gerald E., [redacted].
Reynolds, Larry K., [redacted].
Reynolds, Robert D., [redacted].
Rhine, Kimzey W., [redacted].
Rian, Richard C., [redacted].
Rice, Dennis E., [redacted].
Rice, Michael M., [redacted].
Rice, Rob R. III [redacted].
Rich, Robert D. [redacted].
Rich, William R., [redacted].
Richards, Hugh J., [redacted].
Richey, Chester R., Jr., [redacted].
Richmond, Don C., [redacted].
Rider, Warrick W., [redacted].
Riely, Michael W., [redacted].
Riess, Charles F., [redacted].
Rigby, David J., [redacted].
Riggins, Dennis D., [redacted].
Riggs, James R., [redacted].
Riley, Earl W., [redacted].
Riley, John F., [redacted].
Riley, Michael A., [redacted].
Rinderknecht, Lawerence R., [redacted].
Ringstrom, Ronald J., [redacted].
Riordan, Monti J., [redacted].
Ritter, Arthur W., [redacted].
Ritter, Donald R., [redacted].
Ritter, James W., Jr., [redacted].
Rittmuller, Richard F. [redacted].
Roane, Mack D., [redacted].
Roark, David O., [redacted].
Robert, Albert A., III, [redacted].
Robert, Wade H., III, [redacted].
Roberts, David W., [redacted].
Roberts, Duane C., [redacted].
Roberts, Harold I., [redacted].
Roberts, James O., Jr., [redacted].
Roberts, James S., [redacted].
Roberts, Robert E., [redacted].
Roberts, Samuel J., [redacted].
Robertson, Anthony A., [redacted].
Robertson, Charles L., [redacted].
Robertson, Herschel E., Jr., [redacted].
Robey, William A., [redacted].
Robinson, Clark W., [redacted].
Robinson, Roger D., [redacted].
Robison, Joe E., [redacted].
Rockefeller, Gary R., [redacted].
Rodda, Allen J., [redacted].
Rodenhauser, Karl J., [redacted].
Rodriguez, Enrique M., [redacted].
Roecker, Lloyd L., [redacted].
Rogers, David P., [redacted].
Rogers, John A., [redacted].
Rogers, Owen [redacted].
Rogers, Steven B., [redacted].
Rogers, Victor M., [redacted].
Roggero, Michael J., [redacted].
Rohlof, Kent J., [redacted].
Roll, David F., [redacted].
Roller, Russell F., [redacted].
Rondeau, Daniel M., [redacted].
Rooney, Basil E., [redacted].
Rooney, Thomas M., [redacted].
Rose, Allen E., [redacted].
Rose, Charles A., [redacted].
Rose, Peter N., [redacted].
Rose, Stephen R., [redacted].
Rosenbaum, Arthur J., [redacted].
Rosenthal, Marvin H., [redacted].
Roshak, Robert W., [redacted].
Ross, Thomas L., Jr., [redacted].
Roswell, Donald F., [redacted].
Roth, John W., [redacted].
Roth, Kenneth E., [redacted].
Rougeau, Joseph M., [redacted].
Rowan, Richard A., [redacted].
Rowe, Allen W., [redacted].
Rowell, Robert W., [redacted].
Roye, Ronald A., [redacted].
Royer, Peter M., [redacted].
Ruark, William H., [redacted].
Rubus, Gary M., [redacted].
Rudiger, Burnley L., Jr., [redacted].
Rudolph, Franklin A., [redacted].
Rumpf, David C., [redacted].
Runkle, Jack R., [redacted].
Ruppert, Peter J., [redacted].
Rupright, William E., [redacted].
Rusing, Ronald L., [redacted].
Russell, Clark B., [redacted].
Russell, Stephen H., [redacted].
Russo, Daniel L., Jr., [redacted].
Rust, Steven K., [redacted].
Rutenberg, David C., [redacted].
Ruths, Donald R., [redacted].
Ryals, Allen C., [redacted].
Ryan, Harold D., [redacted].
Ryan, Joseph E., [redacted].
Ryan, Michael O., [redacted].
Rybak, Richard J., [redacted].
Ryckmen, Jerry W., [redacted].
Rygielski, Joseph J., [redacted].
Ryland, William K., [redacted].
Sackvillewest, Arthur J., III, [redacted].
Safford, Steven J., [redacted].
Salge, Alvin A., [redacted].
Sams, John B., Jr., [redacted].
Sams, Monroe S., Jr., [redacted].
Samson, David R., [redacted].
Samuelson, Norman F., [redacted].
Sanborn, Alvin M., [redacted].
Sander, John L. [redacted].
Sanders, George A. III, [redacted].
Sanders, Phillip E., [redacted].
Sandlin, Dennis R., [redacted].
Sands, Gene C., [redacted].
Sanford, Gary M., [redacted].

Saunders, Larry W., [redacted].
Saunders, Michael C., [redacted].
Saunders, Robert G. II, [redacted].
Saunders, William P., Jr., [redacted].
Savacool, Donald J., [redacted].
Savage, Stephen J., [redacted].
Savage, William E., [redacted].
Sawaya, George J., [redacted].
Saxon, Vernon P., Jr., [redacted].
Schaad, Richard M., [redacted].
Schaefer, William L., Jr., [redacted].
Schaffer, James C., [redacted].
Schaffer, Raymond C., [redacted].
Scheafer, Harry A., [redacted].
Scheimer, Gary L., [redacted].
Scherer, David P., [redacted].
Scherrer, John D., [redacted].
Schichtle, David R., [redacted].
Schildmeyer, David L., [redacted].
Schindler, James C., [redacted].
Schlobohm, Christian P., [redacted].
Schmeling, Donald M., [redacted].
Schmelzer, William D., [redacted].
Schmidt, John R., III, [redacted].
Schmitt, Harold R., Jr., [redacted].
Schmitt, Richard W., [redacted].
Schnee Walter L., [redacted].
Schoening, Norman L., [redacted].
Schoff, Richard L., [redacted].
Schofield, Jeffrey E., [redacted].
Schreiber, David F., [redacted].
Schrepel, Milton F., [redacted].
Schroeder, Kenneth B., [redacted].
Schroff, John M., [redacted].
Schryer, Donald R., [redacted].
Schulstad, Jon M., [redacted].
Schultz, Terry L., [redacted].
Schuman, John W., Jr., [redacted].
Schumann, George M., [redacted].
Schwab, Howard M., [redacted].
Schwab, Ronald P., [redacted].
Schwarz, Frederick W., [redacted].
Schweitzer, John F., [redacted].
Schweizer, Alvin C., II, [redacted].
Schwertfeger, William R., [redacted].
Scoskie, Robert R., [redacted].
Scott, Donal D., [redacted].
Scott, John E., Jr., [redacted].
Scott, Michael T., [redacted].
Scott, Robert W., [redacted].
Scruggs, Dennis C., III, [redacted].
Seals, Daniel P., [redacted].
Seals, Wanda H., [redacted].
Seares, David F., [redacted].
Seaton, Gary G., [redacted].
Seda, Joseph E., [redacted].
Seifer, Robert J. [redacted].
Seines, John D., [redacted].
Selby, Michael J., [redacted].
Selig, Kenneth R., [redacted].
Selke, Robert K., [redacted].
Sellers, Donald P., [redacted].
Semegran, Michael D., [redacted].
Sergent, Robert E., [redacted].
Setzekorn, Richard R., [redacted].
Seward, Walter D., [redacted].
Shackson, Charles W., [redacted].
Shaffer, William A., [redacted].
Shale, Douglas A., [redacted].
Shaner, Richard L., [redacted].
Shanklin, William M., Jr. [redacted].
Shapiro, Richard D., [redacted].
Sharpe, Ervin C., Jr., [redacted].
Sharpe, Howard O., Jr., [redacted].
Shaw, Graham, [redacted].
Shaw, Gregory R., [redacted].
Shaw, James A., Jr., [redacted].
Shaw, Thomas J., [redacted].
Shay, Donald E., Jr., [redacted].
Shea, Clifton L., [redacted].
Shea, James M., [redacted].
Sheeran, Edward J., [redacted].
Shepard, Joel E., [redacted].
Sherlock, David L., [redacted].
Sherman, William T., [redacted].
Shervais, Stephen, Jr., [redacted].
Shidisky, Charles J., [redacted].
Shields, Kent L., [redacted].
Shiker, Jack D., [redacted].
Shipe, John A., [redacted].
Shiroyama, Brain Y., [redacted].
Shively, Robert A. II, [redacted].
Shook, Wayland R., Jr., [redacted].
Shriver, Loren J., [redacted].
Shukle, Allan V., [redacted].
Shull, Walter B., [redacted].
Shultz, Cletus E., [redacted].
Shurts, Henry W., [redacted].
Siers, Edwin, Jr., [redacted].
Sikora, Charles R., [redacted].
Silliman, James R., [redacted].
Silver, Richard C., [redacted].
Simcox, Lawrence S., Jr., [redacted].
Simko, Charles G., [redacted].
Simmons, Eugene B., Jr., [redacted].
Simmons, James H., [redacted].
Simon, Philip O., [redacted].
Simons, George W., [redacted].
Simpson, Robert F. III, [redacted].
Simpson, Tipp, [redacted].
Sims, Theron L., [redacted].
Sipos, Larry, [redacted].
Sivills, Robert C., [redacted].
Skar, John M., [redacted].
Skersick, Richard K., [redacted].
Skinner, Charles R., [redacted].
Skiver, Ernest H., Jr., [redacted].
Skluzacek, Eugene W., [redacted].
Slattery, Neil A., [redacted].
Slaughter, William J., [redacted].
Sloan, Johnny B., [redacted].
Sloan, William T., [redacted].
Slocum, Norman M., [redacted].
Small, William R., [redacted].
Smith, Arthur B., [redacted].
Smith, Cecil J., [redacted].
Smith, Dale W., [redacted].
Smith, Edward M., [redacted].
Smith, Eugene A., [redacted].
Smith, Harold K., Jr., [redacted].
Smith, James L., [redacted].
Smith, James M., [redacted].
Smith, James O., [redacted].
Smith, James V., Jr., [redacted].
Smith, Kurt P., [redacted].
Smith, Michael L., [redacted].
Smith, Omer L., [redacted].
Smith, Richard L., [redacted].
Smith, Robert H., [redacted].
Smith, Robert O., [redacted].
Smith, Rondal H., [redacted].
Smith, Sammy R., [redacted].
Smith, Walter E., [redacted].
Smith, William D., [redacted].
Smithson, Larry A., [redacted].
Snider, David K., [redacted].
Sniteman, Stephen B., [redacted].
Snow, Jerry P., [redacted].
Snow, Johnny R., [redacted].
Snyder, Robert K., [redacted].
Snyder, Robert M., [redacted].
Snyder, William W., [redacted].
Socha, Leon P., [redacted].
Somers, Richard C., [redacted].
Sornberger, John T., Jr., [redacted].
Soucy, Robert B., [redacted].
Soukup, Stephen M., [redacted].
Southall, David M., [redacted].
Sowada, Daniel E., [redacted].
Spates, Frederick R., Jr., [redacted].
Speckmann, James R., [redacted].
Speir, Ross C., III., [redacted].
Spell, Clyde, [redacted].
Spence, Michael R., [redacted].
Speziale, Vincent F., [redacted].
Spicher, Charles R., [redacted].
Spitler, William M., [redacted].
Spivey, Robert P., [redacted].
Spooner, Donald A., [redacted].
Spratlen, Terence C., [redacted].
Spratlin, Billy W., [redacted].
Sprick, Charles D., [redacted].
Stajdel, Patrick J., [redacted].
Stakley, Henry W., [redacted].
Stalcup, William H., [redacted].
Stalnaker, Gerard W., [redacted].
Stamler, Richard D., [redacted].
Stamps, Robert E., [redacted].
Stanford, Kenneth L., [redacted].
Stankovich, Robert M., [redacted].
Stanley, Andrew M., Jr., [redacted].
Stark, Philip E., [redacted].
Startin, Mavis J., [redacted].
Stauffer, Roger K., [redacted].
Stebe, Jack T., [redacted].
Steele, John B., [redacted].
Steiner, Axel, [redacted].
Stenberg, William D., [redacted].
Stenftenagel, Michael F., [redacted].
Stengel, Joseph E., Jr., [redacted].
Stephens, Jack R., [redacted].
Stephens, Raymond L., [redacted].
Stephenson, James L., [redacted].
Stevens, Gary L., [redacted].
Stevens, Joseph S., [redacted].
Stevens, Steve F., [redacted].
Stevens, William F., [redacted].
Stevenson, Jack L., [redacted].
Stevenson, Thomas A., [redacted].
Stewart, George A., [redacted].
Stewart, James B., [redacted].
Stewart, John H., II, [redacted].
Stiles, James V., [redacted].
Stinnett, Melvin L., [redacted].
Stocker, David P., [redacted].
Stocks, Gary E., [redacted].
Stockton, Michael L., [redacted].
Stoddard, Norman D., [redacted].
Stoebner, Lloyd E., [redacted].
Stokes, Ray K., [redacted].
Stoops, Carl E., [redacted].
Storm, David E., [redacted].
Stormo, Douglas D., [redacted].
Story, Donald H., [redacted].
Stout, Delbert B., [redacted].
Stovall, Dale E., [redacted].
Stovall, Glen W., Jr., [redacted].
Stover, Evan P., III, [redacted].
Strader, Stanley Y., [redacted].
Strayhorne, George V., Jr., [redacted].
Streets, James B., [redacted].
Stretton, John L., [redacted].
Strickland, James R., [redacted].
Strickler, Jerry W., [redacted].
Strohm, David A., [redacted].
Stromain, Paul T., [redacted].
Stromain, Roberta L., [redacted].
Stroud, William P., III, [redacted].
Stubblefield, Thomas B., [redacted].
Stubbs, Gregory D., [redacted].
Stuermer, Thomas D., [redacted].
Sturtevant, James S., [redacted].
Styler, Brent A., [redacted].
Suggs, John S., [redacted].
Sullivan, Michael A., [redacted].
Sullivan, Shaun M., [redacted].
Survillas, Roy G., [redacted].
Swasey, Richard H., [redacted].
Sweatland, Keith K., [redacted].
Sweeney, Robert N., [redacted].
Swettenam, Frederick L., [redacted].
Swiney, John F., Jr., [redacted].
Szczepanek, Matthew J., Jr., [redacted].
Tackabury, Paul D., [redacted].
Tadd, Roland F., [redacted].
Talbert, Michael B., [redacted].
Talbott, James D., [redacted].
Tallman, Howard L., III, [redacted].
Tan, Arnold W., [redacted].
Tantillo, Donald A., [redacted].
Taraba, Karen S., [redacted].
Tarbell, Terry C., [redacted].
Tashnick, Walter D., [redacted].
Tate, Michael D., [redacted].
Tatum, Gail F., [redacted].
Taylor, Emerson B., Jr., [redacted].
Taylor, James M., [redacted].
Taylor, Paul A., [redacted].
Taylor, William W., [redacted].
Tempel, William P., [redacted].
Terrell, Frank M., [redacted].
Terrell, Thomas L., [redacted].
Terry, John R., [redacted].
Teske, William R., [redacted].
Testerman, Douglas E., [redacted].
Tezak, Joseph E., II, [redacted].
Tharp, Dennis T., [redacted].
Thaten, Peter R., [redacted].
Thomas, David M., [redacted].
Thomas, George R., [redacted].
Thomas, Neal M., [redacted].

Thomas, William S., Jr., [redacted].
Thompson, Curtis G., [redacted].
Thompson, Garry B., [redacted].
Thompson, Ralph C., [redacted].
Thompson, Richard L., [redacted].
Thorey, Volker, [redacted].
Thorpe, Jack A., Jr., [redacted].
Thorsell, John C., [redacted].
Thorson, Delmar D., [redacted].
Thurmon, Richard I. [redacted].
Thurston, Marland C. [redacted].
Tichenor, James C., [redacted].
Tiernan, Robert K., [redacted].
Tihomirov, Michael L., [redacted].
Tilden, Thomas V., [redacted].
Tillman, Donald E., [redacted].
Tillstrom, Richard P., [redacted].
Tilma, Teddy G., [redacted].
Timko, Andrew, [redacted].
Tinney, Eddy J., [redacted].
Tirado, Jesus S., [redacted].
Tirone, Joseph M., [redacted].
Toavs, Dwight V., [redacted].
Tockston, John G., [redacted].
Todrank, Larry G., [redacted].
Toenjes, Donald M., [redacted].
Toles, Stephen L., [redacted].
Tolin, Anthony J., [redacted].
Tomasetti, Robert J., [redacted].
Tomlinson, Edward M., [redacted].
Toran, Isaiah, [redacted].
Torkelson, Leon A., [redacted].
Torrey, Paul F., [redacted].
Townsend, Carl A., [redacted].
Townsend, Robert W., [redacted].
Townsley, William E., [redacted].
Trapuzzano, Michael P., [redacted].
Travis, Donald M., [redacted].
Travitz, David H., Jr., [redacted].
Traynor, Dennis W., III, [redacted].
Treadwell, Benjamin B., III, [redacted].
Treutler, Christian H., [redacted].
Tripp, Robert S., [redacted].
Trotta, Thomas N., [redacted].
Troxclair, Robert R., [redacted].
Trull, Ronald V., [redacted].
Tuck, William M., Jr., [redacted].
Tucker, Charles G., [redacted].
Tucker, James M., [redacted].
Tucker, Lloyd E., III, [redacted].
Turbiville, Harry P., Jr., [redacted].
Turk, Robert A., [redacted].
Turner, Michael W., [redacted].
Tusinski, Joseph A., [redacted].
Twomey, Thomas A., [redacted].
Tysinger, William C., [redacted].
Ulrich, Roger K., [redacted].
Underwood, Gary R., [redacted].
Unitt, Peter J. [redacted].
Uptegraph, Clarence E., Jr., [redacted].
Urbach, Keith J., [redacted].
Urban, Eric J., [redacted].
Vanderwilt, Philip B., [redacted].
Vandyke, David B., [redacted].
Vanleeuwen, James R., [redacted].
Vanooyen, Johannes, [redacted].
Vansice, Robert B., Jr., [redacted].
Vansteenburg, Ronald V., [redacted].
Vasiliou, Vasilio, [redacted].
Vaughn, David L., [redacted].
Vaughn, Lauren K., [redacted].
Vega, Manuel F., [redacted].
Vermeiren, Richard M., [redacted].
Vernamonti, Leonard R., [redacted].
Vernon, James N., [redacted].
Vertenten, James A., [redacted].
Vickers, Richard N., [redacted].
Viers, Marion A., Jr., [redacted].
Vincent, Randolph C., [redacted].
Visinsky, Walter L., Jr., [redacted].
Vittoria, Andrew N., Jr., [redacted].
Vizi, Donald A., [redacted].
Voellger, Gary A., [redacted].
Vogt, Richard J., [redacted].
Voight, Ronald O., [redacted].
Volk, Douglas L., [redacted].
Vonworley, Warren, [redacted].
Voth, Dennis J., [redacted].
Vycital, Gary C., [redacted].
Waddell, Donald E., III, [redacted].
Wadlington, James T., Jr., [redacted].
Wagner, Paul A., [redacted].
Walilko, Thomas J., [redacted].
Walker, Cole E., [redacted].
Walker, Douglas M., [redacted].
Walker, John A., [redacted].
Walker, Robert A., [redacted].
Walkey, Theodore J., [redacted].
Wallace, John R., [redacted].
Walls, Leonard L., [redacted].
Walsh, John C., [redacted].
Walsh, Peter, [redacted].
Walsh, Robert P., [redacted].
Walters, Charles W., [redacted].
Walters, Everett A., Jr., [redacted].
Walz, Leslie T., [redacted].
Wansack, James K., [redacted].
Ward, Donald R., [redacted].
Ward, Gary W., [redacted].
Warman, Eric P., [redacted].
Warr, Gavlon L., [redacted].
Warren, Robert H., Jr., [redacted].
Washburn, Carlos D., [redacted].
Wasia, Vincent P., [redacted].
Watson, James E., [redacted].
Watson, James R., [redacted].
Watson, Robert G., [redacted].
Watts, Raymond K., [redacted].
Wayman, David S., [redacted].
Weaver, Bruce W., [redacted].
Weaver, Donald P., Jr., [redacted].
Webb, Danny W., [redacted].
Webb, Virgil H., [redacted].
Weber, Paul R., [redacted].
Webster, Dale D., [redacted].
Webster John G. [redacted].
Weeks, Rodney O., [redacted].
Wegner, Kermit J., [redacted].
Weigle, Harold A., [redacted].
Weinig, John W., [redacted].
Weiss Edward D. [redacted].
Welch, Craig J., Jr., [redacted].
Welch, Paul T., [redacted].
Welch, Robert J., [redacted].
Welde, John L., [redacted].
Weller, Frederik, [redacted].
Wells, David M., [redacted].
Wells, Michael L., [redacted].
Welsh, Billy A., [redacted].
Welty, Lester F., [redacted].
Wendt, Howard W., [redacted].
Wendt, James C., [redacted].
Wenner, Gerald M., Jr., [redacted].
West, John F., III, [redacted].
West, Sheridan J., II, [redacted].
Westenbarger, Martin L., [redacted].
Westerbeck, John W., [redacted].
Westerfield, Melvin L., [redacted].
Westergom, Earl L., [redacted].
Westover George D. [redacted].
Weustermann, Elsa J., [redacted].
Whalen, Joseph E., [redacted].
Wheeler, Michael I., [redacted].
Whelan, Robert E., Jr., [redacted].
Whipple, Larry K., [redacted].
Whitaker, Richard A., [redacted].
White Arthur P. [redacted].
White, Frank O. H., [redacted].
White, Harry A., III, [redacted].
White, Homer E., Jr., [redacted].
White, James H., Jr., [redacted].
White, James P., [redacted].
White Lewis C. [redacted].
White Neil R. [redacted].
White Richard A. [redacted].
White, Thomas F., [redacted].
Whitehurst, Ben J., [redacted].
Whitesell, Donald E., [redacted].
Whitley, Willard H., [redacted].
Whitman, Charles T., Jr., [redacted].
Whitney, Randle L., [redacted].
Whittaker, Loren F., [redacted].
Widhalm, Joseph W., [redacted].
Wieneke, Charles H., [redacted].
Wiesner, Larry E., [redacted].
Wightman, Dennis J., [redacted].
Wikheim, John A., [redacted].
Wilbanks, Ronald T., [redacted].
Wilber, John W., [redacted].
Wilder, Lawrence T., [redacted].
Wildermuth, Paul S., [redacted].
Wiles, Charles J., [redacted].
Wiley, John, III, [redacted].
Wilinski, Gregory T., [redacted].
Wilkinson, Spencer W., [redacted].
Will, Joseph H. M., [redacted].
Willey, Lester R., [redacted].
Willhoite, Robert R., [redacted].
Williams, Edward L., Jr., [redacted].
Williams, Frederick M., [redacted].
Williams, James T., [redacted].
Williams, James W., [redacted].
Williams, John B., [redacted].
Williams, Philip J., [redacted].
Williams, Robert J., [redacted].
Williams, Roy D., [redacted].
Williams, Victor M., Jr., [redacted].
Willis, Richard K., [redacted].
Willoughby, Robert B., [redacted].
Willoz, John L., [redacted].
Wilmot, James H., [redacted].
Wilmoth, Harrington L., [redacted].
Wilmotte, Thomas M., [redacted].
Wilson, Stephen E., [redacted].
Wilson, Woodrow, Jr., [redacted].
Windham, Thomas D., [redacted].
Winge, Gaylord H., Jr., [redacted].
Wingfield, John R., III [redacted].
Winkle, Stephen N., [redacted].
Winkler, Paul H., [redacted].
Winnik, Laurence N., [redacted].
Winstel, Mark A., [redacted].
Wirth, Michael C., [redacted].
Wise, Keith R., [redacted].
Wise, William M., III, [redacted].
Wisecarver, Kurt J., [redacted].
Wiseman, Jerry A., [redacted].
Witek, Edward, [redacted].
Withers, Douglas R., Jr., [redacted].
Wittel, Edward F., Jr., [redacted].
Woelfel, John G., [redacted].
Wohlwend, James P., [redacted].
Wolf, Stephen H., [redacted].
Wolfe, James L., [redacted].
Wollaston, John F., [redacted].
Wood, Douglas B., [redacted].
Wood, Frederick W., III, [redacted].
Wood, Stuart B., [redacted].
Woodall, James D., [redacted].
Wooddell, Royce G. W., [redacted].
Woods, Gavan D., [redacted].
Woods, Jerry D., [redacted].
Woodworth, Richard A., [redacted].
Woody, William E., [redacted].
Woolard, Lynn P., [redacted].
Worden, Douglas L., [redacted].
Worden, Jerry D., [redacted].
Woronicz, Robert C., [redacted].
Worrall, Gary R., [redacted].
Worthington, Jesse C., [redacted].
Wright, John A., [redacted].
Wyatt, John H., [redacted].
Wyninegar, Noble C., Jr., [redacted].
Yarborough, Thomas R., [redacted].
Yates, David L., [redacted].
Yoggerst, Denis M., [redacted].
Yohman, James M., [redacted].
York, John E., [redacted].
Young, Clark S., Jr., [redacted].
Young, Daniel D., [redacted].
Young, Gerald T., [redacted].
Young, Lee R., Jr., [redacted].
Young, Myron A., [redacted].
Young, Robert A., Jr., [redacted].
Youngblood, Robert D., [redacted].
Younger, John R., [redacted].
Zahradka, Joseph F., [redacted].
Zalace, Stanley W., [redacted].
Zall, Jonathan E., [redacted].
Zdradzinski, Stephen F., Jr., [redacted].
Zebelean, John P., III, [redacted].
Zeglis, Frank T., III, [redacted].
Zehr, Frederick J., Jr., [redacted].
Zelenski, Stanley S., [redacted].
Zens, Michael L., [redacted].
Zesinger, George R., III, [redacted].
Zickert, Martin J., [redacted].
Ziegler, Dennis J., [redacted].

Ziegler, Kenton R., [redacted].
Zimmerman, Eric A., [redacted].
Zimmermann, Raymond C., [redacted].
Zinkievich, John M., [redacted].
Zinkus, John C., [redacted].
Zucker, Irwin L., [redacted].
Zura, Gary B., [redacted].

CHAPLAIN CORPS

Andrews, Ralph E., [redacted].
Beckley, James W., [redacted].
Chumley, Theodore R., Jr., [redacted].
Coen, William E., [redacted].
Dendinger, William J., [redacted].
Greco, Raymond W., [redacted].
Kerley, Clyde N., [redacted].
Pelesh, Gregory H., [redacted].
Stainman, Theodore H., [redacted].
Tipton, Harry S., [redacted].

DENTAL CORPS

Abrahams, Lewis J., [redacted].
Altschuler, Bruce R., [redacted].
Antolin, Carlos M., [redacted].
Berkley, Thomas S., [redacted].
Boggs, David E., [redacted].
Cable, Steven G., [redacted].
Deemer, James P., [redacted].
Frostad, Kenneth B., [redacted].
Hawley, Richard J., [redacted].
High, Curtis L., [redacted].
Hurd, Joseph J., [redacted].
Marx, Robert E., [redacted].
Matis, Bruce A., [redacted].
Neale, William S., Jr., [redacted].
Ness, Charles F., [redacted].
Nilsson, Dennis E., [redacted].
Proett, James B., [redacted].
Resch, Gary K., [redacted].
Ruemping, Dale R., [redacted].
Summit, James B., [redacted].
Tebrock, Otto C., [redacted].
Theobald, William D., [redacted].
Thomas, Lloyd G., Jr., [redacted].
Tobias, Richard T., [redacted].
Warnick, John G., [redacted].
Watkins, John F., III, [redacted].
Wilmert, Wilbur J., [redacted].

JUDGE ADVOCATE

Abelson, Steven J., [redacted].
Albright, William A., [redacted].
Anderson, Mark S., [redacted].
Babin, James C., [redacted].
Bonasso, Robert A., [redacted].
Brannon, William A., [redacted].
Brown, Thomas J., [redacted].
Byassee, William D., [redacted].
Caldwell, Bryan M., [redacted].
Carlson, Roger T., [redacted].
Caven, James D., [redacted].
Christie, William J., II, [redacted].
Cook, Jeffrey W., [redacted].
Diaz, Robert L., [redacted].
Economidy, John M., [redacted].
Farrow, Michael R., [redacted].
Few, Howard T., Jr., [redacted].
Frampton, James H., [redacted].
Geraci, Thomas A., [redacted].
Giovagnoni, Robert E., [redacted].
Hoch, Karl J., Jr., [redacted].
James, Richard R., [redacted].
Karr, William H., [redacted].
Kendall, Paul S., [redacted].
Lang, Robert E., [redacted].
Lee, Ralph J., [redacted].
Lumbard, Michael B., [redacted].
Mahoney, J. Jeremiah, [redacted].
Marquette, Ronald M., [redacted].
Martin, Terrence J., [redacted].
McShane, Michael B., [redacted].
Mitchell, Louis J., [redacted].
Murdock, Louis J. III, [redacted].
Parr, Edgar G., [redacted].
Paslick, Edward N., [redacted].
Rakowsky, Ronald J., [redacted].
Reaves, James E., Jr., [redacted].
Regan, Gilbert J., [redacted].
Schaefer, Robert L., [redacted].
Schumann, Ronald G., [redacted].
Senander, Robert M., [redacted].
Sherman, William E., [redacted].
Smith, Billy, Jr., [redacted].
Snyder, William T., [redacted].
Sternal, Guy J., [redacted].
Stubbs, Jerald D., [redacted].
Tanner, Morris A., Jr., [redacted].
Tobey, Carl P., Jr., [redacted].
Townsley, Emory, Jr., [redacted].
Wims, Michael D., [redacted].
Wofford, David W., [redacted].
Woods, Donald E., [redacted].

MEDICAL CORPS

Anderson, George K., [redacted].
Arnold, Hendrick J. III, [redacted].
Barnes, Robert P., [redacted].
Bellas, Richard C., [redacted].
Bostrom, Stuart G., [redacted].
Burkett, Dennis B., [redacted].
Carbonneau, John R., [redacted].
Charlat, Richard A., [redacted].
Claflin, James R., [redacted].
Clarkson, James E., [redacted].
Cofoid, Paul B., [redacted].
Cole, Richard F., [redacted].
Collins, Cleve B., [redacted].
Dail, Eric M., [redacted].
Davis, Jeffrey G., [redacted].
Evans, Richard M., [redacted].
Garza, Orlando T., [redacted].
Gens, John P., Jr., [redacted].
Gilmore, Robert W., [redacted].
Hanumanthu, Vijaya K., [redacted].
Heffron, Charles H., Jr., [redacted].
Hudson, Hal C., [redacted].
Jordan, Henry S., Jr., [redacted].
Kaltenbaugh, Orie E., [redacted].
Keller, Harrison B., [redacted].
Mabry, Earl W., II, [redacted].
McDowell, Russell V., [redacted].
Mendoza, Gliceria M., [redacted].
Montgomery, Michael A., [redacted].
Moysaenko, Valeriy, [redacted].
Nagia, Ali H., [redacted].
Naguwa, Stanley M., [redacted].
Plotkin, Karl J., [redacted].
Plotts, David W., [redacted].
Racek, Edward L., [redacted].
Rogers, James H., Jr., [redacted].
Roper, Daniel L., [redacted].
Ruggles, Charles W., [redacted].
Sexson, William R., [redacted].
Shelley, James M., Jr., [redacted].
Shirley, Douglas P., [redacted].
Sipperley, Jack O., [redacted].
Smith, James M., [redacted].
Smith, Joseph A., [redacted].
Staten, James R., [redacted].
Waring, William M., [redacted].
Warren, Fredric H., [redacted].
Wetzler, Harry P., [redacted].

NURSE CORPS

Adams, Janet Sue, [redacted].
Alexander, Lynda V., [redacted].
Bowar, David R., [redacted].
Boyd, Terri J., [redacted].
Burns, Miriam K., [redacted].
Casterline, Arline, [redacted].
Clark, Patricia A., [redacted].
Cook, Virginia V., [redacted].
Cunningham, Maridell, [redacted].
Fitzhenry, Margaret A., [redacted].
Greer, Sara E., [redacted].
Grossman, Anita L., [redacted].
Haan, Maryanne, [redacted].
Kunz, Charles A., [redacted].
Kurdelski, Patricia A., [redacted].
Littlejohn, Mary K., [redacted].
Lloyd, Florence L., [redacted].
Marin, Beatrice M., [redacted].
Massey, Sarah J., [redacted].
McMurray, Joan A., [redacted].
Moore, Terry R., [redacted].
Morey, Ann M., [redacted].
Oheir, Owen C., [redacted].
Otto, Pauline E., [redacted].
Parrish, Mary E., [redacted].
Philbrick, Gloria R., [redacted].
Rogers, Charlotte E., [redacted].
Ruble, Craig E., [redacted].
Sampsell, Dorothy I., [redacted].
Schroeder, Linda, [redacted].
Spivey, Christine, [redacted].
Stiegelmeyer, Marjorie J., [redacted].
Stone, Jeanne N., [redacted].
Stubblefield, Virginia M., [redacted].
Toole, Susan E., [redacted].
Utt, Janice D., [redacted].
Vaida, Charles T., [redacted].
Walker, Jill K., [redacted].
Walstra, Judith C., [redacted].
Waterman, Mary A., [redacted].
Wight, Wendel H., [redacted].
Wilcox, Carolyn E., [redacted].
Wurster, Doris M., [redacted].
Zimmer, Ervin O., [redacted].

MEDICAL SERVICE CORPS

Ausmus, Duane G., [redacted].
Casto, Graden J., [redacted].
Couser, David G., [redacted].
Cunningham, Terence T., III, [redacted].
Degroot, Edward B., III, [redacted].
Downing, Dennis R., [redacted].
Eckerson, Charles C., [redacted].
Erwin, James L., [redacted].
Griffin, Arland G., [redacted].
Hernandez, Ivan P., [redacted].
Hoch, Francis L., [redacted].
Huggins, William C., [redacted].
Hurt, Eric L., [redacted].
Kana, Joe M., [redacted].
Kenschaft, Robert B., [redacted].
Lee, Donald E., Jr., [redacted].
Lott, Larry K., [redacted].
Mackie, Kenneth J., Jr., [redacted].
McKown, James G., [redacted].
Melchiorre, Joseph E., Jr., [redacted].
Morton, Edward C., Jr., [redacted].
Murrell, Warren P., Jr., [redacted].
Orsak, Peter M., [redacted].
Ortmann, Fred W., III, [redacted].
Powell, George R., [redacted].
Powers, William J., [redacted].
Romney, Ianthus B., Jr., [redacted].
Shermer, Robert T., [redacted].
Sorrells, John S., [redacted].
Stephenson, John R., [redacted].
Terry, Wayne G., [redacted].
Turk, Herbert A., Jr., [redacted].
Vago, Frederick A., [redacted].
Vignes, Bert L., [redacted].
Vocks, Joseph T., Sr., [redacted].

BIOMEDICAL SCIENCES CORPS

Benline, Terry A., [redacted].
Brown, Larry D., [redacted].
Campbell, Donald H., Jr., [redacted].
Cissik, John H., [redacted].
Feist, Bernadette, [redacted].
Gallagher, Frank P., III, [redacted].
Grube, Steven G., [redacted].
Hablitzel, Thomas L., [redacted].
Harris, Ronald J., [redacted].
Hartshorn, Rodney D., [redacted].
Harvey, James E., [redacted].
Herbold, John R., [redacted].
Hilyard, Gary R., [redacted].
Hughes, Richard L., [redacted].
Letscher, Robert M., [redacted].
Lynett, James E., [redacted].
McIntyre, Thomas H., [redacted].
Meldrum, James R., [redacted].
Miner, Judson C., Jr., [redacted].
Naugle, Dennis F., [redacted].
Nold, James B., [redacted].
Olfenbuttel, Robert F., [redacted].
Padalino, Joseph R., [redacted].
Pierson, Wayne P., [redacted].
Rosato, Louis W., Jr., [redacted].
Rossi, Nunzio J., [redacted].
Schooler, Virginia K., [redacted].
Severance, Carlton S., III, [redacted].
Smith, Regina S., [redacted].
Snedecor, Susan A., [redacted].
Stec, Paul J., [redacted].
Swede, Benjamin M., [redacted].
Talley, Kenneth R., [redacted].
Taylor, William L., [redacted].
Underwood, Frances V., [redacted].

Williams, E. Roger, [redacted].
Williams, Jerry P., [redacted].
Wilson, James L., [redacted].
Wright, James H., [redacted].
Zellers, Robert H., [redacted].

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, Title 10, United States Code with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Aboe, Robert A., [redacted].
Abreu, Edwin J., [redacted].
Acklam, David M., [redacted].
Adams, Jamie L., [redacted].
Adams, Jean C., [redacted].
Adams, Warren R., [redacted].
Adsit, Robert D., [redacted].
Aiken, Donald F., [redacted].
Albert, Kevin P., [redacted].
Allen, Donald L. [redacted].
Andrews, John D., [redacted].
Andrews, John M., [redacted].
Andrews, Laurens R., III, [redacted].
Andrusyszyn, John G., [redacted].
Angier, John R., [redacted].
Antonelli, Christine A., [redacted].
Audenaert, William N., [redacted].
Arrisi, Mary C., [redacted].
Askew, Leonard, [redacted].
Atkinson Judy A., [redacted].
Augsburger, Richard A., [redacted].
Bachus, Blaine L., [redacted].
Badessa, Maria E., [redacted].
Bailey, Anderson, Jr., [redacted].
Baird, Henry D., Jr., [redacted].
Baker, Beverly J., [redacted].
Baker, Michael T., [redacted].
Ball, Douglas M., [redacted].
Barr, George G., [redacted].
Barrett, David K., [redacted].
Barthelmess, Robert W., [redacted].
Bass, Frank T., Jr., [redacted].
Bates, James A., [redacted].
Batson, Timothy G., [redacted].
Baucum, Roger L., [redacted].
Baxley, Barry D., [redacted].
Baxley, William G., [redacted].
Belcher, Sylvestera, [redacted].
Bennett, Timothy R., [redacted].
Berg, James A. [redacted].
Berg, William N., [redacted].
Betschart, James F., [redacted].
Bialas, Geoffrey S., [redacted].
Blackwelder, Kent G., [redacted].
Blackwood, James A., II, [redacted].
Blaber, Richard J., [redacted].
Bloemer, Robert J., Jr., [redacted].
Blohm, Jeffrey A., [redacted].
Blue, Scott W., [redacted].
Boggs, Sandra L., [redacted].
Boston, Felix J., [redacted].
Boucher, Lance M., [redacted].
Bowen, Douglas G., [redacted].
Bowen, John T., [redacted].
Bowlin, Ronald E., [redacted].
Boyle, John D., [redacted].
Bradley, William W., Jr., [redacted].
Brandt, Kurt M., [redacted].
Brantley, William M., [redacted].
Brasher, Michael R., [redacted].
Bray, Michael W., [redacted].
Brinkmann, Sally C., [redacted].
Broker, Gerard F., [redacted].
Brooks, John W., [redacted].
Brown, Patrick J., [redacted].
Brown, Roy G., [redacted].
Brown, Timothy M., [redacted].
Bruce, Rodolfo H., [redacted].
Bruns, Dennis R., [redacted].
Buckley, Bryan G., [redacted].
Bullard, James A., [redacted].
Burch, Robert S., [redacted].
Burnette, Rachel B., [redacted].
Burton, Frank L., [redacted].
Butler, Bradley W., [redacted].
Byrnes, Richard G., [redacted].
Cage, Max E., [redacted].
Callaway, Nancy C., [redacted].
Caltabellotta, Richard A., [redacted].
Campbell, Charles M., [redacted].
Carbaugh, Jerry W., [redacted].
Carbon, Ronald D., [redacted].
Carrie, James P., [redacted].
Carter, Richard A., [redacted].
Carter, Rodger E., [redacted].
Casemandahljelm, Cathy A., [redacted].
Casey, Donald J., [redacted].
Cassel, Leroy A., [redacted].
Caudill, Sue T., [redacted].
Caudill, Syer S., Jr., [redacted].
Chamberlain, Joyce E., [redacted].
Chambers, Elia C., [redacted].
Champion, Gary P., [redacted].
Chapman, Philip W., [redacted].
Chavez, Michele D., [redacted].
Chee, Gordon P. J., [redacted].
Cheshire, Ronald S., [redacted].
Chichester, Bruce G., [redacted].
Chilcote, John W., [redacted].
Childers, Stephen P., [redacted].
Childress, Thomas A., [redacted].
Christensen, Michael R., [redacted].
Cinal, Kenneth A., [redacted].
Claibon, Edward F., Jr., [redacted].
Clark, Dolphus T., Jr., [redacted].
Coe, Michael D., [redacted].
Coe, Steven R. F., [redacted].
Coleman, Keith E., [redacted].
Collier, William J., [redacted].
Condit, Paul D., [redacted].
Coney, Lacy Joyce L., [redacted].
Cook, Dennis L., [redacted].
Cook, Richard B., [redacted].
Cooley, James M., [redacted].
Cooper, Deborah S., [redacted].
Cooper, Franklin D., III., [redacted].
Copeland, Michael T., [redacted].
Cornwell, Nicholas B., Jr., [redacted].
Costello, Robert T., [redacted].
Costigan, Michael J., [redacted].
Coty, Phillip J., [redacted].
Cowdrey, James J., [redacted].
Cox, Frank D., [redacted].
Coyle, Michael M., [redacted].
Craft, Terrence W., [redacted].
Crane, Curtis R., [redacted].
Cranfill, Frank M., [redacted].
Crihfield, Michael L., [redacted].
Crites, Natalie E., [redacted].
Crosby, Loyce G., [redacted].
Cross, Michael V., [redacted].
Crowell, Rickey D., [redacted].
Crowley, Robert B., [redacted].
Crump, Raymond T., [redacted].
Culbreth, Michael D., [redacted].
Cullison, Robert C., [redacted].
Cupps, Steven R., [redacted].
Curran, Debra D., [redacted].
Curry, David W., [redacted].
Curtis, Paul S., [redacted].
Custer, Constance A., [redacted].
Cutler, Rebecca E., [redacted].
Cwiklik, Leonard F., [redacted].
Darden, Willie G., [redacted].
Daubach, Daniel C., [redacted].
Davis, Ronald J., Jr., [redacted].
Day, James S., [redacted].
Day, Thomas B., [redacted].
Dean, Nancy K., [redacted].
Deets, Stuart C. N., [redacted].
Delucca, Jorge A., [redacted].
Depasquale, Jeffrey M., [redacted].
Deporto, Phillip A., [redacted].
Devore, Lloyd D., [redacted].
Dewilder, Louise M., [redacted].
Dewolfe, Everett C. III, [redacted].
Dill, Larry E., [redacted].
Dirks, Mahlon L., [redacted].
Doan, Robert J., [redacted].
Domangue, Chris A., [redacted].
Donelson, Henry T., [redacted].
Dotson, Robert L., [redacted].
Dougherty, Kevin T., [redacted].
Dougherty, Patrick A., [redacted].
Drenkow, Grant L., [redacted].
Dreyer, Larry A., [redacted].
Dronen, Michael W., [redacted].
Dudley, Patricia G., [redacted].
Duggan, John P., [redacted].
Duncan, Richard H. II, [redacted].
Duncan, Robert K., [redacted].
Dusang, David M., [redacted].
Eastwood, James C., [redacted].
Eckhardt, Louise A., [redacted].
Edling, Dwayne A., [redacted].
Edwards, Kenneth M., [redacted].
Edwards, Richard A., [redacted].
Eedy, Kym C., [redacted].
Eischens, William L., [redacted].
Elbroch, Lawrence J., [redacted].
Elliott, Sherman, Jr., [redacted].
Ellis, Gary R., [redacted].
Ellis, Georganne F., [redacted].
Elmore, Kenneth W., [redacted].
Elsasser, Warren P., [redacted].
English, Timothy E., [redacted].
Esher, Michael D., [redacted].
Esquivel, Rudy E., [redacted].
Essman, Lynn G., [redacted].
Etter, Renona J., [redacted].
Evans, Robert M., [redacted].
Everett, Garth D., [redacted].
Farrell, Charles W., [redacted].
Fax, David S., [redacted].
Fechtel, Mark E., [redacted].
Fernandez, Juan C., [redacted].
Fernandez, Manuel, Jr., [redacted].
Ferrante, Robert W., [redacted].
Fields, Glenn S., [redacted].
Fields, Paul D., [redacted].
Filo, Steven J., [redacted].
Fink, Tina M., [redacted].
Finkel, David W., [redacted].
Fish, Douglas N., [redacted].
Fisher, Timothy D., [redacted].
Fitch, Daniel E., [redacted].
Flatt, Gary N., [redacted].
Fletcher, James E., [redacted].
Flick, Richard L., [redacted].
Flinn, Doree A., [redacted].
Flood, Stuart W., [redacted].
Flowers, Eugene, [redacted].
Follett, Charles J., [redacted].
Ford, James G., [redacted].
Forde, Hugh A., [redacted].
Frazier, Raymond L., [redacted].
Freer, Albert P., III, [redacted].
Fritchman, Guy J., [redacted].
Garman, Robert W., [redacted].
Garnand, Harry J., III, [redacted].
Garrett, Tommy L., [redacted].
Geiselhart, Raymond J., [redacted].
Geisen, Robert E., Jr., [redacted].
Gentry, Denise L., [redacted].
Gershman, Louis, [redacted].
Gilbert, Harold B., [redacted].
Gill, Michael D., [redacted].
Gillett, Patrick D., Jr., [redacted].
Gilpin, Thomas C., [redacted].
Ginter, Loren O., [redacted].
Gomula, Brian D., [redacted].
Gonzalez, Natividad, [redacted].
Goodwin, Robert R., [redacted].
Gorbaty, Michael A., [redacted].
Gorczynski, Michael P., [redacted].
Gordon, Marilyn A., [redacted].
Graber, Kevin J., [redacted].
Grabulis, Mary J., [redacted].
Grahn, Rupert W., [redacted].
Green, Garry L., [redacted].
Green, Michael C., [redacted].
Green, Robert M., [redacted].
Greene, Patricia A., [redacted].
Grenda, David J., [redacted].
Grieve, Bryan D., [redacted].
Grossmith, John P., [redacted].
Guest, Timothy A., [redacted].
Haden, Kurt F., [redacted].
Hafer, Dwayne L., [redacted].
Hager, Stephen L., [redacted].
Hill, James E., [redacted].
Hall, Bruce E., Jr., [redacted].
Hall, Jon T., [redacted].
Hall, Ricky V., [redacted].
Hancock, James K., [redacted].
Harden, Thomas P., [redacted].

Hardy, Boice M., [redacted].
Harmon, Richard B., [redacted].
Harpe, Larry W., [redacted].
Harper, James, Jr., [redacted].
Harrington, Philena L., [redacted].
Harris, Nancy E., [redacted].
Harris, Ronnie E., [redacted].
Hartmann, Samuel B., [redacted].
Hayden, Roy J., [redacted].
Haynes, Hazel, [redacted].
Hays, James A., III, [redacted].
Hein, Wayne A., [redacted].
Hendricks, Beth E., [redacted].
Henning, Thomas L., [redacted].
Hicks, Daniel J., [redacted].
Hill, Christopher S., [redacted].
Hitch, Phillip R., [redacted].
Hoad, Glenn E., [redacted].
Hollenbeck, Craig, [redacted].
Holley, Alan F., [redacted].
Holton, Douglas G., [redacted].
Homan, Michael E., [redacted].
Homfeld, Charles G., [redacted].
Horner, Rex L., [redacted].
Howatt, James W., [redacted].
Hoxie, Mark S., [redacted].
Hull, Dennis L., [redacted].
Hundley, Paul E., [redacted].
Hunter, Barbara D., [redacted].
Hunter, Rodney K., [redacted].
Hurstell, Stanley E., Jr., [redacted].
Huson, Lee E., [redacted].
Hutto, Timothy C., [redacted].
Isaac, Robert H., [redacted].
Iverson, Gary N., [redacted].
Jacobs, David A., [redacted].
James, Clarence R., Jr. [redacted].
Jameson, Stephen A., [redacted].
Jaskowiak, Kenneth R., [redacted].
Jodice, Ralph J., II [redacted].
Johns, Douglas G., [redacted].
Johnson, Philip L., [redacted].
Johnson, Sharon K., [redacted].
Kamrowski, Michael S., [redacted].
Kanno, Neil K., [redacted].
Karka, Gary S., [redacted].
Kay, Russel W., [redacted].
Kelley, Martha J. M., [redacted].
Kelley, Patrick A., [redacted].
Kelly, Randolph H., [redacted].
Kelsey, Danial O., [redacted].
Kemp, George M., Jr., [redacted].
Kemp, Robert J., [redacted].
Kerker, Daniel F., [redacted].
Kerr, James L., [redacted].
Kessel, Ronald L., [redacted].
Kibele, Edith A., [redacted].
Kindler, Karen, [redacted].
Kistler, Alton A., Jr., [redacted].
Klingenberger, Jane K. R., [redacted].
Koch, David P., [redacted].
Koch, Kathleen T., [redacted].
Konze, Christopher G., [redacted].
Koop, Wayne A., [redacted].
Kowalchuk, Charles W., [redacted].
Krabec, Charles F., Jr., [redacted].
Kraushar, Charles M., [redacted].
Kruchoski, Michael P., [redacted].
Kuhlmann, Ernest L., [redacted].
Kyriazis, John, [redacted].
Lagozzino, John D., [redacted].
Lahood, Michael, [redacted].
Lamb, Robert W., III, [redacted].
Lane, Roy S., [redacted].
Langlois, Susan R., [redacted].
Larson, Keith M., [redacted].
Larson, Wiley J., [redacted].
Lee, Jesse Jr., [redacted].
Legan, Duane H., [redacted].
Levitt, Philip A., [redacted].
Lewandowski, Donna L., [redacted].
Lewis, Roslyn J., [redacted].
Liles, Michael R., [redacted].
Lindauer, Steven J., [redacted].
Little, John J. [redacted].
Lockler, Joan H., [redacted].
Lollar, James L., [redacted].
Loucel, Dean C., [redacted].
Louis, Wayne E., [redacted].
Lower, Stephen L., [redacted].
Lowry, Robert L., [redacted].
Lucas, Richard J., [redacted].
Lumpkin, Richard E., [redacted].
Lynn, Jack B., [redacted].
Mackie, Francis, M., Jr., [redacted].
MacSparran, Donald J., [redacted].
Madison, Johnnie R., [redacted].
Maffei, Michael J., [redacted].
Magnuson, Peter C., [redacted].
Magro, Daniel L., [redacted].
Maher, Terrence J., [redacted].
Maida, Anthony T., II, [redacted].
Malstrom, Kurt, G., [redacted].
Malstrom, Lynn D., [redacted].
Malseed, Robert A., [redacted].
Mann, Edward L., Jr., [redacted].
Manning, Philip J., [redacted].
Manning, Paul A., [redacted].
March, Scott F., [redacted].
Marchitelli, Stephen, [redacted].
Marlar, Talmadge V., Jr., [redacted].
Marques, Douglas P., [redacted].
Marshall, Joseph M., [redacted].
Martin, Daniel L., [redacted].
Martin, Joel D., [redacted].
Martone, Patrick J., [redacted].
Marvin, Harold A., Jr., [redacted].
Matthews, George E., [redacted].
Mattingly, Daniel M., [redacted].
McAlpin, Norman B., [redacted].
McCall, Brian T., [redacted].
McCasland, David H., [redacted].
McCauley, Robert F., [redacted].
McCollum, Dennis M., [redacted].
McCoy, Douglas D., Jr., [redacted].
McCummings, Rayford, [redacted].
McFarren, Michael R., [redacted].
McGovern, Michael J., [redacted].
McLaren, Kenneth R., [redacted].
McLaurin, Sanford, Jr., [redacted].
McLean, Philip R., [redacted].
Meecham, Thomas G., [redacted].
Mehegan, James M., [redacted].
Mendenhall, Sy M., [redacted].
Menelly, Michael P., [redacted].
Mercado, Guillermo, [redacted].
Meyer, Steven G., [redacted].
Michela, Joseph W., [redacted].
Middleton, Jacqueline B., [redacted].
Miehe, William K., [redacted].
Miller, Brian W., [redacted].
Miller, Jean M., [redacted].
Miller, Mark Andrew, [redacted].
Miller, Peggy E., [redacted].
Miller, Robert A., [redacted].
Miller, Steven H., [redacted].
Miner, Bruce A., [redacted].
Minter, Charles F., Jr., [redacted].
Mitchell, Skye M., [redacted].
Mochel, Michael J., [redacted].
Moeller, Roger D., [redacted].
Moncure, Laura M., [redacted].
Montgomery, Robert D., [redacted].
Moody, Theodore J., [redacted].
Moore, Mary L., [redacted].
Morin, John H., [redacted].
Morris, Donald A., [redacted].
Morris, Joe D., [redacted].
Murdock, Joseph M., [redacted].
Murphy, John R., [redacted].
Murphy, Nancy J., [redacted].
Murray, Melvin R., [redacted].
Nasarenko, Victor, [redacted].
Nester, Michael G., [redacted].
Nestor, Robin L., [redacted].
Nicklen, Violet M., [redacted].
Niehaus, William G., [redacted].
Nixon, George J., [redacted].
Nordgarden, George R., [redacted].
Norris, Richard, [redacted].
Norton, Charles N., [redacted].
Norvell, Randall K., [redacted].
Novak, Dan A., [redacted].
Nunnery, Wayne E., [redacted].
O'Connor, Charles J., III, [redacted].
O'Connor, James W., [redacted].
O'Neal, Richard A., [redacted].
Opheim, Peter O., [redacted].
Orr, Rodney H., [redacted].
Osbourne, John C., [redacted].
Overton, Myles D., Jr., [redacted].
Ragan, Rick L., [redacted].
Palmertree, Billy, [redacted].
Pardee, Donn S., [redacted].
Parkes, Melvin T., [redacted].
Paronto, Alta L., [redacted].
Pasecky, Lois E., [redacted].
Patterson, Robert L., [redacted].
Pearce, Charles J., [redacted].
Pease, Roy W., [redacted].
Peek, Robert M., [redacted].
Perez, Benito D., [redacted].
Peters, Christopher A., [redacted].
Peters, Jeffrey H., [redacted].
Peterson, Nancylee G., [redacted].
Peyer, Polly A., [redacted].
Phillips, Jerry L., [redacted].
Pitts, William D., [redacted].
Plymyer, James E., [redacted].
Poddubny, Michael J., [redacted].
Pokorny, Paul W., [redacted].
Porter, Francis G., [redacted].
Posey, Kenneth L., [redacted].
Potts, David W., [redacted].
Powell, Charles J., [redacted].
Praner, Karen J., [redacted].
Praster, Thomas A., [redacted].
Prewitt, Cecilia R., [redacted].
Priebe, Craig J., [redacted].
Primmer, Charles W., [redacted].
Prunier, John E., [redacted].
Pulsipher, John H., [redacted].
Rand, Jerry D., [redacted].
Ranhofer, Robert T., [redacted].
Rasmussen, Brian L., [redacted].
Rate, John B., [redacted].
Ray, Chester E., [redacted].
Rea, Charlotte L., [redacted].
Reasoner, Larry J., [redacted].
Reis, Steven E., [redacted].
Remaklus, Donald R., II., [redacted].
Rich, Terry W., [redacted].
Richard, Percy, S., III., [redacted].
Richburg, Ronald E., [redacted].
Riding, Darlene E., [redacted].
Riggle, Albert F., [redacted].
Riggs, Tom L., Jr., [redacted].
Rivera, Angel, [redacted].
Roach, Douglas T., [redacted].
Robb, Kenneth J., [redacted].
Roberts, David K., [redacted].
Roberts, Katherine S., [redacted].
Robinson, Bobby M., [redacted].
Robinson, David A., [redacted].
Robinson, George W., [redacted].
Rodgers, Christine D., [redacted].
Rodriguez, Henry G., [redacted].
Rodriguez, Raymond, [redacted].
Rogers, Wendy J., [redacted].
Rogers, William R., [redacted].
Rojecki, Stephen T., [redacted].
Roncallo, Guido A., [redacted].
Rose, Edmund C., [redacted].
Rosenblit, David S., [redacted].
Ross, Larry W., [redacted].
Ruth, Howard B., [redacted].
Rybka, Russell W., [redacted].
Sabin, Richard L., [redacted].
Sadler, Maureen C., [redacted].
Sage, Jeffrey B., [redacted].
Salerno, Nicholas, [redacted].
Saltamachia, Glenn J., [redacted].
Saltsman, Stephen O., [redacted].
Samsel, Robert D., [redacted].
Sandmire, Dean D., [redacted].
Santiago, John M., [redacted].
Sapp, Gary J., [redacted].
Saxton, Phillip J., [redacted].
Schiela, Stuart C., [redacted].
Schmitt, David F., [redacted].
Schoon, Gary A., [redacted].
Schuster, James A., [redacted].
Scott, Willy R., [redacted].
Scruggs, George E., [redacted].
Sharps, Robert C., [redacted].
Shaw, Michael, [redacted].
Shearer, Robert N., [redacted].
Shed, Larry K., [redacted].
Sheldon, Robert S., [redacted].
Shelton, Christine M., [redacted].

Shillito, Keith R., xxx-xx-xxxx.
Shogren, John J., xxx-xx-xxxx.
Shostak, Addison G., xxx-xx-xxxx.
Showers, Duncan H., xxx-xx-xxxx.
Shriver, Dean P., xxx-xx-xxxx.
Simmons, Dana A., xxx-xx-xxxx.
Simmons, Jimmie L., Jr., xxx-xx-xxxx.
Simms, Douglas N., xxx-xx-xxxx.
Simpson, Larry, xxx-xx-xxxx.
Sjoberg, William F., xxx-xx-xxxx.
Skliar, Janis, xxx-xx-xxxx.
Slade, Wilma F., xxx-xx-xxxx.
Stankovich, Anth D., xxx-xx-xxxx.
Sluss, Mary E., xxx-xx-xxxx.
Smeed, Eugene, xxx-xx-xxxx.
Smith, Buddy G., xxx-xx-xxxx.
Smith, David F., xxx-xx-xxxx.
Smith, Donnalynn, xxx-xx-xxxx.
Smythe, Charles T., xxx-xx-xxxx.
Snider, Elizabeth S., xxx-xx-xxxx.
Snyder, Ronald G., xxx-xx-xxxx.
Sosa, Jose P., xxx-xx-xxxx.
Spain, John F., xxx-xx-xxxx.
Spangler, Robert B., xxx-xx-xxxx.
Spencer, Gary C., xxx-xx-xxxx.
Spencer, Kathleen M., xxx-xx-xxxx.
Spielman, Elaine M., xxx-xx-xxxx.
Spiker, Kerry L., xxx-xx-xxxx.
Stanfill, Eddy L., xxx-xx-xxxx.
Stanley, Michael J., xxx-xx-xxxx.
Stapleton, Michael J., xxx-xx-xxxx.
Starr, Richard R., xxx-xx-xxxx.
Stewart, Paul F., xxx-xx-xxxx.
Stice, Terry D., xxx-xx-xxxx.
Stillman, Gene E., xxx-xx-xxxx.
Stratton, Stephen J., xxx-xx-xxxx.
Streeter, Jeffrey M., xxx-xx-xxxx.
Strouse, Michael C., xxx-xx-xxxx.
Suarez, Luis, xxx-xx-xxxx.
Sullenger, Michael A., xxx-xx-xxxx.
Suttles, Charles O., xxx-xx-xxxx.
Swanson, Byron L., xxx-xx-xxxx.
Swartz, Howard M. II, xxx-xx-xxxx.
Sweeney, James E., xxx-xx-xxxx.
Swingley, Larry M., xxx-xx-xxxx.
Tanner, Barry Dale, xxx-xx-xxxx.
Taylor, Addis L., Jr., xxx-xx-xxxx.
Taylor, Carolyn D., xxx-xx-xxxx.
Thagard, William J., xxx-xx-xxxx.
Thiemann, Rose M., xxx-xx-xxxx.
Thomas, James A., III, xxx-xx-xxxx.
Thomasson, Paul A., xxx-xx-xxxx.
Thompson, Guy T., xxx-xx-xxxx.
Thompson, Richard D., xxx-xx-xxxx.
Thomson, William P., xxx-xx-xxxx.
Thornton, Marcia A., xxx-xx-xxxx.
Thyfault, David V., xxx-xx-xxxx.
Tillotson, Daniel H., xxx-xx-xxxx.
Tiner, Donald C., xxx-xx-xxxx.
Tolbert, Andrew, Jr., xxx-xx-xxxx.
Trevino, Eben H., Jr., xxx-xx-xxxx.
Tribue, Cyrus B., xxx-xx-xxxx.
Trinklein, Stephen M., xxx-xx-xxxx.
Trogdon, Gary A., xxx-xx-xxxx.
Troutman, Michael A., xxx-xx-xxxx.
Truitt, William E., Jr., xxx-xx-xxxx.
Trust, Edward Joaq., xxx-xx-xxxx.
Tullos, Richard E., xxx-xx-xxxx.
Turner, Glenda T., xxx-xx-xxxx.
Tutt, Daniel E., xxx-xx-xxxx.
Tuttle, Howard W., Jr., xxx-xx-xxxx.
Tuttle, Robert E., xxx-xx-xxxx.
Uhuad, Generoso C., xxx-xx-xxxx.
Ungvarsky, Susan T., xxx-xx-xxxx.
Urion, James L., xxx-xx-xxxx.
Vaccaro, Lawrence J., Jr., xxx-xx-xxxx.
Valentine, Monty J., xxx-xx-xxxx.
Vanderploeg, Thomas W., xxx-xx-xxxx.
Vanhouse, Michael R., xxx-xx-xxxx.
Vermillion, Lynne E., xxx-xx-xxxx.
Villareal, Michael A., xxx-xx-xxxx.
Voelker, Charles S., xxx-xx-xxxx.
Wagner, Michael J., xxx-xx-xxxx.
Wagster, Ronald E., xxx-xx-xxxx.
Waniczek, Otto J., Jr., xxx-xx-xxxx.
Wanttaja, Ronald J., xxx-xx-xxxx.
Waples, Douglas J., xxx-xx-xxxx.
Watson, Robert D., xxx-xx-xxxx.
Weber, William J., xxx-xx-xxxx.
Webster, Norma A., xxx-xx-xxxx.
Wells, Cornell, xxx-xx-xxxx.
Wells, Ellsworth B., xxx-xx-xxxx.
Wells, Michael G., xxx-xx-xxxx.
West, Steven L., xxx-xx-xxxx.
Whitfield, Richard M., xxx-xx-xxxx.
Wibracht, Gary K., xxx-xx-xxxx.
Wido, Mark C., xxx-xx-xxxx.
Williams, Gary L., xxx-xx-xxxx.
Williams, Jeffrey H., xxx-xx-xxxx.
Williams, Rae A., xxx-xx-xxxx.
Willis, Mark E., xxx-xx-xxxx.
Wilson, Charles P., II, xxx-xx-xxxx.
Wilson, Dale G., xxx-xx-xxxx.
Wilson, Frederick E., xxx-xx-xxxx.
Wilson, Glenn A., xxx-xx-xxxx.
Wilson, Kelly G., xxx-xx-xxxx.
Wilson, Leandrew J., xxx-xx-xxxx.
Wilson, Nancy L., xxx-xx-xxxx.
Winefordner, Kay, xxx-xx-xxxx.
Wingfield, Steven L., xxx-xx-xxxx.
Winn, Evelyn L., xxx-xx-xxxx.
Wolf, Carl S., xxx-xx-xxxx.
Wolfe, Clifford K., xxx-xx-xxxx.
Wood, John T., III, xxx-xx-xxxx.
Worthy, James C., xxx-xx-xxxx.
Wozniakowski, Chester M., xxx-xx-xxxx.
Wright, Carl D., xxx-xx-xxxx.
Wright, Curtis A., xxx-xx-xxxx.
Wright, Lonnis D., xxx-xx-xxxx.
Wright, William D., xxx-xx-xxxx.
Yaeger, Linda L., xxx-xx-xxxx.
Younkins, Robert M., xxx-xx-xxxx.
Yusko, Robert J., xxx-xx-xxxx.
Zalenchak, John, III, xxx-xx-xxxx.

To be second lieutenant

Adriance, Frederick W., Jr., xxx-xx-xxxx.
Armstrong, Kevin D., xxx-xx-xxxx.
Baxter, William K., xxx-xx-xxxx.
Carter, James L., xxx-xx-xxxx.
Chumley, Phillip L., xxx-xx-xxxx.
Cowan, John O., xxx-xx-xxxx.
Cox, James H., Jr., xxx-xx-xxxx.
Finnegan, Patricia R., xxx-xx-xxxx.
Forbes, Donald R., xxx-xx-xxxx.
Funk, Joel B., xxx-xx-xxxx.
Gilliard, Patrick G., xxx-xx-xxxx.
Goforth, David J., xxx-xx-xxxx.
Gross, Randy L., xxx-xx-xxxx.
Gutto, Michael A., xxx-xx-xxxx.
Hackett, Victor C., Jr., xxx-xx-xxxx.
Haines, James L., xxx-xx-xxxx.
Hiser, Charles F., xxx-xx-xxxx.
Hutchison, Danny H., xxx-xx-xxxx.
Jonkoff, Viktor I., xxx-xx-xxxx.
Kettering, Michael H., Jr., xxx-xx-xxxx.
Klauck, David W., xxx-xx-xxxx.
Kohn, Michael D., xxx-xx-xxxx.
Livingston, Philip F., xxx-xx-xxxx.
Matte, Joseph R., xxx-xx-xxxx.
McGoffin, Michael, xxx-xx-xxxx.
Miller, Francis G., xxx-xx-xxxx.
Miller, Kevin W., xxx-xx-xxxx.
Mote, William D., xxx-xx-xxxx.
Parlett, James W., xxx-xx-xxxx.
Ross, Walter H., xxx-xx-xxxx.
Ruffin, Robert D., xxx-xx-xxxx.
Rumohr, Deborah J., xxx-xx-xxxx.
Runyan, Daniel J., xxx-xx-xxxx.
Rusnak, Gary M., xxx-xx-xxxx.
Rustin, Julie M., xxx-xx-xxxx.
Rutger, Lyle L., xxx-xx-xxxx.
Shannon, Lyman L., xxx-xx-xxxx.
Sherman, Russell L., xxx-xx-xxxx.
Slater, Thomas U., xxx-xx-xxxx.
Stewart, Alan G., xxx-xx-xxxx.
Talley, Stephen B., xxx-xx-xxxx.
Thornton, Thomas J., xxx-xx-xxxx.
Trapp, Dick A., xxx-xx-xxxx.
Triscari, Thomas, Jr., xxx-xx-xxxx.
Villalobos, Ricki, xxx-xx-xxxx.
Waits, Howard, xxx-xx-xxxx.
Womack, Neville W., xxx-xx-xxxx.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

MEDICAL CORPS

To be major

Hassan, Robert M., xxx-xx-xxxx.
Task, Steven A., xxx-xx-xxxx.

To be captain

Reeves, Glen I., xxx-xx-xxxx.

To be first lieutenant

Haller, Carl A., xxx-xx-xxxx.

DENTAL CORPS

To be captain

Beach, Matthew M., xxx-xx-xxxx.
Copenhaver, Donald J., xxx-xx-xxxx.
Landers, Robert R., xxx-xx-xxxx.

To be first lieutenant

Cull, Michael D., xxx-xx-xxxx.
Johnson, Robert S., xxx-xx-xxxx.

The following persons for appointment as Reserve of the Air Force, in the grades indicated, under the provisions of section 593, and title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be colonel

Rous, Stephen N., xxx-xx-xxxx.

To be lieutenant colonel

Acra, Wadi D., xxx-xx-xxxx.
Amer, Yousef O., xxx-xx-xxxx.
Button, Jesse H., xxx-xx-xxxx.
Dail, Eric M., xxx-xx-xxxx.
Harper Clio A., Jr., xxx-xx-xxxx.
Henshaw, Don M., xxx-xx-xxxx.
Jones, Thomas L., xxx-xx-xxxx.
Kennard, George K., xxx-xx-xxxx.
Legan, John K., xxx-xx-xxxx.
Milham, Jimmie L., xxx-xx-xxxx.
Nunnally, Robert H., xxx-xx-xxxx.
Osborne, George L., xxx-xx-xxxx.
Poole, Robert S., xxx-xx-xxxx.
Ramchandani, Ram P., xxx-xx-xxxx.
Richardson, Joseph B., xxx-xx-xxxx.
Steele, John F., xxx-xx-xxxx.
Sutton, Jere G., xxx-xx-xxxx.
Young, Willie E., xxx-xx-xxxx.
White, Thomas D., xxx-xx-xxxx.

The following officers for temporary appointment in the United States Air Force, under the appropriate provisions of chapters 839 and 841, Title 10, United States Code, as amended.

MEDICAL CORPS

To be colonel

Kimbel, Bruce K., xxx-xx-xxxx.
Kirby, Robert R., xxx-xx-xxxx.

The following-named officer for promotion in the U.S. Air Force, under the appropriate provisions of chapter 839, Title 10, United States Code, as amended.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Ferrera, John E., xxx-xx-xxxx.

The following officers for promotion in the Air Force Reserve, under the provisions of sections 593 and 8376, Title 10, United States Code.

MEDICAL CORPS

Lieutenant colonel to colonel

Schaap, George, xxx-xx-xxxx.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Baker, Roy B. III, xxx-xx-xxxx.
Chambers, Corwin E., xxx-xx-xxxx.
Dickinson, John Y., III, xxx-xx-xxxx.
Dittberner, Gerald J., xxx-xx-xxxx.
Ferguson, Reeser S., Jr., xxx-xx-xxxx.
Gere, David A. B., xxx-xx-xxxx.
Henry, John E., xxx-xx-xxxx.
Joines, Jack L., xxx-xx-xxxx.

Leedle, Donald E., [redacted].
Mack, Oliver T., [redacted].
Mancuso, Lawrence R., [redacted].
Payne, David L., [redacted].
Piffarerio, Pierre A., [redacted].
Richards, Stephen M., [redacted].
Rowe, Palmer W., Jr., [redacted].
Topping, Mickey L., [redacted].
Winsett, Joseph C., [redacted].
Wood, John T., [redacted].
Zlochen, Stanley D., [redacted].

MEDICAL CORPS

Major to lieutenant colonel

Araozfraser, Gonzalo, [redacted].
Avilescollado, Alberto, [redacted].
Bloodworth, Leon P., [redacted].
Boike, David E., [redacted].
Brady, Charles E., III, [redacted].
Cabal, Eustaquio V., Jr., [redacted].
Collins, Terry L., [redacted].
Daimler, John C., II, [redacted].
Hughes, Eugene F., Jr., [redacted].
Kavanagh, Gerald J., [redacted].
McDonald, Harold T., [redacted].
Medina, Oswaldo F., [redacted].
Ong, Soon C. S., [redacted].
Rustia, Ricardo M., [redacted].
Sanders, Lawrence T., [redacted].
Sandru, John M., [redacted].
Selinkoff, Paul M., [redacted].
Sepiol, James L., [redacted].
Springberg, Peter D., [redacted].
Suchoski, John P., [redacted].
Tolan, Gil D., [redacted].
Vanmeter, Francis M., Jr., [redacted].
Yerger, David H., [redacted].
Zimmermann, Gloria B., [redacted].

The following Air Force officer for appointment as permanent professor, U.S. Air Force Academy, under the provisions of section 9333(b), Title 10, United States Code.

Caine, Philip D., [redacted].

The following-named Air Force officer for reappointment to the active list of the Regular Air Force, in the grade of major general, Regular Air Force, under the provisions of sections 1210 and 1211, Title 10, United States Code, with active duty grade of general, in accordance with section 8066, Title 10, United States Code.

LINE OF THE AIR FORCE

Dougherty, Russell E., [redacted].

The following-named Air Force officer for retirement from the active list of the Regular Air Force, in the grade of general, under the provisions of Section 8962, Title 10, United States Code.

Dougherty, Russell E., [redacted].

The following-named Air Force officer for reappointment to the active list of the Regular Air Force, in the grade of major general, Regular Air Force, under the provisions of sections 1210 and 1211, Title 10, United States Code, with active duty grade of temporary major general, in accordance with sections 8442 and 8447, Title 10, United States Code.

LINE OF THE AIR FORCE

Glauch, Alden G., [redacted].

The following-named Air Force officer for reappointment to the active list of the Regular Air Force, in the grade of lieutenant colonel, Regular Air Force, under the provisions of sections 1210 and 1211, Title 10, United States Code, with active duty grade of lieutenant colonel, in accordance with sections 8442 and 8447, Title 10, United States Code.

LINE OF THE AIR FORCE

Mandell, Harold, [redacted].

The following-named Air Force officer for reappointment to the active list of the Regular Air Force, in the grade of major, Regular Air Force, under the provisions of sections 1210 and 1211, Title 10, United States Code.

LINE OF THE AIR FORCE

Shamblin, Robert P., [redacted].

The following-named Air Force officer for reappointment to the active list of the Regular Air Force, in the grade of lieutenant colonel, Regular Air Force, under the provisions of sections 1210 and 1211, Title 10, United States Code, with active duty grade of colonel, in accordance with sections 8442 and 8447, Title 10, United States Code. Officer is designated to perform duties in accordance with the provisions of section 8067, Title 10, United States Code.

CHAPLAIN

Wojtanowski, Elmer J., [redacted].

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under provisions of Title 10, United States Code, section 3305:

ARMY PROMOTION LIST

To be colonel

Adams, Allen D., Jr., [redacted].
Adcock, Thomas G., [redacted].
Akiyama, Frank M., [redacted].
Albright, Anthony F., [redacted].
Alsheimer, Robert H., [redacted].
Ambrosino, Richard R., [redacted].
Andreacchio, Nicholas A., [redacted].
Anglin, Richard C., [redacted].
Antross, Richard C., [redacted].
Apperson, Jack A., [redacted].
Appling, David A., [redacted].
Archer, Caleb J., [redacted].
Arnold, Bruce D., [redacted].
Arnzen, Chester L., [redacted].
Aschliman, Edward L., [redacted].
Bachmann, Robert R., [redacted].
Baldwin, Richard B., [redacted].
Banner, Thomas A., [redacted].
Barisano, Louis, [redacted].
Barlow, Donald J., [redacted].
Barnes, John L., [redacted].
Bartlett, Gerald T., [redacted].
Bay, Charles H., [redacted].
Bayruns, Paul C., [redacted].
Beasley, Benjamin B., [redacted].
Bedsole, William K., [redacted].
Behm, Peter S., [redacted].
Beitz, Charles A., Jr., [redacted].
Bell, James C., Jr., [redacted].
Bennett, Ferrell R., [redacted].
Bennett, Lester E., [redacted].
Berdux, Sylvester C., Jr., [redacted].
Berg, George A., [redacted].
Bergson, Richard W., [redacted].
Bethke, Gerald H., [redacted].
Birt, Charles J., [redacted].
Bisch, Frederick R., [redacted].
Black, Calvin D., [redacted].
Black, Clinton H., [redacted].
Blanck, John E., [redacted].
Bland, Andrew R., Jr., [redacted].
Bloomfield, John E., [redacted].
Boddie, Raymond B., [redacted].
Bokovoy, Jon E., [redacted].
Bonta, Stanley G., [redacted].
Boone, Howard, [redacted].
Borer, Robert S., [redacted].
Boyd, Leo S., [redacted].
Boylan, Steven V., [redacted].
Boyle, James A., Jr., [redacted].
Braa, Emery W., [redacted].
Bramlet, James W., [redacted].
Briggs, Charles F., [redacted].
Briggs, Richard S., [redacted].
Britt, Albert S., III, [redacted].
Brockway, Lawrence N., Jr., [redacted].
Brown, Richard W., [redacted].
Brown, Terry W., [redacted].
Brudvig, Dale K., [redacted].
Bryden, John M., [redacted].
Buel, Charles J., [redacted].
Bunting, Roger C., [redacted].
Burke, Richard A., Jr., [redacted].
Bushyhead, Edward R., [redacted].
Butler, Robert W., [redacted].
Bynam, Holland E., [redacted].
Callahan, Donald J., [redacted].
Campbell, Donald M., [redacted].
Carruth, George A., [redacted].
Cason, James P., [redacted].
Cass, Stanley D., [redacted].
Chernault, James A., [redacted].
Christensen, Neal R., [redacted].
Christenson, Willard M., [redacted].
Christy, Bobby G., [redacted].
Circeo, Louis J., Jr., [redacted].
Clark, Davis, [redacted].
Clarke, Edward F., [redacted].
Clement, L. W., Jr., [redacted].
Coats, John I., [redacted].
Colket, Charles H., [redacted].
Comeau, Robert F., [redacted].
Cook, Billy G., [redacted].
Cotner, Henry L., Jr., [redacted].
Cowles, Phillip R., [redacted].
Craddock, Nicholas J., Jr., [redacted].
Crater, John F., [redacted].
Crittenden, Robert N., [redacted].
Cromartie, Eugene R., [redacted].
Crum, Raymond H., Jr., [redacted].
Culbertson, Jerome B., [redacted].
Curbow, Gerald D., [redacted].
Danno, Ronald M., [redacted].
Dean, Richard C., [redacted].
Deberardino, Anthony, [redacted].
Delany, Daniel J., [redacted].
Deshler, Robert C., [redacted].
Dewitt, Calvin, III, [redacted].
Dillon, Gregory P., [redacted].
Doneski, Bernard J., III, [redacted].
Dorough, Aaron G., [redacted].
Dougherty, James E., [redacted].
Dramis, George J., Jr., [redacted].
Drudik, Robert L., [redacted].
Dubbelde, John B., [redacted].
Duncan, Wayne M., [redacted].
Duncan, William A., Jr., [redacted].
Dunlap, Roger L., [redacted].
Dunn, James W., [redacted].
Durant, John J., [redacted].
Dyson, Harold B., [redacted].
Edgar, James S., [redacted].
Edwards, Richard I., [redacted].
Eichelberger, Charles B., [redacted].
Elliott, Roy P., Jr., [redacted].
Ellis, Gary L., [redacted].
English, Don C., [redacted].
Evans, Walter C., [redacted].
Everett, James W., [redacted].
Fadel, Richard A., [redacted].
Fancher, Louis C., Jr., [redacted].
Ferguson, Donald W., [redacted].
Fickett, Richard K., [redacted].
Fiely, Linus H., [redacted].
Flanders, Norwood S., [redacted].
Fleming, Jerry L., [redacted].
Flynn, William S., [redacted].
Forgy, Jack O., [redacted].
Forte, Johnie Jr., [redacted].
Frazier, Robert J., [redacted].
Friend, Stephen G., [redacted].
Fry, James R., [redacted].
Fugitt, Billy W., [redacted].
Fujitani, Donald S., [redacted].
Galloway, Gerald E., Jr., [redacted].
Garcia, Eliseo J., [redacted].
Gardner, Eli, [redacted].
Gardner, William H., [redacted].
Garigan, Thomas P., [redacted].
Gaspard, Glaudis P., Jr., [redacted].
Gasper, John M., Jr., [redacted].
Glen, George W., [redacted].
Glick, Stephen A., [redacted].
Goetz, John A., [redacted].
Golden, William L., [redacted].
Goncz, Joseph P., [redacted].
Gordon, Dudley J., [redacted].
Gordon, Robert L., [redacted].
Gorman, Thomas P., [redacted].
Gray, Joseph M., [redacted].
Gray, Thomas A., [redacted].
Green, Thomas E., [redacted].
Greene, Dennis S., [redacted].
Greenfield, Bennett E., [redacted].
Griffin, Thomas N., Jr., [redacted].
Grimes, Donald B., [redacted].
Groves, John E., Jr., [redacted].
Guldner, Francis J., [redacted].
Habig, Arnold J., [redacted].
Hackney, Edward C., [redacted].

Hall, Francis W., Jr., [redacted].
Halloway, Kenneth E., [redacted].
Haltiner, Robert G., [redacted].
Hammond, Leroy D., [redacted].
Hammond, Robert D., [redacted].
Hancock, James H., Jr. [redacted].
Hansen, Donald W., [redacted].
Harrington, Wayne C., [redacted].
Harris, Jimmy R., [redacted].
Harris, Robert E., [redacted].
Harris, Robert W. [redacted].
Harrison, Henry L., [redacted].
Harrison, William H., [redacted].
Hartman, Donald F., [redacted].
Hatch, Henry J. [redacted].
Hatch, John F., Jr., [redacted].
Hatcher, Robert T., [redacted].
Hefford, Robert A., [redacted].
Hehemann, George J., [redacted].
Heinlein, Joseph J., Jr. [redacted].
Henson, Hugh E., Jr., [redacted].
Herrera, Charles D. [redacted].
Herring, Bernard M., Jr., [redacted].
Hickey, Edward I., Jr., [redacted].
Higgins, James M., [redacted].
Higgins, Paul J., [redacted].
Higman, James H., [redacted].
Hildreth, Edward E., Jr., [redacted].
Hocker, John R., [redacted].
Hoffman, Lawrence W., [redacted].
Hogan, Thomas J., [redacted].
Holbrook, Jack H., [redacted].
Holmes, William P., III, [redacted].
Holroyd, Donald E., [redacted].
Holt, Gerald A., [redacted].
Honsinger, Larry E., [redacted].
Horn, Robert C., [redacted].
Horton, Edward J., [redacted].
House, Joseph W., [redacted].
Houser, George M., [redacted].
Houser, Houston P., III, [redacted].
Howerton, William B., [redacted].
Hudak, Robert J., [redacted].
Hull, Michael H., [redacted].
Hunt, Gordon M., [redacted].
Hurley, Paul C., [redacted].
Hyman, Stanley H., [redacted].
Iori, Richard A., [redacted].
Irish, Kenneth M., Jr. [redacted].
Jackson, Walter W., [redacted].
Jenkins, Wilbert L., [redacted].
Jentz, Edward M., [redacted].
Johnson, Arthur D., [redacted].
Johnson, Jackie F., [redacted].
Johnstone, Homer, Jr. [redacted].
Jones, Thomas J., [redacted].
Jones, Walter R., [redacted].
Kammer, Herman C., [redacted].
Kaufman, Raymond, Jr. [redacted].
Kehoe, Thomas P., [redacted].
Kelley, James F., [redacted].
Kelly, Thomas A., [redacted].
Kenyon, Richard D., [redacted].
Ketchum, Raymond E., [redacted].
Kielkopf, Edward C., Jr., [redacted].
Kilpatrick, Thomas M., [redacted].
Kimura, Kay S., [redacted].
King, Edwin C., [redacted].
King, James H., Jr., [redacted].
King, Jerry M., [redacted].
King, William T., [redacted].
Kirk, Louis D., [redacted].
Kite, Paul L., [redacted].
Kitterman, James H., [redacted].
Knox, Owen H., [redacted].
Koehnke, Joseph A., [redacted].
Kovel, Maxim I., [redacted].
Kraus, John H., [redacted].
Lambo, Jerry D., [redacted].
Landry, Gerard, [redacted].
Lanzillo, Eugene R., [redacted].
Laplant, Earl M., Jr., [redacted].
Laporte, Justin G., [redacted].
Laverty, Wayne B., [redacted].
Lawley, Fred W., [redacted].
Lawson, Robert A., [redacted].
Lawton, Johnnie, Jr. [redacted].
Leard, Robert E., [redacted].
Lee, William E., Jr., [redacted].
Ley, Donald R., [redacted].
Liles, Michael S., [redacted].
Lindsey, Jerry N., [redacted].
Little, Carl, [redacted].
Little, Milton L., [redacted].
Llewellyn, Marvin D., [redacted].
Loeffke, Bernardo, [redacted].
Loftus, Martin R., [redacted].
Loudermilk, Roy L., Jr., [redacted].
Love, Harold M., [redacted].
Loyd, David R., [redacted].
Luck, Harold E., [redacted].
Lundgren, Duwayne C., [redacted].
Luther, Ralph A., [redacted].
Lyerly, Virgil T., [redacted].
Maffett, Fletcher H., [redacted].
Maguire, James E., [redacted].
Manner, Eugene L., [redacted].
Martin, Bruce A., [redacted].
Mathis, Milton H., [redacted].
Matthews, Church M., Jr., [redacted].
Mayes, Floyd B., Jr., [redacted].
Maynard, Bobby J., [redacted].
McAdams, Michael C., [redacted].
McAfee, Floyd H., [redacted].
McBride, Eugene R., [redacted].
McBride, Floyd A., [redacted].
McClain, Charles S., [redacted].
McConnell, Bruce D., [redacted].
McDonald, Francis W., Jr., [redacted].
McDonald, John M., [redacted].
McDonald, Thomas B., III, [redacted].
McDowell, Richard L., [redacted].
McGovern, George W., Jr., [redacted].
McHugh, Thomas P., [redacted].
McKinney, Seab W., Jr., [redacted].
McLaurin, Ronald O., [redacted].
McManus, Booker T., [redacted].
McManus, James T., [redacted].
McNerney, David A., [redacted].
McVeigh, Andrew J., III, [redacted].
Mead, Warne D., [redacted].
Megna, Joseph J., [redacted].
Menefee, William P., [redacted].
Meredith, James M., [redacted].
Merrick, Robert L., [redacted].
Miller, Andrew J., Jr., [redacted].
Mitchell, John H., [redacted].
Mize, Ola L., [redacted].
Mock, Richard W., [redacted].
Mondok, Robert R., [redacted].
Moore, Bobby L., [redacted].
Moore, William A., [redacted].
Morgan, Jack E., [redacted].
Morris, Alva J., [redacted].
Morse, David L., [redacted].
Mosco, Richard A., [redacted].
Moses, Charles C., [redacted].
Moses, Laurence G., [redacted].
Murchison, John T., Jr. [redacted].
Myers, John T., [redacted].
Nagel, Joseph L., [redacted].
Neely, Carl C., Jr., [redacted].
Newell, Edward W., [redacted].
Newman, Joe B., [redacted].
Nix, Crispus C., [redacted].
Norris, Kenneth S., [redacted].
Nottingham, Jonathan D. [redacted].
Oakley, Howard H., [redacted].
Oaks, Clarence B., Jr., [redacted].
Obermire, John P., [redacted].
Olsmith, Edwin S., Jr., [redacted].
Olson, Hardin L., Jr., [redacted].
Omeara, Patrick B., [redacted].
Pagel, John A., [redacted].
Palmer, William T., [redacted].
Palmieri, Guy J., [redacted].
Parker, David M., [redacted].
Parker, Ellis D., [redacted].
Parsons, Ralph W., [redacted].
Pataro, Rudolph N., [redacted].
Patrick, Burton D., [redacted].
Patterson, Jerry K. [redacted].
Patterson, John T. [redacted].
Patterson, Kenneth M. [redacted].
Peate, Laurence R., [redacted].
Pertain, George H., Jr., [redacted].
Pettersen, Clifford D. [redacted].
Phillips, Calvin F., [redacted].
Philpott, Lawrence D., [redacted].
Pianka, Thomas A., [redacted].
Piner, James, Jr., [redacted].
Polk, Paul G., [redacted].
Pollard, Joseph W., [redacted].
Polo, Richard J., [redacted].
Porter, Bobby B., [redacted].
Potamos, Christ F., [redacted].
Poteat, James D., [redacted].
Prados, Alfred B., [redacted].
Prewitt, Herbert F., [redacted].
Price, Roy C., Sr., [redacted].
Raby, Kenneth A., [redacted].
Radke, Galen W., [redacted].
Rambo, James E., [redacted].
Ramsey, Bobby A., [redacted].
Ramsey, John D., [redacted].
Ray, James W., [redacted].
Raynes, Troyce L., [redacted].
Reese, Thomas D., [redacted].
Renzi, Eugene C., [redacted].
Revels, James W., [redacted].
Reynolds, Robert M., [redacted].
Rhoades, Glen L., [redacted].
Rich, Arthur L., Jr., [redacted].
Ring, Taft C., [redacted].
Rives, William T., Jr., [redacted].
Roberts, Birchard R., [redacted].
Robinson, Bobby C., [redacted].
Rock, Thomas L., [redacted].
Roddy, Robert E., [redacted].
Rodgers, Thurman D., [redacted].
Rogers, Gordon B., Jr., [redacted].
Rogers, William H., [redacted].
Rosendahl, Richard C., [redacted].
Rosing, Willis S., Jr., [redacted].
Roth, Morton F., [redacted].
Rudrow, Robert G., Jr., [redacted].
Rundle, Ralph T., [redacted].
Rutherford, Frank E., [redacted].
Sadler, Clyde D., [redacted].
Sallee, John W., [redacted].
Salmonsen, Peter C., [redacted].
Satterthwaite, George, II [redacted].
Saunders, Richard G., [redacted].
Schessler, Donald R., [redacted].
Schneeman, Douglas, [redacted].
Scholtes, Richard A., [redacted].
Schorr, David E., [redacted].
Schrader, Frederick A., [redacted].
Schumacher, Henry J., [redacted].
Schvaneveldt, Noel S., [redacted].
Schwoppe, Edwin G., Jr., [redacted].
Scott, Jerry C., [redacted].
Seago, William K., [redacted].
Sedgwick, Clyde N., [redacted].
Seitz, Donald E., [redacted].
Serrin, Phillip A., II, [redacted].
Shelton, James E., [redacted].
Siderius, Robert R., [redacted].
Sinclair, Allen B., [redacted].
Sisak, James C., [redacted].
Skaife, Stanley T., [redacted].
Slofer, Bernard P., [redacted].
Smith, Derald H., [redacted].
Smith, James D., [redacted].
Smith, Jimmy W., [redacted].
Smith, John W., [redacted].
Smith, Richard A., [redacted].
Smith, Walter D., [redacted].
Smith, Walter M., Jr., [redacted].
Smolenyak, George C., [redacted].
Snowden, Edgar V., [redacted].
Sobraske, John E., [redacted].
Solseth, Harold L., [redacted].
Somerville, Paul F., [redacted].
Sones, Vernon B., [redacted].
Sowers, William R., Jr., [redacted].
Soyster, Harry E., [redacted].
Speairs, Phillip M., [redacted].
Speth, Gerald L., [redacted].
Stephenson, Richard E. [redacted].
Stern, Allan R., [redacted].
Stevens, Francis R., Jr., [redacted].
Stewart, Jessie E., [redacted].
Stice, John E., [redacted].
Stipe, Aquila E., [redacted].
Stockhausen, William T., [redacted].
Stokes, John P., III, [redacted].
Stone, Charles B., V, [redacted].
Stover, Charles W., Jr., [redacted].
Strickler, William H., [redacted].
Summers, Harry G., Jr., [redacted].

Swann, Roscoe A., Jr., [redacted].
Swenson, James A., [redacted].
Swindler, Murray G., [redacted].
Szendrey, Charles P., [redacted].
Szvetecz, Edward, [redacted].
Tabor, Ernest E., [redacted].
Tademy, Dudley L., [redacted].
Tait, Thomas H., [redacted].
Taylor, Harry S., [redacted].
Tedeschi, Joseph R., [redacted].
Tedesco, John J., [redacted].
Tener, Robert K., [redacted].
Thiede, Alfred J., [redacted].
Thomas, Edward J., [redacted].
Thompson, David E., [redacted].
Thompson, George H., [redacted].
Thompson, James E., Jr., [redacted].
Thompson, William R., [redacted].
Thornock, John R., [redacted].
Todd, George K., Jr., [redacted].
Tomaka, Karl S., [redacted].
Toye, John E., [redacted].
Tuck, John S., [redacted].
Tucker, Lee W., [redacted].
Vanherpe, William H., [redacted].
Vardamis, Alex A., [redacted].
Vermillion, Robert V., [redacted].
Vickers, John H., [redacted].
Voorhees, Theodore B., [redacted].
Vossen, Francis C., [redacted].
Vuono, Carl E., [redacted].
Wagg, Robert A., Jr., [redacted].
Waggener, Robert N., [redacted].
Waggoner, Robert N., [redacted].
Wagner, Robert E., [redacted].
Walker, Harry D., [redacted].
Walker, Jack A., [redacted].
Wangenheim, Richard M., [redacted].
Ward, William A., [redacted].
Waring, Mowton L., Jr., [redacted].
Wasinger, Edwin P., [redacted].
Watson, Gerald G., [redacted].
Whalen, Donald P., [redacted].
Whatley, Howard G., [redacted].
White, David J., [redacted].
Williams, Charles L., III, [redacted].
Williams, Edward H., [redacted].
Wilmot, Richard W., [redacted].
Wilson, Gordon E., [redacted].
Wilson, James K., III, [redacted].
Wilson, William D., [redacted].
Winn, Frank B., [redacted].
Winzurk, William F., [redacted].
Wishart, Leonard P., III, [redacted].
Wolfe, Robert A., [redacted].
Wollenberg, William F., [redacted].
Wood, Nelson V., [redacted].
Woods, James R., [redacted].
Woolley, John E., [redacted].

CHAPLAIN CORPS

To be colonel

Boyce, David G., [redacted].
Clark, Donald D., [redacted].
Forsberg, Paul O., [redacted].
Gibbs, Charles R., III, [redacted].
Hughes, Marvin C., [redacted].

DENTAL CORPS

To be colonel

Balaban, Bernard, [redacted].
Beckelheimer, Robert G., [redacted].
Campbell, Robert A., [redacted].
Chambless, Lewis A., Jr., [redacted].
Dupont, Albert A., [redacted].
Engelhardt, Herbert R., [redacted].
Fay, Joseph T., [redacted].
Freeny, Robert M., II, [redacted].
Harrison, John W., [redacted].
Hipp, Benny R., [redacted].
Kate, William, Jr., [redacted].
Kirk, George A., [redacted].
Konzelman, Joseph L., [redacted].
Leslie, Donald B., [redacted].
Lewis, Marlin R., [redacted].
Mueninghoff, Leonard A., [redacted].
Neaverth, Elmer J., Jr., [redacted].
Posey, William R., [redacted].
Sanfilippo, Francis A., [redacted].
Schoultz, Edward R., [redacted].
Snyder, Alvin J., [redacted].
Thomas, William M., Jr., [redacted].
Valha, Daniel J., [redacted].
Vandrak, Robert F., [redacted].
Wentz, Clarence E., [redacted].

MEDICAL CORPS

To be colonel

Aeling, John L., [redacted].
Agee, Robert E., [redacted].
Anderson, Paul D., [redacted].
Blount, Robert E., Jr., [redacted].
Boyce, David C., [redacted].
Brown, Joseph, III, [redacted].
Burgin, William W., Jr., [redacted].
Bussey, Frederick N., [redacted].
Caput, William G., [redacted].
Evans, Richard, III, [redacted].
Fariss, Bruce L., [redacted].
Gates, Francis K., Jr., [redacted].
Hagler, Louis, [redacted].
Hall, Augustus A., Jr., [redacted].
Hansen, George H., [redacted].
Heck, Francis J., [redacted].
Khoury, Nicholas F., [redacted].
Koebele, Eberhard, [redacted].
Levine, Monroe I., [redacted].
Lindefjeld, Ole A., [redacted].
MacDonald, Joseph C., [redacted].
Madison, David S., [redacted].
McCarty, James E., [redacted].
McKillop, James A., [redacted].
McLean, Robert B., [redacted].
Morgan, William P., [redacted].
Newton, John K., [redacted].
Peter, Peter R., [redacted].
Pettyjohn, Frank S., Jr., [redacted].
Powell, Darryl H., [redacted].
Price, Dudley R., [redacted].
Reamy, Kenneth, [redacted].
Shaver, Glyndon B., Jr., [redacted].
Smith, Roger H., [redacted].
Soha, Albert J., [redacted].
Stebbing, George E., [redacted].
Stienmier, Richard H., [redacted].
Virtue, Clarence M., Jr., [redacted].
Vose, Paul C., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Adcock, Bobby R., [redacted].
Barber, Leroy M., Jr., [redacted].
Bischoff, Neil E., [redacted].
Bowes, Donald J., Jr., [redacted].
Bradford, Charles E., [redacted].
Carollo, Donald J., [redacted].
Clark, Harry H., Jr., [redacted].
Darnauer, Paul F., [redacted].
Dobson, Benjamin F., [redacted].
Fields, Robert E., [redacted].
Hawkins, Sanders F., [redacted].
Hayes, James H., [redacted].
Irons, Ernest M., Jr., [redacted].
Jenkins, Irvin E., [redacted].
Joyce, Brendan E., [redacted].
Jung, Paul T., [redacted].
Koch, Joseph L., [redacted].
McBride, Dan J., [redacted].
McDermott, Frank E., [redacted].
McGinnis, John W., [redacted].
Mills, Freddie J., [redacted].
Naylor, Donald L., [redacted].
Paul, Hinton G., Jr., [redacted].
Pulcini, Dino J., [redacted].
Reddy, John J., Jr., [redacted].
Story, Jack P., Jr., [redacted].
Turner, James G., [redacted].
Wangemann, Robert T., [redacted].
Webb, Charles L., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Gierhart, Jane E., [redacted].
Hall, Mary S., [redacted].
Landen, Betty R., [redacted].
Ozburn, Mary S., [redacted].

VETERINARY CORPS

To be colonel

Clark, William H., [redacted].
Davidson, David E., Jr., [redacted].
Loizeaux, Peter S., [redacted].
Spertzel, Richard O., [redacted].

ARMY NURSE CORPS

To be colonel

Davis, Marion J., [redacted].
Gorman, Carole A., [redacted].
McLoughlin, Audre J., [redacted].
Murray, John L., [redacted].
Slewitzke, Connie L., [redacted].

The following-named officers for promotion in the Army of the United States, under the provisions of Title 10, United States Code, sections 3442 and 3447.

DENTAL CORPS

To be lieutenant colonel

Allen, Gary W., [redacted].
Allen, William R., [redacted].
Araki, Norman G., [redacted].
Augsburger, Robert A., [redacted].
Bell, Peter A., [redacted].
Benner, Michael D., [redacted].
Boswell, Cramer L., [redacted].
Brennan, William A., [redacted].
Campbell, Donald J., [redacted].
Caponigro, Thomas J., [redacted].
Chupkowski, Richard M., [redacted].
Civjan, Ralph H., [redacted].
Collins, Robert C., [redacted].
Crandall, Edwin M., [redacted].
Delzer, Delano D., [redacted].
Difiore, Peter M., [redacted].
Donahoe, Joseph W., [redacted].
Donathan, Grady D., III, [redacted].
Dorsey, Howard D., [redacted].
Doyle, Frank M., [redacted].
Drosos, George M., [redacted].
Earley, Jack D., [redacted].
Ellis, Randall W., [redacted].
Fernald, William P., [redacted].
Glasgow, Thomas J., [redacted].
Gross, Paul D., [redacted].
Guiry, Clinton C., [redacted].
Helms, William F., Jr., [redacted].
Hlista, Richard J., [redacted].
Hollinger, Jeffrey O., [redacted].
Johnson, John A., [redacted].
Johnston, Lawrence J., [redacted].
King, John E., [redacted].
Kotler, Lawrence M., [redacted].
Levsky, Stanley S., [redacted].
Lewis, Harland, G., Jr., [redacted].
Machian, George R., [redacted].
Maurer, Michael B., [redacted].
McFarland, Robert J., [redacted].
Miller, Kenneth H., Jr., [redacted].
Mintz, Alan H., [redacted].
Modesto, Edward L., [redacted].
Mollen, Allen J., [redacted].
Mollere, Rodney D., [redacted].
Paul, George F., [redacted].
Pollock, Glenn B., [redacted].
Render, Philip J., [redacted].
Rion, John M., [redacted].
Rouse, Leo E., [redacted].
Saldana, Carlos F., [redacted].
Sculley, Patrick D., [redacted].
Shaman, Paul R., [redacted].
Sherman, Frank B., Jr., [redacted].
Sias, Barbara, [redacted].
Smith, Charles T., [redacted].
Smith, William, Jr., [redacted].
Strange, Gray E., [redacted].
Striano, Thomas S., [redacted].
Tabor, Michael W., [redacted].
Terhune, William F., [redacted].
Thompson, Randall A., [redacted].
Trammell, Gerald W., [redacted].
Wakefield, Charles W., [redacted].
White, Gary L., [redacted].
Witker, Robert E., [redacted].
Woehrle, Richard R., [redacted].
Zislis, Theodore, [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provisions of Title 10, United States Code, section 3298:

ARMY PROMOTION LIST

To be first lieutenant

Adam, David A., [redacted].
Adamakos, George L., II, [redacted].

Adams, Benjamin F., III, [redacted].
Adams, Dexter C., [redacted].
Adams, Terry R., [redacted].
Aguilar, Victor, [redacted].
Aiello, Mark A., [redacted].
Aiello, Paul J., [redacted].
Alano, Kevin B., [redacted].
Albritton, Jeffrey W., [redacted].
Aldrich, Stephen R., Jr., [redacted].
Aldridge, Kenneth D., [redacted].
Alexander, John W., [redacted].
Alexander, Winfred B., [redacted].
Alguire, Hal K., [redacted].
Alitz, Curtis J., [redacted].
Allen, Charles D., [redacted].
Allen, Charles W., Jr., [redacted].
Allen, Henry F., Jr., [redacted].
Allen, Lewis J., [redacted].
Alston, Lloyd M., Jr., [redacted].
Alt, Anthony T., Jr., [redacted].
Ammel, Michael D., [redacted].
Anastos, Robert P., [redacted].
Anderson, Alan A., [redacted].
Anderson, Darcy G., [redacted].
Anderson, John R., [redacted].
Anderson, Kenneth E., [redacted].
Anderson, Mark D., [redacted].
Anderson, Philip C. II, [redacted].
Anderson, Steven M., [redacted].
Anderson, Walter N., [redacted].
Andrew, Brad T., [redacted].
Angleton, David L., [redacted].
Anthony, Douglas M., [redacted].
Appleby, Robert F., [redacted].
Aquino, Bill R., [redacted].
Arata, Joseph F., [redacted].
Archer, Dale E., [redacted].
Arczynski, Daniel L., [redacted].
Arduini, Francis J., [redacted].
Armstrong, Gerard A., [redacted].
Armstrong, John L., Jr., [redacted].
Arnold, Bryan G., [redacted].
Arnwine, Michael L., [redacted].
Assmann, Jeffrey R., [redacted].
Aude, Steven N., [redacted].
Augustine, Joseph S., [redacted].
Austin, Charles E., [redacted].
Axtell, Thomas L., [redacted].
Aycock, Allison T., [redacted].
Bacon, William G., [redacted].
Badalucco, Joseph P., [redacted].
Baer, Randolph A., [redacted].
Baez, Gilbert E., [redacted].
Bagwell, William R., [redacted].
Bailey, Michael F., [redacted].
Bailey, Michael J., [redacted].
Baird, Gerald R., Jr., [redacted].
Baker, Biff L., [redacted].
Baker, Mark O., [redacted].
Baker, Paul N., [redacted].
Baker, Terry L,. [redacted].
Baker, Thomas N., Jr., [redacted].
Baldridge, Dennis J., [redacted].
Ball, Phillip G., [redacted].
Ballantyne, John L. IV, [redacted].
Ballard, Albert E., Jr., [redacted].
Ballard, Larry G., [redacted].
Bangsboll, Mark H., [redacted].
Banks, Keith A., [redacted].
Bannantine, James M., [redacted].
Bannister, James M., [redacted].
Barba, Thomas, [redacted].
Barclay, James O., III, [redacted].
Barker, Brent A., [redacted].
Barker, John L., [redacted].
Barnard, Paul L., [redacted].
Barnes, David R., [redacted].
Barnett, Audy D., [redacted].
Barnett, Robert L., [redacted].
Barnum, Rodney V., [redacted].
Barone, Renard O., [redacted].
Barrows, Steven A., [redacted].
Bartlett, David P., Jr., [redacted].
Bartlett, Willard E., Jr., [redacted].
Barto, Joseph C. III, [redacted].
Bartocci, John T., [redacted].
Bartollotta, Charles, [redacted].
Barton, Thomas G., [redacted].
Basile, David J., [redacted].
Basile, Joseph A., Jr., [redacted].
Basilica, John P., Jr., [redacted].
Bassa, Reginald L., [redacted].
Batten, Kevin C., [redacted].
Baugh, Bruce J., [redacted].
Bauknight, David D., [redacted].
Beam, Kevin M., [redacted].
Beam, Tony E., [redacted].
Beatty, William D., [redacted].
Beaudrey, Bennett C., [redacted].
Beavers, Garry J., [redacted].
Beck, Gill P., [redacted].
Becker, John P., [redacted].
Beckman, Martin D., [redacted].
Bedey, David F., [redacted].
Beer, Patrick J., [redacted].
Bega, Richard M., [redacted].
Belmont, Dimitri M., [redacted].
Belter, John D., [redacted].
Belter, Michael L., [redacted].
Bembry, Stanley W., [redacted].
Benavente, Jessy J., [redacted].
Benavides, Rodolfo, [redacted].
Benchich, Jeffrey C., [redacted].
Benito, Ricky, [redacted].
Bennett, Brant A., [redacted].
Benoit, Phillip B., [redacted].
Berceau, Stanley P., [redacted].
Berendt, Michael D., [redacted].
Berry, Lee W. III, [redacted].
Berry, Mark T., [redacted].
Beson, Dennis B., [redacted].
Best, Malcolm T., Jr., [redacted].
Beutlich, John S., [redacted].
Beverly, Alfred W., [redacted].
Bhame, David L., [redacted].
Bienvenu, Jeffrey M., [redacted].
Biering, Michael W., [redacted].
Bilyeu, David M., [redacted].
Bilyeu, John M., [redacted].
Birdwell, Robert E., [redacted].
Birmingham, Robert P., [redacted].
Bishop, Allen B., [redacted].
Black, Alan S., [redacted].
Blackwell, Ronald W., [redacted].
Blaes, Michael A., [redacted].
Blake, James W., Jr., [redacted].
Blalock, Steven V., [redacted].
Blanchard, Hugh V., [redacted].
Blanding, William A., [redacted].
Blaney, Scott A., [redacted].
Blankemeyer, Carl S., [redacted].
Blankenship, Paul W., [redacted].
Blattman, William K., [redacted].
Blazek, Donald L., [redacted].
Blomquist, Herbert W., [redacted].
Blower, Jeffrey M., [redacted].
Blum, Robert M., [redacted].
Blumer, Timothy M., [redacted].
Bogardus, Anneke J., [redacted].
Boger, Ervin C., Jr., [redacted].
Boggs, Robert B., Jr., [redacted].
Bohm, Robert L., [redacted].
Boin, Marc H., [redacted].
Bolchoz, John M., [redacted].
Bolger, Daniel P., [redacted].
Bolosan, Deborah C., [redacted].
Bolt, David C., [redacted].
Boltuc, Henry, [redacted].
Bone, Johnnie L., Jr., [redacted].
Bonn, Keith E., [redacted].
Bonner, Michael B., [redacted].
Bonner, Michael J., [redacted].
Booker, Douglas M., [redacted].
Boothe, Kirk A., [redacted].
Borchardt, Randy L., [redacted].
Borders, Michael R., [redacted].
Borja, Robert C., [redacted].
Bosack, Michael, [redacted].
Bostick, Thomas P., [redacted].
Botard, Thomas E., [redacted].
Boucher, Robert S., [redacted].
Bowman, Douglas R., [redacted].
Bowman, Quinton V., [redacted].
Box, Michael, [redacted].
Boyd, Clifton E., II, [redacted].
Brady, James J., [redacted].
Brady, Timothy P., [redacted].
Brandl, Jeffrey A., [redacted].
Brandli, Philip J., [redacted].
Brannon, Charles A., [redacted].
Brase, William J., Jr., [redacted].
Brassell, Robert E., Jr., [redacted].
Braswell, David N., [redacted].
Braungart, Charles P., [redacted].
Braunstein, Mark N., [redacted].
Braunstein, Michael R., [redacted].
Breakiron, Richard C., Jr., [redacted].
Breckenridge, Terry E., [redacted].
Breeding, Charles A., [redacted].
Brehler, Michael P., [redacted].
Breitenbach, Barry W., [redacted].
Bresnahan, Kenneth M., [redacted].
Bressler, John W., II, [redacted].
Brewer, Dewayne L., [redacted].
Brewer, Mitchell T., [redacted].
Brice, Kevin J., [redacted].
Brisky, Larry A., [redacted].
Brislawn, Cornelius D., [redacted].
Bristow, George R., [redacted].
Broach, Donald H., [redacted].
Brockway, David A., [redacted].
Brosk, Frederick J., [redacted].
Brothers, William F., [redacted].
Brown, Dale E., [redacted].
Brown, Dallas C., III, [redacted].
Brown, Earnest P., [redacted].
Brown, Ernest L., [redacted].
Brown, Harry D., Jr., [redacted].
Brown, Jack R., [redacted].
Brown, James T., [redacted].
Brown, Lenwood, [redacted].
Brown, Neil T., [redacted].
Brown, Robert E., [redacted].
Brown, Robert W., [redacted].
Brown, Roger K., [redacted].
Browning, Mark H., [redacted].
Bruderly, Harry R., Jr., [redacted].
Bruens, Stephen W., [redacted].
Brundage, Jon H., [redacted].
Brunow, Steven E., [redacted].
Bryan, William J., [redacted].
Bryant, Richard W., [redacted].
Bryant, William G., [redacted].
Buchanan, Eric S., [redacted].
Buchmiller, Gordon A., Jr., [redacted].
Buck, Mark E., [redacted].
Buckler, William M., [redacted].
Buckley, John W., [redacted].
Buckley, Laurence B., [redacted].
Budney, James J., Jr., [redacted].
Bulls, Herman E., [redacted].
Bumbulsky, Michael A., [redacted].
Bungarden, John R., [redacted].
Burgess, Debra L., [redacted].
Burgos, Carlos A., [redacted].
Burke, Andrew P., [redacted].
Burke, Kenneth M., [redacted].
Burke, Kevin J., [redacted].
Burke, William E., [redacted].
Burkes, Kenneth L., [redacted].
Burnham, Robert, [redacted].
Burnham, William L., [redacted].
Burr, Brian M., [redacted].
Burr, Kevin M., [redacted].
Burress, Hunt B., [redacted].
Burroughs, Dennis R., [redacted].
Burton, Michael E., [redacted].
Busby, Daniel J., [redacted].
Bush, Kenneth W., [redacted].
Bush, Stephen R., [redacted].
Bush, Thomas A., [redacted].
Butler, Benjamin H., [redacted].
Butler, Jerome K., [redacted].
Butler, Jody P., [redacted].
Butler, Joseph C., [redacted].
Butler, Rickey C., [redacted].
Butterbrodt, Jay T., [redacted].
Byrne, Michael A., [redacted].
Byrne, Richard T., [redacted].
Cabanatan, Valerian, [redacted].
Cabiness, Howard E., [redacted].
Cade, Brian D., [redacted].
Cage, Steven D., [redacted].
Cain, Mark J., [redacted].
Calder, James W., [redacted].
Caldera, Luis E., [redacted].
Calhoun, John C., [redacted].
Campbell, Donald E., [redacted].
Campbell, Donald M., Jr., [redacted].
Campbell, Kevin H., [redacted].
Campbell, Russell L., [redacted].

Canfield, Russell E., [redacted].
Cannon, Lawrence A., [redacted].
Cannon, Peter R., [redacted].
Cano, Christopher A., [redacted].
Cantrell, David R., [redacted].
Carey, James R., [redacted].
Cargill, Randy V., [redacted].
Carmichael, Steven M., [redacted].
Carpenter, Robert F., [redacted].
Carrasco, Salome A., [redacted].
Carroll, Colus L., [redacted].
Carroll, Gerald A., [redacted].
Carroll, Thomas C., [redacted].
Carroll, Thomas M., [redacted].
Carter, Calvin G., [redacted].
Carter, Robert L., [redacted].
Carter, Roy A., III, [redacted].
Casas, Michael J., [redacted].
Casey, James F., III, [redacted].
Cashman, Richard J., [redacted].
Cassidy, David B., [redacted].
Castelli, Michael P., [redacted].
Castillo, Carlos A., [redacted].
Catt, Michael S., [redacted].
Cawley, Mark F., [redacted].
Ceja, Ricardo, [redacted].
Cellucci, Keith D., [redacted].
Celski, Robert J., [redacted].
Cerv, Joseph H., [redacted].
Chadwick, Robert L., [redacted].
Chaffin, Kevin D., [redacted].
Chalmers, Gary E., [redacted].
Chamberlin, Brook B., [redacted].
Chambers, John R., [redacted].
Chambers, Rebecca L., [redacted].
Chandler, James D., Jr., [redacted].
Chang, Paul S., [redacted].
Chapman, Douglas E., [redacted].
Chappell, Harold L., [redacted].
Charters, Alan S., [redacted].
Chase, Frank S., [redacted].
Chase, George G., [redacted].
Chatterton, William [redacted].
Checketts, Chad A., [redacted].
Chereb, James E., [redacted].
Cherry, David R., [redacted].
Chester, Steven A., [redacted].
Childers, Stephen B., [redacted].
Chinea, George, [redacted].
Ching, Darryl K., [redacted].
Chrishon, James E., Jr., [redacted].
Christian, Tracy L., [redacted].
Christiani, Paul A., [redacted].
Christie, Scott W., [redacted].
Christoff, Nicholas A., [redacted].
Christopher, James M., [redacted].
Churm, Stephen B., [redacted].
Cianchetti, Mark A., [redacted].
Ciarella, David J. [redacted].
Cihunka, Colleen K., [redacted].
Cintron, Eddie, [redacted].
Citera, William K., [redacted].
Clair, Robert P., [redacted].
Clark, Duane A., [redacted].
Clark, George D., [redacted].
Clark, James D., [redacted].
Clark, James R., [redacted].
Clark, Michael C., [redacted].
Clark, Michell C., [redacted].
Clayton, Robert, [redacted].
Cleary, Michael T., [redacted].
Cleghorn, Allen E., [redacted].
Clemons, Terry L., [redacted].
Cleveland, Charles T., [redacted].
Cobb, Aaron L., [redacted].
Coe, Donald A., [redacted].
Coffman, James H., Jr., [redacted].
Coker, Stewart L., [redacted].
Cole, Jerome T., [redacted].
Cole, Jerry, [redacted].
College, Craig E., [redacted].
Collins, George A., [redacted].
Collins, Michael H., [redacted].
Collins, Terry W., [redacted].
Colpo, Michael, [redacted].
Conklin, Steven J. [redacted].
Comeford, Lawrence, [redacted].
Colon, Gary G., [redacted].
Connelly, Kevin T., [redacted].
Conneran, Thomas J., [redacted].
Connors, Kevin E., [redacted].
Contreras, Enrique, [redacted].
Conway, Patrick B., [redacted].
Cook, David P., [redacted].
Cook, Edward M., [redacted].
Cook, James T., [redacted].
Coomes, Jonathan S., [redacted].
Cooney, William F., [redacted].
Copeland, George N., [redacted].
Coppedge, Joie, [redacted].
Corcoran, Michael F., [redacted].
Corda, Mark, [redacted].
Cordell, Ronald C., [redacted].
Cornelius, John E., [redacted].
Cornwell, Charles D., [redacted].
Cotter, James W., [redacted].
Cotton, Randy M., [redacted].
Cottrell, David S., [redacted].
Courtemanche, Joel D., [redacted].
Coville, Michael P., [redacted].
Cox, Alan L., [redacted].
Cox, Clifford N., [redacted].
Cox, Gregory B., [redacted].
Cox, Philip W., [redacted].
Cox, Richard S., [redacted].
Coyle, Charles T., [redacted].
Craig, Mark B., [redacted].
Crandall, Paul E., [redacted].
Crane, Randy O., [redacted].
Cranmer, Robert W., [redacted].
Crawford, Cameron A., [redacted].
Crawford, Kevin K., [redacted].
Creed, Michael L., [redacted].
Creedon, John D., [redacted].
Creen, Michael J., [redacted].
Cripps, David B., [redacted].
Crocefoglia, Larry W., [redacted].
Crom, Gordon W., [redacted].
Cronin, John J., [redacted].
Crouch, Orin W., Jr., [redacted].
Crowder, Kenneth E., [redacted].
Crown, John L., [redacted].
Crumrine, Russell B., Jr., [redacted].
Crutchfield, Raymond, [redacted].
Crutchley, Todd H., [redacted].
Cuculic, Lawrence M., [redacted].
Cuesta, George M., [redacted].
Cullen, James S., [redacted].
Cummings, Timothy J., [redacted].
Cummings, Winfred S., [redacted].
Cuneo, Edward T., Jr., [redacted].
Curley, Kenneth R., [redacted].
Curry, William L., [redacted].
Curtis, Stephen L., [redacted].
Cvach, Gordon F., [redacted].
Cyr, Leo J., [redacted].
Daffron, Stephen C., [redacted].
Dagostino, John F., [redacted].
Dahlquist, Milan C., [redacted].
Dail, Gerry J., [redacted].
Dailey, Anthony B., [redacted].
Daily, Douglas M., [redacted].
Daily, Paul M., [redacted].
Daly, Duane W., [redacted].
Damico, Karl D., [redacted].
Damsel, William R., II, [redacted].
Daniel, Jesse J., Jr., [redacted].
Daniel, Timothy, [redacted].
Daniels, Jay F., [redacted].
Danielson, James H., [redacted].
Danley, James W., [redacted].
Darcangelo, Glen J., [redacted].
Darnell, Thomas J., [redacted].
Darnley, Thomas D., [redacted].
Dautremont, Brian L., [redacted].
Davidson, Donald R., Jr., [redacted].
Davidson, Richard E., [redacted].
Davieau, Gerald J., [redacted].
Davis, Addison D., IV, [redacted].
Davis, Alan L., [redacted].
Davis, Gary J., [redacted].
Davis, Gregory C., [redacted].
Davis, Gregory P., [redacted].
Davis, Hal M., [redacted].
Davis, Michael W., [redacted].
Davis, Robert E., [redacted].
Davis, Robert F., [redacted].
Davis, Rodney M., [redacted].
Dawson, Donald W., III, [redacted].
Day, Thomas G., [redacted].
Dedic, Robert C., [redacted].
Defatta, Richard P., [redacted].
Degen, Gregg F., [redacted].
Degnan, Edward J., [redacted].
Denaan, Richard W., [redacted].
Dehaas, William D., [redacted].
Dehnel, David D., [redacted].
Deitz, George A., [redacted].
Deleon, Robert J., [redacted].
Delis, Dean G., [redacted].
Dellarocco, Genaro J., [redacted].
Delorey, Maurice J., [redacted].
Demoss, Douglas P., [redacted].
Dengel, Joseph J., [redacted].
Denny, Carolyn S., [redacted].
Depase, Charles A., [redacted].
Depaz, James M., [redacted].
Depiazza, John R., Jr., [redacted].
Derouchey, Terry K., [redacted].
Desoto, Glenn M., [redacted].
Dewitt, Robert L., [redacted].
Dicker, Mark A., [redacted].
Dillon, Peter J., [redacted].
Dittmann, Robert L., Jr., [redacted].
Dixon, Charles E., III, [redacted].
Dixon, David J., [redacted].
Dobson, Wayne B., [redacted].
Dockins, Chauncey D., [redacted].
Dodd, Nelson C., [redacted].
Dodson, Dennis E., [redacted].
Doerer, Richard C., [redacted].
Dolan, George T., III, [redacted].
Donnelly, Edward P., Jr., [redacted].
Donnelly, Keith R., [redacted].
Donnelly, Michael P., [redacted].
Donovan, Dennis P., [redacted].
Dooge, Anne T., [redacted].
Dorko, Jeffrey J., [redacted].
Dorsey, John L., [redacted].
Dorta, Grace A., [redacted].
Dotson, Harold E., [redacted].
Dowell, James D., [redacted].
Dowling, Michael J., [redacted].
Downey, Kevin C., [redacted].
Downs, Curtis J., [redacted].
Doyle, Teresa M., [redacted].
Drake, James E., [redacted].
Drake, Richard R., [redacted].
Drew, John L., [redacted].
Driscol, John J., [redacted].
Drumm, Mark W., [redacted].
Drury, Stuart P., [redacted].
Duda, Joseph J., [redacted].
Dudevoir, Glen P., [redacted].
Duffy, Robert J., [redacted].
Dugan, Joseph L., [redacted].
Dugger, Floyd A., [redacted].
Duiguid, Jerome A., [redacted].
Dunaway, George R., [redacted].
Dunbar, John E., [redacted].
Duncan, Richard L., [redacted].
Dunham, John H., [redacted].
Durant, Mark E., [redacted].
Dwan, Edward R., [redacted].
Dyer, Stuart M., [redacted].
Dzierzewski, Steven A., [redacted].
Easterwood, John L., [redacted].
Eastman, Michael C., [redacted].
Eaton, Beverly M., [redacted].
Eby, David H., [redacted].
Eccles, Richard L., [redacted].
Eckhardt, Anthony L., [redacted].
Eddy, Charles R., Jr., [redacted].
Edwards, Charles E., Jr., [redacted].
Edwards, Earl W., [redacted].
Egeland, Jens C., [redacted].
Ehni, Richard W., [redacted].
Eidem, Mark A., [redacted].
Eikmeier, Dale C., [redacted].
Eisele, Albert A., [redacted].
Eisenbarth, Henry L., [redacted].
Elder, Michael G., [redacted].
Elias, Edward C., [redacted].
Eller, Douglas R., [redacted].
Ellis, Christopher L., [redacted].
Elm, William C., Jr., [redacted].
Emerson, Donald L., Jr., [redacted].
English, Mark A., [redacted].
Engman, Gregory L., [redacted].
Ernst, Adolph H. III, [redacted].
Eschbach, Peter A., [redacted].
Essig, Christopher G., [redacted].

Estes, Allen C., [redacted].
Estes, Michael N., [redacted].
Evans, Duane T., [redacted].
Evans, Evelyn M., [redacted].
Evans, Gary L., [redacted].
Evans, Leighton J., Jr., [redacted].
Evans, Wenzel G., Jr., [redacted].
Everett, Gary L., [redacted].
Everett, Steven L., [redacted].
Ewing, James W., [redacted].
Ezell, James S., [redacted].
Faires, Jack E., [redacted].
Fairfield, William H., [redacted].
Falck, Steven, [redacted].
Falkenbury, John W., [redacted].
Fall, Kimberlee L., [redacted].
Fallon, Edward M., [redacted].
Fambro, Carl G., [redacted].
Farley, Barbara S., [redacted].
Faulconbridge, John, [redacted].
Fechter, Gary M., [redacted].
Feeley, Timothy E., [redacted].
Felts, Kenneth D., [redacted].
Felty, Rodney J., [redacted].
Fernandez, Orlando J., [redacted].
Fernandez, Rebecca L., [redacted].
Ferrando, Arnold A., [redacted].
Fess, Robert B., [redacted].
Fessenden, David B., [redacted].
Festing, Thomas E., [redacted].
Fiala, Charles J., [redacted].
Fields, Dennis E., [redacted].
Finlayson, Kenneth I., [redacted].
Finley, Mark S., [redacted].
Fischer, Diana L., [redacted].
Fiscko, Kurt A., [redacted].
Fisher, Glenn R., [redacted].
Fisher, James L., [redacted].
Fisher, Scott R., [redacted].
Fitch, Daniel L., [redacted].
Fitzpatrick, Brian, [redacted].
Fitzpatrick, David J., [redacted].
Fitzpatrick, Marjorie A., [redacted].
Flanagan, Patrick D., [redacted].
Fleming, James M., [redacted].
Fletcher, Payton W., [redacted].
Flippen, Robert J., Jr., [redacted].
Flora, Jonathan S., [redacted].
Flowers, Karen J., [redacted].
Floyd, Marcus E., [redacted].
Flugum, Timothy L., [redacted].
Flynn, Michael R., [redacted].
Foley, Jeffrey W., [redacted].
Folse, Gordon J., [redacted].
Ford, Daniel E., [redacted].
Ford, Stanley H., [redacted].
Fore, Henry R., [redacted].
Forrester, William H., Jr., [redacted].
Fortune, Kenneth E., II, [redacted].
Forward, Ronald L., [redacted].
Foster, James F., [redacted].
Foster, William M., [redacted].
Fouquier, Mark A., [redacted].
Fowler, Barry J., [redacted].
Fox, John R., [redacted].
Fox, William L., [redacted].
Franco, Jose A., [redacted].
Frank, David M., [redacted].
Franks, Eric H., [redacted].
Frazer, Jeffrey M., [redacted].
Frazier, Martin C., [redacted].
Frazier, Richard D., [redacted].
Freeland, Paul T., [redacted].
French, Mark R., [redacted].
Freund, Brian D., [redacted].
Freytag, Gerald, [redacted].
Fritch, Michael D., [redacted].
Fritts, Herbert P., [redacted].
Frost, Michael V., [redacted].
Fry, Donald L., [redacted].
Frye, Ronald D., [redacted].
Fugate, John E., [redacted].
Fuller, Steven L., [redacted].
Fulmer, Roland R., [redacted].
Furstenau, Raymond V., [redacted].
Gabrys, Bruce J., [redacted].
Gagaris, George D., [redacted].
Gainey, Kathleen M., [redacted].
Galindo, Richard G., [redacted].
Gallagher, Jay E., [redacted].
Gallant, Christopher J., [redacted].
Gallivan, John D., IV, [redacted].
Gallo, John R., [redacted].
Galloway, Cynthia W., [redacted].
Galloway, James V., Jr., [redacted].
Gallup, Gerald P., [redacted].
Gantman, Marc J., [redacted].
Garcia, Alfonso E., Jr., [redacted].
Garcia, Francisco J., [redacted].
Garcia, Melfred S., [redacted].
Garcia, Rudolph N., [redacted].
Gardner, Carl G., [redacted].
Garibay, Randy J., [redacted].
Garrett, Grady B., [redacted].
Garrido, John A., Jr., [redacted].
Garrity, Edward R., [redacted].
Garvin, Frank W., III, [redacted].
Gault, Douglas R., [redacted].
Gaydos, Robert R., [redacted].
Gebhart, Richard P., [redacted].
Geishecker, Alan W., [redacted].
Gemma, William S., [redacted].
Gentle, Anthony B., [redacted].
Georgi, Richard B., [redacted].
Geouque, Ronald J., [redacted].
Gerber, Roger A., [redacted].
Giannola, Leo A., [redacted].
Gifford, Edward C., III, [redacted].
Gilbert, Craig T., [redacted].
Gildea, James J., [redacted].
Gildner, Gray M., [redacted].
Gill, Henry A., III, [redacted].
Gill, Henry D., [redacted].
Gillen, Henry S., IV., [redacted].
Gilliam, Leon, [redacted].
Gilman, David R., [redacted].
Gilpin, Christopher H., [redacted].
Girard, Marc G., [redacted].
Glenn, Timothy P., [redacted].
Goerke, Daniel F., [redacted].
Goetz, Janet L., [redacted].
Goetz, Michael V., [redacted].
Goff, Randy G., [redacted].
Goggin, John P., [redacted].
Goldstein, Michael M., [redacted].
Gomez, Eduardo, [redacted].
Gonzalez, Joe R., [redacted].
Gonzalez, Juan, [redacted].
Goodman, William G., [redacted].
Gordon, Garrett, [redacted].
Gordon, Jay M., [redacted].
Gothard, William J., [redacted].
Gourdine, Larry D., [redacted].
Grace, Thomas W., [redacted].
Grado, Ramon R., Jr., [redacted].
Graham, Archie L., Jr., [redacted].
Graham, Harry D., [redacted].
Graham, Keith D., [redacted].
Graham, Mark A., [redacted].
Grant, Reginald A., [redacted].
Grant, Thomas J., [redacted].
Graves, Kenneth P., [redacted].
Graves, William G., [redacted].
Gray, David R., [redacted].
Gray, Douglas H., [redacted].
Grech, Christopher D., [redacted].
Green, Luke S., [redacted].
Greenawalt, Robert K., II, [redacted].
Greene, Robert L., [redacted].
Greene, Timothy J., [redacted].
Greeno, Scott B., [redacted].
Greenwade, John H., [redacted].
Greer, John F., [redacted].
Greer, William L., [redacted].
Griffin, Charles S., [redacted].
Griffith, John G., III, [redacted].
Griffith, Todd D., [redacted].
Griffiths, John W., III, [redacted].
Grimalda, Andrew M., [redacted].
Grimes, William C., [redacted].
Gross, John D., [redacted].
Grubbs, Robert K., [redacted].
Gryska, David W., [redacted].
Guba, Anthony, [redacted].
Guinnane, Patrick A., [redacted].
Gumm, Gary J., [redacted].
Guthrie, Michael J., [redacted].
Guthrie, Thomas G., [redacted].
Gutjahr, Robert G., [redacted].
Guzman, Thomas J., [redacted].
Gwock, Eddie J., [redacted].
Haack, Terrace P., [redacted].
Haas, Christopher J., [redacted].
Haas, Michael H., [redacted].
Hackenberg, John D., [redacted].
Haese, William J., [redacted].
Haggray, Wilbert J., [redacted].
Hagie, Wayne D., [redacted].
Haid, Thomas C., [redacted].
Hall, Burnis A., [redacted].
Hall, David C., [redacted].
Hall, Dywane A., [redacted].
Hall, Leamon L., Jr., [redacted].
Hall, Leslie T., [redacted].
Hall, Max N., [redacted].
Hall, Michael J., [redacted].
Hall, Millard J., [redacted].
Hall, Ronald M., [redacted].
Halvorsen, Donald L., [redacted].
Hamby, Dale A., [redacted].
Hamilton, Harry W., [redacted].
Hamilton, Robert W., III, [redacted].
Hamilton, William W., Jr., [redacted].
Hamm, Brent V., [redacted].
Hammond, Daniel R., [redacted].
Hampton, David R., Jr., [redacted].
Hampton, Mark W., [redacted].
Hancock, Dawson R., [redacted].
Hand, Daniel Q., Jr., [redacted].
Handfield, Margaret E., [redacted].
Hankins, Knute E., [redacted].
Hanna, Bobby G., Jr., [redacted].
Hanna, Jonathan C., [redacted].
Hanna, Lynn D., [redacted].
Hansen, Mark J., [redacted].
Hardy, Frank A., [redacted].
Hargrove, Perry, [redacted].
Haring, Ronald K., [redacted].
Harkin, Edward G., [redacted].
Harkins, Randall B., [redacted].
Harner, William E., [redacted].
Harper, Forest T., Jr., [redacted].
Harriman, Anthony W., [redacted].
Harrington, Kim M., [redacted].
Harris, Curtis A., [redacted].
Harris, George R., [redacted].
Harris, Richard H., [redacted].
Harris, Tamar I., [redacted].
Harris, Thad W., [redacted].
Harrison, Elmo C., Jr., [redacted].
Harrison, Jonathan M., [redacted].
Harrison, Robert L., [redacted].
Hart, Edward A., [redacted].
Harter, William E., [redacted].
Hartman, Jessie M., Jr., [redacted].
Hartnett, Robert P., [redacted].
Harvey, Daniel E., [redacted].
Hasty, Deborah L., [redacted].
Hatch, Jay A., Jr., [redacted].
Hauck, Jason C., [redacted].
Hauver, Rebecca L., [redacted].
Hawkins, Roy, [redacted].
Hawkinson, Brian P., [redacted].
Hayden, Lawrence M., [redacted].
Hayes, Raymond J., [redacted].
Hayes, Thomas W., [redacted].
Haynes, Steven J., [redacted].
Hays, James J., [redacted].
Healey, Scott A., [redacted].
Heaney, Thomas A., [redacted].
Heard, Stephen V., [redacted].
Heath, Duncan C., [redacted].
Heath, Ted E., [redacted].
Hedberg, John W., [redacted].
Hedden, Benny C., [redacted].
Hedge, Thomas P., [redacted].
Hedglin, Thomas D., Jr., [redacted].
Hedrick, Melanie M., [redacted].
Heemstra, John J., [redacted].
Heinlen, Charles F., [redacted].
Heinzerling, Kurt K., [redacted].
Helfer, Richard N., [redacted].
Heller, Daniel L., [redacted].
Heller, Karl D., [redacted].
Hellzen, Gustaf A., III, [redacted].
Heltemes, Steven E., [redacted].
Hemann, Mark S., [redacted].
Henderson, David S., Jr., [redacted].

Henderson, Thomas H., [redacted].
Hendrick, Robert E., [redacted].
Hendrix, Donald J., [redacted].
Henley, Crawford W., [redacted].
Henley, Lonnie D., [redacted].
Henry, Peter A., [redacted].
Henson, Dinah M., [redacted].
Henson, Kent, [redacted].
Henson, Randall S., [redacted].
Herbert, Thomas J., [redacted].
Herbin, Connie V., Jr., [redacted].
Hergenroeder, Leo S., [redacted].
Hernandez, Manuel J., [redacted].
Hernandez, Robert A., [redacted].
Herndon, Herbert E., Jr., [redacted].
Herrington, Keith E., [redacted].
Hess, Larry J., [redacted].
Hetmansky, Andrey B., [redacted].
Heverin, James M., III, [redacted].
Hickman, William R., [redacted].
Hicks, Kirby W., [redacted].
Higgens, Timothy E., [redacted].
Higgins, John R., [redacted].
Higham, Ronald P., Jr., [redacted].
Hileman, Milton M., [redacted].
Hill, James H., Jr., [redacted].
Hill, James R., III, [redacted].
Hill, Robert M., [redacted].
Hlynsky, Paul J., [redacted].
Hoachlander, Jeffrey L., [redacted].
Hobbs, Cecil T., Jr., [redacted].
Hobson, Fred C., Jr., [redacted].
Hodge, James L., [redacted].
Hoeh, Daniel P., [redacted].
Hoffman, James A., II, [redacted].
Hoffman, James C., [redacted].
Hoffman, Terrence K., [redacted].
Hoh, Billy C., [redacted].
Hoisington, Robert H., [redacted].
Holdeman, Mark D., [redacted].
Hollingsworth, James J., [redacted].
Holloway, Reginald N., [redacted].
Holman, Sanford E., [redacted].
Holmberg, John C., [redacted].
Holmes, Brent L., [redacted].
Holmes, Sharon L., [redacted].
Holt, Laurence D., [redacted].
Holt, Stephen G., [redacted].
Hook, Thomas D., [redacted].
Hooker, Charles D., [redacted].
Hope, Timothy W., [redacted].
Horn, Clinton M., [redacted].
Horne, Matthew B., [redacted].
Horner, Scott G., [redacted].
Horst, Karl R., [redacted].
Hough, David W., [redacted].
Hough, Harvey L., [redacted].
Houtz, William A., [redacted].
Howard, Charles C., [redacted].
Howard, Gerald G., [redacted].
Howery, Jerilynn D., [redacted].
Huber, Richard C., [redacted].
Hudry, Wayne R., [redacted].
Hughes, Deloris A., [redacted].
Hughes, Eric M., [redacted].
Hughes, Glenn C., II, [redacted].
Hultman, John A., [redacted].
Humphreys, James W., [redacted].
Humphzey, John D., [redacted].
Hungerford, Dale A., [redacted].
Hunt, David A., [redacted].
Hunt, Joseph E., III, [redacted].
Hunter, Paul R.. [redacted].
Hunton, James E., [redacted].
Hurt, Leroy T., [redacted].
Hutchings, Eric D., [redacted].
Hutchins, Jane C., [redacted].
Hutton, Stephen S., [redacted].
Hyland, Philip C., [redacted].
Ibbotson, William H., [redacted].
Ingram, William C., [redacted].
Innis, David L., [redacted].
Irby, Robert J., [redacted].
Irish, Kenneth M., III, [redacted].
Irvin, Ivory L., [redacted].
Jackson, Dewey M., [redacted].
Jackson, Howard C., [redacted].
Jackson, Kevin D., [redacted].
Jackson, Kevin M., [redacted].
Jacobsmeyer, Paul J., [redacted].
Jacoby, Charles H., Jr., [redacted].
Jacque, Keith T., [redacted].
James, Joseph L., [redacted].
Jameson, Mary A., [redacted].
Janczewski, Adam J., [redacted].
Janowski, William J., Jr., [redacted].
Jarrett, Victor W., [redacted].
Jeffers, Scott H., [redacted].
Jelen, Peter F., [redacted].
Jelinek, Howard C., Jr., [redacted].
Jellison, David A., [redacted].
Jenkins, James S., Jr., [redacted].
Jenkins, Wallace D., [redacted].
Jennings, Corwin K., [redacted].
Jennings, David C., [redacted].
Jensen, Randy G., [redacted].
Jogerst, James D., [redacted].
Johns, Orley H., [redacted].
Johnson, Brent A., [redacted].
Johnson, Harry E., [redacted].
Johnson, Holly J., [redacted].
Johnson, James M., [redacted].
Johnson, John D., [redacted].
Johnson, Mark B., [redacted].
Johnson, Michael J., [redacted].
Johnson, Paul A., [redacted].
Johnson, Ralph W., Jr., [redacted].
Johnson, Russell A., [redacted].
Johnson, Stephen L., [redacted].
Johnson, Theodore E., [redacted].
Johnson, William R., [redacted].
Johnston, Glenn T., [redacted].
Johnston, John G., [redacted].
Jones, Jeffrey W., [redacted].
Jones, John R., [redacted].
Jones, Keith P., [redacted].
Jones, Kenneth L., [redacted].
Jones, Louie J., [redacted].
Jones, Reuben D., [redacted].
Jones, Robert P., [redacted].
Jones, Russell L., [redacted].
Jones, William E., [redacted].
Jordan, Barbara L., [redacted].
Jordan, John J., [redacted].
Jordan, Leslie M., [redacted].
Jorgenson, Charles, [redacted].
Jourdan, Leland T., [redacted].
Joye, Maxie L., [redacted].
Julian, Don L., [redacted].
Kaczmarek, Michael E., [redacted].
Kadesch, Kim R., [redacted].
Kai, Dennis R., [redacted].
Kainz, Edward J., [redacted].
Kallam, Jerry C., [redacted].
Kanka, Terrence A., [redacted].
Kauchak, Mary A., [redacted].
Kaufman, Barry W., [redacted].
Kaufmann, Edward J., [redacted].
Kazimer, Robert V., [redacted].
Kearby, Scott A., [redacted].
Keating, James M., [redacted].
Keating, Michael R., [redacted].
Keechi, Leo F., Jr., [redacted].
Keenan, Brian F., [redacted].
Keepers, Curtis B., [redacted].
Keller, Steven M., [redacted].
Kelley, Gary J., [redacted].
Kelley, Stanley J., [redacted].
Kelly, Clarence S., Jr., [redacted].
Kelly, James H., [redacted].
Kelly, Marybeth, [redacted].
Kelly, Timothy P., [redacted].
Kenyon, Robert W., [redacted].
Kerbs, John W., [redacted].
Kerr, Scott W., [redacted].
Keyser, Robert B., [redacted].
Kienle, Frederick R., [redacted].
Kiley, James P., Jr., [redacted].
Kilian, John R., [redacted].
Kimball, William G., [redacted].
Kimmel, John P., [redacted].
King, Gregory, [redacted].
Kinter, Kevin L., [redacted].
Kirkland, Earle W., Jr., [redacted].
Kirkpatrick, Craig T., [redacted].
Kirkpatrick, Rex A., [redacted].
Kiser, Michael W., [redacted].
Kiszka, Donald W., Jr., [redacted].
Klein, Milton J., [redacted].
Klemens, John D., [redacted].
Kluka, Christine A., [redacted].
Knapp, Ronald K., Jr., [redacted].
Knauff, James E., Jr., [redacted].
Knight, Robert J., [redacted].
Knoll, William F., Jr., [redacted].
Knotts, Robert E., [redacted].
Knox, Brian K., [redacted].
Koehler, Abbott C., [redacted].
Koepsell, Royal W., [redacted].
Komisak, David J., [redacted].
Konigsmark, Kenneth D., [redacted].
Kornish, Edward J., Jr., [redacted].
Korzyk, Alexander D., [redacted].
Kosinuk, Gary W., [redacted].
Kostek, Stephen R., [redacted].
Koster, Robert K., [redacted].
Koucheravy, Edward R., [redacted].
Koval, Robert G., [redacted].
Kovarik, Daniel E., [redacted].
Kowalski, Allan E., [redacted].
Krieger, Michael E., [redacted].
Krist, Kirk M., [redacted].
Kruegler, Thomas A., [redacted].
Kruse, Ruth K., [redacted].
Kuhn, David A., [redacted].
Kullman, Pamela M., [redacted].
Kullman, Patrick C., [redacted].
Kump, Howard J., [redacted].
Kupferer, Richard L., [redacted].
Kussman, Gary A., [redacted].
Kwasniewski, Mark P., [redacted].
Lacey, Edward N., Jr., [redacted].
Lacombe, Samuel J., [redacted].
Lacrosse, Thomas L., [redacted].
Ladd, Jon S., [redacted].
Ladner, John S., [redacted].
Lagarenne, Thomas W., [redacted].
Lake, Robbie D., [redacted].
Lake, William G., Jr., [redacted].
Lally, Michael J., III, [redacted].
Lamb, Robert J., III, [redacted].
Lamb, Ronald, [redacted].
Lambert, Richard T., II, [redacted].
Lambert, Robert A., [redacted].
Lambert, William C., [redacted].
Lamothe, Ryan W., [redacted].
Lamoureux, Raymond P., Jr., [redacted].
Landry, Patrick G., [redacted].
Langenwalter, Kurt L., [redacted].
Lansford, Jackson L., [redacted].
Larkin, Donald J., Jr., [redacted].
Larsen, Donald L., [redacted].
Laster, James E., [redacted].
Latham, George A., II, [redacted].
Lawing, Thomas C., [redacted].
Lazarus, Howard S., [redacted].
Leathers, Geary L., [redacted].
Leavenworth, Will P., [redacted].
Leblanc, Roger W., [redacted].
Lebron, Jose A., [redacted].
Lee, Bobby J., [redacted].
Lee, Katherine M., [redacted].
Lee, Mark W., [redacted].
Lee, Robert E., [redacted].
Lemcoe, David M., [redacted].
Lemnitzer, William F., [redacted].
Lenderman, David R., [redacted].
Lennon, John T., [redacted].
Lepage, Henry R., Jr., [redacted].
Lesieur, Francis A., III, [redacted].
Lever, Herbert J.. Jr., [redacted].
Levoitroberto, Alfonso, [redacted].
Lewandowski, Brian A., [redacted].
Lewandowski, Richard, [redacted].
Lewis, Adrian R., [redacted].
Lewis, Donald G., [redacted].
Lewis, James M., [redacted].
Lewis, John A., [redacted].
Lewis, Michael C., [redacted].
Lienshattuck, Larece E., [redacted].
Light, Thomas W., [redacted].
Lincourt, Jeffrey M., [redacted].
Lindquist, Robert C., [redacted].
Lindstrom, Robin H., [redacted].
Lington, Evan R., [redacted].
Linskev, Peter C., [redacted].
Littel, Christopher J., [redacted].
Livernash, Thomas S., [redacted].
Livsey, Timothy D., [redacted].
Lockhart, Frazer R., [redacted].

Logan, James N., [redacted].
Lohne, Richard J., [redacted].
Londa, John J., [redacted].
Long, Jeffery W., [redacted].
Long, William D., [redacted].
Longoria, Ernesto J., [redacted].
Loo, James C., [redacted].
Loomis, Scott L., [redacted].
Lopez, Ramon B., [redacted].
Lopez, Warren J., [redacted].
Lorber, Nicholas W., [redacted].
Lord, Edwin G., [redacted].
Loseke, James A., [redacted].
Loufek, Jay C., [redacted].
Loughlin, James C., [redacted].
Loughran, Joseph L., Jr., [redacted].
Lovejoy, John M., [redacted].
Lovett, Shawn P., [redacted].
Lovett, Troy L., [redacted].
Lowe, James K., [redacted].
Lucas, Kenneth R., Jr., [redacted].
Luckett, James H., [redacted].
Ludwig, Daniel S., [redacted].
Luster, Sheila L., [redacted].
Lutz, David W., [redacted].
Lyman, Kenneth L., [redacted].
Lynam, Kurt O., [redacted].
Lynaugh, John P., [redacted].
Lynch, Gerard M., [redacted].
Lyon, Peter L., [redacted].
Lyons, Richard J., [redacted].
Marby, Sharon K., [redacted].
MacArevey, Patrick J., [redacted].
MacHac, George W., [redacted].
MacHamer, Douglas L., [redacted].
MacIuba, Tadeusz S., [redacted].
Mack, John F., [redacted].
MacKey, William L., [redacted].
MacLellan, Steven D., [redacted].
Madden, Robert W., [redacted].
Maguire, Thomas R., [redacted].
Mahone, Scotty, [redacted].
Mahony, John D., [redacted].
Maitin, Christopher B., [redacted].
Majewski, Jon M., [redacted].
Makowski, Richard A., [redacted].
Maksoudian, Levon S., [redacted].
Malagrino, Anthony L., [redacted].
Malarchik, Heidi M., [redacted].
Mallette, Rodney A., [redacted].
Mallory, Michael J., [redacted].
Mallory, Robert P., [redacted].
Malone, Paul B., IV, [redacted].
Maloney, Billy M., [redacted].
Malto, Benson O., [redacted].
Mamer, Michael E., [redacted].
Mandrell, Warren H., [redacted].
Manion, Edward J., [redacted].
Manion, Robert B., [redacted].
Manley, Gordon H., [redacted].
Manley, Jeff A., [redacted].
Mann, Kendall L., [redacted].
Marceau, William E., Jr., [redacted].
Margve, Dario U., [redacted].
Marino, James N., [redacted].
Marlin, John E., [redacted].
Marshall, John M., [redacted].
Marshall, Robert C., [redacted].
Marshall, Stephen J., [redacted].
Martin, Kevin D., [redacted].
Martin, Kevin M., [redacted].
Martin, Paul R., [redacted].
Martin, Quinton R., [redacted].
Martin, William, [redacted].
Martin, William J., [redacted].
Martini, Peter H., [redacted].
Marts, Steven E., [redacted].
Maskavich, John F., Jr., [redacted].
Mason, Dawayne H., [redacted].
Maszarose, Robert A., [redacted].
Mathis, Patricia A., [redacted].
Matis, George J., II, [redacted].
Matos, Julio A., [redacted].
Matos, Richard U., [redacted].
Matthews, Gregory B., [redacted].
Matthews, Kevin E., [redacted].
Maurer, Roy D., [redacted].
Maxfield, Chris C., [redacted].
Maxwell, Jody A., [redacted].
Maxwell, Richard E., [redacted].
Maybank, Pauline, [redacted].
Mayer, David S., [redacted].
Mayer, Gerald T., [redacted].
Mayer, Robert M., [redacted].
Maynard, Larry D., [redacted].
Mayorga, Jose S., Jr., [redacted].
Mays, Brian K., [redacted].
McArdle, William J., [redacted].
McCaffree, Michael P., [redacted].
McCaffrey, Keith C., [redacted].
McCaffrey, Kevin A., [redacted].
McCann, Douglas B., [redacted].
McCarter, William R., [redacted].
McCarthy, James E., [redacted].
McCarthy, Thomas C., [redacted].
McCarville, Timothy J., [redacted].
McCasland, Richard H., [redacted].
McClellan, Harry W., Jr., [redacted].
McClendon, Joseph C., [redacted].
McClure, Barbara, [redacted].
McCollum, David T., [redacted].
McCorkindale, Gary L., [redacted].
McCormick, Mark M., [redacted].
McCoy, Curtis L., [redacted].
McCrea, Richard E., [redacted].
McCue, John F., Jr., [redacted].
McDaniel, Floyd R., [redacted].
McGill, John C., [redacted].
McGlothlin, Vol F., [redacted].
McGowan, Robert C., [redacted].
McGrath, Kevin P., [redacted].
McGraw, Terrence J., [redacted].
McGruder, Julio G., [redacted].
McGruder, Mark L., [redacted].
McHale, Stephen J., [redacted].
McIntosh, Harry L., Jr., [redacted].
McIntyre, Michael E., [redacted].
McKaig, Tim R., [redacted].
McKee, Gary D., [redacted].
McKenzie, Geoffrey, [redacted].
McKinnon, Michael H., [redacted].
McKown, Jackie D., [redacted].
McLaughlin, James A., [redacted].
McLaurin, Chirley F., [redacted].
McLendon, Roy E., [redacted].
McLennan, Stuart G. III, [redacted].
McLoughlin, Keith R., [redacted].
McMahon, Patrick, [redacted].
McMichael, Dennis E., [redacted].
McNamara, Robert L., [redacted].
McNamara, Timothy M., [redacted].
McNeal, William A., [redacted].
McNeill, James N., [redacted].
McPhee, Richard R., [redacted].
McVeigh, Joseph J,. Jr., [redacted].
McWhorter, Thomas A., [redacted].
Meacham, William A., [redacted].
Meden, Gary R., [redacted].
Medina, Thomas L., [redacted].
Medlin, James R., Jr., [redacted].
Meek, Stephen R., [redacted].
Melville, Gregory L., [redacted].
Mendoza, Miguel A. III, [redacted].
Meoni, Mark A., [redacted].
Metro, Richard A., [redacted].
Meyer, Larry D., [redacted].
Meyer, Robert F., [redacted].
Meyer, Timothy M., [redacted].
Michaels, Thomas M., [redacted].
Mikasa, Austin K., [redacted].
Miles, Floyd M., [redacted].
Miles, Paul C., [redacted].
Milford, Robert W., [redacted].
Millard, Kirby L., [redacted].
Miller, Gerald R., [redacted].
Miller, Gregory S., [redacted].
Miller, Jon J., [redacted].
Miller, Michael J., [redacted].
Miller, Richard B., [redacted].
Miller, Richard D., Jr., [redacted].
Miller, Steven J., [redacted].
Miller, Tod W., [redacted].
Mills, Wyatt J., [redacted].
Milner, Gary W., [redacted].
Milo, Thomas F., [redacted].
Mingilton, Mark D., [redacted].
Minton, Calvin R., [redacted].
Mirr, Steven R., [redacted].
Misenheimer, James B., [redacted].
Mislinski, Joseph W., [redacted].
Missler, Richard D., [redacted].
Mitchel, Michael F., [redacted].
Mitchell, Charles E., [redacted].
Mitchell, Pamela S., [redacted].
Mobley, Darryl L., [redacted].
Mobley, Ezekiel C., Jr., [redacted].
Mocello, Gerald A., [redacted].
Moeller, William J., Jr., [redacted].
Moffitt, Mary A., [redacted].
Monds, David L., [redacted].
Monical, Michael C., [redacted].
Monical, Robert B., [redacted].
Moody, Gary A., [redacted].
Moody, James S., [redacted].
Moon, James M., [redacted].
Moore, Brian L., [redacted].
Moore, Roger M., [redacted].
Moore, Thomas R., [redacted].
Moore, Wayne A., [redacted].
Moorer, Daniel F., Jr., [redacted].
Morales, Jose, [redacted].
Morales, Reinaldo, [redacted].
Moran, James P., [redacted].
Moratz, Charles J., Jr., [redacted].
Morehead, Craig A., [redacted].
Morgan, Kent L., [redacted].
Morgan, Mark A., [redacted].
Moriarty, Michael T., [redacted].
Moriarty, Thomas J., [redacted].
Morris, Patrick F., [redacted].
Morrison, Guy A., [redacted].
Morrow, Richard E., [redacted].
Moseley, Marvis J., [redacted].
Moser, John W., III, [redacted].
Mothorpe, Thomas A., [redacted].
Motley, Arthur D., Jr., [redacted].
Moye, James P., [redacted].
Moye, Myron D., [redacted].
Moyer, Chandra J., [redacted].
Moyer, Michael K., [redacted].
Moyer, Thomas P., [redacted].
Mueller, Eric J., [redacted].
Mues, Mark S., [redacted].
Mull, David L., [redacted].
Mullen, Sean P., [redacted].
Munch, Randall P., [redacted].
Murphey, Lawrence H., [redacted].
Murphy, Brian F., [redacted].
Murphy, Mark J., [redacted].
Murray, Glenn A., [redacted].
Muscarella, Joseph V., [redacted].
Myers, Jeffrey F., [redacted].
Myers, Joseph D., [redacted].
Myers, Scott D., [redacted].
Myhre, Clayton W., Jr., [redacted].
Naber, Fred H., [redacted].
Nagy, James J., [redacted].
Nalepa, James T., [redacted].
Nally, Bernard J., [redacted].
Nally, Michael P., [redacted].
Nancarrow, Mark L., [redacted].
Napier, William F., [redacted].
Napoli, Joseph V., [redacted].
Nash, Barington N., [redacted].
Nathaniel, Duane M., [redacted].
Neely, James P., [redacted].
Neilson, Michael J., [redacted].
Neumann, James A., [redacted].
Neuser, Gary F., [redacted].
Newell, Henry C., III, [redacted].
Newman, James A., [redacted].
Newton, James D., [redacted].
Ney, John E., [redacted].
Nicholas, Theodore C., [redacted].
Nichols, Donald R., [redacted].
Nichols, George P., [redacted].
Nichols, James W., [redacted].
Niekerk, David S., [redacted].
Nielsen, Rocky K., [redacted].
Nielson, Randy, [redacted].
Nix, Allen E., [redacted].
Nixon, Wayne J., [redacted].
Nolte, Edward L., [redacted].
Norman, Raymond K., [redacted].
Norris, Alan G., [redacted].
Nowowiejski, Dean A., [redacted].
Oates, James R., [redacted].
Oberle, William P., [redacted].
O'Brien, Peter M., [redacted].
O'Brien, Timothy J., [redacted].
O'Brien, William V., [redacted].

O'Connor, Christopher E., [redacted].
O'Connor, Patrick J., [redacted].
Odegard, David O., [redacted].
O'Dell, Daniel S., [redacted].
O'Dowd, John B., [redacted].
Oetjen, Rodger A., [redacted].
Offerman, John A., [redacted].
Ogg, Robert D., Jr., [redacted].
Ogilvie, Margaret K., [redacted].
O'Keefe, John P., III, [redacted].
Olds, Robert F., Jr., [redacted].
Olecki, James A., [redacted].
Oliveras, Stanley J., [redacted].
Olivero, Jose R., [redacted].
Olsen, Arild W., [redacted].
O'Neal, Ronald G., [redacted].
O'Neill, Edward J., [redacted].
O'Neill, Mark E., [redacted].
Onell, Francis J., [redacted].
Ontai, Guy P., [redacted].
Ordonio, Laurencio R., [redacted].
O'Reilly, Patrick J., [redacted].
Orloff, Stephen M., [redacted].
Orr, Frederick D., [redacted].
Ortega, Felix R., [redacted].
Ortiz, James M., [redacted].
Ortiz, Wilfredo, [redacted].
Ortman, John L., [redacted].
Oseles, Robert J., [redacted].
O'Shaughnessy, James C., [redacted].
Osmer, Kelly D., [redacted].
Ouellet, John E., [redacted].
Ousley, Gerard M., [redacted].
Outlaw, Ted M., [redacted].
Overton, Stephen E., [redacted].
Owen, Steven L., [redacted].
Owens, Carl D., [redacted].
Owens, Richard G., [redacted].
Owens, Stuart G., [redacted].
Painter, Lorraine C., [redacted].
Painton, Anthony G., [redacted].
Palka, Eugene J., [redacted].
Palm, Charles R., [redacted].
Palma, Emilio J., [redacted].
Palmer, Douglas C., [redacted].
Palmer, Leonard E., [redacted].
Panzarella, Roy J., [redacted].
Pape, William E., [redacted].
Pappafotis, James S., [redacted].
Parker, Joseph M., [redacted].
Parker, Richard M., [redacted].
Parker, William A., [redacted].
Parlier, Norman S., [redacted].
Parrish, Gary L., [redacted].
Patchell, Donald G., [redacted].
Patenaude, Michael G., [redacted].
Paul, John W., [redacted].
Paulekas, Walter E., [redacted].
Paulson, Jeffrey D., [redacted].
Paxton, Larry W., [redacted].
Pearson, Jack, [redacted].
Pedden, Patrick M., [redacted].
Pentecost, James G., [redacted].
Perez, Octavia, [redacted].
Perez, Orlando J., Jr., [redacted].
Perry, Emmett E., Jr., [redacted].
Perry, Michael E., [redacted].
Perry, Randy M., [redacted].
Peterman, Daniel R., [redacted].
Peters, John T., [redacted].
Petersen, Gregg E., [redacted].
Peterson, Bryan F., [redacted].
Peterson, James D., [redacted].
Peterson, Kendall C., [redacted].
Petty, Frank S., [redacted].
Pfanzelter, Joseph J., [redacted].
Pharr, Thomas L., [redacted].
Phelps, William H., [redacted].
Phillips, Michael A., [redacted].
Phillips, Ronald D., [redacted].
Pickerell, David S., [redacted].
Pierce, Gregory A., [redacted].
Pierce, Lawrence S., [redacted].
Pijor, Thomas D., [redacted].
Pina, Gerald W., [redacted].
Pino, Albert M., [redacted].
Pipkin, Michael E., [redacted].
Platt, Robert L., [redacted].
Plautz, Terence L., [redacted].
Player, Robert M., Jr., [redacted].
Ploederer, Rex A., [redacted].
Poindexter, Kenneth L., [redacted].
Polczynski, Richard L., [redacted].
Pompetzki, George, [redacted].
Ponder, Roy K., [redacted].
Poole, Jeffrey G., [redacted].
Poore, Edward T., Jr., [redacted].
Post, Bonnie M., [redacted].
Post, William L., [redacted].
Poster, Jane H., [redacted].
Potter, William S., [redacted].
Powell, Charles G., [redacted].
Powell, Stephen H., [redacted].
Powell, Walter S., Jr., [redacted].
Prater, Benjamin H., [redacted].
Pratt, William H., [redacted].
Preece, Gerard S., [redacted].
Price, Michael W., [redacted].
Price, Wallace W., II, [redacted].
Prichard, Ronald G., [redacted].
Princehouse, Henry N., [redacted].
Prueitt, George C., [redacted].
Prugh, Mark C., [redacted].
Pryor, Claude E., [redacted].
Pulliam, William N., [redacted].
Pyck, Jeffrey S., [redacted].
Quigley, John P., [redacted].
Quimby, David G., [redacted].
Quirici, Russell E., [redacted].
Rackers, Kenneth J., [redacted].
Rackley, Duane T., [redacted].
Raczkowski, Joseph B., [redacted].
Rae, David L., [redacted].
Railey, Steven C., [redacted].
Rakett, Wayne P., [redacted].
Ramos, Burt G., [redacted].
Ramos, Calvin T., [redacted].
Ramos, Teddy, [redacted].
Ramseur, Robert L., [redacted].
Ramsey, Lawrence F., Jr., [redacted].
Rapone, Robert M., [redacted].
Rasmussen, Earl D., [redacted].
Ray, James E., [redacted].
Rea, Robert H., Jr., [redacted].
Realini, James P., [redacted].
Reaves, Eugene W., IV, [redacted].
Redfern, Robert S., Jr., [redacted].
Redmon, David A., [redacted].
Redmond, Dennis K., [redacted].
Redmond, John G., [redacted].
Reed, Terry M., [redacted].
Regan, Michael P., [redacted].
Reich, Adam J., IV, [redacted].
Reichelt, Eric F., Jr., [redacted].
Reid, Gregory R., [redacted].
Reid, Terry N., [redacted].
Reid, William A., [redacted].
Reisenwitz, Gary E., [redacted].
Renton, Thomas R., [redacted].
Ressler, Eugene K., [redacted].
Ressler, Richard L., [redacted].
Reukauf, William A., [redacted].
Reyenga, Robert L., [redacted].
Reynolds, Daniel A., [redacted].
Reynolds, Paul C., [redacted].
Rhinehart, Richard A., Jr., [redacted].
Rhoden, Barry L., [redacted].
Rhoden, Richard C., [redacted].
Rice, Stephen K., [redacted].
Rich, David F., [redacted].
Rich, Larry T., [redacted].
Richards, Kerry T., [redacted].
Richmond, Kathleen J., [redacted].
Richmond, Vance T., [redacted].
Rieger, Sandra K., [redacted].
Riese, David L., [redacted].
Riley, Frederic A., Jr., [redacted].
Riley, Michael N., [redacted].
Rinehart, Marcus A., Jr., [redacted].
Ring, David F., [redacted].
Ringgold, Timothy D., [redacted].
Rios, Luis A., [redacted].
Rising, Harry N., III, [redacted].
Rivas, Leopoldo A., [redacted].
Rivera, Agustin R., [redacted].
Rivera, Enrique E., [redacted].
Rivers, Lawrence A., [redacted].
Robbins, David W., [redacted].
Roberson, David M., Jr., [redacted].
Roberta, George, [redacted].
Roberts, Paul E., [redacted].
Roberts, Russell L., [redacted].
Robertson, Larry D., [redacted].
Robinson, James O., [redacted].
Robinson, Undra, [redacted].
Rodgers, James D., Jr., [redacted].
Rodriguez, Albert, [redacted].
Rodriguez, Orlando R., [redacted].
Rogers, Gregory N., [redacted].
Rogers, Patrick V., [redacted].
Rogers, Robert E., II, [redacted].
Rogert, John E., Jr., [redacted].
Rohm, Robert A., [redacted].
Rolla, Michael F., [redacted].
Roma, Susan, [redacted].
Romer, Jeffrey A., [redacted].
Roncoli, Mark A., [redacted].
Ronningen, Leland D., [redacted].
Rooker, Stanley V., [redacted].
Rooney, John P., [redacted].
Roose, Franklin D., [redacted].
Rose, David W., [redacted].
Rose, Joseph M., Jr., [redacted].
Rose, Thomas, [redacted].
Ross, Blair A., Jr., [redacted].
Ross, Keith J., [redacted].
Rossetti, Joseph H., [redacted].
Roth, Charles N., [redacted].
Rounding, Bradley N., [redacted].
Rountree, Stephen, [redacted].
Routh, Richard L., [redacted].
Rowland, George K., [redacted].
Rudorfer, David M., [redacted].
Rudzinski, Michael C., [redacted].
Ruffin, Paulette F., [redacted].
Ruggley, Larry D., [redacted].
Rupp, David R., [redacted].
Rush, Robert J., [redacted].
Rusinko, Paul S., [redacted].
Russell, Frank E., [redacted].
Ruud, William N., [redacted].
Ryan, James P., [redacted].
Ryan, Robert J., [redacted].
Rychnowski, Andrew S., [redacted].
Sadler, Leroy, [redacted].
Saitta, Matthew P., [redacted].
Salimbene, Rory A., [redacted].
Salzmann, Douglas W., Jr., [redacted].
Sample, James W., [redacted].
Sample, Lynn R., [redacted].
Sanders, David R., [redacted].
Sanders, Frank W., III, [redacted].
Sanders, Maynard J., [redacted].
Sanders, Peter D., [redacted].
Sanders, Steve R., [redacted].
Sanders, William M., [redacted].
Sarginger, Robert A., [redacted].
Sarkela, Stuart W., [redacted].
Sartin, William D., [redacted].
Satre, Gale W., [redacted].
Savarese, Mark C., [redacted].
Savelkoul, Brian L., [redacted].
Savino, Carl S., [redacted].
Saylor, Ronald S., [redacted].
Scanlon, Brian J., [redacted].
Scaparrotti, Curtis M., [redacted].
Schaefer, Michael J., [redacted].
Schaefer, Ronald T., Jr., [redacted].
Schell, John A., Jr., [redacted].
Scherer, Jack V., [redacted].
Schimsa, David W., [redacted].
Schloemer, James F., [redacted].
Schlott, John E., [redacted].
Schmidt, Matthew M., [redacted].
Schneider, Thomas A., [redacted].
Schnepf, Henry L., Jr., [redacted].
Schnorf, Richard C., Jr., [redacted].
Scholz, Gerard T., [redacted].
Schooley, Scott M., [redacted].
Schoonveld, Wayne E., [redacted].
Schorsch, John F., Jr., [redacted].
Schroeder, Weicheng, [redacted].
Schroer, David J., [redacted].
Schultz, Daniel J., [redacted].
Schultz, Vincent J., [redacted].
Schwartzman, Robert D., [redacted].
Scott, John F., Jr., [redacted].
Scott, Randle E., [redacted].
Scott, Steven E., [redacted].
Scott, Terry S., [redacted].

Scriber, Philip H., Jr., [redacted].
Scroggins, Karl C., [redacted].
Seaton, Marion J., Jr., [redacted].
Segaar, Edward C., [redacted].
Seiter, Jan P., [redacted].
Seitz, Kenneth R., [redacted].
Selleck, Martin E., [redacted].
Sellen, Keith L., [redacted].
Sellers, Charles M., [redacted].
Semmel, Ralph D., [redacted].
Senterfitt, Danny E., [redacted].
Serra, Jeffrey R., [redacted].
Seymore, Sammie E., [redacted].
Shaffer, Robert W., [redacted].
Sharp, Richard E., [redacted].
Shaver, Charles F., [redacted].
Shaw, Patrick M., [redacted].
Shaw, Robert G., [redacted].
Shaw, Wade H., Jr., [redacted].
Shea, Mortimer C., [redacted].
Shearer, Franklin A., [redacted].
Sheehan, Kevin P., [redacted].
Sheffield, Richard E., [redacted].
Shelley, Robert P., [redacted].
Shelton, Wendell K., [redacted].
Shepherd, Christopher L. [redacted].
Shepherd, Milan W., Jr. [redacted].
Sheridan, Andrew M., Jr. [redacted].
Sherlock, Kevin E., [redacted].
Shero, Joseph B., Jr., [redacted].
Shields, Guy T., [redacted].
Shields, Mark F., [redacted].
Shorr, Scott H., [redacted].
Short, Charles G., [redacted].
Short, Robert A., [redacted].
Short, Stephen G., [redacted].
Shorthill, William B., [redacted].
Shrader, John N., [redacted].
Shropshire, John W., Jr. [redacted].
Sieminski, Gregory C., [redacted].
Sieminski, Virginia, [redacted].
Sienicki, Michael J. [redacted].
Silva, Michael J., [redacted].
Silvola, Ward R., [redacted].
Simkins, Hiram D., [redacted].
Simpkins, Frank P., [redacted].
Simpson, David L., [redacted].
Simpson, Robert H., [redacted].
Simpson, Stewart A., [redacted].
Sinclair, John H., [redacted].
Singh, Dalip, [redacted].
Singleton, Lewis, [redacted].
Singleton, Warren C., [redacted].
Sipe, Michael K., [redacted].
Six, Michael J., [redacted].
Skaggs, Michael R., [redacted].
Skutt, Brian E., [redacted].
Slack, Richard C., II, [redacted].
Slattery, Terrence M., [redacted].
Slotnick, Michael D., [redacted].
Smalls, Leon P., [redacted].
Smentkowski, Robert A., [redacted].
Smith, Curtis, [redacted].
Smith, David J., [redacted].
Smith, David M., [redacted].
Smith, Dennis L., [redacted].
Smith, Don H., [redacted].
Smith, Frederick R., [redacted].
Smith, Gregg A., [redacted].
Smith, Jeffrey W., [redacted].
Smith, John E., [redacted].
Smith, Linda R., [redacted].
Smith, Rickey E., [redacted].
Smith, Robert L., [redacted].
Smith, Roland C., [redacted].
Smith, Tony G., [redacted].
Snukis, Thomas J., [redacted].
Snyder, Robin M., [redacted].
Soldo, John A., [redacted].
Solernou, Ramon, [redacted].
Solomon, Edward J., [redacted].
Sorenson, Robert E., [redacted].
Sowell, Leonard W., [redacted].
Spearman, Patricia A., [redacted].
Spenneberg, Joseph L., [redacted].
Sprague, Oren D., [redacted].
Sprague, Robert E., [redacted].
Spring, Michael Y., [redacted].
Spurlock, Virgil K., [redacted].
Stafford, Richard J., [redacted].
Stalf, Dale A., [redacted].
Stallsmith, Teresa E., [redacted].
Stallworth, Eddie L., [redacted].
Stancu, John W., Jr., [redacted].
Stanislaw, Robert A., [redacted].
Staub, William C., [redacted].
Stauffenberg, Ronnie G., [redacted].
Stavish, Matthew D., [redacted].
Steadman, Daniel L., [redacted].
Steen, Norman E., [redacted].
Steenborg, Gustave R., [redacted].
Stein, Henry J., III, [redacted].
Stein, Kevin M., [redacted].
Stein, Michael J., [redacted].
Steiner, Ralph E., [redacted].
Steiner, Robert J., [redacted].
Steinke, James G., [redacted].
Steinke, Ralph R., [redacted].
Stenzel, Gary L., [redacted].
Stephens, Bryan K., [redacted].
Stevens, Andrew J., [redacted].
Stevenson, John D., Jr., [redacted].
Stewart, John F., III, [redacted].
Still, Kerry M., [redacted].
Stone, George W., [redacted].
Stone, Robert M., Jr., [redacted].
Storbeck, John C., [redacted].
Storms, Kevin P., [redacted].
Stout, Lawrence M., [redacted].
Stover, James L., [redacted].
Stranko, William A., III, [redacted].
Street, Victor L., [redacted].
Stricklen, Stanley M., [redacted].
Stringer, Mark G., [redacted].
Strong, Cynthia C., [redacted].
Strong, John L., [redacted].
Strong, Randolph P., [redacted].
Struble, Russell C., Jr., [redacted].
Strutz, Thomas E., [redacted].
Stuart, Steven R., [redacted].
Studebaker, Harry D., [redacted].
Stump, Gregory A., [redacted].
Stump, Kevin M., [redacted].
Styer, John C., [redacted].
Sulka, Daniel V., [redacted].
Sullivan, Garrett J., [redacted].
Sullivan, James F., Jr., [redacted].
Sullivan, James S., Jr., [redacted].
Sullivan, Jeffery B., [redacted].
Sullivan, Michael J., [redacted].
Sullivan, Paul H., Jr., [redacted].
Summe, Jack N., [redacted].
Summers, Kim L., [redacted].
Sumner, William C., [redacted].
Susong, William M., [redacted].
Suter,Thaddeus L., [redacted].
Swafford, David F., [redacted].
Swagler, Bruce M., [redacted].
Swansiger, David C., [redacted].
Swanson, Linda D., [redacted].
Swart, David A., [redacted].
Sweeney, James M., [redacted].
Sweeney, Timothy J., [redacted].
Sweet, Michael S., [redacted].
Swenty, Brian J., [redacted].
Sydnor, William W., [redacted].
Sykes, Alvin C., [redacted].
Sykes, Steven E., [redacted].
Szabolcsi, Leslie, [redacted].
Szydloski, Dennis J., [redacted].
Talianko, Robert S., [redacted].
Tanner, Thomas V., [redacted].
Tarrant, Anne E., [redacted].
Tarver, Courtney W., [redacted].
Tarvin, Michael D., [redacted].
Tatarek, Dale C., [redacted].
Taylor, Charles W., [redacted].
Taylor, Daniel L., [redacted].
Taylor, Francis P., III, [redacted].
Taylor, John L., [redacted].
Taylor, Larry F., [redacted].
Taylor, Timothy, [redacted].
Taylor, William R., Jr., [redacted].
Tedesco, Andrew M., [redacted].
Tegen, Carl M., [redacted].
Tejan, Mark S., [redacted].
Tellmann, Peter R., [redacted].
Telthorst, George M., Jr., [redacted].
Terry, James L., [redacted].
Tessing, Nicholas J., [redacted].
Thacker, George P., [redacted].
Theede, Kevin L., [redacted].
Thomas, Charles E., [redacted].
Thomas, John D., [redacted].
Thomas, Robert E., [redacted].
Thomas, Ted A., [redacted].
Thompson, Brenda J., [redacted].
Thompson, Richard G., [redacted].
Thompson, Stuart N., [redacted].
Thompson, William R., [redacted].
Thornton, John Y., [redacted].
Thorson, Kevin G., [redacted].
Thronson, Kenneth R., [redacted].
Tillson, Scott E., [redacted].
Tilton, Eric M., [redacted].
Tindall, Randall E., [redacted].
Tobin, Michael T., [redacted].
Todd, Larry J., [redacted].
Todd, Robert C., [redacted].
Toledo, Lenobio D., San, [redacted].
Tomkovich, John M., Jr., [redacted].
Tomlinson, Paul L., [redacted].
Toole, Ryan T., [redacted].
Torok, Peter G., [redacted].
Torrence, John N., Jr., [redacted].
Tracy, Arthur T., [redacted].
Tramposch, Joseph J., Jr., [redacted].
Trexler, Mark A., [redacted].
Trice, William S., [redacted].
Trobaugh, Grant E., [redacted].
Trombitas, Simeon G., [redacted].
Tronsrue, George M. III, [redacted].
Trower, Jeffrey L., [redacted].
Turletes, Christopher M., [redacted].
Turner, Kelly C., Jr., [redacted].
Tyler, Charles S., Jr., [redacted].
Ufford, Robert P., [redacted].
Upton, John T., [redacted].
Urban, Joseph E. III, [redacted].
Usera, Carlos A., [redacted].
Valdez, Abraham G., [redacted].
Valine, Karl K., [redacted].
VanDerbleek, John V., [redacted].
VanDerheyden, Paul D., [redacted].
VanDersommen, Timothy A., [redacted].
VanDrew, Steven L., [redacted].
VanHorn, Steven B., [redacted].
Vanorsdale, Richard D., [redacted].
Vasconcellos, Vaughn G., [redacted].
Vasgaard, Jeffrey L., [redacted].
Vaughn, Timothy F., [redacted].
Veach, Johnny E., [redacted].
Veditz, James E., [redacted].
Velasco, Mathias R., [redacted].
Veros, Arthur, [redacted].
Verruso, Janis, [redacted].
Vevon, Gerald N., Jr., [redacted].
Vickers, Scott M., [redacted].
Victorine, Rodney W., [redacted].
Vila, Pablo, [redacted].
Vinson, Mark E., [redacted].
Visco, Denis S., [redacted].
Visser, Roderick T., [redacted].
Vitagliano, John A., [redacted].
Volk, Mark, [redacted].
Vonada, Danny L., [redacted].
VonHolle, James R., [redacted].
Vozzo, Martin L., [redacted].
Vye, Patrick D., [redacted].
Wacenske, Leigh W., [redacted].
Wadesworth, Michael W., [redacted].
Wagner, Dwayne K., [redacted].
Wagner, Walter A., [redacted].
Wakefield, Bradley V., [redacted].
Walcott, Robert J., Jr., [redacted].
Walden, John A., [redacted].
Walden, Joseph L., [redacted].
Waldo, James E., [redacted].
Walker, Gary S., [redacted].
Walker, John J., III, [redacted].
Walker, Russell L., [redacted].
Walker, Stephen L., [redacted].
Wall, James A., [redacted].
Wall, Kevin B., [redacted].
Wallace, Gary R., [redacted].
Wallace, Jeffrey D., [redacted].
Wallace, Jonathan S., [redacted].
Wallin, William W., [redacted].
Walsh, Kevin P., [redacted].
Walters, Robert G., [redacted].
Wansley, William J., [redacted].
Warner, Monroe P., [redacted].

Washington, Michael, [redacted].
Watkins, Gayle L., [redacted].
Watson, Cynthia J., [redacted].
Weafer, Thomas W., [redacted].
Webb, Charles B., [redacted].
Webb, James M., [redacted].
Webb, Larry D., [redacted].
Weeks, Lindell M., II, [redacted].
Weger, James E., [redacted].
Weiss, Morris B., [redacted].
Weissinger, Jerrold D., [redacted].
Wells, Willard B., Jr., [redacted].
Werner, Timothy R., [redacted].
West, Stephen K., [redacted].
Wexler, Larry A., [redacted].
Whalen, John K., [redacted].
Wheatley, Alvis A., [redacted].
Whelan, Kevin B., [redacted].
White, Jesse A., [redacted].
White, Michael S., [redacted].
White, Monte A., [redacted].
White, Samuel D., [redacted].
White, Wayne L., [redacted].
Whiteford, Curtis G., [redacted].
Whitfield, Joseph A., [redacted].
Whittington, Cecil D., [redacted].
Wickham, Michael V., [redacted].
Wiedeman, Randolph, [redacted].
Wiener, David M., [redacted].
Wiggins, Laurence C., [redacted].
Wilhelm, Bruce A., [redacted].
Wilhide, David C., [redacted].
Wilkes, Richard W., [redacted].
Williams, Carl K., III, [redacted].
Williams, Charles A., [redacted].
William, David Y., Jr., [redacted].
William, Floyd D., [redacted].
William, Frank W., III, [redacted].
William, Guy T., [redacted].
Williams, Kenneth R., [redacted].
Williams, Maurice M., Jr., [redacted].
Williams, Robert G., Jr., [redacted].
Williams, Stephanie Y., [redacted].
Williamson, Paul G., [redacted].
Williamson, Thomas L., [redacted].
Wilson, Keith H., [redacted].
Wilson, Michael L., [redacted].
Wilson, William G., [redacted].
Winbush, James E., [redacted].
Winton, Gary J., [redacted].
Wise, Charles J., [redacted].
Wittig, Dale W., [redacted].
Wojcik, Peter V., [redacted].
Wolf, David R., [redacted].
Wolfe, Frederick E., [redacted].
Wolfe, James M., [redacted].
Wolfe, Terrence E., [redacted].
Wolfe, William J., [redacted].
Wollenberg, Larry E., [redacted].
Wolszczak, Steven S., [redacted].
Wood, Keith A., [redacted].
Woodard, Donna K., [redacted].
Woods, James J., [redacted].
Wooldridge, Walter B., [redacted].
Wooster, Harley K., Jr., [redacted].
Woulfe, James P., [redacted].
Wozniak, Bruce J., [redacted].
Wrenn, Curtis L., Jr., [redacted].
Wright, Charles F., [redacted].
Wright, Steven M., [redacted].
Wrinkle, William E., [redacted].
Wroth, Mark B., [redacted].
Wylly, Richard H., [redacted].
Wynn, James E., [redacted].
Yaeger, Jeffrey W., [redacted].
Yarchak, Maryagnes, [redacted].
Yavorsky, Joseph S., [redacted].
Ybarbo, John W., [redacted].
Yoshida, Rodny M., [redacted].
Yost, Bruce P., [redacted].
Youman, William C., [redacted].
Young, Christopher J., [redacted].
Young, Daniel D., [redacted].
Young, Harry D., [redacted].
Young, James L., Jr., [redacted].
Young, Morris M., [redacted].
Young, Victor J., [redacted].
Yount, Randy N., [redacted].
Yuengert, James P., [redacted].
Zaborowski, Michael E., [redacted].
Zacharzuk, Paul A., [redacted].
Zak, William R., [redacted].
Zamora, Joel R., Jr., [redacted].
Zanol, James E., [redacted].
Zeller, Phillip J., III. [redacted].
Zielinski, Lester W., [redacted].
Zientek, William J. III, [redacted].
Zimmerman, Douglas, [redacted].
Zimmermann, Daniel L., [redacted].
Zittleman, Robert W., [redacted].

MEDICAL SERVICE CORPS

To be first lieutenant

Andrews, Craig D., [redacted].
Barnard, James F., [redacted].
Barrett, William, Jr., [redacted].
Cullings, Harry M., [redacted].
DeBruce, Wilfred R., [redacted].
Dickerhoff, David G., [redacted].
English, James V., [redacted].
Feather, Susan M., [redacted].
Freeman, Bradley D., [redacted].
Groeber, Vernon L., [redacted].
Grumann, George S., [redacted].
Halliday, Edward F., [redacted].
Harris, Charles M., [redacted].
Helms, Edward J., [redacted].
Hopkins, Loree D., [redacted].
Horn, Paul A., [redacted].
Keefer, Laris D., [redacted].
King, Karen R., [redacted].
Licameli, Francis C., [redacted].
Morgan, John A., [redacted].
Morgan, Terry A., [redacted].
Murnahan, Earl, [redacted].
Paparone, Christopher, [redacted].
Parker, Larry B., [redacted].
Pattillo, David A., [redacted].
Price, John E., [redacted].
Robinson, Wayne, [redacted].
Rochlin, Evelyn E., [redacted].
Rubel, Eric J., [redacted].
Rudd, Kenneth A., [redacted].
Safranek, William W., [redacted].
Sullvian, Rodney A., [redacted].
Terry, Ernest H., [redacted].
Viercinski, John A., [redacted].
Walker, Brett D., [redacted].
Wardlaw, Vincent O., [redacted].
Webster, Noel R., [redacted].
Whipple. Martin G., [redacted].
Williams, Kevin D., [redacted].
Wilson, Barbara A., [redacted].
Wilson, John G., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be first lieutenant

Bennett, James G., [redacted].
Hoedebecke, Sally S., [redacted].

ARMY NURSE CORPS

To be first lieutenant

Abbott, Cynthia A., [redacted].
English, Marla K., [redacted].
Gourley, Galia M., [redacted].
Wexler, Susan J., [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provisions of Title 10, United States Code, section 3299:

ARMY PROMOTION LIST

To be major

Booher, Richard H., [redacted].
Bowdoin, Charles D., [redacted].
Dunigan, John P., [redacted].
Gomez, Miguel, [redacted].
Grant, Barclay F., Jr., [redacted].
Greshman, Larry D., [redacted].
Meyerson, Barry, [redacted].
Noble, Richard J., Jr., [redacted].
Palarino, Rosario N., [redacted].
Penzel, William B., [redacted].
Peterson, Raymond W., Jr., [redacted].
Roy, Richard N., [redacted].
Schnapp, Charles G., [redacted].
Sheehan, John F., [redacted].
Spencer, Ronald M., [redacted].
Stout, Donald E., Jr., [redacted].
Taylor, John M., [redacted].
Teele, Treatifelom, [redacted].
Traub, Timothy J., [redacted].
Warnhoff, Gary D., [redacted].
Weaver, George, [redacted].

MEDICAL SERVICE CORPS

To be major

Moon, James F., [redacted].

MEDICAL SERVICE CORPS

To be captain

Floyd, Dennis R., [redacted].
Harrison, Frederick J., [redacted].
Ledford, Gordon L., Jr., [redacted].
Reaves, James J., [redacted].
Samiljan, Arthur G., [redacted].

ARMY NURSE CORPS

To be captain

Ackerman, Candace P., [redacted].
Brandt, Barbara J., [redacted].
Dutton, Marie H., [redacted].
Fox, Susan R., [redacted].
Graves, Janet D., [redacted].
Jennings, Bonnie L. M., [redacted].
Price, Nanci A., [redacted].
Smith, Anthony G., [redacted].

DENTAL CORPS

To be captain

Guerin, Richard D., [redacted].
Yee, Philip M., [redacted].

ARMY PROMOTION LIST

To be captain

Mecum, William A., [redacted].

The following-named officers for promotion in the Army of the United States, under provisions of Title 10, United States Code, sections 3442 and 3447:

ARMY PROMOTION LIST

To be lieutenant colonel

Gilewicz, Andrew E., [redacted].
Lothrop, Frederick B., [redacted].
Needs, Larry R., [redacted].
Schroeder, Jerrold H., [redacted].

ARMY PROMOTION LIST

To be colonel

Bernstein, Donald I., [redacted].

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, United States Code, sections 3370 and 3883:

ARMY PROMOTION LIST

To be colonel

Ashley, Walter G., [redacted].
Brutscher, Baldwin L., [redacted].
Clark, Robert S., [redacted].
Dean, John A., [redacted].
Dechambau, James H., [redacted].
Lelaney, James L., [redacted].
Dempsey, Donald L., [redacted].
Dolan, Frederick T., [redacted].
Enser, Robert J., [redacted].
Feeney, Linwood K., [redacted].
Gantt, William A., Jr., [redacted].
Green, William D., [redacted].
Harris, Chester A., Jr., [redacted].
Herman, Gene L., [redacted].
Hoot, Beverly A., [redacted].
Humes, William K., [redacted].
Jackson, Gordon R., [redacted].
Jones, Dennis R., [redacted].
Jones, McDonald, [redacted].
Kazin, John R., [redacted].
Knutson, Oliver R., [redacted].
Long, Thomas J., [redacted].
Mack, Donald J., [redacted].
Maloney, Gerard A., [redacted].
McCrary, Robert D., [redacted].
Montgomery, Patricia, [redacted].
Munn, John W., [redacted].
Palmer, Cecil E., [redacted].
Rehkamp, Paul G., [redacted].
Diley, James R., Jr., [redacted].
Roberts, Donald J., [redacted].
Roberts, Euriel H., [redacted].
Roberts, James E., [redacted].

Schutzmann, Roy L., [redacted].
Sigler, Bernard J., [redacted].
Simmons, Carlos N., [redacted].
Strickland, Jack C., [redacted].
Syverson, Richard I., [redacted].
Tallat-Kelpsa, Algis, [redacted].
Travis, Wayne K., [redacted].
Vaughn, Edward M., [redacted].
Watson, George T., Jr., [redacted].
Waudby, Robert H. G., [redacted].
Willis, William G., [redacted].

CHAPLAIN

To be colonel

Downes, Thomas J., [redacted].
Fleming, William A., [redacted].
Hajtas, Francis, [redacted].
Reinhardt, William B., [redacted].

ARMY NURSE CORPS

To be colonel

Brisky, Mary A., [redacted].
Buzzard, Rita V., [redacted].
Davis, Dorothy L., [redacted].
Degraffenreid, Cleo, [redacted].
Ellerman, Miriam M., [redacted].
Estes, Zane E., [redacted].
Etten, Marion, [redacted].
Farrell, Virginia M., [redacted].
Hassler, Ruth A., [redacted].
Hemmer, Karol A., [redacted].
Huggins, Mary B., [redacted].
Kobel, Thomas R., [redacted].
Kuttner, Jean M., [redacted].
Land, Margaret A., [redacted].
Lesoine, Peter E., [redacted].
Magdalenski, Fred, [redacted].
Mino, Thomas A., [redacted].
Palmer, Monica B., [redacted].
Pocklington, Dorothy, [redacted].
Ricks, Lajoic J., [redacted].
Rodriguez-Martinez, V., [redacted].
Roy, Frances L., [redacted].
Ruskin, Margaret M., [redacted].
Sandekian, Sura C., [redacted].
Snell, Frank W., [redacted].
Springmier, Joyce T., [redacted].
Stafford, Crystal M., [redacted].
Taylor, Rose M., [redacted].
Thomas, Richard D., [redacted].
Thompson, Patsy R., [redacted].
Vannostrand, Ray H., [redacted].
Walker, Beverly H., [redacted].
White, Agnes I., [redacted].

DENTAL CORPS

To be colonel

Allen, Robert J., [redacted].
Allmon, Harry B., [redacted].
Berkley, Roger M., [redacted].
Bitar, Henry J., [redacted].
Bulken, James D., [redacted].
Cancellara, Anthony, [redacted].
Cannon, Joe L., [redacted].
Draper, Theron N., [redacted].
Flynn, Harry E., [redacted].
Godbold, Dunbar O., [redacted].
Iannazzo, S., [redacted].
Kennemur, Bobbie J., [redacted].
Leboeuf, Martin G., [redacted].
Lenz, James H., [redacted].
Ligon, Charles R., [redacted].
Lohse, Walter G., [redacted].
Lumpkin, Ernest E. J., [redacted].
Maas, David H., [redacted].
Machuca, Padin C., [redacted].
Mackay, Noel C., [redacted].
Martin, Robert B., [redacted].
Martin, Roger A., [redacted].
Masselink, W. J., [redacted].
May, Robert H., [redacted].
McNamara, Robert W., [redacted].
Milder, Jay J., [redacted].
Monsen, Robert M., [redacted].
Moser, Tracy J., [redacted].
Nutter, David J., [redacted].
Peterson, Iver A., [redacted].
Pittman, Harrison V., [redacted].
Roush, Richard C., [redacted].
Scullin, John P., [redacted].
Shannon, John L., [redacted].
Shaye, Robert, [redacted].
Shepherd, Hunter L., [redacted].
Smith, William E., [redacted].
Spengler, Frank J., [redacted].
Spring, Paul N., [redacted].
Sullivan, Robert W., [redacted].
Thompson, Richard H., [redacted].
Wennerlund, Nelson E., [redacted].
Williams, Arthur B., [redacted].

MEDICAL CORPS

To be colonel

Agee, Robert N., [redacted].
Alexander, Margaret, [redacted].
Alvarez, Johnny D., [redacted].
Anderson, David E., [redacted].
Anderson, Paul W., [redacted].
Barnes, Sam T., [redacted].
Bell, Exter F., [redacted].
Bernard, William N., [redacted].
Bianco, Emidlo A., [redacted].
Bingham, Korth, [redacted].
Blee, William A., [redacted].
Blum, Herbert, [redacted].
Brown, Calvin R., [redacted].
Brown, Paul M., [redacted].
Brundage, Bruce H., [redacted].
Burbank, Mahlon K., [redacted].
Burk, Houston W., [redacted].
Burton, Francis E., Jr., [redacted].
Butler, Donald, [redacted].
Carlson, Curtis H., [redacted].
Carlton, Lynn W., [redacted].
Carpenter, Randall, [redacted].
Carson, Jay W., [redacted].
Chafen, Less T., [redacted].
Chenoweth, Richard, [redacted].
Lester, Temper, [redacted].
Chezar, Joel A., [redacted].
Ching, Wilson V., [redacted].
Collins, James L., [redacted].
Condon, Brian F., [redacted].
Corder, Michael P., [redacted].
DeJesus, Felipe N., [redacted].
Detata, Juan C., [redacted].
Dewitt, James E., [redacted].
Douglas, George C., [redacted].
Drennen, Robert V., [redacted].
Duarte, Cristobal, [redacted].
Dwyer, John E., [redacted].
Eisenbaum, Sidney, [redacted].
Ennis, Arthur L., [redacted].
Eves, John H., [redacted].
Farnsworth, Lynn S., [redacted].
Farr, Gist H., Jr., [redacted].
Firestone, Marvin H., [redacted].
Gardner, Richard L., [redacted].
Gerace, James E., [redacted].
Gilman, Priscilla A., [redacted].
Gladue, Joseph R., [redacted].
Glenchur, Harry, [redacted].
Gordon, Marvin T., [redacted].
Goven, John W., [redacted].
Greene, Harry L., [redacted].
Harvey, John C., [redacted].
Heath, Alfred O., [redacted].
Hebert, Peter W., [redacted].
Heisterkamp, Charles A., [redacted].
Helfrich, Loring R., [redacted].
Henke, Clarence E., [redacted].
Hewshaw, Dan M., [redacted].
Hertzog, Robert W., [redacted].
Heutel, Lee B., [redacted].
Hickerson, James, [redacted].
Holtz, Alan S., [redacted].
Hoopes, William J., [redacted].
Howard, Don G., [redacted].
Humphries, David S., [redacted].
Innesbrown, Hugh A., [redacted].
James, Richard L., [redacted].
Johnson, James L., [redacted].
Johnson, Lewis A., [redacted].
Johnson, Robert, R., [redacted].
Kim, Yong A., [redacted].
King, Roy D., [redacted].
Konwinski, Edward S., [redacted].
Kravetz, Neil D., [redacted].
Kuczerepa, Wladim, [redacted].
Kunschner, Alan J., [redacted].
Latteri, Joseph A., [redacted].
Lickfield, William, [redacted].
Lenczyk, Joseph M., [redacted].
Lickfield, William, [redacted].
Lim, George, [redacted].
Linares, Rafael, [redacted].
Lowry, Barbara S., [redacted].
Lubin, Gerald I., [redacted].
Luton, Oaklus S., [redacted].
MacDonald, Neil A., [redacted].
Maher, Paul J., [redacted].
Malaret, German E., [redacted].
Marsh, Robert J., [redacted].
Martin, Thomas S., [redacted].
Massa, Emilio, [redacted].
McKendell, Lawrence, [redacted].
McMillen, John A., [redacted].
Melton, Robert A., [redacted].
Miller, James A., [redacted].
Mills, John C., [redacted].
Mitchell, Andrew C., Jr., [redacted].
Mobley, Joe D., [redacted].
Mohs, Frank R., [redacted].
Moore, Hylan C., [redacted].
Navin, James J., [redacted].
Nelson, James S., [redacted].
Nugent, Thomas, [redacted].
Oktay, Aydogdu, [redacted].
Oldroyd, John J., [redacted].
Oxley, Leo L., [redacted].
Padgett, James E., [redacted].
Parker, David N., [redacted].
Peterson, Ralph E., [redacted].
Phillips, Charles W., [redacted].
Pinzon, Guillermo A., [redacted].
Pitts, James R., [redacted].
Plymate, Stephen R., [redacted].
Pomponio, Joseph G., [redacted].
Prestine, Arthur P., [redacted].
Raborn, Charles P., [redacted].
Ramos-Gomez, Jacobo, [redacted].
Reem, Richard C., [redacted].
Riffle, John E., [redacted].
Rigby, Odell F., [redacted].
Roberts, Lois M., [redacted].
Rodriguez, Luis M., [redacted].
Roe, Robert D., [redacted].
Roldan, Erlinda C., [redacted].
Rovere, George D., [redacted].
Rubenstein, Harry, [redacted].
Ruy, Peter B., [redacted].
Schaub, John S., [redacted].
Shelden, Russell D., [redacted].
Shideler, Blynn L., [redacted].
Sison, Ramon C., [redacted].
Skamas, Demetrios C., [redacted].
Smith, George F., [redacted].
Smith, Vestal B., [redacted].
Stilwell, James R., [redacted].
Strang, Mary S., [redacted].
Swift, John W., [redacted].
Taylor, Carson E., [redacted].
Tesdall, Donald J., [redacted].
Tieszen, Ralph L., [redacted].
Tiwary, Chandra M., [redacted].
Tolson, James M., [redacted].
Toms, Stephen, [redacted].
Toth, Nicholas, [redacted].
Trapp, George A., [redacted].
Trevey, John E., [redacted].
Trivette, Parks D., [redacted].
Verdon, Thomas A., Jr., [redacted].
Vieta, Paul A., [redacted].
Vinueza, Tirso L., [redacted].
Wahl, William R., [redacted].
Walsh, Ambrose G., [redacted].
Warden, David R., [redacted].
Weaver, Gerald G., [redacted].
Webb, James A., [redacted].
Welch, Gary W., [redacted].
Werner, John L., [redacted].
Wiener, Stanley L., [redacted].
Wright, Creighton B., [redacted].
Zumbro, George L., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Alex, Robert J., [redacted].
Allen, Richard P., [redacted].
Bastian, John A., [redacted].
Bengel, James E., [redacted].

Berstein, Sumner H., [redacted].
Blackman, William C., [redacted].
Boldt, Lavaughn A., [redacted].
Bowling, Hollis H., [redacted].
Brown, Bobby L., [redacted].
Carr, Donald E., [redacted].
Carroll, Oscar L., [redacted].
Chun, Michael A., [redacted].
Clark, Jack L., [redacted].
Clark, Robert L., [redacted].
Coleman, Howard M., [redacted].
Daniel, Julian W., [redacted].
Daniels, Ernest P., [redacted].
Dickerson, Ben E., [redacted].
Dickerson, James B., [redacted].
Fariacollazo, Sigfredo, [redacted].
Fini, Anthony F., [redacted].
Glosser, Earl A., [redacted].
Green, Calvin C., [redacted].
Gumenuk, Daniel, [redacted].
Hanrahan, Martin L., [redacted].
Higgins, Thomas F., [redacted].
Houck, Gilbert R., [redacted].
House, Delma R., [redacted].
Johnson, Thomas A., [redacted].
Jones, Jimmy R., [redacted].
Jones, Robert G., [redacted].
King, Douglas D., [redacted].
Lewis, John T., [redacted].
Lippert, Joseph E., [redacted].
Lownsbery, Norton E., [redacted].
Martin, Francis D., [redacted].
Mazzone, Horace M., [redacted].
McDaniel, James U., [redacted].
McGinn, George P., [redacted].
Miller, Robert W., [redacted].
Mitchell, Melvin B., [redacted].
Molloy, James H., [redacted].
Moyer, John B., Jr., [redacted].
Olander, Leroy H., [redacted].
Peterson, Carl T., [redacted].
Repeta, Bruno H., [redacted].
Roberts, Donald E., [redacted].
Sanders, Richard S., [redacted].
Sanders, William P., [redacted].
Schneider, J. C., Jr., [redacted].
Schutte, Harry A., Jr., [redacted].
Silvers, Paul, [redacted].
Stults, Theodore M., [redacted].
Tanaka, Stanley K., [redacted].
Templeton, Hubert L., [redacted].
Thrush, Donald R., [redacted].
Tofal, Karl J., [redacted].
Uyeda, Charles T., [redacted].
Weishaar, Michael F., [redacted].
White, Albert J., Jr., [redacted].
Wutzer, Edmund B., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Bennett, N. M., [redacted].
Cole, Robert V., Jr., [redacted].
Joyce, Arleen H., [redacted].
Lorusso, Nicholas D., [redacted].
Syrjala, Edith A., [redacted].
Walker, Archie L., [redacted].

VETERINARY CORPS

To be colonel

Fairchild, David G., [redacted].
Johnson, Malcolm C., [redacted].
Kugel, Gerald J., [redacted].
Nytch, Thomas F., [redacted].
Olson, Leroy D., [redacted].
Reynolds, Scott L., [redacted].

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, United States Code, Sections 3370 and 3383:

ARMY PROMOTION LIST

To be lieutenant colonel

Allen, John M., [redacted].
Anderson, John E., [redacted].
Arce, Jorge, [redacted].
Ard, John E., [redacted].
Arner, Walter D., Jr., [redacted].
Baird, Carl D., [redacted].
Baker, William C., [redacted].
Ball, Theodore M., [redacted].
Barnett, William O. [redacted].
Bauerle, James L., [redacted].
Bayliss, Marcus A., Jr., [redacted].
Bigler, Clair J., [redacted].
Blake, Ben P., [redacted].
Blakenship, Michael E., [redacted].
Bowers, James S., [redacted].
Browder, James G., Jr., [redacted].
Bulova, Richard T., [redacted].
Buzzell, Philip, [redacted].
Byrd, Lonnie D., III, [redacted].
Cantrell, Clifford J., Jr., [redacted].
Caton, Douglas E., [redacted].
Cedeno, Francisco J., [redacted].
Chin, James R., [redacted].
Christatos, Maurice J., [redacted].
Clifton, Claude E., [redacted].
Cochrane, Stephen, [redacted].
Connell, Jerry L., [redacted].
Cook, David B., [redacted].
Cordero, Miguel A., [redacted].
Craft, Toby W., [redacted].
Damon, James D., [redacted].
Dancer, Charles R., [redacted].
Darland, Jack L., [redacted].
Davis, Thomas R., [redacted].
Diaz, John V., [redacted].
Dixon, Charles, [redacted].
Dubois, Terrell J., [redacted].
Durr, Donald D., [redacted].
Estep, Bobby G., [redacted].
Fargnoli, Anthony, [redacted].
Fisher, Ronald R., [redacted].
Fister, Walter S., [redacted].
Flores, Manuel R., [redacted].
Foley, Lavelle M., [redacted].
Fray, William C., [redacted].
Frazee, Robert M., [redacted].
Freese, Jasper, [redacted].
Frost, John W., [redacted].
Funderturk, Ronald N., [redacted].
Gaeta, Joseph J. [redacted].
George, Chalmer D., [redacted].
Gilman, Larry E., [redacted].
Gordon, Henry, [redacted].
Greene, John G., [redacted].
Haas, Charles W., II, [redacted].
Hanks, James E., [redacted].
Hindman, William J., [redacted].
Hjort, Gary J., [redacted].
Huff, Keith M., [redacted].
Hunter, Willard W., [redacted].
Hutchinson, Roger W., [redacted].
Jefferson, Robert, [redacted].
Johnson, Joseph D., [redacted].
Jones, Gareth R., [redacted].
Knowlton, David W., III, [redacted].
Kupferman, Earl P., [redacted].
Kuykendall, John L., [redacted].
Landadio, Dennis M., [redacted].
Langford, Thomas R., [redacted].
Larisey, James B., [redacted].
Lee, Donald E., [redacted].
Leon, Philip W., [redacted].
Lindquist, Richard B., [redacted].
Lucchesi, Charles E., [redacted].
Lytle, Thomas S., [redacted].
Madden, Donald R., [redacted].
Manley, Larry W., [redacted].
Martin, Jack, Jr., [redacted].
McDougal, James M., [redacted].
McGrew, John H., [redacted].
Merlino, John J., [redacted].
Mills, Pope M., [redacted].
Moore, Howard R., [redacted].
Moore, Jene E., [redacted].
Morgan, Clyde H., [redacted].
Morris, Benjamin O., [redacted].
Mozingo, William E., [redacted].
Mullins, Eugene, [redacted].
Nagle, Kenneth R., [redacted].
Nance, Daniel R., [redacted].
O'Connor, Thomas L., [redacted].
Okimoto, Kenneth K., [redacted].
Paige, Kurt R., [redacted].
Poinsett, Robert R., [redacted].
Pool, Daniel J., [redacted].
Prewitt, David E., [redacted].
Raffin, Claude F., [redacted].
Reynolds, Robert A., [redacted].
Schofield, Linn J., [redacted].
Schumann, Reinhard H., [redacted].
Screws, George W., [redacted].
Scullin, Frederick J., [redacted].
Seksinsky, James P., [redacted].
Sellers, William D., [redacted].
Shapiro, Paul J., [redacted].
Sievers, William H., [redacted].
Skillicorn, Dale C., [redacted].
Smart, Clayton R., [redacted].
Smith, David J., [redacted].
Smith, Raymond F., [redacted].
Soule, Thomas F., Jr., [redacted].
Starling, Bruce C., [redacted].
Stephens, Thomas J., [redacted].
Stocker, William L., [redacted].
Urie, Edwin E., [redacted].
West, Alan C., [redacted].
Whitehouse, Ernest, [redacted].
Whitworth, Malchiga, [redacted].
Wilkins, Daniel B., [redacted].
Wilkins, William W. Jr., [redacted].
Witt, Elwood H. Jr., [redacted].
Yost, David R., [redacted].
Zygiel, John J., [redacted].
Zylstra, Ronald L., [redacted].

CHAPLAIN

To be lieutenant colonel

Friend, Jan, [redacted].
Kinnane, James F., [redacted].
Miller, Ronald D., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Aberilla, Romualda, [redacted].
Archambeault, Beatrice, [redacted].
Ashley, Helen L., [redacted].
Beaver, Peggy E., [redacted].
Blowe, Maude L., [redacted].
Bos, Marcia R., [redacted].
Buchan, Valerie B., [redacted].
Carl, Dolores J., [redacted].
Clayton, Eileen L., [redacted].
Clifton, Mary R., [redacted].
Cooley, Sandra K., [redacted].
Deaton, Betty A., [redacted].
Diaz, Hilda, [redacted].
Dietrich, Annette M., [redacted].
Driskill, William T., [redacted].
Dueno, Hector E., [redacted].
Easler, Velma B., [redacted].
Evans, Jane E., [redacted].
Fegley, Ethel M., [redacted].
Ferington, F. E., [redacted].
Finch, Barbara A., [redacted].
Ford, Timothy C., [redacted].
Fuertes, Nilda O., [redacted].
Gacita, Juan M., [redacted].
Gandar, Beatrice, [redacted].
Gonzalez, Alejandro, [redacted].
Graham, Shannon D., [redacted].
Guyette, Laraine H., [redacted].
Haggard, Jeanette, [redacted].
Haines, Margaret L., [redacted].
Herrington, Joyce, [redacted].
Jefferson, Ann C., [redacted].
Johnson, Curtis B., [redacted].
Johnson, Maxine E., [redacted].
Johnson, Richard S., [redacted].
Jones, Marsha M., [redacted].
Kelly, Willie L., [redacted].
Kelm, Albert D., [redacted].
Kraska, Jeanette D., [redacted].
Laporte, Adrienne A., [redacted].
Lewis, Donald A., [redacted].
Lewis, Virginia M., [redacted].
Longmore, Beverley, [redacted].
Lord, Rosalie N., [redacted].
Lowe, Patricia H., [redacted].
Mayfield, Howard L., [redacted].
McCarthy, Alice J., [redacted].
McCarty, Elaine E., [redacted].
McConnell, Thomas L., [redacted].
Mills, Virginia V., [redacted].
Modigh, Barbara P., [redacted].
Montague, Mamie C., [redacted].
Montani, Linda M., [redacted].
Morgan, Bernice C., [redacted].
Moskovites, John P., [redacted].
Newton, Donald, [redacted].

O'Hare, Sara, [redacted].
Piemonte, Robert V., [redacted].
Pierce, Joanna R., [redacted].
Rand, Donald E., [redacted].
Ray, Geraldyn M., [redacted].
Regenie, Sandra J., [redacted].
Richtsmeier, Judith, [redacted].
Riffle, Kathryn L., [redacted].
Robinson, Aubrey T., [redacted].
Roe, Dixie J., [redacted].
Rubin, Eleanor A., [redacted].
Ruppert, Anne M., [redacted].
Russel, Beverly J., [redacted].
Sandle, Claudia J., [redacted].
Scheresky, Wilbur J., [redacted].
Seidlitz, Paul R., [redacted].
Shapiro, Allan E., [redacted].
Silvacarabella, Nereida, [redacted].
Smith, Ann L., [redacted].
Smith, Georgia M., [redacted].
Spane, Janice J., [redacted].
Spillman, Carol S., [redacted].
Stanfield, Ruby N., [redacted].
Stone, Carl W. Sr., [redacted].
Swansburg, Judith M., [redacted].
Sweeney, Sandra S., [redacted].
Tingley, Marian F., [redacted].
Vanderlinden, Roosje, [redacted].
Viancourt, Mary E., [redacted].
Vining, Louis A., [redacted].
Walker, Price A., [redacted].
Wall, William A., [redacted].
Weber, Sylvia, [redacted].
Weyhenmeyer, Archie, [redacted].
Whitten, Blanca A., [redacted].
Winston, Catherine, [redacted].
Wozniak, Dolories A., [redacted].

DENTAL CORPS

To be lieutenant colonel

Aftoora, Charles D., [redacted].
Anderson, Ralph L., [redacted].
Andrews, Edwin E., [redacted].
Brognano, Frank L., [redacted].
Broome, Forrest V., [redacted].
Bucholtz, Myron R., [redacted].
Campbell, James R., [redacted].
Carabello, John F., [redacted].
Chojnacki, Paul S., [redacted].
Colasanto, Anthony, [redacted].
Culbreath, Huel M., [redacted].
Dalness, John H., [redacted].
Debs, John F., [redacted].
Doherty, Tommy R., [redacted].
Edwards, Alva C., [redacted].
Feller, Ralph P., [redacted].
Flynn, Walter M., [redacted].
Foltz, Ronald H., [redacted].
Gilliam, Gary D., [redacted].
Grant, Robert W., [redacted].
Gunderson, James S., [redacted].
Haemmerle, Walter E., [redacted].
Hamilton, Edward C., [redacted].
Hammer, Wade B., [redacted].
Healey, Kent W., [redacted].
Heguigorri, Oswaldo, [redacted].
Hocott, James K., [redacted].
Horn, Robert C., [redacted].
Hoyle, Wilson S., [redacted].
Koss, Stanley F., [redacted].
Lashbrook, Robert A., [redacted].
Law, Kenneth J., [redacted].
Lee, Arthur, Jr., [redacted].
Lee, James L., [redacted].
Lloyd, John L., [redacted].
Mannarino, N. A., [redacted].
Martin, John B., [redacted].
Mason, Marion W., [redacted].
McGinley, Daniel H., [redacted].
McGrath, Frank B., [redacted].
Mitchell, John M., [redacted].
Miyares, Jorge H., [redacted].
Morof, Arnold S., [redacted].
Mowery, Albert S., Jr., [redacted].
Myers, Malcolm, [redacted].
Noblin, Franklin J., [redacted].
Nolan, Patrick S., [redacted].
Olsen, James R., [redacted].
O'Neil, William V., [redacted].
Ordo, Howard C., [redacted].
Orton, Terrence D., [redacted].
Poidmore, Sam J., [redacted].
Pond, Robert J., [redacted].
Pushkin, Philip H., [redacted].
Raynor, Bobby C., [redacted].
Reed, William R., [redacted].
Roane, John T., [redacted].
Roebuck, Tommy G., [redacted].
Sommer, William W., [redacted].
Stuccio, Vincent J., [redacted].
Szemer, Stanley H., [redacted].
Thiedeman, Douglas, [redacted].
Turner, Kenneth A., [redacted].
Ullrich, Thomas W., [redacted].
Vanhorn, Wilbur E., [redacted].
Vanty, Lawrence J., [redacted].
Vierthaler, Anton A., [redacted].
Walker, George W., [redacted].
Watson, James W., [redacted].
Wood, Robert E., [redacted].
Zappia, Paul C., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Aebi, Ernest P., [redacted].
Aiu, Patrick K., [redacted].
Ansaldo, Oscar P., [redacted].
Baum, Edward S., [redacted].
Bench, Clyde J., [redacted].
Brook, Joel E., [redacted].
Burk, Raymond F., [redacted].
Busch, Joseph J., [redacted].
Canfield, Thomas M., [redacted].
Cheatham, William M., [redacted].
Chester, Charles P., [redacted].
Church, Jackie L., [redacted].
Coverdale, Edward N., [redacted].
Deleon, Francisco, [redacted].
Diamond, Arthur E., [redacted].
Diazlegrand, Orland, [redacted].
Dillingham, Rex H., [redacted].
Fernandes, Francis, [redacted].
Fritschel, William, [redacted].
Galakatos, Andrew E., [redacted].
Gunther, Robert C., [redacted].
Heinitsh, Harry E., [redacted].
Hofschire, Philip J., [redacted].
Holl, James E., [redacted].
Kitchens, Craig S., [redacted].
Levi, James S., [redacted].
Lichtenstein, Jack, [redacted].
Marr, John S., [redacted].
Maulfair, Conrad G., [redacted].
Mohanty, Santosh K., [redacted].
Moore, Carolyn M., [redacted].
Nakadate, Glenn M., [redacted].
Noviasky, Atsuko A., [redacted].
Packard, Artemas J., [redacted].
Plavin, Melvin, [redacted].
Pride, Glenn L., [redacted].
Rajkumar, Solomon, [redacted].
Shah, Rugmini S., [redacted].
Shmookler, Barry M., [redacted].
Shulman, Robert S., [redacted].
Smith, John I., [redacted].
Smith, John P., [redacted].
Snodgrass, Phillip A., [redacted].
Snyder, Alexander B., [redacted].
Stickley, William S., [redacted].
Tolentino, Guillermo, [redacted].
Torian, James A., [redacted].
Vanosdel, Lewis A., III, [redacted].
Weinberg, Samuel E., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Adderhold, Nealy R., [redacted].
Allen, Floyd E., [redacted].
Allen, Richard L., [redacted].
Andrews, Thomas K., [redacted].
Austell, John T., [redacted].
Barlow, Don P., [redacted].
Berres, David J., [redacted].
Botts, Thomas M., [redacted].
Burger, Gerald E., [redacted].
Bynum, Raleigh W., [redacted].
Chance, Lawrence E., [redacted].
Clark, Chester C., [redacted].
Cox, Kaye B., [redacted].
Czerwinski, John R., [redacted].
Danhouser, David C., [redacted].
Dore, Jules E., [redacted].
Downing, Gerald L., [redacted].
Duff, James C., [redacted].
Dunaway, Finis E., Jr., [redacted].
Dykes, David W., [redacted].
Everitt, Larry E., [redacted].
Fabris, Richard H., [redacted].
Gerow, William L., [redacted].
Goodwin, Edward A., Jr., [redacted].
Gosselin, Richard F., [redacted].
Grieg, John M., [redacted].
Grossfeld, Michael, [redacted].
Groves, Barney R., [redacted].
Gunkel, Alexander, [redacted].
Hansen, Robert G., [redacted].
Harris, Carlos, [redacted].
Hart, Bevil M., [redacted].
Hilliard, David A., [redacted].
Holder, Ira H., [redacted].
Holland, Paul G., Jr., [redacted].
Hornbeak, Charles J., [redacted].
Hostetter, D. L., [redacted].
Hudson, Harold D., [redacted].
Hunter, Kenneth W., [redacted].
Iwen, Frank A., [redacted].
Jacobsen, John L., [redacted].
Johansen, Ansgar N., [redacted].
Johnson, Harry W., [redacted].
Jonasson, Jon F., [redacted].
Krekemeyer, Richard J., [redacted].
Kubota, Kaoru A., [redacted].
Kunz, Sidney E., [redacted].
Laing, Robert L., [redacted].
Lamonaca, Joseph A., [redacted].
Larosa, Damenico, [redacted].
Laschkewitsch, John, [redacted].
Lipsitz, Harold O., [redacted].
Malone, Annie E., [redacted].
McCoy, Robert C., [redacted].
McLohon, Alton R., [redacted].
Mohatt, James V., [redacted].
Murray, Richard H., [redacted].
Muscarella, Ronald, [redacted].
Olson, David F., [redacted].
Pfannenstiel, Charles, [redacted].
Phillips, Robert E., [redacted].
Polk, Claude C., [redacted].
Quintero, Paul V., [redacted].
Randle, John H., [redacted].
Ratzman, Joseph W., [redacted].
Richards, James, [redacted].
Riker, Charles C., [redacted].
Ruggles, Don C., [redacted].
Sawyer, Thomas K., [redacted].
Schipul, Arthur H., [redacted].
Schmidt, Keith O., [redacted].
Silvidi, Alfred C., [redacted].
Simmons, Clois B., [redacted].
Smith, Baisal D., [redacted].
Smith, Julius, [redacted].
So, Richard J., [redacted].
Spencer, Calvin B., [redacted].
Stoddard, Wayne, III, [redacted].
Stone, Robert P., [redacted].
Teed, Jere M., [redacted].
Thorp, Edward G., Jr., [redacted].
Tonweber, Joseph W., [redacted].
Toole, Robert F., [redacted].
Tripp, Charles H., [redacted].
Vanaken, John C., [redacted].
Vetter, Louis H., [redacted].
Walker, George J., [redacted].
Warren, Benjamin H., II, [redacted].
Webster, Joseph L., [redacted].
Wheeler, David C., [redacted].
Whitney, Charles C., Jr., [redacted].
Williams, James O., [redacted].
Williams, Timothy H., [redacted].
Williamson, Samuel, [redacted].
Wolff, Ralph G., [redacted].

ARMY MEDICAL SPECIALISTS CORPS

To be lieutenant colonel

Arrington, Gladys L., [redacted].
Berg, Orville D., [redacted].
Cheatum, Linda S., [redacted].
Garber, John R., [redacted].
Kozlow, Beverly K., [redacted].
Lumsden, Dale T., [redacted].
Picking, Dona R., [redacted].
Russell, Nancy H., [redacted].
Spencer, Lael A., [redacted].

VETERINARY CORPS

To be lieutenant colonel

Applegate, Raymond, [redacted].
Bridges, M. J., Jr., [redacted].
Dahlgren, Robert R., [redacted].
Henderson, Johnny L., [redacted].
Jones, William O., [redacted].
Truss, Arthur W., [redacted].

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, United States Code, sections 591, 593, and 594:

MEDICAL CORPS

To be colonel

Bates, Thomas R., [redacted].
Eagleton, John E., [redacted].
Kovacs, Alexander D., [redacted].
Osborne, Horace H., [redacted].

ARMY PROMOTION LIST

To be lieutenant colonel

Whitcomb, Richard G., [redacted].

DENTAL CORPS

To be lieutenant colonel

Costley, John M., [redacted].
Davis, Stephen S., [redacted].
Rivera-Hidalge, F., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Adams, Marcus W., Jr., [redacted].
Ausky, Natalie N., [redacted].
Black, James R., [redacted].
Black, Jeffrey L., [redacted].
Boland, Michael J., [redacted].
Carroll Charles P., [redacted].
Corzatt, Richard D., [redacted].
Fleischer, Thomas A., [redacted].
Fogel, Lawrence J., [redacted].
Hijmans, Jacqueline C., [redacted].
Hollister, George L., [redacted].
Howe, John F., [redacted].
Ide, Carl H., [redacted].
Jensen, Fred J., [redacted].
Kolina, John S., [redacted].
Kames, Sermsook, [redacted].
Levinson, Richard A., [redacted].
Ling, Julia K., [redacted].
Loleng, Cecilia M., [redacted].
Lutz, Robert D., [redacted].
Matthews, Joseph I., [redacted].
McMullen, Paul E., [redacted].
Mercado, Esmeralda A., [redacted].
Miller, Lawrence W., [redacted].
Morgan, Marvin W., [redacted].
Mosnier Louis A., [redacted].
Pandya, Shirish R., [redacted].
Pierce, Gene S., [redacted].
Raue, William T., [redacted].
Short, Joan K., [redacted].
Simon, Howard M., Jr., [redacted].
Solidum, Ruben R., [redacted].
Sullivan, George H., [redacted].
Theodore, Henri C., [redacted].
Webster, Paul D., III, [redacted].
White, Thomas D., [redacted].

VETERINARY CORPS

To be lieutenant colonel

Hill, Whavne B., [redacted].

The following-named officers for appointment in the Army of the United States, under the provisions of Title 10, United States Code, section 3494:

MEDICAL CORPS

To be lieutenant colonel

Johnson, William M., [redacted].

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Adams, Robert L., [redacted].
Appleby, Robert H., [redacted].
Batey, Dana D., [redacted].
Berard, Jerome J., [redacted].
Bess, Carl F., [redacted].
Boswell, Herman C., [redacted].
Brashear, Jay, [redacted].
Buggy, Clair B., [redacted].
Buggy, James R., [redacted].
Castellano, Baron J., [redacted].
Conva, Gerard P., [redacted].
Culbreath, Richard A., [redacted].
Davis, Russell J., [redacted].
DeGraw, Thomas B., [redacted].
DeJesus, Arnaldo J., [redacted].
Diener, John W., [redacted].
Empson, Edgar P., [redacted].
Fairey, Leewell E., Jr., [redacted].
Fisher, Robert J., [redacted].
Fletcher, Robert G., [redacted].
Friesner, Theodore E., [redacted].
Fulkerson, Charles W., [redacted].
Glenn, George T., [redacted].
Hardin, Malcolm D., [redacted].
Harman, Andrew F., [redacted].
Haynes, Earl H., [redacted].
Henderson, Charles F., [redacted].
Herron, Richard D., [redacted].
Howland, Ronald L., [redacted].
Jones, Fred R., [redacted].
Kuba, William F., [redacted].
Leck, Cleon C., [redacted].
Levi, Carl E., [redacted].
Livingston, Robert E., [redacted].
Love, Kenneth R., [redacted].
Mabry, James C., [redacted].
Mackey, Melvin M., [redacted].
McKee, Darrel J., [redacted].
Mye, Edward F., [redacted].
Oliva, Erneido A., [redacted].
Parrish, James R., [redacted].
Pate, Harold E., [redacted].
Phillips, Duane M., [redacted].
Powell, Norman L., [redacted].
Roberts, John L., [redacted].
Rodgers, John B., [redacted].
Rush, Charles V., [redacted].
Shaw, Wallace B., [redacted].
Simon, Duane R., [redacted].
Sims, Richard J., [redacted].
Tatum, William D., Jr. [redacted].
Taylor, Robert D., [redacted].
Trivits, Oscar E., [redacted].
Wagner, Charles R., [redacted].
Wallace, Kenneth E., [redacted].
Watson, William B., [redacted].
Williams, Oren M., Jr., [redacted].
Zalopany, Peter E., [redacted].

MEDICAL CORPS

To be colonel

Abrums, John D., [redacted].
Chandler, Allan E., [redacted].
Hagelstein, Arthur A., [redacted]
Lohier, Raymond, [redacted].
Wyman, Stephen M., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Elzea, William D., [redacted].
Lucas, Earl L., [redacted].

ARMY PROMOTION LIST

To be lieutenant colonel

Aalto, Peter D., [redacted].
Alvarez, Abraham P., [redacted].
Anderson, Robert W., [redacted].
Benson, James W., [redacted].
Bergman, Ronald A., [redacted].
Bilo, William C., [redacted].
Blaney, James G., [redacted].
Bodine, Thomas B., [redacted].
Bonner, Joseph C., [redacted].
Botts, Sam M., [redacted].
Bowers, Kibler, [redacted].
Bowles, Alfred P., [redacted].
Brehm, James R., [redacted].
Brooks, Earl M., [redacted].
Bunker, Edward A., Jr., [redacted].
Burchard, Lewis E., [redacted].
Burnhope, Kenneth D., [redacted].
Carlsen, Theodore T., [redacted].
Cates, Byron L., [redacted].
Cimino, Anthony J., [redacted].
Cooper, Carl B., [redacted].
Curell, John D., [redacted].
Daddona, Richard A., Jr., [redacted].
Dunlap, Leland B., [redacted].
Eagerton, John D., Jr., [redacted].
Ence, Randy J., [redacted].
Falke, Wilbert L., [redacted].
Fascia, John L., [redacted].
Ferreira, John J., [redacted].
Fetch, Vernon F., [redacted].
Finney, Hershel M., Jr., [redacted].
Fioretti, Ray E., [redacted].
Funchess, Lucius A., Jr., [redacted].
Gale, Darrel D., [redacted].
Gay, David W., [redacted].
Gerber, Benny E., [redacted].
Ghormley, James C., III, [redacted].
Grass, Nathan L., [redacted].
Graton, Austin S., [redacted].
Grove, Richard L., [redacted].
Hanson, Stewart M., Jr., [redacted].
Harrison, Everett R., [redacted].
Heroux, Richard D., [redacted].
Hirshorn, Donald P., [redacted].
Holen, Harold R., [redacted].
Holmes, James W., [redacted].
Holmes, William W., III, [redacted].
Hopkins, George A., [redacted].
Inman, Benjamin T., [redacted].
Jeffus, Samuel H., [redacted].
Johnson, John R., [redacted].
Keaton, Joseph C., [redacted].
Lantry, Richard C., [redacted].
Law, John T., [redacted].
Lowery, Wendell W., [redacted].
Masterjoseph, Joseph R., [redacted].
McCallum, Bruce A., [redacted].
McCracken, Charles M., [redacted].
Metcalf, Richard W., [redacted].
Middleton, Garyland D., [redacted].
Miles, Grady M., [redacted].
Mooney, Jerome H., III, [redacted].
Moore, Leon, [redacted].
Moore, Richard W., [redacted].
Morgan, Robert A., [redacted].
Morrison, Edgar B., [redacted].
Morrison, Stanley P., [redacted].
Myers, Elgin L., [redacted].
Olson, Owen J., [redacted].
Opsahl, Erhard P., [redacted].
Pace, David E., [redacted].
Pierson, Verne M., [redacted].
Pilcher, David H., [redacted].
Polis, Frank, [redacted].
Prater, Robert W., [redacted].
Robertson, Michael S., [redacted].
Rusch, Richard M., [redacted].
Sangray, Andrew R., [redacted].
Sanchez-Miranda, Luis, [redacted].
Savage, Walter E., [redacted].
Schmidt-Monge, Roberto, [redacted].
Schulte, Robert E., [redacted].
Smith, LaRelle R., [redacted].
Snelbecker, Leroy D., [redacted].
Stack, Robert J., [redacted].
Stopher, John W., [redacted].
Sumpter, Kenneth R., [redacted].
Szczyglel, David P., [redacted].
Tatum, Earl R., [redacted].
Vitek, Leonard M., [redacted].
Wanosky, Charles N., Jr., [redacted].
Wardell, Herbert O., Jr., [redacted].
Warren, Oran P., [redacted].
Whitehead, James E., [redacted].
Wilhelm, David P., [redacted].
Williams, Gary G., [redacted].
Williams, Samuel A., [redacted].
Wilmoth, Guy E., [redacted].
Zweifel, David A., [redacted].

DENTAL CORPS

To be lieutenant colonel

Allen, Albert J., Jr., [redacted].
Gould, George A., [redacted].
Lloyd, John L., [redacted].
McBride, Lindley D., [redacted].
Oschenbein, Kenneth R., [redacted].
Puma, Joseph P., [redacted].
Rushing, Bob N., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Altman, Ruben, [redacted].
Araoz, Carlos A., [redacted].
Arrington, Robyn J., Jr., [redacted].
Babaturk, Hidir, [redacted].
Bal, Jose A., [redacted].
Bivins, Brack A., [redacted].
Cipolla, Vincent T., [redacted].
Felsenberg, Stanley Z., [redacted].
Flax, Leonard H., [redacted].
Frothingham, Rodney E., Jr., [redacted].
Garza, Ben L., [redacted].
Hoffman, Carl E., [redacted].
Kiken, Michael S., [redacted].
Leaver, Robert C., [redacted].
Lehrman, David G., [redacted].
Lewis, Asle K., [redacted].
Mellen, John D., [redacted].
Mendoza, Ernesto P., [redacted].
Osborn, Jack M., [redacted].
Panjwani, Harry K., [redacted].
Peacock, Russell B., [redacted].
Posey, William C., [redacted].
Prosser, Robert L., [redacted].
Snodgrass, Roy C., [redacted].
Stawiski, Marek A., [redacted].
Webber, Everett H., Jr., [redacted].
White, Allison R., Jr., [redacted].
Winn, James R., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Commins, Robert T., [redacted].
Denker, Roger W., [redacted].
Ready, Dwight E., [redacted].
Stevenson, Clifford T., [redacted].

VETERINARY CORPS

To be lieutenant colonel

Rankin, Roger L., [redacted].

IN THE NAVY

The following-named commanders of the U.S. Navy for temporary promotion to the grade of captain in the line, pursuant to Title 10, United States Code, sections 5769 and 5791, subject to qualifications therefor as provided by law:

Allen, Richard C.
Allen, Robert A.
Amantea, Thomas R.
Anderson, Carl A.
Anderson, Lawrence G.
Andress, William D., Jr.
Andrilla, Joseph J.
Arnett, Rexford R., Jr.
Art, Raymond J.
Asher, John W., III
Atwell, Marion A.
Austin, Jack B.
Austin, Paul B.
Baldwin, John S.
Ballard, James O., Jr.
Bancroft, William P.
Barnhill, Hugh K.
Barns, David W.
Barr, Jon M.
Barrett, James H.
Bartels, Albert L.
Battaglini, Arnold R.
Beebe, Bruce A.
Beedle, Ralph E.
Beggs, Richard K.
Bell, Gary E.
Bell, Ronald K.
Berklite, Ronald B.
Best, James B.
Beveridge, Jerry D.
Birtwistle, Richard, III
Bishop, David K.
Bissell, Allen M.
Black, Donald L.
Black, Eugene H.
Black, Robert S.
Bleakley, Andrew, Jr.
Blesch, Jerry M.
Blose, Larry E.
Boissenin, William C.
Bolden, David R.
Bond, Thomas H.
Bowers, John M., Jr.
Bowman, Peter B.
Boyd, William T. III
Brady, John B.
Branch, Daniel B., Jr.
Brandquist, Roland
Briggs, Steven R.
Broadfield, Donald E.
Brockhausen, Frederick C., Jr.
Brown, Dale S., Jr.
Bruntlett, Carl E.
Buehler, Roy R.
Burns, Robert E.
Burton, John G.
Bush, Thomas O.
Butler, Phillip N.
Byng, Robert H.
Cadow, William S., Jr.
Camilleri, Terrence J.
Campbell, Arlington F
Cangianelli, Leo A.
Carbone, John A.
Carden, Francis D. J.
Cargill, Lee B.
Carlsen, Kenneth L.
Carlson, Roger E.
Carpenter, Stephen P.
Carpenter, John D., Jr
Cartwright, James P.
Castano, John B.
Castle, Robert W., Jr.
Cauthen, Halle R.
Ceres, Robert L.
Chadwick, Stephen K.
Chrisman, John A. Jr.
Churchill, Bruce W.
Claman, John S.
Clarey, Stephen S.
Clark, Donald D.
Clark, Kenneth G.
Clautice, William G.
Clift, Thomas A.
Coen, Ira H., Jr.
Colbert, Edward W., Jr.
Cole, Isaiah C.
Cole, Joseph D.
Cooper, Paul W., Jr.
Cooper, Robert L.
Corbeille, Reginald C.
Cormack, James P.
Cotterman, Andrew G.
Cotton, Robert V.
Courtney, Wallace C.
Cowles David E.
Crandall, Joel L.
Crigler, Charles H.
Crippen, Robert L.
Cuddy, John V.
Dachos, John
Damato, Joseph J.
Darwin, James R.
Davis, George W., VI
Davis, Thomas E.
Dean, Dennis V.
Decker, Joel P. W.
Dewey, John C.
Dirvianskis, Arunas
Dobes, Joseph C.
Doss, Dale W.
Dougherty, Francis J.
Doyle, William J.
Drake, William B., Jr.
Duffy, Philip F.
Dunlop, James M.
Dvornik, Donald F.
Dykes, Robert A.
Dziedzic, Walter T., Jr.
Eaton, Donald R.
Edwards, David R.
Egan, Gerald E.
Ekstrom, John S.
Evans, Lucian C.
Everman, Leon E.
Ewing, Charles D.
Eyer, James E.
Fee, Jerome J.
Fidlar, Richard A.
Finerty, Martin J., Jr.
Finkelstein, Jimmie B.
Fisher, Gordon E.
Fitzgerald, Michael E.
Flynn, Cathal L., Jr.
Fogg, Robert F.
Fogle, William J.
Ford, Joseph P. P.
Fossett, Birchard C.
Francis, William C.
Fuqua, James R., Jr.
Galbraith, William R.
Garrett William B.
Gasser, Robert E.
Gauthier, David P.
Gavlak, Michael W.
Geck, Robert L.
Geist, Gary Q.
Gentry, Donald G.
Georg, John A.
Gershon, Jon J.
Giese, Carl E., Jr.
Gill, David C.
Gill, Richard B.
Golden. Mark M.
Gost, William J.
Grafton, Jay T.
Graham, Genie K.
Greenwood, Jack R.
Grise, James E.
Groth, John F.
Guay, Paul E.
Habicht, Roland F. H.
Hakanson, Gary E.
Hale, Thomas M., Jr.
Hall, Jay H.
Hallmark, Samuel N.
Hamilton, James B.
Hamon, Richard W.
Hancock, James E.
Hansen, Kirby W., Jr.
Harden, John D.
Harrison, Robert G.
Hart, David A.
Harter, Gary L.
Hassler, Thomas A.
Hastie, William J.
Hawthorne, John W.
Head, Thomas A.
Heath, David M.
Heckathorn, Claire E.
Hedley, Peter F.
Held, William E., Jr.
Helmann, Jack E.
Hendrickson, Daniel L.
Herman, William A.
Herring, J. Michael
Hicks, Gerald D.
Hill, Charles E.
Hill, Nordean T.
Hock, Joseph T.
Hoever, Milton H.
Hoey, John H.
Hoffer, Leon E., Jr.
Hoffman, David W.
Holcomb, Charles C.
Holds, James H.
Holland, Wylen R.
Homan, Clifford F.
Houley, William P.
Howard, Albert O., Jr.
Howard, Marshall A.
Howley, Thomas F.
Huehn, Kelvin W.
Hurd, Robert C.
Hurlburt, Joseph S.
Hydinger, Robert M.
Ianson, Lawrence W., Jr.
Jacanin, James M.
Jackson, William E.
Jacobsen, Kenneth C.
Jerding, Frederick N.
Jesberg, Ronald H.
Jockel, Joseph A., Jr.
Johnson, Charles O.
Johnson, Roland R.
Johnson, Robert C., Jr.
Jones, Keith S.
Jones, Raymond G., Jr.
Julian, Franklin D.
Kanady, Garland H., Jr.
Keay, Karl L.
Kelly, Robert F., Jr.
Kelly, Thomas W. III
Kennedy, Joseph T.
Kesler, Gene P.
Kiland, Ingolf N., Jr.
King, Joseph F.
King, William W.
Klein, Donald G.
Klementz, Robert W.
Klett, William G.
Klorig, William N.
Koehr, James E.
Korrell, Harry J. F., Jr.
Kosoff, Tracy M.
Krasts, Ilmars
Krumm, Theodore G., Jr.
Kubishen, Michael A.
Landrum, Raymond G.
Lang, James R.
Langemo, James C.
Larson, Jerold J.
Larson, Robert L.
Lazo, Reinaldo
Leahy, John F. III
Ledbetter, Gary C.
Leder, John F.
Leeper, James R.
Lees, Michael J.
Leichtweis, Donald L.
Leslie, Robert C.
Lester, Walter B., Jr.
Leszcynski, Vincent J.
Lickford, Frederick R. III
Liebmann, John E.
Lindsay, Gene H.
Lloyd, Roger W.
Loftus, Thomas J.
Lovell, Jack W.
Luper, James A.
Lusk, James B., Jr.
MacDonald, Bridgman A.
MacGillivray, Kenneth A.
Mackin, John W., Jr.
MacPherson, David G.
Maness, Anthony R.
Mann, Harry P.
Manning, William S.
Marburger, George G., Jr.
Mares, David L.
Markowski, David L.
Marsh, William B., Jr.
Marshall, Bruce C.
Martel, Sinclair S.
Martin, William G.
Maurer, John H., Jr.
Mayo, Norman A.
McAree, William B., II
McCarton, Joseph F.
McCaull, John W.
McClanahan, Ted
McCoy, Jimmy H.
McEntyre, Harry K.
McGanka, Steven W.
McGowen, William R.
McGuire, Richard J.
McKelvey, Gilbert H.
McKenne, Donald C.
McKeown, Ronald E.
McKinney, Henry C.
McKnight, Phillip F.
McLaine, Warren E., Jr.
McMurry, Jerry C.
McNicholas, Thomas M., Jr.
Medara, Don W.
Meeker, Charles M.
Meinicke, Thomas A.
Mensch, George H.
Metteer, Donald G.
Meyers, Frederick P.
Miller, Alan C.
Miller, Paul D.
Mills, Richard B.
Mims, Norman W., Jr.
Monk, William W.
Montgomery, David R.
Moore, David K.
Morgan, Robert V.
Moriarty, John A.
Moses, Paul D.
Moss, Jack L.
Mullen, Ronald E.
Murray, John F.
Naughton, Robert J.
Nelson, Gerald A.
Noble, Richard A.
Nordeen, William E.
Nordwall. Bruce D.
Noreika, Richard J.
Norrington, Giles R.
Nourie, John E.
Nunn, Silas O., III
O'Brien, George D., Jr.
O'Brien, Gerald H.
O'Connell. Philip J.
Olds, Frederick A.
Oliver, David R., Jr.
O'Neill. Cornelius T.
Onslow, Vincent L.
Orejuela, Henry.
Osburn, David L.
Page, David A.
Paine, John A., Jr.
Partlow, Robert G.
Patten, John R.
Patterson, David R.
Patterson, John W.
Patton, James H., Jr.
Paulson, Gaylord O.
Peiguss, John K.
Pellegrini, Charles A.
Perry, Stephen J.
Piccioni, Jerome D.
Pierce, George E.
Pitt, William M.
Powell, William L., Jr.
Powers, Byron L., Jr.
Powers, Robert C.
Prose, Nelson M.
Proshek, Robert M.
Purcell, William C.
Raines, William A.
Ramsay, Robert W., Jr.
Ramsey, William F.
Randall, Robert H.
Redden, Edward G.
Redman, Robert L.
Rehfield, Austin W.
Reny, Robert W.
Resare, Ronald A.
Rice, Roy J.
Richardson, William E.
Richmond, Donald G.
Rickman, Wayne E.
Ridder, Wendell C.
Riffle, Earl R.
Ritchhart, Delbert A.
Roberts, Charles K.
Roberts, James N.
Robertson, John S.
Robinson, David B.
Robison, Kenneth G.
Ross, Lawrence T.
Russell, Jerry C.
Ryan, Larry E.
Ryan, Thomas R., III.
Samford, Jack W.
Sanders, Tommy L.
Santos, Leonard B.
Sawhook, James L.
Schlaff, Richard J.
Schmidt, John A.
Schneider, Edward J.
Schneider, Edward L.
Schneider, Michael J.
Schroeder, Raymond C., Jr.
Schultz, John J.
Seebirt, James E.
Seeley, James R.
Sexton, Harold P., Jr.
Shaw, Joe L.
Shields, Russell K.
Shivik, John A.
Shoemaker, Hugh L.
Shortal, Terence M.
Shreckengaust, James A.
Shriver, Robert A.
Siebeking. Paul F., Jr
Siegel. William H.
Siembieda, John
Skinner, Frederick J.
Slezak, Norman L.
Smith, Albert J., Jr.
Smith, Clinton L.
Smith, Jerome F., Jr.
Smith, Robert E.
Snyder, Stephen V.
Sollberger. Melvin H.
Solms, William R.
Somes, Timothy E.
Sommer, Douglas F.
Soules, Charles W.
Sovey, Paul L.
Spane, Robert J.
Sparks, Paul W.
Spearman, William R.
Sperling, Harris
Spruell, Alfred H., Jr.
Staiger, Martin
Stasko, Nicholas J.
Steiner, Duane R.

Stevens, Jerry G.
Stevenson, Robert G.
Stewart, Kelsey S.
Stokoe, James H.
Strong, Bruce W.
Studeman, William O.
Stump, Jerry D.
Sturm, Edward J.
Stutzer, William T.
Suereth, Elwood J.
Sullivan, John L.
Synstad, Wayne C.
Tadlock, James D.
Tamony, Joseph M.
Taylor, Alec P., Jr.
Thames, Lewis H., Jr.
Thomas, Ronald R.
Thresher, Alfred A., II
Tolle, Robert J.
Treanor, Thomas S., Jr.
Triggs, Frederick, III
Trossbach, Ronald C.
Truax, Daniel M.
Tupaz, Jesus B.
Unruh, Jerry L.
Vanderslice, John L.
Volgenau, Douglas
Walker, Harry C.
Walker, John W.
Walters, Arthur K., Jr.
Walters, Horace M., Jr.
Wanner, Theodore M.
Ward, Charles E.
Wardle, Norval L.
Wardlow, Louis B.
Webber, Michael J.
Weber, James G.
Webster, Edward C.
Weikert, John P.
Welch, John M.
Wellborn, Raymond B.
Wells, Gary A.
Wendt, George F.
Wentz, David R.
Weyers, Maynard R.
Wheaton, William C.
Whelan, John F., Jr.
Whisler, Glenn E., Jr.
Wilder, Wallace G.
Wilgenbusch, Ronald C.
Wilkins, Perry
Williams, John H., Jr.
Williamson, Frederick M.
Wilson, James R.
Winter, Richard F.
Worthington, James T., II
Wright, Lawrence T.
Wright, Lindell W.
Wright, Perry W.
Young, John R.
Young, Richard K.
Young, Vernon O.
Zmorzenski, Frank P.
Zolman, Richard W.

The following-named lieutenants of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line and staff corps, as indicated, pursuant to Title 10, United States Code, sections 5769 (line officers), 5773 (staff corps officers), and 5791, subject to qualifications therefor as provided by law:

LINE

Storr, Otto.

CIVIL ENGINEER CORPS

Bovee, Stephen P.

The following-named lieutenants (junior grade) of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and various staff corps, as indicated, pursuant to Title 10, United States Code, sections 5769 (line officers), 5773 (staff corps officers), and 5791, subject to qualifications therefor as provided by law:

LINE

Bowes, John L., Jr.
Carlton, Dennis A.
Davenport, Paul A.
Diacsuk, John S.
Luz, James T.
Simmons, Carlton A., Jr.
Teuscher, James H.
Wilson, Robert H.

SUPPLY CORPS

McNary, William S.

NURSE CORPS

McPherson, Kathryn B.
Powers, Betty A.

The following-named ensign of the U.S. Navy for temporary promotion to the grade of lieutenant (junior grade) in the line, pursuant to Title 10, United States Code, sections 5784 and 5791, subject to qualifications therefor as provided by law:

Toth, Louis A.

The following-named officer of the line of the U.S. Navy, for appointment in the Supply Corps, as permanent lieutenant (junior grade) and temporary lieutenant, pursuant to Title 10, United States Code, sections 5582 (b) and 5572, subject to qualifications therefor as provided by law:

Fienup, John C.

The following-named officer of the Civil Engineer Corps of the U.S. Navy, for appointment in the line, as a permanent lieutenant, pursuant to Title 10, United States Code, sections 5582(a) and 5572, subject to qualifications therefor as provided by law:

Halwachs, James E.

The following-named officer of the Civil Engineer Corps of the U.S. Navy, for appointment in the line, as permanent lieutenant (junior grade), pursuant to Title 10, United States Code, section 5582(a) and 5572, subject to qualifications therefor as provided by law:

Watson, Marc A.

The following named officers of the line of the United States Navy, for appointment in the various staff corps, as indicated, as permanent ensign, pursuant to Title 10, United States Code, section 5582(b) and 5572, subject to qualifications therefor as provided by law:

SUPPLY CORPS

Jackson, Ray H.
Kolasinski, John T.

CIVIL ENGINEER CORPS

Bosco, Paul.
Sampson, Paul D.

The following-named women commanders of the U.S. Navy for permanent promotion to the grade of captain in the line, pursuant to Title 10, United States Code, sections 5771 and 5791, subject to qualifications therefor as provided by law:

Hankey, Joan R.
Mohorich, Helen M.
Lee, Linda M.
Weber, Joyce A.

IN THE NAVY

John W. Poundstone, U.S. Navy, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

John H. Rixse III, U.S. Naval Reserve, to be appointed a permanent commander in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named U.S. Navy officers to be appointed temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

John A. Boice.

Felix R. Tormes.

Bruce W. Jackson, civilian college graduate, to be appointed a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

IN THE NAVY

The following-named lieutenant of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the Medical Corps, pursuant to Title 10, United States Code, sections 5773 and 5791, subject to qualifications therefor as provided by law:

Ward, Christopher H.

The following-named lieutenants (junior grade) of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, pursuant to Title 10, United States Code, sections 5769 and 5791, subject to qualification therefor as provided by law:

Hollander, Joseph V.
Ruseski, Peter G.
Weaver, Sidney B.
Mumfrey, Gerard A.
Stewart, John M.

The following-named woman lieutenant (junior grade) of the U.S. Navy for permanent promotion to the grade of lieutenant in the line, pursuant to Title 10, United States Code, sections 5771 and 5791, subject to qualification therefor as provided by law:

Miettinen, Jo N.

The following-named officers of the line of the U.S. Navy, for appointment in the various staff corps, as indicated, as permanent lieutenant (junior grade) and temporary lieutenant, pursuant to Title 10, United States Code, sections 5582(b) and 5572, subject to qualifications therefor as provided by law:

SUPPLY CORPS

Beacham, Joseph J.
Costello, Richard D.
McCarthy, William D.
Mishkel, Lloyd S.
Tusing, George M., II.
Connor, Emil K.
Dealy, David M.
Milner, John E.
Sisk, Charles E., Jr.

CIVIL ENGINEER CORPS

Disney, Mark S.
Johnson, Steven W.
Mittleider, Michael R.
Equels, Timothy K.
McIntyre, William T.
Turbanic, Charles R.

The following-named officers of the line of the U.S. Navy, for appointment in the various staff corps, as indicated, as permanent ensign and temporary lieutenant (junior grade), pursuant to Title 10, United States Code, sections 5582(b) and 5572, subject to qualifications therefor as provided by law:

SUPPLY CORPS

Morgan, Edward.

CIVIL ENGINEER CORPS

Bentler, Jerome F.
West, Berg.

The following-named officers of the line of the U.S. Navy, for appointment in the various staff corps, as indicated, as permanent lieutenant (junior grade), pursuant to Title 10, United States Code, sections 5582 (b) and 5572, subject to qualifications therefor as provided by law:

SUPPLY CORPS

Gleason, Joe M.

CIVIL ENGINEER CORPS

Colchin, Gregory L.
Samuels, Mark B.
Mengel, William M.

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps in the U.S. Navy, subject to qualification therefor as provided by law:

Abernathy, Craig S.
Ackart, Leigh P. H.
Acree, James N.
Adams, Charles A.
Adams, Raymond J.
Adams, William L.
Afong, Danford S. H.
Ahlstrom, Richard C.
Alameda, James H.
Alexander, Maureen
Alexander, Scott H.
Alger, Thomas W.
Allen, Kurtis W.
Allen, William R.
Allinson, John S.
Allison, Derk B.
Altobelli, Charles G.
Alvick, Robert A.
Ames, Gregory H.
Anderson, Douglas G.
Anderson, Howard E.
Anderson, Kenneth C.
Anderson, Steven C.
Andre, Douglas M.
Andrews, Duane C.
Andrews, Peter J.
Andrus, Paul M.
Antonides, Albert H.
Arendt, Christopher P.
Arens, Mark P.
Arnold, Chester A., Jr.
Arpin, James B.
Askey, Charles F.
Atwell, Stephen J.
Atwood, Wayne D.
Aucoin, Bryan J.
Aucremanne, Fernand F.
Audilet, Allison A.
Augustine, James M.
Avallone, Stanley C.
Ayres, Robert C.
Baker, Donna S.
Baker, Patricia E.
Balian, Harry
Bang, David A.
Banicki, Gary A.
Baranek, Thomas
Barbour, John D., Jr.
Bardel, Patrick J.
Barker, James W.
Barnes, James W.
Barnes, Joseph S.
Barney, Maurice C., III
Baron, Keith R.
Barr, Ronald S.
Barrett, Sean P.
Barrett, Thomas R., Jr.
Barron, William T.
Bauer, David O.
Bauers, Wayne R., Jr.
Baulch, Mark A.
Baumann, Hans F.
Beach, Mark W.
Beard, David R.
Beard, James A.
Beaudoin, Brian F.
Bebb, Bryan T.
Beckner, Winfield L.
Behlendorf, Jack R., Jr.
Bell, Richard D., Jr.
Belle, Edmond D.
Belote, Monte E.
Bemis, Kevin D.
Benet, Gabriel M.
Bennett, Broderick K.
Bennett, Lisa L.
Bennett, Timothy J.
Berenato, Daniel A.
Berger, David H.
Bergersen, John K.
Berry, Jerald L.
Berthy, Richard J.

Bertin, Corinne E.
Bertuzzi, Joel M.
Bess, Johnathan C.
Besser, Matthew L.
Betts, Kenneth S.
Bezold, Larry L.
Biederman, Donald F.
Bigelow, Charlie A.
Bigot, Patrick C.
Bilodeau, Steven M.
Bils, Peter S.
Black, Harry V.
Black, Stephen P.
Blackwell, Ronald L.
Blake, James F. III
Blanchette, Brent J.
Blankenship, Michael G., Jr.
Blanton, Kathleen M.
Blethen, David L.
Bloom, David H.
Bloom, Stuart B.
Bloss, Peter A.
Blunck, Timothy W.
Blunk, William E.
Bock, Mark W.
Bodenschatz, Robert B.
Bodner, Erica L.
Boe, Jon R.
Boettge, Philip D.
Bollman, McWilliam V., Jr.
Bombard, Wilfred L.
Boneysteele, Parke L. III
Bongal, Richard J.
Bonham, Geoffrey R.
Bonnema, Craig L.
Bonson, Terry K.
Booth, William D.
Bottimore, John S.
Boulden, Paul B.
Bourgeois, Peter D.
Bousquet, Rick L.
Bowden, Anita M.
Bowdish, Randall G.
Bowdler, Daniel L.
Bowersox, Lee F. Jr.
Braden, Thomas C.
Bradley, Keith T.
Brandes, Samuel E.
Brassell, Willard L. III
Breeze, Bobby G., Jr.
Breland, Jeffery A.
Brennecke, Gregory C.
Bridges, Duane E.
Brier, Paul W.
Brimacombe, Thomas R.
Britt, Henry J.
Brockmann, James M.
Brogan, Gerard X.
Brooks, Michael D.
Brown, Matthew L.
Brown, Michele C.
Brown, Paul E. II
Brown, Sylvia S.
Bruner, Erich C.
Bruns, Robert L., Jr.
Brunswick, Lois A.
Buchiarelli, Philip A.
Buckley, John R.
Budak, Aydin D.
Buesking, Andrew J.
Buoni, Frederick B., II
Burke, Edmond J., III
Burke, Geoffrey R.
Burke, John
Burney, Gregory J.
Burns, Christopher M.
Burton, Richard T.
Bushey, James R.
Butchkovitz, Mary L.
Butler, Neil C.
Butler, Randall S.
Butts, Richard F., Jr.

Byers, Lonnie L.
Byrd, Garfield T., IV
Cabo, Gary J.
Cain, Curtis A.
Cairns, Jeffrey T.
Caldwell, Mark R.
Caldwell, Robert K., Jr.
Calkins, Brian D.
Cameron, Robert R.
Camino, Roberto M.
Campbell, Frederick B.
Campion, John G.
Cano, Edward P.
Cappuccio, Joseph C., Jr.
Cargillo, Vincent
Carlson, George N.
Carlson, Jeffrey F.
Carmody, Thomas P.
Carpenter, Thomas W., Jr.
Carr, Jamie M.
Carr, Timothy M.
Carter, David J.
Carter, Eric B.
Casey, Thomas J.
Causey, John D.
Chadwick, David J.
Chandler, Scott E.
Charles, Linda M.
Check, Paul N.
Chernosky, Richard J.
Childs, James L.
Childs, Rickie L.
Chilton, John H., Jr.
Chipley, Charles L., II
Chisholm, Andrew
Chrans, Steven J.
Christ, Joseph W.
Christophersen, Eric R.
Church, John C.
Clark, Joel A.
Clark, Kathleen C.
Clark, Lawrence S.
Clemons, Vernon L., Jr
Clement, David J.
Cleveland, Terence L.
Cmiel, Catherine J.
Coble, Joseph F., III
Cochlin, William J.
Cody, Mark T.
Coffman, Russell L.
Cohen, Robert B.
Coleman, Daniel E.
Coleman, George A.
Coleman, Marc
Coleman, William D.
Collett, James R.
Collins, Michael A.
Collins, Thomas E.
Colston, Robert J.
Combs, Steven L.
Conaghan, David R.
Condorelli, Peter
Conery, Timothy W.
Conger, Edward G.
Congleton, Keith A.
Conlin, Christopher C.
Conlon, Michael C.
Conner, Richard L.
Conner, Robert A.
Conyers, Kevin E.
Cook, Eugene W., III
Cook, Richard W.
Cook, Thomas R.
Cooper, Joseph A.
Cooper, Keith B.
Cooper, Nancy C.
Copeland, Marshall L.
Copman, Mark D.
Corcoran, Kevin L.
Cordes, Kathryn A.
Cornwell, Edward L.
Correa, Michael W.
Corso, Joseph A.

Costello, William R., Jr.
Counselman, Ruth F.
Court, John D.
Cowan, Andrew M.
Cox, Cruz P.
Crawford, Dwayne B.
Creange, Richard M.
Cropper, Thomas A.
Crow, John L.
Cruz, James G.
Cruz, Paul G.
Cullen, Kathryn A.
Cummings, Michael L.
Cunningham, William D.
Curda, Thomas H.
Curlee, James B.
Curry, James T., Jr.
Curry, William J.
Cutbush, John D.
Cutler, Theodore M.
Cutter, David M.
Dabbene, Michael S.
Dacosta, Andrew T.
Daily, William R.
Dalby, Albert S., Jr.
Dalton, Richard R.
Damon, Darel J.
Daniels, Carol E.
Danzi, Michael R.
Darley, Robert T.
Darrah, James F.
Daskalos, John B.
David, John W.
Davis, Kenneth D.
Davis, Linda D.
Davis, Mark J.
Davis, Michael S.
Davis, Ricky T.
Davison, James D.
Deatley, Leland D.
Deau, Thomas J.
Debartolomeo, Michael J.
Debonis, David P.
Deering, Timothy W.
Dees, Robert C.
Degroot, Steven J.
Deguzman, Enrico G.
Dehner, Jeffrey A.
DeJesus, Edgardo V.
Delaney, William F., Jr.
Delaquis, Richard S.
Dela Rosa, Osvaldo M.
Deliberto, Steven M.
Demoss, Gary M.
Denegris, Christopher M.
Denk, Stephanie S.
Denney, Joel W.
Denton, Michael C.
Deptula, Raymond J.
Deridder, Larry A.
Deschnow, Daniel R.
Desrosiers, Michael R.
Detwiler, Leslie D.
Dew, Warren J.
Dickerson, Kenneth T.
Dickie, David W., III
Dickman, John C.
Diestler, Daniel D.
Dietz, Stephen B.
Dillard, Frederick D., III
Dillard, Kenneth W.
Dillenbeck, Peter A.
Dillon, Corrinne T.
Dinkler, Karl L.
Dipasquale, Jeffrey D.
Dirkx, Joseph C.
Dishong, Glenn W.
Dixon, Eric L.
Dixon, Kelvin N.
Dixon, Vinca A.
Dohring, Richard J.
Dolan, Charles P.
Donnelly, Paul R.
Dorn, Christopher K.

Douglas, David E.
Dow, Randall P.
Dowling, Hampton H.
Downing, George R.
Downs, Richard K.
Doyle, Mark H.
Dreves, Martin P., Jr.
Drisko, Melissa A.
Droll, Thomas J.
Drury, James M.
Drysdale, David B.
Dubeau, Matthew I.
Dubravcic, Milan Z.
Dudas, Jeffrey A.
Duepner, Gregory D.
Duffy, John F.
Duke, Charles F.
Dumas, Richard A.
Duncan, David L.
Dunkle, Steven P.
Dunmeyer, James W., Jr.
Dunn, Bernard D., Jr.
Dunn, Michael S.
Dunne, Margaret A.
Durham, Thomas K.
Durman, Brent A.
Durrance, Benjamin L., II
Dvorak, Robert G.
Dybing, Kyle D.
Eager, James J.
East, Walter E., II
Eaton, Michael J.
Eaton, Robert P.
Eberhart, Andrew W.
Eccles, Thomas J.
Edgren, Denis H.
Edinger, Michael S.
Edwards, Jeffrey C.
Eichfeld, Bryan K.
Eiland, Gary L.
Eisenhart, Timothy C.
Elliott, Donald M.
Elliott, Kendal R.
Ellis, Dana J.
Ellis, Robert E.
Emerson, Ricky
Emerson, Sylvia
Emonds, Mark V.
Emsurak, Barbara A.
Ender, Frederick T.
Enslin, Charles W., Jr.
Epley, Thomas W.
Epting, Ermert L.
Erchinger, Robert C.
Erickson, Jay P.
Erickson, Lawrence D.
Eskew, Mitchell A.
Espina, Peter G.
Espinozahale, Marlow D.
Esselburn, Thomas D.
Ethridge, Stephen A.
Evans, James G.
Evans, Timothy M.
Everette, David R.
Evetts, Gregory A.
Faires, Archie D.
Faith, David C.
Falcone, Michael J.
Faley, Timothy P.
Falletti, David J.
Falls, Charles S.
Falvey, Joseph L., Jr.
Farkas, Kenneth W.
Fatum, Stephen M.
Feeks, Edmond F.
Feuerbach, Robert M.
Feuerstein, Mark G.
Fijol, Young O. K.
Finamore, Theodore
Finch, John T.
Finlayson, Robert K., III
Fisher, Mark J.
Fisher, Paul D.
Fisher, Robert K., Jr.
Fitch, Osa E.
Fitzgerald, Brian P.

Fitzgerald, James C.
Fitzgerald, James P.
Fitzgerald, Robert J.
Fitzpatrick, Dennis E.
Fletcher, Joseph A.
Fletcher, Paul K.
Flint, Neil K.
Flowers, Kent V.
Flynn, John J., III
Fogg, Harold W., Jr.
Foggan, John, Jr.
Foley, James C., Jr.
Foley, Michael L.
Follas, Theodore R.
Forbes, Thomas G.
Forwood, Robert L., Jr
Foster, Edward N.
Frank, Brian P.
Frank, David R.
Franza, Edward W.
Frederick, Kurt C.
Friedlander, John T., Jr.
Fry, Teri L.
Fukuhara, Paul A.
Fulcher, Mark A.
Fuller, Brian J.
Funderburke, Randall
Gaido, John M.
Gaither, Timothy P.
Gallagher, Mabel Leigh B.
Garcia, Arturo R.
Garcia, Joel T.
Gardner, Andre P.
Gardner, Christopher J.
Gardner, Lee M.
Garman, Kurt N.
Garneski, Dayel R.
Garnett, David W.
Gaul, Jeanmarie
Gault, James A.
Gavigan, John P.
Geerhart, Charles O.
Geisel, Richard E.
Geiser, David W.
Geldermann, Daniel F.
Gengario, Daniel J.
Gentzler, David B.
George, Gregg L.
Gerner, James P.
Gerome, Frank M.
Gettinger, Ted III
Gherrity, Michael J.
Giachetta, Kenneth J.
Gibaldi, Joseph G.
Gibbs, Shirley
Gibson, Aurelius B. J.
Glass, Richard E.
Gillespie, David G.
Gillilland, Shaun
Gleichauf, Paul M.
Godat, Eric A.
Goddard, Susan D.
Godfrey, Dennis L.
Goldfinger, Jeffrey S.
Gomez, Richard M.
Goode, Albert, Jr.
Goodman, Seth
Goodwin, Thomas A. IV
Gordon, James M.
Gordon, Lawrence J.
Gore, Scott H.
Gosla, Richard W.
Gosnell, Ralph E., II
Goulding, Timothy S.
Grace, William R.
Grady, Patrick C.
Graff, Thomas P.
Graham, Patrick J.
Graham, Robert C.
Green, James G.
Green, Jeffrey H.
Greenburg, David S.
Greene, Joseph B.
Greene, Kennet R.
Greene, Khrisna O.
Greene, Patrick J.

Gregg, Robert J., Jr.
Gregg, Samuel W., Jr.
Grein, Richard F.
Greno, David
Gressley, Donald W., Jr.
Griffin, Julia A.
Griffin, Leroy A.
Griffin, Paul L.
Griffith, Paul H.
Griggs, Ray H.
Gross, Michael R.
Groszer, Todd A.
Grove, Scott A.
Gruetzmacher, Jeffrey K.
Gubanc, Paul F.
Guimond, Michael R.
Gunhus, James L.
Guth, David L.
Gutierrez, Daniel M.
Guyer, Christopher
Guzik, Dennis M.
Hackett, John M.
Hagerich, Jeffrey L.
Hagerup, Kenneth L.
Hagood, Donald T.
Haigh, Patrick J.
Hairston, Eric L.
Hale, James M.
Hall, Anthony R.
Hall, David E.
Hall, Francesca
Hall, Richard E.
Halsey, William M.
Halterman, Jeffrey A.
Hammerling, Peter R., Jr.
Hammond, Edward C.
Handler, Scott S.
Handley, Mark
Hanig, Wendy S.
Hankins, Michael R.
Hanley, Raphael F.
Hansen, Gregory P.
Hanson, Jeffrey R.
Harding, Kenneth L.
Hardy, William E.
Hargis, Gregory R.
Hargrove, James P.
Harmon, Derek K.
Harmon, John P.
Harper, Aaron P.
Harper, Steven R.
Harris, Christopher M.
Harris, Leo W. V., III
Harris, Miriam N.
Harrison, Jacob A., III
Harrison, Kathleen V.
Harvey, Brent F.
Hasenauer, David M.
Haughey, Kevin J.
Hayes, Christopher C.
Hayes, Donald A.
Hayes, George A., III
Hayward, Dale B.
Hayward, Scott A.
Hearnsberger, Brian J.
Hebig, Jeffrey B.
Heffernan, Natalie F.
Heister, Stephen D.
Heitkamp, Mark C.
Helfond, Russell G.
Hellinger, Mark S.
Henderson, Todd A.
Hendrickson, Charles E.
Heneghan, William J.
Henk, David R.
Hensel, Craig E.
Henson, Michael V.
Hertwig, Joseph L.
Herzog, Mark W.
Hess, Wayne A.
Hession, Kevin J.
Hessler, Francine M.
Hetzel, John E.
Heule, Thomas D.
Hewett, Mark R.

Hickey, Thomas P.
Hicks, John P.
Higgins, Vincent P.
Hightower, David J.
Hilbert, Jonathan A.
Hill, Ronald S.
Hitzeroth, Ryan R.
Hobbs, Rodney
Hodun, Donald J.
Hogan, John G.
Hogenkamp, Harry P.
Hojak, Bruce E.
Holcomb, Grant K.
Holcomb, Helen R.
Hollar, Mark A.
Holle, Daniel B.
Holley, Timothy
Holmstrom, Steven J.
Honchell, Jeffrey W.
Hoover, Jon R.
Hornilla, Lamberto Z., III
Horton, Theodore, III
Hoskins, Estil L., Jr.
Houghton, John M.
House, Michael L.
Houwen, Stephen A.
Hovland, John V.
Howard, Calvin L.
Hoyt, Roger B.
Hubbard, Richard A., III
Hudson, Daniel L.
Hughes, George L.
Hughes, Michael P.
Hughes, Robert J.
Hugman, Kevin H.
Hulcher, Michael E.
Hull, Daniel V.
Hullinger, Norman F., Jr.
Hutcheson, Kevin C.
Hutchinson, William A.
Iannone, James F.
Ikins, Charles G.
Ioffreda, Richard E.
Ireland, Kenneth C.
Ivie, Raymond C.
Jack, Bruce A.
Jackman, Francis A.
Jackson, Charles C.
Jackson, Debora M.
Jackson, James P.
Jackson, Michael E.
Jackson, William D.
Jaks, Jacob R.
James, Darryl W.
James, William L.
Jantho, Holly E.
Jarck, Paul A.
Jaynes, Evelyn M.
Jefferson, David G.
Jefferson, Raymond D.
Jenista, James M.
Jenkins, Mark D.
Jenkins, Nicholas
Jividen, Douglas E.
Johnson, Bradley W.
Johnson, Clayton I.
Johnson, Gary
Johnson, Gary L.
Johnson, James C.
Johnson, Mark W.
Johnson, Michael P.
Johnson, Russell C.
Johnson, Scott E.
Johnson, Thomas C.
Johnson, Wade R.
Jones, Carl R.
Jones, Evan S.
Jones, Keith C.
Jones, Michael A.
Jordan, Douglas J.
Jordan, Mark Y.
Jordon, Stephen W.
Jovanovic, Nickolas S.
Jozwiak, Stanley J., Jr.
Kaercher, George L.
Kaiser, Thomas A.
Kalsh, Terri
Kallenbach, Terry L.
Kane, Paul D.
Kanior, Stuart R.
Katerinos, Steven J.
Kavanaugh, Mark D.
Keamy, Eric F.
Kearns, William F.
Keating, Lawrence F.
Keating, Treci D.
Keck, William G.
Keels, Ladette S.
Kehoe, Jeffry P.
Keigler, John E., Jr.
Keith, Randal T.
Kelchner, Jonathan L.
Kelly, Daniel B.
Kelly, Gerald E.
Kelly, Tom W., Jr.
Kendle, Richard D.
Kendrick, Thomas M.
Kennedy, Lawrence D., III
Kennedy, Lois
Kennedy, Peter L.
Kennell, Harold
Kent, James D.
Keough, Anthony J.
Kerpelman, Jason
Kerr, William D.
Kershaw, Michael R.
Kilcoyne, Kevin W.
Killiam, Wilfred J.
King, David E.
King, Donald A.
King, John R.
King, Jon C.
Kinzer, Charles M.
Kirst, Todd D.
Kiscadden, Richard J.
Klasing, Donald R.
Klemenc, John F.
Kleppe, Edward A.
Klevorn, Joseph D.
Kline, Thomas W.
Kline, Warren J.
Klinge, Wayne D.
Klinger, Marion H.
Kloster, Nels A.
Kluegel, David M.
Knighton, Edward L., II
Knizewski, Joseph E.
Knoll, Robert X.
Knudsen, Stephen H.
Koch, Kevin J.
Kochanik, William S.
Koenig, Robert A.
Kohn, Philip H.
Kolesa, Paul M.
Korz, Frederick M.
Kotnik, Paul T.
Koval, Jeffrey R.
Kovasckitz, Michael J.
Kramer, David K.
Kratzke, Ronald A.
Kregoski, Gregory J.
Krochmal, Dana F.
Kronlage, Ronald S.
Krusemark, Edward E.
Kubicki, Timothy A.
Kuehl, Jeffrey D.
Kurz, Richard R.
Kyoza, Stephen J. M.
Lacasse, John T.
Lake, Lannie R.
Lake, William M.
Lakeway, Stephen F.
Landmann, Russell A.
Landolt, Richard B.
Langley, Michael W.
Langworthy, Robert A.
Lanigan, Richard P.
Lantto, Eric S.
Lasalvia, Ronald A.
Lathan, Gregory H.
Lattinzi, Michael V.
Lauer, David S.
Lauer, Elisabeth A.
Laughbon, Richard D.
Lavelle, Michael S.
Lavigne, Joseph C.
Lawiiss, Timothy J.
Lawrence, John W., III
Laychak, James J.
Leach, Dirk S.
Leader, Christopher R.
Leary, Joseph T.
Lebeaux, Neil D.
Leblanc, David J.
Leblanc, Stephen G.
Leftwich, William G., III
Legaspi, Albert K.
Legore, Gregory S.
Leiden, Matthew A.
Leingang, David W.
Leist, James M.
Lentz, Teri A.
Lethe, David A.
Levis, John F.
Levy, Matthew J.
Lewandowski, Steven E.
Lewis Mark B.
Lewis, Michael L.
Liddel, Daniel C.
Liebhaber, Frederick J.
Liles, Christopher C.
Lindsay, John J.
Lindsay, Mark H.
Linney, Louis H.
Lintermann, Barbara M.
Lippincott, Diane E.
Litherland, John J.
Little, Edwin K.
Livieratos, Ted O.
Lloyd, Wallace H., III
Logan, Dennis C.
Logan, Joseph A.
Lohr, Peter J.
Londergan, Richard Jr.
Loneman, David R.
Longstaff, Wilmer G.
Lonn Richard R.
Love, Philip A.
Loveland, Paul T.
Lowe, David C.
Lowe, John S.
Lucas, Daniel B.
Lucas, Matthew J.
Lucy, Dan F.
Lukas, Juergen M.
Luttrell, Gregory N.
Lyda, Timothy S.
Lynch, Robert
Lyons, Alvin J.
Lysek, Kraig M.
McAllister, Raymond J.
McCarthy, James K.
McCarver, Sammy C.
McClain, Diana E.
McCleskey, Charles M.
McCollum, Roger M.
McCormick, Patrick O.
McCoy Gerald J.
McCue, Brian A.
McDavid, James E., IV
McDermott, Michael R.
McDonough, Patrick J.
McEligot, Kim
McFetridge, Jeffrey R.
McGee, Ronald E.
McGehee, David C.
McGinn, Neal F.
McGovern, Michael R.
McGrail, Dennis J.
McGurgan, Michael F.
McIlree, Robert J.
McIntosh, Leonardo A.
McKenna, Paul W., Jr.
McKeown, Kevin J.
McKinney, Patrick M.
McKitty, Thomas S.
McLachlen, Alan M.
McLeod, Michael R.
McLernan, Catherine T.
McMackin, Donald E.
McNair, Jeffrey S.
McNamara, Francis L., II.
McNaughton, Edward J.
McNew, Curt P.
McPeek, Roger M.
McPherson, John D.
Maass, Alfred W., II
Macaulay, Bruce A.
Mack, Annie M.
Maertzig, Michael
Magruder, James W., Jr.
Maguire, Daniel W., Jr.
Maher, Thomas M.
Maher, William D., Jr.
Malcolm, Peter A.
Males, William G.
Malley, John F.
Mallon, James C.
Manigo, Jonathan J.
Manley, Gerald R.
Mann, Roger A.
Marboe, Richard C.
Marbois, Matthew C.
Marcellis, John S.
Marin, John A.
Marks, Glen E.
Marks, Meltida G.
Marquardt, Andrew S.
Marrone, Nicholas J.
Marschilok, Stephen
Marshall, Eric J.
Marshall, Henry A.
Marshall, James O.
Marshman, Scott
Martin, Joseph C.
Martin, Michael G.
Martinez, Paul R.
Maslar, Warren N.
Mason, Cynthia M.
Massengale, Bert B.
Matejka, Gary S.
Matejka, John M.
Mathe, Wayne J.
Matich, Nicholas T., III
Mayger, Jeffery M.
Mays, Melinda L.
Mazza, Ralph C.
Meehan, Steven F.
Meidl, Richard M.
Meiner, Lillyann
Meisel, Chester A.
Mercurio, Michael, Jr.
Merrill, Dennis K.
Merriman, Mathew W.
Merritt, Noel N.
Mescus, Janet A.
Messegee, Timothy J.
Metzger, Christopher E.
Meuschke, Paula A.
Meuser, Robert M.
Meyer, Mitchell E.
Meyer, Thomas A.
Michaels, William N.
Midkiff, Guy W.
Mielcarek, Andre
Miele, Joel A., Jr.
Milas, Michael D.
Miller, Bryan J.
Miller, Cheryl A.
Miller, Glenn F.
Miller, James B.
Miller, Kevin P.
Miller, Mark E.
Miller, Robert D.
Mills, Kay V.
Mingus, Stanley L., III
Minnick, Stephen A.
Minor, Frankie D.
Minor, William A.
Mislowsky, Ronald A., Jr.
Mitchell, Alan J.
Mitchell, James E.
Miekush, Matthew L.
Moeril, Harald A.
Molidor, Mark P.
Mondrik, Joseph L., Jr.
Monnette, Christopher T.
Moody, David W.
Moore, Curtis W.
Moore, Daniel J.
Moraski, Raymond M.
Morden, William G.
Morford, Peter W. D.
Morrione, James W.
Morris, Calvin M., Jr.
Morris, Michael C.
Morrison, Jennith S.
Morrison, William J.
Moser, Tod A.
Mosher, John M.
Mosley, Kenneth D.
Mossey, Christopher J.
Moxcey, Louis R.
Moynihan, Patrick J.
Muessen, Henry J., III
Mulkin, Richard S.
Mullaney, James M.
Mulligan, John R., Jr.
Murdock, Gary L.
Murphy, Francis E.
Murphy, Kim M.
Murphy, Richard M., Jr.
Murray, Carl J.
Murray, James R., Jr.
Murray, Kevin M.
Murray, Timothy R.
Muse, Mittie G.
Myers, James W., Jr.
Myers, John E.
Myran, Jon K.
Nash, James A.
Nauta, Pieter F.
Neary, Kevin B.
Needham, David J.
Needham, Robert J.
Neely, Jeffrey C.
Nelis, James P.
Nellett, Marc W.
Nelson, James C.
Nelson, Jerry D.
Nelson, John P.
Nelson, Randal L.
Nelson, Scott D.
Nester, James D.
Neve, Douglas A.
New, Larry C.
Newman, Carl R.
Newman, Robert A.
Newton, Larry P.
Newton, Michael A.
Nicholson, Charles L.
Nicholson, Glen C.
Nielsen, Sharon C.
Niesen, Gregory A.
Noble, Richard D.
Nobles, Joseph A.
Nolan, John P.
Noll, Charles F., Jr.
Nordin, Robert A.
Noriega, Carlos I.
Norwood, Christopher
Novack, James H.
Nowack, Joseph M.
Nowak, Thomas T.
Nuss, Gary M.
Nussell, John R.
Nygard, Lewis C.
O'Brien, Neal J.
O'Brien, Thomas J., IV
O'Connor, John C.
Oden, Theodore W.
Odonovan, James B.
Ogilvie, Robert M.
Ogle, David M.
Oh, Alexander L.
Ohearn, Warren E.
Olaes, Eric S.
Oliphant, Thomas W.
Olivo, Cheryl A.
Oloughlin, Thomas E.
Olsen, David P.
Olson, Mark A.
O'Neal, Michael E.
O'Neil, Kevin C.
O'Neil, Richard E.
Ono, Parker K.
Oosten, Dierck J.
Openshaw, David B.
Osmer, Mark E.
Ossman, William J.
Oster, Jennifer L.
Osterbrock, James A.
Osterhaut, Karol E.
Otto, Walter R.
Oukrop, Kenneth J.
Owermohle, Kurt S.
Page, Charles F., Jr.
Paige, Ronald A.
Paige, Russell O.
Painter, David E.
Palmer, David M.
Palmieri, Michael M.
Paluszek, Barbara J.
Papageorge, James P.
Parlin, Joseph D.
Parish, Darrell B.
Parker, Douglas F.
Parlier, Terry L.
Parrish, Woodson D.
Parse, Joseph B.
Parsons, Arthur R.
Parsons, Richard M.
Paske, Michael J.
Pate, Robert W., Jr.
Pearson, Warren L.
Peckiconis, Stephen J.
Peleti, Tui S.
Pennell, Graydon T.
Pere, Daniel S.
Peters, Donald J.
Peterson, Brian C.
Peterson, David V.
Petitclair, Matthew A.
Pettibone, Timothy S
Phillips, David J.
Phillips, John R.
Phillips, William G., Jr.
Pierce, George D., Jr.
Pierro, Kenneth A.
Pike, James E., Jr.
Pike, Robert F., Jr.
Pilcher, David E.
Pinson, Thomas J. III
Piper, Delmer D.
Pisano, Nicola A.
Pleasant, James E.
Plumley, Carl W.
Pokrant, Jon R.
Pollak, Daniel S.
Pond, James R.
Pool, Kirby V.
Possumato, Roberto N
Potochney, Robert
Poulter, Thomas A.
Powell, Russell R.
Pperry, Duane B.
Price, Charles R.
Price, Michael J.
Primeaux, Russel O.
Prindle, Kevin J.
Pritchett, David F.
Provenzano, Joseph D. III
Przelak, David J.
Przywara, Debra A.
Puckett, James E.

Puraty, Randy J.
Quast, Richard M.
Quattro, Paul J.
Quigley, Francis R.
Quigley, Kevin J.
Quinlan, Kevin P.
Quinn, Joseph M., Jr.
Quisenberry, Brian L.
Rabang, Michael P.
Radelt, Michael W.
Rainey, Richard A.
Ramsey, Michael D.
Ranzau, Richard H.
Raquel, Bernardo J. R.
Rassel, Gregory J.
Rathbone, William A., Jr.
Rattie, Michael J.
Ray, Stevie J.
Raynor, Joseph W.
Rea, John J.
Rebholz, Jon W.
Rebholz, William J.
Reed, Philip E., Jr.
Reese, Mark W.
Reeve, Charles K.
Reeves, Timothy J.
Reeves, Walter S., Jr.
Regis, Kevin D.
Rehder, Carol A.
Reichlin, Lawrence C.
Reid, Christopher J.
Reid, Robert S.
Reilly, Patricia
Reilly, William C.
Reimers, Paul T.
Reisenfeld, Jeffrey
Reistrud, James A., III
Rencurrel, David W.
Reneski, John F.
Reott, Donald E., Jr.
Reslewic, Thomas H.
Rhodes, Douglas I.
Rice, Bradford J.
Rice, Kenneth P.
Rich, Thomas H.
Richard, Mark R.
Richards, David L.
Richards, Joseph A., III
Richards, Robert J., Jr.
Richards, Scott B.
Richardson, Diana
Ries, Michael J.
Rigotti, Mark X.
Riley, John R.
Riley, Patrick D.
Rimer, John R.
Rimer, Kirk L.
Rives, William G.
Robbins, Jack A.
Roberti, John E.
Robinson, Frederick P.
Robson, Alan J.
Rockwood, Andrew P.
Rodney, Caroline J.
Roemisch, Debra D.
Rogers, Michael A.
Rogers, Michael S.
Romaker, John L., II
Rosinski, Douglas J.
Rossetti, Robert F.
Rouse, Wildon M., III
Rousseau, Stephen H.
Rowland, Michael J.
Roy, Bruce L.
Rozwod, William J.
Ruark, Robert R.
Rudolph, Michael E.
Russell, Richard Henry
Russell, Richard Hyatt
Rutter, Frank P.
Ryder, Timothy J.
Saba, Zdenka H.
Saeger, David A.
Sage, Scott E.
Salvino, George N.
Sampsel, Kirby L.
Sanders, Bernard G.
Sanders, Betsy D.
Sandra, Lynn.
Sarbou, Gregory P.
Saunders, Allyson T.
Savage, Nicholas B.
Schaefer, Craig W.
Schaet, Constance J.
Schaufert, Eric M.
Scheitlin, Mark E.
Scheller, Ronnie J.
Schellhorn, Mark F.
Schesventer, Charles R., Jr.
Schibler, Thomas A.
Schillinger, Harold
Schleich, Dale R.
Schleicher, Joel A.
Schmidt, Jeffrey W.
Schmidt, Raymond E., Jr.
Schmidt, Steven L.
Schmitt, Charles E.
Schneider, Karl J.
Schneider, Mark K.
Schnorf, Charles J.
Schrader, Glenn P.
Schratz, Mary E.
Schubert, Ronald P.
Schultz, Gregory R.
Schumann, Steven J.
Schwartz, Michael A.
Scibilia, Matthew T.
Scott, Henry C. V.
Scott, Paul T.
Scott, Thomas C.
Sedarat, John
Sedor, John W.
Seeley, Larry F., Jr.
Segovia, Andrew
Seitz, Stephen G.
Senechal, Dale H.
Serhan, David W.
Servello, Mark A.
Servies, Tyler D.
Seufert, Kevin T.
Sexton, Michael S.
Shannon, Frances A.
Shannon, William E.
Sharer, Wayne D.
Sharpe, Ian M.
Shaver, Scott G.
Shaw, James W.
Shawhan, Kelly T.
Shen, Abbie J.
Sherin, Keith S.
Shock, Janet M.
Shockley, Everett W.
Shoemaker, Scott R.
Shriner, Brian M.
Shue, Jeffrey P.
Shumway, Michael A.
Shupp, Michael A.
Sibbach, Arthur W.
Siciliano, Steven A.
Siefring, Gerard V.
Sigler, Glenn G.
Sigman, Mack A.
Sikorski, Brian D.
Sillman, Bradley J.
Simms, James A.
Simon, Donald C.
Simpson, Daniel P.
Singer, Karl W.
Singleton, Bradford P.
Sitler, David F.
Skaggs, Melanie R.
Skinner, James C., III
Slagle, William H.
Slaughter, Meril M.
Sliwa, David J.
Smellow, Joseph A.
Smith, Clayton R.
Smith, Clyde J.
Smith, Douglas B.
Smith, Douglas W.
Smith, Duncan A.
Smith, George C., III
Smith, Kenneth W.
Smith, Paul J.
Smith, Scott O.
Smith, Shawn H.
Smith, Stephen S.
Smith, Winston
Snure, Todd H.
Sohl, James D., Jr.
Sotelo, Octavio B., Jr.
Souther, Larry D.
Speegle, Robert B.
Spencer, Albert E.
Spencer, Glenna L.
Sperbeck, James D.
Sperr, John P.
Spicer, James M.
Sprengle, Edwin C.
Stadnik, Andrew G.
Stahlman, James E.
Staller, Mark D.
Stamateris, James H.
Stamer, Paul J.
Stansbury, John W.
Starnes, Glenn T.
Starr, Michael A.
Staser, David R.
Steed, Ronald S.
Steele, Raymond P., Jr.
Steen, Stewart E.
Steffen, Craig W.
Steinbach, Stanley S.
Stenberg, Eric L.
Stent, Thomas N.
Stephenson, Matt W.
Sterling, Kirk C.
Sternberger, William B.
Stevens, Barry J.
Stevens, David E.
Stevermer, Paul O.
Stewart, Billie J.
Stewart, Danny A.
Stewart, John T.
Still, Terri M.
Stimson, John P.
Stine, John J.
St. John, Debra J.
Stoffel, Mark A.
Stogner, John P., Jr.
Stokes, Christopher L.
Stokes, Kirby A.
Stone, Maureen A.
Stoney, Robert B.
Stout, Douglas W.
Strachan, Jeffrey D.
Strole, Gregory S.
Stromswold, David J.
Stryker, Paul S.
Stuebe, John A.
Sullivan, John G.
Sullivan, Michael T.
Sullivan, Patrick F.
Sullivan, Terry J.
Sullivan, William T.
Sun, Harry H.
Sunahara, Keith K.
Suzak, Edward, Jr.
Swayne, Daniel E.
Sweeney, James J.
Sweeney, James P.
Swenson, David W.
Szumigala, Dale J.
Tabbert, Nathan C.
Taddei, Edward P.
Takenaka, Terrance S.
Tanaka, Reid S.
Taylor, Michael C.
Taylor, Thomas F.
Temple, Jay L.
Tenbrock, Jody J.
Tertocha, Thomas E.
Tharpthomas, Henry, Jr.
Thayer, Ann Paak M. K.
Thomas, Maurice A.
Thomas, Scott A.
Thomas, Scott E.
Thomas, William E., II
Thomas, William R.
Thompson, Chet D.
Thompson, David M., Jr.
Thompson, David W.
Thompson, George R.
Thomsen, Jeffrey D.
Thurber, John S.
Tice, Christopher J.
Tillapaugh, David R.
Tillman, Jason L. A.
Tipples, Darrell S.
Todd, John B.
Todd, Richard E.
Tomp, Edward M.
Toole, Shaun A.
Townsend, Schuyler J.
Trahan, James R.
Trammell, Jesse R., Jr.
Traxler, Steven D.
Trouve, Raymond J., Jr.
Turner, Allan T.
Turner, Brian E.
Tyrrell, Thomas P., III
Tysdal, Mark A.
Ulmer, Paul M.
Underhill, John R.
Unser, Timothy J.
Untz, Steven A.
Updike, Michael D.
Upton, Edward G.
Urzi, Russell E.
Valenzuela, Franco A.
Vanderbilt, Carl D.
Vanderhoeven, Richard M.
Van der Warn, Brian D.
Vanderyacht, Brian K.
Vanlandingham, Clyde H.
Vanormer, Frank C.
Vanous, Mark W.
Vansickle, Gerard A.
Van Wert, David M.
Vaughn, Clovis B.
Vaughner, George N.
Veedock, Joseph M.
Verbos, Robert M.
Vergara, Isaac S.
Verrochi, Mark
Very, Richard M., Jr.
Vigen, William H.
Vilches, Paul W.
Villarreal, Jose I.
Virtis, Joseph M.
Viveiros, John J.
Vonleue, Dean S.
Vraa, Anthony A.
Wade, Eddie, Jr.
Wager, William B.
Wagner, Richard S.
Wait, Marcus P.
Walker, Duane L.
Wallace, Catherine D.
Wallace, Kurt A.
Walsh, Kevin T.
Walters, Tony L.
Walton, Gordon T.
Ward, Jeffrey G.
Ware, Bruce E.
Warrick, Amy L.
Warwick, Timothy R.
Wasiak, Joseph M.
Watson, Catherine E.
Watson, Mark M.
Watson, Thomas A. E., Jr.
Watson, Wayne K.
Weber, Jeffrey B.
Weber, Lawrence K.
Weber, Lisa E.
Weed, Edward W.
Weigel, Timothy C.
Weikeert, Scott A.
Weinberg, Michael L.
Weinrich, Michael J.
Weir, John M.
Welling, Thomas L.
Wells, Nolan W.
Wenner, David A.
Weschler, Robert J.
Weslowski, Benedict P., Jr.
West, Jeffrey B.
Westfall, Timothy L.
Whaley, Sean P.
Wheeland, Daniel G.
Wheeler, Charles L.
Wheeler, Peter O.
Wheeler, Raymond T.
Whitaker, Eric D.
White, David D.
White, Gale T.
White, John R.
White, Mark E.
Whittington, Paul E.
Wickliffe, Lawrence E.
Wieman, Eric A.
Wienandt, Michael A.
Wilde, Austin C.
Wilkinson, Eldridge G., III
Wilkinson, William J.
Wilks, Terry M.
Willard, Brian R.
Willey, Patrick R.
Williams, Dennis W.
Williams, Douglas P.
Williams, John N., Jr.
Wilson, Clarence E.
Wilson, Edward K.
Wilson, Michael L.
Wilson, Thomas O.
Winfield, Djaunnia D.
Winkowski, David J.
Winter, Dianne G.
Wisneski, Donald
Witchger, Joseph W.
Wolf, Brian D.
Woltman, Clyde M.
Woodworth, Michael G.
Woolridge, John D.
Wooster, Kevin L.
Workman, Michael B.
Wozniak, Robert A.
Wragg, Gare M.
Wray, Lucian O., III
Wright, Peter J.
Wynn, Denise E.
Yackle, Timothy R.
Yee, John J.
Yonemura, Richard Y.
Young, Eddie D., Jr.
Young, Jack W.
Youngdale, Carl A., Jr.
Yoza, Stephen J. M.
Zabarouskas, Michael W.
Zeigler, Kurt
Ziegler, Timothy S.
Zietz, Carl E.
Zymanek, Thomas J.

IN THE NAVY

The following-named chief warrant officers, W–3 of the U.S. Navy, for permanent promotion to the grade of chief warrant officer, W–3, pursuant to Title 10, United States Code, sections 563 and 555(b), subject to qualifications therefor as provided by law:

Addison, Leroy E., II
Adkins, James M., Jr.
Albury, Merrill C.
Allen, Merrile J.
Alston, Moses D.
Anderson, Kenneth S.
Angel, Russell B.
Arndt, Richard B.
Arquette, Daniel J.
Aultman, William R.
Baldwin, William J.
Bamfield, James R.
Beadle, Gerald E.
Beatty, Jonathan T.
Beavers, James E.
Bennett, Rex G.
Bissonnette, John R.
Blausey, Arthur E.
Bocchino, Alfred J.
Bodkin, David M.
Boeckman, Raymond J.
Bonnette, John E.
Borszich, Everett P.
Bowen, James C., III
Boyle, Robert J.
Bradsher, Robert L.
Bregg, Gerald B. W.
Breland, Don
Briggs, L. J.
Brissette, Richard J., Jr.
Bryce, Francis P.
Budway, Edward J.
Burdette, William M., Jr.
Burke, Virgil G., Jr.
Butler, Dorniece
Cain, James M.
Caley, James D. C.
Calhoun, Michael A.
Campbell, David B.
Carmello, Joseph J.
Carpenter, Wayne L.
Casteen, John D.
Catchpole, Frederick R.
Clapham, Charles W.
Clark, Robert L.
Coarsey, John R., Jr.
Coleman, Robert W.
Collins, Jerry I.
Contreras, Gregorio A.
Cornwell, William J.
Costa, Joseph E.
Craig, Lewis J.
Creighton, Clearance W.
Crist, Howard R.
Crossland, Joseph L., Jr.
Cutter, Arthur E., Jr.
Daharsh, Robert E.
Dalrymple, John E.
Dasher, Joseph G.
Datson, Dick
Davis, Billy G.
Davis, Clayton R.
Davis, Gerald H.
Deberg, William F.
Delaney, John T.
Delorme, John M.
Demarmels, Frank S.
Deseve, Darryl D.
Devine, Arthur W.
Dorsha, Richard B.
Downs, Joseph O.
Drajna, Fred A.
Drewes, Kenneth N.
Dungca, Patricio P.
Dzergoski, Leonard T.
Eccleston, John M.
Edwards, James H.
Elrod, Albert W., Jr.
Ephraim, Richard
Fahrenkrug, Thomas P.
Farley, David E.
Farley, Harold, Jr.
Flaherty, Gerry A.
Flint, Robert C.
Foster, John W.
Foster, Robert C.
Fowler, Gene G.
Fowler, William B.
Francis, Sidney K.
Franzen, Gerald J.
Frazer, Neil S.
Frederick, Herbert E.
Garren, Garry C.
Gatewood, Larry E.

Gearo, Benjamin A.
Glencoe, Thomas M.
Gosselin, Charles L.
Graham, Michael G.
Grant, Joseph
Griffin, John R.
Gunn, Kent H.
Hadel, Paul J., Jr.
Hansen, Gary M.
Hanson, Alvin C., Jr.
Harris, Glover L.
Hartman, Thomas T.
Harvey, Gaylord L.
Haskell, Charels W., Jr.
Hawkins, Billy R.
Hawver, Lee A.
Hays, John W.
Hildreth, Billy J.
Holder, Walter W.
Holkum, John V.
Hollaway, Billy D.
Hornaman, David H.
Howard, William J.
Huckaby, Bobby J.
Hulsing, Russell D.
Hummel, Robert W.
Hunt, John A.
Jaeger, Herald R.
Jaeh, Roland H.
Jemison, Walter L.
Johnson, Lynn N.
Johnson, Warren P.
Jolly, Edward G.
Kantirakis, Johnnie N.
Kelly, James R.
Knutson, Thomas E.
Komzelman, Edward E.
Krauss, Donald J.
Lane, Benjamin C.
Laucella, Richard J.
Law, Roger D.
Lecompte, Timothy E.
Loveless, Paul F.
Ludwig, James W. S.
Mackie, James P.
Malone, Henry B.
Mariani, Stephen R.
Martin, Brian J.
Marx, Keath L.
Mason, Leo
Matzke, William A., Jr.
McAvoy, Arthur R.
McKinzie, Larry E.
Merrell, Richard I.
Metheny, Marvin D.
Mikesell, Richard N.
Miller, Charles R.
Miller, Richard E.
Mills, Dennon W.
Moon, Edward M., Jr.
Moore, William C.
Morse, Richard B.
Morton, George H.
Murdoff, Gerald D.
Noell, Harold L.
Nuss, Jimmie L.
Nutl, Fred T.
Nutting, Dwight P.
Odoski, Ronald V.
Ohara, Vincent B.
Onken, Charles R.
Patton, Gary D.
Pehl, Thomas L., Jr.
Pfranger, Delavan E.
Pitcher, Gary L.
Plaza, Edward J.
Poe Richard R.
Poutree, Douglas R.

Proctor, Danny L.
Pryor, Monte E.
Pugh, Ray E.
Pulley, Alvin B.
Raley, James R.
Ramstad, Lawrence M.
Ratliff, Ruben M.
Reid, Robert E., Jr.
Renggli, Gerald A.
Roberts, Ulric M.
Robinson, Gerald L.
Robuck, Tyrone A.
Rohlf, Dale M., Jr.
Roles, James R.
Rose, Thomas A.
Rosenboom, Roger D.
Sawyer, Robert H.
Schlatter, Ronald K.
Schmidt, Stanley L.
Schnautz, William A.
Schneider, Norman N. J.
Scott, Daniel D.
Scott, Phillip C.
Sheffield, Robert C.
Shutters, William D., II
Simmons, James A.
Singer, Larry.
Smith, George W.
Smith, Karl D.
Smith, Malcolm E.
Snyder, Robert G.
Sparks, Gerald V.
Spiller, Ralph H., Jr.
Spoor, Allan K.
Sprys, James M.
Squier, David W.
Stang, David H.
Steele, Kerry D.
Steiner, Michael B.
Stephens, Arnold D.
Stiles, Kenneth R.
Stokes, Jerry V.
Stuedemann, John A.
Suchland, Everett B.
Swanlund, Donald F.
Swecker, Joseph B.
Temer, Paul L.
Thompson, Robert A., Jr.
Thornton, Fred D., Jr.
Thornton, Francis F.
Tidd, Thomas J.
Tilley, Ronald C.
Tinney, Thomas G.
Tomlinson, Von P.
Tonder, Paul A.
Topping, Robert M.
Turner, Raymond T., Jr.
Tuton, Philip E.
Underwood, Foy C.
Vanhook, Keith C.
Verhage, Lloyd K.
Vick, Roger L.
Wakefield, Gregory A.
Walsh, Richard B.
Weeks, James D.
Welch, Brian W.
Westphal, Warren R.
Wickliffe, Charles T.
Wildey, Gary R.
Williams, Stephen P.
Williams, Terrell W.
Wilson, Thomas R.
Wood, Richard A.
Wright, David J.
Wrightson, David J.
Yates, William U.
Young, John H.

IN THE MARINE CORPS

The following-named male officers of the Marine Corps for temporary appointment to the grade of lieutenant colonel under the provisions of Title 10, United States Code, section 5769:

Henry A. Dierker
Peter Dobon, Jr.
Bruce R. Greisen
Wayne B. Mason
Richard B. Meyers
Robert G. Pontillas
Herman W. Quest
Emmett L. Robertson, Jr.
Eugene D. Sanford
Donald L. Vanhoose

The following-named women officers of the Marine Corps for permanent appointment to the grade of major under the provisions of title 10, United States Code, section 5771:

Jill A. Berle
Margaret N. Bond
Kathryn P. Cooney
Susan A. Hansen
Diane S. Hoeft
Dolores K. Hoffman
Mary S. Jastrzebski
Maralee J. Johnson
Merle C. King
Diane E. Kline
Barbara J. Loomis
Mary K. Lowery
Michele Manning
Linda L. Murray
Kathleen E. Newbold
Renee Patrow
Patricia A. Perkins
Constance G. Pool
Tam Scriven
Laura L. Scudder
Beverly A. Short
Jane L. Siegel
Leslie A. Stensen
Priscilla L. Stewart
Bonni L. Sutherland
Janice K. Williams
Frances W. Wilson

The following-named male officers of the Marine Corps for temporary appointment to the grade of major under the provisions of Title 10, United States Code, section 5769:

Paul R. Ahrens
Robert A. Aikman
David S. Aldrich
Frank A. Alexander
Gerald W. Allen
James V. Allen
Richard D. Allen
Gary W. Anderson
Joseph N. Anderson
Ralph H. Anzelmo
James A. Ardaiolo
James P. Axelrod
Rayfel M. Bachiller
Gerald D. Badinger
Wayne D. Bahr
Thomas A. Bailey
Claude R. Baldwin, Jr.
William E. Barker
Terry L. Barnes
Donald C. Barnett
Stephen J. Bartram
James R. Battaglini
Scott R. Beaty
Robert A. Beaudoin
Peter R. Beavins
David L. Beck
Mark T. Beck
Curtis M. Beede
Ivan M. Behel
Charles D. Bennett
Charles S. Bennett
Chris Bennett
George H. Benskin III
Robert M. Biddle
Stephen G. Biddulph
Paul W. Bishop
Thomas E. Bjerke
Carl N. Blair
Rex P. Blankenhorn
Tom L. Blickensderfer
David R. Bloomer
Robert B. Blose, Jr.
Richard A. Boeckman
Ralf R. Boedefeld
Wiley N. Boland, Jr.
Dennis G. Bolton
James L. Brooker, Sr.
Robert B. Boone
Stephen D. Booren
Louis L. Boros
John F. Bouldry
William G. Bowdon III
John C. Bowers
William L. Bowling
Michael H. Boyce
Charles E. Boyer III
David R. Boyer
James C. Braddy
Robert E. Braithwaite
Thomas O. Brannon
Donald B. Braun
Clyde S. Brinkley, Jr.
Albert K. Britton
William F. Broderick
Mark L. Brophy
Palmer Brown
Shepard R. Brown
Darrell A. Browning
Victor E. Browning, Jr.
Bruce E. Brunn
Johnny Bruntlett
William E. Bubsey
Daniel J. Buckle, Jr.
Melvin R. Buhls II
Thomas W. Bull II
Michael M. Bullen
Richard E. Buller
Richard D. Burkett
Peter J. Burner
Richard E. Burton
Michael S. Bush
Gary A. Butler
Patrick C. Butler
John Buzzi
Robert D. Cabana
Thomas J. Callan, Jr.
John L. Carson
John W. Carter
James E. Cartwright
Garry R. Carver
Barry L. Cassidy
Edward V. Cassidy, Jr.
Dee H. Caudill
Thomas A. Caughlan
Richard C. Cavallaro
David L. Chadwick
John F. Chalkley
Stephen W. Chambers
Ronald W. Chambless
Geary L. Chancey
Stephen A. Cheney
James P. Chessum
Paul F. Cibuzar
John S. Cipparone
Eligah D. Clark, Jr.
Charles J. Clarke
Alfred F. Clarkson, Jr.
Wayne A. Clemmer
Tilden U. Click
Daniel B. Cliffe
Rayborn S. Clifton, Jr.
Johnny D. Cockle
Robert S. Cohen
John R. Cohen
Larry P. Cole
Raymond Cole
Gary W. Collenborne
James M. Collins II
William B. Collins
Joseph Composto
Michael R. Compton
Larkin E. Conatser
Kevin A. Conry
Larry G. Cook
John F. Corcoran
Max A. Corley
Christophe Cortez
Norris G. Cotton
Randolph P. Cotten
Jimmy R. Cox
Alan S. Craig
Michael P. Crimmins
Philip L. Croteau, Jr.
Jack C. Cuddy
Thomas R. Dalton
Alan H. Dank
Charles A. Dankmyer, Jr.
Douglas J. Danley
William C. Darner
Dacre G. Davis, Jr.
Donald L. Davis
Gilbert H. Davis
Hartley R. Davis
John A. Davis
Leonard R. Dean
Ronald V. Deloney
William Z. Dement
Henry M. Denton
Frederick M. Deutsch
Henry V. Dickens
Paul R. Dippolito
Charles L. Dockery
Eldon L. Dodson
Geoffrey M. Doermann
Charles W. Dorman
Peter R. Dorn
Peter A. Dotto
John E. Drury
Gerald J. Duda
Thomas E. Dunkelberger
Theodore J. Dunn
James M. Durham
Jan M. Durham
Richard G. Duvall
Darrel B. Ealum
Michael E. Edwards
Paul C. Ehlers
James M. Eicher II
John M. Elder
Jay M. Ellington
Dallas A. Elliott
Russell E. Ellis
Steven C. Erickson
Teddy J. Etsell
Jim Farlee
Timothy N. Farlow
Douglas A. Farmer
Jackie L. Farmer
Jon W. Farmer
Gregory S. Fatovic
Brian L. Faunce
Joseph C. Fegan III
James R. Felt, Jr.
Wilburn C. Finch, Jr.
Bruce V. Finley, Jr.
Carl J. Fisher
Robert M. Flanagan
George W. Flinn
Thomas R. Fox
David B. Franke
Charles K. Freeman
Peter R. Freeman
Robert J. Friend, Jr.
David R. Fry
Dwain L. Fuller
Edward A. Gabarra, Jr.
Earl G. Gale, III
Joe A. Gale
Richard J. Gallagher
Anthony S. Ganz
Dennis O. Garcia
John M. Gautreaux
Jerome L. Geil
Theodore R. Gendron
Raymond F. Geoffroy, Jr.
Thomas W. Gilleylen
William M. Given III
Arthur Gomez
Ronald Gonzalez
Ryan P. Goodell
George H. Goodman
John F. Goodman
Joseph P. Gordon
Vincent J. Gouding, Jr.
Stephen E. Grayner
Christophee J. Gregor
Christopher J. Gregor
Barry P. Griffin
David R. Guernsey
Earl W. Hacker
Michael R. Hafen
Randall B. Haglund
John R. Hales
Marvin D. Hall
Charles F. Hamilton
Philip T. Hamilton
William L. Hammerle
Charles T. Hammond, Jr.
Charles W. Hammond, Jr.
Timothy J. Hannigan
Donald L. Hanson
James C. Hardee
Thomas G. Harleman
Gregory L. Harm
Thomas E. Harris
Eugene G. Harrison, Jr.
Walter P. Havenstein
Michael J. Havrilla
Thomas C. Hayden III
Mark K. Hayden
Charles R. Hayes
Lambert C. Heikes
Jeffrey F. Hemler
Daniel S. Hemphill
Thomas R. Henry
Carl M. Herdering
Donald E. Hesse
Jerry N. Higdon
John E. Hill
William H. Hill III
John M. Himes
Timothy J. Himes
Phillip L. Hindsley
Keith M. Hirvonen
Richard P. Hobbs, Jr.
Keith T. Holcomb
Ward A. Holcomb
John D. Holdstein
Travis D. Holland
Louis S. Hollier IV
George E. Holmes
Ben E. Hoover
Stephen G. Hornberger
Patrick R. Hourigan
Jackson R. Howard
Kenneth M. Howard
Michael W. Howard
Cass D. Howell
Lonnie A. Howerton
Thomas W. Hoysa
Richard A. Huck
Patrick J. Hughes Jr.
Roger D. Hughes
Jeffrey L. Hull
Douglas E. Humston
Billy D. Hunt
Richard F. Hutchinson
Richard B. Inghram
Richard B. Inghram
Thomas B. Isaac
Gordon R. Jackson
Travis L. Jardon
Stephen C. Jennings
Brian T. Johnson
Gerald H. Johnson
Gregory J. Johnson
Leslie B. Johnson
Michael O. Johnson
Edward L. Johnston
William J. Joslyn
Bruce Judge
Kenneth M. Jurjevic
Gregory L. Kaufman
Robert W. Kearney
David G. Keck
Eddie A. Keith

Alvin W. Keller, Jr.
Gerard P. Kelly
Richard L. Kelly
George H. Kerr
George S. Keys
Frank N. Kibler
Carl E. King
Stevem K. King
William L. King
Thomas W. Kinsell
David A Knott
Gregory C. Koons
Stephen J. Labadie, Jr.
Charles A. Lackey
Paul A. Lambert
Ray A. Lammon, Jr.
Tony C. Landry
John Langdon II
Lee F. Lange II
James A. Lasswell
Earl L. Lavan
Arthur W. Leak
James Ledford
David J. Lee
James H. Lee III
Harry C. Leeper, Jr.
James D. Lenard
Richard C. Lepley
Philip D. Leslie
Floyd C. Lewis
Kenneth D. Lewis
Leonard W. Lewis
Richard M. Lister
Bruce P. Lohman
David M. Lohr
Herbert B. Long II
George F. Lord
Jeffrey L. Lott
Allen J. A. Lum
John K. Lynn
John N. Lyonnais
Wayne W. Macey
Lawrence A. Machabee
Harry M. Mack
John D. MacKenzie
Harold J. Maher
Roger E. Mahoney
Richard A. Maloney
Esmond W. Marks
Barry E. Marsh
Gary F. Marte
John J. Martinoli, Jr.
Martin J. Martinson
Judson P. Mason, Jr.
Michael J. Maxie
Peter S. Mayberry
John S. Mays
Dennis C. McBride
Patrick L. McCarthy
Ronald L. McClure
John K. McClure
Robert H. McCormick, Jr.
Howard McDonald
Michael P. McGee
Bryan M. McGill
Kevin J. McHale
William E. McHenry
Hugh M. McIlroy, Jr.
Scott W. McKenzie
James M. McLaughlin
Benjamin H. McNutt
Gene S. Mead
John B. Meagher
Robert G. Mellon
Charles D. Melson
James S. Mendelson
Ronald L. Meng
Ottavio J. Milano
Charles M. Miller
Gregory F. Miller
Donald T. Mize
Terrence L. Moore
Bruce H. Moran
Terrence C. Morgan
Henry O. Morris
James R. Morris.
Michael I. Mott.
John J. Moyer.
Stephen F. Mugg.
Robert S. Muir.
John J. Mullarkey.
Martin L. Musella.
Joseph A. Najjar.
Michael R. Nance.
Henry Napoleon, Jr.
Robert C. Nelson II.
Craig A. Nesbitt.
Roger L. Nesslage.
Thomas J. Nicholson.
Vincent W. Norako, Jr.
Robert H. Norman.
Phillip D. Norton.
Dennis K. Oberhelman.
Dennis M. O'Connor.
James P. O'Donnell.
Hugh K. Odonnell, Jr.
Hugh K. O'Donnell, Jr.
David M. Oleksy.
Michael L. Olson.
John C. Osborne.
Larry D. Outlaw.
Richard L. Owen.
Richard L. Owen, Jr.
Stanley C. Owen.
Michael G. Pallo.
John T. Paparone.
Cruz Pardo.
Donald W. Pardue.
Frederic A. Parker.
William H. Parrish.
John C. Pastuf.
Philip J. Paul III.
Ned G. Paulson.
Reuben B. Payne III.
William C. Pedrick, Jr.
Brian A. Peirano.
Roger E. Penrod.
William A. Pepper.
Mitchell M. Perkins.
Alfred L. Perry.
Philip J. Persiani.
Peter G. Peters.
Dale A. Peterson.
John F. Pettine.
Gerald W. Pickett.
Mark B. Pizzo.
Richard A. Poggemeyer
Raymond L. Polak.
Jerry L. Poole.
John P. Poole.
Michael B. Potter.
Michael C. Powers.
Robert A. Price.
Paul F. Pugh.
Darryl J. Rasmussen.
Curtis J. Rastetter.
Thomas A. Reavis.
Brian F. Reed
John F. Reiner III
John W. Rerucha
Joseph J. Riggio
Francis D. Rineer, Jr.
James W. Rinschler
Roger L. Rippy
Charles R. Rivenbark
Raymond M. Robertson
Dale E. Robinson
David P. Robinson
John R. Robinson
Dorsey Robinson, Jr.
John J. Roddy III
Robert W. Roesch, Jr.
James E. Rogers
Ronald D. Rogers
Joseph J. Rogich, Jr.
Gerald H. Rohloff
Mark C. Ronning
Paul F. Roques, Jr.
Ralph C. Rosacker II
James K. Ross
Ronald L. Rueger
Joseph L. Ruthenberg
Charles A. Ryan
Victor W. Ryan, Jr.
James L. Sachtleben
John W. Sams
McDewain Sandlin, Jr.
John F. Sattler
William H. Sbrocco
Teryl W. Scalise
Glenn H. Schneiter
Mark M. Schnell
Paul R. Schroyer
Mark P. Schultz
Joe E. Scott
Michael L. Shanklin
Robert M. Shea
Charles R. Sherrill
James S. Shi
Robert G. Shillito
Richard Y. Shintani
Larry L. Shreve
Roy N. Sifers
Glenn D. Simon
Gary B. Simpson
Laurence E. Simpson
Larry J. Sims
Charles O. Skipper
Clyde H. Slick
Kenneth A. Sloan
Byron E. Smith
Danny R. Smith
Michael H. Smith
Paul R. Smith
Willie T. Snow
James M. Solomon
William R. Spain
Stephen A. Spalding
Grant M. Sparks
Linden L. Sparrow
Charles W. Spencer
Ronald E. Spratt
Kenneth F. Stang
Douglas R. Stanley
Walter C. Stephenson
Bruce M. Stevens
Ronald L. Stevens
John A. Steward, Jr.
Darrell L. Stewart
Carl M. Stipe
Christophe B. Stoops
David K. Storey
James A. Storey III
George B. Strickroth
James N. Strock
George G. Stuart
Lynn A. Stuart
Robert C. Stuart
John M. Studenka
Jonathan W. Stull
Kenneth E. Stutely
Gerald L. Stutz
Tim J. Sukow
Patrick H. Sullivan
Thomas P. Sullivan
Frank W. Sultenfuss III
Tommy L. Summers
Leonard M. Supko
Michael J. Swords
Michael E. Tallent
Edward Tavares
Anthony T. Tavella III
Gene A. Taylor
Rex N. Taylor
Thelbert F. Taylor, Jr.
Timothy M. Taylor
Jon D. Terry
David M. Thomas
Bruce J. Thomas, Jr.
John F. Thornell III
James R. Tippett
David G. Titus
Jerome P. Todd
Theodore K. Tolle
Terry L. Tonkin
Richard W. Treanor
Thomas E. Treurniet
Gene A. Tromly, Jr.
David J. Turner
Robert G. Twigger
Douglas D. Tyler
Joseph S. Uberman
Jack Vandebruinhorst
Guy M. Vanderlinden
Victor L. Vangrowski, Jr.
Gerald J. Varela
Danny P. Venable
James E. Vesely
James S. Vintar
Gregory J. Vonwald
Paul H. Voss
John H. Wagner
Joseph R. Waldron
Richard W. Walker
Richard P. Walton
Norman E. Ward
Kenneth D. Watts
David B. Weber
Dennis N. Weber
Elbert L. Weist, Jr.
Christophe C. Wells
William A. Whitlow
Jimmy L. Whitson
Robert A. Whitten
Hugh N. Wiggins
Paul A. Wilbur
Wayne D. Wildgrube
James L. Wilding
Hensley C. Williams
Robert L. Williams, Jr.
William T. Williams
Douglas C. Wilson
John D. Winchester
Tony L. Winstead
James M. Wire
John C. Worl
Robert P. Wray
Larry W. Wright
Richard L. Yoerk
Gerald J. Zanardelli
Joseph K. Zawasky
Eric D. Zobel

In the Marine Corps

The following-named Marine Corps enlisted commissioning education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to Title 10, United States Code, section 5583, subject to the qualifications therefor as provided by law:

Babauta, Evangelis J.
Barton, Jeffery W.
Beaird, Cecil R.
Bellemere, David P.
Bennett, Paul D.
Benson, John C.
Bernacik, Thomas W.
Bethke, William J.
Blair, William L., II
Boisvert, Raymond J.
Bray, Robert M.
Briel, Peter J.
Buchanan, Larry
Burns, Robert A.
Busick, Robert H., Jr.
Cadwallader, Neil K.
Cain, James M.
Campos, Arturo, Jr.
Castro, Rafael A.
Ceccanese, Micheal
Charboneau, David P.
Clare, Greg R.
Conney, James, Jr.
Danielson, Brian E.
Darling, Andrew P.
Davidson, Dale L.
Dorn, Ralph P.
Doss, Robert A.
Douglas, Duane H.
Dulle, John D.
Dungan, Mark A.
Ellis, Steven J.
Emery, Jeffrey L.
Evans, William S.
Feinberg, John L.
Fillmore, Terry L.
Force, Micheal T.
Fortner, Phillip M.
Fuller, Scott J.
Gammel, Bradley R.
Garcia, Ivan
Giles, Herman, Jr.
Giove, Michael F.
Greene, Dennis M.
Hager, Chad W.
Hanscom, Steven M.
Hansen, Charles C.
Hansen, Richard D.
Harvey, Jeffery P.
Hernandez, Jose A.
Hewitt, Clark P., Jr.
Hirata, Kurt K.
Holdner, James F.
Hunt, Thomas R.
Ireland, Robert W.
Jackson, Kurt M.
Johnson, Dennis A.
Jones, Ray
Jones, Richard A.
Jordan, Samuel L.
Karns, Jeffery R.
Kenney, John J.
Kollars, Koa P.
Kramer, Edward J.
Landis, Kenneth S.
Lang, Robert G.
Ledbetter, Otis W.
Leeper, Arthur J.
Lefever, Larry A.
Linz, Bruce W.
Luckett, James, Jr.
Malloy, Dennis J.
Manley, Gary W.
Marshall, Larry R.
Matherly, Ray A.
Meredith, William E.
Moffett, John A.
Murphy, Kevin P.
Murphy, Richard
Neal, Bruce E.
Nelson, Andrew H.
Noel, Allen L.
Oathout, Edward C., Jr.
O'Keefe, John C.
Orlandi, John D.
Page, Donald A.
Perdue, David K.
Pinedo, Daniel A.
Pollard, Roger L.
Restine, Michael S.
Reyes, Richard
Richey, Thomas D.
Ritchey, Lewis K.
Roeser, Dennis W.
Ryman, Frank R.
Satterfield, Robert C.
Scott, Alfred E.
Shaver, Jeffery L.
Sheahan, Terence E.
Shook, John E.
Sifuentes, Louis F.
Sizemore, Mark E.
Smith, Clayton E.
Smith, David L.
Smith, Donald S.
Smith, Philip E.
Southworth, Paul C.
Spurr, Patrick M.
Staples, Richard
Starkey, Fred O.
Swain, Calvin P.
Tapia, Frank L.
Taylor, Robert T.
Thaler, Donald D.
Torgler, Randy W.
Tubridy, Terrence K.
Turner, Robert M.
Uribe, Gilbert A.
Victrum, Stanley
Viets, William J.
Vigue, Joel D.
Villarreal, John J.
Wangler, Thomas E.
Whiteside, David L.
Wilson, Joseph A.
Wofford, Glenn O., Jr.
Zuppinger, William L.

The following-named Marine Corps enlisted commissioning education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to Title 10, United States Code, section 5590, subject to the qualifications therefor as provided by law:

Baker, Sabrina S.
Cahalan, Kathryn L.
Donato, Patricia M.
Hartford, Judy L.
Johnson, Nanette E.
Lewis, Kathleen L.
Richardson, Amelia J.
Rosendale, Lynne M.
Sanborn, Harriett S.
Walton, Susan M.
Winget, Sandra J.

The following-named Navy enlisted scientific education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to Title 10, United States Code, section 5583, subject to the qualifications therefor as provided by law:

Cade, Robert W.
Depasquale, Gerald A.
Graff, Gary W.
Hyde, Robin R.
Lasher, Myron L.
Minnema, James E.
Petolillo, Robert A.
Spear, Thomas M.
Swain, Gregory H.

EXTENSIONS OF REMARKS

INDUSTRIAL CAPACITY AND MOBILIZATION

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. GIAIMO. Mr. Speaker, in the past year, the ability of the United States to mobilize for a long-term conflict has been questioned. Numerous press reports have concluded that, unlike the period immediately following Pearl Harbor, American industry would not be able to provide additional military equipment that would be needed for a protracted conventional war.

Two months ago, Harry J. Gray, chairman and chief executive officer of United Technologies Corp., presented his analysis of this problem to the House Armed Services Committee.

I believe that his comments deserve the attention of each Member, and I include his statement at this point in the RECORD:

INDUSTRIAL CAPACITY AND MOBILIZATION—TESTIMONY BY HARRY J. GRAY

Mr. Chairman and members of the Committee. Thank you for the opportunity to appear before you. I am Harry J. Gray, chairman and chief executive officer of United Technologies Corporation. In total contract volume, our company is the nation's third largest defense contractor. We provide the Defense Department with such products as jet engines, helicopters, advanced radar and command and control systems, and solid rocket boosters.

If there were a national emergency today, I seriously doubt that our nation could mobilize its industrial base in time to make an appreciable difference in sustaining a war effort. It might take as much as two years before we'd see any real increase in production of war materiel. And that's an optimistic estimate.

America's defense industry—particularly the aerospace segment of it—already is working at virtually full capacity. Factories are full and backlogs in many cases are at record levels. We're putting out just about all we can, right now.

Increasing capacity in times of national need does not mean simply switching from commercial to military production, or building new factories and filling them with workers, much as we did when we mobilized for World War II.

Many complex factors affect our ability to gear up military production, or production of any kind today.

New manufacturing facilities are certainly one of the keys to increasing production. Today, it takes a company three and a half to five years to build a new factory of any size and get it to full production.

If you're fortunate enough to find an existing facility to buy, it takes about a year to convert that facility, get machines in, train people, and produce just the first parts. It can take another year to two years to bring that factory to full capacity.

Building the plant and getting the equipment are only part of the job. During the Second World War, we brought in people who never before had worked in a factory—farmers, clerks, housewives. They were trained—in a matter of weeks—to build aircraft engines. And they built thousands of them.

Today, however, you can't just take someone off a farm or out of a kitchen and expect him or her to build aircraft engines. The technology is too advanced, the tolerances too tight, the equipment too sophisticated. It takes three years for a machinist apprentice to complete his rigorous course. It takes the better part of a year to retrain someone from producing autos, for example, to work on high technology aerospace parts. The schools aren't turning out enough of these young people as it is.

If we were under full mobilization, with all the advantages the government can place, we might be able to squeeze 18 months out of the longest time it takes to get to full production in a new plant. But it wouldn't be possible to build a factory, train the people, and get the required high technology manufacturing tools we need in anything less than three years.

One obvious answer is to convert commercial production to military production. Use materials for military products that would have been used for commercial products. Pull production workers off commercial jobs, and put them onto military jobs.

This is only a partial solution. Take as an example our Pratt & Whitney Aircraft Group, whose production of jet engines is split about equally between the commercial and military markets.

By turning off our commercial production, we'd be able to process the military material we had in hand much faster and produce the engines ahead of schedule. Initially, the Air Force and the Navy would see a surge in the number of engines they'd receive.

The same priorities that affected us would affect our suppliers, and material and parts for military engines would come into our plants more rapidly than currently scheduled.

We'd all be looking at raw material already ordered and in the pipeline, and we'd determine what could be converted from commercial parts to parts for the military engines. In some cases, that material is common to both. If the raw material hasn't already been converted into billets, say, for a commercial engine, it could be made into billets for a military powerplant. But if the billets have been made, it's too late to convert.

In addition, a large number of parts for high technology military engines contain material that isn't used in commercial powerplants.

Even though there would be an initial surge in military production, as soon as the material in the pipeline was used up, military engine production would drop—because of lead time.

In 1978, normal lead time for one of our military jet engines was 19 months. Today the Air Force has to order that engine 41 months before delivery. Certainly not all parts of the engine take more than three years. But critical parts, made from large titanium forgings, do. It doesn't take us any longer to build the engine than it did in 1978. All of the increase results from the availability—and lead time—of certain critical materials, such as titanium.

Before 1978, there had not been any significant increase in lead time for that particular engine in at least four years. Since April of this year, though, its lead time has increased by five months.

Long lead time is an industry-wide problem. Our competitors feel it. Our suppliers feel it, and ultimately our customers feel it. Our ability to respond to national emergency suffers from it.

The availability of critical materials is one of the most crucial parts of the puzzle.

It is obvious that the United States does not have a rational non-fuel minerals policy. The threat is that we will be faced with a "materials OPEC" in certain metals. The first place we're likely to see the results of the squeeze is in national defense.

When it comes to certain critical materials the United States is a have-not nation. We are frighteningly vulnerable to overseas producers.

For certain materials, such as chromium and cobalt, we are close to 100 percent dependent on overseas sources. Without chromium and cobalt, we couldn't build high-performance military aircraft engines. And remember that our primary sources of these critical metals are unstable or unfriendly nations. We don't mine any chromium ore in the United States.

Pratt & Whitney Aircraft is the largest single user of titanium in the world. The raw material that yields titanium is abundant on the earth's surface. But the industrial capacity to convert that raw material to what we need—titanium alloys—is woefully short. As a result of supply and demand, prices have shot up, and lead times have increased two-fold since 1977.

Another problem we face: the supplier network that forms the base of our country's defense industry is shrinking at an alarming rate. Since 1967, the number of companies involved in aerospace production has declined by more than 40 percent. In 1967, there were approximately 6,000 companies in the industry. Today, there are only about 3,500.

As a result of this drastic shrinkage in the number of suppliers, there have been dramatic increases in prices in this sellers' market.

To make matters worse, high costs in terms of capital and technological expertise are real barriers keeping new companies from entering such critical areas as closed die forgings of superalloys, sheet metal weldments, and the mining, smelting and production of critical raw materials.

We are trying to ease our dependence on suppliers through material substitution, new processes, and long-term purchasing commitments. We're also entering agreements for new sources in other countries who are pushing to develop their own aerospace capability. But we can't be dependent on foreign suppliers in a time of national emergency.

You are all well aware that industrial productivity improvement in the United States is not keeping pace with that of other industrialized countries, such as Germany and Japan. Our plant and equipment are aging. We're not seeing innovation in new manufacturing processes at home that we're seeing abroad.

Increasing production to meet the requirements of a national emergency is a complex problem. It is not just affected by our ability to build new plants and equipment for

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

production and to staff them with highly-skilled workers. It also is affected by political and economic forces outside of the United States over which we have no control.

The United States should move to meet these probems without delay.

First and foremost, I think, there must be mobilization planning at the government level. It's been tried before, but it seems that people lost interest.

Back in 1975, the military services and defense industry made some preliminary studies. Our company spent 18 months on a study of critical engine production. We determined how quickly we could deliver with, and without, industrial preparedness measures. We looked at mobilization planning costs and schedules, and what future mobilization work we'd have to do.

Our report was submitted to the government, and virtually nothing has been done by the government since then.

Perhaps it's time to re-establish an office of mobilization planning, headed by a cabinet level officer, working closely with the Department of Defense and with industry. Such an office, at such a level of government, would be able to operate independently. It wouldn't have to face the conflict that could occur, say, in the Department of Defense, over whether to spend funds on procurement or on industrial reserves.

Second, it's imperative that we develop and implement a national minerals policy that will release this country from dependence on non-U.S. sources.

This policy should do all it can to encourage extensive exploration at home for sources of critical materials.

The government owns one third of the nation's land. These lands contain an estimated total of 85 percent of our oil reserves, a significant share of gas, timber and scarce minerals. We don't know for sure how much of these resources are being considered for wilderness designation. But we do know that if this land is closed to exploration, we'll never find out.

Third, we've got to increase our stockpiles of critical material. The Soviets are doing it, and the results can be seen in the marketplace. Equally important, we've got to cycle material in and out of our stockpile, so material will be kept up to date and it will become an integral part of the working defense production system.

It's clear, too, that we need reserve capacity to produce the materiel we'd need in an emergency. But it would be counter-productive to have plants, machine tools and workers idle and waiting for the emergency that would put them to work.

Why not build up that capacity, train the workforce, and put it to work, building today what the military would need in an emergency tomorrow. Give the Air Force the planes it would need, man them with pilots, and support them with mechanics. In the long run, the costs of such a program might even be lower than that of holding capacity in reserve. And the nation would be prepared. I believe private industry would make the necessary investment in plant and equipment and in people. The reward would be worth the risk.

Finally, we must change the way we purchase defense hardware. As it is now, the procurement system penalizes investments for cost reduction, new process development, stockpiling of critical materials, and for productivity increases. Long-term profit incentives should be provided for industry to make the capital investments that improve productivity and lower the cost of government products. The current practice of negotiating from a lower cost base, after cost improvements, must be discontinued.

Industry loses its rights to proprietary processes used in government business. Government regulatory reporting requirements inhibit our operational decision-making. We are inadequately funded for long lead items. We are financially at risk for contractual coverage before contracts have been initiated.

The Department of Defense should have some leeway in spending future dollars on high-priority items like spare parts. They shouldn't be tied to the one-year budget cycle, particularly now that lead times are pushing out to three years.

Finally, if America wants an adequate level of preparedness capable of reacting to a national emergency, there must be improved tax incentives now for business investment associated with the defense industry—such as rapid accelerated depreciation for new plant and equipment.

The question of mobilizing our industrial base is a complex one. And there isn't any easy answer. But we must recognize now that we have a serious problem in the erosion of our defense industrial base. We must find the resolve to face up to it. As a nation, we simply can't afford to wait any longer.●

THE FEDERAL ROLE IN EDUCATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, November 12, 1980, into the Congressional Record:

The Federal Role in Education

The problems of elementary and secondary education will rank high on the national agenda during the 1980's. Unlike some important problems the nation faces, however, these will be solved largely at the state and local levels. The federal government will continue to play a role limited both by the diversity of American life and by a respect for the ability of state and local educators to develop curricula and programs suited to the needs of communities. At the present time, the federal government supplies less than 10 percent of the funding for our 80,000 public elementary and secondary schools. The support is restricted, but it does help in several critical areas.

Access to education: Perhaps the primary federal function in education is to guarantee equal educational opportunity for all youngsters, with special attention to those who have not been served well in the past. No less an authority than the United States Constitution provides the framework within which the guarantee is made and enforced.

The federal government has numerous programs to make education available to minorities, handicapped children, and students who do not speak English. A recent initiative is intended to assist school districts in the education of refugees from Cuba and Haiti. The results of these efforts are significant. Over the past four years, for example, the number of learning-disabled young people attending public schools has jumped 50 percent to 1.2 million.

Transition to employment: One of the biggest challenges for education is how best to mesh schooling with requirements of employers at a time of rapid technological and economic change. Too many students graduate from high school with inadequate basic skills and little preparation for work. Unemployment among the young has remained high for several years.

The most recent federal attempt to address this challenge has been the House-passed Youth Act, a program designed to ready the nation's youth for the labor markets of the 1980's. It is the largest new educational initiative in 15 years and the sole new domestic initiative this year. Besides consolidating and expanding existing youth employment programs, the act would help students acquire the basic skills they needed to find and keep jobs. Funds would be distributed to state and local governments, which in turn would distribute them to high schools. Also worthy of mention is federal funding for vocational education. During the past decade, it has shown the greatest percentage increase of all federal educational programs. In that same period of time, enrollment in vocational education has tripled.

Quality of education: The available data are not pleasant to hear. The test scores of American students in key academic subjects often fall below those of children in school in other industrialized countries, and they have been headed downward for too long a time. Surveys reveal disturbing rates of functional illiteracy among some young people and lack of qualification among some teachers. Serious questions are being asked about the overall quality of education in our public elementary and secondary schools.

Matters of curriculum, testing, and teaching are left to states and localities for the most part, but the federal government has programs to aid schools which want to improve the quality of instruction they offer. The major program, one of benefit to 90 percent of all school districts, is aimed at disadvantaged students. Also helpful are programs to promote remedial education, innovative methods of teaching, and training of teachers. Some experts believe that the creation of a Department of Education may help contribute to the quality of instruction by emphasizing the importance of education in American life.

Lack of discipline: According to current polls, Americans regard lack of discipline at school as the worst problem in education today. Educators and parents consistently complain about children who "act up" in class, higher rates of truancy, the growing incidence of vandalism, the increasing abuse of drugs and alcohol by young people, and the rising number of teenage pregnancies and assaults on teachers and students. A recent study suggests that many of these complaints may be fully justified. Information gathered in 26 cities indicates that the risk of violence to teenagers, for example, is greater at school than elsewhere.

Discipline is not an area of primary federal involvement, but some congressional actions should be highlighted nonetheless. The House has approved an appropriation for a program to teach school personnel to prevent and control the abuse of drugs and alcohol. It has also decided to fund a program to improve school attendance, decrease the dropout rate, and reduce vandalism and assaults by students on each other and on teachers.

Federal educational programs are but one small part of the force we must bring to bear to solve the problems of elementary and secondary education. As I have already noted, the main effort must come at the state and local levels. The problems are difficult, but certain facts are reason enough for optimism that they will be mastered. Young people today are spending more years in school than their parents did, with most graduating from high school and many going on to postsecondary education. Support for education, in terms of total dollars and expenditures per student, has reached a new peak. More parents are getting involved, realizing that solutions will not be found without them. Finally, our schools are staffed by many superb teachers and other professionals. They are working hard in tough circumstances and they are weighted down by new responsibilities, but they are getting the job done just the same. For their accomplishments we owe them a debt of gratitude.●

THE REPUBLICAN MANDATE

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. DAVIS of Michigan. Mr. Speaker, it is now more than a week since the voters of the United States swept away much of the present congressional leadership. The "Republican Mandate" already is a household word.

I think it is important in this first meeting of the House since the elections to reflect upon what that mandate means. In my opinion, it means that the people are tired of big government and big spending. They are tired of Washington telling them how to conduct their lives—what to buy, what to watch on TV, where to work, where to eat, et cetera.

I believe that the most important lesson to come out of the 1980 Republican insurrection is that the health of our economy is our most important problem, and that those who have been leading this Congress have not been able to address this matter with understanding or competence. That is, in order to attain full employment, we need a healthy economy. To have a strong defense, we need a healthy economy. If we want to wield influence internationally and to protect our national interests in an increasingly competitive world, we need a strong economy. But those in control have straddled our economy every year with more taxes, more regulations, and more Federal programs which divert private money for purposes of dubious return to the Nation. In short, we have tied the hands of the economy, and still expect it to play hardball.

The elections of 1980, if nothing else, should be a clear indication to all policymakers that the people no longer will tolerate the gradual deterioration of our economy. They want a return of power to make decisions and authority to make their livings without interference from Washington. It is my hope that the 97th Congress will meet this demand and that the new administration will lead the economy back into the hands of the people.●

INFLATIONARY RECOMMENDATIONS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HUBBARD. Mr. Speaker, I would like to call the attention of my colleagues to the recent preliminary report issued by the National Commission on Unemployment Compensation. Americans everywhere are crying out for Congress to halt skyrocketing inflation and to curb rampant Government spending. Yet the National Commission on Unemployment Compensation promises to pay little heed to these cries, judging from its preliminary report. The Commission recommends measures which not only increase unemployment payments, but make it easier to become eligible to collect these payments as well. There can be little doubt that, by swelling the Federal budget, these recommendations will also augment inflation.

An excellent editorial by Jack Paxton, editor of the Paducah Sun, a daily newspaper in Paducah, Ky., speaks strongly to this issue:

Some ostensibly smart people periodically gathering in Washington ought to be blown out of the water before they do real damage. Called the National Commission on Unemployment Compensation, this group has 13 members, seven of whom were appointed by President Carter. They are conducting a study which won't be completed until next month, but they recently released a preliminary report.

Here are some of their recommendations (if you're a more-or-less average person with a more-or-less sensible outlook, you might wish to sit down):

Increase unemployment payments to between 50 percent and 66 percent of the salary a claimant got when he was working.

Extend the maximum number of weeks for drawing unemployment from the present 39 to 50; and to 65 weeks in times of high unemployment.

Let individual states, not the federal government, decide whether professional athletes and teachers would be eligible for payments during their regular off-seasons.

Stop disqualifying people from the program for quitting a job if they have compelling family reasons (who doesn't?).

Abolish the present requirement that a claimant be actively seeking work.

Increase the number of federally financed jobs from 450,000 to 900,000.

Permit illegal aliens to collect unemployment compensation.

To me every one of those recommendations speaks for itself. What each says about itself is not nice.

It's possible by the time you reached that last item you were wondering if I'd gotten some bad information. But it comes from a story on the front page of the St. Louis Post-Dispatch. I saw it just one day after reading a speech by banker David Rockefeller saying government is at the root of inflation problems and that this is not generally recognized.

"Between 1975 and 1979 the federal tax bill increased more than eight times as much as our fuel bills," Rockefeller told the American Bankers Association. "To put it bluntly, the root of our current inflationary crisis is clearly the soaring price of government."

He bemoaned the fact that most people don't know that. "A recent study of the coverage of inflation on television news programs found that 80 percent of the reports deal with the problem only as a matter of price hikes or wage increases."

"Inflation is a decline in the value of money," Rockefeller said, "and only the government has the power to debase the currency by creating too much of it."

He pointed out that environmental, health and safety regulations and social welfare programs "add directly to the cost of government." He would not do away with them, but he would keep them under reasonable control.

I find myself joining Rockefeller in urging an "end to the debauchery of the money of the American people."

Money is given true value by productive work. But the government can manufacture as much money as it sees fit. It's been making too much, partly to cover programs like the one this unemployment compensation commission sets forth.

The government and the American people had a generation or so of pretty good times and in the course of them many people have lost the connection between meaningful money and work.

For sure, this commission has lost all touch. It shows an inclination only to forge ahead with the "debauchery" Rockefeller condemns. It exhibits symptoms of a pack of lemmings working, unbeknownst to themselves, into a frenzy before charging the sea.

One member of the commission said the rationale behind the recommendations will be explained at the time the full report is released. This rationale, he said, will make sense.

I can imagine no rationale which would make them make sense.●

INDEXATION OF CERTAIN SSI BENEFITS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. SCHULZE. Mr. Speaker, today I am introducing legislation to amend the Internal Revenue Code to allow indexation of Supplemental Security Income (SSI) benefits for individuals living in medicaid institutions.

Under current law, an individual who lives in such an institution is entitled to a $25 a month allowance. Unfortunately however, unlike social security benefits, this allowance has not been adjusted for inflation and in fact has not increased since the establishment of the SSI program.

While this monthly allowance may not seem like a lot of money, I can assure you that it is very important to the more than 220,000 Americans who rely upon this income as one of their only sources of financial independence.

The legislation I introduce today will correct this glaring inequity in our tax code by placing these deserving individuals on equal footing with social security recipients.

Mr. Speaker, I believe there is no good reason to continue to discriminate against these Americans who have already paid a high enough price in our ongoing struggle against inflation.

These individuals have paid their dues and through their diligent efforts are responsible in great measure for the prosperity and security enjoyed by our Nation.

It is time that we repay this debt and act now to provide for an annual cost-of-living adjustment in their monthly payment allowance.

I urge the adoption of this legislation.●

THE PERFORMANCE OF THE 96TH CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, October 22, 1980, into the CONGRESSIONAL RECORD:

THE PERFORMANCE OF THE 96TH CONGRESS

Although the 96th Congress will be called back in a few weeks for a "lame duck" session, the first after a presidential election in more than 30 years, now is an appropriate time to review its performance.

I consider the major achievements of the 96th Congress to include the approval of important elements of our national energy policy, deregulation of key sectors of the economy, and a substantial strengthening of the nation's defense. My major disappointments with the performance of the 96th Congress are the Senate's failure to ratify the second strategic arms limitation treaty and the failure of Congress—after a good start and despite some encouraging signs—to achieve real fiscal restraint. This was to be the year of the balanced budget, but the balanced budget died with the recession. However, no new domestic programs that cost money were enacted, and genuine (if not entirely successful) efforts were made to hold spending down.

Coming off a slow start at the beginning of the first session in 1979, the 96th Congress picked up the pace in 1980 and closed down a few weeks ago with a burst of activity. As of adjournment, the 96th Congress had been one of the most active in history. The House of Representatives, for example, sat 1,764 hours and cast 1,222 recorded votes, the third highest totals on the books. A lengthy session after the election could push the totals to new highs. These figures indicate that there has been no break in the trend toward an ever greater workload on Capitol Hill. Few observers would disagree with the claim that the 96th Congress simply had too much to do.

Following the unfortunate example set by its recent predecessors, the 96th Congress postponed far too much business until the end. It did not take final action on the budget—preferring instead to keep the federal government operating on stopgap funding—and it did not make up its mind on a whole host of controversial issues. Besides the snarled budget, Congressmen and Senators returning from home will face unenacted bills to aid local governments and trim taxes. They may also consider extended benefits for jobless workers and several environmental matters—among them a "superfund" bill to clean up chemical contamination, a bill to set aside huge tracts of wilderness in Alaska, and a bill concerning water rights in the western states. Other candidates for action in November will be regulatory reform, a fair-housing initiative, and a measure to help disadvantaged young people learn job-related skills.

Despite the legislative "log jam" and the problems it caused, the 96th Congress built up a record of accomplishment in many areas. In the field of national defense, for example, the 96th Congress pushed for higher military expenditures across the board. It is likely that Congress will approve the largest defense budget ever seen in peacetime. It also approved draft registration, the construction of military bases in the Indian Ocean, and sanctions against the Soviet Union. In the field of foreign affairs, the 96th Congress implemented the Panama Canal treaties, allowed the shipment of nuclear fuel to India, refined our relationship with Taiwan after the President had recognized China, and offered military and economic assistance to Israel and Egypt to bolster the Camp David accords. The indefinite postponement of the second strategic arms limitation treaty was a setback.

The 96th Congress moved ahead in the field of energy. It approved a tax on the windfall profits of oil companies, some of the revenues from which will go to support the synthetic fuels corporation, another recently enacted component of national energy policy. Other successes were a standby plan to ration gasoline and a program to assist the poor and elderly in paying higher heating costs. The 96th Congress was not as effective as I had hoped in meeting the challenges of the economy, but there were some bright spots nonetheless. The banking, trucking, and railroad industries were freed from tight federal control. The new international trade agreements were accepted. The 96th Congress prevented serious dislocation of the economy by extending loan guarantees to the ailing Chrysler Corporation.

The 96th Congress made progress as well in other fields. An important bill for higher education was passed. A wilderness area in Idaho became the largest preserve of its kind in the continental United States. The integrity of multi-employer pension plans was secured. Hardpressed farmers were helped with extra credit to keep them in operation. Small businesses benefitted from the expansion of programs under which loans are available to them. The 96th Congress took resolute action against legislators who had violated standards of ethics. A Senator was denounced by his colleagues for irregularities in his official accounts. Two Congressmen were censured, one for padding his payroll and the other for accepting illegal gifts, and another was expelled for taking a bribe. The expulsion was the first in the House in more than a century.

The 96th Congress has not been perfect, but it has a solid record to stand on even if the November session proves to be uneventful.●

UNESCO CONFERENCE ON INTERNATIONAL MEDIA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. WEISS. Mr. Speaker, the United Nations Educational, Scientific and Cultural Organization (UNESCO) concluded its Belgrade meetings last month with a discussion on limiting freedom of the press which my colleagues should find a matter of serious concern. UNESCO is leaning toward adopting a set of criteria which would control international news coverage. Most of the 150 participating countries are urging adoption of these rules, which might severely restrict reporting of events in foreign countries by the U.S. press. Only the representatives of West Germany, Britain, and the United States posed strong resistance to this action.

It is not difficult to understand and appreciate the concern shown by the nations supporting the proposed measures to be accurately reported in foreign media coverage. And few would argue with the fact that social and cultural differences between nations makes international understanding through the media a challenging task. But it is not necessary to place limitations on journalism to make it an accurate and effective means of communication, and there is no reason to judge our own media incapable of continuing to meet this challenge.

In a recent editorial, the New York Times, clearly outlined the major concerns of the news media in the United States over this issue. I commend this editorial to my colleagues, in the hope they will consider the impact this brand of international censorship might have on our Nation's ability to understand and respond to developments in foreign affairs.

UNESCO AS CENSOR

The undemocratic governments that pine for order in what their people read, hear and think have won yet another "compromise" to advance the cause of censorship. So it needs to be said again, and less temperately than before, that no American negotiator speaks in these matters for the free press of the United States. Let there be no doubt in the United Nations Educational, Scientific and Cultural Organization, which aims to become the arbiter of "responsible" communication, that American journalism values its freedom from official scrutiny and control more than it values UNESCO, or even the United Nations.

The reports from Belgrade, where UNESCO's 150 nations have been meeting for weeks, suggest that democratic delegates have been outmaneuvered again. A majority of U.N. nations, pleading poverty, weakness and dependence on the media of the industrial West, is moving UNESCO to define the meaning of "balance" in international news and to create a bureaucracy to help impose it.

The project has been stoutly resisted only by Americans, Britons and West Germans. Meanwhile UNESCO's bureaucracy has become eager to manage the communications "order." What fun: to sit on license boards that certify journalists with "safe-conduct" passes and require them, by George, to be "balanced" in political reporting, clearly opposed to racism and war, and "fair" to national liberation movements like the P.L.O.

These are the stated goals of the thought-controllers. And there are Western diplomats who still want to humor them, perhaps to avoid conflict over technical issues like international radio frequencies. After UNESCO's meeting two years ago, some argued that the democracies had cleverly managed to obfuscate. Now, some say, the dread document has been further amended, and delayed for another two years.

But in return for such triumphs, UNESCO has been empowered to undertake costly studies of how best to "protect" journalists, and how to go about defining their ethics and responsibilities. It was also agreed, over Western protests, to hold a conference in 1983 to evaluate the Western media's performance—by Soviet and third-world political standards. And it was decided that UNESCO needs a special office to assist the propaganda efforts of liberation movements.

Nations that respect freedom of communication do not need any such declarations or protection. Nor is any definition of press obligations needed by those Communist and third-world regimes that routinely censor their own media and limit all foreign inquiry. Some of them lead this campaign merely to legitimize the suppression they practice. Some aim merely to exploit the understandable resentments of poor societies for their own political ends.

Western governments have tried to subvert the campaign by recognizing the weakness of communications in the developing nations. They have agreed to help UNESCO greatly expand its technical and educational assistance. There is indeed much that mature nations can do to help poor societies inform the world of their needs and progress, and inform their own people more effectively.

But all that is a far cry from creating an international system of press supervision which private American media would not accept even from their own government. The motives of those who clamor the loudest for information order should be plain to all. There is simply no way to "negotiate" or "compromise" with them on the meaning of free speech.●

CARVER SCHOOL HONORS OUR HOSTAGES

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. JONES of Oklahoma. Mr. Speaker, 1 year after the American hostages were illegally seized in Iran, we finally have renewed hope of obtaining their release. It seems appropriate that at this time we honor those Americans who have consistently faced this crisis with special hope and courage by keeping the hostages in their hearts and minds, and encouraging all of us to do the same.

In my own district of Tulsa, Okla., a group of young people at the Carver Middle School paid tribute to the hostages with a Yellow Ribbon Day on October 23 and I was privileged to participate. They gathered in prayer to have the hostages returned unharmed, and honored two other members of the Tulsa community who have proved their dedication to the Americans held in Iran.

One of these men, John Erling of KRMG radio, has kept the memory of the hostages alive in Tulsans' hearts by mentioning them every morning on his program. The other, Ken Sasser, who has a drapery company in Tulsa, is providing several thousand yards of yellow ribbon to other members of the community to wear as a reminder of the hostages and as a symbol of hope for their safe return.

I believe that the hostages should have a very large and special place in our thoughts, and therefore I am calling my colleagues' attention to efforts on the local level to give the hostages the recognition and support they deserve.●

THE 63D ANNIVERSARY OF COMPANY H, 3D INFANTRY REGIMENT, NEW JERSEY NATIONAL GUARD

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HOWARD. Mr. Speaker, it is indeed a great honor—and a great pleasure—for me to bring to the attention of my colleagues the 63d anniversary of Company H, 3d Infantry Regiment, New Jersey National Guard. This group of brave men, 63 years ago, played a central role in American history which none of us will ever forget.

More than six decades ago, on the battlefield of France, they fought the war which, more than any other historical event, shaped this 20th century.

In the summer and fall of 1918, each member of Company H, 3d Infantry, New Jersey National Guard, offered his country the greatest sacrifice a man can offer. The men of Company H risked their lives, to make the world safe for democracy—to preserve that which is at the heart of the American way of life—liberty.

The beginnings of Company H are found before the turn of the century. The earliest seed of Company H was the McKnight Rifles, the first semimilitary organization in the city of Asbury Park. New Jersey members of the group, in 1896, became Company A, 3d Infantry, the first State unit.

At the outbreak of the Spanish American War, Company A embarked for Sea Girt, N.J., to join the main regiment. These troops reached Rome, Ga., when the war ended, and returned to Sandy Hook, where they were mustered out in February 1899.

However, upon return to Asbury Park, the men of Company A reorganized and took the name which they would garnish with honor and fame: Company H, 3d Infantry, National Guard of New Jersey.

In 1915, with Europe engulfed in a bitter and growing war, Company H began an era of vigorous preparation. The company expanded. Between 1915 and 1917 recruiting was at its peak. In those years it was the ambition of every youth of military age in the shore area to be a member of Company H.

As the flames of war raged in Europe, President Wilson tried vainly to lead the belligerent nations to peace. However, German U-boat atrocities increased and U.S. shipping was ravished on the Atlantic. Finally, after the sinking of the *Lusitania* with great loss of American lives, on April 6, 1917, with the security of the United States threatened, and with liberty in Europe at stake, the United States declared war on Germany.

Sixty-three years ago, by order of the President of the United States, the men of Company H left the armory in Asbury Park for Camp Edge, Sea Girt, for induction into Federal service. It was a proud day for the citizens of the shore area who turned out to bid their boys farewell.

The march down Lake Avenue and Cookman Avenue to the railroad station was the beginning of a journey that would end on the battlefield of France for 25 members of the company—a journey which would leave many of the others with the scars of the war.

Following a training period and a sea voyage aboard the *Pastores* and *Wilhemina*, the men of Company H arrived in France. There, in a short time, they received their first casualties by poison gas—a horror spared fighting men in wars since then. In October 1918, the company suffered its heaviest casualties. I will not try to describe the battles Company H fought or try to name and list its heroes and the decorations they won. They have been inscribed on the pages of history, a testament to the men of Company H—one for their descendants to inherit with pride.

The gallantry and valor they displayed was a source of inspiration and pride to the families and friends who greeted them on their return. Every member of the company had brought distinction upon the community in which he lived, but the members of the company did not rest upon their past record. From the ranks of Company H came many of the business and political leaders of the shore area. The courage and dedication they displayed on the battlefield was transferred to combating problems which arose from a rapidly developing modern society.

I am happy to have the opportunity to commend to my colleagues this group of fine men.●

EAGLE SCOUT EDMOND S. MALKA TO BE COMMENDED

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. THOMPSON. Mr. Speaker, Scouting is one of the most important aspects of American life, as it prepares and encourages our young people to become leaders in their communities. It demonstrates that outstanding accomplishments can be won by hard work and concern for our society.

Citizenship, valor, compassion, and integrity are but a few of the characteristics possessed by those who achieve scouting's highest distinction. Edmond S. Malka of Old Bridge Township, N.J., has proven himself worthy through years of hard work and dedication of deserving that distinction. This past summer, Boy Scout Troop 129 recognized his advancement to the level of Eagle Scout.

Edmond S. Malka has reached the pinnacle of scouting and for that he deserves our admiration and most certainly our congratulations. It is with great pleasure for me to ask my colleagues to join me in wishing Edmond the very best in all his future endeavors.●

NATIONAL ENERGY POLICY: WHERE WE STAND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for Wednesday, October 8, 1980, into the CONGRESSIONAL RECORD:

NATIONAL ENERGY POLICY: WHERE WE STAND

Energy became an issue of high priority during the Arab oil embargo of 1973. Since that time, and contrary to what many people believe, Congress has crafted a national energy policy of very broad scope.

There has been little public notice of our national energy policy because it has been enacted bit by bit, often after lively fights and seemingly hopeless deadlocks in the legislature. The reasons for the dispute and delay are understandable. Energy is one of the most divisive and difficult issues Congress has ever faced. It pits the wealthy against the poor, the city against the countryside, and the energy-producing states against those that only consume energy. There has not even been a consensus that energy is a genuine problem. Also, there has been little understanding of the technological complexities of producing and conserving energy, and no great appreciation of the international pressures that energy causes. In the circumstances, Congress' creation of a national energy policy may not have been its finest effort, but more progress has been made that is generally recognized.

Congress has in fact moved a long way toward comprehensive and coherent treatment of the energy problem. My guess is that during the next several years the nation will refine and adjust our national energy policy as conditions change. However, I also believe that the fundamental components of it will remain intact. As it has evolved in several pieces of major legislation and scores of lesser bills, our national energy policy is organized around six components:

Production: We are producing more of our own oil and natural gas by allowing prices to rise gradually under federal supervision.

Conservation: We are encouraging conservation through higher prices, special programs of assistance, tax incentives, and regulations.

Alternative sources: We are developing renewable sources of energy, building facilities to produce synthetic fuel, and switching to the fossil fuels that are more abundant.

Government reorganization: We are reorganizing the federal government so that it may address energy issues in a unified way.

Equity: We are trying to come up with fair solutions to problems by taxing windfall profits and helping the poor and elderly.

Emergency: We are preparing for emergencies with a strategic petroleum reserve, a standby plan to ration gasoline, and international agreements to share oil in the event of shortage.

Given time and extra effort, these six components together form a national energy policy that will strengthen our economy and make us more secure as a nation.

There is ample evidence that our national energy policy is helping us progress on many fronts. For example, domestic production of oil and natural gas shows signs of levelling off after a long period of decline. Production of oil in the United States has increased slightly over the past year, and the decline in production of our own natural gas has slowed. Higher prices for these fuels and congressional action mandating the use of coal in some power plants have boosted domestic production of coal 6.4 percent since last year. Better still, our efforts to conserve energy are making themselves felt. Programs and tax incentives to weatherize homes, strict mileage standards for automobiles, and higher prices for fuel have contributed to a drop of 2.7 percent in the total amount of energy the nation has consumed this year. Use of petroleum is down a full 7 percent below the 1979 level. Our imports of oil, in turn, have been slashed 16 percent.

Our national energy policy is also moving us ahead in areas that will be very important in the future. In fact, spending and tax incentives for the development of renewable sources of energy are already beginning to make a difference. Gasohol was an experimental fuel only a few years ago, but more than 1.2 billion gallons of it will be consumed this year. The goal is to have all the nation's vehicles running on gasohol by 1990. There was practically no use of solar power in the United States prior to 1974, but there are now more than 150,000 buildings using active and passive solar systems. Much credit should go to the federal solar energy budget, which has more than tripled since 1978. In another key act, Congress has given the private sector the means to establish an industry to produce synthetic fuel. By 1992, that industry could replace more than 2 million barrels of imported oil per day.

Our national energy policy has not enabled us to overcome every obstacle. Serious difficulties persist, and they will be at the top of the next Congress' agenda. Despite the fact that our oil imports have declined so sharply over the past year, we still import too much oil, pay too much for it, and leave ourselves open to potentially dangerous interruptions of supply. More help will be needed for the poor and elderly, two groups of whom the impact of higher prices has been especially severe. The safe operation of nuclear power plants and the safe storage of nuclear waste are twin problems that have not yet been solved. The focus of government reorganization, the Department of Energy, continues to display some ineffectiveness and bad management. We may not be moving as fast as we should toward alternative sources of energy.

Congress will have to work harder to improve our national energy policy, but in my judgment a good start has been made.●

VETERANS DAY 1980, IN TRIBUTE TO T. C. SELMAN

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. ROBERTS. Mr. Speaker, in the wake of the national elections, climaxing a year of crisis abroad and dramatic political change at home, the Nation paused on November 11 to reflect on its past and pay tribute to 30 million American men and women who have served with honor in our Armed Forces. Veterans Day this year, once again, gave us a change to look ahead.

On November 4 we participated in free elections which gave us a new President and a partial shift in congressional leadership. The same democratic process which made that election possible has been defended and protected by American servicemen on battlefields in this country and around the world for over 200 years. The service and sacrifice of billions of Americans have brought us safely to this point, but the strength of that commitment undoubtedly should and will sustain our country only if we nurture it carefully but determinedly. In doing so, we must both maintain our commitment in full to those who have sacrificed so much in defense of this Nation in the past, and we must transfer that obligation, without reservation, upon those who serve in years to come. For as they serve us, so are we obligated to serve them, with respect for the past, and in confidence for the future.

Perhaps nowhere in America can we find stronger support for the ideals of our country and maintenance of our traditional commitments than through the membership of our veterans' service organizations. Within their ranks are millions of American men and women who have known the pain of war but who also understand the meaning of continuing service to our country. While we salute these and all veterans on Veterans Day, perhaps also, by example, we can single out one individual, one of many, who spent a lifetime in serving his comrades and in defending American principles not only in war, but in peace.

On October 22, our Nation's veterans and our country lost a true and valuable friend with the passing of T. C. Selman, the 81st national commander of the Veterans of Foreign Wars of the United States. T. C. Selman was elected to the highest office of the VFW at their national convention in Chicago, Ill., last August 2. While he held that post only a few short months before his death, his election climaxed a long and full career serving the VFW both in the State of Texas and throughout the Nation.

T. C. Selman first became a member of the VFW while on active duty aboard the U.S.S. *President,* enroute to Guam, in 1944. During World War II he saw extensive combat in the Pacific theater of operations and rose to the rank of sergeant major. After the war he served as post and district commander of the VFW in Texas, and in 1957 was elected VFW State Commander of the Department of Texas.

From that point on he rose steadily through the ranks of the VFW national organization. In 1978 he became national junior vice commander in chief, and was elected senior vice commander in chief in 1979. However, T. C. Selman's career should be judged not only by titles and positions, but by his strong words and deeds. During his lifetime he witnessed the veteran population soar to 30 million. Through his work on the Veterans Affairs Commission of Texas, and the VFW, he fought to maintain quality medical, compensation, and readjustment benefits for five generations of combat veterans at a time of increasing demand, soaring inflation, and shrinking budgets. T. C. Selman spoke with the voice of the American veteran reminding all of us of the sacrifices that once were made in defense of this country. Having known war once himself, he described a strong national defense as the only means of preventing it again. "We are free," he said in his acceptance speech before thousands of VFW members in Chicago last summer, "because we are secure, not the other way around, and we would best never forget it."

For this Veterans Day and for Veterans Days to come, T. C. Selman understood the commitment we must keep with the past and the obligation we share now and in the future for the continued prosperity and security of this country.●

SOVIET NUCLEAR PRODUCTION LINE

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. WYDLER. Mr. Speaker, when I visited the Soviet Union in April 1978, I wrote a report to all Members of the House on the ambitious Soviet nuclear program. At that time, I pointed out the Russians were going ahead with a nuclear plant manufacturing complex at Volgodonsk, south of Moscow. Recently, the Washington Post confirmed the fact that this "atommash"—atomic machinery—complex will complete its first reactor vessel on February 23, the day which the 26th Communist Party meeting is scheduled to begin. I should remind my colleagues that although the Soviets are even more resource rich in fossil reserves than the United States, they are, nevertheless, going ahead with a strong nuclear program. This reactor production line facility is a unique plant which serves as a tangible demonstration of the serious Soviet commitment in nuclear. I recommend the Washington Post article of October 17 to my colleagues.

REACTOR COMPLEX IN COSSACK COUNTRY GIRDS TO POWER SOVIET FUTURE

(By Kevin Klose)

VOLGODONSK, U.S.S.R.—Around this raw new city in the lower Don River valley 600 miles south of Moscow, the land is a quiet table of dark, plowed fields, popular windbreaks shimmering green and gold in autumnal light, and small brick houses cluster amid private orchards of harvested pear and apple trees.

There is hardly a clue that for more than four centuries, this remote edge of the Hungersteppe in southern Russia nurtured one group of the fierce Cossacks, whose warlike ways pushed czarist power eastward through Siberia, spawning legends of derring-do known today to millions in the Soviet Union.

Instead, all is aimed—urgently so—at the future, for it is here that the Soviets almost overnight have constructed an immense factory town to mass-produce atomic reactors critically important to boosting the Soviet Union's strained electrical power resources.

The atommash (atomic machinery) complex will complete its first reactor vessel Feb. 23, the opening day of the 26th Party Congress. Within three years, ebullient factory managers say, they will be making eight reactors vessels a year. When installed, each will add 1 million kilowatts of electricity a year to the Soviet and East European power grid, where demand is outstripping supply. The Soviets claim that the plant is the only reactor production line in the world, an assertion that clearly underlines the crucial role that nuclear power must play in the next 20 years if Soviet economic growth is to continue without series energy shortages.

Although it possesses the world's most extensive coal reserves and is the world's largest oil producer, the Soviet Union's resources either are already fully committed for decades to come or are too distant and expensive to exploit in time to meet projected needs. Thus, while capitalist nations are trimming their own atomic power plans in the face of environmental questions and reduced estimates of demand, the Soviet Union will depend heavily on nuclear-generated electricity. Nuclear power accounts for about 4.5 percent of all power in the Soviet Union—substantially less than the percentage in the United States—and nuclear power is less important as a source of heat and light here than the wood stove. Yet by the end of the century, the Soviets hope to more than triple this percentage with atomic power plants scattered throughout European Russia, where about 75 percent of the Soviet population lives and works.

Like so many other massive projects in this country, the atommash effort shows the immense muscle a command economy can apply to a crash project and the freedom to maneuver in a country where there is no serious public criticism or opposition to government decisions.

In 1970, Volgodonsk was a backwater industrial town of 36,000 near the Tsimlyansk Reservoir, a vast manmade lake created in the postwar years when Stalin fulfilled a 250-year-old dream of Peter the Great by ordering a canal built between the Don and Volga rivers.

The project, completed in 1952, opened the landlocked Caspian Sea and the Volga River system, the nation's major commercial waterway, to the Black Sea and to world markets via the Don. When Moscow's planners settled on assembly-line reactor production to ensure future energy growth, Volgodonsk was a logical site because of its access to an ice-free water transport net.

With more than $2 billion at their disposal, builders arrived in 1976. Now, 130,000 people live in huge, high-rise apartment blocks in an area where fewer than five years ago, hunters pursued deer and duck. An additional 33,000 people will arrive each year as the atommash facility is expanded.

The work centers on an immense turquoise complex atop a small rise in the Hungersteppe at the edge of the city. According to Valery Pershin, plant general manager and a deputy minister of power and electrification, each reactor, weighing 700 tons, will be fully assembled with support equipment and barged as a unit to its future site. He makes it sound very simple.

In fact, nuclear-pressurized water reactors such as atommash's are subject to intense heat, corrosion and pressure requiring design and engineering standards rare in the civilian economy. And the Soviets, like the Americans and others in Western countries with nuclear plants, have had their share of difficulties. The official press has admitted several "harmless" accidents over the years, and two Soviet-built atomic powerplants in Finland have been temporarily shut down because of trouble with leaks.

"Not our work," said Pershin during a recent official visit by 60 foreign journalists. He recited safety estimates widely used in the United States before last year's Three Mile Island breakdown: "There is a possibility of one accident occurring for every 100 reactors working for 1,000 years."

Fabricating the vessels and support equipment employs 7,000 at the complex. It is work on a gargantuan scale. The Soviets—using Italian-made heavy machinery—shape, mill, and weld seven basic sections into a single vessel of foot-thick steel standing nearly 40 feet high. Each weld must be microscopically perfect to withstand the pressures inside the reactor when controlled fission superheats water to drive turbines and generators. The Soviets check for weld imperfections four different ways, including a three-day X-ray of each weld, a process so dangerous that the X-ray chambers have doors weighing 40 tons and walls more than a yard thick to shield workers.

Pershin and his colleagues are certain that their reactors are safer than Western ones. For example, consistent with Soviet propaganda, they implied that the Three Mile Island accident was the result of capitalist corner-cutting. And they expressed no worries about disposal of radioactive wastes, a growing problem in the West. "We're a very, very big country, with plenty of places to bury things," Pershin said, dismissing the topic during a briefing.

But a rudimentary debate among party members and scientists about nuclear safety has emerged in the official press in the past year. The most significant example is an article that appeared in the September 1979 issue of Kommunist, the monthly journal of party theory.

There, Soviet nuclear expert Nikolai Dollezhal and economist Yuri Koryakin addressed the risks of nuclear power. They asserted that the planned construction of up to 70 large atomic plants in densely populated European Russia threatens "ecological exhaustion" by depleting ground water and land resources. While endorsing the need for nuclear power, the two warned that "safe, economic and time-tested technologies for all products of the fuel cycle" have not been perfected.

Aside from their commitment to their own massive enterprise, the atommash managers have one other reason not to concern themselves with such matters: the electricity for their complex comes from a fossil-fuel power plant nearby.●

WILLIAM HALSEY HONORED FOR SERVICE

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HOLLENBECK. Mr. Speaker, Mr. William Halsey, who has compiled 34 years of distinguished service as the Borough of Park Ridge, N.J., clerk, is retiring from his position. I wish to join borough officials and residents of Park Ridge in paying much deserved tribute to Mr. Halsey, in recognition, not only of the longevity of his service, but also of his steadfast dedication to our community interests.

A public servant in the truest sense of the word, Mr. Halsey has incorporated into borough hall sound principles of good management. He has assured that, on a day-to-day basis, borough hall stands ready to respond to the needs of her citizens. With a tenure that has spanned well over one-quarter of a century, Mr. Halsey provides a wealth of knowledge and experience upon which so many others have come to depend.

I am proud to offer him my congratulations on the appropriate recognition afforded him by the citizens of Park Ridge, my commendation for his fine record of service, and my very best wishes for happiness and good health in his retirement.●

FUTURE BUSINESS LEADERS OF AMERICA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. KEMP. Mr. Speaker, I would like to call your attention to a vocational student organization that I recently had the pleasure of addressing in the Nation's Capital. That organization is Future Business Leaders of America-Phi Beta Lambda. Its 200,000 members are enthusiastic and dedicated to learning about our private enterprise system and how they are going to fit into it. These young people are an important resource in the continued growth and vigor of our American private enterprise system and their efforts deserve our applause.

Through the FBLA-PBL program, which is recognized by the U.S. Department of Education as a cocurricular activity, high school and college students learn about private enterprise by becoming involved with their local businesses and communities. Activities are developed by the students with the help of their local adviser and a chapter advisory council comprised of interested business and civic leaders. This council then acts as a resource to the chapter and monitors the effectiveness of the FBLA-PBL program and activities.

The organization's national theme, "In touch with the business of America," also embraces FBLA-PBL's national economic education program. That program involves FBLA-PBL members in an ongoing study of the American economic system and encourages greater involvement in community and business affairs. Students work hand in hand with business to learn more about our private enterprise system and the role they can ultimately play in the system.

Each FBLA-PBL year culminates with the National Leadership Conference. At this conference, the most outstanding FBLA-PBL members gather to enter national competitions, participate in leadership development workshops, and avail themselves of the opportunity to meet with and learn from national business, industry, and Government leaders.

Business involvement in FBLA-PBL programs ranges from smaller, local companies to multinational corporations and major foundations.

The national headquarters of Future Business Leaders of America-Phi Beta Lambda is located in Reston, Va. The president and chief executive officer is Edward D. Miller.

The efforts of these young people are important to our country's future economic welfare. I believe it is appropriate for all of us in the House of Representatives to recognize their importance.●

FURTHER EVIDENCE OF COMMUNIST USE OF POISON GAS IN LAOS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. DORNAN. Mr. Speaker, my colleagues will recall that before the election recess I introduced for the RECORD a recent Reader's Digest article revealing the use of Soviet manufactured and supplied gas by the Communist Pathet Lao against the H'Mong tribe in Laos.

Now, additional evidence which corroborates the Reader's Digest story has surfaced with the publication of this Los Angeles Times article which I also now submit for the RECORD. The Times article reports the testimony of a former Pathet Lao pilot who described his role in the Pathet Lao gas warfare campaign.

I believe the time has come for the Congress and the American people to reach some inescapable conclusions. The most important conclusion is that there is absolutely no longer any reason for any American to be misled about the true nature of the enemy we face. The twin horrors of the brutal Soviet subjugation of Afghanistan and poison gas warfare in Laos should serve to disabuse even the most Pollyannaish among us of any illusions we may have had about the real goals of the Soviet Union and the methods it is willing to employ to attain those goals. From this realization arise other harsh realities which involve defining the role of the United States as leader of the free world and the urgent necessity for our leaders to have a comprehensive geopolitical strategy—a strategy which will preserve both world peace and Western civilization. I submit that an essential part of that strategy involves focusing the attention of the world upon such criminal activities like the use of poison gas by the Soviets and its surrogates around the world. In this respect, as in many others, the Carter administration has been an abject failure. It has been all too ready to publicly criticize and find fault with traditional U.S. allies like Brazil, Argentina, Chile, and South Korea, but strangely reluctant to do the same with our Communist enemies. It is not enough to press for a U.N. investigation. Why not a speech in the General Assembly by our Ambassador on this subject? I realize that my criticism and entreaties are rhetorical since the time remaining to the Carter administration is brief. I am sure these policies will change under a Reagan administration, which will give the West and those in Communist enslavement new hope.

The article follows:

[From the Los Angeles Times, Nov. 7, 1980]

EX-LAOS PILOT BACKS GAS WARFARE CHARGES

(By Keyes Beech)

BANGKOK, THAILAND.—A U.S.-trained former Laotian pilot has added to the growing body of testimony that the Vietnamese Communists and their allies, the Pathet Lao, have used poison gas against mountain tribesmen in Laos who fought beside Americans during the Indochina war.

The pilot, who trained at a U.S. base in Thailand and stayed on in Laos to fly for the Communists after they seized power in 1975, says he flew gas warfare missions against Hmong tribespeople in northern Laos from 1976 onward.

He first told Western interrogators this last July 21 and has since added details to bolster his account. For security reasons, officials refused to disclose the identity of the pilot, who is now in a refugee camp in northern Thailand hoping to settle in the United States. Officials said his life might be endangered if he were identified.

Some officials also had reservations about the reliability of his story and wanted to check it further.

Hmong refugees reaching Thailand have repeatedly charged that the Pathet Lao, backed by the Vietnamese, were waging a war of extermination against them, using poisonous chemcials.

U.S. STUDIED CHARGES

Two studies, one by the State Department and another by the Defense Department, support their charges. Last September, after interviewing 43 Hmong refugees who said they were "gassed" but survived, a five-man U.S. Army medical team stated flatly that "chemical agents have been used against the Hmong." The team was unable to identify the chemical agents.

A State Department report, based on interviews with 20 refugees and other intelligence, fell short of confirming the reports but contended that there was enough evidence to warrant an investigation by the United Nations. The United States is now pressing for such an investigation.

Informed sources indicated that the United States cannot reveal all it knows about the gas warfare charges without compromising intelligence secrets.

It was understood, however, that U.S. officials with access to all the material on the subject remain divided on whether the charges are true. Skeptics contend that the Communists may be using a non-lethal gas, like tear gas left in Vietnam by U.S. forces, and that its use may have been exaggerated by its victims.

"What we are lacking," one source said, "is a smoking gun."

The Laotian Communist government, the Vietnamese and the Soviet Union all have denied waging gas warfare in Laos or anywhere else. Khmer Rouge guerrillas in Cambodia have charged the Vietnamese with using gas against them. Similar charges have not been made against the Soviets in Afghanistan.

The former Laotian pilot said he was ordered to Phong Savan, a Pathet Lao base in Xieng Khoang province in the Plain of Jars, late in 1975 for a secret briefing. His briefer, he said, was Kimphon Siprasert, Pathet Lao province commander, who told him of a secret project to wipe out diehards among the Hmong (the word means free people).

The campaign was aimed at Hmong tribesmen, better known as Meo to Americans who worked with them, who remained loyal to Gen. Yang Pao, the legendary guerrilla fighter who now lives on a ranch near Missoula, Mont.

U.S. military and intelligence personnel armed and directed the tribesmen in Laos as part of American support for one side in Laos' sporadic civil war among Communist, neutralist and rightist groups during the 1960s and early 1970s.

The pilot who provided the recent testimony said he flew his first mission against the Hmong on April 7, 1976, in an L-19 observation plane, which had been converted into a rocket-firing ground-support aircraft.

Thereafter, he said, he flew three or four missions almost daily for nearly two years. Most of the operations were aimed at Hmong strongholds in the foothills of Phu Bia Mountain, 80 miles northeast of the Laotian capital of Vientiane. At 8,500 feet, it is the tallest peak in Laos.

The pilot said he was never told that some of the rockets he was firing contained poison gas. He said it was not until mid-1978, when he heard a Voice of America broadcast that mentioned charges that the Communists were using chemical warfare against the Hmong, that he realized what had been happening.

At that point, he said, several things became clear.

For nearly three months at the beginning, he had to fly to Long Cheng, once a secret CIA base, to have his plane loaded with rockets, although there were plenty of rockets at his home base, Phong Savan. He surmised that the gas rockets were held at Long Cheng during that period.

Later he flew to Ban Xon airfield, near Vientiane, to have his plane rearmed. He used a mixture of U.S. and other make rockets.

In checking his rockets, he said, he noticed that the smoke rockets he was using appeared to be loose at the point where the tip and the canister joined. From this he surmised that poison gas had been substituted for smoke.

At various times, he told interviewers, he used four different kinds of rockets—smoke, impact explosive, delayed explosive and airburst.

But as the campaign against the Hmong progressed, he was using mostly smoke rockets, he said. The pilot also made these points:

Before each mission he was told that the objective was to wipe out the "reactionary Hmong people" once and for all.

He was cautioned by Pathet Lao or Vietnamese officers flying with him that he should not fly too low because to do so would be hazardous to his health.●

TRIBUTE TO PAUL BARNETT—VA EMPLOYEE

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. ROBERTS. Mr. Speaker, in July 1980, Mr. Paul Barnett, Assistant Director of the Veterans' Administration regional office in Houston, Tex., retired after 37 years of Federal service. I have been acquainted with Paul for many years and am well aware of the selfless and dedicated service he has rendered to the veterans of Texas and to government at all levels over these many years.

I should like, therefore, to take this opportunity to congratulate and commend him on a long, productive, and rewarding career—rewarding in one sense from the tremendous personal satisfaction Paul gained from helping others and in helping achieve efficiency in those Government operations of which he was a part. Ultimately, however, the greatest rewards accrued to the veterans and beneficiaries who benefited from his contributions to good Government and effective administration.

Born in Bowie, Tex., September 8, 1922, Paul Barnett attended public schools in Ardmore, Okla., and Dallas, Tex. After service in World War II, he participated in the GI bill, obtaining education through part-time study while working full time to support his family.

On October 20, 1942, he enlisted in the Army Air Corps where he served honorably until January 31, 1946.

Two weeks following his discharge from active duty, he entered on duty with the VA in Dallas, Tex., at branch office No. 10 which supervised the activities of the VA in several States. He progressed rapidly through several positions in financial management to a promotion to the Houston regional office as finance officer in 1948 in charge of a large operation entailing much manual accounting and other fiscal work. He was promoted again as finance officer at the Dallas regional office in 1957, then reassigned to the Waco regional office at the closing of the Dallas office in 1963.

In 1974 he was appointed Assistant Director at the Houston VA regional office, where he served with distinction until finally forced to retire because of a service-connected disability from World War II.

Throughout his more than 30 years of service with the Veterans' Administration, Paul attended well and faithfully to the needs of the veterans that agency is chartered to serve. During his long career he counseled personally with many hundreds of veterans; the employees he supervised counseled with thousands more. Although a tough minded and astute financial manager, completely aware of his responsibilities under the law for proper administration of the funds for which he was accountable, he was always sympathetic to the needs of those veterans who found themselves in financial straits and did all he was legally empowered to do to relieve their distress.

His expertise in all VA programs, and especially in the field of financial management, was widely known and he was often called upon to serve on committees and teams at the national level to study, test, and implement new programs to enable the VA to more efficiently carry out its responsibilities. His astute knowledge and his ability to develop programs and people resulted in numerous awards for excellence through the years.

Mr. Speaker, we read and hear so much these days of inefficiency in government, of uncaring and inept public servants, that we may tend to overlook many thousands of loyal and dedicated people who have devoted their entire working lives to serving the Nation and doing an outstanding job of it. I think it is entirely appropriate in this instance to take these few minutes to reflect upon the accomplishments of one of these individuals—Paul Barnett—and to commend him for his illustrious career. He has served us all, and served us well.●

RARITAN RIVER STEEL

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. PATTEN. Mr. Speaker, earlier this year, I had the pleasure of joining President Carter, Governor Byrne, and Senator BRADLEY in officially opening the Raritan River Steel plant in my hometown of Perth Amboy, N.J. Like my fellow citizens of the city on the Raritan, I have anxiously awaited the opening of this new steel mill, and I shared in the excitement of September 9, 1980, when all of Perth Amboy welcomed the first incumbent President to visit our historical city since President Woodrow Wilson.

Not unlike most urban areas across this country, the city of Perth Amboy is weathering a difficult period of unemployment and inflation. Therefore, it is everyone's hope that the opening of a major plant such as the Raritan River Steel Co. will be a first step toward restoring economic vitality to Perth Amboy and Middlesex County.

I want to take this opportunity to personally thank G. R. Heffernan, president of Co-Steel International, Ltd., for his company's investment and vote of confidence in Perth Amboy. I also want to thank President Heffernan for his most gracious remarks of September 9, 1980. The following is a copy of Mr. Heffernan's speech:

Speech Given at Opening of Raritan River Steel Co. by G. R. Heffernan—September 9, 1980

Mr. President, Governor Byrne, Senator Bradley, Congressman Patten, Your Worship Mayor Otlowski, Commissioner Horn, Raritan Employees and guests.

It is my great privilege and honour to thank you Mr. President for officially opening our Raritan River Steel plant today. It is particularly appropriate that you should be here since Raritan is a prime example of international cooperation and your views on cooperation are well known. The plant itself, is a hybrid resulting from the international flow of technology. Since it was this great and generous nation which first opened its doors wide to the flow of technology to the benefit of other countries it is fitting that some of that technology in an updated version should flow back to combine with the most advanced North American techniques to form this marvelous hybrid.

Since it first became known that we were considering a plant in this area we have received the utmost cooperation from Governor Byrne who personally intervened to clear many roadblocks, Mayor Otlowski, Commissioner Horn, and your own Federal officials.

It is possible that the opening of Raritan River Steel may mark a turning point for the steel industry in the United States. Certainly if the rest of the industry receives the kind of cooperation that we have found the way is clear for the construction of the new facilities required to meet the demands of our changing economy. We in the steel industry do not need handouts. The firm and evenhanded administration of dumping laws will protect us from subsidized imports. Accelerated depreciation will allow us to invest in advanced technology as we rebuild the U.S. industry to once again lead the world.

I would like to thank all of our employees for the incredible skill, dedication and plain hard work that has brought Raritan to where it is today. Thank you Mr. President for being with us and for maintaining this great haven for free enterprise in a world that is becoming increasingly state owned. ●

TRIBUTE TO RALPH RUGGIERO

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. WILLIAMS of Ohio. Mr. Speaker, I would like to call your attention, and the attention of all the other Members of the U.S. House of Representatives, to the action of Ralph Ruggiero of Girard, Ohio.

Recently, while visiting a bank in the city of Girard to transact some personal business, Mr. Ruggiero happened upon a money bag containing $65,000 in the bank's parking lot. Many lesser men might have kept that money, but not Mr. Ruggiero. He turned the money over to bank officials. He should be highly commended for his act of honesty. Mr. Ruggiero is a credit to his family and friends and to all Americans. I am proud to represent a man such as Ralph Ruggiero in the U.S. Congress.

If every man and woman were as honest and full of integrity as Mr. Ruggiero, the United States, the world, would be better off. My hat is off to him.●

SUCCESSFUL MAINSTREAMING PROGRAM IN BRADLEY, MAINE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mrs. SNOWE. Mr. Speaker, the concept of mainstreaming handicapped and retarded children in classrooms with normal children is still controversial and experimental. I would like to share with my colleagues an article that appeared in the October 6, 1980, Christian Science Monitor about the success of mainstreaming in a small school in my district. In the town of Bradley, Maine, the Viola Rand School has mainstreamed four severely handicapped children into the regular school program. As you can see from the news article, this effort has benefited the handicapped children and the normal children alike. I hope the success of this program will encourage other schools to implement similar programs throughout the Nation.

No Problem Appears To Be Too Severe for This School

(By Wayne Reilly)

Mainstreaming—the integrating of children with special learning needs among normal learners—is a goal of many schools, but for most is still both tentative and experimental. Wayne Reilly, a reporter specializing in education coverage, sent us the following story, saying: "Here is an unusual, if not unique, special-education program I discovered in a little country school north of Bangor. The school (nine teachers) has mainstreamed four severely handicapped (retarded) children all day for each school day."

During recess, Wendy Cote, a second-grader, feeds John Baker a banana, as he cannot feed himself. Later, two second-graders, one on each side, pull John into a circle during their music period. They no longer notice his crippled hands and arms, and pull him gently back and forth to the music, his feet exhibiting the barest shuffle.

John is part of an experiment to see if a select group of the most severely handicapped children (kids in diapers with IQs less than 25 who can't talk and some, like John, partly crippled) can be mainstreamed into regular public school classrooms, not for a couple of minutes each day for such neutral subjects as art or gym, but all day, all week, except for a morning at a YWCA pool in Bangor, 13 miles away.

Federal mandated programs for the handicapped have met resistance in some places, but not in Bradley, which has population of 1,000. When the program was introduced last year, it was put before a town meeting and approved unanimously. During the meeting, a few residents got up to give personal testimony to the neglect of handicapped people which some felt had been experienced by members of their own families.

The program, admittedly, is expensive, requiring the services of a special-education teacher and an assistant to take charge of the program and to help the staff of the Viola Rand School adjust to these special students.

But it shows that even the most severely handicapped children can benefit from exposure to normal children, says Carolee Mountcastle, public school coordinator for the Multiple Handicapped Center of Penobscot Valley, a private school in Bangor enrolling severely handicapped adults and children from the area.

Instead of being the butt of jokes or a distraction, the children have added a new dimension to the education at the school, says Michael Cormier, teaching principal. And as further evidence of the success of the program he notes that there has not been a single parent complaint about the kids' detracting from the education of the other students.

Down the hall from John's second grade classroom, Mary Jane, 14, is sitting with Tracy Trask, an eighth-grader who enjoys working and playing with her. They are holding hands and laughing at a joke. Later, Tracy helps Mary Jane place pegs in a board to improve her dexterity. Occasionally she wipes Mary Jane's chin with a towel. No one seems to notice an occasional yelp or other bizarre behavior from Mary Jane, who, according to both the kids and the teachers, is "acting a lot better than when she first came to the class."

Mary Jane has made tremendous progress, says Judith Rosen, a junior high teacher at the school, because she is no longer being "taught to be retarded" by solitary exposure to other retarded children. She is now toilet-trained and can do simple tasks such as feeding herself lunch and opening doors. Instead of hugging or hitting people to show affection, she uses a hand sign which the other kids recognize.

Eighth-grader Tracy notes, "These kids are no different than we are except they are slower."

And Jennifer Petry, another eighth-grader: "It gives us a chance to see what other types of people are like and it makes us treat other people better."

Mr. Cormier says his teachers have accepted the new kids enthusiastically, although two or three still feel uncomfortable about having them in their classrooms, so the program is voluntary.

As for himself, he humbly admits to his refusal a year ago to entering the adolescent quarters at the group home in Bangor where some of the handicapped children reside because he was afraid of what he might see. And, proud of the way the students in his school have accepted the four youngsters, he says, "I think they are far ahead of me."●

THE NEW "WORLD CAR": DETROIT DOWNSIZES U.S. JOBS

HON. JOHN CONYERS JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. CONYERS. Mr. Speaker, almost one of every five American workers is either directly or indirectly employed in automobile-related industries. Forty percent of Detroit's manufacturing employment is involved in making cars. The future of the Nation's economy is tied to the fate of the auto industry.

Recently, the big three automakers reported the largest business losses in American history. At the same time 700,000 workers in auto plants and in auto supplier industries are laid off indefinitely. In order to compete successfully with the Japanese and other auto importing nations, America's auto companies will spend more than $80 billion by 1985 to redesign their factories, retool production for small, fuel-saving vehicles, and introduce the most advanced automated technologies in order to cut costs. Already, the automakers have introduced nearly 1,000 robots that can weld parts, install windshields and engines, and paint cars. Computers in the future will be able to automatically design the tools and dies that go into the building of automobiles. They also will make possible production of a "world car," the parts of which are built in dozens of countries. The use of robots and computers can cut greatly production costs. For example, a mechanical robot costs on the average $4.80 per hour to operate, as compared with the current total hourly labor cost of $15 for the typical auto assembler. Robots also have the advantage of not striking or collecting retirement benefits. The result of the introduction of automated technologies means the loss of jobs.

The rebuilding of the auto industry could mean far fewer, rather than more, jobs for American workers, Harley Shaiken, a leading expert on automation in the auto industry, argues in a major new study. Therefore, it is vital for the public to understand, and help shape, the technological and economic changes that are taking place in this pivotal industry. The article by Mr. Shaiken, "The New 'World Car': Detroit Downsizes U.S. Jobs," follows:

THE NEW "WORLD CAR", DETROIT DOWNSIZES U.S. JOBS

In Detroit, fall marks the beginning of the new model year; it is a time of hope. This year, the optimism is more fervent than ever, as the auto makers bank on a new generation of small cars to pull them out of the worst cyclical downturn since World War II. Battered by economic recession and the inroads of foreign competition, the U.S. producers have been plunged into a bath of red ink and may lose a record-breaking $3.5 billion in 1980.

The hoopla attending the industry's efforts to woo back the fickle American car buyer has diverted attention from the profound structural transformation that is taking place as auto makers race to install the latest forms of computer technology, downsize cars, automate factories and restructure operations on a global scale. This transformation is symbolized by the "world car," a fuel-efficient vehicle manufactured and marketed throughout the world. Its success could restore the ailing U.S. manufacturers to corporate health.

The revitalized auto industry that emerges, however, will be one that employs far fewer workers and produces more of its basic components outside the United States. This means a bleak future for many of the 250,000 auto workers now on indefinite layoff, and may pose the most serious challenge the United Automobile Workers Union faces in the coming decade.

A troubling paradox also exists for Government planners seeking to aid the industry: measures that make the auto makers more competitive may cost jobs and close plants in already depressed communities. In other words, while the current downturn demonstrates that what is bad for the Big Three is bad for auto workers, the future may prove that what is good for the auto giants is disastrous for many of the people who work in the industry.

The scope of the industry's conversion is unprecedented. The U.S. auto makers will spend more than $80 billion by 1985 to bring out a radically new product at completely redesigned production facilities. The new models will be smaller, lighter, largely front-wheel-drive vehicles whose parts are manufactured by computer-controlled machine tools and assembled by increasing numbers of robots.

Nowhere are these trends more pronounced than at the mammoth General Motors Corporation. Robust despite a $412 million second-quarter loss, G.M. is accelerating its capital outlays by billions of dollars in the next few years, including a record $2.4 billion European expansion. G.M. is committing much of these considerable resources to a drove of alphabet-coded, downsized cars. Following the highly successful X car, the auto giant plans to introduce the J car, G.M.'s first truly world car, in the spring of 1981, and then bring out the S car, a mini-compact to be built first in Spain and then in the United States for the 1984 model year.

For the S car G.M. is seeking to slash its current fastest assembly time almost in half—from about eighteen hours on an average equipped Chevette to ten hours, according to internal company documents. By comparison, Chrysler Corporation's 1979 average assembly time was over thirty-six hours per vehicle. If G.M. achieves such a sizable reduction in direct labor hours—the result of smaller-size cars, more efficient production and automation—it could have a substantial impact on employment. In the projected S car plant, the corporation envisions a work force of only 750 direct labor employees per shift producing seventy-five cars per hour. This compares with about 2,000 workers per shift currently building fifty-eight mid-size cars per hour at G.M.'s Arlington, Texas, plant.

Downsizing also affects other operations such as manufacturing plants and foundries. Four-cylinder engines, for example, require the machining of only half the pistons, rings and valves of the once popular eight-cylinder models they replace. These smaller and lighter engines require less cast iron, and the need for less cast iron has already contributed to the closing of a number of iron foundries, including Chrysler's Huber Avenue foundry, built in Detroit in 1966. A recent survey by Arthur Andersen & Company, the accounting firm, predicts that the demand for iron castings may drop 53 percent in the next decade.

Other suppliers, already experiencing severe problems of their own, will be in for further shocks. The sagging steel industry, for example, contributes 20 percent of its output to auto production, and the new compacts, which weight about one-half ton less than the models they replace, threaten to reduce demand. By the end of the decade, cars may use only 50 percent of the total steel they do today, according to Ford Company president Donald Petersen. "The requirement for less steel translates itself into closed open hearths and more depressed steel communities," says a Department of Transportation analyst.

The new models will consume more plastics, aluminum and computer-related components, but it is not clear how many jobs these new demands will generate, who will fill them, or whether, in the case of computer components, the jobs will even be located in the United States.

Changes in manufacturing technology are as far-reaching as changes in product and also mean potential trouble for U.S. workers. The tiny microprocessor—the heart of a computer on a sliver of silicon—is carrying automation to every corner of the industry, affecting design studios, engine plants, warehouses, foundries, tool rooms and assembly lines. G.M. president E.M. Estes predicts that 90 percent of the new machines G.M. buys will be computer-controlled by 1987. Utilizing the latest in technology, Ford plans to produce more than one million engines a year with about 3,000 workers at its recently renovated Dearborn engine plant, a $650 million investment for its new world cars—the Ford Escort and Mercury Lynx.

The auto makers already use sophisticated computer systems that slash the design and engineering time from concept to production. In systems such as G.M.'s Cadence (Computer Aided Design and Numerical Control Effort), designers sitting at cathode ray tubes electronically manipulate data that are then translated by computer-driven machines into the tools and dies that are vital to auto manufacture. These systems eliminate many operations altogether, such as drafting, and considerably pare the time on those tasks that remain. A less sophisticated version of the technology was responsible for cutting the design-to-prototype time by one-third on G.M.'s 1977 models. Systems such as Cadence integrate design and production engineering, hitherto separate and often warring operations. The result is cars expressly designed to be built by highly automated machines and processes.

The industrial robot is the most well known of these new machines. Used extensively in welding today, the robot can switch from one model to another with little more than new instructions, thus avoiding the expensive retooling which conventional forms of production require. As robotic technology matures, its economic advantages become more impressive. A $40,000 Unimate robot can work two shifts over an eight-year period at a cost that averages out to $4.80 per hour, compared with the current total hourly labor costs of $15 for the typical auto assembler.

Taking advantage of economics like these, Chrysler has recently installed the most advanced auto-body welding system in the United States—utilizing 128 robots—in its renovated plants in Newark, Delaware, and in Detroit. Of the 3,000 welding operations that go into making a 1981 Aries or Reliant K car, 98 percent are done automatically. This performance exceeds even the welding line at Datsun's fabled Zama plant in Japan, often incorrectly identified as a totally automated factory.

Although fewer than 1,000 robots are working in the auto industry at present, some industry sources expect G.M. alone to begin purchasing another 1,000 annually in the near future. And robots that go into service tomorrow will probably still be on the job in a decade, meaning that by then the robot population will be considerable. And after its working life is done, the robot—unlike its human counterpart—collects no retirement benefits.

Robot welders in use today can each displace three or four workers, and create comparatively few jobs for their repair and maintenance. At G.M.'s Lakewood, Georgia, plant, for example, one maintenance person can service six robots. Moreover, as the technology becomes more sophisticated, the new generation of robots will undoubtedly displace even more workers. Robots that "see" and "feel" will be plant tested by G.M. in the 1981 model year.

G.M. is considering using robots in every aspect of S car assembly, according to internal documents. The entire car will be made up of modular components so that robots can ultimately be used in the highly labor-intensive operations that are most difficult to automate. G.M. is evaluating the use of mechanical arms to install windshields and backlights in the trim area, and engines and transmissions in the chassis. Other functions such as painting and welding will be completely automated. Plans call for S car production to utilize other forms of computer technology as well. Computers will optically scan car bodies, control inventories and manage storage. Parts may even be loaded automatically at manufacturing plants and unloaded automatically at the assembly plant.

The highly flexible new computer technology can be used not only to coordinate production but also to control workers. The next generation of robots, for example, is targeted for light assembly jobs and machine loading—areas where workers currently exercise some control over work pace. G.M.'s Puma system (Programmable Universal Machines for Assembly) alternates workers and robots on an assembly line. People and mechanical arms are regarded as interchangeable, so that if a robot breaks down, a worker is inserted in its place. At Ford's new Batavia, Ohio, plant—a $500 million facility making automatic transmissions for Escorts and Lynxes—machine tools are linked to central computers and display screens in supervisors' offices for instant monitoring.

Not to be outdone by its healthier rivals, Chrysler is computerizing its hourly personnel and attendance records at seventeen plants. "This system provides each line supervisor with accurate and timely attendance information for each employee and provides the appropriate discipline for each unexcused absence," according to a productivity report Chrysler submitted to Congress in June. In addition, sickness and accident claims are also being centralized and monitored.

Despite using technology to monitor and control workers, the companies are emphasizing job enrichment programs to elicit worker cooperation. Moreover, G.M. is already discussing minimizing workers' job transfer and shift preference rights on the S car program even though it claims that worker involvement is a central element in its drive for quality. "Absentee control is a must," according to a company memo, "even if we have to pay higher rates to buy off contractual absenteeism [the paid days off the union has negotiated]."

In addition to new forms of automation in the plant, computer technology is changing the way the corporations operate on a global scale. Computers and telecommunications allow basic decisions to be made at corporate headquarters, while manufacturing is decentralized around the world to exploit low wages and other advantages abroad. Ford, for example, has just completed a new $10 million computer center in Dearborn, a suburb of Detroit. During the day, 5,000 Ford engineers and technicians across North America plug into the system, and at night their counterparts in England, Germany, Switzerland and Spain can have access to the same information and thus work on the same project. Responding to basic decisions made in Dearborn, Ford staffers throughout the world are able to relate to one another as if they were in the same room.

Ford's new world car is a product of this type of computer technology. Although Ford touts it as an "import fighter" in the United States, the car's parts are made in twelve countries throughout the world, from Yugoslavia to Brazil. "At the same time it is asking for restrictions on the importation of assembled vehicles, Ford is expanding its [own importation] of engines, transmissions and electronic components," William Niskanen Jr., Ford's former director of economics, told The Wall Street Journal. Ford recently signed an agreement with Toyo Kogyo, a Japanese auto maker in which it has a 25 percent interest, to produce all the manual transmissions for the Escort and Ford's future American-built front-wheel-drive cars. In addition, Escort cylinder heads will be cast in Italy, rear brakes manufactured in Brazil and steering gear produced in Britain.

G.M. will be producing four-cylinder engines for its world cars in five countries, with no single country producing more than one or two of the three engine types involved. This arrangement provides G.M. with considerable leverage should an unexpected strike or shutdown occur in any single country. The S car will utilize the highest percentage of foreign-made parts of any G.M. car, saving the corporation considerable tooling and labor costs in the United States.

The auto makers expect rapid growth in auto sales abroad in the coming decade, particularly in Asia, Africa and Latin America. Compelled by laws in many of these countries to carry on a certain portion of their manufacturing locally, the companies are seeking to maximize economies of scale. In effect, the low-wage rates and favorable government subsidies in the Third World will lower the auto makers' costs on a worldwide basis, enabling them to cut back jobs in higher-wage areas.

"If we are going to make the same types of vehicles universally, then we would like to see a greater commonality in components," maintains G.M. chairman Thomas A. Murphy. "And if we can do that, then we can use our production capability in many areas of the world and create a greater interchange of components back and forth."

The trend toward foreign "sourcing," as it is known in the industry, is illustrated by the scramble to build engine plants in Mexico. G.M. is erecting a facility capable of producitng 500,000 six-cylinder engines per year; Chrysler is doubling the annual capacity of its yet uncompleted plant to 440,000 units; Ford is constructing a factory that will initially produce 500,000 or more engines, and Volkswagen has cancelled plans for a U.S. engine plant in favor of a 300,000 unit expansion of its present Mexican facility. The Mexican auto market, although growing rapidly, is not expected to exceed 500,000 cars annually by 1985, leaving a good portion of these 1,700,000 engines for export to the United States.

Ford has been caused considerable embarrassment by its plans to open a $365 million plant in Mexico. A series of confidential memos leaked to Senator Howard Metzenbaum of Ohio predicted a substantial loss of jobs in the company's Cleveland and Lima plants, and suggested ways of fending off the resultant political protests.

The expense of building a world car to effectively penetrate these expanding new markets is considerable. The $660 million necessary to introduce a new model in a limited market can be more than doubled for a world car. Ford has already spent more than $3 billion on the Escort, which utilizes all new components. Capital-starved companies like Chrysler or American Motors are forced to go into partnership with stronger competitors overseas, such as Peugeot-Citroen and Renault. The widespread expectation is that the thirty independent auto producers in operation today will shrink to less than a dozen by the end of the century.

The companies that remain will be locked in a worldwide battle for every inch of available market. This intense competition may result in substantial overproduction as all the competitors are driven to maximize production in order to achieve maximum economies of scale. Eurofinance, a Paris-based research organization, projects that in 1985 six million cars will be produced for export while total import sales will be no more than 5.5 million.

This fierce competiton—both worldwide and domestic—combined with a demand-weakening recession have created considerable short-term problems for the U.S. auto makers. Their inability to sell large cars has sapped their profits which were needed to finance the transition to small cars. Consequently, the auto makers may be compelled to raise $5 billion for changeover costs in outside credit markets.

In spite of these problems, auto making is no sunset industry. The central problem facing the manufacturers today is a failure in the marketplace, not in their technology or know-how. Although Chrysler's past management brought it to the point of collapse, G.M. remains healthy and Ford retains considerable international resources. Whether one argues that the auto companies were victims of market forces beyond their control or casualties of self-inflicted wounds resulting from shortsighted product planning, the traditionally high rates of productivity in the industry will probably soon take a sharp upward surge.

The troubled Chrysler Corporation is a case in point. In a report recently submitted to Congress, the company predicts that it will ship close to two million vehicles in 1983 built with 143 million direct labor hours. If the worksheet stays the same, this means that Chrysler's pre-slump hourly employment of 115,000 will be reduced to about 80,000.

In the past, the rapid growth of the U.S. market has been an important counterbalance to trends that threatened employment. But, with a national fleet of 110 million cars and one or more vehicles in 83.5 percent of all households, this market may be nearing saturation. Although moderate growth will undoubtedly still occur, the cushion against job loss may have vanished. This could mean a grim future for many of the 250,000 workers on indefinite layoff at the Big Three and for the estimated 450,000 unemployed in the supplier industries. Moreover, most of these layoffs are concentrated in the Midwest—70 percent are in Michigan, Ohio, Missouri and Indiana—causing particular hardship and possible permanent damage to those auto-dependent states and communities.

The revolutionary changes in the auto industry pose serious problems for the United Auto Workers. In order to effectively meet these challenges the union will have to win a voice in decisions concerning plant closings, new technology and investment—traditionally the exclusive prerogative of management. The introduction of new technology, for example, ought not be considered an automatic or inevitable process but be subject to negotiation and possible veto. In order to avoid the incalculable personal pain and social cost of job loss, productivity gains could be shared by making the shorter workweek a precondition for the introduction of labor-saving machinery such as robots. The design and use of new technology would also be subject to bargaining in order to develop new systems that expand human potential rather than degrade it. In light of the considerable bargaining leverage world production gives the auto makers, close cooperation and strong ties among unions on a world scale become vital. The alternative is increasingly desperate struggles among workers in different countries.

A larger political solution is needed as well. The current debate on industrial policy has largely focused on capital formation, assuming that in a healthy economy the question of jobs will take care of itself. The rapid introduction of labor-saving technology, however, may mean that economic revitalization will not be accompanied by more jobs. Measures designed to create jobs or aid communities will be fully effective only if the money goes directly to the people affected rather than using the trickle-down approach of subsidies to the auto makers. Federal aid, for example, could enable abandoned or underutilized auto plants to be converted to produce products of use to the community under worker-community control.

If Government aid to the auto makers is required, it should be deliberately targeted so as not to destroy jobs and bring further havoc to already depressed communities. One example might be for the Government to enter into the production of key automotive components such as engines. In a public-auto-worker partnership—a Federal Engine Corporation—jobs could be created and located in high-unemployment areas rather than exported. Aid would come in the form of parts whose cost would reflect economies of scale and possible subsidies.

Nothing is inevitable or progressive about the restructuring of an industry that converts cyclical crisis into permanent job loss. In order to realize the benefits of the computer age, its course will have to be democratically directed, and its goal something other than corporate gain.●

FAMILY RENTAL TAX

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. PEPPER. Mr. Speaker, there is precious little time left for us to act to stop the Internal Revenue Service from punishing taxpayers who rent a dwelling unit to members of their family. Today I am introducing a bill which will put an end to the so-called family rental tax.

The Internal Revenue Service has proposed new regulations pertaining to the deductibility of expenses in connection with the rental of dwelling units. The proposed rules, published in the August 7, 1980, Federal Register include what amounts to a sizable new tax on rentals to members of the taxpayer's family, even when that rental is at the full fair market value. A taxpayer would be considered to have made personal use of a residence if he/she rents it to his parents, siblings, spouse, or children—no matter how much rent they are charged. It is further specified that as little as 14 days of such personal use shall constitute use as a residence by the taxpayer, even though he or she never actually lived there.

Because a taxpayer would be considered to have used a residence rented to a family member as a personal residence, they would no longer be able to deduct the expenses, maintenance costs, or depreciation normally associated with rental properties to the extent that total deductions exceed income from that property. The taxpayer would still be allowed the personal deductions for mortgage interest and taxes which benefit all homeowners, regardless of the amount, but these personal deductions must be taken first. The other deductions for rental property are allowed only to the extent that rental income exceeds those personal deductions. For any property purchased in recent years, particularly in metropolitan areas, mortgage interest and property taxes alone would probably equal or exceed the fair market value of the rental.

The potential harm of this new tax burden is depicted in the following example: A taxpayer (T) rents a small apartment she owns to her mother for 1 full year at the fair market value of $400 per month, $4,800/year. T is allowed to deduct all of her $4,100 in mortgage interest, and all of her $900 in property taxes, even though their total exceeds the fair market value of the rental. However, under the new rules, T would no longer be able to deduct any of the insurance, utility, or maintenance costs of $1,200, nor any of the depreciation loss of $3,000 for the unit, unless she moves her mother out, and rents the apartment to a stranger. If T is at a marginal tax rate of 30 percent, the extra tax burden for renting to her mother would be $1,260.

Like many of my colleagues, I have received many letters expressing disbelief, and asking why?

The Internal Revenue Service points out that their regulations are consistent with section 280A of the Internal Revenue Code of 1954, added by Congress as part of the Tax Reform Act of 1976. There is consensus that it never was the intent of Congress to punish those renting a primary residence to relatives, but rather to limit abusive deductions for family use of vacation homes. IRS claims that the Code does not make that narrow intent clear, and that only Congress can correct the language.

As a temporary measure, Congress approved Senator ARMSTRONG's amendment to the Appropriations' continuing resolution (Public Law 96-369) which bars IRS implementation of the proposed regulations under the continuation funding. While this was an important first step, the law still stands. Once a budget is passed, the Commissioner would be free to issue final regulations.

Because I believe that the family rental tax is a step backward in our efforts to recognize the family as the primary source of support for its members, and in particular for its older members, I have developed a bill which would correct the language of the Internal Revenue Code to more clearly show that Congress desires to limit deductions on vacation rentals, not on principal residences. This bill would amend the Code as follows:

Part (a) would change the language of section 280A(d)(2)(A) of the Code to allow the deductions normally associated with rental property when the taxpayer rents to a family member, provided the dwelling unit is the principal place of residence of the renter. It would not change the disallowance of such deductions for vacation homes.

Part (b) would change the language of section 280A(d)(3)(b) of the Code to remove the restriction on rentals to family members as related to the special consideration for a qualified rental period. Since these qualifying periods are normally 12 months in duration, the principal residence requirement is not necessary in this section to prevent abuse. Fair market value is already required.

Part (c) makes the above changes applicable to all taxable years to which section 280A applies.

Because the IRS will probably issue final regulations early in 1981, I call upon my colleagues to consider this matter before adjournment in order to prevent widespread harmful effects. Without swift action on our parts, the Government will be showing taxpayers a clear incentive to ask their family members to move on January 1, 1981.●

A TRIBUTE TO GILBERT LINDSAY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HAWKINS. Mr. Speaker, I would like to draw special attention to an outstanding public servant in the Los Angeles community—Councilman Gilbert W. Lindsay who celebrates his 80th birthday on November 29 of this year.

Mr. Lindsay was born on a cotton plantation in Mississippi, was educated in Pittsburgh, Pa., and served in the U.S. Army in Arizona while attending the Arizona School of Business Administration. Mr. Lindsay then moved to Los Angeles and with studying and taking civil service examinations worked his way up through the clerical classes, gaining the respect of management for his drive and ability.

He served in 1952 as associate manager in the campaign to elect Kenneth Hahn supervisor of Los Angeles County, and after that successful election, became the first black to be a deputy supervisor of any county in the State of California. After 10 years as deputy supervisor, Mr. Lindsay was appointed to fill a vacancy on the Los Angeles City Council for the ninth district, becoming the first black councilmember in the city's history and overwhelmingly elected each succeeding term bringing his years on the council to over 18.

Mr. Lindsay served on the board of directors of the NAACP from 1953 to 1958 and is a former vice president. He was chosen "Citizen of the Year" in Los Angeles County in 1956, and "Boss of the Year" by women city employees in 1965, and continues to be a very popular and well respected councilmember.

Day in and day out, Gilbert Lindsay has continually demonstrated professional excellence and dedication to the citizens of Los Angeles. It is for these reasons and more, tribute is being paid to this great American.●

FUTURE ECONOMIC ALTERNATIVES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. LAFALCE. Mr. Speaker, the election is over, and the voters have spoken. Political commentators are now predicting bold departures from past practices in the field of economic policy. President-elect Reagan has reaffirmed his position, as stated throughout his campaign for the Presidency, that he will seek massive across-the-board tax cuts, that he will unleash the multinational energy conglomerates, that he will curtail Federal spending, and that he will take the Federal Government off the back of the taxpayer.

As we prepare to enter this newly found utopia, it would be advisable to take a second look at future economic alternatives. In a very thought-provoking article in the October 30 edition of the Wall Street Journal, entitled "Carternomics Versus Reaganomics," Dr. Walter W. Heller, Chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson, has provided a sobering assessment of those alternatives. I hope that all of my colleagues will carefully read that article, in order to avoid irreparable harm to the economy of this country. I also hope that we continue to realize that while rhetoric is facile, economic realities are quite another matter.

CARTERNOMICS VERSUS REAGANOMICS

(By Walter W. Heller)

The imminence of Election Day tends to concentrate the mind. However far President Carter might fall short of some vague ideal in economic policy, the concrete alternative of a President Reagan brings the law of comparative advantage into play. And here, on issue after issue, the nod goes to Mr. Carter.

Inflation poses the sternest economic test for the candidates. It cuts across budget, monetary, tax, wage-price, energy, regulatory and foreign trade policies. How do Mr. Carter and Mr. Reagan measure up on the inflation scorecard? What would their programs and policies do to get at the three major roots of inflation: excess demand, external shocks and cost-push?

All too clearly, excess demand—too many dollars chasing too few goods—is not our problem today. Why not? Mainly because Mr. Carter was willing to go to the mat for a restrictive fiscal and monetary policy, even to the point of (a) risking—in fact, incurring—a recession in an election year, (b) steadfastly opposing an election-year tax cut, and (c) holding this fiscal year's non-defense spending below last year's in real terms (after allowing for inflation). One need not agree with all of these conservative moves to recognize that they form a politically gutty program to hold demand inflation in check.

THE WHITE HOUSE STANCE

On monetary policy, Mr. Carter actively supported or acted jointly with the Federal Reserve in tightening credit (and bolstering the dollar), most explicitly in November 1978, October 1979, and March of 1980. True, he has been snappish about interest rates running up too far too fast at the first sign of recovery. But the basic White House stance is unmistakably in favor of a restrained monetary policy that will facilitate moderate expansion but not generate a new round of inflation.

The companion piece in the Carter policy of economic moderation is a prudent $28 billion tax cut in 1981 designed to remove some of the tax overburden that would retard recovery, yet keep our tax powder dry to meet the costs of rising defense spending and permit the budget to swing into balance as recovery proceeds.

In a remarkable switch of traditional economic roles, Mr. Reagan matches Mr. Carter's conservative low-risk policy with a truly radical high-risk policy. Not on monetary policy, where the candidates don't seem to differ much. But on fiscal policy, Mr. Reagan has made speedy and gargantuan tax cuts (and huge but unspecified budget cuts) the centerpiece of his economic program.

While President Carter, last June, was correctly cautioning that the recession might be shorter and less severe than the consensus view foresaw, Gov. Reagan waded in to support a $35 billion to $40 billion immediate tax cut to combat the "Carter Depression" and promote quick recovery. But that's only the beginning of the low-risk versus high-risk approach.

Mr. Reagan has again and again made a hard-and-fast pledge to implement the Kemp-Roth plan of three successive 10% personal income tax cuts, plus indexing and accelerated depreciation. By 1985, that program will cost $192 billion a year by his reckoning and over $200 billion as others have costed it out. By contrast, the Carter cuts would cost $55 billion in 1985.

Such a gigantic infusion of purchasing power into the economy could only result in renewed demand inflation unless one of two miracles occurs. One would be that, contrary to all available economic evidence, the tax cuts would so greatly stimulate work, savings and investment that the resulting revenue reflow would largely or wholly pay for the tax cuts. Mr. Reagan's newer and more sensible advisers no longer make such extravagant claims, but in his rhetoric on this point Mr. Reagan continues to zig while they zag.

The alternate miracle would be to cut the budget so drastically that the inflationary impact of the tax cuts would be offset. Mr. Reagan's numbers show a required cut of $64 billion to $92 billion a year by 1985—and adding in a modest $30 billion of defense spending to carry out Mr. Reagan's pledges would raise the non-defense budget-cutting targets to $94-$122 billion.

How would the Reagan forces achieve this enormous budget cut? This question, addressed to the candidates and their surrogates, has drawn a blank. We have been told what would not be cut: defense, interest on the debt and "necessary entitlements already granted to the American people" (which covers such outlays as Social Security and health care benefits and unemployment compensation). But on what would be cut, nothing is offered other than elimination of extravagance, waste, abuse and fraud.

This quartet of budget bromides might cure a slight case of budget indigestion but can in no way substitute for the budgetary disemboweling that would be required to make good on Mr. Reagan's pledge. The pleasure of tax cuts is vividly spelled out. The pain of meat-axe budget cuts is carefully concealed—and with good reason. By 1985, Mr. Reagan's plan requires a 50-percent-plus cut in all other programs (for example, international affairs, transportation, education, revenue sharing and energy). It simply cannot be done.

Turning to shock inflation—mainly food, oil and import price boosts—one finds less scope for a clear choice between the candidates. On rising food prices, Mr. Reagan and Mr. Carter are no match for God and nature; last summer's drought and searing heat assure stiffly rising food prices, whoever is elected. And OPEC, not the U.S. President, calls the tune on oil prices. But there's a difference: On energy, resolute policy can reduce future shock.

To make this country less energy-dependent calls for consuming less oil, producing more and developing substitutes. Mr. Carter has us well under way on these fronts. In addition to various conservation measures, he has at great political risk speeded up oil price decontrol, and pushed through a "windfall" tax to forced some sharing of huge oil profits.

As a result, we are importing three barrels today for every four imported two years ago. And we are punching a record 60,000 holes in the ground this year in the search for oil and gas.

How and where would Mr. Reagan differ? It's not easy to tell. As The Washington Post put it (October 8): "The Reagan position is merely to trust the market. Here Mr. Reagan is at his most unpersuasive and implausible."

No assessment of inflationary politics is complete without an appraisal of the candidates' remedies for the most stubborn, persistent, and ominous inflationary force: cost-push. No program that fails to cope directly with relentlessly rising cost pressures—the hard core of U.S. inflation—can hope to be successful.

Part of the problem is government cost-push in the form of increases in import quotas and tariffs, farm price supports, minimum wages, payroll taxes and a variety of environmental, health and safety regulations. However great their merits in improving the quality of life or the lot of particular groups, they cost money.

Here, President Carter has a solid record of accomplishment. Part of it consists of the most extensive removal of competition-stifling regulations in modern history. For at least a generation, Presidents have been trying to get Congress to deregulate airlines, trucking, railroads and banking. Under Mr. Carter's leadership, all four are now law.

The key element in hardcore inflation lies in the price-cost spiral. Even after nearly two years of slowdown and recession generated by monetary-fiscal restraint, wages and prices remain in a self-propelling orbit near 10 percent. A balanced anti-inflationary policy must couple monetary and fiscal discipline with a wage-price restraint program that will translate weak demand, not primarily into lost jobs and output, but into lower price and wage increases.

Mr. Carter's voluntary restraint program is widely acknowledged to account for the remarkably modest wage increases in 1978-79 in the face of rapid increases in the cost of living. And Mr. Carter holds out the prospect of buttressing a future wage-price policy with tax incentives for compliance.

Here, the contrast with Mr. Reagan's policy could hardly be sharper. Mr. Reagan's advisers and the Republican platform make clear that he, as President, would give short shrift to any intervention in the wage-price process through guidelines, tax incentives, or any other "interference with private market decision-making." To many if not most observers, this simply means that one of the three legs of the anti-inflation stool is missing.

BOOSTING PRODUCTIVITY

Both President Carter and Governor Reagan recognize the vital need to boost productivity by providing greater incentives for business capital spending through more liberal depreciation. But Mr. Carter goes beyond this with his individual and corporate income tax credits to offset the 1981 increases in payroll taxes. Thus, in addition to cutting capital costs, the Carter program cuts payroll costs for employers. Amazingly, Mr. Carter's tax cuts, when fully effective, go two-thirds to business and one-third to individuals versus Mr. Reagan's one-tenth (12%) to business and nine-tenths to individuals.

In the past, owing to shortcomings in consistency, management, and education on the means and ends of policy, it may be said of Mr. Carter's policy that the whole was less than the sum of its parts. But it is fair to say, as reflected in the foregoing appraisal, that Mr. Carter has been through a vital learning experience and now has his economic act together. Of Mr. Reagan's economic policies, it also seems fair to say that his rhetoric is charming and disarming, but the content is quite alarming.

Mr. Heller is Regents' Professor of Economics at the University of Minnesota, former chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson and a member of the Journal's Board of Contributors.●

POLISH INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. ANNUNZIO. Mr. Speaker, 62 years ago on November 11, 1918, the heroic people of Poland regained their independence and reasserted their nation's right to live and develop freely after more than a century of enslavement.

Toward the end of the 18th century, Poland established a constitutional government, one of the first in the world, only to be forcibly incorporated a short time later into the territories of three more powerful neighbor nations. Russia, Prussia, and Austria-Hungary treated Poland as a colonial territory and ignored the desires of the Polish people for self-determination and freedom, sometimes responding with brutal repression.

Poland declared its independence on November 11, 1918, and that declaration was recognized the following summer by the Treaty of Versailles. The noble principles of self-determination, proclaimed by Woodrow Wilson and embodied in the victor's charter, enabled the proud and courageous people of Poland once again to reassert their glorious cultural heritage in justice and freedom.

Poland, however, was not to enjoy its independence for long. The treacherous attack of Nazi Germany and Communist Russia in September of 1939 plunged the world into a Second World War and Poland again became a battlefield. In the tragic aftermath of that war, in which one-quarter of the population died, Poland was again robbed of political and cultural freedom and the whole world was placed under a permanent threat as a result of the division into rival spheres of influence.

Mr. Speaker, although the years of renewed liberation and self-government were again short lived for the courageous Polish people, their struggle to be free and develop their own economy and cultural heritage continues. All the freedom-loving peoples of the world are inspired by the continuing insistence of the Polish workers for more autonomy to control their places of work, and it is most appropriate that we in the United States acknowledge the steadfast attempts to attain liberty on the part of Poland's people during this anniversary of Poland's Independence Day.

I am privileged to join with Polish Americans in the 11th District I am honored to represent, in Chicago, and all over the country as they commemorate this occasion and pray for the success of the Polish people in their dangerous and delicate struggle with the Communist oppressors.●

TRAGEDY IN THE HORN OF AFRICA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. DORNAN. Mr. Speaker, there is a continuing war of attrition in the Ogaden, a desert region marked with some small mountains, separating Ethiopia and Somalia. This disputed territory is a focal point in the continuing conflict between a pro-Soviet Ethiopian regime and the Somalian resistance. The geopolitical stakes in this continuing struggle are well known; for the Kremlin, encouraging the use of Cuban proxy troops, understands the importance of tightening its grip on the horn of Africa and eventually controlling the Red Sea entrance to the Suez Canal.

But beneath this geopolitical test of wills in the region, there is another story, a very human story. The fallout of this particular war, as in every war, is the death, disease, and starvation of the civilian population. As a result of the constant fighting and a drought in the region, the people of the horn of Africa are confronting a terrible famine. A few days ago, I was privileged to receive a direct account of the suffering in the horn of Africa from Father Elwood P. Kaiser, of the Paulist Fathers, a resident of Pacific Palisades, Calif., who has recently spent over a week in northern Kenya and Somalia. For the benefit of my colleagues, I insert a copy of one of Father Kaiser's stirring sermons for the RECORD. I ask all of my colleagues to reflect on this terrible suffering and to support the hunger relief measures found in H.R. 7854.

The sermon follows:

HOMILY

Two weeks ago I had an experience so beautiful and so devastating that I would like to share it with you this morning.

An ecumenical coalition involved in famine relief—headed by Catholic Relief Services, and Lutheran World Relief—invited John Amos, the actor who played Kunta Kinte in ROOTS, and me to travel to Northwestern Kenya and Somalia—the Horn of Africa—where an undeclared war and a terrible drought have combined to produce a famine so severe that hundreds of thousands of nomadic people are on the verge of starvation.

The idea was to immerse ourselves in the situation of the hungry people there, talk with the officials of the government, church and relief agencies on the spot, and return to this country to do the news and talk shows, so as to inform the American people of the problem and mobilize support for its solution.

What do you say to that kind of invitation? On one level, it had nothing to do with my work on Insight, Paulist Productions, and the Humanitas Prize. But on another level, it had everything to do with them. I didn't feel like flying half way around the world. But I also didn't feel right about saying no. So, I said yes. I'm glad I did.

We went first to Somalia, a country about the size of Texas, which borders on the Red Sea and the Indian Ocean in North East Africa. It's a poor, arid country hardly suited for agriculture. Most of its three and a half million people are nomads. All are Moslem. They live by grazing goats and camels. Their per capita income is less than $100 a year.

Recently, the Somalians have been involved in a nasty, little war with Ethiopia over a parcel of land called the Ogaden. For a while, the Somalians were winning. But then the Ethiopians called in the Russian and the Cuban troops, and the Ethiopians retook the Ogaden and began to drive out its mostly Somalian inhabitants.

The result: a million and a half refugees have poured into Somalia from Ethiopia. Ninety percent of these are women and children. Half of them have been absorbed by the Somali population. How I don't know. The other half—about ¾ of a million people—are crowded into refugee camps just inside the Ethiopian border.

We spent two days in these camps. Conditions there are really quite desperate. Sanitation is almost non-existent. Health care is little better. The people are getting less than half the minimum amount of food required to sustain human life.

Almost everywhere we looked, we saw evidence of malnutrition. As a result, disease is rampant. Measles and Diarrhea are killing off the children. 41% of the families in the camps have already had a death.

It's a heartrending situation. These are a strong, beautiful people. There is a great sense of dignity about them, and immediate friendliness, an undercurrent of joy in the smiles that light up these lovely black faces. Yet they are starving to death.

In the Kakuma region of Northwestern Kenya, where we went next, the situation is even worse. The Turkama tribe lives there. They are a simple, warm, affectionate people. Many of them are Catholics, very good ones I might add. For centuries they have lived by grazing their cattle across the beautiful African prairie.

But in the last year, a terrible drought has struck. There has been no rain. The prairie has become a desert. The grass died. Then the cattle died. And now the people are beginning to die. It's an appalling situation.

We visited a Catholic mission in this area. It's run by a couple of Irish priests who do a bang-up job. In the neighborhood of the mission, 14,000 people live.

Thanks to food supplied by Catholic Relief Services, the mission we visited was feeding four thousand people a day.

This seems like a lot of people to feed. It is. But look at the reverse side of the coin. They had to turn away the other 10,000 people. They had no food to give them. Yet the people have nowhere else to turn.

Because they are forced to choose, the missionaries have decided to feed the most malnourished of the children. Sometimes, they are able to feed the children and have to turn away their parents. That is a tough one.

I spent a good bit of time in these villages. I spent considerable time with the children. What was it like?

How to describe it? The Auschwitz in early '44—with no certainty of liberation—inhabited by children. Auschwitz with children—that's what it was like!

A starving adult is hard enough to take. But a starving child—I saw hundreds of them—that's too much. Their arms and legs are thin as pencils. No fannies. Just hanging skin. Their bellies swollen, like at three or four years old, they were nine months pregnant. Their skin pulled tight over their ribs, so you could count every one. Sometimes they would smile or even sing. But sometimes they cried, not a loud, lusty bellow but a soft wail.

You know how when a kid cries, the thing to do is take him in your arms and give him a hug and tell him it's going to be all right.

These kids were so fragile that I was afraid to take them in my arms. I was afraid they might break.

Being with these people, sharing their pain, even for so short a time—was a great experience for me, painful, yes, but also very enriching.

What hits you most forcefully is the terrible reality of their pain. In fact, it's so real that everything else seems almost unreal. The things we spend so much time worrying about—how we look, what other people think of us, what things we have and which we don't—these things seem so unimportant, so futile in the light of the situation of these starving people.

Should this situation make us feel guilty because we are not similarly deprived? I don't think so.

There's no sin in being rich. And there's no sin in being poor. But there's a terribly great sin in having more than you need and not sharing with those who have less than they need.

Which brings me to the point of today's homily. Today is Mission Sunday. Today we take up a collection for the third world. Today we're asked to contribute to famine relief. I know you'll be generous.

Priests usually hate to ask people for money. I'm no exception. But I don't mind asking the people of St. Paul's for money. I've been in the parish for 24 years. On a number of occasions, I've been asked to make a financial pitch. Again and again, I've seen you respond not only with generosity but with a spirit of heroic self-sacrifice that is truly inspiring.

You're a good people. You're a generous people. You know how to give until it hurts. And then some. I know you'll approach this collection in that same way.

But, you ask, isn't the money I give going to be swallowed up in bureaucratic waste and inefficiency. How much of it is really going to get to the people?

This is a very legitimate question. I've asked it myself. And I've gotten some answers for you.

This money will go the the Catholic Relief Services, the largest private relief agency in the world—something of which this American church can be justly proud. Last year, they distributed $350,000 worth of food.

In Kenya, where they are the only private agency engaged in famine relief, last year they distributed $9 million worth of food donated by the American government. They spent one million to transport that food to the people. They distributed another ten million worth of goods and services. And they did all this on an administrative overhead of $100,000. That's one-half of one percent for overhead. I wish I could operate Paulist Productions with such efficiency.

The word came out 14 months ago about starvation among the Cambodian refugees. American Catholics responded with great generosity. So did a lot of other people. A crash program was instituted and 2 to 3 hundred thousand lives were saved.

The situation in North West Kenya, in Somalia is worse now than Cambodia ever was. But the same dynamics can take place.

It is not too late. This situation can be reversed. If we act now. With heart. With generosity. With a spirit of self-sacrifice.

You and I as believers have a special reason to be generous.

Jesus tells us that He lives in a very unique and special way in the hungry, the thirsty, the naked and the homeless. I felt that over there. Those people were so real. God seemed so present in them—that I felt like kneeling before them.

By the standards of the third world, all of us would be classified as rich.

Jesus tells us that the rich man can enter the Kingdom. But only by passing through the eye of the needle.

It seems to me the poor and the hungry of the world are the eye of the needle. We pass through that eye by opening ourselves to the poor, by sharing our substance with them.

We can find God in the poor and hungry. We may not be able to find him any other place.

It may just be that they have more to give to us than we have to give to them.

Faced with this kind of desperate situation, authentic Christians do more than give of their surplus. They give of their substance.

They take cake off their own table, so as to put bread on someone else's.

They do without meat for a day or two a week, so that other people might have rice or corn.

They decide to cancel the weekend they had been looking forward to in Vegas or San Francisco. They send its cost to the relief agencies.

They decide not to buy the needed outfits. They give up the idea of the sports car. What they save they give to CRS.

They even consider emptying their bank account. Giving all they have. There is great freedom in that. And joy. But it's not for everybody.

I know I'm posing hard choices for you. I hope I'm not ruining your day. Give it some thought. And some prayer.

Just ask yourself: whose need is greater—yours, or that emaciated child with the protruding ribs and the swollen belly. Ask yourself that question. And then make out your check. For the sake of those children, and for your own sake, please make it a big one.●

RESTRICTING IMPORTS OF FOREIGN AUTOMOBILES

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. SEIBERLING. Mr. Speaker, the 96th Congress has considered a number of resolutions dealing with the problem of automobile imports. I have cosponsored a number of these resolutions, as I have cosponsored legislation to provide tax credits for the purchase of domestic automobiles.

I have supported the concept of lowering tariff and nontariff barriers for a long time. In general, it seems to me that the United States and our trading partners benefit from the free flow of global trade. However, the continued import penetration of foreign cars, and the serious effects of that penetration on the U.S. auto industry lead me to conclude that we must take strong steps to prevent the further decline of our domestic auto industry. One of the options available to us is to impose some type of mandatory import restrictions on foreign autos.

In a recently released study by the Congressional Research Service, "Imported Automobiles in the United States: Their Rising Market Share and the Macroeconomic Impact of a Proposed Import Restriction," it is estimated that an import limit of 1,700,000 vehicles would increase domestic employment in the transportation equipment manufacturing industry by 5,000 to 12,000 persons in 1980, 9,000 to 49,000 persons in 1981, and 7,000 to 59,000 persons in 1982. The authors conclude that the estimated "employment effects are important because they show that even under the most generous assumptions, the largest increase in the auto industry and supplier employment that could be generated by limiting imports to their restrictive 1976 level; that is, 1,700,000 units, would be around 50,000 jobs." Nevertheless, with current auto industry unemployment at around 285,000, an increase of 50,000 jobs should not be taken lightly.

I do not mean to suggest that the only culprit in rising auto industry unemployment is the high rate of import sales. With few exceptions, the management of America's great auto corporations simply failed to accommodate their production plans to the clear need for improved fuel efficiency after the great OPEC price squeeze that started in 1974. Congress also was slow to react, though in 1977 Congress finally mandated a gradually rising scale of fuel efficiency in successive model years.

Moreover, U.S. automakers have generally failed to price their fuel-efficient autos to compete effectively with imports. Nor have U.S. economy cars been as competitive, as a group, in terms of quality and reliability, although U.S. cars have been found to be considerably safer in crashes than imports. Fortunately the new generation of fuel-efficient U.S. cars appear to be considerably improved in quality.

Nevertheless, as Members of the House of Representatives, we cannot simply sit back and watch our domestic auto industry slide into decay. We must buy time for the industry to retool and sufficient income to survive in the meantime. Foreign auto manufacturers benefit from a generous U.S. trade policy, and from tax structures which permit their governments to encourage them to export through the rebate of certain indirect taxes which enable their cars to reach U.S. markets at a highly favorable price. Since we do not—as other countries do—impose a price-equalizing border tax on imported automobiles, we have no ready means of offsetting foreign tax subsidies of their auto exports.

I hope that our trading partners will take serious note of the increasing pressure on the Federal Government to permanently limit auto imports. We have passed resolutions which ought to persuade our allies that we are deeply concerned about the high volume of auto and truck exports to the United States. Yet the only response thus far has been the ITC decision against any protective measures. This has led me to conclude that steps stronger than "Sense of Congress" resolutions must be taken if we are to prevent the collapse of the domestic auto industry.

I am, therefore, today introducing legislation which sets a temporary import limit of 1,700,000 units for 1981, 1982, and 1983. The number of vehicles which each manufacturer may import will bear the same ratio to 1,700,000 as that manufacturer's market share of total imports entered in 1979. My bill does give the President the authority to waive the restrictions for 6 months if it is determined that such a waiver is in the national interest, and would not adversely affect employment in the domestic auto industry. Congress would have 30 days in which to disapprove the waiver by concurrent resolution.

We exist in a period of heightened global tensions, and it is vital that we retain a harmonious working relationship with our allies. Mandatory import restrictions may strain our alliance with the Japanese and with Western Europe. However, our allies must also realize that the declining U.S. auto industry seriously strains the good will Americans hold for their allies. If our trading partners will not take steps to reduce this strain, then we must do so ourselves.●

PUBLIC LAW 96-466 IMPROVES VETERANS' ADMINISTRATION DEBT COLLECTION PROCEDURES

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. ROBERTS. Mr. Speaker, since the beginning of the Vietnam era GI bill, there have been veterans educational overpayments which have never been recovered by the Veterans' Administration. Despite the best efforts of the Committee on Veterans' Affairs to motivate the Veterans' Administration to be more aggressive on collecting these overpayments, there has been a continuing outstanding balance of unrecovered educational overpayments of over $400 million during recent years. As of October 1980, there was a balance of $424,162,000 uncollected educational overpayments owed the Veterans' Administration.

On the basis of hearings held by our Subcommittee on Special Investigations, chaired by Hon. RONALD M. MOTTL, and the Subcommittee on Education, Training and Employment, chaired by Hon. BILL HEFNER, in Washington and in the field at several locations around the country during this 96th Congress, legislation was developed to strengthen the hand of the Veterans' Administration to collect these educational overpayments and other indebtedness. I am referring to a number of provisions in H.R. 5288, which cleared the Congress on September 24, 1980, and was approved by the President on October 17, 1980, now identified as Public Law 96-466, the Veterans Rehabilitation and Education Amendments of 1980.

Under one provision, effective October 1, 1980, the Veterans' Administration is required to deduct the amount of indebtedness from future benefits payments to the veteran who is indebted to the Veterans' Adminstration because of educational overpayments after notifying the veteran of his or her right to dispute the debt and request a waiver. In this regard, another provision of Public Law 96-466, eliminates the time limitations on debts owed the United States for programs administered by the Veterans' Administration.

Another provision of Public Law 96-466 allows the Veterans' Administration to charge interest on debts owed the Veterans' Administration.

A third provision allows the Veterans' Administration to disclose names and addresses of veterans and certain other information to credit reporting agencies for debt collection purposes. This new authority will permit the Veterans' Administration to locate debtors, assess the ability of veterans to repay their debts, and if necessary, to adversely affect the veteran's credit in the event the veteran refuses to repay the indebtedness.

A fourth provision allows the Veterans' Administration to use its own attorneys, subject to the supervision of the Department of Justice, to pursue collection action in U.S. courts. The committee was informed that it is the established policy of the Department of Justice, and its U.S. attorneys, to not take action against persons whose indebtedness to the Government is $600 or less. Debts of less than $600 comprise the majority of money due the Veterans' Administration. This new authorization for an expanded role by the Veterans' Administration in cooperation with the Department of Justice to collect debts owed the Veterans' Administration, together with the use of credit bureaus, is expected to reach thousands of veterans who have heretofore been immune from administrative or court process and, therefore, have had no incentive to pay their debts to the Veterans' Administration.

These new debt collection provisions in Public Law 96-466 are expected to result in a savings of $120 million to the Federal Government in increased collections for fiscal year 1981.

How do veterans educational overpayments occur? In some instances, it is the fault of the educational institution that a veteran is overpaid, while in other instances, it is the fault of the veteran. In that regard, a newspaper report recently came to my attention involving actions by both the school and the veteran, in which it is stated a veteran received about $2,000 from the Veterans' Administration for courses at an approved institution for which the veteran received grades, but rarely if ever attended, under a so-called phony credit scheme. While this case is not a typical one, there were many reported instances of collusive action on the part of veterans and schools, which were the basis for many of the tightening provisions of veterans education and training laws enacted by the 94th and 95th Congresses. There follows an article from the September 25, 1980, Los Angeles Herald Examiner.

HOW NONATHLETE STUDENT PILED UP PHONY CREDITS

(By Patricia Wolf)

Richard Cowsill, former road manager for the singing Cowsill family, said he came to California to get a free, government-financed education.

But now the 31-year-old student thinks he may have to pay for it. He may owe about $2,000 to the Veterans Administration for eight classes at Los Angeles Valley College—classes for which he received grades but rarely, if ever, attended.

Cowsill is not the first Los Angeles area college student to receive fraudulent credits, but he is the first known non-athlete involved in a phony credit scheme. Athletes from Valley College as well as other campuses of the nine-school Los Angeles Community College District and four-year universities including USC and UCLA have been involved in cases of grading irregularities and forged transcripts.

But there's a difference: Cowsill, a Van Nuys Vietnam veteran whose education was financed by the VA, is the first student to blow the whistle on himself.

Speaking at the monthly meeting of the LACCD's board of trustees yesterday, Cowsill briefly outlined how he traded his power as student body president of Valley College last year to obtain free credits.

He told of providing guest speakers to instructors in exchange for a passing grade in a class he would never attend. He spoke of raising the budget allocation for a department in exchange for grade favors.

Trustee Harold Garvin, a former instructor at the district's Harbor College, said trading budget considerations for favors is "nothing new to me."

"That's politics," he said. "I've seen that happen on my campus."

Chancellor Leslie Koltai promised to investigate Cowsill's allegations. And Cowsill said he thinks when the VA finds out about the fraudulent units, he may be asked to pay back the money it gave him to finance the classes.

Cowsill, separated and the father of two young children, said he decided to tell all after receiving 18 credits for classes he never took.

"I want to clean up education," he said. "The students suffer when this happens because they don't learn anything. I want my children's education to mean something."

Cowsill, a political science major who still attends Valley College, said he intends to enter the political arena in the near future, possibly as a candidate next year for the LACCD's board of trustees. The exposure he gets by admitting the credit scandal may outweigh the hazards of admitting to a fraudulent act, he said.

In his first year at the Van Nuys campus, Cowsill said he earned 27 credits by faithfully attending class.

The summer of 1979, he became active in student politics, ran for student body president and began piling up phony credits.

Cowsill earned an impressive 3.8 grade point average, out of a possible 4.0, by receiving A's in speech independent study, applied office practices, yoga and civil rights and the law—classes he claimed he never attended.

"For some classes I would go into the department and tell them I was running for student body president," he said, following his presentation to the trustees. "They would tell me to sign up for a certain class.

"There was a mutual understanding that we would help each other," he said.

For his A in speech, then student body President Cowsill persuaded the student senate to allocate an additional $6,000 to the Speech Department. "There was no question they needed the money," Cowsill said in defending his action. "Their budget had been cut to $2,000."

Cowsill and the student senate, which controlled a $160,000 allocation budget that financed 59 programs, also voted to restore about $2,000 for the campus child development center. For that, Cowsill received an A in applied office practices, he said.

Cowsill was removed from office late in his term when school officials discovered he was not carrying a large enough class load. The two courses he took that semester, the theory and practices of Zionism and 20th century Europe, were included in the 18 fraudulent units, he said.

Last spring, the semester after his removal from office, he enrolled in a theater class, attended for two out of the 16 weeks and received a C grade.

"I'm not proud of what I did," said Cowsill, eyeing his 8-year-old son Nate, "but I thought it was OK at the time. I was just playing along with the system."●

FEAR OF ETHICS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. BENNETT. Mr. Speaker, Mr. Ivan Hill, president of the Ethics Resource Center, recently made an outstanding speech on ethics before a business ethics seminar at the Allied Chemical Co., Mr. Hill, a noted authority in the field of ethics, has been conducting a vigorous campaign to bring higher ethical content into all phases of American life. I insert his speech at this point in the CONGRESSIONAL RECORD and hope that it will be widely read:

FEAR OF ETHICS

(By Ivan Hill, President, Ethics Resource Center, Inc.)

Thank you for inviting me to join you in one of your regularly scheduled meetings devoted to the discussion of ethics. And I hasten to congratulate the management of Allied Chemical for recognizing the importance of continuously strengthening the ethical underpinnings within their own company and, by this example, encouraging other organizations to engage in similar programs. When we deal with ethical issues that confront us now, I believe that we are dealing with not only the highest priority item on the agenda of business, but also identifying what should be the highest priority obligation for the professions, for education, for government, and for our nation.

We know that there are industries and segments of industries that must improve their equipment and technology in order to stay alive. What we do not seem to know is that we must improve our ethics along with our technology. Just recently I was listening to a television interview with one of the consultants who had great responsibility in developing a highly robotized Japanese industrial plant. Those interviewing him were fascinated with the incredibly high rate and uniformly high quality of production achieved in that plant. Then they asked the technical genius what other factor was most important in this marvelously productive plant. His answer was quick and simple—the honesty of the individual worker.

Yes, I am glad to see you so deeply involved in discussions of ethics. What a notable undertaking for Allied Chemical, a leading company in a great industry whose sciences and technologies must be increasingly bulwarked by honesty and ethics. Since World War II, our sciences and technologies seem to have advanced far more rapidly than our standards of honesty and ethics. As an economy expands and as technology advances, the need for better ethics increases exponentially. Lying, dishonesty, immorality, and the vulgarization of a culture are severe handicaps to a nation that wishes to increase its productive efficiency and reduce inflation. Let us hope that our economists and our business and political leaders will soon be honest enough and courageous enough to recognize the powerful effects of what too many dismiss as "the intangibles." It is the workings of the intangibles that can create or destroy a corporation or a nation. And morality and ethics are powerful intangibles.

In this connection, some of our top military leaders have shown deep concern not only for the ethics and morale of the military, but also for the weakening effect that a lousy, lazy, and greedy citizenship ethic has on the military and all other institutions within our society.

For example, our booklet essay on Common Sense & Everyday Ethics, the booklet all of you now have, was virtually ignored by the 820 college and university presidents and chancellors who received free copies from us. Of course, we are proud to have produced this booklet. It is not the expression of one individual, but of many individuals, including lawyers, ethicists, educators, and clergy. In addition, over the years, we have done much research on applied ethics. This little booklet on Common Sense ethics has not been unfavorably commented upon by any one among thousands of readers. Yet, of the 820 leaders in education, to whom we sent free copies, only 3 percent were interested enough in ethics to even reply to our accompanying letter and only three even had the courtesy to have anyone say thanks. Are our educators still blind to and fearful of ethics? Are these educators still hung up on the impossible and destructive concept of a "value-free" education?

How did the military respond? Well, the U.S. Naval Academy ordered 5,000 copies. Among the first respondents was the National Defense University, our highest order of education within the military. They sent a messenger for 60 copies for their faculty. Then, I was honored by a visit from a member of the Joint Chiefs of Staff, whose reputation within the military and even within the Congress is extraordinarily high. He is widely regarded as an officer of proven courage, great ability, and high intellectuality. I think he would win unanimous praise and admiration from every member of both the House and Senate Armed Services Committees.

How did the CEOs of Fortune's top 1,300 corporations respond to our free booklet? Well, we have to excuse them. In our letter, in which we enclosed the booklet Common Sense & Everyday Ethics—which is beautifully designed, printed on the finest parchment-type paper, and has the very substantive contents as previously stated—we suggested they might like to help us pay for the 205,000 copies of the U.S. Code of Ethics for Government Service (200,000 of them acetate-laminated and ready to hang).

We acquainted them with Public Law 96-303, just passed, which mandates the public display of the Code in all post offices and buildings where there are 20 or more government employees. We pointed out that if we had not offered the Codes at no cost to the government, the bill could have been hung up for appropriations for another 20 years. We called their attention to the fact that this Code had been passed in 1958 but seldom seen since. Several government agencies opposed passage of the bill, but we overcame them with a unanimous vote for it from both House and Senate.

We pointed out to the financially alert CEOs that since the government's own estimates of losses to fraud, mismanagement, absenteeism and so forth ranged from $25 billion to $60 billion, if our poster campaign proved only 10 percent effective it would save taxpayers $2½ billion to $6 billion a year.

We were foolish enough to think that the big business leaders, whose rhetoric in condemning big government and government inefficiencies has been so frequent and strong, would hasten to help us to pay the $70,000 to $80,000 costs of producing the government Codes.

What did we hear from this letter to the 1,300 CEOs of the 1,300 largest American corporations? Did we get an oversubscribed budget for such an obviously pragmatic project—one that will have a continuingly beneficial effect on government?

Yes, many did respond. They said, in a nice way, we are not that interested in your ethics in government Codes. This is the way I interpreted the uniformly phrased form-type rejection letters. But, one company, one of the smaller of the biggest 1,300 American corporations, sent us $250. We are grateful, however, not only for this financial aid, but for the fact that there was at least one corporate representative doing the ethics job for his other 1,299 CEO peers.

Later, because of direct, personal requests from two of our directors, we did obtain two more contributions to help defray the cost of the Codes. Both of these contributing corporations are very large and highly respected by the corporate "establishment."

It is interesting that within that same period, August of this year, the Gallup organization in cooperation with The Wall Street Journal surveyed the same 1,300 CEOs of the same list of Fortune's 1,300 largest American corporations. Using a check list of 16 different items for the executive to identify as the "important thing business can do to improve its image among (the) public" not one CEO among America's largest 200 corporations responding identified "maintain ethical standards" as being important! This is a startling revelation. It may indicate the principal reason why so many citizens do not have a favorable image of big business. However, 10 percent of the 1,300 CEOs surveyed by Gallup identified maintaining ethical standards as important.

By coincidence, perhaps, almost exactly 10 percent of the same 1,300 companies that Gallup surveyed did answer our letter. The others did not. Three of the CEOs who received our Common Sense & Everyday Ethics booklet stated that they read it. So, perhaps we are progressing. Five thanked us for getting the Code law passed, but they did not offer to pay any of the cost. And 10 thanked us for sending them the booklet.

Now, is it just the big business executives who are seldom much interested in ethics? No. The Washington Report, an excellent weekly newspaper published by the Chamber of Commerce of the United States, with a circulation of 685,000 business persons, ran a complete feature story about the Ethics Resource Center getting the government Code display law passed and told in detail what we as the Center, or I, individually, would have to pay for the 205,000 Codes. Did the Chamber of Commerce get a letter or note from many small businessmen readers saying this was a fine thing for someone to do? No, they didn't. Did some strongly ethical, local, small businessman, who often has condemned the wasteful, dishonest government in Washington, sit right down and send us a note of encouragement or even offer to contribute $10? No, not one.

In justice to the 90 percent of the CEOs in the Gallup-Wall Street Journal survey who indicated they did not consider maintaining ethical standards as important to business' public image, let me say on their behalf the chances are that very few of them, including the MBAs from famous graduate schools, ever had an opportunity to take a course in ethics. In some cases, their business-school training may have even biased them against the practicality of good ethics. I believe that many American executives have been victimized by their education and culture. Unfortunately, for the large corporations and for our nation, ethics seems to be of little or no interest to most top business leaders. To them, historically, ethics conveys a nonrealistic concept. Actually, of course, every top executive must frequently deal with ethical decisions—some situations presenting real and potentially costly dilemmas.

In spite of the above reports, another recent survey made for the Ethics Resource Center by Opinion Research Corporation does show that by far the majority of major corporation have codes of ethics and 91 percent of those that have them are satisfied. How they know they are satisfied, or why, we could not precisely figure out because over two-thirds of the corporations had done very little to assess the value of their codes. In general, I concluded that the ORC survey indicates that both corporations and trade associations (also included in the study) have a lack of faith in their own codes, do little to implement them, and may be going through a public relations turnstyle with their codes. When properly conceived, properly supported by the CEO, the board of directors and representatives of labor, fully ceremonialized in the introduction and promulgation to all employees and widely displayed, codes can be very effective symbols, instruments to improve morale, productivity, and the sense of total employee participation in and with the company. For this purpose, brief and attractively designed codes, credos or statements of policy are most useful. The quality of the code and its extensive display help to develop a cohesive pride among employees for themselves and for their company.

As a matter of further personal observation, many contemporary CEOs have had instilled into them the concept of management by objective. Unquestionably, there have been enormous benefits from the application of such management principles, but too many times the "objectives" or sales and profit targets are placed beyond a realistic reach. Short-term factors may make the goals impossible to achieve. But, if one is so imbued with surpassing all previous sales and profit goals, every year, then one may not let any means stand in the way of achieving the set objectives—ethics or no ethics.

Now, one of you here might be ready to ask why I am telling you these so-called negative things. I am supposed to be beating the drums for a growing ethical consciousness in the United States, especially among the business and professional communities. You have plenty of reason to question the thrust of my comments. But it has been said that your friends make you cry and your enemies make you laugh, slap you on the back and make you happy—until you realize you have been stabbed.

The irony of all the criticism of business, especially big business, is that with rare exception every business that is continuously profitable has probably never needed to engage in any dishonesty. That they didn't need to does not mean they did not, however. Even today, with all the criticism of business from the public and many special groups, most businesses could open their doors to all their operations and methods and still come up 99 and nine-tenths percent clean. But, as any good chemist knows, a one-tenth of one percent alloy can ruin a whole warehouse full of the purest product. Of equal or more importance, business must strive for a "pure" product, for the highest degree of honesty and ethics possible.

Not long ago, for example, an executive with one of the big security guard agencies told me of a conversation he had with the CEO of a large corporation. The security officer reported it appeared that the CEO's company was losing $20 million annually to embezzlement and theft. The CEO is reported to have not been surprised or upset. He simply stated that that kind of loss could be readily passed on to the consumer.

How demoralizing to a company, to its workers, to its shareholders, and to consumers. Such attitude extends to many companies and to the government—especially to the government. Perhaps the view of the CEO, the not caring about the dishonesty involved, explains two points: (1) probably one of the contributing factors for high inflation is the practice of overlooking, not prosecuting, and passing along to the consumer the cost of such losses, and (2) why one-tenth of one percent alloy of dishonesty, when dismissed as irrelevant, creates hazards in any business.

Just a few days ago I was on an audience interview program on WRC, the NBC radio station in Washington. We were discussing the new law requiring display of the Code. Some government employees called in. They seemed to want to do better and work in an environment that encourages their best work, but they have almost given up.

I explained that when thousands of these posters are displayed for public and government employees alike to see and share there should develop a consensual validation that could make being honest "safe" or "all right," maybe the "in" way to be. We want the honest person to feel good—not like a lonely fool. I stated we had to break through this prison of peer-group pressure that says one person cannot make a difference. And we must not only protect that person through peer and public sanction, but we must encourage the states and big private corporate bureaucracies to follow suit.

The tone of the voices of the callers seemed to change. They had figured it did no good, that they could do nothing and their hopes were futile. Then they seemed to convey a feeling that maybe this guy is right. I must have sounded rather tough, like a real SOB. They figured it took one to know the Washington con game. It was reported to me that a high-ranking government official stated a year ago when I met with his office staff that they thought I was "eccentric." But after they saw how we put a bill through Congress in record time with a unanimous vote, the fellow said they now think I must be pretty smart.

CEOs are themselves highly susceptible to peer group influence. Each may elect to wait for the current "pecking order" leaders to move first. We hope some of these top policy setters will move together toward strengthening the whole country's ethical foundations.

This brings me to a point I wish to make to big business, especially those giant corporations who are members of the prestigious Business Round Table. At one of the earliest meetings of our board of directors after I became the nonpaid president of our ethics organization in 1973, I stated that we would have to be a voice for ethics in big business, that unless big business could understand the immediate and direct interdependence of honesty and ethics to the maintenance of economic and political freedom, the vacuum caused by such lack of understanding would be filled by ever-increasing government regulations and controls. I stated to our directors that the functions of large scale enterprises and the need for big corporate structures were not going to disappear. They would either remain private or they would be controlled or owned by the state.

We have been working to assure that the social and cultural attitudes toward honesty and individual self-discipline were improved enough to keep America free—to allow private enterprise, big or little, to function as private organizations. We have been trying to make it clear to big business that it must make the first overt steps to deserve public confidence. We have stated, as in our 1976 book on the Ethical Basis of Economic Freedom, that if the public figures it has to be had, it would rather be had by big government than by big business. At least the public then can feel they are part of the act, part of big government.

In reference to the very large corporations, for example the 200 top CEOs that Gallup and The Wall Street Journal found did not consider maintaining ethical standards as important to the public image of business, I have another worry. As I have pointed out in the essay on Common Sense & Everyday Ethics, some of the great corporations may not be headed by true, honest-to-goodness free-enterprisers. They deal with papers, lots of it negotiable, and not so much with products and people. Of course, there are very few "founding" CEOs. Some could not build any size business from scratch. A few of them may be wondering why we worry about honesty and ethics and freedom from more government control or even government ownership. The jobs of these CEOs would likely be the same, even under government control. Their pensions might be cut a few hundred thousand, but that would not be personally serious.

And I wonder, too, if some of the big transnational corporations are paying enough attention to patriotism, the old-time, do-or-die-for-one's country, our country, with all its freedoms. One American corporation has a GNP that exceeds that of any one of 135 of the 154 member nations in the United Nations. Yet, a country such as Cuba, with less than one-tenth of the GNP of that one great corporation, could wipe out within a few days' time a considerable part of that company's assets. All the giant American transnational corporations should make it clear that their prime loyalty is to the United States, which doubtless it is. But, they should certainly devote more of their energies and funds toward strengthening our ethical foundations, thus helping to increase our economic and political freedoms in order that this nation may be strong internally as well as externally. In this context, however, I must state that no agency of the United States government should call upon the managements of corporations, especially the transnational corporations or any of their employees, to express their loyalty by engaging in any irrelevant or covert activities for the government.

The lack of public confidence in business, with its accompanying uncertainty, represents no small handicap to overcome in plans for the future. We are all going to have to live with and deal with ever-increasing and ever-more-complicated ethical problems. What we do with diverse problems of health, unemployment, inflation, defense, energy, human productivity, and capital formation will be substantially influenced by ethical judgments. A dishonest society or dishonest government contributes to inflation, and inflation, in turn, encourages dishonesty with a society. In effect dishonesty is the cancer of a free economy. In our tenuous, complex, interdependent, technological world, if we wish to survive in freedom, ethics must become a more urgent and pragmatic priority. The question is not whether we are as ethical and honest as we used to be, but how much more responsible we must be in order to keep our private enterprise economy efficient and sustainable.

I must caution one and all against underestimating how corrupt and rip-offish our society is. The Wall Street Journal recently reported that a University of Wisconsin economist, Edgar L. Tiege, estimated that our underground economy alone may amount to 27 percent of our total GNP, up from a recent estimate of 10 percent. Using this latest percentage estimate, our unaccounted for and untaxed underground economy amounts to $700 billion annually. And, just think, less than a year ago I was emphatically told by an executive of a large business association that my minimum estimate of $200 billion annually was grossly overstated. Several years ago I stated to a national retail public relations conference that the unequal burden of inflation forces those who cannot keep pace to condemn the whole track meet. The underground economy is but one manifestation of the dangerous undertow of inflation.

Those who "get by" in the underground economy may lose a high measure of self-respect and almost inescapably will lose faith in the government that "tempts" them. They also become cynical toward other institutions of a free society and often focus their criticism on big business because they believe big business is "getting by" with more than they are. So, it is little wonder that open and free societies cannot survive a long period of inflation.

This nation cannot function efficiently or remain manageable unless we stop the increasing destructiveness of the deep-rooted and pervasive dishonesty and corruption that now flourishes in all segments of our society. And business leaders, in particular, must fully accept the fact that better ethics is not an abstract, philosophical, idealistic notion. It is an absolute necessity for even the short-range life of our present economic and political system. Throughout history, of all the acts that have run across this world's stage, ours has proven best. Let's not vulgarize it and see it die. Let's clean it up, strengthen it, and keep it. We'll welcome your best efforts in this obligation that is common to all who are blessed with freedom.●

LEGAL SERVICES CORPORATION

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. PEPPER. Mr. Speaker, I thank you for allowing me to bring to your attention one of several important issues pending before the 96th Congress: Reauthorization of the Legal Services Corporation, which may come up for a vote in the House soon and ought to receive our vigorous support.

I have recently received a very thoughtful and illuminating letter from Florida Senator Jack D. Gordon, who has very ably represented part of Dade County for many years, giving a most compelling example of a case in which reasonable access to legal expertise saved a small taxpayer's house, most likely saving other taxpayers money by allowing these poor people to keep their house and avoid losses disastrous to them. Only the speculator would have benefited from this cruel transaction.

Several Federal courts have held in recent years that access to the legal profession through advertising, statutory standards and Federal assistance helps to safeguard American constitutional rights to due process, fair treatment, and a more just and efficient legal system, thus benefiting the country as a whole.

I urge your support for this needed, useful, and relatively inexpensive program.

THE FLORIDA SENATE,
Tallahassee, Fla., September 26, 1980.

Re Legal Services Corporation reauthorization.

Hon. CLAUDE PEPPER,
Rayburn House Office Building,
Washington, D.C.

DEAR CLAUDE: While I know of your support for the Legal Services Corporation and its reauthorization, I wanted you to be aware of a particular situation which I feel portrays the importance of insuring that Legal Services Corporation grantees can continue to be involved in legislative activities on behalf of their clients.

In July, 1979, the deed to the home of Hattie Mae and Fedo Kennon was sold because of their failure to pay $3.05 in property taxes in 1975. The Kennons paid their property taxes every year before and after 1975. Notwithstanding this, Florida law in effect at that time permitted the sale of the Kennon's property with virtually no notice to them. In fact, it was not until the purchaser of the tax deed came to advise Mr. and Mrs. Kennon that they would either have to move out of the property or buy it back from him at a price of over $12,000 that they were made aware that they were in jeopardy of losing their property, or that they had even failed to pay the taxes in 1975.

Shortly thereafter, the Kennons sought legal assistance from Legal Services of North Florida (LSNF), a recipient of Legal Services Corporation funds. While LSNF challenged the sale of the Kennon's property, a challenge which was ultimately successful, they also worked closely with Florida Legal Services (FLS) in identifying the statutory weakness that permitted this injustice to occur. Working closely with myself, other members of the Senate, and members of the Florida House of Representatives, staff attorneys from Florida Legal Services and Legal Services of North Florida were able to bring valuable information to the attention of the legislature. In fact, a number of the proposed legislative changes recommended by the Legal Services personnel were ultimately incorporated into remedial legislation which was enacted. As a result, Florida's Tax Deed law is now substantially improved over the past existing statute by having incorporated into it a large number of procedural safeguards and due process requirements.

While the Kennon's case is one dramatic example of how Legal Services personnel have been able to provide valuable information to the legislative process, I could have related any number of other instances. As Chairman of the Senate Ways and Means Committee, I know from personal experience that Legal Services personnel have on any number of occasions offered testimony of considerable merit to the Senate. In many of those instances that information would not have been otherwise available. I hope that Congress in its deliberation on reauthorization of the Legal Services Corporation will not further restrict Legal Services personnel in providing legislative representation for the poor. To do so would not only deny low-income people an articulate and effective advocate, but would also deny the legislatures of the states vital information.

Cordially,

JACK D. GORDON,
Chairman,
Senate Ways and Means Committee.●

EMORY DOBSON: A DEDICATED JOURNALIST

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. BAUMAN. Mr. Speaker, on October 22, while we were caught up in the heat of the election campaign, Maryland lost a trusted professional, dedicated, and respected newspaperman, and I, and many others, lost a good friend. Emory Dobson of Denton died of a heart attack that night, ironically after having won a yearlong fight against cancer.

I knew and admired this man for many years. He did not merely put words on paper, but rather crafted them to produce articles and observations which stand as definitive chronicles of his times. He did not simply comment on local events, but also participated in them, both behind the scenes and in the posts of Denton town commissioner, mayor, and member of the Caroline County Economic Development Commission. Regardless of his post, though, Emory stood for two things: The truth, and the well-being of his community.

Emory Dobson was born in Carroll County, Md. He attended school in the area, then after serving in the Army during World War II he began his newspaper career. He served as editor of the Caroline County Record, although he also edited the Federalsburg Times. He also founded the Caroline Journal. He was acclaimed for his journalistic skills by his fellow reporters in Maryland and Delaware. He touched many a person's life through his work, and made us all the better by his presence. His departure is truly a loss to us all.

At this point, Mr. Speaker, I include various articles written about this exceptional man. I also extend my deepest sympathies to Emory's wife, Bernice, and his sons, Stewart and John, and his daughter, Marcia.

[From the Baltimore Sun, Oct. 24, 1980]

DOBSON, SHORE NEWSPAPERMAN, DIES

DENTON.—Emory Dobson, a jack-of-all-trades newspaperman who was considered the "dean emeritus of Eastern Shore journalism," died of a heart attack at his Denton home Wednesday night.

Mr. Dobson, 62, worked the better part of 35 years for weekly newspapers in every capacity, from linotype operator to editor and publisher.

In addition to newspaper work, he had served on boards and commissions in Caroline county and as mayor and town board member in Denton in the 1960s.

Mr. Dobson was born in Westminster, the son of a circuit-riding Methodist minister. He attended schools on both sides of the Chesapeake Bay, graduating from Westminster High School. He attended nearby Western Maryland College for a few years.

He served in the Army during World War II, and saw action in Europe and Africa.

Mr. Dobson took his first newspaper job in 1945 as a linotype operator for the weekly Eastern Shore News in Onancock, Va.

But he was not content with merely setting the type. He covered news events and wrote the stories on the linotype machine "until he was good enough to be the editor" a few years later, according to his son, Stewart S. Dobson.

In 1953, Mr. Dobson became editor of the County Record in Denton, the first of two stints on the weekly Caroline county newspaper, most recently from 1966 to 1975.

He also edited at various times the Times Crescent in La Plata, Charles county, and the Federalsburg Times in southern Caroline county.

In 1976, mostly with family members, Mr. Dobson founded The Journal, a local weekly that he continued to edit after it was purchased by a newspaper chain in Delaware the next year. The newspaper went out of business during the summer, Mr. Dobson's son said.

Among his community activities, Mr. Dobson served on and was for a time chairman of the Caroline County Economic Development Commission in the early 1960s and also was appointed to the county Planning and Zoning Commission.

He gave up the latter post in 1962, saying he could be more objective and "do a better job of keeping the public informed" by resigning from the zoning board.

He was a longtime member of the local Rotary organization, a trustee of the county library system and a newly named member of the advisory council for the state's regional library system.

He was a director of the Caroline Nursing Home, and was considered a major influence in the establishment of the Goldsboro Medical Center in upper Caroline county.

He also was a member of American Legion Post 29 in Caroline county and a member of Union United Methodist Church in Federalsburg. He was chairman of the church's council of ministries.

Several weeks ago, the Caroline Board of County Commissioners lauded Mr. Dobson's newspaper career in a formal resolution.

Colleagues said he was a journalist who could write a story, take and develop the pictures, set an article into type, lay out and engrave the page, print what he had written and deliver the finished product himself, if necessary.

Stewart Dobson, who writes for a weekly newspaper in Arizona, said his father told him "the only excuse for a weekly newspaper is service to the community."

And if his father had a philosophy as a journalist, the younger Mr. Dobson said, it might have been "that whatever it was that provoked the eventual disclosure of the truth was worthwhile."

He noted that in days when local government meetings were held behind closed doors, Mr. Dobson would "hang out" on the other side, or beneath windows, to find out what was happening and report the news.

Survivors, in addition to his son, include his wife, the former Bernice Smith; another son, John C. Dobson, of Ridgely, who is a pressman for an Eastern Shore printing company; a daughter, Marcia Dobson Poole, of Somerset, Va.; two brothers, Albert Dobson, of Onancock, and Elwood Dobson, of Federalsburg, and six grandchildren.

Services will be held at 2 p.m. tomorrow at the Moore funeral establishment here.

[From the Easton Star-Democrat, Oct. 24, 1980]

CAROLINE NEWSPAPERMAN, EMORY DOBSON IS DEAD

DENTON.—Emory Dobson, Eastern Shore civic leader, onetime mayor of Denton, editor and publisher, to whom colleagues referred as "the dean emeritus of Eastern Shore Journalism," died Wednesday night at his home in Siesta Drive, Denton. He was 62.

Mr. Dobson died in the course of a heart attack which came, ironically, after some three years of a valiant and apparently successful fight against cancer.

Messages of condolence and respect began arriving at the Dobson home Thursday morning from governmental and civic organizations regretting the passing of a man born in Carroll County and educated there who had come to give a major portion of his life's endeavor to Caroline County and the Eastern Shore.

First among them was a formal regret from the board of trustees of the Caroline County Public Library, a trusteeship of which was one of Mr. Dobson's last assumptions of civic responsibility. Only weeks before his death, the county Board of Commissioners had lauded his public service as a newsman in a formal resolution.

Mr. Dobson's newspaper career had embraced two tenures as editor of The County Record, in Denton—from 1957 to 1962 and from 1966 to 1975, when he became one of the founders and publishers of the Journal. He had also been editor-in-chief of The Federalsburg Times and associated newspapers.

To his colleagues in the news business, Mr. Dobson was known for his embrasive professionalism, almost uniquely able to report a story, photograph it, write it and develop his photos, edit them, and then, if necessary, to go into the mechanical department and set into type engrave and print what he had written. And deliver it if necessary.

As one longtime colleague phrased it, "But that multiplicity of skills, along with the fact that nobody messed with his integrity, is what helped Emory be a force in community projects for the whole Eastern Shore."

Mr. Dobson had been a commissioner of the Town of Denton and its mayor, a member of the county's first Economic Development Commission, a longtime member of Rotary and other civic organizations, a trustee of the Caroline Library system and a newly appointed member of the advisory council for the state's regional library system, a director of the Caroline Nursing Home, a major factor in bringing a modern medical facility to the upper county, a member of the Union United Methodist Church of Federalsburg and at his death the chairman of the church's council of ministries. A member of American Legion Post 29 of Caroline County, he was a veteran of overseas service in World War II.

Emory Dobson is survived by his widow, Bernice Smith Dobson; by sons Stewart, an editor in Scottsdale, Ariz., and John, a printer, of Denton; a daughter, Mrs. Marcia Dobson Poole, of Somerset, Va., by two brothers, Albert Dobson of Onancock, Va., and Elwood Dobson, of Federalsburg; and six grandchildren.

[From the Caroline County Record, Oct. 29, 1980]

HE COULD DO IT ALL

(By Bud Hutton)

Emory Dobson was a civic leader, in the best sense of the word. But part of that was because he was such a darned good newspaperman, and that's the way I remember him best over a quarter of a century and more.

In these days of news specialists, Emory was an anomaly. He could go out and report a story, photograph it, go back to the office and write the story and develop the photos, all on his own. Then he could sit down and edit story and photos as objectively and professionally as if he'd never seen them before.

Well, some old fashioned newsmen could do all of that, true. But then Emory could (and did) go out to the mechanical department, sit down at a Linotype machine and set in type what he had written, process the photos into engravings, set into type the headlines on another machine, assemble all of it into a page form and put it on the press.

And if he had to, Emory Dobson could run the press, too, and finally deliver the fresh-lined product to the readers.

That, I submit, is being a very professional newsman.

But, of course, Emory Dobson was a lot more than that, as I increasingly grew to know over the years. There have been, for instance, few persons more dedicated to the good of Caroline County.

Emory's concern for Caroline County ranged from the establishment of a country club to roadside markets, from Martinak Park to the never-fulfilled concept of a major restaurant-and-inn for the county. He worked with others on these projects, and as a newsman made sure that they had the credit. When Marvin Smith and I revived, successfully, the long-dormant Marshyhope project, it was Emory who backed it, no matter it was the project of the "other" county newspaper. When I turned up a scam on the Federalsburg by-pass bridge, it was Emory who told the defenders of that scam to "get lost" if they expected him to take any other view.

Emory could stand in a quiet corner and convince commissioners or whomever of solid, fundamental logic about a proposed measure. There was, even more than his primacy, as a newsman, a reason for that. It was pure, simple, old-fashioned integrity. And everyone who dealt with Dobson knew it.

A Tough Competitor

(By Dick Amrhine)

I like Emory Dobson, but more than that, I respected him as a journalist and as a newspaperman; for his courage and tenacity.

I first met Emory when I came to work here as a reporter almost five years ago. At that time he was undertaking the seemingly insurmountable task of building a new newspaper from the ground up. Though the Caroline Journal lasted only a little more than four years, it provided the editorial competition for this newspaper that only Emory could direct. He knew and loved Caroline County, and wasn't about to forfeit his feeling of responsibility to provide it each week with what it needed and wanted to know.

He did it with flair. Emory Dobson was a writer.

It was with mixed emotions I picked up a copy of the Journal each week. I looked forward to see what "Yr. obdt. servt." had to say, but it was also the time to find out whether I had done all my homework the previous week.

After the Journal ceased publication, it came to me that a terrific newspaper story was staring me in the face. He was no longer a competitive force, he was news. Two terms as editor of the County Record, editor and publisher of his own newspaper, former Denton mayor and commissioner, public servant. Now his story was fair game. And I was going to talk him into letting me write it. He told me a couple of weeks ago that he wanted to come by our office to collect information from old newspapers. He said he was planning to write a book about three decades of news gathering on the Eastern Shore. He said he didn't care if it wasn't a best seller, but that it was just something he wanted to do. A writer has to write.

The County Record staff and all of Caroline County will miss Emory Dobson and certainly never forget him. For years to come his work will serve as a reference when it comes to gathering information about Caroline County. Those who read it will find it accurate, informative, entertaining, thorough and well-written.

I will remember him in the only way I know how: As a newspaperman who could do it all. And you can quote me.

[From the Delaware State News, Oct. 23, 1980]

Newsman Dobson Is Dead at 62

(By J. L. Miller, Staff Writer and Dan Tabler, Associate Editor)

DENTON, Md.—C. Emory Dobson, longtime weekly newspaper editor and a former mayor of Denton, died Wednesday night at his home in Denton, Md.

Dobson, 62, was stricken by a massive heart attack at home about 6:30 p.m. and was pronounced dead on arrival at Memorial Hospital in Easton.

Dobson, started a weekly newspaper, The Journal, in 1975 with sons John C. Dobson and Stewart S. Dobson.

The Denton paper was sold to Independent Newspapers Inc., parent company of the State News, but Dobson continued to run it until July when the paper folded.

Dobson was "a gem to work with," Adelaide Warfield, a close friend and business associate for nearly 20 years, said.

"Emory was Mr. Newspaper in Caroline County. No one knew the people and the county the way he did, and no one but him really knew what a fine county we have here," Warfield said this morning.

"Emory Dobson can never be replaced as far as being a newspaper-person of Caroline County. The only one that could write his obituary is Emory Dobson," she said.

The Carroll County native began his newspaper career shortly after his military service ended in 1945, when he signed on with the Eastern Shore News in Onancock, Va.

He was news editor for the paper, one of the largest weeklies on Virginia's Eastern Shore, for nearly 10 years.

He then moved to the Eastern Shore of Maryland, where he was editor of the County Record at Denton, remaining there until the early 1960s.

He also worked for the Federalsburg Times and took over operation of the old Denton Journal.

He was editor of the Denton Journal until 1975 and started The Journal in January, 1976.

After The Journal was closed, Dobson went into semi-retirement, but had just landed a job as a part-time public relations consultant for the Caroline County Board of Education.

"He was really looking forward to this. He was ecstatic about it, because it wouldn't take up too much of his time," Warfield said.

Warfield, who was business manager for The Journal, is starting a Caroline County magazine with the first edition scheduled for printing Monday.

"Emory was so enthused about this . . . he helped tremendously to get this thing going," Warfield said, adding that the magazine's first edition carries an editorial by Dobson.

His two sons are following in his footsteps, with John Dobson working for a printing firm in Easton and Stewart Dobson editing the Sun City Citizen, an INI publication in Arizona.

Dobson is also survived by his wife, Bernice, a daughter, Marcia Poole of Somerset, Va., and six grandchildren.

Funeral arrangements were incomplete this morning.●

PITTSBURGH, CITY OF SUCCESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, "One for the thumb in '81" is an often-heard Pittsburgh phrase which means the Steeler's have only one place left on which to put their fifth Super Bowl ring. I have confidence that they will reach that goal.

However, Pittsburgh today is recognized as more than just the city of champions. It is a city experiencing a Renaissance II, growing with many new cultural and business centers, and building a reputation of success unmatched by any other city of its size.

Mr. Speaker, I include the following article from the October 1980 USAir magazine by Barry Tarshis entitled "City of Champions," at this point in the RECORD.

City of Champions

Two decades ago it was easy to snicker at Pittsburgh's smoky image and losing sports franchises. Today, no one ridicules the world champions or their vibrant, revitalized hometown.

One of the first billboards you see nowadays as you head from the airport toward downtown Pittsburgh has a picture on it of a huge football helmet and a proportionally sized baseball cap, side by side. The helmet and the cap are both black with gold trim, and the cap has a row of gold stars running across its front. Above the picture runs the headline: "The City of Champions."

Some chutzpah, no? You don't know the half of it. "City of Champions" is a phrase you now run into almost everywhere you go in Pittsburgh. You see it not only on billboards but on sweatshirts, pennants, caps, tee-shirts, bumper stickers, even on restaurant menus. And why not? Pittsburgh, after all, is home to both the omnipotent Steelers, Super Bowl champions for the past two years and for four years out of the past six, and the celebrated Pirates, who are the defending champions of baseball and have won more division championships over the past ten years—six—than any other team in either the National or American League. Which is not to mention the University of Pittsburgh, whose football team was the number-one-ranked team in the country three years ago, or the Pittsburgh Triangles, who don't exist anymore but did manage a few years back to win a championship during the brief and troubled history of World Team Tennis.

As it happens, I was born and grew up in Pittsburgh, and, although I haven't lived there in more than 20 years, I still—for reasons I have stopped trying to figure out—tend to get emotionally wrapped up in the teams that wear the Pittsburgh colors. So I have derived a good deal of pleasure from the success enjoyed of late by Pittsburgh's teams, especially the Steelers and the Pirates.

But what struck me during my last visit to Pittsburgh is the feeling I got that the spirit behind the "City of Champions" slogan is spilling over into areas of Pittsburgh life that have nothing to do with sports. I'm not saying there's a direct cause-and-effect relationship at work here (although there very well may be), but the fact remains that the pride Pittsburghers, on the whole, now take in their teams is paralleled by a sense of pride in the city itself: its appearance, its role in the nation's economy, its cultural institutions, its universities, its nightlife and restaurants.

I know what you're thinking. What's so unusual about people being proud of their city? Nothing, really, except that Pittsburgh has never been a city that was very comfortable about tooting its own horn, and this was particularly true during the 1950s, which is when I went to high school and college in Pittsburgh.

Not that we had anything against the city in those years. Pittsburgh, after all, has always radiated a certain warmth and down-to-earthness you don't usually find in comparably sized cities—particularly cities in the northeast. We were aware that Pittsburgh was the "steel capital" of the country. And we were aware, too, that the post-war "Pittsburgh Renaissance" (not to be confused with the Renaissance that took place in Europe six centuries earlier) had pretty much done what it set out to do: It gave us a rather impressive looking downtown area (the "Golden Triangle"), it cleared away blocks and blocks of slums, and it went a long way to improve the quality of Pittsburgh's air, which, at one time, was perhaps the grayest, the smokiest, and the foulest in the U.S.

But we weren't naive. The fact that you can inhale without punishing your lungs is very nice, but hardly the sort of thing you're going to brag about if you're comparing your city to, say, San Francisco, New York, Chicago, or Boston. True, Pittsburgh's Renaissance did make the city a cleaner place, a more pleasant place to live, and it did, in fact, serve as a model for urban renewal projects throughout the country. But it didn't impart to the city any real measure of style, and didn't have any substantive effect on the image most of us had of Pittsburgh: that it was a nice place to live but not the sort of city you would go out of your way to visit. Pittsburgh, in the wake of its Renaissance, was like a woman who undergoes successful cosmetic surgery but still has trouble afterward accepting the fact that men are attracted to her.

What made matters worse in those days was that we were able to draw no chauvinistic nourishment whatsoever from the teams representing Pittsburgh in the sporting wars, the lone exception being the Duquesne University basketball team, which put together a string of big seasons in the mid-1950s. The Pirates, who are led today by the likes of Willie Stargell and Dave Parker, were the perennial doormats of baseball's National League, an inept assemblage of has-beens and would-never-bes whose most salient characteristics as a team was the ability to lose imaginatively: outfielders bumping into one another on routine fly balls, catchers dropping third strikes, baserunners overtaking one another on the basepaths.

The Steelers were more respectable but no less frustrating. Always a scrap iron tough, make-you-black-and-blue kind of team on defense, the Steelers were the last professional team to abandon the old run-oriented single-wing formation. And even after they coverted to the "T" formation, they continued to run their offense so conservatively (the Steelers' bread-and-butter play back then was a hand-off to fullback Fran Rogel—a play they ran so frequently it became known as "Hey diddle diddle, Rogel up the middle") you couldn't help but wonder why they bothered to convert in the first place. Worse was the team's penchant for missing crucial extra points and fumbling in the shadow of the goal post. You may find it hard to believe, but the most efficient winning machine in professional football today once played the game like a team collectively possessing a death wish, and listening to their games on the radio, which I did religiously, was terrific training if your ambition in life was to become a professional masochist.

One curious aspect of this unusually fallow era in Pittsburgh athletic history is that the legion of us who rooted for the Pirates and Steelers were incredibly tolerant and supportive, never mind how badly the teams played. Pittsburgh football and baseball fans are supportive today, too, but not always tolerant, which has led some people to suggest that fans in Pittsburgh have been spoiled by success. Maybe so. But better to be spoiled by success than to be as we were in the '50s, spoiled by failure, spoiled in the sense that our limited expectations never prodded us into making many demands on the Pirates and Steelers brass. It was almost as though we were, as a city, embarrassed to recruit blue-chip talent, figuring that anybody good enough to be a superstar wouldn't want to play for Pittsburgh anyway.

Let me explain just how deep this complex ran. One year—I don't remember which—the Steelers were entitled to the number-one pick in the college draft. Available that year was Jimmy Brown, the University of Syracuse running back who would go on to become the greatest running back in NFL history. The Steelers passed up Brown and drafted a defensive halfback from the University of Colorado named Gary Glick. And nobody, not even the newspaper sports reporters, complained! I mean, who would question the judgment of a man who passes a weekend alone with Bo Derek the better to stay at home and wash the car?

Suffice to say that this timorous spirit which once pervaded Pittsburgh is no longer operational in the psyche of the typical Steeler or Pirate fan, and no longer operational, either, in the psyche of Pittsburghers in general. "The big difference today," suggests Richard A. Cohen, an aide to Mayor Richard S. Caliguiri, "is that the younger generation of Pittsburghers aren't as hung up on the image of Pittsburgh as a dirty 'steel city' with nothing else going for it as the older generation was. The city no longer has an inferiority complex."

Indeed it doesn't, nor should it. For Pittsburgh's accomplishments in recent years don't stop at the exit gates of Three Rivers Stadium. Pittsburgh now ranks third, behind New York and Chicago, in the number of Fortune 500 companies who have their corporate headquarters in the city, and ranks second in this department if you figure the list on the basis of investment capital (instead of sales). Pittsburgh's educational facilities, in particular the graduate schools at Carnegie-Mellon University and the University of Pittsburgh, have become among the most prestigious in the academic world. (A Carnegie-Mellon computer-science professor, Dr. Herbert Simon, was awarded the Nobel Prize for economics in 1978.) The Pittsburgh Symphony, always respected when it was under the baton of William Steinberg, is making its mark on the national music scene, thanks, in large part, to the charisma of Andre Previn, who took over the orchestra after Steinberg retired in 1976. And the Pittsburgh Ballet Company, which ten years ago gave only five performances a year, has blossomed into one of the six major ballet companies in the country outside of New York, its combined audience both in Pittsburgh and on its nationwide tours now exceeding 250,000 a year.

But probably the most telling thing to be said about Pittsburgh today is that in contrast to many of its sister cities in the northeast and midwest, Pittsburgh's best days appear to lie ahead and not behind. This isn't to say that Pittsburgh has been spared the urban ills that infect so many large cities today. Hardly. But in Pittsburgh, at least, you get the feeling that the problems are being aggressively addressed and you sense an optimism and a civic vitality that you don't sense in many other cities.

The chief reason behind the optimism is something called Renaissance II—an ambitious and visionary redevelopment program, initiated by Mayor Caliguiri, designed to do for Pittsburgh in the 1980s what Renaissance I did for the city in the 1950s, but with less concern with the air surrounding the city and more concern with the spirit within the city. One of the prime goals of Renaissance II is to reverse the flow of middle- and upper-income families from the central city to the suburbs, and the chief strategy in this undertaking is the rejuvenation of many of the city's older neighborhoods.

Symbolic of this new strategy is Station Square, a commercial, residential, and entertainment complex now taking shape along 40 acres of what was previously abandoned railroad land and terminal buildings on Pittsburgh's south side. Ultimately, Station Square will be a mini-city, a mix of shops, restaurants, office buildings, a hotel, park, marina, and outdoor festival areas, all of it radiating a turn-of-the-century flavor. City officials are unusually bullish on the future prospects of Station Square, and well they should be, since the huge, Edwardian-style restaurant in Station Square, the Grand Concourse, is now one of the most heavily trafficked restaurants in the city.

Local boosters also expect great things from another reconstructed landmark. The Bank Center, which converted five circa-1900 buildings in the heart of downtown into a contemporary shopping, theater, restaurant, and office park. The intricate ornamentation still visible in the five refurbished bank and office buildings is worth a visit in itself. Huge stone fireplaces to warm corporate boardrooms, solid bronze double doors, a leaded stained-glass skylight, and other bits of finery lent these buildings an aura in the early 1900s that earned this part of town the nickname the "Wall Street of Pittsburgh."

Meanwhile, work continues on Pittsburgh's new multimillion-dollar Exposition and Convention Center, set to open in the spring of next year. Construction is now underway on a new $100 million downtown skyscraper that will be the headquarters of PPG Industries (what had once been familiarly known as Pittsburgh Plate Glass), while work is moving ahead on a downtown subway system. It's a busy city.

"Pittsburgh is very lucky," observes one city official. "Some cities have the money but not the commitment, and some cities have the commitment and not the money. We have both."

None of which necessarily means that Pittsburgh is now, or is destined to become, a tourist mecca. Far from it. Like some of the well-tempered provincial capitals of Europe (which is how Dr. Herbert Simon likes to describe Pittsburgh), and unlike cities whose lifeblood is tourism, Pittsburgh is concentrating its energies on becoming a more pleasant place for Pittsburghers, which is something quite different from becoming an exciting place for visitors. There is much to do an see in the city, but it is all within the fabric of the city's lifestyle: a night at Heinz Hall with the Pittsburgh Symphony or Opera; an hour or two at the new Scaife Gallery in the Carnegie Institute, on of Pittsburgh's outstanding museums; a morning at Phipps Conservatory, the second largest plant and flower conservatory in the U.S.; a day or evening at the ball park; a stroll through some of the streets on the north side (not far from Three Rivers Stadium), where renovated "great houses" worth $250,000 stand beside row houses worth less than $30,000.

Probably the most touristy thing you can do in Pittsburgh is to ride the incline, a hill-climbing cable car that gives you a terrific view from Mt. Washington of the Golden Triangle (it's called that because two rivers, the Allegheny and the Monongahela, come together to form the mighty Ohio at the tip). There are actually two inclines—the Duquesne and the Monongahela—and both supply views that you wouldn't be ashamed to call "panoramic."

Pittsburgh's visitors' bureau has a booklet that lays out a walking tour of the downtown area and, if you have the time, you should take a few hours or so to explore the section of the city known as Oakland, which is the nerve center of Pittsburgh's academic and cultural life. It's there you'll find the University of Pittsburgh, Carnegie-Mellon University (which includes the massive Carnegie Institute, containing the city's Museum of Art, Museum of National History, and Music Hall), the Mellon Institute, the Pittsburgh Playhouse, and Schenley Park, where Phipps Conservatory is located.

Restaurants? Well, Pittsburgh isn't about to crowd New York or San Francisco off the culinary map, but the restaurant picture is far brighter today than its ever been. A relatively new restaurant, called La Normande, has given Pittsburgh its first truly first-rate French fare. A new restaurant inside the downtown William Penn Hotel, called La Plume, offers what some people now say is the best steak in Pittsburgh. Common Plea, close to the downtown court building, is solid on all counts and has some of the city's best seafood. The Balcony and Cafe Stephen B's are two of Pittsburgh's more stylish restaurants, both located in the section of town known as Shadyside, which, at one time, was to Pittsburgh what Greenwich Village is to New York.

If you're looking for very good Italian food, Tambellini's Seventh Street Cafe won't disappoint: it's long been one of Pittsburgh's most successful restaurants. La Monte, a Pittsburgh dining institution, and Christopher's are both located on Mount Washington and, as such, furnish a marvelous view of downtown and the rest of the city. And, of course, there is the aforementioned Grand Concourse, in Station Square, which has emerged as the city's most popular gathering place for singles.

It's noteworthy that the majority of the places just mentioned are of relatively recent vintage so that visitors who come to Pittsburgh for the first time are surprised, given Pittsburgh's old image, that the city has such a diversity of good places to eat. Then again, surprise seems to be the most common reaction for visitors whose preconception of Pittsburgh is one that was formed long ago, when the air was still smoky, the downtown area run-down, and the Steelers and Pirates big losers. Today only the local brand of beer goes under the name "Iron City."

Not long ago, at a school soccer game in Connecticut, where I now live, the father of one of my son's teammates informed me that his company was transferring him to Pittsburgh. I was prepared, once he told me this, for a litany of complaints, but you have to remember that I am as much a victim of Pittsburgh's past as anybody. The complaints never came.

"I was there last week," the man said, "and, you know something, the city is much nicer than I thought it would be, I'm looking forward to the transfer."

Chalk up another victory for the "City of Champions."

AS WE SEE IT

Pittsburgh's business leaders give their opinions of the city as a place to work and a place to live.

W. H. KROME GEORGE, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, ALUMINUM COMPANY OF AMERICA

"Pittsburgh is Someplace Special" was a slogan the city used a few years ago, and now, in 1980, those words mean more than ever. Fresh new things are happening here. The city is on the move. That slogan has extra meaning to Alcoa. Founded in 1888, Alcoa is a native Pittsburgher, so we have a vested interest in the growth of the city.

Pittsburgh's people play an important role in making this a special place. They are proud and strong and eager to share their culture and heritage.

But the most exciting feature of this old industrial city is the warmth and charm of the buildings and rivers. Renaissance II was initiated to rejuvenate the neighborhoods, stimulate economic development, and encourage movement back into the central city.

Since then, we've seen a rustic old railroad station turn into one of the most intriguing restaurants in the country. We've watched the historic Market Square shopping area take on a fresh, open-air look and become a booming business and recreational center. And I am particularly pleased that the modernization of Alcoa's William Penn Hotel fits in with the city's rejuvenation.

Many other business and recreational projects are planned for Pittsburgh. These are productive and exciting days for us, and Alcoa is proud to be in the midst of this progressive city.

ROBERT E. KIRBY, CHAIRMAN, WESTINGHOUSE ELECTRIC CORP.

Pittsburgh's second Renaissance is more than a physical facelift. It is a 'people' renaissance, which will bring social and economic benefits to this area, its citizens, and institutions.

An improved quality of life in Pittsburgh is expecially important to Westinghouse, which is headquartered here and employs 25,000 persons in Southwestern Pennsylvania. Pittsburgh has all the advantages of a great city—a first-rate symphony, outstanding art collections, superb universities, theater events, and winning sports teams.

"And Pittsburgh has something else you normally associate with small towns—friendly people. People are really what Pittsburgh's new Renaissance is all about.

J.S. MORROW, PRESIDENT, H.K. PORTER CO., INC.

In my opinion, the Pittsburgh Renaissance saved the life of the city's business. A city based on manufacturing will survive as long as its plants and the equipment in them are continually modernized.

But Pittsburgh is not a manufacturing city. (The only large plant within the city limits is Jones and Laughlin's South Side Works.) Pittsburgh is a headquarters city. Sixteen of the Fortune 500 companies have their main offices here, as do a host of smaller companies. The men and women who work in these offices tend to be well-paid, intelligent, and well-educated. They would not have worked in the old Pittsburgh with its grime.

Pittsburgh is an ideal headquarters city. Because of its location between the Allegheny and Monongahela Rivers, the downtown area is quite compact. A walk from the U.S. Steel Building at the eastern end to the buildings in Gateway Center at the western end takes less than 15 minutes.

Pittsburgh is alive and well today because of the Renaissance. to stay that way such a program will be required on a continuing basis.

W. H. KNOELL, PRESIDENT, CYCLOPS CORP.

We, of course, have a very direct interest in Pittsburgh as a business center as a result of our Busy Beaver Building Centers operation, which has ten retail stores in the Greater Pittsburgh area. We find it an excellent market.

But broader-based and somewhat more subtle is the response of personnel joining the Pittsburgh operations of Cyclops. These people come from various parts of the country and, virtually without exception, they are delighted with the Pittsburgh community as a home. This reputation is getting around and helps in our recruiting.

DAVID M. RODERICK, CHAIRMAN, U.S. STEEL CORP.

The roots of U.S. Steel and its people are deep in Pittsburgh. Having lived and worked here since before the turn of the century, we eagerly joined with local government, industry, business, and labor in the unprecedented Renaissance of the city.

U.S. Steel will continue to be a part of the dramatic changes of Renaissance II. Even now, we are working with the city toward the eventual development of the Grant Street East Project. This new U.S. Steel undertaking could result in an office tower of up to 50 stories and a hotel. The project typifies the continuing need for constructive cooperation between private industry and local government to achieve civic progress.

L. S. WILLIAMS, CHAIRMAN, PPG INDUSTRIES, INC.

Since its founding in 1883, PPG Industries has been linked far more than geographically with the Pittsburgh area. The company also has participated in the changing nature of the city.

As part of Pittsburgh's original Renaissance in the 1950s, PPG was one of the first occupants of the Gateway Center complex that began the transformation of the city's "Golden Triangle" area. From a tangle of warehouses and other unsightly structures, this area has evolved into a modern complex of offices, hotel and apartment buildings, a stadium, public squares, and plazas.

We also contribute to Pittsburgh's renown as a major corporate headquarters city and have laid plans to continue this relationship into the coming century. As part of Renaissance II, PPG is planning to construct a modern office tower and adjoining buildings, linked to Gateway Center and Market Square by walkways, a public plaza, and a winter garden.●

REVENUE SHARING

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. LEE. Mr. Speaker, I rise in support of the continuation of revenue sharing, and I urge my colleagues to join in the immediate passage of this needed measure.

Prior to our recent recess for the elections I sent letters to you, Mr. Speaker, as well as President Carter to urge the 96th congressional leadership to bring the proposed revenue-sharing bill to the House floor for a vote soon after returning to the "lame duck" session. I am pleased the measure is finally before us, though I feel a disservice has been done to the thousands of local governments dependent on revenue sharing who must by law prepare and adopt their budgets during October and November. The delay in bringing this bill to the House floor was inexcusable, and caused unnecessary hardship and uncertainty.

There is no question, either in the minds of my constituents or in the records of my words and actions in this House, that I am in full agreement with many of the initiatives to reduce this Nation's budget and debt through a prudent paring of spending programs. The handling of our revenue-sharing program by this Congress, however, is not prudent. Denial of this program will simply dump a Federal tax burden onto our localities for property taxpayers to assume.

I must state emphatically, Mr. Speaker, that this bill is no prize for America's communities. The measure fails to provide funding increases for community-level allocations or even to take into account the broader needs and the impact of inflation. But by all accounts, the proposed revenue-sharing measure before us today, regardless of its obvious shortcomings, is far better than no revenue sharing at all.

No one would argue with the need to reduce spending, but the elimination of revenue sharing is simply the wrong place to cut the budget. Of all the Federal Government's programs, this one provides the most direct, no-strings aid to the local property taxpayer and represents the least administration costs at the Federal level.

It is bad enough that local governments will not be able to budget with any certainty because of this delay in the bill's consideration, but if it is allowed to die entirely—as apparently happened on September 30 with the close of fiscal year 1980—the ultimate results could be devastating on local property taxes.●

GENERAL REVENUE SHARING: IN THE BEST INTEREST OF THE NATION

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. PURSELL. Mr. Speaker, once again I rise to indicate my strong support for the general revenue-sharing program. As a county commissioner and later a State senator I was able to observe firsthand the many benefits of this approach. Now, as a Member of Congress, I am convinced more than ever that public officials closest to the people and their problems—at the State and local levels—are in the best position to make the decisions necessary for attacking these problems and administering the programs designed to solve them.

As you know, the revenue-sharing program was begun in 1972 in order to return—and let me emphasize the word return—money to the States and local communities to spend as they wish, without the restrictions attached to categorical Federal grants. If nothing else, this approach results in immense savings by eliminating excessive duplication and redtape alone.

For example, a General Accounting Office study recently cited a typical community of less than 1 million people that had 44 separate federally funded employment and training programs empowered through 16 legislative authorities and administered by 9 different organizational units. According to Science magazine, researchers spent 2,700 man-years in 1978 applying for categorical grants. Further, it is my understanding that the State of Wyoming turned down a juvenile justice grant because it would have cost $500,000 in paperwork to obtain $200,000.

The issue before us today is whether or not we are going to turn backward, taking action that will result in more such horror stories, or if we are going to continue our modest beginnings forward and work toward more effective spending practices and greater accountability.

Some will argue that with multibillion dollar Federal deficits, Washington cannot afford to let the States and local communities keep any more of their money. Well, I say that the taxpayers cannot afford to continue shipping these funds to the Nation's Capital, when they are needed at home.

Because of the double-digit inflation—produced in Washington—State and local government costs have risen astronomically. The most recent forecast by Data Resources, Inc., indicates that the State-local sector will incur deficits of $11.7 billion in 1980, $14.9 billion in 1981, and $13.3 billion the following year. In a 100-city survey conducted by the National League of Cities, 79 percent reported the need to cut vital services, freeze or reduce employment, delay capital improvements, or raise taxes in order to avert impending fiscal crises.

Meanwhile, Federal grants in aid to cities have declined in real terms and the general revenue-sharing funding level has been held absolutely constant. Current conditions dictate that revenue sharing must be continued and, in fact, should be increased in face of the effects of inflation, which has increased by 50 percent since 1976.

Accordingly, I strongly support the Gephardt amendment that would add a modest $460 million in fiscal years 1982 and 1983. It should be noted that this funding would be subject to the appropriations process, so Congress will have ample opportunity to review it each year.

In addition, I intend to vote for the bipartisan Wydler-Conable-Mitchell-Rodino amendment, which simply preserves the option of Congress to resume the State share of revenue sharing in future years. Projections by both Data Resources, Inc., and Chase Econometrics, Inc., show that State governments in the aggregate, like their local units, will experience deficit spending beginning this year.

States in certain areas of the country, such as the Northeast and Midwest, already are experiencing such deficits, and are spending most of their revenue-sharing funds for much needed education and social service programs. Furthermore, it is estimated that approximately 60 percent of the State share is passed through to local governments.

In summary, general revenue sharing gives States and localities maximum flexibility for quickly responding to the pressing needs of communities with divergent problems. It is needed now more than ever, especially by those areas most severely affected by the nationwide recession. Accordingly, I urge my colleagues to strongly support this reauthorization legislation and to seriously consider voting for the amendments I have discussed. You will find that such action not only will be in the best interest of your State and its local communities, but also in the best interest of the entire Nation for years to come.●

U.S. STRATEGIC DOCTRINE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HAMILTON. Mr. Speaker, in August of this year, President Carter issued Presidential Directive 59 (P.D. 59), which has intended to restate U.S. strategic doctrine and provide guidance for proceeding with the necessary planning and weapons system acquisition to implement the goals of that doctrine. Subsequently, a great deal of confusion emerged over the extent to which this directive constituted a change in U.S. nuclear strategy.

In his address before the Naval War College in Newport, R.I., on August 20, 1980, Secretary of Defense Harold Brown stated that:

> P.D. 59 is not a new strategic doctrine; it is not a radical departure from U.S. strategic policy over the past decade or so. It is, in fact, a refinement, a codification of previous statements of our strategic policy. P.D. 59 takes the same essential strategic doctrine, and restates it more clearly, more cogently, in the light of current conditions and current capabilities.

In September, the House Foreign Affairs Committee's Subcommittee on International Security and Scientific Affairs was briefed in executive session to review our nuclear targeting doctrine and P.D. 59. Testimony presented at that time raised some questions about the meaning of this most recent restatement of our strategic nuclear doctrine.

In correspondence with the Department of Defense, I have sought to seek further clarification of the intent of the policy contained in P.D. 59. The responses to my questions to the Department of Defense seem to indicate that the nuclear strategy codified in P.D. 59 enhances our flexibility in nuclear planning and seeks to reaffirm deterrence, which has traditionally been the basis for our strategic doctrine. I hope that the information provided by the Department of Defense will help to insure that the meaning and intent of that policy are correctly interpreted.

Secretary Brown's speech and the correspondence follow:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., September 25, 1980.
Hon. HAROLD BROWN,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I would like a clarification of Presidential Directive 59 (P.D. 59) which was apparently intended to restate U.S. strategic doctrine and provide impetus for proceeding with the necessary planning and weapons system acquisition to implement the goals of that doctrine.

Deputy Under Secretary of Defense for Policy Planning Walter Slocombe appeared before the House Foreign Affairs Committee Subcommittee on International Security and Scientific Affairs on September 10, 1980 to review our nuclear targeting doctrine and P.D. 59. His testimony raised questions concerning whether this "restatement" of U.S. strategic doctrine was in fact a modification of our existing doctrine.

As you know, much of the national press has consistently portrayed P.D. 59 as embodying a "new" strategy for the use of U.S. nuclear missiles and portraying a "change" in U.S. nuclear strategy. In your August 20, 1980 address to the Naval War College in Newport, Rhode Island, you stated that "P.D. 59 is not a new strategic doctrine" and that "it is not a radical departure from U.S. strategic policy over the past decade or so." Yet P.D. 59 continues to be perceived more as a change in strategy than a continuation of U.S. strategic doctrine.

I would appreciate a prompt response to the following questions:

1. To what extent does this new statement of our strategic policy give greater emphasis and priority to targeting and striking military targets and command and control centers in the Soviet Union than did our policies in the past? Although I understand that we have always targeted military sites, doesn't this "evolution" in our strategic doctrine allow us to have more options to strike military targets? Can more military targets be targeted and struck under the guidelines set forth in P.D. 59? In giving higher priority to striking military targets, is the impression created that we would be more willing to use nuclear weapons because they could be limited more readily to striking military targets and command and control centers?

2. To what extent does P.D. 59 outline a strategy that would permit the United States to conduct a "limited" nuclear war? Did previous statements of U.S. nuclear strategy emphasize a "limited" nuclear war capability?

3. To what extent has this new statement in U.S. nuclear doctrine resulted from the current and eventual development of more accurate weapons systems, such as the Trident I and II, the Mk 12A warhead, the MX missile, and the Air-Launched Cruise Missile, which will be able to strike military targets more easily and selectively? Or, conversely, does this restatement of doctrine help to justify the continued development of such accurate systems as well as the design of new weapons systems?

4. Does the United States, at the present time, have the technical capability to carry out the objectives of its strategic doctrine? Do we have the flexibility to locate and hit selected targets in response to less-than-a-massive attack on the United States by the Soviet Union?

In your August 20 speech, you state that "It is essential that our nuclear deterrent policy be understood by the American people, our friends and allies, and our adversaries as well." It seems difficult to comprehend how that objective can be achieved when informed observers have a fairly consistent and different interpretation of the thrust of P.D. 59.

I hope that you and other members of the Department of Defense are taking the necessary steps to ensure that the intent of the policy contained in P.D. 59 and explained in your Newport speech, has been correctly interpreted by friend and foe alike.

I would hope that your response to this letter can be unclassified so that it can be used to help clarify the meaning and intent of P.D. 59.

I would appreciate an early reply to these questions.

With best regards.

Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

THE UNDER SECRETARY OF DEFENSE,
Washington, D.C., October 22, 1980.
Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: This is in reply to your letter of September 25 to Secretary Brown regarding interpretations of PD-59. The answers to your questions are contained in the enclosure.

Over the past month or so, a number of misconceptions have continued to appear in public discussion about PD-59. With the conflicting and often erroneous articles on PD-59. With the conflicting and often erroneous articles on PD-59, your uncertainty over its alleged implications is understandable. We are glad to have the opportunity to use answering your letter to lay these misconceptions to rest.

We feel very strongly that the restatement of our doctrine in PD-59 is in no way a departure from the principle of deterrence, and is in fact a reaffirmation and strengthening of deterrence. Secretary Brown has repeatedly emphasized this point in appearances before the Congress and in public statements. The objective of our current effort is not to change the doctrine of deterrence, but to stress that we have to deter the Soviet leadership, not US analysts, from war.

We appreciate your concern that the intent of the policy contained in PD-59 be correctly interpreted by friend and foe alike. We fully share that concern and will continue to take whatever steps are necessary to make clear the meaning and intent of that policy.

Sincerely,
WALTER SLOCOMBE,
Deputy Under Secretary of Defense, Policy Planning.

Enclosure.

1. Q. (a) To what extent does this new statement of our strategic policy give greater emphasis and priority to targeting and striking military targets and command and control centers in the Soviet Union than did our policies in the past? Although I understand that we have always targeted military sites, doesn't this "evolution" in our strategic doctrine allow us to have more options to strike military targets? Can more military targets be targeted and struck under the guidelines set forth in PD-59?

A. Our countervailing strategy, as formally codified by PD-59, requires the development of plans to attack an extensive and comprehensive Soviet target system, with the flexibility to employ these plans, should deterrence fail, in a deliberate manner consistent with the needs of the situation, and in a way which will deny Soviet aggression any gain, or would impose costs which clearly exceed their expected gains.

We expect there will be more options available for several target categories, including military, and there will also be continuing adjustments to the particular targets covered. However, there will not necessarily be any increase in the number of targets covered in the military (or other) categories.

PD-59 does not imply an enlargement of the Soviet military target system. It is not possible to attempt to quantify any shift in the relative emphasis to be placed on targeting of military forces. We will retain options for attacks on the full target system including industrial/economic targets. We will also have the option—and have had it in the past—to limit an attack to military targets only. Our policy under PD-59 is to stress having a wider range of more selective military focused options, but by no means to the exclusion of other forms of retaliation. In general, the changes are more a matter of adding options rather than changing targets in existing options. In order to be able to deter, at all potential levels of aggression or conflict, we will continue to be in a position to respond in a selective way against a range of military, industrial and political control targets.

Q. (b) In giving higher priority to striking military targets, is the impression created that we would be more willing to use nuclear weapons because they could be limited more readily to striking military targets and command and control centers?

A. Nothing in this concept of increased flexibility for employment of nuclear weapons presupposes a greater willingness to use nuclear weapons, though it should reinforce the credibility of our declared intention to respond effectively to aggression. Nothing in our policy contemplates that nuclear weapons can be a deliberate instrument of achieving our national security goals or an alternative form of diplomacy, because we recognize it cannot be. But we cannot afford the risk that the Soviet leadership might entertain the illusion that nuclear war could be an option—or its threat a means of coercion—for them. We believe that having less than all out but still highly effective options focussed on the key elements, military and political, of Soviet state power adds to the credibility of our deterrent. Such a response would be highly destructive, and focussed on things of great value to the Soviet leadership, and a belief that it, as well as the risk of an all out attack, could result from aggression, would decrease Soviet incentives to initiate aggression, compared with a situation in which an all-out attack was the only response about which the USSR needed to be concerned.

2. Q. (a) To what extent does PD-59 outline a strategy that would permit the United States to conduct a "limited" nuclear war?

A. (a) In our analysis and planning, we are giving greater attention to how a nuclear war would actually be fought by both sides if deterrence fails, and to the question of insuring that it is clear to the Soviet leadership that even if nuclear war could somehow be limited to less than maximum exchanges, they would still not obtain anything that could reasonably be called victory by aggression. There is no contradiction between this focus on how a war might be fought, what less than total exchanges are possible, and what the results would be, and our purpose of insuring continued peace through deterrence. For, by definition, deterrence involves shaping Soviet perceptions of the outcome of aggression.

Nor is there a contradiction between giving attention to less than total escalation and our judgment that escalation of a "limited" to an "all-out" nuclear war is more likely than the exchanges remaining limited. This focus helps us achieve deterrence and peace by insuring that out ability to retaliate is fully credible. We must have forces, contingency plans, and command and control capabilities that will convince the Soviet leadership that no war and no course of aggression by them that led to use of nuclear weapons—or any scale of attack and at any stage of conflict—could lead to victory, however they may define victory. What the countervailing strategy stresses is that it is essential for deterrence that the Soviet leaders believe that even if (contrary to our expectations) a nuclear war remained limited, the USSR would not prevail. The strategy seeks, in a sense, to ensure that deterrence doesn't depend on the Soviet leadership sharing the view of escalation that seems most probable to us, so that deterrence will still be maintained even if they hold a different (and in our view, less realistic) model.

Finally, PD-59 is not a first strike strategy. We are talking about what we could and (depending on the nature of a Soviet attack) would do in response to a Soviet attack. Nothing in the policy contemplates that nuclear war can be a deliberate instrument of achieving our national security goals because it cannot be. But we cannot afford the risk that the Soviet leadership might entertain the illusion that nuclear war could be an option—or its threat a means of coercion—for them.

Q. (b) Did previous statements of U.S. nuclear strategy emphasize a "limited" nuclear war capability?

A. (b) The U.S. already retains the option of using weapons in a limited way in response to a conventional attack on us or our allies if necessary, and such has long been U.S. policy. Policy contained in NSDM 242, which preceded and was replaced by PD-59, also emphasized the need for flexibility of forces and plans to support a range of employment options. As with PD-59, this did not imply adoption of a limited war concept, except in the sense of recognizing the need for deterrence to be effective short of maximum escalation. Indeed, we have always planned both more selectively (options limiting industrial/economic damage) and more comprehensively (a range of military targets in addition to the industrial/economic base). Previous Administrations, going back well into the 1960s, recognized the inadequacy of a strategic doctrine that would give us too narrow a range of options. The fundamental premises of our countervailing strategy are a natural evolution of the conceptual foundations built over the course of a generation.

3. Q. To what extent has this new statement in U.S. nuclear doctrine resulted from the current and eventual development of more accurate weapons systems, such as the Trident I and II, the Mk 12A warhead, the MX missile, and the Air-Launched Cruise Missile, which will be able to strike military targets more easily and selectively? Or, conversely, does this restatement of doctrine help to justify the continued development of such accurate systems as well as the design of new weapons systems?

A. PD-59 and the countervailing strategy which it formally codifies are not driven by advancements in strategic weapon systems. Technology is not leading and therefore determining our nuclear strategy; rather our national purpose of stable deterrence of a broad range of threats has determined both the programs we undertake, and therefore what technology available to exploit, and our strategic targeting doctrine.

We recognize that more accurate and more numerous systems enhance our ability selectively to attack a range of target categories, and greater accuracy produces some concomitant reduction in collateral damage. However, PD-59 does not require an increase in accuracy of strategic systems beyond that which is currently programmed in our force modernization actions, nor are its concepts the product of the increases in accuracy already accomplished or expected.

4. Q. Does the United States, at the present time, have the technical capability to carry out the objectives of its strategic doctrine? Do we have the flexibility to locate and hit selected targets in response to less-than-a-massive attack on the United States by the Soviet Union?

A. We will of course continue to adjust and improve our targeting plans to provide increased flexibility, and there are (and will continue to be) practical limits on how much flexibility we can have. However, despite these limits and the need for improvements in both forces and supporting C^3I, we have increasingly the means and the detailed plans to carry out the strategic doctrine contained in PD-59. The United States already retains the options of using weapons in a limiting and flexible way against a broad spectrum of targets comprising the Soviet political, military and economic power bases in response to less-than-a-massive attack. The number and flexibility of such options will increase with time.

As the question implies, the goal of having greatly increased flexibility for nuclear weapon employment over a range of situations, and potentially over a protracted period, requires increased endurance for our nuclear capable forces and for the C^3I systems which support these forces. Indeed, the acquisition implications of the policy are primarily in the area of C^3I needs, much more so than the weapons systems themselves. We are making improvements in the overall survivability and endurance of C^3I systems so that their capabilities are not overly stressed in the event of conflicts of even quite limited duration, and we are continuing our efforts in this direction.

REMARKS PREPARED FOR DELIVERY BY HON. HAROLD BROWN, SECRETARY OF DEFENSE, AT THE CONVOCATION CEREMONIES FOR THE 97TH NAVAL WAR COLLEGE CLASS, NAVAL WAR COLLEGE, NEWPORT, R.I., WEDNESDAY, AUGUST 20, 1980

It is indeed a pleasure to be here at the Naval War College. Your tour here will be a marvelous opportunity to step back from day-to-day line responsibilities and to give some intense and serious thought to a number of important national security issues.

One of the most critical of these and one currently receiving much public attention is strategic nuclear policy. That is the subject of my remarks today.

Fashioning strategic nuclear policy that will lead us away from nuclear war and not toward it requires dispassionate analysis, balanced judgments and a firm grasp of the complexities of the nuclear age.

The overriding objective of our strategic forces is to deter nuclear war. Deterrence requires stability. To achieve strategic nuclear stability, three requirements must be met:

First, we must have strategic nuclear forces that can absorb a Soviet first strike and still retaliate with devastating effects.

Second, we must meet our security requirements and maintain an overall strategic balance at the lowest and most stable levels made possible by our own force planning and by arms control agreements.

Third, we must have a doctrine and plans for the use of our forces (if they are needed) that make clear to the Soviets the hard reality that, by any course leading to nuclear war, they could never gain an advantage that would outweigh the unacceptable price they would have to pay.

* * * * *

The ability of our forces to survive a surprise attack is the essence of deterrence. Today, our Triad of strategic nuclear forces assures that our deterrent is survivable.

But in the future, Soviet military programs could, at least potentially, threaten the survivability of each component of our strategic forces. For our ICBMs, that potential has been realized, or close to it. The Soviets are now deploying thousands of ICBM warheads accurate enough to threaten our fixed MINUTEMAN silos. For our bombers, the threats are more remote, and for SLBMs, more hypothetical. But, the Soviets are developing, for deployment in the mid-1980s, airborne radars and anti-aircraft missiles to shoot down our penetrating B-52s. And they are searching intensively for systems to detect and destroy our ballistic missile submarines at sea. These Soviet efforts cannot be ignored.

We are responding to these current and future threats by appropriately strengthening our strategic nuclear capabilities across the board. This is necessary because, while we have essential equivalence now, the scale and momentum of Soviet programs during the 1970s, inevitably carrying over into their deployments during the 1980s, require offsetting actions by the United States. Though we made some significant advances, especially in MIRVed warheads, our investment in strategic programs in that decade was less than one-third of what the Soviets spent on their strategic programs. If we had let that trend continue, we would have faced, by the mid-1980s, at best a perception of inferiority, at worst a real possibility of nuclear coercion.

So we are strengthening all three elements of our strategic forces:

In three-and-one-half years, we have put the Trident missile and submarine program back on track. We have begun to equip our Poseidon submarines with the new Trident I missile, that increases by ten-fold the ocean areas in which they can patrol and still be within range of their targets. The first Trident submarine, the USS Ohio, will begin sea trials this year and will join the fleet next year. Her sister ship, the USS Michigan, will be launched soon.

We are taking important steps to maintain a viable and effective bomber force. Early in his term, President Carter concluded that air-launched cruise missiles would be a more effective and more efficient strategic weapon than the B-1. Since that time, U.S.

technical developments and intelligence information on advances in Soviet air defenses have strongly confirmed that judgment.

Meanwhile, we are continuing to develop the technology and to do design work on a new cruise missile carrier aircraft and a new bomber, should they be needed to cope with the threat of the 1990s and beyond.

Our most significant force deficiency in the next few years will be the vulnerability of our fixed silo ICBMs. Observers saw this trend coming for many years, but no sound technical solution was found until the MX multiple protective shelter concept was developed and selected in 1979. That program—which we believe Congress and the public will continue to support—is highly important for preserving the long-term strategic balance. The other elements of our strategic force—each of which will be improving rapidly in the early 1980s—enable us to maintain the balance and a survivable deterrent during this temporary vulnerability of ICBMs. But that is not a situation we want to live with indefinitely. We need to insure against the potential vulnerabilities of the other legs of the Triad, and not allow, for example, a total concentration by the Soviets on their anti-submarine capabilities. Hence the need for MX. The great effort (and considerable cost) that we are willing to expend to ensure MX survivability is evidence that we, plan our strategic forces in a retaliatory role. A survivable system is less threatening than the vulnerable one it replaces.

Not strictly a part of our strategic forces, but critical to the overall nuclear balance, are theater nuclear forces. Last year, the NATO alliance reached a collective decision—a very difficult decision for some allies—to respond to the large-scale Soviet theater nuclear force buildup. This decision involves a combined program of improved U.S. long-range theater forces—ground-launched cruise missiles and Pershing II—and the pursuit of efforts to negotiate with the Soviets equitable and verifiable limits on the theater nuclear forces of both sides. We have also demonstrated our support for a strong allied nuclear capability by the recent agreement to make TRIDENT missiles available for a modernized British nuclear force.

These programs capitalize on U.S. technological strengths—in submarine design and quality, in cruise missile accuracy and miniaturization, and in an effective concept for mobility for land-based missiles. They are solutions for the long-term, not simply stopgap measures. In strategic forces particularly, we need to put our resources into weapon systems that will serve our needs for the long pull, and not waste effort to produce early but only incomplete and temporary solutions.

Taken together, these programs strengthen deterrence. They provide for increased survivability for our strategic forces, by reducing our vulnerability to Soviet threats. They maintain strategic stability by enhancing our capacity to deter nuclear war.

A second part of our program to achieve strategic stability has been the pursuit of equitable and verifiable strategic arms control agreements, such as the SALT II Treaty. Arms control is not a substitute for vigorous force modernization, but rather complements it, by imposing effective controls on the size and capabilities of Soviet strategic forces. At the same time, it permits us to carry out the programs we need to maintain the strategic balance.

This Administration, like every Presidential Administration since the dawn of the nuclear age, has pursued nuclear arms control—not as a favor to our adversaries or out of any illusions regarding their true character, but as a means of enhancing our own security and the peace of the world. We want arms control agreements with the Soviets, and they with us, because we are adversaries; such agreements are not needed between friends. Mutual interest is the driving force, and mutual benefit the necessary criterion, for any arms control agreement between the superpowers.

The SALT II treaty will restrain the buildup of Soviet strategic arms to well below what it would likely be without the SALT II limits—the Soviets will be required to reduce their current strategic nuclear forces by about 10 percent and will be limited in the number of warheads they can deploy.

SALT II will make future Soviet strategic forces more predictable both in numbers and characteristics—thus making our own defense planning easier.

SALT II will prevent an unnecessary, unconstrained, and very expensive strategic arms race with the Soviet Union. This is all the more important when we face a pressing need to put more money into conventional forces—a requirement now even more urgent as a result of the Soviet invasion of Afghanistan.

The Joint Chiefs of Staff continue to consider the limitations imposed in the SALT II Treaty to be in our national security interest.

The Soviet invasion of Afghanistan made it necessary, in practical political terms, to defer SALT II ratification while we assessed the Soviet action and implemented the necessary responses. But ratification of the treaty at the earliest feasible time is still important to our national security interest.

In addition to strategic forces that are technically adequate, we need a policy framework:

To prescribe what we must do so that deterrence continues to work;

To guide our procurement strategy for acquisition of strategic nuclear forces and the corresponding command, control, and communications systems; and

To shape our operational planning for the use of our forces in war, if necessary.

As a complement to our force modernization efforts and our arms control negotiations, for the past three years we have been working intensively to make deterrence more certain and more effective, through better planning and a more cogent statement of our strategic doctrine. In this process, we have taken a number of important analytic and operational steps.

In the summer of 1977, President Carter ordered a fundamental review of our targeting policy. Over the course of the next 18 months, that study was conducted by military and civilian experts taking into account our forces, plans, problems, and capabilities, as well as Soviet perspectives, strengths, and vulnerabilities.

Since my report to the President on that analysis, we have been moving deliberately to implement its basic principles. I outlined the major precepts of this countervailing strategy in my Defense Report in early 1979, and in more detail in January of this year.

At a meeting of the NATO Nuclear Planning Group in June of this year, I briefed our Allies on the conclusions we reached and the actions we are taking. They fully support the need for the United States to have a wide range of strategic nuclear options. Our countervailing strategy is fully consistent with NATO's flexible response and indeed indicates our determination to carry out that Alliance strategy.

President Carter has recently issued an implementing directive—Presidential Directive No. 59—codifying our restated doctrine, and giving guidance for further evolution in our planning and systems acquisition.

Obviously, the details of our planning must remain a closely guarded secret. Nonetheless, the basic premises of our policy can be stated publicly without compromise to our security. In fact, it is very much in our national interest that our deterrence policy—and the consequences of aggression—are clearly understood by friend and adversary alike.

At the outset, let me emphasize that P.D. 59 is not a new strategic doctrine; it is not a radical departure from U.S. strategic policy over the past decade or so. It is, in fact, a refinement, a codification of previous statements of our strategic policy. P.D. 59 takes the same essential strategic doctrine, and restates it more clearly, more cogently, in the light of current conditions and current capabilities.

Moreover, one purpose of my own exposition of the subject today, as of my previous statements along these lines, is to make clear to the Soviets the nature of our countervailing strategy. This is to assure that no potential adversary of the United States or its Allies could ever conclude that aggression would be worth the costs that would be incurred. This is true whatever the level of conflict contemplated.

Deterrence remains, as it has been historically, our fundamental strategic objective. But deterrence must restrain a far wider range of threats than just massive attacks on U.S. cities. We seek to deter any adversary from any course of action that could lead to general nuclear war. Our strategic forces also must deter nuclear attacks on smaller sets of targets in the U.S. or on U.S. military forces, and be a wall against nuclear coercion of, or attack on, our friends and allies. And strategic forces, in conjunction with theater nuclear forces, must contribute to deterrence of conventional aggression as well. (I say "contribute" because we recognize that neither nuclear forces nor the cleverest theory for their employment can eliminate the need for us—and our allies—to provide a capable conventional deterrent.)

In our analysis and planning, we are necessarily giving greater attention to how a nuclear war would actually be fought by both sides if deterrence fails. There is no contradiction between this focus on how a war would be fought and what its results would be, and our purpose of insuring continued peace through mutual deterrence. Indeed, this focus helps us achieve deterrence and peace, by ensuring that our ability to retaliate is fully credible.

By definition, successful deterrence means, among other things, shaping Soviet views of what a war would mean—of what risks and losses aggression would entail. We must have forces, contingency plans, and command and control capabilities that will convince the Soviet leadership that no war and no course of aggression by them that led to use of nuclear weapons—on any scale of attack and at any stage of conflict—could lead to victory, however they may define victory. Firmly convincing them of that fundamental truth is the surest restraint against their being tempted to aggression.

What we have done in the past three and a half years is to look more closely at our capabilities, our doctrine and our plans in the light of what we know about Soviet forces, doctrine, and plans. The Soviet leadership appears to contemplate at least the possibility of a relatively prolonged exchange if a war comes, and in some circles at least, they seem to take seriously the theoretical possibility of victory in such a war. We cannot afford to ignore these views—even if we think differently, as I do. We need to have, and we do have, a posture—both forces and doctrine—that makes it clear to the Soviets, and to the world, that any notion of victory in nuclear war is unrealistic.

Implementing our strategy requires us to make some changes in our operational planning, such as gradually increasing the scope, variety, and flexibility of options open to us should the Soviets choose aggression. Some of this has already been done since 1977. More needs to be done. We must also improve the survivability and endurance of our command and control.

This is not a first strike strategy. We are talking about what we could and (depending on the nature of a Soviet attack) would do in response to a Soviet attack. Nothing in the policy contemplates that nuclear war can be a deliberate instrument of achieving our national security goals, because it cannot be. But we cannot afford the risk that the Soviet leadership might entertain the illusion that nuclear war could be an option—or its threat a means of coercion—for them.

In declaring our ability and our intention to prevent Soviet victory, even in the most dangerous circumstances, we have no illusions about what a nuclear war would mean for mankind. It would be an unimaginable catastrophe.

We are also not unaware of the immense uncertainties involved in any use of nuclear weapons. We know that what might start as a supposedly controlled, limited strike could well—in my view would very likely—escalate to a full-scale nuclear war. Further, we know that even limited nuclear exchanges would involve immense casualties and destruction. But we have always needed choices aside from massive retaliation in response to grave, but still limited provocation. The increase in Soviet strategic capability over the past decade, and our concern that the Soviets may not believe that nuclear war is unwinnable, dictate a U.S. need for more—and more selective—retaliatory options.

The doctrinal and planning measures we are taking—coupled with our force modernization programs—improve the effectiveness of our strategic nuclear forces across the full range of threats. They make clear our understanding that the surest way to avoid a war is to ensure that the Soviet leadership can have no illusions about what such a war would mean for Soviet state power and for Soviet society.

In sum, our strategic policy is a balanced whole—of force modernization, of negotiated limitation, and of cogent and effective deterrence doctrine. We have a single objective—to keep the peace and to reduce the dangers of nuclear war. This is at once a military, a political, and a moral objective. We will continue to pursue an integrated policy of maintaining and modernizing our forces to maintain a proper balance, seeking to stabilize the arms competition, and improving doctrine and planning to deny the Soviets any hope of victory in any nuclear war, however they may define victory and at whatever level a conflict might be fought.

It is essential that our nuclear deterrent policy be understood by the American people, our friends and Allies, and our adversaries as well. That is the purpose of this speech. It is particularly incumbent on professionals such as you to understand and to explain complex, yet critical, national security policies. Indeed, that is one of the most important functions of those of us who, by formulating or executing policy, serve the national security interests of the United States.●

SPECIAL INTEREST GROUPS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington Report for Wednesday, November 5, 1980, into the CONGRESSIONAL RECORD:

SPECIAL INTEREST GROUPS

Special interest groups are changing the face of American politics.

The influence of special interest groups on public policy is not a new phenomenon in our national life. Prohibition, women's suffrage, and the abolition of slavery are three concrete examples of the influence that they have wielded in the past. What is new about special interest groups, however, is the breathtaking pace at which they are growing in prominence and number. Just five years ago, most people could probably have named a few special interest groups at best. Today, even people who do not follow politics closely may have heard of dozens. These groups are now operating almost everywhere at every level of government for virtually every definable interest. Abortion, gun control, equal rights for women, defense spending, and tax advantages for oil producers are some of their themes.

Few Americans would deny that special interest groups have a legitimate role to play in our national life. After all, an overriding concern of the Founding Fathers was the responsiveness of government to the wishes of the governed. To assure responsiveness, public officials and those who would replace them must stand for election from time to time. Moreover, the Bill of Rights guarantees that there will be no abridgment of the people's right to petition government for redress of grievances. Special interest groups use the requirements of our system of representative government to foster rich and useful dialogue between the people and their government.

At the same time, special interest groups cause problems that can diminish the effectiveness of representative government. They focus the attention of the public official on single issues, making it more difficult for him to see how those issues fit into the "big picture" and benefit or harm the nation as a whole. In extreme cases, especially when issues are complex, government can be paralyzed. Also, special interest groups may undermine the belief of the individual citizen that his voice counts for something in the halls of government. He may eventually come to think that he cannot compete with professional lobbyists who have ample resources at hand.

Special interests groups do not hesitate to use all their resources to secure favorable treatment from government. At the national level, they develop close working relationships with committee chairmen in Congress and key appointees in the federal bureaucracy. This access means that their views will be known when policy makers deliberate. Special interest groups study their issues in depth and offer to share information with those in government who could help them. Policy makers, often pressed by the sheer number of issues on the agenda, accept this expertise eagerly. Special interest groups are not reluctant to mobilize their members at the "grass roots" to bring pressure to bear on policy makers. One "wrong" vote by a legislator, for example, can result in a highly organized campaign of punishment against him at election time.

The campaign contribution is perhaps the most potent resource of special interest groups. Many observers believe that it is the key to their increasing power. In 1974, 608 so-called "political action committees" (PAC's) spent $12.5 million on races for the Senate and the House of Representatives. Two years later, PAC's dispensed $20.5 million to congressional candidates. By 1978, 1,938 PAC's accounted for $35.4 million. This year, the broad flood gates of special interest money have burst open. Expenditures by all PAC's for congressional contests in 1980 could reach $60 million. Another trend is more significant still: the money contributed by PAC's is making up a sharply rising percentage of the total campaign dollar in Congress.

It goes without saying that access, expertise, "grass roots" pressure, and campaign money give special interest groups attention, sympathy—in a word, influence—among policy makers. The question that we must answer is not whether such influence should be allowed, but whether it has grown to the point of threatening other values which must be respected if government is to work as it should. Listening to the requests of people who have banded together to promote their interests is one function of government, but another function, equally important in the long run, is the striking of compromises for the greater good of the country. When the latter function overshadows the former, government is insensitive, even deaf, to the people's needs; when the former overshadows the latter, government is ineffective, even helpless, in trying to meet people's needs. Many Hoosiers have complained to me that the recent record of Congress shows ineffectiveness to be the greater worry at present. They are arguing—and rightly so, it seems to me—that we must seek a better balance between listening to organized interests and acting on behalf of all Americans.

There is no magic formula we can use to determine how a better balance will be established. Some reforms, however, deserve careful consideration. For instance, we might want to limit the amount of campaign money that a legislator may accept from PAC's. Rethinking how congressional campaigns are financed might go hand in hand with such a limitation. Another reform, comprehensive financial disclosure by professional lobbyists, could give the public a clearer idea of the extent of special interest activity without curtailing anyone's right to petition. Yet another possible step would be to improve the information available to policy makers by upgrading the official services that supply them with data. Finally, we might consider measures to strengthen political parties, the institutions which traditionally have served as vehicles of compromise and accommodation in our national life.●

LET THE FREE MARKET WORK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. PHILIP M. CRANE. Mr. Speaker, inflation, which is rampant, can only be stopped by drastic changes. The budget must be balanced; deficit spending, the cause of excessive money creation, must be stopped. Taxes including the windfall profits tax, hurt consumers. They should be scaled down or repraised. Personal savings are at all time lows in the United States. Tax incentives and reductions in capital gains taxes would encourage savers. To avoid urban decay, taxes, controls, and subsidies should be reduced in these areas. This would encourage jobs. The Government actions to keep prices down have discouraged oil production. For instance, The Department of Energy has spent $13 billion without producing any oil. Oil production comes from private businesses concerned with profit. This lengthy list of problems is addressed very sensibly by Robert Frisby in his essay "Let the Free Market Work." Mr. Frisby is the grandson of Owen Frisby, a respected public policy writer. We can expect more great things from this essayist. I commend him to my colleagues:

LET THE FREE MARKET WORK

(By Robert Frisby)

In this election year, the American people must deal with an ailing economy beset by rampant inflation, recession and the prospect of energy shortages in the not-too-distant future.

Only major revisions of government policy can arrest this country's economic decline and lay the foundation for a healthy recovery. These revisions must include regulatory reform, tax relief, fiscal responsibility and monetary restraint.

In some sectors of the economy, government action has kept prices artificially low. Government controls on the price of oil discovered in this country, for example, have discouraged oil production and development of new energy sources. The partial deregulation of oil prices encouraged new efforts in the search for energy supplies in America. During the first half of 1980, 34.9 percent more oil wells were completed than in the same period last year. This is because the rising price of oil signaled private firms and individuals to devote more resources to energy production.

It is private firms, seeking profits, which provide the energy needed to heat homes, drive cars and power factories. In contrast, the U.S. Department of Energy spent $13 billion of the taxpayers' money last year without producing a single barrel of oil.

Partial deregulation of the oil and airline industries has brought benefits to consumers and the economy as a whole. Regulatory reform should continue in these and other areas, including trucking and railroads.

The nation's excessive tax burden also restricts private activity to the detriment of individuals and the economy. Despite talk of an election-year tax cut, the overall tax burden will increase by over $80 billion next year as inflation pushes taxpayers into higher tax brackets and planned tax hikes take effect.

The average taxpayer must fork out more money to the national government each year, even if no tax increase passes Congress. In our graduated taxation system, tax rates rise as a person earns more dollars. Because inflation forces workers to demand higher salaries, their taxes rise, though their real income may remain the same, or actually fall.

Higher Social Security taxes and the "windfall" profits tax on deregulated oil also constitute part of the $80 billion increase, and both these taxes will hurt consumers. The Social Security tax will cost individuals more of their income, while the windfall profits tax will slow the current increases in oil production.

A cut in personal income taxes would help compensate for the "inflation tax hike" effect, while the Social Security and windfall taxes should be scaled down or eliminated.

Personal saving in the United States lags behind our principal competitors in international trade. In 1977, citizens in Germany and Japan saved 13 and 21 percent of their salaries respectively, while the United States lagged behind at 6 percent.

While Germany and Japan exempt most interest and dividend income from taxation, the United States taxes such income normally. Having discouraged personal saving, one source of investment capital needed for economic redevelopment and recovery, the government has impaired the economy's ability to grow and businesses' ability to compete with other nations abroad. Tax incentives for savers and a reduction in the capital gains tax would make saving money more appealing.

When confronted with festering social problems, many people call for more government spending and control over individual lives. Yet government aid and controls have failed to avert the urban decay common in many large American cities.

The key to rejuvenating these impoverished areas lies in the formation of "enterprise zones," areas in which taxes, controls and subsidies would be suspended or drastically reduced. The resulting favorable economic climate would encourage entrepreneurial activity and the creation of jobs and small businesses where none existed previously.

Tax relief, regulatory reform and enterprise zones hold much promise for the American economy, but recovery will ultimately depend on victory over inflation. Inflation involuntarily transfers wealth from one group to another, taking it away from those on fixed incomes, for example. It makes long-range planning impossible, and, most importantly, it destroys the moral fabric of society.

Inflation will persist and grow worse until the national government stops financing deficit spending with excessive money creation. When the government spends more money than it takes in, it must either borrow from outside sources or create more paper money. Each dollar, including the dollars already in circulation, falls in value.

The answer to inflation lies in a commitment to fiscal and monetary restraint. A balanced budget adjusted to the business cycle would remove the need for excessive money creation. A low, stable rate of monetary growth would eventually snuff out the causes of inflation for good.

These solutions to the nation's economic woes demand substantive changes in government policy and direction. Candidates of both parties who share free market principles and recognize the need for tax relief and monetary reform can be the vehicle for these reforms.

In light of the dismal state of our economy and our perilous position abroad, this election may provide the last opportunity to forge a true economic revival and inspire a renaissance of American values, spirit, and hope.●

MODERN SEA SAGA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. BIAGGI. Mr. Speaker, when the fire-gutted Dutch passenger liner *Prinsendam* rolled over and sank in 9,000 feet of water in mid-Pacific Saturday morning, October 11, it closed a modern sea saga with even parts of heroism, service, and drama in the highest traditions of maritime search and rescue by the U.S. Coast Guard. Such an event vividly portrays both the constant perils of the sea and the need to maintain a well-trained, well-equipped Coast Guard to respond to similar incidents.

As chairman of the Subcommittee on Coast Guard and Navigation, I congratulate the Coast Guard Commandant, Adm. John B. Hayes, for a job well done and commend the officers and men of the following Coast Guard units for their participation in this extraordinary rescue of the 524 passengers and crew of the stricken vessel without a single loss of life or serious injury:

Coast Guard cutters *Boutwell, Mellon, Woodrush,* and *Bitt;*

Coast Guard Air Stations Sitka and Kodiak, Alaska;

Coast Guard Communications Stations San Francisco and Kodiak;

Coast Guard Marine Safety Office, Valdez, Alaska; as well as the commander, Pacific Area and the commanders of the 13th and 17th Coast Guard Districts.

At the same time, I know I express the sense of the Congress in recognizing the significant contribution made by the personnel of Elmendorf Air Force Base, Alaska and the North Pacific Search and Rescue Command in this episode, and in extending the gratitude of a grateful nation to the master and crew of the tanker *Williamsburg* for their part in what has been called a miraculous sea rescue under hostile and adverse conditions.

Mr. Speaker, while I continue to have faith in miracles and divine intervention, I must also caution my colleagues in the Congress and their constituents that blind dependence upon miracles or some deus ex machina is tempting fate. The Coast Guard today is dangerously overcommitted and woefully underfunded. At this moment of celebration, I would add only the brief, sobering postscript that in the maritime sphere of activity the line between victory and tragedy is fine indeed. Similar to the case of its chronologically junior but numerically larger sister sea service, the U.S. Navy, the Coast Guard's cutter fleet has suffered a 50-percent reduction over the last decade. Over the same period, its uniformed personnel strength has been virtually frozen. This trend and condition must be reversed.

The Coast Guard's future role in a renewed U.S. emphasis upon the strategic use of seapower, and the adequacy of Coast Guard resources to fulfill its responsibilities in this new initiative, will be a major theme of the Coast Guard budget review next year and in years to come. Increasing public awareness of the Coast Guard's budgetary plight is reflected in a recent New York Times article, which I include in the RECORD, that underscores the widening dichotomy between expanded Coast Guard commitments and inadequate resources.

NEW DUTIES BURDENING COAST GUARD AS DRUG-SMUGGLING SEASON NEARS

(By Ernest Holsendolph)

Washington, October 11.—The United States Coast Guard has become so overextended because of added duties such as surveillance of Cuban and Haitian refugee boats that it is unprepared to help fight the impending annual invasion of ships smuggling marijuana from Colombia, agency officials say.

Adm. John B. Hayes, Commandant of the 45,000-member force, reported his agency's difficulties last week to an interagency gathering of Federal officials including leaders of the Drug Enforcement Administration. The White House, concerned about the service's burdens, has ordered an assessment of its manpower needs and how extensive its future role should be.

Even though the Castro Government has said that it plans to allow no more refugees to leave Cuba on boats for the United States, the Carter Administration has kept the huge detail of guardsmen in place in the refugee surveillance area from Miami to the Florida Keys.

This means that, in addition to the Coast Guardsmen usually deployed in that area, 675 Coast Guard personnel, five cutters, nine patrol boats and 11 aircraft—the largest concentration of Coast Guard power since the Normandy invasion 36 years ago—remains tied up and unavailable for the many other agency duties, officials say.

The Coast Guard, which is under the direction of the Department of Transportation, has been accumulating a growing list of responsibilities in recent years, such as oil-spill prevention and cleanup, and enforcement of fishery and drug laws. It has been taking on the new duties without a proportional increase in its nearly $2 billion annual budget or level of manpower.

Because of its growing responsibilities, the Coast Guard alerted communities earlier this year that it would no longer be able to provide automatically its customary assistance to pleasure boaters, although it stands ready to help in emergencies, such as the rescue of passengers from a burning cruise ship in the Gulf of Alaska a week ago.

Now, in a more pointed declaration of its burdens, the Coast Guard says that it may be able to offer little help in fighting anticipated shipments of thousands of tons of illegal marijuana and other drugs, just as the Colombian harvest is about to be taken.

In recent years, about 75 percent of the marijuana entering the country has come from Colombia, which amounted to an estimated 10,000 to 13,000 metric tons in 1979, according to Terry Hart, deputy director of the Agency's Drug Enforcement Division.

In an atmosphere of gathering concern, the Secretary of Transportation has asked the Office of Management and Budget to authorize an immediate expenditure of $85 million extra to aid current activities and a huge increase of up to $700 million in the Coast Guard budget next year.

"Obviously, money is one of the immediate priorities, money for personnel and equipment," William Beckham, Deputy Secretary of Transportation, said in an interview.

LOSING MIDDLE-LEVEL PERSONNEL

Like other branches of the military, the Coast Guard has been losing many of its middle-level personnel, including people who have chosen to leave the service in the midst of what might be expected to be full-term careers.

"Many of our middle people, who make from $12,000 to $17,000, are doing jobs for which they could get three times the pay in civilian life," he said.

Coast Guard members are less likely than personnel in other branches of the service to have barracks or other subsidized living quarters. Large Coast Guard installations are often in such expensive areas as Washington, New York City, and San Francisco.

The turnover in experienced personnel has hampered the Coast Guard's ability to train its people, maintain a high level of readiness and sustain an adequate level of morale in an agency where many of its people must work 120 hours a week or more. Recently the Coast Guard embarked on a program to cut the average workload to 78 hours a week.

LOOKING FOR OILSPILLS

The glamor work of the Coast Guard is its highly publicized rescue missions, but its personnel are increasingly having to spend long hours aboard cutters looking for oil spills, boarding ships to check fish catches, or peering into the darkness for suspicious conveyers of drugs.

At best, officials say, the Government may interdict 20 percent of the illicit drug traffic. However, the confiscation of marijuana has been declining sharply because the Coast Guard does not have enough people and equipment to do its job adequately, Mr. Hart said.

From April to September, 1978, about 2.5 million pounds of marijuana was confiscated. In the same period last year, the amount confiscated fell to two million pounds, and to only 700,000 pounds has been seized this year, Mr. Hart said.

"We have found that there is a definite correlation between the number of boardings we are able to make and the amount of material we intercept," he said.

NO CASUALTIES REPORTED SO FAR

Coast Guard officials say that their records show no accident casualties arising from inadequate personnel, but they contend that the chances for such occurrences are increasing. Also, programs to conserve fishing stocks through a surveillance of domestic and foreign commercial fishing will increasingly become jeopardized, they say.

According to a study by the General Accounting Office, the Coast Guard not only is losing people because of pay but it also has a shortage of cutters and the ones in use are in poor condition because maintenance deferred because of budget restrictions. The cutter fleet has decreased from 339 in 1969 to 246 in 1979. Fifty-seven more cutters will be needed by the mid-1980's, the study said, and the need may be even greater if the Government decides that the surveillance around Florida must continue.

Furthermore, the study found that the Coast Guard might need more than 81,000 people on duty by 1991, a 77 percent increase, to carry out the larger assignment placed upon it by Congress.●

THE MADRID REVIEW CONFERENCE ON THE HELSINKI ACCORDS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. WEISS. Mr. Speaker, The Madrid Review Conference of compliance with the final act of the Helsinki Accords began yesterday, November 11, and I would like to raise two issues with my colleagues which I ask them to monitor closely.

Raoul Wallenberg, the great Swedish diplomat who disappeared near the end of World War II, is believed by many to be alive and held in a Soviet prison. Wallenberg is credited with saving 90,000 Hungarian Jews from Nazi death camps during the war. Soviet officials claimed immediately after the end of the war that Wallenberg's whereabouts were not known, but later admitted that Wallenberg had been imprisoned in 1945. The Soviets claimed that Wallenberg died in 1947.

Although The Soviets now refuse to provide additional information about the fate of this hero, at least one former Soviet prisoner is believed to have seen Wallenberg alive as recently as 1978. A concurrent resolution I cosponsored with Senator-elect CHRIS DODD and numerous other Members passed this House October 2, directing the U.S. delegation to the Madrid Conference to urge consideration of the issue of Raoul Wallenberg with the Soviets.

We must watch the Soviet response closely. How that nation responds will help inform us of its sincerity in dealing honestly and openly with human rights issues.

The second concern I want to raise, Mr. Speaker, is the larger issue of human rights at the Madrid Conference. The Soviet Union, in preliminary meetings, stubbornly resisted our repeated efforts to insure that human rights be handled as a major issue in Madrid. This is due in large part to the Soviet Union's gross failure to fulfill its responsibilities under human rights measures included in the final act of the Helsinki agreement.

I want to express my indignation toward the Soviet Union's failure to live up to the agreement it entered into just 5 years ago, and to ask my colleagues to join me in voicing our strong objection to the Soviet Union's intransigence to protecting the human rights of its own people.

Equally important, I am certain that my colleagues will wish to join me in commending the persistence of the U.S. delegation to the Madrid Conference. Ours is a nation founded on human rights, and the repeated efforts of our delegation to uphold our Nation's commitment to the Helsinki Accords will help achieve human rights for all the people of the world.

In the face of blatant obstruction of the Helsinki process, the U.S. delegation has staunchly defended the important role human rights must play in securing peaceful coexistence of the nations of the world and deserves our support and thanks.●

OUR FLAG HAS GREAT MEANING FOR DIAMOND LAKE SCHOOL

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. McCLORY. Mr. Speaker, one of my most heartening experiences during the recent recess of the Congress was to attend a flag presentation ceremony at the Diamond Lake School, Mundelein, Ill., in my 13th district. The school principal, Mr. Everett Uphoff, arranged this ceremony for the third to fifth grade pupils who compose the student body of this school. All the students gathered at a school assembly to receive a flag which had been flown over the Capital at my request in honor of the Diamond Lake School.

As part of the ceremony, the more than 200 pupils had to prepare themes on the subject "The Flag—What it Means to Me." At the flag ceremony the winners were announced.

Mr. Speaker, I was so deeply impressed by the essays composed by these enlightened young Americans that I take this occasion to share the winning essays with you and with my colleagues in this body.

Tommy Wang of the third grade, son of Mr. and Mrs. Eugene Wang, was the third place winner with the following essay:

> The flag to me is another god. It honors the whole United States. To me I think of it all the time. I wish we had flags all over my house in all the rooms and the whole world, and every state was a united state and there were no wars—that's what I wish. Now let's get back to the story. I love the flag. I pledge to it every day. Last year we sang special songs to it. I wish we could do that this year. The flag means the United States was and still is a great country to live in. But with all the wars that went on before, I hope there will be no more wars going around the United States. I feel grateful that someone made the flag. And that's what the flag means to me.

Kris Johnson, daughter of Mrs. Linda Johnson of the fourth grade provided the following second place essay:

> When I look at the flag, I think of spirit and joy. I also think of the President and what he is doing. The flag makes me feel secure and brave. The United States flag is loved by all really good people, and people who want to take care of their flag. The flag has three different colors. The colors are red, white, and blue. A flag is at my school and at my library too. I bet a flag is at your house just as well as mine. If it is I think you love the flag as much as I do! Do you write reports on the flag too? If you do I have to meet you, but if you don't I will be very disappointed. But I will still love the flag, just like I like you. Like I said before, the flag is a very beautiful sight. If you ever happen to see a flag, just stop and try to think of things I think of. Just see, you will think it is beautiful too.

Amy Beese of the fifth grade, daughter of Mr. and Mrs. Richard Beese composed the following first place essay:

> Last summer my family and I took an interesting trip to Washington, D.C. There I learned many things about my country. I was proud to see the American flag flying high over our nation's capitol. It stood high and proud, seeming to know that it is an important symbol of our nation. As I stood there looking at the flag, it reminded me of my ancestors who fought bravely for my freedom. I began to realize how hard it was for them to give up their lives and families for me and the people of this nation. If there ever was a war concerning the flag I would gladly fight for it as they did. I hope that I could do as good of a job protecting the flag as my ancestors did.

Mr. Speaker, when young Americans such as these have such thoughtful and understanding ideas of our flag and all that it represents we should be reassured that the responsibility of leadership and the future welfare of our great Nation will be in good hands. I am proud, indeed, of the Diamond Lake School, the students who are being educated there, the parents, teachers, and its administration, including the school district superintendent, Mr. D. P. Doerle, and the school principal, Mr. Everett Uphoff.●

TRIBUTE TO J. LEO HAYOB

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. SKELTON. Mr. Speaker, over the recent recess, I was saddened to learn of the death of one of the leading citizens in my district. J. Leo Hayob, of Marshall, Mo., passed away on October 4.

In its October 6 issue, the Marshall Democrat News referred to Leo Hayob as "Mr. Marshall." It went on to state that his name "was synonymous with Marshall and the development of the city he loved." A list of accomplishments follows in the story which outlines a lifetime of service and leadership in political, civic, religious, and professional organizations.

In the time I knew Leo Hayob, he served as executive of the Marshall Chamber of Commerce and as executive director of the Marshall Housing Authority. In those positions, as in others throughout his life, he made things happen. His community benefited enormously from his endeavors through the years. This record of service is one we would all do well to seek to emulate. He will certainly be missed by all who knew him.●

EAGLE SCOUTS ROBERT C. PRESTON, JR., AND THOMAS J. CROSSAN TO BE COMMENDED

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. THOMPSON. Mr. Speaker, scouting is one of the most important aspects of American life, as it prepares and encourages our young people to become leaders in their communities. It demonstrates that outstanding accomplishments can be won by hard work and concern for our society.

Citizenship, valor, compassion, and integrity are but a few of the characteristics possessed by those who achieve scouting's highest distinction. Robert C. Preston, Jr., and Thomas J. Crossan of Ewing Township, N.J., have proven themselves worthy through years of hard work and dedication of deserving that distinction. This past October, Robert, of Boy Scout Troop 15, and Thomas, of Troop 388, were recognized for advancement to the level of Eagle Scout.

Robert C. Preston, Jr. and Thomas J. Crossan have reached the pinnacle of scouting and for that they deserve our admiration and most certainly our congratulations. It is with great pleasure for me to ask my colleagues to join me in wishing Robert and Thomas the very best in all their future endeavors.●

SOUTHERN CALIFORNIA EDISON LEADS THE WAY WITH ALTERNATIVE ENERGY TECHNOLOGIES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. BROWN of California. Mr. Speaker, among the variety of significant developments over the past 6 weeks that have received public notice and comment is an announcement by Southern California Edison concerning its future electrical energy supply choices. While the decision by this important electrical utility to give major additional emphasis to renewable energy sources received editorial comment throughout the United States, it was obviously overshadowed by other events, including the Presidential election. I make note of this development here to give both this new policy the attention it deserves and Southern California Edison the credit they are due.

Mr. Speaker, the essence of SCE's decision is that this major corporation has made a hard-nosed financial and technical decision to promote technologies for their own generating capacity that are more environmentally sound and publicly acceptable than the traditional means of generating electricity. The SCE decision also provides concrete proof that the Federal Government's investment in research, development, and demonstration of alternative energy sources is now showing positive returns.

The movement by one of the Nation's largest utilities toward obtaining energy from wind, geothermal, solar, fuel cells, hydroelectric, and cogeneration should provide the leadership the rest of the Nation's utilities have apparently been waiting for. This good news about energy should be welcome to everyone.

At this time, I wish to place an editorial from the Washington Post on this subject in the RECORD followed by the text of the Southern California Edison press release.

The material follows:

[From the Washington Post, Oct. 29, 1980]

THE FUTURE IS NOW

The Chairman of the state Public Utilities Commission termed it "a little like Richard Nixon's recognizing China." Environmentalists are calling it "a historic moment," and the head of the California Energy Commission says it is a "bold, clear move . . . [that] is going to shake up some stodgy utilities in other parts of the nation." "It" is the announcement of a dramatic shift in policy by Southern California Edison, one of the country's leading utilities.

Edison, which serves a growing part of the country, expects a 40 percent increase in demand for its electricity by 1990. To meet that need, it has two large nuclear projects nearing completion. Until two weeks ago, the utility had insisted that most of the remaining two-thirds of the necessary new capacity had to come from traditional energy sources, including two huge and controversial coal projects. Edison maintained that no more than 10 percent of its new supply could come from alternative energy sources, including conservation and renewable technologies.

In the course of routine licensing hearings for the new plants, the Environmental Defense Fund produced a detailed analysis showing, it said, that a combination of conservation and alternative sources could produce more energy at far less cost than the coal plants. A few months ago, an independent study by the Interior Department's Bureau of Land Management reached the same conclusion. Suddenly, about two weeks ago, Edison announced a major policy change "to make renewable our preferred technology—to make it happen."

According to Edison's new plan, nearly two million kilowatts, almost as much as is expected from the new nuclear plants, will be derived from wind, geothermal, solar, fuel cell and hydroelectric sources, and from cogeneration, one of the most promising conservation technologies. Planning for the new coal projects will continue, but Edison's own numbers indicate that the company expects eventually to drop one or both of them—assuming of course, that the renewable resources perform as expected.

Edison attributed its change of mind to "some significant successes in a number of research and development areas." It seems equally likely that the utility also took a second look at such things as the skyrocketing cost of capital financing, the declining demand for electricity and the realistic technical potential of new energy sources. The hazards and delays of the regulatory process for large coal or nuclear plants, and the 10 years it now takes to build a new one (as compared with the two or three years required to build a smaller windmill or geothermal facility), must also have been powerful influences.

Regardless of the reasons for it, Edison's commitment is a courageous and welcome change of course. It should mean lower energy costs and less environmental damage for citizens of southern California. More important for the rest of the country, it may well have a greater impact on other utilities' thinking and planning than all the government and academic studies combined.

EDISON ANNOUNCES MAJOR POLICY SHIFT TO RENEWABLE ENERGY SOURCES

Southern California Edison Company today announced a major change in corporate policy regarding the sources of future electricity for its customers.

William R. Gould, SCE board chairman and chief executive officer, declared "it is the policy of Edison to devote our corporate resources to the accelerated development of a wide variety of future electrical power sources which are renewable rather than finite." These include wind, geothermal, solar, fuel cells, hydroelectric, and continued emphasis on co-generation, conservation and load management.

"As a result of some significant success in a number of research and development areas, the company now believes that some forms of power generation which a few years ago were speculative or unproven have progressed to the point that they can be aggressively developed and relied upon to provide a significant part of the electricity to supply the additional needs of our customers later this decade," he declared.

Gould emphasized that the San Onofre Nuclear Generating Station Unit 2 and 3 projects, now about 90 percent completed, and Palo Verde Nuclear Units 1, 2, and 3 in Arizona, now approximately 50 per cent completed, will be other major resource additions to meet customer demands during this period.

Gould said Edison's policy shift to emphasize renewable sources should improve the environment and reduce dependence on expensive foreign oil.

"We are convinced that our society in general, our customers and our company will benefit from the success of renewable and alternate energy sources," Edison's chief executive stated.

"Southern California Edison has been and is committed to continue to be a leader in the accelerated development of these forms of energy," Gould declared.

Renewable and alternate energy sources in the company's new plans for the 1980-90 time frame include increased amounts of wind, geothermal, solar (photovoltaic and thermal), fuel cells, hydroelectric, and continued and increased emphasis on co-generation, conservation and load management.

Work also will continue on some of the more exotic energy forms—for example, magnetohydrodynamics (MHD), nuclear fusion, solar ponds, coal gasification and ocean thermal energy—but they are not considered far enough advanced in technological development yet to be regarded as firm parts of SCE's resource plan.

"We are optimistic that these renewable and alternate energy sources can provide a significant amount of future resources—perhaps to about 30 per cent. Consistent with our obligation to serve our customer's electricity needs, we must retain the option to continue to pursue conventional power generation resources as well, such as Allen-Warner Valley and Cal Coal, in the event that these promising renewable and alternate sources are delayed in fulfilling the promise that they hold, "Gould said. "We are also pursuing off-system purchases. One example is 300,000 kilowatts of Mexican geothermal," he added.

In the early 1970s, Edison projected a load growth of 11,000,000 kw for the decade of 1980. With anticipated success on conservation and load management, the figure has been reduced by about 5,000,000 kw. This leaves 6,000,000 kw of generating capacity necessary to serve projected customer needs for the 1980s.

The company's present electricity generating resource plan calls for about 14 percent, or 800,000 kw, to be obtained from renewable or alternate sources. "Under our announced program today, we have more than doubled the present amount and Edison has set a new goal of about 30 percent, or 1,900,000 kw, of its anticipated 6,000,000 kw of additional generation needs in 1990 from renewable and alternate sources," the SCE chairman said.

Edison's new goal for electricity generating resource additions include 120,000 kilowatts of wind power, 420,000 kw of geothermal, 310,000 kw of solar, 130,000 kw from fuel cells, 300,000 kw of co-generation and 620,000 kw of hydroelectric generation. Further, it is anticipated that this alternate and renewable resource program will ultimately reduce the level of capital expenditures for system additions.

Gould explained these kilowatt amounts are firm generating capacity numbers. "But when you recognize the intermittent nature of some of these sources (wind doesn't blow all the time), we will actually add to the electric system a greater amount of generating capacity in order to achieve the firm kilowatts needed," he said.

In order to have 120,000 kw of firm, reliable generating capacity from wind, it requires a wind generating capacity installation of about 360,000 kw, or three times as much, Gould explained. This is because wind, and some of the other alternate and renewable sources, will not be available 100 percent of the time.

With respect to co-generation, he said, it will require actual installation of about 1,000,000 kw to have a firm capacity of 300,000 kw.

Co-generation produces process energy and electric energy for the industrial co-generator. The availability of surplus electricity from co-generation is dictated by the industrial process requirements. Therefore, Edison receives the surplus or makes up the deficiency from the co-generation unit.

"These are major increases in our commitment to renewable or alternate energy," Gould stated, "and we as a company are pledged to work toward the achievement of these goals."●

THE JOB OF A CONGRESSMAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for Wednesday, October 29, 1980, into the CONGRESSIONAL RECORD:

THE JOB OF A CONGRESSMAN

As I speak with high school students and other young people in the Ninth District, I am impressed by their interest in the job of a Congressman. Even though they have learned quite a bit from teachers, parents, movies, and the evening news, they scarcely ever miss the opportunity to ask me, "What is your work like?" They already suspect, I think, that a Congressman wears many hats, so usually they are not surprised when I answer that a Congressman has seven main roles to fulfill.

The job of a Congressman is most widely understood as that of a legislator. A Congressman introduces bills, drafts initiatives in committee, engages in debate on the floor, and votes on legislation. Through these activities he influences national policy in such diverse areas as defense, education, and the economy. Much of a Congressman's legislative time, however, is taken up in activities that do not lead directly to the enactment of bills. A Congressman is also charged with the duty to oversee the operation of the federal government. Oversight is necessary to ensure that the President is carrying out, efficiently and effectively, the policies that Congress has approved.

Second, and just as important, the job of a Congressman is that of a representative. A Congressman is an agent of his constituents, a public servant who monitors their opinions on the issues carefully and then considers those opinions fully before taking official action—voting on an amendment, making a speech, or writing to the President. Because he is a representative, a Congressman must keep in close touch with his constituents through appearances at public meetings and other forums in the district. He must respond to their letters and calls, encouraging them to contact him with their questions, comments, and criticisms.

A third aspect of a Congressman's job is his work as an advocate, one whom constituents and district communities can turn to for help in their dealings with the federal government. Help can be something as simple as recovering a lost social security check, or something as complex as finding funds for a new sewer system. Advocacy has become a delicate business: a Congressman does not want to push for special favors that are outside the law, but he does want to secure prompt service and a full hearing for district residents and local officials. Also, advocacy has consumed more time as federal programs have grown in size and impact, so much so that some people have begun to call Congressmen "errand boys."

A fourth aspect of the job of a Congressman is his obligation to be an educator. Just as his elders, school, community, and church gave him the benefit of their wisdom before they sent him to Congress, so must he, as a member of the legislature, return to them to give them the benefit of his unique point of view. No Congressman is omniscient, but each has experiences and sources of information which his constituents can use in their own efforts to understand public policies and evaluate federal programs. The role of the educator is especially important when a Congressman favors a policy or program which he believes to be in the nation's interest. In such cases, he must lay out the merits of his position, call up his powers of persuasion, and do his very best to win support to his side.

Fifth, the job of a Congressman is that of a student. It is incumbent upon a Congressman to use his spare moments learning all he can about the issues he handles day to day, especially those for which he has added responsibility in Congress. His teachers are his constituents, his colleagues, and the thousands of experts in all walks of life who are available to counsel him. He must be familiar with the reports, articles, and studies that may be relevant to the decisions he makes. This aspect of a Congressman's job is one of the things that distinguishes our democracy from closed, authoritarian systems of government. Unlike the lawmakers of those systems, a Congressman continually reaches out to the people to learn from them. He simply does not believe that "government knows best."

Sixth, the job of a Congressman is that of a dignitary. The fact that he is a Congressman assures him invitations to attend virtually every major public function in his district, and the same fact obliges him to accept as many of the invitations as his schedule permits. Announcements of dedications, festivals, parades, openings, award ceremonies, and the like roll into his office without interruption. It is not unusual for a Congressman to be present at three or four events, often miles apart, in a single evening. To a lesser but still significant extent, a Congressman may play the role of dignitary on behalf of the nation when officials of foreign lands come to visit.

A seventh and final aspect of a Congressman's job is his work as a politician, a person who keeps the country going by providing stability, accommodating different points of view, developing consensus, and seeing that the people's needs are met. His political skills must be used to find solutions to the nation's problems and then build support for those solutions. These are not unsavory efforts, but rather are the very stuff of which freedom is made. Without them a responsive, democratic government would not be possible, and the nation, alive with competing factions, would rip apart at the seams.●

VOLUNTARISM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. MAZZOLI. Mr. Speaker, I would like to commend to the attention of my colleagues in the House the following speech on the importance of voluntarism, delivered by the Reverend Theodore M. Hesburgh, C.S.C., president of my alma mater, the University of Notre Dame, on the occasion of his receipt of the United Way of America's de Tocqueville Award, in April of this year.

Father Hesburgh's observations about the importance of voluntarism in the building of our great Nation are especially noteworthy today as Government help is shrinking in the face of budget constraints.

One of the most perceptive tourists ever to visit America made his trip to our shores about 150 years ago (1831). His name was Alexis de Tocqueville. On his return, he wrote two books, with a five year interval between them, although they bear the same title: "Democracy in America."

A century and a half have enriched the central reality he describes, so that it is even more important today than it was then.

"Americans of all ages, all conditions, and all dispositions constantly form associations. They have not only commercial and manufacturing companies, in which all take part, but associations of a thousand other kinds, religious, moral, serious, futile, general or restricted, enormous or diminutive. The Americans make associations to give entertainment, to found seminaries, to build inns, to construct churches, to diffuse books, to send missionaries to the antipodes; in this manner, they found hospitals, prisons and schools. If it is proposed to inculcate some truth or to foster some feeling by the encouragement of a great example, they form a society. Wherever at the head of some new undertaking you see the government in France, or a man of rank in England, in the United States you will be sure to find an association."

What de Tocqueville was describing, today we call voluntarism. I doubt that even he could have imagined to what extent this impulse was to build the America we know, in the next century and a half. All of the early institutions of higher education are the result of voluntarism. All of our churches, most of our hospitals, all of our businesses, all of our labor unions, all of our newspapers, radio and television stations, all of our clubs, all of our professional associations, all of our political parties * * * in a word, almost the total fabric of our society was initiated, developed, and maintained by voluntary activity in the private sector.

If you wish to see how unique this makes America, visit a Communist or Socialist society, Russia, China, or Czechoslovakia. There the society is grey, monochromatic, not multi-colored. If you read a paper, it is government issue, so is radio and television * * * Clubs, associations (to use de Tocqueville's word) hotels, entertainment, hospitals, artistic and cultural activities are an arm of the government.

We take voluntarism so much for granted in America that its importance is really not appreciated until we compare our way of life to that in countries where everything is of the state, by the state, and for the state—even citizens and their rights.

Suppose that tomorrow the most expensive multibillion dollar endeavor in our land, the federal government, were to suddenly be inactivated. What would be the effect, the impact on your life? I suspect it would be enormously less than if all voluntary associations were suddenly eliminated.

De Tocqueville was right when he said later in Chapter Five: "What political power could ever carry on the vast multitude of lesser undertakings which America citizens perform every day?" (P. 116) All of you have had similar experiences in your own lives. All our lives, as presently lived, are inconceivable without the large involvement of voluntary associations, voluntary gifts, and voluntary services.

If you agree with me that all of this voluntarism is good for America and Americans, may I then suggest to you that in our day we are facing a counter movement that strikes at the heart of what has made America great and unique. Despite our history of voluntarism, despite our unique record of doing by and for ourselves what needs doing, I sense that today there is a tendency to say, "Let the government do it." I say in all earnestness that when the government does it, the doing is almost always more costly, less free, more complicated and generally less productive and effective for America and Americans.

Before World War II, the federal involvement in higher education was minimal, less than $50 million a year. After the war, when we were tripling in three decades what we had achieved in three centuries of higher education, the federal government became our largest benefactor. In general, this seemed to all of us to be a good development. We needed government loans for academic buildings, we needed large research grants in science and technology. We needed scholarship help for the ever growing number of students who otherwise would be unable, financially, to attend our universities. We needed medical grants, capitation assistance, library subsidies. When all of this had grown to over $80 billion a year, suddenly a wide variety of authorities with special interests began to descend upon our campuses. They were not members of the three branches of government, Judicial, Executive, or Legislative, but a new breed called regulators.

A few weeks ago, we had an officers meeting at the University. It was long and difficult. Afterwards, it occurred to me that two-thirds of our time was taken up with problems involving federal intervention into the academic life of the University. This would have been unthinkable as recently as ten years ago. The question arises: How did we get ourselves involved in such a tangle? Does it say something to us about voluntarism?

I suspect that the real problem has to do most fundamentally with freedom, and the conduct of those most important institutions that freedom has founded, maintained, and cherished in our land. One can understand how we accepted the beneficence of the federal government when we needed it to fulfill our mission, but we did so without serious thought about maintaining that freedom which makes our institutions so important in the land of the free.

I believe that at this point we must reassess our situation. It may be that we cannot accept the largesse of the Federal government if it means the end of those free institutions that are at the heart of what makes America unique and great among the nations of the world. Or, if the help is really essential, possibly regulation, this fourth form of government, not established by the Constitution, free ranging, and practically responsible to no one, not even the President, should be reined in by those three forms of government that are established by the Constitution, that are themselves mutually checked and balanced.

I would not want you to get the impression that I am completely and irrevocably opposed to any kind of regulation whatever. In a society as complicated as ours, some regulation is necessary for the common good, such as in essential food and drug regulations, highway or airport safety, or factors bearing on real equality of opportunity, for example. It is only when regulations are blind to all except a single issue unrelated to the common good, when regulations proliferate to Orwellian dimensions, even before 1984, that I begin to sense disaster and send up danger signals, as I am now doing.

Even in the present confused situation, let us not underestimate the continuing creative value of voluntarism. I give you as a case study, something that has happened in the past several months.

Toward the latter half of last October (1979), it suddenly became apparent that almost one-half of the Cambodian population, the educated and professional half, had been brutally exterminated by the Khmer Rouge, the Pol Pot regime, and that the other half was in proximate danger of dying from starvation, disease, and the usual ravages of war.

At this time, there were more than thirty voluntary organizations, religious and secular, plus several national and international public organizations, interested in staving off this new holocaust. We summoned them all to the Board Room of the Overseas Development Council on October 25. In two hours, all agreed to act as one.

A few days later, representing all of these agencies, I went to the United Nations with Secretary of State, Cyrus Vance, where we met with Secretary Waldheim and, together with other nations, pledged a total of more than $200 million to activate our efforts.

Much remains to be done, especially from next June's planting until late Fall's harvest, but the impending disaster has been averted, the path ahead clarified, and realistic goals established. All this was done in the best American tradition of voluntary leadership and cooperation between public and private, national and international organizations * * * No matter that the victims were mainly Buddhist, the effort was mainly Christian and Jewish. No matter that the victims were governed by various Communist factions backed by the U.S.S.R. and our most recent political enemy, North Vietnam, they were suffering and dying human beings who desperately needed help, so we gave it.

This case study is, I believe, a true paradigm of the kind beneficent, creative, and voluntary activity that de Tocqueville had in mind, not only in building America, but reaching beyond our shores, "to the antipodes," as he put it.

There is a spirit here that needs to be rediscovered, cleansed of over-regulation, and reinvigorated in modern America. This spirit is the antithesis of the attitude: "Let the government do it." This spirit transcends the meddling of excessive and irrational federal regulations and nit-picking bureaucrats who pile up mountains of meaningless reports. This spirit surmounts the selfish single-issue zealots, unmindful of the common good of the nation and the world. * * * Voluntarism, in its variegated manifestations, is America uniquely at its best.

I began by citing de Tocqueville. May I conclude by sharing with you another of his prescient observations that occurs just before Chapter V of his "Democracy in America:"

"It would be unjust to suppose that the patriotism and the zeal that every American displays for the welfare of his fellow citizens are wholly insincere. Although private interest directs the greater part of human actions in the United States as well as elsewhere, it does not regulate them all. I must say that I have often seen Americans make great and real sacrifices to the public welfare; and I have noticed a hundred instances in which they hardly ever failed to lend a faithful support to one another. The free institutions which the inhabitants of the United States possess, and the political rights of which they make so much use, remind every citizen, and in a thousand ways, that he lives in society. They every instant impress upon his mind the notion that it is the duty as well as the interest of men to make themselves useful to their fellow creatures; and as he sees no particular ground of animosity to them, since he is never either their master or their slave, his heart readily leans to the side of kindness. Men attend to the interests of the public, first by necessity, afterwards by choice; what was intentional becomes an instinct, and by dint of working for the good of one's fellow citizens, the habit and the taste for serving them are at length acquired."

May the beauty and dedication of voluntarism in America never wither or die, for if it does, America, the land of the free, will die with it.●

ON THE 100TH ANNIVERSARY OF THE MOST PRECIOUS BLOOD PARISH OF HYDE PARK, MASS.

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. DONNELLY. Mr. Speaker, this year marks the 100-year anniversary of the founding of the Most Precious Blood Catholic Church and Parish of Hyde Park, Mass. This active parish, founded in 1880, now includes a community of 2,000 families, designating the Most Precious Blood congregation as the largest in Hyde Park.

In addition to its tireless efforts in meeting the spiritual needs of its many members, the Most Precious Blood Parish encompasses an elementary and junior high school which is most ably staffed by the Sisters of Charity, Nazareth. Sister Marie Hill oversees the daily operation of the school which admirably attends to the educational needs of the parish's children. Religious awareness, pastoral guidance, and sport activities are available to children attending area public schools through the Most Precious Blood Parish's popular youth programs.

Bishop Lawrence J. Riley, S.T.D.; LL.D. serves the Hyde Park community with great care and boundless enthusiasm as its beloved pastor. Bishop Riley's many responsibilities are easier to meet due to the tremendous assistance and support of the parish's associate pastors, Fathers Mark V. Carr, Thomas F. Murray, and Paul T. Ryan.

The highlight of the parish of the Most Precious Blood's 100th year anniversary was a pontifical high Mass celebrated by its members, clergy, and friends on October 26 of this year. Bishop Riley, and the associate pastors, were joined by Humberto Cardinal Medieros in honoring this auspicious occasion.

I would like to express my personal appreciation and deep respect for the esteemed clergy of the Most Precious Blood Parish as this anniversary draws to a close. The tradition of community involvement and concern exhibited in the daily activities of the Most Precious Blood Parish portend an even more vibrant future for this tight-knit family of priests, sisters, and parishioners.●

THE VOTERS AND THE ELECTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 15, 1980, into the CONGRESSIONAL RECORD:

THE VOTERS AND THE ELECTION

After meeting Hoosiers at several of the delightful fall festivals so common now in Indiana, strong impressions of the voters stand out in my mind a month before the election.

The voters are concerned about the future of the country. They are longing for a forceful leader to trust, fearful of placing their trust in a "politician," conscious of the disappointments of the recent past, but always hopeful. Many voters have a "show me" attitude. With a month to go, they are already weary of the candidates and their rhetoric. Some display definite irritation with the political commercials on television. Many are still uncommitted, marking time before making a final judgment. The restless search for leadership reflects a continuing public dissatisfaction with the performance of government.

The disillusionment of the voters runs high. They seem to have a sense of futility and dismay when they review the candidates and issues. Time and again I encounter voters who speak with frustration, anger, and discouragement about a presidential primary system that has given them a choice among Messrs. Reagan, Anderson, and Carter. No politician can miss the deep-seated misgivings they express toward all the presidential candidates. They do not have much confidence that the outcome of the election will rekindle the spirit of the nation. As a politician, I wonder whether their misgivings mean that many of them will simply boycott the ballot box. If they do, they will add to that chilling measure of disenchantment with politics: the decline in turnout from 61.9 percent of those eligible to vote in 1964 to 54.4 percent in 1976. The disenchantment will make it much harder for leaders to regain public confidence after the election.

When asked by the voters about the quality of the candidates, I try to suggest a few positive points. It is important to remember that the candidates were chosen through a long, difficult, and open process. It is a process with many flaws, but it has produced reasonably good choices for the country over a period of many years. It is helpful to keep in mind that none of the candidates is as bad as his opposition claims, and that none appears at his best on the hustings. Unfortunately, there is something about our political campaigns that suppresses the good qualities in people. It is also helpful to remind oneself that the next President will have been freely chosen after a grueling campaign, with extensive exposure to the press and to every conceivable special interest group. If elected, he will be assisted by able advisors, and he will lead a nation rich in human and natural resources.

My conversations with the voters persuade me that television has become the primary means of political communication in the United States. I have an uneasy sense that today's presidential campaigns—perhaps the senatorial and gubernatorial campaigns as well—are too dependent upon television. Whenever I ask a voter about the source of his information on the candidates, the answer I receive almost invariably is, "From television." Presidential candidates, and many of their senatorial and gubernatorial counterparts, plan their campaign swings around television. Communication by television is superb at its best, but it demands action. I am inclined to think that we do not get a very sound perception of the candidate's effectiveness as a negotiator or consensus-builder, qualities that are very important in the world of politics today. Television forces a candidate to compress his message into a few seconds, to over-simplify it and exaggerate it. From television, we get only a brief glimpse of a candidate's position, abilities, and personality, rather than a clear picture of the whole person.

Most voters with whom I have talked are disturbed by the negative tone of the campaign. They point out that each of the candidates is trying to build up his constituency by calling attention to the failings of his opposition. Each seems to be making the deficiencies of his opposition the main issue. The voters are also worried about the escalating costs of getting elected. The costs of the average senatorial campaign in the general election will top $1 million this year. A typical House race will cost about $250,000, up from just $130,000 just four years ago. I am not sure what impact these staggering sums of money will eventually have on our electoral system, but it has become apparent to me that lack of money spells defeat even though money itself may not assure victory. Although the voters are interested in such issues as the Equal Rights Amendment, abortion, and prayer in public schools, I am impressed by their ability to focus on the overriding issues, those relating to the defense of the country and the health of the economy. They seem to know instinctively that the principal issues in any election are the safety and prosperity of the nation.

Finally, a personal observation. In a way, the presidential campaign has not turned out as I thought it would. Earlier in the campaign season, I believed that the contest was shaping up as a battle of ideologies, a conflict of ideas, a debate on the best strategy to make government effective and define the role of government at home and abroad. In reality, however, things are different. The candidates have lurched toward the center of the political spectrum. Their disagreement on the issues has been blurred, even obscured. The rhetoric of the campaign has hidden their profoundly different points of view. I do not see any great debate, much less a simple discussion, on the finer points of federal policy in health, education, environment, and other important areas. The contest is being joined in broader and vaguer terms, such as character and competence.●

THE GRIGORY HESS FAMILY OBSERVES BLEAK ANNIVERSARY

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. KRAMER. Mr. Speaker, during the election day recess, a bleak anniversary was observed in Minsk, Russia, by the Grigory Hess family. On October 27, 1973, the Hess family first applied for an exit visa to go to Israel to be reunited with their parents. The request was refused, and repeated reapplications have been made in vain.

Not only have Grigory, his wife Elena, and their two daughters suffered the frustration of repeated denials of their attempts to leave the Soviet Union to rejoin the rest of their family, but they have been subjected to the regrettably familiar litany of privations and abuses which Soviet officials have heaped on refuseniks. Following denial of their exit visa, Hess lost his job as an engineer, and has had to eke out a living as a construction laborer, further hampered by the fact that each time his status as a refusenik is discovered, he is fired and forced to seek other work.

In addition, the Hess' phone was disconnected, his children are taunted at school, and his family is subject to accusations by their neighbors of being traitors and enemies of the people. And yet, their only crime is the desire to live freely to observe their religion with the rest of their family. For this, they are forced to live a life of ignominy and scorn in a nation which refuses to grant them permission to leave to live a fulfilling life elsewhere.

Some of my constituents have personally met the Hess family and found them to be remarkably courageous, warm, and wonderful people. This personal contact only serves to emphasize the horrors of the archaic, oppressive system which refuses to recognize their fundamental human right to emigrate to join their family and to freely observe their religious beliefs.

I wish to take this moment to draw the attention of my colleagues to the continuing pattern of harassment and oppression in the Soviet Union against citizens who dare to seek the most basic human rights, as reflected in the individual case of the Grigory Hess family.●

MUSICAL EVENTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. BINGHAM. Mr. Speaker, from time to time I have entered in the RECORD items illustrating that Bronx County, N.Y., has far more to offer than the devastation of some parts of the South Bronx.

On Sunday, September 28, the New York Philharmonic under the direction of Zubin Mehta performed brilliantly at the gala inaugural concert of the magnificent new Lehman College Center for the Performing Arts located in the heart of my district.

The event was an exciting milestone in the cultural history of the Borough of the Bronx.

The New Yorker covered it, as follows:

MUSICAL EVENTS

New York City has a new large concert hall, part of the Lehman College Center for the Performing Arts, in the Bronx. It seats twenty-three hundred and eighteen. It has good acoustics and is an attractive place, on the marge of a spacious campus with lawns, trees, and a diverse architectural landscape of nineteen-thirties academic Gothic and 1960 Marcel Breuer. The Lexington Avenue No. 4 train stops one block away, and the D train two blocks away, so the hall is easily reached from Manhattan. There is a restaurant. The concert hall, a theatre, an experimental theatre, and a recital hall in the college's music building make up the performing spaces of the Center, whose "complex" also includes a library and an art gallery. In some ways, it's like a second Lincoln Center in a peaceful setting, without the concrete expanses, busy traffic, and encircling skyscrapers. The concert hall opened at the end of last month with a concert by the New York Philharmonic. The second event—the hall can also be used as a theatre—was "La Traviata," the inaugural performance of the National Opera Touring Company, the New York City Opera's new touring division.

The architects are David Todd (the designer of Manhattan Plaza) and Jan Pokorny; the acoustic consultant is Ranger Farrell. Building was begun in 1973 but was interrupted after two years by the city's financial crisis. (Lehman College is part of the City University.) The "AIA Guide" (1978) called the unfinished buildings "eye-catching but . . . more prima donnas then anything else." That's harsh. Finished, they make up a romantic place that predisposes one toward enjoyment of a performance. The concert hall is asymmetrical, an assemblage of trapezoidal forms suggesting zoo architecture (Toronto's pavilions, Casson's elephant house in London). It is unpretentious—elaborately designed but simply, even barely, executed in concrete, limestone, and glass. Within the irregular auditorium, the orchestra seats fan out in five unequal vanes; the rightmost of them climbs sharply to become one with the balcony, which is treated as a lively cluster of interlocking steep terraces. The side walls are elegantly ribbed with narrow concrete blocks. The ceiling is a mosaic of large white panels with darkness visible through the spaces between them. Similar white panels surround and roof the platform, which is framed by a red curtain. The floor, raked to give good sight lines (and hearing lines?), is carpeted. At the opening concert, I thought I had never heard the Philharmonic so clearly, so intimately. At a first assessment, I would rate the acoustics of Lehman Hall—may we henceforth call it that—above those of Avery Fisher Hall, as being more immediate and intimate, but a little below those of Carnegie Hall, as being less warm and responsive. The other public spaces, the foyers and lobbies, are plainly decorated, interestingly shaped on varied, linked levels, and meagre; American architects often seem to forget that an audience takes up more room in intermissions, walking, talking, eating, drinking, than when it is packed into orderly rows. In fair weather, it doesn't matter at Lehman Hall: outside, a broad, tree-lined terrace and its open, ample undercroft (part of the walkway system that links all the college buildings) give onto a wide lawn, and there is also a stepped forecourt that looks ideal as a site for informal summer concerts.

The Philharmonic program began with two works by composers on the Lehman College music faculty: Ulysses Kay's symphonic essay "Markings" and John Corigliano's Clarinet Concerto—*pièces d'occasion* on this occasion but, as Zubin Mehta, who conducted, pointd out, pieces that on their own merits had already been taken into the Philharmonic's repertory. The orchestra played Corigliano's concerto in its European tour this summer. The Bronx performance confirmed what the critic of the Malmö *Arbeten* wrote of the soloist, Stanley Drucker: "Here is a clarinettist with an almost improbably superb technique, a sound that is divine, and a radiance very few musicians possess." Then Brahms' Second Symphony. The Philharmonic is making a better sound than it has made for years: string tone fuller, woodwinds more nearly in tune (but still some brass glare at climaxes). If Mr. Mehta had not adopted the eccentric modern seating plan—top strings all clumped to his left, double-basses lopsidely off on the right—one might even have heard rich, balanced, Brahmsian sonority. Mr. Mehta's account of the work—as Nicholas Kenyon observed last week, after the Philharmonic's Manhattan performances—was unimpressive.●

INTERMODALISM: THE PROMISE AND THE REALITY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. MURPHY of New York. Mr. Speaker, I enclose in today's RECORD a recent speech by the distinguished Vice Chairman of the Federal Maritime Commission, Leslie Kanuk.

Professor Kanuk's views are provocative, and suggest that much remains to be done in developing a national transporation policy.

The speech follows:

INTERMODALISM: THE PROMISE AND THE REALITY

INTRODUCTION

There is a very strong correlation between the state of a nation's prosperity and the underlying transportation system on which it depends. No matter how productive our farms, how innovative our technologies, how efficient our factories, their outputs are valueless—meaningless—until we move it all to market. And, given the degree of competition we face today on every front and in every field, given the shortage of energy and the high cost of fuel and the declining value of the dollar, it becomes more and more essential that we have a transportation system which enables us to move our goods to market swiftly and efficiently and economically; a transportation system which truly facilitates the free flow of this nation's commerce.

THE PROMISE AND THE REALITY

The development of containerization in the late 1950s ushered in an era which offered bright hope for the future of our transportation system. The ability to pack goods in a secure metal container and to move it intact from point-of-origin to point-of-destination, via land and sea and land again, promised unbounded benefits to shippers and carriers and consignees alike.

The container, as the integral component of intermodalism, makes possible a systems approach to the movement of cargo. The same box in which the shipper packs and seals his goods can move directly to the consignee's doorstep, regardless of which and how many transportation modes are needed. With intermodalism, the cargo needs minimal packing because it receives minimal handling. The opportunities for loss or damage or pilferage are markedly curtailed; similarly, the shipper's paper burden and coordinating responsibilities are greatly reduced. Documentation is simplified through the use of a single through bill of lading, and responsibility is fixed on a single carrier, who marshalls the cargo from source to destination. Cargo tracing and retrieval are greatly facilitated. All of this results in faster, safer, cheaper transportation movements, which can be offered at lower rates to the shipper, resulting in lower landed costs for competitive goods, and conceivably greater sales opportunities and profits for our nation's shippers.

That is the promise of intermodalism. Now let us consider the reality.

Intermodalism is progressing, but slowly. Despite the fact that the shipping industry has invested billions of dollars in new ships and containers, container handling facilities and other equipment, door-to-door container service in the United States foreign commerce is still more of a promise than a reality. Equipment improvements continue to be made; several ocean carriers operate minibridge unit trains between the Pacific and Atlantic seaboards, and some microbridge door-to-door services are being offered. New railroad mergers offer the promise of single line rate service in minibridge movements between West coast ports and Gulf ports. However, only the largest and most specialized ocean carriers have enough point-to-point traffic to make minibridge unit trains feasible, and even they cannot aggregate enough cargo to operate microbridge unit trains. Smaller carriers don't have sufficient quantities of point-to-point traffic to individually engage in unit train operations, nor can they band together to offer such services jointly because of various antitrust and regulatory prohibitions.

There is no question that the full development of intermodalism has been constricted by the fragmented, mode-by-mode transportation system which has developed in this country, and the equally fragmented regulatory system which oversees its operation. The assignment of transportation regulation to separate land, air and ocean regulatory agencies may have made some sense in the days before containerization, but it makes no sense today. In its role as the mover of goods from supplier to consumer, transportation must be viewed in its totality, from start to finish, from door to door. A truly effective national transportation system must synthesize all modes into a smoothly running, integrated, unified whole, capable of increasing the volume of our exports and reducing the cost of our imports.

IMPEDIMENTS TO INTERMODALISM

Some of the impediments to intermodalism are mechanical, some are philosophical, and some, unfortunately, are territorial, as each mode and each regulatory agency seeks to protect its turf, its independence, and its supremacy in the transportation chain. Let us consider, first, the mechanical problems, for these are relatively easy to solve.

Container equipment is expensive and in somewhat short supply. Despite the fact that some carriers have established inland container depots, equipment imbalance still exists, with a surplus of containers in some areas and shortages in others. Shippers in the Midwest have long complained about the unavailability of containers where they need them, when they need them. Container shortages have provided opportunities for leasing companies to thrive, in some instances freeing shippers from dependence on any one particular carrier. I might note that a number of carriers and conferences have resented the independence which neutral container leasing has provided to shippers, and have tried to penalize their use.

In my view, it would make a lot more sense for the carriers to turn their efforts instead to correcting the situation which gave rise to shipper-leased containers in the first place. Given the high cost of equipment, the high cost of repositioning and the necessity for fuel conservation, carriers must give careful thought to the development of viable container interchange systems, container pools, or spot leasing systems which will enable them to better meet fluctuating shipper demand.

Railroads previously subsumed charges for moving empty containers in their line haul rates, and empty containers apparently moved for free. Now, however, many railroads have established a separate and sometimes excessive charge for the movement of empty containers, which adds substantially to the carrier's repositioning costs. Several conferences and carriers have responded to this situation by imposing a surcharge on containers which move on railroads with costly repositioning charges. Now the railroads are crying foul, and want the surcharge lifted. They claim that their repositioning charges are simply an "incentive" designed to "motivate" shippers to improve their equipment utilization through better scheduling. Not all shippers appreciate such carrier-imposed incentives; many of them have already diverted to motor carrier and barge.

The lesson in all of this is clear: for a transportation channel to remain strong, each link in the transportation chain must cooperate with the others. Unilateral actions by any one mode may weaken and ultimately destroy the channel, if any one member's long-run ability to compete effectively in the marketplace is threatened. Adversary relationships, or less-than-cooperative relationships between or among modes serve to impede the flow of cargo from shipper to consignee, and accrue to no one's best interests.

Another impediment to intermodalism is the sometime difficulty of negotiating joint rates between modes. For example, the Commission has received reports that some railroads have not been forthcoming or particularly cooperative in the establishment of joint rates with ocean carriers. In at least one instance, this has prevented a conference from implementing its initial intermodal authority granted by the Commission.

In some cases, the conferences themselves have tried to restrict intermodalism if it appeared to threaten their all-water movements. In order to prohibit their members from instituting individual intermodal services, some conferences have sought intermodal authority, and then set intermodal rates at a level designed to discourage shipper diversion from their all-water routings. In such instances, the Commission has implemented a policy of "use it or lose it". A conference which does not implement its intermodal authority or whose intermodal services are not attracting users is likely to lose its authority when it comes up for renewal. Similarly, if the Commission is not convinced that a conference is committed to actively and aggressively implementing intermodal service, it may not grant such authority in the first place.

Perhaps the most important drawback to the development of intermodalism is the lack of a cohesive national transportation policy. As a result, we find ourselves today with a regulatory framework which emphasizes the differences among modes, and encourages the development of agency turf-building and protection. Rather than support a systems approach to transportation, the separate agencies promote and preserve the particular mode or modes within their jurisdiction. The classic bureaucratic red tape associated with regulation is multiplied because of separate initiatives by the ICC and the FMC. Interagency cooperative efforts, such as the Interagency Committee on Intermodal Cargo [ICIC], have not been overly effective at "harmonizing" the activities of the two agencies.

The territorial imperatives embodied in the two agencies' operations have fostered a reluctance on the part of Congress to amend either the Interstate Commerce Act or the Shipping Act. Grant intermodal authority to one agency necessarily implies usurping powers of the other agency. Not surprisingly, legislative attempts to grant explicit intermodal authority to either agency have never made it to the floor. Over the years, various Executive departments have carefully avoided taking any position on this divided regulatory problem. Under these circumstances, the DC Court of Appeals has had to step into the breach and resolve certain technical intermodal issues as they arose. The Court will have to continue in this role if Congress continues to avoid addressing this problem.

Containerization was introduced long after the Interstate Commerce Act and the Shipping Act were drafted. The container revolution has presented regulatory problems that were never contemplated by the original drafters of these statutes. The Shipping Act was clearly designed to meet the needs of the United States foreign commerce, while the Interstate Commerce Act just as clearly focuses on the domestic movement of cargo. Neither Act gives the ICC or the FMC clear statutory authority for joint intermodal rates. Before the advent of containerization, proportional rates served as an expedient solution to the joint rate problem. However, both agencies now claim jurisdiction over these rates.

A very timely example of this jurisdictional conflict can be seen in the Motor Carrier Act of 1980, which contains a section that provides that "* * * a freight forwarder may enter into contracts with * * * a water common carrier providing transportation subject to the Shipping Act, 1916 * * *." This provision, designed to promote intermodalism, according to the ICC, has caused a great deal of consternation within the maritime industry. Some ocean carriers are concerned that ICC forwarders will be able to exert unfair leverage in obtaining reduced ocean carriage rates; some independent ocean freight forwarders are concerned that the ICC forwarders will be able to control the total through movement; the FMC is concerned that contract rates will enable some shippers to secure ocean freight at rates lower than the rates listed in the tariff.

The FMC is presently drafting a comment urging the ICC to include in their final rule a statement to the effect that ocean common carriers are not relieved of their obligations to file tariffs under the Shipping Act of 1916 and the Intercoastal Shipping Act of 1933. The FMC wants to rule to clearly state that its intent is simply to remove a prohibition over ICC freight forwarders, and not an attempt to shift jurisdiction over ocean common carriers from the FMC to the ICC.

The Commission also wants the ICC to define the term "contract" to mean "agreements for joint through service" which require tariff filings similar to existing joint through services. In this way, the FMC feels that all members of the intermodal channel—ICC forwarders, ocean freight forwarders, and common carriers—will maintain equal status. Otherwise, they fear that the ICC forwarder will be in the position to assume total responsibility for all intermodal movements. Of course, there are some people who think that that may be a good thing.

For example, the CTO concept which bestows responsibility and liability for the through movement on just one entity—the Combined Transport Operator—has been used very successfully in Europe. However, at the present time, jurisdictional conflicts between the FMC and the ICC make it difficult, if not impossible, to apply the CTO concept in the United States.

Joint rates are the source of most intermodal regulatory issues. At the present time, joint rates must be filed at both the FMC and the ICC, with the FMC requiring that the port-to-port division be broken out. The ICC regulates the inland portion of a joint rate tariff, and the FMC regulates the ocean portion. However, the ICC has recently asserted substantive jurisdiction over both the inland and ocean portions of rail/water movements in the U.S.-Puerto Rican trade. The Court of Appeals has upheld its jurisdiction, and is presently considering whether ICC jurisdiction should also prevail in motor/water movements in this domestic offshore trade. In the foreign commerce, however, both agencies continue to have concurrent rate jurisdiction over joint through movements.

As if divided FMC/ICC regulation were not enough, the Antitrust Division of the Department of Justice has become increasingly involved in joint ratemaking issues with respect to conferences. Its strength lies in the fact that neither the FMC nor the ICC has clear statutory authority over international joint rates. To a great extent, the threat of prosecution by the Justice Department has served to effectively inhibit the development of joint rates in other than a non-conference context.

NEEDED: A NEW REGULATORY FRAMEWORK

It seems to me that the optimum regulatory framework for promoting intermodalism is the creation of a single regulatory agency to oversee all United States intermodal movements originating or ending in a foreign country. There are many benefits to be derived from such an arrangement, not least of which would be the creation of a single focus and a single philosophy designed to foster intermodalism.

Furthermore, the elimination of overlapping and duplicative regulation would result in a reduction of the regulatory burden now imposed on carriers and shippers alike.

The ICC and the FMC, despite some efforts at cooperation, differ in their regulatory philosophies, goals, interpretations, and viewpoints. Consider, for example, their respective views toward contract rates.

The ICC, in a general policy statement concerning railroad contract rates, has expressed the view that ". . . Contract rates offered to one shipper will not constitute discrimination against another shipper. Differences in a railroad's cost of serving individual shippers can justify different rates. Differences in competitive services can also justify different rates, as where lower rates are offered to one shipper to meet carrier competition which is not present for the traffic of another shipper."

The FMC, on the other hand, is very much concerned that all shippers, regardless of size or economic strength, be charged the same freight rate for moving the same commodities in the same trade. Anything else is viewed as discrimination among shippers. Needless to say, this view militates against contract rates. As a matter of fact, the FMC has just proposed a rule which would ban time/volume contracts, in part because such contracts may result in discriminatory rates among shippers.

The development of intermodalism over the past two decades has brought us to the point where compartmentalized thinking about individual modes is simply inappropriate. Transportation is far too important to the welfare of this country to be treated as a stepchild of the regulatory agencies. It is time for Congress to address this problem, to assign responsibility for intermodalism to a single regulatory agency, whose single-minded focus would be the development of a unified transportation system to support and promote the commercial vitality of the United States.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, November 13, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 14

9:30 a.m.
Judiciary
Antitrust, Monopoly and Business Rights Subcommittee
To hold oversight hearings on the Department of Energy's contracting policies in solar energy research and development.
2228 Dirksen Building

NOVEMBER 18

10:00 a.m.
Finance
To mark up section 5, authorizing funds through fiscal year 1986 to establish the hazardous substance response fund of S. 1480, providing for the safe and adequate treatment of hazardous substances released into the environment.
2221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation and Federal Services Subcommittee
To hold hearings to review the accuracy of the 1980 census count.
3302 Dirksen Building

Governmental Affairs
Intergovernmental Relations Subcommittee
To resume oversight hearings on the implementation of the Freedom of Information Act.
357 Russell Building

1:00 p.m.
Select on Ethics
To hold hearings on revising the Senate code of conduct.
457 Russell Building

NOVEMBER 19

9:00 a.m.
Select on Ethics
To continue hearings on revising the Senate code of conduct.
457 Russell Building

10:00 a.m.
Finance
To continue markup of section 5, authorizing funds through fiscal year 1986 to establish the hazardous substance response fund of S. 1480, providing for the safe and adequate treatment of hazardous substances released into the environment.
2221 Dirksen Building

Governmental Affairs
To hold joint hearings with the Subcommittee on Intergovernmental Relations on S. 3160, proposed Debt Collection Act.
3302 Dirksen Building

Judiciary
Improvements in Judicial Machinery Subcommittee
To resume hearings on S. 2082, to exempt nonprofit veterans' and fraternal organizations from the requirement that certain performance royalties be paid to copyright holders.
2228 Dirksen Building

2:00 p.m.
Governmental Affairs
To continue joint hearings with the Subcommittee on Intergovernmental Relations on S. 3160, proposed Debt Collection Act.
3302 Dirksen Building

NOVEMBER 20

10:00 a.m.
Finance
To continue markup of section 5, authorizing funds through fiscal year 1986 to establish the hazardous substance response fund of S. 1480, providing for the safe and adequate treatment of hazardous substances released into the environment.
2221 Dirksen Building

Governmental Affairs
To continue joint hearings with the Subcommittee on Intergovernmental Relations on S. 3160, proposed Debt Collection Act.
3302 Dirksen Building

NOVEMBER 21

9:30 a.m.
Banking, Housing and Urban Affairs
To hold hearings on the cross-industry takeover between commercial banks and thrift institutions.
5302 Dirksen Building

10:00 a.m.
Special on Aging
To hold oversight hearings on the social security system and on proposed changes thereto.
5100 Dirksen Building

NOVEMBER 25

10:00 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Federal Services Subcommittee
To hold hearings on the U.S. Postal Service's proposal for a nine-digit zip code.
3302 Dirksen Building

SENATE—*Thursday, November 13, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by Hon. BILL BRADLEY, a Senator from the State of New Jersey.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

The Lord is high above all nations, and His glory above the heavens.— Psalms 113: 4.

Let us pray.

We thank Thee, O Lord, for this new day, for its beauty and its promise, for work to do and strength with which to do it. Equip us now with an abundance of Thy grace. Grant us the serenity to accept the things which cannot be changed and the perseverance to change the things which ought to be changed. Grant us the hope that never turns to despair, the loyalty that never diminishes, the purity which can resist all temptation, and the dedication which can never be compromised. Arm our wills with Thy strength, and fill our hearts with Thy love that we may be strong to obey Thee and loving in service to our fellow man.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 13, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BILL BRADLEY, a Senator from the State of New Jersey, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. BRADLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

THE JOURNAL

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, November 12, 1980, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING MINORITY LEADER

Mr. CRANSTON. Mr. President, we are going to move to recess but first I yield to the acting minority leader.

The ACTING PRESIDENT pro tempore. The acting minority leader is recognized.

(The remarks of Mr. STEVENS at this point in connection with the introduction of legislation are printed under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, will the distinguished acting majority leader yield me a couple of minutes?

Mr. CRANSTON. Yes.

LET SENATORS SHOW THEIR TRUE CONCERN FOR HUMANITY

Mr. PROXMIRE. Mr. President, the country is currently suffering from a crisis of confidence. Faith and trust in both our elected officials and in many of our political institutions have waned considerably. The electorate's attitude toward the officials it elects is at such a low point that during the last decade, only one-half of all American citizens eligible to vote bothered to do so.

One disheartening reflection of the distrust is the prevailing feeling among many citizens that some officeholders are serving in the political arena solely to further their political aspirations. Some elected officials who profess to be representatives of the people are perceived to be little more than advocates of special interest groups.

Mr. President, it is imperative that we regain the confidence of the people who have entrusted us with the power of decisionmaking we currently hold.

To do so, however, we must not simply utter empty rhetoric about our intention to serve in their best interest.

We, the Senate, must instead take meaningful action which will show our concern for the welfare of all peoples and our determination to serve everyone equitably.

One way to show our true concern for human life is to ratify the Genocide Convention. This important document expresses horror and contempt for the heinous crime of genocide. This treaty resolves that the horrible crime of genocide should never be allowed to occur. It affirms a concern for human life and the right of religious, ethnic, national, and racial groups to express themselves without facing the threat of mass extermination.

Mr. President, passage of this treaty would help restore our image in the eyes of our citizens.

It would effectively demonstrate our commitment to the timeless principles of life and liberty for all peoples everywhere.

Skepticism among the electorate abounds, particularly in this postelection period. Prompt ratification of the treaty will help improve voters' faith in elected officials.

I urge my colleagues to immediately proceed with the ratification of the Genocide Convention.

H. STEPHEN HALLOWAY

Mr. PROXMIRE. Mr. President, Stephen Halloway has done an excellent job serving as the minority staff counsel for the Senate's Commerce, Science, and Transportation Committee. Halloway has recently received Boston University's Young Lawyer's Chair Award, presented annually to a recent Boston University Law School graduate who has become an outstanding member of the profession or the community.

Mr. Halloway hails originally from Whitefish Bay, Wis.

Mr. Halloway's accomplishments are inspiring for young lawyers. He is also a source of pride for the State of Wisconsin.

I commend him highly for his achievements.

For this reason, I ask unanimous consent that an article which appeared in the North Shore Post, describing Mr. Halloway's accomplishments, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the North Shore Post, Oct. 2, 1980]

FORMER WHITEFISH BAY MAN TAKES HONORS FROM BOSTON UNIVERSITY

WHITEFISH BAY.—H. Stephen Halloway, minority staff counsel to the U.S. Senate Committee on Commerce, Science and Transportation, is the 1979–1980 recipient of Boston University's Young Lawyer's Chair.

The award is presented annually to a recent Boston University School of Law graduate who has proved to be an outstanding member of the profession or of the community.

Halloway, who advises Senate committee members in the drafting of legislation related to consumer affairs, trade regulation and product safety, earned a doctoral degree from Boston University's School of Law in 1973. He also holds a master's degree from Rutgers University and a bachelor's degree from the University of Wisconsin in Madison.

Prior to his appointment to the U.S. Senate committee in 1976, Halloway was a Federal Programs Section attorney in the Civil Rights Division of the Department of Justice and received a letter of commendation for his performance.

Halloway, who is the son of Mr. and Mrs. Harry Halloway of 5101 N. Lake Drive, Whitefish Bay, is a graduate of Whitefish Bay High School. Halloway currently resides in Washington, D.C.

RECESS UNTIL 11 A.M.

Mr. CRANSTON. Mr. President, I move that the Senate stand in recess until the hour of 11 a.m.

There being no objection, the Senate, at 10:38 a.m., recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BAUCUS).

The PRESIDING OFFICER. The Chair in his capacity as a Senator from Montana suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS, 1981

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Weicker amendment be temporarily set aside so that we can proceed with the Dole amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that it now be in order to proceed with the amendment of the distinguished Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1742

(Purpose: To make available certain funds only for the majority and minority staff of the Commission on Security and Cooperation in Europe)

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 1742.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 37, line 13, before the period, insert the following: "*Provided further*, That such amount $88,667 shall be available only for the compensation of staff personnel of the Commission serving members of the Commission selected from the majority party of the House of Representatives, and an equal amount for the staff serving the majority party of the Senate; and that $7,333 shall be available only for personnel benefits of such staff personnel: *Provided further*, That of such amount $44,333 shall be available only for the compensation of staff personnel of the Commission serving members of the Commission selected from the minority party of the House of Representatives and an equal amount for the staff serving the minority party of the Senate; and that $3,667 shall be available only for personnel benefits of such staff personnel."

Mr. DOLE. Mr. President, this is a very short and succinct amendment which deals with one of the related agencies in title V of the bill, the Commission on Security and Cooperation in Europe. This Commission, the so-called Helsinki Commission, composed of 6 Members from each House of Congress with a 2-to-1 ratio between majority and minority members in each House, and 3 executive department members, has a staff of 13—none of whom have been chosen in the past by the minority Republicans on the Commission, notwithstanding what I understand will be a reply to that later. This amendment seeks to rectify this inequitable situation.

The amendment provides that no funding for staff salaries shall be appropriated for the Helsinki Commission unless provision is made for minority staff in a ratio reflecting the majority and minority representations on the Commission.

Of course, these ratios will change come January, and perhaps if this amendment does not succeed it can be worked out in accordance with the Rules Committee in January.

The Senator from Kansas had prepared this amendment prior to the recent election recess and the startling and gratifying Republican successes in both Houses of Congress. Now that Republicans will be the majority party in the Senate, and with the appointment of new executive department members from the Reagan administration, on the Helsinki Commission as well, it still remains the intention of the Senator from Kansas to offer this amendment. Although the Democrats, when in power, were not willing to equitably share funds for staff, we do not seek revenge, this is not the purpose of the amendment, it is to not repeat that inequity. It seems to me that this is one area that deserves our attention.

It is still true that Democrats and Republicans have different policies and priorities—in some cases different philosophies, though not always the case. Staff representation must reflect our different philosophies even as we work toward common goals.

I would say, as I think probably the most active member—at least one of the most active members—of that Commission, I think it serves some purpose. I have been an active participant. I have made two trips to Belgrade in the last worldwide meetings of the so-called Helsinki countries. I do not find my views and activities necessarily represented on the Commission staff. It just seems to me, as someone who has been around the Congress for 20 years, that despite the claim that Republicans have been consulted on staffing that I can recognize when there are and when there are not. This Senator has not been consulted—I am not blind, deaf, or dumb, and I know there are no Republican staff on that Commission.

I have been carrying on this battle with Representative DANTE FASCELL, a friend of mine, for 5 or 6 years. I have letters from DANTE commiserating with me, sympathizing with me, but not accommodating the Senator from Kansas. It is not that the Senator from Kansas is going to build an empire of staff, but when there are 11 to 13 staff people and not a one that represents this Senator on the Commission, then I believe we ought to take a look at the requirements.

As I suggest, come January there will be four Republican Senators and two Democratic Senators, three members from the Reagan administration and then the ratio on the House side will be four Democrats and two Republicans. So there will be a majority of 9 to 6 on the Commission which will be either the Reagan administration or the Republican Party.

Maybe at that time we can work out our differences.

Mr. President, this is a very important Commission. It is sort of a hybrid. It is a Commission that was created through the efforts of two former colleagues of ours, Senators Case and Buckley, and through the efforts of Congresswoman FENWICK. They may have a little different view than the Senator from Kansas. I am not suggesting that I am more partisan than Congresswoman FENWICK, but I do believe that there should be some staff assistance provided those of us in the minority, who will be in the majority come January.

I appreciate the willingness of the distinguished chairman, Senator HOLLINGS, and my friend and colleague, Senator WEICKER, in permitting me to call up this amendment.

AN AID TO BIPARTISANSHIP

This amendment, Mr. President, is not earthshaking. It is not going to change the course of history if it fails. It will not even change the course of history if it passes. But it could change something. A little change around here now and then is not a bad idea.

Mr. President, as I have always believed, there should be bipartisan foreign policy. We have had that tradition for a long time. We have had differences of opinion, obviously, in different administrations, Republican and Democrat, but more often than not, common goals.

Mr. President, this is more of a housekeeping matter. This is not going to change our foreign policy. It is not going to have any great impact at all, perhaps. But I would suggest that the rules of this Commission indicate that the chairman of the Commission, upon consultation with the cochairman, shall have the authority to appoint, on a permanent basis, without regard to political affiliation but solely on the basis of fitness to perform their duties, professional staff members and clerical staff members and so forth.

Mr. President, I do not quarrel with the fact that it is solely on the basis of fitness to perform their duties, but I do believe that there might be a Republican somewhere who is fit to perform those duties, someone the Senator from Kansas, and whoever the new members may be next year, could agree upon.

Mr. President, another option would be to abolish the Commisssion. That has been suggested by some. I am not proposing that. I think the Helsinki Commission does play some important role. Right now, most of the staff on the Commission are in Madrid where they are trying to get the Russians to discuss human rights and other important matters.

Mr. President, I would hope that somehow we could resolve this problem.

In order to effectively carry out their duties, regardless of who is in the majority and who in the minority, staff representation that accurately reflects the views and interests of members is essential. Now that Republicans are in the majority, we do not seek to replace a completely Democratic staff with a Republican one, but to establish an equitable staff distribution for the greater success of the Helsinki Commission as a whole.

BIPARTISAN FOREIGN POLICY

In the past, this appropriation has been approved with relatively little controversy. The United States had a tradition since World War II of a bipartisan foreign policy with a great deal of unanimity about how to carry it out. But, the decade of the seventies saw that change. The Carter administration, in order to satisfy its domestic political constituencies, consistently shortchanged our strategic and defense budget requirements. Foreign policy retreats and setbacks in Panama, Taiwan, South Korea, Iran, Afghanistan, and elsewhere contributed to a general perception of U.S. decline.

Now, particularly in the areas of cooperation with our allies, mutual security and deterrence, and the degree to which human rights concerns will impinge on these other vital props to our continued survival, we find a significant difference between the philosophies of Republicans and Democrats. The election on November 4 showed that this difference was appreciated by the American people.

At the State Department and the other executive branch agencies, the Democrats have of course dominated the policymaking positions since Mr. Carter took office. In the Congress too, the Democrat majority has usually been able to muster the votes the administration has needed, and therefore, shares the responsibility. As the differences between the parties and their approach to foreign policy became greater, eroding the spirit of that former bipartisan ship, we in the Congress at least continued to accord that respect and comity to our colleagues on the other side of the aisle that permitted an honest and meritorious discussion of the issues.

DEMOCRAT CONTROL YIELDS DEMOCRAT STAFFS

There has been a new and disturbing tendency over the past few years for the majority party in Congress to ignore longstanding custom on the composition of various committee staffs. These committee assignments have been traditionally made on the basis of the composition of the Congress itself. Since our party at present numbers 41 out of 100 in the Senate, staff assignments should, as a matter both of right and custom, roughly parallel that ratio.

It is, therefore, particularly disturbing to discover that out of a staff of 13 on the Commission on Security and Cooperation in Europe, there is not a single staff person selected by members of the Republican Party. Despite its bipartisan human rights goals, the CSCE should reflect the differences as well as the similarities in philosophy of its members. The present staff cannot be construed to be nonpartisan. The current Staff Director of the CSCE took a leave of absence in order to run in the Maryland Democratic senatorial primary and is now back on the staff after losing his nomination bid to oppose Senator MATHIAS in the fall.

The CSCE is a multiagency Commission charged with oversight in a most important international matter; namely, the monitoring of the Helsinki Agreement. On the assumption that membership on the Commission is other than honorary, staffing is an essential element in Commissioners' discharge of their duty.

Statements that the CSCE is multiagency in nature and therefore, not subject to normal staffing assignment procedures begs the question, is participation by minority Members of Congress on this Commission to be more than ceremonial? I have continually been "reassured" the Republican Commissioners will be consulted when staffing is considered. This in my opinion is not adequate. The Senator from Kansas has not been consulted.

There must be a more equitable arrangement. I believe Republicans are entitled to positions on the Commission staff and must not idly stand by and accept this violation of courtesy, custom, and accepted practices.

Over the years the manner in which committee staff is assigned has been rooted in the commonsense perception that members of the minority need and indeed require staff experts who reflect the philosophical views of their principles. While I am fully well aware that the work and objectives of the Helsinki Commission are of universal concern, I do believe that the Democrat and Republican Parties possess differing philosophies regarding various aspects of the Commission's work and the ultimate attainment of its goals. A total failure of the availability of such expertise on this Commission staff is unacceptable in itself and also for the reason that it represents a major lacuna in support mechanisms for the minority members of the Commission and indeed the minority party in each House of the Congress.

LET US HAVE A BIPARTISAN STAFF

The argument that the Commission is bipartisan in concept and goals reenforces the amendment of the Senator from Kansas. It is my belief that the staff, too, should be bipartisan in its goals and recommended policies, just as it would be nice if the United States could once again have a consensus, bipartisan foreign policy. Before something can be bipartisan, however, it must be composed of two different parties. Therefore, in order for the Commission staff to be bipartisan, it first must have people chosen by the minority as well as the majority members. A staff selected entirely by the Democratic Chairman and Democratic Staff Director is not a bipartisan staff. Only the minority can decide for itself what the minority concerns will be. They cannot be chosen for them.

That is what this amendment will accomplish. Now that the Democrats somewhat unexpectedly find themselves facing the prospect of being in the minority, perhaps they will have greater empathy for the rationale and logic of this measure. It is my hope that this amendment will be accepted by my colleagues and supported in conference in the interests of fairplay and simple justice. Regardless of who is a Democrat and who is a Republican, however, our traditions, customs and sense of justice has provided us with accommodation for both the majority and the minority. I hope the Senate will not now contravene that history of pragmatism and justice.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, I have listened with great interest and appreciation to the remarks of the Senator from Kansas. This has frequently been a subject of discussion within the Commission on Security and Cooperation in Europe.

The thought we had was that the staff should be as nonpartisan as possible.

The goal and objective of the Commission is to highlight whether or not other nations are honoring the accords arrived at in Helsinki, particularly whether the Soviet Union is honoring those accords. That goal is not something that divides Democrats from Republicans.

The Senator from Kansas said he did not have anybody on the staff designated to help him. I am cochairman of the Commission, and I have nobody designated to help me. I have never sought help.

There are two supervisory professionals on the Commission staff—Spencer Oliver and his deputy, Sam Wise, who are generalists. Then there is the staff of six professionals. Half of them already have been appointed on the recommendation, as I understand it, of Republican members of the Commission: Ms. Susan Pedersen, who was appointed at the recommendation of Congressman BUCHANAN; Mr. Marty Sletzinger, who was appointed on the recommendation of Congresswoman FENWICK; and Ms. Cathy Cosman, who was appointed on the recommendation of Senator Case.

Naturally, the party alinement on the Commission will change when the Republicans are in the Senate majority, and the three representatives from the executive branch will, presumably, all be members of the new administration. At that time, any changes can be made that the chairman of the Commission desires to have made. It will be perfectly appropriate, then, if they want to let some people go, to let them go. But I think it would be inappropriate and jumping the gun to do it at this time.

For that reason, I would be compelled to oppose the amendment of the Senator from Kansas and would suggest that if we must vote now, that is fine by me. If we prevail, the objectives and the wishes of the Senator can be addressed after January 3. To do it now seems to me, as I say, not correct.

Mr. HOLLINGS. Mr. President, my distinguished ranking member (Mr. WEICKER) and I have tried to work this out. As the Senator from Kansas says of his own amendment, it is not going to change history either way. It is of minor concern, but it is of major concern to him. We understand that. We hoped to forgo a rollcall, yet the parties do wish that kind of vote.

As a manager of the bill, I say to Senator DOLE, looking at the language itself, when he mentions the minority—and that is the direction in which I am headed, necessarily—I was very interested in that. There is an old Latin phrase, "non ignare mali succere miseris disco"—which says, not being unused to misfortune, I learned to succor the unfortunate. So, being in the direction of the minority, I thought we could accept it or work it out.

But I think Senator PELL is correct. I served, for example, on the Advisory Commission on Intergovernmental Relations. We never thought in terms of a minority and majority staff. We had the Paperwork Commission, which is a similar thing, under former Senator McIntyre of New Hampshire. They had a staff but I do not recall it being divided up among the members. Now we have this important commission.

As I understand it, they never approached the staffing of the Helsinki Commission in the context of the majority and minority. I think we would be establishing a bad precedent, even though it would be in the interest of the minority, as I say, later on, which is going to happen right soon, in January.

I just do not think, with executive branch members, with the proposition of having consultants assigned from the State Department, that the House would want to go along on this particular amendment. We could say we could take it to conference, but I do not think we would have much success there, because it would destroy the institution itself, the Commission. Rather, it would put it in the context of a joint House-Senate political committee, a joint committee and it will lose some of its efficacy and force to the partners and the conference itself. Therefore, I do not think it is in the best interest of the Helsinki Commission.

We would have to oppose the amendment. We do not oppose it very vigorously. We wish the parties would get together on it, because it is just not that significant.

Mr. WEICKER. Mr. President, as the Senator from South Carolina has indicated, we have tried to work this matter out. We have tried to have the amendment accepted and see what the conference would do with it. Apparently, that course of action is not satisfactory to the distinguished Senator from Rhode Island. Under those circumstances, my feeling is that we should support the Senator from Kansas on the issue.

I think competition, in the sense that partisanship is completion, is a good thing. I should hope that the soon-to-be minority would have the necessary staff to compete adequately with the Republican majority. Really, what we are talking about here is an issue for the future, because there is not much time left under the present circumstances. For that reason, and for the development of proper courses of action, I support the Senator from Kansas and I hope the Senate will do likewise. The beneficiaries will be my friends now on the Democratic side.

The principle is important. That is that any minority should be adequately staffed in order to offer that range of ideas, that range of opposition, which will put the majority position to the test, not in the sense of who has the numbers, but who has the quality of ideas.

Mr. President, I support the amendment of the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I shall not take but a minute. I am willing to accept a voice vote on this matter. I am not trying to delay the Senate.

The problem is that when the act was drawn, it said very clearly that as far as the House is concerned, the Speaker shall designate one of the House Members as chairman. That chairman is my good friend and your good friend, DANTE FASCELL. He is going to be the chairman whether there are nine Republicans on the Commission or two Republicans on the Commission, unless we change the law. I hope that he might be reasonable.

After 20 years on the Hill I have heard a great deal about "professional staff" and I know how that works. Rather, I do not know how it works if they were supposed to be nonpartisan. I have never been in the majority, though I have been here 20 years, looking to the other side for leadership on how to conduct myself as a member of the majority party in the event it ever happened. Now it did happen—I do not know why, but it happened.

The staff director is certainly not nonpartisan. He left the Commission, took a little leave of absence, went over to Maryland and ran for the Senate this past year; lost in the Democratic primary, came back to his spot on the Commission staff and got his salary when he came back. So I am not so carried away by that "professional" I hear from the Senator from Rhode Island.

Mr. Oliver went off, ran for the Senate came back and probably got the same salary. He likes to travel. That is the place to be; the stag travels a lot over there.

I suggest that if, in fact, it is going to be a meaningful Commission we inject some of that competition my good friend spoke about to keep it honest. I have enjoyed my service on the CSCE. I know Senator JAVITS has enjoyed his service there. I know the good work that the Senator from Rhode Island has done.

Hopefully, by offering this amendment, at least it is sending another signal to those on the House side who may be totally satisfied now. If they have all the staff divided up on the House side, I assume they are satisfied. If Mrs. FENWICK has a staff person and JOHN BUCHANAN has a staff person, and Clifford Case, who is no longer with us, has a staff person, they are probably satisfied. But this Senator is not satisfied, and I am still here. I have attended the meetings and I have tried to be constructive. It is not, in that sense, a partisan committee.

I had hoped that, by offering the amendment, which will probably be rejected, at least I indicate my continuing interest in the work of the Commission, my continuing interest in what the distinguished Senator from Connecticut pointed out—competition. There has to be some competition in some of the staffs around this Congress. That might save a lot of money. We might have some better ideas. I do not suggest they would all come from someone the Senator from Kansas designated but, at least, it would give us some input into a staff that does some very important work.

On that basis, Mr. President, I am willing to have a voice vote and move on to something that may be more earthshaking. But I want to make it clear that this is not something the Senator from Kansas has dreamed up in the last couple of weeks. I have raised this issue for many years, when Republicans were in the minority, and I raise it again now when we are about to become the majority, at least in the Senate.

Mr. President I ask unanimous consent that two of the many letters I have written over the years on this issue be printed at this point in the RECORD, showing my long interest in this question of equity and comity.

There being no objection the letters were ordered to be printed as follows in the RECORD:

U.S. SENATE,
Washington, D.C., December 11, 1978.

Hon. DANTE B. FASCELL,
Chairman, Commission on Security and Cooperation in Europe, House Office Building, Annex 2, Washington, D.C.

DEAR DANTE: In the Declaration of Principles to the Final Act of the Helsinki Accord, signatory nations pledge to "respect the right of persons belonging to minorities to equality before the law . . . afford them the full opportunity for the actual enjoyment of human rights . . . and protect their legitimate interests . . ." Can the Commission on Security and Cooperation in Europe, in its own internal operations, commit itself to any less?

I believe it is imperative that the Minority Members of the Commission be entitled to their own staff, to which they can turn for specialized advice and guidance during the forthcoming session of Congress. Given the active role which I intend to perform as Commissioner in the coming months, I am convinced that a Minority Staff is necessary to facilitate my work in as effective and timely a manner as possible. In the interest of "equality" and protection of legitimate interests," it is important that all of us on the Commission have adequate resources to concentrate on the problems to be taken up in 1980 at the Madrid follow-up Conference, where the United States will have a very important responsibility to perform.

Prompt action is needed so that a Minority Staff appointment can be made prior to Commission business in January. I will be pleased to discuss this matter further with you, or to have Bob Downen of my office make suitable arrangements with the Commission staff. Your early and favorable response will be appreciated.

Sincerely yours,

BOB DOLE,
U.S. Senator.

U.S. SENATE,
Washington, D.C., January 10, 1979.

DEAR COLLEAGUE: As we enter the new year and convene the 96th Congress, I believe it is a good time to review our work on the Commission for Cooperation and Security in Europe in an effort to see what direction we need to take for the future. The heavy volume of work that ensued after the Helsinki Final Act was generally well-handled in a timely manner by Commissioners and a Commission staff gradually becoming more expert in the issues involved. The past few months have seen human rights fade somewhat from the national limelight, however, as we prepare for the Madrid follow-up conference, the place is certain to accelerate.

The issues with which the Commission must deal interrelate with other areas of foreign policy in an increasingly intricate and complex way. The time required to deal adequately with the problems that arise has taken a concommitantly larger share of my time and, I am sure, of yours also. I feel we must review our staff policy now so that the Commission's ability to respond continues to meet its previously high standards and so that the burden of work is fairly distributed.

There has been some objection that reorganizing the Commission staff to include majority and minority staff allocations would somehow detract from the idealistic goals of the Helsinki Accord, and that it would be impossible to maintain the same high levels of merit and ability which the Commission now enjoys. Such an assertion goes against the very principles of our two-party system of government. This is a two-party country with a two-party Congress, and the differences inherent in our system mandate the more flexible and responsive role a two-party staff would play. It is certainly not my feeling that employing both majority and minority staff would result in any diminished level of skill and ability on the Commission.

According to the general and permanent laws relating to the United States Senate, Section 275, minority members may select two of the six staff members and one of the six clerical employees assigned to any Senate committee. Furthermore, provision is made to hire such minority staff even when no vacancy exists, to serve as additional staff until the next vacancy. Funds for additional staff draw from the contingent fund of the Senate.

In the House a similar rule provides that one-third of funds for standing committee staffs may go to the minority for appointment of staff personnel.

The tradition and precedent for the provision for minority staff, when requested by the minority, is therefore very clear. If there is a strong disagreement with this precedent it might be appropriate to hold public hearings on the matter or to review the basis upon which the Commission is organized when the State, Justice and Commerce Department and other related agencies Sub-Committee is considering funding for the Commission. I would appreciate your sharing your views with me on this subject. I feel very strongly we should have a two-party system on this Commission, consistent with our national traditions and policies, and I intend to actively pursue this goal.

Sincerely yours,

BOB DOLE,
U.S. Senator.

Mr. PELL. Mr. President, I, too, would be more than glad to accept a voice vote. I wish to point out that in the coming period of time, I hope that the Commission chairman will retain those staff members, three of eight professional members, who have been appointed on the recommendation of the minority members of the Commission. I am willing to vote at this point.

Mr. DOLE. Mr. President, I say to my colleague from Rhode Island that I hope we can work out something together. We are going to be changing places in a couple of months on the Commission. I really believe there ought to be someone to provide those of us in the Senate some independent input. I do not have any quarrel with Mr. Oliver. He has worked with me very closely in Belgrade. I do not say they are all professional people. Maybe they are. But I share that view and I hope we can work together to make certain that, whoever may be on the Commission on the Senate side, there will be a couple of staff people there to keep us informed.

They have all the meetings on the House side. That is where the staff is housed. It is just not possible for us to run back and forth each day.

I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (UP No. 1742) was rejected.

AMENDMENT NO. 2392

Mr. HOLLINGS. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is the Weicker amendment. The two amendments to it which are in order under the agreement have not yet been offered.

Mr. HOLLINGS. Are we under a time agreement?

The PRESIDING OFFICER. Correct.

Mr. JAVITS. I want a little time.

Mr. HOLLINGS. I will ask unanimous consent that we temporarily set aside the Weicker amendment.

Mr. JAVITS. I would like to speak on the Weicker amendment.

Mr. HOLLINGS. Very good. Then we are under controlled time. I did not want to use up any of the controlled time.

Mr. JAVITS. Will the Senator yield me 3 minutes?

Mr. WEICKER. I yield 5 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I take an interest in this particular amendment because it relates so intimately to my service in the Senate. It brings into question the only remaining Government department which can have any effect on desegregation, as it is popularly called, in the public school systems which are aided by the Federal Government.

Aid, of course, is limited. The committee which handles that has been a committee I served on for many years, the Committee on Labor and Human Resources.

What worries me about this, Mr. President, is that it destroys, if this amendment should fail, or it should be nullified by the amendments which are going to be proposed to it, which is equally the case, what worries me about it is that it denies a fundamental American right and also puts in jeopardy, because of constitutional questions, a very important program, ESEA, aiding disadvantaged children.

We debated this issue at great length on a previous occasion, I refer to that debate of July 24, 1979. We came out on the right side then. We should, by passing the Weicker amendment, come out on the right side now.

The fact is that the Department of Justice has general jurisdiction for Federal suits to affirm Federal law, unless it is denied that jurisdiction, and it is being denied that jurisdiction if this bill stands as it came over here without the Weicker amendment.

This was clearly contemplated, that this would lead us into a situation of unconstitutionality, because there would be then no remedy whatever for proven school segregation, or discrimination.

This is not the negative, it is the affirmative, because if the litigation to be started by Justice is successful, it must be successful because an unconstitutional situation may not be left without the remedy. The one remedy is the courts—to affirm the basic right of the parties who are in that situation.

Judge Sirica clearly contemplated that in his decision in Brown against Califano. So did the circuit court of appeals contemplate the same thing.

So, Mr. President, to uphold the Constitution, to uphold the Civil Rights Act of 1964, and to uphold the great tradition of jurisprudence of our country that every wrong should have a remedy, where the public demands it, as it does in this case, I support the Weicker amendment and will oppose other amendments designed to invalidate it by simply reducing it to nothing.

I think Senator WEICKER has done us all a great service in giving us this opportunity by flagging this matter. I want to support him in every way possible. I thank him very much for yielding to me.

Mr. WEICKER. I thank the distinguished Senator from New York, realizing full well that any efforts by me in this regard are minimal compared to a lifetime that the Senator has devoted in the cause of civil rights, civil liberties, and individual liberties. Indeed, his voice is going to be very much missed for this and for many other reasons. But many Americans today enjoy equal rights because of the efforts he has expended on the floor of this Chamber.

Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the Weicker amendment. The two amendments to it which are in order under the agreement have not yet been offered.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. What is the pending business?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Connecticut (Mr. WEICKER).

Mr. HELMS. I thank the Chair.

Mr. HATFIELD. Mr. President, Senator WEICKER has offered an amendment which would clarify Senator HELMS' antibusing amendment. The Helms' amendment would prohibit the Justice Department from using appropriated funds to enforce programs of busing. The Weicker amendment would clarify it to state that the Helms language should not be construed to prohibit the Justice Department from enforcing the 5th and 14th amendments.

The fifth amendment prohibits, among other things, the deprivation of life, liberty, or property without due process of law. The 14th amendment extends that protection, and the protection of other basic human rights guaranteed by the U.S. Constitution, to individuals when dealing with their State governments.

If we cannot agree among ourselves that the U.S. Constitution should be upheld, regardless of why the question is presented, then we have no business being here. I do not plan to belabor the issue. We are here subject to this premier national document, as is the President, the House of Representatives and the Supreme Court. The entire Federal system exists subject to the Constitution. It is the foundation upon which this Nation is conceived. Whether to enforce any section of the Constitution is not a question which is subject to our discretion.

In short, we have nothing to say about the matter. If we attempt to contravene the Constitution by emasculating it, I assure my colleagues that the U.S. Supreme Court will waste no time in pointing out to us the limits of our power. I hope we will avoid that embarrassment. If we do not, I look to the Supreme Court.

UP AMENDMENT NO. 1743

(Purpose: To prohibit the Department of Justice from promoting forced busing as a remedy)

Mr. HELMS. Mr. President, I have an amendment to the amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 1743 to the Weicker amendment numbered 2392:
>
> On page 1, line 5, following the word "remedies", insert the following: "except busing".

The PRESIDING OFFICER. On this amendment there is a 1-hour time limit.

Mr. HELMS. Mr. President, I thank the Chair.

I yield myself such time as I may require and I assure the Chair and other Senator that I will not be very long.

Mr. President, I heard yesterday afternoon and this morning declarations by various Senators who may or may not look with favor upon forced busing, which at least implied that those of us who oppose the Weicker amendment are somehow proposing to violate the Constitution.

That is pretty heavy stuff, Mr. President, even though I know that the implications by those Senators were made in good faith and in all sincerity. I do not question their sincerity, but I do believe that they are sincerely wrong.

I am not a lawyer. But I have some good friends who are pretty good lawyers, and this morning I talked with one of them, a former distinguished member of this body, the Honorable Sam J. Ervin, Jr., who has been regarded throughout this Nation as one of the top constitutional authorities ever to serve in this Senate.

Senator Ervin and I chatted by telephone for perhaps as long as 30 or 45 minutes, and he absolutely rejected the assertion that it is unconstitutional for Congress to proscribe the kind of remedy that the Justice Department may seek.

So, Mr. President, the issue here is not who knows more about the Constitution than someone else. The issue is how much longer are we going to allow the Federal bureaucrats in the Justice Department to torment the little children of this country and in the process continue to destroy the quality of education in America.

If it is not clear to all Senators now, I do not know when it will be clear, that forced busing has done more to destroy confidence in and support of the public schools of America than any other device since public schools came into existence.

So, Mr. President, let the record be clear: The issue we confront now is the responsibility of Congress to determine what is and what is not a proper remedy to enforce the mandates of the 14th amendment, and that is what the Collins amendment does. The Collins amendment reaffirms the intent of Congress that busing is unacceptable as a remedy.

Mr. President, the vast majority of the American people agree that it is unacceptable. Every poll I have seen shows that the vast majority of Americans, black and white, minority and majority, are fed up with seeing their children hauled right past a neighborhood school, in some cases hauled as far as 15 or 20 miles away, consuming gasoline, spending tax dollars, lowering the quality of education, creating hostility, and diminishing the capability of the teachers to educate our children.

In my conversation with him this morning Senator Ervin discussed the Civil Rights Act of 1964. He was a Member of this body at the time that law was enacted. He stated that the only regulation intended under that act—and it was clear that this was the case—was to prohibit invidious segregation. He said that the act says:

> That no officer of the Federal Government and no court should require the transportation of children for the purpose of achieving racial balance.

I wrote down something else Senator Ervin said. He said:

> Oceans of sophistry—

And that is what we have been hearing throughout all these busing debates—

> Oceans of sophistry cannot wash away the plain fact that busing of school children deprives those who are being bused of their right under the equal protection clause to attend the school nearest their homes.

So what we have been doing with this folly of forced busing is violating the equal protection clause, and in doing so we have wasted hundreds of millions of dollars, and the Lord knows how much fuel and time. For what? Absolutely nothing, Mr. President.

I asked Senator Ervin about the Supreme Court decision on which some of the arguments heard yesterday and today have been based, and he said:

> The Supreme Court by intellectual dishonesty and an intellectually dishonest ruling ignored the equal protection clause.

Now, Mr. President, let me read from a Senate document containing a statement by Senator Ervin. This bears the date of Tuesday, February 19, 1974. It was published by the Senate Subcommittee on Constitutional Rights of the Committee on the Judiciary. Senator Ervin said this in his opening statement that morning:

> During the 19 years I have served in the U.S. Senate, I can think of no group of people who have stood in greater need of relief from Government tyranny than the thousands of innocent, little schoolchildren who are being bused to schools many miles away from their neighborhoods in order to satisfy the social theories of Federal bureaucrats and to comply with constitutionally unsound Federal court orders. Under the guise of enforcing the 14th amendment's "equal protection" clause, these bureaucrats and Federal courts have undermined any reasonable understanding of the fundamental principle of "equal protection of the law." Although there are pious assertions to the contrary, what has in fact occurred is the assignment and transportation of schoolchildren to public schools on the basis of race in order to achieve a certain, specified "racial balance." In my sincere opinion, this is absolutely contrary to "equal protection of the law."

Those were the words of Sam Ervin in February of 1974, and they are just as true today as they were the day that that distinguished North Carolinian uttered them.

I was appalled yesterday, Mr. President, to hear a Senator stand on this floor and say, in effect, "Well, we have already got busing in the South. It is not going to help us any to pass this thing." And, in effect, he said "Let the other States and their children suffer."

Well, I do not think any child ought to be denied his right to attend the school nearest his home. I do not want to speak unkindly of anybody, but it seems to me that to use a child because of geographical location, and willfully let that child be subjected to what Sam Ervin called tryanny simply because children in other States have been subjected to it, borders on being callous.

There are not many Senators on this floor, Mr. President. I was tempted to have a live quorum in order to attempt to have Senators reconsider the vote of yesterday, but in the interest of time I decided against it.

I hope some Senators may be listening on their loudspeakers in their offices because the plain truth is that we are not talking about a constitutional issue here. We are talking about the responsibility of this Congress, specifically this Senate, to determine what is a proper remedy to enforce the mandates of the 14th amendment.

Nobody wants to violate the Constitution, but this Senator and some others want to protect the rights of some innocent little children who have been used as pawns in a shell game. I think the American people spoke pretty clearly on November 4 and said, in effect, that enough was enough, and part of it was with respect to school busing.

I may get licked on this amendment. It will not be the first time. But I will be defeated in the knowledge that I am right both constitutionally and morally. We have got to stop this kind of Government intrusion into affairs that are none of the Federal Government's business.

Let me say again—and I will repeat that I hope some Senators are listening in their offices on their loudspeakers—the issue is not one of whether we are going to violate somebody's interpretation of the Constitution. The issue is whether the Senate of the United States is going to face up to its responsibility to determine what is or what is not a proper remedy to enforce the mandate of the 14th amendment, and I submit, Mr. President, that the hauling of innocent little school children across cities and counties just to satisfy the whim of some Federal judge or some Federal bureaucrat is not a proper remedy.

So let us have no more of this business about: "I know what the Constitution is and everybody who disagrees with me is proposing to violate the Constitution." It is not so.

They need not try to argue with me. Let them argue with Sam Ervin. And I will take his judgment at least as quickly as I will take the judgment of anybody in this Senate as presently constituted.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from South Carolina (Mr. THURMOND) be added as a cosponsor to my pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I reserve the remainder of my time.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I will be brief in responding to the distinguished Senator from North Carolina. The effect of his amendment is to vitiate the Weicker amendment.

Mr. President, the election, I think, meant many things. I am sure we all have our own interpretations of what it meant. Some might say it had to do with the incompetency of the present incumbent at the White House. Others might say it had to do with the economic conditions in the United States. Some might say it had to do with the image of the United States throughout the rest of the world. Indeed, it might have meant many things.

But I know what the election did not mean. And I speak as a member of the party that, in the main, was victorious. It did not mean that we in Congress should pack up and go home on the issues of equal rights, of equal opportunity, of civil rights, of civil liberties, and of individual liberties. We do not—and we should not—pack up and go home on the basis of an election. We cannot pack up and go home on issues concerning the Constitution of the United States—whether it be the spirit and the letter of it or the enforcement of it. The election had nothing to do with this.

I feel that with Republicans and Democrats alike there are certain inviolate principles that we are dedicated to. There are certain things that do not change by virtue of elections.

The Constitution of the United States is not some general policy. It is not a political platform. It is a clear-cut statement of the most basic beliefs of this Nation. It is the essence of our national being.

Now, when it comes to policy, the Senate of the United States, with regard to the amendment of the distinguished Senators from South Carolina and North Carolina, spoke just before the election. Indeed, their amendment was passed.

Their amendment said:

> No part of any appropriation contained in this act shall be used by the Department of Justice to bring any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

I was defeated in my opposition to that amendment by a vote of 49 to 42. All that we are deciding upon now is the Weicker amendment which, in effect, said that regardless of the language in the Thurmond-Helms amendment, the Justice Department will be able to enforce the 5th and 14th amendments of the Constitution. So that is the issue that is before us now.

There is no effort made by this Senator to direct my amendment toward enforcement of the provisions of the Civil Rights Act. There is nothing statutory that we are talking about here. We are talking about the Constitution. I am saying that the Constitution will be preserved. The Constitution will be enforced.

We are dealing with the basic principle here of the separation of powers; the fact that the legislative branch of Government, both constitutionally and as a matter of policy, had best leave the judicial branch alone, except as we affect the judiciary in the sense of confirming members nominated to it.

The principle that is involved here is that the Justice Department, in the enforcement of the law, cannot be restricted insofar as the remedies that they bring to the cognizance of the various judicial bodies before which they appear.

The amendment, that is before us now, as offered by the Senator from North Carolina, says "except busing." It says that nothing in section 607 of the bill "shall be interpreted to prevent the Department of Justice from initiating or participating in litigation to secure remedies except busing for violations of the 5th and 14th amendments to the Constitution of the United States."

How about if we add another exception—"except taxation"?

By the time we are through running

the gamut of exception which are unpopular, no remedies will be available.

The last point I want to bring forth is that no remedy can come to pass in the absence of an illegality being determined by a judicial body. We are not talking about remedies in the vacuum. One just cannot propose a remedy. One cannot go traipsing around the countryside and say that we will have a little busing here, a little busing there. First, a court must determine whether the law has been violated.

This gets back to the point that I made in yesterday's discussion of this matter; that if, indeed, we want to go ahead and correct the situation and do it in a way that is pleasing to us rather than to permit the matter to be handled by the courts, then handle it on the floor of the Senate, handle it on the floor of the House, handle it in the city and town councils, handle it in the various State governments. But do not throw up your hands and say that you are not going to touch the issue, and then when the courts determine that there has been an unconstitutional action and remedy it and say, well, we do not like it and we are going to deny the remedy.

So let us make clear what is involved here. What we are talking about is enforcement of the law—the appropriate body to do that, being the Department of Justice—without restriction, without prejudice, without predetermination.

I hope that independence would also exist in the Justice Department. For, indeed, the issue today might be busing, but tomorrow it might be something that more directly would affect other parts or other persons in our country, as the distinguished Senator from Massachusetts pointed out yesterday on this floor. It might have to do with first amendment rights—with freedom of speech, freedom of religion. One could go down that whole list of constitutional rights that all Americans have.

I do not want the constitutional rights of Americans interpreted in any sort of a loose political way or philosophical way on this floor. I want them determined—and protected—through the entire constitutional process of which we are a part, of which the executive branch is a part, of which the courts are a part. But instrumental to the correct result is the independence of each of those institutions. That is the greatest protection that the people of the country have.

When there is a slopover, either in a partisan, a political, or a philosophical sense, then the rights of the individual are diminished.

So what is at issue here today is not education and busing. It is the capacity of each one of us under this constitutional system to receive independent justice, and independent justice relies on an independent determination of guilt or innocence, of a violation of adherence to the law, and the appropriate remedy to the violation.

Any incursion into that process by the legislative branch has us then not as a government of laws but, rather, as a government of men, as a government of sentiments, as a government of feelings and of philosophies.

The term "unacceptable" is used by my good friend from North Carolina. It is not a question of whether it is unacceptable in this country but it is a question of what is unconstitutional and illegal. It is not a question of what is acceptable but it is a question of what is constitutional and legal. This is the issue. It is a matter that goes through the full constitutional process. And our constitutional system is predicated on a tripartite form of government, which tripartite form relies for achieving integrity of result on the independence of each one of the branches of government.

In Marbury against Madison, Chief Justice Marshall said:

> The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury. One of the first duties of government is to afford that protection. . . . The Government of the United States has been emphatically termed a government of laws and not of men. They will certainly cease to deserve this high appellation if the laws furnish no remedy for a violation of a vested legal right.

So, Mr. President, as we view the amendment of the distinguished Senator from North Carolina, I think we should understand that its effect is to limit the ability of the Justice Department of this country to enforce the Constitution. I oppose it in that sense, for that reason.

This vote is not a vote on who is for busing and who is not for busing. Indeed, I admire the courage of many of my colleagues here today on the floor who I know are opposed to busing. I admire their courage. Indeed, they run that political risk of having an opponent blur—blur—the issue as between busing and upholding the Constitution of the United States.

The distinguished Senator from South Carolina (Mr. HOLLINGS) argues for upholding the Constitution of the United States. He argues for that in its highest sense. He is not here as a social tinkerer. He is not here as part of a bureaucracy, trying to go ahead and shape the lives of the citizenry of this country. But, rather, to speak for the system, the system that has brought us all to where we are today and which guarantees that those who have not made it, can be where we are today.

In effect, this amendment would bring the curtain down on the constitutional system. If passed, there is no telling what tomorrow holds for any American.

I would hope, Mr. President, that the amendment of the distinguished Senator from North Carolina will be defeated, the comments of his fellow North Carolinian notwithstanding. Sam Ervin was a great Senator. Nobody knows that better than I. That does not mean to say that Senator Ervin is infallible on all points. Certainly, I would listen to him and did listen to him in many regards. But on this issue, the Constitution speaks louder than any man.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield myself so much time as is necessary under the bill. I would not want to interrupt the debate between the distinguished Senator from Connecticut and the Senator from North Carolina, but I cannot fly under any false colors.

The committee position, Mr. President, on this amendment is in support of the position of the Senator from Connecticut. We would oppose the amendment of the Senator from North Carolina.

I know that the committee had a discussion not very much in depth with respect to busing, itself, but more particularly with respect to legislation on the bill.

We have tried our best to keep a clean bill, but the committee obviously is confronted now with this particular conflict. I do not want Senators to be misled. The committee does support Senator WEICKER. He is only pursuing action taken by not only the subcommittee but the full Appropriations Committee when we struck the language contained in this amendment.

Much has been said with regard to nothing has changed from the election. Let me speak first as an individual Senator, as a Senator from South Carolina, on this particular point. I agree nothing has changed. I voted, if you please, for the Thurmond amendment back in September, I think it was, when it was adopted, and then voted for the Weicker amendment offered at that time. Both were clear. The Thurmond amendment, as I understood it, was against busing, which I have never favored, as a Senator from South Carolina and as an individual.

The Senator from Connecticut made it crystal clear. He said that, "Nothing in this section shall be interpreted to prevent the Department of Justice from initiating or participating in litigation to secure remedies for violations of the 5th and 14th amendments of the Constitution of the United States." Mr. President, that, to me, as I saw, as a Senator, meant just the support of the 5th and 14th amendments.

Now it has drawn down to what is the real issue by the additional "except busing" by the Helms amendment. It is not just a constitutional question of the 5th or 14th amendment, but it goes right to the heart of a question, and that is whether or not busing can be regarded as an appropriate remedy.

I do not believe that there is any question, constitutionally or legally, about the right of the national Congress to determine remedies and to forbid some, grant some, approve of some and disapprove of others. Wherein it is said crystally clear as to whether or not it shall be approved or disapproved with respect to busing of school children, I disapprove.

Historically, we watched this particular picture develop. I will never forget Justice Marshall, who was then Thurgood Marshall, the chief counsel for the plaintiff in Briggs against Elliott, which really was a leading case brought back in 1950 and argued in 1952, in December of that particular year.

There were five parties involved. There were the District of Columbia, Delaware, Virginia, South Carolina, and the State of Kansas. At that time, Mr. President, Kansas had not paid much attention, barely filed the briefs, and actually had no one coming to make the argument in the Kansas case. But, through the maneuvering with the Solicitor General's office and the court itself, their argument was put first.

I can see us, in desperation, the afternoon just before the court convened on that particular morning. We were calling out to the Governor of the State of Kansas and the best that we could come up with at that time was an assistant attorney general. His name was Wilson.

Incidentally, when I say the best, it sounds as if it was not the best, but I say here and now that he made one of the best arguments.

Getting back to the point, Justice Marshall said once the State-imposed policy of separation by race was removed, then the children would have their right to go to school or not to go to school. He said they would have the freedom of choice, I shall never forget it.

That freedom of choice actually began at that particular time in the arguments before the Court, and before Chief Justice Vinson, incidentally, at that time, in December 1952. Those who were involved in that case will remember we were told to come back in, not arguing about the separation of the schools under the separate but equal doctrine, but actually coming back in and arguing that segregation of itself was unconstitutional, and, of course, the Court, on September 19, 1954, made that finding.

One of the persons appointed to participate in those arguments back in December 1952—incidentally, we had the 25th anniversary, from 1954 to 1979, last year. We had Mr. Brown, who was a plaintiff in Brown against Topeka; we had the director, Mr. Benjamin Hooks of the NAACP, and I was there as the losing lawyer. I do not want to mislead, of course, and could not. Our case was handled in the main, all the way up to the Court, by the former dean of the law school, Robert McC. Figg. The arguments were made by John W. Davis, former solicitor general of West Virginia. He made the arguments for the State of South Carolina in that case. I was an observer, because I had worked on the legislation to equalize and open up the school system. I had, on the matter of remedies, to brief the attorneys involved.

When we come to the question of remedies, then we come to something that I cannot sit and just be quiet upon, because I think, historically, of various things. For one thing, we went at that particular time to Mr. Roy Wilkins, we as the losing party. We suggested to Mr. Wilkins that what we do is integrate the first grade the first year; then the second year it would be the second grade and the first grade; and the third year it would be the first, second, and third grades; then, over a 12-year period, there would be a deliberate integration, and we would bring it about in an orderly fashion. I cannot describe the atmosphere, the climate, the feel, the environment at that particular time. This was even as parties and as lawyers suggesting remedies considered very extreme at that time.

Mr. President, Mr. Wilkins thought well of it, I shall never forget it, at first blush. But he consulted other counsel for the NAACP and they just came down on it categorically. That was one of the big mistakes made. I have learned that lesson, that when you speak in categorical terms, when it involves the education, the social behavior, the customs, the historical background and everything else, you make a bad mistake.

The fact of the matter is that they took categorically that position that these are constitutional rights, the court has so found, and we shall not be denied justice; justice delayed is justice denied. Therefore, we shall not have that, and we cannot go along with this thing over a 12-year period. So we want integration now.

Of course, they got nothing for 12 years, from 1954 to 1964–65, until we got the 1964 Civil Rights Act. Nothing, let us say, for about 10 years. There were various attempts at it, but it was very, very difficult.

As a result, of course, we all know now that we had the violent marches, the burnings, the murders, and everything else, the trauma in the early sixties, starting really, I guess, in 1957 at Little Rock under President Eisenhower, with Gen. Maxwell Taylor jumping with his paratroops into Little Rock, Ark., right on down to the burning of Watts and Detroit.

We look now at the Swann against Charlotte-Mecklenburg School System case, because I do not want to take the time of the parties involved here, the Senators. I am speaking individually as Senator from South Carolina. As chairman, I do not know if this particular language is carried on this particular appropriation bill, or whether we are going to have an appropriation bill, quite frankly, because I am afraid it could be vetoed. But as an individual Senator from South Carolina and going right to Swann against Charlotte-Mecklenburg School System—as my colleague from Connecticut knows, Mecklenburg County is the large county in North Carolina where the city of Charlotte is located. We always say facetiously in South Carolina that Mecklenburg is one of the best counties we have in South Carolina.

The PRESIDING OFFICER. The Chair advises the Senator that his time has expired.

Mr. HOLLINGS. Mr. President, I am speaking on the bill.

The PRESIDING OFFICER. There is no time on the bill.

Mr. HOLLINGS. There is no time left on the bill.

The PRESIDING OFFICER. That is right. The Senator would have to have unanimous consent to speak on the bill.

Mr. HOLLINGS. Mr. President, I yield myself time on the bill as manager of the bill. Is the Chair saying I cannot yield myself time on the bill?

The PRESIDING OFFICER. Under the circumstances, the Senator from South Carolina must get unanimous consent to proceed beyond the hour.

Mr. HOLLINGS. May I ask unanimous consent——

Mr. HELMS. Mr. President, I yield 5 minutes of my time to the distinguished Senator from South Carolina.

Mr. HOLLINGS. I thank the Senator. I shall try to conclude my remarks, because I have a lot to say.

Mr. President, we can speak frankly and very objectively on this thing. I have participated and experienced just coming off the track campaigning and, having talked in various schools. I am vitally interested, Mr. President, in schools. I am vitally interested in the public school system. I am vitally interested in opposing the assaults for tuition tax credits.

Why? Among other reasons that we can talk constitutionally, when they start busing, let us say, and we have to be not hypocritical, we have to be realistic. I had a daughter who graduated from Woodrow Wilson High, which is a predominantly black public high school in the District of Columbia, so I know a little bit about that. I saw one of her classmates and we talked during the campaign, and I said, "That black principal did a good job during those rough days." He said, "Yes, Senator, but it has gotten rougher now."

I said "Why is that?" He said "It has just gone down."

Why has it gone down? It is not racial. They are busing the wrong group. If you bus me, the teachers, the instructors, and those who maintain the discipline, white or black, will participate and participate gloriously and you have a good educational plant. I have been to the various schools in my State, outstanding high schools, finest curriculum and everything else of that kind. I have asked them about these schools and the teachers will say, "Look, the principal and the board really back me up on the discipline and we have freedom in the classroom and the blacks are there and they are happy and the whites are there and it is an integrated high school and they have a magnificent record, academically, and athletically." I wish I had time to describe it.

I can go to the other one and it is a total breakdown. It is not racial. I am definitely convinced that the affluent families and the ones normally with the talent, when they start busing students over from suburbs into downtown, start sending their children to private schools. You have the white flight and the public schools, yes, end up, generally speaking, with the lower income, the disadvantaged, the discipline cases.

I did not believe in busing in the Swann case, I say to the Senator. I happen to have joined with the distinguished former Senator from North Carolina on what you call the amicus curiae brief in the case of Swann against Mecklenburg.

I was about to take that, but I am limited now in my particular time.

I believe very strongly that there is no doubt that we are not constitutionally going backward on civil liberties or civil rights. We are not now because we have made it clear with respect to the 5th and 14th amendments with this matter, this specificity, they are not going back. But they are saying as to that particular remedy that never was decided in law. That was decided on the bench by a particular group that said, "We will carry and bus them."

I wonder about the right of the individual in our land to pick a neighborhood, live in it, knowing where his children are going to school. I think that is one of the most fundamental of civil rights, in my judgment.

There are all kinds of other remedies to bring about the unitary school system. Busing has not worked, is not working, and is causing a deterioration of our public school system. We have a very serious problem on that particular score.

So, if I were king for a day, I would move my sights and try to work on this. I know from experience about various other approaches to it. But I know in my heart and individually as a Senator from South Carolina, it is not a racial thing. It is not a matter of civil rights.

That is why these Senators can stand, that come from a substantially black populated State, and speak with such conviction, because I can go to a black group tomorrow in my State and speak with the same conviction I speak here on the floor of the U.S. Senate.

So I would favor the amendment, but I would admonish that as the committee chairman, so there will be no confusion, the committee took the position of Senator WEICKER and would oppose the amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes and 40 seconds.

Mr. HELMS. I thank the Chair.

Mr. President, notwithstanding all that has been said, the bottom line on this issue is whether this Senate is going to face up to its responsibility and its right under the Constitution to determine what is a proper remedy to enforce the mandates of the 14th amendment.

That is all that is at issue. Nothing else matters.

Senators may plead all they wish, till midnight tonight, that they do not like forced busing. But if they vote against the Helms amendment, they are voting for continuing forced busing.

I go back to my reference to our former distinguished colleague from North Carolina, Senator Sam Ervin, with whom I spoke this morning. I very much doubt there will be any question about Senator Ervin's being one of the great constitutional scholars of our time, and he absolutely rejects the notion that we are somehow violating the Constitution with the Helms amendment.

Mr. President, I am going to yield the remainder of my time in a moment to the distinguished and able Senator from South Carolina (Mr. THURMOND), but before that I ask unanimous consent to have printed in the RECORD an article entitled "The Supreme Court's Abuse Of Power," written by a distinguished legal scholar, Prof. Lino Graglia of the University of Texas Law School.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SUPREME COURT'S ABUSE OF POWER

(By Lino A. Graglia)

Do we have an imperial judiciary? To put the question in more manageable form: What at this time, in our system of government, are the actual, effective limits on what our judges can do? Specifically, what are the limits on what the Supreme Court can do, acting in the name of constitutional law? We know that judges can order the reapportionment of our legislatures, state and federal; remove most restrictions on the availability of abortion and on the distribution of materials historically considered obscene; prohibit prayers and devotional Bible reading in public schools; and require the transportation of public school children in order to increase racial mixing in the schools. And we now know that a judge can even require that a neutered male be permitted to compete in the women's division of the United States Open Tennis Tournament. The British Parliament, it used to be said, can do anything but make a man a woman; this limitation, it appears, does not apply to our judges. The list could easily be extended, but this is surely enough to show that the question is a serious and important one.

The basic theoretical limit on the power of courts—the basic argument used to reconcile judicial power with elected, representative government—is, of course, that judges can do no more than apply and, if need be, interpret the law: pre-existing, authoritatively established statements of rules and requirements. As Justice Roberts put it in his famous statement in the *Butler* case (1936), judges in constitutional cases merely place the challenged statute alongside the relevant constitutional provision and see whether the two square. (A carpenter could do it.) Justice Roberts wrote:

> When an act of Congress is appropriately challenged in the courts as not conforming to the constitutional mandate, the judicial branch of the government has only one duty; to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former. All the court does, or can do, is to announce its considered judgment upon the question. The only power it has, if such it may be called, is the power of judgment.

Now, that statement was made in a case that illustrates almost as well as any that this is not what judges do. Nearly all present-day students of the matter will agree that Justice Roberts somewhat understated judges' power of choice. But (a modern defender of judicial power will argue), although the frequently litigated provisions of the Constitution are very general and indefinite, they do provide the basic principles that, properly understood, indicate the "correct" decision on specific constitutional questions.

The fact is, however, that a serious constitutional question is such not because it involves a basic principle of value but because it involves several such principles or values in conflict. In virtually all cases that actually come to the Supreme Court for decision, there is nothing in the Constitution to indicate how the conflict of principles or values should be resolved. As a practical matter, the Constitution is simply irrelevant to constitutional law except that it provides the peculiar phrases—typically "due process," "equal protection"—used to state the ultimate conclusions reached. If this is a surprising statement, it is only because belief that the Constitution contains answers to all questions of social policy is an article of our secular religion—it is not for nothing that judges wear black robes and the Supreme Court sits in a temple—or, for the more sophisticated, because the statement violates a widely accepted, though grossly misleading, convention concerning our references to the work of judges.

The irrelevance of the Constitution to constitutional law can be easily demonstrated. For example, there was a time when "the Constitution" permitted the assignment of children to schools according to race in order to separate the races. There was then a time when "the Constitution" prohibited such assignment. There was then a time (the present) when "the Constitution" was adduced as *requiring* the assignment of children to schools according to race—but, now, in order to mix the races. In all of this time, of course, the Constitution was not changed in any relevant respect.

To take another example from the same area of law, school segregation was held unconstitutional in the *Brown* case because it was found to violate the Equal Protection clause of the Fourteenth Amendment. Another case decided at the same time involved school segregation in the District of Columbia, under the jurisdiction of the Federal Government, to which the Fourteenth Amendment does not apply. The unavailability of the Equal Protection clause—the supposed basis of *Brown*—of course made no difference in the result reached. The Supreme Court simply found that school segregation in the District of Columbia violated the Due Process clause of the Fifth Amendment—an amendment adopted in 1791 as part of a Constitution that recognized black slavery. If the Fifth Amendment had also been considered unavailable for some reason, school segregation in the District of Columbia would undoubtedly have been found to violate some other constitutional provision—although the Constitution is very short, it is extremely general and vague, as befits a Constitution but does not befit a provision of law enforceable by judges.

Taking an example from another area, the Constitution specifically, in four places, recognizes capital punishment, but some justices have nonetheless taken the position that capital punishment is constitutionally prohibited, and a majority of the justices have found it constitutionally permissible only in very limited circumstances—have found that it is unconstitutional, for example, as a punishment for rape.

As a final example—looking at the situation from the other side, so to speak—one of the most specific and definite provisions of the Constitution is the provision prohibiting states from impairing the obligation of contracts. It is clear that this provision was intended to prevent the states from adopting debtor relief laws, and this was considered so important that it is one of the very few limitations on state power written into the original Constitution. Yet when a debtor relief law came before the Court in the *Blaisdell* case in 1934—in my opinion the most clearly unconstitutional statute ever to come before the Court—the Court held it constitutional. I do not want to seem to be objecting to that decision, in which the political process was allowed to prevail; I cite it only to illustrate that the provisions of the Constitution, even the clearest, do not bear on constitutional decisions, except as they provide the explanations offered by the Court. It is indeed possible to imagine a legislative or other official act that could be realistically said to violate a constitutional provision, but such legislation is almost never enacted—and, as the *Blaisdell* case illustrates, in the extremely rare case where it is enacted, it is not necessarily held unconstitutional.

If, as should be clear, the Constitution does not in fact significantly determine or limit the Supreme Court's power, what, if anything, does? Another basic justification often offered for the Court's apparently unlimited power in our supposedly democratic system of government is, surprisingly, that the Court has no "real" power at all. Even if it is not significantly limited by the Constitution, this argument goes, the Court controls neither the sword nor the purse, and the effectiveness of its decisions therefore depends "ultimately" on its "moral authority."

The Court is thus often likened to a very respected and influential teacher or spiritual leader. However, as Clinton McCleskey has pointed out in *Judicial Review in a Democracy: A Dissenting Opinion*, the views of teachers and preachers are not ordinarily enforced by the power of the state. Little Rock can attest that the enforceability of Supreme Court decisions does not depend upon the Court's ability to persuade its opponents, and that the Court has an effective call, if need be, upon the bayonet. It seems easy for many to forget that a Supreme Court decision is not less enforceable or effective because the Court's opinion is demonstrably incoherent, its reasoning illogical, and its factual statements inaccurate. Few people read Supreme Court opinions, and fewer still study them critically and compare the facts as stated by the Court with the facts shown in the record of the case. In any event, what it means to be supreme is that your views prevail even when you are clearly wrong. As Justice Jackson said, in a concurring opinion in *Brown* v. *Allen*, the Supreme Court is not final because it is infallible, but it is infallible for all practical purposes because it is final.

The claim that the Supreme Court's power derives from and is limited by moral principles, or by a supposed need on the justices' part to maintain unusually high standards of integrity, is no less fictional than the claim that it derives from or is limited by the provisions of the Constitution. The Court's freedom from authoritative determinations that it has erred has the effect on Supreme Court justices that is predicted by Lord Acton's dictum concerning the tendency of power to corrupt.

As Thomas Jefferson never tired of reminding us, judges are not, more than other rulers, immune from the effects of the possession of power.

"Our judges [he wrote to William C. Jarvis in 1820] are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is "*boni judicis est ampliare jurisdictionem.*" and their power the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control."

Indeed, because in our legal theory judges are not authorized simply to announce their policy views, but are required to claim a constitutional basis for their decisions invalidating the acts of other officials—a basis that typically does not in fact exist—the practice of judicial review is inherently inconsistent with candor. In effect, judges finding unconstitutionality must demonstrate what cannot be demonstrated, and wide departures from usual standards of accuracy and rationality are the inevitable result. How wide these departures are at any given time depends on how much the judges are willing to attempt, and for more than two decades now our judges, as already noted, have been willing to attempt a very great deal. As a result, they have been forced to explain and justify their actions with opinions that can make no claim to intellectual coherence or respectability, and they have engaged in practices—perversions of legislation, misstatements of fact, and patently fallacious reasoning—that would, if they were engaged in by any other government officials, be considered scandalous and lead to demands for impeachment.

The Supreme Court's almost total freedom from the restraints of honesty and rationality can be demonstrated, and the nature and source of constitutional law can be understood, only by detailed study of the Court's actual performance in specific areas of constitutional law. No area serves better for this purpose than the area of race and the schools, where the Court's decisions have led to a constitutional requirement that public school children be transported out of their neighborhoods and away from their neighborhood schools in order to increase racial mixing or "balance" in the schools. In 1954, in the *Brown* case, the Court held that segregation is unconstitutional. As important as that case was and is for its holding, it is far more important for the fact that it basically changed the views of the country, and specifically of judges, as to the proper role of judges in our system of government. *Brown* was less a traditional lawsuit than an attempt to bring about a social revolution through the courts. The success of that revolution, some ten years later, inevitably led to the belief that there is nothing that courts cannot or should not do. This new view of its power and position led the Supreme Court in 1968, in the *Green* case, to move from *Brown's* prohibition of segregation to the vastly more ambitious and questionable requirement of integration.

Brown's prohibition of segregation had, by 1968, proven very disappointing to some. The assignment of children to schools in order to keep the races apart—and, indeed, all legally required racial separation—had come to an end by 1968, but in the schools of the South, as in the schools of the North, much racial separation continued to exist. The idea therefore arose to *require* by law that the races be mixed—that is, to compel a greater degree of integration than results from the prohibition of segregation and the use of non-racial methods of assignment. Legally compelled integration, however, faced a major and perhaps insurmountable obstacle, the need to overcome the very principle that had been the justification of *Brown's* prohibition of segregation. *Brown* could be and was explained and justified as simply a prohibition of all racial discrimination by government. Compulsory integration, however, requires that racial discrimination by government be made not only permissible but mandatory.

Compulsory busing for racial balance takes place in this country, despite great popular opposition, not because of the Supreme Court's moral authority, but, on the contrary, because of the Court's relative freedom from moral restraints. There is no logical difficulty in distinguishing between racial discrimination to separate the races and racial discrimination to mix them, or in holding that the Constitution prohibits the former but requires the latter. As a practical matter, however, such a holding was impossible—even the power of the Supreme Court is, of course, not absolute. After many years of emphatic insistence that racial discrimination by government is constitutionally prohibited, the Court could hardly announce all of a sudden that racial discrimination is sometimes constitutionally required.

The Court, however, did not permit this difficulty to stand in its way. In law all things are possible (for example, the changing of a man to a woman), for all that is necessary is to change the meaning of words. The Court simply determined to impose a requirement of integration in fact, by what it ordered to be done—but, simultaneously, to deny that it was doing so, to insist that the requirement was only "desegregation," the ending and undoing of the segregation prohibited in *Brown*. To this day the Court has never admitted—in fact, has consistently denied—that there is a constitutional requirement of integration as such; in theory there is no constitutional objection to the existence of all or nearly all black and all or nearly all white schools within a school district or in close geographical proximity.

This strategy—insisting that the requirement was not integration but only desegregation—had enormous advantages for the Court. First, it appeared to confine the requirement to the South and, therefore, served to minimize the attention and concern of the North. A constitutional requirement of desegregation would obviously be applicable only where there was or had been unconstitutional segregation. Second, denying that there was a constitutional requirement of integration obviated all need to attempt to justify such a requirement on its own merits—either in terms of any constitutional principle, or in terms of the benefits that might be thought to result. Finally and most importantly, instead of having to attempt the unappealing and unpromising task of justifying a constitutional requirement and racial discrimination, the Court was able to claim that it was merely continuing to enforce *Brown's* prohibition of racial discrimination.

The only difficulty with the Court's "desegregation" (or "remedy") rationale for compulsory racial mixing was that it did not comport with what the Court was doing in fact. Each succeeding case made clearer that the Court was not requiring merely the ending or undoing of the segregation prohibited in *Brown*, but was requiring integration or racial balance for its own sake, the ending of racial separation in the schools regardless of how that separation was caused. At true requirement of desegregation would result today in no or almost no transportation of pupils in order to undo racial separation, because existing racial separation in the schools is not the result of racial discrimination by school authorities but is simply and clearly the result of residential racial concentration. In short, the Court has perpetrated a fraud, has done by deception what it felt it could not do honestly. This hardly disputable fact did not, however, cause the Court's decisions to be less binding, effective, or enforceable. Busing for racial balance pure and simple continues to take place throughout the country.

That gross misrepresentations of fact and patently fallacious reasoning in the Supreme Court's opinions do not detract from the efficacy of its decisions may be illustrated by consideration of two of the Court's major decisions on race and the schools, *Swann* v. *Charlotte-Mecklenburg Board of Education*, the Court's first busing case, and *Keyes* v. *School District Number One, Denver, Colorado*, which brought compulsory integration and busing to the North. In *Swann* (1971) the Court, as always, insisted that the requirement was not integration but only desegregation. The "objective," the Court said, was to see that "school authorities exclude no pupil of a minority race from any school system, directly or indirectly, on account of race." What the Court required in fact—the assignment of children to schools other than their neighborhood school according to race in order to increase racial mixing—was, of course, the exact opposite of this. The exclusion of pupils, minority as well as majority, from schools because of their race was in fact not prohibited but required. Thus, a requirement of racial exclusion was justified by the Court in no other way than by insisting that racial exclusion was prohibited—a justification that can suffice only when offered by a decision-maker subject to no review and no contradiction.

Similarly, the Court stated in *Swann* that the busing it required was needed to "accomplish the transfer of Negro students out of formerly segregated Negro schools and the transfer of white students to previously all-Negro schools." In fact, however, most of this busing could not be so explained. Most of the schools out of which blacks were being bused were never segregated black schools; they either had been segregated white schools that became heavily black because of the growth of the black population after segregation ended, or had been built in the first place after segregation ended and therefore had never been segregated at all. The justificaiton offered by the Court for what it was doing was simply inapplicable to the facts of the case before it.

The Court also stated that the busing ordered by the District Court was justified because of, first, the District Court's express finding, approved by the Court of Appeals and not challenged here, that a dual school system had been maintained by the school authorities at least until 1969; [and] second, its finding, also approved by the Court of Appeals, that the school board had totally defaulted in its acknowledged duty to come forward with an acceptable plan of its own, notwithstanding the patient efforts of the District Judge who, on at least three occasion, urged the board to submit plans.

This important statement is incorrect in every respect. First, the board had not maintained a dual system until 1969, but had abolished the dual system by 1965 at the latest. The District Court had so held in 1965, and that holding was affirmed by the Court of Appeals sitting *en banc* in 1966. Second, the board had not "totally defaulted" in submitting a desegregation plan. It had submitted a plan that would have achieved a higher degree of racial balance than can be found in almost any school system in the country—that would, for example, have made every high school majority white. The Board's plan, at least with regard to the high schools and junior high schools, more than complied with every standard stated by the Court in *Swann* itself. Finally, the District Court had not found that the Board had "totally defaulted," and the Court of Appeals, of course, had not approved any such finding. In fact, the Court of Appeals majority was so complimentary of the Board that the dissenting Court of Appeals judges criticized the majority for "implying that the actions of this Board had been exemplary."

Most important, the Supreme Court in *Swann* affirmed a District Court busing order on the basis of supposed findings by the District Court that the District Court did not in fact make. The District Judge did not purport to require busing to eliminate the dual system (which, as the Court of Appeals held in 1966, had been eliminated by 1965). The District Judge, much more ingenuous than the Supreme Court, openly stated that in his view busing was required simply because "the rules of the game had changed," and under the new rules, as he understood them, racially balanced schools were constitutionally required to improve black academic performance. He believed, on the basis of testimony by education "experts," that a "dramatic improvement" in black academic performance could be "produced" by "transferring underprivileged black children from black schools into schools with 70 percent or more white students." The Supreme Court, never mentioning black academic performance, simply ignored the District Court's actual basis of decision and pretended that the District Court had ordered busing to undo racial separation resulting from prior unconstitutional segregation.

Finally, the Supreme Court faced here a very serious problem in dealing with the 1964 Civil Rights Act. With that Act, Congress adopted *Brown's* prohibition of racial discrimination by government as a matter of national legislative policy. A very important feature of the Act was that it authorized the Attorney General of the United States to bring desegregation litigation. The Act explicitly provided, however, that "desegregation" meant the assignment of students to schools "without regard to race," and did not mean assignment "to overcome racial imbalance." The Act also provided, redundantly, that it did not authorize the transportation of students from one school to another to achieve racial balance, and, finally, that it did not prohibit the assignment of students to schools on any basis other than race. The assignment and transportation of students to schools on the basis of race in order to achieve racial balance was, of course, exactly what the Supreme Court in fact required in *Swann*. While it purported to do so pursuant to the Constitution and not pursuant to the Act, the Act was clearly an embarrassment; the Court did not want to seem to be acting contrary to the congressional policy expressed in the Civil Rights Act. The Court therefore simply stated that the Act's definition of desegregation and its strictures on seeking racial balance were applicable only to the so-called de facto segregation of the North and were inapplicable to the South, where racial separation in the schools had been explicitly required by law.

This "interpretation" of the Act is, to put it as charitably as possible, totally without basis in the Act or in its legislative history. The Act's repeated explicit provisions that it could not be used to seek racial balance were written in at the insistence of Representatives from the South in order to protect the South. Far from being concerned with making the Act inapplicable to "de facto segregation" (racial separation or imbalance not required by law), Congress believed that a racial balance requirement would be unconstitutional because it would require racial discrimination by government in school assignment, and that, everyone thought, had been prohibited by *Brown*.

Senator Humphrey, the Senate floor manager of the bill that became the Civil Rights Act, stated:

"While the Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be transporting children because of race."

A clearer example of judicial perversion of an act of Congress would be impossible to find. Not only were the Act's limitations made meaningless, but the Act became, in the hands of the administrative agencies (HEW's Office of Education and the Civil Rights Commission) and the courts, the essential tool for the imposition of the very racial balance requirement that Congress had sought to ensure could not be imposed.

The Court's opinion in *Keyes* is at least the equal of its opinion in *Swann* for defiance of logic and misrepresentation of matters of fact. If, as the Court continued to insist, the constitutional requirement was not integration but only desegregation—the ending or undoing of unconstitutional segregation—how, one might wonder, could the requirement be applied to Denver, which had never required segregation? Indeed, the Colorado Constitution had from the beginning explicitly prohibited school segregation: Colorado, and Denver in particular, with very small black populations until the 1950s, had always been leaders and models in civil rights matters. The almost unbelievable fact is that Denver was found to violate the Constitution and was required to bus schoolchildren for racial balance not because it had ever practiced segregation but because it had been exceptionally committed to increasing integration.

Despite *Brown's* and the Colorado Constitution's prohibition of all racial discrimination, in the early 1950s the Denver school board voluntarily undertook the practice of racial discrimination to increase racial mixing in the schools. The board required that race be taken into account in school decisions, that schools be located and attendance boundary lines drawn so as to increase integration. No more schools were thereafter built in northeast Denver, an area of black residential concentration. In a final display of its commitment to integration, the board then decided to require busing, and not only the busing of blacks into white neighborhoods, which might have been accepted in Denver, but also the busing of whites into black neighborhoods. Predictably, this was too much for even the citizens of Denver, and they promptly elected a new school board, which rescinded the busing requirement before it could be put into effect. However, in the American system of government as it currently operates, a victory at the polls remains a victory only so long as it is not disapproved by the courts—a function performed in some other systems by the military. A suit was brought challenging the recission, and a federal District Judge held it unconstitutional on the paradoxical ground that a measure to increase integration, although not constitutionally required, may not, once it has been voluntarily adopted, constitutionally be repealed. He ordered that the schools of northeast Denver be racially balanced as if the busing requirement had not been rescinded.

The Supreme Court in *Keyes* did not adopt the District Judge's theory that voluntary measures to increase integration may not be halted—indeed, in a later case it explicitly rejected that theory. As in *Swann*, the Court, instead, simply ignored the actual basis of the District Judge's decision and pretended that he had found that the Denver school board had racially discriminated to separate the races, despite the District Judge's explicit statement that he had *not* found racial discrimination apart from the rescission. The Court thereupon in effect instructed the District Judge that he had not gone far enough in ordering busing, that he should have ordered the elimination of majority black schools not only in northeast Denver but also in central Denver, the other area of black residential concentration. The District Judge could do this, the Court said, by finding that the majority black schools in central Denver were the result of the racial discrimination by the board that the District Judge had supposedly found in northeast Denver.

The logical and factual defects in the Supreme Court's opinion include that 1) the District Judge had *not* found racial discrimination by the school board in northeast Denver except on the basis of his rescission theory; 2) such discrimination, even if it had been found, could not possibly have been why the schools in central Denver were majority black; those schools had been majority black *prior* to the time that the schools in northeast Denver became majority black; 3) far from having racially discriminated to separate the races, the Denver school board had voluntarily undertaken to *increase* racial mixing, and found itself in constitutional difficulty only because of those efforts; and 4) the existence of majority black schools in central Denver was in any event obviously the result, not of racial discrimination by the board, but of residential patterns.

A more inpressive display of misrepresentation, irrationality, and abuse of power would be difficult to find in the work of any other institution of government. If it should be found in any other institution, it would undoubtedly lead to widespread censure and

> demands for corrective action. The best evidence, perhaps, of the invulnerable position and enormous power the Supreme Court has now achieved in our system of government—of the existence, that is, of an imperial judiciary—is the fact that the Court apparently remains free from such censure and such demands.

Mr. HELMS. Mr. President, I yield the remainder of my time to Senator THURMOND.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, this amendment makes a very simple but important change in the pending Weicker amendment. It makes it clear that the Justice Department will not be precluded from going to court to secure remedies for constitutional violations in local school systems, but does prevent the Department from using public funds to seek the remedy of mandatory busing. Instead, the Justice Department will have to seek other remedies in its prayer for relief.

Mr. President, obviously I do not agree with the assertions of the Senator from Connecticut that the Collins-Thurmond amendment—the language adopted by the House and upheld by the Senate on September 25, 1980—is violative of the Constitution. I do not believe the qualifying provision he has proposed is necessary. In fact, I think the patently obvious intent behind the Weicker amendment is to undercut the previous Senate and House votes, thereby maintaining the status quo, in which the Justice Department continues to advocate and, with court approval, institute forced busing.

Mr. President, busing is not constitutionally required. Moreover, it is appropriate and constitutional for Congress, through its power of the purse, to restrict the use of public funds by the Justice Department to the pursuit of other remedies.

Nevertheless, Mr. President, I understand that the Senator from Connecticut and others have some problem with the language adopted by the House and already approved by the Senate. The amendment we are now offering should take care of this problem. To quote Senator WEICKER, on September 26 during his explanation of the amendment offered by him, he said the following:

> The difficulty with the language as it now reads is that it could be interpreted, in its broadest sense, as preventing the Department of Justice from initiating any investigation of discrimination, an issue separate and apart from that of busing. That is a power, certainly, that is properly lodged in the Department of Justice and one that they should have the capacity to exercise.

Mr. President, we are not seeking here to prevent the Justice Department from initiating investigations of alleged discrimination. Nor would this amendment preclude the Department from going into court, either as an initiator of litigation in behalf of the United States or as an intervenor in suits brought by other litigants, to seek remedies for constitutional violations. We are saying, however, through Congress control of spending by Federal agencies, that the Department of Justice cannot expend funds to advocate or seek the remedy of mandatory busing—I repeat, mandatory busing. By the adoption of this amendment, Congress will be sending a message to the Justice Department and to the courts that forced busing of schoolchildren is not a practical or effective remedy, that it is extremely disfavored, and that the Justice Department will not be the impetus for forcing busing plans on local school districts.

Mr. President, I hope Senators will understand what this amendment does and what it does not do. I hope they understand the distinction. This amendment does not in any way contravene the Constitution of the United States or sanction violations of the Constitution. This amendment does prohibit the Justice Department from mandating, or advocating in court, the busing of schoolchildren for the purpose of achieving arbitrary racial quotas in public schools.

Mr. President, forced busing of schoolchildren is not a desirable, practical, or effective remedy. I hope the Senate will adopt this amendment, thereby making it clear that the Justice Department shall not use taxpayer dollars to institute mandatory busing.

Mr. President, I want to repeat again today that, in the polls taken throughout this country, the people of the Nation have voted against forced busing for racial quotas. The polls show that this is the case with white people and with black people.

In other words, the population as a whole has gone on record in these polls as opposed to forced busing.

In view of that, it seems to me the time has come when some people have got to revise their thinking on this question.

We are not favoring discrimination. We are simply saying to let the children go to the nearest school, whether it is all white, all black, mixed, or what not, and, if they want to go to some other school, they can do that and furnish their own transportation.

Mr. President, it does not make sense to pick up one or two children or a half dozen children and haul them 15 or 20 miles to another school to bring about racial balance. That is what is being done. Forced busing is being carried out for that purpose. We think that is wrong. The people are opposed to it. With the election of Governor Reagan to be President, we think that that further goes to show the feeling of the people in this country. Furthermore, the Republican platform on this subject is very clear.

I do not see how anybody can be confused with this issue. We have taken a position here which we think is very clear, and we hope the Senate will sustain the position of this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute and 38 seconds.

Mr. THURMOND. Mr. President, the Brown decision originally held that no child, regardless of race, could be deprived of going to any school. Later, the Court took a 180-degree turn, and now they are saying to certain children, "Because you are of a certain color, we are going to force you to go to another school." We think that is completely inconsistent.

The Brown decision was on target. The Brown decision simply would deny any discrimination, prevent any discrimination. But to go as the Court has since construed certain cases, it is going beyond the Brown decision. Now they are going in reverse of the Brown decision by saying, "Because you belong to a certain race or a certain color, you will have to go to a certain school." It is just the reverse. We do not believe that is sound.

Furthermore, with the shortage of fuel, it is foolish to expend millions and millions of gallons of gasoline to haul children to school simply for racial balance.

If people feel that equality is the subject, why not equality? Whether it is a black school or a white school or a mixed school or whatnot, what is the objection to letting them go to their nearest school? That is what this amendment would allow to be done. We think that is just and should be allowed.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. WEICKER. All time of the Senator from Connecticut has expired?

The PRESIDING OFFICER. The Senator is correct. The unanimous-consent agreement was taken in the usual form, and under those circumstances, all time has expired.

Mr. THURMOND. Mr. President, it was my understanding that yesterday we reached an agreement that each side would have 30 minutes, and we gave the distinguished Senator from South Carolina an extra 5 minutes. That was my understanding.

Mr. WEICKER. That is my understanding, but I do not think I have had more than 5 or 10 minutes.

The PRESIDING OFFICER. In the usual form, the Senator from South Carolina controlled half the time and the Senator from North Carolina controlled the other half, and the Senator from South Carolina has used most of the time of the Senator from Connecticut.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that both sides be granted an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. I thank the distinguished Senator from South Carolina. I will be very brief.

Mr. President, this body, the U.S. Senate, never was intended to act with a big finger to the wind. We are not a bunch of poll takers here. We are supposed to provide leadership for the country. If we just want to have the polls tell us how to vote, there is no point in any of us being here or spending time on the job.

This is one of those times when leadership is called for. It is difficult to stand up, especially in light of some of the prevailing moods in this country, and speak loudly and firmly for all the rights contained in the Constitution. It becomes more and more difficult as the country becomes more and more affluent and forgets its origins.

I am not speaking for busing. I am speaking for individual rights and for the protection of those rights, for equality of opportunity, and for the effective enforcement of the law. That is what I am speaking for.

I hear the words "not desirable, not practical." I do not care about desirability. I care about what is legal. If the law of the land has been exceeded, as has been implied here, on the floor by other, in Brown against Board of Education and subsequent decisions, then go ahead and say so in court. I am sure that if you are right you will be upheld. At least you will have an impartial hearing without a preordained result. But do not imply that something has been exceeded and that, in effect, what is going on now is illegal. It is not illegal. What is going on now is the law of the land.

There has been reference to the bottom line. I believe that what the bottom line gets right down to, so far as the Weicker amendment is concerned, is merely a reaffirmation of the Constitution of the United States and the enforcement of that document.

The Senator from South Carolina makes comments as to what the Justice Department can or cannot do under the Weicker amendment. The way this amendment affects the Weicker amendment is that if a court imposes busing as a remedy, then, under the Helms-Thurmond amendment, the Justice Department has to get out of the case. That is it. They must get out. Justice is unable to participate, because the Helms-Thurmond amendment says that Justice can initiate or participate "in litigation to secure remedies except busing." The minute the Court raises the possibility of a remedy of "busing," the Justice Department has to get out of the case. It cannot participate.

I realize that this Helms-Thurmond amendment raises the issue in its most inflammatory way and really puts the feet of the various Members to the fire. I hope that when they walk in here, however, they are not misled. Busing is not the issue. At issue are the rights of every American and the integrity of our courts and of our justice system, as well as the Government of the United States.

Busing as an issue will be gone tomorrow or next week or next month, because we will become equal under the law. So it will be gone. It no longer will be the issue. But then some other issue will occur; and the principal established here, as to the Congress dictating remedy and method of enforcement, all of a sudden will take hold on that particular issue. The principle—that is what is being voted on here today. I hope the Helms-Thurmond amendment will be defeated.

The PRESIDING OFFICER (Mr. RIEGLE). The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. HELMS. I ask for the time situation on both sides.

The PRESIDING OFFICER. The Senator from Connecticut has 1 minute and 11 seconds remaining.

Mr. HELMS. Mr. President, I hope we will not become too pious about our respective positions.

I said earlier that I was fascinated by some of the implications of declarations made on this floor, that anybody who opposes the Weicker amendment is per se advocating violation of the Constitution. That simply is not so.

The issue here, Mr. President, and the only issue is whether the Senate is going to face up to its responsibility to determine what is a proper remedy to enforce the mandate of the 14th amendment.

It so happens that the vast majority of the people of this country agree with the position that I am taking. It may be that the Senate will fly in the face of the wishes of the people on the vote on my amendment, which is cosponsored by the distinguished Senator from South Carolina (Mr. THURMOND).

But the fact remains that there is no constitutional question except whether Senators are going to exercise their responsibility and perform their duty to determine under their rights what is a proper remedy to enforce the mandate of the 14th amendment.

I said earlier this morning that a pretty good constitutional lawyer named Sam J. Ervin, Jr. said that it was nonsense to contend that it was a violation of constitutional rights for the Senate to say this folly of forced busing has got to stop.

I do not deprecate anyone's understanding of the Constitution, but I do say that nothing could be clearer than the fact that this Senate has not only the authority but the duty and the responsibility to say to the Justice Department "Stop it."

My friend from South Carolina, Mr. HOLLINGS, referred to the busing order in Mecklenburg County in North Carolina, and I point out that under that ludicrous situation the Federal Government required that one child occupy one bus by himself to be hauled across Mecklenburg County to go to school, a round trip of a bus to haul one student to school, 15 to 20 miles from his home.

That is tyranny, Mr. President, and as Sam Ervin said to me this morning:

> Oceans of sophistry cannot wash away the plain fact that the busing of school children deprives those who are being bused of their right under the equal protection clause to attend the school nearest their homes.

I have read that verbatim from my conversation with Senator Ervin. Those who want to vote against the constitutional knowledge and wisdom of Sam Ervin, that is fine. I may be defeated on this amendment, but I am not the only one who will be defeated. The American people will be defeated, and I think it is time for this Senate to stop defeating the American people who have spoken out over and over again in poll after poll, black and white, minority and majority, saying, "We do not want forced busing and we do not need it."

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. WEICKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now elapsed with time having been yielded back.

The question is on agreeing to the amendment of the Senator from North Carolina to the amendment of the Senator from Connecticut.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. BOREN), the Senator from Idaho (Mr. CHURCH), the Senator from Arizona (Mr. DECONCINI), the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Colorado (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Mr. MAGNUSON), the Senator from Mississippi (Mr. STENNIS), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. BOREN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Missouri (Mr. DANFORTH), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber desiring to vote?

The result was announced—yeas 42, nays 38, as follows:

[Rollcall Vote No. 465 Leg.]

YEAS—42

Armstrong
Bentsen
Biden
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
Dole
Domenici
Exon
Ford
Garn
Goldwater
Hatch
Hayakawa
Helms
Hollings
Huddleston
Humphrey
Jepsen
Johnston
Laxalt
Long
Lugar
McClure
Nunn
Proxmire
Pryor
Randolph
Roth
Sasser
Schmitt
Schweiker
Stewart
Stone
Talmadge
Thurmond
Tower
Warner
Young
Zorinsky

NAYS—38

Baucus
Boschwitz
Bradley
Bumpers
Burdick
Chafee
Cohen
Cranston
Culver
Durenberger
Glenn
Gravel
Hatfield
Heflin
Heinz
Jackson
Javits
Kennedy
Levin
Matsunaga
McGovern
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Packwood
Pell
Pressler
Ribicoff
Riegle
Sarbanes
Stafford
Stevens
Tsongas
Weicker
Williams

NOT VOTING—20

Baker
Bayh
Bellmon
Boren
Church
Danforth
DeConcini
Durkin
Eagleton
Hart
Inouye
Kassebaum
Leahy
Magnuson
Mathias
Percy
Simpson
Stennis
Stevenson
Wallop

So Mr. Helms' amendment (UP No. 1743) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. BOREN. Mr. President, today the Senate conducted a rollcall vote on an amendment by the distinguished Senator from North Carolina, Senator Helms, with regard to school busing. I was, unfortunately, necessarily absent during that vote.

As I have in the past, I remain opposed to forced busing, and had I been present, I would have voted in support of the Helms position.●

● Mr. DeCONCINI. Mr. President, I am most dismayed that I missed the vote on the Helms amendment to restrict the use of Federal funds for the purpose of implementing busing or seeking busing as a remedy. Because of a failure of the electronic device that warns Senators of votes when they are away from the building, I was notified too late to be recorded.

Had I been present in the Chamber, Mr. President, I would have cast my vote in favor of the Helms amendment as I have consistently done in the past. The application of forced busing upon unwilling communities has created deep and unnecessary divisions within our society, divisions that have exacerbated, not ameliorated, our racial problems. This is a multiracial society which still has many problems, and I believe that each of us earnestly longs for a time when racial tensions will be a mere shadow in our history books. But forced busing is no remedy for these problems. It is a draconian tactic that entails traumatic consequences for the children who are its subjects—black children and white children.

Certainly, our national imagination is not so limited that this is the only solution we can devise. I challenge my colleagues—Democrats and Republicans alike—to work toward the development of new approaches, approaches that are humane and take into consideration concepts like the neighborhood school. I pledge my support, but I also reject forced busing.●

Mr. WEICKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. Mr. President, under the previous——

The PRESIDING OFFICER. Will the Senator suspend until we have order in the Chamber so we may hear the parliamentary inquiry? May we have order in the Senate Chamber?

The Senator from Connecticut.

Mr. WEICKER. Mr. President, under the previous consent request what is the pending order of business?

The PRESIDING OFFICER. The Chair would advise that the Senator from South Carolina, Senator Thurmond, has the option and right to offer an amendment to the amendment of the Senator from Connecticut, if he so wishes. After the disposition of the amendment of the Senator from Connecticut, as amended, there are to be no other amendments and the Senate would then proceed to third reading.

The Chair would further state that the Senator from Connecticut, pending the disposition of any further amendment to his amendment, would then have 30 minutes on his amendment, equally divided.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, in view of the adoption of the Helms-Thurmond amendment, I will withdraw my amendment which was to follow that one if it had not been acted upon favorably.

Mr. WEICKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. Mr. President, does that require unanimous consent?

The PRESIDING OFFICER. The Chair would state that it does not require unanimous consent.

The question now is on the amendment of the Senator from Connecticut, as amended.

Who yields time?

Mr. HOLLINGS. Mr. President, we are ready to move, I think, to third reading. Let me double check with the leadership on both sides.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Exon). Without objection, it is so ordered.

RECESS UNTIL 2:45 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:45 p.m. today.

There being no objection, the Senate, at 2:08 p.m., recessed until 2:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Exon).

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DeConcini). Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I move to recommit the bill.

Mr. HOLLINGS. Can we just voice vote that other amendment? Is that in order?

Mr. WEICKER. I move to recommit the bill numbered H.R. 7584 to the Committee on Appropriations, and I ask for the yeas and nays.

Mr. HOLLINGS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLINGS. Is not the pending question the Weicker amendment as amended, and would a motion to recommit be in order at this time, until that amendment is disposed of under the agreement?

The PRESIDING OFFICER. The motion to recommit is in order prior to the disposition of the Weicker amendment.

Mr. HOLLINGS. Prior to the disposition?

The PRESIDING OFFICER. It is not debatable.

Mr. HOLLINGS. But we had a unanimous-consent agreement that we would get rid of the amendment and then there would be third reading. Is that not the time for a motion to recommit?

I do not see how, under a unanimous-consent agreement, we take those amendments, and any amendments thereto that they had, we did not have a motion to recommit under that unanimous-consent agreement. When we go to third reading, the distinguished Senator would be in order. But I think under the unanimous-consent agreement it is not in order right at this moment.

I am not trying to forestall it. I think we can voice vote that.

The PRESIDING OFFICER. Under the precedents of the Senate, under a unanimous-consent agreement limiting debate on a bill and amendments thereto, a motion to recommit is not in order while an amendment is pending until the time for debate thereon has expired, and the time here has expired. I am advised by the Parliamentarian, that the time has expired. Therefore, the question is on the motion.

The yeas and nays have been requested.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from New Hampshire (Mr. Durkin), the Senator from Colorado (Mr. Hart), the Senator from Vermont (Mr. Leahy), the Senator from Washington (Mr. Magnuson), the Senator from North Carolina (Mr. Morgan), the Senator from Connecticut (Mr. Ribicoff), the Senator from Illinois (Mr. Stevenson), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Missouri (Mr. DANFORTH), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in this Chamber who wish to vote?

The result was announced—yeas 11, nays 73, as follows:

[Rollcall Vote No. 466 Leg.]

YEAS—11

Boschwitz
Bradley
Chafee
Culver
Glenn
Javits
Kennedy
Levin
Moynihan
Nelson
Weicker

NAYS—73

Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
Cohen
Cranston
DeConcini
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Garn
Goldwater
Gravel
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Laxalt
Long
Lugar
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Mitchell
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Warner
Young
Zorinsky

NOT VOTING—16

Bayh
Bellmon
Church
Danforth
Durkin
Hart
Kassebaum
Leahy
Magnuson
Mathias
Morgan
Percy
Ribicoff
Stevenson
Wallop
Williams

So Mr. WEICKER's motion to recommit the bill was rejected.

The PRESIDING OFFICER. The vote recurs now on agreeing to the amendment of the Senator from Connecticut, as amended.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I have not had an opportunity to discuss this with the distinguished minority leader, but it has been cleared with the two managers, Mr. HOLLINGS and Mr. WEICKER. I ask unanimous consent, with the understanding that the bill would go over until Monday if the request is agreed to, that on Monday the Senate proceed at 4 p.m. to vote on the amendment by Mr. WEICKER——

Mr. HOLLINGS. As amended.

Mr. ROBERT C. BYRD. Without any prior debate, unless something comes up until that time; that the vote be on the Weicker amendment, which will mean no tabling motion will be in order; that on the disposition of that vote, if there is a motion to reconsider, there will be no debate on such motion.

Upon the disposition of the vote on the Weicker amendment, the Senate will proceed immediately then without further debate—there is already an agreement that there be no further amendments—and without further motion to third reading; and that there be 1 hour for debate on passage of the bill, the hour to be equally divided between Mr. WEICKER and Mr. HOLLINGS; that upon the expiration of the hour, the Senate then proceed immediately, without further motion or debate, to a vote on the bill, final passage, and that paragraph 5, rule XII be waived; and that upon disposition of the vote on the bill there be no time on any motion to reconsider.

Mr. BAKER. Mr. President, reserving the right to object, and I regret having to do so, I am advised by staff on this side that we have an inquiry from one Member in respect of the agreement, and I am not in position to agree to it at this time. I might ask the majority leader if he will withhold the request for a brief time while I check on it.

Mr. ROBERT C. BYRD. Right.

THE ADJOURNMENT OF THE SENATE SINE DIE

Mr. ROBERT C. BYRD. Mr. President, I ask that I may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Members of the Senate, the Senate will recess at the close of business on Tuesday, November 25, for the Thanksgiving holiday and will recess over until the following Monday, December 1.

The Senate will adjourn sine die hopefully—every effort will be made to complete our work by then—at the close of business on December 5, which is Friday of that same week when we come back on December 1, in other words, Friday of the week following the Thanksgiving week. That is for the information of Senators.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. The Senate would adjourn sine die over until—may I have the attention of Senators, and will staff please take their seats and the Senators take their seats. I will not proceed until the Chair gets that kind of order of the Senate.

The PRESIDING OFFICER. The Senate is not in order. Senators will cease conversations and take their seats. The majority leader is entitled to the attention of the Senate. Will Senators please be seated?

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, the Senate will adjourn sine die on December 5 until January 5. The Senate will be back in session on January 5 for the swearing in of new Members and for the organization of the Senate. On the 6th of January there will be the counting of the electoral ballots. At the moment it appears that President Carter may wish to address the two houses jointly assembled on January 6 to deliver his state of the Union message. It may very well be in the evening.

The Senate will probably then go out until about the 19th of January when it will reconvene in preparation for the inauguration on the 20th of January.

I hope this information will be helpful to the Members.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I withdraw the previous unanimous-consent request that I presented.

Mr. President, I ask unanimous consent that the order for the yeas and nays on the amendment of Mr. WEICKER be vitiated.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—VOTE ON PASSAGE OF H.R. 7584 TO OCCUR 5 P.M., MONDAY, NOVEMBER 17, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that final passage of the bill occur on Monday at 5 p.m., with the proviso that upon the disposition of the Weicker amendment today the Senate proceed immediately to third reading without further debate, that the bill then go over until Monday at 5 p.m., and that paragraph 5 of rule XII be waived. I make this request with the understanding that the order for the yeas and nays has been withdrawn on the Weicker amendment.

Mr. WEICKER. Mr. President, reserving the right to object, I wonder if I might have 30 seconds prior to the voice vote on the Weicker amendment, or I will be glad to make the request in the sense of 1 minute equally divided, 30 seconds between myself and either Senator THURMOND or Senator HELMS, if they want to respond.

Mr. ROBERT C. BYRD. Mr. President, I ask that it not exceed 5 minutes, to be included in this request, not to exceed 5 minutes on the Weicker amendment, the time to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be 1 hour for debate on Monday on the bill, the hour to begin running at 4 p.m., and the time to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, the way the Weicker amendment now sits, as amended by the Helms amendment, there is no question in my mind that it is unconstitutional. For that reason I would urge passage of the Weicker amendment, as amended by Helms. If it is defeated, we go back to the House language contained in section 607. There might be some debate as to whether that language is or is not constitutional. But there is no question in my mind, nor in the mind of anyone else, that Weicker, as amended by Helms, is unconstitutional. I urge its passage.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. MITCHELL). The Senator from North Carolina.

Mr. HELMS. Mr. President, I see no point in prolonging the discussion. I would simply say that I have the highest respect for my dear friend from Connecticut. I know he is sincere, but I believe him to be sincerely wrong, and so does a distinguished constitutional lawyer by the name of Sam J. Ervin, Jr., who graced this Senate for many, many years.

With that, Mr. President, I yield back the remainder of my time.

WHY THE STATE, JUSTICE, COMMERCE BILL SHOULD BE REJECTED

Mr. PROXMIRE. Mr. President, I am voting against the State, Justice, Commerce appropriations bill for a number of reasons.

First, let me say that the committee and the Senator from South Carolina (Mr. HOLLINGS) have done a very good job with this bill. It is $613 million under the fiscal year 1981 estimates and $2.9 billion under the 1980 appropriations. In almost every category the committee has in fact cut below the President's budget proposal. Therefore my "no" vote on this bill does not reflect on the effort of the committee and my colleagues.

BUDGET SHOULD BE BALANCED THIS YEAR

But what it does reflect is my strongly held conviction that in a period of double digit inflation, extraordinarily high interest rates, and a budget deficit officially estimated at $30 billion by the OMB some months ago, we can and must do more. We need a balanced budget now.

One of the reasons this bill is below the fiscal year 1980 appropriations is that some $2.6 billion of the reduction is due to two nonrecurring 1980 amounts. They are $1.5 billion for possible defaults in the Chrysler loan guarantee and $1.177 billion for the Disaster Loan Fund of the SBA. So some $2.6 of the $2.9 billion cut is due to the fact that these two items do not reoccur in fiscal year 1981.

This was the year when we were to have a balanced budget. Last year I presented an amendment to the budget resolution which would have brought a fiscal year 1980 balanced budget. It was rejected by the Senate with the votes of Republicans and Democrats alike. But the promise at that time was that the fiscal year 1981 budget would be balanced.

NOW IS THE TIME, THIS IS THE PLACE

If there were ever a time when a budget should be balanced this is the time, this is the year, and these are the appropriations bills which should be cut deep enough to bring it about.

We now have a relatively restrictive or tight monetary policy because of the inflation. That is a correct policy in the circumstances.

But that policy must be accompanied by a tight or restrictive fiscal policy. Even with efforts like that in this bill, fiscal policy is still too generous, the budget remains out of control, and the deficit is adding to inflation.

My vote on this bill is therefore a protest vote against an unbalanced budget and a huge deficit at a time of runaway inflation.

If a majority of Senators did the same, this bill would go back to committee for further and deeper cuts which in my view are a necessity at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2392), as amended, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill is put over until 4 p.m. on Monday next.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senate now proceed to the consideration of the appropriations bill for the Department of the Interior.

The PRESIDING OFFICER. The bill will be stated.

The assistant legislative clerk read as follows:

A bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, it will be about 10 minutes before the Senate will be ready to proceed on the Interior appropriation bill.

Has there been any period for the transaction of routine morning business today?

The PRESIDING OFFICER. There has not been yet.

Mr. ROBERT C. BYRD. I ask unanimous consent, Mr. President, that there be a brief period for the transaction of routine morning business, not to extend beyond 4:30 p.m. today, and that Senators may speak during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1981

The Senate continued with the consideration of H.R. 7724.

Mr. ROBERT C. BYRD. Mr. President, what is the pending business?

The PRESIDING OFFICER. H.R. 7724.

Mr. ROBERT C. BYRD. I thank the Chair.

RECESS UNTIL 4:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 4:30 p.m. today.

There being no objection, the Senate, at 4:20 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MITCHELL).

Mr. HUDDLESTON. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 7724.

Mr. HUDDLESTON. Mr. President, the committee faced extremely difficult decisions this year in marking up the appropriations bill for the Interior Department and related agencies. It took the cooperation of all committee members to help us comply with not only the letter but the spirit of the Congressional Budget Act and the spending controls we are attempting to impose on the Federal budget.

Let me point out the major hurdles still confronting the bill as a whole. As detailed on the cover page of the committee report, the recommended bill now totals more than $10.5 billion, and that is already in excess of the House allowance. The budget outlay total, as estimated by the Congressional Budget Office, is just under $10.8 billion. The outlay ceiling allocated to the Interior appropriations bill under the first budget resolution is $9.7 billion. That means we are already $1.1 billion over the outlay ceiling.

We are in a bad situation on outlays simply because CBO estimates have increased by $1.3 billion just since the House passed this bill 3 months ago. Under these circumstances, which are obviously beyond the committee's control, we have decided to rely on the ceiling we project would apply to this bill under the Senate-reported second budget resolution. That ceiling is $10.8 billion.

We estimate that there are still another $400 to $500 million in future supplemental requirements accruing to this bill—costs of pay raises, firefighting, disasters, and other unanticipated expenses. This means we simply have no more room for any more increases in appropriations.

Those Senators who plan to offer amendments to increase spending for home State programs or politically popular State and local government assistance should carefully reexamine their proposals. This is not business as usual. The committee intends to honor the urgent spending restraints reflected in the budget resolution we have all voted for. Accordingly, we must oppose all increases unless there is a realistic offsetting decrease in outlays included with that proposal. Let me underscore the words "realistic" and "outlays."

We ask all Senators to help us in this effort. Otherwise, we might as well abandon the congressional budget process, and I think that would be a serious mistake.

SUMMARY OF RECOMMENDED BILL

Let me highlight major points in the recommended bill.

Senators will note in the comparative table on page 3 of the report that Interior Department funding is over the budget but more than $115 million below the House.

The main difference with the budget is in the Bureau of Indian Affairs, where we have recommended unbudgeted school construction and an $81.5 million increase to fund a land claims settlement in the State of Maine. That land claims appropriation was requested by the President subsequent to our report, so the actual increase over his budget only appropriates $33 million. We are also significantly over the budget in the Heritage Conservation and Recreation Service, mainly in the ever popular land and water conservation fund. We have agreed to the House level of $235 million for State assistance, and we have provided several Federal increases from this fund in response to congressional priorities.

We are below the House allowance for the Interior Department mainly because we are not recommending the $148 million increase for the National Petroleum Reserve in Alaska. We are agreeing with House language that authorizes leasing the reserve for private oil and gas exploration and development with amendments to accelerate judicial review, and we do not feel that continuation of expensive Federal exploratory drilling is needed.

The committee recommendation for title I also includes a $23 million increase in both the budget and House allowance for payments in lieu of taxes, providing a total of $108 million in response to the high congressional priority assigned to it.

The committee has agreed with the $60 million House allowance for the Youth Conservation Corps but has transferred this account from the Forest Service to the Office of the Secretary. Also in the Forest Service, our principal difference with the House is that we are not recommending the 12.2 billion board-foot timber sales level, but rather we recommend staying with the budgeted level of 11.9 billion. We know there are serious difference of opinion in this sensitive area, but the current economic situation, the poor lumber market, and the fact that we have a large backlog of uncut timber sales contracts all lead us to recommend the level justified in the President's budget.

For the Department of Energy, our principal difference is in the Strategic Petroleum Reserve, where the committee's original budget authority recommendation approached $1.5 billion. Because most of this funding was included as a direct appropriation in the continuing resolution last month, I intend to offer a committee amendment to revise the reported bill to account for the amount already appropriated. The overall appropriation, however, will be the same, and that is about $1 billion below the budget but more than $300 million above the House allowance.

We examined the congressional mandate to resume filling the reserve, and we reviewed the various options for following that mandate. The funding recommended in this bill and appropriated in the continuing resolution will finance an average fill rate of 300,000 barrels per day. That is well above the 100,000 barrel minimum specified in the Energy Security Act. Together with unexpended funds now available to the reserve, the total amount recommended will make $3.6 billion available to operate and fill the reserve.

If we do anything more, we will seriously exceed our budget outlay ceiling and risk topping even our budget authority limitation before the year is out. If we do anything less, in our judgment we are neglecting not only the congressional mandate but also the Nation's energy security.

Mr. HUDDLESTON. For the rest of the Energy Department we are slightly over the House but more than $300 million below the budget. Aside from the Strategic Petroleum Reserve funding we are over the 1980 fiscal year funding in every energy program, putting ongoing DOE programs excluding the reserve nearly $500 million above current funding. It is clear, then, that although we have imposed fiscal restraints we have not shorted essential energy programs. The main reason we are over the House is the $160 million in budget amendments that came up from the President after the bill was considered by the other body.

Just a note on gasoline rationing: The committee felt the $103 million budget request was excessive for preimplementation work on the rationing plan. The reduction was carefully applied and not arbitrary, and we feel there is sufficient funding available to get this preimplementation program going.

Mr. President, there are other necessary revisions in the committee reported amendments stemming from action last month on the continuing resolution. Under the energy security reserve and alternative fuels production accounts, much of the language recommended by the committee has already been included in the continuing resolution and will have to be deleted from the bill now before us.

CONCLUSION

The appropriation bill for the Department of the Interior and related agencies is extremely complex. No brief summary can do it justice. We will attempt to answer any individual inquiries about funding in the bill to accommodate all Senators' interests. But again, let me urge every Senator to take a second look at his proposals and priorities and make every effort to help us hold down the total level of spending recommended in this bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a table comparing appropriations recommended in the bill with those of the preceding fiscal year and with House allowances and budget estimates.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1981

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1980 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1981

[Amounts in dollars]

Item	1980 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with— 1980 appropriation	Budget estimate	House allowance
TITLE I—DEPARTMENT OF THE INTERIOR							
LAND AND WATER RESOURCES							
Bureau of Land Management							
Management of lands and resources	354,396,000	352,500,000	349,662,000	339,162,000	−15,234,000	−13,338,000	−10,500,000
Acquisition, construction, and maintenance	16,343,000	14,568,000	14,568,000	14,768,000	−1,575,000	+200,000	+200,000
Payments in lieu of taxes	108,000,000	81,000,000	85,000,000	108,000,000		+27,000,000	+23,000,000
Oregon and California grant lands (indefinite, appropriation of receipts)	55,000,000	57,500,000	57,500,000	57,500,000	+2,500,000		
Range improvements (indefinite, appropriation of receipts)	10,620,000	13,500,000	13,500,000	13,500,000	+2,880,000		
Recreation development and operation of recreation facilities (indefinite, special fund)	300,000	300,000	300,000		−300,000	−300,000	−300,000
Service charges, deposits, and forfeitures (indefinite, special fund)	13,750,000	9,600,000	9,600,000	9,600,000	−4,150,000		
Miscellaneous trust funds (indefinite)	100,000	100,000	100,000	100,000			
Total, Bureau of Land Management	558,509,000	529,068,000	530,230,000	542,630,000	−15,879,000	+13,562,000	+12,400,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1981—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1980 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1981—Continued

[Amounts in dollars]

Item	1980 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with—		
					1980 appropriation	Budget estimate	House allowance
Office of Water Research and Technology							
Salaries and expenses	32, 781, 000	32, 613, 000	30, 485, 000	30, 485, 000	−2, 296, 000	−2, 128, 000	
Total, Land and Water Resources	591, 290, 000	561, 681, 000	560, 715, 000	573, 115, 000	−18, 175, 000	+11, 434, 000	+12, 400, 000
FISH AND WILDLIFE AND PARKS							
Heritage Conservation and Recreation Service							
Salaries and expenses	15, 701, 000	16, 010, 000	15, 755, 000	16, 005, 000	+304, 000	−5, 000	+250, 000
Urban park and recreation fund	125, 000, 000		45, 000, 000		−125, 000, 000		−45, 000, 000
Rescission	−15, 000, 000				+15, 000, 000		
Subtotal	110, 000, 000		45, 000, 000		−110, 000, 000		−45, 000, 000
Land and water conservation fund (indefinite)	509, 194, 000	233, 000, 000	394, 185, 000	351, 368, 000	−157, 826, 000	+118, 368, 000	−42, 817, 000
Historic preservation fund	55, 000, 000	25, 000, 000	32, 500, 000	32, 500, 000	−22, 500, 000	+7, 500, 000	
Total, Heritage Conservation and Recreation Service	689, 895, 000	274, 010, 000	487, 440, 000	399, 873, 000	−290, 022, 000	+125, 863, 000	−87, 567, 000
U.S. Fish and Wildlife Service							
Resource management	211, 991, 000	227, 306, 000	225, 354, 000	225, 224, 000	+13, 233, 000	−2, 082, 000	−130, 000
Construction and anadromous fish	58, 757, 000	39, 898, 000	34, 561, 000	40, 375, 000	−18, 382, 000	+477, 000	+5, 814, 000
National Wildlife Refuge fund	1, 950, 000	9, 500, 000	9, 500, 000	8, 500, 000	+6, 550, 000	−1, 000, 000	−1, 000, 000
Migratory bird conservation account (definite, repayable advance)	15, 000, 000		2, 000, 000		−15, 000, 000		−2, 000, 000
Development and operation of recreation facilities (indefinite, special fund)	200, 000	250, 000	250, 000		−200, 000	−250, 000	−250, 000
Total, U.S. Fish and Wildlife Service	287, 898, 000	276, 954, 000	271, 665, 000	274, 099, 000	−13, 799, 000	−2, 855, 000	+2, 434, 000
National Park Service							
Operation of the national park system	391, 178, 000	422, 297, 000	415, 163, 000	440, 328, 000	+49, 180, 000	+18, 031, 000	+25, 165, 000
Construction	112, 154, 000	62, 015, 000	34, 203, 000	47, 777, 000	−64, 377, 000	−14, 238, 000	+13, 574, 000
Rescission	−3, 000, 000				+3, 000, 000		
Appropriation to liquidate contract authority	(15, 500, 000)				(−15, 500, 000)		
Subtotal	109, 154, 000	62, 015, 000	34, 203, 000	47, 777, 000	−61, 377, 000	−14, 238, 000	+13, 574, 000
Road construction (rescission of appropriation to liquidate contract authority)	(−5, 552, 000)				(+5, 552, 000)		
Planning, development, and operation of recreation facilities (indefinite, special fund)	16, 217, 000	15, 007, 000	17, 750, 000		−16, 217, 000	−15, 007, 000	−14, 750, 000
John F. Kennedy Center for the Performing Arts	4, 130, 000	4, 400, 000	4, 400, 000	4, 143, 000	+13, 000	−257, 000	−257, 000
Total, National Park Service	520, 649, 000	503, 719, 000	468, 516, 000	492, 248, 000	−28, 401, 000	−11, 471, 000	+23, 732, 000
Total, Fish and Wildlife and Parks	1, 498, 442, 000	1, 054, 683, 000	1, 227, 621, 000	1, 166, 220, 000	−332, 222, 000	+111, 537, 000	−61, 401, 000
ENERGY AND MINERALS							
Geological Survey							
Surveys, investigations, and research	471, 155, 000	486, 611, 000	477, 137, 000	483, 837, 000	+12, 682, 000	−2, 774, 000	+6, 700, 000
Exploration of national petroleum reserve in Alaska	175, 627, 000	46, 501, 000	194, 251, 000	46, 501, 000	−129, 126, 000		−147, 750, 000
Total, Geological Survey	646, 782, 000	533, 112, 000	671, 388, 000	530, 338, 000	−116, 444, 000	−2, 774, 000	−141, 050, 000
Bureau of Mines							
Mines and minerals	134, 503, 000	140, 248, 000	140, 678, 000	137, 378, 000	+2, 875, 000	−2, 870, 000	−3, 300, 000
Helium fund (permanent contract authority)		(47, 500, 000)				(−47, 500, 000)	
Total, Bureau of Mines	134, 503, 000	140, 248, 000	140, 678, 000	137, 378, 000	+2, 875, 000	−2, 870, 000	−3, 300, 000
Office of Surface Mining Reclamation and Enforcement							
Regulation and technology	84, 687, 000	100, 346, 000	98, 811, 000	88, 024, 000	+3, 337, 000	−12, 322, 000	−10, 787, 000
Abandoned mine reclamation fund (definite, trust fund)	94, 916, 000	87, 485, 000	87, 485, 000	66, 485, 000	−28, 431, 000	−21, 000, 000	−21, 000, 000
Total, Office of Surface Mining Reclamation and Enforcement	179, 603, 000	187, 831, 000	186, 296, 000	154, 509, 000	−25, 094, 000	−33, 322, 000	−31, 787, 000
Total, Energy and Minerals	960, 888, 000	861, 191, 000	998, 362, 000	822, 225, 000	−138, 663, 000	−38, 966, 000	−176, 137, 000
INDIAN AFFAIRS							
Bureau of Indian Affairs							
Operation of Indian programs	806, 551, 000	816, 190, 000	815, 019, 000	806, 366, 000	−185, 000	−9, 824, 000	−8, 653, 000
Construction	89, 374, 000	71, 338, 000	99, 590, 000	99, 745, 000	+10, 371, 000	+28, 407, 000	+155, 000
Road construction	66, 479, 000	48, 625, 000	48, 625, 000	48, 625, 000	−17, 854, 000		
Alaska Native fund	30, 000, 000	30, 000, 000	30, 000, 000	30, 000, 000			
Trust funds (definite)	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000			
Trust funds (indefinite)	23, 000, 000	23, 000, 000	23, 000, 000	23, 000, 000			
Salt River Prima-Maricopa settlement	3, 917, 000				−3, 917, 000		
Eastern Indians land claims settlement				81, 500, 000	+81, 500, 000	+81, 500, 000	+81, 500, 000
Total, Bureau of Indian Affairs	1, 022, 321, 000	992, 153, 000	1, 019, 234, 000	1, 092, 236, 000	+69, 915, 000	+100, 083, 000	+73, 002, 000
TERRITORIAL AFFAIRS							
Office of Territorial Affairs							
Administration of territories	90, 079, 000	81, 384, 000	84, 384, 000	69, 684, 000	−20, 395, 000	−11, 700, 000	−14, 700, 000
Trust Territory of the Pacific Islands	120, 002, 000	93, 071, 000	93, 804, 000	94, 354, 000	−25, 648, 000	+1, 283, 000	+550, 000
Total, Office of Territorial Affairs	210, 081, 000	174, 455, 000	178, 188, 000	164, 038, 000	−46, 043, 000	−10, 417, 000	−14, 150, 000

Item	1980 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with—		
					1980 appropriation	Budget estimate	House allowance
SECRETARIAL OFFICES							
Office of the Solicitor							
Salaries and expenses	16, 241, 000	16, 796, 000	16, 113, 000	16, 513, 000	+272, 000	−282, 000	+400, 000
Office of the Secretary							
Departmental management	50, 844, 000	58, 137, 000	39, 251, 000	37, 294, 000	−13, 550, 000	−20, 843, 000	−1, 957, 000
Office of Construction Management			8, 750, 000	8, 750, 000	+8, 750, 000	+8, 750, 000	
Office of Inspector General			8, 500, 000	8, 500, 000	+8, 500, 000	+8, 500, 000	
Salaries and expenses (special foreign currency programs)	1, 000, 000				−1, 000, 000		
Youth Conservation Corps				60, 000, 000	+60, 000, 000	+60, 000, 000	+60, 000, 000
Total, Office of the Secretary	51, 844, 000	58, 137, 000	56, 501, 000	114, 544, 000	+62, 700, 000	+56, 407, 000	+58, 043, 000
Total, Secretarial Offices	68, 085, 000	74, 933, 000	72, 614, 000	131, 057, 000	+62, 972, 000	+56, 124, 000	+58, 443, 000
Consultant services				−7, 484, 000	−7, 484, 000	−7, 484, 000	−7, 484, 000
Total, title I, new budget (obligational) authority, Department of the Interior	4, 351, 107, 000	3, 718, 096, 000	4, 056, 734, 000	3, 941, 407, 000	−409, 700, 000	+222, 311, 000	−115, 327, 000
Consisting of:							
Appropriations	4, 369, 107, 000	3, 718, 096, 000	4, 056, 734, 000	3, 941, 407, 000	−427, 700, 000	+222, 311, 000	−115, 327, 000
Definite appropriations	3, 738, 776, 000	3, 357, 339, 000	3, 516, 799, 000	3, 326, 573, 000	−412, 203, 000	−30, 766, 000	−190, 226, 000
Indefinite appropriations	630, 331, 000	361, 757, 000	522, 685, 000	463, 568, 000	−166, 763, 000	+101, 811, 000	−59, 117, 000
Rescissions	−18, 000, 000				+18, 000, 000		
Permanent contract authority							
Appropriation to liquidate contract authority	(15, 500, 000)				(−15, 500, 000)		
Rescission of appropriation to liquidate contract authority	(−5, 552, 000)				(+5, 552, 000)		
TITLE II—RELATED AGENCIES							
DEPARTMENT OF AGRICULTURE							
Forest Service							
Research	111, 531, 000	124, 100, 000	124, 100, 000	119, 700, 000	+8, 169, 000	−4, 400, 000	−4, 400, 000
State and private forestry	73, 554, 000	64, 577, 000	71, 466, 000	70, 586, 000	−2, 968, 000	+6, 009, 000	−880, 000
National forest system	958, 608, 000	864, 444, 000	881, 821, 000	871, 958, 000	−86, 650, 000	+7, 514, 000	−9, 863, 000
Construction and land acquisition	428, 794, 000	353, 415, 000	405, 465, 000	354, 336, 000	−74, 458, 000	+921, 000	−51, 129, 000
Youth Conservation Corps	54, 797, 000	39, 700, 000	60, 000, 000		−54, 797, 000	−39, 700, 000	−60, 000, 000
Acquisition of lands for national forests:							
Special acts (special fund, indefinite)	325, 000	754, 000	754, 000	754, 000	+429, 000		
Acquisition of lands to complete land exchanges (special fund, indefinite)	155, 000	446, 000	446, 000	446, 000	+291, 000		
Rangeland improvements (special fund, indefinite)	5, 900, 000	6, 800, 000	6, 800, 000	6, 800, 000	+900, 000		
Construction and operation of recreation facilities (indefinite, special fund)	3, 850, 000	3, 900, 000	3, 900, 000		−3, 850, 000	−3, 900, 000	−3, 900, 000
Total, Forest Service	1, 637, 514, 000	1, 458, 136, 000	1, 554, 752, 000	1, 424, 580, 000	−212, 934, 000	−33, 556, 000	−130, 172, 000
DEPARTMENT OF ENERGY							
Alternative fuels production	20, 000, 000, 000				−20, 000, 000, 000		
Fossil energy research and development	750, 627, 000	687, 650, 000	670, 605, 000	689, 300, 000	−61, 327, 000	+1, 650, 000	+18, 695, 000
Rescission	−17, 600, 000				+17, 600, 000		
Subtotal	733, 027, 000	687, 650, 000	670, 605, 000	689, 300, 000	−43, 727, 000	+1, 650, 000	+18, 695, 000
Fossil energy construction	103, 250, 000	445, 835, 000	445, 300, 000	380, 100, 000	+276, 850, 000	−65, 735, 000	−65, 200, 000
Energy production, demonstration, and distribution	111, 221, 000	236, 337, 000	176, 337, 000	224, 587, 000	+113, 366, 000	−11, 750, 000	+48, 250, 000
Energy conservation	631, 302, 000	1, 024, 284, 000	850, 607, 000	853, 132, 000	+221, 830, 000	−171, 152, 000	+2, 525, 000
Reappropriation	158, 750, 000				−158, 750, 000		
Rescission	−10, 000, 000				+10, 000, 000		
Subtotal	780, 052, 000	1, 024, 284, 000	850, 607, 000	853, 132, 000	+73, 080, 000	−171, 152, 000	+2, 525, 000
Economic regulation	152, 879, 000	258, 971, 000	141, 999, 000	173, 432, 000	+20, 553, 000	−85, 539, 000	+31, 433, 000
Rescission	−1, 000, 000				+1, 000, 000		
Subtotal	151, 879, 000	258, 971, 000	141, 999, 000	173, 432, 000	+21, 553, 000	−85, 539, 000	+31, 433, 000
Strategic petroleum reserve		103, 978, 000	876, 918, 000	1, 485, 000, 000	+1, 485, 000, 000	+1, 381, 022, 000	+608, 082, 000
Reappropriation		2, 300, 000, 000	300, 000, 000			−2, 300, 000, 000	−300, 000, 000
Rescission	−2, 000, 000, 000				+2, 000, 000, 000		
Subtotal	−2, 000, 000, 000	2, 403, 978, 000	1, 176, 918, 000	1, 485, 000, 000	+3, 485, 000, 000	−918, 978, 000	+308, 082, 000
Energy Information Administration	90, 773, 000	113, 223, 000	106, 812, 000	104, 117, 000	+13, 344, 000	−9, 106, 000	−2, 695, 000
Total, Department of Energy	19, 970, 202, 000	5, 170, 278, 000	3, 568, 578, 000	3, 909, 668, 000	−16, 060, 534, 000	−1, 260, 610, 000	+341, 090, 000
DEPARTMENT OF HEALTH AND HUMAN RESOURCES							
Health Services Administration							
Indian health services	547, 209, 000	591, 319, 000	593, 619, 000	592, 332, 000	+45, 123, 000	+1, 013, 000	−1, 287, 000
Indian health facilities	74, 302, 000	60, 670, 000	88, 831, 000	84, 469, 000	+10, 167, 000	+23, 799, 000	−4, 362, 000
Total, Indian health	621, 511, 000	651, 989, 000	682, 450, 000	676, 801, 000	+55, 290, 000	+24, 812, 000	−5, 649, 000
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Indian education	75, 900, 000	100, 950, 000	81, 680, 000	84, 180, 000	+8, 280, 000	−16, 770, 000	+2, 500, 000
Departmental Management							
Institute of Museum Services	10, 900, 000	12, 900, 000	12, 900, 000	12, 057, 000	+1, 157, 000	−843, 000	−843, 000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1981—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1980 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1981

[Amounts in dollars]

Item	1980 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with—		
					1980 appropriation	Budget estimate	House allowance
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION							
Salaries and expenses	985,000	1,180,000	1,180,000	2,680,000	+1,695,000	+1,500,000	+1,500,000
SMITHSONIAN INSTITUTION							
Salaries and expenses	107,781,000	119,590,000	118,838,000	115,721,000	+7,940,000	−3,869,000	−3,117,000
Museum programs and related research (special foreign currency program)	4,200,000	4,450,000	3,650,000	3,650,000	−550,000	−800,000	
Construction and improvements, National Zoological Park	6,250,000	3,290,000	3,290,000	2,790,000	−3,460,000	−500,000	−500,000
Restoration and renovation of buildings	5,250,000	8,039,000	8,039,000	7,039,000	+1,789,000	−1,000,000	−1,000,000
Construction	20,600,000	500,000		500,000	−20,100,000		+500,000
Subtotal	144,081,000	135,869,000	133,817,000	129,700,000	−14,381,000	−6,169,000	−4,117,000
Salaries and expenses, National Gallery of Art	22,241,000	24,464,000	24,464,000	24,089,000	+1,848,000	−375,000	−375,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	1,621,000	1,795,000	1,795,000	1,795,000	+174,000		
Total, Smithsonian Institution	167,943,000	162,128,000	160,076,000	155,584,000	−12,359,000	−6,544,000	−4,492,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES							
National Endowment for the Arts							
Salaries and expenses	97,210,000	114,495,000	114,495,000	112,635,000	+15,425,000	−1,860,000	−1,860,000
Administrative expenses	12,000,000	12,865,000	12,865,000	12,165,000	+165,000	−700,000	−700,000
Subtotal	109,210,000	127,360,000	127,360,000	124,800,000	+15,590,000	−2,560,000	−2,560,000
Matching grants (indefinite)	45,400,000	32,700,000	32,700,000	31,200,000	−14,200,000	−1,500,000	−1,500,000
Total, National Endowment for the Arts	154,610,000	160,060,000	160,060,000	156,000,000	+1,390,000	−4,060,000	−4,060,000
National Endowment for the Humanities							
Salaries and expenses	100,300,000	106,522,000	106,522,000	106,022,000	+5,722,000	−500,000	−500,000
Administrative expenses	11,400,000	+ 12,219,000	12,219,000	11,777,000	+377,000	−442,000	−442,000
Subtotal	111,700,000	118,741,000	118,741,000	117,799,000	+6,099,000	−942,000	−942,000
Matching grants (indefinite	38,400,000	33,500,000	33,500,000	33,500,000	−4,900,000		
Total, National Endowment for the Humanities	150,100,000	152,241,000	152,241,000	151,299,000	+1,999,000	−942,000	−942,000
Total, National Foundation on the Arts and the Humanities	304,710,000	312,301,000	312,301,000	307,299,000	+2,589,000	−5,002,000	−5,002,000
COMMISSION OF FINE ARTS							
Salaries and expenses	268,000	290,000	285,000	285,000	+17,000	−5,000	
ADVISORY COUNCIL ON HISTORIC PRESERVATION							
Salaries and expenses	1,375,000	1,603,000	1,523,000	1,523,000	+148,000	−80,000	
NATIONAL CAPITAL PLANNING COMMISSION							
Salaries and expenses	2,150,000	2,362,000	2,300,000	2,270,000	+120,000	−92,000	−30,000
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION							
Salaries and expenses	40,000	30,000	40,000	30,000	−10,000		−10,000
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION							
Salaries and expenses	1,906,000	2,716,000	2,508,000	2,343,000	+437,000	−373,000	−165,000
Land acquisition and development fund (borrowing authority)	17,000,000	15,000,000	15,000,000	15,000,000	−2,000,000		
Public development	20,610,000	14,169,000	14,169,000	14,169,000	−6,441,000		
Total, Pennsylvania Avenue Development Corporation	39,516,000	31,885,000	31,677,000	31,512,000	−8,004,000	−373,000	−165,000
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE							
Permitting and enforcement	10,600,000	25,868,000	21,483,000	21,483,000	+10,883,000	−4,385,000	
Rescission	−2,700,000				+2,700,000		
Total, Federal Inspector for the Alaska Gas Pipeline	7,900,000	25,868,000	21,483,000	21,483,000	+13,583,000	−4,385,000	
COMMUNITY SERVICES ADMINISTRATION							
Community services program	1,350,000,000				−1,350,000,000		
Total, title II, new budget (obligational) authority, related agencies	24,190,914,000	7,931,900,000	6,431,225,000	6,629,952,000	−17,560,962,000	−1,301,948,000	+198,727,000
Consisting of:							
Appropriations	26,046,464,000	5,616,900,000	6,116,225,000	6,614,952,000	−19,431,512,000	+998,052,000	+498,727,000
Definite appropriations	24,602,434,000	5,538,800,000	6,038,125,000	6,542,252,000	−18,060,182,000	+1,003,452,000	+504,127,000
Indefinite appropriations	94,030,000	78,100,000	78,100,000	72,700,000	−21,330,000	−5,400,000	−5,400,000
Rescissions	−2,031,300,000				+2,031,300,000		
Reappropriation	158,750,000	2,300,000,000	300,000,000		−158,750,000	−2,300,000,000	−300,000,000
Borrowing authority	17,000,000	15,000,000	15,000,000	15,000,000	−2,000,000		

Item	1980 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with—		
					1980 appropriation	Budget estimate	House allowance
RECAPITULATION							
Total, new budget (obligational) authority, all titles	28, 542, 021, 000	11, 650, 996, 000	10, 487, 959, 000	10, 571, 359, 000	−17, 970, 662, 000	−1, 079, 637, 000	+83, 400, 000
Consisting of:							
Appropriations	30, 415, 571, 000	9, 335, 996, 000	10, 172, 959, 000	10, 556, 359, 000	−19, 859, 212, 000	+1, 220, 363, 000	+383, 400, 000
Definite appropriations	(28, 341, 210, 000)	(8, 896, 139, 000)	(9, 554, 924, 000)	(9, 868, 825, 000)	−18, 472, 385, 000)	(+972, 686, 000)	(+313, 901, 000)
Indefinite appropriations	(724, 361, 000)	(439, 857, 000)	(600, 785, 000)	(536, 268, 000)	(−188, 093, 000)	(+96, 411, 000)	(−64, 517, 000)
Rescissions	−2, 049, 300, 000				+2, 049, 300, 000		
Reappropriation	158, 750, 000	2, 300, 000, 000	300, 000, 000		−158, 750, 000	−2, 300, 000, 000	−300, 000, 000
Borrowing authority	17, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	−2, 000, 000		
Permanent contract authority							
Appropriation to liquidate contract authority	(15, 500, 000)				(−15, 500, 000)		
Rescission of an appropriation to liquidate contract authority	(−5, 552, 000)				(+5, 552, 000)		
TITLE I—DEPARTMENT OF THE INTERIOR							
Bureau of Land Management	558, 509, 000	529, 068, 000	530, 230, 000	542, 630, 000	−15, 879, 000	+13, 562, 000	+12, 400, 000
Office of Water Research and Technology	32, 781, 000	32, 613, 000	30, 485, 000	30, 485, 000	−2, 296, 000	−2, 128, 000	
Heritage Conservation and Recreation Service	689, 895, 000	274, 010, 000	487, 440, 000	399, 873, 000	−290, 022, 000	+125, 863, 000	−87, 567, 000
United States Fish and Wildlife Service	287, 898, 000	276, 954, 000	271, 665, 000	274, 099, 000	−13, 799, 000	−2, 855, 000	+2, 434, 000
National Park Service	520, 649, 000	503, 719, 000	468, 516, 000	492, 248, 000	−28, 401, 000	−11, 471, 000	+23, 732, 000
Geological Survey	646, 782, 000	533, 112, 000	671, 388, 000	530, 338, 000	−161, 444, 000	−2, 774, 000	−141, 050, 000
Bureau of Mines	134, 503, 000	140, 248, 000	140, 678, 000	137, 378, 000	+2, 875, 000	−2, 870, 000	−3, 300, 000
Office of Surface Mining—Reclamation and Enforcement	179, 603, 000	187, 831, 000	186, 296, 000	154, 509, 000	−25, 094, 000	−33, 322, 000	−31, 787, 000
Bureau of Indian Affairs	1, 022, 321, 000	992, 153, 000	1, 019, 234, 000	1, 092, 236, 000	+69, 915, 000	+100, 033, 000	+73, 002, 000
Territorial Affairs	210, 081, 000	174, 455, 000	178, 188, 000	164, 038, 000	−46, 043, 000	−10, 417, 000	−14, 150, 000
Office of the Solicitor	16, 241, 000	16, 796, 000	16, 113, 000	16, 513, 000	+272, 000	−283, 000	+400, 000
Office of the Secretary	51, 844, 000	58, 137, 000	56, 501, 000	114, 544, 000	+62, 700, 000	+56, 407, 000	+58, 043, 000
Total, Title I—Department of the Interior	4, 351, 107, 000	3, 719, 096, 000	4, 056, 734, 000	3, 941, 407, 000	−409, 700, 000	+222, 311, 000	−115, 327, 000
TITLE II—RELATED AGENCIES							
Forest Service	1, 637, 514, 000	1, 458, 136, 000	1, 554, 752, 000	1, 424, 580, 000	−212, 934, 000	−33, 556, 000	−130, 172, 000
Department of Energy	19, 970, 202, 000	5, 170, 278, 000	3, 658, 578, 000	3, 909, 668, 000	−16, 060, 534, 000	−1, 260, 610, 000	+341, 090, 000
Indian Health	621, 511, 000	651, 989, 000	682, 450, 000	676, 801, 000	+55, 290, 000	+24, 812, 000	−5, 649, 000
Indian Education	75, 900, 000	100, 950, 000	81, 680, 000	84, 180, 000	+8, 280, 000	−16, 770, 000	+2, 500, 000
Institute of Museum Services	10, 900, 000	12, 900, 000	12, 900, 000	12, 057, 000	+1, 157, 000	−843, 000	−843, 000
Navajo and Hopi Indian Relocation Commission	985, 000	1, 180, 000	1, 180, 000	2, 680, 000	+1, 685, 000	+1, 500, 000	+1, 500, 000
Smithsonian	144, 081, 000	135, 869, 000	133, 817, 000	129, 700, 000	−14, 381, 000	−6, 169, 000	−4, 117, 000
National Gallery of Art	22, 241, 000	24, 464, 000	24, 464, 000	24, 089, 000	+1, 848, 000	−375, 000	−375, 000
Woodrow Wilson International Center for Scholars	1, 621, 000	1, 795, 000	1, 795, 000	1, 795, 000	+174, 000		
National Endowment for the Arts	154, 610, 000	160, 060, 000	160, 060, 000	156, 000, 000	+1, 390, 000	−4, 060, 000	−4, 060, 000
National Endowment for the Humanities	150, 100, 000	152, 241, 000	152, 241, 000	151, 299, 000	+1, 199, 000	−942, 000	−942, 000
Commission of Fine Arts	268, 000	290, 000	285, 000	285, 000	+17, 000	−5, 000	
Advisory Council on Historic Preservation	1, 375, 000	1, 603, 000	1, 523, 000	1, 523, 000	+148, 000	−80, 000	
National Capital Planning Commission	2, 150, 000	2, 362, 000	2, 300, 000	2, 270, 000	+120, 000	−92, 000	−30, 000
Franklin Delano Roosevelt Memorial Commission	40, 000	30, 000	40, 000	30, 000	−10, 000		−10, 000
Pennsylvania Avenue Development Corporation	39, 516, 000	31, 885, 000	31, 677, 000	31, 512, 000	−8, 004, 000	−373, 000	−165, 000
Federal Inspector for the Alaska Gas Pipeline	7, 900, 000	25, 868, 000	21, 483, 000	21, 483, 000	+13, 583, 000	−4, 835, 000	
Total, Title II—Related Agencies	24, 190, 914, 000	7, 931, 900, 000	6, 431, 225, 000	6, 629, 952, 000	−17, 560, 962, 000	−1, 301, 948, 000	+198, 727, 000
Grand total	28, 542, 021, 000	11, 650, 996, 000	10, 487, 959, 000	10, 571, 359, 000	−17, 970, 662, 000	−1, 079. 637, 000	+83, 400. 000

Mr. HUDDLESTON. Mr. President, I yield to the distinguished ranking minority member of the subcommittee, the Senator from Alaska (Mr. STEVENS), for any comments he may wish to make on the bill as reported.

Mr. STEVENS. Mr. President, I thank my good friend and thank him particularly for the many hours of hard work that he and the staff, particularly Mr. Dwight Dyer, have expended to bring this bill before the Senate.

Mr. President, the Interior appropriations bill now before us is one of the tightest spending measures that the Senate will consider this year. While we are $83 million over the House-passed bill, the Senate Appropriations Committee considered $140 million in budget requests that were transmitted following House action. We are $1 billion under the budget request. The details of the changes made by the committee have been provided by our distinguished subcommittee chairman and the floor manager of the bill.

The committee also considered some 250 amendments proposed by members which would have added $1.4 billion to the Interior bill. By reordering priorities, we were able to honor many requests, but certainly not all of them. Some 70 amendments were raised in subcommittee and full committee during markup on the bill. All but a very few amendments to increase funds were rejected. I would hope that the action taken by the committee to restrain add-ons will be upheld here on the floor of the Senate.

Mr. President, let me take a moment to emphasize one very important aspect of this bill. For years the Federal Government, first under the Navy and lately under the Interior Department has been conducting a very limited exploration program in the National Petroleum Reserve in Alaska. The administration has proposed to terminate the Federal program and institute a private leasing program. In testimony received before the Interior subcommittee, representatives from the Geological Survey stated that under the administration's plan it would be at least 5 years before any actual leasing could take place in the National Petroleum Reserve in Alaska.

Members of the Appropriations Committees of both the House and Senate have determined that such a delay is intolerable. The events of the last weeks in the Middle East should serve warning that we can no longer delay efforts which would increase the domestic supply of oil and gas and lessen our reliance on imports. Therefore, both the House and Senate bills contain language which would direct the Secretary of the Interior to expeditiously move to a private exploration program in the National Petroleum Reserve in Alaska.

The House also added funds to the budget for the drilling of four more wells under the Federal program. The Senate committee has deleted that money feeling that a leasing program can be in place in less than the 20 months contemplated by the House. I realize that we have departed from normal procedure by providing for the leasing program in an appropriations bill. But, it is my opinion that the continued welfare of this Nation is highly dependent on increasing our energy production. The provisions in this bill will allow for exploration activities in the National Petroleum Reserve in Alaska at least 2 years earlier than the plan drafted by the administration. I hope that the Senate will uphold the committee action in this most important area.

EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA

Mr. President, the committee's actions with respect to NPR-A merit additional comment. The committee wants to effectuate an expedited transition from the existing Federal exploration program to a program of competitive leasing of oil and gas in the National Petroleum Reserve in Alaska. The committee intends a smooth transition which recognizes the rights, needs, and interests of the Native people who live within the boundaries of the National Petroleum Reserve in Alaska.

As a Senator from the State of Alaska, I fully intend to see that leasing and associated activities in NPR-A are conducted in a manner which is not disruptive to the traditional and commercial activities of the Native people and the resources upon which they rely for subsistence. I want to see that they are consulted, fully informed, and that their views are solicited. I further want to see that any subdivision of the State—including those located on the North Slope—which is impacted by development of oil and gas potential in the National Petroleum Reserve in Alaska is properly assisted in dealing with those impacts.

Again, Mr. President, let me thank the distinguished Senator from Kentucky and our majority leader for their consideration of the many items that affect my State in connection with this bill.

Unfortunately, we have half of the Federal lands of the United States in one State, in the State of Alaska. That means that in any bill that concerns the use of and the funding for the preservation and protection of Federal lands we are very much involved and it does require a considerable amount of patience of my good friend from Kentucky to hear us discuss so many individual items that pertain to one State. He has been very patient and courteous and most cooperative, and I thank him and the Senator from West Virginia for their continued friendship.

Mr. HUDDLESTON. I thank the distinguished Senator from Alaska, and I trust that come the first of the year he will remember the many courtesies extended to him from this side of the aisle.

Mr. President, I ask unanimous consent that Miss Lynn Wanlund of my staff be accorded the privilege of the floor during consideration and votes on the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, on page 33 of the bill, line 10, the account title "Youth Conservation Corps" was erroneously printed in roman type. Since this is a Senate amendment, the line should be in italic, and I ask unanimous consent that the enrolling clerk be authorized to correct that printing error.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, on page 70 of the bill, lines 10 and 18, and on page 71 of the bill, line 1, are headings that were not intended to be printed in the bill. I ask unanimous consent that the enrolling clerk be authorized to delete these unnecessary headings. These changes will have absolutely no effect on these provisions and merely hold to the established style of the general provisions involved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I should call to the attention of the Senate some typographical errors and clerical oversight in the report on the Interior appropriation bill.

First, on page 3 of the report in the comparative table on agencies and programs, for the Bureau of Land Management, the comparison with the budget estimate should be a plus $13,562,000 instead of the minus indicated.

On page 49 of the report, under Trust Territory of the Pacific Islands, in the activity table, operations grants, the committee recommendation number should be $56,520,000 and the change from the budget estimate should be +$1,040,000, or $300,000 more than the numbers in the report.

On page 73 of the report, under the energy conservation activity table, the State and local programs committee recommendation amount should be $439,662,000, and the change from the budget estimate should be —$78,922,000, or $26,450,000 less than the number shown.

Finally, Mr. President, on page 93 of the report the entire paragraph under the heading "Federal Council on the Arts and Humanities" should be deleted. The subcommittee did not recommend the limitation on the Federal Council's spending, and the report language should not have been carried.

Mr. President, I now ask unanimous consent that the committee amendments be agreed to en bloc, with the exception of those related to the energy security reserve account on page 43; the alternative fuels production account on page 44; and the strategic petroleum reserve account on page 48; and that the bill as thus amended be regarded for the purpose of amendment as original text: and provided further that no point of order shall be considered to have been waived by agreeing to this request.

The committee amendments en bloc were agreed to as follows:

On page 2, line 10, strike "$349,662,000" and insert "$339.162,000";

On page 2, line 14, strike "$14,568,000" and insert "$14,768,000";

On page 2, line 18, strike "$85,000,000" and insert "$108,000,000";

On page 3, line 23, strike "less than $58,200,000" and insert "to exceed $56,300,000";

On page 4, strike line 15 through and including line 23;

On page 6, line 23, after "Alaska", insert the following:

ment and (2) protection of lands for the State of Alaska: *Provided further*, That the Secretary of the Interior shall develop criteria for extending, on a case-by-case basis, the period allowed for phased livestock reductions on public rangelands administered through the Bureau of Land Management up to five years. Such criteria shall take into account available agricultural assistance programs, the magnitude of projected livestock reductions, alternative pasturage available, and ability of such public rangelands to sustain such phasing in of livestock reductions without damage to rangeland productivity: *Provided further*, That an appeal of any reductions in grazing allotments on public rangelands must be taken within 30 days after receipt of a final grazing allotment decision or 90 days after the effective date of this Act in the case of reductions ordered during 1979, whichever occurs later. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within 2 years after the appeal is filed.

On page 8, line 8, strike "$15,755,000" and insert "$16,005,000";

On page 8, strike line 9 through and including line 13;

On page 8, line 25, strike "$394,185,000" and insert "$351,368,000";

On page 9, line 2, strike "$1,135,000" and insert "$700,000";

On page 9, line 4, strike "$37,166,000" and insert "$39,416,000";

On page 9, line 5, strike "$16,420,000" and insert "$15,520,000";

On page 9, line 7, strike "$103,011,000" and insert "$59,421,000";

On page 9, strike line 12 through and including page 10, line 11, and insert in lieu thereof the following:

Notwithstanding the provisions of Public Law 90–401, revenue from recreation fee collections by Federal agencies shall hereafter be paid into the Land and Water Conservation Fund, to be available for appropriation for any or all purposes authorized by the Land and Water Conservation Fund Act of 1965, as amended, without regard to the source of such revenues.

On page 11, line 23, strike "$225,354,000" and insert "$225,224,000";

On page 12, line 7, strike "$9,500,000" and insert "$8,500,000";

On page 12, line 15, strike "$34,561,000" and insert "$40,405,000";

On page 12, strike line 17 through and including page 13, line 4;

On page 14, line 13, strike "$415,163,000" and insert "$440,328,000";

On page 14, line 23, after "compensation", insert the following:

Provided further, That $150,000 shall be available for the National Park Service to assit the Town of Harpers Ferry, West Virginia, for police force use: *Provided further*, That $1,000,000 shall be available for assistance to the National Symphony Orchestra of Washington, District of Columbia, such assistance to be available only to the extent matched by the National Symphony Orchestra with a like amount of increased contributions or pledges derived from non-Government sources which have not previously been used for Federal matching purposes.

On page 15, line 12, strike "$34,203,000" and insert "$47,777,000";

On page 15, strike line 14 through and including line 22.

On page 16, line 4, strike "$4,400,000" and insert "$4,143,000";

On page 16, line 14, after "service", insert the following: "and options for the purchase of land at not to exceed $1 for each option";

On page 17, line 17, strike "$477,137,000" and insert "$483.837,000";

On page 17, line 18, strike "$41,824,000" and insert "$40,724,000";

On page 17, line 23, after "municipality", insert the following:

Provided further, That up to $827,000 shall be expended to conduct studies of the structure and stratigraphy and to develop a geological mapping system near the Osburn fault in the Coeur d' Alene mining district of northern Idaho.

On page 18, line 11, strike "$194,251,000" and insert "$46,501,000";

On page 19, line 1, after "(4)" insert the following: the withdrawals established by section 102 of Public Law 94–258 are rescinded for the purposes of the oil and gas leasing program authorized herein;

On page 19, line 7, strike "(5)" and insert "(6)";

On page 19, line 8, strike "(6)" and insert "(7)";

On page 19, line 10, strike "(7)" and insert "(8)";

On page 19, line 14, strike "(8)" and insert "(9)";

On page 20, after line 2, insert the following:

Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the National Petroleum Reserve in Alaska which do not interfere with operations under any contract maintained or granted previously. Any information acquired in such explorations shall be subject to the conditions of 43 U.S.C. 1352(a)(1)(A)

Any action seeking judicial review of the adequacy of any program or site-specific environmental impact statement under Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing in the National Petroleum Reserve-Alaska shall be barred unless brought in the appropriate District Court within 60 days after notice of the availability of such statement is published in the Federal Register. Any proceeding on such action shall be assigned for hearing at the earliest possible date and shall be expedited by such Court.

On page 21, line 23, strike "$140,678,000" and insert "$137,378,000";

On page 21, line 23, strike "$108,976,000" and insert "$106, 476,000";

On page 22, strike line 1 through and including line 4;

On page 22, line 21, strike "$98,811,000" and insert "$88,024,000";

On page 23, beginning on line 24, strike "$87,485,000 of which $16,000,000 shall be available to the Bureau of Mines to carry out research, demonstration, and reclamation projects authorized by section 403, Public Law 95–87, to be derived from receipts of the Abandoned Mine Reclamation Fund." and insert "$66,485,000";

On page 24, line 8, strike "$815,019,000" and insert "$806,336,000";

On page 25, line 16, strike "$99,590,000" and insert "$99,745,000";

On page 28, after line 3, insert the following:

EASTERN INDIAN LAND CLAIMS

For payment to the Eastern Indian Land Claims Settlement Fund, $81,500,000, to remain available until expended, to settle the land claims of the Passamaquoddy Tribe, the Penobscot Nation, and Houlton Band of Maliseet Indians in the State of Maine: *Provided*, That this appropriation shall become available only upon enactment of S. 2829, 96th Congress, or similar legislation, and only to the extent provided in such legislation.

On page 29, line 4, after "Nevada" insert the following:

Provided further, That no part of any appropriation to the Bureau of Indian Affairs shall be used to subject the transportation of schoolchildren to any limitation on travel or transportation expenditures for Federal employees: *Provided further*, That no action to develop and provide water for agricultural purposes on the Gila River Indian Reservation, when agreed to by the Gila River Indian Council, shall be a major Federal action under the National Environmental Policy Act.

On page 29, line 17, strike "$84,384,000" and insert "$69,684,000";

On page 29, line 18, strike "$80,100,000" and insert "$65,400,000";

On page 31, line 3, after "(64 Stat. 834)" insert the following:

Provided further, That $10,000,000 provided under this head in Public Law 96–126 for the purposes of matching new local tax revenues of the Government of the Virgin Islands shall be available for grants for new construction.

On page 31, line 20, strike "$93,804,000" and insert "$94,354,000";

On page 32, line 17, strike $16,133,000" and insert "$16,513,000";

On page 32, line 22, strike "$39,251,000" and insert "$37,294,000";

On page 33, after line 9, insert the following:

YOUTH CONSERVATION CORPS

For expenses necessary to carry out the provisions of the Act of August 13, 1970, as amended by Public Law 93–408, $60,000,000: Provided, That $30,000,000 shall be available to the Secretary of the Interior and $30,000,000 shall be available to the Secretary of Agriculture.

On page 37, after line 5, insert the following:

Sec. 109. Except as specifically provided otherwise in this Act, no funds appropriated in this title shall be available to fulfill the requirements of section 8 of Public Law 94–458 as they apply to reporting to Congress on potential new areas of the National Park System.

Sec. 110. No appropriations made in this title shall be available for the withdrawal, transfer or purchase of any lands for the purpose of extending the current boundaries of the Snake River Birds of Prey Natural Area, Idaho, without specific provision therefor in appropriation Acts.

Sec. 111. The Secretary's authority to enter into contracts and agreements in any fiscal year pursuant to the Department of the Interior and Related Agencies Appropriations Act of 1962 for the development and operation of helium properties is terminated.

On page 38, line 6, strike "$124,100,000" and insert "$119,700,000";

On page 38, line 11, strike "$71,466,000" and insert "$70,586,000";

On page 38, line 11, strike "$63,586,000" and insert "$66,686,000";

On page 38, line 21, strike "$881,821,000" and insert "$872,114,000";

On page 38, line 21, strike "$193,593,000" and insert "$201,462,000";

On page 39, line 4, strike "$405,465,000" and insert "$354,336,000";

On page 39, line 5, strike "$21,789,000" and insert "$21,229,000";

On page 39, line 7, strike "$381,181,000" and insert "$330,612,000";

On page 39, strike line 14 through and including line 19;

On page 40, strike line 16, through and including page 41, line 3;

On page 46, line 5, strike "$670,605,000" and insert "$689,300,000";

On page 46, line 14, strike "$445,300,000" and insert "$380,100,000";

On page 46, line 19, strike "$176,337,000" and insert "$224,587,000";

On page 46, line 20, strike "$156,266,000" and insert "$197,127,000";

On page 46, line 24, strike "$850,607,000" and insert "$853,132,000";

On page 47, line 12, after "94–163" insert the following:

: *Provided further*, That for the purposes of section 601 of the Powerplant and Industrial Fuel Use Act of 1978, the term "local government" shall include—

(1) any county, parish, city, town, township, village or other general purpose political subdivision of a State with the power to levy taxes and expend Federal, State, and local funds and exercise governmental powers; and

(2) which (in whole or in part) is located in, or has authority over the energy impacted area; *Provided further*, That such term shall include a public or private nonprofit corporation, or a school, water, sewer, highway, or other public special purpose district, authority, or body, with the concurrence of the Governor: *Provided further*, That such term shall be applicable to all applications for assistance received since the effective date of section 601 of the Powerplant and Industrial Fuel Use Act of 1978.

On page 48, line 9, strike "$141,999,000" and insert "$173,432,000";

On page 48, line 24, strike "$106,812,000" and insert "$104,117,000";

On page 50, strike line 23 through and including "authority" on page 51, line 4, and insert in lieu thereof the following:

Where the Secretary has the legal authority under other provisions of law, including other provisions of this Act, to undertake projects for the design, construction, or operation of Government-owned facilities for developing or demonstrating the conversion of coal into gaseous, liquid, or solid hydrocarbon products, the Secretary may use the authority contained in Public Law 85–804 (50 U.S.C. 1431–1435) with respect to such contracts or agreements for or related to such projects: *Provided*, That any contract, agreement, or provision thereof entered into by the Secretary use the authority of Public Law 85–804.

On page 52, line 13, strike "$593,619,000" and insert "$592,332,000";

On page 52, after line 22, insert the following: "amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1982, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further*, That funding herein shall be available for the lease of 24 units of existing housing in Bethel, Alaska, to be used as staff housing for the Bethel Alaska Native Hospital: *Provided further*, That funding herein shall be available for the lease of 47 seven units of housing to be constructed at Bethel, Alaska, for the Bethel Alaska Native Hospital.".

On page 53, line 22, strike "$88,831,000" and insert "$84,469,000";

On page 53, line 23, beginning with "Provided" strike through and including page 54, line 7;

On page 54, line 22, following "Acts:", insert the following: "without advance provision therefor in appropriation Acts: *Provided further*, That non-Indian patients may be extended health care at the Talihina Hospital in Talihina, Oklahoma, subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe: *Provided further*, That notwithstanding the provisions of any other law, funds appropriated to the Indian Health Service in this Act and in Public Law 96–126, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing federal travel and transportation.".

On page 55, line 12, strike "$19,930,000" and insert "$22,430,000";

On page 55, line 14, strike "$81,680,000" and insert "$84,180,000";

On page 55, line 18, strike "$12,900,000" and insert "$12,057,000";

On page 56, line 5, strike "$1,180,000" and insert in lieu thereof "$2,680,000";

On page 56, line 20, strike "$118,838,000" and insert "$115,721,000";

On page 57, line 21, strike "$3,290,000" and insert "$2,790,000";

On page 58, line 4, strike "$8,039,000" and insert "$7,039,000";

On page 58, after line 4 insert the following:

CONSTRUCTION

For necessary expenses to plan for the development of the area south of the Smithsonian Institution Building including not to exceed $50,000 for services as authorized by 5 U.S.C. 3109, $500,000 to remain available until expended.

On page 59, line 7, strike "$24,464,000" and insert "$24,089,000";

On page 59, line 20, strike "$127,360,000" and insert "$124,800,000";

On page 59, line 21, strike "$114,495,000" and insert "$112,635,000";

On page 60, line 2, strike "$12,865,000" and insert "$12,165,000";

On page 60, line 3, beginning with "of which" strike through and including line 5;

On page 60, line 9, strike "$32,700,000" and insert "$31,200,000";

On page 60, line 11, strike "$14,200,000" and insert "$12,700,000";

On page 60, line 24, strike "$118,741,000" and insert "$117,799,000";

On page 60, line 25, strike "$106,522,000" and insert "$106,022,000";

On page 61, line 4, strike "$12,219,000" and insert "$11,777,000";

On page 61, line 6, strike "—of which" through and including line 7;

On page 62, line 18, strike "$2,300,000" and insert "$2,270,000";

On page 62, line 24, strike "$40,000" and insert "$30,000";

On page 63, line 4, strike "$2,508,000" and insert "$2,343,000";

On page 65, line 9, after "enforcement" insert the following: which congressional action is not complete, in accordance with 18 U.S.C. 1913.

SEC. 305. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation and enforcement: *Provided further*, That no funds appropriated by this Act shall be available to close any wildlife refuge on which a State permits the use of lead shot for waterfowl hunting: *Provided further*, That no funds appropriated by this Act shall be used to pay any compensation or expenses to any individual who takes or threatens to take action contrary to this provision.

SEC. 306. (a)(1) Subject to valid existing rights, all applications located in Alaska made pursuant to the Act of May 17, 1906 (34 Stat. 17), as amended, the Act of June 1, 1938 (52 Stat. 609), as amended and supplemented, the Act of May 3, 1927 (44 Stat. 1364), as amended and supplemented, or the Act of May 14, 1898 (30 Stat. 413), as amended and supplemented, which were pending before the Department of the Interior on October 21, 1976, and which were located on lands available for such application at the time of entry and all applications made pursuant to the Act of March 3, 1891 (26 Stat. 1097), as amended and supplemented, which are pending and were located on land available for such application at the time of entry are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by subsections (b) and (c).

(2) All patents approved pursuant to this section shall be subject to the provisions of the Act pursuant to which the application was made and other applicable law.

(3) Paragraph (1) of this subsection shall not apply to any application which has been knowingly and voluntarily relinquished by the applicant.

(b) APPLICATIONS SUBJECT TO ADJUDICATION.—Notwithstanding the provisions of subsection (2), an application shall be adjudicated pursuant to the provisions of the Act under which it was made if the application describes—

(1) land which is within the boundary of a National Park System unit established, designated, or redesignated on or before the date of enactment of this Act;

(2) land selected by a Native corporation or Native group; or

(3) land which is patented, deeded, tentatively approved, or confirmed to the State, or selected by the State.

(c) PROTEST RIGHTS.—Subsection (a) shall not apply and an application shall be adjudicated pursuant to the provisions of the Act under which it was made, if on or before the one hundred and eightieth day following the effective date of this Act:

(1) the State files a protest with the Secretary of the Interior (the Secretary) stating that the land described in the application is necessary for access to lands owned by the United States, the State, or a political subdivision of the State, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternative for access exists; or

(2) a person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the application and that such land is the situs of improvement, valid mineral interest, or other legal interest in such land claimed by the person or entity.

(d) REDUCTION OF ACREAGE.—Where an application describes more than the maximum amount of acreage authorized pursuant to the Act under which the application was made, the Secretary shall reduce the acreage to the maximum amount in a manner which is consistent with prior use of the described land by the applicant and which is least detrimental to the applicant.

(e) VALID EXISTING RIGHTS.—Prior to issuing a certificate or other evidence of approval of an application described in subsection (a), the Secretary shall identify and adjudicate any other record entry or application for title to land described in the application, and shall determine whether such other entry or application represents a valid existing right to which the application described in subsection (a) is subject.

On page 68, line 12, strike "306" and insert "307";

On page 68, strike line 15 through and including line 18;

On page 68, after line 18, insert the following:

SEC. 308. (a) No appropriations made available in this act shall be obligated in a manner that would cause obligations from the total budget authority available to any department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—or any major administrative subdivision thereof, during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month in the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

(b) Not later than forty-five days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted, and shall promptly report in writing any situation in which the obligations of any department and establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the Director shall submit a report to the Committees on Appropriations on the results of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the Director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

UNRESOLVED AUDITS

SEC. 309. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this act shall be resolved within 6 months of completing the initial audit report.

OVERDUE DEBTS

SEC. 310. Each department and agency for which appropriations are made under this act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectable.

CONSULTANT EXPENSES

SEC. 311. (a) Notwithstanding any other provision of this act, the amounts otherwise available to agencies under the act for procurement of consultant services shall be reduced by the following amounts: Department of the Interior, $7,484,000; Forest Service, $156,000.

(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding service contractual arrangements.

UP AMENDMENT NO. 1744

Mr. HUDDLESTON. Mr. President, I send to the desk three committee amendments that are technical in nature to make the Interior appropriations bill conform to last month's congressional action on the continuing resolution for fiscal year 1981. I ask unanimous consent that these technical amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) proposes an unprinted amendment numbered 1744.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 43, line 1, strike all through line 20 on page 44 and insert:

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

In title I, chapter VIII of Public Law 96–304, under the subheading "ENERGY SECURITY RESERVE", the second paragraph shall be amended to read as follows:

"The total available funding (including funds committed or conditionally committed under authority of Public Law 96-126) shall be apportioned so as to provide $17,522,000,000 for purposes of title I, of which $6,000,000,000 shall be immediately available, $6,212,000,000 shall be available for obligation after June 30, 1982, and up to $5,310,000,000 shall be derived by transfer as provided above; and to provide $1,270,000,000 for purposes of title II, to be immediately available and to be appropriated as follows:

"(i) not to exceed $525,0000,000 to the Secretary of Agriculture under section 204(a) (1) of Public Law 96–294.

"(ii) not to exceed $525,000,000 to the Secretary of Energy under section 204(a) (2) of Public Law 96–294: *Provided*, That $52,500,000 of such amount shall be available to the Secretary of Energy for carrying out commercialization activities other than those carried out by the Office of Alcohol Fuels; and

"(iii) not to exceed $220,000,000 to the Secretary of Energy for purposes of subtitle B."

On page 48, line 18, strike through $1,485,000,000 and insert thereafter "$102,000,000."

On page 44, beginning on line 23, strike all down through line 9 on page 45.

On page 45, strike lines 14 through 21.

Mr. HUDDLESTON. Mr. President, as I have just stated, the purpose of these three amendments is to make the bill conform to congressional action on the continuing resolution which was adopted subsequent to our reporting this bill last September. In the case of the energy security reserve and alternative fuels production accounts, the amendments merely delete committee-recommended language that has already been included as permanent legislation in the continuing resolution for fiscal year 1981. In the case of the strategic petroleum reserve account, the continuing resolution carried a direct appropriation of $1,383,000,000, and this amendment merely deletes that amount from the total recommended by the committee. The adjusted appropriation of $102 million is to cover construction, administrative, and related expenses associated with the strategic petroleum reserve and is a necessary supplement to the amount already appropriated for this fiscal year. As I stated earlier, the total appropriation recommended by the committee is not changed and will finance an average daily fill rate of 300,000 barrels. This is well above the 100,000 minimum required by under the Energy Security Act.

I move the adoption of the amendments.

Mr. STEVENS. I know of no objection to the amendments, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

Mr. HUDDLESTON. The three amendments en bloc.

Mr. STEVENS. There are three amendments, are there not, en bloc?

The PRESIDING OFFICER. That is correct.

The amendments are being considered en bloc.

The amendments (UP No. 1744), were agreed to en bloc.

UP AMENDMENT NO. 1745

Mr. HUDDLESTON. Mr. President, we have one more committee amendment, if we can locate it here.

Mr. President, I send to the desk another committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) proposes an unprinted amendment numbered 1745.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63, line 19, after "$21,483,000" insert the following: , of which not to exceed $3,000 may be used for official reception and representation expenses.

Mr. HUDDLESTON. Mr. President, this amendment to the bill would provide up to $3,000 for reception expenses to the Federal inspector for the Alaska natural gas pipeline. This amendment would add nothing to the bill total since the $3,000 would be covered within available funds. These expenses are necessary and appropriate because of the frequent international dealings the Federal inspector has with senior officials of Canada and other foreign governments. Our intent is spelled out in the committee report, but the necessary language was inadvertently omitted from the bill. This amendment would rectify that oversight.

Mr. STEVENS. Mr. President, I am delighted to see that amendment of my good friend, and I know of no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (UP No. 1745) was agreed to.

Mr. BRADLEY. Mr. President, Public Law 96–442 requires the Secretary of Interior to complete over the next 2 years a study regarding the feasibility of including an area of New Jersey in the National Park System. It is my understanding that a portion of the funds for new area studies has been allocated for an Ohio project. I request that we specify that not less than $30,000 be allocated for the study of the New Jersey site.

The area to be studied consists of 2,000 acres in the northeast corner of New Jersey, in the Hackensack Meadowlands District crossing portions of Bergen and Hudson Counties. In view of the site are the cities of Newark, Jersey City, and New York City with a total of 10 million people living within 10 miles. The park area contains the 1,186 acre Sawmill Creek Wildlife Management Area whose waters and vegetation provide a varied habitat visited by over 240 species of birds and 30 species of fish. Because most of the land is publicly owned, Federal costs for creating a national park would be relatively minimal.

The New Jersey site is a rare open space within a crowded metropolitan area that would make a lovely natural resource of aesthetic pleasure, recreation, and education easily accessible to urban dwellers.

I ask unanimous consent to have printed in the RECORD an article about the park entitled "Meadowland Park Gains on Capitol Hill," which appeared in the Sunday, October 5 issue of the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEADOWLANDS PARK GAINS ON CAPITOL HILL

(By Edward C. Burks)

As some Washington wags describe the situation, it takes a former Rhodes scholar like Senator Bill Bradley to figure out how to link the garbage-strewn Hackensack Meadowlands with the Civil War battlefields in Manassas, Va., in a Federal money bill.

What Senator Bradley did, actually, was to follow time-honored procedure by attaching his plan for creating a national park in the Meadowlands as a "rider" to a sure winner; a bill to expand Manassas National Battlefield Park.

Congress completed action on the Manassas measure and its "rider" last Wednesday. The park, known in the North as the site of the two Battles of Bull Run, is being expanded from 3,200 acres to 4,700 acres.

If everything works out as Mr. Bradley hopes, a 2,000-acre stretch of marshland and garbage dumps on both sides of the New Jersey Turnpike will be converted within five years into a handsome national park of rolling hills and scenic marshes.

As political-science students know, riders tacked onto bills usually have no relation to the main subject of the legislation. But Mr. Bradley, noting that the Manassas bill already approved by the House was the only national parks expansion measure in sight, quickly jumped aboard.

His rider was attached to the Senate version of the bill. It requires the Department of the Interior to make a $150,000 feasibility study within the next two years on creating a national park at the Meadowlands site, perhaps adding it administratively to the new Gateway National Recreation Area. That area includes Sandy Hook.

Senator Bradley has coordinated his efforts with the Hackensack Meadowlands Development Commission, a state agency, and especially with its chief engineer, George Casino, and Commissioner Michael J. Breslin Jr.

For several years now, the 12-year-old commission, the regional planning agency for a 32-square-mile area of waterways, tidal-flow lands, woodlands, marsh and meadow—and garbage dumps—has been working on setting aside 2,000 acres (about three square miles) as parkland. This area was originally conceived as a state park and named to honor Richard W. DeKorte, a former Director of Community Affairs for New Jersey.

However, Robert C. Grant, spokesman for the commission, says that the concern of the agency is to develop a park and that it does not matter whether it is a state or Federal preserve. The main point, he emphasizes, is getting the money to accomplish the project.

Earlier this year, the commission approved a master plan for the park. The site covers parts of Bergen and Hudson Counties, including sections of Kearney, North Arlington, Lyndhurst and Rutherford.

In an interview here, Senator Bradley, a Democrat who resides in Denville, gave his conception of the project.

"I feel," he said, "that the Meadowlands site is a unique enough asset to merit national attention and therefore to be included in the National Park system."

He even suggested that it might merit a name such as Woodrow Wilson National Park, once again tying Virginia and New Jersey, since the former Governor of New Jersey, World War I President and president of Princeton University was a Virginia native.

"In three years at the latest, we could have Federal money flowing for that park, and then have the park open in another year or two," Senator Bradley declared.

In agreement with the Development Commission, Senator Bradley foresees a development that would preserve the existing 800 to 1,000 acres of marshland, with its teeming wild- and marine life. Included would be special facilities for crabbing and walk-ways for promenaders.

At present, private disposal companies, operating under lease, dump 50,000 tons of garbage every week into specified "sanitary landfills" in the area. Of the 2,000 acres of designated parkland, 814 acres are still given over to garbage dumps, or "fills," in which the refuse is eventually covered with earth.

Most of the 2,000-acre area is owned by state or local governments, and the Development Commission is pressing ahead with plans to get the dumpers out of the area altogether. Earlier this year, a $6.9 million baling and compacting project went into operation in the Meadowlands dumping area, thus alleviating the problem by reducing the mass deposited there each day.

The eventual plan is to put two large solid-waste recovery systems in the area and eliminate the dumping altogether, Mr. Grant said. Those systems allow recovery of metals and glass for recycling and for shredding much of the remaining material for use as a fuel.

Therefore, the Development Commission and Senator Bradley look forward to a not-distant future in which the covered-over garbage dumps are shaped into attractive hills and planted with trees and shrubs. The overall plan calls for hiking trails, bikeways, scenic walkways, overlooks of the Manhattan skyline, softball fields and perhaps even a stop along the railroad commuter lines crisscrossing the area just west of the Hackensack River.

At this stage, Mr. Grant said that the Development Commission hoped for money from the state's Green Acres program or from the Federal Government.

Joseph A. LeFante, chairman of the commission, said he was "not all that optimistic" that Mr. Bradley's scheme for a national park could be realized. But he emphasized that the Bradley rider would bring national attention to the proposed area.

Mr. HUDDLESTON. I understand the interest of the junior Senator from New Jersey in preserving within the most densely populated part of our country a small portion of nature for the permanent enjoyment of millions of Americans. However, the budget for new area studies was substantially cut for a purpose.

Mr. BRADLEY. The senior Senator from Kentucky is correct about the effort to reduce such spending. However, Congress intent is set out on page 28 of the Senate report. I quote, "A limitation recommended in the bill relieves the Park Service of the continuing obligation to deliver 12 new park proposals to Congress each year." The reduction was not aimed at studies such as New Jersey's proposal which originated in the Congress and was specifically authorized by Congress. It is to discourage the Park Service from making new park proposals to Congress. So my proposal is clearly in keeping with congressional intent.

Mr. HUDDLESTON. As my distinguished colleague has pointed out the Hackensack Meadowlands Park proposal does have specific congressional authorization and should have high priority for the limited new areas study funds available to the National Park Service. This discussion should clarify our intent to reserve at least $30,000 for that study.

UP AMENDMENT NO. 1746

(Subsequently numbered amendment No. 2619)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey (Mr. BRADLEY) proposes an unprinted amendment numbered 1746.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, line 18, insert the following: after the colon add: "*Provided*, That the annual average daily rate of fill for the Strategic Petroleum Reserve shall be no less than 300,000 barrels per day of oil unless a special message has been submitted to the Congress proposing a deferral of budget authority for Strategic Petroleum Reserve oil procurement pursuant to 31 U.S.C. sections 1400–1407."

Mr. BRADLEY. Mr. President, this amendment simply confirms what the distinguished manager of the bill stated in his opening remarks, that the strategic reserve would be filled at 300,000 barrels per day. It also provides a way in which the President of the United States can decide not to fill the reserve at 300,000 barrels a day. It provides an ordered way, consistent with law, and it requires the President to submit a special message to Congress that he proposes the deferral of budget authority for the reserve pursuant to 31 U.S.C. 1400–1407.

What this says, Mr. President, is that if the President chooses, for whatever reason, not to fill the strategic reserve at 300,000 barrels a day he will so notify the Congress in accordance with those provisions of law.

There can be no doubt, Mr. President, that as we sit here today our Nation is in jeopardy by our continuing dependence on insecure sources of oil. The Persian Gulf is an area fraught with strife. A war is presently raging, significant quantities of oil have already been lost for the world supply, and if there was ever a clear and more urgent policy initiative necessary, it is what some of us in the Senate have been saying for over a year and a half, the need to fill these strategic petroleum reserves. There can be no other policy in the area of energy or in the area, in my belief, of national defense that can be more cost effective than filling the strategic petroleum reserve.

Mr. President, we have had three oil supply interruptions in the last 6 years. We will no doubt have another significant oil supply interruption in the next several years.

If you ask anyone in this country who is concerned about the security of our Nation what they thought the probability of a nuclear exchange was, it is unlikely that they would say that the probability of a nuclear exchange between the Soviet Union and the United States was a one in two probability. If you ask again what was the probability of the invasion of central Europe by the Soviet Union, they would not say that is a one in two probability.

Yet, Mr. President, in the last 6 years, we have had three oil supply interruptions. A one in two probability exists that we will, in the next several years, have another oil supply interruption. That is why, Mr. President, we have sought for over a year to get the strategic petroleum reserve filled.

I think an optimal rate is closer to 500,000 barrels or even 700,000 barrels, given our vulnerabilities and the enormous economic loss our country would sustain in the event of a major oil supply interruption.

This amendment simply raises the target from the present 100,000 barrels a day fill to 300,000 barrels. It is consistent with the manager's statement in which he stated for the record that the funding recommended in this bill "and appropriated in the continuing resolution will finance an average fill rate of 300,000 barrels per day."

So this amendment simply provides procedures pursuant to existing law by which, if a decision is taken by the President not to fill the strategic petroleum reserve at 300,000 barrels a day, those procedures must be observed in notifying Congress before there can be a cessation of that fill.

Mr. HUDDLESTON addressed the Chair.

The PRESIDING OFFICER (Mr. TSONGAS). The Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I do not think anybody in the Senate has been more concerned about our strategic oil supply than the distinguished Senator from New Jersey, Mr. BRADLEY. He has worked on this subject for some time.

However, as a member of the Energy Committee, he understands that the Energy Security Act provided for a fill rate of at least 100,000 barrels a day.

What we have done is gone beyond that and provide funding for an average fill rate of 300,000 barrels a day. Why the Energy Security Act did not increase that amount, I do not know. Maybe the Senator from New Jersey can tell us. But that is the figure they came up with. But we have tripled the fill rate in this funding. The question now is raised as to whether there should be some way to mandate that rate.

As I understand the amendment of the Senator from New Jersey, he has not mandated that requirement to any further extent than we have in this bill that is now before us. He just provides for a procedure to give the President the flexibility that is built into our proposal to begin with. We give him the money, make it available to him to fill the reserve at 300,000 barrels a day.

The Senator from New Jersey would mandate that he fill it at 300,000 barrels a day, except if the President did not want to fill at that rate he could send over to the Congress a deferral. Now, it is true that Congress could take action on that deferral and could force him to fill it at 300,000 barrels a day. We provided the money for him to do it, which we could have done in the Energy Security Act if that had been the intent at that time.

So I see no real purpose for adding this particular amendment. I do not know what the cost might be as we go down the road. We think that 300,000 barrels a day can be accommodated by the appropriations that we have made here.

If we have a mandate requirement and the price substantially increases, I do know what that means to the budget figures that we are operating under and I do not think anyone else could estimate it at this particular time.

But it just does not seem to me to be any great purpose of requiring the amendment that the Senator from New Jersey has suggested at this time.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I would be pleased to respond to the Senator from Kentucky and particularly the point as to why this amendment is definitely required. But I see my colleague, Senator DOLE, in the Chamber, who has joined with me on other occasions to support the strategic petroleum reserve. I know he would like to make a statement in support of this amendment which I have introduced on behalf of myself, Senator DOLE, and Senator MITCHELL.

I am pleased to yield 5 minutes to the Senator from Kansas to make his statement.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I thank my colleague from New Jersey and also the distinguished Senator from Kentucky.

As the Senator from New Jersey has indicated, I am pleased to be a cosponsor of the amendment to upgrade the strategic petroleum reserve. I am certain it has been explained while I have been necessarily absent.

Last year at this time the Senate debated the merit, and subsequently expressed its will in adopting the amendment that the Senator from Kansas and the Senator from New Jersey cosponsored with others to S. 932 dealing with the purchase of crude oil in the SPRO program. That amendment, which the President signed into law on June 30, 1980, required him to resume purchasing oil, as has already been pointed out, at the rate of 100,000 barrels per day.

The President chose not to fill the strategic petroleum reserve and currently there is not enough oil in reserve to last 3 weeks. This is about one-tenth of the projected supply.

During the past year and a half, the United States has had the opportunity to fill a major portion of the strategic petroleum reserve. Storage capacity for the 248 million barrels of oil was complete. With the continuation of fighting between Iran and Iraq, we are faced with the very reason why the reserve was created. There is a good chance, at least, that the United States may be faced with another cutoff of Middle East oil. The 1973 embargo, according to GAO, "resulted in a loss of up to $45 billion in gross national product and 500,000 jobs." It also raised the spectre of direct military intervention in the Middle East.

The strategic petroleum reserve was begun by President Ford "to diminish U.S. vulnerability in the event of a severe energy supply interruption and to carry out obligations of the United States under the international energy program." It is now years behind its 1985 billion barrel goal. According to the General Accounting Office by December 1978, in contrast to the 250 million barrel goal, only about 67 million barrels were in the strategic petroleum reserve.

Because of the administration's refusal to purchase the oil, we are now in a situation where we must play catchup. We must attempt to fill the reserve as quickly as possible by tripling the rate of flow. This amendment will insure future generations of energy security as well as military security.

We must be prepared to mitigate the effects of a short-term oil interruption. Imports can be reduced by substitution of synthetic energy alternatives, by new domestic production, and by conservation. These policies, while they affect long-term consumption, offer very little immediate protection. In the short term, it is this reserve which will preserve this Nation's security. Finally, I would like to stress the point that this amendment does not tie the President's hands and is certainly not an inflexible mechanism. Under the Impoundment Control Act, the President is authorized to send a budget deferral message to the Congress should he find that in the best interests of the country the continued input of oil into the reserve should cease.

Mr. President, for these reasons, I think this amendment deserves support and I urge its adoption.

I thank my colleagues for yielding.

Mr. BRADLEY. Mr. President, in answer to the Senator from Kentucky, the very real reason that we want to link in legislation language the fill rate with the procedure which a President would be able to not abide by this fill rate is that our experience has been that we do not always get the full accounting that we need in the course of trying to urge a higher fill rate.

This provides a very orderly process under which, for perhaps good reason—I cannot think of any good reason, but perhaps good reason—a President would choose not to fill the reserve. He would be able to submit all of the facts in accordance with the procedures of the act cited in this amendment and the Congress could make a judgment as to whether he was correct or incorrect in reaching that decision. I think that it is absolutely essential. I think it simply confirms the rate that the Senator from Kentucky has already said the bill provides in money and I would urge my colleagues to support this amendment.

I could talk about the strategic petroleum reserve for another hour, which I am prepared to do. But if the Senator from Kentucky is prepared to accept the amendment, then we will not have to continue talking.

Mr. HUDDLESTON. I might say to the distinguished Senator from New Jersey that I am not prepared to accept the amendment at this point. I think there is no question but that it is legislating on an appropriations bill. That is not unheard of around here, of course, although a point of order might be lodged against it. What this amendment does, it seems to me, is to amend the Energy Security Act. Our job is to appropriate and in this bill we have appropriated. We have appropriated sufficient funds to meet the requirements that the Senator from New Jersey would have laid upon the administration for the specific amount of 300,000 barrels per day.

We cannot find, from the committee viewpoint, any justification for changing at this point what the committee has done.

I will yield to the distinguished ranking minority member of the subcommittee, the Senator from Alaska.

Mr. STEVENS. Mr. President, I am constrained to join in opposing the amendment. I am also a member of the Energy Committee, and I think we have tried our best to live within the confines of the directions we have already received with regard to this program. As the Senator knows, it has been a matter which has been discussed many times in both the Energy and the Appropriations Committees.

I do not see any reason to mandate the 300,000 barrels per day and then wait for a deferral. We have stated in our report:

> The Committee strongly supports this congressional initiative and has included funds to permit an average daily fill rate of 300,000 barrels in fiscal year 1981 and long term contracting for delivery at the same rate for the first 6 month of fiscal year 1982.

The Senator wants to mandate absolutely that the fill cannot be less than 300,000 barrels per day. We have followed the directions that were envisioned by this body and by the Congress in prior acts, specifically the Energy Security Act. I do not see any reason for this amendment.

It would almost require a daily or perhaps a monthly report from the current administration and the next administration on a program that ought to be on an average basis of 300,000 barrels per day for the fiscal year. I do not see getting into this kind of detail and requiring deferral authority when we already have sufficient coverage under the language of our report and under the specific act of this Government.

Mr. BRADLEY. Mr. President, I would like to respond to that. As I said earlier, there is no other program that is more central to our national security than the strategic petroleum reserve, given the probability of a major oil supply interruption within the next 2 to 3 years. There is a war raging in the middle of the oil production countries tonight. It has already knocked 2 million barrels per day out of the world supply. It is quite possible it will escalate. In that case, we will lose a major quantity of oil; a strategic petroleum reserve, oil in stockpile, is the only thing that will cushion this country against economic disaster.

The Senator says that we have 300,000 barrels a day that we can pay for and that we have the money for in this appropriation, and urges whoever is President to use those funds to build the reserve. I do not think that is good enough, if the reserve is not filled.

I think if a President decides not to build the reserve at the levels that Congress has specified and that the Appropriations Committee has specified in their statement today, then the least the American people deserve, and certainly the Congress deserves, is an explanation of why it was not filled at 300,000 barrels per day.

I do not think that is asking too much, to have accountability on the major threat to our economic security in the next 3 to 5 years. I do not think that is too much to ask at all. I think that is a minimum that we should expect of an administration.

I admit part of the reason for this is that we have had some problems with the present administration in getting an explanation as to why the reserve fill rate is only 100,000 barrels. The answer to the question of why the reserve fill rate is only 100,000 barrels is that it would not be anything if the Senate of the United States had not acted on an amendment that it be required at 100,000 barrels.

Why 100,000 barrels and not 500,000 barrels? Because we began with small expectations. It should have been 500,000 barrels.

The least we deserve, if the administration chooses not to fill the reserve at the quantity that existing money will allow, is an explanation and that is what this amendment simply states. If they choose not to fill the reserve at 300,000 barrels per day, there will be an explanation to the Congress of the United States and to the people of this country.

Mr. STEVENS. Mr. President, we do support the strategic petroleum reserve. There is no question about that. But to tie up either administration at a time we are trying to provide more energy with what could be interpreted as a mandate for a daily or at least a monthly report on a program that takes oil out of one place and turns around and transports it to put in another place appears to me to be unreasonable. To have a mandate in the law for a monthly report or a deferral message seems counterproductive.

I oppose this amendment on the basis that it is adding to bureaucracy. It means more reports, more reports, more reports, which means less oil, less oil, less oil. I think we ought to get out of this report business and get around to producing some oil.

I am really serious, my good friend. We have labored over this and we have supported an annual fill rate of 300,000 barrels per day. Now we are told to say, "If you do not fill at 300,000 barrels per day, come up with a report and tell us why you did not do it."

We get an annual report. If they do not reach 300,000 barrels per day on an annual basis we will talk with them to find what is necessary to meet this goal.

There is community opposition to building an interconnection in California. We had a delay in building the interconnection to take Alaskan oil across the United States. It was opposed by the people in California. We have to build an entirely new transportation system.

Instead of getting all these reports, we ought to do more about producing oil and transporting it to the American consumers under the most economical conditions. I really think this is a bad amendment. I do not think we should accept this kind of mandate for a reserve of this type.

Mr. JOHNSTON. Will the Senator yield?

Mr. STEVENS. I am happy to do so.

Mr. JOHNSTON. Let me say that I have worked with the Senator from New Jersey in helping to build up our fill rate, as he knows. But I am concerned about the mechanism of this amendment which ties in the filling rate of SPRO under the act. Under this, if the President proposes to submit less than 300,000 barrels per day average fill rate, if he proposes to spend less than that, then he must send to Congress a deferral or a rescission.

Suppose he does not have enough money—we think he has enough money—and he sends up a deferral or a rescission and the Congress turns that rescission down. Then what happens?

Mr. BRADLEY. I am sorry, Mr. President, I did not hear the question.

Mr. JOHNSTON. It turns out that the money presently appropriated is not sufficient to support a 300,000-barrel-a-day average daily fill rate, so the President says, "I do not have enough money," submits a deferral for decision to the Congress and the Congress turns that down.

Mr. BRADLEY. We assume in this argument that Congress is going to be reasonable. This is a body of reasonable men. How can anyone project what is going to happen 9 months in advance and how people will react? The first time this was proposed, it was supported by the majority of citizens. So we thought it was OK to try to get money to pay for it. Then the decision was made, maybe we should not fill it at 100,000 barrels a day.

If there is not sufficient money to pay for it 9 months out, we shall deal with it at that point, when he specifies to Congress that the reason he is not filling it at 300,000 barrels is that he does not have the money to do that. It is then Congress right to decide whether they want to spend more money because this is a program that is in the national security interest.

Mr. JOHNSTON. All I am asking is—I think Congress would be reasonable. Congress is always reasonable. But suppose Congress were not? That is my question. Then what happens legally?

Mr. BRADLEY. What happens if Congress chooses not to fill the reserve?

Mr. JOHNSTON. No, if Congress turns the President down on his deferral, votes no deferral. Under the Impoundment Act——

Mr. BRADLEY. If Congress turned him down on his deferral, the Congress would have to come up with the money to pay for the continuance of the 300,000 barrels a day.

Mr. JOHNSTON. What does the Senator mean, they would have to come up with the money? Where is that provided for?

Mr. BRADLEY. It is not provided, that I see, in the law. But I assume that is the only way out of it.

Mr. JOHNSTON. That would be the irresistible force meeting the immovable object. They would have to come up with the money but they are not required to, so they would do so.

Mr. BRADLEY. If the Senator would prefer to put an addition on the amendment saying Congress would have to come up with the money, that is always a Senator's right. I think that is pretty obvious. You cannot buy additional oil to put into the reserve if you do not have the money. If you have used up all the money in this amendment, you could not buy any oil. You would be in a catch 22 situation: The law says you have to do it and you do not have the money to do so for, as the Senator and I know, a variety of reasons that we have not discussed on the floor.

Mr. STEVENS. Mr. President, if the Senator will yield, we have money for 300,000 barrels a day on an average basis. The basic law mandates at least 100,000 barrels a day. The money is there for 300,000 barrels a day. Why do we want to mandate that we must buy on a daily basis of 300,000 barrels when market conditions are fluctuating? It might be that, one month, we are going to buy 100,000 barrels as required by law; another month, buy 700,000 barrels. Here, the Senator has mandated 300,000 barrels a day. That is going to affect the market price more than anything else in this program. It should not be.

The Energy Committee could have made it 300,000 barrels a day. We made it 100,000 barrels a day. That is the minimum level that can be bought. But we have provided money for 300,000 barrels a day. There is no reason to mandate 300,000 barrels a day in the appropriations bill and there is no reason to require a monthly report.

Mr. BRADLEY. It does not say "monthly" there at all.

Mr. STEVENS. If you interpret it right, it says 300,000 barrels a day unless the special message has been submitted to Congress proposing a deferral. This is not a deferral situation. It is a market price situation. We are going to upset the market price of petroleum in this country if we mandate the maximum fill rate. It cannot be done without affecting the price of petroleum. I am arguing against my State. Look at the amount of oil my State is producing. Why should we want to affect the market price in this way? It is not right.

Mr. BRADLEY. My distinguished colleague is making the exact argument President Carter has been making for 2 years as to why we should not fill the strategic petroleum reserve, because it will push the price of oil up. I would like to have had an opportunity in the last 2 years to have a more thorough explanation than that granted over the phone from time to time by various bureaucrats. This will at least assure that we shall have that explanation. To say that requiring a report is going to establish an enormous bureaucracy will not stand the light of day. To say requiring a 300,000-barrel-a-day fill will push the price of oil up—the Senate has already agreed to fill at 300,000 barrels a day.

Mr. STEVENS. Mr. President, I did not spend the last election period defending the policy of not buying oil. I have defended the policy of providing the money, the discretion and the guidelines on how it should be done.

Mr. BRADLEY. Mr. President, does the Senator want to have an explanation of why it should not be done? I know the best intentions of the new administration on the strategic petroleum reserve, but let us hypothesize that perhaps, for whatever reason, they choose not to do that. Would the Senator like to have an explanation? I would like to.

Mr. STEVENS. Let me read to my good friend from the Republican platform. I know it is not a document looked on too well here.

> We believe it is necessary to resume rapid filling of strategic oil reserves to planned levels of 500 million barrels in the short-term and ultimately to the one-billion barrel level, and to insure that non-contiguous areas of the United States have their fair share of emergency oil reserves stored within their respective boundaries, as authorized by the Energy Policy and Conservation Act of 1975.

There is no question about the incoming administration's dedication to the goal of filling the reserve. The question is whether we are going to hog tie them so they have to spend their time sending reports because of market fluctuations rather than giving them the opportunity to accomplish the objective.

Mr. BRADLEY. There was no question of the intention of the present administration's desire to fill the strategic petroleum reserve until there was a slight supply interruption, a little pressure on price, some more people in gasoline lines. Then it was not filled. In my judgment, we deserve an explanation. This simply says if they choose not to fill at 300,000 barrels a day, we shall have an explanation.

Mr. HUDDLESTON. When does the Senator contemplate that the explanation will be forthcoming, with what frequency? Suppose one month, they are filling at a rate below 300,000 barrels a day. How many days have to pass at below 300,000 barrels before we get a deferral notice to Congress?

Mr. BRADLEY. I would assume, since we are talking about an average fill rate of 300,000 barrels, it would have to go at least 2 or 3 months before you could make it up.

Mr. HUDDLESTON. You could go to the very last day of the year.

Mr. BRADLEY. There are things that are logically possible that the Senator knows quite well will not happen.

Mr. HUDDLESTON. I am saying on the basis of the amendment, there is nothing in there to indicate that we have to do anything more than, on the day before the end of the year, come in with a deferral and say we are not going to make it. We tried; for various reasons, here we are the 364th day and we have not been able to fill at 300,000 barrels a day. Where does your amendment come into play to assure we are going to have any better situation than we are as the bill is now written?

Mr. BRADLEY. For those of us who would like to know what the fill rate is, having in the law a procedure to follow is a great assistance. When you call to ask what is the fill rate, you get the answer on what the fill rate is. That is not a classified fact.

If we have procedures that follow the Budget Impoundment Act, it is easier to focus upon and easier to hold the officials accountable to that fill rate. If we wanted it every month, we would have a much greater chance of getting it every month, if we had the procedure that this amendment establishes, than if we did not have the procedure this amendment establishes.

Mr. HUDDLESTON. Did the distinguished Senator finish his comment with a question?

Mr. BRADLEY. I answered the question, Mr. President.

Mr. HUDDLESTON. I was distracted.

I think the problem is we can suppose or assume at any time a scenario. But as the amendment is written, the administration is obligated by law to fill at a prescribed rate. It seems to me we should leave at least as much escape clause as we have at the present time, at least as much.

Mr. BRADLEY. As much what?

Mr. HUDDLESTON. Escape clause for avoiding the fill rate if, for compelling reasons, the President felt it was desirable.

Another question that bothers me is that if we are mandated at 300,000 barrels a day and if through practice or precedent there is some established period of time which the amendment does not call for, but suppose the administration would agree that maybe we ought to report every 30 days, or 60 days, or 90 days, or whatever, suppose that occurs, that they will review it at that time and if they are below, they will step it up, and if they are above, they will slow it down, if that is their desire; but suppose during that period of time we have an acute shortage, suppose we do have cars backed up—and this is not speculation, this is not just conjecture entirely because if I were going to make a bet right now, I would bet we will have lines for oil and gasoline by spring of this coming year.

So what do they do then? Do they send over and say, "We cannot fill it," period, so the money is taken away and we do not buy any?

Or do we say that because of the domestic need and to try to alleviate the lines as much as possible, we will slow down below 300,000 barrels a day. We would like to continue at 200,000, or maybe 100,000. How do they do that?

Mr. BRADLEY. I will respond to the Senator by simply saying that whether we decide to fill at 300,000 barrels a day depends totally on how serious we perceive our energy vulnerability.

It is true we might commence filling at 300,000 barrels a day, and that might put a little pressure on the present world market, perhaps. Not necessarily, but perhaps. Three hundred thousand barrels a day out of the world market, about 48 million barrels produced every day, that might cause prices to go up.

But the question that has to be asked is, do we want to have an interruption of the dimensions of 8 to 10 million barrels a day occur that will raise the price of oil, double or triple, overnight, or within a week or 2; or do we want to be able to cushion that enormous increase in price with stockpiles?

If we do not have a stockpile because we backed out of the market when we had a 2-cent increase in the price of gasoline, then we tell the American people that because we did not want to increase the price of gasoline 2 cents a gallon and fill the strategic petroleum reserve, we are now totally vulnerable, and the price of gasoline goes up $1.20 or $1.50.

Where are we then? I think we cannot stand before our constituents and say that we acted in a way that was consistent with the national interest.

It gets back, as I said, to how seriously we take our vulnerability and the interest of the security question.

Mr. HUDDLESTON. I say to the Senator, the Interior Subcommittee was serious about it. The Interior Subcommittee tripled the rate the Energy Committee was willing to propose for the fill rate, and the Senate itself voted upon the 100,000 barrels a day.

So I do not think there is any question about those who support the committee position, about what our feeling is as far as the need for filling the strategic petroleum reserve.

We have been on record for some time in favor of that and interested in doing it as rapidly as it is humanly possible.

I think that the approach the committee made is a reasonable approach, with some degree of flexibility. If the money is not expended, we would expect to be told about that and given the reason why.

Mr. BRADLEY. How would the Senator expect to keep informed about the level of fill and what would he do about it? I do not mean the Senator from Kentucky, No. 1.

Mr. HUDDLESTON. Virtually exactly the way under the Senator's proposal.

There is some question about the act that is in effect, and if the President decides not to spend that money, to rescind this money, he has to send over to the Congress a reason for that, and a request for a rescission, just as he would for a deferral under the Senator's plan.

Mr. BRADLEY. What period of time?

Mr. HUDDLESTON. What period of time in the Senator's?

Mr. BRADLEY. My point is, if we expect a certain good faith, we expect the parties not to wait until the end of the year, but expect them to respond to congressional inquiries, particularly the inquires with the amendment, or the act.

Mr. HUDDLESTON. I say, from the standpoint of this Senator, I think we really have been arguing over a very inconsequential difference in approach.

The committee came to one approach and the Senator is suggesting another now. Some members of the subcommittee feel stronger than others about this particular approach the Senator has suggested.

They are not willing, as yet, to accede to the approach the Senator is making.

So at this particular time, we have reached a point where I think in a few minutes we will know what action we want to take.

Mr. BRADLEY. I am prepared to vote, if the Senator from Kentucky is. I have a very lengthy prepared statement I can read, but I would prefer to vote if the Senator would like to.

Mr. HUDDLESTON. We will be ready to vote in a short time.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The three committee amendments excepted from the unanimous-consent request which have been amended by further committee amendments en bloc by the Senator from Kentucky are agreed to and considered as original text.

The amendments, agreed to en bloc, are as follows:

On page 42, after line 25, insert the following:

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

In title I, chapter VIII of Public Law 96–304, under the subheading "ENERGY SECURITY RESERVE", the second paragraph shall be amended to read as follows:

"The total available funding (including funds committed or conditionally committed under authority of Public Law 96–126) shall be apportioned so as to provide $17,522,000,000 for purposes of title I, of which $6,000,000,000 shall be immediately available, $6,212,000,000 shall be available for obligation after June 30, 1982, and up to $5,310,000,000 shall be derived by transfer as provided above; and to provide $1,270,000,000 for purposes of title II, to be immediately available and to be appropriated as follows:

"(i) not to exceed $525,000,000 to the Secretary of Agriculture under section 204 (a) (1) of Public Law 96–294;

"(ii) not to exceed $525,000,000 to the Secretary of Energy under section 204(a) (2) of Public Law 96–294: *Provided*, That $52,500,000 of such amount shall be available to the Secretary of Energy for carrying out commercialization activities other than those carried out by the Office of Alcohol Fuels; and

"(iii) not to exceed $220,000,000 to the Secretary of Energy for purposes of subtitle B."

From the funds now available for the purposes of title I of the Energy Security Act (Public Law 96–294), $2,000,000 shall be transferred to the President, and shall be available until expended for reasonable and necessary expenses, related to the activation of the United States Synthetic Fuels Corporation, subject to the repayment provisions of Title I of the Energy Security Act.

Funding made available under this head in Public Law 96–304 shall not exceed $17,522,000,000 when used for the purposes authorized under Title I of the Energy Security Act (Public Law 96–294) and shall not exceed $1,270,000,000 when used for the purposes authorized under Title II of such Act: *Provided*, That funds obligated for biomass energy feasibility studies and cooperative agreements under the Alternative Fuels Production account in Public Law 96–304 shall apply to the title II limitation, and all other funds obligated for such studies and agreements shall apply to the title I limitation.

On page 44, line 25, after "96–126", insert the following: "relating only to cooperative agreements and feasibility studies";

On page 45, line 6, strike "the direct burning of urban waste" and insert in lieu thereof the following: innovative systems for the direct combustion of minerals and organic materials other than petroleum and natural gas for energy production.

The provisions of section 19(m) of the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended, shall not apply to alternative fuels actions under Public Law 96–126 and Public Law 96–304.

Of the $1,500,000,000 made available under this head in Public Law 96–126 for purchase commitments and price guarantees, $500,000,000 shall be available instead to supplement the default reserve for loan guarantees established by such law: *Provided*, That the indebtedness guaranteed or committed to be guaranteed under the supplemented $1,000,000,000 reserve shall not exceed the aggregate of $3,000,000,000.

On page 48, line 17, strike "$876,918,000" and insert "$1,485,000,000";

On page 48, line 18, beginning with "*Provided*" strike through and including line 21:

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside for a period not to exceed 2 minutes so that I may submit a very small agreed-to amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1747

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes an unprinted amendment numbered 1747.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 59, after line 13, insert:

ARCHITECT OF THE CAPITOL

MEMORIAL TO HALE BOGGS

For use by the Architect of the Capitol for processing, and installing in the Congressional Cemetery, a traditional cenotaph for the late Honorable Hale Boggs, $6,500.

Mr. JOHNSTON. Mr. President, this amendment provides $6,500 to buy a memorial to the late Hale Boggs which would be a cenotaph made out of the same sandstone used on the Capitol to be put in a national cemetery. It is only $6,500. We discussed it with the floor manager, and I ask that it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (UP No. 1747) was agreed to.

The PRESIDING OFFICER. The Senate will now return to the pending amendment.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that an amendment which is acceptable to the distinguished floor manager may be discussed at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1748

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) for himself and Mr. DOLE, Mr. PERCY, Mr. LONG, Mr. EXON, Mr. BAYH, Mr. ZORINSKY, and Mr. HUDDLESTON proposes an unprinted amendment numbered 1748.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 21, insert the following: Notwithstanding any other provision of law, funds committed to a loan guarantee default reserve for biomass energy projects for alcohol fuel production authorized by title II of the Energy Security Act may be used to guarantee loans up to three times the amount held in reserve. Notwithstanding any public notice or solicitation announcement to the contrary, the Secretary of Energy and the Secretary of Agriculture may apply this loan guarantee leveraging authority to applications for alcohol fuel loan guarantees submitted under title II of the Energy Security Act prior to passage of this Act.

Mr. JOHNSTON. Mr. President, what this amendment does with respect to title II of the Energy Security Act relating to ethanol is provide that the moneys already appropriated and in the fund may be treated on a 3-to-1 basis for the purpose of loan guarantees, price guarantees, rather than on the dollar-for-dollar basis.

At the time we put together the Energy Security Act, particularly the synthetic fuel portions of that act, we had in mind an appropriation of $20 billion which would be sufficient to fund 20 50,000-barrel-a-day commercial demonstrations which was the basis upon which we hit upon a figure of $20 billion.

The accounting method we provided in that act was every dollar guaranteed or every dollar subject to a price guarantee would be treated as if it were spent for the purpose of calculation against the Federal Treasury and for the purpose of scoring our budget impact. However, we did not explicitly discuss nor I think explicitly intend that that same kind of budget scoring be applicable to the ethanol provision.

As the Senate knows we had something in excess of $1 billion appropriated for both small and large ethanol projects which are pursuant to the letter of the law subject to this method of scoring against appropriation.

All this amendment does is return it to the traditional way of scoring which would allow a 3-for-1 leverage on the moneys already appropriated which in effect will give us a 3 to 1 back for the money already appropriated without affecting in any way the budget targeted, without affecting in any way the amount appropriated, and will give us those needed additional ethanol projects that we need.

Mr. HUDDLESTON. Mr. President, I thank the distinguished Senator from Louisiana for offering this very effective amendment which will increase the amount of gasohol production in this country. This is an area that offers, I think, a substantial method to decrease the amount of foreign oil we are now using.

We see around the country now numerous plants for the production of ethanol in various stages of planning and construction and some, of course, in operation.

I think to the extent that we increase this production we do increase the supply of gasoline, of motor fuel, whether it is called gasoline or gasohol, that will be available to us in this country and decrease the amount of oil we have to bring in.

We have just dedicated down in Kentucky a substantial gasohol plant producing 20 million barrels a year which has been made possible by funding from the Farmers Home Administration.

By going the route the Senator from Louisiana is suggesting, many more of these types of plants will be available for the same dollars expended by the Federal Government. I think it is a worthwhile endeavor and we endorse it on this side of the aisle.

Mr. JOHNSTON. Mr. President, I would like to engage in a colloquy with the distinguished Senator from Kansas, Mr. DOLE, on a matter of great concern to the Senator from Louisiana. Section 204(c)(1)(B) of title II of the Energy Security Act of 1980 provides that, for the purpose of determining the amount of appropriations available for alcohol fuel loan guarantees, such guarantees shall be counted at their initial face value; thus, for every dollar guaranteed, $1 of appropriated funds must be reserved in the Treasury.

This restrictive provision arbitrarily minimizes the benefits of the Federal loan guarantee program and undermines the national goal of producing 60,000 barrels per day of alcohol fuel by December 31, 1982, as set forth in section 211 of the Energy Security Act. Therefore, I am offering an amendment, set forth below, which would authorize the Secretaries of Agriculture and Energy to "leverage" their loan guarantee appropriations at a 3-to-1 ratio rather than the current dollar-for-dollar reserve requirement. In other words, only one third of the face value of the amount guaranteed would have to be held in a contingent reserve in the Treasury.

Mr. DOLE. Will the Senator from Louisiana yield? I certainly share the concern of the distinguished Senator from Louisiana and join him in expressing support of this amendment.

A 3-to-1 leveraging provision would stimulate approximately three times as much alcohol fuel capacity without any additional appropriation. Furthermore, Federal tax dollars held in reserve to support loan guarantees cannot be used for other purposes. To the extent they are not likely to be needed to cover defaults, such tax dollars are being wasted.

Leveraging the available funds on a 3-to-1 basis would make it possible for DOE immediately to award conditional guarantees to several excellent projects that are not likely to be constructed without a Federal loan guarantee. DOE's Office of Alcohol Fuels recently received 57 proposals in response to its first solicitation for alcohol fuel loan guarantees—far more than anticipated. Given DOE's ceiling of about $400 million for this program, only seven conditional guarantees could be awarded. A similar situation is likely to confront the Department of Agriculture when it receives responses to its first solicitation.

Mr. JOHNSTON. The Senator from Louisiana thanks the distinguished Senator from Kansas for his recognition of the beneficial effects which will flow from this amendment.

It should be additionally noted that there are numerous precedents for leveraging loan guarantees. This amendment would bring alcohol fuel loan guarantees under title II of the Energy Security Act into line with other Federal loan guarantee programs. For example, under the Nonnuclear Energy Research and Development Act, as amended by Public Law 96-126 (November 27, 1979), the DOE is authorized to issue loan guarantees leverage 3 to 1 for synthetic fuel projects such as the Great Plains coal gasification project in North Dakota.

In a joint resolution adopted October 1, 1980 (Public Law 96-369), Congress doubled the funding under the Nonnuclear Act for such synfuel loan guarantees, without disturbing the 3-to-1 ratio. In addition, the DOE used leverage funds to guarantee loans for geothermal projects; and the Maritime Administration, the Economic Development Administration, the Small Business Administration, and other agencies also leverage their loan guarantee funds on at least a 3-to-1 basis.

Mr. DOLE. Mr. President, I would just like to take this opportunity to expand further on what my colleague has already made reference to with respect to fuel production. I would like to emphasize since alcohol plants have a much shorter construction and startup period than most other alternative fuel projects, they can be brought on stream faster to help the Nation through the critical energy supply problems likely to be encountered in the early and mid-1980's. Furthermore, gasoline is one of the petroleum products most likely to be in short supply during this period and alcohol fuel is a direct substitute for gasoline. Most alcohol fuel projects are sufficiently small and uncomplicated that small businesses and middle-sized companies can afford to construct and manage them.

Mr. JOHNSTON. Finally, it must be considered that alcohol fuel plants offer farmers a major new outlet for their crops at fair cash prices. Unused marginal acreage in areas around alcohol plants could be used to meet much of this demand, particularly where transportation savings make such marginal acreage competitive with higher yield cropland. An addition, the high-protein byproducts of alcohol production provide a substantial new source of enriched animal feed both for domestic consumption and for export.

Mr. EXON. Mr. President, I am pleased to cosponsor the amendment to H.R. 7724, the Interior appropriations bill, which reaffirms the Senate's support for the development of a broad spectrum of alcohol plants which the Energy Security Act, signed into law last June 30, had set forth. This amendment would permit the Secretaries of Agriculture and Energy to leverage loan guarantee funds for alcohol fuel projects authorized under title II of the act on a 3-to-1 basis.

As you may recall, title II of the Energy Security Act authorized $1.2 billion in loan guarantees for the development of fuel alcohol plants. The authorization translated into appropriations of approximately $525 million for the Department of Energy and $525 million for the Department of Agriculture, which selected the Farmer's Home Administration to administer its part of the program.

The act recognized the need to encourage not only large alcohol plants, but also intermediate and small-scale production facilities. The Department of Energy was assigned responsibility for the large plants, defined as those producing 15 million gallons or more of annual capacity. The Farmer's Home Administration is responsible for medium-sized projects of 1 million gallons and up to 15 million gallons of production capacity, and small plants which produce less than 1 million gallons of fuel alcohol per year.

The language of this amendment would authorize the so-called leveraging of guaranteed loans only. Leveraging is a straightforward financial mechanism that is well established, and will increase our capacity to encourage the production of fuel alcohol without additional cost to the Treasury.

For example, if a borrower goes to Farmers Home with a $10 million project, that agency can guarantee up to a maximum of 90 percent of the estimated construction costs, in this example $9 million. The maximum amount of the guarantee itself is 90 percent, resulting, in this case, in a total of $8.1 million in Farmers Home responsibility on the project. This amendment would permit the guarantee to be counted at one-third face value. In my example, only $2.7 million would actually be charged to the appropriation level.

Mr. President, this amendment would nearly triple the loan guarantee authority of the Department of Agriculture and Department of Energy alcohol fuel programs. Both agencies have indicated that the existing loan guarantee program is inadequate to meet the demand that exists and the need envisioned by Congress when we passed the Energy Security Act this past summer. It is important that we continue our commitment to develop the broad spectrum of plant sizes intended by that law if we are to tap this Nation's gasohol potential to its maximum capacity.

It is particularly important that we support the efforts of the Farmers Home Administration. The intermediate and small-scale plant program supported by that agency provides the only means for America's farming communities to contribute directly to the national effort to reduce our reliance on imported oil. Clearly the Nation's agricultural sector has a significant role to play in America's energy future.

Mr. President, the full potential of agriculture's role in our domestic energy effort is just beginning to be realized. A farm-based alcohol production industry, utilizing a variety of feedstocks and process fuels, will provide an important means of energy self-sufficiency for the farm community and the Nation. We have the resource base to develop all sizes of plants. This amendment again recognizes and reaffirms our belief that there is a future role for not just the large-scale production facilities, but also those medium- and small-scale plants owned by the farming community.

I applaud the efforts of this Senate to encourage the alcohol fuel program, in addition to other domestic energy resources which will make up our mixed energy economy of tomorrow.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (UP No. 1748) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, could I have the attention of the managers of the bill? I would like to call their attention to a matter which is half policy on this Interior bill and half foreign relations policy. It relates to a paragraph which they have inserted at page 31 of the report. I would like to read that, if I may. That paragraph says:

> The Committee has not included $1,500,000 added by the House to establish a world energy assessment program. The Survey already contributes to an international energy resource assessment conducted by the Central Intelligence Agency and the Departments of State and Energy. The Committee believes this current effort is sufficient.

The purpose of my speaking is to urge committee reconsideration of that statement because the fact is that the current effort by DOE or CIA is not enough. Now one could come in here and add $1.5 million to the bill and make a long debate about this particular proposition. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I asked for the attention of the managers because I am very hopeful that in the common interest of our country they may reconsider this question when it comes to conference, as it inevitably will.

There is nothing in the world that is more important to us than to have more sources of oil, especially in view of the tight control of the OPEC cartel. The fact is that it is estimated that about 40 to 50 percent of the world's oil is still undiscovered, and the developing countries are paying very much through the nose, and are contracting debts which could topple the whole international credit system. These debts are getting so big that there is now a paucity of lenders. To find sources of energy in these areas would be of enormous benefit to the security of the world and especially to the United States and the big industrial countries.

Thus, the deficiency in the committee's statement is this: Whereas the CIA and the Department of Energy do make these studies they make them by countries, by political boundaries; whereas what is needed is a regional outlook because oil lies among countries, especially in areas where you have offshore reserves and where you have very small contiguous countries or where natural phenomena may indicate oil on a basis beyond the political outlines of the country itself.

We have studied this matter very, very carefully and deeply believe that this would be a very, very wise expenditure. A great many countries are already very anxious to participate, for example, Pakistan, Thailand, Malaysia, Morocco, Brazil, Bangladesh, the U.N. Coordinating Committee for Joint Prospecting for Mineral Resources in Asian offshore areas, region 12 Organization of Nations.

The amount is so small, namely, $1.5 million, that it would seem to me it would be pennywise and pound foolish not to look into it very carefully, consult with the agencies concerned, and see if we could not strike a very effective blow for broadening the base and increasing the rationality of our oil exploration activity.

The World Bank is now lending considerable money for this purpose, and the new data could be tied into this effort equally with great help to all concerned.

So, as I have great respect for the managers, and I feel their motivation is no different from mine, rather than seeking to amend I am just submitting the matter to you. We will give you some further evidence, and we are very hopeful that you may review the situation in depth with a view toward constructive action.

Mr. HUDDLESTON. Mr. President, I certainly thank the Senator from New York for bringing this matter to the attention of the subcommittee and to the Senate as a whole.

We do recognize this as a very important endeavor. We relied to a great extent upon the Department of the Interior which insisted these studies were being done by the intelligence agencies and the Department of Energy and the Department of State, and I think the Senator from New York makes a very strong case for looking beyond that assurance and making sure that that is occurring, and if not, of course, to give very thorough consideration to handling this matter in conference, and I can assure the Senator from New York we will do that and we will be glad to gather from him during this period of time any information he would want to submit to us which would help us in arriving at the proper decision.

Mr. JAVITS. I am very grateful to the Senator. He behaved quite in character, and I am delighted that the Senator will give it that attention. We will submit our materials to the managers on the majority and minority sides.

Mr. STEVENS. Mr. President, I too thank the Senator from New York for his normally pleasant way of handling an issue, and assure him we will do our best to deal with the problem in conference and we will be happy to review any memoranda he wants to submit to us prior to that time.

Mr. JAVITS. I thank the Senator so much.

Mr. BRADLEY. Mr. President, I would like to strongly support the initiative of the Senator from New York. There is a lot of potential oil out there in the world, and the Senator has taken a leadership position in this, and he will be very cooperative.

Mr. JAVITS. I thank all concerned.

UP AMENDMENT NO. 1746

(Subsequently numbered amendment No. 2619)

Mr. HUDDLESTON. Mr. President, what is pending at the present time?

The PRESIDING OFFICER (Mr. HEFLIN). The pending business is the amendment by the Senator from New Jersey.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, in the time we have been under the quorum call preceding the prior colloquy, we attempted to analyze the amendment to see whether it is possible to work out a compromise that would relieve the very legitimate concerns of the Senator from New Jersey.

However, I continue to maintain, and I hope my friend from Kentucky will stay convinced of this, that this is not the place for that amendment.

Let me tell the Senate and my good friend from New Jersey that my State is sending about a million and a half barrels a day to what we call the south 48. I do not like to mention such things too much, but twice now people have tried to blow up that pipeline. Let us assume a domestic catastrophe of that nature. I am certain that the Senator from New Jersey would not want the Government to be out buying 300,000 barrels a day when there was a shortfall of a million and a half barrels a day.

Take another situation. The current administration has used the money that was provided in the last bill to buy less than 100,000 barrels a day and will continue to do so until January. The impact of this amendment would require the new administration to play catchup. We would have to buy more than 300,000 barrels a day during the last three quarters of the fiscal year to have an average annual rate of 300,000 barrels a day. The exacerbating effect of that on the market, I think, everyone would admit.

What we have done is to provide money for 300,000 barrels a day, consistent with the budget resolution. If the price goes up, we cannot buy 300,000 barrels a day. The best way that money could be used would be to have a sound administrator dedicated to filling the reserve buy when the oil is in surplus supply and to lay off the market when the supply is short. I am sure my friend from New Jersey understands that as well as I do.

That is the flexibility we have built in this program. There is no reason for anything further in this bill. There is 100,000 barrels a day minimum under existing law and there is money for at least 300,000 barrels a day, according to our projection of how much money is required.

I do not see any reason to tinker with this program here. If my friend wants to go to the Energy Committee, on which we both serve, and talk about making it 500,000 barrels a day and we can locate the oil to buy, I would be happy to support him. But I do not support using the appropriations bill to, in effect, amend the Energy Security Act with regard to the minimum level of acquisition. It is something I feel very strongly about, and I have conveyed that to my good friends who also serve on the Energy Committee.

We get into this habit too often. That Energy Security Act should not be altered in an annual appropriations bill. If you want to change the basic floor, then let us proceed with the bill that comes out of the Energy Committee and change it. My good friend from Oklahoma, who has had some questions about the strategic petroleum reserve from the very beginning, has given his consent, and so has the Budget Committee, to dollars which are sufficient to buy, we believe, 300,000 barrels a day.

As I pointed out, if the price goes up, we cannot buy 300,000 barrels a day. To maintain the acquisition of 300,000 barrels a day would mandate a supplemental for this item, and we are already in a situation where we are facing a third concurrent budget resolution because the appropriations as a whole are going to be over the budget resolution, not under it.

I do not see any reason to mandate a further deficit at this time. I hope to be able to work out with my good friend from Kentucky a time when we might make a motion to table this amendment.

It just does not belong on this bill. I hope that we maintain the position that this bill should not increase the floor for the acquisition of petroleum which may not be able to be met because of changed market conditions or because of the problems associated with the industry internationally or domestically.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I respect the Senator from Alaska and his viewpoint. As I stated earlier, it is a viewpoint that has been expressed by the Carter administration over the last 2 years on a number of occasions when asked why the strategic petroleum reserve is not being filled.

I expressed to the Senator that I would be willing to modify the bill to a procurement rate. I said that if the Senator had a problem that the price would go up and we would run out of money, that we could stop the purchase, if necessary, if we ran out of money.

I think it is also important to remind the Senate that we are not talking about mandating 300,000 barrels. We are talking about mandating 200,000 additional barrels. One hundred thousand barrels are already mandated.

The arguments that are made against the 300,000-barrel-a-day fill in a world production of 43 million barrels can be made just as well against 100,000-barrels-a-day fill that the Senator has already voted for and the Congress has approved in the Energy Security Act.

All this amendment states—and the amendment is offered out of the experience of frustration of the last year and a half of the Carter administration—is that if there is a decision not to fill at the intended level, let the Congress have an explanation and let the American people have an explanation. It is as simple as that. An explanation is best provided according to the procedures of the Budget Impoundment Act. That is what this amendment states. It is as simple as that and it is offered with the greatest respect.

Mr. HUDDLESTON. Will the Senator yield?

Mr. BRADLEY. Yes.

Mr. HUDDLESTON. Has the Senator amended his amendment?

Mr. BRADLEY. No, my amendment has not been amended. I, of course, made an offer to amend it in the way that I described.

Mr. HUDDLESTON. I did not understand, as it was originally written, that it required reporting any time before the end of the year, the last day of the year.

Mr. BRADLEY. The Senator knows that this was a subject of one of our colloquies earlier in the afternoon when I thought this was going to be a very simple matter. The answer I gave then is the same now, which is that this is a good safe operation. I even stated to the distinguished Senator from Idaho that I would be willing to state quarterly reports so that we would get around the idea of daily reports.

Mr. HUDDLESTON. The Senator from Kentucky is having a hard time understanding why there would be more good faith on the Senator's amendment than there would be under the approach taken by the Interior Subcommittee.

Mr. BRADLEY. Because under the approach, as I understand it, and that understanding could be faulty, of the Interior Committee, there is no provision for a reporting under the Budget Impoundment Act and we would be left in the same situation that we have been in the last 2 years, when you say, "Please tell me why aren't you filling?" and there is no answer or there is an inadequate answer. We simply want the procedures for an explanation of why the strategic reserve is not being filled to be followed.

I do not see this as a major controversial amendment, but it appears that it has aroused more opposition than I expected.

Mr. HUDDLESTON. If the Senator will yield, let me say that I do not either. But there are those who have some concern about it. We are now at 20 minutes past 6 o'clock.

Mr. BRADLEY. I am ready if the Senator is ready.

Mr. HUDDLESTON. There are some Senators who have already left. I am going to suggest that we suspend on this matter until in the morning. I understand that the majority leader intends to resume the session at 10 o'clock in the morning. This will be the pending business and I will be ready at that time to move to vote immediately.

Mr. BRADLEY. Mr. President, I request that we not put it off until tomorrow morning, because, just as there are Senators who are not here at this moment because of conflicts in their schedules, I have a conflict in my schedule tomorrow morning. As the manager knows, that is why I requested that we bring this up and try to dispose of it this evening.

Mr. HUDDLESTON. Is that all day tomorrow?

Mr. BRADLEY. Yes.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be 40 minutes of debate, equally divided, on Mr. Bradley's amendment; that the 40 minutes start running at 10 a.m. Monday; provided further that any amendment to the Bradley amendment must be germane; and that there be a time limit on any amendment to the amendment of 20 minutes, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. BOSCHWITZ. Mr. President, reserving the right to object, when does the vote on that occur?

Mr. ROBERT C. BYRD. Mr. President, provided further that, at the expiration of the time specified on the Bradley amendment, the vote occur in relation to the Bradley amendment unless an amendment to the amendment is then offered. In any event, upon the expiration of time on any amendment to the amendment, that the vote then occur without further debate on the amendment by Mr. Bradley.

Mr. McCLURE. Reserving the right to object, and I do not intend to, it would be in order to make a motion to table?

Mr. ROBERT C. BYRD. It would be in order under the request, Mr. President.

Mr. President, it would have been under the first part of the request. As to the second part of the request thereon, I changed that to "in relation to."

The PRESIDING OFFICER. Is there objection?

Mr. BOSCHWITZ. Reserving the right to object, that is on Monday?

Mr. ROBERT C. BYRD. That is correct.

Mr. BOSCHWITZ. Mr. President, it is my understanding that the first vote on Monday is to occur at 5 p.m.

Mr. ROBERT C. BYRD. That vote will occur on the State, Justice, and Commerce appropriation, Mr. President.

Mr. BOSCHWITZ. It was my understanding that the first vote on Monday would occur at 5 p.m. I have made my own plans.

Mr. ROBERT C. BYRD. Mr. President, I am sorry the Senator misunderstood. That vote which will occur at 5 on Monday is on the State, Justice, and Commerce appropriations bill, but there was no agreement, no statement, no understanding, that there would be no rollcall vote on other matters.

Mr. BOSCHWITZ. May I ask the majority leader, why can this matter not be disposed of tomorrow?

Mr. ROBERT C. BYRD. Mr. President, I would be very agreeable to disposing of it on tomorrow or tonight, but the distinguished Senator who has offered the amendment cannot be here tomorrow. Other Senators who are here tonight do not want to vote on it tonight because they want to seek additional information and, possibly, think in terms of offering an amendment to the amendment. So we are blocked from a vote tonight unless somebody moves to table at any point, which they can do, and there would be no debate on it. Otherwise, we are blocked tonight and we are blocked tomorrow.

Therefore, we thought, in that set of circumstances, we would get an agreement for Monday on this matter or amendments thereto, but the Senate would continue on tomorrow with respect to other amendments to the Interior appropriations bill. So there will be votes tomorrow. On this particular matter, it is going to be put over until Monday for the reasons stated.

Mr. BOSCHWITZ. The distinguished proponents of this amendment will not be here tomorrow; on the other hand, I shall not be here on Monday. I do not understand why the convenience of one Senator should be accommodated and not another.

Mr. ROBERT C. BYRD. If the Senator wishes to table right now, he can get a vote on the tabling motion tonight. But I had understood the Senators had agreed already. So everybody is trying to protect everybody.

Mr. HUDDLESTON. What time would the Senator be back?

Mr. BOSCHWITZ. Five o'clock Monday.

Mr. HUDDLESTON. Not before?

Mr. BOSCHWITZ. No.

Mr. ROBERT C. BYRD. I do not know where the Senator got the information on which he based his schedule for Monday.

Mr. BOSCHWITZ. I will not object.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

The PRESIDENT OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF THE PENDING BUSINESS ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the expiration of the standing orders for the recognition of the two leaders on tomorrow, the Senate resume consideration of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, this means that at about 10 a.m., the Senate will resume consideration of the pending business, the Interior appropriation bill, on tomorrow.

There will be rollcall votes on amendments to the bill on tomorrow. It is fervently hoped by at least one Senator here that the Senate will complete action on all other amendments to the Interior appropriation bill tomorrow so that on Monday the only item remaining on the Interior appropriation bill to be disposed of would then be, in that event, the Bradley amendment, or amendments thereto, and the final passage of the Interior appropriation bill.

I would urge Senators to be at their post of duty on the Senate floor tomorrow expecting rollcall votes.

Is there anyone within the hearing of my voice, which has been somewhat impaired by laryngitis, who does not understand what I have said?

Mr. PRESSLER. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. PRESSLER. May I lay down my amendment?

Mr. ROBERT C. BYRD. The distinguished Senator wishes to lay down his amendment this evening. Could we get an agreement on that?

Mr. PRESSLER. Fifteen minutes on our side.

Mr. ROBERT C. BYRD. Is that agreeable?

Mr. PRESSLER. Also, Senator McGovern and I have an amendment and would take an agreement on that.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on an amendment by Mr. Pressler, which he will lay down now, there be a 30-minute time limitation to be equally divided in accordance with the usual form. I would suggest that if there is any contemplation of a rollcall vote on the amendment, we get the yeas and nays so that Senators will know what time the first rollcall vote will likely occur on tomorrow.

Mr. PRESSLER. Mr. President, on that I ask for the yeas and nays.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it may be in order to order the yeas and nays on the amendment by Mr. Pressler, which he is now ready to offer, and that it may also be in order to order the yeas and nays on any motícn to table that amendment, which will be made, as I understand it, am I correct?

Mr. HUDDLESTON. Possibly.

Mr. ROBERT C. BYRD. Well, we better not do that.

Let me revise that request.

Would the Senator offer his amendment?

UP AMENDMENT NO. 1749

(Subsequently numbered amendment No. 2620)

(Purpose: To restore funding for the Rural Fire Prevention and Control Program to FY 1979 level)

Mr. PRESSLER. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. Pressler), for himself and Senators Biden, Stewart, Heflin, Pryor, McGovern, Dole, Cochran, Wallop, Domenici, Thurmond, and Stennis, proposes an unprinted amendment numbered 1749.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, line 11 strike "$70,586,000" and insert "$77,206,000", and on line 12 strike "$66,686,000" and insert "$73,306,000".

Mr. ROBERT C. BYRD. Will the distinguished Senator yield?

Mr. PRESSLER. I yield.

Mr. ROBERT C. BYRD. I ask unanimous consent that there be a time limitation of 30 minutes, equally divided, on the amendment by Mr. PRESSLER, and that the time be controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Now, Mr. President, does the Senator wish to get the yeas and nays on the amendment?

Mr. PRESSLER. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Now, Mr. President, Senators are assured that there will be a rollcall vote after the passage of 30 minutes on the amendment tomorrow. The amendment is also tableable, is it not?

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

So, if any Senator wishes to move to table tomorrow, that can be done, and the yeas and nays can be ordered at that time.

Mr. PRESSLER. If the Senator will yield, Senator McGOVERN and I have another amendment tomorrow, and a very short time agreement—perhaps we can do that tomorrow.

Mr. ROBERT C. BYRD. Will the Senator identify the amendment?

Mr. PRESSLER. It is Senator McGOVERN's amendment which is at the desk. It is on the pipeline. I do not have a copy here, but Senator McGOVERN filed it earlier today.

Mr. ROBERT C. BYRD. Can it be identified by a number?

Will Senator McGOVERN be agreeable to a time limitation on it?

Mr. PRESSLER. Yes.

Mr. ROBERT C. BYRD. Will the Senator state the subject matter of the amendment?

Mr. PRESSLER. The pipeline. There is a copy over there. It is amendment No. 2618.

Mr. ROBERT C. BYRD. I ask unanimous consent on an amendment by Senator McGOVERN and Senator PRESSLER, identified as amendment No. 2618, that if that amendment is called up, there be a time limitation thereon of 30 minutes, equally divided, in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

Mr. President, there will be no further action on this bill tonight.

ROAD CONSTRUCTION FUNDS FOR THE IOWA TRIBE OF KANSAS AND NEBRASKA

Mr. EXON. I wish to engage the distinguished Senator from Kentucky in a brief colloquy regarding road construction funds which are appropriated to the Bureau of Indian Affairs by H.R. 7724. I want to raise this matter with the floor manager of this bill since I believe there are great needs in this area which are going unmet.

Mr. HUDDLESTON. May I reply to the Senator from Nebraska that indeed there are great needs in this area and the bill before us provides approximately $49 million to address road and bridge work on Indian reservations. The committee recognizes that this amount of money will not be able to accomplish all necessary work on Indian reservation roads, and that the funds will inevitably be spread thinly. Because of the need for holding down appropriations, the committee does not recommend any additional funding beyond the figure currently in the bill.

Mr. EXON. I thank the floor manager for his comment on this portion of the bill. As a Senator who certainly wants to hold down excessive Federal spending, I understand the reluctance of the committee to make a greater appropriation for road construction on Indian reservations. However, since there are so many needs in this area and so little money, I wonder if it would not be more appropriate to prioritize the road construction needs, target larger amounts of money toward the high priority areas, and thereby make some real improvements with these limited funds rather than spreading them around so thinly that they really do no one reservation any substantial good.

I ask the distinguished floor manager at this point if the Appropriations Committee has given any consideration to establishing such a priority system.

Mr. HUDDLESTON. What the Senator from Nebraska says makes a great deal of sense. The Appropriations Committee is very sympathetic to both the problem and the approach suggested by the Senator. The Appropriations Committee strongly endorses this concept, and is urging that the Bureau of Indian Affairs, the agency responsible for the road construction item in the budget, establish such a priority system immediately. The Appropriations Committee has previously invited the Bureau of Indian Affairs to take such an approach with regard to school construction, and this procedure has worked well.

Mr. EXON. I am aware of at least one Indian reservation which would rank very high on any prioritization of reservation road construction needs. This is the reservation of the Iowa Tribe of Kansas and Nebraska. On this reservation, there are 43 miles of road which are supposedly gravel roads, but have no gravel. There are 14.5 miles of main thoroughfare, which should be blacktopped, but, in fact, are mud roads. There are six bridges on this reservation which are in need of major repair. The estimated cost of blacktopping, graveling, and repairing bridges is in excess of $8 million. Yet last year the reservation, under the present system of distributing money, received only $24,400. In order to allow people living on the reservation to get to and from work, money had to be taken from other programs in order to make the roads passable. Road construction is so important for the people on this reservation, that it is their No. 1 priority.

Mr. President, I ask the distinguished floor manager whether there is anything in this appropriation bill which would prohibit the establishment of road construction priorities for the various reservations.

Mr. HUDDLESTON. I assure the distinguished Senator from Nebraska that there is no such prohibition, and, in fact, it is an idea that should be actively pursued. Furthermore, the committee is aware of the dire road conditions on the reservation of the Iowa Tribe of Kansas and Nebraska, and believes that this reservation's road construction needs would rank very high on any listing of priorities.

Mr. EXON. I thank the distinguished Senator from Kentucky for his helpful comments in this regard, and those of us who want to see a better method used in spending these limited funds will be following up on the Appropriations Committee s excellent ideas.

Mr. President, several other Senators have expressed strong support for a new budget priority system for road construction. Senators ZORINSKY, DOLE, and KASSEBAUM join me in making this suggestion.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be resumed, that it not extend beyond 10 minutes, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE OFFICE OF ALIEN PROPERTY—PM 259

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

I transmit herewith the Annual Report of the Office of Alien Property, Department of Justice, for the fiscal year ended September 30, 1979, in accordance with Section 6 of the Trading With the Enemy Act.

JIMMY CARTER.

THE WHITE HOUSE, *November 13, 1980.*

FIFTH ANNUAL REPORT OF THE UNITED STATES NUCLEAR REGULATORY COMMISSION—PM 260

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report;

which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I hereby transmit the Fifth Annual Report of the United States Nuclear Regulatory Commission as required by Section 307(c) of the Energy Reorganization Act of 1974. This report covers the Commission's activities from October 1, 1978 to September 30, 1979, and also briefly describes additional actions taken later that year and in 1980.

This report highlights the March 1979 incident at Three Mile Island and details the Nuclear Regulatory Commission's response to the accident—and its shortcomings in acting.

In October of 1979, the President's Commission on the Accident at Three Mile Island submitted recommendations for extensive reform and reorganization of the Nuclear Regulatory Commission, many of which were outlined in my response to this report on December 7, 1979. The Administration is currently implementing a Nuclear Regulatory Commission reorganization plan, that will improve the management of the agency and enhance its ability to respond to emergency situations. I have also established through Executive order the Nuclear Safety Oversight Committee which will help me make sure that the Nuclear Regulatory Commission and industry are taking the necessary steps to improve nuclear safety.

JIMMY CARTER.

THE WHITE HOUSE, *November 13, 1980.*

FIVE-YEAR PLAN FOR THE NATIONAL CLIMATE PROGRAM—PM 261

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I hereby transmit to Congress the Five-Year Plan for the National Climate Program as prepared by the Department of Commerce. This Five-Year Plan, to establish goals and priorities and to clarify various agencies' roles, is in accordance with section 5 of the National Climate Program Act of 1978.

The plan is divided in three major parts: introducing and developing of the Five-Year Plan, the projects and activities to be emphasized over the five years, and the administration of the program and future directives.

The National Climate Program is intended to aid our Nation in understanding the climate processes and to make such information widely available.

JIMMY CARTER.

THE WHITE HOUSE, *November 13, 1980.*

EMPLOYMENT AND TRAINING REPORT OF THE PRESIDENT—PM 262

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am transmitting to you the 18th annual report on employment and occupational requirements, resources, uses, and training, as required by section 127(a) of the Comprehensive Employment and Training Act (CETA) of 1973, as amended. This report features a discussion of the serious unemployment problems experienced by many youth today, especially minority teenagers, and summarizes the Administration's proposals for a youth education, training, and employment initiative for the 1980's.

Also included in this volume are a report on services for veterans, as required by the Vietnam Era Veterans' Readjustment Assistance Act; a report from the Secretary of Health and Human Services on cooperative program linkages with CETA programs, as required by section 127(b) of the 1978 CETA Amendments; a review of recently completed research and evaluation findings concerning employment and training programs, as required by section 313 (d) and (e) of CETA; a number of additional reports responding to requirements in the amended CETA and the Full Employment and Balanced Growth Act of 1978; and a statistical appendix, containing information about the labor force and employment and training programs.

JIMMY CARTER.

THE WHITE HOUSE, *November 13, 1980.*

REPORT ON ENERGY CONSERVATION ACTIVITIES UNDERTAKEN BY FEDERAL AGENCIES—PM 263

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I herewith transmit to the Congress the third annual report required under Section 381(c) of the Energy Policy and Conservation Act (P.L. 94-163; 420 U.S.C. 6361(c)).

This report covers the energy conservation activities undertaken by Federal agencies during Fiscal Year 1979. These include the establishment of conservation policies and efficiency standards in Federal procurement and the development of a ten-year plan for energy conservation in Federally-owned or leased buildings. The report also describes programs for carrying out a public education program to encourage energy conservation and to promote vanpooling and carpooling arrangements.

JIMMY CARTER.

THE WHITE HOUSE, *November 13, 1980.*

REPORT ON ACTIVITIES CONDUCTED ON BEHALF OF HANDICAPPED PERSONS—PM 264

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 13 of the Rehabilitation Act of 1973, as amended, I transmit herewith the 1979 Annual Report of Activities Conducted on Behalf of Handicapped Persons Under the Rehabilitation Act of 1973, as submitted by the Secretary of Health and Human Services.

In the future, this report will be submitted by the Secretary of Education.

JIMMY CARTER.

THE WHITE HOUSE, *November 13, 1980.*

MESSAGES FROM THE HOUSE

At 10:36 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks announced that pursuant to Senate Concurrent Resolution 84, the Speaker reappoints on the part of the House the following Members to the Joint Congressional Committee on the Inaugural Ceremonies to Make the Necessary Arrangements for the Inauguration of the President-Elect and Vice President-Elect of the United States: Mr. RHODES, Mr. O'NEILL, and Mr. WRIGHT.

ENROLLED BILL SIGNED

At 5:06 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the enrolled bill (H.R. 7212) to ratify a settlement agreement in a land dispute between the Pamunkey Indian Tribe and the Southern Railway Co., and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. BRADLEY).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4782. A communication from the Assistant Secretary of State for Congressional Relations, transmitting, pursuant to law, notice of the intent of the Department of State to approve the request of the Republic of Korea for the use of certain foreign military sales financing; to the Committee on Foreign Relations.

EC-4783. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Systematic Review for Declassification of the National Security Information—Do Benefits Exceed Costs?"; to the Committee on Governmental Affairs.

EC-4784. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "More Guidance and Supervision Needed Over Federal Grand Jury Proceedings"; to the Committee on Governmental Affairs.

EC-4785. A communication from the Administrator of the Veterans' Administration, transmitting, pursuant to law, a summary investigative report regarding alleged irregularities on the parts of employees at the Veterans' Administration Medical Center, Bonham, Tex.; to the Committee on Governmental Affairs.

EC-4786. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, a resolution adopted by the council on September 30, 1980; to the Committee on Governmental Affairs.

EC-4787. A communication from the Administrative Director of the U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, a notice of a new system of records for the Agency for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4788. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Cash Management Improvements Will Save Federal Insurance and Benefits Programs Millions Annually"; to the Committee on Governmental Affairs.

EC-4789. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, notice of a proposed new system of records for the Corporation for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4790. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, notice of a new system of records for the General Services Administration for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4791. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, notice of a proposed new system of records for the Department of Defense for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4792. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the council on September 16, 1980; to the Committee on Governmental Affairs.

EC-4793. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the council on September 16, 1980; to the Committee on Governmental Affairs.

EC-4794. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the council on September 16, 1980; to the Committee on Governmental Affairs.

EC-4795. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the council on September 30, 1980; to the Committee on Governmental Affairs.

EC-4796. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law; legislation adopted by the council on September 16, 1980; to the Committee on Governmental Affairs.

EC-4797. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law; legislation adopted by the council on September 16, 1980; to the Committee on Governmental Affairs.

EC-4798. A communication from the Records Officer, U.S. Postal Service, transmitting, pursuant to law, notice of a new system of records and proposed modifications to an existing system of records of the Postal Service for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4799. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the council on September 16, 1980; to the Committee on Governmental Affairs.

EC-4800. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the council on September 16, 1980; to the Committee on Governmental Affairs.

EC-4801. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the council on September 16, 1980; to the Committee on Governmental Affairs.

EC-4802. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation passed by the council on September 16, 1980; to the Committee on Governmental Affairs.

EC-4803. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office issued or released in September 1980; to the Committee on Governmental Affairs.

EC-4804. A communication from the Assistant Secretary for Health and Surgeon General, Department of Health and Human Services, transmitting, pursuant to law, notice of a new system of records for the Department of Health and Human Services for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4805. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on the cost of travel and the cost of operating privately owned vehicles to Government employees while engaged on official business; to the Committee on Governmental Affairs.

EC-4806. A communication from the Chairman and members of the Federal Labor Relations Authority, transmitting, pursuant to law, notice of a new system of records for the Authority for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4807. A communication from the Secretary of the Railroad Retirement Board, transmitting, pursuant to law, notice of a new system of records for the Board for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4808. A communication from the Chairman o fthe Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on September 30, 1980; to the Committee on Governmental Affairs.

EC-4809. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on September 30, 1980; to the Committee on Governmental Affairs.

EC-4810. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on September 30, 1980; to the Committee on Governmental Affairs.

EC-4811. A communication from the Comptroller General of the United States, transmitting pursuant to law, a report entitled "Agencies Should Encourage Greater Computer Use On Federal Design Projects"; to the Committee on Governmental Affairs.

EC-4812. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendations concerning the claim of Equity Advertising Agency, Inc. for advertising services provided to the United States; to the Committee on Governmental Affairs.

EC-4813. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendations concerning the claim of Seattle Post-Intelligencer, for advertising services provided to the United States; to the Committee on Governmental Affairs.

EC-4814. A communication from the Commissioner of the Federal Prison Industries, Inc., transmitting, pursuant to law, the annual report of the Board of Directors of Federal Prison Industries, Inc. for fiscal year 1979; to the Committee on Governmental Affairs.

EC-4815. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on donations received and allocations made from the funds contributed for the Advancement of Indian Race, Bureau of Indian Affairs, during fiscal year 1979; to the Select Committee on Indian Affairs.

EC-4816. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Inappropriate Use of an Indian Trust Fund to Subsidize BIA Activities"; to the Select Committee on Indian Affairs.

EC-4817. A communication from the General Counsel of the Department of Energy, transmitting a draft of proposed legislation to amend section 1114 of title 18, United States Code to protect officers and employees of the Department of Energy assigned to perform investigative, inspection, or law enforcement functions during the performance of their official duties; to the Committee on the Judiciary.

EC-4818. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, an order in the case of an alien found admissible to the United States under section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4819. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending the deportation of certain aliens under section 244(a)(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4820. A communication from the Chairman, Vice Chairman, Commissioners, and Staff Director of the U.S. Commission on Civil Rights, transmitting, pursuant to law, a statement concerning certain restrictive amendments attached to appropriations bills; to the Committee on the Judiciary.

EC-4821. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on current research on the employment implications of alternative energy technologies and on the relative intensity of energy use among U.S. industries; to the Committee on Labor and Human Resources.

EC-4822. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on activities under the Fair Labor Standards Act for fiscal year 1979; to the Committee on Labor and Human Resources.

EC-4823. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, cases heard and/or decided by the Board during fiscal year 1979; to the Committee on Labor and Human Resources.

EC-4824. A communication from the Executive Director of the Committee for Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report on the activities of the Committee for fiscal year 1979; to the Committee on Labor and Human Resources.

EC-4825. A communication from the Acting Director of the National Science Foundation, transmitting, pursuant to law, a report entitled "Federal Support to Universities, Colleges, and Selected Nonprofit Institutions, Fiscal Year 1978"; to the Committee on Labor and Human Resources.

EC–4826. A communication from the Commissioner on Aging, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "A Preliminary Report on the Development and Implementation of a Federal Manpower Policy for the Field of Aging"; to the Committee on Labor and Human Resources.

EC–4827. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals as of October 1, 1980; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Labor and Human Resources, the Committee on Finance, the Committee on Environment and Public Works, and the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 3196. A bill to amend the Communications Act of 1934 to permit the delegation of certain powers and duties to private persons; to the Committee on Commerce, Science, and Transportation.

By Mr. TOWER:

S. 3197. A bill to provide general assistance to local educational agencies for the provision of educational services to undocumented alien children, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MELCHER (for himself and Mr. Boschwitz):

S. 3198. A bill to prohibit proposed regulatory increases in imputed interest rates for tax purposes on loans between related entities and on deferred payments in the case of certain sales of property; to the Committee on Finance.

By Mr. HATCH:

S.J. Res. 211. Joint resolution designating the week beginning March 8, 1981, as "Women's History Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 3196. A bill to amend the Communications Act of 1934 to permit the delegation of certain powers and duties to private persons; to the Committee on Commerce, Science, and Transportation.

AMENDMENT OF COMMUNICATIONS ACT OF 1934

Mr. STEVENS. Mr. President, I am today introducing legislation to solve a minor, but nonetheless irritating problem, for many of my constituents. As many of my colleagues know, Alaska is heavily dependent upon communication systems. For instance, air transportation is extremely important in Alaska. This requires a system of numerous radios and other communications equipment. Fishing and other vessels need marine radios. Further, an extensive series of business radios sometimes substitutes for telephones. Because of this, the need for radio licenses is common and widespread. Those licenses are issued by the Federal Communications Commission usually after a written examination administered by an FCC staff member.

Unfortunately, however, the recent restrictions on travel and other spending reductions have limited the FCC's ability to travel to remote communities to administer the exams. They presently visit some communities in Alaska only once a year, and there are many communities which they never visit. This means that an interested individual in those areas must travel great distances—generally by air—at high costs to obtain a license. The only place in Alaska where the tests are given regularly is Anchorage. To force people from all over the State of Alaska to travel to Anchorage is a heavy burden considering the fact that the State of Alaska is one-fifth the size of the entire United States.

The legislation I am introducing today would allow the FCC to delegate the authority to administer examinations to people they would designate, qualified to conduct those examinations. It is my understanding that the Federal Aviation Administration does delegate responsibility for administering certain of its examinations to private persons, and this bill would give the FCC a similar authority.

These examinations are all in writing and the private person involved in the administration would be subject to the regulations, supervision, and review of the Federal Communication Commission. Further, the legislation allows the Commission, upon its own initiative, to reconsider the action of any private person, either before or after it becomes effective.

Mr. President, I think it is very important that we allow this service to be provided to Alaskans and all other Americans in the same position, and I urge my colleagues to reconsider this minor change as soon as possible.

I ask unanimous consent that the bill and a few of the many letters which I have received from my constituents, as well as the FCC, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(p) (1) In exercising the powers and duties vested in him by this Act, the Commission may, subject to such regulations, supervision, and review as he may prescribe, delegate to any properly qualified private person, or to any employee or employees under the supervision of such person, any work, business, or function respecting (A) the examination, inspection, and testing necessary to the issuance of radio operators certificates under this Act, and (B) the issuance of such certificates in accordance with standards established by him. The Commission may establish the maximum fees which such private persons may charge for their services and may rescind any delegation made by him pursuant to this subection at any time and for any reason which he deems appropriate.

"(2) Any person affected by any action taken by any private person exercising delegated authority under this section may apply for reconsideration of such action by the Commission. The Commission upon its own initiative, with respect to the authority granted under this subsection, may reconsider the action of any private person either before or after it has become effective. If, upon reconsideration by the Commission, it shall appear that the action in question is in any respect unjust or unwarranted, the Commission shall reverse, change, or modify the same accordingly; otherwise such action shall be affirmed: *Provided,* That nothing in this subsection shall be construed as modifying, amending, or repealing any provisions of subchapter II of chapter 5, and chapter 7, of title 5 of the United States Code.

Mount Edgecumbe, Alaska,
FAA, Biorka Island,
March 11, 1980.

Enclosed is a copy of a letter I'm sending to the Federal Communications Commission, in Washington, D.C.

They have ceased giving tests in any city in Alaska except major population centers such as Juneau and Ketchikan.

I called the FCC office in Anchorage to find out about this, and the representative indicated that testing might also be curtailed in these two cities, due to lack of funds.

I think I am right in my belief that Congress has directed the FCC to require licenses for radio operators. If this is so, then it would appear that the FCC must present opportunities for testing for these licenses without undue economic hardship to the applicants.

I would appreciate your assistance on this matter and any thoughts you might have concerning this problem would be welcome.

Thank you very much for your time.

Mike Downing.

Mount Edgecumbe, Alaska,
FAA, Biorka Island,
March 11, 1980.

Sir: I am writing in reference to licensing procedures used by the Federal Communications Commission in Alaska.

At present, tests for licensing can only be taken in Juneau and Ketchikan, in South east Alaska, once each six months.

This letter is to bring to your attention that most areas of Southeast are very remote from Juneau and Ketchikan. There is a great deal of expense and time involved in traveling to these cities for testing.

In my own case, it will require approximately 350 dollars expense and two days missed work. This presumes the weather cooperates during this travel.

In the northern remote areas of interior Alaska, I'm sure the same problems in travel and time occurred.

Would it be possible to begin testing for FCC licenses in the smaller towns such as Sitka, Petersburg and Wrangell, to help alleviate the economic burden on applicants?

Or would it be possible to issue a waiver, allowing extra class licensee's to administer lower class tests?

Also, the United States Coast Guard has installations in most of these cities, maybe could be used to give these tests.

Your time and assistance are greatly appreciated.

Thank you,

Mike Downing.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., April 6, 1980.
Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: This is in reference to your recent letter on behalf of Mike Downing who is disturbed about the limited testing opportunities in Alaska and who proposes that we allow other amateur operators or government officials to administer examinations.

We presently administer examinations three days per week in Anchorage with commercial examinations on Tuesday and Thursday and amateur examinations on Wednesday. We also travel to Fairbanks, Juneau and Ketchikan to administer examinations on a scheduled basis for those who do not wish to travel to Anchorage.

We agree with Mr. Downing that it would be more convenient and economical for an applicant to take an examination in his home town. However, we must point out the realities of the current situation. The Commission recently received a directive from the President that we reduce by 10 percent mileage traveled one year ago. This new energy conservation program is in addition to previous reductions in our resources which have required that we curtail the number of examinations given at locations remote from our field offices.

We do not intend, at this point, to curtail our scheduled examinations to Juneau, Ketchican or Fairbanks, but we do not believe it feasible to expand our program to other cities under these austere conditions. I have enclosed an examination schedule showing the locations and dates of our present program. I hope Mr. Downing will be able to appear at one of these examinations.

Sincerely,

CHARLES D. FERRIS,
Chairman.

MAYNARD P. WARD,
Nome, Alaska, April 14, 1980.
Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: I am writing to you for help—not for me but for other persons who wish to either get a federal communications commission license, which is required by FCC for certain jobs or FCC license for amateur radio as a hobby or public service assistance as in an emergency.

In Nome, in able to take an amateur radio examination, you are required to write or phone the FCC in Anchorage at least two weeks in advance then the exams are given only on Wednesdays. If you spend four hundred dollars for expenses to Anchorage and arrive on Wednesday without an appointment you are out of luck.

There are good jobs available in electronics but you are required to have an FCC license. These licenses are called commercial examinations. Radio stations, ALASCOM, and any technician who works on two-way radio are required by FCC to take their examination in their office in Anchorage, in order to receive their license.

The FAA also requires licenses but there is a difference. The FAA designates qualified non FAA examiners to administer the examinations.

Can you find out if this could be done for FCC examinations? I believe Alaska is unique. Great distances and cost to get to examination offices.

I will volunteer my services for being a designated examiner for FCC. I hold the highest radio licenses available. Radiotelephone 1st Class and Radio Telegraph 1st Class plus Amateur Extra Class.

I will administer these examinations at no cost.

Please help these people who wish to take their examinations but the expense and time lost is prohibitive. I will conduct the examinations at theirs and mine convenience with no lost work time.

Regards,

MAYNARD P. WARD.

By Mr. TOWER:

S. 3197. A bill to provide general assistance to local educational agencies for the provision of educational services to undocumented alien children, and for other purposes; to the Committee on Labor and Human Resources.

ALIEN EDUCATION ASSISTANCE ACT

● Mr. TOWER. Mr. President, the public schools of this country have an arduous job. The education of the nearly 45 million school-aged children in America is a tremendous responsibility.

Many resources are necessary to accomplish this task—dedicated teachers, competent administrators, materials, and supplies. Providing these resources costs an average of $2,002 per pupil during the academic year of 1979–80. These funds came primarily from the State tax coffers, into which hard-working Americans have contributed.

As a result of the Federal Government's failure to enforce immigration laws—particularly along the border States—the number of school-aged children of undocumented aliens has increased, thereby intensifying the strain on State resources necessary for educating these children.

For example, in my own State of Texas, the Texas Education Agency estimates that perhaps as many as 20,000 students in the State's public schools are the children of undocumented aliens.

The issue becomes: Upon whom should the cost of educating these children rest?

The States are not responsible for the establishment or enforcement of our Nation's immigration policy and laws, and I do not believe they should be burdened with the expense brought on by the Federal Government's failure of enforcement. The cost should be borne in principal part by the entity responsible for the problem which has arisen—that entity being an administrative agency of the Federal Government.

In order to help correct this inequity imposed upon State governments, I today am introducing a bill to provide relief to those school districts which have increased enrollments and accompanying costs due to the failure of this administrative agency to perform its responsibilities adequately.

This relief takes two forms: First, financial relief based on the number of students who are children of undocumented aliens; and second, relief from some of the regulatory requirements in school districts with a large number of these students.

While this measure will not fully compensate State and local school districts for the administration's malfeasance—perhaps nonfeasance—it will provide some relief to affected school districts.

I urge my colleagues favorably to consider this proposal.●

By Mr. MELCHER (for himself and Mr. BOSCHWITZ):

S. 3198. A bill to prohibit proposed regulatory increases in imputed interest rates for tax purposes on loans between related entities and on deferred payments in the case of certain sales of property; to the Committee on Finance.

PROHIBITION ON PROPOSED INCREASES IN CERTAIN INTEREST RATES

Mr. MELCHER. Mr. President, the bill I am introducing today will prohibit the Internal Revenue Service from issuing new regulations increasing the imputed interest rates on loans between related entities under section 482 of the Internal Revenue Code of 1954, and on deferred payments in the case of certain sales of property under section 483 of the code. It also requires the IRS to administer sections 482 and 483 of the code in accordance with the rules and regulations in effect on January 1, 1980.

On August 29, 1980, the IRS issued proposed regulations that will set imputed interest rates on loans between financially related entities at 12 percent, if the stated interest rate is at least 11 percent; and they will set imputed interest rates at 10 percent on deferred payments in the case of certain sales of property, if the stated interest rate is below 9 percent. The proposed IRS modifications to these sections of the law will increase imputed interest rates in the sale of property 50 percent over existing levels.

These regulations affect all deeds for contract and sales of property where the seller takes back any part of the mortgage, and will have a litany of negative effects:

They will make it more difficult for young people to purchase homes;

They will lead to a further decline in family farming and businesses;

They discriminate against family transactions by requiring higher interest rates on loans for the sale of property to members of their families than rates for perfect strangers;

They are also highly inflationary; and

They will further depress the housing and real estate industry.

These proposed changes do not reflect historic and regional market interest rates for the kinds of deferred payment sales they regulate, but are set on the basis of current artificially inflated national prime interest rates that are being manipulated by the Federal Reserve Board as part of their policy on inflation.

Inflation and high interest rates have already combined over the past few years to push the cost of housing beyond the means of most young couples looking to purchase their first home. Now the IRS arbitrarily proposes to push up the interest on yet another type of purchase contract—that where the seller takes back all or part of the mortgage on the property and permits the buyer to pay it off over time. These regulations will mean, in more than just a few cases, that young couples will be unable to purchase their first home.

These regulations also hit hard at small businesses, farms, and ranches. The continued existence of the small business—whether commercial or agricultural—during this period of record-high inflation is already threatened. The cost/price squeeze faced by most businessmen today, coupled with skyrocketing interest rates on operating loans, is leading to the virtual disappearance of the family-owned business. The higher interest rates proposed by IRS on the deed for contract sale of small businesses, farms, and ranches will further increase the cost of operation and result in a decline of the small family-owned business in favor of the large corporation. This policy is a near-perfect example of how the "rich get richer and the poor get poorer." I do not think that is good Government policy.

These regulations are particularly unfair to the son or daughter who wants to purchase the family business. Because these regulations do not differentiate between the transactions of a national or multinational corporation and one of its subsidiaries on the one hand, and between a parent and child on the other hand, a son or daughter is forced by the IRS to pay higher interest on the purchase of the family business than some perfect stranger who comes down the road. Congress' failure to realistically adjust inheritance and gift taxes for inflation has already made it more difficult than ever for parents to pass the family estate on to their children. Now the IRS is proposing to arbitrarily increase the cost of selling the family business to a son or daughter, thus further insuring the disappearance of such enterprises.

These regulations will bring about a further decline in the housing and real estate industry, which is already suffering perhaps more than any other segment of our economy, from the Federal Reserve Board's policy of high interest rates. It simply is not realistic or fair to continue to discriminate against one particular segment of our economy through restrictive monetary policies.

Finally, by artificially raising the minimum interest rate to 9 percent or 11 percent between financially related parties, the IRS will have, in effect, guaranteed that yet another segment of our economy is victim of high inflation. This proposal will insure that our economy will not return to more reasonable interest rates. Even when we are successful in controlling the other elements of inflation, anyone who purchases property under these regulations will be locked into a contract or deed at these proposed high interest rates for perhaps the next 20 to 30 years.

I think it is foolish policy, at a time when we are all trying to fight inflation, for the Federal Government to propose another increase in interest costs and to make it more difficult for young families to purchase their first home or business. I hope that my colleagues will agree with me and support this bill.

By Mr. HATCH:

S.J. Res. 211. Joint resolution designating the week beginning March 8, 1981, as "Women's History Week"; to the Committee on the Judiciary.

WOMEN'S HISTORY WEEK

Mr. HATCH. Mr. President, it is with pleasure that I join with Representative BARBARA MIKULSKI of Maryland in sponsoring a joint resolution designating the week of March 8, 1981, as "Women's History Week." I think it is appropriate that the Congress endorse and encourage the study and celebration of our national heritage. Young citizens need an understanding of our country's founding and growth in order to more fully understand the present and vision for the future.

Even those of us who have been out of school longer than we might like to admit can benefit from a review of where we have been as a Nation. Representative MIKULSKI's proposal caused me to sit back and contemplate the many significant contributions of women to our political, scientific, cultural, and philanthropic achievements. My great home State of Utah owes in large part its success as a territory and a State to the courageous pioneer women who struggled across the plains and mountains to settle in the Salt Lake Valley.

The legacy of these women and of women pioneers in all fields of human endeavor deserves to be recognized and celebrated throughout our Nation with special events and activities planned by citizens and private associations. I believe it is wholly fitting that the Congress officially designate a week to discover or rediscover this heritage.

This resolution has the enthusiastic support of many of the major women's organizations including the Girl Scouts of America, the American Association of University Women, Business and Professional Women's Clubs, the Women's Equity Action League, the Coalition of Labor Union Women, the National Council of Negro Women, and the Young Women's Christian Association. I believe that this list will soon grow and I want to be a part of Congress own effort to recapture this spirit of history.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 211

Whereas American women of every race, class, and ethnic background helped found the Nation in countless recorded and unrecorded ways as servants, slaves, nurses, nuns, homemakers, industrial workers, teachers, reformers, soldiers, and pioneers;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in the country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor union movement, and the modern civil rights movement;

Whereas despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning March 8, 1981, is designated as "Women's History Week", and the President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 1435

At the request of Mr. NELSON, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1435, a bill to amend the Internal Revenue Code of 1954 to provide a system of capital recovery for investment in plant and equipment, and to encourage economic growth and modernization through increased capital investment and expanded employment opportunities.

S. 1543

At the request of Mr. NELSON, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1543, a bill relating to tax treatment of qualified dividend reinvestment plans.

S. 2273

At the request of Mr. LAXALT, the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 2273, a bill to provide a remedy against the United States for persons who are injured as the result of negligence in the release or escape from custody of any person charged with a Federal offense.

S. 2542

At the request of Mr. CHAFEE, the Senator from Texas (Mr. BENTSEN), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Nevada (Mr. CANNON), the Senator from Maine (Mr. COHEN), the Senator from Iowa (Mr. CULVER), the Senator from Missouri (Mr. DANFORTH), the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. JEPSEN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Indiana (Mr. LUGAR), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MITCHELL), the Senator from North Carolina (Mr. MORGAN), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Wyoming (Mr. SIMPSON), the Senator from New Mexico (Mr. SCHMITT), the Senator from Texas (Mr. TOWER), the Senator from Connecticut (Mr. WEICKER), the Senator from North Dakota (Mr. YOUNG), the Senator from New Jersey (Mr. BRADLEY), the Senator from Hawaii (Mr. INOUYE), the Senator from Nevada (Mr. LAXALT), the Senator from Ohio (Mr. METZENBAUM), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2542, a bill to grant a Federal charter to the Italian-American War Veterans of the United States of America.

S. 3145

At the request of Mr. Williams, the Senator from Mississippi (Mr. Cochran), the Senator from Michigan (Mr. Riegle), the Senator from South Dakota (Mr. McGovern), the Senator from Kentucky (Mr. Ford), and the Senator from Mississippi (Mr. Stennis) were added as cosponsors of S. 3145, a bill to provide homeownership assistance.

S. 3193

At the request of Mr. Moynihan, the Senator from Alaska (Mr. Stevens), the Senator from Alabama (Mr. Heflin), the Senator from Tennessee (Mr. Baker), and the Senator from West Virginia (Mr. Robert C. Byrd) were added as cosponsors of S. 3193, a bill to designate the Jacob K. Javits Federal Building.

SENATE JOINT RESOLUTION 204

At the request of Mr. Roth, the Senator from Pennsylvania (Mr. Heinz) was added as a cosponsor of Senate Joint Resolution 204, a joint resolution requiring the President to call a Convocation on American Federalism.

AMENDMENTS SUBMITTED FOR PRINTING

INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT

AMENDMENT NO. 2618

(Ordered to lie on the table and to be printed.)

Mr. McGOVERN (for himself and Mr. Pressler) submitted an amendment intended to be proposed by them to the bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

AMENDMENT NO. 2619

(Ordered to be printed.)

Mr. BRADLEY (for himself, Mr. Dole, and Mr. Mitchell) proposed an amendment to the bill H.R. 7724, supra.

AMENDMENT NO. 2620

(Ordered to be printed.)

Mr. PRESSLER (for himself, Mr. Biden, Mr. Stewart, Mr. Heflin, Mr. Pryor, Mr. McGovern, Mr. Dole, Mr. Cochran, Mr. Wallop, Mr. Domenici, Mr. Thurmond, and Mr. Stennis) proposed an amendment to the bill H.R. 7724, supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON SECURITIES

Mr. SARBANES. Mr. President, the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs will hold a hearing next week on S. 2567. the Protection of Shareholders' Rights Act of 1980.

The hearing is scheduled for Wednesday, November 19, 1980, beginning at 9:15 a.m., in room 5302 Dirksen Senate Office Building.

For further information regarding the hearing, interested persons may wish to contact Mr. Howard Menell of the subcommittee's staff at extension 4-7391. Those wishing to submit a written statement for the record should write to the Subcommittee on Securities, room 5300, Dirksen Senate Office Building, Washington, D.C. 20510.

SPECIAL COMMITTEE ON AGING

Mr. CHILES. Mr. President, I wish to announce that the Senate Special Committee on Aging will hold a series of four hearings on "Social Security: What Changes are Necessary?" Our first hearing—originally scheduled in September—had to be postponed. It has now been rescheduled for November 21, 1980, in room 5110 Dirksen Building, beginning at 10 a.m. The committee will hear from three distinguished experts in the field on that day: Robert M. Ball, former Commissioner of Social Security; Michael J. Boskin, professor of economics at Stanford University; and Henry Aaron, senior fellow at the Brookings Institution and former chairman of the 1979 advisory council on social security.

Our final 3 days of hearings will be December 2, 3, and 4, 1980. Each of these hearings will be held in room 6226, Dirksen Building, beginning at 10 a.m.

Resolving the short- and long-range financing problems of social security should be a top priority for the next Congress, and I am anxious that the Special Committee on Aging do its part to focus attention on the most important issues.

SELECT COMMITTEE ON ETHICS

Mr. HEFLIN. Mr. President, I wish to announce that the Select Committee on Ethics will hold hearings pursuant to Senate Resolution 109, which directs the committee to undertake a comprehensive review of the Senate Code of Official Conduct and the provisions for its enforcement and implementation and the procedures for the investigation of allegations of improper conduct against a Senator, officer, or employee of the U.S. Senate.

The hearings will be held on November 18 from 1 to 5 p.m. and November 19 from 9 a.m. to 5 p.m. in room 457 of the Russell Senate Office Building.

ADDITIONAL STATEMENTS

PROTECTIONISM II

● Mr. HEINZ. Mr. President, I want to call my colleagues' attention to the second in a series of articles I am submitting which I hope will help clarify the complexities surrounding the concept of "protectionism" as it is employed to restrict foreign trade.

The article in question is a recent CBS/New York Times poll which asked: "Which do you think is more important—to protect workers' jobs at the cost of higher prices for some products, or to be able to buy foreign goods at lower prices at the cost of some unemployment in this country?" Seventy-one percent of those who were polled felt it was more important to protect jobs. The poll clearly indicates a strong inclination in favor of job protection exists in the United States. This opinion was found to exist across the board, irrespective of where the respondents live, their age or even their political affiliation.

Mr. President, I ask that the article from the New York Times be printed in the Record.

The article follows:

[From the New York Times, June 27, 1980]

Poll Finds Protectionist Trend—70 Percent Favor Job Protection Over Cheap Imports

(By Clyde H. Farnsworth)

Washington, June 26—Seven out of 10 Americans believe that, given a choice between higher unemployment or cheaper foreign goods, it is more important to protect jobs, according to a New York Times/CBS News Poll.

The results, from 1,517 interviews conducted from June 18 to last Sunday, underscore the anxiety in the country over rising joblessness. And, in pointing up a swing toward protectionism, the results could pose a challenge to the free-trade policies of the Carter Administration, especially in such key sectors as automobiles and steel.

In the only other similar recent poll, one taken by the Roper Organization in 1977, six out of 10 Americans thought then that the Government should place restrictions on imports of goods priced lower than comparable American products.

A spokesman for Reubin O. Askew, the United States chief trade representative, said the results "will not be helpful" to Administration efforts to resist protectionist pressures building up in Congress.

Criticizing the narrow gauge of the question asked in the poll, he cited, among the broader issues, jobs lost from reduced exports if trade barriers are raised, impairment of competitiveness and the problems of revived nationalism and a worldwide depression that flowed from protectionism in the 1930's.

BOTH FAVORED BY 1 PERCENT

The poll's question was: "Which do you think is more important—to protect workers' jobs at the cost of higher prices for some products, or to be able to buy foreign goods at lower prices at the cost of some unemployment in this country?

Seventy-one percent of the respondents supported job protection while 19 percent backed lower prices. Favoring both were 1 percent and 9 percent were "don't knows."

The findings in the poll in favor of job protection were strong across the board in terms of regions where respondents lived, their age, and even their political affiliation.

Wanting protection, for example, were 76 percent of the liberals interviewed, and 67 percent of the conservatives. Of those who approved of President Carter, 66 percent wanted protection; of those who disapproved, 73 percent backed safeguards. For protection were 11 percent of the union members polled.

By education, however, there were some wider differences. Of college graduates, 58 percent favored protection. Of those with only high school degrees, the figure was 78 percent.

Protectionists and free traders have fought each other periodically throughout American history, with protectionists generally getting the better of the argument in periods of economic decline, historians note.

GOAL SINCE WORLD WAR II

Since World War II, the aim of both policy in the United States and throughout the world has been to reduce trade barriers. President Carter and other world leaders just reaffirmed that objective at last weekend's Venice summit meeting, noting the gains that liberalization had brought in terms of greater overall prosperity.

But with sharply higher oil prices contributing to an inflationary recession in the United States and sharply reduced economic activity abroad, many analysts see protectionism reviving, if only as a temporary phenomenon, until an adjustment is made to energy problems.

The New York Times/CBS poll, said one spokesman for domestic industry, William J. Gill, a consultant for the Committee to Preserve American Color Television, "confirms what many of us have believed all along—that the American people want to preserve their jobs and their country's industrial base."

Even those counted among the staunchest advocates of free trade said they were not surprised by the poll's results. "The difference between free traders and protectionists has always been one of degree," said John B. Rehm, a partner in Busby Rehm & Leonard, a Washington law firm that consistently takes the free-trade position in trade cases.

LIBERALS WANT HIGHER THRESHOLD

It is a question, he explained, of where the threshold is found for serious injury. Protectionists believe in a low threshold, meaning that trade restrictions are warranted if a domestic industry's employment and profitability are only lightly affected by imports. Liberal traders want the threshold much higher.

For Mr. Rehm the practical politics are such that no country can afford to see a major industry go down the drain because of import competition.

The swing in sentiment, as reflected by the poll, makes President Carter's trade policy dilemma even more acute in the auto and steel sectors—where domestic industry and labor have been petitioning for import relief but where foreign countries could retaliate against American exports if current policy changes.

Some analysts believe that the answer lies in more focused trade adjustment and industrial policies to provide greater retraining and other help to workers dislocated by imports and to get more investment to industries where the United States can compete effectively.

PROTECTIONIST SENTIMENTS OF DIFFERENT GROUPS

[How different groups view the alternatives—to protect domestic jobs, or to be able to buy foreign products at lower prices even at the cost of some domestic unemployment]

	Protect jobs	Lower prices
Political philosophy:		
Liberal	76	14
Moderate	74	19
Conservative	67	22
Party affiliation:		
Republican	68	21
Independent	67	22
Democrat	76	15
Region:		
East	74	19
Midwest	74	15
South	68	20
West	67	23
Income:		
Under $10,000	66	16
$10,000 to $15,000	80	13
$15,000 to $25,000	70	22
Over $25,000	68	24
Education:		
Less than high school	70	13
High school graduates	78	17
Some college	70	23
College graduates	58	34

●

ELECTION OF ARCHBISHOP JOHN ROACH AS PRESIDENT OF THE NATIONAL CONFERENCE OF CATHOLIC BISHOPS

● Mr. DURENBERGER. Mr. President, it was with a great deal of joy that I received the news of Archbishop John Roach's election as president of the National Conference of Catholic Bishops. I am confident that the conference will be in for an exciting and productive 3 years under Archbishop Roach's leadership.

Archbishop Roach is uniquely qualified to take over this challenging post at this time. The Roman Catholic Church in the United States is faced with a multitude of difficult issues, some of which have been in the headlines in recent weeks, but many more which are only beginning to be felt by the membership and leadership. While some are urging the church to take a more active role in a broad spectrum of social issues, others are calling on the church to retreat from those concerns.

Frankly, I can not imagine Archbishop Roach retreating from anything. His style is to approach an issue with an open ear, with intelligence and diligence and with humor until a solution is found. Certainly, he is not without controversy, but even those who disagree with him respect his open mind and his fairness.

Above all else, Archbishop Roach has a deep understanding and concern for the human element in every problem. He is devoted to giving every person a better opportunity to know and serve our God.

It has been a great honor and pleasure for me to work with Archbishop Roach on a number of projects. In his new position he will well serve his church, his community, and his country.

Mr. President, I ask that an article from the November 12 New York Times be printed in the RECORD.

The article follows:

A QUIETLY OUTSPOKEN CATHOLIC LEADER—ARCHBISHOP JOHN ROBERT ROACH

(By Kenneth A. Briggs)

WASHINGTON, November 11.—After receiving a rousing round of applause at the news of his election today as president of the National Conference of Catholic Bishops, a smiling Archbishop John R. Roach quietly resumed his seat to the right of the outgoing president, Archbishop John R. Quinn.

For three years Archbishop Roach, head of the archdiocese of Minneapolis and St. Paul, has been the strong right-hand man to Archbishop Quinn as vice president and for a longer period has been a mainstay among the moderate members of the American church's hierarchy.

The squarely built, 59-year-old Archbishop has spoken out on a number of social concerns, including opposition to single-issue politics and support for civil rights for homosexuals, but he prefers to work less conspicuously toward a progressive set of church goals.

Known as a superb administrator who likes to delegate authority, the new president of the bishops' conference is described as both open and approachable by those who have worked most closely with him.

He has also gained a reputation for witty riposte that sometimes contains an acerbic edge. Shortly after his election, for example, he was asked at a news conference how he might combat growing dissent over the church's teachings on birth control and divorce. "As you know," he replied wryly, "I haven't ordered a public whipping for a long time."

When Pope Paul VI appointed him five years ago, Archbishop Roach became the first Minnesota native to head the Minneapolis archdiocese, a fact that has bolstered his popularity among the 550,000 Catholics in the 12-county region that includes the two major cities, their suburbs and more distant rural towns.

Though a private man who keeps his own counsel on many matters, he has kept in close touch with his Catholic constituents and built solid ties with Protestants and Jews. Among his most significant recent ecumenical gestures were a guest appearanec in the pulpit at a Lutheran church and his presiding at a Lutheran-Catholic service to commemorate the 450th anniversary of the Protestant Augsburg Confession.

On many of the most sensitive and disputed issues among the Catholic laity, such as contraception and divorce, Archbishop Roach has not chosen to increase friction by repeatedly referring to controversial church teachings. He has worked behind the scenes against the practice of abortion. At the same time he has encouraged efforts to include divorced and separated Catholics in the church.

His moderate image stems partly from his less vocal stances on some of the sexuality issues and his more explicit support for programs to fight racism, his advocacy of civil rights of homosexuals and his willingness to examine the role of women in the church. The Archbishop started a study of the role of women three years ago, and he has appointed several women to key posts in the archdiocese.

In 1978, the city of St. Paul voted on a referendum to remove an ordinance that protected the rights of homosexuals. Archbishop Roach, in a losing cause, favored retention, while making it clear that he did not approve of homosexual relations.

The Archbishop's runner-up for the presidency of the conference, Bishop James W. Malone of Youngstown, Ohio, was elected vice president.

A QUESTION ON BIRTH CONTROL

At his news conference today, the ruddy-faced Archbishop Roach was asked whether a Catholic could remain in good standing with the church even after rejecting the church's ban on artificial birth control. With his customary respect for the rights of conscience, he said he "could expect that people can maintain integrity and union with the church and not follow the praxis of something like Humanae Vitae," referring to Pope Paul VI's 1968 encyclical barring artificial birth control. He later added that, in his view, those who practice birth control in violation of the church law must receive absolution before being admitted to communion.

Born July 31, 1921, in Prior Lake, Minn., Archbishop Roach attended Nazareth College and St. Paul's Seminary, both in St. Paul, and has a master's degree from the University of Minnesota. He was ordained June 8, 1946.

Of great importance for his three-year term as chief spokesman for the bishops is the fact that he has established himself as a good listener. He attends meeting of the Senate of Priests, for example, and, partly as a result, has instituted sabbaticals, higher salaries and programs for advanced studies for them.●

DO THEY GIVE MORE THAN THEY TAKE?

● Mr. SCHMITT. Mr. President, in the eighth article in his "Southwind" series, Richard Louv of the San Diego Union has addressed one of the most misunderstood and emotional issues concerning Mexican migration. That issue concerns whether these undocumented workers are draining this country's welfare rolls while taking jobs away from qualified American workers. Presently, the facts demonstrate that the undocumented workers in this country are contributing millions of dollars in Federal, State, and local taxes and drawing virtually no benefits, thus contributing to a windfall for government at all levels. The most significant study of this issue was done in Orange County, Calif., where it was found that illegal aliens paid at least $83 million, while receiving medical services of only $2,700,000—mostly emergency services.

While this may result in a favorable fiscal return today, it is nonetheless a festering problem for the tax revenue is gained via human exploitation. Furthermore, by depriving large numbers of people of medical care, the failure to deal with this issue responsibly could substantially harm the health of the general population.

Mr. President, I ask that the article I referred to be printed in the RECORD.

The article follows:

DO THEY GIVE MORE THAN THEY TAKE?

A letter to the editor of the Palm Springs Desert Sun calls them "vulgar animals." In another newspaper, a writer complains about the "lazy undesirables who clog the welfare rolls and take jobs held by Americans."

And Howard Jarvis campaigns against government spending by decrying undocumented aliens as "welfare cheats" and "taxpayer rip-offs."

Ignacio Juarez knows nothing of these names, nor does he understand that when the U.S. economy cools down, anti-alien fervor heats up. He is also unaware of the claims by some economists that, rather than being a drain on the U.S. economy—especially its social services—Ignacio may be a hidden windfall to the U.S. taxpayer; in fact he may even be the salvation of the Social Security system.

Sitting outside his family's tent in Tijuana, Ignacio is just back from his second foray into America. He was caught trying to cross the Canadian border on foot.

Nine months ago, he waded the marshes at Imperial Beach, walked all the way to the Santa Fe Depot in San Diego, and at dawn jumped into an empty boxcar.

"I passed many towns," he says. "I did not know what they were, and I was scared." He rode the train at night, and hid in the fields during the day. One 28-mile stretch took him three days to traverse.

Arriving in Los Angeles, he made his way to a well-known bar, where an unofficial employment agency matches aliens with jobs.

He worked for nine months in Los Angeles, sometimes sleeping in an apartment with 20 other illegals, and other nights sleeping in fields, vacant lots and railroad cars.

The factory in which he worked employed mainly illegals—70 out of a hundred workers.

"The inspectors from the labor department would come and put labor law posters on the wall," he says, "and when they left, the bosses would tear them down. The bosses had spies among us, who would make sure we did not complain about not getting overtime pay, or try to organize."

He worked 60 hours a week. Usually, he received the minimum wage, but no overtime. Of his weekly $186 paycheck, $30.69 was withheld in taxes: FICA, state and social security. During the nine months, Ignacio contributed $1,104.84 in withheld federal and state taxes.

A low-income U.S. citizen, paying that much into government coffers, would probably get most of it back in tax refund at the end of the year. But not Ignacio, who, because he fears deportation, never sends in a tax statement.

And unlike Americans at all income levels, Ignacio never takes advantage of any of the social services that his tax dollars support, not only because he fears deportation, but because in Mexico there are no comparable programs. The concept does not make sense to him.

"We take care of ourselves," he says, shrugging. "Why would we try to get food stamps? We would be caught and deported. The hospitals turn us in, too. So when we get sick, we come back to Mexico and wait for health to return.

He pushes his long hair back from his young face and says without inflection:

"If one of us dies, he is smuggled back to Mexico. We always take care of each other."

Most undocumented aliens, like Ignacio, are temporary sojourners in the United States. More and more undocumented aliens, however, are becoming permanent settlers.

In the future, this broadening population is certain to make demands on the American welfare state and on its medical and educational institutions. For the time being, though, the tax contributions of undocumented aliens add up to a staggering windfall.

One study estimated undocumented aliens in California may contribute as much as $1.5 billion a year in federal income and social security taxes, state income tax, sales tax, disability insurance, workman's compensation and unemployment insurance contributions, and sales and property taxes.

In 1978, the Orange County Task Force on Illegal Aliens estimated that illegals pay a minimum of $83 million in taxes annually, while receiving medical services (mostly emergency services) costing the county about $2.7 million.

Orange County worried that illegals might be a drain on social services, but only nine percent were found to have received public medical care; only 2.8 percent had collected welfare payments; and only 1.6 percent had received food stamps.

Similarly, a San Diego County screening of recipients of welfare, Medi-Cal and food stamps in 1977–78 found only 317 illegal immigrants in a caseload of 285,000. The Human Resources Agency estimated the cost of all services for illegals, including health care education and welfare assistance totaled $2 million a year. Meanwhile, the migrants were paying an estimated $48.8 million in taxes to the county.

Ironically, some economists believe Mexican immigrants may be riding to the rescue of the ailing Social Security system. With the baby boom over, an aging American population is taking more and more out of the Social Security Trust Fund, and putting less and less in.

"One potential answer to these problems . . . is just across the border," according to Dr. Michael L. Wachter, a University of Pennsylvania economist. "In less developed countries, including Mexico, the baby boom continues to this day . . ."

Several studies have shown that Social Security taxes are withheld from the wages of two-thirds to three-quarters of Mexican illegals.

"Mexican migrants are clearly subsidizing the U.S. Social Security System," says Dr. Wayne Cornelius, UCSD's migration expert, "to the tune of hundreds of millions of dollars per year—since those who work in the United States for only brief periods, never settling here permanently, will never draw benefits unless they somehow legalize their status. Without this 'subsidy' the Social Security Trust Fund would be depleted even earlier than current financing schedules indicate."

All of these assumptions and figures are controversial, of course. No one really knows just how many illegals are in the United States, but the pattern of giving more than they take is clear. Mexican sociologist Dr. Jorge Bustamante has even suggested calling the migrants "undocumented taxpayers."

Sooner or later, though, the bubble is going to burst.

Illegal aliens do fatten Uncle Sam's tax coffers, while demanding few social services in return, but assuming the undocumented population is becoming increasingly permanent, how long will it be before some demands are made?

The United States, at that point, may choose to refuse social services, health care, and education to the immigrants and their children.

The undocumented "underclass" would fester with ever-increasing rates of infectious diseases, birth defects, and illiteracy. Eventually, the social costs of these tragedies would outstrip the financial benefits of keeping the underclass illegal, unhealthy, and illiterate.

An alternative would be to legalize the undocumented—to accept the reality that they are here, and that there are costs as well as benefits in their presence.

Nowhere are those choices more clear than in health care.

Dr. Stanley Van Den Noort, dean of the medical school at the University of California, Irvine, believes excluding the undocumented from health care is eventually more expensive than caring for them:

"We have Mexican families in Orange County who go decades without seeing a physician. One of the biggest problems is the lack of prenatal care for Mexican mothers.

"In our university hospital, the average Mexican mother having a baby suffers from three types of parasites, which makes these births high-risk. Poor prenatal care generates a significant increase in the number of children born with severe birth defects," says Van Den Noort, who is also a member of the Orange County Task Force on Illegal Aliens.

"How much cheaper it would have been to prevent these tragedies," he says. "For instance, a child born with severe brain damage, because his mother didn't get proper care, can end up in a state hospital for the rest of his life, costing the government millions of dollars."

The health of undocumented aliens also affects the health of U.S. citizens.

Van Den Noort estimates that a third of Orange County's undocumented aliens are "tuberculin positive," and perhaps 10 percent have active and infectious tuberculosis.

"That means that there are at least 1,500 undetected active cases of TB in Orange County among aliens who provide a substantial amount of domestic help and restaurant work, and among their children in Orange County schools."

In many California counties, undocumented aliens who seek medical assistance are required to apply for Medi-Cal coverage, and then are referred to the Immigration and Naturalization Service (INS) for verification of legal resident status. Consequently, most illegals avoid health care. One study showed that illegals even avoid free immunization programs in which no questions are asked about immigration status.

"Rather than scaring them away," says Van Den Noort, "we should be encouraging them to seek health care and to get their kids immunized."

The trend, however, is not in that direction.

Throughout the state, there is rising opposition to providing health care—even emergency care—to the undocumented. Increasingly, private and public hospitals refer illegals needing emergency treatment to county and university hospitals, whose resources are at the breaking point.

"I have a very difficult time blaming the undocumented workers for this situation," says Sheldon King, director of the UCSD Medical Center, which has become San Diego's "dumping ground" for illegals in need of emergency care.

"One attitude is that we owe them health care as long as they're contributing so much labor and taxes in the county," he says.

Since only a few hospitals bear the major burden of emergency care for the illegals, King contends, those hospitals should receive financial aid from the federal government—especially since the federal government profits the most from the tax dollars of undocumented aliens.

In that spirit, the counties of San Diego and Los Angeles are suing the federal government to recover health care costs for treating the undocumented. Federal legislation designed to achieve the same end has also been introduced.

All of this is complicated by the inability of hospitals, because of their record keeping methods, to come up with an accurate estimate of how much they're spending on illegals. There is also suspicion among some officials that hospitals may be scapegoating illegals for their own internal mismanagement.

"There's a very able ability among the hospitals and government branches," says King, "to pass the buck back and forth."

Meanwhile, the problem worsens. Van Den Noort reports that even wealthy Orange County's University Medical Center may start reducing services to the indigent—especially the undocumented.

"We have clearly chosen to support suffering, and in some instances severe disability and death, in an effort to shave a few dollars from the county budget," he says.

Van Den Noort believes the undocumented are not the cause of this, but rather a symptom of a much greater issue: the coming breakdown of health care services for all indigents, regardless of their immigrant status. With fewer and fewer doctors willing to accept Medi-Cal patients, with the rising tax-cutting fever, hospitals may be forced to shut their doors to the poor, he insists.

"If you go out into the poor communities—the undocumented communities as well as those of the native-born—you'll detect a rising anger. I'm not sure why they have to burn down Watts every five years to get our attention. We're saving money now, but in the end, we'll pay and pay and pay."

The challenge to educational institutions is more subtle, but no less crucial.

While much of the current discussion centers on the effectiveness of bilingual programs, there is growing pressure to completely exclude the children of the undocumented from public schools. In Texas, the state legislature passed a law in 1975 effectively denying public education to children who are not U.S. citizens or legal permanent resident aliens. Several court challenges later, the issue is now waiting a decision by a federal appeals court.

The proponents of this approach say excluding undocumented children is only fair, since they are in the United States illegally. Opponents insist children should not be blamed for the legal status of their parents, and that their parents pay taxes which help support the school systems.

"Most of these children will remain in the state of Texas," says Laredo school superintendent Vidal Trevino. "What we are doing is to perpetuate a generation of illiterates."

As yet, the issue is more muted in California. No one knows how many undocumented children are in California schools. State law requires proof that the student resides in the enrollment district—but does not require the student to prove U.S. citizenship.

"There's no way I can know if we have undocumented kids in school," says Luis Villegas, principal of Lowell Elementary School in San Diego's Barrio Logan.

"We're not required to find out. I do know there must be undocumented children here; but if I said there were 15 to 30 of them I couldn't qualify that statement with any paperwork. My gut feeling is there are that many. In part, I'd base my estimate on a knowledge of which parents refuse to show up for the social services arranged by the school—doctor appointments, counseling, contact with the welfare department.

"But all of this is intuition on my part. We even have children here from Costa Rica and Nicaragua, and I don't know if they're legal immigrants either. I can't even tell you if some of our Anglo kids are here legally . . .

"I know in Los Angeles, it's common for the INS, when they've arrested parents who are illegal, to call up principals and arrange to pick up the kids, but I wouldn't do that. I couldn't do it, because I don't know who they are."

Generally, teachers are protective of undocumented children. One motherly, gray-haired teacher at Lowell is incensed that a newspaper story would even mention undocumented students.

"They're children," she says vehemently. "It should make no difference to a teacher where they're from."

One teacher in San Diego County has been known to hide her undocumented students when the Border Patrol comes for them. She became so involved that she would drive to Tijuana, pick up the deported children and their parents, and bring them back.

"Some kids disappear from school," says Maggie Mathews, a teacher at Lowell. "It's sad. We'll ask their friends what happened to Miguel and Roberto, and they'll reply, 'la Migra (Border Patrol).' That's about the only mention of the question of illegality by the kids. They don't think about it much. And two weeks later, Miguel and Roberto will show up again . . ."

Dr. Henry Adams-Esquivel, mental health director of San Ysidro Health Center, says all of this is having an effect on teachers—especially Mexican-American teachers.

"I see a lot of them in a clinic setting," he says. "They're extremely disturbed over how the culture can treat children in such a despicable manner. The final result is that some of these teachers are rewakened to their own Mexican heritage. They begin asserting themselves culturally, and they go back into the classroom and demand the Mexican kids start believing in themselves as people, not criminals."

Luis Villegas likes to point out how much tax revenue the undocumented families pay.

"If anybody's ripping off the schools, it's the wealthy Mexicans who send their children across the border to attend public schools, without paying any tuition or taxes."

He points to a small, black and white family photograph on his office wall.

"That's my family's passport picture," he says. "I came to the United States when I was eight; I carried a 'green card' until I was twenty. My family is Panamanian."

He pauses, staring at the photograph.

"I keep it up there so I don't lose track of reality."

How costly would it be to legalize the undocumented?

Least affected, of the social institutions in the short run, would be education, since, at least in California, most undocumented children are already in school.

Certainly, there would be a greater demand for welfare. One study showed, in Los Angeles County alone, that welfare officials turn away about 1,000 applications each month from the undocumented.

Cornelius insists, however, that Mexican immigrants find welfare culturally repugnant. Like other immigrant groups, Mexicans work hard and depend on their extended family networks for social support.

Legalizing the undocumented would allow them to take advantage of the company health insurance and pension plans that they're already paying for. One major study found almost half of the illegals have had hospitalization insurance payments withheld from their pay checks.

In fact, the Orange County task force found "overall, the undocumented immigrants are much better at meeting their financial obligations than other indigents."

Those few permanent settlers who are able to get health care are already paying at least a portion of their medical bills through private insurance plans.

Some officials express a legitimate fear that legalization would encourage more migration. Cornelius points out, however, that Mexican immigrants are having much less impact on population growth in the United States than formerly believed.

Among both legal and illegal Mexican immigrants, the fertility rate has dropped dramatically—from 8.8 children per family to 2 children per family. In fact, several school districts in California and Illinois, Cornelius says, showed the school-age population in predominantly Mexican neighborhoods is actually declining.

Legalized or not, the undocumented aliens are not going to disappear.

If unattended, the medical, educational and general human needs of this population will, in Cornelius' words, "come back to haunt us." The haunting will take form in a rising rate of infectious disease; in thousands of warehoused and frightfully expensive, brain-damaged children; and in a generation of functional illiterates.

None of this makes much difference to Ignacio Juarez, waiting in Tijuana to cross the border again—in order to support his mother and sisters.

That he is paying taxes for services to which he has no access does not bother him. He is accustomed to paying a certain price.

He lifts his shirt and points to a ragged, puffy scar just below a rib. Crossing the border a year ago, he had been attacked by bandits, who approached him in the dark, whispering "dinero."

They had robbed him, stabbed him, and and left him for dead. He had crawled back across the border, and had found a Mexican doctor who profits from the wounds of the border.

At that time, Ignacio was only 17 years old. He knows what real sacrifice feels like. It hurts a lot more than paying taxes.●

THE CONSUMER PRODUCT SAFETY COMMISSION AND THE AMERICAN TRIAL LAWYERS ASSOCIATION

● Mr. SCHMITT. Mr. President, several weeks ago I placed an article from the American Bar Association Journal in the RECORD which described a formal information sharing arrangement between the Consumer Product Safety Commission (CPSC) and the American Trial Lawyers Association (ATLA). I expressed concern over that arrangement, primarily because of the appearance it presented, since many people might believe that the Commission had a bias in favor of the ATLA-provided information.

Recently, I received a letter from Commissioner Statler in response. My primary concern with his letter is the fact that the program, as authorized by Congress, envisioned a process with numerous contributors of information but has not progressed in that manner so that a "de facto" situation exists now. I believe the Commissioners should redouble their efforts to gain other contributors or else take action to further insulate themselves from making decisions based on just ATLA-provided information.

Mr. President, I request that the response from Commissioner Statler be printed in the Record.

The material follows:

U.S. Consumer
Product Safety Commission,
Washington, D.C., September 8, 1980.
Hon. Harrison Schmitt,
U.S. Senate, Washington, D.C.

Dear Senator Schmitt: In the July 31, 1980 Congressional Record, you discuss a recent American Bar Association Journal article concerning a proposed information exchange program between the American Trial Lawyers Association (ATLA) and the U.S. Consumer Product Safety Commission (CPSC), on which I am privileged to serve. I am writing to inform you that the ABA article does not provide a complete and accurate view of the proposed program.

As you are probably aware, under the Consumer Product Safety Act, the Commission is required: (1) to maintain an Injury Information Clearinghouse; and (2) to conduct studies and investigations of incidents including injuries and deaths which involve consumer products. The data compiled by the Clearinghouse and in-depth reports of product-related injuries are vital informational tools, used by the Commissioners to reach reasoned decisions concerning real and potential consumer product hazards. Such injury information is critical to—indeed, undergirds—both our rulemaking and adjudication functions as Commissioners. The data, consistent with privacy safeguards, is also made available to the public for consumer education purposes.

The usefulness of the CPSC data, however, is dependent upon the scope and depth of our data sources. Even prior to my arrival at the Commission now more than a year ago—while I served as Chief Counsel to the Minority of the Senate Permanent Subcommittee on Investigations—I was concerned about the completeness of the data which this Commission used to support its decision-making processes. Having articulated this concern upon starting my tenure, a Commission Task Force was formed to undertake a comprehensive review of Commission data collection methods and data sources to determine possible means of improving our data base. Recently, a preliminary staff report on Hazard Data Needs was issued confirming my original concerns.

Although not noted in the ABA article, the proposed information exchange is but one element of the Commission's overall effort to upgrade our data base. Obtaining additional data sources will enhance the Commission data base and in turn its analysis of complex issues. Such analyses include the important cost-benefit and cost-effectiveness assessments which we perform on a regular basis. On behalf of the Commission, I have contacted numerous other individuals and groups, including the National Retail Merchants Association (NRMA) and a host of major insurance companies operating in the product liability area (see Appendix A), to establish voluntary means of sharing information that they already collect which is pertinent to the hazard concerns of the Commission. To date, the NRMA has declined my offer to cooperate with us (see Appendix B) and the insurance companies, as evidenced in meetings with their trade associations, have been most reluctant to enter into such voluntary, cooperative efforts to build a better data base.

With chagrin, I must report to you that, as a group, the trial lawyers—through their Association—is the only group which has demonstrated genuine interest in assisting the Commission in improving our data base. ATLA has agreed to give Commission staff access to their files in a way in which I hope that retailers, manufacturers, the insurance industry, the defense bar, and others all may eventually be willing to do. I view this as a beginning to what I hope will be a recognition on the part of all affected interests of a mutual interest in obtaining the best possible and most complete hazard data so as to permit us to reduce accidental injury and death from consumer products. All of us share that common purpose.

It is important to note that the Commission can offer no real quid pro quo for such cooperation. In return for an organization's cooperation, the best that the Commission can offer is to try to facilitate the dissemination of otherwise publicly available information to the cooperating organization or its members by simply making known what is available, from whom, and how it may be obtained. Facilitating the availability of such information is the only item which the Commission is offering ATLA, and would offer to anyone else. As you can see. therefore, the so-called "arrangement" hardly borders on the kind of undue influence which the ABA article hints at.

I trust this letter and the attached material adequately review the parameters of the Commission's efforts to upgrade our data base. Neither the Commission, nor I personally, would ever undertake an act which would jeopardize the agency's integrity and impartiality. Our goal of improving the data available to us is premised solely on the mission of enhancing the information sources which the Commission uses to arrive at sound, defensible health and safety regulatory decisions which appropriately weigh the true costs and benefits of our proposed actions.

I very much appreciate your interest and concern about this matter. Should you have any further questions in this regard, I would welcome the opportunity to speak with you personally about your concerns.

Sincerely,

Stuart M. Statler,
Vice-Chairman.

Appendix A

Meeting Log

Subject: CPSC Data Gathering Needs.

Date: June 23, 1980, 10:00 a.m.

Location: 1111 18th Street, N.W., 8th Floor, Commissioner Stuart M. Statler's Office.

Log Entry Source: Peter K. Skinner, Special Assistant to Commissioner Statler.

Commission Representatives: Stuart M. Statler, Commissioner, Peter K. Skinner, Special Assistant, Beth Wilansky, Special Assistant.

Non-Commission Representatives: Tracy Mullin, Vice President, National Retail Merchants Association, Stuart Madden, Attorney, NRMA, Bob Varela, Product Safety Letter, Barbara Davis, Bureau of National Affairs.

SUMMARY OF MEETING

Commissioner Statler opened the meeting by stating that the CPSC is always looking for ways to improve its data collection. He noted that, after preliminary discussions with individual retailers, a coordinated approach to monitoring product safety through the NRMA might be possible. He emphasized that he is not looking to increase any legal reporting requirements or add any burden to the industry's responsibilities. Rather, Commissioner Statler said, he is seeking to establish, on a voluntary basis, a means for retailers to increase their recognition of safety hazards through existing channels. This would allow both retailers and the CPSC to address hazards in their early stages.

To illustrate, Commissioner Statler noted that one retailer may have one product complaint, another may have three, yet another may have five. Based on complaints, any one of these retailers may be justified in not considering the product as a substantial hazard and therefore not reporting to the CPSC. However, upon noting all the complaints, any of the retailers might reconsider the seriousness of the hazard.

Commissioner Statler suggested that the NRMA Technical Committee might act as a clearinghouse for product safety information, receiving information from retailers and passing it on, when warranted, to the CPSC. Ms. Mullin said that the Committee already serves this function but in a limited and sporadic manner. Commissioner Statler said that to be effective it would have to be on-going in nature.

Ms. Mullin asked if there was one thing that triggered Commissioner Statler's thinking on this issue. Commissioner Statler said that one retailer has expressed concern for the safety of electric blankets. The retailer was worried that increased use of the product might amplify existing problems, but the retailer did not, on his own, have sufficient evidence to make a Section 15 report. Sharing information on electric blankets might prevent the emergence of a serious problem.

Upon request from Ms. Mullin, Commissioner Statler gave a brief description of how the American Trial Lawyers Association and CPSC share data. ATLA, he said, has opened its files to the Commission.

Ms. Mullin said that she would discuss Commissioner Statler's suggestions with the members of NRMA and perhaps have the Commissioner present his ideas to the membership.

The meeting concluded at 10:40 a.m.

[Same letter sent to attached list of insurance companies]

Dear Mr. Bailey: The Consumer Product Safety Commission has been charged by Congress to protect the American public from unreasonable risks of injury from consumer products. In its efforts to carry out this broad mandate, the Commission must review and analyze information dealing with over 10,000 distinct products used in and around the home. Based on reliable indications, the Commission estimates that over 33 million injuries and 30,000 deaths occur annually in accidents involving these types of products; even the most conservative financial estimates put the cost to the American public in excess of $9.5 billion each year.

Since its inception in 1973, the Commission has been working to minimize the hazards reflected in these appalling figures. The agency has been extremely active in enhancing consumer protection and has engaged in activities which run the gamut of our regulatory authority. These activities include outright bans of hazardous products, industrywide generic safety regulations, recalls of specific products, extensive consumer information and education programs, and participation in the development of industry-sponsored voluntary standard efforts. This amalgam of Commission activities has indeed had a positive impact upon improving consumer safety without imposing intolerable hardships upon American manufacturers.

All of the Commission's work, however, is predicated upon an accurate and comprehensive identification of the hazardous products that American consumers are likely to find or experience in the marketplace. As a relatively small agency—the CPSC's budget is 12 percent of the FDA's and less than 1 percent of the EPA's—the Commission cannot afford to squander its limited resources upon relatively inconsequential problems; it must establish realistic priorities for itself. Any such priorities are devoid of meaning unless they accurately reflect the most serious consumer hazards.

During the six-month tenure since my appointment last August, I—along with several of my colleagues—have come to question the agency's current capability to collect in a comprehensive manner all of the data which are critical to making these decisions. Specifically, I am not convinced that the data collection activities currently underway sufficiently encompass the most important problem areas for consumers. I am concerned that, in our zeal to arrive at some semblance of statistical perfection, we may have overlooked additional sources of data that could prove most helpful. It is my firm conviction that the Commission must do the best job it can in collecting this type of injury information.

Reflecting upon this problem of improving our data collection efforts, it occurs to me that the Commission's overall goal—reduction of injuries and deaths—is one shared over time by the insurance industry. In view of our shared goal, it could well be an extremely worthwhile endeavor for us to join resources in our attempt to improve the safety of the American consumer. Specifically, I believe that the data already collected by insurance companies on consumer injuries and accidents could be invaluable to the Commission in defining trends and spotting emerging problems.

Such data would aid the Commission in its efforts to identify and correct serious product hazards. In weighing appropriate regulatory action, the Commission has a pressing need for statistics which pinpoint hazards and their specific causes. Toward this end, insurance claims data, which frequently include the results of investigations and lengthy discussions, could be of significant assistance. The potential value of these kinds of insurance records goes beyond their applicability to Commission standard-setting. As this agency becomes increasingly involved in consumer education work, product recalls, voluntary efforts, and labeling of hazardous products, insurance data could be most useful in these efforts, as it is in identifying products for regulation.

A sharing of readily available information as collected through the claims system of insurance companies could be a cost-effective way for both the Commission and the industry to learn more about the dynamics and potential dangers of the consumer marketplace. In view of the vaunted reliability and specificity of insurance data, it is my belief that such information would be highly useful to the Commission. Conversely, given the professional analyses of such data within the Commission, insurance companies could also learn more about the manner in which these hazards manifest themselves.

I recognize that the possibility of such a working relationship may raise certain questions in your mind about privacy concerns, additional cost, added paperwork, and related matters. Let me assure you that the Commission has no desire to impose any undue regulatory hardship upon the insurance industry. The cooperative relationship which I envision is a tentative one whose details remain to be developed more fully. I do believe that the general idea is an excellent one; I am convinced that we can work together toward our common goal. Additionally, should this kind of sharing of data take place, I believe that the Commission would be amenable toward working out any residual concerns which may arise.

Let me conclude by urging that a professional relationship of this type seems to be in the interest of the insurance industry, the Commission, and consumers alike. It will enable the Commission to carry out its Congressional mandate more effectively by enhancing its data collection abilities. Similarly, the increased knowledge which the Commission gains from this relationship will be readily available to the insurance industry and to individual companies so that they can make more informed product liability assessments.

Again, let me stress my willingness personally to work with you to overcome any of the obstacles that ought to be addressed in this relationship. I look forward to this undertaking and to receiving your own thoughts as to how we might best proceed.

Sincerely,

STUART M. STATLER,
Commissioner.

LIST OF ADDRESSES

The Hartford Group, DeRoy C. Thomas, Pres., Hartford Plaza, Hartford, Conn. 06115.

American International Underwriters, Elmer N. Dickenson, Jr., Pres., 70 Pine Street, New York, New York 10005.

Aetna Life and Casualty, William O. Bailey, 151 Farmington Ave., Hartford, Conn. 06156.

Crum and Forster, Mr. Sydney F. Wentz, Pres., 110 William Street, New York, New York 10038.

CNA, Edward J. Noha, Pres., CNA Plaza, Chicago, Illinois 60685.

Liberty Mutual Ins. Co., Melvin B. Bradshaw, Pres., 175 Berkeley Street, Boston, Mass. 02117.

USF&G, Jack Moseley, Pres., 100 Light Street, Baltimore, Md. 21202.

Fireman's Fund, Myron DuBain, Pres., 3333 California Street, San Francisco, Calif. 94119.

Continental Casualty Company, Edward J. Noha, Pres., CNA Plaza, Chicago, Illinois 60685.

St. Paul Companies, Robert J. Haugh, Pres., 385 Washington Street, St. Paul, Minn. 55102.

APPENDIX B

NATIONAL RETAIL
MERCHANTS ASSOCIATION,
New York, N.Y., August 11, 1980.

Hon. STUART M. STATLER,
Vice Chairman, Consumer Product Safety Commission, Washington, D.C.

DEAR VICE CHAIRMAN STATLER: The National Retail Merchants Association (NRMA) wishes to take this opportunity to respond to your recent request that we consider instituting a program designed to increase the flow of product safety information between NRMA and our members, among individual retailers and between the retail community and the Consumer Product Safety Commission.

NRMA endorses the concept of mechanisms which serve to inform our members, the Commission, and the public of potential product safety questions. Toward this end, we have actively aided the Commission in product recalls, the development of product standards (such as the standard for flammability of plain surface fabrics) and many other Commission efforts. However, after discussing your proposal at meetings of our Lawyers' Committee, Technical Committee and Government and Legal Affairs Committee, NRMA believes that the present proposal, as we understand it, is impracticable for several reasons.

At the outset, neither NRMA nor our members have in place procedures or staff sufficient to generate and relay the product safety information we assume would be necessary to implement this proposal. Also, any information which might be developed under this proposal, coming as it would from a multitude of submitters, would inevitably be so sketchy that it would likely be more confusing than helpful in evaluating product safety problems. In addition, the proposal would create sizable anticompetitive and antitrust problems by putting retailers in receipt of commercial information of their competitors. Finally, NRMA strongly believes that the proposal is unnecessary because of the demonstrated success of existing Section 15(b) reporting procedures.

NRMA and our members do not currently undertake to share, assess, or monitor the product safety information of individual retailers. Most of our members, as you know, have initiated product safety evaluation procedures which ensure prompt reporting to the Commission of any product safety information which suggests that a substantial product hazard may exist. Moreover, through CPSC notices and the growing number of product safety related publications, most members quickly learn of Section 15(b) reports filed by other firms.

Your proposal would, at the least, require NRMA and member retailers to add staff and recordkeeping procedures to accurately monitor and organize this information in an intelligible form. Neither NRMA nor our members see the necessity for this added financial and administrative expense in light of the demonstrated success of existing Commission procedures for determining and eliminating potential substantial product hazards. NRMA and our members feel that there already exists an extraordinarily high level of compliance with the Commission's Section 15(b) enforcement procedures, and the Commission itself has repeatedly stated that Section 15 is its most effective and pervasive product safety enforcement mechanism. Without some indication that this statute is not effective in virtually every area of product safety compliance, NRMA believes that the additional procedures you propose are unnecessary from its dual standpoints of consumer safety and Commission enforcement of its statutory duties.

In addition, NRMA believes that the proposal, as currently cast, raises grave antitrust and anticompetitive questions. As you are aware, in the conduct of its meetings and information dissemination, NRMA and our members scrupulously avoid any sharing of commercially sensitive financial, production, advertising, or quality control information. The antitrust consequences for failing to do so are, of course, obvious. Unfortunately, precisely this sort of commercially sensitive information would be the almost inevitable consequence of the information gathering you contemplate. For example, if quality control is at issue with a product not otherwise defective, discussion of what aspects of quality control are adequate or inadequate necessarily informs competitors of proprietary production information. Discussion of these matters among competitors under ordinary circumstances would be simply impermissible, and the existence of the Commission's encouragement of such discussions would in no way immunize NRMA and our members from the antitrust consequences.

Finally, NRMA and our members do not see how the information you propose to be gleaned from members' submissions would be helpful to either NRMA members or the Commission. With reference to the anticompetitive problems mentioned above, any information shared would have to be so sanitized and nonspecific as to significantly lessen its value or render it unintelligible. NRMA further believes that the probative value you believe such reports would provide is based upon a questionable premise. You have suggested to NRMA staff and NRMA members that a safety problem has arisen with electric blankets, virtually all of which are manufactured by a handful of firms. If this is the case, there is no reason to believe that the incidence, in terms of percentage, of safety problems of a retailer with a production run of 200 products will vary from the incidence experience by another retailer with a production run of 2,000 products. The percentage of arguably flawed products, and the likelihood and seriousness of injury, would not vary significantly from one retailer to the other. For this reason, aggregated figures from several retailers would simply not reveal any more than the figures derived—and where appropriate reported to the Commission—by an individual retailer.

NRMA appreciates this opportunity to discuss these questions with you, and hopes that our comments will be of value in formulating any Commission policy in this area.

Sincerely,

JAMES R. WILLIAMS,
President.

DR. ERIC GEORGE SIX, ANN ELIZABETH SIX, AND KAREN ELIZABETH MARY SIX

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 7764, a private relief bill, and that the Senate proceed to its immediate consideration.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7764) for the relief of Dr. Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, I have called up this bill on behalf of Senator MORGAN. It has been cleared on both sides of the aisle.

The bill (H.R. 7764) was ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EAZOR EXPRESS, INC.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 3459 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3459) to waive the statute of limitations with regard to the claim of Eazor Express, Inc., of Pittsburgh, Pa., against the United States.

The Senate proceeded to consider the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVE SESSION

Mr. STEVENS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on the Recognition of Studies, Diplomas and Degrees Concerning Higher Education in the States Belonging to the Europe Region (Executive V, 96th Congress, second session), which was transmitted to the Senate today by the President of the United States, and ask that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations, and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Convention on the Recognition of Studies, Diplomas and Degrees Concerning Higher Education in the States Belonging to the Europe Region.

This instrument was adopted on December 21, 1979 by the International Conference of States for Adoption of the Convention convened by the United Nations Educational, Scientific and Cultural Organization (UNESCO), and signed on behalf of the United States on December 21, 1979. I also transmit, for the information of the Senate, the report of the Department of State on the Convention.

The Convention is open for signature and ratification only by States of UNESCO's Europe Region (which includes the United States), as well as the Holy See. Other States which are members of the United Nations, of one of its Specialized Agencies or of the International Atomic Energy Agency, or which are Parties to the Statute of the International Court of Justice may be authorized to accede to the Convention by a two-thirds vote of an *ad hoc* committee comprised of at least twenty Contracting States from the Europe Region of UNESCO.

The United States participated actively and effectively in the negotiation of this Convention to ensure that its provisions are compatible with the Constitution, laws, and policies of the United States and do not infringe on the powers and responsibilities of local governmental and nongovernmental educational or professional authorities. Thus, while promoting the objectives of the Final Act of the Helsinki Conference to facilitate the recognition of academic credentials and to improve the mobility of students, teachers and scholars, the Convention acknowledges the pluralistic, decentralized and frequently nongovernmental nature of the decisionmaking process pertaining to education and entry into the practice of professions in the United States. The Convention establishes an implementation mechanism to achieve international and domestic cooperation and coordination in carrying out its terms.

The report of the Department of State summarizes the Convention's provisions and concludes that no reservations, understandings or declarations are necessary.

By giving its advice and consent to ratification of this Convention, the Senate will advance the cause of higher education within and among the States Parties to the Convention. I recommend that the Senate give prompt consideration to the Convention and advise and consent to its ratification.

JIMMY CARTER.

THE WHITE HOUSE, *November 13, 1980.*

Mr. ROBERT C. BYRD. Mr. President, Senators will note that I have given the minority an opportunity to test its skills at performing the majority role in the Senate, and Mr. STEVENS passed the test with flying colors.

Mr. MOYNIHAN. I congratulate the Senator from Alaska. He did that with dignity and resonance, and an aura of all the majesty of the Government seems to surround him.

Mr. STEVENS. I am honored to have this display of confidence.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Official Reporter read the words just stated by Mr. MOYNIHAN.

The PRESIDING OFFICER. The Official Reporter will read the remarks of Mr. MOYNIHAN.

The Official Reporter of Debates (Mr. William D. Mohr) read as follows:

I congratulate the Senator from Alaska. He did that with dignity and resonance, and an aura of all the majesty of the Government seems to surround him.

Mr. ROBERT C. BYRD. I thank the Official Reporter.

Mr. STEVENS. I am delighted with the comments of the Senator from New York.

Mr. ROBERT C. BYRD. I must say that I never have had such a compliment paid me in all the years I have performed the majority functions incumbent upon the leader, and I thought I did it rather well.

Let the RECORD note that there is complete silence. [Laughter]

Mr. STEVENS. Let the RECORD show that the distinguished Senator from West Virginia does not need a script to make a motion such as that. The Senator from Alaska may still need one.

JACOB K. JAVITS FEDERAL BUILDING

Mr. ROBERT C. BYRD. Mr. President, on behalf of my senior colleague, Mr. RANDOLPH, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further considerations of S. 3193 and that the Senate proceed to its immediate consideration.

I believe that Mr. MOYNIHAN is interested in this measure, and Mr. MOYNIHAN is in the Chamber, as is Mr. JAVITS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

A bill (S. 3193) to designate the Jacob K. Javits Federal Building.

The Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, I rise with a sense of ineffable sadness to move this measure of honor to my revered senior colleague, who is soon to leave this Chamber. He has graced the Senate for a period longer than any other Senator in the history of the State of New York, a period in which he has added to the stability and the strength of American Government and to the dignity of the democratic process. In the long history of mankind, the short history of democracy, there are a small number of persons of whom this can be said, and JACOB K. JAVITS is in the vanguard of that company.

The building to which we refer, Senator RANDOLPH and I—and I know the whole of the Senate will join us in this—is the most prominent of the Federal buildings in the State of New York, distinguished perhaps more for its size than its architecture; and what ivy has done for other buildings, the name of JACOB K. JAVITS will do for 26 Federal Plaza.

It is not without a certain falicity that this is a building primarily concerned with the social programs of the American Government. There is not one activity in that building that has not been affected by the legislative career of JACOB K. JAVITS, not one that has not been bettered and enhanced, sometimes severely scrutinized, but invariably, for that reason, bettered. It is a building that embodies his commitment to the people of his State, and of our Nation.

In no sense does this honor him. His stature in the Nation is beyond that. He honors us. I have thought of this building, named for him, as in no sense a memorial to his work—his work itself is the memorial. Rather, I hope that it will forever be a reminder to the people of New York of what greatness and wisdom has come forth from our State—a public career without equal in its duration and its achievement.

There will be an occasion later in this session for us to speak of our love and admiration for this man. On this occasion, I simply should like to move this measure and ask that it be adopted.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, I cannot find words that I feel would appropriately describe my admiration for the distinguished Senator from New York (Mr. JAVITS) except to say that I wish to be added as a cosponsor of this measure if the Senator will allow me.

Mr. MOYNIHAN. Mr. President, it would be a great honor, and I am happy to do that if the Chair will graciously permit it.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. STEVENS. Mr. President, if I can find words to attempt to occupy the same time and space that my friend, the distinguished junior Senator from New York, has, I do wish to join him and ask that I also be added as a cosponsor.

Mr. MOYNIHAN. I am honored.

Mr. STEVENS. Mr. President, my distinguished minority leader wishes to be added as a cosponsor also.

My good friend, the senior Senator from New York, knows the great affection that I have personally for him and the absolute affection that our Members of our side of the aisle have for him, and I hope that this is the beginning of a series of tributes from the State of New York for the long and distinguished service of Senator JAVITS.

I do not think that his service to the people of the United States and New York is finished. This is just a signpost along the road.

So I am happy to make that request. I hope that the Senator will add Senator BAKER's name and mine as cosponsors.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that that be done.

The PRESIDING OFFICER. The Senator from Alabama disassociates himself with the duties of the Chair and requests that his name be added as a cosponsor.

Mr. MOYNIHAN. The Chair is most gracious. We are happy that he should join us.

The PRESIDING OFFICER. Without objection, the names of Senator ROBERT C. BYRD, Senator STEVENS, Senator BAKER, and Senator HEFLIN are added as cosponsors.

The bill is open to amendment. If there be no amendment to be proposed, the question on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building at 26 Federal Plaza in the Borough of Manhattan, New York City, New York, (commonly known as the Federal Building) shall hereafter be known and designated as the "Jacob K. Javits Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be held to be a reference to the Jacob K. Javits Federal Building.

SEC. 2. This Act shall take effect January 3, 1981.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I thank the majority leader and minority leader for their courtesies at this time.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from New York for his thoughtfulness in consideration of his colleague and our colleague in the action that he has just taken.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRISIS IN AMERICA'S COAL PORTS

Mr. WARNER. Mr. President, I shall address the crisis in America's coal ports.

Mr. President, America's most abundant mineral resource is coal.

Our colleagues and constituents from all parts of the country are increasingly aware of coal's potential contribution to meeting the energy needs not only of our own Nation, but of our allies.

Yet coal in the ground or at the mine will yield us little benefit—if we cannot move it promptly and smoothly to its markets at home and abroad.

One key link in our coal transportation chain—and, I regret to say, a weak link indeed—is to be found in our Nation's overcrowded, underbuilt coal ports.

During the recent congressional recess, after lengthy consultation with my colleagues and with all interested parties, I announced my intention to introduce legislation in this Congress to expedite needed dredging and development activities in our Nation's coal ports.

By way of background, Mr. President, and rather than occupy my colleague's time and attention on the floor at this moment, I ask unanimous consent that there be printed in the RECORD, at the conclusion of my remarks, excerpts from a speech I prepared for the annual convention of the American Association of Port Authorities in Norfolk, Va., on October 22, 1980.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, I had the privilege of consulting on this vital matter with officials representing port authorities located on all of America's coastlines.

Subsequently, on October 24, at the Appalachian Coal Awareness Conference in Roanoke, Va., I had the opportunity to summarize the scope of our concern regarding coal exports and to indicate the major outlines of the coal-port-dredging legislation which I believe is necessary. I ask unanimous consent that my statement on that occasion also be inserted in the RECORD following these remarks, along with a number of significant press reports and relevant analyses.

The PRESIDING OFFICER. Without objections, it is so ordered.

(See exhibit 2.)

Mr. WARNER. Mr. President, I am pleased to report that consultations regarding this proposed legislation are proceeding apace.

In the meantime, I commend this critical subject matter to my colleagues' attention, and I invite their urgent consideration of prompt action to alleviate the mounting crisis in America's coal ports.

EXHIBIT 1

EXCERPT OF REMARKS OF SENATOR JOHN W. WARNER OF VIRGINIA AT THE ANNUAL CONVENTION OF AMERICAN ASSOCIATION OF PORT AUTHORITIES, NORFOLK, VA., OCTOBER 22, 1980.

On behalf of the Virginia congressional delegation, I would like to take this opportunity to welcome you, the American Association of Port Authorities, to Norfolk, Va.—the site of one of America's busiest ports—and America's largest coal port.

When one looks out the windows of this beautiful hotel, one readily sees what is right with America's port traffic and what is wrong.

We see a harbor bustling with activity—with ships from all over the world loading and unloading their cargoes—depositing enormous economic benefits on the shores of America.

We also see scores of vessels, lying idle at anchor, awaiting their chance to load at our Nation's coal piers. The economic rewards they offer to America and the energy security they offer to the world's energy dependent foreign nations go unfulfilled each day they lie idle.

The delay in loading these coal colliers not only adds enormous costs to America's coal, possibly making it non-competitive in today's coal market—but just as important—it adds enormous strain on the nations of the world that are searching for an adequate, readily available energy source as an alternative to costly foreign oil.

The publication of the World Coal Study highlighted a trend that had begun to appear around the first of this year—that the nations of the world were turning more and more to coal.

Moreover, strikes in Australia and Poland, coupled with political unrest in South Africa—America's principal competitors in the coal export market—emphasized the fact that America, with its enormous coal reserves, was the only Nation to which others could turn in order to readily obtain the amounts of coal they needed.

Accordingly, the world's coal ships began to turn up at our Nation's coal ports in ever increasing numbers. Unprepared for this onslaught of coal ships, our coal ports have experienced a continual and growing backup of coal ships.

Foreign nations that are either current purchasers of our coal or are potential purchasers, have become alarmed at our ports' current bottleneck.

Foreign delegation after foreign delegation has come to America's shores; graphically stating their case. Faced as they are with an emergency situation and a desperate need for cheap, reliable energy supplies, the energy dependent nations of the world are rapidly concluding that their last hope for energy salvation—America's coal—has become hopelessly quagmired in port facilities that are inadequate and ports that are too shallow.

As a result, other nations are being forced to drastically reassess their desire for America's coal.

These delegations have told me repeatedly, most recently the Dutch, that—unless some action is taken by the United States now to rectify our port problems—their own emergency situation will force them to turn away from our Nation's coal ports to those of other nations which are better able to service their needs.

When these delegations have traveled to America to see how we are handling this problem, they are told by the administration to wait and be patient. They are told there is a study underway, and thta recommendations may be forthcoming in about six months.

These delegations, to a man, upon hearing this pronouncement have hotly stated that the economic and energy emergency they are facing right now will not afford them the luxury of waiting for a study which may recommend solutions sometime in the future—solutions which, in their view, are needed now.

The delegations have stated that the time to study is over.

The time to act is now.

I have met with these foreign delegations, and I have sat through days of testimony in Senate committees dealing with coal exports and the movement of coal on our inland waterways system.

I am convinced that what they are saying is correct: "The time to act is now."

The energy emergency facing the energy dependent nations of the world—heightened by the current Iran-Iraq conflict and threatening overtures by other OPEC countries—dictates that America must act decisively now to unjam the bottleneck in our ports.

America's national security is only as strong as our foreign allies' energy security. If our allies are unable to turn to us for reasonable, reliable energy supplies, we may be forced to come to their aid and assistance in the not too distant future with more than just energy supplies.

"The time to act is now"—act, and act decisively.

Our actions must show to the energy-dependent nations of the world that the words spoken at the Venice Economic Summit and the paper signed have real substance.

We must show by our actions and not by our words that we intend to provide energy as reasonably and reliably as is humanly possible to provide.

In examining this problem, I have discussed possible legislative initiatives with my colleagues in the Senate, representing coal-producing states, coal-using states and port states.

There is a broad consensus that something must be done, and quickly. A bipartisan coalition has sprung up to develop solutions to this increasingly alarming situation.

After listening to all interested parties, I have decided that action must be taken now.

Accordingly, when the Senate returning to Washington in November, I intend to introduce the Coal Port Dredging Act of 1980.

EXHIBIT 2

REMARKS OF SENATOR JOHN W. WARNER OF VIRGINIA

Ladies and gentlemen: I want to thank you for the opportunity to address the Appalachian Coal Awareness Conference. Your conference could not be more timely.

With continuing drastic increases in the price of foreign oil, American—and, indeed, the world—is becoming ever more aware of the significance of Applachian coal in breaking the chains of OPEC.

Like many here, I was in Norfolk attending the national convention of America's port authorities and participating in the briefing for the President's Inter-Agency Coal Export Task Force inspecting the Port of Hampton Roads.

As I flew in across the harbor Wednesday morning, I saw dramatic evidence of the world's awakening awareness of Appalachian coal.

There, spread out below, were nearly 100 of the world's colliers, lying at anchor—idle—in the port waiting their turns to load Appalachian coal for the energy-dependent nations of the world.

This world demand for America's coal promises vast economic benefits for America's economy in general and for the Appalachian coal communities in particular.

That's important, we know it, and that's why we're here today.

But, equally as important—and, I would suggest, even more important—America's coal will significantly strengthen America's national security.

America's own national security is only as strong as our energy security. Further, America's national security is dependent upon the collective energy security of our allies. Japan and NATO are as vulnerable as we are. We dare not continue to leave our island nation and our allies vulnerable to OPEC blackmail.

Every day that the Iranian-Iraqi war drags on, and that energy source becomes more precarious, the lesson of our vulnerability strikes deeper home.

To the extent we are able to provide our allies with a reasonable, reliable source of coal, they will become less vulnerable to economic and military blackmail by foreign energy suppliers.

To the extent we can make our allies energy-secure, the risk is lessened that we will have to come to their aid and assistance under mutual defense treaty commitments.

Weakness invites—provokes—attack. History is replete with examples, the latest being that the decline of Iran invited attack by Iraq.

We must recognize—we must be aware—that no greater threat to peace exists than the danger that is born of energy instability. That makes this conference even doubly timely and important for the economic consideration equate to world-wide defense considerations.

As we say in the Navy—"General quarters has been sounded." Responding are the political leaders of coal states, the captains of the coal and transportation industries, together with responsible leaders from all segments of the private sector. And, most noteworthy are the pleas for prompt action coming from our allies, voiced by their coal representatives. We should be grateful that they continue to take of their time to provide us with a measure of leadership, and have again joined us today.

I can testify unequivocally that the awareness is increasing in the Congress—and we are preparing to act.

And act we will in the coming months, with or without leadership from the White House.

In times of crisis, however, particularly when the exercise of federal responsibility and initiative has been late, there arises a risk of over-reaction—over-stepping by the bureaucracy. We must guard against any invasion by government into areas of responsibility of the private sector.

Each of us here today—particularly members of Congress—has a duty to participate in seeing that there is a clear delineation of the roles of Federal and State governments and the private sector, along with the time-honored traditions of this Nation.

Governor Dalton yesterday clearly delineated the role of Virginia and alluded to his perception of the role of the Federal government as it relates to dredging.

This morning, Senator Byrd added his concerns about the need for revision in existing Federal regulations.

This afternoon, Congressman Wampler will cover the vital role of synthetic fuels.

As the crisis of the coal colliers loomed on the horizon, the Senate was stirred to action. The role of the Federal government is actively under study by the Senate Coal Caucus, whose members are meeting regularly with their respective State officials, representatives of the private sector, and foreign interests.

I submit to you today—for your comments—my draft proposals of legislation I intend to sponsor in the coming session of Congress.

This bill will set forth both an interim port-dredging program to meet the emergency situation facing energy-dependent nations—particularly our allies—and a long-term dredging program.

This bill will be diverse and balanced—calling for dredging of coal ports on all three of our Nation's coasts.

The bill will call for expedited and priority treatment of Federal permitting processes, and will provide solutions to the present unnecessary and expensive delays in the dredging process, as outlined by the recent General Accounting Office report.

Correspondingly, there should be expedited and priority treatment according to the permitting process for coal pier facilities and the supporting transportation network.

And, in view of the Nation's fiscal concerns, I will suggest the bill be funded with receipts from the windfall profit tax, which has specific provisions relating to the use of this source of revenue for energy transportation.

Thus, criteria will be established such that ports like Hampton Roads, which are now ready to proceed to dredging, would become eligible for priority funding—with equal opportunity for other ports to qualify as promptly as the threshold criteria are met.

Again, I solicit your comments on this legislative proposal—and particularly on whether it is consistent with a proper delineation of the federal, state and private-sector roles.

With the support of my colleagues, I am hopeful that this legislation will be enacted during the upcoming "lame duck" session of the 96th Congress—or, at the latest, during the first six months of the 97th Congress convening in January.

This is a fast track. Intentionally so. The emergency which we confront demands no less.

Nor is this all.

The plight of our nation's coal industry and the demands of our national security require further legislative initiatives. They include:

Fast-track procedures for energy protects which will drastically reduce the delays in the approval process. For example, I believe that a modification of the "Colorado Joint Review Process" may be adaptable to the federal decision-making process and worthy of congressional consideration.

Coal-conversion legislation, both for electric utilities and industry.

Continued efforts to reasonably and responsibly revise the Surface Mining Act and its regulatory procedures, working with appropriate state regulators.

Overhaul and improvement of our nation's coal roads.

Revitalization of our nation's metallurgical coal industry, with attendant modifications in the application of the Clean Air Act by EPA.

Deregulation of the coal industry, eliminating unnecessary and unreasonable regulations.

On all these fronts, we must move forward with a sense of urgency.

As we do so, we must be ever-mindful that government does its full part without invasion into the proper sphere of the private sector.

Remember, we are at general quarters. Every man and woman has his or her individual duty station to aid the coal industry in this crisis.

But even greater, we—collectively—have a call to duty to keep our ships of state—the Free World—afloat.

[From the Wall Street Journal, July 29, 1980]

INADEQUATE U.S. PORT FACILITIES THREATEN POTENTIALLY HUGE EXPORT MARKET FOR COAL

(By Thomas Petzinger, Jr.)

Outside Baltimore Harbor, 20 ships bound for Japan, Turkey, Belgium and other oil-dependent countries have been waiting for nearly a month to be loaded with coal from Eastern U.S. mines.

The reason for the tieup: foreign utilities have suddenly developed a seemingly insatiable appetite for "steam coal," used mainly as a boiler fuel. But U.S. ports are hard-pressed to handle the increased demand—an ominous sign for the future of coal exports.

Albert J. Knighton, who has spent 40 years as a coal-export shipping agent in Baltimore, snaps his finger against an aerial photo of the harbor's coal-loading pier, and says, "This right here is the small end of the funnel. We've got people developing new markets, investing in new mines and building ships, but the missing link in the chain is the transfer point at the pier."

IRAN SPURS MOVE

The crush began last summer when turmoil in Iran forced the oil-importing nations to look favorably at U.S. coal, which at about $50 a ton is one-third cheaper to import than oil with equal energy content. Increasing the pressure on these countries was the withdrawal last year of Poland, a major coal producer, from the European market in favor of expanded sales to the energy-squeezed Eastern bloc. And as oil prices continued to skyrocket, the cost of shipping coal to Europe from Australia, a traditional exporter, increased sharply due to higher fuel costs for oceangoing vessels.

Now steam coal exports are running at an annual rate of 8.5 million metric tons, up sharply from total exports of just 2.2 million in 1979 and almost none in 1978. (A metric ton is 2,204 pounds; a net ton is 2,000 pounds.)

And that may be just the beginning of a huge market. While the U.S. has long been an exporter of metallurgical coal, the International Energy Agency, a Paris-based, 21-nation group, says the U.S. will have to export 100 million tons of steam coal by 1990 and 300 million tons by 2000 to meet free-world energy needs. A recent study sponsored by Massachusetts Institute of Technology concludes that the still modest international steam coal trade will have to grow 10 to 15 times by the year 2000.

Some authorities think these estimates are too optimistic, but the consensus of most coal executives, energy economists, U.S. government officials and foreign coal users is that U.S. coal exports in any case will increase sharply.

This assumes, however, that the U.S. develops the port capacity to move the coal. And that is very much in doubt. U.S. interests are unwilling to invest the billions of dollars it would take to increase exporting capacity significantly until foreign coal users sign long-term contracts with U.S. coal producers.

But foreign utilities, which are buying U.S. steam coal almost exclusively on a spot-purchase basis, refuse to sign long-term contracts until commitments are made to expand U.S. port capacity. Their reluctance comes from a general mistrust of the U.S. as a commodity supplier.

Trade sources say that a 1973 embargo on soybean exports, a 1974 program under which U.S. metallurgical coal exports were closely monitored and the current embargo on grain shipments to the Soviet Union have created these fears.

"We talk a lot about unreliable foreign supplies of oil, and yet many foreign importers are equally concerned that we mightn't be a reliable supplier of coal," says David Sternlight, chief economist at Atlantic Richfield Co., an oil company with coal interests.

In the U.S., the feeling is widespread that the railroads are to blame for holding up the necessary port investments. They own nearly all of the dumping equipment, piers, conveyors and port-loading equipment.

RAILROADS BLAMED

Donald D. Farnsworth, president of the Coal Exporters Association, contends that the "devastating" and "absolutely intolerable conditions" of U.S. coal ports are the fault of the railroads' "very short-sighted view." An aide to Virginia Gov. John B. Dalton asserts that "the railroads won't spend a dime till they know they're getting 20 cents."

The railroads don't deny that they're being cautious. "We have to be. Some of the (export) numbers that people are throwing around are unbelievable, astronomical," says Mark Gibson, director of coal export traffic for Chesapeake & Ohio Railway. "It's really hard for anyone to gauge in what range exports will be."

Nonetheless, Mr. Gibson says, the Chessie System is considering improvements to its port facilities in Baltimore's Curtis Bay. And it is investigating a novel form of insurance to protect any investments it may make: getting the coal companies who are pushing for port facility expansion to participate as partners.

"Coal companies can ship to whatever market they like," Mr. Gibson says. "If the domestic market increases, then overnight they can start shipping domestically." But, he adds, "If they invest substantial sums in port facilities, then the facilities will be utilized."

OIL ACQUISITIONS HELP

And the coal industry is more able than ever to invest in transportation—as well as in new mines—because most big coal companies have been absorbed by the big and profitable oil companies.

Conoco Inc.'s Consolidation Coal Co., in fact, may soon buy for about $25 million an old coal pier and rail yard in Baltimore. The company has also requested Baltimore's approval of $110 million in development bonds to upgrade the site. Occidental Petroleum Corp.'s Island Creek Coal Co. plans to spend as much as $50 million on a coal storage area in Baltimore. And A. T. Massey Coal Co., a unit of St. Joe Minerals Corp. and a partner with the Royal Dutch-Shell group in a huge U.S. coal venture, has agreed to buy Chesapeake & Ohio's coal-shipping facilities at Newport News, Va., for about $20 million.

But these projects, many coal executives say, fall considerably short. Pittston Inc. Chairman Nicholas T. Camicia says several foreign importers want the U.S. to build a $700 million to $1 billion "super port" capable of handling at least 50 million tons of coal annually.

Even if such a project were to come about, however, it would face environmental problems. Already, a $300 million plan under study by the U.S. Army Corps of Engineers to deepen the main channels in the port of Hampton Roads—and thus enable Norfolk & Western Railroad to load much larger coal colliers there—has encountered stiff resistance. Says Thomas Yancey, a project manager for the Army, "Everybody wants to deepen the harbor but nobody wants the (dredged) material in their backyard."

[From the Washington Post, Oct. 13, 1980]

EMPTY FLEET WAITS AT NORFOLK FOR SUDDENLY PRECIOUS CARGO

(By Phil McCombs)

NORFOLK.—Just after dawn, you can look across the gray, oily water, and there are the misty silhouettes of the coal ships, waiting. They ride high at anchor, empty. A warship, ghostly, glides past.

A vast fleet of coal ships from all over the world—122 of them, a modern-day energy armada—has assembled near the nation's largest coal-loading port here and near the second-largest such port 160 miles to the north on the Chesapeake Bay at Baltimore.

America is and traditionally has been the world's largest coal exporter, but nothing like this has ever been seen here before. The ships are ravenous for American coal and their masters are willing to spend nearly $100 million in waiting fees—called demurrage—to get their turn at the coal piers after an average of 35 days swinging at anchor.

Worldwide demand for U.S. coal exploded unexpectedly after crude oil prices doubled in 1979. Talking to coal company executives, shippers and coal pier operators here and elsewhere, one can sense the growing intensity of their energy anxiety.

According to the recently published World Coal Study organized by Prof. Carroll L. Wilson of the Massachusetts Institute of Technology, the United States "has the opportunity with its enormous coal reserves . . . to break the world's energy stalemate by becoming the Saudi Arabia of coal exporters."

America's reserves of coal are measured in hundreds of years' supply at current production rates. According to the World Coal Study, technically and economically recoverable reserves are large enough to support 1977 production rates for another 250 years and are five times the world-proven oil reserves. Moreover, new coal reserves are rapidly being discovered.

From time to time, some of the ships move. They nudge up to giant piers where 12,500 railroad cars of coal from the mines of West Virginia and western Virginia sit in marshaling yards waiting to feed the powdery, flaky, lumpy coal into the holds of the ships.

There are plenty of railroad cars full of coal and plenty of ships, but the great moving belts and gnashing machines on the piers can't work fast enough. For every two ships that load and leave, three arrive.

Massive capital investments are planned to build more coal piers here and elsewhere, but the construction will take years. Meanwhile, the ships wait.

At an average of $20,000 a day in demurrage, the 35-day delay adds $700,000 to the price of a ship's cargo—$14 a ton on top of $60 a ton for the coal on the pier, a 23-percent price increase.

Still, they stay. In the careful words of France's official coal buyer, Philippe Julienne, "We diversified our supply." He means that the American coal is there, an assured if expensive supply at a time when there is a war in the Middle East's oil fields and when coal and dock strikes have just ended in Australia and Poland, two big coal-exporting countries.

"What you're looking at in those ships out there is the whole transition of the world away from oil," said Bernhardt Wruble, a top U.S. Energy Department official and director of its interagency coal export task force, known as ICE.

Here in Tidewater, Virginia, it is the dawn of the Coal Age.

Coal now provides 25 percent of the world's energy. In America, we get 19 percent of our energy from coal. According to the World Coal Study, coal can provide two-thirds of the energy needed to fuel the world's economic growth over the next 20 years if coal production triples and exports expand.

Your brain can get numb on figures like that, but consider the fleet of ships put there. They can take on a total of 6 million tons of coal, the equivalent of 13 percent of all the coal the United States exported in 1979. There's enough energy in that much coal to provide most of the electricity for the Washington area for almost a year.

Back in 1947, the United States produced 630 million tons of coal, but by 1961 that production figure dropped to 402 million tons because oil was so cheap and readily available. The 1973–74 Arab oil embargo changed all that, and by 1975 U.S. coal production was above the 1947 figure.

Last year, America produced 776 million tons of coal, and this year the projected figure is 825 million tons—a 6 percent increase. According to the National Coal Association, which represents coal-mining companies, the nation has an excess production capacity of 100 million tons that could almost immediately be brought from the ground. The association says total U.S. coal production can be doubled in 10 years.

That excess production capacity helped hold coal prices to modest increases of about 10 percent last year while oil prices soared. Earlier in the 1970s, it was a different story. Coal prices nearly tripled after the panic brought on by the Arab embargo, and it took them two years to drop again. Of course, by now they have climbed back up and steadied near that post-embargo peak.

America's overseas coal exports increased an amazing 41 percent this year to a projected 65 million tons—more than $3 billion worth—and experts say this 1980 figure could have been double last year's if it hadn't been for the bottleneck at the ports. The United States also has been exporting about 20 million tons a year to Canada, a figure that has not been changing much.

Most of the overseas exports—50 million tons—are moving through this port. The nation's overseas exports may increase fivefold by the year 2000, but the experts who make such projections are wondering now if they aren't a bit modest.

Everybody knew that demand for U.S. coal would grow sharply during the 1980s. "But nobody expected this," said Richard Culbreth of the Virginia Port Authority. "It's like the whole lid blew off."

"They scream," said "X," a coal trader. "They scream and shout over the phone. This morning it was some guy from Scandinavia. He was shouting, "Why do you let this happen? Why can't the vessel get in sooner? Why cant it load?" Well, I guess they have to vent their frustrations somewhere."

X doesn't want his name or the name of his company used because he has some nasty things to say about the railroads—the Norfolk and Western Railroad Co. and the Chessie System—and says he's afraid they'll retaliate.

He thinks the railroads, which own and operate the coal piers, are getting rich off this crisis and are reluctant to make the huge capital investments that could bring it to an end.

"It's ridiculous, it's hurting everyone except the railroads," he said.

The railroads, for their part, say X and companies like his are part of the problem. X is a coal broker who, like a real estate broker, arranges deals between sellers and buyers, taking a commission.

X and his company just got into the business a year ago, when the Iranian oil crisis was at its height, and it began to look as though coal was the coming thing. That's when the lineup of ships first began forming here.

To the railroads, X and a score of other new brokers are little more than speculators whose presence adds enormous new complexity to the loading of ships at the coal piers. The new complexity slows things down, they say.

Aubrey Tatum can show you why.

Early on a recent morning, Tatum, the assistant superintendent at the Chessie System's coal piers at Newport News just across the waters of Hampton Roads from here, gestured toward his two big coal piers and frowned.

What he said seemed almost unbelievable. At the two piers, there was space for three big coal ships to load. But that morning only one ship, the Maersk Triton, was there loading. Near the other two loading areas, idle crews whiled away their time.

"This dock was available at 8 a.m., and it will be available at 4 p.m. with another crew assigned, but there's no boat that can take the coal," said Tatum, indicating one of the piers. "We're just not loading to capacity."

With 122 ships out there waiting for coal, and 5,500 railroad cars full of it in his marshaling yards, Tatum said the thought of idle crews and empty piers makes his teeth chatter. Here's how it happens:

Most of the coal being exported here is "metallurgical" coal for use in steel mills. This coal comes in hundreds of varieties and must be mixed railroad car by railroad car as it is loaded into the ships. The result, like blended tobacco, is precisely suited to the needs of each buyer—important in making steel because the coal becomes part of the steel.

So when a ship pulls up to the pier to be loaded, Tatum can't simply fill it with coal from the closest 500 or 600 railroad cars. He has to fill it with coal from particular cars in a particular order, and this requires a massively complex jockeying of coal cars in the marshaling yards near the piers and all the way back up the tracks 200 miles to the mines in the mountains of West Virginia. Computers aid in the jockeying.

In the past, a ship was loaded with cars under arrangements made by one or two coal brokers. But with the explosion of demand, four or five brokers may be involved in loading one ship. What is happening, typically, is that four of them have their coal cars on hand to load as needed, but the fifth may be a laggard. He may be a small broker, and his coal cars may still be up in West Virginia somewhere. Or his coal may still be in the ground.

So the ship can't be loaded. Bedlam results. People get angry, and Tatum is left with 5,500 cars of coal jamming his yard to capacity while he is missing just that right mix of cars that would make everything go smoothly and quickly.

In other words, a bottleneck. The system is overloaded. The computers can't handle it.

As a stopgap, Tatum partly loads some ships. "We have a partial load for many of the boats. If I have an 800-car boat and 300 of the cars on hand, we'll bring her in and dump and then take her and put her back in the river. Then we'll bring her back when we get some more of the right cars."

Here, across Hampton Roads from Tatum's piers, the Norfolk and Western Railroad's coal pier No. 6 is the world's

* * * * *

At a time when federal policies are aimed at developing deep-water ports offshore for reasons of cost, safety and the preservation of the environment, and at discouraging oil imports, the Galveston project would fulfill neither aim. Local environmentalists' and tax reformists' protest campaigns have not stopped the project.

"We think the legislation to reimburse Galveston would set an extremely dangerous precedent," said an Army Corps of Engineers official here. "If Galveston got this kind of help, every port in the country would come in asking for the same thing."

U.S. Coast Guard traffic statistics indicate that the Galveston area, gateway to the busy Houston ship channel, is one of the most dangerous and accident-prone marine byways in the country. The addition of supertankers, longer than three football fields, would intensify congestion in the area.

The unloading bays proposed by Pelican, with the dangers of fire and explosion, are less than half a mile from a large residential area and 4,600 feet from the huge University of Texas medical branch. They are adjacent to a shipyard where an estimated 3,000 barrels of low-level radioactive waste are being stored above ground.

Citing those and other dangers, the Dallas regional office of the Environmental Protection Agency last December strongly advised against the project when the Galveston Wharves asked the Corps for federal dredging permits.

By spring, however, EPA regional administrator Adlene Harrison had removed her objections, and the corps issued the permits in July. Agency sources denied Harrison was pressured by superiors, although her objections had delayed the project for months. Both EPA in Washington and the White House queried Harrison about the project; DOE's Hanfling attended a permit-issuance ceremony.

Only objections by Rep. Paul N. (Pete) McCloskey Jr. (R-Calif.) prevented the Brooks-Galveston language from sliding to approval last June. McCloskey discovered that the authorization figure had mysteriously escalated overnight—and no one has been able to explain how it happened—from $25 million to a possible $100 million. The bill, suddenly controversial was removed from the calendar.

The legislation hit the floor again in August, this time under regular procedures and with the original, smaller authorization amount, as an amendment to a simple bill extending federal deep-water ports authorizations.

Merchant Marine and Fisheries Chairman John M. Murphy (D-N.Y.), like Brooks a man of influence in the House, agreed to attach Galveston to the ports bill rather than allow it to face almost certain presidential veto as part of water-resources legislation that has been stalled this year and in 1978.

"We needed some other vehicle to get Galveston through Congress, and the deep-water bill was selected," Losch said.

Usually, in those water-resources bills, Congress directs the corps to study harbor development proposals. If they appear cost-beneficial, they are then authorized and slowly funded—taking an average of from 17 to 19 years, start to finish.

But Galveston is in a hurry. The wharves authority, unwilling to wait for a federal authorization that might never get through Congress, decided several years ago to move on its own.

It is proposing to issue bonds to pay the cost of deepening its existing harbor and scooping the deeper, 32 mile long channel to accommodate superships moving in from the gulf.

Then, under the reimbursement scheme, the federal government would repay Galveston for a share of its dredging expense—the deeper the channel, the larger the U.S. share—and take over the costly additional task of maintaining the new channel and keeping it open. Bentsen's changes would reimburse Galveston for up to 75 percent of the dredging bill.

The administration and the corps have steadfastly opposed this approach, which corps and congressional sources say could be an open-ended reach into the Treasury for a project that might never work.

In that sense, there is no clear sign that major shippers will use the port. Devoy, of the wharves authority, agreed recently that not a single oil refining firm of the many in the Galveston-Houston-Texas City area has committed itself to using the new port. Coal export trade is only a hope. Grain deals are not yet made.

If the federal government, rather than the city, were building the project under usual procedures, there would be no authorization without user commitments and demonstrated need.

Robert Losch is undeterred. "We intend to be operational in 2½ years. Construction bids will go out in the first quarter of 1981. We're the only deep-water port in the country ready to go," he said. "The White House was opposed but we've briefed everybody in the administration and there is recognition of the need for this."

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I repeat the Senate will resume consideration of the Interior appropriation bill on tomorrow at 10 a.m. It is hoped that Senators will be prepared to call up their amendments to the bill so action may be completed on all amendments to the bill with the exception of the amendment by Mr. BRADLEY. So Senators should expect rollcall votes on tomorrow.

I understand there are a good many amendments to the bill and I hope that we will complete action on all amendments with the exception of the Bradley amendment tomorrow.

I am sure the distinguished Senator from Alaska, who is the ranking minority manager of the bill, joins me in that hope.

Mr. STEVENS. Mr. President, that is our desire.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to and, at 7:07 p.m., the Senate recessed until tomorrow, Friday, November 14, 1980, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, November 13, 1980:

IN THE ARMY

The Army National Guard of the United States, officer named herein for appointment as a reserved commissioned officer of the United States, under the provisions of title 10, United States Code, sections 593(a) and 3392.

To be major general

Brig. Gen. James Herbert Jones, [redacted].

IN THE NAVY

The following-named reserve captains of the line and staff corps of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

LINE

Lemuel Owings Warfield
Russell William Gorman
Joseph Francis Callo, Jr.
Raymond Roger Couture
James Burnett Reap
John Rodney Grubb
William Donald Daniels

MEDICAL CORPS

John Francis Kurtzke

SUPPLY CORPS

Thomas Gerald Lilly

CHAPLAIN CORPS

Emmett Owen Floyd

CIVIL ENGINEER CORPS

Thomas Smothers Maddock

DENTAL CORPS

William Harris Molle

THE JUDICIARY

Stephen G. Breyer, of Massachusetts, to be U.S. circuit judge for the first circuit vice a new position created by Public Law 95-486 approved October 20, 1978.

HOUSE OF REPRESENTATIVES—*Thursday, November 13, 1980*

The House met at 10 a.m.

The Reverend Michael Graves, Temple Baptist Church, Nashville, Tenn., offered the following prayer:

God of our weary years, God of our silent tears, Thou who has brought us safe, thus far, on our way, we thank You for this moment in our history as we come into Your presence. Our Father, we pray for each Member of this Chamber. Grant unto each, the wisdom to know what is right and the courage to do it. Guide them in the decisionmaking process. We pray for the President of the United States and all public servants. May they be instruments for justice and peace at home and abroad. Help us to rise above our regionalism so that we might catch a glimpse of the vision that You have for our land. Help us to realize that without You, we can do nothing. Sensitize us to the needs of the oppressed and the poor. Put within us such a positive faith that no matter how difficult the task, how overwhelming the problems, or how impossible the mission, we might go forth convinced that with Thee we can be more than conquerors. Through Jesus Christ, Your Son, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WYDLER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 307, nays 12, answered "present" 2, not voting 111, as follows:

[Roll No. 626]

YEAS—307

Abdnor
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Barnard
Barnes
Bauman
Beard, Tenn.
Benjamin
Bennett
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burton, John
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clay
Cleveland
Clinger
Coelho
Collins, Tex.
Conte
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crockett
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, Mich.
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Donnelly
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Flippo
Florio
Foley
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harris
Hawkins
Hefner
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McDonald
McHugh
Maguire
Markey
Marlenee
Marriott
Martin
Matsui
Mattox
Mazzoli
Mica
Michel
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Mottl
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Paul
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Rhodes
Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Royer
Rudd
Russo
Sabo
Sawyer
Scheuer
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Staggers
Stangeland
Stark
Steed
Stenholm
Stewart
Stockman
Stratton
Studds
Stump
Symms
Synar
Tauke
Taylor
Trible
Udall
Ullman
Vander Jagt
Vanik
Volkmer
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, C. H.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Yates
Yatron
Young, Fla.
Young, Mo.
Zeferetti

NAYS—12

Edgar
Forsythe
Fountain
Goodling
Jacobs
Jones, Okla.
Lloyd
Mitchell, Md.
Murphy, Pa.
Quayle
Schroeder
Wilson, Bob

ANSWERED "PRESENT"—2

Ottinger
Roybal

NOT VOTING—111

Addabbo
Akaka
Ambro
Anderson, Ill.
Applegate
Ashley
Baldus
Beard, R.I.
Bedell
Beilenson
Bevill
Boggs
Bolling
Buchanan
Burlison
Burton, Phillip
Butler
Byron
Chisholm
Clausen
Coleman
Collins, Ill.
Conable
Conyers
Corcoran
Crane, Philip
D'Amours
Daschle
Davis, S.C.
de la Garza
Deckard
Dellums
Dixon
Dodd
Dornan
Dougherty
Evans, Ga.
Fisher
Fithian
Ford, Mich.
Ford, Tenn.
Frenzel
Ginn
Goldwater
Hall, Ohio
Hanley
Harsha
Heckler
Heftel
Holtzman
Hopkins
Ichord
Ireland
Jenrette
Johnson, Colo.
Kelly
Kindness
Lent
McCloskey
McCormack
McDade
McEwen
McKay
McKinney
Madigan
Marks
Mathis
Mavroules
Mikulski
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
Nolan
O'Brien
Patten
Patterson
Pease
Pepper
Pritchard
Pursell
Reuss
Richmond
Ritter
Roberts
Santini
Satterfield
Schulze
Sebelius
Shumway
Spellman
St Germain
Stanton
Stokes
Swift
Tauzin
Thomas
Thompson
Traxler
Van Deerlin
Vento
Walgren
Waxman
Williams, Mont
Wilson, Tex.
Winn
Wylie
Young, Alaska
Zablocki

☐ 1020

Mr. LEVITAS and Mr. MATSUI changed their• votes from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 7212. An act to ratify a settlement agreement in a land dispute between the Pamunkey Indian Tribe and the Southern Railway Co., and for other purposes.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

MORNING PRAYER BY REV. MICHAEL GRAVES OF THE TEMPLE BAPTIST CHURCH OF NASHVILLE

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. BONER of Tennessee. Mr. Speaker, distinguished Members of the House, we have been honored today with the presence of one of the most progressive and impressive young ministers in the United States today. Rev. Michael Graves, who offered this morning's prayer for us, is a truly dedicated man, whose passion for his calling is to be highly commended.

Reverend Graves is a man of distinction in his field. He has been named one of the most outstanding young men of America. His name has been entered into Who's Who in Religion and he has been cited by two Tennessee Governors for his outstanding civic contributions.

His personal accomplishments, however, are no match for the service he has rendered to our community. He is a member of the National Conference of Christians and Jews. He is chairman of the board of the Center for Southern Action and is on the board of directors of the Tennessee United League.

He is currently editor of the Adult Sunday School Quarterly, and pastor of the Temple Baptist Church in Nashville, Tenn. This church is one of the most distinguished accomplishments of his ministry. He founded the church with just two members 3 years ago, and it has grown to over 1,600 members since then. It is the fastest growing church in the Nashville area.

Reverend Graves is well known for his service to the community. During his pastorate at the Pilgrim Emanuel Baptist Church in Nashville, he began a day care center, started a food bank for needy families and a clothing center. During his pastorate a library was formed and the bus ministry, the first among blacks in the city of Nashville, was also initiated.

We are truly fortunate to have a man of his integrity and dedication offer this day's prayer for us. On behalf of the entire House of Representatives, I wish to extend him our thanks.

I would also like to welcome his wife, Eleanor, back to her native home here in Washington and their two children, Michael Lee II, and Ayanna Amanda Graves, and the parents of Rev. and Mrs. Michael Graves.

CETA TRAINING PROGRAM SHOULD NOT HIRE COMMUNISTS

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

The SPEAKER pro tempore (Mr. ZEFERETTI). The gentleman from Virginia (Mr. DAN DANIEL) will be recognized for 1 minute.

Mr. DAN DANIEL. Mr. Speaker, while conducting a workshop in my district during the congressional recess for the national elections, I learned that two members of the Communist Workers Party were enrolled in a CETA training program. These two individuals, Dorothy (Dori) and Allen Blitz, now reside in the district which I represent in the Congress.

Both of these individuals were indicted on felony riot charges in connection with the Communist-Ku Klux Klan confrontation in Greensboro, N.C., in November 1979. They are free on bond pending trial.

I do not believe it was the intention of Congress that individuals whose stated policy is the overthrow of our system be the beneficiary of that system.

I, therefore, call upon the Secretary of Labor to rewrite the guidelines to prevent the employment of such individuals in the CETA program, and I am introducing legislation to prohibit it.

"SAME-TIME"/SUNDAY VOTING—A NEEDED CHANGE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, last August I introduced legislation to change election day to Sunday and require "same-time" voting hours across the country on a trial basis. I did so in an attempt to stimulate our Nation's extremely low voter turnout rate, and to prevent west coast voter apathy.

Having studied last Tuesday's most distressing voter turnout patterns, I am now convinced more than ever that these changes are necessary.

Overall 1980 voter turnout was the lowest in 32 years—especially in Western States where early predictions of a Ronald Reagan victory kept an estimated 500,000 voters at home. We must not allow this dangerous trend to continue.

My bill, H.R. 7928, provides that all general elections be held on Sunday for a 6-year trial period, beginning in 1982. Voter turnout in Western European democracies where national elections are held on Sundays averages about 40-percent higher than our own.

In addition, it requires voting across the country to take place during the same 9-hour period of 12–9 p.m. (e.s.t.) on a trial basis during the 1984 and 1988 Presidential elections.

I strongly urge my colleagues to join me in this important cause.

LEGISLATION INTRODUCED TO RELEASE $125 MILLION IN FUNDS FOR SECTION 235 ASSISTED HOUSING PROGRAM

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNARD. Mr. Speaker, today I am introducing legislation to relieve the housing industry, and to allow more families to own their own home. My bill releases $125 million in already appropriated funds for the section 235 assisted housing program. At this time, these funds cannot be used for 235 housing because of a quirk in the law, but my bill will release them for this badly needed use.

Since the problems with the housing industry began, the one area where mortgages could be made was under the 235 program. It has been the only way for many people to buy a home, and the only thing that kept many builders in business. Funds for this program were exhausted on October 3, and since then many areas of the country have had virtually no mortgage lending going on at all.

I urge rapid action on my bill, and ask for the support of my colleagues.

□ 1030

TRIBUTE TO THE LATE ANDREI AMALRIK

(Mr. SIMON asked and was given permission to address the House for 1 minute.)

Mr. SIMON. Mr. Speaker, I picked up this morning's Washington Post and read of the tragic death of Andrei Amalrik, the Soviet dissident. Some of you perhaps heard him when he testified before the Helsinki Oversight Commission. Andrei Amalrik stood for freedom where it was extremely difficult to stand for freedom. It is easy for you and me to stand in the well of the House and make glorious speeches.

He stood up in the Soviet Union, suffered imprisonment, suffered unbelievable types of difficulties, finally had to flee the Soviet Union.

When the history of freedom is written for this century, Andrei Amalrik will be one of the heroes. He lived only 42 years, but accomplished more in those 42 years than most do in long, active lives.

He hoped to live to see the day when freedom would be part of the Soviet Union. Unfortunately, he did not have that opportunity.

I know my colleagues in the House, as well as those in the other body, join in paying tribute to Andrei Amalrik.

GOP SHOULD HAVE 44 PERCENT OF COMMITTEE SEATS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, it was a shock to learn that in the Speaker's press conference yesterday he said that the Democrats should continue to have a 2 to 1 plus 1 ratio in the Rules, Ways and Means, and Appropriations Committees in the new Congress.

Republicans represent 44 percent of the membership in the new House and it is simple equity that we should have that rough percentage on the committees—where much of the work of Congress takes place.

The Republican majority in the Senate plans to give fair proportional representation to the Democratic minority and we call upon you, in the name of fair representation to do likewise.

Jefferson said in his inaugural address "that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable."

Mr. Speaker, I respectfully suggest that in the face of the recent election, it is unreasonable for the Democratic majority in the House to deny the Republican minority their fair representation in committee assignments—and urge you to reconsider your position.

STOP THIS MOCKERY OF THE BUDGET PROCESS

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, the statutory requirement for a second binding budget resolution by September 15 was premised on the expectation that all 13 regular appropriations bills would first be enacted.

This Congress has completed action on only three appropriations bills, and still has no final 1981 budget resolution.

Foreign assistance appropriations has not even passed the House, and there is little chance that Senate and conference action can be completed on the 10 remaining appropriations bills within a month.

Rather than make a further mockery of the budget process, this lameduck Congress should do the country a favor by simply passing an appropriations resolution to continue interim Government funding, and then go home.

By next March, the 97th Congress will be organized and hopefully working with the new administration to implement the mandate of this month's elections—which should include final action on the as yet uncompleted fiscal year 1981 second budget resolution.

REMARKS UPON THE ELECTION OF EDWARD SEAGA AS PRIME MINISTER OF JAMAICA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, the dramatic election results here in the United States have generally overshadowed events in the rest of the world during these past 2 weeks. But, I believe it is important to call to the attention of my colleagues the impressive electoral victory of Edward Seaga, the new Prime Minister of Jamaica.

The landslide victory of Mr. Seaga's Jamaica Labor Party signals an historic shift toward a more moderate economic and political program for Jamaica. It represents a break from the close ties that nation has maintained with Castro's Cuba during the last 8 years and it offers hope to the Jamaican people that their country will rebound from the economic chaos that it is suffering.

I urge my colleagues to join me in extending our heartiest congratulations to Prime Minister Seaga and join in supporting his efforts to revitalize his nation.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from New York.

Mr. KEMP. I appreciate my friend from California's statement. I, too, view Edward Seaga's election as an example of real hope in the Caribbean and I also hope we give Jamaica the support they need to make that island a model of freedom, prosperity and justice. The Caribbean and the whole Western Hemisphere needs restoration of prosperity and economic and social justice so vital to the lives of our peoples.

Mr. LAGOMARSINO. I thank the gentleman for his comments.

PERMISSION FOR COMMITTEE ON THE BUDGET TO FILE REPORT ON THE SECOND BUDGET RESOLUTION, 1981

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until 5 p.m. Thursday, November 13, 1980, to file its report on the second budget resolution for fiscal year 1981.

The SPEAKER pro tempore (Mr. DAN DANIEL). Is there objection to the request of the gentleman from Connecticut?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, the request of the gentleman from Connecticut is somewhat revised from yesterday. I believe yesterday the request was for midnight to file.

Mr. GIAIMO. No.

Mr. BAUMAN. What is the reason for the request today in view of the fact that we will be undoubtedly in session until 5 o'clock today and the report can be filed at any time during the session.

Mr. GIAIMO. Merely to accommodate me, so that I do not have to come over here at 3 o'clock and physically file the report. There is nothing involved. If you object to this, all that means is that I will come over here at 3 o'clock and file the report. I discussed this with the ranking minority member, the gentleman from Ohio. He has no objection.

Mr. BAUMAN. The gentleman does not want to in any way stand in the way of the gentleman staying in his office instead of coming here, but only to inquire as to why, since we will be in session, the request is necessary.

Mr. GIAIMO. As I understand it, we will be in session until 3 o'clock and I will physically file it then. If you do not object to my request, I will not have to do that physically and it can be automatically filed.

Mr. BAUMAN. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

STATE AND LOCAL FISCAL ASSISTANCE ACT AMENDMENTS OF 1980

Mr. BROOKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7112) to authorize an extension and amendment of the revenue-sharing program to provide general purpose fiscal assistance to local governments, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7112, with Mr. STUDDS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, November 12, 1980, section 1 had been considered as having been read and opened for amendment.

Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HORTON

Mr. HORTON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HORTON: Strike out everything after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Fiscal Assistance Act Amendments of 1980".

SEC. 2. EXTENSION OF PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund $4,566,700,000 to pay the entitlements of units of local government hereinafter provided for the entitlement period beginning October 1, 1980, and ending September 30, 1981."

(b) ELIMINATION OF STATE SHARE.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—

"(1) STATE GOVERNMENT SHARE.—The State government shall be entitled to receive—

"(A) one-third of the amount allocated to that State for each entitlement period ending before October 1, 1980, and

"(B) no part of such amount for the entitlement period beginning October 1, 1980, and ending September 30, 1981.

"(2) LOCAL GOVERNMENT SHARE.—Of the amount allocated to a State—

"(A) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as provided in section 108, among the units of local government of that State; and

"(B) for the entitlement period beginning October 1, 1980, and ending September 30, 1981, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.".

(c) CONFORMING AMENDMENTS.—

(1) PAYMENTS.—Section 102 of the Act is amended—

(A) by striking out the first sentence of subsection (a) and inserting in lieu thereof the following: "Except as otherwise provided in this title, the Secretary shall, for each entitlement period, pay out of the Trust Fund to each unit of local government a total amount equal to the entitlement of such unit determined under section 108 for such period.";

(B) by striking out "State government or" each place it appears in subsections (a) and (b);

(C) by striking out "any State government and" in subsection (c); and

(B) by striking out "such State" in subsection (c) and inserting in lieu thereof "a State".

(2) ADJUSTMENT OF LOCAL GOVERNMENT ENTITLEMENTS.—Section 108 of the Act is amended—

(A) by striking out "two-thirds of" in subsection (b)(6)(B);

(B) by striking out "the entitlement of the State government of the State in which that unit is located" in subsection (b)(7)(C)(i) and inserting in lieu thereof "ratably the entitlement of the other units of local government (other than a county government) in that county which are not constrained by paragraph (6) from receiving it, or, if all such other units of local government are so constrained, such amount shall be added to and increase ratably the entitlement of each such government";

(C) by striking out "the entitlement of the State government of the State in which it is located" in subsection (b)(7)(C)(ii) and inserting in lieu thereof "ratably the entitlement of the other county governments in that State which are not constrained by paragraph (6) from receiving it, or, if all such other county governments are so constrained, such amount shall be added to and increase ratably the entitlement of each such government"; and

(E) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1981".

(3) DEFINITION OF ENTITLEMENT PERIOD.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year period beginning on October 1, 1980.".

(4) JUDICIAL REVIEW.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

(d) TRANSITION PROVISION.—Section 121(c)(2) of the Act is amended by adding at the end thereof the following new sentence: "For the entitlement period beginning on October 1, 1980, and ending September 30, 1981, a State government or unit of local government shall not be deemed to be in violation of the requirements of subsection (b) or paragraph (1) of this subsection if such government or unit has, prior to the date of enactment of the State and Local Fiscal Assistance Act Amendments of 1980, conducted hearings required under subsection (a) on proposed uses of funds on the basis of a reasonable projection of the amount of funds to be made available to such unit under such Amendments.".

(e) WAIVER PROVISION.—Section 123(c)(5) of the Act is amended to read as follows:

"(5) WAIVER.—The Secretary may waive the requirements of paragraph (1) or paragraph (2), in whole or in part, with respect to any State government or unit of local government for any fiscal year as to which (in accordance with the regulations prescribed by the Secretary) there is a finding that—

"(A) the financial accounts of such government for such period are not auditable, and that such government demonstrates substantial progress toward making such financial accounts auditable, or

"(B) such government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent (in accordance with regulations prescribed by the Secretary), and such State audit agency demonstrates progress toward meeting generally accepted auditing standards or becoming independent.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to entitlement periods (as such term is defined in section 141(b) of the State and Local Fiscal Assistance Act of 1972) beginning on or after October 1, 1980.

Mr. HORTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. For the purposes of the record, the Chair will inquire whether the amendment was printed in the RECORD.

Mr. HORTON. Mr. Chairman, the amendment was printed in the RECORD.

The CHAIRMAN. The gentleman is recognized for 5 minutes to speak in support of his amendment.

Mr. HORTON. Mr. Chairman, let me say to the Members of the House that when you rose yesterday afternoon I attempted to offer this amendment. It had not been printed in the RECORD at that point. An objection was made to my request for unanimous consent. Subsequently, it was printed in the RECORD and it is now before us.

This amendment quite simply would extend revenue sharing for the local governments only for a period of 1 year. I think we are all familiar with the fact that the revenue-sharing authorization and entitlement expired September 30, so that there is nothing on the books at the present time. This amendment would extend the program from that period to September 30 of 1981 with the same formula, and the same number of local governments that participate now.

□ 1040

The reason that I offer this amendment at this point is because we are at a very late stage in the session and we do not know how long the House and the Senate are going to be in. We have something like 19 amendments, some of them quite controversial that are pending to the bill that was reported out of the full committee.

Mr. Chairman, I would also say at the outset that the subcommittee and the full committee worked very hard on this bill. The bill that has been reported out does include a 3-year extension, it does not include State governments, but it does include an antirecession fiscal assistance program, which is a result of work of the subcommittee and the full committee.

Mr. Chairman, I am reluctant to offer this amendment. However, because of the lateness of the session it seems to me that the best alternative is to extend revenue sharing for 1 year. My amendment would not extend it as far as the States are concerned because, as we all know, the budget resolution adopted by the Congress earlier this year did not provide revenue-sharing money for the States in fiscal year 1981.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield for a question?

Mr. HORTON. I will be happy to yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I would like to understand the logic of the gentleman. Is it only the fact of the time constraints of the Congress and our inability to spend more time on this bill that suggests the 1-year extension? Is that the only argument?

Mr. HORTON. Mr. Chairman, that is one of the arguments and I think it is the principal argument, because we do have a large number of amendments, quite controversial, which if considered would take up a lot of time in debate. If they were added to the bill, the bill would have to go to the Senate, the Senate would have to act again, and because of the lateness of the session I am afraid we might have nothing at all.

Mr. ROSENTHAL. Mr. Chairman, let me deal with that argument because I think it is something to consider. Apparently, the leadership of both bodies have indicated we will be in session until December 5. If we spend a day or two on this bill and thus maintain the integrity of the committee structure, because the committee has spent a vast amount of time on the bill, what would be lost by that? I do not see that any great harm could come from following the ordinary procedure.

Mr. HORTON. Mr. Chairman, the gentleman's argument assumes we are going to have an orderly session, that we will have business as usual, and that we will go to conference in an uneventful manner.

Mr. Chairman, I do not want to take that chance with revenue sharing. The States cannot be included anyway except in the out-years, and it seems to me that if we could get a straight extension for the local share of $4.6 billion, the local governments would know that they have an authorization and an entitlement for the current fiscal year.

The gentleman from North Carolina (Mr. FOUNTAIN), the chairman of the subcommittee, and the gentleman from Texas (Mr. BROOKS) yesterday in a colloquy with me indicated they were perfectly willing to take the bill up again in the next session. Doing that would give the new administration an opportunity to send up its recommendations for revenue sharing.

Mr. ROSENTHAL. Mr. Chairman, I just want to make sure I understand the gentleman's position. The gentleman wants to take this fast-track approach to save 4 or 6 hours or something like that?

Mr. HORTON. No; to save revenue sharing. I am afraid with the type of amendments and the arguments we have with regard to amendments and the time involved, we might not be able to move sufficiently expeditiously to get it out of the House, get it out of the Senate, and go through conference.

Mr. ROSENTHAL. I have one last question: Has the gentleman any indication from any of the leadership people on either side of the aisle to support the gentleman's position?

Mr. HORTON. I have had such indications, but I do not want to commit those people.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, it was with mixed feelings that I expressed support yesterday for the amendment offered by the gentleman from New York. I had hoped that we could complete action expeditiously on the full 3-year extension recommended by the Government Operations Committee.

However, after discussing this matter with many of my colleagues, I can appreciate the wisdom of the amendment. There is clearly the danger that Congress might not complete action on the bill during this short, lameduck session. Even if we were to complete action in the House today, there is still the strong possibility that the other body might not act in time or that the conferees could not agree on a bill before adjournment.

In the light of these uncertainties, I am convinced that the gentleman's amendment is the most prudent course.

I want to compliment the gentleman from New York on his courage in offering the amendment, since some may misconstrue his motives. However, in view of his dedicated and unwavering support for this program over the years, there can be no doubt that the amendment is intended to serve the best interests of those who support the revenue-sharing concept.

I believe this amendment offers the best chance in the remaining days of the session to provide continuity of the program and to assure that local goverments will receive their revenue-sharing allocations in January. The Members should bear in mind that revenue sharing for State governments is not at issue, since neither the committee bill nor any pending amendment proposes a State share for fiscal 1981. And, of course, the first budget resolution for 1981 does not include revenue sharing for State governments.

If we approve the Horton amendment, and if it is acceptable to the Senate, it would be my intention to take up extension of revenue sharing, including the countercyclical program, as the first order of subcommittee business in the new Congress.

It is in this spirit that I support the Horton amendment and urge its adoption.

Mr. HORTON. Mr. Chairman, I want to thank the gentleman from North Carolina, especially for the last statement he made, because I think that commitment on the gentleman's part should indicate to the Members of the House that it is the intent of the gentleman to take this subject up at the first meetings of the subcommittee in the next Congress, the 97th Congress. I think that is an important commitment, because some of the Members have expressed concern about what is going to happen next time.

I know that the gentleman from North Carolina is very dedicated to extension of revenue sharing, as am I. We both do this very reluctantly, but I think it is very important to get something on the books now so that the local governments can participate in this $4.6 billion distribution based on the present formula. All this is is a simple extension for 1 year.

AMENDMENT OFFERED BY MR. WYDLER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HORTON

Mr. WYDLER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN. The Chair will inquire, was the gentleman's amendment printed in the Record?

Mr. WYDLER. It was, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Wydler to the amendment in the nature of a substitute offered by Mr. Horton: On page 1 of the amendment of the gentlemen from New York, strike out section 2 and insert in lieu thereof the following:

Sec. 2. Extension of Program.

(a) Authorization of Appropriations for Local Share.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund to pay the entitlements of units of local government hereinafter provided $4,566,700,000 for each of the entitlement periods beginning October 1 of 1980, 1981, and 1982."

(b) State Share Provisions.—

(1) Authorization of state share appropriations.—Section 105 of the State and Local Fiscal Assistance Act of 1972 is further amended by redesignating subsection (d) as subsection (e) and by inserting immediately before such subsection the following new subsection:

"(d) Authorization of Appropriations for Allocations to State Governments.—

"(1) In general.—In the case of each entitlement period described in paragraph (2), there are authorized to be appropriated to the Trust Fund $2,300,000,000 for each such entitlement period to make allocations to State governments in accordance with section 107(a)(2).

"(2) Entitlement periods.—The following entitlement periods are described in this paragraph:

"(A) The entitlement period beginning October 1, 1981, and ending September 30, 1982; and

"(B) The entitlement period beginning October 1, 1982, and ending September 30, 1983.".

(2) State share allocation.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) Division Between State and Local Governments.—

"(1) Entitlement allocations.—

(A) State government share.—The State government shall be entitled to receive—

"(i) one-third of the amount allocated to that State under section 106 for each entitlement period ending before October 1, 1980, and

"(ii) no part of such amount for the entitlement period beginning October 1, 1980, and ending September 30, 1981.

"(B) Local government share.—Of the amount allocated to a State under section 106—

"(i) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as prcvided in section 108, among the units of local government of that State; and

"(ii) for the entitlement period beginning October 1, 1980, and ending September 30, 1981, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.

"(2) Nonentitlement allocation to states.—From any amount appropriated pursuant to section 105(d) for any entitlement period described in section 105(d)(2), there shall be allocated to each State government an amount which bears the same ratio to the amount so appropriated for that period as the amount allocable to that State under section 106(b) bears to the sum of the amounts allocable to all States under section 106(b).".

(c) Conforming Amendments.—

(1) Payments.—Section 102(a)(1) of the Act is amended by striking out "the entitlement" and inserting in lieu thereof "the allocation, if any,".

(2) Adjustment of local government entitlements.—Section 108 of the Act is amended—

(A) by striking out "two-thirds of" in subsection (b)(6)(B); and

(B) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1981".

(3) Definition of entitlement period.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year periods beginning on October 1 of 1980, 1981, and 1982.".

(4) Judicial review.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

(d) Transition Provision.—Section 121(c)(2) of the Act is amended by adding at the end thereof the following new sentence: "For the entitlement period beginning on October 1, 1980, and ending September 30, 1981, a State government or unit of local government shall not be deemed to be in violation of the requirements of subsection (b) or paragraph (1) of this subsection if such government or unit has, prior to the date of enactment of the State and Local Fiscal Assistance Act Amendments of 1980, conducted hearings required under subsection (a) on proposed uses of funds on the basis of a reasonable projection of the amount of funds to be made available to such unit under such amendments.".

(e) Waiver Provision.—Section 123(c)(5) of the Act is amended to read as follows:

"(5) Waiver.—The Secretary may waive the requirements of paragraph (1) or paragraph (2), in whole or in part, with respect to any State government or unit of local government for any fiscal year as to which (in accordance with the regulations prescribed by the Secretary) there is a finding that—

"(A) the financial accounts of such government for such period are not auditable, and that such government demonstrates substantial progress toward making such financial accounts auditable, or

"(B) such government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent (in accordance with regulations prescribed by the Secretary), and such State audit agency demonstrates progress toward meeting generally accepted auditing standards or becoming independent.".

Mr. WYDLER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BROOKS. Mr. Chairman, I reserve a point of order on the amendment.

☐ 1050

Mr. WYDLER. Mr. Chairman, first, I want to thank the gentleman from Texas for reserving his point of order, because it will give us a chance to clarify our thinking on what is going to take place here this morning and for each Member to make a very clear decision on which way he wants to go on revenue sharing.

I appreciate what the gentleman from New York (Mr. HORTON) has just said. I know that he is a strong exponent of revenue sharing. What he is doing he thinks will help the program in the long run. But I would say to those Members who truly support revenue sharing, who want to continue the program, want to continue a successful program, that they have a very much better way of going this morning than with the Horton amendment. That is the way that I am going to propose to go and which my amendment proposes to go. That is simply to extend the present program for 3 years. That is the term of the bill that came out of the committee. Extend the local share for 3 years and to include the States in the 1982 and 1983 fiscal year on an appropriation basis.

That is what the thrust of my amendment to the Horton amendment is. If we do that, we will have, when we vote on that and vote that up, finished in effect with this bill. We will have continued the present revenue-sharing program, the one that everybody likes, the one that their local officials support, and I am asking the Members to continue, that program will continue as it is now in place.

I want to try to keep some continuity here so the Members can get a clear picture of what the Members have here.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from New York.

Mr. ROSENTHAL. I wonder if we could restate once again what the gentleman's amendment would do and what the Horton amendment would do. The major distinction is that under the gentleman's amendment, the States would be in. Under the Horton amendment, the States would be out.

Mr. WYDLER. That is correct. The two differences are this: The Horton amendment will merely extend the local program for 1 year.

The problems in that are enormous. To me, it would put us and all the local governments back in the same position we have been in all of this year. They will live again not knowing what the future of the program is, and they will have to make up their budget on that basis.

My amendment will continue the program for 3 years the present local program just as it is on the books at the present time. And in addition to that, it will allow the States, if they can get an appropriation in the fiscal 1982 and 1983 years, to come back into the program as well.

Now, I suggest to the gentleman that this is the way that this body really wants to go, and to do that, I am offering this amendment.

Let me make it clear to each and every Member that there is a point of order to this amendment, and if the point of order is sustained, my amendment could not be offered to the Horton amendment, but it will be offered immediately after the Horton amendment; and the Members will have a chance to vote on it, and if the Horton amendment is defeated, as it should be, then my amendment will then become in order and it will be immediately offered.

Just let me make clear to the Members that all of the State, county, city, public interest groups are supporting my amendment, and they are calling for the defeat of the Horton amendment; and any Member who wants to support those groups should know clearly that each and every one of them is opposed to the Horton amendment and is supporting my amendment.

The reason I know that is very simple and it is admitted, the reason is set forth in the letter put out by the gentleman from New York (Mr. HORTON) last night. The letter from the gentleman from New York last night in support of his amendment admits in the final paragraph the following. He says, and I quote:

> We realize the solution we are proposing leaves many questions concerning the future of revenue sharing unanswered.

And that is the bottom line. It leaves us right where we are today, next year.

Our State and local governments want some form of answer from this Congress, and I think we can give it to them that we not only believe in revenue sharing, but we are going to pass revenue sharing and let people know that they are going to have the program in effect in the years immediately ahead.

So, I call on the Members of the House to vote for my amendment, either as an amendment to the Horton amendment currently, or if it is ruled out of order, then as a substitute amendment immediately after the Horton amendment; but they will have that opportunity.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

The gentleman has a double-barreled amendment: The 3-year extension and including the States.

Mr. WYDLER. Yes, I do.

Mr. KAZEN. If his amendment fails, will he then——

The CHAIRMAN. The time of the gentleman from New York (Mr. WYDLER) has expired.

(At the request of Mr. KAZEN and by unanimous consent, Mr. WYDLER was allowed to proceed for 1 additional minute.)

Mr. KAZEN. If the gentleman will continue to yield, if the gentleman's amendment fails, will he then single barrel his amendment? In other words, there are some of us who can go with both of the gentleman's issues, but there are some of us who can only go with one, who do not believe that the States ought to have any.

Mr. WYDLER. I cannot tell the gentleman that. I am going to offer the amendment in the form I just set forth. If it is defeated, we go back to the consideration of the bill as it came out of the committee. This body is going to have to consider the issues the gentleman is raising.

Mr. KAZEN. I am talking about defeating the gentleman's amendment. Not the Horton amendment.

Mr. WYDLER. There may be amendments made to strike out the State share in my amendment. I do not know. I cannot predict that to the gentleman. There will be a vote on it maybe, or if there is, and there will be a vote on my amendment, the House will have spoken.

I do not pretend my amendment pleases every Member, but I think it does please an overwhelming majority.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of the amendment by the gentleman from New York (Mr. WYDLER) which deals with what I believe is the most important intergovernmental issue of the year: general revenue sharing. The Wydler amendment would restore the State share of general revenue sharing to the fiscal year 1982–83 budgets at the current level of $2.3 billion per year, and would not even affect our fiscal year 1981 budget levels. Furthermore, under this amendment Congress would retain control of the program because any future funding of State governments would be subject to the appropriation process.

I firmly believe that the revenue-sharing program itself is one of our most attractive Federal programs. General revenue sharing returns money, power and decisionmaking to local officials who are more familiar with their jurisdictions' needs than any Washington bureaucrat possibly could be and it does so at relatively small administrative costs.

My original reasons for supporting general revenue sharing back in the 1972 Congress are still valid. It gives greater flexibility to both State and local governments to use the funds for the purposes which are most needed, avoiding the loss of services of increases in taxes, and improving generally the economic development and infrastructures of these localities. I say today with no less conviction that general revenue sharing has provided local government the flexibility, the margin, and capability to provide badly needed human services. In fact, the need is greater today. Fiscal constraints, increased reliance on regressive forms of taxation and increased demand for services have made the program essential.

Furthermore, I believe that the States should continue to be included. The States, it is true, have improved their fiscal strength, but they have used the new fiscal strength to help the whole federal system. They have helped local governments improve economic development. They have taken over a larger share of the urban burdens that were once federally initiated programs. They have revised and reformed tax structures to give incentives to industry and business to remain and expand, and in some instances they have provided general tax relief. All of these have an indirect benefit to the Federal Government because it involves additional revenues to the Federal Treasury.

General revenue sharing has returned to the local level, with a minimum of paperwork, the opportunity to use Federal taxpayer dollars to meet local needs. Thousands of small cities and counties, many of which receive no other form of Federal assistance, have been able to provide with the help of Congress—a share of the pie to their citizens.

Cities across our Nation are barely holding the line. Rising inflation, coupled with persistent and possibly growing unemployment, threatens to exacerbate already serious fiscal problems. Cities have expressed grave concern about their economic conditions. Some cities are now close to providing only a minimum of services—police, fire, and garbage collection.

In our system of shared responsibilities among the Federal, State and local governments, general revenue sharing has a valid role to play. Revenue sharing is not a handout; but rather a sharing of the Federal tax base with the State and local governments, which incur substantial costs in administering Federal programs, meeting Federal requirements and coping with the consequences when the Federal Government fails to manage the economy. It is also the last visible evidence that the Federal Government recognizes the decentralization as an important part of our national heritage. For that reason also, it is well worth the price tag.

I hope my colleagues will be convinced that during times of limited resources there must be a consciousness developed for cooperation among levels of government. The need for continued general revenue sharing to State governments cannot be overstated. It formally targets aid to States in a manner that recognizes rural poverty, the problems of densely populated States and those already levying high taxes on their citizens. Therefore, it should be renewed on a priority basis and I ask the support of my colleagues in this effort.

Mr. Chairman, I commend my colleague from New York (Mr. Horton) for his efforts to preserve general purpose fiscal assistance to local governments in fiscal year 1981. However, I cannot support the gentleman's amendment since it does not include much-needed entitlements to State governments.

It is difficult to understand why it was necessary in the first place to delete from the budget the States' portion of this program with its successes while so many other wasteful and costly programs go on without review. I have long accepted the need and challenge to cut Federal spending, but there are too many other areas which should be reduced before this much needed program is eliminated.

The States, it is true, have improved their fiscal strength, but they have used the new fiscal strength to help the whole Federal system. They have helped local governments improve economic development. They have taken over a larger share of the urban burdens that were once federally initiated programs. They have revised and reformed tax structures to give incentives to industry and business to remain and expand, and in some instances they have provided general tax relief. All of these have an indirect benefit to the Federal Government because it involves additional revenues to the Federal Treasury.

I am not absolutely sure how many States have used general revenue sharing funds effectively. I can speak freely for Arkansas, in saying that we cannot afford the loss.

Arkansas is unique in that since 1973 the State share of funds has gone directly to the highway and transportation department to be used solely for construction and repair of State highways. Since the program began in fiscal year 1974 the commitment has been for an average of 261 miles of improvements each year.

Economic development of the State of Arkansas is dependent on an efficient transportation system. Improvement of the highway system is an inducement for new industry to locate in Arkansas, and it is the development of new industries that will contribute to improvement in per capita income and the economic well-being of the State. Agriculture is of equal importance to the State; to maintain or improve the efficiency of Arkansas' agriculture requires an efficient highway and arterial system. Deterioration of the highway system would add significantly to the costs of producing the agricultural products.

The argument that Arkansas had a State surplus which could be used in lieu of revenue sharing is not valid. Arkansas law prohibits State expenditures in excess of anticipated revenues. Therefore, any so-called surplus which accrues due to conservative revenue estimates is in reality an unfulfilled need of other State services such as public health, education and welfare, and will be expended as quickly as possible to fund the tremendous backlog of needs.

Cities across our Nation are barely holding the line. Rising inflation, coupled with persistent and possibly growing unemployment, threatens to exacerbate already serious fiscal problems. Cities have expressed grave concern about their economic condition. Some cities are now close to providing only a minimum of services—police, fire, and garbage collection.

The need for continued general revenue sharing to State governments cannot be overstated, therefore, I cannot support the Horton amendment to this bill.

The CHAIRMAN. The time of the gentleman from New York (Mr. Wydler) has expired.

(At the request of Mr. Lagomarsino and by unanimous consent, Mr. Wydler was allowed to proceed for 1 additional minute.)

Mr. WYDLER. I just want to reply to the gentleman as follows: I, too, hope that the point of order is not sustained, but I want to make it extremely clear that whether it is or not, my amendment is going to be offered here if the Horton amendment is voted down.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

I rise in strong support of the gentleman's amendment to the substitute.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Texas (Mr. Brooks) insist on his point of order?

Mr. BROOKS. I certainly do, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas (Mr. Brooks) is recognized.

Mr. BROOKS. Mr. Chairman, the amendment is not germane to the Horton substitute. It is in violation of rule XVI against nongermane amendments. The Horton substitute is limited to an extension of this legislation in 1981 only. The amendment, however, seeks to add language dealing with fiscal years 1982 and 1983. This is a different subject from that of the Horton substitute and does not conform to the rule. The Horton substitute was very carefully drafted and restricted to units of local government for the entitlement period beginning October 1, 1980, and ending September 30, 1981.

The proposed amendment is a different subject matter, dealing with State governments for a different period of time.

The rule is quite clear on this matter. To admit such an amendment would cause great confusion in the legislative process of the House. It should be ruled out of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from New York (Mr. Wydler) desire to be heard?

Mr. WYDLER. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Wydler).

Mr. WYDLER. Mr. Chairman, the amendment to the amendment that I have offered deals with exactly the same subject matter as in the amendment that has been offered by the gentleman from New York (Mr. Horton). It does deal with a longer time period, but it is the same time period exactly that is contained in the legislation. It deals with other matters which are contained in the general legislation, so I feel it is well within the parameters of the bill it is trying to be substituted for.

The CHAIRMAN. The Chair is prepared to rule.

In the opinion of the Chair, the fundamental purpose of the amendment offered by the gentleman from New York (Mr. Horton), in the nature of a substitute, is to extend for 1 year the entitlement authorization for revenue-sharing payments to local governments during fiscal year 1981.

Any amendment offered thereto must be germane to the Horton amendment. It will not be sufficient that the amendment be germane to the committee bill. Under the precedents, to a proposition to appropriate for only 1 year, an amendment to extend the appropriation to another year, is not germane; Cannon's Precedents, volume 8, section 2913.

In the opinion of the Chair, the Horton amendment and the conforming changes therein have as their fundamental purpose the extension of local entitlements for only 1 year and do not thereby open up the amendment to permanent or multiyear changes in the revenue-sharing law.

For that reason, the Chair sustains the point of order.

Is there further debate on the Horton amendment?

□ 1100

Mr. BROOKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment provides for a simple 1-year extension of revenue sharing for local governments at current funding levels. Consistent with both the House and the Senate measures and the budget procedure, no provision is made for payments to State governments in fiscal year 1981. Aside from a few technical changes, that is all this amendment does—it extends revenue sharing for local governments for 1 year.

I would emphasize that neither this Horton extension for 1 year nor the amendment the gentleman from New York (Mr. Wydler) says he may in the future offer will provide for any State funds in fiscal year 1981—not a nickel in 1981. It is all on 1-year projections and that could be handled next year.

Let me make it clear that I continue to be opposed in principle to revenue sharing. To those who favor this program, however, this is your best chance to insure continuation of revenue sharing for local governments during this fiscal year. You can support this amendment, deferring until next year consideration of such issues as entitlement versus appropriations, restoration of the State share, and the countercyclical title. Or, you can plow ahead into these issues and produce a bill that includes major provisions in controversy with the Senate legislation.

Then you can take your chances that the two Houses of Congress, rushing toward adjournment sine die, will have the time and wherewithal to see revenue sharing through an involved conference and final floor action. Maybe we can get all that done; I am willing to work on it. But if we do not, all those who oppose this amendment can be the ones to go back to their local governments and explain to them why they are not going to get their checks on January 5.

In addition, the simple extension of revenue sharing for local governments for 1981 will permit full consideration of the relationship of this program to the greater budget picture for fiscal years 1982 and 1983. We will have a new administration. We will get a new input into how they think the budget ought to be handled and how we ought to spend Government money and whether we should have deficits forever or whether we should restrict them.

These are the issues that the 97th Congress will have to consider in detail and at length. In the interim, I urge support of this 1-year extension for local governments.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the Horton amendment.

Mr. Chairman, I want to state at the outset of the enormous respect and affection I have for the gentleman from New York, Mr. Frank Horton. He has worked with great industry and great commitment and has been, indeed, a leader not only in our committee, but in the House.

I am opposed to the amendment because, in the first place, in principle it would preclude any way of including the States. I support the States being involved in revenue sharing.

I also, as a matter of policy and procedure, oppose the speculative panic theory of legislating. The committee has spent a vast amount of time and all the members of the committee worked diligently to produce a bill that I believe is useful.

The Horton amendment is opposed by a distinguished group of citizens in this country that support revenue sharing. I want to bring to the attention of the members of the committee a list of those groups and organizations that oppose this amendment. They include the following:

National League of Cities;

National Association of Counties;

The U.S. Conference of Mayors;

The National Governors Association;

The Conference of State Legislatures;

The American Federation of State, County, and Municipal Employees (AFSCME);

The National Education Association; and

The National Association of Towns and Townships.

There are two points that I want to make. That is, that if the Horton amendment is defeated, the gentleman from New York (Mr. Wydler) would then be offered an opportunity under the parliamentary precedents to offer his amendment, which would extend the local program for 3 years and authorize revenue sharing for the States in fiscal years 1982 and 1983. It seems to me that that is the responsible way to deal with the situation.

I do not like speculating that if we had 2 more hours or 4 more hours or 6 more hours that the whole program is going to be blown out of the water. I am convinced that both Houses of Congress in their wisdom, will deal with this piece of legislation in a responsible, sensible kind of way. I think the better part of wisdom and judgment, and maintaining the integrity of both this institution and our very distinguished Committee on Government Operations, chaired by the gentleman from Texas (Mr. Brooks), would be to defeat the Horton amendment and then proceed and have the gentleman from New York (Mr. Wydler) to be permitted to proceed to offer his amendment. I think that would be the appropriate way to go.

Mr. WYDLER. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the Horton amendment.

Mr. Chairman, I just want to take a few minutes to clarify again the situation, now that we know my amendment is not allowed to be offered as an amendment to the Horton amendment and, therefore, we are about to vote on the Horton amendment.

I am urging all the Members to vote against the Horton amendment.

I think each Member should keep in mind the fact that the chairman of the full committee, the gentleman from Texas (Mr. Brooks), who is an announced total opponent of revenue sharing, would like to see the program killed, dead, in whatever way he can bring that about. I am not saying anything that the gentleman has not said in public many times and he has just gotten up and spoken in favor of the Horton amendment.

I think everybody should realize that the gentleman is not doing that because he figures that the Horton amendment is going to help the revenue-sharing program. Quite to the contrary, he sees it as a device, I believe, where he can get control over this bill again next year and in some way or another possibly kill the program. I do not know how he can do that, but I think that is probably what he is hoping for.

I only tell the members of the committee and the House that if, indeed, we pass this 1-year extension, this bill will start out next year where it started out this year: In the same subcommittee with the same subcommittee chairman, the same full committee with the same full committee chairman, and, these are the gentlemen, and with the administration's great aid and assistance, who have managed to bring us this day in a lameduck session of the Congress to the consideration of the revenue-sharing bill. They have managed to delay it and keep it back and off the floor of the House for consideration until the lameduck session. Having accomplished that, they now say, "Well, now that we have stalled it to the lameduck session, we should really throw it aside and just give it a 1-year extension, because it is too late to do anything."

They are the very people that made it too late to do anything; but the fact of the matter is that it is not too late to do anything. When I offer my amendment immediately upon the defeat of the Horton amendment, we will have a chance to continue the revenue-sharing program for the next 3 years. We will have a chance to let the States back in if the Congress so decides to let them back in in 1982 and 1983 through the appropriations process. That will be a decision that can be made by the Congress at that time. Congress will have to affirmatively act before the States will be able to get back in, but they will have that opportunity under my amendment.

So I would just think they have a very clear choice. If you want the revenue-sharing program, all the groups that are affected by it, every one says defeat the Horton amendment: the National Association of Counties says defeat the Horton amendment, vote for the Wydler amendment.

The International City Management Association says defeat the Horton amendment, vote for the Wydler amendment.

The Council of State Governments says defeat the Horton amendment, vote for the Wydler amendment.

The National Governors Association says defeat the Horton amendment, vote for the Wydler amendment.

The U.S. Conference of Mayors says defeat the Horton amendment, vote for the Wydler amendment.

Now, I am asking the House, if you are for the revenue-sharing program, I know an overwhelming majority of this House is for the revenue-sharing program, listen to the people that are going to have to administer the program and run the program in the local areas. They are the ones that want you to defeat the Horton amendment and vote for the Wydler amendment and give them a chance to plan reasonably well over the next 3 years their own budgets and run their own local governments. I think that is truly in the best interests of our country. I think that is what the voters of this Nation have kind of given us a message about just a few days ago. We should listen to them. We should respond and we should do it today by defeating the Horton amendment and voting for the Wydler amendment.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I want to associate myself with most of what the gentleman has said.

I would just like to ask by way of underscoring the point that the gentleman was making this question: If the Horton amendment is adopted, does that mean that there will be no chance at all to vote on including in this legislation the States' share of revenue sharing?

☐ 1110

Mr. WYDLER. Absolutely. That would settle that issue definitively once and for all.

Mr. ROTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the State and Local Fiscal Assistance Act Amendments of 1980 (H.R. 7112). The general revenue-sharing program is a vital part of the life-support system of governments throughout the Nation.

The success of this program can be seen by the strong support it has received from mayors, county executives, State legislatures, and Governors around the country. The program operates efficiently and economically because the full use of these funds is determined by those levels of government closest and most responsive to the people.

Further, the program:

Has a direct relationship in providing local property tax relief;

Has a low administrative cost in relation to other Federal assistance programs;

Has a fair and equitable redistribution formula;

Has strengthened local governments by providing funds outside of functional grants for locally established priorities; and

Has offered recipients flexibility and discretion in the delivery of local programs, projects, and services.

Mr. Chairman, reauthorization of this program means you favor the continuation of successful intergovernmental fiscal relations.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. HORTON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WYDLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 65, noes 306, not voting 61, as follows:

[Roll No. 627]

AYES—65

Archer
Aspin
Badham
Benjamin
Bennett
Brinkley
Brooks
Butler
Cavanaugh
Collins, Tex.
Crane, Daniel
Dannemeyer
Duncan, Oreg.
Edwards, Okla.
English
Erlenborn
Fountain
Fuqua
Gephardt
Giaimo
Hagedorn
Hinson

Horton
Hughes
Ichord
Jacobs
Jones, Okla.
Kramer
Lee
Long, Md.
Lujan
Luken
Lungren
McDonald
McKay
Mathis
Mattox
Mazzoli
Michel
Miller, Calif.
Montgomery
Mottl
Myers, Ind.
Nelson

Obey
Panetta
Paul
Quayle
Roberts
Rousselot
Rudd
Satterfield
Seiberling
Skelton
Snyder
Stack
Stangeland
Steed
Stenholm
Stump
Taylor
Udall
Volkmer
Waxman
Wright

NOES—306

Abdnor
Addabbo
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner

Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brodhead
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burton, John
Campbell
Carney
Carr
Carter
Chappell
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Collins, Ill.
Conte
Conyers
Cotter
Coughlin
Courter
Crockett
D'Amours

Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio

Fenwick
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fowler
Frost
Garcia
Gaydos
Gibbons
Gilman
Gingrich
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Hightower
Hillis
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Howard
Hubbard
Huckaby
Hutchinson
Hutto
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer

LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lowry
Lundine
McClory
McCormack
McHugh
McKinney
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mavroules
Mica
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Calif.
Murphy, Pa.
Murtha
Musto
Natcher
Nedzi
Nichols
Oakar
Oberstar
Ottinger
Pashayan
Patten
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss

Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Solomon
Spence
Staggers
Stark
Stewart
Stratton
Studds
Swift
Symms
Synar
Tauke
Tauzin
Traxler
Trible
Ullman
Vander Jagt
Vanik
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Wirth
Wolff
Wolpe
Wyatt
Wydler
Yates
Yatron
Young, Fla.
Young, Mo.
Zeferetti

NOT VOTING—61

Akaka
Anderson, Ill.
Bedell
Beilenson
Bevill
Bolling
Burlison
Burton, Phillip
Byron
Chisholm
Coleman
Conable
Corcoran
Corman
Crane, Philip
Deckard
Dellums
Dodd
Dougherty
Fithian
Frenzel

Ginn
Hall, Ohio
Hanley
Heftel
Jenrette
Johnson, Colo.
Kelly
Lent
McCloskey
McDade
McEwen
Madigan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Neal
Nolan
Nowak
O'Brien
Patterson
Pease

Rhodes
Richmond
Ritter
Schulze
Shumway
Spellman
St Germain
Stanton
Stockman
Stokes
Thomas
Thompson
Van Deerlin
Vento
Wilson, C. H.
Winn
Wylie
Young, Alaska
Zablocki

☐ 1120

Messrs. LIVINGSTON, DERRICK, STARK, ECKHARDT, HUTTO, LOTT, YATES, and LEHMAN changed their votes from "aye" to "no."

Mr. HAGEDORN changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

☐ 1130

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WYDLER

Mr. WYDLER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Chair will inquire of the gentleman whether his amendment was printed in the RECORD.

Mr. WYDLER. It was, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

Amendment in the nature of a substitute offered by Mr. WYDLER: Strike out everything after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Fiscal Assistance Act Amendments of 1980".

SEC. 2. EXTENSION OF PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS FOR LOCAL SHARE.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund to pay the entitlements of units of local government hereinafter provided $4,566,700,000 for each of the entitlement periods beginning October 1 of 1980, 1981, and 1982."

(b) STATE SHARE PROVISIONS.—

(1) AUTHORIZATION OF STATE SHARE APPROPRIATIONS.—Section 105 of the State and Local Fiscal Assistance Act of 1972 is further amended by redesignating subsection (d) as subsection (e) and by inserting immediately before such subsection the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS FOR ALLOCATIONS TO STATE GOVERNMENTS.—

"(1) IN GENERAL.—In the case of each entitlement period described in paragraph (2), there are authorized to be appropriated to the Trust Fund $2,300,000,000 for each such entitlement period to make allocations to State governments in accordance with section 107(a)(2).

"(2) ENTITLEMENT PERIODS.—The following entitlement periods are described in this paragraph:

"(A) The entitlement period beginning October 1, 1981, and ending September 30, 1982; and

"(B) The entitlement period beginning October 1, 1982, and ending September 30, 1983.".

(2) STATE SHARE ALLOCATION.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—

"(1) ENTITLEMENT ALLOCATIONS.—

"(A) STATE GOVERNMENT SHARE.—The State government shall be entitled to receive—

"(i) one-third of the amount allocated to that State under section 106 for each entitlement period ending before October 1, 1980, and

"(ii) no part of such amount for the entitlement period beginning October 1, 1980, and ending September 30, 1981.

"(B) LOCAL GOVERNMENT SHARE.—Of the amount allocated to a State under section 106—

"(i) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as provided in section 108, among the units of local government of that State; and

"(ii) for the entitlement period beginning October 1, 1980, and ending September 30, 1981, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.".

"(2) NONENTITLEMENT ALLOCATION TO STATES.—From any amount appropriated pursuant to section 105(d) for any entitlement period described in section 105(d)(2), there shall be allocated to each State government an amount which bears the same ratio to the amount so appropriated for that period as the amount allocable to that State under section 106(b) bears to the sum of the amounts allocable to all States under section 106(b).".

(C) CONFORMING AMENDMENTS.—

(1) PAYMENTS.—Section 102(a)(1) of the Act is amended by striking out "the entitlement" and inserting in lieu thereof "the allocation, if any,".

(2) ADJUSTMENT OF LOCAL GOVERNMENT ENTITLEMENTS.—Section 108 of the Act is amended—

(A) by striking out "two-thirds of" in subsection (b)(6)(B); and

(B) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1981".

(3) DEFINITION OF ENTITLEMENT PERIOD.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year periods beginning on October 1 of 1980, 1981, and 1982."

(4) JUDICIAL REVIEW.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

(d) TRANSITION PROVISION.—Section 121(c)(2) of the Act is amended by adding at the end thereof the following new sentence: "For the entitlement period beginning on October 1, 1980, and ending September 30, 1981, a State government or unit of local government shall not be deemed to be in violation of the requirements of subsection (b) or paragraph (1) of this subsection if such government or unit has, prior to the date of enactment of the State and Local Fiscal Assistance Act Amendments of 1980, conducted hearings required under subsection (a) on proposed uses of funds on the basis of a reasonable projection of the amount of funds to be made available to such unit under such Amendments.".

(e) WAIVER PROVISION.—Section 123(c)(5) of the Act is amended to read as follows:

"(5) WAIVER.—The Secretary may waive the requirements of paragraph (1) or paragraph (2), in whole or in part, with respect to any State government or unit of local government for any fiscal year as to which (in accordance with the regulations prescribed by the Secretary) there is a finding that—

"(A) the financial accounts of such government for such period are not auditable, and that such government demonstrates substantial toward making such financial accounts auditable, or

"(B) such government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent (in accordance with regulations prescribed by the Secretary), and such State audit agency demonstrates progress toward meeting generally accepted auditing standards or becoming independent.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to entitlement periods (as such term is defined in section 141(b) of the State and Local Fiscal Assistance of 1972) beginning on or after October 1, 1980.

Mr. WYDLER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WYDLER. Mr. Chairman, we have now come to the point where I have, in effect, carried out my promise to the members of the committee and offered an amendment which I think all of those who support the concept of revenue sharing can support. And since my amendment is in the nature of a substitute, upon adoption of my amendment we will have completed the consideration of the bill. And all of those who want the revenue-sharing program to move forward from the House and get into a conference with the Senate can rest easy, knowing that that process is well underway. So I am urging each and every Member to support the amendment which I have offered.

My amendment is fairly simple, and I will try to explain it. There are just two main provisions. The first provision continues the present program, just as it is being run and administered at the present time. It continues that program for 3 years. That part I know all the Members who support revenue sharing will be in favor of. The first part of my bill is a simple extension of the present program for 3 years, exactly as it is now on the books and is being run. There is nothing new in that part of my bill at all, nothing that changes the present law or the present situation in any way, shape or form.

The second part of my amendment authorizes a proposal that would allow the States to share in the program in the fiscal years 1982 and 1983 if and when the new Congress appropriates money for that purpose. So we will leave it strictly in the hands and control of the new Congress and the Members who are sitting in that Congress to appropriate money for a State share if they so determine at that time. But this will make it possible for that Congress to so act if they so determine. And I think those who may oppose State revenue sharing still will feel that this is merely an authorization proposal, and it will require for a State share to be forthcoming in 1982 and 1983 for the Appropriations Committee to act in the House, and the Senate to act, and the President, of course, to sign the legislation.

The proposal I am putting forth to you is supported by all organized groups at the State or local level.

My amendment is supported by all the organizations, the local and State organizations that are involved in this matter. It is supported by the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors. These all support the Wydler amendment. The Conference of State Legislatures, the American Federation of State, County and Municipal Employees, the National Education Association, the National Association of Towns and Townships, they are all supporting this amendment.

☐ 1140

They are united for this amendment, and I think that the Members know that if they are for revenue sharing, the bottom line is, if you really want this revenue-sharing program to go forward and succeed, this is the amendment that will do it. So, I urge each and every Member to vote "yes" on this amendment.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to my colleague from New York.

Mr. ROSENTHAL. Mr. Chairman, I support the gentleman's amendment, although I have some problems with part of it. What does the gentleman's amendment do as far as the countercyclical program is concerned?

Mr. WYDLER. The countercyclical program is not part of this amendment. If the countercyclical program in some form or other is to be enacted into law by a subsequent Congress, it is going to have to come in some other vehicle, or it is going to have to come in some other bill, or it is going to have to be offered as an independent program, but it is not included in any form.

Mr. ROSENTHAL. So that I understand the gentleman clearly, his amendment extends the program from 1 year to 3 years, the existing program, and puts the States into the program?

Mr. WYDLER. Well, as a practical matter my amendment extends the program for 3 years.

Mr. ROSENTHAL. Right.

Mr. WYDLER. Currently, the program is not in existence, so amendment will bring the program back into existence not only for the next year, but for the 2 following years—3 years altogether.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. BROWN of Ohio and by unanimous consent, Mr. WYDLER was allowed to proceed for 3 additional minutes.)

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman.

Mr. BROWN of Ohio. In a parliamentary sense I want to state precisely where we are at this point in the debate. If I understand the gentleman's amendment, it provides precisely what the Committee on Government Operations provided regarding the local share, that is, a 3-year extension. Is that correct?

Mr. WYDLER. Yes, but the committee bill, as the gentleman well knows, contains a lot of those extraneous provisions which are not in my amendment.

Mr. BROWN of Ohio. Just talking about the time element.

Mr. WYDLER. That is true.

Mr. BROWN of Ohio. A 3-year extension for the local share. It modifies that to say that the local share will be allocated according to the existing formula.

Mr. WYDLER. That is correct.

Mr. BROWN of Ohio. That is so that the local communities will know, based on that previous legislation, the way they received revenue sharing in the past; essentially what they will get and how they will get it.

With respect to the State share, it provides that the State share in fiscal year 1982 and 1983—will be a possible distribution to all States. Is that correct?

Mr. WYDLER. That is correct.

Mr. BROWN of Ohio. For the second and third year, and it does not address itself in any way to the frustration of what the Budget Committee has recommended, but provides that the next Congress can make a modification of that if it wishes. Is that correct?

Mr. WYDLER. That is correct.

Mr. BROWN of Ohio. And so, in effect, the gentleman provides for local and State shares for out years 2 and 3. He provides for the local share in year 1, and he provides for the next Congress to make a determination as to whether or not that Congress wants to include State revenue sharing or not. Is that essentially what the gentleman's amendment would do?

Mr. WYDLER. The gentleman has described my amendment very well.

Mr. BROWN of Ohio. I want the gentleman to know that I support the amendment because I feel strongly that we violate our responsibility to local governments in this body if we do not make clear what our position is on revenue sharing in this lameduck session of Congress, and we make a mistake to leave it to the future. Personally, I feel very strongly about including the State share, but I am willing to respect the gentleman's effort to the extent that I want to make that decision in the next Congress, but it is my hope that in the next Congress there will be a State share in that first year, and certainly for the second and third years.

Mr. ROYER. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from California.

Mr. ROYER. Mr. Chairman, I would like to commend the gentleman for his amendment, and I certainly want to associate myself with his remarks and urge this body to pass this amendment, because I think it is essential.

Mr. WYDLER. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. PANETTA and by unanimous consent, Mr. WYDLER was allowed to proceed for 2 additional minutes.)

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I want to make clear to the Members that, as I understand the bill that we are dealing with, there is about $1 billion provided in countercyclical assistance that is part of title II, $500 million of which is going to go to States. If the gentleman's amendment is adopted, which restores State revenue sharing, they will in addition have the $500 million in countercyclical, is that correct?

Mr. WYDLER. Well, if the program ever went into effect it would, yes. The program, as the gentleman knows, is a trigger program. Certain things have to happen before any money is forthcoming. It is not an automatic payment.

Mr. PANETTA. My understanding was that the purpose of the countercyclical program was to soften the blow of removing State revenue sharing, and what the gentleman's amendment is virtually doing is giving them both State revenue sharing and countercyclical.

Mr. WYDLER. No; that is not correct. My amendment does not have any provisions relating to countercyclical.

Mr. PANETTA. But the bill does.

Mr. WYDLER. But my amendment is in the nature of a substitute for the bill.

Mr. PANETTA. I would like the Members to know, if this amendment passes I intend to offer an amendment to insure that States cannot have both.

Mr. WYDLER. The gentleman, of course, can do whatever he desires.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I thank the gentleman for yielding. I would like to have the gentleman clarify a point that has now been addressed by way of questions that have been raised concerning countercyclical, which I am vitally interested in. I want to be certain that in supporting the gentleman's amendment, I am not prejudicing the countercyclical assistance program.

I am confident that his amendment will provide by way of State participation needed assistance to the local communities. However, my question is, does the gentleman's amendment preclude the consideration of countercyclical aid—will support for your amendment preclude the countercyclical assistance program?

Mr. WYDLER. No; it does not.

Mr. RODINO. Mr. Chairman, therefore, I support the amendment to restore States participation in the general revenue-sharing program.

I do so because I believe this program is crucial in helping local governments meet human needs and to maintaining the viability of State budgets.

Right now, States contribute more money each year to help local governments than do all the programs of the Federal Government. Now, more than ever, this help is needed. A recent survey by the U.S. Conference of Mayors showed that 79 of the 100 largest cities in our Nation are either facing or will soon face serious financial problems. Inflation has put a tremendous strain on municipal budgets that are comprised largely of salaries, fringe benefits, construction, maintenance and energy costs. Cities of all sizes are affected by this. General revenue sharing to States ultimately helps cities of all sizes, from every region of the country.

As the only truly flexible Federal aid program to States, general revenue-sharing funds are used in a variety of different ways by the States, but we know that a major portion of the funds go to pay for public schools. Without these funds, local education will suffer greatly. So will retirement aid for the elderly, medical care for the poor, aid for the mentally ill, family services and other essential local services which States helps to pay for.

In my home State of New Jersey, 52

percent of the State's budget goes directly to local governments. This pays for one-third of the budgets of municipalities.

Moreover, 60 percent of all urban school costs are borne by the New Jersey State government. In my home city of Newark, the State carries 76 percent of the local school costs.

I shudder to think what would happen if the States could not continue to help local communities. And there is good reason to believe this could happen without the continuation of general revenue sharing. Despite the talk of State governments having surplus budgets, the fact remains that the majority of State budget surpluses reside in just 5 of the 50 States. Also, if you consider the aggregate State and local budgets nationwide you will find that they were in deficit last year, and they will remain in deficit again this year. The impression of a so-called budget surplus comes from including States' social insurance funds when considering budgets. However, these funds cannot be touched for general use and have no real bearing on a State's ability to meet human needs.

Mr. Chairman, this amendment addresses the human problems in our cities, counties, and States, but it does not put a strain on our budget this year. The first budget resolution for 1981 does not include funds for States' share of general revenue sharing and this amendment does not authorize any funds for 1981.

The amendment merely attempts to provide Congress with the option of funding this vital program in 1982 and 1983 if we deem it necessary.

Without this amendment, the program will die automatically, leaving no chance in the next 3 years to make a judgment about its viability according to the economic situations in the States. This would be an unwise course to take.

This amendment is a modest and prudent step toward meeting the human needs of Americans, and I urge my colleagues to support it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(By unanimous consent, Mr. Wydler was allowed to proceed for 1 additional minute.)

Mr. WYDLER. My amendment does not include anything about countercyclical. It is not part of my amendment. My amendment can be amended and the countercyclical program can be brought up in another fashion. As a matter of fact, we had it in the past in other pieces of legislation. That is not impossible. It was attached to this one because it happened to come through a certain subcommittee. That is really what happened, but I would say to the gentleman that the countercyclical program, those that like it and so forth, should have their day in court and a chance to vote on that issue, but it is not part of my amendment.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Texas.

Mr. BROOKS. To clarify that point a little further, if the gentleman's amendment passes as it is now, you will not be able to offer any countercyclical amendment whatsoever. It will be dead.

Mr. WYDLER. I am not going to get into a parliamentary argument. The gentleman, as chairman of the Government Operations Committee, knows what the parliamentary situation is. I am not going to try to instruct him on that.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. Edgar and by unanimous consent, Mr. Wydler was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I would like to commend the gentleman in the well for his amendment in the nature of a substitute because it extends revenue sharing for 3 years. I also would like to commend the gentleman for his inclusion, in out years 1982 and 1983, of the State share of revenue sharing.

I wonder if the gentleman might respond as to why he did not include some form of authorization for the countercyclical program, given the needs of the States, particularly, in that first year?

☐ 1150

Mr. WYDLER. Mr. Chairman, the only thing I can tell the gentleman in that regard is that I was trying to bring forth an amendment that was as simple as I could make it. Originally, I was trying to explain to the gentleman, I put forth a bill to simply extend the 1-year revenue-sharing program for 4 years. That bill had over 100 sponsors in the House. The administration would not let it be considered. They insisted on getting into a long and arduous committee procedure where we started to get little amendments of this and little amendments of that type.

The general program is working well and should be extended on the basis that it is a success and I am trying to keep it as simple as I can.

I think the countercyclical program deserves consideration and it should be voted on in some fashion by the Members of the House. I am for that, but I do not think this is the right time and place to do that.

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. WYDLER. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, while I would prefer to have the countercyclical included, the gentleman's amendment makes more sense than the 1-year simple extension. I think a number of communities across the country have a difficult time planning. I think the gentleman's amendment at least gives those communities an opportunity to plan on an ongoing basis.

I commend the gentleman for his amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. Ratchford, and by unanimous consent, Mr. Wydler was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I would just like to clarify and kind of lock in cement the business about the countercyclical. I do understand correctly that the gentleman's amendment does not include in any way, shape, or form the countercyclical provisions for which there was no funding in the budget anyhow.

Mr. WYDLER. That is correct. It left out a great many things that were in the committee bill because frankly, I think a great deal of it was harmful to the bill. We have a program going on at the present time that is successful. It is working well. I think we should extend that program. It does not have a lot of other things that were in the committee bill.

Mr. WALKER. That is the reason I think the gentleman's compromise is a good compromise in that it does give us the revenue-sharing program without tying something to it that would be a categorical program and therefore endanger the entitlement.

I thank the gentleman for yielding.

Mr. WYDLER. I thank the gentleman for his comments.

Mr. RATCHFORD. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Connecticut.

Mr. RATCHFORD. Mr. Chairman, I wish to join my colleague from New York in stressing the importance of preserving the State share of the general revenue-sharing program and in urging the House to approve this amendment.

We are all aware of the lengthy debate which took place during the budget deliberations this spring on revenue sharing, and of all the claims of State surpluses as an argument against the State share of the program. But let us not be fooled—this revenue-sharing money translates into direct services in each State in the Nation, and very often in direct aid to local governments. The suggestion that the State share is not needed represents—in all but a few States—nothing but a pleasant delusion for those seeking "easy" solutions to our budget dilemma.

I do not need to remind my colleagues in the House of the special role which revenue sharing plays in the relationship between Federal, State, and local governments. Revenue sharing remains one of the only sources of Federal aid which State and local governments can use in a flexible manner, in a way which is responsive to their uniquely pressing needs. I will not argue against the categorical nature of most Federal programs, for it is important that Federal dollars be targeted primarily to serve special, federally recognized goals and purposes. But the revenue-sharing program provides a semblance of balance and of flexibility in the Federal structure, one that neither the States nor the local governments can afford to lose.

Having played a role in the original authorization of the revenue-sharing program during my tenure in the State legislature in Connecticut, I am particularly aware of the role which the State share of revenue sharing has played in my home State. The State of Connecticut uses all of its $29 million in revenue-sharing funds for essential mental health care services, supporting nursing and training activities, outpatient care, community outreach efforts and maintenance services necessary to care for mental health care facilities. The elimination of the State share of this program will be felt immediately in the mental health care system in Connecticut—in spite of the recent emphasis which my colleagues in the House have placed on effective programs to alleviate mental illness. And yet we are told that the State share is not "needed."

Surely the use of revenue-sharing funds by the States differs. Approximately 40 percent of all State revenue sharing is used to support education programs, either to meet Federal special education mandates for the handicapped which are not supported by Federal tax dollars, or for general State aid to education. With State funds nationwide providing nearly 40 percent of all local government expenditures and nearly 50 percent of public elementary and secondary education costs, it is simply unrealistic to believe that the elimination of the State share of revenue sharing will not have a dramatic impact on essential services at the local level.

When viewed from a regional perspective, even the arguments about State surpluses throughout the Nation falls apart. A great portion of State surpluses are concentrated in a very few States—Alaska, California, and Texas—and more than three-fourths of the surpluses are found in the South and West. Only 22 percent of any State surplus can be found in the struggling Northeast-Midwest region. With projections showing that 45 of the 50 States will be faced with deficits in fiscal year 1981, the "need" for the State share becomes eminently clear.

The authors of this amendment have taken a thoughtful and responsible approach to continuation of the State share, and I commend them for their labors in this area. The amendment before the House today would not conflict with the difficult budget process through which we have struggled this year, and would not add funds for the State share in fiscal year 1981. Instead, the amendment authorizes State funding only for fiscal years 1982 and 1983, and even then such funding would be subject to the annual appropriations and budget processes. We are not talking about an entitlement for the Senate share, as we have had in the past. We are talking about providing the Congress with the flexibility to respond to emerging needs at the State and local levels in the years ahead.

The entire reauthorization bill we have before us today is essential to local governments, and certainly I urge my colleagues to support final passage of this legislation. The examples of how the cities and towns in my own district in Connecticut have used revenue-sharing funds to meet local needs reminds me of the importance of the revenue-sharing extension. Public safety tops the list of concerns in the use of revenue-sharing funds—whether for the support of police and fire protection personnel in cities like Danbury and Waterbury, the purchase of new police and fire equipment in Derby, the construction of a police station in Ansonia, or the improvement of street lighting in Danbury.

The city of Derby has also used revenue-sharing funds to update school heating systems, while Ansonia and Danbury have channeled portions of their revenue-sharing allocations to summer jobs programs for youth and to community social service programs. And in smaller communities such as Redding, Conn., local officials have put even small sums of money to creative and valuable uses, replacing older "gas-guzzling" vehicles with new, more fuel-efficient models and developing a comprehensive plan to guide future growth in the community. Most often, the revenue-sharing funds support services which are truly essential, and elimination of the revenue-sharing program would be devastating.

Mr. Chairman, it is easy to make sweeping generalizations about the importance of a program like general revenue sharing. Each time we stop to look specifically at what is being done with the money—at State and local levels—it becomes much more difficult to suggest that revenue sharing and the State share are not important. The State share for fiscal year 1981 has already fallen victim of the budget process this year, and the amendment before us will not change that budget decision. I urge my colleagues to look a little more carefully and reasonably at the program this time, and to permit the Appropriations and Budget Committees to consider the needs in fiscal years 1982 and 1983 by supporting this amendment.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from California.

Mr. LAGOMARSINO. I rise in strong support of the Wydler amendment. This amendment would be a good and workable addition to the bill because it meets the budget goals of fiscal year 1981, but will reauthorize revenue-sharing payments to State governments in fiscal years 1982 and 1983, subject to specific congressional appropriations.

Believe me, States may well need those funds. They are being hit just as badly by the downturn in the economy as any other sector in the United States. And categorical grants do not always address the specific problems faced by each individual State. As we are all aware, the Federal Government is often an inflexible monolith that tries to solve very individual problems with very general programs, whereas revenue sharing gives States the means to solve their particular problems in the manner that best suits the residents of that State. Revenue sharing is operated at both ends with a minimum of redtape, bureaucracy, and expense; especially when compared to categorical programs. I strongly believe that categorical programs should be handled on a block basis, and eventually revenue sources should be returned to the States.

Another aspect of the administration's proposal, that has not been adequately addressed in this debate, is that, it subverts the intent of the traditional State to Federal Government relationship and substitutes a direct Federal-local relationship. A large percentage of State revenue-sharing funds are passed on to local governments and school districts anyway, as they should be. By cutting State funds, the administration is actually adversely impacting the very constituency it wants to target. State authorities can make a better judgment as to which local governments and school districts are in need of revenue-sharing funds because they are closer to the problems.

In light of these facts, and in reviewing the amendment, I hope my colleagues will join me in supporting this effort.

Mr. FOUNTAIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I reluctantly rise in opposition to the Wydler amendment. The gentleman from New York has been an ardent supporter of revenue sharing and I regret that he is going to retire so that he will not be back here next year to participate in all the problems and deliberations we may have in connection with revenue sharing. We will not have the benefit of his experience and knowledge in this field.

Let me say first that I supported the amendment offered by the gentleman from New York, the ranking minority member of the committee (Mr. HORTON), because I sincerely believe we run a grave risk of losing this very important program in the closing days of the session. I hope I am wrong.

The 1-year extension would at least have assured local governments a January payment, which they have been counting on in their budgets, as well as the additional payments in fiscal 1981.

However, the House has spoken and we respect that. So far as I am concerned, I am willing to continue to fight for the bill reported by our committee.

The question now is taking action on the committee bill and the various amendments to it which have been printed in the RECORD.

Now, the Wydler amendment, and let me emphasize this, the Wydler amendment would literally wipe out all of the hard work in the subcommittee and the full committee to improve the revenue-sharing program. If the Wydler amendment is passed, the Members will be deprived of the opportunity to vote on the committee bill, on which we spent many, many days, and which make significant improvements in the revenue-sharing program.

Mr. WYDLER. Mr. Chairman, would the gentleman yield?

Mr. FOUNTAIN. The gentleman will not yield at this point. I will yield when I have finished.

I therefore urge the Members to defeat the pending amendment which simply endorses the position rejected by the Committee on Government Operations.

We should defeat the amendment and clear the way for the immediate consideration of the committee bill.

I yield to the gentleman from New York at this point, but I expect to take 5 more minutes.

Mr. WYDLER. It is true my amendment will wipe out all the work of the committee and the subcommittee, but the gentleman supported the Horton amendment. That did the same thing.

Mr. FOUNTAIN. No, that did not. We stated our reasons for supporting the Horton amendment. I do not care to go into that again.

Mr. WYDLER. If the gentleman will yield further, the Horton amendment was a 1-year extension.

Mr. FOUNTAIN. It was, in order to assure the local share in January, because it is very uncertain that the Congress will complete action on the committee bill in these remaining days.

Mr. WYDLER. It in fact wiped out all the work of the subcommittee and said next year you will do it all over again. That is what the amendment was.

Mr. FOUNTAIN. We plan to come back in January and reauthorize the committee bill and bring it to the floor. But we want to be sure local units of Government will have funds through September of next year.

So the amendment is unnecessary, and I think the gentleman's amendment is potentially destructive.

I say this as one who has been an ardent supporter of revenue sharing from the beginning.

I think the amendment is unnecessary, as pointed out in my "Dear Colleague" letter before the recess, because there is ample time for the committee to reconsider State revenue sharing next year if the budget picture is improved.

The committee bill does not close the door on the States' share for 1982 and 1983, as have been alleged. Moreover, it is meaningless as well as poor legislative practice to put an authorization on the books 2 and 3 years in advance of payments and before we have any evidence that it can be funded.

Of greater importance, the amendment is destructive because it jeopardizes the bill's antirecession assistance title, which would almost surely make payments to State and local governments, next year.

I do not believe our constituents sent us here to fan the flames of inflation and further depreciate the value of the dollar. That is exactly what this amendment would do by increasing the annual cost of the program by $2.3 billion without legislating an offsetting $2.3 billion budget cut.

Increasing the budget deficit by over $2 billion simply forces the Treasury Department to borrow money in competition with both the private sector and State and local governments, thereby increasing interest rates and inflation.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. FOUNTAIN) has expired.

(By unanimous consent, Mr. FOUNTAIN was allowed to proceed for 3 additional minutes.)

Mr. FOUNTAIN. In fact, just last month, some State and local governments were forced to pay nearly 11 percent to sell A-rated long-term revenue bonds. And the Dow Jones municipal bond index recently rose above a 10 percent yield for the first time in history.

Let me repeat that. State and local governments are having to pay 10 and 11 percent to sell high grade tax-exempt bonds. What is causing this heavy interest cost burden? It is largely due, of course, to the heavy issuance of Treasury notes and bonds to finance our $60 billion deficit and our 900 billion plus national debt, on which we are paying about $75 billion a year interest.

This deficit financing drives up the interest rate for all other borrowers including State and local governments. Therefore, widening the Federal deficit to pay revenue sharing to the States is obviously a bad deal for the States themselves, as well as for all of us. This irrational process would be injurious to all Americans as taxpayers and consumers. I thought we got that message in the recent election from the American people.

Whether State government budgets are in deficit or in surplus is completely beside the point, as I have said many times. The sovereign States have the same taxing powers as the Federal Government. It is not the responsibility of the Congress to manage their fiscal affairs. That is precisely what we are trying to do.

☐ 1200

All of you know that a large majority the States have called upon the Congress to balance the budget, by resolutions and otherwise. Until that important objective is accomplished, there is no rational justification for resuming revenue sharing payments to the States. Furthermore, most State governments reduced taxes this past year. Are we going to continue to give them funds to reduce taxes at the expense of Federal budget deficit and increased inflation?

Mr. Chairman, I have no quarrel with tax reductions. However, it does seem strange that States would use budget surpluses for tax reductions, and then argue that the Federal deficit should be widened, with all of its horrendous consequences, in order to provide revenue sharing money for discretionary State spending. The logic of this position completely escapes me.

There is, however, a sound rationale for antirecession assistance to State governments, as provided in the committee bill.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FOUNTAIN was allowed to proceed for 1 additional minute.)

Mr. FOUNTAIN. This program furthers national fiscal policy, and spending is strictly limited in the committee bill in proportion to the duration and severity of a recession. This is the choice made by the committee, by the administration. I urge we support the committee and reject this amendment.

AMENDMENT OFFERED BY MR. BROOKS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WYDLER

Mr. BROOKS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BROOKS to the amendment in the nature of a substitute offered by Mr. WYDLER: On page 1 of the amendment offered by the gentleman from New York, beginning on line 13, strike out all of subsections (b) and (c), and insert in lieu thereof the following:

(b) ELIMINATION OF STATE SHARE.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—

"(1) STATE GOVERNMENT SHARE.—The State government shall be entitled to receive—

"(A) one-third of the amount allocated to that State for each entitlement period ending before October 1, 1980, and

"(B) no part of such amount for any entitlement period beginning on or after October 1, 1980.

"(2) LOCAL GOVERNMENT SHARE.—Of the amount allocated to a State—

"(A) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as provided in section 108, among the units of local government of that State; and

"(B) for any entitlement period beginning on or after October 1, 1980, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.".

(c) CONFORMING AMENDMENTS.—

(1) PAYMENTS.—Section 102 of the Act is amended—

(A) by striking out the first sentence of subsection (a) and inserting in lieu thereof the following: "Except as otherwise provided in this title, the Secretary shall, for each entitlement period, pay out of the Trust Fund to each unit of local government a total amount equal to the entitlement of such unit determined under section 108 for such period.";

(B) by striking out "State government or" each place it appears in subsections (a) and (b);

(C) by striking out "any State government and" in subsection (c); and

(D) by striking out "such State" in subsection (c) and inserting in lieu thereof "a State".

(2) ADJUSTMENT OF LOCAL GOVERNMENT ENTITLEMENTS.—Section 108 of the Act is amended—

(A) by striking out "two-thirds of" in subsection (b)(6)(B);

(B) by striking out "the entitlement of the State government of the State in which that unit is located" in subsection (b)(7)(C)(i) and inserting in lieu thereof "ratably the entitlement of the other units of local government (other than a county government) in that county which are not constrained by paragraph (6) from receiving it, or, if all such other units of local government are so constrained, such amount shall be added to and increase ratably the entitlement of each such government";

(C) by striking out "the entitlement of the State government of the State in which it is located" in subsection (b)(7)(C)(ii) and inserting in lieu thereof "ratably the entitlement of the other county governments in that State which are not constrained by paragraph (6) from receiving it, or, if all such other county governments are so constrained, such amount shall be added to and increase ratably the entitlement of each such government"; and

(D) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1983".

(3) DEFINITION OF ENTITLEMENT PERIOD.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year periods beginning on October 1 of 1980, 1981, and 1982.".

(4) JUDICIAL REVIEW.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WYDLER. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BROOKS. Mr. Chairman, I do not think a point of order will apply against this amendment but I am prepared to fight that battle handily.

Mr. Chairman, we have gone over this issue so many times in the last year or so we should not need a lot of discussion before we vote.

Mr. Chairman, in taking this State out of the revenue-sharing program, the Committee on Government Operations was not acting on a basis of temporary change in an economic picture that may improve in the next year or two. It acted on the basis of logic. It simply makes no sense for the Federal Government, heading rapidly toward a trillion dollar national debt, to build up that debt in order to send money to States that have budget surpluses.

This substitute offered by the gentleman from New York (Mr. WYDLER) will give $2.3 billion a year for 2 years to the States of this Nation when those States have money in their treasuries, do not need this and should not get it. If this is what Congress wants to do, you can kiss a balanced budget goodby for your lifetime.

Mr. Chairman, we are not talking about a lot of money from the standpoint of the States. We are talking about 1 or 2 percent of the State revenues. That is all their share amounts to, and yet they scream and cry and write letters and send telegrams and make statements that they cannot survive without it.

The committee voted to end the totally wasteful, illogical giveaway of borrowed money to all the States, even when they are rolling in money. It should be ended and I hope the House will support my amendment to the amendment.

The CHAIRMAN. Does the gentleman from New York insist upon his point of order?

Mr. WYDLER. Mr. Chairman, I do not insist upon my point of order, and I withdraw my point of order.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment to the amendment.

Mr. Chairman, I rise in support of the Wydler-Conable/Rodino-Michell amendment to restore State participation in the general revenue-sharing program in fiscal 1982 and 1983.

History has taught us that the battle for reauthorization of this $6.9 billion program for State and local governments would be long and hard. At stake this year is the very survival of the States share.

General revenue-sharing funds mean the difference between fiscal security and crisis for many State and local governments throughout the Nation. This important fiscal assistance program—specifically that part which sends funds directly to State governments—today is on the chopping block, and its defenders know the axe is about to fall. There could be fewer, bigger mistakes. Dismembering the State revenue-sharing program is not fiscal restraint—it is fiscal irresponsibility.

We are now in a state of economic emergency. Our economic compass has been artificially tilted by foreign nations, major cities have hovered on the brink of bankruptcy, and entire industries have been threatened with extinction.

Members of this House know that many Northeastern and Midwestern States still have not recovered from the last recession. Their economic vitality has been sapped. They have lost millions of taxpayers and hundreds of thousands of jobs. Much like a cold that settles in the chest but affects the whole body, the economic aches and pains of the United States are felt throughout the Nation, but settle firmly in our region.

Indeed, the older sections of this Nation stand on the edge of another economic tragedy if we allow those hurt most by an economy out of control to suffer the shockwaves of yet another recession. Eliminating the States' share of general revenue-sharing will tighten by a notch or two the fiscal straitjackets of many Northeastern and Midwestern States, and a recession will bring these States to near suffocation.

Let me assure you, Mr. Chairman, that I am here defending the States' share of the general revenue-sharing program because it is a vital part of the life-support system of governments throughout the Nation. While all of us are under heavy pressure to reduce Federal spending, we must not let our desire to help balance the Federal budget obscure the importance of general revenue sharing to State and local governments struggling to retain some semblance of fiscal stability. According to the Advisory Commission on Intergovernmental Relations, even the current $6.9 billion funding level actually represents a 40-percent decrease in the purchasing power of revenue-sharing dollars since the beginning of the program in 1972.

Elimination of the States' share, as reported in the committee bill, will result in severe budgetary disruptions for governments in the Northeast-Midwest region:

First, our States simply cannot afford to lose their revenue-sharing funds. Those wielding the ax say State governments are in a strong fiscal position compared to the Federal Government. Projections by the National Governors' Association, for example, show an aggregate operating surplus of $7.5 billion for State governments in fiscal 1980.

But these numbers mask a great deal of variation in State fiscal conditions. At least 78 percent of the surplus is found in the South and West, with most concentrated in a few States: Alaska, California, and Texas. Only 22 percent is in the Northeast-Midwest region.

Second, the revenue systems of Northeastern and Midwestern States are extremely vulnerable to downturns in the economy. Some proponents of cutting payments to the States argue that States now have a more balanced revenue system—today 37 States make use of both the personal income tax and the sales tax—compared to only 19 in 1950—making it easier for State governments to raise revenues. But they overlook that as State revenue systems become stronger and more elastic—more responsive to economic changes—they also become increasingly more vulnerable to the clear and present dangers of recession.

We know—beyond a shadow of a doubt—that New England, Mid-Atlantic, and Midwestern States are bearing the brunt of the current recession. They face the difficult task of providing needed social services from the diminished tax base caused by stagnant and declining economies.

Many of these State governments also have the smallest surpluses, and would have to choose between increasing their already high taxes or cutting essential services to compensate for the lost of revenue which would result from the elimination of the States' share. If these governments decide to maintain their present level of services, they would have to increase individual income taxes by 6.4 percent or general sales taxes by 6.6 percent.

Third, because State/local taxation schemes vary widely, elimination of the State share of general revenue sharing would disproportionately harm some States—those picking up the tab for services that others provide at the local level. Opponents of the States' share argue that at least 40 percent of the States' funds could be cut, because only 60 percent is passed through directly to local governments. This is based on the notion that somehow the money proposed for revenue sharing for the cities can be separated from the money going to the States.

But from a fiscal standpoint, States and localities are necessarily related. Much of what Minnesota does at the State level is done in New Hampshire at the local level. State revenues are about 70 percent of State-local tax revenues in Minnesota and only about 38 percent in New Hampshire.

In addition, the Congressional Budget

Office says the effects of eliminating States from the general revenue-sharing program would be unevenly distributed, since States vary considerably in their financial positions and in the proportion of revenue-sharing funds passed through to local governments. My own State of Pennsylvania passes 100 percent of their money through, for example.

The States' share of revenue sharing has been singled out because it is the easiest target of the budget-cutting ax. It is no-strings money—so many do not realize it goes to help the needy, to provide economic development funds, to build and repair highways, and to improve educational systems.

Do we really want to go back to our districts and say we cut $1.2 billion in education funds?

Do we really want to go back and say we cut $250 million in health services?

Do we really want to go back and say we cut $155 million in transportation moneys?

For the reasons I have mentioned here this morning, the States' share should not be eliminated from the general revenue-sharing program. Mencken once said:

> For every human problem, there is a solution that is simple, neat and wrong.

Pushing States to the brink of fiscal disaster through elimination of the State share may be simple. It may also be neat, but in our view it is dead wrong.

□ 1210

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Edgar) has expired.

(By unanimous consent, Mr. Edgar was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. In this House I urge my colleagues to reject the amendment of the gentleman from Texas and support the amendment of the gentleman from New York.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

I think it is important to point out that in our State, for instance, 75 percent of all of this revenue sharing, the State shares, goes to educational programs that are mandated not by the State or local governments, but are mandated by the Federal Government and are not paid for by the Federal Government.

And second, a great deal of that money then also trickles down to State and local governments. So I think you can talk about those who may have a surplus of money, but ours is used to take care of mandates that come from the Federal Government.

Mr. EDGAR. I thank the gentleman for his contribution.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Michigan.

Mr. PURSELL. I thank the gentleman for yielding.

I want to associate my remarks with the gentleman as chairman and our leader of the Northeast-Midwest coalition. I think it is important that these funds be sent back to the respective States and local communities.

I support the Wydler amendment. Again he demonstrates his outstanding leadership capabilities. I am sorry to see John retire from the Congress. He has been a major contributor to us on both the Republican and Democratic side in terms of his leadership. I also compliment the fine job Mr. Edgar has done as leader of the Northeast-Midwest coalition.

Mr. EDGAR. I thank the gentleman for his comments.

I yield back the balance of my time.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are certain things we should be aware of before we vote on this very important issue. I am a strong supporter of revenue sharing. It is a program that has worked well in the past, but like everything, we have to evaluate within the time frame of its consideration the circumstances we must determine whether changes are needed.

In this instance, I think we ought to reflect long and hard before we make a commitment today about the extension of the State share of the revenue-sharing program.

I am not opposed in principle to having States participate in the revenue-sharing program, but now is not the time.

There was a slogan during the recent campaign that went something like this: The time is now. The time is now to move to a balanced budget. The time is now to make decisions which require sacrifice, not to create more and more spending.

What we need, my colleagues, is a statement to the American people that we are prepared to make those sacrifices and not simply to continue to spend money because it was authorized in a program that was created 4 years ago or 7 years ago.

I want especially to speak to my colleagues on the Republican side of the aisle who have been in the forefront of talking about balanced budgets, but you know what I found when I went around the country and spoke to people all over? Everybody was for a balanced budget. Everybody was for reducing Federal spending until it came to the program that he was interested in. Just absolutely amazing.

They said, "I am for a balanced budget, but do not balance it in the health care area." And, "I am for a balanced budget, but do not cut our water project." And, "I am for a balanced budget, but do not take it out of education." And, "I am for a balanced budget, but do not take it out of some other program that I am interested in."

That is what we are seeing right here. The States not only have surpluses, but let me read something to the Members. Did you know that there are 30 States, 30 States, which have adopted resolutions calling upon Congress to establish a constitutional convention to limit Federal spending and balance the budget?

They are all for cutting taxes and no new tax increases. What they mean is they do not want to raise their State taxes. They want to raise the Federal deficit and Federal taxes. Thirty States.

Do you know how many it takes to have a constitutional convention to do that? Thirty-four.

I was interested to hear my colleague from Pennsylvania talk about the needs of the States and how much money they need from Federal revenue sharing. Why, Pennsylvania is one of the distinguished participants in this list of States that is asking for the Federal Government to balance the budget and limit spending. You cannot have it both ways.

Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Indiana, Kansas, Louisiana, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming—there are the States that want us to balance the budget. And now they are saying with our surpluses let us have more.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Would the gentleman like to resume his stand at the Democratic podium?

Mr. LEVITAS. I will be happy to come back to our side.

Mr. WEISS. Thank you.

I asked the gentleman to yield because I wondered if he had forgotten that the amendment of the gentleman from New York (Mr. Wydler) does not provide for an entitlement for the State share in the outyears, but simply authorizes appropriations to be made by the Congress for fiscal years 1982 and 1983 so that there is no addition to the budget at all.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. Levitas) has expired.

(At the request of Mr. Weiss and by unanimous consent, Mr. Levitas was allowed to proceed for 3 additional minutes.)

Mr. WEISS. I wonder if the gentleman could explain why he thinks that there are additional moneys being added to the budget. As the amendment reads it will be up to Congress to appropriate those moneys in the future years if it so decides.

Mr. LEVITAS. I thank the gentleman for his question.

As the gentleman knows, I am very familiar with the fact that this is an authorization. An authorization, however, is the way you get the camel's nose under the tent.

What I am suggesting to the gentleman is that if we will wait until we see what the circumstances are next year, that the Committee on Government Operations will then be able to make a judgment as to whether or not the States should participate.

I have already stated, I am not opposed in principle to States participating in general revenue sharing. But I am suggesting to the gentleman, and I am suggesting to my conservative and fiscally responsible friends on this side of the aisle that we cannot have it both ways.

It is imperative that if we are going to send that message to the American people, that we counted the votes and understood what they meant last week, that this is the place to begin, the time is now.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thank the gentleman for yielding.

I will be happy to have the gentleman move back over to the Republican side.

Mr. LEVITAS. I am getting tired.

Mr. BROWN of Ohio. Whether it is symbolic or permanent.

Mr. LEVITAS. Just to get the gentleman's attention.

Mr. BROWN of Ohio. I thought it was perhaps an indication of fealty of some kind. I was delighted. Sorry to see that it did not last.

I guess symbolism must be some product of the State which the gentleman comes from; as is the feeling that it may be right, but the time is not now for this question of the State share.

I have a lot of respect for the gentleman in the well. I have a good deal of personal friendship for him, because I think he is one of the most perceptive men in this body. I would just have to say that perhaps our perception is different on this issue. It seems to me that there are a lot of places that ought to be cut that we both know have been badly spent from the Federal level.

□ 1220

At the same time, this is not deciding how the States will use that money. We are deciding a fundamental question; that is, should there be a program to assist States and local governments financially, so that they can have some discretion about which of the Federal programs they might use that money to match, or, which of the programs they have at the local level.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

(At the request of Mr. BROWN of Ohio, and by unanimous consent, Mr. LEVITAS was allowed to proceed for 3 additional minutes.)

Mr. BROWN of Ohio. So that officials at the local level might make that determination, because I think both the gentleman and I believe that local government has just as much right to make decisions as the Federal or the State governments do.

Now, in the gentleman's own State, according to the National Governors' Association, 83 percent of all the money that comes to the gentleman's State is used in the teachers' retirement program. Presumably, if there was no State share, that would have to be replaced by some State tax or some increase in the teachers' retirement program costs; that is, a contribution from the teachers or the schools, or in some other way.

I have to say to the gentleman, that is also true in my State. In my State revenue-sharing moneys are used for higher education; for the public school system at the elementary and secondary level; for mentally and physically retarded children's programs, to which we contribute locally through property taxes at the community level; and, for mental health programs.

Now, somebody either picks those programs up financially and supports them from tax sources or those programs are diminished to the extent that we terminate state revenue sharing. It boils down to that.

In this case, would not the gentleman rather see us address some of the ineffective programs that we have from the Federal level, like CETA, for instance. Perhaps we can terminate some of that money.

Mr. LEVITAS. I would like to respond, because the gentleman certainly makes the point that I am making. I would rather see these decisions made at the State and local level and I would rather see them use general revenue-sharing funds where they can set the priorities and make their judgments by State and locally elected officials, rather than by bureaucrats in Washington; but that is not the option that we have before us at this time. We are talking about States which (A), have surpluses and (B), States which are asking us through a constitutional convention to limit Federal spending and balance the budget and at the same time are coming to the Congress and saying, "But give us revenue sharing."

Now, let me ask the gentleman this. I have an amendment which is in the record and that amendment says that, yes, States will get their revenue-sharing allocation to the extent that they forego or return categorical grant programs where they think they would rather have the general revenue-sharing programs, rather than the abused CETA program or the misspent housing programs. They say, "We don't want that. We would rather get general revenue sharing." So that we do not increase the budget. We keep the budget intact and let them choose between revenue sharing on the one hand and categorical funds on the other.

How would the gentleman feel about that?

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

(At the request of Mr. BROWN of Ohio, and by unanimous consent, Mr. LEVITAS was allowed to proceed for 3 additional minutes.)

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, let me say that I think there is some difficulty, with his approach I am not a lawyer. I do not know whether the gentleman's amendment is constitutional. I do not think we can extend programs and then have the States modify those programs at their discretion.

However, does the gentleman in the well have any doubt in his mind that the revenue-sharing program which provides the funds unencumbered to the local level, that the local officials would not prefer to have revenue sharing as opposed to having the programs that are categorical in nature? In other words, would they not prefer to see us make a determination to cut categorical programs, rather than cutting revenue-sharing programs? It seems to me that is our responsibility.

Mr. LEVITAS. If the gentleman will permit me to respond, I am absolutely certain of it. There is only one thing they would like better than that, and they like both of them; that is what they really would prefer; they want it both ways. I am suggesting to the gentleman that I will be offering an amendment, if necessary, that will give the States that choice; but until the decision is made at this time, are we going forward with additional expenditures with higher deficits or are they going to say that where the States withhold the resources, which are calling upon us to cut back and to balance the budget, take them at their face and give them the choice later on.

Mr. BROWN of Ohio. Mr. Chairman, just to conclude the conversation, I must say to the gentleman that I am not fully convinced that the States really would not prefer to see us cut categorical programs and balance the budget and continue revenue sharing. I am inclined to think that perhaps if we took all the Federal revenues and redistributed them to the States without any controls from the Federal level, they would like that most of all. But the fact of the matter is that there are certain national programs that we have to undertake, defense and other things, where that money ought to be directed.

The conclusion that I would come to, however, is that the gentleman has fallen victim to the idea that we ought to in some way punish these upstart States for recommending that we balance the budget. Therefore, we are going to take it out of the programs that they consider to be the best.

Mr. LEVITAS. Let me disabuse the gentleman of that. I am not trying to punish the States. I happen to think they may be right and the Congress has been wrong. When they are asking us to limit Federal spending and balance the budget, I think they are right.

Mr. BROWN of Ohio. The gentleman is welcome to move back on our side of the aisle.

Mr. LEVITAS. I thank the gentleman. They cannot have it both ways is all I am saying. They just cannot have it both ways.

I will tell the gentleman what this vote is going to be when it is all over and the dust is settled. Everybody is going to go back and say, "You know, I do believe in a balanced budget and I believe we ought to cut Federal spending, but not in the areas that I really do like."

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

(At the request of Mr. WYDLER, and by unanimous consent, the gentleman was allowed to proceed for 2 additional minutes.)

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. Yes. I yield to the gentleman from New York.

Mr. WYDLER. The gentleman is really going to have to think about what the legislative situation is that we are dealing with right now. My amendment does not give the States any entitlement. Therefore, it is not fair to ask the States to make this decision on where the funds should be cut under those circumstances. We are going to give the States today an authorization only. If and when the Appropriations Committee decides to give them any money under this bill, they can decide, and they should decide, they will have to deal with Federal budget and the Government problems, and if they decide that they want to give them some for general revenue sharing, they may have to cut it out of some categorical program. That is a decision for the Appropriations Committee to make in its overall deliberations on the budget and its bills; so since it is not an entitlement program for the States, I do not think we really should put it on the backs of the States to try to make that kind of a decision. It should properly be made here in the Congress; so I would say that would be a good thing to do if we were continuing State entitlement, but we are not continuing State entitlement.

Mr. LEVITAS. I understand. I thank the gentleman for his contribution. I respect his work in this area. I am simply saying that we are in a put-up or shut-up situation.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I would be happy to yield to my colleague.

Mr. MYERS of Indiana. I support much of what the gentleman is saying, but I am going to support this amendment. It is not the ideal amendment that I would like to support, but I think we can use this vehicle to accommodate both what the gentleman says and what needs to be done.

First of all, a year from now after we serve notice on the States, we can cut the fund in half, which I think we should do, the States' share of revenue sharing. Two years from now it should be cut out entirely; but many States have already budgeted these funds to come in next year and in fairness to them, although I would like to see a balanced budget, I think we have to serve notice on them that they will be reduced. I hope somehow we can send a message to the States that we intend to do that. We can gradually phase it out.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

(At the request of Mr. Brooks, and by unanimous consent, Mr. Levitas was allowed to proceed for 2 additional minutes.)

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to my chairman.

Mr. BROOKS. I would like to say that I do not know how the States are planning to spend money this year, since they do not have any in this budget. There is no money for the States now. We are just looking at the out years, and they are just dreaming about it to get it authorized. Then they will come in and say, "You promised it to us."

We have promised them nothing now. They do not have any now and we ought not to be talking about it when we may not give it to them.

I am willing to try and use them first.

Mr. LEVITAS. Mr. Chairman, I am concerned that if we do not stick with the committee position on this, that in the first significant major fiscal vote taken after the November 4 election, we are going to be going back to doing business as usual and not doing what the American public said they wanted in that election.

Mr. BROOKS. This would add $4.6 billion of authorization.

□ 1230

Added to the deficit for 1982 and 1983 is $4.6 billion. That is what this authorizes. We ought not to be doing that.

Mr. LEVITAS. I thank my chairman.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I have listened carefully to what the gentleman was saying and it seems to me that he essentially agrees that the money that the State and local governments spend tends to be more efficiently spent than what we spend at this level. So really, is this not a discussion in large part on the way in which we are going to utilize Federal resources?

Where I fall out with the gentleman's argument is that if we make a decision right now to stop the kind of program that utilizes those resources most effectively, we are really doing damage to the long-term ability to balance the budget because we will have cut ourselves off from one of the main vehicles we have in order to balance that budget by administering programs in the most efficient way.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. Levitas) has again expired.

(At the request of Mr. Walker and by unanimous consent Mr. Levitas was allowed to proceed for 1 additional minute.)

Mr. LEVITAS. I am happy to yield to the gentleman.

Mr. WALKER. If we really do cut ourselves off from this vehicle for administrative remedy, in the long term we will have really jeopardized our ability to balance the budget because we will have locked in categorically programs instead of a bloc grant, revenue sharing approach.

Mr. LEVITAS. I do not think so. I think that we really need to begin to get tough on these fiscal decisions. But I hope the amendment of the gentleman from Texas (Mr. Brooks) passes. If it does not, I say to my friend from Pennsylvania (Mr. Walker) I am going to give him the opportunity through another amendment to accomplish both purposes, to eliminate some of the wasteful categorical programs and put the emphasis on general revenue sharing with decisions made by the State and local elected officials.

Mr. WALKER. I look forward to the gentleman's amendment.

Mr. LEVITAS. I thank the gentleman.

Mr. WYDLER. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, I am going to say just a few words about the amendment offered by the gentleman from Texas (Mr. Brooks) which has been offered to knock out half of the Wydler amendment. The gentleman proposing this amendment is probably close to being the most ardent opponent of revenue sharing that we have in the House of Representatives.

I think those that are for the revenue-sharing program should realize that the purpose of the Brooks amendment is really to end the revenue sharing program. All those who buy the talk that since some State governments have a surplus, they should not receive revenue sharing are mistaken. States are not supposed to run their governments in deficit positions, and most of them do not run in deficits; most of their surpluses are very small and those are operating surpluses that most units of State and local government have. But if my colleagues buy that argument that State governments with surpluses should not share, they are going to have to do away with local revenue sharing, too, because a great many local governments have surpluses.

So if that is going to be the standard to be adopted as legislators, that if a State government or any local or State government has a surplus they should not be in the program, then my colleagues are going to have to get rid of all of the local governments. That is what the gentleman from Texas (Mr. Brooks) has in mind. Do my colleagues not see that? That is where the program is going to end up and finish if we start going down this road.

So I ask the members of the committee to reject the Brooks amendment. Support the Wydler amendment. It is the amendment that is supported by all the local government groups; be they States, cities, towns, counties, they are all supporting the provisions of the Wydler amendment.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. I thank the gentleman for yielding and appreciate his leadership on this very important matter. I simply wanted to underline a point I made about State budgets. My understanding is a great number of States actually have legal requirements that they be in a state of nondeficit, or balance, or surplus. Is that not correct?

Mr. WYDLER. That is correct. Now we want to punish them for that. If they do not have a deficit, they should get punished and that is the theory, the mind-set that goes on in this kind of amendment. It is ridiculous. We should reward them for getting their governmental affairs in order and, thank God, maybe we are starting in that same direction ourselves here in the Federal Government.

Mr. MAGUIRE. If the gentleman will yield further, my State, for example, has very serious problems but we have a requirement for a balanced budget. Most of the States that are referred to when these discussions are underway are, in fact, States which have serious problems but which have just a penny or two, if you will, of surplus. We still must help those States.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, we have heard arguments that State and local governments may not be under great economic stress and that some of them have budget surpluses.

According to the Commerce Department figures that showed a $6.5 billion State and local surplus in 1978, 1 year later, however, there was a deficit of $6.1 billion. There is a forecast by Data Resources, Inc., which predicts now an $11.7 billion deficit for State and local governments by the end of 1980.

My feeling is, and I support the gentleman's amendment, I think he has done a great job, my feeling is we make a mistake when we think that we in Washington know how to spend the taxpayer's money better than the people back in the local areas that are more cognizant of the problems that may exist. So I strongly support the gentleman's amendment.

Mr. Chairman, I rise in support of the Wydler amendment to H.R. 7112. Congress, by establishing the revenue-sharing program in 1972, took a small but important step in reversing a trend toward creating more and more Federal programs with burdensome paperwork requirements. The logic and wisdom of allowing State and local officials to participate in decisions involving the allocation of Federal tax dollars seems to me to be undeniable since these same officials are most cognizant of the needs of their citizens. The double-digit inflation which we have been experiencing has significantly eroded the value of these revenue-sharing dollars, and I feel that States should not be penalized further by removing any possibility of State share funding in the future.

As a rationale for reducing the State share, some Members of Congress have pointed to State surpluses and argued that the States are more fiscally sound than the Federal Government. However, there are indications that State and local governments are very susceptible to economic stress. Commerce Department figures showed a $6.5 billion State and local surplus in 1978; however, 1 year later figures indicated a deficit of $6.1 billion. Forecasts by Data Resources, Inc., predict an $11.7 billion deficit for State and local governments by the end of 1980.

In Illinois all of the State share, $113 million annually, is distributed to local school districts for education. State officials faced with the loss of the fiscal 1981 money basically have two options, neither of which is very satisfactory—to cut services or raise taxes. Illinois has opted to distribute cuts in services across the board in order to minimize the negative impact on education. If these conditions continue, it will have dire consequences for State and local governments with the people facing an era of austerity.

I would like to conclude by saying that I feel that during the decade of the 1980's, State and local governments will face mounting fiscal pressures which will only be exacerbated by reductions in revenue sharing. I urge my colleagues to support this amendment which would allow us the option of funding the State share in fiscal years 1982 and 1983.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Minnesota.

Mr. STANGELAND. I thank my colleague for yielding. I, too, want to associate myself with his remarks. The gentleman has made the point that eliminating State revenue sharing is the first step to eliminating revenue sharing.

Let me state that the bill before my colleagues, as it came from the committee, not only eliminates State revenue sharing, it eliminates 17,000 units of local government. It is not only States we are fighting for, it is local government, too.

We now have 38,000 local units receiving revenue sharing money. If we pass the bill as it came out of the Committee on Government Operations we eliminate 17,000 of those units of government. That is what we are fighting for here, and the States are the ones who are the cornerstones and the local unit is the other. Eventually, there will be no revenue sharing at all and I want to associate myself with the remarks of the gentleman.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. STANGELAND and by unanimous consent, Mr. WYDLER was allowed to proceed for 2 additional minutes.)

Mr. WYDLER. I yield to the gentleman.

Mr. STANGELAND. The gentleman from Illinois (Mr. RAILSBACK) made the point that these State and local governments are in a deficit. The reason they are in a deficit is because of this economy we are in, and I think when we have a problem with this economy that we have created here in Washington, the Federal Congress has created this economy, then I think we have a responsibility to help shore up those finances to make sure that those units of government can provide the services that they have to provide. I think there is no question that that tax dollar spent locally by local officials is the best tax dollar spent, the best husbandry of the public tax moneys.

I support the gentleman from New York's amendment and I say we should vote down the Brooks amendment and vote for the Wydler amendment and get on with the business of revenue sharing.

The CHAIRMAN. The time of the gentleman from New York (Mr. WYDLER) has again expired.

(At the request of Mr. BROWN of Ohio and by unanimous consent, Mr. WYDLER was allowed to proceed for 2 additional minutes.)

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Texas.

Mr. BROOKS. I want to point out to my friend from Illinois, Mr. RAILSBACK, that the projected deficit for State and local governments, all the local governments in the United States, is estimated to be some $11 billion. The current projection for fiscal 1980 for the U.S. Government is $59 billion. We have now in hand five times as much deficit as all of the States and all of the communities put together, by the gentleman's estimates, and we are going to be giving them $4.6 billion. We must be out of our minds.

Mr. WYDLER. I would say I do not know about that to the chairman. I see the gentleman vote for many bills here on the floor of the House, day after day, giving money to those State governments.

Mr. BROOKS. Then why do we not fight it out right now?

Mr. WYDLER. I do not yield until I finish my statement.

The only problem I have with what the gentleman says is as long as we give State governments money, and it is a categorical program, that is fine; forget the fact they have a surplus, forget everything else about it.

☐ 1240

Give them the money, but if you try to give them a revenue-sharing dollar, that is bad. It is the same deficit, Mr. Chairman. Whether you give them categorical money or revenue-sharing money, you still have a $59 billion deficit.

Mr. BROOKS. If the gentleman will yield further, can the gentleman tell the difference between $4.6 billion that he wants to authorize for States in the outyears of 1982 and 1983? Can he tell the difference between that addition to the deficit and any other addition to the deficit?

Mr. WYDLER. I will say to the chairman every addition to the deficit is definable. The gentleman might say he likes the ones for categorical programs, but he does not like the ones for revenue-sharing programs. I disagree with him. The question is philosophical. But the gentleman is coming in here and making an argument like this did not exist, like we were not pouring money into our State governments through all kinds of categorical programs. He makes it sound like that is not happening.

Mr. BROOKS. The gentleman wants to pour some more in?

Mr. WYDLER. The gentleman from Texas is doing it.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding. I think the gentleman underscored the real debate here. That is do you like revenue sharing or do you not. People who want to use their positions here for power do not like revenue sharing. Revenue sharing, however, does contribute—if I may say so—to the nature of our total tax system. It puts progressive money where regressive money previously has been the sole nourishment. The States have a tendency to pass revenue-sharing money through to the localities, thus differing only in degree from local revenue sharing.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Conable, and by unanimous consent, Mr. Wydler was allowed to proceed for 2 additional minutes.)

Mr. CONABLE. I have talked to the Governor of my State in the past about the State's share of revenue sharing, and asked him what would happen if he did not get his share. He has without exception on several occasions stated that he would flow through the reduction in revenue-sharing money to the States and reduce per capita aid to the communities. The effect then of a revenue-sharing cut, for the States as well as for the localities, is to transfer the tax burden to regressive taxation. If you believe that we should be financing all government functions with regressive taxation, that is, with sales tax and real estate taxes, then go ahead and vote to cut revenue-sharing money, because that money can go directly into local services in most cases.

State shares on the average go more to education than to any other single function. They do go also to the reduction of welfare costs in the States and localities as well; but this is a wise expenditure of money, and the people who are opposing it are opposing it because they are against revenue sharing in principle, since it carries no centralized power with it.

Mr. WYDLER. I thank the gentleman.

Mr. BROWN of Ohio. Mr. Chairman, would the gentleman yield?

Mr. WYDLER. I would be happy to yield to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Brown of Ohio, and by unanimous consent, Mr. Wydler was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Ohio. If we were in church, a bell would have rung just in the last few minutes because we have reached the important point of the debate. The important points are two that have been made, perhaps more eloquently than I can make them, in the past few minutes. They are the points of power and efficiency. Those people who want to have power over how the money is spent; those people here in this body who feel that way, do not like revenue sharing because they can control categorical programs back to the community level; whether that program is bilingual education, which may have a very parochial constituency, or whether it is agricultural aid; or aid for the cities; or, whether it is some other kind of program. Those people want categorical programs kept and revenue-sharing cut.

The second point is that those people who truly believe in trying to use the Federal dollar in the most efficient way possible are for revenue sharing because the revenue-sharing efficiency of administration is about one-tenth of 1 percent; but on categorical programs, it is somewhere between 10 and 40 percent for the most part and some categorical programs even have an administrative cost of over 50 percent, so that half the money or more is used in administration and less than half of it actually goes to solve the problem.

Efficiency and power are what are at stake in this vote. If we want efficiency, if we want efficiency and want the power to be exercised at the community level, then we will support the principal amendment of the gentleman from New York (Mr. Wydler) who is soon to retire from this body to my great regret, because we have been colleagues and next to each other on the Committee on Government Operations for 15 years. He is going home voluntarily to work at the community level as opposed to working here in Washington. I will not ask why he has found his interest there.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Levitas, and by unanimous consent, Mr. Wydler was allowed to proceed for 3 additional minutes.)

Mr. WYDLER. I thank the gentleman from Ohio for his kind comments.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I now yield to the gentleman from Georgia.

Mr. LEVITAS. I thank my colleague from New York for yielding to me. I understand the points he has made. I would like to get the attention of the gentleman from New York (Mr. Conable) who is in the back of the Chamber. I think he does a disservice, if I may say so, to the debate when he suggests that the people who oppose this State share are in favor of more control of the categorical programs and want more categorical programs. That is not true. That is not true of the gentleman from Texas (Mr. Brooks). That is not true of this gentleman from Georgia.

However, I suggest to the gentleman that my good friend from New York (Mr. Weiss), and my good friend from New York (Mr. Rosenthal), will be voting with Mr. Wydler in support of State-Federal revenue sharing, and they love the categorical programs at the same time.

What we, who oppose this particular proposal by Mr. Wydler, are saying is that now is not the time to add further to the Federal deficit. I would like to ask my colleague from New York (Mr. Conable), for whom I have the greatest respect, if we have an opportunity to maintain the budget levels, to maintain the deficit levels without increasing them by reducing categorical programs at the same time providing the State share, would the gentleman from New York support that?

Mr. CONABLE. Yes. I would support that, of course. But I must say there is considerable difficulty in the administration of such a trade-off, and I hope the gentleman will consider the administrability of his proposal as well. If he has carefully designed a plan for trade-offs, I would very gladly reduce the Federal deficit by reduction of an equivalent amount of categorical grants. I do think that categorical grants are quite a different thing from revenue sharing; and that the philosophical difference is sufficient so that in any system where everything is a tradeoff, I would trade off the categorical grants long before I would trade off what I think is a very benign type of a program, revenue sharing.

Mr. LEVITAS. I thank the gentleman. I support revenue sharing. I even support the principle of State revenue sharing, but we have got to begin to cut back and hold the line.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from California.

Mr. JOHN L. BURTON. I thank the gentleman for yielding. I would just like to respond to the gentleman from Ohio. What is worse, we have the responsibility of raising the revenue, and then we give to some local government the ability to spend it. They have no responsibility to go to their constituents to raise the revenue, and we give them money in a bushel basket. I have supported revenue sharing; I am going to support it this year; but what it is is that we have a responsibility to raise the revenue. We have got a deficit. We go to them with a bushel basket and say, "Take it." I think separating the spending authority from the revenue-raising responsibility is the worst possible form of government, and that is the problem I see.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Brown of Ohio, and by unanimous consent, Mr. Wydler was allowed to proceed for 1 additional minute.)

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thank the gentleman for yielding. I would just have to say that if we are looking at who is responsible and who is irresponsible with reference to the handling of money, it seems to me clearly that local and State governments who have some limitation on their ability to create debt may be a little bit more responsible.

Mr. JOHN L. BURTON. Why do we not give them the ability to raise their own money?

Mr. WYDLER. Mr. Chairman, I do not yield any further.

Mr. Chairman, I just want to appeal, as I conclude my own remarks here, to those Members who are more or less set against State funding and revenue sharing and make clear to them that they can vote for the Wydler amendment and against the Brooks amendment in good conscience. There is no final determination being made today in my amendment on aid to States. Before the States can ever get a nickel, the next Congress is going to have to deal with it.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Wydler was allowed to proceed for 30 additional seconds.)

□ 1250

Mr. WYDLER. Before a single penny can go to any State, the next Congress is going to have to go down the whole appropriation process in both the House and the Senate and get the bill signed by the President. There will be plenty of time for all of these arguments that are now being made to be reviewed, in light of the economic situation that may prevail at that particular moment.

I just urge all of you who support the revenue-sharing concept, those who believe in it, those who want to see it prosper and grow, to vote against the Brooks amendment and to vote for the Wydler amendment when it comes to a final vote.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Wydler amendment and in favor of the Brooks amendment.

Mr. Chairman, I believe we have had a very good debate here today, and I think it points out what is really the issue here. I sometimes feel like Alice in Wonderland, however, having just come back from observing elections in this Nation, and if there is one clear mandate which the people of this country enunicated, it was that they want the Federal Government to get control over spending.

You have a national debt which is approaching the $1 trillion mark. It is over $900 billion. You have a deficit projected for 1980 of about $60 billion and a projected deficit for 1981 of at least $38 billion. And the message from the good men and women of this country was clear to this Federal Government to get some sense of control over spending.

And here we are, the second day we are back, and you are falling over yourselves to add $4.6 billion of spending to hand out revenues to the States—mind you, revenues which you do not have but which you are going to have to go out and borrow, with interest rates which are presently running I think at 12 percent or 13 percent, to hand out to States that may or may not need the money.

Are we insane in this land? Are we crazy?

Now, I understand the philosophical argument between my friends in the Republican Party and my friends in the Democratic Party. The Republicans, I think it is a fair statement to say, like revenue sharing, and they do not like categorical programs. My Democratic friends like categorical programs, as we should, because we firmly and honestly believe that categorical programs put Federal moneys where the greatest need is, where the greatest priorities are. And I dare say that there is not one of my colleagues on the Democratic side who would not prefer to have categorical programs rather than State revenue sharing.

Now, a lot of them will support State revenue sharing, and again we know why. Because they are desperate, they are hungry for their communities and they feel anything is better than nothing; and they believe that with your help they can get State revenue sharing, some of which will trickle down to the communities. To that extent they feel "this is the best deal we can get, and so let us opt for State revenue sharing."

Now, the Government Operations Committee has done great work in looking at this whole issue. It has been before us for years. This committee has recognized that there are all kinds of needs in this country but that we must begin to make determinations as between priority needs and that those which have a higher priority must be funded, those with a lesser priority must be legislated out. This committee has recognized that we cannot continue our old frivolous ways of funding everything, adding up the bill at the end of the year and then telling the Treasury to go out and borrow the money at 13 percent, 14 percent, or 15 percent interest. And that is what this committee did this year.

The gentleman from Ohio thinks State revenue sharing is good. I think it is a low-priority need, as does the gentleman from Texas. We have debated this for well over a year. This committee, nevertheless, saw fit to phase out and eliminate this program.

Now, the amendment offered by the gentleman from New York would reinstitute it, not this year but 2 years down the road.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. GIAIMO) has expired.

(By unanimous consent, Mr. GIAIMO was allowed to proceed for 5 additional minutes.)

Mr. GIAIMO. Now, you are saying to the American people, "We are going to kill it for this year but reinstitute it 2 and 3 years down the road."

What on Earth for? For heaven's sake, if you have terminated something, forget it and go on to something better.

Now let me make my last point, and I want to make this point to my friends on the Democratic side, particularly to those of you who are from the urban communities who are going to support this because you are going to get a few bucks out of it under the trickle-down theory. Let me tell you the day of reckoning is here. Last week there was an overwhelming election in this land, and Ronald Reagan has been elected President, starting next year. The commitment and insistence of the American people which seems to be clearly enunciated—and I am sure President-elect Reagan is going to implement it—are to get control over Federal spending, which is clearly out of hand. I will tell you, as chairman of the Budget Committee for 4 years, our budgets are out of control. I predict to the Members that with a new administration, and a new control over the Senate and effective control in this body, you are going to see cuts made.

Now, I say to my friends, who are from the urban areas and who know about the needs of the urban people, from now on there are going to be efforts to reduce spending. They do not want to reduce this $4.6 billion in revenue sharing for the States, which I think has a low priority. Where do you think that $4.6 billion is going to come from? I will tell you where it is going to come from. It is going to come right out of your hide, right out of key, gut programs which go to our urban people and our rural people who are in need, communities that have very real needs. That is what they mean by categorical programs. But they do not like them because they want them to go to all communities whether they have needs or not.

I come from a district where we have differences between towns. My cities and large suburbs have needs. My smaller towns and suburbs do not have needs, but they get revenue sharing. They get money from the Federal Government.

That is what is at stake here. I say to you that this $4.6 billion that you are voting for today will mean that next year, as sure as God is my witness, they will be taking $4.6 billion out of programs that they do not like but I know darn well that you who represent poor areas, whether they be urban or rural, want and need desperately.

So in conclusion, you have to begin to make choices. You have to begin to trim from the budget those items of Federal spending which are of a lower priority. And whether or not there is any merit to giving some revenues to the States, I submit to you that it is of a lower priority than to fund programs like food stamps and other programs which are essential for our people in need—our people in need—and which I submit to you will be the place where they will find this $4.6 billion that they want to give away to 50 States whether or not they need the money. For God's sakes, wake up and vote down this amendment of the gentleman from New York.

□ 1300

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the strong statement made by the chairman of the Budget Committee. I would say, though, that the chairman of the Budget Committee has interpreted only one part of the mandate from last week's election. He says the mandate was for the Federal Government to get control of its spending. I think that is absolutely the case, but I think there was a second message in that mandate as well. That was for the Federal Government to get off the backs of the American people.

That is what this issue is all about. We are saying that we believe thoroughly that we have to get spending under control, and the one way to get spending under control is to begin to enact very efficient programs. There are services and needs of local governments and States. We should make certain the resources are there for them to meet those needs; but do it in a way that is efficient.

We have shown in instance after instance that categorical programs are not efficient, that they eat up the money that is supposedly going to people in need with bureaucratic overhead. That bureaucratic overhead is a misuse of Federal resources. The way to cure that is by going to programs like revenue sharing, like block grant programs. That is the key issue here whether we are going to do something to get the Federal Government off the people's backs by using our resources better.

That, it seems to me, is very much in line with the mandate of the past week, because what we will accomplish with this is, yes, we will go ahead with revenue sharing; we will go ahead with $4.6 billion in spending, but it will be spending of an efficient nature that will help get the Government off people's backs. As we achieve this, we will achieve both parts of last week's mandate, one of which was totally ignored by the gentleman from Connecticut, but one which I do not think the Members of this body can afford to ignore.

Mr. GIBBONS. Mr. Chairman, I move to strike the last work.

Mr. Chairman, my colleagues, I have a feeling that I ought to stay out of this fight, but I do feel a responsibility, as a member of the committee of the Congress that has to raise the revenue, to put the picture in front of all of us. I hope Members will pay attention.

I reiterate and reinforce everything that the Budget Committee chairman has said. I would never stand in this well and attempt to defend the administration of any of the categorical grant programs. They are poorly administered by and large, and they are a pain. I wish that the time would come that we could eventually get rid of them, but that is not the argument here.

The argument here is the fiscal soundness of the U.S. Government. If this Government is not sound, then no State or local government is sound, and we are in a crisis, a serious crisis. The interest rates reflect that. The interest rate for the best corporate borrowers is 15.5 percent. The interest rate for the U.S. Government is 14 percent now, and nobody predicts that it is going to come down any time soon.

We have just completed 1 fiscal year with a $60 billion deficit, and we are headed into the next fiscal year with a $60 billion deficit. We are pledged, all of us—I believe at least there is a consensus in this Congress—that taxes must be reduced. I am talking about income taxes. We are going to do that. That $60 billion deficit that we are talking about only envisions a $5 billion tax impact next year on that deficit. Does anyone in here think this Congress can satisfy the appetite of the American public for income tax reduction that only impacts the budget by $5 billion?

We have serious problems with the social security system, and anyone who does not understand that really does not deserve to serve in this body—extremely serious problems.

We are going to have a large tax increase next year regardless of what we do, because social security taxes are going to increase more than anybody plans cutting income taxes. I want to repeat that again. No matter what happens—and I want a tax cut—no matter what happens, taxes are going to increase, and I hope the gentlemen over here on my right will stop and listen to this. No matter what we do next year, taxes are going to increase because social security taxes are going to increase more than any income tax cut that has been proposed by anybody in this Congress or by the President-elect.

So, we have serious fiscal problems. The fiscal soundness of this Government depends upon us all exercising restraint. I served 10 enjoyable years, and they were lean years, in the State legislature, and I served on the finance and taxation committee in all of those 10 years. I know how difficult it is to raise money at the State level. I know that my local community needs revenue sharing, or real estate taxes are going to go sky high, and I know that I would vote for revenue sharing this year if it is limited to local governments because I do not see how they can change their budgets, and I realize and I agree with the gentleman from New York (Mr. CONABLE) that the real estate taxes and the sales taxes are very regressive taxes.

But, it is more than that. It is a matter of sorting out priorities, very important priorities. As we go down the road in social security, there are only two options that we have. We can either cut benefits, cut benefits now for older people, or we can raise social security taxes. There is no magic fix for the social security program. We have run out of options. Social Security Act programs are approximately one-third of all the budget that we have in the U.S. budget.

Now, there is a general agreement that we are going to increase the strength of the armed services by appropriating more money to them.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. GIBBONS was allowed to proceed for 1 additional minute.)

Mr. GIBBONS. We are going to do that. Now, that is all on top of one $60 billion deficit and another $60 billion deficit. At least that much is facing us in the future. If we cannot adopt the Brooks amendment and cut back just a little bit that it cuts back, then we cannot make it, gentlemen. We have condemned our country to economic disaster.

The States do have problems. I am in sympathy with them and I want to help them. I would like to convert as many categorical grant programs as we can to block grants and revenue-type sharing programs, but I do not see how we can do it now. I would hope that we would follow our Chairman BROOKS and adopt his amendment now. I think it is essential that it be done.

Mr. NELSON. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I will be glad to yield to my colleague.

Mr. NELSON. Mr. Chairman, I thank the gentleman for his eloquent comments, as well as the incisive comments from our chairman of the Budget Committee.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

(At the request of Mr. NELSON and by unanimous consent, Mr. GIBBONS was allowed to proceed for 1 additional minute.)

Mr. NELSON. I would like to make the point that we have had a series of votes in this Chamber, when the budget resolution was considered, both last year and this year, that put the 50 States on notice that the attitude of this body was to eliminate the $2.3 billion Federal payments annually to the 50 State governments. There were three votes last year in 1979, and again three votes this year, all of them indicating that we wanted to continue our commitment to local revenue sharing but eliminate a little bit of this big, huge Federal deficit by eliminating the $2.3 billion to the 50 States, most of which were enjoying those State surpluses. I thank the gentleman for letting me add my comments to his eloquent remarks.

Mr. GIBBONS. I thank the gentleman.

□ 1310

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the Brooks amendment and support the Wydler amendment. The debate this morning, in many respects, has been significant, perhaps even profound. It has also gone somewhat far afield. It has even gone so far as to have some distinguished Members of this body suggest that they know what the mandate of the American people was when it voted last Tuesday.

I am not that sure. I cannot read the crystal ball all that clearly. There are a lot of things that they might have said. The one thing that is clear that they said was that they wanted a change in the Presidency and they wanted a change in the representation in the House and Senate, in some districts and in some States. Beyond that, nobody, neither I nor the Budget Committee chairman nor anybody else, really knows what was in the minds of the American people. As far as my constituents are concerned, those who are elderly and barely have the money or strength to get to the one hot meal that they get at the nutrition center, I do not think they were voting to get the Federal Government's fiscal situation in hand.

The parents whose kids are going to schools where the classrooms have 49 kids per teacher, I do not think they were voting to get the Federal Government to get its fiscal situation in control.

To people who were concerned about the quality of public and personal safety in the streets of New York and other urban areas, I do not think they were voting to get the fiscal condition of the Federal Government in control. They were voting, I suggest to you, in general terms, to have a better and fairer break for themselves and their communities from the Government of the United States.

What States' share of revenue sharing does, in case anybody tends to forget it, is to funnel money which goes to the States into the localities. The Secretary of the Treasury has said that an average of 60 percent of the funds nationwide go from the States directly to localities. In my State, the figure is probably closer to 90 percent. So when you cut out the State portion of revenue sharing, you are cutting out aid to the localities.

What we are doing here with the Wydler amendment is to put back for fiscal 1982 and 1983, the authorization for the State portion of revenue sharing. Funds would then be appropriated if the Congress decides to do it.

That is not a game of pretense, as it has been suggested by the gentleman from Connecticut (Mr. GIAIMO). The reason that the amendment is being offered in that fashion is because the budget resolution which came in upon recommendation of the Committee on the Budget and was then accepted by the House forecloses the option of providing that authorization for fiscal 1981. We included only fiscal 1982 and 1983 because the law as it stands says that is all we can do at this time.

One other argument I want to address is the one that says that you encourage cutting back on essential categorical programs if you pass the State portion of revenue sharing.

I know that there are some of my colleagues, especially on the Republican side, who do not like any of the categorical programs. Many of them do not like some of the categorical programs. We will fight those fights when we get to them. But can anybody suggest that if we were to eliminate the States' share of revenue sharing, its supporters are going to be more favorably inclined to the categorical programs? That is a total non sequitur.

I am also somewhat perplexed by the suggestion that in some way it is inflationary or un-American to provide these moneys for the States' share of revenue sharing because we have to borrow those moneys, but it is OK to cut taxes even if we have to borrow the money to do that. The argument not only does not make any sense but it seems to me that it reverses our priorities.

I agree with the gentleman from Florida (Mr. GIBBONS) that our social security system has some funding problems. What we ought to be doing is reducing the scheduled increases in payroll taxes. They place an inflationary burden on business and are a very regressive kind of tax on individuals. We should then provide for general revenues to substitute for some of those payroll taxes.

The CHAIRMAN. The time of the gentleman from New York (Mr. WEISS) has expired.

(By unanimous consent, Mr. WEISS was allowed to proceed for 2 additional minutes.)

Mr. WEISS. We ought to be using general revenues to meet some of the costs of paying for our social security system. I do not see anything wrong with that. I think that is the option we ought to be pursuing.

One final point, just so that the record is clear. The amendment as offered by the gentleman from New York (Mr. WYDLER) would eliminate the countercyclical title of the legislation.

I want to remind the Members of two things: First, in January of 1980, this House passed a countercyclical bill which is there to be acted upon if the Senate is interested in doing so. The second thing that has to be borne in mind, is that even if the previously passed countercyclical bill which I have referred to or the one that is in the committee bill were to be adopted, we probably would be getting a lot of nothing. The countercyclical formula in this legislation is triggered not by unemployment levels; as in previous programs it would be triggered instead by a decline in two consecutive quarters in the gross national product, and then only if simultaneously there was a reduction in real wages and salaries at the State levels for the States' share.

For the local share of countercyclical, there would have to be reductions in real wages and salaries at the county level.

It is like going after the Holy Grail. I do not think any State or locality will ever reach it. I would have preferred that the countercyclical title had been kept in the amendment, but failure to do so does not do much damage in my judgment. I urge defeat of the Brooks amendment and adoption of the Wydler amendment.

Mr. LEVITAS. Mr. Chairman, would the gentleman yield?

Mr. WEISS. I yield to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I would say to my distinguished colleague, the gentleman from New York, that the New Deal is dead. The New Deal is over. We are moving into a new era. The Federal Government cannot be everything to everybody.

During recent weeks, we have all heard much public discussion, by Republicans and Democrats alike, about "charting a new course in our national direction," or making "new beginnings," and the like. It may be that this is just election year rhetoric. But for me, the subject is not newly discovered nor merely campaign rhetoric.

This current discussion caused me to reflect on remarks that I made over 3 years ago in October 1977 when I addressed the Women's National Democratic Club in the Nation's Capital. These remarks dealt with this subject of making a new beginning in a comprehensive way. I am pleased to see that my ideas are now gaining widespread support.

The following is a text of that address:

The New Deal is Dead—May it Rest in Peace

At 3:35 p.m., Thursday, April 12, 1945, in Warm Springs, Georgia, Franklin Delano Roosevelt died. Yet so deep has been the public respect—and indeed reverence for our only four-term President that the American people have clung to, even defied his creation which has dominated American political, social and economic philosophy for more than four decades. This creation, this monument, if you will is the New Deal.

And now, finally, after more than three decades, the philosophy of the New Deal is being committed to history. We are passing from the Age of Roosevelt into a new era.

It becomes the task of Democrats to speak its eulogy. As a born Democrat, in whose childhood home hangs a metal oval picture of FDR, and who was carried in a nursemaid's arms to see FDR visit Atlanta in the early '30's, I am one who is qualified for the task.

Up to now, the Democratic Party, which has controlled Congress for 40 of the last 44 years, and the White House for 28 of the last 44 years, has lived in the shadow of FDR. His approach to government has been our Party's. His conception of the duties and responsibilities of government has been our Party's.

Today, we are in the process of saying good-bye to all that. It is a fond and affectionate farewell, but it is, nevertheless, a farewell. The type of modern liberalism of the New Deal, characterized by a burgeoning executive branch which aggressively sought to do all things for all people, eclipsing the States and private sector activity in favor of strong federal initiatives and massive federal spending, is now yielding to new forces which will eventually turn it, if not 180 degrees, then at least 90 degrees.

But before we relegate this bold New Deal program to the history books, let us remember briefly what required such a step—The Great Depression.

To understand the desperation of the public, one has only to recall the economic crisis which gripped the country and most of the world. It was an economic disaster without modern historic precedent. When Roosevelt assumed the Presidency, there were an estimated 15 to 17 million workers unemployed throughout the country. This estimate, admittedly low, does not include the statistics on the plight of farm families, at a time when a wagon-load of oats would not even buy a pair of shoes.

By 1932, investors had lost $74 billion; 5,000 banks had failed; 86,000 businesses had folded. The average weekly wage was $16.21, but like most averages, this figure was optimistically misleading. Many store clerks were paid less than $5 a week. Women worked in sweatshops for less than $2.40 for a 50 hour week. Children's wages were even lower. Miners daily descended darkened, dank shafts for less than $11 a month. Many workers were being paid literally just pennies an hour, some working 60 and 70 hour weeks. Public treasuries were all but bankrupt and the pay of civil servants in some localities was tithed 1 percent to help provide needed city services. An estimated 330,000 children were put out of school simply because there were no funds for teachers or textbooks. 273,000 families were evicted from their homes.

However appalling, such figures only hint at the real tragedy of the Depression. The deep and permanent scar it seared into the spirit and psyche of Americans who suffered through it, cannot and will not fade away. Men who had lived by the work ethic were riddled with frustration, fear, anxiety, and inferiority feelings because they suddenly were unable to provide the simple basics for survival—food, clothing, and shelter for their families.

Men were so desperate for work that in the State of Washington, some actually set forest fires so they could be hired to extinguish them. Others stood in line all night just to be within sight of the employment office door when it opened the next morning.

Many people went for weeks without even seeing folding money let alone having any. Couples pawned wedding rings to get cash for food while others sold their furniture. Parents literally starved themselves so their children could eat. Men resharpened their used razor blades to squeeze out more shaves Women made clothes from old sheets. In at least one case, two brothers went to school on alternate days—they had only one set of clothes between them!

This was the nation that FDR set out to govern on March 4, 1933. It was a country yearning for leadership and Roosevelt accurately perceived the mood when he observed, "The country needs and, unless I mistake its temper, the country demands bold persistent experimentation."

By 1933, the call was for more government, more federal intervention, more government control of the private sector, more federal responsibility and initiative. Roosevelt felt that only the federal government, through its executive branch, could save the nation, and he did not shy from the challenge. Roosevelt said:

"I shall ask the Congress for the one remaining instrument to meet the crisis—broad executive power to wage a war against the emergency as great as the power that would be given me if we were in fact invaded by a foreign foe . . . the people of the United States have asked for discipline and direction under leadership. They have made me the present instrument of their wishes."

Roosevelt began waging that war immediately. His first one hundred days in office were a frenzy of activity. Upon assuming office, he closed all the banks, preventing a disastrous run on the country's most vulnerable financial institutions. He took the country off the gold standard. He cajoled through Congress 13 major legislative initiatives such as refinancing home mortgages, reforming Wall Street activity insuring bank deposits and providing $4 billion in federal relief. Congress passed Administration supported legislation creating the Tennessee Valley Authority, the Agricultural Adjustment Administration, the Civilian Conservation Corps, and the National Industrial Recovery Act.

Federal relief was always in the forefront of Roosevelt's mind. He undertook immediately an ambitious program of public works construction that is still today responsible for a sizable portion of our public facilities. There were more than 30,000 New Deal projects including forest reclamation and erosion projects, the huge dam projects, as well as others, lesser in size, but as important in scope—the writers' project, artists' projects, and more menial jobs like litter pick-up projects for those with no skills.

Yet FDR's programmatic impact on the country was probably not as significant—and certainly not as long-lasting—as the impact his activism and his philosophy has had on the government. When Roosevelt took office, there were approximately half a million executive branch employees. Eight years later there were more than a million. Today there are almost three million civilian employees in the executive branch. It takes nearly 700 pages of a government manual merely to list the agencies, bureaus, and key personnel of the executive branch. Often top officials of agencies are unable even to say precisely how many programs their agencies administer. Last year, my Government Operations Subcommittee spent many hours listening to testimony on fraud and abuse in HEW spending. I will never forget that after weeks of testimony, no HEW official could even tell us how many programs the department administered.

Before Roosevelt's Presidency, the center of the country was New York City. That was where the power was concentrated, for that was where financial America was quartered; it was the heart of monied America, and the center of power was in the private sector. Roosevelt changed all that.

Power shifted from the then crippled private sector to a public sector daring to marshall the resources of the federal government and willing to use as Roosevelt had said, ". . . broad executive power . . . as great as the power that would be given . . . if we were in fact invaded by a foreign foe." Washington became the center of power in the country in fact as well as in name. And the real power of America has been concentrated there, in the government, ever since.

This transfer of power to Washington from New York and elsewhere resulted from an emergency of unprecedented proportions. It continued to reside here through inertia and an understandable reluctance to abandon a new and exciting approach to government even though the emergency it was designed to handle had ended and a new generation of needs had arisen. American industry was back on its feet, state and local government had moved from the brink of bankruptcy. Yet the federal government continued to proliferate and to exert more and more control. The alphabet agencies grew and spawned administrative regulations governing everything from auto safety standards to the composition of candy bars. As recently as 1974, some 67 agencies, departments and bureaus of the federal government adopted 7,496 new and amended regulations that govern our lives. (In comparison, Congress passed a grand total of 404 public laws that same year.)

I believe that the era of the New Deal and the post-New Deal years, the decades of Franklin D. Roosevelt, and those for whom the issues of the day were defined by FDR, was one of the great eras in American history. The New Deal programs saved the nation from economic ruin. These programs built new institutions designed to humanize the social order, protect people from economic disaster, and prevent disruption of the system. These people who fashioned the response to our gravest domestic economic crisis were the same ones who also led our nation in fighting and winning a great world conflict, and so preserving the values of civilization from barbarism. The New Deal strengthened the role of organized labor in American life, fostered an expanding economy of mass commodity markets, and restored prosperity to the industrial nations of Western Europe, our natural associates in the world community. The achievements of the New Deal were many, impressive, and for the most part, enduring.

But now, we are undergoing a quiet, though definite, transformation away from the New Deal philosophy. Like all history, American history is divided by historians into eras. We had the Colonial Period; the Federalist Period; and the Jackson Period. We had the Post-Civil War Reconstruction Period; we had the money trust era; and we emerged from each into a succeeding age. Today, we are emerging from the New Deal era. The federal government is no longer perceived as being all things to all people. The public no longer wants or needs all-encompassing direction and control from Washington. All things change, even those good for their times. The New Deal has become the Old Deal.

Apart from unanticipated dramatic events of international or domestic disorder, the Carter Administration years will likely be judged a success or failure by the extent to which this administration is able to bid farewell to the New Deal, giving it honor but putting it to rest and moving on into a new era.

We constantly hear that different groups seeking positions of influence with the White House were responsible for Jimmy Carter's election. Labor/blacks/southern leaders/New York City politicians, for example, all claim exclusive, or at the least, critical responsibility for President Carter's election last year, although few of them were on the line for Jimmy Carter until well after the Democratic convention. However, I contend that no single group alone was responsible for President Carter's victory.

All the stones in a building make it reach its height—not just the top one. The major underpinning of Jimmy Carter's success was a broadbased appeal to the average, Main Street, non-group-identifiable Americans. To a very great extent that appeal was based on their perception of Jimmy Carter as a person not associated with those aspects of Washington government that have proved to be wasteful, oppressive failures. He was perceived as seriously dedicated to changing fundamentally the direction of our federal government. His campaign called for government re-organization, decentralization, tax reform, welfare reform, control over the bureaucracy, less government, more responsive government, and balanced budgets—these themes are basically responsible for the attraction that Carter had to millions of Americans. These themes are the antithesis of the New Deal. They are more Jefferson than Roosevelt. They are Carter's era, not FDR's.

Now the time for rhetoric is over. The time for gauging whether Carter's Administration succeeds or fails in fulfilling those expectations is at hand. The time for imagery has passed and the assessment of accomplishment will not be made in tokens or symbols.

President Carter, a Democrat, and the Democratic Congress must be the ones to lay the methods of the New Deal to rest. Washington to longer has all the answers, nor should it. The problems of today are not those of a 1930's depression-ridden country. Today's problems are those that an urban, heterogeneous, sectional, sprawling world power must face. The answers lie for the most part within the people in their own regions, states, and localities. The answers lie, as well, in the private sector, not with an all-powerful government. Our success will be in returning to ourselves the power over our own lives. The time has passed for a GS–14 to have more power than a Governor.

There is an increasingly pervasive feeling that federal control should yield to regional, state and local initiatives—that state and local governments are the proper forums for much of the problem-solving directed from Washington, and that private sector initiatives and self-control are preferable to federal overregulation and strangulation. The American people favor this. President Carter has expressed this. The Democratic Party must re-adopt this approach.

Witness the lack of national, even Democratic, support for a new federal bureaucracy, even if it is called something as politically attractive and sexy as "an Agency for Consumer Protection." Witness the increased vigor in the Congressional budget proceedings now that we have a proper method for limiting Presidential budgets. Witness the social welfare programs, formerly funded without question, which are now being scrutinized to determine whether or not they are cost effective. Witness the successes of unorthodox Democratic Governors like California's Jerry Brown and Massachusetts Michael Dukakis, who have suggested lowered expectations of government and who have taken a distinctly conservative or reduced involvement approach to the role of government. Witness the New York City election in which the voters rejected Abe Beame and, more surprisingly, Bella Abzug! Witness congressional unwillingness to heed every Pentagon plea for additional funds without qualm or qualification or demands for accountability and economy. Witness the innovative leadership being displayed by state and local governments in seeking their own solutions rather than relying on federal categorical programs.

Witness, finally, legislation which I introduced to control strictly administrative rulemaking by the federal bureaucracy which has drawn co-sponsorship from over 200 members of the House. This would permit the elected Congress to veto the rules and regulations promulgated by an unelected bureaucracy.

"The great act of faith," wrote Mr. Justice

Holmes, "is when man decides that he is not God." If I may paraphrase those words and express their sentiment in the current mood, the great act of faith is when government, especially the federal government, decides that it is is not God, that it cannot extricate us from every dilemma and predicament. Its power is limited and its wisdom fallible.

One of the first concrete steps that must be taken to reduce the size and power of the federal bureaucracy is to regain control of the federal budget.

It took us from 1791 to 1963 (172 years), to have our first $100 billion budget. It took only until 1971 (8 years) to double that, and only until 1976 (5 years later) until we had a $300 billilon budget. The 1978 budget will be approximately $450 billion. At the present trend, our first one trillion dollar budget will be with us by 1987.

This vast amount of money comes from somewhere—either from taxes paid from working people's earning or deficits financed by the public debt. In recent years, this debt has become larger and larger. Every dollar borrowed by the federal government is one dollar less that can go into financing the private productive sector. And it is one dollar that must be repaid by the U.S. taxpayer with interest! We must stop charging fur coats to our grandchildren.

To put the total of the present national debt ($620.4 billion in 1976) into perspective, just remember that of all the money available to be borrowed in this country, the federal government is borrowing nearly 80% of it!

If we were to begin to pay off the national debt at a rate of $10 million a day, and at the end of the first year decided to continue this program for ten years, at the end of those ten years we would not have reduced the national debt by the amount it will increase this year alone. At that rate over a ten year period, we would just barely have covered the interest on the debt for this one year.

Clearly, this deficit spending spree must be curtailed. We have already made some strides through the successful implementation of the Budget and Impoundment Control Act, wherein we set budget targets and try to live with them.

Another new concept which is rapidly gaining support is that of zero-based budgeting. This would require Congress to evaluate and review all federal spending programs at least once every four years, and then to justify any appropriations they receive. The justification for any amount above zero funding would be the result of weighing each program's cost against both its benefits and the benefits of similar programs. I am a co-sponsor of this legislation because I believe it proposes an important accounting mechanism which will allow us to examine our spending priorities. Regaining control of the federal budget will help us to reduce the size and the power of the federal bureaucracy.

Sunset legislation and sunset provisions in authorization bills are also becoming widely accepted. Sunset provisions merely put a definite limit to the length of an agency's lifespan so that they no longer exist forever once put in place. These unstoppable, inertial programs prevent us from evaluating their continuing effectiveness. Sunset provisions force each program to justify its existence or cease to exist.

We have had administrative agencies from the first year after the Constitution of the United States was adopted. But in recent years, and particularly since the New Deal began—there has been an alarming increase in the rate of administrative agency responsibility for lawmaking.

As part of the post-New Deal Democratic Party, I am calling for a prudent reduction in administrative and regulatory agencies and some corresponding reduction in the scope of their regulations. As part of the post-New Deal, Americans are calling for the development of new modes of operation and new patterns of flexibility in their exercise, enlisting the participation of citizens and interest groups, sharing information and broadening the decision-making process—and I am even suggesting that there may be some things government cannot or should not try to do.

"Experience teaches us," wrote Mr. Justice Brandeis, "to be most on our guard to protect liberty when the government's purposes are beneficent." Earlier in his life, Brandeis, appearing before a House committee, declared, "Accountancy—that is Government." If I may presume to modify that phrase, I assert it here today: accountancy—and accountability—they are Government. Any agency, any official, any enactment of and by Government which is not accountable, and seen to be such, is to that degree a step toward despotism.

My bill provides for congressional disapproval of administrative rules and regulations. It has sometimes been called a congressional or "one House veto" bill. The purpose of my bill is to restore some measure of control over the federal bureaucracy. The agency rulemaking process does not lend itself to public participation, and the only means of recourse presently available is judicial review. It is my firm belief that citizens should be given a control in the regulatory process through their elected representatives who can veto administrative rules and regulations which are far-reaching, oppressive, arbitrary, or clearly outside the intent of the law, or which are simply stupid.

In July, the Senate Committee on Governmental Affairs, in its study of public participation in regulatory agency proceedings, found that "there are too many (Federal) rules and regulations," which are "frequently . . . obsolete, conflicting, confusing, or obscure," and concluding: "We promulgate but we do not review." One other sentence in this report stands out: "Citizen participation in the regulatory process cannot be effective unless the general public is able to comprehend agency action." Greater public participation means political accountability in the public interest, serves only to strengthen the representative character of public agencies.

Congressional control over administrative rulemaking, zero-based budgeting, sunset laws, and adherence by the Congress to budget ceilings set under the Budget and Impoundment Control Act are positive new solutions to old problems—problems of today that began in the past.

All of this is not to say that we can, or should, abandon the ideals of the New Deal. Concern for minorities/respect for the dignity of the individual/and concern for the welfare of the people were valid concepts under FDR. They are valid today. But the methods of the New Deal will no longer work to solve our modern problems. A catastrophe the size of the Great Depression, which affected every citizen in the country rendering each one helpless to act alone, required concerted, drastic action by the centralized federal government. Today's problems and solutions are not the same. The pollution problems in Los Angeles are not those of Portland. Crime in New York is not the problem in Lincoln. Local, state and regional problems can be and should be dealt with on local, state and regional levels. The private sector is no longer the remote, uncaring, callous, bankrupt ogre of the '30's. It is not government which provides productivity and jobs. When Washington worked to solve the problems of the Depression, Washingtonians came to believe that only the federal government could deal with any and all crises. Forty years later, we are telling Washington that this isn't so. It hasn't been for a while and now we must recognize and accept this truth. The New Deal is dead. Like a child whose parent nutured it well, but whose parent has grown old, we must give reverence and be motivated by the same high ideals, but not drive the same car they drove when we were young.

Even without our telling Washington, the point is being made. Such grandiose new dealish programs as Job Corps and Model Cities and much of the poverty programs were out and out failures, and the cracks are showing in others like OSHA, ERISA, LEAA, and CETA—all begun with the best intentions, but so badly mismanaged as to create more problems than they solve.

To achieve the necessary change in our national direction, liberal Democrats must be the vanguard of transformation. This is always the way with change. Just as only Republicans could have opened the door to Mainland China (because if a Democrat had tried it, he would have been accused of treason), it takes those who have held a position to effectuate a complete turnaround of that position. Republicans and conservatives must be the ones to alter the course of Republican and conservative policies. Likewise, liberal Democrats must usher out the New Deal. As Senator Muskie pointed out to the Democratic platform committee last year, wasting somebody else's money is not necessarily being a liberal. This was a new revelation for a lot of liberal Democrats, including Senator Muskie.

It said simply throwing away money to a new high sounding federal program did not always solve the basic problem. As Chairman of the Senate Budget Committee, a brave Senator Muskie came to realize that the New Deal is dead.

The issues and the problems facing this Congress reflect the attempts of many such Democrats to abandon the old road and strike out along a new path. Only by so doing will there be a complete break with outmoded policies. The newer Members of Congress, especially our new Democrats, who in government are perhaps closest to the people, having most recently come from them, sense that the American public is hungry for new approaches, new solutions, and new directions. The congressional leadership must get this message as well.

We are at an historic turning point, a point where we must not forsake our basic beliefs, where we must not forfeit our fundamental ideals. Instead, we must do today what Franklin Delano Roosevelt did 40 years ago. We must find innovative ways of handling the problems of the current times.

We of the Democratic Party can make these changes by asserting the leadership which is ours. It will not be easy, but it can be done. The inertia of passivity can be swept aside if we but dare to take the initiative. We need not be afraid to lead—to strike out on a new course of action road-marked by tried and true commitments to the role of the state and the rights of the citizen.

The New Deal of Roosevelt spawned the Fair Deal of Truman, the New Frontier of Kennedy, and the Great Society of Johnson. These traditions have played their roles, and as good actors whose lines have been spoken and whose parts played well, the time has come for them to leave the stage. They made important contributions to the play—for which we applaud them—but they cannot remain on the stage without disrupting the continuing performance. The show must go on. The next act begins. The curtain rises on an even greater and more rewarding new day—a new spirit for America.

The CHAIRMAN. The time of the gentleman from New York (Mr. WEISS) has expired.

(On request of Mr. LEVITAS, and by unanimous consent, Mr. WEISS was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield further?

Mr. WEISS. Perhaps for the gentleman the New Deal is dead. But if you define "the New Deal" broadly, as an effort to assist people and communities in distress, then for those Americans who are dependent on the categorical Federal programs and the general revenue-sharing programs, to suggest that Federal assistance is dead, I think, is to consign them to death.

Mr. LEVITAS. Mr. Chairman, if the gentleman would yield further, I would say to my friend that the very point, and you have put your finger on it, there is a great deal of difference between maintaining a commitment to the ideals and goals and objectives of that New Deal. Compassionate concern for individuals in a complex society on the one hand, and on the other hand, acknowledging the fact that there have got to be better ways to achieve those purposes because the ways we have been pursuing have not worked.

The New Deal is dead; may it rest in peace. We have to be true to its spirit, but we have to move on into a new era where we can actually get the results. We cannot achieve those purposes through the already proven mismanagement of categorical programs that we have seen wasting billions and billions of dollars of taxpayers' money. That wasting of people's money does not help anybody. That is the difference and that is the new era we have to move into.

Mr. WEISS. I do not know of anybody who is for waste. I am not. I thought the gentleman was a supporter of general revenue sharing because it eliminates some of that waste. Yet, I thought I heard him objecting to the general revenue-sharing authorization for the States in fiscal 1982 and 1983. I do not fully understand the clarity of the gentleman's position.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it is a unique opportunity to get into this rather philosophical discussion of whether or not the New Deal is dead. I shall merely add a thought or two as to some of the things the distinguished chairman of the Committee on the Budget commented on. Let me say at the outset that I have enormous respect and affection and very, very high regard for both his commitment and his ability. I think he is absolutely right in talking in terms of priorities. We have to have priorities.

One of the great mistakes some of us have made has been that when we passed important programs that dealt with subjects that were important to various segments of our society, we did not follow the money carefully or closely enough. That should not suggest in any way that the criterion in developing the program was wrong. What was missing was our commitment to do the appropriate oversight. That is one of the reasons the gentleman from North Carolina (Mr. FOUNTAIN) and I developed a concept, of which he is the author, to have an Inspector General first in HEW and then expanding it to other programs.

But it is a fundamental mistake to be critical of programs without first examining whether we in Congress and those of us in Government do the required and appropriate job of following through with those programs to see if the money was efficiently and economically spent.

□ 1320

Having said that, I want to say this: If the challenge of the gentleman from Connecticut (Mr. GIAIMO) is that we assume the responsibility for adjusting priorities, then I accept that challenge.

Let me say how I see the Brooks amendment and its relationship to real life: In New York State, somewhere between 60 and 90 percent of the money flows to the local communities. In our city, services have been cut dramatically. They have been cut almost to the point of unacceptable environmental living: police, fire department, hospitals, schools, and others.

A vast amount of that budgetary support is met by money coming from the flow through of revenue sharing funds. If we cut out State revenue sharing, we are, in fact, impeding the growth of communities in the Northeast and Midwestern parts of the United States such as New York City and taking moneys away from the most fundamental aspects of daily living.

In terms of choosing priorities I can think of no higher priority. Some might choose defense, some might choose parity in agriculture, some might choose building of dams, but I can think of no higher priority for domestic tranquility than providing funds for police and fire services, for schools, for health, for hospitals.

My distinguished colleague from New York talked about another responsibility with which I clearly agree, and that is providing one meal a day for senior citizens and providing an environment for them to live in dignity and to enjoy the fruits of this society.

If we may accept, as I do, the wisdom of the gentleman from Connecticut in choosing priorities, I myself know of no higher priority.

I anticipate the gentleman from Connecticut will tell me we have authorized and appropriated vast sums of money for local municipal services in other areas. That is probably true. The fact of the matter is that the Northeastern industrial part of the United States and the Middle Central part of the United States include communities that are simply unable to cope. That includes New York, Cleveland, Detroit, Chicago, and other cities. My highest priority is to restore the States' share of funding so that the money can pass through to the municipalities.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I will be happy to yield to the gentleman from Connecticut.

Mr. GIAIMO. I think the gentleman and myself are trying to get to the same place; in other words, find help for people who need it. Here is what I fear: We add $4.6 billion here. The budget cutters who will be in existence both in the executive branch and in the House and Senate committees in the coming year and in the coming years we are going to look to see where they can replace that $4.6 billion because they are going to have an overall concept of what the overall budget of the Government should be. Where are they going to find that $4.6 billion? They are not going to get it out of defense. I very much doubt they will get it out of social security. They might try to get some out of medicare and certainly they will try to get some out of medicaid by reducing benefits and qualifications. Where will they get it?

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. GIAIMO and by unanimous consent, Mr. ROSENTHAL was allowed to continue for 5 additional minutes.)

Mr. ROSENTHAL. I yield to the gentleman from Connecticut.

Mr. GIAIMO. If we eliminate defense, social security and interest on the debt which you have to, that is a big chunk of your budget, well over half.

You know where they are going to begin to look? In your State they are going to begin to look at your transportation money, they are going to begin to look at your housing money, they are going to begin to look at your community action money and a whole host of other programs which go to your city which New York desperately needs. In the case of Florida they are going to start looking at the particular crises they have down there. Somebody mentioned bilingual education. I know they are going to look at that. They are also going to look at some of the money that goes to Florida, for example, for refugee assistance and the like.

Mr. Chairman, all I am saying is that they are going to look to replace this $4.6 billion and they are going to replace it out of programs which I submit are more dear to New York and to the other areas and are necessary. You are going to suffer.

Again, I will repeat why some of you are supporting this. You feel you get a passthrough of maybe of 60 percent. Is that what the gentleman said?

Mr. ROSENTHAL. It is somewhere between 60 percent and 90 percent for very essential programs.

Mr. GIAIMO. You are going to net out a loser.

Mr. ROSENTHAL. That is the difference. I do not know that is the case. I tend to defer to the gentleman's judgment in the situation, but what I disagree with is trying to speculate what other forums are going to do in the future. I think we are going to have to stop second guessing other committees and other forums and other budget cutters. Instead, we must deal with each piece of legislation as it comes along. I do not like this panic concept of legislating in anticipation of what others are going to do. I think we have to treat each piece of legislation on its own merits. As far as I am concerned, the recipient services will be the beneficiaries of the passthroughs from the States' portion of revenue sharing. They are absolutely essential, high priority matters, and there is nothing I know of with a higher priority.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield further.

Mr. ROSENTHAL. I will be happy to yield.

Mr. GIAIMO. Believe me, if we could do it the way the gentleman describes, it would be satisfactory. Then we would approve this program and the others but we will not have the votes to do that.

Mr. ROSENTHAL. We do not know that yet.

Mr. GIAIMO. Well, believe me.

Mr. ROSENTHAL. I do not want to second-guess next year's team or next year's forum or next year's Members. I think many things will change between now and then.

Also, I want to say I am not sure I agree with the gentleman from Connecticut on the conclusions that can be drawn from the election. At least in my community there are large numbers of people who voted for President-elect Reagan. Many of them indicated to me reasons far different from the ones the gentleman speaks of here today. They were dealing with a number of factors, not only getting a handle on Federal spending. They wanted competency in Government, a more efficient spending of the Federal tax dollar. They wanted a Government they could believe in and I think it is our responsibility to give it to them. We as a collegial body will have to choose and pick our priorities.

Mr. Chairman, I have a responsibility here today, as all of us do, to decide for our own community, considering the national interest, what the highest responsibility and priority is. I have made that decision. That decision is to oppose the Brooks amendment and to support the Wydler amendment because I believe in the States' sharing of revenue funds and the passthrough to local communities.

Mr. GIAIMO. Will the gentleman yield further?

Mr. ROSENTHAL. I will be delighted to yield.

Mr. GIAIMO. All of what the gentleman said would be correct if the gentleman was not faced with what many of us believe—we can say we do not know but many of us believe it is not going to be business as usual in Government, and thank goodness, that we are not going to be able to fund everything.

Mr. ROSENTHAL. I am not for business as usual. I have never been for business as usual.

Mr. GIAIMO. I did not say the gentleman was.

Mr. ROSENTHAL. I think it is an erroneous concept to think because we are for programs it is business as usual. I am for vigorously and diligently following these programs to make sure that they work efficiently and properly and that there is no waste, fraud, and things like that.

It was my bill that created an Inspector General at HEW because I have felt that responsibility. I still feel that responsibility. Those are two different subjects. One, the responsibility for following the money, the other the responsibility of devising programs. This is a good program in my judgment. I cannot find a higher priority.

Mr. GIAIMO. My point is that we are not going to be able to fund everything. There is going to be pressure to get control over Federal spending and to hold the growth of Federal spending down. That means all programs cannot be funded.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. GIAIMO and by unanimous consent, Mr. ROSENTHAL was allowed to proceed for 1 additional minute.)

Mr. ROSENTHAL. Mr. Chairman, that means that something is going to have to give. If you fund this, something is going to have to give and it will be the programs of categorical nature which help your cities.

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard all sorts of arguments here this afternoon on where the cuts are going to come, whether we want categorical or revenue sharing funds, that those of us who are opposed to the Wydler amendment, it is because we want to amass more power to ourselves. I have even heard the argument of what are progressive and regressive dollars, and I am not sure that makes a lot of sense but I will remind the Members of this body that we were all out there during the month of October, some campaigning, some who did not run for reelection, but there was one thing that we all heard as we moved from town to town in our districts.

☐ 1330

That is how expensive everything is getting, a very simple pocketbook issue. Every time you go to the store, it is a little bit more. We have got to take some responsibility for that ever-increasing cost of living by the deficit in the Federal budget. $60 billion is going to be the deficit, and certainly I do not like to see that. So we have to look to all kinds of areas, to all areas, to cut some of this Federal spending, and this is one of them. This is one of the areas where we can save some $2½ billion a year, a little bit less than that, but over the 2-year period over $4 billion.

If we look back at how this revenue-sharing program came into being, you remember that we tried to take all of the categorical programs and take all of the strings away from how they were spent, and we said we are going to devise this beautiful program, this wonderful program of revenue sharing, that we are going to say to the States, all of these strings that are attached to the money that you get in categorical grants are going to be removed. We are going to send moneys without any strings to be spent in a way that you think is more efficient.

But it ended up that we left the categorical programs and simply added another Federal program on the books.

I opposed the revenue sharing completely the first time that it came up. But then in the ensuing years, what I have seen is that the cities and the counties, we have made them dependant upon this money. And so at this point, I am supporting the revenue-sharing moneys for the cities and for the counties. And there will be no loss to the cities and the counties under this bill. They will get the same amounts of money that they have gotten before.

But in the State government portion of revenue sharing, there is a difference. The States have a surplus. The States do not need it.

In the case of my particular State, my State of New Mexico gets about $30 million a year. But New Mexico will end up with a budget plus of $300 million.

Here we are proposing to go and borrow additional moneys and add that to the national debt in order to send it to the State governments who do not need it.

So, Mr. Chairman, I would urge my colleagues to think back on those days in October when we were trudging from one town to another, and people were telling us, "You have got to bring that spending under control because it is killing us. It is killing us every time we go to the grocery store. It is killing us every time we go to the doctor. It is killing us every time that we spend any money."

I would urge my colleagues to support the Brooks amendment and reluctantly oppose the amendment of my friend from New York.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from New York.

Mr. WYDLER. I thank the gentleman for yielding.

I just want to comment, we have had about an hour, I guess, of speeches about the deficit and the problems we face financially in the Nation, all of which are true, and a lot of talk about social security problems. I do not know what that has to do with revenue sharing, but anyway, there has been a lot of talk about the financial problems we face and the deficits and spending in our country; but the amazing thing—and I think every Member should be aware of it—the amazing thing in all this discussion is as follows: All of the people who spoke in these terms favored the real spending in the bill.

In my proposed amendment the $4.6 billion that we are going to spend this year, next year, and the year after, they are all in favor of that.

The CHAIRMAN. The time of the gentleman from New Mexico (Mr. LUJAN) has expired.

(At the request of Mr. WYDLER and by unanimous consent, Mr. LUJAN was allowed to proceed for 1 additional minute.)

Mr. WYDLER. If the gentleman will continue to yield, the possible spending of the $2.3 billion for the States is pointed at as though it is the end of the world. That does it. That finishes off the country. But, as the gentleman well knows, and as has been explained over and over again, that money will never be spent unless the next Congress through its appropriation process decides that they do want to spend it, and they will be able to decide that based on the conditions that then exist.

But we are going to go right ahead here today, and I think the gentleman said he is in favor of it, and the gentleman I think from Connecticut is in favor of it and the other gentleman who spoke here about the deficit, they are all in favor of spending that $4.6 billion now and $4.6 billion the year after and $4.6 billion the year after that for local revenue sharing. So that is where the real deficit problem is. I am a little confused, but maybe the gentleman could clarify the difference between those matters to me.

Mr. LUJAN. The gentleman should not be confused, because it amounts to having made the cities and the counties dependent on that money, and if we do not give it to them now, we are just going to raise cain all over the country, but for the State there is no necessity; and it is frivolous.

Mr. SABO. Mr. Chairman, I rise in opposition to the Wydler amendment.

Mr. Chairman, let me just make brief reference to what I think was a very, very important comment that the gentleman from New York made in his last statement, and that relates to the possible expenditure of this money. I think that is one of the inherent things of his amendment which makes it a bad amendment.

One of the great pluses of revenue sharing was that it was certain and local governments or State governments could plan on the money.

As the gentleman's amendment is structured, and let me relate it to my State of Minnesota, that legislature will meet in January of 1981 to adopt a biannual budget. At that point in time, they will have to make their judgment on revenues for that 2-year period of time and on expenditures for a 2-year period on time.

Even if the gentleman's amendment were adopted, it would be my judgment they would be foolish to count on that money. They might or might not receive it.

So the end result would be that even if the gentleman's amendment were adopted, even if the Congress appropriated that money at a later date, all it would do for the State government in Minnesota would simply be to add to their balance or to their year-end surplus. It would not be advance dollars that they knew were coming and could plan for.

It seems to me if we want to continue, it has either got to be like the old program, committed in advance so that the governments can plan and spend it wisely or it should not exist because, in my judgment, the programs that we end up wasting the most money on are those that come suddenly and the expenditures are unplanned.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from New York.

Mr. WYDLER. I agree with what the gentleman is saying. I agree with him 100 percent. I agree that the way this program should be run is the way we are still running it on the local share with entitlement programs where people can make plans on what is going to really come to them in the following year so they know when they plan their budgets, but the gentleman is not unaware of what has been going on here today. The gentleman knows there is a deep division in the House on this issue, and the proposal I am making is a compromise. I do not think it is the best way to do it. I would much rather see the State share be an entitlement, but it is not possible or practical to do it this way.

So, this is an alternative way which leaves the Congress with the string that apparently a lot of Members would like to have. They will have to have the money appropriated before they get it. I think it is unfortunate as the gentleman says we are going in this direction, too. I would rather we were going down the entitlement road, but unfortunately it is the best we can do.

Mr. SABO. Mr. Chairman, my observation would be, that there is a legitimate argument over whether State revenue sharing should or should not be continued on the old basis.

In my judgment, it makes no sense to continue it on a contingent basis.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BROOKS) to the amendment in the nature of a substitute offered by the gentleman from New York (Mr. WYDLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WYDLER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. WYDLER. Mr. Chairman, I withdraw the point of order that a quorum is not present.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 215, not voting 59, as follows:

[Roll No. 628]

AYES—158

Alexander
Anderson, Calif.
Anthony
Applegate
Archer
Ashley
AuCoin
Bafalis
Barnard
Benjamin
Bennett
Boggs
Bowen
Brademas
Breaux
Brinkley
Brooks
Broyhill
Butler
Carr
Cavanaugh
Chappell
Cheney
Clay
Coelho
Collins, Ill.
Collins, Tex.
Cotter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Deckard
Derrick
Devine
Dickinson
Duncan, Oreg.
Edwards, Okla.
English
Ertel
Evans, Ga.
Evans, Ind.
Fascell
Fenwick
Findley
Flippo
Ford, Tenn
Forsythe
Fountain
Fowler
Frost
Fuqua
Gephardt
Giaimo
Gibbons
Glickman
Gonzalez
Gramm
Hall, Tex.
Hance
Harkin
Harris
Hightower
Hinson
Horton
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Ireland
Jacobs
Jeffries
Jenkins
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kindness
Kogovsek
Kramer
Leath, Tex.
Lehman
Levitas
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McDonald
McKay
McKinney
Mathis
Mattox
Mazzoli
Mica
Mikulski
Miller, Calif.
Mineta
Moffett
Mollohan
Montgomery
Moorhead, Pa.
Murphy, Ill.
Nelson
Nichols
Oberstar
Obey
Panetta
Paul
Pepper
Pickle
Regula
Reuss
Roberts
Rostenkowski
Rousselot
Roybal
Sabo
Satterfield
Schroeder
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Snyder
Stack
Steed
Stenholm
Stewart
Stump
Swift
Synar
Tauzin
Taylor
Trible
Udall
Ullman
Vanik
Watkins
Waxman
White
Whitehurst
Whitley
Whitten
Wilson, Tex.
Wirth
Wright
Wyatt
Yates
Young, Fla.
Zablocki

NOES—215

Abdnor
Albosta
Ambro
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Ashbrook
Aspin
Atkinson
Badham
Bailey
Baldus
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boland
Boner
Bonior
Bonker
Brodhead
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burton, John
Burton, Phillip
Campbell
Carney
Carter
Chisholm
Clausen
Cleveland
Clinger
Conte
Conyers
Coughlin
Courter
Crockett
D'Amours
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Derwinski
Dicks
Dingell
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
Erdahl
Erlenborn
Evans, Del.
Fary
Fazio
Ferraro
Fish
Fisher
Florio
Foley
Ford, Mich
Garcia
Gaydos
Gilman
Gingrich
Goldwater
Goodling
Gore
Gradison
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hamilton
Hammerschmidt
Hansen
Harsha
Hawkins
Heckler
Hefner
Hillis
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Howard
Hyde
Jeffords
Johnson, Calif.
Kastenmeier
Kemp
Kildee
Kostmayer
LaFalce
Lagomarsino
Leach, Iowa
Leach, La.
Lederer
Lee
Leland
Lewis
Livingston
Lowry
Lungren
McCormack
McHugh
Maguire
Markey
Marks
Marriott
Martin
Matsui
Mavroules
Michel
Miller, Ohio
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nedzi
Nowak
Oakar
Ottinger
Pashayan
Patten
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Roth
Royer
Rudd
Russo
Sawyer
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Shuster

Smith, Nebr.
Snowe
Solarz
Solomon
Spence
Staggers
Stangeland
Stark
Stratton
Studds
Symms
Tauke
Traxler
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Weaver
Weiss
Whittaker
Williams, Mont.
Williams, Ohio
Wolff
Wolpe
Wydier
Yatron
Young, Mo.
Zeferetti

NOT VOTING—59

Addabbo
Akaka
Anderson, Ill.
Bedell
Beilenson
Bevill
Bolling
Bouquard
Burlison
Byron
Coleman
Conable
Corcoran
Corman
Crane, Philip
Dellums
Dodd
Fithian
Frenzel
Ginn
Hall, Ohio
Hanley
Heftel
Ichord
Jenrette
Johnson, Colo.
Kelly
Latta
Lent
McCloskey
McDade
McEwen
Madigan
Marlenee
Murphy, N.Y.
Neal
Nolan
O'Brien
Patterson
Pease
Rhodes
Richmond
Ritter
Santini
Shumway
Spellman
St Germain
Stanton
Stockman
Stokes
Thomas
Thompson
Van Deerlin
Vento
Wilson, Bob
Wilson, C. H.
Winn
Wylie
Young, Alaska

☐ 1340

The Clerk announced the following pairs:

On this vote:

Mr. Vento for, with Mr. Addabbo against.

Mr. Pease for, with Mrs. Spellman against.

Mr. Akaka for, with Mr. Bedell against.

Mr. Thompson for, with Mr. Dellums against.

Mrs. Bouquard for, with Mr. Richmond against.

Mr. LLOYD and Mr. FORD of Tennessee changed their votes from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LEVITAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WYDLER

Mr. LEVITAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS to the amendment in the nature of a substitute offered by Mr. WYDLER: Immediately before the period at the end of section 107(a)(2) as proposed to be inserted on page 3, line 21, of the amendment of the gentleman from New York, insert the following: ", except that (1) no payment of any such allocation shall be made to any State unless the Secretary determines (in accordance with regulations prescribed by the Secretary) that such State has declined to receive or has refunded to the United States, from funds otherwise available to such State under any Federal categorical grant program (as identified in such regulations), an amount equal to such allocation, and (2) any funds which would otherwise be paid to a State but for clause (I) shall be transferred by the Secretary from the Trust Fund to the general fund of the Treasury in accordance with section 105(d)".

☐ 1400

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WYDLER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WYDLER) reserves a point of order.

The Chair recognizes the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, this is is a simple, but extremely significant amendment, and it addresses a number of the points which were recently discussed in the debate on the amendment offered by the gentleman from Texas (Mr. BROOKS).

What this amendment would do is it would permit States to receive their allocation of revenue-sharing funds; however, it would permit that allocation to be received to the extent that a State either declines to receive or refunds to the Treasury an equal amount of funds provided under categorical programs. The effect of this amendment would be to maintain the spending levels within the budget without increasing them. It would permit the deficit levels to be maintained without increasing them, and it would also let the States have the choice of receiving general revenue-sharing funds and expending those funds in accordance with their priorities and their decisions rather than having those decisions made by bureaucrats here in Washington under categorical programs.

A number of the persons who spoke in opposition to the Brooks amendment said that what they would prefer to see is an elimination of many of the categorical programs and let the funds be expended in the form of either block grants or general revenue sharing where the decisions and priorities are set by State officials rather than by Federal officials.

This amendment accomplishes both purposes without increasing the deficit and without increasing the spending levels. It adopts the position, which I totally agree with, that we get a better result with the dollars spent through the revenue-sharing program. It says to the States, "You make that decision. If you want to take a revenue-sharing program instead of the categorical grant, that is your option."

We heard witness after witness after witness coming before the Committee on Government Operations representing the States and saying to us, "If we had a choice, we would rather take general revenue sharing and forego many of the categorical programs that we do not need. We know in many instances where our priorities lie, which are not being met with the categorical programs. We would rather take the general revenue sharing and use that instead of categorical programs."

This amendment does precisely that. This amendment permits the States to forgo the categorical program to the extent that they want to expand the general revenue sharing. It is referred to by some as the "tit for tat" amendment. For every dollar that a categorical program is disavowed by a State, because they do not want it and do not need it, to that extent they will receive general revenue-sharing money to spend as they so desire.

It does it without adding to the budget, without adding to the deficit. I think it is the compromise which will permit States to continue to participate. It is a reasonable compromise. I was pleased to have the endorsement of this principle by my friend from Pennsylvania (Mr. WALKER) and by my friend from New York (Mr. CONABLE). It does precisely that.

It says, "If you want general revenue sharing, all you need to do is say these are the categorical programs we do not need." And you will receive those funds.

For that reason, Mr. Chairman, I urge the adoption of this compromise amendment which will fulfill both of those purposes.

I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from New York insist upon his point of order?

Mr. WYDLER. I do not, Mr. Chairman, but I do seek recognition.

Mr. Chairman, I rise in opposition to the amendment. I want to try to convey to the Members exactly what the difference in situation is that existed at the time that the State representatives appeared before us and the real situation we are now dealing with on the floor of the House in the committee.

This is no longer an entitlement program for the States. At the time we were discussing it, we were discussing an entitlement program for the States. That type of a program would have been superior to the situation we have which is a situation where the States are going to have to go in and get an authorization and an appropriation for their money.

So when the State said, "If you put us in this position that we must choose between getting an entitlement for revenue-sharing funds and to get that entitlement for revenue-sharing funds we will give up some categorical money, that is not the situation that exists any more." The situation that exists now is the Congress is going to have to appropriate the revenue-sharing money to the States. That means the Appropriations Committee in the House is going to have a full review of the request. They are going to have a full review of all the categorical requests as well before them at the same time; and that is obviously the proper place to make the decision on whether the revenue-sharing moneys should be appropriated, should not be appropriated; if they are appropriated, how much should be appropriated; if they are not appropriated, to make that decision. This is no longer a decision that can or should be made at the State level, which is what the amendment proposes. This decision is now within the control of the Congress. It will be made by the Congress in the fiscal year 1982 and 1983; and, therefore, all this amendment would now do is after the Congress had appropriated the money to go to the States, it would say to the States to get that money, you are now going to have to turn down some of the categorical money that we appropriated for the States as well.

That is just senseless for the Congress to first appropriate the money to give to the State governments and then to tell them that they cannot have it or they have to choose between one pot and another.

So under this amendment when it was drawn—and I know it was drawn by the gentleman from Georgia (Mr. LEVITAS) at a time when the State still had an entitlement program, but there is no longer an entitlement program for the States—the way this would work under the current circumstances that we now have in the Wydler amendment before us, it would be almost impossible to administer. It is just about impossible.

The amendment does not say whether a categorical program, for example, includes welfare-type programs. It does not say whether it includes highway programs. I do not know what it includes. Frankly, there is nothing in the proposed amendment that clarifies that. What a State would have to decide to give up, whether it would have to decide to give it up, whether it would have to make application for moneys and then turn them aside all becomes a regulatory mess for the States and for the Federal Government. The Congress has the right to appropriate the funds to the States or not, and they will make that decision based on a budgetary situation. So I think this amendment is not only unnecessary but will be very damaging to the revenue-sharing program, and I hope the amendment will be defeated.

The CHAIRMAN. The Committee will rise informally in order that the House may receive messages.

MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. ROSTENKOWSKI) assumed the chair.

The SPEAKER pro tempore. The Chair will receive messages.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

☐ 1410

STATE AND LOCAL FISCAL ASSISTANCE ACT AMENDMENTS OF 1980

The Committee resumed its sitting.

Mr. BROOKS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this amendment ought to have the enthusiastic support of all true believers in revenue sharing. This is right out of the gospel according to Richard Nixon. This is what it was all supposed to be about. You remember when the States dreamed up the idea of revenue sharing, they did not think they had the votes. So they got the cities and the localities in, and the cities and the localities took two-thirds of the funds and left them with one-third. And now they are calling on those chits and saying, "You cities and localities, help keep us in." And they just did, did they not?

Go back and read the speeches and documents put out by the Nixon administration when it was trying to sell the original concept of revenue sharing to Congress. They were selling the better way for the States to get the Federal dollar. "Take off those strings, rip up those regulations; do away with categorical programs, abolish them; just put that money on a stump, and let us spend it away." That is what they said they were going to do with revenue sharing, and they have done that with about $6.9 billion a year ever since.

But things have not worked out quite that way, because revenue sharing did not seem to satisfy the appetite of States or the localities for the Federal dollar. They still feel that categorical grants are good. And do you know what we have done since 1972? Since we passed revenue sharing to take the place of categorical grants, we have doubled categorical grants. Here is a chance to set some of that right, a chance to cut away some of those unsightly strings, those burdens and that redtape that the States hate. Here is a chance to start restoring revenue sharing to the shining idea that it was supposed to be in 1972. I am surprised that the gentleman from New York did not include a provision like this in his substitute, because it would meet the criteria that the gentleman has espoused so admirably over the years.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, I am a little disappointed that the gentleman made that observation, when he just heard me discourse on this amendment. I just rose in opposition to it and explained to the gentleman that it is totally unnecessary and very mischievous. I am sorry the gentleman did not hear me say it. But that is why I did not include it in my amendment. It is a very helpful amendment to the program.

Mr. BROOKS. The gentleman represents his constituents very well.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time, if I may, to ask the gentleman from Georgia some questions about his amendment. I, as I had stated to the gentleman earlier, find the idea that he is putting forth here very attractive because I think that this is the second step of the process that was originally intended in revenue sharing, first to provide the resources, but then, in the final analysis, to allow the States to make some priority decisions on their own and have the resources to use to meet those priorities.

However, it does, I think, raise some questions about the operability of the technique that the gentleman proposes here.

No. 1, is there a chance that we will really expand some categorical programs through what the gentleman is proposing simply because the States will apply for a bunch of things that they really do not want in order to back off and then take the revenue-sharing money? Do we run that danger? Are there any protections in the gentleman's amendment from that kind of thing happening?

Mr. LEVITAS. If the gentleman will yield, there is absolutely no danger of that, for this reason: The categorical programs, as well as the revenue-sharing programs, will have to be limited and will be limited by budget resolutions which are adopted in advance of the operation of my amendment.

In other words, there could be no increase in categorical expenditures nor any increase in general revenue-sharing expenditures because they would both be capped prior to the decision process being made by the States to choose between one or the other.

So the total spending limit, the total deficit limit, would remain the same. There could be no increase.

Mr. WALKER. If I could follow, then, and ask the gentleman: What about the instances, though, where the State applies for the program, maybe there is no money there for the program, but they have the application in anyhow, they are denied the program or have the potential of denial of the program because of the lack of funding, can they then use that under the gentleman's amendment as a program which they did not take and, therefore, use that against their general revenue sharing?

Mr. LEVITAS. If the gentleman will yield to me on that point, that could not occur because the way the amendment is written, it would require the actual commitment or obligation of funds to a State or even, indeed, the actual receipt of funds by a State, which would then have to be refunded to the Treasury. So, they cannot go through some Mickey Mouse process of applying for a grant and then not receiving that grant and use that as a credit for the allocation as provided under my amendment.

Mr. WALKER. What if the program would actually run out, in terms of the authorization of the program, but it is a program which the State had previously applied for and/or had gotten money for; could the State indicate that they are now out of that money and ultilize that particular prior authorization as a way to get some revenue-sharing money?

Mr. LEVITAS. If the gentleman will yield, the amendment, as I read it, is very specific on that point. We are talking about the actual foregoing of obligated funds or the actual refund into the Treasury of funds received.

I can conceive of a situation, for example, where a categorical program grant is made to a State or received by a State and they say, "Wait a minute, we do not need this money to implement, let us say, a bilingual education program

We really have a great need to supplement the salaries of our schoolroom teachers." They can then return that categorical funding to the Treasury and receive in exchange therefor the revenue-sharing funds which they can then expend for the alternative.

Mr. WALKER. Well, I guess that is my problem with the operational aspects of the program. It sounds to me as though the State is actually going to have to have the categorical money in hand or promised before they can get any revenue-sharing money under the gentleman's proposal, that they will actually have to go through the whole process of getting a categorical grant approved. And that does not cut out any bureaucracy; that still has all of the mechanisms in place for these categorical programs, and then at the end of the process they say, "Well, we do not want the money anyhow; we are going to take it in revenue-sharing funds." I am not so certain that that really gets us to where we want to be.

Mr. LEVITAS. If the gentleman will yield, as someone said to me, "Is this workable?" And someone responded, "Well, if we can put a man on the Moon, we can make this program work, too." It seems to me that, once the principle has been agreed upon that we are going to use revenue sharing instead of and to replace the categorical programs, the paperwork as to how that is done becomes a very secondary matter.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Let me say to the gentleman that my problem with that is that when you are dealing with putting a man on the Moon, you are dealing with technology. In this case, you are dealing with bureaucracies that are far more immovable than the technology that it takes to put a man on the Moon. And I am still bothered by the fact that it sounds to me as though the money has to be there in order to deobligate to go to the revenue-sharing funds, and I would like a little more assurance that there is some mechanism in the gentleman's amendment to get us by all of that bureaucratic spending, which is really where I think we can effect a savings.

Mr. LEVITAS. If the gentleman will yield, I think I can satisfy his concern in that regard. If you assume—and I hope it does not occur—that my constructive compromise is not adopted, you are in exactly the same situation with the paperwork and the bureaucracy that you are at the present time, except you have spent $4.6 billion more.

Under my amendment, while we may not at the first bite reduce the bureaucracy, which I think would eventually occur, we will replace categorical funds with revenue-sharing funds, which is precisely what the States have asked for.

Mr. WALKER. I thank the gentleman.

Mr. GRAMM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, back in February when we started talking about the budget in earnest, it was clear that to have a balanced budget we had to cut about $24 billion worth of expenditures. By the time the Budget Committee and the President had made actual recommendations, that $24 billion of needed cuts had fallen to $12 billion. By the time we imposed reconciliation and were cutting spending, it had fallen to $6 billion. When we amended the reconciliation bill, we dropped one of the two real cuts in actual expenditures that had been made, and that was reducing the COLA's of Federal retirees from twice a year to once a year. The only remaining real cut in that whole package following all the long rhetoric about balancing the budget is the elimination of the Federal revenue sharing.

It seems to me that if we take the step here to reauthorize Federal revenue sharing in fiscal years 1982 and 1983, it is clear evidence to the American people that we do not have any intention of cutting Federal programs to balance the budget.

I think Mr. LEVITAS has given us an excellent vehicle. We can get all of the advantages of revenue sharing in terms of local government, at the State level in this case, making decisions without having to raise revenues.

I think we ought to adopt this amendment, and I think anyone who votes against this amendment is saying, "I am not serious about balancing the budget, and if it is going to be balanced, cut somebody else's favorite program, not mine."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS) to the amendment in the nature of a substitute offered by the gentleman from New York (Mr. WYDLER).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. MAGUIRE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WYDLER

Mr. MAGUIRE. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. MAGUIRE to the amendment in the nature of a substitute offered by Mr. WYDLER: Insert at the end of the amendment of the gentleman from New York the following new section:

SEC. 4. EXCLUSION OF CERTAIN TAXES FROM TAX EFFORT COMPUTATIONS.

(a) AMENDMENT.—Section 109(c)(2)(A) of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(A) TAXES TAKEN INTO ACCOUNT.—The State and local taxes as taken into account under paragraph (1) are—

"(i) the compulsory contributions exacted by the State (or by any unit of local government or other political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

"(ii) adjusted, to the extent practicable (under regulations prescribed by the Secretary), by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to the fraction of any severance, production, or sales taxes, imposed by the State or by any unit of local government or other political subdivision of the State on the extraction or sale of mineral resources, the burden of which is not borne by the residents of such State.".

(b) CONFORMING AMENDMENT.—Section 109(c)(2) is further amended by adding at the end thereof the following new subparagraph:

"(C) MINERAL RESOURCES.—For purposes of subparagraph (A)(ii), the term 'mineral resources' means petroleum, natural gas, or coal.".

Mr. MAGUIRE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MAGUIRE. Mr. Chairman there is a broad consensus, I believe, on both sides of the aisle as to the importance of this amendment and as to its equity. The revenue-sharing program that we have includes a very excellent principle. That principle is that more revenue-sharing moneys ought to be made available to individual States based in part on the extent to which those States tax their own citizens. In other words, the principle is that we will reward those States that have already undertaken to tax their own citizens more substantially.

But, does it make sense, Mr. Chairman, to have a situation, which is the one that we actually have in this bill as it is written, in which a few States—and I am talking about 11 of our 50 States specifically—have the ability through what are called severance taxes to rather substantially tax not just their own citizens, but the citizens of 39 other States through the exportation of those severance taxes; and then on top of that taxation of the citizens of the other 39 States get additional revenue-sharing funds? Those who are supporting this amendment submit that that does not make sense, and that it is a glaring inequity which the amendment would remove.

The point here basically is this: Those of us who represent the 39 States across the length and breadth of this country—and this is not a regional issue: I am talking about States in the Northeast and Midwest, in the Far West, in the North, in the South, in the Southwest, and the Southeast—want equity consistent with the original intent of Congress.

We are not trying to take something that is not ours. What we are trying to do with this amendment, which has widespread bipartisan support, is to take something which is ours, namely, our fair share under revenue sharing based on how much we tax our own citizens and how much other States tax their own citizens.

The five-factor House formula allocates 17 percent of the total revenue-sharing dollars—and that is $900 million in fiscal year 1980—on the basis of this

State tax effort. So, we are not talking about a negligible amount of money here.

The situation is also going to get worse each year that goes by as a result of the fact that decontrol of oil and natural gas prices and the increasing prices of coal are going to increase the dollar value of those severance taxes. In addition to which, there has been a pattern in which the States themselves, the producing States, have increased the absolute percentage amount of the severance taxes. So, we are talking about, in fiscal year 1985, $36 million in revenue sharing which will be transferred from energy-consuming States to energy-producing States. And if the State share should ever be included, $150 million to $175 million is at stake.

Decontrol of domestic oil prices will mean $127.7 billion in increased revenue to the oil-producing States over the next few years, to 1990, and of course coal production will also increase. The pattern over the last 6 years, from 1972 to 1978, has been that those States that are producing States, that are energy-rich States, those 11, have increased their severance tax revenues dramatically.

For instance, in Alaska there has been an increase of 621 percent; Montana, 1,309 percent; Oklahoma and Texas, 198 percent and 186.7 percent. The projections for the next few years are that, of that $127 billion additional from 1979 to 1990, as a result of the increases in the price of oil, 83 percent of the increase in State and local taxes and royalties during that period will go to four States: Texas, Alaska, Louisiana, and California, to the tune of over $100 billion.

Now, it is perfectly all right with me if these States produce the energy, and if they tax their own citizens and other citizens through the severance tax. What is not OK with me, and I hope with the majority of the Members of this House from all regions and both parties, is that they should then, on top of that, get the additional advantage of additional revenue-sharing dollars, which means that the rest of us will get less.

For example, let's take the 11 States with respect to the percentage of severance taxes paid by people outside the borders of those States, that is, by the citizens of all of the other 39 States: We pay 86 percent of Montana's severance taxes; 85 percent of Alaska's severance taxes; 80 percent of Kentucky's severance taxes; 79 percent of Louisiana's and on down the line; Wyoming, New Mexico, Texas, West Virginia, North Dakota.

□ 1430

I do not expect to get very many votes from Members from those 11 States for this amendment, I frankly do not. I would suggest that the problem may well be the advantages of the present inequitable situation to those States are simply enormous and they are going to continue to grow. But surely, those of us from the rest of the country and those of us who believe in the principle of equity and the original principle here, which is that you reward States for taxing their own citizens, will agree that we should correct this glaring inequity in the present law.

I have a handout which includes the information on a State-by-State basis so that everybody will have an opportunity to look at how his or her State is actually affected.

I would point out in conclusion that in addition to the Northeast-Midwest coalition, which strongly supports this amendment, we have strong support on both sides of the aisle. Congresswoman SNOWE, Congressman EMERY, Congressman TAUKE, and Congressman McKINNEY, for example, on the Republican side, representing such States as Connecticut, Iowa, and Maine, have sent out a letter pointing out that 8 percent to 16 percent of total State and local taxes in Alaska, Louisiana, New Mexico, Oklahoma, and Texas are these exported severance taxes, and saying, and I quote:

> A vote for the Maguire amendment is a vote to exclude energy severance taxes paid by users in the energy consuming States. We think this is fair.

The Northeast-Midwest congressional coalition, in a bipartisan letter signed by Congressmen HOWARD WOLPE and STEWART McKINNEY, says:

> The Maguire amendment accurately and adequately addresses this serious inequity and deserves our full support.

So I would hope that we could join together here without respect to questions of which of our colleagues from what States happen to sit in what chairs in this or the other body, but with respect to the principle of equity.

This is an issue that is going to be with us over the next few years and decades. We might as well address it squarely now on behalf of a principle of fairness for all the citizens of this country.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I yield to the gentleman from Louisiana.

Mr. MOORE. The gentleman from Louisiana has several questions he would like to pose to the distinguished Member from New Jersey. The first one is on the handout. According to the Library of Congress, there are 33 States that have a coal severance tax. In the handout, you show only 8 States would wind up with less revenue sharing money, although 33 States would be affected by your formula. I would like to ask what is the formula or who made this computation of the amount of money each State would get under your amendment if it is adopted?

Mr. MAGUIRE. The gentleman has an excellent question. What we did was to ask the Library of Congress and the Treasury Department to help us figure out the closest set of figures as to the impact. We have 1978 data on State and local tax revenues and we have 1979 estimates on severance tax receipts.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. MOORE, and by unanimous consent, Mr. MAGUIRE was allowed to proceed for 3 additional minutes.)

Mr. MAGUIRE. We have the Congressional Research Service estimates of 1979 severance tax receipts adjusted for inflation. These are the most recent data and projections that we can possibly have. They may not be absolutely perfect in every respect, but they are perfect with respect to the principle which is that 39 States gain and 11 States lose under this amendment, and the States that lose are losing not what is theirs, but what belongs to the citizens from all the other States. I would urge the gentleman to understand that point.

Mr. MOORE. Mr. Chairman, would the gentleman yield further?

Mr. MAGUIRE. I yield further to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. I am not sure I understand and I am not sure the gentleman's formula or explanation answered it. How is it that 33 States have a severance tax which they will lose in the computation of the revenue sharing they get, yet only 8 of those 33 States or 11 wind up losing money?

It seems to me, all 33 would wind up getting less money. Can you explain?

Mr. MAGUIRE. Eleven States get less money. It is 11 rather than 33 because we are talking about net exporters of energy. After all the computations have been made with respect to severance taxes and who imports and who exports and how much, we find that 11 States are net exporters of energy severance taxes.

Mr. MOORE. Is the gentleman saying they will get less revenue sharing money?

Mr. MAGUIRE. Some States consume a certain amount of the oil they produce, more than others. Others which export some also import some and some with severance taxes that export are not net exporters. There are other factors at work which are marginal, and this is the closest approximation and it is an accurate rendition of both the facts and the principles involved. I would hope the gentleman could join me in adopting the principle which is original congressional intent, which is that people should be rewarded with revenue sharing dollars according to how much the States tax their own citizens. That is the principle we are involved with here. Once we depart from that, as we do in this bill, we have a grossly unfair situation with respect to all the other citizens of this country. I am sure the gentleman understands that. I would urge the gentleman to rise above parochialism and join me in supporting this amendment.

Mr. MOORE. Will the gentleman yield further?

Mr. MAGUIRE. I yield further to the gentleman

Mr. MOORE. I appreciate the gentleman yielding.

In looking at the wording of the actual language of his amendment, the closing line says:

> Extraction or sale of mineral resources, the burden of which is not borne by the residents of such State.

Am I to understand that in calculating how much revenue-sharing money a State would get that has a severance tax, that you determine how much that severance tax is paid by citizens of that State versus that not paid by the citizens from that State? Who has the figures?

Mr. MAGUIRE. I do have it here, if you would like to see it.

Mr. MOORE. Would the gentleman yield further?

Mr. MAGUIRE. I will yield further to the gentleman.

Mr. MOORE. You say 75 percent for Louisiana, but Louisiana tells me that 57 percent of its natural gas severance tax is paid by its own citizens. They have no figure whatsoever for oil. The oil is refined in our State. Many products are sold in our State and many out of State. They cannot calculate how much of the oil drilled in Louisiana is consumed in our State.

Mr. MAGUIRE. The Congressional Research Service has exhaustively researched this entire matter and these are the data for each State not just for gas but for oil and gas and coal after all the consumption patterns and imports as well as exports are taken into consideration.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. Moore, and by unanimous consent, Mr. Maguire was allowed to proceed for 2 additional minutes.)

Mr. MAGUIRE. There are a number of people standing. I will be happy to yield to the gentleman from Texas.

Mr. MOORE. I did the courtesy of getting the additional time. Would the gentleman yield to me?

Mr. MAGUIRE. I have yielded to the gentleman from Louisiana extensively.

Mr. MOORE. I got the gentleman more time.

Mr. MAGUIRE. I appreciate that.

Mr. MOORE. Why does the gentleman exclude timber from this tax? Timber is not allowed to be considered for revenue sharing. Timber is used as a fuel. It is increasingly being used as a fuel. There are three States who tax timber as a severance tax and many, many more timber exporting States who might.

Why was that excluded?

Mr. MAGUIRE. Timber was excluded because the impact on the total picture of revenue sharing dollars is infinitesimal and it would be more bother than it is worth to do calculations on timber.

Mr. MOORE. I thought we were talking about equity.

Mr. MAGUIRE. We are talking about equities which are not infinitesimal. We are talking about the gigantic shifts that will occur with respect to oil, gas, and coal. We are not talking about those items that have no measurable effects on the total figures or the allocations between States.

If the gentleman wants his own time, I would be happy for him to have some. In the meantime, I yield to the gentleman from Texas.

Mr. WYATT. Mr. Chairman, I would like to know how the gentleman's computations are done. For instance, when it comes to the severance tax on oil, for that oil which is produced in a producing State and the severance tax is paid, a passthrough, for instance, if the oil were to be refined in Texas and shipped outside the State of Texas, would that be calculated in your rates or not?

Mr. MAGUIRE. All of that is taken into consideration in the estimates that were prepared by the Congressional Research Service.

Mr. WYATT. Can the gentleman tell me how the CRS compiled those rates?

Mr. MAGUIRE. In all fairness, I have weeks ago distributed to all the Members the data. It is the best data there is. I have talked with Members about this amendment for weeks. There is no one that I have talked to, even those who are going to vote against it, who disagree with the basic principle of equity that is involved here.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. Maguire) has expired.

(On request of Mr. Wyatt, and by unanimous consent, Mr. Maguire was allowed to proceed for 2 additional minutes.)

Mr. MAGUIRE. I yield to the gentleman from Iowa.

Mr. TAUKE. Mr. Chairman, I wish to commend the gentleman for offering this amendment. I think he has shown real leadership in this particular area. I think it is most important to note that he has achieved in the amendment a good balance between maintaining the principle of revenue sharing where we reward for efforts of a State or locality rather than rewarding for a tax levied by that same governmental body. I think also that the gentleman has maintained that, while at the same time not getting caught up with the difficulties of administering this kind of addition to the formula. If he had proceeded as some suggested, we would have had an unworkable formula.

□ 1440

If he had proceeded as some have suggested, we would have had an unworkable formula but he has been able to maintain the two. I commend the gentleman for his effort.

Mr. MAGUIRE. Mr. Chairman, I thank the gentleman for his comments. I take it the gentleman believes that these are the best figures we can come up with and that they are basically accurate figures.

Mr. TAUKE. As the gentleman knows, we have worked for some time on this particular legislation and I do believe that the amendment and the figures that have been offered are correct figures.

Mr. MAGUIRE. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. Edgar).

Mr. EDGAR. I would like to commend the gentleman in the well for his amendment. I think we have to face up to the question of serverance taxes and their impact on things like the formula for revenue sharing.

I happen to believe that the oil and the gas and the natural resources that are under the ground of all of the 50 States, while they are natural resources, are also national resources. I think so often we fail to look at the impact of those national resources. Texas, Oklahoma, Louisiana, California, Alaska, because of the virtue of severance taxes, taking a portion of taxes, taking a portion of the oil produced in their lands, are going to be able to have fairly substantial surpluses in their budgets. I think they should be congratulated for those surpluses but we ought not to then turn around and use those surpluses that they have raised in severance taxes and reward them with this.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Edgar and by unanimous consent, Mr. Maguire was allowed to proceed for 2 additional minutes.)

Mr. MAGUIRE. I yield to the gentleman from Pennsylvania (Mr. Edgar).

Mr. EDGAR. I do not think we ought to turn around at that point and reward them further by skewing the sharing formula to give them more revenues rather than less. I think those States that have the natural resources under their surface have to share those natural resources with a national constituency and I think the Maguire amendment speaks to that issue, makes the formula much more equitable and I think the relationship of the funds that go out to the States makes better sense. I commend the gentleman for his statement. I urge the House to support it and make it part of the Wydler amendment and then let us support the Wydler amendment.

All too often, we in the Congress fail to look ahead, anticipate problems, and legislate in a way which will deal fairly and effectively with that problem when it hits with full force. In no area of public policy has this problem been more true than energy—Harry Truman tried to warn us in the late 1940's and early 1950's about these problems and it has taken us until the late 1970's and the 1980's to come to grips with them. And we can still rightly be accused of not doing enough.

When we voted after innumerable studies and a protracted, bitter debate to decontrol the prices of domestically produced oil and natural gas, we focused our discussion entirely on the effects on individual consumers and the international economic climate. What we missed in these studies and debates was the very substantial intergovernmental impact of energy decontrol. Only in the last year has it dawned on us that in the 1980's and 1990's, energy price decontrol will accidentally create a small group of energy exporting superstates, a kind of "United American Emirates" whose revenues from severance and related energy extraction taxes will skyrocket over this period.

Mr. Maguire's amendment offers Congress the opportunity to anticipate this problem by making a relatively modest change in the formula of the general revenue sharing program. It offers us the opportunity to make sure that this program does not waste the very limited resources of the GRS program on local governments in a few States which do not really need the assistance.

Over the last several years, I have often risen to speak to issues which are clearly regional in nature and some may perceive the Maguire amendment to be such an issue. I do not. The States which stand to gain a windfall through the general revenue sharing formula if we do not amend it are diverse and include a number in the so-called "frostbelt"—Montana, Wyoming, and Alaska. Nor are all the States which export energy—and their severance tax burdens—to the rest of us located west of the Mississippi. Louisiana exports one of the highest shares of its total tax burden.

Let us recognize that we are dealing with natural resources which are also national resources. No State ought to gain an unfair and undeserved advantage in general revenue sharing by their luck in having enough energy under their feet to export to the rest of us.

I urge that, for once, we get ahead of an energy-related problem and deal with it in the modest, sensible fashion Representative Andy Maguire has suggested.

Mr. MAGUIRE. Mr. Chairman, I thank the gentleman.

I would say that in addition to the CRS and the Department of the Treasury, we have also worked with the Congressional Budget Office and the Bureau of the Census on these data. It is the best data there is and it is quite accurate.

Mr. MOORE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Mr. Chairman, I think that there are six good reasons why this amendment should be defeated. I ask the House to consider them. First, I think it is not fair, the opposite of the intent of this amendment. It is very inequitable to penalize those States which have passed severance taxes and to simply say because they have, those States will be penalized and get less revenue-sharing money than they would have if they did not have that tax. All this is liable to do is to cause those States to perhaps change that severance tax. There are many, many States who can and may in the future pass severance taxes. You are telling those States not to do that because they are going to lose revenue-sharing money if they do.

Mr. Chairman, we have three States, for instance, who have severance taxes on timber; Oregon, Mississippi, and Virginia. Yet they are not subject to this amendment. I simply ask why. Timber is used as a fuel just as coal, gas, and oil. This amendment is inequitable.

Mr. Chairman, there is a second reason. The severance taxes that States have used goes to pay, to a great extent, for the burden we have in those States of producing those minerals. You are aware of the oil spills that we have had and a superfund has been passed to help take care of that. We are aware of the other hazardous problems, the air pollution problems we have had in those States that have produced these minerals in the past for the use of the entire country. It is unfair now to penalize us for having passed a tax to try to pay for those burdens.

Third, Mr. Chairman, it is unfair to single out energy severance taxes only and not all forms of taxes as there are other severance taxes as I pointed out on forestry products, other various minerals that are being or could be taxed. To single out these three and say this tax does not count but that other severance taxes or other taxes will count makes no sense at all, certainly not on the theory of equity.

A fourth reason. The sponsor of the amendment says it is unfair because it makes no distinction between taxes borne by the residents of the State and those who are nonresidents. The thing we have to realize is there are any number of State taxes that are borne by people outside that State. The severance tax is only one of many.

For instance, the State of Michigan has a value added tax. Certainly, everything manufactured in the State of Michigan and sold in our State, we pay the value added tax as the end purchaser of that product. Why is that tax not considered here today?

The same is true with hotel and motel taxes, sales taxes, corporate income taxes, the taxes on manufactured goods, State and business inventory taxes. All of those taxes are put on goods that are used by people either visiting one's State or put on goods that are sold outside one's State. Those taxes are not subject to this amendment and they should be in the interest of equity.

Fifth, in Louisiana, in the case of natural gas, 57 percent of the natural gas produced in Louisiana is consumed in Louisiana and only 43 percent is exported—the gentleman who offered the amendment said 75, and I cannot get an answer as to where that figure comes from—meaning we pay that tax. We are not putting that on somebody else. The same thing is true with oil although I cannot get figures to demonstrate it.

Sixth and finally, I think that the amendment is totally unworkable. I do not see how one can calculate that of the oil produced in Louisiana or Texas or some other State, what percent is consumed in that State and what is not. That oil goes to refineries, in many cases outside the State, and in some cases, in the State and the products are ultimately consumed, some in that State and some outside. To be able to give credit for that portion consumed in the State and that portion consumed out of the State is going to be a nightmare that I am told the Treasury Department wants no part of, they think it cannot be calculated and is no big issue to start with.

Mr. Chairman, these are six good reasons why this amendment is not necessary, why it is the very antithesis of what its proponent claims. It brings about inequity, it does not bring about equity. Quite the contrary. It is going to bring about problems in terms of trying to administer this tax and it also brings up many, many questions about why this tax instead of many others. The fact that we have an energy situation today has nothing to do with coal. Coal is not regulated. Coal today sells on the free market. What coal brings on the market is what it brings. The same is true with timber. The same thing is true with manufactured goods from Michigan with a value added tax. The point is that there is no way to administer this tax, and to pick out this one tax is really something that is most inequitable.

Mr. Chairman, I urge my colleagues to disapprove this amendment.

Mr. MOFFETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I have served now with the gentleman from Louisiana (Mr. Moore) for several years. Once again, that gentleman has given a very good speech. I mean that seriously. However, as the gentleman from New Jersey (Mr. Maguire), the author of this amendment said earlier, in many ways it misses the point because this amendment is about a principle and the principle is a very simple principle and that is that over the next decade, in fact, less than the next decade, we are going to have a $1 trillion windfall from decontrol, $150 billion of which it is estimated will go to a handful of big oil-producing States. We are not challenging that here today. That is just a fact. There is nothing we can do about that in this bill.

The gentleman from Pennsylvania (Mr. Edgar) raised the philosophical question about whether or not that is fair and so forth. We can debate that on another day. We have already started a debate on severance taxes with regard to coal as my colleagues know, in the Energy and Power Subcommittee, and passed a bill with regard to that.

What we are here saying is, do not get the revenue-sharing principle and the revenue-sharing formula and the revenue-sharing approach gummed up with this very serious question of States' severance taxes. They should not be part of this debate in the sense of putting those things into that formula. It is grossly unfair.

We talk about dipping and double dipping and triple dipping. What the producing States are doing here, I say, with all due respect, is, they are getting the benefits of decontrol, just the boon to the region, the industry moving in and so forth, and then they are coming back and they are saying, "Well, we have a few folks here who are paying higher bills—lots of folks actually—so we need some fuel assistance now which originally went for heating; now we need some of that for air conditioning."

Well, we made a compromise on that. Perhaps some people were not happy with it but. OK there is another dip. Now, we are going to take care of poor folks and elderly in the oil-producing States who have higher energy bills because of decontrol and then we are going to get the States' severance taxes loading up those treasuries so that Alaska and other States do not know what to do with all the money. They are retiring income taxes. They are rolling in cash.

□ 1450

But some States, through no fault of their own, are not rolling in cash.

We have some regions that are quite depressed compared to those oil-producing regions. What are we going to do, and we are willing to confront it and address it in an aggressive way, but I ask my friend from Louisiana in the spirit of fairness, what are we going to do when these bloated treasuries from State severance taxes in the gentleman's State and Texas and Oklahoma and Alaska, lead those States to then say, "Come on down here to the Connecticut, New York, New Jersey, Illinois, and Michigan industries, come on down here. We will forgive your taxes for 5 years. We have got so much money in our treasuries we do not know what to do."

Now that is one problem that we cannot address in this bill. But on top of everything else, to then say "We are now going to give you another dip, allow you to get an extra chunk of revenue sharing."

Now how unfair can we get? All we are saying is, with regard to revenue sharing, let us not do that, too. You are going to be luring industry out of our areas and the area of the gentleman from New York (Mr. HORTON) and out of Illinois and Michigan and Pennsylvania as it is now because of your advantage, and we know we have a responsibility to try and build up our own area and do what we can.

We are trying to address our own regional problems, to make our own region more competitive and as far as retaining and attracting industry is concerned. But it is so unfair to have this revenue-sharing formula on top of everything else give you more revenue.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Louisiana.

Mr. MOORE. I thank the gentleman for yielding.

Let me say we are not doing anything that has not been in the law since the entire revenue-sharing bill was enacted. We are saying, continue revenue sharing as it has been as concerns our State.

The gentleman is offering an amendment that singles us out for I think unfair tax treatment. Why not Michigan value-added State tax? Why not Michigan and Oregon with their item tax and Virginia? Why should not he be treated the same way?

My people pay tax on things manufactured in the gentleman's State. We are not trying to get back at the gentleman's State. This is regionalism in the worst order. We are talking about 33 States, not 9.

The gentleman from New Jersey has not satisfactorily explained to me yet why there are 33 States with oil and gas severance taxes that he says are not going to lose money. I say they are.

Mr. MOFFETT. If I may reclaim my time, I think the gentleman did explain that. The gentleman can speak for himself.

Let me ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MOFFETT) has expired.

(By unanimous consent, Mr. MOFFETT was allowed to proceed for 2 additional minutes.)

Mr. MOFFETT. Let me ask a question if I might. When the allocation act runs out in less than a year, I do not know what we are going to do on that. The gentleman does not know. Maybe we can get together and agree on something, but there have recently been some consumer State taxes on oil, as the gentleman may know, in Connecticut and New York that have been challenged in the court by the companies, by the majors, and they have been challenged on the ground that Congress has not spoken in such a way as to allow those taxes a 2-percent oil fee, for example, in Connecticut on the oil companies and their transaction there, that Congress has not in its legislation allowed States to prevent those taxes from being passed on to consumers.

Now, if we were to move, when the allocation act comes up again, if we were to move to amend that to say that those taxes canot be passed on to consumers in Connecticut and New York and New Jersey, and that consuming States may tax the major oil companies for transactions there and that those taxes cannot be passed on, would the gentleman support that?

Mr. MOORE. I have no idea. The gentleman asked me a question he asked me on the House floor. I do not know. The gentleman mentioned a moment ago Louisiana is attracting all these industries and using our natural resources to do so. Not so. The gentleman and I both know in the Coal Conversion Act that passed our committee, Louisiana cannot do that anymore. We cannot use natural gas for boiler fuels. We cannot hardly use it any more as a processing fuel or raw material as a feedstock.

I think it is totally inequitable what we are trying to do. If the gentleman wants to say all taxes cannot be considered, fine. I will vote for that. To pick out one tax, I think, is totally inequitable.

Mr. MOFFETT. Just in conclusion, I do not want this to be misunderstood. Those of us from the Northeast, Midwest, whatever, who are supporting this do not wish any ill upon your region and do not wish to have a great regional war here, and to the extent that the gentleman's State is prosperous and successful down there, it helps the whole country. We realize that. But this is an unfair provision.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am surprised that anybody who supports revenue sharing, as my friend from New Jersey does, would offer an amendment like this. There is one thing supporters of revenue sharing keep telling us: The Federal Government should not be telling the States what to do, the States are the best judge of what they need, how they do things, and how they ought to spend that money. Just hand it to them and stand back.

Here is an amendment that would inject the Federal Government into the most basic, most sacred area of the State's authority—its taxing power. In a program designed to treat all States equally under terms of a general formula, it would single out a few States and say that, because of their tax structure, we are not going to treat them the same as other States. We are going to penalize them.

This amendment will have another unfortunate effect. It pits one section of the country against another. It says that those States, primarily in the South and West, that are fortunate enough to have oil and gas deposits in them are going to have to have some of their revenue-sharing money they have been receiving for 8 years taken away from them and given to other States, primarily in the North and the East.

And why? Just because of the way they have set up their taxing efforts.

Mr. Chairman, I can think of no more blatant interference by the Federal Government in what is entirely within the States' jurisdiction, their own taxing authority. This is an unfortunate, misguided, divisive amendment. It should be overwhelmingly rejected, and if we do not reject it, I know RUSSELL LONG will look forward to considering it.

Mr. WOLPE. Mr. Chairman, I rise to speak in support of the amendment.

I want to associate myself with the remarks of the gentleman from Connecticut and the earlier remarks of the gentleman from New Jersey.

What is at issue in the proposed amendment is not an attack on the severance tax or on State taxing authority. What is at issue is simply the computation of a Federal formula.

The question is in no sense an attack upon State taxing authority. States that have severance taxes will continue to be able to compute that portion of their severance taxes that is collected from their own citizens as part of their tax effort, with "tax effort" being one part of the general revenue-sharing formula.

What is at issue is whether or not those taxes that are paid by residents of oil-consuming States should in fact also go into the computation of a State's own tax effort.

One of the major criticisms that has been made of the general revenue-sharing program has been the extent to which the funds that are allocated through that formula go to States and communities that do not have the greatest economic need; in short, the absence of effective targeting within the program.

What the Maguire amendment really is all about, in my judgment, is a way of sharpening the general revenue-sharing formula to diminish to some extent the misallocation of funds to States and communities that really do not have the greatest economic need, in particular the oil-producing States that at this point in time, because of the decontrol of energy pricing, are finding enormous additional revenues accruing to them.

□ 1500

The estimates are that over the next 10 years there will be $128 billion of additional revenue accruing to the oil-producing States through the imposition of severance taxes. In effect, under the present structure of the revenue-sharing formula, the very States that will have additional tax revenue because of the decontrol of energy pricing, are also then going to have an additional percentage of the Federal funds that are to be allocated through the revenue-sharing program. That is simply inequitable. It is unfair. It is a misallocation of very scarce Federal resources.

So I would hope that we can through the Maguire amendment correct this deficiency in the general revenue-sharing formula. It needs to be emphasized that the Maguire amendment in no way attacks the State power to tax. It is not an attack on the severance tax. It is simply an effort to say that taxes paid by residents of oil consuming States should not be computed as part of the tax effort of oil-producing States.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I would be pleased to yield first to the gentleman in the well, the gentleman from New Jersey.

Mr. MAGUIRE. I want to underline a point the gentleman has made which I think is really important. That is that this amendment does not restrict the ability of an energy producing State to have a severance tax and raise revenues. It does not restrict the ability of that State to tax its own citizens and have that count in the calculation of State tax effort. It does not even restrict that State from taxing citizens anywhere in the country. It is simply that at that point where the citizens of all the rest of our States are paying the taxes, we are saying, "Don't count those dollars which are coming from our States in your revenue sharing formula to get more revenue-sharing dollars which we will then lose." That is the point of this amendment and why we have such bipartisan support.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Indiana.

Mr. SHARP. I appreciate the gentleman yielding.

I rise in support of the amendment of the gentleman from New Jersey and associate myself with the remarks of the gentleman from Michigan.

The fact is that since revenue sharing was instituted, the value of energy resources in this country has dramatically increased. There has been a substantial shift in wealth in this country and the reality is that it is time for us to adjust some of the formulas in Government programs to recognize this shift. This is one place where the issue comes to bear and I think we should act today and we should support the amendment of the gentleman from New Jersey.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Louisiana.

Mr. MOORE. I appreciate the gentleman yielding.

First, let me say this amounts to a penalty. The gentleman is telling us we can tax, but we are going to penalize you if you do.

Second, the gentleman's remarks seem to indicate that the gentleman now wants to give revenue sharing to States that need it. This is supposed to be some formula now between need which was never a part of the revenue-sharing formula.

Third, the gentleman's State makes most of the cars in this country that we buy in Louisiana. The gentleman has a value added tax that my citizens pay.

I sort of think maybe we ought to reduce the gentleman's revenue share now if we are going to pit region against region for the cars we buy from the gentleman's State.

Mr. CHENEY. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I would like to join in the comments of the gentleman from Louisiana. He has been very accurate in his portrayal of the situation here today.

I think the amendment is pernicious in many respects, because it does, in fact, ignore the reality that a great many States do have tax burdens which they export. We have talked about the value added tax on automobiles produced in Michigan. There is a severance tax imposed by the State of Minnesota on iron ore. Nearly every State in the Nation imposes some kind of tax that is, in fact, exported.

There has been no mention at all here today about the problems of the cost of energy development. There is the assumption, an inaccurate assumption, but an assumption nonetheless on the part of those individuals that come from consuming States that somehow there is no cost associated with energy development. The State of Wyoming over the course of the last 10 years has experienced a 41-percent increase in population, most of that within the last 4 or 5 years.

The bulk of the severance taxes that are collected in the State go primarily to pay for the cost of development.

We find ourselves in a situation where we have rapidly increasing population, inadequate housing, need for new schools, need for more social and governmental services of all kinds, need for additional medical services. The cost of the development of that impact has to be borne out of the severance tax revenues that we collect.

I would hope that the Members of the House would not adopt this amendment. I think it is an inappropriate place for discussion of severance taxes. I think it is important to recognize that the amendment is itself fundamentally unfair and inequitable.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I would be happy to yield to the gentleman from New Jersey.

Mr. MAGUIRE. I thank the gentleman from Wyoming for yielding.

It is very important that we come back to the key point here, which is that nobody is preventing anyone from raising the revenues they feel they need in the form of severance taxes.

The CBO analysis shows that Wyoming, in particular, will be able through the severance taxes that it now has in place to cover several times over the costs that are quite properly and understandably associated with energy development. That is not the issue before the House. The issue before the House in this amendment simply is the question of once you have established those taxes and people all over the country are paying them, just do not count on your calculations for more revenue-sharing dollars when the principle that revenue sharing is supposed to include is tax effort by the citizens of the State itself, do not include the taxes that are paid by people from my State of New Jersey or from the State of Iowa or the State of Maine or the State of Arizona. That is all.

I thank the gentleman for yielding.

Mr. CHENEY. Mr. Chairman, I would like to reclaim my time, if I might, to follow up on that point.

Again, the problem with the gentleman's amendment, if we were to adopt that principle, is that it does not apply equitably across the board. It does not apply to all taxes that are exported. It does not apply to the value added taxes imposed by the State of Michigan or the severance tax imposed by the State of Minnesota.

So I think what we have here is an attempt, an unwise attempt, an unjust attempt, to try to in effect reallocate the wealth that may, in fact, flow out of these energy resources.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I would be happy to yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I regret that this debate does take on a somewhat geographic tone or flavor. I, for one, would like to make it perfectly clear that there are people in the Midwest and the Northeast area who recognize the mischievous nature of this amendment, the pernicious nature of the amendment, as the gentleman from Wyoming has stated.

The principle of this amendment is so corrupting to the concept of general revenue sharing that it points up the problem that is basic, to my way of thinking, with having general revenue sharing in the first place.

Robert Burns, I think it was, said, "Oh, what a tangled web we weave when first we practice to deceive."

It is a deception to remove the tax spending power from the tax collecting responsibility. This is one more example of how that can be further corrupted into what really, to my way of thinking, is a ridiculous concept, that we take one tax and discount it from a formula, or remove it from the formula.

The gentleman from Wyoming has stated the case well, as has the gentleman from Louisiana, that there are other taxes, there are other inequities. No tax is equitable. No general revenue sharing program is going to be made any more equitable by trying to treat one tax in this peculiar manner.

I would hope that the amendment is defeated.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Connecticut.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

(At the request of Mr. MOFFETT, and by unanimous consent, Mr. CHENEY was allowed to proceed for 1 additional minute.)

Mr. MOFFETT. Mr. Chairman, I thank the gentleman for yielding.

The gentleman has always been very gracious with those of us on this side. I wonder if the gentleman will allow me at this time to perhaps leave the debate on this issue to say one thing about my friend, the gentleman from New Jersey, who perhaps is offering his last amendment. I do not know.

I have served with the gentleman from New Jersey for 6 years. I think all of us here on both sides are going to miss his great intellect and his dedication and commitment. One is never sure when is the appropriate time to say these things, particularly in lameduck sessions where we are never quite sure how long it will last and so forth; but I just want to take this time to compliment the gentleman and to say that regardless of the fact that some of us might disagree with him on this amendment, that in a way it typifies his career to try and tackle an issue and an item vital to his region. I am going to miss him dearly and I think a lot of our colleagues are.

I thank the gentleman from Wyoming for permitting me to say that.

Mr. CHENEY. I would be happy to join in the comments of the gentleman from Connecticut.

The presence of the gentleman from New Jersey certainly will be missed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. MAGUIRE) to the amendment in the nature of a substitute offered by the gentleman from New York (Mr. WYDLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MAGUIRE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 1520

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New Jersey (Mr. MAGUIRE) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 205, answered "present" 1, not voting 67, as follows:

[Roll No. 629]

AYES—159

Abdnor
Albosta
Ambro
Anderson, Calif.
Annunzio
Ashbrook
Ashley
Atkinson
Bailey
Baldus
Barnes
Benjamin
Bereuter
Biaggi
Bingham
Blanchard
Boland
Bonior
Brademas
Brodhead
Broomfield
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chisholm
Clay
Cleveland
Clinger
Conte
Conyers
Coughlin
Crane, Daniel
Crockett
D'Amours
Daschle
Davis, Mich.
Dingell
Donnelly
Dougherty
Downey
Drinan
Early
Edgar
Edwards, Calif.
Emery
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fenwick
Ferraro
Fish
Florio
Ford, Mich.
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gore
Grassley
Gray
Green
Guarini
Hagedorn
Hamilton
Harkin
Hawkins
Heckler
Hollenbeck
Holtzman
Howard
Hughes
Jeffords
Kastenmeier
Kildee
Kostmayer
LaFalce
Leach, Iowa
Lederer
Lee
Leland
Levitas
Long, Md.
Lowry
Luken
Lundine
McHugh
McKinney
Maguire
Markey
Marks
Mavroules
Miller, Calif.
Miller, Ohio
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mottl
Murphy, Ill.
Murphy, Pa.
Musto
Nowak
Oakar
Oberstar
Obey
Ottinger
Patten
Petri
Peyser
Railsback
Ratchford
Reuss
Rinaldo
Rodino
Roe
Rosenthal
Roth
Russo
Sabo
Scheuer
Schulze
Seiberling
Sensenbrenner
Shannon
Sharp
Shuster
Simon
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Solomon
Stack
Stark
Stewart
Stratton
Studds
Tauke
Vanik
Walgren
Walker
Waxman
Weaver
Weiss
Whittaker
Wolff
Wolpe
Wydler
Yates
Yatron
Young, Mo.
Zablocki
Zeferetti

NOES—205

Alexander
Andrews, N.Dak.
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Bauman
Beard, Tenn.
Bennett
Bethune
Boggs
Boner
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brooks
Brown, Ohio
Broyhill
Burgener
Butler
Campbell
Carter
Chappell
Cheney
Clausen
Collins, Tex.
Cotter
Courter
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dixon
Dornan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edwards, Ala.
Edwards, Okla.
English
Evans, Ga.
Fascell
Fazio
Findley
Fisher
Flippo
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Gingrich
Glickman
Goldwater
Gonzalez
Goodling
Gradison
Gramm
Grisham
Gudger
Guyer
Hall, Tex.
Hammerschmidt
Hance
Hansen
Harris
Harsha
Hefner
Hightower
Holland
Hopkins
Horton
Hubbard
Huckaby
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kemp
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Leath, Tex.
Lehman
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lujan
Lungren
McClory
McCormack
McDonald
McKay
Marriott
Martin
Mathis
Matsui
Mattox
Mazzoli
Mica
Michel
Mikulski
Mineta
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murtha
Myers, Ind.
Natcher
Nelson
Nichols
Panetta
Pashayan
Paul
Pepper
Perkins
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Rangel
Regula
Rhodes
Roberts
Robinson
Rose
Rostenkowski
Rousselot
Roybal
Royer
Rudd
Santini
Satterfield
Sawyer
Schroeder
Sebelius
Shelby
Skelton
Snyder
Spence
Staggers
Stangeland
Steed
Stenholm
Stockman
Stump
Swift
Symms
Synar
Tauzin
Taylor
Traxler
Trible
Udall
Ullman
Vander Jagt
Volkmer
Wampler
Watkins
White
Whitehurst
Whitley
Whitten
Williams, Mont
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Wright
Wyatt
Young, Fla.

ANSWERED "PRESENT"—1

Bafalis

NOT VOTING—67

Addabbo
Akaka
Anderson, Ill.
Andrews, N.C.
Beard, R.I
Bedell
Beilenson
Bevill
Bolling
Brown, Calif.
Buchanan
Burlison
Byron
Carney
Coelho
Coleman
Collins, Ill.
Conable
Corcoran
Corman
Crane, Philip
Dellums
Dodd
Fithian
Frenzel
Fuqua
Giaimo
Ginn
Hall, Ohio
Hanley
Heftel
Hillis
Hinson
Holt
Jenrette
Johnson, Colo.
Kelly
Leach, La.
Lent
McCloskey
McDade
McEwen
Madigan
Marlenee
Murphy, N.Y.
Neal
Nedzi
Nolan
O'Brien
Patterson
Pease
Richmond
Ritter
Shumway
Spellman
St Germain
Stanton
Stokes
Thomas
Thompson
Van Deerlin
Vento
Wilson, C. H.
Winn
Wirth
Wylie
Young, Alaska

☐ 1530

Mr. CARR and Mr. MURPHY of Illinois changed their votes from "no" to "aye."

Mr. WILLIAMS of Ohio changed his vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

☐ 1540

AMENDMENT OFFERED BY MR. BOLAND TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WYDLER

Mr. BOLAND. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BOLAND to the amendment in the nature of a substitute offered by Mr. WYDLER: On page 1 of the amendment of the gentleman from New York, insert immediately after "1982" on line 12 the following ", but notwithstanding any other provision of this title, no unit of local government shall be entitled to an allocation calculated on the basis of a funding level in excess of the amount appropriated under this sentence for the entitlement periods beginning on October 1 of 1981 and 1982".

Mr. BOLAND. Mr. Chairman, I hope that this amendment will not take too much of the committee's time. Let me say that this should not be a controversial amendment. It is a very simple one. It is one that I think all of us in this committee can agree with, and I would hope that the distinguished gentleman from New York (Mr. Wydler) would accept it.

Would the gentleman from New York take this amendment now and save us a lot of time in debate?

Mr. WYDLER. I would have to say to the gentleman that if there has been a gutting amendment offered today, this is it. I would not accept it.

Mr. BOLAND. I am surprised at that reaction because I have heard the gentleman from New York stand on his feet and say that it is all right to have the States' share to be controllable, but do not bother with the local units' share. Be sure that that is an entitlement and is uncontrolled. I do not understand the inconsistency.

Mr. Chairman, everyone in the Congress is familiar with this problem. It has been talked about in the well of this House for many, many years. It has been talked about on the floor of this House and by both sides for at least the last decade. Both sides of the Capitol have been concerned about gaining better control of the budgetary process. A great deal of time and effort has been spent by a great number of Members in trying to get that control. I specifically refer to the chairman of the Budget Committees and the Members who serve on the Budget Committees.

Perhaps the biggest problem we face in exercising any budget control is entitlement programs, and that is precisely what this amendment attempts to get at. Entitlement programs, Mr. Chairman, destroy the ability of the Congress to establish priorities and control government spending.

Listen to this: Entitlement programs have escalated in the past decade to the point where this year they constitute over 75 percent of the uncontrollable outlays and 55 percent of the total budget outlays. The growth in entitlement programs is evident when compared with 10 years ago when they constituted only 64 percent of the uncontrollable outlays and only 40 percent of the total budget.

The general revenue-sharing program was established in 1972. At that time, the payment of the trust fund came from a permanent appropriation, back-door financing. In 1976, the program was changed. It was extended, but it was changed, and the amount to be made available was subject to appropriation action.

Of course, I realize that not everyone agreed that that removed the entitlement aspect of the program. That is why I am offering this amendment. This amendment removes any doubt as to whether or not a subsequent Congress is obligated to appropriate the entire amount authorized for general revenue sharing in any given fiscal year. Recipient governments would only be entitled to the amount provided in an appropriation action.

If we are ever to get control over the budget process the Congress must have an opportunity to determine the proper spending level each year. Let us not limit congressional prerogatives in future years. Let us provide for annual review. That is what we are doing here, providing for annual review and oversight of the program.

This amendment is supported by the chairman of the Budget Committee (Mr. Giaimo). It is supported by the chairman of the Committee on Government Operations (Mr. Brooks). It is in agreement with what the administration has been proposing in the way of budget control. I urge the Members to support this amendment.

I am delighted to yield to the distinguished gentleman from Pennsylvania (Mr. Coughlin) who is the ranking minority member of the Subcommittee on the Department of Housing and Urban Development and Independent Agencies.

Mr. COUGHLIN. Mr. Chairman, I am delighted that my chairman yielded to me. I certainly support what the chairman is attempting to do. Certainly, in the type of legislation before us, it is important that the essential formulas, the essential plans, the essential programs, if any President, any administration, any Congress is going to have any control over the overall budget, it is absolutely vital that this Congress and those administrations have some control over the amount of money that is going out under these programs so that they can be adjusted as necessities permit; so that they can be adjusted as priorities require; and so that there is that kind of control in the budget that the chairman so correctly points out this amendment would insure.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. Boland was allowed to proceed for 4 additional minutes.)

Mr. BOLAND. I thank the gentleman for his remarks.

Mr. Chairman, let me say that I have supported full funding of the revenue-sharing program since its inception. As a matter of fact, this year in the subcommittee that I chair and the minority member (Mr. Coughlin) sits on, we have provided $4.6 billion for fiscal year 1981 for the general revenue-sharing program.

We have already provided the $4.6 billion for general revenue sharing in 1981. What this amendment does is to provide that in the upcoming years, fiscal years 1982 and 1983, we are making the units of local government share controllable. If we do not start to do it today in this particular bill, we are not going to get any control over the budget process. It is an important amendment. I would think the Members who believe in fiscal responsibility would vote for this amendment, which is perhaps one of the best amendments that has been offered on this bill today.

One other point, every year when we consider the budget resolution and someone wants to reduce a program, the response is, "we can't cut here because the program is an entitlement, it's uncontrollable." And now here we are again providing a measure that has the feature of being uncontrollable in future years.

Mr. Chairman, as a famous cartoon character said years ago, "We have found the enemy and he is us." Pogo certainly had that right.

If we continue down this road, it will be impossible to exercise control over the budget. In time there will be no discretion, in effect no need for congressional oversight or review. We will merely provide for all entitlement programs, no matter how the program is operating, no matter what the economic conditions, no matter what.

I submit now is the time to reverse this trend. I urge the Members to vote in favor of the amendment.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. Mr. Chairman, I would like to commend the gentleman from Massachusetts for the position he is taking to get control over the budget. I am not too certain that the amendment offered is going to accomplish what he and I both want, but it is certainly a step in the right direction.

Mr. BOLAND. I thank the gentleman.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to my colleague from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to take this opportunity to commend the gentleman in the well and to associate myself with his remarks. Some of the same people who are opposing this amendment have campaigned this past election, this fall, saying that they are for fiscal responsibility.

There is no way in the world, no way in the world we can get this budget back in order unless we get rid of these entitlements and go back to the appropriation process. The gentleman is absolutely right.

Mr. BOLAND. I appreciate the remarks of my colleague from Massachusetts.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I would like to associate myself with the gentleman's amendment and with the remarks of the gentleman who has just spoken.

☐ 1550

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I join my colleagues here who are supporting this amendment. If there is one mandate the American people gave in this last election, it is exactly this: They want some responsibility from Congress, and they want Congress to stand responsible as to how the money is spent.

This amendment will do exactly that with this needed revenue sharing. So I appreciate the efforts of my colleagues and will vote for this amendment and will support it.

Mr. BOLAND. Mr. Chairman, I know that one of the arguments that is going to be made by the gentleman from New York (Mr. WYDLER) is that we are going to interfere with the budget process of local communities—that local communities ought to know precisely how much money they are going to receive. But Federal agency programs are funded on an annual basis. Why should local governments be treated differently?

I think the Congress of the United States has a responsibility here. By voting in favor of this amendment, we can demonstrate that programs should not stand apart in the budgetary process—that they are not untouchable, beyond the reach of any budget cuts, no matter how severe the economic conditions. With this vote we can end the foolishness of trying to shield this program from the annual budgetary process. We can prove that there is no distinction between dollars that come out of the Treasury. We can prove that Congress does have real control over expenditures.

I believe that this is an important and highly desirable step for us to take and I hope we will do it, particularly in view of the fact that 75 percent of the items that we vote on in this Congress are not really controlled. They are uncontrollable; they are entitlement programs.

This is one way to get away from that, and if we believe in fiscal responsibility, this is a good way to do it.

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me say to the Members of the Committee that in rising in opposition to the amendment, I realize that I am going against some pretty heavy hitters. I have a great deal of respect for the gentleman who is the author of the amendment, and I know he believes very sincerely in what he has had to say.

I, too, believe that the problem of uncontrollables is something about which we have to be concerned. I certainly agree with the gentleman that the budget process and the appropriation proceess are two very important items as far as the Congress control of the budget is concerned. But I believe it would be very unwise for us to remove the entitlement status of the general revenue-sharing program.

While there are serious problems with much of the Federal budget consisting of uncontrollable expenditures, a careful review indicates that the revenue sharing entitlement bears little similarity with the entitlement programs which have added so much to Federal spending each year. Simply put, revenue-sharing funds are directed to an exact number of recipient governments over an exact period of time, spending an exact amount of money.

What we are talking about in the amendment before us and the bill before us is an authorization with an entitlement for 3 years at $4.6 billion for local governments. If we include the States, which is in the Wydler amendment, that would have to come back to the budget process. But the local shares would be on an entitlement basis, and we would know the specific number of recipients who are to receive the money, the exact period of time in years, and we would know the exact amount of money.

This is unlike other entitlement programs in which benefit and eligibility levels are set without knowledge of the number of recipients who may participate in the program. In substance, other entitlements mean uncertain costs, while revenue sharing does not. As such, it is valid to say that the revenue-sharing entitlement does not carry with it the problem of other entitlement programs.

Mr. Chairman, there is another point that needs to be made. Entitlement financing for the revenue sharing is very vital. It is essential. Local budget planners need to know exactly what their governments stand to receive during the course of the entitlement program, in theory. This allows revenue-sharing funds to be utilized in a systematic and orderly fashion.

Elimination of the entitlement would mean the program would be subject to uncertainty with each annual appropriation process, thereby severely limiting the program's effectiveness.

Mr. Chairman, I urge very strongly that we defeat this amendment.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the authority to appropriate money from the Federal Treasury is the most important power Congress has. The Founding Fathers meant it to be. They did not say too much about how Congress should operate, but they did write into the Constitution that—

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

And they meant Congress to keep a tight hold on appropriations. Only in the vitally important matter of raising and supporting armies did they want appropriations made for more than 1 year. In that case they said no appropriations for that purpose could be longer than 2 years.

We have just gone through a year in which there have been tremendous changes in economic conditions and forecasts. We have gone into and apparently are coming out of a recession. We have gone from prospects of a balanced budget to prospects of a $59 billion to $60 billion deficit. Interest rates have gone up, gone down, and now they are back up. We live in a volatile, changeable world, and as a nation we must be able to respond to those changes so we can deal with them and not just be swept along.

To lock up billions of dollars of Federal expenditures in automatic entitlement programs is to deprive Congress and the President—any President—of the flexibility needed to cope with changing conditions.

Why are supporters of entitlement for revenue sharing so afraid of the appropriation process? Do they think revenue sharing is so weak, so fragile a program that it cannot stand annual scrutiny by the Committee on Appropriations and the Congress?

They say the cities need the assurance given by the entitlements that they will have the money in their budgets. But cities are now getting anywhere from 25 to 50 percent their annual revenue from the Federal Government in some form or another, and in nearly every case it comes to them as a result of annual appropriations. Every recipient of Federal funds can say, "Hey, I know the money is coming, so why don't you just give it to me automatically every year? Don't fool around with budgets, hearings, votes, authorizations, appropriations, and spending priorities. Why not just take it off the top and send it to us?"

Why should only cities be given this treatment? If entitlements are so good and so necessary that Congress should surrender its control over the keys to the Treasury, cities should not be the only beneficiaries of that surrender. Let us make them all entitlements. Think of all the trouble and problems we could avoid. I say to the gentleman from Massachusetts (Mr. BOLAND), you wouldn't even have to have hearings in your Appropriations Committee. You wouldn't need any hearings. You wouldn't have to vote on appropriation bills. If they get to be troublesome at the end of the session and take time, you could just have entitlements for all programs.

But that is not why we were sent to Congress. That is not why the Founding Fathers grounded the whole process of running the Government in the power of Congress to appropriate money. We are undermining that process and giving up our chief responsibility when we make any program an entitlement.

Mr. Chairman, let us support this amendment. Let us keep Congress in the business for which it was created.

Mr. WYDLER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this is a live-or-die amendment for the revenue-sharing program. I agreed with the gentleman from Massachusetts (Mr. BOLAND) when he said it is an important amendment.

If this amendment passes, the revenue-sharing program as a viable program is at an end. Every local organization in the Nation is urging us to vote no on this amendment.

Let us get two things clear right at the beginning. I call this—and I know this is a tough word—truly a "gutting" amendment, because this would take out of the revenue-sharing program its most important aspects for local governments. They have to have some certainty of receiving a certain amount of money so they can plan for its use, and they have to do that over a long period of time. They are required by the revenue-sharing laws to have meetings of people, public meetings, to discuss the use of the money, and so on.

They certainly cannot do that if they have to wait for some action pro or con on behalf of the Committee on Appropriations.

There is another thing that is clear here. The chairman of the appropriations subcommittee (Mr. BOLAND) got up and offered the amendment, and we saw a great many members of the Committee on Appropriations get up and agree with him. Maybe if I was a member of the Committee on Appropriations, I would agree with him, too. They get jurisdiction; they get a little more power over the program if the amendment is passed. That is all right. That is a perfectly legitimate motivation.

But again the cat was let out of the bag when the chairman of the committee (Mr. BROOKS), the No. 1 opponent of revenue sharing in the House of Representatives, was the only other Member who is not a member of that committee, rose in support of that proposal. We know why he is supporting it. He is supporting it because he knows it undoes the revenue-sharing program. That is his goal, that is his objective, and that is what he has announced.

So it is clearly out in the open for everybody to see. If we want revenue sharing for local governments and we want to protect those governments—and we have been doing that during the course of this day—we have got to vote down this amendment and get rid of it.

□ 1600

Now I am just going to make one last statement because I know the chairman tried to tell you he is going to control the revenue-sharing program if you give him this power. I do not know if he is or not. Frankly, I have reason to doubt it. First of all, the dollars in this program are absolutely fixed and known. In other words, we know exactly how much will be spent each and every year. There is no question of it growing. Some entitlement programs we know are growing out of all proportion because they are open ended. This is a closed amount. We know exactly what it is.

Mr. Chairman, this program from 1975 to 1980 for those 5 years, as an entitlement program grew just 12 percent over those years. That is exactly the increase which was planned by the Congress. Not one penny more.

The items that the committee was controlling—listen to this—these are the items they were controlling for the Government: Urban mass transit grants in that same period of time increased 247 percent; subsidized housing under their control increased 156 percent in that same period of time; CETA in that same period of time under their control increased 152 percent. The list goes on. So you are not necessarily going to get a lot of control if you send this back to the Committee on Appropriations.

I suggest the present system is working fine, it is absolutely vital for the continuation of the program, the local governments want you to leave their entitlement there so they can plan ahead for the use of the money. Please vote "no" on the amendment.

Mr. FOUNTAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I realize I am gettng into an unusual situation when my chairman and I differ on this matter. I am now joining the author of the amendment, an amendment which slaughters the committee bill which had been worked out with great care.

Mr. Chairman, I would support the position of the distinguished gentleman from Massachusetts if he were considering any program except revenue sharing. I fully agree we must gain control of the budget, and I think the time may come when revenue sharing too will have to be established on an authorization basis. I think we have entirely too many entitlements, but now is not the appropriate time to discontinue entitlements in this program.

Mr. Chairman, there are unusual circumstances that justify special treatment for revenue sharing, particularly at this time. As you know, the Budget Control Act itself specifically permits entitlement treatment for this program. The Committee on Government Operations voted for local entitlements for 3 years.

I believe we should continue entitlements for local governments for two important reasons. One, the revenue sharing establishes a specific procedure to protect the right of citizens to participate in the development of local budgets, and that is a very important right. Since the budget cycle of local governments normally precedes congressional appropriations—in fact, we have not yet acted on the major appropriations bills for the new fiscal year which began on October 1, we would severely undercut the act's citizen participation provisions if local governments did not know in advance the amounts they would receive.

A second basic reason for continuing entitlements is that the predictability it provides promotes more effective use of these funds. Money received after local budgets have already been adopted are often treated as "windfalls" and used for nonessential purposes, whereas if they are known in advance they are used for essential and necessary services.

Mr. Chairman, I think it is in the interest of the Federal Government to encourage the careful expenditure of this money.

Again, let me say the amendment does not provide for predictability. For the next 3 years at least, I would like to see this Congress continue the entitlement provision so that we can provide predictability for local units of government.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. FOUNTAIN. I will be delighted to yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank my colleague from North Carolina for yielding. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from North Carolina and with the remarks of the two gentlemen from New York who spoke earlier.

Mr. Chairman, it so happens I was the author of the amendment at the last revenue-sharing reauthorization which established this program as an entitlement. I did so only after listening very carefully to testimony on both sides, in fact some very eloquent testimony from former Congressman George Mahon who opposed this provision. But it is not pride of authorship that influences my opinion in this case.

The point the gentleman from North Carolina makes is an important one. If we do not have an entitlement program so that the units of government can plan a year in advance how to spend this money, it becomes a wasteful process. If we are to have planning and effective use of these funds, the only way it can be achieved is through this form of entitlement program.

The time to make the changes in the program is now but the time for local units of government to plan their budgets a year in advance can only be achieved through the entitlement feature which is in the legislation and if we were to take that out we would end up with truly a very wasteful and ineffective program. I endorse the remarks of the gentleman and urge defeat of the amendment.

Mr. FOUNTAIN. Mr. Chairman, I thank the gentleman for his contribution. I agree with his observations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) to the amenedment in the nature of a substitute offered by the gentleman from New York (Mr. WYDLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WYDLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. GEPHARDT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WYDLER

Mr. GEPHARDT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GEPHARDT to the amendment in the nature of a substitute offered by Mr. WYDLER: On page 5 of the amendment of the gentleman from New York redesignate section 3 as section 4 and insert before such section the following:

SEC. 3. ADDITIONAL ALLOCATION.

(a) AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL ALLOCATIONS TO LOCAL GOVERNMENTS.—

(1) IN GENERAL.—In the case of any entitlement period described in paragraph (2), there are authorized to be appropriated to the Trust Fund $460,000,000 to make additional allocations to local governments under subsection (b) for such entitlement period.

(2) ENTITLEMENT PERIODS.—The following entitlement periods are described in this paragraph:

"(A) The entitlement period beginning October 1, 1981, and ending September 30, 1982; and

"(B) The entitlement period beginning October 1, 1982, and ending September 30, 1983.

(b) ADDITIONAL ALLOCATIONS TO LOCAL GOVERNMENTS.—From any amount appropriated pursuant to subsection (a) for any entitlement period beginning on or after October 1, 1981, there shall be allocated to each unit of local government an amount which bears the same ratio to the amount so appropriated for that period as the entitlement of that unit under section 108 the State and Local Fiscal Assistance Act of 1972 bears to the sum of the entitlements of all units of local governments under such section.

Mr. GEPHARDT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GEPHARDT. Mr. Chairman, this is a very straightforward amendment. This simply adds the possibility that in years 1982 and 1983, if there is an appropriate appropriation, 10 percent can be added to the local share so that the local share today is $4.6 billion and under this amendment an additional amount of $460 million could be added and that amount would be paid out to local county/city governments in the same proportion and under the same formula that the money is now set out to local governments.

As we well know, this program is not indexed and I am not suggesting it be indexed. I am suggesting that since 1976 there has not been an increase in the local share. We are all well aware of the effect of inflation on local and city government budgets. Therefore, I think it appropriate in this period of time, which, between 1976 and 1982 will be some 6 years, that there be some kind of increase in the local share if at that time we feel the budget can accommodate and the appropriations process can accommodate that kind of an increase.

We just had an amendment about the Boland amendment and the points were well made, I think, if the whole program should be an appropriation program on an annual basis. What I here suggest is if we could have a small increase in the local share, we could do it in the out years on some kind of a budgetary decision.

Mr. Chairman, I would add one final point: I think that local governments, especially are unable to take positions and to take steps to insure themselves against inflation.

□ 1610

Local governments are subject in many cases to the property tax and to State laws being passed to enable the local government to somehow increase their income tax or the other taxes that they use for revenue in their system and therefore in a highly inflationary period, local governments have had a very difficult time in keeping up with inflation in being able to balance their budgets and do the things they have to do.

I would urge this body to give consideration to this amendment which would give us the opportunity in the future to consider whether or not we want to make a 10-percent increase in the local share.

I yield back the balance of my time.

Mr. FOUNTAIN. Mr. Chairman, I rise in opposition to this amendment, reluctantly, because I think all of us want to help local units of government as much as we can, but I want to say that the full committee gave very serious consideration to the advisability of adding additional funds to the $4.6 million which is now provided in the bill for local and county units of government, but we decided that in view of the present situation, the serious financial plight facing our country, it would not be appropriate for us to do so. Admittedly because of these circumstances, we did not add additional sums because of inflation. Consequently, local units of government will not actually get as much as they have in the past.

But the Congress is faced with the very difficult and unpleasant task of containing expenditures for not only 1981, but also for the following fiscal years if we are going to make a dent in the destructively high inflation rates which unquestionably is our most serious domestic problem today, as has already been pointed out so many times on the floor today, and a subject which President-elect Reagan spoke about quite often in his campaign for the Presidency.

Even with the cuts already projected for the 1981 budget, we will not come anywhere close to balancing the Federal budget next year or in 1982, and my guess is—not in 1983 either, notwithstanding the sincere commitments of the able and dedicated President-elect to the contrary.

Consequently, I think it would be a serious misake to support the amendment, both for economic reasons cited and because it would surely undermine the entitlement character which this committee just voted to retain of the local share by making a portion of it subject to the regular appropriation process once that is done.

I, therefore, urge the House to reject the amendment.

Mr. BROOKS. Mr. Chairman, I would like to say that this is really an increase in the deficit of the United States.

We have a deficit of about $60 billion. This would add to it about a half billion dollars a year for a couple of years. That is all it would do. If that is what the Members want to do, vote for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. GEPHARDT) to the amendment in the nature of a substitute offered by the gentleman from New York (Mr. WYDLER).

The question was taken, and on a division (demanded by Mr. GEPHARDT) there were—ayes 7, noes 22.

So the amendment to the amendment in the nature of a substitute was rejected.

● Mr. ABDNOR. Mr. Chairman, I rise in strong support of the substitute amendment offered by my distinguished colleague from New York which would restore State governments as participants in the general revenue-sharing program for fiscal years 1982 and 1983.

My State of South Dakota is among the many State governments which allocate their entire general revenue-sharing funds for aid to elementary and secondary educational programs. If H.R. 7112 were to be passed as reported from committee, my State would lose approximately $7 million per year in funds which have been the foundation for basic elementary and secondary educational programs. Termination of this pass-through funding will create a serious financial hardship for local governments. Local officials will have no choice but to cover the losses by increasing the levels of personal property and real estate taxes.

As a strong supporter of efforts to reduce Government spending and balance the budget, I am sensitive regarding the need to trim spending whenever possible. However, I find it totally unacceptable to make cuts at the expense of a program which has consistently been among the most cost-effective of all Federal appropriations. Spending cuts should be made—but let them come from the hundreds of various categorical grant programs which are so entangled with redtape and abuse that they are, in many cases, of little use to anyone.

Let me also reiterate that the amendment to restore funding for the States in fiscal years 1982 and 1983 takes into account the fact that no funds were included for State participation in the revenue-sharing program for fiscal year 1981. Future funding would also remain subject to the scrutiny of the appropriations process.●

● Mr. DERWINSKI. Mr. Chairman, as an original supporter of the concept of revenue sharing, I vigorously support passage of H.R. 7112.

The general revenue-sharing program was originally conceived as a method of decentralizing power by allocating Federal revenues to States and localities to use largely at their own discretion, thus avoiding the stringent restrictions accompanying Federal categorical grants. The decision to cut off revenue sharing for the States in the congressional budget process disappointed me. I hope we can restore the States' share in 1982.

When the program was approved in 1972 and reauthorized in 1976, I voted for it because of my conviction that it is a fair and practical means of giving maximum flexibility to local officials in determining priorities for the needs of their localities. I favored the amendments to the revenue-sharing program in 1976 which increased this flexibility.

Now in 1980, the American people are more vigorously opposed than ever to excessive Federal restrictions on their lives. What we need is decentralization, less Federal bureaucracy and more local jurisdiction. Therefore, continuation of the general revenue-sharing program is especially important this year. I urge my colleagues to give H.R. 7112 their enthusiastic support.●

● Mr. DICKINSON. Mr. Chairman, I rise in strong support of H.R. 7112, the general revenue-sharing bill, and in strong opposition to the Boland amendment which would subject revenue sharing to a yearly authorization.

Revenue sharing is one of the few Government programs which offers much needed financial assistance to local officials with "no strings attached."

It is also one of the few programs that does not get "bogged down" in bureaucratic redtape and absorbs less money in administrative costs, leaving more money to be directed to the immediate problem at hand. It has an impressive cost-effectiveness track record and is one of the most effective programs in existence today.

As a fiscal conservative, I support the careful scrutiny of Federal programs. I cannot, however, support an amendment which would require the yearly authorization of funds for revenue sharing. City planners need the predictability of a 3-year authorization to plan for the future and they would be hard pressed to agree to the initiation of any long-term program without the positive assurance of adequate funding. I was sorry to see that State share of revenue sharing deleted this year because of budgetary restraints, and plan to also support the amendment to restore State funding in fiscal years 1982 and 1983.

In short, revenue-sharing offers this country the dual benefits of providing continued assistance to our cities in an equitable and efficient manner. Let us not gut one of our effective assistance programs. It is a popular program among State and city officials and is one that—in this time of inflation and high taxation—offers security to localities throughout the United States.●

● Mr. ALBOSTA. Mr. Chairman, I rise in strong support of the general revenue-sharing program being considered today by the House of Representatives. As a former county commissioner, I believe this program must be continued on the local level. Revenue sharing allows local officials to decide what projects in their communities will be funded. These officials are not only close to the community but are directly accountable to the people who elected them. This type of system is much better than having unelected bureaucrats in Washington decide what projects will be funded in communities in which they know very little if anything about.

The legislation before us today, H.R. 7112, will extend the general revenue-sharing program for another 3 years. The program has distributed about $56 billion in "no-strings" money to 39,000 State and local governments since its inception in 1972. This bill will extend the revenue-sharing program to local governments at its current funding level of $4.6 billion per year.

The Federal Government needs to cut down its own bureaucracy so that governmental services can be more efficiently delivered. No program is administered by the Federal Government more efficiently and effectively to local governments than general revenue sharing. We must make sure that we get the maximum bang for each tax dollar spent. By eliminating the needless redtape that local governments too often must go through in obtaining Federal funds, revenue sharing distributes Federal funds more efficiently and fairly. This is particularly true in rural areas where local governments are often not able to hire additional staff just to write grant applications and obtain Federal funds.

Throughout my term in Congress, I have been a strong supporter of revenue sharing and have spoken up numerous times on the House floor when attempts were made previously to cut back the revenue-sharing program. Mr. Chairman, general revenue sharing is one of the Federal Government's most effective programs, and I urge the House to approve H.R. 7112, the State and Local Fiscal Assistance Act Amendments of 1980, without further delay so that this program can continue.●

● Mr. BLANCHARD. Mr. Chairman, I rise in strong support of H.R. 7112, the bill to reauthorize the revenue-sharing program.

Since its enactment in 1972, the general revenue-sharing program has become an essential contributor to the treasuries of State and local governments and the people they serve. The 13 cities and 2 counties in the congressional district I represent use revenue-sharing funds for a variety of purposes, but most direct this money toward the provision of the most basic and most important of governmental services—police protection, fire protection, and the maintenance of local roads.

The government of Warren, Mich., receives approximately $2.8 million each year in revenue sharing. The city's controller told me this morning that every penny is used to provide essential services, and that without revenue sharing at least 10 percent of the work force would have to be dismissed. The mayor of Ferndale, Mich., Bernard Lennon, told me this week that his city, an inner ring suburb, is faced with both a declining population and an increasing demand for services. Without their annual receipt of $336,000 in general revenue sharing, police, fire, and other key departments would face layoffs.

The increased unemployment that the loss of revenue sharing would inevitably cause cannot be a good thing. It would be especially destructive now, as the country tries to pull itself out of a recession. And in my home State of Michigan, what we find ourselves in is a deep recession. In Michigan and around the country, revenue sharing has been and will continue to be critical to the provision of the most basic of public services.

I also rise in support of the Rodino-Conable amendment to reintroduce the State share of revenue sharing in fiscal years 1982 and 1983. At one time, I had misgivings about Federal assistance to States under this program, but the devastation caused by the current economic climate has made it absolutely clear to me that we in Washington cannot afford to cut off the States. To the extent that future economic conditions may indicate annual adjustments to the site of the State share, the Rodino-Conable amendment allows for that, because it reintroduces the State share on an authorization-appropriation basis rather than as an entitlement. I find the Rodino-Conable proposal an excellent one, and I urge my colleagues to support it.●

● Mr. KOSTMAYER. Mr. Chairman, in accordance with my long-held position on this matter, I rise in support of the State share to the revenue-sharing program, and in support of the legislation as a whole. This is a critically important program, one which has allowed county and municipal governments to meet a broad variety of Federal legislative mandates with a minimum of Federal redtape or interference.

According to the Treasury Department, State governments pass through about 40 to 60 percent of the State share, or about one-third of total revenue-sharing funds, to local units of government. But in my own State of Pennsylvania, virtually the entire State share is passed through directly to local governments for purposes which include aid to local and special education, support of local courts, waste water treatment, and local public health programs.

The amendment to authorize State government participation is important for a number of reasons. It authorizes $2.3 billion a year in fiscal years 1982 and 1983, and therefore complies with the first budget resolution for the coming year. It provides that the State share will be subject to the appropriations and budget process, and not another entitlement program over which the Congress has no control. And according to the Northeast-Midwest coalition, the distribution of funds under the revenue-sharing program helps to compensate for imbalances in the interstate distribution of total Federal outlays which has benefited the "Sunbelt" at the expense of the "Frostbelt."

I have been a strong and consistent supporter of revenue sharing, and of continued State participation in the program. As a member of the Government Operations Committee, which has the primary jurisdiction for revenue sharing in the House, I urge my colleagues to support the amendment and final passage of the bill.●

● Mr. TAUKE. Mr. Chairman, I rise in support of the amendment to exclude exported severance taxes, imposed on oil, natural gas, and coal from the calculation used to allocate general revenue-sharing funds.

The deregulation of domestic oil, coupled with the expected price increases for oil, natural gas, and coal will result in larger tax revenues for those States that produce the minerals. Because the increased tax revenues, in turn, will mean greater "tax efforts" for those States and because the tax-effort factor is used in the calculation of general revenue sharing entitlements, those energy-producing States will receive substantial increases in their general revenue sharing allotments. Since the general revenue sharing "pie" is only so big, the energy-consuming States, in contrast, will receive proportionally smaller amounts.

As one report has rightfully concluded, "the magnitude of these changes suggests that they will create major alterations in the current system of Federal, State, and local fiscal relations."

The problem with the present formula is that the tax-effort measure does not distinguish between the taxes absorbed by citizens within the producing states and those that are levied on consumers in other States. According to a Congressional Research Service report, the vast majority of severance taxes are being paid by users in energy-consuming States. Consequently, the tax-effort measure is not a fair assessment of what a State's actual tax burden really is. In effect, it overstates the figures of States which are able to gain a larger portion of their taxes from nonresidents.

Energy development has helped—and will continue to help—the mineral-rich regions of this country. Yet, it only adds insult to injury to ask out-of-State consumers to not only bear the brunt of high severance tax cost passthroughs in many cases, but to also ask them to give up part of their revenue sharing funds in the process.

I urge passage of this amendment.●

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. WYDLER), as amended.

The question was taken, and on a division (demanded by Mr. WYDLER) there were—ayes 39, noes 22.

RECORDED VOTE

Mr. BROOKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 255, noes 118, not voting 59, as follows:

[Roll No. 630]

AYES—255

Abdnor
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Ashbrook
Atkinson
Badham
Bailey
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bowen
Brinkley
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burton, John
Burton, Phillip
Butler
Campbell
Carney
Carter
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Conte
Conyers
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derwinski
Devine
Dickinson
Dicks
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fary
Fazio
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Forsythe
Fountain
Garcia
Gaydos
Gilman
Gingrich
Goldwater
Goodling
Gore
Gradison
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hamilton
Hammerschmidt
Hansen
Harsha
Heckler
Hefner
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Hyde
Ichord
Jeffords
Johnson, Calif.
Kastenmeier
Kemp
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Lederer
Lee
Leland
Levitas
Lewis
Livingston
Lloyd
Lott
Lowry
Luken
Lungren
McClory
McCormack
McHugh
McKinney
Maguire
Markey
Marks
Marriott
Martin
Mathis
Matsui
Mavroules
Michel
Mikulski
Miller, Ohio
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nowak
Oakar
Ottinger
Panetta
Pashayan
Patten
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Russo
Satterfield
Sawyer
Scheuer
Schulze
Seiberling
Sensenbrenner
Shannon
Shelby
Shuster
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Staggers
Stangeland
Stark
Stewart
Stockman
Stratton
Studds
Swift
Symms
Tauke
Taylor
Traxler
Trible
Ullman
Vander Jagt
Walgren
Walker
Wampler
Weaver
Weiss
Whitehurst
Whitley
Whitten
Williams, Ohio
Wilson, Bob
Wolff
Wolpe
Wydler
Yatron
Young, Mo.
Zeferetti

NOES—118

Alexander
Anthony
Applegate
Archer
Ashley
Aspin
AuCoin
Bafalis
Baldus
Barnard
Benjamin
Bennett
Bouquard
Brademas
Breaux
Brodhead
Brooks
Carr
Cavanaugh
Chappell
Coelho
Collins, Tex.
Crane, Daniel
Crockett
Danielson
Dannemeyer
Derrick
Dingell
Duncan, Oreg.
Edwards, Okla.
English
Evans, Ind.
Fascell
Fenwick
Ford, Mich.
Ford, Tenn.
Fowler
Frost
Fuqua
Gephardt
Giaimo
Gibbons
Glickman
Gonzalez
Gramm
Hall, Tex.
Hance
Harkin
Harris
Hawkins
Hightower
Huckaby
Hughes
Hutchinson
Hutto
Ireland
Jacobs
Jeffries
Jenkins
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kildee
Kindness
Kramer
Leath, Tex.
Lehman
Loeffler
Long, La.
Long, Md.
Lujan
Lundine
McDonald
McKay
Mattox
Mazzoli
Mica
Mineta
Mollohan
Moorhead, Pa.
Nedzi
Nelson
Oberstar
Obey
Paul
Pepper
Pickle
Reuss
Rhodes
Rousselot
Rudd
Sabo
Santini
Schroeder
Sebelius
Sharp
Simon
Skelton
Steed
Stenholm
Stump
Synar
Tauzin
Udall
Vanik
Volkmer
Watkins
Waxman
White
Whittaker
Wilson, Tex.
Wirth
Wright
Wyatt
Yates
Young, Fla.
Zablocki

NOT VOTING—59

Addabbo
Akaka
Anderson, Ill.
Bedell
Beilenson
Bevill
Bolling
Burlison
Byron
Coleman
Collins, Ill.
Conable
Corcoran
Corman
Crane, Philip
Dellums
Dodd
Fithian
Frenzel
Ginn
Hall, Ohio
Hanley
Heftel
Hillis
Jenrette
Johnson, Colo.
Kelly
Leach, La.
Lent
McCloskey
McDade
McEwen
Madigan
Marlenee
Miller, Calif.
Murphy, N.Y.
Neal
Nichols
Nolan
O'Brien
Patterson
Pease
Richmond
Ritter
Roberts
Shumway
Spellman
St Germain
Stanton
Stokes
Thomas
Thompson
Van Deerlin
Vento
Williams, Mont.
Wilson, C. H.
Winn
Wylie
Young, Alaska

□ 1630

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Vento against.
Mrs. Spellman for, with Mr. Ginn against.
Mr. Nichols for, with Mr. Akaka against.

Messrs. BARNARD, LONG of Maryland, and ROUSSELOT changed their votes from "aye" to "no."

Messrs. WHITLEY, DIXON, and ERTEL changed their votes from "no" to "aye."

So the amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7112) to authorize an extension and amendment of the revenue sharing program to provide general purpose fiscal assistance to local governments, and for other purposes, pursuant to House Resolution 787, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROOKS. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 345, noes 23, not voting 64, as follows:

[Roll No. 631]

AYES—345

Abdnor
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Benjamin
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burton, John
Burton, Phillip
Butler
Campbell
Carney
Carter
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Conte
Conyers
Cotter
Coughlin
Courter
Crockett
D'Amours
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine

Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harsha
Hawkins
Heckler
Hefner
Hightower
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McHugh
McKinney
Maguire
Markey
Marks
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Pepper
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Staggers
Stangeland
Stark
Steed
Stewart
Stockman
Stratton
Studds
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Traxler
Trible
Ullman
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOES—23

Bennett
Brooks
Carr
Cavanaugh
Collins, Tex.
Crane, Daniel
Duncan, Oreg.
English
Evans, Ind.
Giaimo
Harris
Jacobs
Kramer
Long, Md.
McDonald
McKay
Paul
Pickle
Rousselot
Satterfield
Stenholm
Stump
Udall

NOT VOTING—64

Addabbo
Akaka
Anderson, Ill.
Archer
Bedell
Beilenson
Bevill
Bolling
Burlison
Byron
Coleman
Collins, Ill.
Conable
Corcoran
Corman
Crane, Philip
Daniel, Dan
Dellums
Dodd
Edwards, Ala.
Fithian
Frenzel
Ginn
Hall, Ohio
Hanley
Heftel
Hillis
Ichord
Jenrette
Johnson, Colo.
Jones, Tenn.
Kelly
Leach, La.
Lent
McCloskey
McDade
McEwen
Madigan
Marlenee
Miller, Calif.
Murphy, N.Y.
Neal
Nedzi
Nichols
Nolan
O'Brien
Patterson
Pease
Richmond
Ritter
Roberts
Shumway
Spellman
St Germain
Stanton
Stokes
Thomas
Thompson
Van Deerlin
Vento
Wilson, C. H.
Winn
Wylie
Young, Alaska

☐ 1650

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Archer.

Mrs. Spellman with Mr. Hillis.

Mr. Akaka with Mr. O'Brien.

Mr. Fithian with Mr. Ritter.

Mr. Murphy of New York with Mr. Johnson of Colorado.

Mr. Nichols with Mr. Coleman.

Mr. Thompson with Mr. Conable.

Mr. Richmond with Mr. Lent.

Mr. Pease with Mr. Thomas.

Mr. Jenrette with Mr. Madigan.

Mr. Hanley with Mr. McEwen.

Mr. Ginn with Mr. Philip M. Crane.

Mr. Bevill with Mr. Edwards of Alabama.

Mr. Corman with Mr. Frenzel.

Mr. Dan Daniel with Mr. Young of Alaska.

Mr. Dodd with Mr. Wylie.

Mr. Nedzi with Mr. Kelly.

Mr. Jones of Indiana with Mr. Marlenee.

Mr. Ichord with Mr. McCloskey.

Mr. St Germain with Mr. Coughlin.

Mr. Stokes with Mr. McDade.

Mr. Roberts with Mr. Winn.

Mr. Vento with Mr. Shumway.

Mr. Van Deerlin with Mr. Hall of Ohio.

Mr. Bedell with Mr. Charles H. Wilson of California.

Mr. Beilenson with Mr. Dellums.

Mrs. Byron with Mr. Heftel.

Mr. Burlison with Mr. Leach of Louisiana.

Mr. Stanton with Mr. Neal.

Mr. Miller of California with Mr. Nolan.

Mr. Patterson with Mrs. Collins of Illinois.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DIRECTING CLERK TO CORRECT PUNCTUATION, SPELLING, SECTION NUMBERS AND REFERENCES, AND ANY OTHER TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 7112

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Clerk be directed in the engrossment of the bill to correct punctuation, spelling, section numbers and references, and to make any other technical and conforming changes necessary to reflect the actions of the House on the bill, H.R. 7112.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 7112, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ALLOWING THE OBSOLETE AIRCRAFT CARRIER U.S.S. "INTREPID" TO BE TRANSFERRED TO THE INTREPID MUSEUM FOUNDATION, INC.

Mr. WEISS. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the bill (H.R. 8329) to allow the obsolete aircraft carrier U.S.S. *Intrepid* to be transferred to the Intrepid Museum Foundation, Inc., before the expiration of the otherwise applicable 60-day congressional review period, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete aircraft carrier U.S.S. Intrepid to the Intrepid Museum Foundation, Inc., a nonprofit corporation organized under the laws of the State of New York.

Mr. WEISS. Mr. Speaker, this bill would expedite the transfer of the aircraft carrier *Intrepid* from the U.S. Navy to the Intrepid Museum Foundation of New York by waiving a requirement for 60 days of congressional review during continuous session. Notice of the transfer was given to Congress by the Navy in August. But due to the numerous interruptions of the Congress, 60 days of continuous session have not passed and are not likely to pass before the 96th Congress ends.

The museum foundation, a nonprofit organization, plans to convert the *Intrepid* into an aerospace and naval memorial museum at a permanent mooring on Manhattan's West Side, in my congressional district. It will be the world's first such museum and will exhibit a full range of aircraft, spacecraft, and other replicas from the history of manned flight, in addition to flight simulators and numerous exhibits.

This historic ship helped protect the Pacific during World War II, and later served twice as the recovery vessel in the U.S. space program.

Both the majority and minority leaders of the Committee on Armed Services have agreed to this measure. I am confident that all my colleagues agree that this historic ship should be saved from the scrap heap, and that this transfer should be delayed no longer.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. KAZEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill (S. 885), with Mr. MCHUGH in the chair.

The Clerk read the title of the Senate bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, November 12, 1980, all time for debate under the 5-minute rule had expired, and pending was an amendment in the nature of a substitute offered by the gentleman from Oregon (Mr. WEAVER) to the text of H.R. 8157, which was being considered as original text and was open to amendment at any point.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment, which is numbered 65.

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. WEAVER: page 100, line 10, after "positions." insert:
>
> "(1) The authorities granted and the programs established by this Act, insofar as they exceed those existing the day before the date of enactment of this Act, shall cease to be effective on the date five years after the date of enactment of this Act, unless the Congress by joint resolution reauthorizes such authorities and programs before such date."

The CHAIRMAN. The Chair would inquire of the gentleman if his amendment has been printed in the RECORD.

Mr. WEAVER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Oregon (Mr. WEAVER) is recognized for 5 minutes.

Mr. WEAVER. Mr. Chairman, the amendment that I am offering here now is a sunset amendment. It would require the Congress to reauthorize the Government programs in the bill after 5 years. I take the occasion of offering this sunset amendment because, having just come from the revenue-sharing debate and hearing many Members say that they wanted Government off their backs, wanted to get away from Federal Government-directed programs, I wanted the Members to know that central to this bill is the creation of a new Federal bureaucracy, central to this bill is the authorization of enormous new powers to an existing Federal agency, the Bonneville Power Administration, a division of the Department of Energy. And we all know how successful the Department of Energy is. We all know what a grand job the Department of Energy has done in solving this Nation's energy problems. And here we are, we are going to give the entire decisionmaking process of the Northwest energy system over to the Department of Energy. That is what this bill does.

The bill was actually written by employees of the Bonneville Power Administration. Federal bureaucrats, contrary to law, wrote this bill. They then went around and got other entities in the energy system, they gave them little goodies here and little goodies there, because what they had in mind was building a new Tennessee Valley Authority in the Northwest, with enormous new powers to the Federal Government and their agency. And so I believe, if we are going to create this new agency, put Government on our backs, expand the authority of the Department of Energy, if we are going to do that, we should at least have sunset legislation built in.

Now, I can assure the Members that the statement made by my distinguished colleague from Washington State, MIKE LOWRY, who opposes this bill very strongly, before we went off to campaign for election, he said that the proponents of this bill are obviously good and distinguished and decent people, they are well meaning, but Congressman LOWRY said that what they intend to happen, what they hope to happen, is actually going to be hamstrung by this bill.

□ 1700

The bill will create the opportunity for lawsuits. Every decision made by the Bonneville Power Administrator, this Federal bureaucrat, will be subject to many lawsuits, and it will hamstring any power development in the Northwest. Now, if we do not have a bill—if we do not have a bill, then such utilities as the Eugene Water & Electric Board, which is adamantly opposed to this bill, this utility will be able to go out and develop its own power sources. The Eugene Water & Electric Board, the largest public utility in Oregon, has already announced in the last 2 weeks four new hydro projects that they alone will develop for all the energy demand there, load growth needs, to the year 2000.

As a matter of fact, EWEB, as we call it, is now selling electricity to California on a firm base. They sell 20 megawatts firm base load power to Pasadena because they went out and delivered power. If we pass this bill creating a new Federal agency, giving vast new powers to the Department of Energy over the utility system, it is the death knell of Eugene Water & Electric Board, EWEB, the chairman of which is the owner of a drug store chain in Oregon and a very fine and distinguished conservative Republican, a person who is very much for nuclear power and who adamantly opposes this bill because he knows it will destroy his local utility's incentive to produce new power.

So, therefore, what we are going to do is to drudge our power system into the hands of a bureaucracy, hamstring it with this bureaucracy, with centralized decisionmaking and with centralized planning, the marketing system being destroyed, free enterprise being destroyed, and we are going to solve our energy problems that way.

I ask my colleagues to say no. So, therefore let us put in a sunset legislation so that when the people of the Northwest wake up to find out what has happened to them if indeed this bill is enacted, and they want to get rid of it, we can just simply let it die at the end of 5 years, because I can assure everyone here that at the end of 5 years, if this bill is passed, the people of the Northwest will rise up to overthrow the chains of bondage that this bill will put them into, putting them into the hands of the Secretary of Energy, the Department of Energy, and they will want it done. I urge adoption of the sunset legislation.

The CHAIRMAN. Does the gentleman from Michigan insist upon his point of order?

Mr. DINGELL. I do not, Mr. Chairman.

Mr. SWIFT. Mr. Chairman, I rise in opposition to the amendment and in support of the bill. I think that it is important that we understand what is going on here. In the Seattle Post Intelligencer this morning, the gentleman from Oregon (Mr. WEAVER) is quoted as saying, "I still have 15 hours worth of amendments."

Clearly he is an opponent of the bill. An attempt is being made here to use the rules of the House to simply run us out of time.

Mr. WEAVER. Regular order, Mr. Chairman. He is not addressing the amendment.

Mr. SWIFT. And, the amendment that the gentleman raised is clearly a part of the effort that he is making to do that because this amendment is a gutter. It kills the bill. What it says is that after 5 years Congress must reauthorize, and yet the basic purpose of the bill is to get utilities and DSI's to enter into contracts, in some instances long-term contracts, that they simply could not possibly enter into if the authorizing legislation were to disappear in 5 years.

In other words, this amendment kills the bill. It does not simply give Congress the authority to reexamine the legislation. It makes the legislation itself virtually inoperable.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I would be happy to yield.

Mr. McCORMACK. Mr. Chairman, I want to thank the gentleman for his remarks, and I want to rise to agree with him. The genius of the entire Bonneville Power Administration, Mr. Chairman, is long-term contracts at uniform rates to serve the entire Northwest area. If we were to put any kind of a 5-year limit upon it, the effect would be to not only legally limit the potential for long-term contracts, but it would put a damper on the development of the Northwest and the use of the power that we need for our area.

I hope the Members of the House will recognize that this amendment is just one of a series of amendments that have just one purpose; that is, to stall long enough to kill the bill. I hope that we will all reject this and the other amendments.

We did not bring this bill out on the floor because we wanted to have fun. It is a bill that is necessary for the Northwest. It is a lot of work. I have nothing but the highest praise for all the people who worked on it, to help build support for it, but it is important to recognize the basis of the bill is essential for the Northwest, and we should all now reject these amendments, which are nothing but harassment, and we should then pass the bill.

Mr. SWIFT. I thank the gentleman for his remarks.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, this amendment should be seen for what it clearly is. This would affect contracts. This would assure that any contract could not be issued for more than 5 years. It may be an unintended consequence, but it means that contracts which might otherwise be issued for long term to provide a measure of stability to people in the Pacific Northwest could not be issued but for short periods.

In addition to that, Mr. Chairman, the amendment has the further defect of sunsetting the entire bill, prejudicing the length of time during which important questions like the fish and wildlife and conservation benefits could be in effect. I believe that is extremely dangerous and bad, and I urge my colleagues to reject the amendment as being not in the broad interests of the legislation or of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 54, line 20, after "Act." insert a new subsection, renumbering accordingly:

(b) In making any payment to a utility for the acquisition of a resource under section 6(a)(2) or for the exchange of power under section 5(C), the Administrator shall exclude the costs of construction work in progress.

The CHAIRMAN. The Chair would inquire if this amendment is printed in the RECORD.

Mr. WEAVER. It is, Mr. Chairman.

The CHAIRMAN. The gentleman from Oregon is recognized for 5 minutes in support of his amendment.

Mr. WEAVER. Mr. Chairman, the State of Oregon, the people of Oregon, have stated not to allow construction work in progress cost to go into their utility bills, and I offer this on behalf of the people of Oregon.

Let me explain to the House, to the Members, why this is so important in this bill. Let me explain to all of us what is happening in the Northwest today and why construction work in progress is so important.

Today, they are constructing five thermal plants by the Washington Public Power Supply System and the State Municipal Authority. There is no responsibility for checking the costs of these plants because they use the same technique to finance them as is in this bill. Therefore, the cost overruns have been over $10 billion. This is the case for the few States in the Northwest, that the cost overruns are going to be over $10 billion. The figures I cite are the official figures by WPPS given to the bonding authorities when they go out and sell their bonds.

The $18 billion figure presently for the five plants, if my colleagues understood the implications of this for the ratepayers of the Northwest, for the businesses, for the timber industry, for the small businesses, for agriculture, for the residents, what it is going to do to our electric bills, and will possibly bankrupt many utilities. The costs are horrendous and staggering, so much so that bonding authorities in New York City are beginning to tell WPPS that they can no longer handle the sale of our bonds.

□ 1710

An internal memo by the WPPS states that they are so frightened that their bonds cannot be sold. The last issue a couple of weeks ago was at 10.63 percent. That is for a tax-free municipal bond. With the bonding people saying they were not sure they could sell any more, Washington State had to withdraw its bond issue. This is the State of Washington last week with the bonding authority saying they had saturated the market in the State of Washington.

WPPS is now looking to go out in the short-term paper market to finance these plants.

I was a builder for 20 years. My job was to finance real estate and construction projects. I know that when you borrow short for long-term projects you are inviting bankruptcy. It is the most dangerous single thing that you can do. So, is it any wonder that this internal memo of WPPS is considering canceling two of the nuclear plants that are in mid-construction? They are so frightened that they will not be able to pay for them. So, therefore, the costs of construction work in progress, the interest alone this year will be around $400 million and the plants are years away from completion. Consider that. We built Trojan Nuclear for $400 million. We built one nuclear plant and it is selling fairly inexpensive electricity. But the interest payments on these bonds alone are going to be $400 million in this year and they are years away from completion. The drain on the people of the Northwest is going to be staggering.

The managers of the construction do not care because they have an unlimited blank check because the Government, Bonneville Power, is underwriting them. That is the danger of getting the Government involved in something like this.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. Let me say to my dear friend that I am really sorry, but I have limited time.

That is the danger that we have here with this blank check provided by the Department of Energy, that we do not watch these cost overruns and that WPPS is building these plants with $10 billion cost overruns; with $400 million in interest going out alone in the coming year, $600 million after that, $800 million a year after that, with billions going out from then on. we simply cannot afford this. To give them more blank checks is the most dangerous thing we can do.

So the people of Oregon have spoken. They have spoken and they have said, "We do not want the costs of construction work in progress to go on our utility bills."

So I am sure that all our Oregon people will want to make sure that this amendment goes into this bill which simply says that any project under this bill cannot charge construction work in progress.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend from New Mexico, Mr. LUJAN, because his counsel is wise. I yield to my good friend at this particular point.

Mr. LUJAN. I thank the gentleman for yielding.

I just want to point out that this is Federal ratemaking at its worst. It mandates what can be and cannot be in the rate. It has always been our practice or the practice of the Federal Government to leave those utility regulations up to each individual State. Some have cost of work in progress allowed into the rate and some do not. Here we are taking away that prerogative that the various State regulatory agencies would have.

Mr. DINGELL. I thank the gentleman. I would like to concur in his comments.

Mr. Chairman, this amendment provides that in making any payment to a utility, or the acquisition of a resource under section 6 of the bill or for the exchange of power under section 5, the BPA shall exclude the cost of construction work in progress. A similar amendment was included in the Interior Committee's version of S. 885. However, when the matter was examined, we became concerned as to what is meant by the term "construction work in progress."

This is a term with many meanings in various States. Indeed, it is not always based on any statute or regulation, but is part of a policy of a Public Utility Regulatory Commission. In short, there is no uniformity between States.

However, the thrust of the amendment seems to be aimed at insuring that in States where the "construction work in progress costs" are excluded, States would continue to be able to exclude them and not have this legislation override that State requirement. Thus, a provision was added to section 10 of the bill which states—

> Nothing in this Act shall be construed to affect or modify the right of any state to prohibit utilities regulated by the appropriate State regulatory body from recovering, through their retail rates, the cost during any period of resource construction.

We believe that this amendment adequately meets the problem suggested by the gentleman, without causing confusion and doubt as to the meaning of the amendment.

In this regard, we think that the amendment is defective in that it fails to define what is meant by the term "construction work in progress." I reiterate that that term can have many different meanings to different people and different States. For example, does it permit payment of interest, but not capital costs? What period of construction would be covered by this provision? Does it include the operation of the plant for testing purposes? Does it mean just the physical construction of the plant.

To date, the Federal Government has not weighed in on either side of the CWIP issue. As you know, reasonable arguments lie on both sides of this issue. It is not a regional issue; it is a national issue. I feel strongly that it is poor precedent to include language such as this in the bill because it would tend to tilt the issue in one direction to the detriment of those who believe it should be tilted in another direction. It is a matter that needs further consideration by our committee, possibly in the next Congress.

I urge rejection of the amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. I think this flies in the face of the saving clause that is already written into the legislation on page 101 which suggests that the right of the State utility regulatory commissions be preserved inviolate. The amendment offered by the gentleman from Oregon (Mr. WEAVER), it seems to me, is a very bad precedent in this regard. I am not sure how it will be interpreted with reference to the language on page 101 of the bill, but I am also opposed strongly to the language offered in his amendment.

Mr. DINGELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment which is numbered 66.

The Clerk read as follows:

> Amendment offered by Mr. WEAVER: Page 100, line 10, after "positions." insert:
>
> "(1) No rule and regulation promulgated by the Administrator or the Council pursuant to this Act shall become effective until the Congress, by concurrent resolution, has approved such rule and regulation: *Provided*, That any such rule or regulation shall be considered approved by the Congress if no action has been taken by the Congress regarding such rule or regulation within 60 days after such rule or regulation has been promulgated. For the purpose of determining the 60 days referred to in the previous sentence, only days on which both Houses of Congress are in session shall be included."

The CHAIRMAN. The Chair would inquire if this amendment is also printed in the RECORD.

Mr. WEAVER. It is, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. WEAVER. Mr. Chairman, the amendment that I have just offered is the simple amendment which correlates with the sunset amendment previously which would have the Congress have the authority to approve the rules and regulations that will be issued under this bill.

We have had many such amendments offered to bills in the past. I have been informed, I cannot say for certain, that the regulations for this bill are already written in such haste for the Bonneville Power Administration to get into effect their vast new powers given them under this bill, and that they will be slammed into the Federal Register within a day or two or whatever the rule is, after the enactment of this act, indeed if it is enacted.

Commenting on the fact that we should take a look at the rules and regulations because they will be numerous and they will hamstring the various people who want to develop energy in the Northwest, commenting on that and commenting on a previous amendment for construction work in progress, I noted that my dear, wonderful friend from New Mexico (Mr. LUJAN) and my friend from Michigan (Mr. DINGELL) said that the construction work in progress would take away the rights of the State to decide that issue. Good heavens, this whole bill, that is what it is about.

It takes away from every utility, every State, and everyone else the right to decide anything. In the bill resides a provision, and do not let us overlook it, that allows the Bonneville Power Administrator to act even inconsistent with the plan put up by the council appointed by the governors. It is right there in the bill. It is a very important clause, too. I tried to take it out in committee, and they did not want that taken out because, of course, they want that Bonneville Power Administrator to get in there and act without a plan or inconsistent with a plan and bankrupt the Northwest. That is what they are after.

So what we are doing here with this bill is taking away the ability of the States and the local utilities to have any incentive or freedom of motion. That is what this bill is all about, to centralize the power-making authority in the Bonneville Power Administration.

□ 1720

Mr. Chairman, I cannot but reflect upon the comments of my dear and wonderful friends who are so concerned these States might not have the right to make their own decisions if my construction-work-in-progress amendment had passed.

May I comment Oregon voted not to have construction-work-in-progress costs reflected in their electric bills? This bill takes that away. I say to my dear friend from Michigan, the distinguished chairman of the Committee on Interstate and Foreign Commerce, this bill takes away the vote of the people of Oregon because it would require against the wishes of the people, construction-work-in-progress costs to be reflected in Oregon bills if there are bills in other States such as Washington. Therefore, our will in Oregon is absolutely flattened by this bill.

I beseech Oregon people to protest this degradation of the will of Oregon.

Mr. Chairman, I can only but read, also, from a newspaper story quoting the very distinguished Senator from Washington State about the cost overruns. This is referring to Government underwriting of these projects:

> Senator Jackson said: "Investors love that arrangement because the bonds are thus guaranteed by the government and no matter how many bonds must be sold to build the power plant the government is committed to backing those bonds. Therefore, power plant builders are able to spend unlimited amounts of money."

Mr. Chairman, the foregoing is quoted from the Aberdeen Daily World. He is surely right because there is $10 billion in cost overruns in these plants already. $10 billion. Can you imagine?

Mr. Chairman, look at this advertisement for the bonds of the Washington Public Power Supply System. Six percent, it says. It is almost double that now, 10.6 percent, meaning our utility bills are going to double and double again in the Northwest.

It says on the bottom of this advertisement that the United States of America Department of the Interior has purchased the entire capability of the project.

Mr. Chairman, the bill does eliminate the direct Federal guarantee but when these utilities begin going bankrupt because people cannot pay the higher electric bill, is the Federal Government going to allow Bonneville to go default?

Mr. Chairman, I think we should look at the rules and regulations issued by Bonneville before they go into effect.

Mr. KAZEN. Mr. Chairman, I move to strike the last word and I rise in opposition to this amendment.

Mr. Chairman, the gentleman from Oregon (Mr. WEAVER) proceeds to argue and debate another amendment, one that has already been defeated. Be that as it may, let me follow with the gentleman's line and show the gentleman that in the bill itself—I call attention to page 101, line 24, which states:

> Nothing in this act shall be construed to affect or modify the right of any State to prohibit utilities regulated by the appropri-

ate State regulatory body from recovering through their retail rates, costs during any period of resource construction.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. No, not at this time. The gentleman would yield to no one else during his time.

Mr. DINGELL. Mr. Chairman, will the gentleman yield to me?

Mr. KAZEN. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman from Texas.

Mr. Chairman, I join the gentleman from Texas in opposition to the amendment. What the gentleman's amendment would do would be to require every rule or regulation that would be issued pursuant to this statute to be reviewed by the Congress. Now, there will probably be some rules and regulations. This is a State council. Interestingly enough, this now puts the Federal Congress in the business of approving or rejecting each and every action taken by a State council. There is no procedure which is established for disapproval in the bill. It raises constitutional questions, and I believe the amendment is only designed to prevent the implementation of the legislation.

I thank the gentleman for yielding.

Mr. KAZEN. Mr. Chairman, I agree with what the gentleman has said and I concur therewith. Furthermore, this provision is particularly unnecessary in this bill since Congress would retain extensive authority to review the programs the bill would establish.

Mr. Chairman, funding requests and programs of the council would be reviewed annually by Congress under the Transmission Act on a programmatic basis. All resource acquisitions and all expenditures by the Administrator under the funds established in the Transmission Act would be reviewed, all major resource proposals would be submitted to the Congress at least 90 days before implementation, and expenditure authority for any such proposal determined to be inconsistent with the plan would have to be specifically authorized by the Congress. Therefore the amendment of the gentleman is entirely unnecessary, because those provisions are already in the bill.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding. I do not know whether to be flattered or pleased that I was not included in the list of friends of the gentleman from Oregon earlier. Perhaps as the evening wears on "flattered" would be a more appropriate word.

The purpose of this whole piece of legislation is to provide for local representation on the council. The council has that purpose and the Administrator to bring about a central authority for administering the projects undertaken and the work being done by the various utilities, and I would have to say that the amendment offered by the gentleman undermines the whole purpose of the bill to give that local control and to see that it is adequately administered, as we have tried to do in the bill in carefully balancing the legislation so there is full representation.

I have to say I wonder at the logic that says we should take all of these issues back here to the Congress so that they can be resolved. The very purpose of our bill was to try to see that the issues could be resolved in the northwestern part of the country.

I might say to the gentleman from Oregon that in my part of the country we have combined several States into a working region where there is cooperation between the public and the private power people. There is cooperation between the rural electric authorities in the construction of and generation of power. It seems the pattern of this bill is in that tradition which is used all over the country.

Mr. Chairman, I hate to see us suggest all these things should be resolved at the Federal level. I am sure anyone as locally oriented as the gentleman from Oregan would understand that.

Mr. KAZEN. Mr. Chairman, I thank the gentleman from Ohio for his contribution.

Mr. Chairman, I urge defeat of this amendment.

Mr. WEAVER. Mr. Chairman, will the gentleman yield so I can respond to my name being mentioned?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LOWRY

Mr. LOWRY. Mr. Chairman, I offer an amendment which, under the rule, has been printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. LOWRY: Page 10, lines 15–17, strike "(A) electric power," and all that follows and insert in lieu thereof: "electric power, electric power output of generating facilities, programs and measures to conserve electric power, renewable energy technologies, and programs and measures to utilize renewable technologies, or".

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LOWRY. Mr. Chairman, this amendment is an amendment to strike from the present legislation what is known as the guaranteed purchase clause.

□ 1730

The Northwest power bill has been basically billed by its supporters as a planning act, and a coordinating act.

There is another part of the bill that I think is a serious mistake, and it is called guaranteed purchase. The amendment I offer strikes the guaranteed purchase part of the Northwest power bill.

As the Northwest power bill is now written, EPA is authorized to write a contract on behalf of the ratepayers of the four States of the Northwest that guarantees through purchase of energy to pay the cost of future energy plants regardless of cost overruns and regardless of whether those plants even work.

In other words, through congressional action, we are removing from the shoulders of the utilities the financial responsibility of making that decision and through contract by a Federal agency, the BPA, we are shifting that responsibility to the shoulders of the ratepayers of the Northwest.

Now, many people have talked to me about this bill, and they say, "We have never heard that," because this bill is said to be a coordinating and a planning bill.

This amendment, which is known as the Lowry amendment, was very eloquently spoken to in support yesterday by the gentleman from Oklahoma (Mr. EDWARDS). I had many requests from Members from both sides of the aisle who wanted to speak for this amendment, because they think this precedent of a Federal agency providing this type of a contract is a serious mistake, and it is. The gentleman from Ohio (Mr. ASHLEY), the gentleman from Illinois (Mr. PHILIP M. CRANE), the gentleman from New York (Mr. KEMP), many people wanted to speak for this. Many others support this amendment including the American League of Women Voters, the National Taxpayers Union, the Machinists Union, and many others who do not believe that the Federal Government ought to be participating this way.

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. LOWRY. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding.

It strikes me as curious that there is a notion which has gone through this body that the overwhelming majority of people who live in the Pacific Northwest are solidly and completely behind this bill, maybe with the exception of a person in Oregon and a person in Washington State, who somehow or other have happened to gain membership in this body.

I want the Members to know that folks in eastern Montana—I do not represent it, but my good colleague from the other side of the aisle does—are overwhelmingly opposed to this bill. Folks in western Montana, where I live, many, many of them are opposed to this bill, and one of the reasons that folks in western Montana are opposed to it, those who are, is because they think that the point the gentleman from Washington makes is correct, that this bill is terribly flawed, because it commits the credit of the ratepayers in the region to secure the financing necessary for all new powerplants, and that includes powerplants built by the public utilities as well as those built by the private utilities.

Now, that means, my friends, that the consumers of the Pacific Northwest will underwrite the construction of all plants despite the cost overruns, despite the fact that the plants may never be completed, despite the dry holes. The constituents in Montana and the other States are going to have to underwrite the cost of those plants whether or not they are ever built.

My constituents think that is a flaw in this bill. I must say I agree with them.

I thank the gentleman for yielding.

Mr. LOWRY. I thank the gentleman for his comments.

I urge strongly the adoption of the Lowry amendment to correct this.

Mr. LUJAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would limit BPA purchase to "actual output" only; that is, power instead of permitting purchases of plant capability; that is, the right to receive all of the power the plant produces in return for paying all of the plant's costs.

REASONS TO DEFEAT THE AMENDMENT

First. This amendment would kill the bill by making it impossible for the bill to work in practice.

Second. The amendment was considered and rejected by overwhelming margins by the Interior Committee, the Commerce Committee, the Subcommittee on Water and Power, and the Subcommittee on Energy and Power.

Third. The amendment would prevent the legislation from working by making it impossible for BPA to acquire resources. No entity would be willing or able to develop a resource to sell to BPA at cost, while retaining the risks for itself and its ratepayers, since the resource would be for BPA and regional needs. The costs and risks of new resources—and conservation measures—must be borne by those who receive the benefits—the ratepayers in the region.

Fourth. Purchase of plant capability is the universal practice in the utility industry, as the General Accounting Office confirmed in its written report to the Commerce Committee (see page 39 of the House Commerce Committee report). No utility in the country could acquire resources on a long-term basis at cost if faced with the restriction under this amendment. The Western Area Power Administration (WAPA) and Southern California Edison purchased shares of the capability of the Navaho plant, for example.

Fifth. The bill requires BPA to acquire resources at the lowest cost. If the entity selling power to BPA retains all of the risks of dry holes, cost overruns and delays, the price BPA would have to pay for the power would have to be substantially higher. Authority (but not a mandate) to purchase resource capability is a form of regional self-insurance. Costs are significantly reduced by spreading the risks as widely as possible (the regional risks spreading achieved through the bill is still significantly less than the spreading achieved by large utilities in other parts of the country, however).

Sixth. If BPA had authority to build or own powerplants—as other utilities and TVA do—then BPA and its customers obviously would be responsible for all the costs and risks of every resource. Granting BPA authority to purchase plant capability was the preferred alternative to achieve regional risk spreading without creating another TVA.

Seventh. Conservation, renewable resources, and other new technologies present the greatest risks of not producing or saving power at expected costs. Purchase of capability encourages these types of resources significantly. Restricting BPA purchase authority to actual output or savings would discourage development of conservation, renewable resources, and other new technologies.

Eighth. It has been argued that purchase of plant capability represents a "blank check" and removes incentives for responsible utility and construction practices. This is incorrect for the following reasons:

Section 6(i) requires BPA to exercise effective oversight over all aspects of construction and operation.

BPA's customers have a strong incentive to insure that construction and operation is prudent and reasonable.

Builders and plant operators remain liable for negligence and breach of contract. Purchase of plant capability does not prevent BPA from including in its contracts incentives and penalties to insure responsible practices.

To the extent there is a problem, it applies to all utilities that have a right to pass on costs and receive a reasonable rate of return on prudent investments. The problem is not unique to BPA purchase of capability; nor is it made worse by the bill.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Washington.

Mr. SWIFT. I thank the gentleman for yielding.

It has been said if one cannot defeat capital punishment, one can always vote against the appropriation for the rope.

What we have here is a situation where, unable to kill the portion of the bill that guarantees the right of BPA to purchase, they are arranging it so that no one would be willing to sell.

In other words, what this amendment will do would say that if the BPA Administrator went to, say, the city of Seattle, and said, "Would you build a facility we need," and the mayor of Seattle were to say, "Yes, I would be happy to do that," incidentally who assumes the risk? The consumers of the region get the benefits, but who assumes the risk? And the BPA Administrator would have to say, "We adopted the Lowry amendment, and therefore the ratepayers only of the service area in the city of Seattle will have to assume the dry hole risk even though the people throughout the region get the benefit."

If you were the mayor of Seattle, what would you say to that? I assume you would say, "No way." In other words, this kills the bill through the backdoor.

Mr. LUJAN. Absolutely correct.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Washington.

Mr. McCORMACK. I want to rise in opposition to the amendment and agree with the comment made by the gentleman and the gentleman from Washington (Mr. SWIFT).

The point is this, that in any construction of any powerplant, whatever entity decides to build it has to have a guarantee of sale. It does not matter whether they are talking about Bonneville in the Northwest or some individual private utility someplace else in the country. Before they can sell bonds to build the plant, to finance it, they have to have a guarantee of sale, and that guarantee of sale carries with it the obligation to pay for the plant.

We have established Bonneville, Oreg., to do that in the Northwest. That is what Bonneville is. It is that agency. If it is going to be the agency to do it, then Bonneville and all the people in it have to assume the risk.

I might say we are building strawmen to kick down here with this amendment. I do not believe there is any significant risk. I think the important thing is what the bill does is set up a simple management system, an orderly system, that must exist in order for us to succeed.

For that reason, I join the gentleman in his opposition to the amendment.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

I think it is also important to remember that the regional power council will establish the energy program and must meet the statutory task for placing the first emphasis on energy conservation to be followed by renewable resources and only then in thermogeneration.

□ 1740

So I think the Regional Council can apply that cost-effective test in making their decisions and they must be consistent with the energy plan.

Also, if the Lowry amendment is adopted, it would prevent the BPA administrator from buying the output and capacity of renewable energy resources. If we want to place our emphasis on renewable energy resources, we ought to defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. LOWRY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LOWRY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 632]

Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Applegate
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, Tenn.
Benjamin
Bennett
Bereuter
Bethune
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead

Brooks
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burton, John
Burton, Phillip
Butler
Campbell
Carney
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clinger
Coelho
Collins, Tex.
Conte
Conyers
Courter
Crane, Daniel
Crockett
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Fuqua
Garcia
Gaydos
Gephardt
Gilman
Gingrich
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harkin
Harris
Hawkins
Hefner
Hightower
Hinson
Holland
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McHugh
McKinney
Maguire
Markey
Marks
Marriott
Martin
Matsui
Mattox
Mavroules
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Pa.
Myers, Ind.
Natcher
Nelson
Oakar
Oberstar
Ottinger
Panetta
Pashayan
Paul
Perkins
Petri
Pickle
Porter
Preyer
Pritchard
Pursell
Quayle
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Stangeland
Stenholm
Stewart
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Traxler
Trible
Udall
Ullman
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Wirth
Wolpe
Wyatt
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

☐ 1800

The CHAIRMAN. Three hundred and eleven Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Washington (Mr. LOWRY) for a recorded vote. Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 93, noes 245, answered "present" 1, not voting 93 as follows:

[Roll No. 633]

AYES—93

Andrews, N.Dak.
Anthony
Aspin
AuCoin
Barnes
Bennett
Bingham
Bonior
Brodhead
Brown, Calif.
Burton, John
Burton, Phillip
Carr
Cavanaugh
Chisholm
Clay
Conte
Conyers
Crockett
Danielson
Daschle
Deckard
Derwinski
Dixon
Donnelly
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Erlenborn
Evans, Del.
Evans, Ind.
Fazio
Fenwick
Ferraro
Fish
Ford, Tenn.
Garcia
Gilman
Gingrich
Gradison
Gray
Green
Harkin
Harris
Harsha
Howard
Jeffords
Johnson, Calif.
Jones, Okla.
Kastenmeier
Kildee
Kindness
Kostmayer
LaFalce
Leland
Long, Md.
Lowry
McKinney
Maguire
Markey
Matsui
Mavroules
Miller, Calif.
Moffett
Mottl
Oakar
Oberstar
Ottinger
Paul
Ratchford
Reuss
Rodino
Rosenthal
Roybal
Russo
Sabo
Scheuer
Schroeder
Seiberling
Shannon
Simon
Studds
Synar
Vanik
Weaver
Weiss
Williams, Mont.
Wirth
Wolpe

NOES—245

Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Annunzio
Applegate
Ashley
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, Tenn.
Benjamin
Bereuter
Bethune
Biaggi
Blanchard
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Clinger
Coelho
Collins, Tex.
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
Derrick
Devine
Dickinson
Dicks
Dingell
Dornan
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Emery
English
Erdahl
Ertel
Evans, Ga.
Fary
Fascell
Findley
Fisher
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Glickman
Goldwater
Gonzalez
Gore
Gramm
Grassley
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hawkins
Heckler
Hefner
Hightower
Hinson
Holland
Holt
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jones, N.C.
Jones, Tenn.
Kazen
Kogovsek
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDonald
McHugh
Marks
Marriott
Martin
Mathis
Mattox
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murphy, Pa.
Myers, Ind.
Natcher
Nelson
Nowak
Panetta
Pashayan
Pepper
Perkins
Petri
Pickle
Porter
Preyer
Pritchard
Pursell
Quayle
Rahall
Railsback
Rangel
Regula
Rhodes
Rinaldo
Robinson
Roe
Rose
Rostenkowski
Roth
Rousselot
Royer
Rudd
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shuster
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stangeland
Stenholm
Stewart
Stratton
Stump
Swift
Symms
Tauke
Tauzin
Taylor
Traxler
Trible
Udall
Ullman
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Watkins
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, Tex.
Wright
Wyatt
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

ANSWERED "PRESENT"—1

Stack

NOT VOTING—93

Abdnor
Addabbo
Akaka
Ambro
Anderson, Ill.
Archer
Ashbrook
Beard, R.I.
Bedell
Beilenson
Bevill
Bolling
Broomfield
Burlison
Byron
Cleveland
Coleman
Collins, Ill.
Conable
Corcoran
Corman
Cotter
Crane, Philip
Davis, S.C.
de la Garza
Dellums
Dodd
Edwards, Ala.
Fithian
Frenzel
Giaimo
Ginn
Goodling
Hall, Ohio
Hanley
Hansen
Heftel
Hillis
Hollenbeck
Holtzman
Jenrette
Johnson, Colo.
Kelly
Kemp
Leach, La.
Lent
McCloskey
McDade
McEwen
McKay
Madigan
Marlenee
Mitchell, Md.
Murphy, N.Y.
Murtha
Musto
Neal
Nedzi
Nichols
Nolan
O'Brien
Obey
Patten
Patterson
Pease
Peyser
Price
Quillen
Richmond
Ritter
Roberts
Shumway
Spellman
St Germain
Staggers
Stanton
Stark
Steed
Stockman
Stokes
Thomas
Thompson
Van Deerlin
Vento
Waxman
Wilson, Bob
Wilson, C. H.
Winn
Wolff
Wydler
Wylie
Yates
Young, Alaska

Mr. DASCHLE changed his vote from "no" to "aye."

Mr. McDONALD changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BAUMAN. Mr. Chairman, I ask unanimous consent that I be permitted to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BAUMAN. I just wanted to ask the gentleman from Texas (Mr. KAZEN) a question. The rumor is going around that this bill will be brought up tomorrow at 10 o'clock and we will stay on it for x number of hours. Then if it is not finished, it will come up on suspension on Monday. My question is if that is the case, why not just put it on suspension Monday and avoid the business of bringing it up tomorrow? Perhaps my information is wrong.

Mr. KAZEN. If the gentleman will yield, the gentleman from Texas is not advised. I had not heard that.

Mr. BAUMAN. Really?

Mr. KAZEN. That is correct.

Mr. BAUMAN. Everybody on this side knows about it. Has the gentleman checked with anybody over there?

Mr. KAZEN. I am just handling the bill. Whenever the leadership says it is scheduled, I am going to handle it. I will be here whenever it is scheduled.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Ohio if he has something.

Mr. BROWN of Ohio. I think we have something in a procedural problem here, just as a personal observation. This bill has been approved by two committees of the House.

Mr. KAZEN. If the gentleman will yield, that is correct.

Mr. BROWN of Ohio. It has the support on both sides of the aisle of the vast majority of those committees, and I understand that while individual Members may have some slight modifications that they would like to make in adjustment on the bill—and I do not want to deny people the opportunity to express themselves—this bill clearly is a finely balanced piece of legislation.

□ 1810

If we start making major changes, we will probably kill the bill. Maybe that is desirable, mavbe it is not, in the minds of other people. But the thing that I find really a problem is whether or not we are providing, by all of this extensive amendment effort, particularly when those amendments do not muster more than just a corporal's guard of support, we are into the Senate thing of filibuster. Now, I would like to recommend to somebody that we try to avoid that process.

Mr. DINGELL. Mr. Chairman, will the gentleman from Maryland yield?

Mr. BAUMAN. I just want to say to the gentleman from Ohio, and to the other Members, I, too, am concerned about the eventual disposition of this bill. But if the plan is to bring it up tomorrow for 4 or 5 hours of amendments, and then to put it on suspension Monday, when we already have 29 other suspension bills, it seems to me that we might as well skip tomorrow and go straight to Monday.

I yield to the gentleman from Michigan.

Mr. DINGELL. First of all, there is no plan to put this bill on suspension. We are trying very hard to give the gentleman from Oregon an opportunity to present his amendments, such of them as might be meaningful, to the House, and we are trying to afford him an opportunity to protect the rights, not of the minority in the sense of Republicans or Democrats, but just a very small minority of Members who are apparently irreconcilably opposed to the bill.

Mr. WEAVER. Mr. Chairman, what is the order?

Mr. DINGELL. The reason that request has been made—and a request has been made to put this on suspension—is that if the process of delay persists, we will be able to obviate the need for the continuing consideration of badly drawn amendments which merit no support and which achieve no support in the House.

Mr. WEAVER. Mr. Chairman, may I speak also?

Mr. DINGELL. That is the reason that this has been done. It is my hope that we can still give the gentleman an opportunity to be heard on meaningful amendments. Now, he said he has got 15 hours of amendments. I think that shortly the House is going to be tired of listening to those 15 hours of amendments, which number something on the order of 100 in the RECORD as published.

Mr. BAUMAN. So we will continue tomorrow with more amendments all day on this bill?

Mr. DINGELL. Well, at a given point I think the Committee is going to come to the conclusion that the behavior here is dilatory.

Now, the gentleman from Oregon has tied the House up for days, and he has said that he has got 15 more hours of amendments which are published in the RECORD.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I have to say that, on the basis of the amount of the amendments that he has published in the RECORD, it is quite conceivable that he can tie the House up for 15 hours.

Now, I will tell the gentleman, if he will permit, when it looks like he is really trying to do that and the House has lost patience, I think those of us who are managing the bill on both sides of the aisle will then try to choose a more sensible course, which will probably be suspension.

Mr. BAUMAN. Mr. Chairman, in fairness to the gentleman from Oregon whose name has been mentioned, I did want to observe before I yield to him that the gentleman from Michigan claims to know what is going to happen to this bill, and that in itself is a quality of leadership. Perhaps he should consider presenting himself to his caucus in some fashion.

I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman from Maryland for yielding.

Mr. Chairman, I, too, have heard the rumor that it would be brought up under suspension, and certainly that would cut off all debate and would dispense with this bill promptly. My amendments are not dilatory. The amendment we just denied here is probably going to cost the Northwest $10 to $20 billion, something our economy cannot afford. Therefore, I feel my amendments are essential.

Mr. BAUMAN. Mr. Chairman, if I may reclaim my time——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAZEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes, had come to no resolution thereon.

FIFTH ANNUAL REPORT OF THE U.S. NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs and to the Committee on Interstate and Foreign Commerce:

(For message, see proceedings of the Senate of today, November 13, 1980.)

FIVE-YEAR PLAN FOR THE NATIONAL CLIMATE PROGRAM AS PREPARED BY DEPARTMENT OF COMMERCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, November 13, 1980.)

THE 18TH ANNUAL REPORT ON EMPLOYMENT, AND OCCUPATIONAL REQUIREMENTS, AND TRAINING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, November 13, 1980.)

THIRD ANNUAL REPORT COVERING ENERGY CONSERVATION ACTIVITIES UNDERTAKEN BY FEDERAL AGENCIES DURING FISCAL YEAR 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interstate and Foreign Commerce:

(For message, see proceedings of the Senate of today, November 13, 1980.)

THE 1979 ANNUAL REPORT OF ACTIVITIES CONDUCTED ON BEHALF OF HANDICAPPED PERSONS UNDER THE REHABILITATION ACT OF 1973—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, November 13, 1980.)

ANNUAL REPORT OF THE OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE, FOR FISCAL YEAR ENDED SEPTEMBER 30, 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, November 13, 1980.)

☐ 1820

THE DETERIORATION OF THE NATIONAL ECONOMY

The SPEAKER pro tempore (Mr. FARY). Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 60 minutes.

Mr. DANIELSON. Mr. Speaker, along with the other Members I have been gravely concerned about the worsening state of our national economy. Rising unemployment, the deterioration of our cities, inflation, annual and perennial trade deficits, budget deficits and the entire spectrum of problems and negative symptoms which afflict our society and our economy are of serious concern to all of us, and must be addressed by the Congress and the executive branch.

Many segments of our economy are in trouble. Each of them contributes to the problem to one degree or another, for all are interconnected, and I am convinced that we must look at the entire picture in order to understand what it is that ails us and to try to work out solutions for, or ways to manage, our economic problems.

Today I will speak briefly on the nature of the problem in the automobile industry, as I see it. The automobile industry is one of the largest in America, it is generally perceived as being about as typical of America as is apple pie. Automobiles may have been invented, most certainly were developed in a commercial manner, and grew to their greatest flower in America. Yet, today, we see our great automobile industry floundering. We have seen one of the largest of our manufacturers, Chrysler, stagger on the edge of bankruptcy, to be saved only by loan guarantees in which the taxpayers of America have pledged their credit to keep Chrysler alive and give it another chance to prove that it can still meet the demands of free competition and free enterprise. Yet Chrysler reported a $536.1 million loss in the April to June quarter of 1980.

And we have also seen General Motors announce losses of $412 million in the second quarter of 1980, and then top that with an alltime record loss of $567 million in the third quarter—the biggest 3-month loss ever by a U.S. company.

And we saw American Motors Corp., report a loss of $84.9 million for the quarter ending June 30, 1980, and followed by another whopping loss in the succeeding quarter.

And Ford, what about Ford? Not to be outdone by General Motors in posting a third-quarter loss Ford reported the alltime, all industry, record loss of $595 million for the quarter ending September 30, 1980.

What are the reasons for the falling apart of our automobile industry, and what can we do to correct them? What can we do in the Congress to help that great industry regain its place as the leader of the world? And what can that industry do to help itself.

IMPORTS OF FOREIGN-MADE CARS

One of the most frequently advanced proposed remedies, one which points directly to one of the major problems, is that the U.S. Government place quotas on the numbers, sources, and types of automobiles imported into the United States. Just a few days ago, on Monday, November 10, 1980, the International Trade Commission refused to curb imports of foreign-made cars and trucks into the United States, rejecting a petition for such import quotas which was filed and supported by United Auto Workers and Ford Motor Co. They had sought 3 years of import relief, in the forms of tariffs and quotas, during which time they hoped to complete their conversion to the manufacture of smaller, more fuel-efficient vehicles, so that they can then compete with the foreign manufacturers.

The opposition contended that the American auto manufacturers have insisted on continuing to produce the larger, gas-guzzling, vehicles which were so popular in the days of unlimited supplies of gasoline at 35 cents per gallon. The opponents argued that the producers of the gas-guzzlers should not be protected from the results of its own poor business judgment and mismanagement.

In order better to understand the impact of imports on our automobile industry, I have compiled the figures on imports from 1950 to 1979 inclusive. I have those figures by year of import, country of origin for 1979, numbers of automobiles and their value, numbers of trucks and buses and their value, and the value of total automobile imports, which includes the foregoing plus automobile parts, accessories, unassembled bodies and chassis, and tires. These data are compiled from statistics which I obtained from the Department of Commerce and from the Motor Vehicle Manufacturers Association of the United States, Inc. The import figures for that 30 years read as follows:

Year and country	Automobiles	Value	Trucks and buses	Value	Total automotive imports [1]
1950—Total	21,287	$20,511,101	65	$143,339	$24,000,000
1951—Total	23,697	26,388,547	182	320,971	40,000,000
1952—Total	33,312	44,733,779	350	560,546	61,000,000
1953—Total	27,121	42,057,971	279	439,168	56,000,000
1954—Total	34,554	44,896,921	426	621,394	56,000,000
1955—Total	57,115	69,242,436	1,223	1,528,483	89,000,000
1956—Total	107,675	126,530,296	3,187	3,837,268	150,000,000
1957—Total	259,434	301,388,224	8,763	11,398,353	345,000,000
1958—Total	433,921	486,983,258	15,744	19,525,679	563,000,000
1959—Total	668,070	734,916,974	22,325	26,399,044	868,000,000
1960—Total	444,622	513,658,137	23,515	28,295,701	644,000,000
1961—Total	279,436	306,549,910	9,245	12,325,549	398,000,000
1962—Total	375,715	421,351,497	12,130	16,320,278	534,000,000
1963—Total	408,885	444,960,556	17,577	18,207,799	588,000,000
1964—Total	536,725	579,027,942	16,398	18,861,309	743,000,000
1965—Total	565,088	657,665,088	34,029	38,361,814	862,000,000
1966—Total	913,207	1,236,531,601	49,602	97,176,675	1,878,000,000
1967—Total	1,020,618	1,694,958,526	88,475	189,377,531	2,603,000,000
1968—Total	1,620,452	2,781,845,047	129,139	293,878,222	4,163,744,163
1969—Total	1,846,717	3,355,386,141	171,168	398,154,631	5,286,245,948
1970—Total	2,013,420	3,719,387,954	153,671	380,635,282	5,823,996,590
1971—Total	2,587,484	5,133,742,529	238,937	546,891,532	7,974,469,643
1972—Total	2,485,901	$5,704,447,316	250,149	$599,617,955	$9,388,533,315
1973—Total	2,437,345	6,679,401,289	189,584	516,920,434	10,993,271,078
1974—Total	2,572,557	7,544,411,319	146,759	645,876,588	12,434,520,941
1975—Total	2,074,653	7,483,198,545	125,256	619,966,699	12,086,722,680
1976—Total	2,536,749	9,399,493,827	164,543	856,888,152	17,120,704,335
1977—Total	2,790,144	11,076,744,653	226,684	1,258,466,166	19,690,493,193
1978—Total	3,024,982	14,071,748,000	369,651	2,145,755,000	25,639,353,000
1979—Total	3,005,524	14,851,719,529	275,564	1,840,462,398	26,669,862,827
1979—Belgium	85	518,341	2	67,752	
1979—Brazil	2	14,070			
1979—Canada	677,008	3,869,793,800	267,732	1,801,815,995	
1979—France	27,887	118,019,538	3	63,479	
1979—Italy	72,456	441,150,374	2	137,974	
1979—Japan	1,617,328	6,471,053,909	7,635	25,438,369	
1979—Mexico	4	30,038	6	138,343	
1979—Netherlands	30	615,486		93,562	
1979—Sweden	65,907	433,278,749	2	1,064,406	
1979—United Kingdom	46,911	314,921,698	53	532,609	
1979—West Germany	495,565	3,190,750,371	121	10,616,258	
1979—Others	2,339	11,560,731	8	493,661	

Sources: U.S. Department of Commerce, Bureau of the Census; and Statistics Department Motor Vehicle Manufacturers Association of the United States, Inc.

---

[1] Includes parts, accessories, unassembled bodies and chassis, and tires.

Obviously, the tremendous growth of imports from 1950 through 1979 was bound to have an adverse impact upon the sale of American-made automobiles in the United States. Then I made a check with the California State authorities to determine new car registration in California for the 10 years of the 1970's, from 1970 through 1979. This is broken down by registrations of new American-made vehicles and of new foreign-made vehicles. Those registrations read as follows:

NEW PASSENGER AUTO REGISTRATIONS IN CALIFORNIA

Year	Domestic	Percent of industry	Foreign	Percent of industry	Total autos
1970..	563, 922	69. 21	251, 286	30. 79	816, 208
1971..	614, 860	67. 93	290, 269	32. 07	905, 129
1972..	698, 331	70. 32	293, 803	29. 61	992, 134
1973..	714, 491	68. 69	325, 722	31. 31	1, 040, 213
1974..	517, 619	66. 17	264, 594	33. 83	782, 213
1975..	447, 546	60. 45	292, 754	39. 55	740, 300
1976..	551, 107	66. 07	283, 062	33. 93	834, 169
1977..	573 393	61. 63	357, 013	38. 37	930, 406
1978..	631, 222	62. 47	379, 213	37. 53	1, 010, 435
1979..	596, 553	57. 92	433, 388	42. 08	1, 029, 941

Foreign made autos increased from 30.70 percent of new California registrations in 1970 to 42.08 percent in 1979:

From these figures it is clear not only that the volume of imports increased dramatically in the decade of the 1970's but also that the management of the automobile industry know, or being prudent businessmen should have known, that the importation of smaller, more fuel-efficient, automobiles was a rapidly growing trend in the market. Management of those giant corporations had the duty of keeping itself informed of its market and ready and able to compete effectively with the foreign competition. That responsibility is of the essence of what we proudly call free competition and free enterprise. Management failed miserably in meeting that responsibility, and that is one of the major causes of the problem which the American automobile industry faces today.

Fortunately, the Congress, several years ago, imposed new mandatory miles-per-gallon requirements on automobile manufacturers, who resisted, squealing, and hollering all the way. I say fortunately because the industry was compelled to take its first toddling steps toward the manufacture of smaller, more fuel-efficient, autos. We thereby avoided being caught completely flat-footed when the biggest energy crunch came a few years ago. We are still far behind the foreign manufacturers, but at least we have a start. Our American manufacturers are now commencing the production of vehicles which we all hope will be able to meet the foreign competition. I have faith that they will.

OUT-DATED PLANTS

It has often been argued that one of the problems of the auto industry is that the plants are outdated and are not able to compete with foreign manufacturers.

To a degree that is true. A part of that is the fault of management but it is possible that the Congress shares some of the blame. I urge that the executive branch and the Congress work in harmony to determine whether changes should be made in our tax laws so as to eliminate any unfair burdens upon the industry and to provide the tax climate and the tax benefits which will encourage and assist the industry in modernizing its plant and, thereafter, in keeping it full up-to-date.

It is only with such plant that the industry can compete fully and freely in the world market. In doing so we must be sure that those changes do not promote the removal of those plants from the communities which have supported and fostered them, the communities in which our fine, skilled, auto workers reside. We must seek modernization and updating, and we must discourage relocation.

QUALITY OF PRODUCT

Studies have shown that there is some real basis for frequent complaints that U.S.-made cars are inferior in quality to many made abroad. The complaints generally have been of shoddy workmanship.

I am most pleased to note, in recent press reports and from personal contact with persons in the industry, that management and labor are working together to improve and to assure, the high quality which has historically been the hallmark of the American worker.

FREE COMPETITION

I join with many in the hope that our auto industry will regain its status and will hold its leadership role in the atmosphere of free enterprise. Protective tariffs and quotas are not the context in which the giant of American industry should operate.

I do not believe that American workers cannot produce the finest products in the world. And I do not believe that American engineers and designers cannot plan and design the finest automobiles in the world, bar none, and yet meet the competition and the problems associated with the automobile industry in the 1980's, with its attendant problems of energy shortage and increasing competition.

GENERAL LEAVE

Mr. WAMPLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous matter on the subject of my special order in tribute to the Honorable DAVID E. SATTERFIELD of Virginia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

TRIBUTE TO THE HONORABLE DAVID E. SATTERFIELD OF VIRGINIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WAMPLER) is recognized for 60 minutes.

Mr. WAMPLER. Mr. Speaker, it is my distinct privilege to rise in recognition of a distinguished American. I know my colleagues share my sense of genuine loss at the retirement of DAVE SATTERFIELD. I know they also share my gratitude in having had the opportunity to serve with DAVE.

Following the tradition of service to the Third District of Virginia established by his father, DAVE was first elected to the 89th Congress. He has continued the tradition of exemplary and tireless representation of his constituents in the Third District, of the people of the Commonwealth of Virginia, and of citizens throughout the Nation.

DAVE'S work on the Committee on Interstate and Foreign Commerce has been particularly instrumental in providing the tools necessary for the Nation to meet its many energy problems in a rational and reasonable manner; and his statesmanship in gaining the best possible methods for reaching our energy goals is well known by his colleagues. Likewise, his work on the Committee on Veterans' Affairs has resulted in improved security and opportunity for this Nation's veterans. As dean of the Virginia delegation, DAVE SATTERFIELD has been a cohesive force in gaining the cooperation of the delegation on many important legislative proposals in the best interest of both the Commonwealth of Virginia and the Nation .

I join my colleagues in wishing DAVE the very best in his future endeavors, and in expressing sincere appreciation for the remarkable efforts and accomplishments that characterized his service in the Congress.

☐ 1830

○ Mr. ROBERTS. Mr. Speaker, I rise today to pay tribute to my good friend and colleague, DAVE SATTERFIELD, of Virginia, who at the conclusion of this Congress brings to a close 16 years of distinguished congressional service to the Nation, the State of Virginia, and to the people of the Third Congressional District of Virginia.

It has been a truly rewarding personal experience for me to have known him as a colleague and I am honored to have served with him during the last eight Congresses. His towering intellect and fine legislative mind have been of inestimable value to me personally and to our colleagues on the House Veterans' Affairs Committee.

DAVE SATTERFIELD is a Member who always does his homework. When he speaks, people listen. He understands that while our system is based on compromise, there comes a time to say "enough" and DAVE does not hesitate to say it.

What this Government needs is more men and women like DAVE SATTERFIELD. His retirement will leave a void in this institution.

Mr. Speaker, I know I speak for many when I express my personal gratitude to

Dave Satterfield for sharing his friendship, judgment, and integrity with us. We wish him all the best of life's bounties in the years ahead.●

Mr. DAN DANIEL. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Virginia (Mr. Dan Daniel).

Mr. DAN DANIEL. I thank the gentleman, not only for yielding, but for taking this time in order that we might express our feelings and our appreciation to one of our outstanding Members.

Mr. Speaker, it is a special privilege for me to pay honor to my good friend and fellow Virginian, Dave Satterfield.

Dave is representative of that company of Members who over the years have made great contributions without a great deal of fanfare. He is known to all of us as a steady, consistent, conscientious legislator, whose fundamental principles are firmly established. He knows where he wants to go and what he seeks to accomplish. Dave does his homework and is recognized by his peers as one who speaks with assurance and authority.

When Dave has spoken from the well or at the committee table, his words have been carefully weighed by those who heard him. Everyone may not always have agreed, but he has nevertheless commanded the respect and admiration of this body.

His contribution on the House Interstate and Foreign Commerce Committee has been beyond measure. He has applied a generous reservoir of knowledge to problems of broad national impact—and has left his imprint on many pieces of legislation which have come from that committee. His work on the House Veterans' Affairs Committee has likewise been significant and he can leave this body with the knowledge that his constant efforts in behalf of the Nation's veterans have resulted in improved services, facilities, and benefits.

Dave has been a "national" legislator in the finest sense of the term. He has cared for the needs of people far beyond the confines of his district, including the international community as well. In an excellent way he has filled the multiple roles which Members of Congress share in today's world. Yet, this has not diminished in any sense the service he has rendered the people he represents in the Third District of Virginia.

He has labored long and hard for his constituents in the city of Richmond, Henrico County, and Chesterfield County. He has been a capable and willing friend, as well as one who has served their interests in Washington with dignity, integrity, ability, and dedication.

Dave's conservatism is well known but it has been purposefully served by one who approaches each problem with mature consideration and judgment. He has not turned his back on problems simply because the proposed solution did not meet his philosophical point of view. Rather, he sought out reasoned alternatives or workable options that have often found fulfillment in the legislation that has ultimately emerged.

Thus, to many of us Dave Satterfield epitomizes the kind of legislators this body always needs, and somehow has always had. The country therefore is better because of their service. We shall miss him.

Mr. WHITEHURST. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to the distinguished gentleman from Virginia (Mr. Whitehurst).

Mr. WHITEHURST. Mr. Speaker, all of us in the Virginia delegation lament the departure from this body of Dave Satterfield. In the 12 years that I have been a Member of the House of Representatives, I have always been struck by the absence of punishing partisanship in our delegation. No one has better reflected the spirit of cooperation for the welfare of our State than Dave. Representing the district that includes the State capital, his vision has always extended from the Atlantic on the eastern shores of our State to the mountains that we share with our western neighbors. In a sense, Dave has been a Congressman for all Virginians.

No Member of this body is more knowledgeable on health affairs than Dave Satterfield. He has been a mentor to all of us in critical legislation in this area. His strong views on fiscal responsibility and his uncompromising voting record in this regard reflect the courage of his conviction which is a model for all Americans.

Dave, as has been cited by my distinguished colleague, Mr. Dan Daniel, is one of the few Members of this body whose father served before him. I think that if the first Congressman Satterfield could have lived to see the accomplishments of his son, he would have uttered the words that all men thirst for from their fathers, "Well done." So, I therefore join my colleagues in wishing every success for Dave and Ann as they leave Washington and return to Richmond.

Mr. Speaker, I thank my colleague for yielding.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to the distinguished gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the distinguished gentleman from Virginia for obtaining the time for Members of the House to say thanks to the distinguished gentleman from Virginia, Dave Satterfield, for a job well done.

It has been my privilege to serve with him in the House and as a member of the Committee on Veterans' Affairs. Dave is recognized as one of the Nation's greatest authorities on health care. Not only has he served as chairman of our Subcommittee on Medical Facilities and Benefits of Veterans' Affairs, for a number of years, as everyone knows, he is the ranking member of the Subcommittee on Health and the Environment of the Interstate and Foreign Commerce Committee.

In my view, Dave will be remembered as the individual in the Congress who, because of his dynamic leadership, was able to keep the veterans health care program as a separate and independent entity. This has been accomplished because of his untiring efforts as a member of the Health Subcommittees of Veterans' Affairs and Interstate.

He has never ceased to battle the President, regardless of party affiliation, the Office of Management and Budget, the Secretary of Health and Human Services, the Administrator and others, at any time attempts were made to combine the VA health care system with other Federal health programs.

When Dave came to the Congress in January of 1965 and became a member of our committee, the 24 million veterans of this country were provided health care at the VA's 168 hospitals, 214 outpatient clinics and 33 nursing home units. The Congress appropriated $1.1 billion for the VA's medical budget, of which $33.7 million has allocated to medical research. Today, with Dave at the helm of the Subcommittee on Medical Facilities and Benefits, the 30 million veterans of this Nation are served by the VA health care system consisting of 172 hospitals, 220 outpatient clinics and 88 nursing home units. The medical budget is now over $6 billion, with more than $130 million allocated to medical research. This significant increase in funds and high quality medical facilities can be directly attributed to the dynamic leadership of this extremely able chairman.

Dave is recognized by this body as the most knowledgeable Member concerning Federal health matters. He also enjoys the reputation of being a topnotch legislator who can be relied upon to know and understand the issues completely and to act adroitly in perfecting the legislation at hand. His judgment on legislative matters has reflected a total understanding of the importance of fiscal restraint in dealing with our Federal budget, coupled with fine insight into the relative priorities between separate budget categories. That is clearly demonstrated by his personal dedication first and foremost to those legislative proposals which have significant merit and which are entitled to the highest priority. His efforts in behalf of veterans programs is in consonance with this posture and in harmony with the tradition of our grateful Nation.

Two additional factors I think show the strong leadership of Dave Satterfield for veterans. There has been a rapid expansion of health care programs for all veterans since Dave came to Congress in 1964, especially for the treatment of service-connected veterans.

In 1964 the medical care budget was only $1 billion; in 1981 the appropriations will exceed $6 billion.

In 1964 the medical research budget was $33 million; in 1981 it will exceed $134 million.

In 1964 the VA treated 738,000 inpatients; in 1979 it treated more than 1,300,000. In addition, it treated more than 49,000 nursing home patients and 27,000 domiciliary patients.

In 1964 outpatient visits totaled 115,000; in 1979 such visits exceeded 17 million. Fee basis care totaled 2,209,076.

This rapid increase in numbers of patients treated is the result of legislation that:

First, expanded the ambulatory or outpatient care program.

Second, expanded nursing care, and established the community nursing care program and intermediate care program.

Third, established the hospital-based home care program. In fiscal year 1979 there were 148,000 home visits and over 5,000 patients treated.

Fourth, established the personal care home program—a program that provides personal care in a home-like community setting for veterans who have no homes or whose homes cannot provide needed care. The veteran pays the sponsor.

Fifth, expanded the State home program—in fiscal year 1979 a total of 16,207 beds were in place in 42 homes in 30 States.

Under Dave's leadership we have enhanced the quality of care for those who have received treatment at VA health care facilities. This has been accomplished through:

First, close affiliation with 105 medical schools, establishment of 5 new medical schools and grants to affiliated medical schools.

Second, establishment of health training programs for direct patient care personnel. According to the Veterans' Administration, almost 50 percent of practicing physicians and nurses have received part of their education and/or training through the VA. In fiscal year 1979 about 36,000 students received medical training through the agency.

Third, recruitment and retention incentives for quality physicians, dentists, nurses and other health-care professionals, including a scholarship program to be implemented in fiscal year 1981. This was accomplished by enactment of H.R. 7102, vetoed by the President and overridden by the Congress by a vote of 401 to 5 in the House and 84 to 0 in the Senate.

Fourth, authorizing all construction projects and requiring VA to establish a 5-year construction program, including annual reviews. Construction is currently at an all-time high, with special emphasis on the replacement of at least one hospital per year.

Fifth, requiring the Office of Management and Budget to allocate personnel and funds appropriated for such personnel for patient care. This will assure that the Office of Management and Budget will not continue its prior practice of decreasing the numbers of medical personnel. This action by Dave will provide for continuing increases in the staff-patient ratio.

In summary, Mr. Speaker, I want to express to my friend my deep appreciation for the tremendous work he has done as a Member of the House and especially for his efforts in behalf of our Nation's veterans. Although Dave's retirement will be a personal loss to this body, our veterans will obviously suffer a greater loss by his absence. I join his colleagues in wishing him well in the years ahead.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to the distinguished gentleman from North Carolina (Mr. Broyhill).

Mr. BROYHILL. I thank the gentleman for yielding.

I want to rise to echo the remarks of the gentleman from Virginia (Mr. Wampler). Dave Satterfield has been a tower of strength to me personally. He has been a voice of reason during his service here in the House of Representatives.

Having served closely with him all of these years on the Committee on Interstate and Foreign Commerce, I know for a fact that he has had a service of great integrity. We have cooperated together on numerous occasions supporting various amendments, legislation, programs that would call for less Government interference in our private and local affairs and for less Government regulations.

We have not always been successful in those endeavors, but I can say without a doubt, having seen him in action time after time, we have seen a rethinking, a moderation of the original ideas that were put forward. I can say without a doubt that we have seen a difference because of his service here.

We are going to miss his voice of reason, his voice of moderation. We want to wish him well in whatever he may decide to do in the years ahead.

Mr. HALL of Texas. Mr. Speaker, would the gentleman yield?

Mr. WAMPLER. Mr. Speaker, I yield to the distinguished gentleman from Texas (Mr. Hall).

Mr. HALL of Texas. Mr. Speaker, Dave Satterfield is a gentleman in the finest tradition of this House and his native State of Virginia. It saddens me that a person of his ability, dedication and high moral purpose retires from Congress, because at a time when the Congress is under so much criticism and public scrutiny, Dave Satterfield stands as a symbolic reminder that the overwhelming majority of our colleagues are devoted to duty, honor, and service.

No one among us stands more in the defense of liberty and the democratic process than Dave Satterfield. He has served his Nation in time of peril as a great Navy combat pilot in World War II. He is considered an outstanding civic leader in his native city of Richmond, Va. He has served his State in its legislature, and like his father before him, Dave has served his congressional district with distinction here in the House.

One of the most rewarding experiences that I have had during my service here is to be associated with Dave Satterfield on the Veterans' Affairs Committee. As in the retirement of our dear friend Ray Roberts, the veterans of this country can ill afford to lose such men—men who have been in the forefront of the veterans struggle for justice and who work to get recognition for our veterans by the American people.

Dave Satterfield is a defender of America and its highest principles. His record in behalf of a strong national defense is legend. His advocacy of the free enterprise system should be emulated by all.

Virginia has given this Nation some of its finest sons and daughters. In my judgment, Dave Satterfield's name is rightfully inscribed among the names of Virginia's great heroes. When summing up his service in this House I recall the noble words of yet another Virginian, Robert E. Lee, who when asked the most important word in the English language, replied, "Duty is the most sublime word."

Mr. ROBINSON. Mr. Speaker, would the gentleman yield?

Mr. WAMPLER. Mr. Speaker, I yield to the distinguished gentleman from Virginia (Mr. Robinson).

Mr. ROBINSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is a privilege, but one tinged with regret, to rise at this time to saluate the distinguished dean of the Virginia delegation in this House, the Honorable David E. Satterfield III. He decided not to stand for reelection this year, and, while that decision undoubtedly made it easier than it otherwise would have been for our side of the aisle to gain another recruit on November 4, I do not enjoy the prospect of Dave's leaving this body. In a succession of generations, Satterfields have served the people of our Commonwealth conscientiously and effectively. Our current colleague of that honored Virginia name has made notable contributions to the cause of sound government during his tenure here, and I rarely have found myself at variance with his view of where commonsense lay on a substantive issue.

Dave preceded me in service in the General Assembly of Virginia, and he had completed three terms in this House by the time we took the oath together at the commencement of the 92d Congress. The Member from Richmond was most friendly and helpful to this Member from Winchester. Through the years, we have worked toward common legislative objectives on many occasions in the spirit of rapport which has been a notable characteristic of the Virginia delegation.

I hardly need remind my colleagues that Dave Satterfield is an individual of strong convictions and resolute political courage. He has striven to uphold the Jeffersonian concepts of limited and fiscally responsible government. He has supported a strong national defense at every opportunity. He has worked for realistic, responsible policies in the areas of public health and environmental protection. He has striven for the unshackling of free enterprise from excessive Federal regulation. As chairman of the Subcommittee on Medical Facilities and Benefits of the Committee on Veterans' Affairs, Dave Satterfield has been a solid defender of the right of veterans of our country's wars to quality medical care.

Our senior Virginia colleague will be leaving this House in his prime. Undoubtedly he will find further opportunities for civic service as well he should. Nevertheless, he will be missed when the 97th Congress convenes in January, but he will have left this body with the best wishes of his colleagues, and in the confident knowledge that he served well his constituency, his State, and his Nation.

My wishes are for good health and contentment for DAVE, and for his charming wife, Anne, and their family.

☐ 1840

Mr. WAMPLER. Mr. Speaker, I yield to the distinguished gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Speaker, it has been my privilege in the past 2 years to work with DAVID SATTERFIELD. DAVID SATTERFIELD is one of the rare people who still stands up for convictions and principles. I thought many times on the floor, as I have seen Members come forward and espouse some special interest, an interest that represented their district or their constituency, that really they did not believe in, and each of us have, sort of, in our own way smiled and understood that is how the political process works.

We have seen that process, we know it occurs, to some extent we all condone it.

Mr. Speaker, I am proud of that fact that I have been able to serve with a man who believes in principle, a man who has seen opportunities to serve in a leadership role fade because he put principle ahead of accepting views in which he did not believe which could have made him chairman of the subcommittee of the Committee on Interstate and Foreign Commerce.

Mr. Speaker, I think it is important in these times that we have people who believe in principles and stand up for those principles.

I did not have the opportunity to serve in this House when giants were here, but I think it is important that people be reminded that there are still giants in this Congress and I think DAVE SATTERFIELD is one of those people.

Mr. Speaker, what a paradox it is for DAVE SATTERFIELD to be leaving this year when the people have spoken so clearly in favor of the philosophy that he fought for and fought for on the losing side all of these years.

I am proud to have served with DAVE SATTERFIELD. He has been an inspiration to me and I look forward to knowing him and working with him on a personal basis for many years to come.

Mr. WAMPLER. Mr. Speaker, I yield to the distinguished gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I have been privileged to serve with DAVE SATTERFIELD in two legislative bodies and can personally attest to the high regard of his colleagues in the Virginia House of Delegates as well as in this body. While DAVE preceded me as a student at the University of Richmond, he was a member of my own fraternity and we had many friends and brothers in common.

Among his colleagues in the legal profession in which he served his reputation as a scholar and gentleman has always been readily apparent.

DAVE SATTERFIELD's military record in World War II was outstanding. As a U.S. carrier-based fighter pilot in the Pacific Theater, he served his country well and as a captain in the U.S. Naval Reserve.

DAVE SATTERFIELD leaves the House of Representatives after 30 years of almost uninterrupted public service, as assistant U.S. attorney, as a member of the Richmond City Council, as a member of the Virginia House of Delegates, and now after 16 years in the House of Representatives. Everywhere DAVE SATTERFIELD has served he has done so with distinction, establishing an enviable reputation for ability, integrity, leadership and conscientious attention to the responsibilities of his office.

DAVE SATTERFIELD is a dedicated public servant of unusual talent. We are grateful for the example of his life and service here. We wish for him and his family continued good health, happiness and prosperity, but he will be missed by all of us and, in particular, by this Member who values his friendship highly.

Mr. WAMPLER. Mr. Speaker, I yield to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding to me that I might have an opportunity to join with our colleagues in paying tribute to DAVE SATTERFIELD who is retiring at the end of this Congress.

I have known DAVID SATTERFIELD since I came into the House of Representatives 6 years ago. We served together on the Committee on Interstate and Foreign Commerce and particularly on the Subcommittee on Health and Environment. Although we have disagreed from time to time on policy issues, we have always enjoyed a cordial and constructive working relationship. DAVID always brought to our subcommittee an interest and diligence which were the envy of all of us. I will always remember him following every nuance of every bill that came before us, catching onto some of the details that often led to policy consequences that we did not foresee and raising the points for us to consider to make an intelligent decision as legislators should, in understanding exactly the consequences of whatever action we were about to take.

When DAVID fought for an alternative approach in our subcommittee to one that I might have desired, he could be a formidable opponent. But the disagreements never became personal and when we ironed out our differences he was a most welcome ally. He is a true gentleman and a real scholar of the legislative process. As a lawyer, I have always envied and admired his lawyer-like approach to problems; clear, thinking, rational, looking at the very gist of what was really at stake in a legislative item before us. I have the highest respect for his intelligence, integrity and concern for the development of responsible legislation. I have deeply appreciated the opportunity to learn from him and to serve with him. I will miss DAVID. I want to wish him every success in his future endeavors.

Mr. WAMPLER. Mr. Speaker, I yield to the distinguished gentleman from Virginia (Mr. TRIBLE).

Mr. TRIBLE. Mr. Speaker, I, too, would like to express today my high regard for DAVID SATTERFIELD.

I will miss DAVE SATTERFIELD and want to take this time to recognize his great contribution to this body and to good government in America.

DAVE SATTERFIELD represents the finest qualities of a Virginia gentleman. He is a man of integrity and a man of conviction. He has been an able and articulate advocate of the sound and responsible philosophy of government to which the people of Virginia subscribe.

From the beginning of his service in the House 16 years ago, DAVE was destined to emerge as a leader and a strong and effective spokesman for all Virginians. He served with distinction as our delegation's dean in the 95th and 96th Congresses.

DAVE is a man who also has understood from the very beginning of his long service in this Chamber that a Member of Congress represents not just his own constituents, but more than 200 million other Americans across the length and breadth of this great country.

That is a challenge DAVE has met with vision, integrity, and presence of mind through many years of problems, crises and legislative battles. He has always voted his conscience and has never hesitated to speak out boldly for what he believed to be right and just.

In Congress, as in most other walks of life, respect and trust are qualities which cannot be bought or sold, inherited or bestowed. They must be earned. DAVE SATTERFIELD has earned both our respect and our trust.

DAVE has served with the same vigor and dedication his father gave to Virginia and to our Nation. Within this House, DAVE brought to his Committees on Interstate and Foreign Commerce and Veterans' Affairs the kind of able leadership that will be hard to replace.

Virginia and our Nation owe a debt of gratitude to DAVE SATTERFIELD and I am pleased to join with my colleagues in honoring him today. To DAVE and his lovely wife, Anne, we wish many more years of happiness, success, and God's richest blessings.

Mr. WAMPLER. Mr. Speaker, I now yield to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my distinguished friend, Mr. WAMPLER, for his kindness in yielding to me. I commend him for his leadership in arranging this special order in behalf of a most distinguished Member of this body who is a personal friend of mine of long standing. I will miss DAVID SATTERFIELD. I have cherished his friendship. I wish him well. I rejoice that the House and the Nation have had the benefit of his service. He has left a lasting mark on legislation of this body and he has left a lasting mark on the affections and respect of his colleagues because of his integrity, his decency, his hard work, his remarkable ability and his dedication to the public interest. We will greatly miss DAVID.

Mr. Speaker, I am pleased today in joining with my colleagues to honor our esteemed friend, Congressman DAVID SATTERFIELD, who has decided to retire from the House of Representatives.

I am happy for him. However, the House will no longer enjoy having the reassurance of his valued knowledge on the several issues confronting us in the Commerce Committee and the full Congress.

His experience and his word always could be relied upon. He has served with distinction and honor. I personally am going to miss the opportunities to consult and work with him. He is a personal and valued friend.

We knew that DAVID SATTERFIELD always contributed respected judgments and worked to insure careful and balanced construction of good public policy during our legislative efforts for the Nation and the American people.

His expertise on matters affecting veterans' affairs, energy, the environment, public health, consumer and related Commerce Committee issues will be missed.

His long tenure as the U.S. Representative from Virginia meant positive public service to his district constituents who returned him to Congress for eight terms.

He and his family have my best wishes for a successful and happy future.

Mr. WAMPLER. Mr. Speaker, I yield to our distinguished colleague from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I thank my colleague for yielding. I, too, wish to thank our good friend from Virginia for taking this time so those of us who have had an opportunity to work with DAVE SATTERFIELD can express our appreciation for his fine service and for what he has done for the country.

☐ 1850

It is often said that Virginia has produced many great men. DAVID SATTERFIELD is certainly one of its better products. As a matter of fact, in my judgment, he has been one of its strongest constitutional advocates and has understood how to effectively work for those ideals and principles. My colleagues have already stated very properly and outlined his work on the Veterans' Committee and on the Committee on Interstate and Foreign Commerce, have talked of his distinguished military service; and so I will, of course, not repeat those comments or include those in my remarks because they have been well covered.

I think that I would like to stress a few areas where so many of us are grateful for the service of DAVE SATTERFIELD in the House of Representatives as a fine Congressman from Virginia.

He has been an expert and I mean that in every sense of the word in the field of health care. He has known the difference between where the private sector can deliver and should be allowed to deliver and where the Federal Government might have a role to play, and he has fought hard to make sure that we do not have undue regulation and control from the Federal Government level; and on the Committee on Interstate and Foreign Commerce, of course, was able to successfully hold back the onrush of unnecessary regulation and control in the field of health care.

I additionally wish to comment about his profession prior to coming here not only as a public servant but as one who was from the legal profession. Those of us who are not lawyers many times are kind of confused when our colleagues from the legal profession stand and take long hours to discuss great legal pronouncements, but DAVE SATTERFIELD was able to talk about the legal complications or ideas in a quick positive way so that those of us who do not come from the legal profession could understand it in clear and concise terms.

Additionally, as has already been stated, DAVE SATTERFIELD has been a strong advocate of the free market. He understood it and how this country grew great because it had a free market that was not strapped and unduly controlled by Government at any level.

Finally, it has already been mentioned but I would like to reemphasize it, DAVE SATTERFIELD is a man of substantial integrity. Never did he in any way attempt to misuse his position or to in any way bring discredit to the House of Representatives.

He was a man of great clear-cut integrity, and we are, indeed, saddened to see him leave the halls of Congress because he has made a substantial contribution to this institution; and I will reemphasize that we can use DAVE SATTERFIELD as an example of someone who has upheld the highest ideals of the House of Representatives and constitutional government.

I thank my colleague for yielding.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to the distinguished gentleman from California.

Mr. DANIELSON. I join in the accolades being made for my good friend, Congressman DAVE SATTERFIELD.

I have had the unique privilege in the Congress of serving for 10 years with DAVE SATTERFIELD on the Veterans' Affairs Committee, and by some stroke of good fortune have served with him on the subcommittee of which he is chairman, dealing with the health, hospitalization and medical care problems.

You know, the Veterans' Administration and the Veterans' Affairs Committee has supervision over a tremendous section of the health industry. We have some 125 hospitals which provide care for our veterans.

Nearly two-thirds of all medical doctors licensed in the United States served all or part of their medical training in veterans' hospitals. I have sat through committee hearings with DAVE when he has had testimony from professionals. He obviously understood what they were talking about, even in the most technical fields. He was always fair minded. I have seen heated testimony before him, but he always handled this in a very judicious manner.

No judge of a court could conduct a hearing in any better, more impartial manner than DAVE SATTERFIELD. It has been a pleasure for me to work with him. He took me on the first trip I ever made out of Washington as a freshman Congressman to visit some hospitals in New York City, 10 years ago. I have enjoyed working with him. He was and is an excellent Congressman. We are all grateful for him. He has made a great contribution to America and I wish him and his family the very best of everything when they return to Virginia.

Mr. LOEFFLER. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Texas.

Mr. LOEFFLER. I thank the gentleman for yielding.

I commend him for taking this special order.

Mr. Speaker, no list of the most respected or the hardest working Members of this body would be complete without DAVE SATTERFIELD's name on it.

The people of Virginia's Third District will miss his outstanding representation. Many of us who have known him through the years and who have been privileged to serve with him will miss his wise counsel and his good friendship. He provided both.

DAVE SATTERFIELD is a rare public servant, dedicated to principles, dedicated to his State and to his country.

It has been my good fortune to have known DAVE personally for a number of years. I have worked with him in several capacities that I have held, and very quickly I came to greatly respect his judgment and value his personal friendship.

Few men have a more profound respect for and an understanding of the meaning of our Constitution. He is a strict constructionist, believing that our Constitution is the absolute foundation we must always rely on for a prosperous and secure future.

The strength of his convictions and the moral courage that have characterized the man and his representation for the people of his district, for the State of Virginia, and our great Nation, are examples for all of us who serve.

I am sorry he will be leaving the Congress. We will all miss his many contributions to the legislative process.

I rise with the rest of the Members of this body to wish him and Anne every success in their future endeavors.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I am pleased to join with my colleagues this afternoon in paying tribute to one of the truly great gentlemen in this House of Representatives, the gentleman from Virginia (Mr. SATTERFIELD).

His decision to retire from the House of Representatives will deprive us of a really great talent, a man of unquestioned integrity and firm adherence to conservative principles.

In fact, I have read recently where Governor Reagan is considering naming Democrats to his Cabinet, and he certainly would do very well to not only consider but place a gentleman such as our colleague in that Cabinet.

The gentleman from Virginia and the gentleman from Maryland share an agreement on most issues as a matter of record. I cannot recall the number of times we have stood in that center aisle comparing our vote during a rollcall to make sure both of us came down on the right side of the issue. Several years ago it was my pleasure, along with my wife Carol, to share a private journey to Great Britain with DAVID and Anne, and we got to know them both personally, and that only reinforced our political affinity, because they are both great and good people.

Mr. Speaker, when a person comes to the end of his job, I guess the best you can say about him is that he did the best he could. In the case of the gentleman from Virginia, that has been a compilation of a record of excellent service to his people, to his Commonwealth, to his Nation, to this House of Representatives and all in the very best tradition of Virginians such as Jefferson, and Madison, Monroe, and Lee, and I might add in the tradition of the Satterfield family.

So Carol and I join their many friends in wishing Anne and DAVID Godspeed and a very bright future.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Arkansas.

□ 1900

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding.

Mr. Speaker, I would like to add my own thanks and best wishes to the others being offered to my good friend and colleague, DAVE SATTERFIELD. I have had the pleasure of working on the Veterans' Affairs Committee with DAVE for my entire time in Congress, through four administrations. As you know, Mr. Speaker, the Veterans' Affairs Committee is for the most part a bipartisan committee, dedicated to the needs of those who have served our great Nation. DAVE's wisdom and leadership, particularly in the key position of chairman of the Subcommittee on Medical Facilities and Benefits, on which I serve as the ranking minority member, has been invaluable. As chairman, DAVE made it a policy to give every important issue its opportunity in the open air of free debate. I cannot recall a time when he did not face controversy head-on. A particularly good example of this, Mr. Speaker, is the controversial agent orange question. DAVE devoted three separate dates for extensive hearings in the last session alone, and allowed every witness in these hearings to completely speak his piece.

Mr. Speaker, DAVE SATTERFIELD has made valuable contributions to our Congress and to the history of this country. We on the Republican side of the aisle will remember his service with admiration.

Mr. WAMPLER. Mr. Speaker, I want to thank all of my colleagues who have participated in this special order and to thank those who will revise and extend their remarks under general leave which I secured earlier.

Mr. Speaker, Virginia, the Mother of Presidents, has produced many great men and women and our friend and colleague, DAVE SATTERFIELD, has exemplified in his service here in the House the ideals that Virginians hold dear. While the gentleman from Virginia, (Mr. SATTERFIELD) and I belong to different political parties, I have always perceived of him as being a true Jeffersonian Democrat. He has steadfastly adhered to those principles that most Virginians believe in—Jeffersonian Democracy. In so doing, I am sure he has on occasion incurred the displeasure of some here in the House of Representatives.

I wish some words of mine were adequate to clearly express my regard and affection for him. He will be missed. He will join that long line of Virginians who have served in this House since the founding of our Republic and he carries with him our very best wishes for the future.

● Mr. RHODES. Mr. Speaker, I am pleased to join my colleagues today in paying tribute to our friend, DAVE SATTERFIELD. DAVE has served his people in the House well and ably for the past 16 years.

His imprint will be felt for many years as the result of the hard work he did on the Interstate and Foreign Commerce Committee and the Veterans' Affairs Committee. He was especially active on the Medical Facilities and Benefits and the Health and Environment subcommittees.

We will miss him very much here in the next Congress. My wife and I wish Dave and his lovely wife, Anne, the best.●

● Mr. RUSSO. Mr. Speaker, I would like to take a moment to commend Representative DAVID SATTERFIELD before he leaves here. I say "a moment" because I believe that DAVE's fine record speaks for itself. He has served with dedication and distinction both the people that elected him and the Nation as a whole.

Those of us privileged to work with this fine Southern gentleman have a deeper appreciation of the meaning of the word honor. I always counted on DAVE because I know that he is a man of his word. That makes you a very special person in my book, particularly in a city that is rife with promises in the present that become excuses in the morrow.

We are going to miss having DAVE in Congress, but I suspect someone so talented and active is not going to disappear on us. I wish him continued success and much enjoyment in life.●

● Mrs. HECKLER. Mr. Speaker, I rise in recognition of the distinguished record of public service and legislative accomplishment of my colleague on the Veterans' Committee, the Honorable DAVID E. SATTERFIELD III, of Virginia.

This respected gentleman is retiring from Congress at the close of this term. It has been my great pleasure to serve with him on the Veterans' Subcommittee on Medical Facilities and Benefits, which during recent years he has chaired so ably.

A fighter pilot in the Pacific during World War II, DAVID SATTERFIELD has been a stable, firm, and strong voice in promoting the cause of the American veteran.

He has contributed toward keeping the $6 billion Veterans' Administration medical care system on an independent and viable course during the 16 years he has served in Congress.

In 1964, for example, when DAVID SATTERFIELD was sworn to his first term in this body, the VA medical research budget was $33 million dollars. Next year, as an integral part of his legacy, it will exceed $134 million.

Just recently, the VA medical research program produced two Nobel Prize winners. Medical research is the heart and core of the VA medical care system. DAVID SATTERFIELD has always recognized that and he has advanced its cause substantially.

Another prominent accomplishment in DAVID SATTERFIELD's legacy is legislation our Medical Subcommittee wrote, which is now law, enhancing the recruitment and retention of top quality physicians, dentists, nurses, and other health care personnel for the treatment of the veteran.

After an inexplicable veto of this legislation by the President—legislation which also contained my geraitric medical care provisions—DAVID SATTERFIELD and I stood together on this floor to lead the successful override fight.

I wish DAVID SATTERFIELD well as he retires to his home in Richmond and resumes the practice of law.

I know him to be a fair, open-minded and independent man. His knowledge of the issues and his impeccable presentation of his views have won him the respect of his colleagues.

DAVID SATTERFIELD's legacy to the veteran and to the American public is distinctive. I want to congratulate DAVE on an outstanding record of public service, particularly for our veterans but for all Americans as well.●

● Mr. HILLIS. Mr. Speaker, I am delighted to join my colleagues today in honoring my good friend, DAVID SATTERFIELD of Virginia. Along with many of my colleagues, I was shocked earlier this spring when DAVE announced his intention to retire from the Congress at the conclusion of this session. However, upon reflection, I well understand his desire to return to his family and friends in Richmond.

During World War II, DAVE served in the Pacific theater, distinguishing himself as a pilot of carrier-based fighters. Since coming to the Congress in 1965 he has served on the Committee on Veterans' Affairs where for the past 8 years he has distinguished himself while serving as chairman of the Subcommittee on Medical Facilities and Benefits. In this position, he has fought hard to insure adequate funding to operate the VA's health care system and he has been very successful. He is also a man of vision. He vigorously supported legislation to care for the aging veteran population. Through his support, the VA is pursuing innovative treatment for these aging veterans and has consequently become a pioneer in the field of gerontology. He continues to emphasize the need to provide first-rate medical services, research, nursing home, and domiciliary care to alleviate the problems brought on by the aging process.

By far the greatest impact on the veterans health care system has been the influx of the veterans of the Vietnam era who represent nearly one-third of the entire veteran population of the United States. Under DAVE SATTERFIELD's leadership, the Congress has gone a long way in legislating authority for the VA to meet the specific needs of our newest war casualties. Total Federal expenditures for hospital care and medical services for Vietnam-era veterans have amounted to more than $3 billion. Vietnam veterans amount to 15 percent of all admissions to VA medical centers and over 25 percent of all outpatient visits. They also represent 40 percent of all VA admissions for psychiatric and psychological care. The strain of wartime service, social pressures, and readjustment problems are major contributing factors. The legislation which DAVE worked so hard to see to fruition authorized an innovative methodology to contract for treatment of veterans suffering from these maladies in a nonclinical environment in an "outreach" program of readjustment.

Mr. Speaker, our Nation's veterans are losing a true champion when DAVE leaves these hallowed Halls, but his family and Richmond are gaining a true statesman. I wish him well. I hope he will return to this Chamber frequently to give us the benefit of his wise counsel.●

● Mr. RINALDO. Mr. Speaker, with the retirement of Congressman DAVID E. SATTERFIELD III, the House of Representatives will lose one of its most diligent and hard-working Members. Since he was elected to the 89th Congress in 1964, DAVID SATTERFIELD has very consistently worked to uphold the principles on which this country was founded and has been an articulate spokesman for those principles in the House of Representatives.

It has been my privilege and pleasure to serve with DAVE SATTERFIELD on the Interstate and Foreign Commerce Committee. As a member of three subcommittees, DAVE SATTERFIELD is one of the committee's most active members. He serves on the Subcommittee on Health and the Environment, and he has left his imprint on important health legislation. He has always been most concerned that the many health programs administered by the Federal Government are well constructed, and he has paid close attention to the details which so often determine the success or failure of such programs. He has also been a productive member of the important Energy and Power Subcommittee.

During the 96th Congress, I was honored to serve with DAVE SATTERFIELD on the Subcommittee on Consumer Protection and Finance. It was always instructive and helpful to me to observe his reasonable approach to solving problems and his commitment to making the Federal Government function in an effective and efficient manner. His practical viewpoint contributed a great deal to the work of our subcommittee, and I know that we will miss him next year.

In addition to his very active service on the Commerce Committee, DAVE SATTERFIELD is a senior member of the Committee on Veterans' Affairs, where he has served as chairman of the Subcommittee on Medical Facilities and Benefits.

I know I join all of my colleagues in the House in wishing DAVE SATTERFIELD the very best in the future. The people of Virginia will greatly miss his presence on Capitol Hill, and we in the House will miss his many contributions to our work.●

● Mr. LEE. Mr. Speaker, it has been my great fortune and privilege during my service in the 96th Congress to work with DAVE SATTERFIELD, both on the House floor and in the Committee on Interstate and Foreign Commerce on which we serve.

Especially gratifying has been my work with DAVE on the Interstate and Foreign Commerce Subcommittee on Health and the Environment. As a new Member of the Congress I continued to be impressed with the thoroughness and dedication of DAVE's work on our subcommittee. His vast knowledge of the many programs we considered and his preparation for our numerous markup sessions serve as a fine example to all of us. Though DAVE is thoroughly dedicated to serving his constituency and the people of Virginia, he continues to exhibit a flexibility and willingness to work with his colleagues so necessary to achieve the greatest common good. No constituency could ask more of its Representative; no legislative body could ask more of its Members.

It is with sincere regret that we accept DAVE SATTERFIELD's decision to retire from the Congress. His knowledge and experience will be sorely missed by all of us, but the lessons he taught during his many years of service here will remain.

I join with my colleagues in the 96th Congress in extending our thanks to DAVE for his leadership in the House of Representatives, and in wishing our good friend the very best of everything in the future.●

● Mr. COLLINS of Texas. Mr. Speaker, I appreciate this opportunity to join with Mr. WAMPLER, of Virginia, in expressing my deep admiration for DAVID SATTERFIELD.

Having served on the Commerce Committee with DAVE SATTERFIELD, I am most appreciative of the great leadership he has given us here in Congress. Through all of these years, his statements have been the most logical and articulate expressions regarding the future health of America. So many times I have heard people rise with political rhetoric and suggest legislation that involved endless administrative duplication. But when DAVID SATTERFIELD spoke, his concern was always how to provide for the best medical care with the least paperwork. How could America best provide for those who needed health care?

As an individual, Congress has never had a more solid and dependable patriotic American. When we talk of national defense, you would think that DAVID SATTERFIELD was still a Navy fighter pilot. He fought for his country in the war and he stood just as strong for national defense on the floor of Congress.

We are going to miss DAVE and his charming wife, Anne. They represent the greatest traditions of the Old South. They represent the spirit on which America was founded and on which America grew. I strongly urge that DAVID SATTERFIELD keep active.

Virginia has produced many great leaders for our country. We think of George Washington, Thomas Jefferson, Patrick Henry, Robert E. Lee, and to these we now add the name of DAVID SATTERFIELD, of Virginia.●

● Mr. ROBERT W. DANIEL, JR. Mr. Speaker, when the 96th Congress adjourns this year, the House will lose a Member who has served for 16 distinguished years. For those eight terms, DAVID E. SATTERFIELD III has ably served his constituents in Virginia's Third Congressional District.

Unlike some of his colleagues, he is not leaving because he has lost the confidence of his district's voters. Indeed, DAVE SATTERFIELD is beloved by his many friends and neighbors in his community. They urged him to continue his service, but DAVE properly weighed the sacrifices necessary to continue another term against his obligations to his family.

The House and the Nation will miss DAVE SATTERFIELD, as I know I will. If we had more people like him in Congress, we would have a stronger national defense, a healthier economy, and less Government interference in our lives. In short, we all would enjoy more of the freedom and opportunity which this great Nation offers.

As a Representative, DAVE SATTERFIELD has exhibited both courage and independence, which are unfortunately rare qualities in political life. He has served only the needs of the Nation and his constituents. When special interests called on DAVE SATTERFIELD's office, they quickly found that he would wear no man's collar.

I would like to join his many other friends here in the House wishing DAVE our best for his future. He has been a good friend, a dedicated Representative, and an outstanding example for all of us in public life.●

● Mr. FISHER. Mr. Speaker, I want to join my colleagues in the House from Virginia in making a short statement in honor of our colleague, DAVE SATTERFIELD. DAVE has been the dean of our State delegation and has served long and honorably in the House. I am pleased to have served with him for the past 6 years and will treasure the memory of that association.

A thorough and unrepentant conservative in many respects, DAVE SATTERFIELD continued in the House an earlier Democratic tradition in our State, and he performed this act of traditionalism with both effectiveness and grace. DAVE and I found ourselves in disagreement frequently on a wide range of social and economic issues but this in no way dimmed our mutual respect and friendship. I have valued his counsel even when I knew I would not agree with it; especially I enjoyed the droll way in which he put forward his views. He does not wear either his humor or his deeper feelings on his sleeve anymore than I do.

I wish DAVE well in whatever he undertakes and hope that our paths will cross many times in the future.●

● Mr. HEFNER. Mr. Speaker, one of the

most important subcommittees of the Committee on Veterans' Affairs is the Subcommittee on Medical Facilities and Benefits.

The Subcommittee on Medical Facilities and Benefits has jurisdiction over the Nation's single largest hospital and medical care program in the United States. It consists of 172 hospitals, 220 clinics, and 88 nursing homes, which are treating more than 100,000 veterans on an average daily basis. The Veterans' Administration hospital system is a great national asset.

The chairman of the Subcommittee on Medical Facilities and Benefits is our most esteemed and distinguished colleague from Virginia, DAVE SATTERFIELD. It has been my honor and privilege to work with DAVE SATTERFIELD as a member of this subcommittee. It has been a pleasure working with DAVE SATTERFIELD, whom I have come to know as a tireless worker, a fair and compassionate man, who has been a most exemplary chairman.

During this 96th Congress, a number of far reaching provisions relating to veterans health care were developed by the subcommittee and have been enacted into law. Time does not permit listing all of the provisions of these two comprehensive veterans health laws (Public Law 96-22 and Public Law 96-151). However, suffice it to say that these two bills, together with laws enacted by previous Congresses have improved the quality of health care being provided to sick, disabled and elderly veterans in the Veterans' Administration's hospital and medical care system, and the capability of the Veterans' Administration to deliver the health services intended by the Congress, and to which veterans are entitled.

For example, one of the provisions of Public Law 96-22, the Veterans' Health Care Amendments of 1979, has gone a long way toward taking care of problems experienced by Vietnam veterans. This has been accomplished by the establishment of professional readjustment counseling centers across the Nation to assist Vietnam veterans suffering from readjustment problems related to their service.

A provision of Public Law 96-151 carries out a longstanding goal of the elderly World War I veterans, whose numbers have now diminished to about 500,000. This new provision in Public Law 96-151 authorizes the Veterans' Administration to grant outpatient medical care for veterans of World War I on a priority basis, as is now available for veterans suffering serious health problems, such as those in need of aid and attendance or are housebound. What this means in simple terms is that World War I veterans now have full eligibility for outpatient medical care on a contract basis when the Veterans' Administration determines that its own facilities cannot provide this care on an economic basis or because the veteran lives so far away, the VA facilities are geographically inaccessible.

As I stated, his handling of issues before the subcommittee has always been on a fair, just, and rational basis. For example, presently an issue receiving widespread publicity is agent orange, a defoliant used during the Vietnam conflict to clear jungle cover. DAVID SATTERFIELD's subcommittee has held a number of lengthy hearings on this issue. Another provision of Public Law 96-151 has authorized a study on the long-term health effects of veterans exposed to the herbicide agent orange, a prerequisite before moving on this program which is unique with Vietnam veterans.

While DAVE SATTERFIELD's expertise has been in the medical field, he has been a tower of strength in the consideration of all veterans' programs. I recall his training and experience as a lawyer was most helpful in developing legislation regarding the eligibility for veterans' benefits pursuant to upgraded discharges of certain former service members, as provided in Public Law 95-126.

Mr. Speaker, I was stunned when DAVE SATTERFIELD announced some time ago that he was not running for reelection to the 97th Congress. He is a legislator of extraordinary talent. His service on the Veterans' Affairs Committee, during his years in Congress, is ample evidence of his devotion to the cause of veterans. I know that veterans of this Nation will sorely miss DAVE SATTERFIELD, whose absence in the 97th Congress will leave a void that will be hard to fill.

I am the richer for having served and worked with DAVE SATTERFIELD on the Veterans' Affairs Committee. I know that as he leaves the Congress that the Nation will continue to benefit from his experience and service in the years to come. He has my sincerest best wishes for success in whatever endeavors he may pursue in the future.●

● Mr. DASCHLE. Mr. Speaker, today we are honoring the distinguished gentleman from Virginia (Mr. SATTERFIELD) for his work in the Congress and especially for his unending service to our Nation's veterans. I had the privilege of serving with him on the Veterans' Affairs Subcommittee on Medical Facilities and Benefits.

As chairman of this subcommittee, he accomplished a great deal in the 2 years I have been there. His endorsement of a psychological readjustment program for Vietnam veterans has been very important in bringing Vietnam veterans back into the mainstream of society. He has also been very cooperative and sincere in his efforts to hear the facts and resolve the puzzling questions surrounding the issue of agent orange, an issue that is very important to our colleagues and myself.

In addition, I can appreciate his dedication and resolve in dealing with an uncooperative Office of Management and Budget, which has continually sought to reduce funding for the Veterans' Administration, including the construction and repair of many VA hospitals and facilities around the country. His efforts in this regard have been very important in maintaining the integrity of the VA medical system as we now know it.

Finally, I believe that Mr. SATTERFIELD's efforts in passing legislation improving pay for VA doctors as well as establishing a scholarship program for doctors and nurses in exchange for service in the VA will go a long way toward improving the care veterans now receive.

On behalf of all veterans, I thank him for his efforts and leadership and wish him well in his endeavors as a private citizen.●

● Mr. STAGGERS. Mr. Speaker, for the past 16 years I have had the privilege of having as a colleague both in this Chamber and on the Interstate and Foreign Commerce Committee, Representative DAVID SATTERFIELD, of Virginia.

He has been one of the most tireless workers on our committee. His attendance record at committee meetings is among the highest of any of our members. DAVID SATTERFIELD has the courage of his convictions and does not shy away from expressing a viewpoint simply because that view may not be shared by a majority of his colleagues. He has been consistent in his warnings against the unnecessary growth of Government, long before that view became as fashionable as it is today.

Representative SATTERFIELD has shown a keen interest in health legislation as a member of the Subcommittee on Health and the Environment. That interest has carried over to his work as the chairman of the Subcommittee on Medical Facilities and Benefits of the Committee on Veterans' Affairs. In that role, as well as his position as ranking Democrat on that committee, DAVID SATTERFIELD has worked diligently on behalf of those who have served in our Nation's Armed Forces.

A veteran himself, he won the Purple Heart when he was wounded at Wake Island during World War II. He has played an active role in the U.S. Naval Air Reserve and has been a steadfast supporter of a strong national defense.

Although I regret that the House will not have the benefit of his service in the 97th Congress, DAVID SATTERFIELD's decision to retire will give him a chance to spend more time with his fine family.

It has been a pleasure to serve with him and I join with my colleagues in wishing him a happy and active retirement.●

● Mr. BRINKLEY. Mr. Speaker, it has been a pleasure to serve with DAVID SATTERFIELD, a steadfast and true son of Virginia. He and I worked closely together on the Veterans' Affairs Committee, and my respect for him and confidence in him as a statesman puts him, in my mind, at the top of the class.

He was a man who did his homework and listened to his constituents. He represented their best interests and was never beguiled into marching to a different drummer. When I first ran for Congress in 1967, my slogan was to remember who I am, where I am from, and who sent me. I think DAVID SATTERFIELD kept that same standard, as a fundamental man with uncommon devotion to the people who sent him and the place from whence he came.

I know he will be welcomed home again for, in a sense, he never left it. His roots are there, and I know he can honestly say, as Mr. Joseph Kennedy once did, "Home holds no terror for me."

Good luck, DAVID.●

● Mr. DECKARD. Mr. Speaker, I rise tonight in honor of my distinguished colleague from Virginia (Mr. SATTERFIELD), who retires this year after a long and honorable career in the House. Other Members may testify to his services in other Congresses; that, regrettably, was before my time. I have, however, been privileged to serve for 2 years with Mr. SATTERFIELD on the Veterans' Committee, and I can attest to the quality of leadership which he has exercised there.

None of us are irreplaceable, save to family and friends, but some are missed more than others. The loss of Congressman SATTERFIELD will leave such a gap, and the committee will be fortunate indeed should it discover a successor of equal steadiness, graciousness, and dedication.

I express, I know, the sentiments of this whole body in wishing DAVE our distinguished colleague bon voyage and all possible happiness in the years ahead.●

TRIBUTE TO HON. W. G. "BILL" HEFNER OF NORTH CAROLINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ROBERTS) is recognized for 5 minutes.

● Mr. ROBERTS. Mr. Speaker, one of the most important veterans' bills approved by the 96th Congress is Public Law 96-466, the Veterans' Rehabilitation and Education Amendments of 1980. Public Law 96-466 is a comprehensive measure including amendments and improvements to rehabilitation, education, and employment programs of intense interest to veterans, and especially Vietnam veterans, who are participating in these Veterans' Administration programs.

The chairman of the subcommittee which developed the legislation, is the Honorable W. G. "BILL" HEFNER of North Carolina. Although BILL HEFNER has been on our committee only a short period of time, he has established a reputation as being a most effective member and a hard and effective worker. His deep commitment to the cause of veterans is demonstrated by the fact that his subcommittee held hearings not only in Washington, but in several cities around the Nation, to obtain the views of and recommendations of officials and veterans at the "grassroots" level regarding these programs. The end result is Public Law 96-466—a piece of landmark legislation in the rehabilitation of service-connected disabled veterans and a major achievement of the 96th Congress. As you know, BILL HEFNER has been elected to serve on the Appropriations Committee, and it is presumed that he will not be a member of the Veterans' Affairs Committee during the 97th Congress. I wish this was not the case, but the rules of the House will not permit a Member to serve on both the Appropriations and the Veterans' Affairs Committee at the same time.

BILL HEFNER will be sorely missed as a member of our committee. I do know, however, that veterans, and their dependents, will have a very sympathetic member of the Appropriations Committee when that committee is considering the funding of veterans' programs authorized by our committee.

In this regard, the President alluded to BILL HEFNER's leadership in the Congress in veterans' programs in the key role he played in having this legislation passed when the President called upon BILL HEFNER for a few remarks following the signing of the bill into law.

Mr. Speaker, there follow the remarks of President Carter at the signing ceremony for this legislation, together with the remarks of BILL HEFNER and the Administrator of Veterans' Affairs, Max Cleland, following the signing of the bill:

VETERANS' REHABILITATION AND EDUCATION AMENDMENTS OF 1980

(Remarks at the signing ceremony for H.R. 5288. October 17, 1980)

The PRESIDENT. Well, I've already had a chance to meet with some of this group earlier, before I came to this ceremony. But I want to say, first of all, that this is indeed a very pleasant task that I have this afternoon, to sign into law another of a series of legislative acts that Max Cleland and the Congress and I have been able, with the help of many assembled here this afternoon, to put into practice for the well-being of the veterans of our country.

I'll call on Bill Hefner in a few minutes, but I do want to thank Chairman Alan Cranston and also Chairman Roberts for their work in passing the Veterans' Rehabilitation and Education Amendments of 1980. It provides for needed revitalization of the VA vocational rehabilitation program and is the first major reform of this program since it first began in 1943.

Along with the veterans' disability compensation and the housing benefits amendment that I signed last week, this is a major step in improving services for American veterans.

In October 1978, I sent to Congress a message on Vietnam-era veterans, which included recommendations to modernize this program, to train and to place the disabled veterans in meaningful jobs. I'm pleased that Congress has adopted many of these recommendations. Some of the major features are: an innovative pilot program to help seriously disabled veterans become self-sufficient in their daily lives; a 17-percent increase in subsistence allowance for disabled veterans in training; a 10-percent rate increase in educational allowances for veterans and their dependents who are enrolled in programs under the GI bill; and new initiatives to increase the employment of veterans, especially in federally funded programs. This includes permanent authorization of my administration's highly successful Disabled Veterans Outreach program, that was started under the initiative of Max Cleland, introduced as part of the economic stimulus program of 1977.

Despite these major improvements which I will sign into law in a few minutes, I am disappointed that Congress did not extend the delimiting date on the GI bill. This recommendation of mine would permit needy and emotionally disadvantaged veterans to pursue on-the-job training, vocational and high school courses.

As President, I have assumed personal responsibility to provide for America's veterans. The recent television dramatization of a book which I'm sure many of you have read, "A Rumor of War," was a reminder of the human toll paid by those who serve us in war and, particularly, in an unpopular war, with many American people, like Vietnam. It also implies to us, very clearly, that easing their pain is still our responsibility. It reminds us that the struggle to keep the peace in the world demands the same kind of dedication that our veterans showed in battle.

I remember the tribute that Phil Caputo wrote to his friend in a "A Rumor of War." I've used this quote before. It's meant a lot to me. "Your courage," he wrote, "was an example to us, and whatever the rights and wrongs of war, nothing can diminish the rightness of what you tried to do. As I write this 11 years after your death, the country for which you died wishes to forget the war in which you died. It wishes to forget, and it has forgotten, but there are a few of us who do remember because of the small things that made us love you—your gestures, your words you spoke, the way you looked. We loved you for what you were and what you stood for."

For the past 4 years, we've worked hard to ensure that benefits and services and medical care for the veterans remain unsurpassed. We've continued to support an independent VA hospital system and have carried out a major new construction effort. We were the first administration in history to recommend annual adjustments in disability compensation. We've developed and implemented the nationwide counseling program for Vietnam veterans. We've created three major job programs and reached out to underserved veterans. And last year, I signed a proclamation establishing Vietnam Veterans Week as a special recognition of the sacrifice they made. And I've been gratified that the American public now, after too long an interval of time, is honoring those special sacrifices of young Americans who served in Vietnam.

We can be proud of this progress. I want especially to thank Max Cleland for his strong and articulate leadership of the Veterans Administration. One of the gratifying experiences of my life, as President, has been to work with Max Cleland. He has a special insight into veterans' contributions, he's trusted by veterans of all wars, and he has a special relationship with those veterans of the Vietnam war, who too long were not appreciated adequately in America.

One of the goals that Max and I shared from the very first time I talked to him about being Veterans Administrator was to make sure that the American public, as well as the Congress, finally recognized what Vietnam veterans have suffered and how we can compensate them and give them a fruitful life—in Veterans Administrations, in job programs, and in the American public.

I also want to thank Congress for its cooperation in the last 4 years. What Max Cleland and I have requested, the Congress has been forthcoming in giving. And when the Congress has made initiatives, we've worked very closely with them.

I now take great pleasure in signing into law the Veterans' Rehabilitation and Education Amendments of 1980, following which I would like for Bill Hefner, Congressman from North Carolina, a leader in the Congress in veterans' programs, and then Max Cleland to make a few words from their two perspectives—one representing the Congress, the other one representing the Veterans Administration.

[At this point, the President signed the bill into law. He then resumed speaking.]

We've got a new law. [Laughter]

Representative HEFNER. Thank you, Mr. President. This is a momentous occasion for me and, I would like to thank all the members of our subcommittee and the full committee of the Veterans' Affairs Committee, also for Max Cleland and all the different organizations that helped us so much. When it came to the testimony we had, we were able to arrive at what I think is a real milestone for the benefit of veterans. And it's just a start, because the Veterans' Affairs Committee will be very active in the coming years to do even more for our veterans to see that they are not second-class citizens and they get the things that they so rightly deserve.

And I want to thank you, sir, for signing this. And this is a real milestone for me, and we certainly appreciate it.

The President. Thank you, Bill. It's been a good partnership.

Representative Hefner. It sure has.

The President. Max?

Mr. Cleland. Thank you. Mr. President, Congressman Hefner, ladies and gentlemen:

I'd like to thank especially the members of the veterans' service organizations, without which this effort would have been impossible. I'd certainly like to thank the key Members of Congress who had a hand in this.

Mr. President, I think it's fair to say that without your support that this legislation on the vocational rehabilitation for disabled veterans and the expansion of benefits for Vietnam veterans would not have been possible. I want to thank you for your support, Mr. President, of this particular legislation, but I want to thank you especially for not forgetting.

The President. Thank you, Max. God bless you.

And finally, let me say that I'm deeply grateful not only to those who've been recognized and who've had a chance to say a few words, but for the veterans all over the Nation and all the Members of the Congress, Bill, who worked in harmony on this good legislation. The effort, as I said, commenced 2 years ago, to bring forth this first modification of the basic legislative act which passed to initiate the programs. And I know that all of the veterans' organizations represented here are very gratified also for the leadership that has been shown by Max Cleland, by the Members of Congress, and I'm deeply grateful to all of you.

We want the veterans to have a better life in the future even than they've had before and want to make sure that the Nation remembers what our veterans contribute not only in time of war when they suffer most, but in time of peace when they prevent future disabled veterans from having to live a life of rehabilitation, when they can live a life of constructive contribution to those who have already served.

Thank you very much.

(Note: The President spoke at 1:55 p.m. at the signing ceremony in the Cabinet Room at the White House.)

(As enacted, H.R. 5288 is Public Law 99–466, approved October 17.) ●

TO ADJUST WITHHOLDING ALLOWANCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Rostenkowski) is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing, by request, a bill which would remedy what has long been an inequity in current tax law for taxpayers with large business expenses and other "above-the-line" deductions which are computed in determining adjusted gross income.

Currently, taxpayers cannot account for such expenses in determining their exemptions from wage withholding. The taxpayers are, in effect, forced to consistently overpay their taxes each year even though they can estimate that their ultimate tax liability will be considerably less than the amount withheld.

This bill would address that problem by permitting adjustments to gross income to be considered in determining exemptions from withholding. The amendment would apply to wages paid after December 31, 1980. I am introducing it at this time to allow the Treasury Department and other interested individuals an opportunity to review the legislation.●

T. R. MARTIN—STATESMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. de la Garza) is recognized for 5 minutes.

● Mr. de la GARZA. Mr. Speaker, with pleasure I refer to Mr. T. R. Martin, Special Assistant at the Department of State to the International Boundary and Water Commission, who this month retired after serving the U.S. Government in an exemplary manner for 38 years, 27 of which were with IBWC.

To those of us privileged to be his friend, he was always known as "T. R." But T. R. Martin brought with him impressive credentials when he joined the Department in August 1942, including bachelors and masters of arts degrees in history from the University of Michigan. Up to the time he began his association with the IBWC in July 1953, T. R. served in various positions with the State Department, including a stint at Buenos Aires, Argentina, and completed his studies at Yale earning him his doctorate in diplomatic history.

His 27 years with the IBWC have been extremely productive as recognized principally by his outstanding contribution in the development of some 66 agreements with Mexico through the IBWC. Equally important and equally outstanding in performance, as I can personally attest, has been the role that T. R. has played in keeping Congressmen along the border with Mexico informed on activities of the IBWC that so much affect our border area constituency.

When T. R. Martin assumed his position of liaison for the IBWC at the State Department, the United States and Mexico were beginning to put into effect the agreements for measures and works for the maximum utilization by both countries of the waters of the Rio Grande and of the Colorado River allocated to each under the all-important 1944 Water Treaty. Through IBWC agreements the terms of that treaty have been transformed into works that greatly benefit the people on both sides. Other more recent treaties, like the 1963 Convention for solution of the 100-year-old Chamizal dispute, the 1970 Boundary Treaty resolving all pending boundary differences, and the 1973 agreement resolving the international problem of the salinity of the Colorado River have resulted in great benefit to our border area and continued friendship with Mexico. T. R. Martin's contribution to the development of 1944 treaty agreements and the more recent treaties and understandings was indeed exemplary.

It is fitting that I list some of the joint projects with Mexico that have been achieved through some of these agreements:

Improvements to the coordinated plan for control of floods in the lower Rio Grande Valley, including the operations of the International Falcon Dam and Reservoir and Anzalduas Diversion Dam, and the construction in 1972 of Retamal Diversion Dam;

The construction of the International Amistad Dam and Reservoir on the Rio Grande which provides flood control and together with Falcon Dam provides the vital waters for irrigation and other uses in the lower Rio Grande Valley in both the United States and Mexico;

Works for solution of a salinity problem in 1967 in the lower Rio Grande Valley that otherwise would threaten the valley's important citrus crops;

Works for control of floods in the Tijuana River near San Diego, Calif., in 1967 and in 1978;

An international waste water treatment plant to serve the needs of the sister cities of Nogales, Ariz., and Nogales, Sonora in Mexico in the 1950's and its improvement in 1972;

Channel relocation and related works totaling to some $42 million, effecting the terms of the Chamizal Treaty to greatly benefit urban development in El Paso, Tex., and Ciudad Juarez, Chihuahua, and end a one-time strain on our relations with Mexico; and

Construction of relocations and related flood control works, effecting the terms of the 1970 boundary treaty at Presidio, Tex., and Ojinaga, Chihuahua, Mexico.

T. R. Martin's long experience with United States-Mexico relations has been of invaluable assistance to both the the IBWC and the Department of State. His inmate practical sense and valuable knowledge on water matters with Mexico have been instrumental in shaping the State Department's policies in fulfillment not only of boundary and water matters with Mexico, but in fulfillment of a spirit of cooperation in our border relations with Mexico. Numerous awards have acknowledged T. R. Martin's outstanding performance in this regard, but perhaps of great significance was one from Special Presidential Representative Herbert Brownell for his contribution on the resolution of the Colorado salinity problem.

I extend to my friend, and indeed a friend of all border Congressmen, my sincere personal appreciation on a job well done, and a well-deserved retirement, and ask my colleagues to join me in extending this commendation to T. R. Martin for his dedication to the continued improvement in our water and boundary relations with Mexico as well as in the overall border relations with Mexico.●

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Panetta) is recognized for 5 minutes.

[Mr. PANETTA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Drinan) is recognized for 5 minutes.

● Mr. DRINAN Mr. Speaker, I was unavoidably absent from the House of Representatives for a brief period during the evening of Tuesday, September 30, 1980. Had I been present, I would have voted as follows: "Yea" on rollcall No. 606, on approval of the conference report accompanying H.R. 7592, military construction appropriations for fiscal year 1981; "yea" on rollcall No. 607, ordering a second on a motion to suspend the rules and pass H.R. 8195, amending the Railroad Retirement Act of 1974; and "yea" on rollcall No. 608, on approval of the conference report accompanying House Joint Resolution 608, making continuing appropriations for fiscal year 1981.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Bevill (at the request of Mr. Wright), for this week, on account of necessary absence.

Mr. Addabbo for November 13, and 14, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Roth) to revise and extend their remarks and include extraneous material:)

Mr. Wampler for 60 minutes, today.

(The following Members (at the request of Mr. Dan Daniel) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Roberts, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. de la Garza, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Drinan, for 5 minutes, today.

Mr. Daschle, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Rodino, on H.R. 7112, State and Local Fiscal Assistance Act Amendments of 1980, in the Committee of the Whole today.

(The following Members (at the request of Mr. Roth) and to include extraneous matter:)

Mr. Moorhead of California.

Mr. Young of Florida in five instances.

Mr. Bafalis.

Mr. Collins of Texas in three instances.

Mr. Gradison.

Mr. Forsythe.

Mr. Carter in three instances.

Mr. Ashbrook in four instances.

Mr. Symms.

Mr. Tauke.

Mr. Dickinson.

Mr. Roth.

Mr. McClory.

Mr. Wydler.

Mr. Rousselot in five instances.

(The following Members (at the request of Mr. Dan Daniel) and to include extraneous matter:)

Mr. Yatron.

Mr. Murphy of Pennsylvania.

Ms. Mikulski.

Mr. Walgren.

Mr. Ford of Michigan.

Mr. Florio.

Mr. Drinan.

Mr. Cotter.

Mr. Mineta.

Mr. Weaver.

Mr. Fauntroy in two instances.

Mr. Bennett.

Mr. Stewart.

Mr. Kostmayer.

Mr. Hubbard.

Mr. Donnelly.

Mr. Blanchard.

Mr. Conyers in two instances.

Mr. Mica.

ENROLLED BILL SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7212. An act to ratify a settlement agreement in a land dispute between the Pamunkey Indian Tribe and the Southern Railway Co., and for other purposes.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Friday, November 14, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5612. A letter from the Comptroller General of the United States, transmitting his review of the deferrals of budget authority reported in the message from the President dated October 1, 1980 (H. Doc. No. 96-373), pursuant to section 1014(b) of Public Law 93-344 (H. Doc. No. 96-380); to the Committee on Appropriations and ordered to be printed.

5613. A letter from the General Counsel of the Navy, transmitting a report on the investigation of allegations of mismanagement, waste, abuse of authority and corruption aboard the USNS *Vandenburg*, pursuant to 5 U.S.C. 1206(b)(3); to the Committee on Armed Services.

5614. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the gunnery range maintenance and operations function at Mountain Home Air Force Base, Idaho, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5615. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to NATO (transmittal No. 81-05), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

5616. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b (a); to the Committee on Foreign Affairs.

5617. A letter from the Chairman, Board of Directors, Tennessee Valley Authority Retirement System, transmitting the annual report on the retirement system for fiscal year 1979, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

5618. A letter from the District of Columbia Representative, Ladies of the Grand Army of the Republic, Inc., transmitting the audit report of the organization for the year ended August 31, 1979, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

5619. A letter from the Comptroller General of the United States, transmitting a report describing water resource projects that provide a significant amount of special localized benefits at the Federal taxpayers' expense (CED-81-12, Nov. 13, 1980); jointly, to the Committees on Government Operations, Agriculture, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. S. 2357. A bill to eliminate the amount in controversy requirement for Federal question jurisdiction (Rept. No. 96-1461). Referred to the Committee of the Whole House on the State of the Union.

Mr. NICHOLS: Committee on Armed Services. S. 1918. A bill to amend title 10, United States Code, to revise and make uniform the provisions of law relating to appointment, promotion, separation, and retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the grade of commodore admiral in the Navy, to equalize the treatment of male and female commissioned officers, and for other purposes; with amendment (Rept. No 96-1462). Referred to the Committee of the Whole House on the State of the Union.

Mr. GIAIMO: Committee on the Budget. House Concurrent Resolution 448. A resolution revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982 and 1983 (Rept. No. 96-1463). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUGHES: Committee on the Judiciary. H.R. 7873. A bill to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol; with amendment (Rept. No. 96-1464). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 8333. A bill to provide Homeownership Assistance; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BIAGGI:

H.R. 8334. A bill to amend Title XVI of the Social Security Act to eliminate the benefit reduction presently applicable to individuals receiving support and maintenance from families with whom they are living; to the Committee on Ways and Means.

By Mr. BOWEN:

H.R. 8335. A bill to provide Homeownership Assistance; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CARTER:

H.R. 8336. A bill to amend section 314(d) of the Public Health Service Act to extend for 3 fiscal years the program of assistance for comprehensive public health services; to the Committee on Interstate and Foreign Commerce.

By Mr. CAVANAUGH:

H.R. 8337. A bill to amend title XVIII of the Social Security Act to provide coverage under the medicare program of modified bicycle ergometers and modified treadmills; jointly, to the Committees on Ways and Means, Interstate and Foreign Commerce.

By Mr. CLEVELAND:

H.R. 8338. A bill to designate the facility known as the Northeastern Forest Experiment Station in Durham, N. H., as the "Louis C. Wyman Forest Experiment Station"; to the Committee on Public Works and Transportation.

By Mr. DAN DANIEL:

H.R. 8339. A bill to amend the Comprehensive Employment and Training Act Amendments of 1978 to exclude from participation individuals advocating the violent overthrow of the U.S. Government; to the Committee on Education and Labor.

By Mr. GONZALEZ:

H.R. 8340. A bill to amend title 38, United States Code, to authorize the Veterans' Administration to furnish veterans' benefits to certain veterans who were exposed to ionizing radiations as a result of nuclear testing conducted by the United States; and to establish within the National Cancer Institute an Advisory Panel on the Health Effects of Exposure to Radiation; jointly, to the Committees on Veterans' Affairs and Interstate and Foreign Commerce.

By Mr. McDONALD:

H.R. 8341. A bill to exempt certain blood fractions from the Federal Food, Drug, and Cosmetic Act for 5 years, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MARRIOTT:

H.R. 8342. A bill to provide homeownership assistance; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PEYSER (for himself, Mr. Biaggi, and Mr. Fish):

H.R. 8343. A bill to provide emergency financial aid to mass transit systems for reduction of violent crime; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI (by request):

H.R. 8344. A bill to amend the Internal Revenue Code of 1954 to allow individuals to take into account business deductions in the calculation of withholding allowances; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 8345. A bill to name the U.S. Customs House in Ogdensburg, N.Y., the "Robert C. McEwen U.S. Customs House"; to the Committee on Public Works and Transportation.

By Mr. MOTTL:

H.J. Res. 630. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of judges of the district courts of the United States; to the Committeee on the Judiciary.

By Mr. GIAIMO:

H. Con. Res. 448. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

541. By the SPEAKER: Memorial of the Legislature of the State of Michigan, relative to proclamation of a day of celebration when the American hostages in Iran are released; to the Committee on Post Office and Civil Service.

542 Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to treatment of Vietnam veterans contaminated by "Agent Orange"; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BUTLER introduced a bill (H.R. 8346) for the relief of Evangel Kiddie Kollege, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1918: Mr. Gaydos, Mr. Kogovsek, Mr. Nelson, Mr. Fowler, Mr. Deckard, Mr. Jenkins, and Mr. Gingrich.

H.R. 3609: Mr. Daniel B. Crane, Mr. Robert W. Daniel, Jr., Mr. Grisham, Mr. Loeffler, Mr. Moffett, Mr. Shelby, and Mr. White.

H.R. 5409: Mr. Hollenbeck, Mrs. Collins of Illinois, Mr. Collins of Texas, Mr. Nowak, Mr. Duncan of Oregon, Mr. Oberstar, Mr. Shumway, Mr. Ratchford, Mr. McClory, Mr. Wolff, Mr. Chappell, Mr. AuCoin, Mr. Hillis, Mr. Sharp, Mr. Pickle, Mr. Stewart, Mr. Stenholm, Mr. Dicks, Mr. Evans of Georgia, Mr. Montgomery, Mr. Butler, Mr. Watkins, Mr. Traxler, and Mr. Corcoran.

H.R. 6300: Mr. Montgomery and Mr. Lujan.

H.R. 6637: Mr. McClory.

H.R. 6709: Mr. Hall of Texas and Mr. Andrews of North Dakota.

H.R. 6817: Mr. Evans of Delaware.

H.R. 7936: Mr. Myers of Indiana and Mr. Porter.

H.R. 8210: Mr. Satterfield, Mr. Fountain, Mr. Duncan of Tennessee, Mr. Erdahl, and Mr. Lott.

H.J. Res. 502: Mr. Nolan, Mr. Pepper, Mr. Pritchard, Mr. Solarz, Mr. Heftel, Mr. Moakley, Mr. Bingham, Mr. Gray, Mr. Goldwater, Mr. Long of Maryland, Mr. Clinger, Mr. Shannon, Mr. Benjamin, Mr. Breaux, Mr. Carr, Mr. Dougherty, Mr. Leach of Louisiana, Mrs. Fenwick, Mr. Bowen, Mr. Ottinger, Mr. Traxler, Mr. Volkmer, Mr. Vento, Mr. Bonker, Mr. Dixon, Mr. Leach of Iowa, Mr. Phillip Burton, Mr. Wylie, Mr. Matsui, Mr. Dodd, Mr. Emery, Mr. Mottl, Mr. Markey, Mr. Boland, Mr. Harris, Mr. Dellums, Mr. Garcia, Mr. Baldus, Mr. Roe, and Mr. Donnelly.

H. Con. Res. 308: Ms. Mikulski.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

521. By the SPEAKER: Petition of the Second Joint Marianas Legislative Conference, relative to enlistment in the Armed Forces of the United States for citizens of the Commonwealth of the Northern Marianas; to the Committee on Armed Services.

522. Also, petition of the Second Joint Marianas Legislative Conference, relative to establishing a central agency to plan, coordinate and implement programs and services for the youth of the Northern Marianas; to the Committee on Education and Labor.

523. Also, petition of the Second Joint Marianas Legislative Conference, relative to international agreements; to the Committee on Foreign Affairs.

524. Also, petition of the Western Conference of the Council of State Governments, San Francisco, Calif., relative to the Roth-Sasser Grant Reform Bills (S. 878 and H.R. 4504); to the Committee on Government Operations.

525. Also, petition of the Second Joint Marianas Legislative Conference, relative to laws and programs which affect Guam and the Commonwealth of the Northern Marianas; to the Committee on Interior and Insular Affairs.

526. Also, petition of the Western Conference of the Council of State Governments, San Francisco, Calif., relative to waiver of Federal sovereign immunity; to the Committee on Interior and Insular Affairs.

527. Also, petition of the Second Joint Marianas Legislative Conference, relative to reinstating Health Incentive Grants of the Public Health Services Act; to the Committee on Interstate and Foreign Commerce.

528. Also, petition of the Western Conference of the Council of State Governments, San Francisco, Calif., relative to changes to National Clean Air Act and Environmental Protection Agency regulations and policies; to the Committee on Interstate and Foreign Commerce.

529. Also, petition of the American Society of Human Genetics, New Haven, Conn., relative to the United States developing guidelines for the use of cytogenetic and other genetic studies in the formulation of public policy; to the Committee on Interstate and Foreign Commerce.

530. Also, petition of the Second Joint Marianas Legislative Conference, relative to endorsing H.R. 848 regarding the lifting of visa requirements for tourists entering Guam; to the Committee on the Judiciary.

531. Also, petition of the Western Conference of the Council of State Governments, San Francisco, Calif., relative to State resource severance taxation; to the Committee on the Judiciary.

532. Also, petition of the Second Joint Marianas Legislative Conference, relative to the United States granting subsidies to the U.S. shipping lines or subsidizing a Guam and Northern Marianas shipping line; to the Committee on Merchant Marine and Fisheries.

533. Also, petition of the Western Conference of the Council of State Govern-

ments, San Francisco, Calif., relative to the Holtzman Bill H.R. 3697; to the Committee on Rules.

534. Also, petition of the Second Joint Marianas Legislative Conference, relative to international assistance and membership in international organizations for Guam and the Northern Marianas; jointly, to the Committees on Banking, Finance and Urban Affairs, and Foreign Affairs.

535. Also, petition of the Second Joint Marianas Legislative Conference, relative to the rights of the people of the Mariana Islands in the sea surrounding them and the resources thereof; jointly, to the Committees on Interior and Insular Affairs, and Foreign Affairs.

536. Also, petition of the Second Joint Marianas Legislative Conference, relative to plans for the storage, testing, or use of nuclear material in the Pacific; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

537. Also, petition of the Western Conference of the Council of State Governments, San Francisco, Calif., relative to the Energy Mobilization Board; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

538. Also, petition of the Pacific Marine Fisheries Commission, Portland, Oreg., relative to equal consideration for maintenance of anadromous fisheries in power production and other water use programs; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

[Petitions relative to the general revenue-sharing program were received from the following agencies, and were referred to the Committee on Government Operations]:

539. Lauderdale County Commission, Ala.

540. Morgan County Commission, Ala.

541. St. Clair County Commission, Ala.

542. Shelby County Commission, Ala.

543. Washington County Commission, Ala.

544. Crittenden County Quorum Court, Ark.

545. Newton County Quorum Court, Ark.

546. Yavapai County Board of Supervisors, Ariz.

547. Humboldt County Board of Supervisors, Calif.

548. Board of County Commissioners, Hendry County, Fla.

549. Cobb County Board of Commissioners, Ga.

550. Dooly County Board of Commissioners, Ga.

551. Glynn County Board of Commissioners, Ga.

552. Oconee County Board of Commissioners, Ga.

553. Bonneville County Board of Commissioners, Idaho.

554. Johnson County Board of Commissioners, Ill.

555. Madison County Board, Ill.

556. Rock Island County Board, Ill.

557. Bi-State Metropolitan Planning Commission, Illinois and Iowa.

558. Spencer County Board of Commissioners, Ind.

559. Mitchell County Board of Supervisors, Iowa.

560. Republic County Board of Commissioners, Kans.

561. Campbell County Fiscal Court, Ky.

562. Assumption Parish Police Jury, La.

563. Claiborne Parish Police Jury, La.

564. Plaquemines Parish Commission Council, La.

565. Rapides Parish Police Jury, La.

566. City Council, Slidell, La.

567. Bristol County Commissioners, Mass.

568. Board of Essex County Commissioners, Mass.

569. Chippewa County Board of Commissioners, Mich.

570. Clinton County Road Commission, Mich.

571. Ogemaw County Board of Commissioners, Mich.

572. Clay County Welfare Board, Minn.

573. Fillmore County Board, Minn.

574. Nicollet County Board of Commissioners, Minn.

575. Nobles County Board of Commissioners, Minn.

576. Board of Ramsey County Commissioners, Minn.

577. Stearns County Board of Commissioners, Minn.

578. Board of Supervisors of Rankin County, Miss.

579. Howard County Commisisoners, Nebr.

580. Grafton County Commissioners, N.H.

581. Board of Chosen Freeholders, Monmouth County, N.J.

582. McKinley County Board of Commissioners, N. Mex.

583. Board of County Commissioners, Sierra County, N. Mex.

584. Cayuga County Legislature, N.Y.

585. Delaware County Board of Supervisors, N.Y.

586. Genesee County Legislature, N.Y.

587. City Council of Glen Cove, N.Y.

588. Board of Trustees of the Village of Great Neck Plaza, N.Y.

589. Schenectady County Board of Representatives, N.Y.

590. Steuben County Board of Supervisors, N.Y.

591. Westchester County Board of Legislators, N.Y.

592. Buncombe County Board of Education, N.C.

593. Duplin County Board of Commissioners, N.C.

594. Rutherford County Board of Commissioners, N.C.

595. Yadkin County Board of Commissioners, N.C.

596. Board of Fulton County Commissioners, Ohio.

597. Board of Commissioners of Montgomery County, Ohio.

598. Board of County Commissioners, Osage County, Okla.

599. Board of County Commissioners for Clatsop County, Oreg.

600. Lincoln County Board of Commissioners, Oreg.

601. Benzinger Township Supervisors, Pa.

602. Northampton County Council, Pa.

603. Palmer Township Board of Supervisors, Pa.

604. Berkeley County Council, S.C.

605. Fairfield County Council, S.C.

606. Greenville County Council, S.C.

607. County Council of Hampton County, S.C.

608. County Council of Williamsburg County, S.C.

609. Board of Commissioners of Clay County, S. Dak.

610. Davison County Board of County Commissioners, S. Dak.

611. Board of Commissioners and County Executive, Hamilton County, Tenn.

612. Board of Commissioners for Johnson County, Tenn.

613. Commissioners Court of Chambers County, Tex.

614. Hunt County Commissioner's Court, Tex.

615. Knox County Commissioners' Court, Tex.

616. Upshur County Commissioners Court, Tex.

617. Board of County Commissioners, Utah County, Utah.

618. Greensville County Board of Supervisors, Va.

619. Highland County Board of Supervisors, Va.

620. Board of Supervisors of Prince Edward County, Va.

621. Board of Supervisors of the County of Prince George, Va.

622. Rockingham County Board of Supervisors, Va.

623. Scott County Board of Supervisors, Va.

624. Stafford County Board of Supervisors, Va.

625. Tazewell County Board of Supervisors, Va.

626. Board of Mason County Commissioners, Wash.

627. Board of County Commissioners of Pend Oreille County, Wash.

628. Chelyan Public Service District, Kanawha County, W. Va.

629. Ohio County Commission, W. Va.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6417

By Mr. JEFFORDS:

—Page 8, line 15, after "subsection (a)" insert "(to the extent that such limitation does not exceed $8,750,000,000").

Page 9, after line 20, insert the following:

(d)(1) The Secretary of Transportation shall control the obligation of so much of the limitation imposed by subsection (a) as exceeds $8,750,000,000, as follows:

(A) The Secretary shall first make available to each eligible State an amount equal to the difference between (i) the obligation limitation allocation for such State for the fiscal year ending September 30, 1980, and (ii) the amount obligated during such fiscal year by such State for Federal-aid highways and highway safety construction programs. If the amount available for purposes of this subparagraph is not sufficient to meet the obligations of the preceding sentence, the amount to which each eligible State is entitled under the preceding sentence shall be ratably reduced.

(B) Any amount not necessary to meet the obligations of subparagraph (A) of this paragraph shall be allocated according to the formula set forth in subsection (b) of this section.

(2) For purposes of this subsection—

(A) the term "eligible State" means a State which incurred obligations for Federal-aid highways and highway safety construction programs during the fiscal year ending September 30, 1980, in an amount less than the obligation limitation allocation for such State; and

(B) the term "obligation limitation allocation" means, with respect to a State, the amount which bears the same relationship to the amount to which obligations for Federal-aid highways and highway safety construction programs were limited by law for the fiscal year ending September 30, 1980, as the amount authorized to be appropriated for such purposes which was apportioned or allocated to such State for such fiscal year bears to the total amount authorized to be appropriated to all States for such purposes for such fiscal year.

—Page 29, after line 2, insert the following:

MINIMUM FUNDING LEVEL

SEC. 225. Section 18(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "Notwithstanding any other provision of this Act, amounts appropriated for any fiscal year beginning on or after October 1, 1980 shall be apportioned so that each State, other than the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands is apportioned at least one per centum of the amounts so appropriated.".

By Mr. OBERSTAR:

—Page 29, after line 2, insert the following:

BUY AMERICA

SEC. 225. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or any Act amended by this Act for any project contract whose total cost exceeds $500,000 unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States at least 75 per centum from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project contract.

(b) The provisions of subsection (a) of this section shall not apply where the Secretary determines—

(1) their application would be inconsistent with the public interest;

(2) in the case of acquisition of rolling stock, their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues);

(3) that articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; or

(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 20 per centum.

(c) This section shall not apply to project contracts entered into on or before the date of enactment of this section or options exercised pursuant to such contracts. Section 401 of the Surface Transportation Assistance Act of 1978 shall not apply to any project contract entered into after the date of enactment of this section for a project under this Act or any Act amended by this Act.

By Mr. YOUNG of Missouri:

—On page 10, line 2, insert "(a)" immediately following "202," and insert after line 8 on page 10, the following:

(b) Section 3(b) of the Urban Mass Transportation Act of 1964 is amended as follows:

(1) In the second sentence, insert "unless a longer period is determined to be reasonable by the Secretary" after the word "made".

(2) In the third sentence, insert "unless a longer period is determined to be reasonable by the Secretary" after the words "is made".

(3) In the sixth sentence, strike the word "of" and insert "is made unless a longer period is determined to be reasonable by the Secretary" after "loan agreement".

S. 1280

By Mr. DONNELLY:

—Section 3 is amended by adding:

" 'Weatherization subgrantee' means a project which receives a grant of funds under the Department of Energy's program of Weatherization Assistance for Low Income Persons pursuant to the Energy Conservation in Existing Buildings Act of 1976, as amended".

—Section 3 is amended by adding:

"(20) 'Community Action Agency' or 'C.A.A.' means a private corporation or public agency established pursuant to the Economic Opportunity Act of 1961, Pub. L. 88–152 which is authorized to administer funds received from Federal, State, local, or private fundings entities to assess, design, operate, finance and oversee antipoverty programs."

—Section 103 is amended by adding:

(4) Each State applying for energy planning grants under this title shall create a State Energy Advisory Council (SEAC).

(A) The Governor will appoint the members of the SEAC. The SEAC membership will be constructed in the following manner:

(a) One-third of the council's members must be representative of Community Action Agency's,

(b) One-third of its members must be representatives of local government units; and

(c) One-third of its members must be representatives of energy businesses, construction unions, not-for-profit agencies administering energy-relating programs, and other private organizations.

(B) The applicant shall appoint the members of the SEAC designate a public member as chairperson and furnish staff to provide professional, technical, and clerical assistance to the council. The SEAC shall meet no less than five times per year. The meetings shall be publicly announced, and, to the extent appropriated, open and accessible to the general public. The council shall participate in the development of, and submit recommendations regarding the application and the basic goals, policies, and procedures of the applicants programs and of other energy programs in the applicants area: monitor, and provide for objective evaluation of applicant's programs conducted in such area; and provide for continuing analysis of the need for conservation and related services in such area. Special consideration shall be given to the recommendations of the planning council, but any final decision with respect to such recommendations shall be made by the applicant.

—Section 202 is amended by adding:

The applicant will create a Local Energy Advisory Council.

(A) The membership of the Council will be constructed in the following manner.

(1) One-third of the Council members must be representatives of Community Action Agencies.

(2) One-third of the members must be representatives of other neighborhood based organizations, and

(3) One-third must be representatives of energy businesses, construction unions utilities or other organizations.

(B) The applicant shall appoint the members of the LEAC, designate a public member as chairperson and furnish staff to provide professional, technical and clerical assistance to the council.

(C) The LEAC shall meet no less than five times per year. The meetings shall be publicly announced, and, to the extent appropriate, open to and accessible to the general public.

(D) The council shall participate in the development of, and submit recommendations regarding, the energy application and the basic goals, policies, and procedures of the applicant's area; monitor, and provide for objective evaluation of applicant's programs conducted in such area; and provided for continuing analyses of the need for conservation and related services in such area Special consideration shall be given to the recommendation of the planning council, but any final decision with respect to such recommendation of the planning council, shall be made by the prime sponsor.

EXTENSIONS OF REMARKS

THE SOVIET UNION AND THE MADRID CONFERENCE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. DRINAN. Mr. Speaker, the Conference on Security and Cooperation in Europe opened yesterday in Madrid to review compliance with the provisions of the 1975 Helsinki accords. One of the major issues to be raised at this Conference is the human rights violations by the Soviet Union. The Conference provides the opportunity for other nations to question the Soviet Union on its treatment of its citizens. Numerous Soviet citizens have been refused the right to emigrate to other nations, while others have been jailed for their activities on behalf of the Helsinki accords.

I would like to bring to the attention of my colleagues the following articles from the Boston Globe of November 10. Don Cook and Kevin Klose discuss recent Soviet activities and their potential effect on the Madrid Conference as well as an editorial from the Washington Post of November 10 concerning the U.S. commitment to human rights.

TALKS ON HELSINKI ACCORDS IMPERILED

MADRID.—On the eve of tomorrow's scheduled opening here of the 35-nation Helsinki review conference, the Soviet Union is resolutely blocking adoption of an agenda and rules of procedure, and it is uncertain if the conference will take place at all.

Since mid-September, preparatory discussions among diplomats from all the participating countries have been bogged down in the face of Soviet efforts to impose a short, rigid agenda.

The aim apparently is to cut to a minimum discussion of human rights, the Soviet invasion of Afghanistan and other sensitive aspects of Moscow's record, and to close the conference in four or five weeks.

The Western powers, with general support from the neutral and nonaligned nations, want six weeks of general debate and discussion up to Christmas on how the agreements on security and cooperation are being implemented, then six weeks from the end of January to take up proposals for "furthering the Helsinki process."

At issue is how much time the conference will spend reviewing the implementation of the accords on human rights and peaceful cooperation signed in Helsinki, Finland, five years ago by the United States, Canada and 33 European countries.

The last review conference was held in Belgrade, Yugoslavia, in 1977-78.

A Swedish effort at compromise last week, with a proposal for four weeks of general debate before Christmas and then a week for introduction of new proposals, was brushed aside by the Soviets. Swiss delegate Peter Troendle spent yesterday shuttling back and forth between East and West to see if they could work out something, but by the end of the day he told reporters he was "very pessimistic" about a compromise.

If the Soviet Union does force a breakdown of the "Helsinki process" on purely procedural issues, it will mark a major strategic turning point in the foreign policy of President Leonid I. Brezhnev—away from detente in Europe and back to a rigid attitude, not only toward the West but also the Soviets' own restive satellites.

Since the September opening of the preparatory phase of the conference, Western delegates have been surprised and irritated by the obdurate tactics of the Soviet delegation under Yuri Dobinin, the ambassador to Spain and a veteran of the early days of Helsinki negotiations.

"It's been the kind of diplomatic performance we haven't seen from the Soviets since some of the Cold War negotiations," one veteran Western delegate said. "His treatment of his allies has been openly humiliating and shameful, and his manner as well as his tactics toward the Western Europeans and the neutrals has been one of the big unifying factors on our side."

In the face of this kind of behavior, the Western powers, with the United States usually taking the diplomatic lead in face-to-face dealings with the Soviet delegation, has maintained a united front, insisting that, while they are prepared to be moderately flexible on timetable and agenda, they will not agree to provisions that render the conference useless.

As an example of the kind of miniscule but vital argument that has been going on, the Soviets have proposed that delegations have the right to introduce new proposals during the period allotted for general debate. Taken literally, that would mean the right to address the conference on new proposals, and would open the way to endless speechmaking by Soviet bloc representatives.

The Western powers have sought to block that maneuver with an agenda specifying that new proposals can be tabled or circulated in writing while the general debate is going on, but not introduced or discussed.

SOVIETS DEAL CRUSHING BLOWS TO DISSENT

MOSCOW.—After years of struggle, state security forces have broken the back of political dissent in the Soviet Union, leaving its future as unsure as at any time since the death of Stalin in 1953.

Ironically, this has been achieved virtually on the eve of the Madrid conference, which is scheduled to open tomorrow to review compliance with the provisions of the 1975 Helsinki agreement on European security and cooperation. Soviet repression is likely to produce bitter wrangling in Madrid about Moscow's compliance with human-rights provisions of the accord.

The pace of the KGB (secret police) offensive against dissidents, which has gathered momentum since 1977, escalated with the arrest and internal exile last January of the Soviets' most famous human-rights champion, Andrei Sakharov. It was given an added urgency by Kremlin determination to silence dissenters before and during last summer's Olympic Games here.

Since the games ended Aug. 3, more than two dozen trials that ended in convictions have been held, and numerous arrests have been made in security sweeps that left the ever-dwindling dissident movement frustrated, disheartened and leaderless.

Moreover, this drive has been punctuated by confessions of crimes against the state by three activists. This had a devastating impact on the morale and steadfastness of those still willing to express their views publicly.

For the most part, the recent trials attracted little foreign attention, with the public and media preoccupied with the US election, the Iranian-Iraqi war and other concerns. In addition, none of the activists commands the attention of Sakharov, the scientist who developed the Soviet hydrogen bomb and received the Nobel Peace Prize the same year the Soviet Union, the United States and 33 other nations signed the Helsinki agreement.

A look at some recent cases shows the thoroughness with which the state is pursuing activists.

Three editors of the clandestine journal Poiski (Searches) were convicted of slander against the state and sentenced to three years in prison. Yuri Grimm and Valerie Abramkin were jailed, but Viktor Sokirko's sentence was suspended after he pleaded guilty and recanted his activities. The six issues published during the journal's two years of operation contained discussions of Eurocommunism, socialism and communist reform. The journal reached only a small number of intellectuals in Moscow and Leningrad, but it could not be allowed to survive because officals feared its attempts at broad political dialog could trigger pressure for reform.

Lithuanians Antanas Terleckas and Julius Sasnauskas were sentenced to three years and 18 months, respectively, in labor camps, plus five years' internal exile each, for their human-rights work. For many years, Terleckas was a major nationalist figure in the Vilnius-based movement, and with 44 other Baltic natives, including Sasnauskas, last year signed a denunciation of the 1939 pact that gave Moscow control of the Baltics. The condemnation thus struck at Soviet claims to legitimacy there and demanded reprisal.

In the Ukraine, veteran nationalist Vasil Stus was thrown in jail for 10 years, to be followed by five years' internal exile, and Estonians Yuri Kukk and Mart Niklus face stiff reprisals for their activities.

Having gained a televised confession from dissident Russian Orthodox priest Dmitri Dudko in June—perhaps the greatest blow to broad-based and nationalist-oriented church ferment—authorities this fall got confessions from Lev Regelson and Viktor Kapitanchuk of the Christian Committee for the Defense of Believers' Rights. Accused of anti-Soviet activities, they pleaded guilty and received suspended five-year jail sentences.

Rev. Gleb Yakunin, founder of the committee, in August denied similar charges at his trial and was sentenced to five years in a labor camp and five years in internal exile. The cases dismembered the committee, which had embarrassed the state-controlled Orthodox Church by reporting on repression of Christian denominations to world church groups.

Vyacheslav Bakhmin, a member of a citizens group that monitors psychiatric abuses, was convicted of anti-Soviet slander and sentenced to three years in prison. His group has been devastated by arrests. Tatyana Velikanova, a key member of the Chronicle of Current Events, an important underground rights journal, was convicted of anti-Soviet agitation and sentenced to

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

four years' imprisonment and five years' internal exile.

The successful suppression of dissidents, or "those who think differently" in Russian, is the work of a Kremlin leadership determined to project the appearance of unanimity among the diverse Soviet peoples at a time when the country faces complex domestic and foreign-policy challenges.

These include economic and ideological stagnation; the dangers of Poland's independent trade-union movement; the Afghanistan crisis, which has badly damaged Soviet foreign-policy initiatives; and a sure prospect of high-level turmoil after President Leonid I. Brezhnev leaves the scene.

But the paring of a generation of activists that emerged in the 1970s solves, for now, internal problems connected with the decade of detente, when Brezhnev reversed longstanding policy and sought political, economic and military "relaxation of tensions" with the West in an attempt to modernize the struggling Soviet economy.

That change of direction, formally entered in with the 1972 Nixon-Brezhnev summit in Moscow, posed immense difficulties for the totalitarian leadership. It promised wider concern for Soviet masses, exposing them not only to superior Western goods and technology but also to Western ideas antithetical to a government which places the needs of the state above those of the individual.

Moscow's aim was to take the technology but insulate its populace from any dangerous ideas that might encourage the religious, nationalist, political and social dissenters who had always survived within Soviet society.

The Kremlin proved equal to the challenge. The activists have been routed, and the Soviet Union enjoys wider economic ties with the West than it ever has. It sells billions of dollars in raw materials yearly and uses the hard currency to buy technology.

At the same time, the leadership has succeeded in containing detente's potential impact on the masses. In fact, chiefly because of renewed jamming of Western radio broadcasts since the Polish crisis and shrill anti-U.S. denunciations not heard since the Vietnam war, the Soviet people seem more psychologically isolated from the West than at any time in 15 years.

MEANWHILE, MADRID

It is regrettable in a sense that the Helsinki Accords review conference at Madrid, opening tomorrow, falls during the American interregnum. People will be waiting to see how President-elect Ronald Reagan approaches "Helsinki," the 35-nation (Europe, East and West, plus the United States and Canada) agreements of 1975 at which the Soviet Union gained formal Western agreement that Europe's postwar borders would not be changed by force and, in return, the United States and its allies gained Soviet-bloc assent to inscribing "human rights" on the continuing international agenda. This is the second review conference for Jimmy Carter, and it does not seem that he can do much more at Madrid than conduct a holding operation.

This is fine. Such is the controversy and confusion surrounding Jimmy .Carter's human rights policy that a pause would have been in order even had he won reelection. From the start he took a narrow moralistic view of the subject. What he never acknowledged was the way in which his concept of human rights could be exploited by others as a weapon of the Cold War pure and simple, and the matching way in which the Kremlin would see his policy as a frontal assault on the very legitimacy of its rule. Former secretary of state Cyrus Vance, for one, tried to redefine Mr. Carter's sweeping goals into the kind of fine print that would allow other aspects of Soviet-American relations, like arms control, to move ahead, but he fell short.

It will be Mr. Reagan's task to try to think through this equation anew. He does not appear to have the intense personal commitment to human rights that at once drove Jimmy Carter and engaged his personal prestige in his policy. A man of Mr. Reagan's outlook in East-West affairs is likely to look favorably on the use of the human rights cause as an instrument for encouraging individual and group challenges to the authority of the Soviet state. At the same time, he and some of his advisers share a sense that human rights are ultimately something to be fitted into the general political context, with everything else. Some would call this cynical. We would call it realistic. The low-key Nixon-Ford-Kissinger approach was, in terms of actual benefits to suffering human beings in the Soviet bloc, arguably more effective than was the high-profile Carter policy.

The trouble is, of course, that human rights are a consideration outside as well as inside the Soviet bloc, and there a different set of standards necessarily applies. Specifically, human rights are violated in many of the non-communist countries that are otherwise regarded as friends and sometimes are formal allies of the United States. This has created the condition of endemic inconsistency that has eroded popular and bureaucratic support of the Carter policy from the beginning: criticizing violations by anticommunist friends in the name of American ideals, even while countenancing far more pervasive and systemic violations by some communist states in the name of Realpolitik.

Gov. Reagan addressed this condition of inconsistency last Thursday. About all he said, however, was that it troubled him. It should. But it would be foolish to seek out perfect consistency in this field. That could be achieved by making human rights either a dominant factor or a negligible one in both communist and non-communist places—obviously, this is out of the question. At the same time, it would be terrible for Mr. Reagan to vindicate the human rights violators in the Third World who see in his election their salvation in power.

Meanwhile, Madrid. The Soviet Union, in the Helsinki Accords, accepted concrete obligations on human rights, and it should be held to them. These apply to victimized people within the Soviet Union and they also apply to others within the immediate reach of Soviet power—conspicuously, the Poles. The Carter administration has nothing to lose by making a fair, tough and effective case in its sunset days. The people for whom it will be speaking conceivably have a good deal to gain.●

DAVID N. KENT RECEIVES RARE BOY SCOUT HONOR MEDAL

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. MOORHEAD of California. Mr. Speaker, on October 22, 1980, the Honor Medal with Crossed Palms, rarest award given by the Boy Scouts of America, was conferred on 20-year-old David N. Kent, of Burbank, Calif., for his rescue efforts following a private plane crash near Leona Valley, Calif., last February 17. The presentation was made by Mr. Graham Whipple, vice president of Lockheed—California Co., also of Burbank. Kent is a member of Explorer Post 221, chartered to Lockheed Management Club, and is assistant scoutmaster in Burbank Troop 230, chartered to the Village Community Church.

This medal is awarded by the Boy Scouts of America in "exceptional cases to those members, both youth and adult, who demonstrate both unusual heroism and extraordinary skill or resourcefulness in saving or attempting to save life at the extreme risk of their own." David Kent earned it when the single-engine Piper Cherokee plane he was piloting crashed into a mountainside in the Angeles National Forest. Although he suffered painful hip and chest injuries, Kent dragged seriously injured Sherry Currier, also of Burbank, from the burning plane and had returned to rescue the other two passengers when the plane exploded. His legs were badly burned and he was prevented by the flames from making further rescue attempts.

Isolated on the mountain by dense fog, snow, and heavy rain, he found shelter for himself and Miss Currier under bushes, and protected the critically injured woman through the cold night. When daylight came, Kent built a lean-to to protect Miss Currier while he went for help. He then built for himself two crutches from tree branches which he used to hike 2 miles down the rugged, steep mountain to find help. Rescue teams, using a helicopter and battling strong winds, then transported Miss Currier and Kent to hospitals where they were treated for their injuries.

David is the son of Mr. and Mrs. William Kent of 930 Irving Drive in Burbank. He is a 1978 graduate of Burbank High School and is presently a sophomore at Glendale College.

We of California's 22d Congressional District share with the Kent family a deep sense of pride in the awarding of the Honor Medal with Crossed Palms to David for his outstanding heroism. It is a richly deserved honor. ●

RECOGNIZING ROBERT L. CEISLER

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. MURPHY of Pennsylvania. Mr. Speaker, during these times of political and social difficulty both here in the United States and abroad, it gives me great pleasure to recognize before the House of Representatives a constituent, and good friend of mine, Robert L. Ceisler, who was recently honored by the B'nai B'rith for his outstanding contributions to the Jewish community.

As a member of the Beth Israel Synagogue in Washington, Pa., Bob has taken an active interest in serving the Jewish community. He has participated actively in satisfying the needs of his own synagogue by serving as an elected official. At the State level, Bob has helped to bring recognition to the Jewish sector while serving as president of the Western Pennsylvania Council of the B'nai B'rith.

In addition to Bob being very instrumental in gaining recognition and assistance for the B'nai B'rith and the Jewish community, he has also served the needs of his hometown very well. After having been raised and educated in Washington, he entered the Army where he served his country, receiving the Bronze Star in recognition of his outstanding courage and service. His leadership qualities have led him to several elected positions including assistant district attorney, president of the Washington County Bar Association, member of the house of delegates of the Pennsylvania Bar, board member of the Supreme Court Disciplinary Hearing Board, president of the Pennsylvania Conference of County Bar Officers of the Pennsylvania Bar Association, board member of Western State School and Hospital, and chairman of the United Jewish Fund. Bob's willingness and desire to assist the Washington area and its residents have also led him to active participation in various community activities and civic organizations.

I am indeed proud to have a distinguished individual of such high caliber as that of Bob Ceisler in my district, and to he and his fine family I extend my best wishes and warm congratulations.●

IL PROGRESSO—100 YEARS OF QUALITY AND EXCELLENCE IN JOURNALISM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. BIAGGI. Mr. Speaker, on December 13, 1980, a major milestone in U.S. journalism history will occur as Il Progresso, the leading Italian language newspaper, observes its 100th birthday. I am honored to bring this information to the attention of my House colleagues, and wish to pay tribute to Il Progresso for this marvelous achievement.

In 1880, Il Progresso was founded by Carlo Barsotti to serve the needs of the burgeoning Italian immigrant population in the United States. The first issue was published on December 13 of that year. Il Progresso continued to operate under its original owners until 1928, when the paper was sold.

New ownership and life came to Il Progresso in the summer of 1928, when it was purchased by Generoso Pope, the famous industrialist and philanthropist. Under Mr. Pope's direction, this journal became the leading Italian language newspaper in the United States. It is published daily and on Sundays. To Italian immigrants, Il Progresso became a dear friend, aiding them in assimilating into the United States while allowing them to remain in touch with their homeland.

Throughout its 100 years, Il Progresso has had a profound impact on politics, business, government, education, and the professions. When Generoso Pope assumed ownership of Il Progresso in 1928, Italians and Americans of Italian origin held no high positions in the aforementioned fields of endeavor. By demonstrating the kind of journalistic persistence that has characterized Il Progresso, he let politicians, businessmen, labor people, educators, and professionals know that there were highly qualified, intelligent, hard-working, dedicated men and women of Italian origin available and ready to accept important and responsible positions. Fortunately, the tide began turning; today we can point to great progress, measured by the increased number of Italian Americans in the upper echelons of these fields.

Il Progresso has always used the columns of its newspaper to reinforce the bond of friendship between Italy and the United States. It has consistently been in the forefront of all campaigns to help Italy whenever the country was struck by a disaster. One personal example I recall occurred following the tragic earthquake which devastated the Friuli region of Italy. Working closely with Il Progresso, we were able to pass emergency legislation providing some $25 million in relief aid to Italy. Il Progresso leadership also aided in raising millions from other sources to help the affected area. Il Progresso has never let the Italian people down in their hours of need.

Another area in which Il Progresso has been in the lead is the battle to end discrimination against Italians. I have worked with Il Progresso throughout my life in public service, in a partnership to eliminate those false stereotypes and stigmas about Italian Americans which have been allowed to exist for too long in our society. This is a battle in which progress, though it is being made, never seems to be swift enough. Yet we would not have made what progress we already have, had it not been for the work of Il Progresso and the Pope family.

In April 1950, Generoso Pope passed away and his son Fortune Pope became publisher and editor. I am proud to say that Fortune is one of my closest friends, and that under his leadership, many important technical and editorial changes have been made to improve the quality of the newspaper. Through his talent and hard work, Fortune Pope has earned both national and international acclaim and respect. Like his father, he continued to defend and fight for the rights of Italians and Americans of Italian origin.

The profession of journalism is a highly competitive one in these United States. Through some 1,700 daily newspapers and 8,000 weekly newspapers, the multiplicity of journalistic voices in the United States by far surpasses that of the rest of the world. Consequently, in order for a newspaper to continually publish for 100 years, it must maintain both a standard of excellence and a fluidity to reflect the changing times. Il Progresso has done this and much more in its history.

Journalism has always been a profession in which experience is the best teacher. The breadth of experience associated with Il Progresso is remarkable. As it observes its 100th birthday, Il Progresso looks back with pride on what it has accomplished, and forward—to another 100 years of service. I know my colleagues in the House join me in congratulating Il Progresso on its 100th anniversary.

No tribute to Il Progresso would be complete without a special commendation being extended to the entire Pope family. I have already cited the accomplishments of Generoso and Fortune Pope. Catherine Pope, wife of Generoso and mother of Fortune has been a special inspiration to Il Progresso. Her support and dedication are constant and she has made a major contribution to the success which Il Progresso has and will continue to enjoy. Special recognition must also go to Anthony Pope and Gene Pope, Jr. The Pope family has been deeply involved in many endeavors outside of Il Progresso. For example, they have awarded thousands of scholarships to young American students of all backgrounds. The Pope family combines a strong work ethic with a sense of deep ethnic pride in all they do. They are a family to be emulated for what they have accomplished.●

FINDING PRACTICAL ANSWERS TO ECONOMIC NEEDS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. COTTER. Mr. Speaker, throughout history the United States has always had a special relationship with the Caribbean islands and their governments and peoples. This is no less true today.

Many of these nations have severe economic problems, and look to the United States for help in the resolution of their problems. In a recent speech, Mr. Arthur Lumsden, president of the Greater Hartford Chamber of Commerce, outlined the central role private business can play in providing employment in this area. As Mr. Lumsden says, Finding practical answers to economic needs—needs for goods and services and the means to produce and sell them—is really the quintessential task of business.

I am placing at this point in the RECORD Mr. Lumsden's entire speech for the benefit of my colleagues and other readers who are concerned with the future of the Caribbean.

BUSINESS AND THE CARIBBEAN

We need to consider the Caribbean. Specifically, the future of private enterprise, free societies, and U.S. influence in the Caribbean.

I would like to throw out a few thoughts on, first, the seriousness of the situation we face there; second, the risk of making it worse by misreading the nature of what's going on there; and finally, what we as American business leaders can do about it.

THE PROBLEM

First, the problem.

The good fortune of being surrounded by friendly countries is an immeasurable blessing for the security of any country. The United States has been blessed in this respect far more than most. I have just returned from a tour of NATO installations in Western Europe, and I am quite sure that most Americans can scarcely imagine what it is like to live under the shadow of hostile nations surrounding one's border.

This could change for us. The Caribbean, with its dozen or more independent or soon-to-be-independent nations, constitutes in a very real sense a third border for the United States, along with Mexico and Canada. Americans have become accustomed to living with Cuba as a hostile government 90 miles from our shore. But there is a very real danger that we might wake up to find much of the region following suit, and the opportunity for U.S. leadership and influence irretrievably lost.

What has brought us to this dangerous point? There are a number of reasons:

You have explosive economic conditions in most of these islands. Living standards are low. Governments and local private sectors lack the basic resources—human and monetary—to provide fundamental social services and consumer goods. With natural resources scarce or undeveloped and little ability to penetrate developed-country markets, these societies have no way to earn the foreign exchange to keep up with their existing debts or pay for imports of food and other needed items.

Unemployment and underemployment are at the heart of the Caribbean problem. In many of the countries up to 60 percent of the work force is unemployed. Many more, particularly in the agricultural sector, are underemployed. Meanwhile, population growth is producing societies where half the population is under twenty years old.

Local private enterprise is weak and demoralized. Lacking the resources and sometimes the vision to meet basic economic needs, mired in bureaucratic red tape, left on the sidelines by government experiments with public enterprise, often themselves trained more as theorists than as modern managers, Caribbean entrepreneurs have not been able to take the lead as the cutting edge in the economic transformation of their societies. Business ingenuity and productivity has not captured the popular imagination, particularly of the young, as the road to economic betterment and higher living standards for all.

The impact of the United States has often been minimal, misdirected, or down-played to the point of invisibility. Until recent years, the U.S. Government showed little official interest in the English-speaking Caribbean. U.S. aid, though increasing in recent years, has been channeled through cumbersome host-country and international bureaucracies, seldom finding its way to the local private sector, often enough taking years even to find its way to the grass-roots project level within the public sector, and nearly always emerging from the other end of the pipeline with its "U.S.A." label long forgotten.

U.S. policy is widely viewed as being less concerned with whether Caribbean societies actually solve their economic problems than whether they can keep frustration from turning into revolution. Ironically, of course, this perception of U.S. interests breeds the very desperation and cynicism that makes anti-American radicalism more likely.

Meanwhile, Cuba and the Soviet Union are actively at work playing on that frustration and trying to step into the gap that U.S. leadership and concern should be filling. They know how to turn relatively modest investments in scholarships, cadres of doctors and teachers, and highly visible reconstruction projects into highly effective vehicles for identifying themselves with popular aspirations.

U.S. business, like the U.S. Government, has done little to demonstrate to the people of the Caribbean that private enterprise and U.S. partnership offers a better model. Many large U.S. firms planning worldwide operations have considered the Caribbean countries with their small internal markets too little to bother with. Investors in tourism-related industries in the Caribbean have often made little effort to integrate their operations in to new opportunities or spin-off enterprises in the local economy. Many U.S. manufacturers send their labor-intensive work to the far east when the same production-sharing opportunities could be found right on our doorstep in the Caribbean.

And Caribbeans trying to pay their own way in the international economy have had little success breaking through with their potentially high-earning export products into major U.S. markets. For the ambitious, far-sighted, hard-working person in the Caribbean, the cornucopia of U.S. capitalism often seems like a dream made in America for Americans only—not reaching or not relevant to their own struggling societies. Not surprisingly, many join the army of illegal immigrants bringing their talents and energies here, leaving the more desperate and more despairing at home.

All this adds up to a potential powderkeg of massive dimensions in the waters just off our shore. If it does go off—not necessarily in revolutionary violence but even in a major policy turn rejecting the United States and looking elsewhere for help and leadership—the result would be disaster for all of us.

U.S. interests in the Caribbean go beyond the national pride or even the physical security of having friendly neighbors. The Caribbean plays a critical role in our own economy—with billions of dollars of U.S. investments in the region, more billions each year in export-import trade, and heavy U.S. industry reliance on Caribbean sources for bauxite and other key raw materials.

Beyond that, the Caribbean is a goldfish-bowl testing ground for U.S. leadership and relevance in a changing world. If we cannot make free institutions, private entrepreneurship, and cooperation with the West a viable, working road to development in a handful of tiny, historically friendly, traditionally democratic countries virtually on the border of the United States, then we will have a hard time selling our model anywhere. A great deal of credibility for the U.S. throughout the developing world rests on our ability to make good in the Caribbean.

AVOIDING DANGEROUS MISREADING

Now I come to the second set of observations, and these can be stated quite briefly. It is not enough to recognize the danger and the need for action. Many voices these days are raising warning cries about the Caribbean. Before grabbing the ball and running with it, we need to know what game we're playing. I have heard some excellent strategies described for how the U.S. might "win" in the Caribbean, except they totally misconstrued what it is we're competing for and who we're competing with. That course could be more dangerous than the dangers we now face.

Let me mention a few of the myths which, in my judgment, represent dangerous misreadings which would make the problem for the United States worse, and blow our chance for recapturing the initiative through effective action.

First, socialism is not the issue. For the future of free enterprise in the Caribbean, the critical question is not whether any particular country's economic system represents pure capitalism, a heavy dose of state socialism, or a mixed model in between. The critical question is whether private enterprise and private business leadership can demonstrate that it is this sector—whether large or small in the prevailing scheme—that is manifestly the source of the greatest productivity, employment, human opportunity, social leadership, and genuine improvement in living standards in the society. To come out on top, business does not have to debate ideology; all it has to do is produce. Hungry people prefer jobs to debates.

Second, in the rise and fall of Caribbean governments, U.S. or Soviet/Cuban is not the issue. Most people in the Caribbean—from top political leaders to the man in the street—are preoccupied with meeting immediate and long-term economic needs. They bring to this domestic policy agenda a strong tradition of partisan politics and democratic participation. Leaders are elected because they are popular. Governments fall because they are ineffective in meeting popular expectations. Elections are seen by the voters as referenda on candidates and parties—not on the United States and the Soviet Union and their relative influence.

In most instances, interpreting current events in the Caribbean in such headlines as "U.S.-backed regime toppled" makes about as much sense as one saying "Lumsden-backed team wins World Series." We all have our preferences, but they are not always central to the action.

Third, contrary to widespread impression, the socialist model, as exemplified by Cuba and the Soviet Union, is not widely admired in the Caribbean. Marxist economics has not produced the workers' paradise it originally promised, and by now this reality has taken root in most of the Third World. Within the Caribbean, countries that have experimented most heavily with socialism at home and solidarity with socialist-bloc countries abroad have not been smashing financial successes. Economics aside, the political dictatorship and repression that come with the true Cuban or Soviet model are totally alien to the traditions of most Caribbean societies. If Caribbean societies turn to Marxism or the Soviet bloc for help, we can be sure it is an act of desperation and not of choice.

Fourth, it is equally important for us to understand that despite our problems in making an effective impact, the United States is not basically unpopular in the Caribbean. There is a considerable amount of interchange at a personal level—through tourism, business, traveling to work or study—between citizens of the U.S. and most of the Caribbean countries. For the most part, Americans are well liked in the region, and the U.S. itself—as a place to live or a way of life—has a positive image. What is questioned in some circles is something different—whether U.S.-type answers can solve Caribbean problems, and whether the United States has any real interest in trying.

Finally, it is simply untrue that there is a trend toward the radical left in current Caribbean governments. No myth is more dangerous to our ability to meet the present challenge. For the fact is that an opposite trend is in full swing, and we have only a short time to take advantage of the opportunities it presents. The most recent elections in the region have all brought to power candidates espousing moderate policies, a desire for a strong private sector, and for closer relations with the United States. The countries involved were St. Kitts, St. Vincent, and Dominica.

At the same time, the St. Lucia government elected last year in what some feared was a sharp turn to the left, has also proved increasingly moderate in tone and direction. Polls indicate that a candidate emphasizing private enterprise and U.S. friendship is favored to win an upset in the upcoming Jamaican elections, a key event to watch.

Does all this mean the United States is out of danger in the Caribbean? Does it mean we do not face serious, determined competition from the Soviet Union and Cuba? Does it mean that a few alarmists are overstating the cause of concern?

Absolutely not.

It means the challenge we face is a different type than many people assume. The ball is in our court. We are under tremendous pressure to produce. We probably only have a few years—two, three at most—before leaders basing their hope for progress on cooperation with the United States and promotion of a healthy private sector will forfeit their credibility if they cannot point to specific evidence that their approach has yielded economic results.

If we believe this country has a leadership role to play in the Caribbean—if we believe U.S. business has a constructive role to play in the development of the region—then we have to adopt that challenge as our own.

The battle for the Caribbean will not be won in military encounters or ideological debates. It will be a practical matter of what type of values, what type of economic system, what type of resources and experience, ultimately what type of people will prove most relevant and helpful in meeting the economic goals of each society.

WHAT BUSINESS CAN DO

This is really not a task for government. Finding practical answers to economic needs—needs for goods and services and the means to produce and sell them—is really the quintessential task of business. That is why the Caribbean is one arena where the national goals of the United States as a nation can probably only be realized if leading businessmen take the initiative to make the cause their own.

The U.S. private sector has the funds, the technology, the managerial talent, the marketing and distribution channels, the practical know-how and experience to literally transform the entire economy of a small Caribbean country from an archaic, underdeveloped shell into a productive, growing, self-supporting economic system. It won't happen overnight. But it can happen. And the alternative is abdicating our role to the winds of frustration, rage and hopelessness—which sometimes do indeed erupt overnight.

As business leaders there are several things we can do to take up this challenge. Let me mention three:

First, U.S. business can give the Caribbean a piece of its own commercial action. A decision by a U.S. firm to open a small plant in a Caribbean country or enter a production-sharing agreement with a local firm might represent the smallest line-item in that company's global operations—but the biggest job-creator in the island's economy. If U.S. manufacturing or distributing firms, for instance in the area of agricultural products, were willing to enter long-term purchasing agreements with Caribbean producers, the volume would never be high enough to affect overall supply-and-demand in the world market, but the access to U.S. markets would provide the production incentive to literally revolutionize the Caribbean productive sector. All these avenues offer U.S. firms sound commercial opportunities, as well as a chance to serve our national interest in a competitive world.

Second, U.S. business can take the initiative to support local entrepreneurship in the Caribbean. Next Monday I will be in Barbados for a week of consultations with leaders of the Caribbean Association of Industry and Commerce. These business leaders are eager to learn from American chambers and American companies how they might make their own business organizations and individual enterprises more effective. And they are eager to increase commercial relationships with U.S. firms, as well as to work with us to advance mutual interests in trade, investment and development. Many U.S. companies are in a position to offer the technical assistance, management training, or cooperation in joint projects that could make a real difference.

Finally, U.S. business can be a source of policy leadership on the Caribbean in this country. I believe our government is finally on the right track. There's a recognition that substantial action is needed to make up for years of disinterest. There's a recognition that economics is the issue and job-creation is the answer, and that private enterprise is where it has to come from. There's a recognition that our worst enemy is time. But that's a long way from knowing what actually needs to be done and how to do it. U.S. policy needs to reflect the practical insight and creative vision of far-sighted U.S. business leaders. The same leadership can help create a constituency of informed concern among the American people, so that a responsible approach to the challenge we face in the Caribbean can be sustained by public support.

All that adds up to a major task for American business, but certainly one we are capable of doing, and doing well.●

TRIBUTE TO CHARLES B. HOEVEN

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1980

● Mr. FOLEY. Mr. Speaker, I was saddened this week to learn of the death of our distinguished former colleague, Charles B. Hoeven of Iowa, who served for many years in this body and was, through four Congresses, the ranking minority member of the House Agriculture Committee.

Charley Hoeven, who passed away in Orange City, Iowa, last Sunday at the age of 85, had a career in public service at the local, State and Federal level which covered 40 years.

He came to the Congress in 1943, after service as a county attorney and president pro tem of the Iowa Senate, and remained in this body for 22 years before his retirement in 1965. During his 11 terms, he held posts including the chairmanship of his party's conference, the position of deputy minority whip and membership on the Republican Policy Committee.

In his service on the House Agriculture Committee, our former colleague played an important part in helping to shape national farm policy through the administrations of five Presidents. During the years from 1958 to his retirement in 1965, he was ranking minority member of the Agriculture Committee, and his constructive leadership was a great contribution both to the Congress and to the people of rural America.

All of us, I know, will join in extending sympathy to Mr. Hoeven's wife and family, and expressing our sense of loss.●

A TEXAS TRIBUTE ON VETERANS DAY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. PICKLE. Mr. Speaker, Tuesday in Austin, Tex., the Honorable Allen B. Clark, Jr., special representative for the Governor of our State, prepared an address for the annual Veterans Day ceremony held in our State capitol. His prepared remarks are worthy of our attention and respect. Mr. Clark is a decorated hero of the Vietnam War, and his thoughts and his recollections are moving and impressive. I would like for the Members of this body to read his address, which is as follows:

ONE NATION UNDER GOD

The guns are silent again today, three wars and almost 500,000 U.S. casualties after "the war to end all wars", WWI, was ended. At 11 a.m. on the eleventh day of the eleventh month of 1918, the Armistice was signed. November 11 each year has been celebrated to mark this event. After the Korean War, the name was changed to Veterans Day to further honor all veterans who have taken up arms for our way of life.

In his war message to Congress, President Woodrow Wilson, on April 2, 1917, outlined our reasons for going to war. He said, "Our object is to vindicate the principles of peace and justice in the life of the world as against selfish autocratic power, and to set up amongst really free and self-governed peoples of the world such a concert of purpose and action as will henceforth ensure the observance of these principles". This was a noble purpose embarked upon by the United States. The President went on to state, "We must fight for the ultimate peace of the world . . . for the privilege of men everywhere to choose their way of life and obedience. The world must be safe for democracy. We will fight for the rights and liberties of small nations". He concluded by saying that the day had come when America is privileged "to spend her blood and might for the principles that gave her birth".

These were lofty words indeed. The nation rallied to the cause, was united, and our men spilled their blood and might in the Meuse-Argonne, St. Mihiel and Aisne-Marne offensives, in battles like Chateau-Thierry and Belleau Wood. We won that one. We honor on each Veterans Day all people who serve, but especially our senior veterans of WWI.

On December 8, 1941, another War Message to Congress was delivered by President Franklin D. Roosevelt. We went to war against the Axis Powers after the day of infamy at Pearl Harbor.

We have, since WWII, gone to war twice in the Far East for purposes little understood by so many. Notwithstanding the lack of understanding of the basic purposes of involvement, there have been in Korea and Vietnam, in my opinion, serious errors of strategic judgment in the conduct of the wars in support of our troops. They were sent to lay their lives on the line for an ideal with heavy echoes of President Wilson's "We will fight for the rights and liberties of small nations".

In this century, American fighting men have armed themselves and fought in defense of liberty. Admittedly, not in every case was New York or San Francisco Harbor immediately imperiled, but the great ideals that this our country represents were in danger not only for our generation but for the ones to come.

The signing of our Declaration of Independence inspired for the first time in the history of mankind a new hope for all the ruled of the world. The principles of our founding upheld political freedom, religious toleration, dignity of the individual, and a nation that would be ruled by laws and not men, and a nation where liberty and duty and rights and responsibilities are interlocked.

In many older civilizations, in many countries today and even in certain circles of U.S. life, there is a feeling that someone or some group must take care of everything and plan all aspects of daily life. Our own creation by our Maker, God, disputes this goal and wicked cause because he made us all naturally free to grow, to develop, to live.

The real reason we fought Germany, Japan, and the Communists in South Korea and South Vietnam was because each represented a totalitarianism, a central planning system to be imposed by force of arms, by killing, by maiming, by fear, by coercion upon other peoples. We fought each time to ensure that our Bill of Rights would never directly, nor by slow encroachments, be taken away from us. Of course, we believe fundamentally in God and our constitutional government with its finely balanced three parts. Our Bill of Rights is worth fighting and dying for to protect it for the generations to come.

Do we think that Hitler or the Imperial Japanese Army or Soviet Russia or Red China would allow our churches and synagogues to function the way they do now? Do you think we could peaceably assemble like we are today and speak our mind? Would we be allowed our private ownership of property? Would our private ownership of enterprises be allowed? Of course not, to all of these questions. A November 7, 1977 article in the Dallas News relates what has happened in South Vietnam. Richard Dudman writes from Hue that "the men and women of the former Communist-led underground are now on top". The totalitarian regime always totally controls. People still question the domino theory and why we went to Southeast Asia. Reports from Cambodia indicate that the "liberators" have killed 1,000,000 people. One million people! For one who was there, the purpose was lofty and idealistic. I am appalled that this is the result. One million souls whose lives are snuffed out. Were those little nations worth it? Yes, of course they were.

Ladies and gentlemen, we honor our veterans today, not war. General William Tecumseh Sherman once said, "I am sick and tired of war. Its glory is all moonshine. It is only those who have neither fired a shot nor heard the shrieks and groans of the wounded who cry aloud for blood, more vengeance, more desolation. War is hell".

There have to be better ways to solve these problems. After WWII, on the deck of the Missouri, General Douglas MacArthur said, "We have had our last chance. If we do not devise some greater and more equitable system, Armageddon will be at our door". General MacArthur was speaking unto the generations when he said the problem is basically theological and it must be a spiritual solution if we are to save the flesh. After WWI, Woodrow Wilson concluded, "that our civilization cannot survive materially unless it be redeemed spiritually . . . Here is the final challenge to our churches, to our political organizations, and to our capitalists . . . to everyone who fears God or loves his country".

The ultimate solution is a spiritual one and constantly we must strive for spiritual regeneration, but too we must realize that the best chance for a lasting peace comes only through preparedness and strength.

John F. Kennedy once said, "A nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers." The community of Austin and Travis County has a sincere and deep feeling for our Country and our values. This is a community with deep pride and feeling for our heritage and greatness and reveals itself as a solid, wonderful place to live as it sponsors ceremonies such as this one to honor our war dead.

Bruce Catton, the Civil War historian, spoke once about Gettysburg and I'd like to relate a little of that because he spoke so well of the significance of what happened there as in the entire Civil War and as in all wars that our men and women have fought. There in the cemetery where Abraham Lincoln delivered his Gettysburg Address and in countless other cemeteries lie the souls of our countrymen who yielded the highest sacrifice and exemplified the final commitment to duty. Our fallen, especially from the Civil War, speak to us still today with a voice that cannot be silenced. Our young men who would have rather lived and breathed, took up arms as they always have for something in which they believed.

Our Nation was born 200 years with a vision for a Country in which all men are created equal by our God. Our founders had a vision that we could govern ourselves under a free decentralized system. The vision included protection of just rights but with attendant responsibilities. A much closer world today has broadened the perspective of our Country and other issues and dangers and questions have had to be resolved upon fields of strife.

Our men have died for differing reasons but each in his own way as an expression of his country's perception at the time died for causes of human freedom or maintenance of justice. When our men have died for freedom or justice they have died for more than a flag, they have died for an eternal ideal and this last measure of sacrifice has a significance on a high plain.

For the families who have lost men in all our wars, no words can overcome the loss and grief. Some consolation must be derived from the gratitude of the nation and more deeply from the thoughts that eternal ideals were served. The sacrifices are high that we have laid upon our altars of justice and freedom.

Let us soberly remember today that these known and unknown soldiers we honor brought us our safety with their blood and deaths, they brought us the comfort we enjoy in our land, their lives brought us our laughter, their quiet brought us our merriment. Our enjoyment of this beautiful day and the sun, the sky, the trees, the flowers, come from their eyes, blinded by the eternity of death.

We must reflect seriously like this from time to time to be reminded of the sacrifices and we must be in awe and admiration and gratitude of our war dead, but in an optimistic sense we must look ahead to the visions for which they gave their lives, freedom and justice. Our hearts are sad but remember they died with convictions and commitments in their soul. God has taken care of them. We must rest our hearts, but we must not rest each in our way to keep burning the light of freedom and justice by striving at our local level to preserve the ideals and qualities of life for which this Country stands. As President Nixon stated "There is no greater tribute we could pay to America's war dead than to find the road to peace."

In his address to the Corps of Cadets at West Point on May 12, 1962, (and I was privileged to be there) General MacArthur said, "But always in our ears ring the ominous words of Plato, the wisest of all philosophers, 'only the dead have seen the end of war' ". Personally, I have suffered deeply in my service to my country, but I commend to your prayers and attention and gratitude on this day the memory of the many hundreds of thousands of American men and women who have given that last full measure of their devotion to their fellow humans so that we and the generations after us could enjoy our blessings of freedom. I know, if they could, they would join with me as I close with the words of that popular Up With People song, "Freedom isn't free, you have to pay the price. You have to sacrifice for your liberty". My own sacrifice is justified forever as I look down upon that next generation represented by my two daughters in front of me here today.●

AMERICAN FOLKLIFE FESTIVAL

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. MINETA. Mr. Speaker, last month the Smithsonian Institution held its annual American Folklife Festival. As in years past, this year's festival was a highly successful tribute to the genius of the American people, expressed through crafts, customs, music, and design. Through such projects as the Folklife Festival, the Smithsonian serves a vital role as the preserver of that American genius in all its diverse forms. That role has brought the Smithsonian down from its marble museums and into the hubbub of daily American life so that it can truly understand, celebrate, and preserve American folk skills as diverse as homebuilding, food preservation, music, and auctioneering.

The Smithsonian, in short, has gone a long way and done a great job in telling the diverse story of the American people. That fact was most ably noted by my colleague, Congressman Elliott Levitas of Georgia, in his remarks on the opening of this year's American Folklife Festival. I commend his remarks to my colleagues and insert them at this point in the Record:

Opening Remarks for the American Folklife Festival

Senator Fulbright, Secretary Ripley, participants in 1980 American Folklife Festival, and visitors, I am quite pleased to be here today to take part in this ceremony marking the opening of an event which is truly a celebration of American life. Those of you who are participating in this festival, and those of you here who coordinated the festival and made it possible, can be proud of the contribution you are making to our heritage.

American folklife is a subject which has been of interest to me for a long time as an exciting yet mysterious expression of a soul of a people. As the exhibits spread before us today indicate, it is a field filled with diversity and individuality—a study of the creativity and potential of the people of this country, and a study of the diverse backgrounds and roots which have melded together to make this country rich and great. This festival celebrates that greatness as it pays tribute to you—the people who make up the heart and soul of America. The strength of America lies in the diverse culture represented here today.

The music and dance and art and folkways of a people are the sum total of their culture, and that culture must be preserved. More significantly, perhaps, these folkways and this culture are what preserve a people and a nation. The folklife and art, such as that presented in this festival, are the lifeblood and sustenance of the American people.

The different arts and lifestyles presented in this festival involve a widespread group of Americans. Through this festival, Americans can share traditional American folklore, music and art, as well as the unique crafts and talents of Caribbean Americans, Southeast Asian Americans, and Finnish Americans. But this festival reaches even beyond the traditional celebrations of folklore in America. This festival also offers exhibits on different patterns of day to day life in America. I am proud to recognize the participants from my own State of Georgia who are involved in such exhibits. In the Folk Housing and Energy exhibits, they are building a dog trot house which shows how builders in the South have adapted housing for warmer climates. The quilting bees, candy pulls, and peanut shellings all represent day to day events in the lives of individuals in America.

These diverse activities, talents and crafts, as well as the many others which are, or have been, represented at this festival, when taken together make up the culture of America. This festival certainly dispells any notion of an American stereotype. For what other nation can claim such richness and variety in its people?

It used to be said that America was a melting pot, but I think it is more accurate to analogize our nation to a great symphony orchestra with each contributing culture playing its own instrument, in its own way, and yet contributing to the beautiful harmonious whole that is America.

I give special credit to Dillon Ripley as the Secretary of the institution which is preserving and safeguarding the culture and history of the American people. Secretary Ripley has promoted the work of the Smithsonian Institution in a way that reaches our people across the entire United States and offers opportunities, such as this festival, for grassroots participation in the activities of the Smithsonian. Through the leadership of Secretary Ripley, the Smithsonian has become a museum which not only honors and celebrates the America of years gone by, but also the America of today and the America of tomorrow.

Future generations, and scholars and scientists, will benefit greatly from these efforts to preserve American culture. Speaking on behalf of the National Cultural Center, John Fitzgerald Kennedy once said, "I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for our victories or defeat in battle or in politics, but for our contribution to the human spirit." You, the artists and craftsmen participating in this festival, Secretary Ripley, and the festival staff, can be proud of the contribution you are making to American culture and the American spirit. Your contribution will long be appreciated and remembered, and through you transmitted to the future enrichment of our nation.●

LEGISLATION REQUIRED TO CURB IRS OVERZEALOUSNESS

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. BAFALIS. Mr. Speaker, in its zeal to insure that all Americans contribute to the ever-increasing cost of their Federal Government, the Internal Revenue Service often goes far beyond what the Congress intended.

When that happens—and when the IRS refuses to admit the error of its ways and revise its regulations—it is incumbent upon the Congress to enforce its wishes and bring the tax collectors back under control.

It is for that reason that I have today introduced the family rental tax and other uses of dwelling units bill.

As I am sure all Members are aware, the IRS has proposed regulations which will penalize Americans who rent their property to close relatives, even if those relatives pay the full market rate for rent.

If you own property and wish to rent it to your mother, the IRS says, "No, put her in an institution instead." If you're going overseas for 6 months or a year and wish to rent your home to a relative rather than trust it in the hands of a stranger, the IRS says, "No; that constitutes personal use."

The reason for this drastic interpretation is simple—the IRS does not trust Americans to determine what the fair market value of a rental might be. So the agency has issued a blanket determination that, if you rent to a close relative, you are presumed to be using the property for your own personal use.

And that's ridiculous. We need laws which encourage families to care for one another, not laws which penalize families for renting a room or a home to a family member.

But that is not the only way in which the IRS has gone overboard in recent months.

In another recent decision, the IRS has proposed doing away with the people's incentive to work, to save, to invest, to take risks.

If you need a legitimate second income to help meet the ever-higher cost of living brought about reckless Federal spending practices, and if that second income requires an office in your home, you can no longer deduct as a legitimate business-related expense the use of that small portion of your home.

That's what the IRS now says—even though it had to repudiate a Tax Court decision to do it. In the case of *Curphey* v. *Commissioner* (73 T.C. No. 61, February 4, 1980), the Tax Court said such deductions could be claimed if it was the person's principle place of business for that business.

But the IRS apparently feels it knows better than the Tax Courts—and better than the Congress.

That's why it went to the extreme in developing its rules regarding the time spent repairing and maintaining a rental unit, so that if you visit the unit to make necessary repairs and your wife comes along for the ride, the day counts as personal use, not necessary maintenance.

It's obvious from these instances that the IRS is bound and determined to institute what it thinks the tax policy of this Nation should be, regardless of the fact that duty is entrusted to the Congress by the Constitution.

And that's why it is equally obvious that the Congress must exert itself and tell the IRS that its role is to carry out the mandate of the people as expressed through the Congress—and no more.

Mr. Speaker, I am hopeful that even though time is short for the 96th Congress, this legislation can be acted upon. To do otherwise would be to relinquish our responsibilities to the Internal Revenue officials.●

IN RECOGNITION OF LEON GLIDER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. FLORIO. Mr. Speaker, I would like to ask my colleagues to join with me today in recognizing the untiring contributions of a distinguished constituent of mine, Mr. Leon Glider. Recently, I was pleased to be with Leon's coworkers and family at a celebration marking his 50-year career in the confectionery industry. Leon's half century of enthusiastic and innovative devotion to improving the art of candymaking has made the world a sweeter place for all candy lovers.

Leon Glider began working for the Brown Confectionery Co., in Philadelphia, the day after Labor Day in 1930. During the next 25 years Leon learned to make over 100 kinds of candy, run his own production department, and acquired one-third ownership of the company.

Soon after the Brown Confectionery Co. was sold to the Food Fair Corp., in 1953, Leon bought the Serry Ann Candy Co., in Philadelphia. He immediately changed the company name to Glider Confectionery Co., and began producing delicious candy canes, decorated eggs, and cinnamon potatoes. Joined by his son Ron, Leon operated his business until 1968 when a fire destroyed the plant.

Leon overcame this disaster by selling his operation to the Letty Lane Co., and moving himself and his employees to the company facilities in Westville, N.J. In his new surroundings, Leon continued his fine art of candymaking. Since Letty Lane already manufactured candy canes, the merger was a complete success. Leon became vice president of production in charge of all manufacturing and packing operations and is now in his 12th year with the company.

At the end of this year Leon Glider plans to take a well-deserved retirement. His devotion to the confectionery business will, however, have Leon remain as a consultant to the manufacturing division of Letty Lane.

I would like to join the Letty Lane family in recognizing the outstanding, lifelong contributions Leon Glider has made to the art of candymaking. For 50 years candy lovers have gained enjoyment from the creativity and dedication Leon Glider poured into his trade. His work will long be remembered.●

INTERNATIONAL CREATIVE CHILD AND ADULT MONTH

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. GRADISON. Mr. Speaker, November has been declared "International Creative Child and Adult Month" by the National Association for Creative Children and Adults. The NACCA was founded in 1974 as a nonprofit organization dedicated to fostering creativity in both children and adults. They provide an opportunity for individuals and groups to benefit from existing research on creativity as well as encouraging new research on this subject.

While numerous activities are planned throughout the month, the highlight was an open house at the National Association headquarters in Cincinnati on November 2. Participants were treated to a lecture on "Creative Expression in Managing Stress."

I wanted to take this opportunity to salute the work of the National Association for Creative Children and Adults and to encourage them in their work to increase the expression of creativity among all of us.●

FINANCIAL REPORT OF THE CONGRESSIONAL STEEL CAUCUS—QUARTERLY STATEMENT OF EXPENSES AND FUND BALANCE STATEMENT FOR PERIOD ENDING SEPTEMBER 30, 1980

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Ms. MIKULSKI. Mr. Speaker, in accordance with executive committee order No. 1, I am respectfully submitting herewith the quarterly financial report of the Congressional Steel Caucus for insertion into the RECORD. The report is as follows:

Quarterly report—Fund balance statement, House of Representatives, Congressional Steel Caucus

Balance remaining (as of June 30, 1980)	$5,051.43
Total revenues (clerk hire and membership dues)	9,441.63
Total	14,493.06
Less expenses:	
July 1980	7,357.32
August 1980	3,167.60
September 1980	3,650.25
Total	14,175.17
Remainder	317.89
Plus interest deposit	116.03
Total unexpended revenues (as of Sept. 30, 1980)	433.92

CONGRESSIONAL STEEL CAUCUS DUES PAID AS OF SEPTEMBER 30, 1980

Bob Edgar
Allen Ertel
Robert Mollohan
E. Thomas Coleman
Robert Roe
Dan Quayle
Elwood Hillis
Melvin Price
Charles Wilson
Douglas Applegate
Ralph Regula
Clarence Miller
Henry Nowak
William Natcher
Austin Murphy
Louis Stokes
Richard White
Ray Kogovsek
William Moorhead
John Duncan
William Clinger
Joseph McDade
John Seiberling
George O'Brien
William Ford
James Santini
John Jenrette
James Oberstar
Paul Simon
Gene Taylor
Leo Zeferetti
Richard Shelby
Jim Lloyd
Christopher Dodd
Robert Giaimo
Gary Lee
Ronald Mottl
Joseph Addabbo
Robert Walker
James Hanley
Robert Michel
George Brown
Clement Zablocki
Clarence Long
J. Willam Stanton
William Clay
George Miller
Donald Bailey
James Quillen
Mary Rose Oakar
Vic Fazio
Samuel Stratton
Eugene Atkinson
Marc Marks
Dan Marriott
Sam B. Hall
James Scheuer
E. G. Shuster
Martin Russo
Doug Walgren
Robert Duncan
Jerry Lewis
John Conyers
Stanley Lundine
Adam Benjamin, Jr.
J. M. Murphy
William Brodhead
Lawrence Coughlin
Robert Davis
Gunn McKay
Carl Pursell
Don Ritter
John Murtha
Thomas Kindness
Edward Patten
Tom Bevill
John Buchanan
Ray Lederer
Thomas Luken
David Evans
Morgan Murphy
Michael Myers
G. V. Montgomery
Thomas P. O'Neill
William Harsha
Barbara Mikulski
James Martin
Don Clausen
Benjamin Gilman
Bill Nichols
Richard Ichord
John Dingell
Gus Yatron
Peter Kostmayer
Bruce Vento
Lyle Williams
Robert McEwen
Donald Mitchell
Joseph Gaydos
Clarence J. Brown
Nick Joe Rahall●

CLARIFICATION OF CWA POSITION ON S. 885

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. WEAVER. Mr. Speaker, on September 29, during debate on S. 885, the Pacific Northwest Electric Power Planning and Conservation Act, I inserted in the RECORD a lengthy list of local, regional, and national organizations which had expressed opposition to the bill or to major portions of it. In doing so, and without any intention of misrepresenting their true position, I included the Communications Workers of America. In fact, Local 9201 of the CWA, which represents communications workers in my district, had indeed expressed opposition to the bill; but I am informed that the parent union has not taken an official position on the bill one way or the other, and I am glad to clarify the Record to reflect this fact.●

GAO REPORT ON REFORMS IN GRAND JURY PROCEEDINGS DESERVES CLOSE ATTENTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. BIAGGI. Mr. Speaker, on October 16, the General Accounting Office released an important report entitled "More Guidance and Supervision Needed Over Federal Grand Jury Proceedings." A central feature of the report was the strong recommendation that reforms be made in the proceedings to avoid the unnecessary disclosures by the news media of secret grand jury proceedings.

For some time, the House Judiciary Committee has been considering legislation to make reforms in the grand jury system. I believe this report bears close attention and should be viewed as a compelling reason for use to work for the early enactment of reform legislation before we violate the due process rights of more Americans.

I now wish to insert a summary of the GAO report for the consideration of my colleagues.

COMPTROLLER GENERAL'S REPORT TO CONGRESS: MORE GUIDANCE AND SUPERVISION NEEDED OVER FEDERAL GRAND JURY PROCEEDINGS

(Page numbers referred to appear in original report.)

DIGEST

The grand jury is one of the Government's more effective tools to combat organized crime, drug trafficking, and white-collar crime. The effective prosecution of these crimes depends largely on securing grand jury proceedings to encourage witnesses to testify and produce evidence and keep persons under investigation from hampering investigations. However, hundreds of times information about grand jury proceedings has been disclosed in the news media, public court files, and public court proceedings with the result that either

Witnesses had their identities revealed, before any indictments were returned, including some who were murdered, intimidated, or disappeared,

Reputations of persons never indicted were damaged,

Persons under investigations were identified before indictment, or

Grand jury investigations were dropped or delayed.

These disclosures were not necessarily made illegally or surreptitiously and, in fact, are often allowable or even required under existing laws and procedures. (See ch. 2.)

However, because such disclosures can have serious consequences to witnesses and effective law enforcement, GAO believes the Federal judiciary, as the supervisor of grand jury proceedings, needs to provide more definitive guidance on what grand jury information should be protected and how it should be protected.

LACK OF CLARITY ABOUT WHAT SHOULD BE SECRET AND HOW TO PROTECT IT CAUSES DISCLOSURES

Disclosures of grand jury proceedings will continue until district courts receive definitive guidance and direction on

What specific information and documents must be kept secret, and

What custodians of secret material and information must do to keep it secret.

WHAT IS GRAND JURY MATERIAL

Rule 6(e) of the Federal Rules of Criminal Procedure prohibits disclosing "matters occurring before the grand jury" and identifies who may properly hear, see, or receive grand jury information. Transcripts of grand jury proceedings and the deliberations and vote of the grand jury clearly qualify as "matters occurring before the grand jury," and cannot be disclosed. Beyond this type of information, however, no consensus exists among the judiciary, Government attorneys, or law enforcement agents on precisely what grand jury "matters" are covered by rule 6(e). Opinions differ on whether the following should be kept secret:

Court proceedings ancillary to grand jury proceedings that deal with and discuss ongoing grand jury activities. (See p. 8.)

Grand jury subpoenas, which contain the names of witnesses. (See p. 13.)

Evidence developed independently of, but later introduced to, the grand jury. (See p. 14.)

Copies of documentary materials presented to the grand jury. (See p. 14.)

Internal Government memorandums and other documents that tend to reveal what transpires before the grand jury. (See p. 14.)

Grand juror identities while the grand jury is sitting. (See p. 15.)

HOW SHOULD GRAND JURY SECURITY BE PROTECTED

The Federal judiciary does not have a consistent program to secure grand jury materials and information to:

Limit access to, store, and dispose of grand jury information (see pp. 18, 22, and 26);

Identify grand jurors who have connections with persons under investigation (see p. 27);

Insure that grand jury rooms are secure so as to protect the proceedings and identities of grand jurors and witnesses from disclosure (see p. 28); and

Audit existing security procedures and practices (see p. 30).

Because such procedures are not in place, disclosures have come from Federal district courts, grand jurors, grand jury court reporters, U.S. attorney offices, organized crime strike force offices, U.S. marshal offices, and to a lesser extent, law enforcement agencies.

RECOMMENDATIONS

GAO recommends that the Judicial Conference of the United States:

Develop a proposed amendment to rule 6(e), Federal Rules of Criminal Procedure, defining what must be kept secret during the duration of grand jury proceedings.

Establish guidelines setting forth the minimum security requirements needed to protect grand jury materials.

Require each custodian of grand jury materials, including court supervised court reporters, to establish procedures consistent with the security guidelines and document them in a security plan to be approved by the appropriate district court.

Review Jury System Improvement Act plans so that the courts and the Department are in a position to react appropriately whenever there are situations calling for maintaining the confidentiality of grand juror names.

Provide for periodic internal audits of all custodians of grand jury materials to determine whether they are complying with approved security plans and to identify needed improvements in existing security procedures and practices.

Evaluate the physical security around grand jury rooms and develop a plan to upgrade and modify deficient facilities to assure that grand jury proceedings will not be compromised.

GAO also recommends that the Attorney General improve the security practices of U.S. attorneys, organized crime strike forces, U.S. marshals and court reporter personnel by developing and issuing interim security guidelines to be used until the Federal judiciary establishes security requirements. GAO further recommends that grand jurors be routinely screened for possible conflicts of interest with cases to be presented to the grand jury. (See pp. 33 and 34.)

AGENCY COMMENTS AND OUR EVALUATION

The chief judges in six of the seven districts visited were in general agreement with the overall message of the report. The seventh chief judge chose not to comment on the report. The Chairman of the Jury Operations Committee, speaking for the judiciary, expressed concern about the grand jury security issues raised in this report. He said that the two Judicial Conference committees having jurisdiction over grand jury operations would consider during their July 1980 meetings the report's findings, conclusions, and recommendations. Subsequently, GAO was told the committees believed the issues raised deserved further study and that special subcommittees have been established to perform the study. (See pp. 35 to 38.)

The Department of Justice said that the report contains some constructive criticisms and, on the whole, contributes to the improvement of Federal grand jury procedures. It further stated that it wholeheartedly endorsed the thrust of the report and that the incidence of genuine breaches of grand jury secrecy had increased in recent years. The Department said that improved security measures could reduce inadvertent breaches of secrecy. The Department then cited a number of actions it has underway or under study in response to GAO's report. At the same time, the Department said that the report distorts the problems attending grand jury secrecy; exaggerates the incidence of secrecy breaches; narrowly focuses on the principles underlying grand jury secrecy; and advocates sweeping changes to judicial procedures. (See pp. 38 to 49.)

GAO strongly disagrees with the Department's criticisms and believes that its comments contain misconceptions about the report and confuses the basic message. GAO believes its detailed analysis has proven that disclosures have resulted in the identification of witnesses, targets, and the nature of investigations. GAO further believes that since it only reviewed 7 of the 95 Federal district courts, the disclosures identified are only the "tip of the iceberg." As a result of the facts presented in this report on disclosures, GAO believes that if secrecy is to remain an important part of the grand jury process, action must be taken to implement rules and methods designed to prevent disclosures about ongoing grand jury proceedings. (See pp. 43 to 49.)●

AMENDMENTS TO S. 1280

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. DONNELLY. Mr. Speaker, today I have offered a number of amendments to S. 1280, the Community and State Energy Assistance Act of 1980. Although I welcome the passage of this act, which represents a major step toward the achievement of national energy security and energy independence, I believe that the absence of "Community Action Agencies" from the language of this bill is an oversight on the part of the Congress.

The Community and State Energy Assistance Act is significant in that only individual communities and States will receive funds, to plan, develop, and implement energy strategy. Across the Nation, community action agencies are the primary means available to State and local governments to implement energy programs in a cost effective manner, however, there are no elements in this legislation which would guarantee the continuation of this most advantageous partnership.

Massachusetts community action agencies have been most effective in bringing innovative solutions to our severe energy needs. Examples of their accomplishments include the coordination of Boston's low-income fuel assistance program in a manner which insures against theft or fraud. Also, a Massachusetts community action agency was the initiator and coordinator of a cooperative energy conservation effort that included Federal agencies, local government, private sector, and community groups in an operationally short-term program with long-term benefits.

The amendments which I have offered will insure that the community action agencies will be authorized to administer funds received from Federal, State, local or private sources. It will also insure that the agencies will be part of any State or local energy advisory councils established after enactment of this legislation. I believe that these amendments will greatly strengthen the intentions of this act. The interest of low- and moderate-income citizens, which is the common goal of both the Congress and the community groups, will be strengthened by the inclusion of community action agencies in full partnership with the Federal and local governments, under this program.●

GENERAL REVENUE SHARING

HON. CARROLL HUBBARD JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. HUBBARD. Mr. Speaker, America's State and Federal Goverments stand to lose vital Federal funding unless Congress reenacts general revenue sharing. The proposed cut in Federal revenue sharing funds bodes ill for many of our local governments. Local government officials in western Kentucky have alerted me to several of the more onerous repercussions should revenue sharing cease. They fear the loss of revenue will spur drastic cuts in police and fire protection, as well as force the discontinuation of many other vital services.

I insert the text of a letter from Hon. John K. Penrod, mayor of Paducah, Ky., which underscores the need for prompt reenactment of general revenue sharing:

> As you are well aware, the Federal Revenue Sharing program has encountered another roadblock in that Congress has delayed reauthorization of the program until it reconvenes November 12. As you well know, Revenue Sharing is extremely important to local governments as a source of virtually sting-free revenue and its loss or dimunition would seriously disrupt local budgeting procedures.
>
> Therefore, we respectfully request that you support the Revenue Sharing legislation in its present form without any crippling amendments and that you urge the Congressional leadership to schedule the legislation for quick action.●

CRIMINAL CODE REFORM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. CONYERS. Mr. Speaker, I wish to call the attention of my colleagues to a recent commentary on criminal code reform by Esther Herst, national director of the National Committee Against Repressive Legislation, in the Christian Science Monitor, and insert it in the RECORD.

Ms. Herst traces the history of congressional criminal code reform efforts over the past four Congresses, and highlights the omnibus approach, which is a feature of the bills currently pending in both Houses, H.R. 6915 and S. 1722. Her reasoning why the omnibus approach should not be attempted, particularly in a lameduck session, was formulated before the election last week. It is even more compelling now. Control of the Senate will change hands in the next Congress, and 76 Members of the present House will not be returning. Regardless of the length of the lameduck session, there will be inadequate time to deal with anything other than the most crucial matters. In this setting, to complete work on the criminal code bills would require a degree of legislative horse trading and legislating in the dark even greater than that Ms. Herst predicts and deplores.

By everyone's standards, the lameduck session should be addressed only to the passage of legislation which is essential in 1980. By no one's reasonable criteria, can criminal code revision meet the standard.

The commentary follows:

WRONG WAY TO REFORM THE CRIMINAL CODE

Legislation to rewrite the federal criminal code has been under consideration since 1973. The issues in each bill introduced since then—S. 1 and S. 1400 in 1973, S. 1 in 1975, S. 1437 in 1977, and S. 1722 and H.R. 6915 currently—have been debated in the press, in citizen organizations, in congressional committees, and, in 1978, on the Senate floor. Congress is now close to passage of S. 1722 and H.R. 6915, but the congressional leadership would be wise not to schedule either bill for final floor consideration.

Opposition to these bills, especially S. 1722, because of their controversial provisions is known to those familiar with the decade-long debate. A unique coalition of civil liberties, religious, labor, business, legal, and press organizations has urged defeat of S. 1722 because it poses serious threats to freedom of speech, assembly, and the press. It curtails current law protections of labor strike activities and subjects currently legal business practices to federal prosecution. It expands federal criminal jurisdiction, "lay[ing] the foundation for a national police force," according to the National Conference of State Legislatures, and "result[ing] in a fundamental realignment of the relationship between state and federal government," according to the Illinois State Bar Association.

In the heat of the debate over the dangerous details of S. 1722, the relationship between its substance and its ambitious approach has often gone unnoticed. Its comprehensive or "omnibus" format for criminal law reform was endorsed by the National Commission on Reform of Federal Criminal Laws in 1971. Every bill mentioned earlier was comprehensive. Each rewrote all the federal criminal laws, revamped the entire federal sentencing system, redefined the terminology describing the necessary "states of mind," and provided a new format for the exercise of federal law enforcement powers. To gain bipartisan support for such a vast undertaking, the drafters incorporated substantive changes in the law which may not have represented the soundest criminal justice policy but which did satisfy the special interests of a variety of political perspectives.

Most of S. 1722's critics, while generally supportive of criminal law reform, now recognize that some of S. 1722's flaws are a result of its omnibus nature. They join the House Judiciary Subcommittee on Criminal Justice in the 95th Congress, which unanimously rejected S. 1437, in recommending the more measured and careful "incremental" or issue-by-issue approach to reform.

Such an approach can be free of the legislative horse-trading that characterized the drafting of S. 1722 and its predecessors. While political compromises are basic to the legislative process, the propriety of tradeoffs depends upon the impact of an issue on our society. Omnibus tax or civil service reforms bills are appropriately subject to political bargaining. Criminal law revision is not. Compromises needed to pass an omnibus tax code, for instance, do not usually result in the loss of individual liberty through imprisonment. Changes in criminal laws do. Agreements made to enact civil service reform legislation rarely undermine cornerstones of our legal and constitutional system. "Reforms," such as preventive detention, incorporated into S. 1722 because of political expediency, will.

"Federal criminal laws," according to the 1978 Criminal Justice Subcommittee, "ought not to be the product of extensive horse-trading." Yet that is precisely what S. 1722 is. By offering changes in the law desired by particular interest groups, the sponsors hoped to create a commitment to passage of the entire package, regardless of the impact of the rest of the bill.

In fact, because of the breadth of this legislation, its true impact probably cannot be known before enactment and implementation. Certainly in the limited time left to this Congress, there will not be the opportunity to scrutinize each provision, to measure its political, constitutional, and financial effect, and to ensure that it represents good public policy.

More likely, House and Senate consideration of H.R. 6915 and S. 1722 will resemble the Senate's passage of S. 1437. The debate will be hurried and poorly attended, replete with backroom bargains over controversial issues and last-minute amendments to satisfy an intransigent faction or to score political points in a tough election year. The long-term consequences of the legislation will be forgotten in the rush to finally resolve this complex issue.

Will it lead to an increase in our federal prison population? Will it shift the balance of law enforcement from state and local to federal authorities? Will it erode freedoms guaranteed by our Bill of Rights? Those questions ought to be raised any time federal criminal laws are rewritten. They can best be answered when the proposed revisions are limited enough in scope to allow for thoughtful analysis and agreed to on their individual merits rather than as part of a surprise package of unknown quantities.●

TRIBUTE TO BOBBY MITCHELL, OUTSTANDING PROFESSIONAL ATHLETE AND SPORTS EXECUTIVE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. FAUNTROY. Mr. Speaker, I am very proud to bring to the attention of my colleagues recognition being given by the Touchdown Club to a distinguished citizen of the National Capital area—Bobby Mitchell.

For sports fans around the country the name Bobby Mitchell leaves an indelible impression on our memories of a brilliant athlete who achieved uncommon stardom in college and professional football.

For 10 years Bobby Mitchell dazzled opponents and electrified fans as a running back and wide receiver with the Cleveland Browns and Washington Redskins. Before that he was an all-American player at the University of Illinois. Today he is assistant to the president of the Washington Redskins.

It is, in part, in recognition of his gridiron accomplishments that the Touchdown Club is honoring Bobby Mitchell this weekend. But perhaps his greatest scores come from his achievements off the field and in the community where he lives and works.

He has consistently put points on the scoreboard of life with his unselfish dedication to assist, in meaningful efforts, with young people and the poor of our neighborhoods through such programs as the Shaw community food project and the District of Columbia Boxing Commission.

Along with his success as a player and management official in professional football, Bobby Mitchell continues, without fatigue, to make yardage and score game-winning points as a man who is respected for his honesty, humanity, and humility.

I hope you will join me in saluting Bobby Mitchell and wishing him and his family all the best in the years ahead.●

CALIFORNIA PROVES AUTOMOBILES CAN HAVE BOTH FUEL ECONOMY AND EFFECTIVE AIR POLLUTION CONTROLS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. BROWN of California. Mr. Speaker, the troubles of the U.S. automobile industry, combined with the inflated rhetoric of an election year, have been the cause of extensive inaccuracies in news reports. While this is a normal situation which we all understand, there is a need for us to also recognize what is fact and what is fiction. One area where this is especially true is the supposed conflict between automotive emission standards and fuel economy.

The State of California, which has for many years had stricter auto emission standards, has recently announced its latest findings. Contrary to previous years, when U.S. automobile manufacturers treated cars destined for the California market quite differently, the automobiles now being sold in California meet the stricter air pollution standards and have excellent fuel economy.

Mr. Speaker, I urge my colleagues to consider these facts before they begin to support legislation that is based on false assumptions.

At this time, I insert an article from the November 13, 1980, Los Angeles Times in the RECORD:

STATE FINDS 1981 CARS OFFER MORE MILES, LESS POLLUTION

(By Richard O'Reilly)

The 1981 model cars being sold in California show a dramatic increase in gasoline mileage coupled with an equally impressive reduction in tailpipe emissions, the state Air Resources Board said Wednesday.

And U.S. manufacturers are charging buyers much less for the smog control equipment this year, the ARB reported.

"Two-thirds of the 1981 models available in California now provide the same or better gas mileage than similar models sold in the rest of the country, averaging 27 miles per gallon in combined city and highway driving," ARB chairwoman Mary Nichols said.

At the same time, pollution emissions are down by as much as 25 percent in some models, with more than one-fourth of the engines already meeting a standard that won't be imposed in California until 1983, Nichols said.

For many years, California's emission standards have been tougher than those in the rest of the nation.

"We feel comfortable that the customers are going to like these cars," she said. "There should be no impetus for them to tamper with the smog control devices because these cars have good performance and good fuel economy as well as clean emissions."

A major reason for the improvement is that 71 percent of the new cars are equipped with three-way catalytic converters coupled with sophisticated fuel metering systems as opposed to the two-way catalysts that have predominated until now.

The difference is that three-way catalysts, pioneered here by Volvo in 1977, convert all three major pollutants—hydrocarbons, carbon monoxide and nitrogen oxides—into harmless gases.

Two-way catalysts reduce only hydrocarbon and carbon monoxide, requiring fuel and power-robbing engine modifications and exhaust gas recirculation systems to control nitrogen oxides.

The overall 1981 emissions reductions for passenger cars work out to 8 percent for hydrocarbon, 21 percent for nitrogen oxides and 27 percent for carbon monoxides compared to last year. The first two pollutants are the major ingredients of photochemical smog.

Nichols said General Motors and Ford are charging much less for their California anti-smog equipment this year. She said an ARB investigation last year concluded that California buyers were being overcharged as much as $200 per car by U.S. manufacturers and that they paid more than their fair share of development costs for this technology.

AUTO FIRMS' PLOY SEEN

"We suspect the temporary price hike last year was part of U.S. car makers' attempts to instigate public criticism of California's unique emission control standards as part of a campaign to abolish them," Nichols said. That effort failed in the Legislature.

"General Motors is now charging only $46 extra for the same anti-smog system it charged $250 for in California last year," Nichols said. "Also, Ford is now charging only $30 extra, after dropping $220 from last year's price, for California's smog control system even though there have been no major changes in it," she added.

"Mary Nichols knows better," GM's spokesman, James Lecocq, western regional manager of public relations, charged.

He said the actual cost of developing the computer command control system used in California cars last year and nationwide this year was two or three times what California customers were charged last year.

He said the system this year costs $480, which is built into the base price of every car. The extra $46 paid by California buyers this year is only to cover the costs of testing and certification to meet ARB requirements.

At Ford, Helen Petrauskas, director of the automotive emission office in Dearborn, Mich., said the lower price this year is because California and federal emission control requirements are sufficiently similar to allow the same technology to be used for both.

She also said the extra cost to California customers this year is $46, not the $30 figure used by Nichols.

Indeed, about half of the 46 engine types available in California for 1981 are sold with identical pollution control devices in the rest of the nation, according to ARB. Included are engines made by Chrysler, Ford, General Motors, Toyo Kogyo (Mazda), Toyota and Porsche.

The 1981 models averaging 27 m.p.g. already meet the federal fuel economy standard set for the 1984 model year, Nichols pointed out.

STANDARDS ALREADY MET

The cars already meeting California's 1983 emission standard of no more than 0.4 grams per mile of nitrogen oxide include compacts such as Toyota Corona, Renault Le Car and Volkswagen Rabbit and Scirocco; medium and full-sized cars such as Chrysler Imperial, Chevrolet Malibu and Monte Carlo, and high performance sports cars such as Porsche 911SC and 924 turbo and Ferrari 308.

"This is clear evidence to dispel forever the myth that car makers must choose between good mileage or clean air," Nichols said.

"After car makers spent considerable energy trying to convince us it couldn't be done, they are now manufacturing cars that are up to 25 percent cleaner and give 27 percent better gas mileage at the same time, compared to last year's models.

"It makes us wonder how much sooner they could have done it if they had worked more cooperatively with regulatory agencies instead of fighting us," she said.

CERTIFICATION BY STATE

All of the results are based on ARB certification tests which are separate from those conducted by the U.S. Environmental Protection Agency and are required of any model sold in California.

For the first time this year, every new car will have a catalytic converter, which has led to large mileage increases in some cases.

For instance, by replacing a thermal reactor with a catalytic converter, the 1981 Mazda RX7 achieved a 33 percent mileage increase and Subaru measured a 25 percent-30 percent gain with the same technology switch.

Nearly every car offered for sale in other states also is available in California for 1981, Nichols said. "The selection of models has never been greater . . . only a few low-volume models are not available here this year."●

BIAGGI SEEKS REPEAL OF PROVISION OF SSI LAW REDUCING BENEFITS FOR ELDERLY LIVING WITH RELATIVES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. BIAGGI. Mr. Speaker, today I am introducing a bill to amend title XVI of the Social Security Act to eliminate the benefit reduction presently applicable to individuals receiving support and maintenance from families with whom they are living.

The present policy of the Supplemental Security Income (SSI) program, a national program designed to guarantee a minimum level of income for aged, blind, and disabled persons, is to regard the value of in-kind assistance as income—unless otherwise disregarded by law—when determining the Federal SSI benefit payment. When the SSI recipient lives in the household of another and receives in-kind support, however, there is an exception which limits the amount of Federal payment that can be reduced. Under these circumstances, the value is presumed to equal one-third of the regular Federal SSI benefit standard—about $79 for an individual and $119 for a couple; thus leaving $159 and $238 per month respectively as the reduced SSI payment.

This policy actually discriminates against home care by family and friends. If well-meaning relatives or friends help out an SSI recipient by donating a bag of groceries or charging a lower rent, this is counted as in-kind income and support and maintenance and automatically subjects the older person to a reduction in his SSI benefit. On the other hand, if this same recipient turns away from his family and instead receives food stamps, a meal in the national senior nutrition program, or an emergency fuel payment, his SSI benefit remains intact.

This is contrary to other Federal policies which strive to reduce the institutionalization and promote the independence of our senior citizens. Instead, the SSI one-third reduction requirement appears to penalize those persons who attempt to live with their family, at less cost to the Federal Government.

As an original member of the House Select Committee on Aging, I am very conscious of the difficult financial circumstances which confront senior citizens who live on fixed incomes. Moreover, the sharp increase in the cost of living poses the greatest hardship on older Americans who generally spend a disproportionately larger share of their income on essentials such as food, housing, energy, and health care. This is especially true for SSI recipients who receive minimum subsistence level payments. Thus, in-kind support is often sought from friends and relatives as a critical supplement to a meager income. However, the SSI program, as it is presently structured, discourages the use of important natural support networks which not only provide companionship, but in the long run, cost the Government far less in administration and service fees.

Related to the need to strengthen natural support networks is the issue of domestic violence against the elderly. As chairman of the Human Services Subcommittee of the House Select Committee on Aging, I have conducted several hearings on this burgeoning national problem which involves the physical, psychological, and material abuse against older persons. Elimination of the SSI one-third reduction requirement could contribute to the lessening of this tragedy by helping to ease the economic strains which lead to increased family tensions. Most experts agree that a leading cause of abuse can be attributed to the financial and emotional demands placed upon younger family members who are charged with the care of an older relative. Costs associated with housing and medical care are soaring due to the persistently high inflation of the past few years. This strain on the family income creates the tension which is often manifested in acts of abuse. A study on elderly abuse conducted in Boston by the Legal Research and Services for the Elderly found substantial evidence for this thesis; 84 percent of the abusers in the study were relatives and 75 percent of the victims lived with their tormentors. Moreover, statistics indicate that 80 percent of the SSI aged population presently live with their families.

In light of these facts, it is the responsibility of the Federal Government to respond accordingly and eliminate those policies, such as the SSI one-third reduction requirement, which tend to discourage intergenerational living arrangements and encourage factors which lead to domestic violence against the elderly.

One need not be clairvoyant to recognize the wave of the future—our Nation is rapidly growing old. In the 1970's alone, there was a 16-percent increase in the number of persons over the age of 65. By the end of this century, the number of those 65 and over will have increased by 8 million, numbering a total of 31 million older Americans. Today, the family is not only the major giver of human services to America's seniors, but also the care giver of preference. If this current trend continues, an overwhelming majority of all older persons will continue to rely on their families to provide care services. Unless we act today, the future may prove to be ominous for America's older citizens.

I urge, therefore, that prompt congressional consideration be given to my bill to eliminate the discriminatory and harmful SSI one-third reduction requirement for in-kind income and support and maintenance.●

RELIEF FOR VETERANS EXPOSED TO RADIATION

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. GONZALEZ. Mr. Speaker, today I introduced a bill that I hope will resolve the injustices suffered by many of our veterans who over the years have been exposed to ionizing radiation as a result of nuclear testing conducted by the United States. My bill calls for making those veterans who develop diseases related to radiation exposure eligible for veterans' benefits.

Unfortunately there has not been a great deal of effort to discover how much radiation people can be exposed to without ill effects, and thus many veterans who were exposed to nuclear tests such as the ones conducted at Bikini Atoll in the Pacific from 1946 to 1958 and have suffered physically have not related the two. And those who did were unable to prove the relationship to the satisfaction of the Veterans' Administration. However, recent news stories about the possible effects of these tests plus the recent Government decision to once again remove the native population of Bikini because they feel it cannot be safely inhabited for another 50 to 75 years, have made these veterans acutely aware of the possible connection of their illnesses to the radiation exposure.

Mr. Speaker, the sad fact is that veterans who were directly involved in these nuclear tests and have attempted to file claims with the VA for compensation have found their claims denied for lack of sufficient evidence. It is my understanding that many of these veterans whose claims were denied viewed atomic explosions as close as 5 miles.

I realize that there is a great controversy as to the connection between radiation exposure and diseases commonly thought to be related to effects of ionizing radiation, but it appears that there is enough evidence in certain illnesses to assume there is a link and the Government should be willing to take the responsibility in these circumstances.

My bill simply states that any veterans who were exposed to ionizing radiation as a result of nuclear testing conducted by the United States and who develop leukemia, thyroid cancer, bone cancer or any other cancer, disease or illness included in a list to be published by the advisory panel on the health effects of exposure to radiation, which, is established in my bill, will be eligible for benefits which up until now, they have not been eligible for.

Mr. Speaker, I feel that my measure is one of fairness and offers the veteran the justice which up until now many have been denied. I would hope that my bill could be considered as soon as possible so that those veterans who, through no fault of their own, were exposed to radiation and are now suffering the side effects, can be eligible for compensation due them.●

THE LEGAL SERVICES CORPORATION: A SELF-APPOINTED DEPARTMENT OF EDUCATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. ASHBROOK. Mr. Speaker, as everyone in this House knows, the Federal education laws contain provisions which supposedly prevent Congress or the bureaucracy from interfering with local control of education. We all know that these provisions are often violated, but suppose they did not exist at all. Then suppose that we in Congress were asked to decide the following questions:

First, should States be prohibited from requiring that students pass a test of their ability to read, write, and compute before they can receive a high school diploma?

Second, should teachers of black students in inner-city schools be required to take courses in so-called black English?

Third, should schools be forbidden to suspend or expel disruptive students unless they conduct a quasi-judicial prior hearing complete with impartial hearing officer and with the school bearing the burden of proof?

Fourth, should schools be absolutely barred from using corporal punishment against any student, no matter what the circumstances?

Fifth, should schools be barred from tracking students—grouping them into classes according to ability and past performance—if this practice causes blacks to be overrepresented in some groups and underrepresented in others?

I do not know whether my colleagues would agree with me that the right answer to all these questions is "No." But I hope they would agree that the Federal level is not the right place to answer them. I hope they would further agree that, of all the branches of the Federal Government, the judiciary is the least well-suited to find the right answers. If not, I hope they would at least agree that the executive branch should not subsidize litigation designed to obtain uniform "yes" answers in the form of court decisions to be imposed on 16,000 local school districts. That is exactly what the executive is doing through the Legal Services Corporation.

In effect we have two Federal Departments of Education, only one of which is bound by statutory prohibitions against dictating policy to local schools. The other is the Center for Law and Education, in Cambridge, Mass., which has a very clear set of goals for educational policy—goals which in my view are diametrically opposed to the educational preferences of an overwhelming majority of our citizens. The tax dollars of these citizens are being used in Cambridge to formulate a policy agenda which has never been authorized by Congress, and in legal services programs throughout the country to pursue that agenda through the courts.

I believe that the role of the courts in local education policy is already swollen beyond all reasonable bounds, and that the process ought to be reversed. But my proposed amendment would not do that; compared to the scope of the problem, it is a very modest step indeed. It would not undo any court decision that has already been made, nor would it in any way limit or redefine the jurisdiction of the courts over future disputes involving schools. This amendment would not keep any judge from making his court a battleground for any educational dispute to the full extent that his activist instincts, and his indifference to constitutional principle, allow. What it would do—or start doing—is to bar the executive branch from spending tax dollars to subsidize only one side of the battle. It would curb the Washington bureaucracy from using subsidized lawsuits to achieve what it is forbidden to achieve by direct regulation. It would help rescue the principles of federalism from one of the most devious distortions they have ever suffered.

In education as in many other areas of American life, increasing amounts of scarce time and resources are being devoted to hiring clever lawyers. to help people thread their way through mazes that other clever lawyers have built. In a society which already gives too much prestige to lawyers and too little to teachers, the former's turf has been enlarged at the direct expense of the latter's. This would be acceptable if it helped some students and did not harm others, but in fact the net effect of this explosion of classroom lawyering has been to hurt all schools and all students.

Litigation is an inherently adversarial tool. It encourages collections of widely disparate individuals—like students—to regard themselves as a class with distinct rights and interests to be exercised against other classes, like teachers and principals. Good educators have always tried to foster a sense of community within their schools, of shared commitment to common values and objectives. This task became enormously harder during the years which Tom Wolf labeled the "Me Decade." By encouraging students and teachers to consider each other as adversaries, lawyering has made it even harder.

Litigation is inherently formalistic. It forces people to codify and bureaucratize their relationships, to substitute abstract routine for personal creativity and flexibility. The Apostle Paul said that: "The letter killeth, but the spirit giveth life"; by forcing educators to be ready to justify their every decision according to the strict letter of rules formulated outside the schools, lawyering has powerfully reinforced the innate tendency of schools toward timidity and stagnation. An educator who makes all his decisions by the book may avoid lawsuits, but he will never be remembered as a pioneer or as someone who simply refused to tolerate mediocrity.

Litigation does not weigh benefits against costs. It grants sweeping remedies to litigious activists which often harm the broader long-term interests, not only of other students, but of the activists themselves. By making it harder for teachers to preserve simple order in class or to recognize and reward personal excellence; by encouraging schools to isolate minority students in the linguistic ghetto misnamed bilingual education; and by deterring schools from using minimal-competency tests to guarantee that their diplomas are not completely meaningless, classroom lawyering has contributed heavily to continued decline in the quality of public education and in the morale of students, parents, and educators.

Litigation is time consuming. Direct Federal regulations are already costing State and local educators 10 million hours a year, and every hour spent on courtroom battles diverts even more of administrators' time from direct work with students and teachers. Like just about everything else Washington does to the schools, litigation forces principals to become paper shufflers.

The tyranny of lawyers over school officials has reached an ultimate extreme in Boston, where Judge Garrity has issued some 240 court orders affecting school operations during the last 6 years. At one point he made the decision on repairing a ceiling, at another he prevented the district from closing a school with only 28 enrolled students. According to the New York Times of October 25:

> Federal District Courts in Cleveland, Los Angeles, St. Louis, and Houston are now

overseeing desegregation plans that some observers think may be heavily influenced by what Judge W. Arthur Garrity Jr. has done * * * hastening the day when the courts may end up running several of the biggest school systems in the country.

Unless we want to bring that day even sooner, Congress will act to block the LSC from deliberately promoting the growth of one-sided classroom lawyering. If we think local control should be anything more than an antique slogan, my amendment, which appears on page 28744 of the CONGRESSIONAL RECORD for October 1, 1980, is the very least we should do.●

ELGIN AREA CELEBRATES 10TH ANNUAL INTERFAITH SERVICE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. McCLORY. Mr. Speaker, one of the most significant events occurring annually in my congressional district is the interfaith service conducted at the First United Methodist Church of Elgin.

On Sunday, January 25, 1981, the tenth annual interfaith service will be celebrated in which religious leaders of the Catholic, Protestant, and Jewish faiths of the area will participate.

Mr. Speaker, this inspiring service originated with my long-time friend Dr. Carleton C. Rogers, senior minister of the First United Methodist Church of Elgin who has served this church for more than 30 years. Earlier in his career Dr. Rogers was minister at the Grace Methodist Church in my hometown of Lake Bluff, Ill. He served later as minister of other Methodist churches before assuming his ministry of the large, influential First United Methodist Church of Elgin.

Mr. Speaker, the benefits and blessings which flow from this annual interfaith observance are reflected in part by the participation of both religious and lay leaders in the Elgin area including public and civic officers as well as representatives from hospitals, labor, the media, the judiciary, business, education and other groups. This interfaith service is likewise interracial with generous participation by the choirs of black churches in the area, as well as by the faithful worshipers from churches of virtually all denominations and sects.

Mr. Speaker, the leadership and inspiration which have been exemplified in the person of Dr. Carleton Rogers have touched the entire area which I serve in the House of Representatives, and particularly the great Fox River Valley area which extends throughout Kane County, Ill.

Mr. Speaker, I will be attending the tenth annual interfaith service on Sunday, January 25, 1981, at which time I will plan to present copies of these remarks as recognition from this body of the vital religious and spiritual activity which is characterized by this significant interfaith service.●

CONGRESS HAS RESPONSIBILITY TO REVIEW IRS RULING

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. ROTH. Mr. Speaker, yesterday I introduced H.R. 8325, providing for the revocation of Internal Revenue Service revenue ruling 80-274. The IRS ruling prohibits tax deferral for an individual who purchases an insurance annuity from an insurance company, with the insurance company's proceeds being held at a financial institution.

All insurance companies participating in this annuity program were required to receive a private letter ruling from the Service to offer this product. It has proven to be very successful with lower to middle income people because of the tax deferral aspect and the ability to work with their financial institution as a facilitator of their annuity purchase. This product is one of the few programs that encourages someone to save, and let no one doubt this country needs tax incentives to stimulate capital formation. For example, the national mortgage fund shortage, according to Regional Data Associates, will reach $390 billion by the end of the decade, a shortfall of 38 percent. Within the same timespan, the gap in mortgage funds in Wisconsin will reach $10 billion, or a shortage of 40 percent.

Moreover, tax deferred annuity accounts provide a much needed service to our older citizens. That is, they are a model vehicle for building a personal retirement account, while also providing a framework for setting aside funds for your children's education. This ill-conceived ruling may have disastrous effects and unanticipated impacts on the insurance industry, home building industry, savings and loans and many small businesses throughout the country.

Mr. Speaker, the Honorable Jay Janis, Chairman of the Federal Home Loan Bank Board, has written to Treasury Secretary Miller explaining his opposition. I would urge my colleagues to read his letter and cosponsor H.R. 8325. The responsibility for writing laws rests with Congress, not with the Internal Revenue Service.

The letter follows:

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., October 10, 1980.

Hon. G. WILLIAM MILLER,
Secretary, Department of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to express my concern over the recent issuance of Revenue Ruling 80-274. The practical effect of the ruling is to preclude the use of group single premium retirement annuity contracts under which Federally insured savings and loan associations are designated as group contract holders. I believe the Internal Revenue Service should withdraw this recent ruling, and that the Treasury Department and the Internal Revenue Service should reconsider carefully the legal and policy implications of the ruling.

I am concerned about the adverse impact of the ruling on savings account funded annuity plans because these plans can be a significant incentive for increased savings by a major segment of the American public, and because these annuity plans have the potential to become a significant source of stable funds for Federally insured savings and loan associations.

Although Revenue Ruling 80-274 is limited ostensibly to the facts of a specific type of annuity contract involving savings and loan associations, as a practical matter, it raises major policy questions concerning the tax treatment of other types of annuities as well. The ruling fails to provide any reasoned legal analysis for its conclusion. In fact, strong legal arguments and precedent exist for concluding that the ruling is incorrect as a matter of law.

In view of the important policy considerations and the complex legal questions raised by the ruling, I believe it is more appropriate for a decision on the tax treatment of these annuity contracts to be the subject of a proceeding that would provide interested individuals and governmental agencies, including the Bank Board, an opportunity to participate. Therefore, I recommend immediate withdrawal of Revenue Ruling 80-274 and commencement of a rulemaking proceeding to consider the important and difficult issues raised by this ruling.

Sincerely,

JAY JANIS,
Chairman.●

CYPRUS HOLDS 20TH ANNIVERSARY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. YATRON. Mr. Speaker, October 1 was the 20th anniversary of the independence of the Republic of Cyprus.

It is of grave concern to all of us who hold freedom and self-determination as the highest value, that on the occasion of their anniversary of independence, the people of Cyprus live in a country of which 40 percent is under Turkish military occupation and 200,000 of their fellow citizens, one-third of the total population, are refugees in their own land.

Our country has maintained close and friendly relations with the democratic countries of the eastern Mediterranean, Cyprus, Greece, and Turkey. It is vital, therefore, that we remain concerned with the plight of the Cypriot people to insure that Cyprus can once again enjoy the benefits of the independence they established 20 years ago. For this to be accomplished, the withdrawal of the Turkish occupation forces and the return of all the refugees to their ancestral homes must be accomplished.

It is encouraging that recently the United Nations-sponsored intercommunal talks on Cyprus have resumed. It is most important that we support the United Nations in this regard and show our strong interest in reaching a fair resolution to this crisis. We must do everything we can to insure that the long-suffering Greek and Turkish Cypriots will begin to live peaceful and normal lives again.

We must live up to our responsibilities in the eastern Mediterranean, enlist our support in the peacemaking process, and work to insure that these talks yield positive results so that the Cypriot Republic will once again return to a land of peace and prosperity.

I sincerely hope that when we honor Cyprus on its 21st anniversary the dreams of the Cypriot people for a truly independent Cyprus will have been realized.●

THE LEGAL SERVICES CORPORATION: A BARRIER TO BLACK EXCELLENCE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. ASHBROOK. Mr. Speaker, when the Legal Services Corporation bill, H.R. 6386, comes to the floor—whether that happens tomorrow or next year—I shall offer an amendment designed to stop the LSC from using tax funded lawsuits to dictate policy to local school districts. Yesterday I spoke in rather broad terms about the need for this amendment; today I would like to concentrate on one specific example.

In 1979 attorneys for Michigan Legal Services convinced a Federal judge to make one of the most antiblack court decisions since the Jim Crow era. In the case of *Martin Luther King Junior Elementary School Children* v. *Ann Arbor School District Board* (473 F. Supp. 1371, Eastern District of Michigan, July 12, 1979), Judge Charles Joiner ordered a local school district to give its teachers special training in "Black English."

Like many of the so-called reforms which the enlightened liberal elite has inflicted on our long-suffering black populace, this one reeks of condescension and is guaranteed to prolong unnecessary racial differences. But unlike most of the other such damaging schemes, this one was instantly and accurately diagnosed as such by prominent black leaders. Among those who disagreed with the court order were the Nation's two most widely syndicated black columnists, Carl Rowan and William Raspberry.

Mr. Rowan and Mr. Raspberry both had to master standard American English to achieve the status and influence they now enjoy. Like other successful blacks, they realize that black self-respect does not require the artificial cultivation of a distinctive, substandard dialect. They know what kind of social and economic conditions originally nurtured this dialect.

Is not there just a touch of unconscious racism among sentimental liberals who think it is easier and more productive to insist that white teachers learn black English than that black children learn mainstream American English? Unless you share that racism, you have to conclude that nothing could be more harmful to black aspirations than to bestow academic legitimacy on this dialect, which is a completely oral language with no known literature.

But let us suppose for a minute that Mr. Rowan, Mr. Raspberry, and I are all wrong. Is that an appropriate judgment for a court to make? Even if it were, is it proper to force taxpayers to subsidize the lawyers who are promoting the study of black English? The Ann Arbor school district, which was the defendant in this case, is directly accountable to a locally elected school board. Michigan Legal Services is effectively accountable to no one, yet it is able to use Federal funds to formulate sweeping answers to sensitive social and educational questions and to promote those answers through aggressive litigation. Even if their goals were laudable, which they are not, their methods are intolerable to anyone who believes in representative democracy. They must be stopped, and that is why my amendment is essential.

The full texts of the articles by William Raspberry and Carl Rowan follow:

[From the Plain Dealer, Aug. 5, 1979]

IS THIS WHY BLACK JOHNNIE CAN'T READ?

(By Carl Rowan)

WASHINGTON.—I have read the decision of U.S. District Judge Charles W. Joiner in the celebrated "black English" lawsuit in Ann Arbor, Mich., and I am both amazed and appalled.

This judge, well-meaning beyond doubt, has embraced the flimsiest of sociological-psychological assumptions as the reason why certain black children aren't learning to read. And he has given the Ann Arbor School District Board 30 days in which to produce what to me seems impossible: a plan to give otherwise good teachers "sensitivity" and "knowledge" about "black English" so they can use them in teaching certain black students "how to read standard English."

This is a case of more than trifling importance, because as Judge Joiner wrote, "The plaintiffs (11 black children) have attempted to put before this court one of the most important and pervasive problems facing modern urban America—the problem of why 'Johnnie can't read' when Johnnie is black and comes from a scatter low-income housing unit, set down in an upper middle class area in one of America's most liberal and forward-looking cities."

It bothers me immensely that after all the expert testimony and arguments, and to the exclusion of many obvious and alterable reasons, Judge Joiner seizes upon something as vague as "teacher insensitivity" regarding "black English" as the explanation for the failure of thousands of black children to learn to read.

Let me cite some of the judge's findings of fact to explain my fear that this court has set the stage for copouts on the part of many black parents and students:

There is no issue here of poor black kids being subjected to either a Jim Crow school or faculty, or to inferior facilities. The 11 children (from a low-income housing project) were attending the Martin Luther King Jr. Elementary School, whose population is 80 percent white, 13 percent black, 7 percent Asian, Latin or other. Of the 20 teachers, three are black. Available to the teaching staff are "one or more learning consultants or helping teachers, a speech therapist, a psychologist and a language consultant."

Plaintiff students were "provided with assistance in reading help and some of them have been offered tailor-made programs in oral reading and phonics . . . The evidence . . . suggests that each teacher made every effort to help and used the many and varied resources of the school system to try to teach the students to learn to read."

The problem was not that the black plaintiffs spoke only "black English" and needed to be taught in a black dialect. The court found that the students "communicate quite well in standard English" and that while in casual conversation in their community they spoke "black English," "they seem to quickly adapt to standard English in settings where it appears to be the proper language."

But why didn't they learn to read? The court noted that the plaintiffs suffered from "absences from class, learning disabilities and emotional impairment." It also noted that "there is a lack of parental or home support for developing reading skills in standard English, including the absence of persons in the home who read, enjoy and profit from it."

Still, even though the court found "no evidence that any of the teachers have in any way intentionally caused psychological barriers to learning," Judge Joiner wound up blaming the teachers.

I am normally quite respectful of the findings of sociologists and psychologists, but this court decision strikes me as being far-fetched. I am going to regard Joiner's sociological assumptions as dubious at best until we do something about the absences from school, until we make more black parents understand the value of reading in the home, until more teachers force ghetto students to read newspapers and magazines and at least try to resist peer-group pressures to downgrade standard English.

"My teacher was insensitive to my 'Black English'" is an alibi that black youngsters can use forever to "explain" why they did not aspire to excellence, and thus never learned to read—or to prepare for a decent life.

Thanks a lot, Judge Joiner, but black America cannot afford that alibi.

[From the Washington Post, Aug. 1, 1979]

READING, WRITING AND DIALECT

(By William Raspberry)

I have just finished reading, in The New York Times, James Baldwin's eloquent defense of "black English," and I am fascinated.

What fascinates me is not merely the fact that his piece is datelined St. Paul de Vence, France, or that, like most defenses of the peculiar dialect of the black American slums, it is written in flawless standard English.

These are not the same things, and we're not likely to settle the debate now raging over the "legitimacy" of black English until we understand the difference.

Baldwin's examples, for instance, include "let it all hang out" and "put [one's] business in the street."

This is slang—the deliberate substitution of words or phrases for standard words or phrases that the speaker also knows. Black English has more to do with tenses and syntax, the way words are arranged or omitted.

"She is a foxy mama" is not black English, but slang. Anyone who uses the expression knows that "foxy" has nothing to do with small, dog-like animals and that "mama" has no reference to maternity.

"She a beautiful woman," on the other hand, is black English because of the missing copulative "is."

"Don't you be at the Madison Coffee Shop?" is a black English question for which there is no unambiguous standard English counterpart. "Aren't you at the Madison Coffee Shop?" is the standard English version. But ask me that question on the telephone and I won't know whether your reference is to my present location or to my lunch-time habits.

But even this misses the point of the current debate over black English. What is at issue is not the question of definitions but the question of what the schools should do about black English.

Should teachers try to learn black English? Should they merely learn to respect it as a legitimate separate language? Should they try to eradicate it and install standard English in its place? Or should they simply proceed to teach the standard without reference to black English?

The answers, it seems to me, must vary with the skills, the attitudes and the personalities of individual teachers.

One teacher might be effective with a you-teach-me-your-language-and-I'll-teach-you-mine approach, while another using the same approach might come off as a big phony.

One teacher might find that it works well to accept correct answers in any dialect whatever, while, at the same time, trying to teach standard English. Another might find more effective the Berlitz total-immersion method, in which only standard English is permitted in the classroom.

Only two things strike me as mandatory. First, teachers must learn, and keep reminding themselves, that a child who comes to school speaking black English (or any other dialect) is not on that account less intelligent, less admirable or less anything else than the child whose home language is standard English.

Second, they must understand, and convey to their children, that while it is necessary to learn standard English for use in the classroom or on the job, other dialects may be more appropriate for other circumstances.

Black English may be as appropriate on the playground or in a fight as the archaic thee-and-thou style is in church or at prayer. Both would be out of place in the classroom or in the personnel office.

The trick for teachers is to help their children become fluent in the standard dialect without making them feel inferior because of the dialect they learned at home.

As Baldwin put it: "A child cannot be taught by anyone who despises him."●

TEXAS NURSES WEEK

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. PICKLE. Mr. Speaker, I have the distinct honor of representing Austin, Tex., the home city of the Texas Nurses Association. The TNA is a very strong and vital force in the affairs of our State of Texas, and the nurses who are its members are one of the most respected and dedicated groups that I know of.

Through groups such as the Texas Nurses Association and also through association with colleagues such as former Representative Martha Keys, with whom I served for a number of years on the House Ways and Means Committee, I have come to learn more about and to greatly admire the skills and fortitude of those in the nursing profession, both in our State of Texas and on the national level.

Recently Ouida J. Weaver, president of the Texas Nurses Association, and Mary Troyer of the TNA public relations committee, sent a proclamation to me which has been passed by the Texas Nurses Association. They have asked that this proclamation be placed in the CONGRESSIONAL RECORD, and I am more than pleased and proud to bring it to my fellow Members' attention herewith:

PROCLAMATION

Whereas, the profession of nursing is committed to the maintenance of health, the prevention of disease and the alleviation of suffering and pain, and

Whereas, the registered nurse is an integral part of the health team, working closely with other health professionals to deliver comprehensive and quality care to people, and

Whereas, the highest goal of the registered nurse is to preserve the dignity of the individual and to respond to his needs and those of his family with excellence in nursing practice, and

Whereas, the profession of nursing offers virtually unlimited opportunities to men and women for rewarding and fulfilling careers,

Now, therefore, Texas Congressman J. J. "Jake" Pickle asks the U.S. House of Representatives to take note of the fact that the week of November 9-15, 1980, has been designated by The State of Texas as the Texas Nurses Week.●

REAUTHORIZATION OF HEALTH INCENTIVE GRANT PROGRAM

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. CARTER. Mr. Speaker, as ranking Republican on the Health and Environment Subcommittee, as a physician, and as a former public health officer in Kentucky, I have had a special interest over the years in the important responsibilities of our Nation's health departments in the prevention and control of disease.

Today I am introducing legislation to reauthorize for 3 fiscal years the Federal program of support for comprehensive public health services, established under section 314(d) of the Public Health Service Act, and now known as the health incentive grant program. This important authority provides Federal funding to State and territorial health authorities, and through them to local health departments, to assist in the provision of a wide range of essential public health services. Included among such services are communicable disease control programs, chronic disease screening, environmental health protection activities, public health laboratory services, community health education, and other preventive health activities which have a direct and positive effect on the health of our citizens. During the last fiscal year for which data are available, fiscal year 1979, our Nation's 57 official State and territorial health agencies provided direct personal health services to an estimated 72 million Americans. The 314(d) program represents a unique and essential component of State health activities and the success of a wide variety of preventive health programs can be linked directly to this authority.

Because the existing law's authorizations for this program expire next year after I will have retired, I am introducing this reauthorization measure today to demonstrate my strong support for a meaningful, adequately funded Federal commitment to State and local public health services. Moreover, I submit that, in light of continuing national concern about escalating health care costs, Federal support of 314(d) activities, which have demonstrated their cost effectiveness in preventing and controlling costly public health problems, is not only a prudent, but a necessary investment of tax dollars. I urge my colleagues to work for early and favorable consideration of this legislation next year.

Mr. Speaker, as you and the other distinguished colleagues review this legislation, I would like to remind you of the Federal Government's long history of support for public health activities. It is only the framework for that commitment which has varied over the years. And as a result of the various legislative revisions which have been enacted, I believe we have greatly improved the effectiveness of the program. I would now like to highlight a few of the major program changes which have contributed to the evolution of the 314(d) legislation.

The first program of Federal health grants to the States was authorized in 1918 by the Chamberlain-Kuhn Act, but it was not until 1935 that legislation was enacted to provide Federal support on a continuing basis for State public health activities. At that time, a general grant program to the States was incorporated into the Social Security Act to assist in providing comprehensive public health services as a means of reducing the cost of welfare assistance for sickness and disability.

In later years, various categorical grants were added for specific health services such as tuberculosis control, cancer control, radiological health services, and others. However, with the expansion of these funding sources, certain programmatic difficulties became apparent. One of the major limitations of this approach was that the funds appropriated for one category could not be transferred to another nor used to respond to pressing public health problems outside those categories. Furthermore, this lack of flexibility with respect to the use of Federal funds, limited State authorities' ability to carry out innovative health protection activities.

To respond to these concerns, Congress in 1966 replaced the categorical grant authorities with legislation establishing a broad block grant program of assistance for provision of comprehensive public health services. The purpose of this approach was to allow State health authorities the flexibility they needed to respond more appropriately to the priorities of their own States. Additionally, this legislation was designed to help expand States' public health efforts and in doing so to create a Federal-State-local "partnership for health."

According to various assessments, the law did lead to significant improvements in States' public health activities. With the new more flexible authority, States were able to use the 314(d) funds to address their own citizens' needs more effectively. Also, public health departments were able to expand their services and carry out innovative health activities that were not specifically funded by State or local budgets. Not surprisingly, this flexibility has become an essential feature of the 314(d) authority.

Over the years, additional experience with the 314 legislation led to further refinements in its provisions. Interest in promoting cost sharing and providing more accountability of program funds led to enactment of amendments in 1978 which converted the 314(d) authority from a block grant program to a formula grant with cost-sharing provisions. Consistent with this new approach, the legislation renamed the program the "Health Incentive Grant."

Under the provisions of this legislation, beginning in 1980, the States were to receive between $1.00 and $1.50 per capita to assist them in meeting the costs of providing comprehensive public health services. The actual size of the grant—between the minimum and maximum per capita—would be determined by the amount of direct State and local support for public health programs in that State. The objective of this new formula was to encourage increased State and local support for public health services. In addition, these amendments established a national health program reporting system to help provide more accountability of program expenditures.

The 1978 health incentive grant legislation was based on several assertions which were stated in our committee report that accompanied the legislation:

First, that there are still great unmet health needs—especially in the area of prevention—in every section of the Nation;

Second, that the official health agencies of this country should exercise leadership in the area of prevention; and

Third, that while the Federal Government does have a very real responsibility in stimulating and supporting public health services it should do so in a manner which encourages additional support by State and local governments.

Mr. Speaker—I submit that these principles are just as sound today and they underscore the importance of continuing Federal support for this program. In particular, the value of the preventive approach to health care—both in human and economic terms—cannot be overemphasized. Millions of tax dollars have been saved as well as incalculable human suffering avoided by early disease diagnosis and prevention. These preventive activities are an integral part of our Nation's public health agencies and a large portion of these savings can be directly attributed to the services supported by the 314(d) health incentive grant program.

To illustrate the effectiveness of the 314(d) program, I would like to share with you a few excerpts from State health agencies' reports on the activities supported by these moneys. These examples were compiled by the Association of State and Territorial Health Officials for testimony before the Appropriations Committee this year.

The public health laboratory is an essential support mechanism for practically all public health activities. The microbiology component of the public health laboratory depends upon 314(d) funding for over one half of its operational budget. A reduction in those laboratory services would directly affect tuberculosis control, rabies control, milk quality, syphilis serology, salmonella, typhoid and other communicable disease programs throughout the state. To illustrate the significance of cuts in laboratory services, the example of the state-wide hypothyroidism screening program may be used. Last year nine cases were detected by the public health laboratory. The early diagnosis alone which prevented mental retardation and the institutionalization of children saved the taxpayers an amount equal to the entire grant. (Arkansas)

Preventive health programs are particularly essential in a rural state like ours. In socio-economically deprived areas, the contact with the public health clinics is the only connection between the individual and the overall health delivery system. A reduction in the 314(d) grant and services would remove this sole access for many citizens. (Arkansas)

Direct chronic disease screening, referral and follow-up services to over 1,500 people (in the areas of hypertensive disease, glaucoma, breast, uterine, and colon and rectal cancer) are being provided. Additionally, another 50,000 are reached with educational materials on early detection, diagnosis, and treatment of chronic diseases. This program will be discontinued with the loss of 314(d) Health Incentive funds. (Arizona)

Plague and encephalitis are endemic to northern areas of the state. Two of the three counties receiving funding have recently experienced cases of plague. The only resource for establishing vector control monitoring systems has been Health Incentive funds. (Arizona)

Loss of 314(d) funds would mean the termination of inspections of X-ray machines which perform a cumulative total of approximately 82,500 human patient exposures per year. These inspections are performed to prevent unnecessary radiation exposure of X-rays to patients and operators. (North Dakota)

The inherent flexibility of the 314(d) program has been particularly useful in responding to unforeseen public health developments throughout the state. Recent years have seen 314(d) support for occurrences ranging from a water-borne illness outbreak and a major legionnaires' disease outbreak to the need to assess asbestos exposure in the schools and improve the ability to monitor nuclear power production. (Vermont)

These funds have served as the "backbone" of numerous public health programs in rural counties. Over the years, food sanitation, environmental sanitation, public health records, and public health nursing services have been supported for numerous counties where small populations and limited tax revenues could not otherwise guarantee these essential public services. (Indiana)

These examples are typical of the critical preventive activities made possible by 314(d) funds, and as such they provide convincing evidence of the need to continue Federal support for this authority. The bill I am introducing today would simply extend the current authority for 3 fiscal years. After consultation with various individuals and organizations familiar with the purpose and achievements of this program, I find no need for major legislative revision at this time. Because funding levels have not been sufficient to trigger the incentive grant matching formula, I believe it is advisable to maintain the current structure as it was passed overwhelmingly by our committee and Congress in 1978. Similarly, the proposed legislation would retain the existing law's authorization levels and merely revise the fiscal years to extend them through 1984. To put these funding levels in perspective, I would remind my colleagues that these proposed authorizations represent less than $1 per capita—a small investment indeed to achieve such tremendous health and fiscal dividends. I am pleased to have the support the following groups for this reauthorization of the health incentive grant program: Association of State and Territorial Health Officials; National Governors' Association; U.S. Conference of Mayors; U.S. Conference of City Health Officers; National Association of Counties; National Conference of State Legislatures; National

League of Cities; Association of Schools of Public Health; American Nurses Association; American Public Health Association; American College of Preventive Medicine; Association of Teachers of Preventive Medicine; American Medical Association, and the National Environmental Health Association. I urge my colleagues on the subcommittee to work closely with these groups in the next Congress.

Finally, Mr. Speaker, I would like to mention one related development which will undoubtedly have an important bearing on the future role of the Nation's public health departments and the 314(d) program. It is my understanding that the Institute of Medicine—through its Division of Health Promotion and Disease Prevention—is preparing to embark upon a major project to analyze objectives of health promotion and disease prevention for the Nation. This IOM study will examine the roles of public and private sectors in meeting these objectives, with special emphasis on the role of State and local health departments. In addition, this study will analyze and project the resources that might be necessary to carry out these roles, including various sources of Federal, State, and local financing. In my view, not only will this undertaking reaffirm the important contributions our public health departments have made to disease prevention efforts; I believe it will also focus national attention on their untapped potential in this important area. I look forward to a final report which will provide our Nation with a realistic agenda for public health in future health promotion and disease prevention policies.●

HOUSE JOINT RESOLUTION 573—CORRECTION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. FORSYTHE. Mr. Speaker, on June 16, 1980, House Joint Resolution 573, which could double domestic energy production by 1990, was introduced in the House and in the Senate. As the author of this resolution, I have been pleased not only by the reception and support the resolution has received from my colleagues and from the press, but by the high level of debate and support the concepts of the resolution received in the recent Presidential campaign. I look forward to favorable action on its provisions in the near future.

I would like to point out, however, that there is a typographical error on page 5 of House Joint Resolution 573.

The word "section" on page 5, line 22, should read, "subsection."●

ADM. GENE LaROCQUE ON "DEFENSE AND THE PRESIDENT-ELECT"

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. DRINAN. Mr. Speaker, many Americans are inclined to give President-elect Ronald Reagan the benefit of their doubt as he prepares to assume control of our Nation's foreign and military policy next January. Yet, it is impossible to ignore the manner of his decisionmaking as a Governor and Presidential candidate or the background and philosophy of his closest advisers—both of which have profound implications for the foreign policy of the United States.

I commend to my colleagues the following article by retired Rear Adm. Gene R. LaRocque, currently director of the Washington-based Center for Defense Information, which appeared in the November 7, 1980, edition of the Christian Science Monitor. In it, Admiral LaRocque raises troubling questions about the extent of President-elect Reagan's reliance on advice from those who advocate highly questionable military solutions to complex international problems.

The article follows:

[The Christian Science Monitor, Nov. 7, 1980]

DEFENSE AND THE PRESIDENT-ELECT

(By Gene R. LaRocque)

In the heat of a political campaign reality can be only dimly perceived. Politics and defense are particularly ill-suited companions.

After we brush away the campaign rhetoric, no easy task, it becomes clear that President-elect Ronald Reagan and his advisers have little new to offer, just the old formulas of attempting to solve complex international problems through throwing our military muscle around. This has not worked in the past and there is no reason to believe it will work in the future.

Mr. Reagan's tendency to rely on his advisers is especially troubling in the military area. We should note what John Sears, Reagan's former campaign manager, has said: "I have been asked many times how Reagan goes about making a decision. The answer is that his decisions rarely originate with him. He is an endorser. It is fair to say that on some occasions he is presented with options and selects one, but it is also true that in other instances he simply looks to someone to tell him what do to."

The military advisers around Reagan, for the most part, hold extreme and narrow views of the world about us and are prone to advocate highly questionable military solutions.

No matter how hard some may try to make it appear otherwise, the national security issue in 1980 is not disarmament versus armament but rather, what areas of military spending can actually improve the defense of the United States? If we are to spend more on the military, how can this be done most efficiently and with real results?

The American people want a strong defense but they do not want to throw money at the military just for the sake of appearances. A public opinion poll just released by Newsweek is instructive. The question was asked: "Which is the nation's most serious problem: that not enough money is spent for defense or that the money that is spent is not used efficiently?" Seventy-two percent responded "not used efficiently," while only 15 percent said "not enough money."

There has been growing recognition this year that the first priority for military expenditures should be ensuring that the existing military establishment, including personnel and weapons, is utilized in the most appropriate and efficient manner. There are already too many extremely costly programs in the military budget today which are in competition with each other.

President Carter has programmed at least $1 trillion ($1,000,000,000,000) for the military over the next five years. There is not going to be much more than that available for defense irrespective of last Tuesday's election results.

Hard choices are necessary. Mr. Reagan, through his rejection of SALT II, advocates an expansion of US nuclear weaponry and an uncontrolled nuclear arms race with the Soviets. Some of his advisers propose that the US seek a nuclear first-strike capability. I can only agree with Gen. Maxwell Taylor, the former chairman of the Joint Chiefs of Staff, that an emphasis on a nuclear arms buildup would be at the expense of manpower, weapons, and equipment essential to improving combat readiness of conventional forces.

The SALT II treaty is very much in the security interests of our country. It has been endorsed by the military officers leading the Army, Air Force, Navy, and Marine Corps. It is only through putting some reasonable limits on nuclear weaponry that we can hope to free the resources to concentrate our military efforts on those sectors that do require improvement. It is idle dreaming or pure political rhetoric to claim otherwise.

The constant denigration of American strength that Mr. Reagan and his advisers have engaged in for years is both factually flawed and damaging to our international position.

Our country is not militarily weak. President Carter has not neglected US defenses. We and our military allies are equal to or superior to the Soviet Union and its allies in all important measures of military power. In the areas of nuclear weaponry, military spending military technology, number of men under arms, naval forces, forces for distant intervention, forces for war in Europe, and the overall balance of world power the Soviet Union is inferior to the alliance of powers opposing it. The Soviet Union faces a more hostile and troubling world than does the United States.

But the Russians do have powerful military forces. They are the only country that could destroy our country. There are improvements that can be made in the US military. We must be strong and must work with our allies to be strong together. The point is, however, that we should not panic ourselves with illusions of our own impotence or exaggerate alarms about imminent Soviet world domination. The President-elect's desire for a big nuclear buildup is logically connected with his obsession with the Soviet Union as the source of all the world's problems. Mr. Reagan has stated that he believes "the Soviet Union underlies all the unrest that is going on."

But he cannot simultaneously maintain that the Soviet Union is embarked on a single-minded pursuit of world domination through military superiority and also argue that it will acquiesce in easily surrendering this alleged military superiority. If the Russians actually are as tough and malevolent as Mr. Reagan alleges, we cannot push them around without a brinksmanship that will genuinely risk world peace.

It is a stark recipe for trouble to see the Soviet hand behind every conflict in the world and to advocate greater US readiness for military intervention to deal with this alleged Soviet threat. This is the kind of simple-minded thinking that led us into the Vietnam quagmire under the illusion we were combating the Russians or Chinese.●

CONGRESSIONAL RESEARCH SERVICE FINDS MAYORS' CONFERENCE CONCLUSIONS ON DISTRICT OF COLUMBIA GUN LAW INVALID

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. ASHBROOK. Mr. Speaker, last June, the United States Conference of Mayors (USCM) released a much-publicized study which purported to prove that the 1974 District of Columbia handgun law, the most restrictive yet enacted, had actually reduced firearm crime substantially in Washington. This conclusion received great attention because it was backed by the reputation of the USCM. I requested the Congressional Research Service to obtain the data on which this conclusion was based from the Mayors' Conference, and check the validity of the conclusions. The Congressional Research Service has done so, and has concluded that the study provides no grounds for the declaration made by the USCM.

Let me say that CRS has not concluded that the District of Columbia gun law decreased crime, increased crime, or had no effect on crime. Its conclusion is simply that, on the basis of the USCM study, no valid statistical conclusion about the effect of the District of Columbia gun law can be made. This is a serious matter, because the reputation of the USCM is now staked on its unreserved declaration that it has proven by this study that a restrictive gun law has greatly reduced crime in the Nation's Capital.

The conclusions reached by the USCM study, CRS says, are a result of the method used: "The USCM results are a statistical artifact of their model."

Speaking for JOHN ASHBROOK, and not the Congressional Research Service, what has happened is that the USCM study came to the conclusion the staff wanted it to come to.

In all charity, I state that it is not unusual for statistical studies to end up proving what those doing the research want them to prove. The Conference of Mayors has a strong liberal, antihandgun bias. But what makes this a serious matter is the same thing that gave this biased study so much publicity: The Mayors' Conference has staked its reputation on the conclusion that this study proves strong gun laws prevent crime. If the Mayors' Conference does not withdraw this absolute backing of a flawed study which simply reinforces its political biases, the result could be costly to our entire urban population.●

THE HAITIAN REFUGEES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. CONYERS. Mr. Speaker, tens of thousands of refugees from Haiti have sought asylum in the United States over the past few years. The so-called black boat people, these refugees from the dictatorial government of President-for-life Jean Claude Duvalier, arrive daily on the Florida shores. Unlike other refugees who have been welcomed with open arms, most of the Haitians, who were fortunate enough to survive their dangerous journey, have encountered harassment and threats of deportation by Immigration and Naturalization Service agents.

The double standard of refugee treatment—for example, the relative ease of emigration from Cuba versus the roadblocks against the Haitians; the favorable treatment, historically, toward refugees from Communist countries versus the restrictive treatment against refugees from right-wing governments allied to our own—is the subject of a brilliant article by Peter A. Schey, a leading civil rights attorney in Los Angeles. Schey uncovers the reasons behind the harassment of the Haitians—among them, the State Department's concern not to disturb its friendly relations with the Duvalier regime; the enormous investments in Haiti by American corporations and the loss of cheap labor that the refugees represent. Presently, about 600 refugees are being processed out of camps in Florida. Thousands of others are in the United States, without official status, and are subject to deportation. Two key organizations in Detroit that are assisting Haitian refugees are: Haitian Refugee Center of Detroit, P.O. Box 32059, Detroit, Mich. 48232, telephone 869-5879; and the West Indian American Association, 2015 E. Seven Mile Road, Detroit, Mich. 48234, telephone 893-3311.

The article follows:

[From the Los Angeles Times, June 29, 1980]

BLACK BOAT PEOPLE FOUNDER ON THE SHOALS OF U.S. POLICY

(By Peter A. Schey)

Late at night, as the lights go out in the expensive beachfront homes on the south shores of Florida, small rickety sailboats slowly approach the deserted beaches. Within a stone's throw of the walled-in mansions, women and children slip over the sides of sailboats and drop into the water. Just a few hundred feet from the beach, some children, having just survived 900 miles at sea, will flail and drown. Unable to swim, they lose their quest for freedom in the last 100 feet.

These are the so-called "black boat people," refugees from the Haitian government of President-for-Life Jean-Claude Duvalier. Most of the drownings go unreported; some estimates number them in the thousands. While President Carter calls for "safety and order" in the exodus of Cuban refugees, who travel 90 miles in power boats chartered in Miami, little concern is expressed for the black boat people, who cross hundreds of miles of windswept seas in dismally small overcrowded wooden sailboats.

Unlike the Cuban refugees, who President Carter has said we must welcome with "open arms and an open heart," many Haitian refugees, fortunate enough to survive their journey and land on U.S. soil, have been met by Immigration and Naturalization Service (INS) agents who threaten them with imprisonment unless they agree to repatriation.

The uncertain status of Haitian boat people now in the United States was partially clarified on June 20, when the Administration announced that approximately 15,000 Haitians, along with at least 114,000 Cubans, will be classified as "entrants," a term not defined in law, and will be allowed to remain here for the next six months.

The Administration said it will leave their final status to Congress, which will have to find a long-range solution to the refugee question. The fate of such refugees arriving after June 20 was left unclear by the announcement.

Carter's plan appears to be temporizing solution aimed at deferring resolution of the refugee question until after the November election. However, given growing cohesion of a coalition of churches, black leaders, unions and congressmen calling for an impartial and humane refugee policy, it is unlikely this temporary answer will take the heat off the Administration as it continues to walk a fine line between an "open arms" refugee policy and one that carefully discriminates among refugee groups depending on the country from which they flee.

And the longer Carter sits on this issue, the worse the situation becomes.

One recent case serves as an example.

Solomon Jocelyn was a union organizer in Haiti. He secretly left the country after being imprisoned on two occasions and tortured because of his organizing activities. Using a form letter, INS officials denied his asylum claim, despite the existence of an eyewitness to his troubles in Haiti, documentary evidence and scars on his body inflicted by Haitian authorities. In contrast, Martina Navratilova, the Czechoslovakian tennis star, was quickly granted asylum, while telling the newspapers, "Politics had nothing to do with my decision. It was strictly a tennis matter."

Government statistics show that in 1975-76, the last year in which such data was maintained, 96 percent of asylum applicants fleeing repressive right-wing governments, such as Chile, the Philippines and Iran, were denied refuge in the United States. During the same period, 95 percent of the asylum applicants from Communist countries were granted sanctuary in this country.

The appearance or disappearance of our welcoming mat has largely depended on the nature of U.S. relations with the government from which the refugee has fled. For example, while the first elected Marxist government was in power in Chile, nationals of that country received carte blanche grants of asylum in the United States. In September, 1973, Gen. Agusto Pinochet Ugarte seized power in a bloody coup that many claim had U.S. backing, and a military junta replaced the Marxist government of Salvador Allende. After 1973, it became virtually impossible for Chilean nationals to obtain asylum in this country. While a number of Western countries responded sympathetically to the thousands of refugees fleeing the repressive Pinochet regime, the United States was not among them.

The State Department has conceded that "certain refugee situations cannot be separated from foreign policy or political factors." As recently as April 30, the State Department issued a statement that refugee policy "must" consider "our broader foreign policy objectives . . . ."

Tragically, our "broader foreign policy objectives" have become more of an obstacle for Haitian boat people than the 900 miles of ocean which they must survive to get here. While Haiti became the first independent country in Latin America in 1804, and the first state in the world established through the revolt of slaves, there has been no opportunity for the development of democracy in this small, poverty-ridden country. American domination over Haiti was first established in 1915 when U.S. Marines began a 19-year occupation of the country. For the past 23 years, the United States has supported the Duvalier family's bloody and sometimes precarious rule. Money, weapons and training have flowed from Washington, D.C., to the Haitian National Palace.

Support for the Duvalier regime has two purposes. First, foreign policy strategists are concerned that the Caribbean, traditionally an American stronghold, is being converted into a Marxist sea. Moreover, more than half of America's oil imports travel the sea lanes past the Caribbean islands. In short, for strategic reasons the Administration is maintaining close relations with the Duvalier regime and is unlikely to do anything that might strain that relationship.

Second, there is general concern over protection of U.S. investment in the Caribbean and Central America, which totals approximately $13.7 billion. The Haitian government offers U.S. investors incredibly low labor costs—effective Oct. 1, 1979, the minimum wage in Haiti rose from $1.60 to $2.20 per day. The AFL-CIO has taken the position that American multinational corporations have exported jobs and production facilities to Haiti in a "disgraceful example . . . of mismanaged U.S. laws and policies." Agents of the Duvalier family continue to promote U.S. investments, particularly in assembly industries and agribusiness.

Thus, while Carter has said that he is "greatly concerned" about the Haitian refugees, his Administration appears to be even more concerned with the chill in bilateral relations with Haiti that may follow if any significant number of Haitians are granted political asylum in the United States. At a time when the Duvalier government claims to be holding no political prisoners (even though Sylvio Claude, founder of the first open opposition party in 23 years, was arrested on Aug. 30, 1979, just a few weeks after forming the party, and has not been seen since) it would be viewed as an insult to the Duvalier family to grant asylum to Haitian exiles.

Therefore, the Administration has articulated two contradictory positions, neither of which should alienate President-for-Life Duvalier: First, despite the favorable blanket treatment afforded refugees from Cuba, South Vietnam and Nicaragua, the Administration claims that all such cases are decided on an "individual" basis and that each applicant, including Haitians, "must establish that the asserted fear of persecution is well-founded." Second, and less publicly, federal officials spread the word, particularly to the front-line INS officers implementing our laws, that the Haitians are "economic," not "political" refugees. Said one INS official: "It's a simple issue as to whether they are being persecuted in Haiti. . . . Clearly they are not. They are just poor people coming here to work—just like the Mexicans."

Prior to July, 1978, INS allowed a large backlog of thousands of Haitian asylum cases to accumulate in Florida. An INS supervisor has testified in a pending federal court action that prior to July, 1978, "We were not doing our job." According to this official, "everybody became aware of this whole situation (in 1978) and that is when (the Justice Department) decided we should accelerate our program."

After visiting Miami to review the situation, a top INS official wrote that the "most practical deterrent to this problem is expulsion from the United States. . . . We will get the cases moved to hearings swiftly and keep things rolling."

Between July and December, 1978, thousands of Haitian asylum applications were mass-processed in Miami by INS airport examiners unfamiliar with asylum laws and conditions in Haiti. An INS official has testified that never before has INS processed a comparable number of asylum claims in such a short period of time. Attorneys were frequently scheduled to appear in 15 different cases at five different locations at the same time. An INS official has testified that it would have been "too cumbersome" for the agency to have coordinated the scheduling of hearings to avoid time conflicts.

Michael Posner, executive director of the Lawyers' Committee for International Human Rights, visited Miami to observe the proceedings and said that hearings were processed at an "unbelievable" and "unprecedented" rate. Miami immigration attorneys have testified that while an asylum claim takes about 20 hours to prepare, they generally had approximately 20 minutes to prepare their Haitian cases. According to the United Nations High Commission on Refugees (UNHCR), which sent representatives to Miami during the mass processing period, only 45% of all Haitian asylum applicants had interviews before their claims were denied.

Based on INS' treatment of Haitian refugees, a federal court issued an injunction in July, 1979, temporarily halting thousands of deportations back to Haiti. A trial was recently held in that case and a final decision, which could require INS to reprocess thousands of Haitian asylum applications, is expected soon.

The President's indecisiveness has left approximately 20,000 Haitians languishing in this country for many years uncertain of their future and without any clear status in the present. With presidential aspirants Edward M. Kennedy and John B. Anderson now calling for equal treatment for Haitian and Cuban refugees, the President's continuing refusal to face this issue may well test his credibility with black voters in this election year.

Benjamin Hooks, executive director of the NAACP, believes that part of the reason for the recent race riots in Miami was the awareness in the black community of the discriminatory treatment given to Haitian as compared with Cuban refugees. Latino leaders have written to Carter criticizing the recent admittance of about 100,000 Cuban refugees, "while concurrently using violence and military force to prevent the entrance of refugees" from Haiti and other countries.

As early as 1978, Archbishop Edward McCarthy of Miami warned the Administration that a crisis was developing in its refugee policy. More than two years later, the Administration states it will not be "stampeded" into a solution. But meanwhile, men, women and children continue to perish within sight of the Florida coast.●

TRIBUTE TO THE WASHINGTON INFORMER NEWSPAPER AND DR. CALVIN ROLARK, DISTINGUISHED BLACK JOURNALIST

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. FAUNTROY. Mr. Speaker, the first amendment to our Constitution—the cornerstone of our democratic Nation—protects the freedom of speech and an unbridled press. We look to the press of this country as the eyes, ears, and voice of the people. It is one of our guardians of American liberty.

It is in this great tradition that this weekend the Washington Informer newspaper celebrates its 16th anniversary. The Informer is distinguished among black journals as a viable, articulate, and effective voice for truth and fairness.

The great force of leadership behind the Informer is Calvin W. Rolark, whose deep love of his community, his country, his people, and freedom, are an important part of the history of our Nation's Capital.

I could not fully detail all of Dr. Rolark's achievements and contributions to our great city; please allow me to outline a few of his accomplishments which I believe warrant our praise and congratulations.

BIOGRAPHY

Dr. Calvin W. Rolark is founder and president of the United Black Fund, Inc., a local non-profit, tax-exempt, grant-making institution. The United Black Fund is the only Black fund-raising group in the nation to have payroll deduction privileges within the Combined Federal Campaign (CFC) through a partnership relationship with the United Way.

Dr. Rolark is a native of Texarkana, Texas. He attended Prairie View A&M College, Tennessee A&I State University, Michigan State University, and Cornell University, where he earned degrees in Economics and Business Administration, Insurance Management and Personnel Management, Police Community Relations, and Management, respectively.

Calvin Rolark has received an Honorary Doctorate degree in Humane Letters from Southeastern University and a Doctorate of Laws from King Memorial College.

Active in his community, Dr. Rolark is editor and publisher of the Washington Informer newspaper and has been named outstanding newsman by the Washington Technical Institute, University of the District of Columbia, Federal City College, Howard University, the Capital Press Club, the National Business League, and the National Bar Association.

Listed in Who's Who Among Black Americans, Dr. Rolark has served as Director of the King Memorial College, and serves on the Anacostia Economic Development Corporation.

Dr. Rolark takes a leadership role in many community organizations. He serves on over thirty boards and organizations including: the Board of the District of Columbia Development Corporation; the District of Columbia Board of Appeals and Review; the District of Columbia Press Credentials Committee; the Mayor's Committee for the Handicapped; and is co-chairman of the Police Chief's Advisory Council, to name a few.

He is co-founder and chairman of Black Media, Inc., a cooperative of 110 Black-owned newspapers and five magazines with home offices located in New York City, New York.

He currently hosts a talk-show called Sound-Off on WYCB-1340-AM, on Tuesday, Thursday, and Saturday evenings.

Calvin W. Rolark and his wife, Wilhelmina, a local attorney and D.C. Councilmember, reside in Southeast Washington.

Dr. Rolark has a daughter, Denise and a son, Calvin II.●

INFANT HEALTH CARE

HON. BENNETT M. STEWART

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. STEWART. Mr. Speaker, the mortality rate of newborn babies in this country is very high in relation to other countries. However, the Chicago Department of Human Services has embarked upon a challenging project entitled the "Welcome Baby" program. The project is the first of its kind, educating young mothers, most of them teenage, in the care of their babies. While most programs of this kind begin with toddlers and older, this unique one covers infant care from the first day of birth.

Lenora T. Cartright, commissioner of the Chicago Department of Human Services, recently addressed the National Hook-up of Black Women, Inc., at the Washington Hilton on the welcome baby program. At this point, I insert in the RECORD the text of her address on this outstanding and important program:

COMMISSIONER LENORA T. CARTRIGHT'S SPEECH TO THE NATIONAL HOOK-UP OF BLACK WOMEN, INC.

Good morning. I am pleased to be able to attend this fifth annual meeting of the National Hook-up of Black Women and to speak on a topic that I believe should be of concern to us all—the care and health of our babies. As Commissioner of the Department of Human Services for the City of Chicago, I am responsible for coordinating the operation of Chicago's Head Start and Title XX Day Care Programs which serve over 35,000 children. As you are aware, these programs provide pre-school age care to children 3 to 5 years of age and a school-age program for youngsters 6 to 14 years old. But no major programs to date have dealt with children zero to 3 years of age in the same manner as the "Welcome Baby" project, and that is why it gives me such great pleasure to speak on this topic today.

Population researchers expect more babies to be born in the United States in 1980 than in any year since 1971, apparently reversing the long-term tendency of couples to have fewer children. The major force behind this phenomenon is the growing number of American women who have reached the prime childbearing years, but women are also having more children, and at a much earlier age. Unfortunately, many of these younger mothers are having their babies out of wedlock. They are babies having babies.

Teen-agers account for 45.8 percent of illegitimate births in this country and in 1978, alone, had 249,100 babies. Statistics sadly point to the fact that these babies are almost twice as likely to die before their first birthday than those who are born to married couples. Yet even speaking in general terms, in 1977, fourteen (14) out of every 1,000 infants died in this nation, placing this country 13th in the world in relationship to infant deaths—13th place for a country that could put men on the moon! Furthermore, black infants are almost twice as likely to die before they are a year old than their white counterparts. As a matter of fact, their death rate of 24 per 1,000 live births is what the white rate was 25 years ago.

To help curb this death rate and to assist families to care for their young children at this most elemental stage of life, the Department of Human Services launched its "Welcome Baby" program. Having no parallel anywhere in the nation, this project is currently providing assistance to newborn babies and their parents that will have a positive impact on the baby's future growth and development. It is our way of saying to mothers, "We care about you and your baby and we are concerned about the quality of your future lives together."

Essentially, the program provides mothers of newborn babies with an information packet, similar to the one you have before you today. It includes: a letter from the Mayor and myself that welcomes the baby to Chicago, a permanent Immunization Record Card, a guide to Childhood Immunization, a listing of all the Department's Community Service Centers, a listing of facilities run by the Department of Health, and a pair of booties that have been handmade by one of the Senior Citizens who are involved in our programs.

Beginning with the cooperation of five hospitals in November of 1979, in less than one year, the program has been instituted in 14 hospitals and has given out 10,000 welcome baby packets either through a participating hospital or through one of our 14 Community Service Centers. Even more important, 1,110 of the families who received such a packet requested additional information or service in the form of a referral or home visit. That means that we were able to provide further needed social service assistance to these individuals, thus helping to attack many of the persistent social and economic conditions that hinder a baby's healthy medical and social growth.

To assure that all babies born in Chicago are given the chance to grow to maturity and to live productive lives, we have worked cooperatively with all public and private agencies, departments and organizations whose function it is to prevent those medical problems which injure babies early in life. Naturally, a close working relationship with the Department of Health has been essential to this project. But, we also work with other departments and agencies that are sensitive to the special needs of mothers and infants, often on a referral basis, in an effort to meet some of the emotional, social and economic needs experienced by these families. Thus to accomplish our goal of helping mothers to bear and raise healthy children, we act as both an advocate and a liaison in handling those crucial family concerns that may have an impact on a baby's physical and emotional growth.

In essence, the "Welcome Baby" program is a gift of knowledge to the parents of our city that will enable them to know what services are available to them as citizens of Chicago. It also are encourages them to take advantage of health care programs that have been designed to alleviate potential medical problems that result from a lack of proper health care. Through such a project we are increasing the odds of raising a healthy baby in our city, but we are also utilizing this program to serve as a mechanism that will allow the Department of Human Services to introduce the baby's family to the wide array of social services that we provide for the people of Chicago. That is because we realize that families are in a better position to offer appropriate nurturing to their infants when their basic needs for food, clothing, shelter, safety and love are satisfied. Without these supports, it is difficult for them to meet the needs of their children. With such supports, their babies will receive the care they need to blossom into healthy young adults.

Stressing the importance of viewing infant health care in more than just physical health terms, the "Welcome Baby" program deals with all the factors that can reflect upon the health of a baby—the entire physical, mental, social and economic environment that surrounds the infant. Towards the end, it closely examines the family relationships that contribute to the overall well-being of the child, including the issues of maternal and infant care, and it attempts to heighten the often low self-esteem experienced by some mothers involved with this program.

Every child who is born, regardless of under what circumstances, represents the potentiality of the human race. Nationally, we have an obligation to all future generations to guarantee that each human being born has a chance to be born safely, to be loved and cared for in childhood, to advance according to his abilities, and to feel secure in old age. The "Welcome Baby" program turns this responsibility into a programmatic reality in Chicago and similar programs can do the same thing in cities throughout this country.

Ladies, these are not merely statistics we are talking about, these are our children—the promise of our future. The stresses and strains placed on family life today mean that we can no longer think of parenting in a narrow sense, not when the future of some 64 million youngsters is at stake. All of us must assume some responsibility for the welfare of our children. That is not to say that governmental institutions have failed in their limited roles of sheltering and caring for the young, nor that private agencies are not performing their mandated roles. Indeed, my Department funds approximately 20 major programs for children and youth at hundreds of neighborhood sites throughout Chicago. But with the exception of our own "Welcome Baby" project, no city deals with any similar form of child care before the age of three, despite the fact that these first few years can provide the positive or negative factors that determine the caliber of a child's entire existence.

While it is true that social service agencies will have to "tighten their belts" in the 1980's we cannot do so at the expense of providing programs that enable our children to obtain the opportunities they deserve to develop intellectually, physically and emotionally into responsible and capable adults. We need to make Washington realize that our children should be a priority of the first order, and that money spent on programs to aid them are contributions to America's future greatness.

I am not saying that the "Welcome Baby" program is the total answer to breaking the cycle of ignorance and misinformation that exists in this nation concerning childbearing and rearing. What I am saying is that this program represents a beginning toward improving the conditions that promote the possibilities of having and raising physically and emotionally healthy babies. It offers us a "headstart" on the Headstart Program and gives us an opportunity—as citizens and governmental officials—to give the gift of life to a helpless infant. We can always do more, but we should never do less. "Welcome Baby" should be a household word throughout this country—it should be an American's birthright.

And speaking of birthrights, although every baby comes into this world naked, it is hard to exist that way, especially if you are born into a prominent family, as was Marion Christopher Barry. To assure that he lives up to his status as the "First Baby of Washington," the Department of Human Services would like to present Mayor and Mrs. Barry with a small wardrobe for Marion: a small simple tee-shirt for casual wear; a larger tee-shirt for those casual days to come; a sweater set and booties for more "official" occasions, made by the Seniors in one of our Community Service Centers; and a tote bag that can handle the accessories of an up and coming Washington gentleman.●

VIKTOR BARAILOVSKY ARRESTED IN SOVIET UNION

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. WYDLER. Mr. Speaker, I have just learned the disturbing news that Viktor Barailovsky, the renowned Soviet cyberneticist, has been arrested in the Soviet Union on charges of anti-Soviet slander and propaganda. Even as the Madrid Conference To Review Implementation of the Helsinki Accords founders on Soviet intransigence on the issue of human rights, the Soviet authorities are again evidencing their complete disdain for the concept of human rights to which we in the free world are committed.

With the arrest of Viktor Barailovsky, the tyranny of the Soviet dictatorship has been brought to bear on a scientist of significant standing in the international scientific community. Dr. Barailovsky is well known for his work in cybernetics, and has over 30 published works to his credit.

It is not, of course, for his outstanding scholarship that Viktor Barailovsky has been arrested. His crime was that of being a dissident in the Soviet totalitarian state. Since he and his wife, who is a mathematician, applied for permission to emigrate from the U.S.S.R., they were both barred from pursuing their scientific careers. Dr. Barailovsky was active in organizing seminars in the Soviet Union for such scientists who have been denied the opportunity to work in their fields. He also wrote for the underground publication, "Journal of Jews in the U.S.S.R.," an activity which apparently was cited as the cause for his sudden arrest. The charge that has been levied against him carries a sentence of 3 years in a Soviet labor camp.

Mr. Speaker, we in this free land have just experienced the privilege of democratic elections, and it is the will of the people that a new Presidential administration will take office next January. It may be that the dictators in the Kremlin do not understand how power is transferred in a free society. Perhaps they do not understand the commitment to freedom and justice that undergirds our democratic form of government. If they fail to understand these things, they have seriously misunderstood the nature of our free society. The leaders in the Kremlin should know that, in accordance with the will of the people in the United States, administrations may come and go, but the American commitment to freedom and human rights abides, and these principles have the full backing of the American people even as we experience a peaceful transition of power from one administration to another.●

CONGRESSMAN WALKER ANSWERS CIVIL RIGHTS COMMISSION DISTORTIONS OF ANTI-QUOTA AMENDMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. ASHBROOK. Mr. Speaker, it is a fact of life that Government cannot discriminate for someone without discriminating against someone. As a result, it is impossible to have racial quotas and nondiscrimination at the same time. The policy of the Congress, as expressed in the legislative history and language of the Civil Rights Act of 1964, as amended, in clear agreement with the language and history of the 14th amendment, is to end racial discrimination in America. This intention was expressed once again by the House by its agreement to the amendment of my colleague and friend, Representative ROBERT WALKER, to H.R. 7998, the Department of Labor, Health and Human Services, and Related Agencies appropriations bill. The Walker amendment would prohibit ratios, quotas, or other numerical requirements in employment or admissions policies or practices.

In its October 15 statement, the Civil Rights Commission denounced Mr. WALKER's amendment, saying that it "would jeopardize the Government's ability to enforce title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972." It is to be noted that the Civil Rights Commission, in referring to "the Government," clearly excludes a majority of the House of Representatives from inclusion in its definition of the word. That is a mind-set which deserves note by every Member.

The Civil Rights Commission states that:

> To prohibit categorically Federal agencies from using numerically-based formulas to end discrimination and to mitigate its effects, the Congress would be in direct conflict with the recognition on the part of the executive and judicial branches of the need for such remedies to end racial, ethnic, religious, and sex discrimination.

The only word in that statement Congress disagrees with—and it is a critical one—is "recognition." One recognizes a fact, and we disagree absolutely with the opinion of any judge, bureaucrat, Cabinet member, or President who says that the way "to end racial, ethnic, religious, and sex discrimination" is to impose racial, ethnic, religious, or sex discrimination by quota. It is precisely as impossible to have nondiscrimination and racial quotas as it is to have schools which are separate but equal. Congress is determined to end both.

In his eloquent reply to the Civil Rights Commission's distortions in a letter addressed to Chairman Arthur Fleming, Representative WALKER quotes Hubert Humphrey's 1964 statement in support of the Civil Rights Act of that year that, "Nothing in the bill or in the amendments requires racial quotas." He further quotes Senator Hubert Humphrey as saying that the act "provides that men and women shall be employed on the basis of their qualifications, not as Catholic citizens, not as Protestant citizens, not as Jewish citizens, not as colored citizens, but as citizens of the United States."

It is impossible to twist that statement into an assertion that a racial or sex quota is necessasry to "the Government's ability to enforce title VI of the Civil Rights Act of 1964." In fact, it is impossible to say that, given the legislative history of the act, such quotas are not prohibited by that act.

Every Member and every concerned citizen should carefully read Congressman WALKER's logical and principled rebuttal of this gross distortion of congressional intent by the Civil Rights Commission, the full text of which follows below.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 17, 1980.

Hon. ARTHUR S. FLEMMING,
Chairman, Commission on Civil Rights,
Washington, D.C.

DEAR CHAIRMAN FLEMMING: I was surprised and shocked to learn about your recent characterization of an amendment I offered to the Labor/HHS/Education Appropriations measure as an attempt to "undercut the whole civil rights movement in America." As one who participated in civil rights marches in the South in the early 1960s and one who has consistently supported efforts to promote equal opportunities for all Americans, I take great offense at such a blatant misrepresentation of the intent of this amendment. Your apparent confusion about the intent of the language might have been cleared up quite quickly had you contacted me or Congressman Levitas, the cosponsor of the amendment. However, to my knowledge, no effort whatsoever was made by you or your staff to contact either of us for purposes of clarification.

Sixteen years ago, the United States made it illegal to discriminate in employment on grounds of race, color, religion, sex and national origin. That was accomplished when the Civil Rights Act of 1964 became law and it was properly heralded as the end of one era and the beginning of another. What had been a readily accepted element of the American tradition, equality of opportunity, was made a matter of legal right for all Americans. As the late Senator Hubert H. Humphrey eloquently noted during the floor debate, the Civil Rights Act of 1964 "provides that men and women shall be employed on the basis of their qualifications, not as Catholic citizens, not as Protestant citizens, not as Jewish citizens, not as colored citizens, but as citizens of the United States." He stated further, "Nothing in the bill or in the amendments requires racial quotas. The bill does not provide that people shall be hired on the basis of being Polish or Scandanavian or German or Negro, or members of a particular religious faith. It provides that employers shall seek and recruit employees on the basis of their talents, their merit, their qualifications for the job."

In carrying out the mandate of this Act, federal agencies have developed the concept of affirmative action programs. Affirmative action, in terms of expanding opportunities and making sure that qualified minorities are fairly considered in the selection process for jobs as well as educational opportunities, is a process that will benefit everyone. The affirmative action concept can effectively promote equal opportunities for all individuals and I support it when it is practiced in a nondiscriminatory fashion.

Unfortunately, however, federal bureaucrats have increasingly come to interpret affirmative action as requiring quotas. This interpretation is not compelled by any Executive Order nor is it mandated by any Act of Congress—it is a bureaucratic invention of convenience. The use of quotas or other numerical requirements to further the progress of one individual or one group of individuals at the expense of others is entirely counterproductive to any effort to provide truly equal opportunities for all. Quota systems are inherently discriminatory and, as such, must be abandoned at once. That is the intent of the amendment in question—to prohibit the use of quotas or other numerical requirements in affirmative action programs.

To be charged with having taken action which would virtually repeal the major federal civil rights laws of the 1960s and 1970s and paralyze civil rights enforcement by the federal government is not only distressing to me personally but totally unjustified. Such a charge clearly shows a complete lack of understanding of the intent of the amendment as well as the specifics of the situation. I am proposing to prevent the Departments of Labor and Education from forcing the use of any quota systems with respect to employment or admissions policies. I would note at this point the statements of civil rights leader Bayard Rustin indicating his unalterable opposition to quota systems and, quite recently, the assertion of Benjamin Hooks on "Face the Nation" that "the NAACP has never supported quotas."

The opportunity to compete on an equal basis and to be judged on individual merit is the keystone of the Civil Rights Act. It is one of our nation's founding principles. To impose restrictions on an individual or a group of individuals in the form of quotas which necessarily exclude others who may merit selection is flagrant discrimination and an obvious violation of the basic tenents of the Constitution. I am personally committed to ensuring equal opportunities for all Americans and, accordingly, I am compelled to continue to do all I can to eliminate discriminatory quota systems. This amendment is one effort in this direction and one which I would point out has been adopted overwhelmingly by the House of Representatives on several occasions.

In closing, I would call your attention once again to the words of Senator Humphrey in 1964: "If we started to treat Americans as Americans, not as fat ones, short ones, tall ones, brown ones, yellow ones or white ones, but as Americans. If we did that we would not need to worry about discrimination."

I appreciate your time in reviewing this correspondence and take this opportunity to express my hope that no further distortions of my intentions with regard to this amendment will result in the future.

Sincerely,

ROBERT S. WALKER.●

HOUSE OF REPRESENTATIVES—*Friday, November 14, 1980*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

> "O may this bounteous God
> Through all our life be near us,
> With ever joyful hearts
> And blessed peace to cheer us;
> And keep us in his grace,
> And guide us when perplexed,
> And free us from all ills
> In this world and the next."
> —Martin Rinkart, 1586–1649.

Gracious Lord, bless all who reach out to You in humility and in faith. Help us to realize that everyone stands in need of Your grace and, enable people to grow together in the bonds of peace and reconciliation one with another. Bless the men and women of this Assembly and encourage them in what they do, that justice and mercy will reign and that we all will be worthy stewards of the tasks given to us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3459. An act to waive the statute of limitations with regard to the claim of Eazor Express, Inc., of Pittsburgh, Pa., against the United States; and

H.R. 7764. An act for the relief of Dr. Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3193. An act to designate the Jacob K. Javits Federal Building.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

PROUD TO HAVE VOTED FOR PRESIDENT CARTER

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, this is Friday and the euphoria or opposite emotion has subsided somewhat after the election. I rise because I was reminded of an old saying that President John Kennedy evoked after the Bay of Pigs. He said:

> Defeat is an orphan; victory has 1,000 fathers.

In the case of President Carter, I think it is quite obvious that so many now do not want to be reminded that they supported him or were identified with him. I rise proudly to say that I did everything I could, particularly in my district, in behalf of the reelection of President Carter. I am glad I did because during the course of the campaign I got to know the President and his family a little bit better than I had had the opportunity to know him before. I became impressed with the dimensions of the man which I think have escaped not only Members of the Congress but particularly the American public, and his major accomplishments which, for some reason, perhaps reflecting his political inability and the fact of his engineering background, rather than legal or political preparation, have not been adequately assessed nor appreciated. The Panama Canal Treaty is a major diplomatic achievement of the 20th century. No American boys have died in the jungles of Panama, Nicaragua, or El Salvador, thanks to Jimmy Carter.

POPULAR VOTE GAVE GOP MAJORITY IN HOUSE

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, yesterday I expressed great concern over your intention to stack the deck of three major committees with a 2-to-1 plus 1 Democrat ratio, thereby disenfranchising the minority from fair representation. This takes on added significance when one compares the GOP's 44 percent of the seats in the new House with the actual U.S. popular vote. It is of profound significance that based on the U.S. popular vote, Republicans should control the House. The actual national votes cast for House seats was 36.2 million for Republicans and 36 million for Democrats or 50.2 percent Republican and 49.8 percent Democrat.

Only by past gerrymandering do the Democrats control the new House. Republicans should be in the majority based on the popular vote. That makes it doubly unfair for the Democratic majority to further disenfranchise us by not giving us even our 44-percent representation on committees. In the interest of fairness I urge the Democratic majority not to inflict this injustice upon an already underrepresented minority.

OUTRAGEOUS PLAN TO STACK COMMITTEES

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, the people of this country went to the polls less than 2 weeks ago in what amounted to a referendum repudiating the disastrous economic policies of the Carter administration and this 96th Congress.

And yet press reports indicate that the Democrat leadership is intent on thwarting the will of the people next January, by stacking the important Appropriations, Ways and Means, and Rules Committees with a better than 2-to-1 Democrat majority—which could only be intended to obstruct efforts to reduce the power and cost of Government and provide meaningful tax relief for our citizens.

Democrat representation in the House next year will be less than 56 percent as a result of the elections.

I hope the Democrat Caucus will think better of this outrageous plan to stack the spending, tax-writing, and rules committees of the House in the next Congress.

□ 1010

THE SPEAKER'S 2-TO-1 RATIO ON IMPORTANT COMMITTEES IS UNFAIR

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, earlier this year, House Republicans sent a letter to the Speaker, pointing out how the majority has shortchanged the minority on committee representation. We contended that, given the ratio of Republicans to Democrats in the House at that time, we should have been allotted 15 more committee slots. Needless to say, our arguments were brushed aside. I am sorry to see that, despite recent quotes from Democratic leaders that they intend to cooperate with the Republican minority in the House, the Speaker has gone on record in favor of retaining a 2-to-1 ratio on the important Committees on Rules, Appropriations, and Ways and Means. I would remind the Speaker that 44 percent of the seats in the House will be occupied by Republicans in the 97th Congress, and we expect to be treated fairly. Stacking the most important committees in favor of a shrinking majority is hardly proceeding in a spirit of cooperation. What happens on this critical question of committee representation may well determine whether the 97th Congress is off to a smooth or a rocky start.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

□ This symbol represents the time of day during the House Proceedings, e.g., □ 1407 is 2:07 p.m.

THE LANDSLIDE WENT TO THE PARTY OF IDEAS

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, the 1980 elections are more than a week behind us, and the political analysts are still offering their rationalizations for the Republican landslide. I urge them to seek the answer in the candid statements of some of this Congress Democrats.

Writing in the Washington Post last August, Representative PAUL SIMON of Illinois noted the initiative of the Republicans in proposing new ideas. The Democrats, he said, contented themselves with just holding the fort. He said that while the status quo attitude is in part a normal attitude of the incumbent party, it was more pronounced in this Democratic Party which he saw lacking in a sense of direction or a sense of purpose.

It seems that in 1980, Republicans and Democrats are in agreement on one central theme: Republicans are raising the important issues and working toward practical solutions.

Americans are demanding and begging for a true and radical vision for the 1980's. First, they want a departure from the orthodox range of policies which are causing 13 percent of inflation and unemployment nearing 8 percent.

Second, Americans want to conserve the basic principles of economic and political freedom on which our country was founded and without which we get the sort of mess we are in today.

I contend that the election of Ronald Reagan as President, the return of Republican control to the Senate and the addition of 33 new Republicans in the House reflects the confidence of the American public in the Republican Party to confront, rather than evade, the challenges of the 1980's.

The American electorate gave the Republicans a landslide because Republicans' innovative programs for economic growth without inflation offer a better prospect of success than the well-worn Democratic formula of raising taxes, increasing Government budgets, and trying to boost productivity by giving out subsidies.

In other words, Republicans offer a hopeful country a serious plan to alter things fundamentally.

TAKING A SECOND LOOK AT THE REPUBLICAN LANDSLIDE

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, for the last couple of days and this morning we have been hearing from the other side of the aisle about the so-called Republican or Reagan landslide. That landslide ought to be put into some kind of context. True, on the basis of the electoral college votes there was an overwhelming Reagan victory. But if they examine what happened on the basis of the popular vote, I think that the Republicans ought to take a sober reappraisal of that landslide, and so should the rest of us. Of the popular vote, Mr. Reagan received approximately 50.1 percent, the barest majority, hardly a landslide, hardly a national mandate. It seems to me that the Democratic Party members in Congress ought to stick to our basic philosophical and political positions of providing jobs, of assisting those in distress, and fighting inflation rather than being taken in by the propaganda of the Republicans that the country has voted to go to the political right.

THE HONORABLE GLADYS SPELLMAN

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, as the House returns to session, I personally have to note the missing person of Mrs. GLADYS SPELLMAN, the Congressperson from Maryland. I have known Mrs. SPELLMAN for many, many years. I know of her sense of community, of her deep involvement in all community affairs. I know of her contribution to regional matters, the pioneering she did in the development of Metro, the wisdom that she brought to the development of regional cooperation through the Council of Governments. Serving with her in the House, I also know of the grasp she had of national problems and national affairs, especially as they affected people. They were always on her mind in a very person-oriented way.

I know mostly, though, of GLADYS SPELLMAN's effect on her colleagues. She had a very special wisdom with respect to relationships of all people. She had a very special effect on everyone she came in contact with in this House. I think that this House and this country, and certainly her community, need GLADYS SPELLMAN's leadership and contributions very badly. I look forward to her early return to this House of Representatives. I certainly pray and join with my other colleagues in prayer for her early return. GLADYS is a truly remarkable person, and this country needs her services.

THE WORLD WEATHER PROGRAM PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, November 14, 1980.)

PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. KAZEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill, S. 885, with Mr. GONZALEZ (Chairman pro tempore) in the chair.

The Clerk read the title of the Senate bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, November 13, 1980, all time for debate under the 5-minute rule had expired, and pending was an amendment in the nature of a substitute offered by the gentleman from Oregon (Mr. WEAVER) to the text of the bill H.R. 8157, which was being considered as an original text and was open to amendment at any point.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Was the amendment printed in the RECORD?

Mr. WEAVER. Yes, it was, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 23, line 15, strike "section 553" and insert therefor "section 554".

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WEAVER. Mr. Chairman, this amendment has to do with a hearing process. It is very important that the public be involved in the decisions that we make in this bill, because the amounts of money that we are going to spend are staggering. Already the Northwest has gone into debt, has been put into debt by $5 billion, and this has been estimated by the authorities to reach $18 billion. So I would like to make an announcement, Mr. Chairman. The announcement is this, that we can resolve this issue for this bill very quickly and very hurriedly upon the adoption of one amendment.

This amendment I have drafted, and it would not take unanimous consent to offer it, but there would be no debate on it. The amendment is this: It simply requires an election in each of the four States involved—Washington, Oregon, Idaho, and Montana—an election by the people in each State prior to the acquisition of any major resource; in other words, prior to the Bonneville's underwriting the bonds that would be sold to pay for this resource.

Let me read a letter that I have written and hope to get all the Northwest Members to sign:

> The Pacific Northwest has a long and strong tradition of allowing the voters to decide whether or not to sell bonds and go into debt to finance public services. Presently the largest such debt issue in our history is comprised by the bonds being sold by the Washington Public Power Supply System to finance construction of thermal plants. This debt is estimated now to reach $18 billion.

I may point out here that no voter has ever voted our consent to go into this debt.

□ 1020

The letter goes on:

> We believe the people should decide whether or not to go into such debt and, therefore, urge that you encourage the appropriate language be placed in the Northwest power bill to allow a vote of the people in the States of Washington, Oregon, Idaho, and Montana on further issuance of debt instruments undertaken through the purchase authority granted the Bonneville Power Administration by the bill.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, a point of order. The gentleman is not addressing himself to the amendment. Mr. Chairman, that is not dealing with the amendment.

Mr. WEAVER. Mr. Chairman, I am discussing now that the amendment deals with the public review process.

Mr. DINGELL. Mr. Chairman, regular order.

Mr. WEAVER. As part of the public review process——

Mr. DINGELL. Mr. Chairman, may we have regular order?

The CHAIRMAN pro tempore. The gentleman must discuss the pending amendment.

Mr. WEAVER. I am discussing the present amendment, Mr. Chairman. It has to do with the public review process.

Mr. DINGELL. Mr. Chairman, may we have regular order?

The CHAIRMAN pro tempore. The gentleman is recognized to complete his 5-minute presentation, but only on the pending amendment.

Mr. WEAVER. So this amendment should go further than the present amendment that I am now offering and have an election in which three of the four States must vote in a majority in order to go into this debt for any further issuance of bonds underwritten by the Bonneville Power Administrator.

So, Mr. Chairman, I just simply say to the Members and the proponents of the bill, if they wish to resolve this issue right now——

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I call again for the regular order. The gentleman is not addressing the amendment.

Mr. WEAVER. Mr. Chairman, the hearing processes in the bill are inadequate. My amendment deals with the public review process. I am saying that this amendment is a good amendment. We should even go further and have elections in the various States. We should go further than my amendment that I have offered here and have elections.

Mr. DINGELL. Mr. Chairman, I call again for the regular order.

Mr. WEAVER. Mr. Chairman, may we have a ruling on that point of order, please? Am I out of order?

The CHAIRMAN pro tempore. The gentleman must be reminded once again that he must adhere to debate relevant to the pending amendment.

Mr. WEAVER. Mr. Chairman, I am discussing the hearing process and the public review, which is my amendment.

The CHAIRMAN pro tempore. If the gentleman will permit, the Chair is trying to let the gentleman complete the half a minute he has, but his remarks must be relevant to the substance of his amendment which has to do with the administrative hearing process, and the gentleman should not talk about a referendum amendment which he may offer.

Will the gentleman please continue?

Mr. WEAVER. Mr. Chairman, I simply say that we can resolve this issue if we allow the people to vote before we go into any more of this billions and billions and billions of dollars of debt.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The CHAIRMAN pro tempore. Does the gentleman insist upon his point of order?

Mr. DINGELL. I do not, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, with all respect to my good friend from Oregon—and I certainly have great fondness for him—he has made an amendment here which lies before the House which calls for very complex hearings procedures for the approval of the council's conservation and power plan. The hearings required under 553 of the Administrative Procedures Act are both fair and expeditious. They have been used many times and under many statutes. They afford an ample opportunity for full public input So for that reason, if expeditious consideration of questions like fish and wildlife, conservation, allocation and power, and that sort of thing, is desired, then the amendment of the gentleman from Oregon should be rejected because his amendment would unduly prolong a hearing process and would substitute a lengthy and complex process for one which is simple and expeditious but which at the same time affords all parties full opportunity to be heard.

I would urge my colleagues to avoid the costs, to avoid the time, and the waste and the enormous increase in inflationary effects of prolonged hearings in proceedings which will unduly delay the contemplation of the whole matter.

Mr. Chairman, the House has been considering S. 885 on the floor for 5 days now—September 24 and 29 and November 12 and 13 and today—including 2 hours of general debate.

More than a dozen amendments have been offered, including a pending substitute, the reading of which we were required to suffer through for several hours. All of the amendments which were also considered in two committees have been defeated—one by a margin of over 150 votes. Included in this list of defeated amendments are several that raised major issues of concern to the bill's opponents. They are the two-tier ratemaking approach, the elimination of private utilities from the power sale provisions of the bill, the construction work-in-progess amendment, and the output-versus-capability amendment. Another amendment that would preclude certain actions under the bill until a permanent nuclear waste storage program is established is, in my judgment and that of the Office of the Parliamentarian, nongermane because it seeks to tie a national program to a regional bill.

The distinguished gentleman from Washington quoted a recent news article indicating that the opponents had printed amendments, and would offer them, amounting to 15 hours of floor time. With votes on some of these, this could be extended well beyond 15 hours.

Mr. Chairman, we are all anxious to adjourn. There is much work to be done. Ample time has been provided in the House and in the committees for the opponents to amend this bill which enjoys broad bipartisan support, as well as broad support from many citizen and other interest groups of the Pacific Northwest and elsewhere. The House has consistently rejected those efforts and supported the compromise version of the two committees, which itself reflects provisions offered in committee by the opponents and accepted. Clearly, we should not continue this arduous process. We should not be asked to debate another 15 or more hours over many proposed amendments that are so clearly intended to be dilatory, rather than substantial. The House should not permit the twisting of the rules to enable the opponents to run the clock hoping the bill will be killed by the process. It is a bad precedent. The Members' rights must be protected under the rules. But we should not allow any abuse of the rules in the exercise of this right. It is time to vote.

Yesterday, Chairman STAGGERS asked the Speaker to place the bill on the Suspension Calendar in the form of H.R. 8157 with all the perfecting amendments adopted by the House to date. I support that request, as do, I know, many of my colleagues from both sides of the aisle. We have spent more time on this bill without a final vote than on revenue sharing and other major appropriation and authorization bills. No further time is needed.

I urge all to vote to suspend the rules and pass S. 885.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend, the gentleman from Idaho, who I understand is also in opposition to the amendment.

Mr. SYMMS. I thank the gentleman for yielding, and I rise in opposition to the amendment.

In addition to the comments of the gentleman from Michigan which I agree with, I would say that this amendment has been thoroughly discussed, this bill has been thoroughly discussed, Mr. Chairman. We have worked on this bill for not a matter of hours now, but a matter of days.

As one who has long been a Member who has advocated minority views, I entirely sympathize with anyone who wants the opportunity to have a fair forum to present his views. I believe, as Thomas Jefferson did, that parliamentary procedure is designed to protect the minority against oppressive action by the majority. However, I also believe Jefferson was right when he said procedure is designed to allow a real majority to always prevail.

We have come to this point in considering the Northwest power bill (S. 885). The real majority, which consists of an overwhelming bipartisan coalition, wants this bill. So far, we have consumed parts of 3 days of this House on this bill. In every instance the opponents have been defeated by better than a 2-to-1 margin or have not even been able to muster enough support for a recorded vote. In summary, time is short. The will of the House and Senate is clear. The Northwest power bill must be enacted.

I urge the leadership to take whatever action is necessary—including scheduling the bill on the next Suspension Calendar, to carry out the will of the House and the people. Tactics which are purely dilatory were never sanctioned by Jefferson nor by me.

I believe that opponents of this bill have been given more than enough time to express their views and those views have been rejected time and time again.

The time has come for the bipartisan majority in support of this bill to work its will, that is passage of S. 885, the Northwest power bill.

Mr. DINGELL. I thank the gentleman.

Mr. Chairman, I urge the House to reject this amendment as being dilatory and not in the best interest of the legislation.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. WEAVER. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1030

The CHAIRMAN pro tempore. A quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 634]

Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.Dak.
Annunzio
Anthony
Applegate
Aspin
Atkinson
AuCoin
Badham
Bailey
Baldus
Barnes
Bauman
Beard, Tenn.
Benjamin
Bennett
Bereuter
Bethune
Blanchard
Boggs
Boland
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burton, John
Butler
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Clinger
Coelho
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Crane, Daniel
Crockett
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan
Dougherty
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Gaydos
Gilman
Gingrich
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Harkin
Harris
Hawkins
Hefner
Hightower
Hinson
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutchinson
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
Kostmayer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lehman
Leland
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McHugh
Maguire
Markey
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mitchell, N.Y.
Moakley
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Perkins
Petri
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Sabo
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
Stack
Stangeland
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Taylor
Traxler
Trible
Udall
Ullman
Vander Jagt
Vanik
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, Tex.
Wolpe
Wright
Wyatt
Yates
Yatron
Young, Fla.
Zablocki
Zeferetti

□ 1040

The CHAIRMAN. Three hundred and twelve Members have answered to their names, a quorum is present, and the Committee will resume its business.

Mr. WEAVER. Mr. Chairman, I withdraw my request for a recorded vote.

So the amendment was rejected.

Mr. WEAVER. Mr. Chairman, I ask unanimous consent that I be allowed to speak for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon.

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

□ 1100

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 11, lines 24–25, strike "appointed" and insert "elected";

Page 12, line 2, after "Council.", insert "All references in this Act to the appointment of the members of such Council shall be deemed to mean the election of the members of such Council under applicable state law."

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DINGELL. Mr. Chairman, the rule provides that the gentleman from Oregon (Mr. WEAVER) is recognized for 5 minutes if his amendment has been printed in the RECORD. Is that correct?

The CHAIRMAN. That is correct.

Mr. DINGELL. That rule requires, as I understand it, that the amendment printed in the RECORD and the amendment which is offered be identical in every word and particular. Is that correct?

The CHAIRMAN. That is correct.

Mr. DINGELL. And unless the words of the amendment as printed in the RECORD and the amendment as offered by the gentleman from Oregon are identical in every particular, the gentleman does not get 5 minutes as provided by the rule.

Is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. DINGELL. Mr. Chairman, then I ask a further parliamentary inquiry.

Mr. Chairman, the question then is, Is this amendment identical to that which was printed in the RECORD? If the copy which has been made available to me is the one which was offered, it is not identical, and the gentleman is not entitled to his 5 minutes.

The CHAIRMAN. Well, the Chair has the word of the gentleman from Oregon that it is identical.

Mr. WEAVER. It is in the RECORD.

Mr. DINGELL. A further parliamentary inquiry.

I observe that the copy of the amendment made available to me is at page 59, line 18.

Mr. WEAVER. That is not it.

Mr. DINGELL. Very well.

Mr. Chairman, I have no further parliamentary inquiries.

The CHAIRMAN. The gentleman from Oregon (Mr. WEAVER) is recognized for 5 minutes in support of his amendment.

Mr. WEAVER. Mr. Chairman, I have an important announcement to make to the committee.

Mr. DINGELL. Mr. Chairman, I call for regular order.

The gentleman from Oregon has been recognized for 5 minutes under the rule.

Mr. WEAVER. Mr. Chairman, it has to do with this amendment.

Mr. DINGELL. Mr. Chairman, I call for regular order.

The CHAIRMAN. The gentleman from Oregon (Mr. WEAVER) may proceed, but direct his attention to the amendment before the committee.

Mr. WEAVER. Mr. Chairman, the amendment has to do with the election of the council members by each State. That is the amendment.

Now the council members are appointed by the Governors. This amendment has to do with the election of the council members by each State.

What I would like to say to the Members of the House is that we can resolve——

Mr. DINGELL. Mr. Chairman, I call for regular order. The gentleman has been recognized for 5 minutes on his amendment.

Mr. WEAVER. Mr. Chairman, this amendment dealing with an election in each State as it does may help us resolve this issue of the Northwest power bill immediately. I am prepared, that if a certain amendment is adopted, to go to a vote immediately on final passage, and this amendment has to do with the election of the council.

Mr. DINGELL. Mr. Chairman, I call for regular order.

The CHAIRMAN. The gentleman is still speaking to his pending amendment.

Mr. DINGELL. The gentleman was recognized for 5 minutes on his amendment.

The CHAIRMAN. The gentleman from Oregon is still at the moment discussing the amendment before the Committee.

Mr. WEAVER. This amendment deals with the election of the council members in the bill. That is what this amendment does. Right now the council would be nominated by the Governors. This amendment has to do with the election by each State of their council members.

So, therefore, the key here is the election, and we are prepared to resolve this issue of this Northwest power bill immediately, and that would be by accepting this amendment together with another amendment dealing with election authorizing the purchase authority. That amendment does not change the substance of the bill in any way, shape, or form, whatsoever, no substantive change is made in the bill of any kind; it just requires an election by the council members. And if we adopted another amendment having election in each State authorizing the purchase authority, I would be prepared to have final resolution of this bill immediately. I still would not like the bill. It contains provisions that are horrendous in my estimation, but at least the bill would be up to the people. They could decide in a manner set by State law.

POINT OF ORDER

Mr. KAZEN. Mr. Chairman, I raise the point of order that the gentleman is not speaking on the amendment pending before the Committee.

Mr. WEAVER. May I read the amendment, Mr. Chairman?

Mr. KAZEN. I know what the amendment says, Mr. Chairman. He has already referred himself to the amendment, but now he goes over and beyond that saying, "If another amendment * * *" and he proceeds to say what that other amendment is.

I submit that it is not properly before the Committee.

The CHAIRMAN. The Chair will advise the gentleman from Oregon that he must limit his remarks to the amendment pending before the Committee.

Mr. WEAVER. The amendment says that the "council shall be deemed to mean the election of the members of such council," and the amendment says that the council members shall be elected.

Now that is what I am after, letting the people speak in each State, because we are going into debt. This council could put us into debt by billions of dollars. Presently, the debt that we are being put under is $18 billion.

Right now, with five projects already underwritten by the BPA, or three of them and two by others, $18 billion, and this council will be making further decisions to put us into further horrendous debt without any voice of the people, without their consent, without their having the approval.

And so, therefore, I urge that the council members be elected and would hope that even the acquisition be up to the people, too, and if that would happen, this issue could be resolved immediately I say to the House, immediately.

□ 1110

Mr. DINGELL. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I will not take the full 5 minutes because the House has been much put upon by a series of amendments, while we are told that if this matter is disposed of by accepting one amendment from the gentleman from Oregon (Mr. WEAVER) we can have a quick vote. I do not think any of us were elected to submit to that kind of behavior by any Member of this body.

Mr. Chairman, I rise in opposition to the amendment. It would require members of the council to be elected in accordance with State laws. The idea is unworkable. It is unlikely that the States have laws relating to an election of this kind of a council at this time and I doubt if any have the ability or statutes for setting a date for such election prior to June 30, 1981, or within 6 months thereafter.

It would insure the Federal Council would be established, which is something that the States are trying to prevent. Governors are elected officials. Governors are responsive to their peoples and they will be responsible to their people if they fail to appoint well qualified people to insure a broad base of representation.

We have vested in the Governors of the several States under the bill before my colleagues proper discretion to deal with the matters and I believe that they will exercise that power wisely by appointing qualified people, probably expeditiously, and they will certainly do so more speedily so the council may commence its endeavors at an early time.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I want to join in opposition to this amendment. I am sure that the sponsors of the legislation, the people in the Northwest, would be opposed to this amendment, too. I think it is important to recognize that this is just one more dilatory tactic trying to stretch out the time and wear the patience of the Members out.

I think it is important to also remember that there are dozens and dozens, if not hundreds, of councils and commissions that are appointed through Federal every year to carry out the business of Government. To suggest that we start electing them is really nothing but a frivolous suggestion. I hope the Members will recognize it as nothing but a frivolous suggestion and vote down this amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend from Ohio.

Mr. BROWN of Ohio. I think it should be pointed out that the regional planning council to which the gentleman from Oregon (Mr. WEAVER) seeks election of the members is an advisory board speaking on behalf of the Governors of the States in the region to the Administrator of the Bonneville Power Authority. Each member must be appointed subject to State law and, of course, both the Governors and the State legislators who determined that State law are elected officials.

Moreover, the various public utilities commissions of the States with their elected officers are not superseded by the advisory planning council. The planning council is merely an advisory unit. They are elected for a 3-year term. They are not necessarily in any way partisan.

The Governors are, of course, elected on a partisan ballot but they are there to work with other States, to set up a regional approach to this problem.

It seems to me inappropriate if they are to consider the concerns of other regions that they be elected in that way and so I, too, oppose the amendment of the gentleman from Oregon (Mr. WEAVER).

Mr. KAZEN. Mr. Chairman, will the gentleman yield to me?

Mr. DINGELL. I am delighted to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I have asked for the gentleman to yield to me because the amendment the gentleman from Oregon is talking about intrigues me. Do I understand that the gentleman would want unanimous consent in order to offer his amendment?

Mr. WEAVER. And to speak on it.

Mr. KAZEN. And to speak on it.

Mr. WEAVER. Yes.

Mr. KAZEN. And then let the will of the Congress be done? If the Committee votes it up, it is in? If the Committee votes it out, it is out? And we will then proceed with the bill?

Mr. DINGELL. Then we would proceed immediately to a vote so that we can end this rather unfortunate procedure.

Mr. WEAVER. Will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. WEAVER. Upon adoption by this House of the amendment we will proceed immediately.

Mr. KAZEN. In other words, if the gentleman will continue to yield, in other words, what the gentleman is saying is unless his amendment is adopted he is not going to stop harassing the Committee.

POINT OF ORDER

Mr. WEAVER. Mr. Chairman, I make a point of order. I believe the language used by the gentleman is out of order.

Mr. BROWN of Ohio. If the gentleman will yield, I have to say that the harassment is not just to the Committee but to the whole House and I think that this is the most outrageous procedure or proposal that I have heard of in my time in Congress, that if this House will vote something one of the Members wants then he will cease offering amendments. I must say that I think this is outrageous.

POINT OF ORDER

Mr. WEAVER. Mr. Chairman, point of order. Is the gentleman addressing the amendment? Are you addressing the amendment?

The CHAIRMAN. The gentleman from Oregon insists on his second point of order. The debate must relate to the pending amendment.

The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. AU COIN

Mr. AuCOIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AuCoin: On page 69, after line 17, insert:

(n)(1) The Administrator may not acquire any resource derived from a new nuclear generating facility until such time as the Nuclear Regulatory Commission has licensed the operation of a permanent storage facility for high level nuclear waste and spent fuel from commercial nuclear generating facilities.

(2) For purposes of this subsection, the term "new nuclear generating facility" shall not include any nuclear generating facility for which a construction permit was issued by the Nuclear Regulatory Commission before the date of enactment of this Act.

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan reserves a point of order.

Is the amendment printed in the RECORD?

Mr. AuCOIN. Mr. Chairman, the amendment is printed in the RECORD.

The CHAIRMAN. The gentleman from Oregon is recognized for 5 minutes in support of his statement.

Mr. AuCOIN. Mr. Chairman, throughout the debate on the Northwest power bill we have heard it said that this is a bill to provide several means of generation of energy for this region. No one has denied that. Some would argue as to what kinds of power would be given priority and the greatest impetus under the terms of the bill as it now stands. I happen to think that the greatest impetus would be given to the construction of nuclear powerplants. Some disagree with me. Some say the greatest impetus would be given to conservation and alternative forms of energy.

I thank the Chairman for calling the Committee to order because throughout the consideration of this bill Members have had difficulty focusing on what is a regional issue. I would say to my colleagues who do not reside in the Northwest that a lot of people in the Northwest are going to be affected by the terms of this bill. We would like very much to have your attention because the ratepayers of this region will have to live with the consequences of what my colleagues are about to do on this bill.

☐ 1120

We ask only for your attention long enough to let us work our will on this piece of legislation. The amendment I offer would simply say that of all the forms of energy that would be made possible in the Pacific Northwest under the financing terms of this bill, one of them is nuclear power. This amendment would not place a moratorium on the development of nuclear powerplants; it would simply lay down some rules for the construction of these plants. It would say as a minimum public safety safeguard that no nuclear powerplants will be constructed under the financing terms of this bill unless a condition is met, a minimal condition, that condition being the existence of a national licensing system for the permanent storage of the wastes that these plants produce.

I think it is extremely important to add to this bill such a condition in terms of the public safety of the people and the ratepayers of the region. I would say to my colleagues that in the last 30 years since we began to build and operate nuclear powerplants, we have accumulated 70 million gallons of high-level liquid wastes and 6,000 tons of spent fuel. Wastes today from our commercial reactors are now being held in temporary storage facilities on site at the reactors that are being operated.

According to the industry and the Department of Energy, some reactors will run out of these kinds of storage spaces and will have to shut down beginning in the year 1983. I do not know how any reasonable person can say that that is an acceptable set of circumstances. The people of the Pacific Northwest have rendered an opinion on this question. In the last election, a ballot measure was proposed that laid down provisions almost identical to the amendment I offer to my colleagues today; and the people of Oregon approved the amendment. They said they want nuclear safety to come before nuclear plant construction. I do not think that is such an unreasonable request.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding. I want to commend the gentleman for what I believe to be a fine, constructive, and reasonable amendment.

As the sponsor of this amendment, Mr. AuCoin has just indicated, the people of the State of Oregon have recently voted to require that a permanent waste storage facility be available before any more nuclear plants are licensed in their State. I believe we should not force the people of the State of Oregon to pay for the construction or power of facilities which have been opposed by those citizens. The possibility of the defeat of such State and local initiatives and the granting of preferred status to one region of our country are the primary reasons why I have supported several amendments to this legislation.

I know the people of my area are also concerned about the lack of any permanent disposal facility to deal with the vast amounts of nuclear waste being generated. I believe it is essential that we resolve such safety problems before taking actions which contribute to the magnitude of these present and potential problems.

Mr. AuCOIN. I certainly thank my friend from Vermont. I appreciate his contribution on this issue as well as on other issues.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Oregon.

Mr. WEAVER. I want to commend my colleague for speaking for the voice of the people of Oregon so strongly.

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my friend from California.

Mr. JOHN L. BURTON. I would support the gentleman's amendment because our subcommittee of the Committee on Government Operations spent a long time clearing the ability of the State of Washington to store some hazardous wastes. Without the restrictions we put on it, the State of Washington could have ended up having this poisonous material get into the water supply of that State; and if our committee had not put strong restrictions on it, they would not have gotten that location that was desired by everybody in the State of Washington delegation save one, so I think the gentleman's point makes a lot of sense.

Mr. AuCOIN. I thank the gentleman for his comments.

I want to make one additional point and then I will yield to whoever else would like to have me yield.

Some people will argue that this question of nuclear waste storage is a national problem and, therefore, should not be attached in any way to a regional bill. I want to just suggest to my colleagues that that is an unacceptable argument. It really misses the most salient point involved here. It is true that the policy questions dealing with a national system of storage of these wastes does come and must come from Washington, D.C., and from the Federal agencies. So, in that sense, true, it is a national question. But I want to suggest to my colleagues that if there is a leak in the temporary storage pools in which these wastes are being stored, such as at the Trojan Nuclear Plant in my congressional district, it has long since at that point ceased being a national cosmic theoretical issue. It is a neighborhood problem, it is a community problem for the residents around the Trojan Nuclear Plant in Columbia County in the State of Oregon, the people that I represent.

If you call that an esoteric national issue, you have some explaining to do to the people of Columbia County; and for that reason, I urge my colleagues to accept the amendment that simply says fine, if we choose to go ahead and build nuclear plants we will do so, but only after a minimal standard of public safety has been met first; and that is a permanent storage system for the wastes that these plants emit.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Michigan (Mr. DINGELL) insist upon his point of order?

Mr. DINGELL. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, the bill before us establishes a planning council. It provides for a planning council. It provides for a program for conservation and for a fish and wildlife program. It provides for the sale of power. It provides for the establishing of rates, and it provides for the acquisition of resources to produce power.

Nowhere in the bill does the bill deal with atomic energy as such or with the storage of either spent nuclear fuels or nuclear wastes. The amendment would add a condition to the bill prohibiting the BPA from acquiring any resource derived from nuclear generation until the Nuclear Regulatory Commission licenses operation of a permanent storage facility for nuclear wastes and spent fuel.

That I believe would be the addition of a national program for dealing with spent nuclear fuel and nuclear waste to be added to a regional program to be administered by the BPA. This would impose burdens on an agency entirely different from those which are either set up in the bill, which be your State and regional planning councils, or the Bonneville Power Authority. In other words, the agency which would do this, under law, would be the Nuclear Regulatory Commission which is an agency not anywhere mentioned in the bill.

Essentially, the proposal is an attempt, indirectly, to amend the Atomic Energy Act and to deal with the question of spent fuel and nuclear waste on a nationwide basis as opposed to simply dealing with the question of power management as is provided in the bill; and I call to the attention of the Chair that the bill is regional in character; the amendment is national in character; the bill deals with power management. The amendment deals with nuclear waste, its storage and the establishment of a nationwide program for the storage and so forth of nuclear waste.

I would point out the language of the amendment says:

> The Administrator may not acquire any resource derived from a new nuclear fuel generating facility—

This is not a nuclear fuel generating facility which would be present within the Bonnevlle Power Authority service area, but it is sufficiently general to cover any nuclear generating facility in the United States.

Then it goes on and it says:

> Until such time as the Nuclear Regulatory Commission—

Which is not mentioned in the legislation—

> has licensed the operation of a permanent storage facility for high-level nuclear waste and spent fuel from commercial nuclear generating facilities.

These nuclear generating facilities are not within the Bonneville Power market area but are anywhere in the United States. And it could include those in the Northeast, the Southeast, the Southwest, in Alaska, or in Hawaii—none of them within the area served. The amendment is much more broad than the bill and deals with quite different matters.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore. The Chair controls the time. Does the gentleman from Ohio wish to be heard on the point of order?

☐ 1130

Mr. BROWN of Ohio. Mr. Chairman, I would like to be heard on the point of order, but I would like to exchange a view with the gentleman from Michigan to reinforce the point of order.

Mr. JOHN L. BURTON. Regular order, Mr. Chairman.

The CHAIRMAN. There is no colloquy on a point of order.

Mr. BROWN of Ohio. Mr. Chairman, I would be happy to speak on the point of order, to reinforce the position of the gentleman from Michigan.

There is an electrical power generation in-tie between the Southwestern part of the United States, that is, California, Utah, and Arizona, and that area, and the Northwestern part of the United States. This bill has an impact on the Northwest. Some of the power generated in that Southwestern in-tie is of a nuclear sort, and so the impact of this attempted amendment would be to impact, as the gentleman from Michigan points to, the generation of power in other parts of the United States and, therefore, I think is inappropriate from the standpoint of its germaneness, for that reason.

The CHAIRMAN. Does the gentleman from Oregon (Mr. AuCoin) wish to be heard on the point of order?

Mr. AuCOIN. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman. I am somewhat surprised to hear suggestions in defending the point of order that the people of the Pacific Northwest ought to be inflicted with a burden of building additional nuclear powerplants without safeguards. It is the people in the region who will have to live with the consequences of cooling towers in the Pacific Northwest.

I think it is unfortunate that Members have argued that they ought to take those risks simply to shift the power southward or to any other region of the country.

But more to the point of order, Mr. Chairman, no one can rationally argue that the whole cycle of activities that is involved in nuclear power operation and construction can be separated out and considered alone. The storage of radioactive waste from the nuclear plants is just as much a part, an intrinsic part, of the whole process as the construction of the plant. It is a part of the same procedure, the whole life cycle of the plants, and, therefore, cannot be excluded and separated out, and it cannot be held that, somehow, that is not germane to the construction of plants, because the construction produces the result, that result, being waste. That waste has to be dealt with.

I would also make the point that the amendment does not require a contingency action on the part of this House or the Congress. The NRC is responsible for any plant that is constructed, nuclear powerplant that is constructed in this region. It is so under current law. So the NRC is very much affected by the thrust of this legislation by the terms of the legislation.

It may be that there is no specific reference to nuclear power in the bill. But no one has denied for a moment in the debate or informal discussions about the bill that nuclear powerplants cannot be constructed or will not be constructed under the terms of this bill. So this business about the amendment referring to the NRC regulatory agency, I think, Mr. Chairman, is a red herring.

I would further say that the amendment poses no contingency upon the House because existing law gives the Nuclear Regulatory Commission licensing and regulatory authority pursuant to chapters 6, 7, 8, and 10 of the Atomic Energy Act of 1954. Among those powers are the licensing and regulatory authorities to operate facilities used primarily for the receipt and storage of high-level radioactive waste resulting from activities licensed under the Atomic Energy Act of 1954.

So no additional act of Congress is necessary, nor does this amendment require any additional act of Congress, because of the authorities already granted to the NRC. And my amendment simply says that, until that authority is used, either on the agency's own part or by further direction from the Congress, no additional nuclear powerplants will be constructed in the Pacific Northwest.

Now, Mr. Chairman, I regret that there are those who would try to kill this amendment by a technicality, but I would say that I do not think the point of order stands for the reasons I have stated.

Mr. KAZEN. Mr. Chairman, I rise in support of the point of order and to say that, under the terms of the amendment, there is additional responsibility placed on the NRC and the agencies within the province of this bill. By his own words, the author of the amendment has said that NRC has that authority, but under his amendment they will cease to have the authority to license and regulate. They will be told, "You cannot license any nuclear powerplant unless you have got a permanent storage for the waste." And, therefore, I submit that it does provide for additional duties and, therefore, would be nongermane to the bill.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. JOHN L. BURTON. I would like to speak in opposition to the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. JOHN L. BURTON).

Mr. JOHN L. BURTON. Mr. Chairman, I do not believe that the statement of the distinguished gentleman from Texas saying that the NRC cannot license nuclear powerplants without safeguarding the people by dealing with the hazardous waste that is involved is a horrendous task placed on the NRC. I think that the point of order should be overruled. And I think that the bill is the biggest rape and ripoff of the public that I have ever seen in my life.

Mr. AuCOIN. Mr. Chairman, could I be heard on one additional point?

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. AuCOIN).

Mr. AuCOIN. Mr. Chairman, my friend from Texas, the subcommittee chairman, for whom I have a great deal of respect, has, I think, confused, momentarily, the difference between an amendment that would force the Nuclear Regulatory Commission to take an action as opposed to imposing on the Nuclear Regulatory Commission a new responsibility.

There is no new responsibility being imposed on the agency by this amendment. It does require action by the agency under the authority already granted to it by the Atomic Energy Act of 1954.

I would state to the Chair and to my friend, the gentleman from Texas, that the authority already existing exists under Public Law 93-438, title II. And for that reason I do not believe his argument stands.

The CHAIRMAN. The Chair is prepared to rule.

In the opinion of the Chair, the amendment offered by the gentleman from Oregon would impose a contingency which is not solely related to the issue of purchase and transmission of power in the Northwest region and which addresses potentially new NRC licensing authority for all Government and privately owned storage facilities on a national basis.

The Chair would cite, specifically, chapter 28 of Deschler's Procedures, section 24.15:

> An amendment delaying the effectiveness of a bill pending the enactment of other legislation and requiring actions by committees and agencies not involved in the administration of the program affected by the bill was ruled out as not germane.

On that basis, the Chair is constrained to sustain the point of order.

Mr. KAZEN. Mr. Chairman, it now becomes obvious that we will not be able to finish this bill today because of the vast number of amendments which the gentleman from Oregon is prepared to offer. I therefore, Mr. Chairman, instead of subjecting the Committee to staying here all day on this type of procedure, move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes, had come to no resolution thereon.

☐ 1140

APPROVAL OF PROTOCOL TO THE TRADE AGREEMENT RELATING TO CUSTOMS VALUATION

Mr. VANIK. Mr. Speaker, pursuant to section 151(f) of Public Law 93-618, the Trade Act of 1974, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7942) to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be equally divided and controlled between the gentleman from Louisiana (Mr. MOORE) and myself.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. VANIK).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7942, with Mr. OBERSTAR in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Pursuant to section 151(d) of Public Law 93-618, no amendments are in order, and the bill shall not be read for amendment.

Pursuant to section 151(f) of Public Law 93-618 and the order of the House agreed to earlier today, the gentleman from Ohio (Mr. VANIK) will be recognized for 10 hours, and the gentleman from Louisiana (Mr. MOORE) will be recognized for 10 hours.

The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I yield myself 5 minutes, and I think that will be enough to describe the protocol.

Mr. Chairman, H.R. 7942 approves and implements into U.S. law the protocol to the Customs Valuation Agreement. The bill also makes technical amendments to the tariff schedules of the United States, relating to the classification of certain chemicals.

The protocol will amend the Customs Valuation Agreement, which was approved by Congress in the Trade Agreements Act of 1979, to eliminate one of the four tests under that agreement by which related parties can establish a transaction value for customs purposes. This amendment will have little impact on U.S. law but will greatly facilitate acceptance of the Customs Valuation Agreement by a significant number of developing countries.

The President negotiated the protocol under section 102 of the Trade Act of 1974. The protocol must be approved by Congress pursuant to the same provisions of the Trade Act of 1974 which applied to the Trade Agreements Act of 1979, including at least 90 days notice to Congress of the President's intention to sign the agreement, and the submission of an unamendable implementing bill.

The President submitted the implementing bill, H.R. 7942, on August 1. Under the Trade Act procedures, Congress must act on the bill within 90 legislative days.

The administration strongly supports this bill, believing that the protocol, as negotiated with both developed and developing countries, meets the concerns of the developing countries while preserving the integrity of the basic agreement. The related party test which is being deleted would be difficult for developing countries to administer, and our concession in agreeing to the protocol should result in meaningful participation by the developing countries in the Customs Valuation Agreement.

The Committee on Ways and Means favorably reported H.R. 7942 by voice vote on September 16, 1980, and I urge its passage.

Mr. MOORE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is not a controversial bill. It cleared our Subcommittee on Trade and the full Ways and Means Committee without objection. Only one element of the protocol to the Customs Valuation Agreement requires a change in U.S. law. This change would remove one of the four tests under the agreement by which related parties can establish a transaction value for customs purposes. The test requires customs officers to accept a transaction value between a related buyer and seller if the importer demonstrates such transaction value closely approximates the transaction value of identical goods imported from a third country.

This provision reflects a major concern less developed countries (LDC's) have concerning their relationship with large multinational corporations.

In order to facilitate participation by LDC's in the Custom Valuation Code, the developed countries agreed to make certain changes in the code designed to ease the concerns of the LDC's. H.R. 7942 would implement the resulting negotiated settlement.

Mr. Chairman, I know of no opposition to this bill, and I urge its passage.

I have no further requests for time, and I yield back the balance of my time.

Mr. VANIK. Mr. Chairman, I yield back the balance of my time and urge adoption of the bill.

The CHAIRMAN. The gentleman from Ohio yields back the balance of his time. The gentleman from Louisiana yields back the balance of his time.

All time has expired.

Under the statute, the bill shall be considered as having been read.

The bill reads as follows:

H.R. 7942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROVAL OF PROTOCOL TO THE TRADE AGREEMENT RELATING TO CUSTOMS VALUATION.

(a) APPROVAL OF PROTOCOL.—In accordance with the provisions of sections 102 and 151 of the Trade Act of 1974 (19 U.S.C. 2112 and 2191), the Congress approves—

(1) the trade agreement entitled "Protocol to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade" (hereinafter in this Act referred to as the "Protocol") submitted to the Congress on August 1, 1980, and;

(2) the statement of administrative action proposed to implement such trade agreement submitted to the Congress on that date.

(b) ACCEPTANCE OF PROTOCOL BY THE PRESIDENT.—

(1) IN GENERAL.—Subject to paragraph (2), the President may accept the Protocol for the United States.

(2) LIMITATION ON ACCEPTANCE OF PROTOCOL.—Paragraph (3) of section 2(b) of the Trade Agreements Act of 1979 (19 U.S.C. 2503 (b)(3)) (relating to the limitation on acceptance of trade agreements concerning major industrial countries) applies to the Protocol and for such purpose the Protocol shall be treated as a trade agreement that is referred to in such paragraph (3).

(c) APPLICATION OF PROTOCOL.—Paragraph (2) of section 2(b) of such Act of 1979 (19 U.S.C. 2503(b)(2)) (relating to the application of agreements between the United States and other countries) applies to the Protocol and for such purpose the Protocol shall be treated as a trade agreement that is accepted by the President under paragraph (1) of such section 2(b).

(d) RELATIONSHIP OF PROTOCOL TO UNITED STATES LAW.—Subsections (a), (b), (c), and (f) of section 3 of such Act of 1979 (19 U.S.C. 2504 (a), (b), (c), and (f)) (relating to the priority of domestic law in case of conflict, implementing regulations, statutory changes to implement agreement amendments, and disclaimer regarding the creation of any private right of action or remedy) apply to the Protocol and for such purpose the Protocol shall be treated as a trade agreement approved by the Congress under section 2(a) of such Act of 1979.

SEC. 2. CONSEQUENTIAL AMENDMENT TO UNITED STATES LAW RELATING TO CUSTOMS VALUATION.

Effective on the latest of—

(1) the date on which the amendments made by title II of the Trade Agreements Act of 1979 (except the amendments made by section 223(b)) take effect,

(2) the date on which the President accepts the Protocol for the United States, or

(3) the date on which the President determines that the European Economic Community has implemented the Protocol under its laws,

and effective with respect to merchandise exported to the United States on or after that date, section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a), as amended by section 201 of such title II, is further amended by striking out subparagraph (B) of subsection (b)(2) and inserting in lieu thereof the following:

"(B) The transaction value between a related buyer and seller is acceptable for the purposes of this subsection if an examination of the circumstances of the sale of the imported merchandise indicates that the relationship between such buyer and seller did not influence the price actually paid or payable; or if the transaction value of the imported merchandise closely approximates—

"(i) the transaction value of identical merchandise, or of similar merchandise, in sales to unrelated buyers in the United States; or

"(ii) the deductive value or computed value for identical merchandise or similar merchandise;

but only if each value referred to in clause (i) or (ii) that is used for comparison relates to merchandise that was exported to the United States at or about the same time as the imported merchandise.".

SEC. 3. TECHNICAL AMENDMENTS RELATING TO TARIFF CLASSIFICATION OF CERTAIN CHEMICALS.

(a) GENERAL AMENDMENTS.—Effective on the later of—

(1) the date on which the amendments made by title II of the Trade Agreements Act of 1979 (except the amendments made by section 223(b)) take effect, or

(2) the date of the enactment of this Act.

and effective with respect to merchandise exported to the United States on or after such later date, subparts B and C of part 1 of schedule 4 of the Tariff Schedules of the United States, as amended by section 223(d) of such title II, are further amended as follows:

(A) Subpart B is amended—

(i) by striking out the superior heading for item 402.84 and inserting in lieu thereof "Other hydrocarbon derivatives:";

(ii) by amending the article description for item 403.61 to read as follows: "5-Chloro-2-nitroanisole; 6-Chloro-3-nitro-p-dimethoxybenzene; Dimethyl diphenyl ether; 4-Ethylguaiacol; and 2-α-Hydroxyethoxyphenol";

(iii) by striking out item 403.76 and inserting in lieu thereof the following:

"	Aldehydes, aldehyde-alcohols, aldehyde-ethers, aldehyde-phenols, and other single or complex oxygen-function aldehydes; cyclic polymers of aldehydes and paraformaldehyde:		
403.74	Terephthalaldehyde..	1.7¢ per lb. +11.6% ad val.	7¢ per lb. +37% ad val.
403.76	Other...............	1.7¢ per lb. +12.9% ad val.	7¢ per lb. +41% ad val.

(iv) by amending the article description for item 400.32 to read as follows: "Naphthalic anhydride; Phthalic acid; and 4-Sulfo-1,8-naphthalic anhydride";

(v) by striking out "p-Aminobenzoylaminonaphthalene sulfonic acid;" "'Aminophenol, substituted;" "3-(N-Ethylanilino)-propionic acid, methyl ester;", "1-(p-Nitrophenyl)-2-amino-1.3-propane diol:", and "Toluidine carbonate;" in item 404.84;

(vi) by amending item 404.92—

(I) by striking out "p-Acetamino-benzaldehyde;",

(II) by inserting "3-(N-Ethylanilino)-propionic acid, methyl ester;" immediately after "4-Dimethylaminobenzaldehyde;",

(III) by inserting "1-(p-Nitrophenyl)-2-amino-1,3-propanediol;" immediately after "2-Methyl-p-anisidine [NH$_2$=1];",

(IV) by striking out "Nitra acid amide (1-amino-9,10-dihydro-N-(3-methoxypropyl)-4-nitro-9,10-dioxo-2-anthramide); and"; and

(V) by inserting "; and Toluidine carbonate" immediately after "L-Phenylalanine";

(vii) by amending item 405.28—

(I) by inserting "p-Acetamino-benzaldehyde;" immediately before "p-Acetanisidide;",

(II) by inserting "p-Aminobenzoylaminonaphthalenesulfonic acid;" immediately after "p-Aminobenzoic acid isooctyl-amide;",

(III) by inserting "2-(m-Hydroxyanilino)-acetamide;" immediately after "Gentisamide;",

(IV) by striking out "and" after "N-(7-Hydroxy-1-naphthyl) acetamide;", and

(V) by inserting "Nitra acid amide (1-amino-9,10-dihydro-N-(3-methoxypropyl)-4-nitro-9,-10-dioxo-2-anthramide); and" immediately before "Phenacetin, technical";

(viii) by striking out "2-Amino-5-nitrobenzonitrile;" in item 405.56;

(ix) by inserting immediately after item 405.84 the following new item:

" 405.85	4,4$_0$- Diphenyl-bis-phosphonous acid, di(2′, 2′′,4′,4′′-di-tert-butyl)phenyl ester	1.7¢ per lb.+ 12.5% ad val.	7¢ per lb. +40% ad val. ";

(x) by amending item 406.36—

(I) by inserting "3-(5-Amino-3-methyl-1-H-pyrazol-1-yl) benzenesulfonic acid;" immediately after "Aminomethylphenylpyrazole (Phenylmethylaminopyrazole);",

(II) by inserting "4-[[4,6-Bis(octylthio)-1,3,5-triazine-2-yl] amino]-2,6-di-tert-butylphenol;" immediately after "3-Amino-1-(2, 4,6-trichloro-phenyl)-5-pyrazolone;",

(III) by inserting "1-(o-Ethylphenyl)-3-methyl-2-pyrazolin-5-one;" immediately after "6-Ethoxy-2-benzothiazolethiol;", and

(IV) by striking out "4-Chloro-1-methylpiperidine hydrochloride;", "1,4-Dimethyl-6-hydroxy-3-cyanpyridone-2;", "o-Ethylpyrazolone;". "Iminopyrazole-3-sulfonic acid;" and "3-Quinuclidinol;",

(xi) by inserting immediately after item 406.72 the following new item:

" 406.73	4-Chloro-1-methylpiperidine hydrochloride; 1,4-Dimethyl-6-hydroxy-3-cyanopyridone-2; Di(2,2,6,6-tetramethyl-4-hydroxypiperidine) sebacate; and 3-Quinuclidinol	1.7¢ per lb. + 12.4% ad. val.	7¢ per lb. + 39.5% ad val. ";

and

(xii) by inserting immediately after item 406.81 the following new item:

" 406.82	Dehydrolinalool and Isophytol	1.7¢ per lb. + 12.5% ad val.	7¢ per lb. + 40% ad val.".

(B) Subpart C is amended—

(i) by amending the headnotes to such subpart by striking out headnote 6, and by redesignating headnotes 7 through 12 as headnotes 6 through 11, respectively;

(ii) by striking out "2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb);" in item 408.21;

(iii) by amending item 408.24—

(I) by striking out "1,2-Benzisothiazolin-3-one;",

(II) by striking out "and" immediately after "(Phosalone);", and

(III) by inserting "2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb); and" immediately below "(Phosalone);";

(iv) by striking out item 408.32 and inserting in lieu thereof the following:

	Other:		
" 408.31	1,2,-Benzisothiazolin-3-one	1.7¢ per lb. +12.8% ad val.	7¢ per lb. +41% ad val.
408.32	Other	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val. ";

(v) by striking out item 408.52;

(vi) by striking out items 411.36 and 411.40, and the superior heading thereto, and inserting in lieu thereof the following:

" 411.40	Papaverine and its salts	1.7¢ per lb. + 28.9% ad val.	7¢ per lb. + 104% ad val. ";

(vii) by inserting "Ethaverine hydrochloride;" immediately after "Ergonovine maleate;" in item 411.44;

(viii) by inserting "Cleamastine hydrogen fumarate;" immediately before "Diphenhydramine" in item 411.52; and

(ix) by striking out the article description for item 413.50 and inserting in lieu thereof "Paints and enamel paints, and stains".

(b) SPECIAL AMENDMENTS.—The President may proclaim the following amendments to subpart B of part 1 of schedule 4 of such schedules, to be effective not sooner than the date on which the amendments made by subsection (a) take effect:

(1) In numerical sequence insert the following:

" 406.83	Dimethylsuccinoyl succinate.	1.7¢ per lb. + 12.5% ad val.	7¢, per lb. + 40% ad val. ".

(2) Strike out item 407.15 and insert the following:

	Other:		
" 407.14	Mistures of 1,3,6 Naphthalenetrisulfonic acid and 1,3,7 Naphthalenetrisulfonic acid	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
407.16	Other	1.7¢ per lb. +13.6% ad val., but not less than the highest rate applicable to any component material.	7¢ per lb. +43.5% ad val., but not less than the highest rate applicable to any component material. ".

(c) STAGING.—The rates of duty in column numbered 1 for items 403.74, 406.73, and 408.31 (as added by subsection (a)) shall be subject to any staged rate reductions proclaimed by the President for items 404.32, 406.36, and 408.24, respectively.

Mr. VANIK. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. OBERSTAR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7942) to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

DIRECTING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 7942

Mr. VANIK. Mr. Speaker, I offer a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 809

Resolved, That the Clerk of the House of Representatives, in the engrossment of the bill (H. R. 7942) to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes, is authorized and directed to make the following corrections:

Page 5, line 22, strike out "α-Hydroxyethoxyphenol';" and insert "(α-Hydroxyethoxy)-phenol';".

Page 6, in the matter appearing immediately before line 1, strike out "aldehydephenols," and insert "aldehydephenols,".

Page 6, line 6, strike out "naphthalene sulfonic acid;" and insert "naphthalenesulfonic acid;".

Page 6, line 7, insert a comma after "tuted;".

Page 6, line 8, insert a hyphen after "propane".

Page 6, line 20, strike out "1-amino-9," and insert "1-Amino-9,".

Page 7, line 2, strike out "L-Phenylala" and insert "λ-Phenylala".

Page 7, line 10, strike out "isooctyl-amide" and insert "isoocytylamide".

Page 7, in the matter appearing after line 23, strike out "4,4'- Diphenyl" and insert "4,4'-Diphenyl".

Page 9, line 4, strike out "12" and insert "13".

Page 9, line 5, strike out "11" and insert "12".

Page 10, strike out the matter appearing after line 20 and ending before line 1 on page 11 and insert the following:

	Other:		
" 407.14	Mixtures of 1,3,8 Naphthalenetrisulfonic acid and 1,3,7-Naphthalenetrisulfonic acid	1.7¢ per lb. +12.5% ad val.	7¢ per lb. +40% ad val.
407.16	Other	1.7¢ per lb. +13.8% ad val., but not less than the highest rate applicable to any component material.	7¢ per lb. +43. 5% ad val., but not less than the highest rate applicable to any component material. "

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, this resolution simply directs the Clerk of the House of Representatives to make corrections in the engrossment of H.R. 7942. These corrections are all purely technical in nature. They are strictly printing and clerical errors such as the inclusion of commas, hyphens, or the adding of parenthesis to the description of individual chemicals.

I ask that this correcting resolution be adopted.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1150

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have taken this time for the purpose of inquiring of the acting majority leader as to the program for the balance of the day and the program for next week.

Mr. FOLEY. Mr. Speaker, will the distinguished minority leader yield to me?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Washington.

Mr. FOLEY. At the conclusion of the last order of business, we would expect to program no further bills for today.

The schedule for next week is as follows:

The House will meet at noon on Monday and will vote on suspensions, there being 28 bills. All votes will be postponed until the conclusion of the debate on each suspension bill, but the votes will be held on Monday at the conclusion of debate.

The suspension bills are as follows:

S. 885, Pacific Northwest Electric Power Planning and Conservation Act;

H.R. 8112, Ute Mountain Indians, Colorado;

S. 1972, Sangre de Cristo Development Corporation;

H.R. 5584, Paiute Indians trust lands;

H.R. 5496, historic preservation amendments;

H.R. 4968, real estate investment trust;

H.R. 7709, cigarette tariffs;

H.R. 6750, hoverskirt tariffs;

H.R. 7660, duty free treatment of freight containers;

H.R. 7802, ephedrine tariffs;

H. Con. Res. 376, relating to United States-Japan trade;

S. 1918, Defense Officer Personnel Management Act;

H.R. 3765, Concur in Senate Amendment to Walnut Marketing Act;

H.R. 999, Plant Variety Protection Act amendments;

H.R. 3559, emergency medical services in National Forest System;

H.R. 6933, patent and trademark laws amendments;

H. Res. 693, sense of House re age discrimination in appointment of judges;

H.R. 7873, Gasohol Competition Act;

H.R. 154, Gold Star Wives bill;

H.R. 2279, National Ski Patrol bill;

H. Con. Res. 301, sense of Congress re foreign language studies;

H.R. 5888, police and firefighters death benefits, United States Code, title 5;

H.R. 7126, Toxic Substances Control Act, 1980 amendments;

S. 1828, Milner Dam bill;

H.R. 7039, fish development, concur in Senate amendment;

H.R. 6671, inland navigational rules;

H.R. 7805, American Folklife Center reauthorization; and

H.J. Res. 205, Ralph J. Bunche Monument, New York City.

The House will meet at noon on Tuesday and at 10 a.m. during the balance of the week. On Tuesday there will be the Private Calendar and the second budget resolution for fiscal year 1981, subject to a rule being granted. After that we will consider the following bills:

H.R. 6417, the Surface Transportation Act of 1980, under an open rule with 1 hour of debate. The rule will have been adopted;

H.R. 6811, the International Development Association and African Development Bank, under an open rule with 1 hour of debate;

H.R. 6704, Juvenile Justice and Delinquency Prevention Act, under an open rule with 1 hour of debate. The rule will have been adopted;

H.R. 5615, Intelligence Agents Identities Protection Act, under an open rule with 1 hour of debate; and

H.R. 6386, the Legal Services Corporation authorization, under an open rule with 1 hour of debate.

The House will adjourn at 3 p.m. on Friday. The adjournment times on all of the days will be announced. This announcement, of course, is subject to the usual condition that conference reports may be brought up at any time and any further program may be announced later.

Mr. Speaker, I want to correct a misstatement I made earlier in the colloquy with my friend. I suggested we would have no further business today. I am advised that the leadership intends to call up two rules.

Mr. MICHEL. Would the gentleman tell us what those rules pertain to?

Mr. FOLEY. I would say to the gentleman that the rules pertain to surface transportation and juvenile justice.

Mr. MICHEL. Do I understand that those are the two that will be considered next week?

Mr. FOLEY. Yes. Other than that, there will be no further business today.

Mr. MICHEL. Then, am I correct in assuming that after adjournment next week, with the session through Friday, that we will definitely be off for the week of Thanksgiving, the entire week?

Mr. FOLEY. The gentleman is correct. It is the intention of the leadership, when the House adjourns on Friday next, to seek agreement to adjourn until December 1.

Mr. MICHEL. Then we will definitely be in session that first week in December?

Mr. FOLEY. The gentleman is correct.

Mr. MICHEL. Both parties will have their freshmen orientation during the latter part of that week. Am I to assume that we will strive for an adjournment sine die on the 5th day of December?

Mr. FOLEY. That is the announced intention of the leadership on this side and the Senate Democratic leadership as well. There will be an attempt, and I think it is a firm intention, to adjourn sine die on the 5th of December.

Mr. MICHEL. For the further information of the Members, it would be the intention of the majority side to have its caucus the following week, beginning December 8; would it not?

Mr. FOLEY. It is my understanding that both the Democratic Caucus and the Republican Conference are scheduled for the 8th, 9th, and 10th of December.

Mr. MICHEL. I would say to the gentleman that that is the preliminary information we were depending upon for our own conference, assuming the majority was wedded to those dates.

Mr. Speaker, might I also inquire then in that first week in December when we are in session, would we expect a reconciliation conference report? Is the gentleman prepared to respond to that kind of question?

Mr. FOLEY. I believe it is hoped that there will be a conference report available at that time.

Mr. MICHEL. Now, there are no appropriation bill conference reports scheduled, although the gentleman has said that conference reports may be brought up at any time. In the absence of our completing work on all the conference reports on money bills, then of course we have to enact a continuing resolution; is that correct?

Mr. FOLEY. The gentleman is correct. I think it is, again, the intention to try and complete action on as many appropriation bills as possible. In the event that some appropriation bills cannot be concluded, then it is the intention to proceed in a limited way with a continuing resolution.

Mr. MICHEL. Then, Mr. Speaker, if I might ask one final question, is that December 5 adjournment date set in concrete? Is it still in limbo?

Mr. FOLEY. Mr. Speaker, I would suggest to the gentleman that it would be unwise for Members to make firm plans for the 6th of December, but that is my own personal caution. I have seen many firm dates slip 1 day. It is the intention of the leadership to conclude sine die on the 5th, but I think the gentleman would agree with me that it would not be wise for Members to schedule themselves on the 6th in a way that would make it impossible for them to adjust the schedule if we slipped 1 day.

However, there is no intention to go beyond that week.

Mr. MICHEL. That is the key answer. I would like to assume that after concluding, whether it is the 5th or 6th or even running into Sunday, Members on both sides would want to stay here, except for those who have no reason to stay, for the organizing caucus and conference on our side. After that time, they may want to begin making plans for the Christmas season and for the balance of the year.

Mr. FOLEY. Mr. Speaker, I would hesitate to give advice to Members, but I think any Member would be fairly confident to make plans for the week following the caucus and conference meetings, assuming that the House would not be in session.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for his responses.

I yield back the balance of my time, Mr Speaker.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1200

ADJOURNMENT TO MONDAY, NOVEMBER 17, 1980

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday, November 17, 1980.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 6704, JUVENILE JUSTICE AMENDMENTS OF 1980

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 732 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 732

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6704) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 6704, the House shall proceed, section 401(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to the consideration of the bill (S. 2441), and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 6704 as passed by the House.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 732 provides for the consideration of the bill H.R. 6704, the Juvenile Justice Amendments of 1980, to provide a 4-year extension for the programs under the Juvenile Justice and Delinquency Prevention Act of 1974 and to broaden the scope of such programs.

This is an open rule, Mr. Speaker, providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purposes of amendment under the 5-minute rule. The resolution provides for one motion to recommit.

In addition, the rule waives points of order against the committee substitute for failure to comply with the provisions of clause 5, rule XXI, which prohibits an appropriation in a legislative bill. Although there are no actual appropriations in the legislation, certain provisions of the bill could technically be construed as new appropriations; thus, the waiver was necessary.

Mr. Speaker, the rule further provides that upon adoption of H.R. 6704, the House shall proceed to the consideration of S. 2441, the Senate passed version of the legislation and insert the House-passed language. The rule waives section 401(a) of the Budget Act against consideration of the Senate bill. Section 401 (a) of the Budget Act provides that it shall not be in order to consider any bill which provides new contract or new borrowing authority unless that bill also provides that such new spending authority is to be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation acts. Section 304(b) of the Senate bill could be construed as providing new contract authority, and since it fails to limit the availability of such authority, the bill would be subject to a point of order under section 401(a) of the Budget Act. H.R. 6704 completely cures the Budget Act violation in the Senate bill and the Budget Committee has indicated that it has no objection to this technical waiver.

H.R. 6704 furthers congressional efforts to formulate a comprehensive approach to juvenile justice. I urge my colleagues to adopt House Resolution 732, so that the House may proceed to the consideration of this important legislation.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 732 is the rulemaking in order the consideration of H.R. 6704, the Juvenile Justice Amendments of 1980 that extend the authorization of appropriations for the Juvenile Justice and Delinquency Prevention Act of 1974.

This is an open rule, as the gentleman from Illinois (Mr. MURPHY) has described, providing for 1 hour of general debate. The amendment recommended by the Committee on Education and Labor in the nature of a substitute is made in order by the rule as an original bill for the purposes of amendment under the 5-minute rule.

A waiver is provided against a point of order that the bill does not comply with clause 5 of rule XXI, which prohibits appropriations in a legislative bill. This waiver is necessary because the bill prescribes new purposes for which funds already appropriated are to be used.

In addition, one motion to recommit with or without instructions is provided for.

After passage of H.R. 6704, the rule makes in order the consideration of S. 2441 and waives section 401(a) of the Budget Act against consideration of the Senate bill. This waiver is made necessary because the Senate bill provides contract authority which has not been provided for in advance by an appropriation act.

It shall then be in order, under the rule, to move to strike out the provisions of the Senate bill and insert in lieu thereof the provisions contained in H.R. 6704 as passed by the House.

Mr. Speaker, H.R. 6704 provides a 4-year reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, under which the Federal Government has carried out a formula grant-in-aid program to assist States and local governments to improve efforts in preventing and controlling juvenile delinquency.

The bill authorizes $200 million for each of the fiscal years 1981 through 1984 for juvenile justice programs, and $25 million each year for the same period for youth programs.

As reported by the Committee on Education and Labor, the bill expanded the original act to include assisting State and local governments in removing juveniles from jails and lockups for adults; and requires that beginning 5 years after the date of enactment State plans provide that no juveniles be detained or confined in any jail or lockup for adults.

I am informed that the managers of the bill have agreed to accept an amendment that will be offered by the gentleman from Missouri (Mr. COLEMAN) to modify the reported bill.

The Coleman amendment would extend the requirement for removal of juveniles from adult jails from 5 to 7 years; require that regulations to carry out the new provision take into account the special problems of rural areas to permit the temporary detention of juveniles accused of serious crimes against persons; and requiring a study by the executive branch within 18 months on the costs that will face the States and local governments when juveniles will be required to be removed from adult jails, as well as the possible adverse effect of the new requirement on State and local governments.

Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

PROVIDING FOR CONSIDERATION OF H.R. 6417, SURFACE TRANSPORTATION ACT OF 1980

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 767 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 767

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6417) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield 30 minutes to the gentleman from Missouri (Mr. TAYLOR) for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 767 is the rule providing for the consideration of the bill H.R. 6417, the Surface Transportation Act of 1980. It is an open rule, with one hour of general debate, and it makes in order the committee amendment in the nature of a substitute. The bill will be read for amendment by titles instead of by sections, and each title will be considered as having been read. In addition, there are two waivers of points of order.

The first is a waiver of section 402(a) of the Budget Act. Section 402(a) prohibits consideration of a bill authorizing spending in a fiscal year if it was not reported by May 15 preceding the beginning of the fiscal year. The waiver was originally necessary because two sections of the bill would possibly have authorized spending in fiscal 1980. The Public Works Committee had agreed to offer floor amendments curing the violations, so the waiver was essentially technical in any case. In addition, since we are now beyond the 1980 fiscal year, the waiver is doubly a technical matter.

There is also a waiver of clause 5 of rule XXI, which prohibits appropriations in an authorization. That waiver is necessary because one section of this bill allows the Secretary of Transportation to make funding available for emergency repairs to transit systems damaged by natural disasters, if that should be necessary. Since the way the section is worded, it could result in using money that has already been appropriated in a way that is slightly different from what it was originally appropriated for, it is technically an appropriation in an authorization and requires the waiver.

Mr. Speaker, this bill is a major piece of transportation legislation. It revises and extends funding for several important programs—for the various efforts of the Urban Mass Transportation Administration, for new and existing rail systems, for university transportation research, for terminal development, for intercity bus service, for emergency repairs in areas hit by natural disasters, and so forth.

In addition, the bill changes or clarifies current law in several significant instances. It creates, for example, a uniform means of identification for elderly and handicapped persons who wish to use transit systems, and strengthens the authority of the Transportation Department to insure that adequate safety standards are met in transit systems funded by the Urban Mass Transportation Administration.

This is important legislation, Mr. Speaker, and I urge the support of all my colleagues for this rule and for the bill.

□ 1210

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 767 is the rule under which the House will consider H.R. 6417, the Surface Transportation Act of 1980 which extends the authorization of appropriations for highway construction, highway safety, and mass transportation programs.

This is an open rule, as the gentleman from Massachusetts (Mr. MOAKLEY) has described, providing for 1 hour of general debate. The amendment recommended by the Committee on Public Works and Transportation in the nature of a substitute is made in order by this rule as an original bill for the purposes of amendment under the 5-minute rule. The committee amendment will be read by titles instead of by sections.

Two waivers are provided in the rule, one waiving section 402(A) of the Budget Act and one waiving clause 5 of rule XXI. The Budget Act waiver was necessary because the bill as reported by the Public Works Committee authorized new budget authority during fiscal year 1980 and the bill had not been reported prior to May 15, 1979.

However, the Public Works Committee has agreed to offer an amendment striking the 1980 funding from the bill and thus bringing it into compliance with the Budget Act. As a consequence, the chairman of the Budget Committee, the Honorable ROBERT GIAIMO, has indicated he has no objection to this waiver—which is purely technical in nature—to permit consideration of the bill.

The waiver of clause 5, rule XXI, which prohibits appropriations in a legislative bill, is provided because a section of the bill creates an emergency repair fund for public transportation equipment and facilities damaged by natural disasters and thereby prescribes new purposes for which funds already appropriated may be used.

In addition, one motion to recommit with or without instructions is provided.

Mr. Speaker, H.R. 6417 provides a 4-year reauthorization of highway construction, highway safety and mass transportation in both urban and rural areas, totaling $23.153 billion through 1985. There is little doubt as to the necessity for this legislation, in fact the bill comes to the floor from the Public Works Committee without dissent or minority views.

The major provisions of the bill authorize expenditures to replenish the highway emergency fund, to implement energy conservation goals, and increase the existing authorizations for both the formula mass transit operating and capital grant program and the discretionary capital grant mass transit program.

The remaining noteworthy provision of the bill, Mr. Speaker, is section 223, the so-called Cleveland amendment. This provision eliminates the present requirement that all public transportation which receives Federal funding be "fully accessible" to handicapped persons, and provides exemptions for transit systems that have equivalent special services for the disabled.

This is a local option approach, in my opinion, that is designed to provide enough flexibility in communities across the Nation while at the same time insuring that alternative services to the handicapped meet service criteria.

Mr. Speaker, there is no disagreement on the need for this legislation, there is no controversy with this rule, and I urge the adoption of the rule.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SENATE AMENDMENT TO H.R. 3765

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. FOLEY) is recognized for 5 minutes.

● Mr. FOLEY. Mr. Speaker, on Monday, November 17 one of the suspensions to be considered by the House will be a request by me to concur in the Senate amendment to H.R. 3765. For the information of the Members the Senate amendments are as follows:

H.R. 3765

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Agricultural Act of 1980".

TITLE I—WALNUT AND OLIVE MARKETING ORDERS

SEC. 101 Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by inserting "walnuts," before "or tomatoes"; and

(2) by inserting "walnuts, olives," before "and Florida Indian River grapefruit".

TITLE II—AGRICULTURAL TRADE SUSPENSION ADJUSTMENT ACT OF 1980

SHORT TITLE

SEC. 201. This title may be cited as the "Agricultural Trade Suspension Adjustment Act of 1980".

1981 CROPS OF FEED GRAINS, WHEAT, AND SOYBEANS

SEC. 202. (a)(1) Section 105A(a) of the Agricultural Act of 1949 is amended by (A) striking out the comma after $2.00 per bushel", and (B) striking out "through 1981 crops of corn," and inserting in lieu thereof "through 1980 crops of corn, and not less than $2.25 per bushel for the 1981 crop of corn,".

(2) Section 105A(f)(1) of the Agricultural Act of 1949 is amended by striking out "November 15" and inserting in lieu thereof "November 1".

(b) Section 107A(a) of the Agricultural Act of 1949 is amended by striking out "through 1981 crops of wheat," and inserting in lieu thereof "through 1980 crops of wheat, and not less than $3.00 per bushel for the 1981 crop of wheat,".

(c) Section 201(e) of the Agricultural Act of 1949 is amended by inserting the following before the period at the end thereof: ": *Provided further*, That the 1981 crop of soybeans shall be supported through loans and purchases at not less than $5.02 per bushel".

ADJUSTED PRICE SUPPORT LOAN LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM FOR THE 1980 AND 1981 CROPS OF WHEAT AND FEED GRAINS

SEC. 203. (a) Section 110(b) of the Agricultural Act of 1949 is amended by—

(1) inserting the following before the period at the end of the first sentence: ": *Provided*, That the Secretary shall make available to producers for the 1980 and 1981 crops of wheat and feed grains price support loans under the producer storage program at such levels as the Secretary determines necessary to mitigate the adverse effects of the restrictions on the export of agricultural products to the Union of Soviet Socialist Republics imposed on January 4, 1980, on the market prices producers receive for their crops, but at not less than $3.30 per bushel for wheat, $2.40 per bushel for corn, and such levels for the other feed grains as the Secretary determines are fair and reasonable in relation to the minimum level for corn, taking into consideration, for barley, oats, and rye, the feeding value of the commodity in relation to corn and other factors specified in section 401(b) of this Act and, for grain sorghums, the feeding value and average transportation costs to market of grain sorghums in relation to corn: *Provided further*, That the levels at which loans for the 1980 and 1981 crops of wheat and feed grains are made available to producers under the preceding proviso shall not be used in determining the levels at which producers may repay loans and redeem commodities prior to the maturity dates of the loans under clause (5) of the second sentence of this subsection, or the levels at which the Secretary may call for the repayment of loans prior to their maturity dates under clause (6) of the second sentence of this subsection"; and

(2) in clause (3) of the second sentence after "except that the Secretary may waive or adjust such interest", inserting a comma and the following: "and the Secretary shall waive such interest on loans made on the 1980 and 1981 crops of wheat and feed grains".

(b) Subsection (a) of this section shall become effective October 1, 1980, and any producers who, prior to such date, receive loans on the 1980 crop of the commodity as computed under the Agricultural Act of 1949, as amended prior to the enactment of this Act, may elect after September 30, 1980, to receive loans as authorized under subsection (a) of this section.

ADJUSTMENT OF THE RELEASE AND CALL LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM

SEC. 204. Section 110(b) of the Agricultural Act of 1949 is amended by amending clauses (5) and (6) of the second sentence to read as follows: "(5) conditions designed to induce producers to redeem and market the wheat or feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for the commodity has attained a specified level, as determined by the Secretary; and (6) conditions prescribed by the Secretary under which the Secretary may require producers to repay such loans, plus accrued interest thereon, refund amounts paid for storage, and pay such additional interest and other charges as may be required by regulation, whenever the Secretary determines that the market price for the commodity is not less than such appropriate level, as determined by the Secretary.".

MINIMUM LEVELS AT WHICH THE COMMODITY CREDIT CORPORATION MAY SELL STOCKS OF WHEAT AND FEED GRAINS

SEC. 205. Section 110(e) of the Agricultural Act of 1949 is amended by—

(1) after "Notwithstanding any other provision of law,", inserting "except as otherwise provided under section 302 of the Food Security Wheat Reserve Act of 1980 and section 208 of the Agricultural Trade Suspension Adjustment Act of 1980,";

(2) striking out "150 per centum of the then current level of price support for such commodity" and inserting in lieu thereof "105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of subsection (b) of this section"; and

(3) amending clause (3) to read as follows:

"(3) sales of corn for use in the production of alcohol for motor fuel at facilities that—

"(A) begin operation after January 4, 1980, and

"(B) whenever supplies of corn are not readily available, can produce alcohol from agricultural or forestry biomass feedstocks other than corn,

when sold at not less than the price at which producers may repay producer storage loans and redeem corn prior to the maturity dates of loans, as determined under clause (5) of the second sentence of subsection (b) of this section, or, whenever the fuel conversion price (as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980) for corn exceeds such price, at not less than the fuel conversion price.".

AUTHORITY TO USE THE FUNDS, FACILITIES, AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION TO PURCHASE AGRICULTURAL PRODUCTS INTENDED TO BE EXPORTED TO THE SOVIET UNION

SEC. 206. Notwithstanding any other provision of law, the Secretary of Agriculture may use, subject to such terms and conditions as the Secretary may deem appropriate, the funds, facilities, and authorities of the Commodity Credit Corporation in purchasing and handling agricultural products, other than grains, that—

(1) were intended to be exported to the Union of Soviet Socialist Republics under contracts entered into prior to January 5, 1980, but

(2) cannot be exported under such contracts due to the imposition, on January 4, 1980, of restrictions on the export of agricultural products to the Union of Soviet Socialist Republics,

in the same manner and under the same conditions as the Secretary purchases and handles grains under similar contracts and subject to the imposition of the same restrictions.

SUPPLEMENTAL SET-ASIDE AUTHORITY

SEC. 207. Effective for the 1981 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 is amended by adding at the end of title I a new section 113 as follows:

"SUPPLEMENTAL SET-ASIDE AUTHORITY

"SEC. 113. Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, effective for one or more of the 1981 crops of wheat, feed grains, upland cotton, and rice, the Secretary may announce and provide for a set-aside of cropland under section 101(h), 103(f)(11), 105A(f), or 107A(f) of this title if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or other member of the executive branch of Government. In order to carry out effectively a set-aside program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such program.".

TRADE SUSPENSION RESERVES

SEC. 208. Notwithstanding any other provision of law—

(a) Whenever the President or other member of the executive branch of Government causes the export of any agricultural commodity to any country or area of the world to be suspended or restricted for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law and the Secretary of Agriculture determines that such suspension or restriction will result in a surplus supply of such commodity that will adversely affect prices producers receive for the commodity, the Secretary may establish a gasohol feedstock reserve or a food security reserve, or both, of the commodity, as provided in subsections (c) and (d) of this section, if the commodity is suitable for stockpiling in a reserve.

(b) Within thirty days after the export of any agricultural commodity to a country or area is suspended or restricted as described in subsection (a) of this section, the Secretary of Agriculture shall announce whether a gasohol feedstock reserve or a food security reserve of the commodity, or both, will be established under this section and shall include in such announcement the amount of the commodity that will be placed in such reserves, which shall be that portion of the estimated exports of the commodity affected by the suspension or restriction, as determined by the Secretary, that should be removed from the market to prevent the accumulation of a surplus supply of the commodity that will adversely affect prices producers receive for the commodity.

(c) (1) To establish a gasohol feedstock reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in the production of alcohol for motor fuel through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The Secretary of Agriculture may dispose of stocks of agricultural commodities acquired under paragraph (1) of this subsection only through sale—

(A) for use in the production of alcohol for motor fuel, at not less than the fuel conversion price (as defined in section 212 of this title) for the commodity involved: *Provided*, That, for wheat and feed grains, if the fuel conversion price for the commodity involved is less than the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the second sentence of section 110(b) of the Agricultural Act of 1949, the Secretary may dispose of stocks of the commodity for such use only through sale at not less than the release price: *Provided further*, That such sales shall only be made to persons for use in the production of alcohol for motor fuel at facilities that, whenever supplies of the commodity are not readily available, can produce alcohol from other agricultural or forestry biomass feedstocks; or

(B) for any other use, when sales for use under clause (A) of this paragraph are impracticable, (i) if there is a producer storage program in effect for the commodity, at not less than 105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of section 110(b) of the Agricultural Act of 1949, or, (ii) if there is no producer storage program in effect for the commodity, at not less than the average market price producers received for the commodity at the time the trade suspension was imposed.

(d) (1) To establish a food security reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in providing emergency food assistance and urgent humanitarian relief through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The provisions of subsections (c), (d), (e), (f), and (g)(2) of section 302 of the Food Security Wheat Reserve Act of 1980 shall apply to commodities in any reserve established under paragraph (1) of this subsection, and (except for the last sentence of subsection (c) of section 302) the references to "wheat" in such subsections of section 302 shall be deemed to be references to "agricultural commodities".

(3) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(e) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposition of agricultural commodities under this section.

(f) The Secretary of Agriculture shall establish safeguards to ensure that stocks of agricultural commodities held in the reserves established under this section shall not be used in any manner or under any circumstance to unduly depress, manipulate, or curtail the free market.

(g) Whenever stocks of agricultural commodities are disposed of or released from reserves established under this section, as provided in subsections (c)(2) and (d)(2) of this section, the reserves may not be replenished with replacement stocks.

(h) The provisions of this section shall become effective with respect to any suspension of, or restriction on, the export of agricultural commodities, as described in subsection (a) of this section, implemented after the date of enactment of this Act.

ALCOHOL PROCESSOR GRAIN RESERVE

SEC. 209. (a) As used in this section—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "processor" means any person engaged within the United States in the business of manufacturing grain into alcohol for use as a fuel either by itself or in combination with some other product.

(3) The terms "agricultural grain" and "grain" mean any agricultural commodity (A) that is suitable for processing into alcohol for use as a fuel, and (B) with respect to which a price support operation is in effect.

(4) The term "producer storage program" means the producer storage program provided for under section 110 of the Agricultural Act of 1949.

(5) The term "small scale biomass energy project" shall have the same meaning as defined in section 203(19) of the Energy Security Act.

(b) To assist processors in obtaining a dependable supply of grain at reasonable prices, the Secretary may formulate and administer a program under which processors purchasing and storing grain needed by them for manufacturing into alcohol for use as a fuel may obtain a loan from the Secretary on such grain. Loans under this section may be made available only to processors that (1) operate small scale biomass energy projects financed in whole or in part by the United States Government or any agency thereof, and (2) as determined by the Secretary, are otherwise unable to obtain a dependable supply of grain at reasonable prices for use in such projects.

(c) Except as otherwise provided in this section, loans made under this section to carry out the processor grain reserve program may be made on the same terms and conditions as loans made to carry out the producer storage program.

(d) The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor shall be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

(e) Whenever any quantity of grain stored in the processor grain reserve under this section is removed from storage by a processor, the processor may be required to replace such grain with an equal quantity, within such period of time as the Secretary shall prescribe by regulation, or repay that portion of the loan represented by the quantity of grain removed from storage.

(f) Grain on which an eligible processor has received a loan under this section may not be used for any purpose other than the manufacture of alcohol for use as a fuel, and the Secretary shall establish such safeguards as the Secretary deems necessary to assure that such grain is not used for any other purpose and is not used in any manner that would unduly depress, manipulate, or curtail the free market in such grain.

(g) Loans made under this section shall be made subject to such terms and conditions and subject to such security as the Secretary deems appropriate, except that such loans may not be made as nonrecourse loans.

(h) In carrying out the processor grain reserve program under this section, the Secretary may—

(1) provide for the payment to processors of such amounts as the Secretary determines appropriate to cover the cost of storing grain held in the processor grain reserve, except that in no event may the rate of the payment paid under this clause for any period exceed the rate paid by the Secretary under the producer storage program for the same period; and

(2) prescribe conditions under which the Secretary may require processors to repay

loans made under this section, plus accrued interest thereon, refund amounts paid to the processors for storage, and require the processors to pay such additional interest and other charges as may be required by regulation in the event any processor fails to abide by the terms and conditions of the loan or any regulation prescribed under this section.

(i) The Secretary shall announce the terms and conditions of the processor grain reserve program as far in advance of making loans as practicable.

(j) The Secretary may use the facilities of the Commodity Credit Corporation to carry out this section.

(k) There are authorized to be appropriated such sums as may be necessary to carry out this section. Any loans made under this section shall be made to such extent and such amounts as provided in appropriation Acts. The authority to make loans under this section shall expire five years after the effective date of this title.

STUDY OF THE POTENTIAL FOR EXPANSION OF UNITED STATES AGRICULTURAL EXPORT MARKETS AND THE USE OF AGRICULTURAL EXPORTS IN OBTAINING NEEDED MATERIALS

SEC. 210. (a) The Secretary of Agriculture, in consultation with the United States Trade Representative and any other appropriate agency of the United States Government as determined by the Secretary, shall perform a study of the potential for expansion of United States agricultural export markets and the use of agricultural exports in obtaining natural resources or other commodities and products needed by the United States. The Secretary shall complete the study and submit to the President and Congress a report on the study before June 30, 1981.

(b) In performing the study, the Secretary shall determine for the next five years—

(1) world food, feed, and fiber needs;

(2) estimated United States and world food, feed, and fiber production capabilities;

(3) potential new or expanded foreign markets for United States agricultural products;

(4) the potential for the development of international agreements for the exchange of United States agricultural products for natural resources, including energy sources, or other commodities and products needed by the United States; and

(5) the steps that the United States must take to (A) increase agricultural export trade, and (B) obtain needed natural resources or other commodities and products in exchange for agricultural products, to the maximum extent feasible.

FOOD BANK DEMONSTRATION PROJECTS

SEC. 211. (a) The Secretary of Agriculture shall carry out demonstration projects to provide agricultural commodities and other foods that might not otherwise be used, or might be more effectively used by organizations assisted under this section, to community food banks for emergency food box distribution to needy individuals and families. Notwithstanding any other provisions of law, the Secretary shall make available for purposes of such demonstration projects, agricultural commodities and other foods available to the Secretary under section 416 of the Agricultural Act of 1949, section 709 of the Food and Agriculture Act of 1965, and section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). For purposes of distributing agricultural commodities and other foods to community food banks under this section, the Secretary may, in consultation with State agencies, use food distribution systems currently used to distribute agricultural commodities and other foods under the National School Lunch Act and Child Nutrition Act of 1966. The Secretary shall select food banks, in consultation with the Director of the Community Services Administration, for participation in the demonstration projects under this section. Food banks shall be selected for participation so as to ensure adequate geographic distribution of emergency food box programs in at least two but not more than seven Department of Agriculture regions.

(b)(1) No food bank may participate in the demonstration projects conducted under this section unless an application therefor is submitted to and approved by the Secretary. Such application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

(2) Each food bank participating in the demonstration projects under this section shall establish a recordkeeping system and internal procedures to monitor the use of agricultural commodities and other foods provided under this section. The Secretary shall develop standards by which the feasibility and effectiveness of the projects shall be measured, and shall conduct an ongoing review of the effectiveness of the projects.

(c) The Secretary shall determine the quantities and types of agricultural commodities and other foods to be made available under this section. The Secretary may prescribe regulations regarding the designation of eligible participants in the projects and any other regulations necessary to carry out this section.

(d) The Secretary shall submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under this section. Such report shall include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. The Secretary shall also include in such report any recommendations regarding improvements in Federal assistance to community food banks, including assistance for administrative expenses and transportation.

(e) The sale of food provided under this section shall be prohibited and any person who receives any remuneration in exchange for food provided under this section shall be subject to a fine of not more than $1,000 or imprisonment for not more than six months, or both.

(f) There is authorized to be appropriated to carry out this section $356,000.

DEFINITION OF FUEL CONVERSION PRICE

SEC. 212. As used in this title, the phrase "fuel conversion price" means the price for an agricultural commodity determined by the Secretary of Agriculture that will permit gasoline-alcohol mixtures using alcohol produced from the commodity to be competitive in price with unleaded gasoline priced at the point it leaves the refinery, adjusted for differences in octane rating, taking into consideration the energy value of the commodity and other appropriate values designed to represent, on a national average basis, the value of byproducts also recoverable from the commodity; the direct costs and capital recovery costs for a grain alcohol distillery capable of producing forty million gallons of alcohol and recovering byproducts annually; and Federal tax and other Federal incentives applicable to alcohol used for fuel.

EFFECTIVE DATE

SEC. 213. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

TITLE III—FOOD SECURITY WHEAT RESERVE ACT OF 1980

SHORT TITLE

SEC. 301. This title may be cited as the "Food Security Wheat Reserve Act of 1980".

FOOD SECURITY WHEAT RESERVE

SEC. 302. (a) To provide for a wheat reserve solely for emergency humanitarian food needs in developing countries, the President shall establish a reserve stock of wheat of up to four million metric tons for use for the purposes specified in subsection (c) of this section.

(b)(1) The reserve stock of wheat under this section shall be established initially by designation for that purpose by the Secretary of Agriculture of wheat owned by the Commodity Credit Corporation.

(2) Subject to the provisions of subsection (i) of this section, stocks of wheat to replenish the reserve may be acquired (A) through purchases from producers or in the market if the Secretary of Agriculture determines that such purchases will not unduly disrupt the market, and (B) by designation by the Secretary of stocks of wheat otherwise acquired by the Commodity Credit Corporation. Any use of funds to acquire wheat through purchases from producers or in the market to replenish the reserve must be authorized in appropriation Acts.

(c) Notwithstanding any other provision of law, stocks of wheat designated or acquired for the reserve under this section may be released by the President to provide, on a donation or sale basis, emergency food assistance to developing countries at any time that the domestic supply of wheat is so limited that quantities of wheat cannot be made available for disposition under the Agricultural Trade Development and Assistance Act of 1954, except for urgent humanitarian purposes, under the criteria of section 401(a) of that Act. Notwithstanding the provisions of the preceding sentence, up to three hundred thousand metric tons of wheat may be released from the reserve under this section in any fiscal year, without regard to the domestic supply situation, for use under title II of the Agricultural Trade Development and Assistance Act of 1954 in providing urgent humanitarian relief in any developing country suffering a major disaster, as determined by the President, whenever the wheat needed for relief cannot be programed for such purpose in a timely manner under the normal means of obtaining commodities for food assistance due to circumstances of unanticipated and exceptional need. Wheat released from the reserve may be processed in the United States and shipped to a developing country in the form of flour when conditions in the recipient country require such processing in the United States.

(d) Wheat released from the reserve for the purposes of subsection (c) of this section shall be made available under the Agricultural Trade Development and Assistance Act of 1954 to meet famine or other urgent or extraordinary relief requirements, except that section 401(a) of that Act, with respect to determinations of availability, shall not be applicable thereto.

(e) The Secretary of Agriculture shall provide for the management of stocks of wheat in the reserve as to location and class of wheat needed to meet emergency situations and for the periodic rotation of stocks of wheat in the reserve to avoid spoilage and deterioration of such stocks, using programs authorized by the Agricultural Trade Development and Assistance Act of 1954 and any other provision of law, but any quantity of wheat removed from the reserve for the purposes of this subsection shall be promptly replaced with an equivalent quantity of wheat.

(f) Stocks of wheat in the reserve shall not be considered a part of the total domestic supply (including carryover) for the purposes of subsection (c) of this section or for the purposes of administering the Agricultural Trade Development and Assistance Act of 1954 and shall not be subject to any quantitative limitations on exports that may be imposed under section 7 of the Export Administration Act of 1979.

(g)(1) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposal of wheat for or in the reserve.

(2) Effective beginning October 1, 1981, the Commodity Credit Corporation shall be reimbursed from funds made available for carrying out the Agricultural Trade Development and Assistance Act of 1954 for wheat released from the reserve that is made available under such Act, such reimbursement to be made on the basis of actual costs incurred by the Commodity Credit Corporation with respect to such wheat or the export market price of wheat (as determined by the Secretary) as of the time the wheat is released from the reserve for such purpose, whichever is lower. Such reimbursement may be made from funds appropriated for that purpose in subsequent years.

(h) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(i) The authority to replace stocks of wheat to maintain the reserve under this section shall expire September 30, 1985, after which stocks released from the reserve may not be replenished. Stocks of wheat remaining in the reserve after September 30, 1985, shall be disposed of by release for use in providing for emergency food needs in developing countries as provided in this section.

EFFECTIVE DATE

Sec. 303. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

Amend the title so as to read: "An Act to increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes.".●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Cotter (at the request of Mr. Wright), for today, on account of illness.

Mr. Rangel (at the request of Mr. Wright), for today through November 18, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez, for 30 minutes, today.

(The following Members (at the request of Mr. Coelho) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Foley, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Royer) and to include extraneous matter:)

Mr. Goldwater.

Mr. Wydler.

Mr. Corcoran.

Mr. Lewis.

(The following Members (at the request of Mr. Coelho) and to include extraneous matter:)

Mr. Ford of Michigan.

Mr. Donnelly.

Mr. Mottl.

Mr. Yatron.

Mr. Edwards of California in two instances.

Mr. White.

Mr. Rodino.

Mr. Richmond.

Mr. de la Garza in 10 instances.

Mr. Simon.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3193. An act to designate the Jacob K. Javits Federal Building; to the Committee on Public Works and Transportation.

ADJOURNMENT

Mr. COELHO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, November 17, 1980, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5620. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics) transmitting notice of the proposed conversion to contractor performance of the commissary shelfstocking and custodial services function at McClellan Air Force Base, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5621. A letter from the Assistant Secretary of Housing and Urban Development for Administration, transmitting notice of a proposed new records system and of proposed changes in two existing systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5622. A letter from the Assistant Attorney General (Antitrust Division) transmitting the annual report for fiscal year 1979 on competition in the coal industry, pursuant to section 8 of the Federal Coal Leasing Amendments of 1976; to the Committee on Interior and Insular Affairs.

5623. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation transmitting a report covering the month of June 1980, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

5624. A letter from the Professional Audit Review Team, transmitting a report on the team's evaluation of the energy data collection and analysis activities of the Energy Information Administration, pursuant to section 55(a) of the Federal Energy Administration Act, as amended; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of California:

H.R. 8347. A bill to amend the Internal Revenue Code of 1954 to provide a credit for amounts contributed to an individual housing account; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma:

H.R. 8348. A bill to amend the Congressional Budget Act of 1974 to limit the levels of total budget outlays contained in the concurrent resolutions on the budget and to study including certain off-budget items as budget outlays for purposes of such act; jointly, to the Committees on Rules and Government Operations.

By Mr. LLOYD:

H.R. 8349. A bill to provide new dates for Federal elections, to provide a uniform period of time during which polls must remain open for Federal elections, to regulate absentee ballots for Federal elections, to create a Board of Voter Registration and for other purposes; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7824: Mr. Quillen, Mr. Corcoran, Mr. Lee, Mr. Bonker, Mr. Findley, Mr. Madigan, Mr. Steed, Mr. Jacobs, Mr. Marlenee, Mr. Grassley, Mr. Stockman, Mr. Devine, Mr. Horton, Mr. Miller of Ohio, Mr. Kindness, Mr. Guyer, Mr. Ginn, Mr. Bauman, Mr. Synar, Mr. Grisham, Mr. Courter, and Mr. Sawyer.

H.R. 8046: Mr. Bereuter, Mr. Davis of Michigan, Mr. Erdahl, Mrs. Fenwick, Mr. Glickman, Mrs. Heckler, Mr. Marriott, and Mr. Neal.

H.R. 8054: Mr. Forsythe, Mr. Van Deerlin, Mr. Matsui, Mr. Lagomarsino, Mr. Lee, Mr. Goldwater, Mr. Hughes, Mr. Shumway, Mr Miller of California, Mr. Pashayan, Mr. Stark, Mr. AuCoin, Mr. Rousselot, Mr. Bob Wilson, Mr. Dixon, Mr. Phillip Burton, Mr. Badham, Mr. Royer, Mr. Grisham, and Mr Clausen.

H.J. Res. 516: Mr. Brown of California, Mr. Conyers, Mr. Dornan, Mr. Evans of Georgia, Mrs. Heckler, Mr. Lowry, and Mr. Lujan.

H.J. Res. 579: Mrs. Spellman.

H.J. Res. 598: Mr. Danielson, Mr. Jones of Tennessee, Mr. Gingrich, Ms. Mikulski, Mr. Carr, Mr. Nowak, Mr. Moffett, Mr. Hopkins, and Mr. Brown of Ohio.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

630. By the SPEAKER: Petition of the Board of County Commissioners of Clear Creek County, Colo., relative to the general revenue sharing program; to the Committee on Government Operations.

631. Also, petition of the police jury of Webster Parish, La., relative to the general

revenue sharing program; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6386

By Mr. KRAMER:

—Page 2, after line 12, insert the following new section:

SEC. 2. The fourth sentence of section 1004(f) of the Legal Services Corporation Act (42 U.S.C. 2996c(f)) is amended by inserting "and the Governor of the State" immediately after "Corporation".

—Page 2, after line 12, insert the following new section:

SEC. 2. Section 1006(d)(5) of the Legal Services Corporation Act (42 U.S.C. 2996e(d)(5)) is amended—

(1) by inserting "(A)" immediately after "express approval of";

(2) by inserting immediately before the period at the end thereof the following: ", and (B) the advisory council of the State in which the recipient is located"; and

(3) by adding at the end thereof the following new sentence: "Each State advisory council shall notify the regional director of the Corporation of each class action undertaken pursuant to this paragraph with the approval of such advisory council.".

—Page 2, after line 12, insert the following new section:

SEC. 2. Section 1007(f) of the Legal Services Corporation Act (42 U.S.C. 2996f(f)) is amended to read as follows:

"(f)(1) At least thirty days prior to the approval of any grant application, the entering into of any contract, or the initiation of any other project, the Corporation shall provide notification of such grant, contract, or project to—

"(A) the Governor or chief executive officer of the State in which legal assistance will be provided pursuant to such grant, contract, or project;

"(B) the State bar association of such State;

"(C) the chief elected official (or the governing body if there is no chief elected official) of the unit of local government for each locality in which legal assistance will be provided pursuant to such grant, contract, or project; and

"(D) the principal local bar associations for each such locality.

Such notification shall include a reasonable description of the grant application or proposed contract or project and shall request comments and recommendations.

"(2) If, within the thirty-day period described in paragraph (1) of this subsection, the Governor or chief executive officer of the State in which legal assistance will be provided pursuant to the grant, contract, or other project involved submits to the Corporation notice of disapproval of—

"(A) such grant, contract, or other project; or

"(B) any particular activity or type of legal assistance proposed to be conducted under such grant, contract, or other project,

then such grant, contract, or other project, or such particular activity or type of legal assistance (as the case may be) may not be undertaken.

"(3) Upon the request of the Governor or chief executive officer of a State in which a recipient providing legal assistance under this title is located, the Corporation shall, in accordance with section 1011 of this title—

"(A) terminate all financial assistance provided to such recipient in connection with any grant, contract, or other project under this title; or

"(B) terminate financial assistance provided to such recipient for a particular activity or type of legal assistance.".

—Page 2, after line 12, insert the following new section:

SEC. 2. Section 1008 of the Legal Services Corporation Act (42 U.S.C. 2996g) is amended by adding at the end thereof the following new subsection:

(f)(1) The Corporation shall require each recipient to maintain documentation demonstrating the eligibility of each person to whom such recipient provides legal assistance and the Corporation shall periodically review such documentation to assure compliance with the rules and regulations establishing eligibility criteria for receipt of assistance under this title.

(2) The Corporation shall include in its annual report prepared under subsection (c) of this section a summary of the eligibility documentation prepared by recipients under paragraph (1) of this subsection and of the Corporation's actions to assure compliance with eligibility requirements.

—Page 2, after line 12, insert the following new section:

SEC. 2. (a) The Legal Services Corporation Act (42 U.S.C. 2996 et seq.) is amended by redesignating sections 1012 through 1014 as sections 1013 through 1015 and by inserting after section 1011 the following new section:

"PENALTIES

"SEC. 1012. (a) Any officer or employee of the Corporation or of any recipient who violates any provision of this title shall be fined not more than $500 or imprisoned for not more than one year, or both.".

H.R. 6417

By Mr. SIMON:

—Page 24, strike out line 22 and all that follows through line 13 on page 28 and insert in lieu thereof the following:

"(d)(1) Any recipient of Federal financial assistance under this Act may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program (including a program providing transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide mass transportation to the general public) submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons under this subsection which ensures that no handicapped person is denied effective transportation services by a recipient and which—

"(A) provides that the recipient will provide transportation to handicapped persons throughout the service area in which the recipient provides mass transportation to the general public;

"(B) provides that capacity exists so that no person who is eligible for a service under an approved program shall be excluded from using that service in accordance with that approved program;

"(C) provides that any requirement for preregistration for a service shall not place an undue burden on handicapped residents or handicapped visitors;

"(D) provides that if the recipient charges a fare for transporting a handicapped person, such fare will not be more than the fare charged by the recipient for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(E) provides that if the program is designed to provide for the transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide mass transportation to the general public—

"(i) during the two-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than 24 hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(ii) during the two-year period beginning on the day after the last day of the two-year period referred to in clause (i) of this subparagraph, the recipient will provide transportation to eligible handicapped persons upon request in less than 8 hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period; and

"(iii) after the last day of the four-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than 3 hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(F) provides that the recipient will provide transportation to handicapped persons without regard to trip purpose;

"(G) provides that, where feasible, the recipient shall also provide transportation, if requested by the handicapped person, to at least one person accompanying a handicapped person at a fare which is not more than the fare charged for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(H) provides that the recipient will provide transportation to handicapped persons for at least the same time periods for which the recipient provides mass transportation to the general public;

"(I) provides that information concerning the availability of the transportation to be provided under the program will be widely and regularly disseminated;

"(J) provides that transportation will be provided to handicapped persons for a trip in an amount of time and with a transfer frequency that is reasonably comparable to the amount of time and transfer frequency such trip would require if taken on the transit system serving the general public; and

"(K) provides for accessibility of buses purchased to the extent required under paragraph (7) of this subsection.

"(3) Each program submitted under this subsection must provide that any new inaccessible buses, and after January 1, 1983, rail rolling stock purchased with Federal financial assistance will be designed and constructed to facilitate the possible later installation of a level change mechanism or other facilities and equipment to make such buses and rail rolling stock accessible to and usable by handicapped persons. The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph.

"(4) The Secretary shall not approve a program under this subsection unless (A) the program has been developed in consultation with and after soliciting the views of the community of handicapped persons residing in the recipient's service area, and (B) the program has been approved by the metropolitan planning organization (or in the case of a nonurbanized area, the State in cooperation with the affected elected officials of local governments and with the substate planning agency, if any, except that if a program is operated directly by the State, it shall be developed in consultation with all affected local governments and any substate planning agency).

"(5) A recipient may amend a program

approved under this subsection if (A) the Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, determines that the program as amended complies with this subsection, (B) such amendment was developed in consultation with and after soliciting the views of the community of handicapped persons residing in the recipient's service area, and (C) the amendment has been approved by the metropolitan planning organization (or in the case of a nonurbanized area, the State in cooperation with the affected elected officials of local governments and with the substate planning agency, if any, except that if a program is operated directly by the State, it shall be developed in consultation with all affected local governments and any substate planning agency).

"(6) If a recipient is complying with its approved program under this subsection, such recipient shall be deemed to satisfy the requirements of this section, the Act of August 12, 1968 (P.L. 90–480), commonly known as the Architectural Barriers Act of 1968, and sections 502 and 504 of the Rehabilitation Act of 1973 as they relate to mass transportation, and any private remedies available with respect to compliance with title V of the Rehabilitation Act of 1973 shall be available with respect to compliance with an approved program under this subsection. Any judicial remedy seeking to direct a Federal official to withhold financial assistance shall neither be available without prior resort to the Secretary, unless the complainant alleges and a court of competent jurisdiction finds that the exhaustion of the administrative procedure under this paragraph would be futile or would deny timely relief, nor shall any such remedy be available to a greater extent than provided for under this subsection. Nothing in this subsection shall be construed to prohibit the use of facilities and equipment by handicapped persons able to use such facilities and equipment.

"(7) In the case of an urbanized area with a population greater than 50,000, each program submitted under this subsection must provide that at least 50 percent of the buses purchased are accessible to and usable by handicapped persons, except that the Secretary shall approve a program meeting the requirements of paragraphs (2) and (3) of this subsection that provides for such lesser percentage of accessible buses as the Secretary finds the recipient has demonstrated has the substantial support of the community of handicapped persons residing in the recipient's service area. A recipient shall not be required to provide service which would duplicate accessible bus service. Each program submitted under this subsection for an urbanized area with a population greater than 50,000 which provides for the purchase of less than 50 percent accessible buses shall provide at least once every three years for the community of handicapped persons residing in the recipient's service area to reconsider whether that community's substantial support continues for the continued purchase of less than 50 percent accessible buses. In the event the community of handicapped persons withdraws its substantial support, the recipient shall amend its program to provide that 50 percent of the buses purchased thereafter or another percentage lower than 50 percent which has the substantial support of the community of handicapped persons residing in the recipient's service area shall be accessible to and usable by handicapped persons.

"(8) (A) If the Secretary makes a preliminary determination that a recipient with a program approved under this subsection is not complying with its program or with the requirements of this subsection, the Secretary shall issue an order requiring the recipient to come into compliance.

"(B) If, after the ninetieth day following the date of an order under subparagraph (A) of this paragraph, the Secretary makes a final determination, after notice and an opportunity for a hearing, that the recipient is not complying with its program or with the requirements of this subsection, the Secretary shall withhold not less than 25 percent of the recipient's Federal financial assistance under this Act until the recipient comes into compliance or agrees to take the necessary steps to achieve compliance.

"(9) Each recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such recipient is complying with such program.

"(10) This subsection shall not apply—

"(A) to any new fixed rail system for the mass transportation of the general public which system is constructed after January 1, 1970, or to any other fixed guideway or waterborne system constructed after the date of enactment of this Act;

"(B) to the extension of any fixed guideway or waterborne system for the mass transportation of the general public; and

"(C) to a replacement, major alteration, or major renovation of a station as part of a multi-year program for the replacement, major alteration, or major renovation of a usable segment of a fixed guideway or waterborne system in any case in which the Secretary determines that the replacement, major alteration, or major renovation of such segment (i) affects or could affect the accessibility of such segment, (ii) has sufficient independent utility for the transportation of handicapped persons, and (iii) can feasibly make such segment accessible or more accessible to handicapped persons.".

—Page 24, strike out line 22 and all that follows through line 13 on page 28 and insert in lieu thereof the following:

"(d) (1) Any recipient of Federal financial assistance under this Act may submit a program respecting transportation of handicapped persons for approval by the Secretary. The Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, shall approve any program (including a program providing transportation of handicapped persons through facilities and equipment used by the recipient to provide mass transportation to the general public) submitted under this subsection which the Secretary determines meets the requirements of this subsection.

"(2) The Secretary shall approve a program respecting transportation of handicapped persons under this subsection which ensures that no handicapped person is denied effective transportation services by a recipient and which—

"(A) provides that the recipient will provide transportation to handicapped persons throughout the service area in which the recipient provides mass transportation to the general public;

"(B) provides that capacity exists so that no person who is eligible for a service under an approved program shall be excluded from using that service in accordance with that approved program;

"(C) provides that any requirement for preregistration for a service shall neither place an undue burden on handicapped residents or handicapped visitors nor exclude handicapped visitors from using the service;

"(D) provides that if the recipient charges a fare for transporting a handicapped person, such fare will not be more than the fare charged by the recipient for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(E) provides that if the program is designed to provide for the transportation of handicapped persons through facilities and equipment other than facilities and equipment used by the recipient to provide mass transportation to the general public—

"(i) during the two-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than twenty-four hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(ii) during the two-year period beginning on the day after the last day of the two-year period referred to in clause (i) of this subparagraph, the recipient will provide transportation to eligible handicapped persons upon request in less than eight hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period; and

"(iii) after the last day of the four-year period beginning on the date of approval by the Secretary of the recipient's program, the recipient will provide transportation to eligible handicapped persons upon request in less than three hours after receiving such request unless, in the case of a particular handicapped person, the handicapped person requests a longer period;

"(F) provides that the recipient will provide transportation to handicapped persons without regard to trip purpose;

"(G) provides that, where feasible, the recipient shall also provide transportation, if requested by the handicapped person, to at least one person accompanying a handicapped person at a fare which is not more than the fare charged for transporting by mass transportation facilities and equipment a member of the general public a comparable distance;

"(H) provides that the recipient will provide transportation to handicapped persons for at least the same time periods for which the recipient provides mass transportation to the general public;

"(I) provides that information concerning the availability of the transportation to be provided under the program will be widely and regularly disseminated;

"(J) provides that transportation will be provided to handicapped persons for a trip in an amount of time and with a transfer frequency that is reasonably comparable to the amount of time and transfer frequency such trip would require if taken on the transit system serving the general public; and

"(K) provides for accessibility of buses purchased to the extent required under paragraph (7) of this subsection.

"(3) Each program submitted under this subsection must provide that any new inaccessible buses, and after January 1, 1983, rail rolling stock purchased with Federal financial assistance will be designed and constructed to facilitate the possible later installation of a level change mechanism or other facilities and equipment to make such buses and rail rolling stock accessible to and usable by handicapped persons. The Secretary shall not approve a program under this subsection which does not comply with the requirements of this paragraph.

"(4) The Secretary shall not approve a program under this subsection unless (A) the program has been developed in consultation with and after soliciting the views of the community of handicapped persons residing in the recipient's service area, and (B) the program has been approved by the metropolitan planning organization (or in the case of a nonurbanized area, the State in cooperation with the affected elected officials of local governments and with the substate planning agency, if any, except that if a program is operated directly by the State, it shall be developed in consultation with all affected local governments and any substate planning agency).

"(5) A recipient may amend a program approved under this subsection if (A) the Secretary, in consultation with the Architectural and Transportation Barriers Compliance Board, determines that the program as amended complies with this subsection, (B) such amendment was developed in consultation with and after soliciting the views of the community of handicapped persons residing in the recipient's service area, and (C) the amendment has been approved by the metropolitan planning organization (or in the case of a nonurbanized area, the State in cooperation with the affected elected officials of local governments and with the substate planning agency, if any, except that if a program is operated directly by the State, it shall be developed in consultation with all affected local governments and any substate planning agency).

"(6) If a recipient is complying with its approved program under this subsection, such recipient shall be deemed to satisfy the requirements of this section, the Act of August 12, 1968 (P.L. 90-480), commonly known as the Architectural Barriers Act of 1968, and sections 502 and 504 of the Rehabilitation Act of 1973 as they relate to mass transportation, and any private remedies available with respect to compliance with title V of the Rehabilitation Act of 1973 shall be available with respect to compliance with an approved program under this subsection. Any judicial remedy seeking to direct a Federal official to withhold financial assistance shall neither be available without prior resort to the Secretary, unless the complainant alleges and a court of competent jurisdiction finds that the exhaustion of the administrative procedure under this paragraph would be futile or would deny timely relief, nor shall any such remedy be available to a greater extent than provided for under this subsection. Nothing in this subsection shall be construed to prohibit the use of facilities and equipment by handicapped persons able to use such facilities and equipment.

"(7) In the case of an urbanized area with a population greater than 50,000, each program submitted under this subsection must provide that at least 50 percent of the buses purchased are accessible to and usable by handicapped persons, except that the Secretary shall approve a program meeting the requirements of paragraphs (2) and (3) of this subsection that provides for such lesser percentage of accessible buses as the Secretary finds will ensure that the recipient's transportation program is meeting the transportation needs of the handicapped persons residing in the recipient's service area. Notwithstanding any other provision of this paragraph, in the case of an urbanized area with a population greater than 750,000, all buses purchased must be accessible to and usable by handicapped persons until at least 50 percent of the buses owned by the recipient are accessible to and usable by handicapped persons. A recipient shall not be required to provide service which would duplicate accessible bus service. Each program submitted under this subsection for an urbanized area with a population greater than 50,000 which provides for the purchase of less than 50 percent accessible buses shall provide at least once every three years for the community of handicapped persons residing in the recipient's service area to advise the Secretary whether the recipient's transportation program is meeting their needs. In the event the Secretary finds that the recipient's transportation program is not meeting the needs of the handicapped persons residing in the recipient's service area, the recipient shall amend its program to provide that 50 percent of the buses purchased thereafter or another percentage lower than 50 percent which the Secretary determines will meet the needs of handicapped persons residing in the recipient's service area shall be accessible to and usable by handicapped persons.

"(8)(A) If the Secretary makes a preliminary determination that a recipient with a program approved under this subsection is not complying with its program or with the requirements of this subsection, the Secretary shall issue an order requiring the recipient to come into compliance.

"(B) If, after the ninetieth day following the date of an order under subparagraph (A) of this paragraph, the Secretary makes a final determination, after notice and an opportunity for a hearing, that the recipient is not complying with its program or with the requirements of this subsection, the Secretary shall withhold not less than 25 percent of the recipient's Federal financial assistance under this Act until the recipient comes into compliance or agrees to take the necessary steps to achieve compliance.

"(9) Each recipient for which a program respecting transportation of handicapped persons is approved under this subsection shall annually certify to the Secretary that such recipient is complying with such program.

"(10) This subsection shall not apply—

"(A) to any new fixed rail system for the mass transportation of the general public which system is constructed after January 1, 1970, or to any other fixed guideway or waterborne system constructed after the date of enactment of this Act;

"(B) to the extension of any fixed guideway or waterborne system for the mass transportation of the general public; and

"(C) to a replacement, major alteration, or major renovation of a station as part of a multi-year program for the replacement, major alteration, or major renovation of a usable segment of a fixed guideway or waterborne system in any case in which the Secretary determines that the replacement, major alteration, or major renovation of such segment (i) affects or could affect the accessibility of such segment, (ii) has sufficient independent utility for the transportation of handicapped persons, and (iii) can feasibly make such segment accessible or more accessible to handicapped persons.".

SENATE—*Friday, November 14, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by Hon. DAVID L. BOREN, a Senator from the State of Oklahoma.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, whose mercies are new every morning, we thank Thee for colleagues and friends who help us on life's way and who, in some small way, we may help. Thanks be to Thee for those who have given us guidance, counsel, and good example, for those whom it is a joy to be with and in whose company the hours pass all too quickly. We thank Thee for moments of success which inspire new endeavors and for times of failure which keep us humble and make us to remember how much we need Thee.

May Thy grace descend upon all who labor in this place that daily we may grow stronger, purer, kinder. Help us to shed old faults and to gain new virtues until, by Thy grace, life becomes altogether new and we are enabled to set forward Thy kingdom on Earth.

Hear this, our morning prayer, in Thy holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 14, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID L. BOREN, a Senator from the State of Oklahoma, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. BOREN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader, the Senator from West Virginia, is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES SENATE

Mr. ROBERT C. BYRD. Mr. President, from time to time when the budget is being debated and election campaigns are being waged, we hear talk of the "billion dollar Congress." The implication of this expression is that the workings of Congress cost the taxpayers a billion dollars a year. Of course, there is some legerdemain involved in this argument, for the billion dollar figure also includes appropriations for several support agencies, such as the Government Printing Office, General Accounting Office, and Library of Congress. These essential agencies provide valuable assistance to Congress, but they also perform services for the Executive and Judicial Branches, and for the general public.

Recently, in my continuing series of statements on the history and development of the Senate, I spoke at length about the Library of Congress, one of our most important supporting agencies. Today I would like to direct my colleagues' attention to the development of the Government Printing Office which was established more than a century ago in 1861.

Before discussing this agency, let me point out that there are several other significant support agencies of more recent vintage. The Office of Technology Assessment was established in 1972 to help us anticipate the long range effects of technology on the lives of Americans. It and the Congressional Budget Office, created six years ago, are familiar to all of us. As both agencies are relatively new, there is little by way of their history for me to recount. Accordingly, I shall pass them by, not out of want of appreciation for their fine work, but rather to allow a decent interval to pass so that their accomplishments can be seen in the fullest historical perspective.

THE GOVERNMENT PRINTING OFFICE

Mr. President, members of the public would be amazed at the amount of printed material that crosses a senator's desk each day. The *Congressional Record*, and *Federal Register*, the bills, the hearings, the calendars, the reports, are just a few of these items.

I am told by the Government Printing Office that congressional printing is still a slow and tedious process, notwithstanding the many and diversified technological improvements which have developed to facilitate the rapid production of our printed material. Few persons outside of the Government Printing Office, or those having daily business with the printers, have any idea of the numerous processes through which written matter must pass before it becomes a finished, printed, publication. Yet we have certainly come a long way in public printing since the early days of our Republic.

Printing has always been a necessity of our democratic government. The Continental Congress had its printing done by the publishers of newspapers in the states where sessions of Congress were held. In 1777, owing to the repeated changes in the seat of government, Congress found itself without the means of publishing its acts or printing its Journals. In October of that year a resolution was adopted authorizing the "Committee of Intelligence" to take speedy action for erecting a printing press in Yorktown, "for the purpose of conveying to the public the intelligence that Congress may from time to time receive."

A decade later, in 1787, when delegates from the states assembled in Philadelphia to draft our Constitution, James Wilson of Pennsylvania argued that "the people have a right to know what their Agents are doing or have done, and it should not be in the option of the Legislature to conceal their proceedings." From this declaration we date our belief that government business is public business, for "the people have a right to know."

The first mention of public printing in the *Annals of Congress* related to printing the laws. Early in the first session of the First Congress, Peter Silvester of New York introduced a resolution recommending that proposals be invited for "printing the laws and other proceedings" of Congress. The First Congress commenced doing its printing by permitting each bill or other document to be printed by special resolution passed by whichever House desired the printing. This was soon found impracticable and the subject was referred to a special joint committee. The following report of that committee was finally adopted by both Houses:

> That it would be proper that it should be left to the Secretary of the Senate and the Clerk of the House of Representatives to contract with such persons as shall engage to execute the printing and binding business on the most reasonable terms, the paper being furnished by the said Secretary and Clerk to such person at the public expense; that such person as they shall contract with shall be obligated to render a statement of his accounts quarterly.

Under the operation of this report the public printing of the First Congress was executed. The estimate for Senate printing, including stationery, printing, bookbinding, and all contingent and incidental expenses of the first session was $2,300. The *Senate Journal* of the first session made 172 folio pages, including the index, and was printed by Thomas Greenleaf, proprietor of the *Advertiser*.

In 1804, the Senate empowered its Secretary to advertise for proposals for

---

● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

printing, stationery, and fuel for the next Congress, and to award the contract to the lowest bidder. This assumption, on the part of each expiring Congress, was acquiesced in, and so long as there was nothing in the state of political parties which might render the printers chosen by one Congress unacceptable to the next, no one complained. But before long this method became wholly impractical.

The system of giving the public printing to the lowest bidder prevailed until 1819. The work done under that system was unsatisfactory, and excited, from time to time, an endless amount of unfavorable criticism, especially over the delays and inaccuracies in the finished product. In 1819 a special joint committee made the first proposal for a national printing office, stating that public printing "might all be done here at much less expense were a national printing office established."

On the same day that the committee's proposal was enacted, Joseph Gales, Jr. and William W. Seaton were elected printers to the Senate and House. I have spoken of these two men, in their capacities as the publishers of the *National Intelligencer*, and as early stenographers of congressional proceedings, in my earlier remarks on the official reporters of debate. They held their position with the House through the late 1830's, but lost their posts as printers to the Senate in 1829, after a long and bitter fight, to Duff Green. The debates at that time show that public printing was regarded as patronage to be used by the party in power to support its favored news "organ".

The abuse of this patronage system became so flagrant that in 1828 the House ordered an investigation into the subject of public printing. This investigation exposed shocking conditions which led to reform. The report, for example, claimed that "Large documents are directed to be printed which in fact are altogether useless, and the evil is greatly increased when the numerous copies are ordered, which in many cases swell the profits of the printer without corresponding benefits to the country."

Despite these criticisms, public printing continued on a patronage basis for another thirty years. In 1831 the *Globe*, a semi-weekly newspaper owned by Francis P. Blair, began to report the debates of Congress. Blair had come to Washington from Kentucky at the invitation of President Andrew Jackson to publish a paper dedicated to the administration. Shortly afterwards, Jackson introduced Blair to John C. Rives, a Treasury clerk and also a Kentuckian.

Rives was a little larger than our current Sergeant at Arms in the Senate as far as height was concerned. Rives stood 7 feet tall and weighed 240 pounds. With his weight, he was a somewhat smaller man than our good Sergeant at Arms, Nordy Hoffman.

Rives was an excellent writer. The firm of Blair and Rives was formed and entered the field of reporting and publishing the proceedings of Congress in book form—a field which for years had been monopolized by Gales and Seaton.

On December 7, 1833, the first issue of the *Congressional Globe* made its appearance as a weekly with full reports of Senate and House activities. The firm of Blair and Rives, and its successors, remained in business as printers of the *Congressional Globe* until 1873, when the Government Printing Office assumed the printing of the CONGRESSIONAL RECORD.

By the 1840's and 1850's it became apparent that private enterprise was not working as a suitable medium for public printing. Congress became alarmed at the swollen profits and poor products of the private printers and began exploring means of reform. In 1852 a new law provided for a Superintendent of Public Printing to supervise the contracting of printing jobs. But, because the government's printing needs were growing rapidly, there was no single print shop in Washington capable of handling all the orders. As a result, work done in many different shops created a wide variety of styles in government documents. In 1856 Cornelius Wendell built a large private printing plant on H and North Capitol Streets, which somewhat relieved these problems—but Wendell was still competing with other printers for orders and could not be assured of the bulk of government contracts.

In 1860 the Congress debated the merits of establishing a government printing office. Proponents of the bill argued that it would produce public printing efficiently and economically without enriching private and often partisan printers. Opponents believed that the new government bureau would only add "great additional expenditure . . . and God only knows where it will end." But on June 23, 1860, Joint Resolution 25 was adopted, and on March 4, 1861, in one of his last official acts, President James Buchanan signed it, thus creating the Government Printing Office.

President Lincoln appointed John D. Defrees as Superintendent of Public Printing for the first Government Printing Office, and for $135,000 the government purchased Wendell's large printing plant on North Capitol Street. This was a neighborhood known as "Swampoodle." The Government Printing Office is still located at that address, just a few blocks from the Capitol, and many of us pass its red brick buildings on our way to work. It was with some amusement, therefore, that I read the following account of the site at the time the Government Printing Office moved in: "Making a straight way from Capitol Hill across Tiber Creek, which you will cross by stepping-stones deposited in its basin, and taking a footpath across lots where geese and pigs browse upon plentiful barrenness, you will reach the printing-house in 10 or 15 minutes, and hear the hum of its machinery."

Swampoodle, a corruption of "swamp puddle," then lacked such amenities as paved streets or street lighting, and was always in danger of flooding by the Tiber Creek (known as an "indescribable cesspool") until the creek was finally diverted into underground pipes in 1876. The new Government Printing Office also purchased one wagon and two horses for its delivery rounds.

Those first days were hectic as the Civil War began just a few weeks later. Government Printing Office printers set type day and night, and also drilled as soldiers to protect the city and the building. Government printing orders mushroomed; the cost of paper doubled and tripled until it became almost unobtainable at any price. The war created a scarcity of paper and printing ink, and paper makers issued frantic appeals for rags and other materials to turn into paper. As inflation hit the Civil War capital, the workers at the Government printing plant struck in 1863 for higher wages and a reduction of work hours. Settled amicably, this was the first and last strike at the Government Printing Office. A threatened strike in 1866, however, did win an eight hour day for the workers.

In 1873, as I mentioned earlier, the Government Printing Office took over printing the proceeding of Congress, and the first *Congressional Record* appeared on March 5, 1873. The Government Printing Office also established some stylistic reforms in the printing of the *Record*, which won widespread approval. Later in March, the *New York Times* carried the following report: "Those who have been accustomed to read the *Congressional Globe* in the form in which it was furnished during the sessions of Congress will remember how ungainly and inconvenient it was. The *Congressional Record* . . . is a great improvement . . . each page is divided into two broad columns; the type is clear and full; and the sheets are stitched together. The work is creditable to the Government Printing Office." The format of the 1873 *Record* is actually quite similar to that of the *Record* we know today, although now it is printed in three columns to a page rather than two.

During the nineteenth century the Government Printing Office steadily modernized, adding new linotype machines, larger presses, and, in 1882, electric power. By the turn of the century, newspapers were calling GPO the "World's Greatest Printing Office." At the same time the Government Printing Office was building new headquarters, that familiar red brick structure still in use today. Also in this period the Superintendent of Documents reported that his division had built a library of historical and contemporary government publications, which totaled some 82,000 documents and maps. Today that collection, many times increased, has been donated to the National Archives and is the core of its immensely rich and valuable Printed Records Division—containing a copy of nearly every document ever printed by the Government Printing Office.

The growth of both the federal government and the Government Printing

Office continued apace, and by 1929 it became necessary for Congress to authorize the Printing Office to purchase some printing from outside sources. At first this was limited to tabulating cards, maps, and other speciality work. This authority was later expanded to meet the tremendous needs of World War II. Commercial printers, who lost great amounts of their private work during the war time economy, appealed for a share of the public printing and the great expansion of military and civilian printing easily accommodated their demands. Just as one example of the emergency requirements on the Government Printing Office in those days, when American troops crossed the Rhine river, they built a bridge assembled from instructions in a manual which the Government Printing Office was given only ten days to produce.

The intense and rapid growth in the volume of government printing led to a tremendous increase in the amount of commercial printing procured by the Government Printing Office. This volume of commercial printing declined after World War II, but within a short time it increased again substantially. Over the last twenty years, the volume of government printing has increased more rapidly than the production capacity of the Government Printing Office. As a result of the commercial procurement program, the percentage of total government printing handled in-house by the Government Printing Office has declined even though its work for the Congress had increased.

In 1960, thirty-nine percent of the dollar volume of government printing was obtained commercially and sixty-one percent produced by the Government Printing Office. By the mid-1970's, that pattern was reversed. In 1974, sixty-four percent was procured commercially, with thirty-six percent done by the Government Printing Office. This trend of purchasing about two-thirds of the Government Printing Office's requirement has been in keeping with federal printing procurement policy that the government should not perform printing work that could be obtained commercially. The Joint Committee on Printing has also required that printing be done nearest the point of origin of the document, or where the product is to be distributed. This decentralization of printing has furthered the movement toward commercial printing of government documents.

Fourteen regional printing procurement offices are now operated by the Government Printing Office and the majority of agency printing is purchased from the private sector through these field offices and the central Washington office.

The workload of the Government Printing Office has also been facilitated by the introduction of electronic photocomposition and advanced electronic text processing systems. These new systems enable the Government Printing Office to turn out government documents at an incredible rate. Last year alone, the Superintendent of Documents shipped over 19,500,000 documents to the nationwide system of 1,329 depository libraries. In addition, the Government Printing Office operates twenty-five bookstores which, in 1978, sold publications worth more than six million dollars.

An average of 80,000 mail requests per week are received at the Government Printing Office's Pueblo, Colorado Distribution Center. In the fiscal year 1978, the Center mailed ten million catalogs of federal publications and 151,000 Spanish-language catalogs, primarily in response to written request. In addition, each member of Congress is allotted 35,000 consumer information catalogs for distribution to his or her constituency. Finally, the availability of these catalogs is advertised nationally to alert citizens.

I think it would be quite instructive to add here a list of the all-time best selling government publications still in the Government Printing Office's active sales inventory:

	Total sales
1. Infant Care	17,401,652
2. Prenatal Care	11,840,126
3. Your Child From 1 to 6	8,939,256
4. Your Child From 6 to 12	3,497,114
5. Rescue Breathing (wallet-size card)	2,902,648
6. Metric Conversion (wallet-size card)	2,594,900
7. Septic Tank Care	2,125,526
8. United States Postage Stamps	1,620,137
9. Federal Benefits for Veterans and Dependents	1,596,612
10. United States Government Manual	1,399,730
11. Adult Physical Fitness	1,351,024
12. Adolescent in Your Home	1,271,559
13. Removing Stains From Fabrics	1,240,292

Other frequently requested titles include:

Backyard Mechanic, Volume 1.
Backyard Mechanic, Volume 2.
Dictionary of Occupational Titles, 4th Edition.
Handbook of Mathematical Functions.
How to Identify and Resolve Radio-TV Interference.
In the Bank . . . Or Up the Chimney?
Occupational Outlook Handbook, 1980–81.
United States Industrial Outlook, 1980.
Citizens Band Radio Service Rules, Part 95, Subpart D.

Mr. President, I think these lists vividly illustrate that, while the Government Printing Office is considered a congressional support agency, it serves not only the Congress but the public as a whole.

But, certainly, the *Congressional Record* remains the Government Printing Office's most important product and its more remarkable service to the Congress and the nation. As one computer trade journal, the *Seybold Report*, commented on the *Congressional Record* in January of this year:

> Not even the Sunday *New York Times* produces such a flow of words, and certainly is not called upon to do so every day of the week that Congress convenes—and with no foreknowledge of whether the proceedings will run a mere thirty-two pages, or a hefty 384 pages.

To give some idea of the demanding schedule that printing of the *Record* imposes, let me list the normal deadlines for each stage of production: by 7:00 p.m., all tabular material must be submitted to the Government Printing Office. Manuscript copy of so-called "straight material" is due by 9:00 p.m. Speech material must be received by midnight. By 1:15 a.m., typesetting is completed. By 2:30 a.m., proofreading is completed. By the way, there could be better proofreading in the Government Printing Office. By 3:30 a.m., page makeup is completed. By 4:45 a.m., the last plate goes to press. By 5:15 a.m., the first copies reach the collating and binding division. And by 6:00 a.m., the first delivery to Congress is ready.

Because of the demanding nature of overnight production, and the unpredictable size of each issue of the *Record*, the Government Printing Office still uses hot metal linotype presses, rather than computerized photocomposition. To date, only printing of the "Extension of Remarks" section of the *Congressional Record* has been automated. However, the Government Printing Office anticipates some rather significant changes in future production. Expanded use of the computer will speed production of the *Record* and result in a savings in cost, as the more than one hundred linotype machines are retired from service in the cavernous Government Printing Office building—still located at its "Swampoodle" address.

To keep abreast of the new technology, the Joint Committee on Printing, which oversees the operation of the Government Printing Office, has appointed an advisory committee on Automation and Standardization of Congressional Publications. This advisory committee, composed of staff members from the Senate Committee on Rules and Administration, the House Administration Committee, the Library of Congress, the Congressional Research Service, the Government Printing Office, and the Joint Committee on Printing, has since 1977 been studying ways of reducing costs and improving the timeliness of congressional documents. As a result of their studies, the Joint Committee has approved the acquisition of computers, phototypesetters, and other electronic composition equipment. The equipment is now installed and operational in the Government Printing Office.

Mr. President, the Government Printing Office today, under the direction of the Acting Public Printer Samuel Saylor, does a commendable job for the Senate. We are all indebted to the Government Printing Office for its usual promptness and proficiency, generally, in producing the daily *Congressional Record*, the published committee hearings, the reports, bills, and other documents which are the staple of our everyday reading here, on Capitol Hill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I thank the Chair. I have no requirement for my time this morning; I have no request for time, and I yield it back.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business and Senators may speak therein, and that the period not exceed 25 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

RECESS UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I believe the managers of the bill will be prepared to begin debate thereon at 10 o'clock today. As a matter of fact, under the order the time on the amendment by Mr. PRESSLER begins running at 10 o'clock.

So, unless the distinguished minority leader has other plans at the moment, I think I will ask unanimous consent that the Senate stand in recess until 10 o'clock this morning.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, at 9:34 a.m., recessed until 10 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HEFLIN).

Mr. ROBERT C. BYRD. Mr. President, will the distinguished manager of the bill yield me 30 seconds?

Mr. HUDDLESTON. Yes, I yield.

ORDER OF PROCEDURE TODAY

Mr. ROBERT C. BYRD. Mr. President, to avoid the possibility that some Senators may be under the impression that the session will not be a long one today, we have plenty of work to do. We hope to complete action on all amendments to the Interior appropriations bill with the exception of the amendment that was carried over by Mr. BRADLEY until Monday. I anticipate that we shall be in session until that work is done if we can possibly achieve it. That means 5:30, 6, 6:30, or 7, whatever.

I hope that Senators will not come during the middle of the afternoon and say, "Well, I understood that there would be no more rollcall votes." I should like to put that to rest right at this moment.

I thank the Senator for yielding.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1981

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, H.R. 7724, which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 2620

The PRESIDING OFFICER. The pending question is an amendment by the Senator from South Dakota (Mr. PRESSLER) on which there will be a 30-minute time limitation.

Who yields time?

Mr. PRESSLER. Mr. President, my amendment is at the desk. I might say I am cosponsoring this amendment with Senators BIDEN, STEWART, HEFLIN, RANDOLPH, PRYOR, MCGOVERN, DOLE, COCHRAN, WALLOP, DOMENICI, THURMOND, PELL, STENNIS, and SARBANES. We offer this amendment to the fiscal year 1981 Interior and related agencies appropriations bill in order to stop the trend toward elimination of the rural fire prevention and control program.

Mr. President, Senator STENNIS and Senator HEFLIN have joined in support of this amendment and will have statements to that effect.

The amendment adds $6.62 million for this program to the committee bill. That increment would put the total available for the program in fiscal year 1981 at the fiscal year 1979 level. Thus, we do not seek an expansion of the rural fire prevention and control program, as much as we feel that such an expansion would be warranted. We are budget realists.

Last year, the Senate adopted my amendment to add $15.56 million to the House-passed funding for this program. Unfortunately, the conferees then split the difference in the House's favor, leaving the fiscal year 1980 program with 22 percent less in actual dollars and about 40 percent less with inflation factored in.

If this program goes into conference with the Senate Committee's figure, and the conferees split the difference in the House's favor again, the program will end up with an enormous cut—not only from the fiscal year 1979 level, but also from the fiscal year 1980 level. This would be a mistake for several reasons.

First, 1980 has been a year of tremendous fire losses from coast to coast. The recordbreaking heat and drought conditions throughout the Nation brought about recordbreaking numbers of fires everywhere. In South Dakota alone, 90 percent of the State is listed under the disaster area designation. In several States, the incidence of fire on forest lands and wildlands has doubled over the previous year.

South Dakota has experienced wildfires and dollar losses from those fires at a level far above the average losses. To date this year, South Dakota has experienced 1,110 fires on forest and rangelands. This is almost double the average fire incidence level of 585 fires in normal years—42,500 acres have been burned this year, compared to the average of 19,600 acres burned in previous years. These losses translate into a minimum dollar loss of $10 million. One must wonder how many millions of dollars of fire losses could have been prevented if the rural fire prevention and control program had been adequately funded during 1980. Insurance premiums, too, are likely to increase if the States' ability to carry out fire protection decreases through a decline in support for the rural fire prevention and control program.

Second, hundreds of millions of acres of State and private forests and wildlands qualify for protection under this program. This year, the Federal funds in this program account for about 14 percent of all the funds spent to protect and to fight fires on these acres. But, in many States the percentage is much higher. Because of inflation and lower-than-expected revenues due to recession, these States are suffering an actual loss of fire protection and do not deserve a further reduction in the rural fire prevention and control program. South Dakota is a big State with about 26 million acres of land that qualify for protection under the program. Yet, we are a fairly sparsely populated State, and this makes fire protection a very costly and difficult effort. The same is true in many other States.

Mr. President, earlier this year, I joined with several other Senators in requesting that the President include $39 million for this program in his fiscal year 1981 budget request. But only $13.94 million was requested by the President, thus continuing the administration's plan to terminate the program. Their rationale for eliminating the program seems to be very weak. They say that the program has accomplished its purposes and should therefore be eliminated. With the distinct possibility that tens of millions of acres of valuable producing lands—which heretofore had been protected—would no longer be protected if this program ends, it is indeed strange reasoning to argue that the program has accomplished its purposes.

A third reason, Mr. President, for adopting this modest amendment is that there continues to be a strong national interest in having an effective cooperative relationship between the Federal Government and the States in providing protection against fire on the more than 800 million acres covered by the existing authority. Ever since the Weeks Act of 1911 first recognized a Federal responsibility in this area, cooperation between the two levels of government in this area has produced great benefits for both. To the extent that a reduction of this program—through inflation losses that are not made up by higher appropriations or an outright canceling of the program—reduces the ability of the States to protect State and private wildlands, that reduction also diminishes the capacity of the States to assist Federal fire authorities in protecting Federal forest and rangelands. Over the past 70 years, a very cooperative and mutually beneficial relationship has developed. It would be a tragedy if we permitted this sharing and cooperation in the protection of wildlands to end.

A fourth reason for maintaining and strengthening this program above the fiscal year 1980 level, but still below the fiscal year 1978 and 1979 levels, is to support the hundreds of thousands of volunteer fire personnel who provide the only firefighting and fire prevention available throughout rural and much of suburban America. These dedicated people work to protect their communities and surrounding wildlands at no pay—often risking their lives to protect the lives and property of others. These dedicated people set the highest possible democratic example as unpaid public servants, and they agree to be on call at all times no matter what their private duties and problems might be. Besides volunteering their time and their lives in what is often extremely dangerous work, they actively support fire protection and prevention by conducting fund-raising drives to raise the money needed for volunteer fire department operating expenses.

The Nation owes these people the minimal increase in support which we are asking through this amendment. These local fire departments depend heavily on rural fire prevention and control funds to equip and train volunteer fire personnel.

In conclusion, Mr. President, I ask unanimous consent that three items be printed in the Record immediately following my remarks. The first item is a fact sheet prepared by the South Dakota State Forestry Division Director, Mr. James D. Verville, explaining the great contribution of the rural fire prevention and control program during fiscal year 1980 in South Dakota.

The second and third items are articles from two leading weekly newspapers in South Dakota, describing the fierce struggles experienced this past summer in fighting fires in South Dakota. These articles were repeated in countless other daily and weekly papers throughout the State this year. I hope that the Senate will vote for, and protect through the conference process, the amount included in this amendment so that next year the people of South Dakota and rural and suburban America will not be reading the same horrible stories of severe fire destruction.

There being no objection, the material was ordered to be printed in the Record, as follows:

Fiscal Year 1980 Utilization of Rural Fire Prevention and Control Funds in South Dakota

In FY '80 the Federal Rural Fire Prevention and Control funds were utilized to provide the following services:

1. Respond and take action on fifty (50) wildfires within the Black Hills.

2. The Fire Dispatch Center and one fire lookout tower were manned 7 days/week from April 1 to November 1, to assist local fire departments in the suppression of wildfires within the Black Hills.

3. Major repairs were made on one hundred and forty-two (142) of the three hundred and thirty-three (333) fire units located with local fire departments.

4. In the fire equipment program, we provided thirty-one (31) fire units to fire departments throughout the state to assist them in their rural fire suppression effort.

5. The Rangeland Fire Danger system was put into operation this year to assist in notifying the public in times of high fire danger.

6. Thirty-six (36) fire departments received two thousand seven hundred (2700) man-hours of basic wildfire training.

7. One hundred and twenty (120) inservice personnel received one thousand five hundred (1500) man-hours of advanced wildfire training.

8. Assistance was provided in the establishment of two (2) county fire advisory boards.

9. Twenty (20) fire departments received two hundred (200) man-hours of advanced wildfire training.

10. There were eighty thousand (80,000) pieces of fire prevention literature distributed to the public.

11. One hundred and thirty-eight (138) prevention program assists were given to local schools or in parades with the use of Smokey the Bear and the Puppet Show.

12. There were twenty-eight (28) news releases provided to the public during high fire danger time of the year.

13. Aerial detection was flown over the Black Hills during times of high potential fire starts.

14. There were one thousand two hundred (1200) acres of prescribed burning done within the Black Hills on privately owned lands.

15. Ninety-two (92) acres of fuel treatment were done on private land within the Black Hills. This consisted of piling hazardous fuels and constructing fuel breaks around areas of high resource value.

Source: South Dakota Division of Forestry.

[Nation's Center News, Buffalo, S. Dak., July 17, 1980]

Drought Increases Fire Danger: Fire Departments Kept Busy with Several Small Fires

(By Mrs. Bill Hollister)

FIRE!—that was the dreaded word in Harding County this past Thursday and Friday, and still is! Extreme heat, high winds, low humidity, and dry, dry conditions just right for fires—and when electrical storms pass through like the one this past Thursday—FIRE is the terrible result.

We had been home just a couple hours on Thursday when a severe storm came up creating much lightning and fires all over Harding County. We had our share here in the Redig area too! At about 3:30 p.m., smoke was spotted south southeast of our place and we left taking the Redig fire truck, to locate the fire. It was about two miles south of the Mike Fox ranch on the Bruggeman land now being leased by Gary Schmaltz. The small shower (.2 at the Junek Ranch) had doused it, but it wasn't long until high winds had fanned it and it was burning out of control! Bill, Jeanne, Mike Fox and I were not enough fighters, so I headed to the Mike Fox home and Roberta and I started calling in all directions, only to find that there were numerous fires all over Harding County. Despite this fact, response from all over was great! A fire truck from Buffalo was down here in record time and help came from every direction. The blaze was brought under control and we ate supper at Foxes about midnight, coming home about one a.m. to try to get some rest. At about 3 a.m. the phone rang and we got the word that the fire was raging out of control again! The wind was blowing a very strong gale. When we arrived at the fire it was traveling south quite rapidly and flames were shooting high into the air—a dangerous situation! People, fire trucks and pickups with sprayers were everywhere. It is really wonderful how people turn out to help at a time like that.

Bill, Mike and Doug Olson "baby-sat" the fire on Friday almost all day, putting out spot fires caused by smouldering cow chips and sage brush, fanned by the ever changing hot wind. We ladies took them lunch and dinner. About 4:30 p.m. we headed home to once again try to get some rest! The fire had covered somewhere between 200–250 acres of prairie and pasture land.

It was about two hours later at 6:30 p.m. when the phone again rang—the word was again, FIRE! This time it was a little farther south at the Doug Johnson ranch and was also lightning caused—this time in a hay corral. Lightning must have struck the hay on Thursday and smouldered until bursting into flames on Friday evening, nearly 24 hours later. It burned eleven of the so-called "bread-loaf" haystacks. It was a very hot fire and stack movers were brought from the neighbors to move the unburned hay. Cables and a Harding County road grader were used to pull the stacks apart. Fire fighters worked until well after midnight making a mighty long day for some of them. The wind became calm and the skies were free from thunder clouds so it was easier to relax, tho with the hot windy weather it is hard not to be just a little jumpy when that phone rings!

[From the Murdo (S. Dak.) Coyote, Aug. 7, 1980]

Fires and More Fires

Fires, fires and more fires plagued the area over the weekend. Firemen would no sooner put out one fire, and another one would start almost instantly. The fires were a result of tinder-dry conditions throughout this area and a lightning storm which passed through on Friday afternoon.

Prairie fires were reported in all directions. More than 20 fires in the area burned thousands of acres of much needed pasture land. No estimate in dollars has yet been assessed. The rash of fires proved to be too much for one fire department and the call was put out to neighboring fire departments and local volunteers. Kennebec, Presho, Draper, Rosebud, Murdo, White River, Mission, Kadoka, Midland, Belvidere, Vivian and Ft. Pierre fire departments were all fighting fires in the area. On Friday afternoon, employees of the Okaton State Bank could count 11 fires burning south of Okaton. Fires reported to this office were on the following places: Frank Brost and Cal Smith, Leroy Stotts, Bud Manke, Ted Englands, Ollie Iwan, Jack Roghair, the old Dykstra place, Ted Richardsons, Bob Wilsons, Don Hight, Daum Brothers, and the Sletto and Seaman farms between Draper and Vivian—plus, many more places that were not reported to us.

The fire which started at the Seamans farm south of Draper burned all the way to Interstate 90. It also destroyed all of the buildings except for one shed at the Ray Volmer place, including a house and furniture. The fire was close to the Donald Volmer place, but a large dam prevented it from going further.

Greg Boyle who farms in that area, was on the way to help fight the fire and was injured when his pickup rolled over on a country road. He was taken to St. Mary's Hospital via ambulance and was reported to have broken ribs and back injuries.

The fire south of Stamford on the Iwan and England ranches burned east and almost reached the Bill Jensen place west of White River. It is an estimated 15 miles from Iwans to Jensens.

Changing winds hampered the fire fighting efforts. The fire-fighters would have a fire put out return to town and then changing winds would blow smoldering cactus or "cow chips" into the pasture and a full-scale fire would be blazing again. In Murdo, it was difficult to find any more men to fight the fires, as every available volunteer was already out someplace fighting. This reporter went out early Friday afternoon to take some pictures, and quickly discovered that volunteers were needed more than reporters. I returned to town and caught a passing pickup loaded with volunteers and headed for the Richardson ranch. It was the wee hours of the morning before any of us got to bed.

A story of this magnitude is difficult to report. We can only report that thousands of acres of land were burned and many farmers are faced with the problem of what to do with their cattle. At todays prices, it is economically unfeasible to buy feed and so many face the prospect of selling herds that they have built-up over a long period of time. The federal government doesn't think that this area should be declared a disaster area. Many local people wish that they would come down from their "ivory palaces" in Washington, D.C. and see the conditions that many area farmers and ranchers are facing.

The saddest thing about the whole weekend, is that the thunder and lightning storms didn't bring any moisture to the parched prairie and high temperatures throughout the week only increase the fire danger in the area.

A grateful group of local ranchers and the local fire department wishes to thank all those neighboring fire departments and local volunteers who donated their time and equipment to help put out the fires. And also to the ladies who made sandwiches and furnished drinks to the hot and tired fire fighters. Times like these make us all proud to be living in such a community, where in times of trouble, people band together and help each other out.

In closing, we ask everyone to be especially careful. Be careful with fires, cigarettes and especially careful driving across the parched prairie. And, tonight before you go to sleep, pause and ask God to send the rain.

RURAL FIRE PREVENTION AND CONTROL PROGRAM

● Mr. STENNIS. Mr. President, I would like to urge my colleagues in the Senate to support this amendment which will provide funds for the rural fire prevention and control program. This program provides Federal assistance to the States for fighting and preventing fires on non-Federal, State, and private lands. The funds provided by this appropriation are used to provide fire control training courses for volunteer firemen, firefighting tools and equipment, and very importantly, it provides technical assistance in developing new and better ways to fight and control fires. Now for anyone who has lived around forests all their life the way I have, forest fires are a terrible thing. To see thousands and thousands of trees burned away and charred black over acres of land has a lasting impact.

This particular program, which concentrates on private lands and non-Federal lands, is very important and is an important supplement to the fire prevention and control program provided by the States and locally. The majority of our forest products come from private lands. These forest products provide us with hundreds of useful items that fill our daily lives—chemicals, soaps, paper, the wood in our homes, furniture. Literally hundreds of items come from our forests. Trees take decades to grow to maturity, and for me it has always been a heartbreak to see trees destroyed by the ravages of a forest fire. In my State of Mississippi there are 20 million acres of forest lands which are protected by this joint program. Under this joint protection, in 1978 fire destroyed only 123,000 acres of land. I am convinced that this good record was due to the joint efforts of the State and local programs as well as this rural fire prevention and control program, and my concern is that the level of funding which has been proposed in this legislation that is 45 percent below the fiscal year 1979 level and 38 percent below the fiscal year 1980 level falls to short of the requirement for proper protection. What is at stake here is a small program which is of great importance to the private and State forest lands of our Nation. Without proper fire control, we can expect a great increase in the loss of trees, private property, homes, and animal life. I urge that my colleagues support this program. I believe that it is of a high enough priority that the funding level requested by this amendment of $30.5 million is a small price to pay for a great return to our national economy.●

● Mr. HEFLIN. Mr. President, I speak in support of the amendment offered by the Senator from South Dakota relating to the rural fire prevention and control program. I am pleased to be a cosponsor of this important amendment.

Mr. President, I am deeply concerned about the future protection and management of our Nation's forest lands. This amendment will add $6.66 million to the program, bringing it up to its fiscal year 1979 funding level of $30.56 million. The House recommended only $13.9 million for rural fire protection and control. As you know, the Senate Appropriations Committee recommended $23.9 million. It is my belief that any reduction in funds for this important program would deal a crippling blow to my State of Alabama and to the entire Nation.

During 1979, over 3 million acres of land were burned by more than 163,000 forest fires across our Nation. To restore those lands, at today's rate of inflation, we would need $410 million.

Although forest fires were down by approximately 35 percent in my State, thanks to the dedicated efforts of Alabama firefighting personnel and firefighters from other States, the 5,000 fires that did occur resulted in a loss to the economy of Alabama of more than $45 million. This escalation of fire related costs, nationwide, makes it imperative for the Senate to pass an appropriation that will enable State and local authorities the opportunity to maintain services needed throughout each State.

Through cooperative programs with State and local governments, forest industries, and private landowners, the Forest Service helps to protect and manage 726 million acres of forest and associated watershed land. Technical and financial assistance is offered to improve fire, insect, and disease control; improve harvesting, processing, and monitoring of forest products; and to stimulate reforestation and timber stand improvement.

As has been pointed out by my colleague from South Dakota, Senator PRESSLER, over 90 percent of firefighting personnel in the United States are volunteers who receive no compensation for risking their lives to protect the lives and property of others.

To cut back funding for this program would, in my judgment, be a mistake. The States are simply not in a position to pick up the cost of running the rural fire protection program. Mr. President, I call on my colleagues today to approve this amendment and continue funding for this program at its current level, $30.56 million. This would be in our best interest and is absolutely necessary if we are to meet further demands for forest resources.

I submit two letters by Senator PRESSLER for the RECORD.

The letters follow:

U.S. SENATE,
Washington, D.C., September 22, 1980.

Re rural fire prevention and control.

DEAR COLLEAGUE: Last October, you joined us in successfully amending the FY 1980 Interior Appropriation bill to restore the appropriation for the Rural Fire Prevention and Control (RFPC) program to its FY 1979 funding level of $30.56 million. The conference agreement then set the program at $22.4 million for the current fiscal year—26 per cent below FY 1979 funding.

We apprepriate your help last year and hope that you will support a similar amendment this year when the Senate considers H.R. 7724, the Interior Appropriations for FY 1981.

The House version of this bill contains only $13.9 million for Rural Fire Prevention and Control. The Senate Appropriation Subcommittee added $10 million, which would still leave the program funding 22 per cent below the level of two years ago. If inflation is factored in, the $23.9 million recommended by the Subcommittee is only 63 per cent of the amount available in FY 1979.

We will offer an amendment to add $6.66 million to the recommendation, thus restoring the program to the 1979 level. Fires caused by the severe heat and drought over most of the nation this year make it imperative that the Senate pass an appropriation which ensures that the conference committee leaves enough funding to facilitate state and local efforts to deal with their substantial increase in fire-related costs.

Over 90 per cent of firefighting personnel in the U.S. are volunteers who receive no compensation for risking their lives to protect the lives and property of others. At a time when state revenue sharing and other program cuts are hurting the essential services provided by those governments, Congress should show its support for volunteer fire control efforts by setting RFPC funding at $30.56 million for FY 1981.

We invite your cosponsorship of this amendment. Let us continue a program which has effectively contributed to fire protection and control on millions of acres of state and private forest lands.

Attached is a fact sheet on the Rural Fire Prevention and Control program. If additional information is needed, please contact Doug Miller of Senator Pressler's staff (4–1648) or Richard Nugent of Senator Biden's staff (5–5042).

Sincerely,

JOSEPH R. BIDEN, Jr.,
U.S. Senator.
LARRY PRESSLER,
U.S. Senator.

RURAL FIRE PREVENTION AND CONTROL FACT SHEET

The existence of the Rural Fire Prevention and Control program can be traced back to the Weeks Act of 1911 which authorized the Secretary of Agriculture to enter into agreements with the states to "cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands" located upon a watershed of a navigable river.

RFPC is a proven and effective program. Funds distributed through state foresters have helped to strengthen local response capabilities, minimizing costly losses in acreage, property and human life.

The need for this program has not diminished. The language of Section 7 of the Cooperative Forestry Assistance Act of 1978 (PL 95–313) specifically addresses today's need:

(3) Notwithstanding the accomplishments and progress that have been made, fire prevention and control on rural lands and in rural communities are of continuing high priority to protect human lives, agricultural crops and livestock, property and other improvements, and material resources.

(4) The effective cooperative relationship between the Secretary and the states regarding fire prevention and control on rural lands and in rural communities should be retained and improved.

It was this legislation which combined the Cooperation in Forest Fire Control Program and Rural Community Fire Prevention Program into the Rural Fire Prevention and Control Program. Unfortunately, the budget for the program has not matched the commitment expressed in the Cooperative Forestry Act; 1980 has been a year of unusually high fire destruction throughout the rural United States, brought about by severe heat and drought conditions. In South Dakota alone, wildfires this year are running over 50 percent above normal; over 6,000 acres have been destroyed at a loss of millions of dollars. Eastern states also have experienced fire conditions which have not existed for years.

Without the proposed $30.56 million funding level, there is a strong likelihood that the number of acres burned by wildfires in 1981 will exceed 1.8 million acres. The RFPC program is insurance to help protect the substantial federal interest in effective state and private forest management. National goals of ample food and fiber production, outdoor recreation, wildlife conservation and develpment, soil conservation, and stable water yields are all protected by this inexpensive program.

U.S. SENATE,
Washington, D.C., November 11, 1980.

Re: H.R. 7724—Interior appropriations "Rural Fire Prevention and Control."

DEAR COLLEAGUE: The recent recess may have reduced the visibility of the last "Dear Colleague" letter we sent out concerning the Rural Fire Prevention and Control (RFPC) program amendment which we will offer to the FY 1981 Interior Appropriations bill. Thus, this second letter is being sent as a reminder and an updating of the previous message.

During the past few weeks, the following Senators have been added as cosponsors of the amendment: Stewart, Heflin, Pryor, McGovern, Dole, Cochran, Wallop, and Domenici. A total of ten Senators now cosponsor the amendment, and the addition of your name as a cosponsor would be welcomed by all of us.

Last year the Senate approved—by a 55–38 vote (against tabling)—the same amount for the RFPC program which is included in the amendment being offered again this year. Unfortunately, conferees last year cut the Senate-passed funding for this program by 26 percent. This year the House bill proposes a further 38 percent cut from the FY 1980 level. The Senate committee bill provides $10 million more than the House version, but the proposed funding would still be a significant 45 percent below the FY 1979 level for this program with inflation factored in.

What is at stake here is the very survival of a small program which, despite its relatively small size, is extremely important to state and local governments in combating fire destruction on state and private forest lands. 1980 has been a year of great fire destruction throughout the United States. Many States have experienced a 30 to 40 percent increase in the number of wildfires, and similar percentage increases in the dollar value of property losses. These losses have been accompanied by dramatic increases to States and localities in the costs of fighting and preventing fires.

At a time when State revenue sharing and other program cuts are hurting the essential services provided by those governments, Congress should show its support for volunteer fire control efforts by setting RFPC funding for FY 1981 at $30.56 million.

Attached is a fact sheet on the rural fire prevention and control program. If additional information is needed, please contact Doug Miller of Senator Pressler's staff (4–1648) or Richard Nugent of Senator Biden's staff (4–5042).

Sincerely,

JOSEPH R. BIDEN, Jr.,
U.S. Senator.
LARRY PRESSLER,
U.S. Senator.

RURAL FIRE PREVENTION AND CONTROL FACT SHEET

The existence of the Rural Fire Prevention and Control program can be traced back to the Weeks Act of 1911 which authorized the Secretary of Agriculture to enter into agreements with the states to "cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands" located upon a watershed of navigable river.

RFPC is a proven and effective program. Funds distributed through state foresters have helped to strengthen local response capabilities, minimizing costly losses in acreage, property and human life.

The need for this program has not diminished. The language of Section 7 of the Cooperative Forestry Assistance Act of 1978 (PL 95–313) specifically addresses today's need:

(3) Notwithstanding the accomplishments and progress that have been made, fire prevention and control on rural lands and in rural communities are of continuing high priority to protect human lives, agricultural crops and livestock, property and other improvements, and material resources.

(4) The effective cooperative relationships between the Secretary and the states regarding fire prevention and control on rural lands and in rural communities should be retained and improved.

It was this legislation which combined the Cooperation in Forest Fire Control Program and Rural Community Fire Prevention Program into the Rural Fire Prevention and Control Program. Unfortunately, the budget for the program has not matched the commitment expressed in the Cooperative Forestry Act.

1980 has been a year of unusually high fire destruction throughout the rural United States, brought about by severe heat and drought conditions. In South Dakota alone, wildfires this year are running over 50 percent above normal; over 6,000 acres have been destroyed at a loss of millions of dollars. Eastern states also have experienced fire conditions which have not existed for years.

Without the proposed $30.56 million funding level, there is a strong likelihood that the number of acres burned by wildfires in 1981 will exceed 1.8 million acres. The RFPC program is insurance to help protect the substantial federal interest in effective state and private forest management. National goals of ample food and fiber production, outdoor recreation, wildlife conservation and development, soil conservation, and stable water yields are all protected by this inexpensive program.●

Mr. PRESSLER. Mr. President, Senator BIDEN wishes to speak. He is caught in traffic. Perhaps I might have the remainder of my time after the Senator from Kentucky finishes his statement, and that would be best.

Mr. President, I ask unanimous consent that Senator SARBANES be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes and twenty-seven seconds.

Mr. PRESSLER. I reserve that for Senator BIDEN when he comes.

Mr. HUDDLESTON. Mr. President, I yield myself 5 minutes.

Mr. President, the distinguished Senator from South Dakota has proposed to increase the funding level that has been provided in this bill for the rural fire control program by $6.6 million.

The subcommittee and the full Appropriations Committee are well aware of the importance of this program and they have been sympathetic to it. We had a budget request of $13.9 million presented to us. The House acted on that specific amount, and $13.9 million is what came to us from the House. The Senate committee added $10 million to that request, making our figure $23.9 million. Last year the expenditure was $22.4 million. So we are up $1.5 million over last year.

All of us would like to see all possible help provided for the various rural fire operations around this whole United States. But the distinguished Senator from South Dakota said he was a budget realist. He also has been one of the persistent advocates of a balanced budget, of restrained Federal spending.

If he is a realist, he knows we cannot restrain Federal spending and certainly cannot balance the budget if we continue add-on after add-on to every program that comes before us here in the U.S. Senate. The only way to cut Federal expenditures and the only way to balance the budget is to cut programs.

We are already at the allocation we have for outlays in the Interior bill that we are now considering. That is based on the anticipated second concurrent resolution outlay.

We have anticipated all of the additional requirements we will have in this area. In trying to accommodate the many interests that are reflected here in the Senate and accommodate our colleagues on valuable and essential programs, we have reached that limit. Every dollar we add will now exceed that allocation.

So the question is, very simply, not whether we like the rural fire program, not whether we support it. The question is whether we want the U.S. Government to have a more balanced budget, whether we are going on record as a Senate for restrained spending or for unlimited spending. While this program may be important to some Senators, there are other programs that are just as important to other Senators, and they are going to want those programs expanded.

When we accommodate everybody, then, of course, we will be totally out of control again, with no semblance of a balanced budget or of restrained spending.

I believe that the people of America indicated, and have been indicating for a number of years, but certainly last week did so in a very certain and very emphatic way, that they believe the Federal Government is too big, that they believe it is spending too much of their money, and they want to cut back.

I do not know how we are going to cut back if we increase every program up to the level we think is desirable, even though we have already added $10 million over what the budget request was. We have to exercise, in my judgment, some fiscal restraint even on popular programs if there is going to be an effective effort to balance the budget.

So for that reason, have I to oppose the amendment. It is not easy for me to do. I am from a rural State. We have rural fire control districts in my State. Right at this very moment we have thousands of acres that are in flames.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HUDDLESTON. One more minute.

We have thousands of acres with firefighters right now trying to do something about it. If it does not rain this weekend, it will be worse in Kentucky and West Virginia. So I recognize that they can use all the help they can get.

But serving on the Appropriations Committee and serving on the Interior Subcommittee, I recognize, too, that we have an obligation to somehow bring this massive Federal Government into line fiscally so that we do not have the tremendous deficits we have been having.

This is the only way to do it. Any other way, continuing to add $6 million here, or $7 million there, or $40 billion here, which we will be confronted with throughout the day, just will not get that job done.

All these programs have been carefully considered by the subcommittee, the money placed on a priorty basis where the need is greatest. For that reason, we think we ought to stick with the figure the committee has.

Mr. President, the Senator from South Dakota expresses concern about what will happen in the conference. I, of course, cannot give any guarantee on what the conference action will be. But just looking from past history, this program is popular in the House, too, even though they agreed to a figure $10 million below the Senate figure. I think we have an excellent opportunity of holding the Senate figure in conference. Therefore, we will have a $23.9 million program. That is $1.5 million over last year.

Mr. President, I reserve the remainder of my time.

Mr. STEVENS. Will the Senator yield to me?

Mr. HUDDLESTON. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, it is with great reluctance that I oppose the amendment offered by my good friend from South Dakota.

We have, as the majority manager of the bill stated, provided more money than even the original request or the 1980 level, according to my figures. We had a request of $13.9 million. The House granted that, and we are, in this bill, $10 million over the House action and the budget request for 1981.

No one has a State with a greater problem in this regard than I. I wish we had money available to triple the amount.

But I do not see any way to do it without also going back to some 140 increases that were suggested in the committee and denied by us. This is a meritorious amendment, but it is an amendment we cannot take because of the floodgates it would open in terms of the requests for increase in the amounts we have provided in this bill through our subcommittee and committee efforts.

So I hope my good friend understands that, while probably my State would get a great deal more of this money, if it were added, than his State would, I cannot support the amendment.

Mr. HUDDLESTON. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. Fifty seconds and five minutes.

Mr. HUDDLESTON. Fifty seconds and five minutes?

The PRESIDING OFFICER. Forty-six seconds and five minutes.

Mr. HUDDLESTON. I am prepared to yield back our time. I think the Senator from South Dakota may want to wait.

Mr. PRESSLER. I am prepared to yield back my time. I believe the yeas and nays have been ordered, and there probably will be a motion to table.

Mr. BIDEN. Mr. President, the amendment which Senators PRESSLER, STEWART, RANDOLPH, DOMENICI, STENNIS, THURMOND, SARBANES, MCGOVERN, DOLE, HEFLIN, PRYOR, COCHRAN, WALLOP, and I now offer is an effort to stem the further erosion of Federal support for rural fire prevention and control.

While the creation of the U.S. Fire Administration in 1974 and the opening earlier this year of the national fire academy's campus point to a growing Federal recognition of its responsibility to participate in fire prevention activities, I am concerned by the Congress failure to adequately fund the rural fire prevention and control program. This program, administered by the U.S. Forest Service, has for quite some time successfully channeled both technical and financial assistance to rural fire companies through the forestry agencies of the individual States.

Unfortunately, over the last 2 years the effectiveness of the rural fire prevention and control program has been threatened by a substantial reduction in its appropriated spending levels, at just the time when inflation has been making serious inroads into its operating funds. Our amendment would reverse this trend and insure the continuing effectiveness of this program.

Its speedy adoption is especially important this year, when serious drought throughout the Nation has placed 1,801 counties in 34 States on the list of natural disaster areas, including all three counties in my own State of Delaware. This year's severe drought has significantly increased the likelihood of major wildland fire losses all over the country.

For instance, Pennsylvania is experiencing its second worst fire season on record. Losses in Indiana this year are the worst since 1973. The States of Arkansas, North Carolina, Florida, and Georgia are having similar crises, and the situation nationwide is getting worse. Last weekend 35,000 acres in Kentucky were destroyed—compared to a total of 39,000 acres during the entire year of 1978. I understand that right now, in both Tennessee and Kentucky, fires are burning uncombatted because the firefighting resources of these States have been exhausted. In West Virginia, 267 fires have destroyed a total of 24,000 acres—75 percent of the total acreage loss in 1978—in just the last 6 days.

And in my own State of Delaware, this year's acreage losses have already exceeded last year's by 147 percent—and incidents are up by 165 percent.

I want to emphasize, in these budget-conscious times, that our amendment does not expand the rural fire prevention program, it merely restores its funding to the fiscal year 1979 level of $30.56 million—the level voted by the Senate last year, but later reduced in conference. Because of inflation, even with the adoption of our amendment and the restoration of the $6.62 million, the program's real spending level will be 22 percent lower than in 1979. I would have preferred to see a higher appropriation than $30.56 million, but as a member of the Senate Budget Committee I am well aware that there are budgetary restraints that must be taken into account.

The rural fire prevention and control program provides for Federal participation in the cooperative efforts of State and local governments, rural fire companies and the private sector to prevent the outbreak of fires on non-Federal rural lands and to fight them when they do occur. Nationally, there are 868 million acres that qualify for protection under this program—from half a million acres in Rhode Island and Delaware to more than 50 million acres in Montana. Presently, 89 percent of these lands, or 774 million acres, are protected through this program.

In fiscal year 1978, the Federal share of this cooperative effort amounted to 14 percent of the total funds expended by both the public and the private sectors to protect these lands.

The rural fire prevention and control program enables the Forest Service to provide both technical and financial assistance to each State's forestry department. This aid covers data collection and reporting, as well as support of training programs for volunteer firemen, the development and acquisition of firefighting tools and equipment, and fire prevention activities with an emphasis on non-Federal forested lands.

The aid that this program provides is all the more vital because the companies that benefit are, in most cases, small volunteer companies. In my own State of Delaware, for example, there are 61 fire companies—but only the city of Wilmington has a paid, professional fire department.

The other 60 companies, that provide protection to every other town and community throughout the State, are staffed by volunteers. The fire department of the city of Wilmington pays 250 employees—but the small rural companies have a combined roll of 6,840 firefighters and none of them gets a cent for their hard and dangerous work. Every resident of the small cities and towns from Yorklyn to Fenwick Island has cause to be grateful to these volunteers many times over.

The rural fire prevention program is not a new one. Its beginnings can be traced back to the Weeks Act of 1911, which authorized the Secretary of Agriculture to enter into agreements with the States to "cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands" located on a watershed of a navigable river.

Neither is this an unproven program. The financial and technical support provided through this program has helped to strengthen local response capabilities, thus averting much more costly and tragic losses in acreage, developed property and human life. Statistics gathered by the U.S. Forest Service chart a steady reduction in State and private acreage losses over the past 30 years.

For instance, an average of 8 million acres a year were lost to fire in the 1950's; in the next decade, annual losses were reduced to 3.7 million acres; and in the 1970's the annual figure continued to drop, to an average of 2.3 million acres over the decade. This reduction has meant a savings in land, property and lives that far exceeds the program's financial costs.

More importantly, however, the need for this program has not diminished. The accomplishments I have just set forth can all too easily be reversed. Fire prevention activities must continually be maintained and strengthened. To suggest that the Federal Government's commitment to this cooperative effort can now be set aside because of past achievements is a short-sighted policy, providing monetary savings at best and having tremendous and tragic hidden costs.

The National Commission on Fire Prevention and Control identified the unique problems in providing fire protection to rural communities. Current statistics gathered by the National Fire Data Center continue to show rural fire losses exceeding the national average—which in itself is shockingly high. Estimates that as many as 20,000 rural communities lack dependable fire protection.

Not only does this lead to greater losses of life and property when fire does strike, but it also often translates into higher insurance rates for rural residents.

Congress has recognized our rural communities' problems with fire prevention and control. The Cooperative Forestry Assistance Act of 1978 (Public Law 95-313) included the following language in section 7, entitled "rural fire prevention and control":

> (3) Notwithstanding the accomplishments and progress that has been made, fire prevention and control on rural lands and in rural communities are of continuing high priority to protect human lives, agricultural crops and livestock, property and other improvements, and natural resources:
>
> (4) The effective cooperative relationships between the secretary and the states regarding fire prevention and control on rural lands and in rural communities should be retained and improved.

Unfortunately, Federal spending has not matched this legislative commitment. In fiscal year 1979, the program's appropriation totaled $30.565 million, of which 90 percent or $27.595 million was directly allocated to the States.

Last year, the House-passed version of the fiscal year 1980 Interior appropriations bill provided a $15.5 million spending level—which would have cut the program's funding nearly in half. The Senate Appropriations Committee reported that bill to the Senate floor with the House-passed figure, and it took a 56-37 vote on the Senate floor to restore the program's funding to the 1979 level. The conference agreement compromised on $22.4 million—an increase over the House amount, but still a 22-percent reduction from 1979.

This year, the House version of the fiscal year 1981 Interior appropriations bill contained only $13.9 million for the rural fire prevention and control program. The Senate Appropriations Committee has recommended $23.9 million. This figure may represent a slight increase over the 1980 amount, but it still leaves the program with 22 percent less funding than it had just 2 years ago. And after inflation is factored in, the $23.9 million recommended by the Appropriations Committee is only 63 percent of the real amount available in fiscal year 1979.

Mr. President, the amendment we are offering today would add $6.66 million to the committee's recommendation. It would restore the funding level of the rural fire prevention and control program to its 1979 level—$30.56 million. It would reverse the disturbing trend toward reducing the Federal commitment to rural fire prevention and control efforts as envisioned just 2 years ago in the Cooperative Forestry Assistance Act of 1978.

At a time when the Federal Government has finally begun to recognize its responsibility to work with State and local governments to reduce the costly and tragic losses which occur from fire, we should not short-sightedly reduce this program's proven effectiveness.

In my own State of Delaware, I have seen at first hand how important this program can be to rural communities. Delawareans, like all other Americans, depend on their volunteer fire companies day, night and holidays. These men and women are highly trained firefighters, on call at any hour, and dedicated to the safety and security of their friends and neighbors. They have a fierce pride in their companies, their comrades and themselves.

But firefighters who are volunteers have an added burden. They must get the personnel, equipment and training they need to safely battle the fires that threaten land, property and lives in their community with only the resources that they themselves can raise. We have a responsibility to these men and women, who volunteer their work and their lives—and on whom the great majority of American communities depend.

This country's volunteer firefighters are in one sense ordinary people. They live among us, work among us, run the same risk of fire that we all do.

But they are also professionals of extraordinary dedication and community feeling. They go through rigorous training, on their own personal time, to master the techniques and the tools that our lives and property depend on. They must be prepared, every day, at work or at home, to drop their own concerns and answer to the alarm that signals danger for someone else. And they must do this, over and over, every day and every year, without any reward—except their own pride and the grateful thanks of their communities. Some of them will be injured, and some of them will die—and sometimes, despite their best efforts, they will lose a friend or a neighbor. But they keep fighting—and that keeps all of us safe.

More than this service, for which we cannot ever stop being grateful, there is the community role of the local fire company—working for fire prevention, educating the public about how to keep fire from starting or spreading. Not many realize that the mere presence of the local fire company saves the community hundreds or thousands of dollars a year in fire insurance premiums.

But almost everyone is aware of the fire company as an active leader in the life of their community—social, civic, political. I think the character of the local volunteer fire companies around the country accurately reflects the character of the men and women who make up those companies—dedicated, concerned, involved, unselfish. There is not an American who does not owe them more than we can pay. That is why the Federal commitment to the rural fire prevention and control program must be maintained.

I urge the Senate to adopt this amendment.

Mr. THURMOND. Mr. President, I am pleased today to rise in support of the amendment offered by my distinguished colleague from South Dakota.

The rural fire prevention and control program is of vital importance to local governments in combating forest wildfires. In my State of South Carolina alone, there are 13,289,000 acres of State and private forest lands which are protected by this program. In 1978, 41,196 acres of this land was destroyed by fire. Without the funding level provided for in this amendment, millions of acres of State and private forest lands may not receive the protection necessary to insure their continued survival and growth.

The only purpose of this amendment, which I am pleased to cosponsor, is to restore the program to its 1979 funding level, not to seek an increase. It is seldom that I seek additional funds for any bill, because I am a strong believer in the concept of fiscal restraint. However, this is a program which has worked and one which is worthy of continued funding.

Mr. President, I hope the Senate will adopt this amendment in order that our Nation's forestlands can continue to receive the protection they need.

Mr. BIDEN. Mr. President, I ask unanimous consent that a statement by Senator Sarbanes be printed in the Record before the vote.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement By Mr. Sarbanes

I support the amendment offered by Senator Pressler and Senator Biden. As one who joined in supporting a similar amendment to the FY 1980 Interior Appropriations, I am pleased to have the opportunity to co-sponsor this proposal.

The Rural Fire Prevention and Control Act dates back to 1911. Since that time, the federal, state, and local governments have joined in a partnership to combat the threat of rural fires which ravage our natural resources. In 1978 the federal government renewed this commitment by enacting the Cooperative Forestry Assistance Act. In order to fulfill the terms of this commitment, it is our responsibility to provide sufficient funding to carry this program forward.

This amendment raises to $30.5 million the level of federal support for rural fire protection. This funding level is in part a recognition of the unusually severe degree of fire destruction during the past year. The additional funds secured by this amendment could save an estimated 1.8 million acres of land subject to wildfires during the coming year.

As one who is very familiar with the outstanding work of fire departments throughout the State of Maryland, I know that it is vital that sufficient resources be committed to assist these groups in their arduous tasks. I therefore urge the adoption of this very important amendment.

Mr. HUDDLESTON. Mr. President, I yield back the remainder of my time.

Mr. PRESSLER. I yield back the remainder of my time.

Mr. HUDDLESTON. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. PRESSLER. The yeas and nays were ordered yesterday, and I ask for the yeas and nays on the motion to table, if necessary.

Mr. HUDDLESTON. Mr. President, have the yeas and nays been ordered on the motion to table?

The PRESIDING OFFICER. Is there a sufficient second on the request for the yeas and nays on the motion to table? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from South Dakota. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from New Jersey (Mr. Bradley), the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from New Hampshire (Mr. Durkin), the Senator from Alaska (Mr. Gravel), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Vermont (Mr. Leahy), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from Hawaii (Mr. Matsunaga), the Senator from South Dakota (Mr. McGovern), the Senator from Connecticut (Mr. Ribicoff), the Senator from Maryland (Mr. Sarbanes), the Senator from Mississippi (Mr. Stennis), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon) would vote "nay."

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from New York (Mr. Javits), the Senator from Kansas (Mrs. Kassebaum), the Senator from Maryland (Mr. Mathias), the Senator from Illinois (Mr. Percy), the Senator from Wyoming (Mr. Wallop), and the Senator from Nevada (Mr. Laxalt) are necessarily absent.

The PRESIDING OFFICER. Is there any Senator in the Chamber desiring to vote?

The result was announced—yeas 19, nays 55, as follows:

[Rollcall Vote No. 467 Leg.]

YEAS—19

Bentsen
Bumpers
Byrd,
  Harry F., Jr.
Chafee
DeConcini
Eagleton
Glenn
Hart
Huddleston
Johnston
Metzenbaum
Morgan
Nelson
Proxmire
Sasser
Stevens
Talmadge
Tsongas
Williams

NAYS—55

Armstrong
Baker
Baucus
Biden
Boren
Boschwitz
Burdick
Byrd, Robert C.
Cochran
Cohen
Culver
Danforth
Dole
Domenici
Durenberger
Exon
Ford
Garn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Humphrey
Jackson
Jepsen
Kennedy
Levin
Lugar
McClure
Melcher
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Pryor
Randolph
Riegle
Roth
Schmitt
Schweiker
Simpson
Stafford
Stewart
Stone
Thurmond
Tower
Warner
Weicker
Young
Zorinsky

NOT VOTING—26

Bayh
Bellmon
Bradley
Cannon
Chiles
Church
Cranston
Durkin
Gravel
Hollings
Inouye
Javits
Kassebaum
Laxalt
Leahy
Long
Magnuson
Mathias
Matsunaga
McGovern
Percy
Ribicoff
Sarbanes
Stennis
Stevenson
Wallop

So the motion to lay on the table Mr. Pressler's amendment No. 2620 was rejected.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the yeas and nays on the amendment by the Senator from South Dakota be vitiated.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from South Dakota (Mr. Pressler).

The amendment (No. 2620) was agreed to.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I wish to express the hope that Senators who have amendments will be prepared to call them up. The leadership hopes that all action can be completed on all amendments to this bill, with the exception of the one amendment by Mr. Bradley which is being carried over until Monday. We do not have much time to waste. There are many amendments. It is 5 minutes until 11 o'clock. We have a long day ahead of us.

We will not be checking out at 2:30 today, or 3:30, or 4:30, or 5:30, unless we can finish our work.

Mr. HUDDLESTON. Mr. President, I thank the distinguished majority leader for that admonition. I hope that we will have those who have amendments ready to present them as rapidly as possible, bearing in mind that the committee feels very strongly about its responsibility to try to maintain the fiscal responsibility of this piece of legislation.

We recognize it is the only game in town right now, and many who have been expecting to get favored amendments on some piece of legislation may be looking at this particular vehicle. But we have to be very careful about the outlays and the budget allocation that we have.

Mr. President, I yield to the distinguished Senator from Michigan (Mr. Levin.)

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend the committee's decision adding $7 million to the advanced gas turbine project which allows a third competitive contractor. While this amount is only half of what the other two contractors will receive, it does represent a commitment by the committee for a strong competitive program with three contractors.

Since budgetary restraints preclude comparable funding for the third contractor, the committee added language advising the Department of Energy to structure a program having the same development path as the other two contractors and to request the necessary supplemental funding.

I am afraid the startup delay and initial funding restraints impose severe difficulties on the third contractor pursuing the same development path as the other two contractors. Supplemental funding requests could easily inject additional uncertainties and delays.

Consequently, I urge the Senate conferees to support language in the conference report which instructs DOE to structure a program which maintains the overall goals of the project and to consider minor adjustments. A different development path would be structured but the final date and objectives would be retained. Finally, the Department would prepare an estimate of total project cost based on the selected development approach and request appropriation funding in the annual report.

DOE and the third contractor are in agreement on this approach. I feel the language allows the third contractor to proceed expeditiously without a supplemental budget request. As a result, the goals of the gas turbine program can be met as scheduled by all three contractors.

Mr. HUDDLESTON. Mr. President, we welcome the suggestion of the Senator from Michigan. His proposal is in keeping with the committee recommendation and because it proposes fewer generations of turbine technology development, the overall cost of developing the third gas turbine engine may be reduced by 20 percent. We will be happy to support language of this kind during conference negotiations with the House.

Mr. LEVIN. Mr. President, the suggested conference committee wording is as follows:

> The Committee recommends an increase of $7 million for continued development of a third gas turbine engine. In structuring such a program, the Department should maintain the overall goals of increased fuel economy, low emissions and multi-fuel capability consistent with the bill; however, in view of the reduced funding for the third contract in 1980 and 1981 as compared with the other two teams (a) the Department should give consideration to minor adjustments in numerical values of goals, a reduction in the number of generations of engines and a different development path so long as the final date and objectives are retained (b) the Department should prepare an estimate of total project cost based on the selected development approach and request appropriation funding in the Administration's annual submittal.

Mr. President, I thank my friend from Kentucky for his support and his work relative to this matter.

Mr. HUDDLESTON. Mr. President, I thank the distinguished Senator from Michigan.

UP AMENDMENT NO. 1750

(Purpose: To increase Department of the Interior appropriations for the Boundary Waters Canoe Area Wilderness)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Minnesota (Mr. BOSCHWITZ) proposed an unprinted amendment numbered 1750.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 38, line 21, strike "$872,114,000" and "$201,462,000" and insert "$873,864,000" and "$203,212,000".
>
> On page 38, at the end of line 25, add the following new sentence: "Of the funds appropriated for reforestation not less than $1,990,000 shall be used for the Boundary Waters Canoe Area Wilderness.".
>
> On page 39, line 4, strike "$354,336,000" and insert "$355,236,000".
>
> On page 39, line 5, strike "$21,229,000" and insert "$22,629,000".
>
> On page 39, line 6, after "facilities" and before the semicolon, add the following: "of which not less than $1,500,000 is to be used for road maintenance in the Boundary Waters Canoe Area Wilderness.".

Mr. BOSCHWITZ. Mr. President, this amendment adds $2.85 million to the fiscal year 1981 Interior appropriations bill for the purpose of carrying out the Federal commitments included in the Boundary Waters Canoe Area Act of 1978.

This amendment not only addresses the funding requirements necessary to modify the economic impact on the northern part of the State of Minnesota caused by the passage of the BWCA bill, but also will serve to restore some confidence and trust in the Federal Government in northern Minnesota.

It is hard to realize, without having actually experienced it, the intensity and bitterness of the debate which took place in Minnesota between residents, forestry interests, resort owners, and environmentalists during the consideration of the BWCA Act. However, Mr. President, to the credit of each of these groups, and the entire State of Minnesota, a compromise was worked out and the BWCA Authorization Act was signed into law on October 21, 1978.

The BWCA act designated 1,075,000 acres, which run along the Minnesota-Canadian border, as wilderness. The act established the BWCA as the largest unit of the National Wilderness Preservation System east of the Rocky Mountains, and the second largest unit in the entire system. It is our Nation's only lake-land canoe wilderness—a network of more than 1,000 lakes linked by hundreds of miles of streams and creeks which historically served as the highway of fur traders who followed water routes pioneered by Sioux and Chippewa Indians.

Mr. President, the act clearly defined the BWCA as a wilderness area. Mining and mineral exploration were prohibited within the wilderness area. All timber sales contracts were terminated as of October 21, 1979. Snowmobiling was prohibited within the wilderness area, except for two paths leading to Canada. Motorboating was to be reduced 50 percent by the end of 1983 and is generally prohibited, except in specified areas.

Mr. President, the agreement reached in the BWCA Wilderness Act was based on compensations and assistance to the timber, recreation, and resort interests of northern Minnesota, as specified in the provisions of the act. Without that clear intent stated in the bill, it is doubtful that a compromise would have been reached.

Since the passage of the Boundary Waters Canoe Area Wilderness Act, the fear of the Federal Government not upholding their end of the bargain has greatly increased. The citizens of northern Minnesota continuously ask whether we will keep our contract—whether we will act in "good faith."

To underscore the concern among the residents of northern Minnesota, let me read to you an excerpt from an editorial which appeared in the April 8, 1979 issue of the Duluth News Tribune:

> What is happening in and around Ely, Minnesota, is the stuff from which revolutions are made. The situation might best be understood by using an example from medicine, like a heart transplant. In a way, the Federal Government is changing—or transplanting—the commercial heart of Ely and other communities near the Boundary Waters Canoe Area.
>
> In a new Federal law enacted last October, Congress in effect took an old commercial heart out of northeastern Minnesota, with the promise that a new heart would be implanted, in the form of new financial aids to help the area adjust to the new legislation. In practical effect, however, the Federal Government has taken away the old heart without being in any hurry to bring in the new heart. So the commercial body of northeastern Minnesota is left on the operating table, gasping for air and staying alive on a wing and a prayer.
>
> The new BWCA law is having an impact primarily on two commercial areas: logging and the resort-tourist industry. The law ended logging in the BWCA, with the promise of the State and Federal governments joining financial and land resources to establish new timber stands outside the BWCA. The law has affected the resort industry—and the general tourist industry directly related to resort use—by cutting back the number of lakes on which motorized boats may be used.
>
> At the same time Federal legislation reduced motorized water travel in the BWCA, that same legislation carried a promise of the Federal government buying out any resort owner who decided to end his business.
>
> This Federal legislation was supported by newspapers throughout the Nation, including these. That support was based on Congress' promise to compensate both the logging industry and resorters for their potential losses relating from this new law.
>
> Government has some right—if serving the public interest—to take property from private citizens, or to put them out of business, given that the government offers compensating cash, property or privileges. For the moment, the BWCA law is only taking away people's rights to earn a living, without delivering any compensating pay-offs.
>
> Can government do anything to make this situation fairer? Yes. Congress can move quickly to appropriate necessary money.
>
> It's up to Congress and the Forest Service to determine whether what Congress has written is in fact a law, or only a license to steal.

Mr. President, the Durenberger-Boschwitz amendment attempts to address this problem by adding $2.85 million to the Senate Appropriations Committee recommendation of $11.4 million for the BWCA in 1981.

As my good friend, the senior Senator from Minnesota, has already stated, this additional money will be used to fund four areas:

First, $500,000 will be used by the Forest Service to meet the legal obligations to the resort owners, as established under the BWCA Wilderness Act of 1978.

Second, $1.75 million will be used for additional reforestation activity in the Superior and Chippewa National Forests. Mr. President, unless adequate funding is forthcoming from Congress, Federal forest lands in Minnesota will never reach the status required to replace the 40,000 acres of timberland that were withdrawn from multiple use through passage of the BWCA Wilderness Act.

Third, an additional $400,000 would be appropriated for road maintenance in the Superior National Forest. After reviewing the road maintenance plan for the Superior National Forest, it is my opinion that the appropriation recommended by the committee will not provide adequate funding to maintain Superior's transportation system at a safe and efficient level. This additional $400,000 to the road maintenance appropriation would enable the Forest Service to repair some of the hazardous roads in the existing system.

Fourth, $200,000 will be included for a wide range of wilderness education and recreational construction programs. The committee recommended a funding level of $100,000 to be used for these programs. This level is clearly insufficient to meet the recreational provisions of the BWCA Act.

Mr. President, it is important that the Senate act on this amendment because the confidence in the Federal Government of residents of northeastern Minnesota is at stake. Without these additional funds, the citizens and business interests of northeastern Minnesota will truly feel that the Federal Government has broken its promise.

Mr. DURENBERGER. Mr. President, the Boundary Waters Canoe Area Wilderness Act, Public Law 95-45, passed in October of 1978. It was the result of hard fought negotiations on the part of the citizens of Minnesota from the boundary water area and those proposing wilderness designation of 400,000 acres of national forest lands then in multiple use.

The act represents the contract arrived at between the Federal Government and people of northern Minnesota. The funding provisions were the basis for agreement and I believe these provisions must be honored.

Of particular concern, as a result of the committee passed bill, is the level of funding for reforestation and timber stand improvement. The removal of over 400,000 acres from the commercial forest land base was particularly hard on the timber interests of the area which made plans and investments with the assurance and expectation that this forest resource would be available for timber production. When the bill was passed, an $8 million annual authorization was established to extend from 1980–90. The purpose of the authorization was to augment the budget of the Superior and Chippewa Forests to enable them to embark on a program of intensified forest management designed to replace the soft woods that were withdrawn from production by the BWCAWA.

I am requesting an increase of $1.7 million over the $1.3 million committee approved level for intensified forest management and reforestation in the Superior and Chippewa National Forests in Minnesota. This is clearly an investment in the future to insure renewal of a priceless resource and stability for the forest products economy which I believe will become increasingly important nationally. This, coupled with the basic contract the Congress made with the people and economy of the State of Minnesota requires that I bring this matter to the attention of the full Senate for resolution.

There are people in my State who still feel legally bound by a handshake, who believe in the integrity of an agreement—a contract. On behalf of the people of my State, I would be remiss if I did not urge the Senate to keep the commitment and honor the contract that was mutually agreed to.

Anything less erodes trust in government and the faith of the people in government under law—a government that has legal obligations as binding as those placed on individuals and organizations.

Following are the details of the increases requested:

FOREST SERVICE—THE BOUNDARY WATERS CANOE AREA WILDERNESS ACT

SECTION 5—THE RESORT BUYOUT PROVISION

The committee bill appropriates $3 million of the $3.5 million in the administration's first budget request for fiscal year 1981. The Minnesota congressional delegation supported the $3.5 million level of funding. The additional $500,000 is necessary to enable the Forest Service to meet the legal obligation established in Public Law 95–495 to the resort owners covered under section 5. Certainly this is a matter of deep concern to the affected resort owners whose future plans rest on the congressional appropriations for this section.

SECTION 6—REFORESTATION AND TIMBER STAND IMPROVEMENT

The committee included $1,240,000 for reforestation and timber stand improvement in the Superior and Chippewa National Forests according to information compiled by the Superior National Forest and the north central forest experiment station, this level is grossly inadequate and should be raised to a minimum figure of $3 million or an increase of $3.75 million.

On the Superior Forest alone there are 16,000 acres of upland high potential nonstocked commercial forest. Approximately 6,000 acres are harvested on the Superior each year. In addition, there are roughly 65,000 acres of poorly stocked upland high potential commercial forest on the Superior and Chippewa National Forests which are in need on intensified management to enable production of commercially suitable timber.

The appropriation passed by the committee would provide approximately $15.30 per acre for reforestation of these high quality back log acres. This is clearly inadequate. It costs approximately $210 per acre to replant nonstocked forest lands in the Superior National Forest, and approximately $200 per acre to regenerate poorly stocked forest lands. In limited cases where sacrifying and direct seeding are employed rather than planting, the cost is roughly $60 per acre. These costs are exclusive of administrative overhead which is itself a substantial cost factor.

In light of this information, a $3 million appropriation for reforestation would indeed be modest, and certainly is justified by need.

Unless adequate funding is forthcoming from Congress, Federal forest lands in Minnesota will never achieve the management status required to replace soft wood supplies withdrawn from production when over 400,000 acres were withdrawn from multiple use and designated as wilderness through passage of Public Law 95–495.

SECTION 6—ROAD CONSTRUCTION DESIGN AND MAINTENANCE

Under section 6(d)(1) the committee included $1,100,000 for road maintenance. This level should be raised to a minimum of $1,500,000.

After reviewing the road maintenance plan for the Superior National Forest, it is my view that the appropriation passed by the House will not provide adequate funding to maintain the Superior's transportation system at a level which will enable safe and efficient use by all types of forest road users, including loggers and recreation users. The road maintenance plan identifies 1,556 miles of roads in need of various maintenance at anticipated funding levels based on the House version. The addition of only $400,000 to the road maintenance appropriation would enable the Forest Service to repair some of the most glaring and potentially hazardous deficiencies in the existing road system.

The Forest Service indicated in August of 1980 that—

> The adequacy of road maintenance has been discussed at several meetings and we have agreed that more road maintenance is desirable . . . Because some of our roads are in desperate need of resurfacing and drainage as you have pointed out over the short run, we could spend greater amounts of maintenance funds in a surface replacement/reconstruction program.

SECTION 18—CAMPGROUNDS/TRAILS

Authorizes a wide range of programs for wilderness education and recreational construction. That construction has a priority in Public Law 95–495. However, fiscal year 1980 provided only $100,000 for recreational construction. The fiscal year 1981 committee passed bill is a substantial increase, but does not meet the needs for timely action on this essential component of the management of the BWCA. Therefore, I urge the Senate to add an additional $200,000 for construction of trails, campsites, boat landings and trail heads.

SUMMARY

	Committee report	Increase requested
Sec. 5: Resort buyout	$3,000,000	$500,000
Sec. 6(D)1: Timber stand improvement	1,240,000	1,750,000
Sec. 6(D)(1): Road maintenance	1,100,000	400,000
Sec. 18: Campgrounds/trails	420,000	200,000
Total additional appropriations requested by the Senator on behalf of the congressional delegation		2,850,000

BWCA LANGUAGE ADDITION REQUESTED IN THE COMMITTEE REPORT

SECTION 6—GRANTS TO THE STATE OF MINNESOTA FOR INTENSIFIED FOREST MANAGEMENT

I have requested that the following language be included in the committee report:

> The Committee directs that, consistent with the Act—P.L. 95–495—funds appropri-

ated by Section 5(c)(2) should be distributed as an annual grant to the State of Minnesota, available until expended, conditioned only upon the State of Minnesota providing annual matching funds of $750,000.

In the past, the Forest Service has administered these funds through its Broemall, Pa., office, on a reimbursement basis under the provisions of Public Law 95–313, the Cooperative Forestry Assistance Act of 1978.

Further, although Public Law 95–495 authorizes Congress to appropriate funds until expended, the fiscal year 1980 appropriation act, Public Law 95–126 appropriated BWCA funds on an annual basis.

I reflect the opinion of the Minnesota congressional delegation which feels that administration of the BWCAWA in the foregoing manner is unduly oppressive to the State of Minnesota. The State's current fiscal policies and procedures effectively prohibit entering into contracts or incurring other expenses, unless funds are available in State accounts. Yet the current Federal procedures require the State to spend money it does not have before it can receive funds appropriated by Congress. Thus, the State is literally being prohibited from accomplishing the program objectives under the current funding arrangements. A letter of credit, suggested by the Forest Service, would require a special revision in Minnesota's fiscal situation and procedures.

For these reasons, I strongly urge the requested language be placed in the committee report.

SECTION 19—TECHNICAL/FINANCIAL ASSISTANCE TO THE COMMUNITIES/BUSINESSES ADJACENT TO THE BWCA

This section provides direct technical and financial assistance to the business and communities of the area. In order for the Forest Service to have the flexibility necessary to administer this section, we request the appropriation for section 19 not be specified to subsection 19(a) or subsection 19(b) but rather for section 19 as a total amount.

It is my understanding that the additional language pertaining to the administration of section 19 and section 6(c)(2) will be accommodated in the committee report and therefore is not part of the amendment. I want to thank the committee for addressing these very important points.

I strongly urge the Senate's favorable consideration of the $2.8 million increase in appropriations for the Boundary Waters Canoe Area Wilderness Act. Even in times when restraint on Government spending is of major importance, the Senate cannot overlook its legal obligations to the people of this country.

Mr. HUDDLESTON. Mr. President, will the Senator yield at this point?

Mr. BOSCHWITZ. I yield.

Mr. HUDDLESTON. Mr. President, as the Senator knows, the committee has provided an increase in this program, making a total of $1.24 million available for the coming year. Also included in the committee bill is a general increase of $10 million for reforestation in the Forest Service. I would think that within this amount $1 million more could be made available for the Boundary Waters Canoe Area, thus making a total of $2.2 million for the fiscal year 1981. Would the Senator agree with that?

Mr. BOSCHWITZ. I would. On that basis, Mr. President, I will withdraw my amendment, on the basis that an additional $1 million will be added for the purposes outlined.

Mr. HUDDLESTON. I feel certain that we can accommodate the Senator's need within the committee allowance. I appreciate the Senator withdrawing the amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SCHMITT. Mr. President, would the distinguished manager of the bill allow me to engage in a colloquy on two items on which I believe we have reached agreement?

Mr. HUDDLESTON. Yes.

Mr. SCHMITT. Mr. President, the Department of Energy submitted a request for $2 million for advanced combustion technology under their fossil energy research and development program. I believe there has been some discussion concerning under what budget line this advanced combustion technology program should be funded.

It is my understanding that during the last budget cycle, the subcommittee requested that this program be funded under the energy conservation account. However, the Department of Energy continued to send up their request for this activity under the fossil energy research and development account.

The advanced combustion technology program will examine the internal combustion engine utilizing laser technology. This technique, which has never been used before, will help us understand the relationship between fuel, air, and the distribution of fuel inside the cylinder at the time of ignition.

The results of this program should be of tremendous value to our understanding of how the internal combustion works and what can be done to increase burning efficiency in this engine.

As I am sure our colleagues are aware, the key for efficiency is lean burning and uniform burning in these particular engines, and we have a very difficult time analyzing exactly what is going on in the system.

At a time when we are struggling to rebuild our injured automotive industry and make our American product competitive with those from other nations, we desperately need the research that is being done by this program.

To my knowledge the Subcommittee also recognizes the value of this program and the intent of the language in the bill was not to cut the program but rather place it under a different account. I hope to get the assurance from the chairman that the intent is to fully fund this valuable program at the administration's request of $2 million.

I also understand the difficulty in actually making this designation because of the confusion that has resulted from the Department of Energy's actions.

Mr. HUDDLESTON. Mr. President, the committee concurs with the Senator from New Mexico that the diesel research being managed at Sandia is a high priority effort. We believe, however, that the program should be funded within the committee allowance for diesel research in the conservation account. I might add that the committee has recommended nearly a three-fold increase for diesel research in this bill. With the Senator's agreement, I suggest that we direct the Department of Energy to provide for this research within available funds.

Mr. SCHMITT. Mr. President, that certainly meets the concerns of the Senator from New Mexico. I thank the committee for their cooperation in this matter.

Mr. President, both the Department of Energy and the U.S. Geological Survey are conducting work on offshore oil and gas drilling technology. Although it has been suggested that it is duplicative, I have looked into the roles of both the Department of Energy and the U.S. Geological Survey in these areas and do not find their activities duplicative but rather complementary.

The Department of Energy's activities in this area are directed toward providing geotechnical engineering research. This program involves the development of instrumentation for characterizing the seabed.

In contrast, the U.S. Geological Survey has the function of regulating offshore oil and gas drilling, production, safety, and environmental concerns. They do not have the capability to develop the technical equipment they would need to assist them in their analytical functions.

The committee bill does reduce the Department of Energy funding in this area of offshore technology development by $1.3 million because as the report says "the seismic studies proposed by the Department should be funded by the Geological Survey."

In actuality, the Department of Energy does not perform seismic studies but rather develops the instrumentation to measure seismic activity in the seabed in earthquake-prone regions where oil deposits may exist. This information will be of great value to the U.S. Geological Survey for the design of oil production platforms for which the U.S. Geological Survey sets the standards. Again, I stress that the U.S. Geological Survey has little capability to develop these intricate tools.

The following is a list of the work that would be funded under the Department of Energy's program:

SEAFLOOR EARTHQUAKE MEASUREMENT SYSTEM ($175K)

The Seafloor Earthquake Measurement System (SEMS) is a device for measuring the motion of soil during earthquakes. Three SEMS units have been fabricated. The $175K programmed for FY 81 was to allow for installation of the three units in the Santa Barbara (California) channel for a one year final test program. There has been intense industry and United States Geological Survey interest in this program. No other devices of this kind are available. It will have important application in the Arctic, West Coast and other earthquake prone areas of the world.

GEOTECHNICALLY INSTRUMENTED SEAFLOOR PROBE ($250K DOE; $50 USGS)

The Geotechnically Instrumented Seafloor Probe (GISP) is a pore pressure measurement device. The $300K would allow for the final construction of two prototypes and the installation and testing of these units in the Gulf of Mexico next spring. The United States Geological Survey has identified an area in the Gulf which has an extremely unstable (shifting) seafloor. The data gathered will be used to determine requirements for offshore drilling rig installations.

ACOUSTIC TELEMETRY ($220K)

The $220K budgeted for FY 81 would be used to extend the range of a Department of Energy previously developed acoustic telemetry system from its 600 foot transmission range through water capability to a 4000' range and increase its data instrumentation applications.

SHEAR/NORMAL FORCE GAUGE ($220K)

The shear/normal force gauge is a new concept for measuring soil strength in situ—applicable to deep water. The $220K would cover the costs of developing and testing a prototype instrument.

MARINE SEDIMENT PENETROMETER ($150K)

We have developed hardware for measuring shear strength of seafloor soils and have taken numerous sediment penetration readings. The $150K authorization will be used to model and perform detailed analysis of the data to determine shear measurement correlation data.

ADVANCED STUDIES ($135K)

$135K has been set aside to conduct advanced theoretical studies of fundamental soil behavior in marine environments. This activity will result in the identification of key parameters related to subsea soil characteristics.

ARCTIC TECHNOLOGY ($100K)

Due to estimated potential of up to 4 million barrels/day of oil production (versus 1.5 million barrels/day of current production) a program plan is being developed for R&D effort.

Mr. President, I understand the committee has further looked into this issue and has seen that the work the Department is doing is indeed part of the Department of Energy's function, and I hope the committee will consider this in the conference with the House on this issue, deferring to them in conference.

Mr. HUDDLESTON. Mr. President, the Senator from New Mexico is correct. Information provided by the Department subsequent to committee action has convinced us of the merits of this appropriation. We will be sympathetic with the House position during the conference negotiations. I thank the Senator from New Mexico for bringing this matter to the attention of the Senate.

Mr. SCHMITT. Mr. President, I thank the managers of the bill for their cooperation.

UP AMENDMENT NO. 1751

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. PRYOR). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an unprinted amendment numbered 1751.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following: That the Statement of Policy transmitted by the President to the Speaker of the House of Representatives and the President of the Senate on June 19, 1980, as required under section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974, is revised and modified to read as follows:

STATEMENT OF POLICY

Basic Principles

It is the policy of the United States—

(1) forests and rangeland, in all ownerships, should be managed to maximize their net social and economic contributions to the Nation's well being, in an environmentally sound manner.

(2) the Nation's forested land, except such public land that is determined by law or policy to be maintained in its existing or natural state, should be managed at levels that realize its capabilities to satisfy the Nation's need for food, fiber, energy, water, soil stability, wildlife and fish, recreation, and esthetic values.

(3) the productivity of suitable forested land, in all ownerships, should be maintained and enhanced to minimize the inflationary impacts of wood product prices on the domestic economy and permit a net export of forest products by the year 2030.

(4) in order to achieve this goal, it is recognized that in the major timber growing regions most of the commercial timber lands will have to be brought to and maintained, where possible, at 90 percent of their potential level of growth, consistent with the provisions of the National Forest Management Act of 1976 on Federal lands, so that all resources are utilized in the combination that will best meet the needs of the American people.

(5) forest and rangeland protection programs should be improved to more adequately protect forest and rangeland resources from fire, erosion, insects, disease, and the introduction or spread of noxious weeds, insects, and animals.

(6) the Federal agencies carrying out the policies contained in this Statement will cooperate and coordinate their efforts to accomplish the goals contained in this Statement and will consult, coordinate and cooperate with the planning efforts of the States.

(7) in carrying out the Assessment and the Program under the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Appraisal and the Program under the Soil and Water Resources Conservation Act of 1977, the Secretary of Agriculture shall assure that resource and economic information and evaluation data will be continually improved so that the best possible information is always available for use by Federal agencies and the public.

Range Land Data Base and Its Improvement

The data on and understanding of the cover and condition of rangelands is less refined than the data on and understanding of commercial forest land. Rangelands have significant value in the production of water and protection of watersheds; the production of fish and wildlife food and habitat; recreation; and the production of livestock forage. An adequate data base on the cover and condition of range lands should be developed by the year 1990. Currently, cattle production from these lands is annually estimated at 213 million animal unit months of livestock forage. These lands should be maintained and enhanced, including their water and other resource values, so that they can annually provide 310 million animal units months of forage by the year 2030, along with other benefits.

General Acceptance of High-Bound Program

Congress generally accepts the "high-bound" program described on pages 7 through 18 of the 1980 Report to Congress on the Nation's Renewable Resources prepared by the Secretary of Agriculture. However, Congress finds that the "high-bound" program may not be sufficient to accomplish the goals contained in this Statement, particularly in the areas of range and watershed resources, State and private forest cooperation and timber management.

State and Private Lands

States and owners of private forest and rangelands will be encouraged, consistent with their individual objectives, to manage their land in support of this Statement of Policy. The state and private forestry and range programs of the Forest Service will be essential to the furtherance of this Statement of Policy.

Funding the Goals

In order to accomplish the policy goals contained in this Statement by the year 2030, the Federal government should adequately fund programs of research (including cooperative research), extension, cooperative forestry assistance and protection, and improved management of the forest and rangelands. The Secretary of Agriculture shall continue his efforts to evaluate the cost-effectiveness of the renewable resource programs.

Mr. MELCHER. Mr. President, I am presenting for adoption, with the concurrence of the members of the Committee on Appropriations, a revised statement of policy to be used as a guide to formulating actions the Federal Government will be taking on programs for America's forest and rangelands. This is required by the Forest and Rangelands Renewable Resources Planning Act of 1974.

The reason for this action is that the President was several months late in meeting his statutory obligation to present a proposed statement of policy to the Congress. As soon as he did, the Committee on Agriculture held a hearing which produced overwhelming testimony from all segments of the conservation community that the President's statement was inadequate. In the intervening period, Congress has been in recess. The Senate Committee on Appropriations cited the failure of the President to submit his statement in time for consideration in the fiscal year 1981 appropriation bill. This is an additional reason that this bill is a reasonable one to use to assure that an updated statement of policy is adopted.

The proposed statement submitted by the President failed to describe a recommended program level. It sent us a range. It also failed to set any specific targets for forest and rangeland management that would guide Federal actions on the lands it manages, guide Federal programs that affect private lands and provide the private sector with a way to focus actions it proposes to undertake.

The statement of policy we have developed here in the Senate corrects these shortcomings while providing the President with flexibility over the next 4 years, while it is in effect, so that he can act with prudence.

I cite one example—the target or goal we have suggested be the guide to forest land productivity. Now our private and public forests are growing wood at barely 60 percent of their capacity. While this represents some improvement over the past, it is a level too low to meet future needs. We have set a target at a level which will provide the community resources while also providing all of the vital noncommodity amenities. We gave careful consideration to what should be our objectives. We are the world's leading importer of wood. We import about 30 percent of the amount we use. We should be able to grow not only enough to meet our growing domestic demands but the fertility and productivity of our forest land is great enough that we should be able to grow enough wood so that we can be a net exporter. Our private and public forests can do this while also providing protection to our watersheds and soil; habitat for our wildlife; opportunities for wilderness; and an overall healthy forest land base contributing to a strong America. This is, in essence, the policy that we are recommending.

The President's statement of policy supports what we believe to be an inadequate program for management of Forest Service grazing lands.

There are 789 million acres of land within the contiguous United States that has high value for commercial grazing and wildlife habitat as well as important soil and watershed values. This rangeland acreage will undoubtedly bear the brunt of anticipated large demands for outputs of red meat in the future. Most of this land is in the West, and two-thirds of it is privately owned.

The demand for range grazing is expected to reach or exceed 300 million animal unit months by the year 2030. Based on the assessment, the capacity of rangeland to produce forage for livestock and wildlife is 365 million animal unit months. This figure is based on a mid-level demand projection.

Our concern now is that in putting together the 1980 program, the administration has said that the major share of the increased demand for range grazing will have to be satisfied by increases from private lands. At the present time, the National Forest System provides about 5 percent of the 213 million animal unit months of grazing calculated for the base year of 1976.

For the 5 years ending in 1985, the program for the Forest Service reflects a very minor increase at the high level and an equally minor increase by the year 2030. The assessment's medium level projection shows a 41-percent increase in the demand for range grazing by the year 2030, yet national forest grazing in the recommended program anticipates an increase of only about 8 percent by the year 2030.

I believe the Forest Service did less than an adequate job when it put together the short- and long-range program proposals for grazing on the National Forest System. Congress expects the National Forest System to meet its share of the increasing demand for range grazing and, therefore, its share of the range grazing targets provided for in the amended statement of policy.

Congress seriously questions the economic analysis used in evaluating the range grazing program for the national forests and some of the basic assumptions portrayed in the recommended program.

Some of the improvements expected in a reevaluation of the rangeland grazing program include more analysis of the livestock operators' dependency on National Forest System grazing permits on the western ranges.

In carrying out a more efficient economic analysis, more evaluation and credit should be given to the other multiple-use benefits that accrue from investments in range improvements. Adequate credit must be provided for investments grazing permittees put into financing and maintaining range improvements.

Finally, more effort and emphasis must be taken by the Forest Service in increasing grazing programs in the Eastern United States where production potential is high and current management direction is causing underutilization of this vital resource.

Under this statement of policy, the President will have a full opportunity to consider the fiscal and other actions that he desires to take each year in a way that permits him to focus on both short-run exigencies and long-run national needs.

This is a bipartisan statement, developed in full consultation with a wide range of people. It is germane to this bill, which funds so much of the conservation work that is performed by the Federal Government.

Mr. President, very simply this is an amendment which would revise the statement of policy for the resource program. It is necessary if we are going to move forward with better planning than was presented by the policy that was sent up to us a few months ago. I think it is a necessary change, and I hope the Senate will concur.

Mr. HUDDLESTON. Mr. President, does the Senator from Idaho wish to speak on this amendment?

Mr. McCLURE. Yes, Mr. President.

Mr. HUDDLESTON. I yield to the Senator.

Mr. McCLURE. Mr. President, first I want to congratulate the Senator from Montana (Mr. MELCHER) for bringing this sense of the Senate resolution about the RPA before us today. There have been problems with the RPA, and this moves us in the direction of a policy review that is going on, must continue to go on, and will go on throughout the next year. I support the amendment. I commend the Senator for having offered it.

Mr. President, I ask unanimous consent that I may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, let me indicate very briefly, as I have, that this is not a change in law; it is a statement of the sense of the Senate. It will move us toward the review of the policies, which must be reviewed and will be reviewed in the next Congress, because this is not the end of a line by any means. I believe it does set us on an affirmative course and says to this administration and signals to the next one that the Senate is concerned and will remain concerned with what is done under the Resource Planning Act. I commend the Senator from Montana for presenting it.

Mr. President, I urge the adoption of this amendment.

Mr. HUDDLESTON. Mr. President, as floor manager of this bill, we are willing to accept this amendment and take it to conference. I think the record should be clear, however, that the committee itself has not reviewed this policy statement and may not necessarily agree with it. It is an Agriculture Committee proposal and I think we should recognize that and regard it as such. However, as I say, we are willing to accept it at this point. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1751) was agreed to.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I rise to comment on H.R. 7724, the Department of the Interior and related agencies appropriation bill for 1981. These comments address the health care needs of five bands of Paiute Indians in Utah.

Public Law 96-227 was signed on April 3, 1980. The purpose of this act is to restore to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah, and with respect to the Cedar City Band of Paiute Indians of Utah, to restore or confirm the Federal trust relationship, to restore to members of such bands those Federal services and benefits furnished to American Indian tribes by reason of such trust relationships, and for other purposes.

Health care is one of the Federal services furnished to American Indian tribes by reason of the Federal trust relationship; however, health care services are provided in two ways to such Indian tribes. These are first, through Indian Health Service and tribal health delivery system (direct care) and second, through contract health care provided by private physicians and health facilities. The Indian Health Service operates some 48 hospitals, 101 health centers and over 300 smaller health stations and satellite clinics. Tribes and tribal organizations operate 3 hospitals and 201 clinics and many other health stations such as mobile clinics and other small units delivering health care. Specialized health care and general health care in areas where no IHS or tribal delivery system is available are provided through contracts with private health providers.

The five newly restored bands of Paiutes in Utah may now receive health care at IHS or tribal facilities, but there are no such facilities within 211 miles of either of the bands. The only viable health care option for these bands is contract health care. The problem arises in that contract health services cannot be provided until such time as appropriated funds are available for the Paiutes.

For this purpose, Mr. President, I have risen to enter into a colloquy which will establish that the Paiutes should have access to the funds appropriated in this bill for Indian contract health services. I am given to understand by staff that the Indian Health Services conclude that sufficient money is provided under this bill whereby contract health services could be initiated for the Paiutes.

It is clearly the case that this health care is needed. The Indian Health Service has documented the levels of deficiency for each eligible tribe and non-tribal-specific entity based on a comparison of total required resources and known available resources. The Utah Paiute Bands have been documented as level V, defined as 81 to 100 percent deficient in health services for their people. Given that the average per capita income for the Paiutes in 1979 was $1,968 while the estimated per capita income for Utah citizens in general was $7,004, I do not believe that individual Paiute citizens can pay for their own health care locally. Nor do I believe that they can find transportation to the existing IHS or tribal health facilities where they could now receive whatever services are available there. In effect, if some provision is not made in this appropriation bill for the Paiutes, they will be without health services until fiscal year 1982. At that time the IHS will include them in its budget estimate and the President will include them in his budget sent to Congress. It should be noted that the Interim Council of the Paiute Bands has made acquisition of health services the top tribal priority.

My inquiry to the floor manager, Mr. President, is summarized as follows: Since it has been determined sufficient funds are available under the Indian contract health services appropriation contained in this bill to initiate contract care for the Utah Bands of Paiute Indians, and since the Paiutes have recently been restored to Federal recognition (with health care being one of the services furnished to tribes by reason of the Federal trust relationship), and since the Paiutes clearly stand in urgent need of improved health care. Is it therefore the intent of the Senate that the Utah Paiute Indian Bands have claim to the designated funds appropriated in this bill in order to begin provision of contract health care services to their tribal members?

Mr. HUDDLESTON. Yes, Mr. President. The committee has provided an equity fund to help establish adequate health care for all eligible Indians, and we certainly intend that sufficient funds should be available to the newly eligible Paiute tribes in Utah.

● Mr. HATCH. Mr. President, I rise to support the statement of my colleague from Utah regarding the necessity for health care services to be provided to the Cedar City, Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah during fiscal year 1981.

I introduced S. 1273, the bill considered by this body this year which restored to these bands of Paiute Indians the Federal trust relationship and which restored to the members of the bands those Federal services and benefits furnished to American Indian tribes by reason of the trust relationship. Probably the Federal services most needed by the Paiutes are health care services. Certainly, the interim council, the current elected representative body for the bands, has indicated that the top priority is the acquisition of health services for their people.

Mr. President, Members of this body may wonder why we have to engage in a discussion of this matter on the Senate floor when S. 1273 and the public law it became (Public Law 96–227) restored Federal Indian health services to the Paiutes on April 3, 1980, when the bill was signed into law. However, the administration has indicated that provision of health care services under this act would be dependent on congressional action providing the necessary funds. The Indian Health Service has determined that no contract health services can be provided until such time as funds are appropriated. As indicated in Senator GARN's statement, the only viable health care option for these people is contract health care.

Public Law 96–227 was signed into law after the President's budget had been sent to the Congress and after many, if not all, of the hearings had been held on the Interior and Related Agencies fiscal year 1981 budget. The health needs of the Utah Paiutes were not considered. However, I understand that there is sufficient money in the contract health care category of the IHS budget to initiate health services to the Paiutes. But because their needs had not been originally considered in the preparation of that budget, they cannot participate in contract health care services without this indication by the Congress that it indeed intends for contract health care dollars to be spent on the health needs of the Paiutes. Mr. President, it is imperative that the Senate give the Indian Health Service the authority to obligate some of its contract health service funds to assist these Bands of Paiute Indians.

If such authorization were not provided, it would be fiscal year 1982, when the Paiutes will be included in the budget sent to Congress, before any meaningful health services could be provided. No supplemental request by the Indian Health Service for additional moneys to initiate services for a newly recognized or newly restored tribe has cleared the Office of Management and Budget and come up to the Congress, so we cannot expect this need to surface in the fiscal year 1981 supplemental. I believe that now is the time to make it clear that if this body passes a law to restore Federal Indian services to a previously terminated tribe we also provide at our earliest opportunity the funding to actually provide such services.●

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1752

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 1752:

At the end of the bill add the following new section:

SEC. 313. None of the funds contained in this Act shall be used to demolish shelters erected on federal lands owned or managed by the federal government where no other shelter exists within a five mile radius.

Mr. STEVENS. Mr. President, this amendment would add a general provision to the bill which would prohibit the Department of the Interior or the Forest Service from carrying out efforts systematically to remove shelters and cabins from Federal lands in the West, and in Alaska particularly. Mr. President, this is not a frivolous amendment. In my State, particularly, these shelters can make the difference between life and death. Most are located in very remote areas and are used during the winter months by pilots forced to land or hunters or backpackers caught unexpectedly by bad weather. These shelters are even marked on the maps carried by pilots, and are used extensively.

In trying to reduce public use of Federal lands, many of these cabins have been demolished without regard to life and safety, or notice to the people involved. Should the Department develop a rational plan for these shelters and present it to the committee, I would be willing to delete this provision from next year's Interior appropriations bill, if the Senate will adopt this amendment now.

But, Mr. President, as I say, this is not frivolous. If someone in an aircraft is forced down in my State, and it happens every day, the first thing they do is look for the nearest shelter.

We are a State with 50 percent of the Federal lands in the United States. It is a vast area, one-fifth the size of the United States.

When a person is forced down, or runs into bad weather—they automatically go to the nearest shelter.

Unfortunately, the policy of destroying these shelters, without any notice to anybody, has left us in the position where people have been forced down, or forced to seek shelter, and they find the shelter is gone.

There is no reason for it. These shelters were built in Alaska during the days of the great use of dog teams, and some of them are cabins that have survived from the days of the great gold rush because of the policies and traditions of Alaska.

One such incident, if anyone cares to remember it, is noted in John McPhee's "Coming Into the Country" where a pilot forced down during World War II, used one of these shelters and felt compelled to go back and restock the shelter after the war so there would be food and provisions for anyone who would face the same situation in the future.

There is a great tradition in my State, if one ever uses something from a shelter, it is his problem to replace it for those in the future.

To have the Federal Government develop the attitude that those shelters and cabins should be removed because they are an incentive to use Federal lands is a misguided policy.

I hope the Senate will adopt this amendment. It will prohibit the systematic destruction of these shelters and cabins in the future, unless there is a rational plan, particularly a plan for notification to the public for the destruction. It would prevent the destruction of a cabin in any situation where there is no similar shelter within 5 miles.

Mr. HUDDLESTON. Mr. President, I think the distinguished Senator from Alaska has made the case for this particular amendment. We have had some advance notice of this and the committee has had time to review the policy change he is suggesting.

We concur with the Senator from Alaska. I would recommend from this side of the aisle that the amendment be accepted.

Mr. STEVENS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (UP No. 1752) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1753

Mr. MELCHER. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an unprinted amendment numbered 1753.

Mr. MELCHER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following: "None of the funds provided in this act to the Bureau of Land Management may be expended to determine suitability or nonsuitability for wilderness or for any wilderness study area designation as directed in 43 USC, 1782 of the FLPMA Act of the lands withdrawn by the Executive Order No. 3767 of December 19, 1922 to be used by the United States Department of Agriculture for a sheep experiment station."

Mr. MELCHER. Mr. President, this amendment will settle a dispute between the Department of Agriculture and the Department of Interior regarding administration of certain lands on the Montana-Idaho border that are being used for a sheep experiment station run by the Science and Education Administration of USDA.

What we are going to do with the amendment is just freeze in place what is going on now in the sheep experiment station. I do not think we want to disturb that. This amendment will accomplish that.

The lands in question were withdrawn by Executive order of President Harding to be used for the sheep experiment station. The Bureau of Land Management now proposes to inventory and possibly study the lands as to suitability or nonsuitability for inclusion in the national wilderness system.

Any future decision to designate the lands as wilderness will require either substantial curtailment of the experiment station's work, or else generally undesirable exceptions to activities prohibited in wilderness elsewhere. No one argues that the land is being abused or endangered by the sheep experiment station's activities, so wilderness designation is not needed for protection of the lands.

That being the case, the BLM should be relieved of their perceived responsibility under FLPMA to inventory the lands, and possibly designate them as part of the Centennial Mountains Wilderness Study Area. Unless Congress wants to reverse its half-century record of support for the sheep experiment station, my amendment provides the simplest and most productive resolution of the conflict between the agencies.

I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I ask unanimous consent that I may be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, the Senator from Montana is correct. There is a management dispute going on now between two Federal agencies that affects the sheep experiment station and the range that has been used in connection with that on the Idaho-Montana border.

This amendment would resolve that question and allow us to seek a resolution of it in a more orderly manner next year.

I support the amendment and urge its adoption.

Mr. HUDDLESTON. Mr. President, this again, of course, is legislation, and it is a matter which the committee has not reviewed and not considered. We are just not in a position to say whether this is the proper way to go, in all deference to our very esteemed colleagues.

However, I think we can accept this amendment with the understanding that between now and the conference time we will have a time to review this particular issue and be in a position to take the appropriate action at that time.

Mr. MELCHER. I thank the Senator.

Mr. McCLURE. I move adoption of the amendment.

The amendment (UP No. 1753) was agreed to.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from North Carolina.

Mr. MORGAN. Mr. President, I have an amendment to this bill which I may or may not send up. I wish to make my statement with regard to it and then have a colloquy with the distinguished floor managers, and it may be that we can clear up this matter without the necessity of actually offering the amendment.

This amendment would add $3.1 million to the fossil energy research and development account for the initial design and engineering work on a peat project. This project, a demonstration electric generating plant fueled by the direct burning of solid peat, has already been authorized in the 1981 DOE authorization bill, which passed the Senate in late July.

It has long seemed to me that the United States should take a lesson from the Europeans about the direct burning of peat. Finland, Sweden, and Ireland have been producing electricity from peat for years. So has the Soviet Union. Peat is found in abundance in the eastern part of my State, yet North Carolina holds only 2 percent of the Nation's reserve. In fact, it has been estimated that the amount of peat in the United States holds the energy equivalent of up to 250 billion barrels of oil, or to put it in plainer language, the equivalent of Saudi Arabia's oil reserves. This resource must be developed in a careful manner, but I do believe that we have ignored this important energy source for too long. We especially need to cut back on our consumption of foreign oil.

A demonstration generating plant fueled by peat would provide our country with some important and essential information. It would both test the latest available equipment and measure the environmental effects of harvesting and burning peat. These environmental effects need to be fully documented, but the early signs are encouraging. For example, peat's sulfur content is even less than that of Western coal, and its burn is even cooler than coal, which suggests that other pollutants would be less of a problem. The land that peat would be harvested from can be reclaimed as productive farmland, based on the European experience. Also, the projected cost of producing electricity with peat, once the developmental costs are out of the way, is competitive with coal and nuclear energy.

It is the case that utilities are not rushing into the development of peat fueled plants on their own, and this seems largely because of the new equipment that will have to be developed in the United States. However, in my own State, the North Carolina Electric Membership Corp., representing 28 rural consumer-owned cooperatives, has invested time and money to study the feasibility of such a plant. Still, my amendment specifies neither the site nor the industry to receive Federal support. I want any award made strictly on a competitive basis.

In short, work has started, and there are many eager to move ahead with the direct burning of peat. It is time for the Federal Government to seize the initiative and put incentives in place to spur the use of this abundant fuel. We have authorized some $20 billion in the synthetic fuels bill to encourage the production of new fuels. My amendment would be a very small addition to that enterprise.

Mr. President, while the RECORD cannot reflect this, I do hold up to the Senate a map from a book entitled "Peat Prospectus" issued by the U.S. Department of Agriculture in July 1979, page 51, on which are shown in areas in blue the substantial portions of peat located around the country.

Having prepared this amendment and talked with the distinguished floor leader about offering it, I understand the difficulties and ramifications about adding a particular amendment to this bill at this late date in the session. I understand there are other amendments that will probably be offered. We are all trying to hold the budget down.

I do understand, and I would ask my distinguished colleague from Kentucky if he could join with me in trying to make this abundantly clear, that in passing the continuing resolution previously before we adjourned that the alternative fuel production provisions were enacted in such a way as to make combustible fuel projects, such as this peat project, eligible for competition with the funds that have already been appropriated.

Mr. HUDDLESTON. The Senator is correct. The language was devised in that manner and with that intention. We believe it has been enacted in such a way that it extends the eligibility for $30 million in feasibility studies and cooperative agreements in direct combustion projects, including peat combustion.

We feel that projects such as the one the Senator referred to are eligible. A solicitation has gone out, as a matter of fact, for competitive applications for direct combustion facilities, including peat. We think this kind of project is important, that it offers great promise, and that it can be handled within the existing program and within the existing funds that we have made available. That is our intention, and we will certainly join with the Senator from North Carolina in making sure that the authorities understand that that is the method by which we believe this project should proceed.

Mr. MORGAN. I thank my distinguished colleague. I think that would solve the problem and there would be no need for my amendment, which would add something over $3 million to it, and it would be superfluous.

Of course, we would be delighted to have more money. But even in my amendment we did not seek to designate for a North Carolina project.

Mr. HUDDLESTON. I understand.

Mr. MORGAN. But there had been or seemed to be in the Department of Energy from my information some question as to whether peat projects would be eligible to participate.

I think the Senator has made it abundantly clear that it was the intention of Congress that such projects as the very one I have spoken on would be eligible for competition.

Mr. HUDDLESTON. The Senator is correct.

Mr. MORGAN. I thank my distinguished colleague.

In light of that, Mr. President, I will not offer the amendment which I had prepared. So that the record will not be vague as to what I was talking about, I will simply say the amendment which I was planning to offer, had proposed to offer, would simply have increased the appropriation on page 46, line 5, from $639,300,000 to $692,400,000.

I will not offer that amendment. I think the record is clear, and I think the project in my State is a good one, and if it is, as I have been led to believe that it is, we ought to be able to compete and obtain the kind of money that is necessary to build a pilot project.

I thank my colleague.

Mr. HUDDLESTON. I thank the Senator for withdrawing his amendment.

The PRESIDING OFFICER. What is the will of the Senate?

DEPARTMENT OF THE INTERIOR'S FISH AND WILDLIFE SERVICE LABORATORY IN HILO

Mr. INOUYE. Mr. President, during markup of the Interior appropriations bill by the full Senate Appropriations Committee, I did not raise the issue of funding for the Animal Damage Control Field Station in the State of Hawaii because I had been led to believe by the Department of the Interior that the funding level for the station in Hawaii would be adequate to maintain existing programs.

The field station in Hilo, Hawaii has made a valuable contribution to Hawaii's important sugar cane and macadamia nut industry. Without this station's assistance large sums of money would have been lost by these two industries due to crop damage.

Unfortunately, it has today been brought to my attention, that continued success of the Hawaii program lies in jeopardy due to inadequate funding.

Given our strong desire to bring greater fiscal restraint into our budget, I do not want to suggest an add-on to the budget. Instead I would request that the Department of the Interior find additional funding within its approved budget to insure continuation of programs already underway at the Hilo station. I think this is a modest request.

Mr. HUDDLESTON. I certainly understand your frustration in not being given a clear picture of the impact this year's funding level would have on the animal damage control program in the State of Hawaii. The Senate Interior Appropriations Subcommittee does not review the station-by-station funding of the animal damage control program. Given the fact that there is to be a continuation of level funding of the animal damage control program it was the committee's understanding that existing programs, such as those at the Hilo station would be maintained. I think your request is a reasonable one that should be granted.

Mr. INOUYE. Thank you for your consideration and support on this matter.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

UP AMENDMENT NO. 1754

(Purpose: To provide for the prudent and equitable management of the Colorado River within the Grand Canyon National Park and other purposes)

Mr. HATCH. Mr. President, I call up my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH), for himself, Mr. GOLDWATER and Mr. GARN, proposes an unprinted amendment numbered 1754.

On page 37 of the act, add the following new section:

SEC. 112 (a) None of the funds appropriated in this Act shall be used for the implementation of any management plan for the Colorado River within the Grand Canyon National Park which reduces the number of user days or passenger-launches for commercial motorized watercraft excursions, for the preferred use period, from all current launch points below that which was available for the same period of use in the calendar year 1978.

(b) for the purposes of this section "preferred use period" denotes the period May 1 through September 30, inclusive.

Mr. HATCH. Mr. President, a recent decision of the U.S. Park Service has seriously jeopardized the availability of one of the highest quality and rewarding outdoor experiences available today.

I am referring to provisions on the new Colorado River Management Plan for the Grand Canyon National Park which will eliminate motorized white-water excursions through the canyon by 1985.

Until this plan was adopted over 80 percent of the approximately 12,000 people who make the river trip annually have chosen the motorized option. In a large raft steered by a 20-horsepower outboard motor, a citizen can enjoy a 4- or 5-day river trip at relatively modest cost, in the range of $500. When the Colorado River Management Plan is in full effect (1985) and all available excursions are by oar, it will be almost impossible for the average American to make the Colorado River trip in less than 10 or 12 days; and at a cost of 60 to 70 percent more. And, I might add, under more dangerous circumstances. At today's price, under the new management plan, it would cost a family of four close to $3,000 in 1985.

The Park Service, whose decision to phase out motorized boats is being implemented this year, has characterized the Colorado River whitewater trip as the epitome of a wilderness experience on a river in America.

They have repeatedly asserted that all they are trying to do is "provide the public with a high-quality whitewater experience at a reasonable price." What they are in fact doing with this management plan is imposing their own personal idea of a "high-quality" experience on an unwilling and often unknowing public without regard to the cost. The result of the plan will certainly be to deprive all but the hardy, young, wealthy elite of any hope of ever sharing the awesome grandeur of the canyon from inside the gorge.

The only justification that the Service has proffered for this unfortunate decision is that "it seeks to perpetuate a wilderness river-running experience in which the natural sounds and silence of the canyon can be experienced, relaxed conversation is possible, and the river experienced on its own terms." While we might agree with the thrust of the objective, the decision to eliminate motorized trips is hardly necessary to meet it. I ask my colleagues to consider the following:

First, At the present time, 80 percent of the trips through Grand Canyon are motorized.

Second. Government studies clearly establish that no measurable environmental impact is caused by motors.

Let me repeat that. Government studies clearly establish that no measurable environmental impact is caused by motors.

Third. Ninety-one percent of all river travelers currently define their trip as a wilderness experience and most do not perceive the canyon as crowded.

Fourth. The present use patterns of the river result in visitor satisfaction with 85 percent of the visitors rating their experience as "excellent" or "perfect."

Clearly, Mr. President, the problem which the Park Service seeks to resolve with this action is mostly a figment of the imaginations of National Park Service personnel. Moreover, it is my belief that the proposed solution constitutes an improper imposition of largely subjective value judgments onto the public which are purely the values of Park Service policymakers and an extremely limited number of "wilderness activists" outside government. I find no justification for this action in law or in reason. I find no reasonable justification for removing the obvious public preference from availability. The public has the right to a choice anytime that the alternatives do not portend some overwhelmingly negative consequence. In one of the most reprehensible public statements that I have ever heard attributed to a senior public official, Mr. William Whalen, former director of the Service, explained the Service's sentiments with regard to the public's right to choose their preference. He said:

> I resent a little bit your terms, "freedom of choice," sort of like the choice between democracy and communism. They (the public) will have the choice to go down the river (without motors) or not to go down the river.

Quite simply, Mr. President, my amendment would restore the public's "freedom to choose" and hopefully send a message to the U.S. Park Service that the Congress does not recognize this kind of rationale as an appropriate interpretation of their lawful mandate.

It is not my intent to rescind the whole river management plan with this amendment. I will acknowledge that other aspects of the plan related to whitewater recreation have merit and clearly contribute to the preservation of the river environment and the quality of the recreation experiences available on it.

I am simply asking—or should I say we, because Senator GOLDWATER, the distinguished Senator from Arizona, Senator GARN, my distinguished senior Senator from Utah, and I are cosponsors of this amendment—we are simply asking the Senate to concur in curtailing one offensive aspect of that particular river management plan.

Beyond the question of providing for motorized access, the only other effect which this amendment would have on the current way that the river is managed involves the maximum level of use that the river environment can sustain without significant negative effects. The amendment restores both the pattern and level of use which was available in 1978. I consider this a necessary step because the current management plan seeks to functionally reduce total access to the river below the figure which the analysis in the management planning effort supported.

Specifically, the total number of user-days which NPS analysis deemed appropriate for the river annually, was originally determined assuming a preferred use period between May 1 and September 30, as provided in my amendment. In the final management plan, however, the National Park Service has spread that number of users over an unrealistically extended summer season. Few visitors want to take a river trip in April or October, often chilly months with unpredictable weather and hazardously low river flow. The fact that the service has arbitarily assigned a significant number of the annual allotments to these unseasonable times will reduce the actual utilization of the river to well below the figures indicated appropriate in the planning analysis.

In this light, I would like to point out that the demand for trips has exceeded availability by 12,000 interested and willing patrons per year for the last couple of years. This unnecessary cutback in use will cause an even larger number of disappointments among our constituents.

Beyond that, Mr. President, let us look at the actual scenario which the current plan will create. Under the plan 16 rowing rigs will be launched per day with six passengers each plus a guide equalling 192 small boats on the river 12 days after the plan is put into effect. This works out to 1.2 boats per mile throughout the 225-mile stretch between Lees Ferry and Diamond Creek, creating serious congestion and impossible camping conditions. Boats will bunch up in the lower end of the canyon, creating a veritable traffic jam because they do not have the motorized capability of making adjustments up-stream, which are absolutely necessary due to unpredictable river flow and different rates of travel.

With the level and pattern of use in 1978 five to seven motorized rafts launchings per day were able to carry the same number of passengers per day and adjust to occasional overcrowding and maintain overall trip flexibility.

On top of that, I add again that this is not considered an environmental hazard, risk, or even impact, of any consequence by the people at the Park Service themselves.

In summary Mr. President, I ask that in the interest of precisely the motive expressed by the Park Service, to provide the public with an economical, high-quality experience on the river, that the Senate adopt our amendment. I ask that my colleagues concur with us that it is the right of the user-public to determine just what a "high-quality, economical experience" is by exercising their judgment through free choices rather than its being the prerogative of Federal bureaucrats to define those choices and impose these choices upon them against their expressed wishes.

I am deeply grateful to have one of the people who has worked very hard throughout our area, throughout the Colorado experiences through much of this century, my fellow Senator, Senator GOLDWATER, and, of course, Senator GARN, working with us on this amendment. I hope our colleagues will give us consideration and vote with us on this because it is a travesty if we allow it to be any other way.

Mr. President, I yield the floor to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I thank my good friend from Utah for yielding. I thank him also for introducing this now badly needed amendment.

I would hope that the chairman of the full committee would pay some attention because I am going to speak more from the standpoint of an environmentalist than from any practical position. I do this because I have always said if I had a mistress in this life, it would be the Grand Canyon. I doubt that there is a living person who knows the canyon as I do, who has been through every trail as often as I have, or has been up and down that river so many times. So I have more than just a passing interest in keeping that Grand Canyon a beautiful thing. I want to keep everything beautiful. But in this particular effort, I do not think environmentalism enters into it at all, and I think I can prove it as I go along.

Mr. President, it is a very interesting thing to note that the Colorado River system drains one-twelfth of the entire United States. It was first traveled in 1869 by a one-armed Civil War veteran named John Wesley Powell, who later became the first director of the Smithsonian Institute. He went down these waters with no knowledge of what he would run into. There were reports of tremendous waterfalls, of water going through tunnels. Not even the Indians would go near the river because they were superstitious of it, except for the Hopi Indians who went then and go now to a particular point from which they obtain the salt they use in their religious ceremonies.

Mr. President, it was a very strange thing. From 1869 until 1940 is around 70 years. In 1940, I made my first trip through the Grand Canyon on the Colorado River and I was the 70th person to ever make that trip. So it was not an extremely popular trip at that time, mainly because boats were not adequate, boats were not available. In fact, we made our own wooden boats to make the trip.

Then following the end of World War II, the neoprene boats that we had constructed for beach landings became available and these boats in varying sizes, being able to accommodate from 6 up to 50 persons, began to appear on the river. Aided with motors to steer them and to help them avoid rapids and large rocks, the trip became increasingly and increasingly popular until it reached the point that we were taking as many as 16,000 people a year through either the complete trip, which takes now about 10 days to go 250-odd miles, or 3 days, to go the 90 miles from Lee's Ferry to Phantom Ranch, which many Americans have seen or have been to at the bottom of the canyon, at the bottom of Bright Angel Canyon, going right down from the hotel.

Mr. President, let me say that for all the years that the Grand Canyon National Park has been endeavoring to get some kind of a formula to allow all types of boats and craft to be used that would be safe, I have leaned toward helping the Grand Canyon. I have stood beside Mr. Stitt when he was head of the Grand Canyon National Park. I attempted to fight his battles, trying to bring the two sides together, the motorized and the nonmotorized groups. We were constantly promised by the National Park Service, "We are studying this. We are going to come up with a solution."

Well, Mr. President, when the final solution came down just a few months ago that motors were going to be disallowed within a few years, this was without any adequate consultation with anybody interested in the river, other than a study that I have yet to see that was supposedly done by the University of Arizona.

Mr. President, I got mad about that. I got mad because a Government agency had been telling me lies. I do not like to be lied to, particularly by my Government. I was perfectly willing to go to bat for these people. I wanted to see an amicable agreement reached whereby the people who wanted to go down the river but could not afford the oar trip—which would probably run, even today, as much as $2,000 a trip—but could afford the $400, $500, or $800 to be paid for going through on rubber boats, could choose that means. If we restrict travel to nothing but oar-powered boats—which, I have to say, is a delightful way to go through, because it is quiet, you do not have the smell of gasoline, you do not have the roar of outboard motors—we restrict the number of people who are allowed to go through and see this beautiful country.

Mr. President, I think of other rivers in this country, like the middle fork of the Salmon River in Idaho, which I have gone through on maybe six different trips, without any motors. It was wonderful. It was wonderful before the Government got their hands on it and started this environmental business. If there is a faster way to destroy a beautiful piece of scenery than to make a wildlife preservation out of it or to get an environmentalist group into it. I do not know what it could be. But that is beside the point of the Grand Canyon.

On this environmental business, Mr. President, I have made it a practice for about the last 12 years, more or less, every year, at a time when I could, to fly a helicopter to the bottom of the canyon, and take a picture where I had taken one back in 1940, find the exact spot from which I took that picture, and take another picture of the same scene; then go back, develop the picture, and, microscopically, try to see what the difference might be. Mr. President, outside of the fact that when we completed the construction of Glen Canyon Dam, it substantially stopped the big floods of the Colorado River and resulted in fewer beaches being replenished every year, there has been no change in the bottom of that river.

Frankly, I would have preferred not to see that Glen Canyon Dam. I voted for it, but all my life I shall probably carry a little bit of regret for it, because it did dam up a beautiful part of that beautiful stream. But we could depend, Mr. President, on floods—this is hard to believe—as high as 350,000 second-feet. That means that every second, 350,000 cubic feet of water—each cubic foot has 60 gallons—would pass a certain point. I have seen one rock up in Marble Canyon that stands 60 feet above the river. I have passed that several times when there would be driftwood piled on top of it. That means that the waters at one time reached 60 feet there. We, of course, would delight in climbing up that rock and setting fire to the driftwood. That was part of the sport of going down the river. To try to keep the river clean, we would burn all the driftwood we could. But because of Glen Canyon Dam, we do not have much driftwood anymore, but we do have a very stable flow in the river.

I remember going down that river one time. We got as low as 6,000 second-feet. That makes it almost impossible to take any boat through any kind of rapid. Now the average flow is around 24,000 second-feet, controlled by the need for electricity developed by Glen Canyon Dam. That is about the ideal amount of water for anybody, as we say, to shoot the river with.

It goes up and it goes down, but the river is no longer filled with driftwood and it no longer brings down new silt and new sand to replenish the beaches that we once depended upon for camping. What we find, Mr. President, is about 16 good campsites left where you can depend on camping. When I first went through that river, you could literally stop any place the boat would touch the shore and put your bedrolls down and establish camp; 16 campsites require some regulation. It requires complete cooperation between the various companies that operate these river trips, and they do a beautiful job on this, a beautiful job.

Let me remind my colleagues that the Colorado River is now cutting through the oldest rocks known to man, the rock that we call the metamorphic schist. At one time, these rocks were the base of a mountain chain higher than the present Alps. But that old river is sawing this range down there. This rock is so hard that you cannot drill holes in it. You cannot dig what we commonly call cesspools to dispose of human waste. But what has to be done? Whether we like it or not—and we do not like it—human waste has to be carried through on each trip. And it is done and the river is kept clean. I have to tell you when I went through, we did not carry anything with us.

As to garbage that is caused as a result of food, there is no place to put it so it has to be carried through the entire trip. We have talked about using helicopters to make daily clean-ups of the campsites, but that expense would be prohibitive, both to the Government and to the users themselves.

Mr. President, I can say without any hesitancy that there has been no environmental change in the bottom of the Grand Canyon as the result of thousands and thousands of Americans having gone down that river. I wish Americans would keep every campsite and every beautiful spot in this country as clean as they have kept that very, very remote, inaccessible part of the United States. I think we can give the operators of the system, those who operate both motor boats and oar-driven boats, the whole credit for this, because they have voluntarily taken on the job of keeping that canyon clean. And I can say that they have done a wonderful, wonderful job.

Mr. President, I shall continue to examine the bottom of the canyon each year by helicopter. My practice is to take a different picture each year, come home, and see if I can honestly say there has been a change.

The only change I have been able to detect, as I have said before, is the fact that some campsites that we used to call quite lush—that is, we could sleep on the sand instead of sleeping on rocks and scorpions and, once in a while, a nice tender rattlesnake—have not been replenished to the extent we would like to have them replenished.

Mr. President, I think this amendment is a very vitally needed thing. As I said at the outset, I have been trying my best, through years and years of effort, to help them reach an agreement, to force them into an agreement. As I say, I have finally had enough of it. I finally ended my patience with the parks department. As much as I hate to see the Federal Government meddle with this kind of thing, I think it has to be done. Because here is another thing we have not talked about: This will have a disastrous economic impact on about 50 different groups—it may be a few more or a few less—those groups who operate the boats and take the people through on trips. They do not know what to do. They do not know if they can plan for next year. They do not know when to plan.

The Park Service has acted as if the temperature at the bottom of the Grand Canyon is the delightful temperature of Phoenix, Ariz., all year round. Let me say, it is not. I have seen ice on that river in the middle of the winter, and I have been down there when the Sun temperature reached 150. So there is no particular time to go down it and find it extremely comfortable. But the scenery, I have to tell you, Mr. President, is unequalled in the many parts of the world I have visited.

Mr. President, I have no more to say at this time. I know the argument is going to be made that we cannot allow this to happen: It will dirty up the place. I can say, as one who probably knows more about that river and the bottom of the canyon than any living person, "it just ain't so." I hope my colleagues will support this amendment.

Mr. HUDDLESTON. Mr. President, I believe there are some other Members in the Chamber who want to comment on this amendment. Without commenting on the merits of it, I say, as floor manager of this bill, that here again we are confronted with legislation on this appropriations bill that more appropriately should have been considered by the authorizing committee.

As I say, this is not unusual as far as the Senate of the United States is concerned. It does give us complications when we go to conference on some of these particular issues. But that is a major consideration of our attitude toward this particular amendment and how it should be disposed of.

Does the Senator from Oregon wish to be heard at this particular time?

Mr. HATFIELD. Yes.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I must oppose the amendment offered by the Senator from Utah (Mr. HATCH) because its effect could stop the implementation of the National Park Service's river management plan for the Colorado River in the Grand Canyon National Park and I do not think the Utah and Arizona delegation mean to do that.

The problem is that portions of the plan are essential to protect the resource and to provide for visitor enjoyment on that river. The implementation of the sanitation and environmental requirements is necessary on a public health and safety basis. It takes personnel and money to guarantee that these goals be met.

The issue of whether there should be all rowing trips and no motors in the canyon is not connected to the environmental and public health issues. The commercial use of the river by the concessioners should be and is regulated by law by the National Park Service.

It is my understanding that in a meeting held in the last few days, nearly all of the concessioners object to the present plan, on the basis of a planned phaseout of motors on the Colorado River.

Mr. President, my concern is that if motors versus oars is an issue, that money and personnel remain intact for the enivornmental and public safety provisions of the plan. The amendment, as proposed, and if subject to a point of order, could result in a denial of funds for the implementation of any management plan for the Colorado River in the Grand Canyon National Park.

I recognize there is also honest disagreement over the carrying capacity of the river and I would like to see these issues reconciled. But the fact remains that both commercial and private use is increasing and we cannot risk the denial of funds for what is really not controversial in the river management program. I would hope that the sponsors of the amendment would consider modification of the amendment to assure appropriation for essential protection of the river. I would also suggest that the issue be addressed in the committee of proper jurisdiction—the Energy and Natural Resources Committee. I would assure the sponsors of the amendment that I would do what I can to bring this issue to a successful resolution in the 97th Congress.

Mr. President, I rise to oppose the amendment offered at this point, not because the amendment is without merit, there is merit in the amendment. But, rather, I would like to suggest a procedure that I think can accomplish the same purpose as the amendment and, at the same time, provide the Senate with an opportunity to move on to other matters.

I would like to suggest, and the Senator from Utah (Mr. HATCH) has very legitimately expressed the concerns here of the people of his State, as well as the Senator from Arizona having expressed the concerns of the people of his State, and the people of the region, generally, that the Committee on Parks, or the subcommittee of the Energy and Natural Resources Committee chaired by the Senator from Arkansas (Mr. BUMPERS), on which I serve as the ranking minority member at this present moment, that we assure the Senators from Utah and Arizona that we will hold hearings on this whole question that has been raised in this amendment.

The committee has not had a chance, as the Senator knows, to go over these matters. I feel very strongly that any of these management programs should have the input of Members of Congress, should have the prospective and dimension of our interests in those programs. Therefore, we would assure the Senators of this hearing very quickly after the organization of the new Senate in the next session.

In the meantime, I discussed the matter with my colleague on the Appropriations Committee. I am privileged to serve with Senator HUDDLESTON on that Appropriations subcommittee.

If we accept the amendment it is as a basic signal to the agency downtown that we have accepted this amendment as one body of the Congress and we will discuss it with our colleagues in the House when we go to conference. But more especially, and whether it survives that or not, the fact that we will hold hearings, and by accepting the amendment we are sending a signal to them, to the agency downtown. I think that could, perhaps, get us out of this situation and move us on to other issues.

Mr. HATCH. If the distinguished Senator will yield, I am very grateful to the distinguished Senator from Oregon and also to the Senator from Arkansas and my good friend from Kentucky. I think this may be a reasonable way of resolving the problem because, to us who love the Colorado River, to the motorized companies who have developed the system, and those who are descendants, primarily, from pioneer families who explored and opened up the river, this is an important issue.

To have the Senator's commitment to conduct hearings, whether or not this amendment is held in conference, is a tremendous and wonderful concession on the Senator's part.

It means a great deal to our party in the Colorado River area. I am, personally, very grateful to the Senator.

Mr. HATFIELD. Will the Senator yield?

Mr. HATCH. Yes.

Mr. HATFIELD. For the record, let us be fully clear that the Senator's concern is on the motorized vehicles on this river and this would not in any way attempt to estop the other program management activities that would proceed.

Mr. HATCH. There are questions about acceptable volume, as well. But we believe the Colorado River plan has much merit in other respects, and, other than those two areas, our amendment applies to those two areas.

In the hearings, I think a good case can be made for our side on this matter.

Mr. HATFIELD. But we would be moving on the basis of the Senator's basic concern on the motorized question, or the question of the motorized vehicle.

Mr. HATCH. That is correct, and I hope it would include the volume, as well, which automatically would, I am sure, be part of it.

Mr. HATFIELD. I offer that as a suggestion. I am not attempting to commit any other Senator on the floor. But I have discussed the matter with each of the chairmen, the chairman of our Appropriations subcommittee and the chairman of our Energy and Natural Resources subcommittee on Parks (Mr. BUMPERS and Mr. HUDDLESTON).

Mr. GOLDWATER. Will the Senator yield for a question?

Mr. HATFIELD. Yes.

Mr. GOLDWATER. I have to admit that the germaneness of this amendment might be questioned. But I want to point out the reason for offering this amendment did not exist 2 months ago.

We were under the complete assurance of the Grand Canyon National Park people that this problem would be resolved, and it would be resolved fairly. We are not talking so much about whether we will have motors or oars or rubber boats. We are talking about user days and how those days will be allocated.

As a result of the Grand Canyon people doing a complete switch and being dishonest with us, we were faced with the necessity of getting some kind of legislative expression because they are now meeting in Flagstaff, Ariz., hopefully, to reach some decision that would alleviate the problem facing the river trip managers.

Briefly, I can say that these trips are planned. I have one planned for my 10 grandchildren that will probably take place 5 years from now. I have had to make my reservation that far ahead. But that particular man cannot tell me now that I can take my 10 grandchildren down the river when the youngest one learns how to swim because he does not know whether he will have the allocation of the day.

Mr. HATFIELD. The Senator might have 20 by that time.

Mr. GOLDWATER. No, I will not have 20. I have a bunch of inactive children. I think the fact that they are Republican makes them nonproductive, but I do not know.

I am so grateful that my friend from Oregon recognizes this problem, because it is not something we like to do in the way we have been forced to do it. We would much prefer to have had the Grand Canyon National Park authorities reach an agreement with the operators in an honest way and come up with a formula that they could say, "Look, boys, we have talked to you, we have talked to both sides, we have talked to the public, we know what is happening on the river, we know how many people it will handle, and this is our answer."

But the only answer they come up with is that there will be no boats on that river with a motor on it after 1985. As much as I like the quiet of that river and love to row a boat, I do not want to see American people denied the opportunity to see that part any more than my friend from Oregon would want to see the Rogue River denied to those who enjoy it, including my grandchildren, who have been down it.

So I think the proposition the Senator makes, if he is willing to word it strongly enough so that the present people meeting in Arizona can get the message that they either do it now or they are going to do it next year, whether they like it or not, I think that is the best thing we can do.

Mr. HATFIELD. I think the Senator makes his point well.

One of the parts of this proposal is that we, in accepting this amendment today, at the time they are meeting, does give them about the strongest signal we could give them. It may not be possible to survive in the committee on this very point of germaneness with the House conferees, but the point is that today they are going to get a very strong message. I think that will be helpful, followed by the hearing in the next session.

Mr. GOLDWATER. I join my colleague in that.

Mr. HATCH. Mr. President, I again express my gratitude to all Senators in the Chamber for the consideration of our problems and the consideration of our needs in this matter and the kindness which has been shown today.

Mr. BUMPERS. Mr. President, I just wish to make a couple of comments on this matter.

First, the Senator from Oregon already has made it clear that this amendment will go only to the prohibition of implementing that part of the plan that deals with the prohibition against motorized craft on the river. The Senator from Arizona has said that there is a great deal of merit in the plan itself. The amendment of the Senator from Utah was not quite as crystal clear on that point as I would like, but he said in his opening statement what I believe I am stating now.

Is that correct?

Mr. HATCH. I believe that is true.

Mr. BUMPERS. Second, I am very happy with this arrangement. I intended originally to oppose it and to ask for the yeas and nays. But we will have hearings as soon after the first of the year as we can. We will bring the Park Service in and let them justify this.

I hope there might be some happy meeting of the minds on the combination of rowed craft and motorized craft. We had a situation in Arkansas, on the Buffalo River, where there was nothing but canoeing; but there is a great economic interest by the people who control those concessions. Finally, after 3 years of meetings, where people of goodwill and good intentions met, we resolved that program, and I believe everybody down there is happy now.

A similar situation, as the Senator will recall, existed in the Boundary Water Canoe area of Minnesota, one of the most controversial problems we have ever faced—that is, whether we are going to allow motorized boats on the lakes in that area. We worked that out by compromise. Now they are both there and can accommodate each other, and I believe the same thing can be done here.

I just wanted to make the point that I was a little concerned about just a carte blanche prohibition of the implementation of this plan, with no hearings before my committee, no advance warning of this. Of course, this is legislation on an appropriation bill, and I believe everybody recognizes that. I always have some strong reservations about that—unless it is my amendment. [Laughter.]

Having said that, I want the record to be clear that we have a meeting of the minds now as to where we are headed with respect to this amendment.

Mr. HATCH. Just to make it clear, we are not really approaching any other aspects of the plan, other than the motorized question, the volume on the river, which is part of the motorized question; and I have raised in my statement our concerns about the time they are allocating for people to come down, some of which is in the wrong part of the year and really takes away from the people the opportunity for utilization.

Mr. BUMPERS. One of the things the Senator from Utah said in his opening statement which leads me to believe that an absolute prohibition is not in order is that only the wealthiest and the sturdiest of us can row a canoe, particularly down a river that is often very rapid, such as the Colorado. There are many people who cannot do that and who deserve the right to enjoy the fruits of an esthetic experience such as that.

So it occurs to me that, regardless of how any of us feel, some motorized craft will have to be used there to accommodate those people.

● Mr. CANNON. Mr. President, I wish to associate myself with the remarks of Senators HATCH and GOLDWATER on this amendment to preserve the motorized raft trip option on the Colorado River.

The Park Service proposal to eliminate motorized raft trips will impose an unnecessary burden on many of my constituents and others throughout the Nation who simply do not have adequate time and resources to take the longer, more expensive nonmotorized trips. The Park Service has proposed to extend the season to provide more of these nonmotorized trips but that will not eliminate the increased costs or provide the trips during the more favorable rafting months.

I hope the Senate will approve this amendment of the Senator from Utah.●

Mr. HATCH. Mr. President, if it is all right with the manager of the bill, I move the adoption of the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1754) was agreed to.

Mr. HATCH. I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1755

(Purpose: To provide $2,000,000 for the migratory bird conservation account)

Mr. PRYOR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR), for himself and Mr. BUMPERS, proposes an unprinted amendment numbered 1755:

On page 12, after line 16 add the following new section:

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k 3, 5), $2,000,000, to remain available until expended.

Mr. PRYOR. Mr. President, this amendment to the appropriations bill for the Department of the Interior for fiscal 1981 is a simple amendment affecting only the migratory bird conservation account in the budget for the U.S. Fish and Wildlife Service. It is cosponsored by my distinguished colleague from Arkansas, Senator BUMPERS.

At this time, I am completing my first year as an appointed member of the Migratory Bird Conservation Commission. In my year on the Commission, I have come to understand to a much greater degree the serious problems that this country faces annually in protecting and preserving our valuable natural resources and wildlife habitat.

The migratory bird conservation account is a nonoperational account which is used to advance money to the Fish and Wildlife Service for the purpose of acquisition of land for refuges. The money is then repaid through revenue generated by the sale of duck stamps to hunters in later years. It is, of course, impossible to project accurately just how much money will be generated in any given year by the sale of duck stamps, and this account serves to balance out any shortfalls that may occur, and, thereby, keep our acquisition program on a level track.

The administration originally proposed $10,000,000 for fiscal year 1981 for this account, and that was a decrease of $5,000,000 over fiscal year 1980. Then, in his revised budget this past spring, the President proposed deleting all of the money for this purpose. According to Department of the Interior estimates, this would leave only $16,500,000 from expected receipts to continue the important work of this refuge program. Mr. President, this amount of money simply will not permit the Department to pursue very many of the backlogged approved refuge projects which the Commission has acted on in the last couple of years.

The House has acted to provide $2,000,000 in its version of this bill, and my amendment would merely place the Senate in agreement with the House, and, thereby, insure a minimum level of funding for a program that I think is worthwhile. I know many of my colleagues come from States where wildlife habitat is important, and, of course, many States have ongoing acquisition projects underway now. I hope that we will have one in every State before this work is done. My amendment keeps the level of this program to less than one-third of what it was last year.

I urge my colleagues to agree with me, and vote for my amendment. I yield now to any questions or comments that the distinguished floor manager and majority leader may have.

Mr. BUMPERS. Mr. President, I am pleased to support the amendment offered by my colleague from Arkansas (Mr. PRYOR) to the fiscal year 1981 Department of Interior and Related Agencies appropriation bill. The proposed $2 million increase in the Migratory Bird Conservation account will provide a fiscal year 1981 funding level of $18.5 million when the $16.5 million duck stamp receipts are added. This money is extremely important in purchasing and preserving rapidly diminishing habitat for our waterfowl.

Mr. President, over the past few decades, bottomland hardwood forests have been cleared at an average rate of some 165,000 acres per year as a result of more and more acres being cleared to be placed into agricultural production. Estimates have shown that by 1985, less than 5 million of the Lower Mississippi River Delta's original 24 million forested acres will still be in existence. This habitat loss is extremely alarming to me and preservation of our existing resources must be one of our highest priorities.

Recently, the Migratory Bird Conservation Commission approved a wildlife habitat refuge in my State of Arkansas called Overflow Bottoms. This refuge, to be located in southeast Arkansas, will contain in excess of 10,000 acres and will be the winter home of some 20,000 waterfowl. This area will be very important to many of the residents of my State as well as other States who enjoy hunting, fishing, and other outdoor activities. Therefore, Mr. President, I am pleased to support the amendment.

Mr. HUDDLESTON. Mr. President, here, again, we have a case in which the committee has tried to exercise some fiscal restraint.

We understand that $19 million to $20 million will be available for this purpose through the duck stamp program that is in effect. The House has appropriated $2 million for this purpose. I hope that the Senator from Arkansas will allow us to maintain our present position and go to the conference with a sympathetic view, perhaps, toward the House figure and give us time to solidify our position on this issue.

Mr. PRYOR. Mr. President, I first say how much I appreciate the understanding of this challenge that we have and especially by that of my colleague from Kentucky, Senator HUDDLESTON.

I also remind my colleagues that this is a loan that is to be repaid through the sale of duck stamps. It is an advance and it will enable the Department of the Interior, through the actions of this Commission, to continue forward in some of the commitments that we feel that we have made.

But in view of private conversations with the distinguished Senator from Kentucky, the handler of this legislation, I will ask at this time that my amendment be withdrawn and with the understanding that those who deal with the other body on this issue will be sympathetic to this cause.

Mr. President, I ask that my amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HUDDLESTON. Mr. President, I thank the distinguished Senator from Arkansas.

UP AMENDMENT NO. 1756

(Purpose: To provide that appropriations for maintenance and improvement of roads within the Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States)

Mr. HUDDLESTON. Mr. President, I send to the desk on behalf of the Senator from Indiana (Mr. BAYH) an amendment and ask for its consideration at this time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Kentucky (Mr. HUDDLESTON) for Mr. BAYH proposes an unprinted amendment numbered 1756:
>
> On page 15, line 8, delete the period (.), and insert the following: ": *Provided further*, That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore, as provided herein shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States.".

Mr. HUDDLESTON. Mr. President, this amendment reaffirms what the Senate has already done. It is within existing funds and has no additional dollars connected with it. It has been cleared all around, and I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (UP No. 1756) was agreed to.

Mr. McCLURE. Mr. President, I believe during the 97th Congress one of the central issues the Energy and Natural Resource Committee should focus upon is the need for development of a balanced public land policy. I also believe that it would be necessary to consider the impact of such legislation on the individuals and communities involved. I bring this to the attention of my colleagues here today because of my awareness of possible administrative designations of five California rivers to the National Wild and Scenic Rivers System.

Under the Wild and Scenic Rivers Act, rivers may be added to the national system by Federal legislation and by the Secretary of the Interior for State-protected rivers. This latter process of administrative designation has not been widely used. However, last July Governor Brown of California asked the Secretary of the Interior for inclusion of five California rivers in the national system. A majority of the members of the California Legislature, 72 percent, have stated their opposition to the proposed designation.

The Forest Service projected a 22.5 million board feet adverse impact on the potential yield of the Six Rivers National Forest alone if the State's proposal is approved. At current bid rates this would result in a loss of revenue of almost $10 million, of which about $2 million would be the 25-percent share returned to the counties. Also, the inclusion of approximately 460,000 acres of privately owned timberland containing over 8 billion board feet of timber has not been adequately studied. Certainly the estimated impact on timber harvest of at least 20,000 board feet annually is a questionable estimate and one that needs to be assessed in depth.

The cumulative impacts of land disposition actions taken or proposed to be taken in the area affect not only the stability of the timber industry but also the local and State economy as well. The north coast area has already lost nearly 2,300 jobs as a result of the Redwood Park expansion.

Time for review and assessment is essential. The normal time frame for completing an impact study on areas affecting five rivers with 4,000 miles of shoreline and adjacent lands of public and private ownership is 18 months. The study for this proposal was done in 3 months.

Unemployment, loss of tax base, loss of funds to counties from timber sales, location of potential strategic minerals, timber supply availability and local community stability are all at stake. The impact of these losses to the local and State economies and the impact to ultimately the Nation, are issues that need to be addressed carefully at the Federal level before any further administrative decisions are made or excutive actions taken. I hope that during the present administration's term, precipitate action would not be taken. I repeat that this is an issue which must be carefully reviewed. We cannot afford to let piecemeal legislative and administrative actions diminish this country's ability to balance all uses of our natural resources.

Mr. President, I do not seek legislative action at this time on this bill, but I do want by this means to call attention to the problem in the hope that the administration will withhold precipitate action and will give it the kind of study that it does require to come to a balanced and reasonable conclusion to the issues which are raised by the proposal.

Mr. President, I am happy to yield to the Senator from California (Mr. HAYAKAWA).

Mr. HAYAKAWA. Mr. President, I fully agree with the distinguished Senator from Idaho in his assessment of the severe economic hardship that would result from the inclusion of five California rivers in the National Wild and Scenic Rivers System.

Gov. Jerry Brown's proposal simply has not been subject to the extensive review that a proposal of this nature requires.

The Senator from Idaho is, as usual, eminently correct in his analysis of the cumulative impact of land disposition actions such as, for example, the Redwood Park expansion and the designation of wilderness areas in the north coast region. These have impacted seriously upon the areas around Eureka, Crescent City, Arcata. All that northern coastal area of California has suffered disastrous economic consequences as a result of this, shall I say, greedy expansion of Redwood Park and wilderness areas that were the economic basis of that region.

By reducing the timber industry's land base, these actions have resulted in a loss of jobs that will only be exacerbated by the inclusion of even more land in the National Wild and Scenic Rivers System.

Unemployment in that area, which is already soaring high above the national average, is not the only consequence and only hardship forced upon the north coast region. The loss of tax base and county revenues from timber sales are other impacts to be considered.

I, too, hope the present administration will help set the stage for a more balanced public land policy by resisting the temptation to lock up even more of our Nation's resources in the next few weeks. We desperately need the type of land policy review that has been prescribed by the distinguished Senator from Idaho.

I wish to associate myself with his remarks and his point of view.

I thank the Chair.

Mr. McCLURE. Mr. President, I thank the Senator from California.

As I said in my initial remarks, our purpose of bringing this matter to the floor today is to attempt through this means to focus attention on the problem in the expectation that the administration will take note that there is a problem, that there are numbers of us here who are concerned with the decision that may be made and have the confident expectation that having done it in this manner, without attempting to legislate, will at least indicate to them that we think they should move slowly and make sure that the foundation of their actions is based upon adequate information.

I thank the Senator from California for his concern as well as supporting my own.

UP AMENDMENT NO. 1757

(Purpose: To provide $1 million for the commemoration of the 200th anniversary of the battle of Yorktown)

Mr. WARNER. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated. The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an unprinted amendment numbered 1757:

On page 15, line 8, insert after "purposes": ": *Provided further*, That not to exceed $1,000,000 shall be available for commemoration of the 200th anniversary of the Battle of Yorktown at Colonial National Historical Park.".

Mr. WARNER. Mr. President, I have discussed this proposed amendment with the respective managers of the bill, and it is my understanding that they are prepared to accept it.

In substance, the amendment which I offer will insure another appropriate and fitting chapter in our Nation's bicentennial observances.

The American victory at Yorktown on October 19, 1781, signaled the end of our military struggle for independence.

Through the years succeeding generations of Americans have found it important to renew their faith in honoring the great victory at Yorktown.

The first major national celebration of the victory came in 1824 when General Lafayette made a pilgrimage to the battlefield for ceremonies attended by 15,000 people.

At the centennial observance in 1881, which included a naval review of American and French warships, President Chester A. Arthur was the main speaker.

The sesquicentennial celebration in 1931 was a 4-day program highlighted by a speech by President Herbert Hoover, with a military and naval review observed by General Pershing and Marshal Petain. Even though our Nation was gripped by an economic depression, Congress courageously appropriated nearly a half million dollars to insure a dignified fitting commemoration.

Each time Congress has provided the funds needed to insure the success of these historic commemorations.

The proposed 1981 commemoration is planned to be comparable to the celebration in 1931.

The program at Yorktown during the 4-day commemoration period next October will hopefully include such activities as:

A major address by the President of the United States;

Participation by the heads of state of France and other countries that assisted our struggle for independence;

Military and naval reviews, concerts, reenactment of the siege, and bicentennial fair exhibits; and

An encampment of period military units specializing in living history.

At the 1931 observance 300,000 visitors attended; at least that many are expected to attend in 1981.

The State of Virginia and national volunteer groups are raising supplemental funds to help finance the program. The funds requested of Congress will be used to rehabilitate and improve the interpretive exhibits at the national park, to provide facilities for visitors at the park during the program, and to permit other agencies and departments of the Federal Government to assist and take part in the program.

I believe this Nation will want to commemorate this victory which concluded our fight for independence in a manner befitting the debt we all owe those gallant men and women who gave the last full measure of devotion, that we might stand here today as a continuing symbol to all mankind of the strength and dignity of the individual and his desire to live in freedom.

It is imperative that Congress act now, as a part of the fiscal 1981 budget for the Park Service, and appropriate the sum requested in my amendment so that the Federal planning can be started now. To delay funding would jeopardize Federal participation since the commemoration is less than 1 year away. The sum requested represents only one-half of the preliminary estimate submitted by the Department of the Interior.

Mr. President, I ask unanimous consent to have printed in the RECORD a table of the Department of the Interior estimates for bicentennial expenditures.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF INTERIOR ESTIMATES FOR BICENTENNIAL EXPENDITURES

Interpretation:	
Interpretive Literature, etc	$18,000
Information Centers (extra staffing and overtime)	23,200
Interpretive Signs	12,500
Wayside Exhibits	20,000
Museum-Rehabilitation	50,000
Nelson House	49,100
Radios	3,000
Total	175,800
Protection:	
Rangers from other parks, overtime	88,000
Supplies, Fuel, etc	20,000
Transportation of rangers from other parks	24,000
Per Diem for Rangers	20,000
	152,000
Maintenance:	
Field preparation	59,000
Road Surrender Field	41,000
Parking area preparation	4,000
Chair Rental	2,000
Grandstand (25,000 × 20)	500,000
Breakers, control panels, etc	6,000
Stages	6,200
Von Steuben's Field turn-around	1,500
Drainage Von Steuben's Field Camp	5,000
Trash pick-up	10,000
Waterline to Von Steuben Field	3,600
Recreated Military Units Encampment	8,000
Total	646,300
Additional Cost Factors:	
Chemical Toilets	200,000
C & P Telephone Company	50,000
VEPCO	75,000
Press Facilities (Trailers)	10,000
Concessions	10,000
Fireworks (NPS share)	25,000
	370,000
Sub-Total	1,516,900
Inflation Factor—30 percent of all totals (15% × 2 years)	455,070
Total	1,971,970

Mr. HUDDLESTON. Mr. President, we have reviewed the amendment by the Senator from Virginia. We recognize that this is a one-time proposition or at least one time within the next 100 years or so and that it can be handled within the existing funds available.

We recommend that the amendment be agreed to.

Mr. McCLURE. Mr. President, I concur in the remarks of the Senator from Kentucky. I think the Park Service has made no analysis of what their plans will be. They have not arrived at a dollar figure. I think that the Senator from Virginia has done us a service and certainly the commemoration will be focused upon in a better way because of his attention to this detail.

By the time we get to the conference the Park Service may have developed a better figure if indeed a better figure is needed, but at least a more concrete figure.

We are happy at this time to accept the amendment with the assurance to the Senator from Virginia that we will work with him in making certain that enough of these funds are available and are used for that purpose.

Mr. WARNER. Mr. President, I thank my distinguished colleagues from Kentucky and Idaho.

As stated by Senator McCLURE, by the time of the conference they will have the preliminary estimates needed.

Action is needed now so that planning can go forward early in calendar year 1981 so as to assure that Federal participation is in place by October of that year.

The PRESIDING OFFICER. Is there further discussion on the amendment? The question is on agreeing to the amendment of the Senator from Virginia.

The amendment (UP No. 1757) was agreed to.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. MITCHELL assumed the chair.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I understand that further action on the bill will be delayed for about 30 minutes while the managers take a bit of time for other duties.

That being the case, I will proceed with my 26th statement in a series of statements on the U.S. Senate. If any Senator wishes recognition, I will be glad to yield him time, because I will not utilize the time for this purpose while business can be transacted or while other Senators wish to speak.

(The remarks of Mr. ROBERT C. BYRD at this point in connection with the U.S. Senate are printed earlier in today's RECORD, by unanimous consent.)

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I wish to express my concern regarding a decision by the Senate Appropriations Committee to reduce funding for the high Btu coal gasification demonstration plant program contained in the Department of Energy's fossil energy research and development provision in the fiscal year 1981 Interior appropriations.

The committee reduced the funding in fiscal year 1981 for the high Btu coal gasification demonstration project under the designation 76–1–b from the President's budget request of $55 million to $2 million. The committee believes this figure to be adequate because of the decision by the Department of Energy to continue the competition between the two competing proposals until July 1981, a decision by the Department that I disagree with very strongly. Moreover, the committee, in its report accompanying the bill endorsed the continuation of the project competition.

I strongly disagree with the committee's decision to advocate the continuation of the current DOE high Btu coal gasification competition, and I urge the Senate conferees to recede to the House position which proposes an end of the competition. The House Appropriations Committee stated in its report accompanying the fiscal year 1981 Interior appropriations bill that—

> It recommends that the Department [of Energy] proceed to construct both of the competing high Btu gasification demonstration plants . . . Testimony has confirmed that both processes are technically feasible, and that a choice between them is likely to be only on financial grounds and not on clear technological superiority . . . [T]he Committee believes that continuing to support a selection of only one process will result in endless delays.

Mr. President, I agree very strongly with that statement from the House Appropriations Committee.

In order to fund both projects, the Senate Appropriations Committee reduced the figure for project designation 76–1–b by $53 million and allocated that amount to the other high Btu coal gasification project designation 77–1–b. I believe the House action to be the preferred course.

The two competing proposals presently under consideration include one offered by the Conoco Coal Development Co. and one offered by the Illinois Coal Gasification Group (ICGG). The Conoco proposal is to build a 1,200-ton-per-day high Btu coal gasification plant in Noble County, Ohio, utilizing the slagging British Gas/Lurgi gasification process. The ICGG proposal is to build a 2,200-ton-per-day plant in Perry County, Ill., utilizing the fluidized bed Cogas gasification process. Both processes show considerable promise in successfully demonstrating the gasification of high-sulfur eastern coals.

I stress that point because we have abundant coal reserves in the Appalachian area, but too many are high sulfur in nature, which has limited use. This is one way we can use that high sulfur coal.

Funding both proposals would not involve a duplication of effort because they are designed to demonstrate substantially different technologies. Rather than selecting one or the other proposal, we should encourage the development of diverse promising technologies. That philosophy was central to the formulation of the Synthetic Fuels Corporation.

Construction of both plants could provide enormous benefits to Ohio and Illinois. As we all agree, we must reduce our dependence upon foreign sources of energy as quickly as possible. In order to achieve this goal, we must rely more heavily on our abundant coal resources such as deposits in the Appalachian area. High Btu coal gasification technology promises to be one of the most effective means of utilizing high sulfur eastern coal in an environmentally safe way while producing natural gas which could be utilized to displace oil and thus help to reduce imports. Locating the plants in Ohio and Illinois could assist in making both States more energy self-sufficient. This can help to stimulate badly needed industrial growth by contributing to more stable sources of energy. It can also provide direct economic stimulation of the coal mining industry and put coal miners back to work.

There are substantial energy, environmental and economic benefits which would result if both projects are constructed. Continuing the competition at this point is not serving a useful purpose and the unnecessary delay will only add to the costs. Both projects should be given the go-ahead and the schedules accelerated. That would have the beneficial effect of saving the taxpayers money and getting the plants operational at the earliest possible time.

Mr. President, I add to that statement that I think that one area in the whole energy field where we have been deficient, both in the Congress and the current administration itself, is that of not putting nearly enough money into research into alternative fuels that can supplement our dwindling supplies of oil and gas—not only here, but around the world—and make us less dependent on importing oil from overseas.

Compared to the problem, we have spent a mere pittance on research that could possibly give us energy independence 5, 8, or 10 years down the road.

This coal gasification demonstration plant program fits directly in that mold. We have not done nearly enough. Instead of the Department of Energy quibbling over whether we will have one or two gasification plants, or trying to select one process over the other, it is my opinion we should have two or three plants using each process, so we could prove out the technology, and assess the difficulties or advantages just as rapidly as we possibly can.

Unfortunately, we have taken the other approach, that is, that until one or the other is proven, we will not fund either.

Compared to the energy problems we face in this country, it seems to me that is a ridiculous approach to take to this situation. So I hope the committee can see fit to agree with the House in their efforts in this regard.

I call once again, as I have in the past, for the Department of Energy not to wait until July 1981 to make a decision, but to get going and let us have more than one plant on each process, so we can prove out the technology as fast as we possibly can.

HIGH-BTU DEMONSTRATION PROJECT COMPETITION

Mr. HUDDLESTON. Mr. President, the Department of Energy has been conducting a design competition for the high Btu demonstration project for the last 3 years. Two proposals are being considered, one from the Continental Oil Co. and the second from the Illinois Coal Gasification Group. The Department requested $55 million to continue this competition until a selection could be made in March of 1981. The House has recommended that the Department drop the competition and proceed to build both projects at the present time. The House added no money for the immediate construction of both projects because substantial unobligated funds exist from prior years. The committee recommendation was that the Department continue design competition. However, the committee reduced the request by $53 million because DOE now indicates that a selection would not be made until July and therefore long lead procurement money would not be necessary.

It should be noted that while the House added no money to the President's budget request, its decision to construct both plants will require an additional $500 million to be expended over the next 3 years. It should also be recognized that the Senate committee recommendation does not preclude the option to build both plants at some later date. It simply does not make the decision to do so at this time.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I wish to express my disagreement with the Senate Appropriations Committee's decision to eliminate $10 million from the House version of this bill for the Department of Energy's (DOE's) fossil energy research and development combustion systems activity for fiscal year 1981. As a result of this action, a program of cost-shared industrial demonstrations of atmospheric fluidized bed technology has been placed in limbo. This technology offers us a tremendous opportunity to substitute our abundant domestic coal resources for imported oil.

Fluidized bed combustion (FBC) technology provides a potentially economic, efficient, and environmentally sound alternative to the conventional methods of burning coal. The General Accounting Office (GAO), in a report issued this past November, cited no less than five major advantages of fluidized bed combustion of coal over conventional coal combustion with scrubbers:

First. There is a much higher potential for using the waste product. The FBC process gives off a dry waste product that can probably be used as a soil conditioner, building material; soil stabilizer for road beds, and as a stable land fill.

Second. The FBC process results in much lower emissions of nitric oxides because of the lower combustion temperatures—temperatures below the melting point of ash. This also means that high-ash coal can be used since the ash will not melt and plug and scale the boiler as in a conventional system.

Third. FBC offers the ability to use a wide variety of fuels; everything from anthracite to high-sulfur coal to municipal refuse can be used without major boiler modifications.

Fourth. FBC systems do not use water to control sulfur emissions as do conventional systems. This can result in water savings of 7 to 10 percent.

Fifth. FBC should result in lower operating and maintenance costs. For example, the Tennessee Valley Authority estimates that up to 50 additional trained personnel are required to operate and maintain a scrubber. In addition, scrubbers can consume as much as 5 percent of the power generated so that additional generating capacity has to be installed to compensate for the loss.

GAO declared that FBC's "basic concept is sound and it works. Small scale units have been operating successfully for years. But in order to commercialize the technology, its reliability under industrial and utility loads must be demonstrated." This program will provide for the demonstration of industrial feasibility, a demonstration which I believe is a logical and prudent next step.

FBC technology provides the opportunity for industry and utilities to substitute coal for oil and natural gas for many applications. The potential for oil savings is huge. Direct oil consumption by industry and utilities has averaged about 5.1 million barrels per day for the first 5 months of this year—about 1.2 million barrels per day for utilities and 3.9 million barrels per day for industry. This amount of oil represents nearly 73 percent of the approximately 7 million barrels of oil we are importing each day and, in addition, represents an oil import bill of over $60 billion.

Mr. President, the statistics I have just cited show that industry uses over three times the amount of oil that utilities consume, yet it seems as though this target of opportunity for oil savings has been rejected.

Just this past June 24, the Senate, by a vote of 86 to 7, passed S. 2074, the Powerplant Fuels Conservation Act of 1980. This act, which I was proud to cosponsor with so many of my colleagues, authorizes $3.6 billion to assist 80 utility powerplants to convert from oil to coal. In addition, $600 million was provided to help nonconverting powerplants control sulfur emissions resulting from the increased use of high sulfur coal. This legislation, which I hope will be enacted this session of Congress, will enable us to save 250,000 to 300,000 barrels of oil per day—savings in the range of 25 percent of current utility oil consumption. If we could achieve comparable savings in industry, we could save nearly an additional 1 million barrels of oil per day—savings which could reduce our oil import bill by over $12 billion annually at today's prices. I believe that such savings are possible by speeding the industrial utilization of fluidized bed combustion technology, which is what this program will accomplish.

Mr. President, this is a program which

has been carefully developed by the Department of Energy; a program which had its genesis in the cogeneration technology alternatives study (CTAS). CTAS, began in fiscal year 1977 under the Energy Research and Development Administration, studied six major industries representing almost 80 percent of industrial energy consumption. Nine potential energy conversion systems were examined from the standpoint of energy savings, economics and environmental quality. The atmospheric fluidized bed combustor coupled to a steam or gas turbine emerged as the most attractive industrial cogeneration option, having the potential for saving up to 50 percent more energy than current cogeneration techniques.

Based upon the CTAS and other study results, the DOE developed a cost-shared, industrial demonstration program to achieve industrial acceptance of FBC as a reliable technique. Congress appropriated $4.3 million for this program in fiscal year 1980, anticipating a total funding of about $25 million over 3 fiscal years as the Government's share of the cost of up to four industrial FBC boiler plants.

As a result of this funding, in March 1979, DOE issued a competitive solicitation for industrial participation on a true cost-sharing basis. This solicitation drew a considerable number of outstanding proposals. The Department's plan was to select the winners this past December so that the paperwork could have been completed by March of this year and the projects launched. Unfortunately the Office of Management and Budget denied DOE's request of $10 million for fiscal year 1981 for the program; funds which were restored by the House in their version of this appropriation bill and very wisely so, I think.

Unfortunately, the Senate Appropriations Committee has decided not to follow the House's lead with regard to this program, while noting the House action and stating that—

> While the Committee favors demonstrations of this technology, no additional funds are recommended here since language is recommended to make these projects eligible for funding under the Alternative Fuels account.

Indeed, the continuing resolution, (H.J. Res. 610) passed on September 30, provided $30 million for "* * * energy feasibility studies and cooperative agreements for direct combustion * * *." However, there is no guarantee that this particular program will be funded and, in any event, initiation of individual projects could well be delayed.

Mr. President, I think that the recent events in the Middle East should serve to remind us yet once again of our extreme vulnerability to oil imports. We simply do not have the luxury of dallying for months in launching our efforts. I urge the Senate conferees to recede to the House's position which provides $10 million for this program of cost-shared industrial demonstrations of atmospheric fluidized bed technology. This program will help to demonstrate a new oil-saving technology at a relatively modest cost.

Mr. President, I reiterate once again that this is one technology that will let us use high sulfur eastern coal. Ohio, West Virginia, and Kentucky have abundant coal of this type. We do have problems with EPA and with EPA requirements as far as using that coal. We already have suits filed against our State of Ohio by New York and Pennsylvania regarding the acid rain problem, and that stems back to the high sulfur coal that they charge is causing some of the acid rain. But the fluidized bed technology is one way that we can use that high sulfur coal. I think it may be penny wise and pound foolish to think that we are saving money in the long run when we set out to establish a $20 billion or so synfuels program and then not do the relatively inexpensive things on technology and with regard to development of new alternate energy sources that we should be doing in this country.

Electrical energy storage is another area needing more emphasis. But electrical energy storage technology and fluidized bed technology and coal gasification technology, that I spoke about earlier today, are things that we are not funding adequately. These have great potential of letting us use our existing energy sources and cutting our imports of oil.

So I hope the committee can see fit to make every effort to recede to the House in conference so we can get this $10 million and get on with the fluidized bed technology demonstrations.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. GLENN. I yield.

Mr. HUDDLESTON. Mr. President, I commend the Senator from Ohio for his excellent presentation on this particular technology.

Being from the Nation's No. 1 coal-producing State, I have a great appreciation for and a great interest in facilitating the direct use of coal and what it means to the energy needs of this country at this particular time.

We have embarked upon a great synthetic fuels program, and I think it offers great promise to us. But in the short term, the greatest usable asset that we have, is coal directly burned. These kinds of processes that enable coal to be used without the pollution problem that is attendant to it certainly would facilitate a greater use.

We have been very interested in all of the processes that involve the use of coal both in direct burning and conversion to oil and to gas, as the Senator from Ohio has. He has correctly pointed out a great percentage of the coal reserves in this country are the high ash coal that was referred to by the Senator and any process that can utilize that type of coal becomes particularly significant at this time.

Our committee has not been blind to these needs, and I think we have demonstrated a sufficient amount of interest in trying to move ahead as rapidly as we can.

The Senator from Ohio is correct that the House of Representatives added $10 million back in July for these particular processes. But then we came along in September and led the way to an appropriation of $30 million through the Department of Energy for the direct combustion applications under the alternative fuels program which this category falls under and which they are eligible for.

So we have provided an opportunity to move in this direction very aggressively with the money that has been made available to them.

As has already been pointed out, our committee is right up against our ceilings from the concurrent budget resolution as far as our outlays are concerned.

I can assure the Senator from Ohio that we look very favorably on this proposal. If we are given the leeway in the next concurrent resolution or if we have within the conference itself the maneuvering room to accept the House position on this, the Senator can be assured that we will make every effort to accomplish that.

Mr. GLENN. Mr. President, I hope that in the conference, there will be a careful survey of the longer term, multibillion programs to see if we cannot find the additional $10 million required for this program.

We have the mines sitting there, some of them vacant and not operating right now, as the distinguished Senator from Kentucky knows—I am not telling him anything new because he has mines not working now and miners unemployed just as we do in the southeastern part of my State of Ohio. They are ready to go, ready to produce energy. All we need is the means to let us use high sulfur coal, and this is one way of doing it. For lack of $10 million, I would hate to see fluidized bed combustion demonstrations held up for an indefinite period of time.

I appreciate that another $30 million was provided for direct combustion under the alternate fuels account, and we hope some of that can go to fluidized bed projects. However, when the Senator gets to conference on this, I think the interests of the Nation could be well served by looking very closely at some of these many billion dollar accounts that will be dealt with there to find the very paltry $10 million needed for this program—a program that could be life or death for fluidized bed technology demonstrations for some time to come.

Mr. HUDDLESTON. Mr. President, I thank the distinguished Senator and I assure him we will be trying to achieve that objective.

UP AMENDMENT NO. 1758

I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BAUCUS). The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kentucky (Mr. HUDDLESTON) proposes an unprinted amendment numbered 1758.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, strike lines 14 through 21.

Mr. HUDDLESTON. Mr. President, this is part of the committee amendments we adopted yesterday. There was some confusion yesterday apparently existing over this part of it. This amendment simply deletes a paragraph from the committee bill that has already been enacted in the continuing resolution. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I support the amendment.

The PRESIDING OFFICER The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (UP No. 1758) was agreed to.

UP AMENDMENT NO. 1759

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an unprinted amendment numbered 1759.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, line 14, strike "440,328,000" and insert in lieu thereof "$440,743,000."

Mr. KENNEDY. Mr. President, I am offering an amendment to the 1981 Department of Interior appropriations bill to add $415,000 for the National Park Service to acquire the Frederick Law Olmsted archival collection. This acquisition was authorized last year in Public Law 96–87 which established the Frederick Law Olmsted National Historic Site.

When I first introduced legislation to establish the Frederick Law Olmsted National Historic Site in 1973, we were celebrating the 150th anniversary of Olmsted's birth. Since that time we have seen a renewed interest in preserving the record of his work for all future generations of Americans. And we have gone far in accomplishing this goal. Last year we were successful in designating the Olmsted home and office as a National Historic Site, and work has already begun to restore the property.

Now, we must begin the task of preserving the extraordinary archival collection which contains Olmsted's prints, drawings and photographs. Already thousands of drawings have been destroyed and unless we act now additional portions of this priceless collection will be lost forever.

If this were to occur, it would represent a significant loss for all Americans. Frederick Law Olmsted played an outstanding role in improving the quality of life in our urban centers. As the "Father of Landscape Architecture," Olmsted is remembered across the United States as the creator of many of our Nation's most beautiful urban parks. In Boston, we know him as the designer of the Emerald Necklace. New York knows him as the planner of Central Park. And here in the District of Columbia, the Capitol Grounds provide an example of his genius. None of these places would be the same without the beauty of the green space Olmsted left us.

Perhaps the most important component of the Olmsted legacy is the archival collection, housed in Brookline, Mass. In addition to its value as a record of Olmsted's great achievements, the collection has significant practical value. It can be used as a reference by States, municipalities, and institutions for rehabilitating their existing landscapes. And it is an invaluable educational resource for students of architecture who seek a better understanding of landscape architecture and urban park planning. In its 1978 study of the Frederick Law Olmsted home and office, the National Park Service noted the importance of the collection in referring to it as "one of the single most important sources of information on the history of environmental design today."

Mr. President, we cannot wait any longer to begin the process of preserving and restoring this national treasure.

Recently, the Park Service used approximately $98,500 in discretionary funds to purchase a number of items because they were in urgent need of attention. However, additional funds must be made available if the remaining items are to receive adequate protection.

In 1979, Congress authorized $514,500 for the National Park Service to purchase the archival collection, representing the appraised value of the items. As I mentioned, $98,500 has recently been spent for this purpose. Therefore, $415,000 needs to be appropriated in order to complete the purchase and begin the work necessary to preserve the remainder of the collection.

Mr. President, Frederick Law Olmsted brought to this Nation the gift of natural landscapes within our cities. Each day, millions of Americans enjoy the simple beauty of the parks which Olmsted designed. Now, we have the opportunity to insure that future generations have the chance to gain insight into Olmsted's extraordinary genius, embodied in his archival collection. I urge my colleagues to suport me in this effort.

Mr. HUDDLESTON. Mr. President, we appreciate the Senator from Massachusetts bringing this matter to our attention in a timely manner.

There is a question of time involved here because of the special circumstances concerning some archives, if you call them that, which would be very valuable to us for all future generations.

We are agreeable on this side to accepting this amendment and we urge its adoption.

Mr. STEVENS. We accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (UP No. 1759) was agreed to.

AMENDMENT NO. 2618

Mr. PRESSLER. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. Is the Senator referring to amendment No. 2618?

Mr. PRESSLER. Yes, 2618.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) for himself and Mr. MCGOVERN proposes an amendment numbered 2618.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, after line 2, insert the following:

RURAL WATER TREATMENT AND DISTRIBUTION SYSTEM

For expenses for initial planning and construction of a rural water treatment and distribution system pursuant to section 9 of the Rural Development and Policy Act of 1980, $1,900,000.

The PRESIDING OFFICER. Under the previous order, there is a time agreement on this amendment.

Mr. PRESSLER. Mr. President, I am seeking a $1.9 million appropriation for the purpose of beginning work on the WEB water pipeline in South Dakota.

Had the South Dakota congressional delegation been able to get a firm expression of support from the Secretary before the passage of the energy and water development appropriations measure, we would have sought funds for WEB under that bill. However, we now have the full support of the Secretary of the Interior for this small amount of money which will go toward improving the quality and supply of water to South Dakota towns.

Although a new administration may change the Department of the Interior's agreement with the South Dakota congressional delegation to seek alternatives to the Oahe unit, which was placed on President Carter's water project "hit list" 4 years ago, I am sure support and commitment to the WEB pipeline project will continue.

The South Dakota congressional delegation has received a commitment from the Secretary of the Interior to support initial fiscal year 1981 funding for the WEB project. This amendment is offered based on the Secretary's commitment to us to give up the previous authorization.

I have a letter from the U.S. Department of the Interior, which letter is dated November 14, 1980, which indicates the Department's support for this particular project, which is in pursuance of the agreement that we would deauthorize the existing Oahe project in exchange for other projects. That letter came over today at our request, but we had had previous correspondence and previous letters with the Interior Department, which has sought a deauthorization of Oahe, the large irrigation project.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter of support from Daniel Beard, Acting Assistant Secretary, addressed to me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., November 14, 1980.

Hon. LARRY PRESSLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PRESSLER: You have requested clarification of the Administration's position on the amendment to the Interior Appropriations bill to provide first year construction funding for the WEB pipeline project. WEB is a rural drinking water treatment and distribution system of the type normally funded by the Farmers Home Administration. However, pursuant to legislation authorizing WEB, the project is to be financed through funds transferred from the Department of the Interior.

This is to notify you that the Administration would support an amendment providing $1.9 million in FY 1981 for the project.

Sincerely,

DANIEL BEARD,
Acting Assistant Secretary.

Mr. PRESSLER. The proposed WEB project would supply domestic water to over 30,000 persons in an area covering portions of 10 counties in north-central South Dakota, comprising 8 percent of the State's land area. The development of the WEB project would improve domestic water supplies in an area plagued with poor quality water supplies. Components of the domestic water system include an intake at Lake Oahe, a treatment plant, a network of underground pipelines and appurtenances.

Water quality data available for 34 out of 51 municipal systems to be served by WEB indicates that certain chemical properties in these existing public water sources exceed the maximum contaminant level (MCL) of the interim primary and secondary water quality regulations promulgated pursuant to the Safe Drinking Water Act. Violations of the primary MCL for fluoride are found in 12 systems, serving 5,841 persons (33 percent of the population within these systems). The MCL's for chloride, manganese sulfate and total dissolved solids are exceeded in a number of instances. Excessive hardness and sodium are also common undesirable characteristics found in existing supplies. All 34 community supplies surveyed to date have at least three and a majority have more of these undesirable constituents in their existing water supplies.

The $1.9 million being requested will be used for final construction design and construction of facilities, including land purchases, borings and aerial photogrammetry. The WEB board has considered construction of advanced features of the project, such as storage that would supplement already critical water supplies of communities waiting for WEB water. These features could aid towns like Groton, Redfield, and Hoven in temporarily meeting water supply problems until the pipeline can be constructed. These structures would be designed as part of the WEB system and would serve rural residents in addition to these towns after the pipeline is completed.

So, Mr. President, in conclusion, we are not asking for money to construct a massive project. We simply seek the funds promised to us by the Secretary of the Interior to finish the final design work on the project and to assist towns in the area with their critical water supply and quality problems.

I would ask my colleagues to adopt this amendment.

In addition, Mr. President, I ask unanimous consent to have printed a statement by Senator MCGOVERN.

STATEMENT BY SENATOR MCGOVERN

I offer this amendment to H.R. 7724 in an effort to keep South Dakota water resource development "on track." While I realize the committee is not interested in initiating "new starts" under this proposed budget, I hasten to point out the authorization for this project is not of a traditional sort and as such does not represent the kind of new start to which the committee may be opposed.

This appropriation deals with the WEB Water Development Association pipeline in South Dakota. The WEB pipeline involves transportation of Missouri River water eastward in northcentral South Dakota to serve people living on farms, in small rural communities and in larger municipalities. 30,000 South Dakotans would be served by the project.

In essence, the WEB pipeline is a rural water system "main trunk line" off of which smaller rural and domestic water systems will feed. That is why this amendment makes reference to Section 9 of the Rural Development Policy Act of 1980.

Under arrangements made with the Office of the Secretary of the Interior and with the approval of the Office of Management and Budget, $1.9-million of the President's proposed Interior appropriation could be reprogramed for this purpose. I have chosen—along with my colleague from South Dakota (Mr. PRESSLER) to instead offer this amendment for a line-item appropriation.

The WEB authorization—which has already been approved by this body and the House of Representatives—allows for a first-year appropriation of this kind on the condition that the congressionally-authorized Initial Stage, Oahe Unit be deauthorized by September 30, 1981. If for any reason Oahe is not deauthorized, the authorization for the WEB pipeline will automatically lapse. So this, Mr. President, is not a "traditional" new start.

WEB's authorization is different in other ways as well. The Department of the Interior will not be directly involved in the construction of the pipeline. Rather, the Department will divert funds to the U.S. Department of Agriculture's Farmers Home Administration for the purpose of being directed to the WEB Association. This is taking place at the request of local project sponsors and to capitalize upon their "special relationship" with the Department of the Interior due to the untimely decision to stop construction of South Dakota's major water development effort until the time the Carter Administration made that decision—and Congress concurred—the Initial Stage, Oahe Unit.

We in South Dakota believe the WEB project to the worthwhile as partial settlement of the outstanding debt we are owed for Oahe's demise. That is what this effort is all about. If we can find a package of water project authorizations and project feasibility studies which will help meet our needs in the decades to come, we will agree to Oahe's deauthorization, thus allowing us to regain our water development momentum.

It is precisely because we recognize the Administration and Congress' objection to continued work on Oahe that we have linked the future of WEB and South Dakota water development to Oahe's eventual deauthorization.

It may be argued that this $1.9-million investment in our water development efforts may not be successfully used to continue further development of the project. That well may be. But, I regard this as a very modest investment in our water development future—especially when one recognizes we have sacrificed a $370-million project to get to this point in asking for about 5 percent of that entitlement.

I request favorable consideration of this amendment from my colleagues.

Mr. PRESSLER. Mr. President, I have completed my presentation of the argument, and if I have time remaining I may have some additional responses to questions.

Mr. HUDDLESTON. Mr. President, this is a rather unique kind of project and a unique way of funding. At first blush, our judgment was that it was not proper in our particular bill. Normally, this kind of project would be financed through the Farmers Home Administration through the Department of Agriculture appropriations, and that may still be the most proper way to do it.

The Senator from South Dakota has explained how he and Senator MCGOVERN and the other members of the congressional delegation from that State have worked with the Department of Interior and the Department of Agriculture in developing this particular plan of financing.

As I said, we have not had appropriations hearings on this particular project or this plan. Hearings, presumably, were held in the authorizing committee and it has been authorized.

But we are taking the position that while we can accept this $1.9 million expenditure, we do not think it ought to be included within the limits that are allocated for our particular committee and its functions. We can go to conference with this particular figure and do the best we can there, after looking into it further from the standpoint of its appropriateness.

I suggest to the Senator from South Dakota that staff counsel suggests that this might better be inserted on page 33 of the bill, after line 15, rather than at the place it is indicated at the present time.

Would the Senator take a look at that suggestion and see whether or not we should make that modification?

Mr. PRESSLER. Mr. President, I thank the Senator from Kentucky for his remarks. That would be agreeable to us. Would that fall under the chapter Youth Conservation Corps?

Mr. HUDDLESTON. Actually, it is under the office of the Secretary. It would be just under that paragraph.

Mr. PRESSLER. Yes, I see.

Mr. President, I thank the Senator and his staff for that very appropriate change.

The PRESIDING OFFICER. Does the Senator wish to modify his amendment? If he does, it would require unanimous consent.

Mr. PRESSLER. Mr. President, I wish to modify the amendment to that effect.

The PRESIDING OFFICER. Is there

objection? Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER Do the Senators yield back their time?

Mr. HUDDLESTON. Yes, I yield back my time.

Mr. PRESSLER. Mr. President, did I understand the Senator to say that he is prepared to accept it or shall I ask for the yeas and nays?

Mr. HUDDLESTON. We will accept it.

Mr. PRESSLER. Mr. President, I yield back the remainder of my time. I thank the Senator from Kentucky and the Senator from Alaska and their respective staffs for their support and consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota (Mr. PRESSLER).

The amendment (No. 2618) was agreed to.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1760

(Purpose: To provide $45,000,000 to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Ohio (Mr. METZENBAUM), for himself, Mr. HATFIELD, Mr. WILLIAMS, Mr. HEINZ, and Mr. MOYNIHAN, proposes an unprinted amendment numbered 1760:
>
> On page 8, after line 8 add the following new section:
>
> URBAN PARK AND RECREATION FUND
>
> For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title X of Public Law 95-625), $45,000,000, to remain available until expended.

Mr. METZENBAUM. Mr. President, this amendment relates to the entire question of the continuation of the urban parks program. It would provide the same amount of funding as that which is presently contained in the House bill. The whole urban parks concept has been a development of recent years. Original legislation which I authored in the Senate was signed into law by President Ford, and appropriately so because it had been a subject to which he had addressed himself and indicated strong support.

In the early 1970's, Congress, led by Senator JACKSON, instructed Interior to do a major study of "the needs, problems, and opportunities associated with urban recreation in highly populated regions."

That study, which was completed in 1978, was the predecessor of this legislation. When it was enacted into law it was cosponsored by Senators HATFIELD, WEICKER, CRANSTON, WILLIAMS, JAVITS, RIBICOFF, KENNEDY, CHAFEE, CULVER, RIEGLE, HEINZ, MOYNIHAN, STONE, MATHIAS, SARBANES, and BAYH.

The bill at that time had the support of 34 major organizations including the National Governors Conference, the League of Cities, the Conference of Mayors, the National Association of Counties, the National Urban League, the National Urban Coalition, and the National Parks and Recreation Association.

This amendment which I have sent to the desk is cosponsored by Senators HATFIELD, WILLIAMS, HEINZ, and MOYNIHAN.

The original bill also had strong support—and I have not inquired of them but I am certain that the amendment would have support of such groups as the national board of the YMCA, Girl Scouts of the U.S.A., Boys Clubs of America, Children's Foundation, and the League of Women Voters.

WHY URBAN PARKS?

Seventy percent of Americans live in cities.

Unemployment up to 60 percent for minority youth in some cities. Too many live in hopelessness.

This gives them some opportunity to be involved, to participate in parks and recreation programs.

In June 1978, I chaired an urban parks hearing of the Subcommittee on Parks and Recreation. Two of our witnesses were Willie Mays and Wes Unseld, great athletes who have devoted their time to working with young people in the cities.

Wes Unseld had this to say about his own work in the city of Baltimore in connection with this program:

> I have been involved in programs in that area. I worked extensively with one called the Neighborhood Basketball League, which I think is now in 13 or 15 different cities across the country. We can see we have 30,000 or 40,000 young men and women involved in sports during the summer. We know even though it is barely financed, it is there. Also, being involved in this program I get a chance to go out and talk to people. If I can relate one thing to this committee which I think will summarize what I am trying to say, it is that I talked to the principal of a junior high school one summer. I think it was 6 or 7 o'clock at night, must have been 98° and we had 3 or 4 games going on the asphalt outside, and he told me one thing that stayed with me all along. I guess it has kept my involvement in this program.
>
> He said: "For the first time in this school's history, they will not have to replace the windows in the school because the kids in the neighborhood had something else to do that summer." I would hope if anything this would bring the point across for the need for this bill. Thank you. Thanks for letting me be here. If I can help—if there is anything else I can do, let me do it.

That was Wes Unseld speaking, that was he addressing himself to the issue of the kids on our streets.

But it is not just a matter of keeping the kids off the streets. As one writer has so aptly put it:

> Recreation is an expression of man's need for man. It is not a panacea for all social ills; it is not a substitute for jobs with decent pay or safe and sanitary housing, or a relevant educational system, or a meaningful role for the elderly in society. But it is an important way to learn democratic human relations, leisure skills and interests, creative expression, and to promote physical, mental and social growth. These are not inconsequential benefits.

Surveys have shown beyond doubt that urban residents want and value the benefits of a creative, functioning and well-rounded recreational program. The urban parks program, which will die unless this amendment is adopted, has funded 254 projects in 41 States.

The number 254 represents just half of the cities that want to participate. Over 500 have prepared action plans. And this year, cities have requested six times the money that is available.

The program has involved people. All over the country the adopt a park program has brought in community volunteers—church programs, neighborhood residents, community organizations—to repair and refurbish existing recreational facilities.

Programs in Florida, Mississippi, New York, and Maine have been developed specially for the elderly and the handicapped.

Illinois, New Jersey, North Carolina, California, and Washington have land recycling programs.

As a matter of fact, I have before me a list of the States in which these programs are presently working. It is my understanding it includes all 50 States of the Union.

Many programs are phased developments. To cut off the Federal share, as this bill would do, could waste millions and leave projects unfinished.

Finally, let us not forget that park programs are cost effective.

In Boston, it has been estimated that for every person using two major downtown parks, the cost of overall maintenance and equipment is approximately $1 per person. And that is a dollar no matter how many times a given individual comes back.

And parks can and do make a difference. The city of Detroit spent $10 million a few years ago to upgrade Belle Isle Park. A spokesman for Mayor Coleman Young said this about the impact:

> Previously, the park had been poorly maintained for an 8–10 year period. Attendance dropped dramtically and Belle Isle became known as a "poor folks park." Now, large numbers of people representing every ethnic and income group from ADC mothers to corporate presidents can be found enjoying this beautiful island.

The authorization bill provides for $150 million. I am not asking for $150 million. I am asking only for $45 million, the same figure that the House has in its legislation. Although the argument may be made that there is still some money left from a previous year's appropriation, on that basis I suppose we ought to eliminate any further funding in almost any department of Government, including the Department of Defense. But nobody would be so absurd as to suggest that. There is probably another $20 million that is unexpended of $45 million that still remains in this program from a previous appropriation.

I would say, Mr. President, that I appreciate the difficulties that the chairman of this committee has in connection with this amendment. I appreciate the fact that he, himself, has been a supporter of this program. But I would urge as strongly as I know how that I think that this is the kind of program that the American people want their money spent on and that we should not cut back this $45 million. We should not go to the conference committee with a zero figure to offer them. I think this is needed and I hope that the acting chairman of the Appropriations Committee can see fit to accept this amendment in its present form.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HUDDLESTON. Mr. President, I certainly do not dispute anything that the Senator from Ohio said relating to the value of urban parks and urban recreation facilities to the well being of citizens in this country.

We are confronted here, as we have been, with many valuable and worthwhile programs, with a simple position of whether we are going to exercise fiscal restraint, whether we are going to respond to the very emphatic and obvious statement by the people of this country that we ought to exercise some fiscal restraint and achieve something close to a balanced budget or at least live within the budget allocations that are assigned to each of our committees and subcommittees of the Senate.

This particular program, as the Senator has mentioned, does have some $45 million available to it for this fiscal year. The budget request was zero. Congress had to rescind $15 million of the fiscal year 1980 appropriation and defer another $45 million. So it seems to me that the program is continuing with the deferred $45 million. It would be fiscally unwise now to appropriate another large sum of money and come up again next year with a need to pull back funding when we are confronted with other budget constraints and again have to face a rescission or a deferral message which may very well come to us from the President.

Mr. President, our subcommittee does recognize this program as one of some value. When we get to conference we do have some maneuvering room with the House since they have included an appropriation. We will know by then, of course, what the second concurrent resolution will prescribe specifically for this committee. We will be in a much better position to weigh all of these factors against the other budget and spending requirements that we have, making the necessary judgment as to where the priorities ought to be.

I say again, Mr. President, that no matter how good our intentions are as far as fiscal restraint and a balanced budget are concerned we shall accomplish nothing until we are willing to bite the bullet on programs that we consider to be very good programs and very valuable programs, because there is no other way to eliminate the deficit. We cannot wish it away, we cannot hope that it will disappear. It will not happen until we are able in this body, by a majority vote, to reduce programs that we believe to be very good programs.

This undoubtedly falls into that category with most of our Members here. But in the interest of holding the line on expenditures and exercising appropriate fiscal restraint, we oppose, at this time, adding the appropriation that is suggested in the amendment by the Senator from Ohio.

Mr. President, I yield to my colleague from Alaska.

Mr. STEVENS. Mr. President, I share the feeling of the Senator from Kentucky. Despite my firm support for this program, I feel that we cannot take amendments like this. The House bill has the $45 million in it and that matter will be in conference. We do have some items in our bill that are not in the House bill which will also be subject to negotiation.

We added $78 million to the State grant portion of the land and water conservation fund. That was, in our opinion, of a higher priority than this program. It is something that was very much sought after by many Members of the Senate. The figure is $78,745,000 over the budget.

If the amendment of the Senator from Ohio is not tabled, I shall feel constrained to offer an amendment to reduce that add-on by $45 million, as we are currently slightly above our present outlay ceiling.

Mr. President, I join the Senator from Kentucky in urging the Senate to table this amendment. I do so with full knowledge that, in terms of the programs that we thought had the highest priority, the Senate selected the land and water conservation fund rather than the urban parks area. We actually added $78 million which does overlap in some way with the urban parks program.

Mr. HUDDLESTON. Mr. President, if the Senator will yield, he is making a good point there. He did not go quite far enough.

While all of these programs that the Senator from Ohio indicated are, I think, important, this particular program is not the only one which is available for cities for developing recreational facilities. As a matter of fact, this is a very new program. It has only been funded 1 year. If you are looking down the road and trying to head off growing expenditures, this is a pretty good time to direct your attention to this particular program.

The Land and Water Conservation Fund that the Senator from Alaska has referred to also provides substantial financing available to cities for developing recreational facilities. The Department of Housing and Urban Development also has a considerable amount of funding available that is used by the cities in developing recreational facilities of the nature that we have been referring to. And there are others. So, Mr. President, we are not cutting off Federal participation in the development of recreational facilities and parks within the cities of our country at all by this particular move. We do, as the Senator from Alaska said, have our budgetary restraints that we have to take into account and we simply have to make judgments and set priorities as to how we distribute that money that is available to us.

Mr. METZENBAUM. Mr. President, I should like to point out to both my friend from Alaska and my friend from Kentucky that there is $394 million in the Land and Water Conservation Fund and, although it may be possible to use those funds for urban recreation and parks programs, it is my understanding that, as a matter of practice, it is not done.

The bill also contains $225 million for the Fish and Wildlife Service. I do not rise to challenge the $225 million for Fish and Wildlife Service, but I think that if we can spend five times the amount of my amendment for fish and wildlife, we can spend $45 million for the kids we need to take off the streets before they wreak havoc in American cities.

Mr. President, this is not a problem or program that is localized; it is a program that has been used throughout the Nation. I am as concerned as any Member of the Senate about exercising fiscal restraint, but I feel that economies can be effected in other parts of the budget when we are talking about a sum which is certainly not a munificent one, $45 million.

Mr. President, my friend from Alaska says that if the motion to table is not agreed to, he would be inclined to offer an amendment thereafter to reduce the figure. Let me say to the distinguished assistant minority leader—soon to be assistant majority leader; I had to get that correct—that, rather than do that, the Senator from Ohio would be receptive to learning from the Senator from Alaska what the lower figure is that he would be inclined to use from the standpoint of an amendment. I should like to see if there could not be some way of effectuating a compromise before we take the matter to a vote.

Mr. STEVENS. Mr. President, with due appreciation for the ability of my friend to put a tough question, I think we have the bottom line in the bill now—at least until after the motion to table.

Mr. METZENBAUM. Mr. President, I am ready for the motion to table unless Senator HATFIELD, Senator HEINZ, or Senator MOYNIHAN, as indicated, are ready to come to the floor. If not, I am prepared to vote.

Mr. HUDDLESTON. Mr. President, I move to lay the amendment on the table.

Mr. METZENBAUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment of the Senator from Ohio on the table. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Boren), the Senator from New Jersey (Mr. Bradley), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from Vermont (Mr. Leahy), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Connecticut (Mr. Ribicoff), the Senator from Mississippi (Mr. Stennis), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from New York (Mr. Javits), the Senator from Kansas (Mrs. Kassebaum), the Senator from Maryland (Mr. Mathias), the Senator from Illinois (Mr. Percy), and the Senator from Wyoming (Mr. Wallop) are necessarily absent.

The PRESIDING OFFICER (Mr. Levin). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 54, nays 26—as follows:

[Rollcall Vote No. 468 Leg.]

YEAS—54

Armstrong
Baker
Baucus
Bentsen
Boschwitz
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cochran
Cohen
Cranston
Danforth
DeConcini
Dole
Domenici
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hart
Hatch
Hayakawa
Heflin
Helms
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Laxalt
Long
Lugar
McClure
Mitchell
Nunn
Packwood
Proxmire
Pryor
Randolph
Roth
Schmitt
Schweiker
Simpson
Stafford
Stevens
Talmadge
Thurmond
Tower
Warner
Young
Zorinsky

NAYS—26

Biden
Burdick
Chafee
Culver
Durenberger
Durkin
Hatfield
Heinz
Jackson
Levin
Matsunaga
Melcher
Metzenbaum
Morgan
Moynihan
Nelson
Pell
Pressler
Riegle
Sarbanes
Sasser
Stewart
Stone
Tsongas
Weicker
Williams

NOT VOTING—20

Bayh
Bellmon
Boren
Bradley
Chiles
Church
Gravel
Hollings
Javits
Kassebaum
Kennedy
Leahy
Magnuson
Mathias
McGovern
Percy
Ribicoff
Stennis
Stevenson
Wallop

So the motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, at this time I yield to the Senator from Arizona.

Mr. DeCONCINI. Mr. President, I wish to inquire of the distinguished floor manager his understanding of the intent of the Senate report language concerning contract health care as administered by the Indian Health Service Department of Health and Human Service.

The Senate report No. 96-985 indicates on page 85:

> The addition of $2 million to provide increased services to Arizona Indians.

Is it the understanding of the floor manager that this amendment includes sufficient funds for the development of an adequate health service plan for the Pasqua Yaqui Indians of Arizona?

Mr. HUDDLESTON. Mr. President, the Senator is correct. Our answer is affirmative to that. It is our understanding and our expectation.

Mr. DeCONCINI. I thank the chairman very much.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Kentucky.

The 1981 budget for forestry research reflected an acceleration of research as envisioned by the Resources Planning Act.

It was a program budget developed in consultation with nearly 1,000 users of forest and range resources, representing a broad range of interests.

The budget reflected the view that research was one of the most important strategies for increasing the supply of goods and services from our natural resources, and also reflected the view the research can reduce the conflicts surrounding the use of those resources.

Mr. MELCHER. I would agree with that. Unfortunately, while the House supported this approach, the Senate bill recommends a reduction in the research budget of the Forest Service of $4.4 million. In addition, specific project earmarking in the bill distorts carefully arrived at research priorities. This earmarking creates both a program distortion and a regional imbalance in Forest Service research activities.

Mr. COCHRAN. That is a good point. I do not question the committee's decision concerning the amount of money to be appropriated. That can be worked out in the conference. But it is clear that if the Resources Planning Act is to be successful, the priorities established in it for research by scientists and other users of research should not be rearranged at this point. I hope that in conference the Senate conferees will follow the lead of the House in sticking to the RPA priorities for forest and range research.

Mr. MELCHER. I am in total agreement with my colleague.

UP AMENDMENT NO. 1761

(Purpose: To insure air safety, no funds shall be used for implementation or enforcement of a noise abatement plan at Jackson Hole Airport, Wyoming, prior to construction of an air traffic control tower)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Wyoming (Mr. Simpson) for himself and Mr. Wallop, proposes an unprinted amendment numbered 1761.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 16, line 22, strike the period and insert in lieu thereof the following: ": *Provided further*, That none of the funds appropriated to the National Park Service shall be used to implement or enforce any component of the National Park Service's Noise Abatement Plan for Grand Teton National Park or any other proposed regulations to apply to the Jackson Hole Airport, to include any adjustment of landing or takeoff patterns, prior to the construction and operation of the planned permanent air traffic control tower at said airport facility."

Mr. SIMPSON. Mr. President, I join my colleague Mr. Wallop in the introduction of UP amendment No. 1761 to H.R. 7724, the Interior appropriations bill.

Mr. President, the amendment seeks to preclude a very extremely dangerous air traffic situation from developing in the vicinity of Jackson Hole, Wyo.

The Jackson Hole Airport, located within the boundaries of Grand Teton National Park, operates under the authority granted in a special use permit from the Department of the Interior. The permit is valid until 1995. On last renewal of that permit, it was specified that the Jackson Hole Airport board, in conjunction with the National Park Service, would prepare and implement a noise abatement plan which would be designed to minimize the noise impact of aircraft movements in that area of western Wyoming.

During preparation of the plan a disagreement developed between the airport board and the National Park Service regarding the maximum noise levels that might be produced by any particular aircraft, and as a result of that disagreement the Interior Department now seeks to forcefully implement its version of the plan.

Any implementation of this plan—or any type of plan like that—within the next 11 months would create a most dangerous situation for the following reason: A provision of this plan requires, weather permitting, that aircraft landings and takeoffs be made from the south to avoid overflight of Grand Teton Park on the north. That requirement alone would set up a very dangerous "head on" movement of traffic separation. The plan also calls for the completion of construction of an FAA control tower to safely separate those movements of aircraft operating in this otherwise dangerous manner. According to the FAA, construction of the control tower is not scheduled before October 1981 at the earliest. Therefore, implementation of this noise abatement plan prior to the construction of the control tower—which the Department of Interior is attempting to do—would obviously endanger the flying public.

Mr. President, it is obvious that the Department of Interior is in a hellbent rush to implement this noise abatement plan because it would effectively ban most commercial, private, and general aviation jets from the airport at Jackson, which has been a stated goal of that Department regardless of congressional intent. The noise abatement plan also seeks to establish operating procedures which are in direct violation of established Federal Aviation Administration (FAA) operating procedures, but for the purpose of debate today in the briefest form I am not here to argue the clearly arbitrary nature of the noise limitation imposed by this plan—or even to illustrate the tremendous inconvenience and the economic impact that implementation of this plan would have on the traveling public and the economy of this part of the country, or even to cry "foul" as the Department of the Interior attempts to implement the plan without any concurrence by the airport operator if the Senators can believe that. The airport's proprietor, which is the Jackson Hole Airport board of directors, does not even have the courtesy of input, and I will not even argue that there is not a need to operate that airport in the most environmentally acceptable manner possible. That is important. But I am here to say that the excessive zeal, arrogant, and arbitrary rulemaking—without benefit of public comment—on the part of Park Service and the Department of Interior in their mad, enthused, and punitive push to implement this plan before the proper safeguards are in place will only set up a situation whereby commercial and private aviation pilots and passengers will be placed in an extremely dangerous and unnecessary situation.

This amendment then will delay implementation only until a control tower is present to carry out whatever rules that might be promulgated by the agencies.

I ask for adoption of the amendment.

Mr. HUDDLESTON. Mr. President, while the committee has not had any opportunity to conduct any sort of hearing on this particular problem, we do recognize that the problems exist as indicated by the distinguished Senator from Wyoming.

We think that we can accept this amendment with the understanding we will have time to look into the matter further and be in a position to take an appropriate position during the conference session between the House of Representatives and the Senate on this bill.

Mr. SIMPSON. Mr. President, I thank the floor manager of the legislation. I think it will be determined that this waiting period will not be detrimental, and that certainly no regulation should be in place until a control tower is there to administer the traffic pattern. That is what I am seeking through this amendment.

Mr. HUDDLESTON. I understand.

I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (UP No. 1761) was agreed to.

UP AMENDMENT NO. 1762

Mr. SIMPSON. Mr. President, I send to the desk another amendment and request that it be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON), for himself, and Mr. WALLOP, proposes an unprinted amendment numbered 1762.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment to dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 23, strike: "$225,224,000" and insert in lieu thereof, "$225,424,000".

Mr. SIMPSON. Mr. President, this amendment that we are introducing provides $200,000 for the Fish and Wildlife Service to undertake a detailed study of the endangered Colorado River fishes in the Yampa River.

These studies will, I hope, help facilitate the construction of the Cheyenne Water Supply project (CWSP) in Wyoming. The project, which is the second phase of a 3-phase project, involves the transmission of up to 27,500 acre-feet of water from the Little Snake River drainage, a portion of the Colorado River Basin, across the Continental Divide into the North Platte River drainage. This water would be used as replacement water for up to 27,500 acre-feet of water which would be taken from Douglas Creek—we call that "crick" and not "creek" in Wyoming, I want you to know—in the North Platte River Basin and transported to Cheyenne, Wyo., through a pipeline and Middle Crow Creek. When completed, the CWSP will supply water for approximately 60,000 residents of Cheyenne and its environs.

Because the pipeline will cross lands of the Medicine Bow National Forest, a permit from the Forest Service is required. It appears, however, that the project may impact three endangered fishes, the Colorado River Squawfish, the humpback chub, and the bonytail chub—interesting species in themselves, at least by nomenclature. While the CWSP would not result in large water depletions compared to average flows, even these low level depletions may be significant for required fishery habitat. Therefore, the Endangered Species Act provides that the Forest Service may not issue the permit until the Fish and Wildlife Service can determine that the project is not likely to jeopardize the continued existence of these fish.

Unfortunately—and here the problem lies—there is an absolute dearth of information concerning the habitat needs of these fish, particularly in terms of what flows are needed to maintain the essential habitats utilized in the Yampa. Furthermore, their critical habitat has not even been defined.

In order to develop this information, which will be critical in determining impacts of the CWSP on the fish, the Fish and Wildlife Service is proposing to initiate immediately a field study in the Yampa. This would be an expansion of an ongoing study of these fishes in the Green and Colorado Rivers. The results of this study could be used not only in the case of the Cheyenne project, but also for other projects located on the Yampa River and Upper Green River.

In order to determine the significance of the river habitat at the various life stages of the fishes, a 1-year study must be conducted. The Service would like to have begun gathering field data last October, with the full field effort to commence in April 1981 and to be completed by October 1981. A final report would be issued by December 15, 1981.

The Service proposed initiating the study in October so as to minimize delay in the construction of the Cheyenne project. However, the Service's budget to Congress does not contain the necessary $200,000 because the need for this study has only recently been identified, ever since the budget process has come about.

To wait until the next budget cycle or for a reprograming or supplemental action to provide the necessary funds would further delay initiation of the studies and consequently further delay construction on the CWSP, which has been on the drawing board for over 10 years.

Therefore, I urge my colleagues to support this addition to the Service's requirements.

Mr. HUDDLESTON. Mr. President, we have examined the proposal of the Senator from Wyoming and it is essentially as he has indicated. The budget for this particular agency is very tight. They could not perform the services without this additional funding. It is not that substantial an amount, so we are prepared to accept the amendment of the Senator from Wyoming.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (UP No. 1762) was agreed to.

Mr. METZENBAUM. Mr. President, I send to the desk an amendment and ask that it be stated.

Mr. SIMPSON. Mr. President, if my good colleague from Ohio will yield, I have one additional colloquy on behalf of my colleague from Wyoming and myself, and I will then conclude.

Mr. METZENBAUM. Without losing my right to the floor I yield to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

SHERIDAN FIELD STATION, SHERIDAN, WYO.

Mr. SIMPSON. In a very few weeks I will do that with dispatch on our side, I assure the Senator.

The Sheridan Field Station, which is part of the Denver Wildlife Research Center, has been working jointly for the last 5 years with coal companies, State game and fish departments, and other Federal agencies to evaluate the significance of coal development on important wildlife species in northern Wyoming and southeastern Montana. Biologists have tagged deer, antelope, and birds of prey including endangered species to measure the effects of coal mining on the animals' behavior and to determine appropriate relocation and mitigation measures. This information is shared with the Wyoming Office of Surface Mining, the Montana Department of State Lands, BLM, and private industry for use in the coal leasing program and in developing suitable reclamation plans.

Research at the Sheridan Fish and Wildlife unit was scheduled to be completed in fiscal year 1980, and the Carter administration requested no funding for it in the fiscal year 1981 budget. This is most unfortunate, as closure of this facility will terminate the only Federal research into the effects of coal development on wildlife species in this Nation. The Powder River Basin in Wyoming and Montana contains 40 percent of the United State's surface mineable coal reserves, and is slated for intensive coal development as well as possible synfuels and other energy growth. The Federal Government has in the Surface Mining Control and Reclamation Act, the Clean Water Act, the Bald and Golden Eagle Protection Act, the Endangered Species Act, NEPA, and other Federal laws and policies set out stringent requirements for protecting the environment and wildlife species and for energy production, and it is therefore incumbent on the Federal Government to assess mining-wildlife impacts and help determine proper mitigation measures. However, the ability to provide this information cannot be accomplished by temporary visits by Federal personnel. Familiarity with the Powder River Basin, together with ongoing research and interaction with other private and government parties involved, is crucial to provide the necessary combination of expertise. Especially at a time when dealing with the complex Federal and State regulatory maze has become a nightmare, the Sheridan Field Station has been lauded by industry and State and Federal agencies as a valuable, accessible, on-the-ground asset in satisfying the rigorous requirements of current environmental law and regulation.

Mr. President in response to a number of questions and problems which have surfaced during the last 5 years of research, the Sheridan Field Station has prepared a prospectus proposing to expand its work in a broader geographic region. This expanded research would continue to study energy development and reclamation effects on wildlife species, provide recommendations for development of BTCA (best technology currently available) to minimize harm to wildlife, and develop the ability to predict impact to wildlife populations on other areas being considered for coal development.

In the past funding for this project was provided under the U.S. Fish and Wildlife Service biological services and then transferred to the Sheridan Field Station. Funding was supposed to amount to $165,000 annually for the last 5 years, but actually fell short of that goal during the first and fifth years. The Senate should know that when the station only received $35,000 in fiscal year 1980, a number of coal companies contributed substantial amounts to the station for these cooperative studies. We think this shows an admirable spirit of industry-Government cooperation which should be commended.

This year the House has added $855,000 to the Fish and Wildlife Service budget for its coal program. One would assume that funds from this addition could be used for the Sheridan Station, but the coal program money does not go toward active field research. It goes two places, to a western and to an eastern energy and land use team, which each use their funds for computer mapping and modeling based on existing research work and literature.

We suggest, Mr. President, that apparently there are some folks in the Fish and Wildlife Service who do not think there is any further need for field research because they have gathered all the information they need and the Fish and Wildlife Service should not be research-oriented. We disagree, and so do the Fish and Wildlife Service regional directors and many other professional biologists. It is obvious that we need to continue doing at least some active research as coal extraction increases, and we would ask the distinguished floor managers of the bill if they would support the inclusion of language in the conference report in the fiscal year 1981 Interior appropriations bill which would direct the U.S. Fish and Wildlife Service to make $165,000 available to the Sheridan Field Station to continue its research efforts and handle the matter on that basis with the inclusion within the conference report.

Mr. HUDDLESTON. Mr. President, I respond to the Senator from Wyoming that we are willing to seek the language that he indicates in conference. We believe this funding can be made available within existing funds and we think it is an important avenue of operation.

Mr. SIMPSON. Mr. President, I appreciate the cooperation of the floor manager. I appreciate his courtesies and attention.

I yield the floor to my colleague from Ohio, Senator METZENBAUM.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator from Ohio, Mr. METZENBAUM.

UP AMENDMENT NO. 1763

(Purpose: To provide $8,000,000 for the Cuyahoga Valley National Recreation area)

Mr. METZENBAUM. Mr. President, I call up an amendment that I have sent to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an unprinted amendment numbered 1763.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 25, strike "$351,368,000" and insert "$354,368,000".

On page 9, line 7, strike "$59,421,000" and insert "$62,421,000".

On page 9, line 8, after "service" and before the colon insert "of which $7,000,000 shall be available for the Cuyahoga Valley National Recreation Area".

Mr. METZENBAUM. Mr. President, the purpose of this amendment is to increase from $5 million to $7 million the amount appropriated for the Cuyahoga Valley Recreation Area. The House has already approved $7 million.

These funds are needed because rising property values have substantially increased the cost of acquiring land for the park.

Already, the National Park Service has entered into purchase agreements that total nearly $10 million, or twice what we recommended in the committee bill. The $8 million figure that I propose, a figure that remains below the ceiling authorized for Cuyahoga in 1981, is a realistic adjustment that will permit the Park Service to hold to its land acquisition and management plan.

Mr. President, Cuyahoga is a truly unique national recreation area. Unlike most of our national parks, Cuyahoga is located in a heavily urbanized region that includes the cities of Cleveland, Akron, and Canton. It is a natural area in the midst of one of America's great centers of industry—nearly 5 million people live within an hour's drive.

By any standard, Cuyahoga has been a smashing success. Public use of the park has increased significantly each year since the Congress created the park in 1974. In 1981 at least 5 million visitors are expected to use Cuyahoga's facilities.

Cuyahoga serves a real public need. It is a place close to home where families can spend a quiet afternoon in the countryside, it is an idea that works.

And I should also note, Mr. President, that the land acquisition plan for Cuyahoga has been developed with broad public support and after numerous public hearings.

For the past 6 years, over 86 civic organizations have actively supported the program. They have worked to carry out the intent of Congress to preserve and protect the historic, natural, and recreational realities and potentials of the valley. The $2 million in additional funds that I am proposing today is a recognition of what the House has already recognized—namely, that a small Federal investment can make a big difference in the lives of millions of Americans. Opportunities like this are rare—and we should seize them when we have the chance.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio (Mr. METZENBAUM).

Mr. STEVENS. Mr. President, I did have an indication that one of the Senators on this side wanted to address this question.

I would ask the Senator from Oregon for what purpose he seeks the floor. Is it on another amendment?

Mr. HATFIELD. Yes; I have an amendment.

Mr. STEVENS. Mr. President, may I ask my friend from Ohio—I do not know for certain that there will be an opposition, but there was an indication that one Senator wanted to speak on this amendment and he is not present. Would the Senator from Ohio consent to temporarily set aside his amendment so the Senator from Oregon may commence?

Mr. METZENBBAUM. Mr. President, I am trying to catch a 4:50 plane. Mr. President, I ask unanimous consent that my amendment be set aside for not in excess of 10 minutes and I will yield the floor to the Senator from Oregon for 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, does the Senator from Montana wish me to yield?

Mr. MELCHER. Will the Senator yield for 1 minute?

Mr. HATFIELD. Mr. President, I am under a time limitation, but I will be happy to yield part of my time to the Senator.

Mr. MELCHER. Mr. President, I will take only about 15 seconds.

Mr. President, in this bill, the Indian health manpower for fiscal year 1981 is below the amount that has been recommended by the House. It is $2 million below. I would like to ask the chairman of the subcommittee, the manager of the bill, if he feels that during conference we can reach a $6,688,000 figure that is the approximate amount for the program that is expected to be funded under the House-passed version?

Mr. HUDDLESTON. Mr. President, I would certainly be very sympathetic as we go to conference. We are still waiting to see what the second concurrent resolution will do to our budget allotment. I say to the Senator that if we have the room to maneuver in that direction, we may be able to accomplish his purpose.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, has the Senator completed?

Mr. MELCHER. Mr. President, it is my understanding that the Senator from Kentucky believes it is likely that the $2 million difference will be made up in conference?

Mr. HUDDLESTON. The Senator believes it is possible, depending on the allocations that we are finally saddled with from the second concurrent resolution.

Mr. MELCHER. Mr. President, I thank the Senator and I thank the Senator from Oregon for yielding.

Mr. HATFIELD. Mr. President, I would like to address a question to the floor managers of the bill regarding the energy extension service in the Department of Energy.

Does it remain the committee's intent to request a 25 percent State match for participation in the EES (Energy Extension Service) program for fiscal year 1981? It has come to my attention that at this late date only three States, Alaska, Wyoming, and Virginia, could secure a cash match and that only 11 States could obtain an in-kind match. The net effect of the match requirement would be to halt the entire EES program in 36 States until next fiscal year.

Mr. HUDDLESTON. The committee recommendation proposes $20 million for the energy extension service and report language is included which requires a 25-percent match by the States participating in the program. Because of the late passage of this appropriation bill I believe it would be proper to permit the Department to delay the matching requirement until fiscal 1982. This agreement would not increase the level of Federal funding for the current fiscal year; however, so the overall program level would be reduced.

UP AMENDMENT NO. 1764

(Purpose: To provide $722,000 for the funding of the Holocaust Memorial Council)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), for himself, Mr. DANFORTH, Mr. JACKSON, Mr. BOSCHWITZ, Mr. METZENBAUM, Mr. CRANSTON, Mr. PELL, Mr. LEVIN, and Mr. JAVITS, proposes an unprinted amendment numbered 1764.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63, between line 19 and line 20, add the following new account:

HOLOCAUST MEMORIAL COUNCIL

For expenses necessary to carry out the Holocaust Memorial Council upon the enactment of the Act entitled "An Act to establish the United States Holocaust Memorial Council", $722,000.

Mr. HATFIELD. Mr. President, this amendment is simply to pick up a slack in the progress that has been established for the establishment of a holocaust memorial. The President appointed a Commission. This Commission made its recommendations and a council was then appointed to set up a design for the Holocaust Memorial.

Unfortunately, the authorization for the Holocaust Memorial was not acted upon before the appropriation matters were completed on the Interior bill.

My understanding is that the House Members, including the chairman of the Appropriations Subcommittee on the Department of the Interior, has agreed to this amendment. This amendment is offered on behalf of Senators DANFORTH, JACKSON, BOSCHWITZ, METZENBAUM, CRANSTON, PELL, and LEVIN.

Mr. President, this is an amendment to appropriate $722,000 for 1 year only and it is for the completion of the design for the memorial and, therefore, to complete the commitment we have made to develop this memorial.

I would ask the committee to accept it. I know the committee understands the purpose of this amendment and the leaders have indicated their willingness to accept it.

Mr. President, I understand this amendment has the support also of OMB and Chairman Yates of the House Interior Appropriations Subcommittee.

To summarize, the purpose of the amendment is to appropriate $722,000 for fiscal year 1981 for the U.S. Holocaust Memorial Council. This is the funding level authorized in H.R. 8081, which has now passed the House and Senate by unanimous consent and is expected to be signed by the President shortly. This measure had 40 Senate cosponsors.

The Holocaust Council has come about at the recommendation of the President's Commission on the Holocaust Memorial. The Senate representatives ably serving on the Commission include Senators DANFORTH, JACKSON, PELL, STONE and BOSCHWITZ.

Mr. President, there is no way to undo the tragedies of modern history's darkest days nor can we bring back the nearly 11 million human beings who were murdered under the Nazi reign of terror. To the families and friends of all the victims, and especially to the world's Jewish community, who were the largest single target of annihilation and ethnic extermination, few words of comfort can be offered to ease the overwhelming sense of loss felt even 40 years later.

Our responsibility now lies in keeping alive the memory of those who suffered and perished and to learn the lessons of the past so they will never again be repeated.

The Holocaust Commission recommended to the President and the Congress the need for a living museum/memorial in our Nation's Capital. The Council, therefore, will be established to plan and oversee the design and construction of a permanent museum to the victims of the holocaust. It is altogether fitting for this memorial to be in the Capital of the country where so many of the survivors fled and established new lives. The United States, too, should be recognized for the significant role it played in the final liberation of the death camps.

The second mandated purpose of the council is to assist in the development of an annual observance of the Days of Remembrance of the victims of the holocaust. A number of synagogues, churches, and community groups have initiated their own meaningful observances and the Holocaust Memorial will be charged with the ongoing responsibility of developing and encouraging ways to commemorate these Days of Remembrance. This mandate is an extremely important part of the memorial.

Another significant aspect of the Council is its task to generate significant private sector support for the memorial Government. The Commission noted in in a public-private partnership with the its report that it believes extensive support from the American people will be forthcoming.

Mr. President, this small funding measure will begin a long overdue effort on the part of the United States to honor the memories of the victims of this genocide. It is important to point out that we are the only nation in the civilized world without an official Holocaust Memorial.

As the philosopher George Santayana so appropriately noted in 1905, "Those that cannot remember the past are condemned to repeat it." Let us proceed, Mr. President, with the mission of the Council and the education of future generations of American citizens in the tragedy of the holocaust.

Mr. HUDDLESTON. Mr. President, we have examined this proposal of the distinguished Senator from Oregon and have no objection to it on this side of the aisle.

Mr. STEVENS. Mr. President, I am pleased to join with the distinguished manager of the bill in accepting this amendment.

Mr. HATFIELD. Mr. President, I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (UP No. 1764) was agreed to.

UP AMENDMENT NO. 1765

Mr. HATFIELD. Mr. President, I send an additional amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an unprinted amendment numbered 1765.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, after line 18, insert the following:

Notwithstanding any other provision of law, the Secretary is authorized and shall seek to acquire the lands described in Section 505(a) of the Act of November 10, 1978 (92 Stat. 3467) by first acquiring federal surplus lands of equivalent value from the General Services Administration and then exchanging such surplus lands for the lands described in Section 505(a) of that Act with the land owners. Exchanges shall be on the basis of equal value, and any party to the exchange may pay or accept cash in order to equalize the value of the property exchanged.

Mr. HATFIELD. Mr. President, this is one of those very interesting situations where we are trying to correct an inequity that exists at this time. The Congress of the United States authorized the establishment of a park in Hawaii and this park was to be developed out of a large parcel of private ownership. The only problem is that the Government has not had the appropriations to make this purchase, and it has now been appraised at about $60 million.

The owners of this property are people of modest income, of increasing age. In fact, I believe the owner is now near 70.

They realize that, for the first time, if they should die their heirs would be thrust into a very untenable position of having to pay inheritance tax on estate ownership, including this $60 million appraised value land.

They have asked for relief in this situation. The GSA and the Forest Service have agreed that there is land in Hawaii that they could easily exchange and thereby create a fluid landholding as against this one buyer market situation they face.

All this does is to give, in effect, authorization to the GSA and the Forest Service under existing rules, regulations, and laws to proceed to redress this particular hardship that has been placed upon these innocent people.

I have talked to the managers of the bill and they have indicated an understanding of this. I believe they are willing to accept this amendment. Therefore, I yield to the manager of the bill.

Mr. HUDDLESTON. Mr. President, the Senator is correct. We have examined this amendment and we are willing to accept the amendment proposed by the Senator.

Mr. STEVENS. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1765) was agreed to.

Mr. HATFIELD. Mr. President, I thank the leadership for yielding for this purpose and for the willingness of Senator METZENBAUM to set aside his pending amendment and permit me to take up these two amendments.

Mr. STEVENS. Mr. President, there will be a Member here to speak in a moment. I might say to my friend from Ohio that I must oppose his amendment because of the other amendments that deal with national parks and land acquisition which we face. We are now committed to opposing, for instance, the two amendments to be offered perhaps by the Senator from Wyoming and the amendment to be offered, perhaps, by the Senator from Pennsylvania. They are all geared to the suggested amendment.

Since we have taken the position that no further amendments should be agreed to because we are in excess of our budget outlay ceiling, and we are just bouncing under the budget authorization ceiling, we do not feel we can make an exception.

I point out to my friend from Ohio that he is in a different situation than the other Senators with their amendments because the money he seeks is actually in conference. It is in the House bill and will be in conference. These other Senators are trying to put items into the bill to go to conference.

I have indicated to the Senator from Kentucky my intention to try to maintain a position with him of opposing any amendments which would increase this bill to the point that we would be in serious difficulty. I am afraid the amendment of the Senator from Ohio would start to tear down that position.

Unless someone wants to speak, Mr. President. I intend to put in a quorum call until the other Senators arrive.

Mr. METZENBAUM. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. METZENBAUM. Is the Senator from Alaska representing to the Senator from Ohio that he intends to oppose any amendments of a similar nature which would increase the funding for specific projects such as this?

Mr. STEVENS. I will state to the Senator that we have not supported any amendments for increases in this type of situation. We accepted only one that I know of. It is my intention, and I have notified the other Senators both on my side of the aisle and the other side of the aisle, that the Senator from Kentucky and I would oppose any amendment increasing land aquisition accounts.

Mr. METZENBAUM. Mr. President, I appreciate the response of the Senator from Alaska.

I would like to inquire of the Senator from Kentucky with respect to this matter, which he knows is a matter of great personal concern to constituents in my State.

It is not a major amount of money. It is $5 million in the bill and the House has put $7 million in. This is very important to our communities. This park runs between Akron and Cleveland. There will be millions of people who will have access to it. It is the only major urban park other than those located in San Francisco and New York, and other than some that have been talked about in recent years.

In view of the fact that there is the $7 million in the House bill, may I obtain the point of view of the Senator from Kentucky as to how he would react to the possibility of yielding to the House on this issue?

Mr. HUDDLESTON. Mr. President, I will say to the Senator from Ohio that we certainly are aware of this particular project and his interest in it. Within the constraints we will have placed upon us in the second concurrent budget resolution, we will certainly give every consideration to the House figure when we go to conference on this bill.

Mr. METZENBAUM. Under those circumstances, Mr. President, in view of the fact that I understand the circumstance that the amendment might be a precedent, and in view of the fact that there has been a representation that this bill will be opposed, the Senator from Ohio will withdraw his amendment.

The PRESIDING OFFICER. The amendment of the Senator from Ohio is withdrawn.

Mr. HUDDLESTON. I thank the Senator very much.

Mr. METZENBAUM. Mr. President, I reserve my right to reintroduce that amendment should another amendment of a similar nature be adopted. However, in view of the representations of the Senators from Alaska and Kentucky that they are not going to accept any other amendments, I feel it may not be necessary to reserve that right.

Mr. STEVENS. Mr. President, the

Senator would have that right anyway, I might say.

Mr. METZENBAUM. This Senator so understands.

Mr. HUDDLESTON. Mr. President, I yield to the Senator from Alaska. I believe he has a matter to present.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, on behalf of my distinguished colleague (Mrs. KASSEBAUM), I ask unanimous consent that her statement in support of the Interior appropriations measure be printed in the RECORD at this point.

STATEMENT BY SENATOR KASSEBAUM

The appropriations measure we are considering today makes important commitments to preserving and enhancing our nation's lands and resources. At the same time, we are provided a unique opportunity to support research which can utilize our natural resources to make a special contribution to our nation's energy security. Within the Energy Conservation area of that portion of the Department of Energy, which is funded in this bill, we can emphasize promising new research on alternative agricultural energy sources.

American farmers have actively sought ways in which to lessen our dependence on foreign sources of oil, as demonstrated most dramatically by the tremendous popular interest in production of gasohol. We in Congress have strongly registered our support for alcohol fuel production.

I believe that we have only begun to utilize the potential of American agriculture to help provide for our nation's energy needs. In addition to gasohol, there are other means of using biomass and agricultural resources which have shown promise, yet which need additional research that is not funded elsewhere.

For example, there is considerable potential in the gasification of agricultural wastes such as crop residues to fuel certain on-farm practices. Under this system, farmers would be able to harvest the crop of grain and then process the straw or stover remaining on the field into low and medium BTU gas. The grain itself would still be available for marketing and human consumption. The type of fuel produced would be particularly useful for fueling irrigation pumps and grain dryers, two of the most energy-intensive practices on the farm. Scientists believe a fluidized bed gasifier should be tested with various types of agricultural residues to determine which would be preferable.

Another idea with great potential is the use of vegetable oil as fuel for diesel engines. Increasingly, modern agriculture is operating with equipment powered by diesel rather than gasoline engines. Several states have indicated that vegetable oils, such as from soybeans or sunflowers, may be able to meet a portion of this increasing demand.

As these ideas are tested and evaluated, the results can be integrated into existing farm systems, and we can enhance the efficiency of these processes on the farm. I am hopeful that the DOE will recognize the importance of this research and support it through an appropriate channel, such as the Agriculture and Food Processing Branch of Industrial Process Efficiency within Energy Conservation.

I hope that the conference report which accompanies H.R. 7724 will include encouragement to the Department of Energy to recognize these priorities, and I believe funds within the amount now appropriated should be used. Such action would be an important step toward the more efficient utilization of our nation's natural resources, which should be beneficial for all Americans.

UP AMENDMENT NO. 1766

(Purpose: Grant legislative approval of completed environmental studies in NPR–A as having met NEPA requirements)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 1766.

Mr. STEVENS. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, after line 19, insert the following:

The detailed environmental studies and assessments that have been conducted on the exploration program and the comprehensive land-use studies carried out in response to Sections 105 (b) and (c) of Public Law 94–258 shall be deemed to have fulfilled the requirements of Section 102(2)(c) of the National Environmental Policy Act (Public Law 91–190), with regard to the first two oil and gas lease sales in the National Petroleum Reserve—Alaska: *Provided*, That not more than a total of two million acres may be leased in these two sales: *Provided further*, that any exploration or production undertaken pursuant to this section shall be in accordance with Section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 30; U.S.C. 6504).

Mr. STEVENS. Mr. President, both the House and Senate versions of the fiscal 1981 Interior appropriations bill contain language authorizing private exploration and drilling in the National Petroleum Reserve-Alaska. It is estimated that 20 months will be needed following enactment of this bill before the first lease sale can be held. Most of this time will be spent in administrative work necessary to comply with the provisions of the National Environmental Policy Act.

A limited Federal drilling program has been underway in NPR–A for years, and each year, in addition to providing funds for the actual drilling operation, Congress has also appropriated large sums of money for environmental studies and restoration. To date, more than $12 million has been spent in NPR–A to gather environmental data.

Mr. President, we can ill-afford further delays in developing this promising oil and gas area.

The amendment I am offering would allow the Department of the Interior to proceed with a lease sale without filing a final environmental impact statement. Environmental assessments would still be conducted on those sites to be offered in a lease sale, but these would not be so time consuming nor so costly as the EIS. This amendment would apply only to the first two lease sales in NPR–A and not more than 2 million acres could be leased in those sales, so what we are asking is a very limited exemption which should be granted in view of the extensive environmental data we have collected in NPR–A.

Mr. President, so that there is no misunderstanding, I point out that the Department will have to offer more than 2 million acres for lease in order to be assured of an actual sale of 2 million acres. It is our intention that the Bureau of Land Management offer tracts in several different areas so that we can better determine interest in diverse areas of NPR–A rather than concentrating all the tracts in one or two areas.

Mr. President, I have discussed this matter with the Energy Committee, with the distinguished Senator from Louisiana, the chairman of the legislation subcommittee of jurisdiction (Mr. JOHNSTON). He asked that he be made a cosponsor of this legislation. I ask unanimous consent to that effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. This amendment has been discussed with the chairman and the staff of the Energy Committee. The chairman does not cosponsor the amendment, but to my knowledge, there is no objection to this final version of the amendment.

It will mean, Mr. President, that an area that has been set aside now since the Harding administration as an oil and gas reserve can, in fact, be opened as quickly as possible, consistent with the existing laws, to leasing. The one thing we are asking is that, because environmental studies have been completed pursuant to another law, they not have to be done again pursuant to the National Environmental Protection Act.

Mr. President, I ask that this amendment be given consideration.

Mr. HUDDLESTON. Mr. President, on this side of the aisle, we agree with the statement made by the Senator from Alaska; and, we will not object to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1766) was agreed to.

UP AMENDMENT NO. 1767

(Purpose: Clarification of Congressional intent)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 1767:

On page 18, line 8, after "Acts," insert the following: "notwithstanding any other provision of law and".

Mr. STEVENS. Mr. President, this is really a technical amendment.

Public Law 94–258 prohibited development and production of oil and gas in

NPR–A unless specifically provided in a subsequent act of Congress.

As language is included in this bill to establish a leasing program for oil and gas development in NPR–A, and that is in the House bill also, that prohibition is effectively rescinded. To insure that our intent is clear, however, the words "notwithstanding any other provision of law" should be included in the language now contained in the Interior bill to make certain that the amendment already in the bill will be effective in view of the provisions of Public Law 94–258.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (UP No. 1767) was agreed to.

TANANA CHIEFS INDIAN HEALTH SERVICE PROPOSAL

Mr. STEVENS. Mr. President, I would like to seek clarification from the floor manager concerning an Indian Health Service facility in Alaska. The committee did not provide the additional $500,000 I had requested to provide for transition expenses and increased contract care services associated with a proposal from the Tanana Chiefs Conference to close the PHS hospital in Tanana, Alaska. The hospital is now only serving about eight patients a day and the Tanana Chiefs seek to take over the facility and convert it to long-term care using the Fairbanks Memorial Hospital as their primary source of inpatient care.

Am I correct in assuming that although we have not provided additional funds for this activity, the Indian Health Service could make an administrative decision to close this facility and make it available to the Tanana chiefs for long-term care so long as this could be accomplished within the funds otherwise available to them?

Mr. HUDDLESTON. As the Senator knows, we are concerned about some of the long-term cost implications associated with proposals which seek to move from direct service in Indian health facilities to contract care. If there were sufficient savings from the closure of the Tanana PHS hospital to cover the other costs associated with the plan, we would have no objection so long as the committee received notification from the Indian Health Service. I would emphasize, however, that we cannot commit Federal funds to the operation of a long-term care facility.

Mr. STEVENS. I understand that and will inform the Tanana chiefs that while we would not object to the facility's being used for long-term care, funds for its support must come from State, local, or third-party payments.

Mr. MATHIAS. Mr. President, I would like to call the Senate's attention to the necessity for the National Park Service to provide an adequate facility for the National Center for Therapeutic Riding in Rock Creek Park in Washington, D.C. The need arises because of the National Park Service's plan to demolish the Rock Creek horse barn, where the therapeutic riding program serves handicapped children of the District of Columbia public schools and other metropolitan Washington area groups and individuals. If a facility is no longer available for this unique therapy program, then hundreds of handicapped children now enrolled will be forced to abandon the program. Therapeutic riding has proven a vital method in both physical and psychological therapy for handicapped people. I understand that the National Park Service, because of budgetary constraints, is hesitant to provide the necessary funds for a temporary facility.

Mr. HUDDLESTON. I agree that this is a matter warranting immediate attention. With respect to the National Park Service budget for fiscal year 1981, I would like to point out that the committee has included an increase in appropriations of $16.5 million for the maintenance of Park Service property. Within that context, I would expect the Park Service to make projects such as this one a priority.

Mr. MATHIAS. I am bringing up the need for support now because I do not think that the National Park Service is giving the project the attention it deserves. I cannot overemphasize the importance of the therapeutic riding program for handicapped children. I am worried that the harm to these children would be immeasurable unless a way can be found to maintain the program in an adequate facility and at an optimal level.

Anyone who is familiar with the program would attest that it has been highly successful for the past 6 years. In fact, it is so successful that the center has given much thought, as you point out, to the possibility of expanding the program to include 1,000 children and to train instructors for similar programs across the country and abroad. Moreover, Washington is a logical site for the headquarters of a national and international effort to educate the public about these valuable techniques for helping the handicapped.

Mr. HUDDLESTON. I understand that approximately $500,000 is estimated for a temporary facility.

Mr. MATHIAS. Yes, that amount will at least provide a temporary facility to continue the program. But, in looking down the road, the center believes that a new facility is necessary with the expansion of the program.

Mr. HUDDLESTON. The committee agrees this is an important project. With the additional NPS maintenance funds I mentioned a moment ago, projects of this kind should be given a high priority. This exchange should serve as a clear guide of the Senate's legislative intent in that respect. However, the committee will expect the Park Service to hold down the renovation costs involved. The estimated cost is, in our judgment, highly excessive.

Mr. MATHIAS. I appreciate your support. With the International Year of the Disabled taking place in 1981, it would be unfortunate and ironic to find ourselves observing it by not saving such an outstanding and, in the long run, cost-effective program.

WHY THE INTERIOR DEPARTMENT APPROPRIATIONS BILL IS TOO HIGH

Mr. PROXMIRE. Mr. President, the Interior Department appropriations bill is too high. That is why I am voting against it.

It is true the bill is $1.079 billion below the budget estimates and $17.9 billion below last year. This latter figure is deceiving because it is due almost entirely to the fact that last year we appropriated almost $20 billion for the energy security reserve, a one-time and nonrecurring item.

However, the committee should get credit for the more than $1 billion cut below the President's budget estimates.

This year there should be a balanced budget. We have double digit inflation. Interest rates are in the double digit range. The real income of the American people has declined because of those facts.

In these circumstances we must cut the budget more than we have. Spending must be cut, cut, and cut.

The Office of Management and Budget almost 6 months ago estimated a fiscal year 1981 budget deficit of $30 billion. That was the last official estimate and it is now no doubt very much higher—billions of dollars higher.

My vote against this bill reflects my belief that we must do more. If a majority of Senators voted "no" this bill and other appropriations bills would go back to the committee for further cuts until finally we achieved a balanced budget or surplus for fiscal year 1981.

If that were done then such a tightening of the fiscal belt along with the present strict monetary policy would bring about a major decrease in the inflation rate.

We cannot continue to have a budget which is $30 billion or more out of balance in a year of double digit inflation and expect the situation to improve.

My vote of "no" on this bill is a protest against an unbalanced budget in a year of roaring inflation.

We must do more if the number one economic problem of this country is to have any chance of solution.

GLADE PARK

● Mr. ARMSTRONG. Mr. President, I would like to thank the Appropriations Committee for including language in the Interior Appropriations Committee report which insures that the National Park Service will continue to escort oversized vehicles on the Glade Park Road in Colorado National Monument during the 1981 fiscal year.

Glade Park is a rapidly growing community 10 miles from Grand Junction, Colo. The only all-weather road between the two, the Glade Park Road, traverses 4.5 miles of the Colorado National Monument and has a series of dangerous hairpin curves. Large vehicles which would not ordinarily require a warning escort, cannot negotiate these curves while staying entirely within their own lane. A hazard to all users of the road has thus existed from the time the road was built.

The monument was created by President Taft in 1911. In 1913, Mesa County provided assistance to the NPS for construction of Glade Park Road. The residents themselves contributed money and labor to the project. The road was subsequently abandoned to the National Park Service, but the historical right-of-way has continued to be exercised by the residents of Glade Park. Mesa County continues to maintain all but that portion of the road within the monument boundaries. For all practical purposes, the Glade Park Road is an integral part of the county network—for the benefit of the county and its residents, as well as for monument visitors. Glade Park residents and commercial traffic serving the community have used this road for 67 years, as have the timber and grazing interests located beyond Glade Park on the Uncompaghre Plateau.

Because of the rapid growth of Glade Park, in 1974 NPS became concerned about the increasing hazard posed to the general public by the increasing volume of commercial traffic. The NPS requested that drivers of large rigs (mostly livestock and timber haulers) agree to accept a pilot vehicle, provided and driven by monument personnel, to escort them through the monument; in the interest of public safety, the commercial users acquiesced in this arrangement.

In 1979, the NPS threatened to ban commercial traffic altogether. As a result of this action, the Mesa County Commissioners met with the Park Service in order to resolve this issue. The county commissioners have worked very diligently with the NPS to insure that the concerns and safety of the residents of Glade Park, Grand Junction, and visitors to the monument were preserved. The commissioners and the National Park Service have agreed that the long-term solution of commercial traffic inside the monument will be solved when the Little Park Road which runs outside the monument is upgraded to handle large vehicle traffic. To construct this alternative road, Mesa County has pledged itself to an expenditure in excess of $600,000 for the construction of one half of the road; the National Park Service has pledged to join the county in investigating several funding possibilities for the other half.

However, in order to protect the residents of Glade Park and visitors to the monument, it is essential that the Park Service continue to escort oversized vehicles through the monument until improvements have been made on the Little Park Road. The inclusion of this provision in the Interior Appropriations Committee report insures that the Park Service will continue to escort oversized vehicles through the monument during fiscal year 1981.

Mr. President, I have recently received a letter from the Mesa County Commissioners which describes the continued need for National Park Service escort of oversized vehicles within the Colorado National Monument until improvements have been completed on the alternative road. I believe this letter clearly demonstrates the county's commitment to resolve the problem of safe and convenient access to the Glade Park and monument area. I would like to submit this letter for inclusion in the RECORD. I would also like to thank the Appropriations Committee for its prompt attention and action on this important problem to the residents of western Colorado.

The letter follows:

MESA COUNTY COMMISSIONERS,
Grand Junction, Colo., Sept. 29, 1980.

Hon. WILLIAM L. ARMSTRONG,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR ARMSTRONG: This is to inform you that the Mesa County Commissioners and the Regional Office of the National Park Service have worked very closely in trying to resolve a very pressing problem of safe and convenient access to the Glade Park area. Resolution of this problem has both long term and short term components.

In the long term, which is to say over the next few years, we have agreed that an alternative all-weather access road must be built. This will achieve a mutually desirable goal—access to the rapidly growing Glade Park area will be enhanced for those who live there and for the necessary commercial traffic that serves the area, and such traffic can be wholly diverted from one of the most beautiful National Parks in Colorado. To construct this alternative road, Mesa County has pledged itself to an expenditure in excess of $600,000 for construction of one half of the road; the National Park Service has pledged to join with us in investigating several funding possibilities for the other half.

In the short term, commercial traffic must continue to pass through the Colorado National Monument. In this regard, the County Commissioners support the addition of language in the Senate Appropriations Committee Report which will continue to provide escorts for commercial traffic in the Colorado National Monument. It is essential that this language be retained in the Conference Report in order to ensure the safety of the residents of Glade Park and of visitors to the Monument.

We believe that the addition of this language represents a practical resolution of the short term problem while work proceeds on an alternative all-weather road. Anything you can do to further this goal will be greatly appreciated.

Sincerely,

RICK ENSTROM,
Chairman, Mesa County Commissioners.●

KANSAS INDIAN FUNDING

● Mr. DOLE. Mr. President, I would like to engage the floor manager of this bill in a brief colloquy on a matter of concern to the Indians of Kansas.

The Bureau of Indian Affairs office in Anadarko, Okla., distributes Indian funds to 23 tribes in both Oklahoma and Kansas. Nineteen of these tribes are in Oklahoma. The remaining four tribes—the Kickapoo, Potawatomi, Iowa, and Sac-Fox—are in Kansas.

We are all aware of the rich history of the Oklahoma Indian tribes. Both their numbers and their needs are great. However, the Indians of Kansas are fearful that they are being ignored and shortchanged in this two-State area.

Specifically, the formula for distributing Indian funds appears to discriminate against Kansas Indians. As in many Federal programs, the number of residents determines the number of dollars. But, the formulas used in this two-State area have the effect of counting a greater proportion of Oklahoma Indians than Kansas Indians.

As I understand it, the Oklahoma formula provides for counting enrolled members of tribes living within the former reservation area. The Kansas formula only allows counting those Indians within the actual present reservation boundary, a much smaller area than the former reservation area. If Kansas tribes were allowed to count Indians living within the former reservation area, as in Oklahoma, their numbers would be greater, and they would receive a more appropriate share of Federal funds.

I understand the complexities of counting tribal members, and I am sure that there may be historical reasons for these differences. But, I am not sure this is justified. It seems to me that the tribes in each State should be counted by the same method, so that Indians in one State receive the same proportionate share of funds as Indians in another State. In this case, it happens to hurt Kansas Indians. It may also harm other tribes in other States.

Mr. HUDDLESTON. Your point is valid. We should not, by the use of differing statistical formulas, give an undue benefit to the Indians of one State over another. Because of its vastly greater number of Indians, Oklahoma should receive more funding than Kansas. But, the Kansas tribes should receive their proportional share based on a fair counting of the total number of Indians in the State. We will expect the Bureau of Indian Affairs to look into this matter and see to it that these four Kansas tribes are treated fairly. I will also urge that the equal allocation of BIA resources be a subject of the fiscal 1982 budget hearings.●

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TSONGAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I have a time agreement on the pending measure, the Interior appropriations bill, which has been worked out between Mr. HUDDLESTON and Mr. STEVENS, the manager and ranking minority manager, and other Senators. This has been cleared with the leadership on the other side of the aisle, specifically, with Mr. BAKER and Mr. STEVENS, and with Senators on this side of the aisle, including Mr. HUDDLESTON.

Mr. President, there is an agreement already with respect to the amendment by Mr. BRADLEY to the pending measure. There is also an agreement with respect to the State, Justice appropriation amendments.

Without in any way altering those agreements, I make the following request: That further debate on the Department of the Interior appropriation bill be limited to 1 hour to be equally divided between Mr. HUDDLESTON and Mr. STEVENS; that that hour not start running until Monday; provided further, that on Monday no other amendments to the Interior appropriations bill, with the exception of the Bradley amendment and amendments thereto as previously ordered, be in order, with the following exceptions: two amendments by Mr. HEINZ—one, a printed amendment No. 2614 providing $4 million for the Valley Forge National Park with 1 hour equally divided on that amendment in accordance with the usual form; the second amendment by Mr. HEINZ, which provides $5.7 million for the Forest Service aerial logging vehicles with 1 hour equally divided on that amendment.

Provided further, that there be 1 hour equally divided on an amendment by Mr. BELLMON, to be offered by Mr. BELLMON or Mr. DOMENICI, on budget outlay control; two amendments by Mr. WALLOP—one amendment providing $6.9 million for the Yellowstone National Park, and one which provides $5.3 million for a national elk refuge, on which there would be 1 hour equally divided in accordance with the usual form; one amendment by Mr. MELCHER to increase the appropriation for Department of Energy fossil energy research and development account, with 1 hour on that amendment to be equally divided in accordance with the usual form.

Provided further, that all amendments in the second degree to any of the aforementioned amendments, with the exception of the amendment by Mr. BRADLEY, which has already been taken care of under a previous order, must be germane to the underlying amendment, and debate on such amendments in the second degree be limited to 30 minutes equally divided in accordance with the usual form.

Provided further, that upon the disposition of the aforementioned amendments, if they are all called up, that the Senate proceed immediately to third reading, and immediately to final passage; and that upon disposition of the bill there be no time for debate on any motion to reconsider.

Provided further, that—with that exception—or any debatable motion or appeal or point of order, if such be submitted to the Senate by the Chair, that there be a 20-minute time limitation to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

The text of the agreement follows:

Ordered, That on Monday, November 17, 1980, at the hour of 10:00 a.m., the Senate resume consideration of the pending business, H.R. 7724, the Department of Interior Appropriations Act, with no amendment in the first degree to be in order except the following: a Bradley amendment, which is the pending question, on which there shall be 40 minutes; two Heinz amendments, No. 2614 and a $5.7 million logging amendment, on each of which there shall be 1 hour; a Bellmon or Domenici amendment on budget outlays, on which there shall be 1 hour; two Wallop amendments, one a $6.9 million Yellowstone and the other a $5.3 million National Elk Refuge amendment, on each of which there shall be 1 hour; and a Melcher amendment on fossil research and development, on which there shall be 1 hour: *Provided,* That the time on these amendments shall be equally divided and controlled by the mover of such and the manager of the bill.

Ordered, That no amendment in the second degree shall be in order unless germane to the underlying first degree amendment, and that time on any such second degree amendment shall be limited to 30 minutes; except on any second degree amendment to the Bradley amendment, on which there shall be 20 minutes.

Ordered, That debate on any debatable motion, appeal or point of order shall be limited to 20 minutes, and that there shall be no time for debate on any motion to reconsider.

Ordered, That upon the disposition of the above mentioned amendments, the Senate immediately proceed to third reading of the bill, and then immediately to final passage.

Ordered, That on the question of final passage of the bill, time for debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Kentucky (Mr. Huddleston) and the Senator from Alaska (Mr. Stevens).

Mr. ROBERT C. BYRD. Mr. President, I congratulate Mr. HUDDLESTON and Mr. STEVENS not only for working out the agreement but also for the progress that has been made on the bill up to this point. It is my understanding that there may be one more amendment offered today. There will be no more rollcall votes ordered today.

Mr. STEVENS. That is correct. It is my understanding that the Senator from New Mexico will not seek a rollcall vote on his amendment. I know of no other amendments. It is my understanding that the consent agreement will prevent any amendments being offered except those specified after the close of business today.

Mr. ROBERT C. BYRD. Yes. There will be no more rollcall votes today because of the agreement by Mr. DOMENICI that no rollcall vote will be requested on his amendment.

I thank Mr. HUDDLESTON and Mr. STEVENS and I congratulate them, and the Senate is in their debt.

UP AMENDMENT NO. 1768

(Purpose: To permit non-Indians to utilize the Zuni-Ramah Indian Health Service Unit in Zuni, New Mexico, on a fee-for-service basis and allowing those fees collected to be returned to the Indian Health Service.)

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. A parliamentary inquiry

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Is an amendment in order at this time?

The PRESIDING OFFICERS. An amendment is in order.

Mr DOMENICI. I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an unprinted amendment numbered 1768:

On line 24, page 54, after "Talihina Hospital in Talihina, Oklahoma," add "and the Zuni-Ramah Indian Health Service Unit in Zuni, New Mexico."

Mr. DOMENICI. Mr. President, I have a prepared statement that explains the need for this amendment and explains the fact that this is not a precedent. The bill that is before us does the same thing for an Indian hospital in Oklahoma that I seek to do for an Indian hospital in New Mexico.

Mr. President, Gov. Robert E. Lewis of the Pueblo of Zuni in New Mexico has done an excellent job of documenting the need for and the benefits from allowing non-Indian residents to pay for their health care at the Zuni-Ramah Indian Health Service Hospital.

There are about 400 to 700 non-Indians living in the area who must now travel at least 40 miles to Gallup, N. Mex., to receive nonemergency care. Many of these non-Indians are employed by tribal health, education, and administrative operations. There is a high rate of attrition due largely to the lack of readily available health care which, under existing legislation, can only be offered in an emergency situation.

The Zuni-Ramah IHS Hospital is a 45-bed facility with 7 physicians and 3 physician assistants available on a full-time basis. The non-Indian population is too small to support a single full-time physician or an attendant facility. It makes good sense to use the existing facilities and services by allowing the Zuni-Ramah Hospital to accept non-Indians on a fee-for-service basis. My amendment makes this provision, and it allows the collected fees to be returned to the Zuni-Ramah facility. This is the same approach accepted by the Interior Subcommittee of the Appropriations Committee for the Talihina Indian Hospital in Oklahoma. We also have the full support of the Indian Health Service.

The benefits of this approach, Mr. President, are clear when we realize that we are meeting a rural health need while allowing the Indian hospitals in question to expand their income base which will be used to improve services. I applaud the Zuni nation and their Governor for this innovative idea that will retain more non-Indian employees by offering convenient and profitable health services.

For these reasons, I urge my colleagues to accept my amendment.

Mr. President, I have a letter from the Pueblo of Zuni authored by its Governor, Robert E. Lewis and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Pueblo of Zuni,
Zuni, N. Mex., September 22, 1980.

Hon. Pete V. Domenici,
U.S. Senate,
Washington, D.C.

Dear Senator Domenici: Attached herewith is our proposal to assist the non-Indian residents of our community to receive much needed health care.

The proposal is in keeping with our Tribal Specific Health Plan which was formulated under the provisions of P.L. 94–437, the Indian Health Care Improvement Act. In the Pueblo of Zuni Tribal Specific Health Plan is the identification of the need to have health care services for the non-Indian residents of the area.

Because of isolation, the non-Indian residents of the Zuni area have to travel long distances to seek health care services. Health care at the Zuni Comprehensive Community Health Center is available only on an emergency basis for non-Indians.

We earnestly request your assistance and support in the affirmative realization of the proposal and of the Pueblo of Zuni Tribal Specific Health Plan.

Sincerely,

Robert E. Lewis,
Governor, Pueblo of Zuni.

Mr. DOMENICI. It is my understanding that the floor managers have agreed to accept this amendment. If that is the case I have nothing further to add except to ask for the adoption of the amendment.

Mr. STEVENS. Mr. President, I am happy to see this amendment and I hope it will survive conference. As a result of this amendment perhaps the Indian Health Service will give us some guidance on the use of facilities in other States. I understand the Senator has a special problem in this one area and I would like to see this particular amendment agreed to. I would like to see the report of the Indian Health Service as to what the experience is at Zuni.

Mr. DOMENICI. I thank my good friend.

Mr. HUDDLESTON. We agree on this side of the aisle that the amendment is acceptable. We will, of course, go to conference with it; and we will do what we can there to secure its approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (UP No. 1768) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank my good friends.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for routine morning business be extended for 30 minutes and resume at this time, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GRAIN EMBARGO IS WORKING

Mr. PROXMIRE. Mr. President, the new Reagan administration will be faced very soon with a key decision on the sale of grain to the Soviet Union. Russian aggression in Afghanistan continues; if anything, it has gotten worse. The evidence also continues to grow that President Carter's embargo on additional grain sales is hurting the Russians. Russian meat production was down in September 1980 by 7 percent from what it was in September 1979. So far in 1980 production is 15 percent below 1979.

But the big news is that Russian grain production for 1980 is likely to be about as poor this year as last year. Each new projection is lower than the last. Dr. Marshall Goldman of the Russian Research Center at Harvard University now estimates the Soviet grain crop for 1980 to be around 180 million tons, compared to the 235 million tons the Russians had hoped to harvest.

The Russians are having two terrible harvest years in a row. They will be desperately trying to buy grain. What should the United States do? Should we, as the Republican Party platform proposed, the platform on which Mr. Reagan ran, drop the embargo and sell the Russians all the grain they want? To do so would sacrifice our principles, just as the Russians are really hurting, and without any foreign policy advantage.

Mr. President, I hope that Mr. Reagan as President-elect will feel free to reject the extreme positions his party adopted during the election campaign. The Russians should not be led to believe that the United States will sell them all the grain they want without regard to the aggressive foreign and military policies they are pursuing. The embargo should continue until the Russians withdraw from Afghanistan.

Mr. President, I ask unanimous consent for a short article by Professor Goldman which appeared in the Russian Research Center newsletter of November 7, 1980, to be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Preliminary Reports on Grain Indicate Serious Problems for the Soviets

Although the final calculations have not yet been made, preliminary estimates indicate that the Soviets have had a very bad grain crop this year. Indeed, by the time the final field is harvested, the crop may not exceed that of 1979, which was particularly bad. The harvest in 1979 of all grain crops was 179 million tons, and the figure for 1980 is expected to be about 180 million tons. This is a significant shortfall from the expected 235 or so million tons that the Soviets had hoped to harvest, and the 205 million tons that the U.S. Department of Agriculture was predicting until recently.

Undoubtedly, the shortfall is due to the very wet weather experienced in the western part of the Soviet Union. The reports of serious flooding in the Ukraine suggested to some observers outside the Department of Agriculture that the Soviets were in very serious trouble.

This shortfall in Soviet production raises some important policy questions for the United States. First, do we sell the Soviets the additional grain they will desperately need? If they found it necessary to enter into contracts with the U.S. for the 1979–80 harvest year of 25 million tons (at least until their invasion of Afghanistan provoked us to embargo all but 8 million tons of such sales), their needs this year will be even higher. Because they could not obtain all the grain they needed this past year, they were forced to dip into their reserves. This year, the likelihood is that they will have few if any such reserves to fall back on. In addition, the harvest situation in countries like Canada, Australia, and Argentina is not as good as it was previously. It is unlikely that the Soviets will be able to turn elsewhere, or at least find countries who will be willing to sell the Soviets as much grain as they need. Canada and Australia have indicated that they would not sell the Soviets more than they had prior to 1979.

This puts the United States in a very important bargaining position. In addition, we have just signed an agreement with the Chinese which will require them to purchase 6–8 million tons of grain a year for four years. This is almost like the previous agreement we had with the Soviets, which required the Russians to buy 6–8 million tons for five years. This new Chinese agreement will go a long way towards providing American farmers with the orders they need—in the same way that the Soviet agreement did before—and will reduce the internal political pressure within the U.S. to sell to the Soviets.

The question is, therefore, what do we do with the Soviets? Their five year agreement to purchase grain from the United States expires this year. Do we renew that, or do we say that we will not sign such an agreement nor sell them the grain they need this year until they withdraw from Afghanistan?

It has often been argued that such embargoes do not work. In the past, that has been true at least partially. But this may be a different year. It is most rare that the Soviets find themselves with two bad harvests in a row. Usually it occurs once every four years. More than that, there seems to be no one else they can turn to. On top of everything else, the embargo this year seems to have had an impact on Soviet meat production. The Soviet Union is located too far north to allow for the production of much corn, and they are therefore very dependent on the importation of corn from the United States or Argentina. Because they have not been able to buy as much corn as they need to feed all their livestock, they were forced to hold a distress slaughtering in January and February of this year. Meat production temporarily went up, but now they are paying the consequences of that action. Meat production is currently about 15 percent below what it was last year at this time. Not surprisingly, therefore, meat, milk, and dairy products are in even shorter supply than usual.

How will the present harvest affect the Soviet's position in Eastern Europe? Traditionally the USSR has shipped some of its surplus grain to several East European countries to help them supplement local grain production. Its inability to provide this unusual help this past year undoubtedly exacerbated the food situation in Poland and in turn was probably one of the factors precipitating the strikes there. For that matter, in May there were reports that food shortages caused work stoppages in the USSR. It may be more than coincidental that Soviet auto production fell 6 percent in August, the first time this has happened in over 20 years. Potentially, the Soviets have a serious crisis on their hands. In the interim, without some foreign help available to them the situation will undoubtedly be even more serious next year at this time, and may extend to not only shortages of meat, but conceivably of bread as well.

This provides us with a golden opportunity. It is true that if our position is presented in too crass or confrontational terms the Soviets will pull back and boast that if they could withstand a thousand day seige of Leningrad, they can do the same thing now. Nonetheless, the Soviets will have some serious political internal difficulties if they aren't able to supply their population with adequate supplies of food. That should certainly give them some "food" for thought about their foreign stance, and it may very well be that in order to obtain the necessary food supplies, they may decide to reexamine their position and their heretofore rigid attitude about Afghanistan.

NATIONAL FOREST SYSTEM LANDS, COLORADO AND SOUTH DAKOTA

Mr. BUMPERS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5487, a bill to designate certain National Forest System lands in the State of Colorado as wilderness.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, Jr.) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5487) to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BUMPERS. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BUMPERS, Mr. MELCHER, Mr. HATFIELD, and Mr. MCCLURE conferees on the part of the Senate.

RESIGNATION OF BERNARD (BOB) SHAPIRO AND MARK McCONAGHY

Mr. DOLE. Mr. President, it was publicly announced yesterday that Bob Shapiro and Mark McConaghy, the chief and deputy chief of the Joint Committee on Taxation, plan to leave their positions at the end of this Congress. These resignations will be a loss to the Congress, and particularly to those of us who sit on the tax-writing committees.

Bob Shapiro has served with distinction since he assumed the position of chief of staff of the Joint Committee on Taxation in 1977. He was asked to fill some big shoes, taking over from Dr. Laurence Woodworth. Bob grew into those shoes and steered the committees through a number of difficult legislative battles. Mark McConaghy significantly contributed to the quality of the service provided by the joint committee during that time.

There is no doubt the service of these two dedicated staff members will be missed. These men have been serving us so well on the Senate Finance Committee and the Joint Tax Committee. Based on longtime plans, they are leaving public service to go into the private sector. They will be missed by those of us on the Senate Finance Committee and the Joint Tax Committee and they will be missed by many people who have never had the privilege of working with them. They will be a great asset to the private sector. I wish them well.

THE FOURTH REICH? INATTENTION SPELLS DOOM

Mr. PROXMIRE. Mr. President, an article appeared in the Washington Post in October entitled "West Germans Fear Rightist Extremism." It discussed the implications of the Oktoberfest bombing in Munich, believed by police to have been committed bv a member of a neo-Nazi group. According to the article, neo-Nazi terrorism has been steadily increasing in the past 4 years, and membership in such organizations has more than tripled in the last year:

> More than 1,000 neo-Nazi offenses were recorded last year, including desecration of Jewish graves, disturbing the peace, and painting racist slogans.
>
> Last month six radical rightists were arrested and charged with a series of bombings and arson attacks this year against homes for political refugees and foreign workers all over the country.

Does the ghost of Adolph walk again?

But there is something about what the article implied that is even more chilling than the facts themselves. It is the lack of attention that is being paid to neo-Nazi activity today. Of all people, one would expect that the Germans would be particularly watchful of reemerging Nazi groups. On the contrary, the Post reports that:

> More often than not, German authorities have not really bothered with right-wing groups, hoping that if police and press alike ignore them, they would go away.

The September 26 bombing and the rising number of neo-Nazi crimes in the past year should be more than adequate proof that they will not simply go away. Thirty-five years after the end of World War II, the Nazi movement is experiencing a resurgence. And riding on the crest of their new vitality, the neo-Nazis bring with them the specter of the most hideous crime known to man: Genocide.

Perhaps my colleagues think I overreact. Perhaps they think I exaggerate. In reply, I would remind them of the words of Bertold Brecht in the epilog of the play, "The Resistable Rise of Arturo Ui":

> If we could learn to look instead of gawking, We'd see the horror in the heart of farce . . . This was the thing that nearly had us mastered; Don't yet rejoice in his defeat, you men! Although the world stood up and stopped the bastard, the bitch that bore him is in heat again.

Eighty-five nations have stood up to stop genocide—every major nation in the world but one. I appeal to the U.S. Senate: Rise to the occasion, ratify the Genocide Convention before it is too late.

INDUSTRY AND GOVERNMENT COOPERATION URGED BY SENATOR RANDOLPH

Mr. RANDOLPH. Mr. President, recently, when Congress was in recess, I addressed the leaders of the coke and coal chemicals industry. The occasion was the annual meeting of the American Coke and Coal Chemicals Institute which was held for the 31st consecutive year, from October 18 through 22, at the Greenbrier in White Sulphur Springs, W. Va.

The informative and educational meeting was hosted by Lawrence Nagel from the Koppers Co., president of the institute and Col. Lucian Ferguson, the institute's executive director and general counsel. In addition to myself and the leaders of this vital national industry, remarks were delivered by several authorities in the energy field.

Laurance Fuller, president of Amoco Oil Co., one of our Nation's primary energy companies outlined the "long range energy options for the United States." He underscored the urgency of accelerating utilization of our most abundant fossil fuel, coal, in the immediate future. The mutual concerns of the automobile industry and the merchant coke industry were discussed by George Ditzhazy, purchasing manager for the General Motors Corp. (GM). An international perspective was contributed by Dr. Peter Pichbeck, managing director of the British Steel Corp., Ltd., who addressed issues involving coal tar, one of the valuable byproducts of the coking process.

Mr. President, I underscored our energy and industrial problems. I cited the Steel Tripartite Committee to illustrate the positive action which results from joint cooperation by industry, labor, and government and stressed the need to engage in similar constructive efforts on a broad front as we engage the challenges of the eighties.

Our Nation is at a critical point in our economic development. We must work together—all of us, from all sectors of society, to move forward into a second industrial revolution which will secure our economic stability, preserve our key industries, and provide meaningful work opportunities.

The leaders of the coke and coal chemicals industry with whom I met are eager to participate in this effort. I encourage Americans to join the effort.

Mr. President, I ask unanimous consent that a copy of my address at this meeting be printed in the Record following these remarks.

There being no objection, the address was ordered to be printed in the Record, as follows:

REMARKS OF SENATOR JENNINGS RANDOLPH

INDUSTRY AND GOVERNMENT COOPERATION

You are at home in the autumn tinted hills of West Virginia.

A welcome to our beautiful area may not be totally appropriate because, I am told, the American Coke and Coal Chemicals Institute has chosen to meet here, at the Greenbrier, for the past 31 consecutive years. I congratulate you on your choice of this location, America's finest resort and convention Hotel.

Several years ago an advertisement was run in National periodicals. The name of the advertiser is not important but the message was, then and now. The brief saying reflected the philosophy which has separated our economic system from many others in the World. Our generally sustained prosperity for many years is, in great part, a result of adherence to it.

Many Americans took exception to the message. Their noble interest in promoting social reform and a more equal distribution of wealth clouded their vision. They were afflicted by myopia, both in looking back and looking forward.

The message was short and direct. It must be understood by all Americans if we are to continue to prosper. It was "Profit is not a 4-Letter Word."

Over 200 years ago—In the year our Nation declared its Independence—The year the most successful experiment in social and economic reform the World has known was begun—A treatise was published which profoundly impacted and provided the philosophical underpinning for Western economic thought.

An enlightened and perceptive individual wrote—

"It is not from the benevolence of the Butcher, the Brewer, or the Baker that we expect our dinner, but from their regard to their self-interest.

"Every individual endeavors to employ his capital so that its produce may be of greatest value. He generally neither intends to promote the public interest, nor knows how much he is promoting it. He intends only his own security, only his own gain. And he is in this led by an invisible hand to promote an end which has no part of his intention. By pursuing his own interest he frequently promotes that of Society more effectually than when he really intends to promote it."

The Author—Adam Smith; the Treatise—"A Wealth of Nations".

It is with a firm belief in this basic tenet of our Industrialized Democracy that we must aggressively move forward over the remainder of the 20th Century.

Without prosperity for some, there can never be prosperity for all.

Following the social upheaval of the 60's, we, as a Nation, have moved through a 10 year period of reflection and evaluation. A new awareness of, and concern for, the critical inter-dependence of the components of our socio-economic system resulted in a redefinition of our goals. The path to improving the quality of life for all Americans took new directions.

The effort to ameliorate the negative impacts which had been identified necessitated a period of adjustment and seeming instability.

All Americans, I believe, support the worthy objectives which were advanced—clean air; clean water; safe and healthful workplaces; and the right of every individual to have the opportunity to improve their position in life.

We must not retreat from those commitments. We can, however, explore and define the most efficacious means to accomplish these ends while simultaneously promoting an economy with sufficient strength to permit their attainment.

In this light, a new sense of teamwork must be developed in our Nation. We must strive to obtain a consensus on how best to promote an enhanced quality of life for all.

Industry, Labor and Government—in its representative function for all sectors of society—do have shared goals within which a consensus can be formed. The adversary philosophy, which has oftentimes prevailed, and led only to conflict rather than resolution among them, must be abandoned. They must look beyond short term considerations and focus on long term improvement. They must be forthright and objective in their interaction. A partnership must be formed

In the words of our Nation's leader who led us out of our most destructive period, Abraham Lincoln, "We must act anew, we must think anew."

Although our economy continues to expand—its vitality is being sapped—our annual rate of growth continues to decrease. In the 1970's the United States lost 23 percent of its share of the World Market following a 16 percent decline in the 1960's. This occurred in spite of a 40 percent depreciation in the value of the dollar which made our exports cheaper and foreign imports more expensive.

Domestic manufacturers' share of the U.S. market for metal-working machinery, for example, has declined from 97 percent in 1960 to 74 percent today. The plight of our steel and auto industries is apparent to all.

Over the same period spending for research and development has declined from a 1964 high of 2.1 percent of gross national product to 1.6 percent in 1978. Investment in the United States is 10 percent of gross national product compared to 15 percent in Germany and 20 percent in Japan.

Personal savings as a percentage of disposable income has averaged approximately 6 percent over the past 10 years and has dropped to a low of 3.8 percent this past year. The average savings rate in Japan is 20 percent—in Germany, 14 percent.

Decreased spending for research and development and low savings is considered to be a substantial contributing factor to the decrease in our rate of increase in productivity from 3.2 percent for 1968 through 1973 to 0.7 percent this past year.

Industry, Labor, and Government must work together to reverse these alarming trends. Existing policies and future decisions must be scrutinized closely with respect to whether they will hinder or advance increased economic growth. A range of alternatives must be explored to arrive at an optimum course of action. An acceptable balance must be found.

Such cooperation is reflected in the President's recent announcement of a program for the American steel industry, its workers and communities. This comprehensive steel policy was the outgrowth of two years of work by the Steel Tripartite Committee composed of representatives from the Industry and Labor and chaired by Secretaries Klutznick and Marshall.

The program provides for aid to the steel industry through tax breaks to encourage investment and modernization, protection from unfair import competition, and relaxation of requirements of the Clean Air Act.

As chairman of the Senate Steel Caucus, a bipartisan group formed in 1977 and composed of 39 States, I have been closely involved in the development of the Program and am convinced—that when seeming adversary groups identify their common interest and make genuine effort to work together—great progress will be forthcoming.

The steel program is testimony to a growing National consensus that we cannot, and must not, permit our critical industries to fail. If we will allow the United States to become dependent on the importation of foreign steel, our National security will be jeopardized. As with oil, we would be subject to the price whims of foreign cartels.

Recently, an American Firm, the Northern Border Pipeline Company, signed contracts for the purchase of 581,000 tons of steel pipe. Although it desired to "buy American," American producers could supply only 60 percent of the required pipe within the time schedule. Factors contributing to events as this must be reversed.

The most pressing economic and political dilemma facing our Nation is our dangerous dependence on imported oil. The accelerating cost of energy and the threat of a cut-off of oil supplies from the Persian Gulf underscore this multifaceted threat to our National security.

To assist in combating this crisis, the Congress enacted and the President signed into Law this past July, the Energy Security Act. Under this Law, 88 billion dollars will be invested by the Synthetic Fuels Corporation over the next 10 years in a joint effort with the private sector to develop a synfuels industry capable of producing 2.2 million barrels of alternative fuels per day. The cost may appear large, but when one considers that the United States will spend 90 billion dollars in 1980 alone for imported oil, the cost becomes relatively insignificant.

Your speaker sponsored and shepherded through legislation to create such an industry as a Member of the House of Representatives in 1943. Unfortunately, the influx of cheap oil in the post-war years permitted our Nation to fall into a sense of false security, and the Program was permitted to expire.

Synthetic fuel production alone, however, will not be adequate to extricate ourselves from the energy stranglehold which threatens to choke our economy. All alternatives to lessen dependence on oil and conserve energy must be aggressively pursued.

Coal, our most abundant fossil fuel, in addition to being a feedstock for synthetic fuels, must be utilized to replace oil and natural gas in our Nation's utility boilers. Legislation to accelerate the rate of replacement of oil and natural gas with coal was approved this past summer by the Senate.

In so doing, the Senate was able to work out an acceptable balance of competing interests to formulate a plan for action. Absolutists, who want all or nothing, have essentially killed this critical legislation in the House for this Congress. Destructive attitudes as this must be modified. Otherwise, the prospects for economic progress are slim.

The 1980's will be a period of reindustrialization. Cooperation will be required from all segments of society to generate the required expansion. We must bury the hatchet and work together.

Government will be called on to provide an economic climate to facilitate growth. Our tax laws, will be modified to encourage savings, capital formation, investment, research and development, and energy development, and conservation. The impact of Federal regulatory programs and proposals will likely be scrutinized by cost-benefit analysis. Financial incentives for greater exports will be implemented.

Industry will be called on to allocate more funding for research and development in new technology and for modernization of facilities. The conservative investment climate that has characterized the past 15 years will give way to greater risk taking and longer term investments. Increased real profits will be necessary to generate the financial climate for funding the expansion.

Labor will be called on to forego inflation-depleted wage gains in exchange for job security, long term growth, and increased employment opportunities. Labor and Management will work together to eliminate restrictive and unnecessary work practices and to implement programs to increase productivity.

The American economy is premised upon continuing growth. It is a policy which has served us well in the past, and will serve us and our children well in the future.

THE NATIONAL NAVAL MEDICAL CENTER

Mr. HAYAKAWA. Mr. President, I shall read for the RECORD a letter that I received from Ms. Coni Manders of Sacramento, Calif.

SACRAMENTO, CALIF.,
September 10, 1980.

Hon. S. I. HAYAKAWA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HAYAKAWA: For a number of months, I have wanted to pay public tribute to a most special person in my family's life. This person is a unique, compassionate individual who not only helped save my father's life, but saved the "life" and dynamics of my family as well.

Michael J. Higgins, MD, is a Navy resident in neurosurgery at the National Naval Medical Center (NNMC) in Bethesda, Maryland. Without his medical expertise and that of his colleagues, as well as his deep reservoir of personal compassion, we would never be able to tolerate the tragedy we face.

That tragedy began on May 10, 1979 when my father, William G. Manders, a man in perfect health (regardless of his right leg above-the-knee amputation as a result of a WWII combat injury) passed out, etiology unknown. The result of his fall onto a tile floor was a right basular skull fracture and contra-coupe damage to the left hemisphere of his brain. My father was not expected to live through that day, and my family was notified in California of this devastating event. We immediately flew east to find my father in very critical condition and comatose . . . a heartbreaking reality that I could perceive only as a nightmare. As a result of an alert accepting resident, Dr. Lynn Lilly, and other neurosurgery department doctors and staff at NNMC, as well as my father's history of good health, Dad was able to survive one night. The following days, though tenuous, showed marked improvement, until after a week. Dad pulled out of the coma.

As it became apparent that Dad would most likely survive, although with significant deficits, we tried to grasp for some semblance of logic and rationalization of the situation that confronted us then and would in the future. Dr. Higgins stepped into the picture at this point by asking a simple but remarkably thoughtful question of "How are you all holding up?" That question opened up the door to an incredibly unique and caring relationship between a doctor, patient, and patient family. There was not a question we had that Dr. Higgins wouldn't try to answer nor a time he would refuse us (and other families) conversation if he had the time to give us.

The result of my father's accident to date is bittersweet. It is another one of life's great ironies that my father, a lawyer who was fluent in five languages, was hit hardest in the speech/language center of the brain and no longer has full use of these facilities. It is heartbreaking to know the suffering he has endured and that a great mind has been reduced for inexplicable reasons. And yet, the sight of my father first opening his eyes as he was regaining consciousness was an event that makes me forever thankful and I feel that if he had never taken another breath, I would be grateful for the grace of God which let us see each other one more time.

Regardless of the outcome, without the opportunity to communicate with a doctor as intelligent and as compassionate as Michael Higgins while living through those unpredictable, stressful days, we would have been a devastated, bitter family. As a result of his medical and personal attention, we are instead still a thriving family, and one step closer to understanding the beauty in the beast, and the true precious meaning of life.

I feel it is of sad consequence that most families do not have a more humane relationship with their doctors, and vice-versa. The lack of communication between the two parties is perhaps as tragic as the circumstance that improved communication might help to appease. I sincerely believe that an effective, communicative relationship between a doctor and a patient's family can make a medical tragedy somewhat more tolerable because communication is conducive to the understanding and acceptance of an apparently "impossible" situation.

For this reason, I ask that you print this letter in The Congressional Record in the hopes it will encourage better doctor/family relationships in the future.

Thank you for your consideration.
Very sincerely yours,
MS. CONI MANDERS.

I always enjoy getting letters such as Ms. Manders and would like to take this opportunity to share it with my colleagues. Ms. Manders praises the care and sensitivity shown to her family by Dr. Michael Higgins, a resident at the Naval Medical Center in Bethesda, when her father was taken seriously ill. Her letter should serve as a reminder to all medical personnel of the importance of displaying kindness and understanding to the families of patients. Needless to say, a little compassion can go a long way.

SOVIET OPPOSITION TO HUMAN RIGHTS

Mr. LEVIN. Mr. President, today, in his opening speech at the Madrid Conference to review the implementation of the 1975 Helsinki Accords, American delegation Chairman Griffin Bell assailed the "brutal repression" of human rights in the Soviet Union and asserted that "the Soviet invasion of Afghanistan cast a dark shadow over East-West relations which no meeting, no pronouncement, nothing in fact but the total withdrawal of Soviet troops can dispel." As we all well know, the Helsinki Accords, and the review conferences built into them, provide us with an important opportunity to call the Soviet Union to account for their blatant disregard of human rights.

Because the Soviet Union joined 34 other nations in these commitments to respect the fundamental liberties of thought, expression, and religion, to respect the right of different peoples to determine their own futures, and to respect the principle of nonintervention of states, the Soviets have a strong responsibility to participate in full discussions of the implementation of these agreements. Because of Helsinki, the Soviets should not be able to dismiss inquiries about human rights through the lame excuse that this is a matter of "internal affairs."

Yet, from reports from Madrid, we know that the Soviet delegation has been adamantly opposed to allowing the open discussion of fundamental freedoms and human rights which are called for in the accords. The Soviets desire that the conference only deal briefly with the human rights questions and focus mainly on new proposals relating to security issues. The United States, and many of our Western allies, have rightly resisted these Soviet efforts to shorten the human rights review portion of the conference.

For the Helsinki process to remain credible and effective, the American position must remain strong. We should insist that the Helsinki process be complete and the implementation of all of the baskets of the agreements be openly reviewed. There can be little credibility in an agreement which cannot be reviewed as called for in the agreement itself.

We must continue to demand that the Soviets allow the Madrid review conference to proceed with a full discussion of the implementation of the human rights portions of the agreements. And for the Helsinki Accords to remain a positive facilitator of East-West dialog on security, cultural, educational, and human rights issues, the Soviets must agree to a future review conference. There must always be a process by which Russia can be held accountable for its broken promises and by which the matters of human rights, family reunification, national self-determination and other fundamental freedoms can be openly discussed.

There is no more important proof that these discussions must continue than the news that yesterday, Victor Brailovsky, a noted Soviet scientist who has been denied permission to emigrate from the Soviet Union to Israel, was arrested.

I had the honor of meeting Victor Brailovsky when I was in Moscow in August 1979. He told me then that he and his wife applied for permission to leave the Soviet Union in 1972 and that they have been refused that permission many times since then. He told me of the harassment he faced then, including brief arrests, detentions, and apartment searches. After he applied to emigrate, Victor Brailovsky, like thousands of other Soviet refuseniks, lost his job. Since then, he has been active in the Moscow refusenik community and has led regular scientific seminars with other Jewish refusenik scientists.

Brailovsky was arrested yesterday in his home. He was charged with violation of article 190–1 of the Soviet criminal code, "dissemination of fabricated materials known to be false and slanderous of the Soviet Union." In April of this year, Brailovsky was arrested and detained for almost a week because of his active involvement in the publication of the Samizdat journal "Jews in the USSR," of which he is the chief editor. The Soviet authorities have sought to suppress this historical publication which deals with research into Jewish life in Russia, Jewish prose and poetry, and other topics which relate to the Jewish culture in the Soviet Union. Its last issue appeared in June 1979. Another editor of "Jews in the USSR," Igor Guberman, was arrested last year and sentenced to a long prison term in April of this year.

There is no doubt that the arrest of Brailovsky was politically inspired. And there is no doubt that his arrest is another of the many examples of the Soviet's disrespect for the freedoms agreed to in the Helsinki Accords.

In the New York Times yesterday, Anthony Lewis remarked on the "Stakes in Madrid." I ask that the column be reprinted at the end of my statement.

And on another sad note, I would like to briefly mention the death of Andrei Amalrik, one of the earliest Soviet dissident writers and activists. Amalrik, who had been living in exile in France, died in an automobile accident as he was driving to attend the Madrid review meeting of the Conference on Security and Cooperation in Europe. He will be missed. I ask that an article on his life and his achievements, published in yesterday's Washington Post be printed in the RECORD.

The article follows:

[From the New York Times, Nov. 13, 1980]

THE STAKES IN MADRID

(By Anthony Lewis)

WASHINGTON, November 12.—If any of us safe in the West can imagine being a victim of Soviet repression, one of the most terrifying possibilities today would be confinement in a mental hospital. The K.G.B. has done that to many dissidents. Diagnosed as disturbed, they are treated with disabling drugs and physically brutalized.

The only defense against the monstrous practice has been the courage of a few Soviet victims and psychiatrists who spoke out against it. The outside world began to notice, and some of these brave people set up an unofficial Commission to Investigate the Use of Psychiatry for Political Purposes. But now the voices are being silenced.

In September, Vyacheslav Bakhmin, a 33-year-old computer operator who helped found the commission, was sentenced to three years of forced labor for "slandering the Soviet system." At his trial he asked the court to hear defense witnesses who would support what he had said about the perversion of psychiatry. The witnesses were not allowed to testify.

Other members of the commission face repression. Two doctors, Alexander Podrabinek and Leonard Ternovsky, and another computer specialist, Irina Grivnina, are awaiting trial.

The attack on those protesting the misuse of psychiatry is just one part of a massive Soviet purge of dissidents this year. It began before the Olympic Games, when Western specialists thought the object was to prevent contacts between dissidents and people visiting Moscow for the Games. But the crackdown has continued since the Olympics ended in August.

All kinds of groups have been swept up in the systematic K.G.B. effort. They include editors of underground journals, nationalists from the Ukraine and the Baltic states, religious leaders and people working for human rights.

The latest arrests and trials have not evoked widespread protests abroad. That may be because better-known dissidents are already silenced: Andrei Sakharov in exile in Gorky; Yuri Orlov, founder of the Helsinki monitoring group, and Anatoly Scharansky and Ida Nudel, activists for Jewish emigration, in prison.

But whatever the reason for the tepid Western response, there is no doubt of its effect. The failure of governments and private groups to express their outrage has encouraged the K.G.B. to intensify the repression.

All this points up the importance, in both human and political terms, of the current Madrid conference to review implementation of the 1975 Helsinki accords. And it also makes clear why Soviet diplomats have fought so hard to limit discussion in Madrid of the Helsinki provisions on human rights.

In the five years since Helsinki, the Soviets have made a mockery of their promises to respect "human contacts," "freer movement of peoples" and "the right of the individual to know and act upon his rights." There could hardly be a more cynical act—to pick just one example—than to repress a group whose only purpose was to monitor compliance with those pledges.

Soviet disregard of the human rights undertakings has led some right-wing voices in America to suggest that the United States simply denounce the Helsinki accords. But that would surely be cutting off our nose to spite our face.

The Soviets' desperate effort to avoid being called to account at Madrid shows that such international shame bothers them. Why should we give up the opportunity to point to their cynicism and brutality? Why should we disagree with the Soviet victims who want the West to stand firm on Helsinki? For example, Vaclav Havel, the imprisoned Czech playright, and two colleagues recently managed to get out a letter urging action on human rights at Madrid.

The Helsinki accords give the West an important opportunity—and obligation. The Soviets cannot legitimately complain about intervention in internal affairs" when they have signed an agreement making human rights a matter of international concern, and providing for periodic conferences to review compliance.

The obligation that Helisinki imposes on us is twofold. We have a duty, first, to do what we can for the victims of state tyranny, in the Soviet Union and elsewhere. And second, we have a duty to make our values clear to the world; to save our own souls.

President-elect Reagan is the man on whom those obligations especially rest. He has been cool in the past to the whole idea of Helsinki, but there are indications now that he appreciates the value of its human rights provisions. The Madrid conference can have a useful effect only if Mr. Reagan sends a clear signal that he intends to carry on the Helsinki review process—and hold the Soviet Union accountable for its broken promises.

After the Carter Administration's experience, no one can pretend that there is a simple way to improve respect for human rights in the world. But it has made a difference, to the victims and to us, when we have shown ourselves unwilling to close our eyes to evil.

[From the Washington Post, Nov. 13, 1980]

SOVIET DISSIDENT FIGURE KILLED IN HIGHWAY ACCIDENT NEAR MADRID

(By Dusko Doder)

Andrei Amalrik, one of the first human rights activists in the postwar Soviet Union and a man who suffered years of imprisonment and exile before emigrating to the West, died yesterday in an automobile accident near Madrid. He was 42.

A historian and a polemicist—author of the celebrated essay "Will the Soviet Union Survive Until 1984?"—Mr. Amalrik was a central figure in the disparate group of Soviet citizens that came to be known as the Democratic Movement in the late 1960s.

He was the first dissident actively to seek out American correspondents in Moscow in the mid-1960s, foreshadowing a relationship that subsequently evolved between Soviet political dissidents and Western journalists that led to wide distribution of dissident views via Western broadcasts to Russia.

He was pressured to leave the Soviet Union in 1976 and has since lectured at universities in the Netherlands and the United States, including Harvard and George Washington University.

Mr. Amalrik was on his way to the Spanish capital to attend a meeting of Soviet human rights activists staged to coincide with the current follow-up conference on European security and cooperation when his car went out of control and collided with a truck.

Hospital officials said he was apparently killed by a piece of metal from the truck that pierced his neck. His wife, Gyuzel, a painter, and two fellow dissidents traveling with them all escaped injuries.

Mr. Amalrik's latest book, "Notes of a Revolutionary," has just been translated and is scheduled to be published by Alfred A. Knopf next fall. His editor, Ashbel Green, described the work as a memoir dealing largely with Mr. Amalrik's experiences in the decade just before he left the Soviet Union.

A frail but feisty man, Mr. Amalrik became a symbol of opposition in the Soviet Union long before such figures as Andrei Sakharov and Alexander Solzhenitsyn. He was expelled from Moscow University in 1963 because his dissertation advanced unorthodox views about early Russian history. Mr. Amalrik maintained that the Vikings played a decisive influence in civilizing Slavic tribes in Russia—a view that went against the grain of the official interpretation of Russian history.

He subsequently decided to become a writer and wrote several plays. He also came to know many avant garde Moscow artists and in 1965 was tried on charges of being a "social parasite" because he had no permanent job. Underlying the charge was apparent official concern that he was facilitating contacts between artists and foreign journalists and diplomats.

After two months in prison, he spent just over a year in Siberian exile. Afterwards he wrote his "Involuntary Journey to Siberia" in which he described his experiences.

He became a celebrity in the West following his apocalyptic essay "Will the Soviet Union Survive Until 1984?" The Book-of-the-Month Club thought the 112-page book so important that it sent a free copy to all its members and to every college and university library in North America.

In the book, he forecast a military showdown between the Soviet Union and China that would help trigger an internal collapse in the Soviet Union between 1980 and 1985. Years later, he conceded that his doomsday scenario may be inaccurate and that he had underestimated the Kremlin's flexibility and overestimated China's ability to build a modern army.

In May 1970, he was arrested and charged with slandering the Soviet state. He spent three years in prison and two years in Siberia before returning to Moscow in 1975.

Refusing to take part in court proceedings, Mr. Amalrik pleaded innocent in a written statement that said: "I think the truth or falseness of publicly expressed views can be ascertained by free and open discussion, not by a judicial investigation. No criminal court has the moral right to try anyone for the views he has expressed.

"To sentence ideas to criminal punishment, whether they be true or false, seems to me to be a crime in itself."

Mr. Amalrik was a unique figure in Moscow's dissident community. He was a loner with a strong philosophical bent. The struggle for human rights in Russia, he once said, is difficult because of the absence of a tradition of freedom. This, in turn, frequently pitted human rights activists not only against the government but also against the people for whom these rights are sought.

In his solitary protests he was joined only by his wife. Otherwise, he was a self-contained man, or as he described himself once, "the first complete dissident, a person really outside the system." For this reason he felt that he irritated the authorities, and they continued to harass him until he decided to leave the country.

Mr. Amalrik was driving overnight from Marseilles to Madrid when the accident occurred near the provincial city of Guadalajara early yesterday. Apart from his wife, the passengers in the car were identified as fellow dissidents Viktor Feinburg and Vladimir Borisov.

Robert Bernstein, chairman of the U.S. Helsinki Watch Committee, said in a statement that "it is both tragic and ironic that Andrei died at this time, on his way to Madrid, where he planned to speak out once again about human rights abuses in his country. He will be remembered for his unbreakable spirit, as a man who always spoke his mind."

It was not immediately known where Mr. Amalrik will be buried.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

WORLD WEATHER PROGRAM PLAN—PM 265

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit to Congress, in accordance with the Senate Concurrent Resolution 67 (1968), the World Weather Program Plan. The plan details the activities of Federal agencies in FY 1980 and 1981 toward developing improved world-wide weather observations and services and the United States effort to conduct a comprehensive program of research to further the development of the World Weather Program.

Our ability to forecast the weather and understand the dynamics of climate is an important aspect of developing and executing effective policies in many areas of national endeavor. Events over the last year have demonstrated how interwoven are our national goals with those of other countries. This is essentially true with respect to international meteorology. The World Weather Program was formulated so that the United States could join with other countries to establish goals to better understand and forecast the global weather. The sharing of resources data and ideas to attain these goals is accomplished through the Global Atmospheric Research Programs sponsored by the World Meteorological Organization and the International Council of Scientific Unions and the operation of the World Weather Watch.

I commend to your attention and review this important plan.

JIMMY CARTER.

THE WHITE HOUSE, *November 14, 1980.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4828. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on a violation of the Anti-Deficiency Act; to the Committee on Appropriations.

EC–4829. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the military family housing maintenance function at Hickam Air Force Base, Hawaii, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC–4830. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the family housing maintenance function at Eielson Air Force Base, Alaska, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC–4831. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Army plan to reduce XM1/XM1E1 baseline cost differential estimate by $600 million; to the Committee on Armed Services.

EC–4832. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to increase the monthly basic pay of a certain officer of the Armed Forces and to make subsequent increases in pay and allowances for such officer reflective of changes in the Consumer Price Index; to the Committee on Armed Services.

EC–4833. A communication from the Principal Deputy Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice that a study has been conducted with respect to converting the military family housing maintenance function at Seymour Johnson Air Force Base, North Carolina, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC–4834. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the commissary shelf stocking and custodial services function at Hill Air Force Base, Utah, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC–4835. A communication from the Assistant Secretary of the Air Force (research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the commissary shelf-stocking and custodial services function at Dover Air Force Base, Delaware, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC–4836. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the refuse collection function at Barksdale Air Force Base, Louisiana, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC–4837. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend Title 37, United States Code, to increase the Special Pay of nuclear qualified officers and the Nuclear Career Accession Bonus; to the Committee on Armed Services.

EC–4838. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 305a of title 37, United States Code, to increase the rates of career sea pay; to the Committee on Armed Services.

EC–4839. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to increase the rate of Officer and Enlisted Submarine Duty Incentive Pay and to extend continuous entitlement of Submarine Duty Incentive Pay to officers on shore duty when certain requirements are met; to the Committee on Armed Services.

EC–4840. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the transient alert aircraft maintenance function at Malmstrom

Air Force Base, Montana, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4841. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the duplicating services function at Mountain Home Air Force Base, Idaho, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4842. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on the actual amount of revenues deposited in the Panama Canal Commission Fund during fiscal year 1980; to the Committee on Armed Services.

EC-4843. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a table comparing the President's FY 1981 budget request for civilian strength with the initial allocation of the statutory civilian authorization; to the Committee on Armed Services.

EC-4844. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report concerning the Department of the Army's proposed letter of offer to a NATO organization for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-4845. A communication from a Staff Officer of the Office of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice of the intention of the Department of the Navy to donate certain surplus property to the Charleston, South Carolina, Chapter of the National Railway Historical Society; to the Committee on Armed Services.

EC-4846. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report of 12 construction projects to be undertaken by the Naval and Marine Corps Reserve; to the Committee on Armed Services.

EC-4847. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on 15 construction projects to be undertaken by the Air Force Reserve; to the Committee on Armed Services.

EC-4848. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the commissary shelf-stocking and custodial services function at Tinker Air Force Base, Oklahoma, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4849. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the transient aircraft alert maintenance function at Tyndall Air Force Base, Florida, and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4850. A communication from the Assistant Secretary of the Navy (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, notice of the intent of the Department of the Navy to study the conversion to commercial contract relating to certain vessels; to the Committee on Armed Services.

EC-4851. A communication from the Assistant Secretary of Energy for Conservation and Solar Energy, transmitting, pursuant to law, the current schedule for issuing final regulations establishing a methodology for calculating the equivalent petroleum-based economy of electric vehicles; to the Committee on Banking, Housing, and Urban Affairs.

EC-4852. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC-4853. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Mississippi River Bridge Diversion Study"; to the Committee on Commerce, Science, and Transportation.

EC-4854. A communication from the Secretary of Transportation, transmitting pursuant to law, a prospectus which describes the proposed construction of a new Technical Support Facility at the Technical Center located near Atlantic City, New Jersey; to the Committee on Commerce, Science, and Transportation.

EC-4855. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the administration of the Marine Mammal Protection Act for the period ending March 31, 1980; to the Committee on Commerce, Science, and Transportation.

EC-4856. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice that the Commission is unable to render a final decision in docket No. 37409, Aggregate Volume Rate on Coal; Acco Utah, to Moapa, Nev. within the initially specified 7-month period; to the Committee on Commerce, Science, and Transportation.

EC-4857. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "There Is No Shortage of Freight Cars—Railroads Must Make Better Use of What They Have"; to the Committee on Commerce, Science, and Transportation.

EC-4858. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on total itemized revenues and expenses and revenues and expenses of each train operated by the Corporation for July 1980; to the Committee on Commerce, Science, and Transportation.

EC-4859. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the ninth report of the Commission concerning the impact on competition and on small businesses of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program; to the Committee on Energy and Natural Resources.

EC-4860. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, regulations which would exempt mechanical cogeneration facilities from the incremental pricing program required under the Natural Gas Policy Act; to the Committee on Energy and Natural Resources.

EC-4861. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, notice of a project proposal from the Roosevelt Irrigation District, Arizona, under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-4862. A communication from the Secretary of the Interior, transmitting, pursuant to law, a semiannual report on the amount of money expended by the Commonwealth of Massachusetts, the City of Lowell, and nonprofit entities for certain activities relating to historic preservation; to the Committee on Energy and Natural Resources.

EC-4863. A communication from the Secretary of the Interior, transmitting, pursuant to law, notice of the repayment of excess royalties to Norcen Energy Resources Limited under lease OCS-G 2591, offshore Louisiana; to the Committee on Energy and Natural Resources.

EC-4864. A communication from the Professional Audit Review Team, transmitting, pursuant to law, a report on the activities of the Energy Information Administration; to the Committee on Energy and Natural Resources.

EC-4865. A communication from the Acting Deputy Secretary of Energy, transmitting, pursuant to law, a report entitled "Federal and State Programs for Encouraging Biomass Energy and Alcohol Fuel Production and Use"; to the Committee on Energy and Natural Resources.

EC-4866. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Effects of Airport Noise on a Neighboring State"; to the Committee on Environment and Public Works.

EC-4867. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "EPA Is Slow To Carry Out Its Responsibility To Control Harmful Chemicals"; to the Committee on Environment and Public Works.

EC-4868. A communication from the Secretary of Health and Human Services, transmitting, for the information of the Senate, notice that since no grants were made under section 27 of the Toxic Substances Act during the past year, there will be no annual report submitted; to the Committee on Environment and Public Works.

EC-4869. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a proposed prospectus for alterations to Federal Building 8, Washington, D.C.; to the Committee on Environment and Public Works.

EC-4870. A communication from the Secretary of the Senate, transmitting, pursuant to law, a statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from April 1, 1980, through September 30, 1980; which was ordered to lie on the table and be printed.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on the Budget, without amendment:

S. Res. 524. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2734; and

S. Res. 528. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2574.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HAYAKAWA (for himself, Mr. BAYH, and Mr. CRANSTON):

S. 3199. A bill to direct the Army Board for Correction of Military Records to review the application of Herman Miller for the Congressional Medal of Honor; to the Committee on Armed Services.

S. 3200. A bill to amend the Clean Air Act to repeal the requirement that State implementation plans provide for periodic inspection and testing of motor vehicles; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. MOYNIHAN):

S. 3201. A bill to amend section 504 of the Trade Act of 1974 to establish certain limitations with respect to the Generalized System of Preferences; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 3202. A bill for the relief of Somusa Ratanarak; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAYAKAWA (for himself Mr. BAYH, and Mr. CRANSTON):

S. 3199. A bill to direct the Army Board for Correction of Military Records to review the application of Herman Miller for the Congressional Medal of Honor; to the Committee on Armed Services.

REVIEW OF CONGRESSIONAL MEDAL OF HONOR APPLICATION

Mr. HAYAKAWA. Mr. President, today I am introducing a bill on behalf of myself, Mr. BAYH, and Mr. CRANSTON, that directs the Army Board for Correction of Military Records to review the application of Mr. Herman Miller of Oceanside, Calif., for consideration of the Congressional Medal of Honor. In determining Mr. Miller's eligibility, the Board will apply the standards for such an award as were in effect on April 16, 1900.

Mr. Miller is the oldest living veteran of the Spanish-American War. At the age of 101 he continues his struggle to receive the Congressional Medal of Honor for which he was recommended in 1900 by his commanding officer after distinguishing himself at the Battle of Batac in the Philippines. Over the past 80 years he has tried unsuccessfully to receive the medal for his heroic action on April 16, 1900, when he and 28 other men found themselves surrounded by some 800 Filipino insurgents.

It is our contention that had Mr. Miller been judged by the criteria that was in effect at the time that he was recommended for the medal, he would have qualified. Therefore, this legislation directs that he be considered under the criteria in effect in 1900.

Mr. President, I ask that my colleagues give serious and timely consideration to this bill as Mr. Miller has been patient for far too long.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall direct the Army Board for Correction of Military Records to review the application of Mr. Herman Miller of Oceanside, California for consideration of being awarded the Congressional Medal of Honor. In conducting such review and determining the eligibility of Mr. Miller for such award the Army Board for Correction of Military Records shall apply the standards for such an award as were in effect on April 16, 1900.

By Mr. HAYAKAWA:

S. 3200. A bill to amend the Clean Air Act to repeal the requirement that State implementation plans provide for periodic inspection and testing of motor vehicles; to the Committee on Environment and Public Works.

AMENDMENT OF CLEAN AIR ACT

Mr. HAYAKAWA. Mr. President, today I am introducing a bill to amend the Clean Air Act so that each State will be able to determine whether or not a mandatory inspection and maintenance program for motor vehicles is necessary and practicable. I do this with the hope that such legislation will help us put a stop to the type of blatant coercion that is currently being used against the State of California by the Environmental Protection Agency.

The Clean Air Act requires each State to submit to the EPA an implementation plan which provides for the attainment of national ambient air quality standards by December 31, 1982. However, in recognizing that attainment may not be possible in some areas by that deadline, the act also provides that a State which demonstrates that it is unable to attain the national standards for ozone or carbon monoxide prior to December 31, 1982 may provide in its implementation plan for attainment of those standards no later than December 31, 1987. But there is a catch. In order to take advantage of this extension, the State must establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program. I believe this catch or this requirement is a deviation from the overall philosophy of the Clean Air Act under which the States are generally free to choose the control measures which they believe to be appropriate.

The legislation which I am introducing allows the States to choose the programs by which they will attain the National Air Quality Standards. It does not alter air quality standards, and it does not alter the deadlines by which they must be achieved. Specifically, this legislation would delete the requirement that forces a State which cannot meet the national standards for photochemical oxidants (ozone) or carbon monoxide by the 1982 deadline to "establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program."

Thus, a State would be required to have an inspection and maintenance program only to the extent to which it found such a program to be necessary and practicable. Moreover, this bill would add a new section to the Clean Air Act which would provide that: first, the Administrator of the EPA could not require an inspection and maintenance program as a condition of approval for any State implementation plan. second if the Administrator, rather than the State, promulgates an implementation plan it may not require an inspection and maintenance program, and third any State may revise its implementation plan to eliminate an inspection and maintenance program.

Now it makes sense to allow States to use means other than inspection and maintenance programs to control emissions, because there is considerable disagreement about the benefits to be derived by implementing such programs. The EPA has suggested that based on data developed in Portland and Eugene, Oreg., one might expect a 24-percent reduction in hydrocarbons and a 34-percent reduction in carbon monoxide over a year's time. However, these figures have been contested by some very responsible sources. A study done for the legislative analyst of the State of California projects only a 17.4-percent reduction in hydrocarbons and a 22.4-percent reduction in CO. These reductions could still be considered substantial. But a report done jointly by the California Air Resources Board and the California Department of Consumer Affairs projects only a 5-percent reduction in total hydrocarbons and a 1-percent reduction in total oxide emissions as a result of an inspection and maintenance program. This would represent a relatively small impact.

The total cost to all of the States subject to the inspection and maintenance requirements would be in the range of $300 to $800 million a year. One must ask the question, "Are the projected benefits worth an investment of this magnitude?" Other factors will significantly influence automotive emissions in future years. The dominant influence will be the changing composition of the automotive fleet. As newer, low-emission cars replace older cars. total emissions will fall, regardless of whether inspection and maintenance is required. More reliable emissions control technology and a reduction in total mileage driven as a result of higher gasoline prices can also be expected to have a significant impact. I believe the determination of how much an inspection and maintenance program will enhance these factors and the decision to invest in such a program should be left to be made by each State.

The need for this legislation is made evident by the EPA's actions against my own State of California. Because the State legislature has voted against the establishment of legal authority necessary to implement a motor vehicle inspection and maintenance program. the EPA has formally indicated, in a notice of proposed rulemaking, its intention to withhold up to $850 million in Federal highway and sewer funds that would otherwise go to California. It is also threatening to hold up approvals for further industrial expansion in the State. These threats constitute nothing less than blatant coercion on the part of the Environmental Protection Agency, and it is my intent to strip away this power to coerce. The Clean Air Act seemingly gives the EPA the power to use this form of coercion; therefore, the Clean Air Act must be corrected.

Nobody opposes clean air. But more and more people are demanding that flexibility and commonsense be exercised in our pursuit of air quality goals. This is evident in the current administration's own steel revitalization program, and I suspect it will be evident in the next administration's economic revitalization programs. Passage of this legislation will help to insure that the Environmental Protection Agency will lead the States toward the attainment of national air quality standards through commonsense and flexibility, and will help put a stop to the type of "arm twisting" tactics that are currently being employed by the EPA against the State of California.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 110(a)(2)(G) of the Clean Air Act is amended by inserting "found to be" after "extent" and by inserting "by the State" after "practicable".

(b) Section 172(b)(11) of such Act is amended by inserting "and" after the semicolon in subparagraph (A), by striking out subparagraph (B), and by striking out "(C)" and inserting in lieu thereof "(B)".

(c) Section 110(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(7) The Administrator may not require as a condition of approval of any implementation plan under this section that such plan contain any requirement relating to the periodic inspection and testing of motor vehicles. No plan promulgated by the Administrator under subsection (c), whether promulgated before or after the date of the enactment of this paragraph, may include any such periodic inspection and testing of motor vehicles. Any State may revise any applicable implementation plan approved or submitted under this subsection before the date of the enactment of this paragraph to eliminate any such periodic inspection and testing of motor vehicles.".

(d) Section 110(a)(2)(B) of such Act is amended by inserting the following before the semicolon at the end thereof: ", except that no such other measures may require any periodic inspection and testing of motor vehicles".

Mr. HEINZ (for himself and Mr. MOYNIHAN):

S. 3201. A bill to amend section 504 of the Trade Act of 1974 to establish certain limitations with respect to the generalized system of preferences; to the Committee on Finance.

LIMITATIONS WITH RESPECT TO THE GENERALIZED SYSTEM OF PREFERENCES

● Mr. HEINZ. Mr. President, as part of the Trade Act of 1974, Congress and the executive branch established the generalized system of preferences (GSP) to assist developing countries in participating more fully in the international trading system by providing for duty-free entry of a wide variety of products. Other industrialized nations have adopted similar programs.

After 5 years of operation, however, there is considerable question as to whether the program fully meets the intent of Congress. It has become apparent that GSP is helping most the countries which need it least—those which have developed the most, in areas where they need it the least, and that it helps least the lesser developed nations who need it most.

In 1979, Taiwan, Hong Kong, and Korea accounted for 50 percent of all GSP imports, and Brazil and Mexico for another 20 percent. With these five countries taking up 70 percent of GSP imports, little benefit from the program goes to the other 130 lesser developed countries. It is also clear that the GSP program is failing to graduate the most advanced developing countries when the volume of their exports makes clear they are now fully competitive in particular economic sectors. The following table demonstrates the extent of concentration of benefits among a few more developed nations:

GSP DUTY-FREE IMPORTS

1978 Share of Total (percent)

Top 5	68.1
Taiwan	27.5
Korea	12.5
Hong Kong	10.3
Brazil	9.0
Mexico	8.8
Second 5	14.7
Israel	3.7
Singapore	2.9
Yugoslavia	2.9
Argentina	2.8
India	2.3
Third 5	7.0
Chile	1.7
Peru	1.5
Portugal	1.4
Philippines	1.4
Uruguay	1.0
Other	10.2

The administration's recent 5-year report on the GSP system affirms this inequity:

> The distribution of GSP benefits among developing countries . . . has been uneven. Those high income beneficiaries which are the United States' main trading partners also are the major beneficiaries of the U.S. scheme.

To deal more effectively with the need to encourage trade with the poorest countries, Senator MOYNIHAN, and I are introducing legislation to distribute GSP benefits more equitably. This proposal was initially suggested by LICIT, the Labor-Industry Coalition for International Trade. It provides for an indexing/graduation system based on country and standard industrial classification (SIC) codes. Under the bill, a country would no longer receive GSP benefits for a product sector if its exports to the United States in that sector exceeded $100 million in 1 year—this figure to be indexed as in present law. The term "product sector" is defined as the appropriate two-digit SIC code, which is referred to in the SIC manual as a "major group."

Classification by this means would eliminate GSP treatment for the advanced sectors of an economy which are internationally competitive, yet retain GSP eligibility for a nation for other sectors of its economy, thus retaining intact the principle that the benefit of duty-free importation should be concentrated in areas that are not yet able to compete with industrial economies on equal terms.

The legislation, however, specifically excludes food and agricultural products—major groups 01 and 20—from coverage, since an ability to compete in one product, for example coffee, has little significance for production in other agricultural areas, for example cotton or bananas.

The following table indicates how the enactment of this provision of the bill would affect current imports:

Impact of $100 million cutoff rule in 1979—Country; GSP duty-free imports in 1979

[In millions of dollars]

SIC category:	
24 (lumber and wood):	
Taiwan	$109
25 (furniture and fixtures):	
Taiwan	145
30 (rubber and plastics):	
Taiwan	119
34 (fabricated metal products):	
Korea	139
Taiwan	260
35 (machinery ex. elec.):	
Taiwan	233
36 (electrical machinery):	
Singapore	113
Korea	135
Hong Kong	141
Taiwan	234
39 (miscellaneous manufacturing):	
Korea	263
Hong Kong	176
Taiwan	331

It is important to note at this point that the graduation concept does not, by itself, necessarily lead to reductions in imports of the graduated products. If one examines product categories for the top seven suppliers which were graduated by the existing competitive need formula in 1978, one finds that in those categories those countries' imports still grew by 6.5 percent per year from 1977 to 1979, despite the graduation.

At the same time, however, imports of those products from other developing countries over the same period increased 23.3 percent per year. The obvious conclusion is that graduation can, indeed, lead to the focusing of benefits on the poorer nations because it "makes room" for LDC imports currently crowded out by imports from the more advanced developing nations. Our proposal would carry this concept further.

One of the other serious problems with the present GSP system is the difficulty of removing items because of import sensitivity. Although a number of the most import-sensitive products are excluded from GSP by statute, many others are not, and it has become apparent that the administration seldom deletes an article from the GSP list because of import sensitivity.

According to data presented in the Federal Register of August 20, 1979, since the program's inception 82 products had been added to the preference list and only 19 removed from it. In the case of leather wearing apparel, for example, it took 3 years for the domestic industry to convince the Government that this item should be removed from the list, even though import penetration had reached 50 percent and was still growing.

Ironically, in this same case, the industry has now twice been the victim of administration inaction, as President Carter decided earlier this year not to accept the International Trade Commission's recommendation for 3 years of increased tariffs after finding injury in the industry's escape clause case. The reluctance of the administration to act on import-sensitive GSP items is in marked contrast to the intentions of Congress in creating the program. Section 501 of the Trade Act of 1974 specified that in his consideration of whether to provide duty-free treatment for an article, the President should consider, "the anticipated impact of such action on the U.S. producers of like or directly competitive products."

Present law provides for exclusion from GSP for articles that are subject to a section 201 import relief action or a section 232 national security action. Our legislation expands these exclusions by adding to them articles subject to outstanding countervailing or antidumping duties. That circumstance would occur after a final injury finding and after a final finding of either dumping or a subsidy, as the case may be. This further limitation would make clear our commitment to enforcing our laws against unfair trade practices and to make sure that such enforcement is well coordinated with overall trade policy.

Otherwise, we face the circumstance where countervailing duties might be imposed on a subsidized product entering the United States at the same time the U.S. Trade Representative is deciding to provide duty-free treatment for the same article. The GSP system is designed to provide benefits for developing countries, and within certain limits the United States is prepared to absorb increased imports at some risk of injury to domestic industries.

It goes too far, however, to suggest that our policy should extend to accepting imports that are the product of unfair trade practices by others. Products which are dumped or subsidized—and which are injuring American producers—have no place in a true free trade system and should be attacked at every opportunity. If we are ever going to have an established set of rules for the international marketplace, we must insist on full adherence to existing rules, however inadequate they may be, even on the part of developing nations just entering into international competition. While the industrialized States should temper their protectionist responses to imports that are competitive in order to encourage further LDC development, they should nonetheless insist on firm standards with respect to unfairly traded goods. Our bill meets that standard.

Mr. President, after 5 years experience with the generalized system of preferences we believe it is clear that it is time for an overhaul. The administration has already proposed to undertake some procedural changes which can be implemented without additional legislation. In our judgment that is not enough. A complete reevaluation of the GSP program is needed to determine how it can best meet the needs of lesser developed countries, and how we can avoid having all the benefits of the program consumed by the more developed countries. This is not to suggest that the latter countries no longer need our support or assistance.

Rather it suggests that the GSP program, conceived for LDC's, is not the proper place for support to the relatively advanced newly industrializing countries (NIC's). While committed to our proposals, we are also bringing them forward at this time to stimulate discussion and consideration of the GSP program, hopefully with hearings, so that early next year the Finance Committee can consider this legislation and report appropriate revisions in the program.

Mr. President, I ask that the text of the bill appear at the conclusion of our remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of the Trade Act of 1974 (19 U.S.C. 2464) is amended—

(1) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively;

(2) by striking out paragraph (3) of subsection (c); and

(3) by adding immediately after subsection (c) the following new subsections:

"(d)(1) Whenever the President determines that any country has exported (directly or indirectly) to the United States during a calendar year a quantity of articles within any Major Group (as defined in the Standard Industrial Classification Manual most recently issued by the Office of Management and Budget), other than Major Groups 01 and 20, having an appraised value in excess of an amount which bears the same ratio to $100,000,000 as the gross national product of the United States for the preceding calendar year (as determined by the Department of Commerce) bears to the gross national product of the United States for calendar year 1980, then, not later than 90 days after the close of the calendar year in which such exports occurred, such country shall not be treated as a beneficiary developing country with respect to all articles within such Major Group.

"(e) For purposes of subsections (c) and (d), the term 'country' does not include an association of countries which is treated as one country under section 502(a)(3), but does include a country which is a member of any such association.

"(f) Whenever the importation of any merchandise from any country is the subject of an affirmative final determination by the United States International Trade Commission under section 303, 705, or 735 of the Tariff Act of 1930, such merchandise from that country shall not be eligible for duty-free treatment under this title during the period in which any duties imposed on that merchandise under section 303, 706, or 736 of such Act are in effect."

Mr. MOYNIHAN. Mr. President, today Senator HEINZ and I are introducing a bill to reform the generalized system of preferences, a part of our international trade laws designed to assist developing countries. GSP, as it is known, is a valuable but flawed scheme, and our intention is to bring the GSP program more closely in line with its original purposes.

Trade preferences for developing countries can be traced back at least to the 1964 UNCTAD meeting, at which Raul Prebisch promoted it. The suggestion was that by reducing tariff barriers facing developing countries, the richer nations could aid poorer in increasing their exports and integrating their economics into the international trading system.

Twenty-three industrialized countries now have GSP programs, the earliest having become operative in 1971. For the United States, GSP was established by the Trade Act of 1974 to promote economic progress in underdeveloped countries without causing harm to American industry. It gives products of developing countries preferential access to the U.S. market: While products from industrialized countries pay the applicable tariff, goods from beneficiary developing countries enter the U.S. duty free. In 1979, approximately $6 billion in merchandise entered the U.S. duty free under GSP.

While the goal of GSP was to help developing countries compete in the international system, after 5 years of operation it is clear that this goal is not being met. Most developing countries are getting few or no benefits from the GSP program, while a few of the richest and most competitive developing countries receive all the benefits. Taiwan, Hong Kong, and South Korea account for 50 percent of all imports under GSP, and Brazil, and Mexico for another 20 percent. Thus there is a disproportionate benefit to the most advanced countries, which need GSP least, and practically no benefit to the poorer countries which need GSP most.

This conclusion emerges clearly from the administration's own review of GSP, in its "Report to the Congress on the First Five Years' Operation of the U.S. Generalized System of Preferences," transmitted to Congress on April 17, 1980—House Ways and Means Committee Print 96-58. The data is presented in the following table, taken from the report:

GSP DUTY-FREE IMPORTS BY BENEFICIARY DEVELOPING COUNTRY (BDC) GROUPING

[Dollar amounts in millions]

BDC group	Share of total 1978 (percent)	1976	1977	1978
All BDC's	100.0	$3,160	$3,878	$5,204
BY REGION				
Latin America	29.9	904	1,119	1,554
Europe	5.5	197	205	286
Near East	6.3	190	234	330
Asia	56.3	1,571	2,177	2,929
Africa	2.0	298	143	105
BY LEVEL OF DEVELOPMENT[1]				
Advanced developing countries	87.4	2,451	3,301	4,547
Mid-level developing countries	9.3	601	444	485
Less developed developing countries	3.3	108	132	170
Other	.1	1	1	3
BY SUPPLIER POSITION				
Top 5	68.1	1,870	2,642	3,544
Taiwan	27.5	728	912	1,433
Korea	12.5	327	532	648
Hong Kong	10.3	347	486	537
Brazil	9.0	215	344	468
Mexico	8.8	253	368	458
2d 5	14.7	476	522	765
Israel	3.7	116	146	192
Singapore	2.9	73	107	153
Yugoslavia	2.9	154	116	152
Argentina	2.8	72	77	148
India	2.3	61	76	120
3d 5	7.0	160	222	364
Chile	1.7	22	24	87
Peru	1.5	44	38	79
Portugal	1.4	8	54	73
Philippines	1.4	59	77	71
Uruguay	1.0	27	29	54
Other	10.2	654	492	531

[1] For purposes of this analysis, countries were divided on the basis of per capita GNP into advanced developing countries (over $1,100), mid-level developing countries ($300–$1 100), and less developed developing countries (below $300). See app. VII.D. for listing of beneficiary developing countries by per capita GNP ranking.

Note: Details may not add to totals due to rounding.

Source: Department of Commerce, Bureau of the Census, and the U.S. International Trade Commission.

The GSP program does contain safeguards designed to provide some protection for U.S. producers and insure that all GSP benefits do not go to the most advanced developing countries. Products are ineligible for GSP treatment if they are the subject of an "import relief" action under section 201 of the Trade Act of 1974; and imports of a product from a particular country become ineligible for GSP if they surpass "competitive need" limitations. These limitations suspend GSP treatment if imports of the product from the country in question exceed 50 percent of all imports of the product in that year, or exceed in indexed dollar amount, now $42 million, in value.

It is evident from the data that GSP is not working as it was designed to work. The levels of concentration of benefits in the most advanced, richest, and most competitive developing nations are excessive, and the benefits derived by the vast majority of developing nations are slim or nonexistent. And for these reasons, the GSP system is not properly providing protection to American industry and American workers.

GSP was recently the subject of House Trade Subcommittee hearings, now published as "Oversight of the Generalized System of Preferences," serial 96–96, May 8, 1980. Among the witnesses that day were Amory Houghton, Jr., chairman of Corning Glass, and Howard D. Samuel, president of the Industrial Union Department of the AFL–CIO. They testified as cochairman of LICIT, the Labor Industry Coalition For International Trade, a group of unions and corporations which have joined together on trade policy issues. In their testimony they outlined a plan which is the basis for the legislation Senator HEINZ and I am introducing today.

We propose two reforms of the GSP system, which would provide greater protection for U.S. producers and would reduce the concentration of GSP benefits in a few relatively advanced countries. First, we believe that when a product has been the subject of an unfair trade practice determination by the U.S. Government—a finding of either dumping or subsidization—it should no longer receive GSP benefits. Those who engage in unfair trade practices in violation of U.S. and international law should lose their preferential access to the U.S. market.

Second, we believe the competitive need limitation should be extended from particular products to product sectors. We propose that when GSP imports from a country in a product sector—such as electronics, or heavy machinery—exceed $100 million, the country should lose GSP benefits for that sector. One hundred million dollars in exports to the United States indicates that in that entire sector, the country has become internationally competitive. We would make an exception for agricultural products, for the fact that a country has a one-crop economy does not indicate that it is internationally competitive with respect to other crops it may export.

We believe these reforms will help achieve the aims of the GSP program and will reduce the seriousness of some of the problems of which I spoke earlier.●

ADDITIONAL COSPONSORS

SENATE JOINT RESOLUTION 211

At the request of Mr. HATCH, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Joint Resolution 211, a joint resolution designating the week beginning March 8, 1981, as "Women's History Week."

AMENDMENT NO. 2620

At the request of Mr. PRESSLER, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PELL), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 2620 proposed to H.R. 7724, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MELCHER. Mr. President, I wish to announce that the Select Committee on Indian Affairs will hold a conference meeting on S. 2728, an original bill to amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes, on November 20, 1980 at 1 p.m. in room S–206 of the Capitol.

ADDITIONAL STATEMENTS

DEVELOPMENTS IN POLAND

○ Mr. KENNEDY. Mr. President, I welcome the recent decision by Polish authorities and union leaders to avoid a confrontation which could have set back the recent historic gains of the "Solidarity" union movement.

The supreme court of Poland overruled a lower court requirement that the charter of Solidarity recognizes the leading role of the Communist Party. Such a requirement would have violated the historic government-worker agreement reached at Gdansk, and would have cast doubt over solidarity's future integrity and independence.

At the same time, solidarity has agreed to adopt an annex to its charter which both recognizes the party's role and incorporates the clauses of the International Labor Organization Convention, ratified by Poland in 1956, which guarantee trade union rights and define relations between employers and employees. I believe that these clauses will help to reinforce the economic and political rights already achieved by Polish workers.

I commend both the union movement and the authorities of Poland for exhibiting foresight and strength in achieving this compromise. And I am pleased that the Polish Government has agreed to permit Western journalists to continue to cover the extraordinary events in that country.

While a crisis has successfully been avoided, we must recognize that other important issues—such as wage scales, national labor legislation and media access—have yet to be resolved. All friends of Poland should now make clear that they favor the peaceful resolution of these and other outstanding issues. In this regard, I welcome the Polish Government's renewed expression of its intention to work with the unions "in serious partnership and cooperation."

Clearly a major challenge facing both the government and the unions is the strengthening of Poland's economy. The union leaders have indicated their willingness to share economic responsibility with the Polish Government. A true solution to Poland's economic problems will also require the Polish Government to seriously consider economic decentralization and other bold economic measures which have worked in other countries such as Hungary.

As the unions and authorities work together to address Poland's serious problems, I continue to believe that the Polish people must be able to count upon their friends and supporters for economic assistance. Today I reaffirm my strong support for additional economic assistance that will benefit the people of Poland, in the context of continued implementation of the Gdansk agreement. This assistance should be provided not only by the United States, but by all nations which wish Poland well in the critical years ahead.

Mr. President, I ask that a thoughtful editorial in the Washington Post, entitled "The Polish Revolution," be inserted in the RECORD.

The editorial follows:

[From the Washington Post, Nov. 12, 1980]

THE POLISH REVOLUTION

A fundamental new social contract has been ratified in Poland. It exists only in outline form and has yet to be put into practice and has not passed the test of time. Yet the authorities have agreed to share power with the new union movement, and the workers have agreed to work—*not* simply to suspend their strike threat but to accept their share of responsibility for the economy. Nothing like this has ever happened in a communist country.

Ostensibly, the latest dispute concerned the terms on which the Solidarity union movement would register with the government-run courts. Warning of further strikes, Solidarity had rejected the official demand that it acknowledge in its charter the leading role of the Communist Party: this would have compromised the independence that is its reason for being and the basis of its mass appeal. In a well-scripted courtroom showdown, the government then withdrew the demand that the acknowledgement be in the charter and the union offered to make it in an "annex."

Leaving the courtroom, Lech Walesa, the union leader, underlined the real trade-off: "Everyone has to go to work and work hard." This is the basis on which the Polish party and government leaders had gained conditional Soviet acquiescence in their intent to grant the union a measure of power. The authorities' argument was that the country is too poor to offer adequate pay and benefits in order to enlist alienated Polish workers in repairing the shipwrecked Polish economy—a job that will require years of hard work and that will mean years of austerity as well. The leadership finally decided it had no choice but to offer the workers political autonomy or, to use the more discreet term, union independence, instead. It did so, by the way, in the name of honoring its longstanding (and long-ignored) commitment to the workers' rights inscribed by the International Labor Organization, a useful outfit to have around.

Real economic decentralization will also be necessary, and it will be bitterly resisted by a bureaucratic power structure already split over the wisdom of political relaxation. Such economic reform is also bound to be viewed darkly in the Kremlin and in the more Stalinist quarters of Eastern Europe. This makes it impossible for the Poles to relax: Soviet tanks could yet roll. For the moment, however, the momentous quality of events in Warsaw must be recognized. Union and official leaders alike have shown steadiness and vision. They need time and quiet to make their peaceful revolution work.●

BROKEN PROMISES ON A SMOOTH TRANSITION—THE OMB CONNECTION

● Mr. McCLURE. Mr. President, it is with great disappointment that I report to my colleagues broken faith by this administration in its promises for a smooth and cooperative transition of government.

I have learned that today, by decision of Director McIntyre and recomendation of Program Assistant Director Schirmer (formerly with the White House), the Office of Management and Budget has recommended budget cuts so deep in the energy research budget as to hamstring the incoming administration. The scorched earth policy adopted by OMB in slashing the coal research budget directly countermands President Carter's assurances of a fully cooperative transition effort.

The fiscal year 1982 budget request by the Energy Department was gutted by OMB from $2.7 billion to approximately $700 million. While Republican problems with the bloated Department of Energy abound, I am sure my colleagues on both sides of the aisle will agree that funding cuts of this magnitude, at this time are petulent and politically motivated to embarrass the incoming administration and sabotage an orderly budget transition.

While solar funding is scheduled to increase because of today's OMB decision, fossil energy research—that is, coal research—is scheduled for a cut of 74 percent.

SRC 1, the Kentucky coal project was cut out of the 1982 budget completely—a decrease of $507 million. SRC 1 may or may not be a valuable project, but OMB it seems to me had several years worth of chances to terminate SRC 1 but failed to make the move until after an unsuccessful November bid to retain control. Is that evidence of a promise not to boobytrap the budget?

Other coal research budget cuts decided today included: A decrease of $90 million from the West Virginia SRC II coal liquefaction project: a $160 million cut and elimination of the Memphis medium Btu gas project—a positive project, by the way—a decrease of $108 million for high Btu gas projects; and, I am sure the Senator from Montana, Senator MELCHER, will be interested in this, a decrease of $8 million in MHD magneto-hydrodynamics.

This gutting of the fossil energy research budget and retention or increase of noncoal research programs has several negative results:

First, research money expended over the last several years goes to waste with the sudden dissolution of the project. Perhaps some of these projects should not have been funded from the beginning by the Federal Government, but budget slashing of this type surely means a total waste of funds.

Second, with a time bomb like this ticking in the energy research budget, (a) where else have we been conjoled into what appeared to be an orderly transition, and (b) the Reagan administration's options appear to be severely restricted by these OMB actions.

Third, companies affected by the radical OMB cuts will no doubt bang loudly at the door of President Reagan asking that he restore the Department of Energy's budget—a rather unfortunate position for the new President to find himself in.

Fourth, given the very limited review time the new administration will have to analyze where the fat remains and where the scorched earth policy has been applied, an imbalanced budget, not in the public interest, may result.

Again, I must profess my disappointment at what appears to be broken faith in the transition efforts by OMB. And, I call upon the President to apply more vigorously his clearly intended objective of a smooth transition.●

TAX CUT LEGISLATION

● Mr. DOLE. Mr. President, I am extremely disappointed by the decision of the Democratic leadership in both Houses to block any tax cut legislation during the lameduck session. It seems that the current leadership in the Senate, the House and the White House is allowing partisan politics to override the national interest. If there was any mandate from the recently completed landslide election, it was that Congress should be reducing both taxation and Government spending. We should be trying to get Government off the backs of our citizens. I am afraid that message is still not being heard by many of our leaders in Washington.

ECONOMY NEEDS A TAX CUT

Mr. President, this Senator has vigorously sought enactment of a tax cut because he sincerely believes the economy needs one. Inflation is still raging at about 13 percent. Although the economy has shown some signs of improvement recently, most experts predict at best we will have a sluggish economic recovery. The unemployment rate went up again last month and interest rates are again shooting for the stratosphere. I believe that things will get worse before they get better.

Experts who testified before the Finance Committee, including former Chairman of the Council of Economic Advisors in both Democratic and Republican administrations, supported enactment of a tax cut now to be effective on January 1. The analysis of Nobel laurate Dr. Lawrence Klein demonstrated to the committee that a tax cut will significantly reduce inflation and unemployment, and boost economic growth when compared with doing nothing. Thus, I fear that the leadership's current posture will simply further aggravate our economic woes.

FINANCE COMMITTEE BILL

Mr. President, I strongly believe that the Finance Committee bill is balanced and responsible legislation. It contains much-needed individual relief, as well as productivity oriented changes.

It is the result of much work over many months. The bill was developed in a remarkable exercise of bipartisan unity. It was reported from the Finance Committee by a 19 to 1 vote. While this is a good bill, I am not flexibly committed to all of its provisions. I am quite willing to work with the House or any other group to achieve a bill that is acceptable to all factions.

Mr. President, this Senator and his Republican colleagues have made every effort to provide tax relief to the American people. On June 25 we introduced our own tax cut package and twice sought Senate approval of the measure by offering it as a floor amendment on other legislation. Twice we were blocked by the Democratic majority. After the leadership refused to bring the Finance Committee bill to the floor, the Republicans again tried on their own only to again be thwarted.

OFFERED AS AN AMENDMENT

Mr. President, this Senator is not yet willing to throw in the towel and wait until next year for a tax cut. If we wait it is unlikely that a bill will be signed into a tax cut law until June or July. Such relief will be too late to be of much help in the economic recovery. Taxes are going up on January 1. That is when the American people need relief.

Mr. President, I intend to pursue this matter by offering the Finance Committee tax cut bill as an amendment to any appropriate vehicle during this lameduck session. While this startegy may only have a slim chance of succeeding, I believe that I owe it to the American people to keep trying as long as Congress is in session.●

TRIBUTE TO JOSEPH D. KEENAN

● Mr. JACKSON. Mr. President, last evening I had the honor of joining in an evening of tribute to a great American—Joseph D. Keenan, perhaps the greatest labor statesman of our time.

Joe Keenan is a man whose only interest all his life has been making our Nation and world a better place in which to live. His contributions to labor, government and industry are enormous. All of our lives have been enriched by his service.

The dinner last night was to especially recognize Joe's service as president of Americans for Energy Independence. I had the pleasure of making a tribute to Joe Keenan which I would like to share with other Members of the Senate.

I submit the text of my remarks for the Record.

The remarks follow:

Address by Senator Jackson

We meet here tonight to honor Joe Keenan—one of the greatest labor statesmen of our time—and to advance the important work of Americans for energy independence.

I have known Joe from the time I was a junior member of the House—that was a few years ago and I was just a small-town boy from Everett, Washington then. Already Joe was advising presidents and was in the midst of a distinguished career in labor and public service.

Joe's always been a little like the old firehouse. The bell rings and he's off. Joe's that way when he sees a problem. He immediately jumps in, envisions a solution and works to resolve the problem. He's been doing that all his life.

No one should have been surprised therefore, when five years ago Joe became president of Americans for energy independence. He's been coming to the Nation's rescue for more years than any of us care to remember.

During World War II, he jumped in—first serving as AFL member of the National Defense Council and then as associate director of the War Production Board. At the end of the war, President Truman dispatched Joe to Germany to reorganize labor and to help get Europe back on its feet.

Joe's a no-nonsense, practical approach guy. He seeks reasonable solutions to problems. He has a "can do" attitude. During the war, he worked out agreements between labor, industry and government to get the economy on track. For his achievements, President Truman rewarded him with the highest civilian award, the Medal for Merit. Joe's efforts in Germany won him the Medal of Freedom Award.

Joe's greatest asset, of course, are his ancestors. He was fortunate in picking good Irish parents who raised him among other turn of the century immigrant families on Chicago's near west side.

The "Chicago education"—learning about people—has aided him to this day. Joe's never forgotten his beginnings nor the dreams of working men and women.

He began as an apprentice with Local Union No. 134 of the IBEW and worked his way up over the years to become director of Labor's League for Political Education in the AFL; then secretary-treasurer of the Building and Construction Trades; and the international secretary of the International Brotherhood of Electrical Workers—an organization of more than 1,000,000 workers. He was a member of the executive council of the AFL–CIO and president of the union label and service trades department.

Joe has served on so many labor and government boards, commissions and committees that I could stand here all night just mentioning each one.

The point is, as I mentioned earlier, Joe Keenan always has been around—ready to go to work, to do anything he possibly could to help his country and to help working men and women.

My only wish is that we had more like him around today. I'd put Joe Keenan in charge of the Energy Mobilization Board—if we had one—or the Synthetic Fuels Corporation. Or the Democratic National Committee.

He understands people, institutions and knows how to make them work.

When the energy crisis came upon us almost 10 years ago, Joe Keenan got to work. As president of the AEI, he has been extremely helpful to me in the Senate on the programs we are advancing.

The campaign is over and a new administration is moving towards Washington. And when it comes, the Reagan administration will quickly confront the overriding issue of energy.

The realities of energy are more obvious and more painful than four years ago when President Carter came to office. We are entering the 1980s with heavy dependence on foreign oil—and little hope that this dependence will end in the near future. Our economy is hemorrhaging with dollars for oil imports—more than 500 billion dollars between now and 1985. And our access to vital oil supplies is more and more threatened by events beyond our control, like the continuing war between Iran and Iraq.

We are now in the extraordinary situation where the success of our foreign policies will determine whether we get enough oil to keep our economy growing. In fact, there is a close link between our economic problems, our energy problems and our security problems. Our access to oil imports will rest in no small part on the strength and credibility of our defense. Our ability to maintain a strong defense depends on the strength of our economy and our industrial base. And the key to restoring a strong economy is an urgent national effort to reduce oil imports.

On the foreign policy front, we must make every effort to assure every nation access to world oil for its basic needs. Providing for our own needs is not enough. Prolonged oil shortages in any nation will not only impose serious hardships, but also threaten stable international relationships.

For the foreseeable future, the Middle East remains the key to our precarious oil supply position. It accounts for 40 percent of world oil production and 60 percent of the world's proven reserves.

The threats to Middle East oil in general, Persian Gulf oil in particular, are substantial and real. The instability of leaders and institutions in this area is legendary. The potential for disruptive terrorism is enormous. The Russian presence—and the opportunities for extending Soviet influence—cannot be minimized.

Obviously other nations share our crucial stake in the security of Middle East oil. But the fact is that there are no reliable regional security arrangements within the gulf region. The new administration must give high priority to creating such arrangements as soon as possible.

It is also essential that we strengthen our own military posture to be prepared to respond effectively where access to oil is threatened. We must concentrate in particular on our ability to deal with threats to Middle East supplies.

Like it or not, it seems clear that the United States will have to assert its power and prestige to protect access to world oil, in the Middle East and elsewhere. Our ability to do this is part of the larger problem of our world-wide military posture.

The serious and continuing shifts in the military balance between the United States and the Soviets may well affect our ability to deal with a crisis in oil supply. Equally important, it could influence the conduct of other nations who perceive us as being unable to cope with such a crisis. We may expect the Soviets to exploit their military capabilities for possible advantage in the struggle for access to vital oil supplies. We must therefore evaluate our own military posture in light of this challenge.

To a large extent the success of our international energy policies will depend on the world's perception of our domestic energy programs. We cannot expect to influence the course of events in world oil unless other nations believe we are making urgent efforts to develop our own resources and control our own use of oil.

The Carter administration made a national commitment to energy conservation, and conservation remains the surest, quickest way to reduce oil imports. It would be folly for the new administration to abandon this effort.

But the Reagan administration must also make a national commitment to energy production in every form of energy—nuclear, coal, oil and gas.

This will not be easy. The mere removal of burdensome controls or regulations will not, by itself, create a massive production effort. Priority must be given to the resolution of long-standing problems like the storage of nuclear waste. We must deal in a coherent way with all the economic and regulatory restraints on coal use—including the clean air act. We must accelerate federal leasing programs where significant energy potential is involved. And we must deal fully and fairly with the legitimate concerns of states over the impacts of energy development.

What has been sadly lacking during all recent administrations has been a government which was an advocate for energy production—a government which was willing to work with industry to get permits issued and plants built. The proposed energy mobilization board could help assert this role for the federal government.

But organizational changes are not enough. We need a new partnership between government, industry and labor to meet the challenge of freeing our economy from the tyranny of OPEC. We need the kind of relationships that are forged in wartime situations, focusing on this common goal of reducing imports.

There is no more important priority for the new administration than this effort. And nothing will do as much to create new hope and new jobs for the American people. We can give our economy a massive boost in the process of reducing energy demand and developing new energy supplies.

We must make millions of homes more energy-efficient—and that means jobs.

We must build millions of new cars that use less gas—and that means jobs. A passenger car fleet that drove 30 miles to the gallon would cut our oil imports in half. We can do it.

We must open new coal mines and build transporation systems to serve domestic and foreign markets—and that means jobs.

We must build new power plants and new synfuel plants to meet future needs—and that means jobs.

The fact is that we have the greatest energy resources of any nation in the world. We have enough coal for hundreds of years. We have uranium to fuel dozens more nuclear plants. We have billions of barrels of oil in shale. And we have the scientific and technical skills to develop new energy sources.

What has been lacking is the leadership and the will to do the job. What has been lacking is the sense of urgency which our situation requires. The new administration must provide that leadership—and instill that sense of urgency—in confronting the energy issue.●

THE TEMPORARY VISA: PART OF THE ANSWER?

● Mr. SCHMITT. Mr. President, in his "Southwind" series dealing with the problems of the Mexican migrant to the United States, Richard Louv of the San Diego Union in his ninth article focused on what many believe is part of the solution to this complex problem. This proposed solution is the creation of a tempoary worker program such as proposed in S. 1427, the United States-Mexico Good Neighbor Act, which I have introduced. Hopefully such a proposal will be among the recommendations of the Select Commission on Immigration and Refugee Policy when it makes its report next year.

S. 1427, which I encourage my colleagues to support, is based on modern studies such as those conducted by Dr. Wayne Cornelius, now of the University of California at San Diego. His studies have demonstrated that the typical Mexican undocumented worker is a young male who is not here permanently but works in the United States temporarily. Most of these workers are paid at or above the minimum wage rate; and they are taking jobs that, although necessary to our economy, are normally not filled by U.S. workers because they do not need to or because they offer little opportunity for advancement.

Due to population pressures in Mexico, it can be reasonably foreseen that these migrants will continue to seek enployment here unless we place a "Tortilla Curtain" on our southern border. Clearly, our strategic interests should favor a strong Mexico which, when developed, can employ its population gainfully; but until then, we should offer these persons legal employment that is needed in our economy.

The benefits of S. 1427 are many, among them:

The number of visas would relate directly to the availability of jobs.

The workers are not tied by contract to a particular employer and thus the opportunity for exploitation is reduced.

Having a legal status, the workers will be able to work to improve their working conditions and also draw upon private and public services they would be otherwise entitled to.

By learning job skills, they will be more employable at home and help develop Mexico herself.

Mr. President, I ask that Mr. Louv's article be printed in the RECORD.

The article follows:

9. THE TEMPORARY VISA: PART OF THE ANSWER

Pressure is building for the federal government to do something about illegal immigration.

So, once each month in Washington, D.C., the members of the Senate Select Commission on Immigration and Refugee Policy sit down to talk about it, over dinner.

Sometimes, the commissioners—including Cabinet members, congressmen, and the president of Notre Dame University—even venture beyond the Potomac, out into the hinterlands to take the public's pulse, which is racing.

At well-publicized hearings, zero-population lobbyists, supporters of Howard Jarvis' initiatives, labor leaders, law enforcement officials and professors rail against illegal aliens.

Legal defense groups, church organizations, Hispanics and other professors speak to the rights of the undocumented—and to their contributions to society; and they warn that cracking down on illegal aliens would lead to discrimination against Hispanics.

No one—even within each faction—can find much to agree on.

So the commissioners return to Washington, to try to sort out the confusion, over dinner.

"Nobody thinks much will come of all this," complains Joe Razo, a labor inspector for the state of California who has spent a frustrating year trying to enforce labor standards in industries frequented by illegal aliens.

"Commissions are established as lightning rods," he says. "If lightning strikes, it strikes the commission instead of Congress or the President. Commissions siphon off public frustration, but they don't accomplish much. Some of us are getting sick and tired of all the catharsis."

Quietly, slowly, change is coming though—brought about not by the commission itself, but by a combination of congealing forces.

For years, any reform attempts were bottled up by Sen. James Eastland, chairman of the Judiciary Committee, whose powerful agribusiness constituents in the South thought things were just fine the way they were.

President Carter's reform proposals (which included penalties for employers who hire illegal aliens increased immigration quotas for Mexico, amnesty for undocumented aliens, living in the United States, a beefed-up Border Patrol and foreign aid) have languished since 1977—partly because of Eastland and partly because of the opposition of Hispanic groups who feared what they considered the "anti-alien hysteria" sweeping the country.

Now, however, Eastland is gone, replaced by Sen. Edward Kennedy, who has no strings to agribusiness and has influence with Hispanics and organized labor.

Much of the hysteria, at least in Congress, has dissipated.

There is a growing sense that illegals are not the root of all economic evil; that they may, in fact, be giving to the economy far more than they're taking; that, because of changing demographics, their labor may be sorely needed in the future; and that nothing short of a militarized border, with electrified fencing and gun turrets, could keep all of them out.

Moreover, there is growing evidence that the migration is small enough to be regulated. Several studies have dropped the estimated number of undocumented aliens from 12 million to around three million.

"We still don't know for certain how many are here. Everybody is waiting for release of the Colegio de Mexico's Ceniet study, which is by far the largest study to date," says the Rev. Lydio Thomasi, executive director of the Center for Migration Studies in New York and publisher of the highly respected International Migration Review.

"The Ceniet study's methodology is highly respected" says Thomasi, who maintains a fairly neutral voice in the immigration debate. "As far as we can tell, it's credible. Its effect on the debate depends on whether the results are accepted."

The results are surprising: the lowest estimate yet. While these figures have never been released to the American press—and are not due out until Fall, 1980—they were presented to the select commission in a recent meeting in Guadalajara.

According to a source at the meeting, Ceniet estimates that the number of undocumented Mexicans in the United States at any one time fluctuates between 450,000 and 1.2 million, depending on the growing season.

Of these migrants, about five percent stay on permanently in the United States.

To arrive at these figures the Ceniet researchers spent more than a million dollars over two and a half years, interviewing 62,000 Mexican households—almost a half million persons are listed by name.

The results of this huge study, funded by the Mexican government, likely will be met with skepticism north of the border, but they indicate how seriously the Mexican government takes this issue, and they underscore the growing perception that the migration is manageable.

Most of the debate, so far, has focused on such issues as amnesty and employer sanctions, but there has been little progress in any direction.

Lately, the focus has been shifting to the possibility of some kind of temporary worker permit. This would allow the migrants to come and go legally.

Much of the lobbying for such a program has come from agribusiness, and slightly varying versions have been proposed by California's Lt. Gov. Mike Curb and Rep. Clair Burgener, R-La Jolla.

Curb's proposal is based loosely on a Swiss "guestworker" program, but it closely resembles the "bracero" contract-labor program operated by the U.S. and Mexican governments between 1942 and 1964. At its peak, the bracero program was recruiting 400,000 Mexican temporary agricultural laborers yearly.

However, the sins of the bracero program were many.

Braceros were, in effect, indentured servants bound to specific employers, jobs and geographic regions. While many ranchers treated their braceros well, many did not.

In 1962, for example, the California Growers Association instructed its members, by memo, to report to the Border Patrol any workers who questioned the rules under which they worked, or their living conditions or wages. These workers, considered troublemakers, were then deported.

Afraid of deportation, most braceros did not complain when they were herded into disease-ridden camps, or used as strike breakers when Mexican-American farmworkers attempted to organize.

While the program stipulated employers could use braceros only if U.S. citizens were not available to work, many growers rigged the system so local workers could not get the jobs.

Burgener's bill, in part, calls for an expansion of the so-called "H-2" visa status—which is the only contract labor provision still available for employers who want to hire foreign, unskiled laborers.

Adopted during World War II to bring Caribbean workers into the United States, the H-2 program is available to U.S. employers who can demonstrate that U.S. citizens won't take certain jobs.

The program is limited, though. Especially in the Southwest employers have to wade through months of red tape and frustration. More H-2 visas are granted yearly, for instance, to residents of the tiny Caribbean island of St. Lucia than for all of Mexico.

A powerful coalition of organized labor and church groups convinced Congress to kill the bracero program in the mid-1960s. Most observers say they feel that this coalition also would obstruct the adoption of any approach that smacked of a return to the bracero program, or an expansion of the H-2 contract labor provision.

That does not mean, however, that the temporary worker idea is dead.

"Something new is happening," says Thomasi. "Religious groups and labor unions are beginning to express cautious curiosity about the possibility of a temporary worker visa—not a rehash of the bracero program, but a simple permit that would allow Mexican migrants into the United States for short periods of time, while protecting their human rights."

The key would be that these workers would not be bound to particular employers, geographic areas, or to agriculture—an important factor, since illegals have increasingly moved into urban jobs.

Unions would be encouraged to recruit them. This approach could please human rights activists as well as union organizers—who are increasingly interested in recruiting Mexican workers to shore up sagging union memberships.

"The recent interest in this idea is remarkable, considering how vehemently opposed religion and labor have been to anything that even looked like a bracero program," says Thomasi. "They're realizing they can't just be obstructionists. A temporary worker visa just might open the door to compromises on other issues."

Several plans for a temporary worker visa have been suggested, the most noteworthy ones by Charles Keely of the Population Council, and Dr. Wayne Cornelius, director of USCD's Program in United States-Mexican studies.

Keely's and Cornelius' plans are basically identical. A bill based on Cornelius' proposal has been introduced in the U.S. Senate by Sen. Harrison Schmitt, R-N.M.

A temporary approach would work something like this.

U.S. consulates in Mexico would issue special visas permitting employment north of the border for up to six months (not necessarily consecutive) each year.

The U.S. Government would set the ceiling on the number of these visas high enough to legalize much of the presently illegal migration. One number that has been suggested, for the first year, would be 800,000 visas. That number would be flexible, based on the rate of unemployment in the United States and Mexico.

Special consular offices would be set up in the regions of Mexico that traditionally have sent most of the seasonal migrants north. The number of visas issued each month would go up and down, depending on the growing season.

These efforts would help preserve the seasonal nature of Mexico migration—instead of encouraging a continuous flow. (Even some urban jobs, especially in the auto industry, are seasonal.)

To avoid a pile-up of visa seekers in towns such as Juarez and Tijuana, no temporary visas would be issued at the border.

So, the Mexican worker—say his name is Sanchez—would have a clear choice. During the dry season, when he usually sets forth to the United States in order to support his family, he could go to one of the consular offices to pick up a temporary visa.

For Sanchez, this would be an extremely attractive option—no more nighttime border crossings; no more brutal (and expensive) coyotes; no more hiding in a strange land, or running from Border Patrol helicopters.

He would travel north, his visa would be stamped at the border, and he would work for several months—roughly the same period that he worked here last year and the year before.

Sanchez would not have to sign a contract with a specific employer to get a visa—as his father had to as a bracero. Nor would he be restricted as to where he worked.

In order to keep these privileges, Sanchez would in all likelihood follow the rules: To maintain a valid visa, he would have to leave the United States for at least six months each year.

If he overstayed his visa, he would not be able to get a new one for at least five years—and he would face deportation.

(Likewise, if Sanchez' brother, Juan—who is not quite so sensible—tried to cross the border without a temporary visa, and got caught, Juan would not be able to obtain a temporary visa for 10 years. The temporary visa probably would relieve pressure on the Border Patrol, since they could concentrate on catching Juan, and forget Sanchez.)

Like most Mexican migrants, Sanchez would want to go home anyway, since his family and his roots are there. Like many migrants, he also has a tiny plot of land that needs tending during the rainy season.

Like most migrants, he does not want to immigrate permanently to the strange land to the north.

There probably would be other stipulations to the temporary visa program.

Sanchez would not be able to bring his family with him; he would be eligible for health care—possibly Medi-Cal—but not for food stamps or welfare.

While his working conditions would be monitored by the Labor Department, through the same apparatus through which other workers are protected, Sanchez possibly would be recruited into a union. The union, then, would help protect Sanchez against unscrupulous employers.

Sanchez could qualify for union health insurance (relieving the burden on hospitals) and possibly a union pension plan.

By recruiting Sanchez, the union would be protecting the wage scales and working condition of U.S. citizens.

Not everyone, of course, is enthralled with this proposal.

"It's being sold as a panacea, a sugar-coated pill, but it's not what it appears," argues Dr. Vernon Briggs, a Cornell University labor economist and a leading voice for a more restrictive border policy.

"Call it what you will, the temporary worker visa is no different, in its long-term effects, than the bracero program—or the disastrous experience Europe had with the so-called 'guestworker' programs," he contends.

Briggs says he believes that providing temporary visas to Mexican workers would open the door wider to illegal aliens.

The bracero program did, in fact, stimulate much of today's illegal flow, but Cornelius maintains the damage already has been done.

"You can't turn the clock back and pretend the bracero program didn't exist" he says. Most of the major migratory patterns have already been established. The bracero program, in large part, established those patterns.

"What we have now is an 'underground bracero program.' Legalizing this flow is not going to significantly increase the number of migrants. The barn door is already open; you can't close it magically, short of shooting people at the border."

In fact, a growing body of evidence shows the United States may be encouraging permanent illegal immigration by tightening the screws on the border. With no legal avenue of entry, an increasing number of migrants are choosing to move permanently north of the border, melting into the cities, since traveling back and forth across the border is getting more difficult.

By making it easier for Sanchez to come to work in the United States, we would also be making it easier for him to go home.

Indeed, a temporary visa approach would be a recognition of reality.

Not only is the Mexican migration firmly woven into the fabric of both countries, but it now appears that the United States, to maintain its economic health, needs Mexican labor.

Several studies have shown that the United States is headed into a period of labor shortages, due to changing demographics.

Better that Mexican labor should be here legally than illegally—better not only for Sanchez, but also for our own labor force and our national conscience.

Cornelius insists this approach would demand no huge, new enforcement bureaucracy.

Some observers, though, say the temporary visa could be the centerpiece in an immigration package containing something for everyone. The temporary visa could, in fact, be the magnet to pull the various factions together.

For instance, to constituencies on the left, some Chicano activists, for instance, a temporary visa would be the next best thing to an "open border" policy, similar to the border policy between the United States and Canada. (No one gives the "open border" approach much of a political chance. Even the Mexican government opposes the idea, since it would aggravate the "skin-drain.")

To restrictionist pressure groups, a temporary visa provision might be attached to legislation to beef up the Border Patrol—which, on its own, has little change of passage.

Legalizing much of the illegal flow also would, to a lesser extent, make employer sanctions and counterfeit-proof identification cards more politically palatable. (Although most pundits give cards and sanctions virtually no chance of passage, with or without a temporary visa program.)

To agribusiness, a temporary visa would be an acceptable alternative to a reheated bracero program—which also has no chance of passage.

The final elements in this package would be amnesty for illegals now living permanently in the United States and an increased immigration quota for Mexicans.

Taken together, several of these approaches would go a long way toward regulating the flow of undocumented workers into the United States.

Movement toward this goal, however, is sluggish. One reason is that so few people are working full-time to find solutions, and another reason is that commissions rarely solve what politicians refuse to face.

The Select Commission will issue its final recommendations next December—conveniently a month after the presidential election.

In the long run, no proposals will succeed unless they are accompanied by economic development programs in Mexico. The ultimate solutions lie to the south, where the wind begins.

There are those who say neither Mexico nor the United States has the will to deal with this issue creatively. And there are those who believe the present system is just fine.

"Why should we push for anything different," asked one grower recently, walking through his lush avocado groves. "I mean, we've got all the workers we need. They don't cause any trouble. They sleep out there under the trees.

"We provide the best of them with a little housing. We put up windbreaks so the Border Patrol can't find them. You know, some of the other growers charge them rent just for sleeping out in the groves.

"But not us. We're humane. I don't see much need for change."

THE EUROPEAN EXPERIENCE

Several European countries have had a long experience with temporary worker programs.

The results were mixed.

Following World War II, Northern and Western Europe's cities were in ruins, its work force depleted and its birth rates cut severely. At the same time, Southern Europe, Iberia and North Africa were experiencing massive unemployment.

A marriage of convenience was worked out: countries such as France, Switzerland and Germany recruited foreigners to work in temporary jobs. The guestworkers would not, it was thought, require any significant social services, and they would return home when the labor shortage disappeared.

The guestworkers helped rebuild the cities. Many economists agree that Europe's economic boom of the 1960s and 1970s would not have been possible without them.

But there were problems.

Guestworkers were contract-laborers, bound to the employer and the job, and consequently highly exploitable. They were more like indentured servants than guests. In this, they resembled Mexican braceros working in the United States from the 1940s to the 1960s.

The European guestworker programs were different from the bracero program, in that some nations, like France, actually encouraged the guestworkers to stay as permanent residents—and immigrate their families as well.

Other countries stipulated that the guestworkers return home after a year or so—but applied only casual enforcement.

At the peak of the European experience, between 1960 and 1975, more than 15 million workers and their dependents migrated legally to Northern and Western Europe. In several nations, up to half of the guestworkers became permanent residents.

In the beginning, host countries benefitted from the fact that guestworkers—mostly young, single males—demanded few social services, but as a growing number began to settle permanently and immigrate their wives and children, the costs rose.

In 1975, Germany had almost one million foreign children in its school system. The immigrant populations, often underprivileged, tended to settle in urban ghettos.

Their presence aggravated racial and political tensions. Switzerland became so concerned about "overforeignization" in the late 1970's that it held several national referendums on the subject of expelling immigrants—who now constitute 15 percent of the population.

Following the oil crunch and world recession in the mid 1970's, Europe began to close the door to guestworkers.

Dr. Vernon Briggs of Cornell University, a leading voice for a restrictionist U.S. immigration policy, says he believes the United States will be headed down the same road should it adopt a temporary worker program.

"Just as in the bracero program, the imported workers would be exploited," he says, "and they would end up staying here permanently, as well."

Not so, insists Dr. Wayne Cornelius, UCSD's migration expert.

"We could devise a policy that would be quite different from either the European or bracero programs," he says.

Cornelius calls for a temporary worker visa, which would allow a Mexican laborer to work in the United States a few months at a time. The laborer would not be bound to any employer or geographic region and therefore would be less exploitable.

He would not be able to bring his family. To get his visa renewed, he would have to return to Mexico, and stay there, for six months of every year.

"To generalize from the European experience is unfair," Cornelius insists. "For instance, it's far easier for a Mexican to return to Mexico from this country than it is for a Turk or an Algerian to go home from France."

Further, there was no long-term tradition of back-and-forth migration in Europe, as there clearly is between Mexico and the United States.

"It shows a poverty of the imagination to say America has to choose between a bracero or European-style program and nothing at all," Cornelius adds.

"What we need is a brand new approach."

A POLITICAL PACKAGE

A temporary worker visa, which would allow Mexican laborers to work in the United States for a few months each year, may be the key to future immigration reform—especially if its proponents can guarantee that the sins of the bracero program would not be repeated.

Politically, however, the temporary visa idea has little chance of being adopted on its own.

Likely, it would be the centerpiece of a reform package designed to leagilze much of the back and forth migration between Mexico and the United States and, at the same time, improve border enforcement. An added element might be the punishment of employers who still insist on hiring illegal aliens.

The package could include some or all of the following:

A higher Mexican legal immigration quota

Current law allows 20,000 Mexican legal immigrants per year. Most experts—including those who favor a highly restrictive immigration policy—agree that the quota should be higher.

For political reasons, in 1976, the quota was dropped from 70,000 a year to 20,000. This change ignored nearly a century of population movement. Suddenly, only the rich could immigrate. Husbands could not immigrate their wives; families could not immigrate their children. So they crossed the border anyway, illegally.

The quota should be returned to the 70,000 level, and possibly as high as 100,000. This would allow the reunification of families. It would help clean up the waiting list, which now, in some categories, is seven years long.

Adjustment of status

This is the official phrase for "amnesty." The Carter administration proposes that undocumented workers who have lived in the United States since before Jan. 1, 1970, be allowed to adjust their status to that of permanent resident aliens, with the chance to become U.S. citizens within five years.

The provision is favored by various groups including some restrictionists who view it as a "recognition of reality."

The chief controversy over amnesty is how to enforce it: How, for instance, should an alien prove his long-term residence? With rent receipts? Check stubs?

Some critics contend that the cutoff should be later—say 1976—in order to legalize a greater proportion of the permanent settlers living here illegally.

Dr. Vernon Briggs of Cornell University, a restrictionist, suggests 1972, since after Jan. 1 of that year, citizenship or legal residency had to be proved before Social Security cards were issued.

The issue of amnesty, so far, raises more questions than it answers. These questions will have to be answered soon, though. Politically, amnesty will have to be a part of any immigration reform package.

A Beefed-Up Border Patrol.

While critics of this proposal contend that stopping the illegal flow is impossible, no matter how many Border Patrol officers are sent out on duty, proponents point out that there are only 2,000 Border Patrolmen in the entire United States. On any given day, there are no more than 350 Border Patrolmen on any given shift.

U.S. Attorney Mike Walsh contends that such an imbalance between the number of officers and the number of arrests has an explosive potential:

"The bottom line is that frustration can lead to over-reaction by the officers. If 400,000 arrests are being made in the Chula Vista sector each year, and you have a violent incident in only one percent of those arrests, you'd have 4,000 incidents! Having so few men arrest to many illegal aliens is just asking for violence."

Critics point out that, were a temporary worker visa adopted, the Border Patrol would not be apprehending anywhere near as many illegals. Walsh agrees, but he insists that more agents still would be needed.

Homero Reyes, a consultant to Baja Gov. Roberto de la Madrid, and a staffer of San Diego State's Border Area Resource Center, points out:

"The pressures in Tijuana, and other border cities, aren't going to go away. Tijuana has tripled in size in the last 10 years, and unemployment continues to grow. The tremendous migration to Mexico's northern cities can't be ignored. Many of these people are going to continue to try to cross over—with or without a visa."

Employer Sanctions and a Counterfeit-proof Identification System.

"Nothing makes sense unless you make it illegal to hire the illegal," says Briggs. "Unless that is done, nobody should take our government seriously when it worries about illegal aliens. What is most important is that doing this will set a moral tone and end the hypocrisy of hounding the illegal, but coddling the employer."

Critics point out that, short of some kind of indelible, counterfeit-proof worker ID card, employers would have no way of telling if a prospective employee is undocumented or not. This could lead to widespread job discrimination against Hispanics, since employers would turn them away, fearing they might be illegal aliens.

Critics also doubt that such a card could be manufactured, since just about anything can be counterfeited.

"If American Express can make a card that you can use to withdraw money from the bank," insists Briggs, "we can make a foolproof Social Security card."

"We've had a guy here trying to sell us on an idea that sounds pretty good," says an aide to Rep. Burgener. "It's a prototype card that shatters when you tamper with it! Another card that has been proposed is made of several layers of laminated plastic, which fit together to make an optical refraction or something . . ."

The implications of these cards have political conservatives, Hispanics and the American Civil Liberties upset. The most frequently suggested card would be a permanent Social Security card that everyone would have to carry and present at job applications. Should a repressive government come to power, contends the ACLU, citizens could be persecuted—merely by taking away their cards, which would mean no jobs.

With a temporary visa approach, though, employer sanctions and worker IDs might not be needed. Employers would have much less incentive to hire the undocumented, since Mexican laborers would be here legally. Certainly there would be some permanent, illegal settlement, but probably not enough to justify a whole new law enforcement superstructure, which would cost taxpayers millions of dollars.

A better idea would be to step up the enforcement of labor laws presently on the books, to improve working conditions and protect the minimum wage.

"Congressmen are talking about everything from $1,000 fines to jail terms for employers who hire illegal aliens," said one labor inspector recently. "The day they start throwing small businessmen in jail for hiring poor people will be a sorry one indeed."

Most political observers give the cards and sanctions little chance of passage.

Improved border enforcement, amnesty and a higher Mexican immigration quota do have a good chance of being accepted by Congress especially if attached to a temporary visa proposal.●

AMERICAN ASSEMBLY STATEMENT ON MEXICAN-AMERICAN RELATIONS

● Mr. KENNEDY. Mr. President, the American Assembly at Columbia University recently held a unique binational conference at Arden House on Mexican-American relations. The assembly brought together 65 residents of Mexico and the United States from diverse backgrounds, representing government, business, organized labor, education, communications, and other professions, to review the important ties between our two neighboring countries.

As they have noted in their final report, recent events—both worldwide as well as within our own region—have focused renewed attention on the importance of United States-Mexican relations. They have also altered our relations in some significant ways.

This was the thrust of the conference held by the American Assembly, and I commend to the attention of my colleagues the final report issued by the participants just a few weeks ago. I believe it provides a thoughtful review of the many issues that both strengthen as well as challenge our good relations with Mexico.

Mr. President, I ask that the text of this report be printed in the RECORD.

The report follows:

THE BINATIONAL AMERICAN ASSEMBLY ON MEXICAN-AMERICAN RELATIONS

PREFACE

On October 30, 1980, a group of sixty-five residents of Mexico and the United States, representing government, business, education, communications, organized labor, and other professions from both countries met at Arden House for the *Binational American Assembly on Mexican-American Relations*. For three days, they discussed a broad agenda, touching on all the major areas of political, economic, and social interrelations between Mexico and the United States.

The Hon. Robert H. McBride, former ambassador of the United States to Mexico, acted as director for this Assembly program and supervised the preparation of papers which were used as background reading by the participants. Authors and titles of these papers, which will be compiled and published as an American Assembly book, were as follows:

Robert H. McBride—*United States and Mexico: The Shape of the Relationship.*

Juan Eibenschutz—*Energy Issues in Mexico.*

Laura Randall—*Mexican Development: Effects Upon U.S. Trade.*

Al R. Wichtrich—*Mexican-American Commercial Relations.*

Wayne A. Cornelius—*Immigration, Mexican Development Policy, and the Future of U.S.-Mexican Relations.*

Guido Belsasso—Undocumented Mexicans in the U.S.: A Mexican View.

David D. Gregory—A U.S.-Mexican Temporary Workers Program: The Search for Codetermination.

William B. Cobb—Tourism as a Positive Factor in the Mexican Economy and in Mexican Foreign Relations.

Speakers during the Assembly were H. E. Hugo B. Margain, Ambassador of Mexico to the United States; The Hon. Viron P. Vaky, former U.S. Assistant Secretary of State for Latin-American Affairs; and Lic. Adrian Lajous, Director-General, Banco Nacional de Comercio Exterior, S.A. of Mexico.

On November 2, following their discussions, the participants produced this report, which is being circulated in both Spanish and English texts, and which contains both assessments and recommendations. The American Assembly, a national, nonpartisan educational institution in the United States, takes no official stand on subjects it presents for public discussion, and the participants spoke for themselves rather than for the institutions with which they were affiliated.

WILLIAM H. SULLIVAN,
President, The American Assembly.

FINAL REPORT OF THE BINATIONAL AMERICAN ASSEMBLY ON MEXICAN-AMERICAN RELATIONS

At the close of their discussions the participants in the Binational American Assembly on Mexican-American Relations, at Arden House, Harriman, New York, October 30–November 2, 1980, reviewed as a group the following statement. This statement represents viewpoints expressed; however, no one was asked to sign it. Furthermore, it should not be assumed that every participant subscribes to every recommendation.

Introduction

Events, worldwide and regional, have enhanced the significance of Mexico-U.S. relations in the past decade and have also changed them. These trends will continue. Intellectually, the alteration in the nature of the relationship is understood. Perhaps popularly in the U.S., however, the growth of Mexican economic and political influence is not yet fully realized. The specific issues examined later in this report—energy, trade, immigration—have all developed so as to assume major importance for both countries.

Both countries are engaged in major reexaminations of their basic national economic policies. Mexico is in a situation where the trade deficit in the nonoil economy poses a threat to its development and increases pressures on migration to the U.S. The U.S. is in a situation where endemic trade deficits and balance of payments deficits have created difficulties on a worldwide basis (even though the trade balance with Mexico is still slightly favorable despite Mexican oil sales to the U.S.).

The 2 000 miles of land border create a single region on both sides that is *sui generis*. Those who live in that part of Mexico or the U.S. can testify to its distinctiveness, to the very large-scale economic interpenetration existing there, to the close relationships between citizens of two nationalities, and to the problems which the border itself creates.

In any discussion, the role of U.S. citizens and residents of Mexican origin cannot be ignored. Currently, this role is becoming even more important because of their growing influence in the U.S., not only in the traditional areas of the border states, but elsewhere.

Mexico-U.S. relations are sensitive and subject to misunderstandings. Additional efforts are required to take into account the dissimilar groups within each nation in order to maximize attempts at mutual understanding. Also, these relations are subject to the stresses of outside events not under the control of either of the two governments.

Participants felt relations between our two countries are enhanced by meetings of this type.

Energy

This group believes that although there are different interests and perceptions in both countries concerning energy, there is not a serious problem at the present time between the United States and Mexico on this subject.

The main elements to be considered in Mexican energy policy are: internal requirements, levels of production, exports, and the uses of resulting revenues. The primary goal of Mexican policy is to exploit reserves rationally in order to supply domestic needs while exporting only in amounts consistent with sound economic and developing policy. In addition, diversification of petroleum sales to countries other than the U.S.—which now receives approximately 70 percent of Mexican exports—is being sought. Nevertheless oil exports from Mexico to the U.S. save transportation costs and thus are financially beneficial to both countries.

Mexico is exploiting its oil reserves at a pace consonant with its interests and is trying to avoid the dangers of overheating the economy or becoming an oil-oriented country. There may be short-term disagreements as both countries move toward a more complex trading relationship. It is anticipated that price and other normal market factors can have the effect of reducing the potential for disagreement.

The United States cannot assume any substantially increased purchases from Mexico. The participants endorse the U.S. government's acceptance of Mexico's energy policy decisions. They encourage the U.S. to implement its energy policy, which includes conservation in use of energy, increased exploitation of U.S. fossil fuels, support for increased energy resources in developing countries, as well as utilization of synthetic fuels, nuclear energy, and alternative energy sources. It would be an error for the U.S. to consider Mexico as an energy reserve.

Trade

The important relationships concerning trade and investment cannot be based upon a paternalistic and outdated concept of a "special relationship" between Mexico and the U.S. What is needed is a recognition of the uniqueness of this relationship, a clearer understanding of the factors that define our mutual self-interests, and the interdependent character, however imbalanced, of the two economies. In particular, the trade policies of each country have markedly different effects in the other due to the unequal role one country plays in the other's overall trade. Nevertheless, Mexican policies will have an increasingly significant impact on sectors of the American economy. Mexican exports to the U.S. presently emphasize oil, agricultural commodities, and increasing amounts of manufactured goods. Mexican imports are in the areas of capital goods, agricultural commodities, and high technology.

In the course of this year the rate of increase of nonoil exports from Mexico has declined. This is due to one or more of the following causes:

(a) the lack of exportable surpluses because of the growth of domestic demand,

(b) the difficulty of obtaining raw materials and components,

(c) recession and protectionism abroad, and

(d) increased production costs due to inflation.

Many of the trade factors are, of course, beyond governmental control. They stem from important geographic and other factors not subject to planning. This does not mean, however, that both governments should not endeavor to minimize frictions that may occur in the trade relationship wherever feasible. To date there is no overall bilateral trade agreement. The U.S. and Mexico, however, have generally discussed the desirability of entering into consultation and prior notification procedures even though no new structure to carry them out is needed. The Trade Working Group of the Consultative Mechanism already exists.

Trade might be fostered in new directions so that it contributes to the development of labor-intensive activities as well as selected intensive capital goods industries in Mexico. Joint ventures and the border industries program are areas for increased successful economic cooperation. Converting border industries into true production-sharing programs might be pursued. Certain adjustment in the U.S. would have to be made to assist workers who would suffer from temporary dislocations.

The importance of the development of the border region cannot be overemphasized. The participants encourage policies formulated in Mexico City and Washington to reflect unique border developments and to facilitate rather than impede economic exchanges in this important area.

It was recognized that trade and industrial policies, which some may consider essential, were likely to cause reciprocal difficulties and recriminations in both countries. Mutually beneficial trade negotiations could help offset such difficulties.

Immigration

Public pressures are mounting for a solution for the problems created by undocumented Mexicans in the U.S. Until further information becomes available, it would be premature to make a definitive policy choice from among the range of options considered by the participants. However, there is recognition that the question of migration between Mexico and the U.S. is a matter of bilateral relations and should not be addressed simply as a domestic issue in the U.S.

There was a general recognition among the participants that undocumented immigration from Mexico has been historically a phenomenon caused by factors originating on both sides of the frontier. It is influenced by an international labor market involving both the United States and Mexico. In spite of the bilateral nature of the phenomenon, it is not perceived in the same manner in the political context of the two countries. In the United States, it is a significant issue with cultural, social, and economic dimensions.

In the United States there is a widespread but unsubstantiated belief that Mexican immigration is a cause of:

(a) higher rates of unemployment.

(b) a threat to U.S. standards of living constrained by an increasing imbalance between population growth and natural resources.

(c) a tax burden on the U.S. economy derived from the inability of Mexico to cope with population growth and unemployment, and

(d) that continued large-scale immigration from Mexico could alter fundamentally U.S. culture in ways harmful to U.S. society.

There is little evidence to support any of these common perceptions. Nevertheless, despite the better data now available, these perceptions still predominate in the U.S. The participants recognize the need to separate economics of migration (the facts) from politics of migration (the fears). In Mexico the perception is different. There is a preoccupation with the human rights of the immigrants in the U.S.

The general view was that there are costs and benefits for the two countries and for the people involved. The benefits for the United States, however, have not been recognized by the American public and the costs to the U.S. are subject to exaggeration. The long-range costs to Mexico have been largely ignored. Furthermore, it would be an error to think of Mexico as a permanent labor reserve for the U.S. These views have resulted in emotional overtones which have made it difficult to educate public opinion to a degree where a responsible solution might be reached.

The participants recognized that there has been significant progress in dispelling myths and stereotypes about undocumented immigrant workers. Progress points to the desirability for closer attention to the inevitable need of the labor market for the migrant, and to the consequent necessity of first ensuring that human and labor rights that result from present conditions are adequately safeguarded. As a corollary, equal attention must be paid to adjusting where necessary for the possible effect that the migrant may cause among specific U.S. labor sectors. A common goal for the two countries resulting from this trend is the rationalization and the practical acceptance of U.S. needs for foreign labor and Mexican needs for jobs abroad based on the possibility for the migrant worker to exercise his or her rights for equal treatment as a worker and as a member of the society to which he contributes.

Additional conclusions

There is an abundance of cultural historical, and economic information available on both the U.S. and Mexico. This abundance has not been widely disseminated nor fostered a great deal of comprehension. This general lack of knowledge of each other's values, priorities, and objectives leads the public into drawing incorrect conclusions and forming biased perceptions. Starting from the narrow selectivity of the educational curriculum there is a multiplier effect that reaches into all levels of society to the point where the image of each country is influenced by stereotypes distorted by educational biases and media exaggerations.

Educational material in both countries needs attention to assure that our mutual history is depicted with objectivity and fairness.

Cultural and educational exchanges, of a noncommercial character, should be increased greatly. They might include:

(a) an expansion of high-level Fulbright and Lincoln-Juarez type scholarship programs in both directions, and

(b) more generalized short-term teacher training programs emphasizing improved teaching of English and Spanish as second languages and greater knowledge of the other country's culture.

Language understanding is fundamental to deal effectively with another culture and its people. The participants encourage the learning of Spanish and English in both countries.

The participants viewed as very positive the continuing contribution to improved relations by the binational business associations in Mexico, New York, Washington, D.C., and along the border. Increased communication and ties between Mexican and U.S. business communities are examples of effective relations, which might serve as a useful model for other sectors.

In matters that have bilateral implications there are groups which, notwithstanding that their interests are very much affected, have limited or no communication with their counterparts in the other country. A recognition was made of the need of these groups also to be included in the decision-making process. A particular emphasis was made upon the need to improve the bilateral communications between labor organizations of the two countries.

It is felt that officials of both governments should give more constant and sensitive attention to differences in the style and structure of the other country.●

FISCAL YEAR 1981 PAYMENTS IN LIEU OF TAXES FUNDING LEVELS

● **Mr. ARMSTRONG.** Mr. President, I am sure that I speak for the delegations of all the Western States when I say that the Appropriations Committee's decision to restore almost full funding to the payments in lieu of taxes program (PILT) for fiscal year 1981 is greatly appreciated by all of us. Because of the committee's action, I believe we can expect quick passage on the Senate floor.

Public Law 94-565, the Payments in Lieu of Taxes Act (PILT), was passed by Congress in 1976. Under this act, the Federal Government makes payments to local governments to partially compensate them for the tax immunity of Bureau of Land Management, National Forest, National Park, Army Corps of Engineers and Bureau of Reclamation lands, wildlife refuges, inactive Army Reserve lands, wilderness and other federally owned national resource lands contained within each individual county. The program does not include active military lands or Indian reservations.

Under this PILT program, more than 1,500 counties receive payments based on the population and the amount of Federal land within the county. These payments are reduced by the amount of mineral, timber, and other payments actually received by the respective counties.

Most counties place these payments in their general funds for law enforcement, roads, county administration, public facilities and health programs and other uses. Reductions in the PILT program would thus mean a corresponding rise in property taxes or a reduction in services, since the counties cannot turn to another, lower level of Government, to pass on the fiscal burden of balancing their budgets.

These payments are especially important in many of the Western States, where the Federal Government owns and controls vast expanses of land. In the western half of my own State, for example, public landholdings account for over 60 percent of the total land area. In Hinsdale and Mineral Counties, the Federal Government actually owns more than 99 percent of the land area. All together, 37 percent of my State is under Federal control—a situation you will not find anywhere east of Colorado.

Large holdings of tax-exempt Federal lands obviously deprive public land counties of a viable tax base—particularly where property taxes can be assessed on less than 1 percent of the land. The situation becomes even worse when much of the Federal land is placed in wilderness, wilderness study, and other restrictive land use categories. In Hinsdale County, for example, over 50 percent of the total land area of the county is already in wilderness, targeted for wilderness designation this year, or currently undergoing wilderness reviews.

Unfortunately, efforts are becoming more and more intense every year to gut the PILT program and reduce payments to counties entitled to those payments under the Federal Land Policy and Management Act and the Payments in lieu of Taxes Act.

For example, the House Appropriations Committee approved a $15 million deferral for fiscal year 1980. This came on top of the 12-percent reduction ($12 million) suffered by recipient counties in payments for fiscal year 1979. This year the House voted only $85 million under the total payments in lieu program for fiscal year 1981; this is $26 million (20 percent) less than provided for under the PILT formula.

The Senate Appropriations Committee has acted much more responsibly, by approving $108 million, plus reinstatement of the $5 million deferred during fiscal year 1980.

I believe the funding level provided by the House is completely inadequate. It also constitutes an abandonment of commitments made to the counties in which these lands are located, and of the principle of fairness to those counties, which the House would tell should shoulder the burdens of maintaining lands which all Americans can enjoy. Those commitments were made just 4 years ago, under the Federal Land Policy and Management Act and the Payments in Lieu of Taxes Act, and should not be abandoned now.

The legislative history on FLPMA and the PILT Act, as well as the reports of the Public Land Law Review Commission, clearly reflect the consensus that the PILT program establishes a legal and ethical obligation for the Federal Government to make payments in lieu of property taxes. This is not a categorical grant program. It is an obligation by the Federal Government to pay its taxes just like any other property owner within a county.

I often hear it said that these reductions are necessary if we are to balance the Federal budget, that everyone will have to make sacrifices in order to have the Federal budget balanced. However, I know of no other instance in which a property owner is permitted to balance his or her budget by refusing to pay property taxes.

As anyone who has heard of the Sagebrush Rebellion or this decade's discussion of "States rights" can attest, there is a lot of anger among many westerners over the many restrictive land-use policies that affect management of Federal lands (and therefore State and privately owned lands as well).

The most commonly heard justification for these restrictive policies is that these public or Federal lands belong to all the American people and, therefore, all Americans should have a voice in how they will be managed—including whether they will be placed in wilderness or some other restrictive land use classification. If these lands belong to all Americans, then all Americans have an obligation to help pay to maintain them in public ownership and manage them under various restrictive policies. The burden should not fall on the shoulders of the western counties in which these lands happen to be located.

It is a very basic rule of thumb that rights always carry obligations. The large number of Americans who visit and enjoy these public lands every year, who gain a measure of spiritual satisfaction from knowing these lands exist, and who heavily influence decisions on how the lands are managed and used, have an obligation to pay fair and reasonable property taxes on those lands.

This obligation to make payments in lieu of property taxes becomes even heavier when the various land withdrawal programs are taken into account. Recent Federal, academic and private studies have repeatedly stated that 50 to 75 percent of all the Federal lands in the United States have been withdrawn from energy and mineral exploration and development. Similar figures apply for timber cutting and many other activities, including even grazing, watershed development and nonwilderness recreation.

These wilderness, refuge and other land withdrawal decisions are also justified by the argument that the Federal lands belong to all Americans. However, these land withdrawals mean a corresponding loss of potential income (from jobs, raw materials development, royalties, and various taxes) to States and counties in which these Federal lands lie.

On a national average, counties receive only approximately 15 cents per acre for the 700 million acres of eligible entitlement lands. Excluding Alaska, where 96 percent of the land is owned by the Federal Government and where the boroughs are subject to the population limits in the PILT formula, counties average approximately only 29 cents per acre of entitlement lands.

It is certainly an understatement to say that this is not a very high property tax for any landowner to pay—particularly in counties where that landowner owns well over 50 percent of the total land base and exerts enormous influence over his own land and, therefore, over the intermingled non-Federal lands.

At the very least, the United States has an obligation to make these in lieu of property tax payments in full. If these lands belong to all Americans, then all Americans have a legal and ethical obligation to help pay the heavy burden of keeping those lands in Federal ownership.

Right now, however, even at the full 75 cents per acre allowed under the payments in lieu of taxes act, payments to the western counties do not even come close to those which would be realized were the lands in private ownership. In Colorado, even grazing land is assessed at $4.50 per acre; other lands are assessed at anything from $47 to $663 per acre; 29 cents an acre (the average paid to counties in the United States under the PILT program) is certainly not too much to ask.

Moreover, these very small payments in lieu of property taxes do in no way make up for the royalties, severance taxes, jobs, income taxes and raw materials lossed when these publicly owned lands are withdrawn from mineral entry, timber cutting, recreational development and various other uses.

The payments in lieu of taxes program is one of the most successful programs ever enacted by a Congress. It operates with an overhead rate of less than 0.3 percent, does not require lengthy application procedures, and provides for local control of funds with no redtape. Any reduction in the payments-in-lieu-of-taxes program will impede counties in their overall fight against inflation and socioeconomic impacts related to energy and other development.

I urge the Senate to vote for full funding of the payments in lieu of taxes program for fiscal year 1981, and to reinstate the $5 million payment that was deferred in fiscal year 1980.

Thank you very much.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PELL. Mr. President, on behalf of the Senator from Idaho (Mr. CHURCH) I wish to announce that section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notifications will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that two notifications were received on October 24, 1980 and November 3, 1980.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S–116 in the Capitol.

The notifications follow:

DEFENSE SECURITY ASSISTANCE
AGENCY,
Washington, D.C., October 22, 1980.

Dr. HANS BINNENDIJK,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a NATO country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

ERNEST GRAVES,
Director.

DEFENSE SECURITY ASSISTANCE
AGENCY,
Washington, D.C., November 3, 1980.

Dr. HANS BINNENDIJK,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

ERICH F. VON MARBOD,
Acting Director.●

PROTECTIONISM III

● Mr. HEINZ. Mr. President, I continue today with my presentation of materials discussing various aspects of protectionism. Today's article is entitled: "International Environment in the Post Multilateral Trade and Tariff Negotiations Period" which appeared in International Perspectives, November/December 1979.

Focusing on the "fundamental medium-term structural issues which will condition the international trading environment in the post-MTN period, and on the major trade-policy issues which flow from them," the article maintains that judicious use of protective measures can be a legitimate response to the injurious effects of imports.

Such measures are not means of merely deferring economic adjustment or safeguarding employment. Under the GATT, producers can and should be protected from actions such as dumping, governmental subsidization or predatory pricing practices. As Mr. Clark states in his article:

> Protective measures, both ongoing and temporary, are provided for in GATT and are not regarded per se as necessarily unwise or undesirable . . . application of temporary and reasonable protective instruments can be a legitimate response to the injurious effects of imports whose disruptive impact overwhelms the absorptive capacity of the receiving economy at the time.

Clearly it must be understood that protective measures, as provided for in the GATT should not be viewed in a pejorative sense. Worthwhile protective measures can be established so as to buy time for our domestic industries to adjust to the impacts of foreign competition, especially during an era where advanced industrial economies are forced to adjust to increasing energy costs, continued inflationary pressures, and reduced growth rates. Mr. President I ask that this informative article by Mr. Clark appear in the RECORD.

The article follows:

INTERNATIONAL TRADE ENVIRONMENT IN THE POST-MTN PERIOD

(By Robert G. Clark)

The Tokyo Round may have been the last and most ambitious multilateral trade and tariff negotiations (MTN) to be conducted on a comprehensive and global basis. The initialling of the results also marks the first time that any major GATT trade negotiation has been concluded during a protracted period of slow growth in the world economy. At the four economic Summits held from 1975 through 1978, leaders sought to give impetus to an early and satisfactory conclusion of the GATT negotiations then in progress. At the Tokyo Summit leaders drew attention to the MTN achievement, and pledged commitment to the "early and faithful implementation" of the MTN agreements. Now, attention can be focused still more closely on the fundamental medium-term structural issues which will condition the international trading environment in the post-MTN period, and on the major trade-policy issues which flow from them.

SLOW GROWTH

The advanced industrial economies are having to adjust to sharp increases in the cost of energy, persistent inflationary pressures and reduced growth rates. In these circumstances industrial economies are having to cope with slow productivity growth, fundamental demographic shifts, significant changes in demand and supply trends, technological changes, the effects of aging capital stock and the emergence of competition in some sectors from a number of developing countries. These structural phenomena (which have been exacerbated by cyclical overcapacity in some sectors) have been reflected in lagging domestic investment, unsatisfactory rates of unemployment and, externally, in large international-payments disequilibria and attendant periods of disorderly exchange market conditions. Domestically, these developments have led to pressures for increased government intervention, aimed particularly at stimulating investment and export earnings and protecting threatened industries from import competition.

While there has been a moderate economic recovery since the 1974–75 recession, current prospects are for little appreciable rate of increase in world trade or production for 1979 over 1978, and in particular little change is projected for real GNP growth in the industrial countries as a group (which averaged about 3.5 per cent in 1978). Looking further ahead, whether one accepts the "slow-growth" scenario or a more optimistic estimate, it seems generally agreed that the world will not soon return to the sustained growth rates characteristic of the pre-1973 quarter century. Among the many factors cited for this, is that tariffs have now been reduced in the West to the point where further reductions beyond those agreed in the MTN would be unlikely to lead to a significant expansion in international trade.

Thus, while constituting a signal success in present economic circumstances—a worldwide reduction in tariffs of about one-third, agreement on a series of significant non-tariff codes, and strengthened procedures for surveillance, consultation and dispute settlement—the MTN achievement is unfinished. It will be important to carry out the implementation of the MTN results through a) bringing domestic legislation and regulatory practices into conformity with the newly negotiated codes where necessary, and b) giving force to the codes through their effective administration in GATT. This will entail an enhanced management and administrative capacity for GATT. It will also likely require the development of a trade-policy role for the organization, possibly evolving from the existing Consultative Group of 18, which might be given a mandate to ensure that the spirit and intent of the MTN codes are fulfilled and trade-policy issues are addressed in a timely and coherent manner. Without determined follow-through, the MTN results might not be rigorously applied, increasing the risk of escalating trade-restrictive measures which the last six years of MTN negotiations have helped to avoid.

While the MTN result that has emerged is better than could reasonably have been expected under the circumstances, it can neither substitute nor lessen the need for fundamental adjustments in the world economy to the underlying structural changes which are now taking place. Moreover, given the degree of structural problems perceived and the lack of public support for freer trade, pressure to maintain protective mechanisms may rise in proportion as the pace of adjustment threatens to exceed domestic tolerance. Protectionism and adjustment thus confront trade policy makers with a basic two-edged issue which must be faced squarely if the MTN results are not to be endangered by the implementation of more sophisticated beggar-thy-neighbour policies. To reinforce their endorsement of the MTN results and any impetus given to their implementation, leaders at the Tokyo Summit made public their concern to manage the medium-term issues of adjustment and protectionism.

PROTECTIONISM

Protective measures, both ongoing and temporary, are provided for in GATT and are not regarded per se as necessarily unwise or undesirable. Judicious application of temporary and reasonable protective instruments can be a legitimate response to the injurious effects of imports whose disruptive impact overwhelms the absorptive capacity of the receiving economy at the time. Legitimate protective measures can be used to buy time for a domestic industry to adjust to foreign competition by becoming more competitive or to "adjust out" of an industry in a manner which minimizes hardship on the workforce. As sanctioned by GATT, they also protect producers from unfair injurious import competition arising from such measures as dumping, government subsidization or predatory pricing practices. However, especially in periods of slow growth, the danger is that protective measures will be used only as means of deferring adjustment and safeguarding employment—as palliatives treating immediate symptoms rather than as remedial actions aimed at underlying causes.

While often politically more attractive in the short term, protective action which does little more than prop up weak industries usually creates vested interests in continued protection, often attracts new investment to the least dynamic sectors of the economy, and thus contributes to inflexibilities in the economy which lock in labour and capital to their least dynamic uses. In the long run, this will involve loss of higher-income, higher-productivity jobs in those sectors with the most growth potential. Moreover, the real danger that protectionism would spread through example and retaliation cannot be underestimated in a sustained period of slow growth.

It is against this background that the OECD Trade Pledge (to avoid trade-restrictive measures for balance of payments purposes) was renewed at the OECD Ministerial Council Meeting in June. Artificially depressed demand in both the developed and developing economies through restricted market access would aggravate existing structural difficulties and result in a major impediment to any hope of a sustained world economic recovery. Equally, an undisciplined proliferation of export subsidies and investment incentives would lead to exaggerated distortions in capital and trade flows in relation to market signals.

ADJUSTMENT

The phenomenon of structural change and adjustment is not new. The post-war revival of Europe and the emergence in the 1960s of Japan and Italy were accompanied by pressures to accommodate new technologies and new patterns of consumption and trade flows. The western industrialized system has, by and large, been receptive to and has benefited from this dynamic change, acting from the premise that liberalized flows of trade and investment and the law of comparative advantage work to the benefit of the international community. What is new is current growth, serious structural problems and the rapid, export-led emergence of the upper-income developing countries as highly competitive producers particularly in standard-technology, labour-intensive industries.

The trade liberalization embodied in the MTN result will, if anything, accelerate the need for adjustment to structural change. At the same time, increased competition in domestic and third markets will mean that conditions are least favourable for positive adjustment policies in domestic decision-making. The time would seem ripe, therefore, for a concerted approach to the phenomenon of structural adjustment which will lend some element of predictability and market confidence with respect to legitimate "positive" adjustment, and at the same time, minimize the possibility that the adjustment process will become transformed into a negative-sum exercise whereby all governments would manoeuvre to shift the burden of adjustment to their trading partners. It is against this background that the OECD has undertaken an intensive examination into the difficulties encountered in shifting to more positive adjustment policies, including a clarification of some of the general issues raised, to assist policy-makers in their consideration of adjustment problems.

The OECD study recognizes that adjustment policies can be directed towards economic ends (encouraging the most efficient allocation of capital and labour) and non-economic ends (encouraging social goals through regional development and farm policies, income redistribution programs, etc., or mitigating the impact of severe economic dislocation). Adjustment policies are also viewed as integral to the achievement of sustained non-inflationary growth. Hence the OECD study points in the direction of choosing adjustment policies aimed at accomplishing the various socio-economic goals of governments with minimum distortion to the marketplace and by means that are compatible with economic efficiency.

It may be argued that the central challenge for policy-makers in the post-MTN environment will be to create an international climate of confidence—based on the reasonable expectation of mutual discipline—respecting structural adjustment. Otherwise, governments around the world, caught up in an escalating competition involving actions which retard adjustment, will find themselves running faster to stay in the same place relative to their trading partners, with each resistance to adjustment doing further harm to the cause of genuinely improving domestic economies. Thus, it was in this light that the Tokyo Summit leaders drew attention to the need to improve the long-term productive efficiency and flexibility of their economies.

INTERDEPENDENCE

A central feature of the trading environment during the 1980s will be the evolutionary integration of a growing number of developing countries into the international economic system. The extent to which Eastern European centrally-planned economies may share in this integration, and the impact they may have, is uncertain. Equally uncertain is whether the Chinese growth targets are obtainable, and if so, what will be the implications for the West of a billion people in that country becoming moderately more wealthy by the year 2000. Nevertheless, the principal issue posed by the emergence of the so-called "newly industrializing countries" is: what conditions should govern their entry as full participants into the world economic system? For it is no longer debated whether the prospects for accelerated growth in developing economies are a welcome development from the point of view of the industrialized economies.

There is a clear marriage of interest in favour of a mutual expansion of trade based on comparative advantage. The middle-income developing countries provide markets for the specialized, technologically innovative products and "know-how" services of the developed economies, while providing consumer goods at lower cost. Investment capital from the industrialized countries is used to finance development plans in LDC's—including the development of raw materials and energy—and in turn, frees up export earnings for the purchase of imported goods sourced from developed countries. In periods of weakened investment demand in the developed countries, the developing countries have also provided a welcome countercyclical outlet for investment. Growth in the developing world, for example, ameliorated the 1974–75 recession in the developed countries.

However, particularly in the wake of the 1974–75 recession, market penetration by low-cost imports in sensitive sectors of developed-country economies has brought pressures for relief for the threatened industries and a growing, sometimes exaggerated, concern generally about the implications of import competition from developing countries. Conversely, the developing countries perceive the existing international system as biased against them in terms of trade, access to private capital markets and control over resource development, and accordingly, they have called for fuller and more effective participation in all decisionmaking concerning the international economy. More particularly, during the Tokyo Round tariff negotiations, the developing countries pressed for special and differential treatment in the form of deeper-than-Most-Favoured-Nation formula cuts; faster or slower staging of tariff reduction, shallower MFN tariff reductions for items covered by the Generalized System of Preferences (GSP) to minimize the erosion of their GSP preference; binding of preferential concessions and margins, and various improvements in the GSP. In the negotiations of non-tariff codes as well, developing countries sought the incorporation into the codes of special and differential provisions. While MTN negotiations with a number of LDC's continue, they have already registered their dissatisfaction with the MTN results and the conduct of the negotiations, most recently at the UNCTAD V meeting in Manila in May.

While it is true that progress in meeting a number of the preoccupations of developing countries fell short of LDC expectations, the MTN negotiations provided developing countries with specific gains, in addition to the benefits accruing to them on an MFN basis from the concessions exchanged in the negotiations. These gains include a firmer legal basis for the GSP and for preferential trade arrangements among developing countries, the advance implementation of non-reciprocal tariff concessions on a range of tropical products, and provisions for special and differential treatment in the various non-tariff codes. The code provisions are particularly noteworthy, both in themselves and in the sense that they represent a departure from the Most-Favoured-Nation principle of GATT in order to respond to the interests of developing countries.

Whatever the perceptions of the MTN outcome, and its likely impact on trade, one issue which will be significant in influencing the evolution of trade relations between developed and developing countries in the post-MTN period is the need for the more advanced developing countries to assume greater obligations and to take measures of liberalization commensurate with their state of economic development. At issue here are the implications for both the developed and developing countries of not reaching agreement on the difficult question of "graduation", and of prolonging a trading system wherein the benefits of special and differential treatment accrue to those developing countries which increasingly need it least.

As the most advanced of the developing countries continue to gain in economic strength, and as others join their ranks, the impact from their having derived disproportionate preferential benefits will increase for developed and developing countries alike. With respect to the latter, the advanced developing countries will likely attract investment away from lesser developed countries, will dominate intra-LDC trade, and, to the extent that developing countries maintain their solidarity in the North-South dialogue, may well have a dampening effect on the future willingness of the developed countries to accede to the demands of the LDC's as a group. As regards the developed countries, and especially their need to adjust constructively to the emergence of the newly industrializing countries, this will be more difficult politically if domestic interests perceive themselves as having to adjust not only to a change in comparative advantage, but to import competition which unfairly benefits from unwarranted preferential treatment.

As part of an attempt to encourage business confidence, and as a signal to both the lesser- and most-developed of the developing countries that "differentiation" is an issue with far-reaching implications, the international community will want to examine appropriate means of ensuring that all countries assume international trade obligations commensurate with their state of economic development.

JAPAN'S ROLE

During discussions on structural adjustment and the alignment of macro-economic policies at the Tokyo Summit, the role of the Japanese economy came under implicit scrutiny. Japan's global trade surplus, exceeding $25 billion, has resulted in strong pressures from both the EC and the U.S. for an increased contribution from Japan towards the achievement of greater bilateral and international equilibrium. The emphasis has been on securing more effective Japanese stimulation of domestic demand, together with greater liberalization of the Japanese market.

While the Japanese growth rate has fallen short of their undertaking at the Bonn Summit, the main concern of Japan's major trading partners, including Canada, has been market access, without which increased domestic demand in Japan loses its relevance. The Japanese in turn point to: steps they have already taken to meet others' concerns; the domestic political constraints upon the degree of flexibility they can be expected to show; the tradition of hard work and sophisticated marketing to which they credit their success; and (implicitly) the present and future vulnerability of their resource-dependent economy to external forces beyond their control. Although Canada places a high priority on obtaining market access in Japan for a higher proportion of processed and manufactured exports, its over-all trade surplus with Japan places it in a different position from the other Summit participants.

The Tokyo Summit was neither the time nor place to single out one Summit participant for attention or to press bilateral matters. It offered an opportunity, on the other hand, to stress the need for avoiding basic structural imbalances in the economic system, to welcome any contributions Summit countries might make to that end, and to reflect concern for the international system as a whole if it must sustain for much longer the maladjustments to which it is currently subject. It was also an occasion to recall that unilateral action by a Summit participant to restrict another's imports would be unfortunate politically as well as economically for both parties, and would likely entail adverse consequences for third parties through trade diversion.

CANADIAN INTERESTS

Given the nature of the Canadian economy, our position relative to the "Big Three" trading entities, and the emergence of newly industrializing countries with a growing capacity to compete with us domestically as well as in third markets, Canadian interests are served by an open international trading environment characterized by effective multilateral disciplines and non-discriminatory trade rules which work. This affords the best means of advancing Canada's basic trade interests, namely: the expansion of export opportunities for Canadian high-technology goods and processed industrial materials; the promotion of long-term and stable primary export markets on an internationally competitive basis; and the development of a competitive domestic economy with scope for an appropriate mix of access to and protection from imports to reflect Canada's particular circumstances.

Consistent with the above trade interests, there would be advantage for us in a post-MTN international trade environment which included the following major elements:

(a) Implementation of the MTN results through bringing national legislation and practices where necessary into conformity with the various GATT non-tariff codes:

(b) Strengthening of the GATT institutional framework to ensure that the letter and intent of the codes are fulfilled, and that major trade-policy issues are addressed in a timely and coherent manner;

(c) A common political conviction that with the MTN negotiations concluded, protectionism must be resisted in both developed and developing countries in the universal interest of continued economic recovery;

(d) Endorsement of a positive approach to structural adjustment, in both developed and developing countries, so that socio-economic goals of governments are achieved with minimum disruption to the efficient reallocation of resources both domestically and internationally;

(e) The gradual assumption by the more advanced developing countries of obligations and measures of liberalization commensurate with their state of economic development; and,

(f) More generally, engagement of the developing countries on a broad range of trade-policy issues subsequent to the MTN and UNCTAD V, involving a coherent approach to the contributions to be made in discussions in GATT, the OECD and UNCTAD.●

PROPOSED ARMS SALES

● Mr. PELL. Mr. President, on behalf of the Senator from Idaho (Mr. CHURCH) I announce that section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I submit for the RECORD the notification I have received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 27, 1980.
Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-01, concerning the Department of the Army's proposed Letter of Offer to Greece for defense articles and services estimated to cost $14 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Sincerely,

ERNEST GRAVES,
Director.

[Transmittal No. 81–01]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Greece.

(ii) Total Estimated Value:

[In millions]

Major Defense Equipment*	$12
Other	2
Total	14

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Twenty thousand rounds of 8-inch high explosive artillery ammunition.

(iv) Military Department: Army (WIT).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending 30 September 1980.

(viii) Date Report Delivered to Congress: October 27, 1980.●

MAYOR KOCH'S CONFESSIONS

● Mr. GARN. Mr. President, since coming to the Senate 6 years ago, I have said, on the floor here, perhaps 100 times, that the country would be better off if more Senators had been local government officials. As a former mayor, I think that the mayoral experience is particularly useful in preparing one for the task of fashioning national legislation.

A recent article in the Public Interest confirms that belief. It is written by a man who reversed the process I have so often suggested. Edward Koch was a Congressman who later became mayor of New York City. He now faces the task of struggling to work with the programs he helped to create while he was in Congress. It has been an enlightening experience for him.

I cannot tell you, Mr. President, how gratifying it is to read words like these:

As a Member of Congress I voted for many of the laws I will discuss, and did so with every confidence that we were enacting sensible, permanent solutions to critical problems. It took a plunge into the Mayor's job to drive home how misguided my congressional outlook had been.

I can sympathize so well with those feelings, because I was a mayor, trying to deal with those same programs. I tried to tell Washington that many of its programs, while embodying great ideas, were inflexible and unworkable. I found, as Mayor Koch is finding, that Washington does not listen.

As a matter of fact, Mr. President, when I was mayor, Ed Koch was a Member of Congress. Now that he is mayor, I am in Congress and, thanks to the good sense of the voters of this country, I will be chairman of a committee that is of particular interest to Mayor Koch. I pledge to him that I will endeavor to be more responsive to his complaints about bureaucratic and legislative ineptitude than he was about mine.

In the meantime, Mr. President, every Senator and Member of Congress could profit from a close reading of Mayor Koch's confessions. I ask that they be placed in the RECORD at this point, and I recommend them to my colleagues.

The material follows:

THE MANDATE MILLSTONE

(By Edward I. Koch)

Over the past decade, a maze of complex statutory and administrative directives has come to threaten both the initiative and the financial health of local governments throughout the country. My concern is not with the broad policy objectives that such mandates are meant to serve, but rather with what I perceive as the lack of comprehension by those who write them as to the cumulative impact on a single city, and even the nation.

I want to emphasize that my criticism is directed at the shortcomings of a system that has evolved over the course of many years. This is not the fault of particular individuals nor of today's leadership; it is rather an inheritance from the work of several administrations and Congresses, including some in which I served.

The City of New York, as an example, is driven by 47 federal and state mandates. The total cost to the city of meeting these requirements over the next four years will be $711 million in capital expenditures, $6.25 billion in expense-budget dollars, and $1.66 billion in lost revenue.

On the federal level, the current crop of mandated programs is really the second stage in the evolutionary process of activist lawmaking exhibited by the Congress. First, in the 1960's came the Great Society programs. The nation's cities could choose from a bountiful catalog of federal grants which offered to foot 80, 90, or even 100 percent of the cost of enormously ambitious programs. In a time of unprecedented prosperity, with only higher expectations ahead, local governments eagerly went after federal funds even, at times, at the expense of comprehensive planning.

Left unnoticed in the cities' rush to reallocate their budgets so as to draw down maximum categorical aid were the basic service-delivery programs taken for granted by the Great Society architects. New roads, bridges, and subway routes were an exciting commitment to the future, but they were launched at the expense of routine maintenance to the unglamorous, but essential, infrastructure of the existing systems. Further, the enticement of federal aid drew cities into new social service commitments that were soon to monopolize their budgets.

The 1960's left a bitter legacy for cities in two respects. As prosperity fell hostage to inflation, and then stagflation, the bright promises of programs so boldly launched with federal aid collapsed under exponential cost overruns. Projects under construction, such as New York's Second Avenue subway, had to be abandoned, and the now-concealed but still-remembered excavation serves to remind the public of how easily government can fall victim to monumental folly.

Perhaps more damaging was the shift in the 1970's in the legislative approach, particularly in Congress, to the grand commitments of the 1960's. Sweeping solutions to social ills were still in vogue, but this time the public purse had a bottom to it, and its guardians became adept at fending off the claims of local governments. The result has been an ever widening gulf separating the programmatic demands of an activist Congress from its concurrent fiscal conservatism. By the close of the 1970's, the cities found themselves under the guns of dozens of federal laws imposing increasingly draconian mandates. From the perspective of local government the mandate mandarins who write these laws appear to be guided by certain disturbing maxims, such as:

1. Mandates solve problems, particularly those in which you are not involved. The federal government, for example, has shown no reluctance in ordering sweeping changes, the impact of which it will never have to face since it does not hold the final service-delivery responsibilities in such areas as education, transportation, and sewage disposal.

2. Mandates need not be tempered by the lessons of local experience. Frequently a statutory directive will impose a single nationwide solution to a perceived problem, such as sewage treatment, that has been developed in the isolation of a consultant's office and rarely, if ever, exposed to real world conditions in the affected regions.

3. Mandates will spontaneously generate the technology required to achieve them. Congress has shown a disturbing penchant for prohibitions on existing approaches to problems such as ocean dumping, for which no practical replacement has been developed.

4. The price tag of the lofty aspiration to be served by a mandate should never deter its imposition upon others. Statutory commands are rarely accompanied by adequate financial assistance. Most extreme in this instance is the accessibility mandate for transit systems and the requirements relating to the education of the handicapped.

I do not for a moment claim immunity from the mandate fever of the 1970's. As a member of Congress I voted for many of the laws which I will discuss, and did so with every confidence that we were enacting sensible permanent solutions to critical problems. It took a plunge into the Mayor's job to drive home how misguided my congressional outlook had been. The bills I voted for in Washington came to the House floor in a form that compelled approval. After all, who can vote against clean air and water, or better access and education for the handicapped? But as I look back it is hard to believe I could have been taken in by the simplicity of what the Congress was doing and by the flimsy empirical support—often no more than a carefully orchestrated hearing record or a single consultant's report—offered to persuade the members that the proposed solution could work throughout the country. The proposals I offer address this problem by increasing the level of scrutiny applied to both the cost and feasibility of mandates directed at local governments.

Let me now turn to the case histories of some of the more onerous mandates faced by New York City. I use my city as an example because I know its problems best. The problems we face, of course, occur throughout the United States. The numbers may be larger in New York but these mandates have an equally significant impact on the budget and local autonomy of every city.

TRANSPORTATION AND EDUCATION FOR THE HANDICAPPED

An example of a mandate that may totally skew capital spending nationwide in the 1980's at all levels of government is the handicapped-access program required by regulations promulgated in response to Section 504 of the Rehabilitation Act of 1973.

No one would argue that we need not commit funds to make transit systems and buildings accessible to the handicapped. But one also has to deal with the limitations—both financial and physical—that exist in the real world beyond the printed page of the *Federal Register*.

The Departments of Transportation and Health and Human Services (the erstwhile Department of Health, Education, and Welfare), have issued regulations that set as a mandate total accessibility for the handicapped to transit *systems*, instead of dealing with the *function* of transportation: mobility. In rejecting numerous appeals for modest exemptions and waivers, these regulations impose a restrictive and inflexible interpretation of the basic mandate of Section 504. Ironically, in focusing on accessibility the regulations fail to benefit a significant portion of the severely disabled. Subways and buses may ultimately be made fully accessible, but a disabled person may not be able to get to the system to enjoy its accessibility.

In this instance, alternatives are available. New York City has a far more extensive and flexible bus system than subway system. Given the numbers of handicapped people affected—some 22,800 in wheelchairs and 110,000 semi-ambulatory for a system that carries about 5.3 million people on a weekday—a more reasonable approach can be formulated to meet the transportation needs of the disabled. The City of New York has proposed making its buses accessible and providing a paratransit system for the most severely disabled. Paratransit will provide door-to-door service and can make the difference between a handicapped person being a prisoner in his or her home or a mobile member of the community. Similar paratransit services are in planning or underway in other cities.

The DOT regulations presently proposed do not accept the alternative of a bus and paratransit mix. Beyond bus accessibility, the regulations appear to demand accessibility in 53 percent of our subway stations within 30 years, at a cost in today's dollars of some $1.3 billion. Add to this will be at least $50 million in recurring annual operating expenses. And the regulations make no affirmative provision for meeting the handicapped community's myriad difficulties in getting to buses and subways.

It would be cheaper for us to provide every severely disabled person with taxi service than make 255 of our subway stations accessible. Indeed, the Congressional Budget Office, in its report of November 1979 on "Urban Transportation for Handicapped Persons; Alternative Federal Options," estimated that the cost of implementing the Section 504 regulations, when spread over the limited number of wheelchair users and severely disabled passengers will be $38 per trip. In contrast, transit trips by the general public cost, on the average, about 85 cents.

Should we somehow achieve the prescribed level of systemwide rapid transit accessibility, I believe that even the most courageous will test it only once to satisfy themselves that they are able to ride the subways and that few will ride them on a regular basis.

The history of this mandate points up a basic fallacy in the process leading to its promulgation: unrealistic projections by federal agencies of the cost of realizing mandated goals. When the Department of Transportation issued its preliminary nationwide regulations for public review and comment in early 1978, it used a figure of $1.8 billion for the contemporary cost of making all transportation systems accessible. This was clearly an unrealistic estimate and implied an unwillingness by the Department to face up to the magnitude of the course they were proposing to require. The Congress acknowledged this credibility gap and in 1978 ordered the Department to submit by early 1980 a report on the costs of accessibility, based on a survey of all rail-transit operators.

Finally, the Section 504 regulations are crippled by the lack of available technology to achieve the mandated standard of accessibility. Bus lifts have yet to be developed that operate without frequent breakdowns; no American bus manufacturer would even bid to build the Transbus; and people are just starting to think about devices that can span the distance between a rapid-transit vehicle and the passenger-boarding platform.

The issue of transit accessibility is one that the Department of Transportation must deal with quickly. If an affirmative policy decision is not made to bring the demands of Section 504 in line with the practical limits on compliance efforts, transit subsidies in the 1980's will be severely distorted—making systems accessible to several thousand people, while forsaking improvements needed on the total system. The cost in operating reliability will very likely reduce the quality of service available to both current users and those who should benefit from improved accessibility. We may, in fact, build a system under the Section 504 mandate which most handicapped people won't be able to use because of the barriers still remaining, and which, if they do manage to board, breaks down far more frequently.

While the Congress may have been thoughtless or arbitrary in compelling universal access for the handicapped without sufficient consideration of the real world constraints on localities, it has been almost cynical in its implementation of the directive that all handicapped children be provided "a free and appropriate education." It is impossible to attack the virtues of this objective. Yet the structure of the program enacted to accomplish it not only dooms the compliance efforts of local school districts, but also jeopardizes the overall quality of education that can be offered to all children.

The federal law contains three fundamental defects. First, the formula by which accompanying federal assistance is measured looks to the national average cost of educating a non-handicapped child and thus completely overlooks the far broader scope of services that are needed to bring the promise of the mandate to the actual population it was designed to benefit. The formula contains a second fallacy in its use of a single nationwide average cost. It deprives school districts with high education costs and high concentrations of handicapped pupils of any recognition of the greater costs and special problems they face in designing compliance programs. In New York City we have had to budget $8,180 per handicapped pupil, nearly three times the cost of educating a non-handicapped child. This compares to the national average figure of $1,400 per non-handicapped child employed by the federal government to determine the level of assistance for educational programs for the handicapped.

Third, and most disturbing, has been the consistent failure by Congress even to appropriate the full measure of assistance authorized by an already restrictive formula. Here we have the Congress implicitly reneging on the delivery of an already meager federal share of the cost of meeting its own national mandate. The shortfall in appropriations has grown over the past two years to the point where less than half of the authorized amount has been distributed to affected school districts. The act authorized an appropriation in fiscal year 1980 of 20 percent of the understated federal calculation of national costs; the appropriation, however, was only 12 percent. In short, first they underestimate the costs and then they underfund the underestimate. New York City is receiving only $8.5 million in federal aid while spending an estimated $221 million in tax-levy dollars for special education in fiscal year 1980. Our commitment will grow to at least $278 million in fiscal year 1981 and we can only hope that the Congress will keep pace.

This mandate, combined with an inadequate level of federal funds for its fulfillment, has compelled the diversion of increasingly scarce local resources from the education of the rest of the school population. And as in Section 504, the absolute terms of the mandate discourage any efforts at the local level to develop alternative approaches to the statutory objective—such as the use of special facilities providing intensive attention to the needs of handicapped children—which might ease the enormous financial burden imposed by the program.

OCEAN DUMPING—A MANDATE GONE HAYWIRE

Perhaps the most graphic example of a mandate gone haywire is the prohibition, effective on December 31, 1981, of current ocean-dumping programs, including New York's, for the disposition of sewage sludge. In the face of an absolute command to shut down ocean dumping we must look for alternate technology. It would seem elementary that the planet earth, reduced to its most basic elements, offers us only land and water and what cannot be dumped in the ocean must be deposited on land. Incredibly, the Congress and the Environmental Protection Agency have imposed the ban out of concern for water quality, in the absence of reliable land-disposal technology.

Every way the City turns with its sludge it encounters another federal regulation. Banned from the ocean, the alternative we must use—dewatering and composting—will create an end product ladened with heavy metals, the disposal of which may come into conflict with anticipated landfill regulations, permanently rob the landfill of future agricultural use and endanger the area's water-table. The dewatering and composting of sludge will require a $250 million capital investment and $35 million in annual operating costs. The federal government will provide 75 percent of the capital costs; but New York City must shoulder at least 75 percent of the operating costs with the State assuming the remaining 25 percent. This will be only an intermediate step toward an as-yet-undeveloped permanent replacement for the existing ocean-dumping program. It is anticipated that a permanent replacement will be available in ten years, at which time we will be forced to abandon $150 million of the capital investment in the interim solution because of the potential health and environmental hazards it poses. This is what you might call a classic example of planned obsolescence—all for an imperceptible alteration in water quality for a brief period of time.

While we are covering our land with sludge contaminated by toxic materials, full compliance with yet another EPA regulation, administered jointly with the U.S. Army Corps of Engineers, may result in the cessation of all commerce in the Port of New York. This commerce annually produces more than $32 billion in foreign cargo trade and generates $1.5 billion in personal and business income for New York City's economy. To accommodate the large container vessels that have become the standard vehicle for moving goods by water, the natural depths of New York Harbor must be continually dredged. We have secured a three year extension of the ban on ocean dumping of dredged material. The extension does not, however, relieve us from the obligation to perform the costly bioaccumulation tests required by EPA's ocean-dumping criteria, which are subject to evaluation by both EPA and the Corps of Engineers. The interpretation of these tests by the two agencies can be inconsistent, so that they may be judged to be within permissible parameters by the Corps of Engineers but not EPA.

The disposition of dredge spoil is plagued by yet another arbitrary standard: the requirement that localities assess seven alternatives for the disposal of the material. The review of seven "possibilities" is required even though only three practical options appear to be available: ocean disposal, contained upland disposal, and use of subaqueous burrow pits.

While the standard laid down by the ocean-dumping mandate is currently unrealistic, another federal standard compels the City of New York to operate its sewage-treatment plants at secondary-treatment capacity, even though area water quality does not require this level of treatment year round. It may be hard to argue against pure waters, but this standard will force the City of New York to spend $10 million in FY 1981 for superfluous secondary treatment. I might add that while the federal government contributes 75 percent of the cost of constructing sewage plants, it leaves to the locality the full cost of their operation. Furthermore, the federal government tells us how to operate and man the plants. New York State has used its interpretation of the federal regulations as an excuse to deny its 25-percent share of operating costs. We are now having to sue the State of New York over the denial of the City's application for reimbursement in the amount of $6 million withheld in FY 1977.

San Francisco, like New York City, plans to build new secondary-treatment facilities. It also contends that full secondary treatment is not necessary on a year-round basis. Consequently, San Francisco has asked EPA to allow it to operate the plant at the primary-treatment level during the winter months. Other localities such as Los Angeles and Boston have filed applications with EPA in an effort to obtain complete exemptions from the secondary-treatment requirements.

My concern is not simply with the needless expenditure of local dollars, but also with the federal dollars committed to these programs in amounts that, considered in the context of overall urban needs, are desperately required by other urban programs. We must respond to the fiscal and public-policy dilemma that is created by the cumulative impact of courses that individual mandates are blindly propelling us down. Mandates obscure priorities and encumber comprehensive planning.

PUBLIC ASSISTANCE—STRANGE THINKING AND SKEWED FORMULAS

Another example of a federal statutory mandate that frustrates local efforts to administer vital programs is the ceiling placed on the use of restricted public-assistance payments. In New York State, the Aid to Families with Dependent Children program (AFDC) is structured to include a separate shelter allowance for welfare recipients. The total grant paid to each recipient is different depending on his or her rent expenses. The Congress mandates that these monies be included in the recipient's grant and not be paid directly to the landlord. The ostensible rationale for this measure is to preserve the tenant's basic freedom of choice in allocating his check to food, housing, and clothing in a manner consistent with his priorities. Exceptions to this policy are made only if a recipient is found to have mismanaged the federal funds. Historically, nonpayment of rent for more than a month has satisfied the mismanagement test.

New York is faced with an accelerating syndrome of insolvency and abandonment by landlords who provide many of the lower-income rental units to AFDC recipients, usually because monthly rent collections fall far behind costs. These building owners have repeatedly approached the City seeking relief in the form of "two-party" welfare rent checks which would be issued to tenants who receive public assistance but require co-signature by their landlord before cashing. The City has made a strong effort to implement a two-party check program in areas especially hard hit by urban blight.

Our efforts to improve the situation have been blocked by a federal law that limits to 20 percent of the caseload the number of welfare clients who can be placed on restricted two-party payments. If we exceed this limit we are subject to federal and state disallowances that could result in the withholding of the 75 percent federal and state share of restricted rents exceeding the 20 percent ceiling. A flat 20 percent limit is unrealistic given the magnitude of the problem in New York City. In August 1979 restricted grants reached a level of 18.8 percent of total grant recipients. This required the launching of a crash effort last October to remove clients from two-party rent restrictions before we could recoup the funds advanced to prevent their eviction for non-payment of rent. We are now at a level of 17 percent of the overall caseload.

Our problems in this area could be compounded further. The Department of Health and Human Services (HHS) has aired a regulation that would prohibit placing a welfare recipient on the restricted-payment procedure solely for not paying rent on time.

HHS argues that failure to pay the rent may not be sufficient evidence of mismanagement. When pressed to provide an acceptable definition of mismanagement, HHS suggests that the City would, in every individual case, have to show a diversion of rental funds to such things as vacations, drugs, or liquor. Using rent money for items such as food and clothing would not be deemed evidence of mismanagement, despite the fact that the landlord will come up short in rent collections, and even though each recipient receives a special amount for rent, as well as food and clothing allowances.

The HHS answer to the loss of housing caused by non-payment of rent would appear to require the City to publicize counseling services to clients who have difficulty managing their budgets. HHS has even suggested that the City's social-service staff make home visits to clients to provide the counseling. This latter suggestion from Washington bureaucrats is particularly naive when it is made to a City saddled with an AFDC population of 736,000. The administrative cost of such a system would be enormous and its effectiveness a matter of speculation.

Fortunately, wiser heads appear to be prevailing. HHS officials are now discussing with State and City officials a more realistic approach to the problems associated with the definition of mismanagement. I am hopeful that this will yield an administratively practical way of protecting the interest of families, while not contributing to further deterioration of our housing stock.[1]

The most severe impact of the restrictions imposed on the two-party check program is the loss of an important component of the City's housing-preservation efforts. Of far more immediate concern to our overall financial condition, however, is the statutory formula setting ceilings on the federal share of total AFDC and Medicaid programs. The underlying design of both programs directs that the City provide assistance to a potentially unlimited number of recipients, but allows little local control over the benefit levels or eligibility standards which determine their total cost. Having imposed these enormous expenditure commitments, the Congress then restricts its participation by a cost-sharing formula that has long been obsolete.

Enacted in the 1940's, the federal-share formula links the reimbursable percentage of program costs to the per capita income of each state. As much as 65 percent of AFDC and 70 percent of Medicaid benefits will be absorbed by the U.S. Treasury in states which rank lowest by this single measurement. New York, with one of the highest per capita incomes in the nation, is limited to the minimum 50 percent contribution for each program. The authors of the formula may have thought their index accurately measured the capacity of state and local government to generate the revenues needed to cover their share of the total costs of an open-ended program. But per capita income, in isolation, cannot reflect two other critical determinants: cost of living and the size of the overall tax burden that a state or city is asking its citizens to shoulder. Since New York ranks at or near the top of these criteria, the ability of its taxpayers to carry steadily-increasing public-assistance costs is, in fact, no greater than that of taxpayers from states enjoying the aid of the higher federal reimbursement rates.

COURT AND STATE MANDATES: NOT TO BE OUTDONE!

In addition to the federal statutory and administrative mandates reviewed so far, the City must also cope with the staggering impact that decisions of the federal courts, interpreting and applying the sweeping mandates of federal law, can have on the fiscal stability of localities and on their ability to govern with some minimum degree of flexibility. In New York City, for example, a program was initiated in conjunction with a planned new hiring of entry-level officers aimed at increasing the total number of minorities on the police force. The Police Department spent $250,000 conducting an intensive recruiting campaign among minority groups, and arranged for test preparation classes at locations throughout the City that were readily accessible to candidates from minority communities. The City designed a civil service examination, with the aid of outside experts, that would produce the largest possible number of eligible candidates from all ethnic groups. Minority applicants represented 30 percent of those taking the test. When the Civil Service appointment list was prepared from the results of the test, 13,000 candidates—the number sought as the pool needed for hiring—had obtained a grade of 94 or better. When an ethnic survey disclosed that of the 13,000 placed on the list only approximately 15 percent were black or hispanic, a federal judge found not only statistical discrimination from the test results, but went further and held that the results were evidence that the City had practiced intentional discrimination. He then directed that a quota be used in hiring from the list, requiring 50 percent of new hires be black or hispanic candidates, until at least 30 percent of the total police force was black or hispanic. The net effect is that the courts are no longer examining the fairness of the test; they are examining the results. And if the test does not turn out the way the judge wants, he imposes the result that is consistent with his personal, political viewpoint.

I believe that the judge in the police case is simply wrong on the finding of intent, and the facts and the law.[2] But the real threat to the City from this decision is that under federal law, unless the City enters into a compliance agreement with the Office of Revenue Sharing in the Treasury Department imposing some kind of quota or affirmative action program—and, I might add, thereby violates our Civil Service obligations under the State Constitution—the City's unrestricted revenue-sharing funds, approximately $300 million per year, could be withheld by the federal government. That situation is simply intolerable and affects not only New York but every state and city in this country.

The problems posed by the self-styled altruism of the federal mandates reviewed thus far are compounded by equally and in some cases more arbitrary dictates of state government. The unique size and density of New York City usually precludes our legislature from using the shield of uniformity to cloak an inflexible directive. That has not, however, prevented Albany from imposing its own onerous requirements on the City.

The state, with local concurrence, has assumed since 1976 responsibility for the administration of the judiciary at all levels. The generosity of this arrangement has been tempered in large degree by legislation a year later which restored the local obligation to finance all maintenance, improvement, and expansion programs required to support an adequate level of caseload capacity. Thus reduced to the status of a silent partner, we face escalating annual local-tax-levy commitments to the state-run court system that will reach $23 million by fiscal year 1982.

The state public-housing program offers a second example of the serious fiscal implications of an imposed local partnership. Prior to 1961 New York State made separate payments to each state housing project. Then, the legislature consolidated its subsidy payments, and froze the state share at $44 million. This has left the City's budget as the bank of last resort for the chronic deficits experienced in metropolitan-area projects. With rents kept down to assure an adequate housing supply for lower-income tenants, and maintenance costs increased by inflation and the facilities of age, the City must increase its subsidy to this program by an average of 17 percent each year. We will be spending $13 million by Fiscal Year 1983 to comply with the state-mandated obligations.

An even more extreme example is the state mandate that the City provide legal services for indigent parties in the courts. This exposes our budget to still another significant and potentially unlimited expenditure requirement that will amount to at least $9 million annually in the next three fiscal years. The state's contribution to this program is zero.

Perhaps the most unfair type of state regulation is that which holds out the promise of fiscal relief but measures eligibility by an impossibly high standard. Public-assistance recipients in New York who are not eligible for the federal AFDC program are given Home Relief benefits financed jointly by the state and the client's locality. The state share of these costs is normally 50 percent, but increases from 50 percent to 60 percent for any social service district that can demonstrate an AFDC error rate of 4.5 percent or less. That has not proved to be an overly difficult task for upstate communities whose aggregate caseload permits intensive monitoring. In New York City, however, a marginal reduction-in-error rate is achieved only after enormous investments in detection and prevention programs which must survey a welfare population of 736,000—larger than most towns in New York State. We have made impressive progress in this area, and can point to an error-rate-reduction program that has brought the City from the 1973 level of 18 percent to the current 7 percent rate. But we are far from achieving the 4.5 percent rate specified as a condition for a 60 percent state share of program costs, and the $23.5 million saving that would bring. It is quite possible that a system as huge as New York City's can never reduce errors to 4.5 percent, or could do so only at a cost far beyond the proffered fiscal incentive.

---

[1] In May 1980 officials of HHS agreed to revised procedures for the definition of mismanagement that are acceptable to the City.

[2] The United States Court of Appeals recently rejected the District Court's finding of intentional discrimination, and held that the test was job related. The Court of Appeals also ruled, however, that hiring from the list of successful candidates strictly by test-score-rank order violated Title VII, and that an affirmative hiring quota could be employed as a remedy. The City expects to appeal this ruling to the U.S. Supreme Court.

No review of state-imposed mandates would be complete without reference to the Heart Law. This directive, first enacted in 1970, is the most frustrating example of how the legislature can tie the hands of local officials charged with the responsibility of administering a program in accordance with the best interests of their community. The law deprives public pension-fund trustees of the broad discretion traditionally given them, by erecting what the unions claim is an absolute presumption that every heart ailment reported by a retiring police or fire department employee was attributable to an "accident" in the course of his employment. Since the underlying retirement program authorizes a tax-free disability pension at three-quarters pay for such a condition, the Heart Law creates a huge potential loophole in the half-pay ceiling placed on standard pension benefits. The mandate reflects an overwhelming concern for the welfare of one group of City workers, who can develop a heart condition on the job but may also do so behind the lawn mower on a day off—a concern, I might add, which does not extend to the job title of Mayor, whose occupant routinely encounters stress throughout a far less predictable working day.

The City believes that fully half of the disability applications approved under the law's compulsion would not stand up under a thorough medical analysis of the ailment's actual cause. And while some may view the law as generous, it is a measure of generosity—amounting to $12 million to date—that the legislature did not choose to fund and that the City can ill afford.

NEEDED REMEDIES

By cataloguing these arbitrary, restrictive, or counterproductive mandates I hope to have demonstrated both the complex demands confronting an urban chief executive today and the need for comprehensive revisions to the process by which such directives are formulated. A new mandate may appear to its authors to be a bold experiment in behavior modification for a worthy goal. But I do not think they view themselves as accountable for the hardship they may inflict on a particular locality. A superior level of government cannot, they would argue, be expected to anticipate every nuance in a far-reaching policy initiative. Indeed not—here lies the very reason why federal mandates must be flexible enough to accommodate local circumstances.

As the Mayor to whom those who must endure the hardship of irresponsible mandates look for relief, I can no longer accept the monotonous refrain that "it's up to Washington to correct its errors." It is long past time for the system to become responsive to the needs of those it purports to regulate, and for effective controls to be placed on the mandate machinery.

I do not claim to offer more than a rough outline for a modest measure of protection from the kinds of excesses now faced by a city like New York, but urge that prompt and careful consideration be given to the following proposals:

1. All mandates should include waiver provisions that afford an appropriate measure to recognition of a locality's efforts to address the objective through alternate means, or to integrate the required program with competing or complementary policies. New York, in several instances, commenced negotiations seeking administrative relief only to be met with an almost reflex hostility to allowing the slightest relaxation or modification of the mandate. This attitude may reflect a natural bureaucratic concern that the first variance breeds a collection of exceptions that will carve the underlying statute into an unworkable patchwork. But the administrators of these laws must be directed, by statute or Executive Order, to accommodate requests for waivers authorizing additional time or modified procedures from communities who offer reasonable evidence of an unfavorable impact.

2. Special consideration should be given to cities whose local revenue-raising and expenditure powers have come under the control of external authorities. It may be some years before we can measure the success of current efforts by all three levels of government to insulate the American metropolis from the twin cycles of declining revenues and spiraling costs. It makes absolutely no sense for the federal and state authorities to nullify their own ambitious urban assistance programs through the inflexible application of arbitrary mandates and the horrendous price tags they carry.

3. Action on any proposed mandate should be deferred until a report has been prepared on both the potential impact it would have on local government expenditures and the state of existing or proposed technology available to achieve timely compliance. Agencies such as the Congressional Budget Office and the Office of Technology Assessment are already in a position to perform an objective analysis of this nature, which could be summarized in the reports that accompany legislative proposals brought to the floors of Congress. Such a procedure would assure that the mandate makers are fully informed of the potential shock waves their action may send throughout affected communities.

4. No mandate should be imposed unless alternative methods of compliance are offered, with the final selection left to local option. In the exceptional case, in which mandates' authors are convinced that a single standard and procedure must be imposed, they should authorize variations in the timing of and approach to compliance within appropriate parameters, proportional to the degree of hardship or potential program failure among affected communities.

5. Finally, it is of overriding importance that every mandate be accompanied by financial aid sufficient to achieve compliance. The aggregate tax-levy resources which must be committed to all of the federal and state mandates presently imposed on the City amount to $938 million at a time when we must identify $299 million in net-expense budget reductions for fiscal year 1981.

Throughout its history, this nation has encouraged local independence and diversity. We cannot allow the powerful diversity of spirit that is a basic characteristic of our federal system to be crushed under the grim conformity that will be the most enduring legacy of the mandate millstone.●

SECTION 235 FUNDING IS NEEDED NOW

● Mr. WILLIAMS. Mr. President, 1980 has been one of the most difficult on record for the housing industry. By the end of 1980, only about 1.25 million housing starts—single and multifamily combined—will be achieved, according to the Federal Home Loan Bank Board, 500,000 below the 1.75 million starts tallied for 1979 and some 775,000 fewer than is generally believed necessary at a minimum to accommodate a growing population and to compensate for losses to the stock.

For thousands of builders and construction workers dependent for their livelihoods on a stable housing industry, the fall-off in production has brought financial ruin and unemployment. For young families in search of a home they can call their own, and for the poor or the elderly looking for decent rental shelter at an affordable price, opportunities in today's housing market have dwindled. For the economy in general, the housing recession has heightened the pressure on the Federal deficit, due to decreased tax revenues and increased transfer payments to those thrown out of work; and it has meant greater inflation as instability and uncertainty in the industry disrupt orderly production processes and as already serious housing shortages deepen.

Even though some gains in housing starts have been posted since last spring's disastrously low levels, the situation is still serious, and with interest rates pushing upward steadily we can expect unacceptably low production levels into next March, and perhaps even beyond.

Warning signals about an impending housing crisis were sounded early in 1980, and the Senate responded last April in bipartisan fashion by passing a special housing stimulus program based on the section 235 homeownership assistance program, which provides mortgage interest subsidies to low- and moderate-income persons who pay at least 20 percent of their income toward their mortgages. The stimulus program was designed to work in the same manner as the standard section 235 program, but with higher income eligibility ceilings, a much shallower mortgage interest subsidy, and opportunity for purchase of somewhat higher cost homes.

Particularly important, this stimulus program was developed as a low-cost alternative to the Brooke-Cranston emergency homeownership assistance program, which requires large up-front outlays. The low-cost nature of the stimulus program was based on its planned use of already appropriated funds earmarked for the standard section 235 program, but which had gone unused because of the program's low level of activity. Approximately $165 million in unused appropriations was estimated to be available for both the stimulus and the standard programs, with a maximum of $135 million, or 75 percent of the available funds, for the stimulus program. The 25-percent share available at a minimum for the standard program was deemed sufficient to allow that program to operate at its then current pace. It was estimated that the two programs together could assist up to 100,000 mortgages.

Despite the early Senate passage of the section 235 housing stimulus legislation, final enactment did not occur until President Carter signed the 1980 Housing and Community Development Act on October

8, 1980. By that time, the funds which the stimulus program was to use were almost all depleted by the standard section 235 program which, primarily because of low mortgage limits, worked in a relatively few, though widely scattered, areas of the country. Builders in areas that could use the standard program with its low mortgage limits had found that it was the one vehicle that could keep them in business during a period of extraordinarily high interest rates, and they flocked to it, causing a completely unexpected commitment of the remaining contract authority.

Now there is virtually no money left for either the standard program or for the stimulus program. As a result, many areas unable to use the standard program have had little relief from their housing recessions, while areas benefiting from the standard program face an uncertain future. In some places, HUD encouraged builders to construct houses under the section 235 program, under the assumption that mortgage interest subsidies for the buyers they had lined up would be available when the houses were finished. With the depletion of the program's appropriations over the summer, these builders cannot sell their homes, and must shoulder the unanticipated and substantial financial burden of maintaining them until they can be sold.

Mr. President, the current situation is totally at odds with the expressed intent of the Congress. On four separate occasions over the last 8 months, the Senate voted to establish a housing stimulus program that would be ready to provide a helpful, though modest, boost to housing markets unable to achieve adequate recovery on their own. With its planned funding gone, the program is today only a paper promise. The Congress also intended for the standard section 235 program to continue to operate uninterrupted. Now, for the first time in 6 years, the program is shut down.

On September 24, 1980, I introduced legislation (S. 3145) to make $125 million in recaptured contract authority available for use by the section 235 stimulus program, and by the standard section 235 program. This legislation currently has 12 cosponsors from both sides of the aisle. Assuming that 75 percent of the funds would go to the stimulus program, the maximum share permitted under the law, my legislation could assist approximately 50,000 home buyers. However, the Secretary has the flexibility to increase the proportion of the funds available for use by the standard program, which would tend to lower the number of units assisted overall because the standard program carries a deeper interest subsidy—down to 4 percent as opposed to 9½ percent under the stimulus program. It should also be noted that the standard section 235 program could resume operations immediately upon the approval of additional contract authority, while the stimulus program would require the Secretary of HUD to make a specific finding that conditions in the housing market warrant its use.

Mr. President, my legislation was designed to accomplish its objective without the scoring of new budget authority. The House Budget Committee, in approving its version of the second concurrent resolution, decided to make room for additional budget authority in the amount of $3.75 billion, which is the amount of contract authority—$125 million—multiplied by the 30-year term of the contract.

Whether or not new budget authority is scored, the actual cost of the program is very small; less than $380 million over the 30-year term of the contracts, according to Congressional Budget Office assumptions. This results from the certainty that the average contract will actually be held for a far shorter term, and from the law's requirement that upon sale or disposition of a section 235 dwelling, the seller pay back to the Federal Government the entire amount of interest subsidy he received, or at least 50 percent of the net appreciation in the value of the house, whichever is less.

S. 3145 endorses one approach to making the necessary contract authority available. The House Budget Committee's action signals preference for a different approach, one that requires the scoring of new budget authority and new Appropriations Committee action. Whatever route is pursued, the goal is the same—to assure that the section 235 programs have the means to do their job as Congress intended. I am hopeful that my colleagues in the Senate will take special note of the House Budget Committee's favorable action on section 235 funding.

During the next couple of weeks the Senate will have the opportunity to lend its support to this additional funding. We must not let this opportunity slip away.

Mr. President, I ask that at this point in the RECORD there be printed several recent articles underscoring the need for rapid approval of additional contract authority for the section 235 program.

The articles follow:

[From the Washington Post, Oct. 4, 1980]

HOUSING INDUSTRY'S MUCH-VAUNTED "RECOVERY" SHORTEST ON RECORD

(By Gary Klott)

NEW YORK.—The beleaguered housing industry, seemingly on the road to recovery this summer, is in trouble again.

The recent surge in interest rates has pushed mortgage rates to 14 percent in most parts of the country and forced hundreds of thousands of would-be home buyers out of the market.

[After dropping to just below 12 percent in June, mortgage rates in the Washington area climbed back to 14 this week, but lenders said they were getting few applications.

Local real estate sales had picked up during the summer, but now they've slowed again, reflecting the national trend. Homebuilders have seen traffic at their developments drop off by as much as 50 percent.]

Buyers have been cancelling commitments, leaving builders with a surplus of homes they thought they had sold.

"This may very well be the shortest housing recovery on record," said Michael Sumichrast, chief economist for the National Association of Home Builders.

[Rates swooped downward, then jumped back up so quickly that most borrowers didn't realize what had happened, said Thomas Owen, president of Perpetual Federal Savings and Loan, the biggest mortgage-lender in Washington. There was a momentary flutter of loan applications, he added, then business fell off again as rates rebounded beyond the reach of most borrowers.]

As Sumichrast explained: "You cannot sell homes with 14 percent mortgage rates. People just don't qualify for loans."

The mortgage rate adds $40 to the average monthly payment on the median-priced home, pushes up income requirements for the loan by nearly $1,500 and knocks an estimated one million U.S. home buyers out of the market.

For example, on a $66,000 home with a 20 percent down payment, monthly mortgage payments are $538 a month at 12 percent interest and it takes an annual income of about $23,000 to qualify.

But at 14 percent interest, the monthly payments are $578 and the home buyer has to earn $26,500 a year to qualify.

The housing industry experienced a strong rebound from one of the sharpest slumps on record when mortgage rates leveled off in the 11 to 12 percent range during the summer. Over the past three months, residential construction starts picked up by almost 50 percent to an annual rate of 1.4 million units from the May low of 900,000 units.

But when home loan rates started climbing again and prospective home buyers found theselves priced out of the market, there was almost a carbon-copy replay of last spring when rates soared to record high levels and the housing market fell into its worst slump in 30 years.

Housing starts will probably fall off again in the next few weeks, Peter Treadwell, chief economist for the Federal National Mortgage Association, predicted.

Homebuilders saw activity suddenly plunge a few weeks ago when mortgage rates hit 13 percent.

"I think 13 percent is the magic number," said Ray Lacombe, chief economist at Ameri-First Federal Savings and Loan Association, the biggest mortgage lender in Florida. "Loan applications dropped 30 percent when mortgage rates hit 13 percent."

"Loan demand is effectively shut off," said Richard Linyard, senior vice president for loans at First Federal Savings and Loan Association of Chicago, where a severely depressed real estate market has kept mortgage activity 60 percent below a year ago. "The same thing happened to us last spring," said Frederick Napolitano, a Virginia Beach, Va., builder and a vice president of the NAHB. "The interest rate is knocking home buyers out of the market."

With traffic off some 50 percent and a growing number of contract cancellations, Napolitano said, "We're not going to build any more homes until we get rid of the ones we have."

(NAHB recently revised its fourth quarter housing start forecast to an annual rate of 1.2 million units from 1.35 million.)

With construction loans running two to four percentage points above the prime lending rate, Napolitano said, it is nearly impossible for a builder to turn a profit, especially if he can't sell immediately. An unsold home costs the builder anywhere from $300 to $700 a month.

Industry officials say the home market could turn again if mortgage rates or home prices were to reverse themselves. But few expect mortgage rates to reach the midsummer levels of 11 and 12 percent anytime soon, and home prices have continued to soar even in the weakened market.

As Saul Klaman, president of the National Association of Mutual Savings Banks, warned business leaders in New York last week, "Unless inflation is slowed significantly or housing subsidies broadened substantially, many American families will never obtain homeownership."

[From the Wall Street Journal, Oct. 29, 1980]

For the First-Time Home Buyer: Despair, Sacrifice, Compromises

(By Lawrence Rout)

Most people want to own their own homes. But few can afford to buy that first one. "The first-time home buyer is the real loser today," says Sid Green, a real estate agent in Manchester, Conn. "With interest rates so high, and houses so expensive, these kids are really getting squeezed. How can they save as much as they need?"

They can't and so many have stopped looking for homes. First-time home buyers accounted for only 18% of the market last year, down from 36% two years earlier, according to a survey by the U.S. League of Savings Associations. Those who buy often do so only by borrowing from relatives and forgoing many of life's luxuries. A few are getting help from new types of mortgages and relaxed lending standards.

The numbers are striking. Take a $70,000 house, which is just a shade above the average price for an existing home. With a 20% down payment and a 30-year loan at a 13½% interest rate, annual mortgage payments come to about $7,700. In 1977, the average existing home cost $47,500. With a similar loan but at the then prevailing 9% rate, annual mortgage payments were about $3,670.

"It's ridiculous. We can't afford to make mortgage payments that are double what we're paying for rent," says Georgia Keiss, 31 years old, who lives with her husband and two children in a two-bedroom apartment in Evanston, Ill. "We'd love to have a home. We're so tight in this place we've got kids coming out of our ears. But if we bought a house, we wouldn't eat for a year."

Still, the desire to own is strong. A 1978 Louis Harris poll showed that 93% of the prime first-time home buying group, those aged 25 to 34, wanted their own homes. "I think it has surprised everyone just how much people have been willing to sacrifice to get that first home," says Bernard Frieden, professor of urban studies and planning at Massachusetts Institute of Technology.

Part of that sacrifice, Mr. Frieden says, is manifested in changing lifestyles. Couples are having children later, allowing both partners to work longer. They are returning to the cities, he says, "not because they want to live in cities, but because it's a first step on the ladder of home ownership. City homes are cheaper."

Furthermore, says Robert Sheehan, an economist with the National Association of Home Builders, first-time home buyers are going after more modest homes. He says that the average square footage of living space in new homes fell from 1,704 in 1979 third-quarter sales to 1,688 in the fourth quarter to 1,667 in this year's first quarter, the latest data available.

Derrell and Sherry Dunnagan of Rochester, Wash., settled for less than they had hoped. They were living with their three children in a mobile home "when we decided we wanted a real house," the 23-year-old Mrs. Dunnagan says. But new houses were out of the question. "We were shocked," she says. "We would have to spend $70,000 for a new house, and it wouldn't be anything special."

So they recently settled for a $58,000, four-bedroom house, built in the 1920s. "It isn't a dream house," Mrs. Dunnagan says, "but it's nice."

It's also expensive. The couple put down $14,000 cash, which was borrowed from Mr. Dunnagan's parents. They borrowed the rest from a bank, at 13 percent interest, which translates into $423 a month in mortgage payments. Mr. Dunnagan, a mechanic, takes home about $1,000 a month. "Things are awfully tight," Mrs. Dunnagan says. "We don't go out; we don't buy new furniture. But we have our house. It's worth it."

Relatives also helped Mary Ann and Patrick Phillips buy their first home in Knoxville, Tenn. "It was the only way," says Mrs. Phillips, a nurse. "We couldn't have stashed the down-payment away for years."

A new type of mortgage also helped. The couple got a renegotiated rate mortgage, whose rate is reviewed in three years, but for those first three years it is an unusually low 11¾ percent. "There wouldn't have been any way we could have afforded the current rates," says Mrs. Phillips. She adds that she and her husband, a city planner, probably will put off having children another year because of the burden of house payments.

Even if the desire and the willingness to sacrifice are there, many people still can't get that first house because they don't meet lending standards. The traditional standard is that housing payments can't exceed 25 percent of the borrower's gross income. On a typical $56,000 mortgage at 13½ percent, for instance, the borrower must make more than $35,589 a year to qualify.

But that rule may be changing. MGIC Investment Corp., the nation's largest private insurer of home mortgages, last month raised that level to 33 percent. In the example above, that would mean a person could make $26,958 a year and still qualify.

Although most people agree that the relaxed standards will bring in more homeseekers, some experts doubt that the effect will be significant. "It's just a gimmick," says Ronald Barstow, chairman of Bell Federal Savings & Loan Association in Chicago. "We aren't turning people down because they don't qualify. People aren't coming to us because they know they can't afford a house."

Mr. Frieden of MIT further warns that some of the current strategies to buy the first house may backfire. In particular, he says that the two-income method may fall prey to the high divorce rate and periods of high unemployment. Besides, he adds, "prices are getting so high that husbands may need to go to polygamy to buy a house. They'll need two working wives."

Energy costs are considered by three out of five home-mortgage lenders when deciding mortgage loan applications, according to a survey by the Federal Home Loan Mortgage Corporation. The survey also found that two-thirds of the lenders told their appraisers to look at energy efficiency in evaluating houses.

[From the New York Post, Oct. 30, 1980]

Mortgage View: Dim Through '81

(By Stan Strachan)

A key federal banking regulator yesterday offered a pessimistic outlook for mortgage rates.

Speaking before the New York Financial Writers Assn., Jay Janis, chairman of the Federal Home Loan Bank Board, the agency which supervises savings and loan associations, predicted that mortgage rates may get down to 11½ percent next year, but that to reach even that level the economy "would need a good performance on inflation."

Otherwise, mortgage rates could remain well above 12 percent for all of 1981, he said.

Long-term rates, including those on mortgages, may have peaked for the current period, Janis noted. But short-term rates, including the prime lending rate, which yesterday hit 14½ percent, "still have a little further to go" before starting down.

Short-term rates are likely to drop much faster in 1981 than are long-term interest costs, he told the financial writers.

Janis also urged congressional action on some form of tax incentives for savers. He said he supports the use of a certificate, the interest on which would be tax-free to depositors.

This would give banks and S&Ls a chance to bring in deposits at a below-market rate. Janis urged that funds in these accounts be targeted for use in mortgages at rates below those available through other means.

He said this is the only method that might allow the nation to meet its need for 22 million new homes during the 1980's.

He said this year will end with about 1.25 million starts and predicted housing starts next year of about 1.5–1.6 million.

[From the Baltimore Sun, Nov. 5, 1980]

Interest Rates Expected to Stay High

New York.—Don't expect any bargains at the loan counter. Bankers say that after soaring and slumping earlier in the year, interest rates are likely to continue higher for a while longer.

So much for agreement. Economists remain split today on the impact of costly money on consumers and the entire economy.

Here are some questions and answers about the interest-rate outlook:

Question: When will the current interest-rate climb end?

Answer: That question may not be answerable, but economists are guessing nonetheless. Morgan Guaranty Trust Company, in a new forecast, won't go beyond saying U.S. interest rates "seem likely to remain high for some time to come."

Bankers Trust Company is a little bit more precise, forecasting "higher interest rates as the year comes to a close." And Morgan Stanley & Co., Inc., the Wall Street investment banker, sees interest rates peaking by year end, then heading "downward toward a . . . trough in the second or third quarter of 1981."

Q: Why is there such a difference of opinion?

A: Part of it has to do with disagreement about forecasts for economic growth. Economist Irwin L. Kellner of Manufacturers Hanover Trust Company believes Federal Reserve Board policies aimed at keeping inflation under control will "cause interest rates to rise sooner than they otherwise would in an economic recovery." That policy will slow the recovery from this year's recession "by making it more difficult for businessmen and individuals to borrow," he says.

Edward E. Yardeni, an economist at the broker E. F. Hutton & Co., Inc., has a different outlook. He sees consumer spending on autos, housing and services powering "an economic recovery not much different" from those in the past. While high interest rates "will keep economic activity from approaching the last expansion's highs," they "won't abort the recovery," Mr. Yardeni contends.

Mr. Yardeni says "radical regulatory changes in the mortgage market," allowing hard-pressed homebuyers to obtain new types of mortgages even in times of tight money, and "a reservoir of pent-up demand for cars and houses" will spur the economy.

Q: What about interest rates during this recovery?

A: Economists are split again. Mr. Yardeni says that even if money growth rates exceed the Fed's targets, "the Fed would generate intense political heat in trying to control the money supply by raising interest rates while the economy is recovering and inflation is still moderate."

[From the Daily News, Oct. 9, 1980]

Borrowers Go Up in Smoke as Mortgages Go Through Roof

(By James A. White)

The New York area residential mortgage market is slowing to a crawl because mortgage seekers are balking at interest rates now more than 14% and still climbing, lenders and other experts said today.

Yesterday, Citibank raised its mortgage rate 1% to 14¼% for conventional loans and

15% for co-op loans in an effort to get in line with other area banks. But sources say there are a few homebuyers shopping for money at any rates.

And though pockets of mortgage money still are available, the supply also is starting to dry up.

"We are close to the point where we will withdraw from the mortgage market," said Peter C. Underwood, senior vice president and chief mortgage officer of the New York Bank for Savings, the nation's fourth-largest mutual savings bank. "It's possible that we will do it tomorrow."

The bank boosted residential mortgage rates to 14¼% on Oct. 3, the same rate that Citibank posted yesterday. Rates at most other area lenders are hovering around 14%.

"You have to shop around a little but there is mortgage money still out there if you're willing to pay the price," said Underwood. "When the rate goes over 13%, you really see a falloff in demand."

Because mortgage rates no longer are controlled by usury-law ceilings, lenders are free to charge whatever they please on mortgages, preventing a complete dry-up of the market. But institutions also lose deposits with rate rises and have to purchase costly replacement funds in money markets if they wish to keep making mortgages.

Mortgage rates then climb, which in turn reduces demand as consumers decide to wait for a later decline or fail to qualify for the higher payments.

"There is a great deal of consumer resistance in New York state when mortgage rates go about 13%," said Brian Dittenhafer, executive vice president and economist for the New York Federal Home Loan Bank. "The banks that have the money definitely want to lend it because they would love to have a 13% mortgage out when rates decline," he said.

While still losing deposits, major mortgage lenders are in far better shape than in 1979. Mutual savings banks in the state had a deposit outflow of $61 million in August, compared with an average monthly loss of $500 million a year ago.

"That's a very modest loss but it is still an outflow and more of it probably came in New York City than upstate," said Monte Radack, vice president of the state Savings Bank Association. He said many mutual savings banks already have withdrawn from the multiple-family mortgage market and more will shut down their single-family business as interest rates continue their climb.

The experts say consumers can expect mortgage rates to fluctuate more rapidly than in the past since they now are more closely linked to money-market interest rates. And while resistance remains strong to paying anything more than 13% for a mortgage, consumers have had experience with stratospheric rates as recently as last spring when they ranged up to 17%.

"There is a learning curve phenomenon," said Dittenhafer of the Home Loan Bank, which acts as a central bank for savings and loan associations. "The longer the rates remain high, the more people are willing to accept them," he said.

[From the Daily News, Nov. 6, 1980]

Interest Rates Rise on Mortgages

WASIHNGTON.—Home mortgage interest rates rose in October for the second straight month after declining for four months, the Federal Home Loan Bank Board said today.

Reporting on a survey taken during the first week of October, the board said the average interest rate at which conventional mortgages on single-family homes were closed increased to 12.64%, compared with 12.37% a month earlier.

The October level was 1.37 percentage points below the peak hit last May and 1.39 points above the October 1979 level.

Another measure of interest rates—the average rate quoted in early October for a future 25-year mortgage on a new, single-family home—was up to 13.84%. That compared with 13.23% in September, 16.59% last April, and 11.62% a year ago.

[From the Times-Picayune, Oct. 19, 1980]

Fifteen Percent Rate Peak Predicted

Mortgage interest rates will peak in the 15 percent range late this year, but they'll probably fall back to no less than 13 percent, two economists predict.

The forecast is by Kenneth J. Thygerson, chief economist for the United States League of Savings Associations, and James W. Christian, senior economist for the group.

"Surging short-term interest rates, weak savings flows, saturated bond markets and renewed inflationary expectations all are major factors" which will force mortgage rates back near historic highs, the two economists said.

The pair added that mortgage loan applications "will fall to a trickle" as loan rates pass the 14 percent level.

Housing starts will remain essentially flat because of high interest rates, they also noted.

But the early 1981 outlook for home construction and mortgage rates is somewhat better, the economists added.

Housing starts this year should total 1.2 million, they estimated, making 1980 the slowest housing construction year since 1975, when starts totaled 1.16 million.●

ADDRESS BY DAVID B. WAGNER

● Mr. PRYOR. Mr. President, during the October recess, I had the honor and privilege of addressing the Sheet Metal and Air Conditioning Contractors' National Association at their 37th annual convention in Atlanta, Ga. This organization is made up almost exclusively of small businessmen. On the same program was the incoming president of that organization, David B. Wagner. Mr. Wagner's address outlined the need to end the adversarial role between Government and small business and to replace it with a new partnership of understanding based on cooperation.

I recommend Mr. Wagner's address to my colleagues and ask that it be printed in the RECORD.

The address follows:

Address of David B. Wagner

Like all of you, I am a sheet metal contractor. And like almost all of you, I am a small businessman, according to the government's definition. This being the case, probably none of us should be here—because the problems we face are almost overwhelming.

We are under-financed. We are over-burdened with federal, state and local paperwork. We are not experts in the fine points of tax manipulation. Time and time again, we are bludgeoned by local labor conditions that would seem to make it impossible to show a profit.

Yet here we are . . . right in the middle of another round of inflation and recession, and we've turned out in larger numbers than ever before. So somehow we're managing to survive.

Yes, we are surviving, I think for a number of reasons. First, we are resourceful. Second, we are adaptable. Third, we are not afraid of hard work. Fourth, we are not afraid to spend our own money to finance our local, state and national associations, so we can improve our professionalism and our product.

Finally, and most important, the pride we take in our product and our industry—pride which we've expressed by coming here to Atlanta.

Taken together, these reasons underscore our belief in the free enterprise system.

In fact, we in the construction industry and the small business community are virtually all that is left of the free enterprise system in this country. And, as the free enterprise system, we are being challenged from every country.

As I see it, our population today basically is made up of three contending groups.

There are the have-nots, who are struggling hard at this time to pull themselves up, but who primarily are dependent on people like us to foot the bill.

Then there are the very wealthy and the giant corporations, who, with the talent and resources they can command, avoid the fair share of the tax burden.

And then there are you and me and our employees, both union and non-union. We, in deference to our location, are the peanut butter holding the two pieces of bread together to form America's economic sandwich. Without the peanut butter to give this sandwich some substance, the two pieces of bread soon would become stale and tasteless.

I am reminded of an old story about a pig who ate his fill of acorns under an oak tree, and then started to root around the trunk. A crow saw him and said, "You shouldn't do that. If you lay bare the roots, the tree will wither away and die."

"Let it die," said the pig. "Who cares, as long as there are acorns?"

What I am suggesting is that unless we can change the attitude towards small business in this country, there will be no oak tree or acorns for that huge pig we call the federal bureaucracy to live upon.

We are the roots of that tree, and we are being gnawed away.

For example, we are now hearing a tremendous hue and cry about declining productivity in the United States. Everyone is quick to blame someone else for the problem.

We, in management, say that labor won't produce anymore and that restrictive work rules are killing us. Labor answers by saying management is doing a sloppy job and is not sensitive to the needs of their employees.

Both labor and management accuse various government agencies of interfering in their daily routines, thus slowing productivity.

And in turn, these agencies say both labor and management are insensitive to consumers, so that the interference is justified.

To some extent, everyone is correct in this circular dispute. But because the dispute is an antagonistic one, the problem doesn't get solved.

All this certainly characterizes much of the legislative and regulatory processes today, where different groups are pitted against one another, where each tries to grab what it can for itself.

As a result, we are losing incentives, innovation, and know-how, three fundamentals of American enterprise. Not coincidentally, these qualities also have typified small business in the United, and have given us the ability to adapt and change with the times.

Our industry has these qualities in abundance. We can look back over the past decade and take pride in the way we as sheet metal contractors have responded to new challenges in areas such as air pollution control and energy.

We've also been able to find new and better ways to manufacture, install, and test our products during this same period.

We are able to do this in large part because we are not far removed from what goes on in our shops. There is no substitute for this kind of experience and expertise.

In any case, we cannot afford to rely on batteries of lawyers and accountants to make us look good in the short term without paying attention to the future. Unlike some corporate giants, we do not have the luxury of the government bailing us out when things get tough.

Instead, we are being forced today to waste much of our time and resources to cope with economic problems and regulatory excesses that are destructive and debilitating to small business.

To end this situation of constant confrontation, I think management, labor and government need to develop a new partnership of understanding based on cooperation.

We need to begin working together to diffuse the hostility with which we regard each other's interests and seek solutions that benefit all of us as members of a free society.

In such a partnership, small business would ask only two things. First, that we be given tax incentives to allow us to grow. Second, that government stop trying to "help" us in the every day management of our businesses.

To put it another way, both labor and government must allow us to make a profit. They must come to grips with the fact that the punitive tax structure in this country makes it vitally impossible for us to expand and increase productivity.

I challenge Messrs. Carter, Reagan and Anderson to give us tax incentives for capital expansion, jobs, and an end to "boom or bust" economics in construction.

I say to these men that we have the inherent ability to seize upon opportunities as they present themselves, and can quickly take advantage of them if we are given the chance.

Gentlemen, give us the investment incentives we need, and watch us work!

Governor Reagan recently advocated ending the inheritance taxes that are a death knell for many family-owned businesses like ours. I heartily endorse this position.

If President Carter is re-elected, I hope he will follow up the recommendations he received last year at the White House Conference on Small Business with meaningful incentives.

I strongly urge both these leaders, their parties, and Congress to change government's attitude towards us. If government worked with us, instead of against us, there would be no productivity problem, and issues such as environmental and consumer protection, and workplace safety could be resolved without our survival being called into question.

Further, we need labor's help and cooperation as well. The future of our industry is only as strong as our unity. I think this statement is all the more true when we consider how successfully we worked together to pass the ERISA legislation this year. And it is all the more true when we get the bargaining table and act as if our industry would last no longer than the expiration date of the contract we were about to negotiate.

But how can we, as small businessmen, and sheet metal contractors, make this partnership I've talked about a reality?

We can become involved in the process.

For many years, the small business community abdicated its responsibility to provide leadership in government at every level—local, state and national. We turned it over to labor, to professors, to lawyers—groups that don't understand how we make our money, but are all too happy to spend it.

Only in the past few years have we, as business people, started to challenge the actions of legislative and bureaucratic bodies that so disrupt our ability to produce.

SMACNA's Government Affairs Committee is only eight years old—SMAC-PAC only four. Yet in this short time, both have made an impact. The dues you pay and money you donate to them helps get you involved . . . but only somewhat involved. There is more each of us can do.

We, as responsible business people, need to become actively involved in both major parties—both physically and financially. The financial aspect can be done through local and national political action committees. The physical part can be done only by you.

I plead with you to become involved in the elections that are only three weeks away. Send to Washington people who are convinced that the free enterprise system is the only system that can work for us.

SMACNA will continue to do its part. We now are in the process of enlarging the Government Affairs staff so that we can have even more impact in Washington. New goals and programs will soon be put in place to build on PAC. We are getting much broader recognition in the agencies and in Congress, but we need you to become involved.

We will not be afraid to try new and innovative approaches to problems. I am sure we will make mistakes, but there will be mistakes of commission, not omission. We will not be afraid to fail . . . for the fear of failure results in no action being taken at all.●

SUPERFUND LEGISLATION

● Mr. STAFFORD. Mr. President, there has been a great deal of speculation in the last few days that the so-called superfund legislation is dead.

The purpose of my statement is to make clear that, at least as far as this Senator is concerned, that superfund lives. In fact, I still hold hope that it will be enacted during this session of the Congress.

The superfund legislation would provide funds to compensate victims of toxic substance sites and to clean up those sites.

Surveys have indicated that 80 percent of the American people support such legislation. The Surgeon General of the United States has said that toxic chemicals pose perhaps the most serious threat to health in the United States of the coming decade.

Senator CULVER, other members of the Committee on Environment and Public Works, and I have worked on this legislation for nearly 3 years. The product of those efforts is S. 1480, a sound and workable bill. It is a bill I continue to support enthusiastically.

Unfortunately, my enthusiasm is not shared by all of my colleagues, although I believe that if S. 1480 were brought to a vote on the floor of the Senate, it would pass by a substantial margin.

Nevertheless, the reservations of some Senators have been enough to delay the progress of S. 1480. Some Senators and many interest groups are extremely anxious to have a bill enacted this year. These are legitimate concerns, and, although I believe S. 1480 is right for the task, I stand willing to accommodate others.

For this reason, on Monday, I will introduce a proposed substitute for S. 1480 with Senator RANDOLPH.

I wish to emphasize that this proposed substitute is not the best bill for the task. S. 1480 is the best bill.

But, I believe this proposed substitute incorporates the provisions of three bills—one in the Senate and two in the House—on which their is broad consensus. It should, I hope, therefore be acceptable to all concerned.

If there is no objection, I would ask that a brief description of my proposed substitute be printed at this point in the RECORD.

STAFFORD-RANDOLPH SUPERFUND SUBSTITUTE

Will embody those features of S. 1480, H.R. 7020, and H.R. 85 on which there is a positive consensus. It will also eliminate those features which have proven most controversial.

SCOPE OF GOVERNMENT RESPONSE

The Government, using the Fund, will respond to releases of hazardous substances without regard to the medium or pathway. People could be hospitalized, water supplies could be replaced, and releases cleaned up and contained without regard to whether the release was a spill into a navigable water or a release from an abandoned hazardous waste site.

SCOPE OF LIABILITY

An express strict liability regime would incorporate the scope of H.R. 85 plus H.R. 7020; releases from inactive sites; and, spills into navigable waters. In addition, spills onto land or spills affecting ground water would be covered. Occupational exposure would not be covered.

NATURE OF LIABILITY

Any references to joint and several liability or proportionate liability would be eliminated. The liability of join tort feasors would be determined under other law, not this bill. In addition, a third party defense would be added. A third party cause of action for damages, including medical expenses and economic loss, would be eliminated.●

ORDER FOR RECESS UNTIL MONDAY, NOVEMBER 17, 1980, AT 9:45 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for convening on Monday be changed to 9:45 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVIEW OF CERTAIN DISABILITY DETERMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1131.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2510) to amend title V, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the Civil Service Retirement and Disability System.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment: On page 2, strike line 18, through page 3, line 14.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

● Mr. PRYOR. Mr. President, I rise in support of H.R. 2510, to amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirement and disability system.

Under current provisions of law, 5 U.S.C. 8347(c) the decisions of the Office of Personnel Management concerning questions of disability "are final and conclusive and are not subject to review." H.R. 2510 would remove the bar to judicial review of disability retirement decisions only in those cases where the finding of disability was made in response to an application filed by an agency for an employee's involuntary disability retirement and then only if the finding of disability is based in whole or in part, on the employee's mental condition. This change would make OPM's decisions on such cases subject to review by Merit Systems Protection Board under 5 U.S.C. 7701, and the Board's decision would become subject to review by U.S. Court of Appeals or the Court of Claims.

H.R. 2510, as amended, provides for court review on the same basis as almost all other appeals. Such review would be by a U.S. Court of Appeals or the Court of Claims under 5 U.S.C. 7703 under which the court is to set-aside any decision that is arbitrary, capricious, and abuse of discretion, otherwise not in accordance with law, obtained without required procedures, or unsupported by substantial evidence.

In summary, this bill, as amended, provides for appropriate review of decisions affecting the lives and careers of Federal employees and assures that their rights are protected in such proceedings.●

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2510) was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVEYANCE OF CERTAIN LAND IN SANDOVAL COUNTY, N. MEX.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1133.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1762) to convey all interests of the United States in certain real property in Sandoval County, New Mexico, to Walter Hernandez.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1762) was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO POSTPONE INDEFINITELY S. 2279

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 1129, S. 2279, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:45 A.M. ON MONDAY, NOVEMBER 17, 1980

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:45 a.m. on Monday next.

The motion was agreed to and, at 5 p.m., the Senate recessed until Monday, November 17, 1980, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate November 14, 1980:

IN THE AIR FORCE

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Spence M. Armstrong, [redacted]FR, Regular Air Force.

Brig. Gen. Stanley C. Beck, [redacted]FR, Regular Air Force.

Brig. Gen. Theodore D. Broadwater, [redacted]FR, Regular Air Force.

Brig. Gen. James R. Brown, [redacted]FR, Regular Air Force.

Brig. Gen. Richard A. Burpee, [redacted]FR, Regular Air Force.

Brig. Gen. Melvin F. Chubb, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Neil L. Eddins, [redacted]FR, Regular Air Force.

Brig. Gen. Donald L. Evans, [redacted]FR, Regular Air Force.

Brig. Gen. James L. Gardner, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Harry A. Goodall, [redacted]FR, Regular Air Force.

Brig. Gen. Jack I. Gregory, [redacted]FR, Regular Air Force.

Brig. Gen. Titus C. Hall [redacted]FR, Regular Air Force.

Brig. Gen. Stanley C. Kolodny, [redacted]FR, Regular Air Force, Medical.

Brig. Gen. William G. MacLaren, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Leo Marquez,[redacted]FR, Regular Air Force.

Brig. Gen. William E. Masterson, [redacted]FR, Regular Air Force.

Brig. Gen. Robert F. McCarthy, [redacted]FR, Regular Air Force.

Brig. Gen. Keith D. McCartney, [redacted]FR, Regular Air Force.

Brig. Gen. Marvin C. Patton,[redacted] FR, Regular Air Force.

Brig. Gen. Milton R. Peterson,[redacted] FR, Regular Air Force.

Brig. Gen. James C. Pfautz[redacted] FR, Regular Air Force.

Brig. Gen. John L. Pickitt[redacted]FR, Regular Air Force.

Brig. Gen. Winston D. Powers,[redacted] FR, Regular Air Force.

Brig. Gen. Graham W. Rider,[redacted] FR, Regular Air Force.

Brig. Gen. Albert G. Rogers,[redacted] FR, Regular Air Force.

Brig. Gen. Walter C. Schrupp,[redacted] FR, Regular Air Force.

Brig. Gen. Carl R. Smith[redacted]FR, Regular Air Force.

Brig. Gen. Click D. Smith, Jr.,[redacted] FR, Regular Air Force.

Brig. Gen. Perry M. Smith,[redacted]FR, Regular Air Force.

Brig. Gen. James P. Smothermon, [redacted]FR, Regular Air Force.

Brig. Gen. Casper T. Spangrud, [redacted]FR, Regular Air Force.

Brig. Gen. Howard R. Unger,[redacted] FR, Regular Air Force., Medical.

I nominate the following officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10 of the United States Code:

To be major general

Maj. Gen. Christopher S. Adams, Jr., [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Lt. Gen. Charles C. Blanton, [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert M. Bond,[redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. James R. Brickel,[redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Bruce K. Brown[redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. George M. Browning, Jr., [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj Gen. Gerald J. Carey, Jr.[redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj Gen. Robert F. Coverdale, [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Charles L. Donnelly, Jr., [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj Gen. Herbert L. Emanuel, [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Billy B. Forsman,[redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Brig. Gen. James L. Gardner, Jr., [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Lt. Gen. Philip C. Gast,[redacted]FR,

(brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Dewey K. K. Lowe, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Waymond C. Nutt, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Earl T. O'Loughlin, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Lt. Gen. Lawrence A. Skantze, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Brig. Gen. Click D. Smith, Jr., [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Herman O. Thomson, [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Jasper A. Welch, Jr., [redacted] FR, (brigadier general, Regular Air Force) U.S. Air Force.

To be brigadier general

Maj. Gen. James H. Ahmann, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. James I. Baginski, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Stanley C. Beck, [redacted] FR. (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Schuyler Bissell, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Richard T. Boverie, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John A. Brashear, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William R. Brooksher, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Bill V. Brown [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Louis C. Buckman, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Chapman, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. James E. Dalton, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Neil L. Eddins, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Jay T. Edwards, III, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jack I. Gregory [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. David M. Hall, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Titus C. Hall [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard D. Hansen, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force, Medical.

Maj. Gen. Guy L. Hecker, Jr., [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert T. Herres, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Avon C. James, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles W. Lamb, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Leo Marquez [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William E. Masterson, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert F. McCarthy, [redacted] FR, (Colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Messerli, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Horace W. Miller, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Joseph D. Mirth, [redacted] FR, Regular Air Force) U.S. Air Force.

Maj. Gen. Harry A. Morris, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard D. Murray, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James C. Pfautz, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard W. Phillips, Jr., [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Winston D. Powers, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Lt. Gen. John S. Pustay [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert H. Reed, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Walter C. Schrupp, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jerry W. Tietge, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Edward L. Tixier, [redacted] FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William T. Twinting, [redacted] FR, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Howard R. Unger, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force, Medical.

Brig. Gen. Thomas E. Wolters, [redacted] FR, (colonel, Regular Air Force) U.S. Air Force.

In the Navy

The following-named commanders of the U.S. Navy and Naval Reserve for temporary promotion to the grade of captain in the various staff corps, as indicated, pursuant to title 10, United States Code, sections 5773, 5791, and 5793, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Amis, Edward S., Jr.
Babka, John C.
Borel, Sylvain A.
Bortz, Bernard J.
Boyle, Robert S.
Branch, John W.
Burnett, John R.
Burrows, William M.
Caldwell, Craig W.
Campbell, Corder C.
Campbell, James A.
Carlisle, John L.
Carlisle, John W.
Chandler, James L.
Chaney, Robert D.
Christensen, Mahlon F.
Collins, John T.
Connor, Thomas M.
Crafts, Robert, Jr.
Craver, William D.
Edwards, Bruce G.
Ellwood, Leslie C.
Flynn, Edward T., Jr.
Foote, D. D.
Getz, Lawrence G.
Gonzalezliboy, Gonzalo
Gorske, Arnold L.
Grodin, Douglas M.
Hall, James H.
Hallenbeck, John M.
Hardy, John S., Jr.
Harper, David G.
Holtzman, Garry L.
Houghton, James O.
Houk, William M.
Mines, Mario B.
Johnson, Ray M.
Judson, Preston L.
Kemp, David G.
Kennedy, Harry G.
Klein, William J.
Knight, Douglas R.
Koenig, Harold M.
Lewis, Stephen B.
Lichtman, David M.
Lomax, William R.
Luiken, George A.
Lukens, Robert W.
Lynch, Thomas P.
MacDonald, Gordon R
Margulies, Robert A.
Martinson, Alice M.
McArtor, Robert D.
McDaniel, William J.
McLamb, James N.
McMillan, Donald M.
Meinecke, Henry M.
Miller, John S., Jr.
Mlynarczyk, Francis A.
Muller, Steven A.
Myster, Stuart H.
Navarro, Godofredo L.
Neal, David A.
Nelson, Richard A.
Nowak, Gerald J.
O'Connel, Kevin J.
Moller, Dale W.
Paul, Theodore O.
Plaza, Jesus A.
Pratt, Richard A.
Pryor, Charles A., Jr.
Pryor, Norman D.
Reinert, Carol G.
Reinert, Charles M.
Rend, Charles A.
Roelofs, Bruce A.
Sanford, Frederic G.
Sawyer, Ralph A.
Scher, Irwin
Scott, Hugh P.
Scott, Kenneth N.
Shaw, Gerald L.
Shima, Boston S.
Spence, Clarence H.
Steele, Samuel M.
Stenberg, Michael D.
Stice, Richard B.
Tashchian, Agop
Taylor, Emmett L., Jr.
Telesh, George G.
Vanderberry, Robert C.
Vasquez, Guillermo A.
Welch, William C.
Wilson, Richard L.
Zel, Gerald

SUPPLY CORPS

Arendell, Russell W.
Billings, Thomas H.
Carver, Roy E.
Clark, Paul D.
Collette, Royal G. C.
Cook, Bennie W.
Cooper, Donald R.
Daeschner, William E.
Dempsey, Robert J.
Dickinson, Robert A.
Dolina, John R.
Draper, Walter S., IV
Erickson, Roger C.
Ervine, Donald M.
Fava, Ernest E.
Fenick, Robert W.
Gear, James R.,
Gibfried, Charles P.
Harms, Ralph J., Jr.
Jarman, Cecil A., Jr.
Jones, Everett I. III
Kittock, Kenneth E.
Knapp, Emmett J.
Krieg, William C.
Ledwig, Donald E.
Lee, Richard H.
Leisenring, Richard P.
Mabie, Marshall L.
Marshall, Clyde M.
Moore, Robert M.
Morgart, James A.
Nissalke, Alan J.
Nopper, Donald N.
Paszly, Alexander K., Jr.
Russell, Joseph F. III
Sareeram, Ray R.
Shroeder, James A.
Selgelid, Larry C.
Straw, Edward M.
Sims, Thomas M., Jr.
Mellow, Edwin N.
Smith, Charles T.
Steidle, Robert E.
Straw, Edward M.
Swanson, John L.
Talbot, Patrick J., Jr.
Tempest, Edward H.
Verplaetse, Ronald A.
Walker, Samuel J.
Withrow, Edward W., Jr.

CHAPLAIN CORPS

Anderson, Philip D.
Antos, Paul J.
Boyette, Earl L.
Brock, David F.
Campbell, Eli H., Jr.
Clifford, William J.
Cunningham, Robert R.
Dowd, Patrick A.
Duke, Robert W.
Frates, Joseph H.
Frazier, Joseph R.
Graham, Jack D.
Hughes, Eward L.
Jayne, Edward E.
Koeneman, Alvin B
Krabbe, Donald L.
Libera, Angelo J.
Loughman, Kenneth M.
Moor, James W.
Mowry, John J.
Pepera, Alfred S.
Perdew, James R.
Peters, Jack R.
Purdham, Aldon E.
Rice, Ben A.
Turner, Wallace B.
Witt, George R.

CIVIL ENGINEER CORPS

Bell, Warren M.
Bolinger, Donald S.
Bonham, Paul W., Jr.
Briselden, Don J.
Carricato, Michael J.
Doebler, James C.
Eber, Richard D.
Emsley, Thomas H.
Falk, Norman D.
Forney, David L.
Frazier, William F.
Greenwald, James M.
Harmon, William H.
Horacek, Jerry L.
Lewis, Quentin E. D.
Maskell, Charles M.
Matthews, William G.
Monarch, Delmont J., Jr.
Osborn, James H.
Patterson, Joe T., Jr.
Peechatka, Farley
Podbielski, Victor
Poole, Arthur S., Jr.
Robinson, George S., Jr.
Tucker, Tracy C.
Vasilik, Kenneth J.
Wilson, Eric R., Jr.

DENTAL CORPS

Bernhard, George K.
Boles, Michael E.
Campbell, Alvin D.
Coggeshall, William T.
Pfeifer, David L.
Sanders, Arthur R.
Sepe, Walter W.
Yavorsky, John D.

JUDGE ADVOCATE GENERAL'S CORPS

Caprio, Michael R., Jr.
Gaeta, Sebastian Jr.
Gormley, Matthew J., III
Hunt, Roger W.
Michael, George L., III
Trocki, Daniel B.
Vanderlugt, Robert W.
Warwick, Howard R., Jr.
Ziemniak, Daniel J.

NURSE CORPS

Blank, Norma J.
Johnston, Georgia F.
Flochte, Rose M.
Merrill, Shirley E.
Porter, Julia H.
Scherer, Carolyn E.
Sovich, Patricia A.
Spellman, Georgia E.
Stewart, Nicola J.

IN THE NAVY

The following-named lieutenant commanders of the U.S. Navy and Naval Reserve for temporary promotions to the grade of commander in the line, pursuant to title 10, United States Code, sections 5769 and 5791 subject to qualifications therefor as provided by law:

LINE

Abbot, Charles S.
Abraham, Michael III
Ackerson, Jeffrey T.
Alderink, James W.
Alexander, Samuel J.
Allman, John C., Jr.
Alvarez, Joseph A.
Ameel, Frederick D.
Amerault, James F.
Anderson, Gerald B.
Andrews, Roger M.
Arcari, Joseph P.
Arendt, Steven M.
Arje, Andrew C.
Arluck, Richard M.
Armstrong, Douglas M.
Arsuaga, Miguel J.
Ashby, Gary L.
Ashford, Ervin A.
Ashford, Richard F., Jr.
Atkinson, Harvey E. III
Badger, Richard L.
Baggett, Donald W.
Baillie, James
Baird, Leo J. M.
Bandy, Robert F.
Banks, Bruce C.
Bardsley, George P.
Barkley, Stephen J.
Barr, Richard W.
Barry, Thomas J.
Bartel, Edward D.
Bartholomew, James C.
Batcheller, Oliver A.
Bateman, James H.
Bates, George M.
Baumann, Dennis C.
Beaird, Perry W.
Beal, Robert E.
Beard, Timothy R.
Beattie, David J.
Beaty, William E. III
Beck, Andrew C. II
Becker, Frederick J., Jr.
Beers, Charles J., Jr.
Beeson, Thomas F.
Begbie, Albert J.
Bell, James K.
Berg, Ronald V.
Bergen, Laurence M., Jr.
Bernard, Alan C.
Berning, Ronald C.
Betts, Craig R.
Bien, Lyle G.
Bier, Gary L.
Bill, David S. III
Biller, Charles J.
Bird, Walter D.
Birkmaier, William B., Jr.
Bixler, Paul W.
Black, Harold D.
Blockson, Roland D., Jr.
Boennighausen, Roger P.
Bokesch, William M.
Bondi, Robert C.
Bonewitz, Richard F.
Booth, Gregory S.
Borich, Michael S.
Bouck, Dudley C.
Bourland, Harry R. II
Bowen, James L.
Bowers, William R.
Bowles, Hugh C.
Boyce, Brian F.
Boyd, John S.
Brennan, Neil M.
Bridges, Wilber E. II
Bright, Philip G.
Brodsky, Robert G.
Bronaugh, Welbourne F.
Broome, William H.
Brown, John E.
Brown, Michael E.
Brown, Robert L.
Brown, Robert D.
Brown, Stanley M. III
Brownley, Lawrence L.
Brunson, Richard A.
Bryant, Franklin S.
Buchanan, Richard A.
Bucher, Lawrence C.
Buckingham, James R.
Buege, Paul S.
Bunton, Ray L.
Burger James C.
Burhans, Nicholas P.
Burke, Jerome J., Jr.
Burkkhardt, James R. II
Burnett, Roger A.
Burnett, William H.
Burns, Kenneth E.
Butler, George W.
Butterfield, Richard S.
Byrd, William J.
Cahill, William H.
Callaghan, James M.
Callahan, Patrick A.
Campbell, Darrell W.
Campbell, James G.
Canady, Brent A.
Cannon, Arthur B.
Capute, Joseph R.
Carey, Edwin F., Jr.
Carlson, David S.
Carlson, Edward J.
Carlson, James R.
Carlton, Kenneth M.
Carr, Terry A.
Carroll, James N.
Carter, William C.
Carver, William E., Jr.
Cash, Ted E.
Casmer, Stephen B.
Castle, William K., Jr.
Castor, Ralph J., Jr.
Cavanaugh, Francis P.
Chance, Logan O.
Chandler, Thomas H.
Chase, Robert W.
Cherry, Michael E.
Chiprany, Thomas A.
Chown, Donn M., II
Clark, Richard A.
Clarke, Joseph D., IV
Clarke, Wayne A.
Clesen, Gerard F.
Clinton, John W.
Clothier, Thomas J.
Cloyes, Robert D., Jr.
Cohen, Jay M.
Colley, Donald V.
Collins, James P.
Collins, Wendell R.
Conley, William M., Jr.
Conn, George R. W.
Connell, Jack P.
Cook, Larry L.
Coon, James M.
Coovrey, Donald P.
Copeland, William W., Jr.
Corcoran, Gerald J.
Cordell, Jeryl W.
Courts, David P.
Covington, Donald K., II
Cox, Mariner G.
Crabtree, Carlton P.
Craig, Billy J., Jr.
Creighton, John O.
Crenshaw, William R., Jr.
Cripe, Paul L.
Crociata, Joseph P.
Cronyn, Brian S.
Cross, William V., II
Crowell, Gary D.
Crowley, Jarrett H., II
Cruser, Peter J.
Crutchfield, James C., III
Cumings, Ronald A.
Cummings, David L.
Current, Max C.
Curtis, Stephen E.
Cwiklinski, Stanley F.
Davidson, Gary P.
Davie, Clinton W.
Davis, Charles J., Jr.
Davis, Ernest L.
Davis, Joseph W.
Davis, Kenneth J., Jr.
Dawson, Larry E.
Deal, Leonard J., Jr.
Dearth, Lawrence C.
Decker, Peter B.
Demarse, John P.
Denigro, Joseph F
Dennis, Patrick J.
Denton, Richard J.
Devall, Roger R.
Diel, Harry A.
Diman, William L.
Doane, Robert K.
Dolson, Richard C.
Donaldson, Paul H.
Donnelly, Robert J.
Donnelly, Walter P., Jr.
Dove, Curtis R., Jr.
Draper, John J., III
Driscoll, John R., Jr.
Dryer, Ross E.
Dudley, Scott B.
Duffy, James M.
Duffy, John F.
Dulin, James E.
Duncan, Robert N.
Dvorak, James A.
Eaton, Paul N.
Eberle, Daniel J.
Ellington, James D.
Ellis, Charles E.
Ellis, Thomas C.
Emery, Robert H.
Engle, Ronald A.
Engle, Robert A.
Erickson, Paul R.
Ernst, Larry L.
Eshleman, Donald E.
Eubanks, Thomas I.
Evans, Kirk E.
Evans, Samuel H.
Ewing, Ward H.
Fahey, John M.
Fairchild, Lawrence V.
Fallen, David L.
Falls, James S.
Farber, Donald J.
Farrell, Patrick F.
Farrell, Richard K.
Fears, John A.
Feichtinger, William M.
Felsinger, Richard C.
Felt, Robert Y.
Felty, Joseph W. R.
Fenn, Richard G.
Ferrell, William M.
Field, Michael E.
Fielder, John R., Jr.
Findley, Joseph H., Jr.
Fisher, Dwight D.
Fitzgerald, John S.
Fitzgibbons, Thomas A
Flanagan, Richard J.
Flegel, Kenneth C.
Foltz, Stanley C.
Foote, Jerry L.
France, Robert T.
Frantz, James J.
Franzitta, Anthony M.
Frederick, Jeffrey C.
Frick, Kenneth E.
Friese, Laurence V.
Fuentez, Raymond M.
Fuller, Robert T.
Gabber, Wilhelm M.
Galbraith, Donald E. II
Galvin, James J.
Garcia, Larkin E.
Garnar, George E.
Gary, Michael A.
Gautier, William K.
Gay, Robert G.
Gebeaux, Robert J.
Gehr, Thomas R.
Gehrman, Fred H., Jr.
George, Harold W.
Giblin, James F., Jr.
Giles, Wayne H.
Gillard, James H.
Gladman, Dennis S.
Glevy, Daniel F.
Gnerlich, Charles H.
Gooding, Leroy A.
Gordon, Ian S.
Gouslin, William A.
Gragg, Richard V.
Grandon, Raymond A., Jr.
Gray, Will P.
Greenamyer, Richard D.
Greenwell, William M.
Gregory, Cletis Jr.
Griffin, David M.
Grove, John A. II
Guarino, Kenneth R.
Hahn, Richard A.
Haley, James R.
Ham, Edward E., Jr.
Hand, James M.
Hanley, Wayne R.
Hanratty, William J.
Hansen, Frederick D.
Hanson, Jeffery W.
Harbeson, Richard F.
Harford, Joseph L.
Harnes, James J., Jr.
Harp, Jerry W.
Harrison, Chester F.
Harsanyi, William S.
Hartung, Timothy R.
Hartwell, Charles M.
Harvey, Phillip I.
Haskins, Michael D.
Hattan, Robert L.
Hawk, William H.
Hayes, Timothy J.
Hayes, William S.
Helmsin, Francis K., Jr.
Henderson, Joseph K.
Hendrickson, Larry J.
Henry, Gary R.
Herranen, Peter A.
Herrera, Henry F.
Herrington, David L.
Hester, William G.
Hewitt, Frank F.
Hewlett, Holden W.
Hill, Roger B.
Hill, William F.
Hoberg, Raymond J.
Hodge, Jerome B.
Hoffman, Phillip S.
Holbrook, Robert S.
Holden, Harry F., Jr.
Holian, Francis K.
Holk, Frederick A., Jr.
Hollender, Edmund V.
Holzapfel, Jon D.
Hoover, Joseph G.
Horner, Timothy F.
Horst, Gary L.
Hough, James A.
Houser, Robert E.
Howe, Daniel B.
Howell, Buford F.
Howick, James F.
Hoxie, Stephen S.
Huber, Paul M.
Hudson, Warren P.
Huffman, Thomas B.
Hughes, James L.
Hughes, Kirby E. II
Hulse, Richard L.
Humphreys, Thomas B
Hunt, Andrew W., Jr.
Hunter, William C., Jr
Hutchinson, Thomas G.
Ihlenfeld, David L.
Ireland, Robert L.
Isban, Michael A.
Iselin, Robert A.
Jaccard, Michael D.
Jacka, Alan W.
Jackson, Earl J.
James, Gary D.
January, Paskell D., Jr
Jewell, Charles N.
John, William H.
Johnson, Jay L.
Johnson, Jerry L.
Johnson, Paul N. T.
Johnston, Bruce A.
Jones, Arthur D. III
Jones, Charles E. III
Jones, David M.
Jones, James W.
Jones, John P.
Jordan, Robert L.
Joslin, Leslie A.
Joyce, William J., Jr.
Judd, Steven E.
Julian, Benjamin E.
Kapernick, Robert E.
Kappel, Leslie G.
Kauffman, Gordon E.
Kauffmann, Carl F.
Kaufhold, Francis F.
Kearney, Michael E.
Keiser, Ronald L.
Kelly, Harold W.
Kelly, John T.
Kelsey, Robert J.
Kesson, Charles E., II
Kickhofel, George C.
Kidd, James S. L., Jr.
Kincaid, Joseph D.
Kincheloe, James
Klahr, Owen A.
Klimchak, Andrew J., Jr.
Klinkhamer, David J.
Knappe, Dougles G.
Knott, Gerald W.
Kobylk, Nicholai S.
Korbet, Michael T.
Kowalick, Stephen J., Jr.
Kraft, Charles M., Jr.
Kuhn, Richard C.
Kupka, Stephen G.
Kuykendall, George I., Jr.
Labo, Larry G.
Labrecque, Robert J.
Lackey, Terry C.
Langknecht, John M.
Lash, William J.
Lasswell, John D.
Lauzon, Gilbert P.
Lawhorn, Robert M.
Lawless, John M.
Lawson, Dunbar, Jr.
Lawver, Allen E.
Lee, Lynden D.
Leonard, Fred P., III
Lester, Edwin T.
Letter, Stephen P.
Leverette, Ronald S.
Lewis, James C.
Lewnes, Christopher
Lichtenwalter, James E.
Lightstone, Robert M.
Liner, Bennice L.
Lingo, Dennis R.
Lipfert, Ralph H.
Lockwood, Bruce W.
Loop, David E.
Lopacinski, James M.
Lorenz, William F., III
Love, Glendel D.
Lovelady, David E.
Lowell, Robert L., Jr.
Lubenow, Richard J.
Lundberg, William D.
Lyons, John T., III
Lyons, Joseph E., Jr.
Mackenzie, Donald K.
MacPherson, George W.
Mahlstedt, Paul W.
Mail, Alan D.
Malloch, Douglas C.
Mann, John E.
Marcely, James A.
Marfiak, Thomas F.
Marnane, Michael J.
Marquez, Octavio J.
Martin, Port R.
Martineau, Paul W., Jr.
Martinek, Charles A.
Martinsen, Larry G.
Martus, Michael F.
Mason, James R., Jr.
Massicot, William H.
Masters, Quentin S.
Mattis, David W.
Matton, Michael N.
Mattox, Walter C., Jr.
Mayer, Martin J.
Maynard, James D.
McArthur, Donald M., Jr.
McClendon, Robert P., Jr.
McConathy, Donald R., Jr.
McCullough, Carl P.
McCumber, Ralph R., Jr.
McCurdy, Philip D.
McDaniel, Edwin R.
McDonald, Gerald W.
McDonald, Jerry R.
McDowell, Elmer J.
McGann, William H. III
McGaughey, James W., Jr.
McGinlay, Thomas C. J.
McGovern, Patrick D.
McGuffey, Artie T., Jr.
McKay, Ludwell H.
McKenney, Edward A.
McKinney, Ronald L.
McLaughlin, Charles W.
McMahon, John S., Jr.
McMahon, John P.
McPherson, Thomas L.
McWhorter, John D.
Mears, Allen K.
Mears, Michael L.
Meier, Michael A.
Meloney, Michael B.
Messina, Edward F.
Michna, Kenneth R.
Miles, Robert J.
Miller, Randall H.
Miller, Roger L.
Miller, Ronald D.
Miller, William C. III
Millward, John E.
Minor, Donald A.
Mitchell, John T.

Mitchell, John T.
Mittendorff, Gerald E.
Mobley, Joseph S.
Mockford, Martin D.
Mollct, Robert E.
Montgomery, Samuel A. III
Moore, Billy G.
Moore, Gregory R.
Morgan, Donald L.
Morris, Ralph R.
Moser, Robert D.
Muccia, Daniel R.
Muldoon, Patrick M.
Mushen, Robert L. II
Natter, Robert J.
Nebiker, Ralph R.
Nelson, Lauren E.
Nelson, Lawrence W.
Nesbit, Thomas B.
Nesbitt, Howard W.
Neville, William J., Jr.
Nichols, Loring B.
Nicholson, Samuel T.
Nick, John I.
Nick, Louis S., Jr.
Nisbet, Robert E.
Nordgren, Robert C.
Nordman, Robert W.
Norton, Arthur E.
Nunno, Thomas
Oates, John S.
O'Brien, Michael F.
O'Connor, Joseph M.
O'Grady, James W., Jr.
O'Hearn, Michael S.
Ohlert, Edward J.
O'Keefe, Thomas S., Jr.
Olmstead, Allen J., Jr.
Olsen, Arthur E.
Olsen, Curtis W.
Olsen, Sven I.
O'Malley, John F.
Osborn, Kenneth E.
Osterhoudt, Robert R.
Ostheimer, William L.
Overton, Christopher G.
Palmer, Burdette A., III
Parker, Edward W.
Patch, David A.
Patton, Bernard W.
Paul, Thomas W.
Peirce, Gregory N.
Pelaez, Marc Y. E.
Pelensky, Mark
Percival, Robert C.
Pergler, Robert A.
Perrotta, Joseph W., Jr.
Perry, Albert K.
Pester, James L.
Peszko, David A.
Peters, Robert K.
Peterson, Gordon I., Jr.
Pfaff, George L.
Pfeifer, Charles G.
Pfitzenmaier, Larry D.
Phelan, Joseph F.
Phillips, Glenn P.
Phipps, Jeffrey R.
Pickavance, William W., Jr.
Pieper, Bruce A.
Pinz, Bradley A.
Piper, Jack L.
Pitman, Edgar L.
Plante, Robert J.
Ploeger, Robert B.
Plummer, David M.
Pocklington, Thomas P.
Porter, Charles W.
Porter, Thomas J.
Powell, James M., Jr.
Price, Leland H.
Prout, James G., III
Prusaitis, Gerald J.
Pursley, Robert E., III
Queen, Stephen J.
Quigley, Michael D.
Quinn, Neal A., Jr.
Qurollo, James V., Jr.
Razz, Richard D.
Radican, William W.
Rahn, Donald F.
Rankin, Robert E.
Rawson, Warren A., Jr.
Raysbrook, Charles F.
Reass, Richard M.
Revenaugh, John T.
Reynolds, Felix M.
Reynolds, Tom H., Jr.
Rice, Theodore L.
Rich, John S.
Richards, Robert R.
Richardson, Terry A.
Richardson, Robert L.
Richmond, Steven A.
Riley, Michael D.
Ringwood, Paul
Rist, Austin M.
Rittenour, Harry T.
Roach, Charles A.
Robb, William S., Jr.
Robbins, Charles B.
Roberts, Frank S., II
Roberts, Malcolm W.
Robinson, Charles L.
Rockwell, John H., III
Roland, John R., Jr.
Rollins, Richard E.
Roop, William A.
Rosendale, Burgess E.
Ross, Alan L.
Roth, Milton D., Jr.
Rowe, Donald
Runyon, William E.
Ruppel, Jack C. L.
Ryan, James J.
Sadlier, Richard T.
Saffell, Charles R., Jr.
Sage, Fred W., III
Salinas, Daniel, II
Sanders, Robert T.
Sandoz, John F.
Sansom, Edward L.
Scango, Patsy D.
Schaede, Harry R.
Schalk, William H.
Scheerer, Raymond H.
Scheider, Sam M.
Schlein, Paul B.
Schmidt, William R.
Schneider, Edward T.
Schneider, Ronald D.
Scholl, Clifford W., Jr.
Schottle, Robert A.
Schuster, Michael A.
Scott, Robert P.
Scott, William R.
Sears, Jay A.
Sears, Everett E.
Sears, Scott L.
Sego, Thomas E.
Sexton, Theodore C.
Shannon, James O.
Shaw, Herbert B. III
Shaylor, Stanley R.
Sheedy, Patrick J., Jr.
Shedlenberger, Wilmont N.
Shelton, Leonard G., Jr.
Sherer, Wesley M.
Sherlock, James C.
Sherman, Marshall R.
Sherman, Michael T.
Shewell, Daniel J.
Shipe, Edwin E. III
Shong, John W., Jr.
Shumadine, William A.
Sigler, John F.
Singler, Charles W.
Siverling, Robert C.
Skaar, Gerhard E.
Skinner, Thomas R.
Skroch, Albert P., Jr.
Slaasted, Richard M.
Smith, James H.
Smith, Ronald E.
Smith, Thomas H.
Smith, Tracy W.
Snyder, John W., Jr.
Snyder, William T. D.
Solomon, William E., Jr.
Sosnicky, Andrew P.
Spayd, Steven H.
Speakman, Glendon C.
Speed, James G.
Spelbring, Daryl C.
Spikes, Clayton H.
Stakel, Robert W.
Standley, Cecil E.
Stanley, Robert R., Jr.
Steiner, Clifford
Sterling, Stroughton III
Stevens, David M.
Stevenson, Robert W.
Stewart, John C.
Stewart, William C.
Stillmaker, William J.
Storwick, Richard A.
Stout, Charles L., Jr.
Stoutamire, Stoney L.
Strada, Joseph A.
Strawn, William W., Jr.
Stumm, Albert F., Jr.
Sulfaro, John J.
Sullivan, Donald L.
Sullivan, George T., Jr.
Sullivan, James V., Jr.
Sullivan, Michael J.
Sumnick, John M.
Swank, Jeffrey L.
Swientek, Francis M.
Taylor, Edward J.
Tedford, Timothy W.
Temme, Robert L., Jr.
Tennant, Donald A.
Terrill, Thomas J.
Tessada, Enrique A., IV
Tetrick, Edward L.
Thomas, William N.
Thompson, John R.
Thornton, Gary L.
Tickle, Harold J.
Tillman, Donald N.
Timmons, David R.
Tobin, Roy W.
Touve, Bruce N.
Transue, Michael J.
Tritten, James J.
Troy, Thomas G., Jr.
Truesdell, William C., Jr.
Tryon, Frank H., Jr.
Tuck, Charles M.
Turner, Dean
Turner, Guy F., Jr.
Uelses, John H.
Uhrie, Richard J., Jr.
Urbik, Lawrence W.
Valley, Bruce L.
Vanderpoel, Eric, II
Vansaun, David
Vazquez, Frank X.
Verhoef, Thomas T.
Vidrine, David M.
Vinson, John E.
Vogt, Peter D.
Volkman, George C., II
Vonsuskil, James D.
Voshell, John E.
Votava, Charles F., III
Waggoner, David T.
Wagner, James A.
Wahlig, Leonard O.
Waite, Robert C.
Walker, Bill
Walker, David M.
Walker, Robert J.
Walls, William H.
Walsh, David F.
Walton, William L.
Warren, Edward O.
Waschbusch, John F.
Wassmer, Douglas H.
Waterman, Steven G.
Waterman, William L.
Watson, David
Webb, Stephen L.
Weber, Robert S.
Webster, Kirwin S.
Weeks, Floyston A.
Welch, James T.
Weller, Philip B.
Welsch, James E.
Welty, Robert W.
Wendt, Terrill J.
Wesh, Francis R.
Westerbuhr, Norman L.
Whalen, Daniel P.
Wheeler, Howard A.
Wheeler, William R.
White, Allen H., Jr.
White, David O.
White, Peter L.
Whitehouse, Theodore W.
Whittemore, Michael A. N.
Wied, Edwin M., Jr.
Wielandt, Frederick M.
Wiese, Clifford A.
Wiggins, Joseph L., Jr.
Wilks, Robert E.
Williams, David M.
Williams, Gregory B.
Williams, James T.
Williams, John W., Jr.
Williams, Thomas J., Jr.
Williams, Thomas R.
Williamson, Francis T., Jr.
Wilson, John F.
Wirzburger, Allen T.
Witt, George S.
Wittenberg, Robert R.
Wolf, Edward J.
Wolfgang, Earl D.
Woltz, David R.
Wood, Bruce V.
Wood, Stephen C.
Wood, William A.
Woodson, Walter B. III
Woolard, Richard T. P.
Woolrich, Raymond D.
Worthington, Richard O.
Wright, Clinton E.
Wright, John R.
Wright, Peter W.
Wyatt, James C. III
Wyman, Bruce D.
Yakeley, Jay B. III
Yarbrough, Earl C.
Yasutome, Kenneth K.
Zahalka, Joseph H., Jr.
Zettle, Charles E.
Zucker, Clayton G.
Zvacek, Robert D.
Zveare, Dennis L.

The following-named women lieutenant commanders of the U.S. Navy for permanent promotion to the grade of commander in the line; pursuant to title 10, United States Code, sections 5771 and 5791, subject to qualifications therefore as provided by law:

Anderson, Betty S.
Boling, Deanna I.
Byerly, Kathleen D.
Canfield, Susan B.
Kazanowska, Maria
Kilmer, Joyce E.
Kummer, Sandra I.
Lee, Patricia A.
McBride, Mary L.
Prose, Dorothy A.
Reilly, Christine M.
Tyler, Paula J.

EXTENSIONS OF REMARKS

CONGRESSIONAL CONCERN OVER EROSION OF FREEDOMS IN SOUTH KOREA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. EDWARDS of California. Mr. Speaker, I insert into the RECORD the following letter which I recently received from the administration regarding the situation in South Korea. The letter was in response to an earlier letter which Representative BONKER and I had sent to the President expressing our concern over the erosion of democratic freedoms in South Korea and reiterating our belief that Ex-Im credits to Korea should be suspended.

As the letter states in reference to South Korea:

> There are serious problems. The treatment of the government's political opponents, and in particular the death sentence that was levied against Kim Dae Jung, remains of particular concern to us.

The letter continues to state:

> We have made certain that there is no misunderstanding by the Korean leadership of the grave consequences that execution of such a person would have for United States-Korean relations and for our ability to protect our mutual interests.

In a further paragraph the letter states:

> A new constitution was adopted in a referendum October 22. Our influence will continue to be used to press Korean leaders into giving maximum political content to the new institutions and into alleviating the recent tendencies toward arbitrary treatment of those who dissent. The real outlines and direction of the political institutions will not be clear until after the elections next spring. Only then will we know whether majority aspirations will be met in that society.

I welcome the administration's expression of concern over events in South Korea and in the case of Kim Dae Jung. However, I think that recent events have clearly shown that the "real outlines and direction of the political institutions" will be clear long before next spring. Indeed, it is clear now that democracy will have no role in next spring's election.

The announcement that more than 800 politicians and high-ranking officials are banned from South Korean political life for the next 7 years and 8 months clearly indicated that the government of President Chun will not tolerate any opposition in the upcoming elections. Under these conditions, the election cannot constitute anything more than a rubber stamp for the autocratic rule of Chun Doo Hwan.

The letter follows:

DEPARTMENT OF STATE,
Washington, D.C., October 31, 1980.
Hon. DON L. BONKER,
Chairman, Subcommittee on International Organizations, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: The President has asked me to respond to your letter of October 3 in which you and Representative Edwards expressed continued concern over the situation in the Republic of Korea and reiterated your belief that the United States Government should suspend Export-Import Bank credits to that country. I am sending a similar reply to Mr. Edwards.

The Republic of Korea has gone through a turbulent political transition since the assassination of President Park in October 1979. The United States has made very clear to the Korean Government, particularly since the tense events of May 1980 and the subsequent suppression of political activity, that development of broadly representative, popularly-supported political institutions is important to Korea's long-term political stability. We have urged the development of a political system providing peaceful means for resolution of political differences and the honoring of fundamental, widely accepted human rights. We believe this would promote internal stability and therefore would serve our mutual security interests, and would also help to retain the essential public support for our programs in the Republic of Korea by the American people.

There are serious problems. The treatment of the government's political opponents, and in particular the death sentence that was levied against Kim Dae Jung, remains of particular concern to us. The first appellate trial in the Kim case is under way; further judicial appeals and executive reviews are expected. We have made certain that there is no misunderstanding by the Korean leadership of the grave consequences that execution of such a person would have for US-Korean relations and for our ability to protect our mutual interests. We are concerned at the sentences given also to Kim's associates in that trial, and also about some other court martial trials which have been in progress. At the present we are seeking to obtain further information, for example, about the conviction of a number of persons in Kwangju in connection with cases stemming from the incidents there in May.

Developments in Korea have been rapid since the establishment of the new government in early September. A new constitution was adopted in a referendum October 22. Our influence will continue to be used to press Korean leaders into giving maximum political content to the new institutions and into alleviating the recent tendencies toward arbitrary treatment of those who dissent. The real outlines and direction of the political institutions to be formed under the new constitution will not be clear until after the elections next spring. Only then will we know whether majority aspirations will be met in that society. President Chun has publicly committed his government to parliamentary and presidential elections next spring, to the full removal of marital law prior thereto, and to the resumption of political party activity at least three months before elections.

The issue of misrepresentation of American positions has not been a serious problem since late August. Censorship continues under martial law, and this issue could thus recur although we believe Korean authorities are now more sensitive to the problems posed by such distortion of American concerns.

Thus political trends are in flux at the present, and internal Korean dynamics surrounding the Kim trial itself are complex. We are seeking to assure that we act so as to maximize the prospect for a more positive final outcome to the Kim case and that we do not jeopardize his life. We will continue to examine all options open to us and will bear your views in mind.

Sincerely,

J. BRIAN ATWOOD,
Assistant Secretary for Congressional Relations.●

TRIBUTE TO CONGRESSMAN SATTERFIELD

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. MICA. Mr. Speaker, I rise today to pay tribute to the distinguished Congressman from Virginia, Mr. SATTERFIELD, who will be retiring from this body at the end of this session of Congress. His retirement will end 16 years of service to his district, Virginia, and the Nation.

I have had the pleasure and honor while a Member of Congress to have served on the House Veterans' Affairs Committee with DAVE SATTERFIELD. I commend him for his work on that committee. His dedication and hard work on behalf of our Nation's veterans is well known and appreciated throughout the veteran community. As a new member of that committee I have appreciated his counsel and have benefited from his example.

Congressman SATTERFIELD has had a long and outstanding career in public service. His accomplishments are far too many to mention. We will miss his wise and reasonable counsel in this body and his statesmanlike approach to the difficult problems we face.

Martha and I wish he and his wife Anne the very best for the future. We have no doubt in our minds that the attributes that have served him so well in his public life will bring him increased enjoyment as he enters private life.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ROCKETDYNE SALUTED FOR 25 YEARS OF SERVICE TO U.S. SPACE PROGRAM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. GOLDWATER. Mr. Speaker, on the occasion of the 25th anniversary of Rockwell International Corp.'s Rocketdyne Division, I rise to pay tribute to our country's recognized leader in the production of liquid rocket engines—as much a fact now as in 1948 when the first Navajo thrust chamber was tested at the division.

As history tells us, Rocketdyne stands alone with its record of developing and producing the liquid rocket engine systems which boosted U.S. launch vehicles on ballistic flights and into space. A record of uncomparable success and reliability in the liquid rocket engine field has been achieved.

During the years since the country's first space flight, Rocketdyne has been the company to provide the boost power for nearly every major American space effort. The list includes Redstone, Jupiter, Thor, Atlas, Delta, Apollo/Saturn, Skylab, Apollo/Soyuz test project—and now Space Shuttle.

As technology and expertise increased along the way with each new rocket engine developed, Rocketdyne was the logical choice by the National Aeronautics and Space Administration to develop and produce the most challenging rocket engine of all.

Never before had the combination of stringent requirements such as reusability, light weight, high performance, relatively small size, and easy and quick maintenance, even been considered.

In contrast, the country's major space program prior to the Space Shuttle, the Apollo/Saturn Moon missions, enjoyed adequate program funding with ample test hardware to assist in reaching the U.S. goal of putting a man on the Moon in that decade.

Consideration of the diverse rocket engine requirements for the Space Shuttle orbiter, along with imposed funding and testing limitations, gives an even greater significance to the present status of Rocketdyne's Space Shuttle main engine. It is truly the culmination of total application of expertise in all facets of liquid rocket engine development acquired, retained, and applied to this new breed of rocket engine.

Additionally, with its typical flair for meeting challenges, Rocketdyne found ways to use this same liquid rocket engine technology to point the way to various solutions to new national challenges of a very different nature. These entail many energy, resource, and environmental hurdles to be overcome. But Rocketdyne has again demonstrated it can meet any challenge, and the division has recorded significant progress in overcoming a number of these current problems.

Rocketdyne's achievements do not stop there. The wealth of expertise, and the knowledge to make its innovative application to new fields, has also resulted in recognition as an industry leader in still other new fields. Waterjet propulsion is representative of the division's commercial endeavors while rapid strides in laser technology have earned Rocketdyne a top spot in that rapidly growing segment of our Department of Defense activities.

Along with the present diversity of programs at the Canoga Park, Calif., plant, the liquid propulsion business continues to thrive as Rocketdyne still delivers the booster propulsion systems for the Atlas and Delta launch vehicles, but at increasing savings to their U.S. Government customer.

The division's success record in the business world is partly responsible for the U.S. Air Force's selection of Rocketdyne for full-scale engineering development of the intercontinental missile X stage IV. This relatively new major program follows on the heels of successful production of the Minuteman III postboost axial engine for the same customer.

At Rocketdyne, astute business management, creativity, and the total utilization of liquid engine know-how have teamed to create a unique story of a division and have led to the division's continued financial success. Therefore, rightfully, I ask you to join me in saluting the Rocketdyne Division of Rockwell International on the observance of its 25th year of service to our country.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. CORCORAN. Mr. Speaker, due to a longstanding commitment in Illinois yesterday, I was not present during the consideration of legislative business. It was unfortunate since I am a strong supporter of the revenue sharing program and of the States' involvement in the program. My Illinois commitment had been on the books since Labor Day and I had no idea that H.R. 7112 would be considered yesterday. Had I been present, I would have voted in the following way on issues before the House yesterday:

Roll Call No. 626, On agreeing to the Speaker's approval of the Journal of Wednesday, November 12, "yea."

Roll Call No. 627, On agreeing to the amendment offered by Mr. Horton of New York to H.R. 7112, Revenue Sharing, which sought to extend the revenue sharing program for local governments for one year, but which precluded assistance to the states, "no."

Roll Call No. 628, On agreeing to the amendment offered by Mr. Brooks of Texas to H.R. 7112, which sought to eliminate the state share of revenue sharing, "no."

Roll Call No. 629, On agreeing to the amendment offered by Mr. Maguire of New Jersey to H.R. 7112, which sought to exclude exported state severance taxes levied on energy natural resources from tax effort computations, "aye."

Roll Call No. 630, On agreeing to the amendment in the nature of a substitute offered by Mr. Wydler of New York to H.R. 7112, which extends the local revenue sharing program for three years and authorizes revenue sharing for states in fiscal 1982 and 1983, "aye."

Roll Call No. 631, On final passage of H.R. 7112, "yea."

Roll Call No. 633, On agreeing to an amendment offered by Mr. Lowry of Washington to S. 885, Pacific Northwest Electric Power, which sought to strike Bonneville Power Authority guarantee authority to purchase power-generating capacity, "no."●

NUTTING HALL PLACED ON NATIONAL REGISTER OF HISTORIC PLACES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. YATRON. Mr. Speaker, through the kindness of Mrs. Dorothy Nagle of Schuylkill Haven, Pa., I have learned that the house of Henry and Margery Mattox of Pine Grove, Pa.—Nutting Hall—has been placed on the National Register of Historic Places.

In a recent newspaper article by Mrs. Nagle she describes the history of Nutting Hall.

The 22 room mansion, named Nutting Hall, was built between 1832 and 1825 by Peter Filbert for the family of Christian Ley. Ley was a wealthy land owner. It was later sold to William Graeff, a tanner by trade, and later one of the early prominent independent coal operators in the Southern Anthracite field. Upon the death of Graeff, the family home passed into the hands of Colonel J. L. Nutting, Graeff's son-in-law.

Nutting Hall is one of the earliest homes built for the wealthy coal operators and land owners in Pine Grove.

Architecturally the building remains intact and contains many original details such as doors with original hardware, shutters, siding and gardens. Peter Filbert, Nutting Hall's architect and builder, served as a carpenter apprentice to Jacob Filbert, in Bernville, Berks County, between 1810 and 1814. Buildings constructed by Peter Filbert clearly illustrate the influence of Germanic Construction methods brought to this country by the Palatine immigrants of the 17th and 18th centuries.

The Mattox' property has the distinction of being the only home site registered in Pine Grove on both the Pennsylvania Inventory of Historic Sites and National Register.

Mr. and Mrs. Mattox became owners of Nutting Hall in 1974. At that time the house was divided into seven apartments. Mrs. Mattox describes the appearance of their property at the time, 'pipes from the upstairs units ran down into the foyer and the kitchen fireplace, the interior paint was peeling, there were as many as six layers of wallpaper on some walls, and everywhere there were partitions and more partitions.' Husband Henry was helpful in tearing out partitions before leaving on a job assignment in New Mexico.

Margery, having restored two other houses at New Smithville, and Aspers, near

Gettysburg, was challenged with the task of renovations. Scarcely five feet tall, she carted rocks, built stone walls, crawled around rooftops, puttied windows and generally amazed anyone who observed her. By Christmas, 1974, the restoration was complete, and the house has been opened for public tours at various times.

I know that my colleagues will join me in commending Henry and Margery Mattox for their efforts to preserve part of our national heritage and thanking Mrs. Dorothy Nagle for sharing this important part of Americana with us.●

MR. REAGAN AND THE CLINCH RIVER PROJECT

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. WYDLER. Mr. Speaker, one of the major energy supply issues that the new administration must consider and which the next Congress must take a position on is that of constructing a breeder reactor powerplant. As the Members are very well aware, the Congress has confronted the Carter administration on this critical issue for 3½ years. Now we have an opportunity to move ahead with this important technology demonstration project rather than continuing to waste valuable time and money because of a stalemate. Forbes magazine published a timely article on the Clinch River "shoot-out" on October 13 and I recommend it heartily to all of my colleagues who are interested in energy supply. Let us get on with building this plant rather than more paper studies.

STALEMATE ALONG CLINCH RIVER

(By Carol E. Curtis)

Since the nuclear accident at Three Mile Island, attention has focused on the freeze in building conventional nuclear power plants. But along the banks of Tennessee's Clinch River, stakes have been quietly mounting in another critical nuclear standoff: the Clinch River breeder reactor.

It is there the Department of Energy, 753 utilities and 149 private companies are pushing ahead with the breeder, an advanced type of nuclear power plant that breeds more fuel than it consumes.

Pushing ahead? In April 1977 President Carter called for cancellation of the Clinch River breeder, on the grounds that the process yields plutonium, an essential ingredient in the manufacture of nuclear weapons. He feared that an active U.S. breeder program would set an example that would make it easier for countries without nuclear weapons to develop them.

Carter made it impossible for the Nuclear Regulatory Commission to issue the license needed to begin construction on Clinch River. But in the last 3½ years Congress continued to fund the breeder as if the White House directive had never appeared. Congress has appropriated $600 million since 1977 so that work on the project could continue. Almost two-thirds of the $932 million spent on the project to date has been approved since President Carter declared the project terminated. "The nonproliferation argument did not sell with Congress," says a congressional source who is also a nuclear expert. "They felt the breeder was an unlikely export item."

For all the money spent, the site for this first large-scale U.S. breeder demonstration—1,364 acres in Oak Ridge, Tenn.—remains empty. By law, no construction can begin until the Nuclear Regulatory Commission gives the green light. But the manufacture of major components, design work and related research and development continue apace.

The breeder has become a major piece of business. Over 4,000 people are working full time on the project in 24 states. To manufacture the hardware, 149 companies have a piece of the action. To get around the lack of a license or construction permit hardware that cannot be delivered by train or truck is barged into warehouses in Memphis.

"I don't see anyone sitting around waiting," says William J. Purcell, the project manager for Westinghouse, the project's primary contractor. Westinghouse has a bigger stake in Clinch River's completion than any other company, with over 660 full-time employees working on the project. Westinghouse has so far spent $2.4 million of its own money on the Clinch River breeder, and $305 million in government funds.

Burns & Roe, the architectural and engineering firm for Clinch River, is in the same position. When Burns & Roe won the $55 million government award in 1972, a spokesman said the company committed over 400 of "the best people in the company" to the project. Since then, says Ernest B. Tremmel, special assistant to Burns & Roe's president, "The work has never stopped."

As private industry's stake has grown, so has the commitment by utilities. The electricity generated by the 375-megawatt reactor would be fed into the grid of the Tennessee Valley Authority, providing the first real test of commercial power from a U.S. breeder. Clinch River's appeal for utilities is so great that 753 utilities have agreed to pay $257 million of the breeder's cost for the learning experience. It is the largest industry commitment ever made to a single research and development project.

With numbers that size, utilities are understandably getting impatient about ending the standoff. At the time President Carter decided against granting Clinch River a license, utilities were talking of a completion date of 1985. Since then, the date has been pushed back to 1988 to allow for the longer construction time. "When you lose control over planning, it's hard to continue the momentum," says William F. Rolf, chief utility spokesman for the project.

For every year Clinch River is set back, the project's total cost, now put at $2.88 billion, goes up by at least 10 percent, or $288 million. That puts the cost of the 3½-year stalemate over $600 million—a hefty price tag for procrastination.

But the utilities and companies are by no means ready to give up. They reason that with continued strong support in Congress, political change is likely to force a shift in the breeder's favor.

Proponents also believe that since Carter's decision, circumstances have weakened, or nullified, the Administration's three major arguments against the breeder: nonproliferation, technical obsolescence and cost.

Of the three arguments, the most critical is nonproliferation. The Administration hoped that by ending Clinch River it would demonstrate to other countries that the U.S. was reconsidering its commitment to the "plutonium economy" created by a breeder industry. By setting an example, it reasoned, other nations would follow suit, reducing the risk of spreading nuclear weapons.

That has not happened. The 66 countries that participated in the International Fuel Cycle Evaluation (INFCE) program have since indicated their intention to proceed with breeder programs, regardless of U.S. policy.

Some former Administration officials concede it was a mistake to link anti-Clinch River arguments to nonproliferation. "The rhetoric . . . hurts us," says John Deutch, former undersecretary of the DOE and now a professor at MIT. "Clinch River was not a place where it was necessary to use that argument."

More recently, the Administration has also argued that the Clinch River breeder has become technically outdated. "The design is bad, the technology is obsolete," says Thomas B. Cochran, senior staff scientist with the Natural Resources Defense Council and a member of the team Carter appointed to study the breeder in 1977. Cochran and other environmentalists say that the basic "loop" design is inferior to a "pool shaped design," and that breeder builders have failed to make basic changes.

Congress has refused to buy such attacks on the technology. "It is not outdated and is still adequate for the job," says one Senate energy committee staffer who is a physicist.

The Clinch River contractors also say they are upgrading the design to make sure the technology is current. "I don't see anything coming down the pike that will make this obsolete," says David Shoaf, director of Avanced Energy Government Programs for Westinghouse. Adds Tremmel, "We've got things in there that Super-Phenix [the French breeder] would like to have."

More to the point, perhaps, is an argument that has come to the fore during this year's recession: that completion of Clinch River would carry an unacceptably high cost. A presidential aide now cites "economic risks" as the greatest single reason for slowing the need for breeder technology. Says he: "The chances of selling the breeder become more distant as the economics of nuclear power slow down." A congressional source dismisses that argument: "The Administration just doesn't want to spend that kind of money."

But ending the breeder would also carry a heavy cost. With close to $1 billion already spent, the General Accounting Office estimates that it would cost as much as $350 million more to terminate the Clinch River project. This means that even if it is halted now, nearly half the cost of completing it would be spent anyway.

As the debate drags on, the stakes go up. For it is not only U.S. allies who are pushing ahead with breeders as a replacement for costly OPEC oil. This year the Russians began operating a 600-Mw breeder, the fourth to start up in the U.S.S.R. The French are scaling up from the 250-Mw Phenix to the 1,200-Mw Super-Phenix, scheduled to be completed in 1983. Other countries with advancing breeder programs include the United Kingdom, West Germany and Japan.

At the World Energy Conference in Munich last month, participants agreed that the U.S. is out of step with the rest of the world in development of nuclear energy. Delegates from France, the U.K. and other countries attacked the Carter Administration for holding back progress in nuclear power.

Companies and utilities working on Clinch River point out that the conventional reactor industry has been virtually shut down since the Three Mile Island accident last year. In the circumstances, they say, Clinch River is a base to keep American industry in the nuclear business. Says Tremmel of Burns & Roe: "Events show we will have to go [to the breeder]. Cancel it, and you squander 10 to 20 years of development. How do you put a dollar value on that?"

NEVER UNDERESTIMATE THE OPPOSITION

If the U.S. falls behind other nations in building breeder reactors, you can thank the professional antinukers.

The decision to license the breeder reactor would have been made long before President Carter's 1977 call for cancellation if the Natural Resources Defense Council, a Washington-based pressure group, had not forced the old Atomic Energy Commission (now the Nuclear Regulatory Commission) to engage in years of legal and technical debate, beginning in 1971.

That was the year the NRDC initiated a lawsuit on behalf of the Scientists Institute for Public Information against the AEC. The suit charged that the AEC was trying to get the breeder started without providing an environmental impact statement for the overall system. The NRDC won the suit on appeal, and after two years, the Energy Research and Development Administration (now part of the Department of Energy) completed the environmental impact statement, and licensing hearings began.

During the license application process in 1975-77, the Nuclear Regulatory Commission heard anti-Clinch River arguments from the NRDC pressure group, which set forth its views in 15 bound volumes and directed 10,000 questions to the NRC and the license applicants. The Carter Administration, backed by the traditional arms control community, brought the process to a halt in 1977 when it withdrew ERDA's license application.

Some of the men who led NRDC's fight have since become the most powerful environmentalists in Washington. Gus Speth, cofounder of the NRDC, was appointed by President Carter as a member of the Council on Environmental Quality in 1977. In 1979, he became chairman. Another NRDC ex-member, Anthony Roisman, now heads the Justice Department's strike force against alleged chemical polluters.

The current antibreeder crusader at NRDC is Thomas Cochran, who joined the group in 1973 and was later appointed by President Carter to his breeder study team. "If the NRDC lawsuit never came up, the Clinch River breeder would be well under construction," Cochran says. "I have absolutely no qualms about trying to kill this project, given the proliferation concerns. I don't read the comics section on Sunday—I read Breeder Briefs." Meanwhile, the U.S. oil-import bill mounts and American technology continues to lose ground.

JONATHAN GREENBERG.●

THE VOTERS HAVE SPOKEN

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. FORD of Michigan. Mr. Speaker, last week, the citizens of our Nation spoke with their votes, and elected Ronald Reagan as the next President of the United States. They spoke rather clearly, giving Governor Reagan a substantial majority of both the popular and electoral vote.

They did, however, speak with a mixed voice—the President will be a Republican, the Senate will be narrowly controlled by the Republicans, but the Democrats will retain a substantial majority in the House of Representatives.

It is too early to draw any conclusions or make any predictions. Democrat or Republican, we all want the same thing; we want what is best for our Nation. Hard work and good will, will overcome political differences as we work toward this goal.

As we face the task of governing our Nation with a divided Government, it is worth pausing a moment to consider the situation from the historical perspective.

First, it should be noted and celebrated that our Nation is one of the few in the world in which political power and control of the Government changes hands peacefully as a result of a democratic election. It never crosses our minds that the disgruntled losers might refuse to yield power to the winners. What we assume to be the normal course of events after an election is only a dream and an ideal in most other nations of the world.

Second, elections in this country do make a difference. Given a Reagan administration and the changed composition of the Congress, the policies of the Federal Government will be different in ways that will significantly affect the lives and futures of the American people. While I cannot predict specifically what these changes will be, there will be changes. I hope that the new policies will be sensitive to the needs and aspirations of working people, our urban areas and the disadvantaged. I will certainly continue to work toward making these concerns a high priority for Federal policy.

Third, when the new President and the new Congress take office in January, we will be facing a situation that is virtually unprecedented in our history. We will have a President who is beginning his first term in office with one House of the Congress controlled by his party and the other House controlled by the opposition party. This has occurred only once before in our national history when Rutherford B. Hayes, a Republican, was elected President in 1876 and the Republicans controlled the Senate and the Democrats controlled the House.

Hayes won election with less than a majority of the popular vote and by a margin of one electoral vote in the bitterly disputed election.

In his relations with Congress, Hayes fought with the Senate of his own party over patronage and appointments. He also fought with the House, controlled by the opposition, over policy issues.

The House attached legislative riders to vital appropriations bills in an attempt to work its will and Hayes made, for his time, extraordinarily vigorous use of his veto power. His relations with the Congress were turbulent and tumultuous. That one lesson of history would suggest that this is what lies in our future. Or, perhaps a more reasonable spirit will prevail, and we may have new policies without attempts to erode the values which I consider to be essential.

The phenomenon of divided party control dates back to the earliest days of our Nation.

President George Washington began his second term in 1793 with the House and Senate controlled by different parties.

The situation was rather common in the mid to late 19th century. It occurred in the 52d (1891-92), 50th (1887-88), 45th (1877-78), 44th (1875-76), 36th (1859-60), 34th (1855-56), 30th (1847-48), and 28th (1843-44) as well as the 3d (1793-94) Congresses.

It is interesting to note that all of these Congresses—with two exceptions, the 3d and 45th—are even numbered; that is, they are elections that came in the middle of a President's term. I think that this situation of divided party control of the Congress is usually a transitional phenomenon—the country is moving toward the rejection of a President and his party.

This was most clearly the case in the 62d Congress when the Republicans lost the House in the 1910 election and then lost the Senate and the Presidency (to Wilson) in 1912.

In the 72d Congress, the Republicans lost the House in the 1930 election and then lost the Senate and the Presidency (to Roosevelt) in 1932.

The last time that the House and Senate were controlled by different parties—and the last time that the Senate was Republican, the House Democratic and the President Republican—was the 72d Congress, 1931-32. The Democrats controlled the House, 220-214, the Republicans controlled the Senate by one vote, 48-47, and Hoover was President.

The perceived "unrepresentativeness" of the 62d Congress was one of the factors leading to the adoption of the 17th amendment to the Constitution, providing for the direct election of Senators. The 17th amendment was ratified in 1913 and was seen as one of the most important reforms of the progressive era.

History should never be used as a yardstick for the future. Despite some of the problems encountered in the past, because of divided control, I am hopeful that the next 2 years will see a spirit of reasonableness.

Mr. Speaker, I know that all of us who reassemble here in January will come with a spirit of cooperation and compromise. I personally will have an open mind to any new ideas and new policies, so long as they do not attempt to erode the values which I consider essential, and for which I have fought throughout my congressional career.●

AUGUSTIN "VAL" VALDERRAMA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. LEWIS. Mr. Speaker, I would like to take this opportunity to commend to the House of Representatives Augustin Valderrama. "Val" has served as president of California's largest Federal employees' local union in California for the past 2 years.

Elected president of the National Federation of Federal Employees, Local 687, at Norton Air Force Base in 1979, he has greatly improved labor-management relations throughout the base and increased union visability by aggressive action to protect and represent the workers at Norton. During Val's tenure, communications between the local at Norton and my office and other congressional offices has greatly improved. He has kept area representatives informed of the problems of the Federal worker and been instrumental in enlisting congressional help. Val's ability to interact with people is exemplified by his work within his local, at the national union level, and with management to highlight the plight of applicants for disability retirement. Moreover, as a tribute to his foresight, he has been the key factor in bringing women into executive positions within the union for the first time.

Born and raised in San Diego, Calif., 1 of 12 brothers and sisters, he attended St. Augustine's High School and upon graduation entered the Navy where he served for 4 years. After receiving an honorable discharge from the Navy in 1955 he entered the civil service and is now a hazardous materials transportation specialist at Norton Air Force Base.

Beyond his many contributions to the workers at Norton, Val finds time to be active in the local little league, the Knights of Columbus, and serve on the men's advisory group at Our Lady of Fatima Catholic Church in San Bernardino.

Mr. Speaker, Augustin Valderrama is truly one of the outstanding men in America today and it is my honor to commend him to my colleagues and wish him the best of luck in the future.●

THE PLIGHT OF THE PARITSKY FAMILY OF KHARKOV

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. DONNELLY. Mr. Speaker, I rise to bring a matter of great injustice within the Soviet Union to the attention of my esteemed colleagues. Alexander Paritsky and his family live in Kharkov, U.S.S.R., and have yearned to emigrate to Israel since 1976, and be reunited with their relatives. Repeatedly, exit visas have been refused for Alexander Paritsky, his wife Paulina, and their young daughters, Dorina and Anna.

Alexander is a Soviet Jew proud of his heritage, and hopeful that his children will be able to live without fear of expressing their religious beliefs. Paritsky, his wife and daughters have been subjected to merciless harassment by the KGB, the state-controlled media, even the girls' teachers since the initial application in 1976. This family has one hope that has kept their spirit alive. In January 1981, they can reapply for exit visas. The U.S. Congress has long professed its concern and support for people facing tyranny like Alexander, Paulina, Dorina, and Anna Paritsky. I encourage my honored colleagues to write to President Brezhnev at the Kremlin in Moscow, and express your personal support for this brave family's emigration application. Truly, this is the least we can do, and our sincere interest will be forever appreciated.●

INTEREST RATES

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. MOTTL. Mr. Speaker, outrageously high interest rates are crushing the Nation's hopes of pulling out of the recession and putting the unemployed back to work.

After peaking at 20 percent last spring, interest rates declined to lower but still intolerable levels. Now, interest rates have again crept above 15 percent. The result is that our economic recovery is being unmercifully choked off at a tremendous human expense.

Autoworkers cannot work because people do not buy cars when they cannot afford the financing.

Young families can only dream of buying the home they could have afforded before skyrocketing interest rates ballooned their monthly mortgage payments.

While big corporations can weather financial market ups and downs, the small businessman who needs to borrow is swept away in a tide of red ink.

It is well known that the Federal Reserve Board policy is to wring inflation from the economy by tightening the money supply. But we must spread the burden of fighting inflation beyond monetary policy, or we risk more economic devastation and human misery.

Therefore, I urge President-elect Reagan to seek the resignation of Fed Chairman Volcker unless the Chairman commits himself to bringing down the exorbitant level of interest rates.●

SEATTLE PROGRAM FOR HANDICAPPED TRANSPORTATION EFFECTIVE

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. SIMON. Mr. Speaker, in reviewing accessible public transportation services for the handicapped, we often fail to examine those existing systems which are effective. A well planned program does work. Nowhere is that better exemplified than in Seattle, Wash.

Seattle has many of the same obstacles to accessible transportation as other cities—such as lack of sidewalks and curb cuts, and hilly terrain. However, while other cities were working on waiver requests for the Department of Transportation's 504 regulations, Seattle was committing itself to a fully accessible transportation system. On April 20, 1978, the Seattle Metro Council adopted an elderly and handicapped transportation policy which would enable it to fulfill that commitment.

The latest ridership count in Seattle shows 70 one-way trips per weekday, or about 2,000 one-way trips a month. One-fourth of all routes are accessible. Furthermore, recent studies have shown that service is reliable. Out of 231 trips, only 3 passengers had to wait for another bus or a backup system to provide them transportation. That is a commendable record of service by any measurement.

The article I am inserting into the RECORD at this point was written when the service was first started. It serves as an example of what can be accomplished when a transit system dedicates itself to meeting the requirements of the law and the needs of the handicapped population. I urge my colleagues to review this effort seriously before deciding upon the merits of accessible public transportation systems.

SEATTLE EXPERIENCES SUCCESS WITH LIFT SERVICE

Seattle Metro, among the nation's fastest growing transit systems, is also leading the way in making its 1,000-bus fleet fully accessible to handicapped persons. And what's more, the program is off to a successful start.

As of February 1980, 23 of Metro's 100 routes were operating with buses equipped with wheelchair lifts. And all future bus purchases—including an order for 228 more articulated buses—will be lift-equipped. This action stems from a policy that the Metro Council adopted in 1978, according to B. J. Carol, project manager for Seattle Metro's accessible service program.

Metro first began lift-equipped service on six routes in September 1979. Today 23 routes offer accessible trips at approximately one hour intervals. The service is provided on Metro's new fleet of Flyer diesels equipped with Lift-U-lifts.

More routes will be added as the balance of the order of 259 Flyers is delivered. So far, 108 have been delivered. A total of 109

AMG trolley-buses, all to be retrofitted with lifts, will be put in service as soon as Seattle Metro's rehabilitated trolley system is completed next year. These trolley-buses will add nine accessible routes with frequency of service ranging from every five minutes in peak times to hourly intervals at other times, Carol explained.

"We listened to a dozen 'horror stories' from other agencies on how impossible it would be to implement wheelchair-lift service on fixed routes," Carol said. "I was told that the union, drivers, and non-disabled passengers all would oppose such service. It seemed that the basic problem was resistance from those who didn't understand exactly what they would be asked to do," Carol said.

After drafting a work plan and policies, Metro reviewed the accessible project with Amalgamated Transit Union Local 587. The union agreed with the proposed policies affecting the drivers and eagerly embraced a proposed driver task force for accessible service. In fact, the union took a strong position that this task force should play an active role in making changes or additions to the program.

The task force, composed of 12 drivers, has played a major role in the development of the accessible program. For example, the Flyer buses were ordered with "crab claw" tie-down devices that will not accept most electric wheelchairs. Two retractable cargo straps were therefore installed per wheelchair location. The task force recommended that even with nonelectric chairs, one side of each chair should be secured with the cargo strap in addition to the conventional tie-down device—at least until the system gains more operating experience. The revised procedure brought mixed reviews from handicapped riders. Some thought Seattle Metro was going overboard on safety. Others said they were supportive.

"We are very comfortable accepting driver recommendations," said B. J. Carol. "They are the professionals who work with passengers every day. They are much more sensitive to and aware of the safety and comfort needs of a whole range of riders than are others who have only a theoretical knowledge of the process."

Local 587 representatives also reviewed the driver training course for accessible service. In addition to the eight-hour human relations course, which includes sections on disabled riders, each driver receives a two-hour orientation in wheelchair-lift operation.

Working in teams of two, one driver operates the lift while the other plays the role of the wheelchair passenger. The drivers then experience what it feels like to wheel a chair over a grassy, muddy bus stop area and ride the lift. The drivers then reverse roles.

A citizen committee, including representatives of the disabled community, also plays an active role in advising Metro and bringing problem areas to Metro's attention. Representatives of this committee made the original selection of the wheelchair lift equipment.

Carol said there are still problems to be solved. Sometimes the lift fails to work or the cargo straps used for electric wheelchairs are missing. And some bus stops do not accommodate wheelchair lifts.

"Our handicapped riders give us plenty of feedback—they are appropriately critical when we fail, but they go out of their way to call or write commending drivers who are especially helpful or skilled," Carol said.

A ridership survey performed by Seattle Metro four months after service began showed an average of 20 riders per day using the first nine routes in operation. A lift bulletin showing new routes and tips on riding is issued monthly and sent to anyone who requests it. In addition, members of the driver task force go on outreach programs to disabled community centers and schools so that handicapped riders can get a chance to practice on the lift before trying it in regular service. Besides acquainting potential riders with the equipment, drivers can discuss procedures with handicapped riders in a relaxed atmosphere.

"We are actively marketing the lift service and hope to see a steady increase in use. At the same time, we continue to fine tune the service so that it becomes more reliable and easier to use," Carol concluded.●

ELTON HILL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. RODINO. Mr. Speaker, I want to recognize an outstanding public servant in my congressional district whom I have come to know and admire.

I am not alone in my appreciation for Elton Hill, business administrator of the city of Newark. In fact, tonight over 600 Newark residents will attend a roast of Elton at Thomm's Restaurant. His many friends and admirers in the city will make jokes about Elton this evening, but they will all be there out of respect for the dedication and human compassion that Elton has brought to administering the services of our city government.

As the business administrator and Mayor Kenneth Gibson's highest aide, Elton Hill oversees all of the city's departments and a $130-million budget. He has lived in our city most of his life and after working at the Newark Housing Authority he came to city hall with Mayor Gibson in 1970. Since then he has become an invaluable part of the city government—a man who cares about people and who makes government work for all the people.

His commitment to helping people does not stop at city hall. He is an active member of the National Association for the Advancement of Colored People, the Newark Chamber of Commerce, the National League of Cities, the Newark Boys Club, the Kenneth A. Gibson Civic Association, the National Black Caucus of Elected Officials and the 100 Black men of New Jersey.

Consistent with Elton's concern for young people and the future of our community, he has designated the proceeds of tonight's event to go to the United Negro College Fund.

I am fortunate to work with such an able public servant for the betterment of the city of Newark, and I am proud to call him my friend.●

AARON COPLAND

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. RICHMOND. Mr. Speaker, Aaron Copland, the dean of American composers, celebrates his 80th birthday on this day, November 14, 1980. I am certain that my colleagues wish to join me in honoring this extraordinary American on this happy occasion.

Aaron Copland, our country's greatest living composer, epitomizes the classic American success story: A man from modest beginnings who has reached the top of his profession through talent, determination, and singlemindedness. Copland was born in 1900, in Brooklyn, N.Y., to immigrant parents. He studied piano and harmony privately, went to Boy's High School and dreamed of going to Paris where the most exciting developments in the arts were taking place. When he saw an announcement of a school for Americans to begin in the summer of 1921 at Fountainbleau near Paris, Copland rushed to sign up. After 3 years in France the young composer returned to New York to pursue a professional career in music composition.

Toward this end, he initiated performances and festivals of contemporary American music. His prolific literary writings and lectures provided a forceful voice in the cause of promoting and performing American music. Virtually every music organization dealing in any way with 20th century music has benefited from Copland's participation and leadership, including the Royal Academy of Music, the International Society for Contemporary Music, and New York's outstanding, dynamic, composer advocacy organization, Meet the Composer.

In searching for an American sound, Copland used jazz rhythm in works such as "Music for the Theatre of 1925" and the "Piano Concerto of 1929." Deeply concerned about the accessibility of music for the public, he turned in the thirties and forties to the music he is not most widely known for—the ballets "Appalachian Spring," "Billy the Kid," "Rodeo," and the other orchestral work "El Salon Mexico." These masterpieces brought a true American flavor, with all its excitement and diversity to serious music for the first time.

In 1942, Copland wrote "Fanfare for the Common Man." This work, born out of our struggle against tyranny in World War II, stands with the greatest achievements in American art. Mr. Copland's music for the films "Of Mice and Men," "Our Town," and "The Heiress" are among the finest film scores of the century. For his film work, he gained an Academy Award.

Aaron Copland, always at the frontiers of American music, has become its most distinguished elder statesman. His honors include 33 honorary doctorates, the Pulitzer Prize, the Presidential Medal of Honor. His music is unmistakable and evocative of all that is best in American life and culture. We salute this fine American for his music and for his tireless efforts on behalf of American music.●

GROUND WATER CONTAMINATION

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1980

● Mr. WHITE. Mr. Speaker, on September 30, 1980 the Government Operations Subcommittee on Environment, Energy and Natural Resources issued a document entitled, "Interim Report on Ground Water Contamination: Environmental Protection Agency Oversight." Although the subcommittee would not guarantee the accuracy of the information, it does list 2,100 U.S. locations of possible ground water contamination.

I was dismayed to see that Halliburton Services Co. of Monahans, Tex. was included on the list. The subcommittee's report intimates that the sites listed represent current danger to water supplies. The truth is Halliburton has never been charged with a State or Federal contamination violation. Two years ago, a problem was corrected after it was discovered a pond on Halliburton's property was a possible source of sodium chloride, creating brine water. At that time, the pond was filled in to the satisfaction of all parties concerned, including the Texas Water Quality Board. Contrary to the implication of the report, there is no present danger, and it should be noted the pond in question 2 years ago was never a threat to the city's deep water wells which are located 12 miles from the pond.

Despite its compliance with environmental quality standards, Halliburton has become one of 2,100 sites across the Nation over which a shadow has been cast. In Monahans, this has caused considerable damage to the reputation of Halliburton, a loss of confidence in the city's water supply, and undermining of efforts to attract families and industry to this west Texas community.

Ward County, city of Monahans and other communities in Ward County are devoted to helping this Nation become energy independent. The populace are dynamic, hospitable, and justly proud of their community that offers much in good living. Their patriotism and support of this Nation has never wavered. It seems an irony that such a solid American community should be so hopelessly stigmatized by erroneous publicized information. I offer this statement in part to counter the injustice that has been perpetrated on the people and the dedicated authorities of this area.●

SENATE—*Monday, November 17, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by Hon. William Proxmire, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

O God, our Father, grant unto us all through this day to do what we ought to do whether or not we like it. Grant that conscience may be our only master, and Thy spirit our constant guide. Grant unto us through this day to follow Thy will and not our own, insofar as Thou givest us to discern Thy will. Grant unto us the will to work diligently and with alacrity, but carefully and graciously. May we never shirk a responsibility or leave to others that which we ourselves ought to do.

And finally grant to us at evening the deep contentment of work completed and duty done; through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Magnuson).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., November 17, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable William Proxmire, a Senator from the State of Wisconsin, to perform the duties of the Chair.

Warren G. Magnuson,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I might advise the Chair that I have no need for the time allocated to me under the standing order and, if there are no requests for that time, I am prepared to yield it back, or I will be happy to yield it to the distinguished Senator from Wisconsin, if he likes.

Mr. PROXMIRE. What I have is sufficient.

Mr. BAKER. Mr. President, I yield back my time under the standing order.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER (Mr. Robert C. Byrd). The minority leader yields back his time.

The Senator from Wisconsin is recognized for 6 minutes under the time of the majority leader.

SENATOR JAVITS' GALLANT FIGHT FOR THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, for more than 12 years I have been speaking on the floor of the Senate virtually every day in which the Senate has been in session, pleading with this body to ratify the Genocide Treaty. Someday soon—not this year, but shortly after next year begins—this body will ratify that treaty. On the day the Senate does join virtually every other major nation in the world in ratifying this treaty, the Senator who will deserve the greatest credit, ironically, will no longer be in this body. That Senator, of course, is the remarkable Senator from New York, Jacob Javits.

Senator Javits has worked quietly but tirelessly on the Foreign Relations Committee to report this treaty to the floor of this body. Four times the Foreign Relations Committee has responded to the Javits urging and reported the treaty. On the floor the treaty, although vigorously backed by every President for 30 years, has run into innumerable roadblocks. Time and time again, Jack Javits has led a small group of us who were determined to try to persuade the Senate to act.

Mr. President, in the more than 2,000 speeches I have made for this treaty in the past many years, I have given hundreds of reasons why the Senate should ratify it. The reasons are logical and documented. Unfortunately, we often fail to respond to arguments because of logic or documentation. More often, we act because we deeply believe in a person who champions or opposes the cause. In Senator Jack Javits, the Genocide treaty has just such a champion.

For 24 years, no one has given this body more conscience, more wisdom, a deeper sense of justice or dignity or just plain class than Jack Javits. If it could ever be said that the Senate is a better place because a particular person served here, that can be said—again and again—about Senator Javits.

In a few days, this Congress will be history. The Javits career will end. How can we thank this unique person for the additional stature he has given this body? Oh, there will be tributes and tears and heartfelt letters of sorrow. But what positive, enduring action can we take in his honor? The answer: Ratify the Genocide Convention. Make it the first order of business in 1981.

If ever a treaty can stand on its own two feet, the Genocide treaty is it. It should have been ratified in 1951—30 years ago. Every religious group in America—Protestant, Catholic, Jew—strongly supports it. The American Bar Association champions the treaty. Not only every President since Truman, but also, every Secretary of State and every Attorney General has supported it. Many newspapers have called for its ratification, as well as a legion of other groups—civic, labor, civil liberties, and others.

And who opposes this treaty? Frankly, that is a very tough question. Almost 2 years ago, early in 1979, I visited every Senator I thought might be opposed to the treaty. Remember, this treaty is strictly the business of the Senate—we and only we make the decision. It is unnecessary for the House or the executive branch to take any action. The treaty's fate lies entirely, exclusively in our hands. So what opposition to the treaty did I find in the Senate. Answer: Very little. A few Senators indicated they would probably vote no. A number of those whom I considered likely opponents actually favored the treaty, and a very few indicated they would speak out against it.

What forces outside the Senate now oppose the Genocide treaty? Sure, a few far out rightwing organizations oppose it. But the opposition has faded and almost disappeared.

Mr. President, in the last couple of years, this country has seen the hideous holocaust of Hitler's Germany dramatized on national television. We have watched the appalling genocide by Communists in Cambodia. We have witnessed mass murder in Africa and we may suffer the sickening, premeditated murder of thousands of eastern Europeans next month or next year. It is

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

time to act and to act in the name and to the honor of a great Senator, JACK JAVITS, by ratifying the Genocide Convention.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. PROXMIRE assumed the chair.)

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, until 10 a.m. today, and that Senators may speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1981

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of the pending business, H.R. 7724, which the clerk will state by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 7724) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 2619

The ACTING PRESIDENT pro tempore. The pending question is on an amendment by the Senator from New Jersey (Mr. BRADLEY) on which there shall be a time limitation of 40 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time of the quorum not be charged against either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. Amendment No. 2619.

Mr. HUDDLESTON. Is there a time agreement on that?

The PRESIDING OFFICER. There is a time agreement of 40 minutes.

Who yields time?

Mr. HUDDLESTON. Mr. President, I yield to the Senator from New Jersey such time as he might require.

UP AMENDMENT NO. 1769

Mr. BRADLEY. Mr. President, I send an amendment to the desk in the nature of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. Unless time is yielded back, it will take unanimous consent to consider the substitute amendment.

Mr. BRADLEY. Mr. President, I ask unanimous consent that we consider this amendment in the form of a substitute.

Mr. HUDDLESTON. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from New Jersey (Mr. BRADLEY), for himself, Mr. DOLE, and Mr. MITCHELL, proposes an unprinted amendment numbered 1769.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> In lieu of language proposed to be inserted:
>
> On page 48, line 18, insert the following: after "expended" add: ": *Provided,* That the President shall immediately undertake, and thereafter continue, crude oil acquisition, transportation, and injection activities at a level sufficient to assure that crude oil storage in the Strategic Petroleum Reserve will be increased to an average annual rate of at least 300,000 barrels per day or a sustained average [annual] daily rate of fill which would fully utilize appropriated funds: *Provided further,* That the requirements of the preceding provision shall be in addition to the provisions of Title VIII of the Energy Security Act and shall not affect such provisions of the Energy Security Act in any way.

Mr. BRADLEY. Mr. President, this is a substitute for the amendment that I proposed last Thursday. It is an amendment that deals with the strategic petroleum reserve. It requires the fill to be up to 300,000 barrels a day from its present 100,000 barrels a day, and it provides that this is in addition to the Energy Security Act requirement of 100,000 barrels a day.

Mr. President, I think that this is a positive step, and it has been modified in accordance with the wishes of Senators who last week debated this issue at some length on Thursday.

I think that it has addressed their concern in a way that will insure that we will have a fill of 300,000 barrels a day to try to protect this country against the increased probability of a serious interruption, and there is a degree of flexibility in this that I think all parties are amenable to.

Mr. HUDDLESTON. Mr. President, I want to commend the Senator from New Jersey and others who have worked on the modification of this amendment. We do find it acceptable. It does express what all of us believe to be the major objective, and that is to move as quickly and as prudently as possible in filling our strategic petroleum reserve.

The annualized requirement that the Senator has included in his amendment is reasonable. It will be appropriated funds.

It does provide the flexibility by being an annualized requirement of the Government to make purchases when the time is most advantageous, and to continue the effort to build up our reserves of petroleum.

So on this side we are prepared to accept the modified amendment.

Mr. STEVENS. Mr. President, I reviewed the revised amendment presented by the Senator from New Jersey, and it does substantially meet the items I discussed on Thursday in my colloquy with the Senator from New Jersey.

I, too, am willing to accept the amendment.

● Mr. McCLURE. Mr. President, I want to compliment the Senator from New Jersey for his strong support of the strategic petroleum reserve program and for the accommodation that has been reached on this amendment. It is a good amendment and I support it.

Mr. President, the strategic petroleum reserve program is a very important part of our overall national effort to reduce our vulnerability to disruptions in supplies of crude oil produced beyond our shores. Senators on this side of the aisle and the President-elect have indicated strong support for reducing vulnerability both through a rapid filling of the SPR as well as through other important diplomatic and domestic energy production measures. In fact, the President-elect has indicated he would like to see the level of 100,000 barrels per day exceeded.

This amendment would allow the President to move to achieve or exceed that goal within the overall program of reducing our vulnerability through a broad-based series of international and domestic initiatives. There is in this amendment no question that the desire to achieve the goal of 300,000 b/d is clear and that in itself will be useful to the President.

What is most important, Mr. President, is that this amendment gives the President the necessary flexibility to respond to those currently unknown events on the domestic and international stage which critically affect the national security interests of the United States. This is not a simple world we live in, as the Senator from New Jersey well knows and I know that he as well as most Senators in this body appreciates the need for a certain amount of flexibility in responding to world events. It is important to me, Mr. President, that the important policy decisions made by this Congress, and signed into law by the President, in title VIII of the Energy Security Act of 1980 are preserved. All we have done in this amendment is set a new national goal for filling the SPR of 300,000 barrels per day. The technical treatment of crude going into the SPR remains the same and the other options available to the President in that statute are preserved.

Mr. President, as we stand here in this Chamber today, a troubling and dangerous war continues in the Persian Gulf. The world energy markets are to this point reacting very well to the loss of crude from both Iraq and Iran and we sincerely hope that this will continue until the ending of those hostilities. Energy experts do tell us that under certain conditions the current high level of stocks could be somewhat depleted and the oil market could once again become tighter.

We as a nation, indeed the largest single consumer of energy, must not be locked into a position where we stimulate the higher oil price we now seek to prevent. In the spring of 1981, if hostilities continue, production from these two key countries is not restored and stocks become depleted, it would be imprudent for the United States to be forced by statute to go to the world market for 500,000 barrels per day to meet an average of 300,000 barrels per day for fiscal year 1981. That is what we would have to do to make a hypothetical fiscal year 1981 300,000 barrel-per-day goal. If we can procure that much oil, without creating the downside effects I have mentioned, then I am sure we will.

If we cannot, then we must work much harder on the economic, diplomatic, and domestic production fronts to achieve the necessary level of protection. We must not, Mr. President, ever lose sight of our national goal—decreased vulnerability—and think that only one means can be used to achieve that goal. This amendment preserves the essential integrity of this broad based policy effort and I urge its adoption.●

● Mr. DOLE. Mr. President, the unprinted amendment which would upgrade the strategic petroleum reserve by filling the reserve at the rate of 300,000 barrels per day of oil consistent with the other provisions of title 8 of the Energy Security Act has been sent to the desk. This forum expressed its intent that the strategic petroleum reserve be filled last year when it adopted the Dole-Bradley amendment to S. 932 dealing with the purchase of crude oil into the reserve. That amendment, which the President signed into law on June 30, 1980, required him to resume purchasing oil at the rate of 100,000 barrels per day.

The reserve is, nevertheless, empty, Mr. President. Currently, there is not enough oil in the reserve to last 3 weeks. This is one-tenth of its projected supply. The outbreak of fighting between Iran and Iraq demonstrates, once again, the extreme vulnerability of the world's oil supply line. Warfare anywhere in the Persian Gulf region immediately raises the spectral possibility of interference with shipments from other gulf supporters, in particular Saudi Arabia. Nearly one-third of the world's total supply of oil moves by sea through the gulf and Strait of Hormuz at its mouth. Any interruption of oil tankers moving through those straits would create a convulsion of the world's economy.

This country's first defense in the event that our oil imports cease, is the strategic petroleum reserve. As already mentioned, that reserve holds a pitifully small amount of oil in relation to its projected goal. Five years after establishing it, we are once again mandating the necessity of oil insurance. Mr. Carter originally stated that he would have a half-billion barrels in the reserve by the end of this year. Nevertheless, the reserve contains about 100 million barrels of oil. There are always those who feel that we must not tie the President's hands with a mandated fill rate. This amendment gives the President the degree of flexibility that he needs should the world situation be such that there is no available oil for the reserve.

President-elect Ronald Reagan has expressed his intent to see that the reserve is filled. His desired oil allotment into the reserve is, in fact, greater than the amount that we have mandated through this amendment. We must guard against any tendencies of energy complacency, induced by the abundance of crude oil stocks that are 21 percent higher than last year. We must SPR now, for it is this reserve that will preserve this Nation's security.●

Mr. MITCHELL. Mr. President, I am pleased to cosponsor this amendment increasing the mandated rate at which the strategic petroleum reserve is filled from 100,000 to 300,000 barrels a day.

The Senate has the opportunity today to take an important step in reducing our dependence on oil and thus also reducing some of the uncertainty which arises from dependence on unsure foreign sources of oil.

As we are all aware, the current conflict between Iran and Iraq could result in a major interruption of our oil supply at any time. This uncertainty clearly demands that the United States move forward with the filling of the strategic petroleum reserve.

The reserve has been criticized as simply pumping oil out of the ground and pumping it back in another place. The present danger to the continuity of supply demonstrates, I think vividly, the danger of a simplistic dismissal of the need for a reserve. When oil is in ample supply, and the Middle East is quiet, it is easy to disregard the need for a reserve to protect ourselves against a supply interruption. But when we can clearly see the very thin thread by which the West's industry is able to function—the 26-mile-wide passage of water known as the Strait of Hormuz—it is clear that a reserve must be properly filled and available to us. And as long as this region of the world remains as troubled as it evidently is today, a properly filled and available reserve is essential.

Congress mandated that the administration buy and fill the reserve at the rate of 100,000 barrels per day. This was a first step, but it is not enough.

This amount would increase that rise to 300,000 barrels a day. The adoption of this change will provide a defense against threats to the continuity of oil supplies. While we must also have additional defenses such as development of our own alternative fuels, and energy conservation, I urge the adoption of this amendment as an important part of a secure energy future for this country.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. I yield to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I think this amendment is an important amendment with respect to the immediate fill of 300,000 barrels a day. It is clearly an amendment to an appropriation bill, the 1981 appropriation bill, and I feel it is an important amendment to that appropriation bill and is subject, therefore, to all provisions related to appropriation bills.

I move the adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HUDDLESTON. We yield back the remainder of our time on this side.

Mr. STEVENS. Yes, we yield back the remainder of our time, also.

The PRESIDING OFFICER. All time being yielded back, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (UP No. 1769) was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from New Jersey in the first degree, as amended.

Is all time yielded back?

Mr. HUDDLESTON. We yield back our time.

Mr. STEVENS. Yes.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Jersey, as amended.

The amendment (No. 2619), as amended, was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUDDLESTON. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, what is the next order of business under the existing order?

The PRESIDING OFFICER. There are a number of amendments which can be called up under the agreement.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I move to reconsider the substitute amendment that was adopted by the Senate.

Mr. HUDDLESTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO RECONSIDER UP AMENDMENT NO. 1766

Mr. STEVENS. Mr. President, I move to reconsider the unprinted amendment No. 1766 which was adopted on November 14.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

YELLOWSTONE NATIONAL PARK

Mr. WALLOP. Mr. President, the country continues to add new acres to its national park system while letting the existing parks decline. I had intended to offer an amendment to help our first great park, Yellowstone, out of severe difficulties as a result of this decline, but I am aware of the budget constraints and the problems late in the session.

Mr. President, this amendment would have restored $6.9 million to the National Park Service budget for rehabilitation of Government-owned facilities in Yellowstone National Park, which lies in Wyoming, Idaho, and Montana. The administration requested this funding in its fiscal year 1981 budget request, but the House and the Senate Appropriations Committee unfortunately struck it from this legislation.

I would like to give my colleagues a brief overview of the situation in Yellowstone. The effort to bring the concession facilities in Yellowstone up to acceptable health, safety, and service standards dates back about 5 years. The first step was to prepare a National Park Service concession study report, which showed the unsatisfactory level of services and facilities provided by Yellowstone Park Co., one of the two private concessioners in the park. Attempts were made by the National Park Service to get General Host, owner of Yellowstone Park Co., to make the necessary investments to bring its facilities up to standard and to operate them in a satisfactory manner. This they would not and could not do.

The Park Service concluded that private enterprise could not successfully purchase, upgrade, rehabilitate, and replace worn-out facilities and still make a profit. Without going into all the details, this led the NPS to ask Congress to appropriate funds for the purchase of the Yellowstone Park Co. assets. This money was appropriated and the purchase was completed in April.

In the interim, and as a temporary measure, the Park Service contracted with TWA Services to operate these facilities for 2 years. TWA received no possessory interest and no preferential rights in this contract. They agreed to provide 13 percent of their gross profits and all profits over $350,000 (pre-tax) for maintenance and upgrading of facilities. I am told that if tourism is reasonably good, which it now appears to be, this may amount to approximately $3.5 million. This is over $2.5 million more than the old company was putting into its maintenance program. Last winter, TWA invested well over $1.1 million in fire safety improvements for the major hotels at Old Faithful, Lake, and Mammoth Hot Springs.

Throughout these proceedings there has been an understanding that the Federal Government would undertake a major concessions rehabilitation program, and begin construction of overnight accommodations and food facilities at Grant Village. During fiscal year 1980 the Park Service plans to spend about $2 million to begin this rehabilitation work, including fire suppression and control. Another $6.9 million is needed to improve the park's hazardous overnight facilities, as requested in the administration's fiscal year 1981 budget request. This money would be spent on major fire, public health, and safety problems in the park, including Old Faithful Inn, Lake Inn, and Mammoth Motor Inn.

Two recent GAO reports, including one which was released on November 10, have concluded that these Government-owned facilities have many fire hazards, do not comply with national fire and safety standards, and that in some cases they are unsafe and continued use could result in a tradgedy. The Park Service and concessions operator have corrected some of these deficiencies, and plans to correct them all within 2 years, but the Park Service cannot do so without funding. Park officials indicated it would have been questionable whether or not the major public accommodations in Yellowstone could have been operable this summer had not TWA Services done the work on fire safety systems within these hotels.

If Congress does not appropriate funds for these repairs, the public safety may be in danger. Widespread perception that facilities at Yellowstone or any national park are dangerous may affect visitation, and tourism is the lifeblood of northwest Wyoming and one of my State's most important sectors of the economy. The Park Service is also concerned about how lack of funding for these repairs could affect TWA Services and other potential bidders for longer term operating contracts in Yellowstone.

It is imperative that the rehabilitation process proceed in an orderly way now that the Federal Government owns these facilities. To do less is to court disaster as the facilities will continue to deteriorate at an increasing rate. If the National Park Service pursues the rehabilitation program, I believe industry will make substantial investments without requiring possessory interests in facilities or acquiring the long tenure which has been a source of major leverage for the concessioner. If the administration and Congress did not intend to pursue this full objective, it was a drastic mistake to purchase these facilities.

I recognize that the total program for Yellowstone may have to be stretched out over some years, but it is essential, especially in light of these two GAO reports, that some work be done in 1981 and that the program continue in 1982 and 1983. While the needs of the national park system are enormous, I think that Yellowstone, the world's first national park, more recently designated as a world heritage site and biosphere reserve, should be presented to the people of the world in a way which brings credit to the United States. International tourism can be an enormous asset toward a good international balance-of-payments position.

Mr. President, as I stated, I will not offer the amendment, but it is time that this Congress and this country begin to realize what it is doing by acquiring and acquiring and acquiring more and more ground while letting the existing facilities in the national parks deteriorate to the degree they have. It would be my hope that the future Congress will take a close look at its obligation to husband the true natural resources of this country and not allow them to decline in an avaricious grab for more lands which will also decline through our control, given the same attitude.

I thank both the majority and minority managers for their courtesy in permitting me to make this point. I do assure them that I will be back next year with an effort to try to restore not only Yellowstone Park but the park system in general.

Mr. HUDDLESTON. Mr. President, I thank the Senator from Wyoming. I will just say that the committee is not unaware of the difficulties referred to. We are sympathetic. We did, in fact, restore $2.9 million of the House reduction so that the allowance for Yellowstone Park construction is now at $5.8 million. We have the information that this is the amount that can reasonably be obligated in an efficient and effective way.

We also increased the total allotment for the park system facility maintenance fund by $16.5 million. These additional funds will be available if they find that they can utilize funding in Yellowstone beyond what has been allocated to date.

I appreciate the Senator's not offering the amendment at this time because of fiscal restraints.

Mr. WALLOP. I thank the Senator.

Mr. STEVENS. Will the Senator yield.

Mr. WALLOP. I am happy to yield.

Mr. STEVENS. I, too, wish to thank the Senator from Wyoming for his statement and the position he has taken. We do have the GAO report on the rehabilitation needs for Yellowstone. I believe that some of this money that the Senator from Kentucky has mentioned, the $16.5 million which has been added to the Park Service budget for repairs and renovation, could well be assigned to Yellowstone, as the Park Service develops its priorities. That money was added at the time when we took a substantial reduction of $10 million in the Alaska allocation which was intended to manage monument areas.

Mr. WALLOP. The Senator makes the point that is causing me the greatest concern, that we keep adding more and more territory and we are less and less willing to take care of the territory. I am not blaming the Senator, but that is just the point, that at some point in time this circumstance must be addressed because it is ridiculous to add the amount of acreage to the park system we did in the Senator's State and then reduce the amount of money to maintain it. It seems scarcely to be a protection under the aegis of the United States if that is the way we will treat it.

Mr. STEVENS. The money we deleted from the Alaskan account was money for law enforcement activities and for aircraft charters, as I recall, and other activities associated with the new areas. We took the position that the renovation and repairs account had a higher priority than starting to patrol the areas that have just been established. Those lands are not going to be carried away by anybody. But the facilities in the Senator's State will deteriorate if not properly maintained. That was the reason.

Mr. WALLOP. I appreciate the difficulty. I am really here this morning to make the point that I think we are land hungry in our aspirations.

Mr. BAUCUS. Mr. President, I am pleased to join my colleague from Wyoming in urging restoration of $6.9 million to the National Park Service budget for rehabilitation of Government-owned facilities in Yellowstone National Park.

The budgetary shortfalls experienced by our oldest national park are unfortunately symptomatic of a more widespread malaise. In the name of fiscal conservatism, I am afraid that we are allowing our national legacy of parklands to be eroded away through lack of maintenance. Surely this is a false economy.

Senators SIMPSON and WALLOP have clearly demonstrated this situation in Yellowstone Park. As demonstrated by the two GAO reports mentioned earlier, funding must be provided immediately to upgrade facilities within the park.

I ask that the following article from the Great Falls Tribune of October 13, 1980 be included in the RECORD, Mr. President.

The article underscores my belief that budget cuts for the National Park Service have gone beyond cutting out the fat. We are in fact cutting at the heart of the program.

The plight of our national parks has been brought home for me by an examination of the situation in Glacier National Park in northwest Montana. There, as a result of harsh underfunding, visitor services have been reduced to an unacceptable level.

Glacier National Park is visited each year by 1½ million Americans from every walk of life. Dollar for dollar, I am sure that these taxpayers would consider this one of the best investments of their tax dollars. However, this year, due to budget restrictions, two of the most popular campgrounds within the park have been shut down. The loss represents 25 percent of the available campsites in Glacier Park. In addition, a variety of cutbacks in visitor services and maintenance activities have severely affected the proper operation of this scenic area.

Mr. President, the increase urged by my colleagues goes part of the way toward maintaining the vitality of Yellowstone National Park. Residents of Montana, Wyoming and Idaho, States which border Yellowstone Park, will benefit of course. More importantly, the millions of visitors to Yellowstone from all over the world will enjoy the benefits of a well-maintained park.

INFLATION CUTS NATIONAL PARK SERVICES

YELLOWSTONE NATIONAL PARK.—A $9 million annual budget for Yellowstone National Park has been outpaced by inflation, causing reductions in staff, maintenance and visitor services, officials say.

"There's not much fat in Yellowstone's operating program," says John Townsley, superintendent of the country's oldest national park.

The number of fulltime workers has dropped from 135 to 82 during the last 10 years, and the number of seasonal workers has declined by more than 100 in the last two years alone, officials say.

Ben Clary, who directs the park's maintenance program for 400 miles of roads and 1,900 buildings, says potholes and patches on the park's highways are a frequent sight, and funds don't even approach what it would cost to bring the roads up to federal standards.

He also says two campgrounds, Mammoth and Canyon, were closed this year because of budget cutbacks, and other visitor services may be shut down in the future.

No help from additional funding can be expected soon, either, according to Ron Wrye, an assistant superintendent for operations. The 1982 federal fiscal year is the "earliest we can expect any help at all," he says.

All of this has not only reduced staff, improvements and services, but also hurt morale, especially among seasonal workers, Clary says.

"No one's in a position to tell them if next year they will have a job," he says. He says it affects all staff members after awhile.

Wrye says he expects the reduction in staff to continue through next year, primarily because of the increasing costs of running the park.

Clary says a federal agency estimated five years ago it would take $50 million to bring the 400 miles of roads to federal standards, but he says that would be closer to $100 million now. He says workers just have to hit the biggest problems first and do the best they can.

He also says preventive maintenance will become more and more of a problem as time goes on. He says it won't really be a problem for 10–20 years, but by then some buildings would be in a state of total disrepair and need major funding.

"Cosmetic-wise, it looks good," one maintenance worker said of the condition of the facilities. "But underneath it's rotting away."

Visitors services also are affected by a lack of funds, officials say. Townsley says one of the reasons for the campground closures was because of the cost of cleaning up food and garbage to the degree needed to avoid conflicts between visitors and grizzly bears.

He says it already costs $500,000 a year to haul garbage out of the park, which is necessary to avoid attracting bears, and an increase of $100,000 is expected.

"Money's the biggest concern," Clary said, echoing the sentiments of a dozen maintenance supervisors who recently expressed frustration over not having funds to do work they say should be done.

Mr. HUDDLESTON. Mr. President, I yield back the remainder of my time under this amendment.

Mr. WALLOP. I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. All time has been yielded back.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

UP AMENDMENT NO. 1770

(Purpose: To provide $10,500,000 to develop and test a new aerial logging vehicle)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an unprinted amendment numbered 1770.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, line 21, strike "$872,114,000" and insert in lieu thereof "$877,814,000".

On page 38, line 25, strike the period and add the following: ", and, of which $10,500,000 shall be available for the development of and testing of a new aerial logging vehicle in connection with Forest Advanced Logging Technology activities.

Mr. HEINZ. Mr. President, the amendment I am today offering to H.R. 7724 would provide the Forest Service with an additional $5.7 million for the development and testing of a new aerial logging vehicle that will increase timber yields from currently inaccessible national forest land. Before discussing the merits of this particular amendment, let me first cite a few statistics dramatizing the need to increase timber yields to hold down inflationary housing cost increases and to improve the U.S. balance of payments.

Because lumber and wood products account for about 15 percent of the price of a typical home, the impact of rising timber prices on housing costs is clear. The housing industry is projected to consume over 20 billion board feet of softwood lumber annually over the next 10 years, with total demand for lumber expected to increase by more than 50 percent by the end of the century. Since 1970, the price of softwood lumber has been increasing at an average rate of more than 13 percent per year—twice as fast as other commodities incorporated in the producer price index. Under current trends, the $9,000 worth of lumber and wood products used in constructing the average home today would cost more than $36,000 by 1990.

Despite increased demand for lumber and wood products, timber harvests from our national forests have actually been declining. Containing 51 percent of the Nation's standing softwood timber inventory, national forests provide less than one-fourth of the annual supply. Annual harvests from national forests have actually declined over the past decade, from 11 billion board feet in 1970 to about 10 billion board feet today—compared to the congressionally set annual timber sales goals of 14 billion board feet by 1980 contained in the Resources Planning Act. The implications of declining timber harvests from national forests for lumber costs and housing affordability are clear: For each billion board feet increase in Federal timber sales, the price of standing timber would decline by 10 percent. An added benefit of increased timber harvests would be improved balance of payments: In 1978, for example, lumber imports accounted for about 9 percent of the trade deficit.

To increase domestic timber production, improved logging technology is essential. In recent years, helicopter logging has allowed environmentally sound timber harvest operations to be conducted on steep terrain and on fragile soils—resulting in increased timber supplies. The range for economical logging by helicopter is, however, limited: 1 mile is about the maximum distance for transporting logs.

In many areas—most notably in the West—it is not economically or environmentally feasible to construct roads within a mile of timber tracts. Improved logging technology could also aid in the salvage of diseased and fire-damaged material—now estimated at 6 billion board feet per year. At Mount Helen's, for example, an estimated 1.6 billion board feet of timber on national forest lands could be salvaged; 20 percent of this volume will have to be aerially yarded.

Currently budgeted for development advanced logging technology in fiscal year 1981 is $4.8 million. The additional $5.7 million provided by my amendment would allow continued development of a heavy-lift aerial logging system that will operate economically for over 5 miles. This vehicle, being developed by the Piasecki Aircraft Corp., is called "Heli-Stat" and is constructed by attaching four helicopters to a helium-filled blimp. The helicopers provide dynamic lift and the blimp static lift. The model now contemplated would carry a payload of about 24 tons—about twice that of the largest helicopter now used for logging. In view of studies by Piasecki that Hell-Stat could transport logs for distances of 1 to 5 miles at costs comparable to those of conventional logging, the potential of this new logging system to make available substantial additional volumes of timber is clear.

Because of the other potential uses for such heavy-lift equipment, both the Navy and NASA are involved as well. The Navy has provided the blimp and four H 34 helicopters; instrumentation and control equipment and hangar space at Lakehurst, N.J.; and also made available hundreds of additional support items. The Navy is acting as contractor for machine fabrication and evaluation of flight characteristics of the aircraft.

I ask unanimous consent to have printed in the RECORD a table indicating the impact of this project on Federal obligations.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Fiscal year	Machine construction	Testing (logging operation)
1st (1981)	$9,500,000	$1,000,000
2d (1982)	200,000	4,400,000
3d (1983)		3,700,000
4th (1984)		3,500,000
5th (1985)		400,000
Total		25,500,000

Mr. HEINZ. Mr. President, assembly costs for the project are estimated at $12.5 million, $2.8 million of which was included in the fiscal year 1979 and fiscal year 1980 budgets. The costs of logging tests is projected to be $13.5 million over a 5-year period. Of the total fiscal year 1981 needs of $10.5 million, $4.8 million is already contained in H.R. 7724. My amendment would provide the additional $5.7 million needed to continue the project as planned. The $4.8 million currently budgeted was recommended over a year ago on the basis of Piasecki's 1976 estimates; this $4.8 million figure does not include the effects of inflation on project costs, Navy contracting and administration costs, and Forest Service costs for planning and implementing the test phase of the Heli-Stat project. The effect of my amendment on outlays is projected to be $5.1 million in fiscal year 1981 and $600,000 in fiscal year 1982. Of the total project cost of $25.5 million, an estimated $20 million will be returned to the U.S. Treasury from the sale of logs to industry.

In closing, Mr. President, I believe that the relatively small investment my amendment would allow will return benefits to the Federal taxpayer in excess of the budgetary costs. For the reasons I have outlined today, I urge its adoption.

Mr. HUDDLESTON. Mr. President, the committee is not unsympathetic with the objectives of the amendment of the Senator from Pennsylvania.

We are, of course, operating, as we point out time and time again, under certain budgetary restraints. But it is our opinion that we will have no difficulty with our counterparts on the House side during the conference in getting some specific language suggesting that this program be reviewed, that perhaps reprograming funds be made available to accommodate the increased cost, which we have not had an opportunity to review adequately.

It is our impression that the House too, is very much interested in this program and recognizes its benefits.

So, in view of the restraint on our spending ceilings, which we already are exceeding, we hope that the Senator will allow us to approach this problem in that manner. I can assure him that we will be very diligent in trying to accomplish the ends he has outlined.

Mr. HEINZ. I thank the Senator.

As I understand what the Senator is saying, it is that he will accept the amendment but will only guarantee that it will go ahead if the money can be reprogramed from some other source.

Do I understand the Senator correctly?

Mr. HUDDLESTON. Not entirely. We cannot accept the amendment, because it would earmark the funding by law. We are reluctant to enter into an earmarking proposal, but we are willing to impress upon the Forest Service that we think this is a good program and should be continued.

We would try to look favorably upon any reprograming they might suggest, and we will endeavor in the conference to provide conference language to suggest that very thing.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I point out, as has the Senator from Kentucky that the managers of the bill are supportive of seeing this program go ahead. We do not want to increase the growth of the budget. What we would like to do is to work in conference for a reprograming by the Forest Service from expended funds from other activities so that this $5.7 million might be accommodated in that fashion.

I also understand from the manager of the bill that there appears to be a very good chance of achieving that reprograming in conference, that there could well be money in excess of $5.7 million from other accounts in the Forest Service.

Mr. STEVENS. Mr. President, will the Senator yield, so that we will not have a misunderstanding of our position?

Mr. HEINZ. I yield.

Mr. STEVENS. Mr. President, I am dedicated to this project because there is no place where this program will be more successful than in my State of Alaska. This vehicle will save us a great deal of time and money and will provide access to a great deal more timber where we all agree it should be logged. It will get us out of some of the fights we are having as to where timber should be logged.

Our position has been that there are funds the Forest Service should reprogram and that we should get the concurrence of the House conferees in an instruction to the Forest Service to reprogram the funds that we feel they have.

It is our intent—and I believe the Senator from Kentucky should be the one to state this—that the conferees would join in a statement to the Forest Service in that regard.

Mr. HUDDLESTON. That is correct.

Mr. STEVENS. We do not feel that we should earmark at this point. However, I hope we can get a statement to indicate a high priority for this item in the reprograming that we direct them to submit to Congress for approval in the normal procedure. This is one of the high priority programs to which excess funds should be reprogramed.

Mr. HEINZ. Mr. President, I appreciate the very supportive statements of both managers of the bill, Senator HUDDLESTON and Senator STEVENS. I am most gratified by that expression of intent and support, within the constraints outlined quite accurately by the Senator from Alaska.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HEINZ. I am pleased to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I believe this is a very important amendment, and I am very happy to hear the chairman and vice chairman express interest because it goes far past just the specific here of a relatively few acres of land to test a new lifting project developed by Mr. Piasecki.

I have known Mr. Piasecki for many, many years, during my interest in aviation. He is one of our outstanding pioneers in the development of heavy lift helicopters. But, Mr. President, he has something new in his mind that I have seen the drawings of, and I believe it is the same so-called machine. It is actually a lighter-than-air aircraft.

We got out of the lighter-than-air aircraft business when the last dirigible of ours crashed many, many years ago, and then when the unfortunate accident happened to the *Hindenburg* up in New Jersey. That was the end of lighter-than-air dirigibles use in this world.

We have become very interested in aviation in this concept, a new concept so as to relieve traffic on the rails, traffic in conventional aircraft, and traffic on the highways.

Mr. Piasecki's idea, and I believe it is the same one, is merely a dirigible lifted and propelled by four helicopters attached to the side of the ship. The speeds I am not aware of, but I would judge to be around 50 miles an hour. We would make it very, very feasible in getting cargo across this country. Also, it could lift not only logs—in fact when we first were talking about this machine it was for use to transport freight across the country of all sizes and shapes and possible use by the military services, although that has not been thoroughly explored.

To give some idea of the interest that is growing in lighter-than-air aircraft, there are now over five organizations that I know of that are interested in the development of lighter-than-air aircraft or the old dirigible type of lift and carry, and I would certainly urge that the committee give this full consideration when they feel it is the proper time to consider this money because it will give Mr. Piasecki and his helpers or his associates the opportunity to demonstrate to the world that lighter-than-air can carry.

I might add that there is a lighter-than-air ship in Great Britain now that can transport 80 tons of oil at a crack, and I do not want to see the United States get any further behind than we are slowly getting behind in the field of air, whether it is aircraft, helicopters, dirigibles, or whatever it might be.

So I am very happy that my friend from Pennsylvania, Senator HEINZ, has proposed this amendment, and I hope for its success because it will mark in my humble opinion the rebirth of something that should have never died and it will solve, to a great extent, the problems we are now having with getting freight of the type of logs and other materials across this country.

Mr. President, I ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, the Senator from Arizona has had, in fact, a good deal more experience with aircraft and helicopters than the Senator from Pennsylvania.

I know for a fact of his interest in this matter, going back many, many years, and frankly in many ways he should more appropriately offer this amendment than should I, although I do claim Frank Piasecki as a constituent and a very valued one who has led in the pioneering of helicopter aircraft for a variety of uses.

I thank the Senator from Arizona for his very excellent comments. I think he has laid out on the record what the purposes are and why this is needed.

I thank also the managers of the bill for their supportive comments and because of those comments I think it is clear that the best course of action in order to insure full freedom of action of the conferees in attempting to resolve this matter favorably would be to withdraw the amendment.

Mr. President, I ask that my amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HUDDLESTON. Mr. President, I thank the distinguished Senator from Pennsylvania for his action and appreciate his bringing this matter before the Senate.

Is it necessary to yield back our time on that amendment?

The PRESIDING OFFICER. The Senator has withdrawn his amendment.

Mr. HEINZ. Mr. President, may I be recognized to call up another amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2614

(Purpose: To provide $4,000,000 for the Valley Forge National Historic Park)

Mr. HEINZ. Mr. President, I call up amendment No. 2614.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) for himself, Mr. SCHWEIKER, and Mr. BIDEN, proposes an amendment numbered 2614.

Mr. HEINZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 25, strike out "$351,368,000" and insert in lieu thereof "$355,368,000".

On page 9, line 6, strike out the word "and" after the semicolon.

On page 9, line 8, before the colon add the following: "; and (6) $4,000,000 shall be available for the Valley Forge National Historical Park."

Mr. HEINZ. Mr. President, the amendment I have just called up to the pending bill, which is cosponsored by the other Senator from Pennsylvania (Mr. SCHWEIKER) and my distinguished colleague from Delaware, Mr. BIDEN, would provide $4 million for land acquisition for Valley Forge National Historic Park in Pennsylvania. Although I realize that there are some $2 billion worth of park acquisition projects awaiting funding, there are compelling reasons for providing appropriations for Valley Forge this fiscal year. Unless Congress appropriates this $4 million—allowing the National Park Service to make only highest priority acquisitions—additional irreversible development will crowd in on this priceless shrine of the American Revolution.

By way of background, earlier this year Congress passed, and the President signed into law, legislation to expand the park by 682.4 acres, 482 acres of which would represent fee acquisition. Despite fiscal constraints, passage of this legislation was deemed of particular urgency because the heroic winter encampment by Washington's army is now under siege itself, namely, by an encircling army of highways, highrise developments, motels, shopping centers, and housing developments.

Unless Congress acts to appropriate funds for Valley Forge expansion this year, the opportunity may well be lost for acquisition of the following tracts:

First, the 57-acre Boulware tract;

Second, the 43-acre Fuller tract;

Third, the 43-acre Schwoebel tract; and

Fourth, the 68-acre Liggett tract.

Also lost would be the opportunity to purchase scenic easements on three tracts totalling 39.9 acres. Let me briefly explain the significance of each of these tracts, the Boulware tract, the Fuller tract, the Schwoebel tract, the Liggett tract, and the other three and why the acquisition of these tracts is so important to prevent against imminent development threats.

First, Boulware tract: This 57-acre tract represents a hardship for its current owners, an elderly couple on social security, and is currently on the market. One of the potential developers plans a complex of highrise rest homes on the site.

Located on the north side of the Schuylkill River—across from the main encampment—this tract is significant in terms of its scenic, historic, and recreational values. The tract is highly visible from the main encampment and its development would significantly degrade the integrity of the historical park. In addition, the tract contains an historic building used by the commissary generally. Local historians tell me that the commissary had to be located across the river from the main encampment to protect the commissary general from the hungry troops.

Besides having been the site where the Army was fed, the tract is also essential to recreational uses; which Congress has mandated be segregated from the encampment site across the river. Failure to accommodate these recreational uses on the north side of the Schuylkill threatens to inundate the more historic sections with recreational uses.

Second. Fuller Tract: Continued ownership of this 43-acre tract also represents a hardship for its owner, a widow. Not only is the tract zoned for both industrial development and a mobile home park, the owner of the adjacent tract, which is the site of a mobile home manufacturing facility and a mobile home park, has been pressuring her to sell so that he can proceed with plans for expansion of his facilities. Although the trust for public land has purchased an option on this property, the option expires November 20—in other words, in just a few days.

Preservation of this tract is critical not only to the visual integrity of the park but also because drainage through it affects a critical waterfowl nesting area.

Third. Schwoebel Tract: This 43-acre tract next to the Fuller Tract is zoned for light industrial use and is highly visible from the most historic section of the existing park. The land already owned by the Park Service adjacent to this tract comprises a narrow strip along the Schuylkill River and is now subject to severe use.

Fourth. Liggett Tract: Located on the south side of the park in Chester County, this 68-acre site is just 100 feet from the prime historic area. It is also the site of the quarters for Lord Sterling, a general in the Continental Army. Also contained on this site is a spring that served as Lord Sterling's water supply and two additional historic structures. Preservation of this important tract is threatened, however, by plans for a subdivision of single-family homes that has already been platted.

Besides funding fee acquisition of these tracts, the amendment I am offering would allow the Park Service to purchase easements on three tracts. One is a 32-acre tract owned by Lobe Associates, zoned for industrial and mobile home development and already the site of a mobile home park. The existing development does not intrude upon the scenic integrity of the park; the easement would prevent any further development that might have such an effect. Also purchased would be easements on two adjacent tracts, one 5.4 acres and one 2.5 acres, both of which are zoned industrial and both of which are the site of private residences.

In closing, Mr. President, I hope my distinguished colleagues will see fit to include this small but critical appropriation in the pending measure or otherwise find the means to carry out at the earliest possible moment the intent of this Senator's amendment.

Mr. HUDDLESTON. Mr. President, here again we have a situation where, in order to be consistent and to be fair to all the other Members we have dealt with on similar projects, the committee, of course, would have to oppose this particular add-on.

As the Senator from Pennsylvania himself has acknowledged, there is a great backlog of land acquisition authorizations not only in the Park Service but in the Forest Service, and in the Fish and Wildlife Service. Congress has just been authorizing land acquisitions much faster than we have been able to finance them.

Back in March the President's revised budget deleted some $177 million in land acquisition. Many of those projects were of high priority, projects in which Members had a very keen interest. We simply have not been able, of course, to restore all of them.

We recognize the value of this particular area to which the Senator is referring, Valley Forge. But again, with the hope that funds may be found within the existing appropriations, and with our sympathy for this particular project, we hope the Senator will not push the addition of this money at this particular time.

I yield to my distinguished colleague.

Mr. HEINZ. Mr. President, may I ask the Senator, I think the Senator understands the urgency of the problem here, that there literally in one instance is less than a week for somebody to do something, and unless we find a way to really expedite—to change what are right now the plans of the Park Service, as evidenced by this appropriations bill, as evidenced by what is in the House bill, which does not have this provision in it, I fear that time will literally expire for Valley Forge and there will be no turning back into the pages of history to see what Valley Forge was like, because it will be despoiled by the intrusions of development, and we will have lost, because of our inability to reprogram or to take into account changed circumstances, a very valuable national asset.

I remember full well how on the morning of July 4, 1976, starting about 9 a.m., I joined a number of other then House and future Senate colleagues and drove out very early through the very heavy mist to Valley Forge in order to be there to welcome the President of the United States, President Gerald R. Ford, who started that day by appearing at that very historic place to commemorate the occasion of our bicentennial.

It would seem something of an irony that something that has been so historically marked by General Washington down through President Ford should now be lost, at least in part, as a result of the circumstances described.

I am just hopeful that this will not be treated as kind of a routine matter because of the reasons stated.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do not think there is any question about the need in the Valley Forge area. No one is arguing that. The real question is the priority established by the Park Service for the use of funds available for land acquisition.

It is my personal feeling that the

priorities have been misplaced. It is time to convince them to rearrange those priorities and to put places like Valley Forge at the top of the list.

They do have some discretionary money, and they have the authority to use some funds within the budget that is before us for places like Valley Forge.

When we are talking about a Park Service budget for land acquisition at the level of $59 million, it is my feeling that many of the areas are not being acquired because of a public need. They are being acquired because of professional spite arising from situations where inholders may have done something to antagonize the superintendent or to irritate some visiting Park Service official. So, the decision is made to wipe that person out by acquiring his land.

We are seeing that more and more, and it ought to stop. I hope we can get it stopped.

In any event, there is money in the budget for high-priority items such as Valley Forge if the Park Service will just use its head to establish priorities according to public need.

I believe there will be no question about that in the future. I do not want to imply it is a partisan subject. It is a matter of judgment, and to a great extent the judgment of those who, on the career level, in establishing priorities have reflected the needs as reported by the superintendents of various parks. The policymakers have not injected themselves to the extent they should in establishing priorities on a national basis. Valley Forge ought to be one of the very first on a national basis, in my opinion.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. HEINZ. I thank the Senator from Alaska for his very appropriate comments.

Let me ask both the managers of the bill the following, given the fact that it is never too late for a recalcitrant Park Service to change its mind, let me ask a strictly hypothetical question: If the Park Service were to send us a letter today, before we complete action on this bill, saying that they would, in effect, reprogram the amount of money in the amendment and accommodate the Valley Forge acquisition, would the managers of the bill at that time, and only at that time, be sympathetic to taking this amendment if the Park Service did by letter state exactly what they had in mind in this regard?

Mr. STEVENS. Will the Senator yield?

Mr. HEINZ. Yes.

Mr. STEVENS. Mr. President, all that is required is a reprograming. There are funds that could be reprogramed now. And if the Park Service were to submit the reprograming, I believe it would be approved in the normal course.

This is unlike the Senator's former amendment, where we know there are surplus funds because of the lower than anticipated expenditures at Mount St. Helens. This is a different situation.

The funds that we have, with the exception of $6 million, are obligated according to a priority schedule with which there is some disagreement. I think they should reorder the priorities in that schedule. If they did, the Senator's could be at the top.

Mr. HEINZ. Mr. President, I thank my colleague from Alaska. He has been most helpful.

Mr. HUDDLESTON. Mr. President, I can assure the Senator, also, that we would look favorably on a reprograming request if the Park Service sends one over. They do have the authority to adjust their priorities. I certainly think they would expect them to do so.

Mr. HEINZ. Mr. President, I thank my distinguished colleague from Kentucky.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. STEVENS. Mr. President, I have been informed that neither Mr. BELLMON nor Mr. DOMENICI will offer the amendment for which time was reserved in the unanimous-consent agreement. Therefore, I ask unanimous consent that the time under that agreement allocated for that purpose be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, that leaves only the proposed amendment that Mr. MELCHER was considering. We do not know precisely at this particular time what his intentions are.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, we understand now that Mr. MELCHER will not offer his amendment. I, therefore, ask unanimous consent that the time allotted for that amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

Mr. PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the distinguished current Presiding Officer of the Senate, the Senator from Nebraska (Mr. EXON), be added as a cosponsor to the Bradley substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, we have checked, and we now ask unanimous consent that on the amendment by Mr. WALLOP, the Senator from Wyoming, which had not been withdrawn, that the time for that amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I believe that disposes of all the amendments pending on the bill.

The PRESIDING OFFICER. The Senator is correct.

CLEMSON MINING INSTITUTE

● Mr. HOLLINGS. Mr. President, if I could have the attention of the manager of the bill (Mr. HUDDLESTON), I would like to bring to his attention the request I received from Clemson University to establish a minerals research institute. As I understand it, the regulation and technology appropriation for the Office of Surface Mining Reclamation and Enforcement contains $10,591,000 for mineral institutes, including the establishment of three additional institutes. Unfortunately, Clemson was not designated as one of the additional mining and mineral resources institutes.

The exclusion of Clemson is indeed regrettable as President Atchley recently wrote to me:

> Clemson University's capability as an Institute remains unique. It has the only equipment for the pilot processing of nonmetallic minerals in the nation, and, as the acknowledged leader in this field, it is equipped to serve the needs of industry not only in our State but in the region and the nation. The university has also demonstrated its capability to carry out this work through regional cooperative agreements with other institutions and the Federal government. As you are aware, South Carolina is one of the predominant producers of minerals used in the manufacture of refractory materials.
>
> As the result of Clemson University's proven research track record as well as the overriding need to address both the alloy and nonalloy mineral resource requirements of the Nation and the need to train mineral engineers and scientists in this area, we believe Clemson should be designated as a Mineral Institute, hopefully in Fiscal Year 1981.

In view of the budgetary restraints on this bill, it is impossible for me to offer an amendment for the $317,000 that would be required to establish a mineral institute at Clemson, but would the managers of the bill be receptive to designation of Clemson in next year's appropriation?

Mr. HUDDLESTON. Yes; we certainly would want to consider Clemson for inclusion in this program. It is unfortunate that Clemson could not be funded this year within the priority we had to establish in view of the subcommittee's allocation.

I would urge the Department of Interior in reviewing this record to consider Clemson in the formulation of their 1982 budget estimates.●

THE COGAS AND CONOCO COAL GASIFICATION DEVELOPMENT PROJECTS

Mr. PERCY. Mr. President, the rapid advancement of a diverse alternative fuels industry for America is one of the most exciting and promising energy developments of the last 10 years. Synthetic fuels, with a strong commitment to solar energy and conservation, alcohol fuels, direct coal combustion, and nuclear power, can bring us freedom from the terrible dependence upon foreign oil we now endure.

It is well known that I have been reluctant to embark the Federal Government upon a massive synthetic fuels assistance program, in those cases where neither the technical, economic, or environmental costs of a project are known in advance. It is very important that the new Energy Security Corporation Act with prudence to aid only those ventures that have the support, and that deserve the support, of a broad spectrum of the populace.

I have always strongly supported the push to construct a variety of synthetic fuel demonstration plants in the short term, however, I feel that the Federal Government can and should play a role in assisting promising ventures, on a cost-sharing basis.

Against this background, I rise to point out one of the most significant and, I feel, one of the most unfortunate differences between the House Interior Appropriations bill and the Senate bill which we are considering today. The item to which I refer is the disparate treatment given to the two high-Btu coal gasification projects which have been developed under project numbers 76–1–B and 77–1–B.

The Perry County, Ill., COGAS plant is being developed by the Illinois Coal Gasification Group. The Noble County, Ohio, CONOCO gasplant is being developed by the CONOCO Coal Development Co. For nearly 3 years, these projects have been under the watchful eye of the Department of Energy, which has long intended to provide funding to one of them for construction of the Nation's first demonstration plant for synthetic gas production from coal. DOE awarded contracts to both ventures in 1977, to help them develop the economic and technical data, and blueprint designs necessary for selection. A decision by DOE was once due to be made in April of this year. Now, the decision is expected in July 1981.

In the past 3 years, Mr. President, it has become obvious to me, and to much of this Congress, that both projects represent dramatic breakthroughs in our efforts to develop new and diverse technologies to expand the use of domestic coal. The COGAS facility would convert 2,200 tons of coal daily into 18 million cubic feet of pipeline gas and 2,200 barrels of heating and industrial fuel oil. The CONOCO plant would convert 1,200 tons of coal each day into 19 million cubic feet of synthetic gas. The technologies are different and, as most of the authorizing and appropriating committees of Congress have affirmed, equally worthy of full funding.

Every step that has been taken by Congress this year regarding COGAS and CONOCO, until now, has been decisively aimed toward funding both of these quality ventures. The House of Representatives has adopted its version of this appropriations bill; the committee report accompanying that bill urges that DOE "construct both of the competing high-Btu gasification demonstration plants * * *. Both processes are technically feasible, and a choice between them is likely to be only on financial grounds," not technical superiority. The Senate in July passed the DOE authorization bill, which authorizes the Secretary of Energy to build both projects if they satisfy several general criteria pertaining to the projects' economic and technical merit. Furthermore, the report of the House Science and Technology Committee on the DOE authorization bill explicitly urges that the competition between COGAS and CONOCO be stopped: "The demonstration of advanced gasification technology is so important," the report says, "that both projects should proceed as soon as possible."

Unfortunately, the administration still plans to maintain this competition, and the Senate Appropriations Committee endorses this strategy in its report. Under "Fossil Energy Construction," both high-Btu demonstration plants are funded at a total level of only $2 million, $53 million below that level provided in the House bill.

It should be noted that the Senate committee language does not preclude the possibility of funding both demonstration projects in the near future, provided they are shown to be technically, economically, and environmentally feasible.

I appreciate this recognition by the committee that continuing the competition may not necessarily be in our best interests after all. Nonetheless, the Senate Appropriations Committee's posture is not the endorsement for duel funding and construction which I believe both projects merit. Until a definitive determination is made by DOE concerning the fate of these projects, the search for private investors and the preparation of construction plans will be all the more difficult for both COGAS and CONOCO.

Our drive for energy independence requires a diversity of synthetic fuel technologies, Mr. President. In COGAS and CONOCO, we have the fortune of possessing two distinct technologies which can make invaluable contributions to the utilization of coal as a synthetic fuel source. I believe strongly that the worthiness of both these ventures now has been proven; protracted and needless competition between the two can only impair our work. I urge the Senate conferees on this bill to work with their House counterparts in giving both the COGAS and the CONOCO coal gasification projects the support they so richly deserve.

Mr. President, I have brought to the attention of my colleagues on previous occasions the fact that there are no national parks in Illinois. Of the 76 million National Park System acres in the country, only 12 acres are in Illinois. Of the 320 National Park System facilities in the country, only 1 is in Illinois—a 12-acre site in Springfield preserving Abraham Lincoln's home.

With our increasing dependence on foreign oil, parks will have to be located near people. Parks will need to be located near major urban areas so the people can enjoy the pleasures of the outdoors without traveling thousands of miles. The Illinois-Michigan Canal and Des Plaines River Valley corridor is a concept that fulfills that need.

From Lake Michigan to LaSalle, Ill., along the lower branch of the Des Plaines River, and the Illinois-Michigan Canal, is an area rich in historical, cultural, recreational, and natural resources. This corridor was instrumental in the development of Chicago. The canal linked the Atlantic with the Mississippi Valley via the Great Lakes in a great inland waterway system. It became the water route that linked New York with New Orleans, establishing Chicago as the commercial center of the Midwest.

In constructing the canal, engineers developed machinery used later to construct the Panama Canal. Larger than the Suez, the I. & M. Canal has been ranked as one of the seven engineering wonders of the world. The Interior Department has indicated that the area appears to have substantial recreational potential based on it spaciousness, its abundant resources, and its ability to draw both regional and national visitors.

In the 1930's, the National Park Service determined that the I. & M. Canal was a prime cultural and recreational site. In the 1960's, the Interior Department evaluated the canal and nominated it a national historic landmark. Within the last few years, the National Park Service has conducted a reconnaissance survey of the area and the open lands project, a conservation group, has developed a special program emphasizing the preservation of the Des Plaines Valley's natural resources and cultural wealth.

Recently, the Chicago Tribune published a five-part series by Mr. John Husar exploring the resource potential of the corridor. Today, I should like to ask the distinguished floor manager of the bill, the Senator from Kentucky, whether we could arrange for the Heritage Conservation and Recreation Service to study the feasibility of this park concept.

Is it not true that funds are available to the Heritage Conservation and Recreation Service to inventory and analyze the historic, cultural, recreational, and natural resources of an area? I understand that a feasibility study like the one I envision may cost $150,000.

Mr. HUDDLESTON. Yes, indeed. Funds are available to HCRS to conduct such a study.

Mr. PERCY. Since such funds are available and since the Interior Department has already conducted a preliminary reconnaissance study of the project area, would the distinguished floor manager be in agreement that the Senate direct the Heritage Conservation and Recreation Service to conduct a study of alternatives of the I. & M. Canal and Des Plaines Valley corridor?

Mr. HUDDLESTON. The Senator would agree to a Senate direction to HCRS to conduct a study of alternatives within available funds as the Senator from Illinois suggests.

Mr. PERCY. I thank the Senator.

In addition, I ask the distinguished Senator from Kentucky whether he would agree that HCRS should consult with State and local groups, both public and private, in conducting this study. It is important that local groups retain control over this project and I would expect

HCRS to work closely with groups such as the open lands project.

Mr. HUDDLESTON. I can agree that HCRS should do so and the committee would expect the agency to be sure that local groups are closely consulted.

Mr. PERCY. I thank the Senator.

Would the distinguished Senator from Kentucky agree that HCRS should also work closely with industrial and commercial interests in conducting the study? The industries have been located in the corridor for a long time, and they should be involved in the study.

Mr. HUDDLESTON. I concur that HCRS should involve all interests in this study.

I will also urge the House conferees to formalize the intent of this agreement in the conference report.

Mr. PERCY. I thank the Senator.

The study of alternatives following up on the Interior Department's reconnaissance study should make specific recommendations about the I. & M. Canal and Des Plaines Valley corridor concept. I appreciate the Senator's cooperation and hope that HCRS can get moving on the study as soon as the President signs the appropriation.

Mr. President, I ask unanimous consent that the Chicago Tribune series of articles exploring the project concept be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Smokestacks, Fences Hide a Wilderness in Our Midst

(By John Husar)

While other cities fight for breathing room, Chicago has a virtually untapped recreation corridor hidden behind the smokestacks and fences and freight yards in the 25-mile-long Des Plaines River Valley between southwest suburban Summit and Joliet.

Sealed from the public's view by railroads, two canals, a river, and untold neglect, this surprisingly wild and beautiful resource consists of miles of green space interspersed with industry. Startling examples of engineering and industrial architecture date from the 1830s.

Along the way are nearly impenetrable forests, virgin prairie and wetlands, Indian archeological sites, spectacular geological formations, river islands and rapids, and a multitude of abandoned, spring-fed quarries brimming with fish.

Most of these areas are closed to the public, reachable only by industrial roads or illegal trails carved through the decades by hunters, hikers, bikers, and adventurers who knew the way.

The valley also embraces a string of towns rich in history and beauty. Towns such as Lockport and Lemont retain dozens of architectural treasurers from before the Civil War.

These towns are marked by quaint streets and steepled skylines, by engineering features and geological wonders, by pre-historic Indian campgrounds. Planners say the towns have the potential of "future Galenas"—if they can restore and maintain their historic integrity.

Local, State, and federal planners contacted in a two-month Tribune study call the Des Plaines Valley Chicago's "last frontier." They say it could become the recreational safety valve for millions of people.

They envision the valley becoming a new type of cultural park—one that would employ the whole valley, industry and all, in an unprecedented cooperative venture. The idea has been brought to the attention of the National Park Service, the Illinois Department of Conservation, and the Northeast Illinois Planning Commission, who recognize that Illinois ranks 47th in amount of public lands, one of 5 states without a national park or trail.

Such a park would tie a Downstate trail system that now goes to Joliet to be growing forest preserve green belt reaching from the Chicago Portage National Monument in Lyons through the western and northern suburbs and Lake County, perhaps to Milwaukee.

"Linear parks like these will be the parks of the future, particularly as land prices soar beyond governmental reach," and Judith Stockdale of Chicago's Open Lands Project, which is responsible for the valley concept. She told of recreational park land recently selling for $23,000 an acre in McHenry County.

"In this case, we are not asking for a large land grab but, rather, for the cooperation of industry merely in allowing access through the valley and, if possible, to protect the natural areas that exist."

Many trails that already filter through the mile-wide valley corridor, would be developed for hikers, bikers, horses, canoes, four-wheel-drive vehicles, snowmobiles, and cross-country skiers, Stockdale said. Many would involve industrial maintenance roads, towpaths, utility corridors, levees, and spoil banks left from canal digging.

"The amazing thing is that so much natural area still exists, considering the industry in the valley and the poor water quality of the waterways," said Dr. William J. Beecher of the Chicago Academy of Sciences.

"More than 200 bird species still use the Des Plaines flyway and just about every animal you can think of that should be in northern Illinois is there, including deer."

Philip Hanson, senior program developer for the Field Museum of Natural History, said the valley's strongest asset may be its diversity.

"You can walk three miles and go from a Class A natural area to a Class Z natural area to an architectural remnant from some fascinating industrial era to scenic panoramas," he said.

The valley's recreational concept was developed by Gerald W. Adelmann, a coordinator for Open Lands Project, a private, nonprofit organization that works toward preserving open space. Adelmann was a non-paid consultant for the historic preservation movement in his home town of Lockport when he perceived the valley as a mosaic of living history.

"Here was something we had turned our backs on for years," he said. All we had seen were the oil refineries and tank farms, the quarries and barges and heavy trucks. We had forgotten our history as canal towns, the tremendous drama that went into building the Illinois and Michigan Canal and what it meant for Chicago, the incredible engineering that went into the Chicago Sanitary and Ship Canal, the Des Plaines River and its place among the Indians and the fur trade.

"All we had allowed ourselves to see were dirty industry and some small, old towns that had begun to look a little tacky. We failed to look inside, at the fingers of wild lands that run among those waterways, at the rich beauty and labor history of the towns, at the industries themselves and what they represent. Why, we were letting this valley slip away."

With a grant from the Illinois Institute of Natural Resources, Adelmann inventoried the valley on a preliminary basis. He found 13 natural areas within the corridor and 7 more nearby. He also drew a list of about 200 architectural, engineering, archeological, and historic structures on federal and state registers.

Among the so-called "treasures" are commercial buildings and factories that rose in the 1830s, when the I&M Canal was built. Some are still in use.

The architecture includes steel mills built from 1860 to 1920; oil refineries from 1911 to 1972; bridges, dams, and water works from the turn of the century; canal locks from the 1840s to 1900; mule barns, flour mills, coke ovens, stone works, abandoned towns—all 70 to 150 years old. Buildings, sidewalks, hitching posts, and rare old carriage mounting steps were built from slabs of stone mined in the area, once the leading quarry operation in the world.

One of the paramount features is the Chicago Sanitary and Ship Canal, conceived in 1889 to drain sewage from Chicago's water supply. It became the largest earth moving project of that century. Engineers drilled through solid rock for 13 miles, inventing machinery used later to construct the Panama Canal. Larger than Suez, Chicago's ship canal reversed the flow of the Chicago River. It was ranked in 1955 as one of the seven engineering wonders of the world. Many of its engineering features can be seen along existing trails.

"And these are only part of what is there," Adelmann said.

He said that any hope for a full-scale recreational park depends upon the cooperation of industry.

"These industries are there," Adelmann said. "They belong there. They built our economy. The towns need them. They provide jobs and taxes. This has been an industrial valley for 150 years and it must remain strong industrially. We want to encourage industrial growth. But we also want them to help us out by letting people in to appreciate the area."

So far, the concept has met an enthusiastic reception from officials on every level, including spokesmen for industries that occupy the area.

"This could mean the revitalization of the entire southwest corridor," said Sue Bobinsky, a Willow Springs village trustee. "It gives towns like ours a theme to work with so that we can do something valuable to meet the development that is going on. The southwest area is the only one left among Chicago's collar communities that can develop like this."

Gojan Nikolich, marketing director for the Illinois Department of Tourism, said it is "exciting" to think of selling a major recreational park so close to Chicago—"especially when so many of our citizens think they need a passport to go south of I–80. If we could stem some of the automatic flow to Wisconsin, say only 10 percent, it would have a great benefit on the area economically."

Nicholas J. Melas, president of the Metropolitan Sanitary District, the largest landowner in the valley, said he would jump at the chance to turn the main canal into an outdoor museum. "It's been sitting there all these years with all that history and nobody knows a thing about it," he said.

Melas emphasized that there is "no reason why we can't actively encourage our industrial tenants along the canal to participate in something like this. In fact, we should take an active, leading part. For starters, I would be willing to call a meeting of mayors from the valley towns."

David Kenney, state conservation director, said Gov. Thompson is "deeply committed" to improving recreation in northeastern Illinois, particularly in Cook County. He said the governor rejected a plan for a state park west of Freeport "because it was not close enough to Chicago." However, Kenney indicated that he will continue to push for this $25 million project.

David Johnson, spokesman for the Texaco refinery near Lockport, said security would be a prime concern at his firm. "Naturally, our historical position in these matters is one of guarded reserve. But, I would be willing to get involved in something like this."

Al Heidecke, assistant real estate director for Commonwealth Edison Co., said power line corridors would be available in most cases so long as there was insurance against liability. "We support the trail concept," he said. "When we purchased the I&M Canal right-of-way between the communities of Sag and McCook to install lines, we turned six miles through Willow Springs over to the Forest Preserve District."

Even the massive quarrying operations of Material Service Corp. might promote the trail concept, according to Arnold Sobel, executive vice president. "Even though I am a 'dirty gravel digger,' I am a conservationist," he said. "We're very much interested, and we'll cooperate to the fullest extent that we can."

State Rep. Michael McClain [D., Quincy], chairman of the House Environmental, Energy, and Natural Resources Committee, said enabling legislation might be complex but "does not seem insurmountable. I would think the legislature would be excited about this. The trend in legislation is toward saving and preserving. I would think that well-thought-out legislation would pass without any trouble."

He paused and smiled. "It's really a hell of an idea, isn't it? It would be such a tremendous thing. Such an economic boon. I think the legislature will regret that it wasn't their idea."

Lockport Prairie: Journey Into Illinois' Past

(By John Husar)

". . . A prairie is not, as you may think, any old piece of flatland in the Midwest. No, a prairie is wine-colored grass, dancing in the wind. A prairie is sun-splashed hillside, bright with wild flowers. A prairie is a fleeting cloud shadow, the song of a meadowlark. It is wild land that has never felt the slash of the plow."—Dennis Farney, National Geographic.

Ken Klick stood among the multi-hued grasses of Lockport Prairie, southwest of Chicago. A blue heron swooped through the cloudless sky.

"If you could snap your fingers and go back 200 years, this is what you'd see," he said.

"Maybe those trees along the river wouldn't be so thick. And those cattails, those dark, green ones, wouldn't be so abundant. But this is it. This is Illinois."

Eight patches of native prairie remain in the industrialized 25-mile segment of the Des Plaines River Valley between suburban Summit and Joliet, an area being considered as a state or national recreational trail site.

Ranging from 11 to 200 acres, they are the sole remnants of the sight that greeted settlers in the early 1800s. Grasses seven feet high and wild flowers spread from the river to the horizon.

This is where the northern forests ended and the prairie began. Settlers prized the combination of fresh water, timber for building, and fertile land.

Grass fires prevented stray woody plants from taking over and helped to maintain the prairie's character. The fires were started by lightning and Indian hunters stampeding game. They burned for miles, dying at the river's edge. Only the prairie plants could survive the fires and new buds emerged beneath the charred surface to enrich the prairie.

This now is Klick's role—unofficial and largely unknown. He sneaks out in the spring and burns the prairies.

"I feel a little bad when I see fire trucks coming to put out my fires," said the amateur botanist, whose efforts have nothing to do with his job as a guide at Goose Lake Prairie State Park.

"I hate to think of what would happen if a real fire started in town while the firemen were out in the prairie. I know that they don't understand. But we need these fires to keep the prairies strong."

It once took Klick four tries to burn a wet prairie called Long Run Seep across Archer Road from the Texaco refinery near Lockport. The firemen kept putting it out. Klick was protecting a rare community of tall grasses that converge beside a pristine, hidden spring. The little spring rises 40 yards off the highway and runs through the grasses for 60 feet before it slips back into the limestone water table.

"Delicious," Klick said, rising from the ground after a long, cooling drink. "A constant 54 degrees."

A green frog shared the trickling water. Species of dragonflies, bees, and butterflies that frequent only prairies hummed gently above.

"It's amazing that something like this exists so close to industry," Klick said. "In fact, this is owned by industry. Texaco keeps this as buffer for the refinery. Without them, it probably would have been a housing development years ago."

Industry has been an unwitting steward of nature throughout the valley. Other prairies are owned by the Metropolitan Sanitary District, Material Service Co., Commonwealth Edison Co., the Atchison, Topeka & Sante Fe Railway; and Union Oil Co. Wild areas are spread near Willow Springs, Romeoville, Lemont, and Lockport and in the Forest preserves of three counties—Cook, DuPage, and Will. All could be connected to a trail system that would serve millions of people.

Most of these prairies are locked behind industrial fences.

"Surely, there must be a way to get industry to cooperate, to allow people to share these wonders of nature without interfering with the business of industry," said Judith Stockdale, head of Chicago's Open Lands Project. Her group is heading a drive to convert the entire valley into an industrial-cultural-historic park. She said this would require unprecedented cooperation from industry, private groups, and governmental agencies on every level; "but it's not impossible."

Such a park, Stockdale said, would set a new standard worldwide. It also would complete a trail stretching 150 miles through the Des Plaines Valley from the Wisconsin border to Downstate La Salle.

Philip Hanson, senior program developer for the Field Museum of Natural History, said the valley's geology makes it unusually rich in natural resources.

"The land was fairly worthless to the 19th Century agriculturalists," he said. "About all they could do was graze cattle there."

Melting glaciers had gouged the valley 70 feet to bedrock, leaving little tillable soil When the canals brought industry, that land was readily available, and cheap enough to be tied up, unused, for years.

"There are some real gem areas down there," Hanson said, "One plant, the leafy prairie clover, is on the federal endangered list. It grows here and only in one other area in the world—southern Tennessee and northern Alabama."

A recent find of prairie satin grass, thought to be extinct in Illinois for 60 years, has added to the valley's significance.

"The discovery of these two species means more than just restoring two plant names to a list of Illinois flora," Hanson said. "It means that the type of habitat capable of supporting these two specialized prairie plants has managed to retain its integrity during a century and a half of human settlement and disruption."

Klick said that 200 fragile plant species like these apparently are getting the right food in the valley. The presence of limestone bedrock so close to the surface and a unique supply of clean, rich spring water provide unusual concentrations of alkali, calcium, and magnesium.

"This makes for very rare plant conditions," Klick said. "Prairie satin grass, for instance, is only found on limestone shelves. And the white, silky cotton grass is the stuff that lines ponds of the tundra up North."

The valley also abounds with animals. Wolves and buffalo may be gone, but 200 bird species use the flyway. Herons have a rookery. There is an abundance of furbearers, and guards at one of the industrial prairies say they regularly see the small, stocky massasauga rattlesnakes, the "pygmy" rattlers that require undisturbed turf.

"The water quality of the river still is pretty bad, but that doesn't seem to bother the prothonotary warbler," said Dr. William J. Beecher of the Chacigo Academy of Sciences. "It thrives down there among the garbage. Apparently, it does not know garbage from the other junk that shows up on shore. The garbage only offends us."

Nicholas J. Melas, president of the Metropolitan Sanitary District, said water quality in the Des Plaines will remain poor "as long as the river has to take sewage overflows during heavy storms. The only solution will be the Deep Tunnel project, and we don't have the funding yet to complete that. But when we do, that river will be swimmable again."

Ted Denning of the Illinois Environmental Protection Agency said fishing has improved above the river's confluence with the Sanitary and Ship Canal in Joliet. "But swimming? Certainly, not now—although I've seen kids splashing around in there without any unusual growths."

Hanson attributed the disappearance of most of Illinois' prairie to human ignorance and perception.

"The reason we have forest preserve districts instead of prairie preserves is because you can look up and see a 30-year-old oak," he said. "It has a crown spread of 120 feet. You can see that and appreciate it. It's more difficult to appreciate a prairie or a marsh because people think of them in terms of what they can do for them. It doesn't shade them. It gets their feet wet. You can't plow it. So, what good is it?"

Hanson chuckled. "I grew up in Chicago. I knew what prairie was. It was any place that didn't have a house on it. It was full of broken glass."

He laughed again. "That's the special thing about this valley. It's got a lot of unique land that requires some participation by people before they understand it.

"Somebody walking a trail through here will see a number of things he can understand. Pretty buildings made of limestone. Fine bridges. Canals. And he also can see some natural areas. The ones here are the most fragile."

Valley Is Rich in Treasures from Another Age

(By John Husar)

Clearings along the abandoned Illinois and Michigan Canal west of Willow Springs are memorials to gangs of workmen who once lived there in tent cities, fighting malaria, boredom, and the agony of 12-hour workdays in a muddy, humid ditch.

The St. James churchyard in the community of Sag overlooks the point at which two broad valleys join. Twelve thousand years ago, this was an island formed by melting glaciers. Later, it became a large Indian settlement. Today, it holds the bones of the canal diggers and their families who worked and died 150 years ago, the earliest marked graves in Cook County.

"Their life spans were so short. It gives an idea of how difficult life must have been for them," said one of the historians studying the concept of a 25-mile cultural park in the Des Plaines River Valley between Summit and Joliet.

Striking remnants of history that led to the building of Chicago abound in this old industrial corridor. Summit, site of the Chicago Portage, is strong in archaeology. Joliet, a grand example of 19th Century prosperity, has 110 historic structures on federal and state registers.

In between are towns and industries rich in the character of another age, their treasures not yet obliterated by the massive suburbanization that has reached the rest of metropolitan Chicago.

Clusters of false-fronted limestone and frame buildings from the 1860s lie along Canal Street in Lemont. Dusty windows and neglect lend them the aspect of an old movie set.

A frame grain elevator possibly 130 years old stands beside the Atchison, Topeka & Santa Fe Railway in Romeoville. Nearby on 135th Street is an abandoned brick limestone kiln, 20 feet tall.

Sixteen square blocks of downtown Lockport have been declared a National Historic District and efforts are under way to fund their restoration. This is where the I&M Canal headquarters was situated and the office is still there. The ornate homes of the commissioners, millers, and stone barons who built the economy of the valley, their beautiful churches, and their stores tell the story of another time.

"The amazing thing is that it's all still here," said Chuck Gregorsen of the Society for Industrial Archaeology, which seeks to protect historic architecture.

Two of Lockport's 100-foot-long limestone canal locks, now in ruin, are stunning in their industrial art. The public landing where the boats tied up and the passengers got off to stretch their legs is still green and full of artifacts. On one end sits the tall 1840 stone warehouse in which the mules that pulled the early boats from towpaths recuperated behind arched gates.

A short walk west is the Chicago Sanitary and Ship Canal, with its working locks, swing bridge, butterfly dam, and neo-classical power house from the turn of the century. A seven-arched stone bridge from the 1860s crosses the old bed of the Des Plaines River, now a modest creek. The river was moved a half-mile north to make way for the canal.

At the foot of the bridge is a rambling frame boarding house from the 1890s that was used by a better-provisioned second wave of canal builders.

"There are hundreds of things like this in the valley that make it one of the richer and unique spots in the Midwest," said Gerald W. Adelmann, coordinator of a drive by Chicago's Open Lands Project to turn the valley into a historical-recreational park celebrating industry.

Miles of interpretive trails would connect the industrial, commercial, and natural areas, providing hikers, bikers, canoeists, equestrians, and motorcyclists with an unusual opportunity to appreciate living history.

"That stone bridge, for example, is a rare survivor—the kind of thing that architectural historians go crazy over," Adelmann said. "But few people know it is here. In fact, few of the people who live here know what they have in this valley. All they see is the industry, and they think that makes it degraded. Well, it depends upon your point of view."

Gregorsen, an architect who has worked on the restoration of the Pullman area and Auditorium Theatre in Chicago, said the valley contains examples of architecture from every period dating to the 1830s.

"There are types of buildings in there [the valley] that don't exist in Chicago because of the 1871 fire and the constant redevelopment. This amazes me. You see, the development in the valley has been haphazard. It is nothing like the development that has virtually ripped up the City of Chicago to the point where it now is very difficult to spot any 19th Century sites in pristine condition, whereas the valley is loaded with them.

"The Widow Clarke House on Indiana Avenue, for instance, might hardly be noticed if it were in Lockport. The reason it's noticed in Chicago is that it is the only building from that era [1837]. The only things you'll find near it in Chicago date from the 1850s. But Lockport, Lemont, and even Joliet are loaded with buildings roughly the vintage of the Widow Clarke House, and many of them are in far more interesting condition."

Holly Fiala of the National Trust for Historic Preservation thinks that a linear recreational park might help some of these valley towns exercise their potential to grow into charming historic communities that attract tourists—like Galena, a river town in western Illinois.

"Galena is heavily into antiquing, whereas Lockport and Lemont have a chance to be more healthy because they have industry. They don't have to rely on only one thing," Fiala said.

However, she warned that basic attitudes of many people in those towns will have to change. "It's very difficult for some people to see the value of things in their own back yard," she said.

"So far, Lemont has really missed the boat. Those people are not recognizing their incredible limestone buildings as an invaluable resource. They are letting things slip away. They are preparing to demolish their Central School building, which goes back to 1869. It is an exceptional building that dominates the skyline. And they are building a bridge across the valley, just like Lockport's. What I see as a very charming town is going to lose some of its character because of increased traffic congestion."

She said Willow Springs has let most of its old buildings slip away and now must rely upon its unique setting on the waterways, surrounded by forest preserve. "Its topography is outstanding, and if it were to strengthen its appearance in terms of lighting and condition of streets, it could improve dramatically."

Lockport, she said, is far ahead of other valley towns with its historic district and a new development commission, which is seeking funds and involving citizens in improvement projects.

"I know that Lockport is going to be a success," Fiala said. "It has bankers, for example, who believe enough in it to put their money there. The difference in Lemont is a shame, because Lemont has much more charm than Lockport, much more character and integrity in its old buildings. If the people there would only see that, perhaps they would have a direction to go in, instead of continually floundering."

Mayor George Bracken of Lemont said his village is "hoping to catch up" with Lockport. He said a recent plan to turn the I&M Canal into a parking lot has been scrapped and funds have been sought to restore it.

"We have character in our buildings, our own identity, and I suppose we have some real potential. This challenges us to do our homework," he said.

Gregorsen said the costs of restoration would be minimal, considering the long range impact and improved property values.

"Lockport could need some really major restoration work to make it more stunning," he said. "But Lemont has an immediate picturesqueness that, with little capital, could become very special. In Lockport, maybe $2 million to $5 million would be needed to make a phenomenal dent. In Lemont, it would be far less, because everything there is in fairly pristine condition."

Gregorsen said people in the valley towns "really have to wake up to what they have" before much more is irretrievably lost. "If they ever do recognize the nature of the place, it would probably stimulate the economies there. A lot of those places that look a little run down might bounce back strong."

The real vision, he said, probably will come from outside the communities. "That's the way it happens. Outsiders come in and are willing to spend money. Right now, the valley towns are typical of places where the people in charge have not recognized the whole potential," Gregorsen said.

"The ones who settled there in the 19th Century did. They saw the valley for its location and water and resources and they built industries and homes and large businesses. It was in this valley that the first steel plow was made, the first aluminum pans, the largest earth moving project of the 19th Century.

"Unfortunately, the heirs of those pioneers are different. They are oblivious to what they have."

THE VALLEY: A CHANGE TO SLIP OUT OF URBAN LIFE

(By John Husar)

When Father Marquette and Louis Joliet dipped their paddles into the Des Plaines River 307 years ago, they knew that traffic would follow.

They were the first to call for a canal through the Chicago Portage.

But there was no way they could have imagined the result. The Des Plaines Valley today has two canals, a pair of railroads, several highways, and a scatter of industrial roads. Hundreds of canoeists paddle the river every summer.

Factories and towns followed the route of the explorers, building a major city and opening a way to the American West.

But thousands of acres of wild, open lands were left in the valley, preserved by the industries that developed Chicago's main corridor for raw goods. There are prairies and forests, marshes and seeps, rapids, and a nice waterfall.

It is a place where people who know the way can slip briefly out of urban life.

"The unfortunate thing is that these paths often are empty," said Gerald W. Adelmann of Chicago's Open Lands Project. He is the coordinator of a drive to create a cultural-recreational trail system in the 25-mile long valley between Summit and Joliet. Such a park would exploit the natural, historic, architectural, and engineering highlights of the area.

"Most people don't realize what's in there," said Philip Vierling, a recreational-map maker who has hiked and canoed most of the valleys of northern Illinois. "There are some beautiful places to go to."

People who live near the valley hardly use its network of trails because gates and "no-trespassing" signs usually bar the way.

"The industries have sealed it off; and you can't really blame them," Adelmann said. "They don't want strangers messing around and getting hurt on their lands. But, of course, people always find ways of getting in. What we'd like to do is legitimatize these trails. To provide ways for people to use them officially and safely, to open this remarkable area for widespread use and appreciation."

The abundance of trails can be seen from any highway that crosses the valley.

Beneath the highly industrialized Lawndale Avenue extension north of the Stevenson Expressway, fishermen cast in the shallows of "Summit Ford." This is one of the pioneer crossings of the Des Plaines River and it remains popular despite the rumble of traffic. Heading west are two paths heavily used by trail riders, one atop a levee.

Six trails are available from Willow Springs Road. A 12-mile circuit of the historic I&M Canal uses the spoil banks on the south and the towpath on the north. They are part of the Cook County Forest Preserve system, connected by culverts.

Other Willow Springs trails wind through thick woods on both sides of the larger Chicago Sanitary and Ship Canal. Two stretch across Metropolitan Sanitary District [MSD] and Commonwealth Edison Co. land as far as Lockport, 17 miles away. They skirt abandoned quarries, industrial outposts, tank farms, and prairies.

Eight trails wind through the lush, unpeopled valley beneath Ill. Hwy. 83 at the community of Sag. Seven cross Lemont Road, some leading to quarries, backwaters, and forest preserve marshes. In Lockport, five trace the I&M, the Ship Canal, and the prairies.

"The tricky part will be getting through Joliet," Adelmann said. "There are some wonderful architectural sites, such as the prison and U.S. Steel plant, that could be approached by paths, and there is an interesting area north of the Des Plaines that has possibilities. Joliet mostly has beautiful architecture on busy streets and an incredible waterway built on levees above the town. You actually look up at boats from the streets of Joliet."

Adelmann hopes to gather representatives from every interest level—including industry, towns, and a multitude of county, state, and federal governmental agencies—to draft a way of blending the trails into a new type of linear park.

"Perhaps this will have to be a state or national trail," he said. "It's certainly complicated enough to require some kind of a superagency that can put things together.

"The big hangup is liability. Those responsible for these lands don't want to be hauled into court if some hiker should stub his toe on a rock, or fall off a bridge, or tumble into a gravel pit.

"Most of them seem to like the idea of a public trail, but they don't want to be the ones held responsible."

For example, the fear of being held liable for accidents was the main reason the Lemont Park District refused to accept four large abandoned quarries for recreational purposes four years ago. The quarries were offered by MSD for fishing and boating.

"Lloyd's of London was the only one that would insure them," said Park Director Bob Porter. "They wanted $6,000 per quarry—$24,000 off the top. We couldn't afford it."

Porter said the quarries "average four to five drownings a year," even though they are closed. "Young people get in there and drink. It's a terrific area. There are squatters. You can still find 1927 Model T's from the gangster wars. That's a wild place back there."

Several state and federal officials contacted by The Tribune said they believed that liability laws could be drafted for a specific system. The state has an untested law that reduces liability for landowners who allow public snowmobile trails. It also is studying a method of protecting landowners who permit public hunting.

"But even though the law can state that a public agency or a private landowner is not liable, it's a new ball game when somebody takes you into court," warned David Kenney, state conservation director. "A party can always sue. And if a court finds you liable it doesn't matter what the statute says."

Albert W. Banton Jr., co-author of a study of the I&M Canal by the National Park Service, said the threat of even frivolous damages suits leaves park operators facing high maintenance costs.

"It was much easier to manage parks 30 years ago, before we had the federal Torts Claims Act," Banton said, "We didn't have to maintain such high standards for, say a hiking trail. People who used them realized that they were going to be rough.

"But now, if the thing isn't smooth, you'll find people having accidents, and they'll sue. You conclude after a while that they're looking for a place to fall so they can get a judgment of several million dollars, because the government prints the money. I find myself fighting like heck to avoid a defensive posture. You find yourself studying the sidewalk for cracks instead of looking at people having a good time."

George Covington, a real estate lawyer with the firm of Gardner, Carton & Douglas and a member of the Open Lands Project Board, proposed forming a task force of lawyers to tackle liability questions.

"I'm sure that liability could be gotten around without too much of a problem," he said. "It already is faced by the companies that operate in the valley, so a park shouldn't increase it any. The question is who assumes what liability.

"I guess if I were a lawyer for Texaco or MSD, I would take a cautious position. People are scared of being sued. Even when an outlandish verdict gets reversed, you face a lot of pressure. You're not going to take a chance."

Tony Dean, a former state conservation director who also is a member of the Open Lands Board, said the question of liability can be a method for short-term delay.

"The easiest answer is to say no—that you don't want liability, that you don't want to risk vandalism or industrial sabotage," Dean said. "But I know that risks like this can be handled through insurance, the state, whatever.

"The important thing is to get a project like this started, to get some momentum going. And you can't do it by arm-chairing it. If liability is a stumbling block, then let's attend to it.

"We must keep in mind that a park like this would give people near the city an unusual opportunity. They would have a rare choice. If they want to drive across the state to a pristine natural area, that's fine. But if they want to stay close to home and don't mind putting up with something that's not quite pristine, this could be a real benefit to the area."

Leadership Is Needed To Save Gem of Nature

(By John Husar)

Planners look at the Des Plaines River Valley and see a rare opportunity to create a work of art in the 25-mile corridor between Summit and Joliet.

They see a park emerging from their maps and drawing boards that revolutionizes the concept of open space.

They see themselves finding new ways to involve industry in community growth—ways that stimulate industry, revitalize towns, and provide recreation for millions of people.

Their unique idea for an urban park would combine natural areas with architecture, engineering with history, industrial maintenance roads with recreational trails.

They would use a whole valley—towns, river, two canals, quarries, forests, prairie—in a multitude of ways that link Chicago to a growing linear trail system through Illinois from Wisconsin to the Mississippi River.

"I'm continually overwhelmed by the complexity of the 'idea,' said Dick Mariner of the Northeastern Illinois Planning Commission [NIPC].

"Right now, there isn't even the most general growth strategy for that area. Even our base maps don't show what's in there. It has tremendous potential for development."

John W. Comerio, associate director for planning and development of the Illinois Department of Conservation [DOC], discounted a formidable list of obstacles, including a cost estimate of $30 million.

"We have to be greedy at this point," he said. "This would be a dynamite product—a tremendous project. Far more than one or two mililon people would be served. This would draw national attention and bring a tremendous industrial-recreational industry to Illinois."

Comerio said $30 million "seems like a lot of money, but compare it with other things. It will get you a little piece of expressway—one interchange and a mile of highway. Half a prison. One elaborate building. Ten years from now, $30 milion won't seem like much for a project like this."

Albert W. Banton Jr. of the National Park Service, co-author of a recreational study of the I & M Canal, said planners who think positively "do not think of money. Money's a practical thing. First you need to dream the big dream. You worry about money later. If you start to worry about money first, you're done."

One worry is an old U.S. Army Corps of Engineers proposal for duplicate locks near Lockport that still is on the books. The project would widen the Sanitary and Ship Canal and block valley trails with 8 million cubic yards of rocky spoil, more than twice the volume of the Great Pyramid. U.S. Rep. George M. O'Brien [R., Joliet] has asked that the project be killed, but state concurrence is awaiting results of a study.

Paul Rasmussen, a NIPC associate planner, called for a task force approach to get the Des Plaines Valley movement under way.

"It seems that the next step is to get together all the people who have said that this is a good idea and see about mounting a strategy," he said. "We will need a game plan for selling this to the industrialists and all the parties concerned: 'Whom do we go to first? Then second? And how do we pitch them?' Maybe that can be one of our functions at NIPC—to get the players together and noodle out the strategy. To see what everybody has to say."

Rasmussen said several task forces may be necessary. "We need one just to map out the trails that exist—where they are and where others need to be. To look into who pays. The legalities, including liability. Intergovernmental cooperation. Water quality. Public policy. Land use questions.

"We have to see whether this should be a national park, a state park, or something that is run by a quasi-public agency. We have to find out what people want.

"Now that we have a concept, we need a plan, an opening statement that people can react to, so that we can see where it might be going."

Richard Buck, chief landscape architect for the Cook County Forest Preserve District, which controls some parcels in the valley, anticipates no problems "on the district's part. Trails are our daily bread and butter. Ours will be the easy part."

Buck cited the 589-acre Busse Woods reservoir near Elk Grove Village as an example of multi-government cooperation for recreation.

"We had 25 agencies involved—the Sanitary District, Soil Conservation Service, the state, the villages, federal funds," Buck said. "Everybody said it couldn't be done; but it's being done. The county passed a sedimentation ordinance, the Sanitary District acquired land, some of the park districts took over maintenance.

"We have shown that agencies with various interests can work together and can come out with a product. This can occur in the Des Plaines Valley if all these agencies can see the same thing at the end. It all has to be spelled out very carefully."

Tony Dean, a former state conservation director and now a member of the board of Open Lands Project—a private agency spearheading the Des Plaines concept—said intergovernmental cooperation may reach the point at which agencies find themselves swapping land.

"One might say, 'We've got this and we

don't need it. What do you have?' They can make deals with each other that will put this thing across," Dean said.

"The thing is, it's a terribly fragile idea at this point. It needs to be incorporated slowly into the schemes of corporations and governments and various groups so that it can be developed properly."

Judith Stockdale, executive director of Open Lands, told how the Chicago River beautification project won the support of industry.

"We convinced them that they didn't have to do anything major right away," she said. "They were delighted to find out that we were not talking about doing it tomorrow, that our time frame was 25 to 30 years, that this was something that could come about slowly, as their uses changed. They were relieved to find out that we were not asking them to dynamite walls to make the area appear natural, that we were only asking them to put in planters, to spruce things up, to make it possible for people to walk or ride their bikes through.

"The same thing can happen in the Des Plaines Valley. We will need industrial leaders who understand our vision to go to the other industrialists and explain what is happening. In the case of the Chicago River, Commonwealth Edison and Procter & Gamble provided that kind of leadership. They could call 20 industrialists together and put on a slide presentation and talk about beautification. This is how it was done. And this is probably how it will have to be done in the valley."

Charles L. Tamminga, DOC associate director for lands and historic sites, said huge cost savings could be made if local agencies—or industries—were to make improvements such as paths, crosswalks and foot bridges before control was turned over to the state.

"They can do it at a fraction of the cost to us, because everything we do has to go through channels and meet exacting state standards," Tamminga said. "But the industries—Material Service, Texaco, Arco, and everybody else—have enough engineers and equipment to whip out something like the I&M Canal trail in 30 days, and never miss the money. Then the state could accept it and operate it. Otherwise, it might take forever and cost three times more. It would be such good PR for them."

Tamminga added: "People will get this, despite the costs, if they want it badly enough. Right now, I'm not sure whether they do. We haven't heard any great public demand for this. That's important. We are building a $16-million state fish hatchery that we absolutely do not need, but we've got it because enough people wanted it. That's democracy. It's our department's biggest capital project in 10 years and it probably will be the biggest in the next 10 years unless people get aroused about something like this and want it badly enough to demand it.

"There certainly are enough people in that area to make a difference. There are enough legislators there to pass a bill. It's not as though we're talking about a nature trail in Pope County. There are five million people living within 30 minutes of that valley."

Banton, who manages the National Park Service's Lincoln Home in Springfield, said he is certain that industry would cooperate.

"They'll help if you tell them what you want and what you're trying to do," he said. "Nobody's done that in the valley before. They were left pretty much to their own devices. There was never a plan.

"Who knows what will come of this? A chemical plant could become almost an art form if the pipes and bends were painted different colors. Spoil banks could be pyramided. Smoke stacks could be painted sky blue with a yellow ring around the top. They're going to paint them anyway, so why not do something different? You'll be surprised what can happen when one guy takes the initiative.

"That's all you may need—one prime mover to get things started. As in Springfield around Lincoln's Home, people have started painting their houses who haven't touched them in years. Everybody sees what's going on. The guy next door doesn't want to look like a dog."

HAGUE INTERNATIONAL

● Mr. MITCHELL. Mr. President, the legislation before us today directs Government funds and policies toward the development of creative and innovative energy alternatives and conservation devices. I support this Government policy. I believe that the Federal Government has a responsibility to help guide American businesses in researching and developing stable resources of domestically produced energy.

Nowhere in the industrial community can Government loans and subsidies be better directed than toward our small businesses. Small businesses have always provided the backbone of the American economy. Small businesses are innovative and creative enough to play a major role in developing our energy resources.

We should not, however, expect our small businesses to be masters of the Government bureaucracy. Those factors which make small businesses innovative and adventuresome are often at odds with trying to cope with Government regulations and paperwork requirements.

Unfortunately, too many officials in Government prefer to deal with large corporations because they know how to make their way through the bureaucratic maze. Large corporations have the financial resources to hire large staffs of lawyers and accountants to comply with bureaucratic requirements.

I believe that small businesses have demonstrated that they are willing to take the risks necessary to come up with the realistic energy-saving ideas that are needed to support our economy during the current energy crisis. And I believe that Government policy and action should be directed at easing paperwork and regulatory requirements for small businesses and encouraging small businesses in their efforts to help this country through a critical stage in energy development.

Hague International is a small engineering and manufacturing firm located in south Portland, Maine employing approximately 100 persons, developers, and producers of equipment.

Under DOE contract, Hague has developed and demonstrated unique technology capable of conserving as much as 75 percent of the fuel normally required in steel-forging operations. This technology, if applied to the steel and aluminum industries alone, has the potential of conserving in excess of 75 million barrels of oil or its fossil equivalent yearly. Hague International is recognized by DOE and industry officials as a leader in this area and one of DOE's more successful projects. Yet Hague International's financial integrity is now threatened by DOE redtape and bureaucracy.

I shall submit for the record a copy of a letter I sent to Secretary Duncan which details the problems Hague International experienced in dealing with the Department of Energy. Although officials at DOE have been most cooperative in trying to help Hague International through this crisis stage, better planning and guidance could have prevented this problem from occurring.

Earlier this fall, the President signed into law the Flexibility in Regulation Act. Under this law, Government agencies are supposed to reevaluate regulations and procedures in terms of their effect on small businesses. Requirements which may well be suited to a large corporation may not work well for a small company. I encourage these types of reforms and activities, and I hope that Federal agencies seeking to reform their policies will look at the past experiences of small businesses—including those of Hague International—in reforming their programs to better suit the needs for our small businesses.

The letter follows:

SEPTEMBER 11, 1980.

Hon. CHARLES W. DUNCAN, Jr.,
Secretary of Energy, Department of Energy,
Washington, D.C.

DEAR SECRETARY DUNCAN: I am writing to draw your attention to a matter of deep concern to me. I urge your immediate consideration of this problem, as further delay may cause irreparable damage to a small Maine business which has, and potentially will continue to, contribute substantially to national energy conservation programs.

Hague International, a small business of approximately 100 employees located in South Portland, Maine, has worked with the Department of Energy on various programs since 1976. Hague currently produces a line of high-temperature furnaces and retrofitable energy conserving systems. Under DOE sponsorship, Hague furnaces have demonstrated the ability to save more than 50 percent of the fuel currently required to heat steel to forging temperature. A small Hague High Efficiency slot forge furnace has the potential to save in excess of 2,000 barrels of imported oil per year.

Similar savings could be achieved in the aluminium and glass industries, as well as other areas which currently produce high-temperature waste gases.

Hague's current difficulties with DOE involve two contracts with total receivables of approximately one-half million dollars. The first contract, EC–77–C–02–4236, was designed to demonstrate under actual industrial conditions, a Hague energy-conserving slot forge furnace. Approximately $300,000 has been outstanding on this contract since January. Financial and Technical audits were conducted by DOE in July. Yet to date, no determination of actual payable amount nor of the payment time frame. has been made.

The second contract, DE–FC01–80CS–40335, is a cooperative agreement with DOE designed to accelerate the introduction of Hague high efficiency furnaces into industry by providing certain financial incentives. Hague began work on the contract January 22 and the DOE issued a stop work order on May 19 on the basis of large front end expenditures. The stop work period extended for 90 days, during which time Hague made every attempt to minimize the cost of the contract to the greatest extent possible without jeopardizing the contract's continuity. In spite of a full financial and technical audit of the program's accomplishments during the stop work period, no action was taken by DOE prior to the expiration of the stop work order; the contract was reinstated on August 15th without alteration.

Hague International submitted an invoice for the costs incurred during the stop work period in the amount of $175,838, a substantial reduction from the first three months. At this time, DOE procurement is seeking a complete audit to determine the reasonableness of these expenses. This audit could delay payment up to three months for expenses incurred over a three-month period beginning last May.

Due to Hague's small size and limited financial resources, these outstanding government receivables, amounting to approximately half a million dollars, have had a significant negative impact on the financial viability of the organization. Hague will not be reimbursed for interest forfeited on the overdue receivables, nor for interest on funds borrowed to compensate for diminished cash flow. The future of Hague International and its potential contribution to the national energy conservation effort depends on timely payment of these outstanding receivables.

I would appreciate your giving this matter your most immediate consideration.

Sincerely,

GEORGE J. MITCHELL,
U.S. Senator.●

THE MAINE INDIAN SETTLEMENT ACT

● Mr. MITCHELL. Mr. President, I am pleased to note that this legislation contains an appropriation of $81.5 million to fund the Maine Indian Settlement Act signed into law by the President in October. This legislation provides funding for the creation of two trusts—a $27 million trust fund as income to the tribes and a $54.5 million trust fund to purchase land.

The Maine Indian land claims case has been of deep concern to the people of Maine for several years. Indeed, this appropriation represents the culmination of many years of review and negotiations by representatives of the State of Maine, the Federal Government, the Maine landowners, the Passamaquoddy and Penobscot tribes, and the Houlton Band of Maliseet Indians. The Federal legislation funded by this appropriation is a companion measure to State legislation, known as "An Act to Implement the Maine Indian Claims Settlement."

The State legislation addresses the criminal, civil and tax aspects of the proposed settlement. The Federal legislation extinguishes all Indian land claims in Maine, thus removing the cloud on title to two-thirds of the State which has existed since suit was filed, and authorizes two trust funds for the benefit of Maine Indians.

The land claims which this appropriation will finally resolve are based on the Indian Non-Intercourse Act, enacted in the First Congress and rewritten in subsequent Congresses. In essence, the Non-Intercourse Act provides that any land acquisition from an Indian tribe must be ratified by a treaty under the U.S. Constitution. The Passamaquoddy and Penobscot Indians allege that Massachusetts, which until 1820 included the area which is now the State of Maine, acquired Indian land through a series of illegal agreements in 1794, 1796, and 1818. The Penobscot Indians also claim that Maine purchased land from them illegally in 1833. The Houlton Band of Maliseet Indians claim generally that their land was taken from them through settlement by non-Indians. It is not certain how much land these claims could involve, though potentially almost two-thirds of the State could be at stake. In addition, the Indians are seeking damages for the use and possession of the lands involved.

Litigation relating to the claims is still in its early stages. The Governor and the Attorney General of Maine believe that the State would win should the case go to court. I understand that they recognize, however, that there is respectable legal authority on the other side of the question.

Obviously, the issues involved will not be easily resolved in court. Pending the outcome of the suit and the inevitable appeals, title to millions of acres of land in Maine will be clouded.

It is clear to me from my experience with this issue as U.S. attorney, and from concerns expressed by State officials, and individual citizens, that settlement of these claims is in the best interests of Maine and the country. Further litigation would continue economic and social disruptions felt in Maine since the beginning of this suit. For all concerned, it is best to leave this divisiveness behind us and to work together for the good of all Maine citizens and the country.

I would like to thank the chairman of the Interior Subcommittee, Senator BYRD, for his leadership in seeing that these funds were part of the bill before us today. I would also like to thank President Carter and Secretary Andrus for their role in helping to settle this case for the people of Maine.●

SAILOR'S SNUG HARBOR

Mr. MOYNIHAN. Mr. President, I rise today to voice my support for the inclusion of $500,000 in the Interior appropriations bill for the establishment of Sailor's Snug Harbor as a national wildlife refuge.

As many of my colleagues are aware, on July 25, 1980, the President signed legislation authorizing the creation of Sailor's Snug Harbor on Staten Island, N.Y., as a national wildlife refuge. While the House appropriations bill, H.R. 7724, provides $500,000 for Snug Harbor, the Senate chose not to include this provision in the bill. I urge the restoration of the House funding provision to the bill when it is discussed in conference.

Sailor's Snug Harbor is a unique environmental, educational, and cultural center for New York City and the surrounding area. The wildlife refuge includes 80 acres, divided among woodlands, pastures, lake and buildings. It is notable for its substantial and varied wildlife population.

The area is also valued as one which exhibits numerous rare and exotic plant species. The seamen who originally inhabited Snug Harbor would customarily return from their voyages with plant varieties from throughout the world.

In addition to its plants and wildlife, the site includes several buildings of national significance already recognized as a national historic district and State landmark. In all, Snug Harbor is truly an invaluable urban environmental resource that adds an extra dimension to the New York community.

While it was commendable that Congress authorized the establishment of this site, it is necessary now for funds to be made available so that the refuge can be preserved and further developed as an educational center. The $500,000 I ask to be included in the Interior bill will provide the necessary funding for the operation and maintenance of Snug Harbor. It is important that funding be allocated to protect this valuable area so that it continues to be enjoyed by visitors throughout the New York area.

It is my hope that my distinguished colleague from Kentucky, floor manager of this bill, will support the House language on the bill and encourage the conference committee to include funds for Sailor's Snug Harbor.

Mr. HUDDLESTON. I thank my colleague from New York. Let me assure him that the Senate will extend sympathetic consideration within our tight spending restrictions to Snug Harbor in the final Interior appropriations bill. I hope that priorities will permit some form of favorable action.

● Mr. BAYH. Mr. President, the Interior appropriations bill which has been passed by the Senate today contains important and substantial funding for a cokemaking process vital to the long-term viability of the American steel industry. For the second consecutive year, the Congress has provided support toward the development of "formcoke" for utilization in existing blast furnaces. It is my understanding that the Department of Energy's Office for Industrial Programs is now prepared to go forward with negotiations aimed at securing a cooperative agreement with the industrial partner so we might have the first formcoke demonstration project before the middle of this decade.

As my colleagues know, formcoke is a briquette of uniform size, strength and shape which is produced by a completely closed process. One property of formcoke is its superior efficiency as a blast furnace fuel. Another is the exciting prospect of opening up a wider range of coals for use in steelmaking. In addition to these, the export market potential for formcoke also appears to be substantial.

Mr. President, the $16 million contained in the Senate bill for fiscal year 1981 and the $5.8 million provided in the fiscal year 1980 law for preliminary engineering work and testing represent a considered and necessary commitment toward a real industrial policy for this country.

The requirement for this particular project was highlighted in a report prepared by the Industrial Economics Research Institute of Fordham University in October of 1979. That study was prepared by Father William T. Hogan and Frank T. Koelble. One of the major concerns underlined by the report was the situation which has found the United States importing millions of tons of metallurgical coke. Completion and demonstration of the project, which the committee and the Steel Caucus support, will help us end the dependence of the United States on this important industrial fuel once and for all.

Mr. President, at this time I ask that

relevant correspondence and other documents associated with this demonstration project be placed in the RECORD.

The material follows:

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, D.C., August 18, 1980.

Hon. ROBERT C. BYRD,
Chairman, Senate Subcommittee on the Interior, Related Agencies Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. LEADER: We are writing to express our strong support for funding in the FY 81 Department of Energy budget for two formcoke projects, the formcoke demonstration project proposed by Inland Steel Corporation (previously brought to your attention by Senator Bayh) and the coke pellet project proposed by Formcoke Associates, a consortium of Bethlehem Steel, National Steel, Republic Steel and the Conoco Coal Development Company. We recommend that the Inland project be funded at a level of $16 million for FY 81 and the Formcoke Associates project at a level of $1.8 million for FY 81. Further, with regard to the Inland project, we recommend bill language to direct the Department of Energy to contract for a complete formcoke demonstration project.

Both of these proposed projects utilize technologies which will enable the steel industry to take advantage of our abundant coal resources in the United States in a more environmentally sound and energy efficient manner. These projects, therefore would meet the test of encouraging greater use of coal, a significant achievement and in concert with our energy policies.

Further, it seems to us that any long term strategies for revitalizing the domestic steel industry must include a strong commitment to technological advancement. Demonstration of innovative and proven technology is certainly part of that advancement. The problem with technology utilization in the domestic steel industry is not a problem with lack of knowledge or lack of available technology. Indeed, our industry exports technology. Rather, a major part of the problem, as we see it, is unavailability of capital to demonstrate technologies on a commercial scale.

We believe that a Federal commitment to participation in demonstrating technology is essential. We are pleased to point out that the conclusions in the July 18, 1980 Draft Report submitted to the Steel Tripartite Committee by its Working Group on Technological Research and Development echo our recommendations:

"Given the challenge of modernizing and advancing steel technology under conditions of high capital costs and inadequate capital resources, U.S. government-funded R&D, not being followed by demonstration may well be generating knowledge which will advance the competitive position of our international competitors. We believe this lack of demonstration funding is a serious weakness, and that it is in the national interest to support such efforts. (Draft Report, July 18, 1980, p. 9)"

We understand that conventional blast furnace steelmaking with its dependence on coking processes may be eventually augmented by more advanced technologies, and we would welcome such innovations, just as the industry does. However, in the next several years, the blast furnace process will outlive many current coke-oven batteries. We, therefore, expect coke utilization to remain at high levels for the immediate future. We recommend policies that will ensure the availability of domestic supplies of coke to avoid a potentially dangerous dependence on foreign coke imports.

In addition to reducing dependence on foreign sources of coke and steel, the demonstration of formcoke technologies will provide more stability and certainty to our commitment to the health of the steel industry and the coal industry. We believe this commitment will encourage further private investment in innovative technology when capital is available. The current lack of capital for private investment for modernization is well-known to you and recommendations for improving that situation are, of course, not appropriate for this letter. We would only point out that we are not unaware of the several suggestions for improving capital formation which may be adopted at a later time.

Further, we believe that these coking processes should be introduced to improve productivity, promote worker safety and provide greater protection for the environment. In our judgment, the formcoke processes which we are recommending for your continued support would contribute to these goals. We would again point to similar conclusions reached by the Steel Tripartite Committee's R&D Working Group:

"A significant opportunity for progress in continuous, closed-system processing is the technology of producing high-strength coke in uniform shapes. This technology promises advances in blast furnace operation and coke-making as well as in environmental impact and worker health. The working group recommends cooperative industry-government support of this technology. Specifically, we believe that the state of coke supplies in the U.S. coupled with our aging coke equipment urges movement as rapidly as practical to a demonstration of formcoke technology. (Draft Report, July 18, 1980, pp. 3–4)"

The Working Group then recommends that the Department of Commerce lead an interagency-industry group to financially support and to plan coordinated technology in this area.

The two projects under consideration offer specific advantages with which we believe you are also familiar. We would refer you to Senator Bayh's earlier letter (June 23, 1980) regarding the Inland process and a joint letter of August 16, 1979 which provides details on both projects, for a full review of the two projects. (Copies of both letters are attached.) We would also point to the several evaluations included in a report to your Subcommittee by the Department of Energy (An Assessment of Formcoke Processes, June 10, 1980). Although the recommendations of the Department of Energy depart from our suggestions, the documentary material submitted with their recommendations is quite favorable to pursuit of the projects.

We understand that the Department of Energy has recommended that it should not be further involved in the Inland project and that with regard to the Formcoke Associates project, "a preliminary Phase O [should] be negotiated to more accurately delineate the energy balance, environmental impacts, and technical modifications proposed to be included in the initial design effort," following which, further evaluation for suitability for funding by the Department of Energy would be taken.

Mr. Chairman, we disagree with these recommendations by the Department of Energy and strongly urge you to provide a clear direction to the Department of Energy by providing funding support for demonstration of these two innovative technologies. We believe that a continuing uncertainty about funding and Congressional support for the projects will only serve to delay the development of formcoke processes, which offer promise for the revitalization of the steel industry, and improvement of the domestic coal industry.

We appreciate the opportunity to provide our comments to you, and thank you for your consideration.

Sincerely,

BIRCH BAYH,
JENNINGS RANDOLPH.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., June 23, 1980.

Hon. ROBERT C. BYRD,
Chairman, Senate Subcommittee on Interior, Related Agencies Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to express my strong support and recommendation that the Subcommittee continue funding support of the formcoke demonstration project proposed by Inland Steel at a level of $16 million for FY 1981. Further, I propose that the Subcommittee provide a clear direction to the Department of Energy that this funding be utilized immediately to begin work on the Inland project by September 1, 1980. Although I am aware that the report of the Department of Energy made a recommendation that DOE should not participate in the project with regard to this program, the substance of that report clearly indicates that there are overriding reasons of national security, energy and economy policy that weigh heavily in favor of this proposal and any delay can only obstruct our efforts to achieve a real component of an overall industrial policy for the steel industry in order to assure its long-term viability and a reduced dependence on both foreign steel and metallurgical coke.

One of the several advantages of the Inland Formcoke Demonstration project is that it promises to eliminate U.S. dependence on foreign coke imports at a time when construction of additional coke-making batteries in this country is at a virtual halt. Uncertainty over whether conventional coke-making technology can meet present and future attainment of environmental standards finds the steel industry as a whole drifting into a situation of dangerous and potentially destructive dependence on diminishing sources of foreign coke. Nor should any apparent short-term coking-over capacity brought on by the present economic downturn obscure the absolute urgency to proceed with this innovative technology. Such a conclusion is supported in the assessment of the Report of the World Coal Study (WOCOL), that increasing steel production capacity both in the countries of the Organization for Economic Cooperation and Development (OECD) and the developing world will probably tighten the market for metallurgical coal.

Such a developing situation will provide added price pressures and help result in a further decline of the competitive position of the American steel industry in relation to foreign producers, many of which are government owned or heavily subsidized. In this regard, it is also important to point out that the WOCOL Report indicated that activity and research into expanding the range of coals usable in steelmaking is considerable.

Already, trade disputes have flared due to importation of foreign produced coke as evidenced by U.S. International Trade Commission investigations into this issue pursuant to anti-dumping complaints. This development portends an ominous trend suggesting further increases in steel imports because the industry will not be in a position to expand domestic coke-making facilities if foreign coke imports continue to be relied upon at a high level. Not only will the production base of the steel-making industry in this country continue to be eroded, but the substructure of that base will be imperiled as well.

From the technical standpoint, it is clear that the FMC formcoke process as proposed to be used by Inland is feasible in the production of formcoke to be run in a blast furnace. While the DOE Report on this program states that "significant risk" attends utilizing such fuel in large blast furnaces, there is also noted that satisfactory runs of FMC formcoke as a blast furnace reductant have occurred over a period of several days. Inland has in fact experimented with FMC formcoke briquettes over a 5 day run with significant results in terms of productivity with approximately a 40 percent replacement rate, up to 80 percent during some periods of the test. These results and other research have led Inland to conclude that substantial productivity increases can be realized throughout the industry through the construction of formcoke production plants. Part of Inland's proposal involves participation by representatives of other major steel companies in project evaluation to assure applicability on an industry-wide basis. Even with the 10 percent investment tax credit, the return on a 2,400 ton per day conventional coke battery is only 1.7 percent when compared with imported coke at $110 ton. The FMC formcoke process, according to Inland, could produce a return on investment of 17 percent.

The environmental and work-site health benefits from the Inland Formcoke Demonstration project offer potentially significant improvement over the present slot type coke oven batteries as well. DOE also recognized this advantage in its report and noted specifically that "one clear significant advantage projected for FMC over conventional coke is in the area of worker exposure to carcinogens."

The environmental and work-site health benefits from the Inland Formcoke Demonstration project offer potentially significant improvement over the present slot type coke oven batteries as well. DOE also recognized this advantage in its report and noted specifically that "one clear significant advantage projected for FMC over conventional coke is in the area of worker exposure to carcinogens."

Finally, while the energy conservation aspect of this project is an important one for the Department of Energy to consider, conservation is but one component of an overall national energy policy which must also support innovative and practical technologies which will make us less dependent on foreign energy sources and less likely to import energy in the forms of end products such as coke and steel. Processes such as the proposed Inland Formcoke Demonstration project promise to do exactly this by expanding the range of coals available in steelmaking. At a time when proposals to "reindustrialize America" abound, it only makes sense to indicate strong support by the Congress for a project whose time has come. DOE has the resident expertise to manage this project. Although the proposal by the Department to undertake a 30-day test-run at a yet to be determined site of a blast furnace utilizing FMC formcoke is noted, such a condition for moving ahead on a project which, in my view, we needed yesterday, will only further delay the industry-wide benefits as well as the demonstration of resolve to the world that this nation must show and which I very strongly believe this project provides. In connection with this proposal, I think the subcommittee will find useful a copy of Inland's evaluation of the cost of such a test.

No less an authority on the metallurgical coke situation facing us than Father William T. Hogan of Fordham University has stated based on his evaluation of the Inland proposal that:

"The project most certainly should be undertaken . . . It is a fine opportunity for the proper government agency, which in this case appears to be the Department of Energy, to assist in carrying out this venture in the hope that its claims and advantages can be demonstrated."

The Inland Formcoke Demonstration project makes sense and I hope the Subcommittee will include $16 million for the FY 1981 appropriations and language directing the Department of Energy to proceed on a timely schedule. At the present time, the estimated federal share of the cost of the program will amount to $192 million with Inland's added share now set at about $125 million in "then year" dollars. After completion and successful demonstration, Inland intends to buy back the plant which will reduce the net federal share to about one-quarter of the total cost of the program. However, if there is continued uncertainty about the status of Congressional support for the project, time-tables important to prevent cost growth are likely to slip. This will only delay the process of the development of this innovative technology which is so essential to the future competitiveness and perhaps even the survival of the U.S. steel industry.

Thank you for your consideration of this recommendation.

Sincerely,

BIRCH BAYH.

STATE OF INDIANA,
STATE BOARD OF HEALTH,
Indianapolis, Ind., June 11, 1980.

Re Inland Steel Formcoke Demonstration Project

Mr. HAROLD L. TAYLOR,
Senior Adviser, Inland Steel Company Research Laboratories, 3001 East Columbus Drive, East Chicago, Ind.

DEAR MR. TAYLOR: On April 7 and May 29, 1980, representatives of the Indiana Air Pollution Control Division and the Indiana State Board of Health attended a slide/sound presentation in regard to the metallurgical coke manufacturing process known as formcoke. Operation of the 250 ton per day Kemmerer, Wyoming, formcoke plant was discussed at the basis for Inland Steel Company's proposed 1,000 ton per day pilot plant to be constructed at the Indiana Harbor facility.

The manufacture of metallurgical coke and its associated discharge of air contaminants has long been a problem plaguing the environmental clean-up programs within Indiana. Slot type coke oven batteries have long challenged operating companies with development and purchase of unique and costly technology for the control of particulate, sulfur dioxide, and hydrocarbon emissions. The desired level of control has thus far eluded almost every steel making company.

The Indiana Air Pollution Control Division welcomes technological improvements in the control of emissions from the coke making process. Preliminary review of the formcoke process is encouraging in regard to its expected reduced impact on the environment. We want to add our endorsement to your research and development of this process as a viable replacement for the slot type coke oven batteries.

Very truly yours,

HARRY D. WILLIAMS,
Director, Air Pollution Control Division.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., August 16, 1979.

Hon. ROBERT C. BYRD,
Chairman, Interior Appropriations Subcommittee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to urge funding support in the FY 1980 Department of Energy budget for two technologies which will enable the steel industry in this country to make greater use of our abundant coal supplies in a more environmentally sound and energy efficient manner. Moreover, these processes promise to deliver us from a dangerous and growing dependence on supplies of steelmaking raw material from foreign sources, a dependence which we cannot tolerate in terms of our national economic security.

The following is a brief description of the merits of the Inland Steel Company's formcoke demonstration project proposal as well as coke pellet process (CPP) which has been developed by Formcoke Associates (National Steel Corporation, the Republic Steel Corporation, the Bethlehem Steel Corporation and the Concoco Coal Development Company).

Inland Steel Formcoke Demonstration Project.—This project was submitted to the U.S. Department of Energy as an unsolicited proposal in April of this year. Because the blast furnace is the central iron producing process for steelmaking and likely to remain so for the foreseeable future, metallurgical coke will remain a primary energy source for these operations. According to Inland, 1.31 x 10^{15} Btu of energy in this form are utilized in blast furnace operations in the U.S. each year. This represents about half of the total energy use in the steel industry. Disturbingly, however, present coke import data indicate a current lack of coke-making capacity to fully support coal-based steelmaking operations in the U.S.

While efficiency and productivity of the blast furnace have been improved over the past twenty-five years, there appears to be further opportunity to substantially enhance blast furnace efficiency through the production of a coke product of uniform size and shape. There is strong evidence to suggest that such a product will be superior to the present process of making in by-product ovens which 1) rely solely on metallurgical coals, an especially troubling aspect since this nation is now importing substantial quantities of coke from overseas (5,257,000 tons in 1978); 2) involve batch rather than continuous operation, a feature of steelmaking which limits productivity and efficiency; and 3) produce troubling and persistent environmental and occupational health problems.

In answer to these limitations, Inland Steel has proposed construction of a commercial scale formcoke demonstration project for operation at its Indiana Harbor Works in East Chicago, Indiana. This project would utilize already demonstrated technology of the FMC Corporation Coke Process which is presently producing formcoke for a phosphorus plant at a rate of about 250 tons per day.

Despite evidence of the viability of this operation which has been going on since 1966, Inland has been candid concerning the risks involved in scaling up such a process and integrating it into the operations of a major steel mill to produce 1,000 tons of FMC formcoke per day. However, there would be enormous national benefit derived for both the steel and coal industries if such technology could be proven and commercially applied. We estimate the categories of benefit as follows:

(1) improved productivity through decreasing the coke/ton per hot metal achievable through utilization of formcoke;

(2) increased range of coals usable in the steelmaking process, thus reducing the dependence on increasingly critical metallurgical grade coals but making it possible to extend the life of "mined out" metallurgical sites where substantial quantities of other coals in the eastern U.S. remain;

(3) using heretofore non-metallurgical grade coals not just in the steelmaking process for the domestic industry but providing realistic potential for the United States to become totally independent from foreign source coke. This could also lead the way toward establishing the U.S. as the world's

leading exporter of metallurgical coke for the steel industries of our trading partners. Revenues generated from this development could help significantly in redressing our balance of payments deficit and strengthen the dollar. It could also provide the steel industry with revenues essential to the modernization and plant and equipment and the expansion of facilities, revenues necessary for capital expenditures to meet growing demand for steel in this country—unless we want to relinquish forever that part of our market to foreign suppliers;

(4) achieving the goals of a quality environment and improving the health and safety of plant operations for steelworkers. Because it is a closed process, the Inland formcoke demonstration project would reduce particulates in steelmaking operations. This feature has attracted the positive interest of the Environmental Protection Agency.

The initial projected cost of the Inland proposal has been set at $216,700,000 (1979 dollars) over a six year period with a $5,800,000 expenditure for the first phase of the program. At the present time, the Department of Energy has indicated that the Inland proposal is of sufficient merit to warrant an engineering study contract to be let so a full assessment of the viability and risks involved can be made before a go-ahead is given. Inland proposes that it will share the cost of this project with the federal government on a one-third Inland/two-thirds federal government sharing basis. Inland would then buy back the facility once the technology has been proven through application.

Because we are impressed by the promise of the Inland proposal and believe that simply must move with all deliberate speed to encourage the development of technologies to meet our nation's needs, we are asking that $5.8 million be included in the FY 1980 DoE appropriations, as a line item, for the Inland Formcoke Demonstration project. These funds could be then utilized upon completion of the DoE contract study and would put the Department in a position to request appropriate funding for FY 1981 and beyond.

FORMCOKE ASSOCIATES COKE PELLET PROCESS (CPP)

Like the FMC formcoke process project proposed by Inland, Formcoke Associates are developing a technology which utilizes different types of coal in the form of smaller pellets and approximate size in the production of metallurgical grade coke. Formcoke Associates already has in place a 500 ton/day plant located at Sparrows Point, Maryland. That plant represents about $60 million in the development of the Coke Pellet Process, but for want of additional funding work ceased on the project and the plant was mothballed in July 1977.

Prior to curtailment of the CPP pilot plant project, a proposal was submitted to the Department of Energy for support of this development work and in February of 1978 a revised proposal was submitted for the same purpose. Formcoke Associates recently told a meeting of the Senate Steel Caucus on August 1 that reason for lack of Department support seemed to stem from DoE's perception of its mission which did not include a sensitivity to the metallurgical coal and coke problems of this country. Formcoke Associates is presently proposing a program of $37.5 million to complete the 500 ton per day pilot plant work, $1.5 million for step one and $36 million for step two. We believe that support for this project is also warranted on the basis of:

(1) potential for improved pollution control;

(2) production of gas and oil fuels from the high volatile coal which CPP would use;

(3) utilization of a wide range of coals (already demonstrated is capability for using Kayford coal of southern West Virginia, Ellsworth coal of western Pennsylvania, the Elkhorn Stinson coal of western Kentucky and No. 5 coal from Illinois);

(4) potential for construction of CPP facilities near coal mines or steel plants;

(5) potential for helping us achieve independence from foreign suppliers of coke and the attendant negative balance of payments result;

Along these lines, we would recommend funding of $1.5 million to be included in the FY 1980 DoE appropriations together with report language directing the Department of Energy to review once again Formcoke Associates proposal with a view toward sympathetic consideration of its request. Upon such a favorable review, the $36 million for step two could then be requested in the FY 1981 budget by DoE, or whatever funding might be deemed appropriate at that time.

Mr. Chairman, we recognize that the funding support we are requesting is significant and you have no doubt many other requests for other projects to consider. However, we strongly believe that in our quest for energy security we must rely on the strength of our nation which derives from the tremendous technological achievement made possible by a free enterprise system and the determination of many engineers and research scientists at those facilities to see that their efforts succeed.

Objections may be raised that the federal government ought not to be so directly involved in assistance to these firms in order to keep our country on the leading edge of new technologies. But to this the question must be posed: Can we afford not to be? The answer is clearly no. We must act now in order to assure those we represent that the United States will not simply endure the energy crisis we face. We will prevail. We look forward to working with you to accomplish this most urgent task.

We are enclosing additional information pertaining to these proposed projects as well as information on the present coke import situation, confronting the United States. Thank you very much for your consideration of these requests.

Sincerely,

JENNINGS RANDOLPH.
BIRCH BAYH.
WALTER D. HUDDLESTON.
WENDELL H. FORD.
JOHN HEINZ.

[From the News Digest]

JULY 14, 1980.

Government Support for "Crossroads" Theory."—The Office of Technology Assessment (OTA) agrees with the steel industry's "Crossroads" evaluation of its problems and prospects, but disagrees on the cost and technology for modernization. On July 1, the OTA released its report on the industry, "projecting a bleak future of lost jobs and high import penetration in the absence of changes in Federal policies to help generate more capital," said the New York Times. Steel should spend more on research, said the OTA, particularly on direct reduction steelmaking and flat products rolling technology. The OTA's estimate of annual capital costs for modernization and expansion is $3 billion. The "Crossroads" estimate is $4.9 billion. The OTA also gives more weight to scrap melting mini-mill expansion possibilities than the AISI evaluation. The OTA study, said the Times, "is expected to figure prominently in the debate over tax and other policies to strengthen the nation's industrial base."

Japan Moves on Formcoke.—Japan's five major steelmakers will construct a semi-commercial (200 metric tons per day) formed coke plant, American Metal Market reports (6/24). The five companies began a joint research project in 1978. The plant is to begin producing formed coke from steam coal in 1982. Inland's proposal for government funding for a 1,000 ton-per-day plant awaits Senate sub-committee action.

ANALYSIS OF THE U.S. METALLURGICAL COKE INDUSTRY

In the last year there has been a revival of interest in the formed coke process in the United States. An attempt is being made to build a production-size facility at a steel mill in order to produce enough formed coke for prolonged blast-furnace tests. This is being sponsored by the Inland Steel Company. A number of advantages are claimed for formed coke over the coke produced in conventional by-product ovens. They include:

(1) a greater uniformity of size and shape, which will improve blast-furnace productivity and help lower the coke rate;

(2) a single type coal or blend of coals can be used, which can be either coking or non-coking coals, thus extending the coking operation to a larger range of coals; this can reduce transportation costs, since some of the mines which can be brought into use are closer to the steel mills;

(3) mining costs can be reduced, since many of the non-metallurgical coals can be mined more cheaply;

(4) the process is a continuous closed process, so there is less chance of pollution.

In the formed coke process contemplated, the coke is cooled in an enclosed kiln, thus saving some of the energy which is lost by quenching in the conventional process and reducing the possibility of pollution. Basically, the process is the FMC type. If all its claims can be realized, there is a strong possibility that this plant will be constructed.

Since there will be a need to replace many U.S. coke oven batteries in the near future, if the formed coke operation is successful, many of the new batteries could employ this process.

FEDERALLY FUNDED REPORT CALLS FOR CONSTRUCTION OF NEW COKING FACILITIES

Construction of additional coke-making capacity is essential to the viability of the Nation's steel industry and the jobs of U.S. steel workers in the 1980's, according to a report entitled "An Analysis of the U.S. Metallurgical Coke Industry" released today by Robert T. Hall, Assistant Secretary of Commerce for Economic Development.

Hall, who heads the Commerce Department's Economic Development Administration, said the study was conducted under the auspices of President Carter's Interagency Coordinating Committee—a sub-cabinet unit established to target Federal resources on major problems facing the Nation.

Jack H. Watson, Jr., Assistant to the President and Chairman of the Interagency Committee, named Hall to head a special working group to implement the President's program to assist domestic steel companies, their employees and the communities in which they live.

Highlighting the efforts of the working group has been EDA's Special Steel Loan Guarantee Program involving guarantees of more than $364 million in private loans to five steel firms. The Federal financial support is expected to save or create more than 52,000 jobs at 14 plant locations in eight states.

The special steel program also included a $1-million program of research to help the U.S. steel industry adjust to changing conditions and utilize modern technology in competing with foreign steel. This overall program is being conducted by Lehigh University. The coking study was carried out by the Industrial Economics Research Institute of Fordham University.

The report said that coke imports jumped from 1.8 million to a record 5.7 million tons in 1978—10 percent of U.S. requirements—despite the fact that the U.S. has the largest and best coking coal reserves known in the industrialized world. It cited this as a "needless dependence" on foreign sources for energy-based industrial material.

The report points out that a shortage of coke exists when the U.S. steel industry operates at 83 percent or more of its capacity. It emphasizes that any increases in worldwide steel production could put U.S. producers at a disadvantage in purchasing coke on the world markets.

Father William T. Hogan, of Fordham University, one of the authors, in a transmittal letter to EDA, said the investigation on which the coking report is based evaluated every coke-oven battery in the U.S. in terms of present capacity and future potential. In emphasizing the problem, Father Hogan said the situation will worsen with any growth in steel production and will continue to exist even if there is no growth.

Construction of coking batteries capable of producing an additional five million tons of coke in the U.S. during the next five years is recommended by the report. This additional coke-producing capacity is needed to help maintain a viable domestic steel industry, to improve the U.S. balance of payments and to increase job opportunities for U.S. workers.

In his transmittal letter, Father Hogan suggests that some of the new capacity be constructed near coal mines and that one of the locations for a battery of one-million tons of coke-making capacity could be located in the Youngstown, Ohio, area.

In suggesting Youngstown as the site for a coking battery, Father Hogan points to the strategic location of Ohio in the heart of the coal-mining region and the steel industry. He also points to the area's outstanding transportation facilities and to the availability of an ample supply of skilled labor and sites for the construction of a coking battery.

Hall said that when the special steel loan guarantee program was launched, the guidelines called for assistance to be provided to the "basic steel industry." However, because of the implications of the coking study and the Carter Administration's continuing concern for the people of the Youngstown area—an area hard-hit by unemployment related to cutbacks in the steel industry—EDA will revise the guidelines of the Special Steel Loan Guarantee Program. The guidelines limiting the eligibility of projects to those of the "basic steel industry" or firms actually producing steel will be waived to enable a firm producing coke for the steel industry to be eligible for assistance.

Hall noted that EDA has reserved funds sufficient to provide the guarantee of up to $100 million in private-sector loans for a viable steel industry project in the Youngstown community.

FORMCOKE—THE REAL THING FOR INDUSTRY

Across an arid plain of western sagebrush, six 50-ton hopper cars roll daily to FMC's hungry phosphorus furnaces in Pocatello, Idaho. Their cargo is formcoke, produced by a patented FMC process that has great potential for all of heavy industry.

FMC coke, made in a special plant near Kemmerer, Wyoming, is an indispensable raw material for the Industrial Chemical Division's sister Pocatello phosphorus plant, the largest in the world.

Elemental phosphorus made with the help of Kemmerer formcoke goes to FMC facilities in Newark, California; Green River, Wyoming; Carteret, New Jersey; Lawrence, Kansas; and Nitro, West Virginia. There, elemental phosphorus is combined with other components to produce a wide range of chemical compounds used in a variety of phosphorus detergents, food products, and flame retardants.

Approximately half the coke for the mammoth Pocatello plant, whose four electric furnaces manufacture well over 250 million pounds of phosphorus annually, comes from Kemmerer, 175 miles to the east.

This close relationship between Kammerer and Pocatello developed as a matter of economics. In the early fifties, FMC was hauling huge amounts of coke by railcar from the steel centers of the U.S.—Chicago, Pittsburgh and Birmingham—to Pocatello at great expense. Yet, the plant was operating in a region honeycombed with huge amounts of western coal, readily and cheaply available, and low in sulfur content (important in meeting strict air quality standards).

This soft coal, however, could not be used for coking because it crumbled in coke ovens rather than forming hard lumps of carbon, needed in metallurgical operations.

Coking, or metallurgical coal, accounts for only about 10 percent of the world's total coal reserves. Much of this lies deep in the underground mines of the Appalachian region of the U.S., while the balance is scattered throughout other parts of the world.

To tap western coal reserves, FMC developed a new process that made it possible to transform soft coal into formed briquettes strong enough to withstand the high temperatures of commercial blast furnaces which reach 3,500 degrees F.

Working at the Chemical Group Research & Development Center in Princeton, New Jersey, at a pilot plant in Philadelphia, and later in Kemmerer, FMC researchers, engineers and processing people perfected and put into operation the largest commercial formcoke operation in the world.

Running at full capacity, the facility now now is operating 24 hours a day, seven days a week, demonstrating the effectiveness of the process and manufacturing 250 to 300 tons of coke daily.

In the process, developed over a period of 20 years, raw coal is heated to produce char, tar and gas. The char and tar are recombined as briquettes, similar in appearance to charcoal briquettes, which are then heated at high temperatures to produce a strong, highly reactive metallurgical coke.

At Kemmerer, all processing steps are contained to maximize pollution control. Tramp dust from coal and coke transfer points is also controllable.

The plant meets state and federal point source emission standards and is installing additional pollution control equipment to meet future environmental requirements.

To feed the plant, six hopper cars of coal are purchased from an outside supplier every day. Less than three miles away, however, FMC is developing its own coal mining operation. This major deposit of low-sulfur, low-ash coal is expected to provide more than an adequate supply for the coke plant.

Projections are that FMC's mine will be producing about 600,000 tons of coal annually when it goes into full production next year.

Some 200,000 tons are earmarked for Kemmerer and 400,000 tons for FMC's soda ash plant in Green River, Wyoming.

By far, the major use for coke (some 90 percent of all produced) is in steel industry blast funaces to produce iron from iron ore, the first step in steel-making.

Since FMC refined the coal-to-coke process, the company has supported tests conducted by major foreign and domestic steel companies including British Steel, Armco, Inland, Jones & McLouth and United States Steel, to establish that formcoke would perform as well as conventionally made coke in blast furnaces. The results were positive.

In fact, tests showed that FMC coke improved iron making, in some cases increasing iron production as much as 15 percent.

Another bonus is that the new process makes it possible to use virtually any of the world's coal supplies to produce coke.

More than 150 coals of all types and qualities from every part of the world have been tested in the process, and not one has been found that does not perform.

This is particularly significant since projections are that during the next decade there will be at least a 50 percent increase in the demand for iron and steel products worldwide.

If put into wide-spread use, this new process could make it possible for areas of the world, such as Australia, Brazil, Peru and Japan, to establish their own coke supplies, and aid in the more rapid development of the third world nations.

Almost every major steel company in the U.S., and several foreign countries, has been working to develop similar processes, but none to date is said to approach the proven effectiveness of the FMC process.

FMC now has the technology to build reliable commercial coke plants with capacities of 500,000 to a million tons of coke a year. And world interest in the process, which the company plans to license, is accelerating rapidly.

FMC's coke plant was constructed in 1960 to demonstrate the coal-to-coke process and to produce ample quantities of formcoke for commercial testing.

As the steel industry's interest in formcoke rose and fell, so did the process and engineering development programs. Each new surge of work produced additional improvements in both product quality and operating reliability.

Based on development work conducted from 1966 to 1969, a number of plant improvements were made. And in 1970, the Industrial Chemical Division took over the plant as a fullscale production unit to supply coke for the furnaces of its Pocatello facility.

Since then, plant facilities have been modernized, capacity increased, operating costs reduced; the process has proven itself highly reliable.

Much of the success of the operation is the direct result of the long hours and hard effort (often in subzero temperatures) of the 45 people who work in the plant itself.

Until now, the town of Kemmerer has won most of its acclaim as the place where a fellow named J. C. Penney opened his first dry good store in 1902. For FMC and the industry world, however, the formcoke process pioneered there one day may be just as famous.●

U.S. TERRITORIAL POLICY

Mr. MATSUNAGA. Mr. President, while I fully support the pending bill, I wish to remind my colleagues that 9 months ago, President Carter delivered a message to the Congress containing a new "comprehensive" territorial policy based on the conclusion that until then, in the President's words:

> The piecemeal solutions devised (by the Federal Government) have failed to clear up the underlying causes of the pressing problems facing the territories.

President Carter further advised the Congress, that:

> While some Federal actions have contributed to the development of the territories, others have not promoted the greater self-sufficiency to which they justly aspire.

And their aspiration is our obligation, for the Federal Government has continually reaffirmed its commitment to promote self-sufficiency in the territories, both by legislation and by public statements of our national leaders.

Self-sufficiency of the territories is also in the Federal Government's best interest, since the only other alternative is their continuing dependence on American financial aid, which is now running well over $100 million a year, in all its aspects, for the trust territory entities alone.

As a member of the Energy and Natural Resources Committee, which has responsibility for territorial affairs, I have been made acutely aware of the degree to which self-sufficiency is actually declining in certain areas and have introduced legislation aimed at correcting that unfortunate trend in the critical energy field. But such legislation depends for its effectiveness on the context in which it is delivered and administered. And that is where the objectives of the President's comprehensive policy take on special meaning.

In pursuit of the goal of self-sufficiency, President Carter ordered an executive branch reorganization, giving the Secretary of the Interior "clear responsibility for all matters related to the territories," through the newly created office of Assistant Secretary for Territorial and International Affairs. A primary responsibility of this new office was to be technical assistance geared toward promoting private sector development and assuring that the major infrastructure projects upon which economic development depended would be adequately operated and maintained—such as the $245 million 1976–81 capital improvements program for the trust territory entities. Without technical assistance of that nature, economic development in the territories would be doomed to perpetual failure, no matter how many millions of dollars the Federal Government spent there for other laudable purposes.

Unfortunately, conditions are not propitious for funding of the new office at this time. I would like, however, to call the attention of my colleagues to the vital importance of this office and to the admirable performance to date of the Acting Assistant Secretary for Territorial and International Affairs, Mr. Wallace O. Green, whose appointment by the President was reported favorably by the Energy and Natural Resources Committee. It is my sincere hope that Mr. Green will soon be able to obtain the means to realize his objective of developing and implementing a technical assistance policy oriented toward self-sufficiency for the territories. Such a policy could hold the key to their future.

TO RESTORE THE IN SITU COAL GASIFICATION APPROPRIATION TO $10 MILLION

Mr. President, I rise to express the hope that the Senate conferees will agree to restore funding for in situ coal gasification up to the $10 million level approved by the House because the $4.9 million approved by the Senate Appropriations Committee is wholly inadequate.

Mr. President, several weeks ago the Senate passed S. 2774, the Underground Coal Gasification and Unconventional Gas Research, Development and Demonstration Act. The bill has 27 cosponsors; namely, Senators Henry Jackson, Warren Magnuson, Robert Byrd, Jennings Randolph, Mike Gravel, Ted Stevens, Dale Bumpers, David Pryor, Gary Hart, William Armstrong, Daniel Inouye, Charles Percy, Adlai Stevenson, Walter Huddleston, Wendell Ford, John Melcher, Max Baucus, Pete Domenici, Milton Young, Quentin Burdick, Howard Metzenbaum, Henry Bellmon, David Boren, Harry Byrd, John Warner, Malcolm Wallop, and Alan Simpson.

The supporters of this bill recognize that we have a very serious energy problem that is only going to get worse in the next 20 years. Fortunately, we are blessed with an ample reserve of coal. Unfortunately, up to 93 percent of it most probably will not be recoverable by conventional underground or surface mining techniques. However, an estimated 80 to 1,800 billion tons of this unminable coal could be utilized through the in situ gasification process. Assuming that only 80 billion tons prove to be reachable, that would correspond to the energy equivalent of the remaining recoverable U.S. crude oil reserves.

Over the past 5 years, the production of natural gas in the United States has undergone a 15-percent decline—a trend which must be reversed if we are to meet our Nation's energy needs, for continued decline only means increased dependence on imports. Underground coal gasification is a technology which is very close to being perfected, and badly needs front-end Government assistance to enable the private sector to commercialize the process in the earliest time frame possible. With the appropriate support, we could be producing as much as 2 trillion cubic feet of synthetic natural gas by the 1990's. By way of comparison, we used 19.5 trillion cubic feet of natural gas in 1979.

In fiscal year 1979, the Department of Energy spent $15 million for underground coal gasification. In fiscal 1980, the support was reduced to $8.4 million. In fiscal 1981 the Department of Energy appeared to finally recognize the potential of this process by requesting $10 million, plus another $10 million from windfall profit tax revenues, or a total of $20 million, the amount authorized in S. 2774, the Underground Coal Gasification and Unconventional Gas Research, Development and Demonstration Act.

However, the budgetary crunch and some disenchantment with an underground coal gasification program solicitation caused the Department of Energy Fossil Fuel Program in March this year to drop its request to $5 million for fiscal 1981. In the intervening months, however, certain technical breakthroughs caused the department to reverse its attitude of only 6 months ago. Latest discussions with the program people confirm the position that a minimum of $10 million is required to maintain the current effort.

The sum of $4.9 million provided by the Senate Appropriations Committee has been labeled as a phase-out budget. Manpower will need to be shifted to other programs, and the necessary momentum will have been lost. A $4.9 million appropriation for fiscal 1981 would cripple the development of this promising technology.

Mr. President, the Senate Energy and Natural Resources Committee inserted language authorizing $10 million for in-situ coal gasification, the House appropriated $10 million, the Department of Energy wants this sum, and S. 2774, with 27 cosponsors, recommends $20 million for fiscal year 1981.

In underground, or in situ, coal gasification, we have a process which:

Not only utilizes our most abundant indigenous energy resource, but conceivably could make available up to four times more energy than would otherwise be exploitable by existing mining methods.

Can be converted into a form of fuel which would use existing pipeline transmission systems;

Has been praised by environmentalists as perhaps the most benign of the fossil alternatives; and

Has a product cost potential 10 to 30 percent cheaper than the other syngas options.

Under these circumstances, it appears that an appropriation of $4.9 million is grossly inadequate, and that a funding level of $10 million is certainly justified. I had intended to offer an amendment to raise the funding to the House level, but rather than taking the time of the Senate in debate, I am appealing to my colleagues who will serve on the conference committee to yield to the House in restoring the funds for underground coal gasification to $10 million.

Mr. HUDDLESTON. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. STEVENS. Mr. President, I commend my good friend from Kentucky on the manner in which he has handled this bill for the distinguished majority leader. It has been a pleasure to work with him. I do not know whether either of us are going to be working on this bill in the next Congress, but this year, as in the past, he has handled it with fairness and firmness, and I think in the best interests of the Nation. I do thank him for his kindness.

Mr. HUDDLESTON. Mr. President, I certainly appreciate the kind remarks of the Senator from Alaska. I have worked on this bill for several years now and in the last couple of years have assisted our majority leader in managing the bill on the floor. The Senator from Alaska has been the ranking minority member. I must say that I doubt that we could have ever brought the bill to the floor, prepared and ready for presentation to the full Senate, without the help of the Senator from Alaska, whose knowledge in this entire area is very formidable.

The diligence with which he attacks

his responsibilities is certainly commendable.

I also want to thank our colleagues in the Senate.

Many Senators have withheld or withdrawn amendments relating to specific projects in which they had a very personal interest. They recognized the need for budget restraint, for the slowdown in the growth of Government. They recognized the budget restrictions under which we were operating. Because of that, we have stayed very close to those ceilings that have been imposed upon us. It is only through this kind of cooperation that we have been able to avoid a large increase because many projects were worthy. They were all justified. When funding is available, I am sure most of them will be completed.

Because of the cooperation we have had, we have been able to finish the bill within the ceilings that were imposed upon us.

The PRESIDING OFFICER. Do the floor managers of the bill yield back the remaining time?

Mr. HUDDLESTON. Mr. President, we yield back the remainder of our time.

Mr. STEVENS. Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. Boren), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Indiana (Mr. Bayh), the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Alabama (Mr. Heflin), the Senator from Vermont (Mr. Leahy), the Senator from Arkansas (Mr. Pryor), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Minnesota (Mr. Durenberger), the Senator from Utah (Mr. Garn), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), the Senator from Idaho (Mr. McClure), the Senator from South Dakota (Mr. Pressler), the Senator from Delaware (Mr. Roth), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The PRESIDING OFFICER (Mr. Sarbanes). Is there any other Member in the Senate present desiring to vote?

The result was announced—yeas 76, nays 4, as follows:

[Rollcall Vote No. 469 Leg.]

YEAS—76

Armstrong
Baker
Baucus
Bentsen
Biden
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durkin
Exon
Ford
Glenn
Goldwater
Hart
Hatch
Hatfield
Hayakawa
Heinz
Hollings
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kennedy
Laxalt
Levin
Long
Lugar
Matsunaga
Melcher
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—4

Eagleton
Helms
Humphrey
Proxmire

NOT VOTING—20

Bayh
Bellmon
Boren
Byrd,
Harry F., Jr.
Church
Durenberger
Garn
Gravel
Heflin
Javits
Leahy
Magnuson
Mathias
McClure
McGovern
Pressler
Pryor
Roth
Stennis
Young

So the bill (H.R. 7724), as amended, was passed.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. Robert C. Byrd, Mr. Hollings, Mr. Bayh, Mr. Johnston, Mr. Huddleston, Mr. Leahy, Mr. DeConcini, Mr. Burdick, Mr. Durkin, Mr. Stevens, Mr. Young, Mr. Hatfield, Mr. Bellmon, Mr. McClure, and Mr. Laxalt conferees on the part of the Senate.

RESUMPTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a resumption of the period for the transaction of routine morning business, for not to exceed 15 minutes, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VOYAGER PROJECT—ANOTHER JOB WELL DONE

Mr. THURMOND. Mr. President, this past week, on November 11–13, the world was treated to a spectacle made possible only by an unsurpassed triumph of American science and technology. Through the eyes of the American spacecraft, Voyager 1, passing near the giant planet, Saturn, the world has learned more about that planet in 1 week than in all previous recorded history. The resolution of the centuries-old mystery of Saturn's rings, the study of its atmosphere-shrouded giant moon, Titan, and the discovery of three new moons have allowed all mankind to share in an experience akin to those of Columbus, Magellan, and other great explorers who have stood, for the first time, at the frontiers of knowledge. This feat was possible because of American vision and commitment to the advancement of knowledge and understanding.

A strong and vigorous civilian space exploration program like this puts the very best face of American science and industry forward to the world, and helps maintain the engineering talent and industrial base that we would have to turn to in time of national emergency. I, therefore, extend my congratulations and highest commendations for another job well done to the National Aeronautics and Space Administration, Mr. President, and to the Jet Propulsion Laboratory of Pasadena, Calif. All Americans should thank them and look forward to Voyager 2's encounter with Saturn next August and with the mysterious planet Uranus in 1986.

Every year, Mr. President, from the early 1960's until now, we Americans have experienced the wonders of discovering new worlds through the eyes of distant cameras, carried with uncanny accuracy by American spacecraft that would fill the renowned science fiction author, Jules Verne, with envy.

But after this spectacular Saturn encounter, we may see no more vistas of alien worlds for a long time to come. Beyond Voyager, our dreams of the stars may turn to dust. Only one other planetary exploration mission is currently planned by NASA—an orbiter and atmospheric probe at Jupiter scheduled for the late 1980's. After that, Mr. President, NASA will run out of missions, reflecting this Nation's flagging commitment to its own space program. Other nations already recognize our abdication and are rapidly developing space programs of their own. This will enhance their national prestige at the expense of our own Nation's leadership position.

Fortunately, Mr. President, something can be done about this situation. NASA's budget submission for fiscal 1982 already includes a proposal to map the cloud-covered planet Venus by radar. Beyond the completion of Venus' exploration, Mr. President, there exists a truly once-in-a life-time opportunity for discovery and exploration in the classic sense. That most mysterious of all celestial objects, Halley's Comet, will return again in 1986. After that, it will not pass this way again until 2061. The same American know-how that brought us the magnificence of Saturn can deliver cameras to within 600 miles of that comet's head. Already, other nations—Russia, several European countries, and Japan—are planning to seize the Halley opportunity to displace the United States as the technological leader in deep space exploration. Will we stand idly by, Mr. President? I do not believe we should. We can add the Halley intercept mission to our fiscal 1982 plans and once again affirm to the world, in a spectacular and dramatic way, that American leadership in high technology stands unsurpassed at the frontiers of knowledge.

MORE SUPPORT TO NATIONAL GUARD AND RESERVE UNITS NEEDED

Mr. THURMOND. Mr. President, one of the most discouraging attitudes in the Defense Department and among some

Members of Congress is the lack of appreciation for the importance and cost effectiveness of the National Guard and Reserve Forces.

In my work on the Senate Armed Services Committee, I have repeatedly attempted to fund aircraft procurement, increase military construction, promote modernization, and enhance manning for these citizen soldiers. My proposed GI Bill of Education is the only one in the Congress which includes benefits for our Reserve Forces.

RESERVE VALUE NOT RECOGNIZED

However, I have found that even some of our defense-minded Members of Congress do not understand the value of these forces to our national defense structure. Oftentimes, the attitude is that we must put all of our money into the active forces as they are badly underfunded and the Reserve and Guard will have to wait.

Many are even unaware that large numbers of Reserve and Guard units are on a semiactive duty status today doing jobs that it would cost much more to perform if full-time active units were involved. This is particularly true in the Military Airlift Command, where, today, the Air Force Reserve associate units are flying about 40 percent of MAC's current mission requirement.

Many Senators and Representatives simply do not realize that about one-half of the Nation's Army combat power and two-thirds of its Army support capabilities are maintained in the Reserve Forces. Despite this fact, the total Reserve Forces receive only about 5 percent of the national defense budget.

MUST DEPLOY QUICKLY

Another fact not understood is that under the total force concept, the National Guard and Reserve are required by current war plans to perform promptly in foreign theaters as effectively as the Regular Forces.

Because of this requirement, it is essential to man, train, and equip the Reserve and Guard as well as the Regular Forces are manned, trained, and equipped. Fortunately, this can be done for about one-third of the cost of maintaining Regular Forces.

ELECTION MANDATE

Mr. President, I bring this issue to the attention of Congress today because I believe the November 4 elections represent a clear mandate to President-elect Ronald Reagan and the new Congress to sharply accelerate our defense preparedness.

After the Vietnam War, the active Army Forces were cut back by more than one-half. At the same time, the total force concept was adopted, greatly expanding the immediate deployment responsibilities of the Reserve and Guard. Also, in this period the active Army was expanded from 13 to 16 active divisions without any increase in manpower. To provide manning for these new divisions the Army was required to drastically reduce its combat support and service type units. these responsibilities being shifted into the Reserve Forces. This action placed the combat-to-support ratio in the Active Forces seriously out of balance, a step which I believe has proven to be very damaging to our forward deployed units in the North Atlantic Treaty Organization units in Europe.

This realinement led to a shift of about one-half of the wartime combat power and about three-fourths of the combat support and service type units to the Reserves.

HUGE RESERVE COMMITMENTS

If the Army went to war tomorrow, the Reserve and Guard would be expected to provide 77 percent of the nondivisional combat forces in addition to the National Guard's eight divisions; 72 percent of the hospital units, 71 percent of ammunition supply units, 74 percent of engineer construction capability and so on.

In other areas the Guard and Reserve air units in an all-out mobilization would provide 64 percent of the tactical airlift, 50 percent of the strategic airlift wartime capability, 32 percent of the tactical fighter aircraft, and 60 percent of air defense assets, to name just a few elements of the support being maintained by our backup forces.

In the Naval Reserve a similar picture unfolds—these forces being charged with responsibility for all tactical airlift and light attack helicopters, 20 percent of the carrier air wings, 75 percent of harbor clearance forces, 90 percent of surface minesweepers and so on.

In the Marine Corps, one-fourth of this total force, one division, is maintained in the Reserve.

TO PROPOSE INCREASES

Mr. President, I intend to promote, in the new administration and the new Congress, a larger percentage share of the defense budget for Reserve Forces. Even if the current 5 percent of the defense budget now going to Reserve and Guard forces were increased only 1 percent to 6 percent, this would add about $1.7 billion to address the manning, training, and equipment problems of these forces.

As the ranking majority member of the Senate Armed Services Committee in the 97th Congress, I intend to give these areas my special attention. Also, I shall look for an early opportunity to bring these concerns to the personal attention of President-elect Reagan, and I expect to communicate them to the new Secretary of Defense as soon as possible after this position is decided upon.

It will be my purpose to constantly press the new administration to give more attention to the needs of the Guard and Reserve. Many of these units have the personnel continuity so badly lacking in active duty units, this continuity being a major factor in their high rates of success when called to active duty.

GUARD PROVES WORTH

As an example, the late Chairman of the Joint Chiefs, Gen. George Brown, in answer to a question I posed to him in a committee hearing, testified that the National Guard air units in Vietnam were more effective than the active units. He attributed this chiefly to the fact that they were being manned by people who had worked together over the years. In active units, personnel turnover often degrades the military performance of the unit.

The Congress should give more study to this issue as not only are these hardware type units effective, they are maintained at about one-third the cost of active duty units.

Mr. President, an editorial on the needs of the National Guard was recently published in the November 1980 issue of the National Guard magazine. This article, entitled "Manning, Modernization and Mobilization," was written by Maj. Gen. Edward Fry, President of the National Guard Association of the United States. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANNING, MODERNIZATION AND MOBILIZATION

(By Maj. Gen. Edward R. Fry)

Now the NGAUS 102d General Conference is history, adjourned sine die as has been proclaimed by presiding officers, we would guess since time immemorial. A slate of new officers has been installed to provide for continuity in leadership and new Executive Council members have been added from Areas I and IV.

With the conference behind us only briefly, it is still difficult to see the forest for the trees. All of the details will be captured in the next issue of NATIONAL GUARD. It is our intent to comment at this time on just one aspect of the Las Vegas conference—the 1980 theme of "Manning, Modernization and Mobilization."

As a consequence of the staff analysis of the main ingredients of the conference theme, a 1980 NGAUS position paper was written, submitted and adopted by the conferees. The paper is aptly titled: "Manning, Modernization and Mobilization: After Ten Years of the Total Force."

The paper reviews the circumstances surrounding the public announcement in September 1970 of the then new "Total Force Concept" and it explores the events of the 10 intervening years.

It concludes that the concept espoused originally by Secretary of Defense Melvin Laird did, in fact, lead to extraordinary change in the relationships between the active forces and the Guard and Reserve. It notes: "This is not to say that Laird's objectives with respect to funding support was ever provided to the extent needed. But it put the relationships into a new—and important—focus."

It does not, in our view, take a military genius to know what it is going to take to make the now Total Force Policy achieve all that has been set out for it. However, it may indeed take some rare genius to get it done.

Get what done?

The NGAUS position paper makes these specific points:

Enough equipment to train and to fight with. "Come as you are war" made for a nifty slogan but it won't wash. Not unless "as you are" means that same kind of equipment which is being used by the active forces.

Support for incentives and enlightened personnel policies to enable the Guard and the active forces to maintain needed strength. This involves realization that the Guard in peacetime must be managed as a wartime force.

Step up mobilization-related training activities at all levels as a reminder that, in the long run, the ability to mobilize is the name of the game.

The position paper also draws a series of rather powerful analogies between the situation which confronts us today and the situation 40 years ago when the nation was setting out to put its defense structure in order after many years of neglect. It was in 1940 that the active forces were significantly enlarged, a major aviation program was launched, the mobilization of the National Guard got underway and the first peacetime draft in the nation's history was launched.

Once again, as in 1940, U.S. national interests are threatened. Alarming figures have been published as to the extent of the increases in Soviet defense expenditures and, in addition, we have seen still another example of reckless Russian adventurism in the invasion of Afghanistan. On this blatant occasion, the Soviets did not even seek to utilize surrogate forces to mask their aggressive intent. Unofficial sources continue to report on the field training activities of the Soviet combat brigade in Cuba, less than 100 miles from our shores.

The conclusion which is reached in the NGAUS position paper is that the Total Force Policy could produce a winning U.S. strategy. It could produce the kind of results we have been unable to attain at other critical moments in U.S. history. But we are forced to use "conditional" language because there are severe and urgent shortcomings inherent in the system as we know it today.

To express these shortcomings in terms of the "3-M's" the situation might be summarized as follows:

Manning is so important that defense strategists are sometimes prone to forget shortfalls in other areas. It is essential that incentives be provided to the Guard and Reserve, across-the-board, personnel and individual training policies must be shaped for the purpose of making it easier, rather than difficult, for young people to be able to serve.

Modernization is essential. Substandard equipment which is "good enough to train with" may not be good enough for deployment. Since Guard units figure in early deployment plans, Army elements of the Guard need equipment which is compatible with the equipment of the U.S. Army units and Air National Guard units must be equipped with aircraft which possess the same systems and fighting capabilities which characterize their active USAF counterparts.

Mobilization is a capability which we must possess if we are to continue to project an image as a leading world power. It is an area in which, as has been learned in two successive MOBEX tests, the U.S. armed forces are woefully deficient. It is a gross miscalculation to see this as a "Guard and Reserve problem". Far from it, this is a U.S. defense establishment problem. It must be tackled in a straightforward and direct manner.

It is precisely because we agree that manpower, modernization and having the capability to accomplish mobilization are the gut issues in the years ahead, that NGAUS believes that the Total Force Policy must continue to function. It should continue to characterize our approach to the maintenance of U.S. security and it needs to be supported as was initially intended by the framer, Mr. Laird.

In a period of increasing economic crisis, the competition for a nation's dollars become keen. In a great democracy which has prided itself for its diversity and ingenuity, the competition for federal budgets has been intensified by the explosion, in recent years, of social assistance programs. Today, many of these programs are in direct competition with defense-related programs. Military programs have been attacked by reformers who wish to see funds diverted to social assistance programs.

As money for programs in the defense sector becomes harder to come by we may expect, once again, to hear the cry of "more bang for the buck". But it will be remembered that "more bang for the buck" several decades back resulted in massive deterioration of the nation's General Purpose Forces and led to the discrediting of the policy of "massive retaliation" as a national military strategy.

It was in pursuit of "massive retaliation" that U. S. conventional military forces suffered extraordinary cutbacks since it was envisioned that only small elements, operating behind a powerful nuclear shield, needed to be fielded. This was, at its time in the limelight, the nation's attempt to answer the age old question as to the scope and range of its military forces.

It was answered poorly then; we cannot afford to have it answered poorly now. But for our part it is important to understand and to acknowledge that, in seeking to get the best that we can for the National Guard in terms of support and resources, we must all recognize that there is no room for "luxury items".

With that as "being understood" we must press on, as the position paper suggests, to insist upon the support that is appropriate to the creation of Guard and Reserve forces which are manned, which are equipped with modern military hardware and which are ready for mobilization with little advance warning to make an immediate transition into wartime status.

It is an immense challenge. It is a stupendous opportunity!

CONTINUED SOVIET MILITARY ATTACKS ON PEOPLE OF AFGHANISTAN

Mr. THURMOND. Mr. President, the continued military attacks by the Soviet Union on the people of Afghanistan deserve the condemnation of the American people, our Government and the world community.

An article in the November 7, 1980, issue of the Baltimore Sun newspaper in Baltimore, Md., reports that Soviet forces using air strikes and armored assaults have failed to overcome Afghan freedom fighters in three towns within 60 miles of Kabul, the nation's capital.

Mr. President, our Nation should do everything within its power to give military equipment to these brave Afghan fighters who are struggling against great odds to preserve the freedom of their country. To do otherwise would be to condone the brutal invasion and warfare the Soviets are conducting against the Afghan people.

Mr. President, I ask unanimous consent that this article, entitled "Soviet Air Strikes and Armored Assaults Fail Against 3 Afghan Towns," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Baltimore Sun, Nov. 7, 1980]

Soviet Air Strikes and Armored Assaults Fail Against 3 Afghan Towns

Islamabad, Pakistan.—Soviet forces using air strikes and armored assaults have failed in three attempts to overcome Muslim rebels in three Afghan towns about 60 miles from Kabul, according to a Japanese photographer who spent 40 days in guerilla-held Kapisa province.

Hiromi Nagakura, 28, said here yesterday that Afghan insurgents, although badly splintered into factions, were able to mount an effective resistance against the Soviets at Tagghab, Panchaghan and Nejra, northeast of the Afghan capital.

His experience with the rugged, stubborn "mujahiddin" or Muslim "holy warriors" helps explain why an estimated 85,000 Soviet occupation troops have been unable to subdue the anti-Communist insurgency since entering Afghanistan 10 months ago.

In the latest move against the towns in Kapisa province, Soviet aircraft pounded Taghab and Panchaghan for hours October 11, but Mr. Nagakura said relatively little damage was caused. He said the following day he saw dozens of armored vehicles encircle Taghab and take its crowded bazaar area.

Resistance fighters, firing from secure positions behind thick mud walls, used three previously captured shoulder-fired, rocket-propelled grenade launchers and gasoline bombs to disable eight armored vehicles, the Japanese photographer quoted them as saying.

The insurgents claimed to have killed 65 Soviets in three days of fighting and to have suffered only one casualty, from a bullet wound.

Mr. Nagakura, who entered Taghab soon after the battle, said he saw three destroyed Soviet tanks. One heavy tank, he said, had its gun turret completely wrenched off. He said the rebels told him the Russians had hauled off some of their damaged vehicles.

Mr. Nagakura said Soviet helicopter gunships recovered all but one of the Soviet dead, a young soldier found sprawled 50 feet from a destroyed tank. The body was quickly stripped of its boots, clothes, ring and wristwatch by the resistance fighters.

"They showed off the loot in the village with great pride," the Japanese photographer said, "The dead Russian was left with only his briefs."

Mr. Nagakura said the Soviets want to crush the insurgents in Taghab and in neighboring Panchaghan and Nejra because the invaders apparently believe the area is used as a springboard for attacks on the nearby highway linking Kabul to the Pakistani border. The communities also straddle a road that leads to the provincial capital, Mahmud-e-Eraqi.

The Japanese photographer said that in his time with the guerrillas they seemed content to defend their homes. They seldom ventured far except to pick up arms and ammunition in the Pakistani border town of Parachinar, he said.

Mr. Nagakura, who had spent six months in Afghanistan during the 1970s and is able to communicate in Farsi (Persian), said he found little cooperation between insurgent groups. When Taghab was attacked, the neighboring towns did not send help, he said.

THE OFFICE OF SPECIAL COUNSEL

Mr. STEVENS. Mr. President, there has been a continuing controversy surrounding the Office of Special Counsel since the advent of civil service reform. Lack of staff, funds, and a permanent Special Counsel have contributed to the Office's troubles. In fact, because of a shortfall in funds in fiscal year 1980, the Office effectively closed down during the month of September.

In response to these problems, the chairwoman of the Merit Systems Protection Board proposed certain changes in the Board's relationship to the Office of Special Counsel. Numerous members of the Senate Governmental Affairs Committee became concerned over the extent of the proposed changes. We, in turn, sent a letter to Chairwoman Prokop outlining our views of the Board's relationship to the Office of Special Counsel. We feel very strongly that, in the discharge of its statutory mission, the independence of the Office of Special Counsel from the Merit Systems Protection Board should be maintained.

I ask unanimous consent that the letter from various members of the Senate Governmental Affairs Committee to the Chairwoman of the Merit Systems Protection Board be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
GOVERNMENTAL AFFAIRS,
Washington, D.C., September 9, 1980.

RUTH T. PROKOP,
Chairwoman, Merit Systems Protection Board, Washington, D.C.

DEAR CHAIRWOMAN PROKOP: Thank you for your recent letter enclosing a copy of a Report to Congress on the potential funding deficiency of the Office of Special Counsel. We deeply regret the difficulties which continue to beset the operations of the Office and hamper the successful accomplishment of its mission. However, we are concerned about the extent of supervision which the Board proposes to exercise over the operations of the Office.

We believe that Reorganization Plan No. 2 of 1978 and the Civil Service Reform Act make clear the separation and responsibilities of the two entities. The Administration and Congress intended that the Special Counsel alone be responsible for the discharge of the mission of that Office. The functions of the Office are not shared with the Board.

The relationship of the Board and Special Counsel was a matter of substantial concern during both House and Senate consideration of the civil service reorganization plan and the legislation. The reports of the House and Senate committees on Reorganization Plan No. 2 stressed, ". . . that the Special Counsel shall be independent of the Board and not subject to direction by the Board."[1] Spokesmen for the Administration stated the President's intent with regard to absolute independence of the Special Counsel from the Board. OMB Director McIntyre testified before the House Committee on Government Operations:

Mr. Horton: Will the Special Counsel be subject to the supervision of the Merit Systems Protection Board in any way?

Mr. McIntyre: There certainly will be a requirement that there be a great deal of cooperation between the Special Counsel and the Board Members. . . . But the Counsel will be independent and will not be subject to the direct control and supervision of the Merit Systems Protection Board.[2]

In response to questions submitted by Senators Ribicoff and Percy, former Chairman of the Civil Service Commission Campbell explained:

The Special Counsel will be an independent official located in the MSPB for administrative purposes only and will be answerable only to the President. The Special Counsel will be an administrative prosecutor before the Board, and so requires strict and complete independence from it. As a Presidential appointee, the Special Counsel is subject to removal only by the President. The Board will have no authority over the Special Counsel, and would not have any control over his budget.[3]

Questions were also raised before the House Committee on Government Operations regarding the submission of the Budget for the Special Counsel.

In response to Congressman Horton, Director McIntyre stated:

We anticipate the MSPB will follow the customary budgetary procedures which in the past have applied to the Civil Service Commission. We do, however, plan to establish a separate line item for the Special Counsel within the MSPB budget as an additional oversight mechanism. This will permit Congress to focus specifically on the resources identified for that function.[4]

The procedures to which Mr. McIntyre referred were subsequently changed by the Congress during consideration of the Civil Service Reform Act of 1978. Section 1205(j) of title 5, United States Code, requires that the Board by-pass procedures followed by most Federal agencies and concurrently submit its budget to the Congress. That section also requires that the budget request for the Board be indicated as a separate line item in the President's budget. This modification was made because the Congress believed that the Board itself should be insulated from undue Executive Branch pressures. It did not confer upon the Board any additional authorities with respect to the Office of Special Counsel which had not been conferred in the reorganization plan. That Congress altered the procedures for submission of the budget of the Board cannot be construed to mean that it fundamentally changed the relationship which was intended to exist between the Board and the Special Counsel.

We are not at all insensitive to the current situation which both the Board and Special Counsel face because of the unanticipated recission. We recognize the need for additional measures to achieve prudent management of that Office. However, we believe that any supervision by the Board over the budget of the Office of Special Counsel is constrained by statute and that the Board lacks the authority to approve the budget as stated in footnote number 4 of its letter of August 21:

. . . the Board will approve and defend the requested amounts as part of the Board's budget, and will submit the requests to the same scrutiny and evaluation as the requests of other Board offices.[5]

Such supervision would place the Board in the inappropriate position of assuming responsibility for the policies and operations of the Office—functions for which only the Special Counsel is responsible. The prerogative of changing the budget requested by the Special Counsel rests with the President and is subject to the same limitation as set forth in section 1205(j).

Executive Branch oversight over the spending of the Office of Special Counsel rests with the Office of Management and Budget. It is properly the responsibility of OMB to assure fiscal integrity by the Office and to satisfy itself, on behalf of the President, that the expenditures of the Office are consistent with the funds appropriated and any limitations with respect thereto established by the Congress. The relationship of the Office of Special Counsel to OMB in these matters is analogous to the relationship between an independent agency and OMB.

Similarly, while coordination with the Board and the Office concerning legislative matters is desirable, the Special Counsel's independence in this area should be unfettered. There is nothing in the legislation or the legislative history which suggests that the Administration or Congress intended that the Special Counsel be inhibited from communicating directly with Congress on its budget or any other matter directly affecting the responsibilities of the Office.

It is indeed unfortunate that, almost two years after the passage of the Civil Service Reform Act, the Board and the Special Counsel's Office have failed to develop a cooperative relationship designed to effectively implement the Civil Service Reform Act. We continue to be concerned by reports that officials of both the Board and the Special Counsel repeatedly have attempted to disparage the motives and performance of each other. This type of activity reflects adversely on both the Board and the Office and only serves to undermine the Civil Service Reform Act. We hope that we can count on your cooperation in developing a better relationship between the Board and the Office in the future.

Sincerely,
ABE RIBICOFF,
Chairman.
DAVID PRYOR,
THOMAS F. EAGLETON,
CHARLES H. PERCY,
Ranking Minority Member.
CHARLES McC. MATHIAS, Jr.,
TED STEVENS.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOMESTIC VIOLENCE PREVENTION AND SERVICES ACT—CONFERENCE REPORT

Mr. CRANSTON. Mr. President, I submit a report of the committee of conference on H.R. 2977 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2977) to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

Mr. CRANSTON. Mr. President, I believe that the provisions of this conference report on the domestic violence bill address the concerns expressed by some of my colleagues during the debate on the bill.

---

[1] U.S. Senate Committee on Governmental Affairs, Report to Accompany Reorganization Plan No. 2 of 1978, S. Rept. No. 95–1049 (1978), 95th Cong., 2d Sess., p. 7.

See also, U.S. House of Representatives Committee on Government Operations, Report to Accompany Reorganization Plan No. 2 of 1978, H. Rept. No. 95–1396 (1978), 95th Cong., 2d Sess., p. 2 and p. 12.

[2] U.S. House of Representatives Committee on Government Operations, Federal Personnel Management System: Hearings before a Subcommittee of the Committee on Government Operations (Reorganization Plan No. 2 of 1978), 95th Cong., 2d Sess., p. 23.

[3] U.S. Senate Committee on Governmental Affairs, Hearings before the Committee on Governmental Affairs Regarding the Civil Service Reform Act of 1978 and Reorganization Plan No. 2 of 1978 (1978), 95th Cong., 2d Sess., p. 142.

[4] U.S. House of Representatives Committee on Government Operations, Federal Personnel Management System: Hearings, op. cit., p. 24.

[5] Letter to the Honorable Walter F. Mondale, President of the Senate, from Ruth T. Prokop, Chairwoman of the Merit Systems Protection Board, August 21, 1980, p. 5.

I am aware the opposition of some of my colleagues to this bill cannot be turned around. Some have told us in the past that they support the domestic violence and parental kidnaping provisions of this legislation in principle, but have substantive criticisms or concerns about the legislation which made it impossible for them to support it previously. I believe that, as a result of many accommodations made during floor consideration of this measure, and as a result of the conference, these concerns have been addressed.

Much of the opposition which has been expressed against this legislation has been based upon misinformation. The conference report is clear on what this bill does and what it does not do. Put simply, title I of the bill is designed to provide modest assistance to the States to support local programs in their efforts to provide temporary refuge and related services to victims of domestic violence. Title II of the bill authorizes a study of the shocking problem of elderly abuse. Title III is designed to prevent parental kidnaping, without establishing new Federal criminal penalties.

Mr. President, title I is supported by religious organizations and women and men of all faiths. It is supported by law enforcement officers, many health personnel, and countless others who deal with the tragic victims of domestic violence on a daily basis and who want to help prevent needless deaths and injuries.

Mr. President, I would like to outline the changes that were made during the conference to address the kinds of concerns that many opponents have expressed about H.R. 2977.

Mr. President, the pending conference report reflects, even more than the Senate-passed bill, an approach which limits, to the maximum extent feasible, Federal involvement in this program and places control in the hands of the States and local communities.

First, the conference report eliminates entirely any direct grant program, except for a small earmark for grants to Indian tribes of not less than one-half nor more than 1 percent of the total funds appropriated. As my colleagues may recall, the bill the Senate originally considered provided that 25 percent of the funds appropriated would be distributed directly by the Department of Health and Human Services. As a result of a floor amendment by the Senator from Utah (Mr. HATCH), this provision was modified so that these funds could go only to units of general local government. In our negotiations with the other body, this entire direct grant provision was deleted so that all of the grants for local projects will be distributed by the States. Those of my colleagues who were concerned about limiting the Federal role in this program should be pleased by this modification.

Second, the conference report eliminates the designation of an administrative unit in HHS to administer the program. The bill which was originally considered by the Senate provided for the establishment of a National Center on Domestic Violence. That provision was modified on the Senate floor to provide simply for the designation of an administrative unit to carry out the programs authorized under the act. The conference report deletes even that reference to designation of an administrative unit.

Third, the conference report deletes the provision of the Senate-passed bill directing the Secretary to develop a national media campaign to increase public awareness of the problem of domestic violence, including, if deemed necessary, the establishment of a national toll-free hotline. Instead, the conference report adopts the House provision authorizing States to develop public awareness of the problem of domestic violence as part of their State activities.

Fourth, the conference report adopts a sunset provision derived from the House version of this legislation. This sunset provision provides that the legislation is repealed at the end of fiscal year 1984, or after the program has been funded for 3 fiscal years, whichever is later. Thus, the conference report limits this program to a set period—at the end of this period, the legislation is repealed.

Mr. President, I have highlighted the provisions of the conference report that make the Federal role in this program even more limited than it was in the Senate-passed bill. I want to note also that the conference report includes every single provision in the Senate-passed bill that was adopted on the floor—specifically the amendments offered by my colleagues to require grantees to provide matching resources, to prohibit sex discrimination—as well as other forms of discrimination—by recipients of funds under this legislation, to require notice of grants to State legislatures, and to refine the definition of domestic violence.

Additionally, title II of the Senate-passed legislation which would have established a Presidenial Commission to Study National Service was—I regret to report—deleted in conference. Title IV of the Senate-passed bill relating to the problem of parental kidnaping was modified so as not to create any new Federal criminal provisions, but to direct the Department of Justice to enforce existing law relating to interstate flight to avoid prosecution under State laws.

Mr. President, I would like now to outline the highlights of title III of the conference agreement relating to parental kidnaping.

First, let me once again acknowledge the authorship and leadership on these provisions by the Senator from Wyoming (Mr. WALLOP). The Senator from Wyoming and his able staff assistant, Patricia Hoff, have been committed to developing this legislation and finding ways to deal effectively with this difficult problem. It has been a pleasure to work with the Senator from Wyoming on this measure which has had such bipartisan support from so many Senators from a broad range of philosophical perspectives.

Mr. President, the conference report provides a three-step approach for dealing with the problem of parental kidnaping. First, the conference agreement includes the Senate provision providing that the appropriate authorities of every State shall enforce and not modify any child custody determination entered by a court of another State having jurisdiction. In other words, the conference report requires that States give full faith and credit to the custody orders of other States and discourages parents from defying a custody order in one State by absconding with a child to another State and instituting new custody proceedings.

Second, the conference report includes the Senate provision authorizing the Secretary of Health and Human Services to enter into agreements with States for utilization of the Federal Parent Locator Service for the purpose of determining the whereabouts of any absent parent or child in order to enforce any State or Federal law with respect to the unlawful taking or restraining of a child or to enforce a child custody determination.

Mr. President, I am pleased that the conference agreement tightened the Senate provision by clarifying that the information provided under such an agreement entered into with the Secretary of Health and Human Services would be limited to information regarding the most recent address and place of employment of any suspected kidnaping parent.

Third, the conference report makes clear that Congress intends that the Department of Justice apply the authority of the Fugitive Felon Act to cases involving parental kidnaping across State or international boundaries in order to avoid prosecution under applicable State felony statutes.

Mr. President, the House and Senate conferees on this legislation revised the section in the original proposal which would have established a new Federal criminal offense relating to parental kidnaping. The conference agreement creates no new Federal offense, but reflects Congress's formal disapproval of the existing policy of the Justice Department to issue a Federal Unlawful Flight to Avoid Prosecution—UFAP—warrant in State felony parental kidnaping cases only when there is a showing that the abducting parent presents a serious threat of physical injury to the child. A reversal of this unwise policy by the Department of Justice would greatly assist parents seeking to obtain Federal warrants under the Fugitive Felon Act for an abducting parent when a State felony warrant has been issued.

Mr. President, I believe that the conference report addresses the peculiar interstate nature of the problem of parental kidnaping and offers substantial progress toward finding ways to deter child kidnaping and to spare thousands of parents and children these intensely emotional and tragic ordeals.

Mr. President, with regard to title I—which has received the brunt of opposition to the bill—the conference report represents a potential commitment of no more than $65 million for allotment to the States over 3 years for local domestic violence programs. Programs receiving Federal assistance must provide matching funds, and the Federal program ends 3 years after it is first funded.

Mr. President, in conclusion let me say that it is simply not responsible for the Members of the U.S. Senate to say that they are appalled by the problem of domestic violence and that there is a need to deal with this problem, but then refuse to support even this very modest, limited approach. The legitimate concerns of my colleagues about limiting Federal involvement in this area have been addressed and met in the legislation before us. It is a reasonable limited measure carefully designed to provide assistance to State and local efforts to deal with the problem of domestic violence with a minimum of Federal involvement and deals very constructively with the tragic problem of child stealing.

Mr. BAKER. Mr. President, has the distinguished Senator from California asked unanimous consent for the immediate consideration of the conference report?

The PRESIDING OFFICER. The Senator from California has just made that request, and the Chair was about to ask whether there was objection to its immediate consideration.

Mr. BAKER. Mr. President, I advise the distinguished assistant majority leader that I hope not to object, but I need a few moments to make sure that the matter is cleared on our side. I understand, of course, that he could move to the consideration of this privileged matter. I wonder whether he will withhold this for a brief period, while I check with our people.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HELMS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard to dispensing with the quorum call. The clerk will continue the call.

The assistant legislative clerk continued with the call of the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. CRANSTON. I thank the Senator and I do not object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Chair.

I have privately advised the distinguished assistant majority leader that the conference report which is at the desk is highly controversial, that there will be substantial opposition to its passage on this side of the aisle. I am not prepared to grant unanimous consent, as the assistant majority leader previously asked, to proceed to the consideration of this measure.

In addition to that, Mr. President, I would advise my friend that I believe the opposition is significant enough so that it is certain that it would require a cloture motion in order to try to reach final passage on this measure.

In view of the fact that we are in the final and waning days of this session, I felt an obligation to advise the Senator from California of that fact, and to let him know that there would be an extensive debate on this subject. It is my best judgment that it will require cloture in order to reach passage.

Mr. CRANSTON. Mr. President, I thank the distinguished minority leader for his frankness with me.

I would like to proceed with this measure, but knowing the time problems of the Senate and our constraint on the effort to move legislation in the days ahead, especially with respect to measures which are controversial, such as this one, I will not persist with my motion at this time.

The PRESIDING OFFICER. The conference report is withdrawn.

Mr. BAKER. Mr. President, I thank the assistant majority leader.

Mr. HELMS. I join in that.

Mr. CRANSTON. Mr. President, I move that the Senate stand in recess until the hour of 1:30 p.m.

Mr. THURMOND. Mr. President, I want to congratulate the distinguished Senator from California upon his decision in this matter. I am sure it will save the time not only of himself but the time of the Senate because there is substantial opposition to this measure, and I am confident it is a wise decision on his part.

Mr. CRANSTON. I thank the Senator very much.

RECESS UNTIL 1:30 P.M.

Mr. CRANSTON. Mr. President, I move the Senate stand in recess until 1:30 p.m.

The motion was agreed to; and at 12:36 p.m. the Senate recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FORD).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 1:46 p.m. recessed until 2 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (ROBERT C. BYRD).

(Mr. HARRY F. BYRD, JR. assumed the chair.)

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRADLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I hope that, at about 3 p.m. today, the Senate may proceed with the consideration of the District of Columbia appropriation bill. Until then, I ask unanimous consent that there may be a period for the transaction of routine morning business and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITED STATES SENATE

Mr. ROBERT C. BYRD. Mr. President, beginning last March, I have developed a series of statements concerning the United States Senate. As Senators know, the Senate will commemorate its 200th anniversary in 1989, and I have developed a series of statements in the hope that these historical pieces may be useful to Members of the Senate and to the Nation as we look forward to that 200th anniversary.

Quite a long time back, I discussed the establishment of the offices of majority leader and majority whip, and the minority leader and minority whip. I referred at the time to the origins of these offices, particularly the origins of the office of whip. I traced those origins back to the British system and, today, I should like to speak briefly about the offices of the leader of the House and chief whip of the Parliament.

THE OFFICES OF THE LEADER OF THE HOUSE AND CHIEF WHIP IN THE BRITISH PARLIAMENT

INTRODUCTION

The law and custom of Parliament, consisting of the rules relating to the functions, procedures, privileges and immunities of each House of Parliament, is statutory only to a limited extent. The rest is found in the resolutions of each House or is based on informal understandings or practices. The office and functions of the Leaders of the two Houses and the Chief Whips belong to this latter category and are not formally constituted. A constitutional scholar has thus commented that "the British constitution has a way of creating offices without legislation and without any formal decision."[1]

THE LEADER OF THE HOUSE

The title of Leader of the House apparently did not originate until about the middle of the 19th century, but the office is much older.[2] The term was originally applied to the chief spokesman for the Government in the House of Commons when it was not unusual for a Prime Minister to be a member of the House of Lords. Thus in 1840 a chief minister of the Crown in the Commons, when the Prime Minister was in the Lords, was referred to as "the noble Lord . . . who has to conduct, on the part of the Crown, the business of the country in this House."[3]

---

[1] I. Jennings, *Parliament* 73 (1969).

The last leader of the House in circumstances where the Prime Minister was in the House of Lords was Mr. Balfour, who led the Commons from 1895 to 1902. In 1916, after a short period when the Prime Minister himself became the Leader of the House, Mr. Lloyd George introduced the practice of entrusting another member with the office. He did this in order to devote his full energy to the prosecution of the war. The Prime ministers succeeding Mr. Lloyd George reverted to the practice of leading the House themselves, until the appointment of Mr. Churchill, who again in order to closely supervise the war, made Mr. Attlee the Leader of the House. From then onwards, the Prime Minister has continued to appoint to the post another member of his cabinet.

In recent times, the holder of the office has generally been a member who has few or nominal duties such as the Lord President of the Council or Lord Privy Seal, although it has been held by the Home Secretary—equivalent to the Secretary of the Interior in the United States. The current Leader of the House holds the nominal office of the Duchy of Lancaster.

With regard to the functions of the Leader of the House, Gladstone has described the office as being one that "suggests, and in a great degree fixes, the course of all principal matters of business, supervises and keeps in harmony the actions of his colleagues, takes the initiative in matters of ceremonial procedure, and advises the House in every difficulty as it arises."[4] The most important function of the Leader of the House is the arrangement of the government business in the House. The initial role is, however, played out in the committees of the cabinet. The work of these committees is enveloped in secrecy, but it has been revealed that of the several standing committees, the Leader of the House presides over the Future Legislation Committee (which considers projected bills) and the Legislation Committee (which considers the current legislative programs and details of bills in Parliament).[5] Under one Labour government the Future Legislation Committee consisted also of the Leader of the House of Lords, and the Chief Whips in both Houses. Ministers make proposals to the committees but take no part in their decisions. Between these committees there is drawn up a broad plan for legislation over the lifetime of Parliament, the priorities to be given to bills are assigned and the bills to be brought in each session are selected. The Leader of the House, while retaining ultimate responsibility for seeing that these measures are implemented in the House, is assisted on the day to day business of the House by the government Chief Whip.

A major proportion of the time available in the House of Commons, nearly two-thirds, is given over to government business and general debates. Every Thursday, the Leader of the House in answer to questions from the Leader of the Opposition states the business for the coming week. He also deals with requests made by members for debates on issues of current interest. If the Leader of the Opposition or any other member is dissatisfied with the answers, there is an opportunity for public protest. Under this close questioning, which entertains the House and is both a test and opportunity for him, the Leader of the House is expected to "make a swift assessment of these different approaches and, consistent with maintaining the integrity of the government's programme, bow to strong parliamentary pressures, because it is his duty as Leader to ensure that the House has reasonable opportunity of debating matters which deeply concern it."[6]

The Leader meets the Chief Whip every morning to discuss the business for the next day. He instructs the Chief Whip as to the ministers who are to take charge of the proceedings, those ministers who are to speak and the point at which closure is moved. On important debates the Leader has to decide whether one or two days are to be allowed before closure is moved, and whether the Prime Minister should speak. While there is an appropriate minister in charge of each bill, the time to be allowed for various stages, the relation between two ministers where a bill affects two or more departments, and whether the Prime Minister should speak, are decided by the Leader.

There are also questions of procedure which have to be settled. If a minister in charge of a bill thinks that an amendment ought to be considered by the Cabinet, he may promise to consider the matter if the amendment is withdrawn. On other occasions he may consult the Prime Minister or the Leader and accept or reject the amendment on their responsibility. If a debate is going badly, the Leader may intervene to calm the fears of his supporters. The Leader also guides the House on questions of privilege and procedure and takes the chair of the Committee of Privileges.

The Leader is equally involved in bills which are presented by members without government backing. The Cabinet decides whether to support such a bill, to put whips on it, or to leave it to a free vote. Sometimes, however, urgent questions arise in the course of the debate and must be settled by the Leader or his deputy. Similarly, if the questions addressed to the Prime Minister or the Leader at questiontime are deemed to be inadequately answered, the Opposition may move for an adjournment. If the Speaker accepts the motion, the Leader has to arrange for speakers on the adjournment motion. Further, the Leader must keep in communication with an informal committee consisting of the chairman of select committees and keep himself acquainted with the needs and wishes of the select committees.

The Leader also owes a great responsibility to the Opposition. He is the Leader of *the House* (i.e. not only of the majority party), and at every stage is in consultation with the Opposition and ensures that the rules are strictly observed. In order that the Opposition be given every opportunity to oppose, the Leader must allow time for debates critical of the Government. For this reason it is accepted that offices such as that of the Leader, and particularly that of the Speaker, are occupied by persons who not only have experience but who also have acquired an affection and regard for the House itself which transcends party ties. Much like the Speaker, the Leader must be recognized as standing for the House as a whole.

Finally, the Leader also has some ceremonial functions. In the absence of the Prime Minister, he expresses the sense of the House on matters of national importance. On the death of a distinguished statesman, the Leader conveys the sympathy of the House regardless of what party the deceased belonged to. When Parliament is ceremoniously opened, the Queen delivers a speech in the House of Lords outlining the policy of the Government. The speech may have been drafted by the Leader. He also heads the Commons, behind the Speaker, in a procession to the House to listen to the speech.

The conduct of the business of the Government in the House of Lords is also entrusted to the Leader of that House. What has been stated above applies equally, with some modifications, to the Leader of the House of Lords. However, there is one significant difference. While the Speaker of the House of Lords uniquely combines in his office executive, legislative and judicial responsibilities, as a Speaker he lacks any authority and is no more than any other member. This results in the Leader of the House having an additional function of advising the House on matters of procedure and of acting as the principal voice of the House in maintaining order. This leads to another peculiarity. The Conservatives have a perpetual majority in the House of Lords, so that when a Labour Government is in power the Leader of the House and the Chief Whip in charge of the House belong to a party that has a minority of members!

CHIEF WHIP

In both Houses of Parliament, the members whose duty it is to organize the supporters of their party in divisions and debates, are known as Whips. The word "whip" (an abbreviation of whippers-in who keep fox hunting hounds working as a pack and stop them from straying) came into vogue in the parliamentary context in the 18th century. However, it is believed that Whips were in use in Parliament as long ago as 1621.

Each of the two major parties in Britain has approximately one Whip for every 30 members. The Whips in the Conservative Party are appointed by the Leader of the Party. The Labour Party elects its Chief Whip, who appoints a Deputy Whip and junior Whips. Whips of the party in power hold government appointments. The Government Chief Whip is the Parliamentary Secretary to the Treasury but is usually known as the Patronage Secretary. The Deputy Chief Whip and the junior Whips are Ministers.

---

[2] E. May, *Parliamentary Practice* 244 (1976).

[3] 54 Parl. Deb. (3d ser.) 1172 (1840).

[4] W. Gladstone, *Gleanings*, I 241.

[5] S. de Smith, *Constitutional and Administrative Law* 160-61 (1977).

[6] K. Bradshaw & D. Pring, *Parliament and Congress* 29 (1972).

Under a practice started in 1951, the Government Chief Whip attends Cabinet meetings and, as previously mentioned, is a member of the Future Legislation Committee. He helps the Leader of the House in preparing a time-table for the session of Parliament. The details of the business of the session are worked out by the Government Chief Whip in close consultation with the Opposition Chief Whip. In planning the details of the business to be considered by the House, account has to be taken of the time to be allotted to private members under standing orders, the custom of allowing the Opposition to choose the topic of debates on some occasions, and of some statutes which require that certain legislation (e.g., the annual finance bill) be enacted by a specified date. The efficiency with which the House proceeds in its business depends significantly on the personal relations between the Chief Whips. A good measure of this efficiency is the extent to which arguments on the order of proceedings are kept to a minimum, thus allowing the House to spend its time on substantive matters before it. It has been suggested that the reason why the two Chief Whips do not traditionally take part in debate is in order to ensure that they continually stay on speaking terms and avoid public and personal recrimination.[7]

The Chief Whip also performs an important dual liaison function of keeping the members of his party informed of the government proposals and intentions and, in turn, letting the members of the government know of the feelings of members on the policy and performance of ministers. This flow of information enables the Chief Whip to act as an effective adviser to the Prime Minister on the temper of the party.

Keeping members informed and assuring their attendance is achieved principally through the issuance of a weekly circular, known as a documentary whip, to every party member. The circular sets out the items of business for each day of the following week. The degree of underlining under a particular item indicates the strength of the party commitment on that item of business. A single line indicates that no division is anticipated; a double line means that the business is important and that a division is expected; a three-line whip is used when a vital vote is to take place, and barring serious business, no excuse for absence would be acceptable. Junior Whips interpret the contents of the circular and see that the members are in the appropriate lobby for the divisions.

The members by and large comply with the directions from their party as to how to vote, in acknowledgement that a member is returned to the House primarily to support or oppose the government. If he declines so to act, the line of responsibility between the will of the electorate and the action of the government breaks down. There is also a burden created by the complexity of the business of the House which makes it difficult for individual members to study each item in enough detail to decide his own line. "The circular whip gives him convenient guidance, as do the personal whips standing at the doors of the division lobby, on how he may cast his vote in line with the party to which he belongs." [8] If a member does dissent, the Labour Chief Whip has the authority under the party's code of conduct to issue a formal reprimand. If this fails to deter a member, he may be suspended or the party whip withdrawn. The Conservative Party does not have a written code of conduct, and dissensions are generally handled informally by its Chief Whip. However, in both parties the trend in recent years has been to persuade members against dissenting. This approach is generally more effective than the threat of a suspension or a withdrawal. Members who stay in the favor of the Chief Whip find his powers of patronage useful in obtaining appointments to committees. A Chief Whip can be just as unhelpful to members who are not in his favor. One Labour rebel who was hauled before a committee which included the Leader of the House and the Chief Whip was given the following salutary advice:

> Members should behave themselves, particularly younger Members, because they had their whole future in front of them. Life in Parliament, they said, could be enjoyable. There are foreign visits which are pleasant—it's an opportunity to meet and see people throughout the world, and to do so in comfort—and there are various other things that go in recognition of good behaviour. The Whips' Office puts in nominations to a lot of things. They obviously have a list of people, of elevated Members, who get various perks: the goodies of parliamentary life. And you can get exonerated from the arduous tasks. And this is really the basis of discipline.[9]

The Chief Whip and his juniors are thus seen as performing a positive service on behalf of the leaders of their party, but a negative one for backbenchers. It is also popular to refer to their powers as being tyrannical. The reality, however, is that their functions of management, communication and persuasion are of great value to both front and back benches.

EQUAL ACCESS TO JUSTICE

Mr. DOMENICI. Mr. President, last month the Congress approved and the President signed into law a measure of significant benefit to our Nation's small business men and women. This important legislation, now Public Law 96–481, demonstrates that the Congress has become increasingly responsive to the situation of today's small business owner and operator and is willing to enact meaningful programs to assist this crucial segment of our society.

The chief provisions of Public Law 96–481 follow: First, title I amends the minority contracting program and enhances Government procurement prospects for the small, minority-owned enterprise; second, title II authorizes the reimbursement of attorney's fees and similar expenses to the small business person who prevails in an administrative or court action with the Federal Government, unless the Government's position is substantially justified; and third, title III assists the small business owner in acquiring an increased share of the American exporting market.

Prior to consideration by the House and the Senate on October 1, 1980, similar legislation in the form of H.R. 5612 had been approved by both Houses and a vote on the conference report was awaiting House and Senate action. During debate on the House floor, however, a point of order was sustained against the conference report, particularly with respect to language in the equal access to justice title.

Because the point of order was sustained a motion was made to recede and concur with a Senate amendment. The Senate amendment negated the point of order by adding to title II language that made the payment of fees contingent upon advance appropriations. Immediately after passage by the House, the measure was approved by the Senate without change and was forwarded to the President for his signature.

Because the conference report was not actually voted on by the House or the Senate, it is important to set out the work of the conferees on the equal access to justice portion, so that its legislative history will be available. This summary of title II is taken from the conference report which accompanied H.R. 5612. It is submitted to assist governmental agencies, courts, and others in interpreting and applying the provisions of title II of Public Law 96–481.

TITLE II

Title II of P.L. 96–481 is entitled the "Equal Access to Justice Act".

Congressional findings and purpose

The new law finds that certain named entities may be deterred from seeking review of or defending against unreasonable governmental action because of the expense involved and that because of the greater resources and expertise of the United States the standard for an award of fees against the United States should be different from the standard governing an award against a private litigant in certain situations. The purpose of the Act is to diminish this deterrent effect by providing in specified situations for an award of attorney fees and other costs and to insure the applicability in actions involving the United States of the common law and statutory exceptions to the "American rule" respecting the award of attorney fees.

AGENCY ACTIONS

Award of fees and other expenses in certain agency actions

Section 203 of P.L. 96–481 requires that a Federal agency or department that conducts an adversary adjudication to award a prevailing party other than the United States fees and other expenses incurred by that party unless that adjudicative officer finds that the agency's position was substantially justified or that special circumstances make an award unjust.

---

[7] H. Morrison, *Government and Parliament* 103 (1954).

[8] Bradshaw & Pring, *Supra* note 6, at 32.

[9] A. King, *British Members of Parliament: A Self-Portrait* 63 (1974).

The new law also requires a party seeking an award of fees and other expenses to submit an application for these within thirty days of final disposition of the adjudication, including a showing of eligibility and an itemized statement of the amount claimed.

The new act further provides that the amount of any award may be reduced, or eliminated, to the extent that the prevailing party unduly and unreasonably protracted final resolution of the matter in controversy.

P.L. 96–481 directs the United States to pay attorney fees and other expenses to a prevailing party other than the United States in an agency adversarial adjudication unless the position of the government is found to be substantially justified or where special circumstances make the award unjust. An adversarial adjudication is one in which the agency position is represented by counsel or otherwise. The phrase "prevailing party" is not to be limited to a victor only after entry of a final judgment following a full trial on the merits; its interpretation is to be consistent with the law that has developed under existing statutes.

A party may be deemed prevailing if the party obtains a favorable settlement of his case, *Foster* v. *Boorstin*, 561 F. 2d 340 (D.C. Cir. 1977); if the plaintiff has sought a voluntary dismissal of a groundless complaint, *Corcoran* v. *Columbia Broadcasting System, Inc.*, 121 F. 2d 575 (9th Cir. 1941) or even if the party does not ultimately prevail on all issues, *Bradley* v. *School Board of the City of Richmond*, 416 U.S. 696 (1974).

In cases that are litigated to conclusion, a party may be deemed "prevailing" for purposes of a fee award in a civil action prior to the losing party having exhausted its final appeal. An award may thus be appropriate where the party has prevailed on an interim order which was central to the case, *Parker* v. *Matthews*, 411 F. Supp. 1059, 1064 (D.D.C. 1976) or where an interlocutory appeal is "sufficiently significant and discrete to be treated as a separate unit," *Van Hoomissen* v. *Xerox Corp.*, 503 F. 2d 1131, 1133 (9th Cir. 1974).

After a prevailing party has submitted an application for an award, the burden of proving that a fee award should not be made rests with the Government. The test of whether the Government position is substantially justified is essentially one of reasonableness in law and fact.

Certain types of case dispositions may indicate that the Government's action was not substantially justified. A court should look closely at cases, for example, where there has been a judgment on the pleadings or where there is a directed verdict, where a prior suit on the same claim had been dismissed or where there is a substantial difference between the amount or content of the Government's original pleadings and the settlement agreed to. Such cases clearly raise the possibility that the Government was not substantially justified in pursuing the litigation. The amount of this award may be reduced or denied by the adjudicative officer if the party unduly and unreasonably delayed the proceeding.

Eligible fees and other expenses

Section 203 of the law defines as fees and expenses the fees and other expenses for expert witnesses, reasonable costs of any study, analysis, engineering report, test, or project found necessary for the preparation of the party's case and reasonable attorney or agent fees, generally less than $75 per hour. However, the agency by regulation may increase this hourly rate limitation to account for such factors as increases in the cost of living or availability of qualified attorneys.

Those eligible to claim

The new act defines prevailing parties eligible for such awards as including individuals and certain entities, except: in the case of the individuals, those whose net worth at the initiation of the adversarial proceeding exceeded $1 million; and, in the case of entities, those whose net worth at the initiation of the adversarial proceeding exceeded $5 million or who had more than 500 employees. Charitable tax exempt organizations so designated under 501(c)(3) of the Internal Revenue Code and Agricultural co-ops defined in the Agricultural Marketing Act are exempt from the monetary ceiling, but are subject to the employee ceiling.

The new act defines adversary adjudication as an agency adjudication defined under the Administrative Procedures Act where the agency takes a position through representation by counsel or otherwise, but excludes agency activity such as establishing or fixing a rate or granting or renewing a license. It is intended that this definition precludes an award in a situation where an agency, e.g. the Social Security Administration, does not take a position in the adjudication. If, however, the agency does take a position at some point in the adjudication, the adjudication would then become adversarial.

Adjudicative officer

P.L. 96–481 defines an adjudicative officer as the deciding official, whether designated as an administrative law judge, a hearing officer, examiner or otherwise, who presided at the adjudication.

Uniform regulations

P.L. 96–481 directs that uniform implementing regulations with respect to application by prevailing parties for an award shall be published by each agency after consultation with the Chairman of the Administrative Conference.

The new act further provides that if a court reviews the merits of an adjudication, such an award is to be in addition to any award made by the court relating to the court action.

Appeal of a denial of fee award

A party dissatisfied with a fee award or a denial of an award may petition the Federal Court for leave to appeal. If the court denies the petition, no appeal may be taken from the denial. If the petition is granted, the court may modify the award only if the failure to make the award, or the calculation of the amount of the award, was an abuse of discretion.

Source of funds for awards

The new act authorizes the payment of any fee award from any funds made available to any agency, by appropriations or otherwise, over which the party prevails; and if not paid by the agency, then in the same manner as judgments under § 2414 of title 28, U.S.C.

The conferees were in agreement that funds for an award and fees and other expenses shall come first from any funds appropriated to any agency; if not paid by the agency the award shall be paid in the same manner as judgments under § 2414 of title 28, U.S.C., except that no awards shall be paid from Social Security Trust Funds as created under Section 201 of the Social Security Act.

Authorization

There is authorized the appropriation of such sums as may be necessary for fiscal years 1982, 1983 and 1984.

Reports

P.L. 96–481 directs that reports be made annually by the Chairman of the Administrative Conference, after consultation with the Chief Counsel for Advocacy of the Small Business Administration.

The report is to describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other pertinent information to aid the Congress in evaluating the scope and impact of such awards.

Chief counsel for advocacy

The Chief Counsel for Advocacy of the SBA is directed to advise, cooperate with and consult with the Chairman of the Administrative Conference of the United States with respect to the report the Chairman is required to submit annually to the Congress.

Sunset

P.L. 96–481 repeals the provisions for award of these fees and other expenses three years after the Act becomes effective except for any action initiated before the date of repeal.

JUDICIAL PROCEEDINGS

Costs and expenses of attorneys

Section 204 of P.L. 96–481 removes the statutory prohibition against the availability (to private litigants) of the common law exceptions to the "American Rule" in civil actions with the United States.

The conferees intended that the definitions and standards adopted for agency actions also be applied to judicial proceedings in which the United States is a party.

P.L. 96–481 restates current law that provides that certain specific costs (e.g. court reporter), but not attorney fees, may be awarded against the United States unless otherwise specifically provided.

Further, P.L. 96–481 specifically allows for the payment of attorneys fees, (in addition to costs as previously listed) to the prevailing party in any civil action with the United States. Prior to enactment of P.L. 96–481, the law allowed for the payment of such attorney fees pursuant to limited statutory exceptions, such as the Freedom of Information Act, the Privacy Act or Civil Rights Acts that expressly make the United States liable. Such statutory exceptions are exceptions to the "American Rule", which makes each party responsible for the payment of his or her own attorney fees. In addition, under current law, the few non-statutory exceptions to the "American Rule" available for private litigants are, however, not available to private litigants in cases brought by or against the United States. P.L. 96–481 simply removes this statutory prohibition against the few non-statutory exceptions (i.e., the common law) to the "American Rule". Thus, the United States would be liable for attorney fees under the "bad faith" or "common fund" exceptions. The new act reflects the belief that, at a minimum, the United States should be held to the same standards in litigating as private parties. As such, it is consistent with the history of § 2412 which reflects a strong movement by Congress toward placing the Federal government and civil litigants on a completely equal footing. (See generally, *Natural Resources Defense Council* v. *E.P.A.*, 484 F.2d 1331 (1st Cir. 1973)).

Fees and other expenses

P.L. 96–481 requires any Federal Court to award to a prevailing party other than the United States in a civil action involving the United States (except tort actions) fees and other expenses incurred by that party unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

The act also requires a party seeking an award of fees and other expenses to submit an application for these within thirty days of final judgment, including a showing of eligibility and an itemized statement of the amount claimed.

The new law further provides that the amount of any award may be reduced, or eliminated, to the extent that the prevailing party unduly and unreasonably protracted final resolution of the matter in controversy.

Eligible fees and other expenses

The new act makes eligible for award to prevailing parties the fees and other expenses of expert witnesses, reasonable costs of any study, analysis, engineering report, test or project found necessary for the preparation of the party's case and reasonable attorney or agent fees, generally less than $75 per hour. However, the court is empowered to increase this hourly rate limitation to account for such factors as increases in the cost-of-living or the availability of qualified attorneys.

Those eligible to claim

P.L. 96–481 defines prevailing parties eligible for an award to include individuals and certain entities, except: in the case of individuals, those whose net worth at the initiation of the adversarial proceeding exceeded $1 million; and, in the case of entities, those whose net worth at the initiation of the adversarial proceeding exceeded $5 million or who had more than 500 employees. Charitable tax exempt organizations so designated under 501(c)(3) of the Internal Revenue Code and Agricultural co-ops defined in the Agricultural Marketing Act are exempt from the monetary ceiling but are subject to the employee ceiling.

Awards of costs and fees otherwise prohibited

The new act allows, upon review of the merits of an adversary adjudication in the court, an award of fees and other expenses to an otherwise eligible prevailing party. Specifically, this section authorizes an award from any court to prevailing parties who are otherwise entitled to fees and other expenses pursuant to § 504(a) but who are precluded from actual receipt until completion of a court review of the merits by reason of appeal. Additionally, the award of fees and other expenses as previously described is authorized to an otherwise eligible prevailing party that appeals to the court under the Contracts Disputes Act of 1978 in which case the fees and other expenses shall be those incurred during both the adversary adjudication and court proceeding.

Source of funds for awards

P.L. 96–481 authorizes the payment of any fee and other expenses award from any funds appropriated to any agency and if not paid by the agency then in the same manner as judgments under § 2414 and 2517 of title 28, U.S.C.

The conferees agreed that funds for an award of fees and other expenses shall come first from any funds appropriated to any agency; if not paid by the agency the award shall be paid in the same manner as judgments under § 2414 and 2517 of title 28 U.S.C., except that no awards shall be paid from Social Security Trust Funds as created under section 201 of the Social Security Act.

Authorization

There is authorized the appropriation of such sums as may be necessary for fiscal years 1982, 1983 and 1984.

Reports

P.L. 96–481 requires the Director of the Administrative Office of the United States Courts to report annually the number, nature and amount of fee awards, and other relevant information which would aid the Congress in evaluating the scope and impact of such awards.

Sunset

P.L. 96–481 repeals the provisions for the award of these fees and expenses three years after the bill becomes effective except for actions commenced before the date of repeal.

Effective date

The Equal Access to Justice Act is effective October 1, 1981 and is applicable to adversary adjudications or civil actions pending on or commenced after that date.

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 39) to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7112. An Act to authorize an extension and amendment of the revenue sharing program to provide general purpose fiscal assistance to local governments, and for other purposes;

H.R. 7942. An Act to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes; and

H.R. 8329. An Act to allow the obsolete aircraft carrier United States ship *Intrepid* to be transferred to the Intrepid Museum Foundation, Incorporated, before the expiration of the otherwise applicable sixty-day congressional review period.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 1762. An Act to convey all interests of the United States in certain real property in Sandoval County, New Mexico, to Walter Hernandez;

H.R. 3159. An Act to waive the statute of limitations with regard to the claim of Eazor Express, Incorporated, of Pittsburgh, Pennsylvania, against the United States; and

H.R. 7764. An Act for the relief of Doctor Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. PROXMIRE).

At 4:36 p.m., a message from the House of Representatives delivered by Mr. Gregory announced that the House disagrees to the amendment of the Senate to the amendment of the House to the bill (S. 1142) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON of California, Mr. LEVITAS, Mr. MCCORMACK, Mr. FLIPPO, Mr. DONNELLY, Mr. EDGAR, Mr. HARSHA, Mr. STANGELAND, and Mr. LIVINGSTON as managers of the conference on the part of the House.

The message also announced that the House has passed the bill (S. 2357) to eliminate the amount in controversy requirement for Federal question jurisdiction.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5496. An Act to amend the National Historic Preservation Act of 1966, and for other purposes.

HOUSE BILLS PLACED ON THE CALENDAR

The following bills were read twice by their titles and ordered placed on the calendar:

H.R. 5496. An Act to amend the National Historic Preservation Act of 1966, and for other purposes; and

H.R. 7112. An Act to authorize an extension and amendment of the revenue sharing program to provide general purpose fiscal assistance to local governments, and for other purposes.

HOUSE BILL HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent:

H.R. 8329. An Act to allow the obsolete aircraft carrier United States ship *Intrepid* to be transferred to the Intrepid Museum Foundation, Incorporated, before the expiration of the otherwise applicable sixty-day congressional review period.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4871. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Congressional Guidance Needed On Federal Cost Share Of Water Resource Projects When Project Benefits Are Not Widespread"; to the Committee on Environment and Public Works.

EC–4872. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a proposed prospectus for construction of a new facility for the Internal Revenue Service, Midwest Service Center, Kansas City, Missouri; to the Committee on Environment and Public Works.

EC–4873. A communication from the Assistant Secretary of Energy for Environment, transmitting, pursuant to law, the Department's final environmental impact statement "Waste Isolation Pilot Plant"; to the Committee on Environment and Public Works.

EC–4874. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Trade Preference Program Decisions Could Be More Fully Explained"; to the Committee on Finance.

EC–4875. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on time limitations for decisions on benefit claims under title II of the Social Security Act; to the Committee on Finance.

EC–4876. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal And States Actions Needed To Overcome Problems In Administering The Title XX Program" to the Committee on Finance.

EC–4877. A communication from the Attorney General of the United States, transmitting, pursuant to law, notice that the

United States will not appeal the judgment of the district court in Ambrose v. Califano; to the Committee on Finance.

EC-4878. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "U.S. Consular Services To Innocents—And Others—Abroad: A Good Job Could Be Better With A Few Changes"; to the Committee on Foreign Relations.

EC-4879. A communication from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting, pursuant to law, project performance audit reports prepared by the International Bank for Reconstruction and Development, special studies prepared by the External Review and Evaluation Office of the Inter-American Development Bank, and project performance audit reports or project completion reports prepared by the Asian Development Bank; to the Committee on Foreign Relations.

EC-4880. A communication from the Chairman of the Board of Foreign Scholarships, transmitting, pursuant to law, the seventeenth annual report of the Board of Foreign Scholarships on the stewardship of the education exchange program for 1979; to the Committee on Foreign Relations.

EC-4881. A communication from the Assistant Secretary of State for Congressional Relations, transmitting, pursuant to law, a report on agreements between the American Institute in Taiwan and the Coordination Council for North American Affairs; to the Committee on Foreign Relations.

EC-4882. A communication from the Assistant Legal Advisor For Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to October 29, 1980; to the Committee on Foreign Relations.

EC-4883. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to October 22, 1980; to the Committee on Foreign Relations.

EC-4884. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on October 14, 1980; to the Committee on Governmental Affairs.

EC-4885. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on November 14, 1980; to the Committee on Governmental Affairs.

EC-4886. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on October 14, 1980; to the Committee on Governmental Affairs.

EC-4887. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on October 14, 1980; to the Committee on Governmental Affairs.

EC-4888. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on October 14, 1980; to the Committee on Governmental Affairs.

EC-4889. A communication from the Chief Justice of the United States, transmitting, pursuant to law, notice of the assignment of three United States Circuit Judges as a Special Division of the United States Court of Appeals; to the Committee on Governmental Affairs.

EC-4890. A communication from the Assistant Secretary of Housing and Urban Development for Administration, transmitting, pursuant to law, notice of a proposed new system of records for the Department for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4891. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, notice of a proposed new system of records for the General Services Administration for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4892. A communication from the Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, proposed alteration to a system of records for the Department for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4893. A communication from the Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the activities of the Office of Federal Procurement for fiscal year 1980; to the Committee on Governmental Affairs.

EC-4894. A communication from the Chairman of the Board of Trustees of the Public Defender Service for the District of Columbia, transmitting, pursuant to law, the annual report of the Board of Trustees of the Public Defender Service for fiscal year 1978; to the Committee on Governmental Affairs.

EC-4895. A communication from the Manager of the Office of Administration, State of Missouri, transmitting, pursuant to law, comments on the report of the Comptroller General entitled "Transfers of Excess and Surplus Federal Personal Property—Impact of Public Law 94-519"; to the Committee on Governmental Affairs.

EC-4896. A communication from the Vice President of the Mortgage Corporation, transmitting, pursuant to law, the first annual report on the Federal Home Loan Mortgage Corporation Employees' Pension Trust for the period ended December 31, 1979; to the Committee on Governmental Affairs.

EC-4897. A communication from the Chairman of the District of Columbia Armory Board, transmitting, pursuant to law, the thirty-second annual report and financial statements of the operation of the District of Columbia National Guard Armory and the twenty-second report and financial statement of the operation of Robert F. Kennedy Memorial Stadium for the fiscal year ended December 31, 1979; to the Committee on Governmental Affairs.

EC-4898. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a proposed new system of records for the Defense Logistics Agency for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4899. A communication from the Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a proposal for the Uniform Procurement System; to the Committee on Governmental Affairs.

EC-4900. A communication from the Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the recommendations of the Commission on Government Procurement (COGP); to the Committee on Governmental Affairs.

EC-4901. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on September 30, 1980; to the Committee on Governmental Affairs.

EC-4902. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a reply to the Office of Special Counsel concerning allegations made by a former employee of the General Services Administration; to the Committee on Governmental Affairs.

EC-4903. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a proposed new system of records for the Department of the Air Force for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4904. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report on a proposed new system of records for the Department of Justice for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4905. A communication from the Acting Assistant Secretary of Transportation for Administration, transmitting, pursuant to law, a report on a proposed new system of records for the Department of Transportation for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-4906. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of The News Tribune for advertising provided to the Civilian Personnel Office of the Ninth Infantry Division and Fort Lewis; to the Committee on Governmental Affairs.

EC-4907. A communication from the Chairman of the Board of Directors of the Future Farmers of America, transmitting, pursuant to law, the audit report of the Future Farmers of America for the period ended August 31, 1980; to the Committee on the Judiciary.

EC-4908. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on visa petitions accorded third and sixth preference classification under section 204(d) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4909. A communication from the Acting Commissioner of the Immigration and Naturalization Service, transmitting, pursuant to law, a report on certain aliens granted temporary admission to the United States under section 212(d)(3) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4910. A communication from the Acting Commissioner of the Immigration and Naturalization Service, transmitting, pursuant to law, a report on certain aliens whose deportation has been suspended under seection 211(a)(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4911. A communication from the Acting Commissioner of the Immigration and Naturalization Service, transmitting, pursuant to law, a report on the adjustment in the status of certain aliens under section 13(c) of the Act of September 11, 1957; to the Committee on the Judiciary.

EC-4912. A communication from the Chairman of the United States Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Energy and Civil Rights" prepared by the Colorado, Montana, North Dakota, South Dakota, Wyoming, and Utah Advisory Committees to the United States Commission on Civil Rights; to the Committee on the Judiciary.

EC-4913. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on the admission of certain aliens to the United States under section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4914. A communication from the Comptroller General of the United States, transmitting, pursuant to law a report entitled "Prospects Dim For Effectively Enforcing Immigration Laws" to the Committee on the Judiciary.

EC-4915. A communication from the Associate General Counsel of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, a request for certain information to be sent to the Service; to the Committee on Labor and Human Resources.

EC-4916. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "More—And Better—Audits Needed of CETA Grant Recipients"; to the Committee on Labor and Human Resources.

EC-4917. A communication from the Chairperson of the United States Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1979; to the Committee on Labor and Human Resources.

EC-4918. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Federal Mediation and Conciliation Service Should Strive To Avoid Mediating Minor Disputes"; to the Committee on Labor and Human Resources.

EC-4919. A communication from the Secretary of the United States Railroad Retirement Board, transmitting, pursuant to law, a report on the activities of the Board under the Milwaukee Railroad Restructuring Act; to the Committee on Labor and Human Resources.

EC-4920. A communication from the Chairman of the Board of Trustees of the Harry S Truman Scholarship Foundation, transmitting, pursuant to law, the annual report of the Foundation for fiscal year 1980; to the Committee on Labor and Human Resources.

EC-4921. A communication from the Chairman of the National Arthritis Advisory Board, transmitting, pursuant to law, a report on the activities of the Board with specific reference to the implementation of the Arthritis Plan; to the Committee on Labor and Human Resources.

EC-4922. A communication from the Administrator of the Veterans' Administration, transmitting, pursuant to law, a report on the Veterans Administration's Vietnam Veterans Readjustment Counseling Programs records system; to the Committee on Veterans' Affairs.

EC-4923. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated November 1, 1980; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Labor and Human Resources, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, and the Committee on Governmental Affairs.

EC-4924. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on 22 proposed deferrals of budget authority; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, and the Committee on Armed Services.

EC-4925. A communication from the Administrator of the United States Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Effects of Airport Noise on a Neighboring State"; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment (in the nature of a substitute):

S. 3091. A bill to authorize certain revisions to the boundary of Chaco Canyon National Monument, to provide for the protection of archeological sites of the Chacoan culture, and for other purposes (Rept. No. 96-1019).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on the Judiciary:

Stephen G. Breyer, of Massachusetts, to be U.S. circuit judge for the first circuit.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ARMSTRONG (for himself, Mr. Dole, Mr. Boren, Mr. Mathias, and Mr. Exon):

S. 3203. A bill to amend the Internal Revenue Code of 1954 with respect to the deduction of certain expenses in connection with the business use of homes and the rental of residences to family members, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG (for himself, Mr. Dole, Mr. Boren, Mr. Mathias, and Mr. Exon):

S. 3203. A bill to amend the Internal Revenue Code of 1954 with respect to the deduction of certain expenses in connection with the business use of homes and the rental of residences to family members, and for other purposes; to the Committee on Finance.

AMENDMENT OF INTERNAL REVENUE CODE WITH RESPECT TO BUSINESS USE AND RENTAL OF HOMES

● Mr. ARMSTRONG. Mr. President, if a proposed ruling by the Internal Revenue Service is allowed to stand, taxpayers will almost always pay higher taxes if they choose to rent homes to family members rather than nonfamily members, or if they choose to operate part-time businesses in their homes.

This antifamily, antismall business policy is unwise.

That is why I am introducing, with the support of Senators Dole and Mathias, legislation to repeal the so-called family rental/home business tax.

This tax stems from provisions included in the 1976 Tax Reform Act, and as those provisions were subsequently interpreted by proposed IRS rules. Included in these provisions are three particularly objectionable features:

First, individuals who rent homes to family members will almost certainly pay higher taxes than if they rent to nonfamily members.

Second, a homeowner who operates a legitimate part-time business from a home will no longer be able to deduct business-related expenses for that office.

Third, property owners who rent their property will be charged with a full day of personal use—and, therefore, excluded from normal business deductions for that day—for every visit if almost all of the time virtually every accompanying individual is not devoted to repairing or maintaining the property.

The legislation I am introducing today accomplishes three objectives:

First, it removes any hint in the U.S. Tax Code that renting to family members automatically carries a higher tax burden.

Second, it allows home-based entrepreneurs to deduct business expenses for maintaining offices in their homes.

Third, it allows a property owner to claim normal business deductions if he maintains or repairs rental property and is accompanied by individuals who do not assist him in the work.

This common sense solution follows enactment of the continuing resolution, House Joint Resolution 610 which bars IRS from implementing or enforcing the family rental tax through December 15. This provision passed both Houses of Congress unanimously. Incredibly, IRS announced it would ignore this congressional mandate, and will effectively disallow deductions for renting to family members, and for maintaining a part-time business in a home. IRS' insistence is based on its interpretation of the law.

In my view, the uncompromising attitude on the part of IRS does not recognize the unanimous opposition in Congress to the IRS interpretation. Equally important, I doubt the courts, if asked, would ever back the IRS point of view. Legislative history clearly shows that Congress never intended to impose higher taxes on individuals renting to family members. And even before IRS proposed its rules, the Tax Court held in Curphey against Commissioner that a taxpayer can deduct business expenses associated with maintaining a home-based office for a part-time job.

IRS argues that its proposed regulations do not absolutely bar business expense deductions for family rentals. Technically, IRS is right. But the practical effect is that the regulations will substantially increase taxes for family members.

Here is how the proposed IRS rule works:

If a taxpayer uses a rental residence for "personal use" (renting to relatives is a personal use) for more than 14 days, or 10 percent of the days held for rental, deductible expenses are governed by the following three-step formula:

1. Gross Deductible Expense=Total Expense X days rented at fair rental days unit is used for any purpose.

2. Deductible expenses may not exceed gross rental income.

3. Expenses must be deducted in the following order: mortgage interest, taxes, insurance, utilities, maintenance, depreciation.

Below is a case example showing how these regulations impose higher taxes when renting to family members.

Joe Brown is single and earns $25,000 in taxable income a year. He buys a $50,000 home with a $5,000 down payment, and finances the $45,000 mortgage at 10 percent interest. He rents the home to his mother for the entire year at $500/month. Thus:

Joe's annual rental income	
Rent	$6,000
Total income	6,000
Joe's annual rental expenses	
Mortgage interest	$4,500
Property tax	1,200
Insurance, utilities, maintenance	1,800
Depreciation (straight line basis)	2,500
Total expenses	10,000

Since Joe's expenses exceed rental income, he must deduct expenses according to the order established in the regulations. Thus, Joe can only deduct all mortgage interest and taxes ($5,700) plus $300 of the insurance, utilities and maintenance. Joe cannot deduct the remaining $1,500 of insurance, utilities or maintenance, or any of the depreciation expense.

Since Joe rented the residence, at tax time, he must add the $6,000 rental income to the $25,000 he earned, and then subtract the allowable expenses of $6,000. So Joe will pay $5,952 in income taxes on $25,000 . . . while incurring $4,000 of other expenses he cannot deduct.

By contrast, if Joe had rented the home to a non-relative, he would be able to deduct the entire $10,000 of expenses. So Joe will pay $4,500 in taxes on $21,000 of taxable income. In this case, the family rental tax is $1,452.

In today's market, however, Joe Brown would not get a 10 percent interest rate. Joe Brown would likely have to pay more than 13 percent interest on his mortgage, and he would accumulate the $6,000 of the deductible expenses solely from mortgage interest and taxes.

Since these proposed new rules came to light a few weeks ago, congressional offices have been flooded with mail from constituents who oppose the new rules. And for good reason. The IRS proposal assumes there is wrongdoing in all rental transactions involving family members and operating a part-time business from home. This scattershot approach is not equitable, and must be stopped.

I urge enactment of this legislation.

Mr. DOLE. Mr. President, the Tax Reform Act of 1976 contained several provisions intended to limit the use of the business deduction for what were essentially personal expenses. These provisions included limitations on certain tax deductions relating to the business use of the home, renting to relatives, and the use of vacation homes.

On August 7, 1980, the Internal Revenue Service proposed regulations which many people consider to expand the limitations well beyond the intent of Congress. Senator ARMSTRONG and I were extremely concerned about the adverse impact of these proposed regulations on many Americans. On September 26, we, therefore, offered an amendment to the continuing resolution intended to prevent implementation and enforcement of these proposed regulations. The Congress passed this amendment and the Internal Revenue Service is blocked from implementing its regulations on this issue until December 15, 1980.

This was simply a temporary measure to give us time to develop a permanent solution to the problems highlighted by the proposed regulations. Today we are introducing a permanent solution.

It may be helpful to explain, in a little more detail, the genesis of the problem and the solution we are providing in this legislation.

BUSINESS USE OF HOME

In the Tax Reform Act of 1976 we provided rules intended to limit the deduction of expenses attributable to the business use of the home. Under the 1976 law, in order for a taxpayer to obtain a deduction for expenses relating to a business conducted from his home, he must use a specific part of the home exclusively as his principal place of business. I believe the intent of Congress was to allow a deduction only if the home is the principal office for a particular business. That is, if an individual feels he must "moonlight" at a business operated from his home, he should not be denied a business deduction merely because he may hold another full-time job. No one should be penalized for having the industry to hold more than one job.

Unfortunately, the Internal Revenue Service has interpreted the "principal place of business" test to mean that, if you hold a full-time job and operate another business from your home, you lose some of your business deductions for this second business.

This Senator cannot see any justification for the Internal Revenue Service position. The legislation introduced today makes clear that a deduction will be available without unwarranted limitations for expenses related to the use of a portion of a home for the operation of a business. The legislation provides that the "principal place of business" test is met if the deductions are related to any business if the principal place of business at which the taxpayer conducts that business is at home.

RENTING TO FAMILY MEMBERS

A second area which has evoked public outrage concerns a limitation on normal business expenses connected with rental property where a dwelling is rented to a family member. Back in 1976, Congress intended to place some limitation on the availability of business deductions relating to vacation homes which taxpayers used themselves for substantial periods. "Personal use," however, was broadly defined to include use by a brother, sister, spouse, grandparent, child, or grandchild. The rule has been construed by the Internal Revenue Service to apply to any dwelling unit, including houses, apartments, condominiums, mobile homes, and boats, as well as to vacation homes.

This presents a serious problem if a taxpayer rents any residence to a family member, instead of a stranger. For example, the IRS view would have the incredible result of limiting business deductions allowable to an individual if he rents a residence to his elderly parents, at the going rental rate. On the other hand, if he had rented the residence for the same rent to a stranger, there would be no similar limitation.

Whether or not the IRS is correct in arguing that it has not misinterpreted the law as written, this Senator is absolutely convinced that the IRS interpretation does not accurately reflect the concerns of Congress.

This discrimination against the family should not be tolerated. Our solution to this problem is simply to remove language from the applicable section of the Internal Revenue Code which could be interpreted by the IRS to allow discrimination against renting to family members. If a dwelling is rented at market rates, a taxpayer would receive the same treatment regardless of his relationship with his tenant.

We believe that the purpose of Congress to limit deduction of personal expenses related to vacation homes can be served without discrimination against an individual's family.

PERSONAL USE OF VACATION HOME

A third area treated by the proposed regulations is what constitutes personal use of a vacation home. The 1976 act provided that business deductions related to the rental of a dwelling would be limited if the taxpayer uses the dwelling for the greater of 14 days or 10 percent of the days for which the dwelling is rented.

This is a sensible rule for limiting the possible abuse of the business deduction provisions. However, the IRS has taken a very expansive view of when a taxpayer is considered to enjoy the use of his vacation home—a view that is not within the limits of the statutory language.

According to the IRS, a taxpayer who spends a day repairing or maintaining his property is considered to be "on vacation" if he spends the day working, but he does not force all other individuals with him who are capable of working to work full time also. For example, if a man spends all day fixing up property so that he can rent it, he will be considered to have used the property for his personal enjoyment if his teenaged son spends only part of the day working with him. Not only is this an unrealistic rule, but it is also a rule that is incapable of enforcement.

The bill introduced today prevents the IRS from enforcing this absurd rule.

EARLY ACTION NEEDED

This bill is a remedial measure which deserves serious consideration by this Congress. It is designed to be limited merely to a clearer statement of congressional intent, rather than to break new ground. The "family rental tax" is an affront to the American family and should be put to rest at the earliest possible time. The Senator from Kansas is hopeful that this issue will be resolved this year and not put off to the next Congress.●

ADDITIONAL COSPONSORS

SENATE JOINT RESOLUTION 210

At the request of Mr. RIBICOFF, the Senator from Missouri (Mr. DANFORTH), and the Senator from Connecticut (Mr.

WEICKER) were added as cosponsors of Senate Joint Resolution 210, a joint resolution to grant posthumously full rights of citizenship to Douglas Clyde Macintosh.

SENATE RESOLUTION 525

At the request of Mr. HOLLINGS, the Senator from Vermont (Mr. STAFFORD), the Senator from New Mexico (Mr. SCHMITT), the Senator from Nebraska (Mr. ZORINSKY), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Resolution 525, a resolution expressing the sense of the Senate with respect to the anticipated vote in the United Nations regarding the seating of a permanent representative of Cambodia.

AMENDMENTS SUBMITTED FOR PRINTING

AMENDMENT OF REVENUE SHARING AND GENERAL FISCAL ASSISTANCE

AMENDMENT NO. 2621

(Ordered to be printed and to lie on the table.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill (S. 2574) to authorize an extension and amendment of the revenue-sharing program, to provide general purpose fiscal assistance to local governments, and for other purposes.

● Mr. MELCHER. Mr. President, the amendment I am submitting for printing today will remove an unnecessary and unfair restriction on the expenditure of revenue-sharing funds by Indian tribes.

Section 123(a)(8) of the General Revenue Sharing Act of 1972 reads as follows:

> In the case of a limit of local government as defined in the second sentence of section 108(d)(1) (relating to governments of Indian tribes and Alaskan native villages), it will expend funds received by it under subtitle "A" for the benefit of members of tribes or villages residing in the county area from the allocation of which funds are allocated to it under section 108(b)(4).

What this section of the law does is to require Indian tribes whose boundaries cross county lines to expend revenue-sharing funds only in the county in which the funds were received. This creates unneeded problems for the tribal government, and can lead to duplication and the inefficient utilization of revenue-sharing funds. The act does not place such restrictions on any other Government units. For example, that restriction does not apply to the city of Atlanta, which is in multiple counties. This section appears to be discriminatory against Indian tribes only.

The office of revenue sharing recognizes the need to adjust this problem, and in their version of the reauthorization of the program, they eliminated section 123(a)(8). I hope that the Finance Committee will accept this language as part of the bill.●

ADDITIONAL STATEMENTS

MILITARY COMPENSATION

● Mr. TOWER. Mr. President, my distinguished colleague, SAM HAYAKAWA, of California, recently published in the San Diego Union an article concerning the need for increased compensation for our military personnel. I congratulate Mr. HAYAKAWA for his perceptive and incisive statement of the realities of this problem.

This past year, many of my colleagues on the Committee on Armed Services and I worked hard to provide significant increases in both compensation and benefits for our service men and women. Congress subsequently approved a military pay increase of 11.7 percent, well above the President's fiscal year 1981 defense budget request of 7.4 percent.

I believe this action by Congress will be a positive step toward reducing the exodus of so many highly trained military personnel who leave the service in favor of the more attractive salaries available in civilian occupations.

We need these people desperately in the armed services, and, as my colleague points out, "The world situation is such today that we cannot afford the serious manpower problems we are experiencing."

I hope my colleagues in the Senate will take time to read this article on a subject which we all recognize is vitally important to our national security. I therefore ask to have printed in the RECORD Senator HAYAKAWA's article entitled "Legislation Must Stem the Exodus of Talented Military Personnel," published in the San Diego Union on October 12, 1980.

The article follows:

LEGISLATION MUST STEM THE EXODUS OF TALENTED MILITARY PERSONNEL

(By Senator S. I. HAYAKAWA)

The chairman of the Joint Chiefs of Staff has identified manpower as the most critical national security problem we face for the 1980s. Manpower is one of the key elements that determines our state of combat readiness and it is readiness and unquestionable strength that guarantees peace. Let's take a look at our readiness in terms of manpower and see why this is becoming a serious problem for us.

The navy is short 20,000 mid-grade, skilled personnel and 2,600 mid-grade officers. Last year the navy retained less than half of its petty officers who were completing their second enlistments. In 1979 the navy experienced re-enlistment shortages in 59 of its 85 major enlisted skill areas. Ships are being deployed without sufficient personnel to man them.

Forty-six percent of new army recruits last year were so-called Category IV. This is the lowest acceptable mental category.

It was recently revealed that of 10 continental United States divisions, six are in the lowest readiness rating, C-4, or not combat ready. This is principally due to personnel shortages—both enlisted and non-commissioned officers. At a recent congressional press conference regarding army readiness, it was revealed that in one of these six divisions, the shortage of squad leaders and platoon sergeants is so severe that it was necessary to drop one-third of the rifle platoons. In another division, we are down to less than 55 percent of the non-commissioned officers required. That same division is authorized 30 doctors—it has four.

The air force is not without its problems too. For the first time last year, it failed to fill its recruiting quota. It is currently short 1,300 pilots. Retention for air force second-terms NCOs is down to 63 percent this year.

Why are the services experiencing recruitment retention and quality problems? I think the main reasons are inadequate pay and a lack of recognition and respect for their sacrifices.

Although military pay has risen 56 percent since 1972 when the all volunteer force was instituted, military personnel, depending on pay grade and length of service, have experienced 12 to 24 percent drops in average real income due to inflation and pay caps. As of May 1979, almost one-third of all enlisted personnel regardless of their levels of skill, education, area in which stationed, length of work week, or other characteristics were being compensated for work performed at a level equal to or below the minimum wage level for any work performed in the private sector in a 40-hour work week. Inflation has so eroded the pay of the career enlisted personnel that an E-6 today with eight years service, stationed in Northern California makes $300 a month less than a unionized grocery checkout clerk in San Jose.

Let me give some other startling examples. A command sergeant major with over 24 years of service who is responsible for the leadership of over 7,000 troops, noted that his 19-year-old son made about the same wages working at the Dairy Queen.

An E-4 airplane handler on the nuclear carrier Nimitz, deployed to the Indian Ocean during the Iranian crisis, normally works 16 hours a day. He handles the F-14 aircraft which cost about $25 million a copy, and helps operate a $2 billion ship. Would you believe that he earns less per hour than a cashier at McDonalds, lives below the poverty level, is eligible for food stamps and probably hasn't seen his family for six months? A chief petty officer on the Nimitz with 17 years service makes the same salary as a janitor on union scale and puts in twice as many hours.

A senior line mechanic with United Airlines based in San Francisco makes $18.67 an hour. A technical sergeant with over 10 years of service and receiving flight pay, earns $7.66 an hour. This is based on regular military compensation to include basic allowance for subsistence, the tax advantage and computed on the same 40-hour week requirement as the airline mechanic.

Military purchasing power has fallen to 83 percent of the minimum wage. The Bureau of Labor Statistics says $11,546 is required for a "lower standard of living" for a family of four. Average pay for enlisted men, including allowances, is $9,900. Approximately 100,000 military families are eligible for food stamps.

As I mentioned earlier, there is also an increasing frustration about the lack of support and understanding from civilian society of military tasks and responsibilities. More frequent family separations, frequent requirements to relocate and long hours to try to compensate for the lack of manpower, all serve to wear on the morale of the serviceman. We, as civilians, need to let the serviceman know that we care and that we appreciate the sacrifices he is making to protect our national security.

This month, the new fiscal year will provide some new initiatives which will attempt to correct some of the problems that I have discussed. The Congress has provided for an 11.7 percent pay raise for our military personnel. In addition, we have passed the

Warner-Nunn legislation which provides for increases in various benefits. This is intended to encourage mid-level military personnel to make the armed services a career. The benefits to be increased are: Variable housing allowance, reimbursement for moving, sea pay, flight pay, and subsistence allowance. The Congress also passed a bill this year that provides enhanced bonuses for military doctors.

But this is only the beginning if we are to stem the exodus of talented personnel from our armed forces. More needs to be done. I have cosponsored a few bills that I hope to see acted upon in the next session of Congress.

One of these is the National Defense Compensation Act. This legislation has four main parts. It would remove the authority of the President to impose caps on military cost-of-living increases. It provides for a pay increase, over and above the cost-of-living increases, for the three lowest enlisted grades and the two lowest officer grades. Lastly, it would provide a substantial increase to be phased in, for flight, parachute, submarine, demolition, sea and carrier flight deck duty pay.

Another bill that I have endorsed is the G.I. Bill of 1980. It is similar to the old G.I. bill that the Congress did away with. Anyone who completes two years of honorable military service would receive 100 percent of tuition and fees at an accredited junior college, college or university to a maximum of $3,000 a year, for a maximum of four academic years. He or she would also receive a subsistence stipend of $300 a month while enrolled for a maximum of 36 months.

The issue of whether or not we need to bring back the draft to meet our defense requirements is open to debate. Many knowledgeable people believe that we cannot meet those requirements without a draft and they may be right. In any event, as long as we have no draft, we should at least be willing to pay the price to recruit and retain quality personnel.

Keeping the peace depends on peacetime maintenance of our forces. The world situation is such today that we cannot afford the serious manpower problems we are experiencing. It is time to address these problems so that we can show our allies and enemies alike that the United States is once again ready and prepared to protect our national interests.●

THE JACKSON-VANIK AMENDMENT

● Mr. JACKSON. Mr. President, before the Presidential election this fall, I had an exchange of letters with Governor Reagan and President Carter regarding section 402 of the Trade Act of 1974, known as the Jackson-Vanik amendment.

My letter of October 2 posed the issue as follows:

> As you know, current law prohibits the extension of most-favored-nation treatment and government credits to non-market countries that deny their citizens the fundamental human right to emigrate. This provision of the Trade Act of 1974 has long been the principal hope of thousands of Soviet Jews and others who have struggled to obtain visas so that they might emigrate to Israel, the United States, or other countries where they are free to live and worship according to their faith—a freedom denied them in the Soviet Union.
>
> There have been a number of proposals since 1975 aimed at revising the Trade Act to remove or weaken the credit and MFN restrictions in order to facilitate trade concessions for the Soviets without a significant agreed movement toward freer emigration from the Soviet Union. Last year, for example, there were proposals that the credit/MFN restrictions could be waived without an explicit understanding with the Soviets on future emigration practices, an approach that would violate the freedom of emigration provisions of law embodied in the 1974 Trade Act.
>
> I very much hope that you share my view that there must be no weakening of the existing law either by amendment or interpretation.

I suggested in my letter that many brave men and women who have suffered reprisals as a result of having insisted on the right to emigrate would be heartened to know that the next President of the United States will support section 402 of the Trade Act.

My letter concluded as follows:

> A statement of your support for Section 402, and your insistence on a clear Soviet commitment to freer emigration as a condition of any waiver of the Act's restriction on MFN and credits, would be especially welcome in the current mood of uncertainty.

I received responses from both President Carter and Governor Reagan which I wish to include in full in the Record. I can report that both letters affirm continuing strong support for section 402 of the Trade Act of 1974.

I am particularly delighted that Governor Reagan—now President-elect Reagan—included in his response this firm assurance:

> I have supported the legislation, now public law, known as the Jackson-Vanik Amendment. I believe that it was right and proper to link trade concessions to the Soviet Union with significant movement toward free emigration.
>
> As President I would implement fully the letter and the spirit of the freedom of emigration provisions of the 1974 Trade Act. We would seek to make it clearly understood that we will uphold the law, and that we will make no effort to modify the Jackson-Vanik Amendment.

I ask that the letters from Governor Reagan and President Carter be printed in the Record.

The letters follow:

October 24, 1980.

Hon. Henry M. Jackson,
Senate Office Building,
Washington, D.C.

Dear Senator Jackson: Thank you for your letter of October 2, 1980, to which I am pleased to reply.

I have supported the legislation, now public law, known as the Jackson-Vanik Amendment. I believe that it was right and proper to link trade concessions to the Soviet Union with significant movement toward free emigration.

As President I would implement fully the letter and the spirit of the freedom of emigration provisions of the 1974 Trade Act. We would seek to make it clearly understood that we will uphold the law, and that we will make no effort to modify the Jackson-Vanik Amendment.

Fine words about human rights are one thing; action is another. The Congress took concrete action in passing the Jackson-Vanik Amendment; its effect has been blunted by holding out the hope to the Soviets that it might be modified or repealed.

I am proud indeed of the extraordinary bravery of those seeking to emigrate from the Soviet Union. The Soviet Jews in particular have shown the world what courage and the determination to be free can mean even for men and women who could be imprisoned as a result of their desire to emigrate.

You have my assurance that I will work together with you in support of these brave people.

Sincerely,

Ronald Reagan.

The White House,
Washington, D.C., October 25, 1980.

Hon. Henry Jackson,
U.S. Senate,
Washington, D.C.

Dear Senator Jackson: You wrote to ask my views about section 402 of the Trade Act of 1974, the Jackson-Vanik amendment.

From the beginning of my Presidency I emphasized our commitment as a nation to human rights as a fundamental tenet on which our foreign policy would be based. That commitment of mine is as deep and as important to me today as it was then.

You have always been a pioneer in the area of human rights and your leadership and support have been instrumental in our success. I am sure that the record will show that American words and actions in the last period have left their mark on the rest of the world. Because of our leadership the defense of human rights has its rightful place on the world agenda for everyone to see.

The Jackson-Vanik amendment, which you authored, represents an important statement of our nation's commitment to the free emigration of Soviet Jewry. As you well know, I, along with you, have been specifically concerned about Jewish emigration from the Soviet Union. The year before I became President, Jewish emigration was about 14,000. Last year it was up to 50,000—the highest level in more than 10 years. The lower rate this year in the wake of the Soviet invasion of Afghanistan is of great concern. We will continue to register our strong concern about this low level of emigration at the Review Conference on Security and Cooperation which will meet in Madrid next month. The Soviet Union has an obligation to honor its Helsinki commitment.

After the Afghanistan invasion, I took a number of steps, including the suspension of grain sales and the restriction of high-technology exports to the Soviet Union, to make quite clear to the Soviets that we cannot conduct business-as-usual with them while their troops are occupying another country.

With the Soviet troops still in Afghanistan and with unacceptable denials of free emigration, it is totally inappropriate to consider any changes to section 402 of the Trade Act of 1974, and I have no intention of doing so. Furthermore, I can assure you that the U.S. delegation under the leadership of Ambassadors Griffin Bell and Max Kampelman at the CSCE Conference in Madrid will take every opportunity to make clear to the Soviet Union that their record of emigration is a violation of the Helsinki accords.

I value your views on this subject and I look forward to working closely with you on these very vital issues.

Sincerely,

Jimmy Carter.●

INDIANA CELEBRATES "COMMITMENT DAY"

● Mr. LUGAR. Mr. President, today is the 117th anniversary of President Abraham Lincoln's immortal Gettysburg Address. The Gettysburg Address has lived on to touch the hearts of citizens and inspire them to a renewed commitment to the principles upon which this country was founded.

In my home State of Indiana, November 19 has been designated as "Commitment Day," by a proclamation from Gov. Otis R. Bowen. The purpose of "Commitment Day" is to provide citizens with a greater understanding of this historic document and its implications upon their lives. However, there is more involved here than a mere reenactment of a historical event. Hoosiers are trying to institute a patriotic program that can be uniquely Indiana in concept, yet have a far-reaching effect on our national consciousness as Americans.

The Gettysburg Address repeatedly stresses dedication to the principles of democracy to assure that Government "of the people, by the people, and for the people shall not perish from the Earth." It strengthened the hearts of citizens during a period of national uncertainty.

I am proud that my fellow Hoosiers have decided to recapture this moment of history. Mr. President, I ask that the proclamation issued by Governor Bowen designating November 19 as "Commitment Day," as well as a press release issued by the Indianapolis Civil War Round Table detailing the events of this historic occason be printed in the Record immediately following my remarks.

The material follows:

Proclamation

Whereas, President Abraham Lincoln delivered his immortal Gettysburg Address on November 19, 1863; and

Whereas, the Gettysburg Address strengthened the hearts of citizens during a period of national uncertainty; and

Whereas, Lincoln's noble words already defined the purpose for which the nation was brought into existence; and

Whereas, the Gettysburg Address has lived on to touch the hearts of citizens and inspire them to a renewed commitment to the principles upon which the country is founded;

Now, therefore, I, Otis R. Bowen, Governor of the State of Indiana, do hereby proclaim Wednesday, November 19, 1980, as "Commitment Day" throughout the length and breadth of our great state; and

It is hereby recommended, that the Gettysburg Address be read on that day in public assemblages throughout the state, and that appropriate ceremonies be held where citizens will gain a greater understanding of this historic document and its implications upon their lives.

In testimony whereof, I have hereunto set my hand and caused to be affixed, the great seal of the State of Indiana, at the Capitol, in the city of Indianapolis, this 11th day of August, 1980.

Otis R. Bowen, M.D.,
Governor of Indiana.
Edwin J. Simcox,
Secretary of State.

Lincoln Dedicates Cemetery; Asks "New Birth of Freedom"

Lincoln and his few words at Gettysburg, Pennsylvania, on November 19, 1863, live on today in the hearts of many Americans.

You will have the opportunity to recapture this moment of history with us at noon on November 19, 1980, when colorful living history ceremonies depicting it are held on the south lawn on the Indiana State Capitol.

Principal participants in the event are State Senator Charles Bosma as President Lincoln; civic leader Charles Hulett as Edward Everitt, the principal orator; Mrs. Bernice Fraction's magnificent rendering of God Bless America; Fort Benjamin Harrison's 74th Army Band; and the Forty-ninth Indiana Regiment, a reenactment group which will also participate in the presidential parade in January.

By Executive Proclamation Governor Otis Bowen has designated November 19 as Commitment Day. The Proclamation encourages citizens to gain a greater understanding of the Address through appropriate ceremonies.

The reenactment of the Gettysburg Address is only one aspect of a two-week emphasis from November 3–18 to focus attention on this historic document and its implications to modern Americans.

The sponsoring body for this unique event is the Indianapolis Civil War Round Table, a non-profit historical association which is dedicated to the study of this period of American history.

Members of the organization will be available to schools, civic organizations, and the local media for programs and interviews associated with the address.

A Gettysburg Address Theme Contest will be held for participating area high schools.

The theme for the event is "A New Birth of Freedom."

For additional information contact: Elbert L. Watson, 1100 West 42nd Street, Indianapolis, Indiana, 46208. Telephone 923–2197.●

WHERE THE WIND BEGINS . . . IT CONTINUES

● Mr. SCHMITT. Mr. President, in the final two articles in his "Southwind" series, Richard Louv of the San Diego Union clearly demonstrates how futile it is for Americans to believe we can, by force alone, halt Mexican migration to this country. The worldwide phenomena of migration continues as migrants move from Bolivia and Chile to Argentina's industrialized cities and from Columbia to oil-rich Venezuela. Because of uneven economic development, such migration will continue until their excess population can be harnessed by a developing nation. Such development will take decades even if new programs described in these articles are successful. For these projects to succeed, given Mexico's sensitivity and our need for a strong independent Mexico on our southern border, we need to foster technology transfer and a flexible business attitude which allows capital to flow across the border when it is advantageous to both lands.

Meanwhile, the migrants will come north. Until the new opportunities arise in Mexico, we cannot expect the more vigorous members of the Mexican populace to stay home and starve. We must recognize reality and channelize this ebb and flow of migration into a legal, systematic, and controlled program such as envisioned by S. 1427, the United States Mexico Good Neighbor Act. Such a program would enable our economy to benefit as we need labor.

A temporary worker visa program would give Mexico time to develop economically and stabilize herself during the turbulent 1980's and 1990's.

A legal program would immediately end the exploitation now visited upon the undocumented migrants by the alien smuggling "coyotes". Since such a plan would allow the workers to join unions, their working conditions would improve and the unions could also protect the wage base of the American workforce simultaneously. Having a legal status in this country would also allow the migrants to draw some of the benefits that their tax contributions support. In short, it (a temporary visa) is part of the solution to this problem.

Until we recognized this and adopt a reasonable immigration policy toward Mexico, scenes such as that described in "It Continues" will take place. In that vignette a woman who lives in Imperial Beach, Calif. observed a shivering teenage boy wearing a ragged bathing suit and carrying a child. He was followed by two other small children. Seeing the fear in the teenagers' face, she called out in the only Spanish she knew, "Que vayan con dios". They walked north and disappeared, as will thousands more until such time as we begin to solve this problem.

Mr. President, I ask that these articles be printed in the Record at this point.

The articles follow:

Where the Wind Begins

You cannot stop the wind with a chain-link, steel grid fence, no matter how high or long.

You cannot stop it with political commissions or academic jargon or blazing headlines. You can slow it, with the use of force, but you cannot stop it.

People will survive—any way they can.

You can stop the wind only at its source, with food and with jobs.

Around the world, the wind is sweeping people out of the poor countries into the more developed nations—where the jobs are.

Migrant workers move from Bolivia and Chile, into the industrial cities of Argentina; from Colombia to oil-rich Venezuela.

They migrate from Malawi and Mozambique to work in the factories and mines of South Africa; from the Upper Volta to the Ivory Coast to till the rich plantations; from Southern Europe, Turkey and North Africa to industrialized northwestern Europe.

Even Mexico has its immigration problems—poor Indians from Guatemala are slipping into Mexico in search of work.

Economists and demographers have argued for decades as to the source of this wind.

Overpopulation, of course, is the chief problem.

Some developing countries, such as Mexico, have begun to achieve limited success in harnessing their population expansion. The effects, however, will not be felt for decades.

Beyond overpopulation, though, is an added problem. Humankind is paying for its uneven success.

The good news is that certain regions—cities, provinces, nations—have industrialized, developed technologically. The bad news is that this progress has often made life worse for those who have been left behind.

Development brings wealth to some, but only inflation to others. Development builds factories, but does not necessarily create jobs—not when single machines are brought in to do what many human beings could do.

So the poor are pushed from their tiny plots of land by overpopulation and drought—but also by the side-effects of development: inflation, mechanization, and an inability to compete in the marketplace with big agricultural corporations.

They set out for the cities, in search of jobs, and pile up in shanty towns that swell and throb with raising expectations. Or they migrate temporarily to the United States. They go wherever the jobs are. They survive, at least for the time being.

For too many Mexicans, the grand dream of development has become a sick joke. Forty percent of the Mexican population is unemployed or underemployed. The number of peasants has doubled in the past two decades—even as Mexico achieved what its government likes to call "an economic miracle."

In a sense, migration is a kind of early warning system, a warning that something has gone wrong, not necessarily with the dream itself—but with the methods of development.

"The central problem is that countries such as Mexico have made a lot of money—for a few at the top of the economic ladder—by raising food chiefly for export to the developed countries," says Dr. Selwyn Enzer, associate director for the University of Southern California's Center for Futures.

Enzer and his associates have conducted a computer study which projected mass starvation in countries that continue their present rates of mechanization, while raising more food for export than they do for consumption.

Indeed, not only does Mexico export most of its agricultural products to the United States, but it actually must import all of its basic grains—even beans. Two thirds of its total exports are to the United States and two thirds of its imports come from the United States.

Mexico's current foreign debt is probably the largest among all developing countries. Its debt to the United States, running close to $36 billion, has tripled in the last 20 years.

To Mexico, the United States is an extremely expensive—and dangerous—life support system. "When the United States sneezes," the saying goes, "Mexico catches pneumonia."

Many Mexicans in government and academic circles complain that Mexico's seeming inability to take care of its poor has not occurred because of some flaw of the national heart, but because its economy has slowly slipped out of its own control.

"In the past, many of Mexico's economic depressions have been shaped by U.S.-based and multi-national corporations," says Dr. Jorge Bustamante, co-director of the largest study yet on Mexican migration.

The migration cannot be slowed until Mexico's dependence on the United States is addressed, he maintains.

Mexico must develop its own capacity to produce food for consumption; to build roads, railroads, refineries. (The nation, for instance, does not even have a single copper refinery, the majority of its raw ores are shipped to the United States.) Especially in the rural regions that have been ignored for decades—the regions where most of the migrants come from—Mexico must build the "infrastructure," the skeleton of transportation and marketing systems necessary before these regions can stand up on their own.

In the past, Mexico had little choice but to lean on the United States—and to suffer the consequences of economic exploitation.

Racked by 300 years of colonialism, two major revolutions and a war with the United States which resulted in the loss of more than half of its territory, Mexico did not even join the industrial revolution until the early 1940s.

Now, however, Mexico has within its grasp a powerful new elixir: oil.

Since 1974, Mexico has been releasing growing, confirmed estimates of new-found oil fields and reserves apparently equivalent to those in Saudi Arabia; and Mexico's national oil company, Petroleos Mexicanos (PEMEX), has explored only a fraction of the nation's prospective oil regions.

The respected U.S. journal of Science describes the finds as "so immense that they could overturn the conventional wisdom and world supplies and significantly alter the geopolitics of energy . . . By 1988 (Mexico) could be exporting as much oil as Iran does now."

In 1978, the National Security Council suggested that Mexico could fill 30 percent of U.S. import needs by the mid-1980s.

What a difference an oil strike makes. Suddenly Mexico, long ignored by U.S. foreign policy, was being courted by the State Department. Suddenly President Carter (who took up Spanish lessons) was flying to Mexico City, where in a speech before a state dinner he joked about "Montezuma's revenge" and endured a tongue-lashing from an outraged Mexican president for U.S. ignorance of Mexico.

U.S. politicians began suggesting a North American common market between Mexico, the United States and Canada. The U.S. federal government pondered lowering tariffs and other trade barriers to Mexican exports. Not the least of the "trade-offs" mentioned was a reworked and more humane program toward Mexican undocumented aliens.

Mexico, however, rejected the common market idea as representing more dependence on the United States; and on March 18, 1980, President Lopez Portillo announced that Mexico would not join GATT, an international trade agreement between the United States and other countries.

Instead, Mexico chose to use its oil to bargain for better trade conditions with individual countries, and has already worked out new trade deals with Spain, Sweden, Japan and France. And Mexico scoffed at the suggestion that oil could be traded for better treatment for undocumented aliens—especially since the United States was so intent on exporting human rights.

"Mexico is in a post-petroleum adolescence," grumbles one U.S. official. "They think they can get along without us."

Indeed, oil has given Mexico an important new psychological edge. No longer would Mexico or the United States think of their relationship as that of a mouse dancing with an elephant (with the mouse taking extra care). Instead, the mouse would roar—and begin to grow and grow.

Beneath this new veneer of international respect, however, Mexico's social problems still fester.

In fact, some observers worry that oil may make life much worse for the people at the bottom of the economic ladder. The inflationary effect of oil may only lubricate the migration, rather than put a halt to it.

Capital expenditures by PEMEX now account for over half of all government investments. At least half of the government's investment in oil production will have to be financed by borrowing from foreign countries—throwing Mexico even farther into debt.

Even when the revenues start rolling in, they may never reach the poor.

The oil industry itself, a highly technological endeavor, will provide few jobs directly. One study of oil production in Colombia in the late 1960s showed an average investment of $39,000 was needed to create a single petrochemical job—20 times the investment required to create a job in the shoe, glass or clothing industries.

The new oil industry may even cause total employment to decrease, by diverting capital from more labor-intensive sectors of the economy (such as the clothing industry).

Pessimistic economists also point to Mexico's government corruption and the bureaucracy's frequent insensitivity to the poor. Unless the Mexican government can control its own corruption, oil profits will be skimmed off the top of the nation's economy by the wealthy. The revenues will then be transformed into bloated import bills, luxury consumption, and skyrocketing inflation—already topping 24 percent.

Instead of attending to the neglected agricultural sector, oil-rich Mexicans would pour more and more investments into capital-intensive industrialization: high technology and higher profits rather than jobs.

To maintain its power base, the government would dole out the revenues in high wages for organized labor, high salaries and extensive social benefits for the government bureaucracy.

Mexico might well reach its goal of tripling its Gross National Product by the year 2000, but the process would be enjoyed by only a small minority of the population. The walls surrounding the homes of the rich would grow ever higher, while the rural poor would keep moving—to the slums of Mexico City, Guadalajara, Monterrey or to the north—anywhere to escape the oiled inflation and the lack of jobs.

The precedents for this scenario are haunting: oil has had much the same effect on Algeria, Ecuador, Venezuela and Iran.

Not everyone is pessimistic, though.

A joint study by the Brookings Institution and El Colegio de Mexico stated Mexico now has the administrative and technical capacity to begin improving rural unemployment on a much larger scale than current efforts, through soil conservation programs, expansion of small-scale irrigation facilities, and rural public works programs.

"My personal pessimism has been cautiously modified," says Bustamante. "President Lopez-Portillo's administration has, until recently, favored capital-intensive investment; but the mood has changed. The objective now seems to be social development, not just production."

The Mexican government has been working feverishly to devise several development plans, all under the umbrella of the National Global Plan. The thrust has clearly been in the direction of technological development—including incentives to industry to move out of the three over-burdened metropolitan areas, into mid-sized cities.

Only cursory attention was given to unirrigated (called "rain-fed") agricultural areas of Mexico. These regions, which represent 80 percent of Mexican agricultural land, are where most of the migrants come from.

In March, 1980, however, President Lopez-Portillo announced a pilot program for the rain-fed regions called Sistema Alimenario Mexicano (SAM). This plan calls for the use of oil revenues—as they become available—to be invested in these regions.

Starting this year, SAM will create new irrigation systems and improved fertilization—using petroleum-based fertilizers made by PEMEX itself. Small producers will be organized into collectives, to allow them to compete more successfully with corporate agriculture.

Food crops—especially grain—will be emphasized, rather than cash crops, to help Mexico move toward food self-sufficiency.

As a pilot project, SAM will involve only about a million farmers in the first year, but the plan calls for tripling that number within the next few years.

Will SAM slow the migration?

Bustamante—who is not known for any excess of optimism—predicts that by 1981, ten percent of the migrants now traveling annually to the United States will stay home.

"If the plan works the way it should, the migration would decrease by ten percent every year for the next five years, after that, there would be a gradual slow-down. By the year 2000, the migration might disappear altogether," he says.

"I think there is the basis to believe this could happen. I'd give it about a 50–50 chance, based on two assumptions: that the present decrease in fertility rates continue—this is crucial; and that corruption is checked, corruption in the sense of investing oil revenues to take care of political rather than human needs. In the United States, you call this 'pork-barreling.' "

Bustamante also lists a third precondition for SAM's success: that the U.S.-based and multinational corporations allow SAM to succeed.

"The corporations are showing increasing interest in moving into the rain-fed regions, with their big tractors and capital intensive methods," he says.

"The Mexican government is going to have to go head-to-head with them. If the United States is really interested in slowing down the migration, you should put pressure on the U.S.-based corporations to give us time for labor-intensive development of the rain-fed regions."

Ignacio Bernal, an advisor to President Lopez Portillo, is more cautious than Bustamante in suggesting that SAM could slow the migration.

"This is not just an employment plan," he says. "Employment plans do not exist by themselves; you cannot have employment without industrial investment.

"In my personal opinion, in fact, I think our government has limits in what it can accomplish in creating jobs through labor-intensive investment. The available technology dictates capital-intensive investment—we have trouble finding the kind of machines necessary for the labor-intensive approach.

"Plus it's easier to control a machine than a trade union; machines don't make strikes or protest or ask for wages or pensions. They only depreciate and you buy another one. In order to compete in the world market you know, we need the newest most productive technology.

"So, you see, we have limitations."

With such mixed signals coming out of the governments of both countries most observers believe unemployment in Mexico will get worse long before it gets better, and the migration will continue.

Considering how deeply the United States is woven into Mexico's economy, it is unlikely that Mexico can achieve its goals without U.S. involvement—especially in technological and administrative assistance in setting up job-producing industries and improving labor-intensive agriculture.

Neither side of the border has shown much serious interest in working together as full partners in new, creative ways. The seeds are there, but so far the seeds are only good intentions.

Time for experimentation—for pilot projects and the like—is running out. As Latin America's poor have been left farther and farther behind, social unrest has begun to grow exponentially.

Nicaragua suffered along and bloody revolution. El Salvador is coming apart, and Amnesty International has counted 20,000 political murders during the past few years in Guatemala, Mexico's next-door neighbor.

The United States and Mexico must begin to devise some joint projects to create decent employment for poor Mexicans—soon. Because migration is not the only wind whispering from the south.

BUILDING A NEW FRAMEWORK

Throughout the late 1970s, a popular idea—at least among some U.S. politicians—was that the way to stop the migration was to take over the job of developing Mexico, through some kind of "Marshall Plan" approach.

The assumption was that if enough money could be pumped into Mexico, the migrants could be employed at home and the problem would be solved.

Mexico turned a cold shoulder to that idea, of course, since it has traditionally rejected foreign aid.

The prevailing attitude in Mexico, especially in the intellectual community, is that Mexico should pull away from U.S. involvement in its affairs.

"That attitude is understandable, considering the decades when foreign business ran rough-shod over them," says Dr. Clark Reynolds, an economist at Stanford University's Food Research Institute.

"The problem with the attitude is that the Mexicans could take it too far. Attitudes make history; which is what happened in Iran," he says.

Reynolds also points out that China, which initially rejected outside technological assistance in favor of a total reliance on labor-intensive agriculture, has changed its attitude.

"They found out they couldn't feed their country by going that route, and they've decided that some agricultural regions do have to be massively technologized—and they're coming to us for the tractors."

Mexico cannot feed itself, decrease unemployment and slow the migration without help from the United States, Reynolds says.

Both countries seem to be suffering a poverty of the imagination, however.

"A North American Common Market including Canada, Mexico and the United States would be a brilliant move," says Reynolds. "But it's not politically feasible right now."

What Reynolds envisions is an informal common market between Mexico and the United States.

"Rather than foreign aid, the best kind of assistance we could give to Mexico would be to maintain flexibility of capital flow across the border," he says.

Mexico could take advantage of U.S. technology and administrative assistance to create a mix of high-tech and labor-intensive projects designed to ease unemployment and help Mexico increase food for domestic use.

This could be accomplished through "production sharing" between the two nations; for instance, the integration of the U.S. and Mexican auto industries.

Reynolds insists that, given the right conditions, Mexico would find the U.S.-based multi-national corporations increasingly flexible in the types of investments they would be willing to make.

"International business is a lot more flexible than it was ten years ago," he says. "They're doing business with communist countries all over the world."

For example, Reynolds suggests that the multi-nationals would be interested in investing in labor-intensive agriculture in the regions of Mexico from which most migrants come.

The type of technological transformation of these areas that Reynolds envisions would be completely unlike the type of capital-intensive development encouraged in Mexico in the past by companies such as Del Monte and General Foods.

Instead of using giant tractors and cultivators, which increase productivity but take jobs away from farmworkers, an "appropriate technology" could be adopted. This technology would consist, in part, of small, hand-operated mechanical cultivators—unknown in the United States but popular in Taiwan and Japan.

Combined with irrigation projects, fertilizers and new seed varieties, an appropriate technology could increase productivity without devastating the job market.

"Big tractors aren't needed all the time. We're so tripped out on our own type of agricultural technology, which is extremely wasteful, that we can't seem to imagine alternatives; but they're available," he says.

While such a joint effort by both countries might slow the migration, Reynolds resists the notion that keeping migrants out of the United States is necessarily a wise goal.

He would expect some migration to continue—to the benefit of the United States, which may very well need foreign labor in the 1980s and 1990s to augment a shrinking and aging labor force.

This legalized Mexican labor would be part of what Reynolds calls the "interconnection" between the two countries, in which labor, technology, oil and investments go back and forth across the border, allowing both economies to grow.

The interconnection would begin to raise Mexican wages toward U.S. levels, which would stabilize Mexico politically.

Desertions of American companies to Mexico would be made up for by increased trade between the two countries. Massive contracts for American-made technology, for instance, would pump Mexican oil money into the U.S. economy.

Such a scenario is anathema to U.S. labor organizations. Dr. Bert Corona, a University of Southern California historian and a labor organizer, believes that, no matter how good Reynold's scenario may sound, the final results would be much different.

"If we can't control the multi-nationals in this country, how are we going to control them in Mexico?" he asks.

Corona predicts—whether Reynolds' ideas are adopted or not—more and more desertion of American corporations to cheap labor in Mexico, and growing mechanization and unemployment on both sides of the border.

Corona, however, is also talking about new interconnections with Mexico—between Mexican and U.S. labor unions. Corona suggests joint strikes and boycotts to improve wages and working conditions in both countries.

"That way we'd at least have some control over our lives, whether or not General Motors moved its factories to Mexico."

The Rev. Lydio Thomasi, director of the Center for Migration Studies in New York suggests "some kind of tripartite agency, not controlled by the corporations, but made up of government officials, labor union representatives and employers from both countries."

The purpose of this tripartite agency would be to get representatives from both sides of the border to sit down—for the first time—and hammer out some joint proposals for more humane treatment of the migrants.

It could begin to work out projections for labor and energy needs on both sides of the government.

Such an organization would be needed to oversee any type of temporary visa that might be adopted.

Indeed, a temporary visa will be only a temporary solution. A binational, independent organization could work at bringing the two countries together in an effort to create jobs in Mexico, so the poor would not be forced to migrate.

The key would be that such an agency would consist of the sectors of society most affected by the migration—not just politicians. It might also include migrant representatives.

"In my opinion, we don't need such a private agency," says Ingnacio Banal, an aide to Mexican President Lopez Portillo. "If the governments can't accomplish their tasks together, then something is wrong with the governments."

That's just the problem, says Dr. David Gregory, an anthropologist at Dartmouth, who along with Robert McBride, a former U.S. ambassador to Mexico, is trying to set up such a tripartite approach.

"The best thing that this type of organization could accomplish," he says, "is to change the attitudes of both governments, to make them realize that sooner or later they'll be forced together by mutual need, that they're going to have to work out a human approach to the migration.

"The Spanish have a saying: 'You can't spike the bull before you build the plaza.' We have to begin, now, to build that plaza."

IT CONTINUES . . .

And so it continues.

Down in the sloughs south of Imperial Beach, where the Third World touches America, the fathers and brothers and sons and daughters wade across in the darkness.

Somehow, on both sides of the border, it is forgotten that they are people.

Around the country, scores of studies pile up. Academicians bitterly dispute each other's statistics. Politicians transform these statistics into votes, by telling their constituents that the whole problem would be solved if we just built a fence high enough and employed more military technology. Commissions are formed to take the political heat. Nothing is done.

The hypocrisy, on both sides of the border, continues.

It is all right to hire the migrant; but if you shelter him you are committing a felony.

It is fine to accept the migrant's tax dollars, but not to care for him when he is sick.

It is good to criticize the Border Patrol's occasional brutality; while expecting them to solve a problem that cannot be solved by law enforcement.

Mexican officials express outrage at how the migrants are treated in the United States; but they somehow cannot stop their own police from demanding bribes from the migrants on the road north.

To some Mexican officials, the migration is not a problem, but a "situation." But when you ask them about what the government is doing to shorten the gap between the rich and poor, they speak in generalities.

Many of Mexico's academicians call for an "open border"—as do some Chicano and U.S. religious groups. It is clear that an open border is politically unfeasible for either country. Nonetheless, the proponents reject—and in some ways obstruct—the adoption of a temporary visa.

One wonders how many young men will suffocate in the trunks of coyotes's cars; how many children will be detained; to what pitch the border violence will rise before the two countries sit down together and come up with a temporary solution—as imperfect as it will be—and then set about ending the conditions that force people to choose between migration and hunger.

There are signs that the attitudes of both nations are slowly changing, that something can be worked out; but there is still no sense of urgency.

While the factions wait for a perfect world and a perfect solution, the suffering continues.

One morning a few weeks ago, an Imperial Beach resident who lives near the sloughs was opening her garage door. Turning she saw a young, shivering teenager walking up the street. She had seen a hundred others like him, but each time she encountered a migrant—especially the very young ones—she was filled with a sense of helplessness and hurt.

He wore ragged swimming trunks and dark shoes and socks, he carried a child—a nephew or a son or a brother perhaps. Two other small children struggled to keep up behind him. He kept looking anxiously at the children.

He saw the American woman watching him. She could tell he was afraid of her, so she blurted:

"Que vayan con Dios."

It was the only Spanish she knew. She watched him as he walked toward the north, until he and the children disappeared.●

U.S. POPULATION

● Mr. PACKWOOD. Mr. President, I would like to report that, according to the latest U.S. Census Bureau approximations, the total population of the United States on November 1, 1980, was 224,035,408. This represents an increase of 200,052 since October 1, 1980. Since this time last year, our Nation's population has increased by 2,265,974 people.

During the past month we have added enough people to our population to fill the city of Dayton, Ohio. Over the past year, our population has increased enough to fill the entire city of Dallas, Tex., more than two times.●

SARAI RIBICOFF

● Mr. RIBICOFF. Mr. President, on Sunday, November 16, 1980, funeral services where held in West Hartford, Conn. for Sarai Ribicoff, beloved daughter of my brother, Irving Ribicoff, and his wife, Belle, and sister of Dara. Casey and I, together with my children and grandchildren, mourn Sarai's death deeply and extend all our love and sympathy to Belle, Irv, and Dara. Sarai was an exceptional person of great spirit, personality and intellectual attainments.

Everyone who knew her remembers her lovingly for her warmth, her great humor and life-giving quality. In her short 23 years her achievements throughout school, college and in the newspaper field were significant and constructive. Her passing will leave a deep void not only for her family and friends but for the future betterment of the world. Rabbi Howard Singer of the Emanual Synagogue conducted the service with great sensitivity that reflected the essence of Sarai. I include his sermon in the RECORD together with inserts from the service:

SERMON OF RABBI HOWARD SINGER

I must begin with the kind of simple and honest statement she would have appreciated: I didn't know Sarai Ribicoff.

Last night, I went to the Ribicoff home to talk to her parents, whom I know very well indeed. There were a great many people there. People who had worked with her on the newspaper. Young people who had gone to Yale with her. Young people who were with her in high school. I talked to them. I looked through some correspondence that the Ribicoffs had received about her. I was handed some things that Sarai, herself had written. I went home and read it all. And when I was finished I had enough to do what the Ribicoffs wanted done: They don't want me to offer religious explanations, which do not explain, or even to express grief and rage which are obvious and conventional reactions. What they wanted was for me to evoke their daughter's personality today. I respect and admire that. What emerged from my reading and listening was a sharp awareness of three of Sarai's qualities, each somehow supplementing and supporting the others. The most striking, of course, was that she was very, very bright. Let me lovingly cite the evidence:

A letter written in October of this year by the Associate Editor of the Los Angeles Herald Examiner, to the Committee in charge of granting Rhodes Scholarships for study abroad.

OCTOBER 30, 1980.

FRANK D. TATUM, Esq.,
Cooley, Goodward, Castro, Huddleston & Tatum, One Maritime Plaza, San Francisco, Calif.

DEAR SIR: This is a letter in support of the application of Sarai K. Ribicoff, who is applying for a two-year Rhodes Scholarship for study in philosophy, politics and economics in England.

Let me start by saying how much I hope the Committee is able to grant Sarai the scholarship. There is almost nothing she needs more at this utterly early stage of her life than the broadening and deepening that would surely occur from two years study at Oxford or Cambridge.

Sarai at the moment may be the most intelligent 23-year-old person I've met. She is more than a quick study; she is a thorough study. She is more than brilliant; she is keenly perceptive.

About 9 months ago I was able to move her off the City Desk and onto the editorial page. She instantly developed from a promising talent to a star. Her series of editorials on inflation in the U.S. caught the attention of the Federal Reserve Board of San Francisco, was distributed by the Hearst Corp. to the L.A. school district, and probably will win some national awards. It was so good I wish I had written it myself. I never could have written it at 23. I console myself by applauding that I had the good luck to assign her to it.

Out of the series, Sarai developed an intense and scholarly interest in economics and in the art of explaining the complex issues of economic policy and theory to the general reader. Alas, Sarai has developed now about as far as she can—and about as far as I can help her. The next quantum-leap in intellectual development must come from a sustained, well-laid out plan of graduate studies.

In this letter, I am in essence hoping to help create an opportunity for Sarai that will compel her to leave the Herald Examiner, where she is clearly the most outstanding young talent at the newspaper. I do so a bit reluctantly, but necessarily, for if American journalism is to improve the state of its art, it must support the further education and development of a rare talent like Sarai's.

A final word: One will not meet a more thoughtful, compassionate and serious-minded young citizen than Sarai. She has tremendous personal qualities, and a steely integrity that will help her chart a sane course through life. What she does not have—despite a cosmopolitan family background, Yale, and experience at a major metropolitan newspaper—is precisely the sort of philosophical broadening and unsettling that a PP&E program would provide. I want to see her assumptions challenged, tested and even strained. I want her to have the experience of battering her well-thought-out ideas against differing philosophical points of view that may be even better thought out. I'd like to see Sarai *lose* a few arguments—not by close decisions (the best I've been able to do) but by knockouts. Then I'd like her to come back to the U.S., work here, or at Time magazine, or the Washington Post, or CBS News—wherever—and demonstrate, as I am willing to bet she will, that she is the finest economics journalist in the United States.

With your help, that goal is very readily achievable. Sarai is a tremendous talent.

THOMAS PLATE,
Associate Editor,
Los Angeles Herald Examiner.

When I finished the correspondence, I read Sarai's series on, "How to Understand Inflation." It is splendidly written. It glows with intelligence. Good writing is only clear thinking. I sat up half the night reading and rereading Sarai's piece. I compared her piece with two college texts on Economics, Samuelson and Gerstenberg; I looked up the same topics in them. She made the dismal science not only comprehensible but lively. I fully understand her editor's enthusiasm.

The second quality: She was solid, mature, practical, far beyond her years. This impression on solidity came to me from her classmates. In every class there is usually one student around whom opinions are likely to coalesce: One student who seems to know, earlier than others, what he or she wants to do with life; one who stimulates classmates to think about their own directions. Apparently she was that student. I quote: "She was always hard on you. She would never let you get away with sloppy thinking. And she was always learning. Always.'

The third quality, much harder to establish, is a kind of playfulness. That did not come naturally. Apparently she had to give herself permission to relax, to stop trying to take everything too seriously. But in recent years she had begun giving herself that permission more often. I'll cite only one minor and gentle example. It concerns the Rhodes Scholarship application. Among the documents she needed was a copy of her birth certificate. She wrote for it but the Clerk at the Bureau made a typing error, put down male, instead of female. She had to send them back, and her father eventually sent out the corrected copies. Whereupon she wrote a postcard, which reads as follows:

DEAR DADDY: Thanks for the birth certificates. I am glad to find out I am not, after all, a male. I would have to buy all new clothes and everything.

Much love,

SARAI,

Much love, she loved music, and she loved Robert Frost's poems. She enjoyed playing the flute. It is no disrespect to say that she wasn't very good at it. She enjoyed it, but she was far from expert. There was, I understand, one particular note in her favorite piece that she could never hit just right. But she loved the flute, perhaps because it lends itself to the light and the playful.

I conclude by reading Robert Frost's poem entitled: 'Away.' He wrote in contemplation of his own death, and he manages to do it playfully. After I've finished you will hear one of her favorite flute pieces. It is the best way we know to evoke her spirit.

I leave behind
Good friends in town,
Let them get well-wined
And go lie down.

Don't think I leave
For the outer dark
Like Adam and Eve
Put out of the Park.

Forget the myth.
There is no one I
Am put out with
Or put out by.

Unless I'm wrong
I but obey
The urge of a song:
I'm—bound—away!

And I may return
If dissatisfied
With what I learn
From having died.

Mr. President, Sarai's gifts as a journalist were truly unique. During the course of her work on the Herald Examiner she wrote a series of articles, "How to Understand Inflation." For clarity, simplicity and understanding, they are beyond compare. These articles were reprinted widely and used as a text in the schools of Los Angeles as well as for the Federal Reserve Bank of San Francisco.

Her supervisor, Associate Editor Thomas Plate, said of her:

She was the brightest 23-year old writer I've ever met. She would have become a great newspaper editor or magazine editor or anything she wanted.

To understate it, she was easily one of the brightest people on any paper in the country, and certainly at the Herald Examiner.

He said Ms. Ribicoff had recently written a series of editorials on inflation that won praise as a significant work on the economy from the Federal Reserve Bank of San Francisco, which recommended the series to member banks around the country. Mr. Plate also said she was "sincerely committed to social justice, caring—really an extraordinary individual and talent." I ask that these articles be printed in the RECORD:

The articles follow:

[From the Los Angeles Herald Examiner]

HOW TO UNDERSTAND INFLATION

This is an editorial you probably won't understand, but don't blame yourself. The inflation crisis is filled with more esoteric terminology than the SALT II issue. Here are the terms you probably don't understand all that clearly—read on, and then we'll tell you why:

Soaring inflation is with us now as a result of our historical (1) monetary and fiscal policies. For one thing, growth in (2) the money supply has too much money chasing too few goods. For another, a rising (3) federal deficit continues to fuel demand even though (4) the Consumer Price Index is rising and (5) productivity has begun to fall. These factors worsen our position on (6) the Phillips Curve (also known as the Index of Economic Discomfort) as we move into our second decade of (7) stagflation.

To counter the inflationary component of our economic ills, the Carter administration has created a serious (8) recession. The administration is resisting pressure to adopt (9) wage and price controls, and many are recommending the adoption of (10) incomes policies instead.

In the short-term, (11) the bond market will certainly respond to the inflation-fighting steps, as will (12) the Dow Jones Industrial Average.

Still unclear is whether these policies will have a good effect on (13) the savings rate and (14) capital formation, both necessary for economic improvement in the long term.

Meanwhile, (15) exchange rates add uncertainty by fluctuating and (16) the balance of payments remains hostage to the energy crisis. In the interests of stability, some have even begun to urge a return to (17) the gold standard.

The way we choose to remedy these problems will depend on whether (18) the supply-siders or (19) the post-Keynesians are in charge of economic policy. But some say there can be no real remedy until we face up to (20) the inflationary bias of the American economy.

Got all that?

If you have, then you won't need to read this series of editorials. Tilted "Mystery Inflation Terms," it should help you chart a clear path through the terminological jungle of the inflation crisis. We hope you find the series helpful. And drop us a line if there are any questions we haven't answered.

PART 1: MONETARY AND FISCAL POLICY

Monetary and fiscal policy, although always mentioned in the same breath as a sort of matched pair of economic bookends, are actually not much alike, although their relationship was established early on. Monetary policy controls the supply of money, and therefore its cost (interest rates) to those who want to borrow it. When demand is high, restricting the money supply limits economic expansion.

In its modern form, monetary policy is a government instrument, controlled by the Federal Reserve Bank, but at its inception—in England in the 18th century—it was an outgrowth of the private central bank. The Bank of England, among other historic innovations, was the first institution to consolidate control over a national currency as we know it, in the form of bank notes. This meant that the men who ran the bank could control the amount of money in circulation and thus, in theory, stop inflationary expansions.

Fiscal policy, at this time, was in a far more redimentary form, bearing little resemblance to the elaborate array of programs, grants, contracts and taxes that government now oversees. Instead, it was limited to the government's methods of raising revenue—chiefly through taxes and tariffs—in order to support its own functions, the most expensive of which was fighting wars. Yet even in this form, the government of England was able, at the time, to challenge the Bank's monetary policy. In order to wage war against the colonies and, later, Napoleon, the British government demanded loans from the Bank in escalating amounts. Despite the Bank's theoretical control, it acceded; inflation took hold and persisted until the wars (and the demand for loans) ended, 40 years later. Theory aside, monetary authorities have nearly always exercised highly imperfect control and generally have to give way to government policy objectives even when that means sacrificing economic stability. In today's struggle against inflation—depending on the outcome—we may be witnessing an historic reversal.

In America, fiscal policy began to take its modern shape during the '30s, when the ideas of the British economist John Maynard Keynes began to be applied to remedy the Depression. Keynes argued that merely expanding the money supply was not enough to counteract a deflationary slump. (Some economists liken increasing the supply of money when there is no demand for it to "pushing on a string"; i.e., it doesn't work.) What was needed, he said, was for the government itself to spend, in order to create the demand that would stimulate economic growth. Keynes's ideas, never fully implemented during the '30s, were validated when financing U.S. participation in World War II provided the necessary fiscal stimulus to recover from the Depression.

The sustained growth trend that the economy took off on after World War II eliminated the need for massive government spending to control unemployment, which has not since reached Depression levels. Instead, beginning with the establishment of the Council of Economic Advisers to the President in 1946, economists assigned monetary and fiscal policies the task of "stabilizing" the economy, keeping it on a path of steady growth and avoiding a pattern of inflationary peaks and high-unemployment troughs. Unfortunately, fiscal policy instruments are better at stimulating growth to fight unemployment than at fighting inflation, and, as in the 18th century, the monetary policies that do work against inflation come with socially unacceptable costs. And so the goal of a stable economy has proved elusive.

PART 2: MONEY SUPPLY

Since 1913, when Congress established the Federal Reserve Bank of the United States, the Fed (as it has come to be known) has overseen U.S. money supply. This, as we shall see, is not the same thing as controlling the money supply; the fine-tuning that monetary theory describes is, in practice, really a blunt instrument.

Money supply is simply the country's total stock of money; less simple is deciding what to include in that measurement, a problem over which economists are increasingly divided.

The major definitions of money supply in use are M1, which is the total of all coin and paper currency (outside banks) and checking accounts in banks; and M2, which includes M1 and adds time and savings deposits.

In order to measure the flow of money over time, economists multiply the figure for the total stock by the rate at which it is spent, known as income velocity.

When inflation, and therefore interest rates, are high, velocity is also high, because investors do not want to hold onto non-interest-bearing cash any longer than necessary. Modern innovations like bank computers, which greatly speed up the rate of transactions, increase the amount of money that can be spent in a given period even if actual supply is steady, further complicating measurement and, therefore, control.

The majority of private commercial banks and, as of this year, thrift institutions like S&Ls, belong to the Fed. Membership in the Fed requires them to keep reserves—a set percentage of their deposits, ranging from 7 percent to 16¼ percent for commercial banks, depending on the size of their assets—on deposit.

The reserves are known as high-powered money because they create other deposits in the system. The way this works is that when a bank with a 10 percent reserve requirement gets $1,000, for example, only $100 is held as reserves, while $900 of the amount goes into circulation.

The $900 thus goes to another bank, which keeps $90 of it as reserves and puts $810 into circulation, which goes to another bank, and so on, until the original $1,000 has multiplied many times. In this way, growth in reserves increases the money supply.

The Fed adds to or subtracts from reserves through the use of three policy instruments:

1. Open-market operations. To reduce the money supply, the Fed sells government bonds on the financial market. Buyers' checks are made out to the Fed, which takes the money from the buyer's bank's reserves. (To expand the money supply, the Fed buys up government bonds, depositing the purchase prices in member banks' reserves.) Decisions on whether and how much to buy and sell are made by the Fed's 12-member Federal Open Market Committee, consisting of the seven Federal Reserve Board members and representatives from 5 of the Fed's 12 regional branch banks.

2. Discount-rate policy. The discount rate is what the Fed charges member banks for funds they borrow to increase their reserves. (The prime rate is what banks charge their most creditworthy customers for short-term loans. The prime rate and market-interest rates fluctuate with the discount rate.) The Fed raises the rate at the "discount window" when it wants to discourage borrowing, generally some time after it has begun contractionary open-market operations.

3. Changing reserve requirements. This is a powerful weapon that can take huge amounts of money out of circulation. It is therefore seldom used.

When the Fed allows money supply to grow according to demand—rather than letting interest rates rise high enough to reduce demand for money—it is said to be following an accommodative policy. This is, in fact, its usual policy, for which it has been roundly condemned by monetarist economists, who maintain that if money supply growth were kept steady, prices could not rise at a faster rate. In an oversimplified form, monetarist theory rests on the premise that prices will be held down if there isn't enough money in the system to meet them. Conversely, some anti-monetarist economists hold that increases in the money supply merely follow price increases, because, they say, monetary policy doesn't control the economy but only supports it.

Mainstream economists, however, say the problem with tight money policies is only that they work too well. Severe restrictions make credit ruinously expensive to obtain or even unobtainable. The economy does slow down as a result. But rather than forcing prices down, this merely cuts into growth and investment, showing up soonest in credit-dependent sectors like the housing industry and next as rising unemployment.

A purely monetary disinflation—that is, continued restriction on money supply growth until inflation is cut back—might subject us to 10 percent unemployment for 15 years, with correspondingly serious social and economic costs. One of the consequences of such a policy, which we'll be discussing again later in the series, would be further concentration of corporate market power and resistance to competitive pressure as smaller firms were forced out of business by the hard times.

PART 3: FEDERAL DEFICIT

Technically, the federal deficit is the difference between what the government earns (in tax revenues) and what it spends. Philosophically, the existence of a deficit is not the root of all economic evil, nor is it necessarily the sign of a profligate administration that is spending beyond the country's means. This is because fiscal policies have two functions. One is the achievement of social policy goals like providing schools, defense and (a goal that has evolved gradually since the '30s) subsistence levels of food, clothing and shelter to those who need them. Critics who point to the size of the deficit ($40 billion in 1980) as an indication that we are spending too much to achieve those goals overlook the second function of fiscal policy, which is to stabilize the economy.

When the economy is weak, the deficit is meant to rise automatically; higher unemployment, for example, means both fewer income tax receipts and higher payouts in unemployment benefits. In more prosperous times, automatically rising tax revenues and lower spending are meant to wipe out the deficit. This is know as "leaning against the wind"; the principle is to use the implicit energy of fiscal spending—which affects output, employment and overall economic health—to cap economic peaks and cushion downturns.

There are, however, at least two-and-one-half reasons why fiscal policy works better as a cushion than a cap. 1) Because a large proportion of fiscal spending has social-policy rather than stabilization goals, a lot of money is pumped into the economy even when demand is high, a particularly sore problem when rapid inflation accompanies high unemployment. 2) While stimulative fiscal moves like tax cuts are politically popular, restrictive moves like tax increases never are. Thus, it took Lyndon Johnson two years to propose and then to obtain from Congress the 1968 income tax surcharge that was supposed to offset rising military spending for Vietnam. The surcharge came too late to halt the inflationary surge underway by then; that was halted later, by the 1970–71 recession.

This brings us to a related problem with the deficit, only half attributable to fiscal policy. 2½) When the task of curbing inflation is handed over, by default, to the Fed, the anti-inflationary economic contractions induced by tight money raise unemployment and lower national output, thereby increasing the deficit as well. The 1980 recession, for example, is turning the balanced budget promised by President Carter for 1981 into a budget with a $60 billion deficit.

To counteract these structural flaws, some economists recommend establishing a fiscal authority equivalent to the Fed and putting at its disposal a sharpened set of fiscal tools to be used for anti-inflationary stabilization. These include: (1) temporary tax increases that would be subject to Congressional veto but not to the long budgetary approval process that now effectively removes tax increases from the fiscal policy arsenal; (2) temporary excise taxes on consumer durables (cars, washing machines), that could be imposed to discourage consumer spending for short periods; (3) increased corporate investment tax credits that could be temporarily suspended to discourage business spending for short periods (in a fairer and less drastic way than tight money policies now shoot for that goal).

The intent of all these measures is to allow the government to target taxing and spending. Otherwise, we'll have to choose between cosmetic budget cuts like Carter's, or spitting-into-the-wind policies like the 30-percent tax cut that Ronald Reagan endorses. Neither approach harnesses the considerable fiscal energy that exists to fight inflation.

Finally, a note about the national (or public) debt. Each yearly deficit is added to it, and we pay the interest on it in each year's federal budget. Additions to the debt are merely the government's decision that there is more to be gained in future economic health (and future taxable capacity) by spending now than there is to be lost by higher interest payments on the debt in the future. By financing rising output, the government's deficit-spending defies the analogy to a household with fixed resources living on borrowed money. And, in fact, the expense of interest charges on the national debt as a percentage of GNP is almost exactly the same now as it was in 1945.

PART 4: CONSUMER PRICE INDEX

When economists begin to discuss inflation, they often end up arguing about how to measure it before they even get to questions of how to control it. The most commonly used measurement of inflation—the Consumer Price Index—is what starts a lot of the arguments.

The Consumer Price Index is a comparative index that slates today's prices against prices in 1967. And when the Consumer Price Index rises, a staggering amount of public and private spending rises along with it, pulling inflation up all the more.

Union members with COLA (cost-of-living adjustment) clauses in their contracts, for example, get pay increases that vary with the index. The index also triggers increases in a raft of federal expenditures—federal employees' pension benefits, Social Security benefits, food stamps (which are tied to the food component of the index) and more. Government expenditures rise by about $1.5 billion for every one-point jump in the Consumer Price Index. Proponents of reducing the government's reliance on the index point out, for example, that just by tying Social Security increases to 85 percent rather than 100 percent of the Consumer Price Index the federal government would save $39.6 billion by fiscal 1985.

Technically, the index compares the overall price of a "market basket" of goods and services with the 1967 prices of roughly the same items. With base-year 1967 given a rating of 100, we are told, the Consumer Price Index rose to 242.5 in April, 1980. Most economists agree, however, that the index exaggerates the actual rate of inflation. Their main objections are these:

The exact selection of the different goods and services in the Consumer Price Index (how much meat and how many movies and what percentage spent on clothing) are based on a consumer expenditures survey taken in 1972, which does not very accurately reflect what we buy now. For example, gasoline prices were said to have led the way in the huge monthly increases we saw at the beginning of 1980. But we're not buying nearly as much gasoline as we did in 1972. The Consumer Price Index does compare the changing price of a constant standard of living. But the actual cost of living—because of the adjustments we all make as prices change—isn't necessarily rising as fast.

Shelter services were said to be the co-leader of the 1980 increases, particularly the surge that brought the yearly inflation rate over 20 percent in the Los Angeles area during the first quarter of 1980. But some economists say that the weight given to housing costs in the total is too heavy, creating distortions when interest rates are rising. Thus, say some observers, it was the prime rate's spectacular rise to 18 percent that triggered the Consumer Price Index's similarly high rate of increase—because of escalating mortgage costs—earlier this year. Now that high interest rates have brought down the demand for money and themselves begun to fall in response, the Consumer Price Index's yearly rate of increase has also dropped back—to about 12 percent—with little of the change in either direction having much to do with the real inflation rate.

It's obvious, then, that overstating the inflation rate is more than an arithmetical problem. First, to the extent that our economy is indexed to cope with inflation (COLA clauses are a prime example of indexing, but so are interest rates, which tend to float a few points above the inflation rate), we are indexed to a single indicator, the Consumer Price Index. Thus, its distortions are translated into real increases, which are exaggerated in the next month's announced increase, and so on.

In addition, behavior that is based on expectations of further inflation is a major contributor to what is called cost-push inflation, as businesses try to protect themselves from expected rises. It also contributes to plain old demand-pull inflation, as consumers demonstrated late in 1979 when they continued to spend, borrow, and spend more despite the Carter administration's efforts to slow down the economy. The reason? Based on expectations, buying seemed smarter than holding onto increasingly devalued money. The result? High demand combined with high interest rates brought the announced yearly inflation rate to 16.8 percent from January to March, before it began to taper off in April. The "core," or underlying rate, economists think, is about 10 percent. And that's more than high enough to worry about.

PART 5: PRODUCTIVITY

Productivity is one of the simplest terms in our series; fortunately, it's also very important. Technically, productivity is a figure obtained by dividing the country's total output (Gross National Product, adjusted for inflation) by the total labor input (number of worker hours), which yields a rough measure of how efficiently we produce goods and services. Since 1945, U.S. productivity has increased at an average annual rate of 2.5 to 3 percent. Last year—for only the second time in 35 years—it declined, by 2.2 percent.

A decline in productivity raises the cost of goods and services (and therefore, prices) by increasing the number of paid hours that are needed to put out a given number of, say, wigets. But it doesn't necessarily mean that workers are goldbricking.

Low productivity may mean, for example, that manufacturers are not using their plant capability fully but have not yet begun to lay off workers, which is why a productivity slowdown is taken as an indication of a coming recession. Our poor recent productivity record also reflects the reduced industrial efficiency that follows 15 years of rising inflation and low business investment.

Productivity is thus a key in the four easy steps from inflation to economic stagnation, as follows: 1) High interest rates discourage long-term investment. 2) Neglect of capital improvements shows up, after a time lag of several years, in decreased capacity and higher labor costs because of outmoded equipment and technology. 3) Industry can't meet demand without raising prices—because of both low production capacity and higher costs. 4) Inflation speeds up, worsening the bad investment climate and promising more inflation in the future because of further diminished capacity.

That's why much of the current discussion of inflation-fighting policies focuses on ways of increasing productivity. The aim is for supply to meet demand at lower cost. The Joint Economic Committee of Congress, in its 1980 report, identified increasing productivity as a fundamental economic goal and recommended these strategies, among others:

Developing a national energy policy to protect industry from the full effects of OPEC price increases.

Encouraging—through tax credits for research and development and capital investment, plus accelerated depreciation allowances for new plant and equipment—the construction of high-production industrial technologies.

Providing better transportation networks and public utilities for major industrial centers.

Preparing to shift out of—rather than protect—industries that cannot successfully meet foreign competition (a suggestion pointedly aimed at American steel and car manufacturers, the leaders in lobbying for protective legislation).

But the productivity-inflation relationship remains very much a chicken-and-egg question. While higher industrial efficiency might slow inflation over the long term. Inflation must come down before productivity can be increased enough to affect prices. If inflation is high, businesses will continue to shy away from the high cost and uncertain outcome of long-term investment. Further, cost-push inflation (price shocks from OPEC and other raw-materials producers, higher wage demands and prices based on expectations of inflation, etc.) can easily wipe out the effects of a much larger increase in productivity than even the most energetic research and instant development could possibly bring about. Tax cuts that fuel demand-pull inflation (as would even corporate tax cuts, unless properly directed) would do the same.

PART 6: PHILLIPS CURVE

The Phillips Curve is a graphic illustration of the economic trade-off between inflation and unemployment. Discovered during the '50s by the late British economist A. W. Phillips, the curve doesn't explain anything; it merely illustrates the historical fact that forcing the economy below a certain rate of unemployment generally produces inflation. And that reducing inflation without raising unemployment is difficult.

Twenty years after Phillips, the late American economist Arthur Okum renamed the same set of tradeoff data the Index of Economic Discomfort. The 1980 statistics—14 percent inflation and nearly 8 percent unemployment—puts us at 22 on the index, up considerably from the lowstakes game of the early '60s, for example, when 5 percent unemployment was accompanied by nearly no inflation. Why should we be moving ever upward from the ideal lower left corner of the long-term Phillips Curve graph (no inflation, low unemployment) into the higher and more discomforting tradeoff regions?

A careful look at the graph on the front page gives us some information about past economic cycles and the effects of the policies chosen to counter them. During the '50s, the Eisenhower administration ran a slack economy with relatively high unemployment. In response, Kennedy's Council of Economic Advisers set a goal of reducing unemployment to 4 percent, spurring the economy with the 1964 tax cut. But at the very low unemployment rates reached from 1966 to 1969, the economy began to overheat, and Johnson initially failed to offset rising welfare and defense expenditures with the tax increase his advisers recommended

Nixon's price controls, imposed in mid-1971, checked the late '60s inflation surge with a recession. But Nixon didn't cool down the economy with complementary fiscal and monetary policies, and prices surged ahead as soon as the controls were removed in early 1973. The 1974–75 recession—the sharpest economic downturn since the Depression—also checked inflation temporarily, as the graph shows. What it doesn't show is the extent of the current downturn, which may well be even sharper than the last. If it isn't—and this is the sad fact—it won't bring inflation down much below 10 percent.

The slow upward spiral of the long-term Phillips Curve illustrates what we explained in the last two parts of this series. Based on expectations and declining industrial capacity, inflation becomes, to a large extent, self-perpetuating. Meanwhile, the tight money policies periodically instituted to fight inflation can only do so by slowing down the whole economy, further diminishing our productive capacity. And the recessions created by tight money are so painful that, as the chart shows, the downturns are usually reversed before inflation is under control. With economic stimulation, prices leap up, faster than people go back to work, and higher than before.

The Phillips Curve illustrates the symptoms of our low-growth, high-consumption economy. What it tells us is that fiscal and monetary policy cannot cope with the underlying problems. Anti-inflation policies treat symptoms but not the disease of economic ill health, and they have painful unintended side effects. They provide only inadequate and temporary solutions that must be replaced by major changes in our national behavior.

PART 7: STAGFLATION

Our current problems of high unemployment *and* accelerating inflation were named "stagflation" by economists several years before there was any consensus about how to get rid of them.

Economists were stymied because neoclassical economic theory—picturing an imperfect market system that could be controlled by careful fiscal and monetary planning—did not account for simultaneous symptoms of boom and bust. Sure, fiscal policy was good at stimulating demand to fight unemployment. And monetary policy was good at restraining demand if it was pushing prices up. But when the 1974–75 recession raised unemployment to 8.5 percent and still left us with 6 percent inflation, economists went back to the drawing board.

They emerged in two main groups. The larger group—dubbed supplyside economists—believes that we have stagflation because the economy isn't growing fast enough. After decades of low business investment, industry is unable to meet consumer demand without bottlenecks, shortages, and production inefficiencies that result in higher prices.

Some members of this group, the so-called radical supply-siders, blame nearly all our current problems on the restraints on economic activity that hold down supply. But mainstream economists, while admitting that growth is important, say that we can't possibly increase supply fast enough to solve our problems in the short-term, for any number of reasons. Martin Feldstein, a leading conservative economist who is considered a supply-sider, recently concluded, for example, that given the conditions of stagflation any effort to stimulate economic growth wholesale—as with the massive tax cuts advocated in the Republican platform—would be highly inflationary.

Other mainstream economists blame our growth problems not chiefly on fiscal policy—a too-heavy tax burden and restrictive government regulations—but, interestingly enough, on the periodic bouts of tight money policy that most supply-siders recommend as the right way to fight inflation. Pointing to the unemployment side of stagflation, these economists say that trying to hold down demand with high interest rates has reduced business investment and caused the underlying unemployment rate to drift slowly upward.

Despite these differences of emphasis, a wide consensus is developing in favor of at least some steps: strategically aimed corporate tax cuts and investment incentives to increase growth. Some economists also say, however, that growth will continue to be held back until we develop a national energy policy to protect industry from "supply shocks" like the 1973 oil embargo and the 1979 oil-price hikes.

The other, smaller group of economists to come away from the drawing board says the chief villain in stagflation is the structure of the supply-side itself. This group complains that industrial markets have evolved into an "oligopolistic core"—the Fortune-500-type companies—who set their prices by the mark-up that will achieve a level of profits high enough to finance future investment. To be sure, the laws of supply and demand still influence prices in agriculture and some smaller markets but not, these economists say, in the industrial sector that determines the overall direction of the economy.

There is considerable evidence to support this theory. Economists are increasingly aware, for example, that price mark-ups pass through to consumers not only the high cost of credit and expectations of future inflation, but also the cost of government regulations that impose environmental standards, require training programs, limit profits or enforce other social goals. So, most attempts to offset concentrated corporate power come out in a higher inflation rate. Imperfections in the labor market—large unions whose members' wage increases bear little relation to the overall level of unemployment—also reflect the rapid disappearance of what could be called, even loosely, a competitive market economy.

Economists who have given up on markets to control inflation say we should turn to wage and price controls. But controls are, understandably, a politically unpopular proposal, and there is little agreement even among economists about how they could be made to work.

PART 8: RECESSION

Last October, Federal Reserve Board head Paul Volcker announced a new anti-inflation policy. With the approval of the business community, the Fed announced that it would severely restrain growth of the money supply, letting interest rates rise as they might in competition for the limited funds. This produced—somewhat belatedly—an accepted remedy for inflation. It's known as a recession.

When interest rates (the price of borrowing money) go up, the demand for money drops, as do spending and investment. The whole economy slows down and, after two consecutive quarters of negative real growth of GNP, a recession is considered to be underway.

The cost of bringing prices down this way is high. Okun's Law—a rule formulated by the late Arthur Okun—holds that for every 1 percent increase in unemployment, the country suffers a 3 percent loss of yearly GNP. To illustrate: new car orders for June 1980 were at a more than 20-year low. The car companies responded by shutting down several of their older, marginally profitable plants. Steel and rubber manufacturers did the same with plants that had depended on a high volume of auto production. (So did manufacturers of consumer durables—stoves, washing machines—who expect the slump to be too long to weather.) Even when the economy gets moving again, these older plants are likely to stay closed, reducing the nation's overall productive capacity.

This recession is particularly severe because drastic measures had to be taken to induce it. First, despite the Fed's fall money-tightening, loan demand remained strong and pushed interest rates higher than anyone expected. Then came the February credit crunch—the Carter administration imposed new reserve requirements, borrowing charges, and restrictions on consumer credit. So by the time the prime reached 20 percent, business and consumer demand for credit had dropped out of sight, and from its height in early April the prime dropped nearly 10 points by July.

As the recession widens, spreading to more than the auto and housing industries, loan demand is so low that banks are taking desperate measures. For a while, some banks even offered long-term loans at *below the prime rate*, creating a new class of super-creditworthy customers whom they were willing to help make it through the bad times. This was a positive sign in one way: it showed that bankers thought the recession would bring inflation under control and that interest rates would drop enough for them to recoup their early losses on long-term loans made at sacrifice prices.

But below-prime loans also mean that the burden of the recession is shared very unequally. The only companies that will come out ahead (relative to everyone else) at the end of this anti-inflation campaign are the already powerful corporate giants whose pockets the bankers feel comfortable in. In addition, this sort of maneuvering reduces the business pressure on the Fed that usually keeps recessions short. If those with the loudest voices keep their mouths shut, we may be in for a long spell of tight credit.

A long recession might bring inflation somewhat below 10 percent, but many people wonder if the cure isn't worse than the disease. In fact, the use of restrictive monetary policy puts us between a rock and a hard place. If we hang on through the protracted recession that monetarists recommend, will we damage our industrial capacity so much that stimulation of the economy will only bring back inflation later and at higher levels of unemployment? We pulled out of the 1974–75 recession at 6 percent inflation, which is what started us on our current path. (Bear in mind that *slowing* the inflation rate—all a recession can accomplish—is like blowing up a balloon more slowly; it's very different from letting air out of a balloon.)

But if, as some observers suggest, election-year or business pressures force the Carter administration to abandon the recession policy—by easing up on the money supply or cutting taxes—will we have suffered a recession only to start on a new inflationary spiral at 12 percent?

These questions, alas, realistically present our monetary policy alternatives. As a result, some economists have begun advising that we try to live with inflation. We may have to, whether we like it or not.

PART 9: WAGE AND PRICE CONTROLS

Wage and price controls need no introduction. Unlike most of the terms in our series, the question about controls is not, "what are they?" but "would they work?" And, if yes to that, "are they necessary?"

If you've read this far in the series, it should come as no surprise that economists are divided over the question of whether government-imposed wage and price controls can be an effective weapon against inflation. Most are united, however, in dismissing the failure of the 1971 wage-price freeze and subsequent "Phase II" controls instituted by Nixon as a fair test of the policy. Those controls were imposed to cap an inflation rate that peaked at 6 percent in 1970, and, yes, inflation did fall back to 3.3 percent in 1972. In 1973, however, the year the last of the controls were removed, the inflation rate climbed back to 6 percent, and it reached 11 percent in 1974.

Nixon's controls failed, economists now say, because of a combination of bad policy moves and bad luck. First, while the lid was held on wages and prices, government spending was increased and monetary policy was relaxed, readying the economy to burst forth with an inflationary surge of demand as soon as the lid was taken off. Which it did. Added to those avoidable problems were two large and unavoidable problems: 1) a worldwide food shortage caused by back-to-back disastrous crop years led to rapid agricultural-price inflation in 1972–73; and 2) the OPEC oil embargo, in mid- to late-1973, brought the first and most shocking of the '70s oil-price hikes.

Under less volatile circumstances, the wage and price controls imposed by Truman during the Korean War worked fairly well, and most economists are not prepared to dismiss controls out of hand, at least as a short-term remedy. Their most useful function would be breaking widespread expectations that inflation must continue in an unstoppable upward spiral. But to avoid a post-controls resurgence of inflation, they would have to be accompanied by other anti-inflationary policies—fiscal and monetary restraint, tax incentives for investment, and increased energy conservation.

And still the second question remains: are controls necessary? Or would the other measures mentioned do the job of lowering inflatiton just as well without them? Economists simply disagree on this question. Those opposed to controls say they introduce monstrous inefficiencies into the operation of the economic system and unfairly freeze the distribution of income at its pre-controls level. Those in favor argue that the long recession necessary to bring inflation down without controls is even more inefficient and unfair. Unfair because it puts the short-term inflation-fighting burden almost entirely on the backs of those it throws out of work. Inefficient because it places the long term burden on the economy as a whole; continued high interest rates and high unemployment lower growth and investment. And by forcing smaller companies out of business or into mergers they decrease the competition that helps hold prices down.

Many economists who favor wage and price controls, however, acknowledge that imposing them temporarily won't remove the fundamental cause of inflation—the fact that labor and industry are, for the most part, no longer responsive to market pressures in negotiating wage increases and setting prices.

PART 10 INCOMES POLICY

Incomes policy is a catch-all term for policies that would control inflation by controlling wages and prices—either directly or through the tax system. Opponents would prefer to let market forces—competition for jobs and sales—determine wages and prices. Those in favor of such policies say market forces no longer control wage and price increases.

Advocates of the incomes-policy approach point to the following inflation-causing factors: Oligopolistic concentration in most industries has all but eliminated price-cutting as a response to falling demand. Union bargaining power and minimum-wage legislation ensure against wage reductions even when unemployment climbs. Government anti-poverty programs have placed floors under the incomes of even the majority of the poor and unemployed. Advocates of the incomes-policy approach argue that, as a result, conventional fiscal and monetary policies are worse than useless against inflation because all they can do is restrain demand. That slows inflation somewhat, but it serves mainly to weaken the economy overall.

The most extreme incomes policy anyone proposes is an absolute wage and price freeze, which, as we discussed in Part Nine, has gained approval in some quarters as a short-term remedy against inflation. Over the long run, however, controls are inefficient, making no allowances for actual shifts in demand or earned increases in wages. And if the government decided to allow exceptions to the controls, an all too easily imagined political and bureaucratic nightmare would undoubtedly result as powerful lobbies and special-interest groups rushed forward to press their claims.

So what do the advocates of an incomes-policy approach propose? Barry Bosworth, former director of the Council on Wage and Price Stability and now at the Brookings Institution, calls for a "carrot and stick" approach that would work automatically with the tax system. The carrot would be tax incentives for low wage settlements and moderate price increases. The stick would be a high marginal tax rate for wage and price gains. Robert Heilbroner, economics writer and a leading incomes-policy advocate, proposes a 95 percent tax rate on all incomes above that earned the previous year. Exceptions for promotions, productivity gains and the like could be made, but on the same basis as tax deductions—with proof and after the fact.

That such a policy would have drawbacks is unquestionable. But as Bosworth points out, the only alternative offered so far is a recession that may do more harm than good. "It's not like you have a choice between one wonderful program and another," Bosworth says.

Still, most economists get uncomfortable at the suggestion that the government should assume responsibility for allocating resources, which is more or less what it would be doing under any form of incomes policy. Many economists believe that all the government's interference in the market system—income floors, mortgage subsidies, costly regulation—is what caused inflation in the first place. Recognizing this, Heilbroner and other incomes-policy advocates predict that the market-based solutions proposed by the present economic policymaking majority—monetary and fiscal restraint, growth-oriented tax policies—will be tried first and will fail. By that time, they say, the costs of inflation will have escalated to the point that a majority will favor imposing controls—whatever the problems they bring—as the only solution lift. Like all economic forecasts, this prediction will be proven true or false by time alone.

PART 11: BOND MARKET

The bond market is where businesses and the government raise funds for investment over the long term. A healthy bond market is thus essential for financing growth—now considered a major policy objective in fighting inflation. But the bond market is also one of the areas hardest hit by the anti-inflation policy of tight credit and high interest rates.

A bond is essentially a contract issued to the bondholder by a corporation or the U.S. government. Take a 10 percent bond with a face value of $1,000 and a 10-year maturity. The buyer agrees to lend the bond-issuer $1,000 for 10 years, during which he (or anyone to whom he sells the bond) will receive $100 a year in interest. When the bond matures, the bondholder gets back the principal—in this case, $1,000.

High interest rates do two things to the bond market. Anyone who bought a bond at low interest rates and wants to sell it before it matures has to settle for less than the bond's face value. A $1,000 bond might sell for $750 if its yield is well below the inflation rate, which means the bondholder must either hang on or take a loss.

More importantly, companies (or again, the government) that want to raise funds by issuing new bonds must either offer extremely high interest rates or simply withhold their issues until interest rates fall.

Prosperous companies that can afford to pay high interest rates can still issue bonds, especially if they're in a position to pass along the high cost of credit in their prices. But most companies respond to inflation by issuing short-term notes—called commercial paper—or simply by borrowing funds for the short term. Short-term debt, needless to say, does not encourage long-term investment. And, as some business-watchers point out, the financial community's nearly exclusive reliance on short-term debt raises the risk of major bank failures and subsequent business collapses if even a few large debtors come up short. There were, consequently, more than a few shivers recently when a German bank that had been asked to make a routine transfer of $8 million by the Chrysler Corp. instead seized the sum and announced that it would hold it as security against Chrysler's debt. With $4.4 billion in worldwide debt, Chrysler is just the kind of borrower no one would want to see default these days.

As the current recession deepens, and loan demand stays low, interest rates will continue to fall. The bond market and long-term debt creation are already beginning to revive somewhat, a sign that the recession has at least reduced the expectations of continued high inflation that had so distorted business pricing and investment policies (as well as consumer spending habits).

But because the lower interest rates accompany a steadily weakening economy, there is now little incentive to invest in new facilities and expand productive capacity. And if the Fed follows its stated policy of holding down money-supply growth, interest rates will start to climb again as soon as the economy—and therefore the competition for funds—heats up. Thus, say monetary-policy moderates, treating tight money as the only available weapon against inflation is a guarantee of economic stagnation and more inflation to come.

PART 12: DOW JONES INDUSTRIAL AVERAGES

America's "stock market" is actually several markets in which corporate shares are traded, the largest of which is the New York Stock Exchange. The most frequently cited stock market average is the Dow Jones industrial average, which uses a point system based on the per-share prices of 30 industrial giants listed on the NYSE. It is not the most indicative of overall stock prices—that honor should go to the New York Stock Exchange composite average, which covers the shares of all the companies listed on the NYSE and weights them according to the number of shares outstanding for each company. But traditions prevail, and the Dow remains the most quoted average.

The long-term trend of stock prices—as national output and price levels rise—is upward, although the market has been stagnating, after a surge in the '60s, for more than a decade. In fact, the stock market in general hasn't stirred up much excitement lately. When people buy stock, they are gambling—either on the hope of finding a rapid-growth company whose stock will shoot up, or on the short-term and unpredictable price movements caused by fluctuations in trading—and, with a few exceptions, the market hasn't been a good gamble recently. (A bond, by contrast, brings a set rate of return.)

From the mid-'50s until about 1968, the stock market was "bullish" and a good bet. With steady growth and rising volume, the Dow shot up from the 200s to nearly 1,000 in a little over a decade. Word got out that people were making fortunes on "glamor" stocks like Xerox, IBM, and Kentucky Fried Chicken, and soon everyone was either buying into those companies or looking for an as-yet undiscovered gold mine. As a result, the stocks of even the glamor companies became overpriced, and the market began to stagnate.

During the '70s, the Dow stopped climbing, although it did finally top 1,000 before plunging into the 500s during the 1974–75 recession. The word in the financial press turned around: no one was making any money in the market, stocks selected by a blindfolded dart-thrower performed about the same as those selected by supposedly savvy investment brokers. And, in fact, that was about right. The shifting economic and social climate of the '70s ensured that the market would go down as much as up, because the only guarantee of steadily rising stocks—continued, wholesale investor optimism—was gone.

These days, no one is advising a dip into the stock market as the path to a quick fortune, or even a profit. But just because economic uncertainty has brought stock prices down, some say it's now a good time to buy. (Others say that the market won't bottom out until sometime after the trough of the current recession, which most analysts feel won't arrive until the end of 1980 or the beginning of 1981.) And the danger of a stock market resurgence, say economists, is that it might drain funds from more productive physical investments and hinder recovery from the recession. Investors who put their money into stock, after all, are only buying pieces of paper.

PART 13: SAVINGS RATE

The savings rate is the percentage of national income which is not spent on consumption. This economist's definition of saving essentially matches the common-sense understanding of the term: putting some income aside—whether in a bank account, a pension fund, or a bond—instead of spending all of it. The difference in definitions is that to an economist, personal saving—even if it is buying a bond—does not count as investment.

But your purchase of a bond does finance investment. The corporation whose bond you buy may use the revenue raised by its bond issue to build a new plant, and that constitutes investment because it adds to the country's total capital stock.

The total of personal saving is what finances business investment, which is why it is significant that personal saving in the United States is now at an all-time low. Our personal savings, nationally, declined by more than $10 billion in nominal terms between 1975 and 1979—from $83.6 billion to $72 billion. In real terms, figuring in inflation, the drop is much larger.

Of course, it's no mystery why the U.S. savings rate has declined. When the inflation rate climbed to 11 percent in 1974, it became clear to even the thriftiest people that earning 5½ percent interest in the savings bank was losing money. Income tax law, which taxes interest received, aggravates the problem. Tax law, in fact, encourages buying a house as the best form of personal investment; interest payments, even if they are at a far lower rate than inflation, are deductible. And so, despite 15 years of accelerating inflation, the government continues to penalize savers and reward those who simply hold onto an appreciating asset, which does nothing whatsoever to increase the funds available for investment.

The current recession—much delayed by the buy-now, it'll-cost-more-later mentality—has increased the savings rate somewhat (although at the cost of such a drop in economic activity that firms are hardly being encouraged to make capital investments). People are more willing to buy bonds at interest rates that companies can afford to offer now that the inflation rate has slowed. Economic uncertainty and credit restrictions have also motivated people to put money in the bank. But economists insist that reform is necessary if we want to keep the savings rate up in the future. Their recommendations:

The tax system should recognize only real, not nominal, interest rates. In other words, savers should only be taxed for the rate of interest earned over and above the inflation rate, and possibly only on interest above a certain level, such as $10,000.

Disposable personal income should be increased by indexing the tax codes, so that people are not forced into higher tax brackets merely because of inflation. This would work by multiplying tax brackets by the inflation rate, a system already in use in Canada.

Some economists add that a tax on consumption—especially purchases of cars and other consumer durables—should accompany any government attempts to decrease the tax burden on savings. Otherwise, they say, there is no guarantee that higher income would go into savings, especially if the inflation rate remains high.

Governments (and corporations, for that matter) should offer purchasing-power bonds, which would pay not a set interest rate, but a rate that fluctuates one or two points above inflation. Not only would this encourage saving regardless of the inflation rate, it would serve as evidence that government (and industry), had a vested interest in substantially reducing inflation.

PART 14: CAPITAL FORMATION

Increasing America's rate of capital formation—that is, money invested in new plant and equipment—is the central aim of the anti-inflation fiscal policies recommended by a growing number of economists. There is reason to be concerned about our rate of capital formation; by every measure—machinery-worker ratio, age of equipment, etc.—we have fallen behind Japan and most of Europe. To reverse the trend, economists say they would:

Increase investment tax credits. Businesses would then be able to write off more than they now can of the cost of capital improvements and investments for research and development.

Allow accelerated depreciation of assets. Businesses pay lower taxes on plant and equipment as it ages. If the IRS assigned assets shorter lives, their taxable value would decrease more each year, and so would businesses' tax cost on new equipment.

Reduce government regulation. Some economists blame the decline in capital improvements mostly on the increasing amounts of money that businesses must spend for "defensive" R&D like pollution control equipment. Other economists argue that pollution control and the like add to the quality of life, representing improvements that, while not measurable as capital stock, are priceless. Nor is there much agreement on either side about just which government regulations are "unnecessary."

Some economists add that the fiscal-policy solutions detailed above won't stimulate growth if restrictive monetary policies keep interest rates high. Tight credit makes long-term investment too costly for many, and tax credits do no good to businessmen who can't afford to borrow at all. As for large companies that can borrow, high interest rates make short-term, non-productive uses of cash more profitable than building new factories particularly if periodic recessions introduced to fight inflation ensure that demand will be unreliable.

The recessions of the last decade (1960–70, 1974–75, and 1980) have proven the point by progressively lowering industrial capacity use, which is the rate of production at which manufacturers operate most efficiently, given production costs (labor, energy, materials) and other factors. At the lowest point of the last recession, capacity use plunged to 70 percent, and there are indications that it will go lower this time. This, say economic analysts, strongly discourages investment in new plant.

Finally, argue some economists, we can't devote a higher proportion of national income to saving and investment unless we decrease consumption. In real terms, that means lowering our standard of living in the interests of future national wealth, because if we decrease consumption the result will be not only fewer goods for American consumers but also lower returns for American firms. Cutting government spending enough to finance growth—the alternative recommended by many economists—would be as great a setback for our national expectations as lowering consumption, but with the losses and gains distributed differently. The most difficult aspect of inflation, ultimately, is confronting these choices.

PART 15: EXCHANGE RATES

Exchange rates are what make international trade possible by setting the amounts at which different currencies can be traded for each other. There are different ways exchange rates can work, among them:

They can be fixed. The relative values of different currencies then depend on the amount of some agreed-on material (historically, gold or silver) that each coin contains or that each note is backed by.

They can be free-floating. The relative values of currencies are then set by the supply of and demand for each in international goods and capital markets.

They can be managed or "pegged." In various forms, this system has governed international monetary dealings since 1944, and in its present form is known as "dirty" floating. It allows rates to fluctuate, but only within fairly narrow boundaries set by national governments. If speculation or trade conditions threaten to alter a country's currency value drastically, the government can intervene to offset the trend—buying up or selling its own currency on world markets until the exchange value returns to its pegged rate.

Many factors determine the demand for a given currency. If there is a great worldwide demand for, say, German cars, people will want to exchange their currencies for marks in order to pay German auto manufacturers, so the mark's value will go up relative to other currencies. If German industrial productivity in general is high, non-German investors will "export capital" by buying into German companies, or even building plants there. And if Bonn follows a tight monetary policy that keeps inflation low and maintains high real interest rates (that's the after-inflation interest rate), foreign investors will want to profit from the high rate of return they can get by buying German securities.

All those factors have been at work in countries like Germany and Japan during the last 20 years, which is why their currencies have been so strong and their products expensive for us to buy.

If a high exchange rate is maintained artificially, a currency can become "overvalued." That's what has happened to dollars over the last 20 years. The high exchange rate of the dollar was undermined by capital exports (Americans' investing and lending overseas), inflation, and declining productivity relative to other industrial nations. Dollars and American goods were no longer in great demand because they were overpriced. Under our old fixed exchange-rate system, this led to a "devaluation" of the currency—raising the dollar price of gold and thereby making each dollar worth less. Under the current floating system, the dollar can be "depreciated." The government simply allows its exchange rate to fall relative to other currencies rather than buying up dollars in order to keep the rate high.

When the dollar falls in value, the price of imports relative to domestic goods rises. Initially, our demand for imports declines, while the demand for our exports rises. The idea is to revive the demand for dollars and strengthen the currency at the new rate. Over the long term, however, U.S. demand has tended to adjust to the higher prices of imports, which fuels inflation and raises the price of our own products. So while inflation has essentially reduced the value of the dollar, we have continued to finance our standard of living with trade deficits.

As U.S. interest rates fall because of the recession, the exchange value of the dollar has also been falling. But European financiers say the trend is healthy for the dollar because it is caused by the Fed's tight money policies, which they regard as wise. The end result, they say, will be a stronger dollar. In the meantime, our appetite for imports will probably fall as the recession deepens.

PART 16: BALANCE OF PAYMENTS

The international system of exchange rates, which we discussed in Part Fifteen, exists because international trade makes it necessary. International trade exists because, as the 19th century English economics pioneer David Ricardo explained more than 150 years ago, the world economy enjoys a "comparative advantage" when individual countries produce as much as possible of the goods that each produces most efficiently, trading their surpluses for needed goods rather than trying to be nationally self-sufficient. By maximizing productivity worldwide, trade thus makes possible a higher standard of living everywhere.

The theory of comparative advantage was at work for thousands of years before Ricardo formulated it, although the evolution of a totally interdependent world economy was an accompaniment of industrialization, which had only just begun during Ricardo's lifetime.

The international economy, while it has raised standards of living in most of the world, has brought international problems as well. Right now, our biggest problem is that we can't satisfy our appetite for imports without trade deficits. On our national balance sheet—an accounting made by the Department of Commerce—anything that brings foreign money into the country (selling Levi's to Frenchmen, attracting French investors to buy Levi's stock) counts as a credit on our balance of payments. Anything that sends currency out (buying Peugeots, building motors for American cars in Peugeot plants), counts as a debit. For years, we've been buying more from and investing more in foreign countries than we can really afford.

The OPEC oil-price hikes are the central problem in our current trade deficit, and they illustrate the difficulties of internationalism. Price shocks in such a central production factor from outside the domestic economy have been depressive, to the extent that they force production cutbacks. To an even greater extent, they've been inflationary, as higher costs are incorporated in higher prices.

A high inflation rate devalues the dollars that our nations receive for the products we buy, so they raise their prices to make up for the lost revenue. In some cases, our demand for imports falls in response. When we can't or don't significantly reduce demand—as we can't, beyond a certain point, with oil—the further price increases just speed up the inflationary cycle.

In theory, what could finance our appetite for imports and our copious government and private investment overseas is soaring productivity, a high rate of GNP growth, and an attractive investment climate for foreign investors. In fact, productivity in other industrialized countries has been zooming, relative to ours, since World War II, encouraging U.S. businessmen to invest overseas, adding to our trade deficit and further weakening the dollar.

While a "bad" balance of trade can be a good thing—in that we send out increasingly worthless paper and get Toyotas and televisions in return—there is some question about how long the Japanese and other countries that export their goods to us will put up with the situation. The overvaluation of the dollar was what undermined the strictly "pegged" exchange-rate system we maintained until 1971, and led to the more freely floating system we now use. Many feel that this, too, is only temporary. Economists can only speculate about what would happen if international pressure forced a switch to a completely free-floating exchange-rate system. The only certainty is that it wouldn't make things any easier for us.

With cutbacks in imports and self-sufficiency in energy production as the recommended remedies for the ills of the international economic system, we've come a long way from Ricardo's theory of comparative advantage. Continued rapid gains in standards of living that once seemed possible—or even promised—have been snatched away. Why? Because, some economists believe, the industrialized world no longer has the monopoly on productive resources that is needed to finance such gains. Seen this way, as a world problem, the economic conflicts that cause inflation seem more intractable than ever.

PART 17: GOLD STANDARD

As we explained earlier in this series, there is one group of economic observers that blames inflation entirely on money supply growth. Some ignore the political pressures that create money-backed inflation—the ideal of the American "economic democracy" that produces government-backed mortgages, Medicaid, and expectations of an ever-rising standard of living.

Others do recognize these pressures. For that very reason, they want to take monetary control away from pressure-sensitive politicians and make stable money-supply growth automatic by tying it to the growth of a physical commodity in limited supply. In other words, they want us back on the gold standard.

What this means is that the U.S. government would settle on the amount of gold each dollar contained and then limit monetary expansion according to our gold reserves. If an unfavorable balance of trade drained reserves, the amount of money in circulation would be decreased, and prices would have to come down until we attracted customers for our goods. We would, in other words, have to suffer through prolonged periods of high unemployment and economic contraction.

The gold standard was formally adopted by the major European nations in 1867 (with the United States following suit in 1873). But the policy has not survived into the modern age because of a fatal flaw: it is inflexible in the face of demands for overall economic expansion. If demand rises faster than the supply of gold, unemployment must rise until prices stabilize.

As a result, the gold standard encountered considerable opposition right from the start. William Jennings Bryan campaigned in the presidential election of 1896 on a populist platform essentially demanding inflation—the coinage of "free silver" to supplement the gold supply and relieve the price slump that was hurting American farmers (and workers). "You shall not press down upon the brow of labor this crown of thorns," Bryan thundered to the Democratic convention that year. "You shall not crucify mankind upon a cross of gold."

Bryan lost the election, but those who favored the gold standard lost the war. During World War I, the safe haven of the U.S. economy and our much-needed wheat attracted a tremendous flow of gold reserves in investments and payments from Europe to America, more than enough to finance a healthy, gold-backed inflation. Then came the Depression and World War II, which further bankrupted Europe and culminated—economically at any rate—in the Bretton Woods agreement of 1944. In that agreement, the leading non-Communist industrial nations agreed to abandon the gold standard in foreign exchange, substituting a system of managed exchange rates. The aim was to protect the war-torn countries from the economic hardship that would have accompanied the loss of their gold reserves through trade and hindered their recovery by preventing expansion.

Ironically, the post-World War II recovery of Europe and Japan—added to and aided by our immense overseas aid programs—caused chronic U.S. trade deficits from the mid-'50s on and a consequent gold drain from here to Europe. In 1971, we stopped offering to convert dollars into gold. Thus went the last vestige of the standard; we had left behind the gold standard's strict limits on monetary expansion decades before.

Theoretically, say most economists, there's no reason why we couldn't go back onto the gold standard. And only this year, a group favoring just such a policy sent a full-time lobbyist to Washington. But, many wonder, do we want to bring the gold standard back? Just because our monetary policy has created some problems, do we want to do away entirely with the option of using it? If we have to pay more for oil imports, do we want to do it with jobs instead of dollars? De we want to tie our money supply to the supply of a scarce natural resource produced in greatest quantities by South Africa and the Soviet Union? No, most economists answer, probably not.

PART 18: SUPPLY-SIDERS

For more than a decade now, economists have been coming up with little but inaccurate predictions and bad news. Lately, at least one group in the profession has changed its tune and begun promoting an optimistic program for controlling inflation. The group has been enthusiastically welcomed by the press and labeled the supply-siders, because they believe that inflation is the result of demand outstripping supply, and that, therefore, the best way to beat it is to increase supply enough to meet demand.

We have already discussed most of the proposed supply-side solution: increasing tax incentives to businesses for R&D and capital investment, limiting government spending, and encouraging saving. There is, actually, little disagreement about these ideas, either among policymakers or economists. Most say they are the obvious moves to make in the face of declining U.S. productivity.

So why all the excitement about supply-side economics? The attention-getting ideas come from the so-called radical supply-siders, who believe the government's taxing and spending level is the sole engine of inflation because it chokes private sector growth. Their proposals? Balance the Federal budget (by constitutional mandate, if necessary), lower income taxes, and drastically reduce government regulation.

The radical supply-siders' emblem is the controversial "Laffer curve," popularized by USC economist Arthur Laffer. The curve shows that as tax rates rise above a certain level they undermine the work incentive, causing output and actual tax receipts to fall. Eventually, according to the curve, tax receipts fall to zero as the overtaxed economy grinds to a complete halt.

Accordingly, Laffer followers support the 30 percent tax cut (over three years) proposed by Rep. Jack Kemp (R-N.Y.) and Sen. William Roth (R-Del.) and endorsed in the Republican party platform. They say that the resultant increase in personal income would stimulate so much economic activity that growth would skyrocket, supply would increase to meet demand, and inflation would be wiped out without higher unemployment. Controversy over this use of the Laffer curve arises, however, because economists can argue endlessly and inconclusively about where on the curve our actual tax rates put us. Most say a large tax reduction now would stimulate mostly consumption (and higher demand), not more production.

The media's interest in the radicals' ideas has, in fact, distressed mainstream supply-siders. Martin Feldstein—identified in a recent Newsweek article as the "high priest" of supply-siders, and, as the 40-year-old president of the National Bureau of Economic Research, one of the country's most respected younger economists—recently wrote a somber article for The Wall Street Journal disavowing the contention that inflation can be eliminated without higher unemployment—either by investment incentives alone or by large tax cuts.

"With demand rising at 10 percent a year, there is no way that supply can be induced to keep up," Feldstein wrote. Even more glumly, he then pointed to studies showing that, for example, the investment stimulus proposed by the Joint Economic Committee would produce only a 1.3 percent reduction in inflation by 1990.

Feldstein also noted that "the misuse of the Laffer curve" might keep inflation at '70s levels all the way through the next decade. His conclusion? While encouraging savings and investment is wise, supply-side policies "should not be given responsibility for the job of eliminating inflation."

Liberal economist James Tobin put the matter succinctly in a paper he presented at a recent Brookings Institution conference. Quoting an economics aphorism, Tobin quipped: "The Lord gave us two eyes to watch both demand and supply."

Removing the claims of the radical supply-siders, we are left with a proposal for moderate reductions in business taxes accompanied by conservative fiscal and monetary policies. This brings the arguments back to traditional disagreements. Some economists, like Tobin, object that those demand-restraining policies will get in the way of supply-side recovery by strangling economic growth, thereby discouraging the very investment that the tax reductions aim to stimulate. They want to preserve a fairly high level of government spending, using consumption taxes rather than unemployment to limit demands.

PART 19: POST-KEYNESIANS

Post-Keynesian economics is not an organized school of economic thought so much as a protest movement. Its proponents are united by their objections to the model used in mainstream economics—a competitive market system in which wages and prices, set by supply and demand, adjust automatically to allocate resources in the most efficient way. It is because mainstream economists depend on this unrealistic model, the post-Keynesians say, that they can't figure out how to get rid of inflation.

The group names itself after the British economist John Maynard Keynes because it was Keynes who first rattled the bars of classical economics during the '30s by showing how the wage-price system could produce unemployment instead of a perfect allocation of labor. Mainstream economists eventually took to heart Keynes' prescriptions for fiscal policy to intervene in the system by spending to reduce unemployment (producing the so-called neoclassical synthesis that governs economics today). But the post-Keynesians argue that Keynes' basic point—that wages and prices are determined by factors other than the market forces of supply and demand—was overlooked.

According to the post-Keynesian heretics, pricing decisions in manufacturing, for example, are not even greatly affected by demand. At least in the "oligopolistic core" of the economy—the leading industrial companies which determine the overall direction of the economy—prices depend on the funds needed to finance future growth.

Inflationary pressure arises because companies raise funds *now* for growth that may or may not take place *later*. Working against growth is the fact that higher corporate earnings are as likely to come from increased market shares as from market expansion. Then, when earlier investment and higher mark-ups are not offset by current-period growth, friction begins. Wage rates rise in response to higher prices, aided by union bargaining power and minimum-wage laws. Firms try to maintain their profit margins by increasing mark-ups. Wage rates rise again. And so on.

In short, the post-Keynesians say, inflation is caused by competition for larger slices of the national output-and-income pie, which is not growing fast enough for every group to have what it wants. The economy's way of handling these claims is to raise prices, thereby deflating higher nominal incomes and bringing purchasing power into line with the real availability of resources.

To be sure, a recession can be induced to ease income competition (and lower the inflation rate) by throwing people out of work. But, the post-Keynesians say, this also lowers output and, in the long run, serves to limit the size of the pie more than it limits demand for pieces of it.

Most economic theorists now agree that inflation is caused by conflicting claims over national income. Certainly, post-Keynesians and supply-siders concur that increasing output and productivity would be helpful. But conservative mainstream economists say the real goal is to let the private sector's market system determine income distribution instead of having the government do it through taxes and income supports.

Post-Keynesians disagree. They object to mainstream economists' assumption that the private sector would get rid of inflation by lowering wages and prices through competition. Instead, they say, the industrial economy would reduce competition by following its natural path toward greater concentration. Inflation might be lowered, but only because fewer people would be involved in decisions about income distribution. The result would be worse economic inequities than inflation has produced, and, quite possibly, more inflation down the road.

Rather than letting the private sector make these decisions, post-Keynesians favor an incomes policy that would allow the government to weigh conflicting claims on income openly and allocate it accordingly. They admit that such a policy would be difficult—perhaps even impossible—to carry out in a democratic society. But, they say, we have only that and continued inflation to choose between.

PART 20: INFLATIONARY BIAS

The real problem with our attempts to fight inflation over the last decade is that they have ignored the inflationary bias in our economic and political structure. We've been unable to reduce the inflation rate because even when we attack fundamental problems like government spending and money supply growth, we forget to ask why we created those problems and why, therefore, we may not be very eager to get rid of them.

Government spending. It is true that the size of the federal budget contributes to inflation. But what we often overlook is that government spending involves not only welfare payments but a budget's worth of services intended to make life—for the middle class as well as the poor—better, safer, and more secure. As the economist Robert Heilbroner put it in a recent essay, "A century ago there was no 'fiscal policy,' no local, state, or federal payments for old-age penury or unemployment, no 'disaster relief,' no parity payments to farmers, no Small Business Administration, no federal financing of mortgages or insurance of bank deposits. It was each firm and each household for itself. Dog ate dog."

The placement of floors under most aspects of modern economic life has taken the inflation-correcting mechanism of depression out of the economy. When people are thrown out of work today, they receive benefits that allow them to maintain at least a proportion of their earlier level of consumption. To be sure, it is likely that inflation would be lower if we allowed the unemployed to starve. But it is unlikely that society could survive the socio-economic onslaught.

The fact is that income guarantees to the poor and unemployed also help business, which has come to rely on a relatively consistent level of demand. This is very different from the roller coaster cycle of booms and depressions we experienced until the development of modern monetary and fiscal policy in the '30s. Where, after all, would Chrysler be without federal loan guarantees?

The private sector. Increasing concentration has been the long-term trend of the industrial economy—fewer and larger firms and labor organizations determine the economy's direction with increasing independence from market forces. Large corporations make pricing decisions not primarily in response to short-term shifts in demand but according to the level of return they need to finance planned long-term investments. In expectation of higher returns, they borrow; the Fed tends to expand the money supply to cover the demand.

The inflationary pressure that builds up this way might be offset if investments paid off with increased growth and productivity. Unfortunately, individual firms are as likely to profit from increased market shares as from overall market expansion. Smaller companies are squeezed out, and the larger ones become more insulated from competition.

Labor unions, meanwhile, consolidate their own power. They use their leverage to get wage settlements that enable their members to keep up with inflation, and the higher cost of their wages is reflected in the next round of price increases.

In the end, the relationship of big business and big labor can be mutually destructive. When wages and prices resist downward pressure from falling demand, all the market can do is force resources to other industries, which can be a nasty shock when the shift occurs across national boundaries. That's how the U.S. steel and auto industries, for example, have steadily lost ground to foreign competitors without budging on prices, thereby contributing to inflation and unemployment at the same time.

How we got here. If we suffer from a structural inflationary bias, why didn't we have inflation before? To be blunt, because we were lucky. The '50s began with Korean War price controls and frequent recessions that kept unemployment relatively high. The '60s saw a productive boom—spurred by the unemployment-reducing economic policies of the Kennedy and Johnson administrations—that financed a new level of national prosperity. In addition, agricultural and energy prices declined somewhat during the period, and overvaluation of the dollar brought cheap imports in from Europe and Japan.

But the '60s boom was hollow. Low-priced imports undermined domestic industries and encouraged a shift in the composition of our GNP from manufacturing to the less productive service industries. At the same time, the economic and social goals epitomized by the "War on Poverty" put massive new demands on national income. And by the end of the '60s, we had added expensive and expanding anti-pollution priorities to our economic agenda.

Looking back, inflation should come as no surprise. With claims on national income and expectations of further gains at their historic heights during the '70's, we suffered nothing but reversals of our earlier advantages—dollar devaluation, agricultural and energy inflation, and declining relative productivity as our long neglect of capital investment finally made itself felt. We simply can't pay for what we have come to expect.

Where we're going. So far, the lines in the battle against inflation have not been honestly drawn. Budget-balancing advocates claim they have the answer; what they don't often admit is that limiting social programs would control inflation mostly by disenfranchising the poor. What they don't often realize is how temporary such an answer would be. Continued control of inflation through spending limitations would mean pushing ever more people off the lower end of the scale and into the category of the economically powerless.

With an election every four years, we are not actually likely to see any serious efforts to control inflation—despite everything that Carter and Reagan say. Republicans and Democrats are pretty much in agreement on anti-inflation policies these days, favoring relatively tight monetary policies and strategic tax cuts.

If these policies prove inadequate, as some fear they will, we may see the inflation rate continue to creep upward during the coming decade—perhaps going as high as 30 or 50 percent—interrupted by periodic recessions to slow it down. And at the moment, that almost seems the most equitable way of dealing with the problem. As Heilbroner points out, inflation has so far left distribution of income "on the steps of the national escalator about the same, although the escalator itself has been moving faster." After a prolonged and serious anti-inflation fight, unless it were assisted by controls, income distribution would most certainly be changed: less on the bottom, more on the top.

Of course, there is always the chance that large segments of the population will accept the necessity of self-sacrifice, that unions will forego income gains in exchange for price moderation on management's part, that conservation will relieve us of the burden of energy dependence, that government and industry cooperation will phase out protectionism and produce a plan for national productivity improvement, and that tax policy will be used for purposes other than re-election. There is no reason to think these things will happen. There is every reason to hope they do.●

PROTECTIONISM IV

● Mr. HEINZ. Mr. President, protectionist policies are sometimes stimulated by governments, not simply to protect struggling domestic industries, but rather to assist in creating a more favorable overall trade balance through the limitation of imports and the growth of exports. Historically this represented a mercantilist or "beggar-thy-neighbor" approach to international commerce characterized by high tariff barriers. Today's neomercantilists achieve similar results through more subtle means, primarily use of non-tariff barriers to trade. Judicious use of import-licensing, quality standards and inspections, quotas or orderly marketing agreements, and discriminatory Government procurement practices can be just as effective as a high tariff in preventing entry of foreign goods.

This is not to suggest, of course, that such practices are desirable or ultimately helpful to a nation's economy. In my previous statements in the Record I have commented in some detail on the particular domestic or international circumstances which might justify use of such techniques, the most obvious being the need to counter illegal or unfair tactics of exporting nations.

Today, however, I want to turn my attention to the policy problem for the United States in determining how to respond to such trade barriers erected by others. That is, what kind of export policy is appropriate for the United States? I have long supported a more aggressive export promotion policy on our part and have sponsored numerous pieces of legislation to move in that direction. Of particular importance right now is S. 2718, the export trading companies bill which passed the Senate by a vote of 77 to 0 on September 3 and is now pending in the House.

Under Secretary of Commerce for International Trade Robert E. Herzstein recently delivered a speech to the Western International Trade Group that comments on this bill, other Government initiatives, and our overall export policy in some detail. It is a thoughtful analysis of contemporary export problems and the difficulties we face in increasing our share of the international market, and it explores a number of the myths that opponents of export promotion have been circulating that suggest we do not need to do anything to improve our export position. Under Secretary Herzstein shows clearly that we are in a serious situation, that we have not "turned the corner" to use his phrase, and that the long-term prognosis is not optimistic without additional effort.

I urge Senators to read Mr. Herzstein's remarks, and I ask that they be printed at this point in the Record.

The remarks follow:

HAVE WE TURNED THE CORNER ON TRADE?

(Notes for an address by Robert E. Herzstein, Under Secretary of Commerce for International Trade, before the Western International Trade Group)

Santa Clara, Calif., Oct. 9, 1980—It is a pleasure to have the opportunity to speak before the Western International Trade Group. I could not ask for an audience more interested in the prospects for expanded U.S. trade. I want to take advantage of this opportunity and this audience to address an issue that has received recent media attention, and that calls for some clarification for the benefit of all of us concerned with developing an effective and coherent set of U.S. policies affecting U.S. exports.

The issue, stated as a question, is very simple: Is it true (as some have recently asserted) that we have turned the corner toward solving the persistent trade deficits that the U.S. economy has experienced in recent years?

This question is important because the answer effectively defines our trade policy objectives for the years ahead. Today, I would like to give you my answer and the reasons for my answer (and I may as well tell you it is not optimistic). In the question period, I'll be prepared to outline what I believe to be our basic trade policy needs in the years ahead and to respond to other questions you may have, and to listen to your views on U.S. trade and trade policy.

The basic question is: Have we turned the corner on our trade problems? The answer is no, we have not turned the corner, though we have made a beginning on the programs needed to solve our trade problems. To explain my answer, I want to address three depictions of our trade position that have received media attention in recent weeks.

These three arguments can be labeled the "improving exports argument," the "trade structure argument," and the "competitive position argument." Each one suggests that we have turned the corner on our trade problems, and each one is supported by factual evidence that I do not dispute. Because I do not dispute the facts, it is incumbent upon me to explain why each argument appears to be well founded, but does not convey the full story.

The "improving exports argument" was recently used in a Senate debate on the Export Trading Company proposal.

The argument is based on actual trade data, so let me give you a feeling for the numbers involved, and then talk about what they mean.

U.S. exports have grown about 22 percent per year since 1977, and are expected to grow at very nearly that rate again this year;

The trade deficit is not getting worse! So far this year, our merchandise trade deficit is running at roughly the same as last year, an annual rate of just over $24 billion, despite radically higher petroleum prices;

In August, exports were 21 percent higher than in the same month a year ago, imports were only 5 percent higher, and the trade deficit was at an annual rate of $1.2 billion. And finally,

So far this year, our manufactured goods trade is running a $17 billion surplus compared to a $4.4 billion surplus last year.

Based on these numbers, some conclude that there is not an overwhelming need to be concerned about U.S. exports. Some who have cited the argument go further, and argue that statements reflecting concern over our export prospects are efforts to create a phony export crisis.

I cannot share this view, and I believe it is based on a misperception of the factors affecting our recent trade performance. Our trade performance is the direct result of two events—the depreciation of the dollar, and the international business cycle.

U.S. exports have done well in the years since 1977, and virtually all trade analysts attribute a large part of that improvement to the depreciation of the dollar that has made our goods more price competitive in foreign markets. There is a limit, however, to the extent and duration of any expansion based on previous dollar declines.

Some further export growth can be expected as a result of the past depreciation, but a continuation of growth from dollar depreciation would require further depreciation. Currency depreciation for the purpose of expanding exports would be a highly undesirable policy position. We will be much better off if our export strength enables us to maintain a stable value for the dollar.

The sharp trade balance improvement that has occurred in recent months in a phenomenon that can also be easily explained. The U.S. economy turned downward in the second quarter of this year and our demand for imports has slackened. At the same time, the economies of our trading partners have not yet declined notably, and the demand for our exports has continued to grow. It is because our economic growth is "out of sync" with growth abroad that we have had an improving trade balance in recent months.

As our economy recovers, imports will pick up and the trade balance will worsen. Furthermore, if foreign economies experience the downturn now anticipated, we will be "out of sync" in the other direction and can expect an even worse trade situation—strong import demand and weak export demand.

Trade balance movements in response to business cycles are inherently short-term phenomena. Not only are they short-term, they can be reversed very quickly. As an example, let me remind you that in 1975, when we were experiencing a major recession, we had an $11 billion trade surplus. But in 1976, as our economy recovered, we had a $6 billion trade deficit—a $17 billion shift in one year.

If we can consider the longer term and ignore short-term business cycle fluctuations, comparisons of projected growth rates in the U.S. and abroad suggest that we will have to work increasingly hard just to maintain our current trade position. Over the coming years, the U.S. economy is generally expected to maintain real growth at approximately historical levels. Our trading partners, however, are expected to grow slower than they have in the past.

As a result, the tendency will be for our imports to grow at historical rates and our exports to grow slower than history would suggest. These projections indicate continuing trade deficits and continuing trade problems—definitely not an answer that says we have turned the corner.

Let me pause for a moment because I've started to get ahead of myself. The first argument I wanted to address was the "export growth argument." I believe that argument, or more precisely, the data cited by the argument, are fully explained by short-term factors that may well reverse themselves in the future. I was starting to discuss longer term issues, but longer term issues are really a part of the second argument I want to consider.

The second arugment is the "export structure argument." This thesis has recently appeared in the media and in national discussions as a reason for trade optimism. The argument is basically very simple. It goes as follows:

"Except for our need to import substantial quantities of oil and our need to import selected minerals, the structure of U.S. trade is virtually ideal. We import large quantities of consumer goods that are not critical for our productive industries, and we export agricultural goods and capital-intensive, skilled-labor intensive, high-technology products. In essence, (and except for oil) our export prospects do not depend on our imports, and our export products are based on geographic and economic strengths that are not easily challenged."

In its most general terms, I have absolutely no quarrel with this "trade structure" statement. I agree that our current (non-agricultural) comparative advantage is in capital-intensive, skilled-labor intensive, high-technology manufactured goods. Were it not for our important capital goods exports, our trade position would be far worse than it is. As an example, last year our overall merchandise trade deficit was $24.7 billion, but our capital goods trade was in surplus by $32 billion. Based simply on the data, I must believe we have a comparative advantage to be doing as well as we are.

However, I also believe that our comparative advantage is being increasingly challenged by our competitors. The "export structure argument," like the previous argument, looks at current short-term phenomena and ignores important, longer term developments that lie just ahead.

All of us can cite past instances of advantages that have been lost. The U.S. steel and automobile industries enjoyed a distinct comparative advantage following World War II, but have since lost that advantage and are now being challenged in our domestic market, to say nothing of foreign markets.

What many persons do not realize, however, is that today, challenges are being mounted to other industries, industries that have been and still are regarded as "proprietary" to the United States. Three examples of these "American" industries are: semiconductors, computers, and aerospace—industries which are of course important to many of you here today in California.

There can be little doubt that our foreign competitors—the Japanese in semiconductors and computers, and the Europeans with the Airbus—are mounting stiff, longer-term challenges to our U.S. manufacturers. To cite only one illustration, IBM is the unquestioned world leader in the computer industry in terms of computer-related revenues. Yet last year, IBM's revenues grew more slowly than any other major manufacturer, and the new Japanese computer industry placed three firms in the top twelve worldwide.

The computer industry illustration may seem like a minor event, but in fact, it is not. The Japanese are just beginning in that industry, and I believe we must expect rapidly increased competition from them. At the same time, I believe there are many reasons why our foreign competition will mount stiff challenges to other U.S. industries in the years ahead. I believe these reasons are a compelling counter argument to the notions that our current trade structure is a basis for optimism.

First, the large open U.S. market will continue to be a lure to foreign producers. At the same time, our own exporters must continue to confront a series of smaller overseas markets, which will require a more diverse, and more expensive, marketing effort to penetrate successfully. In many cases, moreover, our competitors have developed internal industrial structures and patterns of financial relations that give their industries a different and perhaps stronger basis for competing with U.S. firms.

For example, institutional arrangements in the financial industry permit some foreign manufacturers to be more highly leveraged than U.S. firms. As a result, these manufacturers can realize a lower after-tax cost of capital than U.S. firms, and gain a potential competitive edge. The point is not that the basis of this foreign competition is unfair; the point is only that it is different from what we have experienced in the United States. A U.S. manufacturer that might not be challenged by another domestic producer may well be challenged by a foreign producer operating within a different system of economic institutions.

I can also cite two additional reasons for my belief that competition will intensify in the future. As I noted earlier, developed countries abroad are likely to have slower growth than the U.S. As they experience this, it is reasonable to expect foreign manufacturers to try to maintain their sales growth by looking to other markets. I think they will look to our domestic market and to our export markets, and I see no reason for them to shy away from competition with our high-technology products.

The second reason I expect competition in high-technology industries is the future role of the world's developing economies. Right now, approximately one-quarter of our manufactured goods imports are from developing countries, most from the group of economies that has come to be labeled "the NIC's"—the newly industrializing countries that include Mexico, Brazil, Korea, Hong Kong, and others. Many of the developing economies will make a more concerted effort to become exporters of consumer goods, and "moderate-technology" products. They will challenge many of our moderate technology industries and force our industrialized competitors to challenge our capital-goods and high-technology industries.

Overall, I am not convinced that our trade structure is a basis for optimism. If we sit still, I believe we will be caught. The only viable response is a concerted effort to improve our competitive advantages and give ourselves the opportunity for expanded exports and expanded trade.

The third "optimism" argument I want to address is that we have actually improved our competitive position since the early 1970's, and that there is every reason to be optimistic about our trade prospects as a result.

The argument is that while the U.S. export share of world markets has declined, the calculation of the share is misleading. Normally in computing these shares, the values of each country's exports are converted from their own currencies into U.S. dollars. Then the ratio of U.S. exports is calculated. Given different inflation rates and the depreciation of the dollar during the 1970's, the statistical conversion process boosts the dollar value of other countries' exports and necessarily makes the U.S. share appear smaller.

It is argued that we must view market shares in "volume" terms, trying to adjust statistically to eliminate the effect of price changes and exchange rate changes. On this "volume" basis, the U.S. share declines much less over the 1971 to 1979 period. This is taken as an indication that more U.S. goods are being sold in world markets—in other words, we are shipping more units of product, say tractors, than we were in the early 1970's. Hence, it is argued that the competitive position of the United States has improved. In fact, viewed this way, our share in 1979 was higher than in 1971. I should add, however, that it was still lower than in 1970.

Let me freely admit that I have drastically simplified the argument, but I do not believe that I have done violence to the basic premise. I agree that currency conversions can produce somewhat misleading results. At the same time, however, the heart of the argument is that the U.S. export share has decreased in value but increased in volume.

Again, I do not dispute the data or the calculations, I only dispute the conclusion. Relative stability in volume share does not to me signify increased competitiveness. The data say to me that we are selling more and getting less for it than we used to. Taking the argument to its extremes, we can maximize our export volume by simply giving away our export products.

From my own business days, I would have much preferred to increase revenues by selling fewer units at a greater price, than vice-versa. And as a nation, I believe we must aspire to producing products that are highly valued abroad and importing products we do not produce as efficiently or as well. That after all, is the heart of comparative advantage and the basis for international trade.

Finally, there is a practical consideration. We would like our exports to cover the costs of our imports. We pay current prices and use current exchange rates when we import. We do not pay according to volume calculations. Consequently, export shares in current values are a more useful indicator of our trade competitiveness.

In current dollar values, our export share has continued to move on a downward trend.

In addition to export shares, there are other indications that the longer term competitive position of the U.S. economy should not be taken for granted. In recent years, our productivity growth has been below our own long-term record, and below the record established by many of our foreign competitors. Only the United Kingdom has posted productivty growth rates at or near our own low levels. If this trend continues, it is extremely difficult for me to be convinced that the future competitive position of our economy will be a basis for trade optimism.

Of course future productivity growth is not necessarily dependent on past growth. It is dependent, however, on investment spending; and in relative terms, we have not made the same investment effort that our more successful competitors have made. If we consider the ratio of gross investment to total national production, the U.S. proportion (at roughly 18 percent) is 5 to 6 percentage points below the proportion for Germany and 12 percentage points below the proportion for Japan.

Very simply, we are devoting a smaller proportion of our production to replacements for our existing capital stock and to additions to our future productive capacity than are our competitors. For some period, our post-war advantage in capital has been sufficient to support a lower, proportional investment effort. For the future, however, I am very hesitant to continue to depend on an old and disappearing advantage.

To summarize: we have not, unfortunately, turned the corner on trade. The present improvement in our trade balance is a most welcome relief, but it will not last. The outlook is not favorable for either the near-term or the longer-term. The underlying trends indicate continued trade difficulties—both a continuation of some long-standing problems as well as the emergence of new competition and new problems. Clearly all of us—business, labor, and government—have our work cut out for us.

Within the Administration, there is a clear recognition that our problems are long-term and that their solution requires a broad range of efforts. The President recently sent to Congress a report on the competitive position of the United States, a report finding that we have had an erosion in our competitive position for the last two decades and reaffirming that increased competitiveness in the global market is critical to the health of our economy.

A good beginning has already been made. Concern over the nation's competitive position in the future is the fundamental factor that has led to the Administration's initiatives in the National Export Policy, in successfully concluding the Multilateral Trade Negotiations, and in reorganizing the trade functions of the Executive Branch.

As I said, this is a good beginning, but in his report to Congress, for example, the President stressed the need for added actions to expand investment and innovation; the need to facilitate sectoral adjustments to changes in trade; the need to maximize the effectiveness of the MTN agreements in expanding access for U.S. exports; and the need to initiate further negotiations to address remaining barriers to trade.

In meeting the challenge, we must equip American business to compete successfully and vigorously in the international economic environment of the 1980s. And we must do so not by imitating the techniques or structures of other countries, but by developing our own strengths in a way that is consistent with our own values.

First, we must steadfastly carry forward the on-going effort to establish a system of rules for world trade. We must enforce and perfect the rules now in place, such as those which prohibit dumping, export subsidies, and other unfair practices. We must encourage more nations to accept the new Multilateral Trade Agreements, and we must assure that the United States gets the benefits of the Agreements by closely monitoring the compliance of other nations.

Second, we must work to surmount the cultural and structural barriers that impede effective access to foreign markets or create unequal competitive conditions for businesses in different countries.

This is a very difficult and complex process. No single multilateral code can be devised which simply legislates away the manifold differences in industry structure, local culture, and government policies which skew international competitive opportunities.

But we can make effective progress through vigorous efforts aimed at specific problems. For example:

We can insist that American firms seeking to do business in countries such as Japan have access to skilled and loyal professional help—lawyers, consultants, and marketing experts—equivalent to that enjoyed by Japanese companies in the United States.

We can demand opportunities for U.S. investment and technology acquisition in foreign countries equivalent to those enjoyed by foreign companies in the United States.

We can call for affirmative marketing assistance for American companies that encounter closed distribution systems in foreign markets.

We can foster the creation of aggressive U.S. trading companies equipped to deal with foreign economic structures and marketing barriers in a way that can expand the export sales of many U.S. manufacturers.

And we can seek access for American firms to the long-term, low-cost capital made available to some foreign firms, just as they have access to the vast and open capital markets in the United States.

Third, we must help U.S. companies compete abroad. Of the 250,000 U.S. manufacturing companies, only 10 percent export—and only 100 companies account for half of all our manufactured goods exports. We must work with these companies and must also broaden our export base to include other firms that may be highly competitive but have not even considered marketing their products abroad.

We now have what we have lacked for decades: one Cabinet-level agency responsible for trade administration, trade promotion and trade analysis. With the trade reorganization President Carter has put into effect, the Commerce Department's International Trade Administration can take a creative and vigorous role to help U.S. exporters regain a position of leadership in world trade.

We can now assist an exporter each step of the way—from his factory in California, where he can work with the International Trade Specialists in our District Offices, to markets around the world, where our Foreign Commercial Service Officers can provide the largest local market information and assistance in overcoming local problems in 65 countries.

We finally have a one-stop service for American exporters. Our export development programs make available an integrated network of information. Moreover, our foreign and domestic officers are being trained as entrepreneurs and marketing specialists. Five major American exporters have worked with us to establish these training programs.

We have inaugurated on a pilot basis our Worldwide Information and Trade Systems, or WITS for short—a sophisticated, high-speed, computerized system designed to give U.S. companies the fastest possible access to international marketing information and thus to help increase U.S. exports.

Finally, one of our major challenges is to take a fresh look at our entire government/business relationship in the United States. As I have indicated, it is no longer realistic for our government simply to sit back and say, "competing in global markets is the job of the private sector, so we need not pay attention to it." The new reality of the world is that societies are competing with each other.

Our government has the responsibility:

Not to take over business;

Not to try to do things the same way the Japanese do or the British, or the Germans;

But in our own way to create a legal and policy environment that is as healthy for business as we can make it;

To spur capital investment, to spur research and development;

To weigh the impact on the health of each industry of the various regulatory burdens which we put on it;

And particularly to weigh the impact on exports of the various laws and policies which affect the environment in which American business can operate.

As part of redefining the government/business relationship, we must continue moving to a more open-minded understanding of what is happening in the various critical industry sectors in the country. We must begin a deliberate and active program to analyze the problems that U.S industries face in markets at home and abroad, and equip ourselves with the knowledge needed to coordinate trade policy, tax policy, antitrust policy, and regulatory policy, so that our industries will not be unnecessarily burdened in their effort to improve their global competitiveness.

Most of the industry sectors where we have begun this effort are those facing serious import challenges in the U.S. market—industries such as textiles, footwear, steel, and automobiles. But this effort must be broadened to include attention to those industries that are the mainstays of our export position—industries such as aerospace and electronics. The Commerce Department, for example, has begun working closely with the semiconductor industry in addressing its present and future trade problems.

Additionally, the more open understanding of the problems faced by U.S. industry is leading to programs to revitalize U.S. industry. The Administration has initiated far reaching changes to liberalize tax depreciation, to improve the usefulness of the investment tax credit, and to utilize economic development programs to aid in modernizing our plant and equipment.

All these efforts are aimed at increasing private investment so as to improve U.S. productivity and the ability of U.S. producers to compete abroad—and at home.

The initiatives already taken—and those yet to come—will help forge a new set of institutions enabling the United States to face the challenges of the future. We have begun to redefine the business-government relationship so that *all* the resources of our society, private and governmental, are effectively deployed for a common national objective.

We have not yet turned the corner on trade, and we cannot afford to slacken our efforts or lose sight of our objective. Turn the corner we must. Failure to do so can lead only to a smaller share of the world economic pie, a smaller world role for the United States, and a reduced quality of our national life in which the virtues in which we take pride—our optimism, openness and generosity—may be threatened.

There is no doubt in my mind, however, that if we continue to build on the solid foundation already in place, we will turn the corner. I am optimistic that historians will record the 1980's as the time the United States revitalized its industry, restored its competitiveness, and continued its role as a world leader.●

RECESS UNTIL 3 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

There being no objection, the Senate at 2:36 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BAUCUS).

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from the State of Montana, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1981

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 8061, the District of Columbia appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 8061) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the bill there be a time limitation of 30 minutes, to be equally divided between Mr. LEAHY and Mr. SCHMITT; that on any amendment in connection with which no question of germaneness arises or no point of order with respect to legislation arises, there be a 30-minute time limitation, to be equally divided in accordance with the usual form; that there be 20 minutes on any amendment in the second degree, in accordance with the usual form; and 10 minutes on any point of order, debatable motion, or appeal, if such point of order is submitted to the Senate for its consideration, and the time to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged to either side in this instance.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHMITT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, it is my privilege to bring before the Senate today the committee recommendations for H.R. 8061, the District of Columbia Appropriations Act for fiscal year 1981. These recommendations are the result of consideration of the request contained in the President's Federal budget and a budget amendment which was transmitted to Congress on August 28, 1980.

Before I highlight the bill and the Senate amendments, I would like to insert in the RECORD at this point a budgetary impact statement on the bill. Normally, this would have appeared in the committee report, but it was inadvertently omitted from the final printed version.

Mr. President, I ask unanimous consent that the budgetary impact statement be printed at this point in the RECORD.

There being no objection, the impact statement was ordered to be printed in the RECORD, as follows:

BUDGETARY IMPACT OF H.R. 8061[1]

[Dollars in millions]

	Budget authority		Outlays	
	Committee allocation	Amount in bill	Committee allocation	Amount in bill
I. Comparison of amounts in the bill with the committee allocation to its subcommittees of amounts in the first concurrent resolution for 1981: Subcommittee on the District of Columbia	500	488	500	470
II. Summary of functional category of 1981 budget amounts recommended in the bill:				
800—General government				[2] 1
850—General purpose fiscal assistance		488		[2] 469
III. Financial assistance to State and local governments for 1981 in the bill		361		361
IV. Projections of outlays associated with budget authority recommended in the bill:				
1981				[3] 450
1982				19
1983				19
1984				
1985 and future year				

[1] Prepared by the Congressional Budget Office pursuant to sec. 308(a), Public Law 93-344.

[2] Includes outlays from prior-year budget authority.

[3] Excludes outlays from prior-year budget authority.

BILL TOTALS

Mr. LEAHY. Mr. President, this bill contains $488,488,800 in Federal funds and $1,737,728,300 in the District of Columbia funds. These totals are both under the levels contained in the House-passed bill. For Federal funds, the recommended level is $21.2 million under the House, and for District of Columbia funds, $27.2 million under the House. The recommendations presented result in a budget which is balanced on an accrual basis, which means that anticipated revenues are equal to the amount of obligations. Although I am certain that the Budget Committee's views on this bill will be made shortly, I would note that the bill is under the subcommittee allocation contained in the first concurrent budget resolution for both budget authority and outlays.

In consideration of this bill, the committee has been able to develop recommendations within the budget resolution and under the House-passed levels. This is not to say that the bill has significantly changed the priorities set by the city. On the contrary, Mr. President, I think this is the first time an appropriations measure for the District of Columbia has been developed in the true spirit of "Home Rule."

OPERATING BUDGET

The totals I just mentioned for both Federal funds and District of Columbia funds can be broken down into two major categories—operating expenses and capital outlay. The recommended operating budget totals $1,519,713,800. This amount will be financed with a combination of local revenues and Federal funds. The operating expenses portion of the budget is virtually identical to the request submitted by the Mayor with the exception of two areas where there is a clear Federal interest.

WELFARE ERROR RATE IN THE DISTRICT

The first area where a reduction is recommended is in the welfare program. It is a well-known fact that the city's error rate on welfare cases far exceeds an acceptable average. Progress has been made, but millions of dollars are wasted annually through overpayments and failure to purge the welfare rolls of ineligibles. In an effort to insist on improvements the committee recommends reducing the budget request by $2.8 million. If the city is serious about cleaning up the Federal program and their own general public assistance program, this amount can easily be saved.

Mr. President, at the same time as the city is experiencing this unacceptable welfare error rate, the budget proposes to eliminate 25 welfare investigators. The committee has directed that this action not occur. Information received in hearings indicates that the existing 45 welfare investigators account for roughly one-third of all savings through reductions of ineligibles and through identifying and correcting overpayments. Combined with these two actions, the committee has requested monthly progress reports on the Federal welfare program and the local general public assistance program.

PRIVATE MARKET CASH FLOW BORROWINGS

The other area of clear Federal interest involves a request by the city for $1.2 million to pay interest on short-term cash flow borrowings. The funding is necessary if the city is to go to the private money market, and there is no question that borrowing will be necessary from time to time to meet cash flow needs. However, the city has authority to borrow for this purpose interest free from the U.S. Treasury. The committee feels that with the current financial difficulties in the city, approval of such a request would only create more problems. Accordingly, the request has been denied.

Mr. President, with those two exceptions, the operating portion of the budget is approved exactly as submitted by the Mayor and City Council.

COMMITTEE POLICY ON THE DISTRICT BUDGET

Mr. President, earlier I stated that this bill was the first appropriation measure developed in the true spirit of Home Rule. I would like to spend a few moments explaining that statement and the policy which the committee intends to follow in the future with regard to the budget of the District of Columbia.

It is the responsibility of the Appropriations Committee to review the budget submitted by the Mayor and the City Council of the District of Columbia. This review encompasses revenues the city anticipates collecting, the expenditures it wants to make, and the appropriate size of the Federal payment.

This process is, at best, imprecise. By the time this committee begins reviewing the city's budget it has already been reviewed, modified, and approved by the Mayor and his staff, the City Council, and the Office of Management and Budget. It then finally comes before Congress and this committee for consideration. This final congressional review of the budget is both awesome and complete. If Congress chooses to do so, the budget for any line item can be changed. Congress can in fact dictate policy through either approving or denying specific program requests. The level of specificity can range from the amount approved to run the Department of Human Services down to the amount approved for replacement of typewriters.

Mr. President, the committee this year, as in the past, has carefully reviewed the budget justifications submitted by the city and in the process identified areas where it would appear savings could be made. I can safely say that if I were the Mayor of the District of Columbia my budget would look decidedly different. The simple fact of the matter, Mr. President, is that I am not the Mayor, and Congress is not the Mayor. The Mayor and the members of the City Council have been elected by the residents of the District of Columbia and are responsible and accountable to them.

The city's budget request contains primarily local answers to local problems, and it is a document which establishes local policy. In only two areas does the budget seem to propose action contrary to the Federal interest, and in only those two areas are there changes recommended. The remainder of the budget is the policy statement of the Mayor and City Council, and as such has not been altered. The policy of taking direct action through the budget only on matters of clear Federal concern will become my policy as long as I am chairman of the District of Columbia Appropriations Subcommittee.

Now, Mr. President, I can fully imagine that some Members may think that by adopting these recommendations Congress is giving the city hundreds of millions of Federal dollars and then ignoring how it is used. This is clearly not the case. The Congress has oversight responsibilities for the operation of the District government and I intend to fulfill those responsibilities. Our position is important not only because of our fiscal responsibility for Federal tax dollars, but also because we are the only political body which can review the actions of local officials—there is no State legislature.

AREAS OF COMMITTEE CONCERN

Therefore, the committee, at my suggestion, is recommending several measures designed to keep the Congress and the public up to date on what is happening in the District building. Throughout the committee report on this bill are references to specific problems, issues, and shortcomings which the city needs to address. My subcommittee expects the Mayor to prepare a response to these concerns which specifically outline why he is choosing not to follow our recommendations. I ask unanimous consent that a summary of the areas of concern identified in the committee report be placed in the RECORD at this point.

SUMMARY OF AREAS OF CONCERN CONTAINED IN SENATE REPORT 96-969 (H.R. 8061)

The committee report requests monthly data from the new financial management system concerning spending ceilings, obligations to date, and anticipated spending for the remainder of the year for both the gross budget and the appropriated budget. This information is to be supplied on an agency-by-agency basis in an easily understandable format.

The committee report notes that the Office of Budget and Resource Development and agency budget officers are expected to insure adequate spending controls are in place and monitored continuously in an effort to avoid overspending.

The committee report requests that prior to submission of any future budget justification material, the city receive approval of the content and format from committee staff.

The committee report requests that the Mayor undertake a review of financial management staffing levels in the local government with a view toward reducing personnel in this area. Such action is consistent with report language included in the fiscal year 1980 Senate report.

The committee report notes that the current reprograming procedures could be modified to provide greater flexibility to the city and encourages the Mayor and City Council to work toward that goal.

The committee report notes the growth of administrative positions which occurs at the same time as staffing levels for service-providing agencies are being reduced, and urges the city to consider the growing bureaucracy when future budget decisions are made.

The committee report notes the apparent lack of a comprehensive housing policy and notes that the matter will be discussed at future hearings.

The committee report highlights the failure of the city to make any acceptable progress toward completion of the comprehensive plan for the Nation's Capital, and urges that the plan be given the highest priority.

The committee report notes the action by the city which completely circumvents the standard compensation policy for members of boards and commissions contained in the city's Comprehensive Merit Personnel Act. A report from the Mayor on what new policy, if any, is proposed and when it will be implemented is requested.

The committee report notes the failure of the city to supply a 6-year capital improvements plan with the budget, a plan required by the "Home Rule Charter." Action taken by the committee on the Capital improvement budget request reflects the importance of this document.

The committee report suggests that the city reconsiders establishment of the Office of Business and Economic Development and the Educational Institution Licensure Commission as separate, independent entities, and further suggests that several other existing small agencies with similar missions be consolidated. The result, at a minimum, would be a significant savings in administrative costs.

The committee report notes that the water billings problem has progressed very little in the past year, and that there is still $10 million in outstanding collections. Immediate corrective action is recommended.

The committee report notes the progress being made on implementing right-turn-on-red in the city, and urges further progress toward the norm for other urban areas.

The committee report stresses the importance of the Advisory Neighborhood Commission, and urges the Mayor to take advantage of the system as a means of informing the public of budgetary decisions and considerations.

The committee report denies the proposal to eliminate 25 welfare invstigators from the Department of Human Services. In light of the unacceptable welfare error rate the staffing for welfare investigators is directed to be maintained at 45 permanent employees, plus adequate clerical help. Reports on the monthly welfare error for both the Federal aid to families with dependent children program and the local general public assistance program are requested.

The committee report urges the Convention Center Board to review the legislative history of the authorizing legislation and develop a use policy at the earliest possible date. Such policy should recognize the fact that the center was not intended to be used for sporting events or entertainment purposes.

The committee report requests information from the City Council relative to the progress being made with revision of the criminal elements of the District of Columbia Code.

The committee report notes that the Senate has retained bill language requiring approval of a plan for the summer jobs program prior to obligation of the funding provided for the program.

In viewing the list of concerns one can plainly see that the committee has closely reviewed the budget request. The major difference from the past lies in the fact that normally such concerns would translate to budget reductions or denials of new programs. That will no longer be the normal reaction to local decisions and policies that the committee does not like, unless a clear Federal interest is apparent. The Congress should not run the District, but our fiscal, legal, and political responsibilities will always make us a major player. It is time we gave the District the legal status it deserves. Home rule became the law of the land in 1973. It was expected that a period of transition would follow, and that eventually the city would indeed have true home rule. Unfortunately, that has not yet come to pass.

I think one could view the committee recommendation on the city's budget as an experiment in cooperation, trust, disclosure, and discussion. The committee has committed itself to cooperation with the city in solving problems, but at the same time it has gone on record as saying that locally elected officials have the primary responsibility for what goes on here and they must be held strictly accountable for their actions. It should also be noted that if the city fails to cooperate and provide information requested by the committee, or if the city ignores the concerns of the committee, there will be an immediate return to the line-item review and approval of the city's budget request. By immediate I mean the fiscal year 1982 budget.

CAPITAL OUTLAY

For the capital outlay portion of the budget the committee recommendation is $38.4 million below the amount requested. Even with this reduction, the level approved, $127.7 million, is almost $24 million over the current year amount.

There has been in the past few years a growing attitude of ignoring the capital outlay portion of the budget, both in the city and in Congress. It has been viewed as a separate entity, and most comparisons of the budget do not even include capital outlay funds. The truth of the matter is that it is an extremely important part of the overall budget, and it has a very direct relationship with the operating budget. For example, in the fiscal year 1981 operating budget, there is $133 million for repayment of prior year loans. The District recognizes this portion of the operating budget as an uncontrollable expense. And each year as Congress approves more and more loans, that repayment amount will increase, taking an ever-growing share of the operating budget.

Since the capital budget plays such an important role, the "Home Rule Charter" requires that the Mayor submit with each year's budget a multiyear capital improvements plan. One vital element of this plan is the analysis section which addresses the relationship of current projects with other programs, proposals, or elements developed by the Mayor and the central planning agency. Without that information, there is simply no way in which the projects can be seen in light of the overall plan, and therefore no basis on which to judge their merits. Needless to say the fiscal year 1981 budget did not include this multiyear plan.

The committee requested the city to provide a priority listing of projects so that at least some information was available for our use. The city could not or would not deliver this information. Instead, the projects were grouped into several categories with no overall ranking. The committee recommendation allows all projects connected with increased revenues to proceed, all continuations of ongoing projects, all projects directed at statutory requirements, and nearly all maintenance projects. Others have been deleted until such time as the city is able to provide a comprehensive multiyear plan. The list of specific projects can be found in the committee report.

GENERAL PROVISIONS

Mr. President, the committee recommendation entails several changes to the general provisions section of the House-passed bill. These changes are consistent with the policy of home rule in that any provision dealing with purely local matters or local decisions have been deleted. Provisions which apply solely to normal appropriations conditions and restrictions have been retained. Thus you will find that general provisions relating to installation of meters in taxicabs, the amount allowed for payment of street lighting costs, the salary of the Mayor's chauffeur, and the ceiling for travel and per diem expenses for District employees have been deleted. The House-passed abortion restriction has also been deleted.

Although this year removal of inappropriate language has been limited to the general provisions section of the bill, the committee fully intends to modify or eliminate restrictions and provisions in the appropriation language beginning with the fiscal year 1982 budget.

DOWNTOWN CAMPUS FOR THE UNIVERSITY OF THE DISTRICT OF COLUMBIA

Mr. President, there is one matter not directly connected with this bill that the committee has resolved and that I would like to explain. The issue is a proposal to build a downtown campus for the University of the District of Columbia.

In the fiscal year 1978 budget, the city requested $56.7 million to begin construction of a permanent downtown campus for the University of the District of Columbia, located north of Mt. Vernon Square. In taking action on that appropriation bill, Congress approved the authority for the project, but limited obligation of any funding until a revised master plan was submitted and approved by both the House and Senate Appropriations Committees. The plan was drawn up and the House committee granted approval. However, the Senate committee had serious reservations about the aggressiveness of the plan, and withheld approval pending a General Accounting Office review. That review confirmed our suspicions, and the committee therefore suggested that another revision of the plan might be wise. A revision was in the works when the budget authority for the project was about to expire. Since it appeared that a resolution of the matter was close at hand, I suggested extending the availability of the funding for 1 additional fiscal year, or until September 30, 1980.

This past summer, the revised plan finally arrived. It contained a revised enrollment projection and a scaling down of the overall construction effort, at least for the time being. I still found many of the problems unresolved. But after numerous discussions with the city, I realized that their plan was fully justified in their minds even if not in my mind. I stated that I would bring the matter before the Appropriations Committee for final resolution.

Mr. President, the committee voted to reject the modified plan, thereby allowing the authority for the project to lapse on September 30, 1980. That action occurred on September 19, 1980. Since there was still time before the budget authority would lapse, I suggested to the committee that a portion of the authority could be used to solve a related problem.

The university has an extensive campus on upper Connecticut Avenue known as the Van Ness campus. The construction effort which was just completed at that campus ran into problems with cost overruns and contractor claims. I proposed that $16.3 million of the authority to construct the Mt. Vernon campus be reprogramed to cover the cost overruns and the contractor claims associated with the Van Ness campus, with the understanding that the remaining authority, some $40 million, would indeed lapse. The committee accepted this proposal, and if the House committee approves, the contractor claims and cost overruns can be paid. Future efforts to obtain approval of authority to proceed with either expansion at the Van Ness campus or initial construction at Mt. Vernon Square are required to go through the normal budget review process at the City Council and within the Congress.

I bring this to the attention of the Senate because there seems to be some confusion over exactly what was done. Simply stated, the downtown campus for the University of the District of Columbia is rejected and the authority will lapse as of September 30, 1980. Should the city wish to suggest a revision in its plans, or wish to have the existing plan reconsidered, it has only to forward it as part of a routine budget request.

Mr. President, all too often we forget the importance of the staff in bringing appropriations bills to the floor. I can assure you that without the assistance and dedication of certain individuals, this bill would not be before the Senate today. I would like to acknowledge the contribution of time and talent, and express my personal thanks, to David Julyan of my staff and to Betty Hoem, John Gnorski, and Wallace Berger of the committee staff.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill, as thus amended, be regarded for the purpose of further amendment as original text, provided that no points of order will be waived by reason of this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 3, strike "$296,645,500" and insert "$296,000,000";

On page 2, line 11, beginning with "The", strike all through and including line 16;

On page 3, after line 2, insert the following:

For reimbursement for necessary expenses incurred in connection with demonstration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, approved December 24, 1973 (87 Stat; D.C. Code, sec. 1–827(b)), $3,315,000.

On page 3, line 14, strike "$157,557,000" and insert "$127,673,700";

On page 4, line 2, strike "$82,178,400" and insert "$85,861,100";

On page 4, line 18, strike "$27,995,000" and insert "$30,269,700";

On page 5, strike all of line 6;

On page 5, line 11, strike "$342,696,100" and insert "$347,187,000";

On page 6, beginning with line 15, strike all through and including line 18;

On page 6, line 21, strike "$392,245,100" and insert "$392,755,900";

On page 6, line 24, strike "$276,349,700" and insert "$274,349,700";

On page 7, line 1, strike "$58,403,400" and insert "$60,266,600";

On page 7, line 2, strike "$13,647,600" and insert "$14,046,400";

On page 7, line 3, strike "$355,200" and inert "$600,500";

On page 7, line 4, strike "$87,000" and insert "$90,500";

On page 8, line 8, strike "$375,082,200" and insert "$385,759,800";

On page 9, line 1, strike "$21,348,700" and insert "$22,948,700";

On page 9, line 24, strike "$147,150,800" and insert "$147,919,000";

On page 10, line 10, strike "$41,960,400" and insert "$43,126,000";

On page 10, beginning with line 23, strike all through and including page 11, line 2;

On page 11, after line 9, insert the following:

DEMONSTRATION EXPENSES

For reimbursement for necessary expenses incurred in connection with demonstration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–827(b)), $3,315,000.

On page 11, line 19, strike "$81,116,200" and insert "$82,190,200";

On page 12, line 22, strike "$247,897,800" and insert "$218,014,500";

On page 12, line 23, strike "$3,622,200" and insert "$2,813,300";

On page 12, line 24, strike "$3,558,900" and insert "$2,516,600";

On page 15, beginning with line 1, strike all through and including line 13;

On page 15, line 14, strike "108" and insert "106";

On page 15, line 18, beginning with "That" strike all through and including "further," on line 23;

On page 16, line 4, strike "109" and insert "107";

On page 16, line 13, strike "110" and insert "108";

On page 16, beginning with line 16, strike all through and including page 17, line 6;

On page 17, line 7, strike "112" and insert "109";

On page 17, beginning with line 11, strike all through and including line 14;

On page 17, line 15, strike "114" and insert "110";

On page 17, line 21, strike "35,268" and insert "35,037";

On page 18, line 1, strike "30,960" and insert "30,729';

On page 18, line 19, strike "115" and insert "111";

On page 19, line 3, strike "116" and insert "112";

On page 19, line 12, strike "117" and insert "113";

On page 19, line 18, strike "118" and insert "114";

On page 19, line 22, strike "119" and insert "115";

On page 20, beginning with line 1, strike all through and including line 15;

Mr. LEAHY. Mr. President, I regret that Senator MATHIAS, the ranking minority member of the subcommittee, cannot be here for the consideration of this bill. Ever since I have been chairman of the District of Columbia Subcommittee, I have been privileged to serve with Senator MATHIAS as the ranking minority member. I know of no other Member of this body who has a greater concern for the District of Columbia, nor can I think of anyone who has worked so diligently to solve the problems faced by the city.

Were it not for the interest and concern of the Senator from Maryland, home rule would not have advanced as far as it has to date.

Mr. President, while we have had differences of opinion over the years, we have always been able to work out an amicable agreement. I look forward to continuing this fine relationship.

Mr. President, the District of Columbia Subcommittee has not, by tradition, been the most eagerly sought after assignment in the U.S. Senate. I think that in the legislation we have before the Senate this afternoon we see some marked changes, some rather drastic improvements in the way the Senate, at least, faces its responsibility toward the city. They are changes which allow the city the greatest amount of flexibility and at the same time put a very great onus on the city to come forward in carrying out those responsibilities.

It means trust and also faith on the part of the Senate. It reflects the fact that the Senate has said it will watch with hope the response of the city but also with every intention of moving back into the line item type of budget approval if the city does not follow through with the kind of opportunity given to it.

Mr. SCHMITT. Mr. President, on behalf of myself and Senator Mathias, minority managers of the bill, I would first like to compliment the Senator from Vermont (Mr. Leahy) for the excellent way in which he has handled the D.C. bill. Not only from a technical skill, but philosophically, as well. The Senator and I, and the distinguished Senator from Maryland (Mr. Mathias) are in total agreement that the Federal payment for the District of Columbia must be predictable if the city is to ever develop and implement a consistent and coherent financial plan.

I further agree with the Senator that the District budget represents the city's response to a number of local problems and the Congress should recognize the local nature of the District's budget and should not attempt, in a major way, to change the overall priority.

The Home Rule Act placed the Congress on record as recognizing that locally elected officials are best qualified to make detailed decisions about the District budget and the majority of problems facing the District which are local in nature.

Mr. President, the bill, as reported, provides $488,488,800 in Federal funds for the District during fiscal year 1981. This is composed of $296,000,000 for the "General Fund," $8,100,000 for "water and sewer services," $52,070,000 for "retirement for contribution," $1,330,100 for the upcoming Presidential inauguration, $3,315,000 for judgments stemming from the May 1971 demonstrations and $127,673,700 for "loans for capital investment." The Federal payment recommended is $296,000,000 or $5,000,000 less than the request and $5,354,500 more than the House allowance. This year the Federal payment, expressed as a percentage of local general revenue, is 24.7 percent. Thus for every Federal payment dollar, the city raises $4.05 in revenue. This is the smallest percent since 1968.

The Federal payment is not a gift or a subsidy to the District. It is justifiable compensation designed to offset the substantial revenue losses and costs the District sustains as a result of the Federal presence and as a result of historical and federally imposed restrictions on the District's economic growth. Approximately 55 percent of the land in the District is not subject to real property taxes, primarily because of tax exemptions granted to the Federal Government, foreign missions and the large number of nonprofit institutions and special interest organizations attracted to the District because of the Federal Government. The Federal payment also compensates the District for various unreimbursed services it provides to the Federal Government.

Mr. President, there has been considerable commentary and misunderstanding concerning the District's fiscal situation during the past 8 months. The subcommittee has been working closely with city officials to determine the magnitude of the city's fiscal problems and to devise both short-term and long-term solutions. Although the city's financial problems are serious, I am pleased to say that Mayor Barry and the City Council are taking steps to curb government spending and insure the city's continued solvency.

Some of the steps the city is taking are evident in the fiscal year 1981 budget we are considering today. First, at the request of the city, H.R. 8061 would provide for a budget balanced on an accrual basis rather than a cash basis, for the first time since fiscal year 1970. This modification is a critical first step in the District's efforts to exercise better control over its finances and prevent the accumulation of further operating deficits. With the budget balanced on an accrual basis, there will be a dollar of revenue earned during fiscal year 1981 for every dollar of expenditure authorized during that fiscal year.

From fiscal year 1970 through fiscal year 1980 the city's budget was balanced on a cash basis, which is the customary accounting method used for Federal agencies, rather than on an accrual basis, which is the generally accepted accounting method used by States and localities. Unfortunately, a balanced budget for the District of Columbia by Federal standards and procedures appears to be a deficit budget by State and local government standards.

The District government was basing its decisions on appropriated budget authority rather than the availability of revenue to finance that authority. This caused a negative working capital situation, in which the deficits were financed by rolling over liabilities from one fiscal year to the next. If allowed to continue, this practice could have led to a potential cash shortfall in the future and the inability of the city to pay its bills.

The city's decision to change to an accrual basis of accounting will bring a halt to the previous annual increases in the accumulated deficit. There will no longer be an automatic rollover of outstanding obligations into future fiscal years. I might add that this is not a simple task for the city to undertake. The original budget submitted by the city was balanced on a cash basis, but was $29.7 million out of balance on an accrual basis.

The financial management system which has been instituted by the District government in conjunction with the Congress is the result of long and arduous deliberations by the Commission on Financial Oversight of the District of Columbia established in 1976.

The goal of the Commission, which is composed of the Mayor, the Chairman of the D.C. City Council, and Members of Congress who serve on the D.C. Authorizing and Appropriations Committees, is to straighten out the District's books and financial accounting system in preparation for a full-scale audit. That audit, in turn, will enable the city to enter the municipal bond market and begin borrowing to finance its long-term capital needs, as is the case in every other municipality in the country.

We want to assure that the District of Columbia gets off on the right foot in this endeavor with a "clean" audit and a solid bond rating. We have witnessed in recent years enough municipal finance dramas around our Nation to know how important this first entry into the bond market can be.

To date, a balance sheet audit has been successfully completed for the District of Columbia's finances for fiscal year 1979. We are confident that a full-scale audit will occur for fiscal year 1980 and beyond which will demonstrate that the city is accounting for its revenues and expenditures based on generally acceptable accounting principles and in a manner which provides for an annually balanced budget.

Second, the bill reflects the city's intent to curb the growth of the city government and government spending. The committee is recommending a total of $1.5 billion for operating expenses for the District government. This represents a modest growth in the budget of 6.5 percent over fiscal year 1980. What is important to note is that this also represents a 3-percent cut in the growth rate from fiscal year 1979 to fiscal year 1980 and a 45.8-percent cut in the average growth rate from fiscal year 1975, the first full year of Home Rule, to fiscal year 1980.

Mr. President, these reductions are only one phase in a multiyear plan by the city to systematically reduce the cost of government and number of city employees. Last month, Mayor Barry presented to the City Council a proposed fiscal year 1982 budget, which calls for a further reduction of 2,285 appropriated positions or 6.7 percent below the level the committee is recommending for fiscal year 1981. The fiscal year 1982 budget being proposed by the Mayor also calls for an additional 7-percent reduction in the growth rate of the District's operating budget. The city is achieving these reductions through attritions, reductions-in-force, and holding vacant positions open.

In his opening remarks at our subcommittee markup, Senator Leahy recognized that in some few instances where the Federal interest is significant, it is the prerogative, and indeed the responsibility, of this committee to recommend changes. In this respect, he has recommended two reductions in the District's request—one in the Federal welfare program and one to finance short-term borrowing. I believe that we as Members of Congress must carefully choose those areas where we would propose to change the city's priorities.

After carefully reviewing the chairman's recommendations, I suggested one further adjustment at our full committee markup. And that is, in the area of public safety. Safety is an issue that cuts across jurisdictional lines in the national capital area and affects us all.

No one living in this area can be unaware of the rise in crime rates during the last few quarters. The budget approved by the Congress last year included funds which would provide the District with a police force of 4,120 officers. Since that time, action taken by the District is expected to reduce that force to 3,808.

In this year's budget, the District proposes a further cut of 404 officers reducing the force to 3,476 as of September 30, 1981. The House provided an additional $6,436,600 in this year's and mandated that the average employment level of the police force be maintained at 3,880 sworn police officers and 543 civilian officers during fiscal year 1981.

I should note Mr. President that the District through reprograming and attrition, within the police department and elsewhere, might be able to achieve this desired employment level without the additional funding provided by the House. In any event, I felt it was important that the committee go on record in support of maintaining a minimum level of police services and not permit the erosion of these important services. Unfortunately, the full committee rejected my proposal. When we meet to confer with the House, we will have an opportunity to consider this issue again.

I think the evidence is still very strong that we should take some action to insure that the District has the ability and has the encouragement of the Congress, if not direction, to maintain these essential services.

Mr. President, the distinguished Senators from Vermont and Maryland, having carried the burden of the appropriations effort on this bill, are to be complimented for their effort, not only in reducing that percentage of Federal contribution but in working with the city to come up with a workable appropriations figure.

Mr. President, I reserve the remainder of my time.

Mr. LEAHY. Mr. President, I appreciate the kind words of the Senator from New Mexico (Mr. Schmitt).

Mr. President, I commend the Senator from New Mexico and the others who have worked so hard on this bill. As I said, none of us gain any great moments back home in whatever State we are from for being involved in the subcommittee. And yet every Senator who has served on it during the time I have been here has served on it with diligence and with concern for the needs of the people of the District of Columbia, and with a full realization that not only is this the most beautiful city, anywhere, but it is also a city that is the embodiment of our whole Government, which requires that extra effort, the effort that goes beyond any obligation to our own constituents to help it.

I commend the Senator from New Mexico in that regard.

Mr. President, I say again, the Senator from Maryland (Mr. Mathias) has done yeoman service in this area for years. Those of us who temporarily fill this chairmanship—as temporarily as I cared to, let me assure my colleagues—are indebted to him. Due to the vicissitudes of the electorate, I shall not be chairman next year. I note that fact with mixed emotions. But I have enjoyed immensely the time, Mr. President, that I have served on the committee and the challenge it has given to me.

Mr. President, I know of no further amendment to the bill. I am, therefore, prepared to yield back the remainder of my time and go to third reading of the bill. Before doing that, I yield to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, I have no knowledge of any amendment. If the Senator will withhold on third reading for a few moments, we shall make one final check to make sure no one has anything.

Mr. LEAHY. Mr. President, may I suggest the absence of a quorum, and ask unanimous consent that any time charged be charged equally?

Mr. SCHMITT. I agree with that procedure, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I know of no further amendments to the bill. Therefore, I yield back the remainder of my time and ask for third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. SCHMITT. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from New Mexico yield back the remainder of his time.

Mr. SCHMITT. The Senator from New Mexico yields back the remainder of his time.

The PRESIDING OFFICER. All time has been yielded back. The bill, having been read the third time, the question is, shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. Boren), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), and the Senator from Montana (Mr. Melcher) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Minnesota (Mr. Durenberger), the Senator from Utah (Mr. Garn), the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. Pressler), the Senator from Delaware (Mr. Roth), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 70, nays 17, as follows:

[Rollcall Vote No. 470 Leg.]

YEAS—70

Armstrong
Baker
Baucus
Bayh
Bentsen
Biden
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Culver
Danforth
Dole
Domenici
Durkin
Exon
Ford
Glenn
Goldwater
Hart
Hatfield
Hayakawa
Heinz
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Kassebaum
Kennedy
Leahy
Levin
Lugar
Matsunaga
Metzenbaum
Mitchell
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stevenson
Stewart
Stone
Talmadge
Tsongas
Warner
Weicker
Williams

NAYS—17

Byrd,
Harry F., Jr.
DeConcini
Eagleton
Hatch
Heflin
Helms
Humphrey
Jepsen
Laxalt
Long
McClure
Proxmire
Stennis
Thurmond
Tower
Wallop
Zorinsky

NOT VOTING—13

Bellmon
Boren
Church
Durenberger
Garn
Gravel
Magnuson
Mathias
McGovern
Melcher
Pressler
Roth
Young

So the bill (H.R. 8061) was passed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. RIEGLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Baucus) appointed Mr. Leahy, Mr. Bumpers, Mr. Durkin, Mr. Magnuson, Mr. Mathias, Mr. Schmitt, and Mr. Young conferees on the part of the Senate.

Mr. LEAHY. Mr. President, that completes the work on this.

I do wish to commend John Gnorski and Betty Hoem, of the committee staff, for the fine work they have done. The fact that they have put this material together so quickly on short notice and in such a way that they could meet me at the airport when I came back from Vermont this afternoon, to make sure I could quickly get back into the swing of things on the D.C. appropriations bill; is just wonderful.

I yield to the Senator from New Mexico.

Mr. SCHMITT. I thank the Senator from Vermont. Of course, so much of this effort does require good staff work. Wally Berger and others on the minority side deserve that same compliment.

It is amazing how much we do know about these bills, Senator. It is also amazing how much we do not know.

Mr. LEAHY. I think Mr. Berger, Mr. Gnorski and others make sure we know.

Mr. HARRY F. BYRD, JR. Mr. President, will the distinguished Senator from South Carolina yield me 1 minute?

Mr. HOLLINGS. I would be delighted to yield.

The PRESIDING OFFICER (Mr. Mitchell). The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, the D.C. appropriations bill came up so quickly that the Senator from Virginia did not have an opportunity to address himself to the legislation prior to the time the vote was taken. I do want to comment on it at this point, however.

Mr. President, the Washington, D.C., Government is, perhaps, the most wasteful, extravagant, and inefficient city government in the United States. I am not willing to continue to vote huge and unreasonable sums taken from the pockets of the working people of Virginia to bail out its waste and inefficiency.

Mr. President, per capita comparisons will dramatize the extravagance I speak of. In H.R. 8061, the District's "operating expenses" are for a government for only 635,000 people. That means that the cost of government of the District of Columbia is approximately $2,393 per person.

The operating budget for the city of Virginia Beach last year was about $171 million for a population of 269,000. In other words the citizens of Virginia Beach paid $635 each to operate their government. The city of Richmond, the capital of the Commonwealth, had an operating budget of approximately $214 million for a population of just over 220,000. That means, in our capital city, each citizen carried a $970 burden last year to provide necessary governmental services.

The city of Norfolk, Va., with a population of 280,000, had an operating budget of $180 million. That means $641 per capita.

Mr. President, if we totaled up the operating budgets last year of the three Virginia cities just mentioned, we arrive at a total of $565 million to pay for the cost of government for 769,000 Virginia citizens, or, $733 per capita.

Compare, now, those numbers to the dollars we have just appropriated the operation of the government of the District of Columbia: $1.5 billion for 635,000 people, or $2,393 per capita.

Mr. President, I believe my contention that the District of Columbia government is a waste machine has been made, and that, Mr. President is why I voted against H.R. 8061.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1981

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 7584, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER (Mr. Mitchell). Who yields time?

Mr. HOLLINGS. I yield myself just a few minutes.

Mr. President, today we finally come to passage of the 1981 appropriations bill for the Departments of State, Justice, Commerce, the Judiciary, and related agencies. The amount in the bill is $9,057,718,000 in new budget authority, which will result in an estimated $9,898,000,000 in outlays.

This bill has been under consideration on the Senate floor on 5 different days. Over 30 amendments were considered during that time. Today we bring to the Senate a bill which is within the allocation approved by the committee allowed under the first concurrent budget resolution.

With few exceptions, the committee reduced the budget requests so that we are $608,669,000 under the administration's estimates. We are $338,520,000 over the House bill because the committee believes that we should move forward with the appropriations for the Economic Development Administration and the Regional Planning Commissions deferred by the House.

Now, in urging the Senate passage of the bill so we can go to conference and bring back a final bill before the conclusion of this 96th Congress, I take note of two factors or issues that stand out in the bill at this particular time, and one of those is the antibusing amendment.

A little earlier, about an hour ago, I had the pleasure of talking to the distinguished Attorney General, Mr. Benjamin Civiletti. He told me verbally that it would be his judgment, at this time, that if that particular antibusing amendment were to continue to be incorporated in this version of State, Justice, Commerce, the judiciary, and related agencies appropriations, he would recommend that the President veto the bill. I think, as the chairman of the subcommittee, I should pass that on as an actual position taken by our Attorney General.

I assumed as much in the debate on last Thursday. I stated at that particular time, before we voted on that amendment, that it would be my guess that the administration could well be looking to veto the bill if that persisted in the entire measure.

The other matter, of course, is the one with regard to the grain embargo. I think it has worked. I think the hearing record and everything else indicates it has. There is a difference in viewpoint. The administration definitely feels so, and if the Senate position is maintained, I think it also jeopardizes the bill.

But be that as it may, failure to pass the bill means that the whole process would have to be repeated, and that the agencies would undoubtedly be on a continuing resolution.

We would lose the program advances for the Economic Development Administration, the Small Business Administration, the Border Patrol, educational TV facilities, and the various other fishing programs.

We would also lose the security enhancement of our embassies. We would also lose the new programs such as the dispute resolution, acid rain, salmon tagging, the Asian Foundation, and other matters.

I retain the remainder of my time.

Mr. WEICKER. Mr. President, before I discuss the legislation before us, I would like to spend a few minutes in discussing the chairman of the subcommittee.

Mr. President, over the last 4 years it has been my great pleasure to serve as ranking minority member to our distinguished chairman of the Subcommittee on State, Justice, Commerce, the Judiciary and Related Agencies appropriations. I have truly immensely enjoyed this relationship as we have jointly sought to adequately underwrite the vital programs funded by the subcommittee.

Come January our roles will be reversed and I want to take a moment to commend Senator Hollings for his stewardship of the subcommittee over the last 4 years.

Senator Hollings enjoys the respect of the Foreign Service personnel throughout the world for his efforts to provide secure and safe working places in a world of terrorist activities. He has applied good business sense to our foreign buildings program by obtaining major increases to acquire buildings overseas and avoided exorbitant rental increases.

Senator Hollings has maintained his high priority for the Nation's law enforcement programs by obtaining the full budget requirements for the Federal Bureau of Investigation and the Drug Enforcement Administration, as well as major increases for the Immigration and Naturalization Service. At the same time he has shown his usual compassion for the unfortunate by doubling the appropriation for the juvenile justice and delinquency prevention programs.

Senator Hollings and I both are strong supporters for the National Oceanic and Atmospheric Administration and over the last 4 years the appropriation for this agency has grown from $585 to $829 million in this bill. Even more importantly, the major portion of NOAA's budget now goes into our vital ocean activities.

On a similar note, we have jointly worked to revitalize this Nation by expanding the Economic Development Administration. The appropriation in this bill is almost double the level for 1977. I recall one of the first acts was to provide $4 billion for the local public works program.

Senator Hollings has consistently stressed the broad national view instead of parochial interests in developing this bill. Certainly some of these programs are of great concern to South Carolina as witnessed by the leadership he exerted in obtaining a computer system to monitor the textile imports. But the textile apparel manufacturers throughout the Nation will benefit by this improvement in our imports surveillance. Businessmen all over the Nation recognize and appreciate his fight to free them from the paperwork of the Renegotiation Board.

Finally Mr. President, Senator Hollings has been a strong ally of the small businessman. Over the last 4 years we have worked to turn the Small Business Administration from a banking institution to an advocate of small business in this Nation. Senator Hollings has been a strong ally in turning SBA around. Here again he maintained his concern for the disadvantaged by establishing a pilot program in the southeastern region to insure that every SBA district office had a staff person working with minority contractors to obtain their rightful share of Federal contracts.

Mr. President, regardless of the times we have disagreed—and those have been important times, one of which is here on the floor this afternoon—I have nothing but great respect for this man. His sense of fairness and his devotion to the interests of this Nation truly have been an example to me and those who serve on the committee and in terms of stature and ability, if not numbers; he deserves the chairmanship of the committee. However, this place is run by numbers, which I am not so sure is altogether a good thing. But he can hold his own, whether he is in the minority of the majority. As I said before, he has the ability to do just that.

Mr. President, this legislation is a result of almost a year's work by the distinguished chairman, myself, others on the committee, and the committee staff. I serve as the ranking member on this committee because I love the areas that the committee's work encompasses—the State Department, the Justice Department, Commerce, the Judiciary, the National Oceanic and Atmospheric Administration, Equal Employment Opportunities Commission, the area of civil rights, the Federal judiciary, the Arms Control Disarmament Agency. It is truly, I think, one of the most fascinating of the subcommittees of the Committee on Appropriations.

I have not only enjoyed the subject matter of our work, but I like the style that has been set by the chairman. We do our homework. And with a few notable instances, such as the energy exposition in Knoxville, there is very little pork barreling that is part of the committee's work product; indeed, if any.

Now comes the opportunity that should be the highlight or the time when one glories in the final end result of a year's work. I cannot glory in it, either as to the style or honest work that went into it, because that result has been warped out here on the floor. It has been disfigured. The action on the floor has taken something that was bright and shining and tarnished it by virtue of legislation tacked on to it here on the floor. Legislation, which I might add, that had nothing to do with the subject matter of the bill but, rather, legislation which was an attempt to establish policy on an appropriation bill.

So the first comment I would make to my colleagues is: If you have some aspect of this bill that you are afraid of seeing go down the chute if the bill is defeated, well, welcome aboard. Not only do I have a great deal in the way of projects that I have worked hard on, but I have worked on the whole product. Nobody likes to see a year's effort wasted.

My main item of personal devotion is the oceans appropriations. I have worked hard over the years to try and develop this oceans policy. I might add, almost none of this money goes to the State of Connecticut. I truly feel the future of the United States lies in those oceans, both as to energy and food; those things which all mankind is going to be looking to on this planet of exploding population. All that goes down the chute if the bill is defeated.

I am not asking anybody to participate in an exercise which is not going to affect me. It is going to affect me very deeply. But there comes a time when principle has to dominate.

As I indicated, the legislation that was tacked onto this bill last week, is not worthy of this body and not worthy of the efforts of the subcommittee. Indeed, that legislation creates a situation where, because of it, the entire bill should be defeated, and I hope it is defeated.

I talked to the Attorney General, as has the distinguished chairman. The Attorney General indicated to me that were the bill passed in its present form with the Helms-Thurmond language, he would recommend a veto to the President of the United States. I thank the Attorney General for speaking out on this point.

I would have expected the President to speak out on this point over the weekend. That is why I made the agreement to have this matter lie over until Monday at 5 o'clock, in the hope that somebody would speak out—whether it be the President of the United States or the President-elect of the United States.

This is not a matter to be decided just by a handful of U.S. Senators. Make no mistake about it, regardless of how many words are reeled off here on the floor of the Senate, the issue at hand has nothing to do with busing. The only thing that their language has to do with busing is that busing is such a buzzword that strikes fear in the hearts of my political colleagues that, as soon as that one word is injected, the Constitution and all principle goes flying out the window.

I will tell you what is at issue here. What is at issue is the independence of the judiciary. Now, there is a valid issue: Whether or not politicians are going to be able to seat the Justices on their chairs and tell them how to decide. That is the issue.

In voting on this bill, take the principle that is involved here and apply it to the future. Anything can happen when it comes time for any American citizen to plead his case before the courts of this land, whether the issue is freedom of speech, freedom of the press, due process in some other form, freedom from search and seizure, the right to bear arms—all these rights which we hold so sacred and which are incorporated in the Bill of Rights. Who is to say that if something has been found that contravenes the Constitution of the United States that there is a remedy for the established, illegality? And why should Congress interpose itself in the judicial process? That is the principle being delegated and decided here today on the floor of the Senate—the independence of the judiciary.

I want to make certain when the time comes for my case to be heard that it is being heard by justice—not by conservatives or liberals or Republican or Democrats, but by an independent judiciary.

The second issue that is involved is whether or not the legislative branch of Government can intrude into the activities of the other two independent branches—the executive and the judiciary.

In essence, as a result of the Helms-Thurmond amendment, we are telling the executive branch that even though an illegality has been determined, it would not be proper for the Justice Department to recommend a certain remedy, in this case the remedy of busing. Therefore, we are inhibiting what it is that Justice can apply for in the sense of remedy in its litigation to vindicate the rights of Americans.

Indeed, the same thing holds true in the congressional intrusion into the judicial branch of Government, as I discussed earlier.

In other words it is possible, under the principle being advanced today, for something to be declared wrong but to then have no means to right it. We are talking about remedies. If the Senate of the United States can dictate what remedy not to use, here, in terms of busing, then, indeed, it can dictate what remedy not to use in any sense.

It is true that the Congress of the United States and the executive branch became involved in the judicial process in terms of nominating and confirming those who sit on the bench. That is a perfectly proper activity. But once they are confirmed and once they take their oath of office, then they are independent of this branch and we do not get two swings at the pitch. That is the beauty of our constitutional system.

I do not want to have this body pass out an unconstitutional piece of legislation and have the courts set us right. That is the whole problem. Either we in Congress do not act and the courts have to act, or we act unconstitutionally and the courts have to act to remedy our action. Then, when the courts do act, we point our finger at them and say they are legislating.

The fact remains that to achieve equality of education in this country is going to be tough. It has been tough, it is tough, and it will continue to be tough. We are nowhere near achieving that equality today. We are nowhere near better today than we were 10 years ago or 20 years ago. Indeed, the battle is tougher today because it is more subtle.

Ask those who are in the minority. Ask those who are in the minority in this country for any reason at all how easy it is to achieve equality. It is far more difficult today than it ever was before, especially with more and more of the citizenry crossing over that line to affluence and to acceptance. It is far more difficult for those who are still left behind.

Yet what we are saying, in the Helms-Thurmond amendment, is that if the remedy does not make political sense, then we are not going to permit it to be used.

Well, of course, political sense has nothing to do with reality in this country. Just take a look at the energy crisis if you want to and see what political sense can bring you to.

I want to know where all the legislation has been over the years to appropriate the massive amounts of money required for equal school and equality of education in the sense of the plant, the programs, and the personnel. Nobody has done that because that means tax dollars. No one wants to go ahead and rustle the bushes on that one.

I can go down the whole checklist. Any meaningful remedy in the sense of righting wrongs will be tough political medicine. But, you see, the nature of the remedy is not the issue and it should not be. It is the righting of the wrong that should be first in our conscience and first in our actions.

I do not want that done by the Supreme Court of the United States. I do not want that done by the President vetoing the bill. I am glad he will veto the bill. But whether the President vetoes this bill or whether it is called unconstitutional by the courts simply means to me that we will not go ahead and face up to the hard choices on this floor. I have too much pride in this body and too much belief in it to say that somebody else has to do our job. They do not have to, but they have been and they are, because of our unwillingness to do so.

Finally, let us discuss the signal that this sends on the issue of civil rights.

Someone asked me earlier in a news interview whether I viewed rather darkly the distinguished Senator from North Carolina and the distinguished Senator from South Carolina.

I said, "No; I think they effectively presented their views." My disappointment lies with those who have had a traditional commitment to civil rights, those who have fought for them. Their voices are no longer heard, whether they be in the civil rights movement or in the editorial departments of the various newspapers. Their voices are no longer heard. Civil rights has no more political sex appeal, this business of equal rights and civil rights. It really does not. Civil rights advocates apparently do not vote. They do not contribute in the sense of financial contributions to campaigns. They do not fight for what they believe in. There is where my disappointment lies, not with those I oppose here on the floor.

This Helms-Thurmond amendment will send a message. It will send a message to the entire country that, indeed, we no longer value the concept of equality of opportunity in education. It will send a message that civil rights is an issue of the past, that equal rights belong to yesterday.

It seems to me, Mr. President, that as 100 Senators of the United States our job is to lead. Even though it might not fit the political wisdom of the times, it fits the constitutional wisdom of centuries. Even though there is nobody to say, "Thank you," in the more traditional political ways of fundraisers, it still seems to me to be far more valuable to feel that one has been true to the Constitution and all that it embodies.

I realize in a personal sense the difficulty many will have in voting this bill down, but I hope they will do it. In effect, what they do in this simple way is to reaffirm the oath of office which they took. That oath was not to philosophy and political party, but to a Constitution and to the Bill of Rights of the Constitution. It was to that which has been declared the law of the land, and we know that it should be the law of the land.

I would hope that the bill would be defeated, and that the matters encompassed by the bill would be handled in the continuing resolution.

Mr. HOLLINGS. Mr. President, I yield 7 minutes to the distinguished Senator from North Carolina.

Mr. HELMS. I thank the distinguished chairman.

Mr. President, I shall not be long.

Mr. President, I must reiterate that I am frequently astonished when I hear debate in this Senate. You would think that the Supreme Court is in session here, since we so often hear Senators saying what the Constitution is and what the Constitution is not. I respect the distinguished Senator from Connecticut, but I think he is dead wrong on his constitutional interpretation. And I am not alone.

I am not a lawyer, as I said the other day, but we have a pretty fair country lawyer from North Carolina who is regarded across this Nation as a constitutional authority. His name is Sam J. Ervin, Jr. He served with distinction in this body for two decades. As I said the other day, with all due respect to those in the Senate as presently constituted, I shall take Senator Ervin's interpretation of the Constitution just as quickly as, if not more quickly than, some of the utterances I hear on the Senate floor.

If any Senator tries to tell me, Mr. President, that the Constitution forbids this Senate from prohibiting unwise and destructive remedies, I am going to have to say, "Sorry, Senator, I don't agree with you and neither does Senator Ervin and neither do countless other constitutional authorities." So I hope that Senators who are listening on their loudspeakers will understand that this constitutional argument is not going to be articulated by just one side.

I talked at some length last week with Senator Ervin. I wish that I could put in the Record all that he said on that occasion. I put some of it in the Record last Thursday and I noticed in the weekend newspaper in North Carolina that Senator Ervin has publicly supported this effort. This amendment does have bipartisan support—Senator Ervin being a Democrat and Jesse Helms being a Republican. The headline in the Raleigh News and Observer of Monday, November 17, which is today, says "Sam Ervin '100 Percent' Behind Antibusing Bill by Helms." I ask unanimous consent that this newsstory be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sam Ervin "100 Percent" Behind Antibusing Bill by Helms

Morganton.—Former Sen. Sam J. Ervin Jr., D-N.C., says he agrees with the antibusing legislation Sen. Jesse A. Helms, R-N.C., introduced last week.

"I approve of Helms 100 percent," said 82-year-old Ervin, who retired from the Senate in 1974 after a 20-year stint that culminated in his heading the Watergate hearings.

"When you bus you have to divide children, and some can be sent to neighborhood schools," he said. "But the second group is denied that right. It's not equal protection because two groups are being treated differently.

"Also, when busing is ordered, the school board must take the second group and transport them elsewhere, solely on the basis of race."

Ervin and Helms said Saturday that they had consulted on the bill before it was introduced so any constitutional problems could be worked out.

Although constitutional scholars have said the bill, if passed today, would face a challenge in the courts, both men still believe the legislation will legally put an end to busing.

"I agree with Helms. I think busing is the worst tyranny ever perpetrated on America," Ervin said.

The bill, attached as a rider to a large appropriations bill, won approval Thursday on a vote of 42–38, with 21 Democrats and 21 Republicans behind it.

"I'm no lawyer, and before I got into this thing I consulted with Sam Ervin to check the constitutionality," Helms said in a telephone interview from Washington. "He told me he tried to do the same thing when he was in the Senate, and there was no way opponents could contrive that Congress doesn't have the authority to do so."

Although busing is already widespread in the South, the legislation may affect school systems in others areas that have registered federal orders to desegregate.

Sen. Lowell Weicker, R-Conn., said he holds little hope of mustering enough support to stop the bill, co-sponsored by Helms and J. Strom Thurmond, R-S.C.

If approved, political observers say there is little chance President Carter will veto it because it is tied to such a large appropriations bill.

Ervin also said Saturday he has high hopes for the Reagan administration and new conservative Republican majority in the Senate.

Ervin said he would like to see the Senate balance the budget "since the Democrats didn't have the intelligence to do it."

He said he isn't worried about Reagan appointing several former Nixon and Ford appointees to key Cabinet positions. Ervin whose chairmanship of the Watergate hearings helped end the Nixon administration said Nixon's only crime was Watergate and that involved only a handful of people in his administration.

Of Henry Kissinger Ervin said "I just don't like his style of diplomacy" and blamed him for much of the current turmoil in Iran. Kissinger "went around the world whispering into the ears of foreigners that we'd support them" Ervin said.

Mr. HELMS. On Sunday morning, Mr. President, the Greensboro Daily News carried a story headlined, "Helms Gets Ervin OK on Antibusing Law." In that story are contained several observations by Senator Ervin which are entirely relevant. I ask unanimous consent that that story from the Greensboro Daily News be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELMS GETS ERVIN OK ON ANTIBUSING LAW

(By Bob Hiles)

When U.S. Sen. Jesse Helms, R-N.C., introduced anti-busing legislation last week he had the blessing of one of the nation's leading constitutional experts, former U.S. Sen. Sam J. Ervin, Jr., D-N.C.

Both Ervin and Helms said Saturday night they had consulted on the bill before it was introduced so any constitutional snags could be worked out.

And despite the claims made Saturday morning by constitutional scholars that the bill, if passed Monday, would face a challenge in the courts, both Helms and Ervin stood by their beliefs that the legislation will legally put an end to busing.

"I'm no lawyer, and before I got into this thing I consulted with Sam Ervin to check the constitutionality," Helms said in a telephone interview from his Washington, D.C., residence. "He told me he tried to do the same thing when he was in the Senate, and there was no way opponents could contrive that Congress doesn't have the authority to do so."

Helms said when he addressed the full Senate Thursday, the day the bill won preliminary approval, "I told Senators (Jacob) Javits (D-N.Y.), (Edward) Kennedy (D-Mass.) and (Lowell) Weicker (R-Conn.) that they didn't have an argument with me, but with one of the greatest constitutional authorities in the country, Sam Ervin.

"I read part of the notes I made of my conversation with him (Ervin)," said Helms. "He was a great senator, and I trust him."

Ervin, who retired from the Senate in 1974 after a 20-year stint that culminated in his chairing the Watergate hearings, said Saturday, "I approve of Helms 100 percent."

Contacted at his home in Morganton, the 82-year-old Ervin said he tried several times to pass legislation which would put an end to busing for integration. "In those days you couldn't get out of the committee. But I still say when a federal court orders busing it violates the equal protection clause of the Constitution in two ways.

"When you bus you have to divide children, and some can be sent to neighborhood schools. But the second group is denied that right. It's not equal protection because two groups are being treated differently.

"Also, when busing is ordered, the school board must take the second group and transport them elsewhere, solely on the basis of race.

"I agree with Helms," the still feisty Ervin said. "I think busing is the worst tyranny ever perpetrated on America."

Helms said although busing is already the widely prescribed remedy to achieve desegregation in the South, the bill will aid schools in other sections of the country. Also, desegregation plans are subject to periodic review, "and this bill will enable local school boards to do something else," he said.

"The public schools have just about been destroyed in terms of effectiveness, and it is time for a fresh start to build up the quality of education," said Helms.

Helms said his office "has received hundreds of telegrams from all over the Nation from people saying 'thank God' there will be an end to busing."

The appropriations bill, with the anti-busing rider, was approved 42–38 Thursday, with 21 Democrats and 21 Republicans supporting it. However, it still must pass an overall appropriations vote Monday.

Weicker, a strong opponent of the anti-busing legislation, said he had little hope of mustering enough support to stop the bill which was co-sponsored by Helms and Sen. Strom Thurmond, R–S.C.

If approved, Washington observers say there is little chance the Carter administration would use a veto to stop it, since it is tied to such a huge appropriation. Attorney General Benjamin Civiletti has said the anti-busing bill is unnecessary and infringes on his department's authority to conduct litigation to achieve compliance with constitutional demands.

Come January, however, Civiletti will be out of a job, and a Reagan appointee may have a different view of the bill.

Ervin, a Democrat who at times differed with Helms during their two years together in the Senate, said Saturday he has high hopes for the Reagan administration and the new Republican Senate majority.

"I voted a straight Democratic ticket," Ervin said. "But four years ago Jimmy Carter ran to balance the budget, and wound up adding more to the federal deficit than Nixon."

Ervin is a longtime supporter of a constitutional amendment requiring a federally balanced budget. He said he'd like to see the newly elected conservatives get the nation out of debt "since the Democrats didn't have the intelligence to do it.

"It has been obvious for years the federal government should have either reduced expenditures, or levied enough taxes to pay the bills," said Ervin. "If they had levied taxes, though, the people wouldn't have stood for it."

He said "any individual or nation that makes debts it doesn't intend to pay is just dishonest."

Ervin, long known for being outspoken on almost any subject, also had comments on former President Gerald Ford, ex-Secretary of State Henry Kissinger, and President Carter's campaign defeat.

Ervin said he isn't upset that Reagan is drawing heavily on former Nixon and Ford appointees to fill key cabinet positions. The man who ruled over the Watergate hearings said Nixon's only crime was Watergate, and that involved only a handful of people in his administration.

As for Ford, "He was a good man but not the brightest to ever be president."

And if he had his druthers, Ervin would "not want to see Henry Kissinger" land a job with the Reagan administration. "I just don't like his style of diplomacy."

Ervin said Kissinger should bear much of the blame for the current crisis in Iran, because he "went around the world whispering in the ears of foreigners that we'd support them."

When asked about President Carter's defeat, Ervin said, "I think he stole a page from Lyndon Johnson's notebook, when he painted Barry Goldwater as a warmonger. Carter thought he could scare people into voting for him."

The ploy backfired, he said.

Mr. HELMS. Mr. President, let me take just a few moments to reiterate the intent and the scope of the Helms-Thurmond amendment, which is already part of this bill—approved this past Thursday by a vote of 42 to 38. It has been asserted during previous debate on this matter that the amendment "could be interpreted in its widest sense as preventing the Department of Justice from initiating any investigation of discrimination." Mr. President, that is simply not so. Nothing could be farther from the intent of the Senator from North Carolina, and I presume I am speaking also for the Senator from South Carolina (Mr. THURMOND).

As a matter of fact, I repeatedly maintained during the days of debate on this issue that the point of this amendment was to exercise the power and the responsibility of Congress under section 5 of the 14th amendment to determine what is not a proper remedy for the enforcement of its provisions.

So, Mr. President, my amendment, cosponsored by my friend from South Carolina (Mr. THURMOND), emphatically says that mandatory busing, forced busing, is not a proper remedy under the terms of the 14th amendment. It does not go further than that to prohibit the Justice Department from engaging in all activity to prevent discrimination. Therefore, Mr. President, any broader interpretation of the Helms-Thurmond amendment is neither necessary nor is it reasonable.

Let us get down to brass tacks. It is a tested rule of statutory construction that a legislative provision should be construed in a fashion so as to make it constitutional rather than to force upon it an interpretation which is obviously unconstitutional. As much as the opponents of my amendment may wish to construct an application for it which is unconstitutional, the amendment adopted by this Senate last Thursday speaks only of prohibiting the Department of Justice from going into Federal Court to promote and establish forced busing. And as far as this Senator from North Carolina is concerned, any broader application of the provision is beyond its language and its intent, and any attempt to stretch its meaning beyond that is totally irrelevant.

Having said all that, Mr. President, I deny that the question is not on forced busing. Certainly, we are talking about forced busing. I would not have introduced the amendment if I had not been interested in stopping forced busing. So to say that we have some little constitutional argument going on here and that is all is just not accurate. And even if it were, even if it were accurate, Mr. President, there are certainly two constitutional sides to this argument. I say again that if I am required to make a judgment, make a choice, I shall accept the judgment of Sam Ervin just as quickly, at least, as I will that of any Member of the Senate as presently constituted.

I thank the Senator from South Carolina for yielding to me.

Mr. HOLLINGS. Mr. President, I yield now to the distinguished senior Senator from South Carolina for 7 minutes.

Mr. THURMOND. Mr. President, I thank my distinguished colleague.

Mr. President, I believe the Senate and the House have now both spoken loudly, clearly, and unequivocally in opposition to busing of schoolchildren as a means of achieving arbitrary racial quotas in public schools. It is gratifying that Congress is finally coming around to legislative adoption of a viewpoint that has prevailed among an overwhelming majority of the citizenry, both black and white, for some time.

I repeat that the polls show that the white people and the black people of this country are opposed to busing just for racial balance.

Mr. President, there is no question that the American people are tired of forced busing. The Senate has an opportunity on this bill to enact language that will go a long way toward halting this destructive, unnecessary practice. I certainly hope that the Senate will now follow through with the strong, decisive action taken last week on the adoption of the Helms-Thurmond amendment and the earlier vote in favor of my motion to preserve the House language proposed by Congressman COLLINS. Adoption of this language will get the Justice Department out of the business of advocating and putting into effect forced busing plans.

Mr. President, the Senator from Connecticut (Mr. WEICKER) argues that it is unconstitutional for Congress to restrict in any way the Justice Department from pursuing busing as a remedy or from forcing that particular remedy on local school districts. This is a view with which I emphatically disagree. It is a view that I believe does not accurately reflect what the Constitution requires.

Mr. President, there is nothing in the Constitution that says, or fairly implies, that busing is a required remedy in cases where de jure discrimination has been proven. That is a point which I believe should be emphasized. Busing is simply not constitutionally required. In any event, the language in this bill operates merely to prevent the Department of Justice from seeking or requiring this remedy. Private litigants are not affected by this provision insofar as the remedies they may request of, or present to, the courts. The courts themselves are not restricted in the range of equitable remedies they may impose, although it is surely hoped by those of us on this side of the issue that the courts will take this language as an emphatic signal from Congress that busing is an extremely disfavored remedy that should not be ordered. This provision is aimed at what the Justice Department can and cannot do with the taxpayers' money, and it says that appropriated funds shall not be used by the Department to initiate or participate in litigation for the purpose of requiring the remedy of mandatory busing.

Thus, Mr. President, when the Senator from Connecticut asserts, as he did in a letter to other Senators dated November 14, that "the Justice Department would be prevented from participating in certain cases where there are constitutional violations, thereby limiting issues which can come within the jurisdiction of the judiciary branch," he is ignoring the plain language of his own amendment, as modified by the Helms-Thurmond amendment. The language now in the bill clearly states that the Department will not be precluded from "initiating or participating in litigation to secure remedies, except busing, for violations of the * * * Constitution of the United States." Thus, Mr. President, the only way in which the Justice Department is restricted by this language is in its pursuit of the forced busing remedy.

Furthermore, Mr. President, this restrictive provision does not, as Senator WEICKER also asserts, remove unpopular areas from the consideration of the judiciary branch, although I do believe the Constitution plainly supports the right of Congress to determine and appropriately limit the jurisdiction of courts in the Federal system. Again, however, I would point out that this provision is aimed at and restricted to the pursuit of one particularly undesirable, impractical and unnecessary remedy—the remedy of forced busing—by the Justice Department. The provision does not touch Federal court jurisdiction or in any way restrict litigants other than the Justice Department.

Finally, Mr. President, I think the Senate should categorically reject the notion, also advanced by Senator WEICKER, that enactment of this provision would result in situations where "the laws furnish no remedy for a violation of a vested legal right" (quoting Chief Justice John Marshall). There are certainly remedies other than forced busing available to the Justice Department and to the courts. To say that busing is the only remedy, to say that Congress and the people have no choice but to accept forced busing (save only by constitutional amendment), goes too far, Mr. President. The logical extension of this argument requires the legislative branch to submit to judicial and executive branch tyranny. In the balance of powers scheme, Congress certainly has the right to restrict the use of funds by the Justice Department to the pursuit of remedies other than forced busing.

In summary, Mr. President, I submit that the restrictive language in this bill is constitutional, highly appropriate, necessary and desirable. Congress has the right and the duty to get the Justice Department out of the business of forced busing.

The people of this country no longer want forced busing. I hope the Senate will support this action by passing this bill.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. First, Mr. President, I yield myself such time as necessary.

UNANIMOUS REQUEST TO CORRECT PRINTING ERRORS IN H.R. 7584

Mr. President, it has come to my attention that there are two printing errors in H.R. 7584 as reported that should be corrected.

I ask unanimous consent that on page 13, line 16, after the word "exceed", there be inserted in stricken form "five hundred and eighty-six of which" indicating that the committee deleted that House language. Also on page 18, line 23, everything following the figure "$55,600,000" over to and including "level" on page 19, line 13, should have been printed in italicized type to indicate that the language was added by the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, with respect, first, to the generosity of my distinguished colleague from Connecticut, I am very grateful, obviously flattered, but not surprised. He and I have worked closely together. I have tremendous respect for him. He knows of that respect, without stating it on the floor in debate.

The fact is that when I tried to assume the chairmanship of the Budget Committee, we were playing catchup ball and my entire intention at the time was meeting with staff, economists, and otherwise, and we had to complete work on that particular bill.

In many instances, Senator WEICKER, the ranking member, held hearings as if the majority and minority were both fully represented. We have that confidence in him, that trust, and that respect for him.

So a good bit of this bill has been his work; right until today.

More than anything else, of course, he has been interested, as I have been, in the oceans. When I first came here 14 years ago, I organized the Oceans Subcommittee in Commerce, Oceans and Atmosphere in the Commerce Committee. Later, we produced and had instituted under Reorganization Plan No. 3, in 1970, the National Oceanic and Atmospheric Administration. We, more or less, saw it through, had hearings over a 3-year period, and what have you.

But we have been working on things of mutual interest. The distinguished Senator from Connecticut has become expert in the oceans and in oceans policy. He has been the ranking member in Small Business. He knows the courts and the judiciary, so, right on down the line.

When I heard about the chaotic result of the elections, when all the rascals were thrown out, when we will become the minority, I said that at least in two instances I will be happy about the particular individuals I will be working with—Senator WEICKER on this bill, and over on the budget side with the Senator from New Mexico (Mr. DOMENICI).

I should not speak so fast as not to emphasize the outstanding Weicker quality of character, his keen sense of right and wrong, his sense of fairness, his sense of justice, and his conscience.

Perhaps that is why he was looked upon so often as a maverick, because he never relegated himself to being the government, or to being, necessarily, one of the boys, or otherwise.

He is one of us on conscience. With that high sense of duty, he has brought a spark to our hearings, a meaning to our particular considerations when the witnesses are there, so we do not in seriatim form put them up and down, just to make a record.

In that context, I compliment him and tell him I appreciate what he had to say. I am looking forward to working with him.

Specifically, Mr. President, as we differ on this matter, I happen to believe it is not necessarily a disaster. I think it is disorderly.

I do not believe in the legislation on the appropriation bill. I do not think a formative policy should really be debated out in a lameduck session with very little participation on both sides, and put in a far-reaching measure that will only, at best, go to the end of September, as a matter of restriction or admonition on the Department of Justice's appropriation.

If we are going to set policy, those on the Judiciary Committee should be willing and able to put it before us in the authorizing form, so it can be fully debated.

On the other hand, with respect to the considerations of this particular issue, in this country we live by way of trial and error. We have had a good 10-year trial of this particular affirmative action approach. I questioned it at its initiation. I seriously question it now, because rather than a civil right for an equal opportunity, they will give a civil wrong for second- or third-rate education.

Public schools are simply those that are understood, appreciated, supported, and participated in by the public.

The great issue at hand, if anyone has traveled at all through his own State in the last several months, went to the public schools, and talked to the student bodies, faculties, and otherwise, the great issue is to get the public back into public education.

I stated last week that we are busing the wrong crowd. Yes, we get the children all the way across town, but who will attend the PTA, who will support the school trustees and school boards? Who will have the interest in the discipline, who will support the teachers themselves in the classroom, and otherwise?

It has become a no man's land, and those economically proficient have gone to the private schools, whereby we have an official position by a national party, plus an administration asking for public money to support private schools.

The latter development I resisted. But, as they say, in all these social problems, let us go to the root and treat not the result, but the actual cause. Then in this particular instance, school busing should be looked upon as a limited remedy, at best. When it was put categorically in this fashion, I supported it.

I am not a bit hesitant to disagree with the Attorney General of the United States. He can continue to talk about unconstitutionality. It is not as in Marbury against Madison as the distinguished Senator sent around in a "Dear Colleague" letter that said it was no remedy. We are just saying that this particular remedy has been tried for 10 years and congressionally found wanting. On that basis, I have supported the amendment.

But in that conference, we have not just busing. We have the matter of boycott. We also have the budgetary issues with respect to EDA, with respect to SBA's business and disaster loans, and the other items I mentioned earlier. We are up to our limit, and it is going to be quite a task to get this bill out. There has been a lot of hard work and cooperation. There are some 94 amendments to work out in conference.

I hope the Senate will pass the bill and give us a chance to go to conference immediately and see what we can reconcile and bring back to both bodies.

With that, I yield 2 or 3 minutes to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I was reading the morning paper, and I read an article entitled "Study Finds School Busing Helps To Integrate Housing." It is a rather unusual approach to the subject of busing, about which we have been hearing so much, and I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDY FINDS SCHOOL BUSING HELPS TO INTEGRATE HOUSING

Metropolitan-wide school desegregation programs are contributing to such sharp increases in housing integration that some cities may need school busing only for the short term, a 14-city study said yesterday.

The two-year study found that broad school desegregation programs, which often force busing on surrounding suburbs, give white families "no place to run" and incentives to live in integrated areas where their children can attend neighborhood schools.

Study author Diana Pearce, director of research at Catholic University's Center for National Policy Review, said white families are realizing they can avoid busing because integrated areas are exempt from desegregation programs.

The result, she said, is reduced busing, more fair housing opportunities for blacks, and perhaps the most effective method ever found to break up segregated housing.

The study involved pairing seven cities that have had metropolitan-wide school desegregation programs for at least five years with seven other cities of similar size, geographic location and racial makeup.

The cities with metropolitan-wide desegregation "are experiencing residential integration at a faster rate" than the others, Pearce said in an interview.

For example, she said Charlotte, N.C., which began busing in 1970, is estimated today to be 32.7 percent more integrated, while Richmond, Va., is only 19.6 percent more integrated than 10 years ago.

"To the question, 'Must we have busing?' the answer is yes," she said. "But not indefinitely. If we have metropolitan school desegregation, we will have housing integration—and we will see the end of busing."

Pearce said busing in only central cities will simply cause further white flight to the suburbs, while metropolitan-wide busing will reverse that pattern.

Citing the most dramatic example of her research, she said that in Riverside, Calif., which began broad school desegregation 15 years ago, neighborhoods now are so integrated that busing is used in only four of 21 elementary schools.

Metropolitan-wide busing also has helped curb discriminatory real estate practices, Pearce said.

Mr. WEICKER. I ask my distinguished colleague from Arizona, is that good or bad? I do not know whether he was talking for or against my position on this.

Mr. GOLDWATER. I am against the Senator from Connecticut.

Mr. WEICKER. Against integrated housing?

Mr. GOLDWATER. It has been a long time.

Mr. WEICKER. There is not much of a response I can give to that. At least, the Senator from Arizona speaks his mind.

I suppose the best way I can put this into its proper context is this: Let me change a few words in the amendment. Senators will note that our subcommittee covers the Departments of State, Justice, Commerce, the Judiciary, and related agencies. We cover the Federal judiciary, including the Supreme Court.

What if I changed the words in the Helms-Thurmond amendment to say, "Provided nothing in this section shall be interpreted to prevent the Supreme Court from participating in cases to secure remedies except busing?" There you see the real issue.

In that language we have the appropriations process used to restrict the judgments of the Supreme Court. If you can do it here with the Justice Department, there is no reason in this appropriations bill, which covers the Supreme Court, why the same reasoning cannot be applied to the Supreme Court of the United States. That is why the principle is wrong.

When my case is being decided by the Supreme Court, with due respect—and I love you all—I do not want you in on the case. I want an independent and free judgment made on the merits or demerits of my case. That would not be the case, under the principles which are established here.

My good friend from South Carolina states that busing is not required by the Constitution. That is absolutely right; it is not required by the Constitution. I do not see the word "busing" in the Constitution. But I will tell you what is required by the Constitution—independence for the three branches of Government, and most particularly that of the judicial branch. That is required.

The fact that there is the ability there to uphold the rights of all the citizens in a free and independent way is in the Constitution. The fact that there is due process for all is in the Constitution. The fact that we are all equal is in the Constitution.

What good is it to have all those words if it cannot in practice come to pass?

I saw no initiatives by any political entity in this country that brought about the situation that exists today, imperfect as it is, except those that were required by the courts or the Voting Rights Act and very few other pieces of legislation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WEICKER. I will finish and then will yield the remainder of my time to the distinguished Senator from New York.

The Helms-Thurmond amendment is clear as to what it says. People can talk about legislative intent all they want. The statute comes first in the eyes of the law. Legislative intent is only looked upon after the statutes are looked at. The way this language reads, it accomplishes exactly what I have said it accomplishes. It accomplishes a great deal more, and that great deal more is what endangers the entire Constitution, the rights of every one of us, as Senators of the United States and as citizens of the United States.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. A little over 3 minutes.

Mr. WEICKER. I yield the remainder of my time to the Senator from New York.

Mr. JAVITS. I wish to make an observation.

Mr. President, I was here when we passed the Civil Rights Act of 1964. One of its fundamental guarantees was to seek to implement the concept of nonsegregation and nondiscrimination and equal opportunity for education.

Since that time, we have dealt with busing many, many times. One thing we always have tried to avoid, which this particular amendment precisely creates, is a confrontation between the courts and Congress. We always have tried to avoid that, even to the point of accepting various limitations on busing—last resort, many other things that have to be done first, and so forth.

We have here direct confrontation. If the court should feel in a given situation that there is no other way to deal with the deprivation of a solemn constitutional right except busing of some kind, to some extent, and the court shall order it, then it would make them confront Congress overtly, directly, and frontally.

I believe this is very bad policy for our country, particularly at the time when millions are deeply concerned as to whether the conservative tide will tend to sweep over many of the rights which are held dear by many Americans.

For myself, if only on that ground, if only to give the new Congress an opportunity to consider so critical a matter as this, it should go over, at the very least. It is only an appropriations bill, and it should be incorporated into the next appropriations bill or the next time the continuing resolution we will pass comes up, which will be early in the new administration.

For those reasons, Mr. President, I strongly support the Senator from Connecticut.

Mr. HOLLINGS. Mr. President, I yield 2 minutes to the distinguished senior Senator from South Carolina.

Mr. THURMOND. Mr. President, all this provision does is very simple. It simply provides that funds of the Justice Department shall be used only to transport students to the nearest school. If the nearest school is all white, all black, mixed, 60 to 40, 70 to 30, that is all it does. There is no discrimination against race. There is no discrimination against black students or white students.

It simply says, "You are not going to continue to haul these little children for miles and miles when they are tired and worn out at the end of the schoolday or in the morning, when they become irritated, when they sometimes fuss and fight because they are tired. You are not going to continue to haul them long distances just for one purpose—simply to bring about a racial ratio."

Mr. President, it does not make sense. I have often wondered about this: Is it not insinuating that somebody is inferior—either black students or white students are inferior—if you do not want them to mix?

We are simply asking that they be sent to the nearest school. It does not matter who goes there. Let them all go there. Why do you want to haul them miles and miles away and waste fuel in this time of emergency?

Mr. HELMS. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. HELMS. I ask the Senator this question: Much has been said on this floor about equal protection, and I agree with that. What about the equal protection of the rights of children who are forced against their will to be bused across cities and counties? Is not their equal protection being denied?

I ask that of the Senator.

Mr. THURMOND. The Senator is exactly right.

When you pick up one child, as the Senator from North Carolina says they did in Charlotte, and put him on a bus and haul him 30 miles simply to bring about a racial quota, does that make sense? Who is discriminated against?

THE OFFICE OF WOMEN'S BUSINESS ENTERPRISE OF THE SBA

● Mr. DURENBERGER. Mr. President, I would like to raise a serious concern I have about the Small Business Administration's efforts on behalf of women entrepreneurs. I am especially concerned about the special training and counseling centers for women, and the lack of effort to expand an extremely successful pilot program in this area.

In New York City the SBA has initiated a pilot training and counseling program especially designed for women. It has met with outstanding success. Started with SBA seed money, this program now operates with two private sector dollars for every government dollar spent. Citibank, Mobil, and numerous other corporations have supported this program through significant contributions and grants.

The program has counseled 6,000 women in the 3 years. It has helped create 8,000 jobs and the Government's expense has totaled only $200 per job if you calculate the expenditures divided by the number of jobs created.

The SBA's Office of Women's Business Enterprise has over 100 letters of testimonial to the quality and benefit of the program. Graduates of the program are banding together to form an alumnae group to put even more private funds into the program. Obviously, the participants are backing up their praise with even more solid support in the form of cash.

More and more women are becoming business owners and operators every day. Many of these are women who would benefit greatly from the counseling and teaching of people especially attuned to the cultural jump being undertaken by these new women entrepreneurs. A thorough study by the Interagency Task Force on Women clearly indicated that there were special and unique needs to be met. This condition will not last forever, but during this transition period for our society, appropriate measures are needed to provide economic equality of opportunity for everyone.

Lawrence Small, executive vice president of Citibank outlines the unique needs of women in a letter to Congressman JOHN LAFALCE;

> That women, coming to business ownership, come with no tradition in America for women to create their own companies, and therefore without role models to emulate, is true. That they come without any "old boy" network of successful predecessors to smooth their way is also true. That they come with the failure of friends and families fully to support their efforts by urging them to settle for something more conventional is true. That apprehensive investors and bankers may back away because they cannot find enough successful precedents for financing women entrepreneurs is true. Nevertheless, given all these handicaps, and more—of the 420 women in AWED's training program, only three have declared bankruptcy. This is a remarkable record, to which attention and support for its growth, expansion, and national replication should be given.

Beatrice A. Fitzpatrick is the chief executive officer of the American Woman's Economic Development Corporation, which is the name of the SBA's pilot program in New York. She adds her perspective on the special needs that must be met in her testimony to the Senate Committee on Small Business:

> The women stay with their group throughout the training program, and report that this peer group support and experience is extremely important to their confidence and ability to stay in business. While peer group support is important for everyone, it is critical for women business owners, because they are creating social and business precedents, have no role models to follow, have no network of business friends, contacts and associates to fall back on, have few if any professional advisors, have no training or experience in running a business, are defying every social convention in creating and running their own business, and have many fears and inhibitions to overcome.

Originally, the SBA proposed $3 million to expand this pilot program to 10 centers. The House agreed to this proposal, and the White House Small Business Conference endorsed it, but the Senate redistributed those funds into existing programs with "special" consideration to be devoted to women. I don't think this sufficiently meets the unique needs of women entering business at this time.

I would sincerely hope that the Senate conferees on this bill might see fit to find $3,000 000 out of the over $1.1 billion budget for this special training and counseling effort. I am not asking for more money. I am asking for a reallocation of a relatively small amount into a program with a tremendous proven track record.

We can aid small business, and women's efforts in that area, by a slight shift in the use of our funds. If we do so, the benefits to our economy and our society as a whole are clear cut. I urge my colleagues to contact the conferees to ask that this change be made.

The following is a series of letters and articles that outline the successes of this program. I ask that these articles may be printed in their entirety in the Record.

The articles follow.

[From the Wall Street Journal, July 7, 1980]

Women Business Owners List Causes of Their Worst Problems

(By Sanford L. Jacobs)

Growing up female is a tough way to learn how to run a business. Many women have successful careers in corporations, of course. But when it comes to entrepreneurs and bosses, society's habitual preference has been men. As a result, many smart, talented women start their own businesses with little preparation to run them properly.

As women describe them, these are the causes of typical problems encountered by women business-owners: Fear of accounting and math often discourages women from diagnosing the condition of their companies and from planning their direction. An aversion to asserting themselves sometimes keeps women from confronting workers who should be disciplined or fired. And worrying about slighting their other responsibilities as wives and mothers sometimes becomes a harmful preoccupation. Those businesses that do survive are testimony to their owners' energy and determination not to let an offspring fail.

"Women aren't exposed to the information and training required to run a business," says Beatrice A. Fitzpatrick, chief executive of American Woman's Economic Development Corp., New York. AWED is a nonprofit, government-supported operation that teaches women the basics of managing a business. Encouraged by results so far, the Small Business Administration plans to duplicate AWED's methods in 10 other cities.

Women own and operate about 702,000 U.S. companies. The only clear way to see how those businesses are doing is to analyze them mathematically, but accounting gives many women sweaty palms. "The numbers totally blew me away," says Regina Kravitz, a 32-year-old sportswear designer. "I had no idea what break-even or cash flow was." Nor did she know any better than to seek a loan without having a company financial statement to show.

Lenders were willing to go along because she had successfully designed clothes for other manufacturers. But she avoided the detailed calculations that good management demands. "I knew if I charged enough I'd survive," she says, though haphazard records meant "we'd pay things twice and we'd ship things twice. It was ridiculous."

Miss Kravitz found help at AWED a year ago. Counselors showed her the importance of calculating break-even points and of figuring costs on each garment made for her by outside contractors. She says numbers still throw her, so she's hired a computer, but she feels more confident about analyzing her business and its future. She expects sales this year will double last year's $2.2 million.

Running a plumbing business shouldn't have been difficult for Martha Koenig. For years, she had been office manager in her husband's company, Natal Contracting and Building Corp., which does restaurant alterations in New York. When Mr. Koenig died two years ago, his 47-year-old widow says she encountered "a lot of male chauvinism" from her blue-collar employes.

The men wouldn't follow her orders. When told to leave one job to help out on another, she says, "they wouldn't go. They just wouldn't listen to what I had to say." Mrs. Koenig learned from other AWED participants that failure to assert authority is a common problem.

"I thought the men would say to themselves, 'Look at that bitch,'" Mrs. Koenig recalls. "But I learned that it didn't make me a bitch to exercise my authority." With new confidence, she says she told her workers: "I'm the boss. You're not running this show, I am. You do what I say or you'll go home." That ended the insubordination. "They know I'm here every day," she says. "They know I'm not a prima donna sitting on a cushion eating strawberries."

Firing an employe can be tough for any boss, but women say it's especially difficult. A woman who owns an employment agency had avoided firing an unproductive employe. "Her mother had cancer," the owner says. "I felt she needed this job." But an AWED counselor put the situation in perspective:

"He said I could afford to keep her if I could afford $15,000 a year for charity. I couldn't." The counselor and the owner worked out a satisfactory way to let the employe go. "I told her I thought she wasn't getting any job satisfaction and needed to get on to the next stage of her life," says the owner, who found the employe a different kind of job in which she is doing well.

Family pressures can be intense for women business-owners. Mary Swanick, owner of Swansco, a ski and roller-skate accessories business, found that her three young sons resented the great blocks of time the company consumed. AWED advisers helped her devise a way to alleviate the problem by involving the boys in the business: She pays them to pack the accessories for shipment.

But a former school teacher whose tool-distribution business is starting to thrive finds that her husband, who still teaches, is reacting negatively to her success. "He's been reminding me that I'm not making clothes for him anymore, that I'm not a good housekeeper," she says. "I think it's his lack of security. My success is a threat to him."

This year, her income has exceeded his for the first time, but she hasn't let him know. AWED specialists say frank discussions are the only way to resolve such problems. They also find that women are more willing to accept criticism and help for their businesses than men. "Women have no monopoly on ignorance about business," says Charles Patterson, a small-business adviser in Dallas. "But men are more self-conscious about it and try to hide it."

The smallest small businesses fear the recession the least, suggests a survey of 1,200 firms by the Roper Organization. Nearly half of concerns with annual sales of $5 million or more expect lower volumes and profits this summer than in the like period last year. But only a third of companies with sales between $1 million and $5 million expect such a decline, and among firms with sales of less than $1 million, the proportion is less than a fourth. Half the businesses polled don't expect to do any hiring before fall. About a fourth anticipate having fewer people on their payrolls by then. Optimism is greatest among Southern and Western firms and scarcest in the Midwest.

[From Business Week, Feb. 25, 1980]

Women Rise as Entrepreneurs

The 1970s were the decade of women's breakthrough into corporate management. In companies throughout the country, women moved into managerial posts ranging from assistant product manager to senior vice-president for finance. Now it appears that the 1980s may be the decade of the woman entrepreneur.

In the past, women have been prominent as entrepreneurs in such businesses as cosmetics—and occasionally even in "mainstream" industries. Evelyn Berezin founded Redactron Corp. in 1969, achieving sales of $16 million for the word-processing equipment maker by 1974, the year before she sold it to Burroughs Corp. Further back, Mary Hudson Vandergrift founded Hudson Oil Co., a Kansas City-based distributor, in the 1930s, and it is currently recording estimated annual sales of $160 million. Other women have held ownership positions through inheritance. But overall, women have played a minor role in the creation of new U.S. business enterprises.

The situation, however, appears due to change within the next decade. "Women are the next great group of entrepreneurs," says Beatrice Fitzpatrick chief executive officer of the New York City-based American Woman's Economic Development Corp. (AWED), a federally funded pilot program to train and counsel women entrepreneurs. Not only is the number of women entrepreneurs rising, but their operating styles have changed dramatically.

INTO BIG BUSINESS

Equipped with advanced degrees and management experience acquired at major corporations, many women are moving aggressively beyond their traditional industries into high-technology and manufacturing businesses. They are fending off merger and acquisition partners, recruiting seasoned male executives, and winning the backing of bankers and occasionally venture capitalists. Rather than settling into the one-shop mold of a decade ago, their companies are expanding vigorously.

A few are even being positioned to go public in a few years. "We see an increasing number of women going after businesses they can really develop into something," says Joseph R. Mancuso, president of the Center for Entrepreneurial Management Inc. in Worcester, Mass. Some notable examples:

In August, 1976, two Southern California housewives, Lore Harp, 35, and Carole Ely, 40, began marketing a memory board designed by Harp's husband Robert for microcomputers. Today their company, Vector Graphic, Inc., of Westlake Village, employs 125 workers and sells its own line of small business computer systems through 225 dealers worldwide. Last fall the company raised $275,000 in venture capital, and it now projects a 350% jump in sales to $18 million for fiscal year 1980. In the next few years President Harp hopes to take Vector Graphic public.

Another California company, eight-year-old ASK Computer Services Inc., of Los Altos, expects $12 million in sales this year, with pretax profits running at 20%. Last summer the company, a computer software house that specializes in control systems for small- to medium-sized manufacturers, licensed giant Sperry Univac to market its product. Sandra L. Kurtzig, its 33-year-old president, is now negotiating details for a $1 million joint venture involving another electronics company and several venture capitalists. Kurtzig, who still owns 95% of the business, started ASK with $2,000 of her own money.

In Seattle, Shirley Collins, 45, launched a cookware shop, Sur la Table, with $12,000 borrowed from the local branch of the Canadian Imperial Bank of Commerce. Eight years later, the store has become the springboard for other ventures: a restaurant supply business, a commercial condominium development, and a mail-order catalog operation for gourmet cookware.

In Dallas, Diane Carson, 29, is considering selling Carnat International Inc., the business that she started eight years ago to import decorative household wares, to move on to another new venture. Speaking as the expanding entrepreneur she hopes to become, Carson says: "I have collateral and a good track record for doing just about anything I choose."

Admittedly, such cases are still exceptional. "Most women-owned businesses remain on the lowest end of the small business scale," says Sally Bender, director of the Office of Women in Business at the Small Business Administration in Washington. And all women-owned businesses, large or small, still encounter bias of a force that has somewhat abated for women corporate managers. Says Mancuso of the Center for Entrepreneurial Management: "The biggest obstacle women entrepreneurs face is dealing with a 99% male banking and financial community."

RELUCTANT LENDERS

When Harp made a presentation at the annual meeting of the American Electronics Assn. last March, she recalls, even venture capitalists who appeared interested in Vector Graphic explained that its female president was a major deterrent to their investment. "One said outright that he liked our company, but could not possibly sit on a board with a woman president," says Harp. She finally signed to sell 12% to 18% of the company to a group of venture capitalists headed by Sofinnova Inc., a French investment group.

Nervous vendors and customers also still impede the woman entrepreneur. Mary L. Maklary, 38, founder and president of two-year-old Trinity Pipe & Steel Co., a Houston steel distributor that expects to book $1 million in sales this year, says that major steel mills are still reluctant to sell to her. Purchasing agents for the oil and gas companies that are Trinity's natural customers "fiddle with things on the desk and sharpen pencils during our conversation," says Maklary. "You'd think I was trying to sell them diaper pins."

LACK OF SOPHISTICATION

Bias aside, relatively few women entrepreneurs have the business sophistication to attract venture capital. Professional investors look for detailed business plans, but even the most successful of today's women entrepreneurs seldom plan that way, at least at first. Kurtzig, with a master's degree in aeronautical engineering from Stanford University and four years' experience in computer operations at TRW and General Electric Co. to her credit, launched ASK as part-time work while she raised a family. "I never anticipated running a $12 million-a-year operation," she admits. At Warner-Eddison Associates Inc., a solidly profitable seven-year-old full-service information search company in Cambridge, Mass., cofounder and President Alice Sizer Warner, 50, says: "I know the business will grow, but I don't know eactly how much."

This unstructured approach has tended to put women enterpreneurs outside the normal channels of capital formation. Moreover, "our minimum investment generally is around $250,000, and women typically have not been geared to look for that kind of money," says Robert Zicarelli, president of Northwest Growth Fund, a venture capital firm in Minneapolis. Others note that the help many women enterpreneurs need merely to put together a formal business plan discourages investors.

A NEW BREED

Such attitudes are likely to change in a few years. More women are acquiring the expertise necessary to plan a business intelligently and nurturing the business to the point where it requires substantial sums. Says Kurtzig of her meeting with potential coventurers: "My credentials legitimized my being there." Indeed, business observers predict the emergence of a new breed of woman entrepreneur—a young woman who earned her MBA or other advanced degree in the early 1970s, then made her way up the corporate management ladder only to fall short of her aspirations.

"During the 1980s, we'll see a whole generation of women reach plateaus within corporations where they find they cannot live out their ambitions," says Charlotte A. Taylor, 36, a Washington management consultant who last year headed President Carter's Interagency Task Force on Women Business Owners. "Their only alternative will be to strike out on their own." And these women will have the savvy the venture capitalists seek, Taylor notes.

Taylor started her consulting firm after being denied a partnership in the international management consulting firm where she had worked for three years. A similar situation propelled Michelle Heller into business. Heller, 30, had spent six years in back office jobs with firms at the Chicago Board of Trade and the Chicago Mercantile Exchange. When a chance to become a commodity broker failed to materialize, she took $10,000 from a divorce settlement and last May opened an employment agency specializing in commodity brokerage jobs. Now Heller Commodity & Brokerage Personnel counts 60 brokerage houses among its clients and expects to book $150,000 in fees by the end of its first year. Heller is opening a branch in New York City and has expanded into securities and options jobs.

The government, too, is beginning to get into the act. Last May, Taylor's task force prompted President Carter to issue an executive order directing federal departments to "facilitate, preserve, and strengthen women's business enterprise." The Administration's 1981 budget includes $13.6 million in SBA funds for training and counseling programs for women entrepreneurs (up from $2.5 million in the previous budget) and $75 million for direct loans (up from $50 million). In addition, another SBA program provides for $350 million in loan guarantees for women entrepreneurs. "We're trying to mainstream women," says the agency's Bender.

Characteristically, some of the women have mainstreamed themselves. Vector Graphic, begun with $6,000 in personal savings, funded growth out of retained earnings for three years. By the time Harp and Ely approached Wells Fargo Bank for financing, the company's record enabled them to negotiate a $650,000 line of credit at one point above prime. The company has also recruited a half dozen male executives from other companies to fill key management slots during the past six months of rapid growth. "Men are excited by this company and want to get on the bandwagon," says Harp. "They don't care if the boss is a woman." ASK Computer Services is so thoroughly in the mainstream that it has turned down five offers to sell out during the past year, Kurtzig says.

NOVELTY HELPS

Sometimes the sheer novelty of a woman owner helps the business. Seven years ago Lucille Treganowan, 47, opened Transmissions by Lucille Inc. in an abandoned Pittsburgh gas station after borrowing $25,000 from the Pittsburgh National Bank. "The women's movement was getting a lot of publicity, and as a result, so did I," says Treganowan. Today the company has annual sales of $600,000, and Treganowan is planning to open branches in West Virginia and Ohio.

To what extent federal programs will help remains to be seen, but the emphasis on business education as well as loans seems realistic; a majority of the women who come to AWED tell Fitzpatrick that they need training, not money. But once given training, says Fitzpatrick, the women "simply will not let their businesses die." Although one of every two new businesses fails within two years and four out of five fail within five, only two of the 332 businesses run by AWED alumnae have gone bankrupt to date.

Fitzpatrick attributes this to two tendencies she believes are shared by most women entrepreneurs: going into only those businesses they know and love (for instance, a ceramics designer becomes a ceramics manufacturer), a pattern that frequently produces quality products; and regarding their businesses as their "babies," so that no sacrifice seems too great to keep them going. But Fitzpatrick agrees with Marilyn French Hubbard, 33, owner of the Detroit management consulting firm of Marilyn Hubbard Associates, that many women "must learn to think bigger and riskier" if they are to move their businesses out of the small business class.

EMPATHY AND TOUGHNESS

Even the stars among the women entrepreneurs concur. Kurtzig of ASK Computer Services feels that the most important thing she has learned at Harvard University's advanced management program is "to be less conservative and take more risks." Fitzpatrick includes an exercise in being tough as part of AWED training. The entrepreneur-students go out to collect payments from delinquent accounts—and return exhilarated by the discovery that insisting produces cash.

Women entrepreneurs must also adjust to demands that affect their home lives even more than do corporate jobs. Entrepreneurship involves long hours and, at least in its early stages, usually little income. To avoid taking on additional debt to finance inventory, Collins of Sur la Table collected no salary for the first five years. Lucille M. Morris, 44, has not drawn a salary for the two years since she founded Tektron Industries Ltd., a Detroit metal stamping plant. Her hope is that minimizing overhead will quicken growth, resulting in $3 million in sales by 1982.

TRIALS AND REWARDS

Even after she starts collecting salary, the entrepreneur's hours remain grueling. Harp, the mother of two young children, leaves her household to a live-in housekeeper while putting in 12-hour days at the office. Kurtzig's work week often approaches the 80-hour mark. Bonnie A. MacAllister, 37, who launched My Nails Inc., a Columbus (Ohio) company that markets a polyester product for mending and lengthening nails, leaves her husband and two sons to spend frequent weekends on the road, selling franchises for the seven-year-old company. MacAllister expects annual revenues of $540,000 from the My Nail franchises and $400,000 from Beauty Gallery Inc., a prototype shop she runs in Columbus.

Apparently for some women, as for some men, the demanding routine of the entrepreneur is made worthwhile by the chance to own one's own business. In addition, SBA's Bender notes, the great majority of all new jobs come from small, young, growing businesses. Aside from the personal and monetary fulfillment that entrepreneurship can bring, she says, "that's why it's crucial that both men and women start businesses."

PILOT PROGRAM TRAINING WOMEN FOR BUSINESS

(By Sylvia Porter)

Each year, in good times and bad, more than 50,000 of you try to realize the American dreams of being in your own business—despite the disheartening facts that half of all new businesses fail within two years and four of every five quit operations after five years.

While most dreamers were men, the proportions are changing. More and more women are becoming business owners either through starting their own or as widows who continue to run their deceased husband's firms.

"Women are the next great group of entrepreneurs," predicts Beatrice Fitzpatrick, chief executive officer of the Manhattan-based American Woman's Economic Development Corp. (AWED), a federally funded pilot program that trains and counsels entrepreneurs.

Not only are the ranks of women entrepreneurs growing, but their operating styles have emerged with a new sophistication, notes Fitzpatrick. Indicative is the fact that only two of the 332 businesses run by AWED alumnae have failed.

"Now we're getting widows," Fitzpatrick observes," almost all of whom had been advised by their husbands' counselors not to keep the business, but all of whom decided to do it anyway."

It's "part of the whole movement of women toward financial independence."

AWED has counseled more than 2,000 women and nearly 400, after screening for their success potential, have gone through the AWED year-long training program. Founded in October 1976, as an experimental program to help enterprising women in the Northeast Corridor, it chose as its first clients 20 women who had demonstrated the potential and drive to succeed.

Are you dreaming of starting your own business? Do you own or operate a business in which you could use an advisory employee?

AWED is not only seeking applicants. It also is mapping plans to expand into a nationwide operation.

"We know that there are many entrepreneurial women 'out there,' hungry for the skills essential to successful business ownership," says Fitzpatrick.

Women are now choosing entrepreneurship at an amazing three times the rate of men!

The AWED program focuses on 18 seminars given at the organization's Rockefeller Center offices. It is conducted by experts recruited from business and education who deal with such topics as financing, marketing, personnel and overall management. The participants work in three-hour sessions in groups of 35 or so.

Help is available at any time from one of 13 consultants with varying types of business experience. If the consultant cannot help, AWED finds a volunteer expert.

The women entrepreneurs are screened through a written application and an interview. The organization wants women who have a well-defined business idea, some background in their chosen field and sufficient capital to sustain the business.

Energy and experience also are among the personal qualities desired in the would-be entrepreneur.

What is the secret of AWED's surprising success? One reason is its ability to bring women with similar experiences and problems together. In the pilot training session, the organization discovered that women had encountered similar difficulties, even though the participants were from varying backgrounds and their businesses were equally diverse. The women come from all socioeconomic groups; range in age from their 20s to mid-50s; are single, married, divorced, widowed. They share a common need for help to succeed.

Motivated partially by AWED's training success, President Carter last year issued an executive order that gives priority to female-owned and operated companies seeking government contracts.

This month, AWED marks the third year of its free model program. But it surely needs no documentation to stress that women still have a long way to go. Only 4.6 percent of small businesses are owned by women.

If you would like to participate in the expanding program, or if you want more facts, write Beatrice A. Fitzpatrick, American Woman's Economic Development Corp., 1270 Avenue of the Americas, New York, N.Y. 10020 or phone: (212) 397-0880.

DOMINO I LTD.,
Long Island City, N.Y., June 6, 1980.

IN SUPPORT OF THE AWED CORPORATION

My name is Geraldine Young. I am president and co-owner of Domino I Ltd. an industrial wholesale tool distributing business in New York.

Just eighteen months ago, Domino was encountering many problems. We were inexperienced in the type of business skills that our business required. Experience in the areas of pricing, marketing and managerial was not within our reach, until I learned about a program called AWED.

Since I became a participant in AWED's training program, Domino has gone from a money losing company to a money making one. Our sales volume have tripled. Our bottom line has improved substantially. We will be able to expand by adding other lines and moving to larger facilities in late 1981.

We are certain that the training my partner and I received from AWED is responsible for our rapid turnaround. AWED provided various seminars, individual counseling and extensive analysis of our business. We needed all of this training and more. AWED realize that all is not learned immediately. They provide a counseling service for women that participated in the program, to give the ongoing support that is needed.

I strongly believe that AWED is a necessity to our economy; by helping women to stay in business, AWED is helping people to stay employed. We all are aware of the rising unemployment figures. AWED has done a great deal in helping to reduce those figures, and they can do even more providing they get the funds for expansion.

Submitted by,

GERALDINE YOUNG,
President.

THE BILINGUAL PUBLICATIONS CO.,
New York City, June 4, 1980.

Senator GAYLORD NELSON,
Chairman, Senate Select Small Business Committee, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: I am writing to tell you of the great impact that the American Woman's Economic Development Corporation has had on me and on my business.

There was no AWED in 1974, the year I started my business. No impartial organization to show me the gaps in my education, and to help me fill them in. No AWED seminar leader to explain that a background in language, literature, and music does not automatically lead to mastery of accounting principles or skills in marketing and promotion.

I had a vague notion as I began developing my Spanish book importing company that I needed help, but my accountant assured me I was doing fine, and I believed that merely by plugging away, seven days a week, I would surely attain the success I so badly wanted. But I began to become educated in the ways of business in 1978. At that time, I received a letter from the New York Association of Women Business Owners, to which I belonged, explaining that the resources of AWED were available, free of cost. I answered immediately, and attended the seminars starting in the fall of 1978.

There comes a point when one realizes that no amount of creativity, dynamic approach to the world, or nose-to-the-ground hardwork attitude can compensate for lack of knowledge. At such a moment, AWED fulfills a vital role. When we are truly ignorant, we do not even know what skills and techniques we are lacking. For me, the greatest area of ignorance was in finance. Such important concepts as profit and loss statement, business plan, cash flow, and gross profit, were new to my vocabulary, and yet I considered myself a woman in business. Through and counseling services at AWED, I was able to get a handle on these and many other concepts, finally.

During the period 1978-79, I received a tremendous boost in terms of moral support and knowledge through the seminars held at AWED. And in 1979-80, I have benefited by the one-to-one sessions arranged for me with one of the business experts whose specific task is to help my business grow. When I meet with this counselor, and I do so on a monthly basis, it is with a sense of "brainstorming". Together, we discuss broad planning, play with figures, and come up with concrete ideas which should eventually turn into larger profits.

Without AWED, I was a sole and lonely proprietor. Through it, I have gained a partner. AWED is my partner, asking for allegiance, not money, and for my success, rather than for a financial pay-off.

AWED is an excellent way to take a novice business entrepreneur from zero degree consciousness to a high degree of awareness. Most helpful is the wide range of specialists available to the participants. These specialists are talented enough in their field, and experienced enough in the ways of attacking problems, to be able to focus on an individual's particular needs and bring this person onto safe ground in a minimum of time.

I am thrilled to note that, on the 6th anniversary of the start of my business, May 31, 1980, billings were 7 times what they were in the average month of the first year of business. And it is not only sales volume which has increased, but profit margin as well.

As billings have increased, so has the work load. I have had to hire full-time help, additional graphics people, and have had to pay out ever-increasing amounts to the post office, the mailing houses and the suppliers of shipping materials. All this activity is terrific for the economy!

It is my fervent hope that you will want to make the phenomenal fount of creativity known as AWED available to every woman in this United States of America who possesses the dream but not the know-how to start and succeed at her own business!

Sincerely,

LINDA E. GOODMAN.

PROFESSIONAL REFERRALS, INC.,
New York, N.Y., June 9, 1980.

Senator GAYLORD NELSON,
Chairman, Senate Select Small Business Committee, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR NELSON: My name is Rita Villafuerte. I am the proprietor of Professional Referrals, which dispenses hearing and speech aids. All brands and models of hearing aids can be purchased at my office. Many of my customers are referred to me by doctors and hospitals in the New York Metropolitan Area. I am a teacher by profession and came upon this business quite by accident.

My father purchased this business back in 1976, with the idea of having the previous owner run it. However, in August of 1978, the previous owner suddenly took ill and was no longer able to continue working. I then volunteered to fill in as a receptionist until someone suitable could be found to take over. At first, I just answered the phones, took orders and made appointments for my father. He could only come in on Wednesdays, as he had two other businesses to attend to in New Jersey. Little by little, I became more involved with all aspects of the business. I began paying the bills, advertising, fitting hearing aids, and eventually got to the point where I was better versed

> on the affairs of Professional Referrals than my father.
>
> In August of 1979, someone offered to buy the business. My father left the decision of whether to sell or not completely up to me. If I wished, I could keep the business for myself or sell. The decision might sound easy; however, in reality, it was quite difficult. The business had been in considerable financial difficulty. I'd been paying off as much as I could from month to month and taking whatever little was left as my salary. New York is a very expensive city to live in, especially for a single woman living alone. Despite the difficulties, however, running a business had become an interesting aspect of my life. I began to believe that with some assistance and instruction, I could survive in business.
>
> Not knowing quite what to do, I called the National Organization for Women, and they referred me to the American Woman's Economic Development Corporation. I went to their office on the Avenue of the Americas immediately, told them I had a business emergency, and they gave me immediate counseling. In addition, they offered me a business course to help me stay in business. Needless to say, I decided to keep the business and take the courses offered to me by A.W.E.D.
>
> I must say there have been times of utter confusion and even despair during the past year, but A.W.E.D. was always there to help me. My door is still open, two thirds of debts have been paid, business has been steadily picking up, and I'm finally in the position where I've been able to hire someone who has lightened some of my load.
>
> It would be difficult for me to enumerate the ways in which I have been assisted by A.W.E.D., so let me just say that as a result of my association with the organization, I've gained a great deal of knowledge in all areas of business, including bookkeeping, sales, marketing and perhaps most of all, the confidence to keep on trying!
>
> I salute A.W.E.D. and can't stop singing their praises. Just imagine what A.W.E.D. could do for women all over the country!
>
> Sincerely yours,
>
> RITA M. VILLAFUERTE.●

WOMEN'S BUSINESS ENTERPRISE OF SBA

● Mrs. KASSEBAUM. Mr. President, I, too, rise today to discuss the Small Business Administration's programs for women entrepreneurs. Originally, I was going to offer an amendment to add money to the SBA budget for the financial access project outlined in the Office of Women's Business Enterprise budget justification. However, in reviewing the Appropriations Committee's recommendation, I believe that the money allocated for SBA programs is sufficient to support this project. I, like Senator DURENBERGER, believe that some of the money allocated to SBA could be reallocated to the two top priority projects of the Office of Women's Business Enterprise.

The first project, the special training and counseling centers for women, was discussed by Senator DURENBERGER. Therefore, I will discuss the second priority project, a $1.5 million financial access program. Access to commercial credit for women in business is one of the major barriers to women's entry to business ownership. This was reaffirmed as recently as the White House Conference on Small Business, where delegates voted "providing equal access to commercial credit for women in business" among their top 15 priority issues.

According to a staff issues paper for the women-in-business meeting held during the White House Conference on Small Business, there are two major concerns in the area of finance. First, women are unable to obtain loans as easily as men due to discrimination. Loan officers, public and private, are often skeptical about the ability of women to run a business successfully. In addition, they may believe that even if she can run a business, that business ownership is an improper role for a woman. These beliefs may subtly influence a loan officer and keep him from granting a loan request.

Second, women-owned businesses are often the very smallest of businesses. These businesses often have trouble obtaining very small amounts of money on a long-term basis because it is not cost effective for a bank to loan money in amounts of less than $20,000.

Furthermore, according to the report of the President's Interagency Task Force on Women Business Owners, most banks do not make any efforts to win women as commercial customers, although some are beginning to explore the possibilities in the consumer credit area. Two-thirds of bankers interviewed were doing nothing in this area, while one-third were just beginning efforts to attract women as consumer banking customers.

Also, according to the same report, of the women responding to the task force survey who had been rejected for bank credit at any time during the life of their business, 75 percent indicated that the lack of collateral was a reason for rejection, 46 percent cited the bank's policy toward small busness, and 36 percent mentioned no previous business credit history as a basis for rejection.

The financial access projects proposed by the Small Business Administration are designed to meet this problem. They would assist women in obtaining commercial credit and capital through special counseling by and in cooperation with local financial institutions. No program of this type currently exists, but the need for such a program is evident from the White House Conference on Small Business as well as from the report of the Interagency Task Force on Women Business Owners. These programs would be located in cities where there is sufficient density of women business owners to make them cost effective and where there is active support for the program from the local financial community.

Again, I emphasize, I am not asking for more money but a reallocation of funds provided the Small Business Administration. I hope that the managers of the bill will give these two projects careful consideration during conference with the House which has included the total SBA budget request.

Women's business enterprise is a promising new source of economic revitalization and development, and I urge my colleagues to support these beginning efforts to meet the unique needs of women entering business.●

YOUNGSTOWN STEEL LOAN GUARANTEE

○ Mr. GLENN. Mr. President, I support continuation of the EDA loan guarantee programs contained in H.R. 7584.

I want to reduce Government spending wherever possible and to limit the scope of Government intervention in the private sector. However, such limitations should not disrupt economic development programs in progress—I repeat, economic development programs in progress—such as the special EDA steel loan guarantee programs.

That program is the product of the President's task force on steel known as the "Solomon Report." It addressed the serious long-term problems of those steel communities most severely affected by the steel crisis in 1977.

Mr. President, I submit for the RECORD an excerpt from the report, as follows:

> In an effort to prevent the closing of facilities that could prove viable and the substantial economic dislocation these closings would cause, the Task Force recommends that additional funds be made available for the current and future budget of the Economic Development Administration of the Department of Commerce for industrial loan guarantees and continue to provide further appropriations for this loan guarantee fund in the next few years.
>
> The Task Force suggests that steel firms meeting all of the following criteria be considered eligible for loan guarantees and be given priority; firms with serious financial problems, with little or no access to capital markets; firms seeking funds for modernization of plants located in areas of high and rising unemployment or threatened massive layoffs; and firms with viable plans for modernization.
>
> The Task Force has examined the available alternative means for providing funds to smaller depressed steelmakers for projects that are economically justified. We feel the use of EDA loan guarantees is the simplest and most direct way to assure that viable modernization projects of these firms actually receive the funds necessary for their completion. These funds may be complemented to some degree by those now available in other government programs that relate to communities with steel making facilities that require, and can justify on an economic basis, modernization projects in steelmaking.

Mr. President, the communities affected by the steel crisis of 1977 need a reasonable amount of time to develop programs in response to that crisis.

Among the communities affected by that crisis, the Youngstown community was among the hardest hit for nearly 5,000 steelworkers in Youngstown lost their jobs as a result of that crisis.

Moreover, the Youngstown community was promised $100 million in a loan guarantee for a viable steel project in Youngstown in a letter from Mr. Robert Hall, Assistant Secretary for Economic Development, Department of Commerce, dated March 29, 1979.

Mr. President, I ask that this letter in its entirety be printed in the RECORD so that the RECORD will be complete on what the people of Youngstown have been depending on if they can get replacement for what they have lost there in the steel industry.

The letter follows:

U.S. Department of Commerce,
The Assistant Secretary for
Economic Development,
Washington, D.C., March 29, 1979.

Most Reverend James W. Malone,
Chairman, Executive Committee, Ecumenical Coalition of the Mahoning Valley, Youngstown, Ohio.

Hon. Phillip Richley,
Mayor of Youngstown,
Youngstown, Ohio.

Gentlemen: As Chairman of the Interagency Task Force appointed by Jack Watson to study the proposals submitted by the City of Youngstown and the Ecumenical Coalition of the Mahoning Valley, I am writing to inform you of our conclusions.

Although the Coalitions Plan is presented in three phases, we have evaluated the proposal for the first two phases as a single project, since almost everyone concerned agrees that Phase I is not viable for more than a few years without Phase II. In addition, since the first phase of the project would not involve steel-making facilities, it would not qualify for the program, which was established for basic steel producers. Only by including the proposed steel-making facilities in the project, can we qualify it for consideration at all.

The principal and overriding difficulty we have with your proposals is the eventual requirement for EDA guarantees of some $245 million, a sum which is well in excess of the $100 million amount which had been set as the maximum loan guarantee for any one company under the special steel program.

It may be helpful to review the history of the steel loan guarantee program, so that all concerned can better understand why it is virtually impossible to provide a guarantee of this amount. The possibility of a steel loan guarantee program was first raised in connection with the so-called Solomon Report, transmitting the findings of the Federal government in response to the serious problems facing the United States steel industry. The proposal to use the EDA program was somewhat unconventional since it proposed to use a revolving fund which had never previously been used to make or guarantee loans. Moreover, the scale of the program encompassing loan guarantees of $500 million for a single industry, was far in excess of EDA's previous experience. It was agreed by all those who had a part in the decision that the maximum EDA guarantee for any single company would be $100 million. Since that time, the Administration has further indicated its unwillingness to participate in large financing for private industry by limiting Federal participation to $50 million in programs other than steel, without Congressional approval.

Since the steel loan guarantee program went far beyond anything which had been envisioned at the time EDA's budget for the year had been approved by Congress, it fell within a provision in the reports of the appropriations subcommittees of both Houses which directed EDA to secure the approval of both appropriations subcommittees for any program changes which were significantly different from those which had been used to justify the budget. Where this approval was requested, both subcommittees required EDA to present testimony in justification of the steel program. EDA also testified on the program before the Trade Subcommittee of the House Ways and Means Committee.

Thus, EDA is on the record before Congress as well as the public at large with testimony stating that the agency would not approve any guarantees in excess of $100 million. It would be improper for EDA to approve $245 million in loan guarantees in the face of this record. This commitment to $100 million maximum formed the basis for my announcement last October that EDA would reserve $100 million in loan guarantees for a viable steel project in Youngstown. This commitment was confirmed by Jack Watson's letter of October 18, 1978.

EDA considered whether it ought to go to Congress and seek the approval of the appropriation subcommittees for the larger loan guarantees being sought in this instance. EDA has concluded that it should not go before Congress to seek approval for a project whose cost is so significantly in excess of the $100 million loan guarantee target and which lacks adequate assurance of economic viability.

It is important to note that the total amounts in EDA's revolving fund presently stands in the neighborhood of $250 million, of which some $100 million is required as a reserve for existing loans, either approved or under consideration. This leaves something in the neighborhood of $150 million for the project in question.

While it has been EDA's practice to obligate 20% of the amount guaranteed as a reserve, that practice is based on a large number of guaranteed loans averaging somewhere in the neighborhood of $2 million. We believe that it would be improper to set aside a similarly small percentage where a single loan guarantee, by itself, could wipe out the entire revolving fund in the event EDA was required to reimburse the lenders as a result of default.

Moreover, we are not considering a project where the chances of default are minimal. For reasons stated below, the prospects of default in this case warrant caution in committing resources. In fact, we have grave doubts about the viability of the project. These doubts go to the following issues:

1. *The availability of additional funds.* We believe that the opinion of the Coalition's financial counsel is so carefully hedged and conditioned that we cannot rely on its assurances that financing can be obtained. Indeed, EDA's own experience in the administration of its steel loan guarantee program leads EDA to the conclusion that the necessary additional equity funding could not be obtained.

With $245 million in loan guarantees requested, EDA's regulations require an equity of 15 percent, or over $36 million in equity. Even if the proposed UDAG and EDA grants, totalling $27 million, were counted as equity, a practice of doubtful propriety, and even if it were possible to raise $3 million in private purchases of stock as proposed, the project would be short an additional $6.75 million in equity funds.

Moreover, we believe that the capital cost estimates may be considerably underestimated. The allowance for contingencies is less than one percent, which allowance is far below standard practice, and particularly dangerous for a project where there are no recent price quotes for the equipment to be purchased. If additional capital funds are needed, it will become even more difficult to secure the necessary private funds.

2. *The market study.* While we agree with the general conclusion that the demand for steel will be strong in the years ahead, the only basic conclusion of the market study is that the reopened facility can sell its output if the price is competitive, the quality is good and delivery is reliable. It is our judgment that this means that the reopened facilities will regain markets slowly and over a long period of time as it establishes a reputation for a quality product and good delivery service. It is questionable whether the company will have the financial staying power to reach this point.

3. *Management.* While assurances have been provided that management is available, there is no documentation that a qualified in-depth management loan can be assembled for this project.

4. *Financial feasibility.* We believe that the financial feasibility of the project rests largely upon assertions about increased labor productivity which cannot be documented. We admit that a strong case has been made, but the expectation for cost savings through increased labor productivity remains only a hope. The proposal puts too much at risk on the basis of this hope. The financial studies do not make allowances for cyclical swings in the steel industry and there is little likelihood that the weak financial posture of the new company could withstand any extended period of heavy losses due to a downturn in the steel industry. It should be emphasized, however, that even if these doubts about the viability of the project were to be resolved by further work and research, the project, as presently conceptualized, cannot be funded under EDA's steel loan guarantee program because of the $100 million ceiling.

We recognize and are sensitive to the large amount of devoted, intelligent and skillful effort which has gone into the development of this project. There are few efforts more worthy of sympathetic support than those which go to the alleviation of unemployment, particularly when those who are unemployed have had so many years of faithful service to a particular industry. We commend the Ecumenical Coalition and the City of Youngstown for their valiant efforts to find a way by which the Campbell Works can be reopened. While we cannot encourage continued efforts along the lines of the present proposal, consistent with Jack Watson's letter of October 18, 1978, we are willing to continue to reserve $100 million of our authority to guarantee loans for a viable steel project in the Mahoning Valley, either in connection with the Campbell Works or on some other site. Jack Watson has asked that I advise you of his and my willingness to meet with you to discuss in detail the basis of our decision and alternative approaches to meet the needs of the Mahoning Valley.

We stand ready to work with the Coalition and the City to develop and find appropriate financing for other proposals directed toward the alleviation of the area's unemployment. It should be noted here that EDA has provided $700,000 for the preparation and administration of an economic development recovery plan. A revolving loan fund of $1 million to help small business has been made available to the Western Reserve Economic Development Agency. A number of proposals for new industries in the area are under consideration, and we plan to continue working closely with you and other local leaders to bring these proposals to reality.

EDA is also supporting activities which deal with the long range future of steel production in the Mahoning Valley. These include research on coking capability, direct reduction facilities and establishment of a research center utilizing the available blast furnaces. It is still too early to know whether any of these proposals are viable, and if so, when they can be put into operation.

While it is disappointing to realize, after so much effort and community commitment, that there seems to be no viable plan for the reopening of the Campbell Works, we believe that these other efforts can result in restoration of economic health to the Mahoning Valley.

To that end, we pledge continued cooperation and support from the Federal agencies. We will continue to work with you and with other community officials and leaders to attain our common goal—the relief of excess unemployment in the Mahoning Valley. If you desire to meet with us, please call me at 202-377-5081.

Sincerely,

Robert T. Hall,
Assistant Secretary
for Economic Development. ●

Mr. BAKER. Mr. President, I would like to commend the managers of this bill for their able stewardship of this legislation during its consideration in committee and particularly on the floor of the Senate. Both Senators Hollings and Weicker are to be congratulated for their hard work and diligence on what has proven to be a controversial appropriations bill.

I would also like to take a moment to comment on the busing amendments that were considered last week.

As my colleagues know, I am an opponent of forced busing. I think that, as a remedy, it has proven to be ineffective; it has failed to bring equal educational opportunity to our Nation's children. But simply because this remedy has proven to be a failure, we must not abandon our efforts to eradicate the stains of discrimination which continue to mar our society.

I am sure that I speak for every Member on this side of the aisle when I say that our commitment to civil rights and equal opportunity under law will not falter in the days and months ahead.

Last week's debate reflected a difference upon one method of resolving racial discrimination in the public schools. It should not be interpreted as a sign that the Senate has turned its back on the civil rights movement; it does not mean that our commitment to equal opportunity has receded in any way. And it most assuredly does not represent a "green light" to those in society who would violate our laws which establish and preserve the rights of every American.

It is my full hope and expectation that the Department of Justice will continue to vigorously enforce the civil rights laws of the Nation. I am confident that the Reagan administration will be no less aggressive in its enforcement of the laws than the administration which preceded it.

The PRESIDING OFFICER. All time has expired, the hour of 5 p.m. having arrived.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. Boren), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), and the Senator from Montana (Mr. Melcher) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Minnesota (Mr. Durenberger), the Senator from Utah (Mr. Garn), the Senator from Nevada (Mr. Laxalt), the Senator from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. Pressler), the Senator from Delaware (Mr. Roth), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The PRESIDING OFFICER (Mr. Tsongas). Are there other Senators wishing to vote?

The result was announced—yeas 51, nays 35, as follows:

[Rollcall Vote No. 471 Leg.]

YEAS—51

Armstrong
Baker
Bentsen
Biden
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
Cranston
DeConcini
Dole
Exon
Ford
Glenn
Goldwater
Hatch
Hayakawa
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Long
Lugar
McClure
Morgan
Nelson
Nunn
Packwood
Pryor
Randolph
Sasser
Schmitt
Schweiker
Simpson
Stennis
Stevens
Stewart
Stone
Talmadge
Thurmond
Tower
Wallop
Warner
Zorinsky

NAYS—35

Baucus
Bayh
Boschwitz
Bradley
Bumpers
Chafee
Cohen
Culver
Danforth
Domenici
Durkin
Eagleton
Hart
Hatfield
Heflin
Javits
Kassebaum
Kennedy
Leahy
Levin
Matsunaga
Metzenbaum
Mitchell
Moynihan
Pell
Percy
Proxmire
Ribicoff
Riegle
Sarbanes
Stafford
Stevenson
Tsongas
Weicker
Williams

NOT VOTING—14

Bellmon
Boren
Church
Durenberger
Garn
Gravel
Laxalt
Magnuson
Mathias
McGovern
Melcher
Pressler
Roth
Young

So the bill (H.R. 7584), as amended, was passed.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of the Senate amendments to H.R. 7584.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. HOLLINGS. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. Tsongas) appointed Mr. Hollings, Mr. Magnuson, Mr. Eagleton, Mr. Inouye, Mr. Burdick, Mr. DeConcini, Mr. Bumpers, Mr. Weicker, Mr. Hatfield, Mr. Stevens, Mr. Laxalt, Mr. Garn, and Mr. Young conferees on the part of the Senate.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

THE SECOND CONCURRENT BUDGET RESOLUTION

Mr. ROBERT C. BYRD. Mr. President, on tomorrow the Senate—may I have the attention of the distinguished minority leader, the distinguished Senator from South Carolina (Mr. Hollings), and the distinguished Senator from New Mexico (Mr. Domenici)?

On tomorrow, the Senate will proceed to the consideration of the second concurrent budget resolution. That is, of course, under a built-in time agreement under the law.

I would just inquire as to what time would be most convenient for the principal parties to begin action.

Mr. STENNIS. Mr. President, may we have order so we may hear?

The PRESIDING OFFICER. The Senate will be in order. We will not proceed until there is order.

Mr. HOLLINGS. Mr. President, will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. HOLLINGS. Mr. President, I hope that perhaps we could start about midday tomorrow. It will give me a chance to get together with the ranking member, the distinguished Senator from Oklahoma, who is on his way back to the city, and my future chairman, the distinguished Senator from New Mexico.

I know that in talking at least a little while with him in the morning we can make a lot of progress.

Mr. DOMENICI. Mr. President, the distinguished leader indicated we would do this at some time tomorrow. I ask the distinguished leader if this is the regular order or is this a matter that requires concurrence of the Senate that we take this matter up at noon tomorrow?

Mr. ROBERT C. BYRD. Mr. President, the motion to proceed would not be debatable. But if someone wanted a vote on that, of course, it would require the concurrence of the Senate on the vote.

Mr. DOMENICI. Mr. President, is the distinguished leader asking that by unanimous consent it be taken up at noon and not motioned up?

Mr. ROBERT C. BYRD. Mr. President, I had not asked for unanimous consent. I stated that the Senate would proceed tomorrow to take up the second concurrent budget resolution. I was asking the principal parties—meaning Mr. Hollings, Mr. Domenici, Mr. Baker, and others who will be guiding the future destiny of this resolution—what time would be most convenient to proceed.

Mr. DOMENICI. Mr. President, it was not the question of what time is most convenient. While the second concurrent budget resolution is normally a rather fragile document, the problem we have in this case is that we have a conference on reconciliation of some $6.4 billion, as I recall—and I ask if my distinguished chairman agrees with that. That is out in conference, whether that comes in conferred upon and concurred upon as that many dollars worth of outlay impact for the year of 1981. We are not sure yet whether it is going to be completed or not.

If we want to produce a rather speculative or interim type document, we can proceed with dispatch. If we want to know a little bit more about where we are, it would seem to me we ought to know whether we are going to have that reconciliation or not.

I just want to discuss that with Members here on the floor. I think Senator HOLLINGS would agree that is rather important to what numbers we put in. Is that not correct?

Mr. HOLLINGS. Yes; I think the important thing, though, is that we move forward on all fronts. With respect to reconciliation, we had a conference with Chairman GIAIMO and myself and staff to try to break loose some of the particular savings. We had a feeling that, with respect to the Finance Committee provision, members on the Ways and Means side were ready to discuss tax spending, but not tax savings. I think we have reconciled that.

The Senator knows our position on COLA. I do not know whether we will get very far with that.

But we took out the various issues and we can get a majority on part of that reconciliation. The fact is that we cannot get all the Senator would want and I would want, but let us see what we can get and establish the principles with each one of the particular committees. Because we passed that 85 to 0 here on the Senate floor. So we have not dragged our feet and we are ready to go.

But that should not forego actually working on the second concurrent resolution, because whatever they save or not is going to be added on.

As the Senator says, I wish these resolutions could be copper fastened in the particular amounts at each particular stage. But the best we can do, at least as the law requires, is get the second budget resolution out.

The House will take it up. They have reported out theirs. They will take it up on the floor. They have every reason to believe that it will be passed by tomorrow evening.

So if we can get ours passed tomorrow, or the next day, perhaps, without rushing anybody, that would be Tuesday and Wednesday, and maybe we can get our conference Thursday and Friday, because next Tuesday we are going to break for Thanksgiving. I do not know whether we can do much when we get back with the December 5 sine die date.

So every day counts when it comes to this budget matter I would like to get it off our minds and I am sure the Senator would also, if we could.

Mr. DOMENICI. Mr. President, the point I am making is that the distinguished chairman of the Budget Committee is correct, certainly, and I compliment him for pursuing the pending reconciliation to the maximum extent. But there is not any magic to all of this. If they do not reconcile, that amount of money ought to be shown in this budget.

Mr. HOLLINGS. We will have to.

Mr. DOMENICI. I do not know if we are going to be able to do that if we vote it up or down tomorrow evening and then they reconcile or not or partially reconcile and we have not taken the figure into consideration.

Mr. ROBERT C. BYRD. Cannot that be done in conference?

Mr. HOLLINGS. It is going to have to be. That is the nature of the beast. We are in here only for 2 more weeks.

Mr. DOMENICI. Mr. President, I do not know whether it can, I say to my distinguished leader. Let us assume they do nothing and the whole $6.4 billion that is expected in savings is gone down the drain. Then, to be honest and truthful in budget would require that you add $6.4 billion in outlay expectation in the year 1981. How could you add that in conference where it exceeds both the House and the Senate's contemplated figures?

Mr. HOLLINGS. I am convinced that we are not going to do that, Mr. Leader.

Mr. DOMENICI. I am glad to hear that is the wish of the distinguished chairman. I know he is working very hard to see that occur.

Mr. HOLLINGS. We ought to know by tomorrow night.

Mr. DOMENICI. Let me say, from my standpoint—and Senator BELLMON is still the "boss man" on this side—I have no objection to proceeding if you want to start at noon. I think what we are really saying is we have at best, I say to my distinguished minority leader, an interim-type second concurrent resolution. It certainly is not going to have the kind of effect anyone would want, because we do not know what the appropriations bills say. They are not finished and I am certainly not urging that they get finished. I think the fewer we pass the better. But we do not have reconciliation completed. So if we want to go with it, from our standpoint, we may have a couple of amendments, one in the nature of a new reconciliation. We may want to offer that.

I do not want to be precluded, because the $17 billion in savings contemplated, or whatever the number is, might require reconciliation again. This is pretty late in the year to do it. But I want to reserve that right, certainly. I think I have it under the act, in any event.

Mr. BAKER. Mr. President——

Mr. HOLLINGS. If the Senator will yield for one moment, I think all should understand that the second concurrent resolution with respect to the third concurrent resolution contemplates just that. We stated that before we recessed in September, because the all-important tax cut to be determined by the new administration as to amount and size would have to be considered. Our second concurrent resolution held the budget open for that particular action. So whatever action will be taken in the third concurrent resolution, as the distinguished minority leader and the distinguished majority leader know, plus these other things, will have to be taken care of the first of the year.

Mr. MOYNIHAN. Will the distinguished leader yield for a question?

Mr. ROBERT C. BYRD. I yield.

Mr. MOYNIHAN. The Senator from New Jersey asked me to put this question. Do I take it that revenue sharing will not be raised tomorrow, or has a decision been made?

Mr. ROBERT C. BYRD. I doubt that it will come up tomorrow. I would hope that we could reach an agreement on revenue sharing because we certainly want to call it up. But just now I have been unable to do that.

Mr. MOYNIHAN. I thank the majority leader.

Mr. BAKER. Mr. President, I might say in a preliminary way that I had at first thought that we should not have any budget resolution at all. In view of the fact that we are pretty clearly not going to go through the entire appropriations process and some of the business of government will have to be handled by continuing resolution, it might be better to go over until next year and do the budget resolution then. But I have been persuaded by the Senator from New Mexico and others that in order to observe the literal language of the Budget Act, to try to preserve it intact, we would be better off to do the budget resolution some time this year.

It is also clear, however, that whatever we do, as the Senator from South Carolina pointed out, will not be the final statement on the budget, that there will be another budget resolution next year or an amendment to this budget resolution.

So what we are doing at most is an interim statement on the budget in some manner.

However, Mr. President, it seems to me that in view of the special circumstances here, that is the fact that the reconciliation conference report has not yet been acted upon but may be acted upon sometime late tomorrow, in view of the fact that the senior Republican on the committee, Senator BELLMON, is not here today and cannot speak on this subject—and by the way I have just been notified by this staff that he wishes to be involved in these negotiations—the best thing to do would be to let that request go over, or the suggestion that we would do the budget resolution, until he is back. I assume that will be tonight. Then we will see how we are going to proceed.

I will try with the majority leader, as we have all day today, to try to find something to occupy us during the day tomorrow. But I would hope that the majority leader would wait tomorrow until after we convene for a final judgment to be made on our taking up the budget resolution, or the next day. In exchange for that, and I am not trying to bargain, I will join him in proposing that we do a budget resolution. I will withdraw my previous position that we do not.

I would like to wait until Senator BELLMON comes back. I would like to honor the suggestion made by the Senator from New Mexico as to seeing what the House does tomorrow.

I might say there will be certain meetings that will occur in the morning tomorrow with the leaders on both sides, and I would hope the majority leader would consider coming in at noon tomorrow, or even later, to give us an opportunity to accommodate those meetings. It may be then that at the time we convene on tomorrow we will have a much clearer picture on how we will go about scheduling this measure. I would hope the majority leader would not insist on scheduling the budget resolution at this time.

Mr. ROBERT C. BYRD. I will not insist today but I think we will have to go forward tomorrow with the budget resolution. I will not press it today. I think we should count on proceeding with it tomorrow. I certainly defer to the request of the distinguished minority leader that the Senate not proceed before 12 o'clock tomorrow, but I think all parties should be on notice that it is my intention to proceed with the budget resolution tomorrow. It is under a built-in time agreement. The motion to proceed is not debatable.

I share the view of the distinguished Senator from South Carolina in that we should proceed on all fronts and not delay further, and, as the Senator has pointed out, it will probably take a couple of days—tomorrow and Wednesday. But having said that, I intend to wait until tomorrow to do that.

I certainly want the distinguished Senator from Oklahoma (Mr. BELLMON) to have an opportunity to be here at the time the matter is taken up.

Mr. BAKER. Mr. President, I thank the majority leader. I am grateful for his consideration. I wonder if the majority leader can tell us at this time what his plans are for the convening hour on tomorrow.

Mr. ROBERT C. BYRD. Mr. President, in response to the query by the distinguished minority leader, the Senate will come in at 12:30 tomorrow afternoon. Following the recognition of the two leaders under the standing order, I would expect then to proceed to take up the budget resolution.

ORDER FOR RECOGNITION OF SENATOR HAYAKAWA ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders on tomorrow, Mr. HAYAKAWA be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REDUCTION OF LEADERSHIP TIME UNDER THE STANDING ORDER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders be reduced tomorrow to 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the majority leader for his consideration in setting the convening hour on tomorrow. I have now been advised that the Senator from Oklahoma will be in tonight and will be in his office early in the morning. All Senators on this side of the aisle should be on notice of the statement just made by the majority leader that it is his intention to move to the consideration of the budget resolution after preliminaries on the convening of the Senate tomorrow are disposed of.

I might say that it is possible, in view of the arrangements we have just concluded, that it will not be necessary for him to move. It may indeed be possible to get unanimous consent for that purpose.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader.

CUSTOMS VALUATION TRADE AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. LONG, I ask that the Chair lay before the Senate a message from the House on H.R. 7942.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 7942) to approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes;

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second times and that the Senate proceed to its immediate consideration with the understanding that there be no amendments thereto.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

● Mr. LONG. Mr. President, the Committee on Finance considered the substance of H.R. 7942 on September 17, 1980. It agreed at that time to recommend that the Senate approve the bill when it was received.

The bill would approve and implement the protocol, or amendment, to the customs valuation agreement negotiated in the multilateral trade negotiations and approved and implemented by the Senate in the Trade Agreements Act of 1979. The bill is unamendable under the provisions of the Trade Act of 1974. The bill is needed to carry out U.S. international trade obligations. No objections to the bill have been received from any source.

Since the committee will not be filing a report on this bill, I submit materials which fully explain the provisions of H.R. 7942, to be printed in the RECORD.

The materials are as follows:

H.R. 7942

I. SUMMARY

H.R. 7942 approves, and implements in U.S. law, the Protocol to the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (also known as the Customs Valuation Agreement). The bill also makes certain technical amendments to the Tariff Schedules of the United States (TSUS) as amended by the Trade Agreements Act of 1979.

II. THE PROTOCOL

During the Multilateral Trade Negotiations (MTN) that were completed in 1979, a Customs Valuation Agreement was achieved and signed by most of the developed countries participating in the negotiations, e.g., the United States, the European Communities, Japan, Canada, and the Nordics, and by some of the developing countries. Customs valuation is the process by which imports are valued for purposes of assessing ad valorem customs duties. The Agreement provides for five alternative methods of customs valuation to be used in a hierarchical fashion. The principal one of these methods is the transaction value of the imported goods, i.e., the price actually paid or payable for the goods with certain specific adjustments.

In the Trade Agreements Act of 1979, the Congress approved the Agreement and implemented it by making appropriate changes in U.S. law. The Agreement has an effective date of January 1, 1981, although the United States and the European Community implemented it in domestic law on July 1, 1980.

During the negotiation of the Customs Valuation Agreement, many developing countries (LDC's) expressed their dissatisfaction with a large number of points in the text of that Agreement. A major concern of the LDC's is their relationship with the large multinational corporations. Often these corporations have such an expertise and available supply of manpower to document reported values for imports that the customs authorities in the smaller countries feel they are at a disadvantage in verifying such figures.

On January 21, 1980, the President notified the Congress of his intention, under the Trade Act of 1974, to enter into a Protocol that would amend the MTN Customs Valuation Agreement. The Protocol is designed to encourage developing contries to sign the Agreement. The United States Trade Representative has stated that there are clear indications from four major developing countries (Argentina, Brazil, India, and the Republic of Korea) that they will sign the Agreement if the Protocol is accepted by the developed countries. The Protocol must be approved and implemented by the Congress pursuant to the same provisions of the Trade Act of 1974 (section 151 et seq.) which applied to the Customs Valuation Agreement. After submission of the implementing bill, which occurred on August 1, 1980, the Congress has 90 working days to approve or disapprove it.

In brief, the Protocol consists of eight provisions: One is a minor change in the Customs Valuation Agreement, two facilitate existing procedures for developing countries, and the remainder are essentially points of clarification. A brief description of the eight provisions follows—

1. Agree to deletion of the provision of Article 1.2(b)(iv) of the Customs Valuation Agreement.

This is the only provision of the Protocol which involves a direct amendment to U.S. law. It would delete from the Agreement one of the four tests under the Agreement by which related parties can demonstrate that a claimed value for a transaction should be accepted as a transaction value for customs purposes. Since the test had been incorporated in U.S. law, to conform to the Agreement as modified by the Protocol it is necessary to delete the test from U.S. law. The U.S. Trade Representative and private sector advisers find this change acceptable because the test could only have been used in very few cases.

2. Recognize that certain developing countries may not be able to fully implement the Agreement in five years, and may request an extension.

While this provision of the Protocol provides that developed countries will give "sympathetic consideration" to such a request, it does not commit the United States to granting an extension.

3. Recognize that developing countries currently using officially established minimum

values (i.e., values for items which are set in advance by the Government, and used as the value for duty asessment purposes when the actual transaction value is lower), may wish to make a reservation allowing them to retain such values on a limited and transitional basis.

This does not commit the United States to accept such a reservation if one is requested, nor does it mean that the United States accepts the concept of minimum values.

4. Recognize that developing countries may make a reservation requiring that Article 4 of the Agreement shall apply only when the Customs authorities agree, under Article 4, to a reversal of the order of application of the valuation methods of Articles 5 and 6.

Under Article 4, importers are given the right to reverse the order of application of the usual sequence of the hierarchy of value methods established in the Agreement, i.e., the method provided in Article 5 is used prior to the method in Article 6 ("deductive value"—basically the resale price in the United States after importation of the goods, with deductions for certain expenses, is preferred over "computed value"—basically, the sum of the cost of production, profit and, overhead). The developing countries want the ability to refuse to reverse the order unless they agree to the reversal.

5. Recognize that developing countries may make a reservation with respect to Article 5.2 of the Agreement to the effect that the provision shall be applied in accordance with the relevant note thereto, whether or not the importer requests.

Under Article 5.2, the United States can base "deductive value" on the price of goods which have been further processed after importation but before resale, provided the importer so requests. The provision in the Protocol allows developing countries to apply Article 5.2 in the absence of a request from the importer. The LDC's want this provision to expand the use of the deductive value method while restricting the applicability of computed value, the valuation method which presents the most problems developing countries, especially with respect to multinational corporations.

6. Recognize that some developing countries may have problems with applying the Agreement insofar as it relates to importations into their countries by agents, sole distributors, and sole concesssionaries. If such problems arise, a study of the question shall be made.

The developing countries currently treat these sales as transactions between related parties, whereas under the Agreement these transactions will usually not be treated as such.

7. Agree that the Agreement recognizes that Customs authorities may need to make inquiries as to the truth or accuracy of submissions, and have the right to expect full cooperation of the importers.

This was already the U.S. understanding of the Agreement, and does not change the Agreement.

8. Agree that the price actually paid or payable includes all payments actually made or to be made as a condition of sale by the buyer to the seller, or by the buyer to a third party to satisfy an obligation of the seller.

This was already the U.S. understanding; there is no change to the Agreement.

III. GENERAL EXPLANATION

The bill.—Section 1 of the bill, relating to approval of the Protocol, provides that in accordance with the provisions of the Trade Act of 1974, the Protocol and the statement of administrative action submitted with it are approved. It also authorizes the President to accept the Protocol subject to the major industrial country limitations contained in paragraph (3) of section 2(b) of the Trade Agreements Act of 1979. This limitation essentially provides that the President may accept certain trade agreements only if all major industrial countries also accept the agreement, or in the limited case of only one such country not being willing to accept the agreement, that that country is not a major factor in the products covered by the agreement, that the President has the authority to deny the benefits of the agreement to that country and has taken steps to do so, or that a significant portion of the United States trade would benefit from the agreement notwithstanding such nonacceptance. The President must determine that acceptance is in the national interest.

In addition, section 1 of the bill provides for the application of paragraph (2) of section 2(b) of the Trade Agreements Act of 1979 to the Protocol. Paragraph (2) provides that trade agreements signed under authority of the Trade Agreements Act apply between the United States and another country only when the President determines that the other country has accepted the obligations of the agreement with respect to the United States, and that it should not otherwise be denied the benefits of the agreement because it has not accorded adequate benefits, including substantially equal competitive opportunities, for the commerce of the United States. Section 1 also provides that the Protocol has the same relation to United States law as other trade agreements approved in the Trade Agreements Act. These relationships, which are set out in section 3 of the Trade Agreements Act, include a provision that the United States prevail in the event of conflict, that implementing regulations are authorized, that changes in statutes to implement a requirement, amendment, or recommendation under an agreement must be submitted to Congress, and that no unspecified private remedies are created by Congressional approval of an agreement.

Section 2 of the bill contains the amendment to United States law relating to customs valuation necessary to conform U.S. law to the Agreement as modified by the Protocol. This provision deletes the test for related parties transactions presently contained in section 402(b)(2)(B)(iii) of the Tariff Act of 1930. This is one of three enumerated test values that Customs officers may examine to see if the transaction value reported for Customs purposes in a transaction between related parties (for example, subsidiaries of the same parent corporation) should be accepted as the customs value for purposes of applying duties. The test value to be eliminated is one based on sales by a different seller to unrelated parties of the same product imported from a different country. Section 2 also contains a special effective date provision that provides these amendments are effective on the latest of one of three dates: The date on which the amendments made by title II of the Trade Agreements Act take effect; the date on which the President accepts the Protocol; or the date on which the President determines that the European Economic Community has implemented the Protocol.

Section 3 of the bill makes 29 changes to Schedule 4 of the TSUS, as amended by section 223(d) of the Trade Agreements Act, relating to a revised benzenoid chemical nomenclature and converted rates of duty with respect to these articles. Twenty seven of the changes correct technical errors made in the Trade Agreements Act, and two of the changes provide rates of duty more consistent with the "noncompetitive" nature of the products involved.

Reasons for the bill.—The purpose of the bill is to approve and implement the Protocol to the Customs Valuation Agreement and to make necessary implementing and technical changes to the TSUS to fully implement the Agreement. Implementation of the Protocol will not substantially reduce the rights of the United States or the benefits to the United States under the Customs Valuation Agreement negotiated at the MTN. Rather, the purpose of the Protocol is to give developing countries assurances that the improvements in valuation procedures provided for in the Customs Valuation Agreement will not operate to their detriment. All limitations on approval enacted for MTN agreements approved in the Trade Agreements Act are applied with equal force to the Protocol approved in the bill.

Prior to the Administration's entry into the agreement, but after the President had notified the Congress of his intention to do so, the Subcommittee on International Trade held a public hearing and consultation relating to the Protocol. It heard witnesses representing both the Administration and private industry. Subsequently, the Committee made recommendations to the Administration on the content of the implementing bill for the Protocol. Thereafter, on August 1, 1980, the Administration submitted the present bill that is in accordance with the Committee's recommendations. No objections to the Protocol or its implementation have been received from any source. The Committee, on September 17, 1980, unanimously agreed to recommend that the bill be approved by the Senate.

With regard to the technical changes to the benzenoid chemical schedules, these amendments result from consultations with trading partners, the U.S. International Trade Commission, and the U.S. Customs Service. Of the total of 29 changes, 21 are jointly recommended by the staff of the U.S. International Trade Commission and the staff of the U.S. Customs Service. Three of the remaining eight changes are recommendations from the U.S. Trade Representative required to correct technical deficiencies in the U.S. International Trade Commission investigation 225-1, "Competitive Status of Certain Benzenoid Chemical Imports from the European Community and Switzerland." The remaining five changes would restore current levels of duties collected for items that would otherwise incur substantially higher rates of duty under the benzenoid nomenclature as amended by section 223 of the Trade Agreements Act.

All but two of the 29 changes relate to changes in the schedules made by section 223(d)(2) of the Trade Agreements Act. In June 1978, the U.S.I.T.C. issued a revised benzenoid chemical nomenclature which converted American Selling Price (ASP) rates of duty to provide for substantially equivalent tariff revenue as was collected under the ASP system of valuation. In structuring this conversion, the U.S.I.T.C. generally removed "non-competitive" chemicals from "competitive" tariff baskets and listed them by name in the TSUS. This revised nomenclature subsequently served as the negotiating basis for MTN concessions on ASP chemicals. Section 223(d)(2) of the Trade Agreements Act of 1979 legally placed this nomenclature and the converted rates of duty into effect when the United States officially implemented the new International Customs Valuation Agreement on July 1, 1980.

Prior to placing section 223(d)(2) into force, the USTR requested that the U.S. Customs Service review this section to insure that there were no errors in classification or nomenclature. Upon completing its review, the U.S. Customs Service notified the USTR and the USITC of a number of errors in classification and in nomenclature. The proposed amendments rectify these errors.

In addition to these corrections, other amendments restore the current effective rates of duty for eight "non-competitve" chemicals which would otherwise incur substantially higher rates of duty under the nomenclature as amended by section 223(d)(2).

The Committee understands and intends that nothing in section 3 of the bill shall prevent the President from exercising his pre-existing authority to modify the TSUS with respect to the TSUS items added or amended by this legislation. In the cases of pre-existing TSUS items that are amended in this section, his authority to proclaim staged rates, as well as his authority to add the column prescribing rates of duty for products of the least developed developing countries, is not changed by the bill. This applies to TSUS items 403.76, 408.32, and 411.40, as amended by the bill. Section 3(c) of the bill specifically preserves staging authority for the special cases of TSUS items 403.74, 406.73, and 408.31, which are new provisions created in this bill under section 3(a). Staging previously proclaimed with respect to other TSUS items (namely, 404.32, 406.36, and 408.24, respectively) from which the products named in the new items are withdrawn by the bill, shall apply to the new provisions. This provision is, again, not intended to bar the President from exercising his pre-existing tariff-modifying powers with respect to these new items. ●

● Mr. DOLE. Mr. President, on Friday, the House of Representatives passed H.R. 7942 which approves and implements the protocol to the customs valuation agreement concluded during the recent MTN negotiations. This bill also makes certain minor technical amendments to the Tariff Schedules of the United States relating to the classification of certain chemicals.

The Committee on Finance worked closely with the administration in drafting this bill. In April of this year, the committee, under the applicable procedures of the Trade Act of 1974 held hearings on the protocol. The committee then made recommendations. At its direction the committee staff worked with the administration and the staff of the House Committee on Ways and Means to arrive at a bill which carried out the committee's recommendations.

This bill, H.R. 4972 was submitted by the President and introduced in the House on August 18, 1980. The bill makes only one substantive change in the present implementing legislation. One of the four tests in the agreement by which related parties establish a transaction value is deleted. Notwithstanding the minor nature of this change in our law, it is of serious concern to several developing countries. These countries have indicated that if the protocol is approved by the developed countries, they are prepared to accede to the customs valuation agreement. The participation of these less developed countries in this agreement would greatly increase its effectiveness and facilitate our international trading relationships. Therefore, I continue to support acceptance of the protocol and urge passage of H.R. 7942 which will implement it.●

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H.R. 7942) was read the third time and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

KENNEDY CENTER AUTHORIZATION ACT

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1142.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the amendment of the House to the bill (S. 1142) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. RANDOLPH, I move that the Senate insist upon its amendment to the amendment of the House and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RANDOLPH, Mr. STAFFORD, Mr. BURDICK, Mr. CHAFEE, Mr. MOYNIHAN, Mr. SIMPSON, and Mr. MITCHELL, conferees on the part of the Senate.

BILL HELD AT DESK—H.R. 8112

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at such time as H.R. 8112 is received by the Senate, it be held at the desk pending further action by the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

BILL HELD AT DESK—H.R. 8329

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 8329 be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the committee is discharged.

ORDER FOR RECESS UNTIL 12:30 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 12:30 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:30 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until tomorrow at 12:30 p.m.

The motion was agreed to and at 5:43 p.m., the Senate recessed until tomorrow, Tuesday, November 18, 1980, at 12:30 p.m.

HOUSE OF REPRESENTATIVES—*Monday, November 17, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

For this new day and with it the opportunities for friendship and service, we give You praise, O God, and ask You to bless our efforts to minister to the needs of all people. To those who earnestly desire to speak for integrity and truth, grant encouragement and support, and to those who face anxiety or pain because of their actions for righteousness and goodness, give a measure of satisfaction and peace. Keep before our eyes, O God, the banner of faith, hope and love, that we may be worthy of the high calling that You have given to every person under heaven. In Your holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1762. An act to convey all interests of the United States in certain real property in Sandoval County, N. Mex., to Walter Hernandez.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5487) entitled "An act to designate certain national forest system lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BUMPERS, Mr. MELCHER, Mr. HATFIELD, and Mr. MCCLURE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2510. An act to amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirement and disability system.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR DISENROLLMENT OF CERTAIN ALASKA NATIVES FROM THE ALASKA NATIVE ROLL AND TO ALLOW THEIR ENROLLMENT WITH THE METLAKATLA INDIAN COMMUNITY

The Clerk called the bill (H.R. 5108) to provide for the disenrollment of certain Alaska Natives from the Alaska Native Roll and to allow their enrollment with the Metlakatla Indian Community.

There being no objection, the Clerk read the bill, as follows:

H.R. 5108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Metlakatla Indian Community Enrollment Act of 1979."

SEC. 2. Any Native who is a member of the Alaska Native Roll established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) who is now or hereafter enrolled by the Metlakatla Indian Community and who requests disenrollment from the Alaska Native Roll on a form approved by the Secretary of the Interior, shall be disenrolled as of the effective date of his enrollment with the Metlakatla Indian Community.

SEC. 3. Stock previously issued by any of the 13 Regional Corporations in Alaska or by any Village Corporation to any Native who is disenrolled from the Alaska Native Roll hereunder shall, upon his disenrollment, be canceled by the issuing corporation without liability to it or to the Native whose stock is canceled.

SEC. 4. No disenrollment from the Alaska Native Roll hereunder shall be construed as increasing or decreasing regional enrollments for purposes of land entitlement, land selection eligibility, or revenue sharing of any Native village, Native group, Village Corporation or Regional Corporation, all as defined in the Alaska Native Claims Settlement Act, pursuant to sections 6(c), 7(m), 12(b), 14 (h)8, and 7(i) of that Act.

SEC. 5. The Secretary of the Interior shall assist the Metlakatla Indian Community in preparing and maintaining a current community roll, which shall be prima facie evidence of membership in the Metlakatla Indian Community of any Native whose enrollment on the Alaska Native Roll is contested by the Enrollment Coordinator under regulations of the Secretary of the Interior.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

That this Act may be cited as the "Metlakatla Indian Community Enrollment Act of 1980."

SEC. 2. Any Native whose name appears on the Alaska Native Roll established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) who is now or hereafter enrolled by the Metlakatla Indian Community, and who requests removal of his name from the Alaska Native Roll on a form approved by the Secretary of the Interior, shall have his name removed from the roll after receipt by the Secretary of the properly executed form and verification of his enrollment to the Metlakatla Indian Community, and shall no longer be entitled to benefits under the Alaska Native Claims Settlement Act, effective at the beginning of the next fiscal quarter after such receipt and verification. The Secretary shall notify the appropriate Native Corporations of the removal of the name from the roll. A Native who is or has been enrolled to the Metlakatla Indian Community must make his request for the removal of his name from the roll within two years after the date of the enactment of this Act, except that any such Native who is a minor may make his request any time within two years after he attains the age of eighteen years. A Native who is not and has not been enrolled to the Metlakatla Indian Community must make his request at the time he applies for enrollment to the Metlakatla Indian Community, except that any such Native who is a minor may make his request any time within two years after he attains the age of eighteen years.

SEC. 3. Stock previously issued by any Native Corporation established pursuant to the Alaska Native Claims Settlement Act to any Native who still retains the stock and whose name is removed from the Alaska Native Roll hereunder shall, upon the removal of the Native's name, be canceled by the issuing corporation without liability to it or to the Native. Stock of any such Native Corporation which is obtained in any manner, other than by gift or inheritance, and owned by any Native enrolled to the Metlakatla Indian Community may be canceled by the issuing corporation upon request of the Native without liability to it or to the Native.

SEC. 4. Removal of the name of a Native from the Alaska Native Roll pursuant to the provisions of this Act shall not be construed as increasing or decreasing regional or village enrollments for purposes of land entitlements pursuant to the Alaska Claims Settlement Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the removal of the names of certain Alaska Natives from the Alaska Native Roll and to allow their enrollment with the Metlakatla Indian Community."

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF INTERIOR TO REIMBURSE CERTAIN PURCHASERS OF SUBLEASES FROM SANGRE DE CRISTO DEVELOPMENT CORP.

The Clerk called the Senate bill (S. 1972) to authorize the Secretary of the Interior to reimburse certain purchasers of subleases from the Sangre de Cristo Development Corp.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

There being no objection, the Clerk read the Senate bill, as follows:

S. 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to reimburse persons who are determined by the Secretary to be bona fide purchasers of subleases from the Sangre de Cristo Development Corporation for subdivision lots on the Pueblo of Tesuque Indian Reservation near Santa Fe, New Mexico. The Secretary is authorized to reimburse such persons for the amounts they have expended in the acquisition of a sublease or subleases and upon receipt of such compensation such persons must relinquish all claims or rights, if any, they may have arising from their sublease.

(b) Applications for reimbursement under this Act shall be in such form and contain such information as the Secretary of the Interior, by regulation, shall prescribe. No application for reimbursement shall be considered by the Secretary unless it is submitted on or before the date of expiration of the twenty-four-month period following the date of enactment of this Act.

(c) The Secretary shall reimburse those applicants who are determined to be bona fide purchasers of subleases from the Sangre de Cristo Development Corporation, pursuant to its master lease with Tesuque Pueblo initially approved May 24, 1970, by the Bureau of Indian Affairs and subsequently disapproved on August 24, 1977. As used in this Act, the term "bona fide purchasers" shall mean anyone who purchased a sublease in an arm's-length transaction, for value and without notice.

(d) Within the one-hundred-and-eighty-day period following the date of the enactment of this Act, the Secretary of the Interior shall take such action as may be necessary to inform purchasers of such subleases from the Sangre de Cristo Development Corporation of the fact that the Secretary of the Interior has authority to reimburse any such person determined by the Secretary to be a bona fide purchaser of such sublease for the amounts expended by such purchaser in the acquisition of such sublease. The Secretary shall further inform such purchasers that any application for reimbursement must be submitted on or before the date of expiration of the twenty-four-month period following the date of the enactment of this Act.

SEC. 2. Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

That (a) the Secretary of the Interior is authorized to reimburse persons who are determined by the Secretary to be bona fide purchasers of subleases from the Sangre de Cristo Development Company, Incorporated (a corporation incorporated under the laws of the State of New Mexico), for subdivision lots on the Pueblo of Tesuque Indian Reservation near Santa Fe, New Mexico. The Secretary is authorized to reimburse such persons for the amounts they have expended in the acquisition of a sublease or subleases and upon receipt of such compensation such persons must relinquish all claims or rights, if any, they may have arising from their sublease.

(b) Applications for reimbursement under this Act shall be in such form and contain such information as the Secretary of the Interior, by regulation, shall prescribe. No application for reimbursement shall be considered by the Secretary unless it is submitted on or before the date of expiration of the twenty-four-month period following the date of enactment of this Act.

(c) Subject to the availability of appropriations, the Secretary shall reimburse those applicants who are determined to be bona fide purchasers of subleases from the Sangre de Cristo Development Company, Incorporated, pursuant to its master lease with Tesuque Pueblo initially approved May 24, 1970, by the Bureau of Indian Affairs and subsequently disapproved on August 24, 1977. As used in this Act, the term "bona fide purchasers" shall mean anyone who purchased a sublease in an arm's length transaction, for value and without notice.

(d) Within the one-hundred-and-eighty-day period following the date of the enactment of this Act, the Secretary of the Interior shall take such action as may be necessary to inform purchasers of such subleases from the Sangre de Cristo Development Company, Incorporated, of the fact that the Secretary of the Interior has authority to reimburse any such person determined by the Secretary to be a bona fide purchaser of such sublease for the amounts expended by such purchaser in the acquisition of such sublease. The Secretary shall further inform such purchasers that any application for reimbursement must be submitted on or before the date of expiration of the twenty-four-month period following the date of the enactment of this Act.

SEC. 2. (a) Subject to the availability of appropriations, the Secretary of the Interior shall reimburse bona fide creditors of the Sangre de Cristo Development Company, Incorporated, who shall have been certified as such by the United States District Court for the District of New Mexico, Bankruptcy Division, in the action entitled "Sangre de Cristo Development Company, Incorporated, No. 77–1044 in Bankruptcy", for the amount the court determines is owing to such creditor from such corporation. The United States shall have a right to intervene in such action as its interests may warrant in consideration of the provisions of this section and shall have the rights of a party in interest under section 502 of title II, United States Code. No person or entity having or having had an equity interest in the Sangre de Cristo Development Company, Incorporated, shall be deemed to be a bona fide creditor of the corporation for purposes of this section.

(b) Any creditor, who has accepted a sublease from the corporation for subdivision lots in compensation for services or materials provided to the corporation and who is otherwise a bona fide creditor under subsection (a) of this section, may be reimbursed pursuant to subsection (a) for the actual value of such services or materials upon certification by the court as provided in subsection (a) or upon proof satisfactory to the Secretary.

SEC. 3. Jurisdiction is hereby conferred on the United States District Court for the District of New Mexico to hear, determine, and render judgment on any legal claim for damages, under existing law, that the Sangre de Cristo Development Company, Incorporated, may have against the United States arising from the action of the United States in the initial approval and subsequent disapproval of the lease described in section 1(c) of this Act or from the preparation of the environmental impact statement attendant to such lease. Such action must be filed within one year from the date of enactment of this Act and jurisdiction conferred by this section includes jurisdiction of any set-off, counterclaim, or other claim or demand whatever on the part of the United States against such corporation.

SEC. 4. Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 1 and 2 of this Act.

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to authorize the Secretary of the Interior to reimburse certain purchasers of subleases from, and creditors of, the Sangre de Cristo Development Co., Inc., and for other purposes."

A motion to reconsider was laid on the table.

PROVIDING THAT CERTAIN LAND OF UNITED STATES SHALL BE HELD BY UNITED STATES IN TRUST FOR CERTAIN COMMUNITIES OF THE MDEWAKANTON SIOUX IN MINNESOTA

The Clerk called the bill (H.R. 7147) to provide that certain land of the United States shall be held by the United States in trust for certain communities of the Mdewakanton Sioux in Minnesota.

There being no objection, the Clerk read the bill, as follows:

H.R. 7147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all right, title, and interest of the United States in that land (including any structures or improvements of the United States on such land) which is held by the United States for the use of certain Mdewakanton Sioux Indians under the Act of June 29, 1888 (25 Stat. 217), the Act of March 2, 1889 (25 Stat. 980), and the Act of August 19, 1890 (26 Stat. 336) and which is described in subsection (b) is hereby declared to be held by the United States—

(1) with respect to the land described in subsection (b)(1), in trust for the Shakopee Mdewakanton Sioux Community of Minnesota;

(2) with respect to the land described in subsection (b)(2), in trust for the Lower Sioux Indian Community of Minnesota; and

(3) with respect to the land described in subsection (b)(3), in trust for the Prairie Island Indian Community of Minnesota.

(b) The land referred to in subsection (a) is described as follows:

(1) The land located in Scott County, Minnesota, all in township 115 north, range 22 west, described as follows:

In section 22, the south half northwest quarter, and north half southwest quarter, execption 1.75 acres in the southwest corner of the north half southwest quarter.

In section 28, the northeast quarter southwest quarter.

In section 33, the north 50 acres of the east half northeast quarter.

In section 34, a 10-acre parcel described as commencing at a point on the east line of the section 60 rods south from the northeast corner thereof; thence west and parallel with the north line of said section 60 rods; thence north and parallel with the east line of said section 26⅔ rods; thence east and parallel with the north line of said section 60 rods; thence south on the section line to the place of beginning.

(2) The land located in Redwood County, Minnesota, all in township 112 north, range 35 west, described as follows:

In section 1, the north half northeast quarter, southeast quarter northeast quarter, and east half southeast quarter and 9 acres described as commencing at a point 71 rods east of the southwest quarter southeast quarter southwest quarter and running north 160 rods and then east 9 rods and south 160 rods thence west 9 rods containing 9 acres and being part of the east half southwest quarter.

In section 2, the north half northeast quarter, southeast quarter northeast quarter, and east half southeast quarter excepting the west 15 acres of the north half northeast quarter by running off a N–S line far enough from the west end to make 15 acres, and also except a tract described as commencing at a point 20.10 chains north of the southeast quarter of said section running from thence north 74 degrees west 2.62 chains, thence south 22.50 chains, thence south 74 degrees east 8.94 chains to the point of beginning, containing 6.88 acres.

In section 12, the northeast quarter and east half east half northwest quarter.

(3) The land located in Goodhue County, Minnesota, described as the southeast quarter northeast quarter and east half southeast quarter of section 31, township 114 north, range 15 west.

SEC. 2. The land held in trust for each community under the first section of this Act shall be included in and considered a part of the reservation lands of such community.

SEC. 3. No provision of this Act shall be construed to affect any contract, lease, or assignment in existence on the date of the enactment of this Act with respect to the land described in subsection (b) of the first section of this Act.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

That all right, title, and interest of the United States in those lands (including any structures or other improvements of the United States on such lands) which were acquired and are now held by the United States for the use or benefit of certain Mdewakanton Sioux Indians under the Act of June 29, 1888 (25 Stat. 217); the Act of March 2, 1889 (25 Stat. 980); and the Act of August 19, 1890 (26 Stat. 336), are hereby declared to hereafter be held by the United States—

(1) with respect to the same 258.25 acres of such lands located within Scott County, Minnesota, in trust for the Shakopee Mdewakanton Sioux Community of Minnesota;

(2) with respect to the some 572.5 acres of such lands located within Redwood County, Minnesota, in trust for the Lower Sioux Indian Community of Minnesota; and

(3) with respect to the some 120 acres of such lands located in Goodhue County, Minnesota, in trust for the Prairie Island Indian Community of Minnesota.

SEC. 2. The Secretary of the Interior shall cause a notice to be published in the Federal Register describing the lands transferred by section 1 of this Act. The lands so transferred are hereby declared to be a part of the reservations of the respective Indian communities for which they are held in trust by the United States.

SEC. 3. Nothing in this Act shall (1) alter, or require the alteration, of any rights under any contract, lease, or assignment entered into or issued prior to enactment of this Act, or (2) restrict the authorities of the Secretary of the Interior under or with respect to any such contract, lease, or assignment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

INTEREST RATES

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, the Federal Reserve Board is playing with interest rates as casually as a child might play with a yo-yo. Up and down. Up and down.

Now because of the Fed's increase in the discount rate last week, the prime rate may hit 16 percent as early as today.

Given the erratic pattern of interest rates in the past year, how in the world can the Fed expect businesses to plan their borrowing needs? How can a young family budget for that first home? How can consumers finance appliances and cars on credit?

The Reagan administration must act in January to stabilize interest rates at a lower level. If the Fed's Chairman Volcker will not cooperate, he should be asked to resign. If no action is taken, the Nation's economic revitalization will be as uncertain as next week's prime rate.

PERSONAL EXPLANATION

Mr. DAN DANIEL. Mr. Speaker, on Thursday, November 13, an equipment malfunction failed to indicate my vote on two rollcalls.

On rollcall No. 631, final passage of the State and local fiscal assistance amendments, local revenue sharing, I am not recorded. I was present, and I did vote in the affirmative.

On rollcall No. 632, I am not recorded as having responded. Again, I was present and answered the rollcall.

GREECE HAS RETURNED TO NATO

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN DANIEL. Mr. Speaker, while we were in recess for the national elections, an event of tremendous importance occurred—Greece returned to the North Atlantic Treaty Organization as a full participant in NATO's military structure. The importance of Greece in the southern flank is highly significant and the alliance will be greatly strengthened by this action.

Both Greece and Turkey are to be commended for their efforts which brought about this result. Hopefully this will lead to resolution of other issues in this area.

UNITED STATES OWED $175 BILLION

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, this past weekend I noted in the Washington Post for Sunday, November 16, 1980, a story to the effect that $175 billion is owed to the United States by various persons, groups, and interests and that the vast bulk of it is not being collected and that no serious efforts are being made to collect it.

That is an outrage, Mr. Speaker. That money is tax money which we have collected from your constituents and mine, people who work hard, who are compelled to deny themselves many things because of the bite which taxes take from their incomes, and then we hand it out as loans to persons who use other people's money, which we collect as taxes, and then we do not pay it back. One thing that shocked me is that there are 210,000 student loan accounts outstanding totaling $150 million from the Law Enforcement Assistance Administration alone, and that only four full-time and two part-time employees are assigned to service those accounts. And the State Department apparently has only one employee servicing 3,000 accounts totaling almost $100 million owed by organizations, individuals, and contractors.

Then I noted the statement that the Appropriations Committees have started making threats about budget cuts to offset uncollected debts but that immediate solutions are hard to come by.

To top it all off, the most outrageous thing of all, if true, is the statement that "Attempts to get IRS to offset delinquent debts against future tax refunds have been defeated." That is shocking. It is absolutely stupid for the Federal Government, the Internal Revenue Service, to make tax refunds to taxpayers who are already indebted to the United States through the IRS. I hope that our Ways and Means Committee will recognize its responsibility and delinquency in this respect and take corrective action immediately. We must not forget that these debts are debts owed to the people of the United States, owed by persons who may well be deadbeats, to the taxpayers of our districts who struggle to meet the tax burden.

REPUBLICAN COMMITTEE MEMBERS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, all members of the minority party, as well as many Americans, are shocked by recent statements made by the Speaker to the effect that the Democrats will retain their 2-to-1 majority on the Rules, Appropriations, and Ways and Means Committees.

Mr. Speaker, when the 52 new Republican Members take office, Republicans will account for 44 percent of the Members in this Chamber. Is it not only just and logical that Republicans should account for 44 percent of those important committees?

Mr. Speaker, I do not think the American people are going to stand for such an obvious attempt to thwart the will of the people so clearly and firmly expressed on November 4.

No one wants to impede progress, but if the American people are to be truly represented, then it is best to let the Speaker know right now that the Republican Members of this House will use every parliamentary means at our disposal to let the gentleman know that we will not put up with this high-handed treatment.

I urge the Speaker to reconsider his stand on this issue.

□ 1210

BIPARTISAN SUPPORT FOR GOP TO HAVE FAIR REPRESENTATION ON COMMITTEES

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I rise to strongly endorse the statement of the gentleman previously in the well. In recent days there have been two encouraging developments with regard to the issue of fair representation for Republicans on committees.

The first is that several Members on the Democratic side of the aisle have spoken with me over the past few days to say that they are not in favor of stacking the deck against Republicans. I am sure they will express themselves within your Democratic councils and hopefully their wisdom shall prevail.

The second encouraging development is that Senator HOWARD BAKER and the Senate Republicans have said that if House Democrats insist on undue dominance of key committees, the Senate Republicans may do the same thing.

So I think while we are appealing to fairness and logic here, we are not without political means if necessary. So in sum, Mr. Speaker, I respectfully urge the majority to rethink its position and to provide the Republican minority in the House with fair representation on the committees.

DEMOCRATS STILL IGNORING ELECTORATE'S CONSERVATIVE MOOD IN COMMITTEE ASSIGNMENTS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, prior to our October recess a number of those of us in the House publicly spoke out against the concept of a lameduck session. We argued at that time that the leadership would do substantial harm to the public image of the House of Representatives by inviting defeated and retired lawmakers back to weigh important matters of public policy. Unfortunately, the leadership did not listen.

Now the leadership seems intent on ignoring the popular will once again, as it has proposed to deny the minority party proportionate representation on key House committees.

Is is not ironic that just as the American electorate has spoken forcefully against the status quo on tax and spending policies, it has been reported that our Speaker will insist on arbitrarily maintaining a disproportionately large voice on the Ways and Means, Appropriation, and Rules Committees for the very advocates of that status quo?

It was recently reported in the paper that the reason for this was the Speaker is afraid that the Ways and Means Committee is going to get too conservative. Mr. Speaker, you should look at the electorate results across the country. The fact of the matter is that the Nation is more conservative and perhaps this body, which is supposed to represent the will of the people, ought too to become a little bit more conservative.

COMMITTEE RATIOS IN THE 97TH CONGRESS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I have in my hand a copy of a 30-page report, put out by the Democratic Study Group, indicating that, due to the need "to insure firm working majorities on each committee," the majority party will retain two-thirds of the seats on the exclusive committees and three-fifths of the seats on the rest. Since the Republicans soon will have 44 percent of the seats, this proposal is grossly unfair.

While it is encouraging to note that Republican policies are now so irresistible that such a proposal should seem necessary, the precedents for it are either weak or lacking entirely. Two to one majorities on the Ways and Means and Appropriations Committees have only been in effect since 1975, when GOP strength dropped to the one-third level, and three-fifths majorities on the rest of the committees have never been employed. In fact, the current system of having committee membership reflect that political makeup of the whole House has been in vogue for at least 50 years.

Given their losses on November 4, it is not surprising the majority party would consider such a gambit. However, the very essence of our democratic system is to reflect political change, not thwart it.

FEDERAL QUESTION JURISDICTIONAL AMENDMENTS ACT OF 1980

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2357) to eliminate the amount in controversy requirement for Federal question jurisdiction.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. ASHBROOK. Mr. Speaker, reserving the right to object, I would take this reservation to yield to my colleague the time to tell the Chamber what is going on. I do not think many Members know.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I thank my friend from the Judiciary Committee for yielding.

This is a simple proposition to eliminate the Federal question amount-in-controversy requirement that the case has to involve $10,000 or more to be considered in the Federal courts. There has been a limitation in the past. It has the anomalous result of forcing Federal question cases into State courts when the Federal courts ought to be considering them.

We passed this, as the gentleman knows, twice in the 95th Congress, together with the termination of diversity jurisdiction. The other body objected to that portion of it and sent back this year simply the Federal question jurisdiction aspect of the legislation. This passed our committee without a single vote in opposition. It passed the other body unanimously. There is no controversy I know of.

The purpose of the legislation is to abolish the $10,000 amount in controversy requirement in Federal question cases. The bill retains the requirement only in cases brought pursuant to the Consumer Product Safety Act. S. 2357 will complete the work of the 94th Congress which eliminated the jurisdictional amount requirement in cases brought against Federal defendants. It resolves the anomalous situation faced by persons who, although their Federal rights may have been violated, are barred from a Federal court solely because they have not suffered a sufficient economic injury. It represents sound principles of federalism by mandating that the Federal courts should bear the responsibility of deciding questions of Federal law. At the same time, it demonstrates an increased respect for the States by providing that Federal claims should not be forced on the overburdened State court systems.

The $10,000 amount in controversy requirement in 28 U.S.C. 1331 is widely recognized as an undesirable impediment to the exercise of Federal court jurisdiction over Federal question cases. While the cases affected are relatively few in number the requirement wastes scarce judicial resources in the complicated task of measuring the amount in controversy whenever the issue does arise.

The $10,000 requirement is particularly troublesome because it tells certain citizens, all too often the poor, that although their Federal rights have been violated, their injury is too insignificant to warrant the attention of a Federal judge. It ignores the fact that many important claims are incapable of economic valuation and it operates in total disregard of the importance, difficulty, or far-reaching nature of the Federal claim at issue. Further, since in most cases individual parties cannot aggregate their damages, claims where the true amount in dispute is far more than $10,000 are denied a Federal forum because no one person has sustained the requisite injury. Perhaps most important, as Professor Charles Alan Wright has written:

> We do nothing to encourage confidence in our judicial system or in the ability of persons with substantial grievances to obtain redress through lawful processes when

we close the courthouse door to those who cannot produce $10,000 as a ticket of admission.

Originally enacted to reduce case congestion in the Federal courts, the requirement has lost most of its impact as Congress has passed the many specialized jurisdictional statutes which do not require a jurisdictional amount. In 1976, the 94th Congress took a major step toward eliminating the remaining inequality by passing an amendment to title 28 to provide that no amount in controversy is required in any Federal question case brought against the United States, any agency thereof, or any officer or employee thereof in his official capacity. In spite of the fact that the 1976 reform did away with the $10,000 requirement in the most significant category of cases in which it had previously applied, there are still a small number of cases in which the amount in controversy requirement still applies: For example, suits arising under Federal common law, challenges to certain State and local law, and several types of miscellaneous cases. Thus, an unfortunate gap still exists in the statutory jurisdiction of the Federal courts.

Because of the relatively small number of cases involved, the committee believes that the impact this measure will have on the Federal court caseload will be minimal. Further, this bill will relieve the courts from the necessity of resolving the many difficult problems that currently arise in the interpretation of the section 1331 amount in controversy requirement. Professor Wright describes it as a "complicated body of law" and devotes 156 pages of his treatise to this issue. By eliminating these questions, this bill will save a substantial amount of valuable court time. I urge my colleagues to support this bill.

For the record, I should point out that it is the view of the Committee on the Judiciary that this legislation goes hand in hand with another important Federal jurisdiction reform, that is the elimination of diversity of citizen jurisdiction. Legislation to abolish diversity jurisdiction in Federal courts has passed the House of Representatives on two different occasions and strong support for this much needed reform remains alive. I call to the attention of all Members of Congress and the bar the strong bipartisan views included in the House report on S. 2357 which addresses this unfinished portion of our court reform agenda.

I had hoped that the gentleman from Illinois (Mr. RAILSBACK) could have been here also to concur in my remarks.

Mr. KAZEN. Mr. Speaker, will the gentleman yield to me under his reservation?

Mr. ASHBROOK. Mr. Speaker, further reserving the right to object, I yield to my colleague from Texas.

Mr. KAZEN. Mr. Speaker, do I understand the gentleman from Wisconsin to say that the thing that is involved is the amount and not the diversity issue?

Mr. KASTENMEIER. If the gentleman will yield, the gentleman is correct. The more controversial question of diversity is not involved here at all.

Mr. ASHBROOK. Mr. Speaker, further reserving the right to object, I think my colleague from Wisconsin (Mr. KASTENMEIER) correctly states the matter and I know there is no controversy on this side.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Question Jurisdictional Amendments Act of 1980".

SEC. 2. (a) Section 1331 of title 28, United States Code, is amended to read as follows:

"§ 1331. Federal question.

"The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.".

(b) The item relating to section 1331 in the table of sections for chapter 85 of title 28, United States Code, is amended by striking out "; amount in controversy; costs.".

SEC. 3. (a) Section 23(a) of the Consumer Product Safety Act (15 U.S.C. 2072(a)) is amended—

(1) by striking out "subject to the provisions of section 1331 of title 28, United States Code, as to the amount in controversy,"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof ": *Provided*, That the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs, unless such action is brought against the United States, any agency thereof, or any officer or employee thereof in his official capacity.".

(b) Section 23 of the Consumer Product Safety Act (15 U.S.C. 2072) is amended by redesignating subsection (b) as subsection (c) and by inserting immediately after subsection (a) the following new subsection:

"(b) Except when express provision is made in a statute of the United States, in any case in which the plaintiff is finally adjudged to be entitled to recover less than the sum or value of $10,000, computed without regard to any setoff or counterclaim to which the defendant may be adjudged to be entitled, and exclusive of interests and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff.".

SEC. 4. This Act shall apply to any civil action pending on the date of enactment of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated and after those motions to be determined by "nonrecord' votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. KAZEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 885) to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes, as amended.

The Clerk read as follows:

Strike out all after the enacting clause of S. 885 and insert the text of H.R. 8157 as amended.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Pacific Northwest Electric Power Planning and Conservation Act".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.
Sec. 4. Regional planning and participation.
Sec. 5. Sale of power.
Sec. 6. Conservation and resource acquisition.
Sec. 7. Rates.
Sec. 8. Amendments to existing law.
Sec. 9. Administrative provisions.
Sec. 10. Savings provisions.
Sec. 11. Effective date.
Sec. 12. Severability.

PURPOSES

SEC. 2. The purposes of this Act, together with the provisions of other laws applicable to the Federal Columbia River Power System, are all intended to be construed in a consistent manner. Such purposes are also intended to be construed in a manner consistent with applicable environmental laws. Such purposes are:

(1) to encourage, through the unique opportunity provided by the Federal Columbia River Power System—

(A) conservation and efficiency in the use of electric power, and

(B) the development of renewable resources within the Pacific Northwest;

(2) to assure the Pacific Northwest of an adequate, efficient, economical, and reliable power supply;

(3) to provide for the participation and consultation of the Pacific Northwest States, local governments, consumers, customers, users of the Columbia River System (including Federal and State fish and wildlife agencies and appropriate Indian tribes), and the public at large within the region in—

(A) the development of regional plans and programs related to energy conservation, renewable resources, other resources, and protecting, mitigating, and enhancing fish and wildlife resources;

(B) facilitating the orderly planning of the region's power system, and

(C) providing environmental quality;

(4) to provide that the customers of the

Bonneville Power Administration and their consumers continue to pay all costs necessary to produce, transmit, and conserve resources to meet the region's electric power requirements, including the amortization on a current basis of the Federal investment in the Federal Columbia River Power System,

(5) to insure, subject to the provisions of this Act—

(A) that the authorities and responsibilities of State and local governments, electric utility systems, water management agencies, and other non-Federal entities for the regulation, planning, conservation, supply, distribution, and use of electric power shall be construed to be maintained, and

(B) that Congress intends that this Act not be construed to limit or restrict the ability of customers to take actions in accordance with other applicable provisions of Federal or State law, including, but not limited to, actions to plan, develop, and operate resources and to achieve conservation, without regard to this Act; and

(6) to protect, mitigate and enhance the fish and wildlife, including related spawning grounds and habitat, of the Columbia River and its tributaries, particularly anadromous fish which are of significant importance to the social and economic well-being of the Pacific Northwest and the Nation and which are dependent on suitable environmental conditions substantially obtainable from the management and operation of the Federal Columbia River Power System and other power generating facilities on the Columbia River and its tributaries.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Acquire" and "acquisition" shall not be construed as authorizing the Administrator to construct, or have ownership of, under this Act or any other law, any electric generating facility.

(2) "Administrator" means the Administrator of the Bonneville Power Administration.

(3) "Conservation" means any reduction in electric power consumption as a result of increases in the efficiency of energy use, production, or distribution.

(4)(A) "Cost-effective", when applied to any measure or resource referred to in this Act, means that such measure or resource must be forecast—

(i) to be reliable and available within the time it is needed, and

(ii) to meet or reduce the electric power demand, as determined by the Council or the Administrator, as appropriate, of the consumers of the customers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative measure or resource, or any combination thereof.

(B) For purposes of this paragraph, the term "system cost" means an estimate of all direct costs of a measure or resource over its effective life, including, if applicable, the cost of distribution and transmission to the consumer and, among other factors, waste disposal costs, end-of-cycle costs, and fuel costs (including projected increases), and such quantifiable environmental costs and benefits as the Administrator determines, on the basis of a methodology developed by the Council as part of the plan, or in the absence of the plan by the Administrator, are directly attributable to such measure or resource.

(C) In determining the amount of power that a conservation measure or other resource may be expected to save or to produce, the Council or the Administrator, as the case may be, shall take into account projected realization factors and plant factors, including appropriate historical experience with similar measures or resources.

(D) For purposes of this paragraph, the "estimated incremental system cost" of any conservation measure or resource shall not be treated as greater than that of any nonconservation measure or resource unless the incremental system cost of such conservation measure or resource is in excess of 110 per centum of the incremental system cost of the nonconservation measure or resource.

(5) "Consumer" means any end user of electric power.

(6) "Council" means, unless otherwise specifically provided, the members appointed to the Pacific Northwest Electric Power and Conservation Planning Council established pursuant to section 4.

(7) "Customer" means anyone who contracts for the purchase of power from the Administrator pursuant to this Act.

(8) "Direct service industrial customer" means an industrial customer that contracts for the purchase of power from the Administrator for direct consumption.

(9) "Electric power" means electric peaking capacity, or electric energy, or both.

(10) "Federal base system resources" means—

(A) the Federal Columbia River Power System hydroelectric projects;

(B) resources acquired by the Administrator under long-term contracts in force on the effective date of this Act; and

(C) resources acquired by the Administrator in an amount necessary to replace reductions in capability of the resources referred to in subparagraphs (A) and (B) of this paragraph.

(11) "Indian tribe" means any Indian tribe or band which is located in whole or in part in the region and which has a governing body which is recognized by the Secretary of the Interior.

(12) "Major resource" means any resource that—

(A) has a planned capability greater than fifty average megawatts, and

(B) if acquired by the Administrator, is acquired for a period of more than five years. Such term does not include any resource acquired pursuant to section 11(b)(6) of the Federal Columbia River Transmission System Act.

(13) "New large single load" means any load associated with a new facility, an existing facility, or an expansion of an existing facility—

(A) which is not contracted for, or committed to, as determined by the Administrator, by a public body, cooperative, investor-owned utility, or Federal agency customer prior to September 1, 1979, and

(B) which will result in an increase in power requirements of such customer of ten average megawatts or more in any consecutive twelve-month period.

(14) "Pacific Northwest", "region", or "regional" means—

(A) the area consisting of the States of Oregon, Washington, Idaho, the portion of the State of Montana west of the Continental Divide, and such portions of the States of Nevada, Utah, and Wyoming as are within the Columbia River drainage basin; and

(B) any contiguous areas, not in excess of seventy-five air miles from the area referred to in subparagraph (A), which are a part of the service area of a rural electric cooperative customer served by the Administrator on the effective date of this Act which has a distribution system from which it serves both within and without such region.

(15) "Plan" means the Regional Electric Power and Conservation plan (including any amendments thereto) adopted pursuant to this Act and such plan shall apply to actions of the Administrator as specified in this Act.

(16) "Renewable resources" means a resource which utilizes solar, wind, hydro, geothermal, biomass, or similar sources of energy and which either is used for electric power generation or will reduce the electric power requirements of a consumer, including by direct application.

(17) "Reserves" means the electric power needed to avert particular planning or operating shortages for the benefit of firm power customers of the Administrator and available to the Administrator (A) from resources or (B) from rights to interrupt, curtail, or otherwise withdraw, as provided by specific contract provisions, portions of the electric power supplied to customers.

(18) "Residential use" or "residential load" means all usual residential, apartment, seasonal dwelling and farm electrical loads or uses, but only the first four hundred horsepower during any monthly billing period of farm irrigation and pumping for any farm.

(19) "Resource" means—

(A) electric power, including the actual or planned electric power capability of generating facilities, or

(B) actual or planned load reduction resulting from direct application of a renewable energy resource by a consumer, or from a conservation measure.

(20) "Secretary" means the Secretary of Energy.

REGIONAL PLANNING AND PARTICIPATION

SEC. 4. (a)(1) The purposes of this section are to provide for the prompt establishment and effective operation of the Pacific Northwest Electric Power and Conservation Planning Council, to further the purposes of this Act by the Council promptly preparing and adopting (A) a regional conservation and electric power plan and (B) a program to protect, mitigate, and enhance fish and wildlife, and to otherwise expeditiously and effectively carry out the Council's responsibilities and functions under this Act.

(2) To achieve such purposes and facilitate cooperation among the States of Idaho, Montana, Oregon, and Washington, and with the Bonneville Power Administration, the consent of Congress is given for an agreement described in this paragraph and not in conflict with this Act, pursuant to which—

(A) there shall be established a regional agency known as the "Pacific Northwest Electric Power and Conservation Planning Council" which (i) shall have its offices in the Pacific Northwest, (ii) shall carry out its functions and responsibilities in accordance with the provisions of this Act, (iii) shall continue in force and effect in accordance with the provisions of this Act, and (iv) except as otherwise provided in this Act, shall not be considered an agency or instrumentality of the United States for the purpose of any Federal law; and

(B) two persons from each State may be appointed, subject to the applicable laws of each such State, to undertake the functions and duties of members of the Council.

The State may fill any vacancy occurring prior to the expiration of the term of any member. The appointment of six initial members, subject to applicable State law, by June 30, 1981, by at least three of such States shall constitute an agreement by the States establishing the Council and such agreement is hereby consented to by the Congress. Upon request of the Governors of two of the States, the Secretary shall extend the June 30, 1981, date for six additional months to provide more time for the State to make such appointments.

(3) Except as otherwise provided by State law, each member appointed to the Council shall serve for a term of three years, except that, with respect to members initially appointed, each Governor shall designate one member to serve a term of two years and one member to serve a term of three years. The members of the Council shall select from among themselves a chairman. The members and officers and employees of the Council shall not be deemed to be officers or employees of the United States for any purpose. The Council shall appoint, fix compensation, and assign and delegate duties to such executive and additional personnel as the Council

deems necessary to fulfill its functions under this Act taking into account such information and analyses as are, or are likely to be, available from other sources pursuant to provisions of this Act. The compensation of the members shall be fixed by State law. The compensation of the members and officers shall not exceed the rate prescribed for Federal officers and positions at step 1 of level GS-18 of the General Schedule.

(4) For the purpose of providing a uniform system of laws, in addition to this Act, applicable to the Council relating to the making of contracts, conflicts-of-interest, financial disclosure, open meetings of the Council, advisory committees, disclosure of information, judicial review of Council functions and actions under this Act, and related matters, the Federal laws applicable to such matters in the case of the Bonneville Power Administration shall apply to the Council to the extent appropriate, except that with respect to open meetings, the Federal laws applicable to open meetings in the case of the Federal Energy Regulatory Commission shall apply to the Council to the extent appropriate. In applying the Federal laws applicable to financial disclosure under the preceding sentence, such laws shall be applied to members of the Council without regard to the duration of their service on the Council or the amount of compensation received for such service. No contract, obligation, or other action of the Council shall be construed as an obligation of the United States or an obligation secured by the full faith and credit of the United States. For the purpose of judicial review of any action of the Council or challenging any provision of this Act relating to functions and responsibilities of the Council, notwithstanding any other provision of law, the courts of the United States shall have exclusive jurisdiction of any such review.

(b)(1) If the Council is not established and its members are not timely appointed in accordance with subsection (a) of this section, or if, at any time after such Council is established and its members are appointed in accordance with subsection (a)—

(A) any provision of this Act relating to the establishment of the Council or to any substantial function or responsibility of the Council (including any function or responsibility under subsection (d) or (h) of this section or under section 6(c) of this Act) is held to be unlawful by a final determination of any Federal court, or

(B) the plan or any program adopted by such Council under this section is held by a final determination of such a court to be ineffective by reason of subsection (a)(2)(B),

the Secretary shall establish the Council pursuant to this subsection as a Federal agency. The Secretary shall promptly publish a notice thereof in the Federal Register and notify the Governors of each of the States referred to in subsection (a) of this section.

(2) As soon as practicable, but not more than thirty days after the publication of the notice referred to in paragraph (1) of this subsection, and thereafter within forty-five days after a vacancy occurs, the Governors of the States of Washington, Oregon, Idaho, and Montana may each (under applicable State laws, if any) provide to the Secretary a list of nominations from such State for each State's positions to be selected for such Council. The Secretary may extend this time an additional thirty days. The list shall include at least two persons for each such position. The list shall include such information about such nominees as the Secretary may request. The Secretary shall appoint the Council members from each Governor's list of nominations for each State's positions, except that the Secretary may decline to appoint for any reason any of a Governor's nominees for a position and shall so notify the Governor. The Governor may thereafter make successive nominations within forty-five days of receipt of such notice until nominees acceptable to the Secretary are appointed for each position. In the event the Governor of any such State fails to make the required nominations for any State position on such Council within the time specified for such nominations, the Secretary shall select from such State and appoint the Council member or members for such position. The members of the Council shall select from among themselves one member of the Council as Chairman.

(3) The members of the Council established by this subsection who are not employed by the United States or a State shall receive compensation at a rate equal to the rate prescribed for offices and positions at level GS-18 of the General Schedule for each day such members are engaged in the actual performance of duties as members of such Council, except that no such member may be paid more in any calendar year than an officer or employee at step 1 of level GS-18 is paid during such year. Members of such Council shall be considered officers or employees of the United States for purposes of title II of the Ethics in Government Act of 1978 (5 U.S.C. app.) and shall also be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code. Such Council may appoint, and assign duties to, an executive director who shall serve at the pleasure of such Council and who shall be compensated at the rate established for GS-18 of the General Schedule. The executive director shall exercise the powers and duties delegated to such director by such Council, including the power to appoint and fix compensation of additional personnel in accordance with applicable Federal law to carry out the functions and responsibilities of such Council.

(4) When a Council is established under this subsection after a Council was established pursuant to subsection (a) of this section, the Secretary shall provide, to the greatest extent feasible, for the transfer to the Council established by this subsection of all funds, books, papers, documents, equipment, and other matters in order to facilitate the Council's capability to achieve the requirements of subsections (d) and (h) of this section. In order to carry out its functions and responsibilities under this Act expeditiously, the Council shall take into consideration any actions of the Council under subsection (a) and may review, modify, or confirm such actions without further proceedings.

(5)(A) At any time beginning one year after the plan referred to in such subsection (d) and the program referred to in such subsection (h) of this section are both finally adopted in accordance with this Act, the Council established pursuant to this subsection shall be terminated by the Secretary 90 days after the Governors of three of the States referred to in this subsection jointly provide for any reason to the Secretary a written request for such termination. Except as provided in subparagraph (B), upon such termination all functions and responsibilities of the Council under this Act shall also terminate.

(B) Upon such termination of the Council, the functions and responsibilities of the Council set forth in subsection (h) of this section shall be transferred to, and continue to be funded and carried out, jointly, by the Administrator, the Secretary of the Interior, and the Administrator of the National Marine Fisheries Service, in the same manner and to the same extent as required by such subsection and in cooperation with the Federal and the region's State fish and wildlife agencies and Indian tribes referred to in subsection (h) of this section and the Secretary shall provide for the transfer to them of all records, books, documents, funds, and personnel of such Council that relate to subsection (h) matters. In order to carry out such functions and responsibilities expeditiously, the Administrator, the Secretary of the Interior, and the Administrator of the National Marine Fisheries Service shall take into consideration any actions of the Council under this subsection, and may review, modify, or confirm such actions without further proceedings.

In the event the Council is terminated pursuant to this paragraph, whenever any action of the Administrator requires any approval or other action by the Council, the Administrator may take such action without such approval or action, except that the Administrator may not implement any proposal to acquire a major generating resource or to grant billing credits involving a major generating resource until the expenditure of funds for that purpose is specifically authorized by Act of Congress enacted after such termination.

(c)(1) The provisions of this subsection shall, except as specifically provided in this subsection, apply to the Council established pursuant to either subsection (a) or (b) of this section.

(2) A majority of the members of the Council shall constitute a quorum. Except as otherwise provided specifically in this Act, all actions and decisions of the Council shall be by majority vote of the members present and voting. The plan or any part thereof and any amendment thereto shall not be approved unless such plan or amendment receives the votes of—

(A) a majority of the members appointed to the Council, including the vote of at least one member from each State with members on the Council; or

(B) at least six members of the Council.

(3) The Council shall meet at the call of the Chairman or upon the request of any three members of the Council. If any member of the Council disagrees with respect to any matter transmitted to any Federal or State official or any other person or wishes to express additional views concerning such matter, such member may submit a statement to accompany such matter setting forth the reasons for such disagreement or views.

(4) The Council shall determine its organization and prescribe its practices and procedures for carrying out its functions and responsibilities under this Act. The Council shall make available to the public a statement of its organization, practices, and procedures, and make available to the public its annual work program budget at the time the President submits his annual budget to Congress.

(5) Upon request of the Council established pursuant to subsection (b) of this section, the head of any Federal agency is authorized to detail or assign to the Council, on a reimbursable basis, any of the personnel of such agency to assist the Council in the performance of its functions under this Act.

(6) At the Council's request, the Administrator of the General Services Administration shall furnish the Council established pursuant to subsection (b) of this section with such offices, equipment, supplies, and services in the same manner and to the same extent as such Administrator is authorized to furnish to any other Federal agency or instrumentality such offices, supplies, equipment, and services.

(7) Upon the request of the Congress or any committee thereof, the Council shall promptly provide to the Congress, or to such committee, any record, report, document, material, and other information which is in the possession of the Council.

(8) To obtain such information and advice as the Council determines to be necessary or appropriate to carry out its functions and responsibilities pursuant to this Act, the Council shall, to the greatest extent practicable, solicit engineering, economic, social, environmental, and other technical studies from customers of the Administrator and from other bodies or organizations in the region with particular expertise.

(9) The Administrator and other Federal agencies, to the extent authorized by other provisions of law, shall furnish the Council all information requested by the Council as necessary for performance of its functions, subject to such requirements of law concerning trade secrets and proprietary data as may be applicable.

(10)(A) At the request of the Council, the Administrator shall pay from funds available to the Administrator the compensation and other expenses of the Council as are authorized by this Act, including the reimbursement of those States with members on the Council for services and personnel to assist in preparing a plan pursuant to subsection (d) and a program pursuant to subsection (h) of this section, as the Council determines are necessary or appropriate for the performance of its functions and responsibilities. Such payments shall be included by the Administrator in his annual budgets submitted to Congress pursuant to the Federal Columbia River Transmission System Act and shall be subject to the requirements of that Act, including the audit requirements of section 11(d) of such Act. The records, reports, and other documents of the Council shall be available to the Comptroller General for review in connection with such audit or other review of examination by the Comptroller General pursuant to other provisions of law applicable to the Comptroller General. Funds provided by the Administrator for such payments shall not exceed annually an amount equal to 0.02 mill multiplied by the kilowatt hours of firm power forecast to be sold by the Administrator during the year to be funded. In order to assist the Council's initial organization, the Administrator after the enactment of this Act shall promptly prepare and propose an amended annual budget to expedite payment for Council activities.

(B) Notwithstanding the limitation contained in the fourth sentence of subparagraph (A) of this paragraph, upon an annual showing by the Council that such limitation will not permit the Council to carry out its functions and responsibilities under this Act the Administrator may raise such limit up to any amount not in excess of 0.10 mill multiplied by the kilowatt hours of firm power forecast to be sold by the Administrator during the year to be funded.

(11) The Council shall establish a voluntary scientific and statistical advisory committee to assist in the development, collection, and evaluation of such statistical, biological, economic, social, environmental, and other scientific information as is relevant to the Council's development and amendment of a regional conservation and electric power plan.

(12) The Council may establish such other voluntary advisory committees as it determines are necessary or appropriate to assist it in carrying out its functions and responsibilities under this Act.

(13) The Council shall ensure that the membership for any advisory committee established or formed pursuant to this section shall, to the extent feasible, include representatives of, and seek the advice of, the Federal, and the various regional, State, local, and Indian Tribal Governments, consumer groups, and customers.

(d)(1) Within two years after the Council is established and the members are appointed pursuant to subsection (a) or (b) of this section, the Council shall prepare, adopt, and promptly transmit to the Administrator a regional conservation and electric power plan. The adopted plan, or any portion thereof, may be amended from time to time, and shall be reviewed by the Council not less frequently than once every five years. Prior to such adoption, public hearings shall be held in each Council member's State on the plan or substantial, nontechnical amendments to the plan proposed by the Council for adoption. A public hearing also be held in any other State of the region on the plan or amendments thereto, if the Council determines that the plan or amendments would likely have a substantial impact on that State in terms of major resources which may be developed in that State and which the Administrator may seek to acquire. Action of the Council under this subsection concerning such hearings shall be subject to section 553 of title 5, United States Code and such procedure as the Council shall adopt.

(2) Following adoption of the plan and any amendment thereto, all actions of the Administrator pursuant to section 6 of this Act shall be consistent with the plan and any amendment thereto, except as otherwise specifically provided in this Act.

(e)(1) The plan shall, as provided in this paragraph, give priority to resources which the Council determines to be cost-effective. Priority shall be given: first, to conservation; second, to renewable resources; third, to generating resources utilizing waste heat or generating resources of high fuel conversion efficiency; and fourth, to all other resources.

(2) The plan shall set forth a general scheme for implementing conservation measures and developing resources pursuant to section 6 of this Act to reduce or meet the Administrator's obligations with due consideration by the Council for (A) environmental quality, (B) compatibility with the existing regional power system, (C) protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish, and (D) other criteria which may be set forth in the plan.

(3) To accomplish the priorities established by this subsection, the plan shall include the following elements which shall be set forth in such detail as the Council determines to be appropriate:

(A) an energy conservation program to be implemented under this Act, including, but not limited to, model conservation standards;

(B) recommendation for research and development;

(C) a methodology for determining quantifiable environmental costs and benefits under section 3(4);

(D) a demand forecast of at least twenty years (developed in consultation with the Administrator, the customers, the States, including State agencies with ratemaking authority over electric utilities, and the public, in such manner as the Council deems appropriate) and a forecast of power resources estimated by the Council to be required to meet the Administrator's obligations and the portion of such obligations the Council determines can be met by resources in each of the priority categories referred to in paragraph (1) of this subsection which forecast (i) shall include regional reliability and reserve requirements, (ii) shall take into account the effect, if any, of the requirements of subsection (h) on the availability of resources to the Administrator, and (iii) shall include the approximate amounts of power the Council recommends should be acquired by the Administrator on a long-term basis and may include, to the extent practicable, an estimate of the types of resources from which such power should be acquired;

(E) an analysis of reserve and reliability requirements and cost-effective methods of providing reserves designed to insure adequate electric power at the lowest probable cost;

(F) the program adopted pursuant to subsection (h); and

(G) if the Council recommends surcharges pursuant to subsection (f) of this section, a methodology for calculating such surcharges.

(4) The Council, taking into consideration the requirement that it devote its principal efforts to carrying out its responsibilities under subsections (d) and (h) of this section, shall undertake studies of conservation measures reasonably available to direct service industrial customers and other major consumers of electric power within the region and make an analysis of the estimated reduction in energy use which would result from the implementation of such measures as rapidly as possible, consistent with sound business practices. The Council shall consult with such customers and consumers in the conduct of such studies.

(f)(1) Model conservation standards to be included in the plan shall include, but not be limited to, standards applicable to (A) new and existing structures, (B) utility, customer, and governmental conservation programs, and (C) other consumer actions for achieving conservation. Model conservation standards shall reflect geographic and climatic differences within the region and other appropriate considerations, and shall be designed to produce all power savings that are cost-effective for the region and economically feasible for consumers, taking into account financial assistance made available to consumers under section 6(a) of this Act. These model conservation standards shall be adopted by the Council and included in the plan after consultation, in such manner as the Council deems appropriate, with the Administrator, States, and political subdivisions, customers of the Administrator, and the public.

(2) The Council by a majority vote of the members of the Council is authorized to recommend to the Administrator a surcharge and the Administrator may thereafter impose such a surcharge, in accordance with the methodology provided in the plan, on customers for those portions of their loads within the region that are within States or political subdivisions which have not, or on the Administrator's customers which have not, implemented conservation measures that achieve energy savings which the Administrator determines are comparable to those which would be obtained under such standards. Such surcharges shall be established to recover such additional costs as the Administrator determines will be incurred because such projected energy savings attributable to such conservation measures have not been achieved, but in no case may such surcharges be less than 10 per centum or more than 50 per centum of the Administrator's applicable rates for such load or portion thereof.

(g)(1) To insure widespread public involvement in the formulation of regional power policies, the Council and Administrator shall maintain comprehensive programs to—

(A) inform the Pacific Northwest public of major regional power issues,

(B) obtain public views concerning major regional power issues, and

(C) secure advice and consultation from the Administrator's customers and others.

(2) In carrying out the provisions of this section, the Council and the Administrator shall—

(A) consult with the Administrator's customers;

(B) include the comments of such customers in the record of the Council's proceedings; and

(C) recognize and not abridge the authorities of State and local governments, electric utility systems, and other non-Federal entities responsible to the people of the Pacific Northwest for the planning, conservation, supply, distribution, and use of electric power and the operation of electric generating facilities.

(3) In the preparation, adoption, and implementation of the plan, the Council and the Administrator shall encourage the cooperation, participation, and assistance of appropriate Federal agencies, State entities, State political subdivisions, and Indian tribes. The Council and the Administrator are authorized to contract, in accordance with applicable law, with such agencies, entities, tribes, and subdivisions individually, in groups, or through associations thereof to (A) investigate possible measures to be included in the plan, (B) provide public involvement and information regarding a proposed plan or amendment thereto, and (C) provide services which will assist in the implementation of the plan. In order to assist in the implementation of the plan, particularly conservation, renewable resource, and fish and wildlife activities, the Administrator, when requested and subject to available funds, may provide technical assistance in establishing conservation, renewable resource, and fish and wildlife objectives by individual States or subdivisions thereof or Indian tribes. Such objectives, if adopted by a State or subdivision thereof or Indian tribes, may be submitted to the Council and the Administrator for review, and upon approval by the Council, may be incorporated as part of the plan.

(h) (1) (A) The Council shall promptly develop and adopt, pursuant to this subsection, a program to protect, mitigate, and enhance fish and wildlife, including relating spawning grounds and habitat, on the Columbia River and its tributaries. Because of the unique history, problems, and opportunities presented by the development and operation of hydroelectric facilities on the Columbia River and its tributaries, the program, to the greatest extent possible, shall be designed to deal with that river and its tributaries as a system.

(B) This subsection shall be applicable solely to fish and wildlife, including relating spawning grounds and habitat, located on the Columbia River and its tributaries. Nothing in this subsection shall alter, modify, or affect in any way the laws applicable to rivers or river systems, including electric power facilities related thereto, other than the Columbia River and its tributaries, or affect the rights and obligations of any agency, entity, or person under such laws.

(2) The Council shall request, in writing, promptly after the Council is established under either section 4(a) or 4(b) of this Act and prior to the development or review of the plan, or any major revision thereto, from the Federal, and the region's State, fish and wildlife agencies and from the region's appropriate Indian tribes, recommendations for—

(A) measures which can be expected to be implemented by the Administrator, using authorities under this Act and other laws, and other Federal agencies to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development and operation of any hydroelectric project of the Columbia River and its tributaries;

(B) establishing objectives for the development and operation of such projects of the Columbia River and its tributaries in a manner designed to protect, mitigate, and enhance fish and wildlife; and

(C) fish and wildlife management coordination and research and development (including funding) which, among other things, will assist protection, mitigation, and enhancement of anadromous fish at, and between, the region's hydroelectric dams.

(3) Such agencies and tribes shall have 90 days to respond to such request, unless the Council extends the time for making such recommendations. The Federal, and the region's water management agencies, and the region's electric power producing agencies, customers, and public may submit recommendations of the type referred to in paragraph (2) of this subsection. All recommendations shall be accompanied by detailed information and data in support of the recommendations.

(4) (A) The Council shall give notice of all recommendations and shall make the recommendations and supporting documents available to the Administrator, to the Federal, and the region's, State fish and wildlife agencies, to the appropriate Indian tribes, to Federal agencies responsible for managing, operating, or regulating hydroelectric facilities located on the Columbia River or its tributaries, and to any customer or other electric utility which owns or operates any such facility. Notice shall also be given to the public. Copies of such recommendations and supporting documents shall be made available for review at the office of the Council and shall be available for reproduction at reasonable cost.

(B) The Council shall provide for public participation and comment regarding the recommendations and supporting documents, including an opportunity for written and oral comments, within such reasonable time as the Council deems appropriate.

(5) The Council shall develop a program on the basis of such recommendations, supporting documents, and views and information obtained through public comment and participation and consultation with the agencies, tribes, and customers referred to in subparagraph (A) of paragraph (4). The program shall consist of measures to protect, mitigate, and enhance fish and wildlife affected by the development, operation, and management of such facilities while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. Enhancement measures shall be included in the program to the extent such measures are designed to achieve improved protection and mitigation.

(6) The Council shall include in the program measures which it determines, on the basis set forth in paragraph (5), will—

(A) complement the existing and future activities of the Federal and the region's State fish and wildlife agencies and appropriate Indian tribes;

(B) be based on, and supported by, the best available scientific knowledge;

(C) utilize, where equally effective alternative means of achieving the same sound biological objective exist, the alternative with the minimum economic cost;

(D) be consistent with the legal rights of appropriate Indian tribes in the region; and

(E) in the case of anadromous fish—

(i) provide for improved survival of such fish at hydroelectric facilities located on the Columbia River system; and

(ii) provide flows of sufficient quality and quantity between such facilities to improve production, migration, and survival of such fish as necessary to meet sound biological objectives.

(7) The Council shall determine whether each recommendation received is consistent with the purposes of this Act. In the event such recommendations are inconsistent with each other, the Council, in consultation with appropriate entities, shall resolve such inconsistency in the program giving due weight to the recommendations, expertise, and legal rights and responsibilities of the Federal and the region's State fish and wildlife agencies and appropriate Indian tribes. If the Council does not adopt any recommendation of the fish and wildlife agencies and Indian tribes as part of the program or any other recommendation, it shall explain in writing, as part of the program, the basis for its finding that the adoption of such recommendation would be—

(A) inconsistent with paragraph (5) of this subsection;

(B) inconsistent with paragraph (6) of this subsection; or

(C) less effective than the adopted recommendations for the protection, mitigation, and enhancement of fish and wildlife.

(8) The Council shall consider, in developing and adopting a program pursuant to this subsection, the following principles:

(A) Enhancement measures may be used, in appropriate circumstances, as a means of achieving offsite protection and mitigation with respect to compensation for losses arising from the development and operation of the hydroelectric facilities of the Columbia River and its tributaries as a system.

(B) Consumers of electric power shall bear the cost of measures designed to deal with adverse impacts caused by the development and operation of electric power facilities and programs only.

(C) To the extent the program provides for coordination of its measures with additional measures (including additional enhancement measures to deal with impacts caused by factors other than the development and operation of electric power facilities and programs), such additional measures are to be implemented in accordance with agreements among the appropriate parties providing for the administration and funding of such additional measures.

(D) Monetary costs and electric power losses resulting from the implementation of the program shall be allocated by the Administrator consistent with individual project impacts and system-wide objectives of this subsection.

(9) The Council shall adopt such program or amendments thereto within one year after the time provided for receipt of the recommendations. Such program shall also be included in the plan adopted by the Council under subsection (d).

(10) (A) The Administrator shall use the Bonneville Power Administration fund and the authorities available to the Administrator under this Act and other laws administered by the Administrator to protect, mitigate, and enhance fish and wildlife to the extent affected by the development and operation of any hydroelectric project of the Columbia River and its tributaries in a manner consistent with the plan, if in existence, the program adopted by the Council under this subsection, and the purposes of this Act. Expenditures of the Administrator pursuant to this paragraph shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law.

(B) The Administrator may make expenditures from such fund which shall be included in the annual or supplementary budgets submitted to the Congress pursuant to the Federal Columbia River Transmission System Act. Any amounts included in such budget for the construction of capital facilities with an estimated life of greater than 15 years and an estimated cost of at least $1,000,000 shall be funded in the same manner and in accordance with the same procedures as major transmission facilities under the Federal Columbia River Transmission System Act.

(C) The amounts expended by the Administrator for each activity pursuant to this subsection shall be allocated as appropriate by the Administrator, in consultation with the Corps of Engineers and the Water and Power Resources Service, among the various hydroelectric projects of the Federal Columbia River Power System. Amounts so allocated shall be allocated to the various project purposes in accordance with existing accounting procedures for the Federal Columbia River Power System.

(11)(A) The Administrator and other Federal agencies responsible for managing, operating, or regulating Federal or non-Federal hydroelectric facilities located on the Columbia River or its tributaries shall—

(i) exercise such responsibilities consistent with the purposes of this Act and other applicable laws, to adequately protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by such projects or facilities in a manner that provides equitable treatment for such fish and wildlife with the other purposes for which such system and facilities are managed and operated;

(ii) exercise such responsibilities, taking into account at each relevant stage of decisionmaking processes to the fullest extent practicable, the program adopted by the Council under this subsection. If, and to the extent that, such other Federal agencies as a result of such consideration impose upon any non-Federal electric power project measures to protect, mitigate, and enhance fish and wildlife which are not attributable to the development and operation of such project, then the resulting monetary costs and power losses (if any) shall be borne by the Administrator in accordance with this subsection.

(B) The Administrator and such Federal agencies shall consult with the Secretary of the Interior, the Administrator of the National Marine Fisheries Service, and the State fish and wildlife agencies of the region, appropriate Indian tribes, and affected project operators in carrying out the provisions of this paragraph and shall, to the greatest extent practicable, coordinate their actions.

(12)(A) Beginning on October 1 of the first fiscal year after all members to the Council are appointed initially, the Council shall submit annually a detailed report to the Committee on Energy and Natural Resources of the Senate and to the Committees on Interstate and Foreign Commerce and on Interior and Insular Affairs of the House of Representatives. The report shall describe the actions taken and to be taken by the Council under this Act, including this subsection, the effectiveness of the fish and wildlife program, and potential revisions or modifications to the program to be included in the plan when adopted. At least ninety days prior to its submission of such report, the Council shall make available to such fish and wildlife agencies, and tribes, the Administrator and the customers a draft of such report. The Council shall establish procedures for timely comments thereon. The Council shall include as an appendix to such report such comments or a summary thereof.

(B) The Administrator shall keep such committees fully and currently informed of the actions taken and to be taken by the Administrator under this Act, including this subsection.

(i) The Council may from time to time review the actions of the Administrator pursuant to sections 4 and 6 of this Act to determine whether such actions are consistent with the plan and programs, the extent to which the plan and programs are being implemented, and to assist the Council in preparing amendments to the plan and programs.

(j)(1) The Council may request the Administrator to take an action under section 6 to carry out the Administrator's responsibilities under the plan.

(2) To the greatest extent practicable within ninety days after the Council's request, the Administrator shall respond to the Council in writing specifying—

(A) the means by which the Administrator will undertake the action or any modification thereof requested by the Council, or

(B) the reasons why such action would not be consistent with the plan, or with the Administrator's legal obligations under this Act, or other provisions of law, which the Administrator shall specifically identify.

(3) If the Administrator determines not to undertake the requested action, the Council, within sixty days after notice of the Administrator's determination, may request the Administrator to hold an informal hearing and make a final decision.

(k)(1) Not later than October 1, 1987, or six years after the Council is established under this Act, whichever is later, the Council shall complete a thorough analysis of conservation measures and conservation resources implemented pursuant to this Act during the five-year period beginning on the date the Council is established under this Act to determine if such measures or resources:

(A) have resulted or are likely to result in costs to consumers in the region greater than the costs of additional generating resources or additional fuel which the Council determines would be necessary in the absence of such measures or resources;

(B) have not been or are likely not to be generally equitable to all consumers in the region; or

(C) have impaired or are likely to impair the ability of the Administrator to carry out his obligations under this Act and other laws, consistent with sound business practices.

(2) The Administrator may determine that section 3(4)(D) shall not apply to any proposed conservation measure or resource if the Administrator finds after receipt of such analysis from the Council that such measure or resource would have any result or effect described in subparagraph (A), (B), or (C) of paragraph (1).

SALE OF POWER

SEC. 5. (a) All power sales under this Act shall be subject at all times to the preference and priority provisions of the Bonneville Project Act of 1937 (16 U.S.C. 832 and following) and, in particular, sections 4 and 5 thereof. Such sales shall be at rates established pursuant to section 7.

(b)(1) Whenever requested, the Administrator shall offer to sell to each requesting public body and cooperative entitled to preference and priority under the Bonneville Project Act of 1937 and to each requesting investor-owned utility electric power to meet the firm power load of such public body, cooperative or investor-owned utility in the region to the extent that such firm power load exceeds—

(A) the capability of such entity's firm peaking and energy resources used in the year prior to the enactment of this Act to serve its firm load in the region, and

(B) such other resources as such entity determines, pursuant to contracts under this Act, will be used to serve its firm load in the region.

In determining the resources which are used to serve a firm load, for purposes of subparagraphs (A) and (B), any resources used to serve a firm load under such subparagraphs shall be treated as continuing to be so used, unless such use is discontinued with the consent of the Administrator, or unless such use is discontinued because of obsolescence, retirement, loss of resources, or loss of contract rights.

(2) Contracts with investor-owned utilities shall provide that the Administrator may reduce his obligations under such contracts in accordance with section 5(a) of the Bonneville Project Act of 1937.

(3) In addition to his authorities to sell electric power under paragraph (1), the Administrator is also authorized to sell electric power to Federal agencies in the region.

(4) Sales under this subsection shall be made only if the public body, cooperative, Federal agency or investor-owned utility complies with the Administrator's standards for service in effect on the effective date of this Act or as subsequently revised.

(5) The Administrator shall include in contracts executed in accordance with this subsection provisions that enable the Administrator to restrict his contractual obligations to meet the loads referred to in this subsection in the future if the Administrator determines, after a reasonable period of experience under this Act, that the Administrator cannot be assured on a planning basis of acquiring sufficient resources to meet such loads during a specified period of insufficiency. Any such contract with a public body, cooperative, or Federal agency shall specify a reasonable minimum period between a notice of restriction and the earliest date such restriction may be imposed.

(6) Contracts executed in accordance with this subsection with public body, cooperative, and Federal agency customers shall—

(A) provide that the restriction referred to in paragraph (5) shall not be applicable to any such customers until the operating year in which the total of such customers' firm loads to be served by the Administrator equals or exceeds the firm capability of the Federal base system resources;

(B) not permit restrictions which would reduce the total contractual entitlement of such customers to an amount less than the firm capability of the Federal base system resources; and

(C) contain a formula for determining annually, on a uniform basis, each such customer's contractual entitlement to firm power during such a period of restriction, which formula shall not consider customer resources other than those the customer has determined, as of the effective date of this Act, to be used to serve its own firm loads.

The formula referred to in subparagraph (C) shall obligate the Administrator to provide on an annual basis only firm power needed to serve the portion of such customer's firm load in excess of the capability of such customer's own firm resources determined by such customer under paragraph (1) of this subsection to be used to serve its firm load.

(c)(1) Whenever a Pacific Northwest electric utility offers to sell electric power to the Administrator at the average system cost of that utility's resources in each year, the Administrator shall acquire by purchase such power and shall offer, in exchange, to sell an equivalent amount of electric power to such utility for resale to that utility's residential users within the region.

(2) The purchase and exchange sale referred to in paragraph (1) of this subsection with any electric utility shall be limited to an amount not in excess of 50 per centum of such utility's regional residential load in the year beginning July 1, 1980, such 50 per centum limit increasing in equal annual increments to 100 per centum of such load in the year beginning July 1, 1985, and each year thereafter.

(3) The cost benefits, as specified in contracts with the Administrator, of any purchase and exchange sale referred to in paragraph (1) of this subsection which are attributable to any electric utility's residential load within a State shall be passed through directly to such utility's residential loads within such State, except that a State which lies partially within and partially without the region may require that such cost bene-

fits be distributed among all of the utility's residential loads in that State.

(4) An electric utility may terminate, upon reasonable terms and conditions agreed to by the Administrator and such utility prior to such termination, its purchase and sale under this subsection if the supplemental rate charge provided for in section 7(b)(3) is applied and the cost of electric power sold to such utility under this subsection exceeds, after application of such rate charge, the average system cost of power sold by such utility to the Administrator under this subsection.

(5) Subject to the provisions of sections 4 and 6, in lieu of purchasing any amount of electric power offered by a utility under paragraph (1) of this subsection, the Administrator may acquire an equivalent amount of electric power from other sources to replace power sold to such utility as part of an exchange sale if the cost of such acquisition is less than the cost of purchasing the electric power offered by such utility.

(6) Exchange sales to a utility pursuant to this subsection shall not be restricted below the amounts of electric power acquired by the Administrator from, or on behalf of, such utility pursuant to this subsection.

(7) The "average system cost" for electric power sold to the Administrator under this subsection shall be determined by the Administrator on the basis of a methodology developed for this purpose in consultation with the Council, the Administrator's customers, and appropriate State regulatory bodies in the region. Such methodology shall be subject to reveiw and approval by the Federal Energy Regulatory Commission. Such average system cost shall not include—

(A) the cost of additional resources in an amount sufficient to serve any new large single load of the utility;

(B) the cost of additional resources in an amount sufficient to meet any additional load outside the region occurring after the effective date of this Act; and

(C) any costs of any generating facility which is terminated prior to initial commercial operation.

(d)(1)(A) The Administrator is authorized to sell in accordance with this subsection electric power to existing direct service industrial customers. Such sales shall provide a portion of the Administrator's reserves for firm power loads within the region.

(B) After the effective date of this Act, the Administrator shall offer in accordance with subsection (g) of this section to each existing direct service industrial customer an initial long term contract that provides such customer an amount of power equivalent to that to which such customer is entitled under its contract dated January or April 1975 providing for the sale of "industrial firm power."

(2) The Administrator shall not sell electric power, including reserves, directly to new direct service industrial customers.

(3) The Administrator shall not sell amounts of electric power, including reserves, to existing direct service industrial customers in excess of the amount permitted under paragraph (1) unless the Administrator determines, after a plan has been adopted pursuant to section 4 of this Act, that such proposed sale is consistent with the plan and that—

(A) additional power system reserves are required for the region's firm loads,

(B) the proposed sale would provide a cost-effective method of supplying such reserves,

(C) such loads or loads of similar character cannot provide equivalent operating or planning benefits to the region if served by an electric utility under contractual arrangements providing reserves, and

(D) the Administrator has or can acquire sufficient electric power to serve such loads, and

unless the Council has determined such sale is consistent with the plan. After such determination by the Administrator and by the Council, the Administrator is authorized to offer to existing direct service industrial customers power in such amounts in excess of the amount permitted under paragraph (1) of this subsection as the Administrator determines to be necessary to provide additional power system reserves to meet the region's firm loads.

(4)(A) As used in this section, the term "existing direct service industrial customer" means any direct service industrial customer of the Administrator which has a contract for the purchase of electric power from the Administrator on the effective date of this Act.

(B) The term "new direct service industrial customer" means any industrial entity other than an existing direct service industrial customer.

(C)(i) Where a new contract is offered in accordance with subsection (g) to any existing direct service industrial customer which has not received electric power prior to the effective date of this Act from the Administrator pursuant to a contract with the Administrator existing on the date of the enactment of this Act, electric power delivered under such new contract shall be conditioned on the Administrator reasonably acquiring, in accordance with this Act and within such estimated period of time (as specified in the contract) as he deems reasonable, sufficient resources to meet, on a planning basis, the load requirement of such customer. Such contract shall also provide that the obligation of the Administrator to acquire such resources to meet such load requirement shall, except as provided in clause (ii) of this subparagraph, apply only to such customer and shall not be sold or exchanged by such customer to any other person.

(ii) Rights under a contract described in clause (i) of this subparagraph may be transferred by an existing direct service industrial customer referred to in clause (i) to a successor in interest in connection with a reorganization or other transfer of all major assets of such customer. Following such a transfer, such a successor in interest (or any other subsequent successor in interest) may also transfer rights under such a contract only in connection with a reorganization or other transfer of all assets of such successor in interest.

(iii) The limitations of clause (i) of this subparagraph shall not apply to any customer referred to in clause (i) whenever the Administrator determines that such customer is receiving electric power pursuant to a contract referred to in such clause (ii).

(e)(1) The contractual entitlement to form power of any customer from whom, or on whose behalf, the Administrator has acquired electric power pursuant to section 6 may not be restricted below the amount of electric power so acquired from, or on behalf of, such customer. If in any year such customer's requirements are less than such entitlement, any excess of such entitlement shall be first made available to increase the entitlement of other customers of the same class before being available for the entitlement of other customers. For purposes of this paragraph, the following entities shall each constitute a class:

(A) public bodies and cooperatives;

(B) Federal agencies;

(C) direct service industrial; and

(D) investor owned facilities.

(2) Any contractual entitlement to firm power which is based on electric power acquired form, or on behalf of, a customer pursuant to section 6 shall be in addition to any other contractual entitlement to firm power not subject to restriction that such customer may have under this section. For the purposes of this subsection, references to amounts of power acquired by the Administrator pursuant to section 6 shall be deemed to mean the amounts specified in the resource acquisition contracts exclusive of any amounts recognized in such contracts as replacement for Federal base system resources.

(3) The Administrator shall, consistent with the provisions of this Act, insure that any restrictions upon any particular customer class made pursuant to this subsection and subsection (b) of this section are distributed equitably throughout the region.

(f) The Administrator is authorized to sell, or otherwise dispose of, electric power, including power acquired pursuant to this and other Acts, that is surplus to his obligations incurred pursuant to subsections (b), (c), and (d) of this section in accordance with this and other Acts applicable to the Administrator, including the Bonneville Project Act of 1937 (16 U.S.C. 832 and following), the Federal Columbia River Transmission System Act (16 U.S.C. 838 and following), and the Act of August 31, 1964 (16 U.S.C. 837–837h).

(g)(1) As soon as practicable within nine months after the effective date of this Act, the Administrator shall commence necessary negotiations for, and offer, initial long-term contracts (within the limitations of the third sentence of section 5(a) of the Bonneville Project Act) simultaneously to—

(A) existing public body and cooperative customers and investor-owned utility customers under subsection (b) of this section;

(B) Federal agency customers under subsection (b) of this section;

(C) electric utility customers under subsection (c) of this section; and

(D) direct service industrial customers under subsection (d)(1).

(2) Each customer offered a contract pursuant to this subsection shall have one year from the date of such offer to accept such contract. Such contract shall be effective as provided in this subsection.

(3) An initial contract with a public body, cooperative or investor-owned electric utility customer or a Federal agency customer pursuant to subsection (b) of this section shall be effective on the date executed by such customer, unless another effective date is otherwise agreed to by the Administrator and the customer.

(4) An initial contract with an electric utility customer pursuant to subsection (c) of this section shall be effective on the date executed by such customer, but no earlier than the first day of the tenth month after the effective date of this Act.

(5) An initial contract with a direct service industrial customer pursuant to subsection (d)(1) shall be effective on the date agreed upon by the Administrator and such customer, but no later than the first day of the tenth month after the effective date of this Act. When such contract is executed, it may for rate purposes be given retroactive effect to such first day.

(6) Initial contracts offered public body, cooperative and Federal agency customers in accordance with this subsection shall provide that during a period of insufficiency declared in accordance with subsection (b) of this section each customer's contractual entitlement shall, to the extent of its requirements on the Administrator, be no less than the amount of firm power received from the Administrator in the year immediately preceding the period of insufficiency.

(7) The Administrator shall be deemed to have sufficient resources for the purpose of entering into the initial contracts specified in paragraph (1) (A) through (D).

CONSERVATION AND RESOURCE ACQUISITION

SEC. 6. (a)(1) The Administrator shall acquire such resources through conservation, implement all such conservation measures, and acquire such renewable resources which are installed by a residential or small commercial consumer to reduce load, as the Administrator determines are consistent with the plan, or if no plan is in effect with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) and, in the case of major resources, in accordance with subsection (c) of this section. Such conservation measures and such resources may include, but are not limited to—

(A) loans and grants to consumers for insulation or weatherization, increased system efficiency, and waste energy recovery by direct application,

(B) technical and financial assistance to, and other cooperation with, the Administrator's customers and governmental authorities to encourage maximum cost-effective voluntary conservation and the attainment of any cost-effective conservation objectives adopted by individual States or subdivisions thereof,

(C) aiding the Administrator's customers and governmental authorities in implementing model conservation standards adopted pursuant to section 4(f), and

(D) conducting demonstration projects to determine the cost effectiveness of conservation measures and direct application of renewable energy resources.

(2) In addition to acquiring electric power pursuant to section 5(c), or on a short-term basis pursuant to section 11(b)(6)(i) of the Federal Columbia River Transmission System Act, the Administrator shall acquire, in accordance with this section, sufficient resources—

(A) to meet his contractual obligations that remain after taking into account planned savings from measures provided for in paragraph (1) of this subsection, and

(B) to assist in meeting the requirements of section 4(h) of this Act.

The Administrator shall acquire such resources without considering restrictions which may apply pursuant to section 5(b) of this Act.

(b)(1) Except as specifically provided in this section, acquisition of resources under this Act shall be consistent with the plan, as determined by the Administrator.

(2) The Administrator may acquire resources (other than major resources) under this Act which are not consistent with the plan, but which are determined by the Administrator to be consistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act.

(3) If no plan is in effect, the Administrator may acquire resources under this Act which are determined by the Administrator to be consistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act.

(4) The Administrator shall acquire any non-Federal resources to replace Federal base system resources only in accordance with the provisions of this section. The Administrator shall include in the contracts for the acquisition of any such non-Federal replacement resources provisions which will enable him to ensure that such non-Federal replacement resources are developed and operated in a manner consistent with the considerations specified in section 4(e)(2) of this Act.

(5) notwithstanding any acquisition of resources pursuant to this section, the Administrator shall not reduce his efforts to achieve conservation and to acquire renewable resources installed by a residential or small commercial consumer to reduce load, pursuant to subsection (a)(1) of this section.

(c)(1) For each proposal under subsection (a), (b), (f), (h), or (l) of this section to acquire a major resource, to implement a conservation measure which will conserve an amount of electric power equivalent to that of a major resource, to pay or reimburse investigation and preconstruction expenses of the sponsors of a major resource, or to grant billing credits or services involving a major resource, the Administrator shall—

(A) publish notice of the proposed action in the Federal Register and provide a copy of such notice to the Council, the Governor of each State in which facilities would be constructed or a conservation measure implemented, and the Administrator's customers;

(B) not less than sixty days following publication of such notice, conduct one or more public hearings, presided over by a hearing officer, at which testimony and evidence shall be received, with opportunity for such rebuttal and cross-examination as the hearing officer deems appropriate in the development of an adequate hearing record;

(C) develop a record to assist in evaluating the proposal which shall include the transcript of the public hearings, together with exhibits, and such other materials and information as may have been submitted to, or developed by, the Administrator; and

(D) following completion of such hearings, promptly provide to the Council and make public a written decision that includes, in addition to a determination respecting the requirements of subsection (a), (b), (f), (h), (l), or (m) of this section, as appropriate—

(i) if a plan is in effect, a finding that the proposal is either consistent or inconsistent with the plan or, notwithstanding its inconsistency with the plan, a finding that it is needed to meet the Administrator's obligations under this Act, or

(ii) if no plan is in effect, a finding that the proposal is either consistent or inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act or notwithstanding its inconsistency, a finding that it is needed to meet the Administrator's obligations under this Act.

In the case of subsection (f) of this section, such decision shall be treated as satisfying the applicable requirements of this subsection and of subsection (f) of this section, if it includes a finding of probable consistency, based upon the Administrator's evaluation of information available at the time of completion of the hearing under this paragraph. Such decision shall include the reasons for such finding.

(2) Within sixty days of the receipt of the Administrator's decision pursuant to paragraph (1)(D) of this subsection, the Council may determine by a majority vote of all members of the Council, and notify the Administrator—

(A) that the proposal is either consistent or inconsistent with the plan, or

(B) if no plan is in effect, that the proposal is either consistent or inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2).

(3) The Administrator may not implement any proposal referred to in paragraph (1) that is determined pursuant to paragraph (2) by either the Administrator or the Council to be inconsistent with the plan or, if no plan is in effect, with the criteria of section 4(e)(1) and the considerations of section 4(e)(2)—

(A) unless the Administrator finds that, notwithstanding such inconsistency, such resource is needed to meet the Administrator's obligations under this Act, and

(B) until the expenditure of funds for that purpose has been specifically authorized by Act of Congress enacted after the date of the enactment of this Act.

(4) Before the Administrator implements any proposal referred to in paragraph (1) of this subsection, the Administrator shall—

(A) submit to the appropriate committees of the Congress the administrative record of the decision (including any determination by the Council under paragraph (2)) and a statement of the procedures followed or to be followed for compliance with the National Environmental Policy Act of 1969,

(B) publish notice of the decision in the Federal Register, and

(C) note the proposal in the Administrator's annual or supplementary budget submittal made pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. 838 and following)

The Administrator may not implement any such proposal until ninety days after the date on which such proposal has been noted in such budget or after the date on which such decision has been published in the Federal Register, whichever is later.

(5) The authority of the Council to make a determination under paragraph (2)(B) if no plan is in effect shall expire on the date two years after the establishment of the Council.

(d) The Administrator is authorized to acquire a resource, other than a major resource, whether or not such resource meets the criteria of section 4(e)(1) and the considerations of section 4(e)(2) but which he determines is an experimental, developmental, demonstration, or pilot project of a type with a potential for providing cost-effective service to the region. The Administrator shall make no obligation for the acquisition of such resource until it is included in the annual budgets submitted to the Congress pursuant to the Federal Columbia River Transmission System Act.

(e)(1) In order to effectuate the priority given to conservation measures and renewable resources under this Act, the Administrator shall, to the maximum extent practicable, make use of his authorities under this Act to acquire conservation measures and renewable resources, to implement conservation measures, and to provide credits and technical and financial assistance for the development and implementation of such resources and measures (including the funding of, and the securing of debt for, expenses incurred during the investigation and preconstruction of resources, as authorized in subsection (f) of this section).

(2) To the extent conservation measures or acquisition of resources require direct arrangements with consumers, the Administrator shall make maximum practicable use of customers and local entities capable of administering and carrying out such arrangements.

(f)(1) For resources which the Administrator determines may be eligible for acquisition under this section and satisfy the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act or, if a plan is in effect, to be consistent with the plan, the Administrator is authorized to enter into agreements with sponsors of—

(A) a renewable resource, other than a major resource to fund or secure debt incurred in the investigation and initial development of such resource, or

(B) any other resource to provide for the reimbursement of the sponsor's investigation and preconstruction expenses concerning such resource (which expenses shall not include procurement of capital equipment or construction material for such resource).

In the case of any resource referred to in subparagraph (B) of this paragraph, such reimbursement is authorized only if—

(i) such resource is subsequently denied State siting approval or other necessary Federal or State permits, or approvals,

(ii) such investigation subsequently demonstrates, as determined by the Administrator, that such resource does not meet the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act or is not acceptable because of environmental impacts, or

(iii) after such investigation the Administrator determines not to acquire the resource and the sponsor determines not to construct the resource.

(2) The Administrator may exercise the authority of this subsection only after he determines that the failure to do so would result in inequitable hardship to the consumers of such sponsors. The Administrator may provide reimbursement under this subsection only for expenses incurred after the date of the enactment of this Act.

(3) Any agreement under paragraph (1) of this subsection shall provide the Administrator an option to acquire any such resource, including a renewable resource, and shall include such other provisions, as the Administrator deems appropriate, for the Administrator's recovery from such sponsors or any assignee of the sponsors, if such sponsor or assignee continues development of the resource, of any advances made by the Administrator pursuant to such agreement.

(4) The Administrator shall not reimburse any expense incurred by the sponsors (except necessary expenses involved in the liquidation of the resource) after the date of a final denial of application for State siting approval or after the date the Administrator determines that the resource to be inconsistent with the plan or the criteria of section 4(e)(1) and the considerations of section 4(e)(2).

(g) At the request of the appropriate State, any environmental impact statement which may be required with respect to a resource, to the extent determined possible by the Administrator in accordance with applicable law and regulations, may be prepared jointly and in coordination with any required environmental impact statement of the State or any other statement which serves the purpose of an environmental impact statement which is required by State law.

(h)(1) If a customer so requests, the Administrator shall grant billings credits to such customer, and provide services to such customer at rates established for such services, for—

(A) conservation activities independently undertaken or continued after the effective date of this Act by such customer or political subdivision served by such customer which reduce the obligation of the Administrator that would otherwise have existed to acquire other resources under this Act, or

(B) resources constructed, completed, or acquired after the effective date of this Act by a customer, an entity acting on behalf of such customer, or political subdivision served by the customer which reduce the obligation of the Administrator to acquire resources under this Act. Such resources shall be renewable resources or multipurpose projects or other resources which are not inconsistent with the plan or, in the absence of a plan, not inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act.

(2) The energy and capacity on which a credit under this subsection to a customer is based shall be the amount by which a conservation activity or resource actually changes the customer's net requirement for supply of electric power or reserves from the Administrator.

(3) The amount of credits for conservation under this subsection shall be set to credit the customer implementing or continuing the conservation activity for which the credit is granted for the savings resulting from such activity. The rate impact on the Administrator's other customers of granting the credit shall be equal to the rate impact such customers would have experienced had the Administrator been obligated to acquire resources in an amount equal to that actually saved by the activity for which the credit is granted.

(4) For resources other than conservation, the customer shall be credited for net costs actually incurred by such customer, an entity acting on behalf of such customer, or political subdivision served by such customer, in acquiring, constructing, or operating the resource for which the credit is granted. The rate impact to the Administrator's other customers of granting the credit shall be no greater than the rate impact such customers would have experienced had the Administrator been obligated to acquire resources in an amount equal to that actually produced by the resource for which the credit is granted.

(5) Retail rate structures which are voluntarily implemented by the Administrator's customers and which induce conservation or installation of consumer-owned renewable resources shall be considered, for purposes of this subsection, to be (A) conservation activities independently undertaken or carried on by such customers, or (B) customer-owned renewable resources, and shall qualify for billing credits upon the same showing as that required for other conservation or renewable resource activities.

(6) Prior to granting any credit or providing services pursuant to this subsection, the Administrator shall—

(A) comply with the notice provisions of subsection (c) of this section, and include in such notice the methodology the Administrator proposes to use in determining the amount of any such credit;

(B) include the cost of such credit in the Administrator's annual or amended budget submittal to the Congress made pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. 838(j));

(C) require that resources in excess of customer's reasonable load growth shall have been offered to others for ownership, participation or other sponsorship pursuant to subsection (m) of this section, except in the case of conservation, multi-purpose projects uniquely suitable for development by the customer, or renewable resources; and

(D) require that the operators of any generating resource for which a billing credit is to be granted agree to operate such resource in a manner compatible with the planning and operation of the region's power system.

(i) Contracts for the acquisition of resources and for billing credits for major resources, including conservation activities, entered into pursuant to this section shall contain such terms and conditions, appplicable after the contract is entered into, as will—

(1) insure timely construction, scheduling, completion, and operation of resources,

(2) insure that the costs of any acquisition are as low as reasonably possible, consistent (A) with sound engineering, operating, and safety practices, and (B) the protection, mitigation, and enhancement of fish and wildlife, including related spawning grounds and habitat affected by the development of such resources, and

(3) insure that the Administrator exercises effective oversight, inspection, audit, and review of all aspects of such construction and operation.

Such contracts shall contain provisions assuring that the Administrator has the authority to approve all costs of, and proposals for, major modifications in construction, scheduling or operations and to assure that the Administrator is provided with such current information as he deems necessary to evaluate such construction and operation.

(j)(1) All contractual and other obligations required to be carried out by the Administrator pursuant to this Act shall be secured solely by the Administrator's revenues received from the sale of electric power and other services. Such obligations are not, nor shall they be construed to be, general obligations of the United States, nor are such obligations intended to be or are they secured by the full faith and credit of the United States.

(2) All contracts entered into by the Administrator for the acquisition of resources pursuant to this Act shall require that, in the sale of any obligations, all offerings and promotional material for the sale of such obligations shall include the language contained in the second sentence of paragraph (1) of this subsection. The Administrator shall monitor and enforce such requirement.

(k) In the exercise of his authorities pursuant to this section, the Administrator shall, consistent with the provisions of this Act and the Administrator's obligations to particular customer classes, insure that benefits under this section, including financial and technical assistance, conduct of conservation demonstrations, and experimental projects, services, and billing credits, are distributed equitably throughout the region.

(l)(1) The Administrator is authorized and directed to investigate opportunities for adding to the region's resources or reducing the region's power costs through the accelerated or cooperative development of resources located outside the States of Idaho, Montana, Oregon, and Washington if such resources are renewable resources, and are now or in the future planned or considered for eventual development by nonregional agencies or authorities that will or would own, sponsor, or otherwise develop them. The Administrator shall keep the Council fully and currently informed of such investigations, and seek the Council's advice as to the desirability of pursuing such investigations.

(2) The Administrator is authorized and directed to investigate periodically opportunities for mutually beneficial interregional exchanges of electric power that reduce the need for additional generation or generating capacity in the Pacific Northwest and the regions with which such exchanges may occur. The Council shall take into consideration in formulating a plan such investigations.

(A) After the Administrator submits a report to Congress pursuant to paragraph (5) of this subsection, the Administrator is authorized to acquire resources consistent with such investigations and consistent with the plan or, if no plan is in effect, with the priorities of section 4(e)(1) and the considerations of section 4(e)(2). Such acquisitions shall be in accordance with the provisions of this subsection.

(4) The Administrator shall conduct the investigations and the acquisitions, if any, authorized under this subsection with the assistance of other Federal agencies as may be appropriate.

(5) No later than July 1, 1981, the Administrator shall submit to the Congress a report of the results of the investigations undertaken pursuant to this subsection, together with the prospects for obtaining additional resources under the authority granted by this subsection and for reductions in generation or generating capacity through exchanges.

(m) Except as to resources under construction on the effective date of this Act, the Administrator shall determine in each case of a major resource acquisition that a reasonable share of the particular resource, or a reasonable equivalent, has been offered to each Pacific Northwest electric utility for ownership, participation, or other sponsorship, but not in excess of the amounts needed to meet such utility's Regional load.

RATES

SEC. 7. (a)(1) The Administrator shall establish, and periodically review and revise, rates for the sale and disposition of electric energy and capacity and for the transmission of non-Federal power. Such rates shall be established and, as appropriate, revised to recover, in accordance with sound business principles, the costs associated with the acquisition, conservation, and transmission of electric power, including the amortization of the Federal investment in the Federal Columbia River Power System (including irrigation costs required to be repaid out of power revenues) over a reasonable period of years and the other costs and expenses incurred by the Administrator pursuant to this Act and other provisions of law. Such rates shall be established in accordance with sections 9 and 10 of the Federal Columbia River Transmission System Act (16 U.S.C. 838), section 5 of the Flood Control Act of 1944, and the provisions of this Act.

(2) Rates established under this section shall become effective only, except in the case of interim rules as provided in subsection (i)(6), upon confirmation and approval by the Federal Energy Regulatory Commission upon a finding by the Commission, that such rates—

(A) are sufficient to assure repayment of the Federal investment in the Federal Columbia River Power System over a reasonable number of years after first meeting the Administrator's other costs,

(B) are based upon the Administrator's total system costs, and

(C) insofar as transmission rates are concerned, equitably allocate the costs of the Federal transmission system between Federal and non-Federal power utilizing such system.

(b)(1) The Administrator shall establish a rate or rates of general application for electric power sold to meet the general requirements of public body, cooperative, and Federal agency customers within the Pacific Northwest, and loads of electric utilities under section 5(c). Such rate or rates shall recover the costs of that portion of the Federal base system resources needed to supply such loads until such sales exceed the Federal base system resources. Thereafter, such rate or rates shall recover the cost of additional electric power as needed to supply such loads, first from the electric power acquired by the Administrator under section 5(c) and then from other resources.

(2) After July 1, 1985, the projected amounts to be charged for firm power for the combined general requirements of public body, cooperative and Federal agency customers, exclusive of amounts charged such customers under subsection (g) for the costs of conservation, resource and conservation credits, experimental resources and uncontrollable events, may not exceed in total, as determined by the Administrator, during any year after July 1, 1985, plus the ensuing four years, an amount equal to the power costs for general requirements of such customers if, the Administrator assumes that—

(A) the public body and cooperative customers' general requirements had included during such five-year period the direct service industrial customer loads which are—

(i) served by the Administrator, and

(ii) located within or adjacent to the geographic service boundaries of such public bodies and cooperatives;

(B) public body, cooperative, and Federal agency customers were served, during such five-year period, with Federal base system resources not obligated to other entities under contracts existing as of the effective date of this Act (during the remaining term of such contracts) excluding obligations to direct service industrial customer loads included in subparagraph (A) of this paragraph;

(C) no purchases or sales by the Administrator as provided in section 5(c) were made during such five-year period;

(D) all resources that would have been required, during such five-year period, to meet remaining general requirements of the public body, cooperative and Federal agency customers (other than requirements met by the available Federal base system resources determined under subparagraph (B) of this paragraph) were—

(i) purchased from such customers by the Administrator pursuant to section 6, or

(ii) not committed to load pursuant to section 5(b),

and were the least expensive resources owned or purchased by public bodies or cooperatives; and any additional needed resources were obtained at the average cost of all other new resources acquired by the Administrator; and

(E) the quantifiable monetary savings, during such five-year period, to public body, cooperative and Federal agency customers resulting from—

(i) reduced public body and cooperative financing costs as applied to the total amount of resources, other than Federal base system resources, identified under subparagraph (D) of this paragraph, and

(ii) reserve benefits as a result of the Administrator's actions under this Act were not achieved.

(3) Any amounts not charged to public body, cooperative, and Federal agency customers by reason of paragraph (2) of this subsection shall be recovered through supplemental rate charges for all other power sold by the Administrator to all customers. Rates charged public body, cooperative, or Federal agency customers pursuant to this subsection shall not include any costs or benefits of a net revenue surplus or deficiency occurring for the period ending June 30, 1985, to the extent such surplus or deficiency is caused by—

(A) a difference between actual power deliveries and power deliveries projected for the purpose of establishing rates to direct service industrial customers under subsection (c)(1) of this subsection, and

(B) an overrecovery or underrecovery of the net costs incurred by the Administrator under section 5(c) as a result of such difference.

Any such revenue surplus or deficiency incurred shall be recovered from, or repaid to, customers over a reasonable period of time after July 1, 1985, through a supplemental rate charge or credit applied proportionately for all other power sold by the Administrator at rates established under other subsections of this section prior to July 1, 1985.

(4) The term "general requirements" as used in this section means the public body, cooperative or Federal agency customer's electric power purchased from the Administrator under section 5(b) of this Act, exclusive of any new large single load.

(c)(1) The rate or rates applicable to direct service industrial customers shall be established—

(A) for the period prior to July 1, 1985, at a level which the Administrator estimates will be sufficient to recover the cost of resources the Administrator determines are required to serve such customers' load and the net costs incurred by the Administrator pursuant to section 5(c) of this Act, based upon the Administrator's projected ability to make power available to such customers pursuant to their contracts, to the extent that such costs are nor recovered through rates applicable to other customers; and

(B) for the period beginning July 1, 1985, at a level which the Administrator determines to be equitable in relation to the retail rates charged by the Public body and cooperative customers to their industrial consumers in the region.

(2) The determination under paragraph (1)(B) of this subsection shall be based upon the Administrator's applicable wholesale rates to such public body and cooperative customers and the typical margins included by such public body and cooperative customers in their retail industrial rates but shall take into account—

(A) the comparative size and character of the loads served,

(B) the relative costs of electric capacity, energy, transmission, and related delivery facilities provided and other service provisions, and

(C) direct and indirect overhead costs,

all as related to the delivery of power to industrial customers, except that the Administrator's rates during such period shall in no event be less than the rates in effect for the contract year ending on June 30, 1985.

(3) The Administrator shall adjust such rates to take into account the value of power system reserves made available to the Administrator through his rights to interrupt or curtail service to such direct service industrial customers.

(d)(1) In order to avoid adverse impacts on retail rates of the Administrator's customers with low system densities, the Administrator shall, to the extent appropriate, apply discounts to the rate or rates for such customers.

(2) In order to avoid adverse impacts of increased rates pursuant to this Act on any direct service industrial customer using raw minerals indigenous to the region as its primary resource, the Administrator, upon request of such customer showing such impacts and after considering the effect of such request on his other obligations under this Act, is authorized, if the Administrator determines that such impacts will be significant, to establish a special rate applicable to such customer if all power sold to such customer may be interrupted, curtailed, or withdrawn to meet firm loads in the region. Such rate shall be established in accordance with this section and shall include such terms and conditions as the Administrator deems appropriate.

(e) Nothing in this Act prohibits the Administrator from establishing, in rate schedules of general application, a uniform rate or rates for sale of peaking capacity or from establishing time-of-day, seasonal rates, or other rate forms.

(f) Rates for all other firm power sold by the Administrator for use in the Pacific Northwest shall be based upon the cost of the portions of Federal base system resources, purchases of power under section 5(c) of this Act and additional resources which, in the determination of the Administrator, are applicable to such sales.

(g) Except to the extent that the allocation of costs and benefits is governed by provisions of law in effect on the effective date of this Act, or by other provisions of this section, the Administrator shall equitably allocate to power rates, in accordance with generally accepted ratemaking principles and the provisions of this Act, all costs and benefits not otherwise allocated under this section, including, but not limited to, conservation, fish and wildlife measures, uncontrollable events, reserves, the excess costs of experimental resources acquired under section 6, the cost of credits granted pursuant to section 6, operating services, and the sale of or inability to sell excess electric power.

(h) Notwithstanding any other provision of this section (except the provisions of subsection (a) of this section), the Administrator shall adjust power rates to include any surcharges arising under section 4(f) of this Act, and shall allocate any revenues from such charges in such manner as the Administrator determines will help achieve the purposes of section 4(f) of this Act.

(i) In establishing rates under this section, the Administrator shall use the following procedures:

(1) Notice of the proposed rates shall be published in the Federal Register with a statement of the justification and reasons supporting such rates. Such notice shall include a date for a hearing in accordance with paragraph (2) of this subsection.

(2) One or more hearings shall be conducted as expeditiously as practicable by a hearing officer to develop a full and complete record and to receive public comment in the form of written and oral presentation of views, data, questions, and argument related to such proposed rates. In any such hearing—

(A) any person shall be provided an adequate opportunity by the hearing officer to offer refutation or rebuttal of any material submitted by any other person or the Administrator, and

(B) the hearing officer, in his discretion, shall allow a reasonable opportunity for cross examination, which, as determined by the hearing officer, is not dilatory, in order to develop information and material relevant to any such proposed rate.

(3) In addition to the opportunity to submit oral and written material at the hearings, any written views, data, questions, and arguments submitted by persons prior to, or before the close of, hearings shall be made a part of the administrative record.

(4) After such a hearing, the Administrator may propose revised rates, publish such proposed rates in the Federal Register, and conduct additional hearings in accordance with this subsection.

(5) The Administrator shall make a final decision establishing a rate or rates based on the record which shall include the hearing transcript, together with exhibits, and such other materials and information as may have been submitted to, or developed by, the Administrator. The decision shall include a full and complete justification of the final rates pursuant to this section.

(6) The final decision of the Administrator shall become effective on confirmation and approval of such rates by the Federal Energy Regulatory Commission pursuant to subsection (a)(2) of this section. The Commission shall have the authority, in accordance with such procedures, if any, as the Commission shall promptly establish and make effective within one year after the enactment of this Act, to approve the final rate submitted by the Administrator on an interim basis, pending the Commission's final decision in accordance with such subsection. Pending the establishment of such procedures by the Commission, if such procedures are required, the Secretary is authorized to approve such interim rates during such one-year period in accordance with the applicable procedures followed by the Secretary prior to the effective date of this Act. Such interim rates, at the discretion of the Secretary, shall continue in effect until July 1, 1982.

(j) All rate schedules adopted, and all power billings rendered, by the Administrator pursuant to this section shall indicate—

(1) the approximate cost contribution of different resource categories to the Administrator's rates for the sale of energy and capacity, and

(2) the cost of resources acquired to meet load growth within the region and the relation of such cost to the average cost of resources available to the Administrator.

(k) Notwithstanding any other provision of this Act, all rates or rate schedules for the sale of nonfirm electric power within the United States, but outside the region, shall be established after the date of this Act by the Administrator in accordance with the procedures of subsection (i) of this section (other than the first sentence of paragraph (6) thereof) and in accordance with the Bonneville Project Act, the Flood Control Act of 1944, and the Federal Columbia River Transmission System Act. Notwithstanding section 201(f) of the Federal Powers Act, such rates or rate schedules shall become effective after review by the Federal Energy Regulatory Commission for conformance with the requirements of such Acts and after approval thereof by the Commission. Such review shall be based on the record of proceedings established under subsection (i) of this section. The parties to such proceedings under subsection (i) shall be afforded an opportunity by the Commission for an additional hearing in accordance with the procedures established for ratemaking by the Commission pursuant to the Federal Power Act.

(l) In order to further the purposes of this Act and to protect the consumers of the region, the Administrator may negotiate, or establish, rates for electric power sold by the Administrator to any entity not located in the United States which shall be equitable in relation to rates for all electric power which is, or may be, purchased by the Administrator or the Administrator's customers from entities outside the United States. In establishing rates other than by negotiation, the provisions of subsection (i) shall apply. In the case of any negotiation with an entity not located in the United States, the Administrator shall provide public notice of any proposal to negotiate such rates. Such negotiated rates shall be not less than the rates established under this Act for nonfirm power sold within the United States but outside the region. The Administrator shall also afford notice of any rates negotiated pursuant to this subsection.

(m)(1) Beginning the first fiscal year after the plan and program required by section 4 (d) and (h) of this Act are finally adopted, the Administrator may, subject to the provisions of this section, make annual impact aid payments to the appropriate local governments within the region with respect to major transmission facilities of the Administrator, as defined in section 3(c) of the Federal Columbia River Transmission Act—

(A) which are located within the jurisdictional boundaries of such governments,

(B) which are determined by the Administrator to have a substantial impact on such governments, and

(C) where the construction of such facilities, or any modification thereof, is completed after the effective date of this Act, and, in the case of a modification of an existing facility, such modification substantially increases the capacity of such existing transmission facility.

(2) Payments made under this subsection for any fiscal year shall be determined by the Administrator pursuant to a regionwide, uniform formula to be established by rule in accordance with the procedures set forth in subsection (i) of this section. Such rule shall become effective on its approval, after considering its effect on rates established pursuant to this section, by the Federal Energy Regulatory Commission. In developing such formula, the Administrator shall identify, and take into account, the local governmental services provided to the Administrator concerning such facilities and the associated costs to such governments as the result of such facilities.

(3) Payments made pursuant to this subsection shall be made solely from the fund established by section 11 of the Federal Columbia River Transmission System Act. The provisions of section 13 of such Act, and any appropriations provided to the Administrator under any law, shall not be available for such payments. The authorization of payments under this subsection shall not be construed as an obligation of the United States.

(4) No payment may be made under this subsection with respect to any land or interests in land owned by the United States within the region and administered by any Federal agency (other than the Administrator), without regard to how the United States obtained ownership thereof, including lands or interests therein acquired or withdrawn by a Federal agency for purposes of such agency and subsequently made available to the Administrator for such facilities.

AMENDMENTS TO EXISTING LAW

SEC. 8. (a) Section 11(b) of the Federal Columbia River Transmission System Act is amended by striking out "or" before "(iii)" in paragraph (6), by striking out the semicolon at the end of such paragraph (6) and inserting in lieu thereof ", or (iv) on a short term basis to meet the Administrator's obligations under section 4(h) of the Pacific Northwest Electric Power Planning and Conservation Act;".

(b) Section 11(b) of the Federal Columbia River Transmission System Act is amended by striking out "and" at the end of paragraph (10), by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(12) making such payments, as shall be required to carry out tht purposes and provisions of the Pacific Northwest Electric Power Planning and Conservation Act.".

(c) Subsection (b) of section 13 of such Act is amended by striking out "and 11(b) (11)" and inserting in lieu thereof ", 11(b) (11), and 11(b)(12)".

(d) The first sentence of subsection (a) of section 13 of such Act is amended by inserting after the word "system," the following: "to implement the Administrator's authority pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (including his authority to provide financial assistance for conservation measures, renewable resources, and fish and wildlife, but not including the authority to acquire under section 6 of that Act electric power from a generating facility having a planning capability greater than 50 average megawatts).".

(2) The fourth sentence of such subsection (a) is amended by inserting the following before the period at the end thereof: "issued by Government corporations".

(3) Such subsection (a) is further amended by inserting the following before the period at the end thereof: "prior to October 1, 1981. Such aggregate principal limitation shall be increased by an additional $1,250,-000,000 after October 1, 1981, as provided in advance in annual appropriation Acts, and such increased amount shall be reserved for the purpose of providing funds for conservation and renewable resource loans and grants in a special revolving account created therefor in the Fund. The funds from such revolving account shall not be deemed State or local funds".

Such subsection (a) is further amended by inserting the following after the fourth sentence thereof: "Beginning in fiscal year 1982, if the Administrator fails to repay by the end of any fiscal year all of the amounts projected immediately prior to such year to be repaid to the Treasury by the end of such year under the repayment criteria of the Secretary of Energy and if such failure is due to reasons other than (A) a decrease in power sale revenues due to fluctuating streamflows or (B) other reasons beyond the control of the Administrator, the Secretary of the Treasury may increase the interest rate applicable to the outstanding bonds issued by the Administrator during such fiscal year. Such increase shall be effective commencing with the fiscal year immediately following the fiscal year during which such failure occurred and shall not exceed 1 per centum for each fiscal year during which such repayments are not in accord with such criteria. The Secretary of the Treasury shall take into account amounts that the Administrator has repaid in advance of any repayment criteria in determining whether to increase such rate. Before such rate is increased, the Secretary of the Treasury, in consultation with the Administrator and the Federal Energy Regulatory Commission, must be satisfied that the Administrator will have the ability to pay such increased rate, taking into account the Administrator's obligations. Such increase shall terminate with the fiscal year in which repayments (including repayments of the increased rate) are in accordance with the repayment criteria of the Secretary of Energy.".

(e) Clause (2) of section 1(b) of the Act of August 31, 1964 (78 Stat. 756) is amended to read as follows: "(2) any contiguous areas, not in excess of seventy-five airline miles from said region, which are a part of the service area of a rural electric cooperative served by the Administrator on the effective date of the Pacific Northwest Electric Power Planning and Conservation Act which has a distribution system from which it serves both within and without said region.".

ADMINISTRATIVE PROVISIONS

SEC. 9. (a) Subject to the provisions of this Act, the Administrator is authorized to contract in accordance with section 2(f) of the Bonneville Project Act of 1937 (16 U.S.C. 832a(f)). Other provisions of law applicable to such contracts on the effective date of this Act shall continue to be applicable.

(b) The Administrator shall discharge the executive and administrative functions of his office in accordance with the policy established by the Bonneville Project Act of 1937 (16 U.S.C. 832 and following), section 302(a) (2) and (3) of the Department of Energy Organization Act, and this Act. The Secretary of Energy, the Council, and the Administrator shall take such steps as are necessary to assure the timely implementation of this Act in a sound and businesslike manner. Nothing in this Act shall be construed by the Secretary, the Administrator, or any other official of the Department of Energy to modify, alter, or otherwise affect the requirements and directives expressed by the Congress in section 302(a) (2) and (3) of the Department of Energy Organization Act or the operations of such officials as they existed prior to enactment of this Act.

(c) Any contract of the Administrator for the sale or exchange of electric power for use outside the Pacific Northwest shall be subject to limitations and conditions corresponding to those provided in sections 2 and 3 of the Act of August 31, 1964 (16 U.S.C. 837a and 837b) for any contract for the sale, delivery, or exchange of hydroelectric energy or peaking capacity generated within the Pacific Northwest for use outside the Pacific Northwest. In applying such sections for the purposes of this subsection, the term "surplus energy" shall mean electric energy for which there is no market in the Pacific Northwest at any rate established for the disposition of such energy, and the term "surplus peaking capacity" shall mean electric peaking capacity for which there is no demand in the Pacific Northwest at the rate established for the disposition of such capacity. The authority granted, and duties imposed upon, the Secretary by sections 5 and 7 of such Act (16 U.S.C. 837e and 837f) shall also apply to the Administrator in connection with resources acquired by the Administrator pursuant to this Act. The Administrator shall, in making any determination, under any contract executed pursuant to section 5, of the electric power requirements of any Pacific Northwest customer, which is a non-Federal entity having its own generation, exclude, in addition to hydroelectric generated energy excluded from such requirements pursuant to section 3(d) of such Act (16 U.S.C. 837b(d)), any amount of energy included in the resources of such customer for service to firm loads in the region if (1) such amount was disposed of by such customer outside the region, and (2) as a result of such disposition, the firm energy requirements of such customer or other customers of the Administrator are increased. Such amount of energy shall not be excluded, if the Administrator determines that through reasonable measures such amount of energy could not be conserved or otherwise retained for service to regional loads. The Administrator may sell as replacement for any amount of energy so excluded only energy that would otherwise be surplus.

(d) No restrictions contained in subsection (c) shall limit or interfere with the sale, exchange or other disposition of any power by any utility or group thereof from any existing or new non-Federal resource if such sale, exchange or disposition does not increase the amount of firm power the Administrator would be obligated to provide to any customer. In addition to the directives contained in subsections (i) (1) (B) and (i) (3) and subject to:

(1) any contractual obligations of the Administrator,

(2) any other obligations under existing law, and

(3) the availability of capacity in the Federal transmission system,

the Administrator shall provide transmission access, load factoring, storage and other services normally attendant thereto to such utilities and shall not discriminate against any utility or group thereof on the basis of independent development of such resource in providing such services.

(e)(1) For purposes of sections 701 through 706 of title 5, United States Code, the following actions shall be final actions subject to judicial review—

(A) adoption of the plan or amendments thereto by the Council under section 4, adoption of the program by the Council, and any determination by the Council under section 4(h);

(B) sales, exchanges, and purchases of electric power under section 5;

(C) the Administrator's acquisition of resources under section 6;

(D) implementation of conservation measures under section 6;

(E) execution of contracts for assistance to sponsors under section 6(f);

(F) granting of credits under section 6(h);

(G) final rate determinations under section 7; and

(H) any rule prescribed by the Administrator under subsection 7(m) (2) of this Act.

(2) The record upon review of such final actions shall be limited to the administrative record compiled in accordance with this Act. The scope of review of such actions without a hearing or after a hearing shall be governed by section 706 of title 5, United States Code, except that final determinations regarding rates under section 7 shall be supported by substantial evidence in the rulemaking record required by section 7(i) considered as a whole. The scope of review of an action under section 6(c) shall be governed by section 706 of title 5, United States Code. Nothing in this section shall be construed to require a hearing pursuant to section 554, 556, or 557 of title 5 of the United States Code.

(3) Nothing in this section shall be construed to preclude judicial review of other final actions and decisions by the Council or Administrator.

(4) For purposes of this subsection—

(A) major resources shall be deemed to be acquired upon publication in the Federal Register pursuant to section 6(c) (4) (B);

(B) resources, other than major resources, shall be deemed to be acquired upon execution of the contract therefor;

(C) conservation measures shall be deemed to be implemented upon execution of the contract or grant therefor; and

(D) rate determinations pursuant to section 7 shall be deemed final upon confirmation and approval by the Federal Energy Regulatory Commission.

(5) Suits to challenge the constitutionality of this Act, or any action thereunder, final actions and decisions taken pursuant to this Act by the Administrator or the Council, or the implementation of such final actions, whether brought pursuant to this Act, the Bonneville Project Act, the Act of August 31, 1964 (16 U.S.C. 837–837h), or the Federal Columbia River Transmission System Act (16 U.S.C. 838 and following), shall be filed in the United States court of appeals for the region. Such suits shall be filed within ninety days of the time such action or decision is deemed final, or, if notice of the action is required by this Act to be published in the Federal Register, within ninety days from such notice, or be barred. In the case of a challenge of the plan or programs or amendments thereto, such suit shall be filed within sixty days after publication of a notice of such final action in the Federal Register. Such court shall have jurisdiction to hear and determine any suit brought as provided in this section. The plan and program, as finally adopted or portions thereof, or amendments thereto, shall not thereafter be reviewable as a part of any other action under this Act or any other law. Suits challenging any other actions under this Act shall be filed in the appropriate court.

(f) For purposes of enabling the Administrator to acquire resources necessary to meet the firm load of public bodies, cooperatives, and Federal agencies from a governmental unit at a cost no greater than the cost which would be applicable in the absence of such acquisition, the exemption from gross income of interest on certain governmental obligations provided in section 103(a)(1) of the Internal Revenue Code of 1954 shall not be affected by the Administrator's acquisition of such resources if—

(1) the Administrator, prior to contracting for such acquisition, certifies to his reasonable belief, that the persons for whom the administrator is acquiring such resources for sale pursuant to section 5 of this Act are public bodies, cooperatives, and Federal agencies, unless the Administrator also certifies that he is unable to acquire such resources without selling a portion thereof to persons who are not exempt persons (as defined in section 103(b) of such Code), and

(2) based upon such certification, the Secretary of the Treasury determines in accordance with applicable regulations that less than a major portion of the resource is to be furnished to persons who are not exempt persons (as defined in section 103(b) of such Code).

The certification under paragraph (1) shall be made in accordance with this subsection and a procedure and methodology approved by the Secretary of the Treasury. For purposes of this subsection, the term "major portion" shall have the meaning provided by regulations issued by the Secretary of the Treasury.

(g) When reviewing rates for the sale of power to the Administrator by an investor-owned utility customer under section 5(c) or 6, the Federal Energy Regulatory Commission shall, in accordance with section 209 of the Federal Power Act (16 U.S.C. 824h)—

(1) convene a joint State board, and

(2) invest such board with such duties and authority as will assist the Commission in its review of such rates.

(h)(1) No "company" (as defined in section 2(a)(2) of the Public Utility Holding Company Act of 1935; 15 U.S.C. 79b(a)(2)), which owns or operates facilities for the generation of electricity (together with associated transmission and other facilities) primarily for sale to the Administrator under section 6 shall be deemed an "electric utility company" (as defined in section 2(a)(3) of the Public Utility Holding Company Act of 1935; 15 U.S.C. 79b(a)(3)), within the meaning of any provision or provisions of chapter 2C of title 15 of the United States Code, if at least 90 per centum of the electricity generated by such company is sold to the Administrator under section 6, and if—

(A) the organization of such company is consistent with the policies of section 1(b) and (c) of the Public Utility Holding Company Act of 1935, as determined by the Securities and Exchange Commission, with the concurrence of the Administrator, at the time of such organization; and

(B) participation in any facilities of such "company" has been offered to public bodies and cooperatives in the region pursuant to section 6(m).

(2) The Administrator shall include in any contract for the acquisition of a major resource from such "company" provisions limiting the amount of equity investment, if any, in such "company" to that which the Administrator determines will be consistent with achieving the lowest attainable power costs attributable to such major resource.

(3) In the case of any "company" which meets the requirements of paragraph (1), the Administrator, with the concurrence of such Commission, shall approve all significant contracts entered into by, and between, such "company" and any sponsor company or any subsidiary of such sponsor company which are determined to be consistent with the policies of section 1 (b) and (c) of the Public Utility Holding Company Act of 1935 at the time such contracts are entered into. The Administrator and the Securities and Exchange Commission shall exercise such approval authority within sixty days after receipt of such contracts. Such contracts shall not be effective without such approval.

(4) Paragraph (1) of this subsection shall continue to apply to any such "company" unless the Administrator or the Securities and Exchange Commission, or both, through periodic review, (A) determine at any time that the "company" no longer operates in a manner consistent with the policies of section 1(b) and (c) of the Public Utility Holding Company Act of 1935 and in accordance with this subsection, and (B) notify the "company" in writing of such preliminary determination. This subsection shall cease to apply to such "company" thirty days after receipt of notification of a final determination thereof. A final determination shall be made only after public notice of the preliminary determination and after a hearing completed not later than sixty days from the date of publication of such notice. Such final determination shall be made within thirty days after the date of completion of such hearing.

(i)(1) At the request and expense of any customer or group of customers of the Administrator within the Pacific Northwest, the Administrator shall, to the extent practicable—

(A) acquire any electric power required by (i) any customer or group of customers to enable them to replace resources determined to serve firm load under section 5(b), or (ii) direct service industrial customers to replace electric power that is or may be curtailed or interrupted by the Administrator (other than power the Administrator is obligated to replace), with the cost of such replacement power to be distributed among the direct service industrial customers requesting such power; and

(B) dispose of, or assist in the disposal of, any electric power that a customer or group of customers proposes to sell within or without the region at rates and upon terms specified by such customer or group of customers, if such disposition is not in conflict with the Administrator's other marketing obligations and the policies of this Act and other applicable laws.

(2) In implementing the provisions of subparagraphs (A) and (B) of paragraph (1), the Administrator may prescribe policies and conditions for the independent acquisition or disposition of electric power by any direct service industrial customer or group of such customers for the purpose of assuring each direct service industrial customer an opportunity to participate in such acquisition or disposition.

(3) The Administrator shall furnish services including transmission, storage, and load factoring unless he determines such services cannot be furnished without substantial interference with his power marketing program, applicable operating limitations or existing contractual obligations. The Administrator shall, to the extent practicable, give priority in making such services available for the marketing, within and without the Pacific Northwest, of capability from projects under construction on the effective date of this Act, if such capability has been offered for sale at cost, including a reasonable rate of return, to the Administrator pursuant to this Act and such offer is not accepted within one year.

(j)(1) The Council, as soon as practicable after the enactment of this Act, shall prepare, in consultation with the Administrator, the customers, appropriate State regulatory bodies, and the public, a report and shall make recommendations with respect to the various retail rate designs which will encourage conservation and efficient use of electric energy and the installation of consumer-owned renewable resources on a cost-effective basis, as well as areas for research and development for possible application to retail utility rates within the region. Studies undertaken pursuant to this subsection shall not affect the responsibilities of any customer or the Administrator which may exist under the Public Utility Regulatory Policies Act of 1978.

(2) Upon request, and solely on behalf of customers so requesting, the Administrator is authorized to (A) provide assistance in analyzing and developing retail rate structures that will encourage cost-effective conservation and the installation of cost-effective consumer-owned renewable resources; (B) provide estimates of the probable power savings and the probable amount of billing credits under section 6(h) that might be realized by such customers as a result of adopting and implementing such retail rate structures; and (C) solicit additional information and analytical assistance from appropriate State regulatory bodies and the Administrator's other customers.

(k) There is hereby established within the administration an executive position for conservation and renewable resources. Such executive shall be appointed by the Administrator and shall be assigned responsibility for conservation and direct-application renewable resource programs (including the administration of financial assistance for such programs). Such position is hereby established in the senior executive service in addition to the number of such positions heretofore established in accordance with other provisions of law applicable to such positions.

SAVINGS PROVISIONS

Sec. 10. (a) Nothing in this Act shall be construed to affect or modify any right of any State or political subdivision thereof or electric utility to—

(1) determine retail electric rates, except as provided by section 5(c)(3);

(2) develop and implement plans and programs for the conservation, development, and use of resources; or

(3) make energy facility siting decisions, including, but not limited to, determining the need for a particular facility, evaluating alternative sites, and considering alternative methods of meeting the determined need.

(b) Nothing in this Act shall alter, diminish, or abridge the rights and obligations of the Administrator or any customer under any contract existing as of the effective date of this Act.

(c) Nothing in this Act shall alter, diminish, abridge, or otherwise affect the provisions of other Federal laws by which public bodies and cooperatives are entitled to preference and priority in the sale of federally generated electric power.

(d) If any provision of this Act is found to be unconstitutional, then any contract entered into by the Administrator, prior to such finding and in accordance with such provisions, to sell power, acquire or credit resources, or to reimburse investigation and preconstruction expenses pursuant to section 5, and section 6 (a), (f) or (h) of this Act shall not be affected by such finding.

(e) Nothing in this Act shall be construed to affect or modify any treaty or other right of an Indian tribe.

(f) The reservation under law of electric power primarily for use in the State of Montana by reason of the construction of Hungry Horse and Libby Dams and Reservoirs within that State is hereby affirmed. Such reservation shall also apply to 50 per centum of any electric power produced at Libby Reregulating Dam if built. Electric power so reserved shall be sold at the rate or rates set pursuant to section 7.

(g) Nothing in this Act shall be construed to affect or modify the right of any State to prohibit utilities regulated by the appropriate State regulatory body from recovering, through their retail rates, costs during any period of resource construction.

(h) Nothing in this Act shall be construed as authorizing the appropriation of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual. Nor shall any provision of this Act of any plan or program adopted pursuant to the Act (1) affect the rights or jurisdictions of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any groundwater resource, (2) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States, or (3) otherwise be construed to alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right.

(i) Nothing in this Act shall be construed to affect the validity of any existing license, permit, or certificate issued by any Federal agency pursuant to any other Federal law.

EFFECTIVE DATE

Sec. 11. This Act shall be effective on the date of enactment, or October 1, 1980, whichever is later. For purposes of this Act, the term "date of the enactment of this Act" means such date of enactment or October 1, 1980, whichever is later.

SEVERABILITY

Sec. 12. If any provision of section 4(a) through (c) of this Act or any other provision of this Act or the application thereof to any person, State, Indian tribe, entity, or circumstance is held invalid, neither the remainder of section 4 or any other provisions of this Act, nor the application of such provisions to other persons, States, Indian tribes, entities, or circumstances, shall be affected thereby.

□ 1220

The SPEAKER. Is a second demanded?

Mr. SENSENBRENNER. Mr. Speaker, I demand a second.

Mr. WEAVER. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Wisconsin from the minority is entitled to the second.

Mr. WEAVER. Mr. Speaker, is the gentleman opposed to the bill? I am opposed to the bill.

The SPEAKER. Is the gentleman from Wisconsin opposed to the bill?

Mr. SENSENBRENNER. I am opposed to the bill.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. KAZEN) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. SENSENBRENNER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the Pacific Northwest is presently facing severe power planning uncertainties because of a pending legal battle among private and public utilities, direct-service industrial customers and the States of Washington, Oregon, Idaho, and Montana over which entities are to be allocated the federally produced hydroelectricity marketed by the Federal Bonneville Power Administration. These uncertainties can only be resolved through enactment of the legislation before us today.

Mr. Speaker, S. 885 will enable the Pacific Northwest to resolve these power planning problems by giving the Bonneville Power Administration the authority to expand its existing supply of energy. This new authority will obviate the need for BPA to divide up the limited supply of Federal power, moot the need for a protracted legal battle, and will allow BPA to: First, meet the full requirements of the publicly owned or "preference" utilities in the region; second, continue to serve its direct-service industrial customers; third, meet the net load growth requirements of the region's investor-owned utilities; and, fourth, provide low-cost power to residential and small farm customers of the region's investor-owned utilities. In carrying out this authority, BPA is directed by S. 885 to first utilize resources saved by conservation programs, then renewable resources, and finally, conventional generating resources.

S. 885 also includes a variety of measures designed to promote aggressive energy conservation in the region, including a revolving fund account to be used for conservation and renewable resource loans and grants. Finally, Mr. Speaker, S. 885 calls for the establishment of an eight-member State-appointed "regional council" which is charged with the responsibility for preparing a regional conservation and energy plan which will contain the priorities and strategy necessary to overcome the energy problems facing the Pacific Northwest and will guide the action of BPA.

Mr. Speaker, I regret that we have been forced to place this legislation on today's Suspension Calendar. However, it became clear to us after over 13 hours of consideration of this bill on the floor under the rule that the House equivalent to a filibuster was being waged against this bill and that some of our colleagues were intent on tying up this body indefinitely by offering one amendment after another. The Suspension Calendar is the only way to combat these dilatory tactics.

Mr. Speaker, I strongly believe that S. 885 is a good bill and offers the only real solution to the electrical energy problems facing the Pacific Northwest and, consequently, I urge its adoption.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Washington (Mr. MCCORMACK).

Mr. MCCORMACK. Mr. Speaker, I rise in support of this bill. I want to emphasize this is extraordinarily important legislation to the people of the Northwest; and indirectly to all the people of the Nation. However, it is a Northwest bill; and I can understand how Members from other parts of the country may not be up to speed on it, may not have all the facts on it; and I know that from time to time during the rest of the afternoon, you are going to be asked to vote against this bill.

I hope you will remember several very important facts. This bill has the overwhelming support of a vast majority of the people of the Northwest. No matter what the opponents of the bill may say, they are speaking for a tiny minority of antienergy activists in the Northwest. It is important to remember that.

This bill has the support of the governments of the States of Washington, Oregon, Idaho and Montana; the four States involved. Most all of the utilities support it: All the private power companies, and about 95 percent of the public utilities. All of the direct service industries in the Northwest, support this bill. It s supported by farmers and farm groups, and by small industry. It is supported by all of the Senators of the Northwest.

As I campaigned through my district in this last campaign, the question I was asked more than anything else, wherever I went, was, "How soon are you going to get the Northwest Power Bill passed?

The gentleman who will be representing the Fourth Congressional District—which I lost in this last election—is also supporting this bill. It is important to understand, in spite of all the ghosts and goblins that will be conjured up against it, this does not build powerplants; it does not stop them; and it does not negatively impact the rest of the Nation in any way. It does not cost the Federal Government anything. It does provide for conservation, and for the protection of fish and wildlife.

This is not a bill that we are proposing just because we like it.

Mr. KAZEN. Mr. Speaker, I must advise the gentleman in the well that I will take back my time in 30 seconds.

Mr. MCCORMACK. I thank the chairman. Let me conclude by pointing out that this bill has been forced upon us by the circumstance of increased growth and energy consumption in the Northwest. This bill is necessary to the Northwest. Its passage is essential. Many of us from the Northwest have been comparatively quiet during the dragged out debate of recent days, but this was only to avoid further waste of time. We support the bill, and and I repeat that it has the overwhelming support of the people of the Northwest, and of the Members of Congress from that area.

We urge your support for passage of this bill today.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Speaker, I thank my dear friend from Wisconsin (Mr. SENSENBRENNER) for giving me some time.

The fight is ending. It has lasted almost 4 years. Why was it necessary to put up this great fight against the Northwest power bill? Let me show you some graphs. This graph right here is the total indebtedness of all State and local governments in Washington and Oregon. Those are school boards, the States, counties, cities, towns, all of the indebtedness of all the governments of Washington and Oregon, $14 billion.

This is the indebtedness for the nuclear projects in the Northwest, estimated at $18 billion. We are going into debt on just these five projects more than the entire indebtedness of all governments, State and local, in Washington and Oregon. This bill portends more of that—billions and billions of dollars more of that. Our fight against this bill has probably saved the Northwest billions of dollars because it has put the spotlight on the utilities and the Bonneville Power Administration, and they will no longer be able to work in the dark, spending billions of our money, without our consent, without a vote of the people. They will have to look over their shoulders now because of our fight. This bill is not even needed. BPA already has the authority to do conservation. BPA already has the authority to do allocation. In fact, they have promulgated their allocation programing a year ago, so that is not needed. What they do need the bill for the proponents do not mention. That is the forced financing of thermal plants. The entire indebtedness of the Oregon GI loan program over 30 years is less than the indebtedness that only one

WPPSS project is going to put us in. Further, there is no consensus among the Northwest congressional delegation. One-third are opposed to the bill while dozens and dozens of groups oppose it. The people have spoken. This Northwest power bill will usurp from the Northwest utilities all control over their own destinies. The Eugene Water & Electric Board, the largest public utility in Oregon, is adamantly opposed to the bill because EWEB wants to develop its own energy sources.

□ 1230

Already EWEB has announced four hydroprojects that will develop the energy needed to last them to the year 2000. They are developing other energy sources. If this bill passes, it undermines and strips away the incentives for such utilities as EWEB to develop their own energy sources. Instead, it puts it in the hands of the Federal agency that will dominate and control our utility system and consign a Federal bureaucrat to commit every business, every resident, every farm in the Northwest to more billions of dollars of debt.

Already this is the debt they have projected to put us into, $18 billion. This represents the debt for which we as a people have not voted on, and there will be no vote of the people—none—on putting us more billions of dollars into debt and bankrupting the Northwest.

The Federal agency directed by the Secretary of Energy from Washington, D.C., will dominate our utility industry in the Northwest. Soon after this bill is passed, if it is enacted, other utilities in other sections of the country will come in for the same guarantees. The most dangerous single thing that we can do in energy is to have the Federal Government come in and force us as taxpayers, to buy the horrendous cost systems that the utilities are forcing upon us, billions and billions of dollars, without our consent, without our vote, against our will. We will pay for these plants and projects whether they work or not, whether they are needed or not. Instead, we could be developing on a local level, as Eugene Water & Electric Board wants to do, and is developing its own energy sources. But no. No. The heart and soul of this bill is to encumber us with more billions of dollars of debt.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I concur with the previous remarks of our distinguished subcommittee chairman, the gentleman from Texas, and strongly urge my colleagues on this side of the aisle to support this bill.

Nearly 4 years ago the delegations from the Northwest States brought the attention of Congress to the serious power problem that faced the States of Washington, Oregon, Montana, and Idaho. The allocations of cheap hydropower had been stretched as thinly as they could be stretched and were still unable to cover the foreseeable energy demand. The problem was nothing new to the rest of the country. We were all engrossed in the energy problem.

But what was new to us was the proposition that the four Northwest States could work their problems out between themselves if Congress would only permit the Bonneville Power Administration to work with them in developing the solutions.

The mechanism they suggested as the vehicle for such cooperation was cumbersome, detailed, and technical. Over the past 3½ years of committee work, that mechanism has been refined, changed, and fine-tuned. But, more importantly, the work of the Interior and Commerce Committees has resulted in a product that now has the support of virtually all of the competing interests in the Northwest.

And that is the strongest feature of the bill: It addresses a regional problem and provides a regional solution. More importantly, that solution will be paid for by the ratepayers of the Northwest—not by the taxpayers of the rest of the country.

The bill contains no subsidies for the Northwest. It sets no precedent for any other region in the country because the same conditions are not, and could not be, duplicated in any other part of the country. It fully protects the rights of preference customers and sets no precedent for watering down those rights. The decisions to be made on whether or not to build new powerplants, where those plants will be located, what kind of fuel they will use, how the power from them will be allocated and priced—all of these decisions will be made by the people of the Northwest rather than by the Federal Government.

The role of the Federal Government, under this bill, is one of cooperation and coordination—not one of dictation, regulation, and bureaucratic control.

The bill is centered on the use of conservation as the power resource which must be considered before all others. And, for the first time in any power bill that I am aware of, this bill mandates not only the mitigation of fish losses but goes much farther with the requirement that the fish runs on the Columbia River and its tributaries be rebuilt and improved.

The fisheries provisions of the bill are all the more unique by being carried out at the expense of the people of the Northwest rather than of the taxpayers nationally as has been the case with fish mitigation provisions in the past. And they are even more unique by having been agreed upon by all of the competing interests on the river: Commercial fishermen, private power companies, public power companies, Indian tribes, State fish and game departments, Federal Fish and Wildlife agencies and nongovernmental groups of sportsmen and environmentalists. It took hard work and a lot of give and take to arrive at this consensus, and it will require a lot of cooperation on the part of these groups to make that consensus work. The bill provides the mechanism for that cooperation.

In summary, I will stress once again that this is a regional bill addressing a regional problem and providing a regional solution. It has been worked out by the people of the Northwest themselves. It reduces, rather than increases, the Federal control over Northwest power decisions. It mandates energy conservation as the resource of first resort. It provides a mechanism for rebuilding the dangerously diminished salmon and steelhead runs of the Columbia River and its tributaries. And it does all this completely at the cost of the ratepayers of the Northwest with no burden or obligation to the rest of the taxpayers.

I join the rest of the members of the Interior Committee and the Commerce Committee in urging my colleagues to support the bill.

Mr. KAZEN. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in support of H.R. 8157, the Pacific Northwest Electric Power Planning and Conservation Act.

It is time to pass this vitally important legislation for the Pacific Northwest region. This legislation has been given careful consideration in the committees and on the floor. The House, alone, has devoted 5 days to the consideration of this bill. The opponents of this legislation have been allowed to have their say. None of their amendments have been accepted by this body.

I strongly urge you to support this vital legislation. The bill enjoys widespread, bipartisan support both within and without the Northwest region. It is needed this year to avert a serious economic and energy crisis that will engulf the Northwest in a potentially explosive reallocation of energy when the Bonneville Power Administration's contracts begin expiring in 1981.

With this legislation, these problems can be averted. This bill embodies a regionally negotiated and supported "peace treaty" by all of the affected parties. It insures a smooth reallocation of power by establishing a regional planning process which permits BPA to sign new utility and industry contracts necessary for the coordinated planning and efficient use of regional resources.

The legislation is not a panacea for all of the Northwest energy problems. However, it does provide the vehicle for establishing an open, coordinated, and comprehensive approach to future electrical power planning in the Northwest.

Enactment of this legislation is vital to our region and I urge you to support it today.

□ 1240

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Speaker, I would concur with what the gentleman from Washington (Mr. DICKS) just said.

The legislation is needed now; it cannot wait for the 97th Congress. The primary purpose of the bill is to avert a court-imposed reallocation of the power marketed by the Bonneville Power Administration—one-half of the region's power supply—that will begin next year, if S. 885 is not enacted this year. An administrative/judicial reallocation would seriously disrupt power planning and economic development in the Pacific Northwest. Failure to solve the Northwest's power problem would also jeopardize our region's ability to sell surplus power to the Pacific Southwest to displace oil-fired generation, and the continued operation of one-third of the Nation's aluminum production.

S. 885 establishes a regional program to plan and develop conservation and additional generation the region needs while maintaining State governmental controls and local utility independence. The program established by the bill is paid for entirely by Bonneville ratepayers. There are no Federal guarantees or appropriations of any kind. The bill simply provides the Pacific Northwest with the framework it needs to solve its power problem on its own, without disadvantaging any other part of the country.

The bill before the House is sound legislation that represents a uniquely acceptable accommodation between a large number of diverse concerns. We urge you to make passage of S. 885 without further amendment a top priority of the Republican leadership in the postelection session.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Speaker, I regret very much that I have to stand and strongly oppose this bill. I regret it because I wanted to be able to support a Northwest regional power bill—a power bill that would be a model for safe, alternative power generation and conservation in the Pacific Northwest.

But, this bill does not in any sense come even close to achieving that. Despite all the happy words Members have heard in 3 days of debate about alternative energy and about conservation, this bill sets up a funding mechanism that provides for easy financing—and a goldplated invitation—for construction of large, capital intensive, environmentally unsound thermal generating plants.

One Northwest utility executive described the impact of this bill very well, although the bill's congressional supporters have tried their best to ignore his prophecy. He said that under the terms of this bill, every nuclear powerplant under construction and those on the drawing boards will be financed and constructed in the Pacific Northwest. It is not often I agree with the utility industry, but on that statement I agree 100 percent.

Given that fact, and given the success of the bill's proponents in using a parliamentary technicality to strike down an amendment that I offered which would have imposed standards of public safety on radioactive wastes that these plants will emit—given those things, it adds up to a bill that imposes an unfair public safety risk on the rate payers and citizens of the Pacific Northwest.

Supporters of this bill have said that nuclear plant construction will only occur after a "sweeping conservation program," squeezes out every single kilowatt possible in energy savings in the Pacific Northwest. That all sounds very, very nice. But I do not believe it. And neither does the General Accounting Office of the U.S. Government, which criticized the BPA's capacity to carry out the "sweeping conservation program" described by the gentleman from Washington (Mr. Dicks) a moment ago.

So, what will be the result of this bill if it is passed today? Would it be a blueprint for creative energy solutions that the bill's high-powered supporters suggest? Not for a moment. On the contrary, this bill is a blueprint for nuclear cooling towers and coal-fired plants throughout the region. This bill is a blueprint for cost overruns in construction. This bill is a blueprint for high electric rates. This bill is a blueprint for the dangerous stockpiling of radioactive wastes these plants will produce—a deadly threat not only today but for generations to come.

The gentleman from the State of Washington (Mr. McCormack) said that all those who oppose this bill represents a "tiny minority of antienergy activists." I want to say to my colleagues that I regard that as an insulting smear of those of us who genuinely are concerned about the kind of energy we harness to meet our region's needs. I am not antienergy; the gentleman from Washington (Mr. Lowry) is not antienergy, the League of Women Voters is not antienergy. We are prosafety, and we have our own ideas about how we can meet our region's energy needs for the future. Those needs have been documented by a number of studies that have been described in the debate leading up to this day.

Mr. Speaker, this bill should be defeated. I urge my colleagues to do so.

Mr. KAZEN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. Markey).

Mr. MARKEY. Mr. Speaker, I rise to speak in opposition to this legislation.

This bill will not encourage energy conservation to the fullest degree. Yet this bill is often touted by its sponsors as a progressive energy conservation measure. As "proof," they point to sections of the bill which provide for loans and grants for conservation, model conservation standards, and renewable resource programs.

The problem is that the bill takes away the one major impetus that encourages energy conservation: financial incentives in a free market reflecting real-world energy costs.

By "melding" high-cost nuclear power plants together with low-cost Federal hydropower and selling them at an averaged rate, the bill robs the individual utility of the financial incentive to save itself—and its ratepayers—money by maximizing the use of existing power sources. If a tiered rate were in effect, rather than a melded rate, utilities would inevitably seek to enhance their energy productivity—that is, to conserve energy by using it more efficiently. But under this bill, a tiered rate is not in effect.

A series of studies makes it clear that energy productivity is the most cost-effective energy future for the Pacific Northwest.

The GAO has reviewed this bill and concluded:

> Some provisions . . . would appear to impede the development of these power sources . . . conservation and renewable energy resources. Average cost pricing—which inhibits conservation and renewable energy projects by masking the true costs of new power supplies—is likely to be continued under pending legislation.

Indeed, this bill does continue this "melded cost" provision.

I urge this House to defeat this bill, which shelters the Northwest utilities from the real-world energy marketplace, and puts Uncle Sam as the financial middleman to this flight from energy reality.

Mr. KAZEN. Mr. Speaker, I yield 1 minute to the chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Speaker, I thank the gentleman for yielding, and I congratulate him on the excellent way he has handled this controversial and very difficult bill.

When it came to our committee, I started out with some misgivings. People in my own home State and in the Southwest region felt that there might be precedents set here that would devalue the preference clause rights that some of us have in other areas, and there were other concerns of that kind. The more I thought of it, the more I understood that one of the great strengths of this country is regionalism and local control of matters.

In the Southwest we have a power system that is nothing like this; it suits our needs. It is a hybrid. In the Tennessee Valley, they went off in another direction and had another hybrid which met their needs. And in the Northeast power area, and it varies from region to region.

But, as this bill has come out, and I have seen the improvements made, many of them suggested by the gentleman from Oregon (Mr. Weaver), I think the thing to do is to give the Northwest area the authority they are seeking in this bill so that they can build an energy future.

I strongly support the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. Mr. Speaker, I support the Pacific Northwest Electric Power Planning and Conservation Act—H.R. 8157—as the necessary solution to the serious and complex electric power deficit in the Pacific Northwest. Mr. Speaker, this House bill should be adopted as our substitute to the Senate-passed bill, S. 885.

The Pacific Northwest Electric Power Planning and Conservation Act is intended to resolve the serious and unique electric power deficit in the Pacific Northwest. This bill is far from perfect, but I believe it is the best compromise of conflicting interests—all of which want some bill—that the legislative process can draft. In fact, I support the bill with misgivings of my own over some provisions. I recognize, however, that the bill is agreeable to the region and that, without this bill, the gravity of the problem would only increase. Unabated, the power deficit in the Northwest could well result in ruinous litigation and regional economic and legal chaos. Without a certainty of power, one-third of the domestic U.S. production of aluminum may be tempted to move abroad, undermining our attempts to improve our national economy.

For over 40 years, the States of Washington, Oregon, Idaho, and Montana have enjoyed abundant and inexpensive hydropower marketed by the Bonneville Power Administration which is the marketing agency for the hydropower generated by Federal generating facilities and the grid by which all power in the region is distributed. Now the growth of the region has surpassed the hydropower supply of that grid. The previous, nonlegislative attempts to meet the growing demands have failed.

The Bonneville Power Administration, created in 1937 to market the hydropower generated by dams built by other Federal agencies, serves three types of customers: Public power agencies, investor-owned utilities, and direct service industries, largely aluminum plants. The rates of these direct service industries will go up sevenfold under the provisions of this bill which will encourage cogeneration of power as well as conservation.

The public agencies were granted a preference right to the hydropower in the original statutes, but never needed to exercise those rights against other Bonneville customers until recently. Because of the power deficit, Bonneville curtailed sales of hydropower to the investor-owned utilities in 1973, and has indefinitely interrupted sales to the direct-service industries over the past 3 years. Neither public nor private utilities are capable—independently—of building enough new supply to overcome the deficit. Moreover, without an equitable system of reallocation there is little hope that the two types of utilities would be able to construct new generation cooperatively. The very existence of some of the investor-owned utilities depends upon an orderly reallocation of power.

Because the residential rates of public agencies are 50 percent of those of the private utilities in Oregon, there is a movement toward creating a new public agency for the State of Oregon. While this may bring some temporary relief to the residential consumers of Oregon's private utilities, it would create such a huge strain on Bonneville's resources that the entire region's power supply would be thrown out of balance and into court.

It is clear that only a new system of allocating the hydropower can arrest the problem, and that only Congress can provide the solution. This bill would reallocate the hydropower into a regionwide power pool, administered by Bonneville, but owned and operated by utilities, so that the cost and production of new thermal generation may be shared among the customers of the region. The bill protects the preference rights of the public agencies, allows the residential consumers of the private utilities to share hydropower rates, and allows a certainty of supply—at a greatly increased rate—to the direct-service industries.

The solution is not flawless. For example, the bill establishes a new regional planning agency to assist Bonneville in coordinating the solution to the power deficit. I am concerned that this council, mandated to consider conservation first and conventional generation last, may succumb to a no-growth philosophy. This would be most unwise, since the region's past inability to build new generation has been a major factor in the present shortage.

I can, however, support the bill because it is the only way new generation will be built in the region and therefore the only way to remedy the deficit.

An additional and important reason I support the bill is that it is tailor-made for the Pacific Northwest: It is neither a precedent nor an experiment for other areas of our country. I will oppose any attempts to change the application of this bill to other Federal power marketing agencies. As a practical matter, the bill is a "negotiated peace treaty" between all the necessary parties from the Pacific Northwest over a very inexpensive power resource: The hydropower system of the Columbia River. While I would love to have this inexpensive electricity in my State of Ohio, that is physically impossible. Not even Congress can move the mountains, the rain, the river, and the dams.

Mr. Speaker, I support H.R. 8157, the House prepared substitute for S. 885. It is not perfect; but it is necessary.

☐ 1250

Mr. KAZEN. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DUNCAN).

Mr. DUNCAN of Oregon. Mr. Speaker, I rise in strong support of this bill and hope that my colleagues will support it as strongly as I do. It has been a strange debate. I want to express my appreciation to the many Members from other parts of the country who have devoted so much time to a regional bill of primary importance to the Pacific Northwest. While it is true that it is of primary importance to the Northwest, it also is of general importance to the entire country.

Because it is the only vehicle that gives us the possibility of generating additional energy which I believe we are going to need in the future, to the extent we can add to the production of energy in the Northwest, the entire country will benefit.

I do not believe there is a supporter of the bill who cannot look at some specific part of it and say, "No, I do not like that and I would like to have it changed." However, in the spirit of compromise, we have accepted those items that we do not like because the overall thrust of the bill is desirable.

Most of the opposition to the bill is expressed in terms of opposition to one or more specific provisions. Only my friend, Mr. WEAVER, from Oregon is the one guy who says, "I don't like it, I don't want it."

This bill is a compromise incorporating views of almost 200 separate groups and organizations. It is a marvelous example of the democratic system of compromise. It does not have unanimous support, but it has a substantial consensus behind it. I would suggest to my colleagues that we have to subordinate our individual preferences and get a bill passed.

Mr. KAZEN. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I rise in strong support of S. 885. The issues of this bill have been debated in two of our major committees and two of the subcommittees of those committees.

This bill has been before the Congress for many years. It is essential to allocate Federal power in the Northwest, either by this legislation or by administrative action which will surely lead to a long decade of bitter litigation.

The bill is supported overwhelmingly by the people of the region. It has no costs, direct or indirect, to any other region of the country. It has no Federal guarantees of any kind which can press upon the taxpayers of any other region of the country.

It is overwhelmingly supported by the congressional delegations of both parties in the House and Senate from the region.

I strongly urge our colleagues to give this bill an overwhelming vote.

Mr. Speaker, like many of the other supporters of this legislation, my reasons for strongly urging the passage of the Northwest power bill are set forth in greater detail in the RECORD of September 29, 1980. But today, with final passage of S. 885 imminent, I want to emphasize a few important points.

This legislation is needed because of a Federal problem—the unavoidable need to reallocate Federal power sold by the Bonneville Power Administration (BPA). Because BPA's power supply is fixed in amount under present law, and because all that power is already allocated under contracts that begin expiring in May 1981, a reallocation of this power by some Federal entity cannot be avoided. The only issue is whether to carry out the necessary reallocation through Federal legislation, or to permit the reallocation to be carried out by a Federal administrative agency (BPA) and the Federal courts.

If any of the bill's supporters believed that an administrative and judicial reallocation could be carried out without severe disruption of the Northwest economy and without harmful ripple effects that would be felt throughout the Nation, none of us—none of us—would have undertaken the incredibly arduous effort to pass this bill. But an administrative reallocation, litigated in the Federal courts for perhaps a decade, simply will not work. And this is what makes the legislation necessary.

No opponent of this legislation has ever explained how the crisis of an administrative and judicial reallocation can be avoided except through legislation that grants BPA the authority to acquire additional power resources. No opponent has ever been able to show that legislation can be effective for this purpose if BPA's ability to acquire power by purchase—in the same manner that utilities acquire power by purchase—is so limited as to make that new authority meaningless.

It is for these reasons, and these reasons alone, that the principal arguments of the bill's opponents have consistently been unable to attract a majority of support in any of the subcommittees and full committees that have devoted so many hours to this bill. And it is for these same reasons that the principal arguments of the bill's opponents have failed here on the House floor. Those arguments simply fail to come to grip with the facts, however powerful a grip they may exercise among certain outside groups who have not had to confront—as the Northwest congressional delegation has had to confront—the lack of any alternative that will solve the problem this bill sets out to solve.

Both sides have pointed out that this legislation will not in itself create new conventional power generating resources. This is true. The purpose of the bill is to solve an allocation problem, not a shortage problem. When congressional consideration of the forerunners of this bill began nearly 4 years ago, the shortage forecasted for the Northwest as a region was not even so substantial that shortage loomed as a major reason for the bill.

But the simple fact is that until the allocation crisis is solved, the Northwest cannot move effectively, efficiently and in an environmentally sound manner to cure the impending power shortage, which by some estimates is now enormous. Because solving the shortage requires cooperation among dozens of diverse Northwest entities, and these entities cannot cooperate effectively so long as they are in court fighting one another on the issue basic to their survival, namely their power supply contracts.

It is said that this bill will not prevent litigation. That is certainly true. There may be litigation over rates, over new resources, and over the meaning of many provisions that have been added to the bill largely in order to reassure the bill's critics. But the key point is that litigation under this bill will not include litigation to determine the validity of each entity's new power supply contract.

On the contrary, by stating that BPA shall be "deemed" to have sufficient power to enter into all the 20-year power sales contracts mandated by the legislation, the bill specifically ensures that these new contracts will be valid against legal challenge. This provision does not "guarantee" actual power deliveries in day-to-day operation, but it does guarantee that whatever litigation occurs on power matters will not be litigation going to the heart of any BPA customer's power sales contract and power allocation—the most important single result of this legislation.

It is also said that this bill will not solve all of the Northwest's other power problems. That is certainly true also. Nothing can prevent the costs of electricity from rising rapidly in the Northwest, for example, since we can no longer meet our growing needs with additional inexpensive firm energy from the Columbia River power system. But the bill can, and should, prevent electricity rates from rising as rapidly as they would without the bill.

This is the whole purpose of maximizing the integration and efficiency of our diverse regional power system, and of requiring—as this bill does—that conservation, renewable resources, and conventional resources all be compared on a fully costed basis so that the region's needs will be met by the least expensive new resources, with a priority for conservation. And this is also the reason why the bill permits BPA to acquire only that amount of power needed to meet the power sales obligations the bill places on BPA—this bill does not authorize BPA to buy power in order to create a regional surplus, which would impose unnecessary costs on the region's ratepayers.

It has been said that this bill encourages nuclear power. That is certainly not true. The drafters of this bill know very well how controversial nuclear power has become, particularly in the Northwest. We have known all along that this bill would also have to pass through two committees of this House that would carefully scrutinize it for any conceivable pronuclear bias. And we have never, among ourselves felt the slightest interest in trying to promote nuclear power over other forms of energy.

What we needed to do in this bill was not to promote nuclear energy, but to solve the allocation crisis. We could not do this without giving BPA authority to purchase additional power resources, other than by the unacceptable means of repealing the preference clause. And we could not exclude any potential source of power from this authority and still have the bill be legally effective, since the bill depends upon BPA having a reasonable prospect of being able to acquire whatever additional power resources may be necessary to meet BPA's new obligations.

But what we did—and did with great care, after extensive hearings and consultations both in and out of the region—was to constrain BPA's new authority in a different way by insuring that BPA would not acquire conventional resources unless the need for these resources is established clearly through a regional planning process, and unless these resources are demonstrated to be cost-effective when compared with conservation and renewable resources on a fully costed basis.

In other words, no nuclear power will be acquired by BPA under this legislation unless other alternatives are insufficient in amount or more expensive in terms of their full costs. It is not the role of this bill to preclude BPA purchase of nuclear power that may turn out in actual practice to be needed by the region, and it would not be responsible if the bill had this effect.

It has been pointed out that powerplants currently under construction by utilities in the Northwest are suffering substantial cost overruns. This is true, and it is a terrible thing. It is something that we hope this bill will help solve, and certainly the bill will not compound the problem. In fact, part of the problem with the powerplants currently under construction is precisely that there is no regional entity other than the plant owners with any ability to exercise effective oversight over all aspects of plant design, construction, and operation.

In this bill, we have included the toughest conceivable mandatory authority for effective and thorough BPA oversight—the mistakes of the past cannot afford to be repeated. And if any power resource owner refuses to submit to this effective regional oversight mechanism, that resource simply cannot be purchased by BPA—BPA's authority to purchase is contingent upon acceptance by the resource sponsors of the contractual oversight provisions. In this manner, the BPA purchase authority cannot be exercised except in conjunction with BPA oversight that is effective.

In addition, the regional power and conservation planning council created under this bill will obviously have a keen interest in the effectiveness of these oversight provisions, and the council will be a permanent, continuing feature of all future regional power planning.

But because this bill is designed to solve a power allocation problem, it does not and cannot preempt the responsibilities of individual utilities and State and local governments. On the contrary, the bill abounds with provisions designed to maintain local governmental and utility control. The States, for example, will retain complete control over power resource planning, siting, licensing, and construction. It will continue to be the responsibility of the States to protect the interests of each State's citizens in the development of power resources, and not just through each State's appointees to the regional power and conservation planning council, but directly as well.

And it will continue to be the option of each State to refuse, within the limits of applicable existing law, to grant permits to individual power resources or to particular types of power resources. These individual State, local, and utility decisions will simply have to be taken into account by the regional council and by BPA, since under this legislation BPA does not acquire any authority to own or to construct power resources on its own, and no State energy facility decisions are preempted.

In conclusion, Mr. Speaker, the supporters of this bill are well aware that even after the bill's enactment, the

Northwest will continue to face a regional power shortage and that regional power resource decisions will continue to be controversial. We know that some individuals or groups will inevitably misunderstand the source of these continuing problems, such as higher power costs, and that some will even blame this new law for problems that have nothing to do with it. For this reason, the safer and easier course politically would be for each of us from the Northwest to oppose this bill, to vote against it if not work against it, and rely on our colleagues from other regions—to whom this bill owes so much—to pass it for us. But we cannot shirk our responsibilities today.

We cannot fail to attempt to solve the power allocation problem before it gets totally out of control. Our satisfaction—and, we hope, the satisfaction of our many colleagues from other States who have helped us throughout this process—must lie in helping to avert one particular crisis before that crisis became clear to many individuals and groups in the region. Reallocation will not now be added to the region's other power problems, and for that reason—and through intelligent use of the new tools this bill grants the region—the region may now have a realistic chance, for the first time in years, of solving its remaining power problems by itself, cooperatively and efficiently.

Mr. KAZEN. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. Swift).

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Speaker, I would like to correct what has been a recurring theme by those who oppose this bill. The bill does not in any way guarantee the construction of nuclear powerplants or the purchase of the output, or in any way assist the development of nuclear power in the Northwest.

Indeed, I would argue to the opposite. Two of those five nuclear plants are being constructed in my district. Over 2 years ago I called for their closure. If I thought this bill in any way favored the construction of nuclear powerplants, I would not support it.

The regional power council will have the authority in the development of the plant to actually instruct the Bonneville Power Administrator to buy out WWPPS 3 and 5, and terminate them.

If my colleagues are against nuclear power, I would argue they would have much greater potential for dealing with that issue through the passage of this bill than presently is the case under the present system.

I thank the gentleman for yielding.

Mr. SWIFT. I thank the gentleman very much for those remarks with which I completely agree.

This is the most difficult kind of bill for Members who are not from our region of the country because it is complex and because they have been assaulted with so many assertions one way or the other.

I think what we have to ask is: What is the majority view of the people who represent this region in the Congress of the United States? What are the States themselves doing, as represented by their Governors and Governors-elect?

I think all of those people would agree with these statements: First of all, the bill does not do these things. It does not involve Federal guarantees, subsidies, or bailouts. There is general agreement that it does not federalize the Northwest utilities industries. It does not create an energy czar of any kind.

As the gentleman from Washington (Mr. Bonker) has ably pointed out, it does not encourage the building of nuclear plants. It does not harm other regions.

What does it do? I think the broad range of people who support this bill would agree that it does solve the Federal power allocation crisis in the Pacific Northwest. Without this bill the BPA must reallocate all of its power, half the region's total amount of power, next year and administrative reallocation of BPA will be challenged in court and touch off a regional civil war that could last a decade. This means disruption for the region and harm to the national economy.

So, the first thing the bill does, it solves the Federal power allocation crisis legislatively rather than having it solved administratively and ultimately by the Federal courts. Second, it protects the public power preference clause. It encourages conservation and renewable resources in a specific and enforceable way.

When you talk about conservation—and that is about all we have done in this country, talk about conservation—it is difficult for me to understand why those who talk about it most oppose a bill that will for the first time put some teeth and and some real meaning into all the talk, verbage, and hot air we have had about conservation.

I strongly urge support of this legislation.

Mr. Speaker, here is a brief history of this legislation.

The legislation provides that the administrator shall, upon request, grant billing credits to customers undertaking or continuing independent conservation programs, developing renewable and multipurpose resources suitable for local development, or developing any other resources not inconsistent with the plan and the priorities for resource acquisition in subsections 4(e)(1) and the considerations of 4(e)(2). It is intended that this eligibility be broadly construed to insure the undertaking of local investments which maintain the lowest possible costs of regional resource provision, but which might not be undertaken without billing credits, due to the melding of BPA costs creating an artificially low-cost alternative to individual utility or customer action. The section provides for billing credits once certain procedures have been followed by the administrator.

The term "independently undertaken or continued" as used in this subsection is intended to include all conservation measures and the savings therefrom which would not have occurred without the exercise of substantial local initiative. It is the committee's intention that for eligible resources receiving some financial assistance from the administrator, such assistance will be subtracted from the calculation in determining the net credit for that resource. Continued conservation eligible for credits is intended to cover savings which accrue from efforts continued after the effective date of this act from programs independently undertaken prior to its passage. Eligibility for billing credits for an independently undertaken or continued program is meant to cease if the administrator acts pursuant to the plan to mandate or completely finance the same program.

Granting of credits to any customer is intended to recognize the action of any entity in the region taking a conservation or resource development action which reduces the administrator's obligation to acquire resources to supply his customers. It is also intended that the benefits of any billing credit should accrue to the customer using the credited resource. Contractual resources or participation shares in a jointly owned or operated resource are recognized as creditable resources of the participant, if they are consistent with the other criteria of this subsection.

The size of the credit is intended to give individual utilities the greatest possible incentive for local investments, while preserving for other customers of the administrator rates no higher than they would have paid in the absence of the individual utility's action. This requires establishing an alternative cost the administrator would have been obligated to pay if he had acquired an amount of power from additional resources equal to the amount of power from the credited resource while not adversly affecting the rates of his other customers. To preserve the coupling of financial risks and potential benefits to the investing utility, it is intended that this alternative cost be set at the estimated cost per unit to the administrator of energy, capacity and reserves which he acquires (excluding short-term acquistions as authorized under subsection 11(b)(6) of Public Law 93-454 as amended), or for which credits are granted during the 3-year period bracketing the year in which the credit is first granted. It is recognized that the calculation of the per unit credit in any year, except as limited below, will reflect the difference between the rate for incremental sales to the credited customer and the alternative cost at the time the credit was initially granted. This amount is expected to decline over time.

The objective of providing the greatest possible investment incentive is constrained in the language of the bill by the requirement that the billing credit for a resource other than conservation be no greater than that resource's total cost, and that, in addition, the rate impact on other BPA customers be no greater over its useful life than if the administrator had been obligated to acquire a like amount of resources at the alternative cost.

Mr. Speaker, I would also like to take this opportunity to insure that there is no ambiguity in the meaning of section 4 of H.R. 8157. In the last few days there have been a few questions raised about the intent of the appointment provisions of section 4(a)(3).

In general terms, section 4 does not create any new authority in the State governments. To make the appointments to the council under section 4, a Governor either has the authority under existing State laws, or must obtain such authority under the State constitution from the legislature. The legislation does not purport to "grant" this authority to the State.

Similarly, section 4 does not remove authority from the States. If the Governor of a State has authority under existing State law to make appointment to a council like the one created under this bill, the legislation does not require the Governor to get new authority from the legislature to make the appointment.

Specifically, if a Governor has now or later obtains authority to appoint a council member to serve at the Governor's pleasure, the provision of 4(a)(3 setting a term of 3 years for council members is not intended to override the Governor determining the term of office of the council member. Similarly, the requirement of 4(a)(3) that the compensation of members is to be fixed by State law does not require the Governor to obtain new authority from the legislature if the Governor already has the authority to set compensation of council members under State law.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker how did we get into this fix where we have a bill, a controversial, difficult bill in a Suspension Calendar? My colleagues know that we did not want to bring it up in this manner. We have been forced to do it because an unusual tactic was used, a filibustering tactic, and now we need a two-thirds vote.

I do not have to tell the Members in this Chamber how many difficult measures have barely passed this House. Yet today we have to have a two-thirds vote to get this necessary legislation through.

It has been a long, hard fight. In fact, I think this is a classic case where for over 4 years there have been hearings out there in a district. The Senate produced a bill and many of the criticisms that are floating around this Chamber are criticisms that deal with that original bill. But when it came over from the Senate and went into the House, this bill has been greatly improved as it went through two committees. Most of the amendments that have been offered and the arguments were thrashed out carefully in the committees. They were deleted out in the subcommittee and in the full committee. In other words, this bill has been thoroughly worked over .

Now we find that the vast majority of the people in the district and the vast majority of the elected representatives of the district realize that this bill is essential. It is essential to the future well-being of our area.

☐ 1300

I think it has a national import. It means a lot to future production of aluminum which is essential to America. It is essential to the amount of power that we are going to send down to California when we have our surpluses in the Northwest.

We have come through a 4-year process and now we are at a time when we have to have the vote and we have to have a two-thirds vote because of some manipulation here in the Chamber.

Mr. Speaker, I plead with you to allow the Northwest to solve its energy problem without any liability, to the Federal Government. The taxpayers in the other regions will have no liability. We are taking that on. We are saying: Allow us to solve our own problems so that we can have a productive, strong, dynamic economic force in this part of the country.

I plead with you to pass this legislation through. It is good legislation and it is needed now.

Mr. Speaker, I yield back the balance of my time.

Mr. KAZEN. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, this legislation is by no means new to my colleagues in the House. Over two Congresses the two committees have held prolonged and extended hearings on this legislation. The defects which were apparent in the legislation at an earlier time have, in my judgment, by the wisdom and the cooperation of the members of the two committees, been removed in their entirety.

Mr. Speaker, I particularly want to pay my commendations to the members of the committees for the outstanding work which they have done, and for the patient work, in presenting this legislation to the House.

Mr. Speaker, originally there was some question about the conservation aspect. Conservation of energy is a major aspect of this legislation. Conservation and renewables are the first priority to be followed before any action can be taken to enhance power supplies.

The conservation and enhancement of the great migratory fish and wildlife populations of the Pacific Northwest, something of great concern to the sportsmen and conservationists of this Nation, are, for the first time, a matter of urgent priority under this legislation. They are place on a par with other purposes for Federal facilities in this area. If the fish populations of the Pacific Northwest are to be restored to the sportsmen, the Indians and the commercial fishermen, this is the mechanism which will do it.

Mr. Speaker, beyond that, the concerns which have been raised about the Public Utility Holding Company Act and the antitrust laws have now been effectively and satisfactorily dealt with.

Mr. Speaker, let us look at some of the other equally important things. There is no subsidy from the Federal Government to the Pacific Northwest and there is no special treatment of any particular category of users within the Pacific Northwest. Industry is going to pay more to get a reliable supply of power, as will the citizens of the Pacific Northwest, but only that which is necessary.

Mr. Speaker, I want my colleagues to understand why it was that we have been compelled to put this matter on the Suspension Calendar. I say this without criticism of the gentleman from Oregon (Mr. WEAVER) who has opposed this bill so vigorously over the past several weeks.

First of all, the matter has been considered in extenso in two committees over two Congresses. That is 4 years. Hearings have been held by both of those committees in every part of the region. The legislation has been considered on the floor now for 5 days, September 24, 29, November 12, 13, and Friday and now today, during which time the gentleman from Oregon has used his time and the time of the House most generously to oppose this legislation and has compelled the reading of long amendments, as long as 75 pages. None of the gentleman's amendments have been adopted. Most of them have been overwhelmingly rejected. Rarely could the gentleman from Oregon even get a sufficient number to stand to get himself a record vote. Occasionally he would get a quorum call prior to the record vote and demand for the record vote and then could not even get a sufficient number of Members to stand to get himself a vote.

The gentleman has one amendment which he said was of urgent importance to him in his consideration. That amendment was not among the hundred or so that were printed in the RECORD, although a similar one was and was never offered on the floor. The gentleman did not even offer this amendment although the gentleman from Texas (Mr. KAZEN) managing the bill offered the gentleman from Oregon (Mr. WEAVER) unanimous consent to have that amendment offered, read and afford the gentleman 5 minutes. The gentleman said "No," he would not support that arrangement; what the gentleman wanted was to have the committee accept that amendment.

It is not the function of this body to stifle debate or to deny Members a full opportunity to be heard. The gentleman from Oregon (Mr. WEAVER) has had an abundant and overly generous opportunity to be heard and the gentleman has done so at the expense of the time of the House, the time of his colleagues and other legislation which is of great importance. That is why we have chosen to put this matter on suspension. We have afforded the gentleman opportunity to have his amendments tested. None have achieved the necessary votes. I discern little if any support for the position of the gentleman from Oregon and I would urge my colleagues to vote this legislation through. It is not just in the interest of the Pacific Northwest, it is in the interest of all the country. I who come from another part of the country tell my colleagues from other parts of the country, we cannot look to our friends of the Pacific Northwest and say, "Your end of the boat is sinking." We are all in this together. I urge the House to pass this legislation.

Mr. Speaker, the bill H.R. 8157, as we have previously indicated, is a compromise between the version of S. 885 reported by the Committee on Interstate and Foreign Commerce on March 15, 1980 and that reported by the Committee on Interior and Insular Affairs on September 16, 1980. That compromise version, together with the amendments adopted on the floor during consideration of S. 885, forms the amendment we adopted today. Many of the provisions of the Interior Committee bill are identical to those of the Commerce Committee bill. Likewise, many provisions of H.R. 8157, of which I am a cosponsor, are identical in substance, at least, to the Commerce Committee bill. Thus, the Commerce Committee's report of May 15, 1980 is still appropriate in many respects as legislative history for this bill (see H. Rept. 96-976, pt. I) as the report of the Interior Committee.

The following is an attempt to identify the principal differences in the bill so that there will be a complete analysis of the bill. It is intended to supplement, not supplant, the Commerce and Interior Committee reports. It also includes some additional comments on provisions that were not changed by the Interior Committee or by H.R. 8157.

SECTION 2—PURPOSES

Mr. Speaker, section 2 of the bill, as indicated in the Commerce Committee report, establishes several broad purposes which must be considered by the Council and BPA in carrying out the provisions of this act. The Commerce Committee report refers to five purposes. This section is expanded in H.R. 8157 to six purposes by reason of the fact that the first purpose in the Commerce Committee bill is broken up into two purposes.

The bill also includes a new preamble to the purposes which is designed to insure that the purposes of this act and the provisions of other laws applicable to the Federal Columbia River power system will be construed in a consistent manner. For example, the fish and wildlife purposes of this legislation are intended to be construed equally with the other purposes applicable to the Columbia River system under other provisions of Federal law. It is clearly intended that no longer will fish and wildlife be given a secondary status by the Bonneville Power Administration (BPA) or other Federal agencies.

SECTION 3—DEFINITIONS

For the most part there are no significant changes in the definitions except in the case of the definition of "new large single load" and the definition of "residential use" or "residential load."

In the case of "new large single load," the definition has been modified, at the urging of the Interior Committee, to eliminate the distinction in the Commerce Committee version between customers with industrial loads and those with other than industrial loads. In addition, the date of September 21, 1979, is applied to both types of loads and the term investor owned utility has been added to the list of Federal agency customers referred to in this provision. With this change, the Mount Tolman project which was referred to in the Commerce Committee report (page 52) would qualify as a committed load as well as two other industries in Idaho and Washington State. As noted by the Commerce Committee (H. Rept. 96-976, part 1, page 51), this is an important definition.

The definition of "residential use" or "residential load" has been changed to refer to 400 horsepower, rather than 200 horsepower, in regard to farm irrigation and pumping loads for any farm. The higher number was adopted by the Interior Committee and is presumed to pick up most, if not all, of the types of farms expected to be covered by the bill. Concern was expressed by the Interior Committee that the 200 figure would leave out approximately 10 percent of the farms that probably should benefit from this proposal, although the increase would likely bring in some large corporate farms.

The term "cost effective" is defined in section 3(4). The definition was not changed by the Interior Committee. In adopting this definition, our committee did not intend that historical experience may be nonexistent or of minimal value. Other factors are relevant.

SECTION 4—REGIONAL PLANNING AND PARTICIPATION

A. THE STATE COUNCIL

Mr. Speaker, this section has been revised substantially from the Commerce Committee version to provide for a State council, and in the event the State council cannot be formed or continue in operation, a Federal council, with provisions for termination of the council.

Under this provision, the Congress gives consent to an agreement pursuant to which there is established a council which will have its offices in the Pacific Northwest. It will carry out its functions and responsibilities in accordance with this act, and except as otherwise provided, it shall not be considered a Federal agency or instrumentality. In addition, the agreement provides that two persons from each State may be appointed, subject to applicable State laws, to be members of the State council. The initial appointment by the Governors of at least six members to the council will constitute acceptance by the States of the agreement and the establishment of the council. Appointment must take place by June 30, 1981, although, upon request of at least two Governors of these States, the Secretary will extend the time for appointment for an additional 6 months.

The council members and the council staff are not intended to be Federal employees. This is important because the council cannot bind the United States in any way, manner, or form, nor will the United States be responsible for any of the acts of the council, including tort claims and contracts or other obligations. The States, not the Federal Government, will fix the compensation of each of the members of the council. In this regard, it is possible that members appointed from one State may have higher or lower compensation than members from another State. The council, however, will establish the compensation for staff personnel. The committee expects the States and the council to be frugal in establishing salaries in order to keep costs reasonable.

Because of the possibility of conflicts of laws between the States, it was not possible to make State laws apply to the operations of the council, except in the case of appointments and salaries. Clearly the provisions of this act apply to the council. The council, according to the agreement above, must abide by all of the provisions of this act. However, there are other provisions of law that should also be applied in a uniform manner. Thus, the bill provides that Federal laws relative to the making of contracts, conflicts of interest, financial disclosure, advisory committees, disclosure of information, judicial review of council functions, and actions under this act, and related matters, apply to the council in the same manner and to the same extent as they apply to the Bonneville Power Administration. Some of these laws would be the Freedom of Information Act, the Federal Advisory Committee Act, the Sunshine Act, the Ethics in Government Act, and related statutes.

As noted, the bill provides that conflict of interest and disclosure laws are applicable to the council. Obviously, since the council members serve on a part-time basis, particularly after the plan and program are developed, some conflict-of-interest laws that apply to Bonneville Power Administration may not be "appropriate" in the case of the members of the council, although they may be appropriate in the case of the staff of the council. For example, the revolving door provisions of law may not be appropriate because the part-time members may also work for a State or municipal agency, an environmental or consumer group, a fish and wildlife group, an Indian organization, or even for a public or private utility or DSI, but the provisions of law, such as 18 U.S.C. 208, which relate to persons not involving themselves in matters where they have a direct financial interest would be appropriate. At the same time, the financial disclosure statement requirements applicable to the Bonneville Power Administrator in the Ethics in Government Act (title 2) would be, and should be, applicable to the members of the council as well as other employees of the council.

These disclosure laws would be applicable regardless of whether or not the members are compensated at a rate of GS-16 or above. Also, the fact that the council members may not serve a 60-day minimum, as required in the Ethics in Government Act, would not preclude the requirement for financial disclosure. In the Advisory Committee Act there is provision for a Federal chairman of advisory committee. Obviously, that is not appropriate in this situation. The word "appropriate" gives the council sufficient latitude to deal with these matters consistent with the intent of Congress as expressed in this section and these remarks.

In the case of open meetings, the laws applicable to the Federal Energy Regulatory Commission which is also a collegiate body would apply to the council. Thus, the council, in the case of open meetings, must operate in the same manner as FERC. The concept here is to insure that the decisions of the council are made in public and that the records of the council are kept open subject to normal disclosure laws. In short, the intent is to apply the sunshine provisions of 5 U.S.C. 552b to this council to the greatest extent possible, while recognizing, of course, that that law applies primarily to agencies whose members are Presidentially appointed and confirmed by the Senate. This is a State council, but the intent is to follow the Federal law in this regard.

The bill also makes it clear that no contract obligation or other action of the State council shall be construed as an obligation of the United States or obligation secured by the full faith and credit of the United States. The council is to be an independent agency which does not have any relationship to the Federal Government, except as specifically provided in the bill. It cannot bind the United States or create a financial obligation insofar as the United States is concerned.

In the case of judicial review of an action by the council or of any effort to challenge any provisions of the act, including its constitutionality, the courts of the United States will have exclusive jurisdiction to entertain suits seeking such review. Later in the bill, provision is made for certain actions of the council and the challenging of the constitutionality of this act to be made in the appropriate circuit court of appeals.

B. THE FEDERAL COUNCIL

Mr. Speaker, subsection (b) of section 4 provides a procedure for the establishment of a Federal Council should the State council fail. The clear intent of the members of both the Interior and Commerce Committees is to insure that there will be a State council in existence and that it will be permanent, subject to the provisions of this act. But we recognize that future events may not allow our intention to be achieved fully. Thus, we include subsection (b).

If the council is not established, or if its members are not timely appointed by the States, or after the council is established and the members are appointed, if any provision of the act relating to the council or its functions and responsibilities is held to be unlawful by a final determination of any Federal court, or if the plan and program adopted by the council under section 4 is held by such court to be ineffective, the Secretary is required by the law to promptly establish the Council as a Federal agency. Once the Secretary takes the step, he shall give notice to the public and the Governors of each of the States. On giving notice of the establishment of the Council, the Secretary must then request nominations from the Governors for membership to the Council in the same way as was provided in the Commerce Committee version of S. 855. The Governors are to submit at least two persons for each of the positions that they will nominate. The Secretary can accept or reject those nominations. If he rejects them, he must give the States a further opportunity to come up with an approved candidate. This process will continue until such time as the council is established.

As in the State council, the members will select from among their own membership the chairman of the Council. The Federal Council will be subject to all Federal laws, including the ones mentioned above.

When the Council is established under subsection (b), provision is made for the Secretary to have transferred to this new Council all of the funds, books, papers, documents, equipment, and other matters that have accumulated in the State council. The objectives is to insure easy transition and quick achievement of the requirements of this legislation. Indeed, the legislation provides that the Federal Council shall take into consideration actions of the State council and may, in its discretion, review, modify, or confirm such actions without further proceedings, subject, of course, to any valid existing rights and consistent with the purposes and provisions of this act.

Provision is made for termination of the Federal Council. This can be achieved only after both the plan and program required by section 4 of this act are finally adopted, including any judicial review thereof. After 1 year after such adoption, if the Governors of at least three States jointly request the Secretary to terminate the Council, the Secretary will do so within 90 days after such request. Once the Council is terminated, all of the functions and responsibilities of the Council under this act shall also terminate.

We have reference particularly to some of the functions in section 6 of the act which are applicable to the BPA's operations. In addition, if the Council is terminated in accordance with this procedure, the requirements of subsection (h) of section 4 are intended to be continued and carried out jointly by the Administrator of the BPA, the Secretary of the Interior and the Administrator of the National Marine and Fisheries Service. Here again the intent is not to eliminate, or in any way halt, the requirements regarding fish and wildlife established in section 4(h). All records, books, documents, funds, et cetera, applicable to this Council would also be transferred to this tripartate body to allow it to continue the actions that were started by the Federal Council. It is intended, as in the case of the Federal Council, that when such a transfer takes place, the tripartite body would review the actions of the Council and accept, confirm or reject them as promptly as possible without further proceedings, subject, of course, to any valid existing rights.

C. GENERAL COMMENTS RE: COUNCIL

Subsection (c) of section 4 provides general provisions that are applicable to both kinds of councils except as otherwise provided.

As in the Commerce Committee version, the BPA is expected to pay for the operations of the Council, subject to the limitations of the bill. In this regard, the State council may utilize the services and personnel of the States in helping them prepare and adopt the plan and program. Such services and personnel may require reimbursement to the State for their reasonable cost. The Council's funding and expenses, as well as all functions of the Council, will be subject to scrutiny by the General Accounting Office. GAO review is not intended to be limited to just funding matters but to all of the operations of the Council in the same manner and to the same extent as the GAO reviews operations of Federal agencies.

D. THE PLAN

The bill provides that once the Council is established and members are appointed, the Council must prepare and adopt a plan for regional conservation electric power. The main provisions for the adoption of the plan, including the establishment of priorities, are identical to those adopted by the Commerce Committee and accepted with little change by the Interior Committee.

Provision is made for a study of conservation measures applicable to the DSI's and other major power consumers. The sponsors expect the study to be carried out expeditiously, but not at the expense of the plan and program which must take priority.

E. FISH AND WILDLIFE

Many of the provisions of H.R. 8157 relative to fish and wildlife are identical or nearly so to the provisions of the Commerce version, as amended by the Interior Committee. The approach taken in the Interior version is somewhat different in that the Commerce version provided for the making of recommendations and the adoption of those recommendations. This bill continues the process of providing for recommendations, but adopts the Interior approach which provides that the council adopt a comprehensive fish and wildlife program, based on the recommendations, for fish and wildlife protection, mitigation and enhancement.

It creates a new obligation on the region, the BPA, other Federal agencies to protect, mitigate and enhance fish and wildlife. It is a provision for which I am the chief sponsor. It is one that I intend to monitor with great care in the future.

I want to stress that this subsection applies to both fish and wildlife. It applies to sport, as well as commercial fisheries. It applies to migratory birds and resident animals as well.

The subsection only applies to the Columbia River and its tributaries, and not to rivers and waterways outside this area, although as the Interior Committee report notes, page 38, the fish and wildlife outside the area will be protected enough by other means. To the greatest extent practicable, this fish and wildlife program must deal with the river and its tributaries as a system. However, this is not intended to preclude proposals aimed at one or more of the facilities that affect fish and wildlife.

Once the council is appointed and it begins to function, it must begin immediately to develop and adopt a fish and wildlife program. Adoption of the program should not be delayed pending adoption of the plan. The program is to be adopted and implemented whether or not the plan is adopted. It exists independent of the plan and a part of it as well.

The council must send written requests to all of the Federal and the region's State fish and wildlife agencies and the Indian tribes for recommendations relative to fish and wildlife. Thus, these requests must go to all the agencies having an interest over these resources.

Such recommendations would be for measures to be implemented by the Administrator and other Federal agencies to protect, mitigate, and enhance fish and wildlife affected by the development and operation of any hydroelectric project of the Columbia River and its tributaries. In implementing these measures, the Administrator would use the authorities under this act and other laws, as well as power revenues in the BPA fund. But these recommendations are to apply to other Federal agencies and the non-Federal owners of facilities in the region as well.

There would also be recommendations establishing and implementing objectives for the development and operation of these projects on the Columbia River and its tributaries in a manner that will protect, mitigate and enhance fish and wildlife, including recommendations for increased flows at opportune times to enhance fish migration. Recommendations for fish and wildlife management coordination and research and development, including funding, which are designed to protect, mitigate and enhance anadromous fish at and between the region's hydroelectric dams are also to be made.

These agencies and tribes would have at least 90 days to respond to the request. Others in this region, including water management agencies and other Federal agencies, the customers of the BPA and the public, may also submit recommendations to the council. In commenting on this procedure concerning the recommendations, the Commerce Committee's report states (page 56):

> The Committee expects the Council to be reasonable in responding to requests for extensions and that the above entities will act promptly to develop effective recommendations.
>
> The recommendations must be accompanied by data to support them. The better the data, the more likely it is that the recommendations will receive wide support. While the Committee believes it reasonable to expect organizations with fish and wildlife expertise to be able easily to provide needed support data, the Committee also recognizes, and the Council should also, that 90 days will not afford an opportunity for extensive studies, the acquisition of new data, or the development of the best scientific knowledge. The data requirement is to enable the Council and others to understand the recommendations. The quanity or quality of the data should not serve as a basis for turning down any recommendation.

As the council receives these recommendations, it is to give notice thereof and make the recommendations and supporting data available to the public. The intent is that the council will provide a convenient place for persons to come in and review these recommendations and accompanying documents. Copies, of course, can be made of these documents at a reasonable reproduction cost. The council is also required to provide for public participation and comment regarding the recommendations. The method of public participation, whether it be by written or oral comments, is left to the council. The objective is to insure a broad opportunity for the public, including the customers of BPA, consumers, environmentalists, Indians, the public in general, and the BPA, to express their views, but without causing delay in adopting the recommendations and the appropriate program.

The bill provides for the development of the program by the council on the basis of the recommendations. The council will adopt the program by majority vote of the members of the council. It will consist of measures to protect, mitigate and enhance fish and wildlife. The bill requires measures to be included in the program it determines will meet the criteria or requirements put forth in subsection (h)(6) of the bill. These criteria are intended to provide guidance to the council and are not intended to provide a legal basis for challenging the program of the council. For example, it is clear that the criterion that the measures be based on, and supported by, the best available scientific knowledge requires a certain amount of judgment by the council with the help of the fish and wildlife agencies in determining whether or not the measures meet this kind of test.

The council shall determine whether the recommendations are consistent with the purposes of the act. If the council determines that they are inconsistent with each other, the council, of course, has the obligation to try to resolve any inconsistency, giving due weight to the recommendations themselves, as well as to the expertise and valid legal rights and responsibilities of those who made them, particularly the fish and wildlife agencies and the appropriate Indian tribes. Clearly, the council should rely heavily on the fish and wildlife agencies of the State and Federal Governments and not try to become a superfish and wildlife entity. Our committee report states in regard to this matter (page 57):

> The Committee wants to stress that adoption of these recommendations is not intended to be delayed pending adoption of any plan or revision; the Council should act promptly on all recommendations. Also the amendment clearly contemplates that the Council and these entities will, to the greatest extent possible, work together to develop effective and workable recommendations. The Council is not asked to rubber-stamp any recommendation. However, neither is it expected that the fish and wildlife agencies or Indian tribes shall be required to agree with each other or with the power interests and others in the region to what might be aptly described as 'consensus' recommendations in order to satisfy all interests. Any determination must set forth the reasoning in support of that determination and will be subject to judicial review.
>
> The recommendations are clearly required to include, as appropriate, a broad range of measures which could, for example, be regulatory or management-type, to "protect, mitigate, and enhance" fish and wildlife and their spawning grounds and habitat. The objective is to give flexibility to all concerned to devise effective and imaginative measures that are also reasonable and will not result in unreasonable power shortages or loss of power revenues. Some power losses, with resultant loss in revenues, may be inevitable at times if these fish and wildlife objectives are to be achieved. Such losses, however, should not be a burden on the consumers of the region. The objective, however, should be to avoid, or at least minimize, losses, while meeting fish and wildlife needs. The Committee does not intend that these provisions be used to subvert the power objectives of this bill.

These comments of the committee are applicable to S. 885, as amended today.

This section also requires the BPA to use BPA funds and its statutory authorities to protect, mitigate, and enhance fish and wildlife in a manner consistent with the adopted plan, if it is in existence, and the program and with the purposes of this legislation. Again it is important to stress that the fish and wildlife program, as well as the recommendations, may well proceed the plan. If so, the BPA and others should not delay implementation pending adoption of the plan which will incorporate this program.

Mr. Speaker, subsection (h) also provides a directive to BPA and other Federal agencies responsible for the management and operation or regulation of hydro facilities on the Columbia or its tributaries to adequately protect, mitigate, and enhance for fish and wildlife affected by such facilities in a manner that insures equitable treatment for fish and wildlife with other purposes for which system and facilities are managed and operated or regulated. They must achieve the directive consistent with the purposes of this act and other applicable laws. This provision does not replace the other provisions of law, such as FERC's section 10 of the Federal Power Act, but supplements that law and others. This provision is aimed at placing fish and wildlife on a par with these other purposes and providing a means by which these entities will act to protect, mitigate, and enhance fish and wildlife. It is, however, not intended to affect the validity of any existing license, permit, or certificate issued by a Federal agency, such as FERC. I particularly refer to the comments of the Interior Committee in its report (page 46) concerning these provisions.

Finally, this subsection provides for an annual report to the named committees of Congress relative to the actions taken by the Council or not taken as well as those taken by the Administrator. It also requires that the Administrator keep the Congress fully and currently informed about its activities. This is expected to be done at least annually in a BPA report to these committees.

F. COUNCIL CHECKS AND BALANCES

Mr. Speaker, this section 4 also provides authority for the council to review periodically the actions of the Administrator, not only under this section, but also under section 6, to determine whether the actions are consistent with the plan and program adopted under this section, the extent to which the plan and program is being implemented and to assist the council in preparing amendments or revisions in the plan and program.

In addition, this section authorizes the council to request the Administrator to take action under section 6 to carry out the Administrator's responsibilities under the plan. When the council makes such a request, it is expected that the BPA will respond within 90 days after the request, although the bill recognizes that such a response may not be possible within that time frame. The response should be in writing, and it should indicate how the Administrator will take the action requested or if the BPA does not believe that the action should be taken, it should state the reasons why it is not consistent with the plan or with the Administrator's legal obligations or with other provisions of law. In each case, the Administrator is required to identify the legal obligations or the provisions of law. If BPA decides not to undertake the requested action, either as requested by the council or in some modified form, the council may within 60 days after that determination request the BPA to hold an informal hearing and make a final decision. The term "informal" is intended to mean a 5 U.S.C. 553-type hearing.

Before proceeding to further discussion of this amendment to S. 885, I want to stress that the bill does not reduce or modify any of BPA's obligations under PURPA.

SECTION 5—SALE OF POWER

Mr. Speaker, except for minor technical changes and conforming amendments and one substantive change in subsection (d) (4) (C), there are no significant changes in this section.

In regard to subsection (d) (4) (C), an amendment was added to the Commerce Committee version concerning one direct service industrial customer with a contract that has not yet received electric power. This is the so-called Alumax provision which has already been discussed during consideration of an amendment by Mr. WEAVER concerning this provision.

The provision requires that, in addition to other terms and conditions required by BPA to be included in the contract to carry out this provision and this act fully, as well as other law, the BPA must condition the effectiveness of the contract on BPA acquiring under this act and on a reasonable basis within a reasonable period of time the resources to meet the load requirement. The contract will also limit the ability of the customer to transfer the BPA contract. The obligation of BPA to acquire the resources to meet the load applies only to this customer, except as provided in clause (ii). The contract cannot be sold or exchanged to another person. The obligations of BPA under the contract may be transferred by the customer pursuant to a reorganization or other transfer of "all major assets of such customer." The committees expect BPA to examine such transfers closely to insure that they are consistent with the spirit and intent of this provision, as well as the letter of the law. The intent is to protect the existing customer and to permit development of the facility for the benefit of the region and, of course, to provide new employment. It is not the intent to enrich the customer or permit the customer a new asset for later sale.

SECTION 6—CONSERVATION AND RESOURCE ACQUISITION

There have been some technical changes to subsection (a) but no substantive changes, except to make it clear that the Administrator may acquire resources to meet not only his contractual obligations that remain after taking into account planned savings from conservation, but also to assist in meeting the requirements of section 4(h) of the act which relate to fish and wildlife.

There are no significant changes in subsection (b) of the Commerce version.

Section 6(c) sets out procedures for the acquisition of a major resource, the implementation of a conservation measure which will conserve an amount of power equivalent to a major resource, an agreement to pay or reimburse investigations and preconstruction expenses for a major resource and for the granting of billing credits or services involving a major resource. For each such proposal, the Administrator must, first, publish a notice with copies to the council and, as appropriate, the Governor of a State as a facility is to be constructed or a conservation measure implemented; second, conduct public hearings; third, construct an administrative record; and fourth, prepare a written decision, including a determination of whether the proposed acquisition is consistent with the plan, or, notwithstanding its consistency with the plan, a finding that it is needed to meet the Administrator's obligations under this act. If no plan is in effect, then the Administrator must find that the proposal is either consistent or inconsistent with the criteria of section (4) (e) (1) and the considerations of section (4) (e) (2) and that it is needed to meet the Administrator's obligations under this act. Within 60 days after the Administrator makes his decisions under this act, the council may make similar determinations.

If either the Administrator or the council determine that the proposal is not consistent, the Administrator may not proceed unless he finds that notwithstanding the inconsistency, the resource is needed to meet the Administrator's obligations under the act, and until the expenditure of funds for that purpose has been specifically authorized by act of Congress enacted after the date of enactment of this act. This provision is to permit an opportunity for the authorizing committees to enact legislation authorizing the funds for such resources in appropriate cases. An authorization solely through the appropriations process is also possible.

Thus, the opportunity exists for the appropriate authorizing committees to initiate action to provide an authorization of the expenditure of funds. Nothing in this provision is intended to imply that a further authorization of the resource itself is required. That authority is contained in this bill. It is the expenditure of funds only that may have to be authorized in the appropriate cases.

Mr. Speaker, the authority of the council to make determinations, if no plan is in effect, will expire 2 years after the establishment of the council. Quite obviously the intent of this termination period is to insure that the council will move rapidly to develop a plan and not rely solely on this authority in this section to make determinations relative to particular resources.

The provisions of subsections (d), (e), (f), and (g) are substantially the same as those in the Commerce Committee bill.

Subsection (h) includes a new provision concerning the granting of any billing credit or providing services pursuant to this subsection. These provisions relate to the notice and other information designed to inform the public about the proposal.

The provisions of subsections (i), (j), (l), and (m) are also identical or nearly so to provisions in the Commerce Committee bill. I want to stress subsection (j) is clearly intended to prevent any subsidies.

SECTION 7—RATES

Mr. Speaker, the provisions of this section are also nearly identical to the similar section in the Commerce Committee bill. The only differences are in subsections (d) and (i) and a new subsection added at the end of the section.

Subsection (d) adds a new paragraph which relates to the possibility of adverse impacts of increased rates pursuant to this act on any direct service industrial customer which uses raw minerals indigenous to the region as its primary resource. In order to avoid such impact, BPA, in its discretion and upon request of the customer showing the impacts, and after considering the effect of the request on other obligations of the BPA, may, if the BPA determines that the impacts will be significant, establish a special rate applicable to that customer if all the power sold to the customer may be interrupted, curtailed, or withdrawn to meet firm loads in the region. The rate will have to be established in accordance with all the provisions of this section, including subsection (i), and include such terms and conditions as the BPA deems appropriate. The authority of the Administrator in this new paragraph is discretionary. It is intended that the BPA and subsequently FERC determine whether the adverse impacts are significant before granting the new rate.

Subsection (i) has been amended in several respects. The cross-examination provisions are improved. The hearing officer has discretion to allow a reasonable opportunity for cross examination as long as the hearing officer determines that it is not dilatory. The objective is to allow for cross examination as long as it is relevant, material, and not dilatory.

Mr. Speaker, the Commerce Committee version provided FERC with authority, in accordance with such procedures as it may establish, to approve proposed final rates as interim rates pending consideration of the final rate. The amendment makes it clear that the Commission must act promptly to establish any required procedures, and make them effective within 1 year after enactment of this act.

The Commission has many responsibilities, and it is short of personnel and funds to carry them all out effectively. However, it is expected that adequate funds and personnel will be provided to the Commission to carry out its functions, not only under this legislation, but under other provisions of law. In order to avoid the possibility that rates would not be established on a timely basis because the Commission has not established these procedures, the bill authorizes the Secretary of Energy to approve such rates on an interim basis during this 1-year period in accordance with the applicable procedure followed by the Secretary at the present time for such interim approvals. The interim rate adopted by the Secretary would, at the discretion of the Secretary, continue in effect until July 1, 1982.

New subsection (n) is added to the bill which provides for impact aid payments to the local governments. It is a modified Interior Committee version. This provision would not come into effect until after the council has adopted a final plan and program as required by section 4 of the act. The BPA may then make annual impact aid payments to the appropriate local governments within the region with respect to the major transmission facilities of BPA. The term "major transmission facilities" is defined in the Federal Columbia River Transmission Act. These facilities must be located within the jurisdictional boundaries of these local governments, be determined by the BPA to have a substantial impact on these governments, and be constructed after the effective date of this act. In the case of the modification of existing facilities, the modification must substantially increase, as determined by BPA, the capacity of the transmission facility.

BPA will have to determine a formula on a uniform, regionwide basis for making payments. This formula is to be established by rule in accordance with the procedures set forth in subsection (i) of this section. The rule will become effective on its approval by FERC after FERC considers its effect on rates otherwise established pursuant to this section. No payments can be made until the rule is adopted. In developing a formula, the Administrator can identify and take into account the local governmental services provided to the BPA concerning the facilities and the associated costs to such governments as a result of such facilities. The intent is to make these payments reflect the services provided by the governments and not any taxes that may have been lost or estimated to have been lost by the communities. This is not a payment-in-lieu-of-taxes provision.

All payments under this subsection must come from the Bonneville revolving fund. No appropriations can be used to make these payments, nor can any of the bonding provisions of the Federal Columbia River Transmission System Act be available for this purpose. Additionally, the authorization of the payments and the payments themselves are not to be construed as an obligation of the United States.

This provision makes it clear that payments are not made for transmission facilities that cross Federal lands, including lands that are acquired or withdrawn by a Federal agency for purposes of transmission agency and subsequently made available to the Administrator for transmission facilities. Payment is only made for lands administered by BPA for these facilities. Originally the lands were acquired, for example, by the Forest Service for Forest Service purposes and subsequently transferred to BPA. There will be no payment for such lands.

SECTION 8—AMENDMENTS TO EXISTING LAW

Mr. Speaker, the new subsection (a) is a technical amendment to the funding provisions of section 11 of the Federal Columbia River Transmission System Act. It merely adds to the list of matters that can be funded under that act. Subsections (b), (c), and (d) (1)-(3) are nearly identical to the Commerce version.

Added to subsection (d) is a new paragraph (4). This new paragraph is designed to protect the general taxpayer and provide a check on the Administrator in incurring obligations pursuant to this act. It provides that beginning in fiscal year 1982, if the BPA fails to make repayments at the end of a fiscal year with a Federal investment in accordance with repayment criteria of the Secretary of Energy, and if the failure is due to reasons other than a decrease in power sale revenues due to fluctuating stream flows or other emergency or other type reasons beyond the control of the Administrator, the Secretary of the Treasury may increase the interest rate applicable to the outstanding bonds issued by BPA during such fiscal year. The increase shall be effective commencing with the fiscal year immediately following the fiscal year during which the failure occurred. The increase shall not exceed 1 percent for each such fiscal year during which the repayments are not in accord with the Secretary of Energy's criteria.

In deciding whether or not to increase the interest rate and deciding what the rate should be, the Secretary of the Treasury would take into account the amounts that BPA has repaid in advance of any repayment criteria. BPA has accelerated its payments. Before establishing the rate increase, Treasury must consult with BPA and FERC and must be satisfied that BPA will be able to pay the increase taking into consideration other obligations. The increase will terminate in the fiscal year in which the payments are back in accordance with the payment criteria.

Subsection (e) is the same as the Commerce and Interior Committee versions.

SECTION 9—ADMINISTRATIVE PROVISION

Subsection (a) has been modified to recognize that Bonneville, in contracting for many of its functions, has established practices and procedures which are not necessarily the same as in all Federal contracts. The provision allows Bonneville to continue to contract under section 2 of the Bonneville Power Act of 1937 subject to the provisions of this act. It also provides that other provisions of law applicable to BPA contracts on the effective date of this act must also continue to be applicable to the contracts hereafter.

Subsection (b) has been modified to insure that the Department of Energy (DOE) and BPA act in a reasonable manner to carry out the provisions of this legislation. The provision is not intended to give either agency a different mandate than that already provided by the Congress in sections 302(a)(2) and (3) of the Department of Energy Organization Act. BPA must recognize that DOE has Department-wide responsibilities that apply to Bonneville. At the same time the DOE, particularly the Chief Financial Officer, the Controller, and the General Counsel, must recognize that Bonneville cannot be delayed in its activities while these officials review contracts, budgets, labor agreements, and other matters. The objectives of this legislation are intended to be carried out effectively and in a timely manner. The Committee on Interstate and Foreign Commerce will conduct close scrutiny of this relationship to insure that this bill is implemented expeditiously, fairly, and with care.

Mr. Speaker, subsection (h) provides a procedure for an exemption from the Public Utility Holding Company Act of 1935 for any company which is organized to own and operate facilities for the generation by such company of power of which at least 90 percent thereof it sold to the BPA and such organization is consistent with the policies of section 1(b) and (c) of the 1935 act, as determined by the SEC and with the concurrence of the BPA, and participation in such facilities of the company has been offered to public bodies and cooperatives in the region. H.R. 8157 is identical to the version adopted first by the Commerce Committee and then by the Interior Committee except for a clarification of the references in section 1 to the act's policies.

As noted in the Commerce Committee report, the committees rejected suggestions by the SEC for a legislative exemption with no further role by the SEC. For example, the bill initially requires the SEC to determine if the organization of the "company" is consistent with section 1(b) and (c) of the 1935 act. Subsection 1(b) lists a broad series of abuses and subsection (c) expresses the policies to correct any such abuses. Another example is the requirement that the SEC concur in BPA approvals of "all significant contracts." Fuel, construction, and financing contracts, as a minimum, will be included in this term. The fact that these contracts are not, by reason of practice or otherwise, now considered by the SEC is not to be the criterion. The SEC must concur in all significant contracts. The BPA and the SEC will have to work out general guidelines, with public impact presumably, as to what contracts should be included within the ambit of this provision. In all of these actions, we expect the SEC to exercise independent judgment, although, in some matters, the SEC should not be required to plow through matters that the BPA has adequately and carefully considered and developed an adequate record, such as in the case of contract concurrences. However, in other instances, such actions under section 9(h)(4), it is expected that SEC act far more independently and not rely on the BPA's actions. All of this is clearly discussed in our committee's report (pages 72–73).

The bill does not prescribe what proceedings should be used by the SEC and the BPA in carrying out these provisions. The agencies should work them out in advance with adequate public input. Obviously, they must be fair and adequate to carry out the intent of the Committees and should not be unnecessarily duplicative.

The provisions of subsection (e) are generally the same as in the Commerce version, however, paragraph 2 has been modified in some respects for technical reasons relative to the scope of the review. It is also revised to make it clear that suits to challenge the constitutionality of the act or any action thereunder and final actions and decisions taken pursuant to the act by either the BPA or the council shall be filed in the U.S. court of appeals for the region. This would include rate matters. Thus, rather than have rates considered de novo in the district courts, they would be considered in the court of appeals. Suits challenging other actions under this act shall be filed in the appropriate court. When a plan and program is finally adopted, portions thereof shall not be reviewable as part of any action under this act or any other law. Subsection (f), (g), (h), (i), (j), and (k) are identical to similar subsections in the Commerce Committee bill.

SECTION 10—SAVINGS PROVISIONS

Subsections (a) through (e) have not been changed.

Subsection (f) was added by the Interior Committee with some modification.

Subsection (g) is a disclaimer. It does not create new law regarding water rights or jurisdiction, but is intended to recite the status quo. The view of both committees is that this bill does not affect valid water rights or the jurisdiction of any entity over water. Additionally it is not a limitation or restriction on any provision of this bill, including the fish and wildlife provisions. Also, as previously observed, this bill does not affect valid permits, licenses, or certificate issued by any Federal agency pursuant to law. Subsection (i) makes this clear.

A recent letter from the GAO and my reply follow:

SUBCOMMITTEE ON ENERGY AND POWER,
Washington, D.C., October 30, 1980.
Hon ELMER B. STAATS,
Comptroller General of the United States, U.S. General Accounting Office, Washington, D.C.

DEAR MR. STAATS: Thank you for your prompt reply to my request for review by your agency of H.R. 8157, the Pacific Northwest Electric Power Planning and Conservation Act, which is a substitute developed by Chairmen Udall and Staggers and myself and the Ranking Minority Members of the Committee on Interior and Insular Affairs and our Committee.

Your letter which recognizes that this substitute bill substantially carries out the 1979 recommendations of your agency is welcome. It clarifies the views expressed by Mr. J. Dexter Peach, Director of the GAO's Energy and Minerals Division, in an October 1, 1980 letter to the Chairman of the Executive Committee of the Direct Service Industrial Customers of the region. Your staff advises us that Mr. Peach's comments related to H.R. 3508 and other bills which, we agree, did not adequately meet the concerns expressed by the GAO in its 1979 report and other communications. Since H.R. 8157 is the substitute now under consideration on the House Floor, your October 29 comments are far more pertinent and important.

Thank you again for all of the aid provided to our Subcommittee by the GAO during consideration of these bills. We particularly commend Mr. Peach and his excellent staff for their efforts and their critical review of all of the bills and the BPA operations.

Enclosed is a copy of our letter to the Members of the Pacific Northwest delegation, Chairman Udall, and others releasing your October 29 letter.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., October 29, 1980.

Subject: Comments on Pacific Northwest Electric Power Planning and Conservation Act—H.R. 8157 (EMD–81–28).

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Energy and Power, Committee on Interstate and Foreign Commerce, House of Representatives.

DEAR MR. CHAIRMAN: Your recent request asked us to comment on the Pacific Northwest Electric Power Planning and Conservation Act (H.R. 8157) which is the substitute bill introduced on September 18, 1980 for consideration on the House floor. We previously reviewed certain aspects of an earlier version of this legislation for you and issued a report on our findings.[1] Also, during the last 2 years at the request of other congressmen and under our statutory authority we have reported on a variety of matters related to electric power development in the Pacific Northwest. (See enc. I.)

H.R. 8157, among other things, broadens the Bonneville Power Administration's current authorities to market power from the Federal power system to include authority to encourage conservation and acquire additional power from conventional, renewable, and other resources. It also provides for the protection, mitigation, and enhancement of fish and wildlife resources.

Time limitations and the complexity of the proposed legislation precluded a detailed review of its 103 pages. We evaluated the bill in terms of how it responds in general to the major points raised in our previous reports. Our previous work addressed the need to improve regional power planning, update the charter of the Bonneville Power Administration, control the costs of large conventional powerplants, assure industrial conservation of electricity, and restore the region's anadromous fisheries. Based on our reading of the bill and discussions with knowledgeable Bonneville officials, the comments presented herein show how H.R. 8157 responds to the intent of our previous recommendations. Our comments recognize the fact that the bill grants Bonneville and the proposed regional planning council sufficient discretionary authority to carry out many of the recommendations made in our earlier reports.

REPRESENTATIVE POWER PLANNING BODY

Section 4 of the bill provides for a council (a Pacific Northwest Electric Power and Conservation Planning Council) composed of two appointed members from each of the States of Idaho, Oregon, Montana, and Washington. The responsibilities of the council include promptly preparing and adopting (1) a regional conservation and electric power plan, and (2) a program to protect, mitigate, and enhance fish and wildlife.

The council's responsibilities include preparing a demand forecast, planning to meet that demand, and assuring adequate public participation in the planning process. This is consistent with our previous recommendations.

ELECTRICITY MANAGEMENT PLAN FOR THE REGION

The regional conservation and electric power plan to be prepared by the planning council under section 4 is consistent with the recommendations we have made to develop a comprehensive electricity management plan for the region. The principal components of the plan—including a long-term demand forecast, an energy conservation program, projections of power needs which can be met by various energy sources, and a requirement for public hearings in each State prior to adoption of the plan—are appropriate and necessary. The planning priorities in section 4(e)(1) emphasizing cost-effective conservation, renewable resources, and utilization of waste heat, together with the working definition of "cost-effective" provided in section 3(4), parallel our previous recommendations and should help the region balance power supply and demand at the least cost to consumers.

Section 4(h)(12) requires the regional planning council to submit a detailed annual report to specified committees of the Congress describing all actions taken and planned by the council under the Act. We support this requirement. In addition, section 4(h)(12)(B) requires the Administrator to keep congressional committees informed of his actions under the bill. We support this requirement and believe Bonneville's annual report should include comments on the agency's progress in implementing the regional conservation and electric power plan developed by the council.

RECHARTERING BONNEVILLE TO EMPHASIZE NEW ENERGY PRIORITIES

H.R. 8157 is consistent with our recommendations that Bonneville be charged with the responsibility for working with State and regional interests to conserve electric power, develop renewable energy sources, and increase public involvement in power planning and policymaking. The legislation, section 4(d)(2), would direct Bonneville to emphasize energy conservation and renewable resources because it requires Bonneville's resource acquistition activities to be consistent with the plan adopted by the regional planning council. This requirement will assure that council's planing priorities—first, conservation; second, renewable energy resources; third, waste heat utilization; and finally, conventional powerplants—will become Bonneville's priorities in acquiring resources to meet regional power needs.

In addition, section 4(g)(1) of the bill provides that, to ensure widespread public involvement in formulation of power policies, the regional planning council and the Bonneville Administrator will maintain comprehensive programs to inform the public of major regional power issues, obtain public views, and encourage the participation of Federal agencies, State entities, political subdivisions, and Indian tribes.

---

[1] "Impacts and Implications of the Pacific Northwest Power Bill," EMD–79–105, Sept. 4, 1979.

PRICING OF ELECTRICITY

We previously recommended that Bonneville price the electric power it sells so as to show its real value in today's market. We made this recommendation because Bonneville, like most utilities, sells its power at a melded rate based on historical costs. Under the melded pricing approach used by Bonneville, the high costs of new thermal powerplants are merged with the low costs of older hydropower plants and its customers are charged average rates which tend to understate the costs of new power supplies.

While H.R. 8157 does not direct that Bonneville or its customer utilities use specific rate structures or billing practices to show consumers the cost of new power supplies, it does include many provisions which could ultimately lead to rate reforms. Section 7(e) provides that nothing in the bill prohibits Bonneville's Administrator from establishing peak power rates, time-of-day or seasonal rates, or other rate forms. Further, and more importantly, H.R. 8157 provides a comprehensive set of incentives which could motivate regional utilities to establish voluntarily retail rates encouraging conservation and renewable energy developments.

In section 6(h) the bill authorizes Bonneville's Administrator to grant billing credits for retail rate structures which regional utilities voluntarily implement and which induce conservation or consumer-owned renewable resources. The billing credits so authorized will be equivalent to the cost savings realized by the Administrator as a result of the revised rate structures. This incentive is supported by section 9 of the bill which provides that the regional planning council will prepare, as soon as practical a report and recommendations on various retail rate designs which will encourage cost-effective conservation and consumer-owned renewable resources. Furthermore, section 9(j) authorizes Bonneville's Administrator to (1) assist his customer utilities in analyzing and developing such retail rate structures and (2) estimate for his customers the billing credits they might realize by adopting such rates.

H.R. 8157 contains an array of incentives for Bonneville's customer utilities to establish voluntarily rate structures which will encourage conservation and renewable energy developments by their consumers. These efforts are consistent with the intent of our earlier recommendations.

BONNEVILLE BACKING FOR CONVENTIONAL THERMAL POWERPLANTS

In previous reports and testimony we concluded that Bonneville should be authorized to participate financially in the construction of conventional thermal powerplants only when there is a clear showing that (1) conventional thermal plants are the region's most cost-effective alternative, (2) the region needs more conventional powerplants than those already approved for construction, and (3) regional utilities are incapable of meeting this need without Bonneville sponsorship.

Our review of H.R. 8157 indicates that the planning and review requirements in sections 4, 6, 9, and 10 include regional demand forecasting, cost-effective resource planning, planning criteria emphasizing conservation and renewable resources, and comprehensive reviews prerequisite to major resource acquisitions. The resource priorities established in section 4 would assure that cost-effective conservation and renewable resources would be pursued before thermal powerplants. Similarly, the planning requirements for a regional demand forecast and a resource acquisition plan will enable the planning council to determine whether the region needs more conventional thermal powerplants than those already approved for construction. Thus, the bill authorizes Bonneville to financially participate in conventional powerplants, but only when there is a clear showing that such resources are needed, cost-effective, and appropriate for acquisition. Furthermore, sections 4, 6, 9, and 10 collectively establish a comprehensive set of administrative and judicial procedures to test and validate the propriety of major resource acquisitions consistent with the purposes of the bill. Such procedures include comprehensive public involvement processes for both Bonneville and the council, which include notices, hearings and record development. In addition, there are a number of other review and reporting responsibilities for informing the public and the Congress of proposed acquisition actions and provisions for subsequent judicial review. We support these requirements.

CONTROLLING FINANCIAL RISKS ON LARGE POWERPLANTS

In a previous report we recommended that if the Congress grants Bonneville authority to finance construction of large conventional powerplants, the financial risks to which Bonneville's customers are exposed should be reduced by requiring that Bonneville's contracting and oversight capabilities be strengthened before such authority is exercised, and limiting (1) the extent to which Bonneville can participate in constructing large powerplants, and (2) the construction costs which Bonneville can pass on to its customers.

We made these recommendations because, at the time of our review, Bonneville was not adequately prepared to construct or oversee construction of large generating facilities.

Section 4(e) provides that the regional planning council will undertake studies of conservation measures available to Bonneville's direct service industrial customers and other major consumers of electric power within the region, and estimate the reduction in energy use which would result from the implementation of such measures. Section 4(f) provides that model conservation standards will be included in the regional conservation and electric power plan and that Bonneville's Administrator, if recommended by the regional council, may impose a surcharge on customers who have not achieved energy savings comparable to those obtainable under the model conservation standards.

H.R. 8157 provides that Bonneville, according to the prescribed resource planning criteria, will develop conservation, renewable energy resources, and waste heat utilization before participating in conventional coal-fired or nuclear powerplants. The bill also provides that Bonneville can agree to purchase the actual and planned capability of generating facilities, but cannot construct or own any electric generating facility. Thus, Bonneville can be a sponsor/purchaser, but not a builder/operator; i.e., it will never have direct control over powerplant construction and operation. Bonneville will only have such indirect control over the cost and schedule of plant construction, and the efficiency of plant operation/maintenance, as is provided in its contracts with the regional interests who build and operate such facilities.

We reviewed H.R. 8157 to determine whether the amended bill requires Bonneville to contract for the generating capability of large powerplants in a prudent, risk-reducing manner. The bill provides in section 6(i) that Bonneville's contracts for the acquisition of resources will contain terms and provisions which should ensure timely construction, scheduling, completion, and operation of resources; costs of acquisition which are as low as reasonably possible; and effective oversight, inspection, audit, and review of all aspects of such construction and operation.

Section 6(i) also requires contract provisions that assure the Administrator has (1) authority to approve all costs and proposals for major modifications in construction, scheduling, or operations, and (2) such current information as he considers necessary to evaluate construction and operation. Our review of these provisions indicates that H.R. 8157 clearly intends Bonneville to contract in a prudent manner and to exercise as much control over the construction and operation of the powerplants it sponsors as is feasible.

BONNEVILLE SALES TO DIRECT SERVICE INDUSTRIAL CUSTOMERS

We earlier recommended that the regional power bill be amended to assure that Bonneville's direct service industrial customers would modernize their plants to meet commercial standards for production efficiency. H.R. 8157 contains provisions encouraging industrial efficiency and we support them.

We also recommended that Bonneville be required to undertake a thorough analysis to determine the most cost-effective means of providing system reserves and the value of such reserves. This recommendation resulted from our findings that Bonneville had conducted no comprehensive studies to determine whether interrupting industrial power deliveries is the best means of providing system reserves. The study we recommended has been incorporated as a planning requirement in H.R. 8157. Section 4(e) provides that the regional conservation and electric power plan will include "an analysis of reserve and reliability requirements and cost-effective methods of providing reserves designed to ensure adequate electric power at the lowest probable cost."

RESTORATION OF COLUMBIA SYSTEM ANADROMOUS FISHERIES

We reported earlier that the development of hydropower facilities in the Columbia River System was a major factor in the decline of some salmon and steelhead runs to a point of near extinction. We pointed out that the regional power bill could be an effective vehicle for restoring these anadromous fisheries. We recommended that the legislation be amended to—modify existing dams to effectively reduce the mortality of migrating juvenile salmon and steelhead; consolidate the fragmented support of anadromous fisheries into one Federal/State/Indian council funded from power resources with planning and policymaking responsibilities for fisheries restoration; establish minimum stream flows on the main-stream Columbia River system adequate to protect and enhance the anadromous salmon and steelhead fisheries; and require a report to the Congress on actions needed to consolidate and make more effective the efforts of the many Federal agencies relating to the region's anadromous fisheries.

These recommendations are incorporated in the bill. Section 4(h) provides that the regional planning council will promptly develop and adopt, and Federal agencies will implement, a program to protect, mitigate, and enhance fish and wildlife including related spawning grounds and habitat on the Columbia River and its tributaries. The program will be developed after recommendations are received from Federal agencies and from the region's State fish and wildlife agencies, and appropriate Indian tribes, on actions which can be taken to enhance fish and wildlife. Such recommendations by these and other groups and the subsequent plan prepared by the council could help consolidate the fragmented actions of the various fishery agencies. Based on the recommendations, the council will then develop the program which will include—improved survival of such fish at hydroelectric facilities located on the Columbia River system, and—flows of sufficient quality and quantity between such facilities to improve production, migration, and survival of such fish as necessary to meet sound biological objectives.

H.R. 8157 further provides that consumers of electric power will bear the cost of measures designed to deal with adverse impacts caused by the development and operation of electric power facilities and programs. In addition, the regional planning council is required to submit a detailed annual report to the interested committees of the Congress on actions taken and to be taken by the council and on the effectiveness of the fish and wildlife restoration.

SUMMARY

Our brief review showed H.R. 8157 to be a substantial improvement over H.R. 3508, which we reviewed for you in the summer of 1979. H.R. 8157 provides for planning mechanisms, resource priorities, conservation incentives, public involvement goals, and fisheries enhancement provisions which are consistent with the intent of our previous recommendations. Furthermore, we believe that discretionary authority granted to Bonneville and the regional planning council, along with the appropriate staff capability, can help to carry out our earlier recommendations.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Enclosure.

BIBLIOGRAPHY OF GAO REPORTS ON NORTHWEST POWER ISSUES

Report to the Congress, "Region at the Crossroads—The Pacific Northwest Searches for New Sources of Electric Energy," EMD-78-76, Aug. 10, 1978.

Letter Report to Congressman Max Baucus, "GAO comments on H.R. 13931, the Pacific Northwest Electric Power Planning and Conservation Act," EMD-79-4, Oct. 26, 1978.

Report to Congressman James H. Weaver, "Analysis of Estimated Cost for Three Pacific Northwest Nuclear Power Plants," EMD-79-95, July 30, 1979.

Letter Report to Congressman James H. Weaver, "Review to Determine if Issue Papers Issued by the Bonneville Power Administration Correctly Presented and Adequately Responded to the Recommendations made in the GAO Report to the Congress, EMD-78-76, Aug. 10, 1978," EMD-79-96, July 30, 1979.

Report to the Chairman, Subcommittee on Energy and Power, Committee on Interstate and Foreign Commerce, "Impacts and Implications of the Pacific Northwest Power Bill," EMD-79-105, Sept. 4, 1979.

Report to Senator Max Baucus, "Montana's Libby Dam Project: More Study Needed Before Adding Generators and a Reregulating Dam," EMD-80-25, Nov. 20, 1979.

Letter Report to the Chairman of the Subcommittee on Energy and Power, Committee on Interstate and Foreign Commerce, "Alignment of Recommendations in EMD-79-105 with Senate Bill 885," EMD-80-35, Jan. 2, 1980.

Letter Report to Congressman Pat Williams, "Review of Peaking Power in the Pacific Northwest," EMD-80-46, Jan. 4, 1980.

Letter Report to Congressman James H. Weaver, "Administrative Feasibility of the Two-Tiered Pricing by the Bonneville Power Administration," EMD-80-57, Feb. 6, 1980.

Letter Report to Congressman James H. Weaver, "Hypothetical Transfer of Construction Funds from Nuclear Powerplants to Electricity Conservation and Renewable Energies," EMD-80-71, Apr. 4, 1980.

Report to Charles W. Duncan, Jr., Secretary of Energy, "Oil Savings for Greater Intertie Capacity Between the Pacific Northwest and California," EMD-80-100, Sept. 24, 1980.

● Mr. HANSEN. Mr. Speaker, I plan to vote for S. 885, the Northwest power bill, as an original sponsor of this legislation when it was formulated for consideration and debate purposes. However, this support is given with mixed emotions because the necessity for cooperation is offset to a great degree by apparent dangers which might well materialize.

I cooperated with the formulation of this legislation in the beginning because of its unanimous support among energy sources and have, during the course of the deliberations, made several successful efforts to help soften any obvious adverse effects. My support has been basically because most of the power distributors, private cooperatives and public utilities have joined in promoting the need for legislation of this type to assure an adequate supply to citizens of the Pacific Northwest. Despite my personal reservations that we may be opening the door to the ultimate federalization of power resources in the Snake and Columbia basins, with all the inherent dangers that this encompasses, I joined in moving the legislation along.

While there are good and obvious reasons for supporting the bill, I am concerned that the reasons for not doing so must not be overlooked.

First. Any given State may be put at a disadvantage. For example, Idaho, an upstream State, may well stand alone against the combined needs and mutual interests of the downstream States of Oregon and Washington. Even cities within those States have the need and potential capacity to preempt Idaho interests. Generally, Idaho cannot even consistently count on the help of Montana, which is largely not of the same drainage system.

Second. It should be pointed out to those in Idaho who hope to take advantage of shared power and production and other benefits of such a bill that they may instead be damaged by the overriding competition from the growing needs of downstream special interests such as the aluminum industry, because of skewed representation and other pressures. Idaho, or any less-developed State, could be handicapped and possibly locked into a limited or no-growth future.

Third. There is an ever present danger of federalization of the distribution of water and power because of the ominous past interpretations of the equal protection clause in the Constitution. This could make the long-resisted interbasin water transfers an even more realizable goal to those wishing to pursue it.

I support this legislation because I take seriously my role as a Representative, working for the expressed interests of the people I serve. Those interests, with very little exception at the present time, seem to be strongly disposed to have this bill become law. However, my support is given with a serious warning as to the pitfalls I envision. We must be prepared to deal with any resultant problems quickly and effectively as they arise and at whatever level of government necessary. Not to do so may be disastrous for a single State like Idaho, or even all the States involved in any conflict with powerful special interests or if an attempt to submerge States' rights by expedient and unwise federalization begins to materialize.●

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the Senate bill, S. 885, as amended.

The question was taken.

Mr. WEAVER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

UTE MOUNTAIN INDIANS, COLORADO

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8112) to require the Secretary of the Interior to convey a parcel of land located in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development, as amended.

The Clerk read as follows:

H.R. 8112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) within the thirty-day period beginning on the date of the enactment of this Act the Secretary of the Interior shall convey, without consideration, to the Ute Mountain Ute Tribe all right, title, and interest of the United States in and to the parcel of land located in the State of Colorado described in section 3, except the right, title, and interest of the United States in and to any minerals located on or under such parcel of land.

(b) The parcel of land described in section 3 shall not be considered Indian country for any purpose and shall be subject to State and local governmental jurisdiction and taxation.

(c) The Secretary of the Interior shall consult with the Ute Mountain Ute Tribe before the United States does any exploration for, development of, or production of minerals located on or under the parcel of land described in section 3.

SEC. 2. (a) The Secretary of the Interior shall pay to the Ute Mountain Ute Tribe for the development by the tribe of energy sources on lands owned by such tribe, from sums appropriated for such purpose, the sum of $4,000,000 in accordance with an energy development program submitted to the Secretary by the Ute Mountain Ute Tribe and approved by the Secretary.

(b) None of the funds paid by the Secretary to the Ute Mountain Ute Tribe pursuant to this section may be used to pay any attorney or agent for services rendered to the tribe with respect to the parcel of land described in section 3 or to pay any funds directly to any individual member of the tribe. Any person violating this subsection shall be fined not more than $1,000 for each violation.

SEC. 3. The lands transferred pursuant to section 1 of this Act are the following:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Township 48 North, Range 3 West

Section 19:
Lot 1,
Lot 2,

West half northeast quarter,
East half northwest quarter,
West half southeast quarter,
Section 30:
Lot 1,
Northwest quarter northeast quarter,
Northeast quarter northwest quarter,

Township 47 North, Range 4 West

Section 10: Northeast quarter northwest quarter,
Section 15: West half northwest quarter,
Section 16:
Southeast quarter northeast quarter,
East half southeast quarter,
Section 20: Southeast quarter southeast quarter,
Section 21:
Lot 6,
Lot 7,
Lot 9,
Lot 10,
North half northeast quarter,
Southwest quarter northeast quarter,
Section 27: Northwest quarter southeast quarter,
Section 29: Lot 1,

Township 48 North, Range 4 West

Section 9:
South half northeast quarter,
East half northwest quarter,
North half southeast quarter,
Section 10:
Northwest quarter northeast quarter,
Southeast quarter northeast quarter,
South half,
Section 11:
South half northeast quarter,
Northeast quarter southeast quarter,
South half southeast quarter,
Section 13:
Northeast quarter,
North half northwest quarter,
East half southeast quarter,
Section 14:
Southwest quarter northwest quarter,
East half southeast quarter,
Section 15:
West half northeast quarter,
South half southwest quarter,
Section 16: Northeast quarter southeast quarter,
Section 17: Southeast quarter southeast quarter,
Section 20: Northeast quarter northeast quarter,
Section 21: Northeast quarter southeast quarter,
Section 23:
Northeast quarter northeast quarter,
North half southwest quarter,
Section 26:
West half east half,
Southeast quarter northeast quarter,
Section 29: East half northeast quarter.

SEC. 4. The enactment of this Act shall fully satisfy all claims against the United States by the Ute Mountain Ute Tribe relating to the dispute over ownership of lands located in New Mexico and described as townships 31 and 32, range 16 west of the New Mexico principal meridian.

SEC. 5. Effective October 1, 1981, there is authorized to be appropriated to the Secretary of the Interior the sum of $4,000,000 to carry out section 2. Any sums appropriated under the authority contained in this section shall remain available until expended by the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Arizona (Mr. UDALL) will be recognized for 20 minutes and the gentleman from Colorado (Mr. JOHNSON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill about to be considered, H.R. 8112.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 8112 provides for the transfer of certain public lands to the Ute Mountain Ute Tribe of Colorado and the appropriation of certain money for their benefit.

By an 1895 agreement between the tribe and the United States, ratified by act of Congress, the tribe ceded most of its aboriginal lands to the United States in return for a reservation of certain lands including six townships in New Mexico. Until the 1950's, the six townships were considered to be Ute Mountain lands based upon a 1936 Federal survey using the New Mexico Principal Meridian.

However, in the 1950's, it was discovered that the subject lands had been included in the Navajo Reservation established by an 1868 treaty and surveyed under a special Navajo grid system. Thereupon, the Bureau of Indian Affairs ceased to pay out oil and gas revenue from this land to either of the tribes and held the funds in escrow. In 1972, the Supreme Court upheld a lower court decision holding that the 15,000 acres of land and the $6,000,000 escrow funds belonged to the Navajo Tribe.

Since the Utes lost this land and the funds because of the survey systems of the United States and since the committee concluded that the Utes had bargained for these lands when it ceded the vast acreages it claimed aboriginally, the committee felt that this claim should be fairly resolved.

By way of compensation, the bill provides that 3,000 acres of public lands will be transferred to the tribe in fee simple and that $4,000,000 will be appropriated for the use of the tribe in energy development.

A similar bill has already been vetoed by the President in this Congress, but the provisions of this bill have been worked out between the Colorado delegation and administrative officials.

Mr. Speaker, I urge passage of the bill.

Mr. JOHNSON of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8112. This bill would settle the claims of the Ute Mountain Ute Indian Tribe against the United States by conveying to the tribe 2,800 acres of Federal land in Colorado and paying them $4 million to be used exclusively for economic development. The land and money would compensate the Utes for the loss of some 15,000 acres of land and more than $6 million in revenue as a direct result of conflicting, overlapping surveys mandated by separate acts of Congress.

H.R. 8112 is very similar to another bill, H.R. 5036, which was passed by the House and Senate earlier this year but vetoed by the President in June. The key difference in H.R. 8112 is that it authorizes $1,840,000 less in compensation for the tribe than did the vetoed bill. I am pleased to be able to say that the administration does not object to this legislation and, therefore, I urge the House to affirm its earlier judgment and approve H.R. 8112.

Members of the Ute Mountain Tribe are descendants of the Weeminuchi Band of Ute Indians who, together with other Ute Indian bands, at one time owned and occupied a substantial portion of what is now the State of Colorado. The various Ute peoples ceded their land to the Federal Government through a series of transactions and were given reservation land in exchange. H.R. 8112 has its origins in the 1895 agreement which set up the present Ute Mountain Reservation.

The 1895 agreement was a direct outgrowth of a treaty negotiated by the Federal Government in 1889, but never ratified. The agreement was an attempt to put to rest the controversy over the proposed resettlement of all the Ute peoples outside of the State of Colorado. Under this agreement, Congress provided for the establishment of the Ute Mountain Reservation in Colorado and New Mexico. The property given to the tribe was described as follows:

> All that portion of their present reservation lying west of the range line between ranges thirteen and fourteen west of the New Mexico principal meridian, and also all of townships thirty-one and thirty-two of ranges fourteen, fifteen, and sixteen west of the New Mexico principal meridian and lying in the Territory of New Mexico.

This area was not surveyed until 1914 by a Federal surveyor, Clayton Burt. As authorized in the 1895 agreement, he used the standard New Mexico grid system as the basis for his survey. Mr. Burt set the western boundary of the reservation at the then eastern boundary of the Navajo Reservation, which at that time had been platted under a special grid system based upon the Navajo special meridian. The effect of this procedure was to reduce the width of the Ute Reservation townships 31 and 32 by an area of some 23 square miles. Partial townships were thereby created where full townships had been specified by Congress.

In 1936 the General Land Office abolished the Navajo special meridian and caused all land in New Mexico to be platted in accordance with the New Mexico principal merdian. The replatting moved the boundary of the Ute Reservation westward, overlapping the previous Navajo Reservation boundary and showing the westernmost Ute Reservation townships in New Mexico as full-width townships.

The subsequent dispute between the two tribes over ownership of the land within the overlapping boundaries existed until 1957, when oil and gas leasing began in the area. The companies engaged in such leasing were concerned about a possible cloud on the title to the land. Consequently, the Bureau of Indian Affairs refused to allow oil and gas revenues arising from the disputed land to be paid to either tribe, and the tribes agreed to put the revenues into an escrow account pending judicial resolution of their dispute.

In 1972 the U.S. Supreme Court affirmed the judgment of a special three-judge U.S. District Court panel in New Mexico (*Ute Mountain Tribe of Indians* v. *Navajo Tribe of Indians*, 409 U.S. 809, 34 L.Ed. 2d 70, 93 S.Ct. 68, October 10, 1972) which found that the disputed land belonged to the Navajos. The Court did not, however, address the issue of compensation for the Utes being denied the full amount of land granted to them by Congress in 1895. This left the Utes with a claim but without an appropriate forum. The Indian Claims Commission could not hear it, since the Commission only had jurisdiction over claims arising before 1946, and the Utes claim only arose in 1972. The Court of Claims has no authority to restore any land to the tribe. Thus, the Utes saw no alternative but to go back to Congress for an equitable remedy.

H.R. 8112 would provide such a remedy. As compensation for the loss of 15,000 acres of grazing land, H.R. 8112 would transfer to the Utes some 2,800 acres of land currently used solely by the tribe under lease from the U.S. Bureau of Land Management. The land joins and is intermingled with a ranch which the tribe owns as a private landowner. The tribe would pay taxes on the transferred land. The amount of money to be paid the tribe—$4,000,000 is $1,840,000 less than the amount of oil and gas lease revenue that was in the escrow account at the time of the Supreme Court decision in 1972. The entire amount could be used only for purposes of tribal economic development under a plan to be submitted to and approved by the Secretary of the Interior. None of the money would be available for per capita payments to tribal members.

Mr. Speaker, H.R. 8112 is intended to make whole an Indian tribe that through no fault of its own was deprived of the ownership and use of some 23 square miles of land specifically provided them by an act of Congress. The bill fulfills the Ute Tribe's request for justice, not charity. If enacted, H.R. 8112 will go a long way to implement economic development plans which can eventually greatly decrease the tribe's dependency upon the Federal transfer payments system. The Ute Mountain people wish only to demonstrate that they can be economically productive, self-sufficient citizens while still maintaining their culture and community life.

I am happy to say that the State of Colorado is fully in support of this legislation, and the county of Gunnison, Colo., in which the tribe's lands are located, is supportive of the bill. I urge the Members of the House to approve H.R. 8112 and settle for all time the Ute's claim.

Mr. JOHNSON of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UDALL. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL) that the House suspend the rules and pass the bill, H.R. 8112, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PAIUTE INDIANS TRUST LANDS

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5584) to provide for certain lands to be held in trust for the Moapa Band of Paiutes and to be considered to be a part of the Moapa Indian Reservation, as amended.

The Clerk read as follows:

H.R. 5584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That beginning on the date of the enactment of this Act, the following lands shall, subject to section 2 of this Act, be held in trust by the United States for the benefit and use of the Moapa Band of Paiutes and shall be considered to be a part of the Moapa Indian Reservation in Moapa, Navada:

Township 15 South, Range 65 East, Mount Diablo Meridian, Nevada

Section 1: Lot 1; south half northwest quarter, south half 439.89 acres.
Section 2: All 639.56 acres.
Section 3: All 639.28 acres.
Section 4: All 638.48 acres.
Section 5: All 638.44 acres.
Section 6: All 638.41 acres.
Section 7: All 640.16 acres.
Section 8: All 640.00 acres.
Section 9: All 640.00 acres.
Section 10: All 640.00 acres.
Section 11: All 640.00 acres.
Section 12: All 640.00 acres.
Section 13: All 640.00 acres.
Section 14: All 640.00 acres.
Section 15: All 640.00 acres.
Section 16: All 640.00 acres.
Section 17: All 640.00 acres.
Section 18: All 640.28 acres.
Section 19: All 640.24 acres.
Section 20: All 640.00 acres.
Section 21: All 640.00 acres.
Section 22: All 640.00 acres.
Section 23: All 640.00 acres.
Section 24: All 640.00 acres.
Section 25: All 640.00 acres.
Section 26: All 640.00 acres.
Section 27: All 640.00 acres.
Section 28: All 640.00 acres.
Section 29: All 640.00 acres.
Section 30: All 640.12 acres.
Section 31: All 640.80 acres.
Section 32: All 640.00 acres.
Section 33: All 640.00 acres.
Section 34: All 640.00 acres.
Section 35: All 640.00 acres.
Section 36: All 640.00 acres.
Total acreage 22,835.66.

Township 16 south, Range 65 east, Mount Diablo Meridan, Nevada

Section 1: All 640.36 acres.
Section 2: All 640.76 acres.
Section 3: All 640.86 acres.
Section 4: All 640.96 acres.
Section 5: All 641.02 acres.
Section 6: All 640.74 acres.
Section 7: All 639.24 acres.
Section 8: All 640.00 acres.
Section 9: All 640.00 acres.
Section 10: All 640.00 acres.
Section 11: All 640.00 acres.
Section 12: All 640.00 acres.
Section 13: All 640.00 acres.
Section 14: All 640.00 acres.
Section 15: All 640.00 acres.
Section 16: All 640.00 acres.
Section 17: All 640.00 acres.
Section 18: All 639.26 acres.
Section 19: All 639.20 acres.
Section 20: All 640.00 acres.
Section 21: All 640.00 acres.
Section 22: All 640.00 acres.
Section 23: All 640.00 acres.
Section 24: All 640.00 acres.
Section 25. All 640.00 acres.
Section 26: All 640.00 acres.
Section 27: All 640.00 acres.
Section 28: All 640.00 acres.
Section 29: All 640.00 acres.
Section 30: All 639.32 acres.
Section 31: Lots 3, 4; east half west half, east half 559.93 acres.
Section 32: All 640.00 acres.
Section 33: All 640.00 acres.
Section 34: All 640.00 acres.
Section 35: All 640.00 acres.
Section 36: All 640.00 acres.
Total acreage 22,961.65.

Township 16 south, Range 64 east, Mount Diablo Meridian, Nevada

Section 1: All 640.48 acres.
Section 2: All 641.00 acres.
Section 3: All 641.10 acres.
Section 4: All 641.26 acres.
Section 5: All 641.52 acres.
Section 6: All 642.52 acres.
Section 7: All 641.40 acres.
Section 8: All 640.00 acres.
Section 9: All 640.00 acres.
Section 10: All 640.00 acres.
Section 11: All 640.00 acres.
Section 12: All 640.00 acres.
Section 13: All 640.00 acres.
Section 14: All 640.00 acres.
Section 15: All 640.00 acres.
Section 16: All 640.00 acres.
Section 17: All 640.00 acres.
Section 18: Lots 1, 2, 3, 4; north half northeast quarter, northeast quarter southeast quarter northeast quarter, northwest quarter southwest quarter northeast quarter, east half west half, southwest quarter northwest quarter southeast quarter, southwest quarter southeast quarter 471.16 acres.
Section 19: All 640.94 acres.
Section 20: All 640.00 acres.
Section 21: All 640.00 acres.
Section 22: All 640.00 acres.
Section 23: All 640.00 acres.
Section 24: All 640.00 acres.
Section 25: All 640.00 acres.
Section 26: All 640.00 acres.
Section 27: All 640.00 acres.
Section 28: All 640.00 acres.
Section 29: All 640.00 acres.
Section 30: All 640.78 acres.
Section 31: All 640.36 acres.
Section 32: All 640.00 acres.
Section 33: All 640.00 acres.
Section 34: All 640.00 acres.
Section 35: All 640.00 acres.
Section 36: All 640.00 acres.
Total acreage 22,882.52.

Township 14 south, Range 66 east, Mount Diablo Meridian, Nevada

Section 29: West half 320.00 acres.
Section 30: All 630.38 acres.
Section 31: East half of Lot 1; east half, northwest quarter, southwest quarter northwest quarter, northeast quarter southwest quarter 493.99 acres.
Section 32: West half 320.00 acres.
Total acreage 1,769.87.

Township 17 south, Range 64 east, Mount Diablo Meridian, Nevada

Section 7: Lots 5 and 6; south half northeast quarter 115.76 acres.

Sec. 2. (a) Nothing in this Act shall—

(1) deprive any person or entity of any valid existing right-of-way, mining claim, grazing permit, water right (including any water rights with respect to the Muddy River as decreed by order of the district court of the State of Nevada on March 12, 1920, in "In the matter of the determination of the relative rights in and to the waters of the Muddy River and its tributaries in Clark County, State of Nevada"), or other right or interest which such person or entity may have in any land described in the first section of this Act; or

(2) deprive any person of the rights provided under the Act entitled "An Act to provide for the sale of desert lands in certain States and Territories", approved March 3, 1877 (43 U.S.C. 321 et seq.), commonly referred to as the Desert Land Act, with respect to desert lands regarding which such person has filed a declaration, before the date of the enactment of this Act, under the first section of the Desert Land Act stating his intention to reclaim such lands.

(b) The transfer of lands under the first section of this Act shall be subject to the reservation to the United States of a right-of-way extending 1,500 feet westerly of the right-of-way for the Reid Gardner-Pecos transmission lines through the area 1,500 feet easterly of the right-of-way for the Navajo-McCullough transmission line. The right-of-way shall be administered by the Secretary of the Interior, who may grant rights-of-way over, upon, under, or through the area described in the preceding sentence only for such transportation or other systems or facilities as are described under paragraph (1) through paragraph (7) of section 501(a) of the Federal Land Policy Management Act of 1976 or under section 28 of the Act of February 25, 1920, commonly referred to as the Mineral Leasing Act. The Secretary of the Interior may enforce all terms and conditions of the right-of-way upon its termination.

(c) In administering the right-of-way described under subsection (c) of this section, the Secretary of the Interior shall be responsible for establishing and collecting fees for the use of such right-of-way. Any payment of such fees to the Secretary after the date of the enactment of this Act shall be made for the benefit of the Moapa Band of Paiutes.

(d) Lands transferred under the first section of this Act shall be subject to a reservation to the United States of all minerals subject to the Act of February 25, 1920, commonly referred to as the Mineral Leasing Act, and a reservation of the right to enter upon such lands to mine and remove such minerals. The Secretary of the Interior shall collect and deposit fees, rentals, royalties, and other revenues for the mining and removal of such minerals in accordance with the Mineral Leasing Act.

Sec. 3. The second sentence of subsection (a) of the first section of the Act entitled "An Act to authorize the leasing of restricted Indian Lands for public, religious, educational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (69 Stat. 539; 25 U.S.C. 415) is amended by inserting "the Moapa Indian reservation," after "the Dania Reservation,".

Sec. 4. The provisions relating to redesignation of areas contained in section 164 of the Act of July 14, 1955, shall be applied without regard to the transfer of lands under the first section of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Arizona (Mr. Udall) will be recognized for 20 minutes, and the gentleman from Colorado (Mr. Johnson) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. Udall).

☐ 1310

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5584 provides that certain Federal lands will be held by the United States in trust for the Moapa Band of Paiute Indians of Nevada.

The original Moapa Reservation, established by an 1873 Executive order, was approximately 2 million acres. Under pressure from mining interests, white settlers, and other interests, Congress passed the 1875 Interior Appropriation Act with a provision which drastically reduced the reservation from 2,000,000 to 1,000 acres.

No compensation was ever made to the Moapa Band for this reduction. The tribe now lives on a reservation of a little over 1,000 acres. Recently, this tribe has begun to make great strides in using its limited land base to improve the economic condition of its members. Many members who had left the reservation are now returning.

The bill provides that approximately 70,000 acres of Federal land in the State of Nevada will be held by the United States in trust for the band. The transfer is made subject to various existing and potential rights-of-way and water decrees.

The transfer would form some compensation and would assist this very progressive tribe to continue its successful economic enterprise.

Mr. SANTINI. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Nevada (Mr. Santini.)

Mr. SANTINI. Mr. Speaker, I am pleased to offer H.R. 5584, and an amendment in the nature of a substitute for your consideration today. The bill deals with the partial return of lands which were once part of the Moapa Indian Reservation in the 1870's, and which were subsequently taken from the tribe without any compensation. The purpose of this bill is to correct this historic injustice and return a small portion of the reservation to a most deserving people.

In 1873, President Grant, by an Executive order dated March 12, initially established the Moapa Indian Reservation as a protected homeland for the Southern Paiute Nation, consisting of more than 2 million acres. On February 12, 1874, he issued a second executive order, enlarging the reservation by more than 100,000 additional acres of timber lands and more farming areas, in order to assure the tribe of economic self-sufficiency.

In less than a year, by an act of Congress dated March 3, 1875, the vast majority of the reservation was taken away from the Moapa Indians, leaving them with only 1,000 acres.

H.R. 5584 would hold in trust for the Moapa Band approximately 70,000 acres of unoccupied BLM land, still representing only 4 percent of their original reservation.

My bill warrants your support not only because of the historic actions that were taken against the Moapa people, but also because of the tremendous accomplishments they have made to become self-sufficient. Living in substandard housing with no chance for economic advancement but guided by the conviction that they could improve the quality of their lives and that of their children, in 1968 the Moapas took over the management of a 600-acre farming operation against the recommednations of bureaucrats and naysayers alike.

A farming cooperative was started, bank loans were negotiated, machinery purchased, and the land was put into production. They expanded into cattle ranching as well, and their farm improvements and assets now total a half-million dollars.

In 1972, they started a leather manufacturing shop which employs up to 15 people on an unsubsidized basis and boasts of retail accounts nationwide. In 1975, they were funded by the Economic Development Agency for a community center. By doing almost all of the construction work themselves, they actually built an additional 1,000 square feet at no extra cost and acquired valuable skills.

Most recently they have received funding from various agencies for a tomato growing project under glass, which will ultimately consist of 15 acres and employ 75 people. Using their own skills, the Moapas have also built 42 new homes and 40 more are now under construction. I can state with considerable pride that the Moapa Band of Paiutes has done its best to develop their very limited resources to the fullest extent possible.

Additional land is badly needed by the Moapa Tribe for the following reasons:

First. The development the tribe has undertaken has used up almost all available existing land: the tribe is virtually landlocked;

Second. Sites will need to be developed for industrial and commercial purposes in order to provide more jobs;

Third. Land will be needed for housing, social, and administrative services, health, educational, and recreational needs; and

Fourth. Some of the new land will be needed for agricultural purposes—expansion of the glass houses of the tomato/cucumber project.

H.R. 5584 has been developed with other local interests to eliminate conflicts, and there are no financial allocations involved. The return of land will enable these fine people to actually achieve their goal of an independent and economically self-sustaining base which is not entirely dependent upon our Federal Government.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. Udall) that the House suspend the rules and pass the bill (H.R. 5584), as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the Senate bill (S. 1135) to add certain lands to the Moapa Indian Reservation, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to all valid existing rights of way, mining claims, grazing rights, and applications under the desert land entry laws of the United States, the following described lands shall, on and after the date of the enactment of this Act, be considered to be a part of the Moapa Indian Reservation, Moapa, Nevada, and shall be held in trust by the United States for the benefit and use of the Moapa Band of Paiutes:

Township 15 south, Range 65 east, Mount Diablo Meridian, Nevada

Section 1: Lot 1; south half northwest quarter, south half 439.89 acres.
Section 2: All 639.56 acres.
Section 3: All 639.28 acres.
Section 4: All 638.48 acres.
Section 5: All 638.44 acres.
Section 6: All 638.41 acres.
Section 7: All 640.16 acres.
Section 8: All 640.00 acres.
Section 9: All 640.00 acres.
Section 10: All 640.00 acres.
Section 11: All 640.00 acres.
Section 12: All 640.00 acres.
Section 13: All 640.00 acres.
Section 14: All 640.00 acres.
Section 15: All 640.00 acres.
Section 16: All 640.00 acres.
Section 17: All 640.00 acres.
Section 18: All 640.28 acres.
Section 19: All 640.24 acres.
Section 20: All 640.00 acres.
Section 21: All 640.00 acres.
Section 22: All 640.00 acres.
Section 23: All 640.00 acres.
Section 24: All 640.00 acres.
Section 25: All 640.00 acres.
Section 26: All 640.00 acres.
Section 27: All 640.00 acres.
Section 28: All 640.00 acres.
Section 29: All 640.00 acres.
Section 30: All 640.12 acres.
Section 31: All 640.80 acres.
Section 32: All 640.00 acres.
Section 33: All 640.00 acres.
Section 34: All 640.00 acres.
Section 35: All 640.00 acres.
Section 36: All 640.00 acres.
Total acreage 22,835.66.

Township 16 south, Range 65 east, Mount Diablo Meridian, Nevada

Section 1: All 640.36 acres.
Section 2: All 640.76 acres.
Section 3: All 640.86 acres.
Section 4: All 640.96 acres.
Section 5: All 641.02 acres.
Section 6: All 640.74 acres.
Section 7: All 639.24 acres.
Section 8: All 640.00 acres.
Section 9: All 640.00 acres.
Section 10: All 640.00 acres.
Section 11: All 640.00 acres.
Section 12: All 640.00 acres.
Section 13: All 640.00 acres.
Section 14: All 640.00 acres.
Section 15: All 640.00 acres.
Section 16: All 640.00 acres.
Section 17: All 640.00 acres.
Section 18: All 639.26 acres.
Section 19: All 639.20 acres.
Section 20: All 640.00 acres.
Section 21: All 640.00 acres.
Section 22: All 640.00 acres.
Section 23: All 640.00 acres.
Section 24: All 640.00 acres.
Section 25: All 640.00 acres.
Section 26: All 640.00 acres.
Section 27: All 640.00 acres.
Section 28: All 640.00 acres.
Section 29: All 640.00 acres.
Section 30: All 639.32 acres.
Section 31: Lots 3, 4; east half west half, east half 559.93 acres.
Section 32: All 640.00 acres.
Section 33: All 640.00 acres.
Section 34: All 640.00 acres.
Section 35: All 640.00 acres.
Section 36: All 640.00 acres.
Total acreage 22,961.65.

Township 16 south, Range 64 easat, Mount Diablo Meridian, Nevada

Section 1: All 640.48 acres.
Section 2: All 641.00 acres.
Section 3: All 641.10 acres.
Section 4: All 641.26 acres.
Section 5: All 641.52 acres.
Section 6: All 642.52 acres.
Section 7: All 641.40 acres.
Section 8: All 640.00 acres.
Section 9: All 640.00 acres.
Section 10: All 640.00 acres.
Section 11: All 640.00 acres.
Section 12: All 640.00 acres.
Section 13: All 640.00 acres.
Section 14: All 640.00 acres.
Section 15: All 640.00 acres.
Section 16: All 640.00 acres.
Section 17: All 640.00 acres.
Section 18: Lots 1, 2, 3, 4; north half northeast quarter, northeast quarter southeast quarter northeast quarter, northwest quarter southwest quarter northeast quarter, east half west half, southwest quarter northwest quarter southeast quarter, southwest quarter southeast quarter 471.16 acres.
Section 19: All 640.94 acres.
Section 20: All 640.00 acres.
Section 21: All 640.00 acres.
Section 22: All 640.00 acres.
Section 23: All 640.00 acres.
Section 24: All 640.00 acres.
Section 25: All 640.00 acres.
Section 26: All 640.00 acres.
Section 27: All 640.00 acres.
Section 28: All 640.00 acres.
Section 29: All 640.00 acres.
Section 30: All 640.78 acres.
Section 31: All 640.36 acres.
Section 32: All 640.00 acres.
Section 33: All 640.00 acres.
Section 34: All 640.00 acres.
Section 35: All 640.00 acres.
Section 36: All 640.00 acres.
Total acreage 22,882.52.

Township 14 south, Range 66 east, Mount Diablo Meridian, Nevada

Section 29: West half 320.00 acres.
Section 30: All 630.38 acres.
Section 31: East half of Lot 1; east half, east half northwest quarter, southwest quarter northwest quarter, northeast quarter southwest quarter 499.99 acres.
Section 32: West half 320.00 acres.
Total acreage 1,769.87.

Township 17 south, Range 64 east, Mount Diablo Meridian, Nevada

Section 7: Lots 5 and 6; south half northeast quarter 115.76 acres.

SEC. 2. (a) Nothing in this Act shall—

(1) deprive any person of any valid existing right-of-way, mining claim, water right, or other interest which such person may have in any land described in the first section of this Act; or

(2) deprive any person of the rights provided under the Act entitled "An Act to provide for the sale of desert lands in certain States and Territories", approved March 3, 1877 (43 U.S.C. 321 et seq.), commonly referred to as the Desert Land Act, with respect to desert lands regarding which such person has filed a declaration, before the date of the enactment of this Act, under the first section of the Desert Land Act stating his intention to reclaim such lands.

(b) Lands transferred under the first section of this Act are hereby made subject to the reservation to the United States of a right-of-way, which shall extend one thousand five hundred feet easterly of the present right-of-way of the Navajo-McCullough transmission line and one thousand five hundred feet westerly beyond the limits of the present right-of-way of the Reid Gardner Pecos transmission lines, and also subject to the authority of the Secretary to grant rights-of-way as provided in this subsection. This reservation of a right-of-way also continues in the Secretary the right to grant rights-of-way over, upon, under or through this area for such transportation or other systems or facilities pursuant to any law relating to rights-of-way on the public land, including but not limited to: The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1761) and section 28 of the Mineral Leasing Act, as amended (30 U.S.C. 185) and to enforce all or any terms and conditions of the right-of-way upon its termination and to set and collect all rental charges.

(c) Any payments for the use of the right-of-way in the corridor (as described in 2(b) of this Act) after the date of this Act shall be made to the Secretary of Interior for the benefit of the Moapa Band of Paiutes.

(d) Lands transferred under the first section of this Act shall be subject to a reservation to the United States of all minerals subject to the Mineral Leasing Act of 1920, as amended (41 Stat. 437; 30 U.S.C. 181) together with the right to enter upon the land and mine and remove such minerals. Any such reservation shall include the right to collect and deposit all fees, rentals, royalties, and other revenues in accordance with the Mineral Leasing Act.

SEC. 3. The second sentence of subsection (a) of the first section of the Act entitled "An Act to authorize the leasing of restricted Indian Lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (69 Stat. 539; 25 U.S.C. 415), as amended, is further amended by inserting "the Moapa Indian Reservation," after "the Dania Reservation,".

SEC. 4. The lands held in trust under section 1 of this Act shall not be considered "lands within the exterior boundaries of reservations" for the purposes of subsection (c) of section 164 of the Act of July 14, 1955 (69 Stat. 322), as amended (42 U.S.C. 7474), commonly referred to as the Clean Air Act.

MOTION OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. UDALL moves to strike out all after the enacting clause of the Senate bill, S. 1135, and to insert in lieu thereof the provisions of H.R. 5584, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to provide for certain lands to be held in trust for the Moapa Band of Paiutes and to be considered to be a part of the Moapa Indian Reservation."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5584) was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

HISTORIC PRESERVATION AMENDMENTS

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 5496, to amend the National Historic Preservation Act of 1966, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Historic Preservation Act Amendments of 1980".

TITLE I—FINDINGS AND POLICY OF NATIONAL HISTORIC PRESERVATION ACT

SEC. 101. (a) The first section of the Act of October 15, 1966 (16 U.S.C. 470–470t), hereinafter in this Act referred to as the "National Historic Preservation Act", is amended to read as follows:

"SEC. 1. (a) This Act may be cited as the 'National Historic Preservation Act'.

"(b) The Congress finds and declares that—

"(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

"(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

"(3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

"(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

"(5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;

"(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and

"(7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

"SEC. 2. It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to—

"(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

"(2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations;

"(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;

"(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;

"(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

"(6) assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities."

TITLE II—HISTORIC PRESERVATION PROGRAM

SEC. 201. (a) Section 101 of the National Historic Preservation Act is amended to read as follows:

"SEC. 101. (a)(1)(A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

"(B) Properties meeting the criteria for National Historic Landmarks established pursuant to paragraph (2) shall be designated as 'National Historic Landmarks' and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on the date of the enactment of the National Historic Preservation Act Amendments of 1980 shall be deemed to be included on the National Register as of their initial listing for purposes of this Act. All historic properties listed in the Federal Register of February 6, 1979, as 'National Historic Landmarks' or thereafter prior to the effective date of this Act are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing as such in the Federal Register for purposes of this Act and the Act of August 21, 1935 (49 Stat. 666); except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register and submitted to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

"(2) The Secretary in consultation with national historical and archaeological associations, shall establish or revise criteria for properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for—

"(A) nominating properties for inclusion in, and removal from, the National Register and the recommendation of properties by certified local governments;

"(B) designating properties as National Historic Landmarks and removing such designation;

"(C) considering appeals from such recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

"(D) nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage;

"(E) making determinations of eligibility of properties for inclusion on the National Register; and

"(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List.

"(3) Subject to the requirements of paragraph (6), any State which is carrying out a program approved under subsection (b), shall nominate to the Secretary properties which meet the criteria promulgated under subsection (a) for inclusion on the National Register. Subject to paragraph (6), any property nominated under this paragraph or under section 110(a)(2) shall be included on the National Register on the date forty-five days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves such nomination within such forty-five day period or unless an appeal is filed under paragraph (5).

"(4) Subject to the requirements of paragraph (6) the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if such property is located in a State where there is no program approved under subsection (b). The Secretary may include on the National Register any property for which such a nomination is made if he determines that such property is eligible in accordance with the regulations promulgated under paragraph (2). Such determination shall be made within ninety days from the date of the nomination unless the nomination is appealed under paragraph (5).

"(5) Any person or local government may appeal to the Secretary a nomination of any historic property for inclusion on the National Register and may appeal to the Secretary the failure or refusal of a nominating authority to nominate a property in accordance with this subsection.

"(6) The Secretary shall promulgate regulations requiring that before any property or district may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National Register or designated as a National Historic Landmark until such objection is withdrawn. The Secretary shall review the nomination of the property or district where any such objection has been made and shall determine whether or not the property or district is eligible for such inclusion or designation, and if the Secretary determines that such property or district is eligible for such inclusion or designation, he shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official and the owner or owners of such property, of his determination. The regulations under this paragraph shall include provisions to carry out the purposes of this paragraph in the case of multiple ownership of a single property.

"(7) The Secretary shall promulgate, or revise, regulations—

"(A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to section 110 of this Act, the Act of June 27, 1960 (16 U.S.C. 469c), and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) are deposited in an institution with adequate long-term curatorial capabilities;

"(B) establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records within the Library of Congress; and

"(C) certifying local governments in accordance with subsection (c)(1) and for the allocation of funds pursuant to section 103(c) of this Act.

"(b)(1) The Secretary in consultation with the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation shall promulgate or revise regulations for State Historic Preservation Programs. Such regulations shall provide that a State program submitted to the Secretary under this section shall be approved by the Secretary if he determines that the program—

"(A) provides for the designation and appointment by the Governor of a 'State Historic Preservation Officer' to administer such program in accordance with paragraph (3) and for the employment or appointment by such officer of such professionally qualified staff as may be necessary for such purposes;

"(B) provides for an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

"(C) provides for adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

"(2) Periodically, but not less than every four years after the approval of any State program under this subsection, the Secretary shall evaluate such program to make a determination as to whether or not it is in compliance with the requirements of this Act. If at any time, the Secretary determines that a State program does not comply with such requirements, he shall disapprove such program, and suspend in whole or in part assistance to such State under subsection (d)(1), unless there are adequate assurances that the program will comply with such requirements within a reasonable period of time. The Secretary may also conduct periodic fiscal audits of State programs approved under this section.

"(3) It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program and to—

"(A) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;

"(B) identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;

"(C) prepare and implement a comprehensive statewide historic preservation plan;

"(D) administer the State program of Federal assistance for historic preservation within the State;

"(E) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

"(F) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;

"(G) provide public information, education, and training and technical assistance relating to the Federal and State Historic Preservation Programs; and

"(H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c).

"(4) Any State may carry out all or any part of its responsibilities under this subsection by contract or cooperative agreement with any qualified nonprofit organization or educational institution.

"(5) Any State historic preservation program in effect under prior authority of law may be treated as an approved program for purposes of this subsection until the earlier of—

"(A) the date on which the Secretary approves a program submitted by the State under this subsection, or

"(B) three years after the date of the enactment of the National Historic Preservation Act Amendments of 1980.

"(c)(1) Any State program approved under this section shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this Act and provide for the transfer, in accordance with section 103(c), of a portion of the grants received by the States under this Act, to such local governments. Any local government shall be certified to participate under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary, certifies that the local government—

"(A) enforces appropriate State or local legislation for the designation and protection of historic properties;

"(B) has established an adequate and qualified historic preservation review commission by State or local legislation;

"(C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b);

"(D) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

"(E) satisfactorily performs the responsibilities delegated to it under this Act.

Where there is no approved State program, a local government may be certified by the Secretary if he determines that such local government meets the requirements of subparagraphs (A) through (E); and in any such case the Secretary may make grants-in-aid to the local government for purposes of this section.

"(2)(A) Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the State Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to section 101(a). The State may expedite such process with the concurrence of the certified local government.

"(B) If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 101(a). Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

"(3) Any local government certified under this section or which is making efforts to become so certified shall be eligible for funds under the provisions of section 103(c) of this Act, and shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary deems necessary or advisable.

"(d)(1) The Secretary shall administer a program of matching grants-in-aid to the States for historic preservation projects, and State historic preservation programs, approved by the Secretary and having as their purpose the identification of historic properties and the preservation of properties included on the National Register.

"(2) The Secretary shall administer a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927), for the purposes of carrying out the responsibilities of the National Trust.

"(3)(A) In addition to the programs under paragraphs (1) and (2), the Secretary shall administer a program of direct grants for the preservation of properties included on the National Register. Funds to support such program annually shall not exceed 10 per centum of the amount appropriated annually for the fund established under section 108. These grants may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

"(i) for the preservation of National Historic Landmarks which are threatened with demolition or impairment and for the preservation of historic properties of World Heritage significance,

"(ii) for demonstration projects which will provide information concerning professional methods and techniques having application to historic properties,

"(iii) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

"(iv) to assist persons or small businesses within any historic district included in the National Register to remain within the district.

"(B) The Secretary may also, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this section to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

"(C) Grants may be made under subparagraph (A)(i) and (iv) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 104.

"(e) No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this Act.

"(f) In consultation with the Advisory Council on Historic Preservation, the Secretary shall promulgate guidelines for Federal agency responsibilities under section 110 of this title.

"(g) Within one year after the date of enactment of the National Historic Preservation Act Amendments of 1980, the Secretary shall establish, in consultation with the Secretaries of Agriculture and Defense, the Smithsonian Institution, and the Administrator of the General Services Administration, professional standards for the preservation of historic properties in Federal ownership or control.

"(h) The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pusuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic properties and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.".

Sec. 202. (a) Section 102(a)(3) of the National Historic Preservation Act is amended to read as follows:

"(3) for more than 50 per centum of the aggregate cost of carrying out projects and programs specified in sections 101(d)(1) and (2) in any one fiscal year, except that for the costs of State or local historic surveys or inventories the Secretary shall provide 70 per centum of the aggregate cost involved in any one fiscal year.".

(b) Section 102(a) of such Act is amended by adding the following at the end thereof: "Except as permitted by other law, the State share of the costs referred to in paragraph (3) shall be contributed by non-Federal sources. Notwithstanding any other provision of law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code of 1954.".

(c) Subsection (c) of section 102 of such Act is repealed.

Sec. 203. (a) Subsection (b) of section 103 of the National Historic Preservation Act is amended by inserting after "projects" the words "and programs" and by striking out the second sentence thereof and substituting the following: "The Secretary shall notify each State of its apportionment under this subsection within thirty days following the date of enactment of legislation appropriating funds under this Act.".

(b) Section 103 of such Act is amended by adding at the end thereof the following:

"(c) A minimum of 10 per centum of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this Act shall be transferred by the State, pursuant to the requirements of this Act, to local governments which are certified under section 101(c) for historic preservation projects or programs of such local governments. In any year in which the total annual apportionment to the States exceed $65,000,000, one half of the excess shall also be transferred by the States to local governments certified pursuant to section 101(c).

"(d) The Secretary shall establish guidelines for the use and distribution of funds under subsection (c) to insure that no local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single local government. The guidelines shall not limit the ability of any State to distribute more than 10 per centum of its annual apportionment under subsection (c), nor shall the Secretary require any State to exceed the 10 per centum minimum distribution to local governments.".

Sec. 204. Section 104 of the National Historic Preservation Act is amended to read as follows:

"Sec. 104. (a) The Secretary shall establish and maintain a program by which he may, upon application of a private lender, insure loans (including loans made in accordance with a mortgage) made by such lender to finance any project for the preservation of a property included on the National Register.

"(b) A loan may be insured under this section only if—

"(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

"(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed such amount, and such a rate, as is established by the Secretary, by rule;

"(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

"(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

"(5) the repayment period of the loan does not exceed the lesser of forty years or the expected life of the asset financed;

"(6) the amount insured with respect to such loan does not exceed 90 per centum of the loss sustained by the lender with respect to the loan; and

"(7) the loan, the borrower, and the historic property to be preserved meet other terms and conditions as may be prescribed by the Secretary, by rule, especially terms and conditions relating to the nature and quality of the preservation work.

The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

"(c) The aggregate unpaid principal balance of loans insured under this section and outstanding at any one time may not exceed the amount which has been covered into the Historic Preservation Fund pursuant to section 108 and subsections (g) and (i) of this section, as in effect on the date of the enactment of this Act but which has not been appropriated for any purpose.

"(d) Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

"(e) The Secretary shall specify, by rule and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

"(f) In entering into any contract to insure a loan under this section, the Secretary shall take steps to assure adequate protection of the financial interests of the Federal Government. The Secretary may—

"(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the property securing a loan insured under this title; and

"(2) operate or lease such property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (g).

"(g)(1) In any case in which a historic property is obtained pursuant to subsection (f), the Secretary shall attempt to convey such property to any governmental or nongovernmental entity under such conditions as will ensure the property's continued preservation and use; except that if, after a reasonable time, the Secretary, in consultation with the advisory Council on Historic Preservation, determines that there is no feasible and prudent means to convey such property and to ensure its continued preservation and use, then the Secretary may convey the property at the fair market value of its interest in such property to any entity without restriction.

"(2) Any funds obtained by the Secretary in connection with the conveyance of any property pursuant to paragraph (1) shall be covered into the historic preservation fund, in addition to the amounts covered into such fund pursuant to section 108 and subsection (i) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

"(h) The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. Any such fees shall be covered into the Historic Preservation Fund, in addition to the amounts covered into such fund pursuant to section 108 and subsection (g) of this section, and shall remain available in such fund until appropriated by the Congress to carry out purposes of this Act.

"(i) Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned upon the use of non-Federal funds by the recipient for payment of any portion of the costs of such project or activity.

"(j) Effective after the fiscal year 1981 there are authorized to be appropriated, such sums as may be necessary to cover payments incurred pursuant to subsection **(e)**.

"(k) No debt obligation which is made or committed to be made, or which is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.".

Sec. 205. Section 108 of the National Historic Preservation Act is amended by inserting after the term "1981" the phrase "and $150,000,000 for each of fiscal years 1982 through 1987".

Sec. 206. Title I of the National Historic Preservation Act is amended by adding the following new section at the end thereof:

"Sec. 110. (a)(1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(f), any preservation, as may be necessary to carry out this section.

"(2) With the advice of the Secretary and in cooperation with the State historic preservation officer for the State involved, each Federal agency shall establish a program to locate, inventory, and nominate to the Secretary all properties under the agency's ownership or control by the agency, that appear to qualify for inclusion on the National Register in accordance with the regulations promulgated under section 101(a)(2)(A). Each Federal agency shall exercise caution to assure that any such property that might qualify for inclusion is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

"(b) Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by such agency, an historic property is to be substantially altered or demolished, timley steps are taken to make or have made appropriate records, and that such records then be deposited, in accordance with section 101(a), in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

"(c) The head of each Federal agency shall, unless exempted under section 214, designate a qualified official to be known as the agency's 'preservation officer' who shall be responsible for coordinating that agency's activities under this Act. Each Preservation Officer may, in order to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 101(g).

"(d) Consistent with the agency's missions and mandates, all Federal agencies shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this Act and, give consideration to programs and projects which will further the purposes of this Act.

"(e) The Secretary shall review and approve the plans of transferees of surplus federally owned historic properties not later than 90 days after his receipt of such plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

"(f) Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

"(g) Each Federal agency may include the costs of preservation activities of such agency under this Act as eligible project costs in all undertakings of such agency or assisted by such agency. The eligible project costs may also include amounts paid by a Federal agency to any State to be used in carrying out such preservation responsibilities of the Federal agency under this Act, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit.

"(h) The Secretary shall establish an annual preservation awards program under which he may make monetary awards in amounts of not to exceed $1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic resources. Such program may include the issuance of annual awards by the President of the United States to any citizen of the United States recommended for such award by the Secretary.

"(i) Nothing in this Act shall be construed to require the preparation of an environmental impact statement where such a statement would not otherwise be required under the National Environmental Policy Act of 1969, and nothing in this Act shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

"(j) The Secretary shall promulgate regulations under which the requirements of this section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security.".

SEC. 207. Title I of the National Historic Preservation Act is amended by adding the following at the end thereof:

"SEC. 111. (a) Notwithstanding any other provision of law, any Federal agency may, after consultation with the Advisory Council on Historic Preservation, lease an historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately insure the preservation of the historic property.

"(b) The proceeds of any lease under subsection (a) may, notwithstanding any other provision of law, be retained by the agency entering into such lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to such property or other properties which are on the National Register which are owned by, or are under the jurisdiction or control of, such agency. Any surplus proceeds from such leases shall be deposited into the Treasury of the United States at the end of the second fiscal year following the fiscal year in which such proceeds were received.

"(c) The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Advisory Council on Historic Preservation, enter into contracts for the management of such property. Any such contract shall contain such terms and conditions as the head of such agency deems necessary or appropriate to protect the interests of the United States and insure adequate preservation of the historic property.".

SEC. 208. Notwithstanding section 7(a) of the Act of June 27, 1960 (16 U.S.C. 469c), or any other provision of law to the contrary—

(1) identification, surveys, and evaluation carried out with respect to historic properties within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic properties within project areas may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit; and

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, are authorized to waive, in appropriate cases, the 1 per centum limitation contained in section 7(a) of such Act.

TITLE III—AMENDMENTS TO TITLE II OF NATIONAL HISTORIC PRESERVATION ACT

SEC. 301. (a) Section 201(a) of the National Historic Preservation Act is amended by striking out "twenty-nine" and all that follows and substituting: "the following members:

"(1) a Chairman appointed by the President selected from the general public;

"(2) the Secretary of the Interior;

"(3) the Architect of the Capitol;

"(4) the Secretary of Agriculture and the heads of four other agencies of the United States (other than the Department of the Interior) the activities of which affect historic preservation, appointed by the President;

"(5) one Governor appointed by the President;

"(6) one mayor appointed by the President;

"(7) the President of the National Conference of State Historic Preservation Officers;

"(8) the Chairman of the National Trust for Historic Preservation;

"(9) four experts in the field of historic preservation appointed by the President from the disciplines of architecture, history, archeology, and other appropriate disciplines; and

"(10) three at-large members from the general public, appointed by the President.".

(b) Section 201(b) of such Act is amended by deleting (1) through (17) and substituting (2) through (8) (other than (5) and (6))" and by inserting the following before the period ", except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be so designated".

(c) Section 201(c) of such Act is amended to read as follows:

"(c) Each member of the Council appointed under paragraph (1), and under paragraphs (9) and (10) of subsection (a) shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of one to four years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of four years. An appointed member may not serve more than two terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.".

(d) Section 201(d) of such Act is amended to read as follows:

"(d) A vacancy in the Council shall not affect its powers, but shall be filled, not later than sixty days after such vacancy commences, in the same manner as the original appointment (and for the balance of any unexpired terms). The members of the Advisory Council on Historic Preservation appointed by the President under this Act as in effect on the day before the enactment of the National Historic Preservation Act Amendments of 1980 shall remain in office until all members of the Council, as specified in this section, have been appointed. The members first appointed under this section shall be appointed not later than one hundred and eighty days after the enactment of the National Historic Preservation Act Amendments of 1980.".

(e) Section 201(e) of such Act is amended to read as follows:

"(e) The President shall designate a Vice Chairman, from the members appointed under paragraph (5), (6), (9), or (10). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.".

(f) Section 201(f) of such Act is amended by deleting the word "Fifteen" and substituting in lieu thereof the word "Nine".

(g)(1) Section 202(a) of such Act is amended by striking out "and" after the semicolon in paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new paragraphs:

"(6) review the policies and programs of Federal agencies and recommend to such agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this Act; and

"(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.".

(2) Section 202(b) of such Act is amended by inserting the following before the period at the end thereof: "and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out the purposes of this Act".

(h) Section 204 of such Act is amended by striking out the first sentence and so much of the second sentence as precedes the words "shall receive" and substituting "The members of the Council specified in paragraphs (2), (3), and (4) of section 201(a) shall serve without additional compensation. The other members of the Council".

(i) The third sentence of section 205(b) of such Act is amended by inserting after the words "whenever appropriate" the phrase ", including enforcement of agreements with Federal agencies to which the Council is a party".

(j) Section 205(g) of such Act is amended by (1) inserting after the word "duties" in the second sentence "and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act"; and (2) striking out "(1) through (16)" and substituting "(2) through (4)".

(k) Section 210 of such Act is amended by striking out the first sentence thereof.

(l) Section 211 of such Act is amended by adding the following at the end thereof: "The Council shall, by regulation, establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 106 which affect such local governments.".

SEC. 302. (a) Title II of the National Historic Preservation Act is amended by adding the following new sections at the end thereof:

"SEC. 213. To assist the Council in discharging its responsibilities under this Act, the Secretary at the request of the Chairman, shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

"SEC. 214. The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this Act when such exemption is determined to be consistent with the purposes of this Act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties.".

(b) Section 212(b) of such Act is amended by striking out "Senate Committee on Interior and Insular Affairs" and substituting "Senate Committee on Energy and Natural Resources".

TITLE IV—INTERNATIONAL ACTIVITIES AND WORLD HERITAGE CONVENTION

SEC. 401. (a) The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973, in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(b) The Secretary of the Interior shall periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national significance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) No non-Federal property may be nominated by the Secretary of the Interior to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in writing to such nomination.

SEC. 402. Prior to the approval of any Federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.

TITLE V—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

SEC. 501. The National Historic Preservation Act is amended by adding the following new title at the end thereof:

"TITLE III

"SEC. 301. As used in this Act, the term—

"(1) 'Agency' means agency as such term is defined in section 551 of title 5, United States Code, except that in the case of any Federal program exempted under section 214, the agency administering such program shall not be treated as an agency with respect to such program.

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

"(3) 'Local government' means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State.

"(4) 'Indian tribe' means the governing body of any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary of the Interior and for which the United States holds land in trust or restricted status for that entity or its members. Such term also includes any Native village corporation, regional corporation, and Native Group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

"(5) 'Historic property' or 'historic resource' means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register; such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object.

"(6) 'National Register' or 'Register' means the National Register of Historic Places established under section 101.

"(7) 'Undertaking' means any action as described in section 106.

"(8) 'Preservation' or 'historic preservation' includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction, or any combination of the foregoing activities.

"(9) 'Cultural park' means a definable urban area which is distinguished by historic resources and land related to such resources and which constitutes an interpretive, educational, and recreational resource for the public at large.

"(10) 'Historic conservation district' means an urban area of one or more neighborhoods and which contains (A) historic properties, (B) buildings having similar or related architectural characteristics, (C) cultural cohesiveness, or (D) any combination of the foregoing.

"(11) 'Secretary' means the Secretary of the Interior except where otherwise specified.".

(12) "State historic preservation review board" means a board, council, commission, or other similar collegial body established as provided in section 101(b)(1)(B)—

(A) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law),

(B) a majority of the members of which are professionals qualified in the following and related disciplines: history, prehistoric and historic archaeology, architectural history, and architecture, and

(C) which has the authority to—

(i) review National Register nominations and appeals from nominations;

(ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(iii) provide general advice and guidance to the State Historic Preseravtion Officer; and

(iv) perform such other duties as may be appropriate.

(13) "Historic preservation review commission" means a board, council, commission, or other similar collegial body which is established by State or local legislation as provided in section 101(c)(1)(B), and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning, archaeology, or related disciplines, to the extent such professionals are available in the community concerned, and

(B) such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

"SEC. 302. Where appropriate, each Federal agency is authorized to expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this Act, except to the extent appropriations legislation expressly provides otherwise.

"SEC. 303. (a) The Secretary is authorized to accept donations and bequests of money and personal property for the purposes of this Act and shall hold, use, expend, and administer the same for such purposes.

"(b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this Act shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

"SEC. 304. The head of any Federal agency, after consultation with the Secretary, shall withhold from disclosure to the public, information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located.

"SEC. 305. In any civil action brought in any United States district court by any interested person to enforce the provisions of this Act, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

"SEC. 306. (a) In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall—

"(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

"(2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

"(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

"(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

"(5) encourage contributions to the building arts.

"(b) The cooperative agreement referred to in subsection (a) shall include provisions which—

"(1) make the site available to the Committee referred to in subsection (a) without charge;

"(2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and

"(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this Act.

"(c) The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except that no more than $500,000 may be provided to the Committee in any one fiscal year.

"(d) The renovation of the site shall be carried out by the Administrator with the advice of the Secretary. Such renovation shall, as far as practicable—

"(1) be commenced immediately,

"(2) preserve, enhance, and restore the distinctive and historically authentic architectural character of the site consistent with the needs of a national museum of the building arts and other compatible use, and

"(3) retain the availability of the central court of the building, or portions thereof, for appropriate public activities.

"(e) The Committee shall submit an annual report to the Secretary and the Administrator concerning its activities under this section and shall provide the Secretary and the Administrator with such other information as the Secretary may, from time to time, deem necessary or advisable.

"(f) For purposes of this section, the term 'building arts' includes, but shall not be limited to, all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archaeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

"SEC. 307. (a) At least thirty days prior to publishing in the Federal Register any proposed regulation required by this Act, the Secretary shall transmit a copy of the regulation to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary also shall transmit to such committees a copy of any fiscal regulation prior to its publication in the Federal Register. Except as provided in subsection (b) of this section, no final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

"(b) In the case of an emergency, a final regulation of the Secretary may become effective without regard to the last sentence of subsection (a) if the Secretary notified in writing the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.

"(c) Except as provided in subsection (b), the regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of , which regulation was transmitted to Congress on , ' the blank spaces therein being appropriately filled.

"(d) If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

"(e) For the purposes of this section—

"(1) continuity of session is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

"(f) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.".

SEC. 502. The Secretary, in cooperation with the American Folklife Center of the Library of Congress shall, within two years after the date of the enactment of this Act, submit a report to the President and the Congress on preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways. The report shall take into account the view of other public and private organizations, as appropriate. This report shall include recommendations for legislative and administrative actions by the Federal Government in order to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage.

SEC. 503. The Advisory Council on Historic Preservation, in cooperation with the Secretary and the Secretary of the Treasury, shall submit a report to the President and the Congress on Federal tax laws relating to historic preservation or affecting in any manner historic preservation. Such report shall include recommendations respecting amendments to such laws which would further the purposes of this Act. Such report shall be submitted within one year after the date of enactment of this Act.

SEC. 504. The Secretary shall submit a report directly to the President and the Congress on or before June 1, 1986, reviewing the operation of the Historic Preservation Fund and the national historic preservation program since the enactment of this Act and recommending appropriate funding levels, the time period for the reauthorization for appropriations from the fund, and other appropriate legislative action to be undertaken upon the expiration of the current fund authorization.

SEC. 505. The Pennsylvania Avenue Development Corporation shall review the development plan for those parts of the development area which are not under development or committed for development as of the date of the enactment of this Act, to identify means by which the historic values of such parts of the development area may be preserved and enhanced to the maximum extent feasible. The foregoing review shall not be limited by the applicable provisions of the development plan in effect at the time of the reviews; nor shall the review require any actions by the Corporations during the course of the review or during its consideration by the Congress. Within one year of the date of this Act the Corporation shall submit to the appropriate committees of Congress a report containing the findings of the review required under this section, together with the Corporation's recommendations for any legislative measures or funding necessary to carry out the purposes of this section. The report shall also include a description of those activities which the Corporation proposes to undertake to carry out the purposes of this section and the financial implications of carrying out those activities.

SEC. 506. The Secretary shall undertake a comprehensive study and formulate recommendations for a coordinated system of cultural parks and historic conservation districts that provide for the preservation, interpretation, devlopment, and use by public and private entities of the prehistoric, historic, architectural, cultural, and recreational resources found in definable urban areas throughout the Nation. The study shall propose alternatives concerning the management and funding of such system by public and private entities and by various levels of government. The Secretary shall submit a report of his study and recommendations to the President and the Congress within two years after the enactment of this Act.

SEC. 507. The Secretary, in cooperation with the Secretary of the Treasury, the Administrator of the United States Fire Administration, and the Administrator of the Federal Insurance Administration, shall submit a report to the President and the Congress on fire in historic properties. Such report shall include a review of Federal laws to determine any relationship between these laws and arson or fire by "suspicious origin", and to make recommendations respecting amendments to such laws should a correlation be found to exist. Such report shall include the feasibility and necessity of establishing or devloping protective measures at the Federal, State, or local level for the prevention, detection, and control of arson or fire by "suspicious origin" in historic properties. Such report shall also include recommendations regarding the Federal role in assisting the States and local governments with protecting historic properties from damage by fire. Such report shall be submitted within eighteen months after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SEBELIUS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. SEBELIUS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as author of the original version of H.R. 5496, I am pleased to speak today on its behalf and on behalf of all those who support our Nation's historic preservation programs. I am doubly pleased because, as my friend and colleague Mr. PHILLIP BURTON pointed out, the bill before us is not the product of my efforts alone. It reflects a tremendous amount of work by Members on both sides of the aisle. This kind of bipartisan interest is indeed significant on such an important piece of legislation.

No list of commendations on this bill would be complete, however, without special mention of one of the guiding forces behind it—Mr. BURTON himself. His continuing spirit of coordination and compromise has been an inspiration to all of us.

Special thanks are due also to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona (Mr. UDALL), and to our ranking member, the gentleman from California (Mr. CLAUSEN). They have worked together to make this bill a truly bipartisan effort.

Another member who deserves great credit for helping to draft the final compromise version of this bill is the gentleman from Wyoming (Mr. CHENEY). He has been willing to listen to all points of view and to modify his own approach to the bill in response to identified needs and problems. The final version of the bill has been greatly improved because of his efforts.

Other significant contributions have been made by the ranking members of the Subcommittee on National Parks and Insular Affairs and the Subcommittee on Public Lands—the gentleman from Kansas (Mr. SEBELIUS), and the gentleman from Colorado (Mr. JOHNSON). Their knowledge and experience in historic preservation matters has been of great help to all of us.

In addition, several other members have contributed substantially to this legislation. I would particularly like to commend Mr. BINGHAM from New York, Mr. SANTINI from Nevada, Mr. KOSTMAYER from Pennsylvania, Mr. VENTO from Minnesota, Mr. KOGOVSEK from Colorado, Mr. LUJAN from New Mexico, Mr. LAGOMARSINO, Mr. PASHAYAN from California, and Mr. BEREUTER from Nebraska.

As you can see, support for this bill comes not only from both sides of the aisle but from nearly every region of the country.

I would also like to mention the outstanding work of this bill accomplished by the staff of the committee and of several of the members. In particular, I would like to thank Gary Ellsworth and Clay Peters on the committee's minority staff, and Lee McElvain, Cleve Pinnex, and Loretta Neumann on the majority staff. Others who have worked hard on this legislation include Patty Howe on Mr. CHENEY's staff and Mike Rosenberg on Mr. BINGHAM's staff, and Pope Barrow of the Office of the Legislative Counsel.

Several officials within the administration were particularly helpful. Indeed, President Carter himself was one of the major proponents of legislation such as this, when he made enactment of a National Heritage Policy Act one of his priorities. Although this bill differs in a number of ways from his original proposal, it was the President's impetus and leadership that made this version possible.

Several officials within the administration deserve special thanks, including Mr. Robert Herbst, Assistant Secretary of the Interior for Fish, Wildlife and Parks, and his deputy, David Hales; Chris Delaporte, Director, Heritage Conservation and Recreation Service; Robert Garvey, Executive Director, Advisory Council on Historic Preservation; and Ross Holland, Assistant Director for Cultural Resources, National Park Service.

I would also like to point out that nearly 200 organizations have supported this legislation, including representatives of historic preservation, labor, industry and related professions and interests. At the end of my remarks I would like to insert in the RECORD a list of these organizations.

Several representatives of these organizations deserve special mention for the invaluable assistance they have provided on this bill. Among these are Nellie Longsworth of Preservation Action; Larry Tise, Rodney Little, and Peter King of the National Conference of State Historic Preservation Officers; Michael Ainslie and Aubra Anthony of the National Trust for Historic Preservation; Ruthann Knudson of the Society for American Archeology; Cynthia Field of the Building Museum; Len Simon of the U.S. Conference of Mayors; and Kevin McCarty of the National League of Cities.

BACKGROUND AND SUMMARY OF BILL

Mr. Speaker, Federal programs for historic preservation have been in place for over 100 years. H.R. 5496 builds on this foundation of experience to provide affirmative direction for historic preservation programs in the years ahead.

H.R. 5496 would amend the National Historic Preservation Act of 1966. That act was landmark legislation which established, for the first time, a partnership between the Federal Government and the States, and private sector. It broadened the national landmark program, established by the Congress in 1935, to create the National Register of Historic Places listing historic properties of the national, State, and local significance. The act also provided grants to States and the National Trust for Historic Preservation, and it created the Advisory Council on Historic Preservation to review the effects of Federal undertakings on historic properties.

H.R. 5496 would provide further definition and guidance for these programs to meet identified needs. It would establish criteria to qualify State historic preservation programs for increased authorities and reauthorize the Historic Preservation Fund through 1987 at its currently authorized level of $150 million a year.

In addition the bill would, for the first time, provide for certification of local government programs and offer local governments an opportunity to participate in Federal financial assistance, in reviews of nominations to the National Register and in the reviews of Federal undertakings on historic properties within their jurisdictions.

The bill would also define Federal agency responsibilities and revise the structure of the Advisory Council on Historic Preservation. Other sections of the bill would provide for proper maintenance of archeological resources, procedures for implementing the World Heritage Convention, a loan insurance program, recognition of the National Museum of the Building Arts, and studies to provide information on historic preservation matters.

CHANGES IN THE BILL: "OWNER CONSENT"

The only major controversy over the bill centered on the so-called "owner consent" provision, adopted by the committee at the suggestion of Mr. CHENEY. The amendment required an owner's consent (or the majority of owners, in the case of an historic district) before a property could be included on the National Register or designated a national historic landmark.

We felt that the amendment would meet the concerns of property owners while maintaining the existing process for protecting historic properties. The committee version did not, for example, require an owner's consent for determinations of whether a property were eligible for inclusion or designation; if eligible, it would still receive the same protection in the event of a Federal undertaking that might adversely affect it.

Since adoption of that amendment, however, a number of issues and concerns related to the provision have been brought to our attention. As a result, Mr. CHENEY and I recommended a compromise provision, which is now incorporated into the bill.

Following is a brief outline of the changes that were made by this compromise:

Regulations would be required to give all owners notification and an opportunity to concur in or object to inclusion of a property on the National Register or designation as a national historic landmark.

Absent such objection, a property would be so included or designated.

If a private owner (or majority of private owners in an historic district) object, the property would not be included or designated. However, the Secretary of the Interior would then make a determination of eligibility on historic grounds and provide the information to the appropriate officials and the owner or owners.

The determination of eligibility would have no automatic side-effect on the actions of private owners, except for the usual review procedures in the event of a Federal undertaking.

An eligible property could subsequently be included or designated upon withdrawal of the objection.

Regulations would be required to deal with situations relating to multiple ownership of a single property.

I want to commend Mr. CHENEY for his thoughtfulness on this matter and his willingness to amend his original provision to meet many of the concerns that were addressed. Mr. CHENEY clearly has demonstrated a genuine concern for historic preservation and he has been sincerely interested in listening to all points of view on this issue.

I believe that the new version is a reasonable and workable compromise which adequately takes into account the concerns of private owners without seriously eroding the usefulness of the National Register as a planning tool and comprehensive historical record.

Key to this is the requirement that the Secretary make a determination of eligibility for those properties which are subject to an objection and therefore not included on the National Register. The objective information about the property's historical values would then be available for planning purposes on State and local inventories and for use by the Advisory Council in the event of a Federal undertaking that would adversely affect it.

Moreover, the new provision should be viewed in the context of the total bill. H.R. 5496 offers many incentives for properties to be included on the National Register. It is also one that offers many improvements in the national historic preservation program as a whole.

OTHER CHANGES

There are several changes in the bill at the desk which, although noncontroversial, are significant.

Others are merely technical or conforming changes.

Following is an explanation of the significant ones:

Section 101(a)(5) was amended to assure that the provision allowing appeals of National Register nominations would be directed to the Secretary of the Interior.

This change is not intended in any way to limit the rights of persons or local government to appeal to the courts for other remedies that are available. The purpose here, however, is to give any person or local government an opportunity to appeal directly to the Secretary if a nominating authority has nominated a property which does not appear to meet the criteria of the National Register; it also allows them to appeal to the Secretary the failure or refusal of a nominating authority to nominate a property that does meet such criteria. The Secretary of the Interior has the authority to determine whether any property should be included on the National Register.

Section 110(e) was amended to place a 90-day time limit on the Secretary's review of the plans of transferees of surplus federally-owned historic properties prior to such transfer.

Under Executive Order 11593, the Secretary of the Interior reviews such plans to assure that properties are not damaged or destroyed. The new language assures that the Secretary makes these reviews in a timely manner.

Section 110(f) was amended to state that Federal agencies would to the maximum extent practicable (rather than possible) undertake such planning and actions as necessary to minimize harm to a national historic landmark which might be directly and adversely affected by a Federal undertaking.

Although the words generally carry the same interpretation, there was some concern that the word "possible" had too broad a connotation and might lead to unnecessary litigation.

Section 110(g) was amended to provide discretionary, rather than mandatory, authority to Federal agencies to use funds available for specific projects for related preservation activities.

This authority is in addition to that provided under the so-called Economy Act (general appropriations legislation) to spend funds in the pursuit of national policies without specific appropriations authorizations. This section is not meant to limit the authority of agencies to expend funds for environmental compliance related to their activities as, for example, is provided in section 302 of this bill.

Section 301 was amended to clarify the definition of "agency" to assure that all or part of an agency's programs, if they have minimal effect on historic properties, may be exempted from the provisions of this act.

The intent of this change is to clarify that exemptions may be made under sections 214; it is not, however, to permit the exemption of an individual undertaking from the requirements of section 106 merely because an agency desires to follow a more expedient route.

Section 302 was amended to express the intent that preservation activities conducted by Federal agencies will be funded from budgetary activities related to the preservation concern, and recognizes the constraints that might be added by appropriations legislation.

As with section 302, the purpose of this section is to assure that preservation activities are integrated into other appropriate agency activities. Thus, for example, the use of Forest Service timber cutting funds for preservation work related to the timber cutting is appropriate. On the other hand, the use of food stamp funds, which is not related to preservation, would be precluded. The language is not meant to bar agencies from spending their operating funds, which are commonly used for environmental compliance activities, for these expenditures.

In addition, I would also like to offer clarification on the grants provided in section 101(d)(3)(A)(iv) on page 17 of the bill. Concern was raised as to whether or not these grants could be used to provide rent subsidies to residents or small businesses within historic districts. That is not the intent of this provision. Rather, it is meant to provide special grants in cases where existing residents and small businesses cannot obtain sufficient assistance from other programs, including the loan insurance program established by this bill. While the needs may be greater than this program can meet, I do feel that we should make some effort to give special assistance to residents and small businesses who may be adversely affected by renovation activities carried out in historic districts.

PRESERVE THE PAST, SAVE THE FUTURE

Lastly, I would like to add to comments that have been frequently made that historic preservation is part of our Nation's future.

One thing that has struck me in working on this legislation is that the term "historic preservation" encompasses so much that is important to all of us, regardless of our political persuasion or philosophy. It includes our everyday world, the places where we live and work, as well as remote archeological sites that hold the remains of previous generations. We share the need to preserve those tangible bonds that preserve our history as a people and a Nation.

What makes historic preservation different from other environmental concerns is that it is often so immediate and personal. We recognize that we cannot save everything. Indeed, as one historian pointed out, the problem with historic preservation is that structures start to deteriorate from the moment they are built. Yet once these historical places are gone, they are gone forever.

The best we can do is to preserve as much as we can for as long as we can. We are fortunate that those who came before us left us these treasures to enjoy. We must do the same for those who come after us.

The list follows:

ORGANIZATION SUPPORTING H.R. 5496

The National Trust for Historic Preservation.
Preservation Action.
The Coordinating Council of National Archaeological Societies.
The National Conference of State Historic Preservation Officers.
The National Center for Preservation Law.
The Museum for the Building Arts.
The U.S. Conference of Mayors.
The League of Cities.
American Horticultural Society.
San Antonio Conservation Society.
Society for Historical Archaeology.
Society for American Archaeology.
Society of Professional Archaeologists.
Cleveland Landmarks Commission.
Friends of Ohio Landmarks.

Historic Faubourge-St. Mary Corporation.

Marshall Historical Society, MI.

Landmarks Association of St. Louis, Inc.

Society of Architectural Historians.

Municipal Arts Society, NY.

Connecticut Trust for Historic Preservation.

American Institute of Architects.

AMERICAN HERITAGE ALLIANCE

Adirondack Council.

The Alabama Trust for Historic Preservation.

America the Beautiful Fund.

American Planning Association.

American Society of Interior Designers.

Audobon Naturalist Society of the Central Atlantic States, Inc.

Center for Environmental Intern Programs.

Center for the Hudson River Valley.

Connecticut Association of Historic District Commissioners.

The Conservation Foundation.

Florida Trust for Historic Preservation.

Friends of Pickering Creeks Conservation Trust, Inc.

Friends of Cast Iron Architecture.

Friends of the Earth.

Great Lake Camp and Trail Association.

Hampton Heritage Foundation, Inc.

Hawaii Geographic Society.

Heritage Hill Association.

Historic Augusta.

Historic Broward County Preservation Board.

Historic Denver, Inc.

Historic Fredericksburg Foundation, Inc.

Historic Gettysburg-Adams County, Inc.

Historic House Association of America.

Historic Kansas City Foundation.

Historic Nashville, Inc.

Historic Preservation Trust of Lancaster, Pa.

Historic St. Augustine Preservation Board.

Izaak Walton League of America.

Jacksonville Historic Landmarks Commission.

Knoxville Heritage, Inc.

Lehigh Valley Conservancy, Inc.

Leonia Environmental Commission.

Litchfield Historic District Commission.

Maryland Association of Historic District Commissions.

Morris County Trust for Historic Preservation.

National Audubon Society.

National Council for Preservation Education.

National Parks and Conservation Association.

National Wildlife Refuge Association.

Natural Land Institute.

Natural Resources Defense Council.

Natural Science for Youth Foundation.

The Nature Conservancy.

The New Mexico Natural History Institute.

New York Landmarks Conservancy.

Partners for Livable Places.

Piedmont Environmental Council.

Public Lands Institute.

The Sanibel-Captiva Conservation Foundation, Inc.

Save the Dunes Council.

Scenic Hudson Preservation Conference.

Sierra Club.

Society for Commercial Archaeology.

Society for Industrial Archaeology.

The Southern New Jersey Chapter of the Archaeological Society of New Jersey.

Thorne Ecological Institute.

The Trust for Public Land.

The Victorian Society in America.

The Wilderness Society.

Historic Columbus Foundation.

Wilderness Watch.

The Preservation Resource Center of New Orleans.

The Colonial Williamsburg Foundation.

The Alabama Conservancy.

Birmingham Historical Society, Al.

Early Settlers Association of the Western Reserve, Ohio.

Cleveland Restoration Society.

Quapaw Quarter Association, Ar.

Macon Heritage Foundation, Ga.

American Society for Conservation Archaeology.

Archaeological Institute of America.

Association for Field Archaeology.

National Association of State Archaeologists.

American Association of State and Local History.

Historic Columbus Foundation, Inc., Ga.

Townscape Institute, Inc., Ma.

ORGANIZATIONS ENDORSING THE NATIONAL BUILDING MUSEUM—H.R. 5496

AMERICAN ASSOCIATION OF ENGINEERING SOCIETIES

American Society of Civil Engineers.

Western Society of Engineers.

American Institute of Mining, Metallurgical and Petroleum Engineers, Inc.

American Society of Mechanical Engineers.

Cleveland Engineering Society.

Institute of Electrical and Electronics Engineers.

American Society for Engineering Education.

Society of Naval Architects and Marine Engineers.

American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc.

Engineering Society of Detroit.

Louisiana Engineering Society.

Society of Automotive Engineers, Inc.

Washington Society of Engineers.

Illuminating Engineering Society of North America.

Air Pollution Control Association.

American Society of Agricultural Engineers.

American Institute of Chemical Engineers.

American Society of Safety Engineers.

American Society for Metals.

Society of Motion Picture and Television Engineers, Inc.

National Council of Engineering Examiners.

Society of American Military Engineers.

Engineering Societies of New England, Inc.

Institute of Transportation Engineers.

American Institute of Aeronautics and Astronautics, Inc.

Engineers' Council for Professional Development.

Society of Manufacturing Engineers.

National Society of Professional Engineers.

National Institute of Ceramic Engineers.

Society of Allied Weight Engineers, Inc.

American Congress on Surveying and Mapping.

Society of Plastics Engineers, Inc.

Society of Experimental Stress Analysis.

Instrument Society of America.

National Association of Corrosion Engineers.

Society of Packaging and Handling Engineers.

American Society for Quality Control.

Standards Engineers Society.

American Institute of Industrial Engineers.

International Material Management Society.

International Material Management Society, New Jersey Chapter, Inc.

Society of Fire Protection Engineers.

Society of Women Engineers.

American Institute of Plant Engineers.

American Nuclear Society.

American Society of Gas Engineers.

American Academy of Environmental Engineers.

American Association of Cost Engineers.

Danville Engineers Club.

American Consulting Engineers Council.

Federation of Materials Societies.

Association for Cooperation in Engineering.

American Institute of Architects.

American Institute of Constructors.

American Institute of Real Estate Appraisers.

American Planning Association.

American Society of Interior Designers.

American Society of Landscape Architects.

Associated General Contractors of America.

Association of Collegiate Schools of Architecture.

Association for Preservation Technology.

Brick Institute of America.

BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AFL–CIO

International Association of Heat and Frost Insulators and Asbestos Workers.

International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.

International Union of Bricklayers and Allied Craftsmen.

United Brotherhood of Carpenters and Joiners of America.

International Brotherhood of Electrical Workers.

International Union of Elevator Constructors.

International Union of Operating Engineers.

The Granite Cutters' International Association of America.

International Association of Bridge, Structural and Ornamental Iron Workers.

Laborers' International Union of North America.

Tile, Marble, Terrazzo, Finishers and Shopmen International Union.

International Brotherhood of Painters and Allied Trades.

Operative Plasterers' and Cement Masons' International Association of the United States and Canada.

United Union of Roofers, Waterproofers and Allied Workers.

Sheet Metal Workers' International Association.

United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

COUNCIL OF AMERICAN BUILDING OFFICIALS

Building Officials and Code Administrators International, Inc.

Southern Building Code Congress International, Inc.

International Conference of Building Officials.

Cultural Alliance of Greater Washington.

District of Columbia Office of Planning and Development.

Greater Washington Board of Trade.

Greater Washington Central Labor Council, AFL–CIO.

National Association of Housing and Redevelopment Officials.

National Construction Industry Council.

National Institute of Building Sciences.

National Trust for Historic Preservation.

Neighborhood Development Collaborative.

Sheet Metal and Air Conditioning Contractors National Association.

Society of Architectural Historians.

Society of Industrial Archeology.

The Victorian Society in America.

Washington Building Congress.

Society for American Archeology.

☐ 1320

Mr. GRADISON. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I am glad to yield to gentleman from Ohio.

Mr. GRADISON. Mr. Speaker, I thank the gentleman from Ohio for yielding.

I want to thank the gentleman also for explaining the new provision with regard to owner consent.

As a member of the Committee on

Ways and Means, I would like to indicate that we have held a series of hearings on the question of the future of the existing tax provisions. While the testimony was not unanimous, there were very serious questions raised in each of the hearings about the wisdom of continuing the disincentives.

Now, I understand that this bill will remove the owner consent.

Mr. SEIBERLING. Mr. Speaker, if the gentlemen will yield on that point, the bill does not eliminate owner consent.

Mr. GRADISON. Excuse me. I thank the gentleman for correcting me. This bill will require owner consent.

Mr. SEIBERLING. Correct.

Mr. GRADISON. In contrast with what we have had in the past.

Now, one of the arguments that has been used in the past has been that this is basically a listing that is set up for planning purposes. Therefore, that the consent of the owner should in no way be required; that would be perfectly reasonable if there were no disincentives provided such as we have today.

I think there is a reasonable possibility that within the next year the Committee on Ways and Means will have an opportunity to review the disincentives. Indeed, they may ultimately be eliminated. If they were, then I think it would be possible to go back and take a whole new look at this question of owner consent and perhaps move back toward the basic concept of the listing being a planning tool, rather than a step which carries with it disadvantages for property owners.

Mr. SEIBERLING. Well, I agree with the gentleman that it should be reviewed. I personally believe, based on what I know now—I could change that if additional facts came to my attention that warranted it—this tax disincentive to owners of properties that are on the National Register of Historic Places should be removed from the law, because that is a disincentive to protection, in fact.

We want to encourage people to put their historic properties on the National Register because then they are more likely to be preserved, even if there are no tax disincentives. I hope that the committee does review that.

Let me say that I was discussing the original form of the Cheney amendment. The form that is incorporated in the bill that is before us recasts the owner consent provision somewhat. The bill requires the Secretary to issue regulations directing that all owners be given notice and an opportunity to concur in or object to the inclusion of their property on the National Register or designation as a national historic landmark. The bill further provides that if an owner objects, then the property cannot be included on the Register. If the owner did not object, then the property could be put on the Register. However, the bill also provides that even if the owner objects the Secretary of Interior would still make a determination as to whether that property was eligible on historic grounds and would provide information to the appropriate officials and the owner, so that if the owner later withdrew his or her objection, the property could then be included or designated at that time for inclusion on the National Register.

It is most gratifying that the gentleman from Wyoming (Mr. CHENEY) worked with us and with the historic preservation groups, including, in particular, the National Trust for Historic Preservation, to refine that provision to the point where it does not frustrate the process of identifying and protecting historic properties, yet it still preserves the principle of owner consent.

So I again want to commend the gentleman from Wyoming for both his concept and for his willingness to work out a refined version of it.

There are several other changes of significance, as well as some technical changes. I do not think I will go into them now, unless somebody wishes to.

I would simply again emphasize that this bill is a consensus bill. It does strengthen the national historic preservation program and at the same time provides us with the means of making it more flexible and protecting the interests of local governments and private property owners. While it is not a panacea, it certainly helps set an agenda for the future and one that will make preservation a partner and not a competitor in our Nation's future growth and development.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. DUNCAN of Oregon). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 5496, the National Historic Preservation Act Amendments of 1980 and urge my colleagues to vote in favor of this legislation.

This legislation is the product of long and substantial hearings that have resulted in a comprehensive and equitable bill that has the approval of representatives from major historic preservation oganizations as well as business and industry groups. This bill is needed to enable the historic preservation fund to continue with the excellent work it has been performing since its establishment in 1966.

The spirt of cooperation established by the National Historic Preservation Act of 1966 between the Federal, State, and private sectors must be maintained and enhanced. This bill achieves this goal by providing, for the first time, for the participation of qualified local government and elected officials in the nomination of properties to the National Register of Historic Places. The bill also establishes an insured loan program for properties on the National Register and provides greater uniformity of the program at the State level.

Every area of the country will benefit from this legislation through the preservation of sites of historic value and significance to all our citizens.

Again, I urge my colleagues to cast their votes in favor of the enactment of the National Historic Preservation Act Amendments of 1980.

Mr. SEBELIUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Ohio who did such fine work on this bill and congratulate the gentleman from California (Mr. PHILLIP BURTON), the chairman of the subcommittee, and the gentleman from Arizona (Mr. UDALL) the chairman of the full committee.

Mr. Speaker, I support the adoption by the House of the bill now under consideration (H.R. 5496). This bill amends existing historic preservation law and brings forth certain other new provisions so as to update the statutory framework for accomplishing historic preservation.

Accomplishments in the field of historic preservation in this country have been exceptional over the period of the last couple of decades. Much of this success can be attributed to the existence and perfection of Federal historic preservation law through that period, coupled with the tremendous activism and commitment of private individuals, citizen historic preservation organizations, and State and local governments.

This bill brings forth many needed and appropriate adjustments and additions to historic preservation law. The only element of the bill which I strongly oppose is the provision of owner consent for the listing of historic items on the National Register of Historic Places. Since I have registered the essence of my thoughts in the additional views of the committee report (Rept. No. 96–1457), I shall not belabor the issue again here, since the bill cannot be amended at this point and I do intend to vote for the bill, nevertheless.

I should point out before leaving this matter, however, that in the event that an owner does object to his eligible property being placed on the register, the Secretary is thereupon required to notify specified entities of the professional eligibility of the property. This action should be taken in writing, and a separate listing should be maintained of such properties possessing such professional eligibility but not incorporating owner consent for direct register listing. This listing will then be publicly available for whatever consultation value it may have in indicating the professional historic qualities of a property, despite owner objection to listing on the national register itself.

Mr. Speaker, there is one remaining point I would like to comment on with regard to this bill. In the review of the historic preservation program at the Federal level, it has become quite clear to me, as I am certain that it has to others, that the Federal bureaucracy dealing with this program has proliferated beyond logical need. The great bulk of the Federal historic preservation program is centered within the Department of the Interior. Other major parts of the program are operated by the Advisory Council on Historic Preservation.

Another role is played by the federally chartered national trust for historic preservation. Many other departments and agencies of the Federal Government are also involved in historic preservation activities, usually as related to their own operations.

There are some very good reasons why all historic preservation programs cannot and should not be consolidated into one central operation. But I do believe there is also good reason to closely scrutinize this matter to see if some economies and efficiencies of operation could not be accomplished by some form of consolidation, with the principal aim of accomplishing greater achievements for historic preservation, and the secondary aim of accomplishing greater economies of operating efficiency and dollar expenditures. Time did not permit this bill to address this issue, but this matter should be reviewed and acted upon promptly by the next Congress.

● Mr. DERWINSKI. Mr. Speaker, as a cosponsor of this legislation and a student of American history with a desire to see our Nation's historic resources protected, I urge the House to approve H.R. 5496.

This measure, which authorizes the historic Preservation Fund through fiscal year 1987 at its current level of $150 million per year, will provide better guidance and coordination at Federal, State, and local levels for the national historic preservation program. It permits local governments to nominate sites for listing on the National Register of Historic Places and specifies Federal agency responsibilities with regard to historic preservation programs. It also prohibits non-Federal property from being listed on the Register without the consent of its owner, who, under current law, may thereby subject himself to restrictions and financial disadvantages.

H.R. 5496 also recognizes the importance of the nongovernmental role and clarifies Federal and State relationships and responsibilities to assure greater uniformity of programs of historic preservation.●

● Mr. MOAKLEY. Mr. Speaker, I rise today in staunch support for the Historic Preservation Act Amendments of 1980. I wish to congratulate the Interior Committee; particularly Mr. SEIBERLING and Mr. BURTON, who have labored to develop this important legislation which will dramatically improve the historic preservation program in this country.

As a citizen of Boston, I believe that I have a special appreciation for the need to preserve our historic communities and for the sense of belonging which historic architecture can contribute to a community. While I was growing up in Boston, I had a special feeling for men like Samuel Adams and James Otis, who founded the American Revolution and who walked the same streets as I did only 200 years earlier.

Each Boston community offers a unique history, which not only reflects the community as it was during the time of its construction, but also can transcend that time period. One can walk the street of any historic district and find more than beauty in its architecture, but also a feeling of belonging, a feeling that we are somehow a product of the walls which surround us.

In Boston we have literally thousands of buildings awaiting inclusion into the National Register of Historic Places. This legislation will assist in preserving these buildings and in continuing a program of historic preservation which we so desperately need. I believe that the continuation of the Historic Preservation Fund through 1987; the new provisions to assist Federal, State, and local preservation efforts; and the studies which are mandated under this bill are of crucial importance to the development and continuation of a strong historic preservation program both in Massachusetts and in the Nation as a whole.

I wish to especially thank the committee for including a direction to the Secretary of the Interior to submit a report to the Congress on arson in historic buildings. Boston, like many other communities across the country, has been subjected to a seemingly dramatic increase in the number of historic buildings being destroyed by arson. This report, I believe, will focus attention to this problem and assist in developing both Federal and local programs to assist communities which are presently being victimized by this senseless criminal action.

Mr. Speaker, I urge my colleagues to join in true nonpartisan support for this legislation which is deserving of support by this Congress.●

● Mr. KOSTMAYER Mr. Speaker, I rise in strong support of this legislation which will extend and strengthen the national historic preservation program established by the landmark National Historic Preservation Act of 1966.

The legislation is important as a reaffirmation of the Federal Government's roll in coordinating and encouraging historic preservation activities among our State and local governments, as well as private organizations and individuals.

The legislation extends and expands the National Register of Historic Places which is the official list of our Nation's historical, architectural, and cultural resources worthy of preservation. At the current time there are more than 20,000 entries on the National Register and it represents the most comprehensive listing of our country's cultural resources.

Pennsylvania is one of our most historic States and has many important structures on the register. In my congressional district in southeastern Pennsylvania we have 50 sites on the register. These include the Delaware Canal which runs along the Delaware River the full length of Bucks County and northward into Northampton County, Andalusia in Bensalem Township, a classic example of Greek revival architecture and the historic home of the Biddle family, the Pearl S. Buck home in Perkasie, Hilltown Township, and Summerseat in Morrisville, the home of two signers of the Declaration of Independence.

One of the finest qualities about the National Register is that it encourages private—rather than solely governmental—efforts at preservation. Listing on the National Register does not insure the preservation of an historic property or prohibit its demolition. However with the passage of the Tax Reform Act in 1976 Congress encouraged private owners to protect historic properties by providing tax incentives for rehabilitation of historic commercial buildings, as well as certain tax disincentive provisions intended to discourage the demolition of historic buildings and their replacement.

H.R. 5496 carries forward this principle of encouraging preservation activities in the private sector. The bill establishes an insured loan program to stimulate private investment in properties included on the National Register. The bill also makes important strides in encouraging State administration of our national historic preservation activities and specifies responsibilities of State historic preservaton officers.

I might note Mr. Speaker that the Commonwealth of Pennsylvania's Historic Preservation Office supports this legislation, particularly those provisions extending and strengthening cooperation among Federal, State, and local preservation efforts.

Finally, Mr. Speaker, I would like to mention the fine leadership of my colleague on the Interior Committee, the gentleman from Ohio (Mr. SEIBERLING) and his staff for their leadership roll in advancing this legislation. It is important that as our Nation grows, and our economy expands, as cities and neighborhoods are revitalized, as rural America is changed by slow and steady population growth, we try and preserve for future generations a sense of the history and the overall quality of life which form such a solid foundation of our Nation's cultural heritage. This legislation recognizes this fact, and I urge my colleagues to support it.●

● Mr. MINETA. Mr. Speaker, I wish to express my support of H.R. 5496, the National Historic Preservation Act Amendments of 1980, which the House is considering today. This legislation reaffirms the need to preserve and enhance for the benefit of present and future generations of Americans existing evidence of our Nation's diverse cultural heritage. Passage of this bill will insure the continuity and improvement of the provisions of the 1966 National Historic Preservation Act, which laid the groundwork for a working Federal, State, and local partnership committed to protecting our country's valuable historic and cultural resources.

The variety of cultural strands which comprise our Nation's unique historical fabric is shown in my own district in Santa Clara County by such landmarks as the Kotani-En Garden in Los Gatos, Calif., an early 20th century example of the classical Japanese tradition in landscape design. Just as the architect Tarashima translated his cultural inheritance in the ponds and symbolic rock gardens of Kotani-En, so do the Spanish features of the Hayes Mansion in San Jose, with its tiled roof and stuccoed facade, attest to a different, but equally vital, legacy in our cultural tradition. Without the protection guaranteed by the inclusion of these and other historic properties in the National Register, such significant contributions to the broad pattern of our history would go unrecognized.

The concern of historic preservation is not, however, only for our Nation's past, but for its future as well. Incorporating many important national priorities, such as energy and natural resource conservation, fighting inflation, revitalizing our urban areas, and providing greater opportunity for local employment, the historic preservation movement is a creative step forward in meeting the needs of the 20th century. While historic preservation legislation will not inhibit appropriate development in this energy-conscious age newness is not always a viable directive. The encouragement on both Federal and local levels of a sympathetic attitude toward conservation, renovation, and reuse of existing buildings and materials should become an increasingly important priority.

Further, the provisions in H.R. 5496 for increased involvement of local governments in the administration and implementation of the Federal historic preservation program will offer new and much needed opportunities for preservation at the community level. With an estimated 2 million Americans currently supporting preservation interests through a variety of organizational memberships across the country, the active involvement of local governments is long overdue. Passage of H.R. 5496 will also authorize grants to nonprofit organizations representing ethnic and minority groups, and assist Americans of immigrant backgrounds in continuing their inherited customs and ties within their communities.

Building upon the Preservation Act of 1966, H.R. 5496 seeks to develop a broad national historic preservation program which recognizes the need to identify, manage and preserve over 15,000 years of American life. As we face the encroaching extinction of our irreplaceable natural, cultural, and historic resources, one hopes that the 21st century will be heralded by a new consciousness—one which includes, and perhaps is guided by, a profound recognition of the value of preservation in planning for the future. With this in mind, I encourage my colleagues to join me in supporting the National Historic Preservation Act Amendments of 1980. ●

● Mr. UDALL. Mr. Speaker, I too, would like to commend all those who have worked so long and so hard in the development of this fine bill.

My dear friend and colleague, Mr. Seiberling, first introduced similar legislation on this issue nearly 4 years ago. I and nearly 50 other Members of the House cosponsored that legislation. Although not enacted during the 95th Congress, the bill prompted much discussion among the historic preservation community, the administration, and the Congress on the needs and opportunities facing historic preservation in the coming decades.

The product of all this effort is H.R. 5496. It will assure a balanced and improved historic preservation program. It favorably supports the preservation partnership that has shown proven results throughout the Nation, in remote countrysides, and in towns and cities of all sizes.

Every Member's district has examples of historic preservation that are significant to local, State, and national events. In my own State of Arizona, we take particular pride in the historic preservation of properties such as Casa Grande National Monument—the first federally preserved historic property. We are also proud to retain the 11,000-year-old Lehner Mammoth Kill site, the 18th century colonial Spanish mission of San Xavier del Bac, and the infamous OK Corral in the Tombstone Historic District.

We westerners are extremely aware of the historic contributions that our ancestors, both native and immigrant, have made to the settlement of our great Nation. We are as supportive as any New Englander of legislation that will assure preservation of our cultural heritage for generations to come.

The national historic preservation fund needs reauthorization now, to assure the continuity of the program begun with the passage of the National Historic Preservation Act of 1966. In addition to the reauthorization, I am pleased to support a bill that offers so many positive program improvements, as I was a year ago when we considered and passed the Archeological Resources Protection Act of 1979.

H.R. 5496 is an excellent bill. It deserves the support of each and every one of us.●

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. Seiberling) that the House suspend the rules and pass the bill (H.R. 5496), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NET OPERATING LOSS CARRYOVERS OF REAL ESTATE INVESTMENT TRUSTS

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4968) to amend the Internal Revenue Code of 1954 to provide that in certain cases the net operating loss carryover period for a taxpayer who ceases to be real estate investment trust shall be the same as the net operating loss carryover period for a taxpayer who continues to be real estate investment trust, as amended.

The Clerk read as follows:

H.R. 4968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (E) of section 172(b)(1) of the Internal Revenue Code of 1954 (relating to net operating loss deduction) is amended to read as follows:

"(E)(i) A net operating loss for a REIT year—

"(I) shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss, and

"(II) shall be a net operating loss carryover to each of the 8 taxable years following the taxable year of such loss.

"(ii) In the case of any net operating loss for a taxable year which is not a REIT year—

"(I) such loss shall not be carried back to any taxable year which is a REIT year, and

"(II) the number of taxable years to which such loss may be a net operating loss carryover under subparagraph (B) shall be increased (to a number not greater than 8) by the number of taxable years to which such loss may not be a net operating loss carryback by reason of subclause (I).

"(iii) For purposes of this subparagraph, the term 'REIT year' means any taxable year for which the provisions of part II of subchapter M (relating to real estate investment trusts) apply to the taxpayer."

(b) The amendment made by subsection (a) shall apply to the determination of the net operating loss deduction for taxable years ending after October 4, 1976. For purposes of applying the preceding sentence to any net operating loss for a taxable year which is not a REIT year and which ends on or before October 4, 1976, subclause (II) of section 172(b)(1)(E)(ii) of the Internal Revenue Code of 1954 shall be applied by substituting "the number of REIT years to which such loss was a net operating loss carryback" for "the number of taxable years to which such loss may not be a net operating loss carryback by reason of subclause (I)". In the case of a net operating loss for a taxable year described in the preceding sentence, subclause (II) of section 172(b)(1)(E)(ii) of such Code shall not apply to any taxpayer which acted so as to cause it to cease to qualify as a "real estate investment trust" within the meaning of section 856 of such Code if the principal purpose of such action was to secure the benefit of the allowance of a net operating loss carryover under section 172(b)(1)(B) of such Code.

The SPEAKER pro tempore. Is a second demanded?

Mr. DUNCAN of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. Rostenkowski) will be recognized for 20 minutes, and the gentleman from Tennessee (Mr. Duncan) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Rostenkowski).

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4968, under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1330

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the second time that this legislation has come to the floor under suspension of the rules. In June, it failed to receive the two-thirds that it needed and was thus rejected. Since that time, the committee has agreed to an amendment which takes care of the only point of controversy in the legislation. I know of no opposition to the legislation in its current form.

As amended, H.R. 4968 makes two minor changes in the tax law regarding the ability of trusts which are former real estate investment trusts (REIT's) to carry over operating losses to future years.

The bill allows a corporation or a trust which was formerly an REIT an additional year of carryforward, with a maximum of 8 years, of net operating losses for each year that it is denied a net operating loss carryback because it was an REIT. This would have the effect of allowing a former REIT to have a total of 8 carryover years similar to the treatment accorded to trusts which retain their REIT status throughout the carryover period.

The committee amendment incorporated in this version of the bill modifies this provision to ensure that no former REIT could utilize this additional carryover if the principal purpose for the decision to de-REIT was to take advantage of carryovers of pre-1976 losses then only available to non-REIT's.

In addition, the bill removes the technical restriction that a net operating loss incurred before 1976 can be carried forward to the sixth, seventh, or eighth year only if an REIT qualified as an REIT for all years from the loss year through the carryover year in question.

Before we become too deeply entangled in the technical world of REIT's, a little background might help to clarify this matter.

Prior to the Tax Reform Act of 1976, REIT's were not allowed a net operating loss deduction. Because of this, many trusts terminated their status as REIT's so that they could carry over net operating losses incurred by them during the difficult economic time experienced by many REIT's during the early 1970's. In such a case, a former REIT was allowed the standard 5 years to carry forward its losses. However, unlike other taxpayers, it was not allowed a deduction for a loss carryback to any earlier years during which it qualified as an REIT. The code denied these carrybacks because the REIT income in those early years had been passed through to individual investors and, consequently, allowance of carrybacks would have created nearly insurmountable administrative burdens in recomputing the tax liability of all of the REIT's shareholders in the earlier year.

The Tax Reform Act of 1976 made two changes that affected the net operating loss carryovers of corporations and REIT's. First, it lengthened the time that corporations could carry forward their net operating loss deductions from 5 to 7 years. This change was effective for losses incurred in years ending after December 31, 1975.

The act also changed the treatment of net operating losses of REIT's. Under the 1976 act, a net operating loss incurred in a year that the trust is an REIT can be carried forward for 8 years. However, no net operating loss carrybacks are permitted. This change in rules was effective for taxable years of an REIT ending after October 4, 1976.

As a result of this effective date, losses incurred before 1976 by REIT's were subject to an 8-year carryforward if as a result of this effective date REIT's were allowed to carry forward pre-1976 losses. However, under the 1976 act rule a net operating loss incurred before 1976 could not be carried forward to the sixth, seventh, or eighth carryforward year unless the corporation was an REIT for all years from the loss year through the carryover year.

Thus, where a trust which was a REIT has terminated its status in a taxable year ending before October 4, 1976, and incurred losses in that year, less than an 8-year carryover is permitted. This is so even though the trust would have been given an 8-year carryforward had it retained its REIT status and even though it would have been given a combined 8 years of carrybacks and carryforwards had the trust never become a REIT.

To address this disparate treatment, H.R. 4968 does two things.

First, it makes it clear that former REIT's which were REIT's in the year the loss was incurred, will not lose the last 3 years of their loss carryover simply because they elected out of REIT status in a year after the loss year. This change is technical in nature.

The second change is more substantial and originally was the subject of some controversy. It would allow former REIT's which elected out of REIT status prior to the 1976 changes to have the benefits of the 8-year carryforward enacted in 1976. Some argued that these REIT's voluntarily elected out of a REIT status to get certain benefits only then available to regular corporations and thus would be reaping a windfall if the 1976 REIT rule is applied to them.

As I noted earlier, this objection was addressed in the committee amendment which makes clear that these additional carryovers shall not be available to a former REIT which elected out of REIT status for the principal purpose of taking advantage of loss carryovers that were at that time available to entities other than REIT's.

Mr. Speaker, this bill is a highly technical bill and one of narrow application. The committee has considered the matter, made some drafting modifications, and favorably recommended it to the House. I urge its approval.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4968 relating to the treatment of net operating losses ("NOL's) of certain real estate investment trusts.

Prior to the Tax Reform Act of 1976 REIT's could not carry their NOL's to other taxable years. Because of this prohibition and the unfavorable economic conditions in the early 1970's, many corporations terminated their REIT status and were taxed as regular corporations. In particular, the termination of REIT status allowed the corporations to utilize their NOL's.

The Tax Reform Act of 1976 allowed REIT's to carry forward their NOL's for up to 8 years. NOL's incurred prior to the 1976 act's effective date by REIT's that retained their status were given more beneficial treatment than NOL's incurred by former REIT's.

The bill allows former REIT's to carry forward their NOL's for up to 8 years, the same number of years REIT's have to utilize their NOL's.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may require to the gentleman from Georgia (Mr. FOWLER) who has done yeoman work on this legislation and contributed a great deal to the committee's consideration of this legislation.

Mr. FOWLER. Mr. Speaker, H.R. 4968 extends the net operating loss carryover period for former real estate investment trusts (REIT's) from 5 to 8 years, the same "loss" period allowed current REIT's.

As you remember, this bill received a majority vote on June 17 of this year but did not receive the necessary two-thirds to pass under the Suspension Calendar. There was a concern voiced on the floor at that time that the bill might inadvertently advantage a few entities which did not deserve help. Specifically, the bill was designed to correct the inequity between REIT's which were forced to disqualify themselves for nontax purposes and REIT's which were able to survive the recession of the mid-1970's without disqualifying themselves. There was no intention by the Ways and Means Committee to extend the net-loss carryover period for entities which had disqualified themselves as REIT's simply to take advantage of the tax laws at that time.

Consequently, we returned to the committee and amended the bill, tightening the language to insure that the extension in loss years is not afforded to those REIT's which could be construed as disqualifying themselves as REIT's primarily to extend their net loss carryover period.

With this amendment the Ways and Means Committee has unanimously reported this legislation to the House. The objection to H.R. 4968 has been resolved, and my colleague who raised the original objection now actively supports this legislation. H.R. 4968 deserves your support and I ask for it.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. FOWLER. I yield to my colleague from Georgia (Mr. Jenkins).

Mr. JENKINS. Mr. Speaker, I join with my colleague from Georgia in urging passage of this bill. It is a good piece of legislation. It has had all of the difficulties worked out and I urge my colleagues to vote in favor of it.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. DUNCAN of Tennessee. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. Rostenkowski) that the House suspend the rules and pass the bill, H.R. 4968, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1142, AUTHORIZING APPROPRIATIONS FOR SERVICES NECESSARY TO NONPERFORMING ARTS FUNCTIONS OF JOHN F. KENNEDY CENTER FOR PERFORMING ARTS

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1142) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, with a Senate amendment to the House amendment thereto, disagree to the Senate amendment to the House amendment, and request a conference with the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, may I ask the distinguished chairman whether this has been cleared by the minority side?

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from California.

Mr. JOHNSON of California. I would tell the gentleman it has been cleared. Our colleague from Ohio (Mr. Harsha) and myself agree to this, and we are asking for a conference with the Senate.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. Johnson of California, Levitas, McCormack, Flippo, Donnelly, Edgar, Harsha, Stangeland, and Livingston.

There was no objection.

INCREASE IN QUANTITY OF CERTAIN CIGARETTES ACCORDED DUTY-FREE TREATMENT

Mr. VANIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7709) to amend the Tariff Schedules of the United States to increase the quantity of cigarettes that may be accorded duty-free treatment if acquired in the insular possessions and entered by returning U.S. residents, as amended.

The Clerk read as follows:

H.R. 7709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part 2 to schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out ", including not more than 200 cigarettes and 100 cigars," in the superior heading to items 813.30 and 813.31;

(2) by inserting ", and including not more than 200 cigarettes and 100 cigars" immediately after "alcoholic beverages" in item 813.30; and

(3) by amending the article description for item 813.31 to read as follows:

"Articles whether or not accompanying a person, not over $600 in aggregate fair market value in the country of acquisition, including—

"(a) but only in the case of an individual who has attained the age of 21, not more than 4 liters of alcoholic beverages, not more than 1 liter of which shall have been acquired elsewhere than in American Samoa, Guam, or the Virgin Islands of the United States, and

"(b) not more than 1,000 cigarettes, not more than 200 of which shall have been acquired elsewhere than in such insular possessions, and not more than 100 cigars.

if such person arrives directly or indirectly from such insular possessions, not more than $300 of which shall have been acquired elsewhere than in such insular possessions (but this item does not permit the entry of articles not accompanying a person which were acquired elsewhere than in such insular possessions)".

Sec. 2. The amendments made by the first section of this Act shall apply with respect to persons arriving in the United States on or after the 30th day after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. Vanik) will be recognized for 20 minutes, and the gentleman from Louisiana (Mr. Moore) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 7709, to amend the tariff schedules of the United States to increase the quantity of cigarettes that may be accorded duty-free treatment if acquired in the insular possessions and entered by returning U.S. residents, with committee amendments as printed in the bill.

Existing law provides a duty-free allowance of $600 for U.S. residents returning from the insular possessions, including up to 4 liters of alcoholic beverages. If the U.S. resident is returning from anywhere else, the duty-free allowance is only $300, including 1 liter of alcoholic beverages. With respect to the quantity of cigarettes which may be included in the allowance, however, the quantity is the same for both categories—200 cigarettes (1 carton).

This one-carton limit was established by the Customs Procedural Reform Act of 1978, to correct abuses which were occurring along the United States-Canadian border, since the old law permitted individuals to bring in an unlimited amount of cigarettes, as long as it was within their duty-free exemption. Unfortunately, this restriction had an unforeseen adverse impact on the Virgin Islands economy, which suffered a significant decrease in retail cigarette sales and an erosion of tax contributions to the Virgin Islands treasury.

H.R. 7709 would alleviate the unintended adverse impact by allowing returning U.S. residents to bring back duty-free up to 5 cartons of cigarettes from the insular possessions.

Mr. Speaker, H.R. 7709 was reported out favorably by the Committee on Ways and Means on September 16, 1980, and I urge passage of the bill.

□ 1340

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague in support of H.R. 7709, a bill to increase from 1 to 5 cartons the amount of cigarettes that can be purchased in the insular possessions and brought back to the United States duty-free by returning residents. The bill is designed to restore the traditional, more liberal treatment given to purchases made in the Virgin Islands and the other insular possessions by visitors from the United States.

Prior to enactment of the Customs Procedural Reform Act in 1978, an unlimited number of cigarettes could be entered into the United States duty-free by travelers returning from anywhere in the world so long as the value of the purchases did not exceed certain dollar limits. These dollar limits were more generous for purchases made in the insular possessions—two times more so. Although the 1978 act increased the dollar limits while maintaining the 2-to-1 ratio, the number of cigarettes accorded duty-free treatment was set at 200 across the board.

The action taken against cigarettes was the result of a high incidence of abuse along the United States-Canadian border where residents were able to go back and forth rather easily. However, because the new law uncharacteristically was applied as strictly to the insular possessions as elsewhere, the economies of the insular possessions have been hurt unduly. Cigarette revenues collected in the Virgin Islands, for example, fell almost 40 percent between fiscal years 1978 and 1979.

Such a result, of course, is contrary to the special relationship that historically has existed between the United States and the insular possessions. It has been our purpose to assist in the economic development of the insular possessions through more favorable tax and tariff treatment. In my mind, we have not done nearly enough to bring these countries into the economic mainstream. In fact, legislation of special benefit to the insular possessions often includes so many conditions and qualifications as to hinder the development of substantive industries in those islands.

Mr. Speaker, we have the opportunity today to remove an economic hardship for the insular possessions imposed when the customs procedural reform bill was enacted 2 years ago. I urge my colleagues to give H.R. 7709 their unanimous approval.

Mr. VANIK. Mr. Speaker, I yield such time as he may desire to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. I want to thank the distinguished chairman of the Trade Subcommittee for moving this legislation. The gentleman from Minnesota (Mr. FRENZEL) and I, 2 years ago, were appointed to head up a task force on customs modernization. That legislation inadvertently resulted in this inequity for the Virgin Islands, and we can correct it here today. I appreciate the chairman's moving this legislation forward, and I urge unanimous approval in the adoption of this bill.

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the distinguished Delegate from the Virgin Islands (Mr. EVANS) who is the author of this bill and who has worked tirelessly to bring it to the attention of the Trade Subcommittee of the Committee on Ways and Means.

Mr. EVANS of the Virgin Islands. Mr. Speaker, first of all I want to associate myself with the remarks made by the gentleman from California, the gentleman from Oklahoma, and the gentleman from Louisiana. I think they pointed out that this is to correct an unintended effect which the bill passed in 1978 had on the Virgin Islands and caused its revenues in the case of cigarettes to drop by almost 40 percent. I also want to thank especially the gentleman from Oklahoma (Mr. JONES) who is the sponsor of this bill—and I serve as cosponsor. We sincerely hope that our colleagues see fit to pass this bill and correct a situation which was not intended.

Mr. Speaker, I rise in support of H.R. 7709, legislation jointly introduced by Representative JIM JONES and myself, cosponsored by Representative BILL FRENZEL, and of great economic importance to the Virgin Islands.

I also want to take this opportunity to express my appreciation to Representative JIM JONES, Chairman CHARLIE VANIK, Representative GUY VANDER JAGT, ranking minority member, all of the Trade Subcommittee, as well as Chairman AL ULLMAN and Representative BARBER CONABLE, JR., ranking minority member of the Ways and Means Committee, in getting this bill to the floor.

Mr. Speaker, this legislation addresses and rectifies the unforeseen adverse impact upon cigarette revenues in the Virgin Islands which occurred as a result of passage of the Customs Procedural Reform and Simplification Act of 1978, Public Law 95-410. That law was intended primarily to curb the abuses of Canadian cigarette exports; however, at the same time, it unfortunately restricted the unlimited number of cigarettes which could be imported duty-free from the Virgin Islands by limiting the number of cigarettes to 200. H.R. 7709 merely allows for the importation of cigarettes from the Virgin Islands to be increased to not more than 1,000 cigarettes. It does not, however, lift the cigarette limitation applicable to foreign countries.

I would like briefly to touch upon the impact Public Law 95-410 has had on the Virgin Islands. A recent study conducted by the Virgin Islands Department of Commerce shows that imports of cigarettes into the Virgin Islands by the three major U.S. distributors dropped 29 percent between 1978 and 1979, despite an unprecedented increase in tourism and tourist expenditures during the same period. After a steady increase in taxes paid on cigarettes which reached a peak of $411,544 in fiscal year 1978, it dropped dramatically the next fiscal year by 39 percent to $252,122.

IMPACT OF U.S. CIGARETTE IMPORT RESTRICTION ON ECONOMY OF THE U.S. VIRGIN ISLANDS

The U.S. limitation on duty free entry of cigarettes has had a noticeable and detrimental effect on the fragile, tourism-dependent economy of the U.S. Virgin Islands. According to recent data from both government and private businesses, there has been a drop in both cigarette imports and sales and in the government revenues derived from this activity since the current U.S. one-carton (200 cigarettes), duty free limit took effect in late 1978.

REDUCTION IN IMPORTS

Imports of cigarettes into the Virgin Islands by the three major U.S. distributors dropped 29 percent between 1978 and 1979, despite an unprecedented increase in tourism and tourist expenditures during the same period. As shown on the table below, the combined imports from the Philip Morris International, R. J. Reynolds, and Brown & Williamson cigarettes manufacturers decreased from 339,777,000 cigarettes in calendar year 1978 to 241,420,000 cigarettes in 1979. The individual sales loss for one company—Brown & Williamson—was even heavier, for a total drop of 41 percent.

TABLE I.—IMPORTS OF U.S. CIGARETTES INTO THE U.S. VIRGIN ISLANDS[1]

	1978	1979	Percent change
Philip Morris International	125,300,000	87,900,000	−30.0
R. J. Reynolds	145,500,000	112,800,000	−22.5
Brown & Williamson	68,977,000	40,720,000	−41.0
Total	339,777,000	241,420,000	−29.0

[1] Totals for Philip Morris International and Brown & Williamson include a small percentage—less than 5 percent—imported for bonded sales to cruise ships. These sales did not appreciably change in the years cited. R. J. Reynolds figures do not include imports for the ship chandlery sales, which they estimate amount to about 30,000,000 per year. Imports of cigarettes for bonded sales are included in U.S. Department of Commerce import data.

DECREASE IN CIGARETTE SALES

A. H. Riise, the major cigarette retailer on St. Thomas, reported a decline of 46.1 percent in their cigarette sales between calendar years 1978 and 1979 based on transfers from their warehouse to their retail stores on St. Thomas. During 1978, a total of 54,484,000 cigarettes were sent to the retail stores for potential sales of at least $817,260 (assuming 200 cigarettes per carton and a sales price of at least $3.00 per carton). During 1979, the number of cigarettes transferred for retail sales dropped to 29,416,000 and potential sales to $441,240, for a dollar loss of at least $376,020.

A.H. Riise personnel also commented that the actual drop in sales probably was greater than indicated by the above statistics because not all of those cigarettes transferred to retail shops were sold. During early 1979, in particular, substantial (but unrecorded) numbers of cigarettes were sent back to the warehouse for either shipment back to the manufacturer or destruction. They also noted that cigarette sales had declined in 1978 compared to the previous year because of restrictions imposed by Puerto Rico limiting its returning residents to 2 cartons per person and by the State of Florida limiting its returning residents to 3 cartons per person.

In response to a questionnaire on cigarette sales distributed by the Virgin Islands Department of Commerce in mid-1979, the Bolero gift shop of St. Thomas estimated that they had suffered a 50 percent decline in their cigarette business since the change in the U.S. Customs regulations. The shop, however, provided no documentation for this judgement.

In response to the same questionnaire, Colorado's Liquor Store, Inc., also on St. Thomas, estimated that its cigarette sales had dropped 40 percent to 50 percent in recent months. This shop was also unable to supply a sales breakdown.

Cigarette Sales to Cruise Ship Visitors

A Department of Commerce survey of cruise ship visitors to St. Thomas during the 1978-1979 winter season reveals that 40 percent of the respondents purchased cigarettes, spending an average of $17.00 on such purchases (i.e., the equivalent of four cartons per party, or two cartons per person since each respondent represented two persons.)

Table II.—Cigarette Purchases by Cruise Ship Visitors Surveyed during 1978-79 Winter Season

Dollars spent/Est. No. of cartons (based on $3.50 per carton):	*Percent of 2-person parties who purchased cigarettes*
Under $10/2 or less	60.4
$11-$25/3-7	23.
$26-$50/8-15	13.
Over $50/16 or more	03.3

Percentage of total survey who purchased cigarettes, 39.7 percent.

Questions regarding cigarette purchases were also included in an abbreviated survey of cruise ship visitors conducted from mid-October through mid-December 1979. The results of this sample showed a decline in both the number of persons buying cigarettes and in the number of cartons purchased. Of the some 300 persons queried in late 1979, only 20 percent, versus 40 percent during the previous season, reported buying any cigarettes at all. In addition, of those visitors who did make cigarette purchases some 70 percent, versus 60 percent in the earlier survey, bought only up to or less than the duty free limit of one carton per person.

Table III.—Cigarette Purchases by Cruise Ship Visitors Surveyed During the 1979 Fall Season

Number of cartons purchased:	*Percent of 2-person parties who bought cigarettes*
1	37
2	33
3 or more	22
Number Unspecified	8

Percentage of total Survey Who Purchased Cigarettes, 20 percent.

LOSS OF GOVERNMENT REVENUES

According to an analysis by the Virgin Islands Department of Finance, cigarette revenues decreased 38.7 percent between fiscal years 1978 and 1979. A review of the Excise Tax returns filed with the Tax Division showed that the following taxes were paid on cigarettes brought into the Territory:

FY-76 (7/1/75 to 6/30/76)	$163.907.27
FY-77 (7/1/76 to 6/30/77)	316,323.53
FY-78 (7/1/77 to 6/30/78)	411,544.00
Short Period (6/30/78 to 9/30/78)	78,957.95
FY-79 (10/1/78 to 9/30/79)	252,122.34

Mr. Speaker, this measure would have no discernible effect on either the general economy of the United States or the revenues derived from cigarettes, but as you can see, has a marked effect on what must be called the very fragile tourist oriented economy of the Virgin Islands. This measure, if passed by the Congress, would be one more step in the direction of making us more self-sufficient. I urge its favorable passage by my colleagues.

Mr. MOORE. Mr. Speaker, I yield back the remainder of my time.

Mr. VANIK. Mr. Speaker, the Delegate from the Virgin Islands (Mr. EVANS) has been very, very persistent and very, very active in getting the committee to respond to this very important need to correct this.

Mr. Speaker, I have no further requests for time and yield back the remainder of my time.

The **SPEAKER** pro tempore (Mr. ROSTENKOWSKI). The question is on the motion offered by the gentleman from Ohio (Mr. VANIK) that the House suspend the rules and pass the bill, H.R. 7709, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TEMPORARY SUSPENSION OF DUTY ON HOVERCRAFT SKIRTS

Mr. VANIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6750) entitled "the Hovercraft Skirt Tariff Act," as amended.

The Clerk read as follows:

H.R. 6750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"905.40	Textile fabrics of manmade fibers, coated or filled or laminated with natural rubber, for use in the manufacture of skirts for hovercraft (provided for in item 359.50, part 4C, schedule 3)	Free	No change.	On or before 6/30/83."

Sec. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. VANIK) will be recognized for 20 minutes, and the gentleman from Louisiana (Mr. MOORE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6750 suspends the column 1 (most-favored-nation) rate of duty of 25 cents per pound plus 30 percent ad valorem on manmade fiber textile fabrics, coated or filled or laminated with natural rubber, for use in the manufacture of skirts for hovercraft for a 3-year period until July 1, 1983. Hovercraft skirts are inflatable and function as a flotation device to raise hovercraft, used as passenger carriers or to carry freight, above the surface of the water or ice.

There is no current domestic production of the type of fabric used in manufacturing hovercraft skirts. Hover Systems, Inc. imports parts fabricated from foreign fabric from its English subsidiary for final assembly into skirts at its plant in Media, Pa. The company claims the high rate of duty on the fabric and the relatively low duty on fabricated parts has limited manufacture and encouraged importation of parts. If the duty on the fabric is suspended, the company maintains its manufacturing costs will be reduced and it may be possible to switch production from its British subsidiary to its New Jersey plant.

The administration and public witnesses testifying before the Subcommittee on Trade supported the bill and no objections to it have been received from any source. The Committee on Ways and Means ordered H.R. 6750 favorably reported with technical amendments by voice vote.

I urge passage of the bill.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague in supporting H.R. 6750, a bill providing for a temporary suspension of duty, through June 30, 1983, of the column 1 rate of duty on textile fabric coated with natural rubber to be used in the manufacture of skirts for hovercraft.

The bill as amended is temporary in nature and restricted in its coverage to natural rubber coated fabrics. Although coated fabrics are produced in the United States, there is no known domestic producer of fabric coated with natural rubber. Natural rubber coating is preferred to synthetic coating due to its durability and resistance to cracking under extreme temperatures.

A domestic manufacturer of hovercraft skirts claims that the high rate of duty on the coated fabrics of 25 cents per pound plus 30 percent ad valorem (an ad valorem equivalent of 37.8 percent) and the considerably lower rate of duty on fabricated parts (at 3.9 percent ad valorem) has had the effect of limiting the manufacture of such parts in the United States while providing no relief with respect to imports of the necessary coated fabric. The specialized nature of the fabric and small market demand has made domestic manufacturers unwilling to supply the type of material needed in the manufacture of hovercraft skirts.

It is hoped that the temporary duty suspension provided by this bill will reduce the manufacturing costs of finished hovercraft and possibly allow the transfer of production of fabricated parts, in particular completed skirts, from foreign subsidiaries to U.S. firms. H.R. 6750 will not postpone the staged tariff reductions set to take place over the next 7 years as the result of the multilateral trade negotiations (MTN). It will merely interrupt them for a 3-year period.

Mr. Speaker, the bill as amended was favorably reported from committee and has received support from the administration as well. I urge passage of H.R. 6750.

☐ 1350

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. VANIK. Mr. Speaker, I yield back the balance of my time.

The **SPEAKER** pro tempore (Mr. MINETA). The question is on the motion offered by the gentleman from Ohio (Mr. VANIK) that the House suspend the rules and pass the bill, H.R. 6750, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to suspend until July 1, 1983, the column 1 rate of duty on textile fabrics used in the manufacture of hovercraft skirts."

A motion to reconsider was laid on the table.

DUTY-FREE TREATMENT FOR CERTAIN FREIGHT CONTAINERS

Mr. VANIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7660) to extend duty-free treatment to certain freight containers, as amended.

The Clerk read as follows:

H.R. 7660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part 3 of schedule 6 of the Tariff Schedule of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 640.25 the following new item:

"640.28	Intermodal freight containers, each having a minimum rated gross weight capacity of 40,000 pounds and a date of manufacture that precedes January 1 of the calendar year in which entered by not less than 5 years	Free	Free	Free".

Sec. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. VANIK) will be recognized for 20 minutes, and the gentleman from Louisiana (Mr. MOORE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under existing law, a freight container which is used for merchandise carried in the foreign trade of the United States may be designated as an "instrument of international traffic", and thus be brought in without entry or the payment of duty. However, in order to receive such a designation, a bond must be on file with customs.

If the container is of foreign origin, or of U.S. origin, and has been increased in value while abroad, and is withdrawn from international traffic, it becomes subject to entry and the payment of any applicable duties under TSUS 640.30. The existing column 1 duty is now 4.4 percent, recently lowered from 5 percent, and scheduled to fully phaseout in 7 years.

As reported by the Committee on Ways and Means, H.R. 7660 extends duty-free treatment to intermodal freight containers having a minimum rated gross weight capacity of 40,000 pounds, and that are at least 5 years old on January 1 of the year in which they enter the United States. This will benefit those businesses which purchase "retired" freight containers and repair them for sale to U.S. exporters, without injuring the domestic container industry.

Mr. Speaker, the Committee on Ways and Means is not aware of any objections to H.R. 7660 as it was reported out of committee, and I urge passage of the bill.

Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, as the original sponsor of H.R. 7660, a bill to eliminate the current duty on certain used ocean freight containers, I would like to briefly summarize the problems in the current administration of the duty that led me to introduce this bill.

The containers covered by the bill are of a type generally used in international commerce for the transport of goods by ship. They are large, sturdy containers, approximately 8 feet in width and height, and from 20 to 40 feet in length. They are designed for repeated use in international commerce.

So long as these containers continue to be used in international commerce, no duty is imposed. It is only when these containers are retired from the fleet, usually due to their damaged or dilapidated condition, that they must be domesticated and a duty is imposed. However. often these dilapidated containers can be refurbished and again placed in international commerce. A domestic industry has sprung up in recent years which does just that, providing new jobs for Americans.

Clearly from a policy standpoint, no duty should be imposed when these containers are repaired and returned to international commerce. However, under the current administration of the duty, it is by no means certain that no duty will be imposed in this situation. In some areas of the country, the Customs Service imposes the duty at the time title first passes to the repair companies; in other parts of the country different practices are used such that attempts are made to track the containers. The Customs Service justifiably complains about the administrative burden of having to track the destination of the containers.

The present situation is one in which first, the duty is imposed in many instances where there should be no duty; second, the Customs Service has no consistent practice for administering the duty; and, third, companies repairing the containers for reexport have no predictability as to whether a duty will be imposed and whether they may be subjected to substantial interest and penalties if no duty is paid.

In short, the duty is an administrative nightmare for both the Government and private industry.

The present form of H.R. 7660 is the result of extensive consultations with the administration and representatives of domestic industry. It is my understanding that neither are opposed to the bill in its present form. I urge enactment of the legislation.

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7660, a bill to provide duty-free treatment for the entry of used intermodal freight containers of the kind used in international maritime traffic. The bill is designed to remove a burdensome administrative exercise necessary to determine the dutiability of "retired" containers that enter the United States for repair and then are sold to exporters to again be used for the transport of cargo in international waters.

As my colleague has already explained, containers used as an "instrument of international traffic" are not subject to duties when they enter the United States. However, a bond must be deposited and documents maintained to verify the container's use. The firm seeking this legislation purchases old or damaged containers no longer fit to transport merchandise and makes the repairs necessary to enable the container to sustain one or two more shipments. U.S. exporters purchase these repaired containers at a lower cost and return them again to international traffic.

Under current law, such containers would not be subject to duty so long as they did not permanently enter U.S. commerce. In practice, however, the complicated paperwork required in keeping track of the container and verifying its ultimate return to international traffic makes payment of the duty the only viable alternative. It is an unnecessary expense since it was never intended that freight containers be dutiable under such circumstances.

It has been noted that the duty on freight containers that actually do enter U.S. commerce is scheduled to be lowered to zero over a 7-year period as the result of the multilateral trade negotiations (MTN). H.R. 7660 merely eliminates a disincentive to the repair of freight containers in this country without disrupting the adjustment of the domestic container industry to the phasing out of the tariff.

Mr. Speaker, the bill before us has been amended to satisfy the concerns of both the domestic industry and the administration, and I know of no objection to the bill from any source. I urge my colleagues to join me in supporting H.R. 7660 as amended.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. VANIK. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. VANIK) that the House suspend the rules and pass the bill, H.R. 7660, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TARIFF TREATMENT OF EPHEDRINE, RACEPHEDRINE, AND SALTS THEREOF

Mr. VANIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7802) to amend the Tariff Schedules of the United States with respect to the rates of duty on ephedrine, racephedrine, and their salts, as amended.

The Clerk read as follows:

H.R. 7802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of this Act—

(1) The term "entered" means entered, or withdrawn from warehouse, for consumption within the customs territory of the United States.

(2) The term "TSUS" means the Tariff Schedules of the United States (19 U.S.C. 1202).

SEC. 2. (a) Effective with respect to articles entered on and after the date of the enactment of this Act, subpart C of part 1 of schedule 4 of the TSUS, as amended by section 223(d) of the Trade Agreements Act of 1979, is amended—

(1) by striking out "'pseudoephedrine" in item 411.32; and

(2) by inserting immediately before such item 411.32 the following new item:

411. 30	Pseudoephedrine and its salts_	15.5% ad val.	7¢ per lb. + 59% ad val.".

(b) Notwithstanding any other provision of law, the rate of duty in column numbered 1 for articles provided for in item 411.30 that are entered after December 31, 1980 shall be as follows:

(1) 14.4 percent ad valorem with respect to articles entered on and after January 1, 1981.

(2) 13.2 percent ad valorem with respect to articles entered on and after January 1, 1982.

(3) 12.1 percent ad valorem with respect to articles entered on and after January 1, 1983.

(4) 11 percent ad valorem with respect

to articles entered on and after January 1, 1984.

(5) 9.9 percent ad valorem with respect to articles entered on and after January 1, 1985.

(6) 8.7 percent ad valorem with respect to articles entered on and after January 1, 1986.

(7) 7.6 percent ad valorem with respect to articles entered on and after January 1, 1987.

SEC. 3. Notwithstanding any other provision of law, the rate of duty in column numbered 1 for articles provided for in item 411.32 of the TSUS (as amended by section 2), or in item 437.20 of the TSUS, shall be as follows:

(1) 4.8 percent ad valorem with respect to articles exported to the United States on and after July 1, 1980.

(2) 4.7 percent ad valorem with respect to articles entered on and after January 1, 1981.

(3) 4.5 percent ad valorem with respect to articles entered on and after January 1, 1982.

(4) 4.4 percent ad valorem with respect to articles entered on and after January 1, 1983.

(5) 4.2 percent ad valorem with respect to articles entered on and after January 1, 1984.

(6) 4 percent ad valorem with respect to articles entered on and after January 1, 1985.

(7) 3.9 percent ad valorem with respect to articles entered on and after January 1, 1986.

(8) 3.7 percent ad valorem with respect to articles entered on and after January 1, 1987.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. VANIK) will be recognized for 20 minutes, and the gentleman from Louisiana (Mr. MOORE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. H.R. 7802 reduces the column 1 (MFN) rates of duty on synthetic ephedrine, racephedrine, and their salts from 15.5 percent ad valorem to 4.8 percent ad valorem, to be reduced in stages to 3.7 percent ad valorem, by January 1, 1987, consistent with reductions agreed to in the multilateral trade negotiations. Ephedrine and racephedrine are pharmaceuticals used as nasal decongestants and in medications to treat asthma and allergic disorders.

The purpose of H.R. 7802 is to equalize the rates of duty on synthetic and natural epherdrine and thereby remove the substantial competitive advantage currently granted natural ephedrine imported from the People's Republic of China at a much lower rate of duty. Supporters of the bill claim the present disparity in duties has made imported synthetic ephedrine uncompetitive with its natural counterpart and is likely to make China the sole source of supply of this pharmaceutical. There is currently no domestic production of ephedrine or racephedrine.

The administration and public witnesses testifying before the Subcommittee on Trade supported the bill and no objections to it have been received from any source. The Committee on Ways and Means ordered H.R. 7802 favorably reported with technical amendments by voice vote.

I urge passage of the bill.

☐ 1400

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague in support of H.R. 7802, a bill designed to equalize, to the greatest extent possible, the duty on ephedrine, racephedrine and their salts whether imported in a natural or synthetically produced state.

The benzoid chemicals covered by this bill are used in the manufacture of nasal decongestants and as bronchial dialators for treatment of asthma and similar diseases. Since 1978, there has been no domestic production of racephedrine or its salts and in 1980 the sole domestic producer of ephedrine, the Upjohn Co. of Kalamazoo, Mich., ceased all manufacture of the product. Consequently, imports have become the sole source of these widely used pharmaceutical ingredients.

Imports of ephedrine, racephrine and their salts now come from several sources. Canada, Italy, Switzerland, the United Kingdom, and West Germany supply the synthetically produced variety. The People's Republic of China (PRC) is at this time the sole supplier of these chemicals in their natural state. Because of the recent extension of most-favored-nation tariff treatment to the PRC, that country is expected to substantially increase its exports of the natural product to the United States.

Although the United States welcomes these additional exports from the PRC, our present tariff structure discriminates so heavily against imports of the synthetically produced chemicals that all competition might be eliminated. With the PRC or any country as the sole supplier, the lack of price competition can only mean higher costs for American consumers.

Mr. Speaker, H.R. 7802 merely lowers the duty rate applied to synthetically produced ephedrine, racephedrine, and their salts so that it equals the duty rate on the natural product in most instances. The bill maintains for both types of products the staged tariff reductions negotiated in the MTN that will take place over the next 7 years.

Mr. Speaker, the committee heard no objection to the bill from any source, and I urge my colleagues to give the measure their unanimous approval.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. VANIK. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. VANIK) that the House suspend the rules and pass the bill, H.R. 7802, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JAPAN-UNITED STATES TRADE

Mr. VANIK. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 376) relative to Japan-United States trade, as amended.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 376

Whereas for the past two years, the United States has incurred bilateral trade deficits with Japan averaging $10,000,000,000 per year (the largest United States deficit with any trading partner) and expects to incur a similar trade imbalance in 1980; and

Whereas there are predictions that because of an imbalance in the exchange rate between the yen and the dollar, the trade deficit with Japan may widen dramatically in the future; and

Whereas the size of these deficits contributes to controversy between the two allies, and erosion of support among many American workers and industries (for example, the electronics, auto, and steel industries) for an open trading system; and

Whereas there are areas in agriculture (for example, beef and citrus), processed raw materials (for example, wood products, leather, and cigarettes), manufactured goods, including high technology products (for example, telecommunications equipment and health devices), and services (for example, computer information sharing), where Japanese trade barriers and business practices prevent or restrict the importation or sale of American goods, thus contributing to the extraordinary trade imbalance between the two nations; and

Whereas it is probable that economically sound opportunities exist for increased Japanese job creating investment in the United States and for the increased use of American parts suppliers as a source of parts and that such investment and parts and replacement parts sourcing would help reduce future extraordinary trade imbalances between the two nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that while the United States realizes Japan's almost total reliance on imports for energy and raw materials and the need to finance such imports through the export of finished products, and thus the United States anticipates some level of bilaterial deficits with Japan over the long range, it finds that the present level of the lateral deficits with Japan over the long intolerable and unacceptable and threaten the future of the very substantial and traditional pattern of trade which has existed between our two nations. Therefore, the Congress urges Japan to assume a greater sense of responsibility for the trade deficit and take such steps in cooperation with the United States as are required to help correct the deficit.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. VANIK) will be recognized for 20 minutes, and the gentleman from Louisiana (Mr. MOORE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 376, cosponsored by 81 Members, is a sense of the Congress resolution, calling for additional efforts by Japan—with the United States—to narrow the unacceptable trade imbalance between our two nations. For the past 2 years, and this year, our deficit with Japan has averaged $10 billion annually. The administration predicts an increase in the deficit for next year of about $1 or $2 billion, while some private analysts have predicted a $15 to $16 billion imbalance.

During the current economic downturn, more and more Americans have turned away from support of trade and have been questioning the merit of continuing our half century policy of open trade. The sight of Japan's remaining trade barriers and the extraordinary one-sided nature of our bilateral trade has been the single biggest cause of the erosion of goodwill and support of trade in the United States.

We do not care how Japan helps narrow the trade imbalance—as long as something is done.

Actions to reduce the deficits could include Japanese investments in this country, particularly in the automotive field, in auto parts manufacture and for the auto replacement parts market. Also, while Japan has made progress in liberalizing its markets, there are a number of areas in which the United States is highly competitive, yet the Japanese block our products. Japan's remaining trade barriers reduce our exports by at least several billion dollars a year. These barriers are totally inexcusable in light of our enormous, longstanding deficits with that country. New efforts must be made to dismantle those barriers.

As an example of ways the trade deficit could be narrowed, we estimate that the United States has several hundred million dollars worth of high technology equipment which it could sell annually to Japanese Government agencies and government corporations. These sales, however, are blocked by restrictive procurement practices, and old-tie, "insider" relationships.

The best known examples of Government procurement problems, of course, are the current negotiations to define Nippon Telephone & Telegraph Corp. participation in the multilateral trade agreements' Government Procurement Code. These negotiations must insure a real marketing opportunity for high technology U.S. telecommunications equipment in Japan. Reciprocity in the spirit of the Government Procurement Code and a genuine opportunity for U.S. sales is absolutely essential, otherwise the code will not go into effect between the United States and Japan or will not be renewed after the review period. The delay in opening up the Japanese telecommunictaions market has been particularly distressing in light of our openness and our growing telecommunications trade deficit with Japan in certain lower technology telephone items.

I would like to take a minute to discuss the auto situation. Our automobile trade deficit with Japan—which runs about $8 billion per year—is currently the hottest trade issue between the two countries. The domestic industry and its workers have been severely disappointed at a decision of the International Trade Commission on November 10 not to provide import relief for the domestic industry.

Tomorrow, the Trade Subcommittee will hold hearings on the current auto situation and where the industry stands in light of the ITC's rejection. A number of legislative possibilities exist, including authority for the President to negotiate restraints with the Japanese, tax aids for the industry, financial, or credit assistance to auto buyers, regulatory relief, et cetera. The American auto industry is far too important to our economy to allow it to collapse. I hope that the slight moderation in Japanese auto sales and shipments which appears to have started during the past several months will continue. If Japan is wise, it will not flood the American market with a new wave of exports; rather, I hope that they will give new attention to placing job-producing plants in the United States and in buying parts from American companies.

Congressmen Brodhead, Gephardt, and I are particularly concerned about a meeting tomorrow in Tokyo in which the European and Japanese automakers will be discussing a slowdown of Japanese exports to Europe. We fear that this meeting may result in a reduction of exports to Europe and a diversion of those exports to the United States. Such a development would be a violation of world trade laws and totally unacceptable to the United States. I would like to include our statement in the Record at this point:

Emerging Japanese and European Auto Cartel Likely to Mean New Pressures on American Market

(Statement of Congressmen Charles A. Vanik, William A. Brodhead, and Richard A. Gephardt, November 15, 1980)

European and Japanese auto makers will be meeting next Tuesday in a "summit" which may well cartelize auto trade. If "successful", this "auto summit" will be a violation of international trade laws, in complete disregard to the letter and the spirit of the GATT.

If, as it appears likely, the Japanese and the Europeans reach an "understanding" which will slow down the growth of Japanese auto exports to Europe, then there will be new pressures on the American market, as Japanese auto makers refocus on the U.S. market.

While the growth in Japanese imports to Europe has been enormous (as it has been to the U.S.), it is still only about 11 percent. Some European countries practically ban Japanese cars. The Italians, for example, limit the Japanese to about 2,000 cars per year. The French hold Japanese imports to about 3 percent of their market and the U.K. limits imports to about 10 percent. Now the rest of Europe is establishing de facto barriers.

In the U.S., on the other hand, the Administration refuses to talk to foreign governments about the need for restraint, the auto companies are forbidden to talk to foreign companies under the antitrust laws, and the U.S. insists on proving a very strict level of injury before it imposes temporary import restraints. In other words, we have severely restrained ourselves in the name of open trade, while the other nations of the world openly cavort in dividing up markets and setting cartels. The result is that the U.S. market is left exposed and open to extra pressures because it is the only really open market in the world for autos.

The nature of the Japan-Europe auto summit and the unfair trade barriers it places on the U.S. will be a subject of questioning during the Ways and Means Trade Subcommittee's hearings on November 18th.

Attached are two recent news articles, one from the front page of the Nihon Keizai (Japan Economic Journal) and the other from the Journal of Commerce, describing this trust-building "summit conference".

[From the Japan Economic Journal, Sept. 24, 1980]

Japan-EC "Summit" on Cars is Due

Top-level auto industry leaders of Japan and the European Community have agreed to hold a "summit" meeting in Tokyo, possibly next month, for the purpose of skirting friction over car exports in Japan-EC trade.

EC automakers wish the Japanese to hold down their exports, while the Japanese automakers want it to be understood that they are engaged in fair competition.

The proposal for staging such a "summit" was made to the Japan Automobile Manufacturers Association (JAMA) by the Committee of Common Market Automobile Constructors (CCMC). The letter is a council comprising 11 influential automakers in EC.

JAMA last week decided formally to accept CCMC's proposal in taking into consideration the "necessity of preventing in advance the emergence of friction in Japan-EC trade."

Japanese industry quarters hailed holding of such a Japan-EC auto summit meeting from the standpoint that there now are few opportunities for private discussions between Japan and EC and this very fact has been one of the reasons for heightening misunderstanding between them.

CCMC is said to have proposed the "summit" in the name of its chairman, Umberto Agnelli. The latter is also chairman of Fiat of Italy.

If the Japanese side accepted the proposal, it will have top leaders of Volkswagenwerk, Renault, BL Limited and Alfa Romero attend the meeting along with its representatives, CCMC said.

It is hoped that the Japanese side would be represented by top executives of Toyota Motor Co., Nissan Motor Co., Honda Motor Co., Mitsubishi Motors Corp. and Toyo Kogyo Co.

JAMA convoked its standing committee to consider the CCMC proposal. In such discussions, involving the vice presidents and directors of the auto companies, the opinion was raised that the CCMC side doubtless would try to restrict exports of Japanese cars.

Others pointed out that whereas the U.S. rigidly opposes holding of such conferences on the basis of its Antitrust Act, it was easier to do so with Europe, but this technicality also had to be studied.

[From the Journal of Commerce, Nov. 5, 1980]

Japan, EC Car Industry Chiefs Plan 2-Day Meeting in Tokyo

(By A. E. Cullison)

Tokyo.—Japanese automobile industry leaders are scheduled to meet in Tokyo for two days beginning Nov. 18 with top-level representatives of auto executives from the Common Market nations to discuss Japan's car shipments to the European Community, it was disclosed on Tuesday.

It will be the first summit conference between officials of the Japan Automobile Manufacturers' Association and the Committee of the Common Market Automobile Constructors.

Representing JAMA will be executives of nine Japanese automobile manufacturing companies. The CCMC plans to send high-ranking management officials representing six major European car producers.

The major problem on the agenda is expected to be Japan's burgeoning car shipments to the Common Market countries and demands by the Europeans that the Japanese agree to impose voluntary controls on their auto exports to the nations of the EC.

Japan's automobile manufacturers already have been warned that unless they restrict their own shipments of passenger cars to the Common Market states there will be "an explosion" in Europe and the "distinct possibility of imposition of import limitations" on imports on Japanese motor vehicles within the EC.

It was evident that the warnings from Europe have heightened Japanese carmakers' fears of protectionist moves within the European community following reports that imports of Japan's autos and trucks have already cost the EC countries more than 150,000 jobs.

28 PERCENT IMPORT RISE CLAIMED

Over the past year, according to Common Market figures, imports from the Japanese factories have climbed by 28 percent, reaching almost a million on an annual basis. The Japanese imports apparently control 10.5 percent of the European market against a figure of only 8 percent just a year ago.

EC statistics claim that if imports from Japan continue at their present pace, by the end of 1985 the Japanese will be shipping 3,000,000 autos and trucks to Europe each year, displacing an additional 133,000 automobile workers and an equal number of employees in related fields.

But the Japanese apparently feel that, despite the Common Market's threats, the Europeans are not likely to turn to protectionism, mainly because by doing so they could spur Japan's efforts to invest heavily in the EC's own auto industry. Nevertheless, it is recognized within the highest ranks of Japan's automakers that some concessions might prove wise at this point.

Not inconsequential, it would seem, is the knowledge in the boardrooms of Japanese auto manufacturers that the Common Market's trade deficit with Japan by the end of this calendar year is likely to top $9 billion. The deficit at the end of December 1979 was only $5.1 billion.

No doubt in recognition of this intense pressure upon the EC—and specifically the problems caused by rising Japanese exports of cars and trucks to the European market over the past year—officials of Toyota Motor Co., Japan's largest auto manufacturer, has announced plans to slash production to meet falling domestic demand and complaints regarding Tokyo's overseas auto shipments. The cutback is reported to be between 10 and 20 percent.

It is expected, however, that the Japanese's auto industry representatives will take advantage of that upcoming meeting to point out to the advantages of free international trade, insisting that the burgeoning penetration of Japan's autos and trucks in the European Community is only temporary and most likely will decline by the end of December or perhaps by spring at the latest.

It is not very likely that the Europeans will be willing to accept this approach by their Japanese counterparts, although they may agree to some sort of self-imposed limitation by Japan's auto manufacturers if one is forthcoming, if only to place a ceiling on Tokyo's surging shipments at some point, according to local observers.

Other topics of discussion are expected to include the present state and future outlook of both the Japanese and Europeans automobile industries as well as other similar points which are less controversial than the voluntary export restrictions issue.

There are other areas where Japan blocks U.S. exports and I would like to include some of these examples in the Record at this point.

OTHER EXAMPLES

Many U.S. products face marketing problems in Japan because of uniquely rigorous and/or unusual Japanese standards and testing requirements. Many of these standards, which restrict trade in areas such as processed foods, cosmetics, and medical devices, appear to serve no real consumer benefit.

The Japanese Customs Service has on occasion been a source of trade restraints, because of tariff uplifts, arbitrary classifications and a difficult-to-use appeals process.

AGRICULTURAL TRADE BARRIERS

The most notorious trade barriers to U.S. exports exist in the agricultural sector. While Japan is the best customer for America's farmers, there is the potential for hundreds of millions of dollars in additional sales. Food prices in Japan are shockingly high—oranges are $1 apiece and beef prices are often $10 to $20 per pound. Some liberalizations have occurred in the citrus and beef quotas as a result of the MTN agreements. But even in 1983, when the high quality beef quota is scheduled to reach 30,800 metric tons—imports will be held to a little more than a half a pound per person per year.

TOBACCO PRODUCTS

Japan is a major market of American tobacco leaf, but she severely limits sales of U.S. cigarettes, thus denying the U.S. value-added, job-creating cigarette and cigar exports. Japan has set the price of imported cigarettes at about 140 yen higher than cigarettes produced by its own government monopoly corporation. This price differential—which is being negotiated and may be reduced to 100 yen per pack next spring—has limited U.S. cigarettes to 1 percent of the Japanese market and lowered the value of tobacco related sales to Japan by hundreds of millions of dollars.

This resolution is only a sense of the Congress—it does not change any laws. But I believe that it should be viewed seriously, as a last appeal to Japan before the American public begins demanding legislation to narrow the trade imbalance, particularly in the automobile sector. I expect that this resolution, if adopted, will spur new efforts by both Governments to find solutions to the unacceptable imbalances. It is meant to be a clear signal to the Japanese of America's deep concern about these continuing, unacceptable balance of trade deficits. In the past, one of our problems in dealing with the Japanese has been the fact that we have been giving them mixed signals on how to deal with specific commodity problems. These mixed signals have created confusion in Japan. But on the issue of the size of the deficit and the need to do something about it, there is no mixed signal or divided concern in the Congress. This resolution is a clear statement to the Government of Japan which requires some reaction and response from them on specific ways in which the trade imbalance can be narrowed.

☐ 1410

Mr. MOORE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to add my enthusiastic support to House Concurrent Resolution 376.

I hope our treatment of the resolution today will indicate overwhelming support for the measure and will provide a clear message to Japan that the size of our bilateral trade deficit is too extreme to be maintained. It is urgent that Japan take an active role in reducing the trade imbalance in order to preserve the traditional good trading relationship that exists between our two countries.

For the last decade, the U.S. balance of trade with Japan has registered an annual deficit. Early in the 1970's that deficit was tolerable, amounting only to between about $1.2 and $4 billion. Since 1976, however, the deficit has risen sharply, accumulating a 6-year total of over $43 billion and a 1980 figure estimated at nearly $10 billion.

At the same time, the bulk of Japanese exports to this country are providing stiff competition to those U.S. industries most weakened by current economic conditions such as the electronics, auto, and steel industries. Japan earns important foreign exchange from its trade with the United States and enjoys an open market here. Therefore, Japan must bear a greater responsibility for reducing the trade deficit and for stabilizing the two-way trade between our countries in terms of volume of trade investment in job-creating industries in the United States and improved market access in Japan.

Some have criticized the emphasis this resolution places on bilateral deficits as opposed to our country's overall balance on current account. To single out a particularly unfavorable bilateral situation, they say, is contrary to sound economic principles and distorts the true position of the United States in the world trading community. After all, we also have trade surpluses with a number of our trading partners, and we would not like the argument used against us along with demands to seek bilateral equilibrium in every instance. Of course, it would be impossible; it is equilibrium of the whole that we all wish to achieve in international trade.

The philosophy is very fine, but the reality is harsher. The industrial economies of Japan and the United States are interrelated to a greater extent than ever before. The United States offers a vast consumer market, the most open market in the world. On the other hand, to remain prosperous in the face of limited domestic resources of energy and raw materials, Japan must be a high-volume exporter. Yet, trade does not seem to work very well in the opposite direction. Numerous trade barriers are maintained tenaciously by Japan which constantly thwart our exports to that country. While clearly one of the leading industrial nations, Japan's market is protected in many aspects as if it were still a developing country.

It is very difficult to explain to American companies and American workers under heavy pressure or out of work from Japanese imports that there are as many economic opportunities in foreign markets as exist in our own and that U.S. firms must be prepared to compete internationally. It has not proved true with respect to Japan. It is difficult to convince the American public that a free trade policy should be the rallying point for an expanding healthy economy when they themselves or their neighbors are out of work and rapidly increasing imports are perceived to be the cause. It appears to them that the adverse effects of a free trade policy weigh heavily while the benefits are elusive.

We have to admit to ourselves that American industry faces serious structural problems that are unrelated to imports. Obsolescent plants, poor management decisions, a perceived slackness in quality control, and distinterest in exporting have all contributed to the vulnerable position in which many of our most important industries find themselves. Imports have stepped in to meet the demand of American consumers for high quality products at reasonable cost.

It is also true, however, that foreign markets are not as accessible as our own. With an annual United States/Japan trade deficit approaching $10 billion, Japan's remaining trade barriers stand as a glaring inequity. The distinguished gentleman from Ohio (Mr. VANIK) already has pointed to a number of specific instances. I would like to reiterate that Japan's failure to bring the telecommunications procurement of NTT under the discipline of the Government Procurement Code or to otherwise open such purchases to foreign bidding remains a significant source of conflict in the trade relations between our two countries. It is important that this matter be resolved by the end of this year as agreed earlier, and I am hopeful that an acceptable solution can be achieved.

We also look for other improvements in the area of standards and testing, market access for our agricultural products and high technology services, and removal of high tariffs and other price discrimination with respect to individual products such as auto parts and tobacco. An equitable resolution of these problems most certainly will ease the current deficit and will provide an improved trading atmosphere where free trade is synonymous with fair trade.

Mr. Speaker, the solution to our trade problems, as well as the broad economic problems we face, is not further moves toward protectionism. We have witnessed several such moves in this body during the last few weeks. Yet, Japan must realize that the immense trade deficit that exists between us has been the catalyst for the renewed protectionist pressures we are now experiencing. We must work together, and promptly, to solve this difficult problem. We want free trade, but it must be fair trade also.

I urge my colleagues to approve House Concurrent Resolution 376 unanimously.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Speaker, I thank my colleague for yielding.

I am sure this resolution is wise, but I wish it were accompanied by another addressed to the manufacturers of this country.

Why is there this trade imbalance? It is because the Japanese products are satisfactory to the people of this country.

I received a letter this morning from a constituent which explains so well what is happening. All her life this woman and her family have purchased American products, specifically cars of one particular manufacturer. On this American automobile, the muffler was gone and had to be replaced twice. The brackets fell out. The fan broke. Everything happened in just 1 year and 1 month, so the warranty did not hold.

I regret to say, she has a 3-year-old Japanese car now that has never had the slightest trouble of any kind. The dealer calls up to remind her, "You know it is time you had servicing again." And the warranty is for 5 years.

Until we make cars and everything else that American people want to buy, our market is going to be invaded.

I do agree that there needs to be a warning to the Japanese Government, that, we believe in free trade, but it has to be fair.

If their tariffs, against us, our tariffs should be raised against them in a reciprocal mood, even-steven. We should be firm that if they keep our products out, we will retaliate. This is not because we are becoming protectionists; this is because we are insisting on even-steven, fair trade and addition to free trade.

However, Mr. Speaker, we should warn our manufacturers. We cannot go on like this. Our consumers would suffer if we did begin to put enormous tariffs on the things they want to buy. That is not the way.

The way is competition. The way is excellence. The way is quality in our products. I think we ought to send a resolution of the same kind to our manufacturers.

Mr. Speaker, I thank my colleague for yielding.

Mr. MOORE. Mr. Speaker, I thank the gentlewoman from New Jersey for her remarks. I assure the gentlewoman this resolution is doing nothing toward the sheltering of poorly built consumer goods in this country.

What we are saying is, let us have access to the Japanese as they have to ours, and let the goods compete on a fair and free market.

I thank the gentlewoman from New Jersey for her comments.

Mr. Speaker, this resolution, sponsored by the distinguished gentleman from Ohio (Mr. VANIK) quite possibly will be the last bill brought to the floor by the Trade Subcommittee. I want to take this opportunity to recognize the tireless efforts and personal commitment the gentleman has demonstrated during his tenure as chairman of the Trade Subcommittee of the Committee on Ways and Means.

The gentleman has guided through Congress many important pieces of legislation involving trade, the foremost example being the legislation implementing the multilateral trade negotiations. After about 14 years of negotiations, the results were successfully made a part of U.S. law and can be looked upon as a premier piece of legislation, guided through the Congress almost single-handedly by the gentleman from Ohio as the chairman of our Trade Subcommittee of the Committee on Ways and Means.

His insight and distinctive abilities made the legislation possible, of which I think we will enjoy the fruits for many years to come.

On a personal note, I have always found my chairman to be congenial and a forceful advocate. Even though we disagreed at times, I have always found the gentleman, the chairman of the Trade Subcommittee of the Committee on Ways and Means, at all times a most responsible legislator and leader of this Congress. He has my congratulations on a job well done for his many long years of service.

I yield back the balance of my time.

Mr. VANIK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to express my gratitude to the distinguished gentleman from Louisiana (Mr. MOORE) for his kind remarks. I want to point out that on the Trade Subcommittee, we do not have partisan disagreements. This, I think, is one of the extraordinary experiences in the Congress because we are able to resolve the issues on which we are charged with an objective viewpoint. We try to solve common problems on a bipartisan basis and we have generally succeeded in that effort.

With respect to the statement that was made by the gentlewoman from New Jersey (Mrs. FENWICK) on the automobile quality problem, the gentlewoman could not have spoken at a more appropriate time.

□ 1420

I was delayed getting into my office this morning because my 1971 Mercury with 130,000 miles on it failed to start. Now, these are rather significant facts. The fact that this American made car is still running and doing well. I also want to point out this same automobile is one to which I owe my life. I would not be here to handle this legislation today if I had not survived a close call on the Pennsylvania Turnpike. I owe my life to the solid, safe construction of my American made automobile.

There is no higher criterion of quality than the safety to the passenger. We ought to talk more about the safety of our automobiles. I think that our goals should be gasoline efficiency and safety.

We do not have to say we have to run away from competition. I think we are certainly ahead in the criteria of safety and we are catching up on the problem of gasoline efficiency. I think all that is needed in this country is to give our domestic automobile industry just a little bit more time to catch up on the gap that exists between foreign products and American products with respect to the vast variety of selections from abroad that are available.

I have done extensive studies in Japan and I have gone through the department stores there. I will tell you that most of the items sold in our department stores are sold in Japan at a much higher price and all of those things are made in Japan. You have to search in the stores and shops of Japanese cities to find anything made in the United States or anywhere else but Japan. In the consumer field we can outprice them, we can outproduce them, and we can outquality a good many of the products.

I think it is important in the matter of trade that there be reciprocity. This is what we are talking about. We want the people of the world to have access to the best goods at the best price and I tell you that we do not have that access abroad in many places and particularly in Japan and that is why I urge this resolution today.

Mr. Speaker, I think it is highly important that we give our trading partners in the world a signal that we cannot countenance a chronic imbalance in trade or a huge deficit that is founded on a policy under which some countries want to be only sellers of goods and not buyers. Trade is a two-way street. It must operate that way, fairly, it must operate that way vigorously. I think that is the goal we suggest in submitting this resolution to the Congress today.

● Mr. ANNUNZIO. Mr. Speaker, I rise in support of House Concurrent Resolution 376, concerning problems caused by the trade deficit with Japan and urging Japan to assume a greater sense of responsibility for the trade deficit and take such steps in cooperation with the United States as are required to help correct the deficit.

Over the past 5 years, our Nation's trade deficit with Japan has constituted a major portion of our overall trade deficit with all the other countries of the world—this with a country from which we do not buy oil. In 1977, the $8.4 billion deficit with Japan compared with a $27 billion trade deficit worldwide; in 1978, it was $12 billion with Japan, $28 billion worldwide; in 1979, $8.6 billion, $24.7 billion worldwide; and the figures for the first 6 months of 1980 of a $5.7 billion deficit with Japan indicate that we may well equal the record $12 billion deficit of 1978.

The Japanese can do much more to reduce the trade imbalance between our two countries by eliminating various types of import cartels and doing away with their discrimination against foreign banks, by eliminating or modifying their regulations affecting sales of manufactured goods, and by relaxing or eliminating their restrictions on the import of agricultural products. In addition, public corporations sponsored by the Japanese Government show tendencies toward protectionism, and there is evidence that Japanese exports are artificially stimulated.

The Japanese can and must do much more to reduce the current gigantic trade imbalance, including the investment of the money they have earned through their exports in plants here in the United States to create jobs for Americans. I strongly urge the support of my colleagues for this legislation.●

● Mr. FAZIO. Mr. Speaker, I rise in support of the resolution offered by the gentleman from Ohio (Mr. VANIK). This resolution comes about at a critical time in the evolution of the relationship between the United States and Japan.

With Japan having recently elected a new administration and our own elections just held recently, we must take this opportunity to reaffirm our commitment to resolving the dangerously high trade deficit that the United States has recently had with Japan. America's trade deficit with Japan has grown to $10 billion this year alone and next year some projections go as high as $16 billion. This development is not only detrimental to the overall U.S. balance-of-trade situation, but it represents an obstacle to the stronger bond between our two nations that is in the best interest of both countries.

Japan's protectionist tariff and business policies, which tend to prevent many U.S. products from competing in the Japanese domestic market including many high-technology and agricultural products, must be discouraged. Progress has been made, most notably in the auto industry where Japanese auto firms are now beginning to locate in the United States. But there are still many improvements that can be made, such as encouraging greater use of American parts suppliers.

I would also like to take this opportunity to briefly point out that the Japanese must also continue to increase their sensitivity to the tremendous impact they can have on our overall trade deficit. I am thinking specifically of the incident which occurred early in 1979, when Japan displaced a huge amount of northern California rice by selling South Korea their highly subsidized rice at below world market prices. This had a sizeable impact on our trade deficit, since the United States has traditionally enjoyed large exports to South Korea.

Japan purchases rice from its farmers for about $1,400 per metric ton, about seven times the support price for American rice, and the highest support price in the world, by a wide margin. It is this ill-conceived domestic policy which has resulted in a Japanese rice surplus of about 5 million tons—equal to almost a whole year's production in the United States. And, by making unfair sales such as the one to South Korea, Japan is making U.S. rice farmers bear the burden of this faulty policy and adding to our overall trade deficit.

Things are improving, however. Over the summer the United States and Japan came to an agreement limiting Japan's annual rice exports to less than half the 1979 levels and establishing the framework to stabilize Japan's asking price. More can be done, as with direct trade, and I think this resolution can act as a facilitator to improving this destructive trade imbalance.●

● Mr. OTTINGER. Mr. Speaker, I am disturbed about the U.S. trade deficit with Japan. We must put strong pressure on Japan to assume greater responsibility for the deficit, and take strong measures ourselves to decrease the trade imbalance.

The impact of the United States-Japan trade deficit has been felt by all sectors of our economy. During the 1970's, our cumulative trade deficit with Japan amounted to $47 billion. In each of the past 2 years, the deficit averaged about $10 billion. One of the hardest hit groups is the auto industry. The Japanese share of the U.S. car market has increased from 2 percent in 1969 to 16.6 percent in 1979; it is running at 21.6 percent so far this year. As a result of declining sales from U.S. produced cars, the U.S. auto companies, Ford estimates, have 300,000 workers on layoff—more than 40 percent of American autoworkers are out of work—while the Japanese are shipping at least 1 million cars to the United States made on overtime. It is expected that as the trade deficit increases, so will unemployment.

The trade imbalance may be seen not only in statistics, but also in actual practice. An American auto manufacturer must go through rigorous procedures and face an expensive commodity tax if he wishes to export his vehicles to Japan. First, the Japanese require vigorous standards for vehicle quality, known as the fits and finishes standard. Second, Japan requires an inspection to insure that the vehicle has complied with various safety standards. Each and every vehicle imported by Japan is fully inspected.

Japanese imports to the United States, on the other hand, require only the manufacturer's certification that the vehicles meet U.S. safety standards. The third barrier to more equitable trade is the commodity tax. The United States charges a 15-percent commodity tax based on the full value of the car—including shipping, insurance, and more. These add-on costs drive the commodity tax up astronomically.

The bottom line is that these trade restrictions make it nearly impossible for the United States to enter the Japanese auto market—A Dodge Omni sells for $14,500 in Japan, almost double its selling price in the United States—while the Japanese encounter lenient import policies in the United States.

In the face of the above-described deficit figures and inequitable trade practices, it is clear that we must take steps to decrease the imbalance, not only in the auto industry, but also in the areas of electronics, steel, and agriculture. Our huge trade deficits create friction in our otherwise cordial relations, and erode support for an open trading policy, which has been traditionally supported by American workers and industry.

As a member of the Auto Task Force, I have listened to many of the recommendations made by U.S. auto workers and manufacturers to decrease the deficit. They have suggested that we reduce the level of Japanese automobile imports through either voluntary agreements or unilateral action, as have many European and South American countries to protect their own industries.

The Ford Motor Co. estimates that a restriction on Japanese vehicle imports could result in an increase of 120,000 jobs in auto and auto parts manufacturing. Other recommendations include encouraging the Japanese to remove various trade barriers and restrictive business practices, such as those cited above, and increasing job-creating investment in the United States.

It is clear that the United States has been a patsy in our previous trade negotiations with Japan and Europe. It is past time to get tough. Congress cannot ignore the pleas of the laid off worker in Detroit or the unemployed factory worker in any of the older cities of the Northeast. The Iraqi-Iranian war presents us with an ideal opportunity for the leverage needed to correct these trade imbalances. Japan and Europe will experience severe oil shortages from the cutoff of this oil and will surely turn to the United States under International Energy Agency arrangements to help supply their shortfall.

Our answer should be that we will be glad to help them, provided, and only provided, that they reciprocate by helping us. Japan and Europe have been uncooperative about setting up a consumer cartel to deal with OPEC and allocating oil shortages instead of bidding up the price of oil for everyone in the spot market. They have failed to cooperate where our vital interests were affected with the American hostages in Iran, taking joint action to redress the Soviet invasion of Afghanistan and helping with the Camp David talks and with critical UN votes on Israel.

For the most part, they have said their interests in access to OPEC and Iranian oil and in trade with the Soviet Union come first. Now that the shoe is on the other foot and they need our help, we must make it clear that mutuality is an unequivocable condition.

We have an unprecedented opportunity to insist on greater equity with our free world trading partners. We must not let it go by.●

● Mr. BROOMFIELD. Mr. Speaker, I rise in support of House Concurrent Resolution 376, to register the deep concern of Congress over the continuing deficit in our bilateral trade with Japan and to urge the Japanese Government to be more sensitive to its detrimental impact upon our relations.

One major area of concern that needs to be immediately addressed by the Japanese Government is the automobile trade problem.

A recent General Accounting Office report states that automotive products have become Japan's single largest export. Currently about one-half of Japan's vehicle production is intended for export, and no one knows better than those of us from the Detroit metropolitan area what serious difficulties these imports are causing the U.S. auto industry.

So far this year, the Big Three, Ford, General Motors, and Chrysler, have each lost $1.5 billion. Much of that loss was attributable to foreign imports—mainly from Japan—taking an increasingly larger share of the U.S. market.

As of October, Japanese car and truck exports to the United States were up 32 percent, and U.S. production was down more than 35 percent.

As a result, hundreds of thousands in auto-related jobs are out of work.

This is a crisis of national proportion, but it is a crisis that need not have occurred.

While the European and Japanese Governments have worked in cooperation with their major industries, the administration, through its energy, regulatory, and tax policies, has provided far more hindrance than assistance to the recovery of our domestic auto industry.

As a result, the crisis has unfolded with unemployment in auto-related industries sky high, with nearly a dozen plants closed down and many more on reduced shifts, and with the social costs rapidly escalating.

I am convinced the industry is on the road to recovery and, if it gets the proper help from the Government and some sensitive response by the Japanese, it will once again be a strong competitor in the world auto market.

We have the know-how and the talent. But it will take years, billions of dollars in new capital investment, and real cooperation between Government, industry, and labor. What the industry needs now is a breather so that it can retool and get back in the ballgame.

Our Government should impress upon the Japanese Government through every available channel that we are in a serious crisis and need their cooperation.

Certainly, the resolution before us today would help provide that important message and for that reason, it should be passed.

I hope, however, that this body will not consider our trade problems with the Japanese successfully addressed with the passage of this resolution. This resolution is only a first step in dealing with this major problem.

The Japanese must understand that if they do not show some sensitivity to our problems, we are prepared to take further action.

I have joined several of my colleagues in signing a letter to the chairman of the House Subcommittee on Trade requesting that during the subcommittee's upcoming hearings, favorable consideration be given to House Joint Resolution 598 or 606, and that either of these two resolution be brought to the floor as quickly as possible. These resolutions do not mandate the establishment of trade barriers, but rather gives the President the clear authority to negotiate a voluntary agreement to restrain imports.

Mr. Speaker, the noted economist, Robert Samuelson, pointed out that good trade relations are fundamental to the friendly ties that exist between the United States and Japan.

It is my hope that with the passage of the resolution before us today, the Japanese will understand our deep concern regarding existing trade problems and our strong desire that these problems be successfully resolved for the sake of our continuing relationship with Japan.●

● Mr. JENKINS. Mr. Speaker, today I speak in support of House Concurrent Resolution 376 concerning trade relations between the United States and Japan.

Japan is one of our greatest allies. I am sure I speak for all of my colleagues in saying that our friendship with the people of Japan is highly valued. However, our pattern of trade deficits with

Japan in recent years is of grave concern to me. My concern stems not only from the size of the deficits in recent years, but also from what I (and I think the American people) perceive to be some of the underlying causes of the deficits.

Realizing the need of our ally for substantial export markets, we in the United States have liberally opened our markets to the flow of Japanese products. In many areas, however, the Japanese have, unfortunately, failed to reciprocate. Trade barriers and business practices of the Japanese in recent years have contributed substantially to our trade deficit with Japan. In serving on the Trade Subcommittee it has become obvious to me that Americans continually face obstacles to the export of agricultural products, processed raw materials, manufactures, and services to Japan.

We must send a clear message to Japan that these barriers to American exports to their country must be eliminated if they are to maintain a viable U.S. market for their products. I urge passage of the resolution.●

● Mr. MINISH. Mr. Speaker, it is a pleasure to join my honored colleague, Mr. VANIK, in his expression of concern over our enormously unfavorable balance of trade with Japan. I believe that good relations between the United States and our friends in Japan will be critical for world stability at the end of the 20th century. Our friendship is firm and our interest in most areas is common; we have the basis for a most productive partnership. Unfortunately, trade conditions now threaten the harmony of that partnership.

The Japanese Government has before it some very specific proposals to help curtail a trade imbalance which could run to $16 billion next year. They know that this situation with their great trading partner will be damaging not just to us, but in the long run to themselves as well. What our proposals amount to is that they give American manufacturers the same treatment which they receive in our domestic markets. The United States rebuilt Japanese industry in 1946; in 1980 Japan must take steps needed to guarantee a strong American economy which the Japanese themselves depend on.

Four thousand workers in New Jersey, some of them in my district, recently lost their jobs in the shutdown of the Mahwah Ford plant. These people perceive that the generous welcome which our trade policy affords Japanese goods is partly responsible for their plight. The same situation prevails in all sorts of industry around our country. After years of generous treatment in our markets, it is time the Japanese considered our interests—and ultimately their own—and reciprocated by adjusting their own policies. I hope to see a true partnership between our great nations, which will flourish as a result.●

● Mr. KILDEE. Mr. Speaker, this resolution urges Japan to assume more responsibility for correcting the serious imbalance of trade that exists between the United States and Japan. The economic dislocation that is the result of this trade imbalance is being graphically depicted in the unemployment lines across the Nation. In the Seventh Congressional District of Michigan, which I represent and which is one of the great centers for automobile and truck production, the importation of large numbers of Japanese vehicles has pushed the local unemployment rate to 25 percent. The impact of the trade imbalance in the auto industry reverberates throughout the American economy. About half of the unemployment in my congressional district represents auto workers who have been laid off, but the other half represents workers in other industrial, service and retail businesses who are adversely affected whenever the auto industry turns downward. Products and services used by our automotive industry come from virtually every sector of our economy, with the result that one out of every six American jobs is directly or indirectly dependent on the auto industry. The U.S. Department of Labor estimates that for every 100,000 domestically produced vehicles lost to foreign imports the U.S. loses 20,000 jobs. A witness before a hearing of the Congressional Auto Task Force estimated that every Japanese vehicle imported into the United States over the 1 million level costs the Federal Government $1,000 in trade readjustment allowances (TRA). The impact of the auto-related unemployment on Federal Government finances in lost taxes and incurred costs such as unemployment compensation and public assistance is estimated at about $20 billion a year.

I strongly support this resolution because we must do whatever we can to encourage Japan to act responsibly in its trade with us by limiting its sales here, removing barriers to our products it has imposed in Japan, and buying more products from the United States. What is strongly needed is a system of fair trade, and Japan must accept some of the responsibility for achieving this fair trade.

Congress and the administration also must work together to insure that fair trade is restored between the United States and Japan, through limiting Japanese imports, requiring local content, and encouraging Japanese firms to invest in production facilities in this country.

The extremely unrealistic decision recently by the International Trade Commission serves to further emphasize the importance of this resolution and the importance of the Administration committing itself to correcting the existing imbalance of trade.

Voluntary restraints on the part of the Japanese are both warranted and necessary if fair trade is to be achieved. I am aware that U.S. Trade Representative Reubin Askew repeatedly has said that our Government cannot even informally raise the issue of voluntary restraints with the Japanese Government on the grounds that even informal negotiations would violate antitrust laws. Because I questioned the applicability of antitrust laws in this instance, and because I could see no way in which informal actions could violate the law, I asked the American Law Division of the Library of Congress to provide me with an opinion. Unlike many legal opinions which are couched with conditions, the division's response was unequivocal in stating that the antitrust laws have no applicability in this regard. Not only is the Federal Government free to engage in informal negotiations, but it also is free to engage in formal negotiations. The division's report states: "The courts have considered many times the question of the applicability of the antitrust laws to the government or to governmental agents. They have unanimously agreed that the antitrust laws were not meant to and do not apply to the government."

This resolution is necessary, Mr. Speaker, and so is further action on the part of both the United States and Japan to insure fair trade between them.●

● Mr. GEPHARDT. Mr. Speaker, I rise in support of the sense of the Congress resolution expressing concern about our trade policy with Japan.

While our trade imbalance is comprised of many factors like television, steel, semiconductors, and agricultural products, I want to address the particular problem regarding automobiles. As a member of the Auto Task Force, active both here in Washington and in my home, St. Louis, I am aware that simple answers do not present themselves for the complex situation we face. Questions regarding tariffs, duties, required percentages of local content, production levels, productivity, quality control, government regulation, consumer attitudes, and the energy crisis will not be resolved overnight. But when one considers employment levels alone, you do not need to be from the Show Me State to see the misery that exists. While U.S. employment is up 1 percent from a year ago, St. Louis employment is down 37 percent; U.S. unemployment has unfortunately risen 22 percent in the last year—in St. Louis, unemployment has increased by 50 percent. In the first 7 months of 1980 alone, the St. Louis metropolitan area has lost 7,000 to 9,000 jobs in the auto industry and $3 billion in output. Few may know that Michigan outranks only Missouri in the number of motor vehicles assembled each year—that status brings with it prosperity in good times and misery when it is bad.

While the energy crisis and the recession are involved, many of my constituents view the culprit as Japan. The proportion of the auto and truck market penetration by imports from Japan has increased from 2 percent in 1965 to 16.5 percent in 1979 and to approximately 21.6 percent in 1980. In addition to the jobs lost above, we now have a $9 billion automotive trade deficit with Japan. Something must be done.

For these reasons, I believe short-term relief on automobile imports is needed to allow our domestic manufacturers to retool. This need not be a permanent solution and, in fact, once we do retool, I would favor healthy competition between the likes of Ford, Chrysler, and General Motors with Honda, Datsun, and Toyota. But if the International Trade Commission does not provide the necessary relief by mid-November of this year, I will support legislation giving the President the authority to enter into negotiations with the Japanese and other foreign governments to limit the importation of motor vehicles in the United States for this retooling period.

One final note. My Japanese friends have been most hospitable and courteous in discussing this delicate but important subject of trade between our two nations. This sense of the Congress resolution, in my opinion, should not be approved without reference to the fact they so often emphasize to me—that we are allies, not enemies; we face greater threats to our peace and our relationship in the Persian Gulf and the Soviet bloc than we do in trading with each other; and that we can resolve our differences through mutual cooperation and trust for the good of all.

There is an old Chinese proverb that says: "Do not use a hatchet to remove a fly from your friend's forehead." Let the United States and this resolution not be a hatchet to our friendship with Japan.●

● Mr. WHITLEY. Mr. Speaker, cigarettes and other tobacco products are among those items manufactured in the United States which can compare favorably to any competing product made anywhere in the world.

In view of the tremendous trade imbalance between the United States and Japan and the announced goal of both nations to seek progress in resolving the trade deficit problems that could add to the controversy between the two trading partners, it would appear that lifting trade barriers on tobacco products by the Japanese Government would be highly desirable to both parties.

Cigarette retail prices are set by the Japanese Government, and currently, imported brands are subject to a 90-percent import duty and are priced over 60-percent higher than domestic brands. Too, American manufacturers are forced by the government monopoly to sell at prices below worldwide market prices.

Under tentative agreements now being discussed, imported cigarettes could only be sold at 8 percent of Japanese retail cigarette outlets. Also, imported brands face severe advertising restrictions and a mandatory test-market period for new brands.

Imported cigarettes now have about 1.2 percent of the Japanese market. U.S. industry sources estimate that lifting the barriers could give imported cigarettes about 10 percent of the market. The increase could improve the United States average $10 billion yearly trade deficit with Japan by about a half a billion dollars a year.

Japan's practice of importing an enormous amount of leaf and insisting on manufacture inside the country has been called analogous to the United States allowing only imports of auto sheet metal and insisting on stamping the metal and assembling 99 percent of the Japanese auto models here.

Japanese industry seeks growing markets based on the high quality of Japanese manufactured products. The U.S. tobacco industry also takes great pride in the high quality of its products and their outstanding worldwide reputation. The industry seeks to do business with Japan on that competitive basis without trade barriers and business practices that prevent and restrict a market that could help solve some problems for both nations.●

○ Mr. BLANCHARD. Mr. Speaker, I believe that the various issues involving United States-Japanese economic relations have crucial long-term as well as short-term significance. That is why I am cosponsoring House Resolution 376, a sense of the Congress resolution expressing concern about our unacceptable trade imbalance with Japan and urging new efforts by both governments to narrow the trade gap.

Japanese auto imports and their effect on the American auto industry have become a controversial and much discussed aspect of United States-Japan economic relations. As is frequently the case when a particular segment of American society is directly affected by a problem, issues become cast in simplistic "us versus them" terms. So it is said that the Japanese are responsible for the economic downturn in our domestic auto industry, or conversely, that the U.S. auto industry can only blame itself and its own poor management for the current slump in auto sales. Unfortunately, the issue is not that simple, and I am concerned that both the important questions and the need for action are being buried by a barrage of slogans that have polarized, politicized, and regionalized this issue.

The fact is, trade relations with the Japanese and the health of the American auto industry are matters of national importance. There is no question about the vital role that the American automobile industry plays in our national security. It drives and sustains our basic industries such as copper, rubber, steel, et cetera. There is no question about the impact that the auto industry has on the number of available jobs in this country. Various estimates calculate that one out of six jobs directly and indirectly are related to the auto industry. And there is no question about the need to maintain a close and cooperative relationship with our Japanese allies. They are our most important ally in the North Pacific.

The problem, as you know, is that American companies are not yet equipped to produce enough fuel efficient cars to compete fully with the Japanese. The major reason is the radical shift in the allocation and pricing of oil from a loose market to a strict cartel and the eventual decision in this country to begin decontrolling the price of oil. The U.S. auto companies are reaping windfall losses for the same reason that the U.S. oil companies are reaping windfall profits. While there is plenty of blame for the current situation to go around, it is now clear that U.S. auto companies are investing many billions of dollars and moving as quickly as possible to retool plants for the production of new fuel efficient cars. But most industry analysts believe that there will be at least a 2- to 3-year period of transition before our industry is geared up to effectively take on the Japanese.

Increasingly, the perception, if not the reality, is that the Japanese are trying to take advantage of this transition period in the American industry by producing more cars than ever before for export to the United States. Japan has pursued a conscious government policy to cultivate and develop their own auto industry over a period of years, with substantial government assistance and cooperation. In just 2 years the Japanese share of the U.S. market has increased from 12 to 20 percent, and indications are that the Japanese are planning to further expand their production over the course of the next few years, with the U.S. market serving as their exclusive target.

The Japanese have encountered trade restrictions in virtually every other country in the world where they currently send auto exports, and they have been willing to work out agreements with those countries on trade restrictions. They have now turned to the massive and especially vulnerable American market during this time of rebuilding by our domestic manufacturers to step up their export sales. Japanese workers are now working overtime to produce greater numbers of cars for export to the United States while, as you know, one-third of U.S. auto workers are on layoff.

In addition to the obvious short-term problems facing our domestic auto industry, the impact of the current Japanese auto trade problem could become more far reaching in terms of both economic and foreign policy in the long run.

Allowing the Japanese free reign during our industry's current transition period could inflict permanent, or at least long-lasting damage on the American auto industry, and in turn, on the American economy. Of course, we all know that the purchase of a car is the second largest investment that most people make in their lives. In many cases the purchase of a particular company's product becomes traditionalized by people or by whole families. Most people are familiar with the common phenomenon of the family who over generations has preferred one particular car manufacturer over another. Historically that has always been a major factor that influences the choice of what kind of car a person buys—and what his sons and daughters will buy as well.

This is something which is important to remember when considering the long-term impact of allowing the Japanese to gain the foothold they are after in our market. Certainly our companies will be able to more effectively compete in 3 years, if they can stay alive that long in some cases. But even then, Japan's head start will leave our companies at a marked disadvantage, if not in a permanently weakend condition.

This will weaken our national security. This will weaken our job market. And this will substantially increase joblessness and the cost of welfare.

It is also important, to realize that growing resentment for Japanese trade policies could become a threat to overall relations with Japan if people continue to perceive that the Japanese have some responsibility for the level of unemployment in the U.S. auto industry. This will not only weaken American attitudes toward alliances with other countries, but also toward assistance to our friends around the world. Some may argue, in the short run, there could be some energy savings with more Japanese cars on our highways, and that intense Japanese competition will help keep prices lower. But I do not believe that people are willing to trade off the long-term benefits of a viable, healthy domestic auto industry, employing directly or indirectly one out of every 6 people in this country, for short-term energy savings that might result from more Japanese cars in the American market. And while the Japanese have been helpful to us on the international front, their efforts will ring hollow in the minds of thousands of Americans who believe that they have permanently lost their jobs as a result of the Japanese taking unfair advantage of the U.S. market.

We cannot allow short term, short-sighted considerations, however valid, to result in: Permanent damage being done to a vital American industry, the possible loss of thousands of American jobs, and the possibility of damaged future relations with an important American ally in the Western Pacific.

It is my understanding that the President could act now to seek a resolution of this problem through a negotiated agreement with the Japanese. We have received some mixed signals from the administration regarding the possibility of seeking a temporary restraint of exports agreement with the Japanese.

First the administration indicated that any such negotiations with the Japanese would result in infractions of U.S. antitrust laws. Then, when legislation was introduced in Congress to change those laws to make it possible for such action to take place, that legislation was referred to by the administration to substantiate their argument that there was in fact a problem with antitrust laws.

Hopefully, House Resolution 376 will help to encourage both our Government and the Japanese to begin to address the imbalance of United States-Japan trade. Failure to address that imbalance will not only cause greater economic harm in the short run but could result in far more disasterous long-term consequences. The strength of economic recovery in the domestic auto industry may well depend upon some limitation of Japanese imports into the United States. Just as important, however, the long-term alliance between the United States and Japan will be weakened, if not undermined, by a failure to amiably resolve this important problem.●

● Mr. EVANS of Indiana. Mr. Speaker, I would like to add my wholehearted support to that of my colleagues this worthy resolution relative to the critical problem of the Japanese-United States trade imbalance.

It is essential that the Japanese Government know the seriousness with which the U.S. Government regards this trade deficit which averages $10 billion per year. I am sure my colleagues themselves are all too aware of the effect of that trade deficit as we witness the reduction of industry and the tragedy of unemployment in our districts. This trade imbalance is such a major factor in the health of American industry the Japanese must be made aware of our resolve to address it. This deficit undermines all other efforts to support the health of American industry.

I remain hopeful that the tradition of good trade relations between the United States and Japan will be the guide for future cooperative action on the part of the Japanese. I am confident that the Japanese Government will realize that it is in the interest of that country to preserve the spirit of that relationship and remove the restrictive policies which prevent the sale and import of American goods.

In the past, our good will has been of immeasurable benefit to Japan's industrial growth. Surely we can expect the same cooperation of support that such a relationship engenders. I appeal to the Japanese Government to recognize the seriousness of this resolution agreed upon by the House today.●

● Mr. YATRON. Mr. Speaker, I join with my colleagues in expressing my concern about our trade deficit with Japan and my strong belief that new efforts by both governments must be initiated to reduce this economically unhealthy trade imbalance.

I am hopeful that the new administration in Japan will join with the U.S. Government in taking the necessary action to decrease our massive trade deficit. The resolution of this problem must be addressed in such a way as to protect the very substantial trade pattern which has existed between Japan and the United States in a way that does not harm our present relations with this most important ally.

By our united efforts to assure greater responsibiltiy in trade relations between our two nations, we can effectively address our bilateral commercial problems before the trade deficit grows any larger. Our negotiations with the Japanese Government regarding the automobile import problem have resulted in vital commitments which will aid our domestic automobile industry. I am confident that, working together, greater progress can be made regarding all important areas of trade. By working together we can look forward to continued good trade relations between our two nations.●

● Mr. VANDER JAGT. Mr. Speaker, today the House has before it House Concurrent Resolution 376, a bill addressing the huge trade imbalance between the United States and Japan. As a cosponsor of the resolution, I urge House Members to follow the recommendation of the House Committee on Ways and Means, and its Subcommittee on Trade, to seriously consider the implications and consequences of a decade of trade imbalances totalling almost $47 billion. The imbalance is not limited only to automobile imports, but extends to commodities ranging from steel to electronics to telecommunications. The U.S. trade imbalance with Japan has grown startingly worse since 1976. From the beginning of 1976 to the projected end of our current fiscal year, the combined trade imbalance with Japan will grow to $4.3 billion.

The severity of the problem is not simply confined to America's domestic and international fiscal position. But it becomes an attitudinal concern which threatens America's historical position as the leading free trading nation of the world. Confronted annually with an inordinate trade imbalance, it is almost natural for American business and political leadership to demand trade restrictions as the solution. Over the past several years this has proven true for steel, television, textile, and a host of other imports. Without prompt corrective action by the Japanese Government, and corresponding stimulus and incentive provisions for American exporters to Japan by the Congress, the call for import restrictions will become dangerously irresistible.

The House Committee on Ways and Means, its Subcommittee on Trade, and the administration have each recently published summaries of the problems and proposed general and specific remedies. Perhaps most useful of these reports is that authored by Congressmen VANIK, JONES, and FRENZEL. Their conclusions, which form an essential portion of the report on House Concurrent Resolution 376, point to five generalizations summarizing United States-Japan difficulties. Though I fear charges of plagiarism, I find their conclusions most helpful and list them below for the benefit of the Congress:

FACTORS TO BE CONSIDERED WHEN EXAMINING UNITED STATES-JAPAN TRADE PROBLEMS

1. Japan today is generally an open trading nation, although some very tough, residual attitudes of protectionism remain. Are current complaints about Japan's closed markets accurate, or are they based on example and perceptions from the recent past when Japan was indeed largely closed to imports?

2. Is a specific trade problem due to Japanese trade barriers, or is it due to declining competitiveness of a U.S. product, relative to third countries and/or Japanese manufacturers? In a wide range of products, the United States has been losing market share in Japan (see p. 6). The following example on the recent controversy over autos illustrates these two points:

Originally, Japan was extraordinarily protectionist in autos, encouraging her industry to build up to world-class status without serious foreign competetition. Once she had developed a highly-competitive, quality product, she rapidly reduced her trade barriers. Today, selling autos into Japan is like carrying coals to Newcastle—Japan can afford to have almost totally free trade in autos. Yet the perception, reflected in letters and calls to the Subcommittee, is that Japan has high tariffs on autos, discriminating against our cars so that a $6,000 vehicle in the U.S. is sold for $20,000 in Japan. In reality, Japan has a zero tariff on autos compared to our 2.9 percent. A $6,600 U.S. auto will retail for about $12,100 in Japan[1] reflecting safety and retailing burdens which also apply to Japanese autos. Seldom asked is how the United States can expect to sell many autos in Japan, when we do not make any autos with steering wheels on the right side of the car, and whether U.S. autos can compare with European autos in mileage and quality. Between 1958 and 1979, the U.S. share of the small Japanese imported auto market fell from 83.4 percent to 20.6 percent.

We are not excusing Japan's inexcusable auto protectionism, we are merely showing that when expending political capital on a trade issue, we must have up-to-date facts and an awareness of changing conditions of U.S. competitiveness.

3. In examining current and future United States-Japan trade problems, it is also instructive to study the management of past problems.

How successful was our approach?

Were we dealing with the underlying problem or only a short-term manifestation of the problem?

The most expedient method of handling tension on a short-term basis might not be the most effective long-term solution. For example, rather than expending enormous goodwill forcing Japan to buy a few more tons of beef, could we have gained more by encouraging Japan to switch to a farmer deficiency payment type system or by addressing the real underlying problem, i.e., Japanese food supply insecurity?

4. Solving trade problems also requires a sensitivity to the politics of Japan and to the avenues available for mobilizing support. For instance, the power of such broad interest groups as farmers and small businessmen is not always a threat. At times, constituencies within these groups can be moved to see the benefit of importing certain U.S. products, and thus encourage liberalization of specific trade restrictions. The United States should seek to stress Japan's self-interest, rather than just relying on pressure tactics. We should also remember that the bureaucracies of Tokyo are as complex as Washington's and that there are many ways of tackling a problem.

5. Finally, trade problems with Japan must be viewed within the context of her resource dependence and consequent need to export to pay for imports. Japan is the world's largest importer to nonmanufactured goods, and hence, very vulnerable. Her desperate need to earn foreign exchange to import 99 percent of her oil and 88 percent of her total energy supply explains her preoccupation to export, export, export. Manufactured exports have been the only means to obtain imports, for Japan has little else to sell. Yet it is worth noting that Japan's export of goods remains a relatively low proportion of her gross national product (GNP).

The sensitivity to unique cultural and market aspects of Japanese import policy expressed by Congressmen VANIK, JONES, and FRENZEL certainly is not mentioned by me as justification for continuation of the status quo by the Japanese Government. The Ways and Means Committee report on House Concurrent Resolution 376 notes several areas where import policy changes by the Japanese Government could reduce the huge American-Japanese trade imbalance. In the areas of high technology services, Japanese Government procurement practices, and the importation of American agricultural products changes are necessary.

Perhaps the most important function of House consideration of House Concurrent Resolution 376 is to impress upon the Japanese Government the unsatisfactory state of our trade relations. Suggestions for specific action by the Japanese to improve the situation have been communicated. I urge serious consideration of these suggestions, hoping the Japanese will take note of our dissatisfaction.●

● Mr. BROYHILL. Mr. Speaker, I rise in support of House Concurrent Resolution 376, which expresses the sense of Congress that Japan act now to reduce the trade deficit which currently exists between Japan and the United States. We are all aware of the growing imbalance of trade between the two nations—with the accompanying consequences to our own economy and labor force.

Over recent months, the most publicized consequences of our trade deficit with Japan have been in relation to the domestic automobile industry. However, the impact of our trade imbalance is felt by a great many other industries. The domestic textile and apparel industries have been particularly hard hit by the increasing number of imports from Japan. From January through June of this year, the United States exported a total of $60.6 million in textiles to Japan, compared with $172.7 million in textiles which we imported from Japan during the same time period. During those same 6 months, we exported $41.1 million in apparel to Japan, while we imported $85 million in apparel from Japan. Surely, these statistics indicate the seriousness of our trade-deficit problem and emphasize the pressing need to close the gap between our import levels and our export levels.

We must urge Japan to act quickly to remedy the inequities which have resulted from their restrictive trade barriers and business practices. I urge the adoption of House Concurrent Resolution 376 to demonstrate to Japan our commitment toward correcting this situation, and insuring that relations between the two countries remain as favorable and positive as they have been over the last several decades.●

● Ms. MIKULSKI. Mr. Speaker, as a cosponsor of House Resolution 376 and a member of the Auto Task Force, I want to join Congressman CHARLES VANIK, chairman of the House Ways and Means Subcommittee on Trade and my other colleagues in expressing our concern regarding the severe trade imbalance with Japan.

I represent part of the city of Baltimore, Md.—a city which has been severely affected by imports. In fact, we now have the second highest big city unemployment rate in the United States, second only to Detroit, Mich. Thousands of steelworkers have been laid off by the Bethlehem Steel plant at Sparrows Point. Thousands of auto workers were laid off when General Motors stopped work at their plant on Broening Highway.

Every one of these figures represents not just a statistic but real human tragedy for the people and the families involved. Across the United States almost three-fourths of a million workers are unemployed because of the situation in the automobile industry. Employment in the steel industry at hourly wages reached its lowest ebb since the dark days of the Depression. Every one of these figures represents not just a statistic but real, human tragedy for the people and the families involved. It means that neighborhood store owners' receipts go down and in fact in many instances they wind up extending credit to keep their customers afloat. Thus, economic devastation spreads throughout our community.

I have traveled to Japan, and I have met with business and Government leaders in that country. I realize that we live in an interdependent world, and I do not believe for 1 minute that we should try to erect high barriers between countries. But I also believe that the Government of Japan must understand that we will not tolerate the export of unemployment here. We must work out better solutions, including restraint at appropriate times, to enable us all to live together.

I am hopeful that with the passage of this resolution our friends in Japan will become aware of the situation in which we find ourselves, and that together we can work out equitable solutions to end this enormous trade imbalance.●

● Mr. COTTER. Mr. Speaker, I rise in support of House Concurrent Resolution 376, which was considered by the Trade Subcommittee of which I am a member, and favorably reported by our Committee on Ways and Means on September 18, 1980. This sense of the Congress resolution notes the problems caused by the level of United States-Japan bilateral trade deficits, and calls upon "Japan to assume a greater sense of responsibility for the trade deficit and take such steps in cooperation with the United States as are required to help correct this deficit."

During the past 10 years, the United States has incurred a cumulative trade deficit with Japan of $47 billion, and as we point out in the report on this resolution, administration officials estimate that the deficit for 1980 will be approximately $9.6 billion. This trade imbalance must not continue, and we must pursue policies aimed at reducing this unacceptable deficit. The passage of this resolution is a confirmation of our intention to do so.

There are several elements which contribute to this trade imbalance: An underlying U.S. weakness in international competitiveness, a lack of American export consciousness; a trade policy that is import-oriented rather than export-oriented, currency misalinement, and an assortment of Japanese trade barriers and business practices. Many of these elements must be addressed by our Government, but the Japanese Government must also address and dismantle trade barriers which prevent or restrict the importation or sale of American goods in areas within the fields of agriculture, processed raw materials, manufacturing, and services. It is estimated that these trade barriers reduce U.S. sales to Japan by at least several billions of dollars annually.

---

[1] "U.S.-Japan Trade: Issues and Problems", GAO, Sept. 21, 1979.

We are all aware of the dramatic increase in U.S. automotive imports from Japan. In 1979, Japanese imports accounted for 76.1 percent of the total sales of imported cars in the United States. This amounted to 21.9 percent of the share of new car sales being taken by imports, and during the first half of 1980, this share of new car sales has risen to 27 percent. Many U.S. automobile makers believe that this increase in competition from Japan has contributed to the financial distress of the Chrysler and Ford Corps. and to the growing number of unemployed in the automobile industry and its suppliers. Last month, nearly 250,000 auto workers were reported to be on indefinite layoff.

Earlier this year, our Trade Subcommittee held hearings on world auto trade. At those hearings, Douglas Fraser, president of the UAW, called for legislation to provide a North American content of up to 75 percent for any foreign cars which achieve substantial sales in the United States. Such a measure would require Japanese investment in the United States and Canada so that facilities to build fuel-efficient, foreign-engineered cars and trucks will be operational by the mideighties. The success of the Volkswagen of America facility in Pennsylvania is the most convincing evidence that American workers can produce a quality product, Mr. Fraser testified, in response to questions concerning American engineering and production control problems.

A voluntary decision on the part of Japanese auto makers to establish factories in the United States would be an indication of their willingness to help us resolve our trade imbalance in the auto industry.

Another step which should be taken by the Japanese is the dismantling of trade barriers which are now artificially tripling the retail price of U.S. automobiles in Japan. The Japanese levy a commodity of 20 percent on the landed cost of every American car, which is figured on the car's wholesale value, plus entry fees and transportation costs. Because Japanese standards for new cars are different, modifications which dealers must make can add more than $1,000 to the price of each car. Dealer markups on American cars can run as high as 37 percent. These markups are justified by the Japanese as necessary because American car sales volume is too low to afford a profit without the markups, and because Japanese auto makers generally will not allow a dealer who sells foreign cars to sell Japanese cars too. Such levies mean that an intermediate car which carries a factory price in the United States of $6,350 would sell to the Japanese buying public at $20,175, making it prohibitively expensive for most Japanese to own.

I believe the Japanese Government should take the necessary action to reduce these trade barriers, and the passage of House Concurrent Resolution 376 would help spur new efforts along these lines.

Although the auto import situation is one of the most serious we are facing at this time, other industries are clearly disadvantaged by Japanese trade restrictions such as the telecommunications industry, the agricultural and tobacco products industry. Access to the Japanese markets for these U.S. industries must also be opened in order to address the trade deficit. In passing this resolution, I believe we will be getting the message across to Japanese leaders that we cannot and will not sit idly by any longer and watch American industries close their doors because they are restricted from competing, while Japanese firms grow and prosper because of America's unique free-market trade policies.●

● Mr. JONES of Oklahoma. Mr. Speaker, I rise in strong support of House Concurrent Resolution 376, which expresses the deep concern of Congress relative to our dangerously large balance-of-trade deficits with Japan, and calls upon Japan to voluntarily assist in reducing that unacceptable deficit.

As we emphasized in our recent report on United States-Japan trade relations, it is essential to a healthy and productive future trade relationship between our two nations that the Japanese: First, exercise voluntary restraints on their exports to the United States, and second, that Japanese companies invest in job-producing facilities in the United States.

Our colleagues who participated in preparation of the most recent United States-Japan trade report recognize that Japan has made many encouraging moves to open its markets to U.S. businessmen, but we also agree unanimously that more can be done to address the trade imbalance issue.

Mr. Speaker, passage of House Concurrent Resolution 376 today will send an unequivocal message to our Japanese trading partners that Congress and the U.S. Government expect both restraint and reciprocity to be in greater evidence over the next crucial months. Our firm action today will make it clear Japan must assume responsibility for her share of the political and economic burdens current trade deficits impose on our two nations. I urge my colleagues to join members of the House Trade Subcommittee and the United States-Japan Trade Task Force in sending this message to Japanese officials by supporting passage of House Concurrent Resolution 376.●

● Mr. FORD of Michigan. Mr. Speaker, I cannot too strongly express my support for House Concurrent Resolution 376 as a means of emphasizing my deep concern over the dangerous trade imbalances with our friends and partners in Japan.

These trade deficits, averaging $10 billion annually, pose a serious threat to our Nation's economy and to our long-term relationship with Japan. The situation is absolutely unacceptable, and cannot be allowed to continue. I realize that some progress has been made as the result of meetings attended last month in Japan by U.S. Trade Representative Reubin Askew. But the problem is far too big to be tackled with promises and token actions. We need solid, long-lasting changes in our entire trade relationship.

Japanese trade barriers must be relaxed, and the concept of free trade between our two nations must move toward reality—and must move quickly. The alternative will be protectionist demands that will threaten the fine relationship that the United States and Japan have enjoyed for the past three decades.●

● Mr. BRODHEAD. Mr. Speaker, I want to express my strong support for House Concurrent Resolution 376, which conveys congressional concern about our unacceptable trade imbalance with Japan and urges new efforts by both Governments to narrow the trade gap.

The principal reason for this enormous trade deficit can be found by looking at the auto trade account. Last year, the severe imbalance in United States-Japan auto trade produced a deficit of over $9 billion—an amount equivalent to one-third of the total U.S. trade deficit worldwide (including oil imports). But most significantly it is estimated that these imports represent about 250,000 lost manufacturing jobs in the United States.

New estimates now indicate that the 1980 auto trade deficit could rise above $16 billion. With a third of U.S. auto workers currently unemployed, we simply cannot afford to continue to tolerate such an extreme imbalance in the trade of our largest industry.

House Concurrent Resolution 376 serves to put the Japanese on notice that their unrestrained trade policies are extracting an unacceptably high price from American workers. I urge them to heed this message.●

● Mr. PORTER. Mr. Speaker, America's current trade imbalance with Japan, if continued, portends a state of tension between our two countries that both, I think, are anxious to avoid. We have been allies and trading partners for many years, enjoying a good and close relationship that has brought substantial benefits to both parties. But a widening trade deficit, in our current economic circumstances, can obviously only lead to further difficulties for American workers and for our domestic industries, particularly the U.S. automobile industry, and to increased demands for protectionist measures.

We must maintain the generally free trade that has obtained between Japan and the United States. Protectionism leads only to retaliation, which disadvantages both parties. But on occasion, some accommodation to the other trading partner's circumstances is not only justified but necessary. This is one of those occasions, and I would hope that this message comes through loud and clear to our Japanese friends. The ball is in their court and if played properly will allow the good will and friendship between our nations to continue unabated and, in fact, be enhanced.●

● Mr. MURPHY of Illinois. Mr. Speaker, I would like to associated myself with the remarks of our distinguished colleague, Mr. Vanik, on the subject of our Nation's unacceptable trade imbalance with Japan.

For many years I have fought against unfair trade practices, particularly the dumping of television sets and steel in the United States by Japan and Europe. It is my hope that our good friends and trading partners in Japan will be sensitive to the problem of unemployment in our country, and will take steps that will result in a better balance of trade between Japan and the United States. An improved balance of trade, I am confident, will insure the continuation of the free, but fair, trade that we all desire.●

● Mr. HANLEY. Mr. Speaker, I rise in strong support of House Concurrent Resolution 376, expressing the deep concern of the Congress to the Japanese Government over our unacceptable trade imbalance, and urging continuing efforts to develop new means of narrowing that trade gap. This measure seeks a cooperative solution toward the attainment of that goal. Current estimates indicate a trade imbalance of as much as $16 billion in 1981, and there is no doubt in my mind that neither nation can afford the continuation of this serious problem.

Of primary importance in our future negotiations will be efforts to reduce Japanese trade barriers and business practices which contribute so heavily to the imbalance by restricting the importation and sale of American goods in such important areas as agriculture, processed raw materials, high technology products and services. Of equal significance will be efforts to intensify existing efforts to resolve problems in the auto and telecommunications markets. Increased Japanese investment in this Nation, especially in the auto industry, will play a key role in this process.

This resolution is an effort to drive home to the Japanese the deep sense of concern felt by the Congress over the need for immediate action. I am confident that we can move forward in a spirit of cooperation, and I urge unanimous acceptance of the resolution.●

● Mr. GUARINI. Mr. Speaker, I am a cosponsor and firm supporter of House Concurrent Resolution 376, legislation urging Japan to assume a greater responsibility for her huge trade imbalance with the United States.

It is essential that the Japanese Government be made aware of our strong feelings on this matter, for quite frankly, the current situation is simply intolerable. Our deficit for the past 2 years has averaged approximately $10 billion annually, and both American and Japanese officials are projecting that that deficit will grow even more considerably in the coming years. In fact, there have been some estimates suggesting that our 1981 trade deficit could be as high as $16 billion.

Needless to say, under such circumstances, support among the American people for an open trading system is bound to wither. Especially when one takes into consideration the many marketing areas where Japanese trade barriers and business practices prevent and restrict the importation and sale of American goods, ranging from agricultural products to processed raw material to high technology.

It is incumbent upon us to make our thoughts on this matter known to Tokyo in the most effective manner possible. Passage of this resolution will reinforce the message which we have been trying to impress upon the Japanese. Accordingly, I urge all of my colleagues to join me in supporting this responsible and important legislation.●

● Mr. SEIBERLING. Mr. Speaker, I rise in support of House Concurrent Resolution 376, a resolution urging Japan to accept more responsibility for the trade deficit between the United States and Japan, and to take such cooperative steps as are necessary to reduce the deficit. I am a cosponsor of House Concurrent Resolution 376, as I am a cosponsor of a number of similar resolutions.

In general I have long supported the concept of increasing world trade through the reduction of tariff and nontariff barriers, rather than decreasing it through the erection of new barriers. I continue to believe that this is the best long-run policy for the United States, and that GATT and similar agreements are in our overall national interest. Yet it is becoming clear to me that all too often the United States respects the letter and spirit of these agreements, while our global trading partners tend to play a little "closer to the chest" in protecting home industries through various restrictive devices and subsidies.

During the 1970's, our cumulative trade deficit with Japan amounted to $47 billion. Not all of that deficit can be attributed to trade barriers erected by Japan. In a perceptive address to the Automotive News World Congress, John J. Nevin, president of the Firestone Tire & Rubber Co., which is headquartered in my congressional district, makes some revealing evaluations of the problems of the trade imbalance between the United States and the rest of the world. Mr. Nevin concludes that nontariff barriers to trade are, indeed, a problem. Yet, he also concludes that other factors have eroded the U.S. global trading position.

Prime among these other factors is the comparative structure of the U.S. and foreign tax systems. While space will not permit me to go into as much detail as I would like, basically, Mr. Nevin argues that the "direct tax" structure of the United States puts our country at a competitive disadvantage with the "indirect tax" structures of Japan and Western Europe. International trade agreements permit countries to impose indirect taxes when a product is imported, and to rebate indirect taxes when a product is exported. Thus, U.S. automobiles are assessed an indirect tax when imported by other countries. Other governments, on the other hand, give an indirect tax rebate when their cars are exported.

Since the United States does not impose a price-equalizing "border tax" on imported cars as most other countries do, imported autos benefit from a double advantage—there is a tax incentive in their own country to export, and the U.S. tax structure is such that these exported cars can be priced to compete very effectively with American domestic cars. The decline in domestic sales of American cars speaks for itself. Surely we must give high priority to developing new tax policies—perhaps a border tax—that will offset these indirect taxes and tax rebates.

Clearly most countries benefit from international trade that is relatively free from artificial trade barriers. Yet the international reduction of trade barriers requires all countries to act responsibly to foster reasonable balances of trade. I hope that passage of House Concurrent Resolution 376 will serve notice to the Japanese Government—and to the rest of the world—that we expect more cooperation on matters of international trade than we have thus far obtained. If our global trading position continues to decline, then I have little doubt that stronger measures will be called for and will be adopted.

Recently, the International Trade Commission decided not to recommend to the President that reasonable import limits be imposed. Thus, I have introduced legislation setting mandatory import limits for 3 years—1981, 1982, and 1983. I believe that there truly is an emergency justifying such an action. Detroit was slow to respond to consumer demands for small, reliable, fuel-efficient cars, but we cannot let the lack of foresight shown by the auto companies prevent us from taking steps to halt job losses in the industry, and to give the industry time to retool to meet the import challenge.

I am still hopeful that our trading partners will respond voluntarily to these clear signals from Congress and from the American public that they must act to restrain exports to the United States. Failing that, I intend to work for mandatory import limits. In a time of growing international tension, it is vital that we foster cooperative working relationships with our allies. Our trade imbalance with allies such as Japan seriously endangers that cooperation.●

● Ms. OAKAR. Mr. Speaker, the tangible results of our cumulative trade deficit with Japan of $47 billion are apparent all over this country. Among these results are: An historic and devastating unemployment high of nearly 1 million in the auto and auto-related industry, many auto factories permanently closed, hundreds of communities traumatized, and the specter of huge auto companies running enormous deficits. And through all of this, the Japanese automakers share of the U.S. market has climbed to beyond 30 percent. These are the results of a "free trade" policy that is definitely not a fair trade policy.

What is needed to restore the fairness to our foreign trade policy is a twofold effort to, first, negotiate with the Japanese to have them voluntarily reduce their auto exports and remove trade barriers to U.S. auto-related imports, and, second, require Japanese auto manufacturers to build their plants and purchase at least part of their auto parts here in the United States. I have no doubt that when the full authority of the U.S. Government is behind such a negotiation that the results will be achieved quickly. But what is needed is a firm commitment on the part of the administration to pursue these negotiations.

Some progress was made by the Special Trade Representative when he was in Japan in May. The Japanese Government did agree to reduce at least some of the barriers to U.S. auto imports. In addition, it was arranged at that time that Japanese manufacturers would tour the United States in order to determine the possible site for U.S.-based plants. And yet the results of that tour were inconclusive. It is a beginning, but much more needs to be done.

One of the things that can be done is being accomplished here today. Thanks to the able leadership of my colleague, the chairman of the Subcommittee on Trade, Congressman **CHARLES VANIK**, we are sending an important message to the Japanese Government. That message is one of concern, first of all for the hundreds of thousands of our constituents who are without jobs, or even the hope of jobs in this recession, and concern also for our very important alliance with Japan. It is necessary for the Government and people of Japan to know that we are very serious about reducing this tremendous deficit and rapidly healing the wounds of our prostrate auto industry. To mistake our seriousness in this matter for election-year politics would be to make a very grave error. It is the sense of this Congress that the administration begin as soon as possible to negotiate more equitable trade arrangements with the Japanese Government.●

Mr. VANIK. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. **VANIK**) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 376, as amended.

The question was taken.

Mr. MOORE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. VANIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the several bills that were reported out by the Subcommittee on Trade of the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

Mr. NICHOLS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1918) to amend title 10, United States Code, to revise and make uniform the provisions of law relating to appointment, promotion, separation, and retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the grade of commodore admiral in the Navy, to equalize the treatment of male and female commissioned officer, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Defense Officer Personnel Management Act".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. References to title 10, United States Code.

TITLE I—AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE—GENERAL MILITARY LAW

Sec. 101. Definitions.
Sec. 102. Exclusion of certain personnel from annual end-strengths; annual report on estimated officer personnel requirements for next 5 years.
Sec. 103. Officer strength and distribution in grade.
Sec. 104. Original appointments in regular commissioned officer grades.
Sec. 105. Temporary appointments and promotion, separation, and involuntary retirement of officers on the active-duty list.
Sec. 106. Authority to order retired members of regular components to active duty; grade in which reserve officers ordered to active duty.
Sec. 107. Rank of commissioned officers among themselves.
Sec. 108. Right of retired officers to command.
Sec. 109. Separation pay upon involuntary discharge or release from active duty.
Sec. 110. Involuntary separation of regular officers for unsatisfactory performance of duty or for certain other reasons.
Sec. 111. Retirement of regular commissioned officers at age 62.
Sec. 112. Requirement of 3 years service in grade for voluntary retirement.
Sec. 113. Computation of retired pay of regular officers retiring for age or years of service.
Sec. 114. Officers attending Uniformed Services University of the Health Sciences to be counted against authorized military strengths.
Sec. 115. Repeal of certain gender-based differences in treatment of dependents.
Sec. 116. Extension of restrictions on performance of civil functions to all officers on active duty.
Sec. 117. Permanent authority for certain provisions relating to disability retirement.

TITLE II—AMENDMENTS TO SUBTITLES B AND D OF TITLE 10, UNITED STATES CODE—THE ARMY AND THE AIR FORCE

PART A—AMENDMENTS RELATING TO OFFICER APPOINTMENT, PROMOTION, SEPARATION, AND MANDATORY RETIREMENT

Sec. 201. Repeal of sections providing for temporary appointments in grades of general and lieutenant general.
Sec. 202. Repeal of sections relating to the authorized strength of the Army and of the Air Force.
Sec. 203. Authorized strength in grade for general officers.
Sec. 204. Repeal of sections relating to appointments of commissioned officers in the Regular Army and in the Regular Air Force.
Sec. 205. Service credit upon original appointment of reserve commissioned officers.
Sec. 206. Exclusion of reserve officers on the active-duty list from certain provisions relating to appointments of reserve officers.
Sec. 207. Repeal of sections relating to temporary appointments of commissioned officers.
Sec. 208. Repeal of sections relating to temporary appointments of warrant officers.
Sec. 209. Grade in which reserve officers are ordered to active duty.
Sec. 210. Retired regular members ordered to active duty.
Sec. 211. Repeal of sections relating to rank and command.
Sec. 212. Command by commissioned officers of the Army Medical Department and by commissioned officers of the Air Force in certain categories.
Sec. 213. Repeal of chapters providing for involuntary separation of regular officers for unsatisfactory performance of duty and for certain other reasons.
Sec. 214. Repeal of sections authorizing discharge of regular officers during three-year probationary period.
Sec. 215. Retention in an active status of certain reserve officers until age 60.
Sec. 216. Repeal of chapters relating to retirement for age of regular commissioned officers.
Sec. 217. Repeal of sections relating to retirement for length of service.
Sec. 218. Director of admissions of United States Military Academy; Registrar of the United States Air Force Academy.

PART B—MISCELLANEOUS AMENDMENTS

Sec. 231. Authority to establish new staff corps in the Army.
Sec. 232. Personnel detailed outside the Department of Defense to be counted in computing strengths.
Sec. 233. Officers serving as Chief of Staff to the President.
Sec. 234. Grade of the Special Assistant to Comptroller of the Department of Defense.
Sec. 235. Rank, pay, and allowances of Assistant to the Chief of Engineers.
Sec. 236. Repeal of sections authorizing termination of appointment or enlistment of regular female members.
Sec. 237. Repeal of prohibition of women being enlisted as aviation cadets in the Regular Air Force.

TITLE III—AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE—THE NAVY AND MARINE CORPS

PART A—PERMANENT GRADE OF COMMODORE ADMIRAL IN THE NAVY

Sec. 301. Establishment of permanent commodore admiral grade.
Sec. 302. Number of Navy staff corps officers serving in grades of commodore admiral and rear admiral.

PART B—AMENDMENTS RELATING TO OFFICER STRENGTH AND DISTRIBUTION IN GRADE

Sec. 311. Repeal of sections relating to the strength of the Navy and Marine Corps.

Sec. 312. Personnel detailed outside the Department of Defense to be counted in computing strength.
Sec. 313. Amendments relating to number and distribution in grade of flag and general officers.
Sec. 314. Repeal of sections relating to lineal lists.

PART C—AMENDMENTS RELATING TO ORIGINAL APPOINTMENTS OF COMMISSIONED OFFICERS IN THE NAVY AND MARINE CORPS

Sec. 321. Repeal of certain sections of chapter 539 relating to original appointments in the Navy and Marine Corps superseded by new chapter 36.
Sec. 322. Repeal of section providing for appointment of graduates of the United States Naval Academy.
Sec. 323. Repeal of sections limiting number of ensigns appointed annually in in certain staff corps.
Sec. 324. Original appointments in the Regular Navy of officers designated for engineering, aeronautical, and special duty.
Sec. 325. Original appointments of regular officers designated for limited duty.
Sec. 326. Temporary appointments in warrant officer grades and of officers designated for limited duty.
Sec. 327. Repeal of section authorizing temporary appointments of Navy Reserve and Marine Corps Reserve officers.
Sec. 328. Service credit upon original appointment of reserve commissioned officers.
Sec. 329. Repeal of section authorizing direct procurement of ensigns and second lieutenants.

PART D—AMENDMENTS RELATING TO PROMOTIONS, SEPARATION, AND INVOLUNTARY RETIREMENT OF COMMISSIONED OFFICERS

Sec. 331. Repeal of chapter providing for appointments to fleet commands and other positions of importance and responsibility.
Sec. 332. Abolishment for regular officers of Navy running mate system and assignment of running mates to reserve officers.
Sec. 333. Repeal of chapters relating to selection boards, promotion of officers, and examinations for promotions.
Sec. 334. Temporary appointment of certain Navy lieutenants.
Sec. 335. Repeal of sections relating to involuntary retirement, separation, and furlough.
Sec. 336. Retirement or discharge of regular limited duty officers.
Sec. 337. Elimination of reserve officers from active status.
Sec. 338. Elimination from active status in the Naval Reserve of officers in the Nurse Corps.

PART E—AMENDMENTS RELATING TO SPECIFIC POSITIONS

Sec. 341. Rank and privileges of retirement of the Director of the Office of Budget and Reports.
Sec. 342. Grade of the Chief of Dental Division, Bureau of Medicine and Surgery.
Sec. 343. Rank and grade of Judge Advocate General of the Navy.
Sec. 344. Abolishment of positions of Assistant to the Chief of Naval Personnel for Women and Director of Women Marines.

PART F—ABOLISHMENT OF CERTAIN NAVY STAFF CORPS; AUTHORITY TO ESTABLISH NEW STAFF CORPS IN THE NAVY

Sec. 351. Authority to establish new staff corps in the Navy.
Sec. 352. Abolishment of Medical Service Corps and Nurse Corps.
Sec. 353. Composition of Medical Department of the Navy.

PART G—AMENDMENTS RELATING TO RETIRED OFFICERS

Sec. 361. Right of retired officers to command.
Sec. 362. Recall and retired pay of retired officers of the Regular Navy and Regular Marine Corps.
Sec. 363. Grade of retired members when ordered to active duty.

PART H—MISCELLANEOUS AMENDMENTS

Sec. 371. Definitions.
Sec. 372. Repeal of limitation on assignment of Regular Navy officers to shore duty.
Sec. 373. Repeal of certain provisions providing different treatment of women members of the Navy and Marine Corps.
Sec. 374. Repeal of authorization for appointment of Reserve naval aviators as regular officers.

TITLE IV—AMENDMENTS TO TITLE 37, UNITED STATES CODE—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

PART A—PAY FOR OFFICERS OF THE ARMED FORCES

Sec. 401. Repeal of assignment of certain officers in the Navy and Marine Corps to the pay grade for rear admirals.
Sec. 402. Computation of creditable service.
Sec. 403. Effective date for pay and allowances of commissioned officers receiving promotions.

PART B—MISCELLANEOUS AMENDMENTS RELATING TO PAY AND ALLOWANCES

Sec. 411. Subsistence allowance for enlisted members while performing certain travel.
Sec. 412. Elimination of differences of treatment in provision of inital uniform allowance to officers.
Sec. 413. Reimbursement of expenses in connection with certain mess operations.
Sec. 414. Repeal of provisions of title 37, United States Code, superseded by section 805 of the Mental Health Systems Act.
Sec. 415. Special pay for Reserve medical officers.

TITLE V—TECHNICAL AND CLERICAL AMENDMENTS

PART A—AMENDMENTS REQUIRED BY THIS ACT

Sec. 501. Amendments to subtitle A of title 10, United States Code.
Sec. 502. Amendments to subtitle B of title 10, United States Code.
Sec. 503. Amendments to subtitle C of title 10, United States Code.
Sec. 504. Amendments to subtitle D of title 10, United States Code.
Sec. 505. Amendments to title 14, United States Code.
Sec. 506. Amendments to title 37, United States Code.
Sec. 507. Amendments to other laws.

PART B—AMENDMENTS TO MAKE TECHNICAL CORRECTIONS IN TITLES 10, 32 AND 37 OTHER THAN CORRECTIONS REQUIRED BY THIS ACT

Sec. 511. Amendments to subtitle A of title 10, United States Code.
Sec. 512. Amendments to subtitle B of title 10, United States Code.
Sec. 513. Amendments to subtitle C of title 10, United States Code.
Sec. 514. Amendments to subtitle D of title 10, United States Code.
Sec. 515. Amendments to title 32, United States Code.
Sec. 516. Amendments to title 37, United States Code.

TITLE VI—TRANSITION PROVISIONS

PART A—TRANSITION PROVISIONS RELATING ONLY TO THE ARMY AND AIR FORCE

Sec. 601. Regular officers serving in a higher temporary grade below lieutenant general or recommended for promotion to a higher grade.
Sec. 602. Reserve officers serving in a higher temporary grade below lieutenant general or recommended for promotion to a higher grade.
Sec. 603. Regular officers once failed to selection for promotion.
Sec. 604. Regular officers twice failed of selection for promotion.
Sec. 605. Reserve officers once failed of selection for promotion.
Ser. 606. Reserve officers twice failed of selection for promotion.
Sec. 607. Entitlement to severance pay or separation pay of officers separated or discharged pursuant to this part.
Sec. 608. Special tenure provisions for officers serving in temporary grades of brigadier general and major general.
Sec. 609. Right of majors and colonels to complete years of service allowed under prior law.
Sec. 610. Regular officers whose retirement has been deferred.

PART B—TRANSITION PROVISIONS RELATING ONLY TO THE NAVY AND MARINE CORPS

Sec. 611. Officers serving in a temporary grade below vice admiral or lieutenant general or recommended for promotion.
Sec. 612. Officers failed of selection for promotion.
Sec. 613. Right of certain officers to retire under prior law.
Sec. 614. Transition provisions to new commodore admiral grade.
Sec. 615. Female officers.
Sec. 616. Limited-duty officers.
Sec. 617. Certain Navy lieutenants holding temporary appointments in the grade of lieutenant commander.
Sec. 618. Director of Budget and Reports of the Navy.

PART C—GENERAL TRANSITION PROVISIONS

Sec. 621. Establishment of initial active-duty lists.
Sec. 622. Officers serving in the same temporary grade and permanent grade; date of rank.
Sec. 623. Officers serving in grades above major general or rear admiral.
Sec. 624. Years of service for involuntary retirement or discharge.
Sec. 625. Savings provision for constructive service previously granted.
Sec. 626. Miscellaneous provisions relating to years of service.
Sec. 627. Transition to officer grade-strength tables during fiscal year 1981.
Sec. 628. Right of commissioned officers with permanent enlisted or warrant officer status to retire in highest enlisted or warrant officer grade held.
Sec. 629. Savings provision for retired grade for officers not subsequently promoted.
Sec. 630. Exemption of certain officers from selective early retirement provisions.
Sec. 631. Savings provision for entitlement to readjustment pay or severance pay under prior provisions of law.
Sec. 632. Officers on active duty in grade above general.
Sec. 633. Definitions.

PART D—ADJUSTMENTS TO TRANSITION PROVISIONS FOR HEALTH PROFESSIONALS SPECIAL PAY

Sec. 641. Preservation of entitlement for reserve medical officers.

Sec. 642. Preservation of level of pay for senior dental officers.

TITLE III—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

Sec. 701. Effective dates.

Sec. 702. Preservation of suspended status of law in suspended status on effective date.

Sec. 703. General savings provision.

REFERENCES TO TITLE 10, UNITED STATES CODE

SEC. 2. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

TITLE I—AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE—GENERAL MILITARY LAW

DEFINITIONS

SEC. 101. Section 101, relating to definitions, is amended by adding at the end thereof the following new paragraphs:

"(37) 'Active-duty list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 620 of this title) which contains the names of all officers of that armed force, other than officers described in section 641 of this title, who are serving on active duty.

"(38) 'Medical officer' means an officer of the Medical Corps of the Army, an officer of the Medical Corps of the Navy, or an officer in the Air Force designated as a medical officer.

"(39) 'Dental officer' means an officer of the Dental Corps of the Army, an officer of the Dental Corps of the Navy, or an officer of the Air Force designated as a dental officer.

"(40) 'General officer' means an officer of the Army, Air Force, or Marine Corps serving in or having the grade of general, lieutenant general, major general, or brigadier general.

"(41) 'Flag officer' means an officer of the Navy serving in or having the grade of admiral, vice admiral, rear admiral, or commodore admiral.".

EXCLUSION OF CERTAIN PERSONNEL FROM ANNUAL END-STRENGTHS; ANNUAL REPORT ON ESTIMATED OFFICER PERSONNEL REQUIREMENTS FOR NEXT FIVE YEARS

SEC. 102. (a) Paragraph (1) of section 138 (c), relating to the authorization of active-duty and civilian personnel, is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) In counting active-duty personnel for the purpose of the end-strengths authorized pursuant to subparagraph (A), persons in the following categories shall be excluded:

"(i) Members of the Ready Reserve ordered to active duty under section 673 of this title.

"(ii) Members of the Selected Reserve of the Ready Reserve ordered to active duty under section 673b of this title.

"(iii) Members of the National Guard called into Federal service under section 3500 or 8500 of this title.

"(iv) Members of the militia called into Federal service under chapter 15 of this title.

"(v) Members of reserve components on active duty for training for 180 days or less.

"(vi) Members of reserve components on active duty for 180 days or less to perform special work.

"(C) The authorized strength of the Navy is increased by the authorized strength of the Coast Guard during any period when the Coast Guard is operating as a service in the Navy.".

(b) Subparagraph (D) of paragraph (3) of such section is amended to read as follows:

"(D) The Secretary of Defense shall also include in such report with respect to each armed force under the jurisdiction of the Secretary of a military department—

"(i) the number of positions that require warrant officers or commissioned officers serving on active duty in each of the officer grades during the current fiscal year and the estimated number of such positions for each of the next five fiscal years;

"(ii) the estimated number of officers that will be serving on active duty in each grade on the last day of the current fiscal year and the estimated numbers of officers that will be needed on active duty on the last day of each of the next five fiscal years;

"(iii) an estimate and analysis for the current fiscal year and for each of the next five fiscal years of gains to and losses from the number of members on active duty in each officer grade, including a tabulation of—

"(I) retirements displayed by year of active commissioned service and active military service;

"(II) discharges;

"(III) other separations;

"(IV) deaths;

"(V) promotions; and

"(VI) reserve and regular officers ordered to active duty; and

"(iv) an analysis of the distribution of each of the following categories of officers serving on active duty on the last day of the preceding fiscal year by grade in which serving and years of active commissioner service:

"(I) Regular officers.

"(II) Reserve officers on the active-duty list.

"(III) Reserve officers described in clauses (B) and (C) of section 523(b)(1) of this title.

"(IV) Officers other than those specified in subclauses (I), (II), and (III) serving in a temporary grade.".

OFFICER STRENGTH AND DISTRIBUTION IN GRADE

SEC. 103. Part II of subtitle A is amended by inserting after chapter 31 the following new chapter:

"CHAPTER 32—OFFICER STRENGTH AND DISTRIBUTION IN GRADE

"Sec.

"521. Authority to prescribe total strengths of officers on active duty and officer strengths in various categories.

"522. Authorized total strengths: regular commissioned officers on active duty.

"523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.

"524. Authorized strengths: reserve officers on active duty for administration of the reserves in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.

"525. Distribution of commissioned officers on active duty in general officer and flag officer grades.

"526. Authority to suspend sections 523, 524, and 525.

"§ 521. Authority to prescribe total strengths of officers on active duty and officer strengths in various categories

"(a) Whenever the needs of the services require, but at least once each fiscal year, the Secretary of Defense shall prescribe the total authorized active-duty strength as of the end of the fiscal year for officers in grades above warrant officer (W-4) for each of the armed forces under the jurisdiction of the Secretary of a military department.

"(b) Under regulations prescribed by the Secretary of Defense, the Secretary of each military department may, for an armed force under his jurisdiction, prescribe the strength of any category of officers that may serve on active duty.

"§ 522. Authorized total strengths: regular commissioned officers on active duty

"The authorized strengths of the Army, Navy, Air Force, and Marine Corps in regular officers (other than retired officers) in grades above chief warrant officer (W-4) are as follows:

"Army	63,000
"Navy	48,000
"Air Force	69,425
"Marine Corps	13,000

"§ 523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain

"(a)(1) Except as provided in subsection (c), of the total number of commissioned officers serving on active duty in the Army, Air Force, or Marine Corps at the end of any fiscal year (excluding officers in categories specified in subsection (b)), the number of officers who may be serving on active duty in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
Army:			
60,000	11,580	7,941	3,080
65,000	12,271	8,330	3,264
70,000	12,963	8,718	3,447
75,000	13,654	9,107	3,631
80,000	14,346	9,495	3,814
85,000	15,037	9,884	3,997
90,000	15,729	10,272	4,181
95,000	16,420	10,661	4,364
100,000	17,112	11,049	4,548
110,000	18,495	11,826	4,915
120,000	19,878	11,603	5,281
130,000	11,261	13,380	5,648
170,000	26,793	16,488	7,116
Air Force:			
70,000	13,530	9,428	3,642
75,000	14,266	9,801	3,823
80,000	15,002	10,175	4,004
85,000	15,738	10,549	4,185
90,000	16,474	10,923	4,365
95,000	17,210	11,297	4,546
100,000	17,946	11,671	4,727
105,000	18,682	12,045	4,908
110,000	19,418	12,418	5,088
115,000	20,154	12,792	5,269
120,000	20,890	13,165	5,450
125,000	21,626	13,539	5,631
Marine Corps:			
12,500	2,499	1,388	592
15,000	2,717	1,483	613
17,500	2,936	1,579	633
20,000	3,154	1,674	654
22,500	3,373	1,770	675
25,000	3,591	1,865	695

"(2) Except as provided in subsection (c), of the total number of commissioned officers serving on active duty in the Navy at the end of any fiscal year (excluding officers in categories specified in subsection (b)), the number of officers who may be serving on active duty in each of the grades of lieutenant commander, commander, and captain may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant commander	Commander	Captain
Navy:			
45,000	9,124	5,776	2,501
48,000	9,565	5,984	2,602
51,000	10,006	6,190	2,702
54,000	10,447	6,398	2,803
57,000	10,888	6,606	2,904
60,000	11,329	6,813	3,005
63,000	11,770	7,020	3,106
66,000	12,211	7,227	3,206
70,000	12,799	7,504	3,341
90,000	15,739	8,886	4,013

"(3) If the total number of commissioned officers serving on active duty in an armed force (excluding officers in categories specified in subsection (b)) is between any two consecutive figures listed in the first column of the appropriate table in paragraph (1) or (2), the corresponding authorized strengths for each of the grades shown in that table for that armed force are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of commissioned officers serving on active duty in an armed force (excluding officers in categories specified in subsection (b)) is greater or less than the figures listed in the first column of the appropriate table in paragraph (1) or (2), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table in the same proportion as reflected in the nearest limit shown in the table.

"(b) Officers in the following categories shall be excluded in computing and determining authorized strengths under this section:

"(1) Reserve officers—

"(A) on active duty for training;

"(B) on active duty under section 265, 3033, 3496, 5251, 5252, 8033, or 8496 of this title or under section 708 of title 32;

"(C) on active duty under section 672(d) of this title or section 502 or 503 of title 32 in connection with organizing, administering, recruiting, instructing, or training the reserve components;

"(D) on active duty to pursue special work; or

"(E) ordered to active duty under section 673b of this title.

"(2) General and flag officers.

"(3) Medical officers.

"(4) Dental officers.

"(5) Warrant officers.

"(6) Retired officers on active duty under a call or order to active duty for 180 days or less.

"(7) Reserve or retired officers on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

"(c) Whenever the number of officers serving in any grade is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

"(d) An officer may not be reduced in grade, or have his pay or allowances reduced, because of a reduction in the number of commissioned officers authorized for his grade under this section.

"§ 524. Authorized strengths: reserve officers on active duty for administration of the reserves in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, and captain

"(a) The number of reserve officers of the Army, Air Force, and Marine Corps who may be on active duty in each of the grades of major, lieutenant colonel, and colonel, and of the Navy who may be on active duty in each of the grades of lieutenant commander, commander, and captain, as of the end of any fiscal year for duty described in subclauses (B) and (C) of section 523(b)(1) of this title may not exceed the number for that grade and armed force in the following table:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	821	823	170	51
Lieutenant colonel or commander	503	425	183	35
Colonel or Navy captain	163	177	146	19

"(b) Whenever the number of officers serving in any grade is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

"§ 525. Distribution of commissioned officers on active duty in general officer and flag officer grades

"(a) No appointment may be made in a grade above brigadier general in the Army, Air Force, or Marine Corps if that appointment would result in more than 50 percent of the general officers of that armed force on active duty being in grades above brigadier general. No appointment may be made in a grade above commodore admiral in the Navy if that appointment would result in more than 50 percent of the flag officers of the Navy on active duty being in grades above commodore admiral.

"(b)(1) No appointment may be made in a grade above major general in the Army, Air Force, or Marine Corps if that appointment would result in more than 15 percent of the general officers of that armed force on active duty being in grades above major general. In the case of the Army and Air Force, of the 15 percent of general officers on active duty who may be serving in grades above major general, not more than 25 percent may be serving in the grade of general.

"(2) No appointment may be made in a grade above rear admiral in the Navy if that appointment would result in more than 15 percent of the flag officers of the Navy on active duty being in grades above rear admiral. Of the 15 percent of flag officers on active duty who may be serving in grades above rear admiral, not more than 25 percent may be serving in the grade of admiral.

"(3) An officer while serving as Chairman of the Joint Chiefs of Staff or as Chief of Staff to the President, if serving in the grade of general or admiral, is in addition to the number authorized his armed force for that grade under paragraph (1) or (2).

"§ 526. Authority to suspend sections 523, 524, and 525

"In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of section 523, 524, or 525 of this title. So long as such war or national emergency continues, any such suspension may be extended by the President. Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621–1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.".

ORIGINAL APPOINTMENTS IN REGULAR COMMISSIONED OFFICER GRADES

SEC. 104. (a) Chapter 33 is amended by striking out the table of sections at the beginning thereof and inserting in lieu thereof the following:

"Subchapter	Sec.
"I. Original Appointments of Regular Officers in Grades above Warrant Officer Grades	531
"II. Appointments of Regular Warrant Officers	555

"Subchapter I—Original Appointments of Regular Officers in Grades Above Warrant Officer Grades

"Sec.

"531. Original appointments of commissioned officers.

"532. Qualifications for original appointment as a commissioned officer.

"533. Service credit upon original appointment as a commissioned officer.

"541. Graduates of the United States Military, Naval, and Air Force Academies.

"§ 531. Original appointments of commissioned officers

"Original appointments in the grades of second lieutenant through colonel in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of ensign through captain in the Regular Navy shall be made by the President, by and with the advice and consent of the Senate.

"§ 532. Qualifications for original appointment as commissioned officer

"(a) Under regulations prescribed by the Secretary of Defense, an original appointment as a commissioned officer (other than as a commissioned warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps may be given only to a person who—

"(1) is a citizen of the United States;

"(2) is able to complete 20 years of active commissioned service before his fifty-fifth birthday;

"(3) is of good moral character;

"(4) is physically qualified for active service; and

"(5) has such other special qualifications as the Secretary of the military department concerned may prescribe by regulation.

"(b)(1) Original appointments in the Regular Army in the Medical Corps or Dental Corps, and original appointments in the Regular Air Force with a view to designation of an officer as a medical or dental officer, may be made in the grades of first lieutenant through colonel. Original appointments in the Regular Navy in the Medical Corps or Dental Corps may be made in the grades of lieutenant (junior grade) through captain. Such appointments may be made only from persons who are qualified doctors of medicine, osteopathy, or dentistry.

"(2) To be eligible for an original appointment as a medical officer, a doctor of osteopathy must—

"(A) be a graduate of a college of osteopathy whose graduates are eligible to be licensed to practice medicine or surgery in a majority of the States;

"(B) be licensed to practice medicine, surgery, or osteopathy in a State or in the District of Columbia;

"(C) under regulations prescribed by the Secretary of Defense, have completed a number of years of osteopathic and preosteopathic education equal to the number of years of medical and premedical education prescribed for persons entering recognized schools of medicine who become doctors of medicine and who would be qualified for an original appointment in the grade for which that person is being considered for appointment; and

"(D) have such other qualifications as the Secretary of the military department concerned prescribes after considering the recommendations, if any, of the Surgeon General of the armed force concerned.

"(c) Original appointments in the Regular Navy or Regular Marine Corps of officers designated for limited duty shall be made under section 5689 or 5596 of this title.

"(d) A person receiving an original appointment as a medical officer or dental officer or as a chaplain is not subject to clause (2) of subsection (a).

"§ 533. Service credit upon original appointment as a commissioned officer

"(a)(1) For the purpose of determining the grade and rank within grade of a person receiving an original appointment in a commissioned grade (other than a warrant officer grade) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, such person shall be credited at the time of such appointment with any active commissioned service (other than service as a commissioned warrant officer) that he performed in any armed force before such appointment.

"(2) The Secretary of Defense shall prescribe regulations, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, to authorize the Secretary of the military department concerned to limit the amount of prior active commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned shall credit a person who is receiving an original appointment in a commissioned grade (other than a commissioned warrant officer grade) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed in officer categories requiring such advanced education or an advanced degree as a prerequisite for appointment as a commissioned officer. (Except as provided in clause (E), in determining the years of constructive service under this clause, the Secretary concerned shall grant credit for only the number of years normally required to complete the advanced education or receive the advanced degree.)

"(B) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment as an officer, if such advanced education will be directly used by the armed force concerned.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a specialty required by the armed forces.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being appointed was admitted to a professional school. However, a person may not receive additional credit under this clause if the amount of his baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

"(F) Additional credit for experience as a physician or dentist, if appointed as a medical or dental officer in the Army or Navy or, in the case of the Air Force, with a view to designation as a medical or dental officer.

"(2) Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment in the grade of major in the Army, Air Force, or Marine Corps or lieutenant commander in the Navy.

"(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

"(c) Constructive service credited an officer under subsection (b) shall be used only for determining the officer's—

"(1) initial grade as a regular officer;

"(2) rank in grade; and

"(3) service in grade for promotion eligibility.

"(d)(1) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving as a commissioned officer (other than a warrant officer) on active duty or in an active status.

"(2) A graduate of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy is not entitled to service credit under this section for service performed, or education, training, or experience obtained, before graduation from such Academy.

"(e) If the Secretary of Defense determines that the number of qualified judge advocates serving on active duty in the Army, Navy, Air Force, or Marine Corps in grades below major or lieutenant commander is critically below the number needed by such armed force in such grades, he may authorize the Secretary of the military department concerned to credit any person receiving an original appointment in the Judge Advocate General's Corps of the Army or Navy, or any person receiving an original appointment in the Air Force or Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any period of service credited such person under subsection (b)(1)) as will result in the grade of such person being that of captain or, in the case of an officer of the Navy, lieutenant and the date of rank of such person being junior to that of all other officers of the same grade serving on active duty.

"(f) An officer of a reserve component who receives an original appointment as an officer (other than a warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps shall be appointed in the grade and with the date of rank to which he would have been entitled had he been serving on active duty as an officer of a reserve component on the date of such original appointment as a regular officer.".

(b) Such chapter is further amended by inserting after section 541 the following:

"Subchapter II—Appointments of Regular Warrant Officers

"Sec.
"555. Warrant officers: grades.
"556. Warrant officers: original appointment; service credit.
"557. Warrant officers: promotion; qualifications.
"558. Warrant officers: promotion; selection boards.
"559. Warrant officers: eligibility for promotion.
"560. Warrant officers: promotion; selection procedure.
"561. Warrant officers; effect of failure of selection for promotion.
"562. Warrant officers: disapproval of promotion by Secretary concerned, President, or Senate.
"563. Warrant officers; promotion; effective date.
"564. Warrant officers: effect of second failure of promotion.
"565. Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency.".

TEMPORARY APPOINTMENTS IN OFFICER GRADES AND PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST

SEC. 105. Part II of subtitle A is amended by redesignating chapter 35 as chapter 34 and by inserting after such chapter the following new chapters:

"Chapter 35—TEMPORARY APPOINTMENTS IN OFFICER GRADES

"Sec.
"601. Positions of importance and responsibility: generals and lieutenant generals; admirals and vice admirals.
"602. Warrant officers: temporary promotions.
"603. Commissioned officer grades: time of war or national emergency.

"§ 601. Positions of importance and responsibility: generals and lieutenant generals; admirals and vice admirals

"(a) The President may designate positions of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral. The President may assign to any such position an officer of the Army, Navy, Air Force, or Marine Corps who is serving on active duty in any grade above colonel or, in the case of an officer of the Navy, and grade above captain. An officer assigned to any such position has the grade specified for that position if he is appointed to that grade by the President, by and with the advice and consent of the Senate. Except as provided in subsection (b), the appointment of an officer to a grade under this section for service in a position of importance and responsibility ends on the date of the termination of the assignment of the officer to that position.

"(b) If the assignment of an officer who is serving in a position designated to carry the grade of general, admiral, lieutenant general, or vice admiral is terminated—

"(1) by the assignment of such officer to another position designated to carry one of those grades, such officer shall hold, during the period beginning on the day of that termination and ending on the day before the day on which he assumes the other position, the grade that he held on the day before the termination;

"(2) by the hospitalization of such officer, such officer shall hold, during the period beginning on the day of that termination and ending on the day he is discharged from the hospital, but not for more than 180 days, the grade that he held on the day before the termination; or

"(3) by the retirement of such officer, such officer shall hold, during the period beginning on the day of that termination and ending on the day before his retirement, but not for more than 90 days, the grade that he held on the day before the termination.

"(c) (1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

"(2) An officer serving in a grade above major general or rear admiral who holds the permanent grade of brigadier general or commodore admiral shall be considered for promotion to the permanent grade of major general or rear admiral, as appropriate, as if he were serving in his permanent grade.

"§ 602. Warrant officers: temporary promotions

"A warrant officer serving on active duty in the Army, Navy, Air Force, or Marine Corps may be given a temporary appointment to a higher warrant officer grade under such regulations as the Secretary of the military department concerned may prescribe.

"§ 603. Commissioned officer grades: time of war or national emergency

"(a) In time of war, or of national emergency declared by the Congress or the President after November 30, 1980, the President may appoint any qualified person (whether or not already a member of the Armed Forces) to any commissioned officer grade in the Army, Navy, Air Force, or Marines Corps, except that appointments under this section may not be made in warrant officer grades or in grades above major general or rear admiral. Appointments under this section shall be made by the President alone.

"(b) Any appointment under this section is a temporary appointment and may be vacated by the President at any time.

"(c) (1) Any person receiving an original appointment under this section is entitled to service credit as authorized under section 533 of this title.

"(2) An appointment under this section of a person who is not on active duty becomes effective when that person begins active duty under that appointment.

"(d) An appointment under this section does not change the permanent status of a member of the armed forces so appointed. A member who is appointed under this section shall not incur any reduction in the pay and allowances to which the member was entitled, by virtue of his permanent status, at the time of his appointment under this section.

"(e) (1) An officer who receives an appointment to a higher grade under this section is considered to have accepted such appointment on the date of the order announcing the appointment unless he expressly declines the appointment.

"(2) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this section.

"(f) Unless sooner terminated, an appointment under this section terminates—

"(1) on the second anniversary of the appointment;

"(2) at the end of the six-month period beginning on the last day of the war or national emergency during which the appointment was made; or

"(3) on the date the person appointed is released from active duty;

whichever is earliest.

"Chapter 36—PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST

"Subchapter	Sec.
"I. Selection Boards	611
"II. Promotions	619
"III. Failure of Selection for Promotion and Retirement of Years of Service	627
"IV. Continuation on Active Duty and Selective Early Retirement	637
"V. Additional Provisions Relating to Promotion, Separation, and Retirement	641

"Subchapter I—Selection Boards

"Sec.
"611. Convening of selection boards.
"612. Composition of selection boards.
"613. Oath of members of selection boards.
"614. Notice of convening of selection boards; communications with boards.
"615. Information furnished to selection boards.
"616. Recommendations for promotion by selection boards.
"617. Reports of selection boards.
"618. Action on reports of selection boards.

"§ 611. Convening of selection boards.

"(a) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned, whenever the needs of the service require, shall convene selection boards to recommend for promotion to the next higher permanent grade, under subchapter II of this chapter, officers on the active-duty list in each permanent grade from first lieutenant through brigadier general in the Army, Air Force, or Marine Corps and from lieutenant (junior grade) through commodore admiral in the Navy.

"(b) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned, whenever the needs of the service require, may convene selection boards to recommend officers for continuation on active duty under section 637 of this title or for early retirement under section 638 of this title.

"§ 612. Composition of selection boards

"(a) (1) Members of selection boards shall be appointed by the Secretary of the military department concerned in accordance with this section. A selection board shall consist of five or more officers who are on the active-duty list of the same armed force as the officers under consideration by the board. Each member of a selection board must be serving in a grade higher than the grade of the officers under consideration by the board, except that no member of a board may be serving in a grade below major or lieutenant commander.

"(2) A selection board shall include at least one officer from each competitive category of officers to be considered by the board.

"(3) When reserve officers of an armed force are to be considered by a selection board, the membership of the board shall include at least one reserve officer of that armed force, except that in the case of a board which is considering officers in the grade of colonel or brigadier general or, in the case of officers of the Navy, captain or commodore admiral, no reserve officer need be included if there are no reserve officers of that armed force on active duty in the next higher grade.

"(4) Except as provided in paragraph (3), if qualified officers on the active-duty list are not available in sufficient numbers to comprise a selection board, the Secretary of the military department concerned shall complete the membership of the board by appointing as members of the board retired officers of the same armed force who hold a retired grade higher than the grade of the officers under consideration by the board. A retired general or flag officer who is on active duty for the purpose of serving on a selection board shall not, while so serving, be counted against any limitation on the number of general and flag officers who may be on active duty.

"(b) No officer may be a member of two successive selection boards for the consideration of officers of the same competitive category and grade.

"§ 613. Oath of members of selection boards

"Each member of a selection board shall swear that he will perform his duties as a member of the board without prejudice or partiality and having in view both the special fitness of officers and the efficiency of his armed force.

"§ 614. Notice of convening of selection boards; communications with boards

"(a) At least 30 days before a selection board is convened under section 611(a) of this title to recommend officers in a grade for promotion to the next higher grade, the Secretary concerned (1) shall notify in writing the officers eligible for consideration for promotion of the date on which the board is to convene and the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notification, or (2) shall issue a general written notice to the armed force concerned regarding the convening of the board, the names of the officers eligible for consideration by the board as of the date of the notification, the convening date of the board, and the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notification.

"(b) An officer eligible for consideration by a selection board convened under section 611(a) of this title may send a written communication to the board, to arrive not later than the date the board convenes, calling attention to any matter concerning himself that the officer considers important to his case. The selection board shall give consideration to any timely communication under this subsection.

"§ 615 Information furnished to selection boards

"The Secretary of the military department concerned shall furnish each selection board convened under section 611(a) of this title with—

"(1) the maximum number, as determined in accordance with section 622 of this title, of officers in each competitive category under consideration that the board may recommend for promotion to the next higher grade;

"(2) the names of all officers in each competitive category to be considered by the board for promotion;

"(3) the pertinent records (as determined by the Secretary) of each officer whose name is furnished to the board;

"(4) information relating to the needs of the armed force concerned for officers having particular skills; and

"(5) such other information and guidelines as may be necessary to enable the board to properly perform its functions.

"§ 616. Recommendations for promotion by selection boards

"(a) A selection board convened under section 611(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board, giving due consideration to the needs of the armed force concerned for officers with particular skills, considers best qualified for promotion within each competitive category considered by the board.

"(b) The Secretary of the military department concerned shall establish the number of officers such a selection board may recommend for promotion from among officers being considered from below the promotion zone in any competitive category. Such number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the service so require. If the number determined under this subsection is less than one, the board may recommend one such officer. The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers which the board is authorized under section 615 of this title to recommend for promotion.

"(c) A selection board convened under section 611(a) of this title may not recommend an officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

"(d) Except as otherwise provided by law, an officer on the active-duty list may not be promoted to a higher grade under this chapter unless he is considered and recommended for promotion to that grade by a selection board convened under this chapter.

"§ 617. Reports of selection boards

"(a) Each selection board convened under section 611(a) of this title shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing a list of the names of the officers it recommends for promotion and certifying (1) that the board has carefully considered the record of each officer whose name was furnished to it under section 615 of this title, and (2) that, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned among those officers whose names were furnished to the selection board.

"(b) A selection board convened under section 611(a) of this title shall include in its report to the Secretary concerned the name of any regular officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required under chapter 60 of this title to show cause for his retention on active duty.

"§ 618. Action on reports of selection boards

"(a) If, after reviewing the report of a selection board submitted to him under section 617(a) of this title, the Secretary of the military department concerned determines that the board has acted contrary to law or regulation, the Secretary shall return the report to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 611(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report and shall resubmit the report, as revised, to the Secretary in accordance with section 617 of this title.

"(b)(1) After his final review of the report of a selection board, the Secretary concerned shall submit the report, with his recommendations thereon, to the Secretary of Defense for transmittal to the President for his approval, modification, or disapproval.

"(2) The Secretary concerned may submit to a board of officers convened under section 1181 of this title the name of any officer who is named in the report of a selection board as having a record which indicates that the officer should be required to show cause for his retention on active duty.

"(c) The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

"(d) Upon approval by the President of the report of a selection board, the names of officers recommended for promotion by the selection board (other than any name removed by the President) may be disseminated to the armed force concerned. If such names have not been sooner disseminated, such names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

"(e) Except as authorized or required by this section, proceedings of a selection board convened under section 611(a) of this title may not be disclosed to any person not a member of the board.

"Subchapter II—Promotions

"Sec.
"619. Eligibility for consideration for promotion.
"620. Active-duty lists.
"621. Competitive categories for promotion.
"622. Numbers to be recommended for promotion.
"623. Establishment of promotion zones.
"624. Promotions: how made.
"625. Authority to vacate promotions to grades of brigadier general and commodore admiral.
"626. Acceptance of promotions; oath of office.

"§ 619. Eligibility for consideration for promotion

"(a)(1) An officer who is on the active-duty list of the Army, Air Force, or Marine Corps and holds a permanent appointment in the grade of second lieutenant or first lieutenant or is on the active-duty list of the Navy and holds a permanent appointment in the grade of ensign or lieutenant (junior grade) may not be promoted to the next higher permanent grade until he has completed the following period of service in the grade in which he holds a permanent appointment:

"(A) Eighteen months, in the case of an officer holding a permanent appointment in the grade of second lieutenant or ensign.

"(B) Two years, in the case of an officer holding a permanent appointment in the grade of first lieutenant or lieutenant (junior grade).

"(2) Subject to paragraph (4), an officer who is on the active-duty list of the Army, Air Force, or Marine Corps and holds a permanent appointment in a grade above first lieutenant or is on the active-duty list of the Navy and holds a permanent appointment in a grade above lieutenant (junior grade) may not be considered for selection for promotion to the next higher permanent grade until he has completed the following period of service in the grade in which he holds a permanent appointment:

"(A) Three years, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of captain, major, or lieutenant colonel or of an officer of the Navy holding a permanent appointment in the grade of lieutenant, lieutenant commander, or commander.

"(B) One year, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of colonel or brigadier general or of an officer of the Navy holding a permanent appointment in the grade of captain or commodore admiral.

"(3) When the needs of the service require, the Secretary of the military department concerned may prescribe a longer period of service in grade for eligibility for promotion, in the case of officers to whom paragraph (1) applies, or for eligibility for consideration for promotion, in the case of officers to whom paragraph (2) applies.

"(4) The Secretary of the military department concerned may waive paragraph (2) to the extent necessary to assure that officers described in clause (A) of such paragraph have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

"(5) In computing service in grade for purposes of this section, service in a grade held as a result of assignment to a position is counted as service in the grade in which the officer would have served except for such assignment or appointment.

"(b) An officer who has failed of selection for promotion to the next higher grade remains eligible for consideration for promotion to that grade as long as he continues on active duty in other than a retired status and is not promoted.

"(c)(1) Each time a selection board is convened under seection 611(a) of this title for consideration of officers in a competitive category for promotion to the next higher grade, each officer in the promotion zone (except as provided under paragraph (2)), and each officer above the promotion zone, for the grade and competitive category under consideration shall be considered for promotion.

"(2) The Secretary of the military department concerned—

"(A) may, by regulation, prescribe procedures to limit the officers to be considered by a selection board—

"(i) from below the promotion zone; or

"(ii) in the case of a selection board to recommend officers for promotion to the grade of brigadier general or commodore admiral,

to those officers who are determined to be exceptionally well qualified for promotion; and

"(B) may, by regulation, prescribe criteria for determining which officers below the promotion zone or in the grades of colonel and, in the case of officers of the Navy, captain are exceptionally well qualified for promotion.

"(d) A selection board convened under section 611(a) of this title may not consider for promotion to the next higher grade—

"(1) an officer whose name is on a promotion list for that grade as a result of his selection for promotion to that grade by an earlier selection board convened under that section; or

"(2) an officer of the Navy or Marine Corps who is an officer designated for limiting duty and who holds a grade above lieutenant commander or major.

"§ 620. Active-duty lists

"(a) The Secretary of the military department concerned shall maintain a single list of all officers (other than officers described in section 641 of this title) who are on active duty for each armed force under his jurisdiction (other than the Coast

Guard when it is operating as a service in the Navy).

"(b) Officers shall be carried on the active-duty list of the armed force of which they are members in the order of seniority of the grade in which they are serving on active duty. Officers serving in the same grade shall be carried in the order of their rank in that grade.

"(c) An officer whose position on the active-duty list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on the active-duty list that he would have held if he had not received that appointment or assignment.

"§ 621. Competitive categories for promotion

"Under regulations prescribed by the Secretary of Defense, the Secretary of each military department shall establish competitive categories for promotion. Each officer whose name appears on an active-duty list shall be carried in a competitive category of officers. Officers in the same competitive category shall compete among themselves for promotion.

"§ 622. Numbers to be recommended for promotion

"Before convening a selection board under section 611(a) of this title for any grade and competitive category, the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, shall determine (1) the number of positions needed to accomplish mission objectives which require officers of such competitive category in the grade to which the board will recommend officers for promotion, (2) the estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted, and (3) the number of officers authorized by the Secretary of the military department concerned to serve on active duty in the grade and competitive category under consideration. Based on such determinations, the Secretary of the military department concerned shall determine the maximum number of officers in such competitive category which the selection board may recommend for promotion.

"§ 623. Establishment of promotion zones

"(a) Before convening a selection board under section 611(a) of this title to consider officers for promotion to any grade above first lieutenant or lieutenant (junior grade), the Secretary of the military department concerned shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

"(b) The Secretary concerned shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that grade and competitive category. Such determination shall be made on the basis of an estimate of—

"(1) the number of officers needed in that competitive category in the next higher grade in each of the next five years;

"(2) the number of officers to be serving in that competitive category in the next higher grade in each of the next five years;

"(3) in the case of a promotion zone for officers to be promoted to a grade to which section 523 of this title is applicable, the number of officers authorized for such grade under such section to be on active duty on the last day of each of the next five fiscal years; and

"(4) the number of officers that should be placed in that promotion zone in each of the next five years to provide to officers in those years relatively similar opportunity for promotion.

"§ 624. Promotions: how made

"(a)(1) When the report of a selection board convened under section 611(a) of this title is approved by the President, or in the case of officers selected for promotion to the grade of first lieutenant or lieutenant (junior grade), when a list of officers selected for promotion is approved by the President, the Secretary of the military department concerned shall place the names of all officers approved for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of the seniority of such officers on the active-duty list.

"(2) Except as provided in subsection (d), officers on a promotion list for a competitive category shall be promoted to the next higher grade when additional officers in that grade and competitive category are needed. Promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

"(b)(1) A regular officer who is promoted under this section is appointed in the regular grade to which promoted and a reserve officer who is promoted under this section is appointed in the reserve grade to which promoted.

"(2) The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d) of this title.

"(c) Appointments under this section shall be made by the President, by and with the advice and consent of the Senate, except that appointments in the grade of first lieutenant or lieutenant (junior grade) under this section shall be made by the President alone.

"(d)(1) The Secretary concerned may delay the appointment of an officer under this section if—

"(A) sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and such charges have not been disposed of;

"(B) an investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer;

"(C) a board of officers has been convened under chapter 60 of this title to review the record of the officer; or

"(D) a criminal proceeding in a Federal or State court is pending against the officer.

If no disciplinary action is taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not ordered removed from active duty by the Secretary concerned under chapter 60 of this title, or if the officer is acquitted of the charges brought against him, as the case may be, the officer shall be retained on the promotion list and shall, upon promotion to the next grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the active-duty list as he would have had if no delay had intervened.

"(2) The Secretary concerned may also delay the appointment of an officer to the next higher grade under this section in any case in which the Secretary finds that there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade for which he was selected for promotion. If the Secretary concerned later determines that the officer is qualified for promotion to such grade, the officer shall, upon such promotion, have the same date of rank, the same effective date for pay and allowances in the higher grade to which appointed, and the same position on the active-duty list as he would have had if no delay had intervened.

"(3) The appointment of an officer may not be delayed under this subsection unless the officer has been given written notice of the grounds for the delay. An officer whose promotion has been delayed under this subsection shall be afforded an opportunity to make a written statement to the Secretary concerned in response to the action taken by the Secretary. Any such statement shall be given careful consideration by the Secretary.

"(4) An appointment of an officer may not be delayed under the subsection for more than six months after the date on which the officer would otherwise have been appointed unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against such officer in a Federal or State court, more than 90 days after final action has been taken in any court-martial case against such officer, or more than 18 months after the date on which such officer would otherwise have been appointed, whichever is later.

"§ 625. Authority to vacate promotions to grades of brigadier general and commodore admiral

"(c) The President may vacate the promotion to the grade of brigadier general or commodore admiral of an officer who has served less than 18 months in that grade after promotion to that grade under this chapter.

"(b) An officer of the Army, Air Force, or Marine Corps whose promotion is vacated under this section holds the regular grade of colonel, if he is a regular officer, or the reserve grade of colonel, if he is a reserve officer. An officer of the Navy whose promotion is vacated under this section holds the regular grade of captain, if he is a regular officer, or the reserve grade of captain, if he is a reserve officer. "(c) The position on the active-duty lists of an officer whose promotion is vacated under this section is the position he would have held had he not been promoted to the grade of brigadier general or commodore admiral.

"§ 626. Acceptance of promotions; oath of office

"(a) An officer who is appointed to a higher grade under section 624 of this title is considered to have accepted such appointment on the date on which the appointment is made unless he expressly declines the appointment.

"(b) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under section 624 of this title.

"Subchapter III—Failure of Selection for Promotion and Retirement for Years of Service

"Sec.

"627. Failure of selection for promotion.

"628. Special selection boards.

"629. Removal from a list of officers recommended for promotion.

"630. Discharge of regular commissioned officers with less than five years of active commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).

"631. Effect of failure of selection for promotion: regular first lieutenant and lieutenants (junior grade).

"632. Effect of failure of selection for promotion: regular captains and majors of the Army, Air Force, and Marine Corps and regular lieutenants and lieutenant commanders of the Navy.

"633. Retirement for years of service: regular lieutenant colonels and commanders.

"634. Retirement for years of service: regular colonels and Navy captains.
"635. Retirement for years of service: regular brigadier generals and commodore admirals.
"636. Retirement for years of service: regular major generals and rear admirals.

"§ 627. Failure of selection for promotion

"An officer in a grade below the grade of colonel or, in the case of an officer of the Navy, captain who is in or above the promotion zone established for his grade and competitive category under section 623 of this title and is considered but not selected for promotion by a selection board convened under section 611(a) of this title shall be considered to have failed of selection for promotion.

"§ 628. Special selection boards

"(a)(1) In the case of an officer who is eligible for promotion who the Secretary of the military department concerned determines was not considered for selection for promotion by a selection board because of administrative error, the Secretary concerned, under regulations prescribed by the Secretary of Defense, shall convene a special selection board under this subsection (composed in accordance with section 612 of this title) to determine whether such officer should be recommended for promotion.

"(2) A special selection board convened under paragraph (1) shall consider the record of the officer as his record would have appeared to the board that should have considered him. That record shall be compared with a sampling of the records of those officers of the same competitive category who were recommended for promotion, and those officers who were not recommended for promotion, by the board that should have considered him.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer in a grade below the grade of colonel or, in the case of an officer of the Navy, captain whose name was referred to it for consideration, the officer shall be considered to have failed of selection for promotion.

"(b)(1) In the case of an officer who is eligible for promotion who was considered for selection for promotion by a selection board but was not selected, the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, may convene a special selection board under this subsection (composed in accordance with section 612 of this title) to determine whether such officer should be recommended for promotion if the Secretary concerned determines that—

"(A) the action of the board which considered the officer was contrary to law or involved material error of fact or material administrative error; or

"(B) the board did not have before it for its consideration material information.

"(2) A special selection board convened under paragraph (1) shall consider the record of the officer as his record, if corrected, would have appeared to the board that considered him. That record shall be compared with the records of a sampling of those officers of the same competitive category who were recommended for promotion, and those officers who were not recommended for promotion, by the board that considered him.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer whose name was referred to it for consideration, the officer incurs no additional failure of selection for promotion.

"(c)(1) Each special selection board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each officer it recommends for promotion and certifying that the board has carefully considered the record of each officer whose name was referred to it.

"(2) The provisions of sections 617(b) and 618 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they apply to the report and proceedings of a selection board convened under section 611(a) of this title.

"(d)(1) If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer whose name was referred to it for consideration, such officer shall, as soon as practicable, be appointed to the next higher grade in accordance with subsections (b), (c), and (d) of section 624 of this title.

"(2) An officer who is promoted to the next higher grade as the result of recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active-duty list as he would have had if he had been recommended for promotion to that grade by the board which should have considered, or which did consider, him.

"(e) The provisions of section 613 of this title apply to members of special selection boards convened under this section.

"§ 629. Removal from a list of officers recommended for promotion

"(a) The President may remove the name of any officer from a list of officers recommended for promotion by a selection board convened under this chapter.

"(b) If, after consideration of a list of officers approved for promotion by the President, the Senate does not give its advice and consent to the appointment of an officer whose name is on the list, that officer's name shall be removed from the list.

"(c)(1) An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If he is recommended for promotion by the next selection board convened for his grade and competitive category and he is promoted, the Secretary of the military department concerned may, upon such promotion, grant him the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the active-duty list as he would have had if his name had not been so removed.

"(2) If such an officer who is in a grade below the grade of colonel or, in the case of the Navy, captain is not recommended for promotion by the next selection board convened for his grade and competitive category, or if his name is again removed from the list of officers recommended for promotion, or if the Senate again does not give its advice and consent to his promotion, he shall be considered for all purposes to have twice failed of selection for promotion.

"§ 630. Discharge of regular commissioned officers with less than five years of active commissioned service or found not qualified for promotion for first lieutenant or lieutenant (junior grade)

"The Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense—

"(1) may discharge any regular officer on the active-duty list who—

"(A) has less than five years of active commissioned service; or

"(B) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the regular grade of first lieutenant or lieutenant (junior grade); and

"(2) shall, unless the officer has been promoted, discharge any officer described in clause (1)(B) at the end of the eighteen-month period beginning on the date on which the officer is first found not qualified for promotion.

"§ 631. Effect of failure of selection for promotion: regular first lieutenants and lieutenants (junior grade)

"(a) Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies), each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of first lieutenant and has failed of selection for promotion to the regular grade of captain for the second time, and each officer of the Regular Navy who holds the regular grade of lieutenant (junior grade) and has failed of selection for promotion to the regular grade of lieutenant for the second time, whose name is not on a list of officers recommended for promotion to the next higher regular grade shall—

"(1) be discharged on the date requested by him and approved by the Secretary of the military department concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the board which considered him for the second time;

"(2) if he is eligible for retirement under any provision of law, be retired under that law on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the board which considered him for the second time; or

"(3) if on the date on which he is to be discharged under clause (1) he is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, be retained on active duty until he is qualified for retirement and then be retired under that section, unless he is sooner retired or discharged under another provision of law.

"(b) The retirement or discharge of an officer pursuant to this section shall be considered to be an involuntary retirement or discharge for purposes of any other provision of law.

"§ 632. Effect of failure of selection for promotion: regular captains and majors of the Army, Air Force, and Marine Corps and regular lieutenants and lieutenant commanders of the Navy

"(a) Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies) and except as provided under section 637(a) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of captain or major, and each officer of the Regular Navy who holds the regular grade of lieutenant or lieutenant commander, who has failed of selection for promotion to the next higher regular grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher regular grade shall—

"(1) be discharged on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the board which considered him for the second time;

"(2) if he is eligible for retirement under any provision of law, be retired under that law on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the board which considered him for the second time; or

"(3) if on the date on which he is to be discharged under clause (1) he is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, be retained on active duty until he is qualified for retirement and then retired under that section, unless he is sooner retired or discharged under another provision of law.

"(b) The retirement or discharge of an officer pursuant to this section shall be considered to be an involuntary retirement or discharge for purposes of any other provision of law.

"§ 633. Retirement for years of service: regular lieutenant colonels and commanders

"Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies) and except as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of lieutenant colonel, and each officer of the Regular Navy who holds the regular grade of commander, who is not on a list of officers recommended for promotion to the regular grade of colonel or captain, respectively, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes twenty-eight years of active commissioned service.

"§ 634. Retirement for years of service: regular colonels an Navy captains

"Except as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of colonel, and each officer of the Regular Navy who holds the regular grade of captain, who is not on a list of officers recommended for promotion to the regular grade of brigadier general or commodore admiral, respectively, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes thirty years of active commissioned service.

"§ 635. Retirement for years of service: regular brigadier generals and commodore admirals

"Except as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of brigadier general, and each officer of the Regular Navy who holds the regular grade of commodore admiral, who is not on a list of officers recommended for promotion to the regular grade of major general or rear admiral, respectively, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes thirty years of active commissioned service, whichever is later.

"§ 636. Retirement for years of service: regular major generals and rear admirals

"Except as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of major general, and each officer of the Regular Navy holds the regular grade of rear admiral, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes thirty-five years of active commissioned service, whichever is later.

"Subchapter IV—Continuation on Active Duty and Selective Early Retirement

"Sec.
"637. Selection of regular officers for continuation on active duty.
"638. Selective early retirement.
"639. Continuation on active duty to complete disciplinary action.
"640. Deferment of retirement or separation for medical reasons.

"§ 637. Selection of regular officers for continuation on active duty

"(a)(1) An officer subject to discharge or retirement in accordance with section 632 of this title may, subject to the needs of the service, be continued on active duty if he is selected for continuation on active duty by a selection board convened under section 611(b) of this title.

"(2) An officer who holds the regular grade of captain in the Army, Air Force, or Marine Corps, or the regular grade of lieutenant in the Navy, and who is subject to discharge or retirement in accordance with section 632 of this title may not be continued on active duty under this subsection for a period which extends beyond the last day of the month in which he completes twenty years of active commissioned service unless he is promoted to the regular grade of major or lieutenant commander respectively.

"(3) An officer who holds the regular grade of major or lieutenant commander who is subject to discharge or retirement in accordance with section 632 of this title may not be continued on active duty under this subsection for a period which extends beyond the last day of the month in which he completes twenty-four years of active commissioned service unless he is promoted to the regular grade of lieutenant colonel or commander, respectively.

"(4) An officer who is selected for continuation on active duty under this subsection but declines to continue on active duty shall be discharged, retired, or retained on active duty, as appropriate, in accordance with section 632 of this title.

"(5) Each officer who is continued on active duty under this subsection, is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher regular grade shall, unless sooner retired or discharged under another provision of law—

"(A) be discharged upon the expiration of his period of continued service; or

"(B) if he is eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which he completes his period of continued service.

Notwithstanding the provisions of clause (A), any officer who would otherwise be discharged under such clause and is within two years of qualifying for retirement under section 3911, 6322, or 8911 of this title, shall, unless he is sooner retired or discharged under some other provision of law, be retained on active duty until he is qualified for retirement under that section and then be retired.

"(6) The retirement or discharge of an officer pursuant to this subsection shall be considered to be an involuntary retirement or discharge for purposes of any other provision of law.

"(b)(1) An officer subject to retirement under section 633, 634, 635, or 636 of this title may, subject to the needs of the service, have his retirement deferred and be continued on active duty if he is selected for continuation on active duty by a selection board convened under section 611(b) of this title.

"(2) An officer subject to retirement under section 635 or 636 of this title who is serving in a grade above major general or rear admiral may, subject to the needs of the service, have his retirement deferred and be continued on active duty by the President.

"(3) Any deferral of retirement and continuation on active duty under this subsection shall be for a period not to exceed five years, but such period may not (except as provided under section 1251(b) of this title) extend beyond the date of the officer's sixty-second birthday.

"(c) Continuation of an officer on active duty under this section pursuant to the action of a selection board convened under section 611(b) of this title is subject to the approval of the Secretary of the military department concerned.

"(d) The Secretary of Defense shall prescribe regulations for the administration of this section.

"§ 638. Selective early retirement

"(a) A regular officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps—

"(1) who holds the regular grade of lieutenant colonel or commander and has failed of selection for promotion to the grade of colonel or, in the case of an officer of the Navy, captain two or more times and whose name is not on a list of officers recommended for promotion;

"(2) who holds the regular grade of colonel or, in the case of an officer of the Navy, captain and has served at least four years of active duty in that grade and whose name is not on a list of officers recommended for promotion;

"(3) who holds the regular grade of brigadier general or commodore admiral and has served at least four years of active duty in that grade and whose name is not on a list of officers recommended for promotion; or

"(4) who holds the regular grade of major general or rear admiral and has served at least four years of active duty in that grade,

may be considered for early retirement by a selection board convened under section 611(b) of this title. The Secretary of the military department concerned shall specify the number of officers described in clauses (1) and (2) which such a board may recommend for early retirement, but such number may not be more than 30 percent of the number of officers considered in each grade in each competitive category.

"(b)(1) An officer in a grade below brigadier general or commodore admiral who is recommended for early retirement under this section and whose early retirement is approved by the Secretary concerned shall —

"(A) be retired, under any provision of law under which he is eligible to retire, on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the Secretary concerned approves the report of the board which recommended the officer for early retirement; or

"(B) if the officer is not eligible for retirement under any provision of law, be retained on active duty until he is qualified for retirement under section 3911, 6323, or 8911 of this title, and then be retired under that section, unless he is sooner retired or discharged under some other provision of law.

"(2) An officer who holds the regular grade of brigadier general, major general, commodore admiral, or rear admiral who is recommended for early retirement under this section and whose early retirement is approved by the Secretary concerned shall be retired, under any provision of law under which he is eligible to retire, on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the tenth calendar month beginning after the month in which the Secretary concerned approved the report of the board which recommended the officer for early retirement.

"(c) So long as an officer in a grade below brigadier general or commodore admiral holds the same grade, he may not be considered for early retirement under this section more than once in any five-year period.

"(d) The retirement of an officer pursuant to this section shall be considered to be an involuntary retirement for purposes of any other provision of law.

"(e) The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall require that when the Secretary of the military department concerned submits a list of officers to a selection board convened under section 611(b) of this title to consider officers for selection for early retirement under this section, such list shall include each officer on the active-duty list in the same grade and competitive category whose position on the active-duty list is between that of the most junior officer in that grade and competitive category whose name is submitted to the board and that of the most senior officer in that grade and competitive category whose name is submitted to the board.

"§ 639. Continuation on active duty to complete disciplinary action

"When any action has been commenced against an officer with a view to trying such officer by court-martial and such officer is to be separated or retired in accordance with this chapter, the Secretary of the military department concerned may delay the separation or retirement of the officer, without prejudice to such action, until the completion of the action.

"§ 640. Deferment of retirement or separation for medical reasons

"'The Secretary of the military department concerned may defer the retirement or separation under this title of any officer if the evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date on which the officer would otherwise be required to retire or be separated under this title.

"Subchapter V—Additional Provisions Relating to Promotion, Separation, and Retirement

"Sec.

"641. Applicability of chapter.

"642. Entitlement of officers discharged or retired under this chapter to separation pay or retired pay.

"643. Chaplains: discharge or retirement upon loss of professional qualifications.

"644. Authority to suspend officer personnel laws.

"645. Definitions.

"§ 641. Applicability of chapter

"Officers in the following categories are not subject to this chapter (other than section 640):

"(1) Reserve officers—

"(A) on active duty for training;

"(B) on active duty under section 175, 265, 3015, 3019, 3033, 3496, 5251, 5252, 8019, 8033, or 8496 of this title or section 708 of title 32;

"(C) on active duty under section 672(d) of this title or under section 502 or 503 of title 32 in connection with organizing, administering, recruiting, instructing, or training the reserve components;

"(D) on active duty to pursue special work;

"(E) ordered to active duty under section 673b of this title; or

"(F) on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

"(2) The director of admissions, dean, and permanent professors at the United States Military Academy and the registrar, dean, and permanent professors at the United States Air Force Academy.

"(3) Warrant officers.

"(4) Retired officers on active duty.

"(5) Students at the Uniformed Services University of the Health Sciences.

"§ 642. Entitlement of officers discharged or retired under this chapter to separation pay or retired pay

"(a) An officer who is discharged under this chapter is entitled, if eligible therefor, to separation pay under section 1174 of this title.

"(b) An officer who is retired under this chapter is entitled to retired pay computed under chapter 71 of this title.

"§ 643. Chaplains: discharge or retirement upon loss of professional qualifications

"Under regulations prescribed by the Secretary of Defense, a commissioned officer on the active-duty list of the Army, Navy, or Air Force who is appointed or designated as a chaplain may, if he fails to maintain the qualifications needed to perform his professional function, be discharged or, if eligible for retirement, may be retired.

"§ 644. Authority to suspend officer personnel laws

"In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of this chapter or of any other law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, or Marine Corps. So long as such war or national emergency continues, any such suspension may be extended by the President. Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621–1622) which provides that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

"§ 645. Definitions

"In this chapter:

"(1) 'Promotion zone' means a promotion eligibility category consisting of the officers on an active-duty list in the same grade and competitive category—

"(A) who—

"(i) in the case of officers in grades below colonel, for officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Navy, have neither (I) failed of selection for promotion to the next higher grade, nor (II) been removed from a list of officers recommended for promotion to that grade; or

"(ii) in the case of officers in the grade of colonel or brigadier general, for officers of the Army, Air Force, and Marine Corps, or captain or commodore admiral, for officers of the Navy, have neither (I) not been recommended for promotion to the next higher grade when considered in the promotion zone, nor (II) been removed from a list of officers recommended for promotion to that grade; and

"(B) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer eligible for consideration for promotion to the next higher grade in the promotion zone.

"(2) 'Officers above the promotion zone' means a group of officers on an active-duty list in the same grade and competitive category who—

"(A) are eligible for consideration for promotion to the next higher grade;

"(B) are in the same grade as those officers in the promotion zone for that competitive category; and

"(C) are senior to the senior officer in the promotion zone for that competitive category.

"(3) 'Officers below the promotion zone' means a group of officers on the active-duty list in the same grade and competitive category who—

"(A) are eligible for consideration for promotion to the next higher grade;

"(B) are in the same grade as the officers in the promotion zone for that competitive category; and

"(C) are junior to the junior officer in the promotion zone for that competitive category.".

AUTHORITY TO ORDER RETIRED MEMBERS OF REGULAR COMPONENTS TO ACTIVE DUTY; GRADE IN WHICH RESERVE OFFICERS ORDERED TO ACTIVE DUTY

SEC. 106. Chapter 39, relating to service on active duty, is amended by adding at the end thereof the following new sections:

"§ 688. Regular components: retired members

"(a) Under regulations prescribed by the Secretary of Defense, a retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps may be ordered to active duty by the Secretary of the military department concerned at any time. The Secretary concerned may, to the extent consistent with other provisions of law, assign a member ordered to active duty under this section to such duties as the Secretary considers necessary in the interests of national defense.

"(b) A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps who, while on active duty, is promoted to a grade that is higher than his retired grade is entitled, upon his release from that tour of active duty, to placement on the retired list in the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned, for not less than six months.

"(c) Except in time of war, or of national emergency declared by the Congress or the President after November 30, 1980, not more than fifteen retired general officers of the Army, Air Force, or Marine Corps, and not more than fifteen retired flag officers of the Navy, may be on active duty at any one time. For the purposes of this subsection a retired officer ordered to active duty for a period of sixty days or less is not counted.

"§ 689. Reserve officer: grade in which ordered to active duty

"A reserve officer who is ordered to active duty shall be ordered to active duty in his reserve grade.".

RANK OF COMMISSIONED OFFICERS AMONG THEMSELVES

SEC. 107. Section 741 is amended to read as follows:

"§ 741. Rank: commissioned officers of the Army, Navy, Air Force, and Marine Corps

"(a) Among the grades listed below, the grades of general and admiral are equivalent and are senior to other grades and the grades of general and admiral are equivalent and are junior to other grades. Intermediate grades rank in the order listed as follows:

"Army, Air Force, and Marine Corps:	Navy
General	Admiral.
Lieutenant general	Vice admiral.
Major general	Rear admiral.
Brigadier general	Commodore admiral.
Colonel	Captain.
Lieutenant colonel	Commander.
Major	Lieutenant commander.
Captain	Lieutenant.
First lieutenant	Lieutenant (junior grade.)
Second lieutenant	Ensign.

"(b) Rank among officers of the same grade or of equivalent grades is determined by comparing dates of rank. An officer whose date of rank is earlier than the date of rank of another officer of the same or equivalent grade is senior to that officer.

"(c) Rank among officers of the same grade or of equivalent grades who have the same date of rank is determined by regulations prescribed by the Secretary of Defense which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.

"(d) (1) The date of rank of an officer who holds a grade as the result of an original appointment shall be determined by the Secretary of the military department concerned at the time of such appointment. The date of rank of an officer who holds a grade as the result of an original appointment and who at the time of such appointment was awarded service credit for prior commissioned service or constructive credit for advanced education or training, or special experience shall be determined so as to reflect such prior commissioned service or constructive service. Determinations by the Secretary concerned under this paragraph shall be made under regulations prescribed by the Secretary of Defense which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.

"(2) Except as otherwise provided by law, the date of rank of an officer who holds a grade as the result of a promotion is the date of his appointment to that grade.

"(3) Under regulations prescribed by the Secretary of Defense, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, the date of rank of a reserve commissioned officer (other than a warrant officer) who is to be placed on the active duty list and who has not been on continuous active-duty since his original appointment as a reserve commissioned officer in a grade above warrant officer (W–4) may, effective on the date on which he is placed on the active-duty list, be changed by the Secretary concerned to a later date to reflect such officer's qualifications and experience.".

RIGHT OF RETIRED OFFICERS TO COMMAND

SEC. 108. Chapter 43, relating to rank and command, is amended by adding at the end thereof the following new section:

"§ 750. Command: retired officers

"A retired officer has no right to command except when on active duty.".

SEPARATION PAY UPON INVOLUNTARY DISCHARGE OR RELEASE FROM ACTIVE DUTY

SEC. 109. (a) Section 687, relating to readjustment pay for nonregulars, is repealed.

(b) (1) The second sentence of section 1165, relating to separation of regular warrant officers during their probationary period, is amended to read as follows: "A warrant officer who is separated under this section is entitled, if eligible therefor, to separation pay under section 1174 or he may be enlisted under section 515 of this title. If such a warrant officer is enlisted under section 515 of this title, he is not entitled to separation pay.".

(2) Section 1166(a), relating to elimination of regular warrant officers for unfitness or unsatisfactory performance is amended—

(A) by striking out "be separated with severance pay computed under section 1167 (b) of this title" in the second sentence and inserting in lieu thereof a comma and the following: "if eligible therefor, be separated with separation pay under section 1174 of this title or severance pay under section 286a of title 14, as appropriate"; and

(B) by inserting "separation pay or" in the third sentence after "being paid".

(3) Section 1167, relating to severance pay of regular warrant officers, is repealed.

(c) Chapter 59 is amended by adding at the end thereof the following new section:

"§ 1174. Separation pay upon involuntary discharge or release from active duty

"(a) A regular officer who is discharged under chapter 36 of this title (except under section 630(1)(A) or 643 of such chapter), under section 564 or 6383 of this title, or under section 603 or 604 of the Defense Officer Personnel Management Act and who has completed five or more, but less than twenty, years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d) (1).

"(b) A regular commissioned officer of the Army, Navy, Air Force, or Marine Corps who is discharged under section 630(1)(A), 643, or 1186 of this title, and a regular warrant officer of the Army, Navy, Air Force, or Marine Corps who is separated under section 1165 or 1166 of this title, who has completed five or more, but less than twenty, years of active service immediately before that discharge or separation is entitled to separation pay computed under subsection (d)(1) or (d)(2), as determined by the Secretary of the military department concerned, unless the Secretary concerned determines that the conditions under which the officer is discharged or separated do not warrant payment of such pay.

"(c) A member of an armed force other than a regular member who on or after the effective date of the Defense Officer Personnel Management Act is discharged or released from active duty and who has completed five or more, but less than twenty, years of active service immediately before that discharge or release is entitled, unless the Secretary concerned determines that the conditions under which the member is discharged or separated do not warrant such pay, to separation pay computed under subsection (d) (1) or (d) (2), as determined by the Secretary concerned, if—

"(1) such member's discharge or release from active duty is involuntary; or

"(2) such member was not accepted for an additional tour of active duty for which he volunteered.

"(d) The amount of separation pay which may be paid to a member under this section is—

"(1) 10 percent of the product of (A) his years of active service, and (B) 12 times the monthly basic pay to which he was entitled at the time of his discharge or release from active duty or $30,000, whichever is less; or

"(2) one-half of the amount computed under clause (1), but in no event more than $15,000. "(e) A member who—

"(1) is discharged or released from active duty at his request;

"(2) is released from active duty for training; or

"(3) upon discharge or release from active duty, is immediately eligible for retired or retainer pay based on his military service; is not eligible for separation pay under this section.

"(f) In determining a member's years of active service for the purpose of computing separation pay under this section, a part of a year that is six months or more is counted as a whole year and a part of a year that is less than six months is disregarded.

"(g) (1) A period for which a member has previously received separation pay under this section or severance pay or readjustment pay under any other provision of law based on service in the armed forces may not be included in determining the years of service that may be counted in computing the separation pay of the member under this section.

"(2) The total amount that a member may receive in separation pay under this section and severance pay and readjustment pay under any other provision of law based on service in the armed forces may not exceed $30,000.

"(h) (1) A member who has received separation pay under this section, or severance pay or readjustment pay under any other provision of law, based on service in the armed forces, and who later qualifies for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay so much of such pay as is based on the service for which he received separation pay under this section or severance pay or readjustment pay under any other provision of law until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay received.

"(2) A member who has received separation pay under this section, or severance pay or readjustment pay under any other provision of law, based on service in the armed forces shall not be deprived, by reason of his receipt of such separation pay, severance pay, or readjustment pay, of any disability compensation to which he is entitled under the laws administered by the Veterans' Administration, but there shall be deducted from that disability compensation an amount equal to the total amount of separation pay, severance pay, and readjustment pay received. Notwithstanding the preceding sentence, no deduction may be made from disability compensation for the amount of any separation pay, severance pay, or readjustment pay received because of an earlier discharge or release from a period of active duty if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.

"(i) The Secretary of Defense shall prescribe regulations, which shall be uniform for the Army, Navy, Air Force, and Marine Corps, for the administration of this section.".

INVOLUNTARY SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE OF DUTY OR FOR CERTAIN OTHER REASONS

SEC. 110. Part II of subtitle A is amended by inserting after chapter 59 the following new chapter:

"Chapter 60—SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE OF DUTY OR FOR CERTAIN OTHER REASONS

"Sec.
"1181. Authority to convene boards of officers to consider separation of officers for substandard performance of duty or for certain other reasons.
"1182. Boards of inquiry.
"1183. Board of review.
"1184. Removal of officer: action by Secretary upon recommendation of board of review.
"1185. Rights and procedures.
"1186. Officers considered for removal: voluntary retirement or discharge.
"1187. Officers eligible to serve on boards.

"§ 1181. Authority to convene boards of officers to consider separation of officers for substandard performance of duty or for certain other reasons

"(a) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may at any time convene a board of officers to review the record of any commissioned officer (other than a commissioned warrant officer or a retired officer) of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps to determine whether such officer shall be required, because his performance of duty has fallen below standards prescribed by the Secretary of Defense, to show cause for his retention on active duty.

"(b) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may at any time convene a board of officers to review the record of any commissioned officer (other than a commissioned warrant officer or a retired officer) of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps to determine whether such officer should be required, because of misconduct, because of moral or professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on active duty.

"§ 1182. Boards of inquiry

"(a) The Secretary of the military department concerned shall convene boards of inquiry at such times and places as the Secretary may prescribe to receive evidence and make findings and recommendations as to whether an officer who is required under section 1181 of this title to show cause for retention on active duty should be retained on active duty. Each board of inquiry shall be composed of not less than three officers having the qualifications prescribed by section 1187 of this title.

"(b) A board of inquiry shall give a fair and impartial hearing to each officer required under section 1181 of this title to show cause for retention on active duty.

"(c) If a board of inquiry determines that the officer has failed to establish that he should be retained on active duty, it shall send the record of its proceedings to a board of review convened under section 1183 of this title.

"(d)(1) If a board of inquiry determines that the officer has established that he should be retained on active duty, the officer's case is closed.

"(2) An officer who is required to show cause for retention on active duty under subsection (a) of section 1181 of this title and who is determined under paragraph (1) to have established that he should be retained on active duty may not again be required to show cause for retention on active duty under such subsection within the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention on active duty under subsection (b) of section 1181 of this title and who is determined under paragraph (1) to have established that he should be retained on active duty may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention on active duty under subsection (b) of section 1181 of this title and who is thereafter retained on active duty may not again be required to show cause for retention on active duty under such subsection solely because of conduct which was the subject of the previous proceedings, unless the findings or recommendations of the board of inquiry that considered his case are determined to have been obtained by fraud or collusion.

"§ 1183. Boards of review

"(a) The Secretary of the military department concerned shall convene boards of review at such times as the Secretary may prescribe to review the cases of officers who a board of inquiry has determined have failed to establish that they should be retained on active duty. Each board of review shall be composed of not less than three officers having the qualifications prescribed by section 1187 of this title.

"(b) If, after reviewing the record of the case of any officer, a board of review determines that the officer has failed to establish that he should be retained on active duty, the board of review shall recommend to the Secretary concerned that the officer not be retained on active duty.

"(c)(1) If, after reviewing the record of the case of any officer, a board of review determines that the officer has established that he should be retained on active duty, the officer's case is closed.

"(2) An officer who is required to show cause for retention under subsection (a) of section 1181 of this title and who is determined under paragraph (1) to have established that he should be retained on active duty may not again be required to show cause for retention under such subsection within the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention under subsection (b) of section 1181 of this title and who is determined under paragraph (1) to have established that he should be retained on active duty may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention as a result of proceedings under subsection (b) of section 1181 of this title and who is thereafter retained on active duty may not again be required to show cause for retention on active duty under such subsection solely because of conduct which was the subject of the previous proceeding, unless the findings or recommendations of the board of inquiry or board of review that considered his case are determined to have been obtained by fraud or collusion.

"§ 1184. Removal of officer: action by Secretary upon recommendation of board of review

"The Secretary of the military department concerned may remove an officer from active duty if the removal of such officer from active duty is recommended by a board of review convened under section 1183 of this title.

"§ 1185. Rights and procedures

"(a) Under regulations prescribed by the Secretary of Defense, each officer required under section 1181 of this title to show cause for retention on active duty—

"(1) shall be notified in writing, at least 30 days before the hearing of his case by a board of inquiry, of the reasons for which he is being required to show cause for retention on active duty;

"(2) shall be allowed a reasonable time, as determined by the board of inquiry, to prepare his showing of cause for his retention on active duty;

"(3) shall be allowed to appear in person and to be represented by counsel at proceedings before the board of inquiry; and

"(4) shall be allowed full access to, and shall be furnished copies of, records relevant to his case, except that the board of inquiry shall withhold any record that the Secretary concerned determines should be withheld in the interest of national security.

"(b) When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

"§ 1186. Officer considered for removal: voluntary retirement or discharge

"(a) At any time during proceedings under this chapter with respect to the removal of an officer from active duty, the Secretary of the military department concerned may grant a request by the officer—

"(1) for voluntary retirement, if the officer is qualified for retirement; or

"(2) for discharge in accordance with subsection (b)(2).

"(b) An officer removed from active duty under section 1184 of this title shall—

"(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under such provision; and

"(2) if ineligible for voluntary retirement under any provision of law on the date of such removal—

"(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 1181 of this title; or

"(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 1181 of this title.

"(c) An officer who is discharged under subsection (b)(2) is entitled, if eligible therefor, to separation pay under section 1174(b) of this title.

"§ 1187. Officers eligible to serve on boards

"(a)(1) Each officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being required to show cause for retention on active duty.

"(2) Except as provided in paragraph (3), an officer may not serve on a board under this chapter unless such officer is serving on active duty in a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by that board.

"(3) If qualified officers on active duty are not available in sufficient numbers to comprise a board convened under this chapter, the Secretary of the military department concerned shall complete the membership of the board by appointing retired officers of the same armed force who are retired in a grade above lieutenant colonel or commander and whose retired grade is senior to the grade of any officer considered by the board. A retired general or flag officer who is on active duty for the purpose of serving on a board convened under this chapter shall not, while so serving, be counted against any limitation on the number of general and flag officers who may be on active duty.

"(b) No person may be a member of more than one board convened under this chapter to consider the same officer.".

RETIREMENT OF REGULAR COMMISSIONED OFFICERS AT AGE 62

SEC. 111. Chapter 63, relating to retirement for age, is amended by inserting before section 1263 the following new section:

"§ 1251. Age 62: regular commissioned officers exceptions

"(a) Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps (other than an officer who is a permanent professor, director of admissions, or registrar of the United States Military Academy or United States Air Force Academy or a commissioned warrant officer) shall be retired on the first day of the month following the month in which he becomes 62 years of age. An officer who is a permanent professor at the United States Military Academy or United States Air Force Academy, the director of admissions at the United States Military Academy, or the registrar of the United States Air Force Academy shall be retired on the first day of the month following the month in which he becomes 64 years of age.

"(b) Notwithstanding subsection (a), the President may defer the retirement of an officer serving in a position that carries a grade above major general or rear admiral, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 64 years of age. Not more than ten deferments of retirement under this subsection may be in effect at any one time.".

REQUIREMENT OF THREE YEARS SERVICE IN GRADE FOR VOLUNTARY RETIREMENT

SEC. 112. Chapter 69, relating to retired grade, is amended by inserting before section 1371 the following new section:

"§ 1370. Commissioned officers: general rule; exceptions

"(a) (1) Unless entitled to a higher retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps who retires under any provision of law other than chapter 61 or chapter 67 of this title shall, except as provided in paragraph (2), be retired in the highest grade in which he served an active duty satisfactorily, as determined by the Secretary of the military department concerned, for not less than six months.

"(2) In order to be eligible for voluntary retirement under any provision of this title in a grade above major or lieutenant commander and below lieutenant general or vice admiral, a commissioned officer of the Army, Navy, Air Force, or Marine Corps must have served on active duty in that grade for not less than three years. The President may waive the preceding sentence in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under the preceding sentence may not be delegated.

"(3) A reserve or temporary officer who is notified that he will be released from active duty without his consent and thereafter requests retirement under section 3911, 6323, or 8911 of this title and is retired pursuant to that request is considered for purposes of this section, to have been retired involuntarily. An officer retired pursuant to section 1186(b) (1) of this title is considered for purposes of this section to have been retired voluntarily.

"(b) An officer whose length of service in the highest grade he held while on active duty does not meet the service in grade requirements specified in subsection (a) shall be retired in the next lower grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned, for not less than six months.

"(c) Upon retirement an officer of the Army, Navy, Air Force, or Marine Corps who is serving in or has served in a position of importance and responsibility designated by the President to carry the grade of general or admiral or lieutenant general or vice admiral under section 601 of this title may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade held by him while serving on active duty.".

COMPUTATION OF RETIRED PAY FOR REGULAR OFFICERS RETIRING FOR AGE OR YEARS OF SERVICE

SEC. 113. (a) (1) Section 1401, relating to computation of retired pay, is amended by adding at the end of the table contained in such section the following new formula:

"5	633 634 635 636 1251	Monthly basic pay[1] of member's retired grade.[5]	2½% of years of service credited under section 1405.[3]	------	Excess over 75% of pay upon which computation is based."

(2) Section 1401 is further amended by adding after the last footnote to the table contained in such section the following new footnote:

"[5] For the purposes of this section, determine an officer's retired grade as if sections 3962(b) and 8962(b) did not apply.".

(b) Section 1405, relating to years of service for computation of retired pay, is amended to read as follows:

"§ 1405. Years of service

"For the purposes of section 1401 (formulas 4 and 5), 3991 (formula B), 6151(b), 6323(e), 6325 (a)(2) and (b)(2), 6383(c)(2), or 8991 (formula B) of this title, the years of service of a member of the armed forces are computed by adding—

"(1) his years of active service;

"(2) the years of service, not included in clause (1), with which he was entitled to be credited on May 31, 1958, in computing his basic pay; and

"(3) the years of service, not included in clause (1) or (2), with which he would be entitled to be credited under section 1333 of this title if he were entitled to retired pay under section 1331 of this title.".

(c) Section 1407(b) (4), relating to retired pay base, is amended by inserting "633, 634, 635, 636, 1251," before "1263,".

OFFICERS ATTENDING UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES TO BE COUNTED AGAINST AUTHORIZED MILITARY STRENGTHS

SEC. 114. The second sentence of section 2114(b), relating to students attending the Uniformed Services University of the Health Sciences, is amended by striking out ", but shall not be counted against any prescribed military strengths".

REPEAL OF CERTAIN GENDER-BASED DIFFERENCES IN TREATMENT OF DEPENDENTS

SEC. 115. (a) Section 101, relating to definitions for purposes of title 10, is amended by striking out paragraph (36).

(b) Section 1072(2), relating to definitions for purposes of chapter 55 (medical and dental care), is amended—

(1) by striking out "wife" in clause (A) and inserting in lieu thereof "spouse";

(2) by striking out clause (C) and redesignating clauses (D), (E), and (F) as clauses (C), (D), and (E); and

(3) by striking out all of clause (C) (as redsignated by clause (B) of this paragraph) after "widower" and inserting in lieu thereof a semicolon.

EXTENSION OF RESTRICTIONS ON PERFORMANCE OF CIVIL FUNCTIONS TO ALL OFFICERS ON ACTIVE DUTY

SEC. 116. (a) Subsection (a) of section 973, relating to restrictions on performance of civil functions by officers, is amended by striking out "on the active list of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard" and inserting in lieu thereof "of an armed force on active duty".

(b) Subsection (b) of such section is amended by striking out "officer on the active list of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard" and inserting in lieu thereof "regular officer of an armed force on active duty".

(c) The heading of such section is amended to read as follows:

"§ 973. Duties: officers on active duty; performance of civil functions restricted".

PERMANENT AUTHORITY FOR CERTAIN PROVISIONS RELATING TO DISABILITY RETIREMENT

SEC. 117. Sections 1201(3) (B) (iv), 1203(4) (A) (iii), and 1203(4) (C) (iii) are each amended by striking out "during the period beginning on" and all that follows through "to that effect" and inserting in lieu thereof "after September 14, 1978".

TITLE II—AMENDMENTS TO SUBTITLES B AND D OF TITLE 10, UNITED STATES CODE—THE ARMY AND THE AIR FORCE

PART A—AMENDMENTS RELATING TO OFFICER APPOINTMENT, PROMOTION, SEPARATION, AND MANDATORY RETIREMENT

REPEAL OF SECTIONS PROVIDING FOR TEMPORARY APPOINTMENTS IN GRADES OF GENERAL AND LIEUTENANT GENERAL

SEC. 201. Sections 3066 and 8066, relating to generals and lieutenant generals, are repealed.

REPEAL OF SECTIONS RELATING TO THE AUTHORIZED STRENGTH OF THE ARMY AND OF THE AIR FORCE

SEC. 202. The following sections of chapters 331 and 831, relating to the strength of the Army and Air Force, are repealed: sections 3201 and 8201, 3203 and 8203, 3204 and 8204, 3205, and 8205, 3206 and 8206, 3207 and 8207, 8208, 3209 and 8209, 3211 and 8211, 3213 and 8213, 3214 and 8214, 8215, and 3216.

AUTHORIZED STRENGTH IN GRADE FOR GENERAL OFFICERS

SEC. 203. (a) Section 3202, relating to the authorized strength of the Army in officers on active duty in certain grades, is amended to read as follows:

§ 3202. Army: strength in grade; general officers

"(a) The authorized strength of the Army in general officers on active duty on the last day of each fiscal year, exclusive of officers on active duty for training only and officers serving with other departments or agencies on a reimbursable basis, is based on the total number of officers authorized for the Army in all commissioned grades under section 521 of this title as follows:

"If the total number of officers authorized in all commissioned grades is—	The authorized strength for general officers is—
50,000	350
60,000	400
70,000	425
80,000	450
90,000	475
100,000	495
110,000	510
120,000	520
130,000	530
140,000	540
150,000	550.

If the total number of officers authorized in all commissioned grades is between two of the figures listed in the first column of the table, the authorized strength for general officers is determined by mathematical interpolation between the respective authorized strengths listed in the table. If such number is more than 150,000, the Secretary of the Army shall fix the corresponding authorized strength in general officers in general conformity with the table.

"(b) Whenever the number of general officers is less than the number authorized under this section, the difference between the two numbers may be applied to increase the number authorized under section 523 of this title for any lower grade to which such section is applicable.

"(c) In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of this section. So long as such war or national emergency continues, any such suspension may be extended by the President. Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621–1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.".

(b) Section 8202, relating to the authorized strength of the Air Force in officers on active duty in certain grades, is amended to read as follows:

"§ 8202. Air Force: strength in grade; general officers

"(a) The authorized strength of the Air Force in general officers on active duty on the last day of each fiscal year, exclusive of officers on active duty for training only and officers serving with other departments or agencies on a reimbursable basis, is based on the total number of officers authorized for the Air Force in all commissioned grades under section 521 of this title on active duty as follows:

"If the total number of officers authorized in all commissioned grades is—	The authorized strength for general officers is—
50,000	312
60,000	324
70,000	336
80,000	349
90,000	363
100,000	380
110,000	398
120,000	416
130,000	434
140,000	452
150,000	470
160,000	478
170,000	486
180,000	495

If the actual strength in commissioned officers on active duty is between two of the figures listed in the first column of the table, the authorized strength for general officers is determined by mathematical interpolation between the respective authorized strengths listed in the table. If such strength is more than 180,000, the Secretary of the Air Force shall fix the corresponding strength in general officers in general conformity with the table.

"(b) Whenever the number of general officers is less than the number authorized under this section, the difference between the two numbers may be applied to increase the number authorized under section 523 of this title for any lower grade to which such section is applicable.

"(c) In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of this section. So long as such war or national emergency continues, any such suspension may be extended by the President. Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621–1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.".

REPEAL OF SECTIONS RELATING TO APPOINTMENTS OF COMMISSIONED OFFICERS IN THE REGULAR ARMY AND IN THE REGULAR AIR FORCE

SEC. 204. The following sections of chapters 335 and 835, relating to appointments in the Regular Army and Regular Air Force, are repealed: sections 3284 and 8284, 3285 and 8285, 3286 and 8286, 3287 and 8287, 3288 and 8288, 3289 and 8289, 3290, 3291, 3292, 3293 and 8293, 3294 and 8294, 3295 and 8295, 3296 and 8296, 3297 and 8297, 3298 and 8298, 3299 and 8299, 3300 and 8300, 8301, 3302 and 8302, 3303 and 8303, 3305 and 8305, 3306 and 8306, 3307 and 8307, 3308 and 8308, 3309 and 8309, 3312 and 8312, 3313 and 8313, and 3314 and 8314.

SERVICE CREDIT UPON ORIGINAL APPOINTMENT OF RESERVE COMMISSIONED OFFICERS

SEC. 205. (a) Section 3353, relating to the appointment and service credit of reserve commissioned officers of the Army, is amended to read as follows:

"§ 3353. Commissioned officers: service credit upon original appointment

"(a)(1) For the purpose of chapters 337 and 363 of this title and under regulations prescribed by the Secretary of Defense, a person receiving an original appointment as a reserve commissioned officer in the Army shall be credited at the time of such appointment with any service as a commissioned officer, except service as a commissioned warrant officer, that he performed in an active status in any armed force before such appointment.

"(2) The Secretary of Defense shall prescribe regulations to authorize the Secretary of the Army to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the Army shall credit a person who is receiving an original appointment as a reserve commissioned officer in the Army and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed in officer categories requiring such advanced education or an advanced degree as a prerequisite for appointment as a commissioned officer. (Except as provided in clause (E), in determining the years of constructive service under this clause, the Secretary of the Army shall grant credit for only the number of years normally required to complete the advanced education or receive the advanced degree.)

"(B) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment as an officer, if such advanced education will be directly used by the Army.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a specialty required by the Army.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being appointed was admitted to a professional school. However, a person may not receive additional credit under this clause if the amount of his baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

"(F) Additional credit for experience as a physician or dentist, if appointed in the Medical or Dental Corps.

"(2) Except as authorized by the Secretary of the Army in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment in the grade of major.

"(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving in an active status.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on active duty in the Army in grades below major is critically below the number needed by the Army in such grades, he may authorize the Secretary of the Army to credit any person receiving an original appointment in the Judge Advocate General's Corps with a view to an immediate call to active duty with a period of constructive service in such an amount (in addition to any period of service credited such person under subsection (b)(1)) as will result in the grade of such person being that of captain and the date of rank of such person being junior to that of all other officers of the same grade serving on active duty.".

(b) Section 8353, relating to the appointment and service credit of reserve commissioned officers of the Air Force, is amended to read as follows:

"§ 8353. Commissioned officers: service credit upon original appointment

"(a)(1) For the purpose of chapters 337 and 363 of this title and under regulations prescribed by the Secretary of Defense, a person receiving an original appointment as a reserve commissioned officer in the Air Force shall be credited at the time of such appointment with any service as a commissioned officer, except service as a commissioned warrant officer, that he performed in an active status in any armed force before such appointment.

"(2) The Secretary of Defense shall prescribe regulations to authorize the Secretary of the Air Force to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force shall credit a person who is receiving an original appointment as a reserve commissioned officer in the Air Force and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed in officer categories requiring such advanced education or an advanced degree as a prerequisite for appointment as a commissioned officer. (Except as provided in clause (E), in determining the years of constructive service under this clause, the Secretary of the Air Force shall grant credit for only the number of years normally required to complete the advanced education or receive the advanced degree.

"(B) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment as an officer, if such advanced education will be directly used by the Air Force.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a specialty required by the Air Force.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being appointed was admitted to a professional school. However, a person may not receive additional credit under this clause if the amount of his baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

"(F) Additional credit for experience as a physician or dentist, if appointed with a view to designation as a medical or dental officer.

"(2) Except as authorized by the Secretary of the Air Force in individual cases and under regulations prescribed by the Secretary of Defense in the case of an officer appointed with a view to designation as a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment in the grade of major.

"(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving in an active status.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on active duty in the Air Force in grades below major is critically below the number needed by the Air Force in such grades, he may authorize the Secretary of the Air Force to credit any person receiving an original appointment in the Judge Advocate General's Corps with a period of constructive service in such an amount (in addition to any period of service credited such person under subsection (b)(1) as will result in the grade of such person being that of captain and the date of rank of such person being junior to that of all other officers of the same grade serving on active duty.".

EXCLUSION OF RESERVE OFFICERS ON THE ACTIVE-DUTY LIST FROM CERTAIN PROVISIONS RELATING TO APPOINTMENTS OF RESERVE OFFICERS

SEC. 206. (a) Chapter 337, relating to appointments as reserve officers of the Army, is amended by adding at the end thereof the following new section:

"§ 3396. Exclusion of officers on the active-duty list

"The preceding sections of this chapter, except section 3353, do not apply to reserve officers on the active-duty list.".

(b) Chapter 837, relating to appointments as reserve officers of the Air Force, is amended by adding at the end thereof the following new section:

"§ 8396. Exclusion of officers on the active-duty list

"The preceding sections of this chapter, except section 8353, do not apply to reserve officers on the active-duty list.'.

REPEAL OF SECTIONS RELATING TO TEMPORARY APPOINTMENTS OF COMMISSIONED OFFICERS

SEC. 207. The following sections of chapters 339 and 839, relating to temporary appointments of commissioned officers, are repealed: sections 3441 and 8441, 3442 and 8442, 3444 and 8444, 3445 and 8445, 3447 and 8447, 3451 and 8451, and 3452 and 8452.

REPEAL OF SECTIONS RELATING TO TEMPORARY APPOINTMENTS OF WARRANT OFFICERS

SEC. 208. Sections 3448 and 8448, relating to temporary appointments of warrant officers, and 3449 and 8449, relating to temporary promotions of warrant officers, are repealed.

GRADE IN WHICH RESERVE OFFICERS ARE ORDERED TO ACTIVE DUTY

SEC. 209. (a) Sections 3494 and 8494, relating to the grade in which reserve commissioned officers of the Army and Air Force are ordered to active duty, are repealed.

RETIRED REGULAR MEMBERS ORDERED TO ACTIVE DUTY

SEC. 210. Sections 3504 and 8504, relating to the ordering of retired regular members of the Army and Air Force to active duty, are repealed.

REPEAL OF SECTIONS RELATING TO RANK AND COMMAND

SEC. 211. The following sections of chapters 345 and 845, relating to rank and command, are repealed: sections 3571 and 8571, 3573 and 8573, 3574 and 8574, and 3582 and 8582.

COMMAND BY COMMISSIONED OFFICERS OF THE ARMY MEDICAL DEPARTMENT AND BY COMMISSIONED OFFICERS OF THE AIR FORCE IN CERTAIN CATEGORIES

SEC. 212. (a) Section 3579, relating to the exercise of command by officers of the Army Medical Department, is amended—

(1) by striking out ", other than an officer of the Army Nurse Corps or Army Medical Specialist Corps," in subsection (a);

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) The text of section 8579, relating to the exercise of command by Air Force officers in certain designated categories, is amended to read as follows:

"An officer designated as a medical, dental, veterinary, medical service, or biomedical sciences officer or as a nurse is not entitled to exercise command because of rank, except within the categories prescribed in subsections (a), (b), (c), (d), (e), (f), or (i) of section 8067 of this title, or over persons placed under his charge.".

REPEAL OF CHAPTERS PROVIDING FOR INVOLUNTARY SEPARATION OF REGULAR OFFICERS FOR UNSATISFACTORY PERFORMANCE OF DUTY AND FOR CERTAIN OTHER REASONS

SEC. 213. Chapters 359 and 859, relating to separation from the Regular Army and from the Regular Air Force for substandard performance of duty, and 360 and 860, relating to separation from the Regular Army and from the Regular Air Force for moral or professional dereliction or in interests of national security, are repealed.

REPEAL OF SECTIONS AUTHORIZING DISCHARGE OF REGULAR OFFICERS DURING THREE-YEAR PROBATIONARY PERIOD

SEC. 214. Sections 3814 and 8814, relating to the discharge of regular commissioned officers with less than three years of commissioned service, are repealed.

RETENTION IN AN ACTIVE STATUS OF CERTAIN RESERVE OFFICERS UNTIL AGE 60

SEC. 215. (a) Section 3855, relating to the retention in active status of certain reserve officers until age 60, is amended—

(1) by inserting "the podiatry specialty in the Medical Allied Sciences Section of the Medical Service Corps, the Optometry Section of the Medical Service Corps," after "Veterinary Corps," and

(2) by adding at the end thereof the following new sentence: "An officer may be retained in an active status under the authority of this section only to fill a mission-based requirement.".

(b) Section 8855, relating to the retention in active status of certain officers until age 60, is amended—

(1) by inserting "optometrist, podiatrist," after "veterinary officer,";

(2) by striking out "Air Force medical specialist" and inserting in lieu thereof "biomedical sciences officer"; and

(3) by adding at the end thereof the following new sentence: "An officer may be retained in an active status under the authority of this section only to fill a mission-based requirement.".

REPEAL OF CHAPTERS RELATING TO RETIREMENT FOR AGE OF REGULAR COMMISSIONED OFFICERS

SEC. 216. Chapter 365 and 865, relating to retirement for age of regular commissioned officers, are repealed.

REPEAL OF SECTIONS RELATING TO RETIREMENT FOR LENGTH OF SERVICE

SEC. 217. (a) The following sections of chapters 367 and 867, relating to retirement for length of service, are repealed: sections 3913 and 8913, 8915, 3916 and 8916, 3919 and 8919, 3921 and 8921, 3922 and 8922, 3923 and 8923, and 3927 and 8927.

DIRECTOR OF ADMISSIONS OF UNITED STATES MILITARY ACADEMY; REGISTRAR OF THE UNITED STATES AIR FORCE ACADEMY

SEC. 218. (a) Section 4336, relating to the director of admissions at the United States Military Academy, is amended by striking out subsection (c).

(b) Section 9336, relating to the registrar at the United States Air Force Academy, is amended by striking out subsection (c).

Part B—Miscellaneous Amendments

AUTHORITY TO ESTABLISH NEW STAFF CORPS IN THE ARMY

SEC. 231. Section 3064, relating to the special branches of the Army, is amended—

(1) in subsection (a)—

(A) by striking out "and" at the end of clause (2);

(B) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new clause;

"(4) such other special branches as may be established by the Secretary of the Army under subsection (b).";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) The Secretary of the Army may establish special branches for the Army and may appoint commissioned officers in, and may assign members to, such branches.".

PERSONNEL DETAILED OUTSIDE THE DEPARTMENT OF DEFENSE TO BE COUNTED IN COMPUTING STRENGTHS

SEC. 232. Sections 3230 and 8230, relating to personnel detailed outside the Department of Defense, are repealed.

OFFICERS SERVING AS CHIEF OF STAFF TO THE PRESIDENT

SEC. 233. (a) Section 3531, relating to the appointment of an Army general officer as the Chief of Staff to the President, is repealed.

(b) Section 8531, relating to the appointment of an Air Force general officer as the Chief of Staff to the President, is repealed.

GRADE OF THE SPECIAL ASSISTANT TO COMPTROLLER OF THE DEPARTMENT OF DEFENSE

SEC. 234. Section 3532, relating to the grade of the Special Assistant to the Comptroller of the Department of Defense, is repealed.

RANK, PAY, AND ALLOWANCES OF ASSISTANT TO THE CHIEF OF ENGINEERS

SEC. 235. Section 3535, relating to the rank, pay, and allowances of the Assistant to the Chief of Engineers in charge of civil works, is repealed.

REPEAL OF SECTIONS AUTHORIZING TERMINATION OF APPOINTMENT OR ENLISTMENT OF REGULAR FEMALE MEMBERS

SEC. 236. Section 3818 and 8818, relating to the termination of appointments and enlistments of female members, are repealed.

REPEAL OF PROHIBITION ON WOMEN BEING ENLISTED AS AVIATION CADETS IN THE REGULAR AIR FORCE

SEC. 237. Section 8257, relating to qualifications of aviation cadets in the Regular Air Force, is amended by striking out "male" both places it appears in such section.

TITLE III—AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE—THE NAVY AND MARINE CORPS

Part A—Permanent Grade of Commodore Admiral in the Navy

ESTABLISHMENT OF PERMANENT COMMODORE ADMIRAL GRADE

SEC. 301. Section 5501 is amended to read as follows:

"§ 5501. Navy: grades above chief warrant officer, W-4

"The commissioned grades in the Navy above the grade of chief warrant officer, W-4, are the following:

"(1) Admiral.
"(2) Vice admiral.
"(3) Rear admiral.
"(4) Commodore admiral.
"(5) Captain.
"(6) Commander.
"(7) Lieutenant commander.
"(8) Lieutenant.
"(9) Lieutenant (junior grade).
"(10) Ensign.".

NUMBER OF NAVY STAFF CORPS OFFICERS SERVING IN GRADES OF COMMODORE ADMIRAL AND REAR ADMIRAL

SEC. 302. Section 5444 is amended to read as follows:

"§ 5444. Navy: staff corps officers on active duty; commodore admirals and rear admirals

"(a) The total number of officers serving on active duty in the grades of commodore admiral and rear admiral in the staff corps of the Navy excluding any flag officer serving as a Chief of Bureau, may not exceed a number appropriate to the total number of officers in all the staff serving on active duty, as set forth in the following table. If the total number of officers on active duty in all the staff corps falls between two strengths shown in the first column of the table, the number of rear admirals and commodore admirals is determined by proportionate interpolation between the numbers of the two strengths.

"Total number of officers in all the staff corps on active duty:	Number of rear admirals and commodore admirals:
9,000	44
13,000	53
19,000	57
27,000	61
32,000	64
37,000	67

"(b) The Secretary of the Navy, whenever the needs of the service require but at least once annually, shall compute the number of officers authorized under subsection (a) for the grades of commodore admiral and rear admiral in all the staff corps. The number so computed is the number of officers on active duty specified for the grades of commodore admiral and rear admiral in all the staff corps. If the Secretary determines at the time of making any such computation that the number of officers required to meet the needs of the service in the grades of commodore admiral and rear admiral for all the staff corps is less than the specified number for such grades for all the staff corps, the lesser number becomes the specified number for such grades for all the staff corps and the reduction may be applied as an increase in the authorized number for any lower grade of the Navy under section 523 of this title.

"(c) Each officer in a staff corps who serves as a chief of bureau and who, before or during that service, is appointed to the grade of commodore admiral or rear admiral under section 624 of this title shall, upon termination of his appointment as chief of bureau, be carried in excess of the prescribed number until the next vacancy occurs in his grade in his corps.

"(d) The prescribed number of officers computed or determined under this section may not be varied between computations.

"(e) For the purpose of this section, each officer is counted in the grade in which he is serving, whether under a permanent or a temporary appointment. However, each officer serving under an appointment in the grade of admiral or vice admiral and each officer in a grade to which he was appointed under section 603 of this title is counted in the grade he would hold had he not been so appointed or promoted.

"(f) The Secretary shall prescribe the number of rear admirals in each staff corps. The total of the prescribed numbers of rear admirals for all the staff corps may not exceed 50 percent of the total number computed under subsection (b). The Secretary shall further prescribe the number of commodore admirals in each staff corps. The prescribed number of rear admirals for any staff corps may not exceed the prescribed number of commodore admirals for that staff corps.

"(g) For the purpose of computing the total number of flag officers in ths staff corps of the Navy, flag officers of the Judge Advocate General's Corps shall be considered additional numbers in grade.".

Part B—Amendments Relating to Officer Strength and Distribution in Grade

REPEAL OF SECTIONS RELATING TO THE STRENGTH OF THE NAVY AND MARINE CORPS

SEC. 311. (a) The following sections of chapter 531, relating to the authorized strength of the Navy and Marine Corps, are repealed: sections 5401, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5412, 5415, and 5417.

(b) The heading of such chapter is amended to read as follows:

"Chapter 531—STRENGTH OF NAVAL RESERVE AND MARINE CORPS RESERVE"

PERSONNEL DETAILED OUTSIDE THE DEPARTMENT OF DEFENSE TO BE COUNTED IN COMPUTING STRENGTH

SEC. 312. Section 5416, relating to personnel detailed outside the Department of Defense, is repealed.

AMENDMENTS RELATING TO NUMBER AND DISTRIBUTION IN GRADE OF FLAG AND GENERAL OFFICERS

SEC. 313. (a) Section 5441, relating to the terms "prescribed number" and "vacancy", is amended by striking out "or combination of grades" each place it appears.

(b) Section 5442, relating to the number of Navy line officers on active duty, is amended to read as follows:

"§ 5442. Navy: line officers on active duty; commodore admirals and rear admirals

"(a) Of the total number of officers serving on active duty in the line of the Navy in the grade of ensign and above (excluding officers in categories specified in section 523 (b) of this title), the number of officers who may serve in the grades of commodore admiral and rear admiral may not, except as provided in subsection (b), exceed a number appropriate to the number set forth in the following table. If the total number of officers serving on active duty in the line of the Navy in the grade of ensign and above (excluding officers in categories specified in section 523(b) of this title) falls between two strengths shown in the first column of the table, the number for the grades of commodore admiral and real admiral is determined by proportionate interpolation between the respective numbers for the two strengths.

"Total number of line officers serving on active duty in the grade of ensign and above (excluding officers carried as additional numbers in grade):	Number of commodore admirals and rear admirals
32, 000	215
40, 000	222
50, 000	228
60, 000	237
70, 000	244
80, 000	252
90, 000	259
100, 000	262
125, 000	291
150, 000	305
175, 000	323
200, 000	342
250, 000	379.

"(b)(1) The Secretary of the Navy, whenever the needs of the service require, but at least once annually, shall compute the number of officers authorized under subsection (a) for the grades of commodore admiral and rear admiral. The number so computed for such grades shall be the number of officers on active duty (excluding officers in categories specified in section 523(b) of this title) specified for such grades. If at the time of making computations under this subsection the Secretary determines that the number of officers required to meet the needs of the service in the grades of commodore admiral and rear admiral is less than the specified number for such grades, the lesser number becomes the specified number for such grades. Any reduction under this subsection may be applied as an increase in the prescribed number for any lower grade.

"(2) When making a computation under this subsection, the Secretary shall prescribe a number for the grade of rear admiral. The number prescribed for the grade of commodore admiral is the number specified in this subsection less the number prescribed for the grade of rear admiral.

"(c)(1) Whenever the needs of the service require but at least once annually, the Secretary of the Navy shall specify the total number of officers designated for engineering duty, aeronautical engineering duty, and special duty who may be serving on active duty in the grades of commodore admiral and rear admiral. Such number may not exceed 13 percent of the number of officers specified in subsection (b) for the grades of commodore admiral and rear admiral. If at the time of making a specification under this subsection, the Secretary determines that the total number of such officers required to meet the needs of the service in the grades of commodore admiral and rear admiral is less than the specified number for such grades as specified under this subsection, the lesser number becomes the specified numbers for officers in such grades. Any reduction under this subsection may be applied as an increase in the prescribed number for any lower grade.

"(2) When making a specification under this subsection, the Secretary shall prescribe a number for the grade of rear admiral. The number prescribed for the grade of commodore admiral shall be the number specified in this subsection less the number prescribed for the grade of rear admiral.

"(3) For the purpose of subsection (a), all officers designated for engineering duty, aeronautical engineering duty, and special duty are additional numbers in grade.

"(d) The prescribed numbers of officers computed or determined under this section may not be varied between computations. However, the prescribed number for a grade is temporarily increased during the period between one computation and the next succeeding computation by—

"(1) the number of officers of the Naval Reserve ordered to active duty in that grade during that period; and

"(2) the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

"(e) For the purpose of this section, each officer is counted in the grade in which he is serving, whether under a permanent or a temporary appointment. However, each officer serving under an appointment in the grade of admiral or vice admiral, and each officer serving in the grade of commodore admiral or rear admiral who was appointed under section 603 of this title or promoted under section 624 of this title, is counted in the grade he would hold had he not been so appointed or promoted.

"(f) The sum of the prescribed numbers for the grade of rear admiral under subsections (b) and (c) may not exceed 50 percentum of the sum of the numbers specified under such subsections for the grades of commodore admiral and rear admiral.".

(c)(1) Subsection (a) of section 5443, relating to the number of officers of the Marine Corps on active duty, is amended to read as follows:

"(a) Except as provided in subsection (b), the number of officers in the Marine Corps who may serve on active duty in the grades of brigadier general and major general may not exceed a number appropriate to the total number of officers serving on active duty in the Marine Corps in the grade of second lieutenant or above as set forth in the following table. If the total number of officers serving on active duty in the grade of second lieutenant or above (excluding officers in categories specified in section 523(b) of this title) falls between two strengths shown in the first column of the table, the number for the grades of brigadier general and major general is determined by interpolation between the respective numbers for the two strengths.

"Total number of officers serving on active duty in the grade of second lieutenant and above:	Number of brigadier generals and major generals
10,000	58
12,500	62
15,000	69
17,500	72
20,000	75
22,500	79
25,000	82
27,500	84
30,000	85
32,500	87
35,000	89".

(2) The last sentence of subsection (b) of such section is amended by striking out "subsection (c)" and inserting in lieu thereof "section 523(a)(1) of this title".

(3) Subsections (c), (d), (e), and (f) of such section are repealed.

(4) Subsection (g) of such action is redesignated as subsection (c) and is amended by striking out clause (1) and redesignating clauses (2) and (3) as clauses (1) and (2), respectively.

(5) Subsection (h) of such section is redesignated as subsection (d), and the second sentence of such subsection is amended to read as follows: "However, each officer serving under an appointment in the grade of general or lieutenant general, and each officer serving in the grade of brigadier general or major general who was appointed under section 603 of this title, is counted in the grade he would hold had he not been so appointed or promoted.".

(6) The heading of such section is amended to read as follows:

"§ 5443. Marine Corps: officers on active duty; brigadier generals and major generals".

(d)(1) Section 5445, relating to the suspension of sections 5442, 5443, and 5444, is repealed.

(2) Section 5447, relating to the permanent grade distribution of Navy line officers on the active list, is repealed.

(3) Section 5448, relating to the permanent grade distribution of Marine Corps officers of the active list, is repealed.

(4) Section 5449, relating to the number of Navy staff corps officers on the active list in the permanent grade of rear admiral, is repealed.

(e) Section 5457(a), relating to the authorized strength of the Naval Reserve in officers in an active status in the grade of rear admiral, is amended—

(1) by striking out "grade of rear admiral" and inserting in lieu thereof "grades of commodore admiral and rear admiral"; and

(2) by adding at the end thereof the following new sentence:

"Not more than 50 percent of the officers in an active status authorized under this subsection may serve in the grade of rear admiral.".

REPEAL OF SECTIONS RELATING TO LINEAL LISTS

SEC. 314. Sections 5504, relating to the maintenance of lineal lists, and 5505, relating to changes on the position on the lineal list of reserve officers, are repealed.

PART C—AMENDMENTS RELATING TO ORIGINAL APPOINTMENTS OF COMMISSIONED OFFICERS IN THE NAVY AND MARINE CORPS

REPEAL OF CERTAIN SECTIONS OF CHAPTER 539 RELATING TO ORIGINAL APPOINTMENTS IN THE NAVY AND MARINE CORPS SUPERSEDED BY NEW CHAPTER 36

SEC. 321. The following sections of chapter 539, relating to original appointments in the Navy and Marine Corps, are repealed: sections 5571, 5572, 5573a, 5574, 5575, 5576, 5577, 5578, 5578a, 5579, 5580, 5583, 5584, and 5586.

REPEAL OF SECTION PROVIDING FOR APPOINTMENT OF GRADUATES OF THE UNITED STATES NAVAL ACADEMY

SEC. 322. Section 5573, relating to appointment of graduates of the Naval Academy, is repealed.

REPEAL OF SECTIONS LIMITING NUMBER OF ENSIGNS APPOINTED ANNUALLY IN CERTAIN STAFF CORPS

SEC. 323. (a) Section 5591, relating to the maximum number of ensigns that may be appointed annually in the Supply Corps of the Regular Navy, is repealed.

(b) Section 5592, relating to the maximum number of ensigns that may be appointed annually in the Civil Engineer Corps of the Regular Navy, is repealed.

(c) Section 5593, relating to the maximum number of ensigns that may be appointed annually in the Medical Service Corps of the Regular Navy, is repealed.

(d) Section 5594, relating to the maximum number of ensigns that may be appointed annually in the Nurse Corps of the Regular Navy, is repealed.

(e) Section 5595, relating to restrictions on the appointment of former midshipmen and cadets in the Regular Marine Corps, is repealed.

ORIGINAL APPOINTMENTS IN THE REGULAR NAVY OF OFFICERS DESIGNATED FOR ENGINEERING, AERONAUTICAL, AND SPECIAL DUTY

SEC. 324. (a) Subsection (a) of section 5587, relating to officers designated for engineering, aeronautical engineering, and special duty, is amended to read as follows:

"(a) Persons may be originally appointed in the line of the Navy as regular officers designated for engineering duty, aeronautical engineering duty, or special duty.".

(b) Subsection (b) of such section is amended by striking out "any officer on the active list" and inserting in lieu thereof "a regular officer".

(c) The third sentence of subsection (c) of such section is amended by striking out "public information, psychology," and inserting in lieu thereof "public affairs, psychology, geophysics, cryptography,".

(d) Subsection (d) of such section is amended by striking out "are additional numbers in grade. They".

ORIGINAL APPOINTMENTS OF REGULAR OFFICERS DESIGNATED FOR LIMITED DUTY

SEC. 325. Section 5589, relating to Regular Navy and Regular Marine Corps officers designated for limited duty, is amended—

(1) by striking out that portion of subsection (a) preceding clause (1) and inserting in lieu thereof the following:

"(a) Original appointments as regular officers of the Navy in a grade below lieutenant commander in the line and in staff corps established by the Secretary of the Navy under section 5155(b) of this title and designated by the Secretary for the purposes of this section may be made from—";

(2) by striking out that portion of subsection (b) preceding clause (1) and inserting in lieu thereof the following:

"(b) Original appointments as regular officers of the Marine Corps in a grade below major may be made from—"; and

(3) by inserting "the qualifications specified in section 532(a) of this title and have" in subsection (c) after "must have".

TEMPORARY APPOINTMENTS IN WARRANT OFFICER GRADES AND OF OFFICERS DESIGNATED FOR LIMITED DUTY

SEC. 326. Section 5596, relating to temporary appointments, is amended to read as follows:

"§ 5596. Navy and Marine Corps: temporary appointments of warrant officers and officers designated for limited duty

"(a) Under such regulations as he may prescribe, the Secretary of the Navy may make temporary appointments—

"(1) in warrant officer grades; and

"(2) of officers designated for limited duty in the Regular Navy in grades not above lieutenant and in the Regular Marine Corps in grades not above captain from sources authorized under section 5589 of this title.

Such appointments shall be made by warrant if in the grade of warrant officers, W–1, and by commission if in a higher grade.

"(b) Temporary appointments under this section do not change the permanent, probationary, or acting status of members so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. A person receiving a temporary appointment under this section may not suffer any reduction in the pay and allowances to which he was entitled because of his permanent status at the time of his temporary appointment, or any reduction in the pay and allowances to which he was entitled under a prior temporary appointment in a lower grade.

"(c) The following members of the naval service are ineligible for temporary appointments under this section:

"(1) Retired members.

"(2) Members of the Naval Reserve and the Marine Corps Reserve ordered to active duty for training.

"(3) Members of the Naval Reserve and the Marine Corps Reserve ordered to active duty in connection with organizing, administering, recruiting, instructing, training, or drilling the Naval Reserve or the Marine Corps Reserve.

"(4) Members of the Naval Reserve and the Marine Corps Reserve ordered to temporary active duty to prosecute special work.

"(d) Officers designated for limited duty under subsection (a)(2) may be temporarily appointed by the Secretary of the Navy in a higher grade not above commander in the Regular Navy or lieutenant colonel in the Regular Marine Corps under such regulations as the Secretary may prescribe. Regulations prescribed under this section shall to the greatest extent practicable conform to the procedures prescribed in chapter 36 of this title for selection for promotion and promotion to higher permanent grades.

"(e) The Secretary of the Navy may terminate any appointment made under this section.".

REPEAL OF SECTIONS AUTHORIZING TEMPORARY APPOINTMENTS OF NAVY AND MARINE CORPS OFFICERS

SEC. 327. Sections 5597, 5598, and 5599 relating to temporary appointments in the Navy and Marine Corps during a war or national emergency, are repealed.

SERVICE CREDIT UPON ORIGINAL APPOINTMENT OF RESERVE COMMISSIONED OFFICERS

SEC. 328. Section 5600, relating to service credit upon original appointment to the Naval Reserve and Marine Corps Reserve, is amended to read as follows:

"§ 5600. Naval Reserve and Marine Corps Reserve: service credit upon original appointment

"(a)(1) Under regulations prescribed by the Secretary of Defense, for the purpose of determining the grade, seniority in grade, and eligibility for promotion of a person who is originally appointed as a commissioned officer in a permanent grade above chief warrant officer, W–4, in the Naval Reserve or Marine Corps Reserve, such person shall be credited at the time of such appointment with any service as a commissioned officer, other than a commissioned warrant officer, that he performed in an active status in any armed force before such appointment.

"(2) The Secretary of Defense shall prescribe regulations to authorize the Secretary of the Navy to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy shall credit a person who is receiving an original appointment as a reserve commissioned officer in the Navy or Marine Corps and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed in officer categories requiring such advanced education or an advanced degree as a prerequisite for appointment as a commissioned officer. (Except as provided in clause (E), in determining the years of constructive service under this clause, the Secretary of the Navy shall grant credit for only the number of years normally required to complete the advanced education or receive the advanced degree.)

"(B) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment as an officer, if such advanced education will be directly used by the Navy or Marine Corps, as appropriate.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a specialty required by the Navy or Marine Corps, as appropriate.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being appointed was admitted to a professional school. However, a person may not receive additional credit under this clause if the amount of his baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

"(F) Additional credit for experience as a physician or dentist, if appointed in the Medical or Dental Corps.

"(2) Except as authorized by the Secretary of the Navy in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment in the grade of lieutenant commander or major.

"(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving in an active status.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on active duty in the Navy or the Marine Corps in grades below lieutenant commander or major is critically below the number needed by the Navy or Marine Corps, respectively, in such grades, he may authorize the Secretary of the Navy to credit any person to whom this section applies who is receiving an original appointment in the Judge Advocate General's Corps of the Navy, or who is receiving an original appointment in the Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person, if ordered to active duty, being that of lieutenant, in the case of an officer of the Navy, or captain, in the case of an officer of the Marine Corps, and the date of rank of such person being junior to that of all other officers of the same grade serving on active duty in the Navy or Marine Corps, as the case may be.".

REPEAL OF SECTION AUTHORIZING DIRECT PROCUREMENT OF ENSIGNS AND SECOND LIEUTENANTS

SEC. 329. Section 6909, relating to direct procurement of ensigns and second lieutenants, is repealed.

PART D—AMENDMENTS RELATING TO PROMOTIONS, SEPARATION, AND INVOLUNTARY RETIREMENT OF COMMISSIONED OFFICERS

REPEAL OF CHAPTER PROVIDING FOR APPOINTMENTS TO FLEET COMMANDS AND OTHER POSITIONS OF IMPORTANCE AND RESPONSIBILITY

SEC. 331. Chapter 517, relating to certain positions carrying the grade of admiral, vice admiral, general, or lieutenant general, is repealed.

ABOLISHMENT FOR REGULAR OFFICERS OF NAVY RUNNING MATE SYSTEM AND ASSIGNMENT OF RUNNING MATES TO RESERVE OFFICERS

SEC. 332. Chapter 541, relating to running mates, is amended to read as follows:

"Chapter 541—RUNNING MATES FOR RESERVE OFFICERS

"Sec.

"5665. Naval Reserve and Marine Corps Reserve: active status officers in permanent grades above chief warrant officer, W–4.

"§ 5665. Naval Reserve and Marine Corps Reserve: active status officers in permanent grades above chief warrant officer, W–4

"(a) While in the grade of lieutenant (junior grade) or in a higher grade, each officer in an active status in the Naval Reserve who is not on an active-duty list has a running mate of the same grade from the active-duty list who shall be assigned under regulations prescribed by the Secretary of the Navy.

"(b) While in the grade of first lieutenant or a higher grade, each officer in an active status in the Marine Corps Reserve who is not on an active-duty list has a running mate of the same grade from the active-duty list who shall be assigned under regulations prescribed by the Secretary of the Navy.".

REPEAL OF CHAPTERS RELATING TO SELECTION BOARDS, PROMOTION OF OFFICER, AND EXAMINATIONS FOR PROMOTIONS

SEC. 333. Chapters 543, relating to selection boards, 545, relating to promotion of officers, and 547, relating to examinations for promotion of officers, are repealed.

TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS

SEC. 334. Part II of subtitle C is amended by inserting after chapter 541 (as amended by section 332) the following new chapter:

"Chapter 544—TEMPORARY APPOINTMENTS

"Sec.
"5721. Temporary promotions of certain Navy lieutenants.

"§ 5721. Temporary promotions of certain Navy lieutenants.

"(a) An officer in the line of the Navy in the grade of lieutenant who—

"(1) has a skill in which the Navy has a critical shortage of personnel (as determined by the Secretary of the Navy); and

"(2) is serving in a position (as determined by the Secretary of the Navy) which (A) is designated to be held by a lieutenant commander, and (B) requires that an officer serving in such position have the skill possessed by such officer.

may be temporarily promoted to the grade of lieutenant commander under regulations to be prescribed by the Secretary of the Navy. Appointments under this section shall be made by the President alone.

"(b) (1) An appointment under this section does not change the position on the active-duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

"(2) For the purposes of section 523 of this title, an officer holding an appointment under this section is considered as serving in the grade of lieutenant commander.

"(c) A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary of the Navy for the purpose of recommending officers for such promotions.

"(d) Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of lieutenant commander from the date the appointment is made.

"(e) Unless sooner terminated, an appointment under this section terminates—

"(1) on the date the officer who received the appointment is promoted to the permanent grade of lieutenant commander; or

"(2) on the date the officer is detached from a position described in subsection (a) (2), unless the officer is on a promotion list to the permanent grade of lieutenant commander, in which case the appointment terminates on the date the officer is promoted to that grade.

"(f) The authority to make appointments under this section terminates on September 30, 1983.".

REPEAL OF SECTIONS RELATING TO INVOLUNTARY RETIREMENT, SEPARATION, AND FURLOUGH

SEC. 335. The following sections of chapter 573 are repealed: sections 6371, 6372, 6373, 6374, 6376, 6377, 6378, 6379, 6380, 6381, 6382, 6384, 6385, 6386 6387, 6388, 6390, 6392, 6394, 6395, 6396, 6398, 6400, 6401, 6402, and 6407.

RETIREMENT OR DISCHARGE OF REGULAR LIMITED DUTY OFFICERS

SEC. 336. (a) Subsection (a) of section 6383, relating to retirement and discharge of officers designated for limited duty, is amended by striking out "Each officer designated for limited duty on the active list of the Navy or Marine Corps" and inserting in lieu thereof "Except as provided in subsection (i), each regular officer of the Navy or Marine Corps designated for limited duty."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Except as provided in subsection (i), each regular officer on the active-duty list of the Navy serving in the grade of lieutenant commander who is an officer designated for limited duty, and each regular officer on the active-duty list of the Marine Corps serving in the grade of major who is an officer designated for limited duty, who is considered as having failed of selection for promotion to the grade of commander or lieutenant colonel, respectively, for the second time and whose name is not on a promotion list shall be retired, if eligible to retire, or be discharged on the date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the selection board in which the officer is considered as having failed of selection for promotion to the grade of commander or lieutenant colonel for the second time.".

(c) Subsection (c) (1) of such section is amended by striking out "in which he was serving at the time of retirement" and inserting in lieu thereof "determined under section 1370 of this title".

(d) Subsections (d) and (e) of such section are amended to read as follows:

"(d) Each regular officer on the active-duty list of the Navy serving in the grade of lieutenant who is an officer designated for limited duty, and each regular officer on the active duty list of the Marine Corps serving in the grade of captain who is an officer designated for limited duty, who is considered as having failed of selection for promotion to the grade of lieutenant commander or major for the second time and whose name is not on a list of officers recommended for promotion shall be honorably discharged on the date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the selection board in which the officer is considered as having failed of selection for promotion to the grade of lieutenant commander or major for the second time.

"(e) (1) Each regular officer on the active-duty list of the Navy serving in the grade of lieutenant (junior grade) who is an officer designated for limited duty, and each regular officer on the active-duty list of the Marine Corps serving in the grade of first lieutenant who is an officer designated for limited duty, who is considered as having failed of selection for promotion to the grade of lieutenant (in the case of an officer of the Navy) or captain (in the case of an officer of the Marine Corps) for the second time shall be honorably discharged on the date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the selection board in which the officer is considered as having failed of selection for promotion to the grade of lieutenant or captain, respectively, for the second time.

"(2) Each regular officer on the active-duty list of the Navy serving in the grade of ensign who is an officer designated for limited duty, and each regular officer on the active-duty list of the Marine Corps serving in the grade of second lieutenant who is an officer designated for limited duty, who is found not qualified for promotion to the grade of lieutenant (junior grade) (in the case of an officer of the Navy) or first lieutenant (in the case of an officer of the Marine Corps) shall be honorably discharged on the date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh calendar month beginning after the month in which the officer was found not qualified for promotion.".

(e) Subsection (f) of such section is repealed.

(f) Subsection (g) of such section is redesignated as subsection (f) and is amended—

(1) by striking out "retirement or discharge under subsections (b), (d)," in the first sentence and inserting in lieu thereof "discharge under subsection (d)"; and

(2) by striking out "retired or" in the first and second sentences.

(g) Subsection (h) of such section is redesignated as subsection (g).

(h) Such section is further amended by adding at the end thereof the following new subsections:

"(h) An officer discharged under this section is entitled, if eligible therefor, to separation pay under section 1174(a) of this title.

"(i) Under such regulations as he may prescribe, whenever the needs of the service require, the Secretary of the Navy may defer the retirement under subsection (a) or (b) of any officer designated for limited duty upon recommendation of a board of officers convened under section 611(b) of this title and with the consent of the officer concerned. An officer whose retirement is deferred under this subsection and who is not subsequently promoted may not be continued on active duty beyond 24 years active commissioned service, if in the grade of lieutenant commander or major or 28 years active commissioned service, if in the grade of commander or lieutenant colonel, or beyond age 62. whichever is earlier.

"(j) This section does not apply to officers designated for limited duty under section 5596 of this title.".

(i) The heading of such section is amended by striking out the penultimate and antepenultimate words.

ELIMINATION OF RESERVE OFFICERS FROM ACTIVE STATUS

SEC. 337. (a) (1) Subsection (b) of section 6389, relating to elimination of reserve officers from active status, is amended by inserting "or (f)" in the first sentence after "subsection (a)".

(2) The second sentence of subsection (d) of such section is amended to read as follows: "Each other officer is considered to have for this purpose as much total commissioned service as the years of active commissioned service of any regular officer on the active-duty list of the Navy not restricted in the performance of duty, or any regular officer on the active-duty list of the Marine or any regular Corps not restricted in the performance of duty, as appropriate, who has served continuously since original appointment as an ensign on the active-duty list of the Navy or as a second lieutenant on the active-duty list of the Marine Corps, has not lost numbers or precedence, and is, or has been after September 6, 1947, junior to that other officer.".

(3) Subsection (e) of such section is amended to read as follows:

"(e) This section does not apply to women reserve officers or to reserve officers in the Nurse Corps.".

(4) Such section is amended by adding at the end thereof the following new subsection:

"(f) (1) Each officer of the Naval Reserve in an active status in the permanent grade of commodore admiral and each officer of the Marine Corps Reserve in an active status in the permanent grade of brigadier general shall, 30 days after he completes 30 years of service computed under subsection (d), or on the fifth anniversary of the date of his appointment to that grade, whichever is later—

"(A) be transferred to the Retired Reserve, if he is qualified and applies therefor, or

"(B) if he is not qualified or does not apply therefor, be discharged from his reserve component.

An officer who has been recommended for promotion, and who would otherwise be removed from an active status under this section, shall be retained in that status until he is appointed or refused appointment to the next higher grade.

"(2) Each officer of the Naval Reserve in an active status in the permanent grade of rear admiral and each officer of the Marine Corps Reserve in an active status in the permanent grade of major general shall, 30 days after he completes 35 years of service computed under subsection (d), or on the fifth anniversary of the date of his appointment to that grade, whichever is later—

"(A) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

"(B) if he is not qualified or does not apply therefor, be discharged from his reserve component.

"(3) An officer in the Naval Reserve in an active status serving in the grade of commodore admiral or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement by a continuation board convened under section 6410 of this title.".

ELIMINATION FROM ACTIVE STATUS IN THE NAVAL RESERVE OF OFFICERS IN THE NURSE CORPS

Sec. 338. Subsection (a) of section 6397, relating to the elimination of reserve officers in the Nurse Corps from active status, is amended to read as follows:

"(a) An officer of the Naval Reserve in any grade in the Nurse Corps may be eliminated from an active status under the conditions prescribed in this title for the separation from the active-duty list of a regular officer in the same grade.".

Part E—Amendments Relating to Specific Positions

RANK AND PRIVILEGES OF RETIREMENT OF THE DIRECTOR OF THE OFFICE OF BUDGET AND REPORTS

Sec. 341. Section 5064, relating to the Director and Assistant Director of the Office of Budget and Reports, is amended by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

GRADE OF THE CHIEF OF DENTAL DIVISION, BUREAU OF MEDICINE AND SURGERY

Sec. 342. Section 5138(a), relating to the grade of the Chief of the Dental Division in the Bureau of Medicine and Surgery, is amended by striking out "in the grade of rear admiral" and inserting in lieu thereof "not below the grade of commodore admiral".

RANK AND GRADE OF JUDGE ADVOCATE GENERAL OF THE NAVY

Sec. 343. Section 5148(b), relating to the Judge Advocate General of the Navy, is amended by adding at the end thereof the following new sentence: "While so serving, the Judge Advocate General of the Navy shall be entitled to the rank and grade of rear admiral or major general, as appropriate, unless entitled to a higher rank and grade under another provision of law.".

ABOLISHMENT OF POSITIONS OF ASSISTANT TO THE CHIEF OF NAVAL PERSONNEL FOR WOMEN AND DIRECTOR OF WOMEN MARINES

Sec. 344. (a) Section 5143, relating to the Assistant to the Chief of Naval Personnel for Women, is repealed.

(b) Section 5206, relating to the Director of Women Marines, is repealed.

Part F—Abolishment of Certain Navy Staff Corps; Authority to Establish New Staff Corps in the Navy

AUTHORITY TO ESTABLISH NEW STAFF CORPS IN THE NAVY

Sec. 351. Chapter 513, relating to bureaus and certain offices in the Navy, is amended by adding at the end thereof the following new section:

"§ 1555. Staff corps of the Navy

"(a) The staff corps of the Navy are—

"(1) the Medical Corps;

"(2) the Dental Corps;

"(3) the Judge Advocate General's Corps;

"(4) the Chaplain Corps; and

"(5) such other staff corps as may be established by the Secretary of the Navy under subsection (b).

"(b)(1) The Secretary of the Navy may establish staff corps of the Navy in addition to the Medical Corps, the Dental Corps, the Judge Advocate General's Corps, and the Chaplain Corps. The Secretary may designate commissioned officers in, and may assign members to, any such staff corps.

"(2) Subject to subsection (c), the Secretary of the Navy may provide for the appointment of the chief of any staff corps established under this subsection.

"(c) The Secretary of the Navy, whenever the needs of the service require, may convene a selection board under section 611(a) of this title to select an officer in the Nurse Corps or Medical Service Corps for promotion to the grade of commodore admiral or rear admiral, as appropriate. An officer so selected shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years to serve in the position, respectively, of Director of the Nurse Corps or Director of the Medical Service Corps.".

ABOLISHMENT OF MEDICAL SERVICE CORPS AND NURSE CORPS

Sec. 352. (a) Section 5139, relating to the Medical Service Corps, and 5140, relating to the Nurse Corps, are repealed.

(b) Section 6028, relating to the Medical Service Corps, is repealed.

COMPOSITION OF MEDICAL DEPARTMENT OF THE NAVY

Sec. 353. Section 6027 is amended to read as follows:

"§ 6027. Medical Department: composition

"The Medical Corps and Dental Corps, and such other staff corps as the Secretary of the Navy may establish under section 5155(b) of this title and designate to be in the Medical Department of the Navy.".

Part G—Amendments Relating to Retired Officers

RIGHT OF RETIRED OFFICERS TO COMMAND

Sec. 361. (a) Section 5955, relating to the withdrawal of retired officers from command, is repealed.

(b) Section 5982, relating to the detail of retired officers to command of ships and squadrons, is repealed.

RECALL AND RETIRED PAY OF RETIRED OFFICERS OF THE REGULAR NAVY AND REGULAR MARINE CORPS

Sec. 362. (a) Section 6481, relating to authority to recall retired officers of the Regular Navy and Regular Marine Corps, is repealed.

(b) Section 6487 of such title, relating to the retired pay of retired rear admirals, is repealed.

(c) Section 6488, relating to grade upon release from active duty of members receiving wartime appointments or promotions, is repealed.

GRADE OF RETIRED MEMBERS WHEN ORDERED TO ACTIVE DUTY

Sec. 363. Section 6483, relating to the grade of retired members when ordered to active duty, is amended by striking out subsection (a) and striking out the subsection designation "(b)" at the beginning of subsection (b).

Part H—Miscellaneous Amendments

DEFINITIONS

Sec. 371. Section 5001(a), relating to definitions for purposes of subtitle C, is amended by striking out clauses (9) and (10).

REPEAL OF LIMITATION ON ASSIGNMENT OF REGULAR NAVY OFFICERS TO SHORE DUTY

Sec. 372. Section 6018, relating to limitations on assignment of Regular Navy officers to shore duty, is repealed.

REPEAL OF CERTAIN PROVISIONS PROVIDING DIFFERENT TREATMENT OF WOMEN MEMBERS OF THE NAVY AND MARINE CORPS

Sec. 373. (a) Section 5446(b), relating to the applicability of provisions of law providing for grade distribution of officers on active duty, is amended by striking out clauses (1) and (2) and redesignating clauses (3), (4), (5), and (6) as clauses (1), (2), (3), and (4), respectively.

(b) Section 5452, relating to women line officers on active duty in the Navy and women officers on active duty in the Marine Corps, is repealed.

(c) Section 5581, relating to the original appointment of women in the Naval Reserve in the Medical Corps, Judge Advocate General's Corps, the Dental Corps, and the Medical Service Corps, is repealed.

(d) The text of section 5582, relating to transfers between the line and staff corps, is amended to read as follows:

"(a) A regular officer of the Navy in a staff corps in a grade not above lieutenant commander may be appointed in the line of the Navy to the same grade.

"(b) A regular officer in the line of the Navy in a grade not above lieutenant commander may be appointed to the same grade in a staff corps under regulations prescribed by the Secretary of Defense.".

(e) Section 5590, relating to original appointment of women officers in the Regular Navy and Regular Marine Corps, is repealed.

(f) Section 6911, relating to enlistment and designation of aviation cadets, is amended by striking out "male" both places it appears.

(g) Section 6294, relating to the termination of enlistment of women in the Regular Navy and Regular Marine Corps, is repealed.

(h) Section 6393, relating to the termination of appointments of Regular Navy and Regular Marine Corps women officers, is repealed.

REPEAL OF AUTHORIZATION FOR APPOINTMENT OF RESERVE NAVAL AVIATORS AS REGULAR OFFICERS

Sec. 374. Section 6914, relating to the appointment of Reserve naval aviators as regular officers, is repealed.

TITLE IV—AMENDMENTS TO TITLE 37, UNITED STATES CODE—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

PART A—PAY FOR OFFICERS OF THE ARMED FORCES

REPEAL OF ASSIGNMENT OF CERTAIN OFFICERS IN THE NAVY AND MARINE CORPS TO THE PAY GRADE FOR REAR ADMIRALS

SEC. 401. (a) Section 202 of title 37, United States Code, relating to assignment of officers of the Navy and Coast Guard holding certain positions to pay grade of rear admiral of the upper half, is amended—

(1) by striking out subsection (a) through (d);

(2) by redesignating subsection (e) as subsection (a) and striking out "the Navy or" in such subsection;

(3) by redesignating subsection (f) as subsection (b); and

(4) by striking out subsections (g), (h), (i), (j), (k), and (l).

(b) The heading of such section is amended to read as follows:

"§ 202. Pay grades: assignment to; rear admirals (upper half) of the Coast Guard

COMPUTATION OF CREDITABLE SERVICE

SEC. 402. (a) Subsection (a) of section 205 of title 37, United States Code, relating to service creditable for purposes of computing basic pay, is amended—

(1) by striking out "subsections (b)-(d)" and inserting in lieu thereof "subsections (b) and (c)";

(2) by inserting "and" at the end of clause (6);

(3) by striking out clauses (7) and (8) and redesignating clause (9) as clause (7);

(4) by striking out "section 1402(b)-(d) and section 1402a(a)-(d)" in the second sentence and inserting in lieu thereof "subsections (b), (c), and (d) of section 1402 and subsections (b), (c), and (d) of section 1402a"; and

(5) by striking out "clauses (2)-(9)" in the second sentence and inserting in lieu thereof "clauses (2) through (7)";

(b) Subsection (b) of such section is amended by striking out the second sentence thereof.

(c) Subsection (c) of such section is repealed, and subsections (d) and (e) of such section are redesignated as subsections (c) and (d), respectively.

EFFECTIVE DATE FOR PAY AND ALLOWANCES OF COMMISSIONED OFFICERS RECEIVING PROMOTIONS

SEC. 403. (a) Section 904 of title 37, United States Code, relating to the effective date for pay and allowances for certain promotions of Navy and Marine Corps officers, is repealed.

(b) Section 905 of title 37, United States Code, relating to the effective date for pay and allowances for certain promotions of Reserve Navy and Marine Corps officers, is amended to read as follows:

"§ 905. Reserve officers of the Navy or Marine Corps not on the active-duty list: effective date of pay and allowances

"(a) A reserve officer who is promoted under chapter 549 of title 10 to a grade above lieutenant (junior grade) in the Naval Reserve or above first lieutenant in the Marine Corps Reserve is entitled to the pay allowances of the grade to which promoted to the duty performed from the date on which he becomes eligible for promotion to that grade.

"(b) A reserve officer who is promoted under section 5908 of title 10 to the grade of lieutenant (junior grade) in the Naval Reserve or first lieutenant in the Marine Corps Reserve is entitled to the pay and allowances of the higher grade for duty performed from the date given him as his date of rank.".

(c) Chapter 19 of title 37, United States Code, relating to administration of pay and allowances, is amended by adding at the end thereof the following new section:

"§ 1010. Commissioned officers: promotion; date for pay and allowances

"An officer of a uniformed service who is promoted to a grade above second lieutenant or ensign is entitled to the pay and allowances of the grade to which promoted on the effective date of the promotion.".

PART B—MISCELLANEOUS AMENDMENTS RELATING TO PAY AND ALLOWANCES

SUBSISTENCE ALLOWANCE FOR ENLISTED MEMBERS WHILE PERFORMING CERTAIN TRAVEL

SEC. 411. (a) The third sentence of subsection (b) of section 402 of title 37, United States Code, relating to basic allowance for subsistence, is amended to read as follows: "An enlisted member is entitled to the allowance while on an authorized leave of abence, while confined in a hospital, or while performing travel under orders away from his designated post of duty other than field duty or sea duty.".

"§ 1011. Mess operation: reimbursement of expenses

"(a) The Secretary of Defense shall, by regulation, establish rates for meals sold at messes to officers, civilians, or enlisted members entitled to a per diem transportation allowance determined under section 404(d) (2) of this title. Such rates shall be established at a level sufficient to provide reimbursement of operating expenses and food costs to the appropriations concerned, but members of the uniformed services and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at a rate of not less than $2.50 per day.

"(b) For the purposes of this section, payment for meals at the rates established under this section may be made in cash or, in the case of enlisted members or civilian employees, by deduction from pay. Members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.".

REPEAL OF PROVISIONS OF TITLE 37, UNITED STATES CODE, SUPERSEDED BY SECTION 805 OF THE MENTAL HEALTH SYSTEMS ACT

SEC. 414. (a) Sections 302c and 313 of title 37, United States Code, relating to special pay for medical officers of the Public Health Service, are repealed.

(b)(1) Section 311(a) of such title, relating to continuation pay for dentists, is amended by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) The heading of such section is amended to read as follows:

"§ 311. Special pay: continuation pay for dentists in the armed forces".

SPECIAL PAY FOR RESERVE MEDICAL OFFICERS

SEC. 415. Section 302 of title 37, United States Code, relating to special pay for medical officers, is amended by adding at the end thereof the following new subsection:

"(h)(1) Any reserve officer who is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer—

"(A) who has served on active duty as a medical officer for not less than one year; and

"(B) is not on active duty under a call or order to active duty for a period of not less that one year;

is entitled to special pay in accordance with this subsection.

"(2) An officer described in paragraph (1) of this subsection is entitled to special pay at the rate of—

"(A) $100 a month for each month of active duty, if he has not completed two years of active duty; or

"(B) $350 a month for each month of active duty, if he has completed at least two years of active duty.".

TITLE V—TECHNICAL AND CLERICAL AMENDMENTS

PART A—AMENDMENTS REQUIRED BY THIS ACT

AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE

SEC. 501. Subtitle A is amended as follows:

(1) The table of chapters at the beginning of subtitle A and the table of chapters at the beginning of part II of such subtitle are amended—

(A) by striking out the items relating to chapters 33 and 35 and inserting in lieu thereof the following new items:

"32. Officer Strength and Distribution in Grade 521
"33. Appointments in Regular Components 531
"34. Appointments as Reserve Officers 591
"35. Temporary Appointment in Officer Grades 601
"36. Promotion, Separation, and Involuntary Retirement of Officers on Active-Duty List ...... 611";

(B) by inserting after the item relating to chapter 59 the following new item:

"60. Separation of Regular Officers for Substandard Performance of Duty and for Certain Other Reasons .... 1181";

(C) by striking out "1255" in the item relating to chapter 63 and inserting in lieu thereof "1251";

(D) by inserting "of Warrant Officers" in the item relating to chapter 65 after "Retirement"; and

(E) by striking out "1371" in the item relating to chapter 69 and inserting in lieu thereof "1370".

(2) Section 101(22) is amended by striking out "duty on the active list,".

(3) Section 123(a) is amended by striking out "3571,", "5867,", and "8571,".

(4) Section 266(a) is amended by striking out "Each" and inserting in lieu thereof "Except as provided in section 612(a)(3) of this title, each".

(5) Section 280 is amended by striking out "35" both places it appears and inserting in lieu thereof "34".

(6) Section 564(a)(3) is amended—

(A) by inserting "(1)" after "with"; and

(B) by striking out "1167 of this title" and inserting in lieu thereof "286a of title 14, or (2) separation pay computed under section 1174 of this title, as appropriate".

(7) Section 593(a) is amended by striking out "section 3352 or 8352" in the second sentence and inserting in lieu thereof "section 624, 3352, or 8352".

(8) The table of sections at the beginning of chapter 39 is amended—

(A) by striking out the item relating to section 687; and

(B) by adding at the end thereof the following new items:

"688. Regular components: retired members.
"689. Reserve officers: grade in which ordered to active duty.".

(9)(A) Chapter 41 is amended by adding at the end thereof the following new section:

"§ 720. Chief of Staff to President: appointment

"The President, by and with the advice and consent of the Senate, may appoint a general officer of the Army, Air Force, or Marine Corps or a flag officer of the Navy as the Chief of Staff to the President and may designate such position as a position of importance and responsibility under section 601 of this title.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"720. Chief of Staff to President: appointment.".

(10) The table of sections at the beginning of chapter 43 is amended—

(A) by striking out the item relating to section 741 and inserting in lieu thereof:

"741. Rank: commissioned officers of the Army, Navy, Air Force, and Marine Corps";

and

(B) by adding at the end thereof the following new item:

"750. Command: retired officers.".

(11) Section 743 is amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(12) The item relating to section 973 in the table of sections at the beginning of chapter 49 is amended to read as follows:

"973. Duties: officers on active duty; performance of civil functions restricted.".

(13) Section 1079(d) is amended by striking out ", (C), or (E)" and inserting in lieu thereof "or (D)".

(14) Section 1086(c) is amended by striking out "1072(2)(F)" in clauses (1) and (2) and inserting in lieu thereof "1072(2)(E)".

(15) The table of sections at the beginning of chapter 59 is amended—

(A) by striking out the item relating to section 1167; and

(B) by adding after the item relating to section 1173 the following new item:

"1174. Separation pay upon involuntary discharge or release from active duty.".

(16) Section 1208(a)(1) is amended by striking out "or mandatory elimination from the active list" and inserting in lieu thereof ", discharge, or retirement for length of service".

(17) Section 1211(a)(1) is amended by striking out "active list of his regular component" and inserting in lieu thereof "active-duty list".

(18) The table of sections at the beginning of chapter 63 is amended by inserting before the item relating to section 1263 the following new item:

"1251. Age 62: regular commissioned officers; exceptions.".

(19) The heading of chapter 65 is amended by inserting "OF WARRANT OFFICERS" after "RETIREMENT".

(20) The table of sections at the beginning of chapter 69 is amended by inserting before the item relating to section 1371 the following new item:

"1370. Commissioned officers: general rule; exceptions.".

(21) Section 1407(d)(1) is amended by striking out "6381, 6383, 6390, 6394, 6396, 6398, or 6400" and inserting in lieu thereof "or 6383".

(22) Section 2126(2) is amended by striking out ", other than subsection (a)(7) and (8),".

AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE

SEC. 502. Subtitle B is amended as follows:

(1) The table of chapters at the beginning of subtitle B and the table of chapters at the beginning of part II of such subtitle are amended by striking out the items relating to chapters 359, 360, and 365.

(2) Section 3034(b) is amended by striking out "and is counted as one of the officers authorized to serve in a grade above lieutenant general under section 3066 of this title".

(3) The table of sections at the beginning of chapter 307 is amended by striking out the items relating to section 3066.

(4) The table of sections at the beginning of chapter 331 is amended—

(A) by striking out the item relating to section 3202 and inserting in lieu thereof the following:

"3202. Army: strength in grade; general officers.";

(B) by striking out the item relating to section 3212 and inserting in lieu thereof the following:

"3212. Army Reserve; Army National Guard of the United States: strength in grade; temporary increases.";

and

(C) by striking out the items relating to sections 3201, 3203, 3204, 3205, 3206, 3207, 3209, 3211, 3213, 3214, 3216, and 3230.

(5) Section 3210 is amended—

(A) by striking out "active list" each place it appears in subsections (a) and (b) and inserting in lieu thereof "active-duty list";

(B) by striking out the second sentence of subsection (a);

(C) by striking out clauses (1), (2), (3), and (4) of subsection (b) and inserting in lieu thereof the following:

"(1) each corps of the Army Medical Department; and

"(2) the Chaplains;"; and

(D) by striking out subsections (d) and (e).

(6)(A) The first sentence of section 3212 is amended to read as follows: "The authorized strength in any reserve grade, as prescribed under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 3365(a), or 3366 of this title.".

(B) The heading of such section is amended to read as follows:

"§ 3212. Army Reserve; Army National Guard of the United States: strength in grade; temporary increases".

(7) Sections 3222 and 3225 are each amended—

(A) by striking out "of 837,000"; and

(B) by striking out "in section 3201(a) of this title".

(8) The table of sections at the beginning of chapter 335 is amended by striking out the items relating to sections 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3302, 3303, 3305, 3306, 3307, 3308, 3309, 3312, 3313, and 3314.

(9) The table of sections at the beginning of chapter 337 is amended—

(A) by striking out the item relating to section 3353 and inserting in lieu thereof the following:

"3353. Commissioned officers: service credit upon original appointment.";

and

(B) by adding at the end thereof the following new item:

"3396. Exclusion of certain officers.".

(10) Section 3360(b)(1) is amended by striking out "on the active list" and inserting in lieu thereof "as a regular officer on the active list or on the active-duty list".

(11) The table of sections at the beginning of chapter 339 is amended by striking out the items relating to sections 3441, 3442, 3444, 3445, 3447, 3448, 3449, 3451, and 3452.

(12) The table of sections at the beginning of chapter 341 is amended by striking out the items relating to sections 3494 and 3504.

(13) The table of sections at the beginning of chapter 343 is amended by striking out the items relating to sections 3531, 3532, and 3535.

(14) The table of sections at the beginning of chapter 345 is amended by striking out the items relating to sections 3571, 3573, 3574, and 3582.

(15) The table of sections at the beginning of chapter 367 is amended by striking out the items relating to sections 3913, 3916, 3919,

(16) The table of sections at the beginning of chapter 367 is amended by striking out the items relating to sections 3913, 3916, 3919, 3921, 3923, and 3927.

(17) Section 3924(a) is amended by striking out "3786" and inserting in lieu thereof "1186".

(18) The text of section 3961 is amended to read as follows:

"(a) The retired grade of a regular commissioned officer of the Army who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Army who retires other than for physical disability or for nonregular service under chapter 67 of this title, is determined under section 1370 of this title.

"(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Army not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.".

(19) Section 3962 is amended—

(A) by striking out "(4) in a position of importance and responsibility designated by the President to carry the grade of general or lieutenant general under section 8066 of this title, or (5)" in subsection (a) and inserting in lieu thereof "or (4)";

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(20) Section 3963 is amended by striking out subsection (a) and by striking out "(b)" before "Upon retirement".

(21) The table contained in section 3991 is amended—

(A) by striking out the designation "A" under the column headed "Formula";

(B) by striking out the matter opposite such designation under each of the other columns in the table; and

(C) by redesignating the designations "B", "C", and "D" under the column headed "Formula" as "A", "B", and "C', respectively.

(22) Footnote numbered 1 to the table contained in section 3991 is amended by striking out "3962(c)" and inserting in lieu thereof "3962(b)".

(23) Section 4301(b) is amended by striking out "active list" in the first sentence and inserting in lieu thereof "active-duty list".

(24) Section 4333(d) is amended—

(A) by striking out "regular or temporary" in the first sentence; and

(B) by striking out "applicable promotion list" in the second sentence and inserting in lieu thereof "active-duty list".

(25) Section 4336 is amended—

(A) by striking out "a promotion-list officer" in subsections (a) and (b) and inserting in lieu thereof "a regular officer"; and

(B) by inserting "or active-duty list" in subsections (a) and (b) after "on the promotion list".

(26) Section 4353 is amended by inserting "under section 531 of this title" after "Regular Army".

AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE

SEC. 503. Subtitle C is amended as follows:

(1) The table of chapters at the beginning of subtitle C is amended—

(A) by striking out the item relating to chapter 517;

(B) by striking out the item relating to chapter 531 and inserting in lieu thereof the following:

"531. Strength of Naval Reserve and Marine Corps Reserve........ 5401";

and

(C) by striking out the items relating to chapters 541, 543, 545, and 547 and inserting in lieu thereof the following:

"541. Running Mates for Reserve Officers ------------------------ 5651
"544. Temporary Appointments------ 5721".

(2) The table of chapters at the beginning of part I of subtitle C is amended by striking out the item relating to chapter 517.

(3) Sections 5064(a) and 5081(a) are amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(4) Section 5085 is amended—

(A) by striking out "active list" in subsection (a) and inserting in lieu thereof "active-duty list"; and

(B) by striking out subsection (d).

(5) Section 5086 is amended—

(A) by striking out "active list" in subsection (a) and inserting in lieu thereof "active-duty list"; and

(B) by striking out subsection (c).

(6) Section 5087(a) is amended by striking out "active list" both places it appears and inserting in lieu thereof "active-duty list".

(7) Section 5088 is amended—

(A) by striking out "active list" in subsection (a) and inserting in lieu thereof "active-duty list"; and

(B) by striking out subsection (d).

(8) The table of sections at the beginning of chapter 513 is amended—

(A) by striking out the items relating to sections 5139, 5140, and 5143; and

(B) by adding at the end thereof the following new item:

"5155. Staff Corps of the Navy.".

(9) Section 5133(b) is amended—

(A) by striking out the second sentence, and

(B) by inserting "or active-duty list" in the third sentence after "active list".

(10) Section 5137 is amended by striking out "active list" in the first sentence of subsection (a) and in subsection (b) and inserting in lieu thereof "active-duty list".

(11) Subsections (a) and (b) of section 5141 are each amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(12) Subsections (b) and (d) of section 5150 are each amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(13) Section 5149 is amended—

(A) by striking out "(upper half)" in the second sentence of subsection (a);

(B) by striking out "rear admiral (lower half)" in the second and third sentences of subsection (b) and inserting in lieu thereof "commodore admiral"; and

(C) by striking out the last sentence of subsection (b) and inserting in lieu thereof the following: "If he is retired as a commodore admiral, he is entitled to the retired pay of that grade, unless entitled to higher pay under another provision of law.".

(14) The table of sections at the beginning of chapter 515 is amended by striking out the item relating to section 5206.

(15) Sections 5201(a) and 5202(a) are each amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(16) The table of chapters at the beginning of part II of subtitle C is amended—

(A) by striking out the item relating to chapter 531 and inserting in lieu thereof the following:

"531. Strength of Naval and Marine Corps Reserve--------------- 5401";

and

(B) by striking out the items relating to chapters 541, 543, 545, and 547 and inserting in lieu thereof the following:

"541. Running Mates for Reserve Officers ---------------------- 5651
"544. Temporary Appointments------ 5721".

(17) The table of sections at the beginning of chapter 531 is amended by striking out the items relating to sections 5401, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5412, 5415, 5416, and 5417.

(18) The table of sections at the beginning of chapter 533 is amended—

(A) by striking out the items relating to sections 5442, 5443, and 5444 and inserting in lieu thereof the following:

"5442. Navy: line officers on active duty; commodore admirals and rear admirals.
"5443. Marine Corps: officers on active duty; brigadier generals and major generals.
"5444. Navy: staff corps officers on active duty; commodore admirals and rear admirals."; and

(B) by striking out the items relating to sections 5445, 5447, 5448, 5449, and 5452.

(19) Section 5444(d) is amended by striking out "section 5772 or section 5781" and inserting in lieu thereof "section 624 of this title".

(20) Section 5446 is amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(21) Section 5450 is amended—

(A) by striking out "(a)";

(B) by striking out "officers of the Regular Navy in the grade of rear admiral and above" and inserting in lieu thereof "flag officers of the Regular Navy"; and

(C) by striking out subsection (b).

(22) Section 5451(b) is amended by striking out "relating to officers serving in grades above lieutenant in the Navy or captain in the Marine Corps".

(23) Section 5455 is amended by striking out "5449, or 5452" and inserting in lieu thereof "or 5449".

(24) Section 5455 is further amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(25) The table of sections at the beginning of chapter 535 is amended by striking out the items relating to sections 5504 and 5505.

(26) Section 5506 is amended—

(A) by striking out "Officers" in the first sentence and inserting in lieu thereof "Subject to section 741 of this title, officers"; and

(B) by striking out "When" in the second sentence and inserting in lieu thereof "Subject to section 741 of this title, when".

(27) Section 5508 is amended—

(A) in subsection (a)—

(i) by striking out "(a)";

(ii) by striking out "a lineal" in the first sentence and inserting in lieu thereof "an active-duty"; and

(iii) by striking out the second sentence; and

(B) by striking out subsection (b).

(28) The table of sections at the beginning of chapter 539 is amended by striking out the items relating to sections 5571, 5572, 5573, 5574, 5575, 5576, 5577, 5578, 5578a, 5579, 5580, 5581, 5583, 5584, 5586, 5590, 5591, 5592, 5593, 5594, 5595, 5597, 5598, 5599, and 5601.

(29) Section 5585 is amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(30) The text of section 5587a is amended to read as follows:

"With the approval of the Secretary of the Navy, any regular officer on the active-duty list of the Marine Corps who is qualified under section 827(b) of this title may, upon his application, be designated as a judge advocate.".

(31) The table of sections at the beginning of chapter 541 is amended by striking out the items relating to sections 5651, 5652, 5652a, 5652b, 5652c, 5653, 5654, 5655, 5656, 5657, 5658, 5659, 5660, 5661, 5662, 5663, 5664, and 5666.

(32) Section 5891 is amended—

(A) by striking out "(c), (d), and (e), a reserve officer who is on the lineal list maintained under section 5504" in subsection (b) and inserting in lieu thereof "(c) and (d), a reserve officer who is on the active-duty list maintained under section 620";

(B) by striking out subsections (c) and (g) and redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively;

(C) by striking out "chapter 543" in subsections (d) and (e), as redesignated by clause (2), and inserting in lieu thereof "chapter 36"; and

(D) by striking out "the lineal list" and "a lineal list" each place they appear in subsections (d) and (e), as redesignated by clause (2), and inserting in lieu thereof "the active-duty list".

(33) Section 5892 is amended by striking out "prescribed for line and staff corps officers on the active list of the Navy" in the fourth sentence and inserting in lieu thereof "established by the Secretary for regular line and staff corps officers on the active-duty list under other provisions of this title".

(34) Section 5896, 5897, and 5898(b) are each amended by inserting "before the effective date of the Defense Officer Personnel Management Act" after "section 5581 of this title" each place it appears.

(35) Section 5899 is amended—

(A) by inserting "before the effective date of the Defense Officer Personnel Management Act" after "section 5581 of this title" each place it appears;

(B) by striking out "section 5764" in subsections (a) and (c) and inserting in lieu thereof "chapter 36";

(C) by inserting "or above" after "captain" in the second sentence of subsection (a);

(D) by striking out "section 5765" in subsections (b) and (d) and inserting in lieu thereof "chapter 36";

(E) by striking out "lineal list" in subsections (b) and (e) and inserting in lieu thereof "active-duty list";

(F) by striking out "section 5702" in subsection (e) and inserting in lieu thereof "chapter 36"; and

(G) by striking out "chapter 543" in subsection (f) and inserting in lieu thereof "chapter 36".

(36) Section 5901 is amended by striking out subsection (c).

(37) Subsections (b) and (c) of section 5902 are amended by striking out "chapter 545" and inserting in lieu thereof "chapter 36".

(38) Section 5905(c) is amended by striking out "lineal rank and" in the second sentence.

(39) Section 5906 is amended by striking out "chapter 543" and inserting in lieu thereof "chapter 36".

(40) The second sentence of subsection (a) of section 5910 and the second sentence of subsection (b) of such section are amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(41) The table of sections at the beginning of chapter 551 is amended by striking out the item relating to section 5955.

(42) The table of sections at the beginning of chapter 553 is amended by striking out the item relating to section 5982.

(43) The table of sections at the beginning of chapter 555 is amended by striking out the items relating to sections 6018 and 6028.

(44) Section 6015 is amended by striking out "appointed under section 5590 of this title".

(45) Section 6151(a) is amended by inserting "and subject to sections 688 and 1370 of this title" after "retired grade".

(46) The table of sections at the beginning of chapter 569 is amended by striking out the item relating to section 6294.

(47)(A) Section 6323(c) is amended to read as follows:

"(c) The retired grade of an officer retired under this section is the grade determined under section 1370 of this title.".

(B) Section 6325 is amended—

(i) by inserting "or section 1370 of this title" in subsection (a) after "subsection (b)"; and

(ii) by striking out "5231 or 5232" in subsection (b) and inserting in lieu thereof "601".

(48) The table of sections at the beginning of chapter 573 is amended—

(A) by striking out the items relating to sections 6371, 6372, 6373, 6374, 6376, 6377, 6378, 6379, 6380, 6381, 6382, 6384, 6385, 6386, 6387, 6388, 6390, 6392, 6393, 6394, 6395, 6396, 6398, 6400, 6401, 6402, and 6407;

(B) by striking out the item relating to section 6383 and inserting in lieu thereof the following:

"6383. Regular Navy and Regular Marine Corps; officers designated for limited duty: retirement for length of service or failures of selection for promotion; discharge for failures of selection for promotion; reversion to prior status; retired grade; retired pay.";

and

(C) by striking out the item relating to section 6404 and inserting in lieu thereof the following:

"6404. Treatment of fractions of years of service in computing retired pay and separation pay.".

(49) Section 6403 is amended—

(A) by inserting "before the effective date of the Defense Officer Personnel Management Act" after "section 5581 of this title" in subsection (a);

(B) by inserting "or chapter 36" after "this chapter" in subsections (a) and (b);

(C) by inserting "regular" after "woman line" in subsection (a); and

(D) by striking out "active list" in subsections (a) and (b) and inserting in lieu thereof "active-duty list".

(50) (A) Section 6404 is amended by striking out "lump-sum payments" and inserting in lieu thereof "separation pay".

(B) The heading of such section is amended to read as follows:

"§ 6404. Treatment of fractions of years of service in computing retired pay and separaticn pay".

(51) The table of sections at the beginning of chapter 575 is amended by striking out the items relating to sections 6481, 6487, and 6488.

(52) The table of sections at the beginning of chapter 601 is amended by striking out the items relating to sections 6909 and 6914.

(53) Section 7042(a) is amended by striking out "active list" and inserting in lieu thereof "active-duty list".

AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE

SEC. 504. Subtitle D is amended as follows:

(1) The table of chapters at the beginning of subtitle D and the table of chapters at the beginning of part II of such subtitle are amended by striking out the items relating to chapters 859, 860, and 865.

(2) Section 8034(b) is amended by striking out "and is counted as one of the officers authorized to serve in a grade above lieutenant general under section 8066 of this title".

(3) The table of sections at the beginning of chapter 801 is amended by striking out the item relating to section 8066.

(4) Section 8062(e) is amended by striking out "and chapter 831" and inserting in lieu thereof ", chapter 831 of this title, and the strength authorized by law pursuant to section 138".

(5) Section 8067 is amended—

(A) by striking out "in conformity with section 8289 or 8294 of this title," in subsection (a);

(B) by striking out "in conformity with section 8294 of this title," in subsection (b);

(C) by striking out "in conformity with section 8291 of this title," in subsection (e);

(D) in subsection (f)—

(i) by striking out "Medical specialist functions" and inserting in lieu thereof "Biomedical science functions"; and

(ii) by striking out "medical specialists" and inserting in lieu thereof "biomedical science officers"; and

(E) by striking out "in conformity with section 8293 of this title," in subsection (h).

(6) The table of sections at the beginning of chapter 831 is amended—

(A) by striking out the item relating to section 8202 and inserting in lieu thereof the following:

"8202. Air Force: strength in grade.";

(B) by striking out the item relating to section 8212 and inserting in lieu thereof the following:

"8212. Air Force Reserve; Air National Guard of the United States: strength in grade; temporary increases.";

and

(C) by striking out the items relating to sections 8201, 8203, 82044, 8205, 8206, 8207, 8208, 8209, 8211, 8213, 8214, 8215, and 8230.

(7) Section 8210 is amended by striking out "active list" each place it appears in subsections (a) and (c) and inserting in lieu thereof "active-duty list".

(8) (A) The first sentence of section 8212 is amended to read as follows: "The authorized strength in any reserve grade, as prescribed under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 8365 (a) and (c), 8366 (a) and (d), 8375, 8376, 8380, or 8381 of this title.".

(B) The heading of such section is amended to read as follows:

"§ 8212. Air Reserve; Air National Guard of the United States: strength in grade; temporary increases".

(9) Sections 8222 and 8225 are each amended—

(A) by striking out "of 502,000"; and

(B) by striking out "in section 820(a) of this title".

(10) The table of sections at the beginning of chapter 835 is amended by striking out the items relating to sections 8284, 8285, 8286, 8287, 8288, 8289, 8293, 8294, 8295, 8296, 8297, 9898, 8299, 8300, 8301, 8302, 8303, 8305, 8306, 8307, 8308, 8309, 8312, 8313, and 8314.

(11) The table of sections at the beginning of chapter 837 is amended—

(A) by striking out the item relating to section 8353 and inserting in lieu thereof the following:

"8353. Commissioned officers: service credit upon original appointment.";

and

(B) by adding at the end thereof the following new item:

"8396. Exclusion of certain officers.".

(12) The table of sections at the beginning of chapter 839 is amended by striking out the items relating to sections 8441, 8442, 8444, 8445, 8447, 8448, 8449, 8451, and 8452.

(13) The table of sections at the beginning of chapter 841 is amended by striking out the items relating to sections 8494 and 8504.

(14) The table of sections at the beginning of chapter 843 is amended by striking out the item relating to section 8531.

(15) The table of sections at the beginning of chapter 845 is amended by striking out the items relating to sections 8571, 8573, 8574, and 8582.

(16) The table of sections at the beginning of chapter 861 is amended by striking out the items relating to sections 8814 and 8818.

(17) The table of sections at the beginning of chapter 867 is amended by striking out the items relating to sections 8913, 8915, 8916, 8919, 8921, 8922, 8923, and 8927.

(18) Section 8924(a) is amended by striking out "8796" and inserting in lieu thereof "1186".

(19) The text of section 8961 is amended to read as follows:

"(a) The retired grade of a regular commissioned officer of the Air Force who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Air Force who retires other than for physical disability or for nonregular service under chapter 67 of this title, is determined under section 1370 of this title.

"(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Air Force not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.".

(20) Section 8962(a) is amended by striking out "(4) in a position of importance and responsibility designated by the President to carry the grade of general or lieutenant general under section 8066 of this title, or (5)" and inserting in lieu thereof "or (4)".

(21) Section 8963 is amended by striking out subsection (a) and by striking out "(b)" before "Upon retirement".

(22) The table contained in section 8991 is amended—

(A) by striking out the designation "A" under the column headed "Formula";

(B) by striking out the matter opposite such designation under each of the other columns in the table; and

(C) by redesignating the designations "(B)", "(C)", and "(D)" under the column headed "Formula" as "(A)", "(B)", and "(C)", respectively.

(23) Section 9301(b) is amended by striking out "active list" in the first sentence and inserting in lieu thereof "active-duty list".

(24) Section 9336 is amended—

(A) by striking out "a promotion-list officer" in subsections (a) and (b) and inserting in lieu thereof "a regular officer"; and

(B) by inserting "or active-duty list" in subsections (a) and (b) after "on the promotion list".

(25) Section 9353 is amended by inserting "under section 531 of this title" after "Regular Air Force".

AMENDMENTS TO TITLE 14, UNITED STATES CODE

SEC. 505. (a) (1) Chapter 11 of title 14, United States Code, is amended by inserting after section 286 the following new section:

"§ 286a. Regular warrant officers; severance pay

"(a) The severance pay of a regular warrant officer of the Coast Guard who is separated under section 564(a) (3) of title 10 is computed by multiplying his years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended. but not more than 12, by twice the monthly basic pay to which he is entitled at the time of separation.

"(b) The severance pay of a regular warrant officer of the Coast Guard who is separated under section 1166 of title 10 is computed by multiplying his years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended, but not more than 12, by the monthly basic pay to which he is entitled at the time of separation.

"(c) For the purposes of this section, a part of the year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregraded.

"(d) The acceptance of severance pay under this section does not deprive a person of any retirement benefits from the United States. However, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received severance pay under this section, until the total deductions equal the amount of such severance pay. However, no person is entitled to severance pay under this section in an amount that is more than $15,000.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 286 the following new item:

"286a. Regular warrant officers: severance pay.".

(b) Section 438 of title 14, United States Code, is amended by striking out "1167, 1255" and inserting in lieu thereof "1166".

AMENDMENTS TO TITLE 37, UNITED STATES CODE

Sec. 506. Title 37, United States Code, is amended as follows:

(1) Section 191(18) is amended by striking out "duty on the active list,".

(2) The item relating to section 202 in the table of sections at the beginning of chapter 3 is amended to read as follows:

"202. Pay grades: assignment to; rear admirals (upper half) of the Coast Guard.".

(3) The table contained in section 201(a) is amended—

(A) by striking out "Environment Science Services Administration" in the heading of the third column and inserting in lieu thereof "National Oceanic and Atmospheric Administration";

(B) by striking out "Rear admiral (upper half)" in the third column and inserting in lieu thereof "Rear admiral (Navy) and Rear admiral (upper half) (Coast Guard and National Oceanic and Atmospheric Administration)"; and

(C) by striking out "Rear admiral (lower half) and commodore" in the third column and inserting in lieu thereof "Commodore admiral (Navy) and Rear admiral (lower half) and commodore (Coast Guard and National Oceanic and Atmospheric Administration)".

(4) Section 204(a) is amended by striking out "Except for members covered by section 202(1) of this title, the" and inserting in lieu thereof "The".

(5) The table of sections at the beginning of chapter 5 is amended—

(A) by striking out the items relating to sections 302c and 313; and

(B) by striking out the item relating to section 311 and inserting in lieu thereof the following:

"311. Special pay: continuation pay for dentists in the armed forces.".

(6) Section 303a is amended—

(A) by striking out "302c, 303, 311, and 313" in subsection (a) and inserting in lieu thereof "303, and 311";

(B) by striking out "302c," in the first sentence of subsection (b); and

(C) by inserting "separation pay," after "retired pay," in the second sentence of subsection (b).

(7) Section 406 is amended—

(A) by inserting "separation pay or" before "severance pay" in subsections (d)(2) and (g)(2); and

(B) by inserting "separation pay or" before "readjustment pay" in subsections (d)(2) and (g)(2).

(8) The table of sections at the beginning of chapter 17 is amended by striking out the items relating to sections 904 and 905 and inserting in lieu thereof the following:

"905. Reserve officers of the Navy or Marine Corps not on the active-duty list; effective date of pay and allowances.".

(9) The table of sections at the beginning of chapter 19 is amended by adding at the end thereof the following new items:

"1010. Commissioned officers: promotions; effective date for pay and allowances.

"1011. Mess operations: reimbursement of expenses.".

AMENDMENTS TO OTHER LAWS

Sec. 507. (a) Section 101(12) of title 32, United States Code, is amended by striking out "duty on the active list,".

(b) Section 502(a) of the National Emergencies Act (50 U.S.C. 1651(a)(8)) is amended by striking out paragraph (8).

(c) Section 6(d) of the Act entitled "An Act to establish an Office of Selective Service Records to liquidate the Selective Service System following the termination of its functions on March 31, 1947, and to preserve and service the Selective Service records, and for other purposes", approved March 31, 1947 (50 U.S.C. App. 326(d)), is amended—

(1) by striking out "on the active or retired list of the Army, Navy, Marine Corps, or Coast Guard, or of any Reserve component thereof," and inserting in lieu thereof "of the Army Forces" and

(2) by striking out "in the Army Navy, Marine Corps, or Coast Guard or Reserve component thereof," and inserting in lieu thereof "of the Armed Forces".

(d) Section 10(b)(4) of the Military Selective Service Act (50 U.S.C. App. 460(b)(4)) is amended—

(1) by striking out "on the active or retired list of the armed forces, or any reserve component thereof with his consent," and inserting in lieu thereof "of the armed forces" and

(2) by striking out "or reserve component thereof,".

(e) Section 302 of the Department of Defense Appropriation Authorization Act, 1974 (Public Law 93–155; 87 Stat. 607), is repealed.

(f)(1) Section 3(a)(3) of the Act of August 10, 1956 (70A Stat. 619; 33 U.S.C. 857a(a)(3)), is amended by inserting "1370," after "except sections".

(2) Section 221(a)(3) of the Public Health Service Act (42 U.S.C. 213a(a)(3) is amended by inserting "1370," after "except sections".

Part B—Amendments To Make Technical Corrections in Titles 10, 32, and 37 of the United States Code Other Than Corrections Required by This Act

AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE

Sec. 511. Subtitle A is amended as follows:

(1) Section 123 is amended by striking out "3847," "8370,", and "8847,".

(2) Section 126(b) is amended by striking out "Director of the Bureau of the Budget" and inserting in lieu thereof "President".

(3) Section 133(b) is amended by striking out "section 401 of title 50" and inserting in lieu thereof "section 2 of the National Security Act of 1947 (50 U.S.C. 401)".

(4) Section 138(f) is amended—

(A) by striking out "(71 Stat. 556)" and inserting in lieu thereof "(42 U.S.C. 1594i)"; and

(B) by striking out "In subsection (f)" and inserting in lieu thereof "In subsection (e)".

(5) Section 139(a) is amended by striking out "section 11 of title 31" and inserting in lieu thereof "section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11)".

(6) Section 176 is amended—

(A) in subsection (a)(3), by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services"; and

(B) in subsection (b)(1)(A), by inserting "of this title" after "section 177".

(7) Section 270 is amended—

(A) in subsection (a), by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation"; and

(B) in subsection (c), by striking out "the enactment of this subsection" and inserting in lieu thereof "October 4, 1961".

(8) Section 272 is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(9) Section 274(1) is amended by striking out "section 232" and inserting in lieu thereof "section 291".

(10) Section 280 is amended—

(A) by striking out "3685," and "8685,"; and

(B) by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(11)(A) Section 335 is amended to read as follows:

"§335. Guam and Virgin Islands included as 'State'

"For purposes of this chapter, the term 'State' includes the unincorporated territories of Guam and the Virgin Islands.".

(B) Section 336 is repealed.

(C) The table of sections at the beginning of chapter 15 is amended by adding after the item relating to section 334 the following new item:

"335. Guam and Virgin Islands included as 'State'.".

(12) Section 351(c) is amended by striking out "Section 463 of title 22" and inserting in lieu thereof "Section 16 of the Act of March 4, 1909 (22 U.S.C. 463)".

(13) Section 510(b)(1) is amended by striking out "chapter 12 of title 8" and inserting in lieu thereof "the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)".

(14) Section 511(d) is amended by striking out "Military Selective Service Act of 1967 (50 App. U.S.C. 451–473)" and inserting in lieu thereof "Military Selective Service Act (50 U.S.C. App. 451 et seq.)".

(15) Section 512 is amended by striking out "sections 451–473 of title 50, appendix" both places it appears and inserting in lieu thereof "the Military Selective Service Act (50 U.S.C. App. 451 et seq.)".

(16) Section 591(b) is amended—

(A) by striking out "except as provided in section 454(i)(7) of title 50, appendix,"; and

(B) by striking out "chapter 12 of title 8" and inserting in lieu thereof "the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)".

(17) Section 595(a) is amended by striking out "sections 451–473 of title 50, appendix" both places it appears and inserting in lieu thereof "the Military Selective Service Act (50 U.S.C. App. 451 et seq.)".

(18) Section 651(a) is amended—

(A) by striking out "section 456(d)(1) of title 50, appendix" and inserting in lieu thereof "section 6(d)(1) of the Military Selective Service Act (50 U.S.C. (App. 456(d)(1))"; and

(B) by striking out "Secretary of the Treasury and inserting in lieu thereof "Secretary of Transportation".

(19) Section 679(c) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(20) Section 702(b) is amended by striking out "Sections 701, 702(a), 703, and 704 of this chapter" and inserting in lieu thereof "Sections 701, 703, and 704 of this title and subsection (a)".

(21) Section 711a is amended by striking out "(a)".

(22) Section 717 is amended—

(A) by striking out "the Treasury" each place place it appears and inserting in lieu thereof "Transportation";

(B) by striking out "subsections (d), (e), and (f)" in subsection (c) and inserting in lieu thereof "subsections (c), (d), and (e)"; and

(c) by redesignating subsections (c), (d), (e), and (f) as subsections (b) (c), (d), and (e) respectively.

(23) (A) Section 719 is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(B) The hearing of such section is amended to read as follows:

"§ 719. Department of Commerce: assignment or detail of members of the armed forces to National Oceanic and Atmospheric Administration".

(C) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"719. Department of Commerce: assignment or detail of members of the armed forces to National Oceanic and Atmospheric Administration.".

(24) Section 802(a)(8) is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(25) Sections 865(c) and 888 are amended by striking out "the Treasury" and inserting in lieu thereof "Transportation".

(26) The table of sections at the beginning of chapter 48 is amended by adding at the end thereof the following new item:

"955. Prisoners transferred to or from foreign countries.".

(27) Section 951(d) is amended by striking out "as" the second place it appears and inserting in lieu thereof "at".

(28) Section 955(a) is amended—

(A) by striking out "said" both places it appears and inserting in lieu thereof "such";

(B) by striking out "Said" and inserting in lieu thereof "Such"; and

(C) by striking out ", United States Code".

(29) The items relating to chapter 51 in the table of chapters at the beginning of subtitle A, and in the table of chapters at the beginning of part II of such subtitle, are amended to read as follows:

"51. Reserve Components Standards and Procedures for Retention and Promotion 1001".

(30) Section 1006(e) is amended by striking out "the Act enacting this section" and inserting in lieu thereof "Public Law 85-861".

(31) Section 1037(c) is amended by striking out "Department of the Treasury" and inserting in lieu thereof "Department of Transportation".

(32) Subsection (d) of the first section 1040 is amended—

(A) by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation"; and

(B) by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(33) (A) The second section 1040 (added by Public Law 90-235) is redesignated as section 1041.

(B) The item relating to such section in the table of sections at the beginning of chapter 53 is amended to read as follows:

"1041. Replacement of certificate of discharge.".

(34) (A) Sections 1071, 1072, 1073, and 1084 are amended by striking out "sections 1071-1087 of this title" and inserting in lieu thereof "this chapter".

(B) The heading of section 1071 is amended to read as follows:

"§ 1071. Purpose of this chapter".

(C) (i) The heading of section 1073 is amended to read as follows:

"§ 1073. Administration of this chapter".

(ii) Such section is further amended by striking out "those sections" and "them" and inserting in lieu thereof "this chapter".

(D) (i) The item relating to section 1071 in the table of sections at the beginning of chapter 55 is amended to read as follows:

"1071. Purpose of this chapter.".

(ii) The item relating to section 1073 in such table is amended to read as follows:

"1073. Administration of this chapter.".

(iii) The item relating to section 1086 in such table is amended to read as follows:

"1086. Contracts for health benefits for certain members, former members, and their dependents.".

(35) Section 1072(1) and 1073 are amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(36) Sections 1072(2)(E)(iii), 1073, 1074, 1076, 1078, 1079, 1080, 1081, 1083, 1084, 1085, and 1086 are amended by striking out "Secretary of Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Secretary of Health and Human Services".

(37) Sections 1074(b) and 1085 are amended by striking out "Bureau of the Budget" and inserting in lieu thereof "President".

(38) Section 1079 is amended—

(A) in subsection (a), by striking out "that:" and inserting in lieu thereof "that—";

(B) in subsection (b), by striking out "per centum" both places it appears and inserting in lieu thereof "percent";

(C) in subsection (e), by striking out the period in the matter preceding clause (1) and inserting in lieu thereof "as follows: "; and

(D) in subsection (g), by striking out ", United States Code,".

(39) Section 1086 is amended—

(A) in subsection (b), by striking out "per centum" each place it appears and inserting in lieu thereof "percent"; and

(B) in subsection (c), by striking out "title I of the Social Security Amendments of 1965 (79 Stat. 286)" and inserting in lieu thereof "part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.)".

(40) Section 1124(h) is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(41) Section 1164 is amended by redesignating subsection (c) as subsection (b).

(42) Section 1208(a) is amended—

(A) by striking out "Environmental Science Services Administration" in paragraph (2)(B) and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) by striking out "Environmental Science Services Administration includes active service as a member" and inserting in lieu thereof "National Oceanic and Atmospheric Administration includes active service as a member of the Environmental Science Services Administration and".

(43) Section 1212(a)(2)(B) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(44) Section 1213 is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(45) Section 1216(d) is amended by striking out "Assistant Secretary of Defense for Health and Environment" and inserting in lieu thereof "Assistant Secretary of Defense for Health Affairs".

(46) Section 1263(a) is amended by striking out "section 311 of title 37" and inserting in lieu thereof "section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114; 10 U.S.C. 564 note)".

(47) Section 1331 is amended—

(A) in subsection (b), by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation"; and

(B) in subsection (e), by striking out "United States Code,".

(48) Section 1332(a)(4) is amended—

(A) by striking out "Coast and Geodetic Survey" and inserting in lieu thereof "National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey)"; and

(B) by striking out "pursuant to" and inserting in lieu thereof "under".

(49) Section 1401 is amended—

(A) by striking out "of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981" in the heading in column 1 of the table contained in such section and inserting in lieu thereof ") after September 7, 1980";

(B) by striking out "1255" under the column headed "For sections" in such table; and

(C) by striking out "senior enlisted advisor of the Navy" in footnote 4 of such table and inserting in lieu thereof "master chief petty officer of the Navy".

(50) Section 1402 is amended by striking out the armed forces before the date of the enactment of the Department of Defense Authorization Act, 1981" in subsections (a), (b), and (c) and inserting in lieu thereof "a uniformed service (as defined in section 1407(a)(2) of this title) before September 8, 1980".

(51) (A) Section 1402a is amended by striking out "on or after the date of the enactment of the Department of Defense Authorization Act, 1981" in subsections (a), (b), and (c) and inserting in lieu thereof "after September 7, 1980".

(B) the heading of such section is amended to read as follows:

"§ 1402a. Recomputation of retired or retainer pay to reflect later active duty of members who first became members after September 7, 1980".

(C) The item relating to such section in the table of sections at the beginning of chapter 71 is amended to read as follows:

"1402a. Recomputation of retired or retainer pay to reflect later active duty of members who first became members after September 7, 1980".

(52) (A) Section 1403 is amended by striking out "title 26" and inserting in lieu thereof "the Internal Revenue Code of 1954".

(B) The heading of such section is amended to read as follows:

"§ 1403. Disability retired pay; treatment under Internal Revenue Code of 1954".

(C) The item relating to such section in the table of sections at the beginning of chapter 71 is amended to read as follows:

"1403. Disability retired pay; treatment under Internal Revenue Code of 1954".

(53) Section 1407(a) is amended by striking out "on or after the date of the enactment of the Department of Defense Authorization Act, 1981" and inserting in lieu thereof "after September 7, 1980".

(54)(A) The heading of chapter 73 is amended to read as follows:

"Chapter 73—ANNUITIES BASED ON RETIRED OR RETAINER PAY".

(B) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and in the table of chapters at the beginning of part II of such subtitle, are amended to read as follows:

"73. Annuities Based on Retired or Retained Pay---------------- 1431".

(55) Section 1431(b) is amended by striking out "the date of enactment of this amendment" and inserting in lieu thereof "August 13, 1968,".

(56) Section 1434 is amended by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

(57) Section 1437(b) is amended by striking out "prior to the effective date of this subsection" and inserting in lieu thereof "before November 1, 1968".

(58) Section 1444 is amended—

(A) by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) by redesignating subsection (c) as subsection (b).

(59) Section 1474(a)(5)(B) is amended by striking out "Universal Military Training and Service Act (50 App. U.S.C. 451 et seq.)" and inserting in lieu thereof "Military Selective Service Act (50 U.S.C. App. 451 et seq.)".

(60) Section 1552(a) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(61) Section 1586 is amended by striking out "United States Civil Service Commission" in subsections (c)(5) and (e)(2) and inserting in lieu thereof "Office of Personnel Management".

(62) Section 2107 is amended—

(A) by striking out "Mililtary" in subsection (e) and inserting in lieu thereof "Military"; and

(B) by striking out "section 2107 of this title" in subsection (h) and inserting in lieu thereof "this section".

(63) Section 2112(a) is amended by striking out "10 years after the date of the enactment of this chapter" and inserting in lieu thereof "September 21, 1982".

(64) Sections 2112(a), 2113(a), and 2113 (d) are amended by inserting "in this chapter" after "hereinafter".

(65) Section 2114(b) is amended by striking out "Secretary of Health, Education, and Welfare" both places it appears and inserting in lieu thereof "Secretary of Health and Human Services".

(66) The table of sections at the beginning of chapter 105 is amended by striking out the first semicolon in the item relating to section 2123 and the semicolons in the items relating to sections 2124, 2125, 2126, and 2127 and inserting in lieu thereof colons.

(67) Sections 2123(e) and 2127(d) are amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(68) Section 2131 is amended—

(A) by striking out "armed force" in subsection (a) and inserting in lieu thereof "armed forces";

(B) by inserting "of this title" in subsection (b)(2) after "section 2132"; and

(C) by striking out "Commissioner of Education, Department of Health, Education, and Welfare" in subsection (d) and inserting in lieu thereof "Secretary of Education".

(69) Section 2132 is amended by inserting "of this title" after "section 2131" each place it appears.

(70) Section 2133(a) is amended by inserting "of this title" after "section 2131" and after "section 2107".

(71) Section 2205 is amended by striking out "section 686 of title 31" and inserting in lieu thereof "the Act of March 4, 1915 (31 U.S.C. 686)".

(72) Section 2210(b) is amended by striking out "Director of the Bureau of the Budget" and inserting in lieu thereof "President".

(73) Section 2211 is amended by striking out "section 2392(d) of title 22" and inserting in lieu thereof "section 632(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2392(d))".

(74) Section 2302(1) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(75) The item relating to section 2304 in the table of sections at the beginning of chapter 137 is amended to read as follows:

"2304. Purchases and contracts: formal advertising; exceptions.".

(76)(A) Clauses (1) and (2) of section 2304(f) are amended to read as follows:

"(1) The Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (commonly referred to as the 'Walsh-Healy Act') (41 U.S.C. 35–45).

"(2) The Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (commonly referred to as the 'Davis-Bacon Act') (40 U.S.C. 276a—276a–5).".

(B) Clause (3) of such section is repealed.

(77)(A) Subsection (f) of section 2306 is amended—

(i) by inserting "(1)" after "(f)";

(ii) by redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively;

(iii) by striking out "Prior" each place it appears and inserting in lieu thereof "prior";

(iv) by striking out "(3) above" and inserting in lieu thereof "clause (C)";

(v) by inserting "(2)" before "Any prime contract" in the first undesignated paragraph in such subsection; and

(vi) by inserting "(3)" before "For the purpose of" in the second undesignated paragraph in such subsection.

(B) Subsection (g) of such section is amended—

(i) by striking out "that:" in paragraph (1) and inserting in lieu thereof "that—";

(ii) by striking out "the" at the beginning of clause (A) of paragraph (2) and inserting in lieu thereof "The";

(iii) by striking out "consideration" at the beginning of clauses (B) and (C) of paragraph (2) and inserting in lieu thereof "Consideration"; and

(iv) by striking out "from:" in paragraph (3) and inserting in lieu thereof "from—".

(78) Section 2314 is amended by striking out "Sections 5, 6, 6a, and 13 of title 41" and inserting in lieu thereof "Sections 3709 and 3735 of the Revised Statutes (41 U.S.C. 5 and 13)".

(79) The table of sections at the beginning of chapter 141 is amended by striking out the item relating to section 2383.

(80) Section 2390 is amended by striking out "(a)" before "The Secretary".

(81) Section 2543(a) is amended by striking out "section 721 of title 36" and inserting in lieu thereof "the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721)".

(82) Section 2572 is amended by striking out "section 486 of title 40, the Secretary of a military department or the Secretary of the Treasury" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486), the Secretary of a military department or the Secretary of Transportation".

(83)(A) Section 2573 is repealed.

(B) The table of sections at the beginning of chapter 153 is amended by striking out the item relating to section 2573.

(84) Section 2575 is amended—

(A) in subsection (a), by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation"; and

(B) in subsection (c), by striking out "the Soldiers' Home" and inserting in lieu thereof "the United States Soldiers' and Airmen's Home".

(85) Section 2576(a) is amended—

(A) by striking out "pursuant to" and inserting in lieu thereof "under"; and

(B) by striking out "(63 Stat. 377), as amended" and inserting in lieu thereof "(40 U.S.C. 471 et seq.)".

(86) Section 2601(b)(4) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(87) Section 2633 is amended by striking out "section 628 of title 31" and inserting in lieu thereof "section 3678 of the Revised Statutes (31 U.S.C. 628)".

(88) Section 2635(a) is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

(89) The table of sections at the beginning of chapter 159 is amended by striking out the item relating to section 2680.

(90) Section 2664(a) is amended—

(A) by striking out "the Federal Maritime Board" both places it appears and inserting in lieu thereof "Federal Maritime Commission"; and

(B) by striking out "by 1950 Reorganization Plan No. 21, effective May 24, 1950 (64 Stat. 1273)" and inserting in lieu thereof "under Reorganization Plan No. 7 of 1961, effective August 12, 1961 (75 Stat. 840)".

(91) Section 2665 is amended by striking out "Federal Maritime Board" each place it appears and inserting in lieu thereof "Federal Maritime Commission".

(92) Section 2667 is amended—

(A) by striking out "section 472 of title 40" in subsection (a)(3) and inserting in lieu thereof "section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472)";

(B) by striking out "section 303b of title 40" in subsection (b)(4) and inserting in lieu thereof "section 321 of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 303b),";

(C) by striking out "act of Congress" in subsection (e) and inserting in lieu thereof "Act of Congress"; and

(D) in subsection (f)—

(i) by striking out "The Secretary" and inserting in lieu thereof "the Secretary"; and

(ii) by striking out "The Administrator of the General Services Administration" and inserting in lieu thereof "the Administrator of General Services".

(93) Section 2681(a) is amended by striking out "Director of the Bureau of the Budget" and inserting in lieu thereof "President".

(94) Section 2733(f) is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(95) Section 2734(g) is amended by striking out "Department of the Treasury" and inserting in lieu thereof "Department of Transportation".

(96) The table of sections at the beginning of chapter 165 is amended by striking out the item relating to section 2772.

(97) Section 2771 is amended—

(A) in subsection (b), by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) in subsection (c), by striking out "Department of the Treasury" and inserting in lieu thereof "Department of Transportation".

(98) Section 2774(a) is amended by striking out "the effective date of this section" and inserting in lieu thereof "October 2, 1972".

(99) The items relating to chapter 107 in the tables of chapters at the beginning of subtitle A, and at the beginning of part III of such subtitle, are each amended to read as follows:

"107. Educational Assistance for persons Enlisting for Active Duty .... 2141".

AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE

SEC. 512. Subtitle B is amended as follows:

(1) The items relating to chapter 303 in the table of chapters at the beginning of subtitle B, and in the table of chapters at the beginning of part I of such subtitle, are amended to read as follows:

"303. Department of the Army........ 3010".

(2) The items relating to sections 3035 and 3036 in the table of sections at the beginning of chapter 305 are amended to read as follows:

"3035. Vice Chief of Staff, Deputy Chiefs of Staff, and Assistant Chiefs of Staff: succession to duties of Chief of Staff.

"3036. Chiefs of branches: appointment; duties.".

(3) Section 3253 is amended by striking out "chapter 12 of title 8" and inserting in lieu thereof "the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)".

(4) Section 3360 is amended by striking out "the Act enacting this section" each place it appears and inserting in lieu thereof "Public Law 85-861".

(5)(A) Section 3534 is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor".

(B) The heading of such section is amended to read as follows:

"§ 3534. Corps of Engineers: detail of officers to assist Mayor of District of Columbia".

(C) The item relating to such section in the table of sections at the beginning of chapter 343 is amended to read as follows:

"3534. Corps of Engineers: detail of officers to assist Mayor of District of Columbia.".

(6) The table of sections at the beginning of chapter 349 is amended by striking out the items relating to sections 3632, 3633, and 3636.

(7) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3689.

(8) Sections 3848(c)(2) and 3851(c)(2) are amended by striking out ", United States Code,".

(9) Section 3853 is amended by striking out "the Act enacting this section" both places it appears and inserting in lieu thereof "Public Law 85-861".

(10) The tables contained in sections 3991 and 3992 are each amended by striking out "on or after the date of the enactment of the Department of Defense Authorization Act, 1981" in the heading for column 1 and inserting in lieu thereof "after September 7, 1980".

(11) Section 4314 is amended by striking out "Commissioner of Education, Department of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(12) Section 4331(a) is amended by striking out "New York, in this chapter called the 'Academy' " and inserting in lieu thereof "New York (hereinafter in this chapter referred to as the 'Academy')".

(13) Section 4342(h) is amended by striking out "Effective beginning with nominations for appointment to the Academy in the calendar year 1964, the" and inserting in lieu thereof "The".

(14) Section 4537 is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(15) Section 4538(b) is amended by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

(16) Section 4540(c) is amended by striking out "5101-5115, 5331-5338, 5341, 5342, and 7204 of title 5 and subchapter VI of chapter 53 of such title 5" and inserting in lieu thereof "and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5".

(17) Section 4621(f) is amended by striking out "sections 772, 773, or 3612" and inserting in lieu thereof "section 772 or 773".

(18)(A) Section 4624(c) is amended by striking out "Soldiers' Home" and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(B) The heading of section 4624 is amended to read as follows:

"§ 4624. Medical supplies: civilian employees of the Army; American National Red Cross; Soldiers' and Airmen's Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 439 is amended to read as follows:

"4624. Medical supplies: civilian employees of the Army; American National Red Cross; Soldiers' and Airmen's Home."

(19) Sections 4681, 4682, 4684, and 4686 are amended by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

(20) Section 4712 is amended by striking out "Soldiers' Home" in subsections (a)(2) and (f) and inserting in lieu thereof United States Soldiers' and Airmen's Home".

(21)(A) Section 4713(a) is amended by striking out "Soldiers' Home" and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(B) The heading of section 4713 is amended to read as follows:

"§ 4713. Disposition of effects of deceased persons by Soldiers' and Airmen's Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 445 is amended to read as follows:

"4713. Disposition of effects of deceased persons by Soldiers' and Airmen's Home.".

(22) Section 4745(a) is amended by striking out "chairman of the Federal Maritime Board" and inserting in lieu thereof "Secretary of Commerce".

(23) The heading of section 4777 is amended to read as follows:

"§ 4777. Permits: military reservations; landing ferries, erecting bridges, driving livestock".

(24)(A) Section 4837 is amended by striking out "(d)".

(B) The heading of such section is amended to read as follows:

"§ 4837. Settlement of accounts: remission or cancellation of indebtedness of enlisted members".

(C) The item relating to such section in the table of sections at the beginning of chapter 453 is amended to read as follows:

"4837. Settlement of accounts: remission or cancellation of indebtedness of enlisted members.".

AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE

SEC. 513. Subtitle C is amended as follows:

(1) The items relating to chapter 641 in the table of chapters at the beginning of subtitle C, and in the table of chapters at the beginning of part IV of such subtitle, are amended to read as follows:

"641. Naval Petroleum Reserves....... 7420".

(2) Section 5001(a)(3) is amended by striking out ", male or female,".

(3) Section 5032(a) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(4) Section 5036(c) is amended by striking out "section 6" and inserting in lieu thereof "section 3347".

(5)(A) The table of sections at the beginning of chapter 507 is amended by striking out the item relating to section 5062.

(B) The item in such table relating to section 5064 is amended to read as follows:

"5064. Office of Budget and Reports: Director; Assistant Director.".

(6) The table of sections at the beginning of chapter 513 is amended by striking out the item relating to section 5134.

(7)(A) The item relating to section 5202 in the table of sections at the beginning of chapter 515 is amended to read as follows:

"5202. Assistant Commandant: detail; succession to duties.".

(B) The heading of section 5202 is amended to read as follows:

"§ 5202. Assistant Commandant: detail; succession to duties".

(8)(A) The item relating to section 5414 in the table of sections at the beginning of chapter 531 is amended to read as follows:

"5414. Naval Reserve and Marine Corps Reserve: officers in an active status in grades above chief warrant officer, W-4.".

(B) The heading of section 5414 is amended to read as follows:

"§ 5414. Naval Reserve and Marine Corps Reserve: officers in an active status in grades above chief warrant officer, W-4".

(9)(A) The items relating to sections 5457 and 5458 in the table of sections at the beginning of chapter 533 are amended to read as follows:

"5457. Naval Reserve: officers in an active status in grades above chief warrant officer, W-4.

"5458. Marine Corps Reserve: officers in an active status in grades above chief warrant officer, W-4.".

(B) The heading of section 5457 is amended to read as follows:

"§ 5457. Naval Reserve: officers in an active status in grades above chief warrant officer, W-4".

(C) The heading of section 5458 is amended to read as follows:

"§ 5458. Marine Corps Reserve: officers in an active status in grades above chief warrant officer, W-4".

(10) The table of sections at the beginning of chapter 535 is amended by striking out the item relating to section 5507.

(11) The table of sections at the beginning of chapter 549 is amended by striking out the item relating to section 5907.

(12) The table of sections at the beginning of chapter 559 is amended by striking out the item relating to section 6111.

(13) The table of sections at the beginning of chapter 561 is amended by striking out the items relating to sections 6141, 6142, 6143, 6144, 6145, 6146, and 6147.

(14) Section 6201(b) is amended by striking out "section 16 of title 24" and inserting in lieu thereof "section 4812 of the Revised Statutes (24 U.S.C. 16)".

(15)(A) The item relating to section 6221 in the table of sections at the beginning of chapter 565 is amended to read as follows:

"6221. United States Navy Band.".

(B) Such table of sections is further amended by striking out the item relating to section 6224.

(16) Section 6221 is amended to read as follows:

"§ 6221. United States Navy Band

"There is a Navy band known as the United States Navy Band.".

(17) The following sections are each amended by striking out "the date of the enactment of the Department of Defense Authorization Act, 1981" each place it appears and inserting in lieu thereof "September 8, 1980": sections 6151(b), 6151(c), 6322(c), 6323(e), 6325(a)(2), 6325(b)(2), 6326(c)(2), 6330(c), and 6383(c)(2).

(18) Subsections (f) and (g) of section 6222 are redesignated as subsections (e) and (f), respectively.

(19) Sections 6326(c)(2)(A) and 6330(c)(1)(A) are amended by striking out "senior enlisted advisor of the Navy" and inserting in lieu thereof "master chief petty officer of the Navy".

(20) Section 6913(a) is amended by striking out "section 6023(b)" and inserting in lieu thereof "section 2003".

(21) Subsections (g), (h), and (i) of section 6915 are redesignated as subsections (f), (g), and (h), respectively.

(22) Section 7043(b) is amended by striking out "provided for grade 18 of the general schedule of the Classification Act of 1949, as amended" and inserting in lieu thereof "authorized for grade GS–18 of the General Schedule under section 5332 of title 5".

(23) Section 7045 is amended—

(A) by striking out "and Treasury" both places it appears and inserting in lieu thereof "and Transportation"; and

(B) by striking out "the Treasury" in subsection (b) and inserting in lieu thereof "Transportation".

(24) Sections 7204(a)(1)(D), 7205(a)(4), and 7211(a)(4) are amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(25) Section 7212(a) is amended by striking out "5101–5115, 5331–5338, 5341, 5342, and 7204 of title 5 and subchapter VI of chapter 53 of such" and inserting in lieu thereof "and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of".

(26) Section 7299 is amended by striking out "the Act of June 30, 1936, chapter 881 (49 Stat. 2036)" and inserting in lieu thereof "the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes,' approved June 30, 1936 commonly referred to as the 'Walsh-Healy Act') (41 U.S.C. 35–45)".

27) Section 7305 is amended by striking out ", as amended" in subsections (a) and (k).

(28) Section 7307(b) is amended—

(A) by striking out "the date of enactment of this paragraph" both places it appears and inserting in lieu thereof "August 5, 1974"; and

(B) by striking out "of enactment" after "such date".

(29) Section 7308(a) is amended by striking out "section 474 of title 40" and inserting in lieu thereof "subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 477)".

(30) Section 7420 is amended—

(A) by striking out "(a)" before "In this chapter";

(B) by striking out "Naval Petroleum Reserve Numbered 4" and all that follows through "Naval Petroleum Reserves Production Act of 1976);" in paragraph (2); and

(C) by striking out "Secretary of the Navy" in paragraph (4) and inserting in lieu thereof "Secretary of Energy".

(31) Section 7422(c) is amended—

(A) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) to produce such reserves at the maximum efficient rate consistent with sound engineering practices for a period ending not later than April 5, 1982;";

(B) by striking out "hereinafter provided" in paragraph (1)(C) and inserting in lieu thereof "provided in section 7430 of this title";

(C) by striking out "discrimination" in the second sentence of paragraph (1) and inserting in lieu thereof "discrimination";

(D) by striking out ", chapter 307 (46 Stat. 1421; 40 U.S.C. 258(a))" in the fourth sentence of paragraph (1) and inserting in lieu thereof "(40 U.S.C. 258a–258e)";

(E) by striking out "At the conclusion of the six-year production period authorized by paragraph (1)(B) of this subsection" in paragraph (2) and inserting in lieu thereof "After April 5, 1982,"; and

(F) by striking out "within ninety days after the date of enactment of the Naval Petroleum Reserves Production Act of 1976" in paragraph (3) and inserting in lieu thereof "by July 4, 1976".

(32)(A) Sections 7424(a)(2), 7425(a), and 7426(a) are amended by striking out "naval petroleum reserve numbered 1" each place it appears and inserting in lieu thereof "Naval Petroleum Reserve Numbered 1".

(B) The heading of section 7426 is amended to read as follows:

"§ 7426. Cooperative or unit plans affecting Naval Petroleum Reserve Numbered 1".

(C) The item relating to such section in the table of sections at the beginning of chapter 641 is amended to read as follows:

"7426. Cooperative or unit plans affecting Naval Petroleum Reserve Numbered 1.".

(33) Section 7427 is amended by striking out "section 226e of title 30" and inserting in lieu thereof "section 17(j) of the Act of February 25, 1920 (30 U.S.C. 226(j))".

(34) Section 7430 is amended—

(A) by striking out "per centum" in subsections (c) and (d)(3) and inserting in lieu thereof "percent";

(B) by striking out "(83 Stat. 841)" in subsection (e) and inserting in lieu thereof "(50 U.S.C. App. 2401 et seq.)";

(C) by inserting "of this title" in subsection (f) after "section 7422(c)" and after "section 7431(a)(3)";

(D) by striking out clauses (1), (2), (3), (4), and (5) in subsection (i) and inserting in lieu thereof the following:

"(1) the Sherman Act (15 U.S.C. 1 et seq.);

"(2) the Clayton Act (15 U.S.C. 12 et seq.);

"(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

"(4) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9); and

"(5) sections 2, 3, and 4 of the Act of June 19, 1936 (commonly referred to as the 'Robinson-Patman Act') (15 U.S.C. 13a, 13b, and 21a)."; and

(E) by inserting "(15 U.S.C. 717 et seq.)" in subsection (j) after "the Natural Gas Act".

(35) Section 7432(a)(1) is amended by striking out the semicolon and inserting in lieu thereof a period.

(36) Section 7434 is amended by striking out "of the Navy".

(37) Section 7438 is amended—

(A) in subsection (a)—

(i) by striking out "The Administrator of the Energy Research and Development Administration" and inserting in lieu thereof "The Secretary"; and

(ii) by striking out "; chapter 172 (58 Stat. 190), as amended" and inserting in lieu thereof "(30 U.S.C. 321 et seq.)";

(B) in subsection (b)—

(i) in the first sentence, by striking out "The Administrator of the Energy Research and Development Administration" and inserting in lieu thereof "The Secretary", and by striking out "above" after "subsection (a)";

(ii) in the second sentence, by striking out "the Administrator" and all that follows through "subsection (a) above" and inserting in lieu thereof "the Secretary may use or lease for use by institutions, organizations, or individuals, public or private, the facility described in subsection (a)"; and

(iii) in the third sentence, by striking out "The Administrator" and all that follows through "the Secretary" and inserting in lieu thereof "The Secretary may, after consultation"; and

(C) in subsection (c), by striking out "herein contained" and inserting in lieu thereof "in this chapter".

(38) Section 7522(b) is amended by striking out "Section 529 of title 31" and inserting in lieu thereof "Section 3648 of the Revised Statutes (31 U.S.C. 529)".

(39) Sections 7541, 7541a, 7542(a), and 7545(a) are amended by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

(40) Section 7545(b) is amended by striking out "section 366" and inserting in lieu thereof "section 3301".

(41) Sections 7571(a)(3), 7572(a)(3), and 7576(a)(3) are amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(42) Section 7605 is amended by striking out "sections 521 and 543 of title 31" and inserting in lieu thereof "sections 3639 and 3651 of the Revised Statutes (31 U.S.C. 521 and 543)".

(43) Section 7721 is amended by striking out "sections 781–790 of title 46" and inserting in lieu thereof "the Act of March 3, 1925 (commonly referred to as the 'Public Vessels Act') (46 U.S.C. 781–790)".

AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE

SEC. 514. Subtitle D is amended as follows:

(1) The items relating to chapter 803 in the table of chapters at the beginning of subtitle D, and in the table of chapters at the beginning of part I of such subtitle, are amended to read as follows:

"803. Department of the Air Force____ 8010".

(2) Section 8253 is amended by striking out "chapter 12 of title 8" and inserting in lieu thereof "the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)".

(3) The heading of section 8375 is amended to read as follows:

"§ 8375. Commissioned officers; brigadier general or major general; procedure on reassignment".

(4) The table of sections at the beginning of chapter 849 is amended by striking out the items relating to sections 8632, 8633, and 8636.

(5) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8689.

(6) The item relating to section 8852 in the table of sections at the beginning of chapter 863 is amended to read as follows:

"8852. Thirty-five years or five years in grade: reserve major generals.".

(7) Sections 8848(c) and 8851(c) are amended by striking out ", United States Code,".

(8) The tables contained in sections 8991 and 8992 are each amended by striking out "on or after the date of the enactment of the Department of Defense Authorization Act, 1981" in the heading for column 1 and inserting in lieu thereof "after September 7, 1980".

(9) Section 9315(c) is amended by striking out "Commissioner of Education of the Department of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(10) Section 9331(a) is amended by striking out ", in this chapter called the 'Academy'," and inserting in lieu thereof "(hereinafter in this chapter referred to as the 'Academy')".

(11) Section 9342(h) is amended by striking out "Effective beginning with the nominations for appointment to the Academy in the calendar year 1964, the" and inserting in lieu thereof "The".

(12) Section 9441(b) is amended—

(A) by striking out "section 202 of title 36" and inserting in lieu thereof "section 2 of the Act of July 1, 1946 (36 U.S.C. 202)"; and

(B) by striking out "the Travel Expense Act of 1949 (5 U.S.C. 835 et seq.)" in clause (7) and inserting in lieu thereof "subchapter I of chapter 57 of title 5".

(13) Section 9537 is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(14) Section 9538(b) is amended by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

(15) Section 9540(c) is amended by striking out "5101–5115, 5331–5338, 5341, 5342, and 7204 of title 5 and subchapter VI of chapter 53 of such title 5" and inserting in lieu thereof "and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5".

(16) Section 9621(f) is amended by striking out "773, or 8612" and inserting in lieu thereof "or 773".

(17)(A) Section 9624(c) is amended by striking out "Soldiers' Home" and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(B) The heading of section 9624 is amended to read as follows:

"§ 9624. Medical supplies: civilian employees of the Air Force; American National Red Cross; Soldiers' and Airmen's Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 939 is amended to read as follows:

"9624. Medical supplies: civilian employees of the Air Force; American National Red Cross; Soldiers' and Airmen's Home.".

(18) Sections 9681, 9682, 9684, and 9686 are amended by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

(19) Section 9712 is amended by striking out "Soldiers' Home" in subsections (a)(2) and (f) and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(20)(A) Section 9713(a) is amended by striking out "Soldiers' Home" and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(B) The heading of such section is amended to read as follows:

"§ 9713. Disposition of effects of deceased persons by Soldiers' and Airmen's Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 945 is amended to read as follows:

"9713. Disposition of effects of deceased persons by Soldiers' and Airmen's Home.".

(21) The table of sections at the beginning of chapter 949 is amended by striking out the item relating to section 9772.

(22)(A) Section 9837 is amended by striking out "(d)".

(B) The heading of such section is amended to read as follows:

"§ 9837. Settlement of accounts: remission or cancellation of indebtedness of enlisted members".

(C) The item relating to such section in the table of sections at the beginning of chapter 953 is amended to read as follows:

"9837. Settlement of accounts: remission or cancellation of indebtedness of enlisted members.".

AMENDMENTS TO TITLE 32, UNITED STATES CODE

SEC. 515. Title 32 of the United States Code is amended as follows:

(1) The item relating to section 307 in the table of sections at the beginning of chapter 3 is amended to read as follows:

"307. Federal recognition of officers: examination; certificate of eligibility.".

(2) Subsection (d) of section 303 is redesignated as subsection (c).

(3) Section 334(e) is amended by striking out "title 32" and inserting in lieu thereof "this title".

(4) Clauses (2) and (3) of section 708(b) are redesignated as clauses (1) and (2), respectively.

(5) Section 709(f) is amended by striking out ", United States Code,".

(6) Section 709(g) is amended—

(A) by striking out "6102 of title 5, United States Code," both places it appears and inserting in lieu thereof "6101(a) of title 5";

(B) by striking out "section 5332 of title 5, United States Code" and inserting in lieu thereof "section 5332 of title 5"; and

(C) by striking out "5543 of title 5, United States Code," and inserting in lieu thereof "5543 of title 5".

(7) Section 709(h) is amended by striking out ", except that" and all that follows in such section and inserting in lieu thereof a period.

(8) Section 710(d) is amended by striking out "section 725c(b)(22) of title 31" and inserting in lieu thereof "section 4(b)(22) of the Permanent Appropriation Repeal Act, 1934 (31 U.S.C. 725c(b)(22))".

(9) Section 716(a) is amended by striking out "the effective date of this section" and inserting in lieu thereof "October 2, 1972".

AMENDMENTS TO TITLE 37, UNITED STATES CODE

SEC. 516. Title 37 of the United States Code is amended as follows:

(1) Section 101 is amended—

(A) in paragraphs (3) and (5)(E), by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) in paragraph (5)(F), by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(2) Section 201(f) is amended by striking out "subsections (e) and (f)" and inserting in lieu thereof "subsections (d) and (e)".

(3) Section 205(a) is amended—

(A) by striking out "Environmental Science Services Administration" in clause (5) and in the last sentence and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) by inserting "Environmental Science Services Administration or the" in the last sentence before "Coast and Geodetic Survey".

(4) Section 209(a) is amended by striking out "section 456(d)(1) of title 50, appendix" and inserting in lieu thereof "section 6(d)(1) of the Military Selective Services Act (50 U.S.C. App. 456(d)(1))".

(5) Section 301 is amended—

(A) in subsection (a)(2)(B), by striking out "clause (A) above" and inserting in lieu thereof "subclause (A) of this clause";

(B) in subsection (a)(2)(C), by striking out "clause (B) above" and inserting in lieu thereof "subclause (B) of this clause"; and

(C) in subsection (f), by striking out "subsection (a)(1)–(12)" and inserting in lieu thereof "subsection (a)".

(6) Section 301a(a)(3) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(7) Section 311(c) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(8) Section 312(a) is amended by redesignating clauses (3), (4), and (5) as clauses (2), (3), and (4), respectively.

(9) Section 312c is amended—

(A) in subsection (a), by striking out "301a of this title: *Provided*, That—" and inserting in lieu thereof "301a of this title. However—"; and

(B) in subsection (d), by striking out "House and Senate Armed Services Committees" and inserting in lieu thereof "Committees on Armed Services of the Senate and House of Representatives".

(10) Section 403 is amended—

(A) by striking out "Environmental Science Services Administration" in subsection (e) and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) by striking out "words" in subsection (j) and inserting in lieu thereof "terms".

(11) Section 406b is amended—

(A) by striking out "Uniformed Services" and inserting in lieu thereof "uniformed services";

(B) by striking out "of this chapter" and inserting in lieu thereof "of this title"; and

(C) by striking out "later: *Provided, however*, That" and inserting in lieu thereof "later. However,".

(12) Section 411(d) is amend by striking out "words" and inserting in lieu thereof "term".

(13) The heading of section 416 is amended to read as follows:

"§ 416. Uniform allowance: officers; additional allowance".

(14) Section 501 is amended—

(A) by striking out "the first day of the second calendar month following the month in which the Department of Defense Appropriation Authorization Act, 1977, was enacted" both places it appears and inserting in lieu thereof "September 1, 1976";

(B) by striking out "unused" in subsection (d) and inserting in lieu thereof "unused";

(C) by inserting "of this section" in subsection (f) after "subsection (b), (d), or (g)"; and

(D) by striking out "Surgeon General" in subsection (g) and inserting in lieu thereof "Secretary of Health and Human Services".

(15) Sections 502(a) and 503 are amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(16) Section 558 is amended by striking out "title 26" and inserting in lieu thereof "the Internal Revenue Code of 1954".

(17) Section 602(b)(4) is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

(18)(A) The text of section 706 is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(B) The heading of such section is amended to read as follows:

"§ 706. Allotments: commissioned officers of the National Oceanic and Atmospheric Administration".

(C) The item relating to such section in the table of sections at the beginning of chapter 13 is amended to read as follows:

"706. Allotments: commissioned officers of the National Oceanic and Atmospheric Administration.".

(19) Section 707 is amended by striking out "(a)".

(20) Section 801 is amended—

(A) by redesignating subsection (c) as subsection (b); and

(B) by striking out "Environmental Science Services Administration" both places it appears and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(21) The item relating to section 1005 in the table of sections at the beginning of chapter 19 in amended to read as follows:

"1005. Army and Air Force: prompt payments required.".

(22) Section 1001 is amended—

(A) in subsection (b), by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) in subsection (c), by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(23) Section 1006(h) is amended by striking out "section 529 of title 31" and inserting in lieu thereof "section 3648 of the Revised Statutes (31 U.S.C. 529)".

(24) Section 1009 is amended—

(A) by striking out ", United States Code," in subsection (a); and

(B) by striking out "section 8 of the Act of December 16, 1967 (Public Law 90-207; 81 Stat. 654), section 402 or 403 of this title," in subsection (b)(2) and inserting in lieu thereof "section 402 or 403 of this title".

TITLE VI—TRANSITION PROVISIONS

PART A—TRANSITION PROVISIONS RELATING ONLY TO THE ARMY AND AIR FORCE

REGULAR OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW LIEUTENANT GENERAL OR RECOMMENDED FOR PROMOTION TO A HIGHER GRADE

SEC. 601. (a) Except as provided in sections 603 and 604, any regular officer of the Army or Air Force who on the effective date of this Act is on active duty and—

(1) is serving in a temporary grade below lieutenant general that is higher than his regular grade;

(2) is on a list of officers recommended for promotion to a temporary grade below lieutenant general; or

(3) is on a list of officers recommended for promotion to a regular grade higher than the grade in which he is serving;

shall be considered to have been recommended by a board convened under section 611(a) of title 10, United States Code, as added by this Act, for promotion to the regular grade equivalent to the grade in which he is serving or for which he has been recommended for promotion, as the case may be.

(b) An officer referred to in clause (1) of subsection (a) who is not promoted to the grade to which he is considered under such subsection to have been recommended for promotion because his name is removed from a list of officers who are considered under such paragraph to have been recommended for promotion shall be considered under chapter 36 of title 10, United States Code, as added by this Act, for promotion to the regular grade equivalent to the temporary grade in which he was serving on the effective date of this Act as if he were serving in his regular grade.

(c) Notwithstanding section 741(d) of title 10, United States Code, as added by this Act, the date of rank of an officer referred to in subsection (a)(1) who is promoted to the temporary grade in which he is serving on the effective date of this Act is the date of his temporary appointment in that grade.

RESERVE OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW LIEUTENANT GENERAL OR RECOMMENDED FOR PROMOTION TO A HIGHER GRADE

SEC. 602. (a)(1) Except as provided in subsection (b) and sections 605 and 606, any reserve officer of the Army or Air Force who on the effective date of this Act is subject to placement on the active-duty list of his armed force and—

(A) is serving in a temporary grade below lieutenant general that is higher than his reserve grade; or

(B) is on a list of officers recommended for promotion to a temporary grade below lieutenant general that is the same as or higher than his reserve grade;

shall be considered to have been recommended by a board convened under section 611(a) of title 10, United States Code, as added by this Act, for promotion to the reserve grade equivalent to the grade in which he is serving or for which he has been recommended for promotion, as the case may be.

(2) Notwithstanding section 741(d) of title 10, United States Code, as added by this Act, the date of rank of an officer referred to in paragraph (1)(A) who is promoted to the grade to which he is considered under such paragraph to have been recommended for promotion is the date of his temporary appointment in that grade.

(b) A reserve officer of the Army or Air Force who on the effective date of this Act—

(1) is subject to placement on the active-duty list of his armed force;

(2) is serving on active duty in a temporary grade; and

(3) holds a reserve grade higher than the temporary grade in which he is serving,

shall while continuing on active duty retain such temporary grade and shall be considered for promotion under chapter 36 of title 10, United States Code, as added by this Act, to a grade equal to or lower than his reserve grade as if such temporary grade is a permanent grade. If such officer is recommended for promotion under such chapter to such a grade, his appointment to such grade shall be a temporary appointment.

REGULAR OFFICERS ONCE FAILED OF SELECTION FOR PROMOTION

SEC. 603. (a) An officer of the Army or Air Force who on the effective date of this Act—

(1) holds the regular grade of first lieutenant, captain, or major; and

(2) has been considered once but not recommended for promotion to the next higher regular grade by a selection board convened under the laws in effect on the day before the effective date of this Act,

shall, within one year after the effective date of this Act, be considered for promotion to the next higher regular grade by a selection board convened by the Secretary concerned under the laws in effect on the day before the effective date of this Act.

(b)(1)(A) An officer described in subsection (a) who is recommended for promotion by the selection board which considers him pursuant to such subsection shall be considered to have been recommended for promotion to the next higher regular grade or the grade in which he is serving, whichever grade is higher, by a board convened under section 611(a) of title 10, United States Code, as added by this Act. Notwithstanding section 741(d) of title 10, United States Code, as added by this Act, the date of rank of an officer referred to in the preceding sentence who was serving in the temporary grade equivalent to the grade to which he is considered to have been recommended for promotion and who is promoted to that grade is the date of his temporary appointment in that grade.

(2) An officer described in subsection (a) who is not recommended for promotion by such board shall, unless continued on active duty under section 637 of such title, as added by this Act, be retired, if eligible to retire, be discharged, or be continued on active duty until eligible to retire and then be retired, under the laws applicable on the day before the effective date of this Act.

REGULAR OFFICERS TWICE FAILED OF SELECTION FOR PROMOTION

SEC. 604. An officer of the Army or Air Force who on the day before the effective date of this Act—

(1) holds the regular grade of first lieutenant, captain, or major; and

(2) has twice failed of selection for promotion to the next higher regular grade,

shall, unless continued on active duty under section 637 of title 10, United States Code, as added by this Act, be retired, if eligible to retire, be discharged, or be continued on active duty until eligible to retire and then be retired, under the laws in effect on the day before the effective date of this Act.

RESERVE OFFICERS ONCE FAILED OF SELECTION FOR PROMOTION

SEC. 605. (a) A reserve officer of the Army or Air Force who on the effective date of this Act—

(1) is on active duty and subject to placement on the active-duty list of his armed force;

(2) holds the reserve grade of first lieutenant, captain, or major; and

(3) has been considered once but not selected for promotion to the next higher reserve grade under section 3366, 3367, 8366, or 8367, as appropriate, of title 10, United States Code,

shall, unless sooner promoted, be considered again for promotion to that grade by a selection board convened under section 3366, 3367, 8366, or 8367, as appropriate, of such title.

(b)(1) An officer described in subsection (a) who is serving on active duty in a temporary grade higher than his reserve grade on the effective date of this Act and who is recommended by the selection board which considers him pursuant to such subsection for promotion to the reserve grade equivalent to the temporary grade in which he is serving on such date shall be considered as having been recommended for promotion to that reserve grade in the report of a selection board convened under section 611(a) of title 10, United States Code, as added by this Act. Notwithstanding section 741(d) of title 10, United States Code, as added by this Act, the date of rank of an officer referred to in the preceding sentence who is promoted to the reserve grade equivalent to the temporary grade in which he is serving on such date is the date of his temporary appointment in that grade.

(2) An officer described in subsection (a) who is serving on active duty in a temporary grade equivalent to or lower than his reserve grade on the effective date of this Act and who is recommended by the selection board which considers him pursuant to such sub-

section for promotion to a reserve grade higher than the temporary grade in which he was serving on such date shall be considered as having been recommended for promotion to that reserve grade in the report of a selection board convened under section 3366, 3367, 8366, or 8367, as appropriate, of such title. If such an officer is not ordered to active duty in his reserve grade, he shall while continuing on active duty retain such temporary grade and shall be considered for promotion under chapter 36 of title 10, United States Code, as added by this Act, to a grade equal to or lower than his reserve grade as if such temporary grade is a permanent grade. If such officer is recommended for promotion under such chapter to such a grade, his appointment to such grade shall be a temporary appointment to such grade.

(3) An officer described in subsection (a) who is not recommended for promotion by the selection board which considers him pursuant to such subsection shall be governed by section 3846 or 8846, as appropriate, of title 10, United States Code, as a deferred officer.

RESERVE OFFICERS TWICE FAILED OF SELECTION FOR PROMOTION

SEC. 606. An officer of the Army or Air Force who on the day before the effective date of this Act—

(1) was on active duty and subject to placement on the active-duty list of his armed force; and

(2) held the reserve grade of first lieutenant, captain, or major; and

(3) was considered to have twice failed of selection for promotion to the next higher reserve grade,

shall be governed by section 3846 or 8846, as appropriate, of title 10, United States Code, as a deferred officer.

ENTITLEMENT TO SEVERANCE PAY OR SEPARATION PAY OF OFFICERS SEPARATED OR DISCHARGED PURSUANT TO THIS PART

SEC. 607. (a) An officer who is discharged in accordance with section 603(b)(2) or 604 is entitled, at his election, to—

(1) the severance pay to which he would have been entitled under the laws in effect before the effective date of this Act; or

(2) separation pay, if eligible therefor, under section 1174(a) of title 10, United States Code, as added by this Act.

(b) An officer who is separated in accordance with section 605(b)(3) or 606 is entitled, at his election, to—

(1) readjustment pay under section 687 of title 10, United States Code, as in effect on the day before the effective date of this Act; or

(2) separation pay, if eligible therefor, under section 1174(c) of title 10, United States Code, as added by this Act.

SPECIAL TENURE PROVISIONS FOR OFFICERS SERVING IN TEMPORARY GRADES OF BRIGADIER GENERAL AND MAJOR GENERAL

SEC. 608. (a) Notwithstanding section 635 or 636 of title 10, United States Code, as added by this Act, but subject to subsection (b), a regular officer of the Army or Air Force—

(1) who on the effective date of this Act is serving in the temporary grade of brigadier general or major general;

(2) whose regular grade on such date is below such temporary grade; and

(3) who is promoted pursuant to section 601(a) to the regular grade equivalent to such temporary grade,

shall be subject to mandatory retirement for years of service in accordance with the laws applicable on the day before the effective date of this Act to officers in the permanent grade he held on such date. However, such an officer shall not be subject to a mandatory retirement date which is earlier than the first day of the month following the month of the thirtieth day after he completes 30 years of service as computed under section 3927(a) or 8927(a), as appropriate, of title 10, United States Code, as in effect on the day before the effective date of this Act.

(b)(1) The Secretary of the Army or the Secretary of the Air Force, as appropriate, may convene selection boards under this section for the purpose of recommending from among officers described in subsection (a) officers to be selected to be subject to mandatory retirement for years of service in accordance with the laws applicable on the day before the effective date of this Act to officers in the permanent grade to which such officers were promoted pursuant to section 601(a) or to officers in a lower permanent grade higher than the permanent grade held by such officers on the day before the effective date of this Act.

(2) Upon the recommendation of a selection board convened under this section, the Secretary concerned may select officers described in subsection (a) to be subject to mandatory retirement in accordance with the provisions of section 3922, 3923, 8922, or 8923, as appropriate, of title 10, United States Code, as in effect on the day before the effective date of this Act, rather than in the manner described in subsection (a).

(3) Any selection board convened under this section shall be convened in accordance with the provisions of section 3297 or 8297, as appropriate, of title 10, United States Code, as in effect on the day before the effective date of this Act.

(c) This section does not apply to an officer who—

(1) is sooner retired or separated under another provision of law;

(2) is promoted to the permanent grade of brigadier general pursuant to section 601 (a) and is subsequently promoted to the permanent grade of major general under chapter 36 of title 10, United States Code, as added by this Act; or

(3) is continued on active duty under section 637 of title 10, United States Code, as added by this Act.

RIGHT OF MAJORS AND COLONELS TO COMPLETE YEARS OF SERVICE ALLOWED UNDER PRIOR LAW

SEC. 609. (a)(1) Subject to paragraph (2), an officer of the Army or Air Force who on the effective date of this Act—

(A) holds the regular grade of major; or

(B) is on a list of officers recommended for promotion to the regular grade of major,

shall be retained on active duty until he completes twenty-one years of service as computed under section 3927(a) or 8927(a), as appropriate, of title 14, United States Code (as in effect on the day before the effective date of this Act), and then be retired under the provisions of section 3913 or 8913 of such title (as in effect on the day before the effective date of this Act) on the first day of the month after the month in which he completes that service.

(2) Paragraph (1) does not apply to an officer who—

(A) is sooner retired or separated under another provision of law;

(B) is promoted to the regular grade of lieutenant colonel; or

(C) is continued on active duty under section 637 of title 10, United States Code, as added by this Act.

(b)(1) Subject to paragraph (2), an officer of the Army or Air Force who on the effective date of this Act—

(A) holds the regular grade of colonel; or

(B) is on a list of officers recommended for promotion to the regular grade of colonel,

shall be retired under section 3921 or 8921, as appropriate, of such title (as in effect on the day before the effective date of this Act).

(2) Paragraph (1) does not apply to an officer who—

(A) is sooner retired or separated under another provision of law;

(B) is promoted to the regular grade of brigadier general; or

(C) is continued on active duty under section 637 of title 10, United States Code, as added by this Act.

REGULAR OFFICERS WHOSE RETIREMENT HAS BEEN DEFERRED

SEC. 610. A regular officer of the Army or Air Force serving on active duty on the effective date of this Act whose retirement under chapter 367 or 867 of title 10, United States Code, has been deferred before that date—

(1) under a provision of such chapter; or

(2) by virtue of a suspension, under any provision of law, of provisions of such chapter which would otherwise require such retirement,

may continue to serve on active duty to complete the period for which his retirement was deferred or until such suspension is removed.

PART B—TRANSITION PROVISIONS RELATING ONLY TO THE NAVY AND MARINE CORPS

OFFICERS SERVING IN A TEMPORARY GRADE BELOW VICE ADMIRAL OR LIEUTENANT GENERAL OR RECOMMENDED FOR PROMOTION

SEC. 611. (a) Subject to subsection (b), any regular officer of the Navy or Marine Corps, and any reserve officer of the Navy and Marine Corps who on the effective date of this Act is subject to placement on the active-duty list, who on the effective date of this Act—

(1) is serving on active duty in a temporary grade below vice admiral or lieutenant general that is higher than his permanent grade; or

(2) is on a promotion list,

shall be considered to have been recommended for promotion to the permanent grade equivalent to the grade in which he is serving or for which he has been recommended for promotion, as the case may be, by a board convened under section 611(a) of title 10, United States Code, as added by this Act.

(b) This section does not apply to an officer—

(1) serving in a temporary grade which, by its own terms, is limited in duration;

(2) designated for limited duty in a grade to which he was appointed under section 5596 of title 10, United States Code, before the effective date of this Act; or

(3) recommended for promotion or promoted to a grade under section 5787 of such title, as in effect before the effective date of this Act.

OFFICERS FAILED OF SELECTION FOR PROMOTION

SEC. 612. An officer of the Navy or Marine Corps who on the effective date of this Act is considered to have failed of selection for promotion one or more times to a grade below the grade of captain, in the case of an officer of the Navy, or below the grade of colonel, in the case of an officer of the Marine Corps, is subject to chapter 36 of title 10, United States Code, as added by this Act, as if such failure or failures had occurred under the provision of such chapter.

RIGHT OF CERTAIN OFFICERS TO RETIRE UNDER PRIOR LAW

SEC. 613. (a)(1) Subject to paragraph (2), an officer who on the effective date of this Act—

(A) holds the grade of lieutenant commander, commander, or captain in the Regular Navy or the grade of major, lieutenant colonel, or colonel in the Regular Marine Corps; or

(B) is on a promotion list to any such grade,

shall be retired on the date provided under the laws in effect on the day before the effective date of this Act.

(2) This subsection does not apply to an officer—

(A) sooner retired or separated under another provision of law;

(B) promoted to a higher grade in the Regular Navy or Regular Marine Corps; or

(C) continued on active duty under section 637 of title 10, United States Code, as added by this Act.

(b)(1) An officer of the Navy who on the effective date of this Act—

(A) has the grade of rear admiral in the Regular Navy; or

(B) was on a promotion list to such grade,

shall be continued on active duty or retired in accordance with the laws in effect on the day before the effective date of this Act.

(2) An officer of the Marine Corps who on the effective date of this Act—

(A) has the grade of brigadier general in the Regular Marine Corps; or

(B) was on a promotion list to such grade,

shall be retired in accordance with the laws in effect on the day before the effective date of this Act.

TRANSITION PROVISIONS TO NEW COMMODORE ADMIRAL GRADE

SEC. 614. (a)(1) An officer of the Navy who on the day before the effective date of this Act—

(A) was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the upper half; or

(B) was serving on active duty in the grade of admiral or vice admiral and would have been entitled to receive the basic pay of a rear admiral of the upper half had he not been serving in such grade on such date,

shall after such date hold the permanent grade of rear admiral.

(2) An officer of the Navy who on the day before the effective date of this Act—

(A) was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the lower half; or

(B) was serving on active duty in the grade of admiral or vice admiral and would have been entitled to receive the basic pay of a rear admiral of the lower half had he not been serving in such grade on such date,

shall after such date hold the permanent grade of commodore admiral, but shall retain the title of rear admiral.

(3) An officer who on the day before the effective date of this Act was on a list of officers recommended for promotion to the grade of rear admiral shall, upon promotion, hold the grade of commodore admiral with the title of rear admiral.

(b) An officer who on the day before the effective date of this Act—

(1) was serving on active duty in the grade of rear admiral and was entitled to the basic pay of a rear admiral of the lower half; or

(2) was on a list of officers recommended for promotion to the grade of rear admiral,

shall, on and after the effective date of this Act, or in the case of an officer on such a list, upon promotion to the grade of commodore admiral, be entitled to wear the uniform and insignia of a rear admiral.

(c) Except as otherwise provided by law, an officer of the Navy who on the day before the effective date of this Act held the grade of rear admiral on the retired list or the temporary disability retired list retains the grade of rear admiral and is entitled after such date to wear the uniform and insignia of a rear admiral. Such an officer, when ordered to active duty—

(1) holds the grade and has the right to wear the uniform and insignia of a rear admiral; and

(2) ranks among commissioned officers of the armed forces as and is entitled to the basic pay of—

(A) a commodore admiral, if his retired pay was based on the basic pay of a rear admiral of the lower half on the day before the effective date of this Act; or

(B) a rear admiral, if his retired pay was based on the basic pay of a rear admiral of the upper half on the day before the effective date of this Act.

(d)(1) An officer of the Navy who—

(A) on the effective date of this Act—

(i) was serving on active duty in the grade of rear admiral and was entitled to the basic pay of a rear admiral of the lower half or was serving on active duty in the grade of admiral or vice admiral and would have been entitled to receive the basic pay of a rear admiral of the lower half had he not been serving in such grade on such date; or

(ii) was on a list of officers recommended for promotion to the grade of rear admiral; and

(B) after such date holds the permanent grade of commodore admiral pursuant to subsection (a),

shall not be subject to the provisions of chapter 36 of title 10, United States Code, as added by this Act, relating to selection for promotion and promotion to the next higher grade.

(2) Officers to whom this subsection applies become entitled to hold the permanent grade of rear admiral under the circumstances prescribed for entitlement to the basic pay of a rear admiral of the upper half under the provisions of subsections (a) through (d) of section 202 of title 37, United States Code, as in effect on the day before the effective date of this Act. For the purposes of this subsection, officers serving in the permanent grade of rear admiral or commodore admiral in accordance with subsection (a) shall be considered as serving in the grade of rear admiral, as such grade was in effect on the day before the effective date of this Act.

(e) Unless entitled to a higher grade under another provision of law, an officer of the Navy who on the day before the effective date of this Act—

(1) was serving on active duty; and

(2) held the grade of rear admiral;

and who retires on or after the effective date of this Act, retires in the grade of rear admiral and is entitled to wear the uniform and insignia of a rear admiral. If such an officer is ordered to active duty after his retirement, he is considered, for the purposes of determining his pay, uniform and insignia, and rank among other commissioned officers, as having held the grade of rear admiral on the retired list on the day before the effective date of this Act.

(f) A reserve officer of the Navy who on the day before the effective date of this Act was in an active status and was serving in the grade of rear admiral or was on a list of reserve officers recommended for promotion to the grade of rear admiral is not subject to subsection (f) of section 6389 of title 10, United States Code, as added by this Act.

FEMALE OFFICERS

SEC. 615. (a) Except as provided under subsection (c), each regular officer who on the effective date of this Act is serving on the active list in the line of the Navy or on the active list of the Marine Corps under an appointment made under section 5590 of title 10, United States Code, shall be reappointed in the line of the Navy or in the Marine Corps, as appropriate, in the grade and with the date of rank held by such officer immediately before such reappointment. Each such reappoinment shall be made in accordance with the provisions of such title as amended by this Act but notwithstanding any limitation otherwise applicable with regard to age, grade, or physical standards.

(b) Each officer of the Navy who on the effective date of this Act is serving in a staff corps under an appointment made under section 5590 of title 10, United States Code, shall be reappointed in that corps in the grade and with the date of rank held by such officer immediately before such reappointment. Each such reappointment shall be made in accordance with the provisions of such title as amended by this Act but notwithstanding any limitation otherwise applicable with regard to age, grade, or physical standards.

(c) Any officer who on the effective date of this Act is serving on the active list in the line of the Navy under an appointment made under section 5590 of title 10, United States Code, and who meets the qualifications for appointment in a staff corps of the Navy may, in lieu of being reappointed in the line of the Navy under subsection (a), be appointed in that staff corps.

(d) Each officer reappointed in a staff corps pursuant to subsection (b) or appointed in a staff corps under subsection (c) shall be considered for all purposes as having been originally appointed in such staff corps in accordance with the provisions of title 10, United States Code, as amended by this Act.

(e) Except as otherwise specifically provided by law, all provisions of law relating to appointment, promotion, separation, and retirement which are applicable to male officers of the Regular Navy or Regular Marine Corps, as appropriate, apply to officers reappointed pursuant to subsection (a) or (b) or appointed under subsection (c).

(f)(1) As soon as practicable after completion of the appointments and reappointments provided for in subsections (a), (b), and (c), the name of each officer so appointed or reappointed shall be entered on the appropriate active-duty list of the Navy or the Marine Corps in a position among officers of her grade determined in accordance with regulations prescribed by the Secretary of the Navy. Such officers shall be placed on the appropriate active-duty list without change in their relative positions held on the lineal list or any list for promotion established for them while they were serving under an appointment under any provision of title 10, United States Code, repealed by this Act.

(2) Any female officer—

(A) who, by virtue of her date of rank and other considerations, would be placed on a list of officers eligible for consideration for promotion in a position senior to an officer who has failed of selection for promotion one or more times; and

(B) who is considered to have failed of selection for promotion once or is considered to have never failed of selection for promotion,

shall, for purposes of determining her eligibility for consideration for promotion to the next higher grade, be considered with those officers who are considered to have failed of selection for promotion once, or who are considered never to have failed of selection for promotion, as the case may be.

(3) A female officer who is considered to have failed of selection for promotion one or more times and whose position on the active-duty list is junior to the position of any male officer who is considered to have failed of selection for promotion a fewer number of times or not at all may not derive any advantage in the selection process by virtue of such position on the active-duty list.

(g) Except as provided in section 638 of title 10, United States Code, as added by this Act, a regular officer of the Navy or Marine Corps appointed under section 5590 of such title who—

(1) before the effective date of this Act had not twice failed of selection for promotion to the next higher grade; and

(2) is not selected for promotion to a higher regular grade on or after such effective date,

may not be retired earlier than such officer would have been retired had this Act not been enacted.

(h) (1) Any officer who—

(A) on the effective date of this Act is a lieutenant in the Navy or a captain in the Marine Corps;

(B) under section 6396(c) or 6401 of title 10, United States Code (as in effect on the day before the effective date of this Act), would have been discharged on June 30 of the fiscal year in which that officer (i) was not on a promotion list, and (ii) had completed 13 years of active commissioned service; and

(C) because of the enactment of this Act, is subject to discharge under section 632 of such title because such officer has twice failed of selection for promotion,

shall, if such officer has not completed 13 years of active commissioned service at the time otherwise prescribed for the discharge of such officer under such section and such officer so requests, not be discharged until June 30 of the fiscal year in which the officer completes 13 years of active commissioned service.

(2) Any officer who—

(A) on the effective date of this Act is a lieutenant (junior grade) in the Navy or a first lieutenant in the Marine Corps;

(B) under section 6396(d) or 6402 of title 10, United States Code (as in effect on the day before the effective date of this Act), would have been discharged on June 30 of the fiscal year in which that officer (i) was not on a promotion list, and (ii) had completed 7 years of active commissioned service; and

(C) because of the enactment of this Act, is subject to discharge under section 631 of such title because such officer has twice failed of selection for promotion,

shall, if that officer has not completed 7 years of active commissioned service at the time otherwise prescribed for such discharge under such section and such officer so requests, not be discharged until June 30 of the fiscal year in which the officer completes 7 years of active commissioned service.

LIMITED-DUTY OFFICERS

SEC. 616. An officer of the Regular Navy or Regular Marine Corps who on the effective date of this Act is an officer who was designated for limited duty before that date under section 5589 of title 10, United States Code, is subject to section 6383 on such title (as in effect on the day before the effective date of this Act), unless promoted to a higher permanent grade under chapter 36 of title 10, United States Code, as added by this Act.

CERTAIN NAVY LIEUTENANTS HOLDING TEMPORARY APPOINTMENTS IN THE GRADE OF LIEUTENANT COMMANDER

SEC. 617. Any officer who on the effective date of this Act holds a temporary appointment in the grade of lieutenant commander under section 5787d of title 10, United States Code, shall on and after such date be considered to be serving in such grade as if such appointment had been made under section 5721 of such title, as added by this Act.

DIRECTOR OF BUDGET AND REPORTS OF THE NAVY

SEC. 618. (a) An officer of the Navy who on the day before the effective date of this Act was serving on active duty and entitled to rank and privileges of retirement under section 5064 of title 10, United States Code, as in effect on the day before the effective date of this Act, shall have his rank and retirement privileges determined under the laws in effect on such date.

PART C—GENERAL TRANSITION PROVISIONS

ESTABLISHMENT OF INITIAL ACTIVE-DUTY LISTS

SEC. 621. (a) (1) Not later than 6 months after the effective date of this Act, all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the active-duty list for their armed force under chapter 36 of title 10, United States Code, as added by this Act, shall be placed on such list with the same relative seniority which they held on the day before the effective date of this Act. An officer placed on an active-duty list under this section shall be considered to have been placed on such list as of the effective date of this Act.

(2) Regulations prescribed under section 620 of title 10, United States Code, as added by this Act, shall be applicable to the placement of officers on the active-duty list under paragraph (1).

(b) In order to maintain the relative seniority among officers of the Army, Navy, Air Force, or Marine Corps as it existed on the day before the effective date of this Act, the Secretary of the military department concerned may, during the 1-year period beginning on the effective date of this Act, adjust the date of rank of any officer such armed force who was serving on active duty on such effective date. The authority of the Secretary concerned under this section shall be administered under regulations prescribed by the Secretary of Defense which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.

OFFICERS SERVING IN THE SAME TEMPORARY GRADE AND PERMANENT GRADE; DATE OF RANK

SEC. 622. (a) Any officer of the Army, Navy, Air Force, or Marine Corps who on the effective date of this Act is serving on active duty in a temporary grade which is the same as his permanent grade shall on such date be serving in such grade subject to this title and the amendments made by this Act. The date of rank of such officer in that grade is the date of his temporary appointment to that grade.

OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL OR REAR ADMIRAL

SEC. 623. (a) Any officer who on the day before the effective date of this Act held a temporary appointment in the grade of lieutenant general or general under section 3066, 5232, or 8066 of title 10, United States Code, or a temporary appointment in the grade of vice admiral or admiral under section 5231 of such title, shall on and after such date be considered to be serving in such grade as if such appointment had been made under section 601 of such title, as added by this Act.

(b) (1) Any designation of a position as a position of importance and responsibility made by the President under section 3066 or 8066 of title 10, United States Code, before the effective date of this Act, shall remain in effect, unless changed by the President, as a designation of such position as a position of importance and responsibility under section 601 of such title, as added by this Act.

(2) Any position held by an officer under section 5231 or 5232 of title 10, United States Code, on the effective date of this Act shall, unless changed by the President, be deemed to be a position of importance and responsibility designated by the President under section 601 of title 10, United States Code.

(c) Any officer served who before the effective date of this Act served in the grade of lieutenant general, general, vice admiral, or admiral but was not serving in such grade on the day before the effective date of this Act shall for the purposes of section 1370(c) of title 10, United States Code, as added by this Act, be deemed to have held such position under an appointment made under section 601 of such title, as added by this Act.

YEARS OF SERVICE FOR INVOLUNTARY RETIREMENT OR DISCHARGE

SEC. 624. (a) In determining whether any officer of the Army, Navy, Air Force, or Marine Corps who was on active duty on the day before the effective date of this Act is subject to involuntary retirement or discharge under chapter 36 of title 10, United States Code, as added by this Act, the years of service of the officer for such purpose shall be computed by adding—

(1) the amount of service creditable to such officer on the day before the effective date of this Act for the purpose of determining whether the officer is subject to involuntary retirement or discharge; and

(2) all subsequent active commissioned service of such officer.

(b) In the case of an officer for whom no means of computing service creditable in determining whether the officer is subject to involuntary retirement or discharge existed under the law in effect on the day before the effective date of this Act, the amount of creditable service of such officer for such purpose for the period before the effective date of this Act shall be determined under regulations prescribed by the Secretary of Defense, except that such an officer may not be credited with an amount of service less than the amount of his active commissioned service.

SAVINGS PROVISION FOR CONSTRUCTIVE SERVICE PREVIOUSLY GRANTED

SEC. 625. (a) The amendments made by this Act do not affect the crediting of years of service to any person who on the day before the effective date of this Act—

(1) had been credited with years of service upon an original appointment as an officer or after such an appointment; or

(2) was participating in a program leading to an appointment as an officer in the Army, Navy, Air Force, or Marine Corps and the crediting of years of service.

(b) (1) Any officer who on the effective date of this Act is an officer of the Army or Navy in the Medical or Dental Corps of his armed force, an officer of the Air Force designated as a medical or dental officer, or an officer of the Public Health Service commissioned as a medical or dental officer is entitled to include in the years of service creditable to him for the computation of basic pay and retired pay the years of service creditable to him for such purposes under clauses (7) and (8) of section 205(a) of title 37, United States Code, as in effect on the day before the effective date of this Act.

(2) Any person who on the day before the effective date of this Act was enrolled in the Uniformed Services University of the Health Sciences under chapter 104 of this title or the Armed Forces Health Professions Scholarship Program under chapter 105 of this title and who on or after the effective date of this Act graduates from such university or completes such program, as the case may be, and is appointed in one of the categories specified in paragraph (1) is entitled to include in the years of service creditable to him for the computation of basic pay and retired pay the years of service that would have been credited to him under clauses (7) and (8) of section 205(a) of title 37, United States Code, as in effect on the day before the effective date of this Act, had such clauses not been repealed by this Act.

MISCELLANEOUS PROVISIONS RELATING TO YEARS OF SERVICE

SEC. 626. (a) For the purpose of computing the years of service for pay and allowances of an officer of the Army, Navy, Air Force, or Marine Corps, including retired pay, severance pay, readjustment pay, separation pay, and basic pay, the total years of service of such officer shall be computed by adding to that service so creditable on the day before the effective date of this Act all subsequent service as computed under title 10, United States Code, as amended by this Act.

(b) An officer of the Army, Navy, Air Force, or Marine Corps who was on active duty on the effective date of this Act and who is retired under any provision of chapter 36 of title 10, United States Code, as added by this Act, shall be entitled to retired pay in an amount equal to not less than 50 percent of the basic pay upon which his retired pay is based.

(c) The service that an officer of the Army, Navy, Air Force, or Marine Corps has in a particular grade is the sum of—

(A) the years, months, and days of service in that grade accrued under the laws in effect before the effective date of this Act; and

(B) the years, months, and days of service in that grade accrued under the laws in effect on and after the effective date of this Act.

TRANSITION TO OFFICER GRADE-STRENGTH TABLES DURING FISCAL YEAR 1981

SEC. 627. For the fiscal year ending on September 30, 1981, the maximum number of officers authorized to be serving on active duty as of the end of such fiscal year in each of the grades of major, lieutenant colonel, and colonel for the Army, Air Force, and Marine Corps, and in each of the grades of lieutenant commander, commander, and captain for the Navy, under section 523 of title 10, United States Code, as added by this Act, is increased by the number equal to one-half the difference between (1) the actual number of officers of that armed force serving on active duty in that grade on September 30, 1980 (excluding officers in categories specified in subsection (b) of such section) and (2) the number specified in the table contained in such section for such armed force and grade based upon the total number of commissioned officers of such armed force on active duty on September 30, 1981 (excluding officers in categories specified in subsection (b) of such section).

RIGHT OF COMMISSIONED OFFICERS WITH PERMANENT ENLISTED OR WARRANT OFFICER STATUS TO RETIRE IN HIGHEST ENLISTED OR WARRANT OFFICER GRADE HELD

SEC. 628. (a) A member of the Army, Navy, Air Force, or Marine Corps who—

(1) on the day before the effective date of this Act had a permanent status as an enlisted member or as a warrant officer (or had a statutory right to be enlisted or to be appointed as a warrant officer) and was serving as an officer under a temporary appointment; and

(2) on or after the effective date of this Act and before completing 10 years of commissioned service for purposes of retirement eligibility under section 3911, 6323, or 8911 of title 10, United States Code, completes 20 years of total service, as determined under section 1405 of such title,

is entitled to retire or transfer to the Fleet Reserve or Fleet Marine Corps Reserve in the highest grade he held as an enlisted member or a warrant officer.

SAVINGS PROVISION FOR RETIRED GRADE FOR OFFICERS NOT SUBSEQUENTLY PROMOTED

SEC. 629. In applying section 1370(b) of title 10, United States Code, as added by this Act, to an officer of the Army, Navy, Air Force, or Marine Corps who was on active duty on the day before the effective date of this Act and who on or after the effective date of this Act is not promoted to a grade higher than the grade he held on the day before the effective date of this Act or, in the case of an officer who was on a list of officers recommended for promotion on such date, is not promoted to a grade higher than the grade to which he was recommended for promotion, "two years" shall be substituted for "three years".

EXEMPTION OF CERTAIN OFFICERS FROM SELECTIVE EARLY RETIREMENT PROVISIONS

SEC. 630. An officer of the Army, Navy, Air Force, or Marine Corps who was recommended for continuation on the active list under the Act entitled "An Act to provide improved opportunity for promotion for certain officers in the naval service, and for other purposes", approved August 11, 1959 (Public Law 86-155; 10 U.S.C. 5701 note), or under section 10 of the Act entitled "An Act relating to the promotion and separation of certain officers of the regular components of the armed forces", approved July 12, 1960 (Public Law 86-616; 10 U.S.C. 3297 note), is not subject to section 638 of title 10, United States Code, as added by this Act, relating to selective early retirement.

SAVINGS PROVISION FOR ENTITLEMENT TO READJUSTMENT PAY OR SEVERANCE PAY UNDER PRIOR PROVISIONS OF LAW

SEC. 631. (a) A member of the Army, Navy, Air Force, or Marine Corps who—

(1) was on active duty (other than for training) on the day before the effective date of this Act; and

(2) after such date is involuntarily discharged or released from active duty under any provision of title 10, United States Code, as in effect on or after such date,

is entitled to receive any readjustment payment or severance pay to which he would have been entitled under laws in effect on the day before the effective date of this Act.

(b) If a member to whom subsection (a) applies is eligible to receive separation pay under section 1174 of title 10, United States Code, as added by this Act, the member may not receive both a readjustment payment or severance pay under laws in effect on the day before the effective date of this Act and separation pay under such section, but shall elect which he will receive. If the member fails to make an election in a timely manner, he shall be paid the amount which is more favorable to him.

OFFICERS ON ACTIVE DUTY IN GRADE ABOVE GENERAL

SEC. 632. Section 1251 of title 10, United States Code, as added by this Act, relating to mandatory retirement for age, shall not apply to any officer who on the effective date of this Act was on active duty in a grade above general.

DEFINITIONS

SEC. 633. For the purposes of this title:

(1) The term "officer" does not include warrant officers.

(2) The term "active-duty list" means the active duty list established by the Secretary of the military department concerned pursuant to section 620 of title 10, United States Code, as added by this Act.

PART D—ADJUSTMENTS TO TRANSITION PROVISIONS FOR HEALTH PROFESSIONALS SPECIAL PAY

PRESERVATION OF ENTITLEMENT FOR RESERVE MEDICAL OFFICERS

SEC. 641. Any person—

(1) who before June 30, 1980, served on active duty for not less than one year as a reserve officer of the Medical Corps of the Army or the Medical Corps of the Navy, as a reserve of the Air Force designated as a medical officer, or as a reserve medical officer of the Public Health Service; and

(2) who after having so served on active duty for not less than one year received special pay under section 302 of title 37, United States Code, as in effect during the period beginning on May 6, 1974, and ending on June 30, 1980, for service performed during such period,

shall be considered to have been entitled to such pay as if that part of such section, as in effect during such period, which read "who is on active duty for a period of at least one year" read "who has served on active duty for not less than one year".

PRESERVATION OF LEVEL OF PAY FOR SENIOR DENTAL OFFICERS

SEC. 642. (a) Any officer of the Dental Corps of the Army or the Dental Corps of the Navy, and any officer of the Air Force designated as a dental officer, who was serving on active duty as such an officer on September 30, 1979, and who completes 20 years of active service after such date is entitled, while serving on active duty, to receive for any period after he completes such 20 years of service a total amount of basic pay and special pay paid under section 311 of title 37, United States Code, in an amount not less than the sum of—

(1) the amount of basic pay which such officer would be entitled to receive if the rates of basic pay in effect on October 1, 1979, had continued in effect; and

(2) the amount of special pay under section 311 of such title which such officer would be entitled to receive under the regulations of the Secretary of Defense in effect on September 30, 1979, if such regulations had continued in effect.

(b) for the purposes of this section, special pay under section 311 of title 37, United States Code, shall be determined—

(1) on a monthly, rather than an annual, basis; and

(2) based on the rates of basic pay in effect on October 1, 1979.

TITLE VII—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

EFFECTIVE DATES

SEC. 701. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on September 15, 1981.

(b)(1) The authority to prescribe regulations under the amendments made by titles I through IV and under the provisions of title VI shall take effect on the date of the enactment of this Act.

(2) The amendment made by section 415 shall take effect as of July 1, 1980.

(3) The amendments made by part B of title V shall take effect on the date of the enactment of this Act.

(4) Part D of title VI shall take effect on the date of the enactment of this Act.

PRESERVATION OF SUSPENDED STATUS OF LAW IN SUSPENDED STATUS ON EFFECTIVE DATE

SEC. 702. If a provision of law that is in a suspended status on the day before the effective date of this Act is amended by this Act, the suspended status of that provision is not affected by that amendment.

GENERAL SAVINGS PROVISION

SEC. 703. Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act do not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. MITCHELL of New York. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. NICHOLS) will be recognized for 20 minutes, and the gentleman from New York (Mr. MITCHELL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the principal purpose of S. 1918 is to revise the statutory authorizations for field grade officers and to provide more uniform officer promotion systems for the military services. The bill is a lengthy document. It would overhaul or eliminate more than 300 sections of current law, and codify others. I would like to emphasize, however, that despite its length, this is not, in principle, a complex piece of legislation; nor does it represent a radical shift from the present system. It basically clears up existing inefficiencies and outmoded practices in the current law and provides consistent career opportunities for officers in all services.

As I am sure the Members recall, this subject was addressed at some length in the last two Congresses. A similar bill, H.R. 13958, passed the House in the 94th Congress by an overwhelming 343-to-4 vote. In the 95th Congress, another similar bill, H.R. 5503, passed the House by a vote of 351 to 7. Unfortunately, the Senate did not act either time. During this Congress, the Senate has acted, and although the bill that passed the Senate is considerably different than previous House versions, we have worked with the Senate committee and the Department of Defense to formulate a bill acceptable, finally, to all parties. We are, understandably, anxious to get the bill back to the Senate so that they can finalize the considerable effort that we, in the House, have previously put forth toward improving the defense officer management system.

I will not attempt to elaborate on the many facets of the bill. However, I will touch briefly on the major deficiencies in current law regarding the appointment, promotion, separation, and retirement of officers and thereby highlight the major provisions of the Defense Officer Personnel Management Act, frequently referred to a DOPMA.

Officer personnel management today, is governed by the Officer Personnel Act of 1947 and the Officer Grade Limitation Act of 1954. On the whole, these laws have served us well, but they have certain deficiencies that have been recognized by both the Department of Defense and the Congress. S. 1918 represents the culmination of considerable effort over a period of many years to update and extensively revise the 1947 and 1954 acts.

One of the most serious faults with the present law is that the Air Force has substantially lower permanent limits than the Army or Navy in the grades of lieutenant colonel and colonel. This occurred because the Air Force was a new service with a young officer corps when the Officer Grade Limitation Act was passed in 1954. Congress has provided temporary relief by suspending the Air Force's limits 10 times since 1959. The latest extension expires on September 30, 1982. The need to establish more realistic permanent grade limitations for the Air Force has been one of the principal motivations for revising the officer management laws.

Other deficiencies in the present laws are those that result in inconsistent or inequitable treatment of officers. Most of these deficiencies result from the respective historic origins of the statutes.

Different laws controlling promotions result in Army and Air Force officers undergoing two selections to each grade (one temporary and one permanent) while Navy and Marine Corps officers undergo only one. Different provisions for mandatory separation and retirement result in different lengths of tenure for members of each service.

Differentiations based on gender, particularly in the laws relating to the Navy and Marine Corps, are another example of legal requirements that can result in inequitable treatment of officers. For example, women officers in the Navy are not afforded the same legal opportunities for promotion to flag rank as male officers—but, on the other hand, they are not subject to the same provisions for involuntary separation.

Changes are needed to allow us to manage our officers properly and efficiently. DOPMA will enable us to do this by modifying and rationalizing the laws governing officer management. Specifically, it would:

First. Establish new statutory limitations on the number of officers in the three senior grades below flag rank;

Second. Provide common law for the appointment of regular officers and for the active duty service of reserve officers;

Third. Provide uniform laws for promotion procedures for officers in the separate services;

Fourth. Establish common provisions governing career expectations; and

Fifth. Establish common mandatory separation and retirement points.

I think DOPMA as it was passed by the House during the past two Congresses, and as it has been again reported by the Armed Services Committee during this Congress, will significantly improve the operation of the officer personnel management system.

Mr. Speaker, I would like to touch briefly on just a few of the major provisions of the bill in slightly more detail.

GRADE REDUCTIONS

The bill would provide for new permanent grade limitations for each of the services for the grades O-4, O-5 and O-6; that is, major, lieutenant colonel and colonel (in the Navy, lieutenant commander, commander and captain). The committee has recommended reductions of approximately 5 percent from the levels in the proposal submitted by the Department of Defense in the total number of field grades authorized for each of the services.

ANNUAL REPORT

The bill would provide for uniform exclusions from the limitations of the grade tables for all services. Among those excluded would be Selective Service officers; physicians and dentists; warrant officers; retired officers recalled to active duty for 180 days or less; general and flag officers; reserve officers on active duty for training, for reserve administration, or for special work; and selected reserves on active duty under section 673 b of title 10.

EXCLUSIONS

The bill would require a 5-year officer promotion plan to be submitted by February 15 of each year.

SINGLE-PROMOTION SYSTEM

The bill would provide for a single permanent promotion structure for each of the services, replacing the dual temporary and permanent promotion systems presently used in the Army and Air Force and eliminating the complex running-mate system presently in use in the Navy.

ALL-REGULAR FORCE

The bill would provide sufficient flexibility such that after a certain number of years of commissioned service all career-force active-duty officers could become regular officers. It is the committee's intent that this objective be accomplished.

SEPARATION PAY

Because of the limitations imposed on the number of officers in the senior grades and in order to insure reasonable career expectations for officers in the junior grades, some officers must be separated short of completion of 20 years of service.

Present law limits separation pay to officers released, in a reduction in force, for example, to $15,000. This $15,000 ceiling has been in effect for over a decade.

The committee believed that a more adequate level of separation pay is required and provided increased separation pay for involuntarily separated officers who have not qualified for retirement, equal to 10 percent of annual basic pay for each year of service up to a maximum of $30,000.

The bill will result in a net reduction in outlays in fiscal year 1981 of $10 million and by fiscal year 1985 the net reduction will reach $130 million. In the long run, however, costs will be about the same as under the current system.

However, cost savings are not our principal aim. Our aim is to make the officer personnel management system more uniform and equitable while maintaining the quality of the force.

The quality of the officer corps is as important as any ingredient in military readiness; and thus, the quality of our officer corps is important to our national security. The quality of our officer corps is the equal of any in the world. It would be difficult to find at any time in history a free nation that maintained an armed force with an officer corps as large, as varied, as combat-ready and of as generally high quality as we have today.

S. 1918, as reported, attempts to maintain high quality by making needed changes in the officer personnel laws—changes in some cases long overdue. We have tried to maintain a system that is attractive to the most outstanding officers.

Before closing, Mr. Speaker, I wish to recall for the record that the vast majority of effort devoted to the consideration of this legislation was initially performed under the guidance and leadership of the distinguished gentleman from New York (Mr. STRATTON), the former chairman of the Military Compensation Subcommittee. It was a long, difficult, and tedious undertaking. The shape of the bill before us today reflects the significant efforts of the gentleman.

In addition, Mr. Speaker, I would like to recognize that the bill before us today is a product of some very extensive work by a number of very capable individuals on the staff of the Committee on Armed Services, from the Office of the Legislative Counsel, and from the Department of Defense.

Mr. LeRoy Spence of the committee staff is probably the single-most knowledgeable individual regarding the current status and historical development of officer personnel management. His insight and analytic talents have improved immeasurably the substance of this legislation.

Mr. Robert W. Cover, of the Office of the Legislative Counsel, has, in effect, rewritten this massive piece of legislation. His attention to detail, his vast understanding of intricacies of the statutes that govern the operation of the officer personnel management system, and his willingness to go far beyond the minimum required to satisfy the objective have been invaluable in the production of this legislation. To place his work in perspective, however, the committee has always found this to be the case whenever Mr. Cover is involved in a product within our jurisdiction.

The changes wrought to title 10 by S. 1918 will stand as a lasting testament to the skills and professionalism of Mr. Spence and Mr. Cover.

Finally, I would like to express my appreciation to the staff of Secretary Robert B. Pirie, Jr., Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics—particularly Col. Fred Pang, USAF, and Lt. Col. Tom W. Waugh, USAF. Their understanding of the basic workings of the officer management system of each of the services and their ability to work within the congressional environment of compromise—more than any other single factor—allowed the committee to develop a viable legislative package that represents, in our view, the synthesis of the best aspects of the Senate version and the previously passed House version of the Defense Officer Personnel Management Act. These officers are dramatic examples of the type of military professional that the Defense Officer Personnel Management Act is designed to produce.

Three amendments of a minor nature have been made to the bill as reported:

First. The current running-mate system for promotion of Navy reservists would be preserved. This was inadvertantly modified by the bill as reported.

Second. Clarifying wording changes would be made to a section dealing with temporary promotion of naval officers (spot promotions).

Third. The effective date would be changed to September 15, 1981, instead of August 1, 1981, to permit a longer implementation period.

Mr. Speaker, the Congress has been prodding the Department of Defense since 1959 and particularly for the last 10 years, to present a proposal to revise the officer personnel management system; 6 years ago they submitted the initial DOPMA proposal. During the intervening 6 years the Congress has studied in great depth the proposal and, as a result, made some very substantial modifications.

Mr. Speaker, I urge Members of the House to support the bill.

□ 1430

Mr. MITCHELL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1918 and ask my colleagues in the House to also support this legislation that makes significant improvements in the laws governing the officer corps of the Armed Forces. Few things are more important to a successful defense establishment than a capable, high-morale officer corps; so this bill is one of the most important defense measures we will act on in this Congress.

It is a good bill. It has been the subject of long and careful study by this and previous Congresses. Many significant improvements were made by the Committee on Armed Services this year, and the bill bears the stamp of congressional decisionmaking in this important defense area.

The principal purposes of S.1918 can be stated simply. Essentially the bill—

First. Standardizes officer-promotion procedures among the services; and

Second. Moves toward tightening up the allowances on the numbers of officers in the higher grades.

Present officer-personnel laws in the different services are a hodgepodge of inconsistent and complicated procedures with different career opportunity among the services. There have been efforts to standardize promotion laws among the services since 1965 when the Bolte Committee—chaired by the distinguished Army General Charles Bolte—recommended a uniform promotion approach. But all these efforts failed.

In S. 1918 we are finally establishing uniform provisions governing appointment, promotion, career expectation and mandatory separation and retirement for career active-duty officers. At the same time we have slightly reduced the number of senior officers authorized, but this reduction is minor compared to the provision in the Senate version. Without this compromise with the Senate we would have had no bill this year.

In providing common promotion procedures, we have continued the up-or-out system which calls for officers to be reviewed regularly, to be considered competitively for promotion, and to be removed from active duty after repeated failure of selection. The system has been in effect for 30 years and has given us a capable, fully combat-ready officer corps, something the country never had before in peacetime. However, at the same time, we have incorporated new provisions that permit the services to voluntarily continue officers who have failed of selection for promotion. So there is flexibility in this area.

To understand the impact of the bill, one must understand the background of officer-personnel management. Up to, and including, World War II, the officer corps was invariably unready at the beginning of a war and hasty measures were required to eliminate over-age and unfit officers. Following World War II, the Congress sought to create a combat-ready officer corps. In 1947, the Congress passed the Officer Personnel Act that provided the up-or-out promotion system to assure proper distribution of officers by grade and to allow reasonable promotion opportunity. The Officer Personnel Act was modified by the Officer Grade Limitation Act of 1954 which provided more stringent limitations on the grade structure. The officer personnel of the services have been essentially managed under these two laws since 1954, with occasional patchwork amendments such as the Air Force grade relief. S. 1918 represents the first major updating and extensive revision of these basic laws.

Some of the major provisions of DOPMA have been discussed. I would like to touch briefly on some of the others.

SELECTIVE CONTINUATION

The bill would establish standardized career patterns of 30 years for colonel or Navy captain; 28 years for lieutenant colonel or commander; and 30 years for major or lieutenant commander.

The bill would provide for selective-continuation procedures for these grades. These include (at the discretion of the service Secretary) a one-time review by a continuation board for colonels and Navy captains after 4 years in grade and for lieutenant colonels and commanders after twice failing of selection for promotion, with the requirement that at least 70 percent of those considered be retained until the normal retirement point.

In the case of majors and lieutenant commanders the bill would structure the grade table to allow a 70-percent selection opportunity to lieutenant colonel and commander and would provide for continuation boards so that twice-passed-over officers can be considered for continuation until 20 years. It is the committee's strong desire that these officers be continued to 20 years of service as a matter of course; only in unusual circumstances would this authority not be fully utilized. In addition, the service Secretaries would be provided additional discretionary authority to continue these twice-passed-over officers voluntarily until they have completed 24 years of service. This facet of the selective continuation authority is intended to provide limited flexibility to address shortages in specific skills.

In the case of captains and Navy lieutenants, the service Secretaries would be provided discretionary authority to continue twice-passed-over officers until they complete 20 years of service. This authority is also intended to provide limited flexibility to address skill shortages.

WOMEN OFFICERS

The bill would abolish separate promotion procedures for women officers and would provide that promotion laws be applied equally to male and female officers.

COMMODORE ADMIRAL

The bill would require a positive selection from the grade of O–7 to O–8 in the Navy and would create the new title of commodore admiral for the Navy O–7 grade. It would give the Navy one-star rank comparable to brigadier general in the other services in place of the present system of promotion from captain to two-star rank and insignia and automatic advancement from pay grade O–7 to pay grade O–8.

CONSTRUCTIVE CREDIT

Constructive service credit is given to newly appointed officers for time spent in graduate education or training when such training is prerequisite for appointment as a commissioned officer. A young man is thus given recognition for time invested in professional training and is also brought into the service at a rank comparable to his age contemporaries. The present rules for awarding constructive credit are confusing and inequitable. S. 1918 provides uniformity of treatment in awarding such credit.

The bill provides, basically, 1 year of constructive credit for each year of education normally required beyond the baccalaureate level—in other words, beyond 4 years. The Defense Department defines "normally required" as the stated minimum cited in the catalogs of the majority of the schools in the profession.

The bill provides for additional credit for health professions where appropriate to recognize a particular situation.

The committee found that in the health professions the de facto requirement was considerably higher than the stated requirement. The professional schools tend to demand more undergraduate education than their stated minimum, and the committee wanted to provide a mechanism to allow for additional credit when the overwhelming majority of schools in a discipline make such a demand. The bill, therefore, provides that an additional year of credit beyond the stated minimum can be awarded when more than 75 percent of the entering students in the discipline have at least a year more preprofessional education than the stated minimum.

TRANSITION

Among the features I would like to touch on are the transition provisions of the bill. Although the legislation does not represent a radical change in the present system, the career expectations of some officer will be altered under DOPMA. For this reason, and with an eye toward equity, the Committee on Armed Services has included a number of transition provisions. The basic concept under which these provisions were developed was to insure that an officer at a particular point in his career with certain reasonable expectations on the day before enactment would not have those expectations changed negatively after the date of enactment. In other words, an individual will be at least as well off after the date of enactment as he was before. This protection operates as long as an individual is in the same grade as he had upon enactment. Once he accepts promotion to the next grade, he would be fully under the provisions of DOPMA.

As with any piece of legislation that is as complex as S. 1918, no matter how much time is devoted to its development, certain unforeseen anomalies will arise as the Department of Defense attempts to implement its provisions. We have provided for a 9-month hiatus before DOMPA will take effect. In part, this is to permit sufficient time to implement the changes, but this delay will also provide sufficient time for the services to develop and propose legislation that will address some of the unforeseen consequences. I would stress that such legislation would certainly be well received.

The version of S. 1918 as reported by the Committee on Armed Services differs from the Senate passed version in the following aspects:

First. Senate requirement for annual authorization of officer end strength and submission of service 5-year promotion plans.

Committee recommends deletion of the annual authorization requirement but retention of the 5-year promotion plan submission requirement.

Second. Senate requirement to expand accountable categories of officers in DOPMA to include statutory tour reserve officers, other full-time manning reserve officers and Navy TAR officers.

Committee recommends deletion of this requirement—excludable categories would be as defined much the same as in DOD DOPMA, except mobilized Reserves would be countable.

Statutory tour officers, et cetera, also would not be included in active duty promotion system.

However, grade limitations would be placed on full-time manning officers.

Third. Senate requirement for drastically reduced field grade officer grade tables and inclusion of reduced general/flag officer grade tables.

Committee recommends a modified field grade officer table that effects about a 5-percent reduction in overall field grade officer strength limits versus about a 20 percent overall reduction proposed by the Senate at current strength levels.

Committee recommends deletion of the reduced general/flag officer grade tables; however, certain provisions affecting management of generals/flags would be modified and retained.

Fourth. Senate deletion of DOD DOPMA requirement for an all-regular officer force after 11 years.

Committee recommends deletion of strict requirement since sufficient regular authorizations are provided that would permit the Services to have an all-regular officer force after 11 years if they choose to do so by policy.

Fifth. Senate requirement that O–9/O–10 reassignments be submitted to the Senate for confirmation.

Committee recommends inclusion of this provision.

Sixth. Senate requirement for promotion selection board to all grades and minimum of two reserve officers on any board.

Committee recommends deletion of board requirement for promotion to O–2 and modification of wording to require a minimum of one reserve officer on all boards (except for grades O–7 and above this requirement can be waived if there are no Reserve officers on active duty available to serve on the board).

Seventh. Senate requirement that promotion selection boards be provided data on skill needs.

Committee recommends inclusion of this provision.

Eighth. Senate requirement that secondary zone consideration be limited to 10 percent of quota.

Committee recommends inclusion of this provision with language that would permit the Secretary of Defense to waive up to 15 percent (the DOD DOPMA limit).

Ninth. Senate requirement that officers must complete a specified time in grade before being considered for promotion.

Committee recommends modification of language so that O–2's and O–3's can be promoted upon completion of 18 months and 2 years in grade respectively with remainder of Senate rules applicable for promotions for due course officers to O–4 and above.

This modification will allow promotion timing to occur within DOD DOPMA windows.

Tenth. Senate deletion of requirement for the single zone promotion system in DOD DOPMA.

Committee recommends this provision be accepted.

Services will have the flexibility to manage under a single zone promotion system if they desire by policy.

Eleventh. Senate deletion of specific competitive categories that would have been established in law, but provides authority for secretarial establishment of these categories.

Committee recommends this provision be accepted.

Services can establish specific competitive categories as they desire by policy.

Twelfth. Senate deletion of DOD DOPMA requirement that entrants into the commissioned force must be able to complete 20 years of service by age 55.

Committee recommends restoration of the requirement.

Exceptions made for physicians, dentists, and chaplains.

Thirteenth. Senate requirement on constructive service credit limiting amount that can be granted to specific categories.

Committee recommends acceptance of more flexible DOD rules.

Includes Senate provision to permit additional credit allowances for physicians and dentists for experience/training.

Does not include credit for board certification in view of current bonus authorization.

Fourteenth. Senate modification of DOD DOPMA that would: First, provide Presidential authority to vacate promotions of officers with less than 18 months in grade of O–7; second, require 3 years time in grade in order to retire voluntarily in the grade; and third, standardize tenure for grades O–6, to 30 years; for O–7 to 30 years or 5 years in grade, whichever is later, and for O–8 to 35 years or 5 years in grade, whichever is later; in all cases tenure may be extended up to 5 years at secretarial discretion not to exceed age 62.

Committee recommends adoption of: First, the 18 months promotion vacation authority (already exists in current law for Army/Air Force); second, the 3-year time in grade for retirement restriction with inclusion of language that would provide Presidential authority to waive in unusual circumstances; and third, the Senate tenure provisions with inclusion of language that would provide for selective continuation after completion of 4 years in grade for O–7's and O–8's.

Fifteenth. Senate modification to DOD DOPMA to require tenure to 28 years for O–5's.

Committee recommends adoption of the provision.

Impacts Navy and Marine Corps who are at 26 years for this grade.

Sixteenth. Senate provision for discretionary continuation of officers who fail promotion; O–3's continued to 20 years of service and O–4's continued to 24 years of service.

Committee recommends inclusion of the provision .

Seventeenth. Senate modification of DOD DOPMA that would increase involuntary separation pay to a maximum of $30,000.

Committee recommends inclusion of Senate modification.

Same as previous House bill.

The bill before the committee includes a transition provision that would: First, provide mechanisms to avoid tenure anomalies for Army and Air Force general officers; second, allow a 2-year transition period to the revised grade tables; and third, establish an effective date of September 15, 1981.

The committee recommends language to make permanent the physical disability provisions in H.R. 5168, recently enacted.

This is only provision from H.R. 5168 that was not already addressed by DOPMA.

The committee recommends the inclusion of the Senate floor amendment that would provide per diem for enlisted members on temporary duty on the same basis as officers.

The committee recommends inclusion of a save pay provision for dental officers who under the recent special pay legislation would experience a pay cut at 20 years of service.

The provision would be similar to the provision applicable to military physicians.

Mr. Speaker, in the past two Congresses, DOPMA was passed overwhelmingly by this body. The environment in which this legislation will operate has not changed since that time. The need is there. The effort that was put forth to evaluate, to modify, to improve the substance of this bill is as valid today as it was then and as it will be in the future.

I urge Members of the House to again support this legislation.

Prior to relinquishing my time, Mr. Speaker, I take this opportunity to commend the distinguished chairman, Mr. Nichols, the gentleman from Alabama, on the splendid job he has done toward helping to strengthen our armed services. This DOPMA legislation represents just one link in a chain of bills that our committee has considered this year. Each of these pieces of legislation address some problem we have experienced in helping to attract and retain individuals for our Volunteer Force.

It has been a pleasure working with the distinguished chairman in this worthy endeavor.

I have no further requests for time, Mr. Speaker, and I yield back the balance of my time.

Mr. NICHOLS. I want to thank my colleague from New York, the distinguished ranking minority member on the subcommittee, for his kind remarks, certainly overgenerous remarks. They are appreciated very much.

I would say to the gentleman that without the fine cooperation I have received from him and the members on his side of the committee, this bill would not be before us today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. Nichols) that the House suspend the rules and pass the Senate bill, S. 1918, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "An act to amend title 10, United States Code, to revise and standardize the provisions of law relating to the appointment, promotion, separation, and mandatory retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the permanent grade of commodore admiral in the Navy, to equalize the treatment of female commissioned officers with that of male commissioned officers, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

OFFICES OF INSPECTOR GENERAL

Mr. FOUNTAIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7893) to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments and agencies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 7893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Inspector General Act Amendments of 1980".

ESTABLISHMENT

Sec. 2. (a) Section 2(1) of the Inspector General Act of 1978 is amended—

(1) by inserting "the Department of Defense," immediately before "the Department of Education,";

(2) by inserting "the Department of Justice," immediately after "Interior,";

(3) by inserting "the Department of the Treasury, the Agency for International Development," immediately after "Transportation,".

(b) Paragraph (1) of section 11 of the Inspector General Act of 1978 is amended—

(1) by inserting "Defense," immediately before "Education,"; and

(2) by striking out "or Transportation or the Administrator of" and inserting in lieu thereof "Transportation, or the Treasury, the Attorney General, or the Administrator of the Agency for International Development,".

(c) Paragraph (2) of section 11 of the Inspector General Act of 1978 is amended—

(1) by inserting "Defense (including the Departments of the Army, Navy, and Air Force)," immediately before "Education,";

(2) by inserting "Justice," immediately after "Interior,"; and

(3) by striking out "or Transportation or" and inserting in lieu thereof "Transportation, or the Treasury, or the Agency for International Development,".

TRANSFERS

Sec. 3. Section 9(a)(1) of the Inspector General Act of 1978 is amended by striking out "and" at the end of subparagraphs (L) and (M) and by inserting at the end thereof the following new subparagraphs:

"(N) of the Department of Defense, the offices of that department referred to as the 'Defense Contract Audit Agency', the 'Defense Audit Service', and the 'Office of Inspector General, Defense Logistics Agency', and that portion of the office referred to as the 'Defense Investigative Service' which has responsibility for the investigation of alleged criminal violations and program abuse;

"(O) of the Department of Justice, the offices of that department referred to as the 'Office of Professional Responsibility', the 'Internal Audit Staff, Justice Management Division', the 'Evaluation Staff, Justice Management Division', the 'Office of Audit and Investigations, Office of Justice Assistance, Research, and Statistics', the 'Office of Professional Responsibility, Immigration and Naturalization Service', the 'Office of Field Inspections and Audit, Immigration and Naturalization Service', the 'Office of Internal Audit, United States Marshals Service', the 'Office of Internal Investigations, United States Marshals Service', the 'Program Review and Evaluation Section, Office of Financial Management, Bureau of Prisons', the 'Office of Inspections, Bureau of Prisons', and, from the Drug Enforcement Administration, that portion of the 'Office of Program Planning and Evaluation' which is engaged in program review activities and that portion of the 'Office of Internal Security' which is engaged in auditing and inspection activities;

"(P) of the Department of the Treasury, the offices of that department referred to as the 'Office of Inspector General, Office of the Secretary', the 'Office of Audit, Office of the Secretary', the 'Office of Audit and Internal Affairs, Bureau of Engraving and Printing', the 'Office of Assistant Comptroller for Auditing, Bureau of Government Financial Operations', the 'Internal Audit Staff, Bureau of the Mint', the 'Division of Internal Audit, Bureau of Public Debt', the 'Division of Inspections and Audits, Office of Comptroller of the Currency', the 'Internal Audit Staff, Federal Law Enforcement Training Center', that portion of the 'Office of Inspection, Secret Service', which is engaged in audit, investigation, and program review activities, that portion of the 'Office of Internal Affairs, Bureau of Alcohol, Tobacco and Firearms', which is engaged in audit, investigation, and program review activities, that portion of the 'Office of Audit and Systems Security, Customs Service', which is engaged in audit, investigation, and program review activities, and the 'Division of Internal Investigations, Office of Internal Security, Customs Service'; and

"(Q) of the Agency for International Development, the office of that agency referred to as the 'Office of Auditor General, Agency for International Development'; and".

SPECIAL PROVISIONS

SEC. 4. (a) Section 8 of the Inspector General Act of 1978 is amended to read as follows:

"SPECIAL PROVISIONS

"SEC. 8. (a) The provisions of section 1385 of title 18, United States Code, shall not apply to audits and investigations conducted by, under the direction of, or at the request of the Inspector General of the Department of Defense to carry out the purposes of this Act.

"(b) To the extent requested by the Director of the United States International Development Cooperation Agency (after consultation with the Administrator of the Agency for International Development), the Inspector General of the Agency for International Development shall supervise, direct, and control all audit, investigative, and security activities relating to the programs and operations within the United States International Development Cooperation Agency with respect to the duties and responsibilities of that Agency.".

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 5. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"Inspector General, Department of Defense.

"Inspector General, Department of Justice.

"Inspector General, Department of State.

"Inspector General, Department of the Treasury.".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"Inspector General, Agency for International Development.".

EFFECTIVE DATE

SEC. 6. This Act and the amendments made by this Act shall take effect October 1, 1981.

The SPEAKER pro tempore. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. FOUNTAIN) will be recognized for 20 minutes, and the gentleman from New York (Mr. HORTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7893 will extend the provisions of the Inspector General Act of 1978 to four additional Federal establishments: The Departments of Defense, Justice, and the Treasury and the Agency for International Development.

The bill has bipartisan sponsorship and was approved unanimously by the Committee on Government Operations. As reported from the committee, the bill also covered the State Department. However, a statutory Office of Inspector General for the State Department was subsequently established under provisions of the Foreign Service Reform Act which was signed by the President on October 17, 1980, consequently, H.R. 7893 is being presented in amended form to exclude the State Department from the agencies covered.

During the 94th and 95th Congresses, the Committee on Government Operations conducted comprehensive hearings and studies which resulted in the establishment of 15 statutory Offices of Inspector General and contributed substantially to the enactment of a 16th such office for the State Department this year.

The present bill was reported out as a result of a great deal of additional study and consideration during the 96th Congress.

In addition to hearings on H.R. 7893, the Committee on Government Operations had oversight hearings concerning the operations of the agencies covered by the bill. The committee also reviewed reports prepared by the Department of Defense and the Department of Justice, as well as numerous reports of the Government Accounting Office.

H.R. 7893 will consolidate primary responsibility for auditing and internal investigations in each of the affected agencies in a single office, under the direction of a Presidentially appointed official who is required by law to give undivided attention to promoting economy and efficiency and combating fraud, waste and program abuse.

In addition, it will provide for more effective coordination of the work of numerous auditing and investigative units; guarantee agency auditors and investigators the authority and independence they must have to do their job and help to insure that agency heads and the Congress receive information needed to promote economy and efficiency and combat fraud, waste and abuse.

It is essential, Mr. Speaker, that more effective action be taken to promote economy and efficiency and combat fraud, waste and abuse and in some instances downright thievery in the programs and operations of the Federal Government.

Congress has shown its commitment to that task through its overwhelming support of previous legislation to establish statutory Offices of Inspector General.

□ 1440

It is imperative that we continue that commitment through the approval of this bill.

It is particularly important that we establish a statutory Office of Inspector General for the Department of Defense.

A strong national defense is crucial to the security of the country and the protection of the free world.

Congress has sharply increased funds being provided for the Department of Defense. I have consistently supported defense appropriations; but simply providing more and more funds—if we can find the money somewhere—is not enough. We must do more to eliminate waste and improve effectiveness and thereby provide more funds for national defense.

If anybody doubts that huge savings can be made through eliminating waste in the operations of the Department of Defense, I would call attention to the fact that just three of the many reports on DOD operations issued by the General Accounting Office so far this year have concluded that total savings in excess of $10 billion can be made through more efficient operation of DOD programs. Savings of this magnitude could help provide President-elect Reagan with some of the additional funds he wants for national defense.

DOD has over 18,000 auditors, investigators and inspectors scattered throughout the department in numerous different units, more than three times the combined total of the statutory Inspectors General in all the Federal civilian agencies; however, no one in the Department of Defense has clear responsibility for coordinating their work. A statutory Inspector General is urgently needed to provide such coordination and to assist the President, the Secretary of Defense and the Congress to obtain the most effective possible results from the sums the taxpayers are providing for defense.

Mr. Speaker, I might conclude with just one observation. As I recall, every previous bill establishing statutory Offices of Inspector General has received unanimous approval in both House and Senate, with one exception. That was the 1978 act which was initially approved by the House by a vote of 388 to 6.

Mr. Speaker, I urge the passage of H.R. 7893.

Mr. HORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support H.R. 7893 and would very briefly like to make two points. What we are doing today is completing a process that began in 1976. In that year we created an Inspector General for the then Department of Health, Education, and Welfare. Two years later, in 1978, as I am sure most of you recall, we passed the omnibus Inspector General Act of 1978 creating Inspector General Offices in 12 other agencies. Today, we are adding the four agencies left out of the 1978 act.

The second point I would like to make is that we have had good cooperation from most of the agencies involved. Two of the agencies involved either support the bill or do not object to it, and the objections of the other two agencies were carefully examined by our subcommittee and dismissed.

Mr. Speaker, if we are ever to get at the problem of fraud and abuse, we are going to need Inspectors General in all agencies and departments. Therefore, I urge my colleagues to support H.R. 7893.

Mr. Speaker, I have no requests for time.

Mr. FOUNTAIN. Mr. Speaker, I have

no further requests for time. I yield back the balance of my time.

Mr. HORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. FOUNTAIN) that the House suspend the rules and pass the bill, H.R. 7893, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 7893, just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDING THE PATENT AND TRADEMARK LAWS

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6933) to amend the patent and trademark laws, as amended.

The Clerk read as follows:

H.R. 6933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 35 of the United State Code, entitled "Patents", is amended by adding after chapter 29 the following new chapter 30:

"Chapter 30—PRIOR ART CITATIONS TO OFFICE AND REEXAMINATION OF PATENTS

"Sec. 301. Citation of prior art.
"Sec. 302. Request for reexamination.
"Sec. 303. Determination of issue by Commissioner.
"Sec. 304. Reexamination order by Commissioner.
"Sec. 305. Conduct of reexamination proceedings.
"Sec. 306. Appeal.
"Sec. 307. Certificate of patentability, unpatentability, and claim cancellation.

"§ 301. Citation of prior art

"Any person at any time may cite to the Office in writing prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent. If the person explains in writing the pertinency and manner of applying such prior art to at least one claim of the patent, the citation of such prior art and the explanation thereof will become a part of the official file of the patent. At the written request of the person citing the prior art, his or her identity will be excluded from the patent file and kept confidential.

"§ 302. Request for reexamination

"Any person at any time may file a request for reexamination by the Office of any claim of a patent on the basis of any prior art cited under the provisions of section 301 of this title. The request must be in writing and must be accompanied by payment of a reexamination fee established by the Commissioner of Patents pursuant to the provisions of section 41 of this title. The request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested. Unless the requesting person is the owner of the patent, the Commissioner promptly will send a copy of the request to the owner of record of the patent.

"§ 303. Determination of issue by Commissioner

"(a) Within three months following the filing of a request for reexamination under the provisions of section 302 of this title, the Commissioner will determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On his own initiative, and at any time, the Commissioner may determine whether a substantial new question of patentability is raised by patents and publications discovered by him or cited under the provisions of section 301 of this title.

"(b) A record of the Commissioner's determination under subsection (a) of this section will be placed in the official file of the patent, and a copy promptly will be given or mailed to the owner of record of the patent and to the person requesting reexamination, if any.

"(c) A determination by the Commissioner pursuant to subsection (a) of this section that no substantial new question of patentability has been raised will be final and nonappealable. Upon such a determination, the Commissioner may refund a portion of the reexamination fee required under section 302 of this title.

"§ 304. Reexamination order by Commissioner

"If, in a determination made under the provisions of subsection 303(a) of this title, the Commissioner finds that a substantial new question of patentability affecting any claim of a patent is raised, the determination will include an order for reexamination of the patent for resolution of the question. The patent owner will be given a reasonable period, not less than two months from the date a copy of the determination is given or mailed to him, within which he may file a statement on such question, including any amendment to his patent and new claim or claims he may wish to propose, for consideration in the reexamination. If the patent owner files such a statement, he promptly will serve a copy of it on the person who has requested reexamination under the provisions of section 302 of this title. Within a period of two months from the date of service, that person may file and have considered in the reexamination a reply to any statement filed by the patent owner. That person promptly will serve on the patent owner a copy of any reply filed.

"§ 305. Conduct of reexamination proceedings

"After the times for filing the statement and reply provided for by section 304 of this title have expired, reexamination will be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133 of this title. In any reexamination proceeding under this chapter, the patent owner will be permitted to propose any amendment to his patent and a new claim or claims thereto, in order to distinguish the invention as claimed from the prior art cited under the provisions of section 301 of this title, or in response to a decision adverse to the patentability of a claim of a patent. No proposed amended or new claim enlarging the scope of a claim of the patent will be permitted in a reexamination proceeding under this chapter. All reexamination proceedings under this section, including any appeal to the Board of Appeals, will be conducted with special dispatch within the Office.

"§ 306. Appeal

"The patent owner involved in a reexamination proceeding under this chapter may appeal under the provisions of section 134 of this title, and may seek court review under the provisions of sections 141 to 145 of this title, with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent.

"§ 307. Certificate of patentability, unpatentability, and claim cancellation

"(a) In a reexamination proceeding under this chapter, when the time for appeal has expired or any appeal proceeding has terminated, the Commissioner will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent any proposed amended or new claim determined to be patentable.

"(b) Any proposed amended or new claim determined to be patentable and incorporated into a patent following a reexamination proceeding will have the same effect as that specified in section 252 of this title for reissued patents on the right of any person who made, purchased, or used anything patented by such proposed amended or new claim, or who made substantial preparation for the same, prior to issuance of a certificate under the provisions of subsection (a) of this section.".

SEC. 2. Section 41 of title 35, United States Code, is amended to read as follows:

"§ 41. Patent fees

"(a) The Commissioner of Patents will establish fees for the processing of an application for a patent, from filing through disposition by issuance or abandonment, for maintaining a patent in force, and for providing all other services and materials related to patents. No fee will be established for maintaining a design patent in force.

"(b) By the first day of the first fiscal year beginning on or after one calendar year after enactment of this Act, fees for the actual processing of an application for a patent, other than for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 25 per centum of the estimated average cost to the Office of such processing. By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for the processing of an application for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 50 per centum of the estimated average cost to the Office of such processing.

"(c) By the fifteenth fiscal year following the date of enactment of this Act, fees for maintaining patents in force will recover 25 per centum of the estimated cost to the Office, for the year in which such maintenance fees are received, of the actual processing all applications for patents, other than for design patents, from filing through disposition by issuance or abandonment. Fees for maintaining a patent in force will be due three years and six months, seven years and six months, and eleven years and six months after the grant of the patent. Unless payment of the applicable maintenance fee is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of six months thereafter, the patent will expire as of the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of accepting within such six-month grace period the late payment of an applicable maintenance fee.

"(d) By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for all other services or materials related to patents will recover the estimated average cost to the Office of performing the service or furnishing the material. The yearly fee for providing a library specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents issued in that year will be $50.

"(e) The Commissioner may waive the payment of any fee for any service or material related to patents in connection with an occasional or incidental request made by a department or agency of the Government, or any officer thereof. The Commissioner may provide any applicant issued a notice under section 132 of this title with a copy of the specifications and drawings for all patents referred to in that notice without charge.

"(f) Fees will be adjusted by the Commissioner to achieve the levels of recovery specified in this section; however, no patent application processing fee or fee for maintaining a patent in force will be adjusted more than once every three years.

"(g) No fee established by the Commissioner under this section will take effect prior to sixty days following notice in the Federal Register.".

SEC. 3. Section 42 of title 35, United States Code, is amended to read as follows:

"§ 42. Patent and Trademark Office funding

"(a) All fees for services performed by or materials furnished by the Patent and Trademark Office will be payable to the Commissioner.

"(b) All fees paid to the Commissioner and all appropriations for defraying the costs of the activities of the Patent and Trademark Office will be credited to the Patent and Trademark Office Appropriation Account in the Treasury of the United States, the provisions of section 725e of title 31, United States Code, notwithstanding.

"(c) Revenues from fees will be available to the Commissioner of Patents to carry out, to the extent provided for in appropriation Acts, the activities of the Patent and Trademark Office.

"(d) The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.".

SEC. 4. Section 154 of title 35, United States Code, is amended by deleting the word "issue".

SEC. 5. Section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), is amended to read as follows:

"§ 31. Fees

"(a) The Commissioner of Patents will establish fees for the filing and processing of an application for the registration of a trademark or other mark and for all other services performed by and materials furnished by the Patent and Trademark Office related to trademarks and other marks. Fees will be set and adjusted by the Commissioner to recover in aggregate 50 per centum of the estimated average cost to the Office of such processing. Fees for all other services or materials related to trademarks and other marks will recover the estimated average cost to the Office of performing the service or furnishing the material. However, no fee for the filing or processing of an application for the registration of a trademark or other mark or for the renewal or assignment of a trademark or other mark will be adjusted more than once every 3 years. No fee established under this section will take effect prior to sixty days following notice in the Federal Register.

"(b) The Commissioner may waive the payment of any fee for any service or material related to trademarks or other marks in connection with an occasional request made by a department or agency of the Government, or any officer thereof. The Indian Arts and Crafts Board will not be charged any fee to register Government trademarks of genuineness and quality for Indian products or for products of particular Indian tribes and groups.".

SEC. 6. Title 35 of the United States Code, entitled "Patents", is amended by adding after chapter 37 the following new chapter 38:

"Chapter 38—THE GOVERNMENT PATENT POLICY ACT OF 1980

"Sec. 381. Title.

"SUBCHAPTER I—CONTRACT INVENTIONS

"Sec. 382. Contract inventions; reporting.
"Sec. 383. Allocation of rights—small businesses and nonprofit organizations.
"Sec. 384. Allocation of rights—other contractors.
"Sec. 385. Contractor license.
"Sec. 386. Minimum Government rights.
"Sec. 387. March-in rights.
"Sec. 388. Deviation and waiver.
"Sec. 389. Transfer of rights to contractor employees.
"Sec. 390. Regulations and standard patent rights clause.

"SUBCHAPTER II—INVENTIONS OF FEDERAL EMPLOYEES

"Sec. 391. Employee inventions.
"Sec. 392. Reporting of inventions.
"Sec. 393. Criteria for the allocation of rights.
"Sec. 394. Presumptions.
"Sec. 395. Review of agency determinations.
"Sec. 396. Reassignment of rights.
"Sec. 397. Incentive awards program.
"Sec. 398. Income sharing from patent licenses.
"Sec. 399. Regulations.

"SUBCHAPTER III—LICENSING OF FEDERALLY-OWNED INVENTIONS

"Sec. 400. Covered inventions.
"Sec. 401. Exclusive or partially exclusive licenses.
"Sec. 402. Minimum Government rights.
"Sec. 403. March-in rights.
"Sec. 404. Regulations.

"SUBCHAPTER IV—MISCELLANEOUS

"Sec. 405. Patent enforcement suits and right of interventions.
"Sec. 406. Background rights.
"Sec. 407. Notice, hearing, and judicial review.
"Sec. 408. Relationship to other laws.
"Sec. 409. Authority of Federal agencies.
"Sec. 410. Responsibilities of the Secretary of Commerce.
"Sec. 411. Definitions.

"SEC. 381. This chapter will be known as the 'Government Patent Policy Act of 1980'.

"SUBCHAPTER I—CONTRACT INVENTIONS

"§ 382. Contract inventions; reporting

"(a) This title applies to 'contract inventions', which in this Act are inventions made in the course of or under Federal contracts.

"(b) Every contractor will provide the responsible agency with timely written reports on each contract invention containing:

"(1) a comprehensive technical disclosure of the invention, and

"(2) a list of each country, if any, in which the contractor elects to file a patent application on the invention;

The Government neither will publish nor release these reports until the contractor or the Government has had a reasonable time to file patent applications or one year has passed since receipt of the disclosure required by subsection (b)(1) of this section, whichever is earlier, the Government also will so withhold such disclosure from other reports or records.

"(c) If the responsible agency determines that the contractor has unreasonably failed to file reports as required by subsection (b) of this section as to a contract invention, the contractor may be deprived of any or all the rights it otherwise would have under this subchapter pertaining to such contract invention.

"§ 383. Allocation of rights—small businesses and nonprofit organizations

"(a) A contractor that is a small business or a nonprofit organization will acquire title to its contract invention in each country it lists under section 382(b)(2) in which it files a patent application within a reasonable time. However, title will be subject to the Government's minimum rights under section 386 and march-in rights under section 387.

"(b) The Government will have the right to acquire title to any patent on a contract invention in each country in which the contractor elects not to file a patent application or fails to file within a reasonable time.

"§ 384. Allocation of rights—other contractors

"(a) A contractor that is not a small business or a nonprofit organization shall provide to the responsible agency, within four and one-half years from the filing under section 382(b) of a report disclosing a contract invention, a list or lists of each field of use in which the contractor intends to commercialize the invention or otherwise achieve public use of the invention; but no such list shall be required for contract inventions on which the contractor did not elect to file any patent application. During such four and one-half year period the contractor shall hold temporary title to the contract invention, subject to the rights of the Government provided elsewhere in this Act. Each field will be described with sufficient particularity to allow the Government to identify those fields of use now encompassed by the described field. Upon the filing of such a completed list, or at the end of the four and one-half year period, whichever is earlier, the Government will acquire from the contractor title to all United States patents on such inventions. Neither the contractor nor any sublicensee may market or use commercially any product or process embodying the patented invention, except under the nonexclusive license granted pursuant to section 385, unless the contractor has described a field of use which embraces the product or process and has reported the field of use to the responsible agency pursuant to this section; but failure to file a field of use list prior to marketing or prior to using commercially any product or process embodying an invention shall be excused if such failure resulted from inadvertence, mistake, or excusable neglect.

"(b) If such contractor has filed a United States patent application within a reasonable time after it has disclosed an invention under section 382(b)(1), it will receive an exclusive license in each described field of use, with the exclusive right to sublicense, under each United States patent or patent application transferred to the Government under subsection (a) of this section 384. However, its license will be subject to the Government's minimum rights under section 386 and march-in rights under section 387.

"(c) The contractor automatically will acquire by operation of law the right to receive an exclusive license, pursuant to subsection (b) of this section in each described field of use, ninety days after it provides the responsible agency with a description of such fields of use pursuant to subsection (a), except that it will not acquire the right to receive an exclusive license in any field of use as to which the agency notifies the contractor within the ninety-day period that it has made a determination under subsection (d) of this section.

"(d) The contractor will not acquire an exclusive license in any field of use if the responsible agency determines that the contractor's possession of such a license—

"(1) would impair national security; or

"(2) would create or maintain a situation inconsistent with the antitrust laws.

"(e) An agency determination under subsection (d) of this section will include written reasons for the determination. The contractor may appeal the determination to the United States Court of Customs and Patent Appeals within sixty days after the contractor has been notified of the determination. That court will have exclusive jurisdiction to determine the matter de novo and to affirm, reverse, or modify the agency determination, specifically including authority to require that the contractor receive any exclusive license provided for by this section.

"(f) A contractor that is not a small business or a nonprofit organization will acquire title to its contract invention in each foreign country it lists under section 382(b)(2) in which it files a patent application within a reasonable time unless the agency determines that the national interest would be affected adversely. However, title will be subject to the Government's minimum rights under section 386 and march-in rights under section 387. The Government will have the right to acquire title to any patent on a contract invention in each country in which the contractor elects not to file a patent application or fails to file within a reasonable time.

"§ 385. Contractor license

"Any contractor that complies with section 382(b) automatically will receive by operation of law nonexclusive, royalty-free licenses to practice the contract invention in all countries where it does not receive title under section 383 or 384 and in all fields of use in the United States in which it does not hold an exclusive license under section 384. These nonexclusive licenses may be revoked only to the extent necessary to allow the Government to grant exclusive licenses under subchapter III.

"§ 386. Minimum Government rights

"(a) The Government will have the following minimum rights in any contract invention:

"(1) the right to require from the contractor written reports on the use of the invention, if patented,

"(2) a royalty-free worldwide right or license to practice the invention or have it practiced for the Government, and

"(3) the right to license or sublicense State and local governments to practice the invention or have it practiced for them, if the agency determines at the time of contracting that acquisition of this right would serve the national interest.

"(b) Whenever the Government has rights in any invention under this title, each United States patent application and patent on the invention will include a statement that the invention was made with Government sponsorship or support and that the Government has rights in the patent.

"§ 387. March-in rights

"(a) In any field of use, the Government may wholly or partly terminate the contractor's title or exclusive rights in any patent on a contract invention; may require the contractor to grant appropriate licenses or sublicenses to responsible applicants; or, if necessary, may grant such licenses or sublicenses itself. The Government may take such actions only—

"(1) if the contractor has not taken and is not expected to take timely and effective action to achieve practical application of the invention in one or more of the selected fields of use;

"(2) if necessary to protect the national security;

"(3) if necessary to meet requirements for public use specified by Federal regulation;

"(4) if continuation of the contractor's rights in the invention would create or maintain a situation inconsistent with the antitrust laws; or

"(5) if the contractor has failed to comply with the reporting requirements of this Act with respect to such invention.

"(b) These march-in rights may be exercised by the responsible agency on its own initiative or on a petition from an interested person justifying such action.

"(c) Whenever under this section an agency requires a contractor to grant a license or sublicense, it may specify reasonable terms, including the royalties to be charged, if any; the duration of the license or sublicense; the scope of exclusivity; and the fields of use to be covered.

"§ 388. Deviation and waiver

"(a) An agency may deviate from the allocation of patent rights in contract inventions provided for in any standard patent rights clause established under section 390 acquiring more or fewer rights in the inventions, to further the agency's mission and the public interest. It may so deviate on a class basis only in accordance with regulations issued either under section 390 or, unless prohibited by those regulations, by the agency. Case-by-case deviations must be authorized by the head of the agency or his designee, and described in the Federal Register.

"(b) The national security and antitrust march-in rights reserved by sections 387(a)(2), 387(a)(4), and 387(c) may not be waived under any circumstances.

"(c) Rights reserved by sections 384 and 387(a)(1) may be waived only:

"(1) in contracts involving cosponsored, cost-sharing, or joint-venture research or development to which the contractor makes a substantial contribution of funds, facilities, technology, or equipment; or

"(2) in contracts with a contractor whose participation is necessary for the successful accomplishment of the agency's mission but cannot be obtained under the standard patent rights clause.

"§ 389. Transfer of rights to contractor employees

"The contractor's employee-inventor may receive some or all of the contractor's rights under this subchapter with the permission of the contractor and the approval of the responsible agency. The corresponding obligations of the contractor under this subchapter then will become obligations of the employee-inventor.

"§ 390. Regulations and standard patent rights clause

"(a) The Office of Federal Procurement Policy will direct the issuance of regulations to implement this title. The regulations will establish a standard patent right clause or clauses, to be included in each Federal contract except as provided in section 388.

"(b) Such regulations shall provide payment to the Government for Federal funding of research and development activities through the sharing of royalties and/or revenues with the contractor. Such regulations shall provide, to the extent appropriate, a standard contractual clause to be included in all Federal research and development contracts.

"(c) Such regulations may allow the agency to waive all or part of the payment set forth in subsection (a) of this section at the time of contracting or at the request of the contractor where the agency determines that—

"(1) the probable administrative costs are likely to be greater than the expected amount of payment; or

"(2) the Federal Government's contribution to the technology as licensed or utilized is insubstantial compared with private investment made or to be made in technology; or

"(3) the contractor is a small business, educational institution, or nonprofit organization; or

"(4) the total Government funding of the technology with the contractor is less than $1,000,000; or

"(5) the payment would place the contractor at a competitive disadvantage or would stifle commercial utilization of the technology; or

"(6) it is otherwise in the best interests of the Government and the general public.

"(d) Such regulations shall be promulgated within twelve months of enactment of this section. Until they become effective, each agency shall obtain payment on behalf of the Federal Government for its research and development activities on a contract-by-contract basis in a manner consistent with the provisions of this section.

"SUBCHAPTER II—INVENTIONS OF FEDERAL EMPLOYEES

"§ 391. Employee inventions

"This subchapter applies to 'employment inventions', which in this Act are inventions made by Federal employees.

"§ 302. Reporting of inventions

"(a) Federal employees will file timely written reports on any inventions they make. Such reports will be made to the employee's agency and will contain complete technical information concerning the invention. The Government neither will publish nor release report until there has been a reasonable time to file patent applications or until one year has passed since the final disposition of rights under this subchapter, whichever is earlier.

"(b) If the responsible agency determines that the employee-inventor reasonably has failed to file a report as required by subsection (a) of this section, the employee may be deprived of any or all of the rights he otherwise would have under this subchapter.

"§ 393. Criteria for allocation of rights

"The responsible agency will determine the rights of the Government and of Federal employee inventions in any inventions made by employee-inventors through the use of the following criteria:

"(1) If the invention bears a direct relation to the duties of the employee-inventor or was made in consequence of his employment, the Government will acquire all rights in the invention.

"(2) If the invention neither bears a direct relation to the duties of the employee-inventor nor was made in consequence of his employment, but was made with a contribution from Federal funds, facilities, equipment, materials, or information not generally available to the public, or from services of other Federal employees on official duty, the employee-inventor will receive all rights in the invention, except as provided in paragraph (4) of this section. However, these rights will be subject to a nonexclusive, royalty-free, worldwide license to the Government to practice the invention or have it practiced for the Government.

"(3) If the agency finds insufficient interest in an invention to justify exercising its rights under paragraph (1) of this section, it may permit the employee-inventor to receive any or all of those rights, subject to the Government's rights as described in paragraph (2) of this section. However, nothing in this paragraph will prevent the agency from publishing the invention or otherwise dedicating it to the public.

"(4) If the agency determines that national security might be impaired if the employee-inventor were to receive rights in an invention under paragraphs (2) or (3) of this section, the Government will acquire all rights in the invention.

"(5) The Government will claim no rights under this Act in any employee-invention not covered by paragraphs (1) or (2) of this section.

"(6) Notwithstanding paragraph (1) of this section, an agency may enter into agreements providing for appropriate allocation of rights in inventions that result from research or development to which other parties have substantially contributed.

"§ 394. Presumptions

"(a) There will be a rebuttable presumption that an employee invention falls within the criteria of section 393(1) if it was made by a Federal employee who is employed or assigned to—

"(1) invent, improve, or perfect any art, machine, manufacture, or composition of matter;

"(2) conduct or perform research or development work;

"(3) supervise, direct, coordinate, or review federally sponsored or supported research or development work; or

"(4) act as liaison among agencies or individuals engaged in the work specified in paragraphs (1), (2), or (3) of this subsection.

"(b) There will be a rebuttable presumption that an invention falls within the criteria of section 393(2) if it was made by any other Federal employee.

"§ 395. Review of agency determinations

"Agency determinations under sections 392 and 393 will be reviewed whenever—

"(1) the agency determines not to acquire all rights in an invention, or

"(2) aggrieved employee-inventor requests a review.

Standards and procedures for this review will be prescribed in the regulations issued under section 399.

"§ 396. Reassignment of rights

"If an agency finds on the basis of new evidence that it has acquired rights in an invention greater than those to which the Government was entitled under the criteria of section 393, it will grant the employee-inventor such rights as may be necessary to correct the error.

"§ 397. Incentive awards program

"(a) Agencies may monetarily reward and otherwise recognize employee-inventors as an incentive to promote employee inventions and the production and disclosure of employee inventions. For this purpose agencies may make awards under the Federal incentive awards system (5 U.S.C. ch. 45, 10 U.S.C. ch. 57, and implementing regulations), as modified by this section.

"(b) The amount of an award for an invention will be based on—

"(1) the extent to which the invention advances the state of the art;

"(2) the scope of application of the invention;

"(3) the value of the invention to the Government or the public; and

"(4) the extent to which the invention has come into public use.

"(c) Awards for an invention of up to $10,000 may be made by the head of an agency.

"(d) Awards of over $10,000 but less than $35,000 may be made by the head of an agency to—

"(1) civilian employees, with the approval of the Office of Personnel Management;

"(2) members of the Armed Forces, with the approval of the Secretary of Defense;

"(3) members of the United States Coast Guard when not operating as a service in the Navy, with the approval of the Secretary of Transportation;

"(4) members of the Commissioned Corps of the United States Public Health Service, with the approval of the Secretary of Health and Human Services; and

"(5) members of the Commissioned Corps of the National Oceanic and Atmospheric Administration, with the approval of the Secretary of Commerce.

"(e) Awards of more than $35,000 may be made to employee-inventors by the President upon recommendation of the head of an agency.

"(f) Acceptance of a cash award under this section constitutes an agreement that any Government use of an invention for which the award is made forms no basis for further claims against the Government by the recipient, his heirs, or his assigns.

"(g) Any cash award or expense for honorary recognition of an employee-inventor will be paid from the fund or appropriation of the agency receiving the invention's primary benefit.

"§ 398. Income sharing from patent licenses

"In addition to awards as provided in section 397, an agency may share income received from any patent license with the employee-inventor.

"§ 399. Regulations

"(a) The Commissioner of Patents shall issue regulations to implement this title.

"(b) Any determination of an appointing official under subsection 208(b) of title 18, United States Code, that relates to promotion of an employee invention by the employee-inventor will be subject to regulations prescribed by the Secretary of Commerce with concurrence of the Office of Government Ethics and the Attorney General.

SUBCHAPTER III—LICENSING OF FEDERALLY OWNED INVENTIONS

"§ 400. Covered inventions

"This subchapter applies to the licensing of all federally owned patent rights, including licenses or sublicenses granted or required to be granted by the Government under section 387. However, it does not apply to licenses established by the other sections of subchapter I of this chapter.

"§ 401. Exclusive or partially exclusive licenses

"(a) An agency may grant exclusive or partially exclusive domestic licenses under federally owned patent rights not automatically licensed under section 384 only if, after public notice and opportunity for filing written objections, it determines that—

"(1) the desired practical application is not likely to be achieved under a nonexclusive license; and

"(2) the scope of proposed exclusivity is not greater than reasonably necessary.

"(b) An agency may grant exclusive or partially exclusive foreign licenses under federally owned patent rights after public notice and opportunity for filing written objections and after determining whether the interests of the Government or of United States industry in foreign commerce will be enhanced.

"(c) An agency will not grant a license under this section if it determines that such a grant would create or maintain a situation inconsistent with the antitrust laws.

"(d) Agencies will maintain periodically updated records of determinations to grant exclusive or partially exclusive licenses. These records will be publicly available.

"§ 402. Minimum Government rights

"Each license granted under section 401 will contain such terms and conditions as the agency finds appropriate to protect the interests of the Government and the public, including provisions reserving to the Government:

"(1) The right to require from the licensee written reports on the use of the invention,

"(2) A royalty-free, worldwide right to practice the invention or have it practiced for the Government, and

"(3) The right to license State and local governments to practice the invention or have it practiced for them if the agency determines that reservation of this right would serve the national interest.

"§ 403. March-in rights

"(a) The Government will have the right to terminate any license granted under section 401 in whole or in part, but only—

"(1) if the licensee has not taken and is not expected to take timely and effective action to achieve practical application of the invention in each of the fields of use affected;

"(2) if necessary to protect national security;

"(3) if necessary to meet requirements for public use specified by Federal regulation;

"(4) if the continuation of the licensee's rights in the invention would create or maintain a situation inconsistent with the antitrust laws; or

"(5) if the licensee has failed to comply with the terms of the license.

"(b) These march-in rights may be exercised by the responsible agency on its own initiative or on a petition from an interested person justifying such action.

"§ 404. Regulations

"The Office of Federal Procurement Policy will direct the issuance of regulations specifying the terms and conditions upon which federally owned patent rights may be licensed. An agency may deviate from such regulations on a class basis unless prohibited by the Office of Federal Procurement Policy.

"SUBCHAPTER IV—MISCELLANEOUS

"§ 405. Patent enforcement suits and right of intervention

"(a) Any exclusive licensee under this chapter may enforce its exclusive rights under the licensed patent by bringing suit without joining the United States or any other exclusive licensee as a party. However, the licensee will give prompt notice of the suit, or, of any suit filed against it respecting the patent, to the Attorney General and the agency that granted the license, and all parties will serve copies of papers on the Attorney General and the responsible agency as though they were parties to the suit.

"(b) When the responsible agency is informed of any suit filed by an exclusive licensee, by the Government, or by any other person respecting a patent subject to the provisions of this chapter, it promptly will give notice to all its licensees under the patent. Any exclusive licensee will be entitled to intervene as a party in such a suit in which the validity or scope of the license patent is, or is likely to be, placed in issue.

"§ 406. Background rights

"Nothing contained in this chapter will be construed to deprive the owner of any background patent or of rights under such a patent.

"§ 407. Notice, hearing, and judicial review

"(a) Agency determinations under sections 382, 387(a), and 387(c), and 403 will be made after public notice and opportunity for a hearing in which the United States, any agency, or any interested person may participate, and will include written reasons for the determination.

"(b) The United States or any participant that may be adversely affected by an agency determination covered by subsection (a) of this section may appeal the determination to the United States Court of Customs and Patent Appeals within sixty days after the determination is issued. That court will have exclusive jurisdiction to determine the matter de novo and to affirm, reverse, or modify the agency determination.

"§ 408. Relationship to other laws

"Nothing in this chapter creates any immunities or defenses to actions under the antitrust laws.

"§ 409. Authority of Federal agencies

"(a) Agencies may apply for, obtain, maintain, and protect patent rights in the United States and in foreign countries on any invention in which the Government has an interest in order to promote the use of inventions having significant commercial potential or otherwise advance the national interest.

"(b) Agencies may license federally owned patent rights on terms and conditions consistent with subchapter III.

"(c) Agencies may transfer patent rights to other agencies and accept them from other agencies, in whole or in part, without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471).

"(d) Agencies may withhold publication or release of information disclosing any invention long enough for patent applications to be filed.

"(e) Agencies may promote licensing of federal owned patent rights by making market surveys, acquiring technical information, or otherwise enhancing the marketability of the inventions.

"(f) Agencies may enter into contracts necessary and appropriate to accomplish the purposes of this section.

"§ 410. Responsibilities of the Secretary of Commerce

"(a) The Commissioner of Patents will—

"(1) consult with other agencies about areas of science and technology with potential for commercial development.

"(2) coordinate a program to help agencies in exercising the authority given by section 409.

"(3) evaluate inventions referred by agencies to identify those with the greatest commercial potential and to promote their public use;

"(4) help agencies seek and maintain patents in the United States and in foreign countries by paying fees and costs and by other means;

"(5) develop and manage a Government-wide program, with appropriate private sector participation, to stimulate transfer to the private sector of potentially valuable federally-owned technology through dissemination of information about the technology;

"(6) publish notice of all federally-owned patent rights that are available for licensing; and

"(7) seven years after the date of enactment of this Act, submit to the President and Congress a report describing the operation of this chapter and containing recommendations, if any, for further amendments to promote industrial innovation in the United States.

"(b) There is authorized to be appropriated to the Commissioner of Patents such sums as may be necessary to enable the Commissioner to carry out responsibilities under this section.

"§ 411. Definitions

"As used in this chapter—

"(1) 'Agency' means an 'executive agency' of the Federal Government, as defined by section 105 of title 5, United States Code, and the military departments defined by section 102 of title 5, United States Code. 'Responsible agency' means the agency which is party to a contract for the performance of research or development, has received patent rights from another agency, or has administrative jurisdiction over an employee-inventor. The Tennessee Valley Authority shall not be considered an 'agency' for the purposes of this chapter; and this chapter shall not apply to its patent rights, contracts, and employees.

"(2) 'Antitrust laws' means the laws included within the definition of the term 'Antitrust laws' in section 1 of the Clayton Act (15 U.S.C. 12), as amended.

"(3) 'Contract' means any Federal contract, cooperative agreement, or grant that provides for performance of research or development substantially funded by the Government. It covers any assignment, substitution of parties, or subcontract of the same type under such a contract. It does not cover Federal price or purchase supports, or Federal loans or loan guarantees.

"(4) 'Contractor' means any person other than an agency that is a party to a contract.

"(5) 'Federal employee' means any civil service employee as defined in section 2105 of title 5, United States Code, and any member of the uniformed services.

"(6) 'Invention' means any invention that is or may be patentable under the laws of the United States. 'Contract invention' is defined by section 382. 'Employee invention' is defined by section 391.

"(7) 'Made' when used in relation to any invention means conceived or first actually reduced to practice.

"(8) 'Nonprofit organization' means universities and other institutions of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

"(9) 'Patent rights' means patents and patent licenses and sublicenses.

"(10) 'Practical application' means manufacture of a machine, composition, or product, or practice of a process or system, under conditions which establish that the invention is being worked and its benefits are available to the public on reasonable terms.

"(11) 'Small business' means a small business concern, as defined in section 2 of Public Law 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration.

"(12) 'State' means a State or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. 'Local' refers to any domestic county, municipality, or other governmental entity.

"(13) 'Will', except as the context otherwise requires, has the same meaning as 'shall'.".

Sec. 7. (a) Section 10(a) of the Act of June 29, 1935, as added by title 1 of the Act of August 14, 1946 (7 U.S.C. 427i(a); 60 Stat. 1085) is amended by striking out the following: "Any contracts made pursuant to this authority shall contain requirements making the results of research and investigations available to the public through dedication, assignment to the Government, or such other means as the Secretary shall determine.".

(b) Section 205(a) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1624(a); 60 Stat. 1090) is amended by striking out the following: "Any contract made pursuant to this section shall contain requirements making the result of such research and investigations available to the public by such means as the Secretary of Agriculture shall determine.".

(c) Section 501(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951(c); 83 Stat. 742) is amended by striking out the following: "No research, demonstrations, or experiments shall be carried out, contracted for, sponsored, cosponsored, or authorized under authority of this Act, unless all information, uses, products, processes, patents, and other developments resulting from such research, demonstrations, or experiments will (with such exception and limitation, if any, as the Secretary of the Interior or the Secretary of Health, Education, and Welfare in coordination with the Secretary may find to be necessary in the public interest) be available to the general public.".

(d) Section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395(c); 80 Stat. 721) is repealed.

(e) Section 12 of the National Science Foundation Act of 1950 (42 U.S.C. 1871; 64 Stat. 149, 154) is repealed.

(f) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182; 68 Stat. 943) is repealed.

(g) The National Aeronautics and Space Act of 1958 (72 Stat. 426) is amended—

(1) by repealing section 305 (42 U.S.C. 2457). However, subsections (c), (d), and (e) of section 305 shall continue to be effective with respect to any application for patents in which the written statement referred to in subsection (c) of such section has been filed or requested to be filed by the Commissioner of Patents and Trademarks before the effective date of this Act;

(2) by striking out, in section 306(a) (42 U.S.C. 2458(a)), "(as defined by section 305)"; and by striking out "the Inventions and Contributions Board, established under section 305 of this Act" and inserting instead: "an Inventions and Contributions Board which shall be established by the Administrator within the Administration";

(3) by inserting at the end of section 203 (c) (42 U.S.C. 2473(c)) the following new paragraph:

"(14) to provide effective contractual provisions for reporting the results of the activities of the Administration, including full and complete technical reporting of any innovation made in the course of or under any contract of the Administration.";

(4) by inserting at the end of section 203 (42 U.S.C. 2473) the following new subsection:

"(d) For the purposes of chapter 17 of title 35 of the United States Code the Administration shall be considered a defense agency of the United States."; and

(5) by striking out the following in such section 203(c)(3): "(including patents and rights thereunder)".

(h) Section 6 of the Act entitled "An Act to encourage and stimulate the production and conservation of coal in the United States through research and development by authorizing the Secretary of the Interior to contract for coal research, and for other purposes", approved July 7, 1960 (30 U.S.C. 666; 74 Stat. 337), is repealed.

(i) Section 4 of the Helium Act Amendments of 1960 (50 U.S.C. 167b; 74 Stat. 920) is amended by striking out the following: "*Provided, however*, That all research contracted for, sponsored, cosponsored, or authorized under authority of this Act shall be provided for in such a manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public: *And provided further*, That nothing contained herein shall be construed as to deprive the owner of any background patent relating thereto such rights as he may have thereunder." and by inserting instead a period.

(j) Section 32 of the Arms Control and Disarmament Act (22 U.S.C. 2572; 75 Stat. 634) is repealed.

(l) Except for subsection (1), section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901; 88 Stat. 1878) is repealed.

(n) Section 5(d) of the Consumer Product Safety Act (15 U.S.C. 2054(d); 88 Stat. 1211), is repealed.

(o) Section 3 of the Act of April 5, 1944 (30 U.S.C. 323; 58 Stat. 191), is repealed.

(p) The Resources Conservation and Recovery Act of 1976 (90 Stat. 2795) is amended—

(1) by repealing section 8001(c)(3) (42 U.S.C. 6981(c)(3); 90 Stat. 2831); and

(2) by striking out, in section 8004(c)(2) (42 U.S.C. 6984(c)(2)) the second sentence, "notwithstanding section 8001(c)(3),".

(q) Section 12 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2511; 90 Stat. 1269) is repealed.

(r) Paragraph (r) of section 19 (as added by Public Law 95-238) of the Federal Nonnuclear Energy Research and Development Act of 1974, Public Law 93-577, as amended, Public Law 95-238, is repealed; subparagraph (g)(4) of said section 19 is amended by striking "under section 9 of this Act" in the first sentence.

(s) Section 112(d)(2) of Public Law 95-39, enacted on June 3, 1977, is amended by striking "shall be governed by the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 and".

(t) Section 408 of the Water Research and Development Act of 1978 (42 U.S.C. 7879; 92 Stat. 1316) is repealed.

Sec. 8. (a) Sections 2, 4, and 5 of this Act will take effect upon enactment.

(b) Section 1 of this Act will take effect on the first day of the seventh month beginning after its enactment and will apply to patents in force as of that date or issued thereafter.

(c) Section 3 of this Act will take effect on the first day of the first fiscal year beginning on or after one calendar year after enactment. However, until section 3 takes effect, the Commissioner may credit the Patent and Trademark Office appropriation account in the Treasury of the United States with the revenues from collected reexamination fees, which will be available to pay the costs to the Office of reexamination proceedings.

(d) Any fee in effect as of the date of enactment of this Act will remain in effect until a corresponding fee established under section 41 of title 35, United States Code, or section 1113 of title 15, United States Code, takes effect.

(e) Fees for maintaining a patent in force will not be applicable to patents applied for prior to the date of enactment of this Act.

(f) Sections 6 and 7 of this Act will take effect on the first day of the seventh month beginning after its enactment. Implementing regulations may be issued earlier.

Sec. 9. The Commissioner of Patents and Trademarks shall report to Congress, within two years after the effective date of this Act, a plan to identify, and if necessary develop or have developed, computerized data and retrieval systems equivalent to the latest state of the art which can be applied to all aspects of the operation of the Patent and Trademark Office, and particularly to the patent search file, the patent classification system, and the trademark search file. The report shall specify the cost of implementing the plan, how rapidly the plan can be implemented by the Patent and Trademark Office, without regard to funding which is or which may be available for this purpose in the future.

Sec. 10. (a) Section 101 of title 17 of the United States Code is amended to add at the end thereof the following new language:

"A 'computer program' is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.".

(b) Section 117 of title 17 of the United States Code is amended to read as follows:

"§ 117. Limitations on exclusive rights: Computer programs

"Notwithstanding the provisions of section 106, it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

"(1) that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or

"(2) that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

"Any exact copies prepared in accordance with the provisions of this section may be leased, sold, or otherwise transferred, along with the copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program. Adaptations so prepared may be transferred only with the authorization of the copyright owner.".

The SPEAKER pro tempore. Is a second demanded?

Mr. McCLORY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without, objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. Kastenmeier) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. McClory) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Kastenmeier).

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in view of the fact that H.R. 6933 is the product of joint effort reflecting the views not only of the Committee on the Judiciary but also the Committee on Science and Technology and the Committee on Government Operations, I will be brief in deference to the other supporters of the bill who also wish to speak.

Mr. Speaker, H.R. 6933 represents an effort to reverse the current decline in U.S. productivity by strengthening the patent and copyright systems to improve investor confidence in new technology.

The bill grew out of the recommendations of a 150-member Presidential Advisory Commission on Industrial Innovation.

H.R. 6933 has four major thrusts. First, it strengthens investor confidence in the certainty of patent rights by creating a system of administrative reexamination of doubtful patents. Second, it strengthens the financial resources of the Patent Office to provide fast and accurate processing of patent applications by revising the fee structure of the Office. Third, the existing melange of 26 different agency policies on vesting of patent rights in Government-funded research is replaced by a single, uniform national policy designed to cut down on bureaucracy and encourage private industry to utilize Government-funded inventions through the commitment of the risk capital necessary to develop such inventions to the commercial application.

Finally, it eliminates confusion about the legal status of computer software by enacting the recommendations of the Commission on New Technological Uses of Copyrighted Works clarifying the law of copyright of computer software.

Mr. Speaker, the Judiciary Committee carefully worked out the existing legislation after 11 days of hearings and markups at subcommittee and full committee level during which the advice of the Departments of Commerce and Justice was sought. Both Departments, traditionally antagonistic on the issue, have come together in support of the bill and the committee report.

In addition the Committee on Government Operations reviewed the bill and reported it favorably with four strengthening amendments which the Judiciary Committee is happy to accept.

Finally, we worked closely with the Committee on Science and Technology and with representatives of private industry. There is now very little organized opposition to the bill.

The measure is ardently supported by the small business and academic communities in view of its provision to streamline Government patent policy. It is also supported by the Computer and Business Equipment Manufacturers Association and the Information Industry Association. It contains key features of the legislative program of the American Patent Law Association.

I strongly urge a "yes" vote.

☐ 1450

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I am pleased to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding and want to say I fully support this bill.

Mr. Speaker, I rise in strong support of H.R. 6933. There are provisions in this bill which are of significant importance to small businesses. For a number of months the Small Business Committee has been studying the innovation crisis, and in particular, the diminishing role of small business in innovation. Our concerns are magnified by the fact that small businesses have been the most effective innovators by nearly every standard of measurement. Smaller firms were responsible for half of all major industrial innovations since World War II; they produced 24 times as many major innovations per research dollar expended as did large firms according to recent studies. These studies also indicate that small, innovative firms generate tax revenues at a higher rate than other firms. Furthermore, 87 percent of all new jobs are created by firms with 500 or less employees. So the small, innovative businesses not only affect our Nation's productivity and balance of trade, they also become crucial to the fight against inflation and unemployment.

The Small Business Committee held hearings on the subject of innovation in connection with the Small Business Innovation Act, H.R. 5607, which was unanimously reported from the Small Business Committee. Title III of the innovation bill includes patent provisions for small businesses and nonprofit organizations. It is increasingly clear that present Government patent policies are an actual disincentive to small business involvement in federally funded research and development. This has serious implications when one considers that over one-half of all research and development in the United States is paid for by the Federal Government.

The complexity resulting from the large variety of Government patent policies is confusing to small businesses and places them at a distinct disadvantage. Small firms are not financially able to maintain patent staffs with time and expertise needed to sort out the programs which are most advantageous. Moreover, the hearings established the fact that big businesses usually are able to negotiate a contract permitting them to retain patent rights while small businesses are offered contracts on a take-it-or-leave-it basis.

Many small firms avoid Government research and development contracts because the risks are too great. Not only does the Government retain title to inventions which may result, but background rights to patents already owned by the firm may also be jeopardized. Background rights constitute valuable property to small firms; however, many agencies have routinely and unnecessarily required small firms to sign away their exclusive rights to background inventions which may relate to the work object of a funding agreement as a cost of doing business with the Government. The same obligation is often not required of large firms. There was direct testimony to that effect in our hearings.

Our committee also found that without adequate patent protection, the commercialization of a new idea is far too costly and too risky for small firms. The cost of product development may be as much as 10 times the cost of initial research, and obtaining risk capital remains the No. 1 problem of small, innovative firms. We received testimony from a number of sources indicating that title to inventions provides greater protection and greater incentive for capital investment than does an exclusive license. This fact is of particular importance to small firms which do not have elaborate marketing systems and alternative products against which risk may be offset.

In short, the climate for small business involvement in Government research and development is unhealthy. While direct support for research and development at large companies, universities, and Federal laboratories has grown, the most innovative sector of the American economy, the small science and technology-based enterprises, are virtually excluded from effective participation in federally funded research programs. Small firms only receive about 4 percent of Federal research and development dollars. The result has been a lag in product development and a disastrous trend toward foreign commercialization of U.S. technology.

It is in everyone's interest that a small business be permitted to keep the patent as long as it uses it. This legislation provides just that. The bill also provides that a business may not be deprived of its background rights. These are protections which small businesses need in order to remain viable innovators.

Small businesses will also benefit significantly from the reexamination provisions in this bill. The cost of defending the validity of a patent in court has become prohibitive for small firms and independent inventors. The cost may reach as high as $250,000 for each party, an impossible burden for most small firms. Evidence shows that the high cost of defending a patent is sometimes used to blackmail the owner into permitting infringements or into selling out at greatly reduced price. Reexamination of the patent by the Patent and Trademark Office permitted by section 1 of the bill, would provide an effective alternative at a fraction of the cost.

The reliability of patents is of the utmost importance to small businesses in commercializing new products or processes. It is unfortunate that present policies have disadvantaged the most innovative segment of the American economy and have fostered concentration in relatively few firms. Just 31 companies, many of which are multinational, account for more than 60 percent of all U.S. research and development.

The relative importance of this issue is indicated by one further compelling factor: Support of innovation legislation which included patent policies was listed as 6th in priority out of 60 recommendations by the White House Conference on Small Business.

Because of the unique contribution which small business makes to the economic health of this country and because of the critical need to foster innovation and improve productivity, I urge the passage of this bill (H.R. 6933) which small business needs and supports.

In the event that this bill does not become law today and it does get hung up for one reason or another due to some other provision, I hope at least we can get the small business portion passed in this Congress.

Mr. KASTENMEIER. I would say to the gentleman from Iowa I will be entirely cooperative with him in that effort. At the very least I would hope, if not all much of what we are processing here today can be enacted. I clearly believe that the small business, university section which is embedded in this bill and which the gentleman's committee processed, can be and should be otherwise handled and enacted into law. If it were not, I think it would be a great tragedy.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. McCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6933. I would like to commend the gentleman from Wisconsin (Mr. KASTENMEIER), chairman of the subcommittee, and my colleague from Illinois (Mr. RAILSBACK) for their tireless efforts in bringing this legislation before us this afternoon.

The Judiciary Committee favorably reported this legislation by voice vote. I believe it is the most significant patent law reform bill to come before this body in 25 years. H.R. 6933 will encourage research and development by strengthening the validity of the patent granted.

H.R. 6933 has three important provisions: First, it is designed to strengthen the confidence which an inventor and an investor have in their patent by creating a system of administrative reeaxmination of those patents wherein questions as to validity have been raised after the patent has been granted. Second, it strengthens the financial resources of the Patent Office to provide fast and more accurate processing of patent applications by revising the fee structure of the Patent Office. Congress last enacted legislation raising these fees in 1965. Lastly, there presently exist 26 different agency policies on the vesting of patent rights in Government-funded research. This confusion is replaced by a single, uniform national policy which is designed to cut down on bureaucracy and encourage private industry to utilize Government-funded inventions.

The funding agency is rarely in a position to develop these inventions. It has been estimated by many experts that the cost of taking a new invention from basic research through development and commercialization costs 10 times as much as did the basic research itself. The private sector is not willing to take this enormous investment risk without some guarantees that the invention which they help develop will be protected for a period of time by a patent.

Mr. Speaker, I am convinced that patents can provide incentive for innovation and increased productivity, and H.R. 6933 will go a long way toward accomplishing these goals. I urge a "yes" vote for H.R. 6933.

Mr. Speaker, I yield the balance of my time to my distinguished colleague from Illinois (Mr. RAILSBACK), the ranking member of the subcommittee.

Mr. RAILSBACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the bill, H.R. 6933, and ask unanimous consent to revise and extend my remarks and to include extraneous matter.

Mr. Speaker, in its present form, this legislation enjoys widespread, bipartisan support. It has the support of the Departments of Justice and Commerce. It is strongly supported by the universities and small business community.

Presently, the Federal Government has at least 26 different patent arrangements employed by various executive agencies. These policies are frequently contradictory from agency to agency and have proven to be formidable barriers to the private sector in participation in Government work. In general, the present patent policies require private contractors and grantees to allow the funding agency to own any patentable discoveries, even if the Federal Government has provided only a small percentage of the total money involved in the research and development. Now, the Department of Defense has a policy which permits private contractors to hold exclusive rights to certain inventions which are developed with assistance of

Federal Government funding. If all agencies had this policy, we would probably not be here today and there is nothing in the law which guarantees that this will be the Department of Defense's policy in the future.

The mere complexity of these policies constitute a real hurdle to universities and small businesses who do not have the resources to negotiate through this policy maze. This is, no doubt, part of the reason why a distressingly low percentage of Federal research and development contracts are awarded to small companies, some 3.4 percent, according to an Office of Management and Budget study.

Finally, Mr. Speaker, I want to say a word about the action taken by the Government Operations Committee when this bill was sequentially referred to them. That committee deleted a provision passed by the Judiciary Committee which would have the effect of separating from the Department of Commerce the Patent and Trademark Office. The record is replete with justification for that action taken by the Judiciary Committee. Every living former Patent Commissioner—seven—support separating the Patent and Trademark Office from the Department of Commerce. Every patent owner, who has commented on this legislation, support it emphatically. For example, the Chemical Manufacturers Association, the Small Business Council, and numerous individual businessmen and corporations.

For the time being, because of time constraints, the Department of Commerce has won a temporary victory. I have been assured by my chairman, Mr. KASTENMEIER, that we intend to hold oversight hearings early next year and will further develop, with the help of the other body, the records on this very important issue.

The problems of the Patent and Trademark Office are plentiful, and they are common knowledge:

Presently it takes 22 months for a patent to issue;

From 2 to 26 percent of the patents are missing from every subclass in the Patent Office files;

Only a small percentage of the files are covered by a security system to prevent theft and misfilings;

The Patent and Trademark Office is not able to hire the needed personnel to fill existing vacancies;

The number of trademark examiners in 1980 will be the same as in the mid-seventies yet they are expected to process 65 percent more applications;

WHAT PROBLEM IS TO BE SOLVED?

Technological innovation in the United States is declining at an alarming rate as President Carter and many Members of Congress have recognized.

Only 62 percent of the patents issued by the U.S. Government go to Americans. In 1965, 80 percent did. In 1979, 20 percent of all patents issued in the United States were awarded to Japan and the Federal Republic of Germany, and 38 percent in all went to foreigners. In 1965, 20 percent did.

American businessmen and inventors are losing confidence in the U.S. patent system. The purpose of the patent system is to give economic stimulus to industry to invest in technological innovation. But the system is malfunctioning, primarily because the U.S. Patent and Trademark Office is woefully unable to perform its mission.

As former Commissioner Banner said:

> The PTO is in "dire straits" and soon the U.S. will have a "second rate" patent system.

WHY THE PTO IS INEFFICIENT

Lack of proper funding. The budget has been regularly cut for the past decade. For example, the number of Patent Examiners in 1975 was 1,200 and in 1979 was 1,000. Time to study an application, now a 15-hour average, is the lowest in the history of the Office.

Lack of leadership and management. Since 1962, there have been seven different PTO Commissioners and nearly 3 years of vacancy in the position. This "revolving door" is extremely harmful to the Office in terms of morale, planning, and management.

Lack of interest and understanding by Congress. There are no effective lines between the PTO and Congress or between the PTO and OMB, both on the substantive patent and trademark laws and on funding of the Office.

HOW DID THIS HAPPEN?

In 1948, the Committee on Patents of the House and Senate were abolished after 112 years of existence.

In 1950, the powers of the Patent Commissioner were vested in the Secretary of Commerce pursuant to the Hoover Commission report.

In 1962, the Patent Commissioner was downgraded from an Assistant Secretary level to a position where he reports to an Assistant Secretary.

The results: First, the PTO is cut off from Congress and the Secretary of Commerce; and second, the Office of the Patent Commissioner was diminished in stature and influence.

HOW DOES MAKING THE PTO INDEPENDENT HELP?

First. The problem is communication and understanding. If the PTO was independent, the lines of contact with OMB and Congress would be direct. Every single piece of information coming out of the PTO would no longer be filtered, delayed, and altered through the Department of Commerce.

Second. The Office morale, and particularly that of the 1,000 professional Patent Examiners, would be significantly improved. The Office of the Commissioner would attract able persons who would tend to remain.

Third. The PTO Commissioner could manage the PTO.

The PTO Commissioner could work directly with Congress to make the Office efficient.

The PTO Commissioner would be in a position to assume and advise other agencies of the executive branch relative to the patent system.

HOW MUCH WOULD IT COST?

No additional manpower or facilities are involved. Commissioner Banner has estimated the cost at less than $150,000 a year to assume minor administrative services now performed in Commerce.

My independent PTO amendment did two things: First, it would make the Patent and Trademark Office independent; and second, it created a 6-year term for the Office of the Commissioner. It did not create any new bureaucratic entity. The employees already exist, the offices already exist, and the budget already exists. My amendment would have breathed new life and energy into an important agency which we have all but forgotten.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I am happy to yield to my friend from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank my colleague for yielding. I, too, support this measure. I think it is long overdue. The figures the gentleman has given us are most convincing.

However, I do notice that the public has spent some $50 billion in research. I would like to be assured if my understanding of the bill is correct. Is there now in this legislation a provision which will mean that the Secretary will be empowered to require return of a part of any profits to the Treasury so that if the invention produces a large profit for the company to which the patent has been allocated, some money will return to the Treasury;

Mr. RAILSBACK. Yes. That is the provision for recoupment and it is in the bill. I think that particular provision is a good idea and something I think we should support.

Mrs. FENWICK. That is a part of the legislation?

Mr. RAILSBACK. Yes, that is correct.

Mrs. FENWICK. I thank the gentleman.

□ 1500

Mr. KASTENMEIER. Mr. Speaker, I would like to commend the gentleman from Illinois (Mr. RAILSBACK) on his contribution to this bill and also acknowledge that there is a provision for recoupment. It is a provision we accepted from the Committee on Science and Technology. It was the amendment offered by the gentleman from Pennsylvania (Mr. ERTEL).

I would like at this time to yield 3 minutes to the gentleman from Florida (Mr. FUQUA) who worked both in his own committee, the Committee on Science and Technology, and in the Committee on Government Operations cooperatively to develop this legislation. We are very indebted to him.

Mr. FUQUA. Mr. Speaker, I want to commend the gentleman from Wisconsin (Mr. KASTENMEIER) and the gentleman from Illinois (Mr. RAILSBACK) for their work in bringing this bill to the floor, and also the members of the Committee on Science and Technology who have worked very hard by recognizing early the need for revision of our patent policy. Particularly the gentleman from California (Mr. BROWN) and the gentleman from Pennsylvania (Mr. ERTEL) whose names have already been mentioned, who worked very hard and very conscientiously in trying to bring this about.

Mr. Speaker, what we are doing here is trying to combine into 1 bill and make uniform a policy that now exists under 26 different complex and confusing sets of Federal patent policy. In many cases, there are within agencies a different patent policy. We provide an incentive for the person that is successful with the patent to commercialize that patent; but we also provide a recoupment. If that patent has in any way been involved with Federal funds and it is a successful patent, then the Federal Government can go in and recoup funds for the Government's investment.

If we are going to bring together an improved patent policy so productivity and innovation may move forward, we certainly need the legislation that is contained in H.R. 6933. While it may not be a perfect bill, it certainly, I think, covers those essential points that we need so very much; and I urge my colleagues to vote in favor of the bill.

Mr. Speaker, I would also like to commend the work of the Judiciary Committee in regard to this bill, and, in particular, I would like to commend the work of the gentleman from Wisconsin (Mr. KASTENMEIER) for his diligence and foresight in shepherding this bill through the myriad of hurdles it has faced since its introduction in the House.

As the chairman of the Science and Technology Committee, a committee which has partial jurisdiction over patent rights legislation involving Federal R. & D., I have closely followed the evolution of this legislation. I urge my colleagues to join with me in general support of this bill. In addition, I would like to call particular attention to the importance of section 6 of the bill. Section 6, which deals with Federal patent policy, establishes a uniform policy regarding contractor rights to federally funded inventions. This policy would replace the 26 different, complex, and confusing sets of Federal patent policies which vary by agency. In some cases, these policies even vary from department to department within one agency.

Mr. Speaker, as you know, the Federal Government bears over one-half of the cost of financing research and development activities in the United States. Because the primary means of improving the Nation's productivity lies in the new technologies which arise from research and development, Federal R. & D. policies can and do have a significant impact on the Nation's productive capacity and innovative climate. This means that Federal patent policies governing the utilization of Government-funded research have become of ever increasing importance because these policies have a direct impact on the rate of effective commercialization of Government financed research.

Section 6 would permit the grant of exclusive rights to federally funded inventions to contractors who meet the bill's requirements. Studies cited at Science and Technology Committee hearings on Federal patent policy have strongly indicated that merely making an invention available for development without the grant of some form of exclusive rights does not generally lead to commercial utilization. Substantial additional costs are normally necessary to further develop and market an invention. These costs are often 10 to 100 times the initial R. & D. costs. In order to provide an incentive for contractors to commercialize Government-funded inventions, I believe that the grant of exclusive rights to inventions is necessary.

I am aware of the criticism that granting contractors exclusive rights to Government-funded inventions enriches contractors at the expense of the taxpayer. However, I believe that, without the grant of exclusive rights, virtually no economic benefits which would flow from commercialization will be realized.

H.R. 6933 is definitely a product of many points of view. Although I do not share all of these views, I believe that the major thrusts articulated in the bill represent a positive step in our mutual efforts to create a rational Federal patent policy—a policy that not only streamlines and makes more effective the procedures associated with the administration of Federal R. & D. contracts, but also, and more importantly, a policy which encourages rather than hinders innovation in the private sector.

Again, I urge my colleagues to support this bill. Enactment of H.R. 6933 is a step in the right direction for the U.S. economy as a whole and for the health of technological innovation in particular.

Mr. KASTENMEIER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BROWN) also a major contributor to this legislation.

Mr. BROWN of California. Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. KASTENMEIER) and his colleagues on the Judiciary Committee, for the leadership and insight they have exhibited during their considerations of H.R. 6933, a bill to amend the patent and trademark laws. I would also like to commend the gentleman from Florida (Mr. FUQUA), chairman of the Science and Technology Committee, for his wise counsel and leadership at critical points as we moved this multicommittee cooperatively framed bill through House review.

Mr. Speaker, every Member of the House is aware of the economic problems the country is facing. Inflation continues its spiraling increase, our balance of trade is deeply in the red, and the rate of industrial productivity is steadily declining.

The Committee on Science and Technology has been working throughout the 96th Congress to understand the nature of our problems in innovation and productivity and to come up with workable solutions. It became clear from the outset of our considerations that Federal patent policy would be a key element of any strategy to improve the innovative climate in the country. Accordingly, the Science and Technology Committee's Subcommittee on Science, Research, and Technology conducted a series of hearings on the role which Federal patent policy plays in promoting industrial innovation. I should like, at this time, to commend my colleague, the gentleman from Pennsylvania (Mr. ERTEL) for his able stewardship during the subcommittee's considerations of this issue.

The subcommittee's work resulted in the introduction of a Federal patent policy bill, H.R. 5715, of which Mr. ERTEL was the primary sponsor. On April 1, 1980, the subcommittee favorably reported out H.R. 5715. I would like to cite Mr. ERTEL again for the foresight which this bill represents.

In the meantime, the Judiciary Committee began its considerations of the administration's Federal patent policy bill, H.R. 6933. Given the urgent need for an integrated, cooperative effort in this area, I, and many of my colleagues on the Science and Technology Committee, decided that we would pool our resources in working together on H.R. 6933 as the preferred vehicle for handling the Federal patent policy issue.

Mr. Speaker, I believe that H.R. 6933, especially section 6 of the bill, represents a much-needed revision of current Federal patent policy. As you know, there are now some 26 different patent policies in use by Federal agencies. Section 6 of the bill would replace these 26 policies with a uniform policy to be applied Governmentwide. But, more importantly, section 6 would provide a much-needed incentive for Government contractors to commercialize inventions arising out of Federal R. & D.

During our Science and Technology Committee hearings on Federal patent policy, there was considerable testimony which indicated that merely making an invention available for development, without the grant of some form of exclusive rights to that invention, does not generally lead to commercial utilization. Government contractors need some incentive to take on the costs of developing the invention to the point where it is marketable—development costs which are often 10 to 100 times the initial R. & D. costs. I believe that the grant of exclusive rights to an invention can and does provide a needed incentive to commercialize. In testimony before the Science and Technology Committee, NASA representatives indicated that contractors who were permitted some form of exclusive rights to inventions have achieved commercial applications at a rate approximately 20 times greater than that achieved when the agency did not grant exclusive rights. The largest study ever conducted on this issue, known as the Harbridge House study, found that Government-supported inventions were utilized at a rate of approximately 12 percent across all agencies but that the rate doubled when exclusive rights were left with commercial contractors.

I am aware of the concern that granting contractors exclusive rights to federally funded inventions is a "give-away" of the taxpayers' property. However, I am convinced that this argument is exaggerated and theoretical. Without the grant of exclusive rights, the economic benefits which would flow from effective commercialization will not be realized and the taxpayer will not reap the full benefits which his investment in Federal R. & D. should yield.

Mr. Speaker, I could cite numerous other reasons why H.R. 6933 should be supported. Let me simply say in conclusion that I strongly urge my colleagues in the House to support this bill for it represents an important step toward improving the climate for technological innovation in this country.

Mr. KASTENMEIER. Mr. Speaker, I yield as much time as he may require to the gentleman from Pennsylvania (Mr. ERTEL).

Mr. ERTEL. Mr. Speaker, I rise in support of H.R. 6933. This legislation represents a carefully throughout balance between the need to protect the interests of the taxpayer and the need to spur new innovation and productivity. I would like to commend the chairman of the Science and Technology Committee for his invaluable efforts in protecting important sections of this legislation and for insuring that the bill before us now is a fair and meaningful step in bringing greater utilization of patents arising from federally funded research and development. I would also like to compliment the chairman of the Science, Research, and Technology Subcommittee, the gentleman from California, Mr. BROWN, and the chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, the gentleman from Wisconsin, Mr. KASTENMEIER, for their leadership and assistance in this effort to rationalize Federal patent policy.

This issue has been extensively reviewed and discussed within the private sector, by the administration, and by several congressional committees. This legislation has broad support and represents the consensus of many views. If I have any criticism of the bill it is that it does not go far enough. Nevertheless, I believe that this bill, particularly the sections dealing with the allocation of patent rights and patent reexamination, is a major step forward and should be adopted.

Some would tell you that this legislation violates the principle that what the taxpayers pay for belongs to the people. I find it difficult to believe that those who make that argument with this bill have either looked at what the bill does or what the real situation is with federally held patents. The fact is that while we spend billions of dollars on research and development, which few of these patents are ever picked up by the private sector and turned into new goods or improved means of manufacturing.

I don't know anyone who thinks they have gotten their money's worth from research which results in a patent that collects dust on a shelf. The taxpayers get very little benefit from their support for research and development unless the R. & D. is translated into goods in the marketplace that they can make use of. It is silly to try and contend anything else.

Now those who favor the Government continuing to hold patents will tell you that maybe the reason these patents are not used by the private sector is because they have no use or application. What you will not hear them say is that when NASA undertook a pilot program granting exclusivity to patents, commercialization and utilization of those patents increased twentyfold. They will not tell you that in the one agency where exclusivity is regularly granted—the Department of Defense—the inventions find wide-scale use far above the average utilization for other federally developed patents. They will not tell you about the pharmaceutical company that does not want to bring new drugs to the market because without exclusivity they will not be able to recover their investments. Patents arising out of federally funded R. & D. are not useless. There are many possible applications for many of these patents.

Sometimes we are asked to show an example where a patent was not commercialized because exclusivity was not granted. It is obvious that such "proof" is negative in nature and difficult to provide. However, for those who make this demand, let me oblige them. On June 26, 1979, the Science Committee held hearings on the Materials Policy Research and Development Act. During those hearings Mr. John Hadd, an Assistant Director of the General Accounting Office appeared before the committee. His testimony included a statement to the effect that Federal patent policies were a barrier to domestic technology transfer. I was intrigued by that statement and asked him to expand upon it in writing for the committee record. Let me read you a part of his response:

> A specific example of how patent policy has inhibited the transfer and commercial application of Government sponsored materials R. & D. concerned the development by the Bureau of Mines of a new kind of anchor bolt for use by the mining industry. A company expressed an interest in further developing and then marketing the product but only if it could receive an exclusive license to recover its anticipated development and marketing costs. The Bureau refused to grant exclusive developmental rights and the product never hit the market. This illustrates the situation where government adherence to a nonexclusive patent policy discourages industry investment in technology development.

So for those who need an example of negative proof, there it is.

Now if we can lay to rest the mistaken assumption that Federal patents do not have potential, important applications, we must still answer the question of why these patents aren't being used. The reason is really quite simple. It is commonly recognized that in the process of bringing a product to the market, research accounts for roughly 10 percent of the cost, while development and marketing makes up 90 percent of the cost. The Federal effort stops at the research end of the process. Without some form of exclusivity, a private firm is often reluctant to invest the resources needed to commercialize the invention. This is no small commitment for a company to make. It usually involves millions of dollars and is still a gamble. On top of that, why spend the money only to have your competitor pick up the process just before you hit the market? Your competitor will be able to underprice you since he does not have to recover the development costs.

So the bottom line is that if we want to see any significant commercialization of these patents, we are going to have to grant some form of exclusivity.

It could be argued that the development of new goods and manufacturing processes will repay the Government for its R. & D. investment simply through new tax revenues. While this is true, this bill goes even further by providing for payments to the Government through the sharing of royalties or revenues. This recoupment provision will compensate the Government for its investment and prevent the contractor from achieving "windfall profits" at the expense of the taxpayers while still encouraging commercialization of the inventions.

H.R. 6933 is a balanced and fair bill which protects the interests of the Government while moving toward the utilization of patents arising from Federal R. & D. work. We are not protecting the interests of the American people by allowing the fruits of our R. & D. to go unused. The theory that what the public pays for belongs to the public is meaningless unless the public can make use of what it pays for. This is precisely what this legislation accomplishes and I urge the adoption of the bill.

Mr. RAILSBACK. Mr. Speaker, I yield so much time as he may consume to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I rise in strong support of H.R. 6933. This legislation incorporates a bill which I introduced early this Congress (H.R. 5075), which sets up a new and faster way to reexamine an issued patent. H.R. 6933 will establish a system by which any person at any time during the life of a patent will be able to bring to the attention of the Patent Office prior art patents and publications which the person believes has a bearing on the patentability of that patent. At the same time or later, that person or anyone else would be able to request the Patent and Trademark Office to reexamine the patent on the basis that the information it contains raises a substantial new question on patentability. In the absence of such a request, the Commissioner of Patents could initiate a reexamination on his own volition.

Under present law, only the patent owner can obtain a reevaluation of patent validity by the Patent and Trademark Office on the basis of newly discovered prior art. The Patent and Trademark Office has a special reissue for this purpose, but it cannot be initiated by a member of the public or even by the Patent and Trademark Office.

Members of the public today have only two ways of contesting patent validity, no matter how affected or concerned they may be about the validity of a particular patent. A person may either wait to be sued for patent infringement and then raise the defense of invalidity or, if a business interest is directly threatened, bring a declaratory judgment suit. Both of these remedies must be sought in Federal court, and they are almost always expensive, protracted, and uncertain as to outcome.

Testimony before the subcommittee indicated that use of the courts in a patent infringement case can cost a minimum of a quarter of a million dollars and, of course, it is not unusual for such litigation to be prolonged and cost in the millions of dollars. This places special hardships on small businesses and individual inventors—those least able to finance and await the outcome of litigation. Reexamination would provide a simpler, far less expensive, and prompter administrative procedure for evaluating the strength of newly discovered inventions.

The PTO expects between 1,000 and 3,000 reexamination proceedings each year. An estimate has been made of the expenses of conducting reexamination under the bill. The estimate was made by comparing reexamination procedures. However, the unique concepts involved in reexamination preclude a precise forecast. With this caveat, the Patent Office estimates that reexamination costs will average somewhere between $1,000 and $1,500 per proceeding. With the cost recovery required by this bill's fee provisions, reexamination will not impose any costs on taxpayers. I urge the Members to vote in favor of H.R. 6933.

Mr. RAILSBACK. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding. I have a question for the chairman of the committee concerning a potential increase in the patent fee. Apparently under the legislation before us the fee could be doubled because, as I understand it, the fee for a patent now covers only about 27 percent of the cost of administering that patent. Under the bill, the fee would be increased to cover approximately 50 percent of the cost administering the patent. Does that mean that the patent fee will double?

Mr. KASTENMEIER. If the gentleman from Ohio will yield, I would answer him.

Mr. MILLER of Ohio. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Yes, over the life of the patent. That is consistent with policy that has existed over the many, many years to try to make the amount we recoup on patent fees somewhat relevant to the costs of maintaining the Patent Office. We have not done very well recently. We have tried to make this somewhat more equitable or easier to meet the costs by what we call a maintenance fee so that the cost can be paid over the life of an effective patent rather than for, let us say, the inventor speculating at the outset that his patent may be worthy of such an investment.

In this respect, we have borrowed the European system, but I think the general effect of it is to make the increase in total fees, which we feel must be generated, somewhat easier for the patent applicant to bear.

Mr. MILLER of Ohio. One of my concerns is if the installment payment would be paid——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KASTENMEIER. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio.

Mr. MILLER of Ohio. I thank the gentleman from Wisconsin for yielding.

If the fee is to be made in four installments as proposed by this bill, it apparently means the patent fee will be extremely high. I am concerned that if inventors who are not with large corporations but are on their own come up with some new expertise or new technology, that they may not be in a position to afford to patent that idea. This may force them to merge with a large business. I have applied for and have received several patents. They have not been extremely expensive. I am concerned about independent inventors or small businessmen who will apply for patents in the future. If they cannot afford to pay the increase fee, will we be preventing them from helping us to develop new technologies that will enable the United States to compete with other nations?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 1 additional minute to reply to the gentleman from Ohio (Mr. MILLER).

I think in part what the gentleman's concern is based on is true. The cost of actually acquiring a patent at the outset will be no more. As a matter of fact, the committee rejected a much more costly, perhaps more rational but more costly, plan for the schedule we presently have. What we have done really is to say to the inventor, if your invention is worthy, is productive in subsequent years, then those fees, which you would rather not bear at the beginning but at subsequent periods of time, should be easier to pay than by any other method.

□ 1510

And in response, literally, to the gentleman's concern—and it is a fair concern—we try to organize the payment in the European method so that the small inventor can determine how useful his invention really is, does it have a payoff in subsequent years so that he can afford not a much larger initial fee payment but one which is graduated over a period of time. We have had to do it that way or not at all, literally.

Mr. MILLER of Ohio. May I ask the gentleman, are there any restrictions on fees?

As I understand it, this legislation would not increase fees more than twice in 3 years. But is it possible that we might have an extremely high increase and inventors would not be able to spend large sums of money on a patent?

The SPEAKER pro tempore. The time of the gentleman from Wisconsin (Mr. KASTENMEIER) has expired.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 1 additional minute.

Once in every 3 years, the Patent Office is able to raise the fee structure. I would say that during any period of time the Congress will maintain oversight over the Patent Office, whether it is independent or not, and would have to view the fees in terms of whether they are reasonable or not.

But we did want to get away from having to respond every other year or every period of time to the Congress setting the fees. So we did vest that authority in the Patent Office, subject to congressional oversight.

Mr. MILLER of Ohio. If the gentleman will yield, I feel the legislative history we have established here is good, inasmuch as the chairman has stated that the Congress will have oversight of the fees.

I thank the gentleman.

● Mr. HOLLENBECK. Mr. Speaker, I rise in support of H.R. 6933 to amend the patent and trademark laws. Our committee has held numerous hearings on the need to reform Federal patent policy, specifically as it affects patents growing out of federally funded R. & D.

Testimony before our committee indicates that commercialization of inventions for which there are no exclusive rights is approximately 1 percent, whereas for inventions for which a contractor retains exclusive rights to develop and market the invention, the commercialization rate is more nearly 20 percent. For this reason, I am a strong supporter of the general thrust of section 6 of this bill.

Section 6 serves two functions: First, it unifies Federal patent policies with regard to the results of federally funded R. & D. across all Federal agencies. Second, it grants contractors or research grantees an exclusive license to develop and market inventions growing out of this research.

Mr. Speaker, I am well aware of the charge being made by many that since the taxpayers paid for this research, they should get the rewards of any inventions growing out of it. Under the bill, the taxpayers will be recompensed through the recoupment provisions. However, if we continue along our present way with the extremely low current rate of commercialization, no one benefits because no commercialization occurs from which recoupment might be obtained. Furthermore, it is vitally important as a contribution to the reinvigorating industrial innovation that we increase the rate of commercialization of Government funded research and development. I have supported this principle many times on the floor and in activities of our Science, Research and Technology Subcommittee.

I must admit, however, Mr. Speaker, that this bill is not all that I might wish it to be. It is a product of compromise. I personally feel that the bureaucratic and administrative expenses of the licensing procedures proposed in this bill will more than outweigh the public return of this procedure.

I would prefer over the long run, therefore, to see us move toward a system of automatic granting of title to inventions growing out of Federal R. & D. rather than merely giving exclusive license on an ad hoc basis. I hope that perhaps next year we will have a chance to move further along the lines advocated in the bill reported out of our subcommittee and sponsored by my colleague, the gentleman from Pennsylvania (Mr. ERTEL). I am proud to note that I was also a cosponsor of that bill, H.R. 5715. In spite of the reservations I have expressed, I am still glad to see that many of the purposes and basic concepts of H.R. 5715 have been adopted.

Mr. Speaker, I would also like to praise this bill for its inclusion of a provision for reexamination of patents. Basically, this provision would permit any person to request the Patent Office to reexamine the validity of the claim of a patent on the basis of "prior art." Very often, for small businesses, someone will challenge a patent claim or someone has a potential rival invention and may wish to challenge an existing patent. As a result of the provision for reexamination, the potential conflict can be settled by the Patent Office itself in far shorter time and at far smaller expense to the challenger or to the patent holder than would be the case if the only recourse was through the court system. This provision will be of great benefit to small businesses for defending their patents. It will also speed up the elimination of invalid claims by patent holders and challenges by non-patent holders.

Mr. Speaker, in conclusion let me say that while this bill is not perfect, it contains many good points. I hope we can improve the limitations in the future, but I urge my colleagues to join me in supporting this bill now. It does indeed represent a large step forward in the direction of improving the uniformity and quality of our patent laws and will help to stimulate industrial innovation and economic productivity by increasing the commercial development of Federal R. & D. Thank you.●

The SPEAKER pro tempore. Does the gentleman from Illinois have any further requests for time?

Mr. RAILSBACK. No; I do not, Mr. Speaker.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 6933, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the patent and trademark laws."

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO CORRECT SECTION NUMBERS AND CROSS-REFERENCES IN THE ENGROSSMENT OF H.R. 6933

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers and cross-references in the engrossment of the bill, H.R. 6933.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 6933, just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

RESOLUTION ON AGE AS A FACTOR IN THE CONSIDERATION OF CANDIDATES FOR FEDERAL JUDGESHIPS

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 693) expressing the sense of the House of Representatives with respect to the policy of the Standing Committee on Federal Judiciary of the American Bar Association and the U.S. Department of Justice pertaining to potential nominees for lifetime Federal judgeships who, but for their age, might otherwise be found qualified.

The Clerk read as follows:

H. RES. 693

Whereas the Standing Committee on Federal Judiciary of the American Bar Association does not recommend an individual sixty years of age or older for an initial appointment to a lifetime Federal judgeship unless in excellent health and evaluated as "well qualified" or "exceptionally well qualified";

Whereas the Standing Committee on Federal Judiciary of the American Bar Association does not recommend an individual over sixty-four years of age for initial appointment to a lifetime Federal judgeship;

Whereas the Standing Committee on Federal Judiciary of the American Bar Association employs stricter criteria for considering district judges over sixty years of age for appointment to the courts of appeals;

Whereas the Attorney General of the United States is in general agreement with the policy of the Standing Committee on Federal Judiciary of the American Bar Association;

Whereas the policy of the Standing Committee on Federal Judiciary of the American Bar Association, as followed by the Attorney General of the United States, contradicts the spirit of the Age Discrimination in Employment Act Amendments of 1978 (29 U.S.C. 621 et seq.), and contradicts the spirit of the merit selection guidelines set forth in Executive Order 12059, pertaining to the selection of circuit judges, and Executive Order 12097, pertaining to the selection of district judges; and

Whereas the effect of the policy of the Standing Committee on Federal Judiciary of the American Bar Association, and the general concurrence with that policy by the Attorney General of the United States is to discriminate against qualified individuals solely on the basis of age: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Standing Committee on Federal Judiciary of the American Bar Association and the Attorney General of the United States immediately take all measures necessary to end discrimination against potential lifetime Federal judges who do not qualify solely as a result of arbitrary age barriers.

The SPEAKER pro tempore (Mr. KILDEE). Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. DANIELSON) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. McCLORY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks with respect to this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIELSON. Mr. Speaker, I wish to point out that House Resolution 693 before us is a sense of the Congress which expresses the sense of the House that the Standing Committee on Federal Judiciary of the American Bar Association and the U.S. Department of Justice dispense with their present position that no one should be appointed to a Federal judgeship who has passed the age of 64 years.

A measure, in almost identical language, was passed by the other body earlier this year, by a recorded vote of 97 to 0. At that time, the bill was passed by Senator DECONCINI of Arizona, joined by Senator KENNEDY of Massachusetts and Senator THURMOND of South Carolina.

The purpose of this resolution is simply to recognize the fact that in the past 50 years there have been some remarkable changes in the health and life expectancy of people, and there is no logical reason to prohibit the appointment of persons to the Federal bench solely as a result of arbitrary age barriers. I emphasize that last phrase, "solely as a result of arbitrary age barriers."

Quite obviously, if persons being considered are not qualified from a professional point of view, or if they are in failing health or in questionable health, those are good reasons for preventing the appointment of a person to the bench. But to prevent the appointment solely because of age barriers and for no other reason, I submit, is not in keeping with today's philosophy, is contrary to the facts of life.

Let me point out a few things. In the year 2000, which is just around the corner, one-sixth of our population will be beyond the age of 60 years. Four percent of them, approximately, will be between the ages of 60 and 64, and more than 12 percent will be beyond the age of 65 .

At the present time, history shows that 19 individuals have been nominated to the U.S. Supreme Court after age 60, including Oliver Wendell Holmes, Louis Brandeis, William Howard Taft, and Charles Evans Hughes. Incidentally, Charles Evans Hughes was put on the Supreme Court at the age of 68, and he served for a decade thereafter with an admirable record. Seventy-one Justices have served past the age of 65. Thirty-one Justices served past the age of 75. Ten Justices served past the age 80. Justice Holmes served until he was past 90 years of age. Marshal Tito headed the Yugoslavian Government at the age of 87. Konrad Adenauer, one of the most outstanding leaders of postwar Europe, was an active and vigorous President of the West German Republic at the age of 88. Prime Minister Churchill was 80 years of age when he served as Prime Minister of England.

There are persons 40 and 50 years of age who are not in good mental or physical condition, and then there are persons of 80 and 90, and possibly even older, who are in excellent health. And I might point out that the people of America have just demonstrated that they have no prejudice because of age. We have just nominated, we have just elected as our President-elect, Ronald Reagan, who is now 69 years of age, full of vigor, believe me. His birthdate is February 6, 1911, and he will be 70 years of age before he has been President for 1 month. I respectfully submit that he will do a very energetic job as our President.

Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I am only 80, but perhaps I can make a statement similar to that which the gentleman just made. I commend our distinguished President-to-be upon aspiring to that exalted office with all of the obligations that it imposes and indicating to the world that age in America is not the criterion of either excellence or ability to perform a job. So we wish our new 70-year-old President well.

Mr. Speaker, I rise in strong support of House Resolution 693, which disapproves the current practice of disqualifying candidates for Federal judgeships simply because of an arbitrary age barrier.

At present, the American Bar Association Standing Committee on Federal Judiciary maintains outdated and baseless age criteria as factors in the selection of candidates for appointment to the Federal judiciary. The ABA will not recommend for an initial appointment to a Federal judgeship any individual who has reached his or her 64th birthday. An individual who is 60 years of age or older, but not yet 64 must be evaluated by the ABA as "well qualified" or "exceptionally well qualified" and be in excellent health. This policy is endorsed by the Department of Justice.

In view of the commitment of Congress to eradicate all forms of age discrimination, this policy must be viewed as a curious anomaly. Such a policy is divorced from our American values of fairness and justice. Surely a 63-year-old individual with the wisdom, insight, and sensitivity to serve as a Federal judge is not magically stripped of these qualities at the stroke of midnight on his 64th birthday. By subscribing to this outmoded view, the policy of the ABA is also divorced from reality.

It is doubly ironic that age restrictions apply to the Federal judiciary, which is, of course, charged with the responsibility for interpreting and applying Federal statutes prohibiting age discrimination in employment. Retaining the obsolete age policy governing the appointment of Federal judges hardly befits the Government as a model of equal opportunity employment. This policy suggests to employers and to the public that "We in the Government are getting rid of these older people, why don't you do the same?"

I would briefly touch on the overwhelming weight of research on aging which clearly demonstrates that advancing age cannot be equated with poor health or poor job performance. Life expectancy has increased dramatically during this century due to profound medical advances which have improved the health of older Americans. As a result, those over 60 today are in much better health than their counterparts were 50 years ago. Furthermore, the notion that intellectual functioning declines steadily with age has been clearly refuted. A recent Department of Labor study even cited the increased experience of older workers as a factor in their superior job performance.

Many of our Nation's greatest jurists have made landmark contributions to American law for years beyond their 60th birthdays. Their contributions would not have been possible had the archaic and arbitrary age-restricted appointments policy been applied to the Supreme Court. It is worth noting that the particular experience and wisdom that older justices have brought to the Court provide a powerful argument on behalf of eliminating age criteria for all Federal judges.

In short, Mr. Speaker, there is simply no evidence to support the contention that those over age 60 are necessarily less fit. Any policy which sets arbitrary age limits for entry to or exit from any occupation flies in the face of scientific evidence as well as human values. Adoption of this resolution serves notice to the ABA and the Department of Justice that Congress will no longer tolerate age discrimination in our judicial system.

Mr. DANIELSON. Mr. Speaker, I might add that if anybody feels that age 80 is a barrier to energetic performance, I say: Tell that to the distinguished gentleman from Florida (Mr. PEPPER), whom I have had the honor of knowing for 40 years.

□ 1520

I want to conclude my remarks very shortly by simply pointing out that this resolution has been coauthored by 28 Members of the House of Representatives, and enjoys the enthusiastic support of the House Select Committee on Aging. Lest we forget, on September 8 of this year, this Congress, this House of Representatives, passed a bill removing the age limit for judges on appointment to the Tax Court.

Mr. Speaker, I reserve the balance of my time.

Mr. McCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 693, which is based on notions of basic fairness. House Resolution 693 would express the sense of the House of Representatives that the Standing Committee on the Federal Judiciary of the American Bar Association and the Attorney General of the United States immediately take all measures necessary to end discrimination against potential full-time Federal judges, who do not qualify solely as a result of arbitrary age barriers.

As the gentleman from California has pointed out, this policy contradicts the spirit of the Age Discrimination in Employment Act Amendments of 1978, and the spirit of Executive Orders 12059 and 12097 pertaining to the selection of Federal circuit and district judges respectively. In my opinion, this policy deprives the Federal bench of some of the most qualified and experienced individuals solely on the arbitrary basis of age. House Resolution 693 enjoys support of the chairman of the Select Committee on Aging, the gentleman from Florida (Mr. PEPPER), as well as the chairman of the Subcommittee on Human Resources, the gentleman from New York (Mr. BIAGGI). I urge my colleagues to agree with House Resolution 693.

Mr. Speaker, at this point I am happy to yield such time as he may consume to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is with a great deal of trepidation that I rise in opposition to this resolution. I have to admit that I would feel a whole lot better about it if somebody under 60 years of age were supporting it, but nevertheles I do think we can approach it on the merits of the resolution as it is offered to us. What we are saying today is, we are trying to turn back a policy decision of the American Bar Association. Here is what the policy is:

> An individual 60 years of age or older is not recommended for an initial appointment to a lifetime Federal judgeship.

A lifetime Federal judgeship, that is what we are talking about—a lifetime appointment for the remainder of the life of that person. That is article 3, the requirement. Lifetime means forever. That means that once one is appointed a judge, as long as he serves, he is receiving the full salary of a Federal judge. Let me read further:

> An individual 60 years of age or older is not recommended for an initial appointment to a lifetime Federal judgeship unless in excellent health.

One in excellent health. Now, is that too much to ask, that if we are going hellbent to appoint a 60-year-old man to the Federal bench, that he be in good health and evaluated as well qualified or exceptionally well qualified? That is all the policy is. He has got to be healthy; he has got to be well qualified.

Now, what is wrong with that? Is that asking too much? That is the policy of the American Bar Association. That is the policy supported by the Department of Justice, the present Attorney General, and I cannot speak for the next one, but I know he is coming.

I quote:

> In no event are persons over 64 recommended for initial appointment.

Now, that is all this policy is. We are talking about appointing people to lifetime jobs, full time, full salary, for the remainder of their lives; and we are saying that they ought not be appointed to such a job when they are over 64 years of age. This is the position of the American Bar Association. It is endorsed by the Department of Justice.

The problem I have with overturning this policy in this manner is, No. 1, I do not think it is any of our business in the House of Representatives. We are not part of the appointing process; we are not part of the approval process; and we are not part of the selection process. But, leaving that aside, the thing that really disturbs me is that it may well prove to be very costly if we start naming older people to Federal lifetime appointments. Let us assume that an individual is appointed to the Federal bench—pick a number—at age 64, under the age of 64 but within this age policy, with the required good health and exceptionally well qualified.

Of course, from the moment he is appointed he can retire at any time, but let us assume that he does not retire immediately, that he serves for 4 years before he retires. Under our statute now, he is entitled to one-half his salary on a noncontributory retirement basis for the remainder of his life. So, if he serves after his appointment for the remainder of his life, of course, he is entitled to the salary for that for the rest of his life. If he serves 10 years, he is entitled to his salary in full for the remainder of his life.

When we talk about longevity, bear in mind how many years we are talking about. But, if he serves, he gets full salary for those 10 years. But, of course, if he serves less than 10 years—and chooses to retire, then of course under the statute he is entitled to one-half of the salary of that office. That is a tremendous obligation for the Federal Government to undertake.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. BUTLER. I hope the gentleman is not sensitive——

Mr. McCLORY. I wanted to ask a question.

Mr. BUTLER. I am not referring to the gentleman from Illinois.

Mr. McCLORY. I am not looking for a judicial appointment. I just wanted to ask the gentleman if the argument the gentleman is making should not be addressed to the retirement program we have for the judiciary instead of to the question of whether or not we discriminate against judicial appointments on the basis of age, because what the gentleman is indicating in his argument is that the retirement benefits are too high and too generous, and the salary schedule may be too generous with regard to Federal judges. The only thing I can think of is that I think it rather presumptuous on our part to speculate here as to the length of human life, and if we are in such a position that we can say that a person in good health is going to live forever, as the gentleman indicates, that is quite a prophecy.

Mr. BUTLER. I thank the gentleman, but I certainly do not think it is presumptuous to speculate on human life since there is a whole profession, known as actuaries, who make that their living. But, we recognize, of course, that once a man is appointed to the Federal bench we cannot change his retirement benefits. That is constitutional, and I am sure the gentleman is aware of that.

But, the point I would wish to make here is, here we have a man appointed at age 60 for his lifetime who has a right to retire at that moment. If he served less than 10 years, he gets half his salary. Assuming he serves 4 years, it takes at least 2 years for a Federal judge to really get trained into the job, at tremendous expense in training him. I will have to admit that I have seen some for 15 years that have not been broken in fully. But, as a factual matter, it takes a while to train a Federal judge. We would not be giving a very good deal to the taxpayers. We will be, in effect, providing this individual who chooses to be appointed at age 64 and retires at age 68, which would be reasonable, and probably providing him 15 years of retirement benefits in exchange for 4 years of service, at least half of it spent learning the job.

□ 1530

That is expensive. That is too much. Now, I do not think it is too much to ask for an individual 60 years of age or older seeking a Federal judgeship to be in excellent health and well qualified. That is the present policy, and I think we ought to stick to it.

It is my understanding that the reason this policy was adopted in the first place was to prevent Senators from placing friends on the Federal bench and then having them retire after a short time because of physical or mental disability, which would entitle them to these noncontributory retirement benefits for the rest of their lives. Of course, most of the recently retired Senators are not in danger of being appointed to the Federal bench immediately, so I do not think that is a real risk. However, as a policy, I think it is a dangerous thing for us to do.

If we overturn this policy of the American Bar Association by agreeing to this resolution, we will be providing a costly, free ride for many individuals. I think it is a mistake.

Mr. Speaker, once more, I apologize to the gentleman from Illinois (Mr. McClory). I understand your extreme sensitivity about this point, and I am sorry that I raised the point.

Mr. McCLORY. Mr. Speaker, if the gentleman will yield, I am sensitive on behalf of all older Americans who might be fully qualified for the bench but against whom there might be discrimination.

Mr. BUTLER. The gentleman does not have anyone in mind, does he?

Mr. McCLORY. I would like to have the gentleman yield his time back to me at this time, if he would, and then I will yield to the gentleman from Arkansas (Mr. Hammerschmidt) for 3 minutes.

Mr. BUTLER. Mr. Speaker, may I yield to the gentleman from Ohio (Mr. Miller)?

Mr. McCLORY. Mr. Speaker, I yield to the gentleman such time as he might require.

Mr. BUTLER. Certainly I will give the gentleman back his time.

Mr. McCLORY. I am withdrawing it. I have an obligation to yield to the gentleman from Arkansas (Mr. Hammerschmidt) for 3 minutes.

PARLIAMENTARY INQUIRY

Mr. MILLER of Ohio. Mr. Speaker, I have a parliamentary. inquiry. Does the gentleman from Virginia not have the time?

The SPEAKER pro tempore. The gentleman has about 10 minutes left of his time.

Mr. MILLER of Ohio. That is the gentleman from Virginia, as I understand, Mr. Speaker.

Mr. McCLORY. Mr. Speaker, I yielded such time as he might consume. He is finished consuming his time.

Mr. MILLER of Ohio. The parliamentary inquiry is: Since the gentleman has yielded such time as he might consume to the gentleman from Virginia, does the gentleman from Virginia not still have the time? I asked the gentleman to yield.

Mr. McCLORY. I have asked the gentleman to yield back his time.

The SPEAKER pro tempore. The gentleman asked him to yield back his time.

The gentleman from Arkansas (Mr. Hammerschmidt) is recognized for 3 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of House Resolution 693.

A little over 2½ years ago, this body overwhelmingly passed the age discrimination in employment amendments, which abolished mandatory retirement for most Federal employees and extended protection for private sector workers to age 70. It is in this same spirit that my colleagues and I on the Select Committee on Aging are urging the adoption of this resolution. Our agreement to this measure would put the House on record in opposition to the American Bar Association and Justice Department judicial selection process which, regardless of the so-called practical justifications put forth in its behalf, amounts to discrimination on the basis of age.

The House as a body has respectfully refrained from intervening in the appointment of Federal judges. However, I believe that we are compelled to bring pressure to bear on the ABA for the dual standard it applies to candidates on either side of the age 60 dividing line and on the executive branch for its adherence to that policy in making its final appointments to the bench.

An examination of some of the facts about aging and performance reinforces, in my own mind, my support for this resolution. Studies have shown that older workers can produce "a quality and quantity of work equal or superior to younger workers;" that older workers have as good and frequently better attendance records than younger employees; and that chronological age alone is a poor indicator of ability to perform a job—for neither judgment, intelligence, nor productivity decline when one reaches 60, 65, or any other specific age.

We do not want to deceive ourselves or the public by not recognizing that aging does bring with it certain decrements—in such areas as strength and reaction time. These limitations, I believe, would in no way jeopardize judicial functioning and would be further outweighed by the experience that qualified older judges would bring with them to the court. Joseph Joubert, an 18th century essayist expressed this very well when he said:

> Old age takes from the intellectual man no qualities save those which are useless to wisdom.

We are depriving our country and our judicial system when we reject keen minds simply because they are housed in older bodies.

Mr. Speaker, I yield back the balance of my time.

Mr. McCLORY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding.

The retirement pension for our approximately 700 Federal judges allows them full salary pension. That is what is stated, as I recall, under 28 U.S.C. 371(b).

Mr. Speaker, my question is, if a judge is appointed, and it can be for political purposes, but if the gentleman is appointed at age 65, could he not serve 10 years until age 75 and receive his pension which would be equal to full salary?

Mr. McCLORY. I would say to the gentleman, yes, that is correct.

Mr. Speaker, if the gentleman would yield, if a Federal judge is appointed at a younger age and serves for 10 years, then he or she likewise could receive their full benefit. However, the chances are, though, that if appointed at a younger age, he or she would benefit for a lot longer period of time. Chances are we would not be paying too much retirement to a person who is appointed at age 65 who serves for 10 years. The judge's life expectancy would not be too great after age 75.

Mr. MILLER of Ohio. There would be full payment, I understand, full salary after retiring at age 75.

Mr. McCLORY. Mr. Speaker, if he retires before age 60, he has to serve 15 years. If he is appointed at age 65, he would have to serve 10 years.

Mr. MILLER of Ohio. That would be 10 years?

Mr. McCLORY. He would probably be an outstanding judge. We would probably get very good value from such a judge, I would think.

Mr. MILLER of Ohio. I think that the fact that full salary would be paid after 10 years is sufficient to vote no on this legislation.

Mr. McCLORY. Mr. Speaker, the other thing I would point out is that if there is something wrong with the salary and retirement provisions of the law, then we should amend those and not try to take care of that situation by an arbitrary discrimination against the appointment of fully qualified persons—solely on the basis of their age.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. MILLER) has expired.

Mr. McCLORY. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, as mentioned by the gentleman from Virginia, that is a change that would need to be made later. The law provides that once a Federal judge's salary is set it cannot be changed.

Mr. McCLORY. If the gentleman would yield, may I just say that we are not making any change in the law here. This is a sense of the Congress resolution. I think it is very valid. I think for us to continue age discrimination against judges who are extremely valuable to us and say corporate executives and all kinds of persons are not going to be subject to this kind of arbitrary treatment, it seems to me to be unconscionable.

I cannot understand anyone voting against this resolution which merely expresses a sense of the Congress against such an unfair type of discrimination.

Mr. MILLER of Ohio. I would like to state that I am only considering the taxpayers when I object to this legislation.

Mr. McCLORY. Mr. Speaker, we are not changing the tax laws. We are not adding to the tax burden, and there is no evidence that by appointing Federal Judges who are 65 years of age—or older, any added financial burden to our Government will occur.

Mr. MILLER of Ohio. Mr. Speaker, it is the amount of dollars that this bill will cost the taxpayer that I take issue with and my concern for the size of the Federal deficit.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. MILLER) has expired.

Mr. McCLORY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. FINDLEY) who is one of the sponsors of this type of legislation.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman for yielding this time to me. I congratulate him and the gentleman from Wisconsin (Mr. KASTENMEIER) on bringing this resolution to us. It is an important step.

In my judgment, it does not take enough of a step, and yet it certainly is in the right direction. I am in sympathy with the remarks made by the gentleman from Ohio (Mr. MILLER) about what I think are excessive pension provisions for Federal judges. Yet, it makes no sense for us to miss this opportunity to take a step forward in eliminating age discrimination simply because the pension provisions for judges are extravagant.

Mr. Speaker, we are very wise to take this step forward. It is completely in the spirit of the action of this Chamber about 3 years ago on the Age Discrimination Act. I am the author of H.R. 70, which seeks to raise even further the age below which people cannot be forced to retire just because of chronological age. Elimination of age discrimination is one of the important measures of civil rights advancement of recent years.

I salute my colleague from Illinois (Mr. McCLORY) for his part in this advance.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman from Illinois yield?

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. I would say to the gentleman that I, too, support increasing the age limit for people working for a living, but they do not receive full salary when they retire. The judges do, and that is what I am opposed to.

☐ 1540

Mr. FINDLEY. Mr. Speaker, I share the gentleman's concern.

Mr. DANIELSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I think it appropriate that someone under the age of 60 speak on behalf of this bill. I am not aware of the ages of the various people who have spoken today but I wanted to indicate two things: First, that I am under 60; and second, that I support this legislation very strongly.

All the legislation says on the last page is that age will not be used as the sole criteria for being appointed to the Federal bench. If a person is unhealthy or otherwise incompetent and that person happens to be 64 years old, that person will not and should not be nominated to the Federal bench.

Mr. Speaker, we have just nominated and elected a man 69 years of age who the American public obviously felt was competent and able to serve this country for at least 4 years and, perhaps, 8 years and the mere fact that he was over 60 years of age and was elected serves as a symbol to this country that you do not have to go out to pasture regardless of whether you are a Federal judge or President of the United States if you are over 60 years old. Health technology in America is making it so that you can live longer and more productively all the time.

Mr. Speaker, we have not only lifted mandatory retirement laws all over this country, both State and Federal, but now I see the Reagan administration is considering raising the retirement age for full social security benefits. All I am saying is if you have a competent, able individual and that person is over 60 years of age, age alone should not be the only criteria to decide whether he or she is qualified.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I will be happy to yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding. I commend the gentleman upon his statement. I must admit that I am over 60, even though I know I do not appear to be over 60.

Mr. GLICKMAN. I appreciate the gentleman's candor and I yield back the balance of my time.

Mr. DANIELSON. Mr. Speaker, I will conclude simply by saying that among the list of 28 authors of the resolution are many who have not reached the age of 60. In fact, one of the youngest and most energetic of our Members, the gentleman from New York (Mr. DOWNEY), who looks like an Eagle Scout, is one of the sponsors of this bill. I also wish to point out that in yesterday's paper, it was reported that the incoming Reagan administration plans to raise our prevailing retirement ages.

The story reads:

> [From the Washington Post, Nov. 15, 1980]
>
> REAGAN TEAM TO URGE OLDER RETIREMENT AGE
>
> A Reagan task force on Social Security will urge that eligibility age for getting the retirement benefits be gradually raised from 65, the task force chairman said yesterday.
>
> Economist Rita Ricardo Campbell of the Hoover Institution declined to discuss the details, but she said, "It's true we've recommended some age postponement . . . The task force will come out that way."
>
> Other sources on the task force said the group tentatively has agreed that retirees eventually should be at least 67 and possibly 68 to get full Social Security benefits.
>
> Campbell said that unless the age is raised gradually, the changes in benefits could be inequitable among workers born soon after each other.
>
> The task force report is still tentative, with the nine members still reviewing drafts. A final version will be presented to Reagan and his economic team in December or early January.
>
> Two sources on the task force said the group also will recommend holding down the long-term costs of the system by switching from a wage index to a price index in computing retirees' initial benefits. The panel also discussed possible alternatives to the consumer price index for determining annual cost-of-living increases. One alternative would be to make the annual increase by using either an index of prices or wages, whichever was lower that year.
>
> The task force also is suggesting improving benefits for working wives, which would cost more.

Mr. Speaker, in conclusion, I would like to thank all of my colleagues for participating, bearing in mind this relates only to using arbtirary age barriers solely as a bar. Obviously, if someone is ill, incapacitated, in frail health or otherwise is unqualified, he or she should not be appointed. However, given good health and other qualifications, age standing alone should not be a barrier.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. ROYBAL. Mr. Speaker, I want to express my full support for House Resolution 693, which calls for the end of age discrimination in the appointment of lifetime Federal judges.

Presently, the American Bar Association will not recommend for an appointment to a lifetime Federal judgeship any individual who has reached the age of 64. In addition, any individual who is 60 years and older cannot be considered for a judgeship unless the ABA evaluates him or her to be "well qualified and be in excellent health." This discriminatory policy is supported and endorsed by the Justice Department.

I want to remind the Members of the House that the endorsement of this policy by the Justice Department blatantly contradicts provisions of the Age Discrimination in Employment Act Amendments of 1978, which eliminated mandatory retirement for most Federal workers. It also contradicts Executive Orders 12059 and 12097, which relate to the selection of Federal, circuit, and district judges.

Recent hearings conducted by our Select Committee on Aging confirmed how wrong this policy is, and how it discriminates solely on the basis of age in the selection of otherwise extremely well-qualified individuals for Federal judgeships.

We take pride in our judges for the wisdom and years of experience they represent and we must continue to insure that all persons who are qualified and able be considered and selected to interpret the laws of our land. By discriminating against potential judges because of their age, we are denying the people of this country the years of experience and the wisdom that comes with time, both of which are considered essential qualities of judges.

As a cosponsor of House Resolution 693, I urge your support so that we may express our sense of outrage at this discriminatory policy.

● Mr. BIAGGI. Mr. Speaker, as an original member of the House Select Committee on Aging I rise in strong support of House Resolution 693, which expresses the sense of Congress in opposition to age discrimination being practiced by the Federal judiciary.

Most mandatory retirement practices for persons aged 65 were abolished under the terms of the landmark Age Discrimination in Employment Act Amendments of 1978, legislation I was proud to have cosponsored. The law did provide some exemptions but they were largely limited to those persons who were employed in so called "high risk" occupations.

However, during hearings which our Select Committee on Aging conducted earlier this year, we learned that the standing committee on Federal judiciary of the American Bar Association will not recommend for an initial appointment to a lifetime Federal judgeship any individual who has reached his or her 64th birthday. Further, for candidates between the ages of 60 and 64, the ABA must closely evaluate their health and deem it to be excellent before approval.

This practice as contradictory as it is to the spirit and intent of the Age Discrimination Act is in fact endorsed by the Justice Department which has the responsibility to enforce all Federal laws. The Federal judiciary should be setting the positive not the negative example in this area. The same arguments which were raised so successfully at the time that mandatory retirement was ended are applicable here as well. Why should it be that chronology should supersede competency as a criterion for employment? Where has it been demonstrated that a person loses his mental faculties upon the achievement of their 64th or 65th birthday? Age discrimination should be fought against as vigorously as all other forms of discrimination. All vestiges of it should be ended and there is no better place to weed it out than the Federal judiciary.

This resolution is an important statement of policy by this Congress. It puts us on record as not accepting age discrimination in the Federal judiciary. It does place us in the position of acknowledging the inimical nature of present selection policies for Federal judges with the law of the land.

As I have so often in the past, let me pay tribute to perhaps the best living example of why mandatory retirement is a fallacy—CLAUDE PEPPER—our 80-year-old chairman of the House Select Committee on Aging. He has made abolition of mandatory retirement a veritable crusade in this Congress and enactment of this legislation today will be another major step forward.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and agree to the resolution, House Resolution 693.

The question was taken.

Mr. MILLER of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b), rule XXVII, and the prior announcement of the Chair, further proceedings on this motion will be postponed.

Does the gentleman from Ohio withdraw his point of order of no quorum?

Mr. MILLER of Ohio. Mr. Speaker, I withdraw the point of order.

GOLD STAR WIVES OF AMERICA

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 154) to incorporate the Gold Star Wives of America as amended.

The Clerk read as follows:

H.R. 154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. Gold Star Wives of America, a corporation organized and operating under the laws of the State of New York is hereby recognized as such and granted a Federal charter.

POWERS

SEC. 2. Gold Star Wives of America (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be, solely, that it is—

(a) organized and operated in the public interest, as a nonpartisan and nonprofit organization, with terms of membership and requirements for holding office within the organization which do not discriminate on the basis of race, color, religion, or national origin;

(b) organized and operated solely for patriotic, charitable, literacy, educational, scientific, or civic improvement purposes; and

(c) organized for those purposes stated in its articles of incorporation which are not inconsistent with any of the foregoing objects and purposes.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the articles of incorporation and the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority and in accordance with the laws of the States in which it carries on its activities.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. However, nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (Public Law 88-504; 78 Stat. 635; 36 USC 1101), is amended by adding at the end thereof the following:

"(52) Gold Star Wives of America".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding calendar year. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" means the several states, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

TAX EXEMPT STATUS—EXPIRATION OF CHARTER

SEC. 15. The corporation shall retain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to retain such status, or if it fails to comply with the provisions of this Act, the charter granted hereby shall expire.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. DANIELSON) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 154, as amended, a bill which grants a Federal charter to Gold Star Wives of America.

Gold Star Wives of America is a nonpartisan, nonprofit membership organization which does not permit any discrimination and it is open to survivors of all wars regardless of rank, race, or creed. It is organized and operated solely for charitable, patriotic, or civic improvement purposes. It publishes a quarterly national newsletter to convey information to its members. In order that membership can be extended to eligible widows without burdensome cost, the dues have been kept purposely low at the figure of $5 a year. In order to provide funds for patriotic memorials, donations to veterans hospitals, and charitable projects, the organization conducts fundraising projects. In this connection, the charter proposed in this legislation requires Gold Star Wives to maintain a tax-exempt status. There are no salaried officers or employees. National officers and committee chairmen are granted modest allowances for conducting their assignments. As a nationwide organization, its board of directors is elected by delegates selected by votes of members in the eight regions of the country.

The bill, as amended, requires Gold Star Wives to comply with the laws of New York as well as any State where it does business. The amended bill requires that the organization maintain its State incorporation and its tax-exempt status. Further, the bill, as amended, prohibits Gold Star Wives from engaging in any political activity. Thus, although it is intended that this organization will have the benefits derived from obtaining this Federal charter, it is not intended that this act shall contravene any applicable State law.

For these reasons, I urge the passage of H.R. 154, as amended.

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that all Members mav have 5 legislative days in which to revise and extend their remarks with respect to the bill, H.R. 154.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection

Mr. DANIELSON. Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 154, a bill to grant a Federal charter of incorporation to the Gold Star Wives of America. This fine organization consists of women whose husbands died while on active duty in the Armed Forces or who died subsequent to such service as a result of an injury or disability incurred in active duty.

The Gold Star Wives are a nonprofit, charitable, and patriotic organization. They provide a unique, national service that is not duplicated by any other federally chartered organization. Their principal service is that of providing advice, assistance, and emotional support to military widows and their children. Its current membership is approximately 1,700 such individuals.

The Subcommittee on Administrative Law and Governmental Relations held a hearing on H.R. 154 on June 16, 1980 and reported the bill, amended, on June 30, 1980. The full Judiciary Committee took favorable action on this measure on September 25, 1980. The Gold Star Wives are currently incorporated as a nonprofit organization under New York State law. They would be required to maintain their State charter under the terms of this bill. The Veterans Administration enthusiastically supports the enactment of this measure.

I urge my colleagues to suspend the rules and pass this very worthwhile piece of legislation.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of California. I will be happy to yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, this legislation will grant deserved and overdue recognition to an organization comprised of very gallant and heroic women. Since 1945, the Gold Star Wives of America have provided emotional support, information concerning veterans benefits and numerous other services to military widows and their families. Eligibility for membership in this patriotic organization is extended to women whose husbands either died on active duty or died as a result of a service-incurred injury or disability.

This is a nonprofit organization, which meets all the necessary criteria for the granting of a Federal charter of incorporation. The membership is national in scope and the services provided are unique. The Gold Star Wives have no salaried officers or employees. This is a genuine grassroots organization that relies exclusively on the volunteer efforts of its membership.

The Veterans' Administration supports enactment of this legislation and the Defense Department indicated to the Judiciary Committee that it had no objection to the granting of this charter. I fully endorse this appropriate recognition of an excellent organization. I urge the Members of this House to support H.R. 154.

Mr. MOORHEAD of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Speaker, I rise in support of H.R. 154, legislation granting a Federal charter to the Gold Star Wives of America. As one of the original sponsors of this bill when it was first introduced several years ago and a cosponsor of H.R. 154, I am pleased that the House is today considering the bill.

The members of the Gold Star Wives of America are widows of those men who died while serving in the U.S. Armed Forces, or who died as a result of service-connected disabilities. These women form a national service organization which has provided comfort to thousands of newly bereaved widows and their families, as well as help in understanding the survivor benefits to which they are entitled. Beyond offering personal comfort, the members of the group have sought to protect the widows and surviving children with their stalwart lobbying efforts here in the Congress in behalf of their membership.

The members of Gold Star Wives have also given generously of their time to work in veterans hospitals in communities throughout the country.

However, because the Gold Star Wives are not officially recognized by the United States Government, they are hindered in their efforts to be of assistance to new widows. Mrs. Geraldine Chittick, their national legislative chairman, has said:

> Efforts to make our organization known through survivor assistance officers at military installations have been refused on the basis of not being recognized as a reputable organization, while in other instances, contacts at military bases resulted in inquiries going to the Department of Defense regarding the reliability of Gold Star Wives of America. Our experience on these occasions would indicate that the only way our organization could acquire the respect and stature so necessary to conduct our activities is through Congressional recognition.

My observations of the work of this group of dedicated volunteers in my own State of New Jersey convinced me long ago of the organization's worthiness to be recognized by the Congress. I urge you to join with me in support of this legislation to grant a Federal charter to the Gold Star Wives of America. Without our support, Gold Star Wives will be hampered in their efforts to provide their invaluable assistance to newly bereaved widows and their families.

Mr. DANIELSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Speaker, I want it to be generally known that this measure represents a profile in patience for myself, for the committee, for the Gold Star Wives themselves and for the gentleman from New Jersey (Mr. FORSYTHE) who led this effort many years ago and successfully got the bill passed in the House of Representatives, only to see it reach its death in the other body.

Fortunately, this time the Senate, our companion body, has taken affirmative action on the bill. Our bill does a better lawyer-like job.

☐ 1550

We are grateful for the committee which handled this and shaped up the formula which brings charter legislation into the 20th century, the first time it has been updated and reformed; therefore, this and the subsequent legislation to follow will be an example for many years to come.

Mr. Speaker, many Vietnam widows are involved here, and for their own selves and for the widows who are sure to follow them, it is important that we do this for their morale purposes and also, to make the battle easier for those who will follow.

There is an old equitable maxim, Mr. Speaker, that says what should be done will be done. That has not been done in the past, for this organization did not receive equity, whereas Gold Star Mothers did and other organizations received it.

Even in the absence of a specific remedy, that equitable maxim said, "The right thing will be done." Today is the day.

I am grateful to this subcommittee for formalizing this charter bill, grateful to the House of Representatives for considering it; and I hope that we will pass it by a unanimous vote.

I thank the gentleman, and I yield back the balance of my time.

● Mr. BIAGGI. Mr. Speaker, as a cosponsor, I wish to rise in full support of H.R. 154 which would incorporate the Gold Star Wives of America. I am pleased that we can finally come forth with this legislation which will pay an appropriate tribute to one of America's great organizations.

The Gold Star Wives of America was incorporated in 1945 under the laws of my home State of New York to assist widows and children of those who died as a member of the Armed Forces of our country. The organization has members residing in all States and has 32 chapters in 20 States. Its total membership is 1,700.

All one has to do is read the articles of incorporation of the GSW to see that its main objective is to foster patriotism based on upholding the Constitution and working to instill a sense of individual obligation to community, State, and Nation.

H.R. 154 would grant a Federal charter to GSW to enable it to better render assistance to the families of deceased servicemen—especially from the Vietnam conflict. This legislation is simple and straightforward but important to a dedicated and loyal groups of Americans. Let us vote for H.R. 154 and allow the Gold Star Widows to continue their outstanding work.●

● Mr. BOLAND. Mr. Speaker, I would like to take this opportunity to express my enthusiastic support of H.R. 154. By granting a Federal charter to the Gold Star Wives of America, this bill will bring richly deserved recognition to the thousands of women who since 1945 have made the Gold Star Wives a truly great organization. More importantly, a Federal charter will help the Gold Star

Wives in carrying out their laudable activities in service to the widows of those who died while engaged in active military service.

No organization has been more worthy of congressional recognition than the Gold Star Wives of America. The unselfish dedication with which the Gold Star Wives have joined together to help military widows is without parallel. This dedication is perhaps best exemplified by one of my constituents, Mrs. Peggy Simonfy of Chicopee, Mass. Because Mrs. Simonfy has been a pillar of the Gold Star Wives of America, and an active supporter of this legislation, I would like to bring her story to the attention of my colleagues.

On January 7, 1971, Peggy's husband, Lt. Col. Jack Simonfy, USAF, was aboard a B-52C which crashed into Lake Michigan, killing Simonfy and eight others. Peggy had been a member of the Officer's Wives Club, and had been chosen Wife of the Year at Westover Air Force Base. Shortly, after her husband's death, Peggy's membership in the Officers Wives Club was changed to associate status. She joined the Gold Star Wives for friendship and support. She quickly became active in the organization which had helped her in time of need, and since then has dedicated herself to its preservation. She has helped countless military widows like herself cope with the loss of their husbands, and she has fought tirelessly to gain a Federal charter for the Gold Star Wives of America. The success of the Gold Star Wives is largely due to the herculean efforts of Peggy Simonfy and others who share her devotion to this great organization and its commendable work.

I urge my colleagues to approve H.R. 154, both to recognize the work of the Gold Star Wives of America and to promote the goals of this compassionate, hard working, and patriotic organization.●

Mr. DANIELSON. Mr. Speaker, I have no further requests for time.

Mr. MOORHEAD of California. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and pass the bill, H.R. 154, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 1179) to incorporate the Gold Star Wives of America, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as lows:

S. 1179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

Mrs. Sandi M. Robertson, P.O. Box 17213, East Station, Montgomery, Alabama 36117;

Mrs. Paula Muth, 1006 Sommerset Drive, Bellevue, New Brunswick 68005;

Mrs. Marie B. Palmer, 4294 Nimons Street, Orlando, Florida 32805;

Mrs. Rose Stalcup, 3057 Ursula Street, Aurora, Colorado 80011;

Mrs. Nevolia Wright, 4527 Lunsford Street, Columbus, Georgia 31903;

Mrs. Ruth C. Brown, 4835 New England Lane, Sylvania, Ohio 43560;

Mrs. Mary Galotta, 117 Pine Street, Lowell, Massachusetts 01851;

Mrs. Karen T. Sintic, 9519 Laramie Avenue, Skokie, Illinois 60077;

Mrs. Edith V. Knowles, Post Office Box 1703, Albany, Georgia 31702;

Mrs. Pauline T. Bartsch, 9 East Narberth Terrace, Collingswood, New Jersey 08108;

Mrs. Nela Boice, 2348 Paris Street, Aurora, Colorado 80010;

Mrs. Itelia Butler, Post Office Box 3943, Albany, Georgia 31706;

Mrs. Geraldine Chittick, Post Office Box 306, Frankfort, Indiana 46041;

Mrs. Joy Dove, 4224 Chowen Avenue, South, Minneapolis, Minnesota 55410;

Mrs. Jean Eastman, 1112 Rosemary Lane, Ozark, Alabama 36360;

Mrs. Marie Leadaman, 130 South Euclid Avenue, Oak Park, Illinois 60302;

Mrs. Rose Lee, 540 Lombardy Street, Arlington, Virginia 22203;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, Colorado 80220;

Mrs. Paula Muth, 1006 Somerset Drive, Bellevue, Nebraska 68005;

Mrs. Mary Ondrey, Post Office Box 101, Eatontown, New Jersey 07724;

Mrs. Peggy Simonfy, 107 Mandalay Road, Fairview, Massachusetts 01020;

Mrs. Ingrid Stewart, 138 Devonshire Drive, San Antonio, Texas 78209;

Mrs. Pauline Wright, 5545 Nolan Court, Arvada, Colorado 80002;

Mrs. Diane White, 1938 West Roselawn Avenue, Saint Paul, Minnesota 55113;

Mrs. Odessa Wycoff, 7209 North Hammond, Oklahoma City, Oklahoma 73132;

Mrs. Larue Yessen, 1099 East 51st Street, Brooklyn, New York 11234;

and their successors, are hereby created and declared to be a body corporate by the name of Gold Star Wives of America (hereinafter called the corporation) and by that name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act is authorized to complete the organization of the corporation by the election of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation;

(2) to honor the memory of those who made the supreme sacrifice in the service of our country;

(3) to safeguard and transmit to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died;

(4) to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country;

(5) to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage; and

(6) to aid, whenever necessary, widows and children of persons who died in the service of our country.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain, and defend, in any court of competent jurisdiction;

(2) to adopt, alter and use a corporate seal;

(3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the law of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may determine; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation, and for such purpose the corporation shall also have, in addition to the foregoing in this section and subsection, the rights, powers, duties, and liabilities of the existing corporation referred to in section 18 as far as they are not modified or superseded by this Act.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Montgomery, Alabama, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States and possessions of the United States.

(b) The corporation shall maintain at all time in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to vote in accordance with the constitution and bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall consist of the following persons:

Mrs. Edith V. Knowles, Post Office Box 1703, Albany, Georgia 31702;

Mrs. Pauline T. Bartsch, 9 East Narbeth Terrace, Collingswood, New Jersey 08108;

Mrs. Nola M. Boice, 2348 Paris Street, Aurora, Colorado 80010;

Mrs. Itelia Butler, Post Office Box 3943, Albany, Georgia 31706;

Mrs. Geraldine Chittick, Post Office Box 306, Frankfort, Indiana 46041;

Mrs. Joy Dove, 4224 Chowen Avenue, South, Minneapolis, Minnesota 55410;

Mrs. Jean Eastman, 1112 Rosemary Lane, Ozark, Alabama 36360;

Mrs. Marie Leadaman, 130 South Euclid Avenue, Oak Park, Illinois 60302;

Mrs. Rose Lee, 540 Lombardy Street, Arlington, Virginia 22203;

Mrs. Mickey Lovell, 862 Pontiac Street, Denver, Colorado 80220;

Mrs. Paula Muth, 1006 Somerset Drive, Bellevue, Nebraska 68005;

Mrs. Mary A. Ondrey, Post Office Box 101, Eatontown, New Jersey 07724;

Mrs. Peggy Simonfy, 107 Mandalay Road, Fairview, Massachusetts 01020;

Mrs. Karen T. Sintic, 9519 Laramie Avenue, Skokie, Illinois 60077;

Mrs. Ingrid Stewart, 138 Devonshire Drive, San Antonio, Texas 78209;

Mrs. Pauline Wright, 5545 Nolan Court, Arvada, Colorado 80002;

Mrs. Diane White, 1938 West Roselawn Avenue, Saint Paul, Minnesota 55113;

Mrs. Odessa Wycoff, 7209 North Hammond, Oklahoma City, Oklahoma 73132;

Mrs. Larue Yessen, 1099 East 51st Street, Brooklyn, New York 11234;

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen), shall be selected in such manner (including the filling of vacancies) and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finance.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board, a president, a vice president, a secretary, and a treasurer. The duties of the officers shall be as prescribed in the constitution and bylaws of the corporation. Other officer positions may be created as prescribed in the constitution and bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 16 of this Act. Nothing in this subsection, however shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of such loans shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

COMPREHENSIVE PRIVILEGES

SEC. 12. Such provisions, privileges, and prerogatives as have been granted heretofore virtue of their being incorporated by Con- to other national veterans' organizations by gress are hereby granted and accrue to the Gold Star Wives of America.

PROHIBITION AGAINST ISSUES OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any share of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The accounts of the corporation shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The reports shall not be printed as a public document.

LIQUIDATION

SEC. 16. Upon final dissolution of liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 17. The corporation shall have the sole and exclusive right to use the name Gold Star Wives of America. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the corporation referred to in section 18 in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 18. The corporation may acquire the assets of the Gold Star Wives of America, Incorporated, chartered as a nonprofit organization in the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHAPTER

SEC. 19. The right to alter, amend, or repeal this Act is hereby expressly reserved.

MOTION OFFERED BY MR. DANIELSON

Mr. DANIELSON. Mr. Speaker, I offer a motion.

The clerk read as follows:

Mr. DANIELSON moves to strike out all after the enacting clause of the Senate bill, S. 1179, and to insert in lieu thereof the provisions of H.R. 154, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 154) was laid on the table.

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL SKI PATROL BILL

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2279, to promote safety and health in skiing and other outdoor winter recreational activities, as amended.

The Clerk read as follows:

H.R. 2279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. National Ski Patrol System, Incorporated, a corporation organized under the laws of the States of New York and Colorado is hereby recognized as such and granted a Federal charter.

POWERS

SEC. 2. National Ski Patrol System, Incorporated (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the States where it is incorporated.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be to promote, in any and all ways, patriotic, scientific, educational and civic improvement activities, public safety in skiing, including, without limiting the generality of the foregoing, the dissemination of information with respect thereto and the formation of volunteer local patrols, consisting of competent skiers trained in the administration of first aid, for the purpose of preventing accidents and rendering speedy assistance to persons sustaining accidents; to solicit contributions of money, services, and other property for, and generally to encourage and assist in carrying out, the foregoing purposes in every way.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS: COMPOSITION: RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation and the election of such officers shall be the same as is provided for in the articles of incorporation of the corporation and in conformity with the laws of the State or States where incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS: INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. However, nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(5) National Ski Patrol System, Incorporated".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding calendar year. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX EXEMPT STATUS

SEC. 15. The corporation shall retain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to retain such status, the charter granted hereby shall expire.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. DANIELSON) is recognized for 20 minutes, and the gentleman from Illinois (Mr. MCCLORY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this bill is to recognize the National Ski Patrol by providing that they have a Federal charter. I invite the attention of the House to the committee report which has been filed in connection with the bill, Report No. 96-1396. I associate myself with the contents of that report and adopt it as my comments.

I reserve the balance of my time.

Mr. MCCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. MCCLORY. Mr. Speaker, as an avid over-60 skier, I am enthusiastically in support of this legislation. The measure is sponsored by a great many Members of this body, including primarily my distinguished colleague from the State of New York (Mr. KEMP), and I know that there is widespread support for this, not only among ski enthusiasts, but many others.

They perform many other services besides providing and promoting safety among skiers. They perform great public service for others who enjoy the great out-of-doors, especially during the winter months. They provide first-aid training and do many, many other jobs besides just aiding and rescuing skiers who are out on the ski slopes in the wintertime.

The corporation of the National Ski Patrol is incorporated in the State of New York and the State of Colorado and some other States, I believe. They will maintain their charter in the State of New York, as I understand it.

The organization operates already in 43 States, but principally the Western States, and the States of New York and New Hampshire and Vermont, and Maine and other States in the East where we have skiing as well as the great skiing areas of the great West.

I would like to yield at this time to the gentleman from New York (Mr. KEMP), who I regard as the principal sponsor of this measure.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Speaker, I would like to thank my colleague from Illinois, Mr. ROBERT MCCLORY, for his supportive statements on H.R. 2279, the bill granting a Federal charter to the National Ski Patrol System. He has been instrumental in the successful management of this charter request.

As a representative of western New York and its many fine ski areas, and a member of an avid skiing family, I am pleased to recommend to my colleagues this legislation which will help confer upon the National Ski Patrol System the recognition it assuredly deserves for a long record of distinguished public service.

The National Ski Patrol System is a nonprofit volunteer organization, the only volunteer organization in the country founded for the purposes of improving safety and rendering first aid on ski slopes, mountain recreational areas and wilderness areas without charge.

Throughout the 42 years of its existence the motto "Service and Safety" has never changed as the NSPS grew from a handful of volunteers to a national organization of 23,000. Currently the Ski Patrol is registered in 42 States rendering its services at over 900 resorts.

In addition to administering first aid care to thousands of skiers throughout the United States and Europe, the NSPS is responsible for rendering lifesaving aid to victims of nonski accidents such as drownings and auto accidents.

The National Ski Patrol System can also be credited with the pioneering efforts in avalanche control, fulfilling civil defense functions, organizing telecommunications in emergency situations, and conducting safety education programs.

I would like to emphasize that all NSPS service is without charge and H.R. 2279 does not authorize nor does it anticipate any Federal funds.

In brief, this legislation has met all the requirements for a Federal charter as established by the Subcommittee on Administrative Law and Governmental Relations, Committee on the Judiciary and the full Judiciary Committee.

Approximately 100 of our colleagues have expressed their support for a Federal charter for the NSPS. This bipartisan support represents over 35 States and is indicative of the national interest involved in the request for this Federal charter.

The Senate version, S. 43, as introduced by Senator ORRIN HATCH, passed the full Senate body in November 1979 with over 60 cosponsors.

I know that Mr. Donald Williams, national director of the National Ski Patrol System and the members of his organization have a close working relationship with the American Red Cross, the U.S. armed services, the U.S. Forest Service, the Soil Conservation Service, the National Weather Service, the National Park Service, the Boy Scouts of America, and various other law enforcement agencies throughout the country.

Mr. Speaker, by granting this Federal charter we are paying tribute to the spirit of community service and volunteerism in our country.

The members of the National Ski Patrol are truly reflective of this spirit and are deserving of the recognition associated with a Federal charter of this kind.

Mr. McCLORY. I thank the gentleman.

I again commend the gentleman on his leadership in this legislation.

I also want to state that there are some great ski areas out in California, including Squaw Valley, where I have skied several times.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Speaker, I would like to commend the gentleman and wonder if we could have unanimous consent to have Senator ROTH on as a coauthor. That is about as close to Kemp-Roth as we are ever going to get.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Idaho, home of the great Sun Valley ski area.

Mr. HANSEN. I thank the gentleman for yielding and for his kind recognition of my State's place in the world of skiing.

As a sponsor of this proposal I commend the gentleman from Illinois and the chairman of the committee and all those responsible, especially including the gentleman from New York (Mr. KEMP), for the success of this legislation.

I am very pleased to endorse its passage and want to invite everyone to the incomparable Sun Valley, as well as the many other fine comparable ski areas of Idaho.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I rise in support of H.R. 2279, which would grant a Federal charter to the National Ski Patrol System. As a cosponsor of this legislation, I am very pleased that it has come to the House floor for consideration today. Certainly the gentleman from New York (Mr. KEMP) and the gentleman responsible for moving similar legislation in the other body, Senator HATCH, are deserving of our commendation for focusing on this important issue. As you know, the Senate has passed its bill, S. 43, and I am hopeful that we can follow suit promptly.

The National Ski Patrol is a nonprofit organization which boasts a membership of 23,000 in this country. It is registered in 42 States and is incorporated in Colorado and New York. It also operates in Canada, and abroad, in Europe.

For years, now, the warm, familiar rust-orange, yellow, and blue colors of the patrol, like St. Bernards with casks of rum strapped around their necks, have spelled relief for skiers in distress. Running the risk of being accused of engaging in hyperbole, I might go so far as to liken the patrol to the 7th Cavalry galloping to the rescue. During the winter season, whether one is skiing at a resort out West or on our slopes here on the east coast, where the snow is firmer, faster and generally of superior texture and quality, the patrol is always on hand to offer advice on the difficulty of trails, to conduct ski lessons and organize races, to work in cooperation with Forest and Park Services and the Red Cross on avalanche control, and to provide first aid to injured skiers. The individual who has spent too much time at the lodge bar before going up the slopes, and sees a glade where there is but a single, slim birch, the man who waxes his beard to the bottom of his ski and the woman who falls onto the safety screen while attempting to board the chair, all of these people can count on the ski patrol to render them assistance. I know that at the many fine ski areas in my State of Vermont, the skill, expertise, and selfless dedication of the patrol has proved indispensable.

The bill before us today will give the patrol the recognition it so richly deserves, and will accord it the status which has already been extended to many of its sister, nonprofit organizations. As originally introduced, it would have also significantly reduced the paperwork required of the patrol at the State level. Although the version we are about to act on does not take this approach, and maintains compliance with State nonprofit report filing laws, I am hopeful that we can move in a responsible way toward reducing the regulatory burden on the patrol. Nonetheless, H.R. 2279 represents a constructive, positive step forward, and should boost fundraising efforts the system undertakes in the future. Certainly, Congress should do what it can to encourage the patrol. It meets the standards for the granting of a Federal charter, and I urge my colleagues, skiers, and nonskiers alike, to lend their vocal and unequivocal backing to this worthwhile legislation.

Thank you, Mr. Speaker.

Mr. McCLORY. I thank the gentleman.

I might say there are some great ski areas in the Middle West, too, in Wisconsin, Michigan, Minnesota, Iowa, Illinois, and also in the East we have skiing in New Jersey, and a great many other areas. We have had some great skiing in Virginia and West Virginia. I know North Carolina has ski areas, so it really is a nationwide sport and activity in which the Ski Patrol operates, and I want to commend the gentleman from California (Mr. MOORHEAD) for his leadership on the subcommittee in promoting this legislation.

Mr. GOLDWATER. Mr. Speaker, would the gentleman yield?

Mr. McCLORY. I yield to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Speaker, I rise in support of this legislation.

Skiing is a pastime enjoyed by many millions of Americans. The National Ski Patrol makes this experience orderly and safe. The National Ski Patrol, created around 1938, has grown over the years, with people volunteering their time, making up its membership.

They are professionals and make a meaningful and important contribution to the world of skiing.

□ 1600

Certainly this charter is important from the standpoint of giving this organization not only enhanced credibility, but also the flexibility to provide the kind of services that they do so well. It is an important piece of legislation and one that should be supported by Members of this Congress.

Mr. McCLORY. Mr. Speaker, I thank the gentleman.

I also want to mention that my favorite ski area is Alta, Utah, and I know the Senator from Utah, Senator HATCH, is a strong supporter and sponsor of this legislation. I am proud to be a cosponsor of this legislation and I am encouraged by the generous support expressed here on the floor of the U.S. House of Representatives today.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIELSON. Mr. Speaker, I yield such time as he may consume, not to exceed 2 minutes, to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the chairman for yielding.

With the floodgates thus opened for charters for various organizations, and this subcommittee has been commendably parsimonious in its handling of charters, I would like to inquire to the chairman whether we might possibly look forward in the next Congress to legislation coming forth to charter the submarine veterans of World War II who have applied for charter status. The gentleman has had my legislation on this issue pending before his subcommittee and has been very kind to give it some consideration in the past.

Some 52 submarines were lost during World War II. The submarine veterans of World War II have had an organization since the end of that great war and meet regularly each year. They continue to seek charter status similar to that of other veterans organizations. There are a considerable number of Members of the House who have cosponsored my charter bill. A companion bill to the House bill was reported out of the Senate committee.

I am just inquiring whether we might possibly find this legislation on the committee's agenda for the 97th Congress, if it is reintroduced next year.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the chairman.

Mr. DANIELSON. Well, I would say that the chances are that it would not be considered. Federal charters are, without question, the most useless thing that this body ever issues. They are not a charter. They are the equivalent of a commission in the Nebraska navy, a commission as a Kentucky colonel, or an Arkansas traveler.

I will concede that in a fit of benevolence the subcommittee allowed these two items to be passed this year; but in all honesty, I do not expect that the committee will suffer another such fit during the forthcoming Congress.

Mr. OBERSTAR. We have, therefore, perhaps seen the last of the charter legislation?

Mr. DANIELSON. God willing.

Mr. OBERSTAR. I am disappointed, but I thank the gentleman for his clarification.

Mr. DANIELSON. Mr. Speaker, I have no further requests for time.

I simply want to observe that this is probably the most ecumenical bill of the 96th Congress, which is fitting and proper at this point in the session.

I heard from no skiers from Arizona who slide down sand dunes, but we certainly have a lot of letters from the snowy areas of America.

In conclusion, I would like to point out that skiing is an energetic, wholesome, very active sport and there is no bar to skiing solely because the proposed skier may be 60 years of age.

● Mr. DERWINSKI. Mr. Speaker, the National Ski Patrol System provides first aid and rescue service free of charge to skiers at our major ski areas all over the country. It is a volunteer, nonprofit organization dedicated to skiing safety which works in coordination with the American Red Cross, the U.S. Forest Service, the Department of Transportation, and local law enforcement agencies.

This fine organization provides many important services in addition to first aid and rescue. It provides snow safety training, and has helped the Federal Government in developing avalanche control and forecasting methods.

The National Ski Patrol System meets all the stringent standards for the granting of a Federal charter, and I urge the House to approve this bill.●

Mr. DANIELSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and pass the bill, H.R. 2279, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 43) to promote safety and health in skiing and other outdoor winter recreational activities, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 43

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Ski Patrol System Recognition Act of 1979".

FINDINGS AND PURPOSES

SEC. 2. The Congress finds that—

(1) more and more Americans are taking up winter sports for both pleasure and exercise;

(2) there may be a direct correlation between citizens' enjoyment of skiing and winter sports and the presence of trained safety officials to enforce safety rules and render emergency aid;

(3) the National Ski Patrol System is the only volunteer organization in the country founded for this purpose having been established in 1938;

(4) the National Ski Patrol System has a national membership of over twenty-three thousand and chapters in forty-two States;

(5) the National Ski Patrol System has worked closely with Federal agencies as well as the American Red Cross to promote safety and assist in such operations as first aid, rescue, evacuation, and avalanche control;

(6) the National Ski Patrol has helped to foster friendly relations with other nations by its exchange of training information, and techniques; and that,

(7) the National Ski Patrol System has been exemplary in its dedication and effectiveness in insuring safety and as such was selected by the 1980 Winter Olympic Committee to provide Nordic Ski Patrollers for the 1980 Olympic games at Lake Placid, New York.

CORPORATION

SEC. 3. The following persons: J. Scott Grundy, Fairbanks, Alaska; Robert S. Morely, Saginaw, Michigan; Donald C. Williams, Birmingham, Michigan; Walter A. Gregg, Whitmore Lake, Michigan; Donald Page, East Greenbush, New York; James O. Hubbard, Carson City, Nevada; Dale Williamsen, Idaho Falls, Idaho; James Whitlock, Hamilton, Montana; Gary Burke, Bellevue, Washington; Larry Morris, Arvada, Colorado; David P. Dillard, Summerfield, North Carolina; William Bozack, Moretown, Vermont; Audrey Adams, Burlington, Wisconsin; Hilbert H. Finn, Pittsfield, Massachusetts; Carrington B. Day, Saginaw, Michigan; Robert D. Hall, Old Forge, New York; Marlen Guell, Spokane, Washington; Donald Bushey, Clausen, Michigan; Tyler Davis, Uniontown, Pennsylvania; Robert Ashcraft, Long Beach, California; Robert Hoffman, San Jose, California; Lou Livingston, Boulder, Colorado; Donald L. Dietsch, Boise, Idaho, and their successors, are created and declared to be a body corporate by the name of the National Ski Patrol System, Incorporated (hereafter in the Act referred to as the "corporation"), and by such name shall be known and have perpetual succession, and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 4. A majority of the persons named in section 3 of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary to carry out the provisions of this Act.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 5. The purposes of the corporation shall be to promote, in any and all ways, public safety in skiing, including, without limiting the generality of the foregoing, the dissemination of information with respect thereto and the formation of volunteer local patrols, consisting of competent skiers trained in the administration of first aid, for the purpose of preventing accidents and rendering speedy assistance to persons sustaining accidents; to solicit contributions of money, services, and other property for, and generally to encourage and assist in carrying out, the foregoing purposes in every way.

CORPORATE POWERS

SEC. 6. (a) In furtherance of the corporate objects and purposes, the corporation shall have power—

(1) to sue and be sued, complain and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers and employees as its business may require and define their authority and duties;

(4) to adopt and amend bylaws, not inconsistent with this Act or any other law of the United States or any State in which it is to operate, for the management of its property and the regulation of its affairs;

(5) to make and carry out contracts;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to acquire by purchase, lease, or other legal means, such real or personal property, or any interest therein, wherever situated, necessary or appropriate for carrying out its objects and purposes and subject to the provisions of law of the State in which such property is situated (A) governing the amount or kind of real or personal property which similar corporations chartered and operated in such State may hold, or (B) otherwise limiting or controlling the ownership of real or personal property by such corporations;

(8) to transfer, lease, and convey real or personal property;

(9) to borrow money for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject to all applicable provisions of Federal or State law; and

(10) to do any other acts necessary and proper to carry out its objects and purposes.

(b) For the purpose of this section, the term "State" includes the District of Columbia.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 7. (a) The principal office of the corporation shall be located in Denver, Colorado, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation. Service upon, or notice mailed to the business address of, such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP

SEC. 8. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as set forth in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 9. (a) Upon the date of enactment of this Act the membership of the initial board of directors of the corporation shall consist of the following named persons: J. Scott Grundy, Fairbanks, Alaska; Robert S. Morley, Saginaw, Michigan; Donald C. Williams, Birmingham, Michigan; Walter A. Gregg, Whitmore Lake, Michigan; Donald Page, East Greenbush, New York; James O. Hubbard, Carson City, Nevada; Dale Williamsen, Idaho Falls, Idaho; James Whitlock, Hamilton, Montana; Gary Burke, Bellevue, Washington; Larry Morris, Arvada, Colorado; David P. Dillard, Summerfield, North Carolina; William Bozack, Moretown, Vermont; Audrey Adams, Burlington, Wisconsin; Hilbert H. Finn, Pitsfield, Massachusetts; Carrington B. Day, Saginaw, Michigan; Robert D. Hall, Old Forge, New York; Marlen Guell, Spokane, Washington; Donald Bushey, Clausen, Michigan; Tyler Davis, Uniontown, Pennsylvania; Robert Ashcraft, Long Beach, California; Robert Hoffman, San Jose, California; Lou Livingston, Boulder, Colorado; Donald L. Dietsch, Boise, Idaho.

(b) The initial board of directors shall hold office until the first election of a board of directors. The number, manner of selection (including filling of vacancies), term of office, and powers and duties of the directors shall be set forth in the bylaws of the corporation. The bylaws shall also provide for the selection of a chairman and his term of office.

(c) The board of directors shall be the governing board of the corporation, and a quorum thereof shall be responsible for the general policies and programs of the corporation and for the control of all funds of the corporation. The board of directors may appoint committees to exercise such powers as may be prescribed by the bylaws or by resolution of the board of directors.

OFFICERS; ELECTION OF OFFICERS

SEC. 10. The officers of the corporation shall be those provided in the bylaws. Such officers shall be elected in such manner, for such terms, and with such duties, as may be prescribed in the bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 11. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement of actual necessary expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 12. The corporation and its officers and directors as such shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 13. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 14. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 15. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 16. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(50) National Ski Patrol System, Incorporated".

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 17. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME

SEC. 18. The corporation shall have the sole and exclusive right to use the name "National Ski Patrol System, Incorporated". Nothing in this section shall be construed to interfere or conflict with established or vested rights.

ANNUAL REPORT

SEC. 19. The report shall be made available to the appropriate State officials and if accepted by a State, shall be counted as fulfillment of the State's reporting requirements. In addition, officers and directors of the corporation shall furnish to the Congress on call other information which may be desired at any time.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 20. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

MOTION OFFERED BY MR. DANIELSON

Mr. DANIELSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DANIELSON moves to strike out all after the enacting clause of the Senate bill, S. 43, and to insert in lieu thereof the provisions of H.R. 2279, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2279) was laid on the table.

GASOHOL COMPETITION ACT OF 1980

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7873) to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol, as amended.

The Clerk read as follows:

H.R. 7873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gasohol Competition Act of 1980".

SEC. 2. The Clayton Act is amended by renumbering the present "SEC. 26" as "SEC. 27", and inserting the following new section as section 26:

"SEC. 26. It shall be unlawful for any person engaged in commerce, in the course of such commerce, directly or indirectly to impose any condition, restriction, agreement, or understanding that—

"(i) limits the use of credit instruments in any transaction concerning the sale, resale, or transfer of gasohol or other synthetic motor fuel of equivalent usability where there is no similar limitation on transactions concerning such person's conventional motor fuel: *Provided,* That nothing in this section or in any other provision of law in effect on the date of enactment of this Act and which is specifically applicable to the sale of petroleum products, shall preclude such person from imposing a reasonable fee for credit on the sale, resale, or transfer of the gasohol or the other synthetic motor fuel if such fee equals no more than the actual costs to such person of extending that credit; or

"(ii) otherwise unreasonably discriminates against or unreasonably limits the sale, resale, or transfer of gasohol or other synthetic motor fuel of equivalent usability where such synthetic or conventional motor fuel is sold for use, consumption, or resale within the United States or any territory thereof or the District of Columbia, or any insular possession or other place under the jurisdiction of the United States: *Provided,* That the prohibitions in this section shall not apply to any person who makes available sufficient supplies of gasohol and other synthetic motor fuels of equivalent usability to satisfy his customers' needs for such products, if the gasohol and other synthetic fuels are made available on equivalent terms and conditions as are available on such person's conventional motor fuel products: *Provided further,* That nothing in this section shall—

"(a) preclude such persons from requiring reasonable labeling of pumps dispensing the gasohol or the other synthetic motor fuel to indicate, where appropriate, that such gasohol or other synthetic motor fuel is not manufactured, distributed, or sold by such person; or

"(b) preclude such person from issuing appropriate disclaimers of product liability for damage resulting from use of the gasohol or the other synthetic motor fuel; or

"(d) require such person to furnish or pro-

"(c) require such person to provide advertising support for the gasohol or the other synthetic motor fuel; or

vide, at such person's own expense, any additional pumps, tanks, or other related facilities required for the sale of the gasohol or other synthetic motor fuel.".

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. Hughes) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. Kindness) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. Hughes).

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7873, the Gasohol Competition Act of 1980.

The purpose of H.R. 7873 is to protect the ability of the franchised service stations of this country to market freely gasohol and other synthetic fuels, as they are developed, without fear of unreasonably discriminatory or otherwise unlawful action by the oil companies which supply them with conventional motor fuels.

In recent years, gasohol has become available in many parts of our Nation as a substitute for conventional motor fuels. Because it is produced by mixing nine parts unleaded gasoline with one part alcohol, gasohol offers hope of reducing our consumption of conventional gasoline from both foreign and domestic sources.

In hearings before the Senate Judiciary Committee, a number of service station owners testified that their efforts to market gasohol had resulted in unfair or discriminatory treatment by the oil company suppliers. The Senate responded by passing S. 2251, the Senate version of the Gasohol Competition Act.

During consideration of H.R. 7873 before the House Judiciary Committee, the bill was amended to preserve the existing rights of oil company suppliers to market the company's own brand of gasohol and other synthetic motor fuels, through franchised dealers, and to discriminate in the treatment of such synthetic fuels to the extent justified by real differences in the characteristics of the fuels. The amended bill, however, still protects the dealer from unreasonable discrimination that might discourage the marketing of gasohol or other synthetic fuels.

It accomplishes this objective by adding a new section to the Clayton Antitrust Act. Paragraph (1) of new section 26 specifically addresses the use of credit card practices that would inhibit the sale of gasohol and other equivalent synthetic motor fuels. Thus, a petroleum company may adopt any policy respecting the extension of credit for the sale of its own products, so long as the credit policy applies with equal force to the sale of synthetic motor fuels. H.R. 7873 does not interfere with an oil company's right to establish its own credit policies; rather it only prevents that company from utilizing such policies in a discriminatory manner to limit the sale of gasohol and other synthetic fuels.

The legislation further provides that an oil company is not precluded from charging its franchisee a reasonable fee for the extension of credit on the sale of synthetic motor fuels so long as such fee does not exceed the "actual costs" of extending such credit.

The bill also prohibits conduct that "unreasonably discriminates against or unreasonably limits" the marketing of gasohol or other synthetic motor fuels.

The bill is not designed to force any individual or company into marketing, selling or purchasing gasohol or other synthetic fuel, nor is it designed to place burdensome requirements on those companies that choose not to market gasohol themselves. H.R. 7873 is simply intended to remove any potential obstacles that may be raised by conventional fuel producers or suppliers to franchisees who desire to market synthetic fuels.

The House Judiciary Committee has reported out a balanced bill that will protect the rights of retailers who wish to offer consumers an alternative to conventional motor fuels. At the same time, the bill assures that the oil companies themselves may continue to market traditional as well as new synthetic fuels in the same manner in which they and the American public have been accustomed.

I urge your support for this legislation, both as a step toward energy independence and as a guarantee of fairness and equity to marketers in the motor fuel industry.

☐ 1610

Mr. Speaker, I reserve the balance of my time.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 7873, not because I oppose helping to set our balance of payments aright, nor because I oppose conserving our energy resources. I oppose this legislation because I think it is indefensible and because I seriously doubt that it will affect our balance of payments by a single penny and because I doubt if adopted it will cause a single gallon of gasoline to be saved.

But that is only part of the story. If this bill were merely one more example of congressional posturing I could well ignore it. But while this legislation has little to commend it, it is blatantly objectionable in its approach. The need for this legislation at this time in history is past history. There is no present problem that can be cited by the proponents of the bill. The oil companies and the franchise dealers are adjusting for expanded marketing of gasohol. Gasohol is being made available. Dealers who wish to sell gasohol are selling gasohol today. Oil companies are accepting gasohol sales on their credit cards. Market forces and public conscience have achieved these results up to this point in time at least.

I guess that is a shame. As my colleagues can see, the Congress wants to take credit for those results. So after the need has vanished, after the problem has been corrected, the Congress wishes to legislate.

Of course, nothing is as popular as a bill that has a pretty title but does not change anything.

But that is not all that is at stake and it is not all that simple, for when we legislate we are not mustering market forces or forming the public conscience, we are requiring that certain actions be taken under pain of law, in this case treble damages. As the eloquent separate views of the gentleman from Illinois (Mr. Hyde) in the report that just became available today states, what we are requiring by this legislation is that the oil companies extend their credit to their competitors and that they make available their pumps and their storage tanks for their competitors. We have never done this before, and with good reason, for while we may all wish a particular product success in the marketplace, we have never required that those selling other products subsidize their competition. That is exactly what this bill does.

A jobber can buy gasoline and mix it with alcohol, theoretically, nine parts to one, and sell this mixture to dealers. Through this legislation they could receive the credit services of Exxon, Amoco, Gulf, Shell, Mobil, who have you, of the other oil companies, without putting up any capital and without the hassles of administering and managing a credit service of his own.

In a halfhearted gesture toward fair play, the bill permits the oil companies to recover their "actual costs" of extending credit to promote the sale of products in competition with their own. Both in subcommittee and in full committee the question was asked whether those who extended credit would be entitled to a return on their money in addition to the administrative and personnel costs associated with extending credit. As best I can understand it, the answer is "no." The proponents have hemmed and hawed and merely repeated the statutory phrase "actual costs."

But in all fairness, is not anyone who extends credit entitled to more? Banks do not extend credit merely to pay salaries of those who do the paperwork in their banks. Their object is to make a profit. That is what they are in business for.

Did I say a bad word: "profit"? They are trying to make a profit for the shareholders.

Why are not the oil companies entitled to equal treatment when they extend credit?

But that is only one side of the problem. The other side of the problem is the dealer. What does the dealer do with these actual costs that he can be charged by the oil companies? He has to absorb them.

Under present regulations the dealers cannot pass along to the retail customer those actual costs that may be charged by the oil companies. Present regulations preclude the dealer from passing along that cost unless it happens to fit within the margin that the dealers are already allowed to charge.

Now that is an obviously poor result and it is an obvious result of not having hearings on this legislation.

In addition to all this, the bill places an undisclosed burden on the oil companies. Proponents suggest for all of the imposition of this legislation the oil companies will be reimbursed, but suppose that a dealer has only three pumps for the distribution or sale of gasoline, one for regular, one for unleaded, and one for premium. The dealer exercises his rights under the bill to convert one of those pumps to gasohol. As reimbursement the bill says that the oil company is not required to build another pump at its own expense. That is not the problem. The problem is that the oil company must either accept a drop in its own sales or volunteer to build a fourth pump and if they opt for the latter I see nothing in the bill which requires the dealer to lease additional pumps. So it still would be a drop in sales. Either way, they lose. The oil companies are getting less than a fair shake from the Congress in this bill. I think the dealers are getting much less than a fair shake from the Congress in this bill, too.

Now, this may not be anything new and, unfortunately, when the specter of oil companies comes into play we all have seen that objectivity and fairness from the Congress is not necessarily a standard that is applied. What troubles me is that we are beginning to expect no better than this from ourselves in the Congress.

This bill has not been thought out. It is being rammed through this body in a preadjournment crash. We held no hearings. The subcommittee did not mark it up because there was not time. In full committee those who raised questions were derogated as attempting to delay by filibuster and now, in our final days, the bill is brought up under suspension of the rules with no opportunity for amendment.

This bill has serious flaws. It ought to be recommitted so the Judiciary Committee can give careful consideration to this legislation for the first time. But that parliamentary option is not before us.

I urge a "no" vote on the motion to suspend the rules so that this whole area of concern can be considered properly, and with hearings and with an understanding of what is involved, in the next Congress. I urge there be a "no" vote on the motion to suspend the rules.

Mr. HUGHES. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I would like to associate myself with the gentleman from New Jersey (Mr. HUGHES) and applaud his leadership. This is a well-drafted, balanced piece of legislation. It is not opposed by the oil companies. In fact, I have talked to representatives of the oil industry and they indicate that for the most part they are or are attempting to be in compliance with this legislation right now.

The background of this legislation is obvious. During the past 2 or 3 years most of the major oil companies created significant and serious resistance to alcohol fuels. In fact, some of the major oil companies, including the largest, Exxon Corp., initially had a policy which prohibited the use of their credit cards for the purchase of gasohol, which effectively meant even though we were spending lots of money in the private and public sector to develop gasohol, we were effectively precluded from selling it, or from marketing it. That is the purpose of this bill.

This is a bill to facilitate the marketing of synthetic fuels, not just alcohol fuels, but any type of synthetic fuels to encourage that there is a fair and impartial basis so fuels cannot be discriminated against in their sale. But it does not in an arbitrary or capricious way in any fashion interfere with franchise agreements, nor does it interfere with the oil companies' ability to engage in quality control devices.

I would like to urge my colleagues to remember that in order to get all of these beautiful synthetic fuels to have some impact on petroleum imports, they have to be sold.

□ 1620

What this bill tries to do is to remove the arbitrary and discriminatory roadblocks in getting the synthetic fuels sold and into the marketplace. Again I would reiterate for the final time that the industry itself has no opposition to the legislation.

I yield back the remainder of my time.

Mr. HUGHES. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I want to associate myself with the comments that were made by the gentleman from Kansas (Mr. GLICKMAN). This could be really entitled "The Dealer Protection Act" because they are the people who have come to us asking for additional help. In the last 2 years we have made impressive progress in the sale of alcohol fuels. We have gone from three outlets in the entire country which were then selling gasohol to an estimated 5,000 in 1980. But there are thousands of dealers throughout the country who have expressed a willingness and an interest in developing marketability for synthetic fuels. Obviously, some of the major oil companies have taken numerous actions which have periodically prevented that, and for this reason the legislation we are considering today is direly necessary. It certainly does not put any problematic regulatory aspects onto the corporations themselves; it simply provides for the freedom to market a product that has a tremendous potential in this country.

Certainly if we talk about marketing, we have to talk about production. There is no way in the world in which this country can continue to produce alternative fuels such as alcohol without the ability to properly market the products.

It is an excellent bill. It does not go as far as it should, but it goes a whole lot farther in securing honest competition than what we have seen during the first few years of growth in the alternative fuels industry.

Mr. KINDNESS. Would the gentleman yield for a question?

Mr. DASCHLE. Yes, I would.

Mr. KINDNESS. Did the gentleman mean to indicate that dealers have asked for this legislation?

Mr. DASCHLE. Yes, they have, as a matter of fact. I am a member of the Congressional Alcohol Fuels Caucus. A number of the dealers have approached me in meetings that we have had, expressing the problems that they have had in working with their parent companies. They have, indeed, been asking for legislation such as this. In fact, many of them over advocate, going beyond this to allow them to market the alternative fuel that we are talking about today.

Mr. KINDNESS. If the gentleman would yield further, I am a bit confused because there is some question about whether this bill as it is written is in the best interests of dealers, because they are unable to pass along the charges that can be made to them. Could the gentleman tell us whether there has been any consultation with any dealers or dealer organizations about that particular point?

Mr. DASCHLE. Certainly I cannot speak for the committee. I do know a number of dealers came before a Senate subcommittee during hearings which were held earlier this year to express the urgent need for the competitive climate which this bill insures.

In spite of rapid consumer acceptance and the contribution gasohol has already made to decreasing this Nation's demand for imported oil, artificial and anticompetitive barriers have been erected to gasohol marketing. These barriers in addition to lessening competition in the motor fuel marketplace and denying consumers the opportunity to purchase a valuable alternative fuel, are directly contrary to our national energy policy and our national interest.

Gasohol marketing freedom is not a peripheral energy issue. It is a cornerstone of our national energy policy. Gasohol marketing freedom is not an issue of interest to only farm State congressmen, farmer cooperatives, renewable energy advocates, or prospective alcohol fuel producers. Gasohol marketing freedom is central to the Nation's ability to reduce its dependence on uncertain supplies of increasingly costly foreign oil.

In our economic system the acceptability and availability of a product is supposedly determined in the marketplace. Gasohol marketing has not always conformed to the theory. Decisions made in the oil company boardrooms, not the decisions made by thousands of consumers in the marketplace, have determined the accessibility of gasohol. Anticompetitive and discriminatory practices designed to hinder the marketing of gasohol and thwart the development of an alcohol fuel industry in this Nation are not acceptable. The Gasohol Competition Act will assure the forces of the marketplace, not the voices of the boardrooms, will determine gasohol marketing practices in this Nation.

As an original proponent of legislation to assure gasohol marketing and a cosponsor of the Gasohol Competition Act, I urge my colleagues to support this legislation. This measure, introduced by the gentleman from New Jersey who has been a prominent and forceful advocate for the development of alternative fuels and particularly alcohol fuel, is a vital component of our national energy policy and is deserving of the strong support of every Member of this body.

Mr. KINDNESS. I thank the gentleman.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I rise in support of H.R. 7873, the Gasohol Competition Act of 1980. I believe that this legislation is necessary. I recognize that while past problems concerning the sale of gasohol have dwindled to a trickle, this may largely have been because this legislation was imminent. Moreover, this legislation is not limited to gasohol but covers all synthetic motor fuels. Thus it is not legislation directed only at particular circumstances which have occurred. Rather, it establishes a broad principle for the promotion of synthetic fuels.

I will not belabor the obvious by recounting the advantages of synthetic fuels to our economy and to our national security. They are obvious and are not the subject of any controversy.

Some objections have been raised against this legislation. Mr. HYDE has written separate views on this legislation which are available on the floor. Mr. KINDNESS has expressed similar objections. I understand their concerns. Indeed, the legislation could be read as suggesting that the oil companies were generally acting in an unconscionable manner regarding gasohol. On the contrary, I believe oil companies and other enterprising producers have a natural desire to promote their own products and to refuse to turn over business to a competitor. And I think it is wrong to suggest that the motivation described in those separate views is the basis of this legislation.

In my view, we are indeed experiencing an energy shortage. While we have an adequate supply today, we are uncertain about the future. While it might be nice if those marketing gasohol had the resources to establish their own credit services and to finance the construction of gasohol stations at convenient locations throughout our cities and towns, that is not realistic. If we wait for that to happen, there will be no gasohol for sale. In that event, it is the country that loses. For to the extent that we suffer the loss of gasohol and other synthetic fuels, to that extent our economy and our national security become dependent on foreign oil.

Thus in my view this bill should not be justified on antitrust grounds but on national security grounds. This bill does conscript the oil companies into protecting the national security. That cannot be denied. But that result is desirable in my opinion.

For their efforts, the oil companies are to be reimbursed for their "actual costs." If the oil companies could have extended credit to another party and received interest, that deprivation seems to me an "actual cost." Therefore, in my opinion, the term "actual costs" includes the cost of lending money which is in addition to administrative and personnel costs.

In my opinion, the oil companies are not unduly disadvantaged by the legislation. They do not oppose the legislation, which should assist any Members in doubt about this bill. And finally, two important amendments were added in full committee which protect the oil companies.

The first amendment indicates that the bill prohibits discrimination by the oil companies in favor of their own products only where "unreasonable." The absence of this qualification in the bill as introduced might have led to the construction that any distinction between products was made an antitrust violation. While this was not the intention of proponents, the bill did not reflect that intention and may have thus been the basis of many mischievous lawsuits against the oil companies. This matter is now clarified.

The second amendment addressed a more specific problem. As originally drafted, the bill would have permitted dealers to sell gasohol or other synthetic fuels as they wished. The oil companies could not have unreasonably limited their sales. But suppose that a few years from now the oil companies were to market a new brand of synthetic fuel. Does this bill permit a dealer to refuse to sell his oil company's brand of synthetic fuel and instead to sell a competing brand? The bill was less than clear. The chief sponsor in the Senate answered "yes" and the chief sponsor in the House answered "no." That seemed to make absolutely certain that there would be needless litigation over the issue—a result to be avoided.

It was the opinion of the committee that gasohol and synthetic fuels be promoted. It was not our intention to interfere with normal franchising arrangements any more than necessary. Thus we saw no reason to interfere with the right of an oil company to market its own synthetic fuels on the same basis it markets conventional fuels. In order to make this clear and preclude unnecessary litigation, the committee adopted an amendment stating that the bill's prohibitions do not apply to an oil company that is marketing its own gasohol or synthetic fuel.

These amendments made this legislation acceptable to me and to many of my colleagues. I urge a "yes" vote on the motion to suspend the rules.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman from Illinois (Mr. McCLORY) for his support of this measure. I, too, support the measure.

Mr. Speaker, I rise in support of H.R. 7873, the Gasohol Competition Act.

The fact is that although the technology to produce and market gasohol is well known, gasohol has not yet reached its full potential in meeting the energy needs of Americans.

One reason is that, with the exception of Texaco, the large oil companies have not yet committed themselves to gasohol production, and, to protect their market share, have placed impediments in the way of gas station operators who want to sell the gasohol their customers—and the Nation—need.

H.R. 7873 should take care of this problem, Mr. Speaker, and accordingly, should help our Nation achieve energy self-sufficiency. I urge my colleagues to support it.

I include the following summary of the bill in full at this point in the RECORD for the information of my colleagues and for our constituents:

H.R. 7873—GASOHOL COMPETITION ACT

HIGHLIGHTS

H.R. 7873 amends the Clayton Act to prohibit oil companies from directly or indirectly restricting or discriminating against the sale, resale, or transfer of gasohol or other synthetic motor fuels.

BACKGROUND

The U.S. imports close to one-half of all oil consumed annually, and over two-thirds of that total comes from OPEC countries. Recently, OPEC has announced further price increases to make the price of oil $37 per barrel. It has become obvious in recent months that our source of foreign oil is anything but secure; and thus a new emphasis has been placed on U.S. energy self-sufficiency through: conservation, increased domestic petroleum production, and development of alternative fuel sources such as solar energy, alcohol fuels and synthetic fuels.

H.R. 7873 is intended to continue the effort towards energy self-sufficiency. The bill encourages the promotion and free marketing of gasohol to meet U.S. energy goals. The committee maintains this action is necessary because of discrimination on the part of major oil companies against alternative fuel production and distribution, especially gasohol.

Gasohol, a combination of 90 percent gasoline and 10 percent alcohol, is the most readily available, near-term alternative fuel currently feasible in the U.S. The use of gasohol has several advantages in that:

Its alcohol component is manufactured from renewable domestic resources;

Readily available resources such as wood and biomass residue can be used as fuel for the distillation process; and

A high-protein byproduct remains after the distillation process which can be used in animal feeds, cooking oils, and other food uses.

Gasohol also has been shown to: improve mileage per gallon; burn cleaner than conventional petroleum gasoline; and be a possible financial boon to farmers and small businessmen. Supporters maintain that gasohol is readily accepted by U.S. consumers.

Gasohol also has been endorsed by the President, and the 3 major domestic auto manufacturers. However, only 1 oil company, Texaco, has initiated a gasohol production program. The committee reports that others have tried to hinder gasohol use through various discriminatory practices, including:

Not permitting use of company credit cards for gasohol purchases (a policy which was later rescinded after much public pressure);

Subjecting company retailers who sell gasohol to delays in processing credit card invoices, creating cash flow problems for the retailers; and

Not permitting retailers to use company tanks and pumps for gasohol, or use company gas in the gasohol mixture.

Major oil company cooperation is seen as essential to gasohol becoming a viable alternative fuel. Thus, supporters submit H.R. 7873 seeks to create a business climate that will encourage all those who want to market gasohol to do so. This legislation is further designed to expedite the development of all alternative fuels, and to assure that new products will be able to be distributed without restriction.

PROVISIONS

H.R. 7873 amends the Clayton Act by adding a new section prohibiting existing petroleum refiners and marketers from discriminating or unreasonably limiting the sale of gasohol or any other synthetic motor fuels.

Credit card sales

The bill requires oil companies to maintain a credit card policy that applies equally to the sale of their own petroleum as well as to gasohol and other synthetic fuels. The bill does not infringe on the right of oil companies to make their own credit card policies, except to forbid discriminatory policies. The companies may impose a reasonable fee on credit cards used to purchase synthetic fuels as long as that fee is not more than the cost to the company of extending that credit. The credit fee may be based on the annual average net cost of operating a company credit card system, considering all credit invoices equally, regardless of product.

Discriminatory practices

The bill prohibits various practices by oil companies which discriminate against or unreasonably limit the sale of gasohol or other synthetic motor fuels. An unreasonable limit may be when an oil company forbids the use of its pumps and tanks to dispense noncompany products—although gasohol is not directly named, its sales are impeded.

The Act requires reasonable labeling of pumps dispensing gasohol. Pumps should indicate, if applicable, that the product is not a company product; but compliance with this requirement should not mean subjecting the retailer to prohibitive expense.

An oil company may issue an appropriate disclaimer of product liability for damage resulting from noncompany gasohol bought at a company gas station. However, companies may not discourage synthetic fuel consumption by issuing disclaimers involving unsubstantiated information on the negative effects of gasohol or synthetic fuel use. Companies are under no obligation to furnish additional equipment or to provide advertising for gasohol.

If an oil company does produce gasohol or other synthetic motor fuels and the company is able to supply its retailers' demand for gasohol at market terms and conditions equivalent to its conventional motor fuel products, none of this Act's prohibitions shall apply. (This would encourage purchase from the parent company.)

I urge my colleagues to support the measure.

Mr. McCLORY. I would hope so. I thank the gentleman for his statement, and I yield back the balance of my time.

Mr. KINDNESS. Mr. Speaker, I yield 3 minutes to another gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I rise in support of H.R. 7873, the Gasohol Competition Act, for I feel that it is counterproductive for a few of the major oil companies to follow practices that discriminate against the sale of gasohol at a time when our country is struggling for energy independence, and we are trying to promote the production of renewable energy sources such as ethanol. This bill would add a section to the Clayton Act prohibiting existing petroleum refiners and marketers from discriminating or unreasonably limiting the sale of gasohol or any other synthetic motor fuels.

My home State of Illinois currently produces more ethanol than all the other States combined, and there are ethanol plants in actual production or in the development stage in more than one-third of Illinois' 102 counties. In an effort to put the gasohol made with this ethanol to good use, in November of 1979 Governor Thompson ordered the entire fleet of 10,000 State of Illinois vehicles to be switched to operation on gasohol within a year. This has been accomplished, and it has been established that the change actually increased the milage performance of these vehicles.

While I am encouraged by the increasing production of this renewable fuel, and find it commendable that the State of Illinois fleet is running on gasohol, I believe that we must make sure that consumers also have access to this new product. Practices such as not allowing gasohol purchases on gas company credit cards, or not permitting retailers to use company tanks and pumps for gasohol must be prohibited. The advantages of halting such discriminatory practices in the sale of gasohol are many, for not only would it involve the increased consumption of renewable forms of energy, but it would be a boon to our country's farmers who have faced economic difficulties. Increased alcohol production and consumption would help boost farm income, and alter the current agricultural situation.

I urge my colleagues to join me in supporting this bill.

□ 1630

Mr. HUGHES. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I rise in strong support of this legislation. As a member of the Subcommittee on Antitrust and Restraint of Trade of the Committee on Small Business, I have seen some of the problems that have been caused when large oil companies simply refuse to let their credit cards be used for the purchase of gasohol. I have seen some of the things that have been done to try to stop the marketing of gasohol.

I commend my colleague from New Jersey for bringing up this legislation. Indeed it may be true, as the gentleman from Ohio mentioned, that the problem may already be solved, but it is not solved permanently unless we do something to insure that these problems do not recur. This legislation gives us an opportunity to see that indeed it will be permanently solved. As we recognize the problem we have with our energy independence, and as we try to be more energy independent, we should take whatever steps are necessary to insure that we move forward to energy independence.

Mr. Speaker, I thus support H.R. 7873, a bill to make it easier for independent service station dealers to sell gasohol.

The House Small Business Committee's Subcommittee on Antitrust and Restraint of Trade, which I chair, has been studying gasoline marketing problems for the past 2 years. In October 1979 we held hearings specifically on the problems that have been encountered by gasoline dealers who wish to sell gasohol.

The Small Business Committee has overwhelmingly approved legislation that would improve the competitive viability of the small and independent marketer of motor fuel products. This is H.R. 6722, the Small Business Motor Fuel Marketer Preservation Act, which originated in the Antitrust Subcommittee. The bill is subject to joint jurisdiction, though, and has been acted on by only one committee.

Consequently, I am giving my enthusiastic support to this more limited measure, H.R. 7873, which addresses a specific aspect of the gasohol marketing problem. I would like to share with my colleagues a portion of the Small Business Committee's report on H.R. 6722. This is taken from the report's chapter on "Gasohol Marketing."

> A dramatic example of the kind of control major oil companies can exercise in the marketplace is provided in the case of gasohol. . . .
>
> The Congress and the President have set increased production and consumption of gasohol as a national priority, recognizing that the alcohol used in it displaces petroleum products that would otherwise require the importation of additional crude oil into this country. While a few big oil companies—Texaco being the most notable among them—have begun promoting the sale of gasohol, most have resisted its introduction into the market.
>
> Last winter several oil companies announced that they would not allow their dealers to accept the oil companies' credit cards for sale of gasohol. When the Subcommittee on Antitrust and Restraint of Trade declared that it would hold hearings on the subject, announcements were made that the policy was being reversed.

While I am indeed glad that we were able to dissuade the oil companies from restricting their credit card policies regarding gasohol sales by their independent dealers, it should be noted that their retraction was entirely voluntary. Legislation such as H.R. 7873 is needed to assure that they do not turn their policies around again, and to provide some measure of certainty to independent dealers and suppliers who seek to provide gasohol to the public.

In the same chapter of the Small Business Committee's report (H. Rept. 96–1238 part I) is this information:

> During hearings on H.R. 6722, the Subcommittee received testimony concerning a Mobil dealer in Passaic, New Jersey, who was selling gasohol in a station he leases from Mobil. Although he was selling his full allocation of Mobil gasoline, he was threatened

with non-renewal of his lease if he continued to sell gasohol, a non-Mobil product.

The dealer in question, Herb Staretz, is as shining an example of an entrepreneur who is seeking to serve the public as one can ever hope to find. The details of Mr. Staretz's case can be found in a statement I placed in the Congressional Record of April 15, 1980, entitled, "Mobil's Resistance to Gasohol Demonstrates Need for Legislation."

Mr. Speaker, recently my staff talked with Mr. Staretz, who is up in Bill Hughes' home State, to see how his gasohol sales were doing in the face of the oil company's pressure on him. We were told that he finally had to give up selling gasohol, and has returned to selling only Mobil-supplied gasoline. According to Mr. Staretz, his gasohol sales amounted to $5,000 or 6,000 gallons a month of gas I would not have sold otherwise."

He still believes that he has the legal right to sell gasohol to his customers, but contends that he cannot afford to continue fighting against Mobil's battalions of lawyers. "I was losing money because of the legal fees," Staretz told my staff. "If I kept it up, I would be spending $50,000 a year for lawyers."

Mr. Staretz put the case rather succinctly. "The laws have to be changed," he says. "Today, there is no protection for the small businessman."

Mr. Speaker, I believe H.R. 7873 is a helpful step in the right direction. I commend Mr. Hughes, Chairman Rodino, and the other members of the Judiciary Committee who have performed a great service for the small businessman by bringing this legislation to the floor.

Hopefully, we will soon be able to take up broader legislation, such as H.R. 6722, which would address the larger, fundamental issues that must be resolved if the small, independent marketer is to remain a vital part of the motor fuel industry.

Mr. Speaker, I strongly support this legislation and commend my colleague from New Jersey.

Mr. KINDNESS. Mr. Speaker, I yield 3 minutes to another gentleman from Illinois (Mr. Hyde).

Mr. HYDE. Mr. Speaker, you know, it is great to promote gasohol and synfuels. We are all for gasohol and synfuels, but must we be at the expense of a very important basic principle—freedom of contract? This is an unprecedented intrusion into every gasoline dealer's private franchise agreement, no matter what its terms.

Never before that I can recall—and we have asked for some examples—have we compelled—and the operative word is "compelled"—coerced by law a business to extend credit to its competition. That is like telling the Chiquita Banana Co. that they have got to sell oranges and they have got to extend credit at no profit to themselves to people who want to buy oranges. This is in violation of basic property rights, and confuses a public right with a private right. It is a governmental intrusion into a private agreement and hence is unwarranted.

Yes, we ought to be moving gasohol on the market. Of course the oil companies are not thrilled about promoting a competitor's product, but is the answer force and compulsion? Do we tell the oil companies, which after all are perfectly legal, and I know it is in very bad fashion to defend an oil company in this Chamber, but to compel oil companies to subsidize sales of gasohol and to compel oil companies to extend credit, is governmental overreaching that ought not be tolerated. Why are we so generous to the oil companies in requiring them to extend credit and get back only their actual cost? Why not sock them the cost also?

Yes, oil companies are not legally obligated by this legislation to construct additional pumps, but they are placed in an economic bind. They have to choose between reducing their own sales and profits or paying for the construction of new facilities. If you are in the business of selling gasoline, other facilities have to be converted in favor of a competing product, what do you do? You either suffer a reduction in your business or build at your expense facilities equal to those you lost. This is the neutral treatment of oil companies? It seems that some oil companies have the gall to insist that their credit and their facilities be used to make money for themselves. I think it is outrageous that the law for the first time is going to require a business to subsidize its competition.

Yes, competition is in the public interest, but while the oil companies might well be exhorted to promote competition, it is something else to require them to subsidize their competition, to legislate that the failure to subsidize a competitor is an antitrust violation subjecting the perpetrator to treble damage actions, turns antitrust law on its head. That is what is at stake here—not promoting gasohol or synfuels, which I support, but the manner in which we are doing it does violence to traditional contract law and economic principles. It confuses the public interest with the private interest, and I just think it is wrong. This is not the way to move such a controversial bill.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. HUGHES. Mr. Speaker, I yield one additional minute to the gentleman from Illinois.

Mr. Speaker, will the gentleman yield?

Mr. HYDE. Certainly.

Mr. HUGHES. Let me just clarify something that I think is important at this point. The gentleman just, as part of his own statement, indicated that under the legislation a dealer could perhaps demand of his producer-supplier that he use one of the tanks for gasohol. That is not the intent, and I think when we have the words "unreasonable discrimination," our intent is clear that under those circumstances, where additional tanks are needed to provide gasohol, that that would be at the dealer's expense. There is nothing in the legislation that would suggest in any fashion that a dealer could demand of his supplier that he free up one of the tanks in the ground to supply gasohol, perhaps at the expense of a tank with regular gasoline. That is not the intent.

Mr. HYDE. The gentleman does agree, though, that gasohol is a competing product with gasoline, and that credit of the oil company must be extended? That is the issue I would like to put to rest.

Mr. KINDNESS. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. Fenwick).

Mrs. FENWICK. I have a question, because I think that the gentleman from Illinois has raised a most compelling point. If this is contrary to the contract law and to usual business practices, how does it contravene that law? If, for example, the dealer is not in the position to order the oil company to put in an extra tank, but merely in a position to say, "I want credit extended to me, and it will be reimbursed," that is one thing; but, if the dealer is in a position to order the oil company to set up an installation at the company's expense, in competition with its product, that is something else.

The SPEAKER pro tempore. The time of the gentlewoman from New Jersey has expired.

Mr. HUGHES. Mr. Speaker, I will yield 1 additional minute to the gentlewoman from New Jersey.

Mr. Speaker, will the gentlewoman yield to me to address that?

Mrs. FENWICK. I yield.

Mr. HUGHES. In the first place, our colleague from Illinois refers to Chiquita bananas and oranges. We sell in service stations just about everything from bananas to oranges, and it is ironic that it was just gasohol that was selected—that was the only thing we could not sell and could not use credit card privileges. There are competing products in gas stations. This is not a novel idea. Such things as Quaker Oil are sold in competition to the oil of the supplying company.

Mrs. FENWICK. That does not bother me. That is not the question.

Mr. HUGHES. I think I made it very clear that the intent of the legislation is not to require a supplier, at his expense, to put additional tanks in. The legislation is very clear. If in fact additional tanks are required, it is going to be at the dealer's expense.

Mrs. FENWICK. What about the threat of treble damages and antitrust prosecutions?

Mr. HUGHES. That is for antitrust violation if in fact there is unreasonable discrimination.

Mrs. FENWICK. How would they violate it?

Mr. HUGHES. By discriminating against this particular product, and that is exactly what prompted the legislation.

Mrs. FENWICK. You mean discriminating against the dealer if he puts in gasohol?

Mr. HUGHES. That is correct, indicating either they are going to pull the pumps, pull the contract, or deny him a supply of fuel.

Mrs. FENWICK. That clarifies it. I thank the gentleman.

Mr. KINDNESS. Mr. Speaker, I think that it has become apparent that there are a lot of people who do not understand what this bill says, what the problem is.

It is clumsy legislation, inappropriately worded, and we have not had hearings on it and nobody knows what it is actually going to do as indicated by the exchange here, which is an entirely different interpretation from the way I read this bill.

☐ 1640

Let us not yield to bad principle and clumsy legislation on the basis of a glamorous title. Certainly we all want to see gasohol used and our dependence on imported oil reduced. But let us not do it helter-skelter in a fashion as this bill does it because we do not seem to have any commonality of understanding about how this bill operates at all. I would urge a "no" vote.

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, it is a good bill. There was a lot of dialog in the full committee on the issue that my colleague from Ohio (Mr. KINDNESS) has some concern about. That is one of the reasons the McClory amendment came about. It prohibits unreasonable discrimination, but it does permit discrimination. The only thing it prohibits is unreasonable discrimination. I canot believe my colleague would want the suppliers to unreasonably discriminate against the dealers.

The reason we are here today is that there was unreasonable discrimination. That is why we need this particular bill.

● Mr. MINISH. Mr. Speaker, I am pleased to rise in support of the legislation before us, and I compliment my colleague from New Jersey for introducing it.

Energy has been one of the principal concerns of the 96th Congress. We have passed some good legislation to answer this critical problem from many angles, encouraging the development of alternative energy sources while we address the day-to-day problems of fuel supply and demand.

This bill is in the spirit of legislation already passed. We have had cases in New Jersey, as well as elsewhere, in which gasoline retailers were threatened or penalized by the oil companies with which they are affiliated for selling gasohol alongside the companies' regular fuel products. Retailers have been harassed not just for allowing customers to charge gasohol on oil company credit cards, but even for selling gasohol at all.

I am certain that all the Members of this House are familiar with gasohol. Regardless of whether that fuel possesses the additional benefits for engine performance which its proponents claim for it, gasohol undeniably has the potential to help reduce our imports of foreign oil, a goal all of us share. To discourage the development and sale of gasohol at this time is simply counterproductive. A lot of motorists want gasohol, and their retailers should be able to supply this demand if they want to, without fear that they will be persecuted by their oil companies or even lose their franchises. The small retailer who chooses to market a fuel which is both sensible and patriotic deserves to be protected.

While protecting the retailer, his bill allows the oil companies to guard their own legitimate rights to product identification and freedom of responsibility for the storage and marketing of products other than their own. They will not have to subsidize synthetic fuels which compete with their own gasoline. They will have to recognize the retailer's right to offer the public alternative fuels in free competition with traditional ones.

I do not think that the Gasohol Competition Act by itself will solve the energy problem, but it may be a breakthrough in allowing alternative fuels to reach their full market potential. To the extent that it does this, the bill represents a contribution toward solving our national energy demands in the next few years. I hope that we will allow the gasoline retailers the freedom to offer the public alternative fuels as they see fit.●

● Mr. BIAGGI. Mr. Speaker, as an ardent supporter of the expanded use of American produced gasohol, I rise in full support of H.R. 7873 the Gasohol Competition Act of 1980.

The bill's purposes are sound. It removes certain limitations of the sale of gasohol. Fundamental to this legislation is its prohibition against oil companies treating gasohol differently than the company's conventional fuels in its credit card policies. In many areas of the country the failure of dealers to permit the use of oil company credit cards for gasohol products served as a severe disincentive to their purchase by consumers.

Further, this legislation bars the setting of conditions which discriminate against or unreasonably limit the sale of gasohol or other synthetic fuels.

Using some foresight, it should be obvious to all in this Nation that our soundest course of action on the energy front is to go full speed ahead with the production of domestic forms of energy. When economists examine the single biggest contributor to our unacceptably high rate of inflation—our reliance on foreign energy emerges as the main culprit. Therefore, we should lessen this dependence and not allow barriers to both production and ultimately use of synthetic fuels, especially gasohol.

This legislation therefore is highly complementary to our earlier and ongoing efforts to expand the development of gasohol and other synthetic fuels. It deserves our approval today.●

● Mr. ROTH. Mr. Speaker, this year our country will import approximately 6 million barrels of oil per day. This is less than last year, but it is still 6 million barrels too many. We have the technology to produce gasohol on a large scale. But to do this we must provide incentives to insure that we take advantage of our national ingenuity to reach our goal of energy independence.

The National Alcohol Fuels Commission, of which I am a member, has drafted its final report to the President and Congress to be presented later this year. One of the highlights of this report is the need to streamline or eliminate those rules and practices that presently restrict an accelerated alcohol production program. The Gasohol Competition Act will bring us one step closer to achieving this goal. By eliminating certain restrictions placed on the marketing of gasohol, consumers will not be hindered from filling up with American produced gasohol, instead of imported OPEC oil.

The future of gasohol is as bright as the Sun's rays on Wisconsin's cornfields. Gasohol is a giant weapon against imported oil, and will play an important role in our Nation's security. Its time is here. We can produce it, but we also need an unrestricted market for it.●

● Mr. ROE. Mr. Speaker, I rise to strongly support H.R. 7873, the Gasohol Competition Act of 1980.

There is much talk today of an oil glut on the world market. In fact, some major oil companies have actually lowered the price they charge for gasoline. But let me warn you. At best, that is a temporary situation.

The current battle in the Persian Gulf between Iran and Iraq is a perfect example of a situation that could result in an effective cutoff of oil supplies to the West.

We must not become complacent. We must prepare for the future. The OPEC oil ministers have made it clear they intend to continue increasing oil prices. The United States is now spending nearly $100 billion annually to purchase foreign oil and that figure is certain to rise in the future.

The only answer is for America to become energy independent. And a major first step is the development of a strong alternative fuels industry. As Vice Chairman of the National Alcohol Fuels Commission I have had the opportunity to travel across this Nation examining our potential for developing synthetic fuels.

I can assure you that potential exists. In my own State of New Jersey it has been estimated that solid waste materials in our garbage dumps could be converted into nearly 1 billion gallons of gasohol producing alcohol.

Surveys have shown that Americans want to buy gasohol, a blend of 10 percent alcohol and 90 percent gasoline that is our initial key to energy independence.

But the gasohol movement can only be effective if its sales is given unhindered access to the marketplace. And that is precisely the issue we are discussing here today.

Unfortunately, it appears there are some oil companies in this Nation, who would block the sale of gasoline until they were assured full control over its profit potentials.

In my congressional district, a Passaic, N.J. man recently almost lost his company-owned gas station because he wanted to sell gasohol. He finally agreed to stop selling gasohol because he did not have the funds to fight Mobil in court over his right as a member of the free enterprise system to sell the fuel. In the past, some oil companies have refused station owners the right to utilize credit cards to sell gasohol.

The measure we are considering today would prevent similar circumstances from occurring in the future. It would, for once and for all, remove all credit restrictions impeding the ability of station owners and operators to sell gasohol.

It is a measure whose time has most certainly come.●

Mr. HUGHES. Mr. Speaker, at this point I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HUGHES) that the House suspend the rules and pass the bill, H.R. 7873, as amended.

The question was taken.

Mr. KINDNESS. Mr. Speaker, I object the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DISTRIBUTION OF CERTAIN FILMS RELATING TO PRESIDENT LYNDON BAINES JOHNSON

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 8173 to provide for distribution in the United States of certain International Communication Agency films relating to President Lyndon Baines Johnson, as amended.

The Clerk read as follows:

H.R. 8173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved and upon the securing by the Administrator of General Services of any necessary music rights, make available to the Administrator for deposit in the National Archives of the United States, a master copy of each film listed in subsection (b) of this section, including any trims and outs from such films; and

(2) the Administrator shall make copies of those films available for purchase and public viewing in the United States.

(b) The films to be made available pursuant to subsection (a) of this section are the following:

"A President's Country".
"The President".
"Bridge of Friendship and Faith".
"President of Upper Volta Visits America".
"Journey to the Pacific".
"A Day in Malaysia".
"In Common Cause".
"Guest of Honor".
"A Day in April".
"El Weekend".
"Asian Journey".
"Common Purpose".
"LBJ at San Antonio".
"Day of the Oath".
"Meeting at Glassboro".

The SPEAKER pro tempore. Is a second demanded?

Mr. BUCHANAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. FASCELL) will be recognized for 20 minutes, and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 8173, as amended, provides for the release within the United States of 15 films made by the International Communication Agency which pertain to former President Lyndon Baines Johnson.

As you know, pursuant to the U.S. Information and Educational Exchange Act of 1948, no publications of the ICA can be released within the United States unless legislation to that effect is enacted. This is a routine procedure and does not cost the Government any money, since provision in the legislation is made for reimbursement of any costs incurred by the Agency.

The bill is amended at the request of the International Communication Agency by adding a special provision pertaining to the procurement of music rights on some of the films; and the list of the films has been revised, since one was inadvertently duplicated on the bill as introduced.

The International Communication Agency advises us that they have no objection to the films being released providing that all the necessary clearances are obtained.

I urge the adoption of the bill.

Mr. Speaker, at this point, I yield to the gentleman from Texas, Mr. PICKLE.

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, I introduced H.R. 8173 to provide for a specific number of International Communication Agency films dealing with President Lyndon B. Johnson to be released to our National Archives. Under current law, ICA films are prepared for use abroad only unless there is a specific exemption passed by Congress. Exemptions have been granted by legislation on several occasions.

These films are rich in historical detail and will be valuable to our American audiences who do not now have these materials available to them.

More specifically, the Lyndon Baines Johnson Library has expressed a great interest in utilizing portions of these films to document the Johnson administration and to tell the story of our former President and his family.

I urge the Members of the House to vote in favor of this ill.

Mr. BUCHANAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to my knowledge, there is no objection on this side. As the chairman has made clear, this is a technical requirement of law which will not result in any cost to the taxpayers. I support it and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FASCELL) that the House suspend the rules and pass the bill, H.R. 8173, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THE WALNUT MARKETING PROMOTION ACT OF 1980

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3765) to provide that marking orders issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act respecting walnuts may provide for any form of marketing promotion, including paid advertising, and that marketing orders respecting walnuts and olives may provide for crediting certain direct expenditures of handlers for promotion of such commodities.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Agricultural Act of 1980".

TITLE I—WALNUT AND OLIVE MARKETING ORDERS

SEC. 101. Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by inserting "walnuts," before "or tomatoes"; and

(2) by inserting "walnuts, olives," before "and Florida Indian River grapefruit".

TITLE II—AGRICULTURAL TRADE SUSPENSION ADJUSTMENT ACT OF 1980

SHORT TITLE

SEC. 201. This title may be cited as the "Agricultural Trade Suspension Adjustment Act of 1980".

1981 CROPS OF FEED GRAINS, WHEAT, AND SOYBEANS

SEC. 202. (a)(1) Section 105A(a) of the Agricultural Act of 1949 is amended by (A) striking out the comma after "$2.00 per bushel", and (B) striking out "through 1981 crops of corn," and inserting in lieu thereof "through 1980 crops of corn, and not less than $2.25 per bushel for the 1981 crop of corn,".

(2) Section 105A(f)(1) of the Agricultural Act of 1949 is amended by striking out "November 15" and inserting in lieu thereof "November 1".

(b) Section 107A(a) of the Agricultural Act of 1949 is amended by striking out "through 1981 crops of wheat," and inserting in lieu thereof "through 1980 crops of wheat, and not less than $3.00 per bushel for the 1981 crop of wheat,".

(c) Section 201(e) of the Agricultural Act of 1949 is amended by inserting the following before the period at the end thereof: ": Provided further, That the 1981 crop of soybeans shall be supported through loans and purchases at not less than $5.02 per bushel".

ADJUSTED PRICE SUPPORT LOAN LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM FOR THE 1980 AND 1981 CROPS OF WHEAT AND FEED GRAINS

SEC. 203. (a) Section 110(b) of the Agricultural Act of 1949 is amended by—

(1) inserting the following before the period at the end of the first sentence: ": Provided, That the Secretary shall make available to producers for the 1980 and 1981 crops of wheat and feed grains price support loans under the producer storage program at such levels as the Secretary determines necessary to mitigate the adverse effects of the restrictions on the export of agricultural products to the Union of Soviet Socialist Republics imposed on January 4, 1980, on the market prices producers receive for their crops, but at not less than $3.30 per bushel for wheat, $2.40 per bushel for corn, and such levels for the other feed grains as the Secretary determines are fair and reasonable in relation to the minimum level for corn, taking into consideration, for barley, oats, and rye, the feeding value of the commodity in relation to corn and other factors specified in section 401(b) of this Act and, for grain sorghums, the feeding value and average transportation costs to market of grain sorghums in relation to corn: Provided further, That the levels at which loans for the 1980 and 1981 crops of wheat and feed grains are made available to producers under the preceding proviso shall not be used in determining the levels at which producers may repay loans and redeem commodities prior to the maturity dates of the loans under clause (5) of the second sentence of this subsection, or the levels at which the Secretary may call for the repayment of loans prior to their maturity dates under clause (6) of the second sentence of this subsection"; and

(2) in clause (3) of the second sentence after "except that the Secretary may waive or adjust such interest", inserting a comma and the following: "and the Secretary shall waive such interest on loans made on the 1980 and 1981 crops of wheat and feed grains".

(b) Subsection (a) of this section shall become effective October 1, 1980, and any producers who, prior to such date, receive loans on the 1980 crop of the commodity as computed under the Agricultural Act of 1949, as amended prior to the enactment of this Act, may elect after September 30, 1980, to receive loans as authorized under subsection (a) of this section.

ADJUSTMENT OF THE RELEASE AND CALL LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM

SEC. 204. Section 110(b) of the Agricultural Act of 1949 is amended by amending clauses (5) and (6) of the second sentence to read as follows: "(5) conditions designed to induce producers to redeem and market the wheat or feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for the commodity has attained a specified level, as determined by the Secretary; and (6) conditions prescribed by the Secretary under which the Secretary may require producers to repay such loans, plus accrued interest thereon, refund amounts paid for storage, and pay such additional interest and other charges as may be required by regulation, whenever the Secretary determines that the market price for the commodity is not less than such appropriate level, as determined by the Secretary.".

MINIMUM LEVELS AT WHICH THE COMMODITY CREDIT CORPORATION MAY SELL STOCKS OF WHEAT AND FEED GRAINS

SEC. 205. Section 110(e) of the Agricultural Act of 1949 is amended by—

(1) after "Notwithstanding any other provision of law,", inserting "except as otherwise provided under section 302 of the Food Security Wheat Reserve Act of 1980 and section 208 of the Agricultural Trade Suspension Adjustment Act of 1980,";

(2) striking out "150 per centum of the then current level of price support for such commodity" and inserting in lieu thereof "105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of subsection (b) of this section"; and

(3) amending clause (3) to read as follows:

"(3) sales of corn for use in the production of alcohol for motor fuel at facilities that—

"(A) begin operation after January 4, 1980, and

"(B) whenever supplies of corn are not readily available can produce alcohol from agricultural or forestry biomass feedstocks other than corn,

when sold at not less than the price at which producers may repay producer storage loans and redeem corn prior to the maturity dates of loans, as determined under clause (5) of the second sentence of subsection (b) of this section, or, whenever the fuel conversion price (as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980) for corn exceeds such price, at not less than the fuel conversion price.".

AUTHORITY TO USE THE FUNDS, FACILITIES, AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION TO PURCHASE AGRICULTURAL PRODUCTS INTENDED TO BE EXPORTED TO THE SOVIET UNION

SEC. 206. Notwithstanding any other provision of law, the Secretary of Agriculture may use, subject to such terms and conditions as the Secretary may deem appropriate, the funds, facilities, and authorities of the Commodity Credit Corporation in purchasing and handling agricultural products, other than grains, that—

(1) were intended to be exported to the Union of Soviet Socialist Republics under contracts entered into prior to January 5, 1980, but

(2) cannot be exported under such contracts due to the imposition, on January 4, 1980, of restrictions on the export of agricultural products to the Union of Soviet Socialist Republics,

in the same manner and under the same conditions as the Secretary purchases and handles grains under similar contracts and subject to the imposition of the same restrictions.

SUPPLEMENTAL SET-ASIDE AUTHORITY

SEC. 207. Effective for the 1981 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 is amended by adding at the end of title I a new section 113 as follows:

"SUPPLEMENTAL SET-ASIDE AUTHORITY

"SEC. 113. Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, effective for one or more of the 1981 crops of wheat, feed grains, upland cotton, and rice, the Secretary may announce and provide for a set-aside of cropland under section 101(h), 103 (f)(11), 105A(f), or 107A(f) of this title if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or other member of the executive branch of Government. In order to carry out effectively a set-aside program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such programs.".

TRADE SUSPENSION RESERVES

SEC. 208. Notwithstanding any other provision of law—

(a) Whenever the President or other member of the executive branch of Government causes the export of any agricultural commodity to any country or area of the world to be suspended or restricted for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law and the Secretary of Agriculture determines that such suspension or restriction will result in a surplus supply of such commodity that will adversely affect prices producers receive for the commodity, the Secretary may establish a gasohol feedstock reserve or a feed security reserve, or both, of the commodity, as provided in subsections (c) and (d) of this section, if the commodity is suitable for stockpiling in a reserve.

(b) Within thirty days after the export of any agricultural commodity to a country or area is suspended or restricted as described in subsection (a) of this section, the Secretary of Agriculture shall announce whether a gasohol feedstock reserve or a food security reserve of the commodity, or both, will be established under this section and shall include in such announcement the amount of the commodity that will be placed in such reserves, which shall be that portion of the estimated exports of the commodity affected by the suspension or restriction, as determined by the Secretary, that should be removed from the market to prevent the accumulation of a surplus of the commodity that will adversely affect prices producers receive for the commodity.

(c) (1) To establish a gasohol feedstock reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in the production of alcohol for motor fuel through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The Secretary of Agriculture may dispose of stocks of agricultural commodities acquired under paragraph (1) of this subsection only through sale—

(A) for use in the production of alcohol for motor fuel, at not less than the fuel conversion price (as defined in section 212 of this title) for the commodity involved: *Provided*, That, for wheat and feed grains, if the fuel conversion price for the commodity involved is less than the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the second sentence of section 110(b) of the Agricultural Act of 1949, the Secretary may dispose of stocks of the commodity for such use only through sale at not less than the release price: *Provided further*, That such sales shall only be made to persons for use in the production of alcohol for motor fuel at facilities that, whenever supplies of the commodity are not readily available, can produce alcohol from other agricultural or forestry biomass feedstocks; or

(B) for any other use, when sales for use under clause (A) of this paragraph are impracticable, (i) if there is a producer storage program in effect for the commodity, at not less than 105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of section 110(b) of the Agricultural Act of 1949, or, (ii) if there is no producer storage program in effect for the commodity, at not less than the average market price producers received for the commodity at the time the trade suspension was imposed.

(d) (1) To establish a food security reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in providing emergency food assistance and urgent humanitarian relief through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The provisions of subsections (c), (d), (e), (f), and (g) (2) of section 302 of the Food Security Wheat Reserve Act of 1980 shall apply to commodities in any reserve established under paragraph (1) of this subsection, and (except for the last sentence of subsection (c) of section 302) the references to "wheat" in such subsections of section 302 shall be deemed to be references to "agricultural commodities".

(3) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(e) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposition of agricultural commodities under this section.

(f) The Secretary of Agriculture shall establish safeguards to ensure that stocks of agricultural commodities held in the reserves established under this section shall not be used in any manner or under any circumstance to unduly depress, manipulate, or curtail the free market.

(g) Whenever stocks of agricultural commodities are disposed of or released from reserves established under this section, as provided in subsections (c) (2) and (d) (2) of this section, the reserves may not be replenished with replacement stocks.

(h) The provisions of this section shall become effective with respect to any suspension of, or restriction on, the export of agricultural commodities, as described in subsection (a) of this section, implemented after the date of enactment of this Act.

ALCOHOL PROCESSOR GRAIN RESERVE

SEC. 209. (a) As used in this section—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "processor" means any person engaged within the United States in the business of manufacturing grain into alcohol for use as a fuel either by itself or in combination with some other product.

(3) The terms "agricultural grain" and "grain" mean any agricultural commodity (A) that is suitable for processing into alcohol for use as a fuel, and (B) with respect to which a price support operation is in effect.

(4) The term "producer storage program" means the producer storage program provided for under section 110 of the Agricultural Act of 1949.

(5) The term "small scale biomass energy project" shall have the same meaning as defined in section 203(19) of the Energy Security Act.

(b) To assist processors in obtaining a dependable supply of grain at reasonable prices, the Secretary may formulate and administer a program under which processors purchasing and storing grain needed by them for manufacturing into alcohol for use as a fuel may obtain a loan from the Secretary on such grain. Loans under this section may be made available only to processors that (1) operate small scale biomass energy projects financed in whole or in part by the United States Government or any agency thereof, and (2) as determined by the Secretary, are otherwise unable to obtain a dependable supply of grain at reasonable prices for use in such projects.

(c) Except as otherwise provided in this section, loans made under this section to carry out the processor grain reserve program may be made on the same terms and conditions as loans made to carry out the producer storage program.

(d) The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor shall be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

(e) Whenever any quantity of grain stored in the processor grain reserve under this section is removed from storage by a processor, the processor may be required to replace such grain with an equal quantity, within such period of time as the Secretary shall prescribe by regulation, or repay that portion of the loan represented by the quantity of grain removed from storage.

(f) Grain on which an eligible processor has received a loan under this section may not be used for any purpose other than the manufacture of alcohol for use as a fuel, and the Secretary shall establish such safeguards as the Secretary deems necessary to assure that such grain is not used for any other purpose and is not used in any manner that would unduly depress, manipulate, or curtail the free market in such grain.

(g) Loans made under this section shall be made subject to such terms and conditions and subject to such security as the Secretary deems appropriate, except that such loans may not be made as nonrecourse loans.

(h) In carrying out the processor grain reserve program under this section, the Secretary may—

(1) provide for the payment to processors of such amounts as the Secretary determines appropriate to cover the cost of storing grain held in the processor grain reserve, except that in no event may the rate of the payment paid under this clause for any period exceed the rate paid by the Secretary under the producer storage program for the same period; and

(2) prescribe conditions under which the Secretary may require processors to repay loans made under this section, plus accrued interest thereon, refund amounts paid to the processors for storage, and require the processors to pay such additional interest and other charges as may be required by regulation in the event any processor fails to abide by the terms and conditions of the loan or any regulation prescribed under this section.

(i) The Secretary shall announce the terms and conditions of the processor grain reserve program as far in advance of making loans as practicable.

(j) The Secretary may use the facilities of the Commodity Credit Corporation to carry out this section.

(k) There are authorized to be appropriated such sums as may be necessary to carry out this section. Any loans made under this section shall be made to such extent and such amounts as provided in appropriation Acts. The authority to make loans under this section shall expire five years after the effective date of this title.

STUDY OF THE POTENTIAL FOR EXPANSION OF UNITED STATES AGRICULTURAL EXPORT MARKETS AND THE USE OF AGRICULTURAL EXPORTS IN OBTAINING NEEDED MATERIALS

SEC. 210. (a) The Secretary of Agriculture, in consultation with the United States Trade Representative and any other appropriate agency of the United States Government as determined by the Secretary, shall perform a study of the potential for expansion of United States agricultural export markets and the use of agricultural exports in obtaining natural resources or other commodities and products needed by the United States. The Secretary shall complete the study and submit to the President and Congress a report on the study before June 30, 1981.

(b) In performing the study, the Secretary shall determine for the next five years—

(1) world food, feed, and fiber needs;

(2) estimated United States and world food, feed, and fiber production capabilities;

(3) potential new or expanded foreign markets for United States agricultural products;

(4) the potential for the development of international agreements for the exchange of United States agricultural products for natural resources, including energy sources, or other commodities and products needed by the United States; and

(5) the steps that the United States must take to (A) increase agricultural export trade, and (B) obtain needed natural resources or other commodities and products in exchange for agricultural products, to the maximum extent feasible.

FOOD BANK DEMONSTRATION PROJECTS

SEC. 211. (a) The Secretary of Agriculture shall carry out demonstration projects to provide agricultural commodities and other foods that might not otherwise be used, or might be more effectively used by organizations assisted under this section, to community food banks for emergency food box distribution to needy individuals and families. Notwithstanding any other provisions of law, the Secretary shall make available for purposes of such demonstration projects, agricultural commodities and other foods available to the Secretary under section 416 of the Agricultural Act of 1949, section 709 of the Food and Agriculture Act of 1965, and section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). For purposes of distributing agricultural commodities and other foods to community food banks under this section, the Secretary may, in consultation with State agencies, use food distribution systems currently used to distribute agricultural commodities and other foods under the National School Lunch Act and Child Nutrition Act of 1966. The Secretary shall select food banks, in consultation with the Director of the Community Services Administration, for participation in the demonstration projects under this section. Food banks shall be selected for participation so as to ensure adequate geographic distribution of emergency food box programs in at least two but not more than seven Department of Agriculture regions.

(b) (1) No food bank may participate in the demonstration projects conducted under this section unless an application therefor is submitted to and approved by the Secretary. Such application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

(2) Each food bank participating in the demonstration projects under this section shall establish a recordkeeping system and internal procedures to monitor the use of agricultural commodities and other foods provided under this section. The Secretary shall develop standards by which the feasibility and effectiveness of the projects shall be measured, and shall conduct an ongoing review of the effectiveness of the projects.

(c) The Secretary shall determine the quantities and types of agricultural commodities and other foods to be made available under this section. The Secretary may prescribe regulations regarding the designation of eligible participants in the projects and any other regulations necessary to carry out this section.

(d) The Secretary shall submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under this section. Such report shall include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. The Secretary shall also include in such report any recommendations regarding improvements in Federal assistance to community food banks, including assistance for administrative expenses and transportation.

(e) The sale of food provided under this section shall be prohibited and any person who receives any remuneration in exchange for food provided under this section shall be subject to a fine of not more than $1,000 or imprisonment for not more than six months, or both.

(f) There is authorized to be appropriated to carry out this section $356,000.

DEFINITION OF FUEL CONVERSION PRICE

SEC. 212. As used in this title, the phrase "fuel conversion price" means the price for an agricultural commodity determined by the Secretary of Agriculture that will permit gasoline-alcohol mixtures using alcohol produced from the commodity to be competitive in price with unleaded gasoline priced at the point it leaves the refinery, adjusted for differences in octane rating, taking into consideration the energy value of the commodity and other appropriate values designed to represent, on a national average basis, the value of byproducts also recoverable from the commodity; the direct costs and capital recovery costs for a grain alcohol distillery capable of producing forty million gallons of alcohol and recovering byproducts annually; and Federal tax and other Federal incentives applicable to alcohol used for fuel.

EFFECTIVE DATE

SEC. 213. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

TITLE III—FOOD SECURITY WHEAT RESERVE ACT OF 1980

SHORT TITLE

SEC. 301. This title may be cited as the "Food Security Wheat Reserve Act of 1980".

FOOD SECURITY WHEAT RESERVE

SEC. 302. (a) To provide for a wheat reserve solely for emergency humanitarian food needs in developing countries, the President shall establish a reserve stock of wheat of up to four million metric tons for use for the purposes specified in subsection (c) of this section.

(b)(1) The reserve stock of wheat under this section shall be established initially by designation for that purpose by the Secretary of Agriculture of wheat owned by the Commodity Credit Corporation.

(2) Subject to the provisions of subsection (i) of this section, stocks of wheat to replenish the reserve may be acquired (A) through purchases from producers or in the market if the Secretary of Agriculture determines that such purchases will not unduly disrupt the market, and (B) by designation by the Secretary of stocks of wheat otherwise acquired by the Commodity Credit Corporation. Any use of funds to acquire wheat through purchases from producers or in the market to replenish the reserve must be authorized in appropriation Acts.

(c) Notwithstanding any other provision of law, stocks of wheat designated or acquired for the reserve under this section may be released by the President to provide, on a donation or sale basis, emergency food assistance to developing countries at any time that the domestic supply of wheat is so limited that quantities of wheat cannot be made available for disposition under the Agricultural Trade Development and Assistance Act of 1954, except for urgent humanitarian purposes, under the criteria of section 401(a) of that Act. Notwithstanding the provisions of the preceding sentence, up to three hundred thousand metric tons of wheat may be released from the reserve under this section in any fiscal year, without regard to the domestic supply situation, for use under title II of the Agricultural Trade Development and Assistance Act of 1954 in providing urgent humanitarian relief in any developing country suffering a major disaster, as determined by the President, whenever the wheat needed for relief cannot be programmed for such purpose in a timely manner under the normal means of obtaining commodities for food assistance due to circumstances of unanticipated and exceptional need. Wheat released from the reserve may be processed in the United States and shipped to a developing country in the form of flour when conditions in the recipient country require such processing in the United States.

(d) Wheat released from the reserve for the purposes of subsection (c) of this section shall be made available under the Agricultural Trade Development and Assistance Act of 1954 to meet famine or other urgent or extraordinary relief requirements, except that section 401(a) of that Act, with respect to determinations of availability, shall not be applicable thereto.

(e) The Secretary of Agriculture shall provide for the management of stocks of wheat in the reserve as to location and class of wheat needed to meet emergency situations and for the periodic rotation of stocks of wheat in the reserve to avoid spoilage and deterioration of such stocks, using programs authorized by the Agricultural Trade Development and Assistance Act of 1954 and any other provision of law, but any quantity of wheat removed from the reserve for the purposes of this subsection shall be promptly replaced with an equivalent quantity of wheat.

(f) Stocks of wheat in the reserve shall not be considered a part of the total domestic supply (including carryover) for the purposes of subsection (c) of this section or for the purposes of administering the Agricultural Trade Development and Assistance Act of 1954 and shall not be subject to any quantitative limitations on exports that may be imposed under section 7 of the Export Administration Act of 1979.

(g)(1) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposal of wheat for or in the reserve.

(2) Effective beginning October 1, 1981, the Commodity Credit Corporation shall be reimbursed from funds made available for carrying out the Agricultural Trade Development and Assistance Act of 1954 for wheat released from the reserve that is made available under such Act, such reimbursement to be made on the basis of actual costs incurred by the Commodity Credit Corporation with respect to such wheat or the export market price of wheat (as determined by the Secretary) as of the time the wheat is released from the reserve for such purpose, whichever is lower. Such reimbursement may be made from funds appropriated for that purpose in subsequent years.

(h) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(i) The authority to replace stocks of wheat to maintain the reserve under this section shall expire September 30, 1985, after which stocks released from the reserve may not be replenished. Stocks of wheat remaining in the reserve after September 30, 1985, shall be disposed of by release for use in providing for emergency food needs in developing countries as provided in this section.

EFFECTIVE DATE

SEC. 303. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

Amend the title so as to read: "An Act to increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes.".

The SPEAKER pro tempore. Is a second demanded?

Mr. HANSEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. FOLEY) is recognized for 20 minutes and the gentleman from Idaho (Mr. HANSEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, H.R 3765, the Walnut Marketing and Promotion Act of 1930, as passed by the House on September 15, 1980, was approved by the Senate on October 1, 1980, with an amendment adding two additional titles—titles II and III.

Title II, the Agricultural Trade Suspension Adjustment Act of 1980 parallels very closely H.R. 7264, the producer storage program for wheat and feed grains, which was reported out of the House Agriculture Committee on May 7, 1980, by a vote of 40 to 1; H.R. 118, a bill designed to change the dates for announcement of wheat and feed grains set-aside; and H.R. 7121, Soybean Emergency Act.

Title III, the Food Security Wheat Reserve Act of 1980 parallels very closely H.R. 6635, which was first reported out of the House Foreign Affairs Committee on February 28, 1980, by a voice vote and then out of the House Agriculture Committee, which had joint jurisdiction, on May 12, 1980, by a vote of 30 to 7.

Additionally, titles II and III basically embody the agreements reached by the committee of conference on title IV of H.R. 7664, the Child Nutrition Act. Since the committee of conference on H.R. 7664 has not yet completed work on all aspects of that legislation the Senate took action to add that portion title IV which had been agreed to as titles II and III of H.R. 3765. This action on the part of the Senate adding titles II and III to H.R. 3765 was sponsored by 17 members of the Senate Committee on Agriculture, Nutrition, and Forestry.

TITLE I

Title I contains exactly the same provisions as passed by the House in H.R. 3765 on September 15, 1980.

TITLE II—MINIMUM PRICE SUPPORT LOAN LEVELS FOR THE 1981 CROPS OF WHEAT, CORN, AND SOYBEANS

The amendment would require that the wheat, corn, and soybean price support loan levels for the 1981 crops be not less than $3.00, $2.25, and $5.02 per bushel, respectively, which are the current levels.

The amendment assures farmers that the price support loan levels for wheat, feed grains, and soybeans will not be lower for the 1981 crops than they are this year. This gives each farmer some assurance that if he produces a crop in the future—he at least will be assured of a price that will cover most of his out-of-pocket expenses.

CHANGING THE DATE FOR ANNOUNCEMENT OF A FEED GRAIN SET-ASIDE

The amendment would require the Secretary of Agriculture to announce any set-aside of cropland under the feed grain program not later than November 1 of each calendar year for the crop harvested in the next calendar year. Under current law, the final date for the announcement of such a set-aside is November 15.

INCREASE IN PRICE SUPPORT LOANS UNDER THE FARMER-HELD RESERVE PROGRAM

The amendment would require the Secretary of Agriculture to make price support loans available to producers who participate in the farmer-held reserve program for the 1980 through 1981 crops of wheat and feed grains at increased levels of support. The Secretary would be required to make loans available at such levels as the Secretary deems necessary to mitigate the effects of the restrictions on trade to the Soviet Union on the prices farmers receive for their crops, but at not less than $2.40 per bushel for corn, and not less than $3.30 per bushel for wheat. This provision will provide farmers who participate in the farmer-held reserve program with price support loan levels that are much closer to pre-suspension market prices. By increasing the minimum loan level, the amendment will assure that the price support loans give farmers more realistic amounts of operating capital.

At the same time, this provision will encourage increased participation in the farmer-held reserve program thereby benefiting both producers and consumers. Grain placed in the farmer-held reserve is kept out of the market for a minimum of 3 years, unless market prices rise significantly. This provision, by reducing the market supply of grain, will strengthen prices.

The loans authorized by this provision must eventually be repaid by the farmers, so that initial outlays of Government funds for the loans will later be offset by loan repayments.

Under the farmer-held reserve program, grain must be redeemed from the reserve before the due date of the extended loan when market prices hit certain levels—under the program now, 175 percent of the price support level for wheat and 145 percent of the price support level for feed grains. In addition, farmers are permitted to pay off loans early and redeem the grain when market prices reach 140 percent of the price support level for wheat and 125 percent of the price support level for feed grains. Some grain placed in the reserve prior to July 28, 1980, however, may have slightly different release and call levels.

The amendment provides that, even though the price support loan levels under the reserve program are increased substantially, the "call" and "release" levels would remain at the dollar figures presently established under the program—$5.25 and $4.20 for wheat, and $3.26 and $2.81 for corn, respectively. This provision will assure that grain will move out of the farmer-held reserve and not become part of a "permanent" reserve.

The amendment would also require the Secretary of Agriculture to waive interest charges on the loans. This would make the reserve program more attractive to farmers. By drawing more grain into the reserve, grain prices will advance in response—at least until the release and call prices are reached.

In summary, these producer reserve provisions help farmers by providing an opportunity for orderly marketing of their crops. At the same time, it helps consumers by drawing supplies from the market in times of plenty and making them available to meet domestic food needs if there should be a short crop—such as happened this year when feed grain stocks were drawn down by 18 percent because of the drought. With these changes, farmers will be able to maintain full production even in times of abundant supplies. It supplants the programs of the past which had as their major thrust production adjustment requirements.

FLEXIBILITY IN ADJUSTING THE RELEASE AND CALL LEVELS FOR WHEAT AND FEED GRAINS

Under existing law, to encourage producers to redeem and market their wheat and feed grains held under the reserve loan program, the Secretary has authority to discontinue storage payments and require interest payments when prices reach a certain level, commonly referred to as the "release" price level. However, while the Secretary has the authority to set the feed grain release price at whatever level he deems appropriate, he is limited to setting the release price for wheat at not less than 140 percent nor more than 160 percent of the price support level of wheat. Using these existing authorities, the Secretary has set the release price for feed grains at 125 percent of the support level and wheat at 140 percent of the support level.

Additional authority allows the Secretary to set a wheat or feed grain "call" price level. When prices reach the call price, the Secretary may require producers to repay the loans on their farmer-held reserve or forfeit their grain to the Commodity Credit Corporation.

Again, as is the case with the release price, the Secretary has authority to set the call price for feed grains at whatever level he deems appropriate, but in the case of wheat, existing law mandates the call price cannot be less than 175 percent of the price support level. Under these authorities the Secretary has established the call price for feed grains at 145 percent and for wheat, 175 percent of the price support level.

The amendment would give the Secretary the same discretionary authority for establishing the release and call prices for wheat that he presently has for feed grains. This would have the effect of disconnecting wheat release and call prices from being a mandated percentage of price support, thus permitting the Secretary to adjust price support levels for wheat without having to make a similar adjustment in the release and call price levels.

RELEASE LEVEL FOR COMMODITY CREDIT CORPORATION-HELD WHEAT AND FEED GRAINS

Except as otherwise provided in title II for the disposal of stocks of wheat and feed grains subject to trade suspensions, the amendment would generally prohibit the Commodity Credit Corporation from selling any of its stocks of wheat and feed grains—except sales of corn for use in the production of alcohol—when the farmer-held reserve program is in effect, at less than 5 percent above the call level.

The Government must make every effort to prevent the embargoed grain from reentering the markets and causing an oversupply of grain. Whenever the Commodity Credit Corporation acquires stocks of grain through price support operations, it becomes a supplier of grain to the markets. Thus, the Government must also act to prevent oversupply by isolating these Commodity Credit Corporation-held stocks from the market. The amendment accomplishes this by raising the minimum price at which the Commodity Credit Corporation generally may sell its stocks from 150 percent of the price support level to 5 percent above the call level. The Secretary of Agriculture has already adopted a policy, similar to this provision, of not releasing Commodity Credit Corporation stocks at less than 5 percent above the call level.

The amendment also changes the minimum Commodity Credit Corporation sales price for corn to be used in the production of alcohol when the farmer-held reserve program is in effect. The minimum sales price for corn for such use is now set at the release price for corn under the farmer-held reserve program. The amendment provides that, if the fuel conversion price for corn exceeds the release level, the Commodity Credit Corporation must sell corn at not less than the fuel conversion price. The fuel conversion price is defined in the amendment as that price for a commodity that would make gasohol using alcohol produced from the commodity competitive in price with unleaded gasoline.

AUTHORITY FOR THE SECRETARY OF AGRICULTURE TO USE THE COMMODITY CREDIT CORPORATION TO PURCHASE AND HANDLE AGRICULTURAL COMMODITIES, OTHER THAN GRAIN, INTENDED FOR EXPORT TO THE SOVIET UNION

The President's decision to restrict agricultural trade with the Soviet Union caused the cancellation of sales of a number of agricultural commodities other than grain. For example, the export sales of a significant amount of poultry were lost due to the suspension.

In the case of the suspended grain export sales contracts, the Secretary developed an arrangement under which he assumed delivery rights under the contracts, with the Commodity Credit Corporation standing in for the Soviet Union as purchaser. It is only equitable that the Secretary take the same approach with other commodities to the extent that production of those commodities was geared up to meet the Russian demand.

The amendment would make it clear that the Secretary has the authority to use the Commodity Credit Corporation to handle all agricultural commodities affected by the suspension as he is handling grain.

AUTHORITY FOR SET-ASIDES FOLLOWING TRADE SUSPENSIONS

To reduce supplies following a suspension of agricultural trade, it may be necessary to reduce acreage put into production after the suspension is imposed.

The Secretary of Agriculture has authority, under existing law, to require a set-aside of cropland if supplies are excessive. However, this authority is conditioned on the Secretary announcing the set-aside by August 15 in the case of wheat or November 15 in the case of corn of the year preceding the year in which the wheat or corn is harvested. The amendment, as I noted earlier, would change the feed grain announcement date to November 1.

The Secretary chose not to proclaim a 1980 wheat or corn set-aside last year. As a result, the Secretary had no authority, after the Soviet trade suspension was announced on January 4, 1980, to reverse his previous decision and proclaim a set-aside of wheat or corn for the 1980 crop year.

The amendment would remedy this gap in the law by authorizing the Secretary, for any commodity for which there is authority for a set-aside, notwithstanding any prior announcement to the contrary, to announce and carry out a set-aside whenever he deems such actions to be in the public interest as a result of the imposition of restrictions on the exportation of the commodity.

AUTHORITY FOR TRADE SUSPENSION COMMODITY RESERVES

The amendment also provides the Secretary of Agriculture authority in the future to divert from the commercial markets agricultural commodities, intended for export, that cannot be exported because the executive branch restricts exports for reasons of national security or foreign policy, if necessary to prevent the accumulation of a surplus that will adversely affect producer prices for the commodity and the commodity is suitable for stockpiling in a reserve.

The Secretary would be authorized to establish nonreplenishing food security reserves of embargoed commodities suitable for use in providing emergency food assistance and urgent humanitarian relief on the same basis as wheat is made available under the food security wheat reserve, and nonreplenishing gasohol feedstock reserves of embargoed commodities suitable for the production of alcohol for motor fuel.

To help assure that producers of fuel alcohol from small-scale projects are able to obtain a dependable supply of grain at reasonable prices, this amendment would authorize the Secretary of Agriculture to formulate and administer a recourse loan program for fuel alcohol processors to buy grain and store it for use in making fuel alcohol. In a small-scale project. A small-scale project includes all facilities that produce less than 1 million gallons of alcohol per year. The authority to make such loans is subject to the appropriations process.

The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor must be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for 1 year of operation.

The authority to make loans under this program ends 5 years after the date of enactment.

STUDY OF THE POTENTIAL FOR EXPANDING U.S. AGRICULTURAL EXPORT MARKETS

We must double our efforts to develop new and permanent trading partners to whom we can sell U.S. agricultural commodities.

The world's population is increasing steadily, and worldwide demand for U.S. food and fiber will also increase. Clearly the potential exists for expansion of U.S. agricultural export markets.

In addition, the United States is and will probably remain the largest supplier of food and fiber for the world. As worldwide demand for food and fiber increases, the United States should become increasingly able to trade its excess supplies of food and fiber for scarce resources, such as petroleum and natural gas.

The amendment requires the Secretary of Agriculture to perform a study analyzing our agricultural export potential over the next 5 years, and submit to the President and Congress a report before June 30, 1981. Many of our agricultural and export programs will expire at the end of 1981. The information provided by the study will be of great value to Congress when it begins reviewing agricultural policies and programs for inclusion in the 1981 farm bill.

FOOD BANK DEMONSTRATION PROJECTS

While somewhat unrelated to the other provisions in title II, this amendment is an important one. It requires that the Secretary of Agriculture carry out demonstration projects to provide agricultural commodities, and other foods that might not otherwise be used effectively, to community food banks for emergency food box distribution to needy individuals and families.

The Secretary must submit a report to Congress on October 1, 1982, regarding the demonstration projects carried out under the program. The report must include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. Up to $356,000 may be appropriated to carry out this program.

It is estimated by the Department of Agriculture that each year about 20 percent of all food produced in the United States is lost or wasted—enough to feed 49 million hungry people. Fortunately for our country's poor, as well as our economy, food banks are springing up across the country to put to good use food that farmers and food producers do not sell. They are successfully marshaling some of that edible but discarded food—valued at $31 billion a year—and providing nutritious meals to needy people while helping to eliminate waste.

Each year food banks collect millions of pounds of edible food cast aside because of over production, dented cans, broken boxes or expired marketing dates and distribute them to charitable groups for use in their on-premises meal programs. Some banks also provide food boxes to help disaster victims through the first few harrowing days following a crisis. To assure proper geographic distribution of the projects, the location of the projects would be determined in consultation with the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture.

FOOD SECURITY RESERVE

Title III of the amendment would require the President to establish a reserve of up to 4 million metric tons of wheat for use in providing for emergency food needs in developing countries. Wheat owned by the Commodity Credit Corporation—most of which was purchased recently to prevent an accumulation of excess supplies following the Soviet trade suspension—would be used to stock the reserve initially. The authority to replenish the stocks of the reserve would expire September 30, 1985.

The reserve may be replenished by either the transfer of wheat from CCC stocks or by purchasing from producers or in the market. Whenever wheat is acquired through purchases from producers or in the market to replenish the reserve, funds to do so must be authorized in appropriation acts.

The food security wheat reserve would be used to meet famine or other urgent or extraordinary relief requirements during periods of tight supplies and high prices when commodities would not otherwise be available under the provisions of Public Law 480.

This provision will serve two purposes. First, it will assure that wheat, most of which was intended for export to Russia, does not reenter commercial markets, weakening the price of wheat. Second, this provision will respond to a request made by the administration in May 1979, that Congress provide the President statutory authority to establish such a reserve.

The administration has favored establishing the food security reserve for several reasons. It would help guarantee that the United States would be able to meet priority food assistance needs of developing countries in years of short supply. This would help prevent a recurrence of actions similar to those between 1973 and 1975 when Public Law 480 wheat shipments to poorer countries were sharply reduced. Yet at that time, poorer countries were in particular need, being unable to compete for limited grain supplies in high priced world markets.

The United States would use the wheat in the food security reserve only for Public Law 480 functions and then only when adequate amounts of wheat are not available in commercial markets, as determined by criteria spelled out in Public Law 480. This would isolate the food security reserve from the marketplace and prevent the stored wheat from depressing commercial grain prices.

Also, replenishment of the food security reserve will create additional demand for domestically produced wheat.

A portion of the reserve—up to 300,000 metric tons—could be released from the reserve in any fiscal year for use under title II of Public Law 480, even if there is no short supply finding, to meet urgent humanitarian relief requirement resulting from major disasters. However, this authority could be used only when wheat could not otherwise be timely provided under normal means of obtaining commodities for food assistance due to unanticipated and exceptional need.

It is intended that, whenever wheat is released from the reserve to be used for such purpose, the reserve be promptly replenished. It is expected that Congress would appropriate the necessary funds promptly to the extent purchases were necessary for replenishment of the reserve.

Mr. Speaker, I have reviewed in some detail the major provisions of titles II and III of the amendment. I want to emphasize that they are similar to H.R. 6635, the Food Security Act of 1980, a bill which was reported earlier by both the House Committees on Foreign Affairs and Agriculture, and H.R. 7264, a bill amending the producer storage program for wheat and feed grains.

The new titles are also very similar to the major provisions of an amendment that the Senate adopted July 25, 1980, as title IV of H.R. 7664, the Child Nutrition Amendments of 1980.

The committee of conference on H.R. 7664 has not completed its work on all aspects of that legislation. However, the conferees have reached agreement on title IV of H.R. 7664. title II and III of the pending amendment basically embody the agreements reached by the committee on conference on that title. The provisions are vital to the welfare of the Nation's farmers, and they should be enacted promptly.

☐ 1650

Mr. DASCHLE. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Speaker, I rise in strong support of H.R. 3765. While I recognize the unusual circumstances under which this bill is being considered today, that fact should not overshadow the tremendous improvement which this legislation makes to various needs in the agriculture sector.

The bill would assure continuation into 1981 of the increased loan rates for wheat, corn, and soybeans recently announced by the administration for the 1980 crop, thereby providing a more realistic support level for our producers given the dramatic rise in costs which have confronted producers. These loan rate increases have been viewed as relatively modest compared to the need, but they are a positive contribution to the economic health of our farm sector.

The bill would require the Secretary of Agriculture to make price support loans available to producers who participate in the farmer-held reserve program for the 1980 through 1981 crops of wheat and feed grains at higher levels of support than under the regular loan program. This provision will encourage increased participation in the farmer-held reserve program. Grain placed in the farmer-held reserve is kept out of the market for a minimum of 3 years, unless market prices rise significantly. This provision, by reducing the market supply of grain, will strengthen prices.

Price support loans must eventually be repaid by the farmers, so that initial outlays of Government funds for the loans will later be offset by loan repayments.

The bill also provides for a waiver of interest on loans made on grain from the 1980 and 1981 crops which are placed in the farmer-held reserve. These other provisions of the bill will be important in offsetting the effects of the Russian grain embargo.

The bill also contains provisions that would benefit the promotion of walnuts and olives.

H.R. 3765 authorizes the creation of a 4-million-ton wheat reserve that would enable the United States to more effectively respond to famine and relief needs during periods of world wide food shortage. This reserve benefits U.S. wheat farmers by withholding from the market the wheat purchased by the Government after the Russian grain embargo, and it provides strong safeguards barring the entry of reserve grain into the market. The bill also sets the reserve wheat aside for famine and other food emergencies.

I am particularly concerned about recent warnings of the possibility of world food shortages in 1981, and the reserve would offer a much-needed protection against starvation. We cannot permit the opportunity to pass to establish this protection.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Speaker, the question I have deals with the amendment authorizing the Secretary of Agriculture to take action whenever the export of agricultural commodities are suspended or restricted. This would be similar to the present embargo on wheat in our sale to the Soviet Union. Would that be considered under this?

Mr. FOLEY. Mr. Speaker, that is correct. The Soviet embargo is the result of national security or foreign policy considerations. Additionally, the bill permits the release of grain when a short supply condition arises.

Mr. PEYSER. Mr. Speaker, it says whenever they are suspended or restricted. Incidentally, I support this. I think this is a fair method of handling the situation.

Mr. FOLEY. It is also intended to apply to situations such as the United States-Soviet grain embargo, where the restriction is based not upon any shortage of supply to meet domestic needs but rather upon a specific prohibition of exports for national security purposes. Therefore, the fact that the President might prevent export to a particular country on foreign policy or national security grounds would apply in this case.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOLEY. Mr. Speaker, I yield myself 2 additional minutes, and I yield to the distinguished gentleman from Wisconsin (Mr. ZABLOCKI), the distinguished chairman of the Committee on Foreign Affairs.

Mr. ZABLOCKI. Mr. Speaker, H.R. 3765, the Agricultural Act of 1980, gives the House an unusual opportunity to help the American farmer and at the same time to establish a food reserve which will alleviate hunger and starvation among poor people overseas during times of food shortage.

Chairman FOLEY and his able Agriculture Committee colleagues have discussed fully the domestic agricultural provisions of this bill.

As chairman of the Foreign Affairs Committee, I am pleased to express strong support for the foreign affairs-related provisions—particularly title III, the Food Security Wheat Reserve Act of 1980.

This is the provision setting up a 4-million-ton wheat reserve for emergency food assistance to developing countries when wheat is in short supply.

Before describing the food security reserve further, may I express appreciation to the many who have worked hard to bring this legislation about.

Chairman FOLEY is to be commended for bringing the bill before the House so that we can act on it before adjournment.

My Foreign Affairs Committee colleague, Mr. GILMAN, was instrumental in sponsoring predecessor legislation which was approved by the committee, as was another gentleman from New York (Mr. MCHUGH).

Church and humanitarian groups have been especially helpful in support of this bill.

The food security reserve provisions of H.R. 3765 are similar to those of another bill, H.R. 6635. I introduced H.R. 6635 with six cosponsors on a bipartisan basis last February. The bill was approved jointly by the Foreign Affairs and Agriculture Committees.

The principal features of the food security reserve include:

First, the President is directed to establish a Government-held wheat reserve of up to 4 million tons "solely for emergency humanitarian food needs in developing countries."

Second, the reserve is to be used for emergency food aid when wheat supplies in the United States are so short that wheat otherwise would not be available for Public Law 480, the food-for-peace program.

Also, up to 300,000 tons of the reserve can be used in any year for urgent humanitarian relief for unexpected disasters abroad when timely supplemental appropriations are not available, regardless of wheat supply conditions inside the United States.

The legislation includes safeguards to protect American farmers against any depressing of domestic wheat prices from wheat released from the reserve, and there are ample legislative controls.

For example:

The wheat may go to developing countries only under the established Public Law 480 law and regulations.

Any replenishment of the reserve through market purchases is subject to prior appropriation.

And the legislation contains a sunset provision which terminates the reserve authority in 1985 unless the Congress acts affirmatively to extend it.

The food security reserve proposal has had extensive support in the Foreign Affairs and Agriculture Committees for a number of years. A bill was approved by the two committees in the 95th Congress but did not reach the House floor because of a crush of session-end legislation.

In this Congress, an additional event—the Soviet grain embargo—has made the bill all the more necessary. This is because, as a result of the embargo, the Commodity Credit Corporation acquired 4 million tons of wheat. The bill authorizes and requires that this 4 million tons be used for the food security reserve.

And because the CCC already has bought the wheat, the Congressional Budget Office says establishment of the reserve will involve "no significant additional cost to the Government."

Mr. Speaker, other features of H.R. 3745 also are of interest to the Foreign Affairs Committee. Among them are the temporary food security reserve authorized under section 208 in the event of a future export embargo, and the study on potential for expanding American agricultural exports provided for in section 210.

In sum, H.R. 3745 is a bill whose provisions have received wide bipartisan support. It is a bill in the best interests of our Nation from a foreign affairs as well as a domestic standpoint.

I urge its overwhelming passage by the House.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion to suspend the rules and pass H.R. 3765. This bill provides for market promotion for walnuts and olives under Federal marketing orders. My fight is not with walnut and olive market promotion. However, the basic bill has become a typical Senate Christmas tree loaded with amendments relating to price supports for major farm commodities, an international wheat reserve, and other reserves, all beyond current budget planning.

The amendments added to this bill by the Senate include a number of provisions which either have a significant budgetary impact or were not considered by the House Agriculture Committee. These include increased price support loan levels for 1980 and 1981 crop wheat and feed grains placed in the farmer-held reserve; establishment of minimum loan levels for 1981 grain crops other than those placed in the reserve; establishment of a 4-million-ton wheat reserve to be used for international food purposes; establishment of reserves for emergency food needs abroad or for use as gasohol feedstocks in the United States in the case of future embargoes of farm products, and establishment of food bank demonstration projects.

The Congressional Budget Office has estimated that just the fiscal year 1981 cost of this bill would exceed $300 million and this does not even consider the cost of using or replenishing any of the wheat used from the international wheat reserve. However, the Agriculture Committee report accompanying H.R. 7264—which has the same loan levels as in the current bill—carried a May 12, 1980, outlay estimate for fiscal year 1981 in excess of $600 million.

This is simply not the time or the procedure under which to consider a bill of this magnitude. It is premature to consider this bill when the second concurrent budget resolution has not been adopted. It is common knowledge on both sides of the aisle that there will be budget cuts. Tomorrow we will be considering a budget resolution that contains a $13 to $17 billion reduction. With this large reduction voted by the Budget Committee for the second budget resolution, how can we justify adding $300 million in outlays today?

Furthermore, we are informed by the Budget Committee that projected fiscal 1981 outlays for programs in the agriculture function have already exceeded the amount reported by the Budget Committee in the second budget resolution. Projected outlays include $229 million from prior year programs, $800 million in additional outlays because of the Agriculture Adjustment Act of 1980, and $1.439 billion from the 1981 agriculture appropriations bill—a total of $2.5 billion. The outlays reported by the Budget Committee for function 350 amount to $2.05 billion. Where will the reductions of almost $700 million—if we pass this bill—be made?

I want to help farmers receive higher incomes. However, unless this legislation is considered in the overall context of the budget and its effect on the economy, it could end up hurting those it is designed to help. Farmers did not vote for fiscal irresponsibility on November 4, 1980. Passage of this bill today will amount to political chicanery on farmers and voters.

The Nation has just elected a new President who will take office only about 2 months from now. President-elect Reagan has indicated he will name his Cabinet members quickly so there should be no great delay in the new Secretary of Agriculture considering these issues. I believe that the new administration should be given an opportunity to make its recommendations on these matters. Even Secretary Bergland has been quoted as saying that the Carter administration would like to withdraw the proposal to avoid committing the Reagan administration to the bill's projected outlays of several hundred million dollars. The Carter administration and the 96th Congress should give the next administration a chance to be heard.

Also, the House Agriculture Committee has not had the opportunity to hold hearings on major parts of this legislation, including the food bank demonstration projects, trade suspension reserves and the alcohol processor grain reserve.

Specifically with regard to the food bank provisions—lest anyone forget—the food stamp program first began as a pilot program, which in the 4 years it operated as a pilot project did not exceed $30 million a year. That program is now running at a cost of about $11 billion a year. The same is true of the supplemental feeding program for women, infants and children (WIC) which is now costing close to $1 billion a year but which began on a pilot basis with a first-year cost of $15 million.

Mr. Speaker, I believe the farmers of this country need all the support they can get. Thus, I favor increasing loan rates for wheat. However, I also believe that it is asking too much to agree to the other provisions of the Senate amendment to this bill under the suspension procedure.

The Committee on Agriculture has reported two bills to the House (H.R. 7264 and H.R. 6635) which include provisions similar to those in the Senate amendments to the walnut bill with respect to increased loan rates for grain placed in the farmer-held reserve and the international wheat reserve. However, 11 minority members of the committee signed supplemental views in the report accompanying H.R. 6635 indicating they felt an alternative offered by one of the members of the committee was a more reasonable compromise. This would allow the Government to use the wheat it has already purchased for an international reserve until it is depleted and then to authorize use of a food security reserve fund to purchase wheat to meet our humanitarian obligations. I feel that this approach is wise since it eventually gets the reserves out of the hands of the politicians where such devastating price-depressing activities too frequently occur.

These bills have been pending before the Rules Committee since early summer. Why were these bills not brought up under the regular order so they could be considered on their own merits without the extraneous matters added by the Senate? Why has the House leadership waited until the lame duck session to allegedly try to help America's farmers?

Members are being asked to suspend the rules with respect to this major piece of legislation by offering them a smorgasbord of something for everyone to make them forget that tomorrow we must consider the second budget resolution. Given the substantial cost and the fact that a new farm bill will be written in the next Congress, I agree with Secretary Bergland that Congress should not commit the Reagan administration to this bill's budget-swelling projected outlays of several hundred million dollars.

I urge this House to vote against H.R. 3765 and include a November 17 letter signed by Minority Leader John Rhodes and me in the Record at this point:

Don't Consider Major Legislation on Suspension Before the Budget Issue is Settled

Dear Colleague: We are writing to urge that you vote today against suspending the rules and passing H.R. 3765 relating to walnut marketing and promotion and containing numerous Senate amendments relating to, among other things, price supports for major farm commodities and reserves. We do not believe it is appropriate for this "lame duck" Congress to be enacting—and particularly under the suspension procedure—a major piece of legislation which entails a budget outlay impact in excess of $300 million (a May 12, 1980, CBO estimate for similar legislation carried a $600 million price tag) and costs far in excess of that amount to cover the expense of such items as the use and replenishment of wheat in the Food Security Wheat Reserve.

The amendments added to this bill by the Senate include a number of provisions which will have either a significant budgetary impact or were never considered by the House Agriculture Committee. These include increased price support loan levels for wheat and feed grains placed in the farmer-held reserve not only for the 1980 crop but also for the 1981 crop; establishment of minimum loan levels for 1981 grain crops other than those placed in the reserve which are identical to the minimum loan levels set by the Secretary for the 1980 crops; establishment of a 4 million ton wheat reserve to be used for international food purposes, establishment of two other reserves—one for emergency food needs abroad and the other for use as gasohol feedstocks in the U.S.—to be used in the case of future embargoes of farm products; and the establishment of food bank demonstration projects.

There was an attempt by the Democratic Leadership to pass this identical measure on October 2, 1980, which failed when an objection was noted by one of the Members. Secretary Bergland in a news release of that same date contended that such action would deny prompt enactment. However, Chairman Giaimo of the Budget Committee in a letter dated October 9, 1980, laid that ill-advised contention to rest:

"Let me note at the outset that you are correct that this bill, as amended by the Senate, even if passed by the House, could not be enrolled and sent to the President for signature until after adoption of the Second Concurrent Resolution on the Budget for Fiscal Year 1981 and any accompanying reconciliation bill which may be required by the Second Budget Resolution."

More recently, in the November 7, 1980, report of the National Association of Wheat Growers (apparently relying upon a Reuters dispatch and confirmation by USDA representatives), Secretary Bergland was reported as stating that "the Carter Administration would like to withdraw the proposal to avoid committing the Reagan Administration to the bill's projected loan outlays of several hundred million dollars." We commend the Secretary for his candor and reasonableness.

We believe that this is simply not the time or the procedure under which to consider a bill of this magnitude. It is premature to consider this bill when the Second Concurrent Budget Resolution has not been adopted. It is common knowledge on both sides of the aisle that there will be budget cuts. With large reductions voted by the Budget Committee for the Second Budget Resolution, how can these increased outlays be justified at this time? We want to help farmers receive higher incomes. However, unless this legislation is considered in the overall context of the budget and its effect on the economy, it could end up hurting those it is designed to help. Farmers did not vote for fiscal irresponsibility on November 4, 1980.

The Nation has just elected a new President who will take office only about two months from now. The new administration should be given an opportunity to make its recommendations on all of these matters.

Further, the House Agriculture Committee has not held hearings on major parts of this legislation, including the food bank demonstration projects (the food stamp program started much the same way), trade suspension reserves and the alcohol processor grain reserves.

To prohibit some background regarding this matter, the Agriculture Committee has reported two bills to the House (H.R. 7264 and H.R. 6635) which include provisions similar to those in the Senate amendments to the walnut bill with respect to increased loan rates for grain placed in the farmer-held reserve and the international wheat reserve. However, eleven minority members of the Committee signed supplemental views in the report accompanying H.R. 6635 indicating they considered that an alternative offered in the Committee was a more reasonable compromise. This would allow the government to use the wheat it has already purchased for an international reserve until it is depleted and then to authorize use of a Food Security Reserve Fund to purchase wheat to meet our humanitarian obligations. These bills have been pending before the Rules Committee since early summer. Why were these bills not brought up under the regular order so they could be considered on their own merits and without suspension of the rules which presumably includes budget waivers?

Members are being asked to suspend the rules with respect to this major piece of legislation by offering them a smorgasbord of something for everyone to make them forget that tomorrow we must consider the Second Concurrent Budget Resolution. We urge our colleagues to vote against this measure today as one ill-advisedly placed on the suspension calendar before the fiscal year 1981 budget issue is resolved and too soon after the voters have demanded responsibility in fiscal matters.

Given the substantial cost and the fact that a new farm bill will be written in the next Congress, we agree with Secretary Bergland that Congress should not commit the Reagan Administration to the bill's projected outlays of several hundred million dollars.

We urge you to vote against H.R. 3765 for the foregoing, among other, reasons.

Sincerely,

John J. Rhodes.
George Hansen.

☐ 1700

Mr. WAMPLER. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Virginia (Mr. Wampler), the ranking minority member of the committee.

Mr. WAMPLER. Mr. Speaker, I was named as a conferee to H.R. 7664, the Child Nutrition Act Amendments of 1980, to which the Senate attached a series of amendments which became title IV of that bill, entitled "the Agricultural Trade Suspension Act of 1980." It contained several of the provisions which appear in H.R. 3765, which we consider here today, and which appear in title II of this bill.

Chairman Foley, Vice Chairman de la Garza, and I were the only conferees named from the Agriculture Committee as conferees to H.R. 7664, and we in effect polled our respective majority and minority Members to determine whether or not they favored the provisions contained in H.R. 7664. Based on our discussion during the conference on title IV of H.R. 7664, we generally agreed to support that title, which, as I said, is similar to title II of H.R. 3765. In my opinion I am committed to supporting title II of this bill, among other reasons, because of the position that I took as the sole conferee representing the minority in the conference on H.R. 7664.

I should note at this point, however, that the conference broke up without ever reaching agreement on H.R. 7664, the Child Nutrition Act Amendments of 1980, because, I understand, the conferees to the other titles could not reach agreement. It is my understanding that the disagreement arose over reductions in funding for the child nutrition program and the provisions relating to the Farm Labor Contractor Registration Act amendments.

However, based on my position taken with respect to title IV of H.R. 7664, I will support the present bill.

That does not mean that I am not concerned about the fact that we take up these major farm program changes in a lameduck session, nor does it indicate that I am unconcerned about the fact that we make substantial changes in farm programs that will impact well into the first year of the Reagan administration. I am sure that those are things that many of the Members will take into consideration when they vote on H.R. 3765. However, inasmuch as I supported title IV of H.R. 7664, I will support this bill.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Dannemeyer).

Mr. DANNEMEYER. Mr. Speaker, I rise in opposition to the motion to suspend the rules and agree to the nongermane Senate amendment to this bill.

The bill itself has merit—it makes some desirable changes in the walnut and olive marketing order program, but the multimillion dollar Senate amendment is something else.

As explained already, the Senate amendment is already a massive farm bill—it raises price supports on grains, it sets up a new 4-million-ton Government-owned and -controlled grain reserve, it liberalizes our domestic food donation programs, and starts a new effort in alcohol fuels, all at an additional cost of at least $274 million in fiscal year 1981 and another $150 million in the next 3 years according to the Congressional Budget Office.

It may well be that some or even most

of these provisions have merit, but to bring them to the floor under a procedure where there is only limited time for debate and no opportunity for amendment brings me to the inescapable conclusion that we are dealing with pure political mischief.

There are other more orderly ways to take up this bill—Why not get a rule?

Why not bring it up in its other form as a conference report?

Why must we be saddled with this up or down decision being made in haste and in a lameduck atmosphere?

The truth of the matter is that this bill is being brought up now—to be enacted now—so that when the new administration comes into power in January they will have their hands partially tied on grain policy.

The new administration will also be stuck with a big increase in spending at a time when we will all be looking for ways to reduce spending.

□ 1710

In listening to the debate on this bill one almost comes to the conclusion that nothing happened on November 4. To think that this body would today serious contemplate adding an additional $250 million to $275 million to spending flies in the face of what the voters said on November 4 in fiscal year 1981. If we do this, what we are really saying to the voters of November 4, "Get lost. We didn't hear you. We don't want anything to do with what you're telling us. We're going to keep right on with our profligate spending."

We must come to grips with the principal fact that if we are going to balance the budget, we have to scrutinize any requests for additional spending and the prudent, responsible way, is to defer making a decision on these policy additions that were made in the Senate until next year.

I do not think the American electorate meant to do that on November 4 and I do not believe we should let the lameducks do it on November 17.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I am pleased to support the Senate amendment to the walnut and olive marketing orders legislation, H.R. 3765. The legislation, as amended by the Senate, provides a number of modest, yet critically needed, changes in the farm program that will help wheat and feed grain producers as well as walnut and olive producers.

One provision of the Senate amendment would increase the loan rate for wheat and feed grains going into the farmer-held reserve. The higher levels are a realistic response to the inflation-caused increases in the prices of farm inputs. Fuel and fertilizer costs have doubled over the past year and interest rates have gone as high as 17 percent. The current loan rates set several years ago simply are not viable in light of today's economic realities.

The loan increases should strengthen the effectiveness of the relatively successful farmer-held grain reserve program. That program allows farmers considerable latitude in their marketing decisions. Simply put, it gives them some added control over their own economic well-being. For instance, wheat producers who are facing a market glut this year because of high carryover stocks and a bountiful harvest have the option of placing their grain into the reserve instead of selling it at prices which could very likely prevent them from being able to cover their costs of production. The program also insures the Nation a reserve of grain to offset short supply years. And, since the program is based on loans rather than outright grants, it does not involve big outlays from the Federal budget. The loans are paid back.

The Senate amendment also includes a provision to establish a reserve stock of wheat to meet emergency international food needs. This program will enhance America's ability to provide famine relief for developing nations.

The final version of the emergency reserve provision has been fine-tuned to provide important safeguards to protect producers from sudden market gluts. It also is designated to deal with the problem of the CCC-held reserves gathered after imposition of the Soviet grain embargo. With the U.S. agricultural bounty, this reserve allows us the means to assure an orderly method of meeting the world's emergency food needs.

The Congressional Budget Office has estimated the fiscal year 1981 cost of H.R. 3765 to be $274 million, the cost involved in carrying out the provisions of title II of the legislation. Title III of the bill—the food security reserve provisions—entails no additional budgetary impact, since the cost of holding 4 million tons of wheat in Government inventories incurred by the Commodity Credit Corporation will in any event have to be borne, because of Government purchases of wheat in the aftermath of the Soviet grain trade suspension.

The administration estimate of the fiscal year 1981 cost of H.R. 3765 is considerably less than the CBO estimate—$165 million compared with $274 million. The difference in these figures reflects the Departement of Agriculture's more optimistic outlook for grain prices—particularly feed grain prices—in the next few months. USDA projects that within 6 weeks corn prices will arrive at call status, at which level corn can no longer enter the farmer-owned reserve. Accordingly, outlays for feed grain price supports authorized in this legislation will be $100 million less than the amount estimated by the CBO.

Both House and Senate Budget Committees have given their approval to a $300 million allocation of funds for the establishment of programs authorized in H.R. 3765, in their reports on the second budget resolution. Because of the effects of this year's droughts, the cost of CCC price support programs for fiscal year 1981 have been reestimated downwards in the second budget resolutions by over $500 million. Thus, enactment of this legislation would not involve exceeding the already modest target level for CCC price support programs contained in the first budget resolution.

I urge my colleagues to support this motion to concur in the Senate amendment. It will not only help our Nation's agricultural sector but will also allow us to meet important goals of providing humanitarian assistance as well.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. Yes.

Mr. FOLEY. The Department of Agriculture's figures are based on the cost estimates which reflect the rise in feed grain prices since the original CBO projections were made.

Mr. GLICKMAN. So that more than likely the actual dollar budgetary amount used by this bill will even be substantially less than the amount of $165 million.

I will close by saying that we will not have a reauthorization of farm programs until Congress enacts a new farm bill in 1981. It will be one of the three or four, in my judgment, major pieces of legislation that President-elect Reagan will put into law. This program is supported in a bipartisan sense, this provision of this bill, the Senate amendments in the Senate, by both Republican and Democratic Senators, because they know that this is probably the only thing that we can do for the reserve program, for the loan program, until we reauthorize the bill next year.

I urge its adoption.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3765, the Agricultural Act of 1980. I urge my colleagues to support this measure, which has passed the Senate, and specifically draw their attention to title III of this legislation which establishes a food security reserve of wheat.

Title III of this measure, which creates a 4 million metric ton reserve of wheat, is substantively identical to H.R. 6635, legislation which I and my distinguished colleague the gentleman from New York (Mr. MCHUGH) originally introduced. This bill, which was favorably reported earlier this year by the House Committees on Foreign Affairs and Agriculture, establishes a grain reserve which backstops our Public Law 480 food assistance program to help meet emergency food needs in developing countries when U.S. wheat stocks are in such short supply that there is not enough available to meet our food aid commitments. Such a situation existed during the world food crisis of the early 1970's when Public Law 480 wheat shipments dropped from 6.5 million tons in fiscal year 1972 to 1.4 million tons in fiscal vear 1974.

The report accompanying H.R. 6635 as approved by the Foreign Affairs Committee stated:

> A recurrence of production shortfalls such as experienced in the early 1970s could again draw down stocks in quick order and lead to another round of skyrocketing grain prices, imperiling again the lives of millions in poor countries who cannot afford to bid against the more affluent nations for limited food supplies.

Under existing provisions of Public Law 480, not altered by this legislation, the wheat stocks to be placed in the Food Security Reserve would be insulated from the domestic market and could be used only for foreign emergency food assistance.

Food shortages such as those of the early 1970's could soon be with us again. Indeed, the Wall Street Journal reported on November 4, 1980, that:

> Feeding the world next year will be like walking a tightrope without a net. A single misstep, such as another summer's bad weather in the U.S., experts say, would be enough to unbalance the act, plunging the whole world into a grain shortage and some poor nations to the brink of salvation.

The Presidential Commission on World Hunger, of which I was a member, underscored unequivocally the need to establish a reserve to support Public Law 480 commitments. In its final report, issued in March 1980, the Commission stated:

> Because funds appropriated for food aid under Public Law 480 tend to remain relatively stable year to year, actual food shipments drop when prices are forced up by shortages. That is, just when the poorer nations are experiencing food shortages, U.S. food aid shipments decline. In 1974, for example, when the world food crisis was at its peak, Public Law 480 shipments were less than a third of the level they had reached 2 years earlier.
>
> Several pieces of legislation now pending before the Congress would attempt to address this problem by creating a small wheat reserve to backstop the Public Law 480 program. These bills would authorize the Secretary of Agriculture to establish stocks of up to 4 million tons, to be released only for purposes of emergency food assistance to developing nations when sufficient supplies are otherwise not available. The Commission endorses these initiatives and urges quick congressional action.

Joining the Commission in its support for the Food Security Reserve are Nebraska's Lincoln Journal, the Washington Post, the New York Times, and the Des Moines Register. For example, earlier this year, the Des Moines Register outlined its concern as follows:

> The margin between world demand for grain and available supply remains precariously thin. As the world's major grain exporter, the United States has a moral responsibility to be prepared to relieve catastrophic famine.

The Congressional Budget Office stated that because the President has already directed the Department of Agriculture to purchase, under existing authority, embargoed wheat originally destined for the Soviet Union, the cost of purchasing and storing wheat for the food security reserve "is expected to be incurred whether or not this bill is enacted." The House Budget Committee's recommendation for the second concurrent budget resolution fiscal year 1981 assumes passage of H.R. 3765. Moreover, H.R. 3765 contains a sunset provision which would require reauthorization for the reserve after September 30, 1981.

Similar legislation to establish such a reserve was placed on the House agenda late in the last Congress and caught up in a last minute crush of what was termed "priority" legislation, the measure was not considered by the House.

In addition, the loans authorized to increase price supports for commodities placed by producers in the farmer-held reserve, must eventually be repaid by the farmers, so that initial outlays of Government funds for the loans will later be offset by loan repayments. By increasing entries of commodities into the reserve, we will be helping to protect consumers from sudden drops in market supplies and attendant higher prices which would face them if the reserve were not so stocked.

Current world food conditions underscore the high priority that we must now assign to establishing a food security reserve.

Accordingly, I urge my colleagues to support H.R. 3765 so that we may seize what may prove to be our last opportunity for some time to create a food security reserve upon which the lives of many in poorer nations may ultimately depend.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. SEBELIUS).

Mrs. HECKLER. Mr. Speaker, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER. Mr. Speaker, H.R. 3765, the Agricultural Act of 1980, is a perfect example of the type of legislation which comes before the House on the Suspension Calendar in the waning days of the Congress when time and tempers are short and legislative dialog on the true issues is sparse.

This bill has something for everyone. For the farmers, it raises the loan rate for the 1980 and 1981 corn and wheat crops and establishes a minimum loan rate for soybeans. For those concerned about the impact of the Soviet grain embargo on U.S. agriculture it authorizes the Secretary to establish a cropland set-aside program. For those worried about the lack of availability of needed natural resources from abroad, it requires the Secretary to study the potential for expanding U.S. agricultural exports and using those expanded markets to obtain resources we need from abroad. And, for those who have fought long and hard for an international wheat reserve, it establishes a reserve stock of wheat of up to 4 million metric tons to meet emergency food needs in developing countries. It is highly inappropriate to have this bill brought up before the House of Representatives on the Suspension Calendar.

Probably no Member of this body would wholeheartedly endorse all the provisions of H.R. 3765.

I question the need to raise loan rates, an additional expenditure to the Federal Government at a time when budget constraints, not further expansions, are needed. However, I have fought for an international wheat reserve for several years and have come to a very personal decision—the guarantee of an international wheat reserve which can be drawn upon when famine strikes in the underdeveloped nations of the world outweighs my personal objections to the manner in which this legislation reached the House floor and my questions regarding the need for the increased loan rates.

Grain consumption has risen 15 percent in the last 5 years while production has increased only 12 percent. Stocks are predicted to reach a five-year low as consumption exceeds production by 37 million metric tons. The impact on countries whose grain production is unstable at best could be devastating if world supplies continue to drop off and no emergency food reserve exists in the United States.

Mr. Speaker, just a year ago I led a delegation of the women Members of Congress to Cambodia to see what we, as individuals, could do to open up channels of food assistance, to temporarily put politics aside so that the future of the Cambodian nation would not be crushed. That experience solidified for me the need for a U.S.-funded and administered international wheat reserve.

After witnessing starvation in Cambodia I cannot justify a vote on international food reserve which would place further roadblocks in the path of getting food to those stricken by famine. Instead, I believe that we must facilitate relief efforts in the international community so that any frustrations encountered in getting food to the hungry would be ones over which we had no control, not those of our making.

With that criteria in mind, I will cast my vote in favor of H.R. 3765. I object to the manner in which legislation has been brought to the floor and I oppose certain provisions of the bill, but in good conscience I cannot vote against the international wheat reserve which is desperately needed and which I, and so many others, have fought hard to create.

Mr. SEBELIUS. Mr. Speaker, I want to encourage my colleagues to accept the Senate amendments to H.R. 3765. These amendments are almost identical to the recommendations put forth by the administration in July. Then, you will remember, Agriculture Secretary Bob Bergland, under pressure from Congress, announced that he was exercising his authority under current law to increase price support levels for wheat and feed grains.

However, the Secretary said that he did not have authority under present law to take other actions which he felt were necessary to help offset the economic damage which accompanied President Carter's decision to suspend export grain sales to the Soviet Union.

Among the specific proposals offered by the Secretary were:

Increasing the loan levels for wheat and feed grains going into the reserve, over and above the general price support loan levels, and

Establishing a 4-million-ton wheat reserve to help the United States meet its humanitarian obligations in times of food shortages overseas.

Mr. Speaker, the administration already has purchased the wheat for the reserve under authorities contained in present law. Now, they seek authority to channel this grain into a reserve program. I would point out that the Agriculture Committee has approved similar legislation and that that legislation is pending in the House.

To clarify the record, I would like to remind my colleagues that I opposed this Government-held, Government-owned reserve when it was first introduced. I favored, instead, a Food Security Fund, which I thought would be a more efficient use of funds. I still think the food fund is superior to the food reserve;

however, now we own 4 million tons of wheat so our major argument for the fund over the reserve—the cost—is void. For that reason, I elected to support the reserve contained in this bill.

The very modest provisions added by the Senate already were agreed to by House-Senate conferees on the Child Nutrition Act amendments which, unfortunately, have been delayed in Conference. Rather than delay implementation, our Senate colleagues elected to attach these provisions to the Walnut bill passed by the House earlier.

Passage of this legislation is necessary to offset the economic problems created by the President's decision to limit export grain sales to the Soviet Union. Because this action cost so many farmers so much in lost income and, potentially, lost markets, the administration acknowledges the need for this legislation.

It is impossible to undo the economic damage caused by this ill-advised action. But it is encouraging to see the President owning up to the need for further action to alleviate these problems. I think we should put behind us our disappointment that it took so long for the administration to admit the need for these actions. I think we should ignore reports that this administration probably would have ignored these problems had the President not been facing a very difficult election. Then after the election the word was out that the administration was now against it so Reagan could act on it—but they have a second thought on that and today—for it again—so the Republicans can kill it in suspension.

As usual, this bill is $2 short and 2 days late. We are considering a bill that should have been passed last January. Instead, we are considering it in the lameduck session. While this represents a small "dribble" to help protect our agricultural economy in the event of future embargoes—which I certainly want to go on record, now, opposing—it is better than nothing.

Before I close, I want to say a word about costs. The price support provisions are unlikely to cost anything because wheat and corn prices are now substantially above the loan levels in this bill. The chances that they will come down are slim, but we need to be prepared if they do. Dodge City wheat: $4.21; corn: $3.50. Reserve loans under this bill: Wheat: $3.30; corn: $2.40.

Mr. Speaker, I am going to vote for this bill and I urge my colleagues to join me. The issue is fairness. If the embargo was, indeed, necessary to help us meet our national security and foreign policy objectives, then all Americans should be willing to share the costs. Thank you.

□ 1720

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Speaker, it is absolutely essential—if we are talking about any kind of humanitarian concern—that we do not have a world where 1 year we have a glut of food and the next year we have none.

Second, I have heard some amazing statistics here. I would simply point out that the Congressional Budget Office says that the first year the food reserve would cost something in excess of $10 million and in the 2 out years it would in fact save money.

In addition, I called the staff of the House Budget Office and they estimate that there is a zero cost in both this year and in the out years.

It absolutely makes sense that we move ahead on this food reserve program. I hope we do it and give this proposal a resounding vote of support.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MAGUIRE).

Mr. MAGUIRE. Mr. Speaker, it is absolutely crucial for the House to pass the Senate amendment to the walnut market order bill which includes the Food Security Act. Enactment of the food security bill will bring a needed measure of stability to our international relief efforts. And our experience with the supplemental appropriation for public law 480 demonstrates why this stability is required.

This year, Congressmen FITHIAN, DERWINSKI, CONTE, and I sponsored an amendment at the last possible minute to increase emergency food funds under the Public Law 480 program by $43 million to meet the dire famine situation in places like East Africa. Our amendment, which was accepted by an overwhelming majority of members because it included a $100 million reduction in furniture purchasing authority for GSA, only brought the Public Law 480 totals up to the administration's original request.

While it is fine to pass supplementals to meet the need, it is a terribly disorderly system. By necessity, a long lead time is required to plan, to purchase and to ship Public Law 480 commodities to meet ever-changing situations of unpredictable famine. For the last 2 years, however, supplemental appropriations bills have not been enacted until July. What this bill calls for is a reserve system to "flatten-out" supply so that there is always grain available to meet the need. This is especially important because of the leadership position which the United States has chosen to assume in this area of international concern.

The Food Security Act would set aside 4 million tons of wheat reserves in the event there was a bad harvest in the United States to assure continuation of Public Law 480 programs overseas. Most significantly, the program enables the President in an emergency, to produce up to 300,000 tons in any fiscal year to meet unforeseen emergencies. This mechanism would make it possible to avoid the uncertainties associated with last minute, year-end supplemental assistance like that which our amendment provided.

We know these funds are important in saving many lives. I will print below a listing of the increases which our amendment to the 1980 supplemental provided. A number of countries—those designated with a "b"—would not have received any assistance had we not acted. Let us bring some regularity to the process by passing the food security amendment. The lives of hundreds of thousands, even millions of people are at stake and the world is depending on us.

FISCAL YEAR 1980, PUBLIC LAW 480, TITLE II—REVISED SUPPLEMENTAL REQUEST

Region/country: Program type: Sponsor: Commodity	Metric tons	Metric tons grain equivalent	Commodity value (thousands)
AFRICA			
Angola:[1] Civil disruption: UNICEF:			
NFDM	1,000	1,000	$353
CSM	3,000	3,180	1,060
SFSG	3,000	5,370	728
Total	7,000	9,550	2,141
Cape Verde:[2] Drought: G/G: Corn	5,000	5,000	610
Chad/Cameroon: Refugee: UNICEF:			
WSB	360	360	134
CSM	360	360	127
Total	720	720	261
Djibouti:[2] Refugee: CRS:			
Rice	1,272	1,272	469
SFSG	1,632	2,921	397
Vegoil	240	240	238
Total	3,144	4,433	1,104
Ethiopia: Drought: G/G: ICSM	13,500	13,500	5,211
Gambia: Drought:			
WFP: Sorghum	1,000	1,000	118
G/G	4,000	4,000	472
Total	5,000	5,000	590
Guinea:[2] IEFR: WFP: Rice	4,000	4,000	1,476
Kenya:[2] IEFR: WFP: Wheat	6,300	6,300	1,090
Mauritania: Drought: G/G: Wheat	8,180	8,180	1,415
Senegal: Drought: WFP:[2]			
Cornmeal	2,800	4,956	694
Sorghum	5,000	5,000	590
Total	7,800	9,956	1,284
G/G: Sorghum	8,000	8,000	944
Total, Senegal	15,800	17,956	2,228
Somalia:[1] Refugee: G/G:			
Corn	25,000	25,000	3,050
CSM	4,200	4,452	21,483
Vegoil	3,400	3,400	3,371
Total	32,600	32,852	7,904
Sudan:[2] IEFR: WFP: Wheat	1,435	1,435	248
Tanzania:[2]			
IEFR: WFP: Corn	1,004	1,004	122
Dought: G/G: Corn	25,000	25,000	3,050
Total	26,004	26,004	3,172
Uganda: Critical food shortage:			
Care:			
SF cornmeal	4,500	6,750	1,116
Corn	4,500	4,500	549
Vegoil	1,000	1,000	992
WLP:			
Vegoil	500	500	446
NFDM	500	500	177
Total, Uganda	11,000	13,250	3,330

Region/country: Program type: Sponsor: Commodity	Metric tons	Metric tons grain equivalent	Commodity value (thousands)
Zaire: Angolan refugee: WFP: Cornmeal	1,800	3,186	466
Zimbabwe: Refugee: WFP:[2] Corn	15,000	15,000	1,830
ASIA			
Kampuchia:[1] Refugee: WFP:			
Bulgur	6,000	6,000	1,542
Vegoil	3,750	3,750	3,720
ICSM	1,000	1,130	386
Rice	5,000	5,000	1,845
Wheat flour	2,400	3,192	643
Peas	5,000	5,000	1,625
Total	23,150	24,672	9,761
Nepal:[1] Drought: WFP: Wheat	11,000	11,000	1,903
Pakistan:[1] Refugee: WFP:			
Wheat	40,000	40,000	6,920
Vegoil	3,990	3,990	3,958
NFDM	2,360	2,360	834
Total	46,350	46,350	11,712
Replacements due to diversions for critical emergency requests:			
Bangladesh: CARE: Wheat	49,000	49,000	8,477
India: CARE/CRS:			
Bulgur	17,777	19,555	4,569
CSM	2,105	2,231	743
Vegoil	1,160	1,160	1,151
Total	21,042	22,946	6,463
Morocco: CRS:			
Flour	1,912	2,543	512
WSB	566	334	211
Total	2,478	2,877	723
Philippines: CRS:			
CSM	3,513	3,723	1,240
SF flour	346	405	112
Total	3,859	4,128	1,352
Total, commodities	313,362	327,339	73,467
Ocean freight			49,393
Grand total	313,362	327,339	122,860

[1] Levels increased over those listed in fiscal year 1980 emergency assistance requests table dated June 26, 1980. [2] New programs.

Mr. de la GARZA. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I will not take the full 1 minute. I simply want to rise in support of this legislation. It has many, many parts that should be supported. It moves forward the day of announcement in case of a set-aside program, which is critical, so that people will know it earlier. It raises the loan rates which are critical and, as has already been expressed, the importance of adding a food reserve is included in this legislation.

I strongly support the legislation and urge my colleagues to do likewise.

Mr. HANSEN. Mr. Speaker, in yielding my final 2 minutes to my colleague from Minnesota (Mr. STANGELAND), I would like to set the record straight that the Congressional Budget Office this day still stands by the estimated outlay being $305 million despite what has been said. That should be in the RECORD. The following information clearly establishes these cost estimates:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., October 21, 1980.

Hon. THOMAS S. FOLEY,
Chairman, Committee on Agriculture, U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: At the request of the Committee staff, the Congressional Budget Office has prepared the attached cost estimate for H.R. 3765, the Agricultural Act of 1980.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,
ROBERT D. REISCHAUER,
For Alice M. Rivlin, *Director*.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

OCTOBER 21, 1980.

1. Bill number: H.R. 3765.

2. Bill title: Agricultural Act of 1980.

3. Bill status: As passed by the Senate, October 1, 1980.

4. Bill purpose: Title I authorizes walnuts and olives to be included in the commodity marketing programs. Title II increases commodity loan rates for the 1980 and 1981 crops of wheat feed grains and soybeans. The producer storage program for the 1980 and 1981 crop years is amended to raise reserve loans to $3.30 per bushel for wheat and $2.40 per bushel for corn, to waive interest on those loans and to change the provisions under which farmers may redeem their grain from the reserve. This title authorizes the use of CCC funds to purchase agricultural commodities, other than grain, which were embargoed from export to the Soviet Union. This title also authorizes the establishment of gasohol reserves and food security reserves. A study of potential expansion of agricultural exports is required and an appropriation of $356,000 is authorized to establish a food bank demonstration project. Title III authorizes the establishment of a Food Security Wheat Reserve and requires appropriation action if the reserve is to be replenished.

5. Cost estimate: The mandated increases in reserve loan rates will result in the following direct budget impact, without appropriation action.

DIRECT SPENDING IMPACT

[By fiscal years, in millions of dollars]

	1981	1982	1983	1984	1985
FUNCTION 350					
Estimated authorization level			31	−21	
Estimated:					
Wheat	158	86			
Feed grains	116	−162			
Interest	31	−9			
Total	305	−85			
FUNCTION 900					
Interest paid by CCC to the Treasury	−31	9			
Budget total:					
Estimated authorization level	−31	9	31	−21	
Estimated outlays	274	−76			

If it is assumed that the Food and Agriculture Act of 1977 is extended beyond its current expiration with the 1981 crop, net outlays would be an additional $120 million in fiscal year 1983 and approximately $15 million in each of the fiscal years 1984 and 1985.

The bill also authorizes appropriations for a food bank demonstration project. Assuming appropriation of the entire amount authorized, the estimated budget impact of that project will be as follows:

FOOD BANK DEMONSTRATION PROJECT (FUNCTION 600

[By fiscal years, in millions of dollars]

	1981	1982	1983	1984	1985
Authorization level	0.4				
Estimated outlays	.3	0.1			

In addition, costs associated with the export expansion study are estimated to total approximately $100,000, though no additional appropriations are authorized for this purpose.

6. Basis of estimate:

INCREASED RESERVE LOAN RATES

Increasing the reserve loan rate for wheat to $3.30 per bushel is projected to increase reserve entries by 25 million bushels in fiscal year 1981 and 24 million bushels in fiscal year 1982. In addition, 250 million bushels of wheat that entered the reserve at the $3.00 loan rate are expected to be redeemed and replaced with another 250 million bushels under loan at $3.30.

It is projected that 34 million fewer bushels of corn would be redeemed from the reserve in fiscal year 1981 and 61 million more bushels would be redeemed during fiscal year 1982 at the $2.40 loan rate. In addition, 230 million bushels that entered the reserve at a $2.25 loan rate are projected to be redeemed and replaced at the $2.40 rate.

Storage is calculated at 26.5 cents per bushel and interest is estimated to be 11.5 percent annually.

FOOD BANK DEMONSTRATION PROJECT

For the purpose of this estimate, it is assumed that the entire amount authorized for this project will be appropriated by December 1, 1980. A spend out rate of 90 percent the first year and 10 percent the second year was assumed.

OTHER PROVISIONS

The cost of promulgating regulations to include walnuts and olives in existing commodity programs is estimated to be about $20,000. However, according to the Department of Agriculture, this will not require additional appropriations, and thus no budget impact is expected.

Funds authorized to purchase embargoed commodities other than grain and to establish the Food Security Wheat Reserve have already been used by the Department of Agriculture under existing authorities. Establishment of the food security reserve changes the criteria under which grain may be drawn for humanitarian aid, but does not have a budget impact. Therefore, the cost of purchasing, storing and financing these reserves is expected to be incurred whether or not this bill is enacted.

Increasing commodity loan rates and raising levels at which CCC may sell its grain reserves follows USDA's previous actions to raise loan rates and is in keeping with current USDA CCC reserve sales policy.

This bill gives the Secretary the discretion to establish a food security reserve of commodities other than wheat and a gasohol reserve in time of embargoes under the Export Administration Act of 1979. No impact is expected because no future embargoes are projected.

7. Estimate comparison: None.

8. Previous CBO estimate:

On September 3, 1980, CBO prepared a cost estimate of H.R. 3765, as ordered reported by the House Committee on Agriculture. H.R. 3765 contained only the walnut and olive marketing provisions and was expected to have no budget impact.

On June 17, 1980, CBO prepared a cost estimate of H.R. 6635, as ordered reported by the House Committee on Agriculture. This bill authorized the establishment of a food security wheat reserve and was expected to have no budget impact.

On April 18, 1980, CBO prepared a cost estimate of S. 2639, as ordered reported by the Senate Committee on Agriculture, Nutrition and Forestry. This bill increased reserve loans to $3.30 and $2.25 per bushel of wheat and corn, respectively, and was estimated to result in additional outlays of $879 million during fiscal years 1980 through 1982. The difference between the estimated costs of S. 2639 and H.R. 3765 reflects significant differences in the bills, the drought-induced shortfall in feed grain production, and other changes in economic conditions that have occurred since April.

9. Estimate prepared by: Howard H. Conley (225-7760).

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. Mr. Speaker, I rise in strong support of H.R. 3765. I urge my colleagues on this side of the aisle to think very carefully when they vote on this bill.

Let me say there are some provisions that are controversial.

I want to salute also the conferees on the child health care bill who looked at the provisions in that act and approved the provisions for agriculture in this act. I particularly want to associate myself with the remarks of the gentleman from Virginia (Mr. WAMPLER). I think we have to pass this legislation today. The close of this Congress is at hand. I believe the American farmer must know that his Nation supports him and appreciates his sacrifices as the result of the Russian grain embargo imposed by his government.

There are those who talk about the figures in the bill, the large amounts. There are those who make a big issue of the magnitude of this bill. Let me tell my colleagues the magnitude of this bill. Let me explain the magnitude.

This bill calls for a $3.30 price support program for wheat going into the reserve, and a $2.40 price support program for corn going into the reserve. The USDA says the cost of production of wheat is $5 a bushel. This is no bill of great magnitude. It is far too little.

Let me say that grain prices have fluctuated and markets have disappeared as a result of Government action. Although this legislation does not guarantee that such actions will not occur in the future, at least it minimizes their effects on farm prices.

In addition, it allows the farmer some flexibility in making his production decisions by moving the announcement date for food grain set-asides from November 15 to November 1.

The bill also authorizes a price support grain program for grain purchased and stored by small-scale producers of alcohol for fuel. This provision should help these small processors in establishing a domestic alcohol fuel production program which we need to assist us in meeting our energy needs and establish our energy independence.

The administration has used agriculture as a foreign policy tool which places a particular burden on the American farmer. However, as we all know, OPEC has rather outrageously used its oil to control and manipulate those who are dependent on it for their energy needs. This bill address both of these problems and, in general, is good for the American farmer and our Nation. I urge its passage.

Mr. FOLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa, (Mr. HARKIN).

Mr. HARKIN. Mr. Speaker, I arise in strong support of the bill. This bill is good for farmers, and places our Nation in the forefront of establishing a world strategic grain reserve to meet emergencies. This reserve will isolate the wheat already bought by the Government as a result of the grain embargo, which, if not put in this reserve, could be dumped on the market in the near future. Moreover, starving people in underdeveloped countries need access to a reserve of wheat.

The modest increases in the loan rate for grain entering the farmer-held reserve this year and next will assist farmers in orderly marketing of their crops. This increased loan rate is much needed at this time.

I am shocked that the Republican leadership is opposed to this bill. I can only assume that Mr. Reagan approves of the actions of the House Republican minority leader in opposing this bill. So soon after the farmers gave their votes to Mr. Reagan, he has abandoned them. If this bill passes, which I trust it will, and is signed into law, the farmers should know it was done over the objection of Mr. Reagan and the Republican leadership in the House.

Mr. FOLEY. Mr. Speaker, I yield such time as he may consume, if it is not too long, to the distinguished Senator-elect from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Speaker, I rise in strong suport of H.R. 3765, as amended by the Senate.

This measure contains the following provision:

First. Requires price support loan levels for 1981 crops to be at least $2.25 per bushel for corn, $3 per bushel for wheat, and $5.02 per bushel for soybeans.

Second. Increases minimum price support loan levels for 1980 and 1981 crops in the farmer-held reserve program to $2.40 per bushel for corn and $3.30 per bushel for wheat—separating them for the first time from levels for conventional price support loans;

Third. Requires USDA to waive interest charges on loans under the farmer-held reserve program;

Fourth. Gives USDA the same discretionary authority to set release and call prices for wheat that it has now for feed grains;

Fifth. Raises the release prices for feed grains and wheat held by the Commodity Credit Corporation (CCC);

Sixth. Authorizes creation of trade-suspension commodity reserves during future periods of agricultural export restrictions;

Seventh. Authorizes a loan program for the purchase and storage of grain to be used in small-scale fuel alcohol projects; and

Eighth. Establishes a food security wheat reserve of up to 4 million metric tons to be used for emergency humanitarian relief in developing countries.

The bill also authorizes including marketing promotion activities under the Federal walnut marketing order; and crediting marketing-order assessments of walnut and olive handlers with their direct marketing promotion expenses, as provided in the House-passed bill.

This legislation is far from perfect. It is far preferable to no action to increase the ag commodity loan levels, though, and I strongly urge its enactment.

It has been argued that the budget impact of this measure is excessive, but let me speak to that point.

In the first place, the support levels provided in this legislation are only about 50 percent of parity. If that is excessive, we are going to have a bankrupt agricultural economy and even more family farms driven out of business.

In the second place, farmer programs account for less than one-third of USDA's budget. Perhaps there are other places we should look first to cut the budget.

Finally, and most importantly, if farm commodity prices in the marketplace are adequate, the cost of the farm program will be minimized.

If, on the other hand, the Government is going to take actions, like the Soviet embargo, which depress commodity prices, it is only fair that reasonable support levels be provided.

Again, loans 50 percent of parity are no substitute for reasonable prices and a recent farm income in the marketplace, but this bill seems to be the best we can do at the present time.

I urge enactment.

Mr. FOLEY. Mr. Speaker, in conclusion I want to say to my colleagues that, without any derogation of the judgment of our friends from the minority who have spoken against this bill, the Members on the minority side who have spoken for it are Members with the broadest experience on the Committee on Agriculture and the Committee on Foreign Affairs. The distinguished, ranking minority member of the Committee on Agriculture, the gentleman from Virginia (Mr. WAMPLER), has spoken for the bill. The distinguished gentleman from Kansas (Mr. SEBELIUS), who has been one of the strongest supporters of agriculture in this House on either side of the aisle, has spoken for the bill. The gentleman from Minnesota, (Mr. STANGELAND) has spoken for the bill. The bill has been addressed and endorsed by the gentleman from New York (Mr. GILMAN) who has had a long interest in food security matters. It has also been supported by other members on the minority side who, I believe, reflect the judgment of this House that this is a strong bill, that it provides domestic food supplies at reasonable prices, and that it furthers the bipartisan commitment of this body and the United States to helping the hungry people of the world. For indeed, concern for those in need and the commitment to improving their lives is a tradition of this country which goes back to World War II and beyond. In fact, the name Herbert Hoover, one of the great leaders of the Republican Party, was first attached, among other things, to the concern to feed the hungry.

So on this basis I call on this House on both sides of the aisle to give overwhelming support to this legislation; and I am confident they will do so.

● Mr. RHODES. Mr. Speaker, I rise in opposition to the motion to suspend the rules and pass H.R. 3765 relating to walnut marketing and promotion and containing numerous Senate amendments relating, among other things, to price supports for major farm commodities and reserves. I do not believe it is appropriate to consider, under the suspension procedure, this major piece of legislation which entails a budget outlay impact in excess of $300 million and costs far in excess of that amount to cover the cost of such items as the use and replenishment of wheat in a new food security wheat reserve.

The amendments added to this bill by the Senate include a number of very significant and costly provisions. These include increased price support loan levels for 1980 and 1981 crop wheat—$3.30 per bushel—and feed grains—$2.40 per bushel for corn—placed in the farmer-held reserve, establishment of minimum loan levels for 1981 grain crops other than those placed in the reserve—identical to the minimum loan levels set by the Secretary for the 1980 crops of $3 per bushel for wheat and $2.25 per bushel for corn—establishment of a 4-million-ton wheat reserve to be used for international food purposes, and for emergency food needs abroad or for use as gasohol feedstocks in the United States in the case of future embargoes of farm products, and the establishment of food bank demonstration projects.

There was an attempt by the Democratic leadership to pass this identical measure on October 2, 1980, which failed when an objection was noted by one of our colleagues. Secretary Bergland in a news release of that same date contended that such action would deny prompt enactment with the signing by the President. However, Chairman GIAIMO of the Budget Committee, in a letter dated October 9, 1980, laid that ill-advised contention to rest with this relevant paragraph:

> Let me, at the outset state, that you are correct that this bill, as amended by the Senate, even if passed by the House, could not be enrolled and sent to the President for signature until after adoption of the Second Concurrent Resolution on the Budget for Fiscal Year 1981 and any accompanying reconciliation bill which may be required by the Second Budget Resolution.

More recently, in the November 7, 1980, issue of the National Association of Wheat Growers newsletter, apparently relying upon a Reuters dispatch and confirmation by USDA representatives, Secretary Bergland was reported as stating that:

> The Carter administration would like to withdraw the proposed bill to avoid committing the Reagan administration to the bill's projected loan outlays of several hundered million dollars.

Yet, here the bill is before us anyway.

The record will show that the House Agriculture Committee has not held hearings on major parts of this legislation, including the food bank demonstration projects . . . and as the gentleman from Idaho has pointed out, the food stamp program started much the same way. The bill also contains provisions for trade suspension reserves and the alcohol processor grain reserves.

However, the committee has reported two bills to the House (H.R. 7264 and H.R. 6635) which include provisions similar to those in the Senate amendments to this bill with respect to increased loan rates for grain placed in the farmer-held reserve and the international wheat reserve. Furthermore, eleven republicans on the Committee signed supplemental views in the report accompanying H.R. 6635 indicating there were better ways to meet our humanitarian responsibilities overseas. Their alternative would allow the Government to use the wheat it has already purchased for an international reserve until it is depleted and then to authorize use of a food security reserve fund to purchase wheat to meet our humanitarian obligations.

In addition, and as has been pointed out, the report accompanying H.R. 7264, the producer storage bill, dated May 12, 1980, contained an outlay estimate for fiscal year 1981 in excess of $600 million, yet the loan levels of $3.30 and $2.40 were identical to those in the current bill, H.R. 7264 and H.R. 6635 which have been pending before the Rules Committee since early summer.

I recognize that there are parts of this legislation which many Members favor and would vote for and other portions which they would oppose, but I hope we will all agree with Secretary Bergland's November 7 statement that Congress should not commit "the Reagan administration to the bill's projected loan outlays of several million dollars."

In summary, let me point out that a "no" vote on this motion is a vote for reduced Federal spending, a vote for orderly procedure, and a vote for giving the new President a chance to forge his own farm program next year.●

● Mr. McHUGH. Mr. Speaker, I rise in support of the bill and would like to take this opportunity to thank Chairman FOLEY and his staff, as well as Chairman ZABLOCKI and his staff, for their fine work in guiding this legislation through some very difficult legislative shoals.

I believe it is fair to say that there would have been no bill without their efforts, and those of us concerned with U.S. food policy owe them a debt of gratitude for making it possible for the House to consider this significant piece of legislation today.

While I fully support the entire bill, Mr. Speaker, I will confine my remarks to title III of the legislation, which would establish a 4 million metric ton food security reserve of wheat to meet emergency food needs abroad.

Because this proposal has never been considered or debated on the floor of the House, there may be some Members who have reservations about accepting it as part of the larger measure now before us. However, this proposal has been given careful consideration by two of our committees, and I think that a brief review of its history, as well as an explanation of why such a reserve is needed, will help put to rest any reservations some may have.

BACKGROUND

Three years ago, Mr. Speaker, on September 12, 1977, I introduced a bill (H.R. 9045) to establish a food security reserve that is similar to the proposal now before us. I was privileged at that time to be working closely with the late Senator Hubert Humphrey of Minnesota, who had introduced a companion measure in the Senate and who was indefatigable in his support for such legislation until his unfortunate death the following January.

As many of you know, the struggle to establish such a reserve has not been easy. The Senate passed its version of the bill in 1978, and both the House Agriculture and Foreign Affairs Committees reported reserve legislation favorably that year. Unfortunately, in the end of session rush to adjournment, we were not able to secure a rule for its consideration and no final action was taken by the House.

In 1979, at the beginning of the 96th Congress, Congressman GILMAN, Republican of New York, and I reintroduced a bill (H.R. 3612) to establish such a reserve. The bill was patterned closely after the proposal that had been endorsed by the two committees in the House the previous year, and 93 of our colleagues in the House have joined in cosponsoring this bill.

Hearings on our proposal were held

jointly by the Agriculture and Foreign Affairs Committees in 1979. Thereafter, following the Soviet invasion of Afghanistan, President Carter ordered a curtailment in U.S. grain shipments to the Soviet Union. In order to cushion the effect of this curtailment on American farmers, the Commodity Credit Corporation (CCC) purchased 4 million metric tons of wheat that had been destined for the Soviet Union.

That decision gave new impetus to our proposal to establish a food security reserve, and once again both the Foreign Affairs and Agriculture Committees gave their endorsement to this proposal by overwhelming margins. Those committees were in the process of seeking a rule for the bill when the Senate attached reserve legislation to the reauthorization of the Child Nutrition Act.

Unfortunately, the conference committee on that legislation became bogged down on issues entirely unrelated to the reserve proposal and it appeared that our efforts would once again fail. However, following extensive negotiations in which Chairman FOLEY and his staff skillfully defended the position of the House, the Senate acted to attach this proposal to H.R. 3765, which is now before us.

As this brief history suggests, Mr. Speaker, even the most meritorious of proposals often faces serious hurdles. At the same time, this legislative history should also make it clear that the proposal we are considering today has not been hastily conceived. It is the product of much discussion and debate in both Chambers over a period of 3 years, and the final product that is now before us represents a mature and thoughtful response to a real need.

NEED FOR A FOOD SECURITY RESERVE

As I said, Mr. Speaker, the need for such a reserve has been recognized for a number of years. Most recently, in its final report issued in March 1980, the Presidential Commission on World Hunger endorsed "the establishment of a Government-held reserve to support Public Law 480 commitments." Some very recent history demonstrates the wisdom of that endorsement as well as the need for a food security reserve.

During the world food crisis that we experienced earlier in this decade, U.S. food aid shipments to the developing nations under the Public Law 480—food-for-peace program—dropped from 9.9 million metric tons in fiscal year 1972 to 3.3 million metric tons in fiscal year 1974. Public Law 480 shipments of wheat, the main staple of our food assistance programs, dropped from 6.5 to 1.4 million metric tons over the same period. In short, at the very time when the need for food aid was the greatest in that decade, the U.S. response to that need was declining.

Although one would like to believe that this failure resulted from events unique to that particular food crisis, it did not. Because of various restrictions in Public Law 480, the amount of commodities available for food assistance after other claims have been satisfied is always more limited during times of tight supply, and additional purchases in the market to meet food assistance needs become difficult both because they tend to contribute to inflationary pressures on domestic food prices and to increase Federal budget outlays.

Since 1974, of course, unusually favorable weather conditions have resulted in worldwide food production gains that have allowed world grain stocks to rebuild to a level minimally adequate for world food security, at least according to the Food and Agriculture Organization (FAO) of the United Nations.

However, in relation to increased world consumption, these stocks are only equivalent to those on hand in the period between 1970 and 1972, which did not stave off the world food crisis we experienced between 1972 and 1974.

We should also note that total world food production, excluding China—for which reliable data are not available—fell more than 2 percent in 1979. Measured on a per capita basis, the decline was more than 3.5 percent, with the developing nations experiencing a slightly larger decline because of the more rapid growth in their populations.

Thus, a reoccurrence of production shortfalls similar to those we experienced earlier in this decade would once again draw down world stocks quickly and lead to another round of grain price increases, imperiling the lives of millions who live in the developing world. As my colleagues know, those nations cannot compete against the more affluent ones for the limited grain available in times of tight supply.

Unfortunately, there is every indication that we will be facing tight supplies in the immediate future. As the Wall Street Journal recently put it: "Feeding the world next year will be like walking a tightrope without a net." For the benefit of those who may not have seen its report, I am inserting a copy into the RECORD at the conclusion of my remarks.

THE CHALLENGE OF GLOBAL HUNGER

Indeed, we need not look to the past to understand that food and survival remain the primary concerns of far too many people throughout the world. We have all been shocked in recent months by the reality of hunger and starvation in Cambodia, Somalia, and Uganda.

While statistics cannot adequately describe the dimensions of the problem, the Agency for International Development estimates that over 1 billion people do not consume enough calories to meet minimum daily requirements, and that the diets of between 450 million and 750 million people are so nutritionally inadequate that their health is seriously threatened or impaired.

One out of every six persons throughout the world suffers from chronic hunger. A disproportionate number of those are infants, children, and women, especially pregnant and nursing mothers. In Africa, 1 out of every 3 children dies before the age of 5, and 30 percent of all deaths in Latin America are among children under that age.

Moreover, if we examine the prospects for changing this situation fundamentally, there is little room for optimism. As recently as 30 years ago, the developing nations produced almost all of their own food. Today, however, they are importing approximately 75 million metric tons of food, with roughly 14 percent of it coming in the form of food aid. Projections by the International Food Policy Research Institute in Washington and by the FAO indicate that this gap between production and consumption will continue to widen throughout this decade under the best of circumstances. Crop failures and adverse weather conditions will only aggravate the problem.

Clearly, the basic solution for alleviating hunger and malnutrition lies in self-help measures designed to increase food production and improve food distribution systems within the developing nations themselves; and in measures designed to reduce population growth and increase the purchasing power of the poor majorities within those nations. As you know, these are the priorities of both our foreign assistance and Public Law 480 programs.

Despite these policies and goals, however, massive hunger and starvation could once again become very real unless adequate reserve stocks are available. The food security reserve that we are now considering would obviously not meet or offset a massive global shortfall. Nonetheless, it could play an important role in helping to deal with the more typical problems we are likely to encounter in coming years. "In a crisis," as the report by our Agriculture and Foreign Affairs Committees notes, "it could be an instrument helping to save millions of lives." It would also help us to meet our commitments under the newly ratified Food Aid Convention that was signed earlier this year.

PROVISIONS OF THE BILL

Under the provisions of the bill now before us, Mr. Speaker, the President would be authorized to establish a reserve stock of wheat of up to 4 million metric tons—147 million bushels—which would be publicly owned and held.

Stocks for the reserve would ordinarily be acquired either from purchases in the market or from wheat acquired by the Commodity Credit Corporation. However, the reserve would initially be stocked by designating the 4 million metric tons of wheat already purchased in the wake of the grain embargo for the food security reserve.

These stocks would not overhang the market or serve to hold domestic prices down. Instead, they would be isolated from the market and could be used solely to provide emergency food assistance to developing countries when sufficient supplies of grain were not otherwise available for disposition under the Public Law 480 program.

The legislation would also allow the President to release up to 300,000 metric tons of wheat from the reserve in any fiscal year for use under title II of Public Law 480 to meet unanticipated humanitarian needs in a developing country or countries that suffered a major disaster. Agriculture Secretary Bob Bergland has testified that this authority "would be used only in extreme situations when emergency requirements greatly exceed usual levels."

Distribution of wheat from the reserve would take place through the normal Public Law 480 channels, and prompt replenishment would be required when stocks were drawn down.

Finally, the bill includes a sunset provision under which the authorities relating to this reserve would expire on September 30, 1985, if it is later determined that the reserve is not needed. My own view is that there will be a continuing need for this reserve, but I have no objection to including a sunset provision in the bill.

There are two points that should be emphasized with respect to this proposal, Mr. Speaker. First, this reserve will not have an adverse effect on the American farmer. As Secretary Bergland has pointed out, the U.S. Government already owns the wheat needed to stock the reserve. If we pass this legislation, therefore, these stocks will be effectively isolated from the domestic commercial market. If we do not, those stocks would be available for sale back into the market. Obviously, that would not serve the best interests of our farmers.

Second, there is not expected to be any significant, additional near-term costs to the American taxpayer if we pass this legislation. As the Director of the Congressional Budget Office has noted:

> The President has already directed the Department of Agriculture to purchase, under existing authority, 4 million tons of wheat to support market prices weakened by the suspension of exports to the Soviet Union. Therefore, the cost of purchasing, storing and financing these reserves . . . is expected to be incurred whether or not this bill is enacted. As a result, it is expected that no significant additional cost to the Government would be incurred by the creation of the reserve.

A PERSPECTIVE ON U.S. FOOD AID

Mr. Speaker, if I have stressed the humanitarian motives for creating a food security reserve, it is because I believe that they are especially compelling. However, we should also recognize that U.S. food aid has materially benefited our own economy. As my colleagues on the Agriculture Committee are aware, a number of food aid recipients have become important commercial markets for U.S. farm exports.

For example, a USDA examination of 12 countries, all of which received significant amounts of U.S. food aid, revealed that their commercial imports of U.S. farm products have increased almost eighteenfold, from $500 million to more than $9 billion, since the food-for-peace program was begun.

Similarly, another USDA study has shown that, while the volume of wheat shipments to the developing nations has grown by more than 25 percent in the last 20 years, the percentage that has moved on a commercial basis has grown from less than 10 percent to approximately 85 percent.

The fact is that low-income people spend a large part of any increase in their incomes for more and better food. In India, for example, when average family income rose by $1, more than half of this increase was spent on food and fiber. In short, U.S. food aid can and has helped to expand our export markets, and that has produced important dividends for the American farmer and for our balance of payments.

While the food security reserve that would be created by title III of this legislation was not drafted with market development objectives in mind, it will provide an effective backstop to our Public Law 480 program, and thus enhance this program which does have market development as one of its objectives.

CONCLUSION

Mr. Speaker, the reserve proposal now before us represents an investment in a more secure future for millions of people throughout the world. As food problems become more acute, it will play an increasingly important role in helping us to cope with the resulting shortages. It will reduce the likelihood of turmoil and conflict that might otherwise accompany food shortages abroad, thus lessening the prospects that our own Nation will be drawn into disputes over food. At the same time, by allowing us to respond to food emergencies in an orderly manner, it should help to reduce inflationary pressures on the prices that American consumers pay for food.

Thus, I want to congratulate Chairman Foley once again for giving us the opportunity to vote on this proposal, and I strongly urge my colleagues to vote in favor of H.R. 3765.

I include the following article:

[From the Wall Street Journal, Nov. 4, 1980]

WORLD WORRY: FOOD SHORTAGES FEARED IN 1981 AS GRAIN STOCKS ARE UNEASILY BALANCED

(By Sue Shellenbarger)

Feeding the world next year will be like walking a tightrope without a net.

A single misstep, such as another summer's bad weather in the U.S., experts say, would be enough to unbalance the act, plunging the whole world into a grain shortage and some poor nations to the brink of starvation.

"It's a little bit hard not to be alarmist," says John A. Schnittker, a Washington agricultural consultant. "World grain stocks by the end of this crop year will provide only a thin cushion."

Those stocks, in fact, are expected to reach a five-year low as consumption exceeds production by 37 million metric tons, and amount twice the size of the Canadian wheat crop. In the last five years, world grain consumption has risen by 15 percent, production by only 12 percent.

"In the three seasons that have given us the biggest harvests the world has ever had, we will have a net stock reduction of 56 million tons, the equivalent of nearly 4 percent of a year's consumption," Mr. Schnittker says.

BUFFER IS CITED

Still, "the situation isn't critical just yet," says Dean Chen, director of Wharton Econometric Forecasting Associates. "Although the U.S. had a bad crop this year," he notes, "we've just come back from two to three years of record harvests back to back. We still have a buffer stock to smooth out tightness in supply."

But Mr. Chen agrees with Mr. Schnittker and other experts that the world has a problem on its hands: Its appetite is simply growing faster than its ability to produce food. In recent years many factors have pushed world grain consumption to record levels. Now the projected shortfalls are raising renewed concern about the adequacy of world stockpiles and are leading the importing countries to try to lock in supplies through international contracts.

"It's a snowball," says Dwayne Andreas, chairman and chief executive of Archer-Daniels-Midland Co., the Decatur, Ill., grain processor. "The population of the world will double in 40 years, and the population of developing nations in 20. We have millions of people emerging from eating indigenous foods to eating processed foods for the first time. Our problem is just to keep up with it."

Mr. Chen stresses "the raised levels of aspirations" of people all over the world. During the last several years, developing nations, especially those enriched by oil exports, have increased their food imports sharply. So have nations, such as the Soviet Union and China, with centrally planned economies and a growing commitment to please consumer interests.

AMERICANIZED DIETS

The oil exports have led to what a U.S. Agriculture Department economist, John B. Parker, calls "the Americanization of the Arab diet." Middle Eastern and North African nations have more than quadrupled their foods imports in seven years, to an estimated $23.5 billion this year. A decade ago, Mr. Parker says, the average Saudi Arabian might have dined regularly on rice, indigenous vegetables and, occasionally, mutton, totaling about 2,200 calories a day. Today, he says, the same person may consume 2,800 calories in the form of meat twice a day, fresh salads and vegetables, milk, fruits and fruit juices.

Governments in Egypt, Iraq, Saudi Arabia, Kuwait and other nations are contributing to higher consumption by heavily subsidizing consumer food purchases. The Soviet Union and China are increasing livestock production for meat and milk.

The U.S. government, too, has played a big role in raising the dietary aspirations of other peoples. Its food-aid programs, by giving small countries with poor farming resources a taste of better food, have opened up vast new markets for U.S. grain exports.

South Korea, for example, imported only $5 million of U.S. grains annually before the U.S. began distributing food aid under Public Law 480. In 1979 South Korea's commercial food imports from the U.S. rose to a startling $1.3 billion, making that nation one of U.S. farmers' biggest customers. The biggest is Japan.

All told, U.S. commercial farm exports have grown twentyfold since 1955, to $40 billion this year, with more than half going to past recipients of U.S. food aid. "We've reached new plateaus in world trade," says Roderick Turnbull, director of public affairs at the Kansas City Board of Trade. "We've just got to have big crops all the time to support the business we've created around the world."

NOT ALWAYS POSSIBLE

As recent events have shown, big crops aren't always possible. The drought that hit the U.S. farm belt this year destroyed almost one-fifth of the U.S. corn and soybean crops. U.S. grain stockpiles next fall will be down 39 percent from this fall's levels, the Agriculture Department reports. World grain stocks, the department says, will be down by 19 percent to 155.2 million metric tons, or about a six-week supply; drought also singed crops in Canada, Australia and Argentina.

Luckily, this year's drought hit nations prosperous enough to lean on their stockpile cushions, pay higher food prices and trim their meat and milk consumption a bit, instead of ravaging poor nations such as India and Bangladesh.

But the effect on the world grain picture has been dramatic nevertheless. Prices rose as much as one-third and are now at six-year highs. And although farmers outside the U.S. reaped a 1980 harvest 5 percent bigger than last year's, it wasn't enough to cover an expected 2 percent jump in world grain consumption during the current crop year ending next summer.

Thus, the once-burdensome U.S. grain stockpiles, built up during an astonishingly successful 1979 harvest, have suddenly become critical to world food supplies.

Of the 1.4 billion metric tons of grain produced in the world this year, 86 percent will be eaten in the country where it was grown. Such nations as Japan, which must import almost all its food, and the Soviet Union, which can't grow enough to feed its people, must depend on the remaining 14 percent of world production that is exported. Even small shifts in world grain production from year to year are therefore critical to the more than 40 nations that depend on imported grain.

The delicate balance between grain supplies and demand has raised a warning signal to many nations unable to produce all their own food. On Oct. 22, China signed a four-year agreement with the U.S. assuring it of receiving at least six million tons of U.S. grain annually. The Soviet Union, denied 17 million metric tons of U.S. grain by President Carter's partial embargo early this year and reaping a second poor harvest in a row, has been eager to negotiate trade agreements with such exporters as Argentina and Australia.

U.S. THE BIGGEST

The U.S. is by far the world's biggest grain exporter, supplying 60 percent of the grain in world trade. "It's very scary to think of two drought years in a row" in the U.S., says Raymond Daniel, agricultural economist with Chase Econometrics. In such a case, he says, "prices would explode to such levels that it would disrupt food supplies to a lot of countries that depend on America." Mr. Chen of Wharton Associates adds, "It isn't a crisis situation, but we should prepare for a crisis."

How to prepare for a crisis is something that world food-policy planners have never agreed upon. No one knows for certain how a food stockpile will be needed from year to year.

The U.S. is the biggest stockpiler of grain, with most of its stocks in private hands. Other nations such as India, Thailand, Norway and Indonesia also keep food reserves, and government boards in Canada and Australia influence stockpile levels by controlling grain exports. But attempts to set up international food reserves have failed.

Negotiations to establish an international system of nationally held wheat stocks fell apart when talks on an international wheat agreement broke down in 1979. The United Nations' World Food Program, however, has an international emergency food-reserve plan, with various nations pledged to provide grain if emergency shortages occur.

AVERAGE GLOBAL WEATHER

If next year's crops are a success, no such emergencies are likely. And Agriculture Department analysts believe that a second year of drought in the U.S. is improbable. But ironically, even though this year's weather was considered troublesome, it was almost average from a global perspective, says Peter Leavitt, president of Weather Services International Corp. of Bedford, Mass. Although farmers around the world this year suffered "hit-and-run droughts and heat waves," the weather was mild compared to the intense droughts of the 1930s and 1950s.

"We've been living high on the hog on weather," Mr. Leavitt says. The last five years have been "among the better periods of this century for growing crops," he says. "If the hemisphere should have as bad a year as some of these recent years have been good—and it will happen, because weather is like that—it would be a very omnious development."

It is too early to tell what 1981 crops will be like, but Mr. Leavitt notes "the first hints of problems" from too little rain in the Southern Hemisphere, where it's spring for roughly 10 percent of the world's grain. Parts of the U.S. winter-wheat belt, including Kansas and Nebraska, also are off to a too-dry start for fall seeding, he adds.

A major crop failure next year, without the cushion of huge stockpiles, would cut meat consumption world-wide, experts say, because livestock feed is the first thing to be cut back when grain is short.

The Soviet Union is already feeling the effects of the disappearance of its own stockpiles and two poor crop years in a row. Cut off from U.S. stockpiles by the embargo and hindered by its own incapacity to import more than 35 million metric tons of grain a year because of transportation problems, the Russians may have to cut meat production. Since indicating recently that their grain harvest this year will barely exceed last year's disappointing crop, they have been selling gold and booking icebreaking vessels to make sure they can afford and ship as much foreign grain as possible during the coming months.

The Soviet transportation troubles aren't unique. World grain trade has grown 83 percent in the last decade and is straining the internal transportation systems of the U.S., Canada and Australia. Gulf of Mexico and Pacific Northwest ports in the U.S. were clogged with record exports this year. A bad winter, like the one in 1978, can bring internal grain transportation systems to a virtual halt, freezing the rivers and preventing barge shipments, and halting exports out of the Great Lakes for months longer than usual.

To speed movement of grain, some merchandisers, such as Archer-Daniels-Midland, have beefed up their own fleets of railcars. The number of jumbo grain cars in the U.S. rose 15 percent this year compared with last year.

Still, the nation's transportation system labors each year under the burden of the harvest. Trying to ship a record wheat harvest through railroad yards in the small towns of the Pacific Northwest this summer and fall, says an Agriculture Department official, has been "like trying to pour five gallons of water through an eyedropper." ●

● Mr. LEHMAN. Mr. Speaker, I welcome this opportunity to express my support for the Senate amendment to H.R. 3765.

In an effort to eliminate shortcomings in the food aid program, we need to establish a reserve stock of wheat to meet urgent food needs in developing nations. The current famine in Africa is a tragic reminder of our present inability to deal with the world hunger crisis.

More importantly, the reserve would make the United States a dependable food aid supplier in years of short supply instead of only in years of plenty. During times of short supply, poorer countries are particularly hurt because these countries are unable to compete for limited grain supplies in high priced world markets.

Although world food production has increased, the gains in developing countries have been used up by rapid population growth. Food production remains vulnerable to weather, insects and disease.

The developing world must increase food production, reduce population growth rates and distribute income more equitably. The United States and other developed countries can help these poorer nations to achieve these goals. The incentives are economic, political and humanitarian. In the meantime, the food security reserve is an important response to the urgent needs of the hungry of the world.●

● Mr. GRASSLEY. Mr. Speaker, I rise to briefly discuss the pending legislation, H.R. 3765 as amended by the Senate, and share with my colleagues a few random thoughts. As you know, the measure now, in addition to amending the Walnut Marketing Act, does two things. First, it makes a number of basic changes in Government policies and programs that directly impact on agriculture. For example, it increases the loan rate for corn, wheat, and soybeans, and also advances the date by which the Department of Agriculture must announce its feed grain set-aside program. Second, H.R. 3765 establishes a 4 million metric ton international wheat reserve to meet emergency humanitarian food needs in developing countries. This authority is contained in section 3 of the bill.

I have no problem with that portion of the bill making basic changes in the farm program. My only comment is that it is unfortunate that we are considering such legislation at this late date, nearly 11 months after the President imposed a limited grain embargo against the Soviet Union. Further, it seems to me rather unfortunate that such corrective legislation must be married to the more controversial portion of the bill establishing an international food reserve.

The way in which we are asked to establish such an emergency food reserve disturbs me. The House Agriculture Committee, of which I am a member, had occasion to consider and debate this question earlier this year. At that time, I, along with a number of my colleagues, indicated that there are other approaches to assisting hungry peoples throughout the world that ought to be considered. Part of our concern is that a reserve, of the kind envisioned by title III of this bill, could tend to depress farm prices in the United States.

Mr. Speaker, this bill is being considered under suspension of the rules which means that we are precluded from offering constructive, improving amendments. We are not able to freely and fully discuss this important matter that will have drastic implications for millions of American farmers and millions of hungry people around the world. Surely, this is a matter which must be addressed by the Congress. The chances of doing the right thing are greatly diminished by the way in which this most complex question, for which there are no easy answers, is being considered today in the House of Representatives.●

● Mr. BROWN of California. Mr. Speaker, I rise in support of H.R. 3765 and the provisions therein to establish an emergency wheat reserve.

We are presented today with a unique opportunity to show this country's leadership in international affairs. Due to poor harvests throughout the world, grain will be increasingly scarce and much more expensive than in the past. Famine already exists in large parts of the world and armed conflicts are adding to the numbers of refugees cut off from their own food production. This country has 4 million tons of wheat already paid for and held off of the market due to the Soviet grain embargo. It is imperative that this grain be made available, through this legislation, to meet the food emergencies that exist now and those that will develop in the next few months.

Legislation in Congress, proposals in international trade negotiations to establish an emergency grain reserve, have failed in the past behind arguments of cost or details of international cooperation. Initial cost is not a factor now, since the grain has already been purchased, and the details that foiled the grain reserve provisions of the Tokyo MTN deliberations have no bearing on this unilateral effort. The primary consideration now is this country's willingness to prove itself worthy of the international leadership role that it claims and meet the food emergency that faces the international community.

With increased grain prices and the provision that this grain will not be sold domestically, the American farmer is protected from the economic consequences of an emergency grain reserve that some have feared in the past. In fact, the emergency grain reserve protects the farmer against domestic dumping of the 4 million tons of wheat now held by placing clear restrictions on its disposal. The ongoing Public Law 480 food aid program will not be affected, since the program under consideration today is a supplement to the Public Law 480 efforts to be used when Public Law 480 stocks are not available or cannot be delivered rapidly enough to meet emergency needs.

The deliberation on this legislation thus centers on our resolve to prove ourselves a just and humane people. I urge passage of this bill.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3765.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

☐ 1730

MEDICAL SERVICES IN THE NATIONAL FOREST SYSTEM

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3559) to amend the act of May 27, 1930, to expand the emergency authority of the Secretary of Agriculture regarding persons who are lost, seriously ill, injured, or who died within the National Forest System, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of May 27, 1930 (46 Stat. 387; 16 U.S.C. 575) is amended to read as follows:

"SEC. 3. (a) The Secretary of Agriculture is authorized in cases of emergency to incur such expenses as may be necessary in—

"(1) searching for persons lost within the National Forest System;

"(2) providing prehospital emergency medical services for persons seriously ill or injured within the National Forest System and while in transit to the nearest appropriate medical facility;

"(3) transporting persons seriously ill or injured within the National Forest System to the nearest place where the sick or injured person may be transferred to interested parties or local authorities; and

"(4) transporting persons who die within the National Forest System to the nearest place where the body may be transferred to interested parties or local authorities.

"(b) To the extent that sums are appropriated to carry out the provisions of this section and are available therefor, the Secretary of Agriculture is directed to enter into agreements with the States or political subdivisions thereof and other persons with respect to carrying out activities authorized by clause (2) of subsection (a), and the Secretary is authorized to enter into such agreements with respect to carrying out activities authorized by clauses (1), (3), and (4) of subsection (a). The agreements may provide that the Secretary will make available to the States or political subdivisions thereof or other persons, technical, financial, and other related assistance, including reimbursement for expenses for (1) acquisition of equipment and supplies, (2) maintenance of equipment, and (3) training for personnel, including volunteers used for the purpose of providing emergency services. For the purposes of this subsection, the word "State" includes the Commonwealth of Puerto Rico.

"(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, which sums shall remain available until expended.

"SEC. 2. The provisions of section 1 shall become effective on October 1, 1981.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Washington (Mr. FOLEY) will be recognized for 20 minutes, and the gentleman from Virginia (Mr. WAMPLER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume, and I shall attempt to be brief because the hour is growing late.

Mr. Speaker, I rise in support of H.R. 3559, as amended. Under the act of May 27, 1930, the Secretary of Agriculture is authorized to incur expenses in searching for persons lost within the National Forest System and in transporting persons who are seriously ill or injured or who die within the system to the nearest place where they may be transferred to interested parties or local authorities.

The bill, as reported by the Committee on Agriculture, would amend the act to authorize the Secretary also to incur expenses in providing prehospital emergency medical services to persons seriously ill or injured within the National Forest System. It authorizes the Secretary to enter into agreements with States, their political subdivisions, and other persons with respect to carrying out activities authorized by the bill. The provisions of the bill would become effective on October 1, 1981.

The costs of these emergency services on national forests are generally borne by the jurisdiction leading the activities, rather than by the Forest Service. However, it is beyond the financial resources of many local, county, and State governments totally to support an adequate search and rescue or emergency medical response system to serve U.S. forest areas. Many counties have a limited revenue base and have found it difficult to purchase, maintain, and operate reliable emergency medical equipment, plus hire and train necessary medical personnel. Payments in lieu of taxes are also inadequate for this purpose.

The Federal Government currently has other programs available to improve rural emergency medical services. One such program is the Emergency Medical Services grant program administered by the Department of Health and Human Services. Another program, administered by the Farmers Home Administration of the Department of Agriculture, provides loans for rural community facilities, including loans for ambulances and associated equipment. The Department of Transportation also has assistance programs. However, the programs do not have sufficient funds to meet existing needs.

It is not contemplated that the Forest Service will become the primary source of funding for emergency medical services programs or the lead agency in connection with such programs. It will, however, be in a position to supplement resources which are otherwise available to provide necessary emergency services on the national forests. And it is expected that the Forest Service will play a role in coordinating the activities of Federal, State, and local agencies in this field. H.R. 3559, as reported by the committee, through its provisions relating to agreements between the Secretary and States or their political subdivisions and other persons, furnishes a basis for implementing the type of cooperative undertakings I have discussed.

I urge the Members to join me in support of H.R. 3559, as amended.

I yield such time as he may consume to the distinguished author of the bill, the gentleman from California (Mr. COELHO).

Mr. COELHO. Mr. Speaker, over the weekend our colleagues may have heard of a most unfortunate accident which took place in my congressional district. I understand three visitors to the United States from Germany, while hiking in Yosemite National Park, were killed in a rock slide. The fatalities are a growing example of the safety risks to which visitors to our public recreation areas are subject. Since my congressional district in central California includes, or is in close proximity to some of the world's most magnificent parkland and forest, I am particularly sensitive to these dangers.

No doubt some of your constituents have been the victims of a motor vehicle accident, boating accident, or injury sustained while rafting, horseback riding, logging, or rock climbing in a national park or forest in or near your districts. Because these mishaps, and others such as light plane crashes, avalanches, skiers trapped, children lost, and floods occur in such remote areas, there is not always the appropriate medical attention available to respond. Someone suffering a heart attack, for example, may have to wait for an ambulance dozens of miles away to handle this medical emergency.

This legislation provides a simple, practical, and efficient solution to the problem of inadequate EMS units in the national forest system. By no means does the Forest Service become proprietor of its own ambulance fleet or in any way administer its own emergency medical services operation. Enactment of this bill merely coordinates all search and rescue and related medical services under the direction of Forest Service officials.

Two important modifications were made to the measure from its original form. In subcommittee I offered an amendment, which was agreed to on a unanimous-voice vote, to relieve the U.S. Government of any liability incurred in carrying out its services in this regard. In full committee, my colleague from Colorado (Mr. JOHNSON) offered an amendment, again agreed to on a unanimous-voice vote, which would limit the role of the Forest Service in any emergency procedure to the actual delivery of a victim to the hospital. Both these changes made the bill acceptable to the Forest Service.

As for the costs associated with the bill, the Secretary of Agriculture, having jurisdiction over the Forest Service, will continue to incur expenses for EMS activities as has been the case previously. To provide for the appropriate training of any additional personnel, technical assistance, or the acquisition of necessary communications equipment, the bill will be subject to appropriation. Estimates will have to be furnished from the Forest Service. I should point out that much of what the Forest Service is presently doing in this area is covered in their current budget. Consider, too, that in comparison with EMS operations on public lands administered by authorities other than the Forest Service, this bill does not entail nearly the extensive program of emergency medical services that are already in existence. Furthermore, the Office of Management and Budget has found the bill to be consistent with the administration's programs.

H.R. 3559 cleared the full Committee on Agriculture without opposition. It is a most worthwhile program and deserves favorable action from both Houses of Congress. Mr. Speaker, thank you for scheduling this bill for consideration today, and my thanks, as well, to Chairman FOLEY and Mr. WEAVER who chairs the Forests Subcommittee, for their cooperation.

Mr. WAMPLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3559, which would amend the act, of May 27, 1930. Under this act, the Secretary of Agriculture is authorized to incur expenses in searching for persons lost within the national forest system, and in transporting persons who are seriously ill or injured or who die within the national forest system, to the nearest place where they may be transferred to interested parties or local authorities.

The bill before us today would amend present law to authorize the Secretary of Agriculture to incur expenses in providing prehospital emergency medical services to persons seriously ill or injured within the national forest system. It authorizes the Secretary to enter into agreements with States, their political subdivisions, and other persons with respect to carrying out activities authorized by the bill.

From 1973 to 1979, recreation visitor days to our national forests have increased 17 percent, from 188 million to over 220 million. According to the U.S. Forest Service, recreational use is projected to continue to increase in the years ahead. Many of these areas, particularly in the West, are remote and isolated, but their character attracts large numbers of hikers, hunters, fishermen, horseback riders, rafters, and mountain climbers. Logging activities also occur in these isolated areas. Associated with these activities are the normally expected frequency of accidents, many of which require search and rescue, emergency medical treatment, and often transporting these victims.

Most areas of the country are sufficiently populated so that these accidents can be routinely handled by local community emergency medical services. But in some remote areas of our national forests, small communities, many of which have only 50 to 500 residents, are ill equipped to handle accidents where thousands of people visit each year. Moreover, the U.S. Forest Service lacks the sophisticated equipment and intensively trained personnel needed to adequately handle medical emergencies.

The longstanding policy of the U.S. Forest Service has been to cooperatively conduct search and rescue missions with State and local jurisdictions, with the Forest Service taking a temporary lead role only when a situation demands an immediate response to reduce suffering or to save lives. The policy requires that the Forest Service not compete with or duplicate existing services. These policies were developed in recognition that the States and local jurisdictions retain the responsibility and authority for certain activities on lands administered by the Forest Service, such as enforcement of State and local laws, regulations, and search and rescue missions. These policies have also been developed in recognition of the increased efficiency and effectiveness that result when emergency services are centralized in a given locale. Much of the search and rescue capability within the United States comes from well-trained, highly committed volunteer organizations that work with State and local jurisdictions.

The bill before us today authorizes the Secretary of Agriculture to incur expenses in providing pre-hospital emergency medical services (EMS) to persons seriously ill or injured within the National Forest System. By stating "pre-hospital," the intent is that the U.S. Forest Service will not be responsible for the hospital care or related medical expenses of the injured party. The Secretary of Agriculture is directed to enter into assistance agreements with the States and local jurisdictions for the purpose of EMS activities. The intent here is that the primary responsibility and authority remain with the local jurisdiction and that the U.S. Forest Service become engaged only through agreements and not employ their own personnel and equipment.

The bill also authorizes the Forest Service to enter into agreements with States and their political subdivisions, or other persons, to incur such expenses as may be necessary in searching for persons lost within the National Forest System; transporting persons seriously ill or injured within the National Forest System to the nearest place where the sick or injured may be transferred to interested parties or local authorities; and transporting persons who die within the National Forest System to the nearest place where the body may be transferred to interested parties or local authorities. These agreements may provide that the Secretary will make available to the States or political subdivisions or other persons technical, financial, and other related assistance, including reimbursement for expenses for acquisition of equipment and supplies; maintenance of equipment; and training of personnel, including volunteers used for the purpose of providing emergency services.

It is the intent of the House Agriculture Committee that the expanded authority of the Secretary is to be used to assist only those rural communities which are in need of, or deficient in, emergency medical services programs. This would be done by supplementing community EMS programs to the extent that visitors to the national forests place an undue burden on the community not prepared to assume responsibility for medical emergencies.

In the more remote and isolated areas where national forest lands make up a major share of the surrounding land ownership, the costs of emergency services are borne by many local, county and State governments which do not have the financial resources to adequately respond to someone in distress. This cooperation in the form of assistance agreements is not expected to be a broad-based program but to apply where the needs of this assistance is clearly identified. It is not likely that more than one-half of the 710 counties associated with national forests would qualify for assistance under provisions of this legislation.

This legislation will permit the U.S. Forest Service to play a role in coordinating the activities of Federal, State, and local agencies in the area of emergency services development. However, it is not contemplated that the Forest Service will become the primary source of funding for emergency medical service programs or the lead agency in connection with such programs.

Mr. Speaker, I urge passage of the bill before us. I commend chairman Foley for bringing this legislation to the floor and Mr. Coelho for his pursuing this matter in the Committee so that it might be considered on the floor.

Mr. Speaker, I have no further requests for time and yield back the balance of my time.

● Mr. WEAVER. Mr. Speaker, this bill provides a clear policy direction to the Forest Service to get involved with local communities and determine how best to meet the emergency medical needs of persons who are injured on our national forests.

Millions are spent for fire and law enforcement but no funds are authorized to help respond to citizens whose lives are endangered by plane crashes, heart attacks, and accidents which result from hiking, horseback riding, rafting, motor vehicles, logging, and rock climbing.

This bill recognizes and enhances current policy of the Forest Service by requiring cooperation with State, local and regional emergency medical service or 911 systems. This bill recognizes the increased efficiency and effectiveness when emergency services are centralized and provided by trained professionals. This bill has the overwhelming support of the emergency medical system community, of local sheriffs in my district, and anywhere there is one of our 120 national forests.●

Mr. FOLEY. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. Foley) that the House suspend the rules and pass the bill, H.R. 3559, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PLANT VARIETY PROTECTION ACT AMENDMENTS

Mr. de la GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 999) to amend the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) to clarify its provisions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 999

To amend the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) to clarify its provisions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Plant Variety Protection Act (7 U.S.C. 2321) is amended by striking out "a bureau" and inserting in lieu thereof "an office".

Sec. 2. Section 5 of such Act (7 U.S.C. 2325) is repealed.

Sec. 3. Section 8 of such Act (7 U.S.C. 2328) is amended by striking out "officers" and inserting in lieu thereof "examiners".

Sec. 4. Section 9 of such Act (7 U.S.C. 2329) is amended by (1) striking out "published specifications" and inserting in lieu thereof "descriptions" and (2) striking out "and a file of such other scientific and technical information as may be necessary or practicable".

Sec. 5. Section 10(a)(1) of such Act (7) U.S.C. 2330(a)(1)) is amended by striking out "specifications for plant variety protection" and inserting in lieu thereof "descriptions of plant varieties protected".

Sec. 6. Section 10(b) of such Act (7 U.S.C. 2330(b)) is repealed.

Sec. 7. Section 10(c) of such Act (7 U.S.C. 2330(c)), is redesignated as section 10(b) and is amended by striking out "the useful arts" and inserting in lieu thereof "plant breeding".

Sec. 8. Section 10(d) of such Act (7 U.S.C. 2330(d)) is redesignated as section 10(c) and is amended by striking out "specifications" from the second sentence each time it appears and inserting in lieu thereof "descriptions".

Sec. 9. Section 11 of such Act (7 U.S.C. 2331) is amended by striking out "specifications" and inserting in lieu thereof "descriptions".

Sec. 10. Section 31 of such Act (7 U.S.C. 2371) is amended by striking out all after the first sentence and inserting in lieu thereof the following: "Such fees shall be deposited into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as may be necessary to carry out the provisions of this Act.".

Sec. 11. Section 52(3) of such Act (7 U.S.C. 2422(3)) is amended by striking out the last sentence.

Sec. 12. Section 56 of such Act (7 U.S.C. 2426) is amended by changing the period at the end of the second sentence to a comma and adding immediately thereafter the following: "the name of the applicant, and whether the applicant specified that the variety is to be sold by variety name only as a class of certified seed.".

Sec. 13. Section 57 of such Act (7 U.S.C. 2427) is amended by inserting "information regarding" immediately after "for the publication of".

Sec. 14. Section 83(b) of such Act (7 U.S.C. 2483) is amended by striking out "seventeen years" in the first sentence and inserting in lieu thereof "eighteen years".

Sec. 15. Section 84 of such Act (7 U.S.C. 2484) is amended to read as follows:

"Sec. 84. Correction of Plant Variety Protection Office Mistake.

"Whenever a mistake in a certificate of plant variety protection incurred through the fault of the Plant Variety Protection Office is clearly disclosed by the records of the Office, the Secretary may issue, without charge, a corrected certificate of plant protection, stating the fact and nature of such mistake. Such certificate of plant variety protection shall have the same effect and operation in law as if the same had been originally issued in such corrected form.".

Sec. 16. Section 85 of such Act (7 U.S.C. 2485) is amended to read as follows:

"Sec. 85. Correction of Applicant's Mistake.

"Whenever a mistake of a clerical or typographical nature, or of minor character, or in the description of the variety, which was not the fault of the Plant Variety Protection Office, appears in a certificate of plant variety protection and a showing has been made that such mistake occurred in good faith, the Secretary may, upon payment of the required fee, issue a corrected certificate if the correction could have been made before the certificate issued. Such certificate of plant variety protection shall have the same effect and operation in law as if the same had been originally issued in such corrected form.".

Sec. 17. Section 91(b) of such Act (7 U.S.C. 2501(b)) is amended by striking out "specification" in the second sentence and inserting in lieu thereof "description".

Sec. 18. Section 93(a) of such Act (7 U.S.C. 2503(a)) is amended by striking out "Specifications" and inserting in lieu thereof "description".

Sec. 19. (a) Section 111(5) of such Act (7 U.S.C. 2541(5)) is amended by striking out "propagation prohibited" and inserting in lieu thereof "'Unauthorized Propagation Prohibited' or 'Unauthorized Seed Multiplication Prohibited'".

(b) Section 127 of such Act (7 U.S.C. 2567) is amended by striking out "the words 'Propagation Prohibited'" and inserting in lieu thereof "either the words 'Unauthorized Propagation Prohibited' or the words 'Unauthorized Seed Multiplication Prohibited'."

(c) Section 128(a)(3) of such Act (7 U.S.C. 2568(a)(3)) is amended by striking out "Use of the phrase 'propagation prohibited' or similar phrase without reasonable basis, a statement of this basis being promptly filed with the Secretary if the phrase is used beyond testing and no application has been filed." and inserting in lieu thereof "Use of either the phrase 'Unauthorized Propogation Prohibited' or 'Unauthorized Seed Multiplication Prohibited' or similar phrase without reasonable basis.".

Sec. 20. Section 144 of such Act (7 U.S.C. 2583) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. de la Garza) will be recognized for 20 minutes, and the gentleman from Virginia (Mr. Wampler) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. de la Garza).

Mr. de la GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 999 to amend the Plant Variety Protection Act by: First, repealing section 144 of the Plant Variety Protection Act thereby expanding the act's patent-like protection to novel varieties of okra, celery, peppers, tomatoes, carrots, and cucumbers, which had specifically been excluded from protection in the original legislation; second, extending the time period during which protection is afforded to novel varieties from 17 to 18 years; and third, refining and updating terminology in the act.

Mr. Speaker, the Plant Variety Protection Act established in the Department of Agriculture, a plant variety protection office which has the authority to issue "certificates of plant variety protection" to developers of "novel" varieties of sexually reproduced plants.

The Plant Variety Protection Act was designed to encourage the development of new varieties of plants which are reproduced from seeds. Prior to enactment of the Plant Variety Protection Act, most plant breeding work was performed by public institutions. The private sector's involvement in plant breeding was primarily limited to the development of hybrid corn and sorghum. Without legal protection of plant breeders, such as exclusive rights to sell for a period of time, the risks associated with the necessary investment are very high. Consequently, absent legal protection, private development efforts are often limited to the production of hybrid varieties.

An analysis of the effects of the Plant Variety Protection Act on plant breeding indicates that the act has resulted in increased research by the private sector. Since the passage of the act in 1970, the number of new varieties has increased from 94 to 227 (141 percent) for soybeans, from 139 to 231 (66 percent) for wheat, and from 64 to 96 (50 percent) for cotton. An analysis of the number of new varieties developed during a 10-year period before and after enactment of the Plant Variety Protection Act indicates that three times more wheat, three times more soybeans, and six times more cotton varieties were developed in the 10-year period after implementation of the Plant Variety Protection Act.

Records from the Plant Variety Protection Office through May of 1980 indicate that the private sector, primarily small companies, has been seriously involved in developing new and better varieties. The Plant Variety Protection Office has received a total of 1,140 applications for protection—89 applications have been received from foreign countries, 131 from experiment stations, and 920 from private U.S. breeders. Over 75 percent of the applications for protection from private U.S. breeders were received from small (less than 500 employees) U.S. companies. Only slightly more than 20 percent of the certificates issued went to large companies, meaning almost 80 percent of the varieties now protected by the act are in the province of small private breeders, experiment stations, and foreign breeders.

The Plant Variety Protection Act has not caused varieties to become extinct. The act encourages the development of new varieties which may better suit consumers' needs. The Plant Variety Protection Act does not encourage uniformity in crops. The reverse is true. To receive a certificate of protection, the Plant Variety Protection Act requires the variety to be distinct from all other varieties. The Plant Variety Protection Act recognizes the need for genetic diversity and does not restrict the genetic material of a protected variety. The germ plasm contained in protected varieties is available to anyone for use in breeding a new variety.

The Plant Variety Protection Act does not restrict farmers or gardeners from growing certain varieties of crops. The act has no regulatory function. It merely gives breeders exclusive rights to try to market their new varieties for a period of time.

Mr. Speaker, the committee is convinced that the Plant Variety Protection Act had been effective in encouraging the development of new and better varieties of sexually reproduced plants. The act has greatly stimulated private plant breeding and provided both farmers and consumers with an increased selection of varieties which are better in yield or quality. For these reasons, I urge my colleagues to support H.R. 999.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I rise in support of H.R. 999, as amended, a bill to amend the Plant Variety Protection Act.

The Plant Variety Protection Act gives patent-like protection to developers of novel varieties of sexually produced plants. In the 10 years since adoption of that legislation, the number of new varieties of plants has increased significantly. For example, during that period, the number of new varieties of soybeans has increased from 94 to 227; of wheat, from 139 to 231; and of cotton, from 64 to 96.

Further, a Department of Agriculture poll indicates that sums invested in varietal development research has doubled, and even tripled in some cases, since passage of the act. In short, the evidence indicates that the act is achieving its goal, which is to encourage the development of new varieties of plants which are reproduced from seed. As a result, farmers are being afforded a wider choice of new and better varieties.

H.R. 999, as reported by the Committee on Agriculture, would make some adjustments in the act. It would expand the acts protection to six vegetables which are now excluded from coverage—okra, celery, peppers, tomatoes, carrots, and cucumbers. An analysis of breeding programs for these vegetables, as contrasted with those for vegetables which have been covered by the act, suggests that there has been less development of new varieties, and a concentration of the limited development in hybrid, as opposed to open pollinated, varieties.

The bill would also extend by one year—from 17 to 18 years—the period during which protection is given to novel varieties.

The balance of the changes which would be made by the bill are technical in nature. Primarily, they involve updating and clarifying the terminology of the legislation.

Experience over the life of the act has shown that it is accomplishing its intended purpose. It has resulted in increased plant variety research in the private sector, primarily by small companies, and in a greater variety of plants produced from seeds.

Except for extending the acts coverage to six vegetables that are not now covered, the changes made by H.R. 999 are largely technical in nature. There is little or no controversy about them. While some questions have been raised about provisions of the act itself, they have not extended to the amendments.

I strongly urge the Members to join me in support of H.R. 999, as amended.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Speaker, I rise in support of H.R. 999 to amend the Plant Variety Protection Act.

The Plant Variety Protection Act, enacted in December 1970 as Public Law 91–577, was designed to encourage the development of new varieties of plants which are reproduced by seeds. The act provides patent-like protection to those who breed or discover distinctly new plant varieties. Participation under this law is voluntary. In order to participate the breeder must apply for protection, and enforcement is the breeder's responsibility through civil law.

Most of the amendments being proposed in H.R. 999 are primarily technical in nature and would refine and update certain terminology in the act so that it may be better understood by the users of the act. However, two sections are considered substantive in nature. First, the "patent" protection is to be extended from 17 to 18 years, and second, there is a section which would repeal section 144 of the act which exempts six canning vegetables, namely okra, celery, peppers, tomatoes, carrots, and cucumbers, from coverage under the act. These six vegetables were exempted in the original act due to objections from the large soup companies which felt that prices would be increased as a result of the patenting. Now these companies no longer object to the inclusion of these vegetables.

Hearings were first held on this bill on July 19, 1979, and because of opposition registered it was decided that further hearings were called for in order that scientific witnesses could appear to address that type of concern.

The primary issue raised by several witnesses goes to the question of patenting of living organisms. These witnesses opposed not only these amendments but suggested repeal of the entire act. I happen to feel that if a seed company, large or small, undertakes costly research to develop a new variety, then a "patent" should be issued, thus assuring the opportunity for recovery of such funds expended. It is a property right that should be protected.

Another issue raised was the possibility that extinction of varieties and their genetic heritage would result if these amendments were adopted. The answer is that we should encourage expanded programs to collect and store plant germplasm, but that idea has nothing to do with this legislation.

A second hearing was held on April 22, 1980, and to my satisfaction the scientific witnesses who appeared and testified adequately countered the concerns raised by those in opposition.

Additionally, this legislation is supported by various seed companies, large and small; the Department of Agriculture; the Seed Policy Subcommittee of the Experiment Station Committee on Organization and Policy; the American Seed Trade Association; the American Patent Law Association; and the Association of Official Seed Certifying Agencies, among others.

Mr. Speaker, I urge favorable consideration of this legislation.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to my colleague from California.

Mr. JOHN L. BURTON. I have gotten a lot of phone calls in opposition to this bill, and they were concerned this would get into patenting, I guess, almost human organisms and sperm banks and things like that. Is it possible by any stretch of the imagination that this could reach that far, because the gentleman talked about living organisms?

Mr. WAMPLER. I will respond to my distinguished colleague from California by saying I, too, received communications of a somewhat similar nature.

Mr. JOHN L. BURTON. Many, many, many.

Mr. WAMPLER. I can only tell the gentleman that in my opinion those concerns are not well founded and this legislation would not adversely affect those who have expressed such concerns.

Mr. JOHN L. BURTON. I wonder if the distinguished chairman, my friend, Mr. DE LA GARZA, could answer that.

Mr. DE LA GARZA. Will the gentleman yield to me?

Mr. WAMPLER. I would be happy to yield.

Mr. DE LA GARZA. I will repeat what my distinguished colleague has stated. This deals only and solely with seed, and it does not affect any of the other items that some people have expressed concern about.

Mr. JOHN L. BURTON. I mean fetuses come out of a seed. You plant that seed.

Mr. DE LA GARZA. Not the kind of seed we are talking about.

Mr. JOHN L. BURTON. I am not kidding. My phone has literally been ringing off the wall.

Mr. DE LA GARZA. Unless the gentleman can extract a fetus from okra, celery, peppers, tomatoes, carrots, or cucumbers.

Mr. JOHN L. BURTON. I could do that. In fact, I have seen it done. It was in the gentleman's district. I am serious about this. If the gentleman received this kind of concern, I mean, letters, phone calls from scientists, they are very serious about their concern that this may get into a broader area than we think is okra and cucumbers.

□ 1740

Now, if you cross an okra with a cucumber, you might get something else; or if you cross a potato with a sponge, it takes a lot of gravy; or if you cross a rooster with a rooster, you get a cross rooster, but I think we are talking about something more serious here.

Mr. DE LA GARZA. Again, we have no scientific evidence. We held extensive hearings, and all of the concerns—and I have been expressing some of the concerns—I can assure the gentleman unequivocally that this legislation is not designed to do that. The letter of the law does not do that; the intent of the author of the legislation is not to do that, and how more emphatically I can assure the gentleman, I do not know.

Mr. JOHN L. BURTON. I thank the gentleman. These people you talked to, Mr. WAMPLER, were they convinced?

Mr. WAMPLER. I cannot speak for those to whom I corresponded. They should have been convinced of the limitations placed on this legislation by the committee based on the information provided to them.

Mr. JOHN L. BURTON. So, I mean, it is only the intent to deal with okra, cucumbers, celery, persimmons, and what else?

Mr. DE LA GARZA. Tomatoes, carrots, and cucumbers. No persimmons.

Mr. JOHN L. BURTON. So persimmons are not covered by this legislation, or pomegranates–

Mr. DE LA GARZA. If the seed for those would have been covered under the 1970 act.

Mr. JOHN L. BURTON. Well, does anybody know if the 1970 Act covered persimmons and pomegranates?

Mr. WAMPLER. I yield to the vice chairman.

Mr. DE LA GARZA. Plants that developed from seeds, sexually reproduced from seed.

Mr. JOHN L. BURTON. That is what they are worried about, sexual reproduction being patented.

Mr. DE LA GARZA. Not the kind the gentleman is concerned about.

Mr. JOHN L. BURTON. I am not concerned about it, having been kicked by a horse at a very young age, but I mean, the gentleman is sure that the people that talked to him, at least the majority of the scientists' concerns are met, and the ones whose concerns are not met are not well founded?

Mr. WAMPLER. I can say to the gentleman from California, I believe that the assurances by the vice chairman of the committee, Mr. DE LA GARZA, as to the scope of this legislation are correct.

Mr. JOHN L. BURTON. Is that how the gentleman from Texas hears it?

Mr. DE LA GARZA. That is correct.

Mr. JOHN L. BURTON. I think I will call for a vote anyway.

● Mrs. CHISHOLM. Mr. Speaker, I know that it is rare that I rise to comment on a supposedly noncontroversial bill reported by the Agriculture Committee—especially when I so vigorously rejected an assignment on that committee when I first came to Congress in 1969.

Nevertheless, objections to these Plant Variety Protection Act amendments caught my attention and motivate me to oppose H.R. 999 under suspension of the rules.

Not only is this bill controversial, Mr. Speaker, but it also furthers a dangerous precedent. Dissenting views by Mr. NOLAN and Mr. WEAVER raise in detail the serious issues of genetic uniformity, market concentration, environmental impact and nutrition which have persisted ever since the enactment of the Plant Variety Protection Act 10 years ago.

I am particularly concerned that subsistence farmers in developing nations could be endangered if the seeds they receive from giant corporations require expensive applications of fertilizer and pesticides; or worse, if the plants growing from such uniform seeds are subsequently—and uniformly—attacked and destroyed by bacteria, viruses, or insects.

I am convinced that the many unanswered questions on these subjects need to be more fully addressed by USDA, our Agriculture Committee; and by our Commerce and Judiciary Committees which were not afforded the opportunity to review this legislation.

Mr. Speaker, I certainly do not want to hold back the kind of technological innovations that have made America's farmers so boutifully productive. In this instance, however, I fear that we could be contributing to future food disasters in an increasingly hungry world.●

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time.

Mr. WAMPLER. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas (Mr. DE LA GARZA) that the House suspend the rules and pass the bill, H.R. 999, as amended.

The question was taken.

Mr. JOHN L. BURTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ARTS AND HUMANITIES ACT OF 1980

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7153) to amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorizations of appropriations contained in such acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 7153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Arts and Humanities Act of 1980".

TITLE I—AMENDMENTS TO NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

DEFINITIONS

SEC. 101. (a) Section 3(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(a)) is amended by striking out "theory, and practice" and inserting in lieu thereof "and theory".

(b) Section 3(d)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(d)(1)(B)) is amended by inserting "or the National Council on the Humanities, as the case may be" after "Arts".

(c) Section 3(g) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(g)) is amended by inserting "the Northern Mariana Islands," after "American Samoa,".

NATIONAL ENDOWMENT FOR THE ARTS

SEC. 102. (a) Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended—

(1) by inserting "or loans" after "grants-in-aid";

(2) in paragraph (1) thereof, by inserting "and cultural diversity" after "American creativity";

(3) by redesignating paragraph (5) thereof as paragraph (6) thereof, and by inserting after paragraph (4) thereof the following new paragraph:

"(5) programs for the arts at the local level; and"; and

(4) by adding at the end thereof the following new sentence: "Any loans made by the Chairman under this subsection shall be made in accordance with terms and conditions approved by the Secretary of the Treasury.".

(b)(1) Section 5(g)(2)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(2)(A)) is amended by striking out ", except that" and all that follows through the end thereof and inserting in lieu thereof a semicolon.

(2) Section 5(g)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(4)) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of paragraph (3)(B), the term 'State' includes, in addition to the several States of the Union, only those special jurisdictions specified in section 3(g) which have a population of 200,000 or more, according to the latest decennial census.".

(c) Section 5(k) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(k)) is amended by adding at the end thereof the following new sentence: "The Chairman may enter into interagency agreements to promote or assist with the arts-related activities of other Federal agencies, on a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities.".

(d) Section 5(l)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(l)(1)) is amended—

(1) by inserting ", on a national, State, or local level," after "private nonprofit organizations";

(2) by inserting "strengthening quality by" after "for the purpose of"; and

(3) by redesignating subparagraph (D) and subparagraph (E) as subparagraph (E) and subparagraph (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) providing additional support for cooperative efforts undertaken by State arts agencies with local arts groups to promote effective arts activity at the State and local level, including support of professional artists in community-based residencies;".

(e) Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended by striking out subsection (m).

NATIONAL COUNCIL ON THE ARTS

SEC. 103. Section 6(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(c)) is amended by inserting after the first sentence thereof the following new sentence: "The terms of office of all Council members shall expire on the 3rd day of September in the year of expiration.".

NATIONAL ENDOWMENT FOR THE HUMANITIES

SEC. 104. (a)(1) Section 7(f)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(2)) is amended to read as follows:

"(2)(A) Whenever a State desires to designate or to provide for the establishment of a State agency as the sole agency for the administration of the State plan, such State shall designate the humanities council in existence on the date of the enactment of the Arts and Humanities Act of 1980, as the State agency, and shall match from State funds a sum equal to 50 percent of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) relating to the minimum State grant, or 25 percent of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved. In any State in which the State selects the option described in this subparagraph, the State shall submit, before the beginning of each fiscal year, an application for grants and accompany such application with a plan which the Chairman finds—

"(i) designates or provides for the establishment of a State agency (hereinafter in this section referred to as the 'State agency') as the sole agency for the administration of the State plan;

"(ii) provides that the chief executive of the State will appoint new members to the State humanities council designated under the provisions of this subparagraph, as vacancies occur as a result of the expiration of the terms of members of such council, until the chief executive has appointed all of the members of such council;

"(iii) provides, from State funds, an amout equal to 50 percent of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) relating to the minimum State grant, or 25 percent of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved;

"(iv) provides that funds paid to the State under this subsection will be expended solely on programs approved by the State agency which carry out the objectives of subsection (c) and which are designed to bring the humanities to the public;

"(v) provides assurances that State funds will be newly appropriated for the purpose of meeting the requirements of this subparagraph; and

"(vi) provides that the State agency will make such reports, in such form and containing such information, as the Chairman may require.

"(B) In any State in which the chief executive officer of the State fails to submit an application under subparagraph (A), the grant recipient in such State shall—

"(i) establish a procedure which assures that four members of the governing body of such grant recipient shall be appointed by an appropriate officer or agency of such State, except that in no event may be number of such members exceed 20 percent of the total membership of such governing body; and

"(ii) provide, from any source, an amount equal to the amount of Federal financial assistance received by such grant recipient under this subsection for the fiscal year involved.".

(2) Section 7(f)(3) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(3)) is amended to read as follows:

"(3) Whenever a State selects to receive Federal financial assistance under this subsection for any fiscal year under paragraph (2)(B), any appropriate entity desiring to receive such assistance shall submit an application for such assistance at such time as shall be specified by the Chairman. Each such application shall be accompanied by a plan which the Chairman finds—

"(A) provides assurances that the grant recipient will comply with the requirements of paragraph (2)(B);

"(B) provides that funds paid to the grant recipient will be expended solely on programs which carry out the objectives of subsection (c);

"(C) establishes a membership policy which is designed to assure broad public representation with respect to programs administered by such grant recipient;

"(D) provides a nomination process which assures opportunities for nomination to membership from various groups within the State involved and from a variety of segments of the population of such State, and including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve;

"(E) provides for a membership rotation process which assures the regular rotation of the membership and officers of such grant recipient;

"(F) establishes reporting procedures which are designed to inform the chief executive officer of the State involved, and other appropriate officers and agencies, of the activities of such grant recipient;

"(G) establishes procedures to assure public access to information relating to such activities; and

"(H) provides that such grant recipient will make reports to the Chairman, in such form, at such times, and containing such information, as the Chairman may require.".

(3)(A) The first sentence of section 7(f)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C.

956(f)(4)) is amended by inserting "State and each" before "grant recipient".

(B) The second sentence of section 7(f)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(4)) is amended by inserting "States and" before "grant recipients".

(C) Section 7(f)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956 (f)(4)) is amended by striking out subparagraph (A) and subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

"(A) 34 percent of the amount of such excess for such fiscal year shall be available to the Chairman for making grants under this subsection to States and regional groups and entities applying for such grants;

"(B) 44 percent of the amount of such excess for such fiscal year shall be allotted in equal amounts among the States and grant recipients which have plans approved by the Chairman; and

"(C) 22 percent of the amount of such excess for such fiscal year shall be allotted among the States and grant recipients which have plans approved by the Chairman in amounts which bear the same ratio to such excess as the population of the State for which the plan is approved (or, in the case of a grant recipient other than a State, the population of the State in which such grant recipient is located) bears to the population of all the States.".

(4)(A) Section 7(f)(5)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(5)(A)) is amended by striking out "Whenever the provisions of paragraph (3)(B) of this subsection apply in any State, that part of any" and inserting in lieu thereof the following: "The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State or grant recipient, which has a plan or application approved by the Chairman in effect on the first day of such fiscal year, to pay not more than 50 percent of the total cost of any project or production described in paragraph (1). The amount of any".

(B) Section 7(f)(5)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(5)(B)) is amended by inserting "State agency or" before "grant recipient".

(C) Section 7(f)(5) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(5)) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of paragraph (4)(B), the term 'State' and the term 'grant recipient' include, in addition to the several States of the Union, only those special jurisdictions specified in section 3(g) which have a population of 200,000 or more, according to the latest decennial census.".

(5) Section 7(f)(7) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(7)) is amended—

(A) in subparagraph (A) thereof, by inserting "group or" before "grant recipient";

(B) in subparagraph (B) thereof, by inserting "State agency or" before "grant recipient', and by striking out "plan" and inserting in lieu thereof "State plan or grant recipient application";

(C) in subparagraph (C) thereof, by inserting "group or State agency or" before "grant recipient"; and

(D) in the matter following subparagraph (C) thereof, by inserting "group, State agency, or" before "grant recipient" each place it appears therein.

(6) Section 7(f)(8) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(8)) is amended by striking out "paragraphs (4), (5), and (6)" and inserting in lieu thereof, "the third sentence of paragraph (4), and paragraphs (5) and (6)".

(b) Section 7(g) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(g)) is amended by inserting "agency or" before "entity".

(c) Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended by adding at the end thereof the following new subsection:

"(i) The Chairman may enter into interagency agreements to promote or assist with the humanities-related activities of other Federal agencies, on either a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities.".

NATIONAL COUNCIL ON THE HUMANITIES

SEC. 105. Section 8(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957(f)) is amended by striking out "$17,500" and inserting in lieu thereof "$30,000".

FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 106. (a) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by inserting "the Commissioner on Aging," after "Services Administration,".

(b) Section 9(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(c)) is amended—

(1) in paragraph (4) thereof, by striking out "and" at the end thereof;

(2) in paragraph (4) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof of the following new paragraph:

"(6) undertake studies and make reports which address the state of the arts and humanities, particularly with respect to their economic needs and problems.".

(c) Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended by adding at the end thereof the following new subsections:

"(d)(1) The Council shall conduct a study of the state of employment opportunities for professional artists. Such study shall be undertaken in cooperation and consultation with the Secretary of Labor and shall address in particular (A) the effectiveness of existing Federal programs, such as programs administered under the Comprehensive Employment and Training Act, in serving and enhancing the employment opportunities of professional artists; and (B) the need for new programs to serve and enhance the employment opportunities of professional artists.

"(2) Not later than one year after the date of the enactment of the Arts and Humanities Act of 1980, the Chairman of the Councill shall submit a report to the President and to the Congress relating to the results of the study required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.

"(3) Notwithstanding any other provision of law, no Federal agency or officer of the Federal Government shall have any authority to require the Council to submit the report required in paragraph (2) to any Federal agency or officer of the Federal Government for approval, comments, or review, before submission of such report to the Congress. The President may make such additional comments and recommendations with respect to the contents of such report as he may deem appropriate.

"(e)(1) The Council shall conduct a study of (A) the effectiveness of the program authorized by the Arts and Artifacts Indemnity Act (20 U.S.C. 971 et seq.); (B) the impact and feasibility of expanding the existing indemnity program to include the indemnification of objects loaned by lenders located in the United States for exhibition exclusively in the United States; and (C) other means to encourage and facilitate the wider sharing within the United States of the items described in section 3(a) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(a)), such as the development of standardized insurance policies and development of a Federal technical assistance program to improve the curatorial facilities and personnel of museums.

"(2) Not later than one year after the date of the enactment of the Arts and Humanities Act of 1980, the Chairman of the Council shall submit a report to the President and to Congress relating to the results of the study required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.".

ADMINISTRATIVE PROVISIONS

SEC. 107. (a) Section 10(a)(4) of the National Foundation on the Acts and the Humanities Act of 1965 (20 U.S.C. 959(a)(4)) is amended by inserting "and culturally diverse" after "geographic."

(b) Section 10(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(b)) is amended by striking out "January" and inserting in lieu thereof "April".

(c) Section 10(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(c)) is amended by striking out "January" and inserting in lieu thereof "April".

(d) Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities each shall conduct a study of the use, sale, or other disposal of property under subsection (a)(2) for the purpose of carrying out sections 5(c) and 7(c). Each such study shall assess in particular (A) the effectiveness of such use, sale, or other disposal of property as an incentive for increasing the levels of non-Federal support; and (B) the extent to which activities carried out by each such Chairman under subsection (a)(2) result in undue administrative and financial burdens upon grant recipients.

"(2) Not later than 2 years after the date of the enactment of the Arts and Humanities Act of 1980, each Chairman shall submit a report to the President and to the Congress relating to the results of the studies required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. (a) The first sentence of section 11(a)(1)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(A)) is amended to read as follows: "For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts $115,500,000 for fiscal year 1981, $127,000,000 for fiscal year 1982, $140,000,000 for fiscal year 1983, $154,000,000 for fiscal year 1984, and $170,000,000 for fiscal year 1985.".

(b) The first sentence of section 11(a)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(B)) is amended to read as follows:

"For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities $114,500,000 for fiscal year 1981, $126,000,000 for fiscal year 1982, $138,500,000 for fiscal year 1983, $152,000,000 for fiscal year 1984, and $167,500,000 for fiscal year 1985.".

(c) Section 11(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the sum of—

"(i) the total amounts received by such Endowment under section 10(a)(2), including the value of property donated, bequeathed, or devised to such Endowment; and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out projects and other activities under paragraph (1) through paragraph (5) of section 5(c);

except that the amounts so appropriated to the National Endowment for the Arts shall not exceed $18,500,000 for fiscal year 1981, $18,500,000 for fiscal year 1982, $18,500,000 for fiscal year 1983, $20,000,000 for fiscal year 1984, and $22,500,000 for fiscal year 1985.

"(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Humanities an amount equal to the sum of—

"(i) the total amounts received by the Endowment under section 10(a)(2), including the value of property donated, bequeathed, or devised to such Endowment; and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under paragraph (1) through paragraph (7) of section 7(c);

except that the amounts so appropriated to the National Endowment for the Humanities shall not exceed $12,500,000 for fiscal year 1981, $14,000,000 for fiscal year 1982, $15,000,000 for fiscal year 1983, $16,500,000 for fiscal year 1984, and $18,500,000 for fiscal year 1985.".

(d) Section 11(a)(3)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(A)) is amended to read as follows:

"(3)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the sum of—

"(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 5(l)(1) pursuant to the authority of section 10(a)(2); and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 5(l)(1);

except that the amounts so appropriated to such Endowment shall not exceed $27,000,000 for fiscal year 1981, $30,000,000 for fiscal year 1982, $32,500,000 for fiscal year 1983, $36,000,000 for fiscal year 1984, and $40,000,000 for fiscal year 1985.".

(e) Section 11(a)(3)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(B)) is amended to read as follows:

"(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Humanities an amount equal to the sum of—

"(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 7(h)(1) pursuant to the authority of section 10(a)(2); and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 7(h)(1);

except that the amounts so appropriated to such Endowment shall not exceed $30,000,000 for fiscal year 1981, $33,000,000 for fiscal year 1982, $36,000,000 for fiscal year 1983, $40,000,000 for fiscal year 1984, and $44,000,000 for fiscal year 1985.".

(f) Section 11(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(4)) is amended to read as follows:

"(4) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement the provisions of paragraph (2) and paragraph (3). Such guidelines shall be consistent with the requirements of section 5(e), section 5(l)(2), section 7(f), and section 7(h)(2), as the case may be, regarding total Federal support of activities, programs, projects, or productions carried out under authority of this Act.".

(g) Section 11(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended to read as follows:

"(c)(1) There are authorized to be appropriated to the National Endowment for the Arts $14,000,000 for fiscal year 1981, $15,000,000 for fiscal year 1982, $16,000,000 for fiscal year 1983, $17,000,000 for fiscal year 1984, and $18,000,000 for fiscal year 1985, to administer the provisions of this Act, or any other program for which the Chairman of the National Endowment for the Arts is responsible, including not to exceed $35,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for any fiscal year through the use of appropriated funds or any other source of funds shall not exceed $35,000.

"(2) There are authorized to be appropriated to the National Endowment for the Humanities $13,000,000 for fiscal year 1981, $14,500,000 for fiscal year 1982, $15,500,000 for fiscal year 1983, $16,500,000 for fiscal year 1984, and $17,500,000 for fiscal year 1985, to administer the provisions of this Act, or any other program for which the Chairman of the National Endowment for the Humanities is responsible, including not to exceed $35,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for any fiscal year through the use of appropriated funds or any other source of funds shall not exceed $35,000.".

TECHNICAL AMENDMENTS

SEC. 109. (a) The last sentence of section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

(b) Section 5(g)(4)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(4)(A)) is amended by striking out "project" the last place it appears therein and inserting in lieu thereof "projects".

(c) The last sentence of section 7(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(c)) is amended by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

(d) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking out "United States Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

TITLE II—MUSEUM SERVICES

AMENDMENTS TO MUSEUM SERVICES ACT

SEC. 201. (a) Section 203 of the Museum Services Act (20 U.S.C. 952) is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

(b) Section 204(a)(2)(A)(v) of the Museum Services Act (20 U.S.C. 963(a)(2)(A)(v)) is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(c)(1) Section 205(a)(2) of the Museum Services Act (20 U.S.C. 963(a)(2)) is amended by striking out "to the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "directly to the Secretary of Education".

(2) Section 205(b) of the Museum Services Act (20 U.S.C. 963(b)) is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(3) Section 205 of the Museum Services Act (20 U.S.C. 963) is amended by adding at the end thereof the following new subsection:

"(c) The Director may appoint without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates not to exceed one-fifth of the number of full-time regular technical or professional employees of the Institute. The rate of basic compensation for such employees may not equal or exceed the rate prescribed for GS–16 of the General Schedule under section 5332 of title 5, United States Code.".

(d)(1) Section 206 of the Museum Services Act (20 U.S.C. 965) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b)(1) The Director, subject to the policy direction of the National Museum Services Board, is authorized to enter into contracts and cooperative agreements with professional museum organizations to provide financial assistance to such organizations in order to enable such organizations to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations Acts.

"(2)(A) No financial assistance may be provided under this subsection for any project for a period in excess of one year.

"(B) No financial assistance may be provided under this subsection to pay for the operational expenses of any professional museum organization.

"(3) The aggregate amount of financial assistance made under this subsection to professional museum organizations shall not exceed 5 percent of the amount appropriated under this Act for such fiscal year.

"(4) For purposes of this subsection, the term 'professional museum organization' means a private, nonprofit professional museum-related organization, institution, or association which engages in activities designed to advance the well-being of museums and the museum profession.".

(2) Section 206(c) of the Museum Services Act, as so redesignated in paragraph (1), is amended—

(A) by inserting ", contracts, and cooperative agreements" after "Grants";

(B) by inserting "or financial assistance" after "grant"; and

(C) by inserting "or financial assistance" after "grants".

(3) Section 206 of the Museum Services Act, as amended in paragraph (1), is further amended by adding at the end thereof the following new subsection:

"(d) The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this section. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this section shall not be subject to any review outside of the Institute.".

(e)(1) Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended to read as follows:

"Sec. 209. (a) For the purpose of making grants under section 206(a), there are authorized to be appropriated $25,000,000 for fiscal year 1981, $30,000,000 for fiscal year 1982, $35,000,000 for fiscal year 1983, $40,000,000 for fiscal year 1984, and $45,000,000 for fiscal year 1985.".

(2) Section 209(d) of the Museum Services Act (20 U.S.C. 967(d)) is amended by striking out "1980" and inserting in lieu thereof "1985".

AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT

Sec. 202. Section 413(b)(1) of the Department of Education Organization Act (20 U.S.C. 3473(b)(1)) is amended by inserting "and" at the end of subparagraph (L), by striking out subparagraph (M), and by redesignating subparagraph (N) as subparagraph (M).

TITLE III—AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT

AGGREGATE AMOUNTS COVERED UNDER INDEMNITY AGREEMENTS

Sec. 301. Section 5(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(b)) is amended by striking out "$250,000,000" and insert in lieu thereof "$400,000,000".

DEDUCTIBLE AMOUNTS UNDER INDEMNITY AGREEMENTS

Sec. 302. Section 5(d) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(d)) is amended to read as follows:

"(d) If the estimated value of the items covered by an indemnity agreement for a single exhibition is—

"(1) $2,000,000 or less, then coverage under this Act shall extend only to loss or damage in excess of the first $15,000 of loss or damage to items covered;

"(2) more than $2,000,000 but less than $10,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $25,000 of loss or damage in excess of the first $25,000 of loss or damage to items covered: or

"(3) $10,000,000 or more, then coverage under this Act shall extend only to loss or damage in excess of the first $50,000 of loss or damage to items covered.".

The SPEAKER pro tempore. Is a second demanded?

Mr. BUCHANAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. Ford) will be recognized for 20 minutes, and the gentleman from Alabama (Mr. Buchanan) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. Ford).

Mr. FORD of Michigan. Mr. Speaker, this legislation, H.R. 7153, reauthorizes the National Foundation for the Arts and Humanities Act for fiscal years 1981 through 1985. It reauthorizes the Institute of Museum Services Act for this same period. It also contains some amendments to these programs as well as to the Arts and Artifacts Indemnity Act.

This bill is the product of 8 days of hearings before the Subcommittee on Postsecondary Education. Four days of hearings were held here in Washington and 4 days of hearings were held at various field sites—San Francisco, Detroit, Cedar Rapids, Iowa, and New York City. The subcommittee heard from more than 100 witnesses representing a broad cross-section of those who work with these programs at all levels. The bill was developed in close collaboration between the majority and minority and is cosponsored by 14 members of the subcommittee.

The bill was ordered reported by the Education and Labor Committee by voice vote on May 6. The committee report has been available since May and the hearings are also printed. I do not believe this is a controversial measure.

The delay in bringing this bill before the House was caused by the preoccupation of the subcommittee with the reauthorization of the Higher Education Act. That measure was signed by the President shortly before the preelection recess.

The text being considered today as a substitute for the bill reported from committee differs in several respects from the committee bill. These proposed changes accommodate some proposals contained in the Senate version of this legislation. I have reason to strongly believe that with these changes a conference will not be necessary, and the bill can be expeditiously sent to the President.

Briefly, the changes from the committee bill are:

First. Inclusion of "programs for arts at the local level" in the basic program of the arts endowment;

Second. Adoption of the Senate's approach to allocating funds to special jurisdictions such as Guam and the Virgin Islands;

Third. Retaining current law with respect to Senate confirmation of members of the National Council on the Arts and the National Council on the Humanities;

Fourth. Expansion of the opportunity for Governors to appoint members of the State humanities' councils with a lower level of State matching than is required by current law; and

Fifth. Adoption of lower authorizations for the endowments and the Institute of Museum Services identical to those in the Senate-passed bill.

Mr. Speaker, I would like to express my special appreciation to members of the subcommittee who played a particularly active and creative role in formulating this legislation. Mr. Thompson of New Jersey and Mr. Brademas of Indiana, two of the founding fathers and most effective champions of Federal support for cultural programs, were consistently generous with their counsel. Their experience and guidance in this field were the compass by which this bill charted its legislative course.

Mr. Brademas chaired the San Francisco and New York hearings. Mr. Brademas also initiated the improvements in the Museum Services Act and the Arts and Artifacts Indemnity Act, two programs created through his leadership.

In addition, as chairman for 10 years of the subcommittee with jurisdiction over this legislation, Mr. Brademas successfully guided legislation to expand the programs of the endowments and to call for White House conferences on the arts and humanities. Mr. Speaker, I would like to insert at this point in the Record a recent article from ART news detailing Mr. Brademas' accomplishments in this field.

John Brademas: "The Unquestioned Leader, the Energizer, the Touchstone of the Arts"

(By Mary Lynn Kotz)

Why, one might ask, are Robert Rauschenberg and Beverly Pepper, Louise Nevelson and Beverly Sills, not to mention Blanchette Rockefeller, Douglas Dillon and Leo Castelli, so interested in a congressman from the Third District of Indiana?

Or why, for that matter, might the Houston Museum of Fine Arts and the Newport Harbor Art Museum in California feel as concerned about him as the South Bend Art Center? And why do painter Dorothea Rockburne and photographer Lee Friedlander have reason to be grateful to him?

For the answer, one would have to go back to 1951, when an Indiana student named John Brademas made his first pilgrimage to Greece, the land of his ancestors. He saw Athens for the first time, the Acropolis—and a performance of Oedipus Rex at Delphi.

"I had never seen a Greek play before" Congressman Brademas recently recalled. "They began at about three in the afternoon—no artificial lighting—and when the king realizes that he has married his mother and murdered his father, he smites himself across the eyes and blinds himself. With blood running down his cheeks, he shouts, 'O Apollon! O Apollon!'

"That actor's voice reverberated, echoing back and forth across the valley. . . . And just above the proscenium arch, I saw the remaining column of the original temple of Apollo."

The experience, says Brademas, was "spectacular." It linked his own personal heritage with a broader cultural heritage. Such experiences have helped to shape Brademas into the most effective and passionate champion of the arts in Congress. The New York Times has dubbed him "Mr. Arts."

Since 1959 Brademas has represented the Third Congressional District of Indiana, where his home is the industrial city of South Bend. In 1969 he became chairman of the House Subcommittee on Select Education. Since 1977 he has served as majority whip, the third-ranking Democratic leader of the House of Representatives.

For 15 years Brademas spearheaded legislation supporting the National Endowments for the Arts and for the Humanities (which award fellowships to artists, including

Friedlander and Rockburne). He has shepherded reauthorizations for the endowments (which have enabled the Houston Museum of Fine Arts to expand its exhibition schedule and utilization of collections). He has augmented the breadth and scope of both agencies with such refinements as the challenge grants (which add a federal dollar to every three a museum raises for administrative costs). Brademas drafted the Museum Services Act that created the Institute of Museum Services (which helped the Newport Harbor Art Museum meet increases in operating expenses). And his Arts and Artifacts Indemnity Act allowed New York's Metropolitan Museum of Art (of which Dillon is chairman of the board of trustees) to bring to this country the "Treasures of Tutankhamun" and "The Splendor of Dresden" and the Museum of Modern Art (of which Mrs. Rockefeller is president) to hold "Pablo Picasso: A Retrospective."

Of the 535 members of Congress, observers of both houses concede, Brademas is the unquestioned leader, the energizer, the touchstone of the arts. In recognition of his legislative accomplishments, he received the 1978 Award for Distinguished Service in the Arts of the American Academy and Institute of Arts and Letters and, earlier this year (along with Leonard Bernstein and Eubie Blake), the George Foster Peabody Award for Outstanding Contributions to Music in America, at Baltimore's Peabody Conservatory.

Raphael Soyer, on meeting Brademas, said, "Oh, I've heard about you. You're the artists' congressman." In 1972 Leo Castelli opened his SoHo gallery for a fundraiser for Brademas, and Rauschenberg made a print edition especially for contributors to the occasion.

Sculptors Pepper and Nevelson, along with architect Philip Johnson and New York City Opera Director Beverly Sills, are members of a committee set up to organize a fundraiser for Brademas.

"It's very exciting to see artists become involved in the political process," says artist and critic Douglas Davis, a longtime friend of the congressman. "John Brademas has brought me out of my alienation by convincing me that the political process is indeed open. He has also persuaded other artists that by acting intelligently, we can affect events. John is the only politician who has convinced artists that he understands their needs—that he means it."

Artists respect Brademas. He actually speaks to them. He also listens and, most important, he translates what he hears to the Congress. He does his homework, in the arts and other legislation in which he is interested. After 22 years, he thoroughly understands the mechanics and foibles of Congress, and he is an adroit enough politician to introduce only "that which is possible."

Politicians respect him too. "I often wonder what would happen to the arts in this country if it weren't for John," says Thomas P. (Tip) O'Neill of Massachusetts, Speaker of the House, who is familiar with Brademas' political skills.

His strong suit is the art of compromise, diplomacy—and a fine attention to detail. Brademas still sees himself as a teacher, although he taught for only two years and has been a professional politician for 22. In congressional hearings, he refers to himself as a "political science professor." In an interview, he will spell out a name as automatically as if he were writing it on a blackboard. He has a strong background in philosophy, although he is thought by most to be more pragmatist than philosopher. "He's out-front," says Mary Ann Tighe, deputy chairman of the National Endowment for the Arts. "A superb strategist."

Brademas is also smart, "an intellectual of the first order," according to Kennedy Center Chairman Roger Stevens. Brademas' status as a Harvard Phi Beta Kappa/Rhodes Scholar/Oxford Ph.D./political science professor was played down in his first political forays in the industrial, heavily ethnic Indiana district in 1954. "But a little later on, after Sputnik had gone up, suddenly I found myself being introduced by the local party leaders as a graduate of Harvard and Oxford and a Rhodes Scholar—because intelligence had become respectable," he told attorney Marcus Cohn, who made a 1975 study of intellectual leadership in Congress.

"I don't think they [Indiana voters] realize what a towering figure he is," says Tighe. "He is deeply knowledgeable in all the various spheres of Washington life—humanities, politics, foreign affairs, arts. What has made him so important in the arts is that he is an important politician. . . . Whatever he champions tends to be noticed."

This towering figure is 53 years old, stands five foot ten and has the stocky build of a former high-school quarterback. He wears dark, boxy conservative suits and soft Italian loafers. He is a pleasant-looking man, smooth-faced, with blue eyes, who expresses himself with the straightforward clarity of a midwesterner—or a teacher. He is remarkably good-natured, even mild-mannered, although he can be provoked to explode in a torrent of erudite, rapier-sharp anger. Those who are closest to him insist that there is no deeper subtext to Brademas than what is in the public record or apparent in conversation. "What you see is what you get," says his wife, Mary Ellen.

What you get is a man well read in literature, history, social science (his doctoral dissertation was on the Spanish anarcho-syndicalist movement of the 1930s), a linguist, a humanist, a religious man who believes the largesse of a civilization should be accessible to all of its members, a first-generation American who thinks seriously about the balance between liberty and equality in an enlightened society. He is a liberal, bucking against the grain of a conservative state, a congressman whose voting record has earned a 100 percent rating from the Americans for Democratic Action. In the conservative 1980s, however, he calls himself a "flaming moderate." He is also reputed to be intensely ambitious, having carefully and persistently pursued a leadership role in the House and prominence in the social corridors of Washington that are also paths to political power.

If Brademas thinks of himself as a teacher, his passion is for education. After a year of naval officer's training at the University of Mississippi, he went to Harvard in 1946 on a veteran's scholarship and was graduated magna cum laude in 1949. He was a Rhodes Scholar for three years and a college professor. In Congress, he eagerly sought to serve on the House Education and Labor Committee. From there, he has helped to generate and steer into law most current federal programs benefiting higher education, libraries, the elderly and the handicapped, of which he is especially proud. It was in the Select Education Subcommittee that the arts and humanities legislation fell to him.

To understand John Brademas, it helps to talk to his mother. Beatrice Brademas, 79, is a retired teacher, a woman of intelligence, wit and energy who still flies around the country attending teachers' conventions.

"It was my father's influence that was so important," Mrs. Brademas says. "Education was his life." A high-school superintendent and college teacher, William Chester Goble insisted that music and art be taught in all the schools he supervised. He loved Dante and collected a library of 7,000 volumes in the little town of Swayzee, Indiana. He named his daughter after the tragic heroine immortalized in Shelley's poem. Beatrice Cenci Goble was teaching music and art in a Mishawaka, Indiana, orphans' home in 1923 when she met Stephen John Brademas. She had never met a foreigner before, but the handsome Greek restaurateur who quoted Socrates captivated her. They married and settled in Mishawaka. John was born on March 2, 1927, the first of four children.

The Brademas family lost everything in the Depression and was forced to move in with Beatrice's parents in Swayzee. It was hard for the adults but lucky, Beatrice says, for the children. The young John had his grandfather's phenomenal library to explore.

"I used to live in that library," Brademas recalls. "There was history and literature, biblical concordances. We read the *Victrola Book of the Opera;* we listened to music and from childhood we knew about Schumann-Heink, Galli-Curci, Geraldine Farrar, Caruso and John Charles Thomas. I especially remember the Gustave Doré engravings in my grandfather's edition of Dante's *Inferno.*"

Culture—the broadest range available in Swayzee—dominated the Goble home. "We couldn't afford paintings, but on our walls were pictures of Rosa Bonheur's *Horse Fair* and Millet's *The Gleaners,*" says Beatrice. "In my grandfather's day, in central Indiana." John remembers, "they had Browning societies—and they would sit around and read poetry and Shakespeare and other literature. It was a rich experience."

After the family recovered from the Depression and Stephen Brademas went again into the restaurant business, the children continued to spend their summers in Swayzee. John read or sat on the porch talking to his grandfather about politics. Goble had been a delegate to the state Democratic convention in 1936; he corresponded with politicians and believed that politics was important, that a person could make a contribution to civilization by "doing something about the social and political order." His grandson took heed.

"Stephen Brademas, my father, also brought me up with the Hellenic heritage that politics is an appropriate vocation," says John. "One need only look back to the famous speech of Pericles in fifth-century Athens to understand the attitudes of the Greeks toward politics."

Brademas explored other directions, however. "When I was in grade school," he says, "I got hold of a book on the Mayas. That caused me to build a cardboard replica of a Mayan temple. . . . And I wanted to become a Mayan archeologist. That began an interest in Spanish and the Hispanic world I have retained to this day." As a high-school senior, fluent in Spanish, he and a friend hitchhiked to Mexico, where he became interested in other forms of Mexican art. "I saw the Orozco murals and I first became acquainted with Rufino Tamayo's work," he recalls.

In the summertime, John and his brothers worked in the Studebaker plant or on ladders washing houses. By this time, John's search for an "appropriate vocation" was turning away from archeology. Although his father was Greek Orthodox and his mother a Disciple of Christ, John had become deeply involved in the activities of the Methodist Church, and his parents believed he was headed for the ministry.

That involvement continued at the University of Mississippi and at Harvard. Under the auspices of the Methodist Church, John returned to Mexico in 1948, this time to work with a group of Aztec Indians in a program similar to the later Peace Corps. "I recall hearing the painter Diego Rivera there," John remembers. "To my surprise, he was speaking in favor of Henry Wallace for the presidency of the United States."

Reading the works of theologian Reinhold Niebuhr on the nature and destiny of man (in particular, The Children of Light and Children of Darkness) had the strongest intellectual impact on Brademas in college. It transferred his idealism from theology to practical politics.

"If you look at the writings of Niebuhr, translated into secular prose in part by Arthur Schlesinger in his book The Vital Center, I think you can get a rationale for political activity—why people should take politics seriously," said Brademas. "If you have convictions about your society, your country, and what you think ought to happen—as I did, given the values I imbibed growing up—politics seemed a very appropriate place for someone of my personality and education to work toward achieving or implementing those convictions."

Brademas grew culturally as well as philosophically. "When I went off to England as a Rhodes Scholar, I read more novels than I had ever had time to do as an undergraduate in the United States. I read more poetry—would go to hear Evelyn Waugh speak and Roy Campbell read poetry at various clubs there. I read a lot of Joyce Cary—actually about the best novelist of politics I know. I used to see Cary in Oxford, a tall, lanky man walking his dogs. I would go into London to the theater as often as I could afford it. Of course, there was so much going on at Oxford in the way of theater.

"I spent a lot of time in Spain and France, interviewing Spanish anarchists in exile for my dissertation," he continues. "I would go to the Louvre and to the Prado, and in Barcelona I spent a lot of time at the archeological museum, and I became a great fan of Catalan Romanesque art."

In 1952, while still at Oxford, Brademas also became "a great fan" of Adlai Stevenson. He wrote a letter to Stevenson urging him to seek the Democratic nomination for the presidency and received an answer from Stevenson aide William McCormick Blair, Jr., which began a long friendship.

That impetus—as well as a reaction against Senator Joseph McCarthy—led Brademas to contact Democratic National Committeeman Paul Butler, who also came from South Bend, and, after his return from Oxford in 1953, to begin a campaign for the Third Congressional District in Indiana. Stevenson came to South Bend to make a speech in Brademas' behalf, but he lost the election by a hair—close enough to make him want to try again. For experience, he came to Washington as legislative assistant to Senator Patrick McNamara of Michigan and administrative assistant to Representative Thomas Ashley of Ohio.

"And then in 1955, Bill Blair called me to come and work for Stevenson in Chicago," Brademas says. "I was put in charge of research on issues for the 1956 presidential campaign. The work involved talking with counselors such as Walter Heller, Paul Samuelson, Seymour Harris, Ken Galbraith and others—some of whom had been my professors at Harvard, men who have remained significant figures in American life—and feeding their ideas and memos back to Stevenson. The experience of working with Stevenson, especially on ideas, proved to be very important to me. It exposed me, in an intimate way, to watching a political figure seek to weld ideas to action. Stevenson had the capacity for articulating ideas in a way that made an impact on millions of people. He also had the gift for understanding an idea whose time had not yet come and for speaking so as to hasten the day of arrival."

A second bid for Congress in 1956 was swept away, along with Stevenson, by the Republican landslide. John taught political science at Notre Dame's St. Mary's College, and began to build his political base at home. His third attempt, in 1958, was successful.

"When I came back to Washington, I began to pay more attention to painting," Brademas said, over lunch in the whip's office on the ground floor of the Capitol building. A ceiling-high bookcase filled with art and history books occupies one end of the room. A coffee table and end tables are piled high with art books. On the walls are a Diebenkorn oil, Karl Knaths' Fisherman, a Howard Mehring geometric painting, a handsome Childe Hassam, a landscape by Charles Reiffel and Raphael Soyer's Waiting Room, all on loan from the Corcoran Gallery and the Phillips Collection. Calder and Rauschenberg prints belong to Brademas. A Carleton Watkins photograph of Yosemite is on loan from the Daniel Wolf gallery. Winslow Homer woodcuts decorate the outer office.

As a congressman, Brademas has another suite of offices, in the Longworth Building. There you will find a LOVE poster and a print inscribed to Brademas by Robert Indiana, a 1905 Edvard Munch poster, a Jasper Johns green flag print, a collection of Yugoslav primitives and several primitive paintings by Emma Schrock of rural Indiana and two watercolors by a Polish painter friend.

"I had some friends here who were interested in painting," says Brademas, "and I remember helping, in the '60s, with what was called the 'NOW' festival, run by Alice Denny [head of Washington Project for the Arts]. I put on a luncheon up here—I had Rauschenberg and an extraordinary crew. It was in the mixed-media days. . . . Then I met some artists. I just started paying more attention to the visual arts and I found my tastes growing.

"I like Rauschenberg's work very much, and that of José Luis Cuevas, Fernando Botero, Louise Nevelson, Klee and Mondrian, Goya. . . .

"I also found that I rather liked primitive art." On an official visit to Yugoslavia, Brademas visited the town of Kovacice, home of a number of peasant painters. "There were ten painters. They had their own gallery. They were rich peasants. We met five of them. Ate their duck. Drank their wine. Looked at their paintings. And I became the owner of the largest private collection of Yugoslav primitives in Washington, D.C.," he says with a grin.

An avid museum-goer, Brademas is knowledgeable about contemporary American art, and knows artists. An early art-world acquaintance was Douglas Davis.

"I was living in Washington, 1963–65, an artist/writer, with a stereotyped view about what a congressman would be like," recalls Davis, "when I had a telephone call: 'Hello, I'm John Brademas, congressman from Indiana. I'm trying to write a book and I need some help.'

"It was an exciting thing to discover the range of his mind. The book—'What It's Really Like to Be in Congress'—didn't work out, but we talked endlessly—books, art, wine, everything. It was like he was my friend in graduate school, or another artist. We shared so many mutual interests.

"After I moved to New York, John came to a party," Davis continued, "Commerce between the worlds of art and politics was rare in those days. John met Rauschenberg, Robert Indiana and Billy Kluver. He was interested in their work. Conversation flowed easily—and people were asking, why doesn't the government do more for the arts?

"Later, he came and addressed the artists of SoHo—the young, scruffy 'guerrillas of art action,' surrounded by a few curators and collectors. It was a consciousness-raising session. John spoke about legislation and he talked honestly about all his interests. The arts were only a part of his talk, just as they are only a part of his legislative activity."

Art is important to Mary Ellen Brademas too. "On an intern's salary and a congressman's salary, we can't afford to collect, so we spend a great deal of our time in museums," she says, in an interview at Washington's Providence Hospital, where she was physician on duty. A former model and actress, Mary Ellen is blonde and vivacious and looks much younger than her 43 years. Greek worry beads are pinned to her stethoscope. She is now a resident in dermatology at Johns Hopkins University Hospital in Baltimore.

For 20 years Brademas was Washington's most eligible bachelor. "He was a dream for Washington hostesses," one recalls. "Friendly, bright, approachable, good company, remembered your name. He didn't mind being asked as the extra man, and he knew which fork to use." Brademas is best remembered in Washington social circles, however, for the amazing number of beautiful young women who were seen in his company.

"As he grew older, they grew younger," teases Mary Ellen. A divorced mother of four, she met Brademas at a Washington dinner party in 1975. "He almost didn't come," she recalls. "I was 38, and he thought I'd be too old for him." They were married in 1977 and moved into his Georgetown house, surrounded by her things. There, among French traditional furnishings in peach and blue, John enjoys a favorite pastime, reading contemporary Greek poetry. A Millet and a Romney hang on the walls, along with early American primitive paintings and a Flemish tapestry. There are 18th-century ivory carvings, old Chinese porcelains, 18th-century French silk embroideries, Mary Ellen's collection of Meissen monkeys and John's collection of icons.

Since both bear a heavy load of responsibility, their time together is limited, but art is an important factor in their lives. "We argue about art," says Mary Ellen. "We disagree violently on some things. I like Jean Francois Millet. He doesn't. But we agree on Picasso and Matisse. And Rothko. I don't like Morris Louis. Or Albers. He does. But we will agree on Matisse. He likes icons—*all* icons. If it's an icon that I *like*, I'll like it. We argue and argue. Each one of us is absolutely right, of course. But then John will laugh, 'Mary Ellen, what can I expect of somebody who started out as a Republican.'

"I react violently to art," continues Mary Ellen. "Even if I hate it, I react to it. I'd rather go to the Hirshhorn, where many of the things I oppose are, than walk through miles and miles of pretty but boring paintings."

Brademas almost echoes her when he says that he likes "things that aren't all spelled out, as in the paintings of Klee or Rauschenberg, the poems of Cavafy and Gerald Manley Hopkins and A. D. Hope, the controlled ambiguity of the writings of Niebuhr," and some atonal music.

Brademas' cultural vision is long-ranging. "Art helps us understand where we have been," he said. "In looking at those extraordinary Chinese terra-cottas at the Metropolitan Museum, from 200 B.C., one cannot fail to have a deeper understanding of the Chinese people—they are refined, intelligent, imaginative. Art helps us to understand the future as well. Like science fiction, it can project what lies down the road ahead. Visual art is usually ahead of the rest of us. Sculpture, for example, like the pieces here in Washington this summer, may well give us an indication of where the society will be. The art we see now will make a broader impact later, influencing other art forms and aspects of our life: architecture, furniture, politics—even food.

"For example, the minimalists anticipated other trends. From Mies van der Rohe's 'Less is more' to concepts of space technology, to smaller automobiles, to the movement to simpler life styles, we've pared down."

Brademas feels strongly that there should be a public role, a national policy on the arts in America, because people increasingly feel that art is important in their lives. He also believes in support for individual artists. "In the final analysis, the individual is the source of creativity. You've got to be sure the springs are flowing so that you'll have water in the future."

Brademas was sitting on the Subcommittee on Select Education in 1964, when its chairman, Frank Thompson of New Jersey, sponsored the House legislation which, together with Senate legislation sponsored by Claiborne Pell of Rhode Island, gave birth to the National Endowments for the Arts and for the Humanities. A Senate bill, sponsored by the late Hubert Humphrey, had been passed as early as 1952. "But we never could get one through the House," recalls Roger Stevens, "because Judge Smith [the late Howard W. Smith of Virginia, a legendary reactionary] would never let it out of the Rules Committee, of which he was chairman."

Finally, after some horse trading in which Stevens was able to get through to Judge Smith through one of his constituents in Virginia's Middleburg-Warrenton area hunt country, the bill emerged from committee, and was put through just before the election in 1964. "Bradmas was a strong advocate for the arts," said Stevens. "When the time came to set up the arts and humanities endowment, Brademas noticed that the report, signed by [advisor] Barnaby Keeney, said nothing about the arts. He thought a lot of people might think the humanities included the arts, and that by voting for the bill, they would have done something for the arts. John's was the clarifying language that set the two endowments separately." The first appropriation for the NEA, when it began operating in 1965, was $2.5 million.

Since 1969, when Brademas became chairman of the Select Education Subcommittee, he has worked hard to extend and enlarge the authorization for the arts endowment. The Appropriations Committee, under an equally dedicated friend of the arts, Sidney Yates of Illinois, voted $154.4 million for fiscal 1980. The Carter administration asked for $100 million for the arts in 1981; the bill now under consideration in Congress allocates $160 million.

"John was connected with the evolution of the legislation from the very beginning," says NEA Chairman Livingston Biddle, who as former legislative assistant to Senator Pell worked hand-in-hand with Brademas. "It was he who set up joint hearings between the Senate and House on reauthorization, so that the legislation would move as smoothly as possible. He said it was precedent-setting legislation, so 'let us have precedent-setting hearings,' and thus brought the subcommittee members together in a harmonious setting."

In addition to the direct financial aid to cultural institutions, Brademas looks with pride to the endowment's role as a catalyst for state and local government support of the arts, with state arts allocations up from $4 million to $100 million; as a lever, through the highly successful challenge grant program, to encourage increased contributions from the private sector; and as a sounding board for generating greater public awareness of the arts.

"Because of their nature and size, and the amount of money involved, the endowments touch a broader variety of art forms than some of the other measures I have sponsored," says Brademas. "However, I take greater pride in two more modest programs because they are products of efforts that were initiated in this office; the Museum Services Act and the Arts and Artifacts Indemnity Act. There were arts and humanities endowments before I became the chairman of the subcommittee, but these two other programs did not exist."

In the '60s, although museums had educational programs, they weren't eligible for federal funding. In 1969 the American Association of Museums asked Brademas to be the keynote speaker for its annual meeting, in San Francisco. Lee Kimche, then on the AAM staff, picked up Brademas at the airport. Kimche, who is now director of the Institute of Museum Services, says, "I remember trying to explain the way museums, especially smaller museums, were being squeezed out of existence. There were 80 percent of the arts and humanities funds going to the performing arts and to universities, but museums' costs were climbing."

Brademas was sympathetic. He scrapped his prepared speech and wrote a new one. The essence of that speech, which he later reiterated to the Congress, was the recognition that museums are educational institutions, that they play an important role in preserving our national patrimony—and that they deserve a greater percentage of federal funds.

Brademas introduced legislation in 1971 that authorized federal funds for museum operating expenses. His cosponsors were Frank Thompson and Dan Rostenkowski of Chicago, a newcomer to arts legislation. (Mayor Daley had noticed, in a profile of Chicago museum attendance, that 50 percent of visitors came from out of state. "Museums are interstate," he declared, and asked Rostenkowski to cosponsor the bill.)

The bill ran into opposition immediately. There was concern that a separate museum institute would arouse jealousy and competition from theaters, which also faced skyrocketing operating costs. The NEA feared the institute would split its constituency.

"I was a little like a Johnny Appleseed, chasing around trying to stimulate interest in and learn about the condition of museums in the country," Brademas recalls.

The bill failed to pass in 1971. Brademas introduced it again in 1973, and again in 1975. Finally, in 1976, he attached it as an amendment to the NEA and NEH reauthorization, so that anybody who vetoed it would have killed the entire endowments bill. It passed.

Deciding where to put the new Institute of Museum Services wasn't easy. Senator Jacob Javits of New York wanted it placed under the jurisdiction of the two endowments. The NEA wanted it. Senator Pell thought it belonged under the wing of the Smithsonian Institution, although the Smithsonian didn't want it. Brademas suggested a compromise: the institute is now in the Department of Education. In 1980 it granted $7.4 million in aid to 403 museums.

In the course of shaping the Museum Services Act, Brademas learned that one of the most immediate problems of museums was insurance. The huge premiums that had to be paid to insure priceless borrowed art made the kind of exhibition seen across Europe prohibitively expensive in this country. The Arts and Artifacts Indemnity Act makes it unnecessary for museums to pay such premiums by providing that the federal government will put its credit behind the protection of the art. So far, not a penny has had to be paid.

"The Indemnity Act," says Blanchette Rockefeller of the Museum of Modern Art, "has had the most extraordinary effect on the bigger museums in this country. The Cézanne show was our first under it, and now look at the Picasso show. Here we are in a bad recession and yet the museums are overwhelmed with customers. . . . Everything John Brademas has done has affected all of museum life."

Brademas' success in writing cultural ideas into law is due not only to his passion for ideas but also to his understanding of—and position in—Congress. "Now that the arts have become so popular, other congressmen are falling all over themselves to introduce arts legislation," said one endowment official. "New people in Congress want the arts crown—but they don't understand how to get something through. John Brademas knows the politics of Congress."

Power in Congress is built on seniority and knowing how to rise through the committee system. Thus, Brademas is helped by his longevity there. A subcommittee chairman, who inherits his position by virtue of having served the longest, is rarely bucked by members of his subcommittee.

In a candid explanation of realpolitik on Capitol Hill, Brademas describes the dynamics of arts legislation:

"When I chaired the Select Education Subcommittee, I made it my business to show up and chair all those hearings myself. When you do that, you learn about the subject matter, about the people and the problems.

"Second, I always was careful to bring a leading Republican into the picture, such as Al Quie [now governor of Minnesota] or Orval Hansen [former Idaho congressman] or Jim Jeffords of Vermont, so that it would not be perceived as a partisan proposition.

"What happens is that many of your colleagues on the subcommittee have not troubled to sit in on the hearings. I don't say that critically—they are all enormously busy. If they figure Brademas knows what he is doing, and that he is going to be fair and not sandbag them, and that he will consult with them if there is a tough issue—when they come to the markup session after the hearings have concluded, they are likely to go along with the chairman of the subcommittee. That's part of the system around here. You try to get along with the subcommittee chairman.

"As chairman, you try to work a bipartisan consensus with the leading Republican on the subcommittee, with the consequence that the bills reported by the subcommittee are reported unanimously.

"In turn, when you take the bill to the full committee, the subcommittee can say, 'Mr. Chairman, I am delighted to bring this bill before you. It has been unanimously reported by the Select Education Subcommittee, and I am delighted to yield to my friend.'

"The leading Republican then says, 'This is a great bill. We have worked closely together.' And usually it goes through the full committee with unanimous support.

"Then when you bring it to the floor of the House, you are able to say, 'Mr. Chairman—in the committee of the whole, I am delighted to say that this bill comes with the unanimous support of all the members of our committee. It is a bipartisan bill.' When we were working together, Al Quie would stand up, and I would say, 'I want to commend my colleague, Mr. Quie,' and he would say, 'Brademas has done a fine job and we have all worked together.'

"Now you put yourself in the position of a Republican president. Is he going to veto that bill? If he did, he would not have the leading Republicans in the House with him. We deliberately included the Museum Services Act as part of the bill extending the life of the arts and humanities endowments, which Gerald Ford had to go along with, although he didn't like it. How could he possibly veto a bill with that much visibility?"

In every speech in which he mentions arts legislation, Brademas is careful to share credit with those who are involved. His counterpart in the Senate, Democrat Claiborne Pell of Rhode Island, and Jacob Javits of New York, the ranking Republican on Pell's Subcommittee on Education, Arts and Humanities, are strong arts supporters, and absolutely necessary for arts measures to go anywhere. Never does Brademas say "I authored" or "I initiated." It is always, and accurately, "Senator Pell and I sponsored. . . ."

Asked to name the members of Congress one can depend on to support the arts, Brademas replied. "A key figure in the House is Sid Yates, chairman of the appropriations subcommittee, and Joe McDade of Pennsylvania, the ranking Republican. On our committee, Education and Labor, Bill Ford of Michigan has become a strong supporter, as well as John Buchanan of Alabama. Frank Thompson of New Jersey continues to be a champion, and Jim Jeffords, and Ted Weiss of Manhattan."

In the Senate, the key figures are still Pell and Javits, he reports. But he also points to Ted Stevens of Alaska, the ranking Republican on the appropriations subcommittee, and Dee Huddleston of Kentucky.

Brademas' bitterest disappointment in the Congress was his failure to achieve White House Conferences on the Arts and on the Humanities, which he hoped would lead to a discussion of a public policy on culture. The Carter administration initially supported the idea but abruptly dropped its support after hearings had been held all over the country in 1977–78. Despite the withdrawal, both houses of Congress passed into law the bills, authored by Pell and Brademas, which authorized the conferences, but the president threatened to veto them. Brademas' bill died in the House Appropriations Committee.

According to the NEA's Biddle, "It was felt in general that in difficult financial times such as these, that whatever monies available for the arts should go to programs for the arts rather than conferences for the arts."

One political reason for Carter's turnabout was put forth by Washington arts insiders, who asked not to be quoted. Brademas, who is fiercely proud of his Greek heritage, was the most vehement backer of a 1974 measure to cut off American military aid to Turkey, after the Turks, using American-supplied arms, invaded Cyprus. Against Secretary of State Henry Kissinger's strongest objections, the bill was passed. When President Carter in 1978 sought to lift that arms embargo against Turkey, Brademas vociferously opposed the move. Sources say that "in punishment" the White House withdrew its support for the White House conferences that Brademas wanted.

Brademas has promised to maintain his leadership in the arts, although in early 1979 he gave up the subcommittee chairmanship through which he had been able to wield his arts influence because of the extraordinary demands of the "whipship." Despite the power of the "whipship," many in the art-politics sphere in Washington and around the country feared that their champion had abandoned the arts.

"The fact that I'm not chairing that subcommittee in no way diminishes my deep interest in the arts and humanities, museums and libraries," he told the *Washington Star*. Brademas of Indiana is putting in a great deal of his own time on this.

In a maneuver of political dexterity, Brademas engineered the transfer of arts and humanities responsibilities from the Select Education Subcommittee to the Post-secondary Education Subcommittee, of which his friend William Ford of Michigan is chairman. Brademas also sits as ranking member on that subcommittee and thus is able to continue making his influence felt.

Ford is sympathetic but relatively unsophisticated about art. "I have always been awed by people who create," he says. "Although I no longer flinch when I pass one of his pictures, I still have some difficulty with the Andy Warhol school. You might say my taste is avente-garde Grandma Moses."

Back home in Indiana, voters don't particularly identify Brademas with the arts. His reputation is positive for getting government contracts and grants for local industry. He is generally popular, has labor support and is known for his contribution to education by those who are involved in education. But unemployment is high in his district, and because of general dissatisfaction, political observers for the first time notice a negative attitude developing.

Indiana, it is predicted, will go strong for Reagan in November. A key to Brademas' success in returning to the House has been his support among Republican "defectors" in the business community who have been impressed by his intelligence and his constituent services. This year his Republican opponent is 27-year-old John P. Hiler, a wealthy businessman, whose campaign is aimed against the administration, not Brademas. The race is expected to be Brademas' toughest.

In an interview with *ARTnews*, Brademas summed up his feelings about the arts explosion and made a prediction about federal arts support:

"Fifteen years ago, the forces generating art in America were individual artists, the established cultural institutions, the small number of state arts agencies, private foundations, galleries and public interest. Today, those have expanded to include new forces: the recognized importance of the federal role, state arts agencies in every state, community arts groups, business support and labor interest, artists' collectives, alternative spaces, more performing arts centers. . . .

"Emerging groups in our society—women, blacks, Hispanics—are now using the arts as a forum. . . .

"Given today's momentum, in the year 2000 we'll be a more educated society. And I predict a larger number of people will be putting a larger share of their incomes into art. Technological advances, such as cable TV, and video art, will proliferate arts experiences as well as providing new ways of doing art. There's going to be a greater demand for learning about art."

However, Brademas' prediction for the future of federal arts support is somewhat bleak. Pressures upon the Congress are for increased military rather than domestic spending. Although political support for the arts has expanded in recent years, victories for referenda to cut state taxes and services often mean sharp reductions in funds for the arts. "This is not the time to be writing major new programs in support of the arts, or for many other programs," Brademas said.

He urges artists of all kinds to become involved in strategies to preserve arts programs: "You, as artists and citizens, should be more active in fighting for support of the arts, and you should press your effort at all levels of government—local, state and federal."

Advocacy, and creative politics—bringing new players into the game to support and nourish the arts—are all the more important when existing sources of money are less bountiful, Brademas believes. He stresses the advantages of forging new alliances for the arts.

"Creative politics for the arts involves not only new money—from foundations and business—and new patterns of cooperation but new constituencies as well, and a new intensity of concern."

His own advocates, those in the art world who have become involved in John Brademas' reelection, would agree.

Mr. Biaggi of New York emphasized the need to broaden the perspective of the endowments to reach older Americans and Americans of all ethnic heritages.

Mr. Weiss expressed special concern for enhancing the employment opportunities of artists.

Mr. Peyser of New York called our attention to the role of apprenticeship programs in the arts. Mr. Clay of Missouri, a member of the full committee, was an effective advocate for increased support for arts at the local level. All of these concerns led to specific and constructive changes in the legislation.

Mr. Buchanan of Alabama and Mr. Ashbrook of Ohio, the ranking minority member of the subcommittee and the ranking minority member of the full committee, were full partners in the development of this legislation. Their cooperation and contributions played an essential role in fashioning this bill.

Mr. Speaker, an unfortunate error was made in printing the committee report (Report No. 96–937). The last sentence in the first full paragraph on page 14 of the report reads:

> Art service organizations which engage in such labor management relations activities involving employees other than their own are not, in the Committee's view, appropriate recipients of grants from the Arts Endowment.

The draft report as circulated to members of the Education and Labor Committee read:

> Arts service organizations which engage in such labor management relations activities involving employees other than their own should not, in the Committee's view, use any funds received from the Arts Endowment for these activities.

In transmitting the copy for printing, the language from the circulated draft was not included. This language in the circulated draft represents the intent of the committee.

I would like to include at this point in the Record a letter which I received from Livingston L. Biddle, Jr., Chairman of the National Endowment for the Arts. This letter spells out clearly and in detail the Endowment's procedures for complying with the committee's intent.

National Endowment for The Arts,
Washington, D.C., November 12, 1980.

Hon. William Ford,
Chairman, Subcommittee on Postsecondary Education, Committee on Education and Labor, House of Representatives, Washington, D.C.

Re: House Language Regarding Endowment Support of Labor Management Activities.

Dear Mr. Chairman: This is to clarify Endowment procedures in assuring compliance with the Committee's intent with regard to the use of Endowment funds for labor management activities.

The language approved by the Committee reads as follows:

"Art service organizations which engage in such labor management relations activities involving employees other than their own should not, in the Committee's view, use any funds received from the Arts Endowment for these activities."

Endowment enforcement of the Committee's intent should not present difficulties. All applicant service organizations shall be notified in application materials of the Committee's concern. Further, in the event of a grant to any service organization in the area of the performing arts, the grant letter would attach a copy of the Committee's language and would stipulate the following:

"In no event shall Endowment funds from this award be utilized for purposes of labor management activties, as described in the attached Committee report. All Endowment funds are to be utilized solely for the purposes set forth in the application for support. Final reports of these grantees, which include audited financial statements will be examined by the Deputy Chairman for Policy and Planning subsequent to the grant period in order to assure compliance with this provision. As a part of the final report, grantees will affirm that no Endowment funds under the grant have been utilized for the prohibited purposes."

In the event that such a survey raises questions concerning the disbursement of Endowment monies in connection with labor activities, a full audit would be performed on the grantee's books. In addition, complaints brought to the attention of the Endowment by responsible labor or arts organizations will be fully and promptly investigated. Were it to be established that any funds whatsoever had been utilized for the prohibited activities, action would be initiated to assure recovery of the misused funds. Further, with regard to subsequent application by the grantee, Endowment panelists responsible for review and recommendations on such applications would be advised of the situation regarding the legal action taken to recover the grant funds.

In any case where some knowledge of the applicant's past history with regard to these matters is known, its application will be scrutinized with special care to ensure that the budget involved fully reflects that the appropriate activities, and only these, receive Endowment assistance.

I trust this is responsive to your questions and look forward to hearing from you in the event you have any further questions.

Sincerely,

LIVINGSTON L. BIDDLE, Jr.,
Chairman.

Mr. Speaker, I would also like to include in the RECORD a detailed outline of the provisions of the bill under consideration.

OUTLINE OF ARTS, HUMANITIES, MUSEUMS AND ARTS AND ARTIFACTS BILL

Section 101(a)—Modifies the definition of the humanities to include "the history, criticism, and theory of the arts" rather than "the history, criticism, theory and practice of the arts." Intended to clarify the respective roles of the Arts and Humanities Endowments with respect to the arts.

Section 101(b)—Provides the Humanities Endowment with the authority to support "renovation of facilities." The Arts Endowment now has this authority.

Section 101(c)—Includes the Northern Mariana Islands in the definition of "State."

Sections (a) (1) and (4)—Provides the Arts Endowment with the authority to make loans. The Humanities Endowment now has this authority.

Section 102(a)(2)—Modifies one of the purposes of the Arts Endowment basic program to read as follows: "to provide or support projects and productions which have substantial artistic and cultural significance, giving emphasis to American creativity and cultural diversity and the maintenance and encouragement of professional excellence."

Section 102(a)(3)—Includes support for "programs for the arts at the local level" among the objectives of the National Endowment for the Arts basic programs.

Section 102(b)(1)—Strikes obsolete language relating to the arts agency in the District of Columbia.

Section 102(b)(2)—Provides that jurisdictions other than states of the union which are included in the definition of "State" and which have a population of less than 200.000 will receive a $200.000 basic grant to the state agencies from the Arts Endowment. These jurisdictions will not, however, automatically receive an additional grant of $200.000 from the available funds.

Section 102(c)—Permits the Chairman of the Arts Endowment to use regular program funds to carry out interagency agreements.

Section 102(d) (1) and (3)—Modifies and clarifies the Arts Endowment's Challenge Grant program to include challenge grants to provide "additional support for cooperative efforts undertaken by state arts agencies and local arts groups to promote effective art activity at the state and local level, including support of professional artists in community-based residencies." This change provides new recognition and the possibility of increased support for local arts agencies and programs.

Section 102(d)(2)—Emphasizes the purpose of the Challenge Grant program of "strengthening quality" in arts programs and institutions.

Section 102(e)—Repeals the obsolete bicentennial film project.

Section 103—Gives all the terms of members of the National Council on the Arts a common expiration date in the year in which their terms end.

Section 104(a) and (b) except Section 104 (a)(3)(c)—Provides two options regarding the formation of State Humanities Councils:

(a) If a State desires to establish or designate a State agency as the State Humanities Council, the Council in existence on the date of enactment of the Act shall be designated as the State agency. The State shall match from State funds 50 percent of the minimum grant ($200,000) or 25 percent of the total State grant, whichever is greater. The chief executive of the State will appoint new members to the State council as the terms of existing members expire. Funds must be used for programs which are designed to bring humanities to the public, and must be newly appropriated.

(b) In any State in which the chief executive does not establish or designate a State agency, the grant recipient shall establish a procedure which assures that 4 members of the humanities council shall be appointed by the State, except in no case may these 4 members constitute more than 20 percent of the council. In addition, funds received by the State must be fully matched by funds from any source.

Section 104(a)(3)(c)—Modifies the allocation of Humanities Endowment funds to state humanities councils. The system under current law works as follows:

1. Not less than 20 percent of the Endowments basic program funds must be allotted to the state humanities councils or agencies.

2. Of this amount, each state gets a basic grant of $200,000.

3. If there are sums remaining after each state receives its basic grant, the Chairman may allot an amount equal to 25 percent of the total state share on a discretionary basis.

4. If there are additional sums remaining, they are divided equally among the states.

For FY 1980, this works as follows:

$112.5m.	NEH program funds	$11.000	Basic grants at $200 000
×.20	State share of program funds	5.625m.	Chairman's discretionary share (25 percent times 22.5m.)
22.5m.	State program funds	5.875m.	Equal shares among the States
		22.5m.	

Thus, 75 percent of the state funds are allotted on an equal per state basis ($11 m. basic grant + $5.875 m.).

The Administration proposal increases the Chairman's discretionary share from 25 percent to 50 percent in steps from FY 1981 to FY 1985.

The Senate bill made no changes in this allocation formula.

The State Humanities Councils propose that 65 percent of all the state funds be allotted on an equal per state basis, 25 percent on a per capita basis and 10 percent at the Chairman's discretion.

The substitute does the following:

1. Each state receives a $200,000 basic grant.

2. If there are sums remaining after each state receives its basic grant, then the Chairman allots 34 percent of the excess on a discretionary basis.

3. 44 percent of the excess is given to the states on an equal basis.

4. 22 percent of the excess is allotted to the states on a per capita basis.

In FY 1980, this would work as follows:

$112.5 m.	NEH program funds	$11.0 m.	Basic grants at $200,000
×.20	State share of program funds	3.9 m.	Chairman's discretionary share (34 percent times $11.5 m.)
22.5 m.		5.1 m.	Equal shares among the States
		2.5 m.	Per capita
		22.5 m.	

In sum, this approach provides 72 percent of the total state funds on an equal per state basis. This is less than the current proportion (75 percent), but not as little as recommended by the state humanities council (65 percent). It recognizes the per capita principle but does not go as far as the state humanities council would (11 percent rather than 25 percent of the total state funds). It reduces the Chairman's discretionary share but not as much as the state humanities councils would (17 percent rather than 10 percent of the total state funds).

Section 104(b)—Provides that jurisdictions other than states of the union which are included in the definition of "State" and which have a population of less than 200,000 will receive a $200,000 basic grant to state councils from the Humanities Endowment. These jurisdictions will not, however, automatically receive an additional grant of $200,000 from the available funds.

Section 104(c)—Permits the Chairman of the Humanities Endowment to use regular program funds to carry out interagency agreements.

Section 105—Increases the maximum size of discretionary grants by the Chairman of the Humanities Endowment from $17,500 to $30,000.

Scetion 106(a)—Expands the membership of the Federal Council on the Arts and the Humanities to include the Commissioner on Aging and updates the reference to the Secretary of Education.

Section 106(b)—Expands the mandate of the Federal Council on the Arts and Humanities to include "undertake studies and make reports which address the state of the arts and humanities, particularly with respect to their economic needs and problems."

Section 106(c)—Mandates the Federal Council to undertake a one year study of "the state of employment opportunities for professional artists." The study will be carried out in cooperation with the Department of Labor, assess the effectiveness of CETA in serving artists and assess the need for new programs to "serve and enhance the employment opportunities of professional artists." The study will be independent and not subject to review in the executive branch.

Mandates the Federal Council to undertake a one year study of the effectiveness of the arts and artifacts indemnity program as well as other means to encourage and facilitate broader sharing of art objects by museums and others within the United States.

Section 107(a)—Provides that advisory panels used to review applications shall be "culturally diverse" as well as having "broad geographic representation."

Section 107(b) and (c)—Changes the dates for the Annual Reports of the Endowments from January 15 to April 15.

Section 107(d)—Mandates that the Chairman of each endowment undertake a study of their Treasury Fund program to assess their incentive effect and their administrative complexity. These studies implicitly look toward possible merger of the Treasury Fund program and the Challenge Grant programs.

Section 108—Authorizations. The substitute provides the following authorizations:

AUTHORIZATIONS FOR THE ARTS AND HUMANITIES ENDOWMENTS FINAL HOUSE-PASSED BILL

[In millions of dollars]

	Fiscal year—				
	1981	1982	1983	1984	1985
Arts:					
Basic	115.5	127.0	140.0	154.0	170.0
Treasury	18.5	18.5	18.5	20.0	22.5
Challenge	27.0	30.0	32.5	36.0	40.0
Administration	14.0	15.0	16.0	17.0	18.0
Total	175.0	190.5	207.0	227.0	250.5
Humanities:					
Basic	114.5	126.0	138.5	152.0	167.5
Treasury	12.5	14.0	15.0	16.5	18.5
Challenge	30.0	33.0	36.0	40.0	44.0
Administration	13.0	14.5	15.5	16.5	17.5
Total	170.0	187.5	205.0	225.0	147.5

The bill also adopts language to simplify administratively the Treasury Fund programs as recommended by the Administration and included in the Senate bill.

These authorizations are identical to those in the Senate-passed bill. The authorizations for administrative expenses for both Endowments also includes a limitation that no more than $35,000 per year may be expended from any source for reception and representation expenses.

Section 109—Technical amendments.

Section 201 (a) and (b)—Technical amendments.

Section 201(c)(1)—Requires that the Director of the Institute of Museum Services report "directly" to the Secretary of Education.

Section 201(c)(3)—Authorizes the Director of the Institute of Museum Services to hire, without regard to Civil Service restrictions, not to exceed one-fifth of the full-time regular technical or professional employees of the Institute.

Section 201(d)(1)—Permits the Institute of Museum Services to provide financial assistance to professional museum organizations to strengthen museum service programs.

Section 201(d)(2)—Broadens the types of assistance that can be provided by the Institute of Museum Services to include "contracts and cooperative agreements" in addition to "grants."

Section 201(d)(3)—Provides that the Institute of Museum Services will have exclusive control of the review of grant applications for assistance.

Section 201(e)—Authorizations. Provides the following authorizations for the Institute of Museum Services: FY 1981, $25 million; FY 1982, $30 million; FY 1983, $35 million; FY 1984, $40 million and FY 1985, $45 million.

Section 202—Amends the Department of Education Organization Act to remove the Secretary's authority to "consolidate, alter or discontinue" the Institute of Museum Services.

Section 301—Raises the ceiling on the aggregate of loss or damage covered by indemnity agreements at any one time from $250 million to $400 million under the Arts and Artifacts Indemnity Act.

Section 302—Changes the present deductible of $15,000 for every indemnity agreement to a sliding scale of deductibles related to the total value of the exhibition.

Mr. Speaker, I urge my colleagues to vote in favor of this bill.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I would really want to say that one of the reasons there is absolutely no controversy is the able manner in which my colleague from Michigan has handled this bill. I think it speaks well for what our committee has done. I support it, and I thank the gentleman for bringing it up at this point.

Mr. FORD of Michigan. I thank the gentleman.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to commend the gentleman from Michigan for the work he has done in working out this very important legislation. Obviously, those of us in the Congress who have been concerned about the Endowment for the Arts and Humanities are delighted that the chairman was able to, in the midst of very difficult circumstances, get this bill passed. I commend him.

Mr. FORD of Michigan. I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

Mr. BUCHANAN. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 7153, as amended, and urge its immediate adoption. The bill amends the National Foundation on the Arts and Humanities Act of 1965, the Museum Services Act, and the Arts and Artifacts Indemnity Act. Programs authorized by these acts expired at the end of fiscal year 1980, therefore this bill reauthorizes these programs through fiscal year 1985.

The bill reaffirms and continues the very important Federal role in support of the arts, humanities, and museums. The impact of the Federal dollar far exceeds the actual dollar amount appropriated for these programs. For example, the arts challange grant program has proven very successful in assisting cultural organizations to increase the level of their new and continuing financial support from the private sector. The committee intends that challange grants awarded under this provision will place high priority on those applications which display local initiative, which are particularly sensitive to the needs of cities with a population in excess of 50,000, and which indicate clear coordination among State and local arts groups and agencies and State and local governments.

In this regard, the bill recognizes the emergence of a new network of community arts agencies which act as valuable mechanisms for the wide distribution of the arts.

It gives the Arts Endowment authority to provide through the challenge grant program "additional support for cooperative efforts undertaken by State arts agencies with local arts groups to promote effective arts activity at the State and local level, including support of professional artists in community-based residences."

The bill simplifies program administration and encourages coordination. Redtape and paperwork are reduced in the Treasury fund programs of both the arts and humanities endowments. It also facilitates interagency agreement between the endowments and other Federal agencies.

To prepare for the future of these programs, the bill mandates studies of employment opportunities for professional artists, the Treasury fund programs of the Endowments and the Arts and Artifacts Indemnity Act.

The bill also enhances the status and increases the independence of the Institute of Museum Services within the Federal establishment by providing, for example, that the Director of the Institute must report directly to the Secretary of Education.

This bill is being considered under suspension of the rules because of the time constraints imposed by the proximity to the end of the 96th Congress. The bill passed by the Senate and the bill reported by the House Education and Labor are very similar.

Differences between the two bills have been resolved and incorporated, by amendment, into the bill we consider today.

Thus, should we adopt this bill today and the Senate accept our bill at the desk, a conference can be avoided. I emphasize, at this point, that this is a consensus bipartisan bill and note that it was reported from subcommittee and full committee by unanimous voice vote.

The three major differences between the bill reported by the Committee on Education and Labor and the bill we will ultimately vote on today are: First, the "such sums" authorizations in H.R. 7153 for fiscal years 1982–85 are changed to specific authorizations which provide for approximately 10 percent increases in fiscal years 1982–85; second, an option is provided, as in the Senate-passed bill for a State to establish a State Humanities Council, if certain requirements are met; and third, the current requirement is retained that members of the National Council for the Arts and the National Council for the Humanities be confirmed by the Senate, as provided in the Senate bill.

Mr. Speaker, I know first hand of the significant influence the programs reauthorized by this bill have on local arts, humanities, and museum programs. The leadership provided by the distinguished chairman of the Postsecondary Education Subcommittee, Mr. FORD, in seeking reauthorization of these programs should not be for nought. I therefore urge the passage of the bill, as amended.

● Mr. BRADEMAS. Mr. Speaker, I rise to voice my strong support for H.R. 7153, the Arts and Humanities Act of 1980.

I want first to express appreciation for the efforts of the members of the committee who have worked to develop this legislation.

Mr. Speaker, allow me as one who for 10 years served as chairman of the House Authorizing Subcommittee with jurisdiction over arts, humanities, museum, and library legislation, to warmly commend the distinguished chairman of the Subcommittee on Postsecondary Education, the gentleman from Michigan (Mr.

Ford) for his outstanding leadership on this bill.

Mr. Speaker, I should like also to acknowledge the contributions to this legislation of the distinguished chairman of the Education and Labor Committee, the gentleman from Kentucky (Mr. Perkins); the ranking minority member of the committee (Mr. Ashbrook); and the ranking minority member of the subcommittee, the gentleman from Alabama (Mr. Buchanan).

Mr. Speaker, I should also cite the Members of the other body for their contributions, in particular the major sponsor of the bill there, the distinguished senior Senator from Rhode Island, Mr. Pell, and the distinguished senior Senator from New York, Mr. Javits.

The measure before us, Mr. Chairman, represents an agreement reached after negotiations between the Committee on Labor and Human Resources of the other body and the House Committee on Education and Labor which agreement represents a compromise of the differences between the Senate bill and the companion legislation reported by the committee in the House.

H.R. 7153 extends for 5 years the authorizations for the National Endowments for the Arts and Humanities and the Institute of Museum Services and provides some new initiatives to enhance support for cultural activities in the United States.

I shall not, Mr. Speaker, discuss all aspects of this legislation but I want to mention certain sections of the bill which, in my judgment, deserve particular attention.

First, the bill provides the arts endowment a new State and local incentive program to develop new levels of State and local Government money to support the arts and to encourage cooperative planning for the arts between and among local arts agencies, State arts agencies, and the National Endowment for the Arts.

This new authority to encourage increased State and community support for the arts is included in the challenge grant program which has proven successful in helping cultural organizations expand their financial resources. The bill, while not creating a separate category of funding for local arts programs, provides the National Endowment for the Arts the flexibility to promote the cooperation needed to sustain the vitality of State and community arts activities.

Second, the bill mandates the Federal Council on the Arts and Humanities to undertake two studies. One would examine employment opportunities for artists; the other would consider the effectiveness of the arts and artifacts indemnity program.

As the author of the legislation creating the indemnification program, I am pleased to note the rich variety of works of arts from other countries that have been exhibited in museums all over the United States, exhibitions which might not otherwise have been possible because of the high cost of insurance associated with the loan of works of art to museums in the United States by foreign museums. Since the measure was signed into law in 1975, no claims for loss or damage have been made on exhibitions indemnified by the Federal Government.

Now, in H.R. 7153, we are asking the Federal Council on the Arts and Humanities to study the possibility of expanding the indemnification program to cover domestic loans of objects for exhibition, and to explore ways to encourage wider display of indemnified exhibitions.

The third provision I wish to mention in the bill, Mr. Speaker, is also the result of the success of the arts and artifacts indemnity program.

H.R. 7153 would increase to $400 million the aggregate amount of loss or damage that may be covered by indemnity agreements. In some way this change reflects the increase in art values since the program was enacted, but more important, this change responds to the growth in demand for indemnification.

Since 1975, more than $7 million in insurance premiums have been saved and Federally indemnified exhibitions have been viewed by at least 10 million Americans in cities across the Nation. By increasing the aggregate amount of loss that can be indemnified at one time, we can disburse the benefits of this program even more broadly.

Mr. Speaker, this year marks the 15th anniversary of the enactment of the legislation that created the National Endowment for the Arts and the National Endowment for the Humanities and 4 years since the creation of the Institute of Museum Services. The measure before us today reiterates our support for the life of the mind and of the imagination in our country, a commitment that I trust will be strong today in passage of this legislation.●

● Mr. WEISS. Mr. Speaker, I rise in support of H.R. 7153, the Arts and Humanities Act of 1980, a bill to reauthorize the National Endowments for the Arts and Humanities and the Institute of Museum Services for 5 additional years.

The National Endowment for the Arts and the National Endowment for the Humanities form the cornerstone of Federal support for the arts and humanities. In the 15 years since their establishment, the endowments have made an enormous contribution to the cultural well-being of our nation. The arts and humanities are now available to more citizens in practically every community across the country than ever before. The number and quality of cultural institutions has never been greater. Private support for the arts, in addition to funds from State and local governments, has increased many times as a result of the encouragement of the Endowments.

The Arts and Humanities Endowments have successfully accomplished their missions and merit the reaffirmation of their roles and purposes that is contained in the legislation before us today. Similarly, the Institute of Museum Services in its few years of existence has helped museums, large and small, with modest but significant operating grants. It too deserves our continued support.

As a member of the subcommittee, I am pleased to have had the opportunity to help shape this legislation along with some of our Nation's most ardent supports of the arts and humanities. I must commend the leadership of our distinguished chairman, Mr. Ford, who has displayed great understanding of the cultural life of the country. I also want to pay special tribute to my distinguished colleagues from Indiana and New Jersey (Mr. Brademas and Mr. Thompson). These two gentlemen were instrumental in the original legislation which created the endowments and have continued their leadership in this area over the years, providing an example for all of us in Congress and the country who value the arts and humanities as an integral part of our civilization. Although we will no longer be able to benefit from their wisdom and insights in this House, the inspiration they have provided will long remain. The arts and humanities have lost another strong congressional supporter in the distinguished gentlemen from Alabama (Mr. Buchanan) whose active participation in developing this legislation illustrates the bipartisan support which the National Endowments and the Institute of Museum Services enjoy.

I am particularly gratified that the Arts and Humanities Act has accorded recognition to the need for greater cooperation between State and local arts agencies for arts activities at the local level, including increased support of individual artists. Through an expansion of the purposes of the challenge grant program, State and local arts agencies will be assisted in bringing quality cultural experiences to communities.

They will also be encouraged to utilize talented professional artists to work within cultural and educational institutions and other organizations in the community. The Federal Artists Program Act, which I introduced, formed part of the basis of this new direction, and I look forward to the program's development under the leadership of the National Endowment for the Arts. It is my hope that as it progresses, this program will enable more people to directly benefit from the talent and skills of more artists than ever.

In urging support for this legislation and for the continued vitality of the Federal Government in supporting and nurturing our artists and scholars, I remind you of the words of Lyndon Johnson who signed the legislation creating the National Endowments for the Arts and Humanities. He wisely noted that—

> Art is a nation's most precious heritage. For it is in our works of art that we reveal to ourselves, and to others, the inner vision which guides us as a Nation. And where there is no vision, the people perish.

I urge my colleagues to join me in supporting this important piece of legislation.●

● Mr. BIAGGI. Mr. Speaker, I am pleased to rise in strong support of this bill, H.R. 7153, the Arts and Humanities

Act of 1980, which extends our Federal programs to assist the arts and humanities and to provide institutional aid to our Nation's museums.

As a long-time supporter of the cultural affairs of this Nation, and an original cosponsor of this bill, I am pleased to see the growth in these programs since their modest beginning in 1965. Under the visionary leadership of our colleague, JOHN BRADEMAS, the Federal contribution to the expansion of arts and cultural programs in our State and local communities, has been dramatic. These programs have enjoyed steady congressional support, beginning with a meager $5 million total appropriation in 1965 to over $300 million in fiscal year 1980. Most importantly, this Federal "seed money" has spawned a dramatic increase in State and local effort for the arts, from a total of $4 milion in 1966 to more than $97 million today, well above Federal involvement in these programs.

As New York's senior member of the House Education and Labor Committee, I was honored to host field hearings which we held at Lincoln Center in New York City during our consideration of this legislation. We heard testimony from a litany of artists from both the visual and performing arts, as well as the humanistic fields, including Beverly Sills, Eliot Feld, and Leon Stein. As the cultural capitol of the world, New York has been in the forefront of the effort to maintain the vitality of the arts in America. I am proud to note that New York State appropriations for our arts programs currently approach $35 million, nearly 40 percent of the sum of total State effort. In addition, to State activities, we enjoy the contributions of our local arts agencies, which have also seen a tremendous amount of growth in the past 15 years, from 150 to nearly 2,000 nationwide.

I am proud to note that in my own hometown of the Bronx, we have several excellent artistic and cultural organizations, the most noted, as well as the newest, being the Performing Arts Center at Lehman College. As a visiting professor in the political science department at Lehman, I was pleased to join my colleagues, and Lehman's president, Dr. Leonard Lief, in welcoming Mrs. John Mondale to the opening and dedication of the center this past September. This center will mark the beginning of a cultural renaissance in the Bronx, and will serve to remind friends and patrons of the arts in New York City that the "Great White Way" has expanded in scope and character. This is but one of the many examples of fine cultural opportunities in our local communities across the Nation.

As an original member of the Select Committee on Aging and chairman of its Subcommittee on Human Services, I chaired an interesting and informative hearing on "Arts and the Older American" which generated a substantial amount of interest in the community. As a result of this hearing, I authored the provision on this legislation which provides for the membership of the Commissioner on Aging on the Federal Council on the Arts and Humanities. It was revealed at this hearing that arts programs for the elderly are drastically short in number. Joan Mondale, in testifying at this hearing, expressed her strong support for expansion of arts and cultural programs to serve our Nation's elderly. Membership of the Commissioner on the Council will go a long way to help rectify this problem.

I would also like to make mention of the numerous contributions that Joan Mondale has made to the cultural life of this Nation since her assumption of the role of "First Lady of the Arts" in this administration. There has been no greater advocate in the executive branch for these programs and her talents, her dedication and her commitment to American art and artists will be sorely missed. I am sure that my colleagues join me in urging her continued advocacy in this area in whatever future endeavors she takes on.

As a result of this dramatic increase in Federal, State, and local support for our artistic and cultural institutions and programs, public participation in the arts has also increased. For example, orchestras have tripled their audiences since 1965, from 8.6 million to over 23 million today. Opera audiences have doubled. Theater audiences have increased sixfold. In testimony before our Postsecondary Education Subcommittee, Lee Kimche, director of the Institute of Museum Services revealed that over 500 million persons visited our Nation's 5,500 museums last year, more than nine times the paid attendance of professional baseball, football, and basketball games combined.

This is precisely the reason why we must continue our small, but critical support of these activities on the Federal level. In addition, I am committed to insuring that these programs reach out to as many ethnic and racial groups as possible. It is a known fact that Americans of Eastern and Southern European origin have been drastically underrepresented as both recipients of these funds, as well as being employed by the Arts and Humanities Endowments. I raised this issue during our hearings in order to sensitize those in responsible positions to this inadequacy in the hopes that increased sensitivity will be shown in the future in both the hiring of and the awarding of grants to Americans of Eastern and Southern European origin. We are a pluralistic nation and we must be persistent in assuring that we remain so in the artistic and cultural fields.

I would finally like to pay tribute to our subcommittee chairman, BILL FORD, for his leadership in seeing this legislation through our committee, in conjunction with our full committee chairman, CARL PERKINS of Kentucky. Their dedication to and support for these programs have been constant and they are to be commended for their contributions.

The arts in the United States provide for our fundamental enrichment as a nation. Without question, the humanities play a key role in deepening our appreciation of the many cultures and traditions of our American society. Museums house those traditions which provide their visitors with the opportunity to experience—in a very personal and direct way—our accomplishments and assets as a nation. This bill, H.R. 7153, will insure that these components of our society will continue to be nurtured and developed. I urge my colleagues to support this measure before us.●

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. FORD) that the House suspend the rules and pass the bill, H.R. 7153, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the Senate bill (S. 1386) to amend and extend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Arts and Humanities Act of 1980".

DEFINITION OF HUMANITIES

SEC. 2. Section 3(a) of the National Foundation on the Arts and the Humanities Act of 1965 (hereinafter referred to as the "Act"), is amended by striking out "theory, and practice" and inserting in lieu thereof "and theory".

PURPOSES OF ARTS GRANTS

SEC. 3. (a) Section 5(c)(1) of the Act is amended by inserting "and cultural diversity" after "American creativity".

(b)(1) Section 5(c) of the Act is amended by redesignating clause (5) as clause (6) and by inserting after clause (4) the following new clause:

"(5) programs for the arts at the local level; and".

(2) The last sentence of section 5(c) of such Act is amended—

(A) by striking out "clause (5)" and inserting in lieu thereof "clause (6)"; and

(B) by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

STATE ART GRANTS

SEC. 4. Section 5(g) of the Act is amended—

(1) by striking out all that follows "State plan" in the text of paragraph (2)(A) and inserting in lieu thereof a semicolon; and

(2) by adding at the end of paragraph (4) the following new subparagraph:

"(E) For the purpose of paragraph (3)(B) of this subsection, the term 'State' includes, in addition to the several States of the Union, only the special jurisdictions listed in section 3(g) of this Act having a population of 200,000 or more, according to the latest decennial census.".

INTERAGENCY AGREEMENTS

SEC. 5. Section 5(k) of the Act is amended by adding at the end thereof the following: "The Chairman may enter into interagency agreements to promote or assist with the arts-related activities of other Federal Government agencies, on a reimbursable or nonreimbursable basis, and shall use funds appropriated for the purposes of section 5(c) of this Act for the costs of such activities.".

CHALLENGE GRANTS

SEC. 6. The matter preceding paragraph (1) of section 5(l) of the Act is amended by inserting "strengthening quality by" after "for the purpose of".

REPEALER

SEC. 7. Section 5 of the Act is amended by repealing subsection (m).

NATIONAL COUNCIL ON THE ARTS

SEC. 8. Section 6 of the Act is amended by inserting after the first sentence of subsection (c) thereof the following: "The term of office of all Council members shall expire on the third day of September in the year of expiration.".

ACTIVITIES OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

SEC. 9. (a) Section 7(c)(2) of the Act is amended by striking out the word "loans," in the matter in parentheses and by deleting all that follows the first semicolon.

(b) The last sentence of section 7(c) of the Act is amended by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

STATE HUMANITIES COUNCILS

SEC. 10. (a) Section 7(f)(2) of the Act is amended to read as follows:

"(2)(A) Whenever a State desires to designate or to provide for the establishment of a State agency as the sole agency for the administration of the State plan, such State shall designate the humanities council, or other entity, in existence on the date of enactment of the Arts and Humanities Act of 1980, as the State agency, and shall match from State funds a sum equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) of this subsection relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved. In any State in which the State selects the option described in this paragraph, the State shall submit, prior to the beginning of each fiscal year, an application for grants and accompany such application with a plan which the Chairman finds—

"(i) designates or provides for the establishment of a State agency (hereafter in this section referred to as the 'State agency') as the sole agency for the administration of the State plan;

"(ii) provides that the chief executive of the State will appoint new members to the State humanities council, or other entity, designated under the provisions of this subparagraph, as vacancies occur as a result of the expiration of the terms of members of such council or entity, until the chief executive has appointed all of the members of the council or entity;

"(iii) provides, from State funds, an amount equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) of this subsection relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved;

"(iv) provides that funds paid to the State under this subsection will be expended solely on programs approved by the State agency which carry out the objectives of subsection (c) and which are designed to bring the humanities to the public;

"(v) provides assurances that State funds will be newly appropriated for the purpose of meeting the requirements of this subparagraph; and

"(vi) provides that the State agency will make such reports, in such form, and containing such information, as the Chairman may require.

"(B) In any State in which the chief executive officer of the State fails to file an application under subparagraph (A), the grant recipient in that State shall—

"(i) establish a procedure which assures that four members of the governing body of such grant recipient shall be appointed by an appropriate officer or agency of such State except that in no event may the number of such members exceed 20 per centum of the total membership of such governing body; and

"(ii) provide, from any source, an amount equal to the amount of Federal financial assistance received by such grant recipient under this subsection in the fiscal year involved.".

(b) Section 7(f)(3) of the Act is amended to read as follows:

"(3) Whenever a State selects to receive Federal financial assistance under this subsection in any fiscal year under paragraph (2)(B), any appropriate entity desiring to receive such assistance shall submit an application for such grants at such time as shall be specified by the Chairman. Each such application shall be accompanied by a plan which the Chairman finds—

"(A) provides assurances that the grant recipient will comply with the requirements of paragraph (2)(B) of this subsection;

"(B) provides that funds paid to the grant recipient will be expended solely on programs which carry out the objectives of subsection (c) of this section;

"(C) establishes a membership policy which is designed to assure broad public representation with respect to programs administered by such grant recipient;

"(D) provides a nomination process which assures opportunities for nomination to membership from various groups within the State involved and from a variety of segments of the population of such State, and including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve;

"(E) provides for a membership rotation process which assures the regular rotation of the membership and officers of such grant recipient;

"(F) establishes reporting procedures which are designed to inform the chief executive officer of the State involved, and other appropriate officers and agencies, of the activities of such grant recipient;

"(G) establishes procedures to assure public access to information relating to such activities; and

"(H) provides that such grant recipient will make reports to the Chairman, in such form, at such times, and containing such information, as the Chairman may require.".

(c)(1) Section 7(f)(4) of the Act is amended—

(A) by inserting "State and" immediately before "grant recipient" each time it appears;

(B) by inserting "States and" immediately before "grant recipients" each time it appears; and

(C) by inserting before "entities" the following: "States and regional groups and".

(2) Section 7(f)(5)(A) of the Act is amended by striking out "Whenever the provisions of paragraph (3)(B) of this subsection apply in any State, that part of any" and inserting in lieu thereof the following: "The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State or grant recipient, which has a plan or application approved by the Chairman in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1). The amount of any".

(3) Sectiion 7(f)(5)(B) of the Act is amended by inserting "State agency or" before "grant recipient".

(4) Section 7(f)(6) of the Act is amended by inserting "a State or" before "any entity".

(5) Section 7(f)(7) of the Act is amended—

(A) by inserting "group or" before "grant recipient" in clause (A);

(B) by inserting "State agency or" before "grant recipient" in clause (B);

(C) by striking out "plan" in clause (B) and inserting in lieu thereof "State plan or grant recipient application";

(D) by inserting "group or State agency or" before "grant recipient" in clause (C); and

(E) by inserting "group, State agency, or" before "grant recipient" each time it appears in the matter following clause (C).

(6) Section 7(f)(8) of the Act is amended by striking out "paragraphs (4), (5), and (6)" and inserting in lieu thereof "the third sentence of paragraph (4), and paragraphs (5) and (6)".

(7) Section 7(g) of the Act is amended by inserting "agency or" before "entity".

(d) Section 7(f)(5) of the Act is further amended by adding at the end thereof the following new paragraph:

"(E) For the purpose of paragraph (4)(B) of this subsection, the term 'State' and the term 'grant recipient' include, in addition to the several States of the Union, only the special jurisdictions listed in section 3(g) of this Act having a population of two hundred thousand or more, according to the latest decennial census.".

(e) Section 7 of the Act is further amended by inserting immediately after subsection (h) the following new subsection:

"(i) The Chairman may enter into interagency agreements to promote or assist with the humanities-related activities of other agencies of the Federal Government, on either a reimbursable or nonreimbursable basis, and shall use funds appropriated for the purposes of section 7(c) of this Act for the costs of such activities.".

GRANTS BY THE CHAIRMAN

SEC. 11. Section 8(f) of the Act is amended by striking out "$17,500" and inserting in lieu thereof "$30,000".

ADMINISTRATIVE PROVISIONS

SEC. 12. (a) Section 10(a)(4) of the Act is amended by inserting "and culturally diverse" after the word "geographic".

(b)(1) Section 10(b) of the Act is amended by striking out "January" and inserting in lieu thereof "April".

(2) Section 10(c) of the Act is amended by striking out "January" and inserting in lieu thereof "April".

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. (a)(1) The first sentence of section 11(a)(1)(A) of the Act is amended to read as follows:

"(A) For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts $115,500,000 for the fiscal year 1981, $135,500,000 for the fiscal year 1982, $158,000,000 for the fiscal year 1983, $184.750,000 for the fiscal year 1984, and $213,200,000 for the fiscal year 1985.".

(2) The first sentence of section 11(a)(1)(B) of the Act is amended to read as follows:

"(B) For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities $114,500,000 for the fiscal year 1981, $132,500,000 for the fiscal year 1982, $153,500,000 for the fiscal year 1983, $178,000,000 for the fiscal year 1984, and $206,000,000 for the fiscal year 1985.".

(b) Section 11(a)(2) of the Act is amended to read as follows:

"(2)(A) There are authorized to be appropriated for each fiscal year ending prior to October 1, 1985, to the National Endowment for the Arts an amount equal to the total amounts received by such Endowment under section 10(a)(2) and by the grantees of such Endowment for the purposes of section 5(c), except that the amount so appropriated to the National Endowment for the Arts shall not exceed $18,500,000 for fiscal year 1981, $18,500,000 for fiscal year 1982, $18,500,000 for fiscal year 1983, $20,000,000 for fiscal year 1984, and $22,500,000 for fiscal year 1985.

"(B) There are authorized to be appropriated for each fiscal year ending prior to October 1, 1985, to the National Endowment for the Humanities an amount equal to the total amounts received by such Endowment under section 10(a)(2) and by grantees of such Endowment for the purposes of section 7(c), except that the amount so appropriated to the National Endowment for the Humanities shall not exceed $12,500,000 for fiscal year 1981, $14,500,000 for fiscal year 1982, $17,000,000 for fiscal year 1983, $19,500,000 for fiscal year 1984, and $22,500,000 for fiscal year 1985.

(c)(1) Section 11(a)(3)(A) of the Act is amended to read as follows:

"(A) There is authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the total amounts received by such Endowment and by the grantees of such Endowment for the purposes set forth in section 5(1)(1) pursuant to the authority of section 10(a)(2), except that the amount so appropriated to such Endowment shall not exceed $27,000,000 for fiscal year 1981, $32,000,000 for fiscal year 1982, $38,500,000 for fiscal year 1983, $44,250,000 for fiscal year 1984, and $52,300,000 for fiscal year 1985.".

(2) Section 11(a)(3)(B) of the Act is amended to read as follows:

"(B) There is authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Humanities an amount equal to the total amounts received by such Endowment and by the grantees of such Endowment for the purposes set forth in section 7(h)(1), pursuant to the authority of section 10(a)(2), except that the amount so appropriated to such Endowment shall not exceed $30,000,000 for fiscal year 1981, $34,500,000 for fiscal year 1982, $40,000,000 for fiscal year 1983, $46,000,000 for fiscal year 1984, and $53,000,000 for fiscal year 1985.".

(d) Section 11(a)(4) of the Act is amended to read as follows:

"(4) The Chairman of the National Endownment for the Arts and the Chairman of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement the provisions of paragraphs (2) and (3) of this subsection which are consistent with the requirements of sections 5(e), 7(f), 5(1)(2), and 7(h)(2), as the case may be.".

(e) Section 11(c) of the Act is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the National Endowment for the Arts $14,000,000 for fiscal year 1981, $15,000,000 for fiscal year 1982, $16,000,000 for fiscal year 1983, $17,000,000 for fiscal year 1984, and $18,000,000 for fiscal year 1985 to administer the provisions of this Act, including not to exceed $35,000 in any fiscal year for official reception and representation expenses, or any other program for which the Chairman of the National Endowment for the Arts is responsible.

"(2) There are authorized to be appropriated to the National Endowment for the Humanities $13,000,000 for fiscal year 1981, $14,500,00 for fiscal year 1982, $15,500,000 for fiscal year 1983, $16,500,000 for fiscal year 1984, and $17,500,000 for fiscal year 1985, to administer the provisions of this Act, including not to exceed $35,000 in any fiscal year for official reception and representation expenses, or any other program for which the Chairman of the National Endownment for the Humanities is responsible.".

MOTION OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Speaker, I offer a motion.

The Clerk read as follows.

Mr. Ford of Michigan moves to strike out all after the enacting clause of the Senate bill, S. 1386, and insert in lieu thereof the provision of the bill, H.R. 7153, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorizations of appropriations contained in such acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such act, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 7153) was laid on the table.

ENCOURAGING STUDY OF FOREIGN LANGUAGES

Mr. SIMON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 301) expressing the sense of the Congress that there is a need to strengthen course offerings and requirements in foreign language studies and international studies in the Nation's schools, colleges, and universities as amended.

The Clerk read as follows:

H. Con. Res. 301

Whereas a knowledge of other languages and cultures is necessary to keep American business competitive in world trade;

Whereas the continued effectiveness of American foreign policy depends upon diplomatic and intelligence-gathering efforts which are based upon a sound knowledge of the world;

Whereas in our democratic society it is essential for the general public to understand world events so that official policies will reflect the concerns and interests of the American people;

Whereas a knowledge of foreign languages and cultures can help to improve mutual understanding among different ethnic groups and cultures within American society;

Whereas the past decade saw an alarming decline in the study of foreign languages and international issues in the Nation's schools, colleges, and universities, despite the growing importance of these subjects to the welfare of our Nation and our people;

Whereas the Federal Government has not and should not seek to establish education curriculum, but on occasion has urged that certain national needs be dealt with at the State and local level; and

Whereas the President's Commission on Foreign Language and International Studies has recommended that greater emphasis needs to be placed on the study of these subjects: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) That it is the sense of the Congress that local educational agencies and institutions of higher education should consider strengthening the study of foreign languages and cultures through appropriate actions, including the following: the gradual establishment of requirements for the study of foreign languages and cultures for entrance to postsecondary institutions; the addition of proficiency in a foreign language and work in international studies as requirements for college graduation; the improvement of international studies in the curriculum at all levels of education; the encouragement of international exchange programs; the offering of a wider variety of languages at the secondary school level; and the placing of greater emphasis on the teaching of foreign languages and cultures for elementary schoolchildren.

The SPEAKER, pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois (Mr. Simon) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. Erdahl) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Simon).

Mr. SIMON. Mr. Speaker, I ask unanimous consent to add another 42 sponsors to the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SIMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution comes before the House just a few weeks after our language limitations have again surfaced, much to our national embarrassment.

We are all familiar with this latest episode: A Soviet soldier made his way to our Embassy in Afghanistan with the hope of seeking political asylum, only to find that no one in that bastion of the free world could speak Russian. The soldier and our diplomatic representatives were reduced to communicating in sign language, even though he and his compatriots had constituted a major military occupation force in Afghanistan for the past 8 months.

Unfortunately, this was no isolated incident. At the time our Embassy in Tehran was overtaken more than a year ago, only two of our diplomats could speak Farsi, the native language in that revolution-torn nation.

Early in his administration President Carter suffered major embarrassment in Poland when we failed to provide an interpreter well-versed enough in the intricacies of the Polish language.

And we tragically lost our Ambassador, in Afghanistan again, when terrorists held him hostage a few years ago and none of our Embassy people could speak the language of the kidnapers.

Mr. Speaker, these diplomatic incidents represent only the most public and visible ramifications of our laxity in the study of other languages. Countless business and trade opportunities are lost every day because of our language shortcomings. Misunderstandings abound in all aspects of our public and private encounters with persons from other nations. How much money has been lost? How many efforts to reach accommodation and understanding have ended amid shaking heads and the words, "I do not understand your language?"

Mr. Speaker, we can no longer afford to have a cavalier attitude toward the languages of others. We are competing in a world where international trade is essential, and we are losing. We are finding the delicate balance of peace hinging on small but strategic nations that too often we have failed to notice until it is too late.

How many speakers of Arabic do we have today? Are we aware that none of the employees in our Mogadishu Embassy in Somalia speak the native language? Are we aware that we have not had a single student of Albanian in this country since 1972? At what point might that nation become the center of world attention? And with all the talk of the vast new market that China represents for our goods, how many of our major corporations have speakers of Chinese—the world's most common language—on their staffs?

This resolution, Mr. Speaker, is a call to action. It should be just the first step toward the encouragement of a renewed emphasis on foreign language and international studies. In adopting this resolution we are putting ourselves on record as recognizing the problem and asking school officials to move on the solution. Nothing less is at stake than the security and economic future of our Nation.

□ 1750

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. SIMON. I will be pleased to yield to my colleague from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I wish to commend the gentleman from Illinois (Mr. SIMON) for his leadership in this and the whole area of education. I think this is legislation that has great merit. I commend the gentleman for his leadership and urge its passage.

Eighty percent of the world's population speak languages that the English-speaking countries regard as "uncommon," yet only 1 percent of the high school students and 10 percent of the college students in the United States even study these "uncommon" languages. The President's Commission on Foreign Language and International Studies has called Americans' ignorance of foreign languages "scandalous." It has diminished our effectiveness in diplomacy, in international trade and in citizen understanding of the world in which the United States lives and competes, and it is viewed as arrogance by other nations of the world.

Such ignorance has been expensive both for American Government and for American business. The cost to Government in training personnel for its foreign agencies has increased $100 million a year. Much of this training is in those "uncommon" languages spoken by 25 percent of the world's population—Chinese, Japanese, and Arabic.

American investments abroad total $300 billion, and foreign investments in the United States are estimated at $245 billion. Thirteen of America's largest banks derive 50 percent of their total earnings from overseas credits; 35,000 American business people live abroad; 6,000 companies have overseas operations; and 20,000 concerns export products or services to foreign markets. International trade involves one out of every eight American manufacturing jobs and 1 out of every 3 acres of American farmland; $1 billion of exported manufactured goods creates at least 30,000 jobs in the United States.

However, the trade performance of the American business community has deteriorated and has lost the competitive edge in international commerce. The lack of foreign language and area expertise constitutes one of the most serious barriers to American business abroad. Currently, 10,000 English-speaking Japanese serve as business representatives in the United States: Whereas, only 900 of their U.S. counterparts are in Japan, and only a handful of these have a working knowledge of Japanese. Recently, Pan American World Airways had 400 job openings for people fluent in a language in addition to English. Pan American had to review 16,000 résumés before it was able to fill the 400 jobs and rejected 70 percent of them because of insufficient language skills.

A look at foreign language instruction in our elementary, secondary, and postsecondary institutions tells the tale. Only 1 percent of high school students and 10 percent of college students study Chinese, Japanese, or Arabic. Only one high school student in 20 takes French, German, or Russian beyond the second year although 4 years are regarded as necessary for competence in a language.

Foreign language instruction has virtually disappeared from our elementary schools. Since 1965 the percentage of high school students studying a foreign language has dropped from 24 percent to 15 percent. Since 1966 the number of colleges and universities requiring a foreign language for entrance has dropped 26 percent—from 34 percent to 8 percent. In addition, only 5 percent of prospective teachers include in their professional training courses related to international affairs or foreign peoples and cultures.

The implications for the status of the American business community in international affairs, trade, and finance and for broad public scrutiny and support for U.S. foreign policy issues are enormous. Language training is best when it starts early and continues throughout one's academic career. The United States can no longer afford to consider foreign language instruction as a frill in the curriculum and lightly eliminate foreign language requirements. House Concurrent Resolution 301 represents an important step in developing America's capacity to communicate with a world which overwhelmingly does not speak nor understand English.

Mr. SIMON. Mr. Speaker, I thank the gentleman.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. SIMON. Mr. Speaker, I will be glad to yield to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I rise in support of House Concurrent Resolution 301, legislation which recognizes that educational requirements and courses in foreign languages and international studies need to be strengthened in our Nation's schools, colleges, and universities.

This measure follows one of the principal recommendations of the recent report prepared by the President's Commission on Foreign Languages and International Studies—that Americans give greater attention to the study of foreign languages and cultures.

Mr. Speaker, surely none of us would argue that in today's world we can prosper, or even survive, without a deeper and broader knowledge of the other peoples and cultures that populate this planet.

In our national security, an effective foreign and defense policy demands an understanding of events—and the people and forces that shape them—throughout the world. We cannot rely on guesswork.

Much has been discussed about our inability to understand the roots of our troubles in Iran. At the height of the Iranian revolution in 1978, only 6 of our 60 foreign service officers in Teheran could even speak Farsi, and Iranian specialists were scarce at the Department of State. Indeed, one Columbia University Middle East scholar asserted that officials of our Government too long failed to recognize the significance of the religious dimension of the Iranian situation.

In this regard, Mr. Speaker, we seem to have learned little from our own history. I recall how the Harvard sinologist, John King Fairbank, once declared that, when the Vietnam war began, there were no more than half a dozen senior scholars in the United States who knew the language, culture, and history of the country that was to become the focus of one of the great tragedies of American history.

A greater appreciation of foreign cultures and foreign tongues makes good sense in the economic sphere as well as in our political relations with other nations. Competition among nations for foreign trade grows ever stiffer. Already, one of every eight American industrial jobs and one of every five American agricultural jobs depends on international commerce. We therefore need people who can work intelligently with foreign government and business leaders, yet the United States is lagging behind other nations.

There are, for example, an estimated 10,000 English-speaking Japanese business representatives on assignment in the United States. By contrast, there are fewer than 900 American counterparts in Japan—and only a handful of these have a working knowledge of Japanese.

Mr. Speaker, these are only a few of the manifestations of a problem which the President's Commission on Foreign Languages and International Studies set out to examine. Its inquiry produced some discomforting findings:

Over 40 percent of 12th graders in a recent survey were unable to place Egypt correctly on a map, while over 20 percent were equally ignorant about the location of France or China.

Only 5 percent of prospective teachers take even a single course relating to international affairs or foreign peoples and cultures as part of their professional preparation.

Only 15 percent of American high school students now study a foreign language—down from 24 percent in 1965.

Only 1 in 20 high school students studies French, German, or Russian beyond the second year. Four years are generally considered a minimal prerequisite for usable language competence.

Only 8 percent of American colleges and universities now require a foreign language for admission, compared with 34 percent in 1966.

Federally financed foreign language and area studies fellowships fell from a peak of 2,257 in 1969 to 828 in 1978.

American participation in exchange programs is declining at a time when other nations are expanding such efforts. A recent study by the General Accounting Office found that, compared to both allies and potential adversaries, American investment in these programs is proportionately the lowest of any of the countries surveyed.

The Commission concluded that—

> The United States requires far more reliable capacities to communicate with its allies, analyze the behavior of potential adversaries, and earn the trust and sympathies of the uncommitted.

Mr. Speaker, one of the members of that Commission is the sponsor of the legislation before us. Let me at this time congratulate my distinguished colleague, the gentleman from Illinois (Mr. Simon) for his leadership in calling attention to the importance of foreign language studies to enable Americans to understand better other nations of the world.

Because I share with my colleague from Illinois a concern for our Nation's capabilities in language training and cultural studies, we jointly conducted a survey earlier this year to ask Members of the House of Representatives and Senate about their foreign language abilities. The results of our survey show that the knowledge of at least one foreign language among those Representatives and Senators who responded ranges widely from Spanish to Thai, and a fourth of those claimed knowledge of three foreign languages.

Yet, when asked to rate themselves on ability, Mr. Speaker, most Members of Congress judged their foreign language competency as poor or fair. For an explanation, one need only look to the educational preparation our colleagues acquired in foreign languages: Hardly any had studied languages before high school and fewer took language courses in high school than college. If a sound understanding of foreign languages is based in education, among ourselves we are deficient.

Mr. Speaker, House Concurrent Resolution 301 responds to some of the problems and inadequacies I have cited. This measure calls for the establishment of language requirements for college graduation; it proposes a wider offering of languages in secondary schools; and it advocates a greater emphasis on the teaching of foreign languages and cultures in elementary schools. These are sound recommendations, justified by the findings of the President's Commission on Foreign Languages and International Studies and borne out by our own survey of Members of Congress.

I urge my colleagues to support this timely legislation.

Mr. SIMON. Mr. Speaker, I thank my colleague from Indiana (Mr. Brademas).

Let me add, this is one of a host of areas where the gentleman's presence in the House is going to be missed a great deal.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from California (Mr. Panetta).

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of House Concurrent Resolution 301, expressing the sense of the Congress that there is a need to strengthen course offerings and requirements in foreign language studies and international studies in the Nation's schools, colleges, and universities. As an original cosponsor of this resolution and as one who helped Congressman Simon draft its original language, I am convinced that the resolution will make a positive and lasting contribution in an area of education which has a profound effect on the Nation's effectiveness in foreign trade, intelligence, and diplomacy.

The resolution states quite clearly what the stakes are for the Nation if it continues an educational policy almost completely devoid of content in foreign language and international studies. The simple fact is that we cannot afford to continue along our present course of cultural and linguistic isolation from the world. We cannot any longer afford to ignore the matrix of forces and issues which are coming to the fore in international affairs. Their forces and issues include religion, nationalism, economic development, environmental degradation, disease control, arms control, nuclear proliferation, and cultural differences. Addressing these concerns effectively depends upon capabilities in government and understanding among our people which do not now exist.

For instance, I read in the September 29, New York Times that our intelligence capabilities in the critical Persian Gulf region are below requirements partly because of language and cultural factors. We simply have not emphasized the training of personnel in these fields sufficiently to meet the national need. As a consequence, our national interests have not been adequately protected in this volatile area.

In addition, I was shocked when I learned that no one in our Embassy in Afghanistan is fluent in Russian. When the Soviet soldier tried to defect by seeking asylum in our Embassy in Kabul, he had to resort to sign language to convey his message. Not to have Russian-language competent personnel in the capital city of a country which has been invaded, cruelly, by the Soviet Union is an outrage. It truly does damage to our image and our effectiveness abroad.

With regard to Iran, it is clear that our insensitivity to the religious concerns and motivations of the Iranian people was at least partly to blame for the crisis we are now confronting with that country.

In conclusion, Mr. Speaker, I strongly urge my colleagues to support this resolution. It will put the House on record on an issue of very great importance and will help create a groundwork of support for the work of the President's Commission on Foreign Language and International Studies, on which I served last year. The House should take this opportunity to voice its overwhelming support for this resolution.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Washington (Mr. Bonker).

Mr. BONKER. Mr. Speaker, I thank the gentleman for yielding and commend him for his leadership in this area.

Mr. Speaker, I rise in support of the foreign language resolution and wish to commend the members of the Subcommittee on Select Education, especially the distinguished chairman, Mr. Paul Simon, for his work in bringing this concurrent resolution before the House today.

I also wish to commend my distinguished colleagues who coauthored this resolution with Mr. Simon, Mrs. Fenwick, Mr. Panetta, and Mr. de la Garza. Their recognition of and response to a need to strengthen foreign language studies and international studies in this Nation has provided the leadership necessary for a strong resurgence in these vital areas that were allowed to decline during the last two decades.

As a member of the Foreign Affairs Committee, I am increasingly aware that our Nation is routinely affected by the interests and needs of over 160 other nations. Daily we face issues of oil shortages, massive population movements, fluctuating currencies, religious movements, and unstructured global violence like the Iranian hostage crisis. Until very recently American education has been almost exclusively concerned with our own national experience. We can no longer afford to ignore that there are real and legitimate conflicts of values and interests among people of the world.

We must also recognize that although English has been, and will continue to be, an internationally accepted mode of communication in diplomacy, technology, and commerce, it is not spoken or understood by the large majority of the world's population. Unlike most of the nations of the world, we are endowed with an abundance of resources in people and academic institutions capable of propelling us to realize our potential in a world that, though it still expects much from America, no longer takes American supremacy for granted.

I want to mention also that the knowledge of other languages and cultures is necessary to keep American business competitive in world trade. This country faces a pressing need to increase exports, as indicated by trade deficits of $30 billion in several consecutive years.

I am pleased to report that in the Pacific Northwest, and in my own State of Washington, where one quarter of the population is engaged in occupations related to international trade, we have already an established framework to begin to accomplish the goals set forth in this resolution.

The Pacific Northwest International/Intercultural Education Consortium, composed of 23 member institutions whose total enrollment exceeds 80,000, has formed to assist the members in bringing global perspectives to their curricula to expand their overseas programs, to improve their services to foreign students, and to further international awareness in their communities.

In May of this year, a large group of educators, business leaders, and citizens met at the University of Washington in Seattle under the auspices of the World Without War Council. Their purpose was to consider the whole question of improving relationships with the rest of the world and to begin to address the recommendations of the President's Commission on Foreign Language and International Studies.

Such responses are strong indicators that the mechanism is in place, along with an aware constituency, to begin initiating programs in both public and private spheres to improve all aspects of foreign language study and international education in America's schools and universities.

Mr. Speaker, I urge support of this resolution. It is an assurance that the Congress is ready to renew its commitment and to provide the leadership on this vital issue of national concern. It is a first step to improve our trade, our intelligence capability, and our diplomatic effectiveness.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. SIMON. I will be happy to yield to my colleague from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I thank the gentleman for yielding.

What I would like to know is: Is the Swedish language going to be included?

Mr. SIMON. I would say to my distinguished colleague from California (Mr. DANIELSON) that we do not specify languages here. I thank my distinguished colleague from California. I know now where to get a good Swedish interpreter.

Mr. DANIELSON. I am of Swedish ancestry and the gentleman from Minnesota, Mr. ERDAHL) is not Swedish. He is Norwegian, and that is the next best thing.

Tusan tack.

Mr. SIMON. I thank my colleague from California.

Mr. ERDAHL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 301, a resolution which expresses the sense of Congress that there is a need to strengthen course offerings and requirements in foreign language studies and international studies in the Nation's schools, colleges, and universities.

Before describing the need for this resolution and what the resolution says, I would like to take this opportunity to commend the distinguished chairman of the Subcommittee on Select Education, Mr. SIMON, for his outstanding leadership in the area of international education. As a member of the President's Commission on Foreign Language and International Studies, Congressman SIMON has been a congressional leader in efforts to improve the administration of Federal programs and to further stimulate interest in international and foreign language studies. This involvement is reflected in his authorship of the new title VI, international and foreign language studies, to the Higher Education Act of 1965 as it was amended this fall by Public Law 96–374, Education Amendments of 1980.

The President's Commission on Foreign Language and International Studies recently published a report which found that "our gross national inadequacy in foreign language skills * * * a serious and growing liability." The resolution we consider today is a statement in support of the findings of the Commission which shows that there needs to be increased attention to international and foreign language studies. The resolution recognizes the interdependent nature of the world's economy and the vulnerability of the United States if it does not become more aware of the cultures and languages of other countries. Hearings held by the subcommittee indicated that a knowledge of other languages and cultures is increasingly important for the U.S. business community to remain competitive in world trade and for U.S. foreign policy to continue to be effective.

The resolution also recognizes that there has been an alarming decline in the study of foreign languages and related issues in the U.S. schools, colleges, and universities over the past decade. According to the Commission, instruction in foreign languages and cultures "has virtually disappeared" in our elementary schools. Just 15 percent of our high school students study a foreign language, compared with 24 percent in 1965. And while 34 percent of our colleges and universities required foreign language study before a student could be admitted in 1966, only 8 percent of those institutions have such a requirement today.

This resolution does not in any way establish education curriculum, but strongly encourages those educational agencies responsible for foreign language training to increase the awareness of the need for foreign language training and the entrance and graduation requirements for secondary and postsecondary institutions.

Passage of this resolution would highlight a very important national need. I urge my colleagues to support House Concurrent Resolution 301.

Mr. Speaker, I now yield 1 minute to our distinguished colleague, the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Speaker, I thank my colleague for yielding.

I rise in hearty support of the bill. I, too, would like to commend Representative SIMON of Illinois. Certainly without him, I do not think this would have progressed at all. Now, I know of two colleges and universities that are doing foreign language studies and international studies programs, and it is a very hopeful movement.

We must understand the world better. We cannot function in it if we do not. By language and by study and by some concern and interest, I think that all of us in this country will be better off.

I thank my colleague for the time.

Mr. McCLORY. Mr. Speaker, will the gentleman yield to me?

Mr. ERDAHL. Yes, I yield to the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

I want to concur in the remarks of the gentlewoman from New Jersey (Mrs. FENWICK). I might say that she and I both had the opportunity of having part of our education in a foreign country and had the opportunity to learn a foreign language at a young age. I feel that the emphasis for foreign language training should be on providing more opportunities and more encouragement for young people to study abroad. We can give all the support and all the emphasis we want to language training and language instruction in American schools at the primary and secondary and college levels, but the students are not going to learn very much unless they get into a foreign environment where they have the opportunity and indeed the obligation to engage in foreign language conversation in the course of this experience.

So, we do have a rather widespread student exchange program now, but my observation of it has been, and I have observed it rather closely, that it involves foreign students coming and being educated in our public schools. I just do not know any Americans who go and study in foreign public schools.

I might say, Mr. Speaker, there is one exception. I sent one of my children to a foreign country and I got that child into the foreign public school. The only reason I did so, and the reason I was successful, is because the principal of that school had one of his children studying in a public high school in the United States.

So, I would say that, while the resolution does mention that we should encourage international exchange, if we give more emphasis to student exchange, including the participation of American students studying in foreign countries, we are going to go a long way in enhancing our foreign language capability.

I agree that the goal is commendable and desirable. It does affect all of these aspects as far as our international relations are concerned and our national security interests. I hope that the schools of the Nation will take account of what we are doing here today. I am encouraged by the fact that this resolution is not going to be followed by a Federal appropriation this year or next year, but will repose primary responsibility, I hope, on the American educational community itself to provide the kind of education that we think is desirable and necessary in the communities of America on behalf of our entire Nation.

I might say that I visited Norway not too long ago with the gentleman from Minnesota (Mr. ERDAHL). The gentleman from Minnesota is a linguist, speaks fluent Norwegian, and he was a great asset to us in the course of our conference there because both he and his wife have the capability of conversing in Norwegian. It is a beautiful country and a great language to be able to speak.

I thank the gentleman for yielding.

Mr. ERDAHL. Mr. Speaker, I thank the gentleman from Illinois for his expression of support.

I yield 2 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. I thank my colleague for yielding.

Mr. Speaker, I have serious concerns about the House concurrent resolution brought before this body today. I can agree fully with the "whereas" clauses in House Concurrent Resolution 301, but I have grave reservations regarding the need for the Federal Government to involve itself in the actual promotion of activities which would support the "whereas" clauses.

The resolution notes that a knowledge of other languages and cultures is necessary to keep American business competitive in world trade, to increase the mutual understanding among different ethnic groups and cultures within American society and to understand world events. It also states that the activities of American foreign policy depends upon diplomatic and intelligence-gathering efforts which are based upon sound knowledge of the world, and that there has been an alarming decline in the study of foreign languages and international issues in America's schools, colleges, and universities. As ranking Republican on the Education and Labor Committee and as a member of the Permanent Select Committee on Intelligence, I can honestly say that the statements at the beginning of the resolution are difficult to dispute.

What I am concerned about, though, is the continual effort on the part of the Congress and the Department of Education to involve themselves in the day-to-day activities of the elementary/secondary and postsecondary classrooms of this country. At the urging of some Republican members of the Education and Labor Committee, the distinguished chairman of the Subcommittee on Select Education, Mr. SIMON, offered an amendment in full committee which stated:

> Whereas the Federal Government has not and should not seek to establish education curriculum, but on occasion has urged that certain national needs be dealt with at the State and local level.

I commend the member from Illinois for recognizing the limited role of the Federal Government in establishing education curriculum and appreciate the fact that this amendment was made a part of the resolution we consider today. However, in spite of the addition of this amendment, I fear that we are taking the first step of what may be many steps to further involve the Federal Government in education curriculum. This fear is heightened by the subject matter of the resolution and the activities of the new Department of Education concerning bilingual education.

In the "resolve clause" of House Concurrent Resolution 301, it states that it is the sense of Congress that local educational agencies and institutions of higher education should strengthen the study of foreign languages and cultures through appropriate actions. Perhaps the resolution should have stopped there, for it then goes on to list a number of ways in which the objective can be met. Specifically, it talks about the gradual establishment of entrance requirements, the addition of proficiency in a foreign language as a graduation requirement, the improvement of international studies in the curriculum at all levels of education, and the offering of a wider variety of languages at the secondary school level.

Perhaps these methods of meeting the objective of strengthening the study of foreign languages and cultures would not seem so dangerous had it not been for the recent proposed rules to implement the Lau remedies regarding bilingual education. As you are aware, this body adopted my amendment on August 18 to prevent the use of funds to enforce or implement the proposed Lau regulations. The Senate adopted a continuing appropriations resolution which included a provision which would prevent the finalization of those proposed rules until June 1, 1981. Hopefully, the overwhelming victory on November 4 by Governor Reagan and Republican congressional candidates will once and for all kill the Lau regulations as proposed by Secretary Hufstedler.

My strongest objection to those proposed rules is that they seek to establish education curriculum at the State and local level. We should never forget that the autonomy of the postsecondary institutions and the State and local education agencies is sacrasanct under the 10th amendment to the Constitution. Although this resolution does not have the force of law in the sense that it establishes new programs or new requirements, it is possible that in the future it will be used as a partial justification for passing more wideranging legislation or regulations similar to the Lau proposed rules.

The hearings on House Concurrent Resolution 301 were held in conjunction with hearings on H.R. 7859, a bill to provide per capita grants to reimburse elementary schools and institutions of higher education for part of the cost of providing foreign language instruction. I fully recognize that H.R. 7859 is not before us today and I will not debate the merits of this bill at length. I would point out, though, that there will likely be pressure to pass a bill similar to H.R. 7850 early in the 97th Congress.

Any Federal per capita incentives to establish specific curriculum at the State and local level should be opposed. In current Federal education programs. any consideration of education curriculum development is dealt with through discretionary grant programs wherein the State educational agency and the local educational agency make the basic decisions regarding curriculum. Even in the basic skills area of reading, writing and arithmetic, Congress has not formulated per capita funding of curriculum development. Given a choice between funding foreign language studies or basic skills development, particularly in light of the current budgetary constraints, I would unequivocally support those programs which deal with the three R's.

I urge my colleagues to resist any attempts, no matter how seemingly innocuous, to force education curriculum down the throats of those who have the responsibility for establishing such curriculum—the State and local educational agencies. The resolution being considered today will hopefully not be the genesis of Federal involvement in language and cultural curriculum. If it is, I am very concerned that it represents the first step towards a troublesome bilingual/bicultural society that presently exists in the Quebec Province of Canada. I doubt that there is a single Member of the House of Representatives who wants to deal with the problems that such a bilingual/bicultural environment would present to the Federal Government and the Nation it represents.

☐ 1800

Mr. ERDAHL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEDERER. Mr. Speaker, I rise to express my opinion on House Concurrent Resolution 376.

I believe it imperative that the United States continue to pursue an aggressive policy of expanding its export markets. Our trade deficit is inexcusable. But it can be remedied. However, this solution can only be achieved by: First, encouraging our Nation's industry to export, and second, impressing upon our trading partners that trade deficits do not benefit anyone.

The Congress is currently working with the private sector to develop new and profitable export markets. It is the second objective that we are concerned with today. This resolution addresses the unnaturally high trade deficit which currently exists between the United States and Japan. I believe that Japan does share some responsibility for this deficit. While they may be enjoying the short-term benefits of this trade balance, such a deficit only breeds antagonism. This antagonism could lead to protectionist measures against Japanese products. Such a result is certainly unwanted, but it could happen.

The Japanese must understand the inequity of their nontariff trade barriers. If they wish to enjoy the competition of the American markets, then they must permit non-Japanese companies the right to compete in Japanese markets. This is only fair. And that is all that any country can ask for—fair trade.

I have urged my colleagues to support House Concurrent Resolution 376.

Mr. SIMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank my colleague and commend the gentleman for bringing forth this legislation. It is one that charts America on a course of encouraging foreign language study but ironically, as we take up this legislation, my thoughts go back to that time in 1953 when Sputnik was circling the globe and Vanguard was sputtering on Earth and America took a look at where we stood in educational achievement, in the sciences and in foreign languages, and decided we had failed somewhere along the line and that a major initiative was needed by the Federal Government to spur a national effort in these fields. The National Defense Education Act was born of that experience, including a provision for encouraging foreign language studies. My regret is that I was not in college at that time, or that the legislation had not passed 4 or 6 years earlier so that I could have benefited from the financial assistance it offered needy students, to encourage foreign language studies.

Mr. Speaker, I majored in French in my undergraduate years and have continued to study foreign languages since then and have a very deep and continuing interest in encouraging foreign language studies. I have served myself as a translator and interpreter and taught foreign language both in this country and abroad. I strongly feel that whatever we can do in the Congress to encourage foreign language studies we should do. This resolution is a very modest effort. We ought to make that effort nonetheless. The United States has fallen behind in developing foreign language capability in the lower grades and in the secondary schools. If current figures are any indication, applications for funds available for foreign language study fellowships have declined by two-thirds since 1972 when legislation was passed to provide such funds. I think that is a terrible commentary on our educational system.

We should be the leader, we, a Nation which is in itself a League of Nations and has attracted people from all over the world. We should not neglect our ethnic and linguistic roots and instead ought to capitalize on this great reserve that we have in this country of talent in language ability and be the leaders in the world instead of being one of the laggers in the world of foreign language studies.

Mr. Speaker, I think the gentleman's resolution puts the burden properly where it ought to be, on local education institutions to encourage them to develop foreign language study. I do not share the fears expressed by the gentleman from Ohio (Mr. ASHBROOK). I think this is a proper kind of leadership that the Congress ought to exercise by encouraging the development of foreign language curricula at the local level.

Mr. SIMON. Mr. Speaker, I thank my colleague from Minnesota, who is a linguist.

● Mr. DERWINSKI. Mr. Speaker, I enthusiastically endorse this resolution to encourage stronger course offerings and requirements in foreign language and international studies in our high schools, colleges and universities.

In order for the United States to conduct a knowledgeable foreign policy and effectively communicate with and analyze the behavior of our allies, our adversaries and the uncommitted nations, we need to improve the language skills of our people. A greater emphasis on language training will also aid our country in competing in world trade.

However, in recent years, while our needs have increased, there has been a serious decline in language training in our school system. I believe it is time for Congress to express our belief that educators at all levels should strengthen and promote the study of foreign languages in our schools. Such an effort will contribute to the strength of our country.●

● Mr. HARRIS. Mr. Speaker, I am pleased to have cosponsored House Concurrent Resolution 301, a sense-of-Congress resolution urging greater emphasis on foreign language and international studies.

There is just no question that Congress must recognize the need to strengthen course offerings and requirements in foreign language and international studies in the schools, colleges and universities of America.

As a member of the House group studying the state of foreign languages and international studies in the United States, I feel there is an urgent need to pass this resolution. We must work to reverse the "dangerous downward drift" in America's foreign language and international studies competence documented in the report of the President's Commission on Foreign Language and International Studies. In a summer edition of Higher Education and National Affairs, I read a brief announcement that the CIA is finding a dwindling number of applicants who are proficient in foreign languages and is experiencing difficulty in staffing language-designated positions. This is a sad state of affairs and must be remedied. The resolution we are considering today is only a start, but at least Congress will be demonstrating its interest and responsibility for encouraging foreign language competence as an essential component of our national security. Hopefully a resolution with followup enabling legislation will put an end to such ads as the one just described.

We know that America will continue to be faced with political crises around the world whose solutions will definitely require a capacity to understand the language and cultures of other global actors. Let us begin, today, our efforts to strengthen America in this area.●

● Mr. CORRADA. Mr. Speaker, I rise in support of House Concurrent Resolution 301, expressing the sense of the Congress that there is a need to strengthen course offerings and requirements in foreign language studies and international studies in the Nation's schools, colleges, and universities.

As the elected Representative of over 3.2 million Spanish-speaking American citizens, I can testify to the importance of maintaining a store of human capital which can communicate successfully with persons of divergent linguistic backgrounds. Puerto Rico is proud to claim widespread bilingualism among its inhabitants, due in a large part to the emphasis on English language instruction beginning in the early grades.

As technology improves, commercial and economic ties strengthen and cultural interchanges draw the nations of the world together, the United States must insure that the future generation of its citizens are sent well equipped into the complexities of their environment. Each person must be given the opportunity to grasp concepts and communicative skills necessary to understanding and effectively dealing with members of other cultures.

As the emphasis in education during the Kennedy years focused on science and technology, our schools must also strive to regain the dedication to excellence in language skills. We must not permit our Nation to become inadequate in the ever increasingly crucial realm of international affairs and only by actively encouraging a renewal of interest in foreign language instruction can we hope to compete with other nations.

Mr. Speaker, I would also like to point out the implications this sense of the Congress resolution has on the bilingual education program. Whereas up to now bilingual instruction has been seen as a remedial program, it should become apparent that by coordinating with the international studies directive such a curriculum could be viewed as an enrichment activity. I would hope this statement would encourage schools to make bilingual programs available to all students, rather than only those identified as deficient in the English language. Not until such an attitude is prevalent among educators will the bilingual program be truly what Congress intended.

The United States must break away from its sense of insularism and recognize the benefits of an active interaction with other nations. This resolution is merely a statement of our awareness of the situation, and I expect to address these concerns with more specific legislation in the upcoming Congress. In the meantime, I urge my colleagues to add their support to the passage of this resolution.●

Mr. SIMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SIMON) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 301, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order: S. 885, House Concurrent Resolution 376, House Resolution 693, H.R. 7873, and H.R. 3765.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 885, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the Senate bill, S. 885, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 284, nays 77, not voting 71, as follows:

[Roll No. 635]

Yeas—284

Addabbo
Akaka
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Applegate
Archer
Ashbrook
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, Tenn.
Benjamin
Bennett
Bereuter
Biaggi
Blanchard
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brown, Ohio
Broyhill
Buchanan
Burlison
Butler
Byron
Campbell
Carney
Carter
Cheney
Clausen
Clinger
Coelho
Conable
Corcoran
Coughlin
Courter
Crockett
D'Amours
Daniel, R. W.
Danielson
Dannemeyer
Davis, Mich.
Davis, S.C.
de la Garza
Derrick
Devine
Dickinson
Dicks
Dingell
Dixon
Dornan
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Grisham
Guarini
Gudger
Guyer
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jeffries
Jenkins
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Kemp
Kogovsek
LaFalce
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lott
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McHugh
McKay
McKinney
Marks
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Miller, Ohio
Mineta
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, Ill.
Murtha
Musto
Myers, Ind.
Natcher
Nedzi
Nelson
Nowak
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pritchard
Quayle
Quillen
Rahall
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Scheuer
Schulze
Sebelius
Shannon
Sharp
Shelby
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stokes
Stratton
Stump
Swift
Symms
Synar
Tauke
Tauzin
Traxler
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
White
Whitley
Whittaker
Whitten
Williams, Mont.
Wirth
Wolff
Wright
Wyatt
Wydler
Yatron
Young, Alaska
Young, Fla.
Zablocki
Zeferetti
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wylie
Young, Mo.

NAYS—77

Abdnor
Andrews, N.Dak.
Aspin
AuCoin
Barnes
Bedell
Bingham
Bonior
Brodhead
Broomfield
Brown, Calif.
Burton, John
Carr
Cavanaugh
Chisholm
Clay
Conte
Conyers
Daniel, Dan
Daschle
Deckard
Derwinski
Donnelly
Drinan
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Fazio
Fenwick
Gilman
Gingrich
Gonzalez
Green
Hall, Ohio
Harkin
Howard
Hubbard
Jacobs
Jeffords
Johnson, Calif.
Kastenmeier
Kildee
Kindness
Kostmayer
Kramer
Lagomarsino
Lehman
Long, Md.
Lowry
McDonald
Maguire
Markey
Marlenee
Mikulski
Miller, Calif.
Minish
Mitchell, Md.
Mitchell, N.Y.
Mottl
Murphy, Pa.
Paul
Porter
Ratchford
Reuss
Rosenthal
Schroeder
Seiberling
Sensenbrenner
Simon
Stark
Studds
Trible
Weaver
Weiss
Wolpe
Yates

NOT VOTING—71

Albosta
Anderson, Ill.
Anthony
Ashley
Atkinson
Beard, R.I.
Beilenson
Bethune
Bevill
Bolling
Brooks
Burgener
Burton, Phillip
Chappell
Cleveland
Coleman
Collins, Ill.
Collins, Tex.
Corman
Cotter
Crane, Daniel
Crane, Philip
Dellums
Dodd
Dougherty
Downey
Evans, Del.
Fithian
Frenzel
Garcia
Ginn
Hagedorn
Holtzman
Hutchinson
Jenrette
Kelly
Leland
McCloskey
McEwen
Madigan
Murphy, N.Y.
Neal
Nichols
Nolan
O'Brien
Ottinger
Pease
Pursell
Rangel
Richmond
Roberts
Rodino
Rose
Satterfield
Sawyer
Shumway
Shuster
Spellman
Stockman
Taylor
Thomas
Thompson
Vento

□ 1820

The Clerk announced the following pairs:

On this vote:

Mr. Young of Missouri and Mr. Ginn for, with Mr. Vento against.

Mr. Murphy of New York and Mr. Thompson for, with Mr. Rangel against.

Mr. Corman and Mr. Cotter for, with Mr. Garcia against.

Mrs. Spellman and Mr. Ottinger for, with Mr. Leland against.

Mr. Charles H. Wilson of California and Mr. Neal for, with Mrs. Collins of Illinois against.

Until further notice:

Mr. Ashley with Mr. Cleveland.

Mr. Downey with Mr. Pursell.

Mr. Richmond with Mr. McEwen.

Mr. Rodino with Mr. Bob Wilson.

Mr. Jenrette with Mr. Evans of Delaware.

Mr. Brooks with Mr. McCloskey.

Mr. Phillip Burton with Mr. Collins of Texas.

Mr. Chappell with Mr. Sawyer.

Mr. Atkinson with Mr. Stockman.

Mr. Anthony with Mr. Thomas.

Mr. Fithian with Mr. Daniel B. Crane.

Mr. Rose with Mr. Burgener.

Mr. Bevill with Mr. Dougherty.

Mr. Nichols with Mr. Schuster.

Mr. Pease with Mr. O'Brien.

Mr. Beard of Rhode Island with Mr. Shumway.

Mr. Albosta with Mr. Taylor.

Mr. Beilenson with Mr. Whitehurst.

Mr. Dellums with Mr. Hagedorn.

Mr. Dodd with Mr. Frenzel.

Ms. Holtzman with Mr. Madigan.

Mr. Hutchinson with Mr. Coleman.

Mr. Nolan with Mr. Bethune.

Mr. Charles Wilson of Texas with Philip M. Crane.

Mr. Williams of Ohio with Mr. Winn.

Mr. Satterfield with Mr. Wylie.

Mr. Roberts with Mr. Kelly.

Mr. GRISHAM changed his vote from "present" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PURSELL. Mr. Speaker, had I been present on Monday, November 17, 1980, for the vote on S. 885 I would have voted "no." I was personally detained due to a family in my district who needed emergency help with their son. I personally believe my assisting the family has saved the son's life.

GENERAL LEAVE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 885, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 885, PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendment to the Senate bill, S. 885, the Clerk be authorized to correct punctuation marks, section numbers, and cross references.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 885, PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the House insist on the House amendment to the Senate bill S. 885, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

The Chair hears none and, without objection, appoints the following conferees: Messrs. DINGELL, STAGGERS, OTTINGER, SHARP, SWIFT, GORE, UDALL, KAZEN, WEAVER, CARR, PATTERSON, KOGOVSEK, BROYHILL, BROWN of Ohio, MOORHEAD of California, CLAUSEN, LUJAN, and SYMMS.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b)3 of rule XXVII, the Chair again announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

JAPAN-UNITED STATES TRADE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 376) relative to Japan-United States trade as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. VANIK) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 376), as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 363, nays 2, not voting 67, as follows:

[Roll No. 636]

YEAS—363

Abdnor
Addabbo
Akaka
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burlison
Burton, John
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Cheney
Chisholm
Clausen
Clay
Clinger
Coelho
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nedzi
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patterson
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Robinson
Roe
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Traxler
Tribble
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Williams, Mont.
Wirth
Wolff
Wolpe
Wright
Wyatt
Wydler
Yates
Yatron
Young, Alaska
Young, Fla.
Zablocki
Zeferetti

NAYS—2

Goldwater
Paul

NOT VOTING—67

Albosta
Anderson, Ill.
Anthony
Ashley
Beard, R.I.
Beilenson
Bethune
Bevill
Bolling
Brooks
Burgener
Burton, Phillip
Chappell
Cleveland
Coleman
Collins, Ill.
Collins, Tex.
Corman
Cotter
Crane, Daniel
Crane, Philip
Dellums
Dodd
Dougherty
Downey
Evans, Del.
Fithian
Frenzel
Garcia
Ginn
Hagedorn
Holtzman
Hutchinson
Jenrette
Kelly
Leland
McCloskey
Madigan
Murphy, N.Y.
Neal
Nichols
Nolan
O'Brien
Patten
Pease
Rangel
Richmond
Roberts
Rodino
Rose
Satterfield
Sawyer
Shumway
Shuster
Spellman
Taylor
Thomas
Thompson
Vento
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wylie
Young, Mo.

□ 1830

The Clerk announced the following pairs:

Mrs. Spellman with Mr. Bethune.

Mr. Thompson with Mr. Dougherty.

Mr. Ashley with Mr. Sawyer.

Mr. Fithian with Mr. Shumway.

Mr. Jenrette with Mr. Hagedorn.

Mr. Murphy of New York with Mr. Madigan.

Mr. Neal with Mr. Cleveland.

Mr. Patton with Mr. Coleman.

Mr. Rangel with Mr. Daniel B. Crane.

Mr. Satterfield with Mr. McCloskey.

Mr. Rodino with Mr. O'Brien.

Mr. Brooks with Mr. Wylie.

Mr. Albosta with Mr. Whitehurst.

Mr. Phillip Burton with Mr. Taylor.

Mr. Chappell with Mr. Evans of Delaware.

Mrs. Collins of Illinois with Mr. Burgener.

Mr. Corman with Mr. Philip M. Crane.

Mr. Nichols with Mr. Hutchinson.

Mr. Bevill with Mr. Kelly.

Mr. Williams of Ohio with Mr. Bob Wilson.

Mr. Charles H. Wilson of California with Mr. Thomas.

Mr. Young of Maine with Mr. Shuster.

Mr. Dodd with Mr. Beard of Rhode Island.

Mr. Dellums with Mr. Beilenson.

Ms. Holtzman with Mr. Collins of Texas.

Mr. Garcia with Mr. Nolan.

Mr. Ginn with Mr. Leland.

Mr. Downey with Mr. Roberts.

Mr. Anthony with Mr. Rose.

Mr. Vento with Mr. Charles Wilson of Texas.

Mr. Pease with Mr. Winn.

Mr. Richmond with Mr. Frenzel.

Mr. Cotter with Mr. Anderson of Illinois.

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESOLUTION ON AGE AS A FACTOR IN THE CONSIDERATION OF CANDIDATES FOR FEDERAL JUDGESHIPS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 693.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and agree to the resolution, House Resolution 693.

The question was taken.

Mr. MILLER of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 341, nays 19, answered "present" 1, not voting 71, as follows:

[Roll No. 637]

YEAS—341

Abdnor
Addabbo
Akaka
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N.Dak.
Annunzio
Archer
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, Tenn.
Bedell
Bennett
Bereuter
Biaggi
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burlison
Burton, John
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Cheney
Chisholm
Clausen
Clay
Coelho
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Crockett
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fowler
Frost
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Gingrich
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kostmayer
LaFalce
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McDade
McHugh
McKay
McKinney
Maguire
Markey
Marks
Marlenee
Marriott
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Musto
Myers, Ind.
Natcher
Nedzi
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roe
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Simon
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Tauzin
Traxler
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Williams, Mont.
Wirth
Wolff
Wolpe
Wright
Wyatt
Yates
Yatron
Young, Alaska
Young, Fla.
Zablocki
Zeferetti

NAYS—19

Applegate
Ashbrook
Benjamin
Butler
Clinger
Ichord
Johnson, Colo.
Kogovsek
Kramer
Lagomarsino
McCormack
McDonald
McEwen
Martin
Miller, Ohio
Railsback
Robinson
Trible
Wydler

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—71

Albosta
Anderson, Ill.
Anthony
Ashley
Beard, R.I.
Beilenson
Bethune
Bevill
Bolling
Brooks
Burgener
Burton, Phillip
Chappell
Cleveland
Coleman
Collins, Ill.
Collins, Tex.
Corman
Cotter
Crane, Daniel
Crane, Philip
Davis, S.C.
Dellums
Dodd
Dougherty
Downey
Evans, Del.
Fithian
Fountain
Frenzel
Garcia
Gephardt
Ginn
Hagedorn
Holtzman
Hutchinson
Jenrette
Kelly
Leland
McCloskey
Madigan
Murphy, N.Y.
Neal
Nichols
Nolan
O'Brien
Pease
Rangel
Richmond
Roberts
Rodino
Rose
Satterfield
Sawyer
Shumway
Shuster
Skelton
Spellman
Stokes
Taylor
Thomas
Thompson
Vento
Whitehurst
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wylie
Young, Mo.

The Clerk announced the following pairs:

Mrs. Spellman with Mr. Dougherty.

Mr. Thompson with Mr. Sawyer.

Mr. Vento with Mr. Thomas.

Mr. Richmond with Mr. Bob Wilson.

Mr. Rodino with Mr. Winn.

Mr. Fountain with Mr. O'Brien.

Mr. Chappell with Mr. Wylie.

Mr. Phillip Burton with Mr. Daniel B. Crane.

Mr. Corman with Mr. Coleman.

Mr. Cotter with Mr. Burgener.

Mr. Dodd with Bethune.

Mr. Pease with Mr. Evans of Delaware.

Mr. Rangel with Mr. Frenzel.

Mr. Nichols with Mr. Hagedorn.

Mr. Bevill with Mr. Hutchinson.

Mr. Rose with Mr. Shuster.

Mr. Roberts with Mr. Shumway.

Mr. Downey with Mr. Whitehurst.

Mr. Fithian with Mr. Philip M. Crane.

Mr. Charles H. Wilson of California with Mr. Collins of Texas.

Mr. Charles Wilson of Texas with Mr. Madigan.

Mr. Young of Missouri with Mr. McCloskey.

Mr. Murphy of New York with Mr. Taylor.

Mr. Neal with Mr. Gephardt.

Mr. Jenrette with Mr. Kelly.

Ms. Holtzman with Mr. Cleveland.

Mr. Ginn with Mr. Leland.

Mr. Beilenson with Mr. Nolan.

Mr. Ashley with Mr. Beard of Rhode Island.

Mr. Albosta with Mr. Anthony.

Mr. Brooks with Mr. Garcia.

Mr. Dellums with Mr. Williams of Ohio.

Mr. Davis of South Carolina with Mr. Stokes.

Mrs. Collins of Illinois with Mr. Satterfield.

Mr. Skelton with Mr. Anderson of Illinois.

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1840

GASOHOL COMPETITION ACT OF 1980

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 7873, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HUGHES) that the House suspend the rules and pass the bill, H.R. 7873, as amended.

The question was taken.

Mr. KINDNESS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2251) to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, if I understand what the gentleman from New Jersey said, I understand that the request is for unanimous consent to consider a like Senate bill and substitute the wording in the House bill for the Senate bill on the Gasohol Competition Act of 1980.

Mr. HUGHES. If the gentleman will yield, that is correct.

Mr. KINDNESS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gasohol Competition Act of 1980".

SEC. 2. The Clayton Act is amended by renumbering the present "SEC. 26" as "SEC. 27", and inserting the following new section as section 26:

"SEC. 26. It shall be unlawful for any person engaged in commerce, in the course of such commerce, directly or indirectly to impose any condition, restriction, agreement, or understanding that—

"(i) limits the use of credit instruments in any transaction concerning the sale, resale, or transfer of gasohol or other synthetic motor fuel of equivalent usability where there is no similar limitation on transactions concerning such person's conventional motor fuel: *Provided,* That nothing in this section or in any other provision of law in effect on the date of enactment of this Act and which is specifically applicable to the sale of petroleum products, shall preclude such person from imposing a reasonable fee for credit on the sale, resale, or transfer of the gasohol or the other synthetic motor fuel if such a fee equals no more than the actual costs to such person of extending that credit; or

"(ii) otherwise discriminates against or unreasonably limits the sale, resale, or transfer of gasohol or other synthetic motor fuel of equivalent usability where such synthetic or conventional motor fuel is sold for use, consumption, or resale within the United States or any territory thereof or the District of Columbia, or any insular possession or other place under the jurisdiction of the United States: *Provided,* That nothing in this section shall—

"(a) preclude such person from requiring reasonable labeling of pumps dispensing the gasohol or the other synthetic motor fuel to indicate, where appropriate, that such gasohol or other synthetic motor fuel is not manufactured, distributed or sold by such person; or

"(b) preclude such person from issuing appropriate disclaimers of product liability for damage resulting from use of the gasohol or the other synthetic motor fuel; or

"(c) require such person to provide advertising support for the gasohol or the other synthetic motor fuel; or

"(d) require such person to furnish or provide, at such person's own expense, any additional pumps, tanks, or other related facilities required for the sale of the gasohol or other synthetic motor fuel.".

MOTION OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HUGHES moves to strike out all after the enacting clause of the Senate bill, S. 2251, and to insert in lieu thereof the provisions of the bill, H.R. 7873, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7873) was laid on the table.

THE WALNUT MARKETING PROMOTION ACT OF 1980

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 3765.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3765.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 448; REVISING CONGRESSIONAL BUDGET FOR FISCAL YEARS 1981, 1982, AND 1983

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 96-1468) on the resolution (H. Res. 810) providing for the consideration of the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983, which was referred to the House Calendar and ordered to be printed.

□ 1850

CORRECTING TYPOGRAPHICAL AND TECHNICAL ERRORS ON REPORT NO. 96-1302

Mr. DRINAN. Mr. Speaker, I ask unanimous consent that Report No. 96-1302, report to accompany H.R. 7817, a bill related to the Federal Rules of Criminal Procedure and Federal Laws of Evidence, be modified to correct certain typographical and technical errors.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CHAMBER OF COMMERCE CONDEMNS PROPOSED BILINGUAL EDUCATION GUIDELINES

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, unlike the Washington establishment, most businessmen have no interest in running other people's lives. Business organizations, like the chamber of commerce, have reflected this attitude until recently, commenting only on legislation and regulations that pertain directly to economic matters. But recently these organizations have discovered that they must comment on the actions of the bureaucracy and liberal activists who are distorting every phase of American life and dangerously weakening our foreign policy. All this is directly relevant to business, because free enterprise cannot exist where other freedoms are being destroyed.

A case in point is the excellently documented discussion of the Department of Education's recently proposed bilingual education regulations. As the Chamber puts it:

> We ask that the regulations be withdrawn and reconsidered in light of the constitutional questions they raise and their potential for unilaterally changing the fabric of our whole society . . . If major social change is in order, it should be mandated by Congress and not required by regulation.

The quality of education directly affects the future work force, and an educated citizenry is the only real guarantee that a free enterprise philosophy will be able to survive the appeals of demagogues. Further, if the Washington establishment is able to expand its control over local government, then the independence of business enterprises cannot be guaranteed. It is the duty of organizations representing business to take a major role in battling the Washington educational establishment's power grabs.

I welcome the U.S. Chamber of Commerce's statement on proposed bilingual education, not only as a contribution in itself, but as further evidence that the representatives of business have taken on the modern challenge of fighting bureaucratic expansionism in new areas. The full text of the statement follows below:

STATEMENT ON PROPOSED REGULATIONS ON NONDISCRIMINATION UNDER PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE BEFORE THE U.S. DEPARTMENT OF EDUCATION FOR THE CHAMBER OF COMMERCE OF THE UNITED STATES, OCTOBER 20, 1980

(By Madeleine B. Hemmings)[1]

These comments are submitted on behalf of the over 101,000 business, local and state chamber of commerce, and trade and professional association members of the Chamber of Commerce of the United States, all of whom share a great interest in and concern for, the education system and its students. We share the very real concerns that these regulations evoke in fair-minded citizens, parents, educators and business people across the country. We ask that the regulations be withdrawn and reconsidered in light of the constitutional questions they raise and their potential for unilaterally changing the fabric of our whole society. It is vital that these proposed regulations be carefully studied and given full national debate. If major social change is in order, it should be mandated by Congress, not required by regulation.

CHAMBER POSITION ON EDUCATION

The Chamber recognizes access to a sound and functional basic education as the well-established and highly regarded right of every American, regardless of race, sex or religion. All educational programs should be designed in terms of the vital importance of the individual as a continuing and responsible contributor to well-being and progress in both personal and public affairs. Federal programs of assistance to education should be limited to those problems that transcend the authority, jurisdiction or resources of state and local governments.

---

[1] Madeleine B. Hemmings, Associate Director, Human Resources & Benefits Section for the U.S. Chamber of Commerce, and Committee Executive for the Education, Employment and Training Committee.

THE "LAU" REGULATIONS VIOLATE THE DEPARTMENT'S CHARTER

State constitutions guarantee every child the right to free public education. In the early 1970's, a group of Chinese-speaking students in San Francisco sued the school system for additional instruction in English (the Lau case). The case eventually reached the Supreme Court in 1974, which in a unanimous decision required schools to give special instruction to students with limited English-speaking abilities. The U.S. Chamber strongly supports the right of students whose mother tongue is not English to receive training which enables them to take advantage of the entire education program offered in the schools.

After the Supreme Court's decision, the Office of Civil Rights imposed the "Lau Remedies" on the public education system as guidelines to the appropriate way to comply with the court's decision. Some 400 school districts, out of 18,000 in the nation, accepted the federal imposition of the transitional bilingual education method rather than fight.

Although in effect for several years, the legal standing of the guidelines has now been challenged. In response to the challenge the new Department of Education (ED) issued the proposed regulations on "Nondiscrimination Under Programs Receiving Federal Assistance through the Education Department," to replace the "Lau Remedies" of the office of Civil Rights.

The proposed regulations present to the nation's schools 25 pages of specific instructions on assessments, evaluations, and reporting procedures. These instructions would require all schools having 25 or more students who have limited English competency to implement the "transitional bilingual method." This means that these students must receive intensive training in English (which no one opposes). In addition, the schools must also teach all other curriculum subjects in both English and the student's native tongue for the student's first 2–5 years in the school system. Schools that do not do so will be cut off from federal funds. This cut off would be required even though schools are providing a variety of effective programs to teach English to students of limited English proficiency and helping to assimilate these students into the main school system as rapidly as possible.

The decision by ED to promulgate these regulations is particularly unfortunate. The Department of Education was created in a hail of controversy over whether, if authorized, it would attempt to impose a national education policy on the entire nation through such requirements as a uniform curriculum, uniform textbooks, federal teacher certification, etc. To remove such a possibility, Congress clearly stated in Sec. 103(b) of the Department of Education Organization Act that the Secretary of Education shall not "exercise any direction, supervision, or control over the curriculum, program of instruction, administration or personnel of any educational institution, school or school system." Hence these new regulations defy the terms of the Act by mandating a program of instruction, administration, personnel and perhaps even curriculum.

THE PROPOSED REGULATIONS ARE UNSOUND

Competent educators agree that there are many viable teaching methods available to give children English fluency and then move them into the school's mainstream. The Chamber will not enter into the argument over good, better and best educational methods. We leave that to the professionals. However, it appears, that the Department's regulations, aside from the constitutional issues they raise, have taken one of the most narrow, most costly, and perhaps least effective approaches in dealing with the language problem.

The most frightening specter these proposed regulations raise is that the U.S. Department of Education, through these regulations, is preparing to embark on a course that would change the fabric of American society in ways that no one fully understands. If non-English speaking children are segregated from English-speaking children for their first 2–5 years in the educational system, they will naturally be encouraged to establish separate, isolated pockets within the school society. Logically, this pattern will carry on into adult society as the children grow up. We have already spent untold money and effort to integrate our minority children into mainstream classrooms and mainstream America. These regulations appear to be a movement in the exact opposite direction.

Further, if non-English speaking children have classes, lessons, and textbooks in their mother tongue, they may never reach the same level of English proficiency as their peers. The regulations could, therefore, lead to a severely divided society in which equal opportunity does not exist for children whose English is weaker than their cohorts'.

Beyond that, the regulations run the risk of turning the United States from a melting pot with opportunity for all, into a multilingual society with specific disabilities for many. A country now united by a common language could become fragmented if many of its people are rendered unable to communicate with each other.

Finally, our history proves that this nation has assimilated tens of millions of immigrants who spoke no English when they arrived on our shores. Certainly the public schools contributed greatly to their Americanization. The schools can be relied on to continue to do so without the federal bureaucracy telling teachers how to teach.

While we value the enrichment a multicultural experience provides for children and adults, the serious societal changes that would emerge from the adoption or enforcement of these regulations should not be risked without full national debate. Certainly, no decision should be made without extensive study of the problems and other countries, such as Canada, Belgium and the middle-eastern countries, have had in preserving the cohesiveness of their multilingual societies.

We urge the U.S. Department of Education to withdraw these proposed regulations. They may do permanent harm to the very people they are trying to protect and the country in which they seek to live and prosper.

IMPROPER ACTION BY THE HOUSE IN MATTER OF MICHAEL J. MYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes, and to revise and extend his remarks and include extraneous matter.

Mr. GONZALEZ. Mr. Speaker, when the House recessed on October 2, it did so under what I considered to be a cloud with ominous portent for the future of the stability, of the integrity, and perhaps even the preservation of what we call our representative legislative body, the Congress.

In the matter of Michael J. Myers, as I argued on that occasion on October 2, I am firmly convinced that the House acted precipitously, unjustly, and possibly in ultra vires outside of its proper constitutional scope of authority and power, in view of what I consider to be the gross distortion of due process. Now, I realize, and I realized then, that we were being called upon at a very difficult time, under very difficult and compulsive circumstances, on the eve of an election, under the powerful thrust of recommendations made in an era of pioneering, rather trail blazing in a jungle, or at best in a forest, a bramble patch, if you please.

For some good reason, as I have unsuccessfully pointed out to some of my colleagues since the original resolution calling for the setting up of a Committee on Official Standards of Conduct, or as popularly known, an Ethics Committee, for some good reason since 1789 no prior House of Representatives had seen fit to set up such a mechanism in the committee structural work of the House. As I said and repeat now, it certainly could not be said that all previous Congresses have been less virtuous, that they had been less concerned about ethics or virtue or wrongdoing, for that matter, than the Congress of a few years ago, 5 or 6 years ago. After looking at the record, and if my memory serves me correctly, the record will show that with great hesitation, and even opposition, I registered my vote. Since its creation, the worst fears that I have visualized and hoped that at least during my tenure of service in the House, or even in my lifetime, would not happen, have happened in abundance, and repeatedly. In fact, the House has compounded this danger by subsequent adoption of resolutions that in a way can be considered amendatory to the original resolution setting up the committee.

Two of those resolutions were adopted earlier this year; one in particular, which as I pointed out during debate on October 2 are gross derelictions and abdications of serious responsibility on the part of the House. Briefly, they have to do with that section in that resolution, which incidentally I was the only Member voting "no" on, that provides that in exchange for the Committee on Ethics receiving documentation or information from the Justice Department—the FBI, and so forth—that that information or documentation can be refused a member of the committee or a Member of the House. Then, the other section, section 16 of that resolution, in which it is provided that the Committee on Ethics shall be empowered to intervene in any judicial proceeding, period. Now, these were two innovative, unprecedented clauses in the resolution similarly passed by the House.

I could not believe that the House would have passed as it did, willy-nilly, that kind of resolution without even a discussion on the House floor. At that time, the only opportunity as a nonmember of this committee to study just exactly what we were voting on was during debate, when the committee print or report accompanying the bill or resolution was made available. I could not believe my eyes when I saw those two sections, so having questions I went to the chairman of the Judiciary Committee here on the floor and asked him about the two sections, particularly the one giving the power to the committee to intervene in any judicial proceeding. It does not limit it to criminal matters or civil matters—any judicial proceeding.

It is a tremendous delegation by the House to a committee. The chairman said, and I asked, "Is this new and novel? Have we ever had this clause before in any resolution?" His answer was that to the best of his knowledge it was new and novel, that it was sort of subject to question but that he trusted the good intentions and the proper workings in pursuance of that section by the committee. I then resolved that I would try to ask questions and try to do everything I could to reconcile myself to a favorable vote, as I have always believed in the committee processes and giving the benefit of the doubt to the majority of a committee recommending a certain action.

But, I was not given that opportunity to ask questions, and when I asked the questions I was not given an answer, so I voted no and it ended up that I was the only Member of the House voting "no" on that resolution.

Now, by way of parenthesis, let us examine this. Here we have an ad hoc resolution called "the Abscam resolution," which was not necessary because the committee had the proper authority to go into the so-called Abscam matter. But, the committee for some reason was coming in for express authorization or sanction in the so-called Abscam matter, which had been blazoned across the headlines nationwide for weeks, and mentioning and involving quite a number of Members of the House.

☐ 1900

When I say quite a number, anytime any members, more than one Member is involved in anything like that, it is quite a number to me because I cherish the honor and the integrity of the House and every membership in it.

But here is the executive branch under questionable circumstances that called for an investigation by the Attorney General himself, and incidentally, that investigation has never been revealed as to its results, as to why matters of that nature, heavily impinging and endangering the reputation, at least, of Members of the House, were leaked that way by yet to be determined persons in the Justice Department and apparently the FBI.

Now, we have to go back to 1964, which I remember vividly, when the then majority leader got up and announced to a full House that we, the Members of Congress, were under surveillance and that they had dossiers on us and that our phones were being tapped by the FBI. Now, that was startling in 1964. But in view of all the things that have happened in the intervening years, it does not sound so startling. Add this resolution that says that any information of an evidentiary nature which the FBI or the Justice Department might have and which a committee of the Congress requests will be given to us only on condition that the FBI or the Justice Department will have the right to withhold it from indicated and named individuals, named by the FBI. This is what has happened in every case thus far that has come up.

Add to it the techniques used as video tapes and setups and the potential for a court determination, which has yet to be made, of entrapment, and therefore the action of the House on October 2 then clearly, limpidly, uneqivocally shows itself to be hasty, unjust and highly violative of due process.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I will be glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. I think the gentleman is making a very worthwhile due process argument here. I certainly think that the Abscam caper, if that is what you want to call it, was an abuse of the power of investigation by the Justice Department. There are enough actual crimes being committed without going around and trying to concoct them and then see who you can seduce into committing them.

If the test is whether the crime would otherwise have been committed but for the actions of the law enforcement officials, then clearly the answer is no, they would not have been, and this is clearly a case of entrapment.

But there is another aspect to the Ozzie Myers case that I think we need to remember. That is that Mr. Myers, on the floor of this House, said, and he said in his trial, that his defense was that he intended to take the money and then not vote as the people whom he thought were foreign would-be immigrants wanted him to vote. That in itself is a crime, taking money under false pretenses, criminal fraud. Therefore, by his own admission he committed a crime of taking money, using his office as the basis for taking it.

So, it seems to me, that from what he said on the floor of this House he was convicted by his own words.

Mr. GONZALEZ. Well, let me say this briefly because I do not want to divert from the point I have yet to make. Mr. Myers also said that his role as portrayed in the so-called tape was a charade that he performed on instructions in order to carry out what he said was necessary to impress or had been told was necessary to impress his actions.

Mr. SEIBERLING. That was an additional defense.

Mr. GONZALEZ. But the question is not whether he is a moral monster, which he may very well be, the question is whether or not he was denied due process in a process that has been abandoned by the very House itself less than 3 months after it had been set up in the Diggs case.

Now whether or not Mr. Myers was criminally culpable is not our decision to make. That is the court's. However, you have to remember that the committee and its chairman said that regardless, and independent of court action, the House was acting on its own power to evict which it has under the Constitution.

What I am saying is that that is an awesome power. It really has not been used for a good reason and we are living in a time in which we are proving why there was good reason to go into this with lead in our feet. What I am saying is that even if Mr. Myers confessed to this and other crimes, it does not deter from the fact that he was denied due process and that even his confession, as is the case in a court, is still subject to the attenuating factors allowed in law such as entrapment, which incidentally is an issue that has yet to be decided by the court and is the obvious reason why he has not even been sentenced yet.

What I am getting at is a deliberative body as defined by those words is one that proceeds deliberately according to law, its own law. When that body ceases to do that and abandons the very law it set up 90 days before, it then becomes not a deliberative body but a mob.

Mr. SEIBERLING. Mr. Speaker, would the gentleman yield?

Mr. GONZALEZ. I will be glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Does the gentleman contend that this body is bound by the principle of stare decises so that it must follow its previous precedents in this type of case, or is the House able to treat each case de novo, the way it would be treated if, for example, we were operating under the civil law instead of the common law?

Mr. GONZALEZ. In this case I would say that the answer is unequivocally yes, it is wrong because Mr. Diggs was allowed to exhaust all his processes in the courts. Mr. Myers was not even given a chance to defend himself, while a very important appeal having to do with the conviction is still pending.

What I am saying is that this was the rule the committee gave us in the case of Mr. Diggs, only to abandon it a few weeks later in the case of Mr. Myers which then becomes selective and therefore approbrious and contradictory to due process.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. Yes; I will be glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. As one member present of the much maligned Committee on Standards of Official Conduct, I would like to elucidate for my friend from Texas as to why the Committee on Standards of Official Conduct considered the Diggs case different from the Myers case. That is because the committee rules were changed as of 1979 to have an expedited procedure take place when a conviction in court occurred. Mr. Diggs' conviction took place in 1978. Mr. Myers' conviction took place in 1980.

Furthermore, I would point out to the gentleman from Texas that Mr. Diggs in effect agreed to the discipline that was imposed upon him by the Committee on Standards of Official Conduct without a contest so that there was no formal evidentiary hearing conducted before the Committee on Standards of Official Conduct whereas Mr. Myers did not do so. When Mr. Myers' case was brought up, the rules were different. That was to save the taxpayers money. That was also to save the respondent money in having to rehash all the evidence that went into court before the Committee on Standards of Official Conduct.

I would further point out to the gentleman from Texas that the complete transcript of Mr. Myers' trial in court as stipulated to between counsel for the Committee on Standards of Official Conduct and counsel for Mr. Myers, was before the Committee on Standards of Official Conduct at the time of Mr. Myers' disciplinary hearing and appended to the record of the Committee on Standards of Official Conduct when this matter came before the floor.

□ 1910

I would ask the gentleman from Texas what earthly purpose would be served in bringing the same witnesses and the same evidence that was put before the court at the trial before the Committee on Standards of Official Conduct unless that purpose was for delay?

Mr. GONZALEZ. First, let me point out, in an attempt to answer, I do not know who has maligned the committee—the gentleman at the outset said, "a very much maligned committee"—I do not know who has maligned it. Certainly I have not. I have questioned procedures and recommendations. If that is maligning, I am guilty.

In answer to the question of the gentleman, the gentleman answered his own question. The gentleman said the rules were changed. That is what I speak of. I am talking about changing rules in midstream in cases where the gravamen of the sin is no different. Is the gentleman saying that Mr. Digg's sin is of a lesser nature than that of Mr. Myers?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. Certainly.

Mr. SENSENBRENNER. The rules were not changed in the middle of the stream with Mr. Myers of Pennsylvania because the rules of the Committee on Standards of Official Conduct were changed in its organizational meeting in early 1979. The Abscam matter broke in February 1980, so the rules were, in effect, at the time the offense for which Mr. Myers was convicted and subsequently expelled from the House of Representatives occurred.

Now, the change in the rules, I will say again to the gentleman from Texas, was not to cut out and accuse Members' opportunity to address the Committee on Standards of Official Conduct, but merely to prevent duplication of the presentation of evidence and all of the expense that that entailed.

Mr. GONZALEZ. Of that I am aware and I have no objection. But let me now ask the gentleman a question: Does the gentleman know who will exercise that power to prohibit any member of the committee or the House to view the evidentiary documentation presented by the Department of Justice? Can the gentleman tell us if this happened in the Myers case? Was Mr. Myers prevented from seeing all of the tapes? Was the committee of the court, for that matter, given all of the FBI tapes? Can the gentleman answer that question?

Mr. SENSENBRENNER. If the gentleman from Texas will yield——

Mr. GONZALEZ. Certainly.

And who is going to make that decision? The resolution does not say. Is it the chairman?

Mr. SENSENBRENNER. If the gentleman from Texas will yield, at the time the formal disciplinary proceedings against Representative Myers took place before the Committee on Standards of Official Conduct, both the counsel for the committee and the counsel for Representative Myers had the opportunity to present whatever evidence they desired to present.

Mr. GONZALEZ. I am not asking about that. What did they have available?

Mr. SENSENBRENNER. May I complete my statement, please?

Mr. GONZALEZ. I want the gentleman to be responsive about the question of whether the gentleman can tell me who exercises that discretionary authority to designate what member of the committee shall be denied the information presented by the Department of Justice or any other Member of the House. Is it the chairman?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman from Texas yield?

Mr. GONZALEZ. Certainly.

Mr. SENSENBRENNER. The material that was placed before the Committee on Standards of Official Conduct was placed there by one of the two counsel and the committee voted on whether to receive that information as evidence and in the Myers case all of the material that was submitted by both counsel was included in the record and received as evidence. The Department of Justice had no role whatsoever in presenting any evidence to the Committee on Standards of Official Conduct. That is where the gentleman from Texas is confused.

Mr. GONZALEZ. I am not confused. The gentleman is still not responsive. Is the gentleman telling me that it was the defense counsel who presented the videotapes?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman from Texas again yield?

Mr. GONZALEZ. Certainly.

Mr. SENSENBRENNER. No; it was not that counsel that presented the videotapes. It was the counsel for the committee who presented the videotapes.

Mr. GONZALEZ. Where did he get the tapes?

Mr. SENSENBRENNER. He got the videotapes from the Department of Justice.

Mr. GONZALEZ. All right. Was there any other documentary, evidentiary material that was turned over by the Department of Justice to the committee that was denied to any member of the committee or the House?

Mr. SENSENBRENNER. Not to my knowledge.

Mr. GONZALEZ. Well, of course not, because the gentleman cannot tell me who is going to exercise that discretion. I assume it is the chairman.

The resolution reads that that information may be denied any member of the committee or the House. Now, who is going to make that decision? Suppose the Department of Justice says: It is the chairman we do not want it to go to. What happens then?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. Certainly.

Mr. SENSENBRENNER. When the Committee on Standards of Official Conduct decided to proceed against Representative Myers under committee rule 14, which is the expedited procedure based upon Mr. Myers' conviction in the U.S. District Court in Brooklyn, then the record that was presented before the Committee on Standards of Official Conduct was limited to the evidence that was received in court. Both the written evidence as well as the documentary evidence including the videotapes.

Under the expedited procedure of the Committee on Standards of Official Conduct, when the committee decided to go that route they could not go beyond what was presented in court and the record upon which that conviction was based. So, Mr. Myers and his attorneys were able to have access to all of that evidence when it was received in evidence in the U.S. District Court in Brooklyn and there was no more evidence in the Myers case except that.

Mr. GONZALEZ. Well, to the gentleman's knowledge, should we not qualify that?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield further?

Mr. GONZALEZ. Certainly.

Mr. SENSENBRENNER. The gentleman from Wisconsin who was a member of the Committee on Standards of Official Conduct, spent hours and hours reading a 4,300-page transcript and I submit that the gentleman from Texas probably did not do that.

Mr. GONZALEZ. I beg to correct the gentleman. I have not only read that, I have read the printed volume of everything the committee printed, including some of the things that I do not think the committee was interested in getting. That is why I am raising the question.

I am straying away and my time is being lost here.

The central point I am trying to raise here is that other developments have transpired even as late as this week and last week. I have drafted a letter I am addressing to the chairman of the Committee on Standards of Official Conduct, as a result.

In the local newspapers—that is Washington papers—we had a report—Mr. Speaker, I ask unanimous consent that at this point in the RECORD I may submit my letter to Chairman BENNETT and copie of two newspaper reports, one from the New York Times and one from the Washington Post.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The documents referred to follow.

WASHINGTON, D.C.,
November 17, 1980.

Hon. CHARLES E. BENNETT,
Chairman, Committee on Standards of Official Conduct, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I enclose for your reference a brief item in the November 14

New York Times, which reports that your Committee's Special Counsel, Mr. Prettyman, interrupted a Federal Court proceeding to inform the Court that the Committee had agreed to conduct an inquiry into the matter of John W. Jenrette, Jr.

The article does not indicate whether Mr. Prettyman appeared before the Court on his own motion, or at the direction of the Committee. Nor does it say what the purpose of this unusual appearance was.

The Committee has argued in the past that its recommendations are not related to actions of the courts. To me, this means that it will not seek to influence the courts, nor be influenced by them. It seems clearly contrary and without purpose to the independence of the House for your Counsel to make the type of appearance reported by the TIMES.

I am equally disturbed that the Committee would allow itself, or its employees, to enter into the kind of bargaining that the November 14 Washington Post reports, namely that its inquiry would be dropped if Mr. Jenrette resigned or agreed to resign.

A resignation may make action by the Committee or the House moot, but it is improper for the Committee to spread the impression that it seeks a resignation. Such an action ought to be between a Member and his conscience, not the result of bargaining between him and an inquisitor.

The matters reported in the enclosed articles trouble me deeply. When your Committee next meets, I would appreciate an opportunity to discuss them.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

[From the New York Times, Nov. 14, 1980]

HOUSE ETHICS UNIT PLANS JENNRETTE-ABSCAM STUDY

WASHINGTON, November 13—The House Ethics Committee voted unanimously today to open a preliminary investigation into the case of Representative John W. Jenrette Jr., Democrat of South Carolina, who was convicted in October of conspiracy and bribery charges in the Federal Bureau of Investigation's Abscam investigation.

The action is the first step toward deciding whether Mr. Jenrette, who was defeated in a bid for a fourth term last week, should be expelled, censored or reprimanded for his activities.

E. Barrett Prettyman special counsel to the committee, interrupted a Federal court proceeding on Mr. Jenrette's request to throw out the conviction to tell him about the committee's action.

Mr. Jenrette, who has not been sentenced, was convicted of taking a $50,000 bribe in exchange for promising to sponsor an immigration bill for a ficticious Arab sheik.

After a 20-minute conference with Mr. Jenrette, Mr. Prettyman told reporters about the committee's actions in a closed session today. He said the committee was hoping to hear evidence in the case and make a recommendation to the full House before Congress adjourns in December.

[From the Washington Post, Nov. 14, 1980]

HOUSE ETHICS PANEL VOTES INITIAL INQUIRY OF JENRETTE CONDUCT

The House Ethics Committee yesterday approved a preliminary inquiry to determine if Rep. John Jenrette, convicted of bribery and conspiracy in the Abscam investigation, should be punished by the House.

The committee approved the inquiry of the South Carolina Democrat's conduct by a vote of 9 to 0.

Rep. Michael Myers (D–Pa.) was expelled from the House Oct. 2 on the committee's recommendation after his bribery conviction in the FBI's Abscam investigation. The committee could recommend no action against Jenrette or it could recommend House punishments ranging from reprimand to expulsion.

Committee Chairman Charles E. Bennett (D-Fla.) said that if the committee recommends a punishment, it could be put to a House vote early next month.

Jenrette and Myers are among six House members and a senator charged with bribery in the FBI's Abscam investigation. Jenrette and Myers were defeated in the Nov. 4 elections.

Jenrette told reporters he understands the committee inquiry would be dropped if he resigned from the House but said, "I don't know what I plan to do."

"I'm pretty much destroyed by a con man, [Melvin] Weinberg, making the decisions," Jenrette said. "There's little more that can happen to me. I'm prepared to go to jail or anything to get the message across. This is Hitler, really Hitler."

He was referring to his claim that the FBI created the crime and entrapped him into appearing to participate. He is back in court trying to overturn his conviction on those grounds.

Later, Jenrette said at a news conference that he will announce Monday whether he will resign from the House.

Meanwhile, the judge at Jenrette's post-trial hearing said he wants to review privately the government's entire file on Jenrette's case.

U.S. District Judge John Garrett Penn said he also may want to review the 25 volumes of government files on all Abscam cases.

Penn asked prosecutors to provide the files after defense lawyers for Jenrette and his convicted co-defendant, John R. Stowe, told the judge there could be written files that the prosecution never turned over to the defense.

The government is required to provide the defense with pertinent files on the case to help lawyers prepare their defense.

The defense lawyers are asking Penn at the Court hearing to overturn the Oct. 7 convictions, claiming the government was guilty of misconduct by creating the crime and failing to control Weinberg, a paid informant and convicted swindler.

Mr. GONZALEZ. The Washington Post article talks about the House Ethics Panel voting on JENRETTE's conduct. However, it does not mention what in a shorter article the New York Times does.

In the New York Times, among other things—

> E. Barrett Prettyman, Special Counsel to the Committee, interrupted a Federal Court proceeding on Mr. Jenrette's request to throw out the conviction to tell him about the committee's action.

This is the committee's action to go into his matter while the other court case is still pending. Clearly, in view of the heavy pressure that is reported in the other article on Mr. JENRETTE to resign.

At the time of the October 2 debate, I voluntarily went to Mr. Myers. I hardly had gotten to know Mr. Myers. I went to him. He did not come to me. I just asked him if he would have any objection to my speaking because I was greatly troubled and had been since the vote on the Ascam resolution. He said, "Yes, I will give you 5 minutes."

I said, "Thank you very much."

I had been denied more than a couple of minutes in the original debate on whether or not we should await November the 13 for action on the matter.

So Mr. Myers did not know what I would say and, other than myself, nobody else did.

I was trying to point out that certain ancillary actions both by the committee chairman and especially by the counsel, preceding even the action of the committee in which he was saying vociferously in the newspapers, the Special Counsel, there is only one thing the Congress can do and that is evict, eject Michael J. Myers.

Now, this is even before we were deliberating. On the day before the debate in the RECORD for the day before, the chairman had a self-serving presentation of an argument in anticipation of the debate.

Now, given what those debates have turned out to be—they turned out to be adversary proceedings.

□ 1920

All I am saying is that we have here now—I thought it was just a germ seed of the destruction of this body—I see the germ seed has already germinated and is sprouting and particularly since this action reported as of Friday last, in which it says that Mr. E. Barrett Prettyman interrupted the court proceeding in order to advise Mr. JENRETTE that he was going to be faced with ejection.

And obviously, in my opinion, the reasonable conclusion was one added voice of pressure on Mr. JENRETTE to offer his resignation in order to avoid the embarrassment of stare decisis or precedent in his case, but it leaves the others wide open for consistent action.

I do not think anybody trained in the law or in parliamentary experience can say that you can be inconsistent and be a deliberative body on fundamental issues of procedures and consideration of evidentiary material where you have an adversary condition.

What I am saying is that this is very troubling, and this is the reason that I have suggested in my letter to the chairman that I be allowed at the next feasible meeting, if the matter is considered, that I be allowed to discuss this with the committee, because I am sympathetic to the chore. I am not antagonistic.

IN MEMORY OF THE LATE WILLIAM JOSEPH MOORE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 5 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, it is with profound sorrow that I have recently learned of the passing of our Nation's oldest war veteran, William Joseph Moore, who resided in my hometown of Harrison, Ark.

Mr. Moore died at the phenomenal age of 108 in the Boone County Hospital after a brief illness. He often attributed his longevity to his "happy homelife and positive outlook."

This outstanding American also held the distinction of being the world's oldest living Mason. In fact, he was honored by both the Veterans' Administration and the Masons on his last birthday celebration.

Moore enlisted in 1898 as a private with Company K of the Arkansas infantry during the Spanish-American War, where he served as a bugler.

Following his service career, as an almost lifelong resident of Boone County, he was responsible for miraculous changes in Ozark's communications system. This man is attributed to being the predominant force in the expansion of our telephone network, and has been listed in the Hall of Fame for Independent Telephone Pioneers. For over 50 years, until his retirement at the age of 100, Mr. Moore was president and general manager of the Boone County Telephone Co., now part of the Allied Telephone Co.

On a personal note, William Moore has been a source of great inspiration to all his associates. His special style endeared him to all who had the privilege of knowing him, as I did. He certainly contributed to the betterment of life in Arkansas.

Mr. Speaker, I wish to elaborate more fully on the long list of accomplishments, successes and special qualites of this great Arkansan, and share with my colleagues his tales of history as he "lived it" at a later time.

At this point, I would just like to extend my deepest sympathy to his wife Lena Allbright Moore, and his son, Dr. Marvin G. Moore of Springdale, Ark.●

FELICIAN SISTERS CELEBRATE 125 YEARS OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the congregation of the Sisters of St. Felix of Cantalice, commonly known as the Felicain Sisters, was founded 125 years ago in Warsaw, Poland, and yesterday celebrated 125 years of existence.

I am delighted to extend to the Felician Sisters in Chicago my sincerest congratulations on reaching this milestone, as well as on their outstanding and dedicated years of service to our city and its citizens.

In Chicago, 19 educational institutions are conducted by the Felician Sisters including Felician College located in the 11th District I am honored to represent, two high schools, and 14 elementary schools.

The Felician Sisters' high standards of excellence and their noble examples of service are most commendable, and they have become a vital part of the spiritual life of our Chicago community.

The strength of the church and the family has contributed mightily to the strength and greatness of our Nation, and the Felician Sisters' emphasis on these traditional American values makes all of them a part of this splendid heritage.

I send to the Felician Sisters my warmest best wishes for many more years of success as they continue to work in dedication to the highest principles of spiritual and moral growth in service to God and to their fellow citizens.

Mr. Speaker, a brief history and general information about the Felician Sisters follows:

BRIEF HISTORY OF THE FELICIAN SISTERS

The Congregation of the Sisters of St. Felix of Cantalice, commonly known as the Felician Sisters, celebrates its 125th anniversary in 1980.

The Felician Congregation was founded in Warsaw, Poland in 1855 by a well-to-do woman, Sophia Truszkowska, who later became Mother Mary Angela. She took pity on the sad plight of abandoned and neglected children and opened homes for the care of the young, elderly, the sick and the poor.

The congregation attracted many recruits and thus grew rapidly. The charitable works of the sisters expanded throughout Warsaw, Poland quickly but with great difficulty. In 1864 the Russian government suppressed the congregation and forced the sisters to disband. A year later, Austrian Emperor Franz Joseph, upon the appeal of the bishop of Cracow, granted permission for the dispersed sisters to reassemble in Austrian Poland. A new Felician province was established in Cracow.

In 1874, upon the invitation of Father Joseph Dabrowski, a pioneer missionary among immigrant Poles, five Felician Sisters came to the United States and settled in Polonia, Wisconsin. Here they opened a parochial school to insure religious education of the new generation and to preserve its Polish culture.

If Felician expansion was impressive in Poland, it was phenomenal in America. After nine years, the American pioneer group had grown from 5 to 200. Teaching in the rapidly expanding Catholic school systems became their major apostolate. They also founded orphanages, homes for the elderly and eventually hospitals.

In the course of their 125-year history Felician Sisters have acted as godmothers for American Indians, served at an immigrant station on Ellis Island, published textbooks for use in Polish schools, begged from door to door for donations to help pay tuition for poor children, and have hidden Jewish people from the Nazis. In recent years, they have expanded their commitment to all levels of education—preschool to college—health care, family counseling, religious instruction, and supportive services.

Today, the congregation numbers about 3600 sisters with seven provinces in the United States, three in Poland, vice provinces in Canada and Brazil and a generalate in Rome, Italy.

The Chicago Province—Mother of Good Counsel—at 3800 Peterson Avenue is responsible for some 50 institutions in the educational and health care fields. These institutions are located in Illinois, Wisconsin, Minnesota and Alabama.

GENERAL INFORMATION ABOUT THE FELICIAN SISTERS

The Congregation of the Sisters of St. Felix of Cantalice, Third Order of St. Francis (Felician Sisters), is a religious institute of pontifical right whose members profess simple vows and follow the evangelical way of life according to these Constitutions.

The emblem of the Felician Sisters is the pierced Heart of Mary and in its center the Sacred Host on a cross, resting on the hands of Christ and St. Francis.

The motto of the Congregation is "All through the Heart of Mary in honor of the Most Blessed Sacrament."

The Felician Sisters honor the Blessed Virgin in the mystery of her Immaculate Heart to whom Mother Angela (Foundress of the Congregation) consecrated and entrusted the entire Congregation.

In virtue of their consecration to Mary, the Felician Sisters designate each province and vice-province by a Marian title. Moreover, each sister includes the name of Mary as part of her religious name.

The Felician Sisters honor St. Joseph and St. Francis of Assisi as patron saints of the Congregation, and in a special way, they honor St. Felix of Cantalice whose name is adopted in the official title of the Congregation. His life exemplifies all virtues of the contemplative-active vocation of the Felician community.

In love and loyalty to the Congregation, each sister assumes the obligation to preserve the spirit of Mother Angela, to honor the authentic traditions, and to attain the goals which constitute the Felician heritage.●

RULE TO BE REQUESTED ON H.R. 6915, CRIMINAL CODE REVISION ACT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

● Mr. DRINAN. Mr. Speaker, on July 2, 1980, the Committee on the Judiciary ordered favorably reported to the House H.R. 6915, the Criminal Code Revision Act. This approval followed 14 days of hearings and 143 meetings of the Subcommittee on Criminal Justice as well as 18 days of consideration by the full Judiciary Committee.

Pursuant to rule M IX of the Democratic Caucus (96th Congress) I take this occasion to advise my colleagues as to the nature of the rule I will request for the consideration of H.R. 6915. I will seek a modified open rule which will make in order those amendments offered during full Judiciary Committee consideration that were determined by one-third or less of the vote cast. Of the more than 90 amendments offered during full committee consideration, 24 will be in order.

In the next day or two I shall place in

the RECORD the list of these amendments and an explanation of them.●

TRIUMPH AND DISASTERS MARK U.S. AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COELHO) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, during the weeks past while traveling in my congressional district, I had the opportunity to further hear the concerns of my constituents. Being that I represent the leading agriculture area in America's leading agriculture State, the thoughts on the minds of farmers in California were especially significant to me.

Last week a Newsday article reprinted in the Los Angeles Times capsulized much of what I had been hearing from my State's agriculture community. While we can be proud of our past record in production, exporting, and economy, virtually no farmer is unencumbered from the uncertainty of energy supplies and the availability of credit.

The new administration and the new Congress present many challenges for those of us who have a say in Federal farm policy. With the farm bill to be rewritten next year we will have to be especially sensitive to the concerns of American agriculture. My hope is that in the years ahead we will be able to build on the triumphs of American farmers and address those issues which will protect agriculture from the volatility it is experiencing.

For the RECORD, Mr. Speaker, I wish to share with my colleagues Patrick Owens' article, "Triumphs and Disasters Mark U.S. Agriculture."

Thank you.

RICH MEN GO BROKE: TRIUMPHS AND DISASTERS MARK U.S. AGRICULTURE

(By Patrick Owens)

DUMAS, ARK.—It was the worst drought—the hottest and the driest—in the 76 years that this prosperous Arkansas farm town of 6,000 has been in existence. No one should be surprised that Clifton Meador lost most of his soybeans and his cotton. But the rice also was hit hard, and that is an irrigated crop.

The dryness did not help, but it was the heat that hurt the rice.

The drought also did other terrible things in Arkansas.

Quite a few of Max Hills' catfish, which he grows commercially and then quick-freezes, just died. When the heat fried the oxygen out of the water in two of his ponds, Hills lost enough fingerlings to produce 24 tons of catfish.

And, in a state where tree farming has become a big industry, the weather killed this year's seedling trees, and many of those from last year.

On July 4, the high temperature was a soothing 98 degrees at Dumas. Otherwise, it hit 100 every day from July 1 to July 19. On four days out of the 29 the high was 105; twice it was 106. Between June 1 and Sept. 25, a span of 117 days, the high averaged 96 degrees. The nights were hotter than usual also. Even people with air conditioners roasted.

VERY LITTLE RAIN

As for rain, Dumas got 1.55 inches in June, 1.91 in July, .10 in August and, from Sept. 1 until the drought and the heat wave broke on the 25th, .22 inches.

Then, on one weekend, six inches of rain came bucketing down on Dumas. It caught cotton fat in the boll, rice heavy and, as often as not, on the ground, and soybeans short, scrawny and vulnerable to flooding.

A bale of cotton to the acre is an average-to-good yield around Dumas. Meador already had picked some of his cotton, and had averaged a fifth of a bale per acre. But, the six-inch rain destroyed even that minor yield in many southeast Arkansas fields.

Meador eventually will get some federal disaster money. But it will be only partial compensation for the disaster that has be fallen him. It will not be nearly enough to cover expenses. He is a rich man. He lives in a $200,000 house that is as beautiful as it was costly. But he was slowly going broke, as were, perhaps, most of his neighbors, even before Providence dished up the worst weather since the Great Depression.

In this way, and in many others, Meador comes about as close as one man can to personifying American agriculture in a time that is marked by general triumphs for the industry and, far too often, personal disasters for the people who make it go.

By any reckoning, American agriculture is an extraordinary success story. Since 1900, the proportion of Americans involved in farming has shrunk from 40% to less than 4%. In 1979, this minuscule work force, about 3,900,000 souls, produced crops with a value of $146.7 billion.

Despite soaring food prices, Americans still spent only 10% of their disposable income on food and beverages including those consumed in restaurants and saloons.

And farm production brought the best news by far in the foreign trade statistics. Food exports exceeded imports by $15.7 billion.

Yet, despite that showing, American agriculture is in some ways deeply troubled. Always a gamble, it often seems nowadays like a roller coaster or, as one North Dakota farmer phrased it, Russian roulette.

TWO GREATEST NEEDS

Two things farmers need most abundantly are credit and petroleum products. Both are close to becoming prohibitively expensive. So farmers are having a lot of trouble paying their bills. Most of their land offers a higher return upon being sold than it does when being farmed. Each year, about 25,000 farms are sold out of existence, usually to more prosperous neighbors. Like much else in American life, farming is becoming, slowly but remorselessly, a corporate enterprise.

Moreover, there are other problems. A million acres a year are paved or fenced for houses, roads, shopping centers and other urban uses.

But housewives and other consumers are themselves too hard pressed financially to muster much sympathy. And the news for them is bleak this fall. In the short term and in the long, food prices are going to keep shooting upward.

The federal government has long been deeply involved with farmers, and vice versa. Federal farm policy generally has helped farmers, mostly with money subsidies in one form or another. But that has not always been true. And the most novel U.S. intervention in agriculture this year, the banning of grain shipments to the Soviet Union, has been fiercely controversial among farmers.

STARTLING STATISTIC

The most startling statistic in agriculture probably is the difference between the dollar return a farmer receives on each acre of his land and the price that acre will fetch if he sells it.

Good bottom land around Dumas is worth $1,000 to $1,500 an acre without irrigation. At current prices including $900 for a tractor tire, $25,000 for a used tractor-trailer truck, and from $9 all the way up to $75 for a gallon of herbicide, farmer Clifton Meador calculates that he will spend $134 to $140 raising soybeans on an acre of his bottom land. In a good year, he will gross perhaps $200 an acre. If he sold, Meador could put his money in the bank, realize a healthy return and figure out what else he wanted to do with his life.

This is the situation across the country. William C. Bailey, an economist with the Senate Agriculture Committee in Washington, notes that most farmers cannot justify farming economically.

On the other hand, farmland is one of few investments that has kept pace with inflation: The average U.S. acre sold for $340 in 1974 and for $799 last year. It seems certain to keep skyrocketing.

HOLDS MASTER'S DEGREE

Meador is 55 and has a master's degree in political science from Columbia University. He is active in several farm organizations and particularly zealous about explaining the farmer's lot to consumers. Meador is an executive-type farmer directing cultivation and harvesting on 3,000 acres in 13 separate and scattered tracts that he owns in partnerships with his wife, other family members and a friend or two. Year in and year out, he and his associates hope to gross something like $500,000. But, since 1973, Meador has had only one good year—1979. He has, he says, lost money in five of the last six years.

The drought hit a huge section of the American heartland. It was severe from Texas to South Carolina and rated moderate from New Mexico north to Nebraska and east to the Atlantic Coast. Florida is the only Eastern coastal state to have escaped. Eastern Montana, the Dakotas and Minnesota also were hit, with the severity varying greatly. Many farmers who escaped, those in much of Iowa and most of Illinois and Indiana, for example, along with those in Ohio, Colorado, Wisconsin, Washington and Oregon, harvested good crops at good prices.

But there are farmers everywhere who are angry about the grain boycott. They sometimes sound somewhat apologetic about this. "I don't argue with the need for it," Meador says, "But it did not help agriculture."

Carter ordered the boycott, in January to punish the Soviet Union for invading Afghanistan. Its results are in dispute but this much seems clear: It hurts the Soviets some, but not much.

There is considerable question whether U.S. farmers did as well. Howard Hjort, the director of economics and statistics for the Department of Agriculture, noted in an interview that increased exports to other countries helped offset the boycott losses. Critics as diverse as the National Farmers Union and Ronald Reagan's farm experts acknowledge that fact. But they say there was grain available for export that was not shipped because of the boycott. They add that the U.S. reputation as a reliable trader in agricultural products was at stake and has been jeopardized.

GROWTH IN EXPORTS

The big growth in exports probably is the key to the success that U.S. farmers have enjoyed in the last decade. It has helped lessen farm dependence on the Treasury. Behind much of the criticism of Carter is the assumption that international politics should serve the interests of international trade, not vice versa.

But then part of the trouble farmers have had with the boycott is surely psychological. It was announced at the same time as the boycott of last summer's Moscow's Olympics. The Olympic boycott was endlessly discussed and debated. The farm boycott got very little attention in the national news media, even though it was an unprecedented act of economic warfare involving the nation's largest and most efficient industry.

COTTON PRICES

Leland DuVall, the nationally respected farm editor of the Arkansas Gazette loves to add up complicated issues like the boycott. Eventually, he finds a bottom line. This one, DuVall says, is that "the reason farmers are in trouble is not the boycott. It's petroleum prices and the drought."

Meador would agree with that. He sits in a roomy office he built beside his house in 1977, when cotton was supposed to sell for 70 cents a pound. It came in at 43 cents to 47 cents. Meador is calculating crop yields and costs. Diesel fuel was 16 cents a gallon in 1974. He paid 92 cents this year, a good price because he uses so much of it. A tractor will burn 60 to 100 gallons a day. He remembers when the going rate for chopping cotton, hoeing and weeding it, was $4 a day. Now he pays $3.10 an hour, the federal minimum wage. "I don't quarrel with the minimum wage," he says. "But it is a cost item."

In his handsome, restful house with its vaulted ceilings, Meador's wife, Sue, is at work in the kitchen. Farmers are consumers, too, she says. Her own grocery bill? She thinks for a moment and then her face wrinkles in a sort of a blush. "Nearly a hundred dollars a week," she estimates. This is for three—there is a teen-age daughter home but the Meadors have guests almost every weekend.

"I'm not comfortable cutting back on that suggests she is discussing a matter of principle. "I do save coupons and I like a food," Sue Meador says, in a tone of voice bargain. But we enjoy beef and we have steak about twice a week."

She is not necessarily the family farmer. "If we had just rented our land after 1973, just think where we'd be," she says. "We'd be so far ahead."

Her husband nods. It is a dry, drought-stricken nod.●

"MORAL MAJORITY" A SUBTLE FORM OF FASCISM?

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, much has been said of the role played by the so-called moral majority in the recent election. From all I have heard of the gutter tactics and falsification of some acting under the banner of the moral majority, they have made a mockery of the teachings of Christ and St. Paul.

A recent letter in the October 8 edition of the Akron Beacon Journal by Mr. Bryant Burroughs eloquently sets forth the dangers in the attitudes and tactics of this ultra right wing partisan organization, calling them "a subtle yet still dangerous form of fascism." Whether or not fascism is the right appellation, the writer is right on target when he points out:

> The claim to know God's will on the MX missile or the Panama Canal or abortion is either intolerable arrogance or lamentable naivete, both of which are extremely dangerous to a free society.

Mr. Speaker, ministers and other active religious men and women certainly have the same right as anyone else to express their views on political and social issues. However, they go off the deep end when they try to cloak their political views with some kind of sacrosanct status. Neither a clerical robe nor a degree in divinity confers any greater wisdom in the political sphere than can be found in the average intelligent, informed citizen.

The full text of the letter by Mr. Burroughs follows these remarks:

MERELY A SUBTLE FORM OF FASCISM

Richard Reeves' column Sept. 18 called Moral Majority and the evangelical right what they are: a subtle yet still dangerous form of fascism.

The restoration of Judeo-Christian moral principles as a dominant force in American life is a noble cause, but the evangelical right, in its zeal for that cause, has begun to encroach into the domain of individual freedom. There are three fundamental faults inherent in the movement:

An ignorance of history. The United States was colonized by men of two general types: those who sought economic freedom and those who sought religious freedom. It is ironic that the descendants of the latter group are now fervently attempting to create a situation from which their forefathers would have fled.

A confusion of principles. The evangelical right doctrine is a merger of morals and materialism. Newsweek documented the lavish lifestyles of some movement leaders. This becomes abhorrent when one realizes that those lifestyles are funded by contributions, some of which represent sacrifice.

Moral Majority founder Jerry Falwell, interviewed in Eternity magazine, equates wealth with the blessing of God as a reward for living a good life.

This blatant materialism is felt by many—Christians and non-Christians—to be the cause of the evil in this century, not the cure.

From the humble origins of Christianity to the present, the faith has stood against the accumulation of wealth to the neglect of one's spiritual needs and the physical needs of others, and this has been unmistakably reinforced by Pope John Paul.

A misunderstanding of absolutes. There are definite moral absolutes defined in the scriptures and to apply these absolutes to society is to benefit society. But on the critical issues facing America in the 1980s—abortion, taxation, national security, environment, and others—there is no compendium of divine guidance.

The claim to know God's will on the MX missile or the Panama Canal or abortion is either intolerable arrogance or lamentable naivete, both of which are extremely dangerous to a free society.

The evangelical right can provide America with a desperately needed infusion of moral principles, but it must remember that the church is to be separate from the state. It is for the protection of all men that God's law works through civil law.

BRYANT BURROUGHS.
CANAL FULTON.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PHILLIP BURTON (at the request of Mr. WRIGHT), for this week, on account of serving as delegate to the North Atlantic Assembly Plenary Session.

Mr. BROOKS (at the request of Mr. WRIGHT), for this week, on account of serving as delegate to the North Atlantic Assembly Plenary Session.

Mr. ROSE (at the request of Mr. WRIGHT), for this week, on account of serving as delegate to the North Atlantic Assembly Plenary Session.

Mr. BETHUNE (at the request of Mr. RHODES), on account of serious illness in family.

Mr. BURGENER (at the request of Mr. RHODES), on account of Representation at the North Atlantic Assembly Plenary Session.

Mr. COTTER (at the request of Mr. WRIGHT), for today and Tuesday, November 18, on account of illness.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. WHITEHURST (at the request of Mr. RHODES), on account of Representation at the North Atlantic Assembly Plenary Session.

Mr. BOB WILSON (at the request of Mr. RHODES), on account of Representation at the North Atlantic Assembly Plenary Session.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STRATTON, for 60 minutes, on Thursday.

Mr. GONZALEZ, for 30 minutes, today.

(The following Members (at the request of Mr. SENSENBRENNER) to revise and extend their remarks and include extraneous material:)

Mr. HAMMERSCHMIDT, for 5 minutes, today.

Mr. HORTON, for 60 minutes, December 2.

(The following Members (at the request of Mr. TAUZIN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. RODINO, for 60 minutes, on November 19, 1980.

Mr. BRINKLEY, for 60 minutes, on November 20, 1980.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FOUNTAIN asked and was given permission to revise and extend his remarks and to include the first 12 pages of the committee report of H.R. 7893.

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mr. LEE.

Mr. ASHBROOK in two instances.

Mr. LAGOMARSINO in three instances.

Mr. LENT.

Mr. RITTER.

Mr. CARNEY.

Mr. DERWINSKI.

(The following Members (at the request of Mr. TAUZIN) and to include extraneous matter:)

Mr. MOAKLEY in 10 instances.

Mr. BARNES in two instances.

Mr. MINETA.

Mr. GAYDOS.

Mr. ANDERSON of California in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Ms. HOLTZMAN in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. BEVILL.

Mr. SIMON in two instances.

Mr. STARK in two instances.

Mr. NOWAK in five instances.

Mr. WAXMAN.

Mr. COELHO.

Mr. YATRON.

Mr. OBERSTAR.

Mr. WEISS.

Mr. CLAY.

Mr. PREYER.

Mr. LEHMAN.

Mr. MITCHELL of Maryland.

Mr. LONG of Maryland.

Mr. SKELTON.

ENROLLED BILLS SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee has examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1762. An act to convey all interests of the United States in certain real property in Sandoval County, N. Mex., to Walter Hernandez;

H.R. 3459. An act to waive the statute of limitations with regard to the claim of Eazor Express, Inc., of Pittsburgh, Pa., against the United States; and

H.R. 7764. An act for the relief of Dr. Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six.

BILL PRESENTED TO THE PRESIDENT

Mr. NEDZI, from the Committee on House Administration, reported that that committee did on November 14, 1980, present to the President, for his approval, a bill of the House of the following title:

H.R. 7212. An act to ratify a settlement agreement in a land dispute between the Pamunkey Indian Tribe and the Southern Railway Co., and for other purposes.

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 18, 1980, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5625. A letter from the Assistant Secretary of Defense (Comptroller), transmitting selected acquisition reports and SAR summary tables for the quarter ended September 30, 1980, pursuant to section 811(a) of Public Law 94-106; to the Committee on Armed Services.

5626. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the military housing maintenance function at Davis Monthan Air Force Base, Arizona, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5627. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting a report on the audit of the American Red Cross for the year ended June 30, 1980, pursuant to section 6 of the act of January 5, 1905; to the Committee on Foreign Affairs.

5628. A letter from the Assistant Legal Adviser For Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5629. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

5630. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting the audit reports on the books of the organization's Quartermaster General for the years ended August 31, 1979 and August 31, 1980, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

5631. A letter from the Secretary of the Interior, transmitting notice of the proposed refund of $8,042.62 in excess royalty payments to Exxon Co., U.S.A., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

5632. A letter from the Comptroller General of the United States, transmitting a report on the need for the Treasury to obtain better information and to monitor more closely foreign assets blocked pursuant to executive emergency authority (ID-81-01, November 14, 1980); jointly, to the Committees on Government Operations and Foreign Affairs.

5633. A letter from the Comptroller General of the United States, transmitting a report on experimental alternative work schedules (FPCD-81-2, November 14, 1980); jointly, to the Committees on Government Operations and Post Office and Civil Service.

5634. A letter from the Comptroller General of the United States, transmitting a report on efforts to increase commuter use of transit and ridesharing (CED-81-13, November 14, 1980); jointly, to the Committees on Government Operations and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1803. A bill to modify the boundary of the Cibola National Forest in the State of New Mexico, and for other purposes (Rept. No. 96-1465). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Permanent Select Committee on Intelligence. Report on implementation of the Foreign Intelligence Surveillance Act (Rept. No. 96-1466). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 7838. A bill to improve the management of the national forests through amendment of certain public laws affecting public land exchange and withdrawals, and for other purposes; with amendment (Rept. No. 96-1467, pt. I). Ordered to be printed.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 810. Resolution providing for the consideration of the concurrent resolution House Concurrent Resolution 448 revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983 (Rept. No. 96-1468). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:

H.R. 8350. A bill for boundary expansion of Crater Lake National Park in the State of Oregon and the establishment of the Women's Rights National Historical Park in the State of New York and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8351. A bill to designate the Keith Sebelius Lake in Kansas, to expand certain units of the national park system in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JACOBS:

H.R. 8352. A bill to provide that the proceeds of the windfall profit tax shall be used to reduce the public debt; to the Committee on Ways and Means.

By Mr. JEFFORDS:

H.R. 8353. A bill to provide homeownership assistance; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHULZE:

H.R. 8354. A bill to allow articles withdrawn from a bonded manufacturing warehouse to be delivered into successive bonded storage warehouses located anywhere in the United States for the purpose of exportation, and for other purposes; to the Committee on Ways and Means.

By Mr. WATKINS:

H.R. 8355. A bill to amend the Clean Air Act to postpone the date required for adoption and submission of State implementation plans for areas which have failed to attain national ambient air quality standards, to postpone the date required for attainment of such standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS of Montana:

H.R. 8356. A bill to seal the ballots in Presidential elections until all polling places are closed; to the Committee on House Administration.

By Mr. BROOKS:

H. Con. Res. 449. Concurrent resolution to authorize the reprinting of the report entitled "The Adequacy of the Federal Response to Foreign Investment in the United States"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of California:

H.R. 8357. A bill for the relief of Bruce Roughton, Magdalen Roughton, Alastair Islwyn Roughton, Angharad Gret Roughton, and Alexander Iestyn Roughton; to the Committee on the Judiciary.

H.R. 8358. A bill for the relief of Mrs. Ruth Mitchell; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 959: Mr. Kildee.

H.R. 1290: Mr. Nelson and Mr. Gilman.

H.R. 6664: Mrs. Heckler and Mr. Findley.

H.R. 6841: Mr. Skelton.

H.R. 7202: Mr. Skelton.

H.R. 7211: Mr. Lott and Mr. AuCoin.

H.R. 7541: Mr. Jeffords.

H.R. 7812: Mr. Fazio.

H.R. 7837: Mr. Burgener, Mr. Dannemeyer, Mr. Hyde, Mr. Lott, Mr. McDonald, and Mrs. Smith of Nebraska.

H.R. 7928: Mrs. Fenwick, Mr. Addabbo, Mr. Danielson, and Mr. Fisher.

H.R. 8064: Mr. Maguire and Mr. Heftel.

H.R. 8319: Mr. Fish, Mr. Addabbo, and Mr. Green.

H.R. 8349: Mr. Nolan, Mrs. Fenwick, Mr. Mitchell of Maryland, Mr. Brown of California, Mr. Miller of California, Mr. Addabbo, Mr. Simon, Mr. Mineta, and Mr. Van Deerlin.

H.J. Res. 376: Mr. Benjamin.

H.J. Res. 395: Mrs. Holt, Mr. Symms, Mr. Mottl, and Mr. Quayle.

H.J. Res. 443: Mr. Marriott, Mr. Abdnor, Mr. Addabbo, Mr. Akaka, Mr. Albosta, Mr. Alexander, Mr. Anderson of California, Mr. Andrews of North Carolina, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Archer, Mr. Badham, Mr. Bafalis, Mr. Bailey, Mr. Barnard, Mr. Bauman, Mr. Beard of Tennessee, Mr. Bedell, Mr. Bennett, Mr. Bethune, Mr. Bevill, Mr. Boland, Mr. Bolling, Mr. Bonker, Mr. Bowen, Mr. Breaux, Mr. Brown of Ohio, Mr. Broyhill, Mr. Burgener, Mrs. Byron, Mr. Carney, Mr. Carter, Mr. Chappell, Mrs. Chisholm, Mr. Clausen, Mr. Clay, Mr. Cleveland, Mr. Clinger, Mr. Coelho, Mrs. Collins of Illinois, Mr. Collins of Texas, Mr. Conte, Mr. Corcoran, Mr. Corrada, Mr. Daniel B. Crane, Mr. Philip M. Crane, Mr. Robert W. Daniel, Mr. Daschle, Mr. de la Garza, Mr. Deckard, Mr. Derwinski, Mr. Dickinson, Mr. Dornan, Mr. Dougherty, Mr. Downey, Mr. Duncan of Tennessee, Mr. Duncan of Oregon, Mr. Early, Mr. Edwards of Alabama, Mr. Emery, Mr. Erdahl, Mr. Erlenborn, Mr. Evans of Indiana, Mr. Fary, Mr. Fazio, Mrs. Fenwick, Mr. Findley, Mr. Fish, Mr. Fisher, Mr. Flippo, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Forsythe, Mr. Fountain, Mr. Frenzel, Mr. Frost, Mr. Fuqua, Mr. Garcia, Mr. Gilman, Mr. Ginn, Mr. Goldwater, Mr. Gore, Mr. Gradison, Mr. Grassley, Mr. Guarini, Mr. Guyer, Mr. Hall of Texas, Mr. Hamilton, Mr. Hammerschmidt, Mr. Hance, Mr. Hanley, Mr. Hansen, Mr. Heftel, Mrs. Holt, Mr. Horton, Mr. Howard, Mr. Hubbard, Mr. Hughes, Mr. Hutto, Mr. Hyde, Mr. Jacobs, Mr. Jeffords, Mr. Jeffries, Mr. Jenrette, Mr. Johnson of California, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Kazen, Mr. Kemp, Mr. Kindness, Mr. Kramer, Mr. LaFalce, Mr. Lagomarsino, Mr. Latta, Mr. Leach of Louisiana, Mr. Leach of Iowa, Mr. Lederer, Mr. Lee, Mr. Lehman, Mr. Leland, Mr. Lent, Mr. Levitas, Mr. Lewis, Mr. Lloyd, Mr. Loeffler, Mr. Long of Louisiana, Mr. Lott, Mr. Lowry, Mr. Lujan, Mr. Lundine, Mr. Lungren, Mr. Madigan, Mr. Marks, Mr. Martin, Mr. Mazzoli, Mr. McClory, Mr. McDonald, Mr. McEwen, Mr. McKay, Mr. Michel, Mr. Miller of Ohio, Mr. Miller of California, Mr. Mineta, Mr. Minish, Mr. Mitchell of New York, Mr. Montgomery, Mr. Moore, Mr. Moorhead of California, Mr. Moorhead of Pennsylvania, Mr. Mottl, Mr. Murphy of Pennsylvania, Mr. Murphy of Illinois, Mr. Natcher, Mr. Nichols, Mr. Nolan, Mr. Nowak, Mr. O'Brien, Mr. Oberstar, Mr. Ottinger, Mr. Panetta, Mr. Pashayan, Mr. Paul, Mr. Pease, Mr. Pepper, Mr. Petri, Mr. Pickle, Mr. Porter, Mr. Preyer, Mr. Quayle, Mr. Regula, Mr. Rhodes, Mr. Rinaldo, Mr. Robinson, Mr. Roe, Mr. Rousselot, Mr. Royer, Mr. Rudd, Mr. Russo, Mr. Sabo, Mr. Santini, Mr. Satterfield, Mr. Scheuer, Mr. Sebelius, Mr. Sharp, Mr. Shumway, Mr. Simon, Mr. Smith of Iowa, Mrs. Smith of Nebraska, Mr. Solomon, Mr. Spence, Mr. Stanton, Mr. Stark, Mr. Stump, Mr. Symms, Mr. Synar, Mr. Tauke, Mr. Taylor, Mr. Traxler, Mr. Udall, Mr. Vento, Mr. Walker, Mr. Waxman, Mr. Whitehurst, Mr. Whittaker, Mr. Whitten, Mr. Winn, Mr. Wirth, Mr. Wolff, Mr. Wolpe, Mr. Won Pat, Mr. Yatron, Mr. Young of Florida, Mr. Young of Alaska, Mr. Zablocki, Mr. Zeferetti, Mr. Atkinson, Mr. Walgren, Mr. Butler, Mrs. Spellman, Mr. Coughlin, Mr. McDade, and Mr. Evans of Delaware.

H. Con. Res. 301: Mr. Mazzoli, Mr. Oberstar, Mr. Kemp, Mr. Long of Louisiana, Mr. Conyers, Mr. Pritchard, Mr. Moakley, Mr. McCloskey, Mr. Petri, Mr. Winn, Mr. Barnes, Mr. Baldus, Mr. D'Amours, Mr. McHugh, Mr. Brademas, Mr. Seiberling, Mr. Kildee, Mr. Vento, Mr. Blanchard, Mr. Murphy of Pennsylvania, Mr. Porter, Mr. Dodd, Mr. Fazio, Mr. Bedell, Mr. Scheuer, Mr. Phillip Burton, Mr. Cavanaugh, Mr. Corrada, Mr. Edwards of Oklahoma, Mr. Waxman, Mr. Hughes, Mr. Brown of Ohio, Mr. Derwinski, Mr. Harris, Mr. Ritter, Mr. Wolpe, Mr. Ottinger, Mr. Lundine, Mr. Heftel, and Mr. McCormack.

H. Con. Res. 447: Mr. Boland, Mr. Boner of Tennessee, Mr. Evans of Delaware, Mr. Fazio, Mrs. Fenwick, Mr. Gibbons, Mr. Hawkins, Mr. Kramer, Mr. Lagomarsino, Mr. Lungren, Mr. Markey, Mr. Mazzoli, Mr. Pepper, and Mr. Young of Alaska.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

632. By the SPEAKER: Petition of the Arizona Association of Counties, Phoenix, relative to the general revenue sharing program; to the Commitee on Government Operations.

633. Also, petition of the Association of Local Human Rights Commissions of New York State, Schenectady, relative to the general revenue sharing program; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. Con. Res. 448

By Mr. LATTA:

—Insert after section 4 the following new sections:

Sec. 5. Pursuant to section 310 of the Budget Act, it shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the adjournment sine die of either House unless action has been completed on H.R. 7765 the Omnibus Reconciliation Act of 1980.

Sec. 6. It is the sense of the Congress that the appropriate committees of the House of Representatives and the Senate make in order as part of any continuing appropriation bill for fiscal year 1981 language providing for the repeal of provisions of title X of Public Law 93-344, the Congressional Budget and Impoundment Control Act, effective upon enactment of such continuing appropriation and to continue no later than September 30, 1981.

H.R. 6386

By Mr. CONABLE:

—On page 2, after line 12, add the following new section:

Sec. . That section 1006(b) of the Legal Services Corporation Act, 42 U.S.C. 2996e is amended by adding the following new paragraph "(7)":

"(7) The Corporation shall insure that any funding allocated for migrant farmworkers pursuant to this Act including funding for any national support center dealing with migrant farmworker problems, shall be based on the same formula used to allocate funding to all other eligible persons: *Provided, however*, That (A) for purposes of this paragraph migrant farmworker shall be defined the same as Title 20 C.F.R. Part 651.7, as in effect on the effective date of this paragraph, and (B) such allocation is based on the number of migrant farmworkers determined by the most recent survey of the Department of Agriculture."

—On page 2, after line 12, add the following new language:

"The Legal Services Corporation shall allocate up to one million dollars of appropriated funds in each of the authorized years to finance up to three legal service voucher system programs as an alternative means of delivering legal services to persons eligible under the Act. The Corporation shall make a progress report to the Congress on the development and operation of such voucher systems on or before May 1, 1981, and a final report on or before February 8, 1982."

By Mr. GILMAN:

—Page 2, after line 12, add the following new section:

SEC. 2. Section 1006(b)(1)(A) of the Legal Services Act (42 U.S.C. 2996e(b)(1)(A)) is amended by inserting "or reduce" immediately after "terminate".

—Page 2, after line 12, insert the following new section:

SEC. 2. The Legal Services Corporation Act (42 U.S.C. 2996 et seq.) is amended by redesignating sections 1013 and 1014 as sections 1014 and 1015, respectively, and by inserting after section 1012 the following new section:

"CIVIL ACTIONS

"SEC. 1013. (a) The Corporation may bring an action in the appropriate district court of the United States to compel the specific performance of any agreement between the Corporation and any recipient for the provision of legal services under this title.

"(b) The Corporation, the United States, or any State acting through its Attorney General or other chief law enforcement officer may bring an action in the appropriate district court of the United States for a temporary or permanent injunction or other appropriate relief for purposes of compelling compliance by a recipient with the provisions of this title or with any rule, regulation, or guideline promulgated pursuant to this title. A State may bring an action under this subsection only against a recipient located in such State.

"(c) A judgment or order in an action brought under this section shall not require the interruption of the provision of legal services to any eligible client by a recipient in any action pending on the date of such decision or order, unless the court explicitly so states in such decision or order. If the court does explicitly so state, it shall attempt to make equitable arrangements for the provision of legal services to any eligible client affected thereby.".

—Page 2, after line 12, add the following new section:

SEC. . Section 1006(b)(3) of the Legal Services Act (42 U.S.C. 2996e(b)(3)) is amended by adding at the end thereof the following new sentences: "This paragraph shall not be construed to permit any action prohibited by this title or by the rules, regulations, and guidelines promulgated by the Corporation pursuant to this title, or to prohibit any action required by this title or by such rules, regulations, and guidelines.".

By Mr. LOTT:

—SEC. . That section 1007(b)(6 of Public Law 93-355 as amended by Public Law 95-222 (42 U.S.C. 2996f(b)(6)) is amended by striking the words "as distinguished from" and inserting in lieu thereof the word "including".

By Mr. MAZZOLI:

(Amendment in the nature of a substitute.)

—Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Legal Services Corporation Act Amendments of 1980".

SEC. 2. Section 1010(a) of the Legal Services Corporation Act (42 U.S.C. 2996l(a)) is amended by inserting immediately after the second sentence the following: "There are authorized to be appropriated for purposes of carrying out the activities of the Corporation $321,300,000 for fiscal year 1981, and such sums as may be necessary for fiscal year 1982.".

SEC. 3. Section 1007 of the Legal Services Corporation Act (42 U.S.C. 2996f) is amended by adding at the end thereof the following new subsection:

"(i) The Legal Services Corporation shall make available, without charge, a subscription to any publication prepared by the Corporation or by a recipient if the publication is prepared and made available for distribution with appropriated funds to any Senator or Member of the House of Representatives, at the request of that Senator or Representative.".

SEC. 4. Notwithstanding any other provision of law, any award of attorneys fees which is received by recipients of the Legal Services Corporation shall be transferred into the general fund of the United States Treasury as miscellaneous receipts.

SEC. 5. Section 1007(b)(8) of the Legal Services Corporation Act (42 U.S.C. 2996f(b)(8)) is amended to read as follows:

"(8) to provide legal assistance with respect to any proceeding or litigation relating to abortion unless such abortion is necessary to save the life of the mother, except that nothing in this paragraph shall prohibit the provision of legal advice to an eligible client with respect to such client's legal rights and responsibilities;".

SEC. 6. Section 1010 of the Legal Services Corporation Act (42 U.S.C. 2996l), is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this Act, if the Corporation finds that any employee of a recipient has engaged in—

"(1) lobbying activities in violation of the provisions of this Act; or

"(2) outreach community education, or client solicitation activities in violation of this Act, the Code of Professional Responsibility, or the Canons of Ethics,

then the funding for such recipient for the fiscal year immediately following the fiscal year for which the Corporation makes a finding under this subsection and pursuant to the procedures described in section 1011 of this Act shall be reduced by an amount determined by the Corporation, considering the nature and severity of the violation, or the Corporation shall take appropriate disciplinary action, or both.".

SEC. 7. Section 1006(a) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)) is amended by adding at the end thereof, without paragraph indentation, the following new sentence:

"The Corporation shall, in providing financial assistance under paragraph (1)(A) of this subsection, encourage recipients to develop, with appropriate bar associations, programs designed to provide voluntary legal services by private attorneys to eligible clients, and give special consideration to recipients which provide such voluntary services.".

SEC. 8. Section 1007 of the Legal Services Corporation Act (42 U.S.C. 2996f), as amended by this Act, is further amended by adding at the end thereof the following new subsection:

"(j)(1)(A) Notwithstanding any other provision of this Act, the Corporation may provide financial assistance during fiscal years 1981 and 1982 for providing legal assistance within one State in accordance with the provisions of subparagraphs (B) and (C) in order to demonstrate the effectiveness of private attorney participation.

"(B) with respect to any county with a population of one hundred and fifty thousand residents or less, not less than 65 per centum of the total amount of funds made available for such county in any fiscal year shall be used for legal assistance (including administrative support services) that is provided by the private bar with open participation rights by members of the bar.

"(C) With respect to any county with a population of more than one hundred and fifty thousand residents, not less than 15 per centum of the total amount of funds made available for such county in any fiscal year shall be used for legal assistance (including administrative support services) that is provided by the private bar with open participation rights by members of the bar.

"(2) The Corporation may permit a lesser percentage of the funds made available than that required by paragraph (1) of this subsection to be used for legal assistance provided by the private bar in a particular county, but only if the refusal or inability of the private bar to provide such assistance is clearly demonstrated.

"(3) The percentage requirements set forth in paragraph (1) of this subsection shall not apply with respect to funds made available by the Corporation to provide specialized services to native American populations or migrant farm workers.".

SEC. 9. Section 1007(b) of the Legal Services Corporation Act (42 U.S.C. 2996(b)) is amended by striking out "and" at the end of paragraph (9), by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(11) to provide legal assistance with respect to any proceeding or litigation intended to restrain or prohibit any construction or activity solely on the grounds that such construction or activity may be in violation of the National Environmental Policy Act, the Endangered Species Act, the Clean Air Act, or any regulation pursuant thereto unless such proceeding or litigation is entered representing an eligible client having a direct interest.".

By Mr. RAILSBACK:

—On page 2, line 12, add the following new Section:

"SEC. . Section 1007(a) of the Legal Services Corporation Act, Public Law 93-355 as amended by Public Law 95-222, (42 U.S.C. 2996g(a)) is amended by adding a new subparagraph '(11)'.

"(11) in each fiscal year, to the extent feasible and consistent with Section 1007 (a)(3), make available substantial amounts of funding to provide the opportunity for legal assistance to be rendered to eligible clients by private lawyers."

By Mr. YOUNG of Florida:

—On page 2, line 8, strike "$3,240,000,000" and insert in lieu thereof "$2,400,000,000" and on line 15, strike $3,240,000,000" and insert in lieu thereof "$2,400,000,000".

On page 2, line 15, strike out "without fiscal year limitation" and insert in lieu thereof "for the period beginning with fiscal year 1981 and ending with fiscal year 1983" and on page 2, line 16, insert ", which shall remain available until expended" after "Treasury".

On page 5, beginning on line 6, strike "That the subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts." and insert in lieu thereof: "That any subscription to additional shares shall be made only after the amount required for such subscription has been appropriated."

On page 5, beginning on line 9, strike out "without fiscal year limitation" and insert in lieu thereof "for the period beginning with fiscal year 1981 and ending with fiscal year 1985" and on page 5, line 13, insert ", which shall remain available until expended" after "$359,733,570".

On page 5, line 13, strike $359,733,570" and insert in lieu thereof "$300,000,000".

On page 9, strike lines 1 through 19.

On page 9, immediately after line 19, insert the following new Title IV and redesignate accordingly: title IV—Human Rights, Sec. 401. Title VII of Public Law 95–118 (22 U.S.C. 262d), is amended by adding the following new section:

"SEC. 705. The President shall direct the United States Governor of the International Bank for Reconstruction and Development, the United States Governor of the International Development Association, the United States Governor of the Asian Development Bank, and the United States Governor of the African Development Bank to propose and seek adoption of an amendment to the Articles of Agreement for their respective institutions to establish human rights standards to be considered in connection with each application for assistance."

H.R. 7548

By Mr. HUCKABY:

—Page 26, strike out lines 10 and 11 and insert in lieu thereof the following: "amended by adding new sections 4.17, 4.18, 4.19, and 4.20 as follows:".

Page 28, insert after line 11 the following:

"SEC. 4.20. LOCATION OF BANK.—Unless an existing district bank of the Farm Credit System is merged with one or more other such banks under section 4.10 of this Act, no district bank may move its principal office from the city in which it is located on the date of enactment of the Farm Credit Act Amendments of 1980 without the approval of that action by the Federal Farm Credit Board. The board of directors of a farm credit district shall notify the Federal Farm Credit Board at least ninety days before a vote by that district's board of directors to move the principal office of that district from the city in which it is located on the date of enactment of the Farm Credit Act Amendments of 1980. The Federal Farm Credit Board shall promptly notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate that it has received such notification of intent to move the principal office of a farm credit district from that district's board of directors. The Federal Farm Credit Board shall not approve such a move of a principal office of a farm credit district until ninety days have elapsed from the date of notification to these committees of the Congress."

—Page 26, strike out lines 10 and 11 and insert in lieu thereof the following: "amended by adding new sections 4.17, 4.18, 4.19, and 4.20 as follows:".

—Page 28, insert after line 11 the following:

"SEC. 4.20. LOCATION OF BANK.—Unless an existing district bank of the Farm Credit System is merged with one or more other such banks under section 4.10 of this Act, no district bank may move its principal office from the city in which it is located on the date of enactment of the Farm Credit Act Amendments of 1980 unless that district bank can exhibit clear, compelling and overwhelming evidence to the Federal Farm Credit Board that such a move will markedly improve that district bank's services to its borrowers."

—Page 26, strike out lines 10 and 11 and insert in lieu thereof the following: "amended by adding new sections 4.17, 4.18, 4.19, and 4.20 as follows:".

Page 28, insert after line 11 the following:

"SEC. 4.20. LOCATION OF BANK.—Unless an existing district bank of the Farm Credit System is merged with one or more other such banks under Section 4.10 of this Act, each district bank of the Farm Credit System shall maintain its principal office within the standard metropolitan statistical area within which it was located on the date of enactment of the Farm Credit Act Amendments of 1980."

S. 1280

By Mr. DONNELLY:

(References to pages and lines are references to S. 1280 as reported by the Committee on Interstate and Foreign Commerce.)

—Page 3, line 19, insert before the period the following: "and a public or private nonprofit agency or organization which is a community action agency as defined in section 210(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2790(a))".

—Page 19, after line 11, insert the following new section:

SEC. 107. LOCAL ENERGY ADVISORY COUNCILS.

(a) An applicant shall establish a local energy advisory council (hereinafter in this section referred to as the "council") which shall participate in the preparation and implementation of the local energy plan of the applicant by—

(1) submitting to the applicant recommendations regarding the content of the local energy plan proposed to be submitted to the Secretary,

(2) submitting to the applicant recommendations regarding methods to implement such plan,

(3) monitoring and evaluating (for the benefit of the applicant) the implementation of any local energy plan of the applicant, for which a grant is made under section 102, and

(4) providing to the applicant a continuing analysis of the need for local energy conservation.

(b)(1) The council shall be composed of any number of members which is a multiple of 3, appointed by the applicant as follows:

(A) one-third of the members shall be appointed from among representatives of community action agencies, other than states, as defined in section 210(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2796(a)),

(B) one-third of the members shall be appointed from among representatives of labor unions, public utilities, commercial establishments, and any other organizations, engaged in activities directly related to the production or consumption of energy, and

(C) one-third of the members shall be appointed from among representatives of community-based, non-profit organizations which are not described in subparagraph (A) or subparagraph (B).

(2)(A) Members of the council shall serve at the pleasure of the applicant and without compensation.

(B) The chairman of the council shall be appointed by the applicant from among the members described in paragraph (1)(A)".

(3) A majority of the members of the council shall constitute a quorum.

(4) The applicant shall provide to the council staff and administrative support services to assist the council in carrying out its duties.

(c)(1) The council shall meet at the call of the chairman and not fewer than 5 times each year.

(2) The council shall give public notice of a meeting of the council a reasonable time before the date of each such meeting.

(3) Meetings of the council shall be open to the public.

Page 2, in the material appearing after line 1, insert after the item relating to section 106 the following new item:

SEC. 107. Local energy advisory councils.

—Page 29, after line 5, insert the following new section:

SEC. 305. STATE ENERGY ADVISORY COUNCILS.

(a) A State which applies for a grant under section 301 shall establish a State energy advisory council (hereinafter in this section referred to as the "council") which shall participate in the preparation of the State long-range energy plan for the State by—

(1) submitting to the Governor recommendations regarding the content of the long-range energy plan proposed to be submitted to the Secretary,

(2) submitting to Governor recommendations regarding methods to implement such plan, and

(3) providing to the Governor a continuing analysis of the need for energy conservation in the State.

(b)(1) The council shall be composed of any number of members which is a multiple of 3, appointed by the Governor as follows:

(A) one-third of the members shall be appointed from among representatives of community action agencies, other than States, as defined in section 210(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2796(a)),

(B) one-third of the members shall be appointed from among representatives of units of local government which are not community action agencies, and

(C) one-third of the members shall be appointed from among representatives of labor unions, public utilities, commercial establishments, and any other organizations, engaged in activities directly related to the production or consumption of energy.

(2)(A) Members of the council shall serve at the pleasure of the Governor and without compensation.

(B) The chairman of the council shall be appointed by the Governor from among the members described in subparagraph (A) or (B) of paragraph (1).

(3) A majority of the members of the council shall constitute a quorum.

(4) The Governor shall provide to the council staff and administrative support services to assist the council in carrying out its duties.

(c)(1) The council shall meet at the call of the chairman and not fewer than 5 times each year.

(2) The council shall give public notice of a meeting of the council a reasonable time before the date of each such meeting.

(3) Meetings of the council shall be open to the public.

Page 2, in the material appearing after line 1, insert after the item relating to section 304 the following new item:

Sec. 305. State energy advisory councils.

Page 2, in the material appearing after line 1, insert after the item relating to section 304 the following new item:

Sec. 305. State energy advisory councils.

EXTENSIONS OF REMARKS

ISRAEL'S PRESIDENT YITZHAK NAVON ADDRESSES THE PEOPLE OF EGYPT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. WAXMAN. Mr. Speaker, during the last week of October, President Yitzhak Navon of Israel, at the invitation of President Anwar al-Sadat, visited Egypt. President Navon's state visit was more than a simple reciprocation of President Sadat's historic journey to Jerusalem in 1977. It was a major step in continuing the process of normalizing relations between these two countries following the conclusion of the Treaty of Peace in March 1979.

Every aspect of President Navon's visit was covered extensively by the Egyptian media. His reception by the people of Egypt and the National Democratic Party demonstrated the intense popular desire for a lasting peace. President Navon's achievements were substantial. Agreement was reached with the Egyptians on increases in tourism and trade. And in a far-reaching proposal, President Navon outlined the establishment of a Supreme Command for Peace—composed of writers, teachers, psychologists, sociologists, and public servants—to facilitate and implement concrete contacts between Egyptians and Israelis in order to bring them closer together.

President Navon's success, in partnership with President Sadat, demonstrates that the two nations are committed to making the peace between them a dynamic reality. It is the growing contact between the two peoples which is so impressive, and which gives so much hope for the future.

I am pleased to share with my colleagues excerpts of President Navon's speech to Egypt's National Democratic Party.

The excerpts from the speech follow:

[From the Jerusalem Post International Edition, Nov. 2, 1980]

LET US KNOW EACH OTHER!

We have come to this good land of Egypt in response to the kind invitation of the illustrious President of Egypt, Muhammad Anwar al-Sadat, leader of the eternal Nile Valley. I see in this invitation a sincere desire to add a further tier to the edifice of peace, which we have undertaken to erect of our own free will and in mutual understanding for the benefit of our descendants for generations to come.

You represent the largest party in Egypt. You bear on your shoulders an onerous responsibility towards the Egyptian people, and you provide principal support for the implementation of your Government's political, economic and social policy. A unique privilege has fallen to your lot in having at your head an extraordinary personality, a great leader, a devoted son of the Egyptian people, an Arab proud of his heritage, a devout Muslim—Muhammad Anwar al-Sadat.

President Sadat has often said that there can be no progress without change, and that those who cannot change their ideas will never be able to change their situation. He himself is endowed with this capacity. When he decided on a change in the situation and came to address the Knesset in Jerusalem, in the course of his historic initiative, he found in us faithful partners in the opening of a new road. The Government of Israel, under the leadership of Mr. Menahem Begin, did not recoil from difficult decisions in order to change the situation, and the Knesset—the representative of the people—confirmed by a large majority the peace treaty which symbolizes the great change in our area and in the relation between our peoples.

I have no intention, nor is it within my authority, to conduct negotiations in Egypt about autonomy or any other subject. I have come to convey to you and the Egyptian people the greetings of the people of Israel, sincere greetings of peace: to express the esteem, affection and friendship that they feel for the noble people of Egypt, and their unflinching determination to persevere in the path of peace despite all the difficulties we face.

At Camp David we did not sign a separate accord between us, but an agreement that comprised a framework for a comprehensive settlement with all the nations in the area, including a solution of the Palestinian problem. If the agreement had been only between you and us, there would have remained only the question of the normalization process and its pace and scope.

As for the Palestinian problem, we are aware of its existence, we appreciate its importance, we want to find a solution for it. We agreed, in the framework agreement, that Egypt, Israel, Jordan and the representatives of the Palestinian Arabs should participate in negotiations on the resolution of the problem in all its aspects. We also agreed on stages in the resolution of the problem: autonomy for five years as a transitional arrangement, and, not later than the third year, negotiations to determine the final status of the West Bank and Gaza. It was also stated that the solution from negotiations must recognize the legitimate rights of the Palestinians and their just requirements. In this way they will participate in the determination of their own future. What has not been achieved in years by bombs and terrorism, Egypt has thus achieved for them by civilized and honourable negotiations.

To our great regret, the Palestinian Arabs and Jordan refuse to sit down at the conference table. This is the first obstacle. And in their absence, Egypt has undertaken the burden of conducting the negotiations on the details of the autonomy.

The second difficulty arises from the sensitivity of the various subjects included in the autonomy negotiations. For us, these subjects are of great historical, religious and security significance. There are serious difficulties between us on several problems, and there is no point in underestimating them. If Egypt and Israel had wished to sweep them under the carpet, the negotiations could have been concluded long ago, but the deliberations are being conducted in the desire to confront the problems and try to arrive at a reasonable solution which takes into account those factors I have mentioned, and this calls for a long time and great patience. I am confident that, with persistence, patience and the mutual trust between us, we shall overcome difficulties and arrive at a just and agreed solution.

At the same time, these difficulties must not interfere with the orderly progress of normalization and a growing improvement in the relations between us, for we have carried out, faithfully and honourably, all our obligations under the treaty between us.

In time of war we need a Supreme Command for War. In times of peace, we need a Supreme Command for Peace. There is a need to establish a special joint staff, composed of writers, teachers, psychologists, sociologists and public servants, who will examine the various aspects of peace and the most appropriate ways to implant it and deepen its hold among the nations. Such a staff will have to examine what both peoples expect of the peace that has been signed.

It is not for me to tell you what the peace gives Egypt. Your leaders do this, for that is their function. They have explained to you the achievements of the peace treaty with us: in addition to the return of Sinai, with all its infrastructure and its oil wells, an extensive development drive is in progress in Egypt, and you will see the results in a few years.

Most important of all, peace ensures that there will be no more havoc and bloodshed for your sons and ours, who will live out the full measure of their lives as allotted by the Creator in His Mercy.

As for the arguments that are heard about the so-called isolation of Egypt from the Arab world, there is much that I could say on the subject, but I will refrain, for it would not be appropriate for me to interfere in the internal affairs of the Arab family, of which you are a part.

As for us, peace has been our dearest aspiration throughout the years. We desire it because we want no more blood and destruction, and we want to be free to turn all our attention to the solution of our problems.

Peace should not be restricted to official contacts: the masses of the people should be concerned, for only if peace is carried on the shoulders of the peoples will it have a long and good life.

We expect to see you in our own country: individuals and groups, young people and workers, intellectuals and members of the professions, farmers and industrialists. The Israelis who come here for a visit return with deep appreciation of your cordial welcome, but they would like to have the opportunity of receiving you with equal cordiality. They do not want to travel a one-way street. They would like the relations to be mutual. We believe, too, that there is wide scope for joint enterprises in many fields for the benefit of both parties. I want to tell you frankly—and nothing is better than candour—that there is disappointment in Israel at the pace and scope of the normalization process.

We want to know each other better, for men are afraid of the unknown. During the long years of the conflict, many prejudices have taken root, and when people do not know each other face to face, these unfa-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

vourable opinions retain their hold, trickle down and undermine the foundations of the edifice of peace. In your country we are still painted in lurid, negative terms, which have no connection with the reality.

There are sensitive points among you which are not known to us, and we may unintentionally go wrong and offend you. We have sensitive points, and if you are not aware of them the same result may follow. During the brief period that has passed since the treaty, we have already had several instances of this.

We have to be particularly careful when we refer to each other in print or on the air. When we come to criticize any particular step of the other side's Government we have to retain a measure of respect. It is important to avoid aspersions affecting personalities, or matters of religion or nationality, for anything of this nature is taken as an aspersion against the whole nation and raises even higher the psychological barriers of which President Sadat spoke, and which we all would like to see disappear.

I believe the time has come for an exchange of views between us on the character of the cultural and spiritual dialogue between our nations. That joint committee, which I have called "The Supreme Command for Peace" would be the most suitable forum for discussions on this subject.

While political, economic and military aspects can be defined and measured, the cultural and spiritual sphere is more complex, comprising as it does, beliefs, opinions, emotions and traditions that have taken shape in each people over the generations. Naturally there are points of difference between us.

Like you, we too seek to build our society on a synthesis of the achievements of modern science and our ancient spiritual heritage.

On the spiritual plane, our religions have the same concept of the One absolute and eternal Creator—uncompromising Monotheism.

Arabic and Hebrew are twin sisters. The more deeply one delves into the two languages, the more one discovers, not only an extraordinary similarity of vocabulary, but also a similar world of symbols and concepts. After all, they grew up in a common home and were born of the same parents.

Both our peoples are ancient in history, and both of us seek to bequeath to our children what our fathers bequeathed to us.

In the Talmud, which was composed after the Bible, the question is asked:

Why did the Almighty create man as one single individual, who is called Adam, instead of doing as he did with the beasts and the flowers, which he created, by His word, in infinite numbers and quantities?

One answer is: So that no man should say to his neighbour: My father was greater than your father, my pedigree is more honourable than yours.

Another reason is: In order to show the greatness of the Almighty. For when a king of flesh and blood produces coins from a single mould, all the coins are identical, but the Almighty, who is the King of Kings, created all men from the mould of the first Adam, and yet not one is identical with the other.

A combination of both replies could serve as a basis for the relations between peoples: all of us are equal in origin and value, but each of us is entitled to be different from the others.

You and we are ancient peoples born in this area. The history of the nation I have the honour to represent begins some 3,500 years ago with our Father Abraham, our mutual progenitor. As it was the Divine will to disperse us among the nations 2,000 years ago, so it was His will to restore us to our homeland. Throughout the centuries, my people never ceased to pray and hope that the Almighty would ingather our scattered sons from among the nations and bring them back to our country, as He promised through His prophets. There were many, individuals and groups, who did not confine themselves to prayer, but came themselves to settle in the land of their fathers.

When I consider my own immediate family, I can see an example of this. My grandfather, who was born in Morocco, was the spiritual leader of a small town, near Casablanca. Once, in a dream, he saw the prophet Elijah who said to him. "How long will you stay here in comfort while Jerusalem is in distress?" A few days later he took his wife, who was my grandmother, and his four-year-old daughter, who became my mother, and set out on the long road to the Holy Land to fullfil his prayers and his dreams, for no man dreams except what his heart desires.

My father's ancestors came to Jerusalem from Turkey 350 years ago, without any external pressure, and have never left it since. My wife's parents were imprisoned in Russia because they wanted to leave and come to the Holy Land. They arrived 60 years ago.

In my country there are people who came from 102 countries, speaking 81 languages. An outside observer may seem to see a mixture of tongues and customs, but anyone who looks into the inner reality will perceive that they are all united by a common historical memory and common national aspirations. They all aspire to stop living as a football for others, to put an end to pogroms and persecutions, and to live as masters of their own fates. They want to develop their culture and economy, to make the great desert of our country bloom, in peace and understanding with the other nations in the region. The entire people of Israel, of all creeds, share this aspiration for peace.

A short time ago I conveyed to the Muslims of Israel, near the mosque in the village of al-Taibe, and to the Druse beside the Tomb of the Prophet Shu'eib, my greetings on the Feast of the Sacrifice, and all of those who spoke asked me to convey to you and President Sadat their sincere greetings and their prayers for success in the quest for peace until it encompasses all the nations of the region. I gladly and willingly fulfill their request. Our life together in Israel is an example of coexistence in peace and brotherhood.

We believe that the day will come when peace will reign throughout the region, because it is necessary for all the nations. Today it seems difficult, but just as yesterday there were things that seemed difficult to achieve but are a reality today, so tomorrow things will be realized that seem impossible today, and God is all-powerful.

During the past few days I have had the opportunity to see something of Egypt, ancient and modern, and to this moment I do not know whether it is a dream or a reality.

The magnificent achievements of the Egyptian people in the past and the present, through the power of its fertile imagination and by the sweat of its brow, arouse astonishment and respect for the forces within you. A great and rich culture, going back thousands of years, is manifested at every step. For the nation that could do such wonders, no problem can be too great, no obstacle too high; nothing can overcome the liberated force of its will.

When, with God's help, we overcome all the emotional, political and other difficulties, and peace is strengthened and encompasses the whole region—the entire world will be astonished to see the glorious pages that will be written by the Semitic peoples, brothers in history, when they decide to march together towards a new dawn, which will bring with it progress and prosperity.

Peace be with you and the mercy and blessings of God.●

THE RENEWAL OF NONPROLIFERATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. SIMON. Mr. Speaker, I have received the following statement, titled "The Renewal of Nonproliferation," by the U.S. nongovernmental observers at the Second NPT Review Conference in Geneva, August 22, 1980.

I believe the article merits our consideration, and I recommend it to my colleagues.

THE RENEWAL OF NONPROLIFERATION

(A Statement by U.S. Non-Governmental Observers at the Second NPT Review Conference, Geneva, August 22, 1980)

In 1975, the U.S. Non-Governmental Observers at the First NPT Review Conference joined in urging "Three Measures of Good Faith" in support of the Non-Proliferation Treaty. The measures proposed were judged to be "the most important actions which may now be taken to make the Non/Proliferation Treaty a more balanced and secure instrument of peace." The three measures were: (1) A nuclear test ban, either by a joint U.S.-U.S.S.R. announcement of a joint commitment to sign a Comprehensive Test Ban treaty "in the immediate future" or by a moratorium for "a definite and substantial period." (2) Reduction of nuclear arsenals "at an early and specified date." (3) Security assurances that the U.S. and U.S.S.R. would never use, or threaten to use, nuclear weapons against NPT parties which are non-nuclear weapon states.

The 1975 statement did not claim that these measures alone would suffice to establish a secure regime against the spread of nuclear weapons. It did declare, however, that they would "help to lay a more solid and equitable foundation" for such other measures as nuclear free zones and strengthened safeguards under the International Atomic Energy Agency (IAEA).

In 1980, while the number of NPT parties has increased to 114, the threat of nuclear weapons spread is more serious than ever. While the promotion and diffusion of nuclear technology for "peaceful purposes" partly accounts for that threat, we believe that the nuclear arms race of the superpowers is the primary factor in undermining the legitimacy and efficacy of the nonproliferation regime.

Had the three good faith measures proposed in 1975 been taken since the First Review Conference, we believe that NPT parties could now face the future with considerable solidarity and optimism. But there has been no test ban, no reduction of nuclear arsenals, and only an equivocal and unilateral approach to security assurances. Moreover, the countries most heavily engaged in exports of nuclear supplies have vacillated between monopolistic collusion among themselves and imprudent competition for Third World markets. The conspicuous nuclear ambitions of some non-parties to the NPT have thus been abetted by both the arms race and the nuclear trade.

We heartily agree with President Carter's declaration that the NPT "remains indispensable to the efforts of the nations represented at this conference to achieve a safer, saner, and more secure world." We greatly appreciate the dedication and competence of the leaders of the U.S. delegation to this conference, as well as their accessibility to NGOs.

However, we believe that the policies of both the U.S. and U.S.S.R. are considerably at fault for the difficulties now facing the NPT regime. In particular, the decisions to deploy MX missiles and Euro-strategic weapons, the revelation of a regressive nuclear war-fighting doctrine on the eve of this conference, the export of nuclear fuel to non-parties of NPT, and inadequate attention to the energy needs of the developing countries present very serious obstacles to a sound nonproliferation policy. These obstacles are reinforced by the Soviet assault on Afghanistan, new Soviet theater weapons in Europe, and the buildup of Soviet heavy missiles.

We believe a more adequate U.S. policy would include the following measures and that these measures should be reflected in the Final Document of the Second NPT Review Conference:

1. Immediate ratification of SALT II by both the U.S. and U.S.S.R., agreement to maintain the provisions of SALT II pending ratification, and a pledge to commence SALT III negotiations at the earliest possible date.

2. A joint U.S.-U.S.S.R. moratorium on nuclear weapon tests, pending the conclusion of a Comprehensive Test Ban; and agreement to the establishment of a CTB Working Group in the Committee on Disarmament (CD) in Geneva.

3. A halt in the production of fissionable materials for weapons purposes, accompanied by a request to the U.S.S.R. and other nuclear-weapon states to do likewise, and by U.S. support for the creation of a Working Group on Nuclear Disarmament in the CD.

4. A halt in the export of nuclear supplies to non-parties to the NPT.

5. More substantial funding for IAEA safeguards and technical assistance.

6. More substantial aid for non-nuclear energy alternatives in the developing countries.

7. A joint request by the United States and the United Kingdom to the Soviet Union to follow their example in agreeing to place civilian nuclear facilities under IAEA safeguards.

8. A pledge that the U.S. will work with other nuclear-weapon states in appropriate forums to formulate more concerted and less equivocal security assurances.

We believe that these measures, incorporated into the Final Document, would substantially strengthen the NPT regime and would provide much more adequate incentives for additional states to ratify this compact which is crucial for the world's security and peaceful development.

Signatures (affiliations for identification purposes only): Alan Geyer, Center for Theology and Public Policy; Richard Hudson, Center for War/Peace Studies; Homer A. Jack, World Conference on Religion and Peace; Rene Wadlow, World Association of World Federalists; Yolanda White, World Without War Council.●

THE INTELLIGENCE IDENTITIES PROTECTION ACT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. STARK. Mr. Speaker, for several days now, H.R. 5615 has been scheduled for consideration in the House. Since there is a possibility that it will reach the floor this week, I want to remind my colleagues of the dangers this legislation poses for the civil liberties of all Americans.

There is no question that we should take steps to insure the safety of our intelligence agents. The tragic death of Richard Welch, the CIA's station chief in Athens in 1975, and the more recent incidents in Jamaica illustrate the vulnerability of these agents and their families to reckless disclosures of information. However, I believe that the solutions proposed in H.R. 5615 unnecessarily threaten our most precious first amendment rights.

By making it a criminal act for any individual not authorized to receive classified information to disclose any information revealing an agent's identity, H.R. 5615 raises serious constitutional questions. Many constitutional law experts believe that criminalizing the reporting of lawfully accessible information which may be interpreted to reveal the identity of an intelligence agent would be in violation of the first amendment rights of freedom of speech and freedom of the press and therefore would be unconstitutional.

I offer the following article which appeared in the Oakland Tribune on September 5, 1980, to further emphasize the grave implications of this legislation. The article follows:

NAMING CIA NAMES

America's intelligence agencies exist to protect the nation's security and liberties. Now Congress is on the verge of reversing that basic relationship by putting clamps on one of our basic liberties for the sake of protecting the Central Intelligence Agency and the Federal Bureau of Investigation.

On Wednesday the House Judiciary Committee passed and sent to the House floor the Intelligence Identities Protection Act, a bill making it a crime to disclose the identity of U.S. secret agents and FBI informants.

One section of the measure provides for heavy fines and stiff jail sentences for government employees with access to classified information who reveal secret agents. This provision, aimed at renegade CIA agent Philip Agee, who has published several books naming agents with whom he once worked, as relatively uncontroversial. Few persons dispute the government's right to punish public officials who abuse their trust and put their colleagues in jeopardy.

But we are alarmed by another part of the bill. Section 501(c), which would prohibit private citizens from publishing the names of agents if the intent is to impede the foreign intelligence activities of the United States. Designed to crush the Covert Action Information Bulletin, a Washington newsletter that regularly reveals CIA agents from public sources, this section applies to those who print information collected from published material.

We see no virtue in routinely disclosing, for the sake of disclosure, the names of U.S. spies. But Section 501(c) violates the constitutional guarantee of freedom of speech and freedom of the press. In the name of punishing those who use their freedom irresponsibly, it poses a threat to legitimate reporting and discussion of CIA actions.

According to Rep. Don Edwards, D-San Jose, chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights, this section would have made it illegal for the press to report such things as the CIA's campaign to overthrow Chile's Salvador Allende or its domestic spying.

It might also have made it a crime for antiwar groups in the 1960s to expose the FBI agents who infiltrated their ranks under the pretext of looking for connections with foreign governments.

In a hearing on the bill, the intelligence agencies have testified that the new law will be used only against irresponsible persons such as Agee. But we remember too well the recent abuses of power by the intelligence agencies to want to hand them the right to decide where the line falls between responsible and irresponsible criticism of the CIA and FBI.

We do not quarrel with the CIA's right to protect the identity of its agents. But the burden of keeping secrets lies with the intelligence agencies, not the press.

Unless the press and individuals are free to report and discuss the operations of the intelligence agencies, we have lost our only protection against a repetition of the CIA abuses of the past. The House should reject Section 501(c).●

"ROSARY HOUR" MARKS 50TH ANNIVERSARY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. NOWAK. Mr. Speaker, 1980 marks the 50th anniversary of a weekly radio program familiar to and revered by millions of Polish-speaking residents of the United States and Canada.

What began as "The Father Justin Rosary Hour" a half century ago in Buffalo, N.Y., today is beamed to a network of 40 stations in these 2 nations.

"The Rosary Hour" symbolizes the devotion of Polish Americans and Poles who have settled in other countries to their faith, culture, and traditional customs. The program began as a weekly program five decades ago and continues to come into millions of homes every Sunday.

The founder of "The Rosary Hour" was Very Rev. Justin Figas, a member of the Order of Friars Minor Conventual, whose dream of a radio apostolate moved toward reality in 1926 when the Kolipinski Bros. Furniture Co. in the Buffalo area inaugurated a half hour Polish variety program. Five minutes of radio time was allotted Father Justin.

As a result of its successful reception in the community, Father Justin subsequently started a radio program of his own and named it "The Rosary Hour."

The current director of the program is Rev. Cornelian Dende, O.F.M. Conv., who was selected for the post after Father Justin's death.

I know I reflect the views of hundreds of thousands of members of the Polonian community in wishing "The Rosary Hour" much continued success as it enters the second half of a century of service and accomplishment.●

M. JEANNE DIX, A DARING EDUCATOR

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. GAYDOS. Mr. Speaker, during the recent recess the Allied Veterans of the McKeesport area in southwest Pennsylvania selected as its 16th annual woman of the year, a lady who has earned the love, admiration, and respect of an entire community. Nearly 200 people attended a testimonial dinner in honor of M. Jeanne Dix, "a daring teacher, one who educates according to the need of the student, who teaches the child as well as the subject."

Speaker after speaker extolled Ms. Dix's care and concern for others, her dedicated service to the community, and her untiring efforts on behalf of the area's youth.

Mayor Louis Washowich of McKeesport called Jeanne one of the city's most valuable resources, whose accomplishments cannot be measured in dollars and cents. The Honorable Bernard J. McGowan of common pleas court, a long-time friend of the honoree, recalled Jeanne as being marked for success while in high school. Her selection as woman of the year merely confirmed that belief, the jurist said.

Ms. Eloise Chinn, executive director of the YMCA, cited Jeanne's long association with that organization, ranging from participation in the Y's activities as a teenager to her present position as president of the group's board of directors. Mrs. Carrie Ann James, Jeanne's sister and the family spokesperson, feels the honoree has always listened to a different drummer and been endowed with a special commitment to serve others.

Eugene Khorey, principal of Brashear High School in Pittsburgh, where Jeanne is a counselor, praised the honoree as one "who has an understanding and a sensitivity to the student's need but who has never compromised her authority as an educator." The future of the country, Mr. Khorey observed, lies in the hands of people such as Jeanne Dix.

It was Mrs. Nan Currington, dean of students at Greenway Middle School in Pittsburgh, who described Jeanne as "a daring teacher, one who educates according to the need of the student, who teaches the child as well as the subject, who teaches them to learn from failure as well as from success."

Others who expressed their deep regard for Ms. Dix included George F. Matta, past commander of the Catholic War Veterans; Rev. James Nelson of Zion Baptist Church; Russell Robertson, past commander of Post 361, American Legion; Mrs. Evelyn Brooks, president of the GCL Club in Homestead; McKeesport Councilwoman Carolyn Young; Dolores Epps and Janet Newberry of the Semper Fidelis Club; Mrs. Eliza Jackson, president of the Auxiliary to Post 666, American Legion; Hon. Emil Mrkonic, who presented Jeanne with a citation from the Pennsylvania House of Representatives, and Samuel Weiss, president of the Allied Veterans, who officially proclaimed Jeanne as the organization's woman of the year in 1980.

Mr. Speaker, the list of Jeanne Dix's accomplishments is long and impressive. But, as impressive as it is it merely lists what Jeanne has done in her life. It tells you little or nothing about Jeanne Dix, the person. That part of her is learned from listening to her family, friends, and coworkers.

M. Jeanne Dix is a warm and compassionate human being who has the love of all who know her and, therefore, on behalf of the Congress of the United States, I extend to her our best wishes for success in the years to come and I commend the Allied Veterans of McKeesport upon their selection of the 1980 Woman of the Year.●

CURE THE FEVER BY BREAKING THE THERMOMETER: THE LEGAL SERVICES CORPORATION VERSUS MINIMAL COMPETENCY TESTING

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. ASHBROOK. Mr. Speaker, when the Legal Services Corporation (LSC) bill comes to the floor I will offer an amendment designed to stop LSC from operating as a self-appointed Federal Department of Education. I have already discussed LSC's use of lawsuits to invade State and local control of the schools in areas like "Black English." Today I turn to another example: The controversy over minimal competency testing.

Some 37 States have adopted some form of such testing as a means of insuring that their high school diplomas, already seriously devalued, do not become completely worthless. That is more States than have ratified the equal rights amendment. If a Federal agency were to subsidize lawsuits designed to overturn State ERA ratifications, you can be sure that liberals everywhere would accuse that agency of violating the basic principles of federalism and of representative democracy. And they would be right.

Schools exist to teach essential skills, not to distribute meaningless pieces of paper. As Florida Education Commissioner Ralph Turlington put it, giving youngsters a high school diploma if they have not mastered the basic skills covered by Florida's State student assessment test means giving them "a Wizard of Oz diploma that is not going to help them."

According to Commissioner Turlington, "The Wizard of Oz presented things to people too. But then he told them it was all humbug. * * * If a student gets a diploma without having those skills, he cannot get much of a job or he cannot hold onto it. It is not having those skills that really hurts people, not whether they have the diploma."

Anywhere outside a courtroom, Commissioner Turlington's position would seem so self-evident as to be hardly worth discussing. But decadent modern liberalism has an impressive ability to confuse symbols and realities, an ability which makes 14th-century metaphysics seem positively straightforward by comparison. Unfortunately for Florida's students, the Legal Services Corporation took an interest in the State's testing program. Tax-supported lawyers from Bay Area Legal Services and the LSC Center for Law and Education set out to convince a Federal judge that the program violated the civil rights of black students, who were more likely to fail the test than white students. They told the judge that students have a "property right" to a diploma, and obtained a court order delaying use of the test as a graduation requirement until 1983 (*Debra P.* v. *Turlington*, 474 F. Supp. 244, M.D. Florida, July 12, 1979). They thus grafted onto Federal case law the patronizing assumption that it is worse to be labeled illiterate than to be illiterate.

It could have been even worse, since the judge did not grant the Legal Services lawyers everything they wanted. They wanted him to prohibit Florida schools from using the test scores to structure remedial classes from students who failed, on the ground that such classes would be disproportionately black and would therefore act as a mechanism for resegregating. Had this argument prevailed, the schools would have been hamstrung in their efforts to give extra help to the students who need it most.

Public education in a democracy has to seek a balance between two ideals: Excellence and equality. Ironically, modern liberalism's flagrant neglect of excellence has actually undermined the cause of equality. Grade inflation and social promotion have produced a whole generation of young Americans who in effect have been lied to. The campaign against testing programs only prolongs that lie, at the direct expense of the very group the liberals claim to be helping. It also cheats the students who are able to pass the tests—a group which includes some 80 percent of Florida's black high school seniors—by turning their diplomas into counterfeit currency.

If the new Department of Education were to attempt what the Legal Services Corporation is doing in this area, it would be blocked by statutory prohibitions on interfering with State and local control of education. LSC has shown that it is even more ignorant of the essentials of good education than the new Department is, and even more aggressive in its contempt for local autonomy. It must be stopped, and my amendment is the only practical way to do so.●

BLUE CROSS AND BLUE SHIELD SYMPOSIUM

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. SIMON. Mr. Speaker, on Thursday, November 20, the Chicago-based Blue Cross and Blue Shield plan will host its fifth annual symposium on health care in America—this one entitled "Health Care in the 1980's and Beyond."

Featuring respected speakers from all walks of life and every conceivable political persuasion, including many of our congressional colleagues, these day-long sessions have exhaustively and thoughtfully explored the breadth and depth of health care issues facing Americans. No problem has been dodged and no perspective has been ignored. Further, these symposia have sought to put forth new ideas, break new ground in terms of improving the quality and accessibility of health care services to all Americans while containing costs at a realistic and responsible level. These are goals shared by all Americans.

The first year the symposium was held, it drew not quite 400 to a small function room at the University of Chicago. Last year's session in Chicago attracted more than 1,100 business and civic leaders, union officials, public servants, and health care professionals. The 1980 symposium will feature Senators Dole, Laxalt and Durenberger; Congressman Rangel; Alfred Kahn, Chairman of the White House Council on Wage and Price Stability; Dr. Barry Commoner; Dr. Willard Gaylin, president of Hastings Center; author Norman Cousins; labor leader Robert Gibson; Dr. John Cooper, executive director of the American Association of Medical Colleges; Dr. Duncan Neuhauser, professor of community health at Case Western University; Monte Lazarus, former member of the CAB and now senior vice president of United Airlines; and S. Martin Hickman, the president of Chicago-based Blue Cross and Blue Shield plan.

Topics this year will include: "Regulation versus Competition in the Health Care Field;" "Can We Afford Health Care in the 1980's and Beyond?" and "Health Care in the 1980's and Beyond: Human and Social Considerations."

The Chicago-based Blue Cross and Blue Shield plan should be applauded for sponsoring these informative sessions.●

SOLID WASTE DISPOSAL ACT AMENDMENTS OF 1980

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. BEVILL. Mr. Speaker, I am happy to note that the Solid Waste Disposal Act Amendments of 1980 were signed into law by President Carter on October 21, 1980. This statute provides the strengthening of this country's solid waste management program which is required to deal effectively with this most important environmental problem.

I am also pleased that the Solid Waste Disposal Act Amendments of 1980 as enacted include the amendment which I offered on February 20, 1980. This amendment defers regulation, under the hazardous waste management provisions of the act, for certain solid wastes. The regulations are deferred pending completion of studies by the U.S. Environmental Protection Agency. These studies are designed to gather the information necessary to determine whether these wastes actually present hazards which need regulatory attention.

As I pointed out at the time my amendment was introduced, the amendment is in no way intended to limit EPA's appropriate attention to hazardous wastes disposal practices which have been shown to threaten our communities and environment. Quite to the contrary, my amendment clarifies the intent of Congress that EPA not digress from issues deserving immediate attention.

In accord with that intent, my amendment requires that detailed and comprehensive studies be conducted to develop the information necessary to determine whether the wastes listed in the amendment are deserving of such attention. To afford an adequate basis for regulatory decisions, it is most important that these studies consider all wastes affected by the amendment.

As I stressed on February 20, 1980, in connection with the utility wastes subject to my amendment,

> The list of waste materials in the amendment * * * (should) be read broadly, to incorporate the waste products generated in the real world. * * *

I wish to emphasize that this intention applies equally to all other wastes mentioned in the amendment. For example, all solid wastes which genuinely and legitimately result from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock, and overburden from the mining of uranium ore and cement kiln dust waste are subject to my amendment. The inclusion of all such wastes within the scope of this amendment assures that the health and environmental effects of all wastes generated by the listed operations are fully studied in the detailed and comprehensive manner required. Detailed and comprehensive studies will, in turn, assure that the regulatory decisions made by EPA on the basis of these studies are valid and in the public interest.●

AMERICA'S VETERANS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. FUQUA. Mr. Speaker, Carl Brinkley is a constituent of mine and is an uncle of Georgia's Third District Congressman, Jack Brinkley, I wanted to share with our friends the excellence of Carl Brinkley's thoughts, as reflected in this poem he wrote in honor of America's veterans. Carl is a graduate of the University of Georgia's School of Journalism and presently resides in Tallahassee, Fla.

In Gratitude To Members and Veterans Of America's Armed Forces

(By Carl Brinkley)

He was no towering intellectual,
gifted with perfect confidence
in his infallibility in matters
of global politics—of worldwide
national goals and strategies.

He was not some aloof elitist,
a self-anointed Judge Supreme
with special insights and superior
knowledge of right and wrong—
above duly constituted authority,
apart from homeland's democratic
brotherhood.

He was an American, part of
a noble heritage, beneficiary of
the toils and struggles of
others, others imperfect like himself, part of
the Establishment, and proudly so—
imperfect as it was and is and will be,
the Establishment, forged by millions
of diverse individuals,
tempered by their sweat and blood,
shaped and reshaped, polished by
loving hands for a common cause.

Oh, he was no robot, a tool
for despots! He would think,
consider, exercise the personal
freedom God gave him to help improve
his Republic, but first to save it!
He would not deny responsibility,
assign guilt, resist, mock, subvert,
attack, renounce his native land,
flee to foreign shores!

So when his country called, he went—
Not asking where nor why,
It wasn't his decision,
To choose where he would die.

In Flanders Field or Vietnam,
It matters not, you see—
He gave his all for country,
Its past, posterity!

Let's honor him and others,

Who gave their very best,
And pray that when we're needed,
We, too, will meet the test.●

RACIAL PREJUDICE IS NOT A THING OF THE PAST

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. STARK. Mr. Speaker, recent reports in the press suggest that prominent advisers to the incoming administration are recommending that the Federal Government substantially curtail it's efforts to promote civil rights under the law.

In today's Wall Street Journal there is an article on racism in the United States. It begins with the story of Sgt. Eddie Jones. Last December, Sergeant Jones was transferred to Mississippi to command a U.S. Army recruiting office. He tried to buy a home in a white section of town. He was rebuffed—because he was black.

How can we even consider cutting back our efforts to combat illegal racial discrimination when Sergeant Jones is denied the opportunity to live where he wants to on account of his race?

IN MUCH OF THE SOUTH, SEPARATION OF THE RACES STILL IS KEY FACT OF LIFE—DESPITE NEW LAWS, OLD WAYS LINGER ON, PARTICULARLY OUTSIDE A FEW BIG CITIES

A TALE OF TWO SMALL TOWNS

(by Neil Maxwell)

LAUREL, MISS.—When Sgt. Eddie Jones was transferred here last December to command the U.S. Army recruiting station, he was glad to be coming home.

Sgt. Jones and his wife, Merry, who are black, were born and raised in the green hills near this southeastern Mississippi city, but hadn't lived here since he joined the Army 14 years ago. They had heard that there had been changes in the South during those years and assumed that the changes were for the better.

They were wrong.

Sgt. Jones says that when he tried to buy a home in a white section of Laurel, he was rebuffed. "First, they said, 'Sarge, we don't have a house out there,' and when I said it had their sign out front, they said it had been sold," he says. "How could that have been? I'd looked at it five minutes before."

His suspicions of racism were reinforced when Merry, who has a college degree in mathematics, wasn't able to find a full-time job. Suspicion changed to certainty when his 10-year-old daughter came home from school and asked him why white children called her "nigger."

"It didn't dawn on me that I'd find things the way they are," says the crisply uniformed, 36-year-old veteran of Vietnam. "I'd been in Germany and places in the States where you never thought who your neighbor was. That's the way I thought things would be back here."

What Sgt. Jones discovered just recently, other blacks hereabouts have known all along. Despite the legal gains of the civil-rights movement, which had its beginnings in the South, the lives of many, if not most, Southern blacks haven't improved very much.

DOMINANT FACT OF LIFE

A trip across the Black Belt—the 1,000-mile swath from Texas to the Carolinas named for the color of its cotton-growing soil and not the people who once picked cotton—shows that racial separation remains the dominant fact of Southern life. Blacks still are firmly held at the bottom of the social and economic pyramids.

Some things have changed, of course. In Atlanta and a few other big Southern cities, well-dressed blacks now mingle with whites at expense-account restaurants and otherwise live middle-class lives. Blacks work alongside whites in stores, offices and factories across the South, attend the same universities and play on the same football teams. Separate washrooms and lunch counters are gone. Seats in the front of buses are available to all.

But in much of the South, these surface manifestations of equality are misleading. Change is coming slowly, and whites are surrendering their prerogatives grudgingly.

Even in areas where antibias laws, such as on school integration and public hiring, long have been in force, "the law often is simply not being followed until we get a court order. We have to file suit after suit," says Frank Parker, chief counsel for the Lawyers' Committee for Civil Rights Under Law, a nonprofit advocacy group in Jackson, Miss.

DEEP RURAL POVERTY

And while the growth of Southern blacks' incomes has kept pace with that of other blacks in the rest of the U.S., the rural South still is blighted by the sort of poverty that many Americans think has disappeared. In such places, home is a board shack, a garden is a necessity rather than a hobby, and prosperity means having a hog to slaughter in the fall to provide meat for the winter.

Finally, talks with blacks and whites throughout the region show a wide division of opinion about black progress. The optimism about the future so many Southern blacks expressed a few years ago has been replaced by a bitter conviction that whites will never give ground unless forced to do so. For their part, whites often express surprise that blacks are anything but satisfied and wonder what is left for blacks to want.

A look at black-white relations in two Southern towns—Laurel, Miss., and much-smaller Hurtsboro, Ala.—illustrates these trends.

LAUREL

When the U.S. Civil Rights Commission decided several months ago to produce a film documenting what it considers to be the communications gap separating white and black Southerners, it picked this southeastern Mississippi community of 35,000 people, about 35% of whom are black. The commission titled the movie "Laurel & Laurel: A City Divided"—a reference not only to the railroad tracks dividing the town into white and black sections but to the differences in attitudes and outlook that separate the races here.

Like most other Southern towns its size, Laurel can cite evidence of significant change from the "Jim Crow" days of the first half of this century.

Blacks and whites shop together, black clerks work in the stores, and members of both races eat in the fast-food restaurants. Masonite Corp., the city's largest employer, not only hires many blacks but also employs some in supervisory posts.

Yet perhaps nothing better sums up black-white attitudinal gulfs than some supposed moves toward racial equality here. For instance, Laurel whites note that 14 of the 57 members of the local police force are black as evidence that the racial climate has improved. Susie Ruffin, head of the local branch of the National Association for the Advancement of Colored People, strongly disagrees.

She calls blacks on the Laurel police force nothing but "pattyrollers," a term that black slaves used for the "patrollers" once hired by plantation owners to keep the slaves in line. She adds: "I tell them I wouldn't have their jobs. It's no help having black police without a black judge and jury."

In other areas of Laurel life, racial separation is an observable fact, not a matter of opinion. Except for one neighborhood that people here say is changing to black from white, residential segregation is complete. There are one large all-black public-housing project and several all-white apartment complexes that accept federal subsidy payments for low-income tenants.

The head of the local housing authority has a straightforward explanation why the public housing project is all black. "You'll never get whites to move into it," says Freddie R. Beech, who is white. The manager of an all-white apartment complex is less direct. She says that blacks have applied for openings in the buildings but that somehow all seem to find other housing before a unit becomes available.

Politically, Laurel's city government is run solely by whites, a result of an at-large city council election system that keeps blacks from winning municipal office despite their large percentage of the population.

MAYOR'S POSITION

Mayor W. L. Patrick says he favors keeping the at-large system "because it might not be in the best interests of the city to elect a person from a certain section, because he'll favor that section." He adds that he knows of no local discontent over the setup. "Not one person has ever come to city hall and made inquiry about it," he contends.

Nonetheless, the U.S. Justice Department has received complaints, and it is trying to decide whether to challenge the election system in court. Similar moves are afoot in other Southern cities where blacks feel excluded from office, but they received a setback recently when the U.S. Supreme Court ruled in a Mobile, Ala., case that plaintiffs must show not only that the system discriminates but that it was designed to do so.

Laurel's public schools became fully integrated in 1978, when the city began busing elementary-school children to achieve racial balance, but the situation there can be described as an uneasy truce.

Whites complain that the schools' standards of discipline and academic quality have slipped since blacks enrolled, and some whites are planning to open a private high school here next year.

LITTLE SOCIAL CONTACT

Social mingling between young blacks and whites is rare, and it is discouraged. One black here tells of an outraged parent halting a car to separate two black high school boys who were riding with two white girls. The parent was the mother of one of the black boys.

There is very little interracial social contact among Laurel adults, either. The Jehovah's Witnesses church here is about the only one integrated. No blacks belong to white civic clubs. A white dining at Lottie's, a black home-cooking restaurant, feels out of place. When a white eats with a black at a higher-priced white-owned restaurant, their presence is clearly noted by the other patrons.

Mayor Patrick says that while "some bias remains in the minds" of some of Laurel's black and whites, he knows of "no discrimination because of the color of the skin." He continues: "I can look back and easily find where a lot (of discrimination) existed unfairly and detrimentally, but I can see tremendous changes now, not only in acts but in thought processes."

Again, Mrs. Ruffin of the NAACP disagrees. "Things will never change here," she says. "The whites said in the beginning they weren't going to do any more than we made them do. If they comply with one (court) order, they get back into doing something else."

HURTSBORO

While black progress has been slow in Laurel, it has been almost nonexistent in Hurtsboro, a hamlet 60 miles east of Montgomery.

Hurtsboro, whose population is about 50 percent whites and 50 percent blacks, was a thriving cotton town years ago. Now, the area has some lumbering, a few farms, some stores, and that's about all. The local population is declining as children grow up and move away; the 1980 census estimate is 756 persons, down from 937 in 1970.

Most whites here own farms or businesses and live in comfortable frame houses on paved, lighted streets. Most blacks do agricultural work for low pay and live in barewood buildings on unpaved, unlighted roads.

THE LUXURY OF PLUMBING

Indoor plumbing is a luxury in the black section, and some blacks aren't sure that they want it because it would increase their rents. "Sure we got an outhouse, lots of people here do," says Mrs. Willie Thomas as she rinses laundry on her front porch in the same tub that her family uses for bathing. She complains only that her outhouse is too far from her backdoor.

Despite the fact that blacks represent about half the population, only one black serves on the five-member city council. She is Mary K. Stovall, owner of a funeral home that is one of the few black-owned local businesses. Whites control the town politically because more of them vote than blacks and because the city government has refused to annex a nearby black section that would tip the racial balance.

Although segregated schools were outlawed by the U.S. Supreme Court 26 years ago, no white child attends school with a black in Hurtsboro. When a local court ordered school integration here, white parents opened a private elementary school and began busing their older children to a private high school in Tuskegee, 21 miles away.

LINGERING TABOO

The most celebrated instance of integration here came several years ago, when the U.S. Justice Department obtained an agreement ending separate entrances and dining rooms for blacks and whites at the City Grill on the town's main street. But today few blacks patronize the place; they go elsewhere to eat.

Worship in church, burial in a cemetery and membership in the local (all-white) volunteer fire department are based strictly on race.

"I think it's similar to the way it's always been," says Mayor John C. Williams, a cattle auctioneer. "It's still a segregated society. If a white wants to have dinner with a black family, let him do it; nobody's going to stop him. But it just isn't done."

Says Mrs. Stovall: "Hurtsboro is in a little world all by itself. It doesn't know much about what's happening outside."●

FREE VIKTOR BRAILOVSKY NOW

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. LENT. Mr. Speaker, it is with the gravest concern that I bring to the attention of my colleagues a most ominous new development in the Soviet Union. In its relentless persecution of those who lead the cause of human rights in the U.S.S.R., the Kremlin has jailed Viktor Brailovsky, one of Russia's most respected scientists and noted activist for the Soviet Jews seeking freedom in other lands.

A cybernetist, Viktor Brailovsky was thrown into prison on charges of anti-Soviet slander and propaganda, according to word from his wife, Irina. The Brailovsky's believe the charges stem from Dr. Brailovsky's editorship of a self-published journal, Jews in the U.S.S.R., which the Kremlin has long sought to suppress. The last issue appeared in June of 1979. The publication contained articles on historic research into Jewish life in Russia, Jewish poetry and prose, and excerpts from books published in the West on Jewish topics which are forbidden to circulate in the Soviet Union.

Dr. Brailovsky also has taken a leading role in assisting Jewish scientists in the Soviet Union, who, like him, have been barred from their scientific work for seeking to emigrate to Israel. He has been active in organizing seminars—held in his apartment—for these scientists. The seminars feature foreign scientists lecturing on new developments in the scientific areas of their expertise.

Mr. Speaker, the fact that Dr. Brailovsky was seized and jailed just at the opening of the Madrid Conference to review the implementation of the human rights provisions of the Helsinki accords is an outrageous defiance of those accords. It is even more outrageous when we consider that it was Leonid Brezhnev himself who signed those accords 5 years ago. What effrontery.

We must not permit this outrage to be perpetrated without protest.

Mr. Speaker, I am sending an urgent telegram to the U.S. Department of State demanding that the United States bring Viktor Brailovsky's case before the Madrid Conference immediately. I am also directing a personal demand to Chairman Brezhnev in Moscow that he free Viktor Brailovsky at once. At this time I ask my colleagues to join with me in these personal efforts on Brailovsky's behalf.

Further, Mr. Speaker, it is my understanding that an International Committee for the Release of Viktor Brailovsky is now being formed under the leadership of Mrs. Lynn Singer, president of the Long Island Committee for Soviet Jewry, and vice president of the Union of Councils for Soviet Jewry.

I urge my colleagues to work with this committee in every way possible to achieve freedom for Viktor Brailovsky.

We must commit ourselves to every possible assistance for Viktor Brailovsky and the thousands of other Soviet Jews who are denied freedom.

Please join in this effort on behalf of Viktor Brailovsky.●

REMARKS OF LAWRENCE FUCHS, EXECUTIVE DIRECTOR OF THE SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. SEIBERLING. Mr. Speaker, as president of the Peace Through Law Education Fund, I take great pleasure in inserting into the RECORD the remarks of Mr. Lawrence H. Fuchs, Executive Director of the Select Commission on Immigration and Refugee Policy, at the September meeting of the food and population breakfast series sponsored by the fund.

On leave from Brandeis University, where he is chairman of the Department of American Studies, Mr. Fuchs brings a distinguished career in academic life and public service to his present job with the Commission. In the early 1960's he served as Director of the Peace Corps in the Philippines. He is the author of numerous articles and books on ethnic politics and the role of the family in American life.

I commend his remarks to the attention of my colleagues:

I welcome this opportunity to speak to you this morning about the work of the Select Commission on Immigration and Refugee Policy.

In 1978 the Congress established the Select Commission in response to growing public concern over national immigration policies. The Commission is now in the process of studying and evaluating existing immigration laws, policies and procedures. By March, 1981, it will submit its final report containing recommendations on streamlining and upgrading the laws and administrative procedures governing the admission of immigrants and refugees.

In 1907 President Theodore Roosevelt established the first joint commission on immigration. After spending $3 million—the equivalent of $24 million in today's prices—the commission presented its findings on the causes, sources and effects of European immigration in 41 volumes. We will do our job for a little more than two million. So, we have some progress to report. We are also doing it with an open mind, which was not true of the 1907-10 Commission.

The task facing our Commission today is no easier than that faced by our predecessor some 70 years ago: we must arrive at a reasonable consensus on many difficult issues including undocumented aliens, amnesty, employer sanctions and labor certification.

In Congress disturbing questions have been raised about the effectiveness of present immigration laws. Many view the Immigration and Nationality Act of 1952 as outdated, unenforceable and inflexible. Its many critics point out that it does not take into account the migratory pressures from different countries as well as the important relationship between immigration levels and the needs of present-day American society.

Members of the Select Commission include four cabinet officers, four members appointed by the President, including the Chairman, Rev. Theodore M. Hesburgh, President of the University of Notre Dame and eight Members of Congress. The four Senate Judiciary Committee members include Edward M. Kennedy (D-MA), Dennis DeConcini (D-AZ), Charles McC. Mathias, Jr. (R-MD) and Alan K. Simpson (R-WY). The four House Judiciary Committee members include Peter W. Rodino, Jr. (D-NJ), Elizabeth Holtzman (D-NY), Robert McClory (R-IL) and Hamilton Fish, Jr. (R-NY).

In addition to five public meetings of the Commissioners, we have held 12 open hearings throughout the country so that private individuals, interest groups and experts can present their views and recommendations on immigration issues and 25 public consultations with experts and representatives of various groups in specific issues. During the course of these hearings with numerous witnesses, we have discussed the economic and social problems facing newly-arrived Indochinese as well as Cubans and Haitians.

The recent arrival of thousands of Haitian and Cuban refugees, especially at a time when this country is undergoing serious economic problems, has led many observers to speculate about how many immigrants we can absorb each year. While recommending that the back door be closed, the Commission is likely to recommend that we set an annual immigration ceiling, at a number not yet determined, and that we take much more effective measures to reduce the flow of large numbers of illegal immigrants.

To the greatest extent possible we should try to involve the world community in the process of resettling refugees. The Commission is considering the establishment of a Western Hemisphere Immigration Commission so that all countries of the region can work together in creating a regional immigration and refugee policy. The Commission is determined to restore U.S. immigration policy to U.S. control and we will need international cooperation as well as our own determination in order to do that.

The Commission is likely to reaffirm America's historic liberal immigration policy in the American national interest. Research shows immigrants (including refugees) contribute to economic growth, national security, cultural development and the strength of the U.S. in international affairs. The question of a large scale temporary worker program, frequently debated in Congress, is one under intense discussion.●

LANDSLIDE CANNOT OBSCURE GOVERNMENT'S VALUE TO THE POOR

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. WEISS. Mr. Speaker, the Republican victory in Senate races across the Nation and in the Presidential contest earlier this month has prompted talk of revision and cutbacks in Government programs. Such predictions may make us forget the real value those programs have for the poor, sick, elderly, and underprivileged.

Jimmy Breslin's column of November 9 in the New York Daily News is an eloquent reminder of the inestimable worth that Government services have for many Americans. As he points out, the Republican landslide did not erase unemployment. I commend Mr. Breslin's article to my colleagues.

The article follows:

Maybe Landslide Buried Truths About Poor, Too

As nobody told Michael Bryant of the true dimensions of the landslide, he failed to realize that his role was to dissolve into the new bright atmosphere of the nation. Instead yesterday morning, it was the same old Michael Bryant, solidly unemployed, who stood at the door to the blood bank on the corner of Duffield and Willoughby in Brooklyn. He pulled at the door. It did not open. He cursed at the door. A voice behind the door called out that the place was closed.

"My weekend is messed up," Michael said. he comes to the blood bank twice a week; the first visit pays $8 a pint and the second $10. As yesterday was the $10 day, Michael Bryant writhed on the sidewalk with the worst of afflictions, being stone broke.

"That's it for me," he said. "They never closed this early before."

"How long have you been coming here?" he was asked.

"Since I got laid off in May."

Michael said he had been working in a container factory in Manhattan and doing good by his standards, with his pay up to $3.50 an hour, when he lost the job. Since then, he said, he has been out looking but, at age 24, can't find anything.

"Are you sure you look?" he was asked.

"Been down to all the unemployment offices. I been to 250 Schermerhorn, then 500 DeKalb, then 850 Nostrand. Nothing, man." In his world, government is a street address.

"What's the closest you came to getting a job?" he was asked.

"At the Department of Parks last summer. I thought I had a job, but then the man said I wasn't out of work long enough to qualify. I guess I have to be out of work all year before I can try again. Then the man probably tell me he won't give me the job because now I'm out of work too long."

"Do most of your friends have jobs?" he was asked.

"All dudes I know got nothing."

"Good luck, anyway."

"Got no luck. When I start the weekend not being able to sell my own blood, ain't nothing good going to happen to me the rest of the way."

Bryant headed back to his home on the streets of poor Brooklyn, which, like him, failed to disappear in the landslide.

And soon, when the light brigade of the pure starts its grandest charge ever across the landscape, it will find that Brooklyn, which can be spelled Detroit, Cleveland, or East Los Angeles, is a place where the lance shatters.

At a luncheonette a few blocks away from the blood bank in Brooklyn yesterday, the Rev. Joseph Sullivan was talking about the television appearances of new Republican strongmen following the landslide. Sullivan is about the best we have in our city. He is the head of Catholic Charities in Brooklyn and at 50 has been named a bishop of his church, a title he relishes because he feels it provides more clout when he goes into white parishes to speak of the poor.

"I was watching Sen. Dole and people with him," Sullivan was saying, "and I hear the same worn ideas. Give tax cuts as incentives to industry to create jobs. Fine. But what record does private industry have in getting jobs for the unemployed in poor neighborhoods?

"Waste in welfare. They don't know what they are saying. Because of the computer methods in this state, I think we now have the cleanest welfare rolls we've ever had. There are 1.3 million on welfare in the state. Of this, 750,000 are children. Put the mothers in and you have 900,000. I believe the error rate is so low that most of it now is because of a clerk making an error, not somebody committing a fraud. You ought to face up to it: If you cut welfare around here, you cut people, not fraud."

It must be said that Sullivan holds a belief most archaic—that if the dream is followed, it must carry you into failure and suffering. This places him with the rejected, while the banners of the new morality proclaim to a nation that a moral life produces financial success and great respectability.

In 1948, Sullivan pitched baseball at Americus, Ga., where blacks were allowed to watch games only from an area that had no seats. When the blacks heard that Sullivan was from Brooklyn, where the great Jackie Robinson had just become the first black in baseball, he became their favorite. Some years later, Robinson's son died of an overdose. Jackie blamed himself for not being around while the boy grew up. Sullivan, by now a priest in Brooklyn, wrote Robinson a letter and said that perhaps this was so, but Robinson should remember that at the same time he had been the only hope for millions.

And now, in Brooklyn yesterday, Sullivan was talking about the language of simplicity which charms the nation.

"Cut government's role. Well, I guess it was about in 1967, and we had this institution on Willoughby Ave. that took care of girls from the age of 2 to 18. At Christmas, the girls put on this show, a pageant and some singing and things, and the only purpose of it was to entertain the board of directors. All these old rich people came and these sad kids got up and danced for them. I wanted to die. We tore the place down and sold it for housing. We got 118 girls out of the place and put them in a Head Start program, a day care center, group foster homes and a family day care program. Four things with government money.

"Then we did the same with retarded kids. We kept them in their own homes. We have a social worker, a special education teacher, a nurse and a psychologist. Again, four things. You can't do it with one or two or three of them. You need all four. Again, government money. You can't do things like this with less government. Anybody who says it is a person who simply hasn't been shown the problem."

He finished his coffee and walked back to his desk in a world where the hand reaching for help is a permanent sight.●

NOBEL PRIZE RESEARCH FROM BROOKHAVEN LABORATORY

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. CARNEY. Mr. Speaker, never has the number of Nobel Prizes won in 1 year by one country been greater than this year by the United States. While we laud those U.S. scholars for this achievement, the Congress must be attentive to assure that they continue to be provided with the facilities, support, and unfettered conditions needed for such success.

As a case in point, I bring to the attention of my colleagues the Nobel Prize awards this year for physics. This award-winning research was done in 1963 at the large accelerator at Brookhaven National Laboratory on Long Island in New York by Dr. Val L. Fitch of Princeton University and Dr. James W. Cronin, now at the University of Chicago. Of course their success is primarily due to their skill and diligence, but the work was not possible without such a large accelerator as at Brookhaven. This circular giant is a half-mile in circumference and cost $31 million when built 20 years ago. Equipment of such complexity requires continuity in its management and a devoted operating staff. Some Nobel Prize research has been primarily from deep thoughts and inspiration, but the 1980 prize-winning research required this massive equipment.

The research by Drs. Fitch and Cronin utilized artificially created subatomic particles that exist for only a fleeting billionth of a second and can be generated only by means of collisions of protons from such large accelerators. The particular particles were neutral K mesons. They found that 1 in about 500 of these particles ended their brief existence by transforming into 3 other daughter particles rather than the usual 2 daughter particles. Insignificant though this errant behavior may seem, in the arcane world of particle physicists this anomaly violated previously sacred precepts. As a result, whole new outlooks were thereafter needed in the understanding of how the building blocks of the atomic nucleus are constituted. So significant is the result that the exalted Nobel Prize is being awarded for this work.

As so often happens in science, one result combines with another to provide even further insights in understanding nature. In the present case, the results of Drs. Fitch and Cronin have now been coupled with different recent findings about the underlying similarities between different types of forces between nuclear particles. The coupling of these findings is now explaining why our universe is predominantly constituted of particles as we know them, rather than the antiparticles that are thought to have been equally abundantly generated at the beginning of the universe in the "big bang" outlook. The explanation is that the antiparticles decayed away in the early beginning. These findings about nuclear forces won the 1979 Nobel Prize in physics for Drs. Glashow and Weinberg of the United States and also for Dr. Salam of Pakistan.

ROLE OF BROOKHAVEN NATIONAL LABORATORY

Brookhaven National Laboratory has a proud history of Nobel Prize winning research. In 1957 Drs. T. D. Lee and C. M. Yang were awarded the Nobel Prize in physics for theoretical work done at Brookhaven on parity violation, which is a previously unexpected tendency for particles to emit daughter particles preferentially in a right- or left-hand direction when ending their existence. In addition, in 1976 Dr. S. C. C. Ting was awarded the Nobel Prize in physics for discovering a previously unanticipated particle, now called either J or psi, by using the large accelerator at Brookhaven. Dr. Ting shared the prize with Dr. Burton Richter for his similar discovery at the accelerator at Stanford University.

Not only must the wherewithal for using these large accelerators be provided to enable advances in science, but more powerful and more ingeneous accelerators and associated equipment must come along to learn even more about the nature of our physical world. In keeping with the traditions of Brookhaven National Laboratory, this is now being done. A $275 million accelerator called Isabelle is under construction. Isabelle uses the new principles of interlacing nearly circular paths of accelerated particles. This allows two speeding particles to collide head on, thereby providing maximizing impact energy. This new accelerator also utilizes supercold cryogenic magnets to provide even greater performance and to save greatly on the electric power needed to operate this giant accelerator. Isabelle will truly be a world-leading facility when it is brought into operation in 1986.

CONGRESSIONAL OVERSIGHT

The nurturing of award-winning science requires the attention and cooperation of the Congress. As part of this responsibility and also to laud the 1980 Nobel Prize winners, the Science and Technology Committee is conducting a hearing on "Outlooks From Nobel Prize Winners" at 1:30 p.m. in room 2318 of the Rayburn House Office Building on this Wednesday, November 19. I believe this hearing will be of interest to my colleagues and their staffs.●

JOHN H. SCHMID, 4-H YOUTH ADVISER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the fact that my constituent, John H. Schmid, a valuable contributor to the University of California cooperative extension in Ventura County through his 4-H Club activities, is retiring. We are truly grateful to him for his outstanding leadership in helping youth to help themselves.

Mr. Schmid began his extension career at Oregon State University, where he was instrumental in doubling the enrollment in 4-H while earning his masters degree in education. He started work in the University of California extension in 1963 as a 4-H youth adviser. Since then enrollment in 4-H in the county has grown to 10 times its original size, from 650 members to 6,800.

Some of the events that helped contribute to this growth, and for which Mr. Schmid is primarily responsible, are: the La Colonia youth project, which enabled over 600 disadvantaged minority youths to participate in 4-H related activities, the organization of a junior county fair board, and the enrollment in 4-H of five migrant education groups. From 1964-66 the council bylaws were revised, and the local club leader handbook was developed. Special programs were developed under Mr. Schmid's direction to stimulate the taking of responsibility for leadership by members. Mr. Schmid organized the county 4-H sponsoring committee in 1968. He was also instrumental in the development of 4-H activities for the disadvantaged.

John Schmid has been of outstanding value to the 4-H Club, the cooperative extension, and the community, and we salute him upon his retirement.●

A NATIONAL EFFORT TO COMBAT DRUNK DRIVING—PART I

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. BARNES. Mr. Speaker, on October 1 Congressman Matsui of California and I held a news conference with Senator Claiborne Pell of Rhode Island to call for prompt action in the next Congress on legislation to combat a major national crisis—how to get the drunk driver off the road.

Senator Pell has championed Federal action against the drunk driver for several years, and introduced legislation on the Senate side, S. 2816, which was the subject of Senate hearings earlier this year. On July 24, 1980, I introduced H.R. 7812, identical to Senator Pell's bill, with the cosponsorship of Congressmen McClory and Matsui.

Also participating in the news conference were Joan Claybrook, the Administrator of the National Highway Traffic Safety Administration, who voiced her strong support for a new legislative effort to combat drunk driving; Candy Lightner of California, who formed a national organization called MADD—mothers against drunk driving—after her daughter was killed; and Cindi Lamb of Maryland, whose baby daughter was paralyzed from the shoulders down by a repeat offender.

I submit for the RECORD a copy of H.R. 7812, and the statements at the news conference of myself, Senator PELL, and Congressman MATSUI:

H.R. 7812

A bill to amend section 402 of title 23, United States Code, relating to highway safety programs, to require the establishment of a comprehensive alcohol-traffic safety program in each State aimed at discouraging driving while under the influence of alcohol.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b)(1) of section 402 of title 23 of the United States Code is amended as follows:

"(H) establish a comprehensive alcohol-traffic safety program in each major political subdivision that: (1) is coordinated and administered by local government officials, is financially self-supporting to the extent possible, and includes a record system identifying repeat offenders; (2) mandates for all persons convicted of driving while under the influence of alcohol: (a) a jail sentence of at least ten days, or a comparable term of community service as an alternative to imprisonment, and, (b) participation in a safety or alcohol treatment program, and (c) monitoring to ensure compliance with court sanctions; (3) for a person convicted for the first time of driving while under the influence of alcohol, mandates a suspension of the driving privilege for up to one year with provision for a restricted license; (4) for a person convicted of driving while under the influence of alcohol for two or more times within a three-year period, mandates revocation of the driving privilege for not less than one year; and (5) for the purposes of this subparagraph, driving while under the influence of alcohol shall be defined as a blood-alcohol concentration of, at a maximum, one-tenth of 1 per centum.".

SEC. 2. The amendment made by this Act shall become effective with respect to State highway safety programs on such date as is prescribed by the Secretary of Transportation.

STATEMENT OF REPRESENTATIVE MICHAEL D. BARNES

Good afternoon. Thank you for coming. I have called this news conference today to bring to the public's attention the problem of drunk driving which I am convinced is a neglected national disgrace. In the past ten years, 250,000 American citizens have lost their lives in alcohol-related crashes, which is the number one highway traffic safety problem in this country today. Let me repeat that staggering figure. One quarter of a million human lives have been lost on our highways in drunk driving incidents over the past decade. And more than one million people each year are seriously injured. In fact, each day nearly 70 persons are killed on our highways in drunk driving incidents. Across our country, the suffering and the anguish caused by drunk drivers, the destruction of human life, whether it be those innocent people who have died or have been crippled or maimed for life, is a hidden horror story that has not received the priority that it so obviously calls for.

I have recently learned from victims just how devastating a problem this really is. The annual economic cost of drunk driving is an estimated five billion dollars. And as staggering as those statistics are, the drunk driving holocaust on our highways continues to claim 25,000 new victims each year.

And, there is no let up in sight to this horrendous problem despite repeated attempts from federal, state and some local governmental bodies to curtail it. Many of those people who are killed or maimed are innocent victims. This situation can no longer be tolerated in our society. The truth of the matter is drunk drivers threaten or affect every American citizen every day.

And if you do not believe my last statement take a look at 16 month old Laura Lamb. Laura Lamb is living proof that this problem exists. When she was five months old a repeat-offender drunk driver slammed head on into the vehicle she and her mother were riding in. Now Laura Lamb is a quadriplegic for life. Laura is just one of millions of people over the past decade who have been crippled or impaired by drunk drivers.

Not all victims of drunk drivers are fortunate enough to survive. Candy Lightner is sitting to my right. Her daughter is dead. Candy's daughter, 13 year old Cari, was killed last May while walking along a bicycle path. She was struck from behind by a hit-and-run repeat-offender drunk driver. The death of Cari Lightner is representative of those 250,000 Americans killed on our highways over the past decade. There are others in this room today who have also been victims of drunk drivers. What happened to Cari Lightner and Laura Lamb could have happened to my children or your children. It can still happen given the present situation in most of our communities across the nation, and all too often it does happen. It's happening everyday. Clearly, something must be done to protect our citizens from the very real risk of being killed or injured by a drunk driver.

In the community I represent, Montgomery County, Maryland for example, there are 45,000 problem drinkers, and alcohol-related crashes are one of the most pressing problems in my community. These risks can no longer be tolerated. I am convinced that citizens in my community and across the nation want action to abate the threat posed by drunk drivers. This is everybody's business. And it is up to responsible lawmakers to keep in step with the desires and needs of their constituents on this national crisis.

As a first step, as a new beginning, I have introduced legislation—House Bill 7812—with Congressmen Matsui and McClory. This is identical to a bill introduced by Senator Claiborne Pell after two of his staff aides were killed by drunk drivers in separate incidents within an 18 month period in Maryland.

Our bill is a bipartisan attempt aimed at discouraging driving while under the influence of alcohol. Our bill, as a condition of receiving federal highway traffic safety funds, requires states to impose a mandatory ten-day jail sentence and attendance at an alcohol treatment program for persons convicted of drunk driving. Our bill also calls for the suspension of the convicted driver's license for up to one year for the first offense with a provision for a restricted license. And our bill mandates revocation of the driver's license for not less than one year for anyone convicted of a repeat offense within a three year period. Our bill also requires effective record keeping and ensures that defendents actually comply with court sanctions.

While this bill is an important new beginning in an attempt to save American lives and reduce crippling injuries, I fully understand that this bill is not a total solution to the drunk driving problem. The federal government has been trying for years to resolve this problem. More than one hundred million dollars have been spent in this attempt. These attempts have been good, honest efforts, but the bottom line is that the problem still exists. No one in government is denying the existence and the seriousness of this problem today. That is why a fresh approach is needed. Our bill is a necessary part of this new beginning, a part of this war so to speak against drunk drivers.

I am urging my colleagues to join together to consider this legislation and to push for public hearings next year as soon as the 97th Congress convenes. Perhaps if this bill had been enacted years ago, and its provisions enforced by the states, we would not need to be here today. But these tragedies did occur. In my state of Maryland, Cindy Lamb has been fighting to reform Maryland drunk driving laws. And Candy Lightner has organized a group called M.A.D.D.—Mothers Against Drunk Drivers—to fight for the removal of drunk drivers from California highways and nationwide as well. It is unfortunate that it took a tragedy involving the killing of a child and the crippling of an infant to focus public attention on so obvious a problem. Both women have been aggressively attacking the problem in their states and communities. Four months ago they came to see me seeking my assistance in resolving the national aspect of the drunk driving crisis. I for one, along with my colleagues here, will not turn my back on them.

Finally, our efforts here at the federal level alone will not turn the tide against drunk driving. We are enlisting the help of everyone in this massive effort to get the drunk driver off our highways because this affects every one of us.

STATEMENT OF SENATOR CLAIBORNE PELL

I think we have seen from Congressman Barnes' statement that we are faced with a problem of incalculable human dimensions. We can recite the statistics of death and injury, and of property and insurance loss, but these alone do not tell the story of human lives destroyed or maimed by the drunk driver.

Like many people, I gave little thought to this problem, reassured by the fact that since I did not drink and drive, I had little to worry about. In fact, nothing could be further from the truth, as I learned when—in the space of just 18 months—two of my valued aides were killed due to the actions of drunk drivers in other cars. These tragic accidents were both well publicized, and—just as when any accident occurs involving drinking and the loss of young lives—there was a sense of outrage, and a feeling of "what can we do to stop this waste of human life?" But, except for the families and friends of those killed, the image of the accident scene fades quickly, along with the recognition that our laws must be changed.

After thinking about this problem a great deal over the past few years, I have concluded that we are not powerless to confront drunken driving. What is needed is a strong, uniform deterrent which will guarantee that drunken drivers in all states receive the same stringent sentences. What we have at the present time is a situation where there are so many different laws at the state level—some of them quite strong, but too many of them inadequate—that there is no predictability as to what, if anything, the courts will do with each convicted drunken driver. The chances of punishment are just too slight to serve as a real deterrent. What our legislation proposes is that we replace the present system of varying local laws with one federally mandated, minimum standard. Beyond that, the bill would require the states to be better able to identify repeat offenders, something which is a very weak link in our efforts against the drunk driver. This fact is brought home by the occasional story we read about someone who has repeatedly been arrested for drunk driving, who finally succeeds in killing someone on the highway because the courts failed to stop him, or even suspend his license, at his prior arrests.

I am encouraged by the interest which has been shown in this area recently. The Senate Commerce Committee held a hearing on my bill in July, and favorable testimony was received from the administration, the National Safety Council, and a number of organizations concerned with highway safety. Four members of the House have now endorsed my legislation, and I am hopeful that—with more hearings in the 97th Congress—we may finally see some long overdue action by the Congress on this problem. Certainly we have no time to lose: federal statistics show that, in some cities, as many as 10 percent of the drivers on the road are drunk on Friday and Saturday nights. In speaking about the drunk driver, we are truly talking about a time bomb on our highways that is just waiting to explode. We are all here today because we believe the time has come for the federal government to try to defuse that bomb, which has proven so costly for far too many of our fellow citizens.

STATEMENT OF CONGRESSMAN ROBERT T. MATSUI

I would like to thank my colleague, Mr. Michael Barnes for his leadership role in the Congress in fighting the problem of drunk driving. I also want to express my appreciation and admiration for Mrs. Candy Lightner of Fair Oaks, California, within my district. Mrs. Lightner has worked tirelessly to bring this serious problem to the public's attention.

Drunk driving is a crime without reason. In the past ten years, 250,000 people in this country were killed in drunk driving accidents, and millions more have been seriously injured. Drunk drivers are the biggest threat to our safety on the road. One half of all highway fatalities in the U.S. are related to alcohol consumption. Before the end of today, 68 people will die, victims of drunk drivers. Another 68 will die tomorrow.

Over one tenth of all traffic fatalities involving drunk driving occurs in my home state of California—more than any other state. This is a statistic I am not proud of.

Drunk driving is more than just a federal and state problem. Last year, the County of Sacramento, which I represent, reported 91 deaths and 2,689 injuries from alcohol-related traffic accidents. This represented nearly a 10 percent increase from the toll of 1978.

There is no death or injury so senseless as the result of a drunk at the wheel of a car.

Yet perhaps more tragic is that we tolerate this outrage. Prevention programs are woefully inadequate. Enforcement of drunk driving laws is meager. And the penalties for those who are caught and convicted of drunk driving are so light as to be meaningless. In California, there is no mandatory jail sentence for a drunk driving vehicular manslaughter charge. In the County of Sacramento last year there were 103 felony convictions for drunk driving, yet only three offenders went to prison.

Statistics, however, cannot tell the whole story. One victim, destined to be included in the Sacramento death count for 1980, was Cari Lightner. Cari was the 13 year-old daughter of Mrs. Lightner, who is with us today. Last May, Cari was killed as she was walking in a bicycle lane near her home. The man who hit Cari had a long history of drunk driving arrests, and was drunk at the time. Today he still has his driver's license.

However, unlike the millions of Americans who are touched by drunk driving tragedies, Mrs. Lightner fought back. She created MADD—Mothers Against Drunk Drivers. What began as a local Sacramento group has now expanded into a national citizens action campaign to change the way we deal with drunk drivers.

Those changes must be made on a federal, state, and local level. One solution on the federal level is the establishment of tough penalties for drunk driving convictions. Another is the requirement that states administer a comprehensive alcohol-traffic safety program to focus on preventing drunk driving abuses. These are mandated in H.R. 7812, a bill which I have cosponsored along with Mr. Barnes and Mr. Robert McClory.

I also call upon the President to appoint a blue ribbon commission to develop long-term solutions to reduce drunk driving. It is clear that our present efforts are not working. We need new, creative approaches, and national attention brought to the problem. A Presidential commission will serve this purpose.

We know enough about the tragedy of drunk driving. We have too many statistics. It is time now to develop effective programs and stop this carnage on our nation's highways.●

MAX CLELAND'S TWO TRUTHS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. MINETA. Mr. Speaker, last Tuesday my friend, Max Cleland, Administrator of the Veterans' Administration, gave his last Veteran's Day address at Arlington National Cemetery. In his remarks, Mac spoke of sacrifice, courage, dignity, and honor—words which apply to our veterans of national service. I would like to call my colleagues' attention to two truths that were outlined in this address, truths that will serve our country well if we remember them.

FAREWELL

(By Max Cleland, Administrator, Veterans Administration—Extemporaneous Veterans Day speech given at Arlington National Cemetery, on November 11, 1980)

Thank you very much, ladies and gentlemen.

Welcome to this year's Veterans Day Ceremonies.

This will be my last ceremony as head of the Veterans Administration, and as one who has the honor of representing the President, here at the wreath-laying ceremony, and here at the speaking thereafter, let me say that my heart is filled with gratitude for:

All of you who really make things go in the area of veterans affairs in this country;

All of you who are a part of the veterans' service organizations network;

All of you who are volunteers;

All of you in the military, who make such ceremonies like this really special; and especially,

All of those 200 or more thousand VA employees, without whom we in the Veterans Administration would not be able to do our job.

Let me just say that over the last four years, I have distilled two truths that I would like to leave with you.

First of all, wars do not end when the shooting stops. They live on in the lives of those who are veterans of those wars. They live on in the lives of those who are the survivors and the dependents of those who lost their lives in war.

But, most of all, they live on and on, in the memories of those who have served, who have given their best for this country.

That is why this Nation should never forget, because the veteran never forgets.

So, wars do not end when the shooting stops. And hopefully, this kind of ceremony will not end until the last veteran is gone.

Secondly, my Vietnam experience taught me that this country should never commit the troops before the Nation itself is committed. We must commit the Nation first, and then commit the troops.

No veteran I have ever talked to, whether he was a veteran of the Spanish-American War or World War I, or World War II, or Korea, or Vietnam, ever wanted to be considered more or less than a veteran.

He wanted and she wanted, that dignity and that honor and that respect, nothing more, nothing less. That's what the country ought to be about.

Wars do not end when the shooting stops; and the Nation should commit itself first, and then the troops. All we want to be is veterans, not victims.

We want to be veterans of national service, not victims of an international traffic accident. That is the meaning of a ceremony like we have today.

We are veterans—we are veterans of national service, not some freaks of an historic accident.

Most of us served in the military, not necessarily because it was the greatest thing to do at the time, but because we thought it was the thing we ought to do at the time. And that nobility of purpose deserves to be honored in a ceremony like today.

So, please, remember these two things, commit the Nation first and then the troops, and then, when the troops come home, they won't have to worry about whether or not they have the honor and respect due to them.

And remember that this Nation holds an obligation to those for whom the war is never over—because the veteran never forgets.

I came across a theme that seemed to articulate these two points. It was not written recently. It was written over 2,000 years ago by a Greek historian who wrote of the war of his generation and the veterans who perished and the veterans who came home.

These words: "The sacrifice which they collectively made was individually repaid to them—for they received again, each one for himself, a praise which grows not old, and the noblest of all sepulchres.

"I speak not of that in which their remains are laid but of that in which their glory survives, and is proclaimed always and on every fitting occasion both in word and deed.

"For the whole earth is the sepulchre of famous men. Not only are they commemorated by columns and inscriptions in their own country, but in foreign lands, there dwells also an unwritten memorial of them, graven not on stone, but in the hearts of men."

Thank you very much and God bless you.●

TOM LAUBACHER, VENTURA COUNTY, CALIF., RETIRES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. LAGOMARSINO. Mr. Speaker, I rise to call the attention of this body to the retirement of my good friend, Mr. Tom Laubacher, as supervisor for Ventura County, Calif.

Tom's retirement marks the end of another phase in a distinguished career of public and private service to the people of Ventura County and Oxnard, Calif., his hometown. The people of his district, in recognition of his expertise and dedication to the public welfare, elected him to the county board of supervisors three times, where he has served with distinction as chairman of the board, on the local agency formation commission, the tax assessment appeals board, the Ventura County Sanitation District, and many other agencies.

In his long career of public service, Tom also served on the Southern California Health Planning Committee, the coastal water research project, and the Ventura and Los Angeles County Mountain and Coastal Study Commission.

With all his responsibilities in public office, Tom did not neglect his service to the private sector. He is chairman of the board of St. John's Hospital, past Grand Knight and district deputy for the Knights of Columbus, past president of the Oxnard Kiwanis, and a past director of the Ventura County Taxpayers Association. Among his many philanthropic activities, Tom served as chairman of the Cancer Fund, Heart Fund, Community Chest, and Red Cross. He is a member of the Humanitarians, the County Historical Society, and the Elks, a director of the Boy Scouts, and an adviser in the senior volunteer program.

In his professional career, Tom has been a farmer, insurance agent, and real estate agent. He was honored by his colleagues as a director of the Oxnard Board of Realtors and is a past president of the Ventura County Association of Insurance Agents.

And I should not fail to mention his service in the Army Air Corps as a pilot instructor during World War II. During all this time, Tom has maintained his sense of purpose and dedication to the betterment of his community. Along with his lovely wife, Holly, he has been a pillar of the community and a good friend. I commend his record to the attention of my colleagues and extend to Tom and Holly our thanks and congratulations on a remarkable career.●

HIGHWAY SAFETY AND THE NATIONAL DRIVER REGISTER

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. OBERSTAR. Mr. Speaker, I would like to share an article with my colleagues which recently appeared in the Washington Post, profiling Ken Nathanson, the founder of Citizens for Safe Drivers.

Ken Nathanson has been a strong and persistent leader in the fight for improved highway safety. In the past, I have worked closely with Ken to strengthen the National Driver Register of the National Highway Traffic Safety Administration. The Register, an index of drivers whose driving privileges have been revoked or denied by a State, was established in 1961 to help identify drivers with repeated serious traffic violations.

The Department of Transportation has recently completed an extensive study of the operation of the Register. The report recommends significant improvements in the system to help facilitate the exchange of information on problem drivers between individual States. I will introduce legislation in the next session of Congress incorporating the basic recommendations of the DOT study.

I commend the Post article to my colleagues, and I urge their support for a strengthened National Driver Register.

[From the Washington Post, Oct. 30, 1980]

PROFILE—A FATHER'S CRUSADE FOR HIGHWAY SAFETY

(By Lorraine Pecarsky)

"We never thought it would happen to us," said Ken Nathanson of the car crash that killed his 14-year-old daughter almost five years ago.

"And many people who are reading this article will think in the back of their minds that it's never going to happen to them or their family."

Unfortunately, said Nathanson, they have a 50-50 chance of being wrong.

The National Safety Council estimates that one out of two Americans in his or her lifetime will be involved in a highway accident that results in a death or a disabling injury, said Nathanson. According to the Federal statistics, 50,000 persons are killed each year and millions more are injured—and many of the drivers involved have no legal licenses.

Those statistics became grim reality for the Nathansons, who live in Bethesda, while they were vacationing in New England the day after Christmas 1975. On that day Nathanson, his wife Frances, son Harlon, 12, and daughter Kamy, 14, were in the family car, which was parked on the shoulder of a Rhode Island highway. Their car was struck from the rear by a tractor-trailer.

Kamy was killed.

Nathanson and his wife were hospitalized with injuries and their son suffered minor injuries. The family tragedy started Nathanson on the path to becoming an expert and national spokesman on the problems of driver safety.

After Kamy's death, Nathanson recalls, he could not pass her room if the door was open. He would not let his wife remove any of his daughter's things from her room. But an unexpected discovery changed all that, and a great many other things in the lives of Ken and Fran Nathanson.

Nathanson learned the driver in the crash that killed his daughter had had his license suspended several times in his home state of New Jersey, and was driving illegally on an Arizona permit at the time of the accident. Amazed that the trucker—who Nathanson says is still on the road with no written record showing he caused Kamy's death—had slipped by the authorities, Nathanson dug further into the story.

He discovered loopholes and discrepancies in state laws that allow drivers to hop across state lines and obtain licenses despite terrible driving records.

He learned that, according to the U.S. Department of Transportation (DOT), 10 million persons were driving illegally in 1975 (that number is now up to 14 million) and that some 21 million persons now driving are chronic offenders.

Perhaps most frustrating, Nathanson learned there are methods for getting problem drivers off the roads—they just haven't been adopted.

In fact, a DOT official told Nathanson, if one federal program—the National Driver Register—had been working properly, Kamy probably would be alive today. The register, run by DOT, is a clearing house of information on drivers who have had their licenses suspended or revoked. The problem is, many states don't check with the register before issuing licenses, and those that do sometimes have to wait weeks while the information is sent through the mail. Meanwhile, some states will issue permits, unaware that they might be putting dangerous drivers back on the roads.

"We felt that something must be done. We couldn't bring back our daughter, but we certainly could prevent thousands of deaths and maimings," said Nathanson.

When he set out to join an organization working specifically on the problem, Nathanson found none existed. Despite government findings that more than 90 percent of highway crashes are due to driver error, he found most of the emphasis has been on improving vehicles and highways, rather than drivers.

"When I found out there was no public-interest group working on this (driver safety), I felt I had to begin, because in every issue someone has to begin," he said.

So he founded Citizens for Safe Drivers (formerly called Citizens for Better Driver Records), which now has some 2,500 members and affiliate groups in more than a dozen states. He traveled across the country, lecturing and using his public-relations background to generate media coverage. He talked to highway safety professionals, both state and federal, and he lobbied on Capitol Hill. He was appointed to the Washington D.C. Traffic Safety Board, the National Committee on Uniform Traffic Laws and Ordinances and the Traffic Records Committee of the National Safety Council.

And, at some point along the way, he opened the door to Kamy's room. Gradually, he even began working there; eventually he moved out some of her furniture to make room for the volumes of information he had gathered. It became, he remembers, a way of "working through" his grief.

Nathanson's relentless prodding and pressuring have not gone unnoticed. In 1977 he persuaded Rep. James Oberstar (D-Minn.) to introduce in the House a bill to strengthen the National Driver Register. The bill would have allowed records to be sped to the states instantaneously through an electronic system, rather than through the mails. The House passed the bill, but a House-Senate conference committee ordered DOT to study the status of the register. Results of that study, released last month, confirmed the need for modernizing the register and credited Nathanson with being the main force behind efforts to strengthen the system. Oberstar has said he will introduce similar legislation in the next session of Congress.

"Ken Nathanson is a crusader," said Oberstar. "His leadership in the fight for highway safety is an example of citizen initiative in the legislative process. Dedicated, passionate citizens can make a difference. Ken and Fran have proven that," he added.

Nathanson said his work on driver safety has only just begun. He is pushing for uniform driver laws, enforcement and terminology in all 50 states. He also would like to see blood-alcohol and/or breath tests made mandatory in all states for persons involved in serious accidents. Maryland, he pointed out, has the highest allowable blood-alcohol level in the country—something his group is working to change. He is also working to get drunken drivers, who cause 50 percent of all accidents, off the roads.

"If citizens had worked before, many people who died in the '70s would still be here," said Nathanson. "We feel only when the public gets actively involved will there be continuing, significant improvements. If the public wants to forget about it, they can be positive that the number of deaths and injuries will continue to increase.

For information on Citizens for Safe Drivers, call 469-6588 or 393-6664.●

NOBEL PRIZE WINNER AT STANFORD UNIVERSITY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. BROWN of California. Mr. Speaker, the names of the Nobel Prize winners for 1980 were recently announced in Stockholm, Sweden. Among those honored was Dr. Paul Berg, professor of biochemistry and Wilson Professor of Chemistry at Stanford University School of Medicine, Stanford, Calif. Dr. Berg is now the ninth Nobel Prize winner at this internationally known institute of learning. The prize in chemistry was awarded to Dr. Berg, for his fundamental studies of nucleic acids with particular regard to recombinant DNA. Presently, he is doing research on the mechanisms of gene expression on higher organisms, particularly the interplay of viral and cellular genes in regulating growth and division. Dr. Berg is the biochemist whose discoveries have led the way to the rearrangement of molecules within the DNA structure popularly referred to as genetic engineering.

Dr. Berg came to Stanford University School of Medicine in 1969 as an associate professor from the University of Washington. His work on the genetic apparatus that directs the synthesis of proteins earned him the Eli Lilly Award in biochemistry in 1959. He continued this work on bacterial cells until 1967, at which time he became interested in seeing whether these same processes took place in animals and humans. This resulted in a year spent at the Salk Institute and work with tumor viruses. In 1970, Berg conceived the idea of using tumor viruses to introduce new genes into animal cells. This ultimately proved to be possible and resulted in the capability to engineer a new genetic molecule. It was now possible to determine whether mammalian cells could use these bacterial genes. Because of the potential risks involved, the work was temporarily put aside. Eventually, safer methods were found to introduce molecules into bacterial cells. Scientists gathered from all over the world at a meeting convened by Dr. Berg. The result was a set of guidelines putting constraints on experiments that reduced the risks considerably. The major breakthrough actually occurred 5 to 6 years ago and involved the ability to isolate specific genes or segments of DNA. Dr. Berg's experiments have been chiefly concerned with using isolated genes and learning how to reintroduce them into animal cells in order to learn something about their function. It is his hope that this will lead to a better understanding of the molecular details of gene function. The importance of this work is understood since it is now believed that behavior, longevity, and disease susceptibility are all conditioned by genes. Practically, these advances pioneered by Dr. Berg and his associates will result in the introduction of genes into bacteria for the production of human insulin, human growth hormone, and human interferon. Dr. Berg has provided the scientific world with the knowledge of normal and defective genes, their structure, organization, and function. Ultimately, this information may lead to the successful treatment of many genetically based diseases.

Tomorrow, Dr. Berg and several other laureates will gather for a luncheon to precede a hearing entitled, "Outlooks from Nobel Prize Winners." The same evening, several Members of Congress and many distinguished members of the scientific community will meet for a festive reception in honor of the 1980 Nobel Prize winners at the Swedish Embassy.

I, as chairman of the Subcommittee on Science, Research, and Technology, am pleased and honored to be able to take this opportunity to join with the Committee on Science and Technology, chaired by my good friend Mr. FUQUA of Florida, in honoring this distinguished group of Nobel laureates in science.●

MEDICAL GIANTS IN THE UNITED STATES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. CLAY. Mr. Speaker, in these changing times, we are all very concerned, and sometimes confused and frightened, by the accelerating advancements in scientific innovation that are rapidly changing the course of human existence. The discoveries and accomplishments, that we have witnessed in the medical field in the 20th century, surpass comparison with those of any other time in recorded history.

As Members of the highest legislative body in the Nation, we must deal very carefully and thoroughly with the controversies manifest when medical discoveries lead to new treatments, new procedures, and new cures. Yet, beyond these moral and logistical debates, we all ascribe to the same belief in the sanctity of our human existence and we all share a commitment to the preservation of human life and the alleviation of human suffering.

The members of the medical profession have dedicated their lives, in a very special way, to alleviating the burden of human misery. All physicians contribute to the study of medicine and the art of healing, and for this, we owe a special gratitude. But, I want to take this opportunity to call to the attention of my colleagues, two American doctors who have earned international acclaim for their accomplishments in the field of gastrointestinal surgery.

Dr. S. Arthur Localio and Dr. Kenneth Eng recently visited Vienna at the special invitation of the Viennese Medical Society. They were also invited, by the Chinese Medical Societies of Tientsin and Peking to lecture and demonstrate their surgical techniques to doctors in the Chinese cities of Beijing, Tianjin, and Shenyang.

Dr. Localio and Dr. Eng are pioneers in the successful surgical treatment of cancer of the colon, a disease which is projected to claim the lives of approximately 53,000 Americans this year. It is an honor for me to report to the U.S. Congress on the tremendous contributions of these outstanding physicians who are representative of the kind of medical genius which is making our Nation a growing mecca for those dedicated to the science of medicine and the art of healing. In closing, I would like to share the following article, "Superdoctors: The Top"—which appeared in a recent edition of New York magazine.

[From the New York magazine, July 21, 1980]

SUPERDOCTORS: THE TOP

(By Maxine Abrams)

Need a doctor? The odds are with you in metropolitan New York, where there are roughly 31,000 licensed physicians. That's more doctors than you will find in any other metropolitan area and almost 8 percent of all the physicians in the United States.

What's more, many of New York's doctors are the finest in their fields—the experts. They practice the most sophisticated and high-powered medicine in the world. If you need a coronary bypass, a kidney transplant, chemotherapy, or have a problem pregnancy, you can be sure there is a skilled specialist here to treat you. From the bizarre to the routine, from heart transplants and brain surgery to the newest in genetic screening and psychotherapy, New York's doctors are doing it.

That's not to say that New York medicine has no faults. Patients complain of impersonal care and high costs, and doctors here complain of mounds of paperwork, high overhead, exorbitant malpractice premiums, and that all-too-common occupational hazard: the fear of being mugged.

Nonetheless, New York has become the most active medical center in the United States and in many ways is now the mecca of modern medicine. Brilliant physicians are lured here from cities all over the world; the rich and famous come from far and wide to receive the best possible medical attention; and the city's seven medical schools, together with the state's five, produce more new doctors each year than any other city or state in America.

We calculated that if all New York doctors concentrated solely on taking care of patients, you would have to share your physician with only 349 other people. But, in fact, a relatively high percentage of doctors are drawn away from private practice by the glamour and prestige of teaching, administration, and research. An estimated 10 percent of New York doctors devote most or all of their time to a medical school or research. Another 1,500 are classified as inactive, and still others are licensed in New York but practice elsewhere.

So, here you are, in the white-coat capital of the world, surrounded by the world's most prestigious physicians, but where do you turn when you need one? About one third of New York's doctors are hospital-based, including interns and residents, and most of the rest are specialists in private practice. Although the trend toward specialization is reversing, only about 5 percent of New York doctors are general practitioners. How do you know whom to pick? Which are the most outstanding?

We set out to answer this question by conducting a national telephone survey of department chairmen and division chiefs in 25 different specialties at major medical schools throughout the country.

We spoke with some 400 of these experts personally and asked each one to name the New York doctors he considered outstanding in his specialty.

Because our survey focused on medical-school faculty, our results admittedly have an academic bias. We recognize there are many good doctors who do not hold academic appointments and therefore are not well known to the medical-school community. Those who have that distinction, however, have generally reached an advanced level of competence in their fields.

Hundreds of doctors were mentioned for their excellence, but we limited our final list to those who were named by at least 50 percent of the doctors we polled in their own fields. We then conducted the same poll within New York, calling dozens of faculty members at the city's medical colleges. Interestingly, the results of the two polls were almost identical. In just a few cases doctors who were not well known nationally were mentioned almost unanimously by their peers in New York. We have included them.

We also limited our lists to doctors who are presently engaged in active practice or who at least serve as consultants on a regular basis. For this reason, some well-known researchers and administrators are not mentioned.

Finally, we did not include in our poll any of the physicians whose specialties are "hidden." These are the doctors whose services you would not normally seek out for yourself, such as pathologists, radiologists, and anesthesiologists. Should you need one of these specialists, the choice is made for you.

Now for the results. Each doctors is shown with his or her hospital(s) of residency and current academic and/or hospital affiliation.

Metropolitan New York has about 7,000 doctors in some type of surgical specialty. Gynecologists, for instance, perform hysterectomies. Urologists operate on the bladder. Ophthalmologists operate on the eye, dermatologists on the skin, and otolaryngologists on the ears, nose, and throat. Sometimes it seems there is a surgeon for every part of the body. Moreover, surgeons themselves have subspecialized—becoming orthopedic surgeons, pediatric surgeons, neurosurgeons, and so on. As a result, the domain of the general surgeon has shrunk considerably, even though he still handles almost one half of all operations, most commonly hernias, gall bladders, and appendectomies.

We asked surgeons around the country to name the most outstanding all-around surgeons in metropolitan New York. The three surgeons most frequently mentioned are listed below. (Dr. Shires specializes in trauma, Dr. DeCosse is a surgical oncologist, and Dr. Localio specializes in gastrointestinal surgery.)

Jerome DeCosse, M.D., surgical oncology.

Born: 1928.

Residency: Roosevelt and Memorial hospitals.

Chm., Dept. of Surgery, Memorial Hospital; professor and associate chm. of surgery, N.Y. Hosp./Cornell.

S. Arthur Localio, M.D., gastrointestinal surgery.

Born: 1911.

Residency: New York Post Graduate Hospital.

Johnson & Johnson Distinguished Professor of Surgery, U. Hosp./NYU.

G. Thomas Shires, M.D., trauma.

Born: 1925.

Residency: Parkland Hospital, Dallas.

Professor and chm., Dept. of Surgery; surgeon-in-chief; N.Y. Hosp./Cornell.●

PERSONAL EXPLANATION

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. RITTER. Mr. Speaker, I regret that I was unable to be present for the consideration and final passage of H.R. 7112. Had I been present on November 13, I would have voted as follows: Roll 627—no; Roll 628—no; Roll 629—no; Roll 630—yes; and Roll 631—yes.●

THE JOURNAL OF COMMERCE PRAISES TENN-TOM

HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. BOWEN. Mr. Speaker, much attention has been drawn in this session of the Congress to Tennessee-Tombigbee Waterway which runs through the Second Congressional District of Mississippi, which I am honored to serve. During consideration of appropriation measures for fiscal year 1980 and fiscal year 1981, many questions were raised about the progress to date, the effect of the waterway on the environment, and the economic benefits to be realized upon completion of the waterway.

This body and our colleagues in the Senate wisely voted into two separate pieces of legislation to continue funding on this important project at an accelerated basis so that its benefits will be realized earlier at a considerable savings to the taxpayer. I am aware, however, that some of my colleagues, who have not had or taken the opportunity to examine the Tenn-Tom in sufficient depth, may still hold some doubt as to the advisability of completing the waterway. Recently, a distinguished and respected publication the Journal of Commerce ran a three-part series of articles accessing the costs and benefits of the Tenn-Tom. This excellent indepth study by an impartial journalist addresses virtually every question raised about the project. Mr. Speaker, I commend these articles to my colleagues and I submit the following excerpts for their perusal.

TENN-TOM WATERWAY SEEN VALUABLE SAVINGS FOR SHIPPERS

(By Bill Mongelluzzo)

MOBILE.—Mention the Tennessee-Tombigbee Waterway to folks in Alabama and Mississippi and you have uncovered a source of great local pride and hope for the future.

Discuss the $1.76 billion waterway outside the Southeast, and the response often varies from, "Is it really necessary?" to a charge of "boondoggle" or "pork barrel."

Such charges trouble and confuse people in this region. To those persons living near and working on the waterway Tenn-Tom is the catalyst that will lead to industry, jobs and a higher standard of living. Why all the criticism, they ask, from environmentalists and congressmen, many of whom have never visited the area nor seen the construction taking place on this massive project?

A tour of Tenn-Tom impresses the viewer immediately in two ways: The waterway is indeed massive, almost beyond description, and the people of North Mississippi and Alabama are certain the project will be completed and will contribute to turning this economically depressed region into the "Ruhr Valley" of the United States.

Tenn-Tom is a 232-mile navigation channel that will connect the Tennessee River near the point where the state lines of Mississippi, Alabama and Tennessee join, with the Black Warrior-Tombigbee River system flowing south to the Port of Mobile on the Gulf of Mexico. In total, 16,000 miles of waterways, most of which are already busy commercial arteries, will be joined.

The project was authorized by Congress in 1946, although construction did not begin until 1972. Construction is now about 50 percent complete. The main purpose of the waterway is to provide low-cost water transportation to an area stretching from Appalachia to mid-America, saving as much as 800 miles on a journey to the Gulf of Mexico, compared with the traditional route down the lower Mississippi River to New Orleans.

A 1975 study by A.T. Kearney of Chicago projected that 28 million tons of cargo will move on the waterway in its first year of full operation at a savings of $91 million. The study predicts traffic will grow to 40 million tons in the year 2000, with an annual transportation savings of more than $100 million.

The benefit-cost ratio for Tenn-Tom is currently about 1.3 to 1, meaning that for each tax dollar spent on the project, the nation can expect to realize about $1.30 in benefits. The benefit-cost ratio on remaining costs is 2.5 to 1.

The Appalachian Regional Commission estimated that if favorable impacts on the local communities are included, such as new jobs and an improved standard of living, the benefit-cost ratio would be 10 to 1.

Les Currie, a civil engineer in the Corps' Mobile district, said a calculation of savings associated with Tenn-Tom is complex. Although the lower Mississippi can handle much larger tows than Tenn-Tom, all cargo does not automatically move in 30 or 40-barge tows.

Also, he noted, with the cost of diesel fuel now significantly higher than it was in 1975, shippers with cargo destined for points in the Southeast or for export terminals on the Gulf Coast will find that the hundreds of miles saved on Tenn-Tom will result in a substantial cost savings, even if tows are smaller. A savings of up to $2.50 a ton on coal movements alone has been projected for Tenn-Tom.

Many Area Residents Build Hopes on Tenn-Tom

(By Bill Mongelluzzo)

COLUMBUS, MISS.—William Miles, publisher of the Amory (Miss.) Advertiser, has two sons in college, and he hopes they will remain in Amory upon graduation rather than move elsewhere to find employment. He feels the Tennessee-Tombigbee Waterway will help keep his sons at home.

Mr. Miles has three brothers and a sister. They all left this North Mississippi town years ago to get jobs in the Midwest. Like many others in the area, they were unable to find employment because of perennially depressed economic conditions.

Barge operators and shippers of bulk commodities see the Tenn-Tom as a means of low-cost transportation for their goods. Opponents of the $1.76 billion project see it as a subsidy to waterway operators at the expense of railroads. The people of North Mississippi do not get involved in such disagreements. Their only hope is that Tenn-Tom will raise the standard of living in one of the nation's poorest regions.

A drive on Highway 25 north of Columbus indicates economic benefits are already being realized here. The two-lane road is being blacktopped. Trucks, many carrying materials for the massive construction project, frequently travel the road. The highway is dotted with modern brick homes—not luxurious, but comfortable and tidy.

Five years ago, according to Pat Brooks, associate director for public affairs for the Tennessee-Tombigbee Waterway Development Authority, Highway 25 was lined with shanties. The area was "dirt poor."

Bruce Hanson, a state legislator who represents the area, said the state government spent little money here because there was nothing to spend it on. Now, roadways are being improved, banks are lending money to local investors, and hundreds of residents have steady, well-paying jobs. Mrs. Brooks and Mr. Hanson attribute this beginning of prosperity to Tenn-Tom.

"The important thing to recognize is that before Tenn-Tom, there was no real history of industrial development here," Mrs. Brooks said. "Tenn-Tom has created jobs and hope where they did not exist before."

Waterway industry officials agree that although a water project in and of itself will not lead to an industrial boom, the availability of cost-efficient water transportation, combined with other factors, does create an economic stimulus.

Harry Cook, president of the National Waterways Conference, noted that industry is favorably disposed to the location of competing modes of transportation in a given area. Rail and truck rates in competition with barges are often lower than where water transportation does not exist, he said.

Additionally, Mr. Cook said, waterway programs provide an intangible but real "rejuvenation of spirit" in a region that industry finds attractive. Manpower training programs, road-building projects and development of recreation areas often follow, and industry is the beneficiary.

Gains Hawkins, director of development for the North Mississippi Development Association and a former Pentagon intelligence officer, adds: "This is not Vietnam, where the government tried to spend a lot of money to change an agricultural area into an industrial one. It is ready for industry. It has energy resources. It has universities and a willing labor force."

Area residents feel the question is already moot. Mrs. Brooks notes that the U.S. Department of Commerce commissioned a study which concluded that the counties served by Tenn-Tom would realize approximately $2.7 billion in industrial development by the year 2000. Private capital investment in these counties has already reached $3.5 billion, she said, adding that this investment can be directly attributable to Tenn-Tom.

Statistics released by the states of Alabama and Mississippi show new and expanded industries in a variety of sectors, including wood products, furniture, apparel, bulk steel, small appliances and agro-industries. Area residents point with pride to construction now under way on a $750 million wood products plant by Weyerhaeuser.

Agricultural jobs are also expected to increase as a result of Tenn-Tom. Robert H. Kirksey, probate judge in Pickens County, Ala., said soybean farmers in central Alabama are already expanding acreage or turning from other types of farming to soybeans for the export market.

Limited navigation is possible on much of the waterway in Alabama, and the first load of soybeans passed through the completed lock at Aliceville in the spring of 1979. Since that date, a private port facility at Aliceville has been moving a seasonal but significant cargo of soybeans. About 1.3 million tons of soybeans have been shipped on the lower portion of the project at an estimated transportation savings of $195,000. It is estimated that soybean production in Alabama and Mississippi will increase by 20-30 million bushels when the waterway is complete.

Construction on Tenn-Tom, especially in North Mississippi where the heaviest work is being done, has already created hundreds of jobs. More than $1.3 billion will be spent on construction in Mississippi, creating more than 3,000 jobs on the waterway and in related industries. Salaries for such work average $12,000-$15,000 a year in a region where the annual per capita income is less than $3,500.

Tenn-Tom has been especially beneficial to minorities in Mississippi and Alabama. The Corps requires that at least 27 percent of the construction jobs be filled by minorities, with an additional 8 percent designated for females. The Corps requires that 10 percent of the contracts be awarded to minority-owned firms.

The Mississippi and Alabama state legislatures have demonstrated their confidence in the ability of Tenn-Tom to provide an economic stimulus to the region by committing $115 million in state funds to projects related to the waterway.

According to a study performed by a Mississippi State University economist, the waterway has to date generated more than $80 million in tax revenues. Indirect tax revenues from a multiplier effect are estimated at $39.4 million, for a total of about $120 million in direct and indirect taxes.

Mrs. Brooks of the Tennessee-Tombigbee Waterway Development Authority said that considering the construction jobs, extensive private investment in the area, and the industrial development that can be expected in the future, she feels the estimate of 135,00 jobs to be created by Tenn-Tom is conservative.

Tenn-Tom Opponents Believe Project Will Harm Environment

(By Bill Mongelluzzo)

FULTON, MISS.—Ray Thornton owns a profitable greenhouse business in this North Mississippi town. Like other residents here, he enjoys outdoor activities and considers himself close to the environment. He does not understand why the Tennessee-Tombigbee Waterway is being challenged in court by opponents who charge the project is damaging the ecology of the area.

The most extensive construction taking place on Tenn-Tom is occurring in the northeast corner of Mississippi, where a 40-mile cut is being made through an area of wetlands, hills, scrub brush and forest.

"The environmentalists say they want to preserve the area. Preserve it for what?" Mr. Thornton asked. "For the snakes and mosquitoes that are bred here?"

Tenn-Tom is the first major waterway in the nation to be constructed from the start under regulations stipulated in the National Environmental Policy Act. It has, therefore, received close scrutiny by ecologists.

The Corps of Engineers has given close consideration to the environmental impact of the construction work. The Corps created a Board of Environmental Consultants composed of nationally known experts. This board not only considers complaints by opponents of the waterway, but also suggest to the Corps ways to reduce ecological harm and to enhance the environment. The board's suggestions are usually accepted by the Corps and put into effect.

The changing environment resulting from construction of the cut in northeast Mississippi is a major source of concern for environmentalists. However, the matter also involves value judgments, because the mitigation efforts of the Corps are resulting in some impressive projects.

For example, as dirt is removed from the cut, it is dumped into the deep crevices in the area. What was once scrub brush is now becoming rather attractive environment, as each crevice is made into a pond and stocked with fish. Approximately 50 such ponds are being created in 38 disposal areas, and the Corps predicts good fishing will result in each.

Additionally, each of these spoil areas is being seeded with special grass and shrubbery designed to attract deer and quail. The areas are expected to result in an increased wildlife population.

In addition to these small ponds and wildlife refuges, the Corps is setting aside 13,000 acres of land and 40,000 acres of water for recreational purposes. Fishing, boating, camping, hiking and other outdoor activities will take place as these recreation centers are completed.

Conservation benefits that were not even planned have resulted from construction of Tenn-Tom. For example, Neal Schilling, project engineer for the Corps in North Mississippi, said one of the contractors has, through necessity, devised fuel conservation practices that should have application for other projects nationwide.

If Tenn-Tom is stopped, supporters note, hundreds of millions of dollars will be lost. More than $870 million has already been appropriated for the project, and hundreds of millions of dollars would be required to restore the land that has been cut through.

Mrs. Brooks adds that stopping the project would be a serious breach of faith on the part of Congress. The states of Mississippi and Alabama have invested hundreds of millions of dollars for their share of the costs, and private businessmen have invested even more money in anticipation of the project's completion.

State Representative Bruce Hanson of North Mississippi said he is confident that Congress, in approving past appropriations for Tenn-Tom, did so on the conviction that the project will result in great benefits for the nation and the local populace, and will continue to approve the necessary funding to complete the waterway.

Court battles, extensive lobbying in Washington, and other controversies will undoubtedly surround Tenn-Tom in the years ahead. Local residents feel that if congressmen who have never seen the project or who know little about the area paid a visit they would return to Washington as supporters of Tenn-Tom.

Possibly a closer look at the region by these lawmakers is the best way to settle once and for all the future of one of the largest, most closely scrutinized public works projects in history.●

ERVIN BRAMHALL, LEADER IN AGRICULTURE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the fact that my constituent, Ervin Bramhall, farm adviser for the University of California Cooperative Extension, Ventura County, Calif., retired June 31, 1980, after successfully serving nearly 25 valuable years in that capacity.

Mr. Bramhall joined the University of California Cooperative Extension as a farm adviser in 1955 after working for the University of Arizona Agricultural Extension Service and Lebanon High School in Lebanon, Mo. Mr. Bramhall has always served his constituents well and has been instrumental in solving a number of problems in the livestock industry, including developing a now routinely used copper-containing feed ration to fight molybdenum poisoning in cattle and the development of a chicken debeaking procedure which is now in use worldwide and through which he is internationally known. He is also responsible for the establishment of three artificial reefs in Ventura County which have greatly aided the sport fishing industry.

Ventura County, under his leadership, was the first in the State to organize a Dairy Herd Improvement Association for the testing of goat milk. Mr. Bramhall's leadership in horse husbandry is demonstrated by his active participation in the 4-H Club, his authorship of a newsletter dealing with horses, and his development of a saddle to aid the handicapped in riding a horse. Mr. Bramhall has also authored and coauthored a number of publications, including State, county, and scientific articles.

During his career of 34 years, Ervin Bramhall has contributed substantially to the educational and economic success of the commodities for which he has been responsible, including dairy, beef, poultry, goats, and horses. He has served his constituents well and in a highly professional manner. He has established himself as an authority in his fields of expertise.●

"SAME-TIME"/SUNDAY VOTING—LET US TRY IT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. BIAGGI. Mr. Speaker, for the past year I have been studying our Nation's distressing voter turnout rate. Simply stated, my investigation concluded that our current election process is failing us miserably.

Here are some of the facts I uncovered prior to the 1980 election:

> Voter turnout has declined in every Presidential election since 1960, when only 62.8 percent of the eligible voters participated.
>
> In 1976—a very heated Presidential election year—only 54 percent of the eligible voters showed up at the polls.
>
> In non-Presidential elections, the figures are far worse—only 34 percent of all eligible voters participated in 1978.
>
> Other democracies around the world have a far greater voter turnout rate than the United States, especially those countries that conduct their elections on Sunday.

With these and other considerations in mind, I introduced legislation last August seeking to reverse this dangerous trend. My bill, H.R. 7928, would change the day of elections to Sunday and require all polls around the country to open and close at the same time. These changes would be conducted on a trial basis.

Having reviewed 1980 voter turnout patterns, I am now convinced more than ever that these changes are necessary.

> Overall 1980 voter turnout was the lowest in 32 years—a dismal 52.3 percent.
>
> Based on unofficial figures, voter participation declined from 1976 in every Pacific Time Zone State (California, Nevada, Washington, and Oregon), as well as Hawaii and Alaska, where polls were still open when the first projections of a Ronald Reagan victory were announced.

At this time, I would like to insert a recent New York Times editorial endorsing my proposal, along with a statement I delivered on New York radio station WQXR discussing H.R. 7928 in greater detail:

> [From the New York Times, November 7, 1980]
>
> TWO VOTING PROBLEMS, ONE SOLUTION
>
> Problem One: Al Ullman will not be chairman of the House Ways and Means Committee in January; he lost his seat from Oregon Tuesday to Republican Denny Smith. Since the margin was only 1 percentage point, Chairman Ullman may be forgiven for thinking that he was not beaten by Mr. Smith's efforts but by Jimmy Carter's haste. It was almost 10 o'clock E.S.T. when the President made his televised concession statement—but that was still dinner time in Oregon. Who knows how many Democrats were discouraged from voting late?
>
> Mr. Ullman might have an even stronger beef with NBC, which projected a Reagan victory at 5:15 Pacific time. And if Mr. Ullman feels bad, think about Democrat James Corman, who lost his California House seat by fewer than 900 votes.
>
> The problem—emasculation of the Western vote—would exist even if there were no damage from bulletins out of the East. There would still be a noteworthy psychological cost in the suggestion that votes from the West don't count.
>
> Problem Two: Barely a majority of the eligible voters turned out Tuesday, the lowest percentage since 1948. The recent trend is obvious: 62.8 percent in 1960; 61.9 in 1964; 60.9 in 1968; 55.5 in 1972; 54.4 in 1976; 52.3 in 1980. What a blow to the very idea of representative government if the figure were to fall below 50 percent. A responsible Government should do everything possible to send the trend line upward again.
>
> The two problems go together. Consider the Tuesday experience in Hawaii. It had five more hours to absorb the early news from the mainland. Voter turnout declined 9 percent from 1976.
>
> A solution: Move Election Day to Sunday, per the sensible proposal of Representative Mario Biaggi, and then stagger the hours so that polls everywhere close at the same time.
>
> Only to stagger times would be wrong; it would require cutting three hours off the voting day. The aim should be to make it easy for people to vote, before or after work, by keeping the polls open as long as possible. But if Election Day were not on a work day at all, hours could readily be staggered. The polls might be open from, say, 11 A.M. till 8 P.M. in the East, meaning 8 A.M. till 5 P.M. on the Pacific Coast, and a tolerable 6 A.M. till 3 P.M. even in Hawaii.
>
> Declaring Election Day to be a full, formal holiday would be costly. Holding elections

on Sundays would be simpler. Mr. Biaggi is encouraged by the experience of European countries. They vote on Sundays, with turnouts of 90 percent and no religious objections. He has received favorable responses from American clergymen. No such change can produce 90 percent turnouts in this country. Some states have had Saturday elections, without much effect. But any positive effect on turnout is desirable. And if, in the bargain, the West can be protected from the infection of projection, this is a timing idea whose time has come.

WQRX EDITORIAL AS DELIVERED BY THE HONORABLE MARIO BIAGGI

Last August, I introduced legislation to change election day to Sunday and require "same-time" voting hours across the country. I did so out of a deep sense of concern about our Nation's extremely low voter turnout rate.

Having studied this year's most distressing voter turnout patterns, I am now convinced more than ever that these changes are necessary.

Overall 1980 voter turnout was the lowest in 32 years—a dismal 52.3 percent * * * and even more distressing, the results should have come as no surprise. Voter turnout has declined in every Presidential election since 1960. In non-Presidential election years, the figures have been far worse.

New York—A state with the second highest number of electoral votes—had a below average turnout of only 46 percent in 1980, a 4½ percent decline from 1976.

Low voter turnout in 1980 was especially prevalent on the west coast, where polling places were still open when a Reagan victory was projected. Surveys indicate that these early predictions resulted in the loss of nearly 500,000 west coast votes on important local issues, including several key congressional races that were decided by one percentage point or less. In Hawaii, where it was only 3:15 p.m. when the first predictions were made, voter turnout declined 9 percent from 1976.

My legislation would help to reverse this very dangerous trend. It provides that all general elections be held on Sunday for a 6-year trial period, beginning in 1982. An experiment with Sunday elections makes good sense. In other democracies where national elections are held on Sunday, voter turnout averages about 40 percent higher than our own.

Further, conducting elections on a nonwork day would provide most voters with more flexibility in getting to the polls. The other option—declaring election day a national holiday—would be far too costly for both the public and private sector.

My bill, H.R. 7928, also requires that all polls across the country open and close at the same time during the 1984 and 1988 Presidential elections. With such an arrangement, voting patterns in one part of the country would no longer be able to influence another region's voting behavior.

I have contacted numerous church leaders, State Election Administrators, and other interested groups for their reaction to my proposal. A great deal of interest and enthusiasm has been expressed.

Simply stated, our Nation's current election process is not working. I offer my proposal as a viable and responsible alternative.●

DULANEY SENIOR HIGH SCHOOL VISITS HOUSE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. LONG of Maryland. Mr. Speaker, I ask my colleagues in the Congress to join me in welcoming students from Dulaney Senior High School who, with Mr. Jim McNamara, are visiting the Capitol. My constituents will tour the House of Representatives, attend committee meetings, and observe floor debate. I will be meeting with the students from Dulaney High to discuss the legislative process and the issues of the day.●

TRADE BOYCOTT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. DERWINSKI. Mr. Speaker, in the most recent edition of Human Events, columnist Jeffrey Hart provides a very pertinent commentary on the trade boycott of Soviet products by the International Longshoremen's Association. This development has been a matter of much attention in view of the debate on U.S. grain sales to the Soviet Union. I wish to insert Mr. Hart's article at this point:

"We're boycotting everything Russian," said John Bowers, executive vice president of the International Longshoremen's Association, "and if they try to dock anywhere from Maine to Texas they're going to have the same problem."

Bowers was referring here to the 28,000-ton Maxim Gorky, carrying some 500 mostly West German passengers on a 23-day cruise that began in Bremerhaven.

The Gorky had been expecting to dock in Manhattan, but no soap. The Gorky swung at anchor off Staten Island for a couple of hours, and then the passengers and ship's personnel were ferried ashore on Staten Island in tenders. Their trip into Manhattan was by bus.

One feels some sympathy for the West German passengers, but no one forced them to travel Soviet—and the effects of the Longshoremen's protest boycott have been dramatic far beyond this incident.

Two years ago, more than half the traffic on the Great Lakes and in the St. Lawrence Seaway moved in Soviet vessels. Today, zero Soviet ships move in those waters.

Longshoremen President Thomas W. Gleason is a quiet man, but an intense patriot. He has never had any illusions to the effect that this Soviet Union is run for its workers, or that its intentions are peaceful. He was outraged over Soviet behavior in Afghanistan, and he sided with the striking Polish workers. And what Gleason says on the docks sticks.

Some of the news reports concerning the Maxim Gorky incident possessed a grim kind of humor.

One passenger, named Herbert Doss, gave the following opinion: "I come from Berlin, and I know what it is like. In the war, the Russians and the Americans were fighting us. Now they're against each other and we're in the middle. I think we all ought to get together."

Just how Mr. Doss, who lives in Berlin in the shadow of the Berlin Wall, thinks we can "all get together" remains a mystery.

Then again, some of the cops on board were inconvenienced. According to the New York Times account: "One of those who stepped off the tender after visiting the *Maxim Gorky* was a man in a dark suit who identified himself only as a representative of the Russian Embassy. He brushed aside all questions with 'no comment,' but before disappearing into his car, he said, 'This is not a nice way to treat the world's largest—second largest—country.' "

Mr. Gleason and his longshoremen do not believe in treating tyranny nicely. Nor does John Bowers, who said that his men were especially incensed over the fact that if the *Gorky* docked in Manhattan, a frigate of the U.S. Navy would have to dock in Brooklyn instead.

"We didn't," said Bowers, "like it at all that the Russians were given preference over our fighting Navy men."

There is an important political and social message in all this, and it should not be lost on Republicans and conservatives.

Some of the most effective anti-Communist leadership here and elsewhere—think of Poland—is being exercised by union leaders and union members. Vast numbers of them are intensely patriotic. And, in America, no effort should be spared to bring them into a broader patriotic and anti-Communist political coalition.●

WILL ADCOR GET "SET-ASIDE" BY SUCCESS?

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. MITCHELL of Maryland. Mr. Speaker, the following article is a success story in many ways. The black South Carolina entrepreneur established a South Carolina-based metal fabrication company which earned over $15 million last year. The firm, American Development Corp. (Adcor) has contracts principally with the U.S. Army totaling more than $23 million through 1982. Yes, the future looks bright for William M. Brown, Jr. and his Adcor.

Unfortunately, Mr. Brown's movement from No. 63 to No. 19, through the ranks of Black Enterprise magazine's top 100 black businesses list last year, would still place this business' profits far below most of this country's well established manufacturing firms. However, it is this so-called success which is prompting the Government to question the continued participation of such firms in its special programs for minority business set-asides.

The eventual graduation of such firms is an objective which I share. However, I cannot endorse such moves if they are premature. Such is the case with Adcor. Like many minority businesses, Adcor faces the dual problems of outdated production equipment and difficult access to needed capital. Additional burdens are imposed by inadequate supplies of raw materials and the possibility of increased Government regulation.

Certainly we all wish to see our minority companies enter the economic mainstream without Government assistance. However, we must not be too hasty. We must realize that there continues to be great reluctance among banks and lending institutions to aid minority and smaller businesses. In addition, I am not convinced that the response of the more established businesses, to include corporate entities, will completely allow the viable participation of minority businesses in this Nation's economic activities. Until we are certain that such concerns have been dealt with and diminished, we should not be so quick in our efforts to "graduate" minority businesses from Government set-aside programs. The following article entitled "Will Adcor Get 'Set-Aside' By Success?" is a real-life illustration of my concern:

Will Adcor Get "Set Aside" by Success?

(By Milton Jordan)

This South Carolina manufacturer jumped from 63rd to 19th on the BE 100 list last year but it may be forced into the economic mainstream before it's ready.

William Melvin Brown Jr., a tall, slender man whose serious features move easily through a wide range of expressions as he speaks, quietly ticks off the accomplishments of the firm he started building in the early 1970s: American Development Corporation (Adcor), a South Carolina-based metal fabrication company, owns five buildings on ten acres near the Charleston airport; last year it earned more than $15 million and jumped from 63rd to 19th on Black Enterprise's top 100 list; it employed 300 people during peak periods.

The firm has contracts, principally with the US Army, totaling more than $23 million through 1982. As a matter of fact, one Army contract, under which Adcor develops vans equipped for mapmaking in the field, could bring the firm more than $90 million over the next five years and guarantee long-term success.

Among Adcor's Army contracts is a $3.5 million job to build and outfit electronic testing vans and another $3.5 million contract to build hydraulic test and repair shelters. The company also has a $2.4 million contract to recycle mothballed Army bridge-building boats and is also developing a system that turns ocean water into drinking water.

Adcor, a diversified manufacturing company set up to do almost anything with metal, plans in the future to make freight-car doors for train companies, auto parts, prefabricated structures, mobile systems, and ground-support rocket systems for the Army. The company's research and development program has also designed a modular field hospital slated for sale overseas, and a food recovery system that recycles restaurant garbage into edible material. Right now, Adcor is trying to develop a market with animal feed manufacturers for this product.

However, because of its remarkable growth and prospects for the future, Adcor is on the verge of being kicked out of the federal government's fold of guaranteed business for minority firms. Federal money accounts for 60 percent of Adcor's business, and company officials fear that "graduation" from the federal "set-aside" program (which guarantees a portion of all federal contracts to minority firms) will occur before the firm is truly able to compete in the mainstream.

In the competitive bidding arena, where the big manufacturers play, Adcor faces the twin problems of operating a production facility with outdated equipment and coming up with the enormous amount of capital needed to upgrade the facility. Adcor also faces industrywide problems of inadequate supplies of raw materials and the possibility of increased government regulation.

But no one at Adcor is crying doom and gloom about these problems, because the company is at its strongest point since its beginning in 1972. "I went through hell getting this business started," Brown says. "We took a lot of time to put it together, and we took a lot of risks at first, but we've learned and we've survived."

It took a lot of guts for Brown, a former science teacher, even to try putting the company together. A graduate of South Carolina State College, Brown taught high school and college science for years before going back to school for masters degrees in science, economics, and finance. Going back to school was part of his preparation for going into business. In the early 1970s, when he began creating Adcor, Brown was an insurance consultant.

Two major events determined what type of company he would develop. One was the fact that several years earlier AVCO, Lycoming—a major manufacturer of defense munitions—had closed its Charleston plant and thrown several thousand highly skilled and experienced people out of work. "Fortunately for me," Brown says, "a lot of the AVCO people had developed ties in Charleston and stayed after the plant closed. So there were a number of key people, underemployed and available, who had the experience and sophistication I needed to build a solid company."

The second major event that directed Adcor's development was that the Army had some metal fabrication contracts it wanted to give to a minority firm under the federal "set-aside" 8(a) program.

One of the first people Brown talked to about his idea to develop Adcor was Carl S. Holland, who had been Avco's marketing director for the Charleston operations. With Avco, Holland had directed the marketing, sales, contracts, and service efforts of the 3,800-man manufacturing plant. With Holland, Brown got an experienced marketing director who had contact with other Avco people in the Charleston area, as well as highly valuable contacts in the Defense Department.

During the planning stages, as the new corporation took shape on paper, Brown said he emphasized building a strong management team. "I knew that would be one of the major keys to success," Brown said. "So I went after the people who had the experience and the sophistication I needed, no matter who they were. It might not be a socially popular way for a black man to start a business, but I was more interested in having a successful company than in being socially acceptable."

As a result, all of Adcor's top management team is white except Brown. A few of them, such as Holland, own stock in the company. But Brown controls 51 percent of the firm and is its chief officer.

During the early days, Brown was sometimes anxious about money. Banks and other lending institutions snubbed their noses when he first tried to sell them his dream. So he had to raise $50,000 in personal loans and rely on advance payments on any contract he could land to finance the firm's operations. (One of his early liabilities was the cost of leasing two of the five buildings, which are now owned by Adcor.)

There were times when Brown couldn't afford cab fares from the airport to downtown in cities where he went searching for contracts. "I would jump in the first hotel limo I saw," Brown said, "ride to the hotel, and walk from there to my appointment. I would hang around the hotel lobby until the limo was ready to return to the airport and catch a ride back."

But finally, in September 1972, the company landed its first contract, a $169,000 deal to build missile kits for the Army. That and a second contract given around the same time yielded $360,000 in advance payments (the equivalent of a loan without interest), which allowed the company to buy some machinery and provided technical assistance. But Adcor just wasn't ready for this size deal. The company lost more than $250,000 and nearly sank into bankruptcy.

At this point, Brown's bulldog tenacity took over. He would't give up. He pounded the pavement in Washington and other cities, hunting another contract. When he wasn't doing that, he worked in the factory, planning and improving, even sweeping up the place when the firm couldn't afford to pay a janitor.

Then in the spring of 1973, the company landed another Army contract under the 8(a) program. This contract was to construct 189 electronic maintenance vans. The company would buy stripped down truck trailers and outfit them with cabinets, work areas, and highly technical equipment which allows the Army to test electronic gear in the field. The contract was for $4 million.

During those days, fatigue was a familiar feeling for Brown, who continued to put in 16- to 18-hour days, 7 days a week. "I guess I was just a workaholic back then, and that held me together," Brown said, "but now I don't work that hard. I have a team of highly skilled and experienced people, so I basically take it a little easier." Easier means that Brown delegates more authority and duties to others now. Sometimes he jokes about retiring within the next few years, but it's not likely because there is still a lot of work to be done to build his company.

Actually, Brown's measure as a businessman cannot be fairly assessed by the past seven years but, more so, by the next three to five years. He must first meet and overcome the 8(a) challenge.

Named for its section in the Small Business Act and administered by the Small Business Administration, the federal 8(a) program issues government contracts to qualified minority-owned firms without requiring them to bid competitively for the business. In 1977, for example, the federal government issued contracts totaling more than $1.1 billion to minority businesses, of which about $555 million were 8(a) contracts, according to the Small Business Administration.

Brown says he would welcome graduating from the 8(a) program when most of his business is competitive (60 percent is his target) and no more than 40 percent set-aside. (The current ratio is the reverse.) Adcor, he says, could thrive in open competition with at least one long-term contract in the $60 to $70 million range.

The "graduation" decision, when the time comes, will be made by the SBA's regional office in Columbia, South Carolina and, according to an SBA official, will be a judgment call. "We make a careful review of all aspects of the business, considering among other things net worth, the efficiency of equipment, and many other factors, including whether the business is pursuing competitive contracts."

"We have a built-in difficulty trying to be competitive on the open manufacturing market because most of our production equipment needs updating," says Holland. "We have to walk a very thin tightrope between matching our capabilities with available jobs and taking advantage of opportunities for growth." In the open market, Adcor would be trying to make outdated, labor intensive, manually operated equipment match the efficiency of computer-operated equipment used by many larger companies. Changing to computer equipment is quite costly.

Keith Tyner, Adcor's director of operations, says the company plans to spend about $1.5 million through the end of 1981 to purchase several pieces of new equipment for the production plant. This expenditure will update about 70 percent of the production area, which will certainly help the company's competitiveness but won't pull it completely out of the woods.

Part of Adcor's future depends on luck and timing. The company simply can't afford to lose its 8(a) contracts without coming up with a significant replacement. To its credit, the Adcor management team, led by Brown, is not sitting around twiddling its thumbs, waiting for the axe to drop. It is exploring new ideas, new markets. One new idea that seems to have some promise is a modular field hospital that would be built in Adcor's Charleston plant and could be erected on a site in 90 days. Brown says they have proposals from Saudi Arabia and countries in Africa for possible contracts to build several of these hospitals. Another new idea and possibly a new market that Adcor is banking heavily on is the food recovery system. The company has formed a subsidiary, Recovery Systems, Inc. (RSI), to handle the development and marketing of this product. The plan is to perfect a machine that will recycle restaurant food waste into an edible material. The most obvious market for the product is animal feed manufacturers. According to Brown, General Foods has said it will pay 15 cents a pound for the product. Using this figure as a minimum, Adcor's business plan for Recovery Systems, Inc. projects annual revenues in the neighborhood of $300 million.

Thus the jury is still out on Melvin Brown and his South Carolina manufacturing company. The first seven years have been good. He has overcome many major hurdles, but the bigger ones are yet to come. In the final analysis, the question facing Adcor is: can a black man develop and run an American business, rather than just a black business?●

TRIBUTE TO SATTERFIELD

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1980

● Mr. PREYER. Mr. Speaker, it has been my pleasure to sit next to Dave Satterfield for a number of years on the Health Subcommittee—a good way to get to know a man.

It has not only been a pleasure, it has also been a learning experience. There is no better legislative craftsman in Congress than Dave. It is awesome to watch Dave analyze a bill. He knows every line of the bill, and he knows all of the hard questions to ask—not frivolous questions, not questions for show, but the real questions.

Dave does not suffer fools gladly, and any unprepared or evasive witness should beware. He performed some notable demolition jobs during his career.

But there was a lot more to Dave's questions than the skill of an old district attorney. Behind his questions and his exacting analysis of bills was something more important than technical skill—and that was a rock-ribbed integrity. Dave never trimmed—not for anyone, friend or foe. We all know that everything Dave did came out of his deepest beliefs and never out of any fashion of the moment or any special pressure.

Although some of Dave's witness victims might not think so, Dave is a very warm human being—something else I learned as his seatmate—with a great sense of humor, and a laugh that rocks the building. He also has one of the loveliest and charming wives, in or out of Congress.

We shall all miss Ann and Dave. I am sorry personally that I will not see as much in the future of two very good friends.●

RESULTS OF GUS YATRON'S QUESTIONNAIRE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. YATRON. Mr. Speaker, the tabulation of my annual legislative poll has been completed. As I have done in the past, I am making my constituents' responses available to my colleagues in the U.S. House of Representatives.

I am happy to report that I received over 20,000 responses to my questionnaire. This is truly gratifying and indicates that our country is not becoming increasingly apathetic. Rather, these thousands of responses show unquestionably that the people of the United States are very concerned about the direction that our country is taking, and that they care enough to have their opinions known in the highest levels of Government.

For me, analyzing the results of the questionnaire is one of the highlights of my job. I have been sending out these polls for many years and the results have always been stimulating, thought provoking, and extremely valuable. In general, the polls serve as a good barometer as to the types of activities in which the people would like to see Congress become involved.

The questions in this poll cover a variety of topics, from the economy to national security. They were selected because they reflect current national issues of tremendous importance to all Americans. When the tabulations are complete, I have a clear picture of how the people of the sixth congressional district view the Nation and the world. I know the direction they want this country to take, and I am better able to represent their views in the House of Representatives.

This year's questionnaire reveals how strongly my constituents would like to see Government spending brought under control. An overwhelming majority, 77 percent, would like to see a balanced Federal budget even if this means that spending programs they favor would be reduced.

On energy related issues, many of my constituents believe that the major oil companies and the OPEC cartel are primarily responsible for our current energy problems. In addition, they strongly favor greater gas mileage standards for automobiles and intensive coal production as important ways to relieve our energy dilemma.

With regard to defense, 70 percent of those polled believe that defense spending should be increased. Also, 73 percent favor giving the CIA greater latitude to protect our national security.

The completed results of the questionnaire are inserted below for your consideration and for the benefit of my colleagues.

FOREIGN POLICY

[Figures in percent]

1. Although the attempt to rescue the hostages did not succeed, many have advocated using direct military force to secure the release of our citizens in Iran. Opponents argue that any resort to force threatens the lives of the hostages and may drive the entire region into the arms of the Soviet Union. Do you believe the U.S. should pursue stronger military measures against Iran if all Americans are not released by a specified date? Yes, 53; no, 35; undecided, 12.

2. Refugees from Southeast Asia and Cuba have been leaving their Communist countries in record numbers. Some believe that as a free nation, the U.S. has a responsibility to accept people who reject Communism. Opponents maintain that this burden should be shared equally by other democratic countries and that our economy simply cannot absorb such a large influx of refugees. Do you believe the U.S. should place tighter controls on the number of refugees coming into this country? Yes, 87; no, 8; undecided, 5.

3. The CIA has been under close public scrutiny in recent years for some of its past operations. Critics of the Agency believe that intelligence activities must be closely confined to protect the freedom of our citizens. Others say that the Agency has been rendered ineffective at the expense of our national security. Do you feel the CIA should be given greater latitude to operate in the world? Yes, 73; no, 18; undecided, 9.

4. The Administration has proposed a defense budget of approximately $154 billion. Critics argue that the budget includes wasteful expenditures and will hamper our efforts to balance the budget. Others argue that the defense budget must be increased if we are to defend U.S. interest around the world. Do you believe the proposed defense budget should be increased? Yes, 70; no, 20; undecided, 10.

ENERGY

5. The energy price and supply situation has been disastrous. The OPEC countries

have increased the price of crude oil by over 75 percent. Oil companies are reporting record profits. Critics have accused them of hoarding supplies. Government regulations have been blamed for decreased domestic oil production and for last summer's long gas lines. To what extent do you feel the following groups are responsible for the current energy crisis?

[Figures in percent]

	Primarily	Somewhat	Very little	None	Undecided
a. Consumers	10	42	21	12	15
b. OPEC cartel	52	32	4	1	11
c. Major oil companies	65	22	6	1	6
d. Government	49	38	4	1	8

6. Conservation is perhaps the only practical method to reduce our dependence on foreign oil in the near future. To what extent do you support the following conservation measures?

[Figures in percent]

	Very	Somewhat	Little	None	Undecided
a. Gasoline rationing even during times of ample supply	17	21	16	37	9
b. Insulation standards which must be met before a house can be sold or resold	30	25	13	22	10
c. Significant increase in energy prices to discourage consumption	6	13	21	49	11
d. Mandatory mileage standards for automobile engines	57	23	5	9	6

7. Perhaps the Administration's most controversial energy decision was to lift price controls from domestic crude oil. Decontrol is supposed to increase oil production and reduce our dependence on foreign oil. Here is how decontrol will affect prices: domestic oil that sells today for $6.00 to $13.00 a barrel will rise after October, 1981, to the world price (perhaps over $30.00 a barrel). The President believes that higher prices will encourage domestic oil production and cut consumption. Do you support the decision to lift controls from domestic crude oil? Yes, 37; no, 50; undecided, 13.

8. A number of obstacles have limited the use of our country's abundant coal reserves. Some argue that we should relax our clean air laws temporarily to allow this country to utilize more coal and reach energy independence. Others believe that without proper concern for the environment, we may be inviting problems which may be more severe than the current energy dilemma. If a choice has to be made between clean air standards and burning more coal to reduce our dependence on foreign oil, would you favor relaxing our clean air standards temporarily? Yes, 74; no, 18; undecided, 8.

THE ECONOMY

9. In the past few months the inflation rate has skyrocketed. Some economists are advocating price controls to stop higher prices. Opponents argue that controls cannot be administered effectively or fairly. Do you support wage and price controls to curtail the current inflation rate? Yes, 48; no, 44; undecided, 8.

10. One cause of inflation is government spending, especially the size of the federal debt. Many people believe that the first step to alleviating our current economic ills is to balance the federal budget. Opponents think it would deepen recession and accelerate unemployment. Would you support a balanced federal budget for fiscal year 1981? Yes, 74; no, 11; undecided, 15.

11. Would you support a Constitutional Amendment requiring Congress to balance the budget every fiscal year? Yes, 60; no, 21; undecided, 18.

12. One major obstacle to balancing the budget is that most people depend on services or favor programs which are, at least partly, financed by the federal government. Do you support a balanced budget even if it means reduced spending for some federal programs you favor? Yes, 77; no, 11; undecided, 12.

13. Many believe that one way to preserve American enterprise is to curb the import of unfairly priced goods. They point out that some foreign governments subsidize goods to this country and "dump" them on the American economy at the expense of our industries. Further, they claim, these same governments secretly discourage the importation of goods from this country. Opponents maintain that restricting imports of competitively priced goods would drive up the price of American items and, thus, aggravate the inflation rate. Do you favor efforts to decrease imports that are not priced at their fair market value? Yes, 74; No, 19; Undecided 7.

14. Many economists believe that the recession will be worse next year. If this happens, the Ways and Means Committee plans to debate the need for a federal tax cut. A cut between $15 billion and $30 billion has been proposed. If a tax cut is enacted, which method would you most favor to reduce taxes?

a. Roll back the Social Security tax increase: Favor 22.

b. Exempt more savings account interest from the federal income tax: Favor 59.

c. Provide a general income tax cut for all individuals: Favor 58.

d. Reduce business taxes to accelerate economic growth and reduce unemployment: Favor 50.●

GLADYS SPELLMAN—A WISH FOR A SPEEDY RECOVERY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1980

● Mr. BIAGGI. Mr. Speaker, all of us in the House were saddened to learn of the serious heart attack which our colleague GLADYS SPELLMAN suffered just days before she was overwhelmingly reelected to this House.

Since her election to the House in 1974, GLADYS SPELLMAN has provided the highest quality of representation for the people of the Fourth Congressional District in Prince Georges County, Md. She has served with special distinction on the House Post Office and Civil Service Committee.

Our prayers are with her today as she works toward a full recovery.●

JOHN W. MACY, JR., ADDRESS TO THE AMERICAN CIVIL DEFENSE ASSOCIATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday November 17, 1980

● Mr. SKELTON. Mr. Speaker, John W. Macy, Jr., Director of the Federal Emergency Management Agency, spoke before the American Civil Defense Association in Anaheim, Calif., on October 23, 1980. His remarks are of great interest, and I recommend them to all Members for reading. They are set forth as follows:

WAR SURVIVAL FOCUS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. Chairman, ladies and gentlemen:

It's a little like a carrying coals to Newcastle, or oranges to Orange county situation for me to talk to you today on civil defense. Your record over the years in favor of a strong civil defense program speaks for itself.

Equally impressive has been your willingness to speak out effectively for a cause which must have seemed all but lost many times in the past. I know that many of you, as individuals, have given much of your time and resources to offer the American people the option of a greater measure of protection in this perilous nuclear age.

Nor am I unaware of the dangerous dimensions of that nuclear age today. The theme of your meeting here could not be better articulated than in the words of General David C. Jones, Chairman of the Joint Chiefs of Staff, in his January 1980 report to the Congress.

He noted, as your association has again and again, that (quote): "we face a period of high risk and great uncertainty throughout most of the coming decade" (unquote). As ominous as the headlines in this morning's newspapers is his observation that (quote): "a crisis could result at any time which could curtail access to the oil that is required by the United States and its allies" (unquote).

Finally, America's top military man refers to any assymetry of present or future forces vis-a-vis the Soviets and the West as a factor possibly inclining the Soviet leadership toward more adventurous behavior.

(Quote) "the Soviet invasion of Afghanistan could well be a 'leading edge' event reflecting precisely such a heightened confidence. Such a situation carries the seeds of serious miscalculation and runs the risk of precipitating a serious confrontation which neither side wants nor intends." (unquote)

Having accepted the validity and seriousness of such a situation, I would now presume to suggest that other seeds of miscalculation might be sown if we do not also recognize the importance of the more serious resolve among Americans in the past year to correct this situation.

Clearly, the Congress, the administration, and the American public have shown a new consensus in 1980 favoring greater protective measures for the United States. There are some differences of degree, some differences in direction—there always are when resources must be allocated among competing public needs—but the basic thrust is toward a stronger defense.

If we fail to take account of what is being done, as well as what we still must do, then that in itself could constitute a danger. We must make sure that our friends, as well as our potential adversaries, understand that this new resolve can, and will, be translated in time into the power needed to assure continuing strategic balance.

This movement forward is happening on many fronts, some plainly visible, and others more subtle.

One of the most visible and important, but only detected in limited circles, is the recent enactment by the Congress of a new statement of national policy on civil defense. This statement is embodied in a new title five of the Federal Civil Defense Act of

1950. This bill was signed into law by President Carter on September 8, 1980. The significance is that the policies and thinking on civil defense enunciated by President Carter in presidential directive 41 of September 29, 1978 have thus become part of the U.S. code. Title five specifies sixteen "elements of an improved civil defense program," which now constitute important future policy guidance.

Recently, I wrote a letter to representative Ike Skelton of Missouri commending him as one of a small group in Congress who vigorously steered this bill through Congress. I noted that title five directs that the U.S. civil defense program achieve a capability for crisis relocation of the population of potential U.S. risk areas during times of crisis, thus enhancing the survivability of Americans and their leadership. This, in turn, strengthens deterrence and stability, and reduces the possibility of Soviet coercion during a crisis. The U.S. civil defense mandate to help with various peacetime emergencies is also renewed and codified.

Another important section of this law authorizes FEMA to design and build at least two pilot structures to test the ability of buildings to withstand a nuclear detonation. This important amendment was introduced and pushed through Congress by Representative Donald Mitchell of New York.

An important turning point, again reflecting new congressional support for civil defense, is almost completed action on the Hill toward the appropriation of $120 million for civil defense purposes in the current fiscal year 1981. Though it is only a modest start, the Senate and House appropriation bills contain the first increase for civil defense in real dollar terms in more than 10 years. It should provide a real increase of at least 10 percent over the fiscal year concluded September 30.

The leadership of the Federal Emergency Management Agency will be moving quickly to deploy an enhanced civil defense program providing protection against both peacetime and wartime crises, but focusing especially on counterforce areas. Here are some of these new program initiatives.

First, this will permit the acceleration of crisis relocation planning for areas adjacent to counterforce facilities, such as missile silos, S-A-C bases, and ballistic missile submarine ports. But this counterforce emphasis will not prohibit a start on C-R-P work for larger cities.

Second, there will be an increase in the shelter survey efforts to locate buildings for temporary lodging of evacuees, and for fallout protection.

Third, there will be an increase in radiological defense efforts, including more extensive procurement of instruments and broader training of persons to use them.

Fourth, training activities will be accelerated, including emergency exercises for key local and state officials, shelter management training, and development of a crisis training system for citizens.

Fifth, the program to match funds for State and local emergency operating centers will be renewed.

Finally, there will be a resumption in shelter marking and the limited procurement of shelter stocks.

Permit me also to look ahead with you to additional objectives in civil defense in the next few years.

Crisis relocation plans will be completed first in the counterforce areas because these are considered at greatest risk of an enemy attack. Also, it was Federal action in placing counterforce facilities nearby that created the risk for those who live in adjacent areas. However, FEMA also recognizes its obligation to the 55 percent of the U.S. risk population living in 37 larger cities. More nuclear civil protection planners will be hired. Stress will be placed on developing at least rudimentary plans for these larger metropolitan areas. Depending on the funds provided these plans will be expanded and extended.

Some of the nuclear civil protection planners hired will also be assigned to provide technical help to local officials preparing so-called "mini C-R-P's." As a hedge against the possibility of a nuclear crisis in the next few years, about 2,500 local civil defense jurisdictions are being asked to prepare these mini-CRP's. In risk areas, these plans would consist mainly of traffic movement planning, emergency public information material, and some provision for keeping the most essential industries and services in operation. In host areas, the mini plans would focus on providing feeding and temporary lodging for evacuees, and on crisis improvement of existing fallout protection; for example, by placing earth beside and on top of schools and other nonresidential buildings. In addition to general support for mini-CRP's, the nuclear civil protection planners would concentrate on providing State-level planning for distribution of food and pharmaceuticals and other essentials to host areas, and planning in risk areas for removal of stalled cars from key routes.

In these crisis planning efforts, the emphasis is on saving the most lives per dollar expended. Associated with this approach is an awareness of the need to have a less-than-perfect, but far-better-than-none plan for areas not yet reached by the more comprehensive planning process which may not be complete for another decade. A collateral benefit is to assure that State and local civil defense staffs devote a substantial amount of effort to attack-related civil defense. In recent years, a disproportionate amount of their time has been spent on peacetime disaster-related activities.

Another accelerated program would be the host area survey to locate shelter for evacuees from risk areas. The data from this survey is very desirable for use in preparing the mini-CRP's, so the program will be expedited and targeted for near completion by the end of fiscal year 1982.

One of the most important tools in any nuclear crisis buildup period is effective and immediately available emergency public information. FEMA will be publishing before the end of calendar year 1980 updated emergency public information including the latest in expedient shelter data. This E-P-I material, in the form of 15 newspaper stories, will be made available to State and local civil defense for use in a nuclear crisis situation, either by giving it immediately to local media or keeping it to give to them in a period of heightened tension. Of course, the existing "Protection in the Nuclear Age" film supplements this material for use on television during a crisis period. In the future, it is proposed to test other concepts for prepositioning emergency public information, such as printing instructions for relocation and sheltering in telephone directories, as is done in Norway and Sweden.

So far, I have been discussing some of the major civil defense initiatives of the Federal Emergency Management Agency. In addition to, and related to, civil defense are other emergency missions for this new Federal institution. New high priority attention is being addressed to the implementation of and revised policy direction in continuity of Government and mobilization planning. Earthquake detection and mitigation and dam safety have been identified as targets for planning and prevention actions in the immediate future. Radiological defense has been expanded to encompass emergency preparation to protect communities near nuclear facilities. These program areas are complemented within FEMA by a mix of other emergency management functions, such as disaster response and recovery, flood insurance, and coordinated fire prevention and control. Added to this is the across-the-board concept of hazard mitigation and reduction—the ounce of prevention in emergency management.

Taken as a whole, these elements constitute the fabric of comprehensive emergency management, and by mutual reinforcement, the whole becomes greater than the sum of its parts. It is a concept which has evolved, and none too soon, as the faster and faster pace of crises has mandated new approaches.

Crises, unfortunately, are a growth industry. In 1979, there were 42 declared major disasters, up from 25 in 1978. So far this year, there have been 21 disasters declared and five emergencies, and some have been of more varied types. I need mention only the eruption of Mount St. Helens, environmental disasters such as Love Canal, and the social trauma represented by the flight of more than 125,000 Cuban's from Castro's iron grip to freedom. FEMA has been involved in them all. These crises are a product of the ever more complex technical evolution and revolution of our society, past neglect, our increasing population in vulnerable areas, and even an international situation over which the United States has only minimal control.

Let us look at those factors I have just listed. All but one are germane to FEMA's recent mitigation initiative in California. Working closely with the State of California, we are assigning a small contingent of specialists to coordinate earthquake preparedness planning and implementation of various Federal, State, and local agencies. This recognizes the extraordinary loss of lives and damage which could occur if a major earthquake of the scale which has been known in California were to strike now-heavily-populated areas. Scientists estimate that a major shift along the southern San Andreas Fault—not far from where you are sitting right now—could cause 3,000 to 13,000 fatalities and $15 to $20 billion in damage. Along another Los Angeles area fault, a major—but less probable—quake could cause 4,000 to 23,000 deaths and possibly more than $70 billion in damage.

Now, let's look at these factors once more—technological evolution and revolution, neglect, greater vulnerability, and an international situation beyond control. Does not every one of them describe the crisis setting for a possible nuclear attack? In a sense, we see civil defense as the biggest potential mitigation effort of them all. For who can deny that ways to avoid the cataclysm of nuclear war, if successful, would dwarf all other efforts combined to save lives and limit damage.

I use this as just one example of how all these interdependent parts fit together in the great wheel which is comprehensive emergency management. In much the same way, Federal, State, and local governments, private industry, and voluntary agencies interrelate to one another.

The recent Presidential Directive 59, which provided mainly for the flexible targeting of military facilities instead of just massive retaliatory destruction of enemy cities, relates directly to our new priority on civil defense in counterforce areas. So, too, does Presidential Directive 58 in providing more effective ways to assure survival of Government leadership in a nuclear crisis.

By this discussion of the interdependency of the various elements of the emergency management community, I hope to suggest to you that these are not competitors for civil defense dollars. Rather, they make civil defense more salient to the world of peacetime crises. The dollars generated to support these peacetime crisis management activities create resources of great value to attack-related civil defense under the multiple use concept which is an integral part of comprehensive emergency management.

The important question of dollars cannot, of course, be avoided today. It is fundamental to all program planning, and to the very existence of programs. I know you feel that not enough is being spent for civil defense, and you are right. By the same token, the proponents of most major, and not so major, programs in the United States today feel the same way, and they, too, are probably right.

It is a question of inevitably conflicting national priorities, of cutting a limited pie to bring the greatest good to the greatest number. It's a subject on which honest, sincere, and capable people can, and do, disagree.

Several questions are relevant:

First, how much is enough? How far should the taxpayers be asked to go in financing civil defense?

Second, to what degree should government support be exclusive? To what extent are citizens and companies at least partly responsible for their own safety and protection?

Third, what assets of protection have been acquired, and are available today, from thirty years of civil defense investment? What have the American people to show from this investment?

The search for the answers to these questions is a basic mission of FEMA and the State, local and private agencies in this total system. We tend to regard money as the only resource, the exclusive measure of commitment. In reality, it is only one, albeit important. Most of the time, money goes to buy people's time, or administrative things, such as rent, typewriters, and travel. Creative leadership might obtain some equivalent resources by a proper approach to retired or volunteer organizations, or college students looking for field work in exchange for credits. The development of capability must be sought and sustained through training, information and testing.

I have examined the call for an expenditure of $70 billion for a nationwide deep blast shelter program. I have reviewed this oft repeated number not only in its relationship to budgetary goals but in terms of the lives saved from use of these shelters in a nuclear attack. Even though dismissed in the past by decision-makers, this purpose should continue to be evaluated. While its total achievement may be beyond fulfillment in competition with other national needs, blast shelters should be considered as a part of the civil defense mix—some relocation plus some fall-out shelters plus some hardening plus some mobility plus some blast shelters. Likewise there must be avoidance of large round cost figures without time frames. Gross numbers representing a period of three, five, seven or ten years misrepresent the financial impact in any given year. Demonstrable progress from current investments as well as better public understanding of the national security threat will give support for more complete patterns of preparedness. There needs to be a longer term commitment with the necessary flexibility to adjust or accelerate in response to the dynamics of future international conditions. The advocates of increased resources must guard against the rhetoric that past and current investments are meaningless—money poured down a rathole.

I hope we will work together in the days ahead. Our combined efforts need to be addressed to optimum results from existing resources, improved public understanding of civil defense requirements, in-depth studies and discussion of next steps, improvement in means for implementing present and future plans, and provision of guidance to decision-makers on these crucial national issues.

I welcome your inquiries, your critiques and your contribution to the dialogue. May we progress in our combined mission or greater security for all the American people.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, November 18, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 19

9:00 a.m.
Select on Ethics
To continue hearings on revising the Senate code of conduct.
457 Russell Building

9:15 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 2567, proposed Protection of Shareholders' Rights Act.
5302 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Finance
To continue markup of section 5, authorizing funds through fiscal year 1986 to establish the hazardous substance response fund of S. 1480, providing for the safe and adequate treatment of hazardous substances released into the environment.
2221 Dirksen Building

Judiciary
Improvements in Judicial Machinery Subcommittee
To resume hearings on S. 2082, to exempt nonprofit veterans' and fraternal organizations from the requirement that certain performance royalties be paid to copyright holders.
2228 Dirksen Building

2:00 p.m.
Conferees
Senate Finance Committee conferees and House Ways and Means and Interstate and Foreign Commerce Committees conferees on health, revenue, and social welfare provisions of H.R. 7765, conforming the reconciliation provisions of section 310(c) of the Congressional Budget Act of 1974, as mandated in House Concurrent Resolution 307, revising the congressional budget for the Federal Government for fiscal years 1981, 1982, and 1983, and revising the congressional budget for the Federal Government for fiscal year ending September 30, 1980.
1100 Longworth Building

Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on S. 3082, S. 3094, and H.R. 6806, bills relating to the taxation of certain annuity contracts and the normalization requirements for certain public utility property.
2221 Dirksen Building

2:30 p.m.
*Governmental Affairs
To hold hearings on S. 3160, proposed Debt Collection Act.
3302 Dirksen Building

NOVEMBER 20

9:30 a.m.
Judiciary
To hold hearings on S. 2542, granting a Federal charter to the Italian American War Veterans of the United States.
2228 Dirksen Building

10:00 a.m.
Finance
To continue markup of section 5, authorizing funds through fiscal year 1986 to establish the hazardous substance response fund of S. 1480, providing for the safe and adequate treatment of hazardous substances released into the environment.
2221Dirksen Building

*Governmental Affairs
To continue hearings on S. 3160, proposed Debt Collection Act.
3302 Dirksen Building

Select on Intelligence
Closed business meeting.
S-407, Capitol

1:00 p.m.
Conferees
On S. 2728, authorizing funds for fiscal years 1981 through 1984 for improvements in Indian health care.
S-206, Capitol

2:00 p.m.
Conferees
Senate Finance Committee conferees and House Ways and Means and Interstate and Foreign Commerce Committees conferees on health, revenue, and social welfare provisions of H.R. 7765, conforming the reconciliation provisions of section 310(c) of the Congressional Budget Act of 1974, as mandated in House Concurrent Resolution 307, revising the congressional budget for the Federal Government for fiscal years 1981, 1982, and 1983, and revis-

ing the congressional budget for the Federal Government for fiscal year ending September 30, 1980.
1100 Longworth Building

2:30 p.m.
Office of Technology Assessment
The Board to meet and discuss pending business items.
EF-100, Capitol

NOVEMBER 21

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the cross-industry takeover between commercial banks and thrift institutions.
5302 Dirksen Building

10:00 a.m.
Special on Aging
To hold oversight hearings on the social security system and on proposed changes thereto.
5110 Dirksen Building

NOVEMBER 25

10:00 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Federal Services Subcommittee
To hold hearings on the U.S. Postal Service's proposal for a nine-digit ZIP code.
3302 Dirksen Building

DECEMBER 2

10:00 a.m.
Special on Aging
To resume oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

DECEMBER 3

10:00 a.m.
Special on Aging
To continue oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

DECEMBER 4

10:00 a.m.
Special on Aging
To continue oversight hearings on the social security system and on proposed changes thereto.
6226 Dirksen Building

CANCELLATIONS

NOVEMBER 19

10:00 a.m.
Governmental Affairs
To hold joint hearings with the Subcommittee on Intergovernmental Relations on S. 3160, proposed Debt Collection Act.
3302 Dirksen Building